UNITED STATES OF AMERICA

Congressional Record

PROCEEDINGS AND DEBATES OF THE *104th* CONGRESS
FIRST SESSION

VOLUME 141—PART 11

JUNE 6, 1995 TO JUNE 15, 1995
(PAGES 14787 TO 16298)

GENERAL SERVICES ADMINISTRATION
LIBRARY
CENTRAL OFFICE

UNITED STATES GOVERNMENT PRINTING OFFICE, WASHINGTON, 1995

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

For sale by the U.S. Government Printing Office, Superintendent of Documents, Mail Stop: SSOP, Washington, DC 20402–9328

Congressional Record

United States
of America

PROCEEDINGS AND DEBATES OF THE 104th CONGRESS, FIRST SESSION

HOUSE OF REPRESENTATIVES—*Tuesday, June 6, 1995*

The House met at 12 noon.

PRAYER

The Reverend Dwight "Ike" Reighard of New Hope Baptist Church, Fayetteville, GA, offered the following prayer:

Our Heavenly Father, we pause to give thanks and acknowledge our Creator on this day. We are reminded on this day of June 6 of the tremendous sacrifice that occurred 51 years ago today on D-day. The price for freedom then and now is eternal vigilance. We pray that we all will be mindful and ever thankful for the men and women who served in our Armed Forces around the world.

We pray on this day for our President, Vice President, and leaders of Congress, that You would endow them with wisdom and insight beyond their human ability.

Grant us, oh Lord, Your patience, mercy and kindness, and gentleness, to touch people, see people, and love people the way You do, and in Your name we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Alabama [Mr. EVERETT] come forward and lead the House in the Pledge of Allegiance.

Mr. EVERETT led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate insists upon its amendment to the bill (H.R. 483) "An Act to amend title XVIII of the Social Security Act to permit medicare select policies to be offered in all States, and for other purposes", disagreed to by the House, and agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. PACKWOOD, Mr. DOLE, and Mr. MOYNIHAN to be the conferees on the part of the Senate.

The message also announced that pursuant to Public Law 104-1, the Chair, on behalf of the majority and minority leaders of the Senate and the Speaker and minority leader of the House of Representatives, announces the joint appointment of Glen D. Nager, of Washington, DC, for a term of 5 years and to serve as Chair; Virginia A. Seitz, of Washington, DC, for a term of 5 years; Jerry M. Hunter, of Missouri, for a term of 4 years; James N. Adler, of California, for a term of 4 years; and Lawrence Z. Lorber, of Washington, DC, for a term of 3 years, as members of the Board of Directors of the Office of Compliance.

The message also announced that pursuant to Public Law 101-509, the Chair, on behalf of the Secretary of the Senate, announces her appointment of Richard N. Smith, of California, to the Advisory Committee on the Records of Congress.

The message also announced that pursuant to Public Law 101-509, the Chair, on behalf of the Republican leader, announces his appointment of Dr. William L. Richter, of Kansas, to the Advisory Committee on the Records of Congress.

WELCOME TO THE REVEREND DWIGHT "IKE" REIGHARD

(Mr. GINGRICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGRICH. Mr. Speaker, I simply want to take a minute to recognize my pastor, Ike Reighard, who I think has combined the eternal teachings and wisdom of the Bible with the realities of modern life in such a way that I find, at least, and my wife Marian would agree, that he is one of the most inspirational and at the same time most practical preachers. It is a great honor to us to have him here.

New Hope Baptist Church is a tremendous institution with a very strong commitment to outreach and to evangelism. On my behalf, I appreciate very much the House allowing him to lead us in prayer today.

WILDERNESS LEGISLATION PRESERVES UTAH AREA FOR ALL AMERICANS

(Mr. HANSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HANSEN. Mr. Speaker, today is a historic time for the State of Utah. In our great State out in the West, we have been told that we can put three different areas into wilderness. One is Forest Service, one is park, and one is Bureau of Land Management.

In 1984 Ronald Reagan signed the wilderness bill for Forest Service, and it was a historic time. We preserved in the State of Utah some of the most beautiful, pristine areas that the people in the world have seen, and people come from all over the world to see this glorious area that will now be untrammeled by man, as if man was never there, as if you were the first person God put on Earth, and you can see it in all its majesty. Now today we are introducing one for the Bureau of Land Management.

The State of Utah has 22 million acres—3.2 is considered fit and worthy of wilderness. This bill is 1.8, which is the most pristine of all this. It is the jewel of our national parks, of which we have five. This will be truly untrammeled by man.

We are going to start the procedure now. It will go through the subcommittee, the committee, and on the floor. I hope the people of the United States, the people of Utah, will realize what a

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

wonderful thing they are going to have, in my opinion, as they see this area put into a wilderness designation. I am grateful for all the help we have had on this particular bill.

AMERICA'S MILITARY ADVENTURES WASTE BILLIONS AND ENDANGER OUR ARMED FORCES

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Mr. Speaker, the American people are getting sick and tired of our leaders taking this Nation on military adventures around the world and wasting billions in the process.

I am talking about spending billions in Haiti, Rwanda, Somalia, and other places, and now Bosnia. There is no vital United States interest in Bosnia. There is no threat to our security there.

We should not send young American men and women to fight in foreign countries unless there is a definite and strong U.S. interest in doing so or there is a real threat to our national security.

All Americans support sending some humanitarian aid to help out when international tragedies occur.

But, we cannot continue to try to solve every world problem. We will bankrupt our own Nation if we are not careful. We certainly should not be getting into all sorts of international situations just so our Presidents can prove they are world leaders or make names for themselves in history.

We should be friends with any nation that will let us, but we need to stop trying to buy friendships.

We need to use more common sense, Mr. Speaker, and stop letting people all over this world take advantage of us and especially of our very limited national resources.

THE LEGAL SERVICES CORPORATION, AND HOW WE CAN BEST PROVIDE LEGAL SERVICES FOR THE POOR

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, in the next few weeks this House will be the site of a furious debate, as I predict, over the future of legal services. As everyone knows, the Legal Services Corporation, as the hub of a network across the country who provide, ostensibly, legal services for the poor, has come under fire over the years because of its adventurism, as some people see it, in political questions, in questions that have to do with lobbying the establishment, the political structure of our country, rather than to look at how best we can serve the poor in providing access to the court systems.

There are those who want to zero out Legal Services altogether. Others want to expand its scope of services in our country. Our committee and other committees, both in the Senate and in the House, will be looking at this very closely to keep one thing in mind: that if the original purposes of Legal Services is to be properly served itself, we have to look at how best we can provide legal services for the poor, not all the other kinds of adventurist concepts that have seeped into the legal services system in the recent past.

GETTING DOWN TO BUSINESS

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, as colleagues return from what I hope was a productive work period, I also hope Members got a little chance for a rest, too, because it is now time for this House to get down to the business of reining in specific Federal spending.

We have passed, as everybody knows, the landmark budget blueprint for reaching balance in our budget by the year 2002. That was a big effort. Now our committees are diving into the details, deciding where and how much to cut, to ensure that we fulfill that the problem of fiscal sanity does not go on and become fiscal insanity for our children and their children's children.

I am sure this is going to be very hard. There are no easy decisions. There are a lot of tough decisions ahead, and probably some rude awakenings, too, but I think that is why we are here. I think we have a moral obligation to get it done. The gripers and whiners who have so long defended the status quo believe they can actually scare people into opposing our agenda for balancing the budget.

Actually the status quo has brought us a deteriorating quality of life in America, and we all know it. As we prove our good faith in making government smaller, more efficient, and more accountable, the American people will support out efforts, so say the people in my district, and I think across the country as well.

URGING COLLEAGUES TO SUPPORT AMENDMENT TO ALLOW BOSNIANS TO DEFEND THEMSELVES

(Mr. HOYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOYER. Mr. Speaker, tomorrow I will be offering an amendment to the American Overseas Interests Act to lift the arms embargo that has tied the hands of the people of Bosnia for over 3 years in their efforts at self defense.

Last year, with bipartisan support, the House voted overwhelmingly to lift the arms embargo, yet one year later, what has it brought the Bosnians? Nothing other than more deaths. We have seen time and time again Bosnians say yes to peace, only to have the aggressors, the Bosnian Serbs, say "No, only on our terms." Time and time again we have backed down from our threats, only to allow the aggressors more time to kill and destroy a nation recognized by the international community.

Mr. Speaker, appeasement of aggression in Bosnia resonates throughout the world. We cannot continue taking a middle course in which we espouse noble principles and yet tolerate their continued violation.

At the funeral of two slain peacekeepers, France's President Chirac declared, and I quote, "We will not accept the return of ethnic hatred and barbarism to the continent." Yet, Mr. Speaker, if we fail to assist the sovereign nation of Bosnia, then we shall have facilitated their return.

I urge my colleagues to support this amendment and allow the Bosnians to exercise their right to defend themselves.

REVERSAL ON BOAT PEOPLE: IRRESPONSIBLE AND DANGEROUS

(Mr. BEREUTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEREUTER. Mr. Speaker, when people's lives and safety are involved no one should take pleasure in saying, "I told you so", and I take no such pleasure. But any Member who reads, in an objective manner, this morning's Washington Times article about violence in the refugee camps should feel some remorse for this body's role in the debacle currently unfolding in Southeast Asia.

Let me briefly catalog the damage wrought so far by section 2104 of H.R. 1561, the American Overseas Interests Act and the rejection of my amendment to delete that section.

Two days of rioting by 3,000 boat people in refugee camps in Malaysia have caused at least 13 injuries. Earlier riots in Hong Kong's camps caused more than 200 injuries; of the 1,400 boat people in Thailand camps who had volunteered to return peacefully to Vietnam, most are now resisting repatriation; 1,000 volunteers at camps in Indonesia have withdrawn their requests to return, and voluntary repatriation has also ceased in Hong King with 196 of 200 volunteers now refusing to board a scheduled flight to Vietnam.

The U.N. High Commissioner for Refugees and other objective observers lay the blame squarely on this legislation for this violence and for the collapse of orderly voluntary repatriation.

The repatriation of Indochinese boat people determined by the UNHCR to be economic migrants, not political refugees, was bound to be a contentious process under the best of conditions. But when this body refused to strike this dangerous and irresponsible provision, it gave the 40,000 plus boat people in the camps false hope of resettlement in the United States and, thus, created the conditions for violence that we see unfolding throughout Southeast Asia.

This Member fully understands and shares the desire to provide fair and humane treatment to those in the refugee camps. But instead this legislation has led to violence in the refugee camps, caused the collapse of voluntary repatriation, and will also likely encourage another wave of boat departures from Vietnam, putting people at great risk on the high seas and swelling the refugee camp population.

COMMENDING THE DEFENDING NBA CHAMPION HOUSTON ROCKETS

(Mr. BENTSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BENTSEN. Mr. Speaker, I stand today to commend the defending NBA champion Houston Rockets for their impressive win over the San Antonio Spurs and soaring back to the NBA final in a matchup against the Orlando Magic. The Houston Rockets, who traveled a long journey to this year's NBA finals have beaten the top three teams in the western conference, Utah, Phoenix, and San Antonio.

I believe there were a number of factors which lead this remarkable team to represent the western conference in the NBA finals, both the coaching staff and the players. However, it all starts with the players, Clyde Drexler, Kenny Smith, Robert Horry, Mario Elie, Sam Cassell, and of course, Hakeem Olajuwon, who are out there day in and day out giving it their all.

I would also like to give ultimate praises to the coach of the Houston Rockets, Rudy Tomjanovich. Although the team went through injuries, trades, and player problems, his leadership has enabled the team to stay focused and keep its eyes on the big prize, another NBA championship.

While this will be no easy task for the Rockets, for the Orlando Magic pose a credible challenge. The Rockets players have done what it takes to win, either playing good defense, hitting treys or going to its heart and soul, in the middle, center, Hakeem the Dream. Everything the Rockets accomplish starts with that.

Needless to say, my money is on the defending NBA champion Houston Rockets.

CONGRATULATING THE SYRACUSE UNIVERSITY VARSITY LACROSSE TEAM FOR CHAMPIONSHIP VICTORIES

(Mr. WALSH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALSH. Mr. Speaker, today I rise to congratulate, once again, the Syracuse University Varsity Lacrosse Team for its victories over tenacious and skilled opponents from Virginia and Maryland on Memorial Day weekend in the 1995 NCAA Lacrosse Championships. This marks the sixth time that Coach Roy Simmons, Jr., his outstanding coaching staff, and the players from Syracuse University have brought this honor on themselves.

This has been a year of ups and downs for the Syracuse team and those of us in central New York who follow their prowess. The lacrosse program has sustained a national reputation worthy of the SU sports program and of any division I academic institution. We in Syracuse are very proud.

It was a poignant set of victories leading to this championship, in light of the death earlier in the season of Roy Simmons, Sr., a well-known Syracusan, the father of Coach Simmons and himself the only other lacrosse coach at SU since 1931. Additionally, Roy, Sr. was president of the city of Syracuse Common Council earlier in his career.

The sign of a true championship is the ability to overcome adversity. Syracuse University's team and coaches came through a rough start of the season and finished with a great win against a strong Maryland team on their home field. In the semifinal they eliminated Virginia, a team that conquered the Orangemen earlier in the year. We salute the 16 graduating seniors and thank them and their undergraduate teammates for some wonderful memories.

Good luck and congratulations, national champs.

EPIDEMIC OF DEAFNESS IN RIGHT EAR AMONG REPUBLICANS WHEN IT COMES TO THE ADVOCACY OF VIOLENCE

(Mr. FRANK of Massachusetts asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FRANK of Massachusetts. Mr. Speaker, I am struck by a terrible national epidemic that appears to have settled on the land. Significant numbers of right-wing thinkers, politicians, and advocates appear to all have gone deaf in one ear.

Recently, we have heard many of the Republicans leaders and conservatives denounce violence, the advocacy thereof. People have talked about movies and other forms of entertainment in speeches which advocate violence. Strangely, however, they only seem to hear one kind of violence. When Gordon Liddy talks about how to shoot Federal law enforcement officials, he gets an award from some of these people. When entertainers who have Republican leanings make movies in which large numbers of people are shot for no apparent reason, that is apparently good.

When people on the left say things that might be equally offensive to many of us, that draws condemnation. Obviously, those who believe in civil liberties, those who believe in free speech, believe in it no matter what the politics of those who say it, so when we have this one-sided effort to criticize people who advocate violence or do not preach family values, but it is only aimed at one side of the spectrum, I am forced to conclude that there is some mysterious ailment in the land which has ended the hearing in the right ear of many of my colleagues.

I hope that the National Institutes of Health, if there is any money left in its budget when the Republicans are through cutting taxes, raising defense, and cutting NIH, I hope they will look at this strange disease which makes it impossible for people to hear the advocacy of violence on the right and condemn it only when it comes from people they disagree with.

TAKING ISSUE WITH STATEMENT THAT U.S. SOLDIERS DIED IN SERVICE OF UNITED NATIONS

(Mr. FUNDERBURK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FUNDERBURK. Mr. Speaker, last year when American soldiers were killed over Iraq, the Vice President of the United States had the temerity to tell the widows and orphans of those men that "they died in the service of the United Nations." Mr. Speaker, I can't think of a more outrageous statement made by any American official in years.

American blood has been spilled on countless battlefields around the globe. Americans have died to protect their homes and families and to save the world from communism not for some faceless U.N. bureaucrat. I never read that Douglas MacArthur told the men at Inchon to hit the beach for the United Nations or that marines at Khe Sahn endured hell wearing blue helmets. America must never surrender its sovereignty to the one world fantasies of Mr. Boutros-Ghali and his acolytes in the White House.

Before Mr. Clinton marches into Bosnia for the United Nations, he should remember what Secretary of State John Quincy Adams said:

> We are the friends of liberty everywhere, the guardians only of our own.

Mr. Speaker, I hope they read those words down at the White House before they tell another American family that its husband, father, son, or brother died in the service of the United Nations.

COMMUNICATION FROM THE CLERK OF THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 5, 1995.

Hon. NEWT GINGRICH,
The Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on Wednesday, May 31, 1995 at 3:30 p.m.: that the Senate agreed to the conference report on H.R. 1158.

With warm regards,

ROBIN H. CARLE,
Clerk, U.S. House of Representatives.

COMMUNICATION FROM THE CHIEF ADMINISTRATIVE OFFICER OF THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore laid before the House the following communication from the Chief Administrative Officer of the House of Representatives:

OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER, HOUSE OF REPRESENTATIVES,
Washington, DC, May 25, 1995.

Hon. NEWT GINGRICH,
The Capitol,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that my office has been served with two subpoenas issued by the Superior Court of the District of Columbia.

After consultation with the General Counsel, I have determined that compliance with the subpoenas is consistent with the privileges and precedents of the House.

Sincerely,

SCOTT M. FAULKNER,
Chief Administrative Officer.

APPOINTMENT OF MEMBERS TO BOARD OF VISITORS TO THE U.S. COAST GUARD ACADEMY

The SPEAKER pro tempore. Without objection, the Chair announces the Speaker's appointment as members of the Board of Visitors to the U.S. Coast Guard Academy the following Members of the House:

Mrs. JOHNSON of Connecticut and Mr. GEJDENSON of Connecticut.

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

JUST THE BEGINNING OF THE BUDGET PROCESS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from New York [Mr. OWENS] is recognized for 60 minutes as the designee of the minority leader.

Mr. OWENS. Mr. Speaker, we have just returned from recess, but prior to that we completed a part of a very long process. Most people do not realize it was merely the beginning. The budget and the appropriations process begins with the passage of the budget. The House of Representatives and the Senate have passed the budget, and they will soon reach agreement on that budget.

Most people do not realize the President has no veto power over the budget. That budget goes forward without the President having a chance to veto it. He must react to the individual appropriations bills now that will be generated under the guidance of that budget.

In other words, the budget sets the overall ceiling for each one of the areas, and the Committee on Appropriations now can go forward to make expenditures, increasing some programs, decreasing some, eliminating some, putting in new programs. That is all up to the Committee on Appropriations.

However, Mr. Speaker, I think it is safe to say that we can expect, with this well-coordinated majority in power presently, that most of the recommendations made by the Committee on the Budget will probably be included in the appropriations process. The Committee on Appropriations will follow through on most of the recommendations. Therefore, we have a good idea of what the pattern is going to be in terms of the kind of expenditures that are going to be made by this Congress, or the kind of appropriations that are going to be proposed by this Congress.

Each one of the appropriations bills, however, can be vetoed by the President. The public should realize that, that the appropriations bills have to go to the President. Once the Senate and the House have acted and both have agreed in a conference on a bill, it goes to the President, and the President can veto it. The public should understand that, that the budget process has just begun.

The Committee on the Budget sets the ceiling. The Committee on Appropriations follows through. The President can veto what each Committee on Appropriations sends to him. If the President vetoes an appropriations bill, it will then come back to the House and Senate, and the possibility of an override, Mr. Speaker, I would say is very slim.

I think there are enough people in the House to support the President, to prevent the overriding of a veto of the President. At this moment I am pretty sure there are. Of course, we lose some every day, but even with a few more causalities and a few more Benedict Arnolds deserting the Democratic Party and going over to the Republican Party, we still will have enough to prevent the override of a veto of an outrageous appropriations bill.

Most of these appropriation bills will be outrageous, because we know they will follow the pattern of the budget. We will have outrageous bills which propose to eliminate the Department of Education. No other industrialized nation in the civilized world thinks it can function without a department of education. At a time lime this, when we are at a great disadvantage competitively if we do not have the most skilled population, the best educated population we can get, we are proposing to eliminate the Department of Education.

There are numerous other outrageous items in the budget proposals that will be followed through in the appropriations bills, and the President will have to veto them.

Once the House and Senate fail to override a veto, then what happens? I think we are on a course where, by the time we reach September 30, end of this budget year—September 30 ends this budget year—it becomes necessary to have continuing resolutions. If the Government is to continue functioning, we have to have passed continuing resolutions in order to keep the Government going forward at the same rate of expenditure that it had before. That is the critical point.

If there is deadlock or gridlock, deadlock, however we want to put it, between the President and the Republican-controlled Congress, then where do we go from there? Will the Government have to shut down, as it did for a couple of days under President Bush, because the Republican-controlled House refuses to pass a continuing resolution, or the Republican-controlled House and Senate together refuse to pass a continuing resolution? We will have a gridlock. We will have a set of negotiations which will go forward between the President and the Republican-controlled Congress.

I say all this because I think it is very important for the American people to understand that the budget process has just begun. It has begun, and prospects for a gridlock, prospects for a long-term set of negotiations, are obviously there.

I think as we go forward in this process, I would urge that everybody not just read the mainstream papers, not just depend on the network televisions.

The usual means of communications have chosen to ignore some of the alternatives and options and possibilities that there are in terms of this budget and appropriations process.

□ 1230

We are into a budget and appropriations process which is driven by the Republican-controlled House. They have dictated that no budget could be brought to this floor and considered unless it showed a balanced budget by the year 2002. In other words, any group or any Congressperson who wanted to at least have the opportunity to bring his idea, his proposal to the floor, had to come within the constraints that were set by the ruling Republicans here on the House floor.

You had to show a balanced budget by the year 2002, which meant that an artificial crisis was created. You have an artificial situation where you must make drastic cuts in order to be able to present a balanced budget by the year 2002.

I am happy to say that the Congressional Black Caucus accepted that challenge, and you would not know it by reading the regular papers or checking network news or even CNN. Nobody bothered to pick up on the fact that there was a Congressional Black Caucus budget on the floor of the House of Representatives and it was balanced. It was balanced by the year 2002, and it had some money left over in the year 2002.

What were the basic principles of this balanced budget? We balanced the budget and we did not cut Medicare by one cent; not one cent was cut from Medicare. We balanced the budget and we did not cut Medicaid by one cent; not one cent was cut from Medicaid.

We balanced the budget and we increased the education budget by 25 percent. Not only did we not engage in any foolhardy, stupid, and ridiculous proposals that the Department of Education should be totally eliminated, we proposed to increase the Department of Education budget by 25 percent. Specific programs under the Department of Education are vital to the health and welfare of America. The Department of Education, we feel, should be given priority in this budget.

We have given priority to the Department of Defense and the defense function for the last 30 years. It has always been defense, defense and to some degree we will have to admit that we did that successfully so.

We outspent the Soviet Union. Probably we spent more money for defense, in fact I would wager we spent far more than we needed to. We enriched a lot of people with products, by paying for products that we did not really need. We paid much too much for a lot of products, defense weapon systems, et cetera.

Nevertheless, it succeeded. We outspent the Soviet Union. They had their military-industrial complex spending money on weapons, ignoring the needs of the people. We had our military-industrial complex. Since we happened to be the richest Nation in the world, we could outspend them and they caved in first, so we won that cold war.

Nevertheless, we continued to spend money on defense. So in the Congressional Black Caucus budget, there are two basic principles.

One is to cut the expenditures for defense, and if you do it over a 10-year period instead of a 7-year period, you can certainly do it and satisfy every hawkish person in the country, because over a 10-year period you can make cuts that definitely no one could argue threaten the security of the Nation. You can make those cuts. We make the cuts over a 7-year period, and that helps to balance the budget.

We do one other thing that also is a basic principle of the budget that should not be ignored. We invite everybody to take a look at the other principle that the Congressional Black Caucus pursued. That principle was to close the corporate loopholes and get rid of corporate welfare.

See, we operate primarily in this country on two sets of taxes. Revenue to run the Government, taxes that you pay, comes from two basic sources.

One is from family income taxes, income taxes levied on families and individuals. That is one source of revenue that keeps our Government going. The other source of revenue that keeps our Government going are the taxes we levy on corporations, corporations or businesses.

In the history of our country, the pattern has been at the beginning that the burden of taxes was equally divided between the taxes that were levied on individuals and the taxes that were levied on corporations. Something went radically wrong in 1943, and in 1943 the corporations began to pay less of the tax burden than families.

Since 1943, there has been a drastic drop in the amount of money paid by corporations, a drastic drop from 39.8 percent in 1943 to as low as 8 percent in 1982; as low as 8 percent, from 39.8 percent to 8 percent. Now the corporations are paying only 11.2 percent of the total tax burden.

Understand what I am saying. We have drastically reduced the corporation taxes, the income taxes paid by corporations. You might well understand that if you reduce the taxes paid by corporations, somebody has to take up the slack, so what has happened? The taxes on individuals and families have dramatically gone up.

From 1943, when individuals and families paid only 27 percent of the total tax burden—understand individuals and families were paying 27 percent, corporations were paying 39.8 percent, almost 40 percent—individuals and families not are paying, in 1995, 43.7 percent of the tax burden. We went from 27.1 percent to 43.7 percent. Almost 44 percent of the tax burden is now being paid by individuals and families.

If you raise the corporate taxes by closing the corporate loopholes, take away the corporate welfare, we are subsidizing corporations by letting them enjoy the benefits of our great Nation without them paying their fair share. We are taking more money from families and less money from businesses.

There are some who say, well, businesses create jobs and we need to let them pay less taxes so they can create more jobs. That might have been true 50 years ago when you had businesses that created jobs. But you will find that the same businesses that are making the greatest amount of money now, the most prosperous businesses, are creating the least amount of jobs.

We have a boom going now on Wall Street. There is a boom going. People are getting rich faster than ever before. Those who have money are making more than ever before, yet they are cutting the amount of jobs that their industries utilize. You have downsizing, streamlining, all kinds of terms being applied to it, but in the end it means cutting jobs of workers.

You also have tremendous investments. These groups make a lot of money and they can go anywhere in the world and make tremendous investments overseas in search of the cheapest labor markets possible.

Jobs are being taken away from workers here at home because they have automation. These same corporations can make money when they invest, they automate, computerize. They do not need as many people as before, so an investment in a business, investment in an industry does not automatically yield a certain number of jobs. The job economy is over here, and the economy that is making money, the profit economy, the Wall Street economy, is in another place.

The correlation, the relationship between booming industries in America and increases in employment, increases in wages, there is no correlation anymore. There is no relationship anymore. It is a matter of the sector which has the capital gets more, the sector which is dependent upon wages gets less, and the taxes being paid by these two are totally out of sync with their prosperity.

Individuals are making less money, families are making less money, and yet families and individuals are paying more taxes than they were 50 years ago. The burden of the taxes, the tax burden, is greater now on individuals and families, and the burden on corporations is lower than it has ever been. It is lower now than ever before, but they are the ones making the greatest amounts of money.

Here is the basic situation we are confronted with. As we go forward in this appropriations and budget-making process, are we going to look at the obvious?

I am reading from a chart that was taken from a document, the President's budget has it, I think, the Congressional Budget Office has it. Everybody in Washington knows what these figures show. Nobody disputes the accuracy of this chart, which shows the dramatic rise of family income taxes while corporation income taxes were rapidly dropping. Nobody disputes the accuracy of this.

Everybody in Washington talks about corporate welfare and corporate loopholes, corporate tax loopholes. This is on everybody's mouth, but when it comes time on the floor to take action, nobody wants to talk about it.

Certainly the Committee on Ways and Means does not want to talk about it. The Committee on Ways and Means has been under the domination of corporations for the last 50 years at least. Certainly in 1943 when you saw a dramatic change, when you saw corporations move from paying almost 40 percent of the tax burden to 1982 when they paid 8 percent, then you know something dramatic happened.

The Committee on Ways and Means was taken over by the corporations, and they have been greedier and greedier as time has gone on. They were so greedy until they went down to just paying 8 percent of the total burden in 1982.

This is what we are up against as we go into a budget gridlock, a budget deadlock. The President is our only hope against these draconian cuts. If you want to save Medicare, then it is the President who will have to stand fast against the Republican-controlled Congress, House and Senate. They are going to cut Medicare. They have made it quite clear. They are going to cut Medicare.

Whatever language you may hear to the contrary, it is a cut. Medicare is going to be cut. They say they are going to save it from bankruptcy. We can unite together and find a way to save Medicare and any other institution of government from bankruptcy without making draconian cuts.

There was a plan that was put forward last year by the President that was ridiculed. The President had a health care plan, and there were many other plans. I was a part of the single-payer coalition, caucus, here. We put forth a plan.

There were many plans to make health care more efficient, spend less money on health care in the context of a plan which guaranteed that there would be better health care for all Americans, and at the same time bring down the cost. We could have brought down the cost of health care over a period of time, utilizing reforms that did not cause a great deal of suffering.

People will suffer greatly. There is no way you can cut Medicare drastically and expect people not to suffer. Something has to give. The doctors may not give on their salaries, their fees, the hospitals may not give on theirs, so the patients will suffer. In some way or another the squeeze will come on the patients. The patients will suffer.

They are going to cut Medicaid, also. Medicaid will be subjected to even greater cuts than Medicare. Medicare is supposed to have the middle-class, elderly constituency. Everybody is rallying to the defense of Medicare. Nobody wants to talk about Medicaid because that is for poor people. They really do not have much political clout, so very few people want to defend them.

In truth, however, Medicaid and Medicare are very much inextricably interwoven. You cannot cut Medicaid without hurting the middle class. You cannot cut Medicaid without hurting the elderly.

Most people who are elderly, who get sick for long periods of time and have to go to nursing homes, end up spending all of their available income and having to move from Medicare to Medicaid. Large amounts of people who are in the middle class when they get ill, after a long-term illness they end up being eligible for Medicaid. As a matter of fact, at least 40 percent of the funds spent for Medicaid are not spent on poor children or poor women or poor people in big cities. They are spent on nursing home recipients, many of whom were not poor before they went into the nursing home.

Medicaid cuts will greatly hurt everybody, not just the poor. I am interested in maintaining Medicaid at the present level, because I do not think the poor should be hurt. Unfortunately, most people do not want to go to bat for and defend the poor. The poor are Americans. They contribute to the greatness of this country as well as everybody else. We should not engage in the kind of elite selection that the majority party in the House is engaging in. I call them the oppressive elite minority.

You have the oppressive elite minority wanting to create a government, wanting to create public policies which only serve a small group of people. They want to make the budget and the appropriations process safe for a handful of people who do not want the nuisance of paying a few more taxes, or do not want the nuisance of paying the taxes they pay now. They want a tax cut.

Here is the way the battle shapes up. I do not want to confuse anybody. What I am saying, to recapitulate and sum up, the basic principles of the Congressional Black Caucus budget, which have been ignored by the media, ignored by the Members of Congress, ignored by the leadership, should be examined by the American people. The public should take a look at these basic principles.

Principle No. 1 is we can cut defense over a 10-year period. Principle No. 2 is we can close the corporate loopholes, end corporate welfare, and you will thus generate revenue which will help to balance the budget. In the Congressional Black Caucus budget, we raise the revenue from its present level of 11.2 percent to about 16 percent. The percentage of the overall tax burden is raised from 11.2 percent to about 16 percent, a little less than 16 percent. The percentage of the overall tax burden being paid by families and individuals is presently 43 percent.

If the corporations are raised from 11 percent of the total tax burden to about 16 percent of the total tax burden, they are still far below the tax burden percentage that is being paid by families and individuals.

Let us balance the budget, ladies and gentlemen. As I said before, you can do it in 7 years, you can do it in 10 years. It will be easier for everybody if we do it in 10 years, but let us balance the budget by raising the percentage paid by the corporations, raise their percentage of the tax burden.

Some people are talking about a flat tax. Some people are now talking in the high places in the House of Representatives about a consumption tax, similar I guess to the European value-added tax. In the Congressional Black Caucus budget, we make a recommendation that I think should be followed and I hope the President will listen. Let us create a tax commission. We have a base closings commission that was necessary in order to take base closings out of politics and put them into a process whereby experts would look at them more objectively and come back with decisions, make recommendations to the Congress and the Congress would act. The Congress will have the last word either way. But I think the American people deserve to have an objective analysis and examination and review of the tax situation in America.

The revenue-generating situation, what is it? Why do corporations pay so much less now than they did in 1943? Why did we drop from 39.8 percent for corporations in 1943 to 11.2 percent now? Why?

And if we want to balance the budget, how do we raise it back up? If we are going to have a flat tax, are you talking about a flat tax just for families and individuals, or are you talking about a flat tax which also includes corporations? That may not be a bad idea. A flat tax, everybody pays the same percentage, including the corporation. But already those who are talking about a flat tax are beginning to find some tricks which will let corporations off the hook. If you have a flat tax that is unconditional, a flat tax with no exemptions, a flat tax that is going to go forward and not to corporations the same that they do to individuals, then you have a fair flat tax. But in no way do the proponents of a flat tax intend to have a flat tax across the board. They have no intention of taxing corporations at the same level that they tax families. Here is the issue. Every American has got to ask the question, how do we end the long monstrous swindle of the American taxpayers. We have a monstrous swindle that has gone on and on and on. If people are angry, they have a good reason to be angry. Taxpayers should be angry about bearing a grater portion of the burden year after year while the corporations in America have borne less and less of a burden year after year.

It is time to get angry. Those who are angry, it is time to find out why you are angry. It is time to find out how to be angry in a more intelligent way. We are angry at the Government generally. We are angry at the parties, both parties, we are angry generally. Let us be more specific in our anger. Be angry at the people who reduced the corporation portion of the tax burden from 39.8 percent to 8 percent, and now to 11 percent. Be angry and ask the question, how are you going to rectify this?

As we go toward a balanced budget, what are we going to do to close the corporate tax loopholes and to end the corporate welfare here in Washington?

Let us start a movement to balance the tax burden. Let us balance the tax burden and then we can balance the budget. Balance the tax burden, balance the budget at the same time.

The way you balance a budget in America is balance the tax burden, have corporations pay a higher percentage of the tax burden. At the same time, you can afford to drop the percentage of taxes paid by families and individuals.

We can have a tax cut. I am in favor of a tax cut. In the Congressional Black Caucus Budget, there was a tax cut. But the tax cut begins with individuals who are making the least amount of money. It is a tax cut for everybody, but it benefits the people who are making the least amount of money, the wage earners, as well as the rich. We should have a tax cut.

American taxpayers have borne an enormous tax burden in order to fight the cold war. It is time for them to have some relief. It is time for the American taxpayers to have a real peace dividend. A real peace dividend would give back some of the money and reduce the percentage that families and individuals are paying in order to win the cold war. We have to do it, we say, to win the cold war. It is won. It is over. Let us now reduce the tax burden on individuals. At the same time, if you raise the taxes on corporations, you can balance the budget. You do not have to create any more of a deficit.

Over a 10-year period, with a minimum of pain and suffering and dislocation, we can balance the budget. We can cut the waste in defense, and we can close the corporate tax loopholes and end corporate welfare. It is a simple formula.

If you are confused by the complications of arguing and debating the budget, reduce it to three simple principles: Let us balance the budget by balancing the tax burden. In order to balance the tax burden, you have to close the corporate loopholes, raise the amount of taxes paid by corporations, then you can lower the taxes paid by families and individuals, and at the same time there will be no deficit. Do it in a 10-year span of time. If you do it in a 10-year span of time, instead of 7 years, you will not create so much pain and suffering. You will create very little dislocation in our economy.

Why have the Republicans who control the House of Representatives insisted that there must be a 7-year balancing of the budget? We have gone for many, many years without balancing the budget, but now in 7 years, by the year 2002, they insist we must balance the budget. Why? Because they want to create an atmosphere of desperation. They want to create a crisis atmosphere. It is an artificially created crisis. It does not exist. America is not in some desperate situation. We are not at war. Our economy is not collapsing. There is no reason to take desperate measures in a situation that is not desperate. But by creating an artificial crisis, creating a desperate situation, a situation that seems to be desperate, they want to maximize power. It is a grab for power. The problem is power.

Most Americans would like to see a situation where we have a government which has two parties, three parties, whatever number of parties, and each party is engaged in a contest, in a contest to determine who can create the best government for the American people, how can we have the best functioning society.

We would like to see that kind of spirit motivating both parties. Most Americans would like to see that. They are not interested in who has the power, or who has the casualties. They are not interested in making war. But that is the situation we find ourselves in.

I hope that every American will understand, every citizen, every voter will understand that you have been plunged into a war whether you like it or not.

Last week the Speaker of the House, Speaker GINGRICH in a forum at the Library of Congress made the statement that we all knew was a motivating factor in what has been happening here on the floor of the House and in Washington in general. He came right out and said, politics is war without blood. Politics is war without blood.

Speaker GINGRICH said that at a forum and I do not want to misquote the Speaker, he is a very powerful person, he is the second most powerful person probably in the country, third in line for succession to the Presidency. I would not want to misquote Speaker GINGRICH.

I am going to read from Roll Call, I got the information from Roll Call, which says that Speaker GINGRICH even quoted a political leader not previously known to be one of his influences. "War is politics with blood. Politics is war without blood," said the Speaker.

He cited the late Chinese Communist leader Mao Tse-tung. Mao Tse-tung operated out of a totally different environment. He was in a desperate environment where people were starving, all kinds of dislocations in the economy. There was no economy in China. Chaos reigned. So Mao Tse-tung could say that politics is war without blood.

I think it is most unfortunate that the Speaker of this House, in America, would say that politics is war without blood. It sets a whole different tone. We would like to believe that we have a more civil environment to conduct our politics in. I would like to think that politics is not war without blood. Politics is a contest, a noble contest among contending parties to see who can reach the goal best, who can contribute most to the cause, and the cause in this case is the cause of an America that is here for everybody.

We want to promote the general welfare. Politics is to promote the general welfare. Politics is to secure the Nation. Politics is to do it all by spending the least amount of money and having the most efficient and most effective government. We want to engage in a contest among the parties. We want to engage in a contest between individuals, between caucuses, a contest, a serious contest. But to say that politics is war without blood is to set a whole different tone and to lay out an agenda which every American has to respond to. If politics is war without blood, then there have to be casualties. There is more concern about destroying people and destroying ideas and destroying than there is about serving the cause. The cause of America is probably the most noble and majestic cause of any governmental undertaking anywhere in the world ever. That cause can be best served by having everybody assume that they are in a contest that is a contest with no real losers.

When we have a better government, we are all winners, Republicans and Democrats. When we have a more efficient government, we are all winners, Republicans and Democrats. But if you are preoccupied with power, power is the major preoccupation, then politics becomes war without blood.

What is war all about? The way it has been defined by those we cannot ignore, we cannot ignore the fact that the Speaker has declared war. If the Speaker has declared war, the American people cannot sit still and ignore it. We did not want this to happen, we did not will it, we are not interested in it, but we are now engaged in situation where war has been declared. Politics is war without blood. Every American voter has to consider themselves a soldier. Every American voter can no longer be a spectator, a citizen spectator. You cannot sit by and watch when people are running the Government who consider politics to be war without blood.

A lot of extreme things have been proposed. We have said extremism is the problem here in this Congress. It is extreme to say that you are going to save money by taking away lunches from poor children. At the same time you say you are going to increase the defense budget for star wars, to build glowing pebbles in the sky, you are going to increase the budget for that and take away lunches from poor children. That is extreme. That is barbaric. That kind of extreme action, extreme behavior can exist of course in a context of war. If you are really at war, then you are doing those things for reasons that have nothing to do with improving the Government, the efficiency and effectiveness of Government. There is another objective. War is about destruction, war is about gaining power. War is about wiping out your opposition. War has to have enemies. War cannot look forward to a victory that everybody can be proud of.

The elite oppressive minority. There is an elite oppressive minority, and I have said this before, there is an elite oppressive minority in charge here in Congress now, and they want an America which serves only a small group of Americans. They are at war with a caring majority. The majority of Americans are people who care about other Americans. First of all, they are people who care about themselves and they need the benefits of our great democracy, they need the benefits of our great economy. The majority of Americans know that we are the richest Nation that ever existed on the face of the Earth, and that this was not created by a handful of people. All the scientist that have ever lived made a contribution to the kind of high-technology society that we now enjoy. The fact that Wall Street firms are making billions of dollars and they are doing it with a minimum amount of workers means that computerization, miniaturization, a whole lot of electronic devices that were developed during World War II have been put to use in the civilian sector, in the business sector.

It was the U.S. Government, the taxpayers, who developed radar, who developed computers, who developed many of the kinds of advances that now are driving the industries that are making the greatest amount of money. They are the ones that we should give credit to. Our American taxpayers should have a percentage of the profits. It is science and technology that is driving our economy now. Science and technology are driving the profits of our corporations. Everybody participated in that process of creating a technologically strong America.

☐ 1300

Everybody participated in the war effort, which made America safe from tyranny, Nazi tyranny in World War II. All of the soldiers who went and died on D-day, on Iwo Jima, all of those who participated in the effort in the defense industries, everybody who made America safe, created an atmosphere of order and law which would enable our businesses to benefit from science and technology without the interference of disruption and chaos. So everybody has a part, everybody has a role in the building of America, everybody should share in America. That is the caring majority, and the elite minority have said we do not want to share with the caring majority.

I yield to the gentleman for a comment.

Mr. FILNER. I thank the gentleman. I really appreciate the statements that the gentleman has been making this afternoon and his insistence absolutely that we have a balanced budget that puts people first, and his absolute focus in his earlier remarks that corporate welfare is something that we have to look at far more in a disciplined way if we are going to balance the budget. We as Democrats agree that the budget can be balanced, but we want to focus in on the corporate welfare and the revenue that is really not realized in this.

I would like to give if I may a specific example of this to try to bring really home what this corporate welfare means to this budget and what we could be doing as a Congress. Did you know that the 10 largest mutual insurance companies in this Nation pay virtually zero taxes on a large segment of their income because they have found a loophole in the tax laws that drives their taxes to zero? About 10 years ago the Congress of the United States passed a law or passed a provision of the Tax Code that was to provide fair taxation of our giant insurance industry.

Mr. OWENS. Would the gentleman please repeat that? Who is not paying any taxes? Who is paying zero taxes?

Mr. FILNER. The 10 largest mutual insurance companies in this Nation pay virtually zero taxes under a certain provision of the Tax Code, section 809. They do not pay zero taxes, but they pay zero on this provision, which was set up to realize, and let me tell you this number, it was set up to realize $2 billion of revenue per year, per year, $2 billion. That is virtually zero out of this provision of the Tax Code because after it was written their accountants went to work and figured out if they changed their accounting system on paper, they could drive their tax obligation down to zero.

I have a bill in to remedy that situation that should be part of any balanced-budget effort. It happens to be H.R. 1497, introduced with my colleague, the gentlewoman from Idaho [Mrs. CHENOWETH], and others who have helped me on this. It is called the Insurance Tax Fairness and Small Insurance Company Economic Growth Act of 1995. But what it does is exactly what you were talking about so eloquently earlier. It says let us not focus in on the children, let us not focus in on the older people that give them some dignity and some ability to participate in this society. Let us go after those who can afford it who have been leaving out their contribution, their fair contribution to the American society, and let us go after them. That will get the budget balanced and that is where our efforts should be focused.

I say to my colleague, the gentleman from New York [Mr. OWENS], his insistence on this and his absolute dedication on this is something that we all admire. We are going to work with him to make that happen, and let us keep the focus on yes, a balanced budget, but let us make it fair, let us close the corporate tax loopholes, and let us see that those people, make sure that those people who should pay, pay fairly.

Mr. OWENS. I thank the gentleman. I think that his bill along with a number of other items that have been introduced by the progressive caucus begin to deal in detail with the steps that have to be taken to reverse this imbalance, this gigantic imbalance where corporations are paying only 11 percent of the tax burden while individuals are paying almost 44 percent of the tax burden. We are proceeding to deal with that in legislation. What I am trying to do is awaken the American people out there to the fact that nothing is going to happen of great significance on this matter unless the President hears from them, unless the leaders of Congress hear from them, because we are going to have a deadlock, we are going to have a situation where we trust the President was going to veto these draconian budget cuts that will be played out in the appropriations bill process. We are going to have a gridlock come September 30 and the Government will be brought to a standstill, and the only way to get out of it is negotiations between the White House and the Republican-controlled Congress.

When that happens, the President needs to hear from the American people, hear from them now about the unfairness, the fact that the tax burden is unbalanced, is leading to a situation where, if you attempt to balance the budget without balancing the tax burden, you make for a great deal of suffering by the great majority of the American people, and the President has to be our protector in this respect.

Mr. FILNER. The gentleman's constituents are from New York, my constituents from San Diego, have got to get that message again and again. They have the power to help change the equation on this political battle that is looming. The people must be heard from.

Let me also say to my colleague, we in San Diego have been prospering certainly during the eighties, had been prospering on the defense budget. You pointed out that the working people who were involved in that effort are the ones that are now getting hurt first, getting hurt first as we downsize the defense industry to some degree. What has occurred in San Diego, for example, is consolidations have occurred, jobs have been lost, jobs have been moved out of San Diego.

Mr. OWENS. And the industries are making the same amount of money or more than they did before.

Mr. FILNER. Then those defense firms bill the Pentagon for savings that have come out and they get big grants for the savings that occurred in that consolidation, their corporate executives get major bonuses, and the people in San Diego or other communities have lost their jobs and no job training funds and no impact on community funds have come back to our community. So again, you have been emphasizing that. We as a Congress have got not only to plug those corporate welfare loopholes but to make sure that the people, the working people who fought that cold war, who fought and in a sense won it, are now losing their jobs as this consolidation occurs, and our own Defense Department is rewarding those firms for laying off those workers. That is what we have to change too.

So again I appreciate your efforts and we are going to keep working with you on that.

Mr. OWENS. I thank the gentleman. I would like to say, it cannot be emphasized too much, that the gigantic Department of Defense budget can certainly be cut in ways that do not immediately hurt workers. If you want to pursue a public policy designed to minimize hurting workers, it is possible to do that. Our overseas bases that are not employing American workers, are costing tremendous amounts of money, a little less than $100 billion, money being spent on overseas bases in NATO, et cetera, we could certainly begin to even downsize drastically there and not hurt jobs and bases in local communities where the economy is affected by the bases.

There are ways to do that over a 10-year period which would minimize the pain and suffering. If you accept as policy that defense conversion should create jobs, you can certainly cut defense in a way which creates jobs at the same time, have a conversion where you use the money in ways that create jobs, and this has been all explained and was presented in the Congressional Black Caucus budgets by the gentleman from California [Mr. DELLUMS] who is a former chairman of the House Committee on Armed Services.

To conclude, what I am saying is that we are in the beginning of a budget and appropriations process, the most important activity that takes place in Washington, the most important activity that takes place in our Government anywhere in the United States. This budget process will determine what our priorities are, how we are going to spend the money of the American taxpayers over the next year or so. It will probably set up a pattern which will continue over the next 5 to 7 years. So it is very important.

Everybody should understand the process is just beginning. Understand that the President cannot veto the budget when the Senate and House agree on the budget; the President does not have the power to veto that budget. The President will have the power to veto the appropriations bills that come out of the budget. We hope the President is going to veto most of those appropriations bills. Those that have the draconian tax cuts, those that have the ridiculous measures like the elimination of the Department of Education, we expect the President to hasten to veto. We do not expect either the House or Senate to have the power to override the veto. Therefore, we are going to have gridlock and the President is going to have to negotiate, our Democratic President will have to negotiate with a Republican-controlled Senate and House.

You should know this and understand that as a citizen you cannot sit and be a spectator. Get ready to be a soldier. There is a war underway. The budget and appropriations process is a major battle of the war that has been declared by Speaker GINGRICH. Speaker GINGRICH said politics is war without blood. Anybody who does not hear that statement and react is doomed to failure. If we do not gear up for a war, in order to defend Medicare you have to wage a war, in order to defend Medicaid you have to have a war, in order to defend school lunches we have to wage a war. In order to keep housing for homeless you have to wage a war. Every citizen has to be a soldier in this war. It is a war against the majority; the majority of our people will be hurt by these cuts. The majority of our people will be hurt by this crisis that has been artificially created.

Can the elite minority win a war against the caring majority? That is the basic question. In America we are a democracy; we cannot accuse anybody of having subverted our democracy. The people in our House of Representatives got there through a democratic process, the people elected them. Yes, it is true only 38 percent of the people came out to vote for Members of the House of Representatives, and the Republicans got a little more than half of that 38 percent. Therefore we did not have an overwhelming mandate. But it does not matter in our democracy; whoever gets the most votes wins. They are in power.

How far will this go? Now that they have revealed that they are going to make war on the majority, the elite minority in order to preserve their privilege, in order to have a situation where the rich can get rich faster, the elite minority in order to have the rich not have to put up with the nuisance of a few more taxes, the elite minority in order to have the power to go into the courts and limit any suit to $250,000 no matter how serious your injury and situation might be, protecting against the elite minority and protecting the corporations, are we going to continue with a situation where the elite minority protects corporations from bearing their fair share of the tax burden? Are corporations going to get away with paying 11 percent of the tax burden while individuals pay 44 percent? Are we as a majority going to allow the elite minority to do that to us?

How long are we going to suffer that? How long are we going to let it go on? That is the question. Can the elite minority win a war against the caring majority? Can the elite minority prevail in a democracy? Can the majority be stampeded into voting against their own interests? In a democracy can the majority be stampeded into voting against their own interests?

In November 1996, and in 6 months before that, are we going to be discussing the budget? Are we going to discuss the tax burden and the fact that corporations are paying so much less of the tax burden than they should be paying while individuals and families are paying so much more of the tax burden than they should be paying? Will that be on the agenda? No; we will probably be discussing diversionary issues. The elite minority will use their power to control the media, and they have launched billions of dollars for this process. They will use their power to control the media to divert the eyes of the minority in discussions of affirmative action, into discussions of abortion, into discussions of prayer in the school, into discussions of a number of items that are important, but they are not at the center of what is going to happen in this society or determine what is going to happen in this society in the next 10 years. They are diversionary, gut, emotional issues that are going to be used to stampede the majority into voting for a prospect with respect to the finances and the budget and the appropriations that favors the elite minority. I hope that every citizen will understand the Speaker has made it quite clear that we are in a war. Politics is not what it should be. I think politics, as I said before, should be a noble contest between parties that want to reach the same goal, parties that are interested in promoting the same causes. Politics should be a situation where all America wins. There are no losers in a political process which is conceived of as a noble contest to improve America, as a noble contest to have everybody come out better than they were before. Every citizen should understand that we are in a war that you did not declare. It is not a contest anymore because the Speaker has said so. It is war without blood.

We are in a war without blood. War means that casualties have to be taken. War means destruction, war means inevitable enemies. We are not going to be able to deal with each other much longer except as enemies.

Every American understands this and understands we are still a free people and still a democracy. You can use your Bill of Rights, you can demonstrate, you can sign petitions, you can get in touch with your congressman, you can do a whole lot of things and not sit still and watch the war make you a victim. Do not be a victim; be a soldier.

I am happy to point out in closing in New York City we have several different regions, battlefields. We have a battlefield that is being commanded by General Pataki in the State government; we have a battlefield that is being commanded by General Giuliani in the city government. The people of New York City are under attack by generals in this war who all share the same philosophy as the Speaker. The elite minority is in charge of the city hall in New York City. The elite minority is in charge of the Governor's Mansion in Albany, the capital of New York. So we are under attack from three different battle scenes, three different generals are pressing a campaign down upon the people. The majority are under attack.

I am pleased to announce that I attended a press conference yesterday by a group called the Same Boat Coalition, little groups that have gotten together more than 100 strong who want to fight back, and I give you this example because it has to happen all over America. Unless you understand what is going on, unless you say I am going to fight for myself, unless you understand I want to be a citizen soldier, there is a war, and I am going to either be the victim or I am going to be a soldier, and we must get up and become soldiers, then you will not be able to overcome what is about to happen.

So I congratulate the Same Boat Coalition and I close with a statement from their mission statement. The Same Boat Coalition is primarily designed to fight the cuts at the New York City and New York State level. But the New York City and New York State cuts are being driven by the cuts in Washington. Medicaid is a major problem, and the cuts in Medicaid are being invited by the mayor of New York City. He said make more cuts because when the Federal Government cuts the city has to spend less. The Governor said make more cuts in Medicaid; we will be happy to spend less; make more cuts in Medicare. Our hospitals are in danger. There is talk of selling the hospitals in order to make ends meet. All kinds of draconian measures are under way and it started here in Washington, the tone was set here. This is a war declared here and they have generals who are waging the battle against the people at every level. So the Same Boat Coalition, this group of more than 100 organizations have issued the following mission statement, and I will read partially from it.

THE SAME BOAT COALITION MISSION STATEMENT

The United States is at a crossroads. This generation must choose the future course of our society—whether toward greater social justice, enfranchisement and well-being for all, or toward a more oppressive and distressed society with material, cultural and spiritual impoverishment for all but a wealthy few—and escalating pandemic of illness and violence. At all three levels of government, the quality of life is under assault.

Confronted by this challenge, we have come together on the following principles:

Everyone has a right to an adequate standard of living, including a decent job and income security, sufficient food, safe and affordable housing, access to quality education and health care, and a sound environment. Our tax dollars, collected equitably and distributed fairly, would enable these rights to be realized. In our society, so rich in natural, human and capital resources, we reject as baseless the logic of scarcity.

Our society cannot flourish while many among us lack the basic necessities. All but the wealthiest of us are vulnerable to loss of employment and to costly illness or injury. Entitlements to food, shelter, health care and other basic necessities are essential protections that must remain public priorities, never to be stripped away.

Ours is an interdependent, democratic society, where each of us is secure only so long as the liberty and well-being of all of us are protected. In innumerable ways, we are all in the same boat. We oppose restrictions of our most basic freedoms, the destruction of hard-won safeguards to ensure equal access, and the exclusion of immigrants from our national vision. Governments must be held responsible for protecting and promoting the fundamental human rights, dignity, personal security and welfare of all.

We are a diverse coalition of individuals and organizations, including students, trade unionists and other working people, unemployed, social workers, religious groups, health workers, teachers and professors, community developers, environmentalists, legal services workers, small business people, advocates, people all of all ages, races, ethnicities and religions, lesbian, gay and straight, people with disabilities, mothers, fathers and children. In the face of wide-ranging attacks on these principles, we are united in a struggle to take back our city, our state and our country.

In closing, Mr. Speaker, I want to go back to my beginning. We are at the beginning of a process, of a budget and appropriations process, which is the most important process undertaken in our Government each year. The Speaker of the House of Representatives has stated that politics is war without blood. It is important that every American understand that, and come out to participate in the war that is going to decide your fate. You must know what is in the budget, you must insist that the budget can be balanced. The budget can be balanced in 10 years without hardships, without suffering if you balance the tax burden. If you balance the tax burden and have corporations pay as much as families pay, balance the tax burden and you can balance the budget.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. OWENS) to revise and extend her remarks and include extraneous material:)

Ms. KAPTUR, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. GOSS, for 5 minutes, on June 7 and 8.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. GOSS) and to include extraneous material:)

Mrs. KELLY in two instances.
Mr. GALLEGLY in two instances.
Mr. BEREUTER.

(The following Members (at the request of Mr. OWENS) and to include extraneous material:)

Mr. PICKETT in two instances.
Mr. SCHUMER in two instances.
Mr. WARD.
Mr. HAMILTON.
Mr. TUCKER.
Mr. BONIOR.
Mr. PALLONE.
Mr. KILDEE.
Mr. COYNE.
Mrs. MALONEY.
Mrs. MEEK of Florida.
Mr. WYDEN.
Mr. COSTELLO.

(The following Members (at the request of Mr. OWENS) and to include extraneous material:)

Mr. DAVIS.
Mr. MORAN.
Mrs. MEEK of Florida.
Mr. STARK.
Mr. THOMAS.
Mr. HOUGHTON.
Mr. JOHNSON of South Dakota.
Mr. CLAY.

ENROLLED BILL SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 1158. An act making emergency supplemental appropriations for additional disaster assistance, for anti-terrorism initiatives, for assistance in the recovery from the tragedy that occurred at Oklahoma City, and making rescissions for the fiscal year ending September 30, 1995, and for other purposes.

ADJOURNMENT

Mr. OWENS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 22 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, June 7, 1995, at 12 noon.

EXECUTIVE COMMUNCIATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

927. A communication from the President of the United States, transmitting amendments to the fiscal year 1996 appropriations requests for the Department of Defense, Education, the Interior, and Transportation, and the Railroad Retirement Board, pursuant to 31 U.S.C. 1106(b) (H. Doc. No. 104–80); to the Committee on Appropriations and ordered to be printed.

928. A letter from the Chairman, Board of Governors, Federal Reserve System, transmitting the Board's 81st annual operation report during calendar year 1994, pursuant to 12 U.S.C. 247; to the Committee on Banking and Financial Services.

929. A letter from the Secretary of the Treasury, transmitting the first monthly report to Congress, as required by section 404 of the Mexican Debt Disclosure Act of 1995, pursuant to Public Law 104–6, section 404(a) (109 Stat. 90); to the Committee on Banking and Financial Services.

930. A letter from the Secretary of Health and Human Services, transmitting a draft of proposed legislation entitled, the "Substance Abuse and Mental Health Performance Partnership Act of 1995"; to the Committee on Commerce.

931. A letter from the Chairman, Securities and Exchange Commission, transmitting the Commission's 1994 annual report of its activities, pursuant to 15 U.S.C. 78w(b); to the Committee on Commerce.

932. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on an offensive biological warfare program of the States of the former Soviet Union, pursuant to Public Law 103–337, section 1207(c) (108 Stat. 2885); to the Committee on International Relations.

933. A letter from the Under Secretary of Defense, transmitting the quarterly reports in accordance with sections 36(a) and 26(b) of the Arms Export Control Act, the March 24, 1979 report by the Committee on Foreign Affairs, and the seventh report by the Committee on Government Operations for the second quarter of fiscal year 1995, January 1, 1995 through March 31, 1995, pursuant to 22 U.S.C. 2776(a); to the Committee on International Relations.

934. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

935. A letter from the Director, Office of Management and Budget, transmitting OMB estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 2000 resulting from passage of S. 244, pursuant to Public Law 101–508, section 13101(a) (104 Stat. 1388–582); to the Committee on Government Reform and Oversight.

936. A letter from the Secretary, Department of Education, transmitting the semiannual report of the activities of the Office of Inspector General for the period October 1, 1994, through March 31, 1995, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526); to the Committee on Government Reform and Oversight.

937. A letter from the Secretary, Department of Energy, transmitting the semiannual report of the Office of Inspector General for the period October 1, 1994, through March 31, 1995, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2515, 2526); to the Committee on Government Reform and Oversight.

938. A letter from the Secretary, Department of the Interior, transmitting the semiannual report of the Office of Inspector General for the period October 1, 1994, through March 31, 1995, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526); to the Committee on Government Reform and Oversight.

939. A letter from the Secretary, Department of Labor, transmitting the semiannual report of the Office of Inspector General for the period October 1, 1994 through March 31, 1995, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526); to the Committee on Government Reform and Oversight.

940. A letter from the Administrator, Agency for International Development, transmitting the semiannual report of the Office of Inspector General for the period October 1, 1994, through March 31, 1995, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526); to the Committee on Government Reform and Oversight.

941. A letter from the Deputy Director for Administration, Central Intelligence Agency, transmitting a report of activities under the Freedom of Information Act for calendar year 1994, pursuant to 5 U.S.C. 552(e); to the Committee on Government Reform and Oversight.

942. A letter from the CEO, Corporation for National Service, transmitting the semiannual report on activities of the inspector general for the period October 1, 1994, through March 31, 1995, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526); to the Committee on Government Reform and Oversight.

943. A letter from the Attorney General, Department of Justice, transmitting the semiannual report on activities of the inspector general for the period October 1, 1994, through March 31, 1995, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526); to the Committee on Government Reform and Oversight.

944. A letter from the Chairman and CEO, Farm Credit Administration, transmitting the semiannual report on activities of the inspector general for the period October 1, 1994, through March 31, 1995, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526); to the Committee on Government Reform and Oversight.

945. A letter from the Chairman, Board of Governors, Federal Reserve System, transmitting a report of activities under the Freedom of Information Act for calendar year 1994, pursuant to 5 U.S.C. 552; to the Committee on Government Reform and Oversight.

946. A letter from the Chairman, Board of Governors, Federal Reserve System, transmitting the semiannual report on activities of the inspector general for the period October 1, 1994, through March 31, 1995, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526); to the Committee on Government Reform and Oversight.

947. A letter from the Public Printer, Government Printing Office, transmitting the semiannual report of the Office of Inspector General for the period October 1, 1994, through March 31, 1995, pursuant to 44 U.S.C. 3903; to the Committee on Government Reform and Oversight.

948. A letter from the Chairman, Interstate Commerce Commission, transmitting the semiannual report on activities of the inspector general for the period October 1, 1994, through March 31, 1995, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526); to the Committee on Government Reform and Oversight.

949. A letter from the Administrator, National Aeronautics and Space Administration, transmitting the semiannual report of the Office of Inspector General for the period October 1, 1994, through March 31, 1995, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526); to the Committee on Government Reform and Oversight.

950. A letter from the Chairman, National Credit Union Administration, transmitting the semiannual report on activities of the inspector general for the period October 1, 1994, through March 31, 1995, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526); to the Committee on Government Reform and Oversight.

951. A letter from the National Labor Relations Board, transmitting the semiannual report on activities of the inspector general for the period October 1, 1994, through March 31, 1995, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526); to the Committee on Government Reform and Oversight.

952. A letter from the Chairman, National Science Board, transmitting the semiannual report on activities of the inspector general for the period October 1, 1994, through March 31, 1995, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526); to the Committee on Government Reform and Oversight.

953. A letter from the Chairman, Panama Canal Commission, transmitting the semiannual report on activities of the inspector general for the period October 1, 1994, through March 31, 1995, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526); to the Committee on Government Reform and Oversight.

954. A letter from the Acting Director, Peace Corps, transmitting the semiannual

report on activities of the inspector general for the period November 1, 1994, through April 30, 1995, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Reform and Oversight.

955. A letter from the Chief Operating Officer/President, Resolution Funding Corporation, transmitting a copy of the Resolution Funding Corporation's statement on internal controls and the 1994 audited financial statements, pursuant to Public Law 101-73, section 511(a) (103 Stat. 404); to the Committee on Government Reform and Oversight.

956. A letter from the Secretary of Education, transmitting the 12th semiannual report to Congress on audit follow-up, covering the period from October 1, 1994, to March 31, 1995, pursuant to Public Law 100-504, section 106(b) (102 Stat. 2526); to the Committee on Government Reform and Oversight.

957. A letter from the Chairman, Securities and Exchange Commission, transmitting the semiannual report on activities of the inspector general for the period October 1, 1994, through March 31, 1995, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Reform and Oversight.

958. A letter from the Administrator, Small Business Administration, transmitting the semiannual report of the Office of Inspector General for the period October 1, 1994, through March 31, 1995, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Reform and Oversight.

959. A letter from the Chairman, Board of Directors, Tennessee Valley Authority, transmitting the semiannual report on activities under the Freedom of Information Act for calendar year 1994, pursuant to 5 U.S.C. 552(e); to the Committee on Government Reform and Oversight.

960. A letter from the Thrift Depositor Protection Oversight Board, transmitting a report of the inspector general for the period October 1, 1994, through March 31, 1995, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Reform and Oversight.

961. A letter from the Director, U.S. Information Agency, transmitting the semiannual report on activities of the Office of Inspector General for the period October 1, 1994, through March 31, 1995, pursuant to Public Law 99-399, section 412(a); to the Committee on Government Reform and Oversight.

962. A letter from the Chairman, U.S. International Trade Commission, transmitting the semiannual report on activities of the inspector general for the period October 1, 1994, through March 31, 1995, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Reform and Oversight.

963. A letter from the Director, U.S. Office of Personnel Management, transmitting a draft of proposed legislation entitled, the "Federal Employees Health Benefits Provider Integrity Amendments of 1995"; to the Committee on Government Reform and Oversight.

964. A letter from the Director, U.S. Office of Personnel Management, transmitting a copy of Personnel Management's annual report of the civil service retirement and disability fund for fiscal year 1994, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Reform and Oversight.

965. A communication from the President of the United States, transmitting notification of his determination that a continuation of a waiver currently in effect for Albania, Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Mongolia, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan will substantially promote the objectives of section 402, of the Trade Act of 1974, pursuant to 19 U.S.C. 2432(c), (d) (H. Doc. No. 104-81); to the Committee on Ways and Means and ordered to be printed.

966. A communication from the President of the United States, transmitting notification of his determination that a continuation of a waiver currently in effect for the People's Republic of China will substantially promote the objectives of section 402, of the Trade Act of 1974, pursuant to 19 U.S.C. 2432(c), (d) (H. Doc. No. 104-82); to the Committee on Ways and Means and ordered to be printed.

967. A letter from the Secretary of Commerce, transmitting the Department's report to Congress on State log export ban, pursuant to section 620c(b)(4) of the Forest Resources Conservation and Shortage Relief Act of 1990, as amended; jointly, to the Committee on Agriculture and International Relations.

968. A letter from the Secretary of Energy, transmitting a copy of a report entitled, "Study of Export Promotion Practices," pursuant to section 1208 of the Energy Policy Act of 1992; jointly, to the Committee on International Relations and Commerce.

969. A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to provide for the territories, and for other purposes; jointly, to the Committees on Economic and Educational Opportunities, the Judiciary, and Resources.

970. A letter from the Director, U.S. Arms Control and Disarmament Agency, transmitting a draft of proposed legislation entitled, the "Chemical Weapons Convention Implementation Act of 1995"; jointly, to the Committees on International Relations, the Judiciary, Government Reform and Oversight, Commerce, and National Security.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Submitted June 1, 1995]

Mr. SPENCE: Committee on National Security. H.R. 1141. A bill to amend the Act popularly known as the Sikes Act to enhance fish and wildlife conservation and natural resources management programs; with an amendment (Rept. 104-107, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. BLILEY: Committee on Commerce. H.R. 1323. A bill to reduce risk to public safety and the environment associated with pipeline transportation of natural gas and hazardous liquids, and for other purposes: with an amendment (Rept. 104-110 Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. SPENCE: Committee on National Security. H.R. 1530. A bill to authorize appropriations for fiscal year 1996 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1996, and for other purposes; with amendments (Rept. 104-131). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. SANFORD:

H.R. 1741. A bill to provide for the conveyance of the C.S.S. Hunley to the State of South Carolina; to the Committee on Resources.

By Mr. WYDEN:

H.R. 1742. A bill to amend the Federal Food, Drug and Cosmetic Act to revise the process for the approval of drugs and for other purposes; to the Committee on Commerce.

By Mr. DOOLITTLE:

H.R. 1743. A bill to amend the Water Resources Research Act of 1984 to extend the authorizations of appropriations through fiscal year 2000, and for other purposes; to the Committee on Resources.

By Mr. THOMAS:

H.R. 1744. A bill to clarify the scope of coverage and amount of payment under the Medicare Program of items and services associated with the use in the furnishing of inpatient hospital services of certain medical devices approved for international use; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HANSEN (for himself and Mrs. WALDHOLTZ):

H.R. 1745. A bill to designate certain public lands in the State of Utah as wilderness, and for other purposes; to the Committee on Resources.

By Mr. JEFFERSON:

H.R. 1746. A bill to amend titles XVIII and XIX of the Social Security Act to permit coverage of outpatient physical therapy services under the Medicare and Medicaid Programs without a physician's referral, and to establish a Physical Therapy Advisory Council in the Department of Health and Human Services; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. JOHNSON of Connecticut (for herself, Mr. WYDEN, and Mr. FRANK of Massachusetts):

H.R. 1747. A bill to amend the Public Health Services Act to permanently extend and clarify malpractice coverage for health centers, and for other purposes; to the Committee on Commerce.

By Mr. JOHNSON of South Dakota:

H.R. 1748. A bill to amend the Internal Revenue Code of 1986 to provide for farmers and closely held businesses a one-time exclusion of gain from certain sales or exchanges, for self-employed individuals a 100 percent deduction of health insurance costs, and for farmers a carryover of unused standard deductions and personal exemptions, and for other purposes; to the Committee on Ways and Means.

By Mr. SCHUMER (for himself and Mr. ZIMMER):

H.R. 1749. A bill to amend the Agricultural Trade Act of 1978 to eliminate the market promotion program; to the Committee on Agriculture, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TOWNS (for himself and Mrs. JOHNSON of Connecticut):

H.R. 1750. A bill to amend title XVIII of the Social Security Act to provide for increased Medicare reimbursement for nurse practitioners and clinical nurse specialists to increase the delivery of health services in health professional shortage areas, and for other purposes; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

H.R. 1751. A bill to amend title XVIII of the Social Security Act to provide for increased Medicare reimbursement for physician assistants, to increase the delivery of health services in health professional shortage areas, and for other purposes; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ZIMMER:

H.R. 1752. A bill to amend the Bretton Woods Agreements Act to provide for public notice of all conditions imposed on any country with respect to the use of resources by the International Monetary Fund for monetary stabilization, and to provide for the proposal of amendments to the Articles of Agreement of the Fund to require each member country government to make monthly public reports on the financial condition of the country; to the Committee on Banking and Financial Services.

By Mrs. VUCANOVICH (for herself, Mr. ZELIFF, Mr. MCINTOSH, and Mr. SOLOMON):

H. Res. 161. Resolution amending clause 4 of rule XIII of the Rules of the House to abolish the Consent Calendar and to establish in its place a Corrections Calendar; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

102. By the SPEAKER: Memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to urging Congress to reauthorize the Farms for the Future Program with amendments to increase the effectiveness of the program; to the Committee on Agriculture.

103. Also, a memorial of the Senate of the Commonwealth of Pennsylvania, relative to the Tobyhanna Army Depot in Monroe County, PA; to the Committee on National Security.

104. Also, a memorial of the House of Representatives of the State of Texas, relative to the 13th, 14th, and 15th amendments to the Constitution of the United States; to the Committee on Reform and Oversight.

105. Also, a memorial of the Senate of the State of Louisiana, relative to the Kisatchie National Forest Service; jointly to the Committees on Resources and Economic and Educational Opportunities.

106. Also, a memorial of the Senate of the State of Louisiana, relative to memorializing the Congress of the United States to approve H.R. 842; jointly to the Committees on the Budget, Transportation and Infrastructure, and Government Reform and Oversight.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 44: Mr. CAMP, Mrs. WALDHOLTZ, Mr. HINCHEY, Mr. BARCIA of Michigan, Mrs. MALONEY, Mr. MARTINI, and Mr. CLINGER.

H.R. 104: Mr. DORNAN.

H.R. 117: Mr. TORKILDSEN.

H.R. 408: Mr. MCCOLLUM, Mr. ENGLISH of Pennsylvania, Mr. SENSENBRENNER, Mr. HAYWORTH, and Mrs. MEEK of Florida.

H.R. 528: Mr. HOUGHTON.

H.R. 560: Mrs. ROUKEMA and Mr. MARTINI.

H.R. 631: Mr. TAYLOR of North Carolina, Mr. RIGGS, Mrs. CHENOWETH, Mr. FLANAGAN, and Mr. SHAYS.

H.R. 656: Mr. MARTINI.

H.R. 704: Mr. SOLOMON, Mr. THOMAS, Mr. MARTINI, Ms. SLAUGHTER, and Mr. DELLUMS.

H.R. 705: Mrs. ROUKEMA.

H.R. 713: Ms. DELAURO, Mr. MARTINI, Mr. POSHARD, and Mr. TOWNS.

H.R. 773: Mr. RIGGS, Mr. MARTINI, Mr. LEWIS of Georgia, and Mr. SKAGGS.

H.R. 833: Mr. TORKILDSEN.

H.R. 884: Mr. BAKER of California.

H.R. 887: Mr. MARTINI.

H.R. 929: Mr. WELLER.

H.R. 938: Mr. PARKER.

H.R. 945: Mr. ROHRABACHER and Ms. SLAUGHTER.

H.R. 967: Mr. LUTHER and Mr. VISCLOSKY.

H.R. 974: Ms. EDDIE BERNICE JOHNSON of Texas and Mr. MCCOLLUM.

H.R. 985: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 987: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 991: Mr. HOEKSTRA and Mrs. ROUKEMA.

H.R. 1005: Mr. PETRI.

H.R. 1029: Mr. SERRANO.

H.R. 1078: Mr. CRAMER, Mr. GONZALEZ, Mr. SERRANO, Mr. STUDDS, and Mr. GUTIERREZ.

H.R. 1118: Mr. HALL of Texas.

H.R. 1136: Mr. MOORHEAD and Mr. TUCKER.

H.R. 1143: Mr. SOLOMON.

H.R. 1144: Mr. SOLOMON.

H.R. 1145: Mr. SOLOMON.

H.R. 1202: Ms. DELAURO, Mr. HORN, Mr. CONYERS, Mr. LEWIS of Georgia, Mr. GILMAN, Mr. MARTINI, Ms. SLAUGHTER, and Ms. WOOLSEY.

H.R. 1229: Mr. WYNN, Mr. ENGEL, Mrs. MORELLA, Mr. FLAKE, and Ms. VELAZQUEZ.

H.R. 1235: Mr. MARTINI and Mr. SOUDER.

H.R. 1314: Mr. CARDIN and Mr. PAYNE of Virginia.

H.R. 1322: Mr. GENE GREEN of Texas.

H.R. 1377: Mr. DREIER, Mr. BAKER of Louisiana, and Mr. SOLOMON.

H.R. 1385: Mr. MINGE.

H.R. 1450: Mr. CRAMER.

H.R. 1454: Mr. BARRETT of Wisconsin, Mr. MINETA, Mr. SERRANO, Mr. MILLER of California, Mr. LEWIS of Georgia, Ms. RIVERS, Mr. DELLUMS, Mr. NADLER, and Mr. DORNAN.

H.R. 1464: Mr. SOLOMON, Mr. CALVERT, Mr. BILBRAY, Mrs. ROUKEMA, Mr. HAYES, Mr. KLECZKA, and Mr. POSHARD.

H.R. 1496: Mr. NEAL of Massachusetts.

H.R. 1533: Mr. SOUDER and Mr. SOLOMON.

H.R. 1541: Mr. GENE GREEN of Texas and Mr. DEUTSCH.

H.R. 1576: Mr. ENGLISH of Pennsylvania, Mr. HINCHEY, and Ms. VELAZQUEZ.

H.R. 1588: Mr. PETERSON of Minnesota, Mr. LIGHTFOOT, and Mr. STENHOLM.

H.R. 1594: Mr. TAYLOR of North Carolina, Mr. BURTON of Indiana, Mr. MARTINI, Mr. SENSENBRENNER, and Mr. NORWOOD.

H.R. 1608: Mr. COLEMAN, Ms. SLAUGHTER, Mr. ACKERMAN, Mr. BARRETT of Wisconsin, Mr. BROWN of California, Mr. DURBIN, Mr. FOGLIETTA, Mr. HASTINGS of Florida, Ms. JACKSON-LEE, Ms. LOFGREN, Ms. LOWEY, Mrs. MALONEY, Mr. MANTON, Mr. MARKEY, Ms. PELOSI, Mrs. ROUKEMA, Mr. RUSH, and Mr. THOMPSON.

H.R. 1610: Mr. GOSS, Mr. DAVIS, Mr. MATSUI, Mr. GENE GREEN of Texas, and Mr. UNDERWOOD.

H.R. 1631: Mr. MCKEON, Mr. HORN, Mr. GALLEGLY, and Mr. SCHIFF.

H.R. 1701: Mr. STARK.

H. Con. Res. 63: Mr. HINCHEY and Mr. ROHRABACHER.

H. Con. Res. 69: Mr. BERMAN, Ms. DELAURO, Mr. FOGLIETTA, Mr. JOHNSTON of Florida, Mr. MCDERMOTT, Mrs. MALONEY, Mr. UNDERWOOD, and Mr. YATES.

H. Res. 40: Mr. LUTHER and Mr. MINETA.

H. Res. 150: Mr. LIPINSKI, Mr. FATTAH, Mr. FROST, and Mr. FRAZER.

REGULATION OF LOBBYING ACT

In compliance with Public Law 601, 79th Congress, title III, Regulation of Lobbying Act, section 308(b), which provides as follows:

(b) All information required to be filed under the provisions of this section with the Clerk of the House of Representatives and the Secretary of the Senate shall be compiled by said Clerk and Secretary, acting jointly, as soon as practicable after the close of the calendar quarter with respect to which such information is filed and shall be printed in the CONGRESSIONAL RECORD.

The Clerk of the House of Representatives and the Secretary of the Senate jointly submit their report of the compilation required by said law and have included all registrations and quarterly reports received.

REGISTRATIONS

The following registrations were submitted for the first calendar quarter 1995:

(NOTE.—The form used for reporting is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective headings. This page (Page 1) is designed to supply identifying data.)

PLEASE RETURN 1 ORIGINAL TO: THE CLERK OF THE HOUSE OF REPRESENTATIVES, OFFICE OF RECORDS AND REGISTRATION, 1036 LONGWORTH HOUSE OFFICE BUILDING, WASHINGTON, D.C. 20515

PLEASE RETURN 1 ORIGINAL TO: THE SECRETARY OF THE SENATE, OFFICE OF PUBLIC RECORDS, 232 HART SENATE OFFICE BUILDING, WASHINGTON, D.C. 20510

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19 . . . . . ◆

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	QUARTER			
	1st	2d	3d	4th
	(Mark one square only)			

Is this an Amendment? ☐ YES ☐ NO

IDENTIFICATION NUMBER____________________

NOTE on ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:

(i) *"Employee"*.—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)

(ii) *"Employer"*.—To file as an "employer", write "None" in answer to Item "B".

(*b*) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:

(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.

(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:

1. State name, address, and nature of business.

☐ CHECK IF ADDRESS IS DIFFERENT THAN PREVIOUSLY REPORTED

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

NOTE on ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (*a*) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (*b*) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER

—State name, address, and nature of business. If there is no employer, write "None."

NOTE on ITEM "C".—(*a*) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§ 302(e).

(*b*) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).

(*c*) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have terminated, ☐ place an "X" in the box at the left, so that this Office will no longer expect to receive Reports.

2. State the general legislative interests of the person filing and set forth the specific legislative interests by reciting: (*a*) Short titles of statutes and bills; (*b*) House and Senate numbers of bills, where known; (*c*) citations of statutes, where known; (*d*) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (*a*) description, (*b*) quantity distributed, (*c*) date of distribution, (*d*) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed.)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and, if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. *If this is a "Quarterly" Report, disregard this item "C4" and fill out items "D" and "E" on the back of this page.* Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly Report."◆

STATEMENT OF VERIFICATION

[Omitted in printing]

PAGE 1◆

Organization or Individual Filing	Employer/Client
Peter de la Cruz, 1001 G Street, NW, #500 West Washington, DC 20001	Keller & Heckman
Jeffrey S. Abboud, 1600 Wilson Boulevard, #1008 Arlington, VA 22209	Suppliers of Advanced Composite Materials Assn
Do	U.S. Advanced Ceramics Assn
Leanne J. Abdnor, 1000 Massachusetts Ave., NW Washington, DC 20001	Cato Institute
James L. Adams, 1701 East Market Street P.O. Box 610 Jeffersonville, IN 47131-0610	American Commercial Barge Lines
Arthur Adelberg, 83 Edison Drive Augusta, ME 04336	Central Maine Power Co
Advanced Strategies, One International Place 45th Floor Boston, MA 02110	Investment Company Institute
Advocacy Group, 1350 I Street, NW, #680 Washington, DC 20005	American Institute for Foreign Study
Do	Amorphus Technologies International
Do	National Assn of Small Business Investment Cos
Do	Silicon Graphics, Inc
Do	U.S. Surgical Corp
Affymetrix, Inc, 3380 Central Expressway Santa Clara, CA 95051	
Kathryn M. Agate, 2500 Wilson Blvd. Arlington, VA 22201-3834	Electronic Industries Assn
Akin Gump Strauss Hauer & Feld, L.L.P., 1333 New Hampshire Ave., NW, #400 Washington, DC 20036	Baxter International, Inc
Do	Collagen Corporation
Do	Envirotest Systems Corp
Do	Granite Broadcasting Co
Do	Joint Corporate Comm on Cuban Claims
Do	Manufactured Housing Institute
Do	National Medical Enterprises, Inc
Do	Oranka, Inc
James J. Albertine, 1156 15th Street, NW, #505 Washington, DC 20005	Albertine Enterprises, Inc (For:Coalition for Customer Choice in Electricity)
Do	Albertine Enterprises, Inc (For:Stairway Manufacturers Assn, Inc)
John M. Albertine, 1156 15th Street, NW, #505 Washington, DC 20005	Albertine Enterprises, Inc (For:Coalition for Customer Choice in Electricity)
Do	Albertine Enterprises, Inc (For:Stairway Manufacturers Assn, Inc)
Albertine Enterprises, Inc, 1156 15th Street, NW, #505 Washington, DC 20005	Coalition for Customer Choice in Electricity
Do	Stairway Manufacturers Assn, Inc
William Alexander, 1425 Ironwood Drive McLean, VA 22101	Azerbaijan Study Foundation
Alliance for Community Media, 666 11th Street, Nw, #806 Washington, DC 20001	
Alliance for Competitive Communications, 1133 21st Street, NW, #700 Washington, DC 20036	
Alliance for Power Privatization, c/o Reid & Priest 701 Pennsylvania Ave., NW Washington, DC 20004	
Ed Allison, Inc, 145 Brinkley Avenue, Suite B Reno, NV 89509	National Medical Care
John O. Ambler, 2000 Westchester Avenue White Plains, NY 10650	Texaco Group, Inc
American Alliance of Family Businesses, 229 S. 18th Street Rittenhouse Square Philadelphia, PA 19103	
American Assn of Legal Publishers, 282 N. Washington Street Falls Church, VA 22046	
American Continental Group, Inc, 601 Pennsylvania Avenue, NW Suite 900 Washington, DC 20004	CSR America, Inc
Do	Envirotest Systems
Do	Flowind Corporation
Do	Hill International, Inc
Do	Mikros Systems Corp
American Defense International, Inc, 1019 19th Street, NW, #350 Washington, DC 20036	Marine Energy Systems
American Egyptian Chamber of Commerce, 815 Connecticut Ave., NW, #900 Washington, DC 20006	
American Payroll Assn, 30 East 33rd Street New York, NY 10016	
AmeriChoice Health Services, Inc, 8045 Leesburg Pike, Suite 650 Vienna, VA 22182	
Morris J. Amitay, P.C., 444 N. Capitol Street, NW, #712 Washington, DC 20001	Thermedics Detection, Inc
Do	TRW Spce & Electronics Group
Daniel G. Amstutz, 1300 L Street, NW, #900 Washington, DC 20005	North American Export Grain Assn, Inc
Caroline Anderson, 600 Maryland Ave., SW Washington, DC 20202-4	American Farm Bureau Federation
Andrews' Associates, Inc, 2550 M St., NW, #450 Washington, DC 20037	American Soc of Assn Executives
James F. Anton, 1828 L Street, NW, #1202 Washington, DC 20036	Institute of Electrical & Electronic Engineers, Inc
Judith C. Appelbaum, 1616 P Street, NW, #100 Washington, DC 20036	National Women's Law Center
Samuel J. Ard, P.O. Box 1794 Tallahassee, FL 32302	St. Joe Paper Co
Arent Fox Kintner Plotkin & Kahn, 1050 Connecticut Ave., NW Washington, DC 20036-5339	Marion Merrell Dow, Inc
Thipphavone Phabmixay Ark, 1535 Mission Street San Francisco, CA 94103	Consumers Union of U.S., Inc
Bruce D. Armon, 1800 Center Street Camp Hill, PA 17089-0089	Pennsylvania Blue Shield
Arnold & Porter, 1200 New Hampshire Ave., NW Washington, DC 20036	Atlantic Richfield Co
Do	Motorola, Inc
Debra B. Arrington, 8219 Leesburg Pike Vienna, VA 22182	Cable & Wireless, Inc
Arter & Hadden, 1801 K Street, NW, #400K Washington, DC 20006	Bristol Myers Squibb Co
Do	BKK Corporation
Do	Fairchild Aircraft, Inc
Do	Federated Investors
Do	Hicks Muse Tate & Furst
Do	Hunt Valve Co, Inc
Do	Mt Carmel Health
Do	Sammons Enterprises, Inc
Do	Tele-Communications, Inc
Do	Working Group on R&D
Association of Bankruptcy Professionals, Inc, P.O. Box 1394 Lynchburg, VA 24505	
Les AuCoin, Bogle & Gates 1299 Pennsylvania Ave., NW, #875 East Washington, DC 20004	Associated Oregon Loggers
Do	First Technology Federal Credit Union
APCO Associates, Inc, 1155 21st St., NW Washington, DC 20036	DASAM Corp
Charlotte M. Bahin, 900 19th Street, NW, Suite#400 Washington, DC 20006	America's Community Bankers
Deborah Baker, 2900 Chamblee Tucker Rd., Bldg. 5 Atlanta, GA 30341	American Forest & Paper Assn, Inc
Baker & Botts, L.L.P., The Warner 1229 Pennsylvania Ave., NW Washington, DC 20004-2400	Sanifill, Inc
Baker & Hostetler, 1050 Connecticut Ave., NW, #1100 Washington, DC 20036	D.H. Blair Investment Banking Corp
Do	Loeb & Loeb (for Joseph Bogdanovich)
Do	Wireless Communication Council
Baker Donelson Bearman & Caldwell, 801 Pennsylvania Ave., NW, #800 Washington, DC 20004	American Trucking Assn
Do	Bridgestone/Firestone, Inc
Do	Burlington Northern Railroad Co
Do	Competitive Long Distance Coalition, Inc
Do	Foothill Transit
Do	Metropolitan Washington Airports Authority
Do	Ocean Common Carrier Coalition
Do	Pennsylvania Turnpike Commission
Do	PPG Industries, Inc
Do	Washington Post Co
Andrea Ball, 1601 Connecticut Ave., NW, #601 Washington, DC 20009	Alliance for Justice
Russel Bantham, 1100 15th Street, NW Washington, DC 20005	Pharmaceutical Research & Manufacturers Assn
Jean M. Baronas, 1401 H Street, NW, #200 Washington, DC 20005	Xerox Corp
Robert W. Barrie, 1919 Pennsylvania Avenue, NW, 8th Floor Washington, DC 20004	O'Connor & Hannan (For:General Electric Co)
Paul W. Bateman, 490 Fort Williams Parkway Alexandria, VA 22304-1810	Klein & Saks, Inc (for Gold Institute), et al.
Laura M. Baughman, 325 7th Street, NW, #1110 Washington, DC 20004	Trade Partnership (For:Coalition for GSP)
Bayh Connaughton Fensterheim & Malone, PC, 1350 Eye Street, NW, #200 Washington, DC 20005	Crown Butte Mines, Inc
James L. Bayless Jr., 1072 Thomas Jefferson St., NW Washington, DC 20007	InterMedia Partners
Beacon Consulting Group, Inc, 312 Massachuesetts Avenue, NE Washington, DC 20002-5703	Boston Music Education Collaboratiave
Do	Metropolitan Chicago Healthcare Council
Do	National Health Sciences Consortium
Do	One-To-One Partnership, Inc
Lee Bechtel, 8506 Sundale Drive Silver Spring, MD 20910	Bechtel & Associates
Mary Elizabeth Beetham, 1101 14th St., NW, #1400 Washington, DC 20005	Defenders of Wildlife
Aleesa Bell, 1101 Pennsylvania Ave., NW, #200 Washington, DC 20004	International Paper
Rebecca Leone Bell, 8219 Leesburg Pike Vienna, VA 22182	Cable & Wireless, Inc
Stephan D. Bell, 600 Maryland Ave., SW, #202W Washington, DC 20024	Farmers' Educational & Co-Operative Union of America
Maynard Benjamin, 1600 Duke Street, #440 Alexandria, VA 22314-2700	Envelope Manufacturers Assn of America
Barbara Anne Bennison, 1155 15th Street, NW, #801 Washington, DC 20005	Education Finance Council
Charles D. Beretz, 1101 14th Street, NW, #1400 Washington, DC 20005	Defenders of Wildlife
Diane Soucy Bergan, 1707 L Street, NW, #300 Washington, DC 20036	United Airlines, Inc
Bergner Bockorny Clough & Brain, 1101 16th Street, NW, #500 Washington, DC 20036	American Bankers Assn
Do	Business Roundtable
Do	Ministry of Int'l Affairs of the Gov't of Quebec
Do	Ticketmaster

Organization or Individual Filing	Employer/Client
Debra Berlyn, 1133 15th Street, NW, #575 Washington, DC 20005	National Assn of State Utility Consumer Advocates
Keith E. Bernard, 8219 Leesburg Pike Vienna, VA 22182	Cable & Wireless, Inc
Norman W. Bernstein, 2000 M Street, NW, #745 Washington, DC 20036	N. W. Bernstien & Associates
Bible Hoy Trachok Wadhams & Zive, 232 Court Street Reno, NV 89501	First American Title Co of Nevada
Everett E. Bierman, 1801 K Street, NW, Suite 400K Washington, DC 20006-1301	Arter & Hadden (For:Motorola)
Peggy K. Binzel, 5151 Wisconsin Ave., NW Washington, DC 20016	News Corporation
Cheryl Birdsall, 555 New Jersey Ave., NW Washington, DC 20001	American Fed of Teachers, AFL-CIO
Judy Black, 208 Virginia Avenue Alexandria, VA 22302	Ticketmaster
Catherine R. Blaeser, 419 7th Street, NW, #500 Washington, DC 20004	National Right to Life Committee, Inc
Laricke D. Blanchard, 805 15th Street, NW, #300 Washington, DC 20005	Credit Union National Assn, Inc
Phillip J. Blando, 1200 19th Street, NW, #200 Washington, DC 20036-2437	American Managed Care & Review Assn
John L. Bloom, 316 Pennsylvania Ave., SE, #200 Washington, DC 20003	American Cancer Society
Jennifer L. Blum, 1801 K Street, NW, #401K Washington, DC 20006-1301	Arter & Hadden (For:Centerior Energy Corp)
Do	Arter & Hadden (For:CAI Wireless)
Do	Arter & Hadden (For:Federated Investors)
Bogle and Gates, 1299 Pennsylvania Avenue, NW, #875 East Washington, DC 20004	Associated Oregon Loggers
Do	Domestic Petroleum Council
Do	First Technology Federal Credit Union
Do	Natural Resources United
Do	Santa Fe Energy Resources, Inc
Do	Santa Fe Pcific Gold Corp
Do	Viceroy Gold Corp
Boland & Madigan, Inc, 700 13th Street, NW, #400 Washington, DC 20005	Massachusetts Water Resources Authority
Do	Portable Rechargeable Battery Assn, et al.
John W. Boling Jr., 1111 19th Street, NW, #1100 Washington, DC 20036	Direct Marketing Assn
Eric J. Bonetti, 11094-D Lee Highway Fairfax, VA 22030	American Public Gas Assn
C. William Booher Jr., Booher & Associates 1333 New Hampshire Ave., NW, #600 Washington, DC 20036	National Wireless Resellers Assn
Jennifer O. Boucher, 1300 N. 17th Street Rosslyn, VA 22209	Associated Builders & Contractors
Sandra J. Boyd, McGuiness & Williams 1015 15th Street, NW, #1200 Washington, DC 20005	Labor Policy Assn
Do	Epstein Becker & Green (For:National Assn of State Personnel Executives)
Do	National Assn of State Personnel Executives
Do	State of Washington
Marshall A. Brachman, P.O. Box 2200 Fort Worth, TX 76113	National Wholesale Co, Inc
Do	TicketMaster Group, Ltd Partnerships
Bracy Williams & Company, 601 13th Street, NW, #510 South Washington, DC 20005	Transportation Communications International Union
Sandra D. Braden, 911 Main Street, #3000 Kansas City, MO 64105	UtiliCorp United
Daniel Todd Bradfield, P.O. Box 15242 Chevy Chase, MD 20825	U.S. English, Inc
Fiona Branton, 1250 Eye St., NW, #200 Washington, DC 20005	Information Technology Industry Council
Brickfield Burchette & Ritts, P.C., 1025 Thomas Jefferson Street, NW 8th Floor, West Tower Washington, DC 20007	Sam Rayburn G&T Electric Cooperative, Inc
Ellie Anne Bridgman, 1133 Connecticut Ave., NW, #310 Washington, DC 20036	Nestle USA, Inc
Myron A. Brilliant, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce
Michael D. Bromberg, Law Offices of Deborah Steelman 555 13th Street, MW. #122- East Washington, DC 20004-1109	Humana, Inc
Do	National Assn of Psychiatric Health Sstems
Ken Brown, 1350 New York Ave., NW Washington, DC 20005	Spiegel & McDiarmid (For:American Comm for Cleanup Equity)
Do	Spiegel & McDiarmid (For:City of Piqua, Ohio)
Michael J. Brown, 18 East Custis Ave. Alexandria, VA 22301	Barrick Goldstrike Mines, Ltd
Sheila D. Brown, 1919 Pennsylvania Ave., NW Washington, DC 20006	Beaugarde Brown & Co, Inc
Brownstein Hyatt Farber & Strickland, P.C., 410 17th Street, 22nd Floor Denver, CO 80202	Liggett Group, Inc
Broydrick Broydrick & Dacey, 600 East Mason Street, #400 Milwaukee, WI 53202	Lac Vieux Desert Bank of Lake Superior Chippewa Indians
Martha L. Buddecke, 1299 Pennsylvania Ave., NW, #1175 Washington, DC 20004	Science Applications Int'l Corp
Richard W. Buek, 1001 Pennsylvania Ave., NW, #700 Washington, DC 20004	AlliedSignal, Inc
David T. Buente Jr., 1722 Eye Street, NW Washington, DC 20006	Sidley & Austin (For:American Land Title Assn)
Kevin M. Burke, 201 Park Washington Court Falls Church, VA 22046	National-American Wholesale Grocers' Assn
Adrienne M. Burns, 801 Pennsylvania Ave., NW, #230 Washington, DC 20004	Sonat, Inc
Butera & Andrews, 1301 Pennsylvania Ave., NW Washington, DC 20004	NAC International
Gregory B. Butler, 601 Pennsylvania Ave., NW, #620N Washington, DC 20004	New England Power Service Co
Louis R. Butler, 6953 Neptune Court New Orleans, LA 70126	
R. Ian Butterfield, 1801 K Street, NW, #800 Washington, DC 20006	Westinghouse Electric Corp
Michele L. Cahn, 1401 H Street, Nw, #200 Washington, DC 20005	Xerox Corporation
John Cameron, 68 E. Wacker Place, 3rd Floor Chicago, IL 60601	Illinois Public Action
Campaign to Save Indian Programs, 1700 Broadway, #1204 Denver, CO 80290	
Carroll A. Campbell Jr., 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance
Jeanne Campbell, Campbell-Raupe, Inc 1010 Pennsylvania Avenue, SE Washington, DC 20003	Citicorp/Citibank
Do	University of Massachusetts
John G. Campbell, 9300-D Old Keene Mill Road Burke, VA 22015	John G. Campbell, Inc (For:OHM Remediation Services Corp)
Do	John G. Campbell, Inc (For:Power Spectra, Inc)
Margaret A. Campbell, 1129 20th Street, Nw, #305 Washington, DC 20036	National Assn of Real Estate Investment Trusts
Michelle U. Campos, 2025 Pennsylvania Ave., NW, #1114 Washington, DC 20006	Americans for Peace Now
Capital Concepts, 1225 I Street, NW, #500 Washington, DC 20005	Lockheed Aeronautical Systems Co
Do	Savings Coalition of America
Capitol Associates, Inc, 426 C Street, NE Washington, DC 20002	Columbia University
Do	CPDD - Colelge on Problems of Drug Dependence
Do	Rotary International
Capitol Link, P.O. Box 9183 Arlington, VA 22219	Federal States of Micronesia
Robert P. Carbonneau, 4647 Forbes Blvd. Lanham, MD 20706	AMVETS
David S. Carlson, 122 C Street, NW, #310 Washington, DC 20001	American League for Exports & Security Assistance
Carmen Group, Inc, 1730 Pennsylvania Ave., NW, #1050 Washington, DC 20006	Air Transport Assn of America
Do	Hyundai Precision & Ind Co, Ltd
Do	Northeast Illinois Regional Commuter Railroad Corp
Robert J. Carragher, 815 Connecticut Ave., NW, #710 Washington, DC 20006	Steel Service Center Institute
Sean M. Cassidy, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn
Cassidy and Associates, Inc, 700 13th St., NW, #400 Washington, DC 20005	Discovery Network
Do	Duluth Clinic
Do	Kuakini Hospital
Do	Kenneth Leventhal & Co
Do	National Indian Lottery, et al.
Do	Philadelphia Heart Institute
Do	Waimana Enterprises
Beth Cataldo, 424 West End Ave., #12D New York, NY 10024	HTC-HANYC, Inc Legal Fund
C. Dawn Causey, 900 19th Street, NW, #400 Washington, DC 20006	America's Community Bankers
Red Cavaney, 1275 K Street, NW Washington, DC 20005	American Plastics Council
Gerald E. Cerasale, 1101 17th Street, NW, #705 Washington, DC 20036	Direct Marketing Assn, Inc
Jae-Yoon Cha, 1800 K Street, NW, #700 Washington, DC 20006	Korea Foreign Trade Assn
Norman W. Chalmers, P.O. Box 26666 Richmond, VA 23261	Virginia Power/North Carolina Power
Chambers Associates, Inc, 805 15th Street, NW, #500 Washington, DC 20005	APG, Inc
Maxine Champion, 1133 Connecticut Avenue, NW, #310 Washington, DC 20036	Nestle USA, Inc
Kelly G. Chapman, 2000 Pennsylvania Ave., NW, 9th Floor Washington, DC 20006	Virginia Power/North Carolina Power
Nancy Chapman, 1723 U Street, NW Washington, DC 20009	Apple Processors Assn
Chernikoff & Company, 1320 18th Street, NW, #100 Washington, DC 20036	Folger Shakespeare Library
Blair G. Childs, 1275 Pennsylvania Ave., NW, #1100 Washington, DC 20004	Specialized Assn Services
John Chwat, 601 Pennsylvania Avenue, NW, Suite 900 Washington, DC 20005	Chwat & Co, Inc (For:Fresh Start Home, Inc)
Terri G. Claffey, 1801 Pennsylvnaia Ave., NW Washington, DC 20006	MCI Communications Corp
Elizabeth T. Clarke, 1420 King Street Alexandria, VA 22314-2792	National Soc of Professional Engineers
Sara L. Clarke, 1700 N. Moore Street, #1600 Arlington, VA 22209	American Meat Institute
Anna V. Cochrane, 1747 Pennsylvania Ave., NW, #300 Washington, DC 20006	MidCon Corp
William F. Coffield, 1785 Massachusetts Ave., NW, 4th Floor Washington, DC 20036	Sharp & Lankford (For:Transactive Corp)
Daniel Cohen, 1801 K Street, NW, #400K Washington, DC 20006-1301	Arter & Hadden (For:American Koyo Corp)
Do	Arter & Hadden (For:Association for Responsible Thermal Treatment)
Do	Arter & Hadden (For:BKK Corporation)
Do	Arter & Hadden (For:Cellular Telecommunications Industry Assn)
Do	Arter & Hadden (For:Central & South West)
Do	Arter & Hadden (For:Circus Circus)
Do	Arter & Hadden (For:Citicorp)
Do	Arter & Hadden (For:Corning, Inc)

Organization or Individual Filing	Employer/Client
Do	Arter & Hadden (For:CAI Wireless)
Do	Federated Investors
Do	Arter & Hadden (For:Hicks Muse Tate & Furst)
Do	Arter & Hadden (For:Information Technology Industry Council)
Do	Arter & Hadden (For:Investment Company Institute)
Do	Arter & Hadden (For:Motorola)
Do	Arter & Hadden (For:National Assn of Broadcasters)
Do	Arter & Hadden (For:Sammons Enterprises, Inc)
Do	Arter & Hadden (For:Tele-Communications, Inc)
Do	Arter & Hadden (For:U.S. Long Distance)
Do	Arter & Hadden (For:Westinghouse Electric Corp)
Do	Working Group on R&D
Linda H. Cohen, 1250 H Street, NW, #500 Washington, DC 20005	Mobil Corp
Rita D. Cohen, 1211 Connecticut Ave., NW, #610 Washington, DC 20036	Magazine Publishers of America
Coldwater Corp, 2001 Commonwealth Blvd, Suite 202 Ann Arbor, MI 48105-1568	Ford Motor Co
E. Thomas Coleman, 1100 New York Ave., NW, #340-West Washington, DC 20005	BASF Corporation
Collier Shannon Rill & Scott, 3050 K Street, NW, #400 Washington, DC 20007	GTE Corporation
Do	J&B Management Co
Do	TUServices
Do	United Parcel Service
Competitive Long Distance Coalition, 1875 I Street, NW Washington, DC 20006	
Angie Hunter Conway, 1712 New Hampshire Ave., NW Washington, DC 20009	Air Conditioning Contractors of America
Copeland Lowery & Jacquez, 601 13th Street, NW, #710 North Washington, DC 20005	BRAC '95 Task Force
Do	City of San Diego, California
Do	Consolidated - Geare
Louis J. Cordia, The Cordia Companies 211 North Union St., #100 Alexandria, VA 22314	
J. Daniel Costello, 12321 La Plata Street Silver Spring, MD 20904	National Trust for Historic Preservation
Terence J. Costello, 1400 L Street, NW, #625 Washington, DC 20005	Mehl & Associates, Inc (For:University of South Carolina)
Patrick J. Costelloe, 1629 K Street, NW, #301 Washington, DC 20006	Evergreen International Aviation, Inc
Mello Cottone, 1225 I Street, NW Washington, DC 20005	Wisconsin Power & Light Co
Do	Wisconsin Public Service Corp
R. Lawrence Coughlin, 2100 Pennsylvania Ave., NW, Suite 600 Washington, DC 20037	Eckert Seamans Cherin & Mellott (For:AAMVANet)
Do	Eckert Seamans Cherin & Mellott (For:Centocor, Inc)
Do	Eckert Seamans Cherin & Mellott (For:Central Arkansas Transit Authority)
Do	Eckert Seamans Cherin & Mellott (For:Foothill Transit Zone)
Do	Eckert Seamans Cherin & Mellottt (For:Los Angeles County Metropolitan Transportation Authority)
Do	Eckert Seamans Chein & Mellott (For:Utah Transit Authority)
Christopher D. Coursen, 1133 Connecticut Ave., NW, #900 Washington, DC 20036	Adelphia Communications Corp
Do	Booth American Company
Do	Boston Ventures Management, Inc
Do	Bresnan Communications Co
Do	Cablevision Industries
Do	Cablevision Systems Corp
Do	Columbia International, Inc
Do	Falcon Cable TV
Do	Insight Communications
Do	InterMedia Partners
Do	Lenfest Group
Do	Marcus Communications
Do	Post-Newsweek Cable
Do	Triax Communications Corp
Do	U.S. Cable Corp
Covington & Burling, P.O. Box 7566 1201 Pennsylvania Avenue, NW Washington, DC 20044	J.S. Alberici Construction Co, Inc
Do	Association of American Medical Colleges
Do	LeRoy E. Hoffberger
Do	National Foreign Trade Council, Inc
Do	Network Affiliated Stations Alliance
Andrew J. Cowin, 1200 G Street, NW, #800 Washington, DC 20005	National Rifle Assn
Chris Cox, 410 First Street, SE, 2nd Floor Washington, DC 20003	National Rifle Assn of America
Harold P. Coxson Jr., Coleman Coxson Penello Fogleman & Cowen 1000 Vermont Ave., NW, #600 Washington, DC 20005	Alliance to Keep Americans Working (AKAW)
Do	Barrick Gold
Do	Labor Policy Assn
Do	TEAM Coalition
John C. Cozad, 2600 Grand Avenue Kansas City, MO 64108	Morrison & Hecker
Daniel M. Crane, 1010 Pennsylvania Avenue, SE Washington, DC 20003	Citicorp/Citibank
Do	University of Massachusetts
Robert R. Creamer, 68 E. Wacker Place, 3rd Floor Chicago, IL 60601	Illinois Public Action
Crowell & Moring, 1001 Pennsylvania Ave., NW Washington, DC 20004-2595	RTK Corporation
Cutler & Stanfield, 700 14th Street, NW, 10th floor Washington, DC 20005	Association of Bankruptcy Professionals
Do	Kaiser Resources, Inc
Do	Mine Reclamation Corp
CBI Parity Coalition, 2500 Wilson Blvd., #301 Arlington, VA 22201	
D.C. Legislative & Regulatory Services, 1155 21st Street, NW, #310 Washington, DC 20036	Biotechnology Industry Organization
Lynne R. Daghlian, 1015 15th Street, NW, #700 Washington, DC 20005	Bechtel Group, Inc
Donald W. Dalrymple, 1201 Connecticut Ave., NW, #550 Washington, DC 20036	Bailey & Robinson (For:Nonprescription Drug Manufacturers Assn)
Elwyn L. Darden, 1331 Pennsylvania Ave., NW, #1500 North Washington, DC 20004-1790	National Assn of Manufacturers
Davidoff & Malito, 444 N. Capitol Street Washington, DC 20001	Sara Kreek
Do	Lou Levy & Sons Fashions, Inc
Do	New York Medical Transporters Assn
Do	NASCAT
Robert W. Davis, Bob Davis & Associates 2361 Jefferson Davis Highway, #506 Arlington, VA 22202	Ocean Common Carriers Coalition
Ruth Day, 7 Lake Shore Drive Seven Hills Lake Carmel, NY 10512	Interactive Services Assn
Norbert Dee, 1899 L Street, NW, #1000 Washington, DC 20036	National Petroleum Refiners Assn
William T. Deitz, 1000 Connecticut Avenue, NW, #706 Washington, DC 20036	Trustee Coalition for Traveling Public
George H. Denison, 5910 Woodacres Drive Bethesda, MD 20816	Federation of Electric Power Companies of Japan
Edward M. Desmond, 1401 I Street, NW, #210 Washington, DC 20005	FHP International Corp
Elizabeth Dickerson, 1801 Pennsylvania Ave., NW Washington, DC 20006	MCI Communications Corp
William L. Dickinson, 412 First Street, SE, Suite 60 Washington, DC 20003	Azerbaijan Study Foundation
Dickstein Shapiro & Morin, LLP, 2101 L St., NW Washington, DC 20037	Accountants Coalition
Do	Sam Fox
Do	Joslyn Corporation
Dierman Wortley & Zola, Inc, 1350 Eye Street, Nw, #820 Washington, DC 20005	Alexander & Alexander of New York, Inc
Do	Carmen Group, Inc (for: ADVO, Inc)
Do	Special Data Processing, Inc
Deborah F. Dietrich, 1313 L Street, NW Washington, DC 20005	Service Employees Int'l Union, AFL-CIO, CLC
Robert M. Dingman, 1225 Eye St., NW, #500 Washington, DC 20005	American Motorcyclist Assn
Dix & Eaton, Inc, 1301 East 9th Street, #1300 Cleveland, OH 44114	Ohio Legal Assistance Foundation
Patrick L. Dober, 1850 M Street, NW, #540 Washington, DC 20036	National Multi Housing Council, Inc
Thomas R. Donnelly, 1275 K Street, NW, #400 Washington, DC 20005	American Plastics Council
Dorfman & O'Neal, Inc, 1331 Pennsylvania Ave., NW, Suite 730N Washington, DC 20004	Oshkosh Truck Corp, Chassis Div
Nancy R. Dorn, 2000 M Street, NW, #300 Washington, DC 20036	Coastal Corporation
Do	SEMATECH
Dorsey & Whitney, 1330 Connecticut Ave., NW, #200 Washington, DC 20036	Allina
Do	Cow Creek Umpqua of Oregon
Do	Elwaha S'Klallam Tribe
Do	Geneva Steel
Do	Lummi Indian Business Council
Do	Promus Companies, Inc
Do	Quinault Indian Nation
Do	Shakopee Sioux Community Council
Do	Southern Company
Do	St. Jude Medical, Inc
Do	Stockbridge-Munsee Community Bank of Mohican Indians

Organization or Individual Filing	Employer/Client
Do	Winnebago Tribal Council
Do	Yakima Tribal Council of theYakama Indian Nation
Dow Lohnes & Albertson, 1255 23rd St., NW, Suite 500 Washington, DC 20037	Swiss Hospitality Institute
Do	Wheelabrator Clean Water Systems, Inc
Downey Chandler, Inc, 1401 I Street, NW, #1210 Washington, DC 20005	Ericsson Corporation
Do	Evergreen Community Development Assn
Do	Limited, Inc
Do	Metra Health
Do	Teledelsic Corporation
Michael R. Doyle, c/o New York State Petroleum Council 150 State Street Albany, NY 12207-1675	American Petroleum Institute
Andrea N. Dravo, 1155 21st Street, NW, #202 Washington, DC 20036	International Nuclear Non-Proliferation Alliance
Dressendorfer-Laird, Inc, 1730 Rhode Island Avenue, NW, #210 Washington, DC 20036	College Football Assn
Drinker Biddle & Reath, 901 15th Street, NW, #900 Washington, DC 20005	Puerto Rico Bankers Assn
Do	Puerto Rico Chamber of Commerce
Do	Puerto Rico Manufacturers Assn
Do	Puerto Rico Telephone Co
Duberstein Group, Inc, 2100 Pennsylvania Ave., NW, #500 Washington, DC 20037	American Council of Life Insurance
Do	Civil Justice Reform Group
Garth F. Dull, 5990 Richmond Highway, #506 Alexandria, VA 22303	Nevada Resort Assn
Dunaway & Cross, 1146 19th Street, NW Washington, DC 20036	Aerospace Industries Assn of America, Inc
Do	Homelite, Div of Textron, Inc
Do	Industrial Truck Assn
Duane Duncan, 3900 Wisconsin Ave., NW Washington, DC 20016	Fannie Mae
Stephen M. Duncan, 110 South Union Street Alexandria, VA 22314	Mays & Valentine (For:General Atomics, et al.)
Bernadette M. Dunham, 1101 Vermont Ave., NW, #710 Washington, DC 20005	American Veterinary Medical Assn
Martin J. Durbin, 1275 K Street, NW, #400 Washington, DC 20005	American Plastics Council
Dyer Ellis Joseph & Mills, P.C., 600 New Hampshire Ave., NW, #1000 Washington, DC 20037	FastShip Atlantic, Inc
Do	Fruit Shippers Ltd (Bahamas)
Do	Pacific Fruit, Inc
Do	Sperry Marine, Inc
Do	Van Ommeren Shipping (USA), Inc
Penny L. Eastman, 901 N. Washington Street, #204 Alexandria, VA 22314	Shipbuilders Council of America
Jim Easton, 2003 Bluff Oak St. Apopka, FL 32712	Bristol Group, Inc
Eaton Peabody Bradford & Veague, P.A., P.O. Box 1210 Bangor, ME 04402-1210	Penobscot Valley Refuse Disposal District
Dennis E. Eckart, 1801 K Street, NW Washington, DC 20006-1301	Arter & Hadden (For:Tele-Communications, Inc)
Eckert Seamans Cherin & Mellott, 2100 Pennsylvania Ave., NW, #600 Washington, DC 20037	American Assn of Motor Vehicle Administrators
Edington Wade & Sanders, Inc, 803 Prince Street Alexandria, VA 22314	Atlanta Comm for the Olympic Games
Do	Maxus Energy Corp
Do	National Assn of Commissioned Officers
Martin E. Edwards III, 555 13th Street, NW, #300 West Washington, DC 20004	Interstate Natural Gas Assn of America
Paul S. Egan, 2101 Huidekoper Pl., NW Washington, DC 20007	National Marrow Donor Program
Mark R. Elam, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance
Albert L. Elder III, 900 19th Street, NW, #400 Washington, DC 20006	America's Community Bankers
John S. Eldred, 1001 G Stsreet, NW, #500 West Washington, DC 20001	Keller & Heckman
Glenn English, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn
Mary Pepper English, 1133 21st Street, NW, #900 Washington, DC 20036	BellSouth Corp
Joan M. Entmacher, 1875 Connecticut Ave., NW, #710 Washington, DC 20009	Women's Legal Defense Fund
Envelope Manufacturers Assn of America, 1600 Duke Street, #440 Alexandria, VA 22314-2200	
Ann Eppard Associates, Ltd, 30 Wolfe Street Alexandria, VA 22314	American Road & Transportation Builders Assn
Do	FastShip Atlantic, Inc
Do	Metropolitan Washington Airports Authority
Do	Natural Disaster Coalition
Do	Ocean Common Carrier Coalition
Do	Pennsylvania Turnpike Commission
Jeffrey Francis Erb, 222 W. Las Colinas Blvd., #641 Irving, TX 75039	
Harvey F. Ernest Jr., 1001 15th Street, NW, #100 Washington, DC 20005	Minnesota Mining & Manufacturing (3M)
James L. Ervin, 410 First Street, SE, #300 Washington, DC 20003	Ingalls Shipbuilding
Joe L. Ervin, 1331 F Street, NW, 7th Floor Washington, DC 20004	National Council of Senior Citizens
Anita R. Estell, 1420 New York Avenue, NW, #1050 Washington, DC 20005	Van Scoyoc Associates, Inc (For:Lincoln University)
Do	Van Scoyoc Associates, Inc (For:University of Puerto Rico)
Rae Evans & Associates, Inc, 1615 L Street, NW, #1220 Washington, DC 20036	American Personal Communications
Do	Hallmark Cards, Inc
Do	National Capital Newspaper Distributors Assn
Evans Group, Ltd, 1010 Wisconsin Ave., NW, 8th Floor Washington, DC 20007	Association for Responsible Thermal Treatment
Do	Riddell Sports, Inc
Nina Fascione, 1101 14th Street, NW, #1400 Washington, DC 20005	Defenders of Wildlife
Judy Kern Fazio, 1801 K Street, NW, #400K Washington, DC 20006-1301	Arter & Hadden (For:Association for Responsible Thermal Treatment)
Do	Arter & Hadden (For:BKK Corporation)
Do	Arter & Hadden (For:Circus Circus Enterprises)
Do	Arter & Hadden (For:Corning, Inc)
Do	Arter & Hadden (For:Hearst Corporation)
Do	Arter & Hadden (For:Motorola)
William Ferguson Jr., 1130 Connecticut Avenue, NW, #300 Washington, DC 20036	Ferguson Company (For:Sacramento Metropolitan Chamber of Commerce)
Joseph T. Findaro Jr., 1350 Eye Street, NW, 2nd Floor Washington, DC 20005	Denver Water Board
Julie W. Fishbein, 7102 Plantation Lane Rockville, MD 20852	Fishbein Associates, Inc (For:Mark N. Fish, et al.)
Rand Harrison Fishbein, 7102 Plantation Lane Rockville, MD 20852	Fishbein Associates, Inc (For:Mark N. Fish, et al.)
Fishbein Associates, Inc, 7102 Plantation Lane Rockville, MD 20852	Mark N. Fish, et al.
N. David Flagg, P.O. Box 100303 Gainesville, FL 32610-0303	Shands Teaching Hospital & Clinics, Inc
Fleishman-Hillard, Inc, 1301 Connecticut Ave., NW, 7th Floor Washington, DC 20036	Unisys Corporation
Ronnie G. Flippo, 701 Pennsylvania Ave., NW, #800 Washington, DC 20004	R.G. Flfippo & Associates, Inc (For:University of Alabama in Huntsville)
Florida Business Associates, 1620 L Street, NW, #875 Washington, DC 20036	Alabama Supercomputing Authority
Do	City of Jacksonville, Mayor's Commission on Base Realignment
Do	A. Duda & Sons
Do	Federal Information Exchange
Do	Illinois Community College Board
Do	Nichols Research, Inc
Do	Sanders
James F. Flug, 1401 16th Street, NW Washington, DC 20036	Generic Pharmaceutical Industry Assn
Christopher L. Foley, 89 Orinda Way, #4 Orinda, CA 94563	
Barry Forbes, 666 11th Street, NW, #806 Washington, DC 20001	Alliance for Community Media
David V. Foster, 1020 19th St., NW, #550 Washington, DC 20036	Genzyme Corp
Franklin Group/Public Affairs, Inc, 513 Capitol Court, NE, #300 Washington, DC 20002	Physical Optics Corp, Inc
John Freshman Associates, Inc, 1722 I Street, NW, #500 Washington, DC 20006	Upjohn Co
Bruce M. Fried, 1401 I Street, NW, #210 Washington, DC 20005	FHP International Corp
Owen V. Frisby, 4 Old Stage Court Rockville, MD 20852	GHL, Inc
Carolyn Fuller, 1420 New York Avenue, NW, #1050 Washington, DC 20005	Van Scoyoc Associates, Inc (For:Montana State University)
Jon Fuller, 1025 Connecticut Ave., NW, #700 Washington, DC 20036	National Assn of Independent Colleges & Universities
Furman Group, 1130 Connecticut Ave., NW, #350 Washington, DC 20036	Southern California Water Co
Jane Futch, 600 Maryland Ave., SW Washington, DC 20024	American Farm Bureau Federation
FHP International Corp, 1401 I Street, NW, #210 Washington, DC 20005	
Angelina Galiteva, 701 Pennsylvania Ave., NW Washington, DC 20004	Electric Transportation Coalition
David P. Garland, 1629 K Stsreet, NW, #301 Washington, DC 20006	Evergreen International Aviation, Inc
Tonia Ann Garrett, 400 N. Capitol St., NW, #357 South Washington, DC 20001	Association of California Water Agencies
David F. Gencarelli, 1919 Pennsylvania Ave., NW, Suite 300 Washington, DC 20006	Olympic Health Management Systems, Inc
John J. Geoghegan, 1728 Leisure Way Crofton, MD 21114	Air Force Sergeants Assn
Larry George, 1725 Jefferson Davis Highway Crystal Square 2, Suite 300 Arlington, VA 22202	Lockheed Martin Corp
Gibson Dunn & Crutcher, 1050 Connecticut Ave., NW, #900 Washington, DC 20036	Civil Justice Reform Group
Do	Coors Brewing Co.
Do	McCown De Leeuw & Co
Gary G. Gilbert, 900 19th Street, NW, #400 Washington, DC 20006	America's Community Bankers
Mary Ann Gilleece, 1747 Pennsylvania Ave., NW, #800 Washington, DC 20006	Gadsby & Hannah (For:Sabreliner Corp)
Mary A. Gladkowski, 10024 Skokie Blvd., #300 Skokie, IL 60077	Albert G. Rubin & Associates, Ltd
Donna Siss Gleason, 2500 Wilson Boulevard Arlington, VA 22201-3834	Electronic Industries Assn
Teresa A. Gleason, 815 Connecticut Ave., NW Washington, DC 20006	Baker & McKenzie

Organization or Individual Filing	Employer/Client
Global USA, Inc, 2121 K St., NW, #650 Washington, DC 20037	Westinghouse Electric Corp
Lee R. Godown, 1111 19th Street, NW, #650 Washington, DC 20036	American College of Emergency Physicians
Gold & Liebengood, Inc, 1455 Pennsylvania Ave., NW, #950 Washington, DC 20004	Association of American Medical Colleges
Do	City of North Miami Beach
Do	City of Sunnyvale
Do	Health Industry Manufacturers Assn
Do	Sweetener Users Assn
Andrew P. Goldstein, 1750 Pennsylvania Ave., NW, #1105 Washington, DC 20006	McCarthy Sweeney & Harkaway, PC (For:National Grain & Feed Assn)
Laurie Diann Goodman, 3355 Ten Sleep Dr., #5 Jackson, WY 83001	
Marian S. Goodman, 1401 I Street, NW, #210 Washington, DC 20005	FHP International Corp
Goodwin Procter & Hoar, 901 15th Street, NW, #410 Washington, DC 20005	GE Capital Mortgage Services, Inc
Do	Massachusetts Bankers Assn
Mark S. Gorman, Gorman Consulting 309 Prince Street Alexandria, VA 22314	National Council of Chain Restaurants
Do	National Religious Broadcasters
Do	National Religious Broadcasters Music License Committee
Ann M. Gosier, 1001 19th Street North, #800 Arlingtonn, VA 22209	Product Liability Coordinating Comm
Edmund Graber, 6626 Rockleigh Way Alexandria, VA 22310	RADAR
Ronald P. Graf, 1401 Eye Street, NW, #710 Washington, DC 20005	Hershey Foods Corp
Bud Grant, 16 Scrimshaw Drive Southampton, NY 11968	Upjohn Co
Edwin C. Graves, 1615 L Street, NW, Suite 1150 Washington, DC 20036	Capitoline/MS&L (For:Berwind Natural Resources Corp)
Pamela Greenberg, 1129 20th Street, NW, #600 Washington, DC 20036	Group Health Assn of America, Inc
Greenberg Traurig Hoffman Lipoff Rosen & Quentel, 1501 M Street, NW, 11th Floor Washington, DC 20005	KeyCorp
Do	National Assn of Social Workers
R.T. Gregg, 2505 Hayes Street Alexandria, VA 22302	American Shooting Sports Council
Griffith & Rogers, P.O. Box 960 Yazoo City, MS 39194-0960	American Maritime Congress
Do	American Rice, Inc
Do	CBS, Inc
Do	Textron
J. Steven Griles, 203 Roscommon Drive Bristol, TN 37620	
Donald Groninger, McGuiness & Williams 1015 15th Street, NW Washington, DC 20005	Bridgestone-Firestone
Groom & Nordberg, Chtd, 1701 Pennsylvania Avenue, NW, #1200 Washington, DC 20006	Business Roundtable
Jessica A. Gross, 1101 17th Street, NW, Suite 105 Washington, DC 20036	Direct Marketing Assn, Inc
Mark F. Guimond, 2320 Mill Road, #102 Alexandria, VA 22314-4679	Household Goods Forwarders Assn of America, Inc
W. Roger Gwinn, 1130 Connecticut Ave., NW, Suite 300 Washington, DC 20036	Ferguson Company (For:Reclamation District 108)
Karen Lehman Haas, 9705 G Covered Wagon Drive Laurel, MD 20723	Capital Cities/ABC, Inc
Chase Haddix, 1455 Pennsylvania Ave., NW Washington, DC 20004	Public Strategies Washington, Inc (For:American Methanol Institute, et al.)
Donald M. Haines, 122 Maryland Ave., NE Washington, DC 20002	American Civil Liberties Union
Janet Hale, 1401 H Street, NW, #600 Washington, DC 20005	U.S. Telephone Assn
Halprin Temple & Goodman, 1100 New York Avenue, NW, #650 East Washington, DC 20005	Yellow Pages Publishers Assn
Martha R. Hamby, 1212 New York Ave., NW, #500 Washington, DC 20005	American Portland Cement Alliance
William W. Hamilton Jr., 25 Louisiana Avenue, NW Washington, DC 20001	International Brotherhood of Teamsters
Harkins Cunningham, ATTN: A. Carl Kaseman, III 1300 19th Street, NW, Suite 600 Washington, DC 20036	Southern Pacific Lines
Will Harris III, Box 3000, Bldg. 5803-2 FCI Ft. Dix-West Ft. Dix, NJ 08640	
William D. Harris & Associates, 1156 15th Street, NW, #550 Washington, DC 20005	AT&T
Laurie C. Harrison, 1801 K Street, NW, #800 Washington, DC 20006	Westinghouse Electric Corp
Martin Hatlie, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn
Arnold I. Havens, 1331 Pennsylvania Ave., NW, #560 South Washington, DC 20004	CSX Corporation
Daniel R. Hawkins Jr., 1330 New York Ave., NW, #122 Washington, DC 20036	National Assn of Community Health Centers
John Michael Hayden, 1033 North Fairfax St., #200 Alexandria, VA 22314	American Sportfishing Assn
Health & Hospial Corp of Marion County, 3838 N. Rural Street Indianapolis, IN 46205-2930	Health & Hospital Corp of Marion County
Katherine Heatherington, 444 North Capitol Sst., #517A Washington, DC 20001	Keefe Company (For:Sanders Associates, Inc)
David E. Hebert, 777 N. Capitol St., NE, #803 Washington, DC 20002	American Assn of Nurse Anesthetists
James R. Hecht, 180 Admiral Cochrane Dr., #305 Annapolis, MD 21401	Wheelabrator Clean Water Systems, Inc
Timothy P. Hecht, 499 South Capitol Street, SW, #507 Washington, DC 20003	Hecht Spencer & Associates (For:Kamehameha Schools Bishop Estate)
Do	Hecht Spencer & Associates (For:North Village Corp)
William H. Hecht, 499 S. Capitol Street, SW, #507 Washington, DC 20003	Hecht Spencer & Associates (For:Kamehameha Schools Bishop Estate)
Do	Hecht Spencer & Associates (For:North Village Corp)
Do	Hecht Spencer & Associates (For:Pacific Lumber Co)
Hecht Spencer & Associates, Inc, 499 South Capitol Street, SW, #507 Washington, DC 20003	Kamehameha Schools Bishop Estate
Do	North Village Corp
Do	Pacific Lumber Co
Megan Hedden, 2000 K St., NW, #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare
Edward D. Heffernan, One Massachusetts Avenue, NW, #840 Washington, DC 20001	Regional Transportation Authority
Herbolsheimer Lannon Henson Duncan & Reagan, PC, 733 15th Street, NW, Suite 1120 Washington, DC 20005	Village of Orland Park, Illinois
Lori Herf, 1801 K Street, NW, #400K Washington, DC 20006-1301	Arter & Hadden (For:Hunt Valve Co, Inc)
Kathryn E. Herring, 1100 South Washington St. Alexandria, VA 22314-4494	National Beer Wholesalers Assn
Hans G. Hiemstra, 1101 17th Street, NW, #300 Washington, DC 20036	Cosmetic Toiletry & Fragrance Assn
Hill and Knowlton, Inc, 901 31st Street, NW Washington, DC 20007	Bell Atlantic Mobile
Louise D. Hilsen, 1133 Connecticut Ave., NW, #310 Washington, DC 20036	Nestle USA, Inc
Bruce R. Hironimus, 1800 Center Stsreet Camp Hill, PA 17089-0089	Pennsylvania Blue Shield
James H. Hodges, 1700 N. Moore St., #1600 Arlington, VA 22209	American Meat Institute
A.R. 'Trey' Hodgkins III, 1801 K Street, NW, #900 Washington, DC 20006	American Textile Manufacturers Institute
John W. Hoey, 4301 Connecticut Ave., NW, #300 Washington, DC 20008	Environmental Industry Assns (For:National Solid Wastes Management Assn)
Gerald Hogan, 655 15th Street, NW, #220 Washington, DC 20005	ALLTEL Corporation
J. Michael Hogan, 1201 L Street, NW Washington, DC 20005	American Health Care Assn
Hogan & Hartson, 555 13th St., NW Washington, DC 20004-1109	American Lawyer Media
Do	Chickasaw Nation
Do	DryCleaners Environmental Legislative Fund
Do	Golden Peanut Co
Do	National Wireless Resellers Assn
Do	G.D. Searle Co
Do	Serono Laboratories
Richard F. Hohlt, 209 Princess Street Alexandria, VA 22314	NAC International
Niels C. Holch, 400 North Capitol Street, NW, #585 Washington, DC 20001	McGuiness & Holch (For:National Assn of Dental Plans)
Holland & Knight, 2100 Pennsylvania Avenue, NW, #400 Washington, DC 20037	National Peach Council
Do	National Railroad Passenger Corp (Amtrak)
Do	Viatical Assn of America
Eve A. Holloway, 1600 Wilson Blvd. Arlington, VA 22209	American Waterways Operators
Helen D. Hooper, 1319 F Street, NW, #501 Washington, DC 20004-1106	Land Trust Alliance
Theresa D. Hooper, 1101 15th Street, NW Washington, DC 20005	Minnesota Mining & Manufacturing Co
Hooper Hooper Owen & Gould, 801 Pennsylvania Ave., NW, #730 Washington, DC 20004	Affordable Housing Preservation Tax Policy Group
Do	Hillman Company
Do	Horsham Corporation
Do	A.T. Massey Coal Co
Do	Phillip Morris Management Corp
Do	Systems Control
Jeffrey S. Hops, 666 11th Street, NW, #806 Washington, DC 20001	Alliance for Community Media
Mickey a. Hornbacher, 801 Pennsylvania Ave., NW, #220 Washington, DC 20004-2704	Burlington Northern Railroad Co
William K. Hoskins, 9300 Ward Parkway Kansas City, MO 64114	Marion Merrell Dow, Inc
M'liss Solove Houston, MSH Consulting 5507 Ferndale Street Springfield, VA 22151	OSHA Reform Project 1995
Edward Howard & Co, 137 N. Main Street, #702 Dayton, OH 45402-1729	Ohio Alliance for GATT Now
Hughes & Luce, L.L.P., 1717 Main Street, #2800 Dallas, TX 75201	Sammons Enterprises, Inc
Cliff Humphrey, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn
Frances A. Hunt, 900 17th Street, NW Washington, DC 20006	Wilderness Society
Hunton & Williams, 2000 Pennsylvania Ave., NW, #9000 Washington, DC 20006	Ad Hoc Regulatory Reform Group
Edward A. Hynes, 268 Crum Elbow Rd. Hyde Park, NY 12538	Morality In Media, Inc
Randal H. Ihara, 701 Pennsylvnaia Ave., NW Washington, DC 20004	Edison Electric Institute
Illinois Committee to Save Legal Services, 221 North LaSalle St., #863 Chicago, IL 60601	
Illinois Public Action, 68 E. Wacker Place, 3rd Floor Chicago, IL 60601	
Illinois State Chamber of Commerce, 215 East Adams STreet Springfield, IL 62701	
Dick Ingram, 1315 Nueces Austin, TX 78701	Polan-Ingram Advocacy Group (For:Vermont Yankee Nuclear Power Corp)
Alice M. Jackson, 1330 New Hampshire Ave., NW, #122 Washington, DC 20036	National Assn of Community Health Centers
Alvin B. Jackson Jr., 1212 New York Ave., NW Washington, DC 20005	American Tort Reform Assn
Michael G. Jackson, 1001 19th Street North, #800 Arlington, VA 22209	TRW, Inc

Organization or Individual Filing	Employer/Client
Delos Cy Jamison, Jamison & Sullivan, Inc 1212 New York Ave., NW, #1200 Washington, DC 20005	Association of O&C Counties
Do	Douglas County
Do	Malheur Timber Operators
John T. Jarvis, McGlotten & Jarvis 1901 L Street, NW, #300 Washington, DC 20036	Communications Workers of America Printing Publishing...
Do	Tobacco Industry Labor Management Comm
Jefferson Group, 1341 G Street, NW, Suite 1100 Washington, DC 20005	AdminaStar
Do	Barona Casino
Do	BOC Gases
Do	Cabazon Bank of Mission Indians
Do	Carrington Laboratories, Inc
Do	Coalition to Limit Increases in Postal Rates
Do	Nichols Dezenhall
Do	Eye Bank Assn of America
Do	WN Hunter & Associates
Do	Illinois Community College Board
Do	Molloy College
Do	Municipality of Cabo Rojo
Do	National Assn of Development Cos
Do	Sentara Health System
Do	Thunder Child Treatment Center
Do	Viejas Tribe
Jefferson-Waterman International, 1341 G Street, NW, #1100 Washington, DC 20005	China External Trade Dev Council
Do	CAE-Link
Do	Embassy of the Republic of Korea
Do	Government of Jamaica
Do	Government of Nicaragua
Do	Government of Quebec
Do	Government of State of Bahrain Embassy
Do	Lockheed Fort Worth Company
Do	Mantech Quality Services, Inc
Do	Republic of Croatia
Do	TCOM, Lp
Jellinek Schwartz & Connolly, Inc, 1525 Wilson Boulevard, #600 Arlington, VA 22209	MARC
Timothy Jemal, 122 C Street, NW, #350 Washington, DC 20001	Armenian Assembly of America
Ed Jenkins, 50 E Street, SE Washington, DC 20003	Winburn & Jenkins (For:American Forest & Paper Assn)
Do	Winburn & Jenkins (For:United Airlines)
Do	Winburn & Jenkins (For:Viacom)
Jim Wise Associates Inc, 1500 Wilson Blvd., #320 Alexandria, VA 22209	Flagstar Corporation
Darrel Cox Jodrey, 1350 Eye St., NW, #810 Washington, DC 20005	Johnson & Johnson
Bruce Johnson, 655 15th Street, NW, #300 Washington, DC 20005	EMC Holdings, Inc
Do	Lake Forest Park, Inc
William J. Johnson, 750 First St., NE, #1020 Washington, DC 20002-4241	National Assn of Police Organizations
Johnson Smith Dover Kitzmiller & Stewart, Inc, 1300 Connecticut Ave., NW, #600 Washington, DC 20036	Akers Laboratories
Do	Coalition of Boston Teaching Hospitals
Do	Ticketmaster
Neal T. 'Buddy' Jones, 100 Congress Avenue, #1111 Austin, TX 78701	CLD Coalition, Inc
Jones Walker Waechter Poitevent Carrere & Denegre, 1776 Eye Street, NW, #245 Washington, DC 20006	Sewerage & Water Board of New Orleans
Patricia Jordan, 7800 Virginia Lane Falls Church, VA 22043	Jordan & Associates, Inc (For:City of West Jordan)
Do	Jordan & Associates, Inc (For:Salt Lake County)
Sherman Joyce, 1212 New York Ave., NW Washington, DC 20005	Ameican Tort Reform Assn
Robert J. Kaufman, 400 Perimeter Center Terrace, NE, #720 Atlanta, GA 30346-1234	Kaufman Chaiken & Sorensen (For:Hospitality Services, Inc)
Kaye Scholer Fierman Hays & Handler, 901 15th St., NW, #1100 Washington, DC 20005	Malrite Communication Group, Inc
Felicia Ann Kearse, 152 Faith Circle Carlisle, PA 17013	
Joseph Kefauver, 1742 Connecticut Ave., NW Washington, DC 20009	OMB Watch
Rose Kehoe, N. Chapman Associates, Inc 1723 U Street, NW Washington, DC 20009	Mylogen Corporation
Katherine M. Kellenberg, 1330 New Hampshire Ave., NW, #122 Washington, DC 20036	National Assn of Community Health Centers, Inc
Keller & Heckman, 1001 G Street, NW, #500 West Washington, DC 20001	Canadian Sugar Institute
Do	Cominco, Ltd
Carolyn M. Kelley, 1225 I Street, NW, #500 Washington, DC 20005	American Payroll Assn
Carter Lee Kelly, 701 Pennsylvania Ave., NW, #710 Washington, DC 20004	Tenneco, Inc
Claire M. Kelly, 1700 N. Moore St., 20th Floor Arlington, VA 22209	Boeing Company
Daniel E. Kennedy Jr., 1015 15th Street, NW, #700 Washington, DC 20005-2605	Bechtel National, Inc
Jerry W. Kennedy, 313 South Carolina Ave., SE Washington, DC 20003-4213	Kennedy Government Relations (For:General Atomics)
Do	Kennedy Government Relations (For:Pemco Aeroplex)
Do	Kennedy Government Relations (For:Stockton Easat Water District)
Kerrigan & Associates, Inc, 803 Prince Street Alexandria, VA 22314	TicketMaster
Valerie Corbin Ketchen, 1800 Center Street Camp Hill, PA 17089-0089	Pennsylvania Blue Shield
Kilpatrick & Cody, 700 13th Street, NW, #800 Washington, DC 20005-3960	Can Manufacturers Institute
Do	International Furniture Rental Assn
Do	Kennecott Corp
Do	Weather Channel
Gene Kimmelman, 1666 Connecticut Ave., NW, #310 Washington, DC 20009	Consumers Union
Sandra S. King, 2100 Pennsylvania Ave., NW, Suite 600 Washington, DC 20037	Eckert Seamans Cherin & Mellott (For:Centocor, Inc)
King & Spalding, 1730 Pennsylvania Ave., NW, #1200 Washington, DC 20006	Owens-Illinois
Peter Kinzler, 7310 Stafford Road Alexandria, VA 22307	American Council of Life Insurance
Peter C. Kissel, 1225 Eye Street, NW, Suite 1225 Washington, DC 20005	Grammer Kissel Robbins & Shancke (For:Kootenai Electric Cooperative, Inc)
Phil Klein, 1913 Eye Street, NW Washington, DC 20006	Chemical Specialties Manufacturers Assn
Bruce Knight, 201 Massachusetts Ave., NE, Suite C-4 Washington, DC 20002	National Corn Growers Assn
Florian Kogelnik, 1015 15th Street, NW, #802 Washington, DC 20005	American Consulting Engineers Council
John Kormes, 2841 P.S.F.S. Building Philadelphia, PA 19107	
Barbara M. Kostuk, 1301 Pennsylvania Ave., NW, #1100 Washington, DC 20004-1707	Air Transport Assn
James F. Kuhn, 6034 Grove Drive Alexandria, VA 22307	Competitive Long Distance Coalition
Pamela Kurland, 1667 K Street, NW, #1270 Washington, DC 20006	Warner-Lambert Co
L. E.., Ltd, 4308 Wimbledon Dr. Lawrence, KS 66047	K. C. Fiber, et al.
Jewel Lafontant-Mankarious, 55 East Monroe Street, #4100 Chicago, IL 60603	Holleb & Coff
Shannon Lahey, 2701 32nd Street, NW Washington, DC 20008	California Correctional Peace Officers Assn
Robert Lamb, 1200 G Street, NW, #600 Washington, DC 20005	Wright & Tallisman, P.C. (For:Holnam, Inc)
Land Trust Alliance, 1319 F Street, NW, #501 Washington, DC 20004-1106	
L. Lee Lane, 1150 Connecticut Ave., NW, #517 Washington, DC 20036	Policy Services, Inc
Latham & Watkins, 1001 Pennsylvania Ave., NW, #1300 S Washington, DC 20004-2505	Pacific Telecom, Inc
Do	Vanguard Cellular Systems, Inc
Beth Lavach, 1747 Pennsylvania Ave., NW, Suite 800 Washington, DC 20006	Gadsby & Hannah (For:Sabreliner Corp)
Bob Lawrence & Associates, 424 N. Washington Street Alexandria, VA 22314	Irrigation Association
Patricia Laws, 1747 Pennsylvania Ave., NW, #300 Washington, DC 20006	MidCon Corp
Richard C. Lawson, 1130 Connecticut Ave., NW Washington, DC 20036	American Insurance Assn
Laxalt Corporation, 801 Pennsylvania Ave., NW, #747 Washington, DC 20004	Academy of Rail Labor Attorneys
Do	Viacom, Inc
Paul Laxalt Group, 801 Pennsylvania Ave, NW, #750 Washington, DC 20004	Competitive Long Distance Coalition
Do	Nevada Test Site Contractors Assn
Do	Sierra Pacific Resources
Steve LaPierre, 1150 South Washington St., #150 Alexandria, VA 22314	Association of Telemessaging Services Int'l
Marvin Leath, One Massachusetts Ave, NW, #330 Washington, DC 20001-1431	United Defense, L.P.
Barbara E. Leatherwood, 1250 H Street, NW, #500 Washington, DC 20005	Mobil Corp
Eileen C. Lee, 1850 M Street, NW, #540 Washington, DC 20036	National Multi Housing Council, Inc
Dexter W. Lehtinen, 7700 N. Kendell Dr., #303 Miami, FL 33156	Lehtinen O'Donnell Malman Cortinas Vargas & Reiner, P.A. (For:Miccosukee Tribe of Indians of Florida)
Lent & Scrivner, 555 13th Street, NW, #305E Washington, DC 20004	Alliance for Competitive Communications-Regional Bell...
Lesher & Russell, Inc, 1919 S. Eads Street, #103 Arlington, VA 22202-3028	California Avocado Commission
Do	PepsiCo, Inc
Paul Levy, 2000 P Street, NW Washington, DC 20036	Public Citizen
Allison B. Lewis, 412 First Street, SE Washington, DC 20003	National Automobile Dealers Assn
Charles G. Lewis, 625 Ridge Pike, #410 Conshohocken, PA 19428-3216	Longshore & Simmons
Deborah J. Lewis, 122 Maryland Ave., NE Washington, DC 20002	Alliance for Justice
Eleanor J. Lewis, 6830 N. Fairfax Dr. Arlington, VA 22213	Tax Analysts (For:American Assn of Legal Publishers)

Organization or Individual Filing	Employer/Client
Mary Melinda Lewis, 1050 Connecticut Ave., NW, #1250 Washington, DC 20036-5304	Major League Baseball
LeBoeuf Lamb Leiby & MacRae, 1875 Connecticut Avenue, NW Washington, DC 20009	Farmers Insurance Group of Companies
Do	London Insurance & Reinsurance Market Assn
Do	Mt Hope Waterpower Project
Louis 'Whit' Light, 400 W. Capitol, #1700 Little Rock, AR 72201	Steven E. Cauley
James E. Link, 1101 17th Street, NW, #1300 Washington, DC 20036	American Iron & Steel Institute
Linton Mields Reisler & Cottone, 1225 Eye Street, NW, #300 Washington, DC 20005	Charles County Community College
Do	General Contractors Assn of New York, Inc
Do	Illinois Div of Water Resources
Do	Louisville Downtown Development Corp
Do	Montgomery County
Do	National Assn of Flood & Stormwater Management Agencies
Do	National-Louis University
Do	Northeast Illinois Regional Commuter Railroad Corp
Do	Riverside County Flood Control & Water Conservation District
Do	Santa Clara Valley Water District
Law Office of Richard Littell, 1220 19th St., NW, #400 Washington, DC 20036	Africa Resources Trust/Zimbabwe Trust
Elizabeth Littlejohn, 1300 N. 17th Street Rosslyn, VA 22209	Associated Builders & Contractors
W. Timothy Locke, 499 S. Capitol Street, SW, #507 Washington, DC 20003	Hecht Spencer & Associates (For:North Village Corp)
Martha J. Lockwood, 1150 South Washington St., #150 Alexandria, VA 22314	Association of Telemessaging Services Int'l
Thomas G. Loeffler, 1801 K St., NW, Suite 400K Washington, DC 20006-1301	Arter & Hadden (For:Bristol Myers Squibb)
Do	Arter & Hadden (For:BKK Corporation)
Do	Arter & Hadden (For:Centerior Energy Corp)
Do	Arter & Hadden (For:Fairchild Aircraft, Inc)
Do	Arter & Hadden (For:Hicks Muse Tate & Furst)
Do	Arter & Hadden (For:Information Technology Industry Council)
Do	Arter & Hadden (For:Motorola)
Do	Arter & Hadden (For:Sammons Enterprises, Inc)
Do	Arter & Hadden (For:Tele-Communications, Inc)
Do	Working Group on R&D
Christopher M. Long, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America
Linda A. Long, 1156 15th Street, NW, #550 Washington, DC 20005	Blank Rome Comisky & McCauley (For:CIGNA Corporation)
Do	Blank Rome Comisky & McCauley (For:Nwe York State HMO Conference & Council)
Alan G. Lopatin, 4958 Butterworth Place, NW Washington, DC 20016	Ledge Counsel, Inc (For:National Assn of Retired Federal Employees)
Ramon B. Lopez, P.O. Box 1200 Columbus, GA 31902-1200	Columbus Chamber of Commerce
Steve Lovett, 1111 19th Street, NW Washington, DC 20036	American Forest & Paper Assn
Aaron M. Lowe, 4600 East-West Highway, #300 Bethesda, MD 20814	Automotive Parts & Accessories Assn
Rodney W. Lowman, 1275 K Street, NW, #400 Washington, DC 20005	American Plastics Council
Amy Loy, 1250 H Street, NW, #900 Washington, DC 20005	International Dairy Foods Assn
Manuel Lujan Jr., 1209 California, NE Albuquerque, NM 87110	Eddie Mahe & Associates
Anne Forristall Luke, 1201 Connecticut Ave., NW, #550 Washington, DC 20036	Bailey & Robinson (For:ORMET Corporation)
Catherine Lumsden, 5535 Hempstead Way Springfield, VA 22151	National Assn for Uniformed Services
David C. Lyons, 1350 I Street, NW, #1260 Washington, DC 20005-3305	Louis Dreyfus Corp
Margaret Mary Lytle, 1725 DeSales Stsreet, NW Washington, DC 20036	Center for Marine Conservation
Gordan D. MacKay, Riva Place South #304 1011 Arlington Blvd. Arlington, VA 22207	Massachusetts Software council
Duncan R. MacKenzie, c/o NYS Petroleum Council 150 State Street Albany, NY 12207-1675	American Petroleum Institute
Robb S. MacKie II, 1350 I Street, NW, #1290 Washington, DC 20005-3305	American Bakers Assn
Paul MacMurdy, 816 Connecticut Ave., NW, #900 Washington, DC 20006	OHM Corporation
Brian K. Magden, 14 Homestead Lane Monsey, NY 10952-3026	Good Government Now
Robert Maginnis, 700 13th St., NW, #500 Washington, DC 20005	Family Research Council
Paul Magliocchetti Associates, Inc, 1755 Jefferson Davis Highway, #1107 Crystal Square 5 Arlington, VA 22202	Menninger Clinic
Malkin & Ross, 1725 K Street, NW, #1209 Washington, DC 20006	Coalition for Accountability & Justice
Do	National Network to End Domestic Violence
Manatt Phelps & Phillips, 1501 M Street, NW, Suie 700 Washington, DC 20005	ARCO Chemical
Do	Bank Private Equity Coalition
Do	CEMEX, S.A.
Do	Lackawanna Leather Co
Do	UPF
Lawrence D. Markley, Rt. 1, Box 130-A Mt. Solon, VA 22843	Cordova Electric Cooperative
Do	Goldbelt, Inc
Ron Marlenee, 9008 Linda Maria Court Fairfax, VA 22031	Flathead Joint Board of Control
Marlowe & Company, 1667 K Street, NW, #480 Washington, DC 20006	Florida Shore & Beach Preservation Assn
Do	Ocean Village Property
Do	Southwest Airlines Pilots' Assn
Martha E. Marrapese, 1001 G Street, NW, #500 West Washington, DC 20001	Keller & Heckman
Beverly K. Marshall, 1001 Pennsylvania Ave., NW, #450-N Washington, DC 20004	Southern California Edison Co
Kristen M. Martty, 453 New Jersey Ave., SE Washington, DC 20003	Beneficial Management Corp
Joseph Masih, 122 C Street, NW, #350 Washington, DC 20001	Armenian Assembly of America
Dawson Mathis, 410 First Street, SE, #300 Washington, DC 20003	Civil Justice Reform Group
Maupin Taylor Ellis & Adams, P. O. Drawer 27619 Raleigh, NC 27619	Robert E. Rader Jr.
Stephen L. May, May & Company 201 King St., #3A Alexandria, VA 22314	AlliedSignal, Inc
Mayer Brown & Platt, 2000 Pennsylvania Avenue, NW, #6500 Washington, DC 20006	Enron Development Corp
Gary W. McBee, 1133 21st Street, NW, #700 Washington, DC 20036-3349	Alliance for Competitive Communications
McClure Gerard & Neuenschwander, Inc, 801 Pennsylvania Ave., NW, #820 Washington, DC 20004-2604	BHP Minerals International, Inc
Do	Financial Guaranty Insurance Corp
Do	GE Capital Mortgage Corp
Do	Royal Gold, Inc
Do	Western States Minerals Corp
Matthew J. McCoy, 2500 Wilson Blvd. Arlington, VA 22201-3834	Electronic Industries Assn
McDermott Will & Emery, 1850 K Street, NW, #450 Washington, DC 20006	American Restaurant Partners
Do	H. F. Johnson
Do	Milbank Tweed Hadley & McCloy
Do	Terra
S. Jefferson McFarland III, 750 First St., NE Washington, DC 20002-4242	American Psychological Assn
McGehee & Associates, 11781 Lee Jackson Memorial Highway Suite 360 Fairfax, VA 22033	New York University Medical Center
Do	U.S. Savings Bond Foundation
Robert M. McGlotten, McGlotten & Jarvis 1901 L Street, NW, #300 Washington, DC 20036	AFL-CIO Housing Investment Trust
Do	Communications Workers of America Printing Publishing...
Do	Office & Professional Employees Int'l Union
Do	Seafarers Int'l Union of North America
Do	Tobacco Industry Labor Management Comm
Kevin S. McGuiness, 400 North Capitol Street, NW, #585 Washington, DC 20001	McGuiness & Holch (For:International Anticounterfeiting Coalition, Inc)
McGuiness & Williams, 1015 15th Street, NW, #1200 Washington, DC 20005	Bridgestone-Firestone
Mary Lee McGuire, 2300 Clarendon Blvd., #I0I0 Arlington, VA 22201-3367	Metropolitan Water District of Southern California
Dennis J. McIntosh, 1225 New York Ave., NW, #200 Washington, DC 20005	Herman Miller, Inc
Bruce McKay, 1819 L Street, NW, #800 Washington, DC 20036	Consolidated Natural Gas Service Co, Inc
Fred McLuckie, 25 Louisiana Ave., NW Washington, DC 20001	International Brotherhood of Teamsters
McMillan Group, 11 Canal Center Plaza, #302 Alexandria, VA 22314	National Assn of Small Business Investment Companies
McNair & Sanford, P.A., P.O. Box 11390 Columbia, SC 29211	Viacom, Inc
Susan McNally, 1330 New Hampshire Ave., NW, #122 Washington, DC 20036	National Assn of Community Health Centers
Nikki D. McNamee, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance
William McNary, 68 E. Wacker Place, 3rd Floor Chicago, IL 60601	Illinois Public Action
Diane B. McRee, Diane McRee Associates 801 Pennsylvania Ave., NW, #1213 Washington, DC 20004	Caribbean Marine Service Co, Inc
M. Stephen McSpadden, 1015 18th St., NW, #1100 Washington, DC 20036-5715	Conference of State Bank Supervisors
Douglas L. McSwain, 155 E. Main Street Lexington, KY 40507	Sturgill Turner & Truitt
George G. Mead, 1908 Ednor Road Silver Spring, MD 20905	American Movers Conference, Inc
Mehl & Associates, Inc, 1400 L Street, NW, #625 Washington, DC 20005	D3 International
Do	Schweizer Aircraft Corp
Do	University of South Carolina
Sam L. Mehring, 6781 W. 5th Place Lakewood, CO 80226	
J. Roger Mentz, 1100 Connecticut Ave., NW, #600 Washington, DC 20036	Amway Corporation
Steven J. Metalitz, 1747 Pennsylvania Ave., NW, 12th Floor Washington, DC 20006	International Intellectual Property Alliance
Jon Metropoulos, Suite 4-0, Power Block 65th & Last Chance Gulch Helena, MT 59601	Flathead Joint Board of Control
Joseph J. Mettimano, 2829 Connecticut Ave., NW, #705 Washington, DC 20008	Citizens for the Convention on the Rights of the Child

Organization or Individual Filing	Employer/Client
Metzger Hollis Gordon & Mortimer, 1275 K Street, NW Washington, DC 20005	National Assn of Securities & Commercial Law Attorneys
Stephen W. Michael, 818 Connecticut Ave., NW, #325 Washington, DC 20006	Policy Directions, Inc
Laurie L. Michel, 601 Pennsylvania Ave., NW Suite 1200 North Building Washington, DC 20004-2613	Merck & Co, Inc
Alan Mikkelsen, P.O. Box 639 St. Ignatius, MT 59865	Flathead Joint Board of Control
Craig Miller, 1101 14th Street, NW, #1400 Washington, DC 20005	Defenders of Wildlife
Steven T. Miller, 1101 Vermont Ave., NW, #700 Washington, DC 20005	American Academy of Ophthalmology
Stuart A. Miller, 9806 Kohoutek Ct. Vienna, VA 22182-1945	
Denny Miller Associates, Inc, 400 North Capitol Street, NW, #363 Washington, DC 20001	Cell Therapeutics, Inc
Miller Canfield Paddock & Stone, 1225 19th Street, NW, #400 Washington, DC 20036	City of Dearborn, Dep of Communication
John K. Mills, 1150 17th Street, NW, #600 Washington, DC 20036	Health Insurance Plan of Greater New York
Mintz Levin Cohn Ferris Glovsky & Popeo, P.C., 701 Pennsylvania Avenue, NW, #900 Washington, DC 20004	National Council of Halth Facilities Finance Authorities
Karen A. Mogan, 1700 N. Moore Street, NW, #1600 Arlington, VA 22209	American Meat Institute
David T. Mohler, 1455 F Street, NW, #450 Washington, DC 20004	Upjohn Co
Kevin P. Montgomery, 1215 17th Street, NW, 3rd Floor Washington, DC 20036	Polar Air Cargo, Inc
Joan Mooney, 1101 Vermont Ave., NW, #700 Washington, DC 20005	American Academy of Ophthalmology
Powell A. Moore, 1615 L Street, NW, Suite 1150 Washington, DC 20036	Capitoline/MS&L (For:Berwind Natural Resources Corp)
W. Henson Moore, 1111 19th St., NW Washington, DC 20036	American Forest & Paper Assn
Tracey A. Moorhead, 2600 Virginia Ave., NW, #200 Washington, DC 20037	Appraisal Institute
James A. Morrill, 1455 Pennsylvania Ave., NW, #1260 Washington, DC 20004	Lincoln National Corp
John V. Morris, 8425 Woodfield Crossing Blvd., #401 Indianapolis, IN 46240	Education Financial Services of Indiana, Inc
Ann P. Morton, 8219 Leesburg Pike Vienna, VA 22182	Cable & Wireless, Inc
Mudge Rose Guthrie Alexander & Ferdon, 1200 19th Street, Nw, #400 Washington, DC 20036	Major League Baseball
Do	Onondaga County Resource Recovery Agency
Do	Safe Transit & Rail Transportation
Muldoon Murphy & Faucette, 5101 Wisconsin Ave., NW, #508 Washington, DC 20016	Collective Federal Savings Banks
Heather M. Mullen, 1455 Pennsylvania Ave., NW, #925 Washington, DC 20004	Pfizer, Inc
Mullenholz Brimsek & Belair, 1150 Connecticut Ave., NW, #700 Washington, DC 20036	National Air Cargo
Lisa J. Mullings, 1199 North Fairfax St., #801 Alexandria, VA 22314	NATSO, Inc
Roland H. Myers III, 3138 North 10th St., #300 Arlington, VA 22201	National Assn of Federal Credit Unions
Kennon H. Nakamura, 2101 E Street, NW Washington, DC 20037	American Foreign Service Assn
National Strategies, Inc, 888 17th Street, NW, 12th Floor Washington, DC 20006	Cellular Telecommunications Industry Assn
Do	CIGNA Corporation
Do	Edison Electric Institute
Roy M. Neel, 1401 H Street, NW, #600 Washington, DC 20005	U.S. Telephone Assn
Mark E. Nelson, 1341 G Street, NW, #620 Washington, DC 20005	GTT Communications, Inc
F. Ron Newbury, 1801 K Street, NW, Suite 400K Washington, DC 20006-1301	Arter & Hadden (For:Corning, Inc)
Do	Arter & Hadden (For:Hunt Valve Co, Inc)
Do	Arer & Hadden (For:Mt Camel Health)
Dewey Newman Associates, 11689 Newbridge Ct. Reston, VA 22091	
Stephen M. Newton, Box 95385 Atlanta, GA 30347-0385	Forest Farmers Assn
Gregory T. Nojeim, 122 Maryland Ave., NE Washington, DC 20002	American Civil Liberties Union
David A. Norcross, 1156 15th Street, NW, #550 Washington, DC 20005	Blank Rome Comisky & McCauley (For:CIGNA Corporation)
Do	Blank Rome Comisky & McCauley (For:D.C. Wiring, Inc)
Do	Blank Rome Comisky & McCauley (For:New York State HMO Conference & Council)
North Shore Consultants, Inc, 4278 Wooster Road Fairview Park, OH 44126	LTV Steel Co
Nurnberger & Associates, 1275 K Street, NW, Suite 1100 Washington, DC 20005	ADS Ventures (for: Educational Foundation for Foreign Study)
Kevin M. O'Brien, 815 Connecticut Ave., NW Washington, DC 20006	Baker & McKenzie
Coley O'Brien & Associates, 400 N. Capitol Street, NW, Suite 353 Washington, DC 20001	Virginia Baseball Club, Inc
O'Connor & Hannan, 1919 Pennsylvania Ave., NW, #800 Washington, DC 20006	FMC Corp
Do	St Croix Tribe
Gerald P. O'Driscoll, 1101 Pennsylvania Ave., NW, #1000 Washington, DC 20004	Citicorp/Citibank
Charles Robert O'Regan, Palumbo & Cerrell, Inc 1000 Connecticut Avenue, NW Washington, DC 20036	Trustee Coalition for Traveling Public
John T. O'Rourke, 801 Pennsylvania Avenue, N.W., 5th Floor Washington, DC 20004	J. Epstein & Co, Inc
Do	Pacific Telesis
B. Robert Okun, 1299 Pennsylvania Ave., NW 11th Floor East Washington, DC 20004	National Broadcasting Co
Oldaker Ryan & Leonard, 818 Connecticut Avenue, NW, #1100 Washington, DC 20006	BOC Gases-U.S.
Do	Carbonic Industries Corp
Do	Carbonic Reserves
Do	Central & South West
Do	CIGNA Corp
Do	Liquid Carbonic Industrial Gases
Do	MetraHealth
Do	National Foreign Trade Council
Do	National-American Wholesale Grocers' Assn...
Do	Nuclear Energy Institute
Do	Pain Enterprises, Inc
Do	Piedmont Environmental Council
Do	Prudential Insurance
Do	RCS Pacific, L.P.
Do	Williams Companies, Inc
Do	Working Group on R & D
Janice Oliver, 25 Louisiana Ave., NW Washington, DC 20001	International Brotherhood of Teamsters
Richard D. Otis, 1275 K Street, NW, #400 Washington, DC 20005	American Plastics Council
William S. Owen, 4809 Clinton Highway, #200 Knoxville, TN 37912	American Chiropractic Assn
Do	Volco Claims
OSHA Reform Project 1995, c/o John Bolt P.O. Box 877 Eastland, TX 76448	
Barbara (Lecker) Pahygiannis, 5101 River Road, #108 Bethesda, MD 20816-1508	National Assn of Beverage Retailers
Benjamin L. Palumbo, 1000 Connecticut Avenue, NW, #706 Washington, DC 20036	Trustee Coalition for Traveling Public
Palumbo & Cerrell, Inc, 1000 Connecticut Ave. NW, #706 Washington, DC 20036	Trustee Coalition for Traveling Public
William M. Parizeau, 2800 Quebec Street, NW Washington, DC 20008	Public Strategies Washington, Inc
Parkinson's Action Network, 822 College Avenue, Suite C Santa Rosa, CA 95404	
Gerry Parnell, 305 West 44th Street New York, NY 10036	HTC-HANYC, Inc Legal Fund
Parsons Group, Inc, P.O. Box 1308 Centreville, VA 22020	Safari Club International
James O. Pasco Jr., 309 Massachusetts Ave., NE Washington, DC 20002	Sony Music Entertainment, Inc
Richard Pasco, 1 Massachusetts Ave., NW, #800 Washington, DC 20001	McLeod Watkinson & Miller (For:American Peanut Product Manufacturers, Inc)
Do	McLeod Watkinson & Miller (For:General Mills)
Patton Boggs, L.L.P., 2550 M Street, NW Washington, DC 20037	Bio Compression Systems, Inc
Do	Blue Cross of Western Pennsylvania
Do	CH2M Hill Companies, Ltd
Do	Forethought Group/Forethought Life Insurance Co
Do	Homesteaders Life Co
Do	I-69 Mid-Continent Highway Coalition
Do	Liberty Corp
Do	Maryland Hospital Assn
Do	Preneed Insurers Gov't Programs Coalition
Do	United Family Life
Do	Viatical Assn of America
Do	Vulcan Materials Co
Paul Weiss Rifkind Wharton & Garrison, 1615 L Street, NW, #1300 Washington, DC 20036	MCI Communications Corp
Do	Nellie Mae
Do	Owens-Corning
Do	Ticketmaster
Do	Viacom International
Peabody & Brown, 1255 23rd Street, NW, #800 Washington, DC 20037	Great Western Financial Corp
Gregory M. Pensabene, 1299 Pennsylvania Avenue, NW, #875 East Washington, DC 20004	Domestic Petroleum Council
Do	Santa Fe Energy Resources, Inc
Do	Santa Fe Pacific Gold Corp
Do	Viceroy Gold Corp
Judith K. Pensabene, 1301 Pennsylvania Ave., NW, #1050 Washington, DC 20004	Baltimore Gas & Electric Co
Mitchell S. Pettit, 1133 Connecticut Ave., NW, #1000 Washington, DC 20036	Alliance for Competitive Communications
Jack Pezold, P.O. Box 4252 Columbus, GA 31909	Pezold Management
Mary Elizabeth Piccione, 1629 K Street, NW, #501 Washington, DC 20006	Delta Air Lines, Inc
Paulette C. Pidcock, 1299 Pennsylvania Ave., NW, #1125 Washington, DC 20004-2402	Pacific Gas & Electric Co
Jeffrey R. Pike, 1300 Connecticut Ave., NW, #600 Washington, DC 20036	National Wireless Resellers Assn

Organization or Individual Filing	Employer/Client
William R. Pitts Jr., 4767 North 24th Road Arlington, VA 22207	Capital Cities/ABC, Inc
Jon Plebani, 1801 K Street, NW, Suite 400K Washington, DC 20006	Arter & Hadden (For:Association for Responsible Thermal Treatment)
Do	Arter & Hadden (For:Bristol Myers Squibb)
Do	Arter & Hadden (For:Fairchild Aircraft, Inc)
Do	Arter & Hadden (For:Great Lakes Museum of Science Environment & Technology)
Do	Arter & Hadden (For:Tele-Communications, Inc)
Do	Arter & Hadden (For:Working Group on R&D)
Podesta Associates, Inc, 1001 G Street, NW Suite 900 East Washington, DC 20001	CSPP
Do	Time Warner
Do	WORD
Susan L. Polan, 316 Pennsylvania Ave., NW, #200 Washington, DC 20003	American Cancer Society
Policy Directions, Inc, 818 Connecticut Ave., NW, Third Floor Washington, DC 20006	Bausch & Lomb
Do	Carnation Nutritional Products
Do	Nestle Food Co
Do	Stericycle
Anthony Poole, 1020 19th Street, NW, Suite 800 Washington, DC 20036	Kelly Anderson Pethick & Associates, Inc (For:GBQC Architects)
Potomac Research Group, 1747 Pennsylvania Ave., NW, Suite 1000 Washington, DC 20006	J. Epstein & Co, Inc
Potomac Strategies & Analysis, Inc, P.O. Box 132 Clifton, VA 22024-0132	3M Company
Powell Goldstein Frazer & Murphy, 1001 Pennsylvania Ave., NW, 6th Floor Washington, DC 20004	Caremark International, Inc
Do	Mutual of Omaha
Do	Philip Morris Companies
Libby L. Powers, 201 Massachusetts Ave., NE, #C-4 Washington, DC 20002	National Corn Growers Assn
Russell R. Pratt, 1033 N. Fairfax St., #204 Alexandria, VA 22314	International Council of Shopping Centers
Preston Gates Ellis Rouvelas & Meeds, 1735 New York Avenue, NW, #500 Washington, DC 20006	Coalition for Stability in Marine Financing
Do	Ocean Common Carrier Coalition
Professional Group, 230 Park Avenue New York, NY 10169	Dewey Square Group
Peter D. Prowitt, 1299 Pennsylvania Ave., NW, #1100 Washington, DC 20004-2407	General Electric Co
Brenda Pulley, 607 14th Street, NW, #800 Washington, DC 20005	Safety-Kleen Corp
Robert E. Rader Jr., 2777 Stemmons Freeway, #1233 Dallas, TX 75207	Rader Campbell Fisher & Pyke, P.C.
Raffaelli Spees Springer & Smith, 1341 G Street, NW, #200 Washington, DC 20005	Consortium for Regional Climate Centers
Do	Everglades Trust
Do	Motherland Party
Do	Transportation Institute
Thomas F. Railsback, 2000 M Street, NW Washington, DC 20036	Alliance for Competitive Communications
Do	Fedeal Magistrate Judges' Assn
Do	Federal Judges Assn
Do	RR Donnelley & Sons Co
Barbara Raimondo, 128 North Abingdon St. Arlington, VA 22203	Consumer Action Network
Jack M. Rains, 9 Greenway Plaza, #1717 Houston, TX 77046	Southwestern Bell Corp
Kristen M. Rand, 2000 P Street, NW, #200 Washington, DC 20036	Violence Policy Center
John W. Rauber Jr., 1730 Rhode Island Ave., NW, #206 Washington, DC 20036	Union Camp Corp
Laura Redoutey, 6215 West St. Joseph Way Lansing, MI 48917	Michigan Health & Hospital Assn
Reid & Priest, 701 Pennsylvania Avenue, NW Washington, DC 20004	Metro Machine Corporation
Do	Western Energy, Inc
Andrew Reinsdorf, 1133 Connecticut Ave., NW, #310 Washington, DC 20036	Nestle USA, Inc
Michael J. Remington, 1000 Thomas Jefferson St., NW, #609 Washington, DC 20007	Leonard Ralston Stanton Remington & Danks (For:Broadcast Music, Inc)
Jack Rendler, 116 New Montgomery St., #900 San Francisco, CA 94105	Citizens for Reliable & Safe Highways
Jim Renner, 222 NW Davis St., #309 Portland, OR 97209	Oregon Trail Coordinating Council
John M. Reskovc, 601 13th Street, NW, #410 South Washington, DC 20005	R. Duffy Wall & Associates, Inc
John J. Rhodes III, 2000 Pennsylvania Ave., NW, #900 Washington, DC 20036	California State University at Monterey Bay
Marilyn Richmond, 750 First Street, NE Washington, DC 20002-4242	American Psychological Assn
Al Rickard, 2000 L Street, NW, #702 Washington, DC 20036	International Assn of Convention & Visitor Bureaus
A. E. Riley, 430 First Street, SE Washington, DC 20003	American Trucking Assns, Inc
Robert Roach, 1350 New York Avenue, NW Washington, DC 20005	Spiegel & McDiarmid (For:American Comm for Cleanup Equity)
Do	Spiegel & McDiarmid (For:Oil Chemical & Atomic Workersk Int'l Union, AFL-CIO)
Jennifer S. Roberts, 1875 Connecticut Ave., NW, #1016 Washington, DC 20009	Environmental Defense Fund
Robins Kaplan Miller & Ciresi, 1801 K Street, NW, #1200 Washington, DC 20006	Pacific Maritime Assn
Do	Stein & Company
Richard H. Robinson, 4301 Connecticut Ave., NW, #300 Washington, DC 20008	National Solid Wastes Management Assn
Robison International, Inc, 1 Massachusetts Ave., NW, #880 Washington, DC 20001	Alliant TechSystems
Do	Munitions Industrial Base Task Force
Rock & Associates, 818 Connecticut Ave., NW, Suite 1100 Washington, DC 20006	National Assn of Industrial & Office Properties
E. Mitchell Roob Jr., 3838 N. Rural Street Indianapolis, IN 46205-2930	Health & Hospital Corp of Marion County
Ropes & Gray, 1001 Pennsylvania Ave., NW, #1200 Washington, DC 20004	Business Roundtable
Ernie Rosenberg, 3211 North Kenmore St. Arlington, VA 22207	Occidental Petroleum Corp
Stephen R. Ross, 888 16th Street, NW Washington, DC 20006	Ross & Hardies (For:InterMedia Partners)
Ross & Green, 1010 Vermont Avenue, #811 Washington, DC 20005	Citizens Comm for Right to Keep & Bear Arms
Hazel Ross-Robinson, 1133 15th Street,NW, #1200 Washington, DC 20005	Ross-Robinson & Associates
Toby Roth Jr., 122 C Street, NW, #310 Washington, DC 20001	American League for Exports & Security Assistance
Sheryl M. Ruffing, 1400 K Street, NW, #801 Washington, DC 20005	General Aviation Manufacturers Assn
Thomas Rugg, 1616 H Street, NW Washington, DC 20006	National Grange
Walter F. Rupinski, 1700 N. Moore St., 20th Floor Arlington, VA 22209	Boeing Company
Carey D. Ruppert, 701 Pennsylvania Ave., NW, #710 Washington, DC 20004	Tenneco, Inc
James M. Ruvolo, 405 Madison, l2th Floor Toledo, OH 43604	Owens-Illinois, Inc
Marc Safman, 6812 8th Street, NW, Apt. B Washington, DC 20012	Council for the National Interest
Sagamore Associates, Inc, 1701 K Street, NW #400 Washington, DC 20006	WaterFurnace International, Inc
Robert S. Salomon III, DFC Group, Inc 7201 Wisconsin Ave. Bethesda, MD 20814	Council of Development Finance Agencies
Do	Related Companies, Inc
Joan I. Samuelson, 822 College Ave., Suite C Santa Rosa, CA 95404	Parkinson's Action Network
Walt A. Sanders, 5008 Dodson Dr. Annandale, VA 22003	BASF Corporation
James D. Santini, 1101 King Street, #350 Alexandria, VA 22314	National Air Access Council
Francis J. Sanzillo, 5 Kingswood Road Katonah, NY 10536	Dewey Square Group
Paulasue Sawyers, 1275 Pennsylvania Ave., NW, #1100 Washington, DC 20004	Specialized Assn Services
Alice C. Saylor, 1120 G Street, NW, #520 Washington, DC 20005	American Short Line Railroad Assn
Elizabeth K. Scanlon, 1101 17th Street, NW, #705 Washington, DC 20036	Direct Marketing Assn, Inc
William L. Schachte Jr., 172 Broad Street Charleston, SC 29401	
Richard A. Schechter, 1825 I Street, NW, #400 Washington, DC 20006-0006	Bogoljub Karic
Gerold L. Schiebler, P.O. Box 100014 Gainesville, FL 32610-0014	University of Florida
Glenn Schlactus, 2000 P Street, NW Washington, DC 20036	Public Citizen
Adam P. Schmidt, 888 16th Street, NW Washington, DC 20006	Bannerman & Associates, Inc (For:Embassy of El Salvador)
Do	Bannerman & Associates, Inc (For:Government of the United Arab Emirates)
Do	Bannerman & Associates, Inc (For:Government of Egypt)
Do	Bannerman & Associates, Inc (For:L.A. Motley & Co (for Government of the Philippines)
Do	Bannerman & Associates, Inc (For:Lebanese American University)
Schnader Harrison Segal & Lewis, 330 Madison Ave., l4th Floor New York, NY 10017-5092	Gulfcoast Transit Co
Shannon J. Schriefer, 1250 H Street, NW, #700 Washington, DC 20005	Citizens for a Sound Economy
Elinor Schwartz, 318 S. Abingdon Street Arlington, VA 22204	
Dawn M. Sciarrino, Fisher Wayland Cooper Leader & Zaragoza 2001 Pennsylvania Ave., Nw, #400 Washington, DC 20006	Pezold Management
Carol Seifert, 1601 Connecticut Ave., NW, #601 Washington, DC 20009	Alliance for Justice
Dennis G. Seipp, 1801 K Street, NW, #800 Washington, DC 20006	Westinghouse Electric Corp
Beverly M. Selby, 301 G Street, SW, #713 Washington, DC 20024	Alliance for American Innovation
Seward & Kissel, 1200 G Street, NW, #350 Washington, DC 20005	Dean Witter, Discover & Co
Wyatt Sewart & Associates, Inc, 1825 I Street, NW, #400 Washington, DC 20006-0006	Bogoljub Karic
Nancy J. Shancke, 1225 Eye Street, NW, #1225 Washington, DC 20005	Grammer Kissel Robbins & Shancke (For:Kootenai Electric Cooperative, Inc)
Daniel P. Shapiro, 55 E. Monroe Chicago, IL 60603	
Charles N. Shaw, 1250 H Street, NW, #900 Washington, DC 20005	International Dairy Foods Assn
Shaw Pittman Potts & Trowbridge, 2300 N Street, NW, #5121 Washington, DC 20037	Greenville-Spartanburg Airport District
Do	Kiwi International Air Lines, Inc
Do	Nordam, Inc
Ellyn M. Shea, 444 North Capitol St., #418 Washington, DC 20001	New England Council, Inc
Lance L. Shea, Reinaissance One Two N. Central Avenue Phoenix, AZ 85004-2391	Streich Lang, PA
Robert E. Shea, 6811 Cabin John Rd. Springfield, VA 22150	General Mills
Sher & Blackwell, 2000 L Street, NW, #612 Washington, DC 20036	Council of European & Japanese Nat'l Shipowners Assn

Organization or Individual Filing	Employer/Client
Do	Joint Conferences
Kathy L. Shobert, 901 15th Street, NW, #900 Washington, DC 20005	General Communication, Inc
Barbara Shycoff, 801 Pennsylvania Ave., NW, #650 Washington, DC 20004	American Express Co
Sidley & Austin, 1722 Eye Street, NW Washington, DC 20006	Tribune Broadcasting Co
Susan Siemietkowski, 201 Park Washington Court Falls Church, VA 22046	National-American Wholesale Grocers' Assn
Selma Sierra, 211 N. Union Street, #100 Alexandria, VA 22314	Cordia Companies
William A. Signer, 805 15th Street,NW, #500 Washington, DC 20005-2207	Chambers Associates, Inc (For:Pre-Medicare Health Security Coalition)
Gerry Sikorski, 1301 K Street, NW, #650 Washington, DC 20005	Save America's Forests
Hilary Sills, 1615 L Street, NW, Suite 1150 Washington, DC 20036	Capitoline/MS&L (For:Berwind Natural Resources Corp)
Steve Silver, 2300 Clarendon Blvd, #1010 Arlington, VA 22201	Robertson Monagle & Eastaugh (For:Georgia Pacific)
Do	Intermountain Forest Industry Assn
Do	Ketchikan Pulp Co
Robert E. Simmons, The Simmons Network 996 Howard Avenue Biloxi, MS 39530	Owners of HUD Mortgages in Biloxi Gulfport & Clinton
Simon & Company, Inc, 1001 Connecticut Ave., NW, #435 Washington, DC 20036	Madison, WI
Carol A. Simpson, P.O. Box 1808 Washington, DC 20013	Motorcycle Riders Foundation
William G. Simpson, 1155 15th St., NW, #504 Washington, DC 20005	Mississippi Chemical Corp
Skadden Arps Slate Meagher & Flom, 1440 New York Avenue, NW Washington, DC 20005	COMSAT Corp
Do	Mitgo Corp
Do	State Universities Retirement System of Illinois Pension...
Diane Smith, 655 15th Street, NW, #220 Washington, DC 20005	ALLTEL Corporation
M. Elizabeth Smith, 1718 22nd Street, NW Washington, DC 20008	Housing Development Corp of South Africa
Mark Smith, 1629 K Street, NW, #301 Washington, DC 20006	Evergreen International Aviation, Inc
Smith-Free Group, 1730 Pennsylvania Ave., NW, #200 Washington, DC 20006	American Nuclear Energy Council
Do	American Petroleum Institute
Do	American Telephone & Telegraph
Do	Association of Trial Lawyers of America
Do	AFFYMETRIX
Do	Broadcast Music Industries
Do	Coalition on Superfund
Do	CSX Corporation
Do	Federal Home Loan Mortgage Corp
Do	Kennecott Corp
Do	MBNA America Bank NA
Do	National Assn of Protection & Advocacy Systems
Do	Northville Industries Corp
Do	Northwestern Mutual Life Insurance Co
Do	NEDA/RCRA Project
Do	Sony Music Entertainment, Inc
Do	Sony Pictures Entertainment, Inc
Do	Southern Company Services, Inc
Do	USA Group, Inc
Do	Wheelabrator Environmental Systems, Inc
Mendi A. Sossamon, 1801 K Street, NW Washington, DC 20006-1301	Arter & Hadden (For:Association for Responsible Thermal Treatment)
Do	Arter & Hadden (For:Corning, Inc)
Do	Arter & Hadden (For:Investment Company Institute)
Do	Arter & Hadden (For:Motorola)
Barbara R. Spangler, 600 Maryland Avenue, SW Washington, DC 20024	American Farm Bureau Federation
Patricia Spurlock, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters
Stanton & Associates, 1310 19th Street, NW Washington, DC 20036	Richard E. Jacobs Group
Jane Sutter Starke, 2100 Pennsylvania Ave., NW, #600 Washington, DC 20037	Eckert Seamans Cherin & Mellott (For:Foothill Transit Zone)
Do	Los Angeles County Metropolitan Transportation Authority
Do	Eckert Seamans Cherin & Mellott (For:Utah Transit Authority)
Law Offices of Deborah Steelman, Columbia Square 555 13th Street, NW, #1220 East Washington, DC 20004-1109	CIGNA Corporation
Do	Healthcare Leadership Council
Do	MetraHealth
Do	Prudential Insurance Co of America
Gary C. Stein, 7272 Wisconsin Avenue Bethesda, MD 20814	American Soc of Health-System Pharmacists
Richard E. Stephenson, 2000 Edmund Halley Dr. Reston, VA 22091	DynCorp
Steptoe & Johnson, 1330 Connecticut Ave., NW Washington, DC 20036	New York Life Insurance Co
Wyatt Stewart & Associates, Inc, 1825 I Street, NW, #400 Washington, DC 20006-0006	Bogoljub Karic
Stephen W. Still, 1100 15th Street, NW, #700 Washington, DC 20005	Torchmark Corp/Liberty Nat'l Life Insurance Co
Kaye L Stinson, 1667 K Street, NW, #420 Washington, DC 20006	Mead Corporation
Steven F. Stockmeyer, 801 North Fairfax Street, #215 Alexandria, VA 22314	Money Store
Mary Stone, 325 7th Street, NW Washington, DC 20005	National Retail Federation
Stormwater Reform Coalition, 3050 K Street, NW, #400 Washington, DC 20007	
Luther J. Strange III, 2101 Highland Avenue, #250 Birmingham, AL 35205	Vulcan Materials Co
Strategic Policy, Inc, 1615 L Street, NW, Suite 650 Washington, DC 20036	Los Angeles Convention & Visitors Bureau
David G. Strongin, 1401 I Street, NW, #1000 Washington, DC 20005	Securities Industry Assn
Stuntz & Davis, P.C., 1201 Pennsylvania Ave., NW, #819 Washington, DC 20004	Amoco Corporation
Do	ARCO
Do	Bridgestone/Firestone, Inc
Do	General Electric Appliances
Do	General Electric Industrial & Power Systems
Do	General Electric Power Delivery
Do	Marathon Oil Co
Do	Newport News Shipbuilding
Do	Nextel Communications, Inc
Do	Northern States Power Co
Do	Pharmaceutical Research & Manufacturers of America
Do	Purpa Reform Coalition
Do	RJR/Nabisco Washington, Inc
Do	Southern California Edison Co
Catherine Sullivan, 1730 M Street, NW Washington, DC 20036	League of Women Voters of the U.S.
Jay R. Sullivan, Jamison & Sullivan, Inc 1212 New York Ave. #1200 Washington, DC 20005	Association of O&C Counties
John H. Sullivan, 510 11th Street, SE Washington, DC 20003	Kessler & Associates, Inc
Sullivan & Cromwell, 1701 Pennsylvania Ave., NW, #800 Washington, DC 20006	Morgan Guaranty Trust Co
Superfund Reform '95, 1155 21st Street, NW, #300 Washington, DC 20036	
Francis A. Sutherland Jr., 100 N. Greene St. Greensboro, NC 27401	Jefferson-Pilot Life Insurance Co
Bob Sutton, c/o South Dakota Petroleum Council 222 E. Capitol, #16 Pierre, SD 57501	American Petroleum Institute
Dinane K. Swenson, 1212 New York Ave., NW Washington, DC 20005	American Tort Reform Assn
Swidler & Berlin, Chtd, 3000 K Street, NW, #300 Washington, DC 20007	Association of Battery Recyclers
Do	Entertainment made Convenient
Do	Lotus Development Corp
Do	Merrill Lynch & Co, Inc
Symms Lehn & Associates, Inc, 210 Cameron Street Alexandria, VA 22314	ARTBA, Alliance for Truth in Transportation Budgeting
Do	CNI, Community Nutrition Institute
Edward F. Tancer, P.O. Box 088801 North Palm Beach, FL 33408	Florida Power & Light Co
Joseph Tasker Jr., 1300 Eye Street, NW, #490East Washington, DC 20005	Compaq Computer Corp
Mary Beth Savary Taylor, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn
Patricia Taylor, 7121 Sycamore Ave. Takoma Park, MD 20912	Seedco
Tim J. Taylor, Kessler & Associates 510 11th Street, SE Washington, DC 20003	Burlington Northern Railroad
Do	National Comm to Preserve Social Security & Medicare
Do	Pharmaceutical Research & Manufacturers of America
Do	Sandoz Corp
Do	Joseph E. Seagrams & Sons, Inc
Do	Upjohn Co
Taylor Thiemann & Aitken, 908 King Street, #300 Alexandria, VA 22314	Association of Test Publishers
Timothy Terry, 1130 Connecticut Ave., NW, #300 Washington, DC 20036	Ferguson Company (For:Sacramento Metropolitan Chamber of Commerce)
Richard R. Thaxton, 5112 Althea Drive Annandale, VA 22003	National Assn of State Auditors Comptrollers & Treasurers
Herbert G. Thompson, 2430 Kingsley Drive Marietta, GA 30062	National Assn of Police Athletic Leagues
Kenneth W. Thompson, 1156 15th Street, NW, #505 Washington, DC 20005	Coalition for Customer Choice in Electricity
Timothy C. Thompson, 2200 First Interstate Plaza P.O. Box 1157 Tacoma, WA 98401-1157	Bechtel Hanford, Inc
Lynn Harding Thomson, 1299 Pennsylvania Ave., NW Washington, DC 20004	General Electric Co
Michael A. Tongour, 1500 K Street, Suite 325 Washington, DC 20005	National Assn of Protection & Advocacy Systems

Organization or Individual Filing	Employer/Client
Leslie Touma, 21557 Telegraph Road Southfield, MI 48034	Lear Seating Corp
Bronwyn B. Towle, 499 South Capitol Street, SW #507 Washington, DC 20003	Hecht Spencer & Associates (For:Kamehameha Schools Bishop Estate)
Jeffery S. Trinca, 1420 New York Ave., NW, #1050 Washington, DC 20005	Van Scoyoc Associates, Inc (For:VIACOM International, Inc)
Troutman Sanders, 601 Pennsylvania Ave., NW, Suite 640 North Building Washington, DC 20004	Edison Electric Institute
Chris Tuffli, Bogle & Gates 1299 Pennsylvania Avenue, NW, #875 East Washington, DC 20004	Domestic Petroleum Council
Stephanie Teresa Underwood, 1801 K Street, NW, #900 Washington, DC 20006	American Textile Manufacturers Institute
Ronald Ungvarsky, 2001 S Street, NW, #310 Washington, DC 20009	Migrant Legal Action Program, Inc
Anthony Valanzano, 1825 I Street, NW, #400 Washington, DC 20006	Association for Regulatory Reform
Do	Michigan Consolidated Gas Co
Mark Valente III, 7055 Leestone Street Springfield, VA 22151	Kelly Anderson Pethic & Associates, Inc (For:GBQC Architects)
Nicole Valentine, 1129 20th Street, NW, #600 Washington, DC 20036	Group Health Assn of America, Inc
Van Fleet-Meredith Group, 499 S. Capitol Street, SW, #520 Washington, DC 20003	ADI Technologies, Inc
Van Ness Feldman, P.C., 1050 Thomas Jefferson St., NW, #700 Washington, DC 20007	Cogen Technologies, Inc
Do	Foothills Pipe Lines, Ltd
Do	Los Angeles Department of Water & Power
Do	Piquniq Management Corp
Do	Risk Policy Council
Do	United Alaska Fuels Corporated
H. Stewart Van Scoyoc, 1420 New York Ave., NW, #1050 Washington, DC 20005	Van Scoyoc Associates, Inc (For:Lincoln University)
Do	Van Scoyoc Associates, Inc (For:Montana State University)
Do	Van Scoyoc Associates, Inc (For:University of Puerto Rico)
Do	VIACOM International, Inc
Lisa A. Vanston, 1200 19th Street, NW, #200 Washington, DC 20036-2437	American Management Care & Review Assn
John Vaughan, 6603 Jerry Place McLean, VA 22101	Daimler-Benz Washington, Inc
Vectre Corporation, 411 East Franklin Street, #602 Richmond, VA 23219	Hughes Communications, Inc
Do	Tarmac America, Inc
Verner Liipfert Bernhard McPherson & Hand, Chtd, 901 15th Street, NW, #700 Washington, DC 20005-2301	Alabama Municipal Electric Authority
Do	Hague International
Do	MetraHealth Companies, Inc
Do	Philips Electronics North America Corp
Do	Southeast Federal Power Customers, Inc
Vinson & Elkins, 1455 Pennsylvania Ave., NW, #700 Washington, DC 20004-1008	Alliance for Business Investment
Do	Cheyne Walk Trust
Brian H. Vogel, 1150 Connecticut Ave., NW, #517 Washington, DC 20036	Policy Services, Inc
Vorys Sater Seymour & Pease, 1828 L Street, NW, #1111 Washington, DC 20036	Coalition for Employment Through Exports, Inc
Richard E. Vuernick, 1730 Rhode Island Ave., NW, #403 Washington, DC 20036	Citizen Action Fund
Harrison Morton Wadsworth, 1155 15th Street, NW, #801 Washington, DC 20005	Education Finance Council
James Frederick Wagenlander, 1700 Broadway, #1202 Denver, CO 80290-1201	Campaign to Save Indian Programs
Deborah Walden, 110 Maryland Ave., NE, #205 Washington, DC 20002	Women's Action for New Directions, et al.
Daniel Waldmann, 555 13th Street, NW, #1050E Washington, DC 20004	Medtronic, Inc
Charles Walker, 12 Nicklaus Lane, #101 Columbia, SC 29223	National Peach Council
R. Duffy Wall & Associates, Inc, 601 13th Street, NW, #410 South Washington, DC 20005	Procter & Gamble Co
Do	Ziegler Coal Holding Co
George J. Wallace, 2100 Pennsylvania Ave., NW, #600 Washington, DC 20037	Eckert Seamans Cherin & Mellott (For:Centocor, Inc)
Doug Walter, 750 First Street, SE Washington, DC 20002-4242	American Psychological Assn
H. Steven Walton, 2777 Allen Parkway, #700 Houston, TX 77019	Sanifill, Inc
Craig A. Ward, 1101 16th Street, NW Washington, DC 20036	Independent Petroleum Assn of America
Michael D. Wascom, 412 First Street, SE Washington, DC 20003	National Automobile Dealers Assn
Washington Strategic Consulting Group, Inc, 805 15th Street, NW, Suite 1000 Washington, DC 20005	Government of the Republic of Togo
Rosemarie Watkins, 600 Maryland Ave., SW, #800 Washington, DC 20024	American Farm Bureau Federation
Wear & Associates, 888 16th Street, NW, Suite 300 Washington, DC 20006	Intermedia Partners
Do	International Dairy Foods Assn
Robert K. Weidner, 2300 M Street, NW, #900 Washington, DC 20037	Andalex Resources, Inc
Weil Gotshal & Manges, 1615 L Street, NW, #700 Washington, DC 20036	Diamond Fields Resources, Inc
Do	International Planned Music Assn
Do	Muzak, L.P.
Heather Weiner, 1101 14th Street, NW, #1400 Washington, DC 20005	Defenders of Wildlife
Marina L. Weiss, 1275 Pennsylvania Ave., NW, 3rd Floor Washington, DC 20004-2404	Coalitoin for Patient Rights
Do	Communications Consortium
Do	Home Health Services & Staffing Assn
Do	Mutual of Omaha Insurance Co
Carla L. West, 1521 New Hampshire Ave., NW Washington, DC 20036	National Cotton Council of America
Timothy M. Westmoreland, 1364 G Street, SE Washington, DC 20003	Pediatric AIDS Foundation
Jean A. Whalen, 1200 19th Street, NW, #300 Washington, DC 20036	Leukemia Society of America, Inc
Susan J. White & Associates, 1111 North Pitt Street, Suite 2-B Alexandria, VA 22314	National Assn of Gov't Deferred Compensation Administrators
Jeff Whorley, 1701 K Street, NW, #400 Washington, DC 20006	USA Group, Inc
Wiley Rein & Fielding, 1776 K Street, NW, 12th Floor Washington, DC 20006	A.H. Belo Corp
Do	Cable & Wireless, Inc
Do	COMSAT Corp
Do	Electronic Messaging Assn
Do	Information Technology Industry Council
Do	Metropolitan Life Insurance Co
Do	Mobile Telecommunications Technologies Corp
Do	Motorola Telecommunications
Do	Personal Communications Industry Assn
Do	UTAM, Inc
Do	VIACOM, International
Do	Westinghouse Electric Co, Inc
Lawrence Williams, 1150 Connecticut Avenue, NW, #200 Washington, DC 20036	Teledesic Corporation
Williams & Jensen, P.C., 1155 21st Street, NW, #300 Washington, DC 20036	Coalition for Responsible Packaging
Do	First Federal Savings & Loan Assn of Rochester
Do	Genentech
Do	King Farm Partnership
Gene R. Willis, 5535 Hempstead Way Springfield, VA 22151	National Assn for Uniformed Services
Willkie Farr & Gallagher, 1155 21st Street, NW, #600 Washington, DC 20036	Comcast Corporation
Do	Tele-Communications, Inc
Wilmer Cutler & Pickering, 2445 M Street, NW Washington, DC 20037-1420	Alliance for Reasonable Regulation
Do	AMGEN, Inc
Do	Clean Air Action Corp
Do	Financial Services Group
Do	Tiger Management Corp
Do	ValueVision International, Inc
Scott A. Wilson, 888 16th Street, NW Washington, DC 20006	MCNC
John P. Winburn, 50 E Street, SE Washington, DC 20003	Winburn & Jenkins (For:American Forest & Paper Assn)
Do	Winburn & Jenkins (For:United Airlines)
Do	Winburn & Jenkins (For:Viacom)
Heather Wingate, 410 First Street, SE, 2nd Floor Washington, DC 20003	National Rifle Assn of America
Winston & Strawn, 1400 L Street, NW Washington, DC 20005-3502	General Motors Corp
Do	Geomex Minerals, Inc
Do	International Tax Free Co
Do	Montgomery Watson
Do	National Organization of Social Security Claimant's Reps
Do	Water Environment Federation
Do	Water Environment Research Foundation
Winthrop Stimson Putnam & Roberts, 1133 Connecticut Ave., NW, 1200 Washington, DC 20036	Caribbean Banana Exporters Assn
S.R. Wojdak and Associates, Inc, The Bellevue - Suite 850 200 S. Broad Street Philadelphia, PA 19102	Belmont Ctr for Comprehensive Treatment
Do	Children's National Medical Center
Do	Magnet School Coalition, Inc
Do	Mayer Brown & Platt
Do	National Education Assn
Do	Northeasatern Hospital of Philadelphia
Do	Temple University Hospital
Marla R. Wolfe, 1801 K Street, NW, #800 Washington, DC 20006	Westinghouse Electric Corp
G. Kent Woodman, 2100 Pennsylvania Ave., NW Suite 600 Washington, DC 20037	Eckert Seamans Cherin & Mellott (For:Central Arkansas Transit Authority)

Organization or Individual Filing	Employer/Client
Do	Eckert Seamans Cherin & Mellott (For:Foothill Transit Zone)
Wunder Diefenderfer Cannon & Thelen, 1615 L St., NW, #650 Washington, DC 20036	Air Transport Assn of America
Do	American Forest & Paper Assn
Do	Jewelers of America, Inc
Do	Local Initiatives Support Corp
Do	MetraHealth
Do	Prince of Fundy Cruises, Ltd
Do	Viacom International
Buck J. Wynne, 1315 Nueces Austin, TX 78701	Polan-Ingram Advocacy Group (For:Vermont Yankee Nuclear Power Corp)
Nick Yaksich, 5100 Forbes Blvd. NAPA Building Lanham, MD 20706	National Asphalt Pavement Assn
Lisa Zaporowicz, 1101 Vermont Ave., NW, #710 Washington, DC 20005	American Veterinary Medical Assn
Richard R. Zaragoza, Fisher Wayland Cooper Leader & Zaragoza 2001 Pennsylvania Ave., NW, #400 Washington, DC 20006	Pezold Management

QUARTERLY REPORTS*

*All alphanumeric characters and monetary amounts refer to receipts and expenditures on page 2, paragraphs D and E of the Quarterly Report Form.

The following quarterly reports were submitted for the first calendar quarter 1995:

(NOTE.—The form used for reporting is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective headings. This page (Page 1) is designed to supply identifying data, and Page 2 deals with financial data.)

PLEASE RETURN 1 ORIGINAL TO: THE CLERK OF THE HOUSE OF REPRESENTATIVES, OFFICE OF RECORDS AND REGISTRATION, 1036 LONGWORTH HOUSE OFFICE BUILDING, WASHINGTON, D.C. 20515

PLEASE RETURN 1 ORIGINAL TO: THE SECRETARY OF THE SENATE, OFFICE OF PUBLIC RECORDS, 232 HART SENATE OFFICE BUILDING, WASHINGTON, D.C. 20510

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19 . . . . . ◆

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	**QUARTER**			
	1st	**2d**	**3d**	**4th**
(Mark one square only)				

Is this an Amendment?
☐ YES ☐ NO

IDENTIFICATION NUMBER

NOTE on ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:

(i) *"Employee"*.—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)

(ii) *"Employer"*.—To file as an "employer", write "None" in answer to Item "B".

(*b*) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:

(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.

(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:

1. State name, address, and nature of business.

☐ CHECK IF ADDRESS IS DIFFERENT THAN PREVIOUSLY REPORTED

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

NOTE on ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (*a*) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (*b*) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER —State name, address, and nature of business. If there is no employer, write "None."

NOTE on ITEM "C".—(*a*) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§302(e).

(*b*) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).

(*c*) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have terminated, ☐ place an "X" in the box at the left, so that this Office will no longer expect to receive Reports.

2. State the general legislative interests of the person filing and set forth the specific legislative interests by reciting: (*a*) Short titles of statutes and bills; (*b*) House and Senate numbers of bills, where known; (*c*) citations of statutes, where known; (*d*) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (*a*) description, (*b*) quantity distributed, (*c*) date of distribution, (*d*) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed.)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and, if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. *If this is a "Quarterly" Report, disregard this item "C4" and fill out items "D" and "E" on the back of this page.* Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly Report."◆

STATEMENT OF VERIFICATION

[Omitted in printing]

PAGE 1◆

NOTE on ITEM "D."—*(a)* IN GENERAL. The term "contribution" includes *anything of value.* When an organization or individual uses printed or duplicated matter in a campaign attempting to influence legislation, money received by such organization or individual—for such printed or duplicated matter—is a "contribution." "The term 'contribution' includes a gift, subscription, loan, advance, or deposit of money, or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution"—§ 302(a) of the Lobbying Act.

(b) IF THIS REPORT IS FOR AN EMPLOYER.—(i) *In general.* Item "D" is designed for the reporting of all receipts from which expenditures are made, or will be made, in connection with legislative interests.

(ii) *Receipts of Business Firms and Individuals.*—A business firm (or individual) which is subject to the Lobbying Act by reason of expenditures which it makes in attempting to influence legislation—but which has no funds to expend except those which are available in the ordinary course of operating a business not connected in any way with the influencing of legislation—will have no receipts to report, even though it does have expenditures to report.

(iii) *Receipts of Multi-purpose Organizations.*—Some organizations do not receive any funds which are to be expended solely for the purpose of attempting to influence legislation. Such organizations make such expenditures out of a general fund raised by dues, assessments, or other contributions. The percentage of the general fund which is used for such expenditures indicates the percentage of dues, assessments, or other contributions which may be considered to have been paid for that purpose. Therefore, in reporting receipts, such organizations may specify what that percentage is, and report their dues, assessments, and other contributions on that basis. However, each contributor of $500 or more is to be listed, regardless of whether the contribution was made solely for legislative purposes.

(c) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE.—(i) *In general.* In the case of many employees, all receipts will come under Items "D 5" (received for services) and "D 12" (expense money and reimbursements). In the absence of a clear statement to the contrary, it will be presumed that your employer is to reimburse you for all expenditures which you make in connection with legislative interests.

(ii) *Employer as Contributor of $500 or More.*—When your contribution from your employer (in the form of salary, fee, etc.) amounts to $500 or more, it is not necessary to report such contribution under "D 13" and "D 14," since the amount has already been reported under "D 5," and the name of the "employer" has been given under Item "B" on page 1 of this report.

D. RECEIPTS (INCLUDING CONTRIBUTIONS AND LOANS):

Fill in every blank. If the answer to any numbered item is "None," write "NONE" in the space following the number.

Receipts (other than loans)

1. $..............Dues and assessments
2. $..............Gifts of money or anything of value
3. $..............Printed or duplicated matter received as a gift
4. $..............Receipts from sale of printed or duplicated matter
5. $..............Received for services (e.g., salary, fee, etc.)
6. $..............TOTAL for this Quarter (Add "1" through "5")
7. $..............Received during previous Quarters of calendar year
8. $..............TOTAL from Jan. 1 through this Quarter (Add "6" and "7")

Loans Received—"The term 'contribution' includes a . . . *loan* . . ."—§ 302(a).

9. $..............TOTAL now owed to others on account of loans
10. $..............Borrowed from others during this Quarter
11. $..............Repaid to others during this Quarter

12. $..............."Expense Money" and Reimbursements received this Quarter.

Contributors of $500 or More (from Jan. 1 through this Quarter)

13. Have there been such contributors?
Please answer "yes" or "no": ....◆

14. In the case of each contributor whose contributions (including loans) during the "period" from January 1 through the last day of this Quarter, total $500 or more:

Attach hereto plain sheets of paper, approximately the size of this page, tabulate data under the headings "Amount" and "Name and Address of Contributor"; and indicate whether the last day of the period is March 31, June 30, September 30, or December 31. Prepare such tabulation in accordance with the following example:

Amount	*Name and Address of Contributor* *("Period"* from Jan. 1 through..............................., 19.......)
$1,500.00	John Doe, 1621 Blank Bldg., New York, N.Y.
$1,785.00	The Roe Corporation, 2511 Doe Bldg., Chicago, Ill.
$3,285.00	TOTAL

NOTE on ITEM "E".—*(a)* IN GENERAL. "The term 'expenditure' includes a payment, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure"—§ 302(b) of the Lobbying Act.

(b) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE. In the case of many employees, all expenditures will come under telephone and telegraph (Item "E 6") and travel, food, lodging, and entertainment (Item "E 7").

E. EXPENDITURES (INCLUDING LOANS) IN CONNECTION WITH LEGISLATIVE INTERESTS:

Fill in every blank. If the answer to any numbered item is "None," write "NONE" in the spaces following the number.

Expenditures (other than loans)

1. $..............Public relations and advertising services
2. $..............Wages, salaries, fees, commissions (other than Item "1")
3. $..............Gifts or contributions made during Quarter
4. $..............Printed or duplicated matter, including distribution cost
5. $..............Office overhead (rent, supplies, utilities, etc.)
6. $..............Telephone and telegraph
7. $..............Travel, food, lodging, and entertainment
8. $..............All other expenditures
9. $..............TOTAL for this Quarter (Add "1" through "8")
10. $..............Expended during previous Quarters of calendar year
11. $..............TOTAL from Jan. 1 through this Quarter (Add "9" and "10")

Loans Made to Others—"The term 'expenditure' includes a . . . *loan* . . ."—§ 302(b).

12. $..............TOTAL now owed to person filing
13. $..............Lent to others during this Quarter
14. $..............Repayments received during this Quarter

15. *Recipients of Expenditures of $10 or More*____

If there were no single expenditures of $10 or more, please so indicate by using the word "NONE".

In the case of expenditures made during this Quarter by, or on behalf of, the person filing: Attach plain sheets of paper approximately the size of this page and tabulate data as to expenditures under the following heading: "Amount," "Date or Dates," "Name and Address of Recipient," "Purpose." Prepare such tabulation in accordance with the following example:

Amount	*Date or Dates—Name and Address of Recipient—Purpose*
$1,750.00	7–11: Roe Printing Co., 3214 Blank Ave., St. Louis, Mo.—Printing and mailing circulars on the "Marshbanks Bill."
$2,400.00	7–15, 8–15, 9–15: Britten & Blaten, 3127 Gremlin Bldg., Washington, D.C.—Public relations service at $800.00 per month.
$4,150.00	TOTAL

PAGE 2

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Peter de la Cruz, 1001 G Street, NW, #500 West Washington, DC 20001	Keller & Heckman		
Ann Hadley vom Eigen, 1828 L Street, NW, #705 Washington, DC 20036	American Land Title Assn	4,250.00	
Robert J. Aagre, 1835 12th Street, NW Washington, DC 20009-4421			
Ande M. Abbott, 2722 Merrilee Drive, #360 Fairfax, VA 22031	International Brotherhood of Boilermakers...	421.00	
Jeffrey S. Abboud, 1600 Wilson Boulevard, #1008 Arlington, VA 22209	Suppliers of Advanced Composite Materials Assn	1,200.00	27.90
Do	U.S. Advanced Ceramics Assn	3,390.00	213.40
Paul C. Abenante, 1350 I Street, NW, #1290 Washington, DC 20005	American Bakers Assn		
George Abney, 1785 Massachusetts Ave., NW Washington, DC 20036	National Trust for Historic Preservation	3,323.88	
Pamela Abney, 1101 Vermont Ave., NW, #710 Washington, DC 20005	American Veterinary Medical Assn	40.00	
Richard M. Aborn, 1225 Eye Street, NW, #1100 Washington, DC 20005	Handgun Control, Inc	2,838.46	
Adele L. Abrams, 1415 Elliot Place, NW Washington, DC 20007	National Stone Assn	4,000.00	500.00
Adrian Acevedo, P.O. Box 2880 Dallas, TX 75221-2880	Oryx Energy Company		
Elaine Acevedo, 666 Pennsylvania Ave., SE, #403 Washington, DC 20003	Florist's Transworld Delivery Assn	4,000.00	
Rodney J. Ackerman, 1450 Poydras Street New Orleans, LA 70112-6000	CNG Producing Company	1,800.00	565.46
Charles A. Acquard, 2301 M Street, NW Washington, DC 20037	American Public Power Assn	1,000.00	
Cecelia A. Adams, 1901 Pennsylvania Avenue, NW, 10th Floor Washington, DC 20006	International Mass Retail Association	3,000.00	
James S. Adams, 1717 Massachusetts Ave., NW, #805 Washington, DC 20036	Safe Energy Communication Council	750.00	
John M. Adams, 909 N. Washington Street, #300 Alexandria, VA 22314	Retired Enlisted Assn	2,457.00	
Wayne W. Adams, 501 Park Avenue Belleair, FL 34616			
David S. Addington, 801 Pennsylvania Ave., NW Washington, DC 20004	Baker Donelson Bearman & Caldwell (For:Competitive Long Distance Coalition, Inc).	35,307.69	
Allan Robert Adler, 1333 New Hampshire Ave., NW, #600 Washington, DC 20036	Cohn & Marks (For:Association of American Publishers)	500.00	
Do	Cohn and Marks (For:Direct Marketing Assn)		
Michael B. Adlin, 1801 K Street, NW, Suite 400K Washington, DC 20006	Arter & Hadden (For:Nintendo of America)		
Advanced Display Manufacturers of America, 3050 K Street, NW, #400 Washington, DC 20007			
Advanced Strategies, One International Place 45th Floor Boston, MA 02110	Investment Company Institute	5,000.00	
Advertising Mail Marketing Assn, 1333 F Street, NW, #710 Washington, DC 20004-1108		1,555.00	1,555.00
Advocacy Group, 1350 I Street, NW, #680 Washington, DC 20005	American Chiropractic Assn		
Do	American Institute for Foreign Study		
Do	Arizona State University		
Do	Border Trade Alliance		
Do	Brown & Root, Inc		
Do	City of Tempe		
Do	Dowling College		
Do	Florida Board of Regents Foundation, Inc		
Do	Intel Supercomputing Division		
Do	Livingston Health Care Services		
Do	National Assn of Small Business Investment Cos		
Do	National Fuel & Energy, Inc		
Do	New Mexico State University		
Do	Palmer Chiropractic University		
Do	Port of Brownsville, Texas		
Do	Sam Houston State University		
Do	University of Utah		
Do	University of Virginia/Continuing Education		
Aerospace Industries Assn of America, Inc, 1250 Eye Street, NW, #1100 Washington, DC 20005		6,303.50	6,303.50
Affordable Housing Tax Credit Coalition, 1255 23rd Street, NW, #800 Washington, DC 20037		2,000.00	2,000.00
Kathryn M. Agate, 2500 Wilson Blvd. Arlington, VA 22201-3834	Electronic Industries Assn	500.00	
John Aguirre, 727 North Washington Street Alexandria, VA 22314	United Fresh Fruit & Vegetable Assn	4,500.00	
Jennifer Lee Ahern, 1725 17th Street, NW, #109 Washington, DC 20007	Bruce P. Cameron (For:Embassy of Monzambique)	750.00	
Do	Bruce P. Cameron (For:National Council of Maubere Resistance)	750.00	
David J. Aho, 1667 K Street, NW, #710 Washington, DC 20006	Baxter	4,000.00	560.00
Patricia W. Aho, 45 Memorial Circle Augusta, ME 04330-6400	American Petroleum Institute	187.00	
Robert S. Aiken, 800 Connecticut Avenue, NW, #610 Washington, DC 20006	Pinnacle West Capital Corp	24,000.00	4,904.93
Herbert Allen Ailsworth, 1615 L Street, NW, #420 Washington, DC 20036	Sandoz Corp		275.00
Air Conditioning & Refrigeration Institute, 4301 N. Fairfax Dr., #425 Arlington, VA 22203			
Air Products & Chemicals, Inc, 805 15th Street, NW, #330 Washington, DC 20005		12,500.00	12,500.00
Air Traffic Control Assn, Inc, 2300 Clarendon Boulevard, #711 Arlington, VA 22201		3,518.42	3,518.42
Air Transport Assn, 1301 Pennsylvania Avenue, NW, #1100 Washington, DC 20004-1707		101,599.87	101,599.87
Aircraft Owners & Pilots Assn, 421 Aviation Way Frederick, MD 21701		7,000.00	17,306.00
Airports Council International - North America, 1775 K Street, NW, #500 Washington, DC 20066			29,194.68
Michael A. Aisenberg, 1401 H Street, NW, #950 Washington, DC 20005	Digital Equipment Corp	26,500.00	
Akin Gump Strauss Hauer & Feld, L.L.P., 1333 New Hampshire Ave., NW, #400 Washington, DC 20036	A.E. Staley Manufacturing		
Do	Air Transport Assn of America		
Do	Alliance of American Insurers		
Do	Amerada Hess Corp	440.00	76.00
Do	American Airlines, Inc	9,895.00	171.00
Do	American Financial Corp	67.00	16.00
Do	American Share Insurance Corporation	190.00	
Do	American Telephone & Telegraph Co	11,850.00	209.00
Do	Arthur T. Walker		
Do	ASSE International Student Exchange Program		
Do	Baxter International, Inc	2,130.00	38.00
Do	Bechtel Group, Inc		
Do	Beneficial Management Corp of America	100.00	
Do	Bolt Beranek & Newman, Inc		
Do	City of Houston	390.00	
Do	Collagen Corporation	1,615.00	19.00
Do	Columbia Government Trade Bureau (PROEXPO)		
Do	Cotton Bowl Athletic Assn		
Do	Dow Jones & Co		
Do	Envirotest Systems Corp	20,175.00	380.00
Do	Fremont Group, Inc		
Do	Government of Norway		
Do	Granite Broadcasting Co	13,425.00	380.00
Do	GTECH Corp		
Do	Joint Corporate Comm on Cuban Claims	3,630.00	57.00
Do	Liberty Mutual Insurance Co	3,945.00	76.00
Do	MacAndrews & Forbes Holdings, Inc		
Do	Mazda (North America), Inc		
Do	Medical Protective Company		
Do	Mellon Bank Corp		
Do	Memorial Sloan-Kettering Cancer Center	100.00	
Do	Mesa, Inc		
Do	Metropolitan Transit Authority of Harris County	6,710.00	133.00
Do	Miller Brewing Company	330.00	
Do	Robert Mondavi Winery	580.00	
Do	Morgan Stanley & Co, Inc		
Do	Mortgage Guaranty Insurance Corp		
Do	Mortgage Insurance Cos of America	8,360.00	57.00
Do	Motion Picture Assn of America, Inc	3,000.00	57.00
Do	MCA, Inc	950.00	
Do	National Football League		
Do	National Medical Enterprises, Inc	650.00	
Do	Nationwide Mutual Insurance Company	402.00	16.00
Do	New York Public Library		
Do	Oranka, Inc		
Do	Riggs National Corp		
Do	Ryder System, Inc	5,980.00	114.00
Do	Southern California Edison Co		
Do	Time-Warner	775.00	
Do	Transamerica Financial Services		
Do	USA Group, Inc	5,285.00	95.00
Do	Warner-Lambert Co	1,180.00	19.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Westinghouse Electric Corp		
Julia L. Akins, 8630 Fenton Street, #400 Silver Spring, MD 20910	International Fed of Professional & Technical Engineers		
Michael J. Aklufi, 444 North Capitol Street Suite 711 Washington, DC 20001	Keefe Company (For:Radiofone, Inc)		
Albanian American Civic League, P. O. Box 97 Rye, NY 10580		31,975.00	17,449.02
William E. Albers, 11 Dupont Circle, NW, #300 . Washington, DC 20036-1207	Albers & Company (For:May Department Stores Co)		
James J. Albertine, 1156 15th Street, NW, #505 Washington, DC 20005	Albertine Enterprises, Inc (For:Association of School Business Officials International).	500.00	52.00
Do	Albertine Enterprises, Inc (For:Coalition for Customer Choice in Electricity)	250.00	45.00
Do	Albertine Enterprises, Inc (For:Exide Electronics)	500.00	25.00
Do	Albertine Enterprises (For:Fruit of the Loom, Inc)	1,600.00	60.00
Do	Albertine Enterprises, Inc (For:Greater Washington Society of Assn Executives)	40.00	6.00
Do	Albertine Enterprises, Inc (For:International Assn of Convention & Visitor Bureaus).	250.00	25.00
Do	Albertine Enterprises, Inc (For:Itron and Amrplus Partners)	40.00	27.00
Do	Albertine Enterprises, Inc (For:Potomac Capital Investment Corp)	200.00	30.00
Do	Albertine Enterprises, Inc (For:Stairway Manufacturers Assn, Inc)	250.00	45.00
Do	Albertine Enterprises, Inc (For:SMS Corp)	1,500.00	125.00
John M. Albertine, 1156 15th Street, NW, #505 Washington, DC 20005	Albertine Enterprises, Inc (For:Association of School Business Offcials International).	900.00	96.00
Do	Albertine Enterprises, Inc (For:Coalition for Customer Choice in Electricity)	300.00	63.00
Do	Albertine Enterprises, Inc (For:Exide Electronics, Inc)	900.00	33.00
Do	Albertine Enterprises, Inc (For:Fruit of the Loom, Inc)	6,000.00	90.00
Do	Greater Washington Society of Assn Executives	60.00	5.00
Do	Albertine Enterprises (For:International Assn of Conventions & Visitor Bureaus)	300.00	33.00
Do	Albertine Enterprises, Inc (For:Itron and Amrplus Partners)	60.00	33.00
Do	Albertine Enterprises, Inc (For:Potomac Capital Investment Corp)	300.00	33.00
Do	Albertine Enterprises, Inc (For:Stairway Manufacturers Assn, Inc)	60.00	5.00
Do	Albertine Enterprises, Inc (For:SMS Corp)	1,500.00	150.00
Albertine Enterprises, Inc, 1156 15th Street, NW, #505 Washington, DC 20005	Association of School Business Officials International	1,500.00	160.00
Do	Coalition for Customer Choice in Electricity	500.00	105.00
Do	Exide Electronics, Inc	1,500.00	60.00
Do	Fruit of the Loom, Inc	4,000.00	150.00
Do	Greater Washington Society of Assn Executives	100.00	15.00
Do	International Assn of Conventions & Visitor Bureaus	500.00	60.00
Do	ITRON and AMRplus Partners, Inc	100.00	55.00
Do	Potomac Capital Investment Corp	500.00	60.00
Do	Stairway Manufacturers Assn, Inc	500.00	110.00
Do	SMS Corp	2,500.00	250.00
Dale L. Alberts, 6305 Waterford Blvd., Suite 325 Oklahoma City, OK 73118	Rio Algom Mining Corp	26,219.00	14,766.00
Alcalde & Fay, 2111 Wilson Blvd., #850 Arlington, VA 22201	Associated Industries of Florida Property & Casualty Trust	15,000.00	23.00
Do	Center for Applied Engineering	2,875.00	63.00
Do	City of Jacksonville	22,425.00	224.00
Do	Computer Sciences Corp	3,150.00	151.00
Do	Consolidated Freightways	13,800.00	660.00
Do	Jack Eckerd Corp	3,000.00	1,165.00
Do	Hillsborough County	18,000.00	
Do	Home Shopping Network	27,000.00	1,456.00
Do	International Climate Change Partnership	4,500.00	344.00
Do	International Council of Cruise Lines	36,000.00	3,781.00
Do	Jacksonville Chamber of Commerce	6,000.00	95.00
Do	K & K Merchandising Group	16,800.00	97.00
Do	Keep America Moving	20,000.00	1,345.00
Do	Marin County	15,000.00	515.00
Do	Montgomery Watson Americas, Inc	8,250.00	
Do	Regular Common Carrier Conference	7,500.00	1,036.00
Do	State Road 7 Association, Inc		
Do	U.S. Alcohol Testing Co of America, Inc	18,000.00	422.00
Margaret Alessi, 1310 G Street, NW, 12th Floor Washington, DC 20005	Blue Cross & Blue Shield Assn	2,250.00	712.24
Arthur J. Alexander, 1000 Connecticut Ave., NW Washington, DC 20036	Japan Economic Institute of America	500.00	
Fay S. Alexander, 4155 F Sullyfield Circle Chantilly, VA 22021	Taxpayers Education Lobby, Inc	21,000.00	
William Alexander, 1425 Ironwood Drive McLean, VA 22101	Azerbaijan Study Foundation	6,000.00	
Joan Christina Alker, 1431 Corcoran Street, NW Washington, DC 20009	Families USA	1,343.90	147.00
Pamela J. Allen, 3601 Vincennes Road P.O. Box 68700 Indianapolis, IN 46268	National Assn of Mutual Insurance Companies	212.00	
Virgil Allen, 1300 I St., NW, #470E Washington, DC 20005	Project Acta, Inc		
Alliance for Community Media, 666 11th Street, Nw, #806 Washington, DC 20001		108,120.00	17,587.00
Alliance for GATT NOW, 1317 F Street, NW, Suite 600 Washington, DC 20004		8,032.00	28,812.60
Alliance for Power Privatization, c/o Reid & Priest 701 Pennsylvania Ave., NW Washington, DC 20004			
Alliance of American Insurers, 1211 Connecticut Avenue, NW, #400 Washington, DC 20036			92,441.53
Alliance of Nonprofit Mailers, 2001 S Street, NW, #301 Washington, DC 20009		9,616.15	6,931.39
Ed Allison, Inc, 145 Brinkley Avenue, Suite B Reno, NV 89509	University of Nevada/Las Vegas Research Center	7,500.00	
Robert F. Allnutt, 1100 15th St., NW, #900 Washington, DC 20005	Pharmaceutical Research & Manufacturers of America		
Paul E. Almeida, 8630 Fenton Street, Suite 400 Silver Spring, MD 20910	International Fed of Professinal & Technical Engineers		
Lisa Alter, 545 Madison Avenue New York, NY 10022	Reuben Weintraub Cera & Alter		1,050.00
William J. Althaus, 901 N. Washington Street, #400 Alexandria, VA 22314	National Smokers Alliance		
Law Offices of Robert Altman, 901 15th Street, NW, #400 Washington, DC 20005	Golden Rule Insurance Co		
Thomas H. Altmeyer, 1130 17th St., NW Washington, DC 20036	National Coal Assn	13,800.00	116.00
Amalgamated Transit Union, AFL-CIO, 5025 Wisconsin Avenue, NW Washington, DC 20016			5,000.00
John O. Ambler, 2000 Westchester Avenue White Plains, NY 10650	Texaco Group, Inc		
America's Community Bankers, 900 19th Street, NW Washington, DC 20006		2,433,435.00	139,898.36
American Academy of Family Physicians, 8880 Ward Parkway Kansas City, MO 64114		40,600.49	40,600.49
American Academy of Ophthalmology, 1101 Vermont Ave., NW, #300 Washington, DC 20005			52,137.65
American Advertising Federation, 1101 Vermont Ave., NW, #500 Washington, DC 20005			
American Amusement Machine Assn, 450 East Higgins Road Elk Grove Village, IL 60007-1417		175,500.00	12,194.10
American Apparel Manufacturers Assn, Inc, 2500 Wilson Blvd., #301 Arlington, VA 22201			7,442.00
American Arts Alliance, 1319 F Street, NW, #500 Washington, DC 20004-1151		89,044.00	49,302.00
American Assn for Respiratory Care, 11030 Ables Lane Dallas, TX 75229		48,714.53	48,714.53
American Assn of Airport Executives, 4212 King Street Alexandria, VA 22302			43,862.48
American Assn of Legal Publishers, 282 N. Washington Street Falls Church, VA 22046			872.00
American Assn of Meat Processors, P.O. Box 269 Elizabethtown, PA 17022		350.79	50.00
American Assn of Retired Persons, 601 E Street, NW Washington, DC 20049			454,662.46
American Assn of University Women, 1111 16th Street, NW Washington, DC 20036			718.30
American Automobile Manufacturers Assn, 1401 H Street, NW, suite 900 washington, DC 20005		90,839.93	90,839.93
American Bankers Assn, 1120 Connecticut Avenue, NW Washington, DC 20036		407,908.72	407,908.72
American Cemetery Assn, 5201 Leesburg Pike, #1111 Falls Church, VA 22041			
American Continental Group, Inc, 601 Pennsylvania Avenue, NW Suite 900 Washington, DC 20004	AKT Development Corporation		
Do	Compex Corporation		
Do	Envirotest Systems		
Do	Fisher Imaging		
Do	Flowind Corporation		
Do	GEC-Marconi Systems		
Do	I-Stat Corporation		
Do	Litton - Applied Technology		
Do	National Assn of Retail Collection Attorneys		
Do	Ncube		
Do	Omni-Tech Medical Inc		
Do	Plasma-Therm		
Do	SeaBeam		
Do	Syracuse University		
Do	Vanguard		
American Council for Capital Formation, 1750 K Street, NW, #400 Washington, DC 20006		91,463.00	29,708.00
American Council of Life Insurance, Inc, 1001 Pennsylvania Avenue, NW Washington, DC 20004		37,507.00	37,507.00
American Dance Therapy Assn, 2000 Century Plaza, #108 Columbia, MD 21044		40.00	
American Defense International, Inc, 1019 19th Street, NW, #350 Washington, DC 20036	Marine Energy Systems	20,000.00	
American Farm Bureau Federation, 225 Touhy Avenue Park Ridge, IL 60068		191,901.00	191,901.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
American Fed of Labor & Congress of Industrial Organizations, 815 16th St., NW Washington, DC 20006			225,955.95
American Feed Industry Assn, 1501 Wilson Blvd., #1100 Arlington, VA 22209		3,240.00	
American Financial Services Assn, 919 18th Street, NW Washington, DC 20006			1,000.00
American Foreign Service Assn, 2101 E Street, NW Washington, DC 20037		3,513.00	31,195.00
American Frozen Food Institute, 1764 Old Meadow Rd., #350 Mclean, VA 22102		11,500.00	11,500.00
American Health Care Assn, 1201 L Street, NW Washington, DC 20005		364,400.00	136,861.46
American Hellenic Institute Public Affairs Committee, Inc, 1220 16th Street NW Washington, DC 20036			65.00
American Hotel & Motel Assn, 1201 New York Ave., NW Washington, DC 20005		23,075.00	25,251.93
American Institute of Merchant Shipping, 1000 16th Street, NW, #511 Washington, DC 20036			7,633.83
American Insurance Assn, 1130 Connecticut Avenue, NW, #l000 Washington, DC 20036		6,228.00	6,228.00
American International Group, Inc, 70 Pine Street New York, NY 10270			98,074.90
American Israel Public Affairs Comm, 440 First Street, NW, #600 Washington, DC 20001		93,641.00	205,998.70
American Land Title Assn, 1828 L St., NW, #705 Washington, DC 20036			4,470.00
American League for Exports & Security Assistance, Inc, 122 C St., NW, #740 Washington, DC 20001		96,000.00	17,560.42
American Library Assn, 50 E. Huron Street Chicago, IL 60611		5,366.00	12,855.00
American Life League, Inc, Box 1350 Stafford, VA 22555		25,000.00	10,633.56
American Malting Barley Assn, Inc, 735 North Water Street, #908 Milwaukee, WI 53202		20,062.05	5,911.68
American Meat Institute, 1700 N. Moore Street Arlington, VA 22209		447,775.52	
American Medical Assn, 515 North State Street Chicago, IL 60610			400,509.18
American Medical Peer Review Assn, 1140 Connecticut Avenue, NW, #1050 Washington, DC 20036			
American Medical Security, 3100 AMS Boulevard P.O. Box 19032 Green Bay, WI 54307-9032			62,746.08
American Methanol Institute, 800 Connecticut Ave., NW, #620 Washington, DC 20006		113,812.00	19,919.00
American Motorcyclist Assn, P.O. Box 6114 Westerville, OH 43081		22,726.44	22,726.44
American Movers Conference, 1611 Duke Street Alexandria, VA 22314			23,000.00
American Occupational Therapy Assn, Inc, 4720 Montgomery Lane P.O. Box 31220 Bethesda, MD 20824-1220			19,805.32
American Optometric Assn, 1505 Prince Street, #300 Alexandria, VA 22314			
American Petroleum Institute, 1220 L St., NW Washington, DC 20005		521,612.36	376,697.13
American Physical Therapy Assn, 1111 N. Fairfax Street Alexandria, VA 22314		8,175.34	8,175.34
American Podiatric Medical Assn, 9312 Old Georgetown Road Bethesda, MD 20814-1621			2,718.49
American Portland Cement Alliance, 1212 New York Avenue, NW, #500 Washington, DC 20005		169,726.90	78,676.50
American Public Transit Assn, 1201 New York Avenue, NW Washington, DC 20005		92,206.00	92,206.00
American Pulpwood Assn, 1025 Vermont Avenue, NW Washington, DC 20005			
American Radio Relay League, Inc, 225 Main Street Newington, CT 06111			17,383.00
American Retreaders' Assn, P.O. Box 37203 Louisville, KY 40233		250.00	250.00
American Short Line Railroad Assn, 1120 G Street NW, #520 Washington, DC 20005			
American Soc of Anesthesiologists, 1101 Vermont Ave, NW, #606 Washington, DC 20005			42,673.22
American Soc of Clinical Oncology, 750 17th Street, NW, #1100 Washington, DC 20006			
American Soc of Hospital Pharmacists, 7272 Wisconsin Avenue Bethesda, MD 20814			26,679.00
American Textile Manufacturers Institute, Inc, 1801 K Street, NW, #900 Washington, DC 20006		54,400.08	64,414.56
American Tort Reform Assn, 1212 New York Ave., NW, Suite 515 Washington, DC 20005			43,457.00
American Veterans of World War II, Korea & Vietnam (AMVETS), 4647 Forbes Boulevard Lanham, MD 20706			20,400.00
American Veterinary Medical Assn, 1101 Vermont Avenue, NW, #710 Washington, DC 20005-3621		40.00	40.00
American Waterways Operators, Inc, 1600 Wilson Boulevard, #1000 Arlington, VA 22209		435,619.00	5,802.41
Americans for Immigration Control, Inc, 725 2nd Street, NE Washington, DC 20002		13,580.31	13,580.31
Americans for Nonsmokers' Rights, 2530 San Pablo Ave., #J Berkeley, CA 94702		2,026.00	2,026.00
AmeriChoice Health Services, Inc, 8045 Leesburg Pike, Suite 650 Vienna, VA 22182			459.00
Amie Amiot, 10801 Rockville Pike Rockville, MD 20815	American Speech-Language-Hearing Assn		
Morris J. Amitay, P.C., 444 N. Capitol Street, NW, #712 Washington, DC 20001	American Assn of Pharmaceutical Distributors	2,500.00	
Do	Northrop Grumman Corporation	12,000.00	
Do	Thermedics Detection, Inc	5,000.00	30.01
Do	TRW Spce & Electronics Group	4,700.00	
Jan S. Amundson, North Lobby, #1500 1331 Pennsylvania Ave., NW Washington, DC 20004-1703	National Assn of Manufacturers		
Anadarko Petroleum Corp, 17001 Northchase Drive Houston, TX 77251-1330			
Jeffrey M. Anders, 1100 15th Street, NW, #900 Washington, DC 20005	Pharmaceutical Research & Manufacturers of America	4,000.00	60.00
Bette B. Anderson, 1020 19th St., NW, #800 Washington, DC 20036	KCI (Kelly, Anderson & Associates) (For:U.S. Banknote Corp)		
Byron Anderson, 1001 Pennsylvania Ave, NW, #460(N) Washington, DC 20004-2505	New York Life Insurance Company	375.00	
Carl A. Anderson, 1275 Pennsylvania Ave., NW, #501 Washington, DC 20004	Knights of Columbus	450.00	
Caroline Anderson, 600 Maryland Ave., SW Washington, DC 20202-4	American Farm Bureau Federation	3,872.00	125.00
Cynthia C. Anderson, 750 17th Street, NW 4th Floor Washington, DC 20006-4607	Enron Corp	3,000.00	
David J. Anderson, 66 S. Pearl Street Albany, NY 12207	KeyCorp/Key Bank of New York	1,211.54	77.40
John B. Anderson, 418 7th Street, SE Washington, DC 20003	World Federalist Assn	1,833.36	
Jon A. Anderson, 1745 Jefferson Davis Highway, #601 Arlington, VA 22202	AIL Systems, Inc	3,000.00	44.00
Kenneth William Anderson, 1629 K Street, NW, #301 Washington, DC 20006	Evergreen International Aviation, Inc		
Lori Anderson, 1275 K Street, NW, Suite 400 Washington, DC 20005	Socity of the Plastics Industry, Inc		
Mahlon G. Anderson, 12600 Fair Lakes Circle Fairfax, VA 22033-4904	AAA Potomac		
Margo L. Anderson, 1725 Jefferson Davis Highway, Suite 901 Arlington, VA 22202	Alliant Techsystems, Inc	9,487.50	
Philmore B. Anderson, 412 1st Street, SE, Suite 300 Washington, DC 20003	Independent Insurance Agents of America	10,404.00	
Richard F. Anderson, 1155 Connecticut Ave., NW, #800 Washington, DC 20036	WMX Technologies Inc	12,576.00	
Steven Anderson, 1764 Old Meadow Rd, #350 McLean, VA 22102	American Frozen Food Institute	6,600.00	
Tobyn J. Anderson, 601 Thirteenth Street, NW, #320 South Washington, DC 20005	National Independent Energy Producers	5,000.00	
Elaine Andrews, 1001 Pennsylvania Ave., NW Washington, DC 20004-2599	American Council of Life Insurance, Inc	600.00	
Michael Andrews, 1455 Pennsylvania Ave., NW, #350 Washington, DC 20004	Salomon Brothers, Inc	4,000.00	
William Robert Andrews, 1745 Jefferson Davis Highway, #1200 Arlington, VA 22202	Rockwell International Corp	1,000.00	145.85
Andrews & Kurth, 1701 Pennsylvania Avenue, NW, #200 Washington, DC 20006	Association of Battery Recyclers	11.52	
Do	Institute of Makers of Explosives		
Andrews' Associates, Inc, 2550 M St., NW, #450 Washington, DC 20037	Blue Cross and Blue Shield of ND	20,000.00	
Do	Mars, Inc		
Do	National Trailer Dealers Assn	40,000.00	
Do	Safeguard America's Family Enterprises		
Animal Health Institute, 501 Wythe Street P.O. Box 1417-D50 Alexandria, VA 22313-1480			32,386.36
Decker Anstrom, 1724 Massachusetts Ave., NW Washington, DC 20036	National Cable Television Assn, Inc	16,875.00	
Ernest Antczak, 27777 Inkster Road Farmington Hills, MI 48334	Michigan National Corp		
Thomas D. Anthony, 2500 PNC Center Cincinnati, OH 45202	Frost & Jacobs (For:Louisville Imaging Services, Inc)		
Apartment & Office Building Assn of Metropolitan Washington, 1050 17th Street, NW, #300 Washington, DC 20036			
Judith C. Appelbaum, 1616 P Street, NW, #100 Washington, DC 20036	National Women's Law Center		138.25
Appraisal Institute, 2600 Virginia Avenue, NW Suite 200 Washington, DC 20037		1,750.00	1,750.00
James N. Arbury, 1850 M Street, NW, Suite 540 Washington, DC 20036	National Multi Housing Council	2,700.00	
Paul W. Arcari, 201 N. Washington Street Alexandria, VA 22314	Retired Officers Assn	8,886.00	
R. M. Julie Archuleta, 1747 Pennsylvania Avenue, NW, 3rd Fl. Washington, DC 20006	Occidental Chemical Corp	300.00	346.64
Samuel J. Ard, P.O. Box 1794 Tallahassee, FL 32302	St. Joe Paper Co	1,956.00	5,842.00
Arent Fox Kintner Plotkin & Kahn, 1050 Connecticut Ave., NW Washington, DC 20036-5339	American Amusement Machine Assn	12,850.42	4,961.10
Do	American Assn of Bioanalysts	24,430.66	4,519.31
Do	American Assn of Occupational Health Nurses	20,364.76	360.13
Do	American Board of Examiners in Clinical Social Work	1,458.95	50.69
Do	Children With Attention Deficit Disorder (CHADD)		
Do	Children's Health Fund		
Do	Health Commons Institute		
Do	Independent Federation of Flight Attendants	399.40	40.46
Do	International Society for Clinical Laboratory Technology	2,000.00	
Do	Marion Merrell Dow, Inc		503.19
Do	Mercy Hospital of Des Moines, Iowa	3,208.00	1,467.78
Do	National Assn of Recording Merchandisers	2,705.19	425.65
Do	National Parking Association		
Do	Navajo Nation	87,210.31	2,850.78
Do	North American Training Services, Inc	443.70	28.26
Do	Raytheon Company	45,573.01	532.45
Do	Video Software Dealers Assn	90.00	11.39
Do	Worksite Health Promotion Alliance	4,420.85	367.48
Arizona Students' Assn, 511 West University Drive Suite 4 Tempe, AZ 85281-5585			810.69
John G. Arlington, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn	425.00	
David C. Armijo, 401 Coors Boulevard, NW Albuquerque, NM 87121	Westland Development Co, Inc		1,516.83
Angela J. Arnett, 1001 Pennsylvania Avenue, NW Washington, DC 20004	American Council of Life Insurance, Inc	1,000.00	
Luther Glenn Arnette, 1101 Mercantile Lane, Suite 100 Landover, MD 20785	American Military Society (AMS)		
Arnold & Porter, 1200 New Hampshire Ave., NW Washington, DC 20036	American Red Cross		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Atlantic Richfield Co	11,144.80	204.50
Do	Building and Construction Trade Department, AFL-CIO		
Do	City of Reading		
Do	Commissioner, Dept of Telecommunications City of New York		
Do	Computer Sciences Corp		
Do	Continental Corporation		
Do	General Cable Corp		
Do	General Conference of Seventh-day Adventists	8,676.75	
Do	Hoffmann-La Roche, Inc		
Do	Hopi Indian Tribe		
Do	Michigan National Corp (for: Beverly Hills Fed Savings Bank)		
Do	Montefiore Medical Center		
Do	Motorola, Inc	39,033.12	
Do	National Assn of Telecommunications Officers & Advisors		
Do	National Coordinating Comm for Multiemployer Plans	8,750.00	167.71
Do	Paine Webber Group, Inc		
Do	Philip Morris, Inc	1,154.73	
Do	Recording Industry Assn of America, Inc	1,606.51	10.25
Do	Republic of Venezuela		
Do	Sacramento Municipal Utility District		
Do	Scripps Research Institute		
Do	Stanford University		
Do	State of Delaware		
Do	State Farm Mutual Automobile Insurance Co	6,025.25	10.55
Do	Tambrands, Inc		
Do	Unilever United States, Inc		
Wayne Arny & Associates, Inc, 600 New Hampshire Ave., NW, #1010 Washington, DC 20037	American Logistics Infrastructure Improvement Consortium		
Do	Guam Airport Authority		
Do	Technology for Communications, International		
Do	United Defense LP		
Thomas M. Arrasmith, 1301 K Street, NW, #1200 Washington, DC 20006	IBM Corp	1,589.22	466.33
Deborah McNeal Arrindell, 600 Maryland Ave., SW, #100 West Washington, DC 20024-2571	Home Care Aide Assn of America/National Assn for Home Care	346.00	
Debra B. Arrington, 8219 Leesburg Pike Vienna, VA 22182	Cable & Wireless, Inc	10,000.00	31.90
Arter & Hadden, 1801 K Street, NW, #400K Washington, DC 20006	American Insurance Assn	2,456.00	906.00
Do	American Koyo Corp	440.00	125.00
Do	Association for Responsible Thermal Treatment	3,768.00	1,368.00
Do	BKK Corporation	590.00	215.00
Do	Cellular Telecommunications Industry Assn	5,085.00	2,385.00
Do	Centerior Energy Corp		
Do	Central & South West Corp	7,405.00	3,400.00
Do	Circus Circus Enterprises, Inc	3,990.00	1,540.00
Do	Citicorp	1,853.00	803.00
Do	Corning, Inc	7,420.00	3,170.00
Do	CAI Wireless		
Do	Electronic Data Systems Corp		
Do	Federated Investors	628.00	168.00
Do	Financial Guaranty Insurance Corp		
Do	Great Lakes Museum of Science Environment & Technology	2,076.00	776.00
Do	Hearst Corp	2,406.00	356.00
Do	Hunt Valve Co, Inc		
Do	Information Technology Industry Council	1,940.00	940.00
Do	Investment Company Institute	1,531.00	781.00
Do	Jeffries & Co, Inc		
Do	LDDS Metromedia	1,848.00	698.00
Do	LTV Corp	658.00	258.00
Do	Merck & Co, Inc		
Do	Motorola	7,043.00	2,743.00
Do	Mt Carmel Health		
Do	National Assn of Broadcasters	1,285.00	535.00
Do	Nintendo of America		
Do	Pinpoint Communications		
Do	Sammons Enterprises, Inc	1,282.00	532.00
Do	Southwest Florida Enterprises, Inc		
Do	Tele-Communications, Inc	316.00	66.00
Do	Tesoro Petroleum	600.00	100.00
Do	U.S. Long Distance Corp	970.00	470.00
Do	United Services Automobile Assn		
Do	Westinghouse Electric Corp	865.00	365.00
Do	Working Group on R&D	2,451.00	1,201.00
Asian Pacific Economic Educational Cultural Organization, P.O. Box 891 Manila, Philippines			
Donald D. Asmonga, 1919 Pennsylvania Ave., NW, Suie 300 Washignton, DC 20006	American Health Information Management Assn	2,483.58	15.00
Associated Builders & Contractors, Inc, 1300 North 17th Street Rosslyn, VA 22209		2,500.00	
Associated Credit Bureaus, Inc, 1090 Vermont Avenue, NW, #200 Washington, DC 20005		1,500.00	
Associated General Contractors of America, 1957 E St., NW Washington, DC 20006			16,500.00
Association of American Publishers, 1718 Connecticut Avenue, NW Washington, DC 20009-1148		20,343.00	20,343.00
Association of American Railroads, American Railroads Building 50 F Street, NW Washington, DC 20001		100,514.54	100,514.54
Association of American Veterinary Medical Colleges, 1101 Vermont Avenue, NW, #710 Washington, DC 20005			
Association of Bankruptcy Professionals, Inc, P.O. Box 1394 Lynchburg, VA 24505		500.00	249.50
Association of Financial Services Companies, 888 17th Street, NW, #312 Washington, DC 20006			4,500.00
Association of Home Appliance Manufacturers, 701 Pennsylvania Avenue, NW, #900 Washington, DC 20004			2,762.40
Association of Maximum Service Television, Inc, 1776 Massachusetts Avenue, NW, #310 Washington, DC 20036			
Association of Oil Pipe Lines, 1725 K St., NW Washington, DC 20006			
Association of State & Territorial Health Officials, 415 Second Street, NE, Suite 200 Washington, DC 20002			6,203.50
Bob Asztalos, 1201 L Street, NW Washington, DC 20005	American Health Care Assn	14,000.00	911.86
Carol F. Aten, 1776 Massachusetts Ave., NW Washington, DC 20036	National Parks & Conservation Assn	360.00	51.00
Atlantic Richfield Co, 515 South Flower Street Los Angeles, CA 90071			2,951.00
Atlantic Systems, Inc, 8045 Leesburg Pike, Suite 650 Vienna, VA 22182			
Fritz E. Attaway, 1600 Eye St., NW Washington, DC 20006	Motion Picture Assn of America, Inc	120.00	
Deborah Marie Atwood, 122 C Street, NW, #875 Washington, DC 20001	American Meat Institute	2,000.00	
Jonathan P. Atwood, 100 West Putnam Avenue Greenwich, CT 06830	UST Public Affairs, Inc		1,800.00
Kenneth E. Auer, 50 F Street, NW, #900 Washington, DC 20001	Farm Credit Council		
Linda M. Auglis, 1100 South Washington Street Alexandria, VA 22314-4494	National Beer Wholesalers Assn	144.20	154.89
Frank W. Ault, 2009 N. 14th Street, #300 Arlington, VA 22201	American Retirees Assn	7,500.00	
Ronald R. Austin, 1201 16th Street, NW, #210 Washington, DC 20036	Overseas Education Assn, Inc	1,250.00	
John S. Autry, 1133 Connecticut Avenue, NW, #1010 Washington, DC 20036	JSA-1, Inc	10,000.00	1,608.79
Les AuCoin, Bogle & Gates 1299 Pennsylvania Ave., NW, #875 East Washington, DC 20004	American Forest & Paper Assn	303.00	
Do	Associated Oregon Loggers	404.00	
Do	Confederated Tribes of the Grand Ronde	404.00	
Do	First Technology Federal Credit Union	303.00	
Do	Global Forestry Management Group	101.00	
Do	Harsch Investment Co	252.50	
Do	International Paper	1,515.00	
Avon Products, Inc, 9 West 57th Street New York, NY 10019			
Michael G. Ayre, P.O. Box 130 Levis P.Q. Canada G6V 6N7	Mil Davie, Inc		
Merribel Symington Ayres, 601 13th Street, NW, #320 South Washington, DC 20005	National Independent Energy Producers	7,678.13	
Richard E. Ayres, 555 13th Street, NW, #500 West Washington, DC 20004	American Insurance Assn		
Do	CIGNA Corp		
Azerbaijan Study Foundation, 110 East 59th Street, Suite 3202 New York, NY 10022		33,000.00	33,000.00
AIDS Action Council, Inc, 1875 Connecticut Avenue, NW, #700 Washington, DC 20009			4,748.57
AOPA Legislative Action, 500 E Street, SW, #920 Washington, DC 20024		390,415.00	355,951.00
Craig H. Baab, 122 C Street NW Suite 350 Washington, DC 20001	Armenian Assembly of America		
Edward J. Babbitt, 400 Broadway Cincinnati, OH 45202	Western & Southern Life Insurance Co	245.00	
Cara C. Bachenheimer, 225 Reinekers Lane, #650 Alexandria, VA 22314	Health Industry Distributors Assn	3,837.00	22,530.00
Michael G. Bader, P.O. Box 8731 Missoula, MT 59807	Alliance for the Wild Rockies, Inc	550.00	1,373.01

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Wendy Baer, 4214 King Steet, West Alexandria, VA 22302	IHPA - The International Wood Products Assn	271.95	424.40
Charlotte M. Bahin, 900 19th Street, NW, Suite#400 Washington, DC 20006	America's Community Bankers		
George F. Bailey Jr., 400 South Union Street, #495 Montgomery, AL 36104	CSX Transportation		
Kingsley E. Bailey, 1730 K Street, NW Suite 304 Washington, DC 20004	International Foundation for the Mentally Ill		
William W. Bailey, 1201 Connecticut Avenue, NW, #300 Washington, DC 20036	Bailey & Robinson (For:Blue Cross of Western Pennsylvania)		
Do	Bailey & Robinson (For:Smart Corp)		
Bailey & Robinson, 1201 Connecticut Avenue, NW, #300 Washington, DC 20036	Blue Cross of Western Pennsylvania	20,000.00	
Do	Natural Disaster Coalition	9,000.00	
Do	Ormet	30,000.00	
Do	Smart Corp		
Do	Utilities Telecommunication Council	950.00	
Bailey Intermediary Group, Inc, 1730 K Street, NW, #304 Washington, DC 20006	Caribbean Development		
Gerald E. Baker, 1625 Massachusetts Avenue, NW Washington, DC 20036	Air Line Pilots Assn	18,750.00	914.61
James Jay Baker, 1742 N Street, NW Washington, DC 20036	National Rifle Assn of America	3,257.00	
Do	Sporting Arms & Ammunition Manufacturers Institute	4,950.00	1,220.00
John D. Baker, 815 Sixteenth Street, NW Washington, DC 20006	International Longshoremen's Assn, AFL-CIO	8,490.99	
R. Garrity Baker, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc		
Baker & Botts, L.L.P., The Warner 1229 Pennsylvania Ave., NW Washington, DC 20004-2400	Association for Manufacturing Technologies	9,245.00	199.53
Do	Computer & Business Equipment Manufacturers Assn		14.40
Do	Mickey Leland National Urban Air Toxics Research Center		30.90
Do	Ministry of Foreign Affairs of the Republic of Yemen		
Do	Rhone-Poulenc, Inc	5,858.08	99.78
Do	Sanifill, Inc		
Do	Trajen, Inc		31.56
Do	Westinghouse Electric Corp	3,920.00	60.64
Baker & Hostetler, 1050 Connecticut Ave., NW, #1100 Washington, DC 20036	American Resort Development Assn	1,861.41	1,861.41
Do	Coalition of Independent Casualty Companies of America		
Do	Hyatt Corp		
Do	IOTA Partners	3,790.80	3,790.80
Do	Loeb & Loeb (for Joseph Bogdanovich)		
Do	Soap and Detergent Association		
Do	Travelers, Inc		
Elizabeth Baldwin, 750 First Street, NE Washington, DC 20002-4242	American Psychological Assn	846.97	161.87
Paul W. Baldwin, 500 Arcola Road Collegeville, PA 19426	Rhone-Poulenc Rorer Pharmaceuticals, Inc	1,500.00	
Stanley W. Balis, 1140 19th Street, NW, #700 Washington, DC 20036	Miller Balis & O'Neil, P.C. (For:American Public Gas Assn)		
William L. Ball III, 1101 16th Street, NW Washington, DC 20036	National Soft Drink Assn	616.03	725.54
William Lewis Ball, 1660 L Street, NW, #401 Washington, DC 20036	General Motors Corp	3,000.00	3,516.82
Ball Janik & Novack, 1101 Pennsylvania Avenue, NW, #1035 Washington, DC 20004	City of Bellevue (Washington)	5,617.73	637.27
Do	City of Modesto	6,600.00	848.87
Do	City of Portland, OR	21,000.00	1,935.28
Do	City University	15,516.50	2,453.67
Do	Clackamas County	22,061.50	1,248.05
Do	Clatsop Community College	9,000.00	900.00
Do	CPAFB (Committee to Preserve the American Family Business	13,000.00	2,044.98
Do	Greenbrier Leasing, Inc	56,816.50	5,589.73
Do	Northwest Industrial Gas Users		
Do	Northwest Woodland Owners Council	27,000.00	2,983.94
Do	Oregon Community College Assn	9,000.00	1,641.19
Do	Oregon Department of State Lands		
Do	Oregon Department of Transportation	24,300.00	1,735.55
Do	Oregon Forest Industries Council		
Do	Oregon Graduate Institute of Science & Technology	5,430.00	712.85
Do	Pacific Processors Assn		
Do	Port of Hood River	14,000.00	299.28
Do	Schnitzer Steel Industries	5,587.00	404.09
Jack L. Ballard, P.O. Box 21106 Shreveport, LA 71156	Southwestern Electric Power Company		
Debra T. Ballen, 1130 Connecticut Avenue, NW, #1000 Washington, DC 20036	American Insurance Assn		
Thomas M. Balmer, 1250 H Street, NW, Suite 900 Washington, DC 20005	International Dairy Foods Association		
Michael Baly III, 1515 Wilson Blvd Arlington, VA 22209	American Gas Assn	4,000.00	147.87
Balzano Associates, 1730 North Lynn Street Arlington, VA 22209	Northrop Grumman Corporation		
Philip A. Bangert, 2000 L Street, NW #612 Washington, DC 20036	Sher & Blackwell (For:Global Resort Partners)		
Do	Miami River Marine Group		
Do	Port of Oakland	510.00	246.20
James T. Banks, 1155 Connecticut Avenue, NW, #800 Washington, DC 20036	WMX Technologies, Inc	5,000.00	38.77
Kip B. Banks, 1201 New York Avenue, NW Washington, DC 20005	American Public Transit Assn	7,725.00	212.00
Kathryn Bannan, 1300 I Street, NW, #520-W Washington, DC 20005-3314	Hoffmann-La Roche, Inc		
M. Graeme Bannerman, 888 16th St., NW Washington, DC 20006	Bannerman & Associates, Inc (For:Arab Republic of Egypt)	3,000.00	83.53
Do	Bannerman & Associates, Inc (For:Beirut University College)	1,000.00	
Do	Bannerman & Associates, Inc (For:Embassy of El Salvador)	500.00	
Do	Bannerman & Associates, Inc (For:Government of the United Arab Emirates)	1,500.00	
Do	Bannerman & Associates (For:L.A. Motley & Co (for: Government of the Philippines)).	2,000.00	
Elizabeth A. Bannigan, 1225 Eye Street, NW, #1100 Washington, DC 20005	Handgun Control, Inc	895.20	
Russel Bantham, 1100 15th Street, NW Washington, DC 20005	Pharmaceutical Research & Manufacturers Assn	4,000.00	
Anne Banville, 1667 K Street, NW, Suite 330 Washington, DC 20006	CMF&Z Public Reclations (For:IES Industries)		
James W. Bapple III, 5535 Hampstead Way Springfield, VA 22151	National Assn for Uniformed Services	1,102.50	
Samuel J. Baptista, 1776 Eye Street, NW, #735 Washington, DC 20006	Financial Services Council	5,513.00	
Baraff Koerner Olender & Hochberg, P.C., 5335 Wisconsin Avenue, NW, #300 Washington, DC 20015-2003	Football Bowl Assn		
Do	National Assn of Collegiate Directors of Athletics		
Do	National Basketball Assn	805.00	
Do	National Hockey League	575.00	
Emory W. Baragar, 1700 N. Moore St., #2120 Rosslyn, VA 22209	Boeing Company	5,412.96	750.34
Dana Barbieri, 600 Maryland Ave., SW, Sutie 700 Washington, DC 20024	National Fed of Independent Business	3,401.00	200.00
Betsy F. Barclay, 1445 New York Avenue, NW, 8th Floor Washington, DC 20005	Public Securities Assn	12,500.00	714.50
Donald P. Barger, 74 Dairypond Road Norris, TN 37828	National Parks & Conservation Assn	410.40	34.81
Russell E. Barker, 9005 Congressional Court Potomac, MD 20854	Peanut Butter & Nut Processors Assn	8,400.00	426.40
G. Denise Barksdale, 1667 K Street, NW, #1270 Washington, DC 20006	Warner-Lambert Company		
Jared A. Barlage, 122 C Street, NW, 4th Floor Washington, DC 20001	American Wind Energy Assn	6,735.40	
Thomas W. Barlow, P.O. Box 14000 Juno Beach, FL 33408	Florida Power & Light Co		
Iraline G. Barnes, 1900 Pennsylvania Ave, NW Washington, DC 20068	Potomac Electric Power Company		
Joseph L. Barnes, 125 N. West Street Alexandria, VA 22314-2754	Fleet Reserve Assn		
Mark Barnes, 1200 G Street, NW, Suite 800 Washington, DC 20005	FireArm Importers Fair Trade Group (FAIR)	2,031.00	774.25
Do	National Rifle Assn	9,324.36	320.57
Sharon W. Barnes, 5535 Hempstead Way Springfield, VA 22151-4094	National Assn for Uniformed Services		
Larry P. Barnett, 8752 Center Road Springfield, VA 22152	Aviation Management Associates (For:Wilcox Electric, Inc)		
Barnett & Sivon, PC, 2000 M Street, NW, Suite 740 Washington, DC 20036	Citibank, NA	3,058.00	483.00
Ray A. Barnhart, 2630 Exposition Blvd., #G-10 Austin, TX 78703	Marathon Oil Co	4,500.00	1,005.35
Michael E. Baroody, 1331 Pennsylvania Avenue, NW, #1500-N Washington, DC 20004-1703	National Assn of Manufacturers	660.00	
Eugene M. Barr, Associated Petroleum Industries of PA P.O. Box 925 Harrisburg, PA 17108	American Petroleum Institute		
James C. Barr, 1840 Wilson Blvd Arlington, VA 22201	National Milk Producers Federation	3,150.00	
Terry N. Barr, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives		
David C. Barrett Jr., 1201 New York Ave., NW, #830 Washington, DC 20005	National Grain & Feed Assn	5,000.00	
David J. Barrett, 801 Pennsylvania Ave., NW, Suite 955 Washington, DC 20004	Morgan Stanley & Co, Inc	4,000.00	
Robert W. Barrie, 1919 Pennsylvania Avenue, NW, 8th Floor Washington, DC 20004	General Electric Co	500.00	250.00
Do	O'Connor & Hannan (For:General Electric Co)	1,200.00	553.00
Robert E. Barrow, 1616 H Street, NW Washington, DC 20006	National Grange	5,000.00	
Albert P. Barry, 2011 Crystal Drive, #107 Arlington, VA 22202	AAI Corporation	5,837.50	
Colleen L. Barry, 1828 L Street, NW, Suite 1010 Washington, DC 20036	Rosapepe & Spanos, Inc (For:H & R Block)	1,236.92	
Thomas M. Barry, 1401 I Street, nw, Suite 1100 Washington, DC 20005	SBC Communications, Inc	15,000.00	
Linda Curry Bartholomew, 2 North 9th Street Allentown, PA 18101	Pennsylvania Power & Light Co	125.00	
Robert G. Bartlett, 1415 Elliot Place, NW Washington, DC 20007	National Stone Assn	4,000.00	500.00
Virginia Bartlett, One Sony Drive Park Ridge, NJ 07656	Sony Electronics, Inc	2,000.00	
William N. Bartolone, 1331 Pennsylvania Ave., NW, #1331N Washington, DC 20004	Cray Research, Inc	10,000.00	30,000.00
Jo-Anne R. Basile, 1250 Connecticut Ave., NW, 2nd Floor Washington, DC 20036	Cellular Telecommunications Industry Assn		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Bass and Howes, 1601 Connecticut Ave., NW, #801 Washington, DC 20009	Breast Cancer Coalition	16,150.00	84.12
Do	Family Violence Prevention Fund	4,250.00	71.44
Do	National Diabetes Research Coalition	5,100.00	82.33
Do	RESOLVE	2,762.00	20.43
Sandy Bass-Cors, 119 Oronoco Street, Suite 300 Alexandria, VA 22314	Coalition for Automotive Repair Equality	4,045.00	
Robert W. Batchelder, 1201 New York Ave., NW Washington, DC 20005	American Public Transit Assn	1,500.00	
Dick Batchelor Management Group, Inc, 201 South Orange Ave., Suite 1017 Orlando, FL 32801	Orlando-Orange County Expressway Authority	7,500.00	2,084.65
Diane Bateman, 501 2nd Street, NE Washington, DC 20002	Fertilizer Institute	9,000.00	1,668.98
Douglas P. Bates, 1001 Pennsylvania Ave., NW Washington, DC 20004-2599	American Council of Life Insurance, Inc	4,500.00	
Richard M. Bates, 1150 17th Street, NW, #400 Washington, DC 20036	Disney Worldwide Services, Inc	12,375.00	1,543.41
Catharine R. Batky, 801 Pennsylvania Ave., NW, #220 Washington, DC 20004-2604	Burlington Northern Railroad Co	5,000.00	154.77
Russell B. Batson, 1615 H St., NW Washington, DC 20062	American Furniture Manufacturers Assn	500.00	564.60
Lana R. Batts, 2200 Mill Road Alexandria, VA 22314	Interstate Truckload Carriers Conference	700.00	350.00
Gary Lee Bauer, 700 13th Street, NW, #500 Washington, DC 20005	Family Research Council	525.00	
Laura M. Baughman, 325 7th Street, NW, #1110 Washington, DC 20004	Trade Partnership (For:Coalition for GSP)	2,800.00	929.87
Barbara Bauman, 1301 Pennsylvania Ave., NW, Suite 1030 Washington, DC 20004	Kansas City Power & Light Company, et al.	19,517.00	11,789.06
Charles E. Baxter, P.O. Box 1682 Austin, TX 78767	Blue Cross & Blue Shield of Texas, Inc	7,500.00	1,509.35
Tammy L. Baxter, 1155 15th Street, NW, Suite 600 Washington, DC 20005	Pennzoil Company	350.00	
Carl T. Bayer, 2111 Wilson Boulevard, Suite 1100 Arlington, VA 22201	Teledyne Industries, Inc	2,175.00	
Judith Bayer, 1401 Eye Street, NW, Suite 600 Washington, DC 20005	United Technologies Corp	32,400.00	1,851.93
Bayh Connaughton Fensterheim & Malone, PC, 1350 Eye Street, NW, #200 Washington, DC 20005	Associated Group		450.00
Do	Citicorp	14,756.43	450.00
Do	Cook Group	5,748.06	450.00
Do	Lender's Coalition		
Do	National Soft Drink Assn		
Do	Real Estate Capital Recovery Assn	3,000.00	400.00
Do	TENNECO	1,807.20	450.00
James L. Bayless Jr., 1072 Thomas Jefferson St., NW Washington, DC 20007	InterMedia Partners	9,975.00	5,501.16
Kim Koontz Bayliss, One Massachusetts Ave., NW, Third Floor Washington, DC 20001	United Video, Inc	17,010.00	11,313.31
Beacon Consulting Group, Inc, 312 Massachuesetts Avenue, NE Washington, DC 20002-5703	National Museum of Health & Medicine Foundation		
Joanne Elden Beale, 4455 Woodson Road St. Louis, MO 63134	Catholic Health Assn of the United States		
Bruce A. Beam, 801 Pennsylvania Ave, #214 Washington, DC 20004	American Electric Power Service Corp	336.00	187.00
Dorothy A. Beam, 1510 Laburnum Street McLean, VA 22101	Richard J. Sullivan Associates (For:Association of American Railroads)	1,500.00	
Do	Richard J. Sullivan Associates, Inc (For:Design Professionals Coalition)		
Do	Richard J. Sullivan Associates, Inc (For:Northeast Ohio Regional Sewer District)	3,000.00	
Do	Richard J. Sullivan Associates, Inc (For:Union Pacific)		
Do	Richard J. Sullivan Associates, Inc (For:Water Environment Research Foundation).		
Robert L. Beauregard, 1150 Connecticut Ave., NW, Suite 717 Washington, DC 20036	Southern California Gas Co		
Charles D. Becher, 1350 Eye Street, NW, Suite 1000 Washington, DC 20005	Ford Motor Company	1,500.00	727.45
Edward A. Beck III, 1615 L Street, NW, #1205 Washington, DC 20036	Smith Helms Mulliss & Moore	16,285.64	
Brenda Larsen Becker, 1310 G Street, NW, 12th Floor Washington, DC 20005	Blue Cross & Blue Shield Assn	1,857.00	1,628.60
Steven M. Beckman, 1757 N Street, NW Washington, DC 20036	Int'l Union, United Auto Aerospace & Agric Implement Workers	8,520.76	25.00
Howard Bedlin, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	10,598.54	
William A. Behan, 1700 N. Moore St., #1801 Arlington, VA 22209	Magnavox Electronic Systems Corp	4,000.00	1,970.32
Edwin L. Behrens, Market Square 801 Pennsylvania Ave., NW, #720 Washington, DC 20004-2604	Procter & Gamble Co	218.06	
Joe Belew, 1000 Wilson Boulevard, 30th floor Arlington, VA 22209-3908	Consumer Bankers Assn		46.65
Aleesa Bell, 1101 Pennsylvania Ave., NW, #200 Washington, DC 20004	International Paper	3,440.00	312.73
Judith Bell, 1535 Mission Street San Francisco, CA 94103	Consumers Union		
Rebecca Leone Bell, 8219 Leesburg Pike Vienna, VA 22182	Cable & Wireless, Inc	4,144.62	34.00
Stephan D. Bell, 600 Maryland Ave., SW, #202W Washington, DC 20024	Farmers' Educational & Co-Operative Union of America	509.09	33.60
Stephen E. Bell, 1455 Pennsylvania Ave., NW, #350 Washington, DC 20004	Salomon Brothers, Inc	5,000.00	
Winston Everett Bell, P.O. Box 26543 Las Vegas, NV 89126			
Trina Bellak-Bronfman, 9120 Friars Rd. Bethesda, MD 20817	Humane Society of the U.S.	8,812.50	120.10
James P. Bellis, 700 11th Street, NW, #650 Washington, DC 20004	Association of National Advertisers, Inc		
T. A. Bellissimo, 1000 Connecticut Ave., NW, Suite 507 Washington, DC 20036	Household Financial Group, Ltd	2,350.00	
Catherine A. Belter, 8616 Etta Drive Springfield, VA 22152	National PTA		377.88
Keith B. Belton, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn	5,000.00	658.00
Jennifer L. Bendall, 1020 19th Street, NW, #200 Washington, DC 20036	Recording Industry Assn of America, Inc	6,300.00	
Beverly Ann Benedict, 2414 16th Street Anacortes, WA 98221	Gertrude J. Dombrowski Research Organization		35.44
Maynard Benjamin, 1600 Duke Street, #440 Alexandria, VA 22314-2700	Envelope Manufacturers Assn of America		4,072.20
Mike Benner, 1300 L St., NW Washington, DC 20005	American Postal Workers Union, AFL-CIO	3,488.62	
Daniel J. Bennet, 1300 North 17th Street Rosslyn, VA 22209	Associated Builders & Contractors, Inc	2,500.00	
John C. Bennison, 1101 King Street Alexandria, VA 22314	American Soc of Travel Agents	8,500.00	
Frederick S. Benson III, 2001 L Street, NW, #304 Washington, DC 20036	Weyerhaeuser Company		643.56
James E. Benton, New Jersey Petroleum Council 150 W. State Street Trenton, NJ 08608	American Petroleum Institute	135.00	
Charles D. Beretz, 1101 14th Street, NW, #1400 Washington, DC 20005	Defenders of Wildlife		
Rebecca J. Berg, 808 17th Street NW, #200 Washington, DC 20006	Bostrom Corp (For:Passenger Vessel Assn)	2,000.00	
Diane Soucy Bergan, 1707 L Street, NW, #300 Washington, DC 20036	United Airlines, Inc	720.00	
Douglas L. Berger, 1333 F Street, NW, #710 Washington, DC 20004-1108	Advertising Mail Marketing Assn		
Bergner Bockorny Clough & Brain, 1101 16th Street, NW, #500 Washington, DC 20036	American Bankers Assn	14,900.00	1,560.00
Do	American Medical Security	5,300.00	615.00
Do	Biotechnology Industry Organization	6,700.00	850.00
Do	Business Roundtable	6,700.00	1,110.00
Do	China External Trade Development Council	650.00	100.00
Do	Dow Chemical Co	500.00	165.00
Do	Edison Electric Institute	1,450.00	395.00
Do	Elanco Animal Health	2,400.00	365.00
Do	Electronic Industries Assn	3,475.00	470.00
Do	Fox Broadcasting Company	8,750.00	1,430.68
Do	Genetech, Inc	500.00	150.00
Do	Georgetown University Medical Center	3,350.00	531.00
Do	Glaxo, Inc	7,950.00	920.00
Do	HealthCare COMPARE Corp	5,150.00	945.00
Do	Mallinckrodt Specialty Chemical Co, Inc	2,250.00	410.00
Do	McDonnell Douglas Corp	870.00	240.00
Do	Metpath	3,950.00	801.39
Do	Ministry of Int'l Affairs of the Gov't of Quebec		
Do	National Soft Drink Assn	4,775.00	575.00
Do	Newscorp, USA	565.00	135.00
Do	Northwest Airlines	3,560.00	630.00
Do	Ogden Martin Systems, Inc	3,850.00	705.00
Do	Personal Communications Industry Associationo, Inc	3,925.00	890.00
Do	Petroleum Marketers Assn of America	4,675.00	1,095.00
Do	Philip Morris Co, Inc	5,670.00	90.00
Do	Ticketmaster	1,300.00	720.44
Gene S. Bergoffen, 1320 Braddock Place, #720 Alexandria, VA 22314	National Private Truck Council		
Edwin M. Bergsmark, 1000 Regency Court, Suite 209 Toledo, OH 43623	Bergsmark & Associates (For:Rudolph/Libbe Companies, Inc & subsidiaries)		
Paul C. Bergson, 1319 F Street, NW, #301 Washington, DC 20004	Methyl Bromide Working Group	2,000.00	
Do	Point of Purchase Advertising Institute	5,000.00	
Do	Smokeless Tobacco Council	1,000.00	
Dayle Berke, 519 C Street, NE Washington, DC 20002	National Assn for Home Care	730.60	
Antoinette C. Berkely, P.O. Box 2972 Washington, DC 20013			
Ann Richardson Berkey, One Post Street, SUite 3275 San Francisco, CA 94104	McKesson Corp	395.12	30.46
Peter A. A. Berle, 700 Broadway New York, NY 10003	National Audubon Society	1,000.00	900.00
Debra Berlyn, 1133 15th Street, NW, #575 Washington, DC 20005	National Assn of State Utility Consumer Advocates	1,750.00	355.87
Ellen Berman, 2000 L St., NW, #802 Washington, DC 20036	Consumer Energy Council of America		
Keith E. Bernard, 8219 Leesburg Pike Vienna, VA 22182	Cable & Wireless, Inc	3,600.00	5.00
Mary E. Bernhard, 1615 H St., NW Washington, DC 20062	U.S. Chamber of Commerce	2,500.00	
Delanne Bernier, 1023 15th Street, NW, #400 Washington, DC 20005	Wine & Spirits Wholesalers of America, Inc		185.23
Jules Bernstein, 1920 L Street, NW, #602 Washington, DC 20036	Federal Law Enforcement Officers Assn	7,749.00	664.35
Norman W. Bernstein, 2000 M Street, NW, #745 Washington, DC 20036	N. W. Bernstien & Associates		1,865.24
Susan Bernstein, 1331 Pennsylvania Ave., NW, #1500-N Washington, DC 20004-1790	National Assn of Manufacturers	1,000.00	
Bernstein & Lipsett, 1920 L Street, NW, #602 Washington, DC 20036	National Assn of Police Organizations	3,000.00	225.95

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Nancy T. Bernstine, 122 C Street, NW, Suite 680 Washington, DC 20001	National Housing Law Project	4,370.00	
Craig A. Berrington, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn		
Jacqueline L. Berry, 1101 15th Street, NW Washington, DC 20005	Minnesota Mining and Manufacturing (3M)		
Max N. Berry, 3213 O St., NW Washington, DC 20007	American Importers & Exporters Meat Products Group		
Do	Centre National Interprofessional de L'Economic Laitiere		
Do	Florida Department of Citrus		
Robert E. Berry, 1515 Wilson Boulevard Arlington, VA 22209	American Gas Assn	1,950.00	160.30
Willard M. Berry, 801 Pennsylvania Ave., NW, Suite 950 Washington, DC 20004	European-American Chamber of Commerce in Wash, DC, Inc		
Maria L. Berthoud, 412 First Street, SE, #300 Washington, DC 20003	Independent Insurance Agents of America, Inc	8,857.00	
Ed Bethune, Bracewell & Patterson 2000 K Street, NW, 5th Floor Washington, DC 20006	FBI Agents Assn	15,000.00	
Robert Betz, 1350 New York Avenue, NW, Suite 200 Washington, DC 20005	Robert Betz Associates, Inc (For:Alabama Hospital Association)	3,100.00	704.00
Do	American Assn of Eye & Ear Hospitals	2,250.00	500.68
Do	AmeriNet	500.00	
Do	Health Industry Group Purchasing Assn	3,500.00	112.45
Janice Bezanson, 601 Westlake Drive Austin, TX 78746	Texas Committee on Natural Resources	1,029.13	265.21
Bible Hoy Trachok Wadhams & Zive, 232 Court Street Reno, NV 89501	First American Title Co of Nevada	4,932.50	
Bickerstaff Heath & Smiley, L.L.P., 98 San Jacinto Blvd., #1800 Austin, TX 78701-4039	Systems Control, Inc	28,873.00	1,994.28
Nathan A. Bicks, 130 North Court Memphis, TN 38103	Belz Investco L.P.	5,460.00	260.05
Heidi Biggs, 2001 L Street NW, #304 Washington, DC 20036	Weyerhaeuser Company		500.30
James L. Bikoff, 1801 K Street, NW, Suite 400K Washington, DC 20006	Arter & Hadden (For:Nintendo of America, Inc)		
Moe Biller, 1300 L St., NW Washington, DC 20005	American Postal Workers Union, AFL-CIO	14,347.64	
Kevin W. Billings, 1801 K Street, NW, Suite 800 Washington, DC 20006	Westinghouse Electric Corp	1,200.00	
Leon G. Billings, Inc, 1625 K St., NW, #790 Washington, DC 20006	Main San Gabriel Basin Water Quality Authority	14,750.00	
Do	Manville Corp	12,875.00	
Do	Metropolitan Insurance Companies	5,625.00	
Do	South Coast Air Quality Management District	15,000.00	
Do	Sterling Forest Corporation	3,125.00	
Do	Waste Management, Inc	56,700.00	
Ray B. Billups Jr., 1130 Connecticut Ave, NW, #830 Washington, DC 20036	Southern Company Services, Inc	15,559.08	4,985.83
David Billy, 1750 New York Ave., NW Washington, DC 20006	International Assn of Fire Fighters	11,243.00	
Peggy K. Binzel, 5151 Wisconsin Ave., NW Washington, DC 20016	News Corporation	3,444.00	855.00
William P. Binzel, 1401 Eye Street, NW Washington, DC 20005	MasterCard International, Inc	808.80	92.00
John H. Birdsall III, Schelford Farm Route 16, Box 25 Charlottesville, VA 22901	NICOR, Inc		
Julie A. Birkofer, 1701 Clarendon Blvd. Arlington, VA 22209	American Chiropractic Assn		
Cherae Bishop, 1331 Pennsylvania Ave., NW, #1500-N Washington, DC 20004-1790	National Assn of Manufacturers		
William G. Bishop III, 249 Maitland Avenue Altamonte Springs, FL 32701-4201	Institute of Internal Auditors		
Mark E. Bitterman, 21700 Atlantic Boulevard Dulles, VA 22166-6801	Orbital Sciences Corp	45.00	
Bituminous Coal Operators' Assn, 918 16th Street, NW, Suite 303 Washington, DC 20006-2971		29,534.00	
Gerrie Bjornson, 1825 Eye Street, NW, #400 Washington, DC 20006	B.F. Goodrich Co	100.00	
Judy Black, 208 Virginia Avenue Alexandria, VA 22302	International Council of Shopping Centers	1,000.00	
Do	Ticketmaster	1,300.00	
Wayne V. Black, 1001 G Street, NW, #500 West Washington, DC 20001	Keller and Heckman (For:INDA, Assn of the Nonwoven Fabrics Industry)		
Do	Tea Assn of the USA, Inc		
Black & Decker Corp, c/o Samuel A. Bleicher Miles & Stockbridge 1450 G Street, NW, #445 Washington, DC 20005			25,173.26
Black Crotty Sims Hubka Burnett Bartlett & Samuels, 501 North Grandview Avenue P.O. Box 5488 Daytona Beach, FL 32018.	Aetna Life & Casualty	85,000.00	
Do	Embry-Riddle Aeronautical University		
Black Manafort Stone & Kelly, Inc, 211 North Union Street, #300 Alexandria, VA 22314	Allied-Signal Corp	22,500.00	
Do	American Airlines, Inc	15,000.00	
Do	American Behavioral Healthcare Assn	22,500.00	
Do	Bethlehem Steel Corp	22,500.00	15.90
Do	Casino Association of New Jersey	7,500.00	
Do	Chrysler Corp	15,000.00	238.93
Do	Clark Construction Group	9,000.00	
Do	Johnson & Johnson, Inc	30,000.00	134.96
Do	Kashmiri American Foundation	35,000.00	155.68
Do	MacAndrews & Forbes Holdings, Inc	45,000.00	125.16
Do	Morton International	35,000.00	134.70
Do	MGM Grand, Inc	5,000.00	
Do	NEC USA, Inc	37,500.00	
Do	Philip Morris	6,000.00	
Do	Roger Williams University	3,500.00	148.00
Do	Textron	15,000.00	
Do	Trump Organization	18,000.00	
Do	Union Pacific Corp	15,000.00	
Do	United Parcel Service	5,625.00	
Do	UNITA	3,750.00	
Do	UST Public Affairs, Inc		
Robert J. Blackwell Jr., 816 Connecticut Avenue, NW, #900 Washington, DC 20006	OHM Corp		
Phillip J. Blando, 1200 19th Street, NW, #200 Washington, DC 20036-2437	American Managed Care & Review Assn	619.00	24.00
Julia M. Blankenship, 1301 Pennsylvania Ave., NW, #1030 Washington, DC 20004	CINergy Corp	22,000.00	49,293.50
Samuel A. Bleicher, 1450 G Street, NW, #445 Washington, DC 20005	Miles & Stockbridge (For:Black & Decker Corp)	25,173.26	2,544.30
Michael E. Bleier, One Mellon Bank Center, #1915 Pittsburgh, PA 15258-0001	Mellon Bank N.A.	2,500.00	
Richard W. Bliss, 1079 Papermill Court, NW Washington, DC 20007	Audre Recognition Systems, Inc	950.00	96.14
Do	Consumers Paint Factory, Inc	115.00	17.77
Do	Hunter Industrial Facilities, Inc		
Do	National Paint & Coatings Assn, Inc	1,500.00	129.81
Do	National Spa & Pool Institute	600.00	29.45
Bliss & Wilkens, P.O. Box 201128 Anchorage, AK 99520-1128	Akhiok-Kaguyak, Inc	57,656.65	
John R. Block, 201 Park Washington Court Falls Church, VA 22046	National-American Wholesale Grocers' Assn	3,000.00	
L. Thomas Block, 270 Park Avenue New York, NY 10017	Chemical Bank	10,000.00	4,000.00
Peter L. Blocklin, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	19,500.00	3,843.99
Rebecca K. Blood, 2301 M Street, NW Washington, DC 20037	American Public Power Assn	1,000.00	
John L. Bloom, 316 Pennsylvania Ave., SE, #200 Washington, DC 20003	American Cancer Society	3,723.00	845.00
Mark Bloomfield, 1750 K St., NW, #400 Washington, DC 20006	American Council for Capital Formation	15,156.00	
Shirley A. Bloomfield, 2626 Pennsylvania Ave., NW Washington, DC 20037	National Telephone Cooperative Assn	12,000.00	1,187.97
Robert S. Bludworth, 1100 South Washington Street, 1st floor Alexandria, VA 22314-4494	National Beer Wholesaler's Assn	582.72	
Blue Cross & Blue Shield of Florida, P.O. Box 1798 Jacksonville, FL 32231			2,728.32
Jared O. Blum, 3306 Shirley Lane Chevy Chase, MD 20815	Polyisocyanurate Insulation Manufacturers Assn	1,000.00	
Jennifer L. Blum, 1801 K Street, NW, #401K Washington, DC 20006-1301	Arter & Hadden (For:Federated Investors)		
Joanne Blum, 1156 15th Street, NW, #700 Washington, DC 20005	NARAL	22,237.70	
Patti Blumer, 1350 I Street, NW, #1030 Washington, DC 20005-3305	Principal Financial Group	102.60	
Boat Owners Assn of the U.S., 880 S. Pickett St. Alexandria, VA 22304		90,000.00	90,000.00
Jeffrey Bobeck, 1401 H Street, NW, #900 Washington, DC 20005	American Automobile Manufacturers Assn	4,862.50	204.42
Judith Ann Boddie, 701 Pennsylvania Ave., NW, 4th Floor Washington, DC 20004	Edison Electric Institute	9,319.78	471.73
Denise A. Bode, 1101 Sixteenth Street, NW Washington, DC 20036	Independent Petroleum Assn of America		370.00
Seth M. Bodner, 386 Park Avenue South New York, NY 10016	National Knitwear & Sportswear Assn		
Larry A. Boggs, 1299 Pennsylvania Ave., NW Washington, DC 20004-2407	General Electric Co	1,500.00	
Bogle and Gates, 1299 Pennsylvania Avenue, NW, #875 East Washington, DC 20004	American Dehydrated Onion & Garlic Assn	402.00	402.00
Do	American Forest & Paper Assn	423.00	423.00
Do	American Sportfishing Assn	675.00	675.00
Do	Associated Oregon Loggers	564.00	564.00
Do	Basic American, Inc	402.00	402.00
Do	City of Gresham	126.00	126.00
Do	Coastal Conservation Assn	675.00	675.00
Do	Confederated Tribes of the Grand Ronde	1,194.00	1,194.00
Do	Direct Service Industries, Inc	7,266.00	7,266.00
Do	Domestic Petroleum Council	975.00	975.00
Do	First Technology Federal Credit Union	423.00	423.00
Do	Global Forestry Management Group	141.00	141.00
Do	Hager Hinge Company	672.00	672.00
Do	Harsch Investment Co	478.50	478.50
Do	International Paper	2,115.00	2,115.00
Do	McPhillips Manufacturing Co	270.00	270.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Natural Resources United	270.00	270.00
Do	Pacific Northwest Utility Conference Committee	2,958.00	2,958.00
Do	Santa Fe Energy Resources, Inc		
Do	Santa Fe Pcific Gold Corp		
Do	Viceroy Gold Corp	225.00	225.00
Do	Washington Wheat Commission	1,206.00	1,206.00
S. Alexander Bohler, 8001 Braddock Road Springfield, VA 22160	National Right to Work Committee	1,000.00	35.96
John K. Boidock, 1455 Pennsylvania Ave., NW, #375 Washington, DC 20004	Texas Instruments, Inc	4,500.00	549.00
James B. Boillot, 1005 E Street, SE Washington, DC 20003	National Agricultural Aviation Assn		
Patricia Boinski, 601 Pennsylvania Ave., NW North Building, 4th Floor Washington, DC 20004	Atlantic Richfield Co	180.00	
Stephen A. Bokat, 1615 H Street, NW Washington, DC 20062-2000	Chamber of Commerce of the U.S.		
John W. Boling Jr., 1111 19th Street, NW, #1100 Washington, DC 20036	Direct Marketing Assn	500.00	50.00
Eugene R. Bolo, 1233 Main St., #4000 Wheeling, WV 26003	Ormet Corp		
Benjamin C. Bolusky, 1250 Eye Street, NW, #500 Washington, DC 20005	American Assn of Nurserymen		
John E. Bonitt, 555 12th Street, NW, #650 Washington, DC 20004	Eli Lilly & Co	1,500.00	77.62
Janee L. Bonner, 1101 Vermont Avenue, NW, Suite 606 Washington, DC 20005	American Soc of Anesthesiologists	1,123.22	
C. William Booher Jr., Booher & Associates 1333 New Hampshire Ave., NW, #600 Washington, DC 20036	National Wireless Resellers Assn	5,118.75	177.57
Edward Book, 1100 New York Avenue, #450 Washington, DC 20005	Travel Industry Assn of America		
Gaylon B. Booker, P.O. Box 12285 Memphis, TN 38182	National Cotton Council of America	1,215.00	11.97
John K. Booth, 1001 Pennsylvania Ave., NW Washington, DC 20006	American Council of Life Insurance, Inc		
Borden Group, Inc, 101 N. Alfred Street, Suite 200 Alexandria, VA 22314	American Fed of Home Health Agencies	4,400.00	2,098.00
Henry Borelli, 14589-053 P.O. Box 1000 Leavenworth, KS 66048-1000			
Lydia A. Borland, 2300 M Street, NW, #600 Washington, DC 20037	Capitoline/MS&L (For:Republic of Turkey)	7,500.00	
Richard H. Bornemann, 12 Fourth Street, SE Washington, DC 20003	Kansas City Southern Industries, Inc	2,000.00	
William J. Bosies Jr., 485 Lexington Avenue New York, NY 10017	New York State Bankers Assn	390.00	880.00
Carroll Bostic, 1776 I St., NW, Suite 1050 Washington, DC 20006	Eastman Kodak Company	4,700.00	521.00
Stephen Bosworth, 1295 State Street Springfield, MA 01111-0001	Massachusetts Mutual Life Insurance Company		
Charles G. Botsford, 1730 M St., NW, #911 Washington, DC 20036	Chinese Computer Communications, Inc, et al.	1,000.00	270.00
Francis D. Bouchard, 1301 Pennsylvania Ave., NW #900 Washington, DC 20004	Reinsurance Assn of America		
Jennifer O. Boucher, 1300 N. 17th Street Rosslyn, VA 22209	Associated Builders & Contractors	2,500.00	
Deborah L. Boudreau, 1120 G Street, NW, Suite 900 Washington, DC 20005	National Ocean Industries Assn	3,712.00	
Claude P. Boudrias, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	400.00	412.64
Monte F. Bourjaily III, 218 South Fairfax Street Alexandria, VA 22314	Management Vision Partners, Inc	350.00	125.00
Do	Ritter & Bourjaily, Inc	1,000.00	250.00
Albert D. Bourland, 1350 I Street, NW, #800 Washington, DC 20005	Daimler-Benz Washington, Inc	7,500.00	
Laura L. Bourne, 800 Connecticut Avenue, NW Washington, DC 20006	Food Marketing Institute	100.00	
Wayne A. Boutwell, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives	3,000.00	
Joseph Bow, 1901 N. Moore Street Arlington, VA 22209	Foodservice & Packaging Institute		
Melissa L. Bowen, 1090 Vermont Ave., NW, #800 Washington, DC 20005	Equifax, Inc	11,500.00	
Donna Bower, 800 Connecticut Ave., NW, Suite 1100 Washington, DC 20006	Baxter, Gov't Affairs Div		
Diane K. Bowers, P.O. Box 182 Port Jefferson, NY 11777	Council for Marketing & Opinion Research (CMOR)		
Joanne Borghesi Bowers, 500 E Street, SW, #920 Washington, DC 20024	AOPA Legislative Action	7,500.00	42.70
John Bowers Jr., 815 16th Street, NW Washington, DC 20006	International Longshoremen's Assn, AFL-CIO	21,613.50	
M. Kenneth Bowler, 1455 Pennsylvania Ave., NW Washington, DC 20004	Pfizer, Inc	5,000.00	675.00
Larry G. Bowles, 1150 - 18th Street, NW, Suite 200 Washington, DC 20036	Halliburton Co		
Christopher Bowlin, 1331 Pennsylvania Avenue, NW, #1500 N Washington, DC 20004-1703	National Assn of Manufacturers	175.00	
Richard P. Bowling, 1020 Princess Street Alexandria, VA 22314	Truck Trailer Manufacturers Assn	1,000.00	
John G. Boyd, 1301 K St., NW, #1200 Washington, DC 20005	International Business Machines Corp	1,678.75	111.00
Richard K. Boyd, 299 Park Avenue New York, NY 10171	Westvaco Corporation		3,385.61
Sandra J. Boyd, McGuiness & Williams 1015 15th Street, NW, #1200 Washington, DC 20005	Epstein Becker & Green (For:National Assn of State Personnel Executives)		
Thomas M. Boyd, 600 Pennsylvania Ave., SE, Suite 206 Washington, DC 20003	Federal Kemper Life Assurance Co	341.70	34.00
Do	Kemper Corp		
Do	Kemper Financial Services, Inc	176.70	44.00
Do	Kemper Corporation (For:Kemper Investors Life Insurance Company)	341.70	34.00
Do	Kemper Corporation (For:Kemper Securities Group, Inc)	216.70	31.00
Philip B. Boyer, 500 E Street, SW, #920 Washington, DC 20024	Aircraft Owners & Pilots Assn	503.06	
Do	AOPA Legislative Action	1,062.01	
Violet A. Boyer, 1025 Connecticut Ave, NW, #700 Washington, DC 20036	National Assn of Independent Colleges and Universities	7,125.00	38.00
Van R. Boyette, 555 13th Street, NW, #305E Washington, DC 20004	Flo Sun, Inc	15,000.00	167.00
Celeste D. Boykin, 1701 Pennsylvania Ave., NW, Suite 900 Washington, DC 20006	E.I. duPont de Nemours & Co, Inc		
J. Patrick Boyle, 1700 N. Moore Street, #1600 Arlington, VA 22209	American Meat Institute	2,187.50	
Cynthia R. Boynton, 1000 Connecticut Ave., NW, #1106 Washington, DC 20036	Gordley Associates (For:U.S. Canola Assn)		
Bracewell & Patterson, 2000 K Street, NW, #500 Washington, DC 20006	Birdsall, Inc		
Do	Browning-Ferris Industries, Inc		
Do	Centex Corp		
Do	Chemical Manufacturers Assn, Inc	2,175.00	130.50
Do	Coalition for Oxygenate Neutral Clean Air Policy		
Do	Council of Industrial Boiler Owners	1,960.00	117.60
Do	COMDISCO, Inc		
Do	Edison Electric Institute		
Do	Empress Cruise Lines		
Do	Enron Corp		
Do	Higman Barge Lines, Inc		
Do	Independent Refiners Coaliton		
Do	Louisiana Land & Exploration Co		
Do	Lyondell Petrochemical Co		
Do	MEPC American Properties		
Do	National Cable Television Assn, Inc	3,000.00	180.00
Do	Oxygenated Fuels Assn		
Do	Pennsylvania Natural Gas Assn		
Do	Physicians Insurers Assn of America		
Do	Rohm & Hass Co		
Do	Joseph E. Seagram & Sons, Inc		
Do	Securities Industry Association		
Do	Southdown, Inc		
Do	Sterling Chemicals, Inc		
Do	Torch Energy Advisors, Inc		
Do	Union Texas Petroleum Energy Corp		
Do	Valero Energy Corporation		
Marshall A. Brachman, P.O. Box 2200 Fort Worth, TX 76113	Area Metropolitan Ambulance Authority		
Do	City of Nogales, Arizona	15,000.00	457.48
Do	Diamond Management	20,000.00	
Do	Direct Marketing Assn, Inc	15,000.00	962.24
Do	Edmund Scientific Company	2,250.00	
Do	National Wholesale Co, Inc	1,500.00	
Do	TicketMaster Group, Ltd Partnerships	5,000.00	
Nancy L. Bradish, 1310 G Street, NW, 12th Floor Washington, DC 20005	Blue Cross & Blue Shield Assn	6,750.00	1,850.95
George M. Brady III, 1301 Pennsylvania Ave., NW, Suite 900 Washington, DC 20004	Reinsurance Assn of America		
John J. Brady Jr., 1615 L Street, NW, #1150 Washington, DC 20036	Capitoline International Group, Inc (For:Allied-Signal Corp)		
Do	Capitoline/MS&L (For:Republic of Turkey)	2,970.00	
Do	Capitoline/MS&L (For:UNISYS Corp)		
Sarah Brady, 1225 Eye Street, NW, #1100 Washington, DC 20005	Handgun Control, Inc	2,838.46	
Stuart J. Brahs, 1350 I Street, NW, #1030 Washington, DC 20005	Principal Financial Group	1,063.04	
Barbara Bramble, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	787.09	
Matt Branam, 316 Pennsylvania Ave., SE Washington, DC 20003	United Parcel SErvice	200.00	296.73
Brand & Lowell, 923 15th Street, NW, Fifth Fl. Washington, DC 20005	Hewlett-Packard Co	399.50	
Do	National Assn for Home Care		
Do	National Assn of Professional Baseball Leagues, Inc	1,102.50	4,265.00
Do	NCube		28.20
Do	Oracle Corp	250.00	
Do	Seafarers International Union		
Do	Unisys	2,021.00	
Do	West Publishing Co	9,375.00	75.00
Chris Julian Brantley, 1828 L Street, NW, #1202 Washington, DC 20036	Institute of Electrical & Electronics Engineers	750.00	750.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Christian N. Braunlich, 1331 Pennsylvania Avenue, NW, #1500N Washington, DC 20004-1703	National Assn of Manufacturers	125.00	
Noel Brazil, 1505 Prince Street, #300 Alexandria, VA 22314	American Optometric Assn		
Carolyn J. Breedlove, 1201 16th Street, NW Washington, DC 20036	National Education Assn	4,217.25	69.00
Michael J. Brennan, 1750 New York Ave., NW Washington, DC 20006	International Assn of Bridge Struct & Ornamental Iron Wkrs	10,800.00	715.68
Jack E. Bresch, 4455 Woodson Road St. Louis, MO 63134	Catholic Health Assn of the United States	5,750.88	
Thomas M. Bresnahan III, 1401 I Street, NW, #1200 Washington, DC 20005	Chevron Companies	7,500.00	100.00
William O. Bresnick, 1050 17th Street, NW, #500 Washington, DC 20036	Texaco, Inc	225.00	
Larry K. Brewer, 1235 Jefferson Davis Highway Arlington, VA 22202	ESCO Electronics Corp		229.04
Pamela A. Brewster, 1250 Connecticut Ave., NW, 2nd Floor Washington, DC 20036	Cellular Telecommunications Industry Assn		
Sandra L. Brickel, 750 First Street, NE Washington, DC 20002-4242	American Psychological Assn		
Edmund C. Brickfield, 2596-F S. Arlington Mill Drive Arlington, VA 22206	Migrant Legal Action Program, Inc	4,938.83	100.00
Brickfield Burchette & Ritts, P.C., 1025 Thomas Jefferson Street, NW 8th Floor, West Tower Washington, DC 20007	American Medical Technologists	250.00	12.50
Do	East Texas Electric Cooperative		
Do	Northeast Texas Electric Cooperative	1,890.90	94.55
Do	Sam Rayburn G&T Electric Cooperative, Inc	515.70	25.79
Do	Tex-LA Electric Cooperative of Texas, Inc	458.40	22.92
Do	4-County Electric Power Assn	3,648.00	182.40
Sue M. Briggum, 1155 Connecticut Ave., NW Washington, DC 20036	WMX Technologies, Inc	4,800.00	
Craig S. Brightup, 206 E Street, NE Washington, DC 20002	National Roofing Contractors Assn	5,656.00	1,102.17
Kitty Brims, 1331 Pennsylvania Ave., NW, Suite 1500-N Washington, DC 20004-1703	National Assn of Manufacturers		100.00
William R. Brittingham, 1275 Pennsylvania Ave., NW, #400 Washington, DC 20004	Pacific Telesis Group	13,625.00	
William M. Brodhead, 243 West Congress, #800 Detroit, MI 48226-3260	Plunkett & Cooney (for Michigan Consolidated Gas Co)	17,000.00	7,291.02
David A. Brody, 1140 Connecticut Avenue, NW, #803 Washington, DC 20036	American Fiber Manufacturers Assn, Inc		
Do	BASF Corp		
Do	Corning, Inc	1,000.00	
Do	Gordley Associates		
Do	Telecommunications Industry Assn		
Michael J. Brokovich, 1725 Jefferson Davis Highway, Suite 401 Arlington, VA 22202	Unisys Corporation	1,000.00	
Michael D. Bromberg, Law Offices of Deborah Steelman 555 13th Street, MW. #122- East Washington, DC 20004-1109	Federation of American Health Systems	4,500.00	
Do	Humana, Inc	30,637.50	104.72
Douglas A. Brook, 1133 Connecticut Avenue, NW, #620 Washington, DC 20036	LTV Corporation	8,750.00	150.00
Mary E. Brooks, 1730 M Street, NW Washington, DC 20036	League of Women Voters of the U.S.	8,904.36	
Edward J. Brothers, 622 Barbados Drive, #3 Indianapolis, IN 46227			
Robert F. Brothers, 1250 H Street, NW, #800 Washington, DC 20005	Eastman Kodak Company	150.00	17.00
J. Robert Brouse, 1150 Connecticut Ave., NW Washington, DC 20036	Nonprescription Drug Manufacturers Assn (NDMA)	2,912.00	156.00
Joseph Browder, 418 10th St., SE Washington, DC 20003	Dunlap & Browder, Inc		
Cheryl A. Brown, 1655 North Fort Myer Drive #700 Arlingtonn, VA 22209	American Assn for Respiratory Care	17,070.24	187.55
Cynthia A. Brown, 1640 Wisconsin Ave., NW, First Floor Washington, DC 20007	American College of Surgeons		
Dale E. Brown, 1801 Pennsylvania Ave., NW Washington, DC 20006	MCI Communications Corp	1,000.00	
David S. J. Brown, 700 14th Street, NW Washington, DC 20005	Monsanto Co	700.00	39.53
Dianne C. Brown, 750 First St., NE Washington, DC 20002-4242	American Psychological Assn		
Doreen L. Brown, 2000 L Street, NW, #200 Washington, DC 20036	Consumers for World Trade		
Felicien J. Brown, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	10,508.36	312.76
John J. Brown, 50 E Street, SE Washington, DC 20003	Clark S. Herman Associates, Inc	500.00	100.00
Do	Govt Affairs Policy Council of the Reg Bell Operating Co	1,000.00	400.00
Ken Brown, 1350 New York Ave., NW Washington, DC 20005	Spiegel & McDiarmid (For:American Comm for Cleanup Equity)	225.00	
Do	Spiegel & McDiarmid (For:City of Piqua, Ohio)	360.00	
Ralph Brown, Suite 107 701 S. 22nd Street Omaha, NB 68102	M.O.A.A.I.O.A. & Subs, Inc		
Regina A. Brown, 1199 N. Fairfax Street, Suite 204 Alexandria, VA 22314	International Council of Shopping Centers	750.00	
Robert Craig Brown, P.O. Box 12285 Memphis, TN 38182	National Cotton Council of America	4,275.00	84.07
S. M. Henry Brown Jr., 1776 Eye Street, NW, #275 Washington, DC 20006	Entergy Services, Inc	7,913.49	
Steven J. Brown, 421 Aviation Way Frederick, MD 21701	Aircraft Owners & Pilots Assn	1,553.78	
Do	AOPA Legislative Action	3,615.24	
Valerie L. Brown, New Jersey Law Center 1 Constitution Square New Brunswick, NJ 08901-1500	New Jersey State Bar Assn		
Vincent D. Brown, Nebraska Petroleum Council P.O. Box 95063 Lincoln, NB 68509	American Petroleum Institute	4,000.00	3,040.19
Will Rolland Brown, 11 Dupont Circle, NW, #300 Washington, DC 20036-1207	Albers & Company (For:May Department Stores Co)		
William C. Brown, Two Ruan Center, Suite 1100 601 Locust Des Moines, IA 50309	Brown Winick Graves Baskerville & Schoenebaum (For:Lisle Corp)		
Brown Winick Graves Baskerville & Schoenebaum, Two Ruan Center, Suite 1100 601 Locust Des Moines, IA 50309			
Arthur W. Brownell, 1101 Pennsylvania Avenue, NW, #200 Washington, DC 20004	International Paper Co	3,000.30	1,312.63
Thomas H. Brownell, 6801 Rockledge Drive Bethesda, MD 20817	Lockheed Martin Corp	3,048.00	
R. Stephen Browning, P.O. Box 1697 Helena, MT 59624	Burlington Northern Railroad		
Do	Columbia Falls Aluminum Co		
Do	Cyprus Minerals Co	2,100.00	
Do	Pegasus Gold Corp		
Brownstein Hyatt Farber & Strickland, P.C., 410 17th Street, 22nd Floor Denver, CO 80202	American Salvage Pool Assn	563.23	1,160.00
Do	Apollo Advisors	10,000.00	
Do	Chotin Group Corp	4,944.80	
Do	Crystal Creek Homeowners Assn		
Do	La Petite	184.80	
Do	Liggett Group, Inc		10,872.30
Do	New Valley Corporation	3,516.00	3,883.84
Do	Pfizer, Inc	12,000.00	
Do	Rose Medical Center	2,500.00	60.00
Do	Tele-Communications, Inc	15,210.80	923.35
Do	Vail Associates, Inc	1,000.00	
Broydrick Broydrick & Dacey, 600 East Mason Street, #400 Milwaukee, WI 53202	Aurora Health Care, Inc	14,046.25	2,408.62
Do	Blood Center of Southeastern Wisconsin	2,162.50	196.66
Do	Children's Hospital of Wisconsin	1,572.50	39.26
Do	Derco Industries, Inc		
Do	Electronic Data Systems Corp	7,100.00	24.64
Do	Lac Vieux Desert Bank of Lake Superior Chippewa Indians	1,837.50	
Do	Loyola University of Chicago	18,098.75	2,140.84
Do	Managed Health Services, Inc	700.00	12.99
Do	Marquette University	12,222.50	320.04
Do	Milwaukee Metropolitan Sewerage District	662.50	292.69
Do	National Assn of Children's Hospitals & Related Institutions	20,850.00	1,147.15
Do	National Marrow Donor Program		
Do	Oneida Nations	55,953.75	3,687.44
Do	PrimeCare Health Plan	100.00	
Do	Rust International	450.00	
Do	Superconductivity, Inc	1,550.00	41.44
Do	TV Network Bingo	437.50	21.12
Thomas P. Bruderle, 7272 Wisconsin Ave. Bethesda, MD 20814	American Soc of Hospital Pharmacists	14,475.00	
David J. Brugger, 1350 Connecticut Ave., NW, #200 Washington, DC 20036	Association of America's Public Television Stations		
William K. Brunette, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	9,554.14	
J. M. Brunkenhoefer, 400 North Capitol Street, NW. #856 Washington, DC 20001	United Transportation Union	6,250.00	269.04
Michael E. Brunner, 2626 Pennsylvania Avenue, NW Washington, DC 20037	National Telephone Cooperative Assn	2,000.00	23.25
J. Charles Bruse, 888 16th Street, NW, #500 Washington, DC 20006	Allstate Insurance Cos	2,700.00	720.05
Trudy M. Bryan, 1701 Pennsylvania Avenue, NW, #900 Washington, DC 20006	E.I. du Pont de Nemours & Co, Inc		
John Buchanan, 2000 M Street, NW, #400 Washington, DC 20036	People for the American Way Action Fund	15,000.00	
Judith A. Buckalew, 1600 M Street, NW, Suite 702 Washington, DC 20036	Zeneca Pharmaceuticals Group	12,875.00	1,134.26
Robert Buckler, 225 East 6th Street, Suite #230 St. Paul, MN 55101	American Professional Pet Distributors, Inc	4,500.00	
Do	National Board of Fur Farm Organizations	9,000.00	500.00
Do	Pheasants Forever	5,500.00	3,177.00
Roy C. Buckner, 1101 Pennsylvania Avenue, NW, #400 Washington, DC 20004	Textron, Inc	600.00	150.00
Jack W. Buechner, 1300 North 17th Street, Suite 1330 Arlington, VA 22209	Missouri Enterprise Business Assistance Center	4,660.10	
Richard W. Buek, 1001 Pennsylvania Ave., NW, #700 Washington, DC 20004	AlliedSignal, Inc		
Betsy Buffington, 23 North Scott, #27 Sheridan, WY 82801	Sierra Club	1,778.21	
J. Bruce Bugg Jr., 100 W. Houston Street, #1660 San Antonio, TX 78205	American College of Mohs Micrographic Surgery & Cutaneous...		
Douglas W. Bulcao, 1801 K Street, NW, #900 Washington, DC 20006	American Textile Manufacturers Institute, Inc	11,800.00	27.00
William M. Bumpers, 1299 Pennsylvania Ave., NW Washington, DC 20004	Environmental Treatment and Technologies Corp		
Darrel D. Bunge, Minnesota Petroleum Council 8 Pine Tree Drive, #260 St. Paul, MN 55112	American Petroleum Institute	5,505.00	1,530.25
David A. Bunn, 1211 Connecticut Avenue, NW, #406 Washington, DC 20036	Hearst Corporation		
Do	Parcel Shippers Assn	2,000.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
William D. Bunnell, 601 Madison Street, #200 Alexandria, VA 22314	Cummins Engine Co, Inc		
Glenn Burg, 11240 Waples Hill Road, #100 Fairfax, VA 22030	Rust Environment & Infrastructure, Inc	937.50	
James D. Burge, 1350 I Street, NW, #400 Washington, DC 20005	Motorola, Inc	7,000.00	
Barbara Burgess, 801 Pennsylvania Ave., NW, Suite 730 Washington, DC 20004	John Hancock Mutual Life Insurance Co	3,000.00	
Karen L. Burgett, 1320 19th Street, NW, Suite 200 Washington, DC 20036	Cox Enterprises, Inc		15.00
April L. Burke, 1776 Massachusetts Avenue, NW, #410 Washington, DC 20036-1904	Lewis-Burke Associates (For:Association of Independent Research Institutes (AIRI)).	600.00	
Do	Lewis-Burke Associates (For:California Institute of Technology)	1,000.00	
Do	Lewis-Burke Associates (For:University of Cincinnati)	300.00	
Gerard P. Burke, 1117 Spotswood Drive Silver Spring, MD 20904	International Air Leases, Inc		
Kevin M. Burke, 201 Park Washington Court Falls Church, VA 22046	American Bakers Assn	967.50	100.00
Moira Burke, 1250 H Street, NW, Suite 900 Washington, DC 20005	International Dairy Foods Assn		
Burley & Dark Leaf Tobacco Export Assn, 1100 17th St., NW, #505 Washington, DC 20036		141,905.00	1,875.00
Phillip C. Burnett, P.O. Box 12285 Memphis, TN 38182	National Cotton Council of America	956.00	164.00
David G. Burney, 1101 17th St. N.W., #609 Washington, DC 20036	U.S. Tuna Foundation	12,000.00	3,000.00
Timothy F. Burns, 2501 M St., NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	6,000.00	658.00
Melinda Burrell, 418 7th Street, SE Washington, DC 20003	World Federalist Assn	5,938.20	
Mark R. Burtchi, 1776 I Stret, NW, Suite 400 Washington, DC 20006	American Nuclear Energy Council	3,875.00	355.00
Larry D. Burton, 1776 Eye Street, NW, #1000 Washington, DC 20006	BP America, Inc	6,500.00	
Barbara L. Bush, 1220 L St., NW Washington, DC 20005	American Petroleum Institute	200.00	
Mary Bushman, 2505 S. Finley Road Lombard, IL 60148	AFSA Data Corp		
Michael R. Bushman, 321 North Clark Street Chicago, IL 60610	Quaker Oats Company	1,100.00	919.51
Roy Bussewitz, P.O. Box 1417-D49 Alexandria, VA 22313-1417	National Assn of Chain Drug Stores		
Butera & Andrews, 1301 Pennsylvania Ave., NW Washington, DC 20004	ADVANTA Corporation	4,000.00	
Do	Community Bankers Assn of New York State	1,500.00	
Do	Community Preservation Corp	1,500.00	
Do	Consumers Electronics Group		
Do	CRISIS		
Do	Del Webb Corp	5,000.00	
Do	Dime Savings Bank of New York	6,500.00	
Do	Edison Electric Institute		
Do	Federal Home Loan Bank of Boston	2,000.00	
Do	Federation for American Immigration Reform	5,000.00	
Do	Financial Insurance Management Corp		
Do	General Atomics	5,000.00	
Do	Household International		
Do	Independent Research Agency for life Insurance, Inc	3,000.00	
Do	National Assn of Retail Collection Attorneys	1,000.00	
Do	NAC International		
Do	Peoples Bank	1,500.00	
Do	River Bank America	1,500.00	
Do	Rochester Community Savings Bank	1,500.00	
Do	Savings Banks Life Insurance Fund	2,000.00	
Do	Superior Bank, FSB	1,000.00	
Do	Texas Savings & Loan League	1,000.00	
Do	Towers Perrin		
Jim Butler, 201 S. Main Street, #1800 P.O. Box 45898 Salt Lake City, UT 84145-0898	Parsons Behle & Latimer (For:Barrick Goldstrike Mines, Inc)	500.00	125.00
Jeanne A. Butterfield, 1400 Eye Street, NW, Suite 1200 Washington, DC 20005	American Immigration Lawyers Assn	1,955.00	
R. Ian Butterfield, 1801 K Street, NW, #800 Washington, DC 20006	Westinghouse Electric Corp	1,200.00	
David S. Byer, 1730 M Street, NW, Suite 700 Washington, DC 20036	Software Publishers Assn	1,650.00	75.00
William Byler Associates, Inc, 6000 34th Place, NW Washington, DC 20015-1607	Ak-Chin Indian Community Council		
Do	San Carlos Apache Tribe		
John J. Byrne, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	4,763.00	48.76
Robert D. Byrne Jr., 1250 H Street, NW, Suite 900 Washington, DC 20005	International Dairy Foods Assn		
James R. Byron, 1627 K Street, NW, #200 Washington, DC 20006	Fluor Corporation	600.00	150.00
C & C Consulting Group, Inc, 1156 15th Street, NW, Suite 415 Washington, DC 20005	MacAndrews & Forbes Holdings, Inc		
Do	Western Resources		
Cable Telecommunications Assn (CATA), P.O. Box 1005 Fairfax, VA 22030-1005		359,938.00	18,280.00
Edward S. Cabot, 2030 M Street, NW Washington, DC 20036	Common Cause	6,555.54	
Patrick J. Cacchione, DCHNS 4600 Edmundson Road St Louis, MO 63134	Daughters of Charity National Health System		
John R. Cady, 1401 New York Avenue, NW, #400 Washington, DC 20005	National Food Processors Assn		
Kevin F. Cahill, 17300 Redhill Avenue, Suite 100 Irvine, CA 92714	Kinder & Associates		
Morrison G. Cain, 1901 Pennsylvania Ave., NW, 10th Floor Washington, DC 20006	International Mass Retail Assn	6,250.00	
Alan Caldwell, 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004	Alliance for Fire & Emergency Management	3,125.00	32.25
Bonnie Caldwell, 1445 New York Ave., NW Washington, DC 20005	Public Securities Assn	12,500.00	526.98
Era Eugene Callahan, 1050 Connecticut Ave., NW, Suite 1250 Washington, DC 20036	Major League Baseball	352.56	239.07
Kateri A. Callahan, 701 Pennsylvania Avenue, N.W. Washington, DC 20004	Electric Transportation Coalition	348.00	75.00
William L. Callaway, 1776 Massachusetts AVe., NW Washington, DC 20036	National Parks & Conservation Assn	5,000.00	1,121.67
Calorie Control Council, 5775 Peachtree-Dunwoody Rd., #500-G Atlanta, GA 30342			270.00
Cambridge International, Inc, 2775 South Quincy Street, #520 Arlington, VA 22206	Allied Signal Aerospace	225.00	
Do	Allison Engine Company	4,500.00	
Do	Allison Transmission	12,000.00	
Do	General Dynamics Land Systems	9,500.00	
Do	McDonnell Douglas Helicopter Company	7,650.00	
Do	Stewart & Stevenson Services, Inc	15,000.00	
Arthur E. Cameron, 225 C Street NE, #A Washington, DC 20002	FLEX-O-LITE, INC.	1,440.00	
Do	Potters Industries, Inc	720.00	
Do	Safetran Systems Corporation	9,250.00	
Do	Stimsonite Corporation	960.00	
Do	3M Company	10,800.00	
Bradley J. Cameron, 1015 15th Street, NW, #1200 Washington, DC 20005	Labor Policy Assn		
Bruce P. Cameron, 1725 17th Street, NW, #109 Washington, DC 20006	Embassy of Mozambique	67,500.00	664.03
Do	National Council of Maubere Resistance	35,000.00	
Cameron & Hornbostel, 818 Connecticut Ave., NW, Suite 700 Washington, DC 20006	Government of Barbados	1,720.03	2,305.62
Do	Polygon Co, Ltd	7,779.02	13,146.85
Nancy Camm, 1000 Wilson Boulevard, #3012 Arlington, VA 22209-3908	Consumers Bankers Assn		488.36
Paul A. Cammer, 2000 L Street, NW, #730 Washington, DC 20036	Cammer & Associates (For:Business Council on Indoor Air)	150.00	
Campaign for U.N. Reform-Political Education Committee, 713 D Street, SE Washington, DC 20003		19,043.84	17,084.96
Campaign to Save Indian Programs, 1700 Broadway, #1204 Denver, CO 80290		6,000.00	
C. R. Campbell Jr., 1850 M St., NW, #1200 Washington, DC 20036	GTE Corporation	2,500.00	
C. Thomas Campbell, 1776 Eye Street, NW, #575 Washington, DC 20006	DowElanco		6,467.00
Candace Campbell, 459 Walker Road Great Falls, VA 22066	American Preventive Medical Assn	125.00	125.00
Carroll A. Campbell Jr., 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance	7,187.00	
Charles O. Campbell, 1420 King Street Alexandria, VA 22314-2715	National Society of Professional Engineers	2,000.00	
Jeanne Campbell, Campbell-Raupe, Inc 1010 Pennsylvania Avenue, SE Washington, DC 20003	Algonquin Gas Transmission Co		
Do	American Assn of Advertising Agencies		
Do	Association for Manufacturing Technology		
Do	Chubb Corp		
Do	Electronic Space Systems Corp		
Do	Invest to Compete Alliance		
Do	Merck & Co		
Do	National Electrical Manufacturers Assn		
Do	Nuclear Energy Institute		
Do	Olsten Kimberly Quality Care		
Do	Securities Industry Assn		
Do	Shriners Hospital for Crippled Children		
Do	St. Paul Fire & Marine Insurance Co		
Do	Stone & Webster Engineering Corp		
Do	Textron Corp		
Do	USX Corp		
Jerry L. Campbell, 1201 Chestnut St. Chattanooga, TN 37402	Tennessee Valley Public Power Assn		
John G. Campbell, 9300-D Old Keene Mill Road Burke, VA 22015	John G. Campbell, Inc (For:ARCO Power Technologies, Inc)		
Do	John G. Campbell, Inc (For:BDM International, Inc)	500.00	405.00
Do	John G. Campbell, Inc (For:General Electric Co)		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	John G. Campbell, Inc (For:GEO-Centers, Inc)		
Do	John G. Campbell, Inc (For:Hughes Aircraft Company)		
Do	ManTech International Corp		
Do	John G. Campbell, Inc (For:OHM Remediation Services Corp)		
Do	John G. Campbell, Inc (For:Power Spectra, Inc)	1,000.00	810.00
Do	John G. Campbell, Inc (For:Sierra Nevada Corp)		
Do	John G. Campbell, Inc (For:Sippican, Inc)	1,000.00	810.00
Do	John G. Campbell, Inc (For:Teledyne Ryan Aeronautical)		
Do	John G. Campbell, Inc (For:TASC)		
Do	John G. Campbell, Inc (For:3M Company)		
Margaret A. Campbell, 1129 20th Street, Nw, #305 Washington, DC 20036	National Assn of Real Estate Investment Trusts		
Marilyn E. Campbell, 517 2nd Street, NE Washington, DC 20002	David Turch & Associates	2,400.00	
John D. Canatsey, 1735 Jefferson Davis Hwy., #1001 Arlington, VA 22202	Thiokol Corp	4,769.00	42,224.00
Sharon M. Canavan, 1125 15th St., NW Washington, DC 20005	Mortgage Bankers Assn of America	21,577.50	266.24
Sharon F. Canner, 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20004-1703	National Assn of Manufacturers	195.00	
Michael F. Canning, 12 Francis Street Annapolis, MD 21401	Manis Canning & Associates (For:National Troopers Coalition)	8,500.00	
Mark R. Cannon, One West Fourth Street, #200 Cincinnati, OH 45202	Student Loan Funding Corp	2,268.81	31.00
Francis J. Cantrel Jr., 1801 Pennsylvania, Ave., NW Washington, DC 20006	MCI Communications Corp	1,000.00	
H. Hollister Cantus, 9300 Lee Highway Fairfax, VA 22031	ICF Kaiser International, Inc	3,796.00	604.00
Capital Concepts, 1225 I Street, NW, #500 Washington, DC 20005	Lockheed Aeronautical Systems Co	2,000.00	1,940.68
Capital Consultants, 1122 Colorado, #307 Austin, TX 78701	LDDS	6,431.25	
Capital International Information Services, Inc, 2000 Pennsylvania Ave., NW, #5500 Washington, DC 20006	Korean Foreign Trade Association		
Do	Republic of Korea - Ministry of Trade Industry & Energy		
Capitol Associates, Inc, 426 C Street, NE Washington, DC 20002	Academic Health Center Coalition	1,000.00	
Do	Alliance for Eye & Vision Research	700.00	
Do	American Academy of Physician Assistants	600.00	
Do	American Assn of Cancer Research	400.00	
Do	American Assn of Critical-Care Nurses	1,200.00	
Do	American Health Foundation	100.00	
Do	American Soc of Nephrology	2,000.00	
Do	American Soc of Tropical Medicine and Hygiene	500.00	
Do	Arthritis Foundation	750.00	
Do	Association for Practitioners in Infectious Control	750.00	
Do	Association of Surgical Technologists	250.00	
Do	Autism Society of America	600.00	
Do	Columbia University	1,000.00	
Do	Cooper Hospital	750.00	
Do	Credential Information & Verification Services, Inc	300.00	
Do	Cystic Fibrosis Foundation	1,000.00	
Do	CPDD - Colelge on Problems of Drug Dependence	300.00	
Do	Fred Hutchinson Cancer Research Center	700.00	
Do	FDA Council	9,000.00	
Do	Illinois Collaboration on Youth	2,000.00	
Do	Johns Hopkins University	1,200.00	
Do	Joint Council of Allergy & Immunology	1,000.00	
Do	Leukemia Society of America	500.00	
Do	Massachusetts General Hospital	750.00	
Do	National Assn of Pediatric Nurse Associates & Practitioners	1,000.00	
Do	National Assn of Rural Health Clinics	800.00	
Do	National Coalition for Cancer Research	800.00	
Do	New York University Medical Center	1,500.00	
Do	Northwestern Memorial Hospital	1,000.00	
Do	Rotary International	1,000.00	
Do	Scholastic	500.00	
Do	Stericycle	200.00	
Do	U.S. Healthcare, Inc	1,200.00	
Capitol Link, P.O. Box 9183 Arlington, VA 22219	City of Mobile		
Do	Federal States of Micronesia	2,500.00	
Do	Madison County Commission		
Do	Southern Research Institute		
Caplin & Drysdale, Chtd, One Thomas Circle, NW, #1100 Washington, DC 20005	American Methanol Institute		
Do	Council on Foundations, Inc		
Do	National Rural Electric Cooperative Assn		
Mark A. Carano, 800 Connecticut Avenue, NW Washington, DC 20006-2701	Food Marketing Institute	100.00	
Marie C. Carbone, 1225 Eye Street, NW, #1100 Washington, DC 20005	Handgun Control, Inc	868.80	
Andrew H. Card Jr., 1620 Eye Street, NW, Suite 1000 Washington, DC 20006	American Automobile Manufacturers Assn	12,300.00	12,300.00
Denise A. Cardman, 1800 M St., NW Washington, DC 20036	American Bar Assn	400.00	50.00
Caremark International, Inc, 2215 Sanders Road, Suite 400 Northbrook, IL 60062			39,815.77
Hugh L. Carey, 919 18th Street, NW, Suite 400 Washington, DC 20006	WR Grace & Co		
Kate Carey, 1620 L Street, NW, #800 Washington, DC 20036	Metropolitan Life Insurance Cos		
Kevin F. Carey, 1020 19th Street, NW, Suite 600 Washington, DC 20036	American Express Company	3,169.00	334.00
Norval E. Carey, 1100 17th St., NW, #1200 Washington, DC 20036	General Atomics	14,680.00	1,301.37
Robert R. Carey, P.O. Box 2121 Corpus Christi, TX 78403	Central Power & Light Company		
Maurice E. Carino Jr., 1667 K St. N.W., #600 Washington, DC 20006	Bethleham Steel Corp	150.00	
Anne E. Carlson, 750 17th Street, NW, Suite 901 Washington, DC 20006	Nissan North America, Inc	3,800.00	
Catherine A. Carlson, 1400 16th Street, NW Washington, DC 20036	National Wildlife Federation	185.70	
David S. Carlson, 122 C Street, NW, #310 Washington, DC 20001	American League for Exports & Security Assistance	3,125.00	
Paul D. Carlson, 1201 New York Ave., NW Washington, DC 20005	American Public Transit Assn	4,440.00	
Nancy Carlton, 601 Pennsylvania Avenue, NW, #1200 Washington, DC 20004	Merck & Co, Inc	1,000.00	400.00
Gerald P. Carmen, 735 Chestnut Street Manchester, NH 03104	120 Church Street Associates		
Carmen & Muss, 1730 Pennsylvania Avenue, NW, #1050 Washington, DC 20006	Richard Cohen		
Carmen Group, Inc, 1730 Pennsylvania Ave., NW, #1050 Washington, DC 20006	ADVO, Inc	7,800.00	3,524.00
Do	Kennametal, Inc		
Do	Thicksten Grim & Burgum		
Robert J. Carolla, 1666 Connecticut Ave., NW, Suite 310 Washington, DC 20009	Consumers Union		
Michael C. Carozza, 655 15th Street, NW, #410 Washington, DC 20005	Bristol-Myers Squibb Co	1,500.00	
Bertram W. Carp, 820 First Street, NE, #620 Washington, DC 20002	Turner Broadcasting System, Inc	10,000.00	
Jot David Carpenter Jr., 6 East Nelson Avenue, #302 Alexandria, VA 22301-2054	Telecommunications Industry Assn	18,750.00	
Kenneth A. Carpi, Carpi & Clay Government Relations 427 C Street, #306 San Diego, CA 92101	Children's Hospital & Health Center	9,000.00	
Do	San Diego County Water Authority	12,000.00	6,685.94
Do	Water Replenishment District of Southern California	7,500.00	
Terry M. Carr, 1350 I St., NW, Suite 590 Washington, DC 20005	College of American Pathologists	5,790.00	
Robert J. Carragher, 815 Connecticut Ave., NW, #710 Washington, DC 20006	Steel Service Center Institute		
Margie Carriger, 415 2nd St., NE, #300 Washington, DC 20002	National Assn of Wheat Growers	2,900.00	
Bruce Carroll, 200 Great Valley Parkway Malvern, PA 19355	Centocor	4,600.00	3,166.20
John R. Carson, 9312 Old Georgetown Rd. Bethesda, MD 20814-1621	American Podiatric Medical Assn	18,000.00	
R. D. Carson Jr., P.O. Box 2021 40 Franklin Rd., SW Roanoke, VA 24022	Appalachian Power Company		
John R. Carter, 1001 19th Street, North, #800 Arlington, VA 22209	TRW, Inc	536.00	
Carter Ledyard & Milburn, 1350 I Street, NW, Suite 870 Washington, DC 20005	Liberty Media Corp		
Melanie Carter-Maguire, 801 Pennsylvania Ave., NW, #700 Washington, DC 20004	Northern Telecom, Inc	1,250.00	
James P. Carty, 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20004-1703	National Assn of Manufacturers	500.00	
Caroline Carver, 5440 Jefferson Davis Hwy Fredericksburg, VA 22407	American Traffic Safety Services Assn	12,300.00	
Susan B. Carver, 1130 17th Street, NW Washington, DC 20036	National Coal Assn	3,000.00	928.11
Winthrop Cashdollar, 1201 L Street, NW Washington, DC 20005	American Health Care Assn	12,000.00	970.38
Cashdollar-Jones & Company, 1000 16th Street, NW, #702 Washington, DC 20036	American Bankers Assn	6,000.00	
Do	Bio Gro Systems, Inc		
Do	Council on Education Development and Research	300.00	
Do	Strategic Agricultural Management Corp		
Allen R. Caskie, 1001 Pennsylvania Ave, NW Washington, DC 20004	American Council of Life Insurance, Inc	625.00	
Sean M. Cassidy, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn	335.00	
Cassidy and Associates, Inc, 700 13th St., NW, #400 Washington, DC 20005	American Digital Imaging, Inc.	200.10	13.20
Do	American Dredging Co		
Do	American Science and Engineering, Inc	1,700.85	271.70
Do	American Superconductor Corp	600.30	41.70

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	ARCO Chemical Americas Co		
Do	AT&T	400.20	
Do	ATEC/ICTA		
Do	Babson College		
Do	Biomedical Waste Systems, Inc	1,700.85	19.80
Do	Bishop Museum	200.10	
Do	Boston College	2,701.35	43.10
Do	Boston University	2,001.00	29.70
Do	Brazil US Business Council	900.45	6.60
Do	Bryant College	2,201.10	6.60
Do	Buena Vista College	2,201.10	133.15
Do	California Community Colleges	3,501.75	218.80
Do	California Institute of the Arts	100.00	
Do	California Pacific Medical Center	6,903.45	
Do	Charlotte-Mecklenberg Hospital Authority Foundation	300.15	
Do	Chicago Board of Trade		
Do	Chicago Mercantile Exchange		
Do	Children's Hospital and Health Center of San Diego	400.20	
Do	Children's Hospital of Pittsburgh	4,101.25	118.90
Do	Children's National Medical Center	2,401.20	15.00
Do	City of Fairfield, CA	17,308.65	100.20
Do	City of Memphis	5,269.30	65.70
Do	Clark Atlanta University		
Do	Columbia University		
Do	Connecticut Health System, Inc	800.40	
Do	Coriell Institute for Medical Research	2,801.40	73.70
Do	Crane Company	7,070.20	47.80
Do	Cray Research, Inc	200.10	6.60
Do	Critical Languages & Area Studies Consortium, Inc		
Do	CH2M Hill Companies, Ltd	200.10	
Do	Discovery Network	800.40	
Do	Dredging Contractors of America	5,802.90	85.00
Do	Duluth Clinic	3,101.50	
Do	Elliott Homes		
Do	Englewood Hospital & Medical Center	8,704.35	89.50
Do	Fairleigh Dickinson University	800.40	
Do	Federal Express		
Do	Franklin Institute		
Do	Fudan Foundation		
Do	Geisinger Foundation	8,704.35	95.20
Do	General Dynamics Corp	1,500.75	71.45
Do	Glaxo, Inc		
Do	Government Employees Hospital Assn, Inc	500.25	
Do	Graduate Health Systems		
Do	Hahnemann University Hospital		
Do	Henry Ford Health System	1,200.60	
Do	Illinois Institute of Technology	700.35	
Do	In Home Health, Inc.		
Do	Intercontinental Energy Group	15,207.60	236.70
Do	Kids Peace, Inc	12,606.30	28.20
Do	Kuakini Hospital	100.05	
Do	Lahey Clinic	200.10	
Do	LaSalle University		
Do	Kenneth Leventhal & Co	1,700.85	
Do	Lewis and Clark College		
Do	Limited		
Do	Loyola Marymount University		
Do	Lucas Industries, Inc.		
Do	Mac Andrews and Forbes		
Do	Maersk, Inc	1,400.72	
Do	Major League Baseball	600.30	
Do	Manpower International		
Do	Mary Hitchcock Memorial Hospital/Hitchcock Clinic	8,204.10	102.85
Do	McDonnell Douglas Corp	100.05	19.05
Do	Medical Center of Central Massachusetts	2,301.15	16.60
Do	Medical College of Pennsylvania	2,601.30	24.50
Do	Mercy Hospital & Medical Center		
Do	Miami-Dade Community College	4,268.80	171.85
Do	Monterey Institute of International Studies		
Do	Morehouse School of Medicine	400.20	
Do	Motion Picture Assn of America		
Do	Mt. Sinai Medical Center of Greater Miami		
Do	MCSI Technologies		
Do	MOOG, Inc	200.10	
Do	Narragansett Indian Tribe		
Do	National Indian Lottery, et al.	900.45	24.50
Do	National Jewish Center for Immunology & Respiratory Medicine		
Do	Nature Conservancy		
Do	New Jersey Instutute of Technology	600.30	
Do	New York Medical College		
Do	Northwestern University	1,400.70	181.50
Do	Ocean Spray Cranberries, Inc	7,503.78	142.90
Do	Our Lady of Lourdes		
Do	Partnership for Responsible Risk-Sharing	400.20	
Do	Pennsylvania Educational Telecommunications Exchange Network	3,601.80	
Do	Philadelphia Heart Institute		
Do	Polaroid Corp	3,201.60	20.70
Do	Polytechnic University	3,101.55	60.70
Do	Providence & Worcester Railroad Company	5,202.60	6.60
Do	PGA Tour	1,500.50	
Do	Queen's Health System		
Do	Rhode Island Hospital		
Do	Rhone-Poulenc, Inc		
Do	Rochester Institute of Technology	2,301.15	38.70
Do	Rush-Presbyterian St. Luke's Medical Center	13,906.95	145.10
Do	Sacred Heart Hospital	11,705.55	65.85
Do	Saint John's Hospital & Health Center	1,200.60	
Do	Saint Joseph's University	2,201.10	29.60
Do	Savings Bank and Life Insurance Company of MA	1,900.95	
Do	Scott County Highway Department	3,201.60	
Do	Smokeless Tobacco Council		
Do	South Dade Land Corp		
Do	Southeastern PA Consortium for Info. Tech. & Training	2,301.15	
Do	St. Francis Healthcare Foundation of Hawaii	1,700.85	7.50
Do	St. Norberts College	2,001.00	112.20
Do	St. Xavier College		
Do	Sutter Bay Associates		
Do	Taiwan Research Institute	56,028.00	128.60
Do	Teaching Hospitals of America		
Do	Tudor Investment Corp		
Do	Tufts University	2,301.15	50.45
Do	Union Memorial Hospital	1,667.50	6.60
Do	Unisys	13,173.25	66.70
Do	University of Dayton	3,701.85	26.40

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	University of Hawaii-University of Hawaii Found.	1,900.95	41.80
Do	University of San Francisco	800.40	7.50
Do	University of Southern Mississippi	1,200.00	35.00
Do	University of St. Thomas		
Do	Waimana Enterprises	670.35	
Do	Watsonville Community Hospital		
Do	Women & Infants' Hospital		
Do	World Learning		
A. Mario Castillo, 1250 27th Street, NW Washington, DC 20007	Aegis Group, Ltd (For:Dairy Trade Coalition)	3,000.00	2,951.25
Penelope C. Cate, 321 North Clark Street Chicago, IL 60610	Quaker Oats Company	1,705.78	1,614.59
Catholic Health Assn of the United States, 4455 Woodson Road St. Louis, MO 63134		9,994.36	19,207.50
Jean Caudle-Walking Eagle, 5 Point Place Wrightsville Beach, NC 28480	Ovate Internations Development Corp		
C. Dawn Causey, 900 19th Street, NW, #400 Washington, DC 20006	America's Community Bankers	180.00	20.00
Harvey E. Cauthen Jr., Cauthen & Associates P.O. Box 250266 Montgomery, AL 36125	Alabama Power Co	12,000.00	2,246.08
Do	Nuclear Energy Institute	6,000.00	2,661.98
Red Cavaney, 1275 K Street, NW Washington, DC 20005	American Plastics Council	3,250.00	
Carol Cayo, 2008 Dayton Street Silver Spring, MD 20902	Information Technology Assn of America	6,000.00	
Cendrowski, Selecky & Reinhart, 2050 N. Woodward, #310 Bloomfield Hills, MI 48013	Taubman Company, Inc	10,552.50	
Center for Rehabilitation Technology, Inc, 490 10th Street, Suite 118 Atlanta, GA 30318			8,321.00
Center for Reproductive Law & Policy, 120 Wall Street, 18th Floor New York, NY 10005			1,054.56
Gerald E. Cerasale, 1101 17th Street, NW, #705 Washington, DC 20036	Direct Marketing Assn, Inc	1,200.00	60.00
David Certner, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	9,938.77	253.00
Jae-Yoon Cha, 1800 K Street, NW, #700 Washington, DC 20006	Korea Foreign Trade Assn	715.00	635.00
Warner Chabot, 1725 DeSales Street, NW, #500 Washington, DC 20036	Center for Marine Conservation		
Chadbourne & Parke, 1101 Vermont Ave., NW, #900 Washington, DC 20005	Air Products & Chemicals Inc	1,368.00	19.00
Do	AES Corporation		
Do	Landfill Gas Group	2,432.00	49.00
Do	Purdue Frederick Company		
Do	Ruan Transportation Management Systems		
Michael J. Chakarun, 1920 N Street, NW Washington, DC 20036	American Mining Congress		
Chambers Development Co, Inc, 10700 Frankstown Road Pittsburgh, PA 15235			22,030.57
Ed Chandler, 7901 Westpark Drive McLean, VA 22102	AMT - The Assn for Manufacturing Technology	17,063.00	500.00
William J. Chandler, 1776 Massachusetts Avenue, NW, #200 Washington, DC 20036	National Parks & Conservation Association	4,100.00	327.89
John Chandler Associates, Inc, 9816 Hillridge Drive Kensington, MD 20895	York International	500.00	78.22
Arthur A. Chapa, 5210 East Williams Circle, Suite 500 Tucson, AZ 85711	Pima County Board of Supervisors	10,597.00	2,966.45
Michael D. Chapman, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn	3,750.00	
Thomas B. Chapman, 500 E Street, SW, #920 Washington, DC 20024	AOPA Legislative Action	18,053.23	677.82
Nancy Chapman & Associates, Inc, 1723 U Street, NW Washington, DC 20009	Mycogen Corp	4,415.00	161.00
Byron Charlton, 815 16th Street, NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	19,170.58	153.92
Charter Medical Corp, 577 Mulberry Street Macon, GA 31298			
Leslie Cheek III, 490 L'Enfant Plaza East, SW, #4200 Washington, DC 20024	Crum & Forster Corp	24,596.00	
Chemical Manufacturers Assn, Inc, 2501 M Street, NW Washington, DC 20037			342,660.00
Chemical Specialties Manufacturers Assn, Inc, 1913 Eye Street, NW Washington, DC 20006			5,790.81
William B. Cherkasky, 1350 New York Ave., NW, #900 Washington, DC 20005	International Franchise Assn		
Chernikoff & Company, 1320 18th Street, NW, #100 Washington, DC 20036	American Architectural Foundation	1,896.00	1,257.75
Do	American Museum of Natural History	4,000.00	1,100.00
Do	Arena Stage	2,098.00	1,398.75
Do	Bishop Museum	2,000.00	1,100.00
Do	Corcoran Gallery of Art	2,098.00	1,351.75
Do	Directors Guild of America	14,279.00	394.81
Do	Folger Shakespeare Library	1,997.00	1,304.75
Do	Ford's Theater	1,896.00	1,257.75
Do	Henry Ford Museum & Greenfield Village	2,000.00	100.00
Do	Isabella Stewart Gardner Museum	750.00	100.00
Do	Meridian House International	1,896.00	1,257.75
Do	Metropolitan Museum of Art	3,000.00	
Do	National Building Museum	1,896.00	1,257.75
Do	National Council for the Traditional Arts	5,000.00	2,100.00
Do	National Museum of Women in the Arts	1,997.00	1,304.75
Do	National Symphony	2,098.00	1,398.75
Do	Natural History Museum of Los Angeles County		
Do	Peabody Museum of Salem	2,000.00	1,100.00
Do	Phillips Collection	1,997.00	1,257.75
Do	Rochester Museum & Science Center	1,000.00	100.00
Do	Science Museum of Minnesota	1,000.00	100.00
Do	Shakespeare Theater	1,997.00	1,257.75
Do	Textile Museum	1,896.00	1,257.75
Do	The Colonial Williamsburg Foundation	1,000.00	100.00
Do	Washington Ballet	1,896.00	1,257.75
Do	Washington Opera	2,098.00	1,398.75
Do	Washington Performing Arts Society	1,997.00	1,304.75
Sidonie Chiapetta, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federatoin	697.60	
Samuel D. Chilcote Jr., 1875 Eye Street, NW, #800 Washington, DC 20006	Tobacco Institute, Inc	1,525.00	
James M. Childress, Koleda Childress & Co, Inc 1110 N. Glebe Rd., #610 Arlington, VA 22201	BASF Corp	2,082.50	
Do	Dow Chemical Co	2,082.50	
Do	Eastman Chemical Co	2,082.50	
Do	GE Plastics	2,082.50	
Do	Hoechst Celanese Chemical Group	2,082.50	
Do	Union Carbide Corp	2,082.50	
Phillip R. Chisholm, 1901 Fort Meyer Drive, Suite 1200 Arlington, VA 22209	Petroleum Marketers Assn of America		
Sandra L. Chiu, 1707 L Street, NW, Suite 300 Washington, DC 20036	United Airlines, Inc	1,400.00	
Robert A. Chlopak, 1400 L Street, NW, #600 Washington, DC 20005	Chlopak Leonard Schecter & Associates, Inc		
Chlopak Leonard Schecter & Associates, Inc, 1400 L Street, NW, Suite 600 Washington, DC 20005	General Electric Capital Mortgage Corp	10,000.00	10,000.00
Do	Health Care Reform Project		
Do	Siderca Corp	3,750.00	3,750.00
Joseph L. Choquette III, Vermont Petroleum Assn P.O. Box 566 Montpelier, VT 05601-0566	American Petroleum Institute	1,819.66	1,457.10
Edward C. Chow, 1401 Eye Street, NW, #1200 Washington, DC 20005	Chevron Companies		
Christian Action Network, P.O. Box 606 Forest, VA 24551		385,862.43	132,418.68
James T. Christy, 1001 19th Street, NW, North, #800 Arlington, VA 22209	TRW, Inc	40,000.00	
Chubb Corporation, 15 Mountain View Road Warren, NJ 07061			78,481.72
James R. Churchill, 6301 Stevenson Avenue, #715 Alexandria, VA 22304			
Alan L. Chvotkin, 14829 Dufief Drive Gaithersburg, MD 20878	Sundstrand Corporation	2,550.00	1,337.51
John Chwat, 601 Pennsylvania Avenue, NW, Suite 900 Washington, DC 20005	Chwat and Co, Inc (For:American Radio Relay League, Inc)	3,000.00	
Do	Chwat and Co, Inc (For:Associated Locksmiths of America)		
Do	Chwat & Co, Inc (For:Fresh Start Home, Inc)	1,500.00	
Do	Chwat and Co, Inc (For:National Licensed Beverage Assn)	4,500.00	
Do	Chwat and Co, Inc (For:National Weather Service Employees Organzation)	800.00	
Paul N. Cicio, 1776 Eye Street, NW, Suite 575 Washington, DC 20006	Dow Chemical Corp		6,467.00
Citizen Action Fund, 1730 Rhode Island Avenue, #403 Washington, DC 20036		20,439.00	20,439.00
Citizens for Reliable and Safe Highways (CRASH), 116 New Montgomery Street, #900 San Francisco, CA 94105		13,144.40	51.00
Citizens Comm for the Right to Keep & Bear Arms, Liberty Park, 12500 NE Tenth Place Bellevue, WA 98005		767,937.00	237,200.00
Terri G. Claffey, 1801 Pennsylvnaia Ave., NW Washington, DC 20006	MCI Communications Corp	170.00	14.00
Donald A. Clarey, 112 South West Street Alexandria, VA 22314	Strategic Management Associates, Inc (For:Greater New York Hospital Assn)		
Do	Strategic Management Associates, Inc (For:Mobile X-Ray Providers of America)	15,000.00	
Do	Strategic Management Associates (For:Montefiore Medical Center)	32,000.00	
Do	Strategic Management Associates (For:New York Hospital)	6,000.00	
Carla E. Clark, 1331 Pennsylvania Ave., NW, #1500-N Washington, DC 20004-1790	National Assn of Manufacturers	1,500.00	
Dan Clark, 1228 Euclid Avenue, Suite 900 Cleveland, OH 44115-1891	Climaco Climaco Seminatore Lefkowitz & Garofoli Co (For:Blue Cross & Blue Shield of Ohio).	7,200.00	3,125.00
James F. Clark, P.O. Box 21211 Juneau, AK 99802-1211	Alaska Forest Assn		
Julie Clark, 1625 K St., NW, #800 Washington, DC 20006	National Legal Aid & Defenders Assn	16,926.00	626.89
Marshall C. Clark, 7332 SW 21st Street P.O. Box 4267 Topeka, KS 66604	Kansas Electric Cooperatives, Inc (KEC)	3,246.00	
Thomas R. Clark, 919 18th Street, NW, #200 Washington, DC 20006	Federal Agricultural Mortgage Corp	5,437.50	354.07
Vernon A. Clark, P.O. Box 59347 Potomac, MD 20859-9347	Vern Clark & Associates (For:Coalition for Property Rights)	69,000.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Vern Clark & Associates (For:Fox Television Stations, Inc)	22,500.00	1,211.67
Do	LDDS Metromedia Communications, Inc	30,000.00	2,917.52
Do	Massachusetts Bay Transportation Authority		
Do	Vern Clark & Associates (For:Metromedia Communications)		
Do	Vern Clark & Associates (For:Metromedia Company)	50,000.00	212.74
Do	Vern Clark & Associates (For:RJR-Nabisco Washington, Inc)	52,500.00	689.46
Vern Clark & Associates, P.O. Box 59347 Potomac, MD 20859-9347	Coalition for Property Rights	69,000.00	
Do	Fox Television Stations, Inc	22,500.00	1,211.67
Do	LDDS Metromedia Communications, Inc	30,000.00	2,917.52
Do	Massachusetts Bay Transportation Authority		
Do	Metromedia Communications		
Do	Metromedia Company	50,000.00	212.74
Do	RJR-Nabisco Washington, Inc	2,500.00	689.46
Sara L. Clarke, 1700 N. Moore Street, #1600 Arlington, VA 22209	American Meat Institute	12,750.00	98.80
Stephen B. Clarkson, 4101 Washington Ave., Dept 016 Newport News, VA 23607	Newport News Shipbuilding & Dry Dock Co	1,000.00	700.00
Joan Claybrook, 2000 P Street, NW, #605 Washington, DC 20036	Public Citizen	5,530.00	
Kenneth J. Clayton, 1120 Connecticut Ave, NW Washington, DC 20036	American Bankers Assn	16,899.50	
Cleary Gottlieb Steen & Hamilton, One Liberty Plaza New York, NY 10006	Government Representatives Cmte Securities Industry Assn		
Do	Institute of International Bankers		
Do	Ministry of Finance & Public Credit of the United Mexican St		
Do	Salomon Brothers, Inc		
Ronald D. Clements, 701 Pennsylvania Avenue, NW Washington, DC 20004	Edison Electric Institute	4,420.33	661.87
Candace M. Clemons, 8630 Fenton Street, #400 Silver Spring, MD 20910	International Fed of Professional & Technical Engineers		
Kimberly M. Clennan, 14157 Rahill Court Woodbridge, VA 22193			
Cleveland-Cliffs, Inc, 1100 Superior Avenue Cleveland, OH 44114-2589			1,005.00
William A. Clifford, 510-15 Revere Beach Blvd., #806 Revere, MA 02151	American Train Dispatchers	1,561.00	
Climaco Climaco Seminatore Lefkowitz & Garofoli Co, 1228 Euclid Ave., #900 Cleveland, OH 44115	Blue Cross & Blue Shield of Ohio	250.00	654.48
Michael P. Cline, 1219 Prince Street Alexandria, VA 22314-2916	Enlisted Assn National Guard	5,343.00	
Clohan & Dean, 1101 Vermont Ave., NW, #400 Washington, DC 20005	America's Public Television Stations		
Do	American Psychoogical Assn		
Do	Coalition of Higher Education Assistance Organizations	1,200.00	
Do	Consumer Bankers Assn	6,417.45	
Do	Diversified Collection Services, Inc	1,822.00	
Do	Economics Americas	600.00	
Do	Student Loan Funding Corp of Ohio	4,939.80	
Do	University of Vermont	650.00	
Do	Very Special Arts	1,525.00	
Stephen J. Cloud, 1220 L St., NW Washington, DC 20005	American Petroleum Institute	1,000.00	
Guy Clough, 1301 Pennsylvania Avenue, NW, #1100 Washington, DC 20004-1707	Air Transport Assn of America	2,040.85	
W. Dewey Clower, 1199 North Fairfax, #801 Alexandria, VA 22314	National Assn of Truck Stop Operators, Inc		
Anthony T. Cluff, 805 15th Street, NW, #600 Washington, DC 20005	Bankers Roundtable	3,125.00	
Coal Industry Health Protection Coalition, 918 16th Street, NW, Suite 303 Washington, DC 20006		13,242.45	13,242.45
Coalition for an Undercharge Relief Bill, 1750 Pennsylvania Ave., NW, #1111 Washington, DC 20006		7,000.00	
Coalition for Automotive Repair Equality, Inc, 119 Oronoco Street, Suite 300 Alexandria, VA 22314		58,419.00	22,142.00
Coalition of Americans to Protect Sports (CAPS), 200 Castlewood Drive North Palm Beach, FL 33408			
Coalition of Consumers' Picture Rights, 1000 Thomas Jefferson Street, NW Washington, DC 20007		9,497.50	
Coalition of Disk Exporters ('CODE'), 915 15th Street, NW, Suite 900 Washington, DC 20005			
Coalition of Supporters of the Shipping Act, c/o Morgan Lewis & Bockius 1800 M Street, NW Washington, DC 20036			133.00
Coalition to Stop Gun Violence, 100 Maryland Ave., NE Washington, DC 20002		213,632.25	223,520.06
Sarah D. Coates, 800 Connecticut Avenue, NW, #1100 Washington, DC 20006	Baxter		
Richard B. Cobb, Georgia Petroleum Council 50 Hurt Plz., SE, #720 Atlanta, GA 30303-2923	American Petroleum Institute	800.00	1,333.39
Drew Patrick Cobbs, 60 West Street, #403 Annapolis, MD 21401	American Petroleum Institute	2,400.00	65.08
Cochran & Lotkin, 201 Massachusetts Avenue, NE, Suite C-1 Washington, DC 20002	City of South Pasadena Redevelopment Agency	2,000.00	
Do	Montgomery Watson	1,000.00	
George T. Cody, 2213 M Street, NW, 3rd Floor Washington, DC 20037	American Task Force for Lebanon	1,320.00	45.00
PerryAnne Coffey, 3800 N. Fairfax Drive, Suite 4 Arlington, VA 22203	National Water Resources	12,000.00	
William F. Coffield, 1785 Massachusetts Ave., NW, 4th Floor Washington, DC 20036	Sharp & Lankford (For:Transactive Corp)		14,054.25
Coffield Ungaretti & Harris, 3500 Three Firest National Plaza Chicago, IL 60602	FMC Defense Systems	122.20	
Amy A. Coggin, 1201 New York Ave., NW, #400 Washington, DC 20005	American Public Transit Assn	3,550.00	
Arnold D. Cohen, 900 19th Street, NW, Suite 400 Washington, DC 20006	America's Community Bankers	5,000.00	204.12
Catherine Grealy Cohen, 1250 H Street, NW, #800 Washington, DC 20005	Eastman Kodak Company	1,550.00	134.00
Daniel Cohen, 1801 K Street, NW, #400K Washington, DC 20006-1301	Arter & Hadden (For:American Koyo Corp)		
Do	Arter & Hadden (For:Association for Responsible Thermal Treatment)		
Do	Arter & Hadden (For:Cellular Telecommunications Industry Assn)	295.00	
Do	Arter & Hadden (For:Circus Circus)	36.00	
Do	Arter & Hadden (For:National Assn of Broadcasters)	15.00	
Do	Arter & Hadden (For:Tele-Communications, Inc)	16.00	
Do	Working Group on R&D	111.00	
John Cohen, 1331 Penn Ave., NW, #l500-North Washington, DC 20004-1703	National Assn of Manufacturers	600.00	
Kenneth S. Cohen, 1295 State Street Springfield, MA 01111-0001	Massachusetts Mutual Life Insurance Company	1,080.00	1,940.17
Marvin S. Cohen, 2929 N. Central Ave., 14th Floor Phoenix, AZ 85012-2576	Sacks Tierney & Kasen (For:City of Tucson)	1,385.50	60.00
Philip Q. Cohen, 255 East Kellogg Blvd. St. Paul, MN 55101	Goff/Wilkie & Associates (For:North Metro TH 610/10 Crosstown Council)		
Rita D. Cohen, 1211 Connecticut Ave., NW, #610 Washington, DC 20036	Magazine Publishers of America	5,000.00	
Herman J. Cohen & Associates, 1155 Connecticut Ave., NW, Suite 400 Washington, DC 20036	President Pascal Lissouba/Republic of the Congo		
Cohn and Marks, 1333 New Hampshire Ave., NW Washington, DC 20036	Direct Marketing Assn	26,672.50	1,213.97
Cordis B. Colburn, 1745 Jefferson Davis Highway, Suite 1000 Arlington, VA 22202	General Dynamics Corp	1,000.00	1,618.73
Coldwater Corp, 2001 Commonwealth Blvd, Suite 202 Ann Arbor, MI 48105-1568	Guardian Industries Corp		
Carol Thompson Cole, 1455 Pennsylvania Ave, NW, #525 Washington, DC 20004	RJR Nabisco, Inc	3,465.00	
Eleanor Cole, 1331 Pennsylvania Ave., NW, #1500-N Washington, DC 20004-1703	UBA, Inc	1,000.00	
Jean L. Cole, 2001 Pennsylvania Ave. NW, Suite 300 Washington, DC 20006	Exxon Corp		
Ken W. Cole, 1001 Pennsylvania Avenue, NW, #700 Washington, DC 20004	Allied-Signal, Inc		
Randall I. Cole, 7900 Westpark Drive McLean, VA 22102	HFSI	6,000.00	1,186.80
E. Thomas Coleman, 1100 New York Ave., NW, #340-West Washington, DC 20005	BASF Corporation	720.00	8.00
Richard Coleman, 529 14th Street, NW, Suite 1055 Washington, DC 20045	Space Express Corp		
Walter S. Coleman, 1200 19th Street, NW, #300 Washington, DC 20036-2401	Regional Airline Association	1,000.00	
Colex & Associates, 1106 North Taylor Street Arlington, VA 22201	American Stamps, Inc		
Do	Cambridge International, Inc		
Do	Coalition for Employment Opportunities		
Do	Contessa Cruise Lines	500.00	
Do	Diagnostek, Inc	1,000.00	
Do	Orleans Levee District	1,000.00	
Do	RGDC, Inc	750.00	
Do	St. Bernard Port, Harbor & Terminal District	1,500.00	
Jessie M. Colgate, 1001 Pennsylvania Ave., NW, #460(N) Washington, DC 20004-2505	New York Life Insurance Company	717.50	
Emilio G. Collado III, Collado Associates 1405 Montague Drive Vienna, VA 22180	American Watch Assn		
Collier Shannon Rill & Scott, 3050 K Street, NW, #400 Washington, DC 20007	Allied Corp, Verson Div		
Do	American Car Rental Assn	12,848.00	12,848.00
Do	American International Group, Inc		
Do	American Textile Machinery Assn		
Do	Association of Certified Trucking Schools		
Do	Australian Dairy Industry	600.00	600.00
Do	Australian Wheat Board	450.00	450.00
Do	Bicycle Manufacturers Assn of America		
Do	Carfax		
Do	Cast Iron Soil Pipe Institute		
Do	Coalition for Improved Environmental Audits		
Do	Coalition for Safe Ceramicware		
Do	COMPACT		
Do	CSR Limited - Sugar Division		
Do	Food Marketing Institute		
Do	Footwear Industries of America	935.98	935.98
Do	Gerry Baby Products Co		
Do	Golden Gate Petroleum International, Ltd		
Do	In Re Color Picture Tubes		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Independent Lubricant Manufacturers Assn	675.00	675.00
Do	Inland Steel Corp	750.00	750.00
Do	International Crystal Federation		
Do	J&B Management Co	9,200.00	9,200.00
Do	Leather Industries of America		
Do	Lykes Brothers, Inc		
Do	Municipal Castings Fair Trade Council		
Do	National Assn of Convenience Stores	9,037.00	9,037.00
Do	National Cosmetology Assn, Inc		
Do	National Juice Products Assn		
Do	National Pasta Assn	413.00	413.00
Do	National Pork Producers Council		
Do	NACCO Materials Handling Group, Inc		
Do	Oneida, Ltd		
Do	Outdoor Power Equipment Institute		
Do	Owner-Operator Independent Drivers Assn	3,150.00	3,150.00
Do	Petrojam, Ltd		
Do	Petroleos de Venezuela, S.A.	7,395.00	7,395.00
Do	Pittsburgh Corning Corporation		
Do	Planar System, Inc	11,313.00	11,313.00
Do	PC Strand Producer Coalition		
Do	Scotsman Industries, Inc		
Do	Shipbuilders Council of America	1,406.94	1,406.94
Do	Society of Independent Gasoline Marketers of America	9,254.00	9,254.00
Do	Specialty Steel Industry of the U.S.	300.00	300.00
Do	Specialty Tubing Group		
Do	Steel Manufacturers Assn		
Do	Tanners Countervailing Duty Coalition	2.64	2.64
Do	Total Petroleum	3,423.00	3,423.00
Do	TUServices	4,700.00	4,700.00
Do	United Parcel Service	600.00	600.00
Do	Wickland Oil Co		
Meg Collins, 701 Pennsylvania Ave., NW, Suite 710 Washington, DC 20004	Tenneco	796.00	120.00
Camilla L. Collova, 1025 Connecticut Ave., NW, #1007 Washington, DC 20036	Armstrong World Industries, Inc		
Jeffrey Colman, 440 First Street, NW #600 Washington, DC 20001	American Israel Public Affairs Comm	18,750.00	1,241.56
Mary Colville, 1155 15th St., NW Washington, DC 20005	National Broiler Council	2,500.00	
Dionne A. Colvin, 1850 M Street, NW, Suite 600 Washington, DC 20036	Toyota Motor Sales, USA, Inc		
Jeffrey W. Combos, c/o Tennessee Petroleum Council 315 Deaderick Street, #1430 Nashville, TN 37238-1430	American Petroleum Institute	2,790.00	2,493.31
Lori A. Comeau, 1401 Eye Street, NW, #340 Washington, DC 20005	CF Industries, Inc	500.00	143.34
Commercial Finance Association, 225 W. 34th St. New York, NY 10122			11,268.00
Common Cause, 2030 M St., NW Washington, DC 20036		2,819,459.00	463,512.96
Commonwealth Group, Ltd, One Massachusetts Avenue, Suite 850 Washington, DC 20001	Bechtel Parsons Brinckerhoff	11,250.00	
Do	EG&G, Inc	7,500.00	
Do	Wampanoag Tribe of Gay Head	15,000.00	
Community Nutrition Institute, 2001 S St., NW, #530 Washington, DC 20009			7,134.66
Jon R. Comola, P.O. Box 1682 Austin, TX 78767	Blue Cross Blue Shield of Texas, Inc		
Competitive Enterprise Institute, 1001 Connecticut Avenue, NW, #1250 Washington, DC 20036		385,500.00	866.36
Competitive Long Distance Coalition, 1875 I Street, NW Washington, DC 20006		40,311.00	40,311.00
Compressed Gas Assn/Helium Advisory Council, 1725 Jefferson Davis Hwy, #1004 Arlington, VA 22202-4102		61,450.00	20,064.00
Stephen R. Conafay, 5141 Yuma Street, NW Washington, DC 20005	Pharmaceutical Research & Manufacturers of America	4,000.00	
Harry J. Conaway, 2300 N Street, NW, #730 Washington, DC 20037	William M. Mercer, Inc		
John B. Conaway, 5126 Woodmire Lane Alexandria, VA 22311	Conaway Group	12,000.00	127.00
Bert M. Concklin, 8607 Westwood Center Drive, Suite 204 Vienna, VA 22182	Professional Services Council	3,000.00	
William J. Condon Jr., 813 Ridge Lake Blvd Memphis, TN 38120	Conwood Company, LP	6.43	19.36
Conference of State Bank Supervisors, 1015 18th St., NW Washington, DC 20036			1,070.00
Thomas L. Conlan, One West Fourth Street, Suite 200 Cincinnati, OH 45202	Student Loan Funding Corp	2,046.40	618.00
John L. Conley, 2200 Mill Road Alexandria, VA 22314	National Tank Truck Carriers, Inc		100.00
Peter J. Connell, 1667 K Street, NW, Suite 400 Washington, DC 20006	Aetna Life & Casualty	3,000.00	117.40
Jeanne K. Connelly, 1875 Eye St., NW, #540 Washington, DC 20006	Champion International Corp	1,788.00	2,947.46
Francis J. Conners, 100 Indiana Avenue, NW Washington, DC 20001	National Assn of Letter Carriers	5,855.82	
Connerton Ray & Simon, 1920 L Street, NW, 4th Floor Washington, DC 20036-5004	International Brotherhood of Teamsters	15,000.00	4,750.00
Do	Laborers National Health & Safety Fund	15,000.00	4,750.00
Do	Laborers-Employers Cooperative & Education Trust	15,000.00	4,750.00
Do	Laborers/AGC Education & Training Fund	15,000.00	4,750.00
Do	Transportation Institute	15,000.00	4,750.00
Catherine Connor, 700 11th Street, NW, #710 Washington, DC 20001	Parsons Brinckerhoff Quade & Douglas, Inc	68.00	
Jerry C. Connors, 1745 Jefferson Davis Highway, #511 Arlington, VA 22202	Manufactured Housing Institute	8,500.00	
David Conover, 1250 H Street, NW, #575 Washington, DC 20005	CH2M Hill	755.84	
David R. Conrad, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation		
John W. Conrad III, 1100 New York Ave., NW, #1050 Washington, DC 20005-3934	American Bus Assn	750.00	28.00
Conservative Action Lobby, P.O. Box 931602 Los Angeles, CA 90093			
Gladys Considine, 2000 K STreet, NW, Suite 800 Washington, DC 20006	National Committee to Preserve Social Security & Medicare	3,433.00	
Consortium for Int'l Earth Science Information Network, 2250 Pierce Road University Center, MI 48710			18,165.66
Consortium of Small School Districts, Inc, 1730 Pennsylvania Ave., NW, #1050 Washington, DC 20006		225.00	208.00
Consumer Bankers Assn, 1000 Wilson Blvd., #3012 Arlington, VA 22209			535.01
Consumer Energy Council of America Research Foundation, 2000 L St., NW, #802 Washington, DC 20036			
Consumers for World Trade, 2000 L Street, NW, #200 Washington, DC 20036		9,350.00	18,938.35
Consumers Union of U.S., Inc, 1666 Connecticut Ave., NW, Suite 310 Washington, DC 20009-1039			11,007.40
John J. Contney, 1130 East Hallandale Beach Blvd. Suite B Hallandale, FL 33009	Textile Rental Services Assn of America		
Convergence Services, Inc, 1800 Diagonal Road, Suite 600 Alexandria, VA 22314	Public Broadcasting Service	4,200.00	
Do	Twin Cities Public Television		
Angie Hunter Conway, 1712 New Hampshire Ave., NW Washington, DC 20009	Air Conditioning Contractors of America	3,200.00	
Daniel J. Conway, One Massachusetts Ave., NW, #350 Washington, DC 20001	Chubb Corporation	10,000.00	562.45
Alexandra W. Cook, 1331 Pennsylvania Avenue, NW, #1300N Washington, DC 20004	Electronic Data Systems Corp	48.00	74.99
Harry N. Cook, 1130 17th St., NW Washington, DC 20036	National Waterways Conference, Inc		
Judith W. Cook, 1776 Eye Street, NW, Suite 575 Washington, DC 20006	Marion Merrell Dow, Inc		6,634.00
Thomas M. Cook, 1301 Pennsylvania Ave., NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Cook Group, Inc, 300 Fountain Square P.O. B^x 1608 Bloomington, IN 47402-1608			35,658.41
Charles E. Cooke, 1001 Pennsylvania Avenue, NW, #450-N Washington, DC 20004	Southern California Edison Co	7,950.00	5,650.00
Ted Coombes, 2301 M Street, NW Washington, DC 20037	American Public Power Assn	1,000.00	
Brian D. Cooney, 1455 Pennsylvania Ave., NW Washington, DC 20004-1007	American Institute of Certified Public Accountants	10,000.00	479.89
Josephine S. Cooper, 1111 19th Street, NW, Suite 800 Washington, DC 20036	American Forest & Paper Assn		
Mitchell J. Cooper, 1001 Connecticut Ave., NW Washington, DC 20036	Rubber & Plastic Footwear Manufacturers Assn	13,000.00	34.00
Coordinadora de Organizaciones Empresariales de Comercio Ext, 1025 Thomas Jefferson Street, NW Washington, DC 20007.		20,000.00	2,000.00
Darrell Coover, 10 Masters Court Potomac, MD 20854	National Assn of Independent Insurers	2,000.00	89.00
Greg Copeland, 1776 Eye Street, NW, Suite 275 Washington, DC 20006	Entergy Services, Inc	3,561.47	49.09
Copeland Lowery & Jacquez, 601 13th Street, NW, #710 North Washington, DC 20005	Bay Area Rapid Transit District	5,327.90	
Do	California League of Savings Institutions	10,500.00	
Do	City of San Diego, California	32,000.00	
Do	Consolidated - Geare	7,304.31	
Do	County of Alameda	19,200.00	
Do	Hazardous Waste Action Committee		
Do	International Bottled Water Assn	12,241.48	
Do	ICF International	3,076.70	
Do	JAYCOR	19,673.03	
Do	Las Vegas Convention and Visitors Authority	5,539.50	
Do	ORINCON Corp	10,743.45	
Do	Pacific Mutual Life Insurance Company	4,127.16	
Do	South West Marine	5,007.77	
Do	State of California	16,000.00	
Heidi S. Coppola, 425 Park Avenue New York, NY 10043	Citibank N.A.	2,034.00	
Sherry Tonubbee Corbin, 801 Pennsylvania AVenue, NW, #352 Washington, DC 20004	Central and South West Corp	826.50	119.19
John F. Corcoran, 1500 K Street, NW, #375 Washington, DC 20005	Norfolk Southern Corp	1,000.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Louis J. Cordia, The Cordia Companies 211 North Union St., #100 Alexandria, VA 22314			
Maria C. Cordone, 9000 Machinists Place Upper Marlboro, MD 20772	International Assn of Machinists & Aerospace Workers	18,288.01	
George F. Cormeny Jr., 25 South Charles Street/Banc 121 - 013 Baltimore, MD 21203	First Mayland Bancorp		
Do	First National Bank of Maryland	850.00	834.62
Corn Refiners Assn, Inc, 1701 Pennsylvania Ave., NW Washington, DC 20036			
Christine Corrado, 1420 King Street Alexandria, VA 22314	National Society of Professional Engineers	1,250.00	
Ernest J. Corrado, 1000 16th St., NW, #511 Washington, DC 20036	American Institute of Merchant Shipping	3,196.00	569.00
Richard L. Corrigan, 1250 H Street, NW Washington, DC 20005	CH2M Hill	1,197.58	
Marty Corry, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	9,328.50	205.00
Alfred W. Cors Jr., 4505 Blue Jay Court Woodbridge, VA 22193	National Taxpayers Union	7,155.00	
Allan D. Cors, 1455 Pennsylvania Avenue, NW, #500 Washington, DC 20004	Corning, Inc	1,500.00	
Anthony R. Corso, 3225 Gallows Road Fairfax, VA 22037	Mobil Corp	2,500.00	
Philip S. Corwin, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	12,538.00	295.87
Barbara J. W. Cosgriff, 1001 Pennsylvania Ave., NW Washington, DC 20004 •	American Council of Life Insurance, Inc		
Paul S. Cosgrove, 121 SW Salmon Suite #1400 Portland, OR 97204	Gardner Cosgrove & Gardner (For:Anadarko Petroleum Corp)		
Cosmetic Toiletry & Fragrance Assn, Inc, 1101 17th Street, NW, #300 Washington, DC 20036		1,555.00	1,555.00
Gregory Costa, 1445 New York Ave., NW 8th Floor Washington, DC 20005	American Chiropractic Assn		
Louis A. Costantino Jr., 1850 M Street, NW Washington, DC 20036	Securities Industries Assn	498.00	
J. Daniel Costello, 12321 La Plata Street Silver Spring, MD 20904	National Trust for Historic Preservation	1,365.00	165.00
Michael E. Costello, 1620 L Street, NW, #1200 Washington, DC 20036	Panhandle Eastern Corp		1,005.27
Terence J. Costello, 1400 L Street, NW, #625 Washington, DC 20005	Mehl & Associates, Inc (For:University of South Carolina)		
Patrick J. Costelloe, 1629 K Street, NW, #301 Washington, DC 20006	Evergreen International Aviation, Inc		
John M. Coster, P.O. Box 1417-D49 Alexandria, VA 22313-1480	National Assn of Chain Drug Stores	2,000.00	
R. Lawrence Coughlin, 2100 Pennsylvania Ave., NW, Suite 600 Washington, DC 20037	Eckert Seamans Cherin & Mellott (For:AAMVANet)	300.00	
Do	Eckert Seamans Cherin & Mellott (For:Centocor, Inc)	5,175.00	
Do	Eckert Seamans Cherin & Mellott (For:National Independent Automobile Dealers Assn).		
Do	Eckert Seamans Cherin & Mellott (For:Regional Transportation Commission)	1,837.50	
Do	Eckert Seamans Cherin & Mellott (For:Southeastern Pennsylvania Transportation Authority).		
Do	Eckert Seamans Cherin & Mellot (For:Triangle Transit Authority)		
Council for a Livable World, 110 Maryland Avenue, NE Washington, DC 20002			32,884.00
Council for the National Interest, 1511 K Street, NW, Suie 1043 Washington, DC 20005			2,995.32
Council for Marketing & Opinion Research (CMOR), 28 North Country Road, Suite 102 Mt. Sinai, NY 11766			
Council for Responsible Nutrition, 1300 19th Street, NW #310 Washington, DC 20036-1609		46,167.00	46,167.00
Council for Rural Housing & Development, 1300 19th Street, NW, #410 Washington, DC 20036		2,000.00	2,000.00
Council of Industrial Boiler Owners, 6035 Burke Centre Parkway, #360 Burke, VA 22015			
Council of Institutional Investors, 1616 P Street NW, #350 Washington, DC 20036			
Council of State Chambers of Commerce, 122 C St., NW, #330 Washington, DC 20001		8,900.00	
Brian Cove, 955 L'Enfant Plaza, SW, #5300 Washington, DC 20024	Honda North America	100.00	32.83
Covington & Burling, P.O. Box 7566 1201 Pennsylvania Avenue, NW Washington, DC 20044	J.S. Alberici Construction Co, Inc	780.00	7.00
Do	American Assn of Oral & Maxillofacial Surgeons		5.00
Do	American PCS, L.P.	14,393.00	
Do	American Watch Assn	1,050.00	
Do	Anchorage Telephone Utility		
Do	Association of America's Public Television Stations	2,687.62	
Do	Association of American Medical Colleges		18.00
Do	Association of Maximum Service Television, Inc		
Do	Attorneys' Liability Assurance Society, Inc		
Do	Bankers Trust Co	2,080.00	32.00
Do	BankAmerica Corp	160.00	35.00
Do	Brown Brothers Harriman & Co		
Do	Coalition to Preserve the Integrity of American Trademarks		
Do	Consolidated Natural Gas Company		
Do	Council for Marketing & Opinion Research		
Do	CBS Television Network Affiliates Assn		
Do	Erisa Industry Committee		8.00
Do	Federal Home Loan Mortgage Corp	787.50	
Do	LeRoy E. Hoffberger		8.00
Do	International Business Machines Corp	11,892.50	212.50
Do	Investment Company Institute	520.00	
Do	John E. Simon Trust	4,125.00	83.63
Do	John Hancock Mutual Life Insurance Co		
Do	National Football League		
Do	National Foreign Trade Council, Inc	1,118.66	
Do	Network Affiliated Stations Alliance	220.00	
Do	Private Benefits Alliance	175.00	
Do	Public Broadcasting Service	80.00	
Do	Syntex (USA), Inc		
Do	Tobacco Institute, Inc, et al.	13,435.00	
Sharon Cowan, 1828 L Street, NW, #906 Washington, DC 20006	American Soc of Mechanical Engineers		
Andrew J. Cowin, 1200 G Street, NW, #800 Washington, DC 20005	National Rifle Assn	1,875.00	
Archibald Cox, 2030 M St., NW Washington, DC 20036	Common Cause		
Cary L. Cox, 301 Pennsylvania Ave., NW North Building, #540 Washington, DC 20004	Ashland Oil, Inc	2,000.00	
Chris Cox, 410 First Street, SE, 2nd Floor Washington, DC 20003	National Rifle Assn of America	1,250.00	224.24
Eric Cox, 713 D Street, SE Washington, DC 20003	Campaign for U.N. Reform-Political Education Committee	6,343.74	
John A. Cox Jr., 9300 Livingston Road Ft. Washington, MD 20744	National Tooling & Machining Assn	17,635.23	676.09
Rebecca G. Cox, 1300 Eye Street, NW, #950 East Washington, DC 20005	Continental Airlines, Inc	416.00	145.00
William J. Cox, 1776 K St., Washington, DC 20006	Catholic Health Association of the United States	2,113.28	
Harold P. Coxson Jr., Coleman Coxson Penello Fogleman & Cowen 1000 Vermont Ave., NW, #600 Washington, DC 20005	Alliance to Keep Americans Working (AKAW)		
Do	Barrick Gold	1,177.75	
Do	Chamber of Commerce of the U.S.		
Do	Labor Policy Assn		
Do	TEAM Coalition		
John C. Cozad, 2600 Grand Avenue Kansas City, MO 64108	Morrison & Hecker		
Lanny M. Craft, P.O. Box 13748 Jackson, MS 39236-3748	Comprehensive Health Insurance Risk Pool Assn	915.00	
Betsy Anne Craib, 1000 Connecticut Ave., NW Washington, DC 20036	Japan Economic Institute of America	340.00	
Daniel Craig, 1724 Massachusetts Avenue, NW Washington, DC 20036	National Cable Television Assn, Inc	4,176.00	291.92
Bill Crandell, 7104 14th Avenue Tacoma Park, MD 20912	Vietnam Veterans of America		
Dale A. Crane, 618 South 223rd Street Des Moines, WA 98198	National Parks & Conservation Association		1,628.00
Daniel M. Crane, 1010 Pennsylvania Avenue, SE Washington, DC 20003	Algonquin Gas Transmission Co		
Do	American Assn of Advertising Agencies		
Do	Association for Manufacturing Technology		
Do	Chubb Corporation		
Do	Electronic Space Systems Corp		
Do	Invest to Compete Alliance		
Do	Merck & Co		
Do	National Electrical Manufacturers Assn		
Do	Nuclear Energy Institute (NEI)		
Do	Olsten Kimberly QualityCare		
Do	Securities Industry Association		
Do	Shriners Hospitals for Crippled Children		
Do	St. Paul Fire & Marine Insurance Co		
Do	Campbell-Raupe (For:Stone and Webster Engineering Corporation)		
Do	Textron Corp		
Do	USX Corp		
Donald A. Crane, 919 18th Street, NW, #400 Washington, DC 20006	W. R. Grace & Co /World Headquarters	7,186.00	
Charles T. Crangle, 560 N Street, SW #N-609 Washington, DC 20024	American Maritime Officers, MTD, AFL-CIO		
Milly S. Crawford, 1445 New York Ave., NW, 8th Floor Washington, DC 20005	Public Securities Assn	6,000.00	319.04
Richard C. Crawford, 601 Pennsylvania Ave. NW Suite 500 North Building Washington, DC 20004	Coors Brewing Co	18,750.00	440.03
Robin Crawford, Box M Allentown, PA 18105-5000	Mack Trucks, Inc		
Roger A. Crawford, 800 Connecticut Avenue, NW Washington, DC 20006-2701	Food Marketing Institute	100.00	
Credit Union National Assn, Inc, 805 15th Street, NW, #300 Washington, DC 20005-2207		30,000.00	75.00
James R. Cregan, 1211 Connecticut Ave., NW Washington, DC 20036	Magazine Publishers of America	5,000.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Richard C. Creighton, 1212 New York Avenue, NW, #500 Washington, DC 20005	American Portland Cement Alliance	17,160.00	186.99
Douglas P. Crew, 818 Connecticut Avenue, NW, #600 Washington, DC 20006	Caterpillar, Inc	3,000.00	65.91
Raffaella S. Cristanetti, 1401 Eye Street, NW, Suite 1200 Washington, DC 20005	Chevron Companies		
Richard E. Cristol, 1101 15th St., NW, #202 Washington, DC 20005	Robert H. Kellen Co (For:Calorie Control Council)	180.00	
Robert W. Cromartie, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn		
Jennifer B. Cromwell, 3601 Vincennes Road P.O. Box 68700 Indianapolis, IN 46268	National Assn of Mutual Insurance Companies	133.00	
Charles H. Cromwell, Inc, 6709 Georgia Street Chevy Chase, MD 20815	MTS Systems Corp		
Adrian Cronauer, 1100 Connecticut Avenue, NW, 12th Floor Washington, DC 20036-4101	U.S. Interactive Microwave Television Assn		
John H. Crosby IV, 950 North Glebe Road, Suite 160 Arlington, VA 22203	American Boiler Manufacturers Assn, Inc	400.00	175.00
James W. Cross, 125 N. West Street Alexandria, VA 22314-2754	Fleet Reserve Assn		
Mary M. Cross, 555 New Jersey Ave., NW Washington, DC 20001	American Fed of Teachers	19,219.59	40.00
Deborah T. Crouse, 1725 DeSales Street, NW, Suite 500 Washington, DC 20036	Center for Marine Conservation		
Crowell & Moring, 1001 Pennsylvania Ave., NW Washington, DC 20004-2595	American Forest & Paper Assn	10,325.00	123.50
Do	American Land Conservancy		
Do	Associated Gas Distributors		
Do	Avon Products, Inc		
Do	Brooklyn Union Gas Co		
Do	Canyon Resources Corp		
Do	City of North Miami		
Do	Cook Inlet Region, Inc		
Do	COMSAT Corp		
Do	Endangered Species Coordinating Council	3,908.75	46.00
Do	Helicopter Assn International		
Do	Independence Mining Company, Inc	5,457.50	41.00
Do	ICF Kaiser International, Inc & Subsidiaries		
Do	L&F Products Group		
Do	Meridian Minerals Co		
Do	National Assn of Temporary Services		
Do	Polyisocyanurate Insulation Mfrs Assn		
Do	Regional Airline Association		
Do	Rocking K Development		
Do	RTK Corporation		
Do	Trust for Public Lands		
Do	United Cities Gas Co		
Do	Western Governors' Assn		
Do	Wyatt Company		
Crowell & Moring International L.P., 1001 Pennsylvania Ave., NW, #1275 Washington, DC 20004-2505	Avon Products, Inc		
Do	Board of Foreign Trade, Gov't of the Republic of China		
Do	Government of Indonesia, Ministry of Trade		
Do	P.T. Perkebunan III		
Do	Singapore Trade Development Board		
James P. Crumley Jr., 1100 Wilson Blvd. Arlington, VA 22209	Hughes Aircraft Company		
John D. Cuaderes, 1235 Jefferson Davis Highway Arlington, VA 22202	ESCO Electronics Corp		1,093.92
Culley-Foster & Co, P.O. Box 17370 Washington, DC 20041			
Dennis P. Culloton, 233 North Michigan Avenue Chicago, IL 60601	Health Care Service Corp	6,250.00	
R. Lee Culpepper, 1200 17th Street, NW, 8th Floor Washington, DC 20036	National Restaurant Assn	1,500.00	990.00
William E. Cumberland, 1125 15th St., NW Washington, DC 20005	Mortgage Bankers Assn of America		
Philip Cummings, 1101 Pennsylvania Avenue, NW Washington, DC 20004	McCutchen Doyle Brown & Enersen (For:American Iron & Steel Institute)		
Do	McCutchen Doyle Brown & Enersen (For:Browning-Ferris Industries, Inc)	4,319.50	
Do	McCutchen Doyle Brown & Enersen (For:Clean Water Act Reauthorization Coalition).	43,619.00	
Do	McCutchen Doyle Brown & Enersen (For:Eastman Kodak Company)	3,869.00	
Do	McCutchen Doyle Brown & Enersen (For:Freeport-McMoRan, Inc)	185.50	
Do	McCutchen Doyle Brown & Enersen (For:General Electric Co)	14,628.00	
Do	McCutchen Doyle Brown & Enersen (For:Massachusetts Water Resources Authority).	15,692.50	
Do	McCuthchen Doyle Brown & Enersen (For:Rohr Industries, Inc)		
Do	McCutchen Doyle Brown & Enersen (For:Southern California Assn of Governments).	10,653.00	
Cuneo Law Group, 317 Massachusetts Ave., NE, Suite 300 Washington, DC 20002	Committee to Support the Antitrust Laws	4,000.00	
Do	National Assn of Securities & Commercial Law Attorneys	102,870.00	908.20
Do	Service Station Dealers of America		
Do	Songwriters Guild of America	5,250.00	14.00
Do	West Publishing Co	12,500.00	17.27
Charles V. Cunningham, 1155 15th Street, NW, Suite 504 Washington, DC 20005	American Textile Manufacturers Institute, Inc	1,500.00	
Do	Dunavant Enterprises, Inc	3,000.00	
Do	Hohenberg Bros. Company	1,500.00	
Stacey C. Cunningham, 750 First Street, NE Washington, DC 20002-4242	American Psychological Assn	75.37	
William J. Cunningham, 815 16th Street, NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	19,491.16	1,041.24
Anne M. Curry, 800 Connecticut Avenue, NW Washington, DC 20006	Food Marketing Institute	500.00	
Wayne T. Curtin, P.O. Box 1808 Washington, DC 20013-1808	Motorcycle Riders Foundation, Inc	10,516.33	411.56
Debra Curtis, 1120 19th Street, NW, Suite 630 Washington, DC 20036	Citizen Action Fund	4,000.00	91.00
James R. Curtiss, 1400 L Street, NW Washington, DC 20005	Washington Public Power Supply System		42.00
Herschel Cutler, 1325 G Street, NW, Suite 1000 Washington, DC 20005	Institute of Scrap Recycling Industries, Inc	937.50	227.47
Cutler & Stanfield, 700 14th Street, NW, 10th floor Washington, DC 20005	Association of Bankruptcy Professionals	5,962.50	20.00
Do	City of Tempe		
Do	General Atomics		
Do	Kaiser Resources, Inc		
Do	Mine Reclamation Corp		
Do	University of Colorado	3,510.00	18.00
Ralf W.K. Czepluch, 1130 Connecticut Ave., NW, #830 Washington, DC 20036	Gulf Power Company	3,692.00	8,199.04
CBI Parity Coalition, 2500 Wilson Blvd., #301 Arlington, VA 22201		205,000.00	69,531.00
CF Industries, Inc, Salem Lake Dr. Long Grove, IL 60047			1,000.00
CM Services, Inc, 800 Roosevelt Boulevard, Bldg C, #20 Glen Ellyn, IL 60137-5833			1,000.00
CR Associates, 317 Massachusetts Ave., NE, #100 Washington, DC 20002	Alzheimer's Assn	1,835.25	
Do	American Assn for Dental Research	958.50	
Do	Association of University Programs in Health Administration	489.00	
Do	Conjoint Comm on Diagnostic Radiology	1,200.00	
Do	Delta Dental Plans Assn	1,200.00	
Do	Hercules Aerospace Co		
Do	Hercules, Inc	78.00	
Do	Software Productivity Consortium	172.69	
D.C. Legislative & Regulatory Services, 1155 21st Street, NW, #310 Washington, DC 20036	Andersons Management Corp	9,000.00	2,903.65
Do	Biotechnology Industry Organization	3,000.00	505.64
Do	British Petroleum, America	9,000.00	588.27
Do	Lebanon Chemical Corp and Lebanon Turf	3,000.00	493.86
Do	National Bark & Soil Producers Assn	3,750.00	626.92
Do	Responsible Industry for a Sound Environment	9,000.00	951.54
Do	Scotts Companies & Subsidiaries	10,500.00	1,446.55
Do	ZENECA Ag Products	12,000.00	1,775.67
Lynne R. Daghlian, 1015 15th Street, NW, #700 Washington, DC 20005	Bechtel Group, Inc		
Susan Dahlquist, 2000 K St., NW, 8th Foor Washington, DC 20006	National Comm to Preserve Social Security	19,531.00	5,217.90
Frank J. Daily, 411 East Wisconsin Ave. Milwaukee, WI 53202	Quarles & Brady (For:General Motors Corp)		
Dairy Farmers for Responsible Dairy Policy, 1919 South Eads St., #103 Arlington, VA 22201-3028			
Donald W. Dalrymple, 1201 Connecticut Ave., NW, #550 Washington, DC 20036	Bailey & Robinson (For:Nonprescription Drug Manufacturers Assn)		
Robert P. Daly II, 1000 Wilson Blvd, #2800 Arlington, VA 22209	Grumman Corp	1,400.00	73.61
John M. Damgard, 2001 Pennsylvania Ave., NW, #600 Washington, DC 20006-1807	Futures Industry Assn, Inc	6,000.00	25.00
Stephanie C. Dance, 1300 L Street, NW, #900 Washington, DC 20005	North American Export Grain Assn, Inc		105.19
David S. Danielson, 1505 Prince Street, #300 Alexandria, VA 22314	American Optometric Assn		
Nancy Danielson, 600 Maryland Ave., SW, #202W Washington, DC 20024	Farmers Educational and Co-Operative Union of America		
Elwyn L. Darden, 1331 Pennsylvania Ave., NW, #1500 North Washington, DC 20004-1790	National Assn of Manufacturers	125.00	
Ed Dauksz, 1650 Tysons Blvd., #1700 McLean, VA 22102	ITT Defense & Electronics	1,000.00	50.00
Theodore S. J. Davi, 23 Holland Road Pittsburgh, PA 15235			
Bruce A. Davidson, P.O. Box 1798 Jacksonville, FL 32231	Blue Cross & Blue Shield of Florida, Inc		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Linda L. Davidson, 1776 Eye Street, NW, Suite 700 Washington, DC 20006	Phillips Petroleum Co	2,000.00	136.64
Seth Davidson, Fleischman and Walsh, LLP 1400 16th Street, NW Washington, DC 20036	National Cable Television Assn, Inc	1,500.00	
Davidson Colling Group, 1101 Pennsylvania Avenue, NW, #810 Washington, DC 20004	American Advertising Federation	50.00	1.05
Do	Caraustar Industries	135.00	7.95
Do	Field Container Corp	27.00	1.59
Do	Garden State Paper Company	54.00	3.18
Do	Halltown Paperboard Co	9.00	0.53
Do	Homedco	128.57	36.39
Do	Lincare	128.57	36.39
Do	Newark Group	171.00	10.07
Do	Newman & Company, Inc	9.00	0.53
Do	Packaging Corp of American	36.00	2.12
Do	Rock-Tenn Company	135.00	7.95
Do	Sonoco Products Co	144.00	8.48
Do	Southeast Paper Manufacturing Co	108.00	6.36
Do	Waldorf Corp	45.00	2.65
Do	White Pigeon Paper Company	9.00	0.53
Dionne M. Davies, 1120 Connecticut Ave., NW, #727 Washington, DC 20036	American Bankers Assn	10,562.50	1,490.85
D. Drew Davis, 3M Center St. Paul, MN 55144-1000	Minnesota Mining and Manufacturing Company (3M)	3,500.00	
Drew M. Davis, 1101 16th St., NW Washington, DC 20036	National Soft Drink Assn	620.46	68.00
Edwin H. Davis, 2030 M St., NW Washington, DC 20036	Common Cause	12,723.40	57.25
Ellen Davis, 1156 15th Street, NW, #700 Washington, DC 20005	NARAL	12,923.05	
Frederick G. Davis, 701 Pennsylvania Ave., NW 4th Floor Washington, DC 20004	Edison Electric Institute	5,474.73	293.57
Michael Davis, 735 North Water St., #908 Milwaukee, WI 53202-4105	American Malting Barley Assn, Inc	1,947.75	
Michael R. Davis, 4455 Woodson Road St. Louis, MO 63134	Catholic Health Assn of the United States	954.32	
Ovid R. Davis, P.O. Drawer 1734 Atlanta, GA 30301	Coca-Cola Company		
Robert W. Davis, Bob Davis & Associates 2361 Jefferson Davis Highway, #506 Arlington, VA 22202	Alaska Ocean Seafood	2,000.00	12.00
Do	City of Charlevoix		
Do	Frequency Engineering Labortories	1,000.00	
Do	Lafarge Corp	1,000.00	8.00
Do	Marinette Marine Corp	2,000.00	
Timothy S. Davis, 1020 Nineteenth Street, NW, #600 Washington, DC 20036	American Express Co	15,000.00	
William M. Davis, 1615 M Street, NW, #200 Washington, DC 20036	Amoco Corporation	1,200.00	135.00
Davis & Harman, 1455 Pennsylvania Avenue, NW, #1200 Washington, DC 20004	American General Life Insurance Co	990.00	135.66
Do	American Horse Council	2,970.00	95.34
Do	Chicago Board of Trade	8,500.20	186.72
Do	Florida Power & Light	2,942.50	135.66
Do	U.S. Sugar Corp	1,200.00	285.41
Davis Polk & Wardwell, 1300 Eye St., NW Washington, DC 20005	Brown Brothers Harriman & Co		
Do	Kohlberg Kravis Roberts & Co		
Do	Morgan Guaranty Trust Co	3,900.00	16.00
Do	Morgan Stanley & Co, Inc		
Do	Norwest Corporation	1,135.00	9.00
Brenda T. Day, 1100 Connecticut Ave., NW, #900 Washington, DC 20036	Chrysler Corporation	6,249.00	671.00
Harry F. Day, 701 Pennsylvania Avenue, NW, #600 Washington, DC 20004	New York Stock Exchange, Inc		
James M. Day, 900 North Stafford St., #1405 Arlington, VA 22203	American Samoa Government, Office of the Governor		
Michael P. Day, 230 South Phillips Avenue P.O. Box 5118 Sioux Falls, SD 57117	Rural Community Insurance Services/Norwest		
Barbara Daye, 655 Fifteenth Street, NW 300 Metropolitan Square Washington, DC 20005	Blue Cross of California	13,125.00	898.24
Gaston De Bearn, 1300 Eye Street, NW, #520-W Washington, DC 20005-3314	Hoffmann-La Roche, Inc	5,100.00	
Donald K. Dean, 1725 Jefferson Davis Highway, Suite 900 Arlington, VA 22202	Loral Federal Systems Group	3,500.00	
John Russell Deane III, 1317 F Street NW #550 Washington, DC 20004	Trainum Snowdon & Deane (For:Auto International Assn)	84.00	42.16
Do	Trainum, Snowdon & Deane (For:Coalition of Automotive Assns)	226.00	100.54
Do	Trainum Snowdon & Deane (For:Specialty Equipment Market Assn)	906.00	475.13
Mark O. Decker, 1129 20th Street, NW, #705 Washington, DC 20036	National Assn of Real Estate Investment Trusts, Inc		107.30
Tom K. Decker, Box 3529 Portland, OR 97208	Port of Portland	16,189.00	2,873.00
Norbert Dee, 1899 L Street, NW, #1000 Washington, DC 20036	National Petroleum Refiners Assn	1,000.00	
Cathy Deeds, 700 13th Street, NW, #500 Washington, DC 20005	Family Research Council	2,046.00	
Richard A. Deem, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn	25.00	
George K. Degnon Associates, Inc, 6728 Old McLean Villiage Drive McLean, VA 22101			
Tom Dehner, 2030 M Street, NW Washington, DC 20036	Common Cause	6,523.50	392.46
William T. Deitz, 1000 Connecticut Avenue, NW, #706 Washington, DC 20036	Palumbo & Cerrell, Inc (For:American Soc of Composers Authors & Publishers)	15.00	4.00
Do	Palumbo & Cerrell, Inc (For:Atlantic Richfield Co)	1,177.50	5.00
Do	Palumbo & Cerrell, Inc (For:Los Angeles County Metropolitan Transportation Authority).	6,465.00	166.75
Do	Trustee Coalition for Traveling Public	1,387.50	61.90
Gene A. Del Polito, 1333 F Street, NW, #710 Washington, DC 20004-1108	Advertising Mail Marketing Assn	936.00	
Mitchell Delk, 1101 Pennsylvania Avenue, NW, #950 Washington, DC 20077-7347	Federal Home Loan Mortgage Corp		
Democratic Leadership Council, 518 C Street, NE Third Floor Washington, DC 20002		25,000.00	1,165.00
George H. Denison, 5910 Woodacres Drive Bethesda, MD 20816	Edison Electric Institute		
Do	Federation of Electric Power Companies of Japan	2,000.00	
Do	General Atomics	500.00	
Denison Scott Associates, 5910 Woodacres Drive Bethesda, MD 20816	Bristol-Myers Squibb Co		
William H. Dennerlein, 329 F Street, #208 Anchorage, AK 99501	National Parks & Conservation Assn	1,200.00	1,090.00
Paul W. Dennett, 1310 G Street, NW, 12 Floor Washington, DC 20005	Blue Cross & Blue Shield Assn	16,089.00	126.45
M. Sharon Dennis, 666 Pennsylvania Avenue, SE Washington, DC 20003	National Audobon Society		
Thomas J. Dennis Sr., 1001 Pennsylvania Ave, NW, #450-N Washington, DC 20004	Southern California Edison Co	10,500.00	5,650.00
Robert Neal Denton, 1211 Connecticut Avenue, NW, #620 Washington, DC 20036-2701	Alliance of Nonprofit Mailers	1,577.33	
John M. Derrick Jr., 1900 Pennsylvania AVe., NW Washington, DC 20068	Potomac Electric Power Co	441.50	
Edward M. Desmond, 1401 I Street, NW, #210 Washington, DC 20005	FHP International Corp	3,562.50	349.29
M. Beth Dessen, 222 N. 17th Street Philadelphia, PA 19103-1299	Archidocese of Philadelphia		
Jo Ellen Deutsch, 1625 Massachusetts Avenue, NW Washington, DC 20036	Association of Flight Attendants, AFL-CIO	5,000.00	
Patrick Deville, 5566 Southwyck Boulevard Toledo, OH 43614	Blade Communications, Inc	72.00	802.00
Paul Devlin, 815 16th Street, NW, Suite 308 Washington, DC 20006	Public Employee Department, AFL-CIO	2,811.59	
R. Daniel Devlin, 808 17th Street, NW, #520 Washington, DC 20006	Trans World Airlines, Inc	600.00	
Robert L. Dewey, 1101 14th Street, NW #1400 Washington, DC 20005	Defenders of Wildlife	176.96	
Dewey Ballantine, 1775 Pennsylvania Ave., NW, #500 Washington, DC 20006	Bethlehem Steel, et al.	1,822.50	16.00
Do	Boeing Company		
Do	Caribbean Marine Service Co, Inc		
Do	Catholic Health Assn of the U.S.	2,100.00	
Do	Federal National Mortgage Assn		
Do	Federation of American Health Systems		
Do	General Electric Co		
Do	General Electric Pension Trust		
Do	Georgia-Pacific Corp		
Do	PacifiCorp Financial Services	4,200.00	
Do	SEMATECH	600.00	
Do	Thompson Publishing Group		
Do	Travelers, Inc		
Do	U.S. Golf Association		
Do	Union Pacific Corp	8,400.00	
Do	West Indies Rum & Spirits Producers Assn		
Do	Xerox Corp		
H. Edward DeBee III, 6520 North Western, Suite 201 Oklahoma City, OK 73116	DeBee & Associates	15,097.00	2,790.30
Alex J. DeBoissiere, 701 Pennsylvania Avenue, NW, #710 Washington, DC 20004	Tenneco, Inc	250.00	33.69
Katherine B. DeCoster, 666 Pennsylvania Avenue, SE, #401 Washington, DC 20003	Trust for Public Land	2,592.00	87.43
Michael DeEmilio, 400 North Capitol Street, NW, #852 Washington, DC 20001	Brotherhood of Maintenance of Way Employes	12,500.00	
DeKieffer Dibble & Horgan, 915 15th Street, NW, Suite 900 Washington, DC 20005	Coalition of Disk Exporters ('CODE')		
Doris M. DeMay, 701 North Fairfax Street Alexandria, VA 22314	United Way of America	500.00	
Sandra Yartin DePoy, 1125 15th Street, NW Washington, DC 20005	Mortgage Bankers Assn of America	10,661.25	
William R. DeReuter, 3000 K Street, NW, #620 Washington, DC 20007	Merrill Lynch & Co, Inc	2,400.00	
David DeSantis, 1301 Pennsylvania Ave., NW, Suite 305 Washington, DC 20004	Natural Disaster Coalition	15,000.00	1,159.69
Mark DeSantis, 1455 Pennsylvania Ave., NW, Suite 230 Washington, DC 20004	Texas Instruments, Inc	8,000.00	
Christine DeVries, 600 Maryland Ave., SW, #100 West Washington, DC 20024-2571	American Nurses' Assn	1,753.00	2.50
Thomas R. DeYulia, 1776 I Street, NW, #770 Washington, DC 20006	CNA Insurance Co		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Chester T. Dickerson Jr., 700 14th Street, NW, #1100 Washington, DC 20005	Monsanto Co		604.67
Ann Sanders Dickey, 2605 Nonconnah Memphis, TN 38132	Federal Express Corp	6,000.00	
J. Hugh Dickey, 1401 Eye Street, NW, Suite 1200 Washington, DC 20005	Chevron Companies	2,400.00	
Kathryn M. Dickey, 1101 Pennsylvania Ave., NW, #540 Washington, DC 20004	Eli Lilly & Co	3,000.00	8.00
Elaine Dickinson, 880 S. Pickett Street Alexandria, VA 22304	Boat Owners Assn of the U.S.	7,000.00	
William L. Dickinson, 412 First Street, SE, Suite 60 Washington, DC 20003	Azerbaijan Study Foundation	9,000.00	
David Dickson, 323 Pennsylvania Avenue, SE Washington, DC 20003	Center for Marine Conservation	630.00	
Dickstein Shapiro & Morin, LLP, 2101 L St., NW Washington, DC 20037	Accountants Coalition	650.00	
Do	American Greyhound Track Operators Assn		
Do	Apple Computer Corp		
Do	Bear Stearns & Co		
Do	Cigar Assn of America, Inc	600.00	
Do	Cordova District Fishermen United, Inc		
Do	CoreSource		
Do	Electric Generation Assn	300.00	
Do	Federal National Mortgage Assn		
Do	Federated Cash Management Systems		
Do	Sam Fox	750.00	
Do	Home Box Office, Inc		
Do	Illinois Dept of Children & Family Services		
Do	Joslyn Corporation	645.00	
Do	Malaysian Palm Oil Promotion Council		
Do	National Assn of Chain Drug Stores		
Do	National Fed of Societies for Clinical Social Work	575.00	
Do	Newport Group		
Do	North Carolina Dept of Natural Resources & Community Develop		
Do	Ocean State Power		
Do	Paulucci Enterprises		
Do	Pipe Tobacco Council, Inc	600.00	
Do	Smokeless Tobacco Council	600.00	
Do	State of Arkansas (DOE), et al.		
Do	U.S. Generating Company	600.00	
Rick Diegel, 1125 15th Street, NW Washington, DC 20005	International Brotherhood of Electrical Workers, AFL-CIO-CLC	2,281.25	150.00
Dorothea M. Diemer, 10550 Talbert Avenue Fountain Valley, CA 92728	Hyundai Motor America	8.25	
Dierman Wortley & Zola, Inc, 1350 Eye Street, Nw, #820 Washington, DC 20005	Alexander & Alexander of New York, Inc		
Do	Carmen Group, Inc (for: ADVO, Inc)	1,600.00	
Do	Special Data Processing, Inc	25,000.00	2,500.00
Robbi Rice Dietrich, P.O. Box 660634 Dallas, TX 75266-0634	Frito-Lay, Inc	3,000.00	2,234.00
John Dill, 325 7th Strret,NW #1000 Washington, DC 20004	National Retail Federation	11,500.00	359.53
Robert E. Dillon, Sony Drive, Mail Drop #3F8 Park Ridge, NJ 07656	Sony Electronics, Inc	4,000.00	1,400.00
Lisa M. Dinackus, 1455 Pennsylvania Avenue, NW Washington, DC 20004-1007	American Institute of Certified Public Accountants	5,000.00	452.75
Michael F. Dineen, 600 Pennsylvania Ave., SE, #206 Washington, DC 20003	Lumbermens Mutual Casualty Co (For:Kemper Investors Life Insurance Co)		
Do	Lumbermens Mutual Casualty Company (For:Kemper Reinsurance Company)	41.82	
Do	Lumbermens Mutual Casualty Company	2,100.00	130.00
Richard Jon Dines, 1401 New York Avenue, NW, Suite 1100 Washington, DC 20005	National Cooperative Business Assn	5,304.00	
Charles V. Dinges IV, 1015 15th Street, NW, #600 Washington, DC 20005	American Soc of Civil Engineers	9,555.00	9,555.00
Robert M. Dingman, 1225 Eye St., NW, #500 Washington, DC 20005	American Motorcyclist Assn	13,823.14	799.23
Joseph J. DioGuardi, 9 Larissa Lane Thornwood, NY 10594	Albanian American Civic League		9,781.10
Direct Selling Association, 1776 K Street, NW Washington, DC 20006			215.00
Dale P. Dirks, 711 Second Street, NE, #200 Washington, DC 20002	Health & Medicine Counsel of Washington		
Mary Ann Dirzis, 9 West 57th Street New York, NY 10019	Avon Products, Inc		
Disabled American Veterans, 3725 Alexandria Pike Cold Spring, KY 41076		175,868.13	175,868.13
Patsy B. Dix, 1130 Conn. Ave., NW Suite 1000 Washington, DC 20036	American Insurance Assn		96.00
Barbara A. Dixon, 1600 Eye Street, NW Washington, DC 20006	Motion Picture Assn of America, Inc	1,290.00	119.97
Charles J. DiBona, 1220 L St., NW Washington, DC 20005	American Petroleum Institute	5,000.00	
Ann M. DiDonato, 6200 Oak Tree Blvd. Independence, OH 44131	Centerior Energy Corp	1,381.54	1,076.11
Rose M. DiNapoli, 1101 Pennsylvania Ave., NW, Suite 950 Washington, DC 20004	Student Loan Marketing Assn	2,900.00	1,554.00
Lucia DiVenere, 519 C Street, NE Washington, DC 20002	National Assn for Home Care	1,517.00	
E. David Doane, 1401 I Street, NW, #300 Washington, DC 20005	Koch Industries, Inc	4,000.00	100.00
Patrick L. Dober, 1850 M Street, NW, #540 Washington, DC 20036	National Multi Housing Council, Inc	1,645.00	
William A. Dobrovir, William A. Dobrovir, P.C. 65 Culpeper Street Warrenton, VA 22186	Tax Analysts	6,260.00	2.43
Sarah R. Dodge, 1901 Fort Meyer Drive, Suite 1200 Arlington, VA 22209	Petroleum Marketers Assn of America		
Julie Domenick Doerr, 1401 H Street, NW Washington, DC 20005	Investment Company Institute	535.71	76.24
H. A. Doersam, 1000 Connecticut Ave., NW, Suite 507 Washington, DC 20036	Household Financial Group, Ltd	11,300.00	
J. Jon Doggett, 600 Maryland Avenue, SW Washington, DC 20024	American Farm Bureau Federation	8,537.00	273.16
Brian M. Dolan, 1 Metro-Tech Center Brooklyn, NY 11201	Brooklyn Union Gas Co	175.00	20.00
Mary Anne Dolbeare, 1730 Rhode Island Ave., NW, Suite 1000 Washington, DC 20036	National Solid Wastes Management Assn (NSWMA)		
Robin C. Dole, 1155 21st Street, NW, #321 Washington, DC 20036	Century 21 Real Estate Corp		
Stephan G. Dollinger, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute	200.00	
Marla M. Donahue, 1901 North Moore Street Arlington, VA 22209	Foodservice & Packaging Institute, Inc		
Andrew J. Donelson, 1101 15th Street, NW Washington, DC 20005	Minnesota Mining & Manufacturing Co	3,500.00	
Kevin J. Donnellan, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	929.19	
Mary Elizabeth Donnelly, 1233 20th St., NW, #200 Washington, DC 20036	Newmont Mining Corp		
Thomas F. Donnelly, 3800 N. Fairfax Drive, Suite 4 Arlington, VA 22203	National Water Resources Assn	11,000.00	
Thomas R. Donnelly, 1275 K Street, NW, #400 Washington, DC 20005	American Plastics Council	605.00	756.00
Winfield L. Donoho, 412 First Street, SE Washington, DC 20003	National Automobile Dealers Assn	5,000.00	
Nancy J. Donohoe, 1828 L Street, NW, #1010 Washington, DC 20365	Rosapepe and Spanos, Inc (For:H&R Block, Inc)	1,455.20	63.50
Ridgely Thorp Donohue, 60 Wall Street New York, NY 10260	J.P. Morgan & Co, Inc		
William Donovan, 3138 N. 10th Street Arlington, VA 22201	National Assn of Federal Credit Unions	2,500.00	64.39
James R. Dorcy, 1666 Connecticut Avenue, NW, Suite 400 Washington, DC 20009	Federation for American Immigration Reform	203.00	33.00
Michael C. Dorf, 130 East Randolph Street, #3800 Chicago, IL 60601	Schuyler Roche & Zwirner (For:Gabriella Rosenbaum Trust)	14,460.00	123.16
Dorfman & O'Neal, Inc, 1331 Pennsylvania Ave., NW, Suite 730N Washington, DC 20004	General Pneumatics Corp		6,569.93
Do	Hercules Engine Co		3,107.07
Do	Oshkosh Truck Corp, Chassis Div		3,073.25
Kimberly Olson Dorgan, 1702 Esquire Lane McLean, VA 22101	Children's Television Workshop	275.00	
Keith G. Dorman, 625 Liberty Ave., 7th Pittsburgh, PA 15222	Peoples Natural Gas Company	5,000.00	253.34
Nancy R. Dorn, 2000 M Street, NW, #300 Washington, DC 20036	Coastal Corporation	31,500.00	
Do	SEMATECH	12,000.00	
Dorsey & Whitney, 1330 Connecticut Ave., NW, #200 Washington, DC 20036	Allina	14,269.50	42.00
Do	Association of International Automobile Manufacturers, Inc	5,184.00	
Do	Bristol-Myers Squibb Co		
Do	City of St. Paul		
Do	Cow Creek Umpqua of Oregon		
Do	Crop Growers Insurance, Inc		
Do	Deluxe Corp		
Do	Elwaha S'Klallam Tribe		
Do	Geneva Steel	3,683.50	36.59
Do	Guam Commission on Self Determination		
Do	Lummi Indian Business Council		
Do	National Computer Systems		
Do	Promus Companies, Inc		
Do	Quinault Indian Nation		
Do	Shakopee Sioux Community Council		
Do	Solvay Pharmaceuticals, Inc		
Do	Southern Company	7,539.25	6.00
Do	St. Jude Medical, Inc	12,492.00	22.00
Do	Stockbridge-Munsee Community Bank of Mohican Indians		
Do	United HealthCare Corp		
Do	Winnebago Tribal Council		
Do	Yakima Tribal Council of theYakama Indian Nation		
Dean R. Dort II, 1667 K Street, NW, #1230 Washington, DC 20006	Deere & Company	408.00	
Terrie M. Dort, 1200 19th Street, NW, Suite 300 Washington, DC 20036-2401	National Council of Chain Restaurants	150.00	
W. Carter Doswell, 1101 Pennsylvania Avenue, NW, #900 Washington, DC 20004	Goldman Sachs & Co	3,000.00	
Robert J. Dotchin, 1350 Eye Street, NW, #680 Washington, DC 20005	UST Public Affairs, Inc		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Richard J. Doubrava, 1629 K Street, NW, #501 Washington, DC 20006	Delta Air Lines, Inc	170.00	46.20
Dow Lohnes & Albertson, 1255 23rd St., NW, Suite 500 Washington, DC 20037	Home Shopping Network, Inc	480.00	
Do	Profit Sharing Council of America		
Do	Stelco, Inc	210.00	
Jane Lind Downey, 1611 Duke Street Alexandria, VA 22314	American Movers Conference		
Downey Chandler, Inc, 1401 I Street, NW, #1210 Washington, DC 20005	American International Group	7,500.00	7,500.00
Do	American Personal Communications	4,500.00	4,500.00
Do	AIDS Resource Center of Wisconsin	15,000.00	15,000.00
Do	E.I. DuPont de Nemours & Co	3,750.00	3,750.00
Do	Ericsson Corporation	1,500.00	1,500.00
Do	Evergreen Community Development Assn	5,000.00	5,000.00
Do	Fuel Cells for Transportation	1,500.00	1,500.00
Do	Healthcare Assn of New York State	7,500.00	7,500.00
Do	Independent Forest Products Assn	7,500.00	7,500.00
Do	Institute for Community Development		
Do	Kalkines Arky Zall & Bernstein	3,000.00	3,000.00
Do	Limited, Inc	1,000.00	1,000.00
Do	Merck & Company		
Do	Metra Health	500.00	500.00
Do	Metropolitan Life & Affiliated Companies	6,000.00	6,000.00
Do	National Assn of Health Underwriters	1,500.00	1,500.00
Do	National Cruise Ship Alliance	2,500.00	2,500.00
Do	Personal Communications Industry Assn	1,666.00	1,666.00
Do	Philipp Brothers Chemicals, Inc	2,400.00	2,400.00
Do	Joseph E. Seagram & Sons, Inc	4,500.00	4,500.00
Do	Teledelsic Corporation	1,500.00	1,500.00
Do	Time Warner, Inc	4,800.00	4,800.00
Mary Theresa Doyle, 801 Pennsylvania Avenue, NW, Suite 250 Washington, DC 20004	Massachusetts Mutual Life Insurance Co		
Michael R. Doyle, c/o New York State Petroleum Council 150 State Street Albany, NY 12207-1675	American Petroleum Institute	1,400.00	1,146.18
Ronald W. Drach, 807 Maine Avenue, SW Washington, DC 20024	Disabled American Veterans	28,145.12	24.54
David P. Drake, 1747 Pennsylvania Ave., NW, #700 Washington, DC 20006	Ciba-Geigy Corp	8,000.00	
James E. Drake, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	3,750.00	
Andrea N. Dravo, 1155 21st Street, NW, #202 Washington, DC 20036	International Nuclear Non-Proliferation Alliance	3,750.00	3,049.74
John E. Drawz, 1100 International Centre 900 Second Ave., South Minneapolis, MN 55402-3397	Fredrikson & Byron (For:City of New Brighton)		
Dressendorfer-Laird, Inc, 1730 Rhode Island Avenue, NW, #210 Washington, DC 20036	General Dynamics Corp	250.00	
Do	National Assn of Professional Employer Organizations	250.00	
Do	QualMed, Inc	250.00	
Do	Science Applications Int'l Corp	250.00	
Charles T. Drevna, 1110 Vermont Avenue, NW, #400 Washington, DC 20005	Capitol Hill Strategies	1,000.00	50.00
William B. Driggers Jr., 1745 Jefferson Davis Highway, #605 Arlington, VA 22202	Texas Instruments, Inc	32.00	428.31
Kevin J. Driscoll, 1800 M St., NW Washington, DC 20036	American Bar Assn	400.00	50.00
Duberstein Group, Inc, 2100 Pennsylvania Ave., NW, #500 Washington, DC 20037	Aetna Life & Casualty	2,400.00	
Do	American Council of Life Insurance	4,000.00	
Do	Civil Justice Reform Group	4,000.00	
Do	Communications Satellite Corp	800.00	
Do	Consolidated Rail Corporation	800.00	
Do	Dow Corning Corporation	3,200.00	
Do	Federal National Mortgage Assn	800.00	
Do	General Motors Corp	1,600.00	
Do	Goldman Sachs & Co	800.00	
Do	Group Health Assn of American	1,600.00	
Do	Healthcare Leadership Council	1,600.00	
Do	Juvenile Diabetes Foundation International	625.00	
Do	Monsanto Company	1,600.00	
Do	National Cable Television Assn, Inc	1,600.00	
Do	Shell Oil Company	800.00	
Do	Transportation Institute	800.00	
Do	United Air Lines, Inc	1,600.00	
Do	Warner Communications, Inc	2,500.00	
Stan Dublinske, 10801 Rockville Pike Rockville, MD 20852	American Speech-Language-Hearing Assn		
G. Stephen Duca, 1350 I Street, NW, Suite 300 Washington, DC 20005	Marine Spill Response Corporation		
Ducheneaux Taylor & Associates, 303 Massachusetts Ave., NW Washington, DC 20002	Chippewa-Ottawa Treaty Fishery Management Authority	375.00	
Do	Commissioned Officers Assn of the U.S.P.H.S., Inc	300.00	
Do	Delaware Tribe of Indians	150.00	
Do	Gila River Farms	450.00	
Do	Grand Portage Reservation Tribal Council	450.00	
Do	Grand Traverse Bank of Chippewa and Ottawa Indians	450.00	
Do	Intertribal Agricultural Council	300.00	
Do	Leech Lake Tribal Council	562.50	
Do	Miami Tribe of Oklahoma	560.00	
Do	Minnesota Indian Gaming Assocation	907.50	
Do	Modoc Tribe of Oklahoma		
Do	MNE-SOSE International Water Rights Coalition	300.00	
Do	Native American Rights Fund		
Do	Siletz Tribal Council	450.00	
Do	Tohono O'Odham Nation	450.00	
Do	Tulalip Tribes	600.00	
Do	White Earth Tribal Council	562.50	
Tim Dudgeon, 1250 Eye Street, NW, #900 Washington, DC 20005	Distilled Spirits Council of the U.S., Inc	2,000.00	
Jane McPike Dudley, 888 17th Street, NW, #400 Washington, DC 20006	Whiteford Taylor & Preston (For:National Constructors Assn)	4,000.00	55.25
Diane C. Duff, 1129 20th Street, NW, 2nd Floor Washington, DC 20036	Greater Washington Board of Trade	2,600.00	4,286.30
Andrew Dugan, 2001 S Street, NW, Suite 350 Washington, DC 20009	Community Nutrition Institute	6,576.90	557.76
John V. Dugan Jr., 6801 Rockledge Drive Bethesda, MD 20817	Martin Marietta Corp	2,400.00	
Francis J. Duggan, 1150 Connecticut Avenue, NW, #700 Washington, DC 20036	Mullenholz & Brimsek (For:American Shooting Sports Council)	600.00	
Juanita D. Duggan, 1401 New York Ave., NW, #400 Washington, DC 20005	National Food Processors Assn	23,537.52	100.00
Garth F. Dull, 5990 Richmond Highway, #506 Alexandria, VA 22303	Nevada Resort Assn		
Mac S. Dunaway, Dunaway & Cross 1146 19th Street, NW, #400 Washington, DC 20036	Crown Controls Corporation		
Do	Industrial Truck Assn		
Do	Lord Corporation		
Do	Walbro Corp		
Amy K. Dunbar, P.O. Box 19230 Washington, DC 20036	National Assn of Bond Lawyers	991.75	33.00
Don R. Duncan, 1776 Eye Street, NW, #700 Washington, DC 20006	Phillips Petroleum Co	6,000.00	467.77
Mallory B. Duncan, 325 7th Street, NW, #1000 Washington, DC 20004	National Retail Federation	2,000.00	50.00
William C. Duncan, 1050 17th Street, NW, #410 Washington, DC 20036	Japan Automobile Manufacturers Assn		777.71
Duncan Weinberg Miller & Pembroke, P.C., 1615 M Street, NW, #800 Washington, DC 20036	Mid-West Electric Consumers Assn, Inc		
Do	National Assn of Energy Service Companies		
Do	National Assn of State Energy Officials		
Do	State of Hawaii, Dept of Business & Economic Development		
Robert Dunkel, 1875 I Street, NW, #1110 Washington, DC 20006	Times Mirror Company		
Louise C. Dunlap, 418 10th Street, SE Washington, DC 20003	Dunlap & Browder, Inc (For:Acurex Environmental/CA Energy Commission)		
Dunlap & Browder, Inc, 418 Tenth Street, SE Washington, DC 20003	Acurex Environmental/CA Energy Commission		
Do			
Mari Lee Dunn, 1750 K St., NW, #400 Washington, DC 20006-2305	American Council for Capital Formation	6,594.00	
John H. Dunne, 8630 Fenton Street, #400 Silver Spring, MD 20910	International Fed of Professional & Technical Engineers		
Judy C. Durand, 1156 15th Street, NW, #1015 Washington, DC 20005	JC Penney Co, Inc		381.39
Douglas A. Durante, 7315 Wisconsin Avenue, NW, #515 East Bethesda, MD 20814	Clean Fuels Development Coalition	6,000.00	
Margaret A. Durbin, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc	2,000.00	
Martin J. Durbin, 1275 K Street, NW, #400 Washington, DC 20005	American Plastics Council	775.00	49.50
Daniel T. Durham, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	11,105.84	314.50
Katherine M. Dutilh, 1100 Connecticut Ave., NW, #1300 Washington, DC 20036-4101	Milliken & Company	5,000.00	600.00
Lloyd L. Duxbury, 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	23,181.00	2,375.19
Robert J. DuComb Jr., 2929 North Central Avenue, 14th Floor Phoenix, AZ 85012-2742	Sakcs Tierney & Kasen (For:USA Group, Inc)		
Marcia L. DuMond, 200 East Berry Street Fort Wayne, IN 46802	Lincoln National Corp	900.00	541.00
Robert F. DuPree Jr., 1801 K Street, NW, #900 Washington, DC 20006	American Textile Manufacturers Institute, Inc	562.50	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Roderick T. Dwyer, 1920 N Street, NW Washington, DC 20036	American Mining Congress		
Stuart S. Dye, 2000 M Street, NW Washington, DC 20036	Graham & James (For:American Hawaii Cruises)	1,705.00	
Do	Graham & James (For:National Assn of Dredging Contractors)		
Dyer Ellis Joseph & Mills, P.C., 600 New Hampshire Ave., NW, #1000 Washington, DC 20037	Affiliated Health Services		
Do	American Healthcorp, Inc	2,352.55	9.60
Do	American Lithotripsy Society	840.43	
Do	Atlantic Richfield Co	58,244.30	6,993.01
Do	ALW, Inc		
Do	ARCO Transportation Company	13,098.36	170.15
Do	Bender Shipbuilding & Repair Co, Inc	2,501.50	
Do	Delta Queen Steamboat Co		
Do	FastShip Atlantic, Inc		438.04
Do	Fruit Shippers Ltd (Bahamas)		
Do	Greek Shipping Cooperation Committee	16,751.77	509.31
Do	International Air Transport Assn (IATA)	3,557.19	
Do	JM Family Enterprises, Inc		2.10
Do	Kirby Corp/Dixie Carriers	13,069.98	1,128.31
Do	Liberty Maritime Corporation	105,439.97	3,729.28
Do	Magnavox Electronic Systems Co		
Do	MedCath, Inc	352.08	
Do	National Maritime Alliance, Inc		478.09
Do	National Oilseed Processors Assn	38,771.70	722.48
Do	National Steel & Shipbuilding Co		
Do	Northstar Shipping, Inc		
Do	Pacific Fruit, Inc		45.05
Do	Panhandle Eastern Corp		
Do	Rural Hospital Coalition	3,656.92	480.79
Do	Schnitzer Group	4,637.74	720.67
Do	Sperry Marine, Inc		
Do	Van Ommeren Shipping (USA), Inc		49.66
Dykema Gossett, 1300 I Street, NW, #300W Washington, DC 20005	American Osteopathic Association		
Do	Citizen's Committee to Save the Federal Center		
Do	City of Detroit	3,090.00	
Do	Comerica		
Do	Committee on U.S. Business Canadian Life & Health Ins. Assn	2,280.00	1,500.00
Do	Detroit Medical Center	4,715.00	
Do	Ferris State University		
Do	Industrial Technology Institute	412.50	
Do	Magic Line, Inc		
Do	Michigan Biotechnology Institute (MBI)	2,300.00	
Do	Military Boot Manufacturers Assn		
Do	Oakwood Health Services		
Do	Systems Control, Inc	5,265.00	
Do	Total Petroleum, Inc		
Do	University of Michigan Medical Center	2,975.00	
Do	Wayne State University	425.00	
Do	William Davidson Institute		
DJR & Associates, Inc, 555 Madison Avenue, 12th Floor New York, NY 10022	U.S. Alcohol Testing of America, Inc	1,000.00	
Matthew C. Eames, P.O.Box 70 Boise, ID 83707	Idaho Power Company		
Peter J. Earle, 607 14th Street, NW Washington, DC 20005	Dofasco, Inc		
Kerry P. Early, 1120 Connecticut Avenue, NW Washington, DC 20036	American Bankers Assn	6,670.00	
Jim Easton, 2003 Bluff Oak St. Apopka, FL 32712	Bristol Group, Inc	5,000.00	75.00
Mark Eaton, 1100 17th Street, NW, Suite 505 Washington, DC 20036	Burley & Dark Leaf Tobacco Assn	1,875.00	
Brenda L. Eberly, 50 F Street, NW, #1050 Washington, DC 20001	Freeport-McMoRan, Inc	1,834.00	30.00
Do	IMC Global, Inc	917.00	15.00
Joseph L. Ebersole, 2101 Connecticut Ave., NW, #63 Washington, DC 20008-1760		22,500.00	
John D. Echeverria, 666 Pennsylvania Ave., SE Washington, DC 20003	National Audubon Society		
Gordon Alexander Echols, 1325 G Street, NW, Suite 1000 Washington, DC 20005	Institute of Scrap Recycling Industries	6,476.00	316.37
Kevin James Echols, P.O. Box 2952, NE Washington, DC 20013	American Determination for Peace Co		10.00
Bradley Eckart, 600 Maryland Avenue, SW Washington, DC 20024	American Farm Bureau Federation	9,275.00	
Dennis E. Eckart, 1801 K Street, NW Washington, DC 20006-1301	Arter & Hadden (For:American Insurance Assn)	806.00	
Do	Association for Responsible Thermal Treatment	1,118.00	
Do	Arter & Hadden (For:Cellular Telecommunications Industry Assn)	260.00	
Do	Arter & Hadden (For:Centerior Energy Corp)		
Do	Arter & Hadden (For:Circus Circus Enterprises, Inc)	884.00	
Do	Arter & Hadden (For:Corning, Inc)	1,976.00	
Do	Arter & Hadden (For:CAI Wireless)		
Do	Arter & Hadden (For:Financial Guaranty Insurance Corp)		
Do	Arter & Hadden (For:Great Lakes Museum of Science Environment & Technology).	676.00	
Do	Arter & Hadden (For:Hearst Corp)	806.00	
Do	Arter & Hadden (For:Jeffries & Co, Inc)		
Do	Arter & Hadden (For:LDDS Metromedia)	598.00	
Do	Arter & Hadden (For:LTV Corp)	208.00	
Do	Arter & Hadden (For:Merck & Co, Inc)		
Do	Motorola	1,612.00	
Do	Arter & Hadden (For:National Assn of Broadcasters)		
Do	Arter & Hadden (For:Pinpoint Communications)		
Do	Arter & Hadden (For:Tele-Communications, Inc)		
Do	Arter & Hadden (For:U.S. Long Distance Corp)		
Do	Arter & Hadden (For:Westinghouse Electric Corp)		
Timothy J. Eckels, 4455 Woodson Road St. Louis, MO 63134	Catholic Health Assn of the U.S.		
Eckert Seamans Cherin & Mellott, 2100 Pennsylvania Ave., NW, #600 Washington, DC 20037	American Assn of Motor Vehicle Administrators	125.00	
Do	American Fuel Cell & Coated Fabrics Co	500.00	
Do	ADT Automotive, Inc	500.00	
Do			
Do	Florida WetlandsBank	2,365.00	
Do	National Independent Automobile Dealers Assn	250.00	
Norman R. Eder, P.O. Box 91000 Portland, OR 97291-1000	Oregon Graduate Institute of Science & Technology	12,437.34	12,552.84
Edington Wade & Sanders, Inc, 803 Prince Street Alexandria, VA 22314	Allied-Signal Aerospace Co		
Do	Atlanta Comm for the Olympic Games	6,000.00	409.85
Do	Firearms Training Systems, Inc		
Do	Lockheed Corporation	6,000.00	409.85
Do	Maxus Energy Corp	1,000.00	64.71
Do	National Assn of Commissioned Officers	1,000.00	
Do	Turner Broadcasting System, Inc	3,000.00	204.93
Do	U.S. Cane Sugar Refiners' Assn		
Do	Watkins Associated Industries, Inc		
Edison Electric Institute, 701 Pennsylvania Avenue, NW Washington, DC 20004		264,244.88	97,670.42
Education Legislative Services, Inc, 5855 Stadium Street San Diego, CA 92122	Central California Legislative Consortium	3,750.00	4,308.76
Do	Oakland Unified School District	5,000.00	5,745.01
Do	Sacramento City Unified School District	10,000.00	11,490.03
Do	San Diego Unified School District	4,166.00	4,785.23
Do	San Francisco Unified School District	5,416.66	6,224.91
Christine A. Edwards, 633 Pennsylvania Ave., NW, #600 Washington, DC 20004	Dean Witter, Discover & Co.		
D. Kendall Edwards, 1350 New York Ave., NW, Suite 900 Washington, DC 20005	International Franchise Assn		
Martin E. Edwards III, 555 13th Street, NW, #300 West Washington, DC 20004	Interstate Natural Gas Assn of America	8,000.00	
Michael D. Edwards, 1201 16th Street, NW Washington, DC 20036	National Education Assn	4,839.95	104.00
Sherry L. Edwards, 1330 Connecticut Ave., NW, Suite 300 Washington, DC 20036-1702	Synthetic Organic Chemical Manufacturing Assn	500.00	
Tony M. Edwards, 1129 20th Street, NW, Suite 305 Washington, DC 20036	National Assn of Real Estate Investment Trusts, Inc		360.42
Stephen R. Effros, P.O. Box 1005 Fairfax, VA 22030-1005	Cable Telecommunications Assn (CATA)	9,240.00	9,240.00
Thomas A. Ehrgood Jr., 1401 H Street, NW, Suite 950 Washington, DC 20005	Digital Equipment Corp	25,000.00	
William J. Ehrig, 700 Anderson Hill Road Purchase, NY 10577	PepsiCo, Inc	145.00	304.91
Tim Eichenberg, 1725 DeSales Street, NW, Suite 500 Washington, DC 20036	Center for Marine Conservation	175.27	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Jill A. Eicher, 1655 North Fort Myer Drive, Suite 700 Arlington, VA 22209	American Assn for Respiratory Care	13,781.28	111.52
Peter J. Eide, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce	2,500.00	25.00
Jonathan B. Eisen, 201 Park Washington Court Falls Church, VA 22046	National-American Wholesale Grocers' Assn	3,000.00	
Phyllis Eisen, 1331 Pennsylvania Ave., #1500-N Washington, DC 20004-1703	National Assn of Manufacturers	400.00	
Albert C. Eisenberg, 1735 New York Avenue, NW Washington, DC 20006	American Institute of Architects	16,700.00	
Robert Eisenbud, 1155 Connecticut Ave., NW Washington, DC 20036	WMX: Technology and Services, Inc.	16,750.00	
Earl B. Eisenhart, 66 Canal Center Place, #600 Alexandria, VA 22314	National Private Truck Council		
Linda S. Eisnaugle, 225 W. 34th Street New York, NY 10122	Commercial Finance Assn	9,000.00	2,268.00
Mark R. Elam, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance	296.00	
Stephen A. Elbert, 1615 M St., NW, #200 Washington, DC 20036	Amoco Corporation	82.00	238.84
Albert L. Elder III, 900 19th Street, NW, #400 Washington, DC 20006	America's Community Bankers	15,000.00	210.00
John S. Eldred, 1001 G Stsreet, NW, #500 West Washington, DC 20001	Keller & Heckman		
Electric Generation Assn, 2101 L Street, NW, #405 Washington, DC 20037		1,221.09	66.78
Law Office of Peter L. Eleey, 304 Victory Road Marina Bay, MA 02171	Dana Farber Cancer Institute		
Elf Atochem North America, Inc, 2000 Market Street Philadelphia, PA 19103			9,103.00
George K. Eliades, 1199 North Fairfax Street, #801 Alexandria, VA 22314	NATSO, Inc		
Jim Elkin, 1615 L Street, NW, Suite 1320 Washington, DC 20036	Sandoz Pharmaceuticals Corp		435.00
J. Burton Eller Jr., 1301 Pennsylvania Ave., NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Charles W. Elliott, Wisconsin Petroleum Council 25 W. Main St., #703 Madison, WI 53703	American Petroleum Institute		
Mark G. Ellis, 1920 N St., NW Washington, DC 20036	American Mining Congress		
Kenneth W. Ellison, 1001 Pennsylvania Ave., NW, #600-S Washington, DC 20004	Belz Investment Company, Inc		
Scott A. Ellison, 1019 19th Street, NW, Suite 1100 Washington, DC 20036	Personal Communications Industry Assn	831.00	
Eric J. Ellman, 1666 K Street, NW, Suite 1010 Washington, DC 20006	Direct Selling Assn		
Charles Ellstein, 6215 West St. Joseph Highway Lansing, MI 48917	Michigan Hospital Assn	875.00	573.39
Gary Elmestad & Associates, P.O. Box 3153 St. Peters, MO 63376	City of St. Peters	10,257.86	17.86
Do	St. Charles County	11,250.00	17.46
Emergency Committee for American Trade, 1211 Connecticut Ave., NW, #801 Washington, DC 20036		72,791.29	120,941.08
Emerson Electric Co, 8000 W. Florissant St. Louis, MO 63136			2,970.16
John M. Emery, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	25.00	
Michael J. Emig, 1125 15th St., NW Washington, DC 20005	International Bro of Electrical Workers, AFL-CIO-CLC	21,249.75	661.00
Randy Eminger, 5205 W. 37th Street Amarillo, TX 79109	Southwestern Public Service Co		
Christina Emmons, 1450 G Street, NW, #445 Washington, DC 20005	Countrywide Funding Corporation	3,600.00	
Employers Insurance of Wausau, 2000 Westwood Dr. Wausau, WI 54401			59,580.00
Irene R. Emsellem, 1800 M Street, NW Washington, DC 20036	American Bar Assn	400.00	50.00
Arthur P. Endres Jr., 801 Pennsylvania Ave., NW, #220 Washington, DC 20004	Burlington Northern Railroad Co	5,000.00	798.85
Energy Consumers & Producers Assn, P.O. Box 1288 Muskogee, OK 74402-1288		5,955.00	1,120.85
Gary D. Engebretson, 1200 G Street, NW, #750 Washington, DC 20005	Contract Services Assn		325.60
Ralph Engel, 1913 Eye Street, NW, Washington, DC 20006	Chemical Specialties Manufacturers Assn, Inc	4,725.00	122.75
Glenn English, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn		
Mary Pepper English, 1133 21st Street, NW, #900 Washington, DC 20036	BellSouth Corp	3,200.00	575.00
English First, 8001 Forbes Place, #102 Springfield, VA 22151		277,627.56	248,293.16
Lewis A. Engman, 1163 Daleview Drive McLean, VA 22101	Generic Pharmaceutical Industry Assn	65.00	
Loretta E. Enloe, 8 Oak Hill Drive Edwardsville, IL 62025	Federation of American Consumers & Travelers (FACT)	2,500.00	
Clyde F. Ensslin, 800 Connecticut Avenue, NW, #800 Washington, DC 20006	Tudor Investment Corp		
Robert F. Ensslin Jr., 1 Massachusetts Avenue, NW Washington, DC 20001	National Guard Assn of the US	3,366.25	134.75
Envelope Manufacturers Assn of America, 1600 Duke Street, #440 Alexandria, VA 22314-2200			4,072.20
Ann Eppard Associates, Ltd, 30 Wolfe Street Alexandria, VA 22314	American Road & Transportation Builders Assn	5,000.00	
Do	AMTRAK	7,500.00	
Do	Conrail	15,000.00	
Do	FastShip Atlantic, Inc	15,000.00	
Do	Metropolitan Washington Airports Authority	6,250.00	
Do	Natural Disaster Coalition	10,000.00	
Do	Ocean Common Carrier Coalition		
Do	Outdoor Advertising Assn of America, Inc	5,000.01	
Do	Pennsylvania Turnpike Commission	8,333.00	
J. Barry Epperson, 201 West 5th Street, #440 Tulsa, OK 74103-4211	Associated Wire Rope Fabricators		2,800.75
Paul A. Equale, 412 First Street, SE, #300 Washington, DC 20003	Independent Insurance Agents of America, Inc	28,570.00	151.59
Equipment Leasing Assn of America, 1300 North 17th St., #1010 Arlington, VA 22209		1,500.00	
Randall Harvey Erben, 807 Brazos Street, Suite 402 Austin, TX 78701	Panhandle 2000	30,000.00	2,565.16
Jack Ericksen, 1501 M Street, NW, Suite 400 Washington, DC 20005	Aetna Life & Casualty	600.00	
Jenny Erickson, 200 Clarendon Street Boston, MA 02117	John Hancock Mutual Life Insurane Co	115.00	50.00
Markham C. Erickson, 400 North Capitol Street, NW, #585 Washington, DC 20001	McGuiness & Holch (For:American Assembly of Collegiate Schools of Business)	310.00	
Do	McGuiness & Holch (For:Major League Baseball Players Assn)	2,180.00	
Harvey F. Ernest Jr., 1001 15th Street, NW, #100 Washington, DC 20005	Minnesota Mining & Manufacturing (3M)	1,000.00	
Dennis L. Erpelding, 555 12th St. NW, #650 Washington, DC 20004	Eli Lilly & Company	3,000.00	395.91
James L. Ervin, 410 First Street, SE, #300 Washington, DC 20003	Friends of Fort Rucker, Inc	5,000.00	
Do	Ingalls Shipbuilding	3,500.00	
Do	Kaman Diversified Technologies, Inc	2,375.00	
Do	Lister Bolt & Chain, Ltd	2,250.00	
Do	Martin Marietta Corp	6,250.00	
Do	McDonnell Douglas	4,500.00	
Do	Northrop Corp		
Do	Teledyne Industries, Inc	11,250.00	
Ingolf G. Esders, 815 16th Street, NW Washington, DC 20006	International Longshoremen's Assn, AFL-CIO	18,331.77	
Mark Esherick, 1801 Pennsylvania Avenue, NW Washington, DC 20006	MCI Communications Corp	1,000.00	
Anita R. Estell, 1420 New York Avenue, NW, #1050 Washington, DC 20005	Van Scoyoc Associates, Inc (For:Lincoln University)	750.00	
Do	Van Scoyoc Hospital, Inc (For:McLean Hospital)	1,875.00	
Do	Van Scoyoc Associates, Inc (For:MetaNetworks)	400.00	
Do	Van Scoyoc Associates, Inc (For:National Commission on Correctional Health Care).	300.00	
Do	Van Scoyoc Associates, Inc (For:Spelman College)	1,200.00	
Do	Van Scoyoc Associates, Inc (For:University of Puerto Rico)		
Deborah M. Estes, 1515 Wilson Boulevard Arlington, VA 22209	American Gas Assn	5,000.00	206.35
Nancy U. Etkin, 1515 Wilson Blvd., Suite 1030 Arlington, VA 22209	Natural Gas Vehicle Coalition	5,250.00	15,064.79
Stephen E. Eure, 1840 Wilson Boulevard Arlington, VA 22201	National Milk Producers Federation	11,250.00	
Mary Jo Eustice, 412 First Street, SE Washington, DC 20003	National Automobile Dealers Assn	6,000.00	
Billy Lee Evans, 407 1st STreet, SE Washington, DC 20003	B.L. Evans & Associates (For:Great Western Financial Corp)		
Brock Evans, 666 Pennsylvania Avenue, SE Washington, DC 20002	National Audubon Society	4,400.00	230.00
Cleve Evans, P.O. Box 841 Abilene, TX 79604	West Texas Utilities Company	750.00	1,729.00
Donald C. Evans Jr., 655 15th St., NW, #310 Washington, DC 20005	AFLAC, Inc		
Eddie D. Evans, 1776 Eye Street, NW, Suite 575 Washington, DC 20006	Marion Merrell Dow, Inc		6,576.00
Lynwood J. Evans, 1020 19th Street, NW, #700 Washington, DC 20036	U S West, Inc	1,099.20	
Rae Evans, 1615 L Street, NW, #1220 Washington, DC 20036	Hallmark Cards, Inc	1,250.00	50.00
Robert D. Evans, 1800 M St., NW Washington, DC 20036	American Bar Assn	400.00	50.00
Rae Evans & Associates, Inc, 1615 L Street, NW, #1220 Washington, DC 20036	American Personal Communications	480.00	
Do	Hallmark Cards, Inc	256.00	50.00
Do	National Capital Newspaper Distributors Assn	480.00	
B.L. Evans and Associates, Inc, 407 1st Street, SE Washington, DC 20003	Great Western Financial Corp	5,000.00	
Fawn K. Evenson, 1420 K Street NW, #600 Washington, DC 20005	Footwear Industries of America	1,000.00	
Kellye A. Eversole, 4434 Indigo Lane Harwood, MD 20776	American Cyanamid Co		150.00
Do	Edison Electric Institute	30,000.00	6,049.72
Do	Eversole Associates (For:North Dakota Agricultural Products Utilization Commission).		
Wayne S. Ewing, Associated Petroleum Industries of PA P.O. Box 925 Harrisburg, PA 17108	American Petroleum Institute		
ESCO Electronics Corp, 8100 W. Florissant St. Louis, MO 63136			1,322.96
F/P Research Associates, 1700 K St., NW, #1000 Washington, DC 20006	American Bus Assn		
Do	National Cable Television Assn, Inc	2,000.00	
Do	National Restaurant assn	500.00	
Do	Sturm, Ruger & Co		
Thomas L. Fagan, Jr., 1650 Tysons Blvd., #1700 McLean, VA 22102	ITT Defense & Electronics	1,000.00	50.00
Dan L. Fager, 1401 Eye Street, NW, #1200 Washington, DC 20005	Chevron Companies	3,800.00	
Darryl H. Fagin, 1625 K Street, NW, #210 Washington, DC 20006	Americans for Democratic Action	5,735.70	
Robert J. Falb, 1821 Michael Faraday Drive Suite 400 Reston, VA 22090	National Wholesale Druggists' Assn		
Dale W. Fallat, P.O. Box 119 Maumee, OH 43537	Andersons		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Family Holding Company Advocacy Group, c/o George Helme Wilmington Trust Company Wilmington, DE 19890			
Family Research Council, 700 13th Street, NW, Suite 500 Washington, DC 20005		31,478.00	15,666.00
Frank J. Farfone, 1776 Eye Street, NW, Suite 575 Washington, DC 20006	Dow Chemical USA		6,592.00
S. Jackson Faris, 600 Maryland Avenue, SE, #700 Washington, DC 20024	National Fed of Independent Business	1,150.00	200.00
Farm Credit Council, 50 F Street, NW, #900 Washington, DC 20001		1,775,000.00	4,600.00
David M. Farmer, 1211 Connecticut Avenue, NW, Suite 400 Washington, DC 20036	Alliance of American Insurers	20,000.00	
Martin T. Farmer, P.O. Box 40789 Jacksonville, FL 32203-0789	Barnett Banks, Inc	26,125.00	5,200.14
Farmers' Educational & Co-Operative Union of America, 600 Maryland Ave., SW, #202w Washington, DC 20024		155,640.00	100,908.19
Dagmar T. Farr, 800 Connecticut Avenue, NW Washington, DC 20006-2701	Food Marketing Institute	300.00	
Meg Farrage, 1901 Pennsylvania Ave., NW, 10th Floor Washington, DC 20006	International Mass Retail Assn	100.00	
Meghan Farrell, 444 North Capitol Street, #418 Washington, DC 20001	New England Council		
J. Michael Farren, 1401 H Street, NW, #200 Washington, DC 20005-2110	Xerox Corp	3,000.00	
Nina Fascione, 1101 14th Street, NW, #1400 Washington, DC 20005	Defenders of Wildlife	269.23	2.00
Marcus G. Faust, 332 Constitution Ave., NE Washington, DC 20002	Capitol Consulting & Management, Inc	1,581.25	
Do	Central Utah Water Conservancy District	22,758.75	1,068.92
Do	Clark County Nevada-McCarran International Airport	25,698.75	203.00
Do	Clark County Nevada, Office of the County Manager	17,597.25	
Do	Kirton McConkie & Poelman	3,537.49	
Do	Las Vegas Valley Water District	14,602.50	
Do	Public Service Co of New Mexico	22,442.50	
Do	Sierra Pacific Power Co	44,212.50	193.86
Do	State of Montana Dept of Natural Resources & Conservation	4,500.00	
Jane Fawcett-Hoover, 801 Pennsylvania Ave., NW, #720 Washington, DC 20004-2604	Procter & Gamble	393.75	
Robert C. Fay, 450 E. Higgins Road, #201-E Elk Grove Vilage, IL 60007-1417	American Amusement Machine Assn		
William D. Fay, 1001 19th St. North, #800 Arlington, VA 22209	Product Liability Coordinating Committee	3,354.17	461.25
Elizabeth Fayad, 1776 Massachusetts Ave., NW Washington, DC 20036	National Parks & Conservation Association	927.00	148.80
Judy Kern Fazio, 1801 K Street, NW, #400K Washington, DC 20006-1301	Arter & Hadden (For:Association for Responsible Thermal Treatment)	50.00	
Do	Arter & Hadden (For:BKK Corporation)		
Do	Arter & Hadden (For:Circus Circus Enterprises)		
Do	Arter & Hadden (For:Corning, Inc)	50.00	
Do	Arter & Hadden (For:Hearst Corporation)		
Nessa E. Feddis, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	2,140.00	115.00
Federal Affairs Office, 3050 Chain Bridge Rd., #103 Fairfax, VA 22030	Computer Learning Center	6,000.00	1,736.86
Federal Judges Association, 111 West Washington Street, #1100 Chicago, IL 60602-2768		104,060.75	19,777.42
Federal Managers Assn, 1000 16th Street, NW Washington, DC 20036		180,000.00	30,947.22
Federation for American Immigration Reform, 1666 Connecticut Avenue, NW, #400 Washington, DC 20009			6,193.00
Federation of American Controlled Shipping, 50 Broadway New York, NY 10004		2,255.65	2,255.65
Federation of American Health Systems, 1111 19th St., NW, #402 Washington, DC 20036		15,000.00	15,000.00
Federation of American Scientists, 307 Massachusetts Ave., NE Washington, DC 20002		450.50	4,583.00
Tara Federici, 1200 G Street, NW, #400 Washington, DC 20005	Health Industry Manufacturers Assn	1,260.00	80.00
John D. Fedor, 1725 Jefferson Davis Highway, #901 Arlington, VA 22202	Alliant Techsystems, Inc	2,835.00	305.67
Robert Feenstra, 13545 Euclid Avenue Ontario, CA 91761	Milk Producers Council (For:Dairy Farmers for Responsible Dairy Policy)		
Edward F. Feighan, 1228 Euclid Avenue, Suite 900 Cleveland, OH 44115-1891	Climaco Climaco Seminatore Lefkowitz & Garofoli Co (For:Blue Cross & Blue Shield of Ohio).	7,200.00	3,125.00
Geoffrey A. Feiss, 1401 H Street, NW, #600 Washington, DC 20005	U.S. Telephone Assn		10,925.00
Laura Feldman, 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	3,969.00	
Kenneth E. Feltman, 927 15th St., NW, #1000 Washington, DC 20005	Employers Council on Flexible Compensation	200.00	
Karen S. Fennell, 818 Connecticut Avenue, NW, #900 Washington, DC 20006	American College of Nurse-Midwives	93,056.00	24,091.00
George F. Fenton Jr., 1920 N Street, NW Washington, DC 20036	American Mining Congress		
Brian Ferguson, 1301 K Street, NW East Tower 715 Washington, DC 20005	Eastman Chemical Company	2,000.00	
Denise G. Ferguson, 1020 19th St., NW, #600 Washington, DC 20036	American Express Co	13,260.00	592.00
Maureen H. Ferguson, Indiana Petroleum Council 143 W. Market Street, #714 Indianapolis, IN 46204	American Petroleum Institute	938.48	1,180.98
DeDe Ferrell, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	7,000.00	876.19
Michael J. Ferrell, 1125 15th Street, NW Washington, DC 20005	Mortgage Bankers Assn of America	25,700.00	600.26
Edward Ferrigno, 1401 Eye Street, NW, Suite 600 Washington, DC 20005	United Technologies Corp	3,000.00	270.74
Robert M. Ferris, 1101 14th Street, NW, Suite 1400 Washington, DC 20005	Defenders of Wildlife		810.93
Ferroalloys Association, 900 2nd Street, NE, Suite 306 Washington, DC 20002			9,922.57
Lizabeth Heydt Ferry, 4636 Somerton Road Trevose, PA 19053	Betz Laboratories		
Marvin C. Feuer, 440 First Street, NW, #600 Washington, DC 20001	American Israel Public Affairs Comm	15,000.00	201.25
Andrew D. Filicicchia, 1200 18th Street, NW, Suite 200 Washington, DC 20036	National Business Aircraft Assn	1,785.00	1,133.28
Amy Finan De Leon, 818 Connecticut Ave., NW, #303 Washington, DC 20006	National Assn for Biomedical Research		
Financial Executives Institute, 10 Madison Avenue P.O. Box 1938 Morristown, NJ 07962-1938		78,500.00	78,500.00
Financial Services Council, 1776 Eye Street, NW, #735 Washington, DC 20006		12,875.00	1,770.00
Jeanne Finberg, 1525 Mission Street San Francisco, CA 94103	Consumers Union	17.40	
Joseph T. Findaro Jr., 1350 Eye Street, NW, 2nd Floor Washington, DC 20005	Bayh Connaughton Fensterheim & Malone (For:Alliance for Radon Reduction)	6,400.00	450.00
Do	Eckert Seamans Cherin & Mellott (For:Coachella Valley Water District)	2,900.00	90.00
Do	Bayh Connaughton Fensterheim & Malone (For:Hutchinson Kansas - Local Gov't Superfund Reform).	2,500.00	150.00
Do	Bayh Connaughton Fensterheim & Malone (For:San Luis & Delta Mendota Water Users Assn).	600.00	130.00
Do	Bayh Connaughton Fensterheim & Malone (For:South Delta Water Agency)	1,800.00	150.00
Linda D. Findlay, 1420 New York Ave., NW, #210 Washington, DC 20005	Phelps Dodge Corp	2,500.00	
Sharon R. Fine, 1776 K Street, NW Washington, DC 20006	Washington Citizens for World Trade	3,125.00	
Lawrence A. Fineran, 1331 Pennsylvania Ave., NW, #1500 N Washington, DC 20004	National Assn of Manufacturers	500.00	
Matthew P. Fink, 1401 H Street, NW Washington, DC 20005	Investment Company Institute	410.92	10.00
David O. Finkenbinder, 1130 17th Street, NW Washington, DC 20036	National Coal Assn	1,875.00	91.09
Peter J. Finnerty, 1331 Pennsylvania Ave., NW #560 Washington, DC 20004	Sea-Land Service, Inc	3,000.00	
Thomas D. Finnigan, 801 Pennsylvania Avenue, NW, #230 Washington, DC 20004	Praxair, Inc		
James J. Finnucan, 2 Hodio Drive Ansonia, CT 06401	Northeast Utilities Service Co	3,264.71	2,226.80
Maria Fiordellisi, 815 16th Street, NW Washington, DC 20006	American Federation of Labor & Congress of Industrial Orgs	16,814.28	621.31
First National Bank of Boston, 100 Federal St. Boston, MA 02110			7,562.75
Charles H. Fischer, 1101 14th Street, NW, #1400 Washington, DC 20005	Defenders of Wildlife		
H. David Fish, 5855 Stadium Street San Diego, CA 92122	Education Legislative Services, Inc (For:Central California Legislative Consortium).		
Do	Education Legislative Services, Inc (For:Oakland Unified School District)		
Do	Sacramento City Unified School District		
Do	Education Legislative Services, Inc (For:San Diego Unified School District)		
Do	Education Legislative Services, Inc (For:San Francisco Unified School District)		
Julie W. Fishbein, 7102 Plantation Lane Rockville, MD 20852	Fishbein Associates, Inc (For:American Continental Group)		
Do	Fishbein Associates, Inc (For:Mark N. Fish, et al.)		
Do	Fishbein Associates, Inc (For:Fleishman Hillard, Inc)		
Do	Fishbein Associates, Inc (For:National Presto Industries, Inc)		
Do	Fishbein Associates, Inc (For:Third World Foundation, Inc)		
Rand Harrison Fishbein, 7102 Plantation Lane Rockville, MD 20852	Fishbein Associates, Inc (For:American Continental Group)	3,876.95	
Do	Fishbein Associates, Inc (For:Mark N. Fish, et al.)		
Do	Fishbein Associates, Inc (For:Fleishman Hillard)	4,594.91	
Do	Fishbein Associates, Inc (For:National Presto Industries, Inc)	3,733.36	
Do	Fishbein Associates, Inc (For:Third World Foundation, Inc)		
Fishbein Associates, Inc, 7102 Plantation Lane Rockville, MD 20852	American Continental Group		4,882.94
Do	Mark N. Fish, et al.		
Do	Fleishman Hillard, Inc	5,000.00	5,787.20
Do	National Presto Industries, Inc	12,000.00	4,702.09
Do	Third World Foundation, Inc		
Donald W. Fisher, 3814 Ivanhoe Lane Alexandria, VA 22310	American Group Practice Assn	1,384.65	
Donna J. Fisher, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	1,282.00	30.50
Gary K. Fisher, 1401 Eye St., NW, #1200 Washington, DC 20005	Chevron Companies	4,000.00	
J. Paris Fisher, 1801 K St., NW, #800 Washington, DC 20006	Westinghouse Electric Corp	1,200.00	
Clyde Fitzgerald, 815 Sixteenth Street Washington, DC 20006	International Longshoremen's Assn, AFL-CIO		
Thomas H. Fitzpatrick, Connecticut Petroleum Council 55 Farmington Avenue, #704 Hartford, CT 06105	American Petroleum Institute		
Donald Fix, 2100 Pennsylvania Ave., NW, #560 Washington, DC 20037	Hyjek & Fix, Inc (For:British Aerospace)	1,500.00	1,380.14
Do	Hyjek & Fix, Inc (For:Canadair Challenger, Inc)	1,500.00	1,446.75
Do	Hyjek & Fix, Inc (For:Learjet, Inc)	300.00	
Do	Hyjek & Fix, Inc (For:Research & Development Labs)	750.00	1,997.83
Do	Hyjek & Fix, Inc (For:Short Brothers (USA), Inc)	750.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Hyjek & Fix, Inc (For:Thompson Defence Projects)	2,125.00	2,617.16
Do	Hyjek & Fix, Inc (For:Thorn EMI)	2,000.00	
Hilliard J. Fjord, 6725 Wooster Pike Cincinnati, OH 45227	Ohio River Co	3,000.00	818.50
N. David Flagg, P.O. Box 100303 Gainesville, FL 32610-0303	Shands Teaching Hospital & Clinics, Inc	8,794.00	5,749.24
Robert B. Flagg, 9622 Maury Road Fairfax, VA 22032	Chemical Manufacturers Assn, Inc	750.00	496.00
Meghan R. Flaherty, 700 13th Street, NW, Suite 500 Washington, DC 20500	Family Research Council	4,512.00	
Steven H. Flajser, 1725 Jefferson Davis Highway, #900 Arlington, VA 22202	Space Systems/Loral	4,500.00	
Sarah A. Flanagan, 1025 Connecticut Ave., NW, #700 Washington, DC 20036	National Assn of Independent Colleges & Universities	17,968.68	
John Flatley, 1250 Eye Street, NW, Suite 900 Washington, DC 20005	Distilled Spirits Council of the U.S.	2,000.00	
Terry P. Fleming, Ohio Petroleum Council 88 E. Broad St., #1960 Columbus, OH 43215	American Petroleum Institute	3,000.00	3,163.91
Nancy J. Fletcher, 1850 M Street, NW, Suite 1040 Washington, DC 20036	Outdoor Advertising Assn of America, Inc	20,000.00	124.52
Ronnie G. Flippo, 701 Pennsylvania Ave., NW, #800 Washington, DC 20004	R.G. Flippo & Associates, Inc (For:Alabama Power Co)	3,000.00	
Do	R.G. Flippo & Associates, Inc (For:Federal Express Corp)	650.00	
Do	R.G. Flippo & Associates, Inc (For:Huntsville-Madison County Airport Authority)	1,950.00	
Do	R.G. Flippo & Associates, Inc (For:Massachusetts Mutual Insurance Co)	3,000.00	
Do	R.G. Flippo & Associates, Inc (For:RJR Nabiso Washington)		
Do	R.G. Flippo & Associates, Inc (For:South Central Bell)	1,800.00	
Do	R.G. Flippo & Associates, Inc (For:State of Alabama, Dept of Economic & Community Affairs).	2,000.00	
Do	R.G. Flippo & Associates, Inc (For:Troy State Universtity)	2,850.00	
Do	R.G. Flfippo & Associates, Inc (For:University of Alabama in Huntsville)	2,850.00	
Florida Business Associates, 1620 L Street, NW, #875 Washington, DC 20036	California Polytechnic University, Pomona	15,570.17	
Do	City of Jacksonville, Mayor's Commission on Base Realignment	26,223.85	
Do	Constellation Technology Corp.	1,000.00	
Do	Cray Research, Inc	14,825.65	
Do	Florida Community College at Jacksonville	14,335.28	
Do	Hampton University	10,000.00	
Do	MEDCO Containment	8,000.00	
Do	National Technological University	6,991.82	
Do	Sanders	25,047.00	
Do	University of Alaska	10,000.00	
Do	University of Nevada-Las Vegas	15,000.00	
Do	University of Vermont	26,974.12	
Do	Virginia Commonwealth University	5,347.93	
Do	Westinghouse Electric Corp	6,506.08	
Florida Firearms Political Alliance, Inc, 634 North Federal Highway Ft. Lauderdale, FL 33304			
Karen Florini, 1875 Connecticut Ave. NW, #1016 Washington, DC 20009	Environmental Defense Fund	9,000.00	
Veronica M. Floyd, 3306 Fallen Tree Court Alexandria, VA 22310	Brunswick Marine Group	3,013.00	149.00
James F. Flug, 1401 16th Street, NW Washington, DC 20036	Generic Pharmaceutical Industry Assn	1,940.00	109.62
John J. Flynn, 1125 17th Street, NW Washington, DC 20036	International Union of Operating Engineers	7,500.00	520.58
Laura C. Fogt, 1245 North Vernon Arlington, VA 22201	Families USA Foundation	1,350.00	180.80
M. Todd Foley, 1776 I Street, NW, #1000 Washington, DC 20006	BP America, Inc		
Foley & Lardner, 3000 K Street, NW, #500 Washington, DC 20007-5109	Aurora Health Care, Inc, et al.		
Do	Council of Community Blood Centers		
Do	Global Technology Systems, Inc		
Do	Real Estate Services Providers Council		
Brian Folkerts, 1401 New York Ave., NW, Suite 400 Washington, DC 20005	National Food Processors Assn	11,146.48	100.00
R. D. Folsom, 601 13th St., Suite 410 South Washington, DC 20005	R. Duffy Wall & Associates	1,250.00	
Richard T. Foltin, 1156 15th Street, NW, Suite 1201 Washington, DC 20005	American Jewish Committee	9,500.00	1,110.00
Brian F. Fontes, 1250 Connecticut Ave, NW, 2nd Floor Washington, DC 20036	Cellular TElecommunications Industry Assn		
Food & Allied Service Trades Dept, AFL-CIO, 815 16th Street, NW, #408 Washington, DC 20006		13,937.00	13,937.00
Food Marketing Institute, 800 Connecticut Avenue, NW, Washington, DC 20006			4,150.00
Foodservice & Packaging Institute, Inc, 1901 North Moore Street Arlington, VA 22209			
Footwear Distributors & Retailers of America, 1319 F St., NW, #700 Washington, DC 20004			1,500.00
Barry Forbes, 666 11th Street, NW, #806 Washington, DC 20001	Alliance for Community Media		
James E. Ford, 601 Pennsylvania Ave., NW North Building, 4th Floor Washington, DC 20004	Atlantic Richfield Co	1,271.00	
Sonja Fordham, 1725 DeSales Street, NW, Suite 500 Washington, DC 20036	Center for Marine Conservation		
Forest Farmers Assn, P.O. Box 95385 Atlanta, GA 30347		20,791.38	5,981.49
Paul Forlenza, 1301 K Street, NW Washington, DC 20005	IBM	1,521.00	116.00
Frank J. Formica, 1735 K Street, NW Washington, DC 20006	National Assn of Securities Dealers	350.00	90.04
Larry Forrester, 3601 Vincennes Road P.O. Box 68700 Indianapolis, IN 46268	National Assn of Mutual Insurance Cos		
Patrick Forte, 888 17th Street, NW, #312 Washington, DC 20006	Association of Financial Services Holding Companies	3,750.00	
Alison B. Fortier, 1745 Jefferson Davis Highway, #1200 Arlington, VA 22202	Rockwell International	14,470.00	1,384.69
Michael Fortier, 1200 19th Street, NW, Suite 200 Washington, DC 20036-2437	American Managed Care & Review Assn		368.00
Tracy Fortson, 818 Connecticut Ave., NW, #303 Washington, DC 20006	National Assn for Biomedical Research		
David V. Foster, 1020 19th St., NW, #550 Washington, DC 20036	National Leadership Coalition for Health Care Reform	937.50	
Nancy E. Foster, 1225 Eye Street, NW, #1250 Washington, DC 20005	American Dietetic Assn	1,000.00	4,234.01
Foundation for Environmental & Economic Progress, 1001 Pennsylvania Ave., NW #310 Washington, DC 20004			19,590.16
W. Frank Fountain Jr., 1100 Connecticut Ave., NW, Suite 900 Washington, DC 20036	Chrysler Corp	5,860.00	506.00
James D. Fowler Jr., 1600 M Street, NW, #500 Washington, DC 20016	ITT Corp		
Alissa T. Fox, 311 Massachusetts Avenue, NE Washington, DC 20002	Washington Health Advocates	30,465.50	
Barbara Fox, 1101 Pennsylvania Avenue, NW, #950 Washington, DC 20004	Federal Home Loan Mortgage Corp	3,000.00	869.17
Stephen R. Francisco, 815 16th Street, NW, Suite 706 Washington, DC 20006	United Steelworkers of America	12,864.51	
Peter M. Frank, 1667 K St., NW, #250 Washington, DC 20006	Kerr-McGee Corp	2,500.00	
Faye B. Frankfort, 9312 Old Georgetown Road Bethesda, MD 20814-1621	American Podiatric Medical Assn	4,000.00	
David C. Frankil, 1875 Eye Street, NW, Suite 540 Washington, DC 20006	Champion International Corp	1,440.00	1,548.96
Jordan Frankl, 440 First Street, NW, #600 Washington, DC 20001	American Israel Public Affairs Committee	8,881.23	547.48
Walter L. Frankland Jr., 1730 M Street, NW, #304 Washington, DC 20006-3868	Silver Users Assn, Inc	1,080.00	
C. Anson Franklin, 919 18th Street, NW, #450 Washington, DC 20006	Illinois Power	3,150.00	541.61
Kevin Frankovich, 733 15th Street, NW, #700 Washington, DC 20005	CGR Associates, iNc (For:Association of Air Medical Services)	2,571.43	117.23
Do	CGR Associates, Inc (For:Fringe Insurance Benefits, Inc)	431.65	14.71
Kathleen A. Frawley, 1919 Pennsylvania Ave., NW, Suite 300 Washington, DC 20006	American Health Information Management Assn	3,547.02	41.20
Douglas Freberg II, 1515 Wilson Blvd. Arlington, VA 22209	American Gas Assn	2,000.00	714.22
Robert M. Frederick, 1616 H St., NW Washington, DC 20006	National Grange	6,000.00	
Freeborn & Peters, 311 South Wacker Drive, Suite 3000 Chicago, IL 60606	Boots Pharmaceutical, Inc		
James T. Freeman, 1125 15th Street, NW Washington, DC 20005	Mortgage Bankers Assn of America	6,690.00	245.24
Lewis R. Freeman Jr., 1275 K Street, NW, #400 Washington, DC 20005	Society of the Plastics Industry, Inc		
David W. Freer, 1001 G Street, NW 6th Floor East Washington, DC 20001	Southern California Gas Co	5,000.00	
Paula D. Freer, 1101 Pennsylvania Avenue, NW, #510 Washington, DC 20004	USX Corporation		
Freer & McGarry, P.C., 1000 Thomas Jefferson St., NW, #600 Washington, DC 20007	Amstar Corp	19,232.50	
Do	U.S.-Cuba Business Council	335.00	
Verrick O. French, 1455 Pennsylvania Avenue, NW, #1260 Washington, DC 20004	French & Company (For:International Electronics Mfgrs & Consumers of America, Inc).	1,100.00	
Do	French & Company (For:Montgomery Ward & Co, Inc)	175.00	
French & Company, 1455 Pennsylvania Ave., NW, #1260 Washington, DC 20004	International Electronics Mfgrs & Consumers of America, Inc	1,850.00	
Do	Montgomery Ward & Co, Inc	175.00	
Robert H. Frenzel, 316 Pennsylvania Ave., SE, #304 Washington, DC 20003	United Parcel Service	7,500.00	199.07
Fresh Produce Assn of the Americas, P.O. Box 848 Nogales, AZ 85621			
John Freshman Associates, Inc, 1722 I Street, NW, #500 Washington, DC 20006	Anheuser-Busch Companies, Inc	18,000.00	64.46
Do	Gulf Coast Waste Disposal Authority	2,677.00	88.13
Do	Los Angeles County Sanitation District	17,313.50	2,386.83
Do	Upjohn Co	15,321.00	1,711.77
G. William Frick, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute		
Bruce M. Fried, 1401 I Street, NW, #210 Washington, DC 20005	FHP International Corp	5,625.00	139.00
Stacey Fried, 1301 K Street, NW East Tower 715 Washington, DC 20005	Eastman Chemical Co	500.00	
Fried Frank Harris Shriver & Jacobson, 1001 Pennsylvania Ave., NW, #800 Washington, DC 20004-2505	General Electric Co	195.00	40.67
Do	Lonza, Inc		40.35
Gay Friedmann, 555 13th Street, NW, #300W Washington, DC 20004	Interstate Natural Gas Assn of America	15,000.00	211.00
Owen V. Frisby, 4 Old Stage Court Rockville, MD 20852	National Mining Association	3,000.00	
Maureen S. Frisch, 1201 Third Avenue, Suite 4900 Seattle, WA 98101-3045	Simpson Investment Company	2,400.00	2,278.00
Charles H. Fritts, 1515 Wilson Blvd Arlington, VA 22209	American Gas Assn	3,950.00	414.09
Edward O. Fritts, 1771 N Street Washington, DC 20036	National Assn of Broadcasters	2,500.00	
Charles H. Fritzel, 444 North Capitol St. NW, #801 Washington, DC 20001	National Assn of Independent Insurers	600.00	300.00
Sara L. Froelich, 1500 K Street, NW, #650 Washington, DC 20005	Glaxo, Inc	2,500.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Alvin From, 518 C Street, NE Third Floor Washington, DC 20002	Democratic Leadership Council	100.00	
Alan Front, 666 Pennsylvania Ave., SE, #401 Washington, DC 20003	Trust for Public Land	6,272.70	8,922.74
Richard L. Fruchterman III, 1120 Connecticut Ave., NW, #400 Washington, DC 20036	LDDS Communications, Inc	5,000.00	58.99
Fuji Photo Film, Inc, 211 Pucketts Ferry Road Greenwood, SC 29649			
Fulbright & Jaworski, 801 Pennsylvania Avenue, NW Washington, DC 20004	Ernst & Young		
Do	Federal Home Loan Bank Board of Dallas	12,000.00	82.00
Do	Generic Pharmaceutical Industry Assn		
Do	Siemens Transportation Systems, Inc		52.00
Nancy R. Fulco, 1615 H St., NW Washington, DC 20062	U.S. Chamber of Commerce	2,500.00	
Carolyn Fuller, 1420 New York Avenue, NW, #1050 Washington, DC 20005	Van Scoyoc Associates, Inc (For:Montana State University)		
Jon Fuller, 1025 Connecticut Ave., NW, #700 Washington, DC 20036	National Assn of Independent Colleges & Universities	1,875.00	
Kay Fulwider, 600 Maryland Ave., SW, #100 West Washington, DC 20024-2571	American Nurses Assn	4,253.00	
Don Fuqua, 1250 Eye Street, NW Washington, DC 20005	Aerospace Industries Assn of America, Inc	4,375.00	
Furman Group, 1130 Connecticut Ave., NW, #350 Washington, DC 20036	Central Basin Municipal Water District	42,500.00	
Do	Central Utah Water Conservancy District		
Do	Las Virgenes Municipal Water District		
Do	Upper San Gabriel Municipal Water District	15,000.00	
Do	West Basin Municipal Water District	40,000.00	
Kurt A. Furst, 700 14th Street, NW, #1100 Washington, DC 20005	G.D. Searle & Co		525.00
Colleen Furukawa, 1100 Connecticut Avenue, NW, #910 Washington, DC 20036	Coalition for Employment through Exports		
Jane Futch, 600 Maryland Ave., SW Washington, DC 20024	American Farm Bureau Federation	3,036.00	
Futures Industry Assn, Inc, 2001 Pennsylvania Ave., NW Washington, DC 20006-1807		7,500.00	25.00
FHP International Corp, 1401 I Street, NW, #210 Washington, DC 20005			3,244.00
Mark Gable, 1641 Prince Street Alexandria, VA 22314-2818	Federal Managers Assn	8,100.00	
Wayne Gable, 1350 I Street, NW, #670 Washington, DC 20005	Koch Industries, Inc		
James E. Gaffigan, 1201 New York Ave., NW Washington, DC 20005-3931	American Hotel & Motel Assn	3,301.83	
Gage & Tucker, 1200 G Street, NW, #800 Washington, DC 20005	Anchor Glass Container Corp		
Do	Pizza Hut, Inc		
Do	Wendy's International, Inc		
John G. Gaine, 1150 Connecticut Avenue, NW, #700 Washington, DC 20036	Managed Futures Assn	3,000.00	590.00
Gary P. Galanis, 1100 South Washington Streeet, 1st Floor Alexandri, VA 22134-4494	National Beer Wholesalers Assn	56.72	
Michael R. Gale, 2500 Wilson Blvd. Arlington, VA 22201	American Apparel Manufacturers Assn	2,600.00	75.00
Christopher Gallagher, 1640 Wisconsin Avenue, NW, 1st Floor Washington, DC 20007	American College of Surgeons		
Mark Gallant, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn	2,600.00	510.28
Jon T. Gallinger, 10 Lafayette Square Buffalo, NY 14203	National Fuel Gas Distribution Corp, et al.	4,380.12	3,443.07
George Galt, 1000 Thomas Jefferson Street, NW Suite 609 Washington, DC 20007	Leonard Ralston Stanton & Danks (For:Coalition for Consumers' Picture Rights)	2,047.50	
Joan Galvin, 8607 Westwood Center Drive Vienna, VA 22182	Ringling Bros & Barnum & Bailey		
Cheryl Gannon, 2000 K Street, NW #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	20,372.00	
Brian D. Garber, 1301 Pennsylvania Ave., NW, #300 Washington, DC 20004	Public Lands Council	1,000.00	
Isabelle Garcia, 1201 16th St., NW, #624 Washington, DC 20036	National Education Assn	3,978.55	150.00
Raymond Garcia, 1745 Jefferson Davis Highway, #1200 Arlington, VA 22202	Rockwell International Corp	3,000.00	
Margaret Garikes, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn	25.00	
David P. Garland, 1629 K Stsreet, NW, #301 Washington, DC 20006	Evergreen International Aviation, Inc		
Nancy Garland, 1505 Prince Street, #300 Alexandria, VA 22314	American Optometric Assn		
Anthony Garrett, 57 Winfield Street San Francisco, CA 94110	Citizens for Reliable and Safe Highways (CRASH)		
Theodore J. Garrish, 1776 I Street, NW, #400 Washington, DC 20006	Nuclear Energy Council	8,600.00	134.00
Janet M. Garry, P.O. Box 749 Rockville, MD 20848-0749	National Council Social Security Management Assns, Inc	14,760.00	1,291.28
John C. Gartland, 214 Massachusetts Ave., NE, #210 Washington, DC 20002	Amway Corp	10,000.00	
Edward R. Garvey, 15 South Blair Street Madison, WI 53703	United Transportation Union		
Garvey Schubert & Barer, 1000 Potomac Street, NW Washington, DC 20007	Canadian Embassy	1,471.55	
Do	Interocean Management Company		
Do	J & B Management Company	24,926.56	
Do	Pacific Coast Federation of Fishermen's Assn, Inc		
Do	Seafood Consumers & Producers Assn, Inc		
Do	Totem Ocean Trailer Express, Inc	79,275.00	
Do	USX	8,594.45	
Lillian B. Gaskin, 1800 M St., NW Washington, DC 20036	American Bar Assn	400.00	50.00
David Gasson, 1310 G Street, NW, 12th Floor Washington, DC 20005	Blue Cross & Blue Shield Assn	1,697.00	277.00
Philip Gasteyer, 900 19th Street, NW, #400 Washington, DC 20006	America's Community Bankers	2,312.49	
Bruce A. Gates, 201 Park Washington Court Falls Church, VA 22046	National-American Wholesale Grocers' Assn		
Jerome C. Gatto, 230 E Broadway #901 Salt Lake City, UT 84111-2451			
Monique S. Gaw, 3138 North 10th Street, Suite 300 Arlington, VA 22201	National Assn of Federal Credit Unions	1,250.00	
A. Fred Gebler, 1331 Pennsylvania Ave., NW, #1300N Washington, DC 20004	Electronic Data Systems Corp	304.00	488.14
Ruthann Geib, 1156 15th Street, NW, #1101 Washington, DC 20005	American Sugarbeet Growers Assn		
Ethel Z. Geisinger, 113 King Street Armonk, NY 10504-1610	MBIA, Inc	1,000.00	900.00
Robert C. Gelardi, 5775 Peachtree-Dunwoody Rd., #500-G Atlanta, GA 30342	Robert H. Kellen Co (For:Calorie Control Council)	90.00	
Do	Kellen Company (For:Infant Formula Council)		
Morton A. Geller, Corporate Tax Department 100 Federal Street Boston, MA 02110	First National Bank of Boston		
David F. Gencarelli, 1919 Pennsylvania Ave., NW, Suite 300 Washington, DC 20006	Richard T. Hines Consulting, Inc (For:Northwestern National Life Insurance Co)	2,500.00	353.00
Do	Olympic Health Management Systems, Inc	7,500.00	372.50
Do	Richard T. Hines Consulting, Inc (For:Pan American Life Insurance Co)	2,500.00	341.00
Do	Richard T. Hines Consulting, Inc (For:Washington National Life Insurance)	3,750.00	304.00
Do	Richard T. Hines Consulting, Inc (For:Wausau Nationwide Insurance Group)	10,000.00	402.00
General Aviation Manufacturers Association, 1400 K Street, NW, #801 Washington, DC 20005			8,929.75
General Instrument Corporation, 181 West Madison Street, Suite 4900 Chicago, IL 60602		10,307.50	
Generic Pharmaceutical Industry Assn, 1620 I Street, NW, Suite 800 Washington, DC 20006		7,453.04	7,453.04
Genzyme Corporation, 1020 19th Street, NW, Suite 550 Washington, DC 20036			7,996.71
Nancy Whorton George, 601 13th Street, NW, #850 S Washington, DC 20005	El Paso Natural Gas Company	1,000.00	
Warren S. George, 5025 Wisconsin Avenue, NW Washington, DC 20016	Amalgamated Transit Union, AFL-CIO		
Joseph G. Gerard, 918 16th St., NW, #402 Washington, DC 20006	American Furniture Manufacturers Assn	1,500.00	1,526.55
Louis Gerber, 501 Third Street, NW Washington, DC 20001	Communications Workers of America	106.00	106.00
Robin Gerber, 101 Constitution Ave. NW Washington, DC 20001	United Brotherhood of Carpenters & Joiners of America	3,850.00	739.68
Scott A. Gerke, 955 L'Enfant Plaza, SW #5300 Washington, DC 20024	Honda North America, Inc	500.00	
David A. Gerken, 1301 Connecticut Avenue, NW, 7th Floor Washington, DC 20365	Puerto Rico Federal Affairs Administration	25,500.00	770.20
Do	Puerto Rico Senate	4,500.00	
Do	Times Mirror Corp	6,000.00	346.61
Matthew Gerson, 1600 Eye Street, NW Washington, DC 20006	Motion Picture Assn of America, Inc	5,310.00	691.52
Alvin J. Geske, 2100 Pennsylvania Avenue, NW, #400 Washington, DC 20037	Renewable Fuels Assn		
Christopher J. Giaimo, 201 North Washington Street Alexandria, VA 22314	Retired Officers Assn	3,544.50	
Wayne Gibbens, 801 Pennsylvania Ave., NW, #840 Washington, DC 20004-2604	Mid-Continent Oil & Gas Assn	17,000.00	585.00
Martha A. Gibbons, 655 15th Street, NW, #300 Washington, DC 20005	Laidlaw Transportation Management, Inc	10,000.00	
Gibbons & Company, 1455 Pennsylvania Ave., NW, Suite 1180 Washington, DC 20004	Florida Citrus Mutual		
Do	Kellogg Co		
Do	Mutual Life Insurance Co of New York	16,200.00	
Do	Natural Disaster Coalition		
Do	Underwriters at Lloyd's of London		
Do	Zeneca, Inc		
Gail Giblin, 820 First Street, NE, #900 Washington, DC 20002	Turner Broadcasting System, Inc	2,500.00	
Gibson Dunn & Crutcher, 1050 Connecticut Ave., NW, #900 Washington, DC 20036	Civil Justice Reform Group	65,964.53	32,608.18
Do	Coors Brewing Co.	7,131.25	1,733.79
Do	McCown De Leeuw & Co		482.27
Kenneth W. Gideon, Wilmer Cutler & Pickering 2445 M Street, NW Washington, DC 20037-1420	National Structured Settlement Trade Assn		
Robert B. Giese, 1101 Connecticut Avenue, NW, #1000 Washington, DC 20036	Chris-Craft Broadcasting, Inc	975.00	
Anne Giesecke, 1350 I Street, NW, Suite 1290 Washington, DC 20005	American Bakers Assn	945.00	20.00
Judith Gifford, 1840 Wilson Blvd., 4th Floor Arlington, VA 22201	National Milk Producers Federation	718.10	
Lucie Kriste Gikovich, 1275 Pennsylvania Ave., NW, #400 Washington, DC 20004	Pacific Telesis Group	18,000.00	
Gary G. Gilbert, 900 19th Street, NW, #400 Washington, DC 20006	America's Community Bankers	2,000.00	62.00
James E. Gilchrist, 1920 N Street, NW Washington, DC 20036	American Mining Congress		
Jacqueline Gillan, 777 North Capitol Street, NE, #410 Washington, DC 20002	Advocates for Highway & Auto Safety	9,281.25	
Joseph A. Gillan, 2001 Pennsylvania Avenue, NW, #300 Washington, DC 20006	Exxon Corporation	1,200.00	156.85
Mary Ann Gilleece, 1747 Pennsylvania Ave., NW, #800 Washington, DC 20006	Gadsby & Hannah (For:Dyncorp)	225.00	
Neal P. Gillen, 1725 K Street, NW, #810 Washington, DC 20006	American Cotton Shippers Assn	50,000.00	618.22
Edward A. Gillespie, 1301 K Street, NW, #1100 Washington, DC 20005	IBM Corp	481.00	218.70
Daniel F. Gilligan, 1745 Jefferson Davis Hwy, #511 Arlington, VA 22202	Manufactured Housing Institute	1,438.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
William A. Gillon, P.O. Box 12285 Memphis, TN 38182	National Cotton Council of America	2,375.00	42.50
Brad Gilman, 2300 Clarendon Blvd., #1010 Arlington, VA 22201	Robertson Monagle & Eastaugh (For:Alaska Groundfish Data Bank)		
Do	Robertson Monagle & Eastaugh (For:Aleutians East Borough)	3,255.00	
Do	Robertson Monagle & Eastaugh (For:City of Kodiak)		
Do	Robertson Monagle & Eastaugh (For:Crowley Maritime Corp)		
Do	Robertson Monagle & Eastaugh (For:Kodiak Island Borough)	75.00	
Do	Robertson Monagle & Eastaugh (For:Lunds Fisheries, Inc)	1,373.00	
Do	Robertson Monagle & Eastaugh (For:Marco)	225.00	
Do	Robertson Monagle & Eastaugh (For:Pacific States Marine Fisheries Cons)	300.00	
Do	Robertson Monagle & Easthaugh (For:Seafreeze)	1,373.00	
Jim Gilmore, 4039 21st Avenue, #400 Seattle, WA 98199	American Factory Trawler Assn	22,500.00	1,610.00
Ginsburg Feldman & Bress, Chartered, 1250 Connecticut Ave., NW, #800 Washington, DC 20036	United Air Lines, Inc		
Caesar A. Giolito, Capital-International Communications P.O. Box 5793 Carefree, AZ 85377	American Assn of Pastoral Counselors	1,000.00	
Carolyn H. Giolito, P.O. Box 5793 Carefree, AZ 85377	American Assn of Pastoral Counselors	1,000.00	
Gerard Giovaniello, 777 14th St., NW Washington, DC 20005	National Assn of Realtors	2,500.00	601.36
Girl Scouts of the USA, 420 Fifth Avenue New York, NY 10018-2702			3,382.63
Lawrence L. Gladchun, 27777 Inkster Road Farmington Hills, MI 48334	Michigan National Corp		
Mary A. Gladkowski, 10024 Skokie Blvd., #300 Skokie, IL 60077	Albert G. Rubin & Associates, Ltd	15,000.00	661.75
Nicholas J. Glakas, 1600 M Street, NW Washington, DC 20036	ITT Corporation	500.00	
David L. Glass, 485 Lexington Avenue New York, NY 10017	New York State Bankers Assn		516.00
Marci Glazer, 1725 DeSales Street, NW, #500 Washington, DC 20036	Center for Marine Conservation		
Donna Siss Gleason, 2500 Wilson Boulevard Arlington, VA 22201-3834	Electronic Industries Assn	750.00	
Robert E. Gleason, 17 Battery Place New York, NY 10004	International Longshoremen's Assn, AFL-CIO		
Teresa A. Gleason, 815 Connecticut Ave., NW Washington, DC 20006	Baker & McKenzie		1,372.57
Law Offices of Gleason & Mathews, 26 Broadway, 17th Floor New York, NY 10004	International Longshoremen's Assn, AFL-CIO		686.78
Sara B. Glenn, 1250 H Street, NW, #500 Washington, DC 20005	Mobil Corp	2,000.00	1,698.52
Andrew M. Glick, 1201 Connecticut Ave., NW, Suite 300 Washington, DC 20036	Bailey & Robinson (For:Blue Cross of Western PA)		
Do	Bailey & Robinson (For:Ormet)		
Do	Bailey & Robinson (For:Smart Corp)		
Do	Bailey & Robinson (For:Utilities Telecommunication Council)		
JoAnne Glisson, 700 14th Street, NW, Washington, DC 20005	Monsanto Company		
Global USA, Inc, 2121 K St., NW, #650 Washington, DC 20037	All Nippon Airways Co, Ltd		
Do	City of Little Rock, Arkansas		
Do	Hitachi, Ltd		
Do	Hyundai Motor America	43.26	
Do	Japan Fed of Construction Contractors, Inc		
Do	Komatsu Ltd		
Do	Kyocera Corporation		
Do	Mazak Corporation		
Do	Metro-Dade Country		
Do	Southwestern Bell Corp		
Joseph Gloyd, 1101 Vermont Avenue, #300 Washington, DC 20005	American Veterinary Medical Assn		
Kathryn M. Goatley, 1021 S. Hanover Street Baltimore, MD 21230	Maryland Food Committee		281.30
James W. Godlove, 1776 Eye Street, NW, #700 Washington, DC 20006	Phillips Petroleum Co	1,600.00	45.38
Lee R. Godown, 1111 19th Street, NW, #650 Washington, DC 20036	American College of Emergency Physicians	25.00	27.19
Jean C. Godwin, 1010 Duke Street Alexandria, VA 22314	American Assn of Port Authorities	19,050.00	2,000.00
Kevin C. Goebel, 2530 San Pablo Avenue, #J Berkeley, CA 94702	Americans for Nonsmokers' Rights	892.00	
Donald G. Goff, 8003 Rivermont Court Springfield, VA 22153	McDonnell Douglas Corp		
Al James Golato, 1533 New Hampshire Ave., NW Washington, DC 20036	National Assn of Retired Federal Employees		
Harvey S. Gold, 8100 Oak Street Dunn Loring, VA 22027	National Pest Control Assn		
Gold & Liebengood, Inc, 1455 Pennsylvania Ave., NW, #950 Washington, DC 20004	Alaska Legislative Council	56,250.00	2,642.00
Do	Amercan College of Cardiology	4,500.00	2,642.00
Do	American Academy of Dermatology	12,000.00	2,440.00
Do	American Academy of Ophthalmology	6,300.00	2,378.00
Do	American Hospital Assn	12,000.00	2,495.00
Do	Beretta U.S.A. Corp	9,610.00	2,642.00
Do	Camara Nacional de la Industria Pesquera	30,954.00	2,642.00
Do	Camara Nacional de las Industrias Azucarera y Alcoholera	4,000.00	2,642.00
Do	Cementos Mexicanos (CEMEX)	28,800.00	2,642.00
Do	Citizens Flag Alliance	3,000.00	2,642.00
Do	Coca Cola Company	11,200.00	2,446.00
Do	Eye Bank Assn of America	975.00	2,342.00
Do	Federated Investors, Inc	250.00	2,342.00
Do	Fiat, U.S.A., Inc	8,270.00	2,342.00
Do	Genentech, Inc	18,400.00	2,642.00
Do	International Council of Shopping Centers	15,000.00	2,342.00
Do	Investment Company Institute		2,368.00
Do	James Capel & Co	20,000.00	2,528.00
Do	Joint Commission on the Accreditation of Health Care Orgs	1,300.00	2,642.00
Do	Mountain-Park Master Conservancy District		2,342.00
Do	Mutual Of Omaha		
Do	MAPCO, Inc		2,642.00
Do	MCI Communications Corp	8,000.00	2,642.00
Do	National Restaurant Assn	41,250.00	2,642.00
Do	National School Transportation Assn	2,250.00	2,642.00
Do	Pennzoil Co		2,382.00
Do	Philip Morris Co	2,262.00	2,454.00
Do	Pirelli Armstrong Tire Corp	9,325.00	2,642.00
Do	Regional Transportation District	8,363.00	2,642.00
Do	Salomon Brothers, Inc	2,976.25	2,642.00
Do	Thomson-CSF, Inc	3,000.00	2,342.00
Do	Times Mirror Co	3,960.00	2,392.00
Do	Washington Metropolitan Area Transit Authority	9,075.00	2,342.00
Goldberg Godles Wiener & Wright, 1229 19th St., NW Washington, DC 20036	PanAmSat, L.P.		
Howard Goldblatt, 1511 K Street, NW, Suite 622 Washington, DC 20005	Coalition Against Insurance Fraud	3,250.00	36.23
Mark J. Golden, 1019 19th Street, NW, Suite 1100 Washington, DC 20036	Personal Communications Industry Assn	812.50	
Max Goldman, 1050 17th Street, NW, #500 Washington, DC 20036	Texaco, Inc		
Goldman Sachs & Co, 1101 Pennsylvania Avenue, NW, #900 Washington, DC 20004			9,650.00
Robert H. Goldsborough, 5508 Lombardy Place Baltimore, MD 21210	Americans for Immigration Control, Inc	11,550.00	
Neil Goldschmidt, Inc, 222 SW Columbia, #1850 Portland, OR 97201	Nike, Inc		
Do	Seneca Sawmill Company		
Andrew P. Goldstein, 1750 Pennsylvania Ave., NW, #1105 Washington, DC 20006	McCarthy Sweeney & Harkaway, PC (For:National Grain & Feed Assn)	9,000.00	75.00
Ellen L. Goldstein, 1299 Pennsylvania Ave., NW Washington, DC 20004	General Electric Co	525.00	100.50
James H. Goldstein, 1350 I Street, NW, #400 Washington, DC 20005	Motorola, Inc		
John A. Gonzalez, 1745 Jefferson Davis Hwy., #1200 Arlington, VA 22202	Rockwell International Corp	5,000.00	5,786.08
Rose Gonzalez, 600 Maryland Ave., SW, #100 West Washington, DC 20024-2571	American Nurses Assn	4,236.00	30.84
Lisa Gooch, 1275 K Street, NW, Suite 400 Washington, DC 20005	Society of the Plastics Industry, Inc		
Thomas E. Goode, 1140 Connecticut Avenue, NW Suite 1140 Washington, DC 20036	Utilities Telecommunications Council		
Deborah K. Goodell, 1315 Nueces Austin, TX 78701	Polan-Ingram Advocacy Group (For:Vermont Yankee Nuclear Power Corp)	967.74	3,053.82
Amanda L. Goodman, 1401 New York Ave., NW, Suite 1100 Washington, DC 20005	National Cooperative Business Assn		
Marian S. Goodman, 1401 I Street, NW, #210 Washington, DC 20005	FHP International Corp	2,400.00	235.33
Richard A. Goodman, 4925 Manor Lane Ellicott City, MD 21042			
Susannah Goodman, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen	7,250.00	
Melvin G. Goodweather, 1401 Eye Street, NW, Suite 600 Washington, DC 20005	United Technologies Corp	1,277.50	18,108.98
Linda Goold, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	1,750.00	525.06
John Gordley, 1000 Connecticut Avenue, NW, #1106 Washington, DC 20036	American Soybean Assn	11,000.00	9,106.24
Do	Iowa Pork Producers Assn	2,500.00	2,628.56
Do	National Sunflower Assn	3,000.00	2,628.34
Do	U.S. Canola Association	9,000.00	2,839.84
Bradley Gordon, 440 First Street, NW, #600 Washington, DC 20001	American Israel Public Affairs Committee	31,500.00	460.01
Mary S. Gordon, 801 Pennsylvania Ave., NW, #700 Washington, DC 20004	Northern Telecom, Inc	1,250.00	
Randall C. Gordon, 1201 New York Ave., NW #830 Washington, DC 20005	National Grain & Feed Assn	817.00	
Gordy Associates, Susan K., 1 First National Plaza, #3175 Chicago, IL 60603	First Chicago Corp	5,400.00	1,400.00
John C. Gore, 1776 Eye Street, NW, #1000 Washington, DC 20006	BP America, Inc		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
David W. Gorman, 807 Maine Avenue, SW Washington, DC 20024	Disabled American Veterans	23,207.12	38.89
Faye A. Gorman, 1800 M Street, NW, #325-S Washington, DC 20036	Dow Corning Corp	5,000.00	33.00
Regina M. Gorman, 1850 M Street, NW, Suite 540 Washington, DC 20036	National Multi Housing Council	2,462.80	
Ann M. Gosier, 1001 19th Street North, #800 Arlingtonn, VA 22209	American Mining Congress		
Do	Product Liability Coordinating Comm	10,934.20	71.25
Barry Gottehrer, 1295 State Street Springfield, MA 01111-0001	Massachusetts Mutual Life Insurance Co	250.00	
George B. Gould III, 100 Indiana Ave., NW Washington, DC 20001	National Assn of Letter Carriers	13,627.25	2,538.15
Gover Stetson & Williams, 2501 Rio Grande Blvd., NW Albuquerque, NM 87104-3223	Campo Band of Mission Indians	1,252.00	
Do	Colorado River Indian Housing Authority		
Do	Crow Tribal Housing Authority		
Do	First Mesa Consolidated Villages		
Do	Lummi Nation		
Do	Mescalero Apache Housing Authority		
Do	Minnesota Chippewa Tribe		
Do	Pueblo of Laguna Housing Authority		
Do	Pueblo of Pojoaque	1,762.50	
Do	Pueblo of Tesuque		
Do	Pueblo of Zuni		
Do	Santa Clara Indian Pueblo		
Do	Shoshone Tribe	6,097.00	
Do	Tonono O'dham Nation		
Do	Wind River Tax Commission		
Do	Yavapai-Apache Indian Community		
Do	Zuni Housing Authority		
Edmund Graber, 6626 Rockleigh Way Alexandria, VA 22310	American Road & Transportation Builders Assn	9,630.00	
Do	Artais Weather Check	7,500.00	
Do	Crown America	14,000.00	300.00
Do	Highway Users Federation	7,000.00	
Do	Metrolink	7,500.00	
Do	RADAR	10,000.00	
James E. Graf II, 601 Pennsylvania Avenue, NW North Building, Suite 725 Washington, DC 20004	British Telecommunications, plc	5,000.00	
Ronald P. Graf, 1401 Eye Street, NW, #710 Washington, DC 20005	Hershey Foods Corp		
John R. Graff, 1448 Duke Street Alexandria, VA 22314	International Assn of Amusement Parks & Attractions		
Dennis A. Graham, 180 South Clinton Avenue Rochester, NY 14646-0700	Frontier Corporation	1,550.00	
Elaine Z. Graham, 1200 17th Street, NW Washington, DC 20036	National Restaurant Assn	1,500.00	990.00
Lawrence T. Graham, 7900 Westpark Drive, #A-320 McLean, VA 22102	Chocolate Manufacturers Assn of the USA		
Do	National Confectioners Association		
Graham & James, 2000 M Street, NW, #700 Washington, DC 20036	Contact Lens Manufacturers Assn		
Do	Dental Implant Manufacturers Assn		
Frances Turk Granahan, 1620 L Street, NW, #1200 Washington, DC 20036	Panhandle Eastern Corp		261.09
Grange Mutual Casualty Co, 650 South Front Street Columbus, OH 43206			
Rhonda K. Grant, 5901 Executive Drive Lansing, MI 48911	Jackson National Life Insurance Co	2,500.00	4,934.76
James L. Granum, 1500 K Street, NW, #375 Washington, DC 20005	Norfolk Southern Corp	1,000.00	
Suzanne Granville, 100 Indiana Ave., NW Washington, DC 20001	National Assn of Letter Carriers	12,285.00	
Andrew N. Grass Jr., One World Trade Center, #4511 New York, NY 10048	Security Traders Assn, Inc	1,488.00	
Marie Beatrice Grause, 499 South Capitol Stret, SW, #405 Washington, DC 20003	Massachusetts Hospital Assn	16,300.00	
Edwin C. Graves, 1615 L Street, NW, Suite 1150 Washington, DC 20036	Capitoline/MS&L (For:Berwind Natural Resources Corp)	500.00	
Do	Edwin C. Graves & Associates (For:Brickfield Burchette & Ritts)		
Do	Ed Graves & Associates (For:Correctional Education Consultants, Inc)		
Do	Edwin C. Graves and Associates (For:CBI Sugar Group)		
Do	Edwin C. Graves & Associates (For:Furman Group)		
Do	Ed Graves & Associates (For:McGuiness & Williams)		
Do	Ed Graves & Asociates (For:OPEDA)		
Do	Edwin C. Graves & Associates (For:Republic of Azerbaijan)	300.00	
Do	Capitoline/MS&L (For:Republic of Turkey)	1,750.00	
Do	Edwin C. Graves & Associates (For:South Dade Land Corp)		
Do	Edwin C. Graves and Associates (For:U.S. Corrections Corp)		
W. Lawrence Graves, 1525 Wilson Blvd., #550 Arlington, VA 22209-2411	National Newspaper Assn		
Adrienne A. Gray, 1301 K Street, NW, #1200 Washington, DC 20005	IBM Corporation	2,274.97	365.00
Barbara Gray, P.O. Box 3958 Missoula, MT 59806	Metropolitan Analysis & Retrieval Systems, Inc (Mars, Inc)	9,457.50	1,694.59
Geoffrey P. Gray, 888 17th Street, NW, Suite 312 Washington, DC 20006	Association of Financial Services Holding Companies	750.00	
Neil A. Gray, 2120 L Street, NW, #305 Washington, DC 20037	International Bridge Tunnel & Turnpike Assn	2,820.00	111.77
Peter Gray, 1101 Pennsylvania Ave., NW, #1000 Washington, DC 20004	Citicorp/Citibank	2,170.00	
Mary R. Grealy, 1111 19th Street, NW, #402 Washington, DC 20036	Federation of American Health Systems	1,500.00	
Greater Cincinnati Television Educational Foundation, 1223 Central Parkway Cincinnati, OH 45214		25,501.25	25,501.25
Donald R. Greeley, 919 18th St., NW, #700 Washington, DC 20006	Hoechst Celanese Corp	5,000.00	123.10
Deborah Green, 60 Bank Street New York, NY 10014	Ross & Green (For:Democracy Unlimited)	4,684.00	4,619.51
George R. Green, 800 Connecticut Avenue, NW Washington, DC 20006-2701	Food Marketing Institute	450.00	
James E. Green, 1250 H Street, NW, Suite 500 Washington, DC 20005	Mobil Corp	2,500.00	347.14
Kaylene H. Green, Paul Magliocchetti Associates, Inc 1755 Jefferson Davis Highway, #1107 Arlington, VA 22202	Diagnostic Retrieval Systems, Inc		
Marlene Y. Green, 3380 Webster Avenue Pittsburgh, PA 15219-3975			
Micah S. Green, 1445 New York Ave., 8th Floor Washington, DC 20005	Public Securities Assn	12,500.00	321.93
Oliver W. Green, 5025 Wisconsin Ave, NW Washington, DC 20016	Amalgamated Transit Union, AFL-CIO		
Peggy M. Green, 2220 Valcourt Drive Plano, TX 75023	Housing Roundtable		150.00
Rodney M. Green, P.O. Box 1475 Nashville, TN 37202	United Paperworkers International Union		
Scott H. Green, 8150 Leesburg Pike, #900 Vienna, VA 22182	Boys & Girls Clubs of America	7,500.00	505.71
Do	DARE AMERICA	10,000.00	565.12
Do	National Center for Missing & Exploited Children	7,500.00	505.71
William Green, 1455 Pennsylvania Ave, #575 Washington, DC 20004	MacAndrews & Forbes Holdings, Inc		
Green Stewart & Farber, P.C., 2600 Virginia Ave., NW, Suite 1111 Washington, DC 20037	Premier Health Alliance, Inc	500.00	500.00
Greenberg Traurig Hoffman Lipoff Rosen & Quentel, 1501 M Street, NW, 11th Floor Washington, DC 20005	American Health Care Assn	15,000.00	921.94
Do	AT&T Universal Card Services	6,000.00	173.54
Do	Connaught Laboratories, Inc	17,226.75	423.39
Do	Dade County	37,500.00	
Do	Healthsource, Inc	5,126.88	280.34
Do	Mount Sinai Medical Center	15,300.00	314.80
Do	National Assn for the Support of Long-Term Care (NASL)	18,000.00	953.47
Do	National Assn of Mortgage Brokers	7,680.00	196.04
Do	National Health Laboratories	17,009.22	600.48
Do	NBD Bank, NA	9,050.00	214.39
Do	Torrington Co	36,000.00	1,175.93
Do	Viacom International, Inc	84,795.63	15,824.00
Fred Greene, 316 Teal Crescent Virginia Beach, VA 23456	Denny Miller Associates	2,500.00	
H. Thomas Greene, 412 1st St., SE Washington, DC 20003	National Automobile Dealers Assn	15,000.00	
Laurence T. Greene, 100 North Diamond-Star Parkway Normal, IL 61761	Diamond-Star Motors Corp		
Lori Valencia Greene, 1120 Connecticut Ave., NW, Suite 461 Washington, DC 20036	Planned Parenthood Federation of America	417.61	463.25
Suzanne Greenfield, 2030 M Street, NW Washington, DC 20036	Common Cause	9,224.28	243.00
Rod Greenough, 150 South 600 E., #5C Salt Lake City, UT 84102	National Parks & Conservation Assn		
Lynn Greenwalt, 1400 16th St., NW Washington, DC 20036-0001	National Wildlife Federation		
Richard Grefe, 1350 Connecticut Avenue, NW, #200 Washington, DC 20036	Association of America's Public Television Stations		
John P. Gregg, 1140 - 19th Street, NW, Suite 700 Washington, DC 20036	Miller Balis & O'Neil, P.C. (For:American Public Gas Assn)		
Sarah M. Gregg, 800 Connecticut Ave., NW, #1100 Washington, DC 20006	Baxter	1,000.00	699.66
Linda W. Greiner, 1317 F Street, NW, Suite 510 Washington, DC 20004	White Consolidated Industries		
Edward F. Greissing Jr., 1455 F St., NW, #405 Washington, DC 20005	Upjohn Company	52,850.00	
Mary Griffin, 1666 Connecticut Avenue, NW, #310 Washington, DC 20009	Consumers Union	1,000.00	
Robert T. Griffin, 1100 Connecticut Ave., NW, #900 Washington, DC 20035	Chrysler Corporation	3,000.00	305.00
W. M. Griffin, 601 Pennsylvania Avenue, NW, #200 Washington, DC 20004	Texas Utilities Services, Inc	5,287.50	78.29
Gary W. Griffith, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	1,000.00	298.24
Griffith & Rogers, P.O. Box 960 Yazoo City, MS 39194-0960	American Maritime Congress	15,000.00	40.34
Do	American Rice, Inc	15,000.00	
Do	CBS, Inc	15,000.00	5.00
Do	Promus Companies	20,000.00	422.34
Do	Textron	20,000.00	238.26
J. Steven Griles, 203 Roscommon Drive Bristol, TN 37620		15,000.00	300.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Norman E. Grimm Jr., 12600 Fair Lakes Circle Fairfax, VA 22033-4904	AAA Potomac		
Cynthia P. Grisso, 1101 Sixteenth Street, NW Washington, DC 20036	Independent Petroleum Assn of America		30.00
Olga Grkavac, 1616 North Fort Myer Drive, #1300 Arlington, VA 22209	Information Technology Assn of America, Inc		
Grocery Manufacturers of America, Inc, 1010 Wisconsin Ave., NW, #900 Washington, DC 20007			10,346.31
James N. Groninger, 1050 17th Street, NW, #500 Washington, DC 20036	Texaco, Inc	181.73	
Groom & Nordberg, Chtd, 1701 Pennsylvania Avenue, NW, #1200 Washington, DC 20006	Ad Hoc MGA Group		
Do	Ad Hoc PFIC Group		
Do	American Petroleum Institute		
Do	Amoco Corporation		
Do	Bankers Life & Casualty Co		
Do	Business Roundtable	550.00	35.00
Do	Cargill, Inc		
Do	Chevron Corp	125.00	10.00
Do	Eli Lilly & Company	150.00	10.00
Do	Maxus Energy Corp		
Do	Murphy Oil USA, Inc		
Do	Nebraska Public Power District	150.00	10.00
Do	New York City Teachers Retirement System		
Do	Phillips Petroleum Co		
Do	Physicians Mutual Insurance Co		
Do	Principal Financial Group		
Do	Prudential Insurance Co of America	550.00	75.00
Do	Prudential Securities		
Do	Puerto Rico, USA Foundation		
Do	Retired Lives Reserve Group		
Do	Southern California Edison Co		
Do	Sunflower Electric Power Corp		
Do	Union Texas Petroleum Corp		
Do	Westinghouse Electric Corp		
George Gross, 1211 Connecticut Ave., NW, #610 Washington, DC 20036	Magazine Publishers of America, Inc	10,000.00	
Jessica A. Gross, 1101 17th Street, NW, Suite 105 Washington, DC 20036	Direct Marketing Assn, Inc		
Jerome Grossman, 110 Maryland Avenue, NE, #409 Washington, DC 20002	Council for a Livable World		126.32
John A. Gruver, 2649 Turf Valley Road Ellicott City, MD 21042	Westinghouse Electric Corp	500.00	75.00
Kenneth A. Guenther, One Thomas Circle, NW, #950 Washington, DC 20005	Independent Bankers Assn of America		
Gene Guerrero, 122 Maryland Ave., NE Washington, DC 20002	American Civil Liberties Union	1,250.00	
Derek Guest, 1250 H Street, NW, Suite 800 Washington, DC 20005	Eastman Kodak Co	2,750.00	166.00
Ana Maria Guevara, 316 Pennsylvania Ave., SE, #304 Washington, DC 20003	United Parcel Service	2,000.00	50.00
Pamela D. Guffain, 501 Second Street, NE Washington, DC 20002	Fertilizer Institute	3,000.00	
Jerene B. Guidry, 50 F Street, NW, Suite 1050 Washington, DC 20001	Freeport-McMoRan, Inc	2,090.00	34.00
Jay F. Guin, P.O. Box 032206 Tuscaloosa, AL 35403	Tanner & Guin (For:Morrow Realty Co, Inc)		
John E. Guiniven, 1100 Connecticut Ave., NW, #500 Washington, DC 20036	Chrysler Corporation		
James E. Guirard Jr., 1730 Rhode Island Avenue, NW, #419 Washington, DC 20036	BASF Corp		
Do	Marine Shale Processors, Inc		
Do	McDermott, Inc		
Do	Walk Haydel & Associates, Inc		
Gun Owners of America, Inc, 8001 Forbes Place Springfield, VA 22151		481,531.33	431,518.62
Peggy A. Gunn, 601 Second Avenue South MPFP 1704 Minneapolis, MN 55402	First Bank System, Inc	15,000.00	1,427.24
Robert Gunther, 2815 Northwind Rd. Baltimore, MD 21234	Cable Television Assn of MD DE & DC	12,500.00	
Phyllis A. Guss, 1200 K Street NW Washington, DC 20005	Lockheed Information Management Services Company, Inc		
Ned H. Guthrie, 209 Hayes Avenue Charleston, WV 25314	American Fed of Musicians	8,124.62	1,489.51
GLB, Inc, 1507 West 6th Street Austin, TX 78703	Jones Motor Co, Inc		
Do	MPPAA Solvency Coalition		
Do	Schneider National, Inc		
Do	Walsh Trucking Service, Inc		
Karen Lehman Haas, 9705 G Covered Wagon Drive Laurel, MD 20723	Capital Cities/ABC, Inc	62.50	
Rosemary T. Haas, 1710 Rhode Island AVe., NW, #300 Washington, DC 20036	Abbott Laboratories	1,000.00	
Sherry J. Haber, 1821 Michael Faraday Dr., #400 Reston, VA 22090	National Wholesale Druggists' Assn		
George Hacker, 1875 Connecticut Ave., NW, #300 Washington, DC 20009-5728	Center for Science in the Public Interest	500.00	
William G. Haddeland, 601 Pennsylvania Ave., NW North Building, Suite 540 Washington, DC 20004	Ashland Oil, Inc	2,000.00	
Anthony L. Hadley, 1745 Jefferson Davis Highway, #511 Arlington, VA 22202	Manufactured Housing Institute	9,000.00	212.94
Lonnie E. Haefner, 10 Finlay Road Kirkwood, MO 63122	L.E. Haefner Enterprises, Inc (For:Cape Girardeau Regional Commerce & Growth Assn).		
Do	L.E. Haefner Enterprises, Inc (For:Missouri Botanical Garden)	1,400.00	4.39
Do	L.E. Haefner Enterprises, Inc (For:Surface Systems, Inc)	437.50	2.92
Thomas M. Hagan, P.O. Box 660164 Dallas, TX 75266-0164	Central & South West Corp		
Hager Sharp, Inc, 1090 Vermont Ave., NW, 3rd Floor Washington, DC 20005	APTUS, Inc, et al.	10,718.00	3,695.00
Veronica A. Haggart, 1350 I Stret, NW, Suite 400 Washington, DC 20005	Motorola	6,500.00	
Katherine L. Hagmeier, 1101 15th Street, NW Washington, DC 20005	Minnesota Mining & Manufacturing Co	1,000.00	
Robert W. Haines, 1250 H Street, NW, #500 Washington, DC 20005	Mobile Corp	2,500.00	670.66
Jay D. Hair, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	787.94	
Thomas F. Hairston, 1050 Connecticut Ave., NW, #760 Washington, DC 20036	Union Oil Co of California		
Hale and Dorr, 1455 Pennsylvania Ave., NW, #1000 Washington, DC 20004	American Institute of Certified Public Accountants	7,800.00	525.00
Do	ACX Technologies, Inc		
Do	Boston Area Mutual Fund Group	22,000.00	
Do	Hybridon, Inc	2,250.00	48.67
Do	Maxtor Corporation		
Do	Micron Technology, Inc	27,098.50	188.15
Do	Psychological Corp	1,140.00	25.82
Angelynn Hall, 1120 Connecticut Avenue, NW Washington, DC 20036	American Bankers Assn	2,376.46	107.78
Anne Hall, 436 West 5th Avenue Columbus, OH 43201	Banc One Corporation	50,000.00	1,985.25
Debra J. Hall, 1301 Pennsylvania Ave., NW, #900 Washington, DC 20004	Reinsurance Assn of America		
Elliott S. Hall, 1350 I Street, NW, #1000 Washington, DC 20005	Ford Motor Co	7,500.00	1,454.90
John P. Hall Jr., 1350 Eye Street, NW, #810 Washington, DC 20005	Johnson & Johnson	510.00	
Joseph M. Hall, 2930 S. Buchanan Street, #A1 Arlington, VA 22230	Harris Corporation	1,475.00	1,693.23
Lawrie Platt Hall, 14901 South Orange Blossom Trail P.O. 2353 Orlando, FL 32801	Dart Industries, Inc	295.00	357.09
Mark A. Hall, 1001 North 19th Street, #800 Arlington, VA 22209	TRW, Inc		
Martin L. Hall, 5990 Richmond Highway, #1114 Alexandria, VA 22303	Concord Resources Group, Inc		
Robert M. Hall, 555 College Road, East Princeton, NJ 08543	American Re-Insurance Co		
Robert P. Hall, 325 7th Street, NW< #1000 Washington, DC 20004	National Retail Federation	5,000.00	422.39
Sarah E. Haller, 1615 L Street, NW, #320 Washington, DC 20036	Sandoz Corp		125.00
Paul Hallisay, 1625 Massachusetts Avenue, NW Washington, DC 20036	Air Line Pilots Assn	12,500.00	609.74
Jean Halloran, 101 Truman Avenue Yonkers, NY 10703	Consumers Union	10.00	
Ellice Halpern-Barnes, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	25.00	
Jim Halpert, 2000 M Street, NW, #400 Washington, DC 20036	People for the American Way Action Fund	7,200.00	
Halprin Temple & Goodman, 1100 New York Avenue, NW, #650 East Washington, DC 20005	Bell Atlantic	6,195.00	
Do	NYNEX	7,522.50	
Do	Yellow Pages Publishers Assn	885.00	
Paul T. Haluza, 1325 Pennsylvania Ave., NW, #600 Washington, DC 20004	Motor and Equipment Manufacturers Association	3,000.00	
Martha R. Hamby, 1212 New York Ave., NW, #500 Washington, DC 20005	American Insurance Assn		
Michael F. Hamerlik, 4510 13th Avenue, SW Fargo, ND 58121-0001	Blue Cross Blue Shield of North Dakota	1,987.20	3,215.26
Matthew W. Hamill, 1025 Connecticut Avenue, NW, #700 Washington, DC 20036	National Assn of Independent Colleges & Universities	6,308.58	
Palmer C. Hamilton, Miller Hamilton Snider & Odom P.O. Box 46 Mobile, AL 36601	Chase Manhattan Bank	20,833.34	2,601.00
Philip W. Hamilton, 1828 L St., NW, #906 Washington, DC 20036	American Soc of Mechanical Engineers		
Amy R. Hammer, 2001 Pennsylvania Ave., NW #300 Washington, DC 20006	Exxon Corporation	1,000.00	109.55
Thomas A. Hammer, 2100 Pennsylvania Ave, NW, #695 Washington, DC 20037	Sweetener Users Assn	12,165.00	7,889.49
Timothy M. Hammonds, 800 Connecticut Ave., NW Washington, DC 20006-2701	Food Marketing Institute	200.00	
Hammons & Hunter, 50 Penn Place, Suite 1300 Oklahoma City, OK 73118	Express Services, et al.		
Sam F. Hamra Jr., Two Corporate Centre, Suite 200 1949 East Sunshine Springfield, MO 65804	Morris, John L.	3,059.65	440.35
Mary Moore Hamrick, 1001 Pennsylvania Avenue, NW, #460(N) Washington, DC 20004-2505	New York Life Insurance Co	1,332.50	461.36
Nolan W. Hancock, 2722 Merrilee Drive, Suite 250 Fairfax, VA 22031	Oil Chemical & Atomic Workers International Union	8,004.38	
Hand Arendall Bedsole Greaves & Johnston, P.O. Box 123 Moblie, AL 36601	General Electric Co	926.25	
Do	Ingalls Shipbuilding		
Do	Northrop Grumman Corporation		
Cynthia Haney, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	25.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Rita H. Hankins, 1300 I Street, NW, Suite 400 Washington, DC 20005	NYNEX Government Affairs	8,800.00	2,513.12
P. S. Hannas, 919 18th Street, NW, #400 Washington, DC 20006	W. R. Grace & Co /World Headquarters	600.00	
Richard L. Hanneman, 700 North Fairfax Street, #600 Alexandria, VA 22314-2040	Salt Institute		
Dolly A. Hanrahan, 1710 Rhode Island Ave., NW Washington, DC 20036	Abbott Laboratories	5,000.00	
Michael K. Hansen, 101 Truman Avenue Yonkers, NY 10703	Consumers Union		
William D. Hansen, 1155 15th Street, NW Washington, DC 20005	Education Finance Council	3,675.00	
Julie E. Harbin, 1100 Wilson Blvd. Arlington, VA 22209	Hughes Aircraft Company	85.00	
Krysta Harden, 1000 Connecticut Ave., NW, Suite 1106 Washington, DC 20036	American Soybean Assn		
Do	Iowa Pork Producers Assn		
Do	National Sunflower Assn		
Do	U.S. Canola Assn		
Sandra K. Harding, 750 First Street, NE, #700 Washington, DC 20002-4241	National Assn of Social Workers	9,600.00	
Peter B. Harkins, S.K. Stern & Associates 9706 Spring Ridge Lane Vienna, VA 22182-1449	American Deposit Corp	125.00	21.90
Donna Akers Harman, 1875 Eye Street, NW, #540 Washington, DC 20006	Champion International Corp	2,238.00	470.29
Diane Harper, 1000 Wilson Blvd. Arlington, VA 22209	Grumman Corporation	1,400.00	561.27
Edwin L. Harper, 50 F Street, NW Washington, DC 20001	Association of American Railroads	22,125.00	151.21
Michael C. Harper, 2111 Wilson Blvd, Suite 1100 Arlington, VA 22201	Teledyne Ryan Aeronautical	399.00	409.00
Wiley C. Harrell Jr., 1776 Eye Street, NW, #200 Washington, DC 20006	Wiley C. Harrell, Jr.		
Eugene Harrington, 8100 Oak Street Lorton, VA 22027	National Pest Control Association		
Kathleen M. Harrington, 1501 M Street, NW, Suite 400 Washington, DC 20005	Aetna Life & Casualty	1,000.00	
Toni Harrington, 955 L'Enfant Plaza North, SW, #5300 Washington, DC 20024	Honda North America, Inc	800.00	41.45
A. J. Harris II, 1825 Eye Street, NW, #350 Washington, DC 20006	CIGNA Corp	7,000.00	374.35
James W. Harris, 900 19th Street, NW, #400 Washington, DC 20006	America's Community Bankers	5,500.00	550.00
Leslie Harris, 2000 M Street, NW, #400 Washington, DC 20036	People for the American Way Action Fund	12,250.01	
Marilyn A. Harris, 1101 Pennsylvania Avenue, NW, #510 Washington, DC 20004	USX Corporation	150.00	
Robert E. Harris, 1745 Jefferson Davis Hwy, Suite 1200 Arlington, VA 22202	Rockwell International Corp	1,500.00	
Harris & Ellsworth, 2600 Virginia Avenue, NW, #1113 The Watergate Washington, DC 20037	American Railway Car Institute		
Do	Association of Food Industries, Inc		
Do	Cheese Importers Assn of America, Inc		
Do	Coalition of Food Importers Assn		
Do	Committee of Domestic Steel Wire Rope & Specialty Cable Mfrs		
Jack E. Harrison, West Virginia Petroleum Council 1250 One Valley Square Charleston, WV 25301	American Petroleum Institute	700.00	1,696.13
Joseph M. Harrison, 1611 Duke Street Alexandria, VA 22314	American Movers Conference	10,000.00	
Laurie C. Harrison, 1801 K Street, NW, #800 Washington, DC 20006	Westinghouse Electric Corp	1,200.00	
L. Ray Harry, 1130 Connecticut Ave., NW, #830 Washington, DC 20036	Southern Company Services, Inc	1,260.00	4,806.32
Elizabeth Kirby Hart, 3050 K Street, NW, #330 Washington, DC 20007	National Club Assn	1,749.90	
Jayne A. Hart, 1350 Eye Street, NW, #590 Washington, DC 20005	College of American Pathologists	4,830.00	
Lynn S. Hart, 1111 19th St., NW, #402 Washington, DC 20036	Federation of American Health Systems	3,000.00	
Martha A. Hart, 700 North Fairfax Street Alexandria, VA 22314	Railway Progress Institute	2,807.25	
Hartford Fire Insurance Co, Hartford Plaza Hartford, CT 06115			58,540.00
Robert Hartwell, 1201 L Street, NW Washington, DC 20005	American Health Care Assn	15,000.00	1,641.35
Frederick J. Hartwigsen, 1500 Paxton Street P.O. Box 3565 Harrisburg, PA 17105	UGI Corporation		
Clifford J. Harvison, 2200 Mill Rd. Alexandria, VA 22314	National Tank Truck Carriers, Inc		150.00
Holly Hassett, 1401 Eye Street, NW, #710 Washington, DC 20005	Hershey Foods Corp		
James C. Hassett, 1747 Pennsylvania Ave., NW, Suite 300 Washington, DC 20006	Occidental Chemical Corp	231.00	85.00
Martin Hatlie, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	25.00	
James N. Haug, 55 E. Erie Street Chicago, IL 60611	American College of Surgeons		
Barbara S. Haugen, 1401 New York Ave., NW, #720 Washington, DC 20005	National Assn of Insurance Brokers, Inc		
Christina M. Hauptli, 1200 17th St.,NW Washington, DC 20036	National Restaurant Assn	1,500.00	990.00
Todd J. Hauptli, 4212 King Street Alexandria, VA 22302	American Assn of Airport Executives	4,700.00	
Arnold I. Havens, 1331 Pennsylvania Ave., NW, #560 South Washington, DC 20004	CSX Corporation	7,500.00	203.22
Charles W. Havens III, 1875 Connecticut Avenue, NW Washington, DC 20009	Leboeuf Lamb Leiby & MacRae		
Havens Group, Inc, 1200 G Street, NW, Suite 800 Washington, DC 20005	American Commercial Barge Line Co	6,900.00	
Do	Burlington Northern Railroad, Inc	3,000.00	
Do	CSX Corp	5,000.00	
Kathryn Joann Hawes, 8630 Fenton Street, #400 Silver Spring, MD 20910	International Fed of Professional & Technical Engineers		
Jennifer Hawk, 1722 Eye Street, NW, 4th Floor Washington, DC 20006	Barclays Bank, PLC	8,000.00	264.77
Sidney G. Hawkes, 1667 K St., NW, #420 Washington, DC 20006	Mead Corporation	1,200.00	
Charles E. Hawkins III, 1300 North 17th St. Rosslyn, VA 22209	Associated Builders & Contractors, Inc	2,500.00	
Daniel R. Hawkins Jr., 1330 New York Ave., NW, #122 Washington, DC 20036	National Assn of Community Health Centers	59.03	
Paula Hawkins, P.O. Box 193 Winter Park, FL 32790	Genentech, Inc	30,000.00	4,859.37
Do	Pharmaceutical Manufacturers Assn	21,000.00	51.49
Hawkins Delafield & Wood, 1015 15th Street NW Suite 930 Washington, DC 20005	City of Antonio	20,100.00	59.00
F. William Hawley, 1101 Pennsylvania Ave., NW, #1000 Washington, DC 20004	Citicorp/Citibank		
Hawthorn Group, LC, 1300 North 17th Street, Suite 1330 Arlington, VA 22209	American Personal Communications, Inc		
John F. Hay, 1801 K Street, NW, #800 Washington, DC 20006	Westinghouse Electric Corp	1,200.00	
Ludwick Hayden Jr., 1401 I Street, NW, Suite 1200 Washington, DC 20005	Chevron Companies	500.00	
David J. Hayes, 1001 Pennsylvania Ave., NW Washington, DC 20004	Latham & Watkins (For:American Automobile Manufacturers Assn)	5,026.50	52.90
Do	Latham & Watkins (For:Semiconductor Industry Assocation)	2,433.63	16.05
Robert G. Hayes, Bogle and Gates 1299 Pennsylvania Ave., NW, #875 East Washington, DC 20004	American Sportfishing Assn	475.00	
Do	Coastal Conservation Assn	475.00	
Do	Direct Service Industries, Inc	2,850.00	
Do	Hager Hinge Company	190.00	
Do	McPhillips Manufacturing Co	190.00	
Do	Natural Resources United	190.00	
Do	Pacific Northwest Utility Conference Committee	950.00	
Sherry D. Hayes, 227 Massachusetts Ave., NE, Suite 310 A Washington, DC 20002	InterHealth-Protestant Health Alliance	220.00	
Robert A. Haynos, 4711 Hunt Circle Harrisburg, PA 17112	Harsco Corporation	51,922.00	1,484.99
Hazel & Thomas, P.C., 3100 Fairview Park Drive, Suite 1400 Falls Church, VA 22042	International Disarmament Corp		
Paul Hazen, 1401 New York Ave., NW, #1100 Washington, DC 20005	National Cooperative Business Assn		
Maureen Healey, 1275 K Street, NW, Suite 400 Washington, DC 20005	Society of the Plastics Industry, Inc		
Healthcare Assn of New York State, 74 N. Pearl St. Albany, NY 12207		23,834.38	23,834.38
Healthcare Financial Management Assn, 1050 17th Street, NW, #700 Washington, DC 20036		9,877.53	
HealthPlus, Inc, 7601 Ora Glen Drive, Suite 200 Greenbelt, MD 20770		2,500.00	
Robert Healy Jr., 1201 New York Ave., NW Washington, DC 20005	American Public Transit Assn	10,730.00	29.00
Robert L. Healy, 601 Pennsylvania Ave., NW North Building, 4th Floor Washington, DC 20004	Atlantic Richfield Co		
Brian Keith Heard, 201 Massachusetts Ave., NE, #C-4 Washington, DC 20002	National Corn Growers Assn	6,000.00	
Do	National Cotton Council of America		
David E. Hebert, 777 N. Capitol St., NE, #803 Washington, DC 20002	American Assn of Nurse Anesthetists	5,000.00	159.41
Timothy P. Hecht, 499 South Capitol Street, SW, #507 Washington, DC 20003	Boy Scouts of America		
Do	Hecht Spencer & Associates (For:Brown & Williamson Tobacco Corp)		
Do	Hecht Spencer & Associates (For:Mid-American Waste Systems, Inc)		
Do	Hecht Spencer & Associates (For:MCI Telecommunications)		
Do	Hecht Spencer & Associates (For:National Automatic Merchandising Assn)		
William H. Hecht, 499 S. Capitol Street, SW, #507 Washington, DC 20003	Hecht Spencer & Associates, Inc (For:Boy Scouts of America)		
Do	Hecht Spencer & Associates, Inc (For:Brown & Williamson Tobacco Corp)		
Do	Hecht Spencer & Associates, Inc (For:Los Angeles Raiders)		
Do	Hecht Spencer & Associates (For:Mars, Inc)		
Do	Hecht Spencer & Associates (For:Mid-American Waste Systems, Inc)	1,000.00	
Do	Hecht Spencer & Associates (For:MCI Telecommunications)		
Do	Hecht Spencer & Associates (For:National Automatic Merchandising Assn)		
Do	Hecht Spencer & Associates (For:Charles E. Smith Management, Inc)		
Do	Hecht Spencer & Associates (For:Taiwanese Reichsbanknote Creditors Association (TRC)).		
Hecht Spencer & Associates, Inc, 499 South Capitol Street, SW, #507 Washington, DC 20003	Boy Scouts of America	1,000.00	
Do	Brown & Williamson Tobacco Corp	2,500.00	
Do	Los Angeles Raiders		
Do	Mid-America Waste Systems, Inc	1,000.00	
Do	MCI Telecommmunications	1,000.00	
Do	National Automatic Merchandising Assn		
Do	Taiwanese Reichsbanknote Creditors Assn		
Jay Hedlund, 2030 M St., NW Washington, DC 20036	Common Cause	16,467.00	
Barbara D. Heffernan, 1776 I Street, NW, #200 Washington, DC 20006	Anheuser-Busch Companies, Inc		
Claire Heffernan, 1401 H Street, NW, #900 Washington, DC 20005	American Automobile Manufacturers Assn	8,948.71	125.06

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Edward D. Heffernan, One Massachusetts Avenue, NW, #840 Washington, DC 20001	American Cast Iron Pipe Company	1,000.00	
Do	CSX Corporation	2,500.00	
Do	DePaul University	3,000.00	
Do	Regional Transportation Authority	4,000.00	
Do	Renewable Fuel Assn	1,500.00	
Scott E. Heisel, 735 N. Water Street, #908 Milwaukee, WI 53202-4105	American Malting Barley Assn, Inc	1,042.00	
Heller Ehrman White & McAuliffe, 701 Fifth Avenue, #6100 Seattle, WA 98104	Chugach Electric Assn, Inc	284.63	14.63
Do	Direct Service Industries		
Robert W. Helm, 1000 Wilson Boulevard, #2300 Arlington, VA 22209	Northrop Grumman Corporation	3,000.00	212.00
Thomas M. Helscher, 700 14th Street, NW, #1100 Washington, DC 20005	Monsanto Co		
Donald E. Henderson, 225 South East Street Indianapolis, IN 46202	Indiana Farm Bureau, Inc	6,000.00	2,791.36
Rebecca Poe Henderson, P.O. Box 2450 Clarksburg, WV 26302-2450	CNG Transmission Corp	3,000.00	225.99
Wallace Henderson, 1250 Connecticut Avenue, NW, 2nd Floor Washington, DC 20036	Cellular Telecommunications Industry Assn		417.53
Gail L. Hendrickson, 701 Pennsylvania Ave., NW, Washington, DC 20004	Electric Transportation Coalition	147.00	50.00
Dennis A. Henigan, 1225 Eye Street, NW Washington, DC 20005	Handgun Control, Inc		
Jane E. Henriques, 1801 K Street, NW, #900 Washington, DC 20006	American Textile Manufacturers Institute, Inc	596.00	45.00
George H. Henry, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn	507.00	
John Hugh Henry, 1525 Wilson Blvd., #100 Arlington, VA 22209	McDermott, Inc	15,000.00	1,996.81
LeAnn Hensche, 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004	RJR Nabisco, Inc	1,585.00	113.68
Kevin S. Hensley, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America	3,000.00	500.00
Charlotte W. Herbert, 1300 North 17th St. Rosslyn, VA 22209	Associated Builders & Contractors, Inc	2,500.00	
Herbolsheimer Lannon Henson Duncan & Reagan, PC, 733 15th Street, NW, Suite 1120 Washington, DC 20005	Bowling Proprietors' Assn of America		
Do	Village of Orland Park, Illinois		
Angela D. Herman, 1130 Connecticut Ave., NW, Suite 1000 Washington, DC 20036	American Insurance Assn		
William Hermelin, 2215 Constitution Ave, NW Washington, DC 20037	American Pharmaceutical Assn	1,000.00	627.56
Wendy Herr, 1050 17th Street, NW, #700 Washington, DC 20036	Healthcare Financial Management Assn		4,000.00
Owen E. Herrnstadt, 9000 Machinists Place Upper Marlboro, MD 20772	International Assn of Machinists & Aerospace Workers	18,288.01	
John A. Heslip, 2302 Horse Pen Road Herndon, VA 22071	National Concrete Masonry Assn		7,076.00
David S. Hess, 3900 University Boulevard South Jacksonville, FL 32216	Citizens and Business for D'Oench Duhme Reform		3,536.86
Clare Hessler, 1325 G Street, NW, Suite 1000 Washington, DC 20005	Institute of Scrap Recycling Industries, Inc	3,330.00	145.49
Heublein, Inc, 16 Munson Road Farmington, CT 06034-0388		17,250.00	3,170.49
John Drew Hiatt, 1200 18th Street, NW, #500 Washington, DC 20036	National Business Owners Assn, Inc	17,413.88	10,196.24
Sydney T. Hickey, 6401 Phillip Court Springfield, VA 22152	National Military Family Assn, Inc	1,800.00	
Paul T. Hicks, Rhode Island Petroleum Assn 365 Smith Street, #2 Providence, RI 02908	American Petroleum Institute	600.00	
Barbara L. Hiden, 1101 16th Street, NW Washington, DC 20036	National Soft Drink Assn	52.88	10.00
Hans G. Hiemstra, 1101 17th Street, NW, #300 Washington, DC 20036	Cosmetic Toiletry & Fragrance Assn	500.00	25.00
J. Thomas Higginbotham, 1455 Pennsylvania Ave., NW Washington, DC 20004	American Institute of Certified Public Accountants		16,950.00
John S. Hightower, 5700 Florida Blvd., #310 Baton Rouge, LA 70806	Louisiana-Pacific Corp	7,125.00	1,267.00
Michael R. Hightower, P.O. Box 1798 Jacksonville, FL 32231	Blue Cross & Blue Shield of Florida, Inc		
Lucy A. Higley, 180 South Clinton Avenue Rochester, NY 14646-0700	Frontier Corporation	5,355.00	1,274.39
Sarah M. Hildebrand, 1111 19th Street, NW Washington, DC 20036	American Forest & Paper Assn	2,400.00	
Clifton T. Hilderley Jr., 601 Pennsylvania Ave., NW North Building, Suite 540 Washington, DC 20004	Ashland Oil, Inc	2,000.00	
John Hildreth, 1300 Guadalupe, #100 Austin, TX 78701	Consumers Union of U.S., Inc		
Catherine J. Hill, 1640 Wisconsin Ave., NW, First Floor Washington, DC 20007	American College of Surgeons		
J. Eldred Hill III, 1331 Pennsylvania Avenue, NW 1500 North Tower Washington, DC 20004-1703	UBA, Inc		
Margaret A. Hill, Winston & Strawn 1400 L Street, NW Washington, DC 20005	Hoover Group		
Do	Nalco Chemical Co		
Do	Sonoco Products Co	55,946.25	1,822.13
Robert B. Hill, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	750.00	146.00
Thomas M. Hill, 1726 M Street, NW, #1100 Washington, DC 20036-4502	Pacific Gas & Electric Co	2,419.50	
Willard I. Hill Jr., 1501 M Street, NW, Suite 400 Washington, DC 20005	Aetna Life & Casualty	1,000.00	
Hill and Knowlton, Inc, 901 31st Street, NW Washington, DC 20007	Association of International Automoblie Manufacturers		
Do	Bell Atlantic Mobile	3,025.00	
Do	Blue Cross Blue Shield of Florida		
Do	Boeing Company		
Do	Broward County		
Do	COBE Laboratories, Inc		
Do	Fujisawa/Lyphomed		
Do	Great Lakes Museum of Science Environment and Technology	750.00	
Do	Los Angeles Airport		
Do	Louisiana Pacific		
Do	McAndrews & Forbes Holding, Inc		
Do	Mescalero Apache Tribe		
Do	Monsanto Co		
Do	Motorola, Inc	11,800.00	
Do	N-Viro International Corp		
Do	Northrop Grumman		
Do	Oralcie Corp	1,100.00	
Do	Phillips Petroleum Company		
Do	Port of Cleveland	3,690.00	
Do	Port Everglades		
Do	Sallie Mae		
Do	SanPellegrino		
Do	Synergics, Inc		
Do	Tera Computer Company		
Do	Ticketmaster		
Do	Union Pacific		
Gail Hillebrand, 1535 Mission Street San Francisco, CA 94103	Consumers Union		
Edward Joseph Hillings, 750 17th Street, NW, 4th Fl Washington, DC 20006	Enron Corp	7,500.00	
John L. Hills, Rt. 1, Box 645 Purcellville, VA 22132	Greater Rockford Airport Authority	4,800.00	393.00
Cynthia Hilton, 430 First Street, SE Washington, DC 20003	National Solid Wastes Management Assn		
John M. Himmelberg, 2100 Pennsylvania Ave., NW, #400 Washington, DC 20037	Florida Fruit & Vegetable Assn	1,200.00	
Do	Holland & Knight (For:Florida Tomato Exchange)	1,500.00	
Do	J.R. Brooks & Son, Inc	500.00	
Grace L. Hinchman, 1401 H Street, NW, Suite 950 Washington, DC 20005	Digital Equipment Corp	28,000.00	
Richard T. Hines Consulting, Inc, 733 15th Street, NW, #700 Washington, DC 20005	Health Policy & Strategy (for Pan American)	5,000.00	2,036.55
Do	Health Policy & Strategy (for Washington National)	7,500.00	3,072.69
Do	Health Policy & Strategy (for Wausau Insurance Co)	2,500.00	1,000.42
Do	Health Policy & Strategy (Northwestern National Life)	5,000.00	2,036.55
Do	Pioneer Financial Services, Inc	15,000.00	6,145.40
Anne Hingeley, 888 16th Street, NW Washington, DC 20006	Bannerman & Associates, Inc (For:Embassy of El Salvador)	100.00	
Do	Bannerman & Associates, Inc (For:Government of the United Arab Emirates)	100.00	
Do	Bannerman & Associates, Inc (For:Government of Egypt)	1,000.00	
Do	Bannerman & Associates (For:L.A. Motley & Co (for: Government of the Philippines)).	150.00	
Do	Bannerman & Associates, Inc (For:Lebanese American University)	100.00	
Hinman Straub Pigors & Manning, P.C., 50 E Street, SE Washington, DC 20003	New York State Conference of Blue Cross & Blue Shield Plans	6,315.00	198.83
Mike Hirshfield, 1725 DeSales Street, NW, #500 Washington, DC 20036	Center for Marine Conservation	41.73	
Sheila E. Hixson, 4301 Connecticut Avenue, NW, #300 Washington, DC 20008	National Solid Wastes Management Assn (NSWMA)	500.00	
Lawrence S. Hobart, 2301 M St., NW, #300 Washington, DC 20037	American Public Power Assn	1,000.00	
Hobbs Straus Dean & Wilder, 1819 H St., NW, #800 Washington, DC 20006	Alamo Navajo School Board		
Do	Association of Navajo Community-Controlled School Boards		
Do	Black Mesa Community School Board		
Do	Pinon Community School Board		
Do	Ramah Navajo School Board		
Do	Rock Point Community School Board		
Do	Rough Rock School Board		
Do	Shiprock Alternative Schools, Inc		
Julius W. Hobson Jr., 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	3,750.00	317.37
James H. Hodges, 1700 N. Moore St., #1600 Arlington, VA 22209	American Meat Institute	12,750.00	
A.R. 'Trey' Hodgkins III, 1801 K Street, NW, #900 Washington, DC 20006	American Textile Manufacturers Institute	181.00	31.00
Do	National Rifle Assn of America	1,137.03	54.06
Greg Hodur, 50 F Street, NW, Suite 1100 Washington, DC 20001	American Hospital Assn		
Jeanne E. Hoenicke, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Elise Hoerath, 1400 16th Street, NW Washington, DC 20036	National Wildlife Federation		
John W. Hoey, 4301 Connecticut Ave., NW, #300 Washington, DC 20008	Environmental Industry Assns (For:National Solid Wastes Management Assn)	500.00	
Glen D. Hofer & Associates, 1000 16th Street, NW, #702 Washington, DC 20036	Froedtert Malt Corp	3,000.00	1,741.81
Do	National Barley Growers Assn	15,000.00	6,967.23
J. Stanley Hoffert, P.O. Box 8017 Wausau, WI 54402-8017	Employers Insurance of Wausau	22,734.00	33,258.00
Ann F. Hoffman, 815 16th Street, NW, Suite 103 Washington, DC 20006	International Ladies' Garment Workers' Union	13,325.00	713.20
Jerry S. Hoffman, 74 N. Pearl Street Albany, NY 12207	Healthcare Assn of NYS	466.60	510.00
William L. Hoffman, 516 First Street, SE Washington, DC 20003	American University of Beirut	15,000.00	6,261.60
F. Nordy Hoffmann and Assoc, Inc, 400 N. Capitol St., NW, #327 Washington, DC 20001	American Radio Assn		
Do	Archer Daniels Midland Company		
Do	Coca-Cola Company		
Do	Marine Engineers' Beneficial Assn		
John B. Hofmann, 1311 I Street, Suite 100 Sacramento, CA 95814	California Forestry Assn	5,000.00	7,326.75
Judith L. Hofmann, 919 18th Street, NW, #400 Washington, DC 20006	W. R. Grace & Co		234.00
Elizabeth Hogan, 1801 Pennsylvania Ave., NW Washington, DC 20006	MCI Communications Corp	1,000.00	
Gerald Hogan, 655 15th Street, NW, #220 Washington, DC 20005	ALLTEL Corporation		5,000.00
J. Michael Hogan, 1201 L Street, NW Washington, DC 20005	American Health Care Assn	12,500.00	296.45
Hogan & Hartson, 555 13th St., NW Washington, DC 20004-1109	Advanced Government Strategies, L.L.C.		199.95
Do	Advanced Tissues Sciences		26.19
Do	American Coke & Coal Chemicals Institute		
Do	American Frozen Food Institute		
Do	American Insurance Assn		
Do	American Lawyer Media		
Do	American Peanut Shellers Assn	31,413.75	861.79
Do	American Registry of Pathology	8,455.00	59.22
Do	American Society for Bone & Mineral Research	6,583.26	499.61
Do	Amgen, Inc	1,885.00	21.00
Do	Attorneys' Liability Assurance Society, Inc		
Do	Auburn University	10,000.00	1,626.99
Do	Avions de Transport Regional, Groupement d'Interet Economiqu		87.74
Do	Berg Steel Pipe Corp	2,290.00	47.40
Do	Blue Cross & Blue Shield Assn	7,240.95	19.73
Do	Board of Education of the City of New York		
Do	Bristol-Myers Squibb Company	165.00	
Do	Brother International Corp	5,000.00	770.87
Do	Burger King Corp	8,008.70	87.43
Do	BE&K Construction	153.12	
Do	C C Distributors, Inc, et al.		
Do	California State Teachers' Retirement System	4,721.25	
Do	Centocor, Inc	19,025.00	1,901.33
Do	Chickasaw Nation		
Do	Direct Selling Association		
Do	Drummond Company, Inc	12,680.62	897.62
Do	DryCleaners Environmental Legislative Fund		
Do	Farm Credit Bank of Texas	19,727.00	2,305.00
Do	Flight Products, Inc		
Do	Freightliner Corp		
Do	Genentech, Inc		
Do	General Electric Co	277.50	94.43
Do	Glaxo, Inc	910.00	
Do	Golden Peanut Co	6,312.50	83.13
Do	Government of Haiti	85,470.00	11,554.36
Do	Government of Ontario, Ministry of Economic Develop & Trade		
Do	Grand Metropolitan	7,845.16	439.56
Do	Grocery Manufacturers of America, Inc		
Do	Group Hospitalization and Medical Services, Inc	14,952.00	679.65
Do	Harbert Corp		
Do	Hardie-Tynes Mfg Company	2,367.00	88.22
Do	Humane Society of the U.S.	1,184.00	16.48
Do	International Assn of Amusement Parks & Attractions		
Do	International Hydrolyzed Protein Council	9,830.00	1.20
Do	May Department Stores Co	2,100.00	56.23
Do	Medtronic, Inc		
Do	Mercedes-Benz of North America, Inc		
Do	Michelin Tire Company	28,182.50	461.76
Do	Michigan Consolidated Gas Co	16,301.25	580.79
Do	Milton S. Eisenhower Foundation	600.00	
Do	Molloy College	1,540.00	
Do	Monsanto Co	1,100.00	798.65
Do	Mortgage Insurance Companies of America	12,000.00	238.18
Do	National Apparel	682.50	108.84
Do	National Assn of Community Health Centers	4,973.40	81.38
Do	National Broiler Council		
Do	National Child Care Assn	6,000.00	354.21
Do	National Consumer Bankruptcy Coalition	31,242.38	
Do	National Hospice Organization	131.75	
Do	National Osteoporosis Foundation	12,498.01	624.50
Do	National Structured Settlements Trade Assn		
Do	New England Brown Egg Council	3,000.00	215.75
Do	New York Assn of Homes & Services for the Aging		
Do	New York State Health Facilities Assn, Inc		
Do	Nuexco Trading Corp, et al.		
Do	Ostegenesis Imperfecta Foundation	1,247.98	62.46
Do	Paget Foundation	2,494.99	62.44
Do	PepsiCo, Inc	3,293.75	681.32
Do	Pizza Hut, Inc		
Do	Polyisocyanierate Insulation Manufacturers Assn (PIMA)	5,878.87	268.72
Do	Private Child Care Providers	11,999.99	1,576.12
Do	Product Liability Coordination Committee	12,000.00	796.83
Do	Rust Engineering	22,036.25	847.15
Do	Serono Laboratories	5,000.00	191.30
Do	Sierra Forest Products		
Do	Simrad, Inc	4,140.00	403.95
Do	Soap & Detergent Assn	4,995.00	1,902.20
Do	Southern Company Services	15,000.00	1,598.81
Do	Storage Technology Corp		
Do	Taco Bell Corp	17,838.50	2,231.95
Do	Texas Heart Institute		22.36
Do	Timex Corporation		
Do	Toyota Motor Sales, USA, Inc	1,950.00	90.00
Do	U.S. Sugar Corp	6,000.00	1,372.00
Do	University of Pittsburgh Medical Center		
Do	Virginia Ready-Mixed Concrete Assn		
Do	Visiting Nurse Service of New York	1,747.99	
Do	Vulcan Materials Company	26,210.00	4,192.89
Do	Jim Walter Corp	9,500.00	2,022.04
Do	Williams Telecommunications	11,671.25	57.69
Do	Zeigler Coal Sales Co	4,245.00	1,423.50
Susan R. Hogg, 1331 Pennsylvania Ave, NW, Suite 1500 N Washington, DC 20004-1703	National Assn of Manufacturers		
Richard F. Hohlt, 209 Princess Street Alexandria, VA 22314	Dime Savings Bank of New York	2,500.00	43.10
Do	Home Savings of America	3,000.00	78.50
Do	NAC International	1,000.00	
Do	Pacific Telesis Group	2,500.00	39.40
Do	Stuzin & Camner, P.A.	2,000.00	28.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Bruce E. Holbein, 111 Powdermill Rd. (b79) Maynard, MA 01754	Digital Equipment Corp	28,000.00	
Niels C. Holch, 400 North Capitol Street, NW, #585 Washington, DC 20001	McGuiness & Holch (For:Arch Mineral Corporation)		
Do	McGuiness & Holch (For:AT&T)		
Do	McGuiness & Holch (For:National Assn of Dental Plans)		
Do	McGuiness & Holch (For:National Assn of Health Underwriters)		
Do	McGuiness & Holch (For:National Horse Show Commission)		
Do	McGuiness & Holch (For:Oneida Indian Nation)		
Do	McGuiness & Holch (For:RJR Nabisco)		
Robert A. Holland, 1020 19th Street, NW, #420 Washington, DC 20036	SmithKline Beecham Corp (Beecham, Inc)	400.00	500.00
Holland & Hart, 1001 Pennsylvania Ave., NW, #310 Washington, DC 20004	Altamont Gas Transmission Co	800.00	
Do	American Plastics Council	1,000.00	
Do	Association of Oil Pipe Lines		
Do	Battle Mountain Gold Co	500.00	
Do	Citgo Petroleum Corp	2,200.00	
Do	Conservation Fund		
Do	FMC Corp		
Do	Precious Metals Producers Group	1,500.00	
Do	U.S. Borax	1,000.00	
Holland & Knight, 2100 Pennsylvania Avenue, NW, #400 Washington, DC 20037	Community Service Society of New York		
Do	Detroit Water & Sewerage Dept, Contracs & Grants Div		
Do	Homestead Community Bank		
Do	Manatee County Public Works Department		
Do	National Peach Council	300.00	
Do	National Railroad Passenger Corp (Amtrak)	2,557.00	
Do	Pan American Satellite Corp		
Do	Peace River/Manasota Regional Water Supply Authority		
Do	South Tahoe Public Utility District		
Do	Southwest Florida Water Management District		
Do	Spaceport Florida Authority		
Do	Viatical Assn of America	3,087.00	
Do	VITAS HealthCare Corp of Florida		
Do	West Coast Regional Water Supply Authority		
Jessica J. Holliday, 805 15th Street, NW, #330 Washington, DC 20005	Air Products & Chemicals, Inc	12,500.00	
Kimo S. Hollingsworth, 1608 K Street, NW Washington, DC 20005	American Legion	9,609.00	98.90
Patricia L. Hollis, 1225 Eye Street, NW, #1250 Washington, DC 20005	American Dietetic Assn	1,000.00	
Holly Corporation, 100 Crescent Court, #1600 Dallas, TX 75201			
Moses D. Holmes Jr., 1201 16th St., NW Washington, DC 20036	National Education Assn	4,217.25	228.00
John W. Holt, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
John F. Holtz, NJ Petroleum Council 150 West State Street Trenton, NJ 08608	American Petroleum Institute	540.00	495.87
Home Recording Rights Coalition, P.O. Box 33576 1145 19th Street, NW Washington, DC 20033		16,700.00	16,430.40
Rebecca Honeycutt, 1250 Eye Street, NW, Suite 900 Washington, DC 20005	Distilled Spirits Council of the U.S.	2,000.00	
Hooper Hooper Owen & Gould, 801 Pennsylvania Ave., NW, #730 Washington, DC 20004	Ad Hoc Bankruptcy Coalition		
Do	Affordable Housing Preservation Tax Policy Group	3,000.00	
Do	Borden Chemicals & Plastics, Inc	1,500.00	
Do	Bramalea Limited	3,750.00	
Do	City of San Francisco (Water & Power Div)	4,500.00	
Do	Colonial Penn Life	600.00	
Do	Combustion Engineering, Inc	10,500.00	
Do	CSX/Yukon Pacific Corp	1,800.00	
Do	Destec Energy, Inc		
Do	Entergy Corp		
Do	ENSERCH Corp	600.00	
Do	Fluor Corp	3,750.00	
Do	Goldstrike Mine	27,000.00	
Do	Hallmark Cards	750.00	
Do	Hillman Company	2,500.00	
Do	Horsham Corporation	2,250.00	
Do	Hubbell, Inc	2,100.00	
Do	International Paper Co		
Do	IFINT, S.A.	1,000.00	
Do	John Hancock Mutual Life Ins Co	7,500.00	
Do	Kansas City Southern Industries	6,000.00	
Do	A.T. Massey Coal Co	10,000.00	
Do	Mobil Corp	4,000.00	
Do	National Rural Letter Carriers' Assn		
Do	NorAm Energy Corp.	1,250.00	
Do	Panhandle Eastern Corp	7,400.00	
Do	Pennsylvania Engineering Co		
Do	Phillip Morris Management Corp		
Do	Phlcorp	3,000.00	
Do	Science Applications Intern Corp	4,500.00	
Do	Shell Oil CO		
Do	Systems Control		
Do	Trammell Crow Co		
Do	TECO Energy, Inc		
Do	Ultramar, Inc	1,800.00	
Do	Utilicorp United, Inc	4,000.00	
Do	WMX Technology & Services		
Edward Hopkins, 1120 19th Street, NW, Suite 630 Washington, DC 20036	Citizen Action Fund	3,000.00	56.00
Mark D. Hopkins, 1401 Eye Street, NW, Suite 1200 Washington, DC 20005	Chevron Companies	500.00	40.00
Stephen A. Hopkins, 1101 Pennsylvania Ave., NW, #1000 Washington, DC 20004	Citicorp Washington, Inc	3,000.00	
Virginia E. Hopkins, 1302 Noble Street, #3H Anniston, AL 36201	Campbell & Hopkins (For:Wald Manufacturing Company, Inc)		
Hopkins & Sutter (Washington), 888 16th Street, NW Washington, DC 20006	Grand Trunk Corp	953.12	5.00
Do	Puerto Rico Bankers Assn		
Do	Puerto Rico Chamber of Commerce		
Do	Puerto Rico Manufacturers Assn		
Do	Tandy Corporation		
Jeffrey S. Hops, 666 11th Street, NW, #806 Washington, DC 20001	Alliance for Community Media		
Darnell K. Horio, 801 Pennsylvania Ave., NW, #310 Washington, DC 20004	GPU Service Corporation	12,171.00	551.66
John R. Horner, 8524 Bradford Rd. Silver Spring, MD 20901	Campbell-Raupe, Inc (for: NMTBA-Assn for Mfgr Technology)		
Douglass C. Horstman, 1310 G Street NW, #720 Washington,D.C.	Maytag Co	579.00	10.00
William K. Hoskins, 9300 Ward Parkway Kansas City, MO 64114	Marion Merrell Dow, Inc	1,600.00	1,093.00
Charles H. Hossack, 50 South First Avenue Coatesville, PA 19320	Lukens, Inc	903.71	740.28
Peggy A. Houlihan, 1100 Connecticut Ave., NW Suite 910 Washington, DC 20036	Coalition for Employment through Exports		
Household Financial Group, Ltd, 1000 Connecticut Ave., NW, Suite 507 Washington, DC 20036	Household International, Inc		
M'liss Solove Houston, MSH Consulting 5507 Ferndale Street Springfield, VA 22151	Armour Pharmaceutical Co	33,000.00	15,998.35
John H. F. Hoving, 1762 Church Street, NW Washington, DC 20036	Society of American Value Engineers		
Hoving Group, 1762 Church Street, NW Washington, DC 20036	American Film Marketing Assn	750.00	
Do	Eagle-Picher Industries, Inc	17,600.00	
Do	Western-Southern Life Insurance Co	750.00	150.00
James Daniel Howard, 8201 Greensboro Drive, Suite 1100 McLean, VA 22102	Unisys Government Systems Group		
Robert M. Howard, 1350 I Street, NW, #1000 Washington, DC 20005	Ford Motor Co	2,710.07	2,183.23
Roger W. Howard, 3253 E. Chestnut Expressway Springfield, MO 65802	Burlington Northern Railroad Co		
Susan Howe, 1300 North 17th Street Rosslyn, VA 22209	Associated Builders & Contractors, Inc	2,500.00	
Howe Anderson & Steyer, 1747 Pennsylvania Ave., NW, #1050 Washington, DC 20006	Association of Bituminous Contractors		
Do	Industrial Diamond Assn		
Do	National Assn of Bankruptcy Trustees	4,410.00	4,410.00
Earnest E. Howell, 4647 Forbes Blvd Lanham, MD 20706	AMVETS	6,800.00	
Jackie G. Howell, 2030 M Street, NW Washington, DC 20036	Common Cause	5,328.51	
James P. Howell, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives	2,050.00	
Mary Lynch Howell, 1101 Pennsylvania Avenue, NW, #400 Washington, DC 20004	Textron, Inc	1,500.00	280.00
Ronnie Allen Howell, 1620 Eye Street, NW, #700 Washington, DC 20006	International Paper	2,500.00	354.00
Jacqueline Howells, 332 Constitution Ave., NE Washington, DC 20002	Marcus G. Faust, PC (For:Capitol Consulting & Management, Inc)	1,785.71	
Do	Marcus G. Faust, PC (For:Clark County Nevada)	1,785.71	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Marcus G. Faust, PC (For:Clark County-McCarran International Airport)	1,785.71	
Do	Marcus G. Faust, PC (For:Las Vegas Valley Water District)	1,785.71	
Do	Marcus G. Faust, P.C.	1,785.71	
Do	Marcus G. Faust, PC (For:Public Service Co of New Mexico)	1,785.71	
Do	Marcus G. Faust, PC (For:Sierra Pacific Power Co)	1,785.71	
Do	Marcus G. Faust, PC (For:State of Montana, Dept of Natural Resources & Conservation).	1,785.71	
Lorraine Howerton, 1301 Pennsylvania Ave., NW, Suite 1100 Washington, DC 20004-1707	Air Transport Assn	4,475.91	
Susan Howland, 20 Black Oak Mews Newtown, PA 18940	Susan Howland & Associates		
Howrey & Simon, 1299 Pennsylvania Avenue, NW, Washington, DC 20004	Hughes Aircraft Co		
Do	Litton Industries, Inc		
Do	Rockwell International Corp		
Paul R. Huard, 1331 Pennsylvania Avenue, NW, #1500N Washington, DC 20004-1703	National Assn of Manufacturers	30,000.00	
David S. Hubbard, 1212 New York Avenue, NW, #520 Washington, DC 20005	American Portland Cement Alliance	7,850.00	380.49
M. Ward Hubbell, 1101 Pennsylvania Ave., NW, #200 Washington, DC 20004	International Paper	15,000.00	1,140.90
John J. Huber, 1901 Fort Meyer Drive, Suite 1200 Arlington, VA 22209	Petroleum Marketers Assn of America		
Henry A. Hubschman, 1 Neumann Way, Mail Drop J104 Cincinnati, OH 45215	General Electric Co	500.00	
Walter D. Huddleston, P.O. Box 456 Elizabethtown, KY 42702	Brown & Williamson Tobacco Co	36,000.00	
Do	MCI Telecommunications		
J. Michael Hudson, 112 S. West Street Alexandria, VA 22314	Strategic Management Systems, Inc (For:Blood Systems, Inc)	10,000.00	
Do	Strategic Management Associates, Inc (For:Greater New York Hospital Assn)		
Margaret Renken Hudson, 1212 New York Avenue, NW, Suite 500 Washington, DC 20005	American Portland Cement Alliance	12,625.00	773.23
Stewart Hudson, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation		
Thomas H. Hudson, P.O. Box 2787 Baton Rouge, LA 70821	Coastal Corporation		
Do	Louisiana State University		
Do	Molten Metal Technology, Inc		
Do	Philip Morris, USA		
Do	United Gas Pipe Line Co		
David G. Huey, 5566 Southwyck Blvd Toledo, OH 43614	Blade Communications, Inc	161.00	918.00
Gary E. Hughes, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
Gerald F. Hughes, 1600 Wilson Blvd, Suite 807 Arlington, VA 22209	Roadway Services, Inc	100.00	250.00
Kevin M. Hughes, 200 Second Avenue North Seattle, WA 98109	Pacific Science Center	1,890.00	1,068.06
Patrick J. Hughes, 555 College Road Princeton, NJ 08543	American Re-Insurance Co		
Vester T. Hughes Jr., 1717 Main Street, Suite 2800 Dallas, TX 75201	Holly Corp		
William Hughes, 27357 Avonbourne Lane Easton, MD 21601-7655	National Assn of Federal Veterinarians	27.75	
Hughes & Luce, L.L.P., 1717 Main Street, #2800 Dallas, TX 75201	Sammons Enterprises, Inc	19,430.00	21,186.15
Brenda J. Hull, 1001 - 19th Street, North, Suite 800 Arlington, VA 22209	TRW, Inc	318.18	129.83
William Thomas Humber, 901 N. Washington STreet, Suite 400 Alexandria, VA 22314	National Smokers Alliance		
Cliff Humphrey, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	1,266.00	
Gregory A. Humphrey, 555 New Jersey Ave., NW Washington, DC 20001	American Fed of Teachers	27,486.36	56.00
Margot Smiley Humphrey, 1150 Connecticut Avenue, NW, 10th Floor Washington, DC 20036	Koteen & Naftalin (For:Alascom, Inc)		
Do	Koteen & Naftalin (For:Telephone & Data Systems, Inc, et al.)	540.00	81.00
Frances A. Hunt, 900 17th Street, NW Washington, DC 20006	National Wildlife Federation		
Francis M. Hunt, 3804 Inverness Drive Chevy Chase, MD 20815-6724	Hunt Consulting, Inc	1,000.00	1,400.00
Harriet Hunt-Burgess, 456 Montgomery Street #1800 San Francisco, CA 94104	American Land Conservancy	76.62	
William N. Hunter, 2104-A Gallows Road Vienna, VA 22180	W.N. Hunter & Associates	2,000.00	
W.N. Hunter & Associates, 2104-A Gallows Road Vienna, VA 22180			2,000.00
Hunton & Williams, 2000 Pennsylvania Ave., NW, #9000 Washington, DC 20006	Ad Hoc Regulatory Reform Group	14,726.97	3,258.97
Do	Edison Electric Institute	9,346.25	1,599.54
Do	Long Island Lighting Co	1,000.00	
Robert Hurley, 601 13th Street, NW, #610 South Washington, DC 20005	Wall & Associates, R. Duffy	1,250.00	
John A. Hurson, 1201 Connecticut Ave., NW, Suite 300 Washington, DC 20036	Bailey & Robinson (For:Blue Cross of Western Pennsylvania)		
Do	Bailey & Robinson (For:Smart Corp)		
Cathy Hurwit, 1120 19th Street, NW Suite 630 Washington, DC 20036	Citizen Action Fund	5,500.00	180.00
Geoffrey B. Hurwitz, 1667 K St., NW, #210 Washington, DC 20006	Rohm & Haas Co	2,300.00	395.86
Brian Huse, P.O. Box 1289 Oakland, CA 94604-1289	National Parks & Conservation Assn	450.00	19.00
Michael Hussey, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	2,500.00	1,774.16
Philip A. Hutchinson, 1001 N. 19th Street, #1200 Arlington, VA 22209	Association of International Automobile Manufacturers, Inc		
Suzanne C. Hutchinson, 727 15th Street, NW, 12th Floor Washington, DC 20005	Mortgage Insurance Companies of America	13,750.00	330.51
Randy Huwa, 2030 M St., NW Washington, DC 20036	Common Cause	13,221.95	
Edward Huylebroeck Jr., 125 N. West Street Alexandria, VA 22314-2754	Fleet Reserve Assn		
Steven M. Hyjek, 2100 Pennsylvania Ave., NW, #560 Washington, DC 20037	British Aerospace	1,500.00	
Do	Hyjek & Fix, Inc (For:Canadair Challenger, Inc)	1,500.00	
Do	Hyjek & Fix, Inc (For:Learjet, Inc)	300.00	1,454.63
Do	Hyjek & Fix, Inc (For:Short Brothers (USA), Inc)	750.00	1,768.65
Do	Hyjek & Fix, Inc (For:Thompson Defence Projects)	2,125.00	
Do	Hyjek & Fix, Inc (For:Thorn EMI)	2,000.00	495.27
Edward A. Hynes, 268 Crum Elbow Rd. Hyde Park, NY 12538	Morality In Media, Inc	38.46	
I-66 Project, Inc, 1021 Kingsway, #6 Cape Girardeau, MO 63701		13,590.00	13,072.84
J. William Ichord, 1050 Connecticut Ave., NW, #760 Washington, DC 20036	Union Oil Company of California		1,022.10
Torbjorn Ihre, 1634 I Street, NW Suite 600 Washington, DC 20006-4083	Ericsson Corporation	2,000.00	250.00
Illinois Committee to Save Legal Services, 221 North LaSalle St., #863 Chicago, IL 60601		6,836.00	2,863.77
Tom Imeson, 920 S.w. Sixth Avenue 1400 Psb Portland, OR 97204	Pacific Power & Light Co		
Scot E. Imus, 1199 North Fairfax Street, #801 Alexandria, VA 22314	National Assn of Truck Stop Operators		
Jon J. Indall, P.O. Box 669 Santa Fe, NM 87504-0669	Uranium Producers of America		
Independent Contractor Assn of America, Inc, 1629 K Street, NW, Sutie 1000 Washington, DC 20006		1,250.00	997.71
Independent Data Communications Manufacturers Assn, c/o Squire Sanders & Dempsey 1201 Pennsylvania Ave., NW Washington, DC 20044.			
Independent Insurance Agents of America, Inc, 127 S. Peyton Street Alexandria, VA 22314		74,086.00	74,086.00
Independent Lubricant Manufacturers Assn, 651 South Washington Street Alexandria, VA 22314		675.00	675.00
Infant Formula Council, 5775 Peachtree-Dunwoody Rd., #500-D Atlanta, GA 30342			
Charles E. Ing, 1850 M Street, NW, #600 Washington, DC 20036	Toyota Motor Sales, USA, Inc	12,080.00	135.97
Edwin T. C. Ing, 1800 K Street NW, #720 Washington, DC 20006	Hawaiian Electric Industries, Inc		
Do	Kamehameha Schools/Estate of Bernice P. Bishop		
Do	Kenetech Corporation		
Charles W. Ingram, 1615 H Street NW Washington, DC 20062	U.S. Chamber of Commerce	2,500.00	
Dick Ingram, 1315 Nueces Austin, TX 78701	Polan-Ingram Advocacy Group (For:Vermont Yankee Nuclear Power Corp)	1,935.48	1,385.00
Doug Inkley, 1400 16th St., NW Washington, DC 20036-0001	National Wildlife Federation	3,052.37	
Richard Innes, 1350 ConnecticutAVe., NW, Suite 1101 Washington, DC 20036	Browning-Ferris Industries	1,400.00	3,569.04
Institute for Responsible Housing Preservation, 1255 23rd St., NW, #800 Washington, DC 20037		2,000.00	2,000.00
Institute of Clean Air Companies, Inc, 1707 L St., NW Washington, DC 20036			
Institute of International Bankers, 299 Park Avenue New York, NY 10171		1.00	64,017.62
Int'l Union, United Auto Aerospace & Agric Implement Workers, of America (UAW) 8000 E. Jefferson Avenue Detroit, MI 48214.		159,507.78	159,507.78
International Assn of Bridge Struct & Ornamental Iron Wkrs, 1750 New York Ave., NW Washington, DC 20006		24,882.59	38,335.21
International Council of Shopping Centers, 665 Fifth Ave. New York, NY 10022		42,743.87	42,743.87
International Fabricare Institute, 12251 Tech Road Silver Spring, MD 20904		16,193.00	6,663.75
International Hearing Society, 20361 Middlebelt Livonia, MI 48152			
International Longshoremen's Assn, AFL-CIO, 17 Battery Place, #1500 New York, NY 10004			73,543.61
International Public Strategies, Inc, 1030 15th St., NW, #408 Washington, DC 20005	Republic of the Maldives	25,000.00	97.46
International Speedway Corp, 1801 Volusia Avenue Daytona Beach, FL 32114			9,000.00
International Taxicab and Livery Assn, 3849 Farragut Avenue Kensington, MD 20895			
International Union of Bricklayers & Allied Craftsmen, 815 15th St., NW Washington, DC 20005			6,230.36
International Union of Operating Engineers, 1125 17th St., NW Washington, DC 20036		10,500.00	620.58
InterHealth--Protestant Health Alliance, Suite 233N, Court International 2550 University Avenue West St. Paul, MN 55114-1052.			220.00
Investment Company Institute, 1401 H Street, NW Washington, DC 20005			20,573.63
Peter A. iovino, 1350 I Street, NW, #1000 Washington, DC 20005	Ford Motor Co	2,900.00	1,454.90
Andy Ireland, 8607 Westwood Center Drive Vienna, VA 22182	Ringling Bros & Barnum & Bailey		
Kathleen Ireland, 1724 Massachusetts Ave., NW Washington, DC 20036	National Cable Television Assn, Inc	2,737.50	281.41
Thomas L. Irmen, P.O. Box 119 Maumee, OH 43537	Andersons		
Iron Ore Lessors Assn, Inc, W-1290 First National Bank Bldg. St. Paul, MN 55101-1361		5,702.93	9,353.71
W. Robert Irvin, 1725 DeSales Street, NW, #500 Washington, DC 20036	Center for Marine Corp	357.14	
John Isaacs, 110 Maryland Ave., NE Washington, DC 20002	Council for a Livable World	7,500.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Rebecca Isaacs, 2000 M Street, NW, #400 Washington, DC 20036	People for the American Way Action Fund	5,066.66	
Robert L. Isaacs, 10521 Judicial Drive, Suite 100 Fairfax, VA 22030	Rosenfeld & Shearer, PC		
Mark Isakowitz, 600 Maryland Avenue, SW, #700 Washington, DC 20024	National Fed of Independent Business	3,401.00	200.00
Susan A. Ishmael, 1300 North 17th Street Rosslyn, VA 22209	Associated Builders & Contractors, Inc	2,500.00	
Sally D. Iskenderian, 1455 Pennsylvania Ave., NW, #1260 Washington, DC 20004	French & Company (For:International Electronics Mfgrs & Consumers of America, Inc).	250.00	
Israel - Norman Communications Inc., 28 Elm Street Huntington, NY 11743	Rosalind & Joseph Gurwin Jewish Geriatric Center of Long Isl	3,000.00	
Do	Touro Law Center	5,250.00	
Russel Iuculano, 1620 L Street, #800 Washington, DC 20036	Metropolitan Life Insurance Co	3,000.00	
Suzanne Iudicello, 1725 DeSales Street, NW, Suite 500 Washington, DC 20036	Center for Marine Conservation	672.00	
Ivins Phillips & Barker, Chtd, 1700 Pennsylvania Ave., NW, #600 Washington, DC 20006	Family Holding Company Advocacy Group		
Do	Grand Metropolitan, Inc		
Do	Miles, Inc		
Do	Pechiney Corporation		
Do	Rochester Tax Council		
Kenneth M. Iwashita, 29400 Lakeland Boulevard Wickliffe, OH 44092	Lubrizol Corp		
J/T Group, 2555 M Street, NW, #327 Washington, DC 20037	Coal Industry Health Protection Coalition	9,000.00	
Do	Pacific Lumber Co		
Do	Smithlkine Beecham	1,500.00	
Do	Stanton and Associates	10,000.00	
Robert A. Jablon, 1350 New York Ave., NW, #1100 Washington, DC 20005-4798	Spiegel & McDiarmid (For:Michigan Municipal/Cooperative Group)		
Alice M. Jackson, 1330 New Hampshire Ave., NW, #122 Washington, DC 20036	National Assn of Community Health Centers	14.21	
Alphonse Jackson, 1100 15th Street, NW, #900 Washington, DC 20005	Pharmaceutical Manufacturers Assn		
Alvin B. Jackson Jr., 1212 New York Ave., NW Washington, DC 20005	General Aviation Manufacturers Assn	5,599.75	
Bobby J. Jackson, 1920 N Street, NW Washington, DC 20036	American Mining Congress		
Charles L. Jackson, 1990 M St., NW, #450 Washington, DC 20036	Shooshan & Jackson, Inc (For:Rogers U.S. Cablesystems, Inc)		
Charles R. Jackson, 225 North Washington Street Alexandria, VA 22314	Non Commissioned Officers Assn of the USA	9,500.00	294.00
Glenn Jackson, 1667 K Street, NW, #800 Washington, DC 20006	Williams Companies, Inc	250.00	
Jacquelyn L. Jackson, 1875 I Street #1110 Washington, DC 20006	Times Mirror Co		
Joseph C. Jackson, 1600 Wilson Boulevard, #1008 Arlington, VA 22209	Suppliers of Advanced Composite Materials Assn	120.00	22.00
Robert L. Jackson, 1100 Wilson Boulevard Arlington, VA 22209	Hughes Aircraft Co		
Shari Jackson, 1275 K Street, NW, Suite 400 Washington, DC 20005	Society of the Plastics Industry, Inc		
P. Bernard Jacob, 1130 Connecticut Avenue, NW Washington, DC 20036	Mississippi Power Company	33,492.00	9,446.20
Stephen Jacobs, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	9,000.00	304.00
Daniel L. Jaffe, 700 11th Street, NW, #650 Washington, DC 20004	Association of National Advertisers, Inc		217.71
Jaffe Raitt Heuer & Weiss, P.C., One Woodward Avenue, #2400 Detroit, MI 48226			
Edward L. Jaffee, 655 - 15th Street, NW, Suite 300 Washington, DC 20005	ISP Management Company, Inc		
Do	Primary Glass Manufacturers Council		
Khalil E. Jahshan, 1212 New York Avenue, NW, #300 Washington, DC 20005	National Assn of Arab Americans	6,270.00	
Daniel M. James, P.O. Box 61473 Vancouver, WA 98666-1473	Pacific Northwest Waterways Assn	3,045.00	173.90
Harriet James, 600 Maryland Ave., SW, #700 Washington, DC 20024	National Fed of Independent Business	3,401.00	200.00
Jerry James, 8303 Mopac Expressway, #146-C Austin, TX 78759	LDDSMetromedia		
Philip J. James, 8200 Greensboro Drive, #302 McLean, VA 22102	National Glass Assn (NGA)		
Thomas M. James, 1130 Connecticut Ave., NW, #350 Washington, DC 20036	Furman Group	4,125.00	104.23
Timothy P. James, 1125 17th Street, NW Washington, DC 20036	International Union of Operating Engineers	2,500.00	
Jamin Ebell Bolger & Gentry, 323 Carolyn Street Kodiak, AK 99615	Old Harbor Native Corp	34,068.70	22,274.25
Delos Cy Jamison, Jamison & Sullivan, Inc 1212 New York Ave., NW, #1200 Washington, DC 20005	Association of O&C Counties	6,000.00	
Do	Douglas County	3,000.00	
Do	Malheur Timber Operators	7,500.00	250.00
Japan Economic Institute of America, 1000 Connecticut Ave., NW Washington, DC 20036		1,730.00	1,730.00
Richard B. Jarman, 1250 H Street, NW, #800 Washington, DC 20005	Eastman Kodak Co	600.00	
James R. Jarrad, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	5,775.00	331.57
Marc R. Jartman, 175 Admiral Cochrane Drive Annapolis, MD 21401	UNC, Inc		
Charles W. Jarvis, 11240 Waples Mill Rd., #101 Fairfax, VA 22030	Rust International, Inc		
John T. Jarvis, McGlotten & Jarvis 1901 L Street, NW, #300 Washington, DC 20036	American Insurance Assn	2,700.00	
Do	BC&T	4,500.00	
Do	Computer Sciences Corp	6,750.00	
Do	Labor-Management Comm for the Timber Industry	20,250.00	
Do	Tobacco Industry Labor Management Comm	33,750.00	
Steve Jarvis, 1025 Vermont Avenue, NW Washington, DC 20005	American Pulpwood Assn		
Jerry J. Jasinowski, 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20004-1703	National Assn of Manufacturers	2,000.00	
Judy Jaussi, 205 C Street, SE Washington, DC 20003-1910	NovaCare, Inc	500.00	70.33
Jefferson Group, 1341 G Street, NW, Suite 1100 Washington, DC 20005	AEG Hi Speed Rail		
Do	AEG Westinghouse Transportation Systems, Inc		
Do	Bethune-Cookman College		
Do	Bionetics		
Do	BOC Gases		
Do	Children's Health System		
Do	City of Aurora		
Do	City of Newport News		
Do	City of Orlando		
Do	City of Tampa		
Do	College of Medical Technologists		
Do	Colorado Springs Chamber of Commerce		
Do	Dallas Area Rapid Transit		
Do	Dekalb, Illinois		
Do	DePuy, Inc		
Do	Doe Run Company		
Do	Dow Chemical Company		
Do	Dunn-Edwards		
Do	Dyncorp		
Do	Embry-Riddle Aeronautical University		
Do	Ergodyne		
Do	Geon Company		
Do	Greater Orlando Aviation Authority		
Do	Group Health Cooperative of Puget Sound		
Do	Hampton University		
Do	Health Insurance Plan of Greater New York		
Do	HolidayInn Worldwide		
Do	Informix Software, Inc		
Do	Inter-American University of Puerto Rico		
Do	ILZRO/Battery		
Do	ISEA		
Do	Lab One		
Do	Large States Quality Coalition		
Do	Marshall Fund		
Do	Mission Energy Company		
Do	Municipality of Cabo Rojo		
Do	Municipality of Carolina		
Do	Municipality of Mayaguez		
Do	Municipality of San Juan		
Do	National Assn of Community Health Centers		
Do	NAVAPD		
Do	Palatine, Illinois		
Do	Rowland Company		
Do	Schaumberg, Illinois		
Do	Seminole Tribe of Florida		
Do	University of Miami		
Do	Virginia Commonwealth University		
Do	Voice of the Retarded		
Do	Zinc Corporation of America		
Ed Jenkins, 50 E Street, SE Washington, DC 20003	Winburn & Jenkins (For:American Forest & Paper Assn)	2,250.00	
Do	Winburn & Jenkins (For:BR Services)	750.00	
Do	Winburn & Jenkins (For:Chicago Northwestern Railroad)	750.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Winburn & Jenkins (For:Connecticut Mutual Life Insurance Co)	1,500.00	
Do	Winburn & Jenkins (For:Equipment Leasing Assn)	1,125.00	
Do	Winburn & Jenkins (For:Fieldale Farms Corp)		
Do	Winburn & Jenkins (For:Hartford Insurance Co)	2,250.00	
Do	Winburn & Jenkins (For:Leggett & Platt)	1,050.00	
Do	Winburn & Jenkins (For:Lockheed Aeronautical Systems Co)	1,500.00	
Do	Winburn & Jenkins (For:Norfolk Southern Railroad)	1,500.00	
Do	Winburn & Jenkins (For:Pfizer, Inc)	2,250.00	
Do	Winburn & Jenkins (For:Philip Morris)	3,300.00	
Do	Winburn & Jenkins (For:Transitional Hospitals Corp)	1,875.00	
Do	Winburn & Jenkins (For:United Airlines)	2,250.00	
Do	Winburn & Jenkins (For:Viacom)	3,000.00	
Harry Jenkins Jr., 1650 Tysons Blvd., Suite 1700 McLean, VA 22102	ITT Defense & Electronics	1,000.00	50.00
Jenner & Block, 601 13th Street, NW, 12th Floor Washington, DC 20005	Adhesive & Sealant Council, Inc		
Teresa L. Jennings, 1666 K Street, NW, Suite 1010 Washington, DC 20006	Direct Selling Assn		
Louis Jenny, 1725 K Street, NW, #1212 Washington, DC 2006	National Assn of Water Companies	124.00	74.00
Hugh Jewett, 3025 South Parker Road Aurora, CO 80014	TeleCheck Services, Inc		326.34
Douglas F. John, John Hengerer & Esposito 1200 17th Street, NW, Suite 600 Washington, DC 20036	Los Alamos County Utilities, Dept of Public Utilities		
Calvin P. Johnson, 815 16th Street, NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	19,491.16	1,079.16
Carl T. Johnson, 1725 Jefferson Davis Hwy, #1004 Arlington, VA 22202-4102	Compressed Gas Assn/Helium Advisory Council	61,450.00	20,064.00
James W. Johnson Jr., 1156 15th Street, NW, #1019 Washington, DC 20005	U.S. Beet Sugar Assn		
Jane Leonard Johnson, P.O. Box 19109 Greensboro, NC 27419	Unifi, Inc		
Joanna L. Johnson, 1920 N Street, NW Washington, DC 20036	American Mining Congress		
Katie Johnson, 2000 K Street, NW, Suite 800 Washington, DC 20006	National Committee to Preserve Social Security & Medicare	3,480.00	
Mark R. Johnson, 1667 K Street, NW, #350 Washington, DC 20006	Maersk, Inc	2,500.00	
Paul Johnson, 1725 DeSales Street, NW, Suite 500 Washington, DC 20036	Center for Marine Conservation		
Rady A. Johnson, 1615 M Street, NW, Suite 200 Washington, DC 20038	Amoco Corporation		
Richard W. Johnson Jr., 225 N. Washington Street Alexandria, VA 22314	Non Commissioned Officers Assn of the USA	8,900.00	363.32
Thomas L. Johnson, P.O.Box 2185 Austin, TX 78768	Associated General Contractors of Texas		
William J. Johnson, 750 First St., NE, #1020 Washington, DC 20002-4241	National Assn of Police Organizations	11,534.00	415.00
Robert Winthrop Johnson II, Law Offices, 1050 Potomac Street, NW Washington, DC 20007	American Nonwoven Corporation		
Johnson Smith Dover Kitzmiller & Stewart, Inc, 1300 Connecticut Ave., NW, #600 Washington, DC 20036	Air Transport Assn of America	500.00	16.00
Do	Akers Laboratories		
Do	American Academy of Dermatology		
Do	American College of Cardiology		
Do	American Hospital Assn		
Do	American Petroleum Institute	1,500.00	48.00
Do	American Psychological Assn		
Do	American Red Cross	5,000.00	160.00
Do	American Transit Services Council	2,750.00	88.00
Do	Apollo Travel Services		
Do	Appalachian Coalbed Methane Assn	5,000.00	160.00
Do	Arthur Andersen & Co	2,500.00	80.00
Do	Blue Cross & Blue Shield Assn		
Do	Center for Marine Conservation	1,250.00	40.00
Do	Central and South West Services, Inc	8,750.00	280.00
Do	Coalition of Boston Teaching Hospitals	2,500.00	80.00
Do	College of American Pathologists		
Do	Coopers & Lybrand, et al.	18,250.00	584.00
Do	Council of Smaller Enterprises (COSE)	5,000.00	160.00
Do	CBS, Inc	4,750.00	152.00
Do	Delta Dental Plans Assn	4,000.00	128.00
Do	Eli Lilly & Co	4,250.00	136.00
Do	Fluor Corp	5,500.00	176.00
Do	Galileo International		
Do	General Atomics	500.00	16.00
Do	General Electric	1,250.00	40.00
Do	Halliburton NUS Environmental Corporation	500.00	16.00
Do	Heartland Health Systems	750.00	24.00
Do	Hong Kong Trade Development Council	1,750.00	56.00
Do	Human Rights Campaign Fund	1,000.00	32.00
Do	Independent Telephone & Telecommunications Alliance	35,000.00	1,120.00
Do	Lockheed/Martin Corp	6,250.00	200.00
Do	McCaw Cellular Communications, Inc		
Do	Medela, Inc		
Do	Motorcycle Industry Council, Inc	2,500.00	80.00
Do	Mutual of Omaha	2,000.00	64.00
Do	National Assn of Broadcasters	11,500.00	368.00
Do	National Assn of Urban Critical Access Hospitals	4,000.00	128.00
Do	National Coalition of Burn Center Hospitals		
Do	National Football League	4,750.00	152.00
Do	National Independent Energy Producers	14,500.00	464.00
Do	National Music Publishers Assn, Inc	6,000.00	192.00
Do	Nuclear Energy Institute	10,000.00	320.00
Do	Pennzoil Company		
Do	Software Productivity Consortium	5,000.00	160.00
Do	Ticketmaster	3,500.00	112.00
Do	Times Mirror Co		
Do	Travelers		
Do	Uniform & Textile Service Assn	1,250.00	
Mary M. Johnston, 500 E Street, SW, #920 Washington, DC 20024	AOPA Legislative Action	10,550.00	366.87
Mary K. Jolly, 410 First Street, SE, 2nd Floor Washington, DC 20003	National Rifle Assn of America	1,652.63	80.00
Herbert A. Jolovitz, 7531 Sebago Road Bethesda, MD 20817	Owens-Corning Fiberglas Corporation	1,500.00	
Barbara J. Jones, 1100 Connecticut Ave., NW, #310 Washington, DC 20036	Dresser Industries, Inc		
Earl Jones Jr., 312 Pulaski Little Rock, AR 72201	Philip Morris, Inc	1,500.00	
Keith Jones, 901 Maple Street North Little Rock, AR 72114	Central Arkansas Transit Authority		970.00
Murray W. Jones, 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004	R.J. Reynolds Tobacco Co	2,125.00	1,055.79
Neal T. 'Buddy' Jones, 100 Congress Avenue, #1111 Austin, TX 78701	CLD Coalition, Inc	15,000.00	2,029.27
Randall T. Jones, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives	3,500.00	
Ronald D. Jones, 125 West 55th Street, 19th Floor New York, NY 10019	United Distribution Companies		
Suzanne Jones, 1400 16th Street, NW Washington, DC 20036	National Wildlife Federation	2,170.57	
Jones Day Reavis & Pogue, 1450 G Street, NW, #700 Washington, DC 20005-2088	Coal Coalition	71,429.00	51,354.45
Do	County of Los Angeles	84,579.00	362.00
Do	League of California Cities	5,615.00	92.00
Jones Waldo Holbrook & McDonough, 2300 M Street, NW, #900 Washington, DC 20037	American Stores Co	1,580.00	
Do	Space Dynamics Laboratory	1,310.00	
Do	Utah State University	745.00	
Jones Walker Waechter Poitevent Carrere & Denegre, 1776 Eye Street, NW, #245 Washington, DC 20006	Canal Barge Company, Inc		
Do	International Shipholding Corp	787.50	
Do	Jefferson Parish Council	175.00	
Do	Port of New Orleans	175.00	
Do	Sewerage & Water Board of New Orleans	525.00	
Do	Turner Broadcasting System, Inc	87.50	
Patricia Jordan, 7800 Virginia Lane Falls Church, VA 22043	Jordan & Associates (For:City of Livermore)	10,500.00	675.76
Do	Jordan & Associates, Inc (For:City of Provo)	7,500.00	1,294.34
Do	Jordan & Associates, Inc (For:Sandy City)	8,400.00	554.73
James Jordan Associates, Inc, 1747 Pennsylvania Avenue, NW, #807 Washington, DC 20006	Consortium for International Earth Science Info. Network	18,000.00	18,165.66
Do	Polytechnic University	500.00	500.00
Robert R. Jorgensen, 1101 Vermont Avenue, NW, #710 Washington, DC 20005	American Veterinary Medical Assn		
David C. Jory, 1101 Pennsylvania Avenue, NW, #1000 Washington, DC 20004	Citicorp	2,000.00	
Robert G. Josephs, 1125 15th Street, NW Washington, DC 20005	Mortgage Bankers Assn of America	16,218.75	636.56
R. Bruce Josten, 1615 H Street, NW Washington, DC 20062-2000	U.S. Chamber of Commerce	1,740.15	
Ardon B. Judd Jr., 1100 Connecticut Ave., NW, #310 Washington, DC 20036	Dresser Industries, Inc		
John Steven Judge, 1401 I Street, NW, Suite 1000 Washington, DC 20005	Securities Industry Assn	3,069.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Robert E. Juliano Associates, 2555 M Street, NW, #303 Washington, DC 20037	American Express Co	15,000.00	
Do	Hotel Employees & Restaurant Employees Int'l Union	57,225.00	2,340.00
Do	International Speedway Corp	9,000.00	
Gregory J. Junemann, 8630 Fenton Street, Suite 400 Silver Spring, MD 20910	International Fed of Professional & Technical Engineers		
JMD Associates, Inc, 7201 Wisconsin Avenue, Suite 620 Bethesda, MD 20814	ALS Associates	1,000.00	
Melissa J. Kahn, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
Kahn Soares & Conway, 1112 'I' Street, Suite 200 Sacramento, CA 95814	Central Soya/Novamont	5,000.00	1,041.00
Do	Westlake Farms		
Jim Kaitz, 1100 17th Street, NW, #1203 Washington, DC 20036	Financial Executives Institute	16,813.00	
Kalkines Arky Zall & Bernstein, 1675 Broadway, #2700 New York, NY 10019	Essential Community Hospital Coalition	2,116.00	240.00
Walter Kallaur, 801 Pennsylvania Ave., NW, #700 Washington, DC 20004	Northern Telecom, Inc	1,250.00	
Edward D. Kalman, Behar & Kalman 6 Beacon Street Boston, MA 02108	National Assn of Long Term Hospitals	2,884.75	
Kamber Group, 1920 L Street, NW, Suite 700 Washington, DC 20036	TDS Health Systems Corp		
Laurel B. Kamen, 1020 19th St., NW, #600 Washington, DC 20036	American Express Co	6,585.00	95.25
John F. Kamp, 1899 L Street, NW Washington, DC 20036	American Assn of Advertising Agencies	1,250.00	
Susan Kamp, 1730 M Street, NW, Suite 700 Washington, DC 20036	Software Publishers Assn		
Edward J. Kane, 2 Gannett Drive South Portland, ME 04106	Associated Hospital Service of Maine		
John E. Kane, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc	2,000.00	
Lesley Kane, 666 Pennsylvania Ave., SE, Suite 401 Washington, DC 20003	Trust for Public Land	2,115.00	82.75
Dennis R. Kanin, Foley Hoag & Eliot One Post Office Square Boston, MA 02109	American Insurance Assn		
Do	Humane Society of the U.S., et al.		
Do	Jan Stenbeck		
Karen Kapen, 1125 15th Street, NW Washington, DC 20005	Mortgage Bankers Assn of America	7,418.00	344.42
Lisa R. Kardell, 1155 Connecticut Ave., NW, #800 Washington, DC 20036	WMX Technologies, Inc	2,100.00	14.41
Phillip J. Kardis, 1745 Jefferson Davis Highway, #1200 Arlington, VA 22202	Rockwell International	3,000.00	1,808.43
Barry Kasinitz, 1750 New York Avenue, NW Washington, DC 20006	International Assn of Fire Fighters	11,243.00	
Michael E. Kastner, 1350 New York Ave., NW, #800 Washington, DC 20005-4797	National Truck Equipment Assn	5,998.25	91.00
Stuart J. Kaswell, 1401 Eye Street, NW, Suite 1000 Washington, DC 20005	Securities Industry Assn	2,215.00	
Alyce Katayama, 1455 Pennsylvania Ave., NW Suite 230 Washington, DC 20004	Texas Instruments	2,500.00	97.00
Paul C. Katz, 900 19th Street, NW, #400 Washington, DC 20006	America's Community Bankers		
Kaulius & Associates, 1942 Broadway, Suite 400 Boulder, CO 80302	Colorado State University		
Anthony P. Kavanagh, 801 Pennsylvania Avenue, NW, #214 Washington, DC 20004	American Electric Power Service Corp	359.45	2,529.39
Everett E. Kavanaugh, 1101 17th Street, NW, #300 Washington, DC 20036	Cosmetic Toiletry & Fragrance Assn, Inc		
Edward M. Kavjian, 1660 L Street, NW Washington, DC 20036	General Motors Corp	3,000.00	488.30
Kaye Scholer Fierman Hays & Handler, 901 15th St., NW, #1100 Washington, DC 20005	Instruments SA, Inc		
Do	Kraft, Inc		
Do	Morgan Guaranty Trust Co of New York		
Carolyn Kazdin, 815 16th Street, NW, #507 Washington, DC 20006	Amalgated Clothing & Textile Workers Union	1,000.00	18.00
David Keaney, 655 15th Street, NW, Suite 410 Washington, DC 20005	Bristol-Myers Squibb Co	1,000.00	
Scott Kearin, 418 C Street, NE Washington, DC 20002	Alaska Wilderness League	18,365.69	4,466.00
Kearney & Gleason, One State Street - 8th Floor Boston, MA 02109	New England Telephone Co	5,625.00	4,139.21
Do	NYNEX Government Affairs	5,625.00	
Kevin L. Kearns, 220 National Press Building Washington, DC 20045	US Business & Industrial Council		
Judith A. Kearse, 1350 I Street, NW, Suite 300 Washington, DC 20005	Marine Spill Response Corp		
David L. Keating, 3415 Shepherd Chevy Chase, MD 20815	National Taxpayers Union	4,712.00	
Richard F. Keating, 1776 I Street, NW, #200 Washington, DC 20006	Anheuser-Busch Companies, Inc		
Keck Mahin & Cate, 1201 New York Avenue, NW, Penthouse Washington, DC 20005	American Assn for Marriage & Family Therapy		
Do	American Public Communications Council	49.75	
Do	Arkansas Oklahoma Gas Company		
Do	Arkansas Western Gas Company		
Do	AFLAC, Inc	4,594.00	
Do	Borden, Inc		
Do	Connie Lee Insurance Co	4,274.00	
Do	CNA Insurance Co	4,434.00	
Do	Distilled Spirits Council of the US, Inc	1,000.00	
Do	Eastern Michigan University	265.00	
Do	Group Health, Inc	49,970.25	
Do	Kellogg Company	500.00	
Do	NorAm Gas Transmission Company		
Do	Viaticus, Inc		
Do	Water Systems Council		
Michael G. Keegan, 2715 M Street, NW, Suite 300 Washington, DC 20007	National Rural Water Assn	70.00	50.00
Jennifer L. Keehan, 1901 Pennsylvania Ave, NW 10th Floor Washington, DC 20006	International Mass Retail Assn	100.00	
Jeffrey R. Keeler, 1525 Wilson Blvd., Suite 550 Arlington, VA 22209	National Newspaper Assn		
J. Michael Keeling, 1726 M Street, NW, #501 Washington, DC 20036	ESOP Association		
John R. Keeling, 600 Maryland Ave., SW Washington, DC 20024	American Farm Bureau Federation	9,026.00	526.19
Lana Keelty, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	12.00	
Melvin Keener, 655 15th Street, NW, #300 Washington, DC 20005	Coalition for Responsible Waste Incineration	3,000.00	
Joan F. Keiser, 1800 Massachusetts Avenue, NW Washington, DC 20036	National Rural Electric Cooperative Assn	35.00	
Kendell W. Keith, 1201 New York Avenue, NW, #830 Washington, DC 20005	National Grain & Feed Assn	1,000.00	
Susan Keith, 201 Massachusetts Ave., NE, #C-4 Washington, DC 20002	National Corn Growers Assn	4,281.15	
William D. Kelleher, 1415 Elliot Place, NW Washington, DC 20007	National Stone Assn	4,000.00	500.00
Robert H. Kellen, 5775 Peachtree-Dunwoody Rd., Suite 500-G Atlanta, GA 30342	Robert H. Kellen Co (For:Calorie Control Council)		
Katherine M. Kellenberg, 1330 New Hampshire Ave., NW, #122 Washington, DC 20036	National Assn of Community Health Centers, Inc	19.15	
August Keller, Signature Place II 14785 Preston Road, Suite 1100 Dallas, TX 75240	North American Coal Corporation	30,000.00	16,400.00
Keller & Heckman, 1001 G Street, NW, #500 West Washington, DC 20001	Society of the Plastics Industry, Inc		714.00
Carolyn M. Kelley, 1225 I Street, NW, #500 Washington, DC 20005	American Payroll Assn		
John T. Kelley, 800 Connecticut Avenue, NW Washington, DC 20006	Food Marketing Institute	500.00	
Joseph T. Kelliher, One Massachusetts Ave., NW, #710 Washington, DC 20001	Public Service Electric and Gas Company	90.00	
Stephen S. Kellner, 1913 Eye Street, NW Washington, DC 20006	Chemical Specialties Manufacturers Assn, Inc		
Paulette M. Kellogg, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn	25.00	
Carol A. Kelly, 1620 L Street, NW, #800 Washington, DC 20036	MetraHealth	1,600.00	
Donald E. Kelly, 2555 M Street, NW, #301 Washington, DC 20037-1302	Appraisal Institute	1,750.00	
John F. Kelly, 3000 K Street, NW, #620 Washington, DC 20007	Merrill Lynch & Co, Inc	2,400.00	
Linda E. Kelly, 1100 New York Ave, NW, #580 Washington, DC 20005	Ryder System, Inc	250.00	82.00
Paul T. Kelly, 1701 Clarendon Boulevard Arlington, VA 22209	American Chiropractic Assn		
Susan N. Kelly, 1140 - 19th Street, NW, Suite 700 Washington, DC 20036	Miller Balis & O'Neil, P.C. (For:American Public Gas Assn)		
Jane Kelso, 1225 Eye Street, NW, #1100 Washington, DC 20005	Handgun Control, Inc		
Mark L. Kemmer, 1660 L Street, NW, #401 Washington, DC 20036	General Motors Corp	3,000.00	6,563.07
Todd E. Kemp, 1201 New York Avenue, NW Washington, DC 20005	National Grain & Feed Assn	2,650.00	
Jackson Kemper Jr., 1215 Jefferson Davis Hwy., #1004 Arlington, VA 22202	Diagnostic/Retrieval Systems, Inc	8,000.00	
Kemper Corporation, 1 Kemper Drive Long Grove, IL 60049			
Kemper Reinsurance Company, One Kemper Drive Building 3, R-5 Long Grove, IL 60049-0015			41.82
Kemper Securities, Inc, 333 W. Wacker Dr. Chicago, IL 60601			216.70
Jackson Kemper, III, 1215 Jefferson Davis Highway, #1004 Arlington, VA 22202	Diagnostic/Retrieval Systems, Inc		
Jonathan Kempner, 1850 M Street, NW, Suite 540 Washington, DC 20036-5803	National Multi Housing Council	14,135.40	
Kendall & Associates, Inc, 50 E Street, SE Washington, DC 20003	Manville Corporation	4,000.00	
Do	Toyota Motor Sales, USA, Inc	5,000.00	
Andrew T. Kendzie, 1301 K Street, NW, #1200 Washington, DC 20005-3307	IBM Corporation	1,525.23	551.56
Joseph W. Kennebeck, 955 L'Enfant Plaza, SW, #4000 Washington, DC 20024	Volkswagen of America, Inc	650.00	50.00
Jerry W. Kennedy, 313 South Carolina Ave., SE Washington, DC 20003-4213	Tuttle Taylor & Heron (For:General Atomics)		
Do	Tuttle Taylor & Heron (For:Pemco Aeroplex)		
Do	Tuttle Taylor & Heron (For:Stockton East Water District)		
Judith Kennedy, 1050 Thomas Jefferson Street, NW Washington, DC 20007	Student Loan Marketing Assn	850.00	665.00
Patricia Cregan Kennedy, 205 N. Liberty Street Arlington, VA 22203	Chrysler Corporation	11,475.00	55.00
Robert P. Kennel, 12500 Fair Lakes Circle, #260 Fairfax, VA 22033-3822	LG&E Power Development, Inc		
Do	National Wood Energy Assn, Inc		
James J. Kenney, 4647 Forbes Blvd Lanham, MD 20706	AMVETS	6,800.00	
Brendan Kenny, 1625 Massachusetts Avenue, NW Washington, DC 20036	Air Line Pilots Assn	18,750.00	914.61
Cathy Ann Kenny, c/o NYS Petroleum Council 39 Broadway, #2705 New York, NY 10006	American Petroleum Institute	300.00	
J. H. Kent, 1990 M Street, NW, #340 Washington, DC 20036	Kent & O'Connor, Inc (For:Adria Laboratories)		
Do	Kent & O'Connor, Inc (For:American Soc of Plastic & Reconstructive Surgeons)	12,187.49	6,850.16
Do	Kent & O'Connor, Inc (For:American Supply Association)	8,710.90	4,847.79
Do	Kent & O'Connor, Inc (For:Carter Footwear, Inc)	2,899.62	1,209.14

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Kent & O'Connor, Inc (For:International Assn of Airport Duty Free Stores)		
Do	Kent & O'Connor, Inc (For:Liz Claiborne, Inc)	3,674.06	2,107.72
Do	Kent & O'Connor, Inc (For:MBI, Inc)		
Do	Kent & O'Connor, Inc (For:National Customs Brokers & Forwarders Assn of America).	4,750.00	2,635.15
Do	Kent & O'Connor, Inc (For:Professional Compounding Centers of America)	12,007.53	6,744.77
Do	Kent & O'Connor, Inc (For:Vista Chemical Company)		
William Kenworthy, 1776 I Strret NW #400 Washington, DC 20006	American Nuclear Energy Council	4,335.00	1,053.00
Mary Kathleen Kenyon, 2124 Netahoa Court Falls Church, VA 22043	American Group Practice Assn	501.29	
Vytautas Kerbelis, P.O. Box 336 Seal Harbor, ME 04675	ARAS		
John P. Kerekes, P.O. Box 10070 Lansing, MI 48901	American Petroleum Institute	2,988.30	2,352.67
Eleanor W. Kerr, 1020 19th Street, NW, #420 Washington, DC 20036	SmithKline Beecham Corp	200.00	600.00
Suzanne S. Kerr, 110 Maryland Ave., NE Washington, DC 20002	Peace Political Action Committee	2,974.98	
Karen Kerrigan, 1320 - 18TH Street, NW, Suiet 200 Washington, DC 20036	Small Business Survival Committee		
Michael J. Kerrigan, Advocacy Group 803 Prince Street Alexandria, VA 22314	Ticketmaster	100.00	
Christopher J. Kersting, 1317 F Street, NW, #550 Washington, DC 20004	Trainum Snowdon & Deane (For:Auto International Assn)	84.00	42.16
Do	Trainum, Snowdon & Deane (For:Coalition of Automotive Associations)	226.00	100.54
Do	Trainum Snowdon & Deane (For:Specialty Equipment Market Assn)	906.00	475.13
G. Chandler Keys III, 1301 Pennsylvania Avenue, NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Jonathan Keyserling, 1818 N Street, NW Washington, DC 20036	AirTouch Communications	4,218.00	169.75
Mary Turner Khim, 1850 M Street, NW, Suite 600 Washington, DC 20036	Toyota Motor Sales, USA	5,070.00	851.63
Richard F. Kibben, 231 Kiwassa Road Saranac Lake, NY 12983	Richard F. Kiben		
Michael R. Kidd, 2201 Cooperative Way Herndon, VA 22071	NAIOP - Association for Commercial Real Estate	15,000.00	
Ingolf N. Kiland Jr., 1660 L Street, NW, #401 Washington, DC 20036	General Motors Corp	3,000.00	1,943.80
Thomas J. Kilcline, 201 North Washington Street Alexandria, VA 22314	Retired Officers Assn	1,319.70	
Joanna Kille, 1010 Wisconsin Ave., NW, Suite 900 Washington, DC 20007	Grocery Manufacturers of America, Inc	1,005.20	
John J. Killeen, 1710 Goodridge Drive McLean, VA 22102	Science Applications International Corp	600.00	150.00
Richard H. Kimberly, 700 11th Street, NW, #660 Washington, DC 20001	Kimberly-Clark Corp	5,250.00	
Kimberly-Clark Corp, Texas Commerce Bank Building 545 E. Carpenter Freeway Irving, TX 75062-3931			15,147.26
James L. Kimble, 1130 Connecticut Avenue, NW, #1000 Washington, DC 20036	American Insurance Assn		
Gene Kimmelman, 1666 Connecticut Ave., NW, #310 Washington, DC 20009	Consumers Union	500.00	
Kimmitt Coates & McCarthy, Inc, 1730 M Street, NW, #911 Washington, DC 20036	Alliant Techsystems, Inc	1,665.00	
Do	Mansfield Center	1,125.00	
Do	Montana Technologies Co, Inc	900.00	
Do	Royal Teton Ranch		
Do	Textron Defense Systems		
Ken Kinard & Associates, 1517 Gregg Street Columbia, SC 29201	Pharmaceutical Research & Manufacturers of America		
James Jeffrey Kincheloe, 519 C Street, NE Washington, DC 20002	National Assn for Home Care	519.80	
James A. Kinder, 10892 Pembroke Drive Santa Ana, CA 92705			
Aubrey C. King, 1100 New York Avenue, NW, #450 Washington, DC 20005	Travel & Tourism Gov't Affairs Council	2,310.00	
D. Lance King, 7272 Wisconsin Avenue Bethesda, MD 20814	American Soc of Hospital Pharmacists		
Lewis O. King, 8407 Greenflint Lane Austin, TX 78759	National Guard Assn of Texas	2,800.00	125.00
Sandra S. King, 2100 Pennsylvania Ave., NW, Suite 600 Washington, DC 20037	Eckert Seamans Cherin & Mellott (For:Centocor, Inc)		
W. Russell King, 50 F St., NW, #1050 Washington, DC 20001	Freeport McMoran, Inc	16,800.00	120.00
Do	IMC Global, Inc	8,200.00	60.00
King & Spalding, 1730 Pennsylvania Ave., NW, #1200 Washington, DC 20006	Alamo Cement Co		
Do	American Veterinary Medical Assn		
Do	Ash Grove Cement Co, Inc		
Do	Banca Nazionale del Lavoro		
Do	Blue Circle America, Inc		
Do	Dragon Products Co		
Do	Electromagnetic Sciences Inc (EMS)		
Do	Florida Crushed Stone Co		
Do	Generic Pharmaceutical Industry Assn		
Do	Geowaste, Inc		
Do	Glens Falls Cement Co, inc		
Do	Greater New York Hospital Assn		
Do	ITT Defense & Electronics		
Do	LaFarge Corp		
Do	Lehigh Portland Cement Co		
Do	Lone Star Industries, Inc		
Do	Medusa Corp		
Do	National Cement Company of California		
Do	North Texas Cement Co		
Do	Pharmaceutical Resources, Inc (PAR)		
Do	Phoenix Cement Company		
Do	Riverside Cement Co		
Do	Southdown, Inc		
Do	Tarmac America, Inc		
Do	Texas Industires, Inc		
Do	Texas-Lehigh Cement Co		
Kinghorn & Associates, 900 2nd Street, NE, #109 Washington, DC 20002	American Metalcasting Consortium (AMC)		
Do	Macalloy Corporation		
Do	Non-Ferrous Founders' Society		5,100.00
Do	Nuclear Metals, Inc		
Do	South Carolina Research Authority		450.00
Roger P. Kingsley, 10801 Rockville Pike Rockville, MD 20852	American Speech-Language-Hearing Assn		
Steven Kingsley, 845 Ninovan Road, SE Vienna, VA 22180	Citizens Scholarship Foundation of America	2,000.00	
Kevin J. Kinnaw, 1850 M Street, NW, Suite 600 Washington, DC 20036	Toyota Motor Sales USA, Inc		
Jan Kinney, 1250 Eye Street, NW, #900 Washington, DC 20005	Distilled Spirits Council of the U.S.	2,000.00	
Janie Ann Kinney, 1500 K Street, NW, #650 Washington, DC 20005	Glaxo, Inc	4,500.00	200.00
Richard J. Kinney, 1850 K Street, NW, #1195 Washington, DC 20006	Schering-Plough Corp	9,000.00	1,270.00
Peter Kinzler, 7310 Stafford Road Alexandria, VA 22307	American Council of Life Insurance	2,500.00	151.50
Michael G. Kirby, 1500 N. Beuregard St., #320 Alexandria, VA 22311	Eagan McAlliser, Inc		
Kevin Kirchner, 1531 P Street, NW, #200 Washington, DC 20005	Sierra Club Legal Defense Fund	6,704.46	1,173.41
John R. Kirk, Bingham, Dana & Gould 150 Federal Street Boston, MA 02110	First National Bank of Boston		
Sharon Kirk, 1899 L Street, NW, Suite 1000 Washington, DC 20036	National Petroleum Refiners Assn	2,000.00	
Walter B. Kirkwood, 111 Monument Circle Indianapolis, IN 46277	Banc One Corporation	12,562.50	2,377.01
Marie Kissel, 1401 H Street, NW, Suite 900 Washington, DC 20005	American Automobile Manufacturers Assn	250.00	
Peter C. Kissel, 1225 Eye Street, NW, Suite 1225 Washington, DC 20005	Grammer Kissel Robbins & Shancke (For:Kootenai Electric Cooperative, Inc)	1,950.00	
Do	Grammer Kissel Robbins & Skancke (For:Tuolumne Utilities District)	2,802.50	30.28
Sam Kito Jr., P.O. Box 210575 Anchorage, AK 99521-0575	Kito, Inc (For:Galena School District)	12,000.00	
Do	Kito, Inc (For:North Slope Borough)	7,500.00	2,535.35
Do	Kito, Inc (For:Sealaska Corporation)	35,000.00	11,519.02
Do	Kito, Inc (For:Southeast Alaska Landless Native Coalition)	22,500.00	2,409.84
Sandra D. Kjellberg, 1775 K Street, NW, #200 Washington, DC 20006	Maritime Institute for Research & Industrial Development	3,043.70	
Dean Kleckner, 225 Touhy Avenue Park Ridge, IL 60068	American Farm Bureau Federation	4,760.00	
Kenneth H. Klein, 490 L'Enfant Plaza East, SW, #4200 Washington, DC 20024	Xerox Corp	2,100.00	
Phil Klein, 1913 Eye Street, NW Washington, DC 20006	Chemical Specialties Manufacturers Assn	696.06	247.00
Mark Kleinman, Box 5473 Washington, DC 20016-5473			
William J. Klinefelter, 815 16th Street, NW, #301 Washington, DC 20006	Industrial Union Department (AFL-CIO)	9,792.00	
Michael R. Klipper, 1718 Connecticut Avenue, NW, #700 Washington, DC 20009	Association of American Publishers	3,000.00	78.00
Mary Jane Klocke, 1776 EYE Street, NW, #1000 Washington, DC 20006	BP America, Inc		
William C. Klostermeyer, 1130 Connecticut Avenue, NW, #350 Washington, DC 20036	Bookman-Edmonston Engineering, Inc		
David M. Klucsik, 1415 Wyckoff Road Wall, NJ 07719	New Jersey Natural Gas Co		
James E. Kneale, 1725 Jefferson Davis Highway, #300 Arlington, VA 22202	Lockheed Corporation		
John A. Knebel, 1920 N Street, NW, #300 Washington, DC 20036	American Mining Congress		
Anthony J. Knettel, 1400 L Street, NW, #350 Washington, DC 20005	Erisa Industry Committee	7,000.00	
Bruce Knight, 201 Massachusetts Ave., NE, Suite C-4 Washington, DC 20002	National Corn Growers Assn	4,375.00	
Judith E. Knight, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	2,512.00	72.50
Knights of Columbus, 1250 Pennsylvania Ave., NW, #202 Washington, DC 20004-2404			468.24
Barbara Knisely, 1616 H Street, NW Washington, DC 20006	National Grange	3,500.00	
Keith R. Knoblock, 1920 N St., NW Washington, DC 20036	American Mining Congress		
Albert B. Knoll, 555 13th Street, NW, #1010 East Washington, DC 20004-1109	Sun Co, Inc	2,000.00	877.68

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Kent Knutson, 600 Maryland AVe., SW, Suite 700 Washington, DC 20024	National Fed of Independent Business	3,401.00	200.00
Marcia L. Knutson, 549 4th Street, SE Washington, DC 20003	Association of America's Public Television Stations	1,158.75	151.87
Patricia C. Kobor, 750 First St., NE Washington, DC 20002-4242	American Psychological Assn	1,410.27	371.43
Robert P. Koch, 601 13th Street, NW, #580 South Washington, DC 20005	Wine Institute	10,625.00	351.00
Koch Industries, Inc, P.O. Box 2256 Wichita, KS 67201			
Karil L. Kochenderfer, 1801 K Street, NW, #900K Washington, DC 20036	American Textile Manufacturers Institute, Inc	3,145.00	150.00
David G. Koenig, 1050 17th Street, NW, #500 Washington, DC 20036	Texaco, Inc		
Kirk Koepsel, 23 North Scott Sherican, WY 82801	Sierra Club	2,673.77	
Gary J. Kohn, 805 15th Street, NW, #300 Washington, DC 20005	Credit Union National Assn	8,000.00	
Howard Kohr, 440 First Street, NW, #600 Washington, DC 20001	American Israel Public Affairs Comm	23,124.99	
James P. Kolb Jr., 101 Constitution Ave, NW Washington, DC 20001	United Brotherhood of Carpenters and Joiners of America	8,076.96	908.22
Stanley E. Kolbe Jr., 305 4th Street, NE Washington, DC 20002	Sheet Metal & Air Conditioning Contractors National Assn		353.75
Ann Kolker, 1616 P Street, NW, #100 Washington, DC 20036	National Women's Law Center		105.75
John H. Komoroske, 1735 K Street, NW Washington, DC 20004	National Assn of Securities Dealers	250.00	65.13
Dennis R. Koons, 611 Woodward Avenue Detroit, MI 48226	NBD Bank, NA	4,500.00	8,432.00
George S. Kopp, 2121 K Street, NW, #650 Washington, DC 20037	Global USA, Inc (For:Earth Observation Satellite Co)		
Steven Kopperud, 1501 Wilson Boulevard, #1100 Arlington, VA 22209	American Feed Industry Assn	3,240.00	3,240.00
Ronald W. Kosh, 12600 Fair Lakes Circle Fairfax, VA 22033-4900	AAA Potomac		75.00
Susan M. Koski-Grafer, 10 Madison Avenue P.O. Box 1938 Morristown, NJ 07962-1938	Financial Executives Institute	1,150.00	
Michael V. Kostiw, 1050 17th Street, NW, #500 Washington, DC 20036	Texaco Inc		
Barbara M. Kostuk, 1301 Pennsylvania Ave., NW, #1100 Washington, DC 20004-1707	Air Transport Assn	3,853.31	
John F. Kostyack, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	1,419.20	
Gerald J. Kovach, 1801 Pennsylvania Avenue, NW Washington, DC 20006	MCI Communications Corp	1,000.00	47.00
Jerome J. Kozak, 1250 H Street, NW, Suite 900 Washington, DC 20005	International Dairy Foods Assn		
Edward B. Krachmer, 1250 Connecticut Ave., NW, 2nd Floor Washington, DC 20036	Cellular Telecommunications Industry Assn		
Alan M. Kranowitz, 1725 K Street, NW, #300 Washington, DC 20006	National Assn of Wholesaler-Distributors		
Barry Krasner, 1150 17th Street, NW, #701 Washington, DC 20036	National Air Traffic Controllers Assn	567.12	
Stephen W. Kraus, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
Robert S. Krebs, 1129 20th Street, NW, #200 Washington, DC 20036	Greater Washington Board of Trade	8,500.00	
Earl R. Kreher, 1401 H Street, NW, #900 Washington, DC 20005	American Automobile Manufacturers Assn	1,737.00	304.49
Cecile B. Kremer, 1655 North Fort Myer Drive, #700 Arlington, VA 22209	C.M. Services (For:Plumbing Manufacturers Institute)	500.00	
Mary Jo Kripowicz, 1016 16th Street, NW, 5th Floor Washington, DC 20036	Consumers Power Co	3,448.00	6,998.00
Victor Krohn, 9401 East Street Manassas, VA 22110	Citizens for an Alternative Tax System		
Steven Kroll, 74 N. Pearl Street Albany, NY 12207	Healthcare Assn of NYS	1,346.00	531.45
David B. Krone, 1320 19th Street, NW, Suite 201 Washington, DC 20036	Tele-Communications, Inc	3,750.00	
Mark Kronenberg, 1735 Jefferson Davis Highway, #1200 Arlington, VA 22202	McDonnell Douglas Corp		
Theodore G. Kronmiller, 7799 Leesburg Pike, #900N Falls Church, VA 22066		8,500.00	2,504.91
Keith R. Krueger, 1555 Connecticut Avenue, NW, #200 Washington, DC 20036	U S West Communications	18,000.00	146.24
James S. Krzyminski, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives		
Ruth M. Kurtz, 5517 Chevy Chase Pkwy., NW Washington, DC 20015	Coordinadora de Organizaciones Empresariales de Comercio Ext	2,000.00	122.76
Sheena Kuruvilla, 727 N. Washington Street Alexandria, VA 22314	United Fresh Fruit & Vegetable Assn		
Ester Kurz, 440 First Street, NW, 6th Floor Washington, DC 20001	American Israel Public Affairs Comm	27,499.98	344.82
Peter Dev Kurze, 1843 Mintwood Place, NW, #110 Washington, DC 20009	Daimler-Benz Washington, Inc		50.00
James M. Kuszaj, P.O. Box 31608 Raleigh, NC 27615	Dow Chemical USA		
Marsha H. Kwalwasser, 1840 Century Park East Los Angeles, CA 90067	Northrop Grumman Corp		
Peter Kyros, 2445 M Street, NW, #260 Washington, DC 20037	Allsup, Inc		
Do	Kyros Associates (For:American Soc for Cell Biology, et al)		
Do	Association of Administrative Law Judges, Inc		
Do	Board of Veterans Appeals Professional Assn		
Do	Cooperative of American Physicians, Inc		
John R. Kyte, 1331 Pennsylvania Avenue, NW Suite 1500, North Lobby Washington, DC 20004-1790	National Assn of Manufacturers	1,500.00	
KCM International, Inc, 1730 M Street, NW, #911 Washington, DC 20036	P.T. Teknojasa Sapta Utama	115,000.00	73,054.00
L. E.., Ltd, 4308 Wimbledon Dr. Lawrence, KS 66047	K. C. Fiber, et al.	3,000.00	800.00
James La Sala, 5025 Wisconsin Avenue, NW Washington, DC 20016	Amalgamated Transit Union, AFL-CIO		
Labor Bureau, Inc, 1101 15th Street, NW, #1010 Washington, DC 20005			
Labor Policy Assn, Inc, 1015 15th St., NW, #1200 Washington, DC 20005		18,000.00	83,000.00
Marc E. Lackritz, 1401 I Street, NW, Suite 1000 Washington, DC 20005	Securities Industry Assn	8,077.00	
Shannon Lahey, 2701 32nd Street, NW Washington, DC 20008	California Correctional Peace Officers Assn	16,000.00	140.00
Myron F. Laible, 1850 M Street, NW, Suite 1040 Washington, DC 20036	Outdoor Advertising Assn of America, Inc		
David N. Lakin, 1350 I Street, NW, Suite 300 Washington, DC 20005	Marine Spill Response Corporation	3,988.00	47.59
Robert Lamb, 1200 G Street, NW, #600 Washington, DC 20005	Wright & Talisman, PC (For:Cabot Energy Corp)		
Do	Wright & Talisman, P.C. (For:Columbia Natural Resources)	6,000.00	
Do	Wright & Talisman, PC (For:Equitable Resources Exploration)	6,000.00	
Do	Wright & Talisman (For:Marisol, Inc)	7,000.00	
Do	Wright & Talisman, PC (For:National Stripper Well Assn)		
Do	Wright & Talisman, PC (For:Potlatch Corp)	4,360.00	
Do	Wright & Talisman, PC (For:Solite Corp)		
Do	Wright & Talisman (For:Sun Company, Inc)		
Do	Wright & Talisman, PC (For:Tenneco, Inc)		
Do	Wright & Talisman (For:Virginia Oil and Gas Assn)		
David F. Lambert III, P.O. Box 1417-D49 Alexandria, VA 22313	National Assn of Chain Drug Stores	2,000.00	
David P. Lambert, 1800 K St., NW, #1100 Washington, DC 20006	New York Stock Exchange, Inc		
Thomas G. Lambrix, 1730 Rhode Island Avenue, NW, #206 Washington, DC 20036	Union Camp Corp	990.00	851.00
Martha D. Lamkin, 11100 USA Parkway Fishers, IN 46038	USA Group, Inc	247.50	8.89
Robert Joseph Lamoureux, 1735 Jefferson Davis Highway, #1200 Arlington, VA 22202	McDonnell Douglas Corp	516.00	
Arthur Lampros, 1220 16th Street, NW Washington, DC 20036	American Hellenic Institute		
Jennifer Lamson, 2030 M Street, NW Washington, DC 20036	Common Cause	9,910.26	
Susan Lamson, 11250 Waples Mill Road Fairfax, VA 22030	National Rifle Assn of America	3,000.00	66.80
Jill Lancelot, 7100 Sycamore Avenue Takoma Park, MD 20912	National Taxpayers Union		
Dina Moses Land, 1764 Old Meadow Lane, #350 McLean, VA 22102	American Frozen Food Institute	500.00	
L. Charles Landgraf, 1875 Connecticut Avenue, NW Washington, DC 20009-5728	Leboeuf Lamb Greene & MacRae		
Robert D. Landis, 2201 Cooperative Way Herndon, VA 22071	NAIOP, Assn for Commercial Real Estate	15,000.00	
David W. Landsidle, 1710 Rhode Island Avenue, NW, #300 Washington, DC 20036	Abbott Laboratories	10,000.00	
Bruce Alan Landy, 2601 Virginia Avenue, NW Washington, DC 20037	B.A.L. Co		
Do	Cryogenic Vacuum Technology Co		
Do	FAA-Congress Watch		
Do			
Maury Lane, 1801 K Street, NW, Suite 800 Washington, DC 20006	Westinghouse Electric Corp	1,200.00	
William C. Lane, 818 Connecticut Avenue, NW, #600 Washington, DC 20006	Caterpillar, Inc	3,000.00	266.12
Robert K. Lange, 1901 N. Moore St., #609 Arlington, VA 22209	E-Systems, Inc	9,540.00	1,811.77
Robin W. Lanier, 1901 Pennsylvania Ave., NW, 10th Floor Washington, DC 20006	International Mass Retail Assn	9,000.00	
Fern M. Lapidus, 6736 Hillandale Road Chevy Chase, MD 20815	Association of Proprietary Colleges	7,500.00	1,119.41
Do	National Coalition of Impact Aid Schools	2,640.00	81.65
Do	New York City Partnership, Inc	6,999.99	134.22
Do	School of Visual Arts	9,000.00	125.75
Nicholas Larigakis, 1730 K Street, NW, Suite 1005 Washington, DC 20006	American Hellenic Institute Public Affairs Committee, Inc		
Peter J. Larkin, 800 Connecticut Avenue, NW Washington, DC 20006	Food Marketing Institute	200.00	
Richard Eugene Larochelle, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	275.00	
Mary Ellen Larson, 1712 New Hamphire Ave., NW Washington, DC 20009	Air Conditioning Contractors of America	2,000.00	75.00
Reed E. Larson, 8001 Braddock Road, #600 Springfield, VA 22160	National Right to Work Committee		
Rod Larson, 4510 13th Avenue Fargo, ND 58121-0001	Blue Cross Blue Shield of North Dakota		
Theresa Knieriemen Larson, 1331 Pennsylvania Avenue, NW, Suite 1500 Washington, DC 20004-1703	National Assn of Manufacturers	1,500.00	
Warren Lasko, 1125 15th Street, NW Washington, DC 20005	Mortgage Bankers Assn of America		
Robert L. Laszewski, 1225 Connecticut Ave., NW, 7th Floor Washington, DC 20036	Health Policy & Strategy Associates, Inc (For:Northwestern National Life Insurance Co).	7,500.00	5,033.11
Do	Health Policy & Strategy Associates, Inc (For:Pan American Life Insurance Co)	8,300.00	5,044.10
Do	Health Policy & Strategy Associates, Inc (For:Washington National Life Insurance Co).	9,375.00	7,544.15
Do	Health Policy & Strategy Associates, Inc (For:Wausau Insurance Companies)	3,750.00	2,511.04
Latham & Watkins, 1001 Pennsylvania Ave., NW, #1300 S Washington, DC 20004-2505	Imperial County	8,190.00	
Riaz K. Latifullah, 3415 Fessenden St., NW Washington, DC 20008	Project Acta, Inc		
Delbert L. Latta, 516 Hillcrest Dr. Bowling Green, OH 43402	Calderon Clean Coal Technology, Inc	500.00	185.02
Do	Stir-Melter, Inc	6,000.00	370.04
Sabrina Laudati, 1050 Connecticut Ave., NW, Suite 1250 Washington, DC 20036	Major League Baseball		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Kathryn M. Lavriha, P.O. Box 1417-D49 Alexandria, VA 22313-1417	National Assn of Chain Drug Stores, Inc		
M. S. Lawrence, 40 Franklin Rd, SW P.O. Box 2021 Roanoke, VA 24022	Appalachian Power Company	184.80	228.73
Bob Lawrence & Associates, 424 N. Washington Street Alexandria, VA 22314	Irrigation Association	18,381.48	
Do	National Geothermal Assn	30,013.16	
Do	Valmont Industries, Inc	15,000.00	
Elizabeth Lawson, 1730 M Street, NW Washington, DC 20036	League of Women Voters of the U.S.	7,709.49	
Richard C. Lawson, 1130 Connecticut Ave., NW Washington, DC 20036	American Insurance Assn	292.00	101.12
Do	Hoffman-La Roche, Inc		
Richard L. Lawson, 1130 17th St., NW Washington, DC 20036	National Coal Assn	3,750.00	
Laxalt Corporation, 801 Pennsylvania Ave., NW, #747 Washington, DC 20004	Academy of Rail Labor Attorneys	5,120.00	
Do	Mesa, Inc	2,000.00	
Do	Milliken & Company	2,560.00	
Do	Motion Picture Assn of America, Inc	2,350.00	
Do	Nevada Resort Assn	2,300.00	
Do	Sears Roebuck & Co	3,000.00	
Do	Viacom, Inc	4,700.00	
Paul Laxalt Group, 801 Pennsylvania Ave, NW, #750 Washington, DC 20004	EG&G, Inc		
Do	Generic Pharmaceutical Industry Assn, et al.	6,000.00	
Do	Martin Marietta Corp	6,250.00	
Do	Milliken & Company	15,000.00	
Do	MGM Grand, Inc	5,000.00	
Do	Nevada Resort Assn		
Do	Sears Roebuck & Co	2,750.00	
Do	Transcontinental Properties, Inc		
Sandra L. LaFevre, 1301 Pennsylvania Ave., NW #900 Washington, DC 20004	Reinsurance Assn of America		
William N. LaForge, McGuiness & Williams 1015 15th Street, NW, #1200 Washington, DC 20005	Hoechst Celanese Corp	4,487.50	36.00
Do	Hoechst Roussel Agri-Vet	12,625.00	30.50
Do	Hoechst-Roussel Pharmaceuticals, Inc	3,174.50	
Louis A. LaMarca, 1667 K Street, NW, Suite 1270 Washington, DC 2006	Warner-Lambert Co	3,000.00	
Wayne R. LaPierre Jr., 11250 Waples Mill Road Fairfax, VA 22030	National Rifle Assn of America	4,375.00	
Clifford C. LaPlante, 1299 Pennsylvania Avenue, NW, #1100 Washington, DC 20004	General Electric Co	1,850.00	
Leach & English, 601 Montgomery Street, Suite 1150 San Francisco, CA 94111			
League of Women Voters of the U.S., 1730 M St., NW Washington, DC 20036		68,315.21	68,315.21
League to Save Lake Tahoe, 989 Tahoe Keys Blvd., #6 South Lake Tahoe, CA 96150		3,000.00	6,408.76
Jeffrey A. Lear, 1010 N. Fairfax Street Alexandria, VA 22314	National Society of Public Accountants	2,400.00	
Thomas B. Leary, Hogan & Hartson 555 13th St., NW Washington, DC 20004-1109	Business Roundtable		
Marvin Leath, One Massachusetts Ave, NW, #330 Washington, DC 20001-1431	Fabrique Nationale Nouvelle Herstal, S.A.	3,000.00	
Do	FMC Corp	6,000.00	
Do	Lockheed Corp	4,500.00	
Do	Martin Marietta Corp	3,000.00	
Do	National Guard Assn	2,000.00	
Do	National Soft Drink Assn	3,000.00	
Do	Textron, Inc	3,000.00	
Do	Thiokol Corp	3,000.00	
Wendy Lechner, 600 Maryland Ave., SW, #700 Washington, DC 20024	National Fed of Independent Business	3,401.00	280.00
Marque I. Ledoux, 300 Maryland Avenue, NE Washington, DC 20002	Federal Express Corp	6,000.00	
Cara Lee, 9 Vassar Street Poughkeepsie, NY 12601	Scenic Hudson, Inc		6,634.00
Eileen C. Lee, 1850 M Street, NW, #540 Washington, DC 20036	National Multi Housing Council, Inc	238.50	
Laura Murphy Lee, 122 Maryland Avenue, NE Washington, DC 20002	American Civil Liberties Union	16,000.00	100.00
Peter A. Lefkin, 1101 Connecticut Ave., NW, #950 Washington, DC 20036	Fireman's Fund Insurance Cos	4,500.00	1,660.00
Mary James Legatski, 1100 New York Ave., NW, #1090 Washington, DC 20005	Synthetic Organic Chemical Manufacturers Assn, Inc	500.00	32.00
J. Mark Leggett, 100 North Tryon Street (NC1-007-11-05) Charlotte, NC 28255	NationsBank Corporation	1,495.00	1,611.62
Legislative Management Services, 136 Calmont Drive Pittsburgh, PA 15235	Ben Franklin Technology Center of Western PA	6,000.00	201.54
Do	Erie Forge & Steel, Inc		
Do	University of Pittsburgh	30,000.00	4,152.86
Jack Legler, 4301 Connecticut Avenue NW. #300 Washington, DC 20008	National Solid Wastes Management Assn	500.00	
Mary Nell Lehnhard, 1310 G Street, NW, 12th Floor Washington, DC 20005	Blue Cross & Blue Shield Assn	8,762.00	75.03
Warren R. Leiden, 1400 Eye Street, NW, #1200 Washington, DC 20005	American Immigration Lawyers Assn	5,253.00	
Lent & Scrivner, 555 13th Street, NW, #305E Washington, DC 20004	Alliance for Competitive Communications-Regional Bell...	4,500.00	2,815.00
Do	Bernard L. Madoff Investment Securities	300.00	452.60
Do	Flo-Sun Sugar	2,100.00	2,434.00
Do	Iroquois Gas Transmission Systems	1,500.00	3,031.73
Do	J. Makowski Co	750.00	1,087.63
Do	Mobil Corp	2,002.00	2,031.40
Do	Pfizer, Inc	4,500.00	3,380.84
Do	Transaero, Inc		507.01
Burleigh C. W. Leonard, 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004	RJR Nabisco, Inc	3,815.00	7.50
Earl T. Leonard Jr., P.O. Drawer 1734 Atlanta, GA 30301	Coca-Cola Company	1,506.00	1,959.49
Jerris Leonard, 1000 Thomas Jefferson St., NW, #609 Washington, DC 20007	Leonard Ralston Stanton & Danks (For:Federal Correctional Vendors Assn)		
Do	Leonard Ralston Stanton & Danks (For:Krueger, Inc)	14,264.50	
Do	Leonard Ralston Stanton & Danks (For:Save the Greenback)	17,000.00	
Do	Leonard Ralston Stanton & Danks (For:SICPA Industries of America, Inc)	1,700.00	816.07
Kathleen A. Leonard, 1000 Thomas Jefferson Street, NW, #609 Washington, DC 20007	Leonard Ralston Stanton & Danks (For:Federal Correctional Vendors Assn)	6,843.75	
Do	Leonard Ralston Stanton & Danks (For:Save the Greenback Assn)	50,000.00	
Do	Leonard Ralston Stanton & Danks (For:SICPA Industries of America, Inc)		
Lloyd Leonard, 1730 M St., NW Washington, DC 20036	League of Women Voters of the U.S.	9,445.87	107.25
Lepon McCarthy Jutkowitz & Holzworth, 1225 19th Street, NW, #600 Washington, DC 20036	Chilean Exporters' Assn	1,616.98	19.19
Charles Leppert Jr., 801 Pennsylvania Avenue, NW, #720 Washington, DC 20004-2360	Procter & Gamble Co	570.50	
Richard L. Lesher, 1615 H St., NW Washington, DC 20062	U.S. Chamber of Commerce	241.54	
William Gene Lesher, 1919 South Eads Street, Suite 103 Arlington, VA 22202-3028	Lesher & Russell, Inc		
Lesher & Russell, Inc, 1919 S. Eads Street, #103 Arlington, VA 22202-3028	California Avocado Commission		
Do	Frito-Lay, Inc		
Do	Milk Producers Council		
Do	Monsanto Co		
Do	PepsiCo, Inc		
Do	RJR Nabisco		
William J. Lessard Jr., 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	5,200.00	
Keith Lessner, 1211 Connecticut Ave., NW, Suite 400 Washington, DC 20036	Alliance of American Insurers		
Melissa Ann Lester, 1718 Connecticut Ave., NW, #700 Washington, DC 20009	Association of American Publishers	1,500.00	190.71
Dale Lestina, 1201 16th St., NW Washington, DC 20036	National Education Assn	4,217.25	863.61
Nancy R. Levenson, 1401 Eye Street, NW, #1220 Washington, DC 20005-2204	Joseph E. Seagram & Sons, Inc	2,750.00	
Robert John Levering, 1101 17th St., NW, #705 Washington, DC 20036	Direct Marketing Assn	1,000.00	1,000.00
Robert B. Levethal, 1050 17th Street, NW, #350 Washington, DC 20036	AFL-CIO Maritime Committee		
Robert Levi, 100 Indiana Ave., NW Washington, DC 20001	National Assn of Letter Carriers	12,285.00	90.38
Morris J. Levin, 1050 17th St., NW Washington, DC 20036	Persis Corporation	1,000.00	
Nina Gail Levitt, 750 First Street, NE Washington, DC 20002-4242	American Psychological Assn	530.77	148.73
Herbert J. Levy, 1614 King St. Alexandria, VA 22314	National Assn of Housing Cooperatives		
Roger N. Levy, 901 15th Street, NW, #520 Washington, DC 20005-2301	Travelers Insurance Co	4,000.00	
Allison B. Lewis, 412 First Street, SE Washington, DC 20003	National Automobile Dealers Assn	3,500.00	
Deborah J. Lewis, 122 Maryland Ave., NE Washington, DC 20002	Alliance for Justice	5,712.00	84.00
Eleanor J. Lewis, 6830 N. Fairfax Dr. Arlington, VA 22213	Tax Analysts (For:American Assn of Legal Publishers)	960.00	1,000.00
Raymond A. Lewis, 3423 Silver Maple Place Falls Church, VA 22041	American Methanol Institute	3,000.00	1,532.00
Richard Lewis, 1025 Vermont Ave., NW Washington, DC 20005	American Pulpwood Assn		
Richard W. Lewis, 6525 Clagett Avenue Fairhaven, MD 20754			
Howard Lewis III, 1331 Pennsylvania Ave., NW, #1500-N Washington, DC 20004-1703	National Assn of Manufacturers	2,500.00	100.00
Lewis Rice & Fingersh, 500 N.Broadway St. Louis, MO 63102	John E. Simon Trust		
John F. Leyden, 815 16th Street, NW, #308 Washington, DC 20006	Public Employee Department, AFL-CIO	3,695.54	
LeBoeuf & Associates, Inc, 768 Walker Road, Suite 266 Great Falls, VA 22066	Babcock & Wilcox (Ebensburg Power, Inc)		
LeBoeuf Lamb Leiby & MacRae, 1875 Connecticut Avenue, NW Washington, DC 20009	Mt Hope Waterpower Project		
Do	Underwriters at Lloyd's London		
Harris W. LeFew, 300 Pratt Street Luke, MD 21540-1099	Westvaco Corporation		
Lynn H. LeMaster, 701 Pennsylvania Ave., NW 4th Floor Washington, DC 20004	Edison Electric Institute	2,813.19	255.16
Roger J. LeMaster, 1001 Pennsylvania Ave., NW, Washington, DC 20004	American Council of Life Insurance, Inc	4,000.00	
William J. Lhota, One Riverside Plaza Columbus, OH 43215	American Electric Power Service Corp		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Bill Libro, 601 Pennsylvania Ave., NW, Suite 600N Washington, DC 20004	Northern States Power Company	4,400.00	347.00
Jack W. Liddle, 1735 Jefferson Davis Highway, #1200 Arlington, VA 22202	McDonnell Douglas Corp	520.00	
Robert Y. Lider, 1101 Pennsylvania Ave., NW, #1000 Washington, DC 20004	Citicorp	2,000.00	
Richard A. Lidinsky Jr., 700 13th Street, NW, #220 Washington, DC 20005	Sea Containers America, Inc		
Diane S. Liebman, 1331 Pennsylvania Avenue, NW, #560 S Washington, DC 20004	CSX Corporation	7,000.00	293.28
Brett E. Lief, 1025 Connecticut Ave, NW, #700 Washington, DC 20036	National Assn of Independent Colleges & Universities	14,374.92	
Louis 'Whit' Light, 400 W. Capitol, #1700 Little Rock, AR 72201	Steven E. Cauley	3,360.00	765.69
Lincoln National Corp, 1300 South Clinton Street Fort Wayne, IN 46801			4,030.45
Karl W. Lindberg, 2322 Easter Lane New Orleans, LA 70114	Southern Forest Products Assn	1,599.30	
Linton Mields Reisler & Cottone, 1225 Eye Street, NW, #300 Washington, DC 20005	Carmen Group, Inc (for ADVO, Inc)		
Do	Colorado School of Mines Foundation		
Do	Greater Rockford Airport Authority	280.00	850.00
Do	Maryland Department of Transportation	944.00	1,115.00
Do	Michigan Dept of Transportation	1,142.00	1,115.00
Do	Missouri Highway & Transportation Department		
Do	National-Louis University		
Do	Riverside County Flood Control & Water Conservation District	487.00	1,087.00
Do	Santa Clara Valley Water District	973.00	1,087.00
Do	State of Colorado, Dept of Highways	601.00	750.00
Do	State of IL, Dept of Transportation, Div of Water Resources	1,733.00	750.00
Do	State of Nevada		
Do	Water Reclamation District of Greater Chicago	2,002.00	1,087.00
Lisle Corporation, 807 E. Main Clarinda, IA 51632			
Steven S. List, 122 S. Michigan Avenue, Suite 320 Chicago, IL 60603	Peoples Gas Light & Coke Co	2,335.72	2,474.96
Nelson Litterst, 600 Maryland Ave., SW, Suite 700 Washington, DC 20024	National Fed Independent Business	3,401.00	200.00
Melvin J. Littig, 1801 K Street, NW, Suite 800 Washington, DC 20006	Westinghouse Electric Corp	1,200.00	
Bryan Little, 600 Maryland Ave., SW, #800 Washington, DC 20024	American Farm Bureau Federation	7,500.00	82.00
Charles B. Little, 1331 Pennsylvania Ave., NW #1500 North Tower Washington, DC 20004-1703	UBA, Inc	2,000.00	
Jeanne Marie Little, 9300 Livingston Road Ft. Washington, MD 20744	National Tooling & Machining Assn	9,070.15	967.50
William F. Little, 1350 I Street, NW, #1000 Washington, DC 20007	Ford Motor Co	520.00	647.00
Roy E. Littlefield III, 1707 Pepper Tree Court Bowie, MD 20716	American Retreaders' Assn	250.00	
Do	WMDP Service Station & Automotive Repair Assn	250.00	
Elizabeth Littlejohn, 1300 N. 17th Street Rosslyn, VA 22209	Associated Builders & Contractors	2,500.00	
Orville J. Litzsinger, 5824 Wessex Lane Alexandria, VA 22310	Alliance for American Innovation, Inc	2,625.00	86.47
H. R. Lively Jr., 919 18th Street, NW Washington, DC 20006	American Financial Services Assn	250.00	
Robert W. Lively, 1850 K Street, NW, #1195 Washington, DC 20006	Schering-Plough	7,260.00	6,011.85
Livestock Marketing Association, 7509 Tiffany Springs Parkway Kansas City, MO 64153		33,500.00	17,895.00
Fernando Lloveras-San Miguel, P.O. Box 5623 San Juan, PR 00902-5623		18,000.00	14,550.00
Wingate Lloyd, 1600 M Street, NW Washington, DC 20036	ITT Corp	880.00	176.00
John C. Lobert, 444 North Capitol St., NW, Suite 801 Washington, DC 20001	National Assn of Independent Insurers	1,500.00	
Michael A. Lobue, 601 Pennsylvania Ave., NW North Building, 4th Floor Washington, DC 20004	Atlantic Richfield Co		
W. Timothy Locke, 499 S. Capitol Street, SW, #507 Washington, DC 20003	Hecht Spencer & Associates (For:Boy Scouts of America)		
Do	Hecht Spencer & Associates (For:Brown & Williamson Tobacco Corp)		
Do	Hecht Spencer & Associates (For:Mid-America Waste Systems, Inc)		
Do	Hecht Spencer & Associates (For:MCI Telecommunications)		
Do	Hecht Spencer & Associates (For:National Automatic Merchandising Assn)		
Robert F. Lockhart Jr., 1155 15th Street, NW, #600 Washington, DC 20005	Pennzoil Company	1,300.00	
Lockheed Information Management Services Company, Inc, 1200 K Street, NW Washington, DC 20005		2,000.00	
Stephen G. Lodge, 7900 Westpark Drive, #A-320 McLean, VA 22102	National Assn of Home Builders of the U.S.		
Do	National Confectioners Assn		
Thomas G. Loeffler, 1801 K St., NW, Suite 400K Washington, DC 20006-1301	Arter & Hadden (For:BKK Corporation)	105.00	
Do	Arter & Hadden (For:Cellular Telecommunications Industry Assn)	1,230.00	
Do	Arter & Hadden (For:Central & South West Corp)	3,150.00	
Do	Arter & Hadden (For:Circus Circus Enterprises, Inc)	420.00	
Do	Arter & Hadden (For:Citicorp)	420.00	
Do	Arter & Hadden (For:Corning, Inc)	420.00	
Do	McCamish Martin Brown & Loeffler (For:Electronic Data Systems Corp)		
Do	Arter & Hadden (For:Investment Company Institute)	420.00	
Do	Arter & Hadden (For:LDDS Metromedia)		
Do	Arter & Hadden (For:Motorola)	840.00	
Do	Arter & Hadden (For:National Assn of Broadcasters)	420.00	
Do	Arter & Hadden (For:Pinpoint Communications)		
Do	Arter & Hadden (For:Sammons Enterprises, Inc)	420.00	
Do	Arter & Hadden (For:South West Florida Enterprises)		
Do	Arter & Hadden (For:Tele-Communications, Inc)		
Do	Arter & Hadden (For:Tesoro Energy)		
Do	Arter & Hadden (For:U.S. Long Distance Corp)	420.00	
Do	Arter & Hadden (For:United Services Automobile Assn)		
Do	Arter & Hadden (For:Westinghouse Electric Corp)		
Do	Working Group on R&D	840.00	
William E. Loftus, 1120 G Street NW, #520 Washington, DC 20005	American Short Line Railroad Assn		
James E. Lokovic, 4514 Governor Pratt Court Upper Marlboro, MD 20772	Air Force Sergeants Assn, Inc		
Frank P. Lombardo II, 1776 EYE Street, NW, #275 Washington, DC 20006	Entergy Services, Inc	4,573.20	139.69
London & Satagaj, 1156 15th Street, NW, #510 Washington, DC 20005	National Home Furnishings Assn	6,000.00	
Do	Promotional Products Assn International	6,000.00	
Do	Small Business Legislative Council	6,000.00	
Linda A. Long, 1156 15th Street, NW, #550 Washington, DC 20005	Blank Rome Comisky & McCauley (For:Nwe York State HMO Conference & Council).	1,400.00	
Patricia Davitt Long, 1331 Pennsylvania Ave., NW, 1500 North Washington, DC 20004-1703	National Assn of Manufacturers	580.00	
Robert Michael Long, The Littlefield Building 106 East 6th St., Suite 400 Austin, TX 78701	American Telephone & Telegraph Co	18,000.00	1,528.93
William E. Long, 4550 Connecticut Avenue, #604 Washington, DC 20008	Humane Society of the United States	12,375.00	632.07
Shelley A. Longmuir, 1707 L Street, NW, Suite 300 Washington, DC 20036	United Airlines, Inc	1,200.00	
Dennis Longoria, Central Power & Light Co P.O. Box 3400 Laredo, TX 78044	Central Power & Light Co		
Laura Loomis, 1776 Massachusetts Ave., NW Washington, DC 20036	National Parks & Conservation Assn	2,790.00	319.50
Katherine Loos, 2030 M Street, NW Washington, DC 20036	Common Cause	4,875.00	68.25
Alan G. Lopatin, 4958 Butterworth Place, NW Washington, DC 20016	Ledge Counsel, Inc (For:National Assn of Retired Federal Employees)	12,000.00	47.40
Minerva Castaneda Lopez, 1717 R Street, NW, #202 Washington, DC 20009			
Ramon B. Lopez, P.O. Box 1200 Columbus, GA 31902-1200	Columbus Chamber of Commerce		
Philip J. Loree, 50 Broadway New York, NY 10004	Federation of American Controlled Shipping	1,000.00	
Bill Loughrey, One Technology Parkway South Atlanta, GA 30092	Scientific-Atlanta	200.00	
Timothy Lovain, 3719 Gunston Road Alexandria, VA 22302	Denny Miller Associates	5,000.00	
Celia C. Lovell, 1500 K Street, NW, #375 Washington, DC 20005	Norfolk Southern Corp	1,000.00	
James Lovell, 20361 Middlebelt Livonia, MI 48152	International Hearing Society		
Monica M. Lovell, 1331 Pennsylvania Ave., NW, #1500N Washington, DC 20004	National Assn of Manufacturers	500.00	
Amy Loy, 1250 H Street, NW, #900 Washington, DC 20005	Food Marketing Institute	100.00	
P. Vincent LoVoi, 1667 K Street, NW, #1270 Washington, DC 20006	Warner-Lambert Company	5,000.00	
Arthur M. Luby, 1300 L Street, NW, #200 Washington, DC 20005-4178	O'Donnell Schwartz & Anderson (For:Transport Workers Union of America, AFL-CIO).	12,000.00	700.00
Joe O. Luby Jr., 225 East John Carpenter Freeway Room 1202 Irving, TX 75062-2298	Exxon Corp		
Paula D. Lucak, 815 16th Street, NW, #308 Washington, DC 20006	Public Employee Department, AFL-CIO	7,606.17	
Mrs. Freddie H. Lucas, 1660 L St., NW, Suite 400 Washington, DC 20036	General Motors Corp	3,000.00	1,191.13
William L. Lucas, 1100 15th Street, NW, #900 Washington, DC 20005	Pharmaceutical Research & Manufacturers of America	4,000.00	32.00
Kenneth M. Ludden, 888 16th Street, NW Washington, DC 20006	Bannerman & Associates, Inc (For:Embassy of El Salvador)		
Do	Bannerman & Associates, Inc (For:Government of the United Arab Emirates)		
Do	Bannerman & Associates, Inc (For:Government of Egypt)	3,000.00	72.00
Do	Bannerman & Associates, Inc (For:L.A. Motley & Co (for: Government of the Philippines)).		
Do	Bannerman & Associates, Inc (For:Lebanese American University)		
Anne Forristall Luke, 1201 Connecticut Ave., NW, #550 Washington, DC 20036	Bailey & Robinson (For:ORMET Corporation)		
J.C. Luman & Associates, 1030 15th Street, NW, #410 Washington, DC 20005	National Assn of Personnel Services		
Lumbermens Mutual Casualty Company, Long Grove, IL 60049			3,456.70
Lund & O'Brien, 1825 K St., NW, #1010 Washington, DC 20006	Pennsylvania Power & Light Co		
Francis M. Lunnie Jr., 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20004	National Assn of Manufacturers	1,500.00	
R. J. Lyerly, 5335 Wisconsin Ave. Nw Suite 500 Washington, DC 20015	Amdahl Corp	1,000.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Barbara Lyman, 10801 Rockville Pike Rockville, MD 20852	American Speech-Language-Hearing Assn		
Kevin A. Lynch, 1299 Pennsylvania Ave., NW , #875 East Washington, DC 20004	PacifiCorp Electric Operations	8,190.00	438.40
David C. Lyons, 1350 I Street, NW, #1260 Washington, DC 20005-3305	Louis Dreyfus Corp	4,833.00	
John F. Lyons, 1350 I Street, NW, Suite 400 Washington, DC 20005	Motorola	1,500.00	
Margaret Mary Lytle, 1725 DeSales Stsreet, NW Washington, DC 20036	Center for Marine Conservation	448.33	
LDDS Communications, Inc, 1120 Connecticut Avenue, NW, #400 Washington, DC 20036			99,700.00
M.O.A.A.I.O.A. & Subs, Inc, 701 S. 22nd, #107 Omaha, NE 68102			
Marcia S. Mabee, 11490 Commerce Park Drive Reston, VA 22091	Coalition for American Trauma Care (CATC)		
James E. Mack, 9005 Congressional Court Potomac, MD 20854	Peanut Butter & Nut Processors Assn	20,000.00	3,693.55
James H. Mack, 7901 Westpark Dr. Mclean, VA 22102	AMT - The Assn for Manufacturing Technology	22,768.00	500.00
Timothy MacCarthy, 750 17th Street, NW, #901 Washington, DC 20006	Nissan North America, Inc	20,000.00	
Gordan D. MacKay, Riva Place South #304 1011 Arlington Blvd. Arlington, VA 22207	Massachusetts Software council	1,500.00	474.26
Do	New England Mutual Life Insurance Co, ('The New England')	17,500.00	2,742.65
Duncan R. MacKenzie, c/o NYS Petroleum Council 150 State Street Albany, NY 12207-1675	American Petroleum Institute	250.00	
Robb S. MacKie II, 1350 I Street, NW, #1290 Washington, DC 20005-3305	American Bakers Assn	350.00	250.00
Do	Associated General Contractors of America	3,000.00	500.00
Jeffrey M. MacKinnon, 555 13th Street, NW, Suite 300 West Washington, DC 20004	Interstate Natural Gas Assn of America		
Paul MacMurdy, 816 Connecticut Ave., NW, #900 Washington, DC 20006	OHM Corporation		
James MacPherson, 725 15th Street, NW, Suite 700 Washington, DC 20005	Council of Community Blood Centers	400.00	
Larry D. Madison, 1101 Mercantile Lane, #100 Landover, MD 20785	Association Growth Enterprises, Inc		
James N. Magill, 200 Maryland Avenue, NE Washington, DC 20002	Veterans of Foreign Wars of the U.S.	4,500.00	
Paul J. Magliocchetti, 1755 Jefferson Davis Hwy., Suite 1107 Arlington, VA 22202	Diagnostic Retrieval Systems, Inc		
Paul Magliocchetti Associates, Inc, 1755 Jefferson Davis Highway, #1107 Crystal Square 5 Arlington, VA 22202	Bath Iron Works Corp		
Do	BFGoodrich		
Do	Chamberlain Manufacturing Corp		
Do	Dynamics Research Corp		
Do	DDP Delta		
Do	Electronic Warfare Associates, Inc		
Do	Era Aviation Services		
Do	Fontana Bleu, S.p.A.		
Do	Foundation Health Corp		
Do	FLIR Systems, Inc		
Do	Hughes Aircraft Company		
Do	LifeCell Corp		
Do	Medco Containment Services, Inc		
Do	Mountain Top Technologies, Inc		
Do	MIC Industries, Inc		
Do	Options Mental Health		
Do	Orange Shipbuilding Co, Inc		
Do	Pacific Consolidated Industries		
Do	Sabreliner Corporation		
Do	Schat-Watercraft		
Do	Schweizer Aircraft Corp		
Do	Short Brothers (USA), Inc		
Do	Sperry Marine, Inc		
Do	Sunquest Information Systems, Inc		
Do	Tenneco, Inc		
Do	Textron, Inc		
Do	Trinity Marine Group		
Do	TI Group, Inc		
Do	Vision Service Plan		
A. John Maguire, 1521 New Hampshire Avenue, NW Washington, DC 20036-1205	National Cotton Council of America	4,175.00	50.23
Alisa Learner Maher, 1100 Connecticut Ave., NW Washington, DC 20036	Chrysler Corporation	4,725.00	572.00
Kevin L. Maher, 1201 New York Ave., NW Washington, DC 20005-3931	American Hotel & Motel Assn	1,045.00	
Linda F. Maher, 9000 Montgomery Ave Chevy Chase, MD 20815	Turner Broadcasting System, Inc	550.00	
Terence P. Mahony, 1331 Pennsylvania Ave., NW, #930 North Washington, DC 20004	National Broadcasting Co, Inc	3,250.00	
Christopher J. Mailander, 1201 Connecticut Ave., NW, Suite 300 Washington, DC 20036	Bailey & Robinson (For:Ormet)		
Do	Bailey & Robinson (For:Smart Corp)		
Anthony S. Makris, 116 Waterford Place Alexandria, VA 22314	National Rifle Assn of America		
Andrew T. Malleck, 400 North Capitol St., NW, #852 Washington, DC 20001	Brotherhood of Maintenance of Way Employees	14,922.46	
Michelle Mallory, 453 New Jersey Ave., SE Washington, DC 20003	Beneficial Management Corp		
Claudia Malloy, 2030 M Street, NW Washington, DC 20036	Common Cause	6,523.50	84.36
Robert H. Maloney, 3900 Wisconsin Ave., NW Washington, DC 20016	Fannie Mae	2,500.00	
Manatt Phelps & Phillips, 1501 M Street, NW, Suie 700 Washington, DC 20005	Appraisal Institute	2,487.50	10.00
Do	ARCO		
Do	California Chiropractic Assn		
Do	California League of Savings Institutions		
Do	Chemical Bank		
Do	City of Hope	1,800.00	33.00
Do	ConCorde Career Colleges, Inc		
Do	Dole Food Co, Inc		
Do	Money Store	9,256.25	112.00
Do	NEC USA, Inc		
Do	Royal Wine Corp		
Do	UPF		
Do	Western Dental Services, Inc	4,197.50	55.88
Diane S. Mand, 1100 Connecticut Ave., NW, #310 Washington, DC 20036	Dresser Industries, Inc		
Susan Rachel Weiss Manes, 2030 M Street, NW Washington, DC 20036	Common Cause	13,853.66	
Peter T. Mangione, 1319 F Street, NW, #700 Washington, DC 20004	Footwear Distributors & Retailers of America		
Christopher Manion, 6332 N. 22nd Street Arlington, VA 22205	American Council for Health Care Reform	3,825.00	
Tammy L. Mann, 750 First Street, NE Washington, DC 20002-4242	American Psychological Assn	73.85	
Mary Jo Manning, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Television Operators Caucus)		
Cynthia Mansfield, 801 Pennsylvania Ave., NW, Suite 310 Washington, DC 20004	GPU Service Corporation	29,599.00	155.15
Perry Steven Mansfield, 225 Main Street Newington, CT 06111	American Radio Relay League, Inc	2,255.00	2,224.00
S.W. Manteria, 233 Broadway New York, NY 10279	Woolworth Corp	130.00	
Manufactured Housing Institute, 1745 Jefferson Davis Highway, #511 Arlington, VA 22202			25,340.11
Anthony Manzanares Jr., 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
Robert Y. Maples, 1627 K Street, NW, #700 Washington, DC 20006	Smokeless Tobacco Council, Inc	1,687.50	253.12
John V. Maraney, 324 East Capitol St., NE Washington, DC 20003	National Star Route Mail Contractors Assn		
Nancy Marcus, 1614 10th Street Arlington, VA 22204	National Treasury Employees Union	9,938.53	60.44
Sarah E. Margolies, 666 Pennsylvania Ave., SE Washington, DC 20003	National Audubon Society		
Joseph N. Mariano, 1666 K Street, NW, Suite 1010 Washington, DC 20006	Direct Selling Assn	215.00	
Marine Spill Response Corporation, 1350 I Street, NW, Suite 300 Washington, DC 20005			4,035.59
Maritime Institute for Research & Industrial Development, 1775 K Street, NW, #200 Washington, DC 20006			18,505.52
Lawrence D. Markley, Rt. 1, Box 130-A Mt. Solon, VA 22843	Alaska Electric Light & Power Co	5,000.00	
Do	Alaska Village Electric Cooperative		151.33
Do	Anchorage Municipal Light & Power		
Do	City of Kake		
Do	Goldbelt, Inc		
Do	INN Electric Cooperative	10,000.00	445.05
Do	Kotzebue Electric Association	2,800.00	
Do	Metlakatla Indian Community	6,000.00	
Do	OSEI Power Corp	2,500.00	615.06
Morry B. Markowitz, 1001 19th Street North, #1200 Arlington, VA 22209	Association of International Automobile Manufacturers, Inc		
Luther A. Markwart, 1156 15th St., NW, #1101 Washington, DC 20005	American Sugarbeet Growers Assn		
Ron Marlenee, 9008 Linda Maria Court Fairfax, VA 22031	Flathead Joint Board of Control	250.00	
Do	Safari Club International	3,000.00	
Andrea C. Maron, 1640 Wisconsin Avenue, NW 1st Floor Washington, DC 20007	American College of Surgeons		
Mary E. Marra, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	3,969.77	
Martha E. Marrapese, 1001 G Street, NW, #500 West Washington, DC 20001	Keller & Heckman		
James T. Marrinan, 1200 18th Street, NW, #1000 Wsahington, DC 20036	Community Psychiatric Centers	20,234.76	6,063.15
Beverly K. Marshall, 1001 Pennsylvania Ave., NW, #450-N Washington, DC 20004	Southern California Edison Co	2,315.00	1,883.00
Ellen M. Marshall, 1033 North Fairfax Street, Suite 404 Alexandria, VA 22314	International Council of Shopping Centers	1,000.00	
Gwen Marshall, 243 Parkway #3 Cincinnati, OH 45216			123.82

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Cynthia L. Martin, 1215 Jefferson Davis Hwy., #1004 Arlington, VA 22202	Diagnostic Retrieval Systems, Inc	9,500.00	
David F. Martin, Plumbing Manufacturers Institute 1655 N. Ft. Myer Drive, #700 Arlington, VA 22209	CM Services, Inc (for Plumbing Manufacturers Institute)	500.00	
David L. Martin, P.O. Box 427 Jackson, MS 39205-0427	Comprehensive Health Insurance Risk Pool Assn		
Gordon G. Martin, 1130 Connecticut Ave., NW, Suite 830 Washington, DC 20036	Alabama Power Co	26,250.00	6,662.66
James L. Martin, 1526 N. Johnson Street Arlington, VA 22209	60/Plus Assn, Inc	13,469.00	
Kelly Leonard Martin, 725 15th Street, NW, Suite 700 Washington, DC 20005	Council of Community Blood Centers	1,093.75	
Larry K. Martin, 2500 Wilson Blvd. #301 Arlington, VA 22201	American Apparel Manufacturers Assn, Inc		
Lora Lee Martin, Carriage House University of California Santa Cruz, CA 95064	University of California	85.97	86.75
Antonio C. Martinez II, 11128 Church Street Fairfax, VA 22030-4901	Nutritional Health Alliance	15,300.00	215.75
Joseph J. Martyak, 1401 EYE Street, NW, #200 Washington, DC 20005	Rhone-Poulenc, Inc		
Robert A. Marzocchi, P.O. Box 1615 15 Mountain Veiw Road Warren, NJ 07061-1615	Chubb & Son, Inc	5,000.00	
Anna M. Maschino, 1015 18th Street, NW Washington, DC 20036	Conference of State Bank Supervisors	518.75	
Sam Maselli, 2626 Pennsylvania Avenue, NW Washington, DC 20037	National Telephone Cooperative Assn	5,000.00	1,013.48
Mark A. Maslyn, 600 Maryland Avenue, SW Washington, DC 20024	American Farm Bureau Federation	9,887.00	593.88
Cynthia Mason, 1225 Eye Street, NW, #1100 Washington, DC 20005	Handgun Control, Inc		
Glen David Mason, 1350 I Street, NW, #590 Washington, DC 20005	College of American Pathologists	7,960.00	
John S. Mason III, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation		
Michael J. Mason, 1220 L St., NW Washington, DC 20005	American Petroleum Institute	8,000.00	80.00
Nancy Mason, 1020 19th Street, NW, Suite 700 Washington, DC 20036	US WEST, Inc	549.60	
Ned W. Massee, 299 Park Avenue 13th Floor New York, NY 10171	Westvaco Corporation		
Jacquelyn Massey, 3138 North 10th Street Arlington, VA 22201	National Assn of Federal Credit Unions		
Camille Bares Massic, 1401 I Street, NW, Suite 1100 Washington, DC 20005	Southwestern Bell Corp, Inc	15,000.00	596.86
James D. Massie, 601 13th St., NW, Suite 410 South Washington, DC 20005	R. Duffy Wall & Associates	1,250.00	
Sandra Masur, 1250 H Street, NW, #800 Washington, DC 20005	Eastman Kodak Company		
Mary Cheryl Matheis, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	11,327.19	20.00
Alexander S. Mathews, 1700 North Moore Street, Suite 1600 Arlington, VA 22209	American Meat Institute	12,750.00	844.70
Sandra Windsor Mathiesen, 230 12th Street, SE Washington, DC 20003	Denny Miller Associates, Inc	1,500.00	
Dawson Mathis, 410 First Street, SE, #300 Washington, DC 20003	Civil Justice Reform Group	2,500.00	
Do	Dawson Mathis & Associates (For:Massachusetts Mutual Life Insurance Co)	11,418.35	
Do	United Parcel Service	3,000.00	
Dawson Mathis & Associates, 410 First Street, NW, #300 Washington, DC 20003	Massachusetts Mutual Life Insurance Co	11,418.35	
Kim M. Matthews, 1020 19th Street, NW, #700 Washington, DC 20036	U S West, Inc	1,099.20	
Robert A. Matthews, 700 North Fairfax St. Alexandria, VA 22314	Railway Progress Institute	1,253.64	
Suzette Matthews, Arlington Courthouse Plaza II 2300 Clarendon Boulevard, #711 Arlington, VA 22201	Air Traffic Control Assn, Inc	3,518.42	
Michael N. Matton, 1735 Jefferson Davis Hwy., Suite 1200 Arlington, VA 22202	McDonnell Douglas Corp	744.00	
Daniel J. Mattoon, 1133 21st St., NW, #900 Washington, DC 20036	BellSouth Corp	3,325.00	5,051.12
William C. Mattox, 1700 Pennsylvania Avenue, NW Washington, DC 20006	Mutual of Omaha Cos	3,250.00	
Marshall L. Matz, 1400 16th Street, NW, #400 Washington, DC 20036	Olsson Frank & Weeda (For:American Commodity Distribution Program)	1,500.00	
Do	Olsson Frank & Weeda (For:American School Food Service Assn)	9,000.00	
Do	Olsson Frank & Weeda (For:United Fresh Fruit & Vegetable Assn)	3,000.00	
Robert V. Maudlin, 1511 K Street, NW Washington, DC 20005	C.V. & R.V Maudlin (For:Southern Company Services, Inc)	2,500.00	500.00
Maupin Taylor Ellis & Adams, P. O. Drawer 27619 Raleigh, NC 27619	Robert E. Rader Jr.		1,702.76
John A. Maxwell, New Jersey Petroleum Council 150 West State Street Trenton, NJ 08608	American Petroleum Institute		
William A. Maxwell, 727 15th Street, NW, #900 Washington, DC 20005-2169	Convex Computer Corp	5,000.00	151.96
Gerald M. May, 1608 K Street, NW Washington, DC 20006	American Legion	9,641.00	196.00
James C. May, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	30,000.00	
John Paul May, 1101 Mercantile Lane, #101 Landover, MD 20785	Association Growth Enterprises, Inc		
Peter G. Mayberry, 1001 G Street, NW, #500 West Washington, DC 20001	Keller and Heckman (For:INDA (Association of the Nonwoven Fabrics Industry))		
Joseph T. Mayer, 1745 Jefferson Davis Hwy., #1200 Arlington, VA 22202	Rockwell International Corp	18,135.00	1,361.00
Marion R. Mayer, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	11,592.69	369.02
Mayer Brown & Platt, 2000 Pennsylvania Avenue, NW, #6500 Washington, DC 20006	Accountants' Liability Assurance Co, Ltd		
Do	American Farm Bureau Federation	400.00	
Do	Arthur Andersen & Co, et al.	3,825.00	
Do	Attorneys' Liability Assurance Society, Inc		
Do	Black & Decker Corporation		
Do	Brunswick Corp		
Do	Cabot Partners Limited Partnership		
Do	Chicago Stock Exchange, Inc		
Do	Comdisco, Inc		
Do	Continental Bank, N.A.		
Do	Deutsche Lufthansa A.G.		
Do	Enron Development Corp	81.25	
Do	First Chicago Corp		
Do	FMC Corporation		
Do	General Electric Industrial & Power Systems		
Do	GATX Corporation		
Do	Household Commercial Financial Services, Inc		
Do	Joseph E. Seagram & Sons Inc		
Do	JMB Realty Corp		
Do	L&B Real Estate Counsel		
Do	LaSalle Partners, Inc		
Do	Merrill Lynch Capital Markets		
Do	Nalco Chemical Co		
Do	NICOR, Inc		
Do	Quaker Oats Company		
Do	RJR Nabisco, Inc		
Do	Santa Fe Pacific Corp	225.00	
Do	Sara Lee Corporation		
Do	Sears Roebuck & Co		
Do	Solid Waste Agency of Northern Cook County		
Do	Tele-Communications, Inc		
Do	Vulcan Materials Company, Midwest Division	3,500.00	570.00
S. Hubert Mayes Jr., 320 West Capitol Avenue, Suite 1000 Little Rock, AR 72201-3525	Alliance of American Insurers		
Jeffrey G. Mays, 1505 Prince Street, Suite 300 Alexandria, VA 22314	American Optometric Assn		
Michael J. McAdams, 1776 Eye Street, NW, #1000 Washington, DC 20006	BP America, Inc		
H. Wesley McAden, 1155 15th St., NW, #504 Washington, DC 20005	J. G. Boswell Co	3,000.00	
Do	New York Cotton Exchange	2,000.00	
Marcia McAllister, 1270 West Northwest Highway Palatine, IL 60067	American Salvage Pool Assn		1,039.00
Michael McAllister, 3050 K Street, NW, Suite 105 Washington, DC 20007	Behavorial Psychographic Targeting, Inc		
Rebecca McAuliffe, 601 13th Street, NW, Suite 850 South Washington, DC 20005	El Paso Natural Gas Co	1,000.00	
Gary W. McBee, 1133 21st Street, NW, #700 Washington, DC 20036-3349	Alliance for Competitive Communications	11,250.00	66.00
Ann McBride, 2030 M St., NW Washington, DC 20036	Common Cause	18,324.18	
Charlie McBride Associates, Inc, 1730 M Street, NW, #800 Washington, DC 20036	ABB Combustion Engineering, Inc	9,000.00	433.78
Do	Carolina Power & Light Co	900.00	
Do	Diagnostic Retrieval Systems, Inc	3,750.00	
Do	Edison Chouest Offshore	2,400.00	242.96
Do	General Atomics	2,800.00	213.79
Do	Integrated Resources Group, Inc	3,000.00	252.80
Do	Louisiana Energy Services	1,200.00	
Do	Nuclear Energy Institute	3,000.00	732.25
Do	Science Applications International Corp	6,000.00	499.75
Do	Sealaska Corp	1,800.00	212.12
Do	Tulane University	5,100.00	332.58
Do	Turlock Irrigation District	800.00	78.49
Do	Westinghouse Electric Corp	3,220.00	584.12
Do	Yukon Pacific Corp	2,400.00	216.46
John D. McCallum, 1900 Pennsylvania Ave., NW Washington, DC 20068	Potomac Electric Power Co	98.11	
David J. McCarthy, 601 Pennsylvania Avenue, NW, #900 Washington, DC 20004	IPALCO Enterprises, Inc		
James A. McCarthy, 1711 King Street, Suite One Alexandria, VA 22314	Snack Food Assn		
Kelley J. McCarthy, 888 16th Street, NW Washington, DC 20006	Bannerman & Associates, Inc (For:Embassy of El Salvador)	100.00	
Do	Bannerman & Associates, Inc (For:Government of the United Arab Emirates)		
Do	Bannerman & Associates, Inc (For:Government of Egypt)	100.00	
Do	L.A. Motley & Co (for Governmetn of the Philippines)	100.00	
Do	Bannerman & Associates, Inc (For:Lebanese American University)		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Brian McClay, c/o Rogers & Wells 607 14th Street, NW Washington, DC 20005	Canadian Pulp and Paper Association		
Donald N. McClure Jr., 20 Erford Road #115 Lemoyne, PA 17043	Pennsylvania Assn of Home Health Agencies	10,640.46	1,146.98
Karen L. McClure, 1201 New York Avenue, NW Washington, DC 20005	American Public Transit Assn	3,105.00	
McClure Gerard & Neuenschwander, Inc, 801 Pennsylvania Ave., NW, #820 Washington, DC 20004-2604	American Mining Congress	254.00	
Do	Asarco, Inc	254.00	
Do	Barrick Resources (USA, Inc)	254.00	
Do	Battle Mountain Gold Co	254.00	
Do	Brush Wellman, Inc	254.00	
Do	BHP Minerals International, Inc	254.00	
Do	Coeur d'Alene Mines Corp	629.00	
Do	Crown Butte Mines, Inc	254.00	
Do	Cyprus Amax Minerals Company	254.00	
Do	Echo Bay Mines	254.00	
Do	Euro-Nevada Mining Corp, Inc	254.00	
Do	Financial Guaranty Insurance Corp	312.50	
Do	Franco-Nevada Mining Corp, Inc	254.00	
Do	FMC Gold	254.00	
Do	GE Capital Mortgage Corp	62.50	
Do	Hecla Mining Co	254.00	
Do	Homestake Mining	254.00	
Do	Idaho Power Company	250.00	
Do	Kennecott Corp	254.00	
Do	Magma Copper Company	254.00	
Do	Minorco, USA	254.00	
Do	National Endagered Species Act Reform Coalition	450.00	
Do	National Rifle Assn		
Do	Newmont Mining Corp	254.00	
Do	Pacific Gas Transmission Company		
Do	Pegasus Gold Corp	254.00	
Do	Phelps Dodge Corp	254.00	
Do	Placer Dome US, Inc	254.00	
Do	Royal Gold, Inc	254.00	
Do	Santa Fe Pacific Gold Corp	254.00	
Do	Stillwater Mining Company	254.00	
Do	Western States Minerals Corp		
Robert S. McConnaughey, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
Stephen McConnell, 1319 F Street, NW, #710 Washington, DC 20004-1106	Alzheimer's Assn	4,000.00	100.00
Judith A. McCormick, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	700.00	
Maryanne McCormick, 1455 Pennsylvania Avenue, NW Washington, DC 20004-1007	Corning, Inc	5,000.00	605.74
Matthew J. McCoy, 2500 Wilson Blvd. Arlington, VA 22201-3834	Electronic Industries Assn	1,500.00	250.00
Joseph P. McCraren, P.O. Box 219 Bakerton, WV 25410	National Aquaculture Assn	1,617.00	
John E. McDade, 1700 North Moore Street Arlington, VA 22209	American Meat Institute		
Carol A. McDaid, 601 13th Street, NW, #410 South Washington, DC 20005	R. Duffy Wall & Associates, Inc	1,250.00	
Charles J. McDermott, 1155 Connecticut Ave., NW Washington, DC 20036	WMX Technology (Rust)	12,250.00	184.16
McDermott Will & Emery, 1850 K Street, NW, #450 Washington, DC 20006	Alaska Seafood Marketing Institute	4,275.00	45.00
Do	Allergan, Inc	200.00	
Do	American College of Radiation Oncology	4,875.00	
Do	American Dental Hygienists Assn	1,500.00	
Do	American Imaging Assn		
Do	American Meat Institute		
Do	American Soc of Outpatient Surgeons		
Do	Associated Financial Corp	7,920.50	
Do	Association for the Preservation of Civil War Sites		
Do	Association of Freestanding Radiation Oncology Centers	100.00	
Do	ARA Services, Inc		
Do	California Avocado Commission	4,837.00	
Do	California Canning Peach Assn	3,487.00	
Do	California Children's Hospital Assn	2,100.00	
Do	California Kiwifruit Commission	9,675.00	45.00
Do	Chiquita Brands, Inc		
Do	Co-Bank - National Bank for Cooperatives	262.50	
Do	Coalition for Employment Opportunities	2,712.50	
Do	Council of Women's & Infant's Specialty Hospitals	6,000.00	
Do	Crop Protection Coalition	2,587.00	
Do	Fargo Clinic/Medicare	2,500.00	
Do	Fashion Accessories Shippers Association		
Do	Good Sam Club		
Do	Harcourt Brace Jovanovich		
Do	Health Insurance Provider Coalition	1,040.00	
Do	Dorothy Holt Estate		
Do	Intermountain Health Care, Inc	612.50	
Do	International Hearing Society	5,300.00	
Do	Johnson & Johnson		
Do	Juvenile Diabetes Foundation	6,000.00	
Do	Kmart Corporation		
Do	Marshfield Clinic	2,500.00	
Do	Minor Crop Farmer Alliance	8,125.00	
Do	Muscular Dystrophy Assn		
Do	MMW/Strategic Communications		
Do	National Assn of Diagnostic Services		
Do	National Potato Council	8,000.00	70.00
Do	North American Assn of State & Provincial Lotteries	525.00	
Do	Olin Corporation		
Do	Outpatient Opthalmic Surgery Society		
Do	Public Employees Retirement Assn of Colorado		
Do	PGA Tour, Inc	1,000.00	
Do	Rotary International		
Do	Rural Health Network Coalition	2,000.00	
Do	Rural Referral Centers Coalition	2,000.00	
Do	Russ Berrie & Company		
Do	RJR Nabisco Corp		
Do	S.C. Johnson & Son	2,925.00	
Do	Section 2039(e) Group	1,950.00	
Do	Southland Corporation	6,387.50	
Do	U.S. Mink Export Development Council	1,125.00	9.52
Do	United Development Corp		
Do	VIVRA	9,712.50	
Do	Wear Guard Corp		
Do	Welch Foods, Inc		
Do	Wells Manufacturing Co		
Do	World Airways		
Bridget McDonald, 1630 Duke Street, 4th Floor Alexandria, VA 22314-3465	National Rural Letter Carriers' Assn	6,299.00	55.00
Jack McDonald, 901 15th Street, NW, #700 Washington, DC 20005-2301	Outboard Marine Corp	7,500.00	25.00
Robert McDonald, 700 13th Street, NW, #700 Washington, DC 20005	Emerson Electric Co	1,562.50	554.89
Tom McDonald, 1100 Huntington Bldg. 925 Euclid Avenue Cleveland, OH 44115-1475	Arter & Hadden (For:American Koyo Corp)	75.00	
Do	Mt Carmel Health		
John P. McDonough, 99 Commerce Place Upper Marlboro, MD 20772	O'Malley & Miles (For:National Hockey League)	39.04	
Marian E. McDowell, 1275 Pennsylvania Ave., NW, 4th Floor Washington, DC 20004	Pacific Telesis Group	11,500.00	
Deborah C. McElroy, 1200 19th Street, NW, #300 Washington, DC 20036-2401	Regional Airline Assn	1,000.00	
Roland McElroy, 1111 19th Street, NW, Washington, DC 20036	American Forest & Paper Assn	9,500.00	
Robert H. McFadden, 1401 H Street, NW, #900 Washington, DC 20005	American Automobile Manufacturers Assn	4,940.00	
S. Jefferson McFarland III, 750 First St., NE Washington, DC 20002-4242	American Psychological Assn	46.92	
Randall H. McFarlane, 900 19th Street, NW, Suite 400 Washington, DC 20006	America's Community Bankers	20,000.00	1,820.00
Paul J. McGeady, 27 Hampton Place Nutley, NJ 07110	Morality in Media, Inc	721.16	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Becky McGee, P.O. Box 2880 Dallas, TX 75221-2880	Oryx Energy Company		
Donna Lee McGee, 1001 Connecticut Ave., #701 Washington, DC 20036	Burlington Industries, Inc	8,000.00	3,150.00
Meredith McGehee, 2030 M St., NW Washington, DC 20036	Common Cause	13,907.76	108.00
McGehee & Associates, 11781 Lee Jackson Memorial Highway Suite 360 Fairfax, VA 22033	ELEKTA Radiosurgery, Inc		4,000.00
Do	Institute for Clinical PET		
Robert M. McGlotten, McGlotten & Jarvis 1901 L Street, NW, #300 Washington, DC 20036	American Fed of Labor & Congress of Industrial Organizations	41,334.70	1,513.87
Elissa M. McGovern, 1400 Eye Street, NW, Suite 1200 Washington, DC 20005	American Immigration Lawyers Assn	1,980.00	
Joseph M. McGrail, 52 Washington Ave. Williamstown, NJ 08094	Aircraft Owners & Pilots Assn		
Do	AT&T Global Information Solutions		
Do	NYMA, Inc		
Do	System Resources Corp		
C. Dean McGrath Jr., 1401 H Street, NW, #900 Washington, DC 20005	American Automobile Manufacturers Asn	1,540.00	50.00
Gail P. McGrath, JTK Corporation 4205 36th Street, South Arlington, VA 22206	AdminaStar Solutions, Inc		
Lisa Stoltenberg McGreevy, 1015 18th Street, NW, #1100 Washington, DC 20036	Conference of State Bank Supervisors		
Katy McGregor, 1200 17th Street, NW, 8th Floor Washington, DC 20036	National Restaurant Assn	1,500.00	990.00
Kevin S. McGuiness, 400 North Capitol Street, NW, #585 Washington, DC 20001	McGuiness & Holch (For:American Assembly of Collegiate Schools of Business)		
Do	McGuiness & Holch (For:Arch Mineral Corporation)	1,080.00	
Do	McGuiness & Holch (For:Barr Laboratories, Inc)		
Do	McGuiness & Holch (For:Consolidated Rail Corp)		
Do	McGuiness & Holch (For:International Anticounterfeiting Coalition, Inc)	697.50	
Do	McGuiness & Holch (For:Major League Baseball Players Assn)	13,500.00	
Do	McGuiness & Holch (For:National Assn of Chain Drug Stores)	337.50	
Do	McGuiness & Holch (For:National Nutritional Foods Assn)	562.50	
Do	McGuiness & Holch (For:PepsiCo, Inc)		
Do	McGuiness & Holch (For:RJR Nabisco)	112.50	
McGuiness & Williams, 1015 15th Street, NW, #1200 Washington, DC 20005	National Council of Agricultural Employers	15,531.00	1,460.27
Do	Nisei Farmers League	3,256.25	841.25
Do	Turfgrass Producers International		50.60
Do	Workers Compensation Integrity Stability & Equity (WISE)	2,841.66	
Joseph M. McGuire, 1001 Pennsylvania Ave. NW, #700 Washington, D. C.	Allied-Signal, Inc		
Mary Lee McGuire, 2300 Clarendon Blvd., #I0I0 Arlington, VA 22201-3367	Cook Inlet Region, Inc	12,000.00	
McHenry & Staffier, P.C., 1300 19th St., NW, #408 Washington, DC 20036	Foothills Pipe Lines Ltd		
Do	Pan-Alberta Gas Ltd		
McIntyre Kahn & Kruse Co., L.P.A., The Galleria & Towers At Erieview 1301 East Ninth Street, #1200 Cleveland, OH 44114			
John J. McKechnie III, 805 15th St., NW, #300 Washington, DC 20005	Credit Union National Assn, Inc	2,500.00	
Darina McKelvie, 1101 Pennsylvania Avenue, NW, #1000 Washington, DC 20004	Citicorp Washington, Inc	2,250.00	
McKenna & Cuneo, 1575 Eye Street, NW Washington, DC 20005	California Dental Association	5,000.00	200.00
Do	Cigar Assn of America, Inc		
Do	DSE Industry Coalition		
Do	Fertilizer Institute		
Do	Medical Device Manufacturers Assn		
Do	Pharmaceutical Research & Manufacturers of America		
Jan E. McKenzie, 701 Pennsylvania Avenue, NW Washington, DC 20004	Edison Electric Institute	2,059.53	147.97
Frank J. McKeown, 1000 Wilson Boulevard, #2300 Arlington, VA 22209	Northrop Grumman Corporation	1,400.00	
Kim F. McKernan, 600 Maryland Ave., SW, Suite 700 Washington, DC 20024	National Fed of Independent Business	4,875.00	400.00
William Colm McKeveny, Chadbourne & Park 30 Rockefeller Plaza New York, NY 10112	American Pulpwood Assn		
McKevitt Group, 1101 16th Street, NW, #333 Washington, DC 20036	Kelly Services, Inc	9,562.50	1,352.90
Robert E. McKew, 919 18th Street, NW Washington, DC 20006	American Financial Services Assn	250.00	
Bernard A. McKinnon, 1757 N Street, NW Washington, DC 20036	United Automobile Aerospace & Agricultural Implement Workers	17,516.56	173.20
Timothy P. McKone, 1404 I Street, NW, #1100 Washington, DC 20005	Southwestern Bell Corp	15,000.00	16,180.96
Patrick M. McLain, 1000 Vermont Avenue, NW, #1000 Washington, DC 20005	Rowan & Blewitt, Inc (For:IVAX Corp)		
Do	Rowan & Blewitt Inc (For:Medtronic, Inc)	11,062.50	
Do	Rowan & Blewitt (For:Monsanto Company)		
Do	Rowan & Blewitt, Inc (For:National Alliance for Infusion Therapy)	1,687.50	
Do	Rowan & Blewitt, Inc (For:North American Vaccine, Inc)	250.00	
Do	Rowan & Blewitt, Inc (For:Par Pharmaceutical, Inc)	2,625.00	
Do	Rowan & Blewitt, Inc (For:Scripps Research Institute)		
Do	Rowan & Blewitt, Inc (For:Upjohn Company)	7,562.50	
James D. McLaughlin, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	5,300.00	
Laure C. McLaughlin, 555 13th Street, NW, Suite 430 West Washington, DC 20004	Transco Energy Co		
Lindsay McLaughlin, 1775 K Street NW, #200 Washington, DC 20006	ILWU	13,000.00	6,985.96
John R. McLaurin, 1133 15th Street, NW, #640 Washington, DC 20005	American Logistics Assn		
Kevin Patrick McMahon, 1001 19th St. N., #800 Arlington, VA 22209	TRW, Inc	14,525.00	605.00
Thomas E. McMahon, 11718 Bowman Green Drive Reston, VA 22090	National Automatic Merchandising Assn	11,750.00	1,794.45
Allegra P. McManus, 815 16th Street, NW, Suite 301 Washington, DC 20006	Industrial Union Department (AFL-CIO)	7,735.00	
Brian McManus, 7440 Woodland Drive Indianapolis, IN 46278	Golden Rule Insurance Company		287.36
Roger E. McManus, 1725 DeSales Street, NW, #500 Washington, DC 20036	Center for Marine Conservation		
William A. McManus, 1101 16th Street, NW Washington, DC 20036-4877	National Soft Drink Assn	50.49	161.25
P. E. McManus Associates, 1101 30th Street, NW, #200 Washington, DC 20007	AAI Corporation	50.00	
Do	Hydroacoustics, Inc		
Do	Litton Data Systems	50.00	
James D. McMillan, 2001 Pennsylvania Ave., NW, #300 Washington, DC 20006	Exxon Corporation	700.00	238.01
Rachel A. McMillan, 1776 I Street, NW, #750 Washington, DC 20006	BNFL, Inc	5,500.00	1,104.61
Stephen D. McMillan, 501 Wythe Street P.O. Box 1417-D50 Alexandria, VA 22313-1480	Animal Health Institute	23,167.75	
McMillan Group, 11 Canal Center Plaza, #302 Alexandria, VA 22314	National Assn of Small Business Investment Companies	30,000.00	161.50
Gerald R. McMurray, 3900 Wisconsin Avenue, NW Washington, DC 20016	Fannie Mae	2,500.00	
Vanda B. McMurtry, 151 Farmington Avenue,RC6A Hartford, CT 06156	Aetna Life & Casualty	175.00	
McNair & Sanford, P.A., 1155 15th Street, NW, #400 Washington, DC 20005	Georgia-Pacific Corp	3,675.00	3.20
Do	International Assn for Financial Planning	2,870.75	33.00
Do	Risk & Insurance Management Society, Inc	1,997.50	22.00
Susan McNally, 1330 New Hampshire Ave., NW, #122 Washington, DC 20036	National Assn of Community Health Centers	159.71	
Kathryn M. McNamara, 1300 I Street NW 12th Floor West Washington, DC 20005	Dean Witter Discover & Co	320.00	273.00
Laramie Faith McNamara, 1101 17th Street, NW Washington, DC 20036	Bank of America	1,647.00	1,849.48
Nikki D. McNamee, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance	220.00	
Laura E. McNeill, 1025 Connecticut Ave., NW, Suite 1014 Washington, DC 20036	ENSERCH Corp	800.00	1,992.04
Peter F. McNeish, 1199 N. Fairfax Street, #200 Alexandria, VA 22314	National Assn of Small Business Investment Cos	3,000.00	
John P. McNicholas, 8008 Westpark Drive McLean, VA 22102	Unisys Corp	2,500.00	539.00
James F. McNulty Jr., Box 2265 Tucson, AZ 85702	Don Benneti Moon	3,560.00	1,589.00
Gerald T. McPhee, 1747 Pennsylvania Ave., NW, Suite 300 Washington, DC 20006	Occidental International Corp	20,000.00	2,249.99
Laura J. McPherson, 1745 Jefferson Davis Highway, #511 Arlington, VA 22202	Manufactured Housing Institute	5,000.00	175.17
Michael J. McShane, 1001 19th Street North, #800 Arlington, VA 22209	TRW, Inc	16,140.00	88.00
Martha McSteen, 2000 K Street, NW, 8th Floor Washington, DC 20006	National Comm to Preserve Social Security & Medicare	18,232.00	
Douglas L. McSwain, 155 E. Main Street Lexington, KY 40507	Sturgill Turner & Truitt	20.00	257.32
George G. Mead, 1908 Ednor Road Silver Spring, MD 20905	Norfolk Southern Corp	500.00	
Leslie S. Mead, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives	250.00	
James Gregory Means, 601 13th Street, NW, #410 South Washington, DC 20005	R. Duffy Wall & Associates, Inc	1,250.00	
Paul N. Means, P.O. Box 551 Little Rock, AR 72203	Arkansas Power & Light Company		
William A. Meaux, 1600 M Street, NW, #702 Washington, DC 20036	ICI Americas, Inc	22,800.00	
Myron Meche, 325 7th Street, NW, #1000 Washington, DC 20004	National Retail Federation	2,000.00	96.36
Thomas J. Medaglia III, 1615 M Street, NW, Suite 200 Washington, DC 20036-3260	Amoco Corp	1,150.00	516.06
A. Aaron Medlock, 50 Revere Street, #2 Boston, MA 02114	Humane Society of the U.S.	2,729.21	308.48
Charles M. Meehan, 1140 Connecticut Avenue, NW Suite 1140 Washington, DC 20036	Utilities Telecommunications Council		
Fred C. Meendsen, CPC International, Inc Englewood Cliffs, NJ 07632	CPC International, Inc		10,469.00
Wayne Edward Mehl, 2725 Carter Farm Court Alexandria, VA 22306	Nevada Resort Assn	25,466.99	1,879.67
Mehl & Associates, Inc, 1400 L Street, NW, #625 Washington, DC 20005	Bogan Aerotech, Inc	650.00	
Do	Cessna Aircraft Company	900.00	
Do	Chandler Evans	1,500.00	
Do	D3 International	4,000.00	
Do	General Atomics	1,000.00	
Do	Hughes Aircraft Co	1,500.00	
Do	Lockheed (Aviation MFT)	500.00	
Do	Schweizer Aircraft Corp	900.00	
Do	University of South Carolina		
Larry Mehlhaff, 23 N. Scott, #27 Sheridan, WY 82801	Sierra Club	2,410.16	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Michelle Meier, 1666 Connecticut Avenue, NW, #310 Washington, DC 20009	Consumers Union of U.S., Inc	1,000.00	
Marilyn F. Meigs, 1776 Eye Street, NW, #750 Washington, DC 20006-3700	BNFL, Inc	1,378.00	200.00
John Melcher, 230-B Maryland Avenue, N.E. Washington, DC 20002	American Veterinary Medical Assn		
Do	Chicago Mercantile Exchange	11,250.00	5,369.00
Kenneth F. Melley, 1201 16th Street, NW Washington, DC 20036	National Education Assn	8,972.50	
James R. Meltsner, 1000 Wilson Blvd., #2300 Arlington, VA 22209	Northrop Grumman	1,400.00	
David Melville, 610 Marshall Street, Suite 800 Shreveport, LA 71101-5332	Change Assistance Programs	499.62	496.26
Mark Menezes, 801 Pennsylvania Avenue, NW, #352 Washington, DC 20004	Central & South West Corp	1,200.00	411.19
David Mengebier, 1016 16th St., NW, 5th Floor Washington, DC 20036	Consumers Power Company	6,000.00	6,998.00
William P. Mengebier, 655 15th Street, NW, #225 Washington, DC 20005	Rhone-Poulenc, Inc	540.00	821.95
Edward L. Menning, 1101 Vermont Avenue, NW, #710 Washington, DC 20005	National Assn of Federal Veterinarians	70.05	
J. Roger Mentz, 1100 Connecticut Ave., NW, #600 Washington, DC 20036	Amway Corporation	375.00	
Do	McClure Trotter & Mentz (For:Methanex, Inc)		
Jane Mentzinger, 2030 M Street, NW Washington, DC 20036	Common Cause	7,161.15	57.00
Pamela L. Meredith, 600 New Hampshire Ave., NW Washington, DC 20037	Spectrum Astro, Inc	1,942.00	
Cynthia E. Merifield, 1101 Vermont Ave, NW Washington, DC 20005	American Medical Assn	3,750.00	
Edward A. Merlis, 1301 Pennsylvania Avenue. NW, #1100 Washington, DC 20004-1707	Air Transport Assn	2,981.28	
Edward L. Merrigan, 6000 Connecticut Ave., NW Washington, DC 20815	Central Gulf Lines, Inc	4,000.00	55.03
Merrill Lynch & Co, Inc, 3000 K Street, NW, #620 Washington, DC 20007			146,930.00
Gordon Merritt, 1100 Wilson Blvd., #2000 Arlington, VA 22209	Hughes Aircraft Company		
Richard P. Merski, 1455 Pennsylvania Avenue, NW, #900 Washington, DC 20004	American International Group, Inc	6,800.00	85.00
Carol Messer, 1020 19th Street, NW, #600 Washington, DC 20036	Financial Services Council	1,719.00	
Neil T. Messick, 1299 Pennsylvania Ave., NW Washington, DC 20004	General Electric Co	1,800.00	1,398.41
Raymond A. Messina, 633 Pennsylvania Avenue, NW Washington, DC 20004	Dean Witter Discover & Co	300.00	243.55
Jean L. Mestres, 1747 Pennsylvania Avenue, NW, #300 Washington, DC 20006	OXY USA, Inc	2,496.12	57.00
Tanya K. Metaksa, 11250 Waples Mill Road Fairfax, VA 22030	National Rifle Assn of America	4,000.00	
Metropolitan Chicago Healthcare Council, 222 S. Riverside Plaza Chicago, IL 60606			
David P. Metzger, 1225 New York Ave., NW, #1200 Washington, DC 20005-3919	Davis Graham & Stubbs		
Metzger Hollis Gordon & Mortimer, 1275 K Street, NW Washington, DC 20005	Major League Baseball	375.00	
Christina A. Metzler, 1383 Piccard Drive P.O. Box 1725 Rockville, MD 20849-1725	American Occupational Therapy Assn, Inc	5,000.00	43.60
Brian M. Meyer, 7272 Wisconsin Avenue Bethesda, MD 20814	American Soc of Hospital Pharmacists	3,456.00	
M. Barry Meyer, 900 19th Street, NW Washington, DC 20006	Aluminum Assn, Inc	200.00	
Thomas J. Meyer, 5901 Executive Drive Lansing, MI 48911	Jackson National Life Insurance Company	1,500.00	200.00
John B. Meyers, P.O. Box 4067 Louisville, KY 40204			1,000.00
Larry D. Meyers, 412 First Street, SE, #100 Washington, DC 20003	American Beekeeping Federation	1,000.00	286.74
Do	National Peanut Growers Group	16,320.00	1,639.36
Do	Ricebelt Warehouse, Inc	3,000.00	178.81
Do	Texas A&M Research Foundation	22,920.00	1,972.23
Meyers & Associates, 412 First St., SE, #100 Washington, DC 20003	AgrEvo USA Company	18,000.00	166.64
Do	American Sheep Industry Assn	17,799.00	1,678.11
Do	Browsville Economic Development Council	15,000.00	1,135.84
Do	Corpus Christi Bay Area Economic Development Corp	18,000.00	1,324.63
Do	ISK Biosciences	18,000.00	166.64
Do	New Mexico State University, College of Agriculture	10,500.00	894.99
Do	New Mexico State University, College of Engineering	10,500.00	823.99
Do	Tenth District Farm Credit Bank	29,968.75	1,336.83
Do	Texas Tech Foundation Texas Tech University	7,500.00	490.67
Do	Wellman, Inc	9,000.00	293.10
Daniel Mica, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc	5,000.00	
David R. Mica, Florida Petroleum Institute 215 South Monroe Street, #800 Tallahassee, FL 32301	American Petroleum Institute	2,610.00	2,810.47
Mark A. Micali, 1101 17th Street, NW, #705 Washington, DC 20036	Direct Marketing Association, Inc	4,000.00	300.00
Van R. Michael, P.O. Box 356 Sweetwater, TN 37874			
Michael Best & Friedrich, 135 South LaSalle Street, #1610 Chicago, IL 60603	DePaul University		
Laurie L. Michel, 601 Pennsylvania Ave., NW Suite 1200 North Building Washington, DC 20004-2613	Merck & Co, Inc	1,000.00	400.00
Michigan Hospital Assn, 6215 West St. Joseph Highway Lansing, MI 48917			4,406.36
Mid-Continent Oil & Gas Assn, 801 Pennsylvania Ave., NW, #840 Washington, DC 20004-2604		168,749.00	45,333.28
Mid-West Electric Consumers Assn, 999 18th Street, #1635 Denver, CO 80202			
Migrant Legal Action Program, Inc, 2001 S St., NW, #310 Washington, DC 20009			
Edmund Joseph Mihalski, 1101 Pennsylvania Avenue, NW, Suite 540 Washington, DC 20004	Eli Lilly and Co	3,000.00	46.49
Nelson L. Milder, 1828 L Street, NW, #906 Washington, DC 20036	American Soc of Mechanical Engineers		
Richard Jeffrey Miles, 1530 Wilson Blvd, Suite 250 Arlington, VA 22209	Allison Engine Co	192.50	51.25
Military Boot Manufacturers Assn, P.O. Box 508 Belleville, IL 62222			
B. Parker Miller III, 1801 K Street,NW, Suite 800 Washington, DC 20006	Westinghouse Electric Corp	1,200.00	
Bradley P. Miller, 2061 Cherry Run Court, NW Grand Rapids, MI 49504	Business & Institutional Furniture Manufacturer's Assn	2,500.00	240.74
Brent V. B. Miller, 4207 South 7th Road Arlington, VA 22204	American Group Practice Assn	15,195.97	
Chaz Miller, 1730 Rhode Island Ave., NW, #1000 Washington, DC 20036	National Solid Wastes Management Assn	500.00	
Craig Miller, 1101 14th Street, NW, #1400 Washington, DC 20005	Defenders of Wildlife	53.85	
Deborah E. Miller, 919 18th Street, NW Washington, DC 20006	American Financial Services Assn	250.00	
Dennis W. Miller, P.O. Box 427 Jackson, MS 39205-0427	Comprehensive Health Insurance Risk Pool Assn	100.00	52.00
Denny Miller, 2311 South Queen Street Arlington, VA 22202	Denny Miller Associates	7,500.00	
Douglas Miller, 1730 M Street, NW, Suite 700 Washington, DC 20036	Software Publishers Assn	1,300.00	
Edward C. Miller, 1001 Pennsylvania Ave., NW Washington, DC 20004-2599	American Council of Life Insurance, Inc	1,000.00	
H. George Miller, 10615 Huntees Chase Lane Damascus, MD 20872	Shippers for Competitive Ocean Transportation (SCOT)		
Jeffrey T. Miller, 295 Madison Ave 19th Floor New York, NY 10017	Lead Industries Association, Inc		
Joseph A. Miller, 1130 Connecticut Ave., NW, Suite 830 Washington, DC 20036	Southern Nuclear Operating Company	45,506.79	13,631.96
Michael D. Miller, 1455 Pennsylvania Ave., NW, Suite 925 Washington, DC 20004	Pfizer, Inc	1,500.00	366.00
Paul M. Miller, 500 Arcola Road Collegeville, PA 19426	Rhone-Poulenc Rorer Pharmaceuticals, Inc	793.00	
Richard G. Miller, 1201 L Street, NW Washington, DC 20005	American Health Care Assn	16,000.00	1,351.53
Richard W. Miller, 1701 Clarendon Blvd. Arlington, VA 22209	American Chiropractic Assn		
Sandra Burgess Miller, 2311 South Queen Street Arlington, VA 22202	Denny Miller Associates	1,250.00	
Sarah Miller, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	2,714.00	
Scott Miller, 1050 Thomas Jefferson Street Washington, DC 20007	Student Loan Marketing Assn	925.00	153.99
Stuart A. Miller, 9806 Kohoutek Ct. Vienna, VA 22182-1945		500.00	500.00
W. Kirk Miller, 1300 L Street, NW, #900 Washington, DC 20005	North American Export Grain Assn, Inc		376.00
William T. Miller, 1101 14th Street, NW, #1400 Washington, DC 20005	Miller Balis & O'Neil, P.C. (For:American Public Gas Assn)		
Denny Miller Associates, Inc, 400 North Capitol Street, NW, #363 Washington, DC 20001	Alaska Air Group, Inc	1,500.00	1,230.00
Do	Boeing Company	3,000.00	2,460.00
Do	Cell Therapeutics, Inc	1,062.00	862.00
Do	Central Puget Sound Regional Transit Authority	1,500.00	1,235.00
Do	First Church of Christ, Scientist	300.00	245.00
Do	Makah Indian Council	300.00	245.00
Do	Momentum 94	1,875.00	1,530.00
Do	Montana Technology Center	300.00	245.00
Do	Muckleshoot Indian Tribe	300.00	245.00
Do	Olin Corporation	3,000.00	2,460.00
Do	Port of Tacoma	1,125.00	928.00
Do	State of Washington, Dept of Transportation	1,500.00	1,235.00
Do	Toy Manufacturers of America	1,500.00	1,230.00
Do	VECTRA	1,062.00	862.00
Miller Canfield Paddock & Stone, 1225 19th Street, NW, #400 Washington, DC 20036	City of Dubuque, Cable Television Division		
Do	City of Laredo		
Do	City of St. Louis	653.00	
Do	Montgomery County Government, Cable Television Office		
Elliot Mincberg, 2000 M Street, NW, Suite 400 Washington, DC 20036	People for the American Way Action Fund	4,041.66	
Richard V. Minck, 1001 Pennsylvania Ave., N.W. Washington, DC 20004	American Council of Life Insurance, Inc		
William Miner, 888 16th Street, NW Washington, DC 20006	Bannerman & Associates, Inc (For:Embassy of El Salvador)		
Do	Bannerman & Associates, Inc (For:Government of the U.A.E.)	1,500.00	
Do	Bannerman & Associates, Inc (For:Government of Egypt)	2,000.00	
Do	Banneraman & Associates (For:L.A. Motley & Co (for: Government of the Philippines)).		
Do	Bannerman & Associates, Inc (For:Lebabese American University)		
Mary A. Minette, 666 Pennsylvania Ave., SE, #200 Washington, DC 20003	National Audubon Society		
Mintz Levin Cohn Ferris Glovsky & Popeo, P.C., 701 Pennsylvania Avenue, NW, #900 Washington, DC 20004	Biogen, Inc		
Do	National Council of Halth Facilities Finance Authorities		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	National Council on Compensation Insurance		
Brian C. Mitchell, 18715 Martins Landing Germantown, MD 20874	Clark Atlanta University	15,456.49	
Do	Worldspace, Inc	2,000.00	
Edward F. Mitchell, 1900 Pennsylvania Avenue, NW Washington, DC 20068	Potomac Electric Power Co		
Gina Shea Mitchell, 1100 17th Street, NW, #1203 Washington, DC 20036	Financial Executives Institute	12,600.00	
Lawrence W. Mitchell, 600 Maryland Ave., NE, #202 W Washington, DC 20024	Farmers' Education al & Co-Operative Union of America		
Mitchell McNutt Threadgill Smith & Sams, 215 15th Street, North P.O. Box 1366 Columbus, MS 39703	4-County Electric Power Assn	2,375.00	118.75
Mitchell Williams Selig Gates & Woodyard, 1420 New York Ave., NW, #750 Washington, DC 20005	Acxiom Corp	100.00	25.00
Do	Alliance of American Insurers		
Do	Institute of Scrap Recycling Industries, Inc		
Do	Metropolitan Life Insurance Co		
Do	National Assn of Professional Employer Organizations		25.00
Mark A. Mix, 8001 Braddock Road Springfield, VA 22160	National Right to Work Committee	5,200.00	165.90
Robert R. Mix, 225 North Washington Street Alexandria, VA 22314	Non Commissioned Officer Assn	2,100.00	
David T. Modi, 1875 Eye Street, NW, #775 Washington, DC 20006	Georgia-Pacific Corp	2,465.00	
Albert L. Modiano, 801 Pennsylvania Ave., NW, Suite 840 Washington, DC 20004-2604	Mid-Continent Oil & Gas Assn	8,300.00	715.00
Karen A. Mogan, 1700 N. Moore Street, NW, #1600 Arlington, VA 22209	National Food Processors Assn	16,264.08	100.00
Martha Mohler, 2000 K Street, NW, 8th Floor Washington, DC 20006	National Comm to Preserve Social Security & Medicare	3,270.00	
George F. Mohrmann, 1725 Jefferson Davis Highway Crystal Square 2 Arlington, VA 22202	Lockheed Martin Corp	2,825.00	
Brian R. Moir, 2000 L Street, NW, #512 Washington, DC 20036-4907	American Petroleum Institute		
Do	International Communications Assn		
Do	National Assn of Broadcasters		
Peter A. Molinaro, 1100 15th Street, NW, #1200 Washington, DC 20005	Union Carbide Corp	7,258.72	
John V. Moller, 1707 L Street NW, #725 Washington, DC 20036	Policy Consulting Services, Inc (For:Nissan Motor Company, Ltd)		
Do	Policy Consulting Services, Inc (For:Nissan Motor Manufacturing, U.S.A.)		
Do	Policy Consulting Services, Inc (For:Nissan North America, Inc)		
Donna R. Mollis, 555 New Jersey Ave., NW Washington, DC 20001	American Federation of Teachers, AFL-CIO	9,530.49	40.00
Robert A. Molofsky, 5025 Wisconsin Avenue, NW Washington, DC 20016	Amalgamated Transit Union, AFL-CIO	5,000.00	238.00
John M. Moloney, 1629 K Street, NW, #501 Washington, DC 20006	Delta Airlines, Inc	200.00	180.01
C. Manly Molpus, 1010 Wisconsin Avenue, #900 Washington, DC 20007	Grocery Manufacturers of America, Inc	3,870.00	
Eric Mondres, 900 19th Street, NW, Suite 400 Washington, DC 20006	America's Community Bankers	20,150.00	1.329.09
Seth Mones, 601 Pennsylvania Avenue, NW North Building-Suite 700 Washington, DC 20004	Electronic Industries Assn	6,992.50	28.00
Do	National Electrical Manufacturers Assn, et al.	5,000.00	342.52
Ark Monroe III, 1420 New York Ave, NW, Suite 750 Washington, DC 20005	Acxiom Corp		
Do	Institute of Scrap Recycling Industries, Inc		
Do	Metropolitan Life Insurance Co		
Do	National Assn of Professional Employer Organizations		
Louis Mark Monroe, 1750 New York Avenue Washington, DC 20006	International Brotherhood of Painters & Allied Trades		
James M. Montgomery, 1401 I Street, NW, Suite 1220 Washington, DC 20005	Joseph E. Seagram & Sons, Inc	5,000.00	
John H. Montgomery, 2715 M St., NW, #300 Washington, DC 20007	National Rural Water Assn	2,000.00	50.00
Do	Murray Scheer & Montgomery (For:Oklahoma State Medical Assn)	1,000.00	50.00
Do	Underground Injection Practices Council	1,000.00	40.00
Kevin P. Montgomery, 1215 17th Street, NW, 3rd Floor Washington, DC 20036	Evergreen International Aviation, Inc		
Do	Polar Air Cargo, Inc		138.32
Lisa C. Moody, 1101 16th Street, NW Washington, DC 20036	Independent Petroleum Assn of America		25.00
Alan J. Moore, 2000 Pennsylvania Avenue, NW, #6500 Washington, DC 20006	Atchison Topeka & Santa Fe Railway Co	1,000.00	
Albert W. Moore, 7901 Westpark Drive McLean, VA 22102	AMT - The Assn for the Manufacturing Technology	1,550.00	25.00
Andrew D. Moore, 727 North Washington Street Alexandria, VA 22314	United Fresh Fruit & Vegetable Assn	367.12	
Carlos Moore, 1801 K Street, NW, #900 Washington, DC 20006	American Textile Manufacturers Institute, Inc	750.00	30.00
Frank B. Moore, 1155 Connecticut Ave. NW, #800 Washington, D.C.	WMX Technologies, Inc	5,750.00	
Powell A. Moore, 1615 L Street, NW, Suite 1150 Washington, DC 20036	Capitoline/MS&L (For:Agusta Group)		
Do	Capitoline/MS&L (For:Allied-Signal Corp)		
Do	Capitoline/MS&L (For:Berwind Natural Resources Corp)		
Do	Capitoline/MS&L (For:E.H. Industries, Inc)		
Do	Capitoline/MS&L (For:Equifax Corp)		
Do	Capitoline/MS&L (For:Lockheed Corporation)		
Do	Capitoline/MS&L (For:National Assn of Broadcasters)	1,000.00	
Do	Capitoline/MS&L (For:Republic of Turkey)	7,500.00	
Do	Capitoline/MS&L (For:U.S. Cane Sugar Refiners Assn)		
Do	Capitoline/MS&L (For:UNISYS Corp)		
Fred P. Moosally, 1745 Jeff Davis Highway, #1200 Arlington, VA 22202	Rockwell International Corp	20,000.00	2,297.74
Morality in Media, Inc, 475 Riverside Dr., #239 New York, NY 10115		1,700.26	1,700.26
Robert J. Moran, 1120 G Street, NW, #900 Washington, DC 20005	National Ocean Industries Assn	5,733.00	
Judith Morehouse, 1700 N. Moore Street Rosslyn, VA 22209	Boeing Company		
Alan Morgan, 1001 Pennsylvania Ave., NW, Suite 725 Washington, DC 20004	American Society of Clinical Pathologists		
Dudley Digges Morgan III, 4900 Baronne Street New Orleans, LA 70115	Southern Forest Products Assn	1,687.20	
E.M. Chip Morgan, P.O. Box 257 Stoneville, MS 38776	Delta Council		
Mark Morgan, 1901 Fort Meyer Drive Arlington, VA 22209	Petroleum Marketers Assn of America	21,830.00	20,000.00
Stephen L. Morgan, 5201 Leesburg Pike, #1111 Falls Church, VA 22041	American Cemetery Assn		
Suzanne Morgan, 1850 M Street, NW Washington, DC 20036	Securities Industry Assn	909.00	
Morgan Lewis & Bockius, 1800 M St., NW, #800 Washington, DC 20036	Chemical Manufacturers Assn	1,700.00	
Do	City of San Antonio	5,472.00	
Do	Coalition for an Undercharge Relief Bill		
Do	Coalition of Supporters of the Shipping Act	133.00	
Do	Columbia Presbyterian Medical Center		
Do	Cornell University		
Do	Financial Institutions Insurance Assn	4,722.00	14.00
Do	Hazardous Waste Cleanup Project	4,200.00	
Do	Johns Hopkins Health System Corp		
Do	Johns Hopkins University		
Do	National Fuel Gas Distribution Co		
Do	New York Hospital		
Do	Strong Memorial Hospital		
Do	United Distribution Companies		
Do	UGI Utilities, Inc	12,939.00	12.00
Do	Yale New Haven Hospital		
Do	Yale School of Medicine		
James F. Moriarty, 801 Pennsylvania Ave., NW Washington, DC 20004	United Parcel Service, Inc (For:Fulbright & Jaworski)		
William G. Morin, 1331 Pennsylvania Avenue, NW, #1500-N Washington, DC 20004-1703	National Assn of Manufacturers	143.15	
Mary Morningstar, 21 Chandler Street Somerville, MA 02144	Lockheed Corp	23,750.00	1,808.06
Sara E. Morningstar, 8714 Ridge Road Bethesda, MD 20817	Montgomery County (Maryland) Government	5,940.00	
James A. Morrill, 1455 Pennsylvania Ave., NW, #1260 Washington, DC 20004	Lincoln National Corp	900.00	70.20
Gerald D. Morris, 555 New Jersey Ave., NW Washington, DC 20001	American Fed of Teachers	23,968.69	80.00
John V. Morris, 8425 Woodfield Crossing Blvd., #401 Indianapolis, IN 46240	Education Financial Services of Indiana, Inc	4,114.00	1,631.00
Kristen Morris, 1200 G Street, NW< Suite 400 Washington, DC 20005	Health Industry ManufacturersAssn	1,330.00	176.56
Robert Kellogg Morris, 1331 Pennsylvania Ave., NW, Suite 1500 Washington, DC 20004-1703	National Assn of Manufacturers		
Morriset Schlosser Ayer & Jozwiak, 1815 H Street, NW, #750 Washington, DC 20006-3604	Central Council of Tlingit & Haida Tribes of Alaska	650.24	
Do	Ketchikan Indian Corp		
Do	Little River Band of Ottawa Indians		
Do	Little Traverse Bay Band of Ottawa Indians		
Do	Michigan Inter-Tribal Council		
Do	Mille Lacs Band of Chippewa Indians	1,879.18	
Do	Organized Village of Kake	18.80	
Do	Prairie Band of Potawatomi Indians	1,216.95	
Do	Quechan Indian Tribe	1,603.70	
Do	Red Lake Band of Chippewa Indians	649.75	
Do	Saginaw Chippewa Tribe	389.50	
Do	Sitka Tribe of Alaska		
Do	Wampanoag Tribe of Gay Head	1,781.71	
Do	Yakutat Native Assn		
Christopher G. Morrison, 3138 North 10th Street, #300 Arlington, VA 22201	National Assn of Federal Credit Unions	1,250.00	
D. Gail Morrison, 323 - 2nd Street, SE, #L1 Washington, DC 20003	National Motorists Assn	4,500.00	
Gary L. Morrison, 10 Lafayette Square Buffalo, NY 14203	National Fuel Gas Company, et al.	611.83	707.69
John W. Morrison, 5535 Hempstead Way Springfield, VA 22151	National Assn for Uniformed Services	1,026.67	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Lynn Morrison, 311 Massachusetts Avenue, NE Washington, DC 20002		30,465.50	
William C. Morrison, 2001 North Adams St. Arlington, VA 22201	Meat Importers Council of America, Inc		
Morrison & Foerster, 2000 Pennsylvania Ave., NW Washington, DC 20006	City and County of San Francisco		
Do	City of Los Angeles, Dept of Airports	6,030.00	
Do	Consolidated Freightways	3,520.00	15.00
Do	Mastercard International, Inc, et al.	3,307.50	
Do	National Electrical Manufacturers Assn		
Do	Shea Homes Limited Partnership		
Don Morrissey, 1401 H Street, NW Washington, DC 20005	Investment Company Institute	461.54	291.29
Morrow Realty Co, Inc, P.O. Box 020887 Tuscaloosa, AL 35402-0887			
Valerie T. Morse, 453 New Jersey Avenue, SE Washington, DC 20003	Beneficial Management Corp		
Mortgage Bankers Assn of America, 1125 15th St., NW Washington, DC 20005			123,296.22
Ann P. Morton, 8219 Leesburg Pike Vienna, VA 22182	Cable & Wireless, Inc	9,001.33	370.01
Cheryl O. Morton, 1330 Connecticut Ave., NW, #300 Washington, DC 20036	Synthetic Organic Chemical Manufacturers Assn	500.00	
Evelyn M. Morton, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	10,592.32	314.81
James C. Morton Jr., P.O. Box 19001 Greenville, SC 29602	Michelin Tire Corp	2,100.00	672.76
Russell N. Mosher, 950 N. Glebe Rd., #160 Arlington, VA 22203	American Boiler Manufacturers Assn, Inc		
Richard Moskowitz, 4301 Connecticut Ave., NW, Suite 300 Washington, DC 20008	National Solid Wastes Management Assn (NSWMA)	500.00	
Robert E. Moss, 1401 H St., NW, #900 Washington, DC 20005	American Automobile Manufacturers Assn	2,379.82	1,704.26
Kate Moss Company, 1401 Eye Street, NW, #1100 Washington, DC 20005	Dean Witter Discover & Co	375.00	
Do	Nations Bank Corp	250.00	
Do	Southwestern Bell Corp		
Do	Trans Union Corp		
Gerald J. Mossinghoff, 1100 15th Street, NW, #900 Washington, DC 20005	Pharmaceutical Research & Manufacturers of America	1,000.00	
Motion Picture Assn of America, Inc, 1600 Eye Street, NW Washington, DC 20006		19,864.49	19,864.49
John J. Motley III, 600 Maryland Ave., SW, #700 Washington, DC 20024	National Fed of Independent Business	9,570.00	500.00
Motor and Equipment Manufacturers Association, 1325 Pennsylvania Ave., NW, #600 Washington, DC 20004			1,000.00
Motorcycle Riders Foundation, Inc, P.O. Box 1808 Washington, DC 20013-1808		25,732.70	77,862.93
Barbara Moulton, 1601 Connecticut Ave., NW, #601 Washington, DC 20009	Alliance for Justice	212.80	
Robert J. Mrazek, 301 Constitution Ave., NE Washington, DC 20002	Douglas Elliman Co	5,000.00	
Mudge Rose Guthrie Alexander & Ferdon, 1200 19th Street, Nw, #400 Washington, DC 20036	American Home Products Corp		
Do	Bristol-Myers Squibb Co		
Do	Footwear Distributors & Retailers of America		
Do	Hong Kong Trade Development Council		
Do	Johnson & Johnson		
Do	Major League Baseball	575.00	
Do	Pfizer, Inc		
Do	Upjohn Co		
Terry L. Muilenburg, 1701 K Street, NW, Suite 400 Washington, DC 20006	USA Group	4,749.55	105.80
Muldoon Murphy & Faucette, 5101 Wisconsin Ave., NW, #508 Washington, DC 20016	Collective Federal Savings Banks	700.00	
Do	GP Financial Corp	700.00	
Do	Northeast Savings, F.A.	1,500.00	72.79
Heather M. Mullen, 1455 Pennsylvania Ave., NW, #925 Washington, DC 20004	Pfizer, Inc	1,200.00	150.00
Mullenholz Brimsek & Belair, 1150 Connecticut Ave., NW, #700 Washington, DC 20036	City of Fergus Falls, MN	1,980.00	
Do	Delaware & Hudson Railroad		
Do	Florida East Coast Railway Co		
Do	National Air Cargo	400.00	
Do	North American Equipment Dealers Assn	1,274.25	
Do	Soo Line Corporation	6,187.50	
Do	Trade Assn Healthcare Coalition	1,000.00	
Do	TACA International Airlines		
John A. Mullett, 1627 K St., NW, #500 Washington, DC 20006	FMC Corporation	2,400.00	54.00
William J. Mulligan, 1401 Eye Street, NW, Suite 1200 Washington, DC 20005	Chevron Companies	200.00	
Thomas S. Mullikin, 1315 Monument Square P.O. Box 745 Camden, SC 29020	Laidlaw Environmental Services		7,155.15
Tracy Mullin, 325 7th STreet, NW, #1000 Washington, DC 20004	National Retail Federation	2,500.00	35.00
Lisa J. Mullings, 1199 North Fairfax St., #801 Alexandria, VA 22314	NATSO, Inc		
Edgar J. Mullins, 1401 Eye Street, NW, Suite 600 Washington, DC 20005	United Technologies Corp	5,000.00	1,092.88
Kevin C.W. Mulvey, 1455 Pennsylvania Ave., NW, Suite 900 Washington, DC 20004	American International Group, Inc	3,000.00	50.00
Cyril D. Murphy, 1707 L Street, NW, Suite 300 Washington, DC 20036	United Airlines, Inc	300.00	
Edward L. Murphy, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn	3,000.00	
James P. Murphy, 56 East 42nd Street, #355 New York, NY 10017	Fleet Financial Group, Inc	15,000.00	
Jeanne Marie Murphy, 805 15th St., NW, #300 Washington, DC 20005	Credit Union National Assn, Inc	8,000.00	
Laura Murphy, 600 Pennsylvania Ave., SE Washington, DC 20003	American Civil Liberties Union	16,000.00	
Michael M. Murphy, 1101 17th St., NW, #400 Washington, DC 20036	American President Companies, Ltd, et al.	20,000.00	
Paul T. Murphy, P.O. Box 619500 Dallas, TX 75261	Caltex Petroleum Corp		
Hyde H. Murray, 600 Maryland Avenue, SW Washington, DC 20024	American Farm Bureau Federation	9,500.00	
James V. Murray, 801 Pennsylvania Avenue, NW, #230 Washington, DC 20004	Union Carbide Corp	1,100.00	
Richard D. Murray, 1133 15th Street, NW, #640 Washington, DC 20005	American Logistics Assn		
Rosemary Griffin Murray, Crystal Park Four, 2345 Crystal Drive Arlington, VA 22227	USAir, Inc		
Murray Scheer & Montgomery, 2715 M Street, NW, #300 Washington, DC 20007	American Academy for Oral Pathology		
Do	American Assn of Dental Schools	4,687.50	77.00
Do	American Assn of Public Health Dentistry		
Do	Atochem, N.A.		
Do	Cleveland Cliffs Iron Co	1,000.00	10.00
Do	Coalition for Oral Health		
Do	Delaware River Port Authority	2,500.00	27.50
Do	Dynatech Corporation		
Do	Independence Blue Cross		
Do	Independent Laboratory Consortium		
Do	Industry Council for Tangible Assets	250.00	10.00
Do	Iron Ore Assn	1,800.00	10.00
Do	LTV Corporation		
Do	Mine Safety Appliances	1,000.00	25.00
Do	Mutual of New York	500.00	25.00
Do	National Council of Coal Lessors	500.00	10.00
Do	New England Life Insurance Co	800.00	25.00
Do	Pacific Mutual Life Insurance Co	500.00	15.00
Do	Penn Mutual Life Insurance Co	500.00	20.00
Do	PepsiCo	900.00	25.00
Do	Philadelphia Regional Port Authority		
Do	Porsche Cars North America, Inc		
Do	Qualimetrics, Inc	600.00	35.00
Do	Shubert Organization, Inc	1,250.00	10.00
Do	State Mutual Insurance Co	500.00	20.00
Do	Student Loan Interest Deduction Restoration Coalition		
Do	Swaziland Sugar Assn	3,465.00	10.00
Do	Sweetener Users Assn		
Do	Technology Development & Education Corp		
Do	Temple University	2,250.00	27.50
Do	Wisconsin Central Transportation Corporation		
Richard Murrell, Maritime Building, 3rd Floor 4 East Port Road Riviera Beach, FL 33404	NICOR, Inc		
R.C. Murtha, 614 N. 3rd Street Harrisburg, PA 15230	Westinghouse Electric Corp		30.00
Susan T. Muskett, 227 Massachusetts Ave., NE, #101 Washington, DC 20002	Christian Coalition	8,000.00	14.95
William D. Mutch, 2500 Wilson Boulevard, Suite 301 Arlington, VA 22201	American Apparel Manufacturers Assn	1,000.00	50.00
Robert J. Muth, 180 Maiden Lane New York, NY 10038	Asarco, Inc	225.00	210.00
Mutual Life Insurance Co Tax Committee, One Madison Ave. New York, NY 10010-3690			
Lawrence D. Muzzy, 2200 W. Salzburg Road, Mail #W281 Midland, MI 48611	Dow Corning Corp		
Deborah B. Myers, 1747 Pennsylvania Ave., NW, Suite 700 Washington, DC 20006	Ciba	5,500.00	
Gary D. Myers, 501 2nd Street, NE Washington, DC 20002	Fertilizer Institute	4,500.00	442.10
Karen Magee Myers, 1331 Pennsylvania Ave., NW, #1300-N Washington, DC 20004	Electronic Data Systems Corp	128.00	
Roland H. Myers III, 3138 North 10th St., #300 Arlington, VA 22201	National Assn of Federal Credit Unions	1,250.00	
William G. Myers III, 1301 Pennsylvania Avenue, NW, #300 Washington, DC 20004	National Cattlemen's Assn		
Steven T. Nadherny, 2101 L Street, NW, Suite 405 Washington, DC 20037	Electric Generation Assn	9.56	
Alan Y. Naftalin, 1150 Connecticut Avenue, NW Washington, DC 20036	Koteen & Naftalin (For:Alascom, Inc)		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Koteen & Naftalin (For:Telephone & Data Systems, Inc)		
Laurie Naismith, 1150 17th Street, NW, Suite 307 Washington, DC 20036	Chambers Development Co, Inc	21,000.00	1,030.57
Martha Naismith, 1350 Eye Street, NW, Suite 810 Washington, DC 20005	Johnson & Johnson HMI	746.00	95.00
Kennon H. Nakamura, 2101 E Street, NW Washington, DC 20037	American Foreign Service Assn	8,783.00	48.00
Gerald F. Nalepa, 805 15th Street, NW, #410 Washington, DC 20005	Air Products & Chemicals, Inc		
John Francis Nash Jr., 910 16th Street, NW, #402 Washington, DC 20006	Milliken & Company	5,000.00	700.00
Rochelle Nason, 989 Tahoe Keys Blvd, Suite 6 South Lake Tahoe, CA 96150	League to Save Lake Tahoe	461.60	
National Air Carrier Assn, 1730 M St., NW, #806 Washington, DC 20036		1,000.00	1,000.00
National Air Traffic Controllers Assn, 1150 17th Street NW #701 Washington, DC 20036		41,744.23	4,922.12
National Aquaculture Assn, P.O. Drawer 1569 Shepherdstown, WV 25443		4,851.25	7,829.04
National Assn for Adult Security, 8560 East 22nd Street Tucscon, AZ 85731-7011			
National Assn for Biomedical Research, 818 Connecticut Ave., NW, #303 Washington, DC 20006		212,756.49	6,246.97
National Assn for Uniformed Services, 5535 Hempstead Way Springfield, VA 22151		2,166.41	14,639.03
National Assn of Air Traffic Specialists, 11303 Amherst Avenue, Suite 4 Wheaton, MD 20902			5,169.82
National Assn of Broadcasters, 1771 N Street, NW Washington, DC 20036		192,930.66	192,930.66
National Assn of Chain Drug Stores, Inc, P.O. Box 1417-D49 Alexandria, VA 22313			5,437.50
National Assn of Federal Employees, 1140 N.W. 63rd Street, #301 Oklahoma City, OK 73116			
National Assn of Federal Veterinarians, 1101 Vermont Avenue, NW, #710 Washington, DC 20005			97.80
National Assn of Independent Colleges & Universities, 1025 Connecticut Ave, NW, #700 Washington, DC 20036			78,495.96
National Assn of Insurance Brokers, Inc, 1401 New York Ave., NW, #720 Washington, DC 20005			
National Assn of Letter Carriers, 100 Indiana Ave., NW Washington, DC 20001		600,085.56	149,833.90
National Assn of Manufacturers, 1331 Penn Ave., NW 15th Floor, N. Lobby Washington, DC 20004-1703		436,810.71	436,810.71
National Assn of Mutual Insurance Cos, 3601 Vincennes Road P.O. Box 68700 Indianapolis, IN 46268		582.50	
National Assn of Police Organizations, Inc, 750 First Street, NE, Suite 935 Washington, DC 20002-4241		27,005.00	27,005.00
National Assn of Real Estate Investment Trusts, Inc, 1129 20th St., NW, #705 Washington, DC 20036			608.69
National Assn of Realtors, 777 14th St., NW Washington, DC 20005			81,353.11
National Assn of Truck Stop Operators, Inc, 1199 N. Fairfax Street, #801 Alexandria, VA 22314			
National Assn of Wheat Growers, 415 2nd St., NE, #300 Washington, DC 20002		18,000.00	15,725.00
National Automobile Dealers Assn, 8400 Westpark Drive Mclean, VA 22102			41,750.00
National Beer Wholesalers Assn, 1100 South Washington Street Alexandria, VA 22314-4494		520,607.49	11,697.08
National Broiler Council, 1155 15th St., NW Washington, DC 20005		4,500.00	4,500.00
National Club Association, Washington Harbour 3050 K Street, NW, #330 Washington, DC 20007			1,645.28
National Coalition for Abortion Providers (NCAP), 206 King Street, 2nd Floor Alexandria, VA 22314		72,593.40	47,061.10
National Comm of Cities & States for Air Service, P.O. Box 507 Williston, ND 58802-0507		5,714.33	2,148.33
National Comm to Preserve Social Security & Medicare, 2000 K Street, NW, #800 Washington, DC 20006		3,569,894.00	3,569,894.00
National Community Action Foundation, Inc, 2100 M Street, NW, #604A Washington, DC 20037		307,235.76	51,000.00
National Cooperative Business Assn, 1401 New York Ave., NW, #1100 Washington, DC 20005		28,125.00	18,934.00
National Corn Growers Assn, 201 Massachusetts Ave., NE Suite C-4 Washington, DC 20002		14,656.75	27,067.06
National Cotton Council of America, P.O. Box 12285 Memphis, TN 38182		25,726.49	25,726.49
National Council for Languages & Int'l Studies, 300 Eye Street, Suite 211 Washington, DC 20002		21,375.00	34,312.09
National Council of Farmer Cooperatives, 50 F Street, NW, #900 Washington, DC 20001		10,383.53	10,136.68
National Council of La Raza, 810 First Street, NE, #300 Washington, DC 20002		17,740.62	17,740.62
National Council on Alcoholism & Drug Dependence, Inc, 1511 K Street, NW, #443 Washington, DC 20005			8,651.00
National Court Reporters Assn, 8224 Old Courthouse Road Vienna, VA 22182-3808			
National Education Assn, 1201 16th St., NW Washington, DC 20036		40,704.84	40,704.84
National Electrical Manufacturers Assn, 2101 L Street, NW, #300 Washington, DC 20037		8,290.17	8,290.17
National Employee Benefits Institute, 601 Pennsylvania Ave., NW, #750 North Washington, DC 20004			
National Fed of Independent Business, 53 Century Blvd., #300 Nashville, TN 37214		51,079.00	51,079.00
National Food Processors Assn, 1401 New York Avenue, NW, #400 Washington, DC 20005		1,250.00	51,248.08
National Glass Assn, 8200 Greensboro Drive, #302 McLean, VA 22102		3,500.00	7,000.00
National Grain & Feed Assn, 1201 New York Avenue, NW, #830 Washington, DC 20005-3917			9,467.00
National Grange, 1616 H St., NW Washington, DC 20006		14,500.00	14,500.00
National Grass Roots & Communications, Inc, 116 N. Saint Asaph Street Alexandria, VA 22314	Coalition for Auto Repair Equality		
Do	Wal-Mart	2,500.00	4,000.00
National Guard Assn of the U.S., One Massachusetts Ave., NW Washington, DC 20001		16,196.57	49,320.31
National Independent Energy Producers, 601 13th Street, NW, #320 South Washington, DC 20005		84,900.00	12,801.00
National Knitwear & Sportswear Assn, 386 Park Avenue South New York, NY 10016			
National Leased Housing Assn, 1300 19th Street, NW, #410 Washington, DC 20036		2,000.00	2,000.00
National Milk Producers Federation, 1840 Wilson Blvd. Arlington, VA 22201		15,118.10	15,118.10
National Motorists Assn, 6678 Pertzborn Road Dane, WI 53529			1,178.68
National Motorsports Council of ACCUS-FIA, 1500 Skokie Boulevard, Suite 101 Northbrook, IL 60602		18,750.00	
National Multi Housing Council, 1850 M Street, NW, Suite 540 Washington, DC 20036			31,985.32
National Newspaper Assn, 1525 Wilson Blvd. #550 Arlington, VA 22209		6,300.00	6,300.00
National Pest Control Assn, 8100 Oak St. Dunn Loring, VA 22027			
National Retail Federation, 325 7th Street, NW #1000 Washington, DC 20004			40,162.13
National Rifle Assn of America, 1600 Rhode Island Ave., NW Washington, DC 20036		757,847.19	549,809.69
National Right to Work Committee, 8001 Braddock Rd., #600 Springfield, VA 22160		9,925.11	9,925.11
National Rural Electric Cooperative Assn, 1800 Massachusetts Ave., NW Washington, DC 20036			3,204.90
National Rural Letter Carriers Assn, 1630 Duke St., 4th Floor Alexandria, VA 22314-3465		26,133.00	35,679.00
National Society of Professional Engineers, 1420 King Street Alexandria, VA 22314		8,600.00	8,600.00
National Soft Drink Assn, 1101 16th St., NW Washington, DC 20036			2,304.65
National Spa & Pool Institute, 2111 Eisenhower Ave. Alexandria, VA 22314			9,750.00
National Stone Assn, 1415 Elliot Place, NW Washington, DC 20007			
National Strategies, Inc, 888 17th Street, NW, 12th Floor Washington, DC 20006	General Reinsurance Co	24,470.31	1,062.90
Do	Instinet	7,037.50	9.72
Do	Reuters North America, Inc	7,500.00	377.92
Do	Triarc Companies, Inc.	93.75	4.71
National Taxpayers Union, 325 Pennsylvania Ave., SE Washington, DC 20003		27,403.00	14,659.00
National Telephone Cooperative Assn, 2626 Pennsylvania Ave., NW Washington, DC 20037		27,000.00	3,080.16
National Truck Equipment Assn, 37400 Hills Tech Drive Farmington Hills, MI 48331-3414			8,294.25
National Wildlife Federation, 1400 16th Street, NW Washington, DC 20036-0001			43,699.60
National-American Wholesale Grocers' Assn, 201 Park Washington Court Falls Church, VA 22046		12,000.00	12,000.00
Michael W. Naylor, 1001 Pennsylvania Ave, NW, #700 Washington, DC 20004-2502	Allied-Signal, Inc		
Rick J. Neal, 1800 South Baltimore Avenue Tulsa, OK 74119	Mapco, Inc	5,250.00	
Mark Nebergall, 1730 M Street, NW, Suite 700 Washington, DC 20036	Software Publishers Assn	2,450.00	
Thayne T. Needles, 1129 20th Street, NW, Suite 305 Washington, DC 20037	National Assn of Real Estate Investment Trusts, Inc		140.97
Roy M. Neel, 1401 H Street, NW, #600 Washington, DC 20005	U.S. Telephone Assn	8,250.00	
Janet E. Neigh, 519 C Street, NE Washington, DC 20002	Hospice Assn of America	25.00	
Neighbor-To-Neighbor Action Fund, 2601 Mission Street, #400 San Francisco, CA 94110		91,179.00	67,564.00
Frederick W. Neill, 600 5th Street Aurora, IL 60505			
David W. Nelson, David Nelson & Associates 1120 Connecticut Avenue, NW, 11th Floor Washington, DC 20036	Marion Merrell Dow		514.69
Lisanne Nelson, 666 Pennsylvania Ave., SE Washington, DC 20003	National Audubon Society	3,312.50	
Lori M. Nelson, P.O. Box 25354 Woodbury, MN 55125-0354	National Parks & Conservation Assn		59.46
Mark D. Nelson, 1701 Pennsylvania Ave., NW, #900 Washington, DC 20036	E. I. du Pont de Nemours & Co		
Mark E. Nelson, 1341 G Street, NW, #620 Washington, DC 20005	SEMATECH, Inc	1,771.00	556.25
Paul Nelson, 1747 Pennsylvania Ave., NW, Suite 900 Washington, DC 20006	Federal National Mortgage Assn	1,500.00	550.00
Do	Institute of International Bankers	5,000.00	2,450.00
Do	Investment Company Institute		500.00
Lynda L. Nersesian, 1100 15th St., NW, #900 Washington, DC 20005	Pharmaceutical Research & Manufacturers of America	4,000.00	86.00
Frederick H. Nesbitt, 1750 New York Avenue, NW Washington, DC 20006	International Assn of Fire Fighters	19,911.00	
Alexander Netchvolodoff, 1320 19th Street, NW, #200 Washington, DC 20036	Cox Enterprises, Inc		40.00
Network, 806 Rhode Island Ave., NE Washington, DC 20018		76,303.60	48,330.70
E. John Neumann, 1130 Connecticut Avenue, NW, #830 Washington, DC 20036	Southern Company Services, Inc	3,622.45	4,384.07
Louis H. Nevins, 9800 S. Sepulveda Blvd., #500 Los Angeles, CA 90045	Western League of Savings Institutions	6,457.00	
New West Policy Group, 223 E. Union Street Prescott, AZ 86303	Del Webb Corp	17,690.98	
New York State Bankers Assn, 485 Lexington Avenue New York, NY 10017		7,000.00	6,267.00
Newberry Hargrove & Rambicure, 1211 Connecticut Ave., NW, Suite 300 Washington, DC 20036	MESA, In	2,643.00	271.00
Peter E. Newbould, 750 First Street, NE Washington, DC 20240-4242	American Psychological Assn	985.00	
F. Ron Newbury, 1801 K Street, NW, Suite 400K Washington, DC 20006-1301	Arter & Hadden (For:CAI Wireless)		
James Newell, 1050 Thomas Jefferson Street Washington, DC 20007	Student Loan Marketing Assn	575.00	1,138.10
William B. Newman Jr., P.O. Box 23451 Washington, DC 20024	Consolidated Rail Corporation	5,500.00	376.34
Richard W. Newpher, 600 Maryland Avenue, SW Washington, DC 20024	American Farm Bureau Federation	14,375.00	81.50
Sharon Newsome, 1400 16th St., NW Washington, DC 20036-0001	National Wildlife Federation	2,628.28	
Stephen M. Newton, Box 95385 Atlanta, GA 30347-0385	Forest Farmers Assn		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Frederic A. Nichols, 1331 Pennsylvania Ae., NW, #1500-N Washington, DC 20004-1790	National Assn of Manufacturers	875.00	
Julie L. Nichols, 1101 17th Street, NW, Suite 600 Washington, DC 20036	American Airlines, Inc	404.00	
Sara S. Nichols, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen		
E. Bruce Nicholson, 1800 M St., NW Washington, DC 20036	American Bar Assn	400.00	50.00
Marlene Nicholson, 1722 Eye St., NW, Fifth Floor Washington, DC 20006	Barclays Bank, PLC	20,000.00	236.66
Ronald G. Nickson, 1850 M Street, NW, #540 Washington, DC 20036	National Multi Housing Council	2,250.00	
Scott H. Nishioki, 1275 Pennsylvania Ave., NW, #400 Washington, DC 20004	Pacific Telesis Group	12,186.00	
Alan Nissalke, 1133 15th Street, NW, #640 Washington, DC 20005	American Logistics Assn		
Michael E. Nix, 231 W. Michigan Street, #P437 Milwaukee, WI 53203	Wisconsin Electric Power Co	220.52	
Noah's Ark Crisis Center, Inc, P.O. Box 29192 Baltimore, MD 21213			
Barbara D. Nocera, 955 L'Enfant Plaza, SW, #5300 Washington, DC 20024	Honda North America, Inc	870.08	930.32
Allan Noe, 1156 15th Street, NW Washington, DC 20005	National Agricultural Chemicals Assn		
Walker F. Nolan, 701 Pennsylvania Ave., NW 4th Floor Washington, DC 20004	Edison Electric Institute	331.92	111.91
Non Commissioned Officers Assn, P.O. Box 33610 San Antonio, TX 78265			62,771.23
Nonprescription Drug Manufacturers Assn, 1150 Connecticut Ave., NW, #1200 Washington, DC 20036			4,843.00
David A. Norcross, 1156 15th Street, NW, #550 Washington, DC 20005	Blank Rome Comisky & McCauley (For:CIGNA Corporation)	15,000.00	
Do	Blank Rome Comisky & McCauley (For:D.C. Wiring, Inc)	375.00	
Julia J. Norrell, 1155 Connecticut Ave., NW, #400 Washington, DC 20036	American Insurance Assn		
Do	Chubb Corp	300.00	
Do	Employers Health Insurance Co	300.00	
Do	Health Insurance Association of America	450.00	
Do	Lincoln National Corp	450.00	
Do	National Assn of Insurance Brokers	450.00	
Do	Provident Life & Accident Insurance Co	450.00	
Do	UNUM Life Insurance Co	450.00	
Do	Washington National Corp	450.00	
North American Export Grain Assn, Inc, 1300 L Street NW, #900 Washington, DC 20005-4113			481.19
North Shore Consultants, Inc, 4278 Wooster Road Fairview Park, OH 44126	LTV Steel Co	5,000.00	
Patrice North-Rudin, 1133 21st Street, NW Two Layfayette Centre Washington, DC 20036	Travel & Tourism Gov't Affairs Council	2,723.00	
Northeast Utilities Service Co, Selden St. Berlin, CT 06037			5,491.51
Northwest Strategies, 111 Queen Anne Avenue North, #500 Seattle, WA 98109	Westinghouse Hanford Co	2,110.00	
Rita Ersfeld Norton, 1300 Eye Street, NW, Suite 520 West Washington, DC 20005	Hoffmann-La Roche, Inc	4,000.00	88.04
Julie Noufer, 8607 Westwood Center Drive, #204 Vienna, VA 22182	Professional Services Council	2,500.00	199.77
Mary Ann Novak, 700 11th Street, NW, #710 Washington, DC 20001	Parsons Brinkerhoff Quade & Douglas, Inc		
Nuclear Energy Institute, 1776 I Street, NW, #400 Washington, DC 20006		877,652.00	117,778.00
Nussbaum & Wald, One Thomas Circle, NW #200 Washington, DC 20005	American Soc of Composers Authors & Publishers		
Do	National Football League Players Assn	6,000.00	
J. Michael Nussman, 1033 N. Fairfax Street Suite 200 Alexandria, VA 22314	American Sportfishing Assn	1,347.00	336.03
Nutritional Health Alliance, P.O. Box 25317 Washington, DC 20007		36,526.87	43,793.36
Franklin W. Nutter, 1301 Pennsylvania Ave., NW, #900 Washington, DC 20004	Reinsurance Assn of America		
Christina Groszer Nyquist, 1310 G Stret, NW, 12th Floor Washington, DC 20005	Blue Cross & Blue Shield Assn	2,566.00	1,787.04
NAIOP, Association for Commercial Real Estate, Woodland Park, 2201 Cooperative Way Herndon, VA 22071		189,312.75	32,801.00
Hubert K. O'Bannon, 50 F Street, NW Washington, DC 20001	Association of American Railroads	4,034.15	912.46
Coley C. O'Brien, 400 N. Capitol Street, NW, #353 Washington, DC 20001	America's Community Banks		
Do	Transportation Brokers Conference of America		
Kevin M. O'Brien, 815 Connecticut Ave., NW Washington, DC 20006	Baker & McKenzie		1,006.84
Lynne Fletcher O'Brien, 1447 Colleen Lane McLean, VA 22101	DuPont Merck Pharmaceutical Company	5,000.00	
Rosemary L. O'Brien, 1401 Eye Street, NW, #340 Washington, DC 20005	CF Industries, Inc	500.00	312.94
Urban F. O'Brien III, 2000 Post Oak Boulevard Houston, TX 77056-4400	Apache Corporation	3,087.92	6,052.40
Coley O'Brien & Associates, 400 N. Capitol Street, NW, Suite 353 Washington, DC 20001	American International Automobile Dealers Assn		
David S. O'Bryon, 5223 Wisconsin Avenue, NW, #306 Washington, DC 20015	American Assn of Limited Partners	100.00	
Terrence M. O'Connell II, 444 N. Capitol Street, NW, #711 Washington, DC 20001	Keefe Co (For:Sanders Associates, Inc)	71,000.00	
Carolyn O'Connor, 444 North Capitol Street, #418 Washington, DC 20001	New England Council, Inc		
James E. O'Connor, 900 19th Street, NW Washington, DC 20006	America's Community Bankers	23,750.00	64.00
Kelley E. O'Connor, 666 Pennsylvania Avenue, SE, #403 Washington, DC 20003	Florists' Transworld Delivery Assn	4,000.00	
Michael J. O'Connor, 11 Dupont Circle, NW, Suite 300 Washington, DC 20036	Albers & Company (For:May Department Stores Co)		
Patrick C. O'Connor, 1990 M Street, NW, #340 Washington, DC 20036	Kent & O'Connor, Inc (For:American College of Occupational & Environmental Medicine).	3,300.00	1,919.14
Do	Kent & O'Connor, Inc (For:American Supply Association)	8,710.90	4,918.24
Do	Kent & O'Connor (For:American Warehousemen's Association)	2,000.00	1,069.19
Do	Kent & O'Connor, Inc (For:National Assn of Fleet Administrators)	2,500.00	1,389.94
Do	Kent & O'Connor, Inc (For:Transportation Lawyers Assn)		
O'Connor & Hannan, 1919 Pennsylvania Ave., NW, #800 Washington, DC 20006	Allergan, Inc	5,637.00	
Do	Alliance of Marine Parks and Aquariums		
Do	American Clinical Laboratory Assn		
Do	Bobby Berosini, Ltd		
Do	Camara Nacional de la Industria Pesquera	830.74	
Do	Coalition for Tax Equity	5,000.00	55.00
Do	Coca-Cola Company	5,058.00	
Do	Colt's Manufacturing Company, Inc		
Do	Fishing Vessel Owners' Assn		
Do	Glass Packaging Institute		
Do	Government of Netherlands Antilles	3,703.00	
Do	Government of Peru		
Do	Health Images, Inc		
Do	J.C. Penney Company, Inc		
Do	Little Six, Inc		
Do	M.A. Mortenson Co		
Do	Mercedes-Benz of North America, Inc	2,070.00	
Do	Mirage		
Do	National Assn of Optometrists and Opticians, Inc		
Do	National Assn of Portable X-Ray Providers		
Do	National Automated Clearing House Assn		
Do	Ontario Flue-Cured Tobacco Growers Marketing Board		
Do	Pacific Seafood Processors Assn		
Do	Joseph E. Seagram & Sons, Inc		
Do	Soka University Los Angeles	3,997.00	
Do	Solid Waste Agency of Northern Cook County	451.39	
Do	Southeast Alaska Seiners Assn	881.36	
Do	State of Alaska		
Do	Student Loan Funding Corp	9,678.00	
Do	Wards Cove Packing Company	5.10	
Thomas A. O'Day, 1211 Connecticut Avenue, NW, #400 Washington, DC 20036	Alliance of American Insurers	15,000.00	
Wayne O'Dell, 6004 Wilmington Dr. Burke, VA 22015	Cable Television Assn of MD, DE & DC	26,250.00	
Ann E. O'Donnell, 307 Yoakum Parkway, #3-608 Alexandria, VA 22304	United Way of America	9,580.58	1,754.94
Denise M. O'Donnell, 1875 Eye Street, NW, #775 Washington, DC 20006	Georgia-Pacific Corp		
John O'Donnell, 1776 I Street, NW, #400 Washington, DC 20006	Nuclear Energy Institute	5,250.00	903.00
Jane O'Grady, 815 16th St., NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	19,799.26	211.05
Terri O'Grady-Smith, 11250 Waples Mill Road Fairfax, VA 22030	National Rifle Assn of America	1,489.48	800.00
Barbara E. O'Hara, 1101 King Street Alexandria, VA 22314	American Soc of Travel Agents	75.00	
Robert J. O'Hara Jr., 2 North 9th Street Allentown, PA 18101	Pennsylvania Power & Light Company		
Dean O'Hare, 15 Mountain View Road Warren, NJ 07061	Chubb Corporation	240.00	
O'Keefe Ashenden Lyons & Ward, 30 North La Salle, #4100 Chicago, IL 60602	Mutual of America	22,693.75	2,627.74
Janet O'Keeffe, 750 First Street, NE Washington, DC 20002-4242	American Psychological Assn	1,388.04	
Bradley O'Leary, 3050 K Street, NW, Suite 105 Washington, DC 20007	Behavorial Psychographic Targeting, Inc		
John O'Leary, 1920 N Street, NW Washington, DC 20036	American Mining Congress		
O'Melveny & Myers, 555 13th St., NW Washington, DC 20004	CIGNA Corp		
Daniel J. O'Neal III, 600 Maryland Ave., SW, #100 West Washington, DC 20024-2571	American Nurses' Assn	3,065.00	
Law Offices of John O'Neal, P.C., 1455 Pennsylvania Ave., NW, #1200 Washington, DC 20004	National Rural Telecom Assn	5,125.00	
John Vincent O'Neill, 13411 Running Pump Ct. Herndon, VA 22071	Institute of Electrical & Electronics Engineers	2,944.00	
William S. O'Neill, 500 E Street, SW, Suite 920 Washington, DC 20024	AOPA Legislative Action	12,125.00	1,463.45
O'Neill and Athy, P.C., 1310 19th Street, NW Washington, DC 20036	American Hospital Assn		
Do	Beth Israel Hospital		
Do	Boston University Medical Center Hospital		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Brigham and Women's Hospital, Inc		
Do	Coalition of Boston Teaching Hospitals		
Do	Competitive Long Distance Coalition		
Do	Massachusetts General Hospital		
Do	National Football League		
Do	New England Deaconess Hospital		
Do	New England Medical Center		
Do	Northeastern University		
Do	Northwestern Memorial Hospital		
Do	Pyrotechnic Signal Manufacturers Assn		
Paul O'Palka Jr., Fifth Avenue Place, Suite 1924 Pittsburgh, PA 15222	Blue Cross of Western Pennsylvania	15,430.00	4,677.81
Charles Robert O'Regan, Palumbo & Cerrell, Inc 1000 Connecticut Avenue, NW Washington, DC 20036	American Society of Composers, Authors & Publishers	9,465.00	342.30
Do	Atlantic Richfield Co	322.50	50.00
Do	Trustee Coalition for Traveling Public	15.00	
John T. O'Rourke, 801 Pennsylvania Avenue, N.W., 5th Floor Washington, DC 20004	Coaxial Communications		26.70
Do	PNC Mortgage Corp of America	1,500.00	9.30
Do	Securities Industry Assn	3,300.00	
Do	The Limited, Inc	1,008.00	17.10
Rita W. O'Rourke, 1875 Eye St., NW, #800 Washington, DC 20006	Philip Morris Companies, Inc		
John J. O'Shaughnessy, 112 S. West Street Alexandria, VA 22314	Strategic Management Associates, Inc (For:Greater New York Hospital Assn)		
Do	Strategic Management Associates, Inc (For:Mobile X-Ray Providers of America)	15,000.00	
Do	Strategic Management Associates, Inc (For:Montefiore Medical Center)	32,000.00	
Do	Strategic Management Associates, Inc (For:National Medical Enterprises, Inc)	16,250.00	
Do	Strategic Management Associates (For:New York Hospital)	6,000.00	
J. Denis O'Toole, 1000 Connecticut Ave., NW, Suite 507 Washington, DC 20036	Household Financial Group, Ltd	15,500.00	
M. Diane O'Toole, 1000 Wilson Blvd., #2300 Arlington, VA 22209	Northrop Grumman Corporation	1,400.00	433.98
Stephen E. O'Toole, 1660 L St., NW Washington, DC 20036	General Motors Corp	3,000.00	1,374.50
Mary Rose Oakar & Asssociates, Inc, 2621 Lorain Avenue Cleveland, OH 44113	City of Cleveland (for Greater Cleveland Growth Assn)	15,000.00	
Do	LTV Steel Company	5,000.00	
Do	National Assn of Geriatric Education Centers	3,000.00	
Paul C. Oakley, 50 F Street, NW Washington, DC 20001	Association of American Railroads	3,870.00	
Obadal & McLeod, P.C., 121 North Henry Street Alexandria, VA 22314	Associated Equipment Distributors		
Harry R. Obley, One Mellon Bank Center, #1905 Pittsburgh, PA 15258-0001	Mellon Bank N.A., et al.	2,000.00	673.74
James C. Odom Jr., 701 Pennsylvania Ave., NW Washington, DC 20004-2696	Edison Electric Institute	2,297.44	
Neil H. Offen, 1666 K Street, NW, #1010 Washington, DC 20006	Direct Selling Association		
Joanne Ogaitis, 777 North Capitol Street, NE, #803 Washington, DC 20002	American Assn of Nurse Anesthetists		
Donald G. Ogilvie, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	3,638.00	253.58
Marion Browne Oglesby Jr., 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004	RJR Nabisco, Inc	5,000.00	
B. Robert Okun, 1299 Pennsylvania Ave., NW 11th Floor East Washington, DC 20004	National Broadcasting Co	3,250.00	299.85
Philip M. Ola, 1199 North Fairfax Street, #204 Alexandria, VA 22314	International Council of Shopping Centers	1,550.00	
John W. Olcott, 1200 18th Street, NW, #200 Washington, DC 20036	National Business Aircraft Assn	1,620.00	35.00
Oldaker Ryan & Leonard, 818 Connecticut Avenue, NW, #1100 Washington, DC 20006	Aetna Life & Casualty	12,500.00	225.64
Do	Alliance for Managed Competition		
Do	American Assn of Retired Persons	545.45	0.86
Do	American Farm Bureau		
Do	American Insurance Association	1,500.00	19.32
Do	American International Group, Inc		
Do	Ashland Oil, Inc		
Do	Association of American Railroads	12,500.00	377.09
Do	Avis, Inc	4,500.00	69.83
Do	BOC Gases-U.S.	9,000.00	223.46
Do	California Waterfowl Assn	296.52	4.22
Do	Carbonic Industries Corp	3,999.99	99.32
Do	Carbonic Reserves	3,999.99	99.32
Do	Central & South West		
Do	Champion International Corp	1,000.00	29.55
Do	Circus Circus Enterprises, Inc		
Do	Citibank	1,500.00	29.55
Do	Commonwealth Edison	1,875.00	
Do	CIGNA Corp	1,500.00	111.40
Do	Federal Express	6,000.00	356.71
Do	Fidelity Investments		
Do	Ford Motor Co	1,750.00	132.96
Do	General Electric Co	3,250.00	14.78
Do	Hewlett-Packard Co	1,125.00	29.32
Do	Investment Company Institute	6,187.50	335.06
Do	Jones Intercable, Inc		
Do	Liquid Carbonic Industrial Gases	9,000.00	223.46
Do	Mescalero/Utility Storage Initiative		
Do	MetraHealth	4,500.00	334.21
Do	MCI Communications Corp	750.00	4.82
Do	National Cable Television Assn	8,750.00	365.68
Do	National Foreign Trade Council		
Do	National-American Wholesale Grocers' Assn...	7,500.00	
Do	Nuclear Energy Institute	625.00	19.37
Do	Pain Enterprises, Inc	3,999.99	99.32
Do	Pfizer, Inc	9,721.87	310.41
Do	Phillip Morris, Inc	7,500.00	48.87
Do	Piedmont Environmental Council	600.00	25.73
Do	Proctor & Gamble Co	1,500.00	29.55
Do	Prudential Insurance	3,000.00	222.80
Do	RCS Pacific, L.P.	2,250.00	47.97
Do	RJR Nabisco, Inc	2,700.00	23.57
Do	Williams Companies, Inc		
Do	Working Group on R & D	1,500.00	41.68
Mike Oliva, 1301 K Street, NW, Suite 1200 Washington, DC 20005	IBM Corp	1,074.63	279.00
Heidi Belz Oliver, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn	1,000.00	
R. Teel Oliver, 601 Pennsylvania Avenue, NW North Building, Suite 1200 Washington, DC 20004-2601	Merck & Co, Inc	3,000.00	500.00
Van R. Olsen, 1156 15th St., NW, #1019 Washington, DC 20006	U.S. Beet Sugar Assn		
Laura L. Olson, 1200 19th Street, #300 Washington, DC 20036	Smith Buklin & Assocs (for Amusement & Music Operators Assn)		
Richard C. Olson, 2000 Edmund Halley Drive, #400 Reston, VA 22091	DynCorp	1,200.00	
Sydney Olson, 10801 Rockville Pike Rockville, MD 20852	American Speech-Language-Hearing Assn		
Olsson Frank & Weeda, 1400 16th Street, NW, #400 Washington, DC 20036-2220	American Academy of Audiology	10,500.00	
Do	Beef Products, Inc		
Do	ConAgra, Inc	6,000.00	
Do	Council for Responsible Nutrition	3,750.00	
Do	General Mills	18,000.00	
Do	McDonald's Corporation	10,500.00	
Do	National American Wholesale Grocers Assn	7,875.00	
Do	National Assn of Margarine Manufacturers		
Do	National Assn of Pharmaceutical Manufacturers	4,000.00	
Do	National Food Processors Assn	7,000.00	
Do	National Frozen Pizza Instutute		
Do	PennField Oil Co	8,000.00	
Do	Pillsbury Company		
Do	Ross Laboratories	2,000.00	
Do	San Tomo Group		
Do	Schwan's Sales Enterprises, Inc	4,000.00	
Do	Southeastern Poultry & Egg Assn		
Do	Western States Meat Assn		
Stuart I. Oran, P.O. Box 66100 Chicago, IL 60666	United Airlines, Inc	500.00	
Raul G. Ordonez Jr., 8390 West Flagler Street, Suite 205 Miami, FL 33144			
Beth H. Orsoff, 122 Maryland Avenue, NE Washington, DC 20002	American Civil Liberties Union		
Tamar L. Osterman, 1785 Massachusetts Ave., NW Washington, DC 20036	National Trust for Historic Preservation	7,780.92	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Robert V. Oswald, 1020 19th Street, NW, #600 Washington, DC 20036	American Express Co	7,800.00	651.75
Richard D. Otis, 1275 K Street, NW, #400 Washington, DC 20005	American Plastics Council	8,972.00	150.00
Kathleen Galiher Ott, 1001 19th Street North #800 Arlington, VA 22209	TRW, Inc	5,345.00	67.77
Michael F. Ouellette, 225 N. Washington Street Alexandria, VA 22314	Non Commissioned Officers Assn	6,500.00	270.00
Clifford M. Ouse, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	25.00	
Arthur R. Ouslander, P.O. Box 23451 Washington, DC 20026	Consolidated Rail Corporation	2,667.00	212.21
Overseas Education Assn, 1201 16th Street, NW, Room 210 Washington, DC 20036		250.00	1,569.09
Sally LaHue Owen, 900 19th Street, NW, #400 Washington, DC 20006	America's Community Bankers	2,500.00	110.00
Stephen F. Owen Jr., 107 Park Washington Court Falls Church, VA 22046	Classroom Publishers Assn		
William S. Owen, 4809 Clinton Highway, #200 Knoxville, TN 37912	American Chiropractic Assn	3,000.00	2,551.81
Do	Volco Claims		
James C. Owens, 10 Schindler Court Silver Spring, MD 20903	Alliance for Justice		
Thomas E. Owens, 815 16th Street, NW, #309 Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	18,265.68	758.02
Thomas J. Owens, P.O. Box 12266 Seattle, WA 98102	Dollar Savings Bank, et al.	61,000.00	10,050.85
William J. Owens, 1745 Jefferson Davis Highway, #511 Arlington, VA 22202	Manufactured Housing Institute	325.00	39.00
Oxygenated Fuels Assn, 1330 Connecticut Ave., NW, Suite 300 Washington, DC 20036			
OSHA Reform Project 1995, c/o John Bolt P.O. Box 877 Eastland, TX 76448		5,637.73	37.73
Pacific Northwest Waterways Assn, P.O. Box 61473 Vancouver, WA 98666-1473		48,000.00	9,910.20
Thomas L. Pacino, 1101 Mercantile Lane, #100 Landover, MD 20785	Association of Growth Enterprises, Inc		
Joel Packer, 1201 16th Street, NW Washington, DC 20036	National Education Assn	4,217.25	123.50
Lee W. Paden, P.O. Box 201 Tulsa, OK 74102	Public Service Co of Oklahoma		
Anthony Padilla, 815 16th Street, NW, #511 Washington, DC 20006	Transportation Communications Union	3,000.00	178.75
Barbara Page, 401 Coors Boulevard, NW Albuquerque, NM 87121	Westland Development Co., Inc	1,718.75	4,397.16
John Palafoutas, 1111 14th Street, NW, Suite 1001 Washington, DC 20005	AMP, Inc	2,000.00	
Fredrick D. Palenske, 1133 Topeka Boulevard Topeka, KS 66629	Blue Cross & Blue Shield of Kansas		
Michael C. Palmer, 1350 I St., NW, Suite 590 Washington, DC 20005	College of American Pathologists	2,540.00	
Benjamin L. Palumbo, 1000 Connecticut Avenue, NW, #706 Washington, DC 20036	Palumbo & Cerrell, Inc (For:American Soc of Composers Authors & Publishers)	19,725.00	838.91
Do	Palumbo & Cerrell, Inc (For:Atlantic Richfield Co)	950.00	37.75
Do	Palumbo & Cerrell, Inc (For:Los Angeles County Metropolitan Transit Authority)	250.00	
Do	Trustee Coalition for Traveling Public	1,587.50	60.20
Palumbo & Cerrell, Inc, 1000 Connecticut Ave. NW, #706 Washington, DC 20036	American Soc of Composers Authors & Publishers	92,500.00	61,352.40
Do	Atlantic Richfield Co	27,000.00	6,834.71
Do	Los Angeles County Metropolitan Transportation Authority	25,981.67	9,925.26
Do	Trustee Coalition for Traveling Public	3,500.00	9,250.27
Vincent A. Panvini, 1750 New York Ave., NW Washington, DC 20006	Sheet Metal Workers' Internatinional Assn	19,731.00	
PanAmSat, LP, One Pickwick Plaza Greenwich, CT 06830			
Stephen J. Paradise, 1800 K Street, NW, #1100 Washington, DC 20006	New York Stock Exchange, inc		
Jonathan R. Paret, 1401 I Street, NW, #1000 Washington, DC 20005	Securities Industry Assn	3,815.00	
Nancy L. Parke, 5410 Grosvenor Lane, #100 Bethesda, MD 20814-2122	American Congress on Surveying & Mapping	2,692.65	
Bruce J. Parker, 1730 Rhode Island Ave., NW, #1000 Washington, DC 20036	National Solid Wastes Management Assn	500.00	
Tom V. Parker, Arkansas Petroleum Council One Riverfront Place, #460 North Little Rock, AR 72114	American Petroleum Institute	1,232.00	1,435.45
Leslie Parks, 1776 I Street NW, #400 Washington, DC 20006	Nuclear Energy Institute	1,760.00	475.00
Ann M. Parman, 1745 Jefferson Davis Hwy, #511 Arlington, VA 22202	Manufactured Housing Institute	650.00	
Ken Parmelee, 1630 Duke Street, 4th Floor Alexandria, VA 22314-3465	National Rural Letter Carriers Assn	20,854.00	4,780.00
Jack C. Parnell, 1919 South Eads Street, Suite #103 Arlington, VA 22202-3028	Kahn Soares & Conway (For:Central Soya/Novamont)	5,000.00	
Do	Kahn Soares & Conway (For:Westlake Farms)		
Ronald L. Parrish, 1800 One Tandy Center Fort Worth, TX 75102	Tandy Corporation	14,128.21	1,515.85
Parry and Romani Associates, Inc, 233 Constitution Avenue, NE Washington, DC 20002	American Assn of Pharmaceutical Distributors	2,700.00	
Do	American Chiropractic Assn	1,200.00	
Do	D & F Industries, Inc	1,200.00	
Do	Fox Bennett & Turner	3,000.00	
Do	Generic Pharmaceutical Industry Assn	1,700.00	
Do	Glaxo, Inc	1,500.00	
Do	HealthCare COMPARE		
Do	Herbalife International of America, Inc	250.00	
Do	International Assn of Broadcast Monitors	1,000.00	
Do	International Dairy Foods Assn	1,500.00	
Do	Motion Picture Assn of America, Inc	3,000.00	
Do	Murdock Healthcare	2,000.00	
Do	Nonprescription Drug Manufacturers Assn	3,160.00	
Do	Pfizer, Inc	2,600.00	
Do	Pharmaceutical Manufacturers Assn	700.00	
Do	Utah Biomedical Industry Council		
Do	Won-Door Corporation	750.00	
Charles C. Partridge, 5535 Hempstead Way Springfield, VA 22151	National Assn for Uniformed Services	5,760.17	
James O. Pasco Jr., 309 Massachusetts Ave., NE Washington, DC 20002	Grand Lodge, Fraternal Order of Police	19,234.70	6,734.70
Do	Sony Music Entertainment, Inc	10,000.00	
Caren Pasquale, 3000 K Street, NW, Suite 620 Washington, DC 20007	Merrill Lynch & Co	1,200.00	
Andrea B. Passarelli, 3025 South Parker Road, #1100 Aurora, CO 80014	TeleCheck Services, Inc		364.32
Enzo Pastore, 2000 K Street, NW, Suite 800 Washington, DC 20006	National Committee to Preserve Social Security & Medicare	3,506.00	
Richard A. Pate, 1130 Connecticut Ave., NW, SUite 830 Washington, DC 20036	Southern Company Services, Inc	3,347.48	4,542.52
Pathfinder Group, L.L.C., 3406 Noble Avenue Richmond, VA 23222		10,400.00	9,700.00
John Patrick, 211 Pucketts Ferry Road Greenwood, SC 29649	Fuji Photo Film, Inc		
Gary B. Patterson, Delaware Petroleum Council P.O. Box 1429 Dover, DE 19903-1429	American Petroleum Institute		
Jerry M. Patterson, Burke Williams & Sorenson 3200 Park Center Drive, #750 Costa Mesa, CA 92626	Burke Williams & Sorensen (For:City of Santa Clarita)		
Laird D. Patterson, 1667 K Street, NW, Suite 600 Washington, DC 20006	Bethlehem Steel Corp	100.00	
Richard M. Patterson, 11038 Wickshire Way Rockville, MD 20852	Intrapol, Inc		410.00
C. James Patti, 1775 K Street, NW, #200 Washington, DC 20006	Maritime Institute for Research & Industrial Development	9,503.76	
Charles R. Patton, 1050 17th Street, NW, Suite 1250 Washington, DC 20036	Houston Industries, Inc	1,500.00	
Patton Boggs, L.L.P., 2550 M Street, NW Washington, DC 20037	Air Products & Chemicals, Inc		
Do	Amenco		
Do	American Bankers Assn		
Do	American College of Gastroenterologists	317.50	36.00
Do	American Institute of Merchant Shipping		
Do	American Medical Security		
Do	American Soc of Assn Executives	3,662.50	120.00
Do	Armco, Inc		
Do	Association for Manufacturing Technology (AMT)		
Do	Association of Trial Lawyers of America	13,160.00	381.00
Do	Bio Compression Systems, Inc	531.25	20.00
Do	Blair Corporation	2,000.00	
Do	Blue Cross of California	3,272.50	42.50
Do	Bright Beginnings Inc.		
Do	Bristol Myers/Squibb Corp		
Do	Brown & Williamson Tobacco Corp		
Do	BIC Corporation		
Do	Center for Creative Non-Violence		
Do	Center for Molecular Medicine & Immunology		
Do	Center for Strategic Tax Reform (CSTR)		
Do	Chamber of Commerce Health Care Coalition		
Do	Charlotte North Carolina Federal Liaison Task Force		
Do	Cherokee Nation of Oklahoma	3,000.00	170.00
Do	Cherokee Nation Industries, Inc		
Do	Chicago Board Options Exchange	1,700.00	100.00
Do	Christopher Columbus Center Development, Inc		
Do	Chrysler Corporation		
Do	City & County of Denver		
Do	City of Baltimore	245.00	5.00
Do	City of Cincinnati	4,315.00	26.00
Do	City of Waterbury		
Do	Climate Council		
Do	Clorox Company	1,898.75	19.00
Do	Coalition for Fair Allocation of Interest		
Do	Coalition for Local Government Choice on Flow Control	45,872.50	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Coalition on Indian Housing Reform	2,062.50	140.00
Do	Coalition on State Use Taxes	2,000.00	
Do	College Savings Bank		
Do	Council on Community Blood Centers		
Do	CH2M Hill Companies, Ltd	131.25	20.00
Do	CUC International		
Do	Denver Colorado Planning Department		
Do	Direct Marketing Assn, Inc		
Do	Dole Food Co		
Do	Drycleaner Environmental Legislative Fund		
Do	Duty Free Shoppers Group, Ltd	140.00	10.00
Do	DuPont-Merck	385.00	
Do	Eagle-Picher Industries, Inc		
Do	Edison Electric Institute		
Do	Electric Reliability Coalition		
Do	Fastship Atlantic, Inc	131.25	
Do	Federation of American Health		
Do	Federation Against Inequitable & Progressive Taxation		
Do	Flexi-Van Leasing, Inc		
Do	Ford Motor Co		
Do	Freedom to Advertise Coalition	2,847.00	15.00
Do	FAG Kugelfischer Georg Schager KGaA	455.00	
Do	Genstar Container Corp		
Do	George Mason University Foundation, Inc	140.00	10.00
Do	Greater Baltimore Committee Foundation		
Do	Greensboro-Jamestown Neighborhood Assn		
Do	GE Capitol Services		
Do	Halogenated Solvents Industry Alliance	335.00	285.00
Do	I-69 Mid-Continent Highway Coalition	1,192.50	27.00
Do	Infinity Broadcasting Corp	4,022.00	15.00
Do	Institute of Scrap Recycling Industries		
Do	International Fabricare Institute		
Do	International Swaps Dealers Assn, Inc	280.00	20.00
Do	International Union of Police Assns		
Do	Irvin Industries		
Do	J.P. Morgan & Co, Inc		
Do	Jena Band of Choctau		
Do	Johanna-Dairies, Inc		
Do	Johnson Controls		
Do	Kaiser Aluminum & Chemical Corp		
Do	Landauer, Inc		
Do	Laquidara & Edwards (for Jacksonville Transporation Auth)	550.00	20.00
Do	Leprino Foods		
Do	Loop, Inc	1,160.00	
Do	Loyola University		
Do	Major League Baseball Players Assn	9,166.25	975.00
Do	Manhole Adjusting, Inc		
Do	Manor Care		
Do	Marathon Oil Co		
Do	Marine Engineers' Beneficial Assn		
Do	Mars, Inc	2,116.25	25.00
Do	Maryland Hospital Assn	292.50	22.00
Do	Mashantucket Peqush Tribe		
Do	Mass Mutual	770.00	16.00
Do	Matson Navigation Co		
Do	Metropolitan Life		
Do	Mitchell Energy & Development Corp		
Do	Morrison Knudsen		
Do	MovieFone, Inc	131.25	
Do	Mutual Legislative Committee		
Do	MCI Telecommunications, Inc	10,262.50	215.00
Do	Nansay Hawaii		
Do	National Assn of Health Underwriters		
Do	National Assn of Life Underwriters	770.00	10.00
Do	National Assn of Theatre Owners		
Do	National Automatic Merchandising Assn	3,056.25	105.00
Do	National Cable Television Assn, Inc		
Do	National Propane Gas Assn	2,727.50	110.00
Do	National Retail Federation (RITAC)	1,755.00	12.00
Do	National Soft Drink Assn		
Do	New England Student Loan Marketing Corp	3,442.50	111.50
Do	New York Life Insurance Company	4,812.50	46.00
Do	Newspaper Assn of America	521.25	41.00
Do	Northwestern Mutual Life Insurance Co		
Do	NCNB Texas National Bank		
Do	OSG Bulk Ships, Inc	1,916.25	200.00
Do	Pacific Lumber Co	2,618.75	20.00
Do	Pepsico, Inc		
Do	Preneed Insurers Gov't Programs Coalition	97.50	12.00
Do	Project ACTA, Inc		
Do	PNC Financial Corp		
Do	Reader's Digest Assn, Inc	2,000.00	
Do	Reinsurance Assn of America		
Do	Reliance Group Holdings, Inc		
Do	Republic National Bank of New York		
Do	Scheidt & Bachman		
Do	Raymond F. Schoenke Jr.		
Do	Sedgwick James, Inc		
Do	Self Storage Assn		
Do	Shearman & Sterling (for: Merrill Lynch)		
Do	Shell Oil Co		
Do	Sheriff Harry Lee		
Do	Charles E. Smith Companies		
Do	SmithKline Beecham		
Do	Smokeless Tobacco Council, Inc	6,300.00	225.00
Do	Sprat Bay Corp		
Do	State of Louisiana, Office of Conservation		
Do	Steel Service Center Institute		
Do	Sultantate of Oman	1,073.75	
Do	Susan G. Komen Foundation		
Do	TANO Marine Systems		
Do	University of Arizona Foundation		
Do	Viatical Assn of America	2,093.75	100.00
Do	Villa Julie College		
Do	Vulcan Materials Co		
Alma Hale Paty, 1920 N Street, NW Washington, DC 20036	American Mining Congress		
Andrew R. Paul, 225 Reinekers Lane, #600 Alexandria, VA 22314	Satellite Broadcasting & Communications Assn	1,000.00	17.54
Paul Hastings Janofsky & Walker, 1299 Pennsylvania Ave., NW, 10th Floor Washington, DC 20004	Allegheny Power System Inc, et al.	3,075.00	
Do	Alliance for Competitive Communications	19,950.00	49.18
Do	Amdahl Corp		
Do	American College of Neuropsychopharmacology		
Do	American Institute of Merchant Shipping	3,000.00	
Do	American President Companies		
Do	American Trucking Assns, Inc	2,925.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Business Council on Indoor Air		
Do	Grocery Manufacturers of America, Inc	1,425.00	
Do	Kawasaki Motors Corp, USA		
Do	Morehouse College		
Do	Norfolk Southern Corp	2,325.00	
Do	Novo-Nordisk Pharmaceuticals, Inc		
Do	Tyson Foods, Inc	2,400.00	
Do	Union Pacific Corp	2,025.00	
Gwen Gampel Paulson, 711 Second Street, NE, #300 Washington, DC 20002	Kinetic Concepts, Inc	2,000.00	
Do	Congressional Consultants (For:National Renal Administrators Assn)	3,000.00	
Kristin E. Paulson, 1401 Eye Street, NW, Suite 600 Washington, DC 20005	United Technologies Corp	639.00	355.59
Tommy J. Payne, 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004	RJR Nabisco, Inc	3,115.00	341.53
Peabody & Brown, 1255 23rd Street, NW, #800 Washington, DC 20037	Affordable Housing Tax Credit Coalition	2,000.00	
Do	Institute for Responsible Housing Preservation	2,000.00	
Do	National Leased Housing Assn	2,000.00	
Peace Political Action Committee, 110 Maryland Avenue, NE, #409 Washington, DC 20002			7,601.68
George A Peapples, 1660 L Street, NW, #401 Washington, DC 20036	General Motors Corporation	3,600.00	12,174.43
Norman E. Pearson, 125 N. West Street Alexandria, VA 22314-2754	Fleet Reserve Assn		
Ronald Pearson, 422 First Street, SE, #208 Washington, DC 20003	Pearson & Pipkin, Inc (For:National Motorists Assn)		
Do	Pearson & Pipkin (For:Physicians Who Care)		
Russell H. Pearson, 1156 15th Street, NW, #1015 Washington, DC 20005	J. C. Penney Co, Inc		226.19
Pearson and Pipkin, Inc, 422 First Street, SE, #208 Washington, DC 20003	National Motorists Assn	1,500.00	
Do	Physicians Who Care	1,500.00	
Joe P. Peck Jr., 2500 Wilson Blvd. Arlington, VA 22201-3834	Electronic Industries Assn	750.00	
Robert Peck, 122 Maryland Ave., NE Washington, DC 20002	American Civil Liberties Union		
Lawrence Peduzzi, 1755 Jefferson Davis Highway, Suite 1107 Arlington, VA 22202	Diagnostic Retrieval Systems, Inc		
Dean R. Peeler, P.O. Box 4220 Montgomery, AL 36103-4220	American Petroleum Institute	1,780.00	1,328.08
Elin Peltz, 1156 15th Street, NW, #400 Washington, DC 20005	American Crop Protection Association		
Mary Dwyer Pembroke, 1101 Pennsylvania Ave., NW, Suite 950 Washington, DC 20004	Federal Home Loan Mortgage Corp	3,000.00	340.27
Randall G. Pence, 2302 Horse Pen Road Herndon, VA 22071-3406	National Concrete Masonry Assn	6,500.00	576.00
Nicholas J. Penning, 1801 N. Moore Street Arlington, VA 22209	American Assn of School Administrators	9,880.50	
Brenda K. Pennington, 1250 Connecticut Ave., NW, Sutie 200 Washington, DC 20036	Cellular TElecommunications Industry Assn		
James C. Pennington, 5535 Hempstead Way Springfield, VA 22151	National Assn for Uniformed Services	3,755.41	
Pennsylvania Power & Light Co, 2 North 9th Street Allentown, PA 18101			2,972.64
Charles D. Penry, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	125.00	
Gregory M. Pensabene, 1299 Pennsylvania Avenue, NW, #875 East Washington, DC 20004	Domestic Petroleum Council	12.00	
Do	Santa Fe Energy Resources, Inc		
Do	Santa Fe Pacific Gold Corp		
Do	Viceroy Gold Corp	3.00	
Judith K. Pensabene, 1301 Pennsylvania Ave., NW, #1050 Washington, DC 20004	Baltimore Gas & Electric Co		
Eugene K. Pentimonti, 1101 17th Street, NW, #400 Washington, DC 20036	American President Companies, Ltd	15,000.00	
Pamela Slane Pepe, 950 N. Washington Street Alexandria, VA 22314	American Academy of Physician Assistants	15,500.00	
Pepper & Corazzini, 1776 K St., NW Washington, DC 20006	National Private Telephone Assn		
Pepsico, Inc, 700 Anderson Hill Rd. Purchase, NY 10577			2,362.13
Laura T. Peralta, 1667 K Street, NW, #1270 Washington, DC 20006	Warner-Lambert Company	3,000.00	
Perkins Coie, 607 14th Street, NW #800 Washington, DC 20005-2011	Boeing Company		
Do	Cook Inlet Region, Inc		
Do	James River II, Inc		
Gary J. Perkinson, 453 New Jersey Ave., SE Washington, DC 20003	Beneficial Management Corp		
Jeffry L. Perlman, 1101 Vermont Avenue, NW, #500 Washington, DC 20005	American Advertising Federation	6,000.00	352.03
Karla Perri, 1111 19th Street, NW Washington, DC 20036	American Forest & Paper Assn	1,000.00	
Cidette S. Perrin, 1319 F Street, NW, Suite 1000 Washington, DC 20004	National Assn of Private Psychiatric Health Systems	500.00	
Dan Perrin, 122 C Street, NW, #815 Washington, DC 20001	U.S. Business & Industrial Council		
Beverly Perry, 1900 Pennsylvania Ave, NW Washington, DC 20068	Potomac Electric Power Company	78.70	
Edmund F. Perry, 1301 K Street, NW, Suite 1100 Washington, DC 20005	IBM Corp	2,250.00	55.00
Schley Louie Perry III, 1521 New Hampshire Avenue N.W. Washington, DC 20036	National Cotton Council of America	2,212.50	
Susan Perry, 1100 New York Avenue, NW, #1050 Washington, DC 20005-3934	American Bus Assn	2,687.50	75.00
John C. Perryman, 333 Piedmont Avenue, 23rd Floor Atlanta, GA 30308	Georgia Power Co	30,370.85	6,919.19
Gary S. Persinger, 1100 15th Street, NW Washington, DC 20005	Pharmaceutical Research & Manufacturers of America	4,000.00	
Mark Pertschuk, 2530 San Pablo Ave, #J Berkeley, CA 94702	Americans for Nonsmokers' Rights		
John W. Pestle, Varnum Riddering Schmidt & Howlett P.O. Box 352 Grand Rapids, MI 49501-0352	Michigan Municipal Cooperative Group		
Phillips S. Peter, 1200 18th Street, NW Washington, DC 20036	Reed Smith Shaw & McClay	400.00	
Robert Peters, 35 West 11th Street, #1R New York, NY 10011-3515	Morality in Media, Inc	148.38	
Robert L. Peters, 1101 14th Street, NW, #1400 Washington, DC 20005	Defenders of Wildlife		
Robert R. Petersen, 1300 L Street, #925 Washington, DC 20005	National Grain Trade Council		38.25
Alan Peterson, 1505 Prince Street, #300 Alexandria, VA 22314	American Optometric Assn		
Cheryl A. Peterson, 600 Maryland Ave., SE, Suite 100 West Washington, DC 20024-2571	American Nurses' Assn	4,107.00	28.55
Dan A. Peterson, 1507 Lincoln Way, #304 McLean, VA 22102	Martin Marietta Corporation	8,500.00	
Helena Hutton Peterson, 1101 15th Street, NW Washington, DC 20005	Minnesota Mining & Manufacturing Co	2,500.00	
Kenneth W. Peterson, Kansas Petroleum Council 1005 Merchants Tower Topeka, KS 66612	American Petroleum Institute		
Lars E. Peterson, 800 Connecticut Avenue, NW Washington, DC 20006	Food Marketing Institute	500.00	
Margaret L. Petito, 3906 Huntington Street, NW Washington, DC 20015	Government of Ecuador	18,000.00	29,572.30
Susan F. Petniunas, 1625 K Street, NW, #750 Washington, DC 20006	Manville Corporation	500.00	
Michael J. Petrina Jr., 1101 17th Street, NW, #300 Washington, DC 20036	Cosmetic Toiletry & Fragrance Assn, Inc	1,000.00	30.00
Thomas J. Petrizzo, 325 7th St., NW. #1000 Washington, DC 20004	National Retail Federation	700.00	
Petroleum Marketers Assn of America, 1901 N Ft. Myer Dr. #1200 Arlington, VA 22209			
Stephan Petry, 1800 Massachusetts Avenue, NW Washington, DC 20036	National Rural Electric Cooperative Assn	44.00	
Laura M. Pettey, 1776 Eye Street, NW, #575 Washington, DC 20006	Dow Chemical Co		6,467.00
Brian T. Petty, 1901 L St., NW, #702 Washington, DC 20036	International Assn of Drilling Contractors		
Peyser Associates, Inc, 1001 G Street, NW, Suite 400 East Washington, DC 20001	City of Philadelphia	45,000.00	
Do	City of Seattle	6,687.50	
Do	Metro	17,333.32	
Do	Mothers Against Drunk Driving (MADD)	4,500.00	
Do	National Assn for Sport & Physical Education	8,000.00	
Do	New York State Thruway Authority	18,000.00	
Do	Southeastern Pennsylvania Transit Authority	22,500.00	
Do	Toledo-Lucas Port Authority	7,500.00	
Steven J. Pfister, 325 7th Street, NW #1000 Washington, DC 20004	National Retail Federation	5,000.00	438.85
Kurt Pfotenhauer, 316 Pennsylvania Avenue, SE, #304 Washington, DC 20003	United Parcel Service	5,000.00	349.74
James R. Phalen, 1776 EYE Street, NW, #400 Washington, DC 20006	Nuclear Energy Institute	7,270.00	772.00
Pharmaceutical Research and Manufacturers of America, 1100 15th Street, NW, #900 Washington, DC 20005		144,420.00	144,420.00
Marshall A. Pharr, 6103 Adirondack Amarillo, TX 79106	Southwestern Public Service Co		
Dennis J. Phelan, 1101 17th St., N.W., #609 Washington, DC 20036	Pacific Seafood Processors Assn	25,000.00	913.00
Mary Frances Phelps, 1050 Connecticut Ave., NW, #760 Washington, DC 20036	Union Oil Co of California		
William C. Phelps, 2929 Allen Parkway Houston, TX 77019	American General Corporation	8,360.00	11,449.63
William W. Phelps, P.O. Box 2159 Dallas, TX 75221	FINA, Inc	8,580.00	4,329.16
James R. Phifer, 1700 N. Moore St., #1801 Arlington, VA 22209	Magnavox Electronic Systems Co	8,795.18	608.65
Barbara Phillips, 1818 N Street, NW Washington, DC 20036	AirTouch Communications	8,125.00	1,673.94
Deirdre B. Phillips, 100 Federal Street Boston, MA 02110	First National Bank of Boston	2,800.00	4,762.75
Joseph M. Phillips, 1600 Rhode Island Ave., NW Washington, DC 20036	National Rifle Assn of America	2,750.00	135.48
Karen B. Phillips, 50 F Street, NW Washington, DC 20001	Association of American Railroads	6,197.76	83.38
William H. Phillips, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	1,918.00	59.74
Kristine Phillips-Geddings, 2000 K Street, NW, #800 Washington, DC 20006	National Committee to Preserve Social Security & Medicare	2,601.00	
Mary Elizabeth Piccione, 1629 K Street, NW, #501 Washington, DC 20006	Delta Air Lines, Inc	4,500.00	1,124.83
Joann Piccolo, 1350 I Street, NW, #400 Washington, DC 20005	Motorola, Inc	4,500.00	
Lori J. Pickford, 2301 M Street, NW Washington, DC 20037	American Public Power Assn	1,000.00	
Paulette C. Pidcock, 1299 Pennsylvania Ave., NW, #1125 Washington, DC 20004-2402	Pacific Gas & Electric Co	763.00	
Janice Pieper, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	3,750.00	
Jennifer M.E. Pierce, 555 13th Street, NW, #300 West Washington, DC 20004	Interstate Natural Gas Assn of America		
Jim Pierce, 1420 King Street Alexandria, VA 22314-2794	National Society of Professional Engineers	1,000.00	
Jeremy Edes Pierotti, 1401 New York Avenue, NW, #1100 Washington, DC 20005	National Cooperative Business Assn	5,850.00	30.50
Pierson Semmes & Bemis, 1054 31st Street, NW Washington, DC 20007	Mauritius Sugar Syndicate		34.73
Donna M. Pignatelli, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc	2,000.00	
Steven J. Piguet, 1025 Connecticut Ave., NW, #1007 Washington, DC 20036	Armstrong World Industries, Inc		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Jeffrey R. Pike, 1300 Connecticut Ave., NW, #600 Washington, DC 20036	National Wireless Resellers Assn	1,600.00	
Do	Oceantrawl, Inc	3,000.00	40.00
Do	Patton Boggs, L.L.P.	8,000.00	40.00
Do	United Catcher Boats	4,000.00	80.00
Paul E. Pike, 1301 Pennsylvania Ave., NW, #1100 Washington, DC 20004-1707	Air Transport Assn	2,327.63	
Piliero Mazza & Pargament, Farragut Square 888 17th Street, NW, #1100 Washington, DC 20006	Latin American Management Assn	2,500.00	
Do	Villa Banfi, U.S.A		
Valerie F. Pinson, 1724 Massachusetts Avenue, NW Washington, DC 20036	National Cable Television Assn, Inc	2,604.00	90.98
Piper & Marbury, 1200 19th Street, NW, #700 Washington, DC 20036	Edison Electric Institute		
Do	Rabanco Companies		
Peter A. Piscitelli, Wilson Elser Moskowitz Edelman & Dicker One Steuben Place Albany, NY 12207	Healthcare Asn of New York State	4,165.00	
William H. Pitsenberger, 1133 Topeka Boulevard Topeka, KS 66629-0001	Blue Cross & Blue Shield of Kansas		
William R. Pitts Jr., 4767 North 24th Road Arlington, VA 22207	Capital Cities/ABC, Inc	2,644.18	
Frank M. Pizzoli, 1335 North Front Street Harrisburg, PA 17102	Pennsylvania Chiropractic Society		
Plains Cotton Growers, Inc, 4510 Englewood Lubbock, TX 79414			
Planned Parenthood Fed of America, Inc, 1120 Connecticut Ave., NW, #461 Washington, DC 20036		11,190.84	11,190.84
Michael L. Platner, 1220 L Street, NW, Suite 900 Washington, DC 20005	American Petroleum Institute	9,890.00	197.70
Jon Plebani, 1801 K Street, NW, Suite 400K Washington, DC 20006	Arter & Hadden (For:Association for Responsible Thermal Treatment)		
Do	Arter & Hadden (For:Central South West Corp)		
Do	Arter & Hadden (For:Circus Circus Enterprises, Inc)		
Do	Arter & Hadden (For:Citicorp)		
Do	Arter & Hadden (For:Corning, Inc)		
Do	Arter & Hadden (For:Electronic Data Systems Corp)		
Do	Arter & Hadden (For:Financial Guaranty Insurance Corp)		
Do	Arter & Hadden (For:Great Lakes Museum of Science Environment & Technology).		
Do	Arter & Hadden (For:Hearst Corp)		
Do	Arter & Hadden (For:Investment Company Institute)		
Do	Arter & Hadden (For:Merck & Co, Inc)		
Do	Arter & Hadden (For:National Assn of Broadcasters)		
Do	Arter & Hadden (For:Tele-Communications, Inc)		
Do	Arter & Hadden (For:U.S. Long Distance Corp)		
Do	McCamish Martin & Loeffler (For:United Services Automobile Assn)		
Do	Arter & Hadden (For:Working Group on R&D)		
Wyll W. Pleger, 1150 18th Street, NW, #200 Washington, DC 20036	Brown & Root, Inc		
E. R. Plourd, 400 N. Capitol Street, NW, #856 Washington, DC 20001	United Transportation Union	2,500.00	
Kraege Polan, 1315 Nueces Austin, TX 78701	Polan-Ingram Advocacy Group (For:Vermont Yankee Nuclear Power Corp)	1,935.48	1,385.00
Anne L. Polansky, 777 North Capitol St., NE, Suite 805 Washington, DC 20002	Solar Energy Industries Assn	5,274.08	
Policy Consulting Services; Inc, 1707 L Street, NW, #725 Washington, DC 20036	Nissan Motor Company, Ltd		
Do	Nissan Motor Manufacturing Corp, U.S.A.		
Do	Nissan North America, Inc		
Policy Directions, Inc, 818 Connecticut Ave., NW, Third Floor Washington, DC 20006	Bausch & Lomb	4,130.00	
Diane Pollack, 1120 Connecticut Ave., NW, Sutie 461 Washington, DC 20036	Planned Parenthood Federation of America	1,182.61	216.00
Michele Pollak, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	10,234.02	
Alfred M. Pollard, 900 19th Street, NW, Suite 400 Washington, DC 20006	Bankers Roundtable	5,653.85	
Kris D. Polly, 3800 North Fairfax Drive, Suite 4 Arlington, VA 22203	National Water Resources Assn	3,125.00	
Mark D. Polston, 1225 Eye Street, NW, Suite 1100 Washington, DC 20005	Handgun Control, Inc	2,165.46	
Kathryn Pontzer, 1383 Piccard Drive P.O. Box 1725 Rockville, MD 20849-1725	American Occupational Therapy Assn, Inc	5,000.00	135.50
Anthony Poole, 1020 19th Street, NW, Suite 800 Washington, DC 20036	Kelly Anderson Pethick & Associates, Inc (For:GBQC Architects)	750.00	
Do	Kelly Anderson & Associates (For:James River Corp)		
Do	Kelly Anderson Pethick & Associates, Inc (For:Securiguard, Inc)		
Pope McGlamry Kilpatrick & Morrison, 318 11th St., 2nd Floor Columbus, GA 31902	INSLAW, Inc		
Joseph V. Popolo Jr., 1600 Wilson Boulevard, #807 Arlington, VA 22209	Roadway Services, Inc		
John D. Porter, 1150 Connecticut Ave., NW, Suite 1125 Washington, DC 20036	Financial Executives Institute	10,640.00	
Potomac Strategies & Analysis, Inc, P.O. Box 132 Clifton, VA 22024-0132	3M Company		4,226.38
J. Craig Potter, 1850 K Street, NW, #500 Washington, DC 20006	McDermott Will & Emery		
Jack R. Pounds, Betz Laboratories Inc 4636 Somerton Road Trevose, PA 19053	Betz Laboratories Inc		
Beth Powell, 1201 L Street, NW Washington, DC 20005	American Health Care Assn	12,000.00	352.90
Jan Geiselman Power, 816 Connecticut Ave., NW, Suite 900 Washington, DC 20006	OHM Corp		
John J. Power, 815 16th St., NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	19,633.36	199.45
Robert J. Powers, 101 Constitution Avenue, NW Washington, DC 20001	United Brotherhood of Carpenters and Joiners of America	8,076.96	549.28
David J. Pratt, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn	850.00	154.00
William B. Prendergast, 4301 North Fairfax Drive, #425 Arlington, VA 22203	Air Conditioning & Refrigeration Institute		
S. Patrick Presley, 1776 I Street, NW, #1000 Washinton, DC 20006	BP America, Inc	2,000.00	
Preston Gates Ellis Rouvelas & Meeds, 1735 New York Avenue, NW, #500 Washington, DC 20006	Akitsu Shipping Co, Ltd		
Do	American Classic Voyages Company		
Do	American Forest & Paper Assn		
Do	American President Lines	1,598.50	
Do	ASARCO, Inc		
Do	Brown Forman Corp		
Do	Burlington Northern Railroad Co	649.50	
Do	Business Software Alliance	552.00	
Do	Calista Corp		
Do	Chambers Development Co, Inc		
Do	Dynasty Cruise Line, Inc		
Do	Hazardous Waste Action Coalition	585.00	
Do	Hewlett-Packard Co		
Do	Intelsat		
Do	Intermodal Association of North America	1,392.50	
Do	Maruha Corporation		
Do	Massachusetts Port Authority	9,586.50	
Do	Microsoft Corp	15,309.00	
Do	Mining Law Coalition		
Do	Mormac Marine Group, Inc/Mormac Marine Transport, Inc		
Do	National Council on Compensation Insurance		
Do	Nichiro Corp		
Do	Nissui Shipping Corp		
Do	Ocean Common Carrier Coalition		
Do	OMI Corp	6,361.00	
Do	Pitney Bowes		
Do	Port of Seattle		
Do	Printing Industries of America		
Do	Rckuchuo Marine Corp		
Do	Royal Seafoods, Inc		
Do	Seattle Housing Authority		
Do	Sunmar Shipping, Inc		
Do	Transportation Institute		
Do	Tri-City Industrial Development Council	132.00	
Do	University of Washington		
Do	USTF Conference Group		
Do	Washington State Hospital Assn		
Ann L. Pride, 1776 I Street, NW, #275 Washington, DC 20006	Entergy Services, Inc	4,326.00	263.77
Sheila M. Prindiville, 4301 Connecticut Ave., NW #300 Washington, DC 20008	National Solid Waste Management Assn	500.00	
Curtis A. Prins, 4708 Briar Patch Ct. Fairfax, VA 22032	Acclerated Payment Systems	9,000.00	
Do	American Collectors Assn	15,833.32	
Do	Credit Union National Assn	6,249.99	
Do	National Auctioneers Assn	15,000.00	
Do	U-Haul International	15,000.00	
Paul Clement Pritchard, 1776 Massachusetts Ave., NW Washington, DC 20036	National Parks & Conservation Association	950.00	455.89
Sydney Probst, 1832 Belmont Road, NW Washington, DC 20009	Associated Builders & Contractors, Inc		
Procompetitive Rail Steering Committee, c/o Vuono, Lavelle & Gray 2310 Grant Building Pittsburgh, PA 15219			
Profit Sharing Council of America, 10 South Riverside Plaza, Suite 1460 Chicago, IL 60606			
Project Acta, Inc, 1 Steppingstone Lane Kings Point, NY 11024			
Peter D. Prowitt, 1299 Pennsylvania Ave., NW, #1100 Washington, DC 20004-2407	American President Companies, Ltd	11,874.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
James C. Pruitt, 1050 17th St., NW, #500 Washington, DC 20036	Texaco, Inc		
Jerry Z. Pruzan, 601 Pennsylvania Ave., NW North Building, 4th Floor Washington, DC 20004	Atlantic Richfield Co	1,500.00	
Alan C. Ptak, 916 Harriman Street Great Falls, VA 22066	Martin Marietta Corp	2,875.00	
Public Citizen, 2000 P Street, NW Washington, DC 20036		57,080.00	
Public Employee Department, AFL-CIO, 815 16th St., NW Washington, DC 20006		53,692.67	19,854.83
Public Service Electric and Gas Company, 80 Park Plaza, T4A Newark, NJ 07101			300.00
Public Strategies, 98 San Jacinto, Suite 900 Austin, TX 78701	Hillwood Development Corp	3,600.00	23.84
Do	Southwest Airlines Co	3,000.00	9.21
Public Strategies Washington, Inc, 1455 Pennsylvania Ave., NW, #1100 Washington, DC 20004	Advanced Micro Devices	7,500.00	
Do	American Methanol Institute	20,000.00	
Do	American Trucking Assns, Inc	18,000.00	
Do	Anheuser-Busch Companies, Inc	30,000.00	
Do	Beneficial Management Corp	30,000.00	
Do	Blue Cross Blue Shield Assn	24,000.00	
Do	Boston Capital Partners, Inc	3,000.00	
Do	Chiquita Brands International	75,000.00	
Do	G-Tech Corporation	27,000.00	
Do	Mexican Department of Commerce & Finance	29,518.00	
Do	Nafta-El Paso Business Development Council	30,000.00	
Do	National Assn of Chain Drug Stores	16,666.00	
Do	Southwest Airlines	12,000.00	
David E. Pullen, 1625 K Street, NW, #750 Washington, DC 20006	Manville Corporation	500.00	
Brenda Pulley, 607 14th Street, NW, #800 Washington, DC 20005	Safety-Kleen Corp	5,000.00	
Sue P. Purvis, P.O. Box 14042 St. Petersburg, FL 33733	Florida Power Corp	12,000.00	3,081.66
Do	Florida Progress Corp	3,000.00	770.41
Earle W. Putnam, 5025 Wisconsin Avenue, NW Washington, DC 20016	Amalgamated Transit Union, AFL-CIO		
Howard Pyle III, 1050 17th Street, NW, #1250 Washington, DC 20036	Houston Industries, Inc	8,000.00	
Robert N. Pyle & Associates, P.O. Box 3731 Washington, DC 20007	Elkem Metals Company	750.00	
Do	Independent Bakers Assn	1,200.00	
Do	Stratcor	3,000.00	250.00
Do	Welch Foods, Inc	1,000.00	
James C. Pyles, Powers Pyles & Sutter, P.C. 1275 Pennsylvania Avenue, NW, 3rd Fl. Washington, DC 20004-2404	Coalition for Patient Rights	5,995.00	6,043.00
PFL Life Insurance Company, 9151 Grapevine Highway North Richland Hills, TX 76180-5605			
Quaker Oats Company, 321 North Clark Street Chicago, IL 60610		5,784.88	5,784.88
Patricia A. Quealy, 1133 21st Street, NW, #450 Washington, DC 20036	HealthCare COMPARE Corp	3,000.00	
Charles N. Quigley, 5146 Douglas Fir Road Calabasas, CA 91302	Center for Civic Education	5,884.00	1,626.00
Harold P. Quinn Jr., 1130 17th St., NW Washington, DC 20036	National Coal Assn	10,850.00	
John E. Quinn, Massachusetts Petroleum Council 11 Beacon Street Boston, MA 02108	American Petroleum Institute	2,500.00	
Patrick H. Quinn, 601 13th Street, NW, #410 Washington, DC 20005	R. Duffy Wall & Associates, Inc	1,200.00	
Earl C. Quist, 1850 M Street, NW, #600 Washington, DC 20036	Toyota Motor Sales, USA, Inc		
Jeffrey L. Quyle, 720 N. High School Rd. Indianapolis, IN 46214	Indiana Statewide Assn of Rural Electric Cooperatives, Inc	3,000.00	2,280.44
George Gregory Raab, 1200 G Street, NW, Suite 400 Washington, DC 20005-0000	Health Industry Manufacturers Assn	810.00	
Mark J. Raabe, 601 Pennsylvania Ave., NW North Building, Suite 1200 Washington, DC 20004	Merck & Co, Inc	1,500.00	500.00
Eugene M. Rackley, 1350 New York Ave., NW, Suite 900 Washington, DC 20005	International Franchise Assn		
Robert E. Rader Jr., 2777 Stemmons Freeway, #1233 Dallas, TX 75207	Rader Campbell Fisher & Pyke, P.C.		2,721.46
Alex Radin, 1200 New Hampshire Ave., NW, #311 Washington, DC 20036	Radin & Associates, Inc (For:Tennessee Valley Public Power Assn)	2,531.25	
Do	Radin & Associates, Inc (For:Washington Public Utility Districts Assn)	2,968.75	
Raffaelli Spees Springer & Smith, 1341 G Street, NW, #200 Washington, DC 20005	Buena Vista Golf & Country Club		
Do	Chabot Observatory & Science Center	1,200.00	154.04
Do	City of Chattanooga		
Do	Council of American Overseas Research Centers		
Do	Creative Discovery Museum		
Do	Crystal Holdings Corp	2,000.00	136.23
Do	Foley & Lardner		
Do	Johnson Controls, Inc	1,700.00	33.54
Do	National Medical Care		
Do	Orlando-Orange County Expressway Authority	2,500.00	304.12
Do	Tudor Investment Corp	1,000.00	
Do	University of Nevada, Reno	8,000.00	459.83
Zvi Rafiah, Asia House 4 Weizman Street Tel Aviv, 64239 Israel	Rabintex Industries, Ltd		
Do	Rafael Armament Development Authority	10,971.00	3,053.00
Do	TAAS, Israeli Industries LTD (IMI)	10,822.00	554.00
Do	Urdan Industries LTD		
Timothy L. Raftis, 6410 Rockledge Drive, Suite 203 Bethesda, MD 20817	American Soc of Hematology	500.00	312.10
Do	Association of American Cancer Institutes	350.00	448.00
Do	Friends of the NIDCD		
Robert H. Ragan, 1015 15th Street, NW, Suite 700 Washington, DC 20005-2605	Bechtel Group, Inc		
Thomas F. Railsback, 2000 M Street, NW Washington, DC 20036	Alliance for Competitive Communications	1,800.00	
Do	Graham & James (For:Ameritech, et al.)		
Do	Graham & James (For:Attorneys' Title Guaranty Fund, Inc)		
Do	Fedeal Magistrate Judges' Assn	460.00	
Do	Federal Judges Assn		
Do	Graham & James (For:Federal Judges Association)		
Do	Graham & James (For:Federal Magistrate Judges' Assn)		
Do	Graham & James (For:RR Donnelley & Sons Co)	735.00	
Do	RR Donnelley & Sons Co		
Railway Progress Institute, 700 North Fairfax St. Alexandria, VA 22314			
Barbara Raimondo, 128 North Abingdon St. Arlington, VA 22203	Consumer Action Network	1,125.00	18.29
Lisa J. Raines, 1020 19th Street, NW Washington, DC 20036	Genzyme Corp	1,825.00	
Meghan B. Rainey, 1250 Eye Street, NW, #200 Washington, DC 20005	Information Technology Industry Council	3,000.00	408.80
Jack M. Rains, 9 Greenway Plaza, #1717 Houston, TX 77046	Southwestern Bell Corp	10,500.00	
John C. Ramig, 1300 S.W. Fifth Ave., #3400 Portland, OR 97201	Lindsay Hart Neil & Weigler (For:MOEX Corp)	5,449.62	5,672.32
Jack Ramirez, 2600 River Road Des Plaines, IL 60018	National Assn of Independent Insurers	1,500.00	
Kristen M. Rand, 2000 P Street, NW, #200 Washington, DC 20036	Violence Policy Center	1,000.00	150.00
Howard W. Randolph Jr, 815 16th St., NW Washington, DC 20006	Transportation-Communications Union	1,000.00	
Paul W. Rankin, 8401 Corporate Drive, #425 Landover, MD 20785	Association of Container Reconditioners	112,968.18	9,790.85
Magda A. Ratajski, Three Commercial Place Norfolk, VA 23510-2191	Norfolk Southern Corp		
G. David Ravencraft, 601 Pennsylvania Ave., NW, North Building, Suite 540 Washington, DC 20004	Ashland Oil, Inc	2,000.00	
William Randall Rawson, 950 N. Glebe Road, #160 Arlington, VA 22203-1824	American Boiler Manufacturers Assn, Inc		
Bruce A. Ray, Bruce Ray & Company 636 A Street, NE Washington, DC 20002	Bayley Seton Hospital	15,503.05	
Do	Cumberland Packing Company	10,671.78	
Do	Lutheran Medical Center	9,415.73	
Do	Simply Lite Foods Corp	6,666.46	
Rhonda J. Ray, 3201 Mayfair Road Baltimore, MD 21207	Maryland Food Committee		
John K. Rayburn, 1801 K Street, NW Washington, DC 20006	Westinghouse Electric Corp	1,000.00	45.00
Helene Rayder, 1020 19th Street, NW, #600 Washington, DC 20036	Mutual of Omaha Companies	150.00	
Robert S. Raymar, One Gateway Center Newark, NJ 07102	Hellring Lindeman Goldstein & Siegal (For:GAF Corporation)		
Edgar L. Ready, 1800 Concord Pike Wilmington, DE 19897	Zeneca, Inc	6,200.00	2,318.00
Joanna E. Reagan, 815 15th Street, NW Washington, DC 20005	International Union of Bricklayers & Allied Craftsmen	3,000.00	230.36
Clark E. Rector Jr., 1101 Vermont Ave., NW, Suite 500 Washington, DC 20005	American Advertising Federation	500.00	
John M. Rector, 205 Daingerfield Rd. Alexandria, VA 22314	National Assn of Retail Druggists	700.00	150.00
Donald L. Redfoot, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	11,483.64	12.00
Laura Redoutey, 6215 West St. Joseph Way Lansing, MI 48917	Michigan Health & Hospital Assn	1,150.00	497.12
Jo Reed, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	10,254.46	76.25
Mary Reed, 600 Maryland Ave., Sw, #700 Washington, DC 20024	National Fed of Independent Business	3,401.00	200.00
Michael L. Reed, 1100 15th Street, NW, #900 Washington, DC 20005	Pharmaceutical Research & Manufacturers of America		
Reed Smith Shaw & McClay, 1200 18th Street, NW Washington, DC 20036	Radio-Television News Directors Assn	2,700.00	
Robert K. Reeg, 1420 King Street Alexandria, VA 22314-2715	National Society of Professional Engineers	1,250.00	
J. Ronald Reeves, 2345 Crystal Drive Arlington, VA 22227	U.S. Air, Inc	2,000.00	125.00
R. Brent Regan, 1401 I Street, NW, #1100 Washington, DC 20005	SBC Communications, Inc	15,000.00	
Timothy J. Regan, 1455 Pennsylvania Ave., NW, #500 Washington, DC 20004	Corning, Inc	20,000.00	801.17
Regional Airline Association, 1200 19th Street, NW., #300 Washington, DC 20036-2401		2,432.00	2,150.00
David K. Rehr, 1100 South Washington Street, Ist Floor Alexandria, VA 22314-4494	National Beer Wholesalers Assn	2,538.40	2,854.67
Reichler Milton & Medel, 1747 Pennsylvania Ave., NW, #1200 Washington, DC 20006	Embassy of the Republic of Uganda		363.93

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Republic of Guyana		903.52
Do	Republic of Nicaragua		2,407.32
Do	Saharawi Arab Democratic Republic		
Do	United Republic of Tanzania		613.49
Reid & Priest, 701 Pennsylvania Avenue, NW Washington, DC 20004	ABB C-E Nuclear Fuel		
Do	City of Cleveland, Department of Port Control		
Do	City of Philadelphia	3,127.50	149.76
Do	Denver International Airport		
Do	Duke Power Co		
Do	Edison Electric Institute	252.50	
Do	Henschel, Inc	1,656.25	12.53
Do	Kabi Pharmacia, Inc	1,903.75	128.48
Do	Metro Machine Corporation		
Do	Minnesota Power	1,000.00	
Do	MDU Resources Group, Inc	1,000.00	
Do	Nishika Corp		
Do	Pacific Gas & Electric Co		
Do	Parsons Brinckerhoff Quade & Douglas, Inc		
Do	Pride Refining, Inc		
Do	South Jersey Transportation Authority		
Do	SPD Technologies	20,306.25	438.77
Do	Tucson Electric & Power Co	4,500.00	
Do	United Illuminating Company	1,000.00	
Do	Western Energy, Inc	4,792.50	294.34
Ronald T. Reiling, 111 Powdermill Road Maynard, MA 01754	Digital Equipment Corp	25,000.00	
Burke G. Reilly, 1350 I Street, NW Washington, DC 20005	Ford Motor Co	2,250.00	727.45
William K. Reilly, c/o World Wildlife Fund 1250 24th Street, NW, 6th Floor Washington, DC 20037-1175	National Wildlife Action, et al.		
Reinhart Boerner Van Deuren Norris & Rieselbach, 601 Pennsylvania Ave., NW North Bldg., Suite 750 Washington, DC 20004-2612.	National Employee Benefits Institute		
Reinsurance Assn of America, 1301 Pennsylvania Avenue, N.W., #900 Washington, DC 20004			
Christine W. Reiter, 1330 Connecticut Ave, NW Suite 300 Washington, DC 20036	Synthetic Organic Chemical Manufaturers Assn	500.00	42.00
Mark Reiter, 1325 G Street, NW, #1000 Washington, DC 20005	Institute of Scrap Recycling Industries, Inc	11,000.00	684.47
Rebecca Relic, 1601 Duke Street Alexandria, VA 22314	Society of American Florists	1,000.00	
Michael J. Remington, 1000 Thomas Jefferson St., NW, #609 Washington, DC 20007	Leonard Ralston Stanton & Danks (For:Coalition of Consumers' Picture Rights)	7,450.00	
Do	Leonard Ralston Stanton & Danks (For:Federal Correctional Vendors Assn)		
Do	Leonard Ralston Stanton & Danks (For:Krueger International, Inc)	1,800.00	
Do	Leonard Ralston Stanton & Danks (For:Labat-Anderson, Inc)		
Do	Leonard Ralston Stanton & Danks (For:Save the Greenback Assn)		
Do	Leonard Ralston Stanton & Danks (For:SICPA Industries of America, Inc)		
Do	Leonard Ralston Stanton & Danks (For:Time Warner, INc)	3,950.00	
Martin S. Rendon, 110 Maryland Ave., NE Washington, DC 20002	U.S. Committee for UNICEF	6,000.00	7,000.00
Jim Renner, 222 NW Davis St., #309 Portland, OR 97209	Oregon Trail Coordinating Council	575.68	
Diane Rennert, 1718 Connecticut Avenue, NW, #700 Washington, DC 20009	Association of American Publishers	6,500.00	856.16
Edward Repa, 4301 Connecticut Ave., NW #300 Washington, DC 20008	National Solid Wastes Management Assn	500.00	
Galen J. Reser, 700 Anderson Hill Road Purchase, NY 10577	PepsiCo, Inc	1,102.50	809.72
John M. Reskovc, 601 13th Street, NW, #410 South Washington, DC 20005	R. Duffy Wall & Associates, Inc	1,250.00	
Resource Management Consultants, Inc, 205 S. Whiting Street, #308 Alexandria, VA 22304		25,126.00	3,466.56
Retired Officers Assn, 201 N. Washington St. Alexandria, VA 22314		152,330.47	71,744.37
Vincent P. Reusing, 1620 L Street, NW, #800 Washington, DC 20036	Metropolitan Life Insurance Co	500.00	
Alan V. Reuther, 1757 N Street, NW Washington, DC 20036	Int'l Union, United Auto Aerospace & Agric Implement Workers	23,091.80	379.00
Allan R. Rexinger, 717 A Street, SE Washington, DC 20003	Nonprescription Drug Manufacturers Assn	1,775.00	
David Lyon Reynolds, 444 North Capitol Street, NW Washington, DC 20001	Association of California Water Agencies	1,000.00	
Gregg M. Reynolds, 4305-68th Ave. NE Olympia, WA 98516	Real Estate National Network		
Nicholas S. Reynolds, 1400 L Street, NW Washington, DC 20005	Washington Public Power Supply System		42.00
Larry D. Rhea, 225 N. Washington Street Alexandria, VA 22314	Non Commissioned Officers Assn	4,200.00	
Frederick W. Rhodes, 1725 Jefferson Davis Highway, #900 Arlington, VA 22202	K & F Industries		
Do	Loral Corporation	4,250.00	
John J. Rhodes III, 2000 Pennsylvania Ave., NW, #900 Washington, DC 20036	Central Arizona Water Conservation District	24,000.00	2,758.00
Jeffrey Ricchetti, 1310 G Street, NW, 12th Floor Washington, DC 20005	Blue Cross & Blue Shield Assn	5,626.00	1,399.19
James E. Rich Jr., 1401 Eye Street, NW, #1030 Washington, DC 20005	Shell Oil Co	500.00	
Patricia M. Richards, 1101 Pennsylvania Ave., NW, #510 Washington, DC 20004	USX Corporation		
Richard Richards, Law Office of Richard Richards 1025 Thomas Jefferson Street, NW, #105 Washington, DC 20007	Pratt & Whitney		
Do	Sunrider International		
Alan H. Richardson, 2301 M St., NW Washington, DC 20037	American Public Power Assn	2,000.00	
Bonnie Richardson, 1600 Eye Street, NW Washington, DC 20006	Motion Picture Assn of America, Inc	150.00	
Debi Q. Richardson, 1275 K Street, NW, #400 Washington, DC 20005	Society of the Plastics Industry		
John G. Richardson, 1130 Connecticut Ave, NW, #830 Washington, DC 20036	Southern Company Services, Inc	2,000.00	4,439.07
Lois Richerson, 1724 Massachusetts Avenue, NW Washington, DC 20036	National Cable Television Assn, Inc	3,635.00	173.26
Max Richtman, 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	35,480.00	1,588.61
Al Rickard, 2000 L Street, NW, #702 Washington, DC 20036	International Assn of Convention & Visitor Bureaus	579.50	769.26
Lisa A. Rickard, 1200 19th Street, NW, Suite 603 Washington, DC 20036	Ryder System, Inc	1,350.00	135.00
Clarine Nardi Riddle, 10607 Millet Seed Hill Columbia, MD 21044-4150		3,500.00	
Lowell J. Ridgeway, North Dakota Petroleum Council P.O. Box 1395 Bismarck, ND 58502	American Petroleum Institute	2,000.00	1,174.58
E. George Riedel, 1650 Tysons Blvd., #1700 McLean, VA 22102	ITT Defense & Electronics	1,000.00	50.00
Quentin Riegel, 1331 Pennsylvania Ave., NW, Suite 1500 North Tower Washington, DC 20004-1790	National Assn of Manufacturers		
Brian Riendeau, 1441 Gardiner Lane Louisville, KY 40213	KFC USA, Inc		4,657.60
Francis J. Rienzo, 1455 F Street, NW, Suite 450 Washington, DC 20005	Upjohn Company	10,000.00	
Judith Assmus Riggs, 1319 F Street, NW #710 Washington, DC 20004	Alzheimer's Assn	7,665.00	26.25
Karen Rindge, 1120 Connecticut Ave., NW, #461 Washington, DC 20036	Planned Parenthood Federation of America	3,779.64	138.35
Russell C. Ring, 1700 Pensylvania Ave., NW, #500 Washington, DC 20006	Mutual of Omaha Insurance Co	600.00	
Joan D. Ringel, 511 16th Street, Suite 210 Denver, CO 80202-4227		1,700.00	
Durwood W. Ringo, 1299 Pennsylvania Ave., NW, Suite 1100 Washington, DC 20004	GE Company	1,375.00	
Irene Ringwood, Bogle & Gates 1299 Pennsylvania Avenue, NW, #875 East Washington, DC 20004	American Dehydrated Onion & Garlic Assn	202.00	
Do	Basic America, Inc	202.00	
Do	Direct Service Industries, Inc	1,616.00	
Do	Hager Hinge Company	202.00	
Do	Pacific Northwest Utility Conference Committee	808.00	
Do	Washington Wheat Commission	606.00	
Rini & Coran, 1350 Connecticut Ave., NW, Suite 900 Washington, DC 20036			
Mary Jane Rintelman, 3100 AMS Boulevard P.O. Box 19032 Green Bay, WI 54313	American Medical Security	670.78	1,274.67
Kevin J. Riordan, 1299 Pennsylvania Ave., NW 11th Floor West Washington, DC 20004-2407	General Electric Co	536.82	
John S. Rippey, 805 15th Street, NW, #600 Washington, DC 20005	Bankers Roundtable	6,024.00	
Carol A. Risher, 1718 Connecticut Ave., NW, #700 Washington, DC 20009-1148	Association of American Publishers	2,000.00	
Tom Ritter, 33045 Hamilton Boulevard Farmington Hills, MI 48018	Household Financial Group, Ltd		
Ivette E. Rivera, 412 First Street, SE Washington, DC 20003	National Automobile Dealers Assn	5,000.00	
Robert Roach, 1350 New York Avenue, NW Washington, DC 20005	Spiegel & McDiarmid (For:American Comm for Cleanup Equity)	1,050.00	8.03
Do	Spiegel & McDiarmid (For:Oil Chemical & Atomic Workersk Int'l Union, AFL-CIO)	1,012.50	6.88
Andrew W. Robart, 701 Pennsylvania Avenue, NW Washington, DC 20004	Edison Electric Institute	634.62	78.78
Michelle Robbins, 1725 Jefferson Davis Highway, #300 Arlington, VA 22202	Lockheed Corporation	2,000.00	470.20
Liz Robbins Associates, 522 8th St., SE Washington, DC 20003	Association of Financial Guaranty Insurors		
Do	Authors Guild		
Do	Bradford Exchange		
Do	C.O.A.C.H. Foundation		
Do	Cahners Publishing Co		
Do	C02 (Carbon Dioxide) Coalition		
Do	Forest City Ratner		
Do	Goldman Sachs & Co		
Do	H.J. Heinz Company		
Do	Human Genome Sciences, Inc		
Do	Illinois Hospital Assn		
Do	Lasker Foundation		
Do	Magma Copper Co		
Do	Municipal Bond Investors Assurance Corp		
Do	National Theatre of the Deaf		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	New York Public Library		
Do	New York State Housing Finance Agency	1,790.37	238.06
Do	New York State Medical Care Facilities Finance Agency	2,814.90	238.06
Do	North American Vaccine, Inc		
Do	Office of the Los Angeles District Attorney		
Do	Omnipoint Corp		
Do	Orbis International		
Do	Poets & Writers	10,576.50	1,119.56
Do	Puerto Rico Federal Affairs Administration		
Do	Recording Industry Assn of America	8,677.50	930.76
Do	Scholastic, Inc		
Do	Town of Vail (Colorado)	4,218.75	1,091.25
Do	Warburg Pincus Capital Corp	24,791.24	1,457.44
Do	Weight Watchers		
Do	Writers Guild of America, West, Inc		
Ricardo Robelin, FCI Allenwood - Med Unit 3-B P.O. Box 2000 Register Number 11741-039 White Deer, PA 17887-2000			
Wade H. Robert, 1401 Eye Street, NW, Suite 600 Washington, DC 20005	United Technologies Corp	5,001.00	3,236.37
Arch W. Roberts Jr., 1615 L Street, NW, Sutie 1150 Washington, DC 20036	Capitoline/MS&L (For:Republic of Turkey)	4,000.00	
Do	Capitoline/MS&L (For:UNISYS Corp)	5,000.00	
Carole T. Roberts, 901 15th Street, NW, #520 Washington, DC 20005	Travelers Companies	2,750.00	
David Gwyn Roberts, 411 Fayetteville Street Mall Raleigh, NC 27601	Carolina Power & Light Company	1,714.00	4,974.00
Glenn Roberts, 1620 I Street, NW, #925 Washington, DC 20006	American Spice Trade Association		
Do	Flavor and Extract Manufacturers Assn	25.00	25.00
Do	Fragrance Materials Assn		
Do	International Assn of Color Manufacturers	85.00	85.00
Perry A. Roberts, 8000 W. Florissant St. Louis, MO 63136	Emerson Electric Co		852.17
Roselee N. Roberts, 1735 Jefferson Davis Highway, #1200 Arlington, VA 22202	McDonnell Douglas Corp		
William J. Roberts, 1875 Connecticut Ave, NW, #1016 Washington, DC 20009	Environmental Defense Fund	15,750.00	300.00
Rebecca Roberts-Malamis, 1 Massachusetts Ave., NW, #350 Washington, DC 20001	Chubb Corporation	5,000.00	131.54
Steve A. Robertson, 1608 K Street, NW Washington, DC 20006	American Legion	14,213.00	110.48
Lara E. Robillard, 1100 15th Street, NW Washington, DC 20005	Pharmaceutical Research & Manufacturers Assn	1,000.00	
Robins Kaplan Miller & Ciresi, 1801 K Street, NW, #1200 Washington, DC 20006	Crystal Cruises, Inc	116.00	16.50
Do	International Group of P&I Clubs	812.00	122.50
Cas M. Robinson, 1776 Eye Street, NW, #400 Washington, DC 20006	Nuclear Energy Institute		378.00
Gail Robinson, 1225 Eye Street, NW, Suite 1100 Washington, DC 20005	Handgun Control, Inc	834.48	
H. Alexander Robinson, 122 Maryland Ave., NE Washington, DC 20002	American Civil Liberties Union		
Kenneth L. Robinson, 3138 North 10th Street Arlington, VA 22201	National Assn of Federal Credit Unions		
Nancy J. Robinson, 7509 Tiffany Spgs. Pkwy. Kansas City, MO 64153-2315	Livestock Marketing Association	16,200.00	420.00
Peter D. Robinson, 1201 Connecticut Avenue, NW, #300 Washington, DC 20036	Bailey & Robinson (For:Blue Cross of Western Pennsylvania)		
Do	Bailey & Robinson (For:Natural Disaster Coalition)		
Do	Bailey & Robinson (For:Ormet)		
Do	Bailey & Robinson (For:Smart Corp)		
Do	Bailey & Robinson (For:Utilities Telecommunication Council)		
Robinson Lake Lerer & Montgomery, 1501 M St., NW, #600 Washington, DC 20005	Commission on Self-Determination		
Do	CALCOT, Ltd		
Do	Ingersoll-Rand	3,000.00	
Do	Mesa, Inc		
Do	National Venture Capital Association		
Do	Sun Diamond Growers	1,500.00	
Gilbert A. Robinson, Inc, 1146 19th Street, NW Washington, DC 20036	First Church of Christ Scientist		
Robison International, Inc, 1 Massachusetts Ave., NW, #880 Washington, DC 20001	Alliant TechSystems	3,200.00	911.79
Do	Allied-Signal Aerospace Co	10,384.00	4,986.44
Do	Armtec Defense Products	3,150.00	1,004.58
Do	British Aerospace, Inc (Government Programs Office)	10,500.00	3,698.96
Do	Mas-Hamilton Group		
Do	McDonnell Douglas Corp	7,279.48	3,987.15
Do	Oshkosh Truck Corp	4,800.00	1,519.58
Do	Prudential Insurance Co	2,100.00	325.93
Do	Solid Waste Composting Council	2,000.00	325.93
Do	United Defense, LP	8,087.96	3,559.15
Peggy Rochette, 1825 Samuel Morse Drive Reston, VA 22090	National Grocers Assn	300.00	
Julie Rochman, 1211 Connecticut Avenue, NW, #400 Washington, DC 20036	Alliance of American Insurers	5,000.00	
James A. Rock, 1101 Pennsylvania Avenue, NW, #530 Washington, DC 20004-2514	Montana Power Co, et al.	2,500.00	94.84
Rock & Associates, 818 Connecticut Ave., NW, Suite 1100 Washington, DC 20006	Kinetic Concepts, Inc	3,000.00	
Do	Southern Company Services, Inc	3,000.00	
Do	Valhi, Inc	3,000.00	
Rocking K Development, 2200 East River Road, #115 Tuscon, AZ 85718			
Daniel Rode, 1050 17th Street, NW, #700 Washington, DC 20036	Healthcare Financial Management Assn		32.77
Quincy Rodgers, 1899 L Street, Suite 500 Washington, DC 20036	General Instrument Corporation	7,000.00	
Richard F. Rodgers, 300 Maryland Avenue, NE Washington, DC 20002	Federal Express Corp	6,000.00	
Raymund Rodriguez, P.O. Box 982 El Paso, TX 79960	El Paso Electric Co		
Robert A. Roe Associates, Inc, 1680 Route 23 Wayne, NJ 07470	City of Newark		
Do	County of Bergen		
Do	New Jersey Sports & Exposition Authority		
William P. Roesing, 1401 Eye Street, NW, Suite 1220 Washington, DC 20005-2204	Joseph E. Seagram & Sons, Inc	6,500.00	
James A. Rogers, 316 Pennsylvania Ave., SE, #304 Washington, DC 20003	United Parcel Service	2,000.00	414.51
Kathleen Rogers, 666 Pennsylvania Avenue, SE Washington, DC 20003	National Audubon Society		
Kevin Rogers, 1635 Sunset Avenue, SW Seattle, WA 98116	Washington Citizens for World Trade		
Robert G. Rogers, 701 Pennsylvania Avenue, NW, Suite 720 Washington, DC 20004	Siemens Corp		
Susan L. Rogers, 601 13th Street, NW, #410 South Washington, DC 20005	R. Duffy Wall & Associates, Inc	1,250.00	
Rogers & Wells, 607 14th Street, NW Washington, DC 20005	American Express Co		
Do	Canadian Pulp & Paper Assn		
Do	Dofasco, Inc		
Do	Dreyfus Corporation	15,000.00	57.25
Do	Investment Program Assn		
Do	Kamehameha Schools/Bishop Estate		
Do	Lehman Brothers, Inc		
Do	Liga Agricola Industrial de la Cana de Azucar		
Do	Major League Baseball Players Assn	15,800.00	2,852.03
Do	Merrill Lynch & Co, Inc		
Do	National Assn of Beverage Importers		
Do	National Automobile Dealers Assn		
Do	Oxnard Refinery		
Do	R.L. Polk & Company		
Do	Republic National Bank		
Do	RPM Securities, Inc		
Do	The Specialist Association		
Do	Wine & Spirits Wholesalers of America, Inc		
Richard A. Rohrbach, 1615 M Street, NW, #570 Washington, DC 20036	Boise Cascade Corp	11,400.00	6,375.00
Frank G. Rohrbough, 201 North Washington Street Alexandria, VA 22314	Retired Officers Assn	3,450.50	
Ian M. Rolland, 200 East Berry Street Fort Wayne, IN 46802	Lincoln National Corp	900.00	240.00
Jackie Rollins, 1201 16th Street, NW Washington, DC 20036	Overseas Education Assn, Inc		
Emil A. Romagnoli, 1600 M Street, NW, #700 Washington, DC 20036	Asarco, Inc	10,000.00	43.30
Curtis D. Rooney, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn	25.00	
Fred B. Rooney, 700 13th Street, N.W., #400 Washington, DC 20005	American Iron & Steel Institute	200.00	
Do	Association of American Railroads	200.00	
Do	AT&T	200.00	
J. Patrick Rooney, 7440 Woodland Drive Indianapolis, IN 46278	Golden Rule Insurance Company		
Ropes & Gray, 1001 Pennsylvania Ave., NW, #1200 Washington, DC 20004	Business Roundtable		2,270.65
Do	Cabot Corp		
Do	Eastern Enterprises	24,708.09	50.80
Do	Industrial Development Authority of Ireland	649.30	7.86
James C. Rosapepe, 1828 L Street, NW, #1010 Washington, DC 20036	Rosapepe & Spanos, Inc (For:H&R Block, Inc)	1,746.24	113.50
Rosapepe & Spanos, Inc, 1828 L Street, NW, #1010 Washington, DC 20036	H&R Block, Inc	12,250.00	3,546.43

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Clifton Peter Rose, 1101 Pennsylvania Ave., NW, #900 Washington, DC 20004	Goldman Sachs & Co	3,500.00	
Rose Communications, Inc, 1625 K Street, NW, Suite 790 Washington, DC 20006	Fuel Cells for Transportation		
Do	Johnson Matthey, Inc		
Burt E. Rosen, 1020 19th Street, NW, #420 Washington, DC 20036	SmithKline Beecham Corp	2,500.00	500.00
Hilary Rosen, 1020 19th St., NW, #200 Washington, DC 20036	Recording Industry Assn of America	3,700.00	
Albert B. Rosenbaum III, 499 South Capitol Street, SW, #520 Washington, DC 20003	Allwaste, Inc	2,000.00	
Robert M. Rosenberg, 8100 Oak Street Dunn Loring, VA 22027	National Pest Control Assn		
Herb Rosenbleeth, 1811 R Street, NW Washington, DC 20009	Jewish War Veterans of the USA	15,915.90	6,079.07
Roger C. Rosenthal, 2001 S St., NW, #310 Washington, DC 20009	Migrant Legal Action Program, Inc		
Richard D. Ross, 1301 Pennsylvania Ave., NW, #305 Washington, DC 20004	Natural Disaster Coalition	13,500.00	1,225.99
Stephen R. Ross, 888 16th Street, NW Washington, DC 20006	Ross & Hardies (For:InterMedia Partners)	1,240.00	63.00
William F. Ross, South Carolina Petroleum Council 1220 L Street, NW Washington, DC 20005-8	American Petroleum Institute	438.00	958.02
Ross & Green, 1010 Vermont Avenue, #811 Washington, DC 20005	Citizens Comm for Right to Keep & Bear Arms	2,000.00	
Do	Manute Bol	500.00	500.00
Hazel Ross-Robinson, 1133 15th Street,NW, #1200 Washington, DC 20005	Ross-Robinson & Associates	37,500.00	11,674.54
Toby Roth Jr., 122 C Street, NW, #310 Washington, DC 20001	American League for Exports & Security Assistance	2,500.00	23.30
John C. Rother, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	8,943.18	
Lauren J. Rothfarb, 1126 16th St., NW Washington, DC 20036	International Union of Electronic Electrical Salaried...	13,843.06	208.08
Linda Rothleder, 315 Bonifant Road Silver Spring, MD 20904	Marconi Electronics, Inc, et al.	3,000.00	1,013.09
Do	Ralvin Pacific Properties, Inc, et al.		
Edwin Rothschild, 1730 Rhode Island Avenue, NW, #403 Washington, DC 20036	Citizen Action Fund	400.00	36.00
Jeffrey S. Rothstein, 2722 Merrilee Drive, #360 Fairfax, VA 22031	International Brotherhood of Boilermakers...	250.00	
Robert G. Rothstein, 2200 Mill Road Alexandria, VA 22314	Interstate Truckload Carriers Conference	700.00	350.00
Donald D. Rounds, South Dakota Petroleum Council 222 E. Capitol, #16 Pierre, SD 57501	American Petroleum Institute		
Michael O. Roush, 600 Maryland Avenue, SW, #700 Washington, DC 20024	National Fed of Independent Business	4,875.00	400.00
Lori Groves Rowley, 1025 Connecticut Ave, NW, #1014 Washington, DC 20036	Enserch Corp	3,396.00	3,362.16
Roxton, Inc, 2000 S. Eads Street, #1003 Arlington, VA 22202			
David R. Rozier Jr., 333 Piedmont Avenue Atlanta, GA 30308	Georgia Power Company		
Eldon Rudd, P.O. Box 873 Scottsdale, AZ 85252	Central Arizona Project Assn	1,324.55	
Robert E. Ruddy, 9106 Drumaldry Drive Bethesda, MD 20817	Mortgage Insurance Companies of America	4,500.00	267.45
Paul M. Ruden, 1101 King Street Alexandria, VA 22314	American Soc of Travel Agents		
Deborah K. Rudolph, 1828 L Street, NW, #1202 Washington, DC 20036	Institute of Electrical & Electronics Engineers	3,000.00	1,100.00
Gregory Ruehle, 1301 Pennsylvania Avenue, NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Carey D. Ruppert, 701 Pennsylvania Ave., NW, #710 Washington, DC 20004	Tenneco, Inc	1,392.00	229.69
Robert A. Rusbuldt, 412 First Street, SE, #300 Washington, DC 20003	Independent Insurance Agents of America, Inc	29,615.00	279.99
Charlotte Rush, 1401 Eye Street, NW Washington, DC 20005	Mastercard International, Inc		
Tonda F. Rush, 1525 Wilson Blvd., #550 Arlington, VA 22209	National Newspaper Association		
Robert Rusis, 15 Mountain View Road Warren, NJ 07061	Chubb Corporation		
Glenn S. Ruskin, 1747 Pennsylvania Avenue, NW, #700 Washington, DC 20006	CIBA-GEIGY Corp	4,375.00	
Barry Russell, 1101 16th St., NW Washington, DC 20036	Independent Petroleum Assn of America		50.00
Randall M. Russell, 1919 S. Eads Street #103 Arlington, VA 22202-3028	Lesher & Russell, Inc		
Shannon M. Russell, 601 Pennsylvania Ave., NW Washington, DC 20004	Ashland Oil, Inc	2,000.00	
Lynn B. Russo, 2001 Pennsylvania Ave., NW, #300 Washington, DC 20006	Exxon Corp		
Diann Rust-Tierney, 122 Maryland Avenue, NE Washington, DC 20002	American Civil Liberties Union	1,000.00	
Wally Rustad, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	125.00	
Wayne A. Rustin, 1156 15th Street, NW, #1015 Washington, DC 20005	J.C. Penney Co, Inc		10.00
J. T. Rutherford & Associates, Inc, 1001 N. Highland Street, #502 Arlington, VA 22201	American College of Radiology	1,200.00	861.10
Do	American Optometric Assn	1,000.00	580.00
Do	American Soc for Medical Technology	700.00	211.50
James M. Ruvolo, 405 Madison, 12th Floor Toledo, OH 43604	Owens-Illinois, Inc	1,000.00	25.00
Frank Ryan, 4545 Connecticut Ave., NW, Apt. 229 Washington, DC 20008	WMDP Service Station & Automotive Repair Assn	250.00	
John G. Ryan, 655 15th Street, NW, #410 Washington, DC 20005	Bristol-Myers Squibb Co	1,000.00	
Paul D. Ryan, 750 17th Street, NW, #900 Washington, DC 20006	Nissan North America, Inc	9,150.00	
RASP, INC, P.O. Box 3674 Arlington, VA 22203-0674	Boeing Information Services		1,191.87
Do	Diagnostic/Retrieval Systems, Inc		
RJR Nabisco, Inc, 1301 Avenue of the Americas New York, NY 10019			31,047.26
Stacy J. Sabo, 1000 Thomas Jefferson St, NW, Suite 609 Washington, DC 20007	Coalition for Consumers' Picture Rights		
Sacks Tierney & Kasen, 2929 North Central Avenue, 14th Floor Phoenix, AZ 85012-2742	USA Group, Inc		
Craig S. Sadick, 1725 K Street, NW Washington, DC 20006	National Assn of Wholesaler-Distributors		
G. J. Thomas Sadler Jr., 1155 Connecticut Ave., NW Suite 800 Washington, DC 20036	WMX Technology & Services, Inc	4,246.00	
Kenneth J. Salaets, 1250 Eye Street, NW, #200 Washington, DC 20005	Information Technology Industry Council	3,000.00	437.32
Stephen Sale, 910 16th Street, NW Washington, DC 20006	Fehrenbacher Sale Quinn & Deese (For:CSC Credit Services, Inc)		
Frank Max Salinger, 650 Naamans Road Claymont, DE 19703	ADVANTA Corp	3,000.00	2,500.00
Shannon Salmon, 1350 Eye Street, NW, #810 Washington, DC 20005	Johnson & Johnson	2,409.00	567.09
David M. Saltz, 815 16th Street, NW Washington, DC 20006	AFL-CIO	15,668.90	919.72
Joel Saltzman, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute	800.00	147.93
Babette P. Salus, Schwing & Salus, P.C. 600 S. Second Street, #100 Springfield, IL 62704	Central Midwest Interstate Low-Level Radioactive Waste Comm	325.00	20.55
Sammons Enterprises, Inc, 300 Crescent Court Dallas, TX 75201		19,430.00	21,286.15
Joseph E. Samora Jr., 1901 Pennsylvania Ave., NW 10th Floor Washington, DC 20006	International Mass Retail Assn	6,250.00	
Wendy B. Samuel, 3900 Wisconsin Avenue, NW Washington, DC 20016	Fannie Mae		
William Samuel, 900 15th Street, NW Washington, DC 20005	United Mine Workers of America	16,470.00	292.32
Jeffrey M. Samuels, 1100 New York Avenue, NW Suite 300 East Washington, DC 20005-3955	International Trademark Assn	16,250.00	261.32
Lee Sanders, 1350 I Street, NW, Suite 1290 Washington, DC 20005	American Bakers Assn	925.00	100.00
Rose Marie Sanders, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	900.00	1,038.86
Walt A. Sanders, 5008 Dodson Dr. Annandale, VA 22003	BASF Corporation	7,000.00	
Julie Sanderson-Austin, 4240 Brittany Court Woodbridge, VA 22192	American Group Practice Assn		
Stephen E. Sandherr, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America	4,000.00	500.00
Mike Sandifer, 2419 Chain Bridge Road, NW Washington, DC 20016	American Telemarketing Assn	1,950.00	302.51
Charles E. Sandler, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute	6,000.00	
Peter G. Sandlund, 1730 M Street, NW, Suite 602 Washington, DC 20036	Council of European & Japanese National Shipowners' Assn		
Patricia Kopf Sanner, 1825 I Street, NW, #400 Washington, DC 20006	Humana, Inc	4,200.00	1,170.30
James D. Santini, 1101 King Street, #350 Alexandria, VA 22314	Grand Canyon Air Tour Council	2,100.00	310.00
Do	Grand Canyon Air Tourism Assn	1,400.00	269.66
Do	National Air Access Council	7,000.00	692.71
Do	National Parks Hospitality Association	7,500.00	421.20
Do	National Tour Assn, Inc	29,337.00	10,887.35
Francis J. Sanzillo, 5 Kingswood Road Katonah, NY 10536	Dewey Square Group	3,000.00	1,150.00
Leslie Sarasin, 1764 Old Meadow Lane, #350 McLean, VA 22102	American Frozen Food Institute	4,400.00	
Ronald A. Sarasin, 1100 South Washington Street Alexandria, VA 22314-4494	National Beer Wholesalers Assn, Inc	528.80	85.33
Susan Sarason, 1515 Wilson Boulevard Arlington, VA 22209	American Gas Assn	6,300.00	689.38
Satellite Broadcasting & Communications Assn, 225 Reinekers Lane, #600 Alexandria, VA 22314		1,017.54	1,017.54
Klara B. Sauer, 9 Vassar Street Poughkeepsie, NY 12601	Scenic Hudson, Inc		
Mary Jane Saunders, 1801 K Street, NW, #400K Washington, DC 20006	Arter & Hadden (For:Nintendo of America, Inc)		
Paul R. Savary, 1199 North Fairfax Street, Suite 801 Alexandria, VA 22314	National Assn of Truck Stop Operators		
Richard N. Sawaya, 601 Pennsylvania Ave., NW North Building, 4th Floor Washington, DC 20004	Atlantic Richfield Co		
John A. Saxton, 801 Pennsylvania Ave., NW, Suite 720 Washington, DC 20004	Procter & Gamble Co		
Elizabeth K. Scanlon, 1101 17th Street, NW, #705 Washington, DC 20036	Direct Marketing Assn, Inc	462.00	
Thomas J. Scanlon, 3248 Prospect Street, NW Washington, DC 20007	Benchmarks of Washington (For:International Racquet & Sports Club Assn)	12,000.00	971.89
Keith Scarborough, 700 11th St., NW, #650 Washington, DC 20004	Association of National Advertisers, Inc		
Hermine Scates, 7329 South Cottage Grove, #302 Chicago, IL 60619			
Jeanne Schaaf, North Building, Suite 725 601 Pennsylvania Ave., NW Washington, DC 20004	British Telecommunications, plc	2,500.00	
Victoria V. Schaff, Missouri Electric Utitlies 1800 K Street, NW, #1018 Washington, DC 20006	Kansas City Power & Light Company, et al.	6,500.00	9,326.20
Tracy A. Schario, 4301 North Fairfax Drive, #360 Arlington, VA 22203-1627	National Utility Contractors Assn	1,400.00	100.00
Patricia A. Schaub, 1299 Pennsylvania Avenue, NW, #1125 Washington, DC 20004-2402	Pacific Gas & Electric Company	1,137.75	
Peter Schechter, 1400 L Street, NW, #600 Washington, DC 20005	Chlopak Leonard Schechter & Associates, Inc	1,000.00	
Richard A. Schechter, 1825 I Street, NW, #400 Washington, DC 20006-0006	Bogoljub Karic	30,000.00	21,030.00
David E. Scherb, 54 Farview Farm Road Redding, CT 06896	PepsiCo, Inc		
Daniel B. Scherder, 122 C Street, NW, Suite 240 Washington, DC 20001-2109	Peabody Holding Company, Inc		
G. David Schiering, 625 Indiana Avenue, NW Suite 500 Washington, DC 20004-2901	Taft Stettinius & Hollister (For:Special Committee for Health Care Reforms)		
Walter G. Schiller, 1050 17th Street, NW, #500 Washington, DC 20036	Texaco, Inc		
Glenn Schlactus, 2000 P Street, NW Washington, DC 20036	Public Citizen	500.00	
Jeffrey L. Schlagenhauf, 1627 K Street, NW, #700 Washington, DC 20006	Smokeless Tobacco Council, Inc		
Paul Schlegel, 1100 Connecticut Ave., NW, #530 Washington, DC 20036	Weyerhaeuser Company		436.79
David S. Schless, 1850 M Street, NW, Suite 540 Washington, DC 20036	National Multi Housing Council	2,250.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Terry Schley, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation		
James P. Schlicht, 1350 Eye Street, NW, #810 Washington, DC 20005-3305	Johnson & Johnson	1,116.00	241.00
Rodger Schlickeisen, 1101 14th Street, NW #1400 Washington, DC 20005	Defenders of Wildlife		
Lynn L. Schloesser, 1301 K Street, NW East Tower, Suite 715 Washington, DC 20005	Eastman Chemical Co	2,000.00	245.00
Kenneth D. Schloman, 444 North Capitol St., NW, #801 Washington, DC 20001	National Assn of Independent Insurers	400.00	
Adam P. Schmidt, 888 16th Street, NW Washington, DC 20006	Bannerman & Associates, Inc (For:Embassy of El Salvador)	100.00	
Do	Bannerman & Associates, Inc (For:Government of the United Arab Emirates)	500.00	
Do	Bannerman & Associates, Inc (For:Government of Egypt)	500.00	
Do	Bannerman & Associates, Inc (For:L.A. Motley & Co (for Government of the Philippines).	500.00	16.00
Do	Bannerman & Associates, Inc (For:Lebanese American University)		
Richard M. Schmidt Jr., 1333 New Hampshire Ave., NW, #600 Washington, DC 20036	Association of American Publishers	500.00	
Schnader Harrison Segal & Lewis, 330 Madison Ave., l4th Floor New York, NY 10017-5092	Gulfcoast Transit Co	42,965.50	3,902.64
Do	Lafarge Corp	12,380.00	2,797.63
Anna-Maria Stephens Schneider, 1111 19th Street, NW, #600 Washington, DC 20036	Mitsubishi Motors America, Inc	338.00	
Arnold M. Schneider, 2045 Lundy Ave. San Jose, CA 95106	American Assn of Classified School Employees	518.75	
Phillip L. Schneider, P.O. Box 1417-D49 Alexandria, VA 22313-1417	National Assn of Chain Drug Stores		
Richard C. Schneider, 225 N. Washington Street Alexandria, VA 22314	Non Commissioned Officers Assn	3,000.00	
Leonard Schneidman, Foley Hoag & Eliot One Post Office Square Boston, MA 02109	Jan Stenbeck		
Abraham Schneier, McKevitt Group 1101 16th St. NW, #333 Washington, DC 20036	Kelly Services, Inc	9,562.50	138.22
Do	PepsiCo, Inc	6,131.00	152.06
Schnitzer Steel Industries, Inc, 3200 N.W. Yeon Avenue Portland, OR 97210			475.65
Cindy Z. Schonhaut, 3000 K Street, NW, Suite 300 Washington, DC 20007	Metropolitan Fiber Systems Communications Co, Inc	3,000.00	
Jan Schoonmaker, 1420 New York Ave., NW, #1050 Washington, DC 20005	Van Scoyoc Associates, Inc (For:Alton Ochsner Medical Foundation)	1,125.00	
Do	Van Scoyoc Associates, Inc (For:Coalition of EPSCoR States)	2,500.00	
Do	Van Scoyoc Associates, Inc (For:National Assn of Water Companies)	750.00	
Do	Van Scoyoc Associates, Inc (For:National Institute for Water Resources)	1,125.00	
Do	Van Scoyoc Associates, Inc (For:Tulane University)	1,350.00	
Do	Van Scoyoc Associates, Inc (For:University of Alabama System)	1,350.00	
Do	Van Scoyoc Associates, Inc (For:WINSM Consortium)	900.00	
Paul A. Schosberg, 900 19th Street NW, #400 Washington, DC 20006	America's Community Bankers		
Charles G. Schreiber, 1 Massachusetts Ave., NW Washington, DC 20001	National Guard Assn of the U.S.	9,492.50	466.63
Sheldon L. Schreiberg, 1300 19th Street, NW Washington, DC 20036	J&B Management Corp		
H. B. W. Schroeder, l016 l6th Street, NW, 5th Floor Washington, DC 20036	Consumers Power Co	8,000.00	6,998.00
N. Donald Schroeder, Maryland Petroleum Council 60 West St., #403 Annapolis, MD 21401	American Petroleum Institute		
Richard F. Schultz, 807 Maine Avenue, SW Washington, DC 20024	Disabled American Veterans	23,501.12	441.02
Mary A. Schulz, 9200 Indian Creek Parkway, #220 Overland Park, KS 66210-2008	Crop Insurance Research Bureau	400.00	93.32
Do	National Assn of Mutual Insurance Cos	237.50	
Richard T. Schulze, 1747 Pennsylvania Ave., NW, Suite 850 Washington, DC 20006	Valis Associates	45,833.33	1,078.63
Neil D. Schuster, 2120 L Street, NW, #305 Washington, DC 20037	International Bridge Tunnel & Turnpike Assn	1,000.00	
William J. Schuyler, 1500 K Street, NW, Suite 650 Washington, DC 20005	Glaxo, Inc	2,500.00	
James C. Schwaninger, 1156 15th Street, NW, Suite 1015 Washington, DC 20005	J.C. Penney Co, Inc		
A.R. Schwartz, 10 South Shore Drive Galveston, TX 77551	Mitchell Energy & Development Co		
Do	Vulcan Materials		
Adam D. Schwartz, 1800 Massachusetts Avenue, NW Washington, DC 20036	National Rural Electric Cooperative Association	40.00	
Arthur E. Schwartz, 1420 King St. Alexandria, VA 22314-2715	National Society of Professional Engineers	1,000.00	
Elinor Schwartz, 318 S. Abingdon Street Arlington, VA 22204	Lobel Novins Lamont & Flug (For:California State Lands Commission)		107.66
Michael Schwartz, 1101 Pennsylvania Ave. NW, #950 Washington, DC 20077	Federal Home Loan Mortgage Corp	3,000.00	150.00
Phillip L. Schwartz, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn		
Richard Schwartz, 880 S. Pickett St. Alexandria, VA 22304	Boat Owners Assn of the U.S.	3,000.00	
Carl F. Schwensen, 415 2nd St., NE, #300 Washington, DC 20002	National Assn of Wheat Growers	7,050.00	
Eric M. Schwing, Illinois Department of Nuclear Safety 1035 Outer Park Drive Springfield, IL 62704	Central Midwest Interstate Low-Level Radioactive Waste Comm	250.00	
Yael Schy, 10801 Rockville Pike Rockville, MD 20852	American Speech-Language-Hearing Assn		
Scientific-Atlanta, One Technology Parkway Box 105600 Norcross, GA 30092			200.00
Michael Sciulla, 880 S. Pickett St. Alexandria, VA 22304	Boat Owners Assn of the U.S.	20,000.00	
William L. Scogland, One IBM Plaza Chicago, IL 60611	Jenner & Block (For:Heatherton Staff Leasing, Ltd)		
David A. Scott, 3225 Galloes Road Fairfax, VA 22037	Mobil Corporation	2,000.00	71.86
James L. Scott, 400 N. Capitol Street, NW, #590 Washington, DC 20001	AmHS Institute	1,260.00	389.90
John H. Scott, 1111 19th Street, NW, #650 Washington, DC 20036	American College of Emergency Physicians	25.00	
Michael Scott, 1101 Vermont Avenue, NW, #606 Washington, DC 20005	American Society of Anesthesiologists	3,850.00	
Steven R. Scott, 14950 Heathrow Forest Parkway Suite 200 Houston, TX 77032-3842	Professional Services Group, Inc		
Scribner Hall & Thompson, 1850 K Street, NW, #1100 Washington, DC 20006	California Department of Insurance		
Do	CNA Financial Corp		
Do	Provident Life & Accident Insurance Co		
Do	Security Life of Denver Insurance Co		
Do	Transamerica Corporation		
Kerrill K. Scrivner, 1025 Connecticut Ave., NW, #1014 Washington, DC 20036	Enserch Corporation	6,156.00	3,188.27
Robert T. Scully, 750 First Street, NE, Suite 935 Washington, DC 20002-4241	National Assn of Police Organizations, Inc	8,616.00	3,044.00
Thomas Andrew Scully, 1111 19th Street, NW, #402 Washington, DC 20036	Federation of American Health Systems	6,000.00	
Murray S. Scureman, 5305 Wisconsin Avenue, NW, #500 Washington, DC 20015	Amdahl Corp	1,000.00	
Walter J. Sczudlo, 1401 Eye Street, NW, Suite 1030 Washington, DC 20005	Shell Oil Co	500.00	
Securities Industry Assn, 1401 I Street, NW, Suite 1000 Washington, DC 20005			265,536.00
Security Traders Assn, Inc, One World Trade Center,-#4511 New York, NY 10048			5,556.00
Christopher C. Seeger, 655 15th Street, NW, #400 Washington, DC 20005	USAA	6,728.00	6,244.00
Mark Seetin, 919 18th Street, NW Washington, DC 20006	New York Mercantile Exchange	6,000.00	700.00
Julie A. Segal, 1816 Jefferson Place, NW Washington, DC 20036	Americans United for Separation of Church & State	10,250.00	697.00
Ruth L. Segal, 1850 M Street, NW, #1040 Washington, DC 20006	Outdoor Advertising Assn of America	33,750.00	30.24
John F. Seher, 1825 I Street, NW, #400 Washington, DC 20006	UST Public Affairs, Inc	9,000.00	5,000.00
George H. Seidel Jr., Associated Petroleum Industries of PA P.O. Box 925 Harrisburg, PA 17108	American Petroleum Institute	1,457.50	1,401.32
Elliott M. Seiden, 901 15th Street, NW, #310 Washington, DC 20005	Northwest Airlines, Inc	10,000.00	100.00
Carol Seifert, 1601 Connecticut Ave., NW, #601 Washington, DC 20009	Alliance for Justice		
Elizabeth Seiler, 1010 Wisconsin Avenue, NW, Suite 900 Washington, DC 20007	Grocery Manufacturers of America, Inc	3,847.00	
Dennis G. Seipp, 1801 K Street, NW, #800 Washington, DC 20006	Westinghouse Electric Corp	1,200.00	
George M. Seitts, 23733 N. Scottsdale Road Scottsdale, AZ 85255	Giant Industries, Inc		
Gary B. Sellers, 1800 M Street, NW Washington, DC 20036	American Bar Assn	400.00	50.00
Tom Sellers, 1701 Pennsylvania Ave., NW Washington, DC 20006	E. I. du Pont de Nemours & Co		
Peter Semler, Box 723 Easthampton, NY 11937	Azerbaijan Study Foundation	18,000.00	
W. Edward Senn, 1300 I Street, NW, #400 West Washington, DC 20005	NYNEX	8,987.00	1,559.23
David Senter, 1901 L Street, NW, #300 Washington, DC 20036	David Senter & Associates, Inc		
David Senter & Associates, Inc, 1901 L Street, NW, Suite 300 Washington, DC 20036			
Robert A. Seraphin, 1725 Jefferson Davis Highway, #901 Arlington, VA 22202	Alliant Techsystems, Inc	2,835.00	263.81
Peter M. Seremet, 16 Munson Road Farmington, CT 06034-0338	Heublein, Inc	17,250.00	3,170.49
Andrew L. Sernovitz, 1030 15th St., NW Suite 1053 Washington, DC 20005	Interactive Television Assn	110,000.00	
Seward & Kissel, 1200 G Street, NW, #350 Washington, DC 20005	Ship Finance Assn, Inc		
Eva Seydel, 1401 I Street, NW, Suite 600 Washington, DC 20005	United Technologies Corp	951.00	455.26
Seyfarth Shaw Fairweather & Geraldson, 815 Connecticut Ave., NW, #500 Washingtnn, DC 20006	Agricultural Producers	9,840.00	
Erin E. Shaffer, 1101 Pennsylvania Ave., NW, #200 Washington, DC 20004	International Paper	9,000.00	366.13
Sally Shake, 7648 Ivanhoe Avenue, East La Jolla, CA 92037	Education Legislative Services, Inc	14,000.00	
William H. Shaker, 5155 N. 37th Street Arlington, VA 22207			
Susan L. Shallcross, 11 Dupont Circle, NW, #300 Washington, DC 20036	Albers & Company (For:May Department Stores Co)		
Thomas A. Shallow, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute	200.00	
James M. Shamberger, 1301 Pennsylvania Ave., NW #900 Washington, DC 20004	Reinsurance Assn of America		
Nancy J. Shancke, 1225 Eye Street, NW, #1225 Washington, DC 20005	Grammer Kissel Robbins & Shancke (For:Kootenai Electric Cooperative, Inc)	36.00	
Deborah L. Shannon, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	13,420.00	282.50
Kevin J. Shannon, 2001 Pennsylvania Ave., NW Washington, DC 20006	Electronic Industries Assn	625.00	
Kenneth L. Shapiro, Wilson Elser Moskowitz Edelman & Dicker One Steuen Place Albany, NY 12207	Healthcare Assn of New York State	4,165.00	
Norman F. Sharp, 1100 17th Street, NW, #504 Washington, DC 20036	Cigar Assn of America, Inc		
Do	Pipe Tobacco Council		
Sharretts Paley Carter & Blauvelt, P.C., 1707 L Street, NW, #725 Washington, DC 20036	Toy Manufacturers of America		
Victoria E. Shaw, 1200 19th Street, NW, Suite 300 Washington, DC 20036	Smith Bucklin & Associates, Inc (For:National Assn of Metal Finishers)	1,337.50	
Shaw Bransford & O'Rourke, 815 Connecticut Avenue, NW, #800 Washington, DC 20006	PHH Group	3,000.00	630.44
Do	Senior Executives Assn	10,000.00	1,792.00
Shaw Pittman Potts & Trowbridge, 2300 N Street, NW, #5121 Washington, DC 20037	Airship International, Ltd		
Do	Atlas Corp		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Austrian Airline		
Do	Aviall, Inc	261.60	11.20
Do	Bechtel Aviation Services		
Do	Chromalloy Gas & Turbine		
Do	City of Kansas City - Aviation Department	377.50	126.92
Do	Dallas/Fort Worth International Airport	9,449.95	150.05
Do	Emerson Electric Co		
Do	ESCO Electronics Corp		
Do	Federation of Japanese Bankers Assns		
Do	Greenville-Spartanburg Airport District	3,081.00	186.95
Do	Institute of International Bankers	2,755.00	
Do	International Small Satellite Organization		
Do	Kiwi International Air Lines, Inc		
Do	National Assn of State Aviation Officials		
Do	National Business Aircraft Assn		
Do	National Coalition for Minority Business		
Do	Nordam, Inc		
Do	North Carolina Air Cargo Airport Authority		
Do	Pratt & Whitney		
Do	Schnell-Bruter-Kernkraftwerksgesellschaft MbH	3,076.00	49.86
Do	Spectrum Astro, Inc		
Do	Summit '93 Health Coalition		
Do	Workplace Health and Safety Council		1,450.00
Matthew R. Shay, 1350 New York Avenue, NW, #900 Washington, DC 20005	International Franchise Assn	1,000.00	235.77
Ellyn M. Shea, 444 North Capitol St., #418 Washington, DC 20001	New England Council, Inc		
Lance L. Shea, Reinaissance One Two N. Central Avenue Phoenix, AZ 85004-2391	Streich Lang, PA		
Quinlan J. Shea, 1920 N Steet, NW Washington, DC 20036	American Mining Congress		
Shea & Gardner, 1800 Massachusetts Avenue, NW Washington, DC 20036	Societe Generale de Surveillance, S.A.		
James V. Sheahan, 3333 State Bridge Rd. Alpharetta, GA 30202	Siemens Corporation		
Gail E. Shearer, 1666 Connecticut Avenue, NE, #310 Washington, DC 20009	Consumers Union	4,000.00	
John J. Sheehan, 815 16th St., NW, #706 Washington, DC 20006	United Steelworkers of America	17,357.64	
Mark Sheehan, 1525 Wilson Blvd., Suite 550 Arlington, VA 22209-2411	National Newspaper Association		
Jana O. Sheffer, 1776 I Street, NW, #275 Washington, DC 20006	Entergy Services, Inc	4,562.28	14.37
C. Douglas Shelby, Florida Petroleum Council 215 South Monroe Street, #800 Tallahassee, FL 32301	American Petroleum Institute	1,563.32	1,759.69
Jeffrey L. Sheldon, 1140 Connecticut Avenue, NW Suite 1140 Washington, DC 20036	Utilities Telecommunications Council		
John E. Shelk, 1600 M Street, NW, 5th Floor Washington, DC 20036	Hartford Fire Insurance	12,500.00	1,040.00
Zack H. Shelley Jr., 1212 Falster Road Alexandria, VA 22308	Lockheed Martin Corp		
Cynthia D. Shenker, Wilson Elser Moskowitz Edelman & Dicker One Steuben Place Albany, NY 12207	Healthcare Assn of New York State	4,165.00	557.75
Neal Sher, 440 First Street, NW, #600 Washington, DC 20001	American Israel Public AFfairs Committee	24,375.00	2,580.23
Dawn M. Shiley, 1100 New York Avenue, NW, #1090 Washington, DC 20005	Synthetic Organic Chemical Manufacturing Assn	500.00	27.50
Cathleen Shine, 767 Fifth Avenue New York, NY 10153-0183	Sanford C. Bernstein & Co, Inc (For:Zalman C. Bernstein)		2,500.00
William Jeffry Shipp, 50 F St., NW, #900 Washington, DC 20001	Farm Credit Council		
Jeffrey D. Shoaf, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America	2,000.00	500.00
Kathy L. Shobert, 901 15th Street, NW, #900 Washington, DC 20005	General Communication, Inc	1,382.00	
Bard D. Shollenberger, 1200 K Street, NW Washington, DC 20005	Lockheed Information Management Services Co, Inc	2,000.00	
Shook Hardy & Bacon, One Kansas City Place 1200 Main Street Kansas City, MO 64105	Ewing Marion Kauffman Foundation		
Harold A. Shoup, 1899 L Street, NW Washington, DC 20036	American Assn of Advertising Agencies	2,500.00	
Jill Showell, 1101 Pennsylvania Ave., NW, #950 Washington, DC 20004	Federal Home Loan Mortgage Corp	3,000.00	1,554.90
A. Z. Shows, 1801 Columbia Rd., NW, #203 Washington, DC 20009			
Diane M. Shust, 1201 16th Street, NW Washington, DC 20036	National Education Assn	3,978.55	231.00
William H. Shute, 1401 I Street, NW, #1100 Washington, DC 20005	Southwestern Bell Corp	15,000.00	7,858.77
Zelda Shute, 816 Connecticut Ave., NW, Suite 900 Washington, DC 20006	OHM Corp		
Linda S. Sickels, 806 Canal Street Irving, TX 75063	Trinity Industries, Inc	336.00	1,050.04
Sidley & Austin, 1722 Eye Street, NW Washington, DC 20006	Newell Company		
Do	Pharmaceutical Manufacturers Assn		
Do	Tribune Broadcasting Co		15.00
David Todd Sidor, One Constitution Square New Brunswick, NJ 08901-1500	New Jersey State Bar Assn		
Kristin Siemann, 1725 DeSales Street, NW, #500 Washington, DC 20036	Center for Marine Conservation	29.35	
Jill Sigal, Jill Sigal Associates 412 First Street, SE #100 Washington, DC 20003	ASARCO, Inc	13,910.00	1,649.42
Mark Silbergeld, 1666 Connecticut Avenue, NW, #310 Washington, DC 20009	Consumers Union of U.S., Inc	4,000.00	20.00
Pam Silberstein, 1101 14th Street, NW, Suite 1400 Washington, DC 20005	Miller Balis & O'Neil (For:American Public Gas Assn)		
Hilary Sills, 1615 L Street, NW, Suite 1150 Washington, DC 20036	Capitoline/MS&L (For:Berwind Natural Resources Corp)		
Steve Silver, 2300 Clarendon Blvd, #1010 Arlington, VA 22201	Robertson Monagle & Eastaugh (For:Alaska Loggers Assn)	2,000.00	
Do	Robertson Monagle & Eastaugh (For:BP America, Inc)	9,999.00	
Do	Robertson Monagle & Eastaugh (For:City of Craig, AK)	6,000.00	
Do	Robertson Monagle & Eastaugh (For:City of Kotzebue)	6,000.00	
Do	Robertson Monagle & Eastaugh (For:City of Silverton)		
Do	Robertson Monagle & Eastaugh (For:Echo Bay Mining Company)		
Do	Robertson Monagle & Eastaugh (For:Goldbelt)		
Do	Robertson Monagle & Eastaugh (For:Kennecott Corp)	8,000.00	
Silver Users Assn, Inc, 1730 M St., NW, #911 Washington, DC 20036		3,639.00	1,596.00
Edward Silverman, 1150 17th Street, NW, Suite 400 Washington, DC 20036	Greenwich Asset Management, Inc	3,500.00	345.00
Curtis Silvers, 888 16th St., NW, #606 Washington, DC 20006	Bannerman & Assoc., Inc (For:Embassy of El Salvador)		
Do	Bannerman & Associates, Inc (For:Government of the United Arab Emirates)		
Do	Bannerman & Associates, Inc (For:Government of Egypt)		
Do	Bannerman & Associates (For:L.A. Motley & Co for: Government of the Philippines).		
Do	Bannerman and Associates, Inc (For:Lebanese American Unuversity)		
Reuben Silvers, 2030 M Street, NW Washington, DC 20036	Common Cause	7,230.54	76.00
Silverstein & Mullens, 1776 K Street, NW, #800 Washington, DC 20006	Association for Advanced Life Underwriting	5,000.00	
Do	International Chiropractors Assn	2,500.00	
Do	Life College	2,500.00	
Do	National Structured Settlements Trade Assn	7,500.00	
Donald M. Simmons, 323 West Broadway, #404 Muskogee, OK 74401	Caltex Petroleum Corp	500.00	350.00
Margaret Simmons, 1455 Pennsylvania Ave., NW Washington, DC 20004-1007	American Institute of Certified Public Accountants	5,000.00	79.00
Simon & Company, Inc, 1001 Connecticut Ave., NW, #435 Washington, DC 20036	American Water Works Assn	11,100.00	1,279.27
Do	Elkhart, IN	5,012.65	1,587.10
Do	Gary, Indiana	7,868.89	1,589.79
Do	Madison, WI	4,726.20	1,505.47
Do	National Easter Seal Society	7,535.97	1,315.24
Do	Newark, CA	4,792.23	1,571.50
Do	Pierce Transit Authority	6,072.67	1,398.94
Do	Portland, OR	10,808.41	1,962.68
Do	Salt Lake City, UT	8,879.73	2,659.00
Do	San Bernardino, CA	5,207.21	1,486.50
Do	San Leandro, CA	5,010.70	2,041.97
Do	Tacoma Public Utilities	1,602.24	1,381.51
Do	Tacoma, WA	5,988.01	1,642.28
Carol A. Simpson, P.O. Box 1808 Washington, DC 20013	Motorcycle Riders Foundation	5,259.43	
Thomas D. Simpson, 700 N. Fairfax Street, #601 Alexandria, VA 22314	Railway Progress Institute	3,951.01	
William G. Simpson, 1155 15th St., NW, #504 Washington, DC 20005	Entergy Services, Inc (Mississippi Power & Light Co)	2,000.00	
Do	Federal Express	3,000.00	
Do	First Mississippi Corp	1,500.00	
Albert M. Sims, 11006 Hampton Rd. Fairfax Station, VA 22039	Performance Engineering, Inc		
Christopher A. Singer, 1500 K. St., NW, #650 Washington, DC 20005	Glaxo, Inc	2,200.00	200.00
Jennifer Singleton, 1666 Connecticut Ave., NW, Suite 400 Washington, DC 20009	Federation for American Immigration Reform	150.00	58.00
Stephen G. Sinkez, 1111 19th Street, NW, #408 Washington, DC 20036	Mitsubishi Motors America, Inc		
George Sinner, 101 North Third Street Moorhead, MN 56560-1990	American Crystal Sugar	3,000.00	1,434.62
Marcus W. Sisk Jr., 2828 Pennsylvania Ave., NW, #203 Washington, DC 20037	Tosco Corporation	6,525.00	319.52
Skadden Arps Slate Meagher & Flom, 1440 New York Avenue, NW Washington, DC 20005	Akzo America, Inc		
Do	Allied-Signal, Inc		
Do	America's Public TV Stations		
Do	American International Group, Inc	5,000.00	
Do	Anheuser-Busch Companies, Inc		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	AK Steel	5,000.00	
Do	Bell Atlantic	3,000.00	
Do	Bethlehem Steel Corp	8,000.00	
Do	Cellular Corp of Puerto Rico		
Do	Dun & Bradstreet		
Do	General Mills		
Do	Geotek Communication, Inc		
Do	Inland Steel Industries, Inc	5,000.00	
Do	LTV Steel Company, Inc	8,000.00	
Do	Merrill Lynch & Co, Inc		
Do	National Assn of Energy Service Companies	3,669.00	
Do	National Public Radio		
Do	National Steel Corp	5,000.00	
Do	New World Communications Group, Inc		
Do	Prudential Insurance Co of America		
Do	Public Broadcasting Service	300.00	
Do	Sara Lee Corporation	1,000.00	
Do	USX Corp	8,000.00	
Kerry A. Walsh Skelly, 850 Dixie Highway Louisville, KY 40210	Brown-Forman Corp	2,805.00	
Edmund J. Skernolis, 1155 Connecticut Ave., NW Suite 800 Washington, DC 20036	WMW Technologies, Inc	2,125.00	
William J. Skinner, 751 Rockville Pike, # 27B Rockville, MD 20852	U.S. Pharmacopeial Convention, Inc.	251.77	6.20
Linda Arey Skladany, 1001 Pennsylvania Ave. NW Washington, DC 20004	Foundation for Environmental & Economic Progress	21,600.00	
Do	Styrene Industry	15,000.00	
Mitchell C. Sklar, 3717 Columbia Pike, Suite 300 Arlington, VA 22204	National Assn of Alcoholism & Drug Abuse Counselors		24,670.91
Sklar Associates, 100 West Linden Street Alexandria, VA 22301	Institute for International Sport		
Lucy N. Skrabut, 655 15th Street, NW, Suite 410 Washington, DC 20005	Bristol-Myers Squibb Company	1,500.00	
Paul A. Skrabut Jr., 1000 Connecticut Avenue, NW, #706 Washington, DC 20036	Palumbo & Cerrell, Inc (For:American Soc of Composers Authors & Publishers)	14,310.00	436.16
Do	Palumbo & Cerrell, Inc (For:Atlantic Richfield Co)	765.00	10.00
Dale D. Skupa, 3601 Vincennes Road P.O. Box 68700 Indianapolis, IN 46268	National Assn of Mutual Insurance Cos		
Robert G. Slaughter, 1615 M St., NW, #200 Washington, DC 20036	Amoco Corporation	1,500.00	114.56
Albert J. Slechter, 1100 Connecticut Ave., NW, #900 Washington, DC 20036	Chrysler Corporation	4,998.00	602.00
Donna E. Slingluff, 225 Reinekers Lane, #650 Alexandria, VA 22314	Health Industry Distributors Assn	3,837.00	23,030.00
Catherine Reiss Sloan, 1825 I Street, NW, #400 Washington, DC 20006	LDDS Communications, Inc		99,700.00
Kirsten A. Sloan, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	9,954.69	150.50
Kelly Campbell Slone, 800 Connecticut Ave., NW, #1100 Washington, DC 20006	Baxter	1,000.00	659.47
Slover & Loftus, 1224 17th St., NW Washington, DC 20036	Western Coal Traffic League	25,000.00	25,000.00
Small Business Council of America, Inc, P.O. Box 4299 Columbus, GA 31904		25,058.63	1,253.40
Douglas T. Smalls, 316 Pennsylvania Ave., SE, #304 Washington, DC 20003	United Parcel Service	970.00	32.05
Lawrence E. Smarr, 1130 Connecticut Ave., NW, Suite 800 Washington, DC 20036	Physician Insurers Assn of America		
Smathers Hickey & Smathers, 1050 Connecticut Avenue, NW, #222 Washington, DC 20036	Pennzoil Co	6,000.00	
Brian D. Smedley, 750 First Street, NE Washington, DC 20002-4242	American Psychological Assn	727.61	61.14
Donald E. Smiley, 2001 Pennsylvania Ave., NW, #300 Washington, DC 20006	Exxon Corporation		
James Smiley, 1020 19th Street, NW, Suite 700 Washington, DC 20036	US West, Inc	1,099.20	
C. Douglas Smith, 1850 M St., NW, #600 Washington, DC 20036	Toyota Motor Sales, USA, Inc		
Daniel Smith, P.O. Box 1058 Montpelier, VT 05601	Northeast Interstate Dairy Compact Committee	7,500.00	2,204.17
Daniel C. Smith, 1815 H Street, NW, Suite 1001 Washington, DC 20006	National Field Selling Assn		
Diane Smith, 655 15th Street, NW, #220 Washington, DC 20005	ALLTEL Corporation		2,500.00
Elizabeth M. Smith, 1401 H Street, NW, #200 Washington, DC 20005-2110	Xerox Corp		
James E. Smith, One State Street Boston, MA 02109	Century Council		
Jennifer L. Smith, 1000 Connecticut Avenue, NW, #304 Washington, DC 20036	Fresh Produce Assn of the Americas	300.00	
Keith H. Smith, 1455 Pennsylvania Ave, NW, #1260 Washington, DC 20004	French & Company (For:International Electronics Mfgrs & Consumers of America, Inc).	500.00	
Mark Smith, 1629 K Street, NW, #301 Washington, DC 20006	Evergreen International Aviation, Inc		
Michael P. Smith, 485 Lexington Ave. New York, NY 10017	New York State Bankers Assn		1,247.00
Patricia Smith, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	10,393.06	344.80
Patrick Smith, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn	3,750.00	
Peter N. Smith, 700 13th Street, NW, Suite 950 Washington, DC 20005	Raychem Corp	17,100.00	19,650.00
Richard D. Smith, 15 Mountain View Road Warren, NJ 07061-1615	Chubb & Son, Inc	5,000.00	
Richard F. Smith, 1101 Pennsylvania Avenue, NW, #400 Washington, DC 20004	Textron, Inc	600.00	150.00
Robert E. Smith, 1730 K St., NW, #1300 Washington, DC 20006	Olin Corporation	9,500.00	6,000.00
Scott Smith, 1130 Connecticut Avenue, NW, #830 Washington, DC 20036	Southern Company Services, Inc	144.00	4,247.07
Susan Snyder Smith, 7900 Westpark Drive, #A320 Mclean, VA 22102	Chocolate Manufacturers Assn of the USA	200.00	270.00
Tim Smith, 1776 EYE Street, NW, #400 Washington, DC 20006	Nuclear Energy Institute	7,868.00	1,887.00
W. Glenn Smith, 101 West Washington Street Indianapolis, IN 46255	National City Bank, Indiana		
W. Lamar Smith, 1600 M Street, NW, Suite 700 Washington, DC 20036	VISA USA, Inc	36,750.00	623.01
Smith & Sowalsky, One State Street, Suite 950 Boston, MA 02109	NYNEX Government Affairs	4,850.00	
Smith Dawson & Andrews, Inc, 1000 Connecticut Ave., NW, #302 Washington, DC 20036	Children's Hospital & Medical Center	15,000.00	
Do	Cities of Crainville & Carterville, Illinois	8,250.00	
Do	City of Eugene, Oregon	10,500.00	
Do	City of Gillespie, IL	6,750.00	
Do	City of Macon	15,000.00	
Do	City of Ontario, California	19,500.00	
Do	City of Sacramento	11,250.00	
Do	City of San Francisco		
Do	City of Springfield, Oregon	4,500.00	
Do	CRASH	7,500.00	
Do	Haarmann & Reimer Corp	6,000.00	
Do	Kansas City Transit Authority	9,000.00	
Do	Lane Community College	3,000.00	
Do	Lane County, Oregon	4,500.00	
Do	Metropolitan Water Reclamation District of Greater Chicago	14,000.00	
Do	National Assn of Foreign Trade Zones	4,500.00	
Do	New York Metropolitan Transportation Authority	21,000.00	
Do	Port of San Francisco	7,500.00	
Do	San Francisco Public Utilities Commission		
Do	Union Switch & Signal, Inc	15,000.00	
Do	USAir	6,000.00	
Do	WOCN	6,000.00	
Smith Heenan & Althen, 1110 Vermont Avenue, NW, Suite 400 Washington, DC 20005	Private Benefits Alliance	820.00	10.00
Smith-Free Group, 1730 Pennsylvania Ave., NW, #200 Washington, DC 20006	American Institute of Architects		
Do	Association of Trial Lawyers of America	20,312.50	
Do	AFFYMETRIX		
Do	Koch Industries, Inc	1,000.00	
Do	National Assn of Protection & Advocacy Systems		
David A. Smitherman, Iowa Petroleum Council 218 6th Avenue, #1012 Des Moines, IA 50309-4006	American Petroleum Institute		
Smokeless Tobacco Council, Inc, 1627 K Street, NW, #700 Washington, DC 20006		10,065.62	10,065.62
William Snape, 1101 14th Street, NW #1400 Washington, DC 20005	Defenders of Wildlife	146.00	8.00
Gerard C. Snow, 5201 Auth Way Camp Springs, MD 20746	Transportation Institute	4,000.00	
Larry S. Snowhite, 1025 Connecticut Avenue, NW, #900 Washington, DC 20036	Semmes Bowen & Semmes (For:Houghton Mifflin Co)	1,500.00	
David F. Snyder, 1130 Connecticut Avenue, NW, #1000 Washington, DC 20036	American Insurance Assn		
Harry Snyder, 1535 Mission Street San Franscisco, CA 94103	Consumers Union		
John M. Snyder, 2301 South Jefferson Davis Highway, #925 Arlington, VA 22202	Abraham Lincoln Foundation for Public Policy Research	450.00	
Do	Citizens Comm for the Right to Keep & Bear Arms	9,000.00	
Snyder Ball Kriser & Assoc, Inc, 499 S. Capitol St., SW, #520 Washington, DC 20003	Allison Engine Co	192.50	265.45
Do	Puget Sound Naval Bases Assn, Inc (PSNBA)		
Alan C. Sobba, 1301 Pennsylvania Ave., NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Jack Sobel, 404 3rd Street, SE, #B Washington, DC 20003-1930	Center for Marine Conservation		
Society for Animal Protective Legislation, P.O. Box 3719 Georgetown Station Washington, DC 20007		12,409.66	15,913.69
Society for Nutrition Education, 2001 Killebrew Drive, #340 Minneapolis, MN 55425-1882		307.00	8,669.79
Software Publishers Assn, 1730 M Street, NW, Suite 700 Washington, DC 20036			14,588.83
Gary L. Sojka, 8304 Harland Drive Springfield, VA 22152	Advanced Power Technologies, Inc		
Do	Electronetics Corp		796.13
Do	Litton Inter Optical Systems	12,000.00	1,167.70
Eric W. Sokol, 519 C Street, NE Washington, DC 20002	National Assn for Home Care	610.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Andrea L. Solarz, 750 First St., NE Washington, DC 20002-4242	American Psychological Assn	1,435.91	
Patricia F. Soltys, 1250 H Street, NW, Suite 800 Washington, DC 20005	Eastman Kodak Co	250.00	12.00
Vincent R. Sombrotto, 100 Indiana Ave., NW Washington, DC 20001	National Assn of Letter Carriers	6,857.91	
Frederick P. Somers, 4720 Montgomery Laen P.O. Box 31220 Bethesda, MD 20824-1220	American Occupational Therapy Assn, Inc	5,000.00	34.55
Judah C. Sommer, 1101 Pennsylvania Ave., NW, #900 Washington, DC 20004	Goldman Sachs & Co	3,000.00	
William A. Sonntag, 1101 Connecticut Ave., NW, #700 Washington, DC 20036	Smith Bucklin & Associates, Inc (For:National Assn of Metal Finishers)	1,337.00	
Mary Sophos, 1010 Wisconsin Avenue, NW, #900 Washington, DC 20007	Grocery Manufacturers of America, Inc	341.05	
Sorensen & Edwards, PS, 1201 Third Avenue, #2900 Seattle, WA 98101-3028	Klukwan, Inc		
Do	Shee Atika, Inc		
Do	Western Pioneer, Inc		
Michele A. Sorenson, 1735 Jefferson Davis Hwy., Suite 1200 Arlington, VA 22202	McDonnell Douglas Corp		
Mendi A. Sossamon, 1801 K Street, NW Washington, DC 20006-1301	Arter & Hadden (For:Association for Responsible Thermal Treatment)		
Do	Arter & Hadden (For:Corning, Inc)	85.00	
Do	Arter & Hadden (For:Investment Company Institute)		
Southern Forest Products Assn, P.O. Box 641700 Kenner, LA 70064-1700		4,283.97	4,283.97
Southwest Airlines Co, P.O. Box 36611 Dallas, TX 75235-1611			22,780.80
Southwestern Power Resources Assn, P.O. Box 1360 1800 Canyon Park Cr., #403 Edmond, OK 73083-1360			
Sparber and Associates, Inc, 1319 F St., NW #301 Washington, DC 20004	Association of Fire Districts of the State of New York	1,500.00	
Do	New York State Fire Chiefs Assn	1,500.00	
Do	RJR Nabisco	27,000.00	
John S. Sparkman, 2 North 9th Street Allentown, PA 18101	Pennsylvania Power & Light Co	2,301.00	546.64
James M. Sparling Jr., 1733 King Street Alexandria, VA 22314	Capitol Counsel, Inc	15,000.00	10,244.11
Ian D. Spatz, 601 Pennsylvania Avenue, NW, #1200 Washington, DC 20004-2613	Merck & Co, Inc	1,000.00	400.00
Specialized Carriers & Rigging Assn, Inc, 2759 Prosperity Avenue, #620 Fairfax, VA 22314			
Richard L. Spees, 1341 G Street, NW, #200 Washington, DC 20005	McAuliffe Kelly & Raffaelli (For:Desert Research Institute)	2,100.00	411.50
Rachel E. Speltz, 1050 17th Street, NW, Suite 500 Washington, DC 20036	Texaco, Inc		
Collins Robert Spencer III, 11250 Waples Mill Road Fairfax, VA 22030	National Rifle Assn of America	1,387.50	565.82
William B. Spencer, 1300 North 17th Street Rosslyn, VA 22209	Associated Builders & Contractors, Inc	2,500.00	
Andrew Sperling, 12300 Twinbrook Parkway Rockville, MD 20815	National Community Mental Healthcare Council	1,384.72	
Dennis D. Spice, 1901 Fox Drive Champaign, IL 61820	State Universities Retirement System of Illinois		
Brian D. Spickard, 333 Piedmont Ave., 23rd Floor Atlanta, GA 30308	Georgia Power Co	37,713.82	13,027.76
Spiegel & McDiarmid, 1350 New York Ave., NW Washington, DC 20005-4798	Former Residents of Centralia, Pennsylvania		
Do	Northern California Power Agency		
Do	Transmission Access Policy Study Group		
William M. Spodak, 1801 K St., NW Washington, DC 20006	Westinghouse Electric Corp	7,500.00	175.00
Joel B. Spoonheim, 110 Maryland Avenue, NE, Suite 409 Washington, DC 20002	Council for a Livable World	1,640.65	
Lisa M. Sprague, 601 13th Street, NW, #370 South Washington, DC 20005	American Assn of Preferred Provider Organizations	2,000.00	
Do	U.S. Chamber of Commerce	2,500.00	
Mark G. Spurrier, 700 E. Joppa Road Towson, MD 21286	Baltimore County Police Department, et al.		
Philip Squair, 4301 N. Fairfax Dr., Suite 425 Arlington, VA 22203	Air Conditioning & Refrigeration Institute		
Squire Sanders & Dempsey, 1201 Pennsylvania Ave., NW P.O. Box 407 Washington, DC 20044	American Soc of Anesthesiologists		
Do	Independent Data Communications Manufacturers Assn	1,200.00	24.00
Do	Information Technology Association of America		
Do	National Collegiate Athletic Assn		
Cecile Srodes, 1800 K Street, NW, #1100 Washington, DC 20006	New York Stock Exchange, Inc		
Janet G. St. Amand, 1000 Connecticut Ave., NW, #507 Washington, DC 20036	Household Financial Group, Ltd	11,250.00	
Karen A. St. John, 1615 M Street, NW, #200 Washington, DC 20036	Amoco Corporation	1,200.00	226.81
Diane D. Staab, 1101 Pennsylvania Ave., NW, #200 Washington, DC 20004	International Paper	12,000.00	367.00
June Stadheim, 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20004-1790	National Asn of Manufacturers		
Connell Stafford, P.O. Drawer 1734 Atlanta, GA 30301	Coca-Cola Company		
Roger Staiger Jr., 1667 K Street, NW, #450 Washington, DC 20006	Alyeska Pipeline Service Co	2,000.00	1,200.00
Michael J. Stanton, 1401 H Street, NW, #900 Washington, DC 20005	American Automobile Manufacturers Assn	4,750.00	393.00
Stanton & Associates, 1310 19th Street, NW Washington, DC 20036	Gateway Economic Development Corp of Greater Cleveland		
Do	National Assn of Bankruptcy Trustees		
Do	Philip Morris		
Do	University Hospitals of Cleveland		
Mary Murray Staples, P.O. Box 660634 Dallas, TX 75266-0634	Frito-Lay, Inc	3,000.00	5,382.00
James D. Staton, 320 Timberbrook Drive Waldorf, MD 20601	Air Force Sergeants Assn, Inc		
Julie A. Stauss, 1225 Eye Street, NW, Suite 1250 Washington, DC 20005	American Dietetic Assn	1,000.00	
David Stawick, 201 Massachusetts Ave., NE, Suite C-4 Washington, DC 20002	National Corn Growers Assn		
Rozann M. Stayden, 1800 M Street, NW Washington, DC 20036-5886	American Bar Assn	400.00	50.00
Randolph J. Stayin, 1401 Eye Street, Nw, #500 Washington, DC 20005	Barnes & Thornburg (For:Indiana Glass Company)	340.00	
Do	Barnes & Thornburg (For:Special Comm for Workplace Product Liability Reform)		
Barbara E. Steakley, 1155 15th Street, NW, #600 Washington, DC 20005	Pennzoil Company	900.00	
Kathryn A. Steckelberg, 701 Pennsylvania Ave, NW Washington, DC 20004-2696	Edison Electric Institute	3,323.08	491.68
Law Offices of Deborah Steelman, Columbia Square 555 13th Street, NW, #1220 East Washington, DC 20004-1109	Aetna Life & Casualty	63,600.00	444.30
Do	American Dental Assn	15,975.00	8.00
Do	CIGNA Corporation	16,300.00	244.95
Do	Eli Lilly & Co	24,120.00	
Do	General Mills, INc	18,742.50	8.00
Do	Healthcare Leadership Council	46,260.00	548.12
Do	Johnson & Johnson	25,290.00	46.16
Do	MetraHealth	16,300.00	244.95
Do	National Health Labs, Inc		
Do	Pfizer, Inc	38,535.00	53.44
Do	Pharmaceutical Research & Manufacturers of America	24,050.00	192.72
Do	Prudential Insurance Co of America	16,300.00	244.96
Henry J. Steenstra Jr., 1001 - 19th Street North, Suite 800 Arlington, VA 22201-1722	TRW, Inc	1,356.00	
Mark Steimer, 1667 K Street, NW, Suite 330 Washington, DC 20006	CMF&Z Public Relations (For:IES Industries)		
Allan Stein, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn		
Dan Stein, 1666 Connecticut Ave., NW, #400 Washington, DC 20009	Federation for American Immigration Reform		
Alan C. Steinbeck, 1600 M Street, NW, Suite 700 Washington, DC 20036	Kennecott Corp	300.00	496.46
R. W. Stephens Jr., 1500 K Street, NW, #375 Washington, DC 20005	Norfolk Southern Corp	1,000.00	
Steptoe & Johnson, 1330 Connecticut Ave., NW Washington, DC 20036	American Restaurant China Council		
Do	Bear Stearns & Co, Inc		
Do	Canyon Forest Village Corp	2,400.00	
Do	Citizens Savings & Financial Corp		
Do	Co-Operative Central Bank		
Do	CSO Company		
Do	Del Webb Corp		
Do	Mutual Life Insurance Company Tax Committee		
Do	New York Life Insurance Co	21,533.75	1,031.80
Do	Western Financial		
Do	Yavapai-Prescott Indian Tribe		
Michael Stern, 1401 H Street, NW Washington, DC 20005	Investment Company Institute	7,531.88	1,854.49
Heidi Sternheim, 2000 K Street, NW, Suite 800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	2,840.00	
Michael E. Steward, 1101 Pennsylvania Ave., NW, #530 Washington,, DC 20004-2514	Puget Sound Power & Light Co	2,398.00	386.35
Robert B. Stewart, 1120 G Street, NW, #900 Washington, DC 20005	National Ocean Industries Assn	7,403.00	
Wyatt Stewart & Associates, Inc, 1825 I Street, NW, #400 Washington, DC 20006-0006	Bogoljub Karic	10,000.00	
Don Stillman, 1757 N Street, NW Washington, DC 20036	Int'l Union, United Auto Aerospace & Agric Implement Workers	2,140.76	10.00
Lee J. Stillwell, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	750.00	
Bonny S. Stilwell, 3803 Densmore Ct. Alexandria, VA 22309	National Vietnam Veterans Coalition	4,200.00	680.31
Edward W. Stimpson, 1400 K Street, NW, #801 Washington, DC 20005	General Aviation Manufacturers Association	3,150.00	
Caroline Stinebower, 600 Maryland Avenue, SW, #700 Washington, DC 20024	National Fed of Independent Business	3,401.00	200.60
John J. Stirk, 1725 Jefferson Davis Hwy, #601 Arlington, VA 22202-3585	Litton Industries	2,000.00	1,741.14
Heidi A. Stirrup, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America	2,000.00	500.00
Steven F. Stockmeyer, 801 North Fairfax Street, #215 Alexandria, VA 22314	Manville Corporation		
Do	Money Store	7,687.50	
Do	National Assn of Business PACs		
Do	Springs Industries, Inc	2,187.50	
Carlton A. Stockton, 1801 Pennsylvania Ave., NW Washington, DC 20006	MCI Communications Corp	1,000.00	
Alex Stoddard, 1111 19th Street, NW, Suite 800 Washington, DC 20036	American Forest & Paper Assn	1,200.00	
Sean A. Stokes, 1140 Connecticut Ave., NW, Suite 1140 Washington, DC 20036	Utilities Telecommunications Council	107.94	
Elizabeth A. Stolpe, 1401 Eye Street, NW, Suite 300 Washington, DC 20005	Koch Industries, Inc	4,500.00	648.06

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Dennis C. Stolte, 600 Maryland Avenue, SW Washington, DC 20024	American Farm Bureau Federation	8,563.00	233.06
Robin E. Stombler, 1001 Pennsylvania Avenue, NW, #725 Washington, DC 20007	American Society of Clinical Pathologists		100.36
Judith Lee Stone, 777 N. Capitol Street, #410 Washington, DC 20002	Advocates for Highway & Auto Safety	1,562.50	
Mary Stone, 325 7th Street, NW Washington, DC 20005	National Retail Federation	1,500.00	60.00
Floyd E. Stoner, 1120 Connecticut Avenue, NW Washington, DC 20036	American Bankers Assn	38,304.00	649.67
Stephen E. Storch, 2101 L Street, NW, #401 Washington, DC 20037-1526	American Stock Exchange		
Stormwater Reform Coalition, 3050 K Street, NW, #400 Washington, DC 20007		4,369.00	4,369.00
Carol Gray Storrs, 1401 I Street, NW, #1000 Washington, DC 20005	Securities Industry Assn	2,024.00	
Sam E. Story Jr., 1700 N. Moore Street, #1600 Arlington, VA 22209	American Meat Institute	12,750.00	152.28
Todd A. Stottlemyer, 1501 BDM Way McLean, VA 22102	BDM International, Inc	360.60	64.40
Anna Stout, 122 C Street, NW, #740 Washington, DC 20001	American League for Exports & Security Assistance, Inc	10,000.00	578.97
Susan M. Stout, 1010 Wisconsin Avenue, NW, #900 Washington, DC 20007	Grocery Manufacturers of America, Inc	275.34	
John L. Stowell, 1301 Pennsylvania Avenue, NW, #1030 Washington, DC 20004	PSI Energy		
Luther J. Strange III, 2101 Highland Avenue, #250 Birmingham, AL 35205	Sonat, Inc	5,000.00	
Raymond L. Strassburger, 801 Pennsylvania Ave., NW, #700 Washington, DC 20004	Northern Telecom, Inc	1,250.00	
Strategic Management Associates, Inc, 112 S. West Street Alexandria, VA 22314	Greater New York Hospital Assn		
Do	Mobile X-Ray Providers of America	15,000.00	
Do	Montefiore Medical Center	32,000.00	
Do	National Medical Enterprises, Inc	16,250.00	
Do	New York Hospital	6,000.00	
Strategic Management Systems, Inc, 112 South West Street Alexandria, VA 22314	Blood Systems, Inc	10,000.00	
Strategic Policy, Inc, 1615 L Street, NW, Suite 650 Washington, DC 20036	American Plastics Council	2,800.00	59.68
Do	American Trucking Assn, Inc	850.00	
Do	Arthur Andersen & Co	500.00	67.82
Do	Coopers & Lybrand	300.00	67.82
Do	Deloitte & Touche	500.00	67.82
Do	Ernst & Young	500.00	67.82
Do	KPMG Peat Marwick	500.00	67.82
Do	Lockheed IMS	2,000.00	22.57
Do	Price Waterhouse	500.00	67.82
Terrence D. Straub, 1101 Pennsylvania Avenue, NW Washington, DC 20004	USX Corporation	250.00	
W. Martin Strauss, 700 14th Street, NW, Suite 1100 Washington, DC 20005	Monsanto Co		
Richard H. Streeter, Barnes & Thornburg 1401 EYE Street, NW, #500 Washington, DC 20005	Cast North America, Inc		
Stephen P. Strickland, 1835 K Street, NW, #610 Washington, DC 20006	National Peace Foundation	107.13	
Steven P. Strobridge, 201 N. Washington Street Alexandria, VA 22314	Retired Officers Assn	3,535.50	
Jack B. Strong, 400 West 15th Street, Suite 804 Austin, TX 78701	LDDSMetromedia, Inc	6,768.75	1,545.36
David G. Strongin, 1401 I Street, NW, #1000 Washington, DC 20005	Securities Industry Assn	750.00	
Stroock & Stroock & Lavan, 1150 17th St., NW Washington, DC 20036	J. Aron & Co, Inc		
Do	Commission on Self-Determination, Govt of Guam	3,645.00	103.00
Do	Dreyfus Corporation		
Do	EF Au Pair	450.00	
Do	Jones Act Reform Coalition	2,735.00	138.00
Do	Rongelap Community	10,858.00	470.00
Jerry S. Stroope, Route 3, Box 258 Alvin, TX 77511	American Honey Producers Assn		
Heather P. Stroup, 750 First Street, NE Washington, DC 20002-4242	American Psychological Assn	845.00	100.00
George Strumpf, 1150 17th St., NW, #600 Washington, DC 20036	Health Insurance Plan of Greater New York	12,000.00	6,500.00
Dorothy Strunk, 12612 Tartan Lane Ft. Washington, MD 20744	United Parcel Service (UPS)	7,500.00	
Cory N. Strupp, Legal Dept., 38th Floor 60 Wall Street New York, NY 10260	J.P. Morgan & Co, Inc	4,508.79	1,757.09
William Mark Stuart, 1331 Pennsylvania Ave., NW, Suite 1500N Washington, DC 20041-703	UBA, Inc	1,000.00	
Michael M. Stump, 14950 Heathrow Forest Parkway Suite 200 Houston, TX 77032-3842	Professional Services Group, Inc		
Stuntz & Davis, P.C., 1201 Pennsylvania Ave., NW, #819 Washington, DC 20004	Amoco Corporation		
Do	ARCO	624.00	9.00
Do	Bridgestone/Firestone, Inc	2,518.50	
Do	General Electric Appliances	832.00	5.00
Do	General Electric Industrial & Power Systems	52.00	
Do	Marathon Oil Co	650.00	
Do	Newport News Shipbuilding	78.00	
Do	Nextel Communications, Inc	6,955.00	20.00
Do	Northern States Power Co	6,633.50	11.00
Do	Pharmaceutical Research & Manufacturers of America	2,340.00	42.00
Do	Purpa Reform Coalition	8,906.25	30.00
Do	RJR/Nabisco Washington, Inc	5,005.00	20.00
Do	Southern California Edison Co	106.00	5.00
Joseph P. Sudbay, 1225 Eye Street, NW, #1100 Washington, DC 20005	Handgun Control, Inc		
Glenn Sugameli, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	9,462.49	
Austin P. Sullivan Jr., P.O. Box 1113 Minneapolis, MN 55440	General Mills, Inc		
Catherine Sullivan, 1730 M Street, NW Washington, DC 20036	League of Women Voters of the U.S.	6,145.00	
Charles S. Sullivan, P.O. Box 2310 Washington, DC 20013	Citizens United for Rehabilitation of Errants	4,650.00	
Gael M. Sullivan, 1133 Connecticut Avenue, NW, #620 Washington, DC 20036	LTV Corporation	2,344.00	572.50
Harold R. Sullivan, 800 Connecticut Avenue, NW Washington, DC 20006-2701	Food Marketing Institute	600.00	
Jay R. Sullivan, Jamison & Sullivan, Inc 1212 New York Ave. #1200 Washington, DC 20005	Association of O&C Counties	6,000.00	
Do	Malheur Timber Operations	7,500.00	
John J. Sullivan, 8900 Keystone Crossing Indianapolis, IN 46240	Golden Rule Insurance	9,811.50	5,134.27
Judy M. Sullivan, 1614 King Street Alexandria, VA 22314	National Assn of Housing Cooperatives		
Marcia Z. Sullivan, 1000 Wilson Boulevard, Suite 3012 Arlington, VA 22209	Consumer Bankers Assn		
Pauline Sullivan, P.O. Box 2310 Washington, DC 20013-2310	Citizens United for Rehabilitation of Errants	900.00	
Rebecca M. Sullivan, 1199 N. Fairfax Street, Suite 204 Alexandria, VA 22314	International Council of Shopping Centers	1,300.00	
Richard J. Sullivan, 1507 Laburnum Street McLean, VA 22101	Richard J. Sullivan Associates, Inc (For:Association of American Railroads)	8,900.00	
Do	Richard Sullivan Associates, Inc (For:Design Professionals Coalition)	2,500.00	
Do	Richard J. Sullivan Associates, Inc (For:Northeast Ohio Regional Sewer District)	5,850.00	
Do	Richard J. Sullivan Associates, Inc (For:Union Pacific)		
Do	Richard J Sullivan Associates, Inc (For:Water Environment Research Foundation)		
Sullivan & Cromwell, 1701 Pennsylvania Ave., NW, #800 Washington, DC 20006	Securities Industry Assn		
Sullivan & Worcester, 1025 Connecticut Ave., NW, #806 Washington, DC 20036	Marion Merrell Dow, Inc	7,500.00	
Richard J. Sullivan Associates, Inc, 1507 Laburnum Street McLean, VA 22101	Association of American Railroads	12,499.98	14,804.22
Do	Design Professionals Coalition	4,000.00	6,904.22
Do	Northeast Ohio Regional Sewer District	11,600.00	13,254.85
Do	Union Pacific		
Do	Water Environment Research Foundation		
Charles Sunderlin, 21480 Pacific Boulevard Sterling, VA 22170	Heckler & Koch, Inc	1,000.00	580.89
Hyo-Jye Sung, 1800 K Street, NW, #700 Washington, DC 20006	Korea Foreign Trade Assn	715.00	705.00
Superfund Reform '95, 1155 21st Street, NW, #300 Washington, DC 20036			
Rick Surratt, 807 Maine Avenue, SW Washington, DC 20024	Disabled American Veterans	16,463.12	
Donald B. Susswein, 1500 K Street, NW, #200 Washington, DC 20005	Thacher Proffitt & Wood (For:Citicorp Washington)		
Gavin J. Sutcliffe, 1201 New York Ave., NW Washington, DC 20005-3931	American Hotel & Motel Assn	783.50	
Sutherland Asbill & Brennan, 1275 Pennsylvania Avenue, NW Washington, DC 20004	Federation for American Immigration Reform		
Bob Sutton, c/o South Dakota Petroleum Council 222 E. Capitol, #16 Pierre, SD 57501	American Petroleum Institute		
Stephen Sutton, 1000 Wilson Blvd., #2300 Arlington, VA 22209	Northrop Grumman Corporation	1,400.00	164.55
Deborah Swartz, 1225 19th Street, NW, #210 Washington, DC 20036	Luggage & Leather Goods Manufacturers of America, Inc	600.00	
Do	Neckwear Assn of America, Inc		
Thomas L. Swartz, 89 East Avenue Rochester, NY 14649-0001	Rochester Gas & Electric Corp	1,817.09	
Elizabeth J. Swasey, 11250 Waples Mill Road Fairfax, VA 22030	NRA Crimestrike		
Rosemarie Sweeney, 2021 Massachusetts Avenue, NW Washington, DC 20036	American Academy of Family Physicians	8,608.92	1,962.46
David M. Sweet, 1101 16th Street, NW Washington, DC 20036	Independent Petroleum Assn of America		
Frederic H. Sweet, 720 East Wisconsin Avenue Milwaukee, WI 53202	Northwestern Mutual Life Insurance Co	350.00	
Lori Swenningsen, 1300 North 17th Street, 8th Floor Rosslyn, VA 22209	Associated Builders & Contractors	2,500.00	
Leland H. Swenson, 10065 East Harvard Avenue Denver, CO 80251	Farmers' Educational & Co-Operative Union of America		
Swidler & Berlin, Chtd, 3000 K Street, NW, #300 Washington, DC 20007	National Council of Community Hospitals	6,162.50	
Philip E. Swink, 1 Pepsi Way Somers, NY 10589-2201	Pepsi-Cola Company		89.48
Chris Ray Swonger, 1825 I Street, NW, #400 Washington, DC 20006	UST Public Affairs, Inc	4,500.00	750.00
John F. Swope, P.O. Box 515 Concord, NH 03302	Chubb LifeAmerica		
Virginia M. Swope, 901 15th Street, NW, #320 Washington, DC 20005	Travelers, Inc	1,500.00	
Ronald G. Sykes, 1660 L Street, NW, #400 Washington, DC 20036	General Motors Corp	3,000.00	13,501.22
David A. Sykuta, Illinois Petroleum Council P.O. Box 12047 Springfield, IL 62791	American Petroleum Institute	420.00	1,458.36

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Symms Lehn & Associates, Inc, 210 Cameron Street Alexandria, VA 22314	Armenian Assembly of America		
Do	AIA, Agriculture Insurance Administrators		
Do	ARTBA, Alliance for Truth in Transportation Budgeting	15,000.00	7,841.25
Do	China External Trade Develpment Council, CETRA	35,000.00	10,455.00
Do	Coeur D'Alene Mines	12,000.00	5,227.50
Do	CNI, Community Nutrition Institute	6,000.00	2,613.75
Do	Forschler & Associates	6,000.00	2,613.75
Do	Marcos D. Katz	5,000.00	2,613.75
Do	Marks & Murase	15,000.00	7,841.25
Do	PAR Pharmaceutical	30,000.00	10,455.00
Do	Rabbi Milton Balkany	15,000.00	2,613.75
Elizabeth Symonds, 122 Maryland Avenue, NE Washington, DC 20002	American Civil Liberties Union		
Ronald P. Szabat, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	25.00	
Z. Michael Szaz, 7200 Commerce Street, Suite 101 Springfield, VA 22150	Transylvanian World Federation	900.00	
SJA International, Inc, 1001 Connecticut Ave., NW, Suite 401 Washington, DC 20036	Zenith Data Systems	6,350.00	1,757.48
Janis Tabor, 1828 L Street, NW, #906 Washington, DC 20036	American Soc of Mechanical Engineers		
George C. Tagg, 300 Maryland Ave., NE Washington, DC 20002	Federal Express Corp	6,000.00	
Taggart & Associates, Inc, 1156 15th Street, NW, #415 Washington, DC 20005	American Crop Protection Association		
Do	Association of American Railroads		
Do	M&M/Mars, Inc		
Do	Marion Merrell Dow, Inc		
Do	TDS Telecom		
Nkechi Taifa, 122 Maryland Avenue, NE Washington, DC 20002	American Civil Liberties Union		
Robin M. Tallon, 1875 Eye Street, NW, Suite 800 Washington, DC 20006	Tobacco Institute	1,000.00	123.89
Jill L. Tanis, 800 Connecticut Ave., NW Washington, DC 20006-2701	Food Marketing Institute	100.00	
E. Whitney Tannen, 625 Slaters Lane, Suite 200 Alexandria, VA 22314	National Assn for Medical Equipment Services	6,000.00	2,091.87
Susan Tannenbaum, 2030 M St., NW Washington, DC 20036	Common Cause	8,004.54	81.50
Tanner & Guin, P.C., P.O. Box 032206 Tuscaloosa, AL 35403	Morrow Realty Co, Inc		
Augustine D. Tantillo, 900 2nd Street, Suite 306 Washington, DC 20002	SRG & Associates	20,000.00	2,000.00
Tapestry Consultants, Inc, 138 Fort Evans Road, NE Leesburg, VA 22075			
Gary W. Tappana, 1776 I STreet, NW, Suite 200 Washington, DC 20006	Anheuser-Busch Companies		
Anna Tarka, 2232 40th Place, NW, #4 Washington, DC 20007	Bruce P. Cameron (for Embassy of Mozambique)	466.66	
Do	Bruce P. Cameron (for Nat'l Council for Maubene Resistance)	466.66	
Jeffrey A. Tassey, 919 18th Street, NW Washington, DC 20006	American Financial Services Assn	250.00	
Eula M. Tate, 1757 N Street, NW Washington, DC 20036	United Auto. Aerospace & Agricultural Implement Wks of Amer.	18,200.87	236.75
Thomas N. Tate, 1250 Eye Street, NW Washington, DC 20005	Aerospace Industries Assn of America, Inc	1,928.50	
Graca Da Silva Tavares, 17 Perkins Street West Newton, MA 02165			50.00
Victor Tawil, 1776 Massachusetts Avenue, NW, Suite 310 Washington, DC 20036	Association for Maximum Service Television, Inc		
Taxpayers Education Lobby, Inc, 14155-F Sullyfield Circle Chantilly, VA 22021			9,381.00
Charles A. Taylor III, 499 South Capitol St., SW, #401 Washington, DC 20003	National Assn of Independent Insurers	1,500.00	
Gary J. Taylor, 444 North Capitol Street, NW, #534 Washington, DC 20001	International Assn of Fish & Wildlife Agencies	16,495.00	
Jefferson D. Taylor, 655 15th Street, NW, #1200 Washington, DC 20005	Safe Buildings Alliance		
Larry D. Taylor, P.O. Box 70 Boise, ID 83707	Idaho Power Company		
Marie Taylor, 1825 Eye Street, NW, #400 Washington, DC 20006	BF Goodrich Co	100.00	
Mary Beth Savary Taylor, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	25.00	
Peggy Taylor, 815 16th St., NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	21,357.07	596.57
Taylor Thiemann & Aitken, 908 King Street, #300 Alexandria, VA 22314	CTB MacMillan/McGraw-Hill	350.00	
Do	National Assn of Convenience Stores		
Randy Teach, 1275 Pennsylvania Avenue, NW, #503 Washington, DC 20004-2404	Medical Group Management Association		
Technical Group, Inc, 1300 Eye Street, NW, #1000 West Washington, DC 20005	NEDA/RCRA Project	500.00	
Do	Steel Shipping Container Institute	500.00	
Peter B. Teeley, 502 Summers Court Alexandria, VA 22301	AMGEN, Inc		2,735.00
Richard Telthorst, Missouri Oil Council 428 East Capitol, Suite 203 Jefferson City, MO 65101	American Petroleum Institute	1,475.00	878.53
Joshua P. Tenuta, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	6,875.00	
John H. Terry, P.O. Box 4878 Syracuse, NY 13221	Hiscock & Barclay (For:Niagara Mohawk Power Corp)	5,320.00	1,108.88
Richard Paul Teske, 1500 K Street, NW, #625 Washington, DC 20005	Burroughs Wellcome Co	35,000.00	
Richard Tessier, 1133 15th Street, NW, #640 Washington, DC 20005	American Logistics Assn		
Thomas Testa, 1737 25th Street Detroit, MI 48216-1432			
James G. Tetirick, 807 Brazos, #601 Austin, TX 78701	J. C. Penney Co, Inc		
Texas Committee on Natural Resources, 5952 Royal Lane, #168 Dallas, TX 75230		1,393.64	1,393.64
Textron, Inc, 40 Westminster St. Providence, RI 02903		3,300.00	730.00
Thacher Proffitt & Wood, 1500 K Street, NW, #200 Washington, DC 20005	Citicorp Washington		849.97
Mary Kay Thatcher, 600 Maryland Avenue, SW Washington, DC 20024	American Farm Bureau Federation	4,096.00	137.93
Richard R. Thaxton, 5112 Althea Drive Annandale, VA 22003	National Assn of State Auditors Comptrollers & Treasurers	5,000.00	
Daniel O. Theno, 1919 S. Broadway P.O. Box 19130 Green Bay, WI 54304-1919	Fort Howard Corp	1,814.96	2,267.35
Theradynamics Corp, P.O. Box 229 28 Linden Street Geneva, NY 14456			
Janelle C.M. Thibau, 3000 K Street, NW, #620 Washington, DC 20007	Merrill Lynch & Co, Inc	1,800.00	
Gregory A. Thies, 1100 New York Avenue, NW, #340 West Washington, DC 20005	BASF Corporation	432.69	100.00
Philip E. Thoden, 1199 North Fairfax Street, Suite 801 Alexandria, VA 22314	NATSO, Inc		
Robert G. Thoma, 1100 New York Avenue, NW, #340-West Washington, DC 20005	BASF Corp	1,260.00	40.50
Amber Thomas, 7901 Westpark Drive McLean, VA 22102	AMT - The Assn for Manufacturing Technology	1,990.00	500.00
Brian D. Thomas, 1155 Connecticut Ave., NW, #1200 Washington, DC 20036	Pacific Telecom, Inc	2,193.24	2,168.24
Cindy Thomas, 1990 M Street, NW, #340 Washington, DC 20036	Kent & O'Connor, Inc (For:Adria Laboratories)		
Do	Kent & O'Connor, Inc (For:Carter Footwear, Inc)	2,899.62	1,110.77
Do	Kent & O'Connor, Inc (For:U.S. Shoe)		
Gordon M. Thomas, 1101 Pennsylvania Avenue, NW, #400 Washington, DC 20004	Textron, Inc	600.00	150.00
Jennifer L. Thomas, 1001 Pennsylvania Ave., NW, Suite 725 Washington, DC 20004	American Soceity of Clinical Pathologists		102.15
John L. Thomas, P.O. Box 796322 Dallas, TX 75379-6322	Liberty Media Corp		
Do	Visual Information Technologies, Inc		
Rich Thomas, 2030 M Street, NW Washington, DC 20036	Common Cause	5,816.52	
W. Dennis Thomas, 1620 Eye St., NW, #700 Washington, DC 20006	International Paper Co	2,400.00	207.00
Bruce E. Thompson Jr., 3000 K Street, NW, #620 Washington, DC 20007	Merrill Lynch & Co, Inc	9,000.00	
C. Nicholas Thompson, 1420 New York Ave., NW, Suite 750 Washington, DC 20005	Acxiom Corp		
Dana S. Thompson, 305 4th Street, NE, Washington, DC 20002	Sheet Metal & Air Conditioning Contractors National Assn		
Herbert G. Thompson, 2430 Kingsley Drive Marietta, GA 30062	National Assn of Police Athletic Leagues	13,731.27	5,422.31
Do	Southern States Police Benevolent Assn	13,731.27	5,422.31
Kenneth W. Thompson, 1156 15th Street, NW, #505 Washington, DC 20005	Association of School Business Officials International	1,500.00	10.00
Do	BellSouth Corp	6,000.00	10.00
Do	Coalition for Customer Choice in Electricity	5,000.00	10.00
Do	International Assn of Convention & Visitor Bureaus	1,500.00	10.00
Do	Itron and AMRplus Partners	15,000.00	10.00
Do	Potomac Capital Investment Corp	15,000.00	10.00
Otis N. Thompson, U.S. Department of Agriculture (OPEDA) Room SM - 3 - South Ag. Bldg. Washington, DC 20250	Organization of Professional Employees of USDA	681.34	
Richard L. Thompson, 655 15th Street, NW, #410 Washington, DC 20005	Bristol-Myers Squibb Co	1,500.00	
Robert L. Thompson Jr., P.O. Box 70 Fort Mill, SC 29715	Springs Industries, Inc		
Timothy C. Thompson, 2200 First Interstate Plaza P.O. Box 1157 Tacoma, WA 98401-1157	CH2M Hill Hanford, Inc		
Tracy L. Thompson, 1225 I Street, NW, #825 Washington, DC 20003	Beer Institute		
R. Thompson & Company, One Massachusetts Ave., NW, Suite 330 Washington, DC 20001	Golden Rule Insurance Co	27,000.00	8,607.49
Do	Mitsubishi Electronics America, Inc	4,050.00	910.49
Thompson & Mitchell, 700 14th Street, NW, #900 Washington, DC 20005	Cold Finished Steel Bar Institute	183.00	
Lynn Harding Thomson, 1299 Pennsylvania Ave., NW Washington, DC 20004	General Electric Co	1,500.00	1,136.59
Robert B. Thomson III, 453 New Jersey Avenue Washington, DC 20003	Beneficial Management Corp		
Jill Thorne, 1500 SW 5th, #2301 Portland, OR 97201	Round-Up City Development Corp, et al.	1,331.00	185.00
John H. Thorne, 1156 15th Street, NW, Suite 400 Washington, DC 20005		10,000.00	3,470.64
Margo Thorning, 1750 K St., NW, #400 Washington, DC 20006	American Council for Capital Formation	6,271.00	
Kathryne M. Thorpe, 1100 17th Street, NW, #1200 Washington, DC 20036	General Atomics	2,400.00	130.61
Walter L. Threadgill, 1001 Connecticut Avenue, NW, #622 Washington, DC 20036	Millicom, Inc		
Gil Thurm, 1331 Pennsylvania Ave., NW, #1500N Washington, DC 20004-1790	National Assn of Manufacturers	5,000.00	
Maria Tilves-Aguilera, 801 Pennsylvania Ave., NW, #700 Washington, DC 20004	Northern Telecom, Inc	1,250.00	
Barbara Timmer, 1600 M Street, NW Washington, DC 20036	ITT Corp	7,540.00	435.72
Timmons & Co, Inc, 1850 K St., NW, #850 Washington, DC 20006	American Petroleum Institute	1,496.25	
Do	Ameritech	4,200.00	
Do	Anheuser-Busch Companies, Inc	1,575.00	
Do	Black Entertainment Television	2,126.25	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Capital Cities/ABC, Inc	4,050.00	
Do	Chrysler Corporation	1,575.00	
Do	General American Life Insurance Co	1,232.50	
Do	General Instrument Corp	3,307.50	
Do	H.J. Heinz Co	1,085.00	
Do	Major League Baseball	5,625.00	
Do	Metricom, Inc	2,598.75	
Do	National Rifle Assn	1,627.50	
Do	Natural Disaster Coalition	1,735.75	
Do	Northrop Grumman Corporation	2,025.00	
Do	G. D. Searle & Co	3,465.00	
Do	SCEcorp and Subsidiaries	2,598.75	
Do	Union Pacific Corp	900.00	
Alan R. Timothy, 601 Pennsylvania Ave., NW, #500 Washington, DC 20004	Coors Brewing Co	12,109.50	30.00
Michael L. Tiner, 1824 S Street, NW #402 Washington, DC 20009	International Brotherhood of Teamsters		
Do	McDonald's Corp	500.00	
Do	Systech Environmental Corp		
Michael L. Tiner and Associates, 1824 S Street, NW, #402 Washington, DC 20009	Genentech, Inc		
G. Wayne Tingle, 1725 Jefferson Davis Highway, #900 Arlington, VA 22202	Loral Aeronutronic	800.00	30.00
Do	Loral Vought Systems Corp	1,700.00	95.00
William C. Tinklepaugh, 1250 H Street, NW, Suite 900 Washington, DC 20005	International Dairy Foods Association		
Constance E. Tipton, 1250 H St., NW, Suite 900 Washington, DC 20005	International Dairy Foods Association		93.55
E. Linwood Tipton, 888 16th St., NW Washington, DC 20006	International Dairy Foods Assn		
Eben S. Tisdale, 900 17th Street, NW, #1100 Washington, DC 20006	Hewlett-Packard Co	3,000.00	667.50
Francis M. Tivnan, Massachusetts Petroleum Council 11 Beacon Street Boston, MA 02108	American Petroleum Institute	3,500.00	
Erin Todd, 2626 Pennsylvania Avenue. NW Washington, DC 20037	National Telephone Cooperative Assn	5,000.00	583.70
Greta Todd, 777 North Capitol Street, #803 Washington, DC 20002	American Assn of Nurse Anesthetists		
James S. Todd, 515 North State Street Chicago, IL 60610	American Medical Assn	4,000.00	
Lisa Tofil, 240 East Ontario, #400 Chicago, IL 60611	Northwestern Memorial Hospital	1,200.00	137.25
Michael A. Tongour, 1500 K Street, Suite 325 Washington, DC 20005	American Institute of Architects		
Do	Koch Industries, Inc	1,000.00	
Do	National Assn of Protection & Advocacy Systems		
Neil Tonnesen, 5 Wildwood Gardens Port Washington NY11050			1,655.00
Tony Poole, 1020 19th Street, NW, #800 Washington, DC 20036	Kelly Anderson & Associates, Inc (For:U.S. Banknote Corp)		
Frank Toohey, 1401 Eye Street, NW, #1000 Washington, DC 20005-2225	Securities Industry Assn	3,642.00	
Michael J. Toohey, 601 Pennsylvania Ave., NW North Building, Suite 540 Washington, DC 20004	Ashland Oil, Inc	2,000.00	
Jonathan M. Topodas, 151 Farmington Avenue Hartford, CT 06156	Aetna Life & Casualty Co		
William T. Torgerson, 1900 Pennsylvania Ave., NW Washington, DC 20068	Potomac Electric Power Co	90.08	
Virginia Torsch, 201 North Washington Street Alexandria, VA 22314	Retired Officers Assn	2,529.00	
Leslie Touma, 21557 Telegraph Road Southfield, MI 48034	Lear Seating Corp	129.00	
Bronwyn B. Towle, 499 South Capitol Street, SW #507 Washington, DC 20003	Hecht Spencer & Associates (For:Brown & Williamson Tobacco Corp)		
Do	Hecht Spencer & Associates (For:National Automatic Merchandising Assn)		
Christopher Townsend, 17901 Von Karman Irvine, CA 92714	Taco Bell Corp	1,769.23	2,654.87
Wanda Townsend, 1724 Massachusetts Ave., NW Washington, DC 20036	National Cable Television Assn, Inc	3,563.00	160.46
Toy Manufacturers of America, Inc, 200 Fifth Ave., #740 New York, NY 10010			1,500.00
Robert L. Trachtenberg, 1319 F Street, NW, #1000 Washington, DC 20004	National Assn of Psychiatric Health Systems	500.00	
Clifford Traisman, 1010 Wisconsin Avenue, NW, Suite 900 Washington, DC 20007	Grocery Manufacturers of America, Inc	522.56	
Transportation - Communications International Union, 815 16th St., NW, #511 Washington, DC 20006		4,000.00	5,178.75
Mark Traphagen, 1730 M Street, NW, Suite 700 Washington, DC 20036	Software Publishers Assn	2,630.00	50.00
Thomas C. Trauger, 1350 New York Avenue, NW Washington, DC 20005	Spiegel & McDiarmid (For:Michigan Municipal/Cooperative Group)		
Travel & Tourism Government Affairs Council, 1100 New York Ave., NW, #450 Washington, DC 20005-3934		5,063.00	5,063.00
Travel Industry Assn of America, 1100 New York Avenue, NW, #450 Washington, DC 20005-3934			5,063.00
S. Bradley Traverse, 1667 K Street, NW, #1230 Washington, DC 20006	Deere & Company		
Jeffery S. Trinca, 1420 New York Ave., NW, #1050 Washington, DC 20005	Van Scoyoc Associates, Inc (For:American Forest & Paper Assn)		
Do	Van Scoyoc Associates, Inc (For:Anheuser-Busch Companies)	2,500.00	
Do	Van Scoyoc Associates, Inc (For:Kellogg Company)	308.75	
Do	Van Scoyoc Associates, Inc (For:National Assn of Life Underwriters)		
Do	Van Scoyoc Associates, Inc (For:National Assn of Water Companies)	750.00	
Do	Van Scoyoc Associates, Inc (For:Schering-Plough Corp)	750.00	
Do	Van Scoyoc Associates, Inc (For:USF&G Insurance)		
Do	Van Scoyoc Associates, Inc (For:VIACOM International, Inc)	1,500.00	
Tripp Scott Conklin & Smith, 110 Tower, 28th Floor 110 Southeast 6th Street Fort Lauderdale, FL 33301	Alamo Rent-A-Car, Inc		446.00
Julie Trocchio, 4455 Woodson Road St. Louis, MO 63134	Catholic Health Assn of the United States	2,424.71	
Michael G. Troop, 9072 East Friess Dr. Scottsdale, AZ 85260	America's Community Bankers	8,400.00	
Troutman Sanders, 601 Pennsylvania Ave., NW, Suite 640 North Building Washington, DC 20004	Central & South West Corp	4,681.88	12.69
Do	Southern Company	4,681.88	12.69
Thomas L. Trueblood, 455 North Cityfront Plaza Drive Chicago, IL 60611	Navistar International Transportation Corp	1,000.00	508.43
Francine L. Trull, 818 Connecticut Ave., NW, Suite 303 Washington, DC 20006	National Assn for Biomedical Research	2,000.00	
Do	Policy Directions, Inc	2,700.00	
Genevieve W. Tuchow, 200 Civic Center Dr. Columbus, OH 43215	Columbia Gas Distribution Companies	5,600.00	
Patrick A. Tucker, 701 Pennsylvania Ave., NW, Suite 710 Washington, DC 20004	Tenneco, Inc	2,782.00	657.89
Tucker Flyer & Lewis, P.C., 1615 L Street, NW, #400 Washington, DC 20036-5601	National Realty Committee	1,982.50	
Shannon B. Tuel, c/o Burger King Corporation P.O. Box 020783 Miami, FL 33102-0783	Burger King Corp		
Chris Tuffli, Bogle & Gates 1299 Pennsylvania Avenue, NW, #875 East Washington, DC 20004	City of Gresham	46.00	
Do	Confederated Tribes of the Grade Ronde	230.00	
Do	Domestic Petroleum Council	690.00	
Do	Harsch Investment Co	46.00	
Michael R. Tuosto, One Massachusetts Avenue, NW, Suite 710 Washington, DC 20001	Pubic Service Electric and Gas Company	210.00	
David Turch & Associates, 517 2nd Street, NE Washington, DC 20002	City of Rialto	4,800.00	1,275.00
Do	Inland Valley Development Agency	3,600.00	1,275.00
Do	Recovery Engineering	6,600.00	875.00
Do	San Bernardino Associated Governments	3,600.00	1,275.00
Do	San Bernardino International Airport Authority	1,600.00	1,275.00
Do	Southern California Regional Rail Authority		1,675.00
Jane L. Turner, 1111 19th Street, NW, Suite 800 Washington, DC 20036	American Forest & Paper Assn	1,200.00	
John M. Turner, 1875 Eye St., NW, #775 Washington, DC 20006	Georgia-Pacific Corp	3,300.00	
Pamela J. Turner, 1724 Massachusetts Ave., NW Washington, DC 20036	National Cable Television Assn, Inc	8,859.00	
Turner Broadcasting System, Inc, 820 First Street, NE Washington, DC 20002		20,829.50	20,829.50
James S. Turpin, 3444 S. Wakefield St. Arlington, VA 22206	Horsehead Resource Development		
Tuttle Taylor & Heron, 1025 Thomas Jefferson Street, NW, #407 Washington, DC 20007	Sunkist Growers, Inc	11,500.00	287.50
M. Ann Tutwiler, 1722 Eye Street, NW, 4th Floor Washington, DC 20006	Central Soya Co, Inc	2,000.00	102.00
John R. Tydings, 1129 20th Street, NW Washington, DC 20036	Greater Washington Board of Trade	9,500.00	
George Randall Tyree, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	189.90	
Robert E. Tyson Jr., 1515 Wilson Boulevard Arlington, VA 22209	American Gas Assn	3,750.00	134.90
G. John Tysse, 1015 15th Street, NW, #1200 Washington, DC 20005	McGuiness & Williams (For:Labor Policy Assn)	6,057.00	
U.S. Border Control, P.O. Box 10800 Burke, VA 22009-0800		100,342.30	32,688.02
U.S. Recreational Ski Association, 1315 Gene Autry Way Anaheim, CA 92805			
U.S.-China Business Council, 1818 N Street, NW Washington, DC 20036		1,240.12	1,240.12
Matthew Ubben, 1401 Eye Street, NW, #600 Washington, DC 20005	United Technologies Corp	1,300.00	
Stewart L. Udall, 1244 Camino Cruz Blanca Santa Fe, NM 87501	Claimants Under the Radiation Exposure Compensation Act	65,000.00	
Philip J. Ufholz, 1111 19th Street, NW Washington, DC 20036	American Forest & Paper Assn	600.00	
Daniel Ulmer, 2000 Schafer Street P.O. Box 2657 Bismarck, ND 58502	Blue Cross Blue Shield of North Dakota		
John R. Ulrich, 1776 Eye Street, NW, #575 Washington, DC 20006	Dow Chemical Company		6,467.00
John R. Undeland, 12600 Fair Lakes Circle Fairfax, VA 22033-4904	AAA Potomac		
Stephanie Teresa Underwood, 1801 K Street, NW, #900 Washington, DC 20006	American Textile Manufacturers Institute	55.56	
Unifi, Inc, P.O. Box 19109 Greensboro, NC 27419			
United Distribution Companies, 125 West 55th Street, 19th Floor New York, NY 10019			
United Fresh Fruit & Vegetable Assn, 727 N. Washington St. Alexandria, VA 22314			8,262.12
Upjohn Co, 1455 F Street, NW, Suite 450 Washington, DC 20005			142,025.00
Jane Usdan, 555 New Jersey Ave, NW Washington, DC 20001	American Fed of Teachers	17,045.64	40.00
Utilities Telecommunications Council, 1140 Connecticut Avenue, NW Suite 1140 Washington, DC 20036			1,137.46
USA NAFTA, 1317 F Street, NW, Suite 600 Washington, DC 20004			
Robert E. Vagley, 1130 Connecticut Avenue, NW, #1000 Washington, DC 20036	American Insurance Assn		
Anthony Valanzano, 1825 I Street, NW, #400 Washington, DC 20006	American Council of Life Insurance, Inc	6,000.00	49.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	American Insurance Assn		
Do	Valanzano & Associates (For:American International Group, Inc)	1,500.00	8.00
Do	American Land Title Assn		11.00
Do	Association for Regulatory Reform	1,500.00	60.50
Do	Chubb Corporation	15,000.00	767.34
Do	Colonial Life & Accident Insurance Co	15,000.00	1,449.39
Do	Michigan Consolidated Gas Co	5,000.00	147.94
Do	Valanzano & Assocs. (For:Natural Disaster Coalition National Comm. on Property Insur.).	400.00	84.08
Mark Valente III, 7055 Leestone Street Springfield, VA 22151	Kelly Anderson & Associates (For:America's Health Plan)	7,875.00	350.60
Do	Armour Pharmaceutical Co	21,875.00	301.83
Do	Kelly Anderson Pethic & Associates, Inc (For:GBQC Architects)	312.50	11.08
Do	Kelly Anderson & Associates (For:James River Corp)		
Do	Kelly Anderson & Associates (for U.S. Banknote Corp)	5,062.50	104.97
Do	Kelly Anderson Pethick & Associates (For:Portals Limited)	4,750.00	140.42
Do	Kelly Anderson Pethick & Associates, Inc (For:Securiguard, Inc)	843.75	58.87
Paula R. Valente, 2211 Congress Street Portland, ME 04122-0545	UNUM LIfe Insurance Co of America		
Jack J. Valenti, 1600 Eye St., NW Washington, DC 20006	Motion Picture Assn of America, Inc	2,079.00	
Ellen Valentino-Benitez, Manis Canning & Associates 12 Francis Street Annapolis, MD 21404	National Troopers Coalition (NTC)	500.00	
Read Carson Van de Water, 901 15th Street, NW, #310 Washington, DC 20005	Northwest Airlines, Inc	8,765.00	175.00
Van der Voort Associates, Ltd, 1134 Westmoreland Road Alexandria, VA 22308	SPACEHAB	500.00	
R. Thomas Van Arsdall, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives		
Nancy Van Duyne, 1300 Eye Street, NW, #950E Washington, DC 20005	Continental Airlines, Inc	8,500.00	5,725.00
Juliane H. Van Egmond, 1101 Pennsylvania Ave., NW, #515 Washington, DC 20004	Bayer Corporation	7,873.00	276.00
Laura Van Etten, 3900 Wisconsin Ave., NW Washington, DC 20016	Fannie Mae	2,500.00	
Van Fleet Associates, Inc, 499 South Capitol St., SW, #520 Washington, DC 20003	Cadillac Gage Textron	6,000.00	97.41
Do	Harsco Corporation	6,000.00	81.02
Do	United Defense Limited Partnership	36,252.00	481.68
Van Fleet-Meredith Group, 499 S. Capitol Street, SW, #520 Washington, DC 20003	American Gas Assn	32,182.50	1,835.99
Do	American Gas Cooling Center	15,000.00	797.72
Do	ADI Technologies, Inc	3,000.00	
Do	AT&T		
Do	Electrospace Corporation	10,500.00	1,201.14
Do	Engelhard/ICC		
Do	Litton Applied Technologies	14,250.00	738.21
Do	Magnavox Government & Industrial Relations Co	22,350.00	
Do	Martin Marietta Corp	19,999.98	281.88
Do	Miltope Corp	10,500.00	157.54
Do	Southern California Gas Co	28,999.98	2,873.65
Do	Southern Maryland Naval Alliance		
Do	SNECMA	100,320.00	3,319.05
Do	Thermo Trex	7,500.00	
Do	Thiokol Corp	9,000.00	26.24
Van Ness Feldman, P.C., 1050 Thomas Jefferson St., NW, #700 Washington, DC 20007	Arctic Slope Regional Corp	3,480.00	85.00
Do	Barron Collier Co	125.00	
Do	Business Roundtable		
Do	City of Tacoma, WA, Dept of Public Utilities		
Do	Clean Coal Technology Coalition	4,304.00	15.00
Do	Cogen Technologies, Inc	375.00	
Do	Consumers United for Rail Equity (C.U.R.E.)		10.00
Do	Doyon, Ltd		
Do	Electric Transportation Coalition	555.50	40.00
Do	Foothills Pipe Lines, Ltd		
Do	Geothermal Resources Assn		
Do	GE Industrial & Power Systems		
Do	International Energy Development Council		
Do	Intertribal Agricultural Council		
Do	Kenai Natives Assn		
Do	Koncor Forest Products Company		
Do	Large Public Power Council (LPPC)	2,047.50	42.00
Do	Los Angeles Department of Water & Power		
Do	Mack Trucks, Inc		
Do	McClure Gerard... (for Mineral Resources Alliance)		
Do	McKesson Corp		
Do	National Endangered Species Act Reform Coalition	4,017.50	149.97
Do	National Wetlands Coalition	2,664.00	72.50
Do	Navajo Nation		
Do	Newport News Shipbuilding	693.00	
Do	North Slope Borough		7.00
Do	Petro Star, Inc		
Do	Piquniq Management Corp		
Do	Public Generating Pool		
Do	Risk Policy Council	1,785.00	45.00
Do	Royal Thai Government, Ministry of Commerce		
Do	Sealaska Corp	423.00	
Do	Simpson Paper Co		
Do	Southern California Edison Co	636.00	
Do	Toyota Motor Corporate Services of North America, Inc	1,125.00	
Do	United Alaska Fuels Corporated		
Do	Washington County Commission		
H. Stewart Van Scoyoc, 1420 New York Ave., NW, #1050 Washington, DC 20005	Van Scoyoc Associates, Inc (For:Alton Ochsner Medical Foundation)	1,125.00	
Do	Van Scoyoc Associates, Inc (For:American Forest & Paper Assn)		
Do	Van Scoyoc Associates, Inc (For:American Operations Corp)		
Do	Van Scoyoc Associates, Inc (For:Anheuser-Busch Companies, Inc)	2,500.00	
Do	Van Scoyoc Associates (For:Champion International Corp)		
Do	Van Scoyoc Associates (For:Coalition of EPSCoR States)	2,500.00	
Do	Van Scoyoc Associates, Inc (For:Dresser Industries, Inc)		
Do	Van Scoyoc Associates, Inc (For:Kellogg Company)	308.75	
Do	Van Scoyoc Associates, Inc (For:Lincoln University)	750.00	
Do	Van Scoyoc Associates, Inc (For:McLean Hospital)	1,875.00	
Do	Van Scoyoc Associates, Inc (For:MetaNetworks)	400.00	
Do	Van Scoyoc Associates, Inc (For:Montana State University)		
Do	Van Scoyoc Associates, Inc (For:National Assn of Life Underwriters)		
Do	Van Scoyoc Associates, Inc (For:National Assn of Water Companies)	750.00	
Do	Van Scoyoc Associates, Inc (For:National Commission on Correctional Health Care).	300.00	
Do	Van Scoyoc Associates, Inc (For:National Institute for Water Resources)	1,125.00	
Do	Van Scoyoc Associates (For:Quanex)	837.50	
Do	Van Scoyoc Associates, Inc (For:Schering-Plough Corp)	750.00	
Do	Van Scoyoc Associates, Inc (For:Spelman College)	1,200.00	
Do	Van Scoyoc Associates, Inc (For:Tulane University)	1,350.00	
Do	Van Scoyoc Associates (For:University of Alabama System)	1,350.00	
Do	Van Scoyoc Associates, Inc (For:University of Puerto Rico)		
Do	Van Scoyoc Associates (For:USF&G Insurance)		
Do	VIACOM International, Inc	1,500.00	
Do	Van Scoyoc Associates (For:Weyerhaeuser)		
Do	Van Scoyoc Associates, Inc (For:WINSM Consortium)	900.00	
B. Wayne Vance, 1203 Essex Manor Alexandria, VA 22308	Discovery Cruise Line		
Marjorie Vanderbilt, 600 Maryland Ave., SW, #100 West Washington, DC 20024-2571	American Nurses' Assn	8,100.00	199.54
Norman C. VanderNoot, New Hampshire Petroleum Council 11 Depot Street Concord, NH 03301	American Petroleum Institute	497.00	170.60
Charlene Vanlier, 6203 A Waterway Drive Falls Church, VA 22044	Capital Cities/ABC, Inc	836.00	
Glenn Vanselow, P.O. Box 61473 Vancouver, WA 98666-1473	Pacific Northwest Waterways Assn	5,074.00	500.99
Lisa A. Vanston, 1200 19th Street, NW, #200 Washington, DC 20036-2437	American Management Care & Review Assn		38.00
Norman W. VanCor, 111 Tallwood Drive Southington, CT 06489	Yankee Gas Services Company	485.31	553.63

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
L. Todd VanHoose, 50 F Street, NW, #900 Washington, DC 20001	Farm Credit Council		
Barbara J. Varca, 1015 15th Street, NW, #401 Washington, DC 20005	Syntex (U.S.A.), Inc		
Audrey S. Vaughn, 1130 Connecticut Ave., NW, #830 Washington, DC 20036	Alabama Power Co	19,500.00	8,646.99
Lisa F. Vaughn, 422 South Church Street, PB05D Charlotte, NC 28242-0001	Duke Power Co	2,242.80	3,071.42
Philip M. Vaughn, 800 Connecticut., NW, #600 Washington, DC 20006	Fluor Corp	5,000.00	
Paul S. Vayer, 50 Hillcrest Avenue New Britain, CT 06053			
Joseph J. Vecchio, 1299 Pennsyvlania Ave., NW Washington, DC 20004	General Electric Co	50.00	10.00
Vectre Corporation, 411 East Franklin Street, #602 Richmond, VA 23219	Browning Ferris Industris	5,065.00	36.00
Do	Electronic Data Systems Corp	644.00	76.00
Do	Hughes Communications, Inc	1,300.00	78.98
Jay Velasquez, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn	3,750.00	
Nicholas A. Veliotes, 1718 Connecticut Avenue, NW Washington, DC 20009	Association of American Publishers	4,000.00	
Carol Verby, 1776 I Street, NW, #770 Washington, DC 20006	CNA Insurance Co		
Stephen J. Verdier, 900 19th Street, NW, #400 Washington, DC 20005-5802	America's Community Bankers	29,375.00	1,361.66
Robert J. Verdisco, 1901 Pennsylvania Avenue, NW, 10th Fl. Washington, DC 20006	International Mass Retail Assn	10,000.00	200.00
Verner Liipfert Bernhard McPherson & Hand, Chtd, 901 15th Street, NW, #700 Washington, DC 20005-2301	Advanced Television Research Consortium (ARTC)		
Do	Association of American Railroads	1,792.50	
Do	Burlington Northern, Inc	2,035.00	
Do	Central Gulf		
Do	Central Transport		
Frank Verrastro, 1155 15th Street, NW, #600 Washington, DC 20005	Pennzoil Co	1,500.00	
Verrill & Dana, One Portland Square P.O. Box 586 Portland, ME 04112-0586	Major League Baseball Players Assn	10,400.00	
Candace C. Vessella, 1725 Jefferson Davis Highway, #300 Arlington, VA 22201-4127	Lockheed Martin Corp	2,325.00	
Sara Vickerman, 1101 14th Street, NW #1400 Washington, DC 20005	Defenders of Wildlife		
Linda Vickers, 1706 23rd St., South Arlington, VA 22202	Communicating for Agriculture, Inc		
Do	National Assn of Crop Insurance Agents		
Do	Rural Community Insurance Services	36,000.00	2,040.67
Brenda R. Viehe-Naess, Hopkins & Sutter 888 16th Street, NW Washington, DC 20006	Association of British Insurers		915.00
Do	Institute of London Underwriters		650.00
David Vienna & Associates, 401 Wythe Street, #2-A Alexandria, VA 22314	American Assn of Classified School Employees	1,650.00	
Do	California Franchise Tax Board	1,190.00	
Do	California Public Employees' Retirement System	5,975.00	
Do	California State Senate	656.25	
Do	Pacific Stock Exchange, Inc	2,600.00	
Do	Regional Stock Exchanges Coalition		
Do	Sacramento Metropolitan Water Authority	1,050.00	
Do	State Board of Equalization (Calif)	953.00	
Ralph Vinovich, 1875 Eye Street, NW, #800 Washington, DC 20006	Tobacco Institute	1,000.00	38.15
Vinson & Elkins, 1455 Pennsylvania Ave., NW, #700 Washington, DC 20004-1008	Alliance for Business Investment	125,000.00	
Do	Attorneys' Liability Assurance Society, Inc		
Do	Bank Tax Group		
Do	Cheyne Walk Trust	35,780.00	
Do	Cook Inlet Region, Inc	20,265.00	
Do	Federal Express Corp		
Do	Goldman Sachs & Co		
Do	Large Public Power Council		
Do	Merrill Lynch & Co, Inc		
Do	Panhandle Eastern Corp		
Do	Scott & White Clinic		
Do	Texas Veterans Land Board	7,910.00	
Do	X L Insurance Company		
Walter D. Vinyard Jr., Vinyard and Associates 555 13th St., NW, #800 East Washington, DC 20004	Lutheran Brotherhood	12,000.00	
Do	Mennonite Mutual Aid Assn	9,000.00	
Joseph A. Violante, 807 Maine Avenue, SW Washington, DC 20024	Disabled American Veterans	17,422.67	
Virginia Association of Railway Patrons, P.O. Box 867 Richmond, VA 23207		11.02	11.02
Dina Vizzaccaro, 1401 H Street, NW, #900 Washington, DC 20005	American Automobile Manufacturers Assn	7,832.00	304.00
David Vladeck, 2000 P Street, NW Washington, DC 20036	Public Citizen	1,200.00	
John R. Vogt, 1445 New York Avenue, NW, 8th Floor Washington, DC 20005	Public Securities Assn	10,000.00	292.96
David K. Voight, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce	2,500.00	
Ronnie R. Volkening, 2711 North Haskell Ave. Dallas, TX 75204-2906	Southland Corp		3,307.23
Douglas K. Vollmer, 801 18th St., NW Washington, DC 20006	Paralyzed Veterans of America	25,095.61	
Ian D. Volner, 1201 New York Ave., NW, #1000 Washington, DC 20005	Venable Baetjer Howard & Civiletti (For:Career College Assn)		
Do	Venable Baetjer Howard & Civiletti (For:Direct Marketing Assn)		
Do	Venable Baetjer Howard & Civiletti (For:USA Networks)		
Ingrid A. Voorhees, 1801 K Street, NW, Suite 400K Washington, DC 20006	Arter & Hadden (For:Nintendo of America)		
Kurt Vorndran, 1126 16th Street, NW Washington, DC 20036	International Union of Electrical Workers	13,000.00	
Vorys Sater Seymour & Pease, 1828 L Street, NW, #1111 Washington, DC 20036	Clinton Gas Systems, Inc		
Do	Committee of Publicly Owned Companies	1,587.85	69.87
Do	Community Mutual Insurance Company	6,717.50	196.24
Do	Fraternal Order of Police - National Headquarters	61.29	362.95
Do	Fraternal Order of Police - Postal Police	570.00	37.03
Do	Grocery Manufacturers of America, Inc		
Do	Honda North America, Inc	4,912.50	60.28
Do	Ohio Advanced Technology Center, Inc	284.82	7.80
Do	Ohio Assn of Broadcasters	174.97	36.99
Do	Ohio Cable Television Assn	103.28	76.48
Do	Ohio Corporation for Health Information	285.00	5.00
Do	Ohio Forestry Assn		
Do	Ohio Manufacturers Assn		
Do	Ohio Soft Drink Assn		
Do	Ohio Supercomputer Center	4,868.75	122.21
Do	Recyclers of Copper Alloy Products	16,768.90	525.66
Do	Snow Aviation International, Inc		
Frank J. Voyack, 1750 New York Ave., NW Washington, DC 20006	International Assn of Bridge Struct & Ornamental Iron Wkrs	24,882.59	1,936.94
Richard E. Vuernick, 1730 Rhode Island Ave., NW, #403 Washington, DC 20036	Citizen Action Fund	3,200.00	86.00
John A. Vuono, Vuono Lavelle & Gray 2310 Grant Building Pittsburgh, PA 15219	Procompetitive Rail Steering Committee		
Thomas D. Wacker, 2626 Pennsylvania Avenue, NW Washington, DC 20037	National Telephone Cooperative Assn	5,000.00	271.76
Rex B. Wackerle, 1101 17th Street, NW, #1002 Washington, DC 20036	Bank of America		13,931.19
Sadami Wada, 9 West 57th Street New York, NY 10019	Sony Corp of America		
Robert Waffle, 4214 King Street, West Alexandria, VA 22302	International Hardwood Products Assn (IHPA)	675.04	922.80
James Frederick Wagenlander, 1700 Broadway, #1202 Denver, CO 80290-1201	Campaign to Save Indian Programs	6,000.00	
Joan Wages, 913 East Taylor Run Parkway Alexandria, VA 22302	Cash Smith & Wages (For:Association of Professional Flight Attendants)	6,000.00	925.00
Do	Cash Smith & Wages (For:Independent Federation of Flight Attendants)	3,000.00	1,142.00
Jennifer C. Wagner, 1150 Connecticut Ave., NW, Suite 1125 Washington, DC 20036	Financial Executives Institute	2,325.00	
James Wagoner, 1156 15th Street, NW, 7th Floor Washington, DC 20005	National Abortion Rights Action League (NARAL)	25,541.77	
Frederick P. Waite, 1275 Pennsylvania Avenue, NW, Suite 1100 Washington, DC 20004-2404	Popham Haik Schnobrich & Kaufman, Ltd (For:American Wire Producers Assn)		
Do	Popham Haik Schnobrich & Kaufman, Ltd (For:Chiquita Brands International)		
Herbert R. Waite, 1036 South Collier Blvd., #105 Marco Island, FL 33937	Bankers Roundtable		
Do	J.P. Morgan/Morgan Guaranty Bank		
Susan Stephenson Walden, 1350 Eye Street, NW, #810 Washington, DC 20005	Johnson & Johnson	375.00	
Doug Walgren, 8312 Hunting Hill Lane McLean, VA 22102	Institute of Scrap Recycling Industries, Inc	12,500.00	
Do	National Medical Care	12,000.00	
Gerald M. Walker, 1401 Eye Street, NW, Suite 1200 Washington, DC 20005	Chevron Companies	1,000.00	
Kelley Walker, 3050 K Street, NW, Suite 330 Washington, DC 20007	National Club Assn	400.00	
Robert J. Walker, 1225 Eye Street, NW, Suite 1100 Washington, DC 20005	Handgun Control, Inc	1,851.55	
Walker/Potter Associates, Inc, 1730 Pennsylvania Ave., NW Washington, DC 20006	American Nuclear Energy Council		
Do	American Petroleum Institute	1,875.00	
Do	American Telephone & Telegraph Co		
Do	Broadcast Music, Inc	15,000.00	
Do	Coalition on Superfund		
Do	Federal Home Loan Mortgage Corp		
Do	Kennecott Corp	3,750.00	
Do	Mexican Department of Commerce & Industrial Development	1,046.00	
Do	Mid Continent Oil and Gas Assn		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	MBNA America Bank NA	3,600.00	
Do	Northville Industries Corp	5,000.00	
Do	Northwestern Mutual Life Insurance Co		
Do	NEDA/RCRA Project	750.00	
Do	Sony Music Entertainment, Inc	5,000.00	
Do	Sony Pictures Entertainment, Inc	5,000.00	
Do	Southern Company Services, Inc	625.00	
Do	United HealthCare, Inc		
Do	USA Group, Inc	1,500.00	
Do	Wheelabrator Envrionmental Systems, Inc, et al.	1,250.00	
R. Duffy Wall & Associates, Inc, 601 13th Street, NW, #410 South Washington, DC 20005	Ad Hoc Comm on Coal Taxation	1,000.00	
Do	Allied-Signal, Inc		
Do	American Crop Protection Assn	1,000.00	
Do	American Forest & Paper Assn	1,000.00	
Do	Bell Atlantic Corp	1,500.00	
Do	Boston Scientific Corp		
Do	BHP Holdings (USA), Inc	1,000.00	
Do	BP America	1,000.00	
Do	Chambers Development Co, Inc		
Do	Cominco, Ltd		
Do	Committee on Radioisotopes & Radionucleide Industries II	500.00	
Do	Committee on Radioisotopes and Radiopharmaceuticals I	1,000.00	
Do	CIBA-GEIGY Corp	500.00	
Do	EcoScience Corp	500.00	
Do	Environmental Transportation Assn, et al.	1,000.00	
Do	Ernst & Young	3,000.00	
Do	ENERCO & Affiliates	1,000.00	
Do	Footwear Distributors and Retailers of America	1,500.00	
Do	Hazelden Foundation	1,000.00	
Do	Hong Kong Trade Development Council	2,500.00	
Do	Horsham Corp	200.00	
Do	Kimberly-Clark Corp	500.00	
Do	NovaCare, Inc	1,000.00	
Do	Peabody Holding Co, Inc	500.00	
Do	Pharmaceutical Research and Manufacturers of America	1,000.00	
Do	Pittston Group	1,000.00	
Do	Sandoz Agro, Inc	1,000.00	
Do	Seattle Disposal/RABANCO	1,000.00	
Do	State of California	500.00	
Do	Torchmark Corporation	1,000.00	
Do	Water Quality Assn	250.00	
Mary L. Wallace, 7272 Wisconsin Avenue Bethesda, MD 20814	American Soc of Hospital Pharmacists	8,748.00	
Nancy Wallace, 408 C Street, NE Washington, DC 20002	New York Mercantile Exchange	6,000.00	700.00
Richard Wallace, 1000 Wilson Boulevard, Floor 30 Arlington, VA 22209	ITT Defense & Electronics	1,000.00	50.00
Charles S. Walsh, Fleischmen & Walsh 1400 16th Street, NW Washington, DC 20036	National Cable Television Assn, Inc	1,600.00	
Richard J. Walsh, 6770 Lake Ellenor Drive Orlando, FL 32809-3330	General Mills Restaurants, Inc	1,687.50	50.82
Sarah J. Walsh, 1500 K Street, NW, #650 Washington, DC 20005	Glaxo, Inc	1,000.00	100.00
Susan M. Walter, 1299 Pennsylvania Ave., NW, Suite 1100 Washington, DC 20004	General Electric Co	10,000.00	450.00
James Waltman, 666 Pennsylvania Ave., SE Washington, DC 20003	National Audubon Society		
H. Steven Walton, 2777 Allen Parkway, #700 Houston, TX 77019	Sanifill, Inc		
John C. Walton, 1401 North Oak Street, #302 Arlington, VA 22209	John E. Chance & Associates, Inc	6,000.00	
Do	General Dynamics Corp	15,000.00	
Do	Grumman Corporation	14,166.66	1,115.66
Do	National Assn of Dredging Contractors	15,000.00	
Do	National Rifle Assn of America		
Do	Textron, Inc	15,000.00	1,296.47
Do	Thiokol Corp	15,000.00	161.23
Do	TRW, Inc	25,000.00	310.98
Bonnie B. Wan, 700 11th Street, NW, Suite 660 Washington, DC 20001	Kimberly-Clark Corp		
Thomas E. Wanley, 1019 19th Street, NW, Suite 1100 Washington, DC 20036	Personal Communications Industry Assn	2,850.00	902.74
Russell Wapensky, 1000 Thomas Jefferson Street, NW, #609 Washington, DC 20007	Leonard Ralston Stanton & Danks (For:Save the Greenback Assn)	56,250.00	
Alan S. Ward, 1050 Connecticut Ave., NW, #1100 Washington, DC 20036	Baker & Hostetler (For:Soap & Detergent Assn)		
Craig A. Ward, 1101 16th Street, NW Washington, DC 20036	Independent Petroleum Assn of America		30.00
Gregg Ward, 1001 G Street, NW, 6th Floor East Washington, DC 20001-4545	Southern California Gas Co		
Michael D. Ward, c/o Virginia Petroleum Council, 701 E. Franklin Street, #105 Richmond, VA 23219	American Petroleum Institute	300.00	680.94
Stephen E. Ward, 1401 Eye Street, NW, Suite 1030 Washington, DC 20005	Shell Oil Company	2,500.00	
Barbara F. Warden, 1757 N Street, NW Washington, DC 20036	International Union United Auto Aerospace & Ag. W of A(UAW)	18,725.24	201.60
Robert A. Warden, 1331 F Street, NW, #400 Washington, DC 20004	Public Employees Retirement Assn of Colorado		
Michael A. Waring, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	1,500.00	310.51
Ann D. Warner, 1775 K Street, NW, #500 Washington, DC 20006	Airports Council International - North America	9,000.00	
James H. Warner, 11250 Waples Mill Road Fairfax, VA 22030	National Rifle Assn of America		
David E. Warr, 655 15th Street, NW, #410 Washington, DC 20005	Bristol-Myers Squibb Company	1,000.00	
Barbara Warren, 101 Truman Avenue Yonkers, NY 10703-1057	Consumers Union	15.00	10.00
David L. Warren, 1025 Connecticut Ave., NW, #700 Washington, DC 20036	National Assn of Independent Colleges & Universities	3,741.00	
Ms. Tristan Carter Warren, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	8,000.00	332.79
Kenneth Wasch, 1730 M Street, NW, Suite 700 Washington, DC 20036	Software Publishers Assn	6,100.00	75.00
Michael D. Wascom, 412 First Street, SE Washington, DC 20003	National Automobile Dealers Assn	3,500.00	
Barbara J. Washburn, 1660 L Street, NW, #400 Washington, DC 20036	General Motors Corp	3,000.00	2,826.60
Gregory J. Washington, 1050 17th Street, NW, Suite 500 Washington, DC 20036	Texaco, Inc		
Sheryl Washington, 316 Pennsylvania Avenue, SE Washington, DC 20003	United Parcel Service	5,000.00	71.25
Robert A. Waspe, P.O. Box 1417-D49 Alexandria, VA 22313-1417	National Assn of Chain Drug Stores		
Mary Kirtley Waters, 888 17th Street, NW, #300 Washington, DC 20006	ConAgra, Inc	15,000.00	1,011.21
Matthew J. Waters, 12333 Strong Street Fairfax, VA 22033	60/Plus Assn, Inc	6,194.00	
Rosemarie Watkins, 600 Maryland Ave., SW, #800 Washington, DC 20024	American Farm Bureau Federation	7,500.00	84.00
Robbi-Lynn Watnik, 1050 17th Street, NW, Suite 700 Washington, DC 20036	Healthcare Financial Management Assn		97.13
John L. Watson III, One World Trade Center, #4511 New York, NY 10048	Security Traders Assn, Inc	4,068.00	
George B. Watts, 1155 15th St., NW, #614 Washington, DC 20005	National Broiler Council	2,000.00	
Bruce H. Watzman, 1130 17th Street, NW Washington, DC 20036	National Coal Assn	10,875.00	34.17
Judith G. Waxman, 2913 Cathedral Ave., NW Washington, DC 20008	Families USA Foundation	1,707.13	201.00
Wear & Associates, 888 16th Street, NW, Suite 300 Washington, DC 20006	Chemical Speciality Manufacturers Assn	12,000.00	
Do	Intermedia Partners		
Do	International Dairy Foods Assn	5,000.00	
William H. Weatherspoon, North Carolina Petroleum Council 150 Fayetteville St. Mall Raleigh, NC 27601-2919	American Petroleum Institute	1,000.00	578.31
Barbara G. Webb, 600 Maryland Avenue, SW, Suite 202W Washington, DC 20024	Farmers Educational and Co-Operative Union of America		
R. Clifton Webb, 1701 Pennsylvania Ave, NW Washington, DC 20006	E.I. duPont de Nemours & Co, Inc		
Sandra M. Webb, 1150 18th Street, NW, #200 Washington, DC 20036	Halliburton Co		
Andrew H. Webber, 810 First Street, NE, #410 Washington, DC 20002	American Medical Peer Review Assn		
Margaret L. Webber, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn	3,750.00	251.21
Jack Weber, 1301 Pennsylvania Ave., N.W. #900 Washington, DC 20004	Natural Disaster Coalition	63,000.00	625.00
William R. Weber, 50 F Street, NW, Suite 900 Washington, DC 20001	Farm Credit Council	1,400.00	3,200.00
Webster Chamberlain & Bean, 1747 Pennsylvania Ave., NW, #1000 Washington, DC 20006	International Taxicab and Livery Assn	1,000.00	
Earl Weeks, P.O. Drawer 351 Columbus, MS 39703	4-County Electric Power Assn	1,090.38	1,771.84
Jennifer R. Weeks, 1616 P Street, NW, #310 Washington, DC 20036	Union of Concerned Scientists		
Robert K. Weidner, 2300 M Street, NW, #900 Washington, DC 20037	Andalex Resources, Inc	5,000.00	
Do	BP Alaska	1,000.00	
Do	Envirocare of Utah		
Do	James W. Bunger & Associates		
Do	Rural Utah Public Lands Council	12,000.00	1,800.00
Weinberg Bergeson & Neuman, 1300 Eye Street, NW, #1000 West Washington, DC 20005	Battery Council International	57.50	14.38
Do	National Assn for Plastic Container Recovery (NAPCOR)		
Do	Portable Rechargeable Battery Association		
Robert A. Weinberger, 816 Connecticut Ave., NW Washington, DC 20006	Unilever U.S., Inc	3,000.00	182.00
Heather Weiner, 1101 14th Street, NW, #1400 Washington, DC 20005	Defenders of Wildlife	376.44	
Stanley P. Weiner, One Kansas City Place 1200 Main Street, #3000 Kansas City, MO 64105	Shook Hardy & Bacon, P.C.		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Donald G. Weinert, 1420 King St. Alexandria, VA 22314-2715	National Society of Professional Engineers	1,500.00	
Kurt Weinrich, 301 East Clark Avenue, Suite 300 Las Vegas, NV 89101	Regional Transportation Commission	6,396.66	3,508.66
Arthur A. Weiss, One Woodward Avenue, Suite 2400 Detroit, MI 48226	Jaffe Raitt Heuer & Weiss, P.C.		
Kathleen Weiss, 299 Park Avenue New York, NY 10171	Westvaco Corp		2,496.32
Walter F. Weiss, 1762 Church Street, NW Washington, DC 20036	American Foreign Service Assn	5,400.00	
John F. Welch, 655 15th Street, NW, #1200 Washington, DC 20005	Safe Buildings Alliance		
William J. Welch, 701 Pennsylvania Ave., NW, Suite 710 Washington, DC 20004	Tenneco, Inc		
Brad G. Welling, 1455 Pennsylvania Ave., NW, Suite 900 Washington, DC 20004	American International Group, Inc	3,000.00	50.00
Arnold Wellman, 316 Pennsylvania Ave., SE, #304 Washington, DC 20003	United Parcel Service	3,280.00	
Kent M. Wells, 1401 I Street, NW, Suite 1100 Washington, DC 20005	Southwestern Bell Corp	15,000.00	3,183.62
Robert C. Wells, 1101 Pennsylvania Ave., NW, #1000 Washington, DC 20004	Citicorp Washington, Inc	1,483.00	
Margaret A. Welsh, 2101 L Street, NW, #405 Washington, DC 20037-1526	Electric Generation Assn	24.04	
Michael L. Welsh, Executive Mews, Suite D-20 Cherry Hill, NJ 08003	Welsh Consulting Corporation		
Frederick C. Wendorf, 801 Pennsylvania Ave., NW, #352 Washington, DC 20004	Central & South West Corp	1,206.25	2,393.00
Thomas F. Wenning, 1825 Samuel Morse Dr. Reston, VA 22090	National Grocers Assn	500.00	
David Wentworth, 1001 Pennsylvania Ave., NW Washington, DC 20004-2599	American Council of Life Insurance		
Fred Wertheimer, 2030 M St., NW Washington, DC 20036	Common Cause	19,670.04	1,715.00
James K. Wessel, 1800 M Street, NW, #325 South Washington, DC 20036	Dow Corning Corp	5,000.00	8.00
Charles M. West, 205 Daingerfield Road Alexandria, VA 22314	National Assn of Retail Druggists	1,500.00	300.00
Ford B. West, 501 Second Street, NE Washington, DC 20002	Fertilizer Institute	25,000.00	442.47
G. Franklin West, 1530 North Key Blvd., #122 Arlington, VA 22209	Church Alliance	21,000.00	
Do	Oklahoma Natural Gas	15,000.00	
William Preston West Jr., 1200 18th Street, NW, #200 Washington, DC 20036	National Business Aircraft Assn	3,960.00	1,365.23
Western Coal Traffic League, 1224 17th St., NW Washington, DC 20036		25,000.00	25,000.00
Westland Development Co, Inc, 401 Coors Boulevard, NW Albuquerque, NM 87121		1,718.75	5,913.99
Timothy M. Westmoreland, 1364 G Street, SE Washington, DC 20003	Pediatric AIDS Foundation	1,350.00	
Joseph J. Westwater, 1 Massachuseets Avenue, N.W., #800 Washington, DC 20001	McLeod Watkinson & Miller (For:DEIP Coalition)	2,157.00	
John F. Wetzel Jr., 50 F St., NW Washington, DC 20001	Association of American Railroads	2,792.94	251.74
Brian B. Whalen Jr., 455 North Cityfront Plaza Drive Chicago, IL 60611	Navistar International Transportation Corp	10,000.00	849.88
Curtis E. Whalen, 1600 Wilson Blvd., #1000 Arlington, VA 22209	American Waterways Operators, Inc	13,000.00	5,802.41
Larry Wheeler, 1100 Wilson Blvd. Arlington, VA 22209	Hughes Aircraft Company	210.00	
Sandra Wheeler, 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	6,169.00	
Thomas E. Wheeler, 1250 Connecticut Ave., NW, 2nd Floor Washington, DC 20036	Cellular Telecommunications Industry Association		
June M. Whelan, 1899 L Street, NW, Suite 1000 Washington, DC 20036	National Petroleum Refiners Assn	4,000.00	
Michael G. Whitaker Sr., P.O. Box 66100 Chicago, IL 60666	United Air Lines, Inc		
Bernard H. White, The White Group 333 Clay Avenue, #710 Houston, TX 77002-4086	Zapata Protein, Inc	12,600.00	4,754.00
George E. White Jr., 706 Lowerline St New Orleans, LA 70118	Avondale Industries, Inc	25,344.00	12,264.00
Jerrildine Reed White, 1667 K Street, NW, #210 Washington, DC 20006	Rohm & Haas Company		
John C. White, White Consulting Group 2000 M Street, NW, #380 Washington, DC 20036	AMGEN, Inc		
Do	Coastal Corporation		
Do	Goldman Sachs & Co		
Joyce White, 222 NW Davis, #309 Portland, OR 97209	Oregon Trail Coordinating Council	511.67	
Larry White, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	10,828.57	
Margita E. White, 1776 Massachusetts Avenue, NW, Suite 310 Washington, DC 20036	Association for Maximum Service Television, Inc		
Raymon M. White Jr., 5501 Seminary Road, Apt. 2211-South Falls Church, VA 22041	Harris Corporation	6,000.00	1,976.51
Richard H. White, 1875 I Street, NW, #800 Washington, DC 20006	Tobacco Institute	1,000.00	64.31
Sam White, 1156 15th Street, NW, #400 Washington, DC 20005	American Crop Protection Assn		
Steven C. White, 10801 Rockville Pike Rockville, MD 20852	American Speech-Language-Hearing Assn		
Toni D. White, 1745 Jefferson Davis Highway, #605 Arlington, VA 22202	Texas Instruments, Inc	1,131.00	
Susan J. White & Associates, 1111 North Pitt Street, Suite 2-B Alexandria, VA 22314	County of Los Angeles	25,500.00	4,149.27
Do	Cuyahoga County	9,731.25	1,069.94
Whiteford Taylor & Preston, 888 17th St., NW, #400 Washington, DC 20006	National Constructors Association	6,666.66	4,259.09
David W. Whitehead, 6200 Oak Tree Boulevard Independence, OH 44131	Centerior Energy Corp	1,462.50	1,593.53
K. Elizabeth Whitehead, 1420 New York Avenue, NW, #750 Washington, DC 20005-2122	Acxiom Corp	25.00	
Do	Institute of Scrap Recycling Industries, Inc		
Do	Metropolitan Life Insurance Co		
Do	National Assn of Professional Employer Organizations	25.00	
Richard M. Whiting, 805 15th Street, NW——#600 Washington, DC 20005	Bankers Roundtable	3,620.50	
William F. Whitsitt, 1440 New York Avenue, NW Washington, DC 20005	Oryx Energy Company	213.00	
Larry H. Whitt, 9111 E. Douglas Wichita, KS 67207	Pizza Hut, Inc	225.00	3,099.80
Pamela J. Whitted, 1225 Eye Street, NW, #500 Washington, DC 20005	BHP Petroleum Americas	500.00	
Whitten & Diamond, 1725 DeSales St., NW, #800 Washington, DC 20036	City of Philadelphia	15,000.00	278.00
Do	Health Trust, Inc	2,500.00	60.51
Do	McDonald's Corp	4,000.00	172.45
Do	Mormac Marine Group		
Do	National Rural Letter Carriers Assn		
Do	Pioneer Seed Co, Inc	2,000.00	377.24
Whitworth & Associates, 801 Pennsylvania Ave., NW, #747 Washington, DC 20004	Mesa, Inc	6,000.00	
Do	Natural Gas Vehicle Coalition	6,000.00	
Jeff Whorley, 1701 K Street, NW, #400 Washington, DC 20006	USA Group, Inc	1,500.00	137.00
William E. Wickert Jr., 1667 K Street, NW, #600 Washington, DC 20006	Bethlehem Steel Corp	100.00	
James Wickett, 600 Maryland Avenue, SW, Suite 700 Washington, DC 20024	National Fed of Independent Business	3,401.00	200.00
Barbara Wierzynski, 2001 Pennsylvania Ave., NW, #600 Washington, DC 20006-1807	Futures Industry Assn, Inc	1,500.00	
Wiggin & Dana, One Century Tower P. O. Box 1832 New Haven, CT 06508-1832	Villa Banfi, U.S.A.	120.00	
Robert Wigington, 1775 K Street, NW, #500 Washington, DC 20006	Airports Council International - North America	19,125.00	
W. Scott Wilber, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn	3,975.00	
W. Stephen Wilborn, 305 Ann Street, #403 Frankfort, KY 40601	American Petroleum Institute		
Robert H. Wilbur, 1200 19th Street, NW, #300 Washington, DC 20036-2401	Smith Bucklin & Associates (For:Amusement & Music Operators Assn)	200.00	
Do	Smith Bucklin & Associates, Inc (For:Society of Thoracic Surgeons)	1,000.00	
Harry G. Wiles II, 1023 15th St., NW, # 400 Washington, DC 20005	Wine & Spirits Wholesalers of America, Inc		
Wiley Rein & Fielding, 1776 K Street, NW, 12th Floor Washington, DC 20006	Aeronautical Radio, Inc		
Do	Association of Telemessaging Services, International	3,012.50	50.00
Do	A.H. Belo Corp	2,167.50	49.25
Do	Blade Communications, Inc		
Do	Cable & Wireless, Inc	6,675.00	
Do	CBS, Inc	1,450.00	
Do	COMSAT Corp	280.00	2.00
Do	Discovery Communications, Inc	2,175.00	
Do	Electronic Messaging Assn	2,748.00	29.00
Do	Gannett Company, Inc	2,212.00	20.00
Do	David S. Hess	2,280.00	
Do	Information Technology Industry Council	212.50	
Do	League of American Theatres & Producers	250.00	
Do	Marine Mammal Coalition		
Do	MassMutual Life Insurance Co	275.00	
Do	McGaw, Inc		
Do	Metropolitan Life Insurance Co	1,375.00	139.10
Do	Mobile Telecommunications Technologies Corp		
Do	Motorola Telecommunications	1,012.50	
Do	National City Bank		
Do	Newspaper Assn of America (NAA)	20,838.75	78.41
Do	Olan Mills, Inc		
Do	Owens-Corning, Inc	7,477.50	241.53
Do	Personal Communications Industry Assn		
Do	Prodigy Services Company	1,237.50	28.00
Do	Professional Photographers of America		
Do	Ruddy Institute for Maritime Communications		
Do	U.S. Banknote Corp		
Do	U.S. Sprint Communications Co		
Do	United Parcel Service	18,070.00	199.07
Do	UtiliCorp United	5,631.00	25.00
Do	UTAM, Inc	6,015.50	141.01
Do	VIACOM, International	3,127.25	38.00
Do	Washington Citizens for World Trade	25,952.00	401.42

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Westinghouse Electric Co, Inc	545.00	2.00
Do	W.F. Young, Inc		
Guenther O. Wilhelm, 2001 Pennsylvania Ave., NW, #300 Washington, DC 20006-1813	Exxon Corporation		
Carl B. Wilkerson, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
Laurie L. Wilkerson, 1801 K Street, NW, Suite 400K Washington, DC 20006-1301	Arter & Hadden (For:American Insurance Assn)		
Do	Arter & Hadden (For:Central South West Corp)		
Do	Arter & Hadden (For:Hearst Corp)		
Do	Arter & Hadden (For:Tesoro Petroleum)	50.00	
Do	Arter & Hadden (For:U.S. Long Distance Corp)		
Julia Bullard Wilkie, 206 E Street, NE Washington, DC 20002	National Roofing Contractors Assn	2,625.00	1,046.50
Charles S. Wilkins, 1225 Eye Street, NW, Suite 601 Washington, DC 20005	National Corp for Housing Partnerships	16,875.00	153.00
Timothy C. Wilkins, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn	2,000.00	
E. John Wilkinson, 1899 L Street, NW, #500 Washington, DC 20036	Vulcan Materials Co	1,700.00	540.00
Wilkinson Barker Knauer & Quinn, 1735 New York Ave., NW Washington, DC 20006	Acxiom Corp	2,300.00	124.48
Do	Aetna Life Insurance		
Do	American Airlines, Inc		
Do	Bank of America		
Do	Bank of Boston		
Do	Barnett Banks, Inc		
Do	First Interstate Bank		
Do	Fleet Financial Group, Inc	12,000.00	1,421.44
Do	Northwest Hydroelectric Assn	2,100.00	103.00
Do	RECOLL Management Corp		
Do	RMJ Options Trading Corp		
Do	Solano Water Authority		
Do	Suntrust Banks, Inc		
Do	Synergics Energy Development, Inc		
Do	Turlock Irrigation District	7,640.50	790.00
Do	VISA USA, Inc		
Do	Wachovia Bank and Trust		
Do	Wells Fargo & Company		
Will Cofer Associates, Inc, 4001 Pine Brook Road Alexandria, VA 22310			
Caroleen Williams, P.O. Box 85608 San Diego, CA 92186	General Atomics	640.00	
Jack L. Williams, 451 New Jersey Avenue, SE Washington, DC 20003	Ark-Best Co	1,200.00	425.00
Do	Arkansas Louisiana Gas Co (ARKLA)	1,025.00	400.00
Do	Electro Com Automation, Inc	1,200.00	300.00
Do	Mid-American Dairymen, Inc	1,175.00	300.00
Do	National Marine Manufacturers Assn	950.00	550.00
Do	Pacific Telesis Group	1,200.00	225.00
Do	Riceland Foods, Inc	1,200.00	175.00
Do	Tyson Foods, Inc	875.00	200.00
Joel C. Williams Jr., P.O. Box 339 Savannah, GA 31402-0339	Savannah Foods & Industries, Inc	300.00	150.00
Karen Williams, 1100 15th Street, NW Washington, DC 20005	Pharmaceutical Research & Manufacturers of America	4,000.00	
Leonard B. Williams, 1615 M Street, NW, #200 Washington, DC 20036	Amoco Corporation	50.00	139.91
Marshall Williams, Box 1000, Building A3 Leavenworth, KS 66048	Lobby Quorum International		
Michael E. Williams, 11250 Waples Mill Road Fairfax, VA 22030	National Rifle Assn of America	1,500.00	604.98
Patricia Williams, 1400 16th Street, NW Washington, DC 20036-2266	National Wildlife Federation	6,797.61	
Richard T. Williams, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn	2,000.00	
Robin L. Williams, 1667 K St., NW, #210 Washington, DC 20006	Rohm & Haas Co	500.00	174.27
W. Jackson Williams, 111 Center Street, 22nd Floor Little Rock, AR 72201	Williams & Anderson (For:Education Finance Council)	30.00	836.00
Williams & Connolly, 725 12th Street, NW Washington, DC 20005	Hatco Corporation	230.00	222.76
Williams & Jensen, P.C., 1155 21st Street, NW, #300 Washington, DC 20036	American Home Products	4,946.50	20.40
Do	Association for the Cure of Cancer of the Prostate		
Do	Robert M. Bass Group	2,257.50	
Do	Boots Pharmaceuticals	185.00	
Do	British Petroleum, plc	632.50	
Do	California Recycling Co		
Do	Century 21 Real Estate Corp		
Do	Coalition for Global Investors (CGI)		
Do	Coalition for Responsible Packaging		
Do	College Board		
Do	Colonial Pipeline Company	1,365.00	
Do	Continental Airlines Holding, Inc.	3,110.00	81.97
Do	Credit Suisse Financial Products USA		
Do	CIGNA Corp	4,970.00	12.88
Do	CS First Boston (First Boston Corp)	4,770.00	1.66
Do	Dreyfus Corp		
Do	DuPont Merck		
Do	Estee Lauder, Inc	515.00	
Do	First Federal Savings & Loan Assn of Rochester		
Do	Genentech	2,667.50	
Do	Genzyme Corporation		
Do	Greenwich Capital Markets, Inc		
Do	Kelly Appleman Hart & Hallman		
Do	Keystone Provident Life Insurance Co		
Do	King Farm Partnership		
Do	National Assn of Rehabilitation Agencies		
Do	National Board for Professional Teaching Standards		
Do	National Soft Drink Assn	587.50	
Do	Norfolk Southern Corp	350.00	2.63
Do	Normandy Foundation		
Do	Oklahoma Gas & Electric Co	2,400.00	80.49
Do	Owens-Illinois, Inc	1,130.00	36.15
Do	Pharmaceutical Manufacturers Assn	2,700.00	9.80
Do	Physician Corp of America		
Do	Pittston Co	3,890.00	38.28
Do	Recording Industry Assn of America, Inc	5,057.50	34.68
Do	Sega of America, Inc		
Do	Southern Pacific Transportation Co	5,900.00	77.74
Do	Southwest Airlines	5,650.00	41.03
Do	Student Loan Marketing Assn (Sallie Mae)	2,915.00	29.79
Do	Texaco, Inc	257.50	
Do	Turner Broadcasting System, Inc	4,692.50	19.34
Do	TTX Company	4,655.00	32.50
Do	Universal Foods, Inc		
Do	USAA Financial Service Co	2,807.50	32.39
Do	Zeneca Pharmaceuticals Group	185.00	4.14
Fred H. Williamson, 1250 H Street, NW, Suite 800 Washington, DC 20005	Eastman Kodak Company	500.00	37.00
Roy W. Willis, 1101 16th Street, NW Washington, DC 20036	Independent Petroleum Assn of America		
Wayne D. Willis, 1100 17th Street, NW, #1200 Washington, DC 20036	General Atomics	1,085.05	104.42
Willkie Farr & Gallagher, 1155 21st Street, NW, #600 Washington, DC 20036	American Institute of Certified Public Accountants	357.50	
Do	Association of Directory Publishers	5,467.50	
Do	Browning-Ferris Industries, Inc	120.00	
Do	Chemical Leaman Corp		
Do	Comcast Corporation	7,327.50	
Do	Council of Appraisal & Property Professional Societies		
Do	El Alcalde de la Ciudad Capital	3,720.00	
Do	Hispanic Information & Telecommunications Network	887.50	
Do	Katama Yachts, Inc	670.00	
Do	Morgan Guaranty Trust Co	5,491.00	204.18
Do	National Assn of Independent Fee Appraisers	540.00	
Do	Sony Electronics, Inc		
Do	Standard Commercial Tobacco Co, Ltd		
Do	Tele-Communications, Inc	26,100.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Telecommunications Industry Assn	2,875.00	
Do	Time Warner	16,250.00	
Do	Westinghouse Electric Corp	14,963.00	89.35
Do	Yamaha Motor Co, Ltd, et al.		
Do	Yamaha Motor Manufacturing Corp of America		
Wilmer Cutler & Pickering, 2445 M Street, NW Washington, DC 20037-1420	Alliance for Reasonable Regulation		
Do	Atlantic Gulf Communities	1,219.00	
Do	AMGEN, Inc	2,940.00	
Do	Business Roundtable		
Do	Capital Cities/ABC, Inc		
Do	Chemical Manufacturers Assn, Inc	1,122.00	
Do	Clean Air Action Corp	2,275.00	
Do	Computer Systems Policy Project		
Do	Council for Responsible Nutrition		
Do	G-4 Children's Coalition		
Do	Health Industry Manufacturers Assn	4,447.00	63.50
Do	Intellectual Property Committee		
Do	International Metals Reclamation Company, Inc		
Do	Pepsico, Inc		
Do	Tiger Management Corp	280.00	
Do	ValueVision International, Inc		
Do	E.M. Warburg Pincus & Co, Inc		10.00
Alexandra M. Wilson, 1320 19th Street, NW, Suite 200 Washington, DC 20036	Cox Enterprises, Inc		40.00
Ann Wilson, 1611 Duke Street Alexandria, VA 22314	American Movers Conference	13,000.00	
Charles D. Wilson, P.O. Box 19130 1919 South Broadway Green Bay, WI 54307-9130	Fort Howard Corp	575.02	615.50
David I. Wilson, 1801 K Street, NW, Suite 400K Washington, DC 20006	Arter & Hadden (For:Nintendo of America, Inc)		
George M. Wilson, 9739 Brassie Way Gaithersburg, MD 20879	Leisure Time Casinos & Resorts, Inc		20.15
Robert Dale Wilson, 1133 15th Street, NW, #1200 Washington, DC 20005-2710	Wilson & Wilson (For:Cadmium Council)		
Do	Wilson & Wilson (For:Hecla Mining Company)		
Scott A. Wilson, 888 16th Street, NW Washington, DC 20006	AT&T		
Do	Brown & Williamson Tobacco Corp	2,250.00	40.00
Do	Monk-Austin, Inc	656.25	36.28
Do	MCNC		
Do	Standard Commercial Tobacco Corp	656.25	36.28
John P. Winburn, 50 E Street, SE Washington, DC 20003	Winburn & Jenkins (For:American Forest & Paper Assn)		
Do	Winburn & Jenkins (For:BR Services)	750.00	
Do	Winburn & Jenkins (For:Chicago Northwestern Railroad)	750.00	
Do	Winburn & Jenkins (For:Connecticut Mutual Life Insurance Co)	1,500.00	
Do	Winburn & Jenkins (For:Equipment Leasing Assn)	1,125.00	
Do	Winburn & Jenkins (For:Fieldale Farms Corp)		
Do	Winburn & Jenkins (For:Hartford Insurance Group)	2,250.00	
Do	Winburn & Jenkins (For:Leggett & Platt)	1,050.00	
Do	Winburn & Jenkins (For:Lockheed Aeronautical Systems Co)	1,500.00	
Do	Winburn & Jenkins (For:Norfolk Southern Railroad)	1,500.00	
Do	Winburn & Jenkins (For:Pfizer, Inc)	2,250.00	
Do	Winburn & Jenkins (For:Philip Morris)	3,300.00	
Do	Winburn & Jenkins (For:Transitional Hospitals Corp)	1,875.00	
Do	Winburn & Jenkins (For:United Airlines)	2,250.00	
Do	Winburn & Jenkins (For:Viacom)	3,000.00	
Judith A. Winchester, 800 Connecticut Ave., NW, #1200 Washington, DC 20006	Lehman Brothers, Inc	4,655.00	90.00
Stephen H. Wines, 1775 K Street, NW, #200 Washington, DC 20006	Maritime Institute for Research & Industrial Development	5,734.70	
Heather Wingate, 410 First Street, SE, 2nd Floor Washington, DC 20003	National Rifle Assn of America	1,375.00	54.38
Eileen M. Winkelman, 2501 M St., NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	600.00	925.93
Joseph B. Winkelmann, Winkleman & Associates, Inc 9220 Byron Terrace Burke, VA 22015	Council for Citizens Against Government Waste	9,000.00	
David A. Winston, 1922 F Street, NW Washington, DC 20006	National Assn of Life Underwriters	1,235.18	85.00
Winston & Strawn, 1400 L Street, NW Washington, DC 20005-3502	American Airlines, Inc	9,122.50	24.38
Do	American Trucking Assn	3,923.75	157.13
Do	Carus Chemical Company		
Do	Compaq Computer Corporation		
Do	Culligan International Co		
Do	Digital Equipment Corp		
Do	James R. Elliott		
Do	Geomex Minerals, Inc		8.00
Do	Gross Pointes-Harper Woods Study Comm for Detroit City Airpt		
Do	Interbank Anonim Sirketi		
Do	International Tax Free Co	970.00	
Do	Lockheed Air Terminal, Inc	8,471.25	146.93
Do	Lockheed Corp		
Do	Martin Marietta Corp		
Do	Montgomery Watson	6,911.88	380.94
Do	National Marine Manufacturers Assn		
Do	Northern Telecom	525.00	
Do	Nuclear Energy Institute		142.46
Do	Oceaneering Space Systems		
Do	Robinson Terminal	483.75	10.00
Do	Spokane Regional Solid Waste System	685.59	10.18
Do	Stellar One Corp	1,983.75	32.00
Do	Town of Babylon	685.59	10.18
Do	Yellow Corp	8,678.75	229.25
Linda A. Winter, 1101 14th Street, NW, #1400 Washington, DC 20005	Defenders of Wildlife	837.40	67.50
Linda M. Winters, 412 First Street, SE Washington, DC 20003	National Automobile Dealers Assn	1,000.00	
Winthrop Stimson Putnam & Roberts, 1133 Connecticut Ave., NW, 1200 Washington, DC 20036	America West Airlines, Inc		
Do	Caribbean Banana Exporters Assn	2,250.00	
Do	Corporate Health Care Coalition	4,290.00	46.00
Do	Goldman Sachs & Co		
Do	Harris Chemical Group, Inc		
Do	Monsanto Co		
Do	Organization for International Investment (OFII)		4.00
Do	Schering-Plough Corp	1,595.00	37.40
Do	Singer Co		
Elizabeth Wirick, 805 15th Street, NW, #300 Washington, DC 20005	Credit Union National Assn, Inc	2,000.00	
Melanie Wisniewski, P.O. Box 020783 Miami, FL 33102-0783	Burger King Corp		
Marcia A. Wiss, 1215 17th Street, NW Washington, DC 20036	Canned & Cooked Meat Importers' Assn	120.00	4.00
Lyn M. Withey, 1101 Pennsylvania Avenue, #200 Washington, DC 20004	International Paper Co	682.00	479.25
Cynthia D. Witkin, 1212 New York Avenue, NW, Suite 500 Washington, DC 20005	American Portland Cement Alliance	9,875.00	428.47
Anne Wixom, 1130 Connecticut Ave., NW, Suite 830 Washington, DC 20036	Southern Company Services, Inc	28.50	4,249.98
S.R. Wojdak and Associates, Inc, The Bellevue - Suite 850 200 S. Broad Street Philadelphia, PA 19102	Albert Einstein Medical Center	22,500.00	1,967.43
Do	American Counseling Assn	2,500.00	
Do	AGE Westinghouse Transportation Systems, Inc	700.00	82.59
Do	Belmont Ctr for Comprehensive Treatment		61.17
Do	Braddock Medical Center		61.48
Do	Children's Hospital of Philadelphia		61.48
Do	Children's Hospital of Pittsburgh		61.48
Do	Children's National Medical Center	15,000.00	1,037.18
Do	Drexel University	15,000.00	1,006.62
Do	Episcopal Hospital		61.48
Do	Healtheast	15,000.00	896.74
Do	Hospital of University of Pennsylvania Medical Center		61.48
Do	Magee-Womens Hospital	19,500.00	594.37
Do	Magnet School Coalition, Inc	7,500.00	
Do	Mayer Brown & Platt	15,000.00	291.34
Do	Mercy Health Corporation	15,000.00	2,049.11
Do	National Assn of Urban Critical Access Hospital	45,000.00	13,304.22
Do	National Education Assn	7,500.00	517.68

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	North Philadelphia Health System		61.48
Do	Northeasatern Hospital of Philadelphia		61.17
Do	Riverside County	12,000.00	2,066.58
Do	Society for Nutrition Education	22,500.00	25.00
Do	Temple University Hospital		61.17
Do	Thomas Jefferson University Hospital		61.48
Do	University of Pennsylvania		
Henry C. Wolf, Norfolk Southern Corp. Three Commercial Place Norfolk, VA 23510	Norfolk Southern Corp		
James E. Wolf, 2020 14th St., North Arlington, VA 22201	American Standard, Inc		
J. Thomas Wolfe, 1325 G Street, NW, #1000 Washington, DC 20005	Institute of Scrap Recycling Industries	5,750.00	94.89
Patricia A. Wolff, 600 Maryland Avenue, SW Washington, DC 20024	American Farm Bureau Federation	7,500.00	141.25
Melissa A. Wolford, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	(For:American Insurance Assn)	412.23	
Charles V. Wollerton, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc	750.00	75.00
Jeffry R. Wollitz, P.O. Box 1798 Jacksonville, FL 32231	Blue Cross & Blue Shield of Florida, Inc	2,503.32	56.23
Mei Lin Wong, 800 Connecticut Avenue, NW, #1100 Washington, DC 20006	Baxter		
Burton C. Wood, 1125 15th St., NW Washington, DC 20005	Mortgage Bankers Assn of America	15,750.00	
Joel Wood, 316 Pennsylvania Avenue, S.E. #400 Washington, DC 20003	Council of Insurance Agents & Brokers	1,500.00	460.34
Jonathan B. Wood, 1275 Pennsylvania Ave., NW, #400 Washington, DC 20004	Pacific Telesis Group	13,752.00	
Lloyd Wood, 8001 Braddock Road Springfield, VA 22160	National Right to Work Committee	500.00	36.18
Mildred Wood, 2000 K Street, NW #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	3,964.00	
S. Roy Woodall Jr., 1001 Pennsylvania Ave., NW, Washington, DC 20004-2599	American Council of Life Insurance, Inc		
Terry R. Woodard, One Suffolk Square, Suite 500 Islandia, NY 11722-1543	Council for Marketing & Opinion Research (CMOR)		
Robert W. Woodbury Jr., 13 Plumbley Road Upton, MA 01568	Kollmorgen Corp		
Eileen Woodford, P.O. Box 382372 Cambridge, MA 02238-2372	National Parks & Conservation Assn	260.00	28.86
James H.B. Woodroffe III, P.O. Box 111 Tampa, FL 33601	Teco Energy, Inc	21,000.00	9,582.29
Kimberley A. Woodruff, 1155 Connecticut Ave., NW Washington, DC 20036	WMX Technologies, Inc	2,500.00	
Andrew L. Woods, 625 Indiana Avenue, NW Suite 500 Washington, DC 20004-2901	Taft Stettinius & Hollister (For:Special Committee for Health Care Reforms)		
Jerry D. Woods, 1000 Wilson Boulevard Arlington, VA 22209	Northrop Grumman	1,400.00	116.53
Robert W. Woody, 1875 Connecticut Avenue, NW, #1200 Washington, DC 20009	LeBoeuf Lamb Leiby & MacRae		
William H.L. Woodyard III, 1420 New York Avenue, NW, Suite 750 Washington, DC 20005	Metropolitan Life Insurance Co		
Woolworth Corp, 233 Broadway New York, NY 10279			130.00
Noel C. Woosley, 4647 Forbes Boulevard Lanham, MD 20706	AMVETS	6,800.00	
Calvin Lynn Wooten, 724 Oneida Street, NW Washington, DC 20007			
Willard A. Workman, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce	470.00	
Workplace Health & Safety Council, 2300 N Street, NW Washington, DC 20037		2,013.50	563.50
World Federalist Association, 418 7th Street, SE Washington, DC 20003		9,436.37	9,436.37
James Worsham, 100 Indiana Avenue, NW Washington, DC 20001	National Assn of Letter Carriers	9,575.91	
Worthington Associates, 2132 Southbay Lane Reston, VA 22091	HRM		
David L. Wray, 10 South Riverside Plaza, Suite 1460 Chicago, IL 60606	Profit Sharing Council of America		
Alan C. Wright, 925 Euclid Avenue, #1700 Cleveland, OH 44115-1405	Blue Cross of Ohio & West Virginia		
David L. Wright, Anderson Hill Rd. Purchase, NY 10577	Pepsico, Inc		
Elizabeth L. Wright, 1455 Pennsylvania Ave., NW, #375 Washington, DC 20004	Texas Instruments	1,600.00	140.00
Walter G. Wright Jr., 1420 New York Avenue, NW, Suite 750 Washington, DC 20005-2122	Institute of Scrap Recycling Industries, Inc		
Wunder Diefenderfer Cannon & Thelen, 1615 L St., NW, #650 Washington, DC 20036	Adventist Health System Sunbelt	9,000.00	316.72
Do	Air Touch Teletrac	4,500.00	39.00
Do	Alliance for Competitive Communications	31,716.36	612.56
Do	Alliance of American Insurers		
Do	American Assn of Orthodontists	5,250.00	217.85
Do	American Bus Assn	5,625.00	167.82
Do	American Forest & Paper Assn		
Do	American International Group, Inc	2,232.50	323.30
Do	American Orthotic & Prosthetic Assn	5,208.33	116.95
Do	American President Companies		
Do	American Soc of Assn Executives	5,375.00	309.82
Do	American Soc of Consultant Pharmacists	5,500.00	323.36
Do	AmeriCable	2,925.00	
Do	Ares-Serono, Inc	1,828.12	108.43
Do	BellSouth Corp	12,800.00	
Do	Belz Enterprises	1,800.00	18.72
Do	Bermuda, Government of	2,313.25	218.62
Do	Bituminous Coal Operators Assn	24,000.00	227.25
Do	Browning-Ferris Industries	4,149.30	56.41
Do	Circuit City Stores, Inc		
Do	Committee Against Revising Staggers		
Do	Computing Technology Industry Assn		
Do	Connaught Laboratories, Inc	9,000.00	369.48
Do	Construction Industry Air Quality Coalition		
Do	Crescent Cities Jaycees Foundation, Inc		
Do	CSX Corporation	800.00	
Do	Grand Metropolitan/Pillsbury	3,750.00	165.86
Do	Guam Tax Code Commission		
Do	Herbalife International of America, Inc	37,902.50	301.30
Do	HDTV 1125/60 Group		
Do	Island Development Corp		
Do	Karsten Manufacturing Co		
Do	Keen Realty Consultants, Inc		
Do	Kohlberg Kravis Roberts & Co	4,346.50	574.83
Do	Lonesome Dove Petroleum Company		
Do	Manville Corporation	130.50	
Do	Martin Marietta	7,500.00	20.38
Do	McDonnell Douglas	1,824.93	23.80
Do	Metropolitan Life Insurance Co	11,170.00	479.35
Do	Molten Metal Technology	3,150.00	1,712.28
Do	Montana Department of Transportation		
Do	(For:MFJ)	31,716.36	612.56
Do	National Assn of Beverage Retailers	2,500.00	150.74
Do	National Assn of Small Business Investment Companies	1,658.00	23.41
Do	Neurology Center		
Do	Northwestern Mutual Life Insurance Co	3,333.20	56.24
Do	NBC	15,000.00	
Do	NYNEX Corp		
Do	Prince of Fundy Cruises, Ltd		
Do	PMA Group		
Do	Rural States Federal Transportation Policy Development Grp	1,050.00	
Do	RJR Nabisco	1,950.00	106.41
Do	Siemens Transportation Systems	3,441.00	2,629.40
Do	SmithKline Beecham	6,000.00	328.05
Do	Sony Corp of America		
Do	South Dakota Dept of Transportation		
Do	St. Gobain	4,500.00	571.28
Do	Stifel Nicolaus & Co, Inc		
Do	Tobacco Industry Labor Management Committee	12,800.00	1,354.65
Do	U.S. Telephone Assn	5,000.00	
Do	Union Pacific	22,500.00	
Do	Viacom International		
Do	Waste Conversion Systems, Inc		
Do	Westinghouse Airship Industries	2,000.00	64.41
James Wyerman, 1101 14th Street, NW #1400 Washington, DC 20005	Defenders of Wildlife		
Thomas L. Wylie, 555 13th St., NW, #1010 East Washington, DC 20004-1109	Sun Co, Inc	1,519.00	400.80
H. Montee Wynn, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	3,895.86	
Buck J. Wynne, 1315 Nueces Austin, TX 78701	Polan-Ingram Advocacy Group (For:Vermont Yankee Nuclear Power Corp)	645.16	1,263.06
Edward Wytkind, 400 North Capitol Street, NW, #861 Washington, DC 20001	Transportation Trades Department, AFL-CIO	5,400.00	
WMDP Service Station & Automotive Repair Assn, 9420 Annapolis Rd., #307 Lanham, MD 20706		250.00	250.00
Marc D. Yacker, 1111 19th Street, NW, Suite 800 Washington, DC 20036	American Forest & Paper Association	650.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Jill Yacone, 1401 Eye Street, NW, Suite 600 Washington, DC 20005	United Technologies	1,800.00	1,409.28
Daniel V. Yager, 1015 15th Street, NW, #1200 Washington, DC 20005	Labor Policy Assn	4,275.00	
Do	National Court Reporters	2,450.00	24.53
John W. Yago, 1010 Massachusetts Avenue, NW Washington, DC 20001	American Road & Transportation Builders Assn	14,500.00	217.37
Deborah K. Yamada, 1020 19th Street, NW, #600 Washington, DC 20036	American Express Co	2,225.00	279.50
T. Albert Yamada, 1000 Connecticut Avenue, NW, Suite 304 Washington, DC 20036	Fresh Produce Assn of the Americas	500.00	
Do	Toyota Motor Sales, USA, Inc	500.00	
Nancy Foster Yanish, 800 Connectitut Avenue, NW Washington, DC 20006	Food Marketing Institute	400.00	
Yankee Gas Services Company, Attn: Mr. Steve Piascik 599 Research Parkway P.O. Box 1030 Meriden, CT 06450-1030			1,038.94
Mary J. Yarrington, 2000 K St., NW, 8th Foor Washington, DC 20006	National Comm to Preserve Social Security	4,509.00	
Bruce Yarwood, 1201 L Street, NW Washington, DC 20005	American Health Care Assn	25,000.00	1,478.93
Edward R. Yawn, 701 Pennsylvania Avenue, NW Washington, DC 20004-5475	Edison Electric Institute	2,771.46	509.95
Jack Yelverton, 15 Falcon Court Stafford, VA 22554-5316	United Armed Forces Assn		
Edward L. Yingling, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	14,875.00	507.99
John S. Yodice, 500 E Street, SW, #930 Washington, DC 20024	Yodice Associates (For:Aircraft Owners & Pilots Assn)		
D. Scott Yohe, 1629 K St., NW, #501 Washington, DC 20006	Delta Air Lines, Inc	450.00	185.00
Stephen A. Yokich, 1757 N Street, NW Washington, DC 20036	Int'l Union, United Auto Aerospace & Agric Implement Workers	6,190.83	137.00
Andrew Yood, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute	200.00	
Nina M. Young, 1725 DeSales Street, NW, Suite 500 Washington, DC 20036	Center for Marine Conservation	234.37	
Robert A. Young, 12248 Turkey Creek Maryland Heights, MO 63043	James Brown & Associates		
Stephen G. Young, 1800 Washington Road Pittsburgh, PA 15241	CONSOL, Inc		
Thomas F. Youngblood, 1201 New York Avenue, NW Washington, DC 20005-3931	American Hotel & Motel Assn	2,548.28	
Betsy Younkins, 1220 L Street, NW, #1200 Washington, DC 20005	American Petroleum Institute	8,000.00	154.65
Michael J. Zabko, 909 N. Washington St., #301 Alexandria, VA 22314	Retired Enlisted Assn	2,639.00	
Janice Zarro, 1726 M Street, NW, Suite 701 Washington, DC 20036	Mallinckrodt Medical, Inc		
Thomas K. Zaucha, 1825 Samuel Morse Drive Reston, VA 22090	National Grocers Assn	500.00	
Richard A. Zavadowski, 1725 DeSales Street, NW, Suite 902 Washington, DC 20036	Nuclear Fuel Services, Inc	4,775.00	70.00
Shirley Zebroski, 1660 L Street, NW, #401 Washington, DC 20036	General Motors Corp	3,000.00	3,210.29
Leo C. Zeferetti, 49 Graham Place Breezy Point, NY 11697	Building & Construction Trades Dept, AFL-CIO		
Do	Cumberland Packing		
Do	New York Telephone		
Philip F. Zeidman, 1401 New York Ave., NW, #900 Washington, DC 20005	American Business Conference, Inc		
Steven Zeisel, 1000 Wilson Boulevard, Suite 3012 Arlington, VA 22209	Consumers Bankers Assn		
Eugene J. Zeiszler, 7901 Westpark Drive McLean, VA 22102	AMT - The Assn for Manufacturing Technology	3,580.00	250.00
Don J. Zeller, 1615 M Street, NW, #200 Washington, DC 20036	Amoco Corporation		
Steven L. Zeller, 500 Jackson Street Columbus, IN 47201	Cummins Engine Company, Inc		
Alan P. Zepp, 1401 New York Avenue, NW, Suite 1100 Washington, DC 20005	National Cooperative Business Assn	7,280.00	241.25
Ronald L. Ziegler, P.O. Box 1417-D49 Alexandria, VA 22313	National Assn of Chain Drug Stores, Inc	1,000.00	
Elaine Ziemba, 601 Pennsylvania Avenue N.W. #600 North Building Washington, DC 20004	Northern States Power Company	6,000.00	1,417.63
Kelly Ziglar-Clay, 727 15th Street, NW, 12th Floor Washington, DC 20005	Mortgage Insurance Companies of America	9,100.00	
Stephen A. Ziller Jr., 1010 Wisconsin Ave., NW, Suite 900 Washington, DC 20007	Grocery Manufacturers of America, Inc	285.16	
Fred Everett Zillinger II, 501 Second Street, NE Washington, DC 20002	Fertilizer Insititue	9,000.00	706.75
Ziontz Chestnut Varnell Berley & Slonim, 2101 Fourth Avenue, #1230 Seattle, WA 98121	Fallon Paiute-Shoshone Tribes		
Do	Makah Indian Tribe		
Do	Mille Lacs Band of Chippewa Indians		
Do	Northern Arapaho Indian Tribe		
Do	Northern Cheyenne Tribe		
Nancy Zirkin, 1111 16th Street, NW Washington, DC 20036	American Assn of University Women	5,000.00	
Amy G. Zirkle, 1020 19th Street, NW, #600 Washington, DC 20036	American Express Co	4,425.00	120.00
Gary M. Zizka, 1100 South Washington Street, Ist floor Alexandria, VA 22314-4494	National Beer Wholesalers Assn	1,256.85	494.50
Robert R. Zoglman, 1801 K Street, NW, Suite 800 Washington, DC 20006	Westinghouse Electric Corp	1,200.00	
Charles O. Zuver, 805 15th St., NW, #300 Washington, DC 20005	Credit Union National Assn, Inc	12,000.00	75.00
60/Plus Assn, Inc, 1616 N. Ft. Myer Drive, #1010 Arlington, VA 22209		399,800.00	558,355.00
965, Inc, 734 9th Street, SE Washington, DC 20003	General Electric Co	100.00	
Do	Kaman Diversified Technologies	100.00	
Do	Newport News Shipbuilding	100.00	
Do	Woods Hole Oceanographic Institution	100.00	

QUARTERLY REPORTS*

*All alphanumeric characters and monetary amounts refer to receipts and expenditures on page 2, paragraphs D and E of the Quarterly Report Form.

The following reports for the fourth calendar quarter of 1993 were received too late to be included in the published reports for that quarter:

(NOTE.—The form used for report is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective headings. This page (Page 1) is designed to supply identifying data, and Page 2 deals with financial data.)

PLEASE RETURN 1 ORIGINAL TO: THE CLERK OF THE HOUSE OF REPRESENTATIVES, OFFICE OF RECORDS AND REGISTRATION, 1036 LONGWORTH HOUSE OFFICE BUILDING, WASHINGTON, D.C. 20515

PLEASE RETURN 1 ORIGINAL TO: THE SECRETARY OF THE SENATE, OFFICE OF PUBLIC RECORDS, 232 HART SENATE OFFICE BUILDING, WASHINGTON, D.C. 20510

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19 . . . . . ◆

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	QUARTER			
	1st	2d	3d	4th
(Mark one square only)				

Is this an Amendment?
☐ YES ☐ NO

IDENTIFICATION NUMBER ______

NOTE on ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:

(i) *"Employee"*.—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)

(ii) *"Employer"*.—To file as an "employer", write "None" in answer to Item "B".

(*b*) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:

(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.

(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:

1. State name, address, and nature of business.

☐ CHECK IF ADDRESS IS DIFFERENT THAN PREVIOUSLY REPORTED

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

NOTE on ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (*a*) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (*b*) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER —State name, address, and nature of business. If there is no employer, write "None."

NOTE on ITEM "C".—(*a*) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§ 302(e).

(*b*) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).

(*c*) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have ☐ terminated, place an "X" in the box at the left, so that this Office will no longer expect to receive Reports.

2. State the general legislative interests of the person filing and set forth the specific legislative interests by reciting: (*a*) Short titles of statutes and bills; (*b*) House and Senate numbers of bills, where known; (*c*) citations of statutes, where known; (*d*) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (*a*) description, (*b*) quantity distributed, (*c*) date of distribution, (*d*) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed.)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and, if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. *If this is a "Quarterly" Report, disregard this item "C4" and fill out items "D" and "E" on the back of this page.* Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly Report."◆

STATEMENT OF VERIFICATION

[Omitted in printing]

PAGE 1◆

NOTE on ITEM "D."—*(a)* IN GENERAL. The term "contribution" includes *anything of value.* When an organization or individual uses printed or duplicated matter in a campaign attempting to influence legislation, money received by such organization or individual—for such printed or duplicated matter—is a "contribution." "The term 'contribution' includes a gift, subscription, loan, advance, or deposit of money, or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution"—§ 302(a) of the Lobbying Act.

(b) IF THIS REPORT IS FOR AN EMPLOYER.—(i) *In general.* Item "D" is designed for the reporting of all receipts from which expenditures are made, or will be made, in connection with legislative interests.

(ii) *Receipts of Business Firms and Individuals.*—A business firm (or individual) which is subject to the Lobbying Act by reason of expenditures which it makes in attempting to influence legislation—but which has no funds to expend except those which are available in the ordinary course of operating a business not connected in any way with the influencing of legislation—will have no receipts to report, even though it does have expenditures to report.

(iii) *Receipts of Multi-purpose Organizations.*—Some organizations do not receive any funds which are to be expended solely for the purpose of attempting to influence legislation. Such organizations make such expenditures out of a general fund raised by dues, assessments, or other contributions. The percentage of the general fund which is used for such expenditures indicates the percentage of dues, assessments, or other contributions which may be considered to have been paid for that purpose. Therefore, in reporting receipts, such organizations may specify what that percentage is, and report their dues, assessments, and other contributions on that basis. However, each contributor of $500 or more is to be listed, regardless of whether the contribution was made solely for legislative purposes.

(c) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE.—(i) *In general.* In the case of many employees, all receipts will come under Items "D 5" (received for services) and "D 12" (expense money and reimbursements). In the absence of a clear statement to the contrary, it will be presumed that your employer is to reimburse you for all expenditures which you make in connection with legislative interests.

(ii) *Employer as Contributor of $500 or More.*—When your contribution from your employer (in the form of salary, fee, etc.) amounts to $500 or more, it is not necessary to report such contribution under "D 13" and "D 14," since the amount has already been reported under "D 5," and the name of the "employer" has been given under Item "B" on page 1 of this report.

D. RECEIPTS (INCLUDING CONTRIBUTIONS AND LOANS):

Fill in every blank. If the answer to any numbered item is "None," write "NONE" in the space following the number.

Receipts (other than loans)

1. $..............Dues and assessments
2. $..............Gifts of money or anything of value
3. $..............Printed or duplicated matter received as a gift
4. $..............Receipts from sale of printed or duplicated matter
5. $..............Received for services (e.g., salary, fee, etc.)
6. $..............TOTAL for this Quarter (Add "1" through "5")
7. $..............Received during previous Quarters of calendar year
8. $..............TOTAL from Jan. 1 through this Quarter (Add "6" and "7")

Loans Received—"The term 'contribution' includes a . . . *loan* . . ."—§ 302(a).

9. $..............TOTAL now owed to others on account of loans
10. $..............Borrowed from others during this Quarter
11. $..............Repaid to others during this Quarter

12. $..............“Expense Money” and Reimbursements received this Quarter.

Contributors of $500 or More (from Jan. 1 through this Quarter)

13. Have there been such contributors?
Please answer "yes" or "no": ....

14. In the case of each contributor whose contributions (including loans) during the "period" from January 1 through the last day of this Quarter, total $500 or more:

Attach hereto plain sheets of paper, approximately the size of this page, tabulate data under the headings "Amount" and "Name and Address of Contributor"; and indicate whether the last day of the period is March 31, June 30, September 30, or December 31. Prepare such tabulation in accordance with the following example:

Amount	*Name and Address of Contributor* (*"Period"* from Jan. 1 through.............................., 19.......)
$1,500.00	John Doe, 1621 Blank Bldg., New York, N.Y.
$1,785.00	The Roe Corporation, 2511 Doe Bldg., Chicago, Ill.
$3,285.00	TOTAL

NOTE on ITEM "E".—*(a)* IN GENERAL. "The term 'expenditure' includes a payment, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure"—§ 302(b) of the Lobbying Act.

(b) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE. In the case of many employees, all expenditures will come under telephone and telegraph (Item "E 6") and travel, food, lodging, and entertainment (Item "E 7").

E. EXPENDITURES (INCLUDING LOANS) IN CONNECTION WITH LEGISLATIVE INTERESTS:

Fill in every blank. If the answer to any numbered item is "None," write "NONE" in the spaces following the number.

Expenditures (other than loans)

1. $..............Public relations and advertising services
2. $..............Wages, salaries, fees, commissions (other than Item "1")
3. $..............Gifts or contributions made during Quarter
4. $..............Printed or duplicated matter, including distribution cost
5. $..............Office overhead (rent, supplies, utilities, etc.)
6. $..............Telephone and telegraph
7. $..............Travel, food, lodging, and entertainment
8. $..............All other expenditures
9. $..............TOTAL for this Quarter (Add "1" through "8")
10. $..............Expended during previous Quarters of calendar year
11. $..............TOTAL from Jan. 1 through this Quarter (Add "9" and "10")

Loans Made to Others—"The term 'expenditure' includes a . . . *loan* . . ."—§ 302(b).

12. $..............TOTAL now owed to person filing
13. $..............Lent to others during this Quarter
14. $..............Repayments received during this Quarter

15. *Recipients of Expenditures of $10 or More*________________

If there were no single expenditures of $10 or more, please so indicate by using the word "NONE".

In the case of expenditures made during this Quarter by, or on behalf of, the person filing: Attach plain sheets of paper approximately the size of this page and tabulate data as to expenditures under the following heading: "Amount," "Date or Dates," "Name and Address of Recipient," "Purpose." Prepare such tabulation in accordance with the following example:

Amount	*Date or Dates—Name and Address of Recipient—Purpose*
$1,750.00	7-11: Roe Printing Co., 3214 Blank Ave., St. Louis, Mo.—Printing and mailing circulars on the "Marshbanks Bill."
$2,400.00	7-15, 8-15, 9-15: Britten & Blaten, 3127 Gremlin Bldg., Washington, D.C.—Public relations service at $800.00 per month.
$4,150.00	TOTAL

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Edward L. Abner, 1215 Jefferson Davis Highway, #306 Arlington, VA 22202	Sparton Corporation	15,500.00	
Richard M. Aborn, 1225 Eye Street, NW, #1100 Washington, DC 20005	Handgun Control, Inc	8,278.85	
Sandra Sue Adams-Choate, 80 F Street, NW Washington, DC 20001	American Fed of Government Employees	13,910.52	
Advocates for Highway & Auto Safety, 777 N. Capitol Street, NE, #410 Washington, DC 20002		1,251,250.00	7,136.65
David A. Affeldt, 10404 Joiners Lane Potomac, MD 20854	Association for Gerontology in Higher Education	750.00	
Air Traffic Control Assn, Inc, 2300 Clarendon Boulevard, #711 Arlington, VA 22201		565.46	565.46
Air Transport Assn, 1301 Pennsylvania Avenue, NW, #1100 Washington, DC 20004-1707		96,007.25	96,007.55
Michael A. Aisenberg, 1401 H Street, NW, #950 Washington, DC 20005	Digital Equipment Corp	26,500.00	
Michael J. Aklufi, 444 North Capitol Street Suite 711 Washington, DC 20001	Keefe Company (For:Radiofone, Inc)		
Albanian American Civic League, P. O. Box 97 Rye, NY 10580		500.00	480.00
Virginia S. Albrecht, 1350 I Street, NW, #700 Washington, DC 20005	Beveridge & Diamond, P.C. (For:Foundation for Environmental & Economic Progress, Inc).	2,250.00	
Gary Aldridge, P.O. Box 3087 Shepherdstown, WV 25443	In Defense of Animals	4,800.00	905.00
Fay S. Alexander, 4155 F Sullyfield Circle Chantilly, VA 22021	Taxpayers Education Lobby, Inc	21,000.00	
Mary K. Alexander, 1620 L Street, NW, #1150 Washington, DC 20036	Matsushita Electric Corp of America	100.00	49.62
Marjorie D. Allen, 1625 L Street, NW Washington, DC 20036	American Fed of State County & Municipal Employees	13,164.21	579.88
Alliance of Nonprofit Mailers, 2001 S Street, NW, #301 Washington, DC 20009		3,642.73	5,238.09
William J. Althaus, 901 N. Washington Street, #400 Alexandria, VA 22314	National Smokers Alliance		
American Advertising Federation, 1101 Vermont Ave., NW, #500 Washington, DC 20005			
American Arts Alliance, 1319 F Street, NW, #500 Washington, DC 20004-1151		169,001.00	47,748.00
American Assn for Marriage & Family Therapy, 1100 17th Street, NW, 10th Fl Washington, DC 20036		28,571.00	28,571.00
American Assn of Blood Banks, 8101 Glenbrook Road Bethesda, MD 20814-2749		5,000.00	5,000.00
American Dance Therapy Assn, 2000 Century Plaza, #108 Columbia, MD 21044		660.00	39.87
American Fed of State County & Municipal Employees, 1625 L St., NW Washington, DC 20036			139,537.46
American Gas Assn, 1515 Wilson Boulevard Arlington, VA 22209		33,210.00	33,210.00
American Health Care Assn, 1201 L Street, NW Washington, DC 20005			
American Health Information Management Assn, 919 North Michigan Avenue, Suite 1400 Chicago, IL 60611-1683		7,561.59	
American Hellenic Institute Public Affairs Committee, Inc, 1220 16th Street NW Washington, DC 20036			
American Home Products Corp, 1726 M Street, NW, #1001 Washington, DC 20036			8,015.00
American International Automobile Dealers Assn, 99 Canal Center Plaza, #500 Alexandria, VA 22314		227,540.00	180,783.00
American League for Exports & Security Assistance, Inc, 122 C St., NW, #740 Washington, DC 20001		54,000.00	9,620.85
American Managed Care & Review Assn, 1200 19th St., NW, #200 Washington, DC 20037			74.00
American Meat Institute, 1700 N. Moore Street Arlington, VA 22209		70,637.70	33,676.35
American Medical Peer Review Assn, 1140 Connecticut Avenue, NW, #1050 Washington, DC 20036			
American Orthotic & Prosthetic Assn, 1650 King Street, #500 Alexandria, VA 22314-1885		250,000.00	53,750.00
American Radio Relay League, Inc, 225 Main Street Newington, CT 06111			12,800.00
American Short Line Railroad Assn, 1120 G Street NW, #520 Washington, DC 20005			
American Soc for Clinical Laboratory Science, 7910 Woodmont Avenue, #1301 Bethesda, MD 20814			10,626.00
American Soc of Cataract & Refractive Surgery, 4000 Legato Road, Suite 850 Fairfax, VA 22033-4003			63,388.13
American Trucking Assns, Inc, 430 First Street, SE Washington, DC 20003		13,000.00	80,430.00
American Waterways Operators, Inc, 1600 Wilson Boulevard, #1000 Arlington, VA 22209		475,649.00	6,799.44
Americans for Nonsmokers' Rights, 2530 San Pablo Ave., #J Berkeley, CA 94702		3,579.00	3,579.00
Sara Amundson, 227 Massachusetts Avenue, NE, #100 Washington, DC 20002	Doris Day Animal League	328.00	
Cynthia C. Anderson, 750 17th Street, NW 4th Floor Washington, DC 20006-4607	Enron Corp	3,000.00	
Richard F. Anderson, 1155 Connecticut Ave., NW, #800 Washington, DC 20036	WMX Technologies Inc		
Michael Andrews, 1455 Pennsylvania Ave., NW, #350 Washington, DC 20004	Salomon Brothers, Inc	4,000.00	
Thomas D. Anthony, 2500 PNC Center Cincinnati, OH 45202	Frost & Jacobs (For:Comprehensive Medical, Inc)		
Do	Frost & Jacobs (For:Louisville Imaging Services, Inc)		
Do	Frost & Jacobs (For:Western Hills Imaging Center, Inc)		
Apartment & Office Building Assn of Metropolitan Washington, 1050 17th Street, NW, #300 Washington, DC 20036			
James J. Apperson, P.O. Box 52075 Phoenix, AZ 85072	Southwest Gas Corporation		
James N. Arbury, 1850 M Street, NW, Suite 540 Washington, DC 20036	National Multi Housing Council	2,946.67	
Arent Fox Kintner Plotkin & Kahn, 1050 Connecticut Ave., NW Washington, DC 20036-5339	Jean-Bertrand Aristide	40,000.00	6,643.01
Do	Guardian Life Insurance Co of America	17,564.69	274.04
Armenian Assembly of America, 122 C Street, NW #350 Washington, DC 20001		30,321.00	30,321.00
John A. Armstrong, c/o Rogers & Wells 607 14th Street, NW Washington, DC 20005	Dofasco, Inc		
Wayne Arny & Associates, Inc, 600 New Hampshire Ave., NW, #1010 Washington, DC 20037	American Logistics Infrastructure Improvement Consortium		
Do	Guam Airport Authority	3,700.00	187.23
Do	Technology for Communications, International		
Do	United Defense LP		
Nan Aron, 1601 Connecticut Avenue, NW, #601 Washington, DC 20009	Alliance for Justice		
Karen McGill Arrington, 1629 K Street, NW, #1010 Washington, DC 20006	Leadership Conference on Civil Rights	4,179.45	
Donald D. Asmonga, 1919 Pennsylvania Ave., NW, Suie 300 Washignton, DC 20006	American Health Information Management Assn	896.93	2.00
Associated Builders & Contractors, Inc, 1300 North 17th Street Rosslyn, VA 22209		2,500.00	
Association of Financial Services Companies, 888 17th Street, NW, #312 Washington, DC 20006			4,500.00
Association of Home Appliance Manufacturers, 701 Pennsylvania Avenue, NW, #900 Washington, DC 20004			2,707.21
Association of Private Pension & Welfare Plans, Inc, 1212 New York Avenue, NW, #1250 Washington, DC 20005		9,575.00	1,653.05
Association of State & Territorial Health Officials, 415 Second Street, NE, Suite 200 Washington, DC 20002			6,023.50
Deborah Marie Atwood, 122 C Street, NW, #875 Washington, DC 20001	American Meat Institute	2,000.00	295.55
John S. Autry, 1133 Connecticut Avenue, NW, #1010 Washington, DC 20036	JSA-1, Inc	10,000.00	3,050.25
Michael G. Ayre, P.O. Box 130 Levis P.Q. Canada G6V 6N7	Mil Davie, Inc		
Azerbaijan Study Foundation, 110 East 59th Street, Suite 3202 New York, NY 10022		6,000.00	6,000.00
AIDS Action Council, Inc, 1875 Connecticut Avenue, NW, #700 Washington, DC 20009			5,885.75
APCO Associates, Inc, 1155 21st St., NW Washington, DC 20036	AEC Forest Products		
Do	City Utilities of Springfield	2,806.25	429.03
Do	Colorado River Energy Distributors	9,545.00	518.77
Do	Gerber Products Company	1,286.25	10.00
Do	Government of Romania	7,232.50	777.00
Do	Heart of America Northwest		
Do	Hoffmann-La Roche, Inc		
Do	Northeast Public Power Assn	1,366.25	191.51
Do	Pennsylvania Power & Light	1,286.25	10.00
Do	Queens Borough Public Library	240.00	194.90
Do	Sacramento Municipal Utility District		
Do	Source Northwest, Inc		
Do	Southern California Public Power Authority		6.00
Do	State Farm Mutual Automobile Insurance Co		
Do	Tennessee Valley Public Power Assn	1,720.00	31.77
ARCO Chemical Co, 3801 West Chester Pike Newtown Square, PA 19073			125.00
Craig H. Baab, 122 C Street NW Suite 350 Washington, DC 20001	Armenian Assembly of America	1,766.70	
Richard Anthony Baenen, 1735 New York Avenue, NW, #600 Washington, DC 20006	NANA Regional Corp, Inc		
Do	Shee Atika, Inc		
Wendy Baer, 4214 King Steet, West Alexandria, VA 22302	IHPA - The International Wood Products Assn	271.95	662.04
William W. Bailey, 1201 Connecticut Avenue, NW, #300 Washington, DC 20036	Bailey & Robinson (For:American Cyanamid Co)		
Do	Bailey & Robinson (For:Blue Cross of Western Pennsylvania)		
Do	Bailey & Robinson (For:MasterCard International)		
Do	Bailey & Robinson (For:Smart Corp)		
Bailey & Robinson, 1201 Connecticut Avenue, NW, #300 Washington, DC 20036	American Cyanamid Co, Inc	10,000.00	
Do	American Gastroenterlogical Association Foundation	705.00	
Do	Blue Cross of Western Pennsylvania	30,000.00	
Do	MasterCard International	27,000.00	
Do	Natural Disaster Coalition	15,000.00	
Do	Ormet	30,000.00	
Do	Smart Corp	15,000.00	
Do	Utilities Telecommunication Council		
John A. Baker, 1600 Peachtree Street, NW Atlanta, GA 30309	Equifax, Inc		
Baker & Hostetler, 1050 Connecticut Ave., NW, #1100 Washington, DC 20036	Capitol American Financial Corporation	24,890.00	24,890.00
Do	Central Reserve Life	456.84	456.84
Do	Hospital Insurance Forum	19,849.51	19,849.51
Do	Invacare Corporation	18,001.27	18,001.27
Do	IM&I, Inc		
Do	Life Gift Organ Donor Center	2,622.72	2,622.72
Do	Methodist Hospital of Indiana		
Do	Paradigm Health Corp	3,228.16	3,228.16

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Renal Physicians of Texas	3,220.17	3,220.17
Do	Robert Peterson Enterprises, Inc		
Do	Schering Berlin, Inc	28,933.79	28,933.79
Do	Society of Cardiovascular & Interventional Radiology	10,027.39	10,027.39
Do	St. Joseph Hospital & Health Center		
Do	Washington Regional Transplant Consortium		
Baker Donelson Bearman & Caldwell, 801 Pennsylvania Ave., NW, #800 Washington, DC 20004	Allied-Signal, Inc	2,693.50	477.61
Do	AFG Industries, Inc		
Do	AT&T	3,203.00	70.08
Do	Burger King Corp		
Do	CTI PET Systems, Inc	59.00	
Do	Dallas/Fort Worth International Airport Board		
Do	Day & Zimmerman, Inc	2,450.00	
Do	Eisenhower Exchange Fellowships, Inc	1,925.00	
Do	Federal Express Corp		
Do	Federal Judges Assn	1,091.50	
Do	Grand Metropolitan, Inc		
Do	Los Angeles County Transportation Commission	7,788.00	
Do	Martin Marietta Corp	1,787.50	
Do	Morrison Knudsen Corp		
Do	National Soft Drink Assn		
Do	North Carolina Air Cargo Airport Authority	3,577.50	70.00
Do	Occidental Petroleum Corp	560.50	
Do	Pennzoil Co		
Do	Pillsbury Company	649.00	298.34
Do	Salomon Brothers, Inc	4,586.00	149.71
Do	Schering-Plough Corp	3,628.50	23.25
Do	Southern Star Shipping Co		
Do	U.S. Tobacco, Inc	1,032.50	
Do	United Technologies Corp	2,829.00	101.77
Do	Ventura Port District	1,770.00	68.00
Do	Washington Post Co	8,792.00	262.05
Do	WMX Technologies, Inc	1,990.00	
Thomas M. Balmer, 1250 H Street, NW, Suite 900 Washington, DC 20005	International Dairy Foods Association		
Philip A. Bangert, 2000 L Street, NW #612 Washington, DC 20036	Sher & Blackwell (For:Global Resort Partners)		
Do	Miami River Marine Group		
Do	Port of Oakland	100.00	
Elizabeth A. Bannigan, 1225 Eye Street, NW, #1100 Washington, DC 20005	Handgun Control, Inc	6,266.40	
Robert D. Bannister, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Baraff Koerner Olender & Hochberg, P.C., 5335 Wisconsin Avenue, NW, #300 Washington, DC 20015-2003	Encore Media Corp		
Do	Football Bowl Assn		
Do	National Assn of Collegiate Directors of Athletics		
Do	National Basketball Assn		
Do	National Hockey League	100.00	
Emory W. Baragar, 1700 N. Moore St., #2120 Rosslyn, VA 22209	Boeing Company	5,348.84	5,453.41
John Paul Barber, 8101 Glenbrook Road Bethesda, MD 20814-2749	American Assn of Blood Banks	2,500.00	
Dana Barbieri, 600 Maryland Ave., SW, Sutie 700 Washington, DC 20024	National Fed of Independent Business	3,401.00	200.00
Leslie A. Barhyte, 529 14th Street, NW, #440 Washington, DC 20045	Newspaper Association of America	5,000.00	
G. Denise Barksdale, 1667 K Street, NW, #1270 Washington, DC 20006	Warner-Lambert Company		
Jared A. Barlage, 122 C Street, NW, 4th Floor Washington, DC 20001	American Wind Energy Assn	6,624.99	
William J. Barloon, 1850 M Street, NW, #1110 Washington, DC 20036	Sprint Corporation	7,000.00	3,093.94
Barnes Richardson & Colburn, 1225 Eye Street, NW, #1150 Washington, DC 20005	American Tartaric Products, Inc		61.66
Do	Cummins Engine Company, Inc		0.94
Do	Department 56, Inc	1,072.14	31.61
Do	J.G. Durand International		
Do	Florida Citrus Mutual		
Do	Industrial Fastener Equity Committee		86.06
Do	Marion Merrell Dow, Inc		3.40
Do	Miles, Inc		308.37
Do	MFC Corporation		
Do	Omni USA, Inc		
Do	Polaroid Corp		
Do	Schering-Plough Products, Inc		
Do	Sundstrand Corp		
Sarah Barnett, 1101 15th Street, NW, #600 Washington, DC 20005	Sugar Assn, Inc	356.00	10.00
Ray A. Barnhart, 2630 Exposition Blvd., #G-10 Austin, TX 78703	Marathon Oil Co	4,500.00	186.22
David C. Barrett Jr., 1201 New York Ave., NW, #830 Washington, DC 20005	National Grain & Feed Assn	1,000.00	
Doyle C. Bartlett, 1015 18th Street, NW, #1100 Washington, DC 20036	Conference of State Bank Supervisors	2,000.00	
Linda L. Bartlett, 1341 G Street, NW, 9th Floor Washington, DC 20005	Philip Morris Management Corp	750.00	
Richard A. Barton, 1101 17th St., NW, #705 Washington, DC 20036	Direct Marketing Assn	4,500.00	17,848.50
Bass and Howes, 1601 Connecticut Ave., NW, #801 Washington, DC 20009	Barr Laboratories	11,250.00	196.16
Do	Breast Cancer Coalition	4,250.00	86.47
Do	Family Violence Prevention Fund	1,700.00	107.64
Do	National Diabetes Research Coalition	2,550.00	64.51
Do	RESOLVE	3,400.00	42.43
Sandy Bass-Cors, 119 Oronoco Street, Suite 300 Alexandria, VA 22314	Coalition for Automotive Repair Equality	3,780.00	
Dick Batchelor Management Group, Inc, 201 South Orange Ave., Suite 1017 Orlando, FL 32801	Orlando-Orange County Expressway Authority	22,500.00	336.51
Catharine R. Batky, 801 Pennsylvania Ave., NW, #220 Washington, DC 20004-2604	Burlington Northern Railroad Co	5,000.00	377.12
Lana R. Batts, 2200 Mill Road Alexandria, VA 22314	Interstate Truckload Carriers Conference		
John L. Bauer Jr., 1667 K St., NW, #430 Washington, DC 20006	Armco, Inc		
Bayh Connaughton Fensterheim & Malone, PC, 1350 Eye Street, NW, #200 Washington, DC 20005	Associated Group	17,623.50	400.00
Do	Citicorp		
Do	Cook Group	4,722.21	400.00
Do	Lender's Coalition		
Do	National Soft Drink Assn	137.50	150.00
Do	Pennsylvania Savings Assn Insurance Corp		
Do	Real Estate Capital Recovery Assn	5,000.00	250.00
Do	TENNECO	4,517.24	400.00
Beacon Consulting Group, Inc, 312 Massachuesetts Avenue, NE Washington, DC 20002-5703	Alltel Information Services, Inc	6,450.00	418.16
Do	Asphalt-Rubber Producers Group, Inc		
Do	Big Brothers/Big Sisters of America		574.56
Do	Cummins-Allison Corp	250.00	343.32
Do	Haymarket House	11,750.00	1,346.72
Do	Museum of Science & Industry	4,500.00	659.27
Do	Mystic Seaport Museum	9,000.00	492.68
Do	National Coalition for Volunteer Protection		
Do	National Crime Prevention Council	14,250.00	1,569.84
Do	National Institute for Citizen Education & the Law		
Do	National Museum of Health & Medicine Foundation		
Do	New England Conservatory of Music	9,000.00	127.29
Do	Rubber Pavements Assn	18,000.00	3,405.79
Do	SCITREK		
Edward A. Beck III, 1615 L Street, NW, #1205 Washington, DC 20036	Smith Helms Mulliss & Moore	13,771.14	
Daniel F. Becker, 408 C Street, NE Washington, DC 20002	Sierra Club		
Elizabeth W. Beckwith, 300 5th Street, NE Washington, DC 20002	American Osteopathic Assn	10,000.00	
Mark Belanger, 12 East 49th Street New York, NY 10017	Major League Baseball Players Assn		
Stephen E. Bell, 1455 Pennsylvania Ave., NW, #350 Washington, DC 20004	Salomon Brothers, Inc	5,000.00	
Lisa Bellucci, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Terre Belt, 1015 Fifteenth Street, NW, #802 Washington, DC 20005	American Consulting Engineers Council	1,875.00	
Catherine A. Belter, 8616 Etta Drive Springfield, VA 22152	National PTA		236.67
Daniel J. Bennet, 1300 North 17th Street Rosslyn, VA 22209	Associated Builders & Contractors, Inc	2,500.00	
Bob Bergland, 1800 Massachusetts Avenue, NW Washington, DC 20036	National Rural Electric Cooperative Assn		
Jessica Berk, 1225 19th Street, NW, #410 Washington, DC 20036	Financial Services Council	1,125.00	
Antoinette C. Berkely, P.O. Box 2972 Washington, DC 20013			

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Joan Kovalic Bernard, 701 Pennsylvania Avenue, NW, #610 Washington, DC 20004	Tenneco, Inc	360.00	
Charles Bernardini, 2233 N. Halsted Street Chicago, IL 60614	Dykema Gossett (For:Committee on US Business, Canadian Life & Health Ins Assn).		
Mary E. Bernhard, 1615 H St., NW Washington, DC 20062	U.S. Chamber of Commerce	2,500.00	
Nancy T. Bernstine, 122 C Street, NW, Suite 680 Washington, DC 20001	National Housing Law Project	4,370.00	
Max N. Berry, 3213 O St., NW Washington, DC 20007	American Importers & Exporters Meat Products Group		
Do	Centre National Interprofessional de L'Economic Laitiere		
Do	Florida Department of Citrus		
Willard M. Berry, 801 Pennsylvania Ave., NW, Suite 950 Washington, DC 20004	European-American Chamber of Commerce in Wash, DC, Inc		82.71
Margot Bester, 1101 - 30th Street, NW, Suite 200 Washington, DC 20007	Murphy & Demory, Ltd (For:JEFA International, Inc)		
Robert Betz, 1350 New York Avenue, NW, Suite 200 Washington, DC 20005	Robert Betz Associates, Inc (For:Alabama Hospital Association)	3,100.00	169.93
Do	American Assn of Eye & Ear Hospitals	2,250.00	27.50
Do	AmeriNet	500.00	
Do	Health Industry Group Purchasing Assn	3,500.00	130.84
Bible Hoy Trachok Wadhams & Zive, 232 Court Street Reno, NV 89501	First American Title Co of Nevada	3,131.00	
Mary P. Bierle, 1015 15th Street, NW, Suite 700 Washington, DC 20005-2605	Bechtel Group, Inc		
Kevin W. Billings, 1801 K Street, NW, Suite 800 Washington, DC 20006	Westinghouse Electric Corp	1,200.00	
Robert Bingaman Jr., 408 C Street, NE Washington, DC 20002	Sierra Club	1,608.75	
Peggy K. Binzel, 5151 Wisconsin Ave., NW Washington, DC 20016	News Corporation	3,444.00	
Biotechnology Industry Organization, 1625 K Street, NW Washington, DC 20006		545,089.00	6,458.56
William G. Bishop III, 249 Maitland Avenue Altamonte Springs, FL 32701-4201	Institute of Internal Auditors		
Mark E. Bitterman, 21700 Atlantic Boulevard Dulles, VA 22166-6801	Orbital Sciences Corp		
Gerrie Bjornson, 1825 Eye Street, NW, #400 Washington, DC 20006	B.F. Goodrich Co	100.00	
Cathleen Black, 11600 Sunrise Valley Drive Reston, VA 22091	Newspaper Association of America	6,000.00	
Sam Black, 4330 Leland Street Chevy Chase, MD 20815	Jeld-Wen Company		
Roger Blacklow, 905 16th Street, NW Washington, DC 20006	Laborers' International Union of NA, AFL-CIO	17,499.99	1,121.70
Brent Blackwelder, 1025 Vermont Avenue, NW, 3rd Floor Washington, DC 20005	Friends of the Earth	1,072.34	
Helen Blank, 25 E Street, NW Washington, DC 20001	Children's Defense Fund	963.30	
Michael E. Bleier, One Mellon Bank Center, #1915 Pittsburgh, PA 15258-0001	Mellon Bank N.A.	2,500.00	
Joanne Blum, 1156 15th Street, NW, #700 Washington, DC 20005	NARAL	20,543.18	
Louis Blumberg, 900 - 17th Street NW Washington, DC 20006	Wilderness Society	281.34	
Seth M. Bodner, 386 Park Avenue South New York, NY 10016	National Knitwear & Sportswear Assn	9,375.00	
Bogle and Gates, 1299 Pennsylvania Avenue, NW, #875 East Washington, DC 20004	Northwest Forest Resource Council	128.00	128.08
Stacy A. Bohlen, 300 5th Street, NE Washington, DC 20002	American Osteopathic Assn	10,000.00	
Thomas W. Bonenberger, 1615 M Street, NW #200 Washington, DC 20036	Amoco Corporation		
Henry Borelli, 14589-053 P.O. Box 1000 Leavenworth, KS 66048-1000			
Deborah L. Boudreau, 1120 G Street, NW, Suite 900 Washington, DC 20005	National Ocean Industries Assn	3,570.00	
Albert D. Bourland, 1350 I Street, NW, #800 Washington, DC 20005	Daimler-Benz Washington, Inc	7,500.00	
Elizabeth A. Boussard, 900 17th Street, NW Washington, DC 20006	Wilderness Society	1,334.36	4.00
Diane K. Bowers, P.O. Box 182 Port Jefferson, NY 11777	Council for Marketing & Opinion Research (CMOR)		
Michael Bowers, 1100 17th Strret, NW, 10th Floor Washington, DC 20036	American Assn for Marriage & Family Therapy		
Larry G. Bowles, 1150 - 18th Street, NW, Suite 200 Washington, DC 20036	Halliburton Co		
Carolyn A. Boyer, 1025 Connecticut Ave., NW, #1200 Washington, DC 20036	Health Insurance Assn of America, Inc	1,366.56	321.00
Violet A. Boyer, 1025 Connecticut Ave, NW, #700 Washington, DC 20036	National Assn of Independent Colleges and Universities		132.28
J. Patrick Boyle, 1700 N. Moore Street, #1600 Arlington, VA 22209	American Meat Institute	2,187.50	
Paul Boyle, 529 14th Street, NW, #400 Washington, DC 20045	Newspaper Association of America	7,000.00	
Bracewell & Patterson, 2000 K Street, NW, #500 Washington, DC 20006	Joseph E. Seagram & Sons, Inc		
Marshall A. Brachman, P.O. Box 2200 Fort Worth, TX 76113	Edmund Scientific Company	2,250.00	
Henry E. Braden, 2122 N. Galvez Street New Orleans, LA 70119	Entergy Services, Inc	6,600.00	
Cynthia P. Bradley, 1625 L Street, NW Washington, DC 20036	American Fed of State County & Municipal Employees	12,471.53	35.00
Cathleen Brady, 1400 K Street, NW Washington, DC 20005	American Psychiatric Assn	2,340.00	983.29
Sarah Brady, 1225 Eye Street, NW, #1100 Washington, DC 20005	Handgun Control, Inc	16,000.00	
Matt Branam, 316 Pennsylvania Ave., SE Washington, DC 20003	United Parcel SErvice		
Patricia C. Branch, 6453 Browsing Deer Columbia, MD 21045	Children's Defense Fund	12,875.00	40.00
Chris Julian Brantley, 1828 L Street, NW, #1202 Washington, DC 20036	Institute of Electrical & Electronics Engineers	1,000.00	675.00
William O. Bresnick, 1050 17th Street, NW, #500 Washington, DC 20036	Texaco, Inc	225.00	
Wilbur E. Brewton, 225 South Adams Street, Suite 250 Tallahassee, FL 32302	Taylor Brion Buker & Greene (For:PRIDE of Florida)		
Edmund C. Brickfield, 2596-F S. Arlington Mill Drive Arlington, VA 22206	Migrant Legal Action Program, Inc	4,924.00	100.00
Michael Brien, 1615 M Street, NW, #200 Washington, DC 20036	Amoco Corporation		
Robert J. Brinkmann, 11600 Sunrise Valley Drive Reston, VA 22091	Newspaper Association of America	4,000.00	137.65
B. Jeannie Brocato, 2301 Main Street Kansas City, MO 64113	Blue Cross & Blue Shield of Kansas City		
Mary E. Brooks, 1730 M Street, NW Washington, DC 20036	League of Women Voters of the U.S.	9,592.02	80.50
Brother Industries (USA), Inc, 2950 Brother Boulevard Bartlett, TN 38133			
Bonnie L. Brown, 1025 Connecticut Ave., NW, Suite 1200 Washington, DC 20036	Health Insurance Assn of America, Inc		
David C. Brown, 601 Pennsylvania Ave., NW, Suite 620-North Building Washington, DC 20004	PECO Energy Company	10,290.00	1,174.52
David S. J. Brown, 700 14th Street, NW Washington, DC 20005	Monsanto Co	7,000.00	35.66
Donald K. Brown, 1121 L St., #610 Sacramento, CA 95814	Crowley Maritime Corp		
Do	Summa Corporation		
Michael J. Brown, 18 East Custis Ave. Alexandria, VA 22301	Klein & Saks (for: Gold Institute)	3,000.00	
Omer F. Brown II, 1155 Connecticut Ave., NW, #700 Washington, DC 20036	Davis Wright Tremaine (For:Lockheed Environmental Systems & Technologies Co).		
S. M. Henry Brown Jr., 1776 Eye Street, NW, #275 Washington, DC 20006	Entergy Services, Inc	7,913.49	
Brownstein Zeidman & Lore, 1401 New York Ave., NW, #900 Washington, DC 20005	AFL-CIO Housing Investment Trust		
Do	New York City Housing Development Corp		
Do	New York State Mortgage Loan Enforcement & Admin Corp		
Do	Starrett Housing Corporation		
David J. Brugger, 1350 Connecticut Ave., NW, #200 Washington, DC 20036	Association of America's Public Television Stations		
Thomas J. Bulger, 1050 17th Street, NW., #510 Washington, DC 20036	Association for Commuter Transportation, Inc	9,000.00	419.31
Do	ESL/TRW	9,000.00	356.31
Do	Metropolitan Transportation Commission	30,762.48	1,295.16
Do	Oakland County, Michigan	9,113.75	295.23
Glenn Burg, 11240 Waples Hill Road, #100 Fairfax, VA 22030	Rust Environment & Infrastructure, Inc	937.50	
Diane B. Burke, 1625 L Street, NW Washington, DC 20036	American Fed of State County & Municipal Employees	17,249.55	240.00
Moira Burke, 1250 H Street, NW, Suite 900 Washington, DC 20005	International Dairy Foods Assn		
Larry D. Burton, 1776 Eye Street, NW, #1000 Washington, DC 20006	BP America, Inc	6,000.00	38.37
James D. Burwell, Governmental Affairs Dept. (051) Columbia, SC 29218	SCANA Corp	8,598.45	5,952.71
Nicholas J. Bush, 1129 20th Street, N.W., #300 Washington, DC 20036	Natural Gas Supply Assn		
Mary Bushman, 2505 S. Finley Road Lombard, IL 60148	AFSA Data Corp		
James J. Butera, 1301 Pennsylvania Ave., NW Washington, DC 20004	Federal Home Loan Bank of Boston	2,000.00	
Do	Savings Bank of the Finger Lakes	1,000.00	
Butera & Andrews, 1301 Pennsylvania Ave., NW Washington, DC 20004	Anchor Savings Bank	4,500.00	
Do	ADVANTA Corporation		
Do	Community Bankers Assn of New York State	1,500.00	
Do	Community Preservation Corp	1,500.00	
Do	Consumers Electronics Group		
Do	CRISIS		
Do	Del Webb Corp	5,000.00	
Do	Dime Savings Bank of New York	1,500.00	
Do	Edison Electric Institute		
Do	Farmers & Mechanics Bank		
Do	Federation for American Immigration Reform	5,000.00	
Do	Financial Insurance Management Corp		
Do	General Atomics	5,000.00	
Do	Household International	5,000.00	
Do	Independent Research Agency for life Insurance, Inc	3,000.00	
Do	National Assn of Retail Collection Attorneys	1,000.00	
Do	Peoples Bank	1,500.00	
Do	River Bank America	1,500.00	
Do	Rochester Community Savings Bank	1,500.00	
Do	Savings Banks Life Insurance Fund	2,000.00	
Do	Superior Bank, FSB	1,000.00	
Do	Texas Savings & Loan League	1,000.00	
Do	Towers Perrin		
Robert D. Byrne Jr., 1250 H Street, NW, Suite 900 Washington, DC 20005	International Dairy Foods Assn		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Elizabeth B. Cady, 815 Connecticut Avenue, NW, #710 Washington, DC 20006	Steel Service Center Institute		
John D. Cahill, McDermott/O'Neill & Associates One Beacon Street, #1600 Boston, MA 02108	Bliss Companies	22,500.00	
Do	Health Management Resources, Inc		
Do	John Drew Co	6,000.00	
Do	Massachusetts Bay Transportation Authority	50,000.00	
Do	Massachusetts Port Authority	15,000.00	
Do	Northeastern University	37,500.00	
Kevin F. Cahill, 17300 Redhill Avenue, Suite 100 Irvine, CA 92714	Kinder & Associates		
Campaign for U.N. Reform-Political Education Committee, 713 D Street, SE Washington, DC 20003		8,211.47	9,406.05
Jerry L. Campbell, 1201 Chestnut St. Chattanooga, TN 37402	Tennessee Valley Public Power Assn		
William Canary Jr, 430 First Street, S.E. Washington D.C.	American Trucking Assns, Inc	3,000.00	
John D. Canatsey, 1735 Jefferson Davis Hwy., #1001 Arlington, VA 22202	Thiokol Corp	2,819.00	19,172.00
Anne C. Canfield, 1331 Pennsylvania Ave., NW, #800-South Washington, DC 20004	General Electric Co	5,000.00	
Capital Partnerships (VA), Inc, 11350 Random Hils Road, #8000 Fairfax, VA 22030	North Metro Mayors Coalition	10,000.00	1,500.00
Do	RADAR	13,000.00	2,034.97
Marie C. Carbone, 1225 Eye Street, NW, #1100 Washington, DC 20005	Handgun Control, Inc	6,081.60	
Melissa Coggeshall Carey, 2001 Pennsylvania Ave., NW Washington, DC 20006	Electronic Industries Assn	750.00	
J.D. Cargill & Associates, Inc, P.O. Box 3407 Atlanta, GA 30302-9998	Pharmaceutical Research & Manufacturers of America		
Carlyle Consulting, 3000 S. Randolph Street, Suite 317 Arlington, VA 22206	Amdahl Corp		
Do	Levi Strauss International		
William Carney, 523 7th Street, SE Washington, DC 20003	Edison Electric Institute	15,000.00	
Do	Nuclear Energy Institute	20,000.00	
Julia Carol, 2530 San Pablo Avenue, #J Berkeley, CA 94702	Americans for Nonsmokers' Rights		
Jot David Carpenter Jr., 6 East Nelson Avenue, #302 Alexandria, VA 22301-2054	Telecommunications Industry Assn	13,750.02	
Kenneth A. Carpi, Carpi & Clay Government Relations 427 C Street, #306 San Diego, CA 92101	Children's Hospital & Health Center	12,000.00	
Do	San Diego County Water Authority	9,000.00	4,774.64
Do	Water Replenishment District of Southern California	10,000.00	
Terry M. Carr, 1350 I St., NW, Suite 590 Washington, DC 20005	College of American Pathologists	5,790.00	
Bruce Carroll, 200 Great Valley Parkway Malvern, PA 19355	Centocor	4,425.00	682.96
David Carroll, 1212 New York Avenue N.W. #500 Washington, DC 20005	Lafarge Corp (For:Cement Kiln Recycling Coalition)		
Mary Carroll, 555 West 57th Street New York, NY 10019	Greater New York Hospital Assn	1,180.00	
John R. Carter, 1001 19th Street, North, #800 Arlington, VA 22209	TRW, Inc		
Caroline Carver, 5440 Jefferson Davis Hwy Fredericksburg, VA 22407	American Traffic Safety Services Assn	12,300.00	96.52
Frank H. Case III, 2600 Virginia Ave., NW, 10th Floor Washington, DC 20037-1905	Schmeltzer Aptaker & Shepard, PC (For:Council of Nursing Home Suppliers)	2,660.00	
Cassidy and Associates, Inc, 700 13th St., NW, #400 Washington, DC 20005	New England Deaconess Hospital Corporation		
Do	Queen's Health System		
Do	Scott County Highway Department	400.20	
Mark A. Casso, 1015 15th Street, NW, #802 Washington, DC 20005	American Consulting Engineers Counsel	1,250.00	
G. Thomas Cator, 1050 17th Street, NW, #810 Washington, DC 20036	Neece Cator Barnicle & Associates (For:American Industrial Hygiene Assn)	2,200.00	2,200.00
Do	Neece Cator Barnicle & Associates (For:Design Professional Coalition)		
Do	Neece Cator McGahey & Associates, Inc (For:GMIS)		
Do	Neece Cator Barnicle & Associates (For:National Assn of Development Companies).	1,000.00	1,000.00
Do	Neece Cator Barnicle & Associates (For:National Assn of Government Guaranteed Lenders, Inc).	750.00	750.00
Do	Neece Cator Barnicle & Associates (For:Southeastern Lumber Manufacturers Assn).	1,150.00	1,150.00
Gordon Cavanaugh, 601 Pennsylvania Ave., NW, #800 Washington, DC 20004	Reno & Cavanaugh (For:Cooperative Housing Foundation)		
Do	Reno & Cavanaugh (For:Council of Large Public Housing Authorities)	26,468.00	533.79
Do	Reno & Cavanaugh (For:Housing Assistance Council)	68.00	
Do	Reno & Cavanaugh (For:Housing Authority Insurance, Inc)	155.00	
Do	Reno & Cavanaugh (For:National American Indian Housing Council)	658.00	8.00
Do	Reno & Cavanaugh (For:National Assn of Service & Conservation Corps)	520.00	11.00
Cement Kiln Recycling Coalition, 1212 New York Ave. NW Suite 500 Washington, DC 20005			
Chadbourne & Parke, 1101 Vermont Ave., NW, #900 Washington, DC 20005	Air Products & Chemicals Inc		
Do	AES Corporation		
Do	Landfill Gas Group	1,813.00	38.00
Do	Purdue Frederick Company		
Do	Ruan Transportation Management Systems		
Chambers Associates, Inc, 805 15th Street, NW, #500 Washington, DC 20005	American Postal Workers Union, AFL-CIO	1,200.00	
Do	APG, Inc	2,025.00	
Do	Belk Stores Services, Inc		
Do	Coalition of Publicly Traded Limited Partnerships	900.00	
Do	Council of Infrastructure Financing Authorities	400.00	
Do	Edison Electric Institute		
Do	General Motors		
Do	Manville Corporation		
Do	National Comm to Preserve Social Security & Medicare		
Do	Newhall Land and Farming Company		
Do	Pre-Medicine Health Security Coalition		
Michael D. Chapman, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn	3,750.00	
Nancy Chapman & Associates, Inc, 1723 U Street, NW Washington, DC 20009	Mycogen Corp	1,000.00	30.00
Richard A. Charter, 6947 Cliff Ave. Bodega Bay, CA 94923	County Administrative Office County of Santa Cruz		1,950.00
Joseph L. Choquette III, Vermont Petroleum Assn P.O. Box 566 Montpelier, VT 05601-0566	American Petroleum Institute		
Marjorie A. Chorlins, 1350 I Street, NW Washington, DC 20005	Motorola	2,500.00	
Christian Action Network, P.O. Box 606 Forest, VA 24551		318,452.06	111,312.89
Christians' Israel Public Action Campaign, Inc, 2013 Q Street, NW Washington, DC 20009		7,785.00	7,220.65
John Chwat, 601 Pennsylvania Avenue, NW, Suite 900 Washington, DC 20005	Chwat and Co, Inc (For:American Home Sewing & Craft Assn)	1,300.00	
Do	Chwat and Co, Inc (For:American Radio Relay League, Inc)	3,000.00	
Do	Chwat and Co, Inc (For:Associated Locksmiths of America)	1,400.00	
Do	Chwat and Co., Inc (For:Coalition for Fairness in State Taxation)	6,000.00	
Do	Chwat and Co, Inc (For:National Licensed Beverage Assn)	4,500.00	
Do	Chwat and Co, Inc (For:National Weather Service Employees Organzation)	800.00	
Donna M. Cirolia, One Culligan Parkway Northbrook, IL 60062	Culligan International Co	450.06	903.85
Citizens for an Alternative Tax System, 9401 East Street Manassas, VA 22110		37.00	37.00
Citizens Comm for the Right to Keep & Bear Arms, Liberty Park, 12500 NE Tenth Place Bellevue, WA 98005		836,649.00	256,598.00
Citizens Political Action Committee, P.O. Box 645 228 South A Street, #2 Oxnard, CA 93032			
Jayne Clancy, 1150 17th Street, NW, #701 Washington, DC 20036	National Air Traffic Controllers Assn	17,375.00	
James F. Clark, P.O. Box 212ll Juneau, AK 99802-1211	Alaska Forest Assn		
Julie Clark, 1625 K St., NW, #800 Washington, DC 20006	National Legal Aid & Defenders Assn	16,926.00	
Marshall C. Clark, 7332 SW 21st Street P.O. Box 4267 Topeka, KS 66604	Kansas Electric Cooperatives, Inc (KEC)	3,246.00	
Isabelle M. Claxton, 601 Pennsylvania Avenue, NW Washington, DC 20004	Merck & Co, Inc	1,000.00	400.00
Joan Claybrook, 2000 P Street, NW, #605 Washington, DC 20036	Public Citizen	8,300.00	
Elizabeth Clifford, 1101 Connecticut Ave., NW, Suite 700 Washington, DC 20036	American Assn of Preferred Provider Organizations		
William A. Clifford, 510-15 Revere Beach Blvd., #806 Revere, MA 02151	American Train Dispatchers	446.00	
Michael P. Cline, 1219 Prince Street Alexandria, VA 22314-2916	Enlisted Assn National Guard	5,343.00	
Clinton Advocates for Change, 16 Lancaster Drive Suffern, NY 10901		335.00	79.67
Guy Clough, 1301 Pennsylvania Avenue, NW, #1100 Washington, DC 20004-1707	Air Transport Assn of America	1,973.04	
Coalition for an Undercharge Relief Bill, 1750 Pennsylvania Ave., NW, #1111 Washington, DC 20006		13,000.00	
Coalition for Automotive Repair Equality, Inc, 119 Oronoco Street, Suite 300 Alexandria, VA 22314		36,547.00	24,458.00
Coalition for Vehicle Choice, 1440 New York Ave., NW, #310 Washington, DC 20005		779,307.00	104,687.11
Coalition of Supporters of the Shipping Act, c/o Morgan Lewis & Bockius 1800 M Street, NW Washington, DC 20036			
Coalition to Stop Gun Violence, 100 Maryland Ave., NE Washington, DC 20002		186,402.27	182,317.88
George T. Cody, 2213 M Street, NW, 3rd Floor Washington, DC 20037	American Task Force for Lebanon		
W. J. Michael Cody, Burch Porter & Johnson 130 North Court Memphis, TN 38103	Monsanto Company		
Coffield Ungaretti & Harris, 1747 Pennsylvania Avenue, NW, #900 Washington, DC 20006	Pilot Chemical Corp		
Daniel Cohen, 1801 K Street, NW, #400K Washington, DC 20006-1301	International Council of Cruise Lines	23,750.00	
Marvin S. Cohen, 2929 N. Central Ave., 14th Floor Phoenix, AZ 85012-2576	Sacks Tierney & Kasen (For:City of Tucson)	455.00	
Sharon Cohen, 1400 K Street, NW Washington, DC 20005	American Psychiatric Assn	3,692.00	1,170.59
Herman J. Cohen & Associates, 1155 Connecticut Ave., NW, Suite 400 Washington, DC 20036	President Pascal Lissouba/Republic of the Congo	150,000.00	140,000.00
Cordis B. Colburn, 1745 Jefferson Davis Highway, Suite 1000 Arlington, VA 22202	General Dynamics Corp	1,000.00	1,980.48
Robert E. Cole, 900 17th St., NW Washington, DC 20006	Kaiser Aluminum & Chemical Corp, et al.		
E. Thomas Coleman, 1100 New York Ave., NW, #340-West Washington, DC 20005	BASF Corporation	75.00	8.00
Colex & Associates, 1106 North Taylor Street Arlington, VA 22201	American Stamps, Inc		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Cambridge International, Inc	1,000.00	
Do	Coalition for Employment Opportunities	4,000.00	
Do	Contessa Cruise Lines	5,000.00	
Do	Diagnostek, Inc	2,000.00	
Do	MMW/Strategic Communications, Inc		
Do	Orleans Levee District	2,000.00	
Do	RGDC, Inc		
Do	St. Bernard Port, Harbor & Terminal District	1,000.00	
Collier Shannon Rill & Scott, 3050 K Street, NW, #400 Washington, DC 20007	Tanners Countervailing Duty Coalition	1,894.39	1,894.39
John Collins, 430 First Street, SE Washington, DC 20003	American Trucking Assns, Inc	11,000.00	
Meg Collins, 701 Pennsylvania Ave., NW, Suite 710 Washington, DC 20004	Tenneco	796.00	80.00
Kent W. Colton, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Douglas B. Comer, 1100 New York Avenue, NW, #300 East Washington, DC 20005	American Financial Services Assn	16,500.00	
Committee for Do-It-Yourself Household Moving, P. O. Box 20084 George Mason Station Alexandria, VA 22320			
Commonwealth Group, Ltd, One Massachusetts Avenue, Suite 850 Washington, DC 20001	Bechtel Parsons Brinckerhoff	11,250.00	
Do	EG&G, Inc	7,500.00	
Do	Wampanoag Tribe of Gay Head	15,000.00	
Jon R. Comola, P.O. Box 1682 Austin, TX 78767	Blue Cross Blue Shield of Texas, Inc	750.00	126.70
Harry J. Conaway, 2300 N Street, NW, #730 Washington, DC 20037	William M. Mercer, Inc		
Concerned Women for America Legislative Action Committee, 370 L'Enfant Promenade, SW, #800 Washington, DC 20024	Concerned Women for America	35,860.05	35,860.05
Conference of State Bank Supervisors, 1015 18th St., NW Washington, DC 20036			3,012.50
Conkling Fiskum & McCormick, 900 SW 5th Avenue, Suite 2300 Portland, OR 97204-1268	Electro Scientific Industries, Inc	3,022.56	2,250.00
Do	Mentor Graphics Corporation	4,100.00	2,250.00
Do	Sequent Computer Systems	986.29	
Do	Sisters of Providence	5,250.00	49.35
Do	Tektronix, Inc	12,499.98	7,500.00
Connaught Laboratories, Inc, Post Office Box 187 Route 611 Swiftwater, PA 18370		3,787.55	1,895.95
Jerry C. Connors, 1745 Jefferson Davis Highway, #511 Arlington, VA 22202	Manufactured Housing Institute	8,500.00	
Consortium of Small School Districts, Inc, 1730 Pennsylvania Ave., NW, #1050 Washington, DC 20006			1,252.46
Consumer Federation of America, 1424 16th St., NW, #604 Washington, DC 20036		74,187.00	79,681.00
John J. Contney, 1130 East Hallandale Beach Blvd. Suite B Hallandale, FL 33009	Textile Rental Services Assn of America		
Brian D. Cooney, 1455 Pennsylvania Ave., NW Washington, DC 20004-1007	American Institute of Certified Public Accountants	10,000.00	1,049.18
Edward Cooney, 1875 Connecticut Ave., NW, #540 Washington, DC 20009	Food Research & Action Center	1,296.00	
Edward R. Cooper, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Mark N. Cooper, 1424 16th St., NW, #604 Washington, DC 20036	Consumer Federation of America	5,000.00	
Greg Copeland, 1776 Eye Street, NW, Suite 275 Washington, DC 20006	Entergy Services, Inc	3,561.47	369.59
Copeland Lowery & Jacquez, 601 13th Street, NW, #710 North Washington, DC 20005	Bay Area Rapid Transit District	26,639.50	
Do	Biomagnetic Technologies		
Do	California League of Savings Institutions	14,000.00	
Do	County of Alameda	19,200.00	
Do	County of Merced	6,750.00	
Do	CALSTART	10,132.90	
Do	Dillon Development		
Do	Hazardous Waste Action Committee	4,000.00	
Do	International Bottled Water Assn	11,532.99	
Do	ICF International	12,221.24	
Do	JAYCOR	15,419.14	
Do	Las Vegas Convention and Visitors Authority	8,320.60	
Do	Nomura Enterprises, Inc	6,034.76	
Do	ORINCON Corp	10,646.04	
Do	Pacific Mutual Life Insurance Company	16,477.04	
Do	San Diego State University Foundation	30,044.12	
Do	Santa Barbara Metropolitan Transit District	11,292.99	
Do	South West Marine	25,099.55	
Do	State of California	24,000.00	
Do	SAIC, Inc		
Do	Westlands Water District	15,426.64	
James T. Corcoran, 1667 K Street, NW, #320 Washington, DC 20006	Dial Corp		
Alfred W. Cors Jr., 4505 Blue Jay Court Woodbridge, VA 22193	National Taxpayers Union	7,666.00	
R. Lawrence Coughlin, 2100 Pennsylvania Ave., NW, Suite 600 Washington, DC 20037	Eckert Seamans Cherin & Mellott (For:National Independent Automobile Dealers Assn).		
Do	Eckert Seamans Cherin & Mellott (For:Regional Transportation Commission)	4,935.00	
Do	Eckert Seamans Cherin & Mellott (For:Southeastern Pennsylvania Transportation Authority).		
Do	Eckert Seamans Cherin & Mellot (For:Triangle Transit Authority)		
Council for the National Interest, 1511 K Street, NW, Suie 1043 Washington, DC 20005			728.33
Council for Marketing & Opinion Research (CMOR), 28 North Country Road, Suite 102 Mt. Sinai, NY 11766			
Council of Industrial Boiler Owners, 6035 Burke Centre Parkway, #360 Burke, VA 22015			
Council of Nursing Home Suppliers, c/o Schmeltzer, Aptaker & Shepard 2600 Virginia Ave., NW, 10th Floor Washington, DC 20037-1905.		4,500.00	1,537.23
Christopher D. Coursen, 1133 Connecticut Ave., NW, #900 Washington, DC 20036	Adelphia Communications Corp		
Do	Allnet Communications Services, Inc		
Do	Booth American Company		
Do	Boston Ventures Management, Inc		
Do	Bresnan Communications Co		
Do	Coursen Group (For:Cable Telecommunications Assn)	500.00	
Do	Cablevision Industries		
Do	Cablevision Systems Corp		
Do	Columbia International, Inc		
Do	Continental Cablevision, Inc		
Do	Falcon Cable TV		
Do	Insight Communications		
Do	InterMedia Partners		
Do	Lenfest Group		
Do	Marcus Communications		
Do	Mas Tec, Inc		
Do	Medium-Sized Cable Operators Group		
Do	Post-Newsweek Cable		
Do	Scala, Inc		
Do	Triax Communications Corp		
Do	U.S. Cable Corp		
Thomas J. Cove, 1625 K Street, NW, #900 Washington, DC 20006	Sporting Goods Manufacturers Assn (SGMA)	5,250.00	1,000.00
Covington & Burling, P.O. Box 7566 1201 Pennsylvania Avenue, NW Washington, DC 20044	International Dairy Foods Assn		
Sharon Cowan, 1828 L Street, NW, #906 Washington, DC 20006	American Soc of Mechanical Engineers		
Lanny M. Craft, P.O. Box 13748 Jackson, MS 39236-3748	Comprehensive Health Insurance Risk Pool Assn		
Bruce Craig, P.O. Box 640 Charles Town, WV 25414	Conference of National Park Cooperating Associations		
Donald A. Crane, 919 18th Street, NW, #400 Washington, DC 20006	W. R. Grace & Co /World Headquarters	1,000.00	
Charles T. Crangle, 560 N Street, SW #N-609 Washington, DC 20024	American Maritime Officers, MTD, AFL-CIO		
Creative Coalition, 1100 Avenue of the Americas, 15th Floor New York, NY 10036			443.00
Teena Cregan, 8 Herbert Street Alexandria, VA 22305-2600	National Assn of Postmasters of the U.S.	11,395.93	
Anne Crichton Crews, 8787 Stemmons Freeway Dallas, TX 75247	Mary Kay Cosmetics, Inc		
Charles H. Cromwell, Inc, 6709 Georgia Street Chevy Chase, MD 20815	MTS Systems Corp		
Adrian Cronauer, 1100 Connecticut Avenue, NW, 12th Floor Washington, DC 20036-4101	U.S. Interactive Microwave Television Assn		
Crop Insurance Research Bureau, 9200 Indian Creek Parkway, Suite 220 Overland Park, KS 66210-2008			
John H. Crosby IV, 950 North Glebe Road, Suite 160 Arlington, VA 22203	American Boiler Manufacturers Assn, Inc	400.00	175.00
Mark E. Crosby, 1110 N. Glebe Road, #500 Arlington, VA 22201-4714	Industrial Telecommunications Assn, Inc		
Mary M. Cross, 555 New Jersey Ave., NW Washington, DC 20001	American Fed of Teachers	18,389.16	32.00
Crowell & Moring, 1001 Pennsylvania Ave., NW Washington, DC 20004-2595	American Forest & Paper Assn	2,655.00	45.00
Do	American Land Conservancy		
Do	Canyon Resources Corp		
Do	City of North Miami		
Do	Cook Inlet Region, Inc		
Do	Endangered Species Coordinating Council		
Do	Independence Mining Company, Inc	368.75	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Meridian Minerals Co		
Do	Rocking K Development		
Do	Trust for Public Lands		
Do	Western Governors' Assn		
Dennis P. Culloton, 233 North Michigan Avenue Chicago, IL 60601	Health Care Service Corp	6,250.00	
Philip Cummings, 1101 Pennsylvania Avenue, NW Washington, DC 20004	McCutchen Doyle Brown & Enersen (For:American Iron & Steel Institute)	1,408.00	
Do	McCutchen Doyle Brown & Enersen (For:Browning-Ferris Industries, Inc)	23,228.00	
Do	McCutchen Doyle Brown & Enersen (For:Clean Water Act Reauthorization Coalition).	7,124.00	
Do	McCutchen Doyle Brown & Enersen (For:Eastman Kodak Company)		
Do	McCutchen Doyle Brown & Enersen (For:Freeport-McMoRan, Inc)	520.00	
Do	McCutchen Doyle Brown & Enersen (For:General Electric Co)	5,096.00	
Do	McCutchen Doyle Brown & Enersen (For:Massachusetts Water Resources Authority).	4,243.00	
Do	McCuthchen Doyle Brown & Enersen (For:Rohr Industries, Inc)		
Do	McCutchen Doyle Brown & Enersen (For:Southern California Assn of Governments).	4,836.00	
Do	McCutchen Doyle Brown & Enersen (For:3M)		
Cuneo Law Group, 317 Massachusetts Ave., NE, Suite 300 Washington, DC 20002	Committee to Support the Antitrust Laws	2,000.00	
Do	National Assn of Securities & Commercial Law Attorneys	25,000.00	538.51
Do	Service Station Dealers of America	1,500.00	
Do	West Publishing Co	30,000.00	543.50
Kevin M. Cunningham, 11250 Waples Mill Road Fairfax, VA 22030	NRA Crimestrike		
William J. Cunningham, 815 16th Street, NW Washington, DC 20006	Natural Disaster Coalition	6,000.00	
F.P. Curran, 7315 Wisconsin Ave., Suite 1250W Bethesda, MD 20814	Treasury Management Assn	1,000.00	210.00
John T. Curran, 905 16th St., NW Washington, DC 20006	Laborers' Intl Union of North America, AFL-CIO	24,999.99	228.00
Do	National Coordinating Comm for Multiemployer Plans		
Herschel Cutler, 1325 G Street, NW, Suite 1000 Washington, DC 20005	Institute of Scrap Recycling Industries, Inc	3,719.00	130.84
Jay B. Cutler, 1400 K Street, NW Washington, DC 20005	American Psychiatric Assn	9,302.00	799.00
Dairy Export Incentive Program (DEIP), One Massachusetts Avenue, NW, #800 Washington, DC 20001		2,500.00	20,886.53
Dairy Farmers for Responsible Dairy Policy, 1919 South Eads St., #103 Arlington, VA 22201-3028		50,000.00	50,000.00
Patricia A. Daley, 1101 30th Street, NW, Suite 200 Washington, DC 20007	Murphy & Demory, Ltd (For:JEFA International, Inc)		
Do	Murphy & Demory, Ltd (For:Prodigy Services Company)		
Do	Murphy & Demory, Ltd (For:U.S. Telephone Assn)		
Do	Murphy & Demory, Ltd (For:Village of Palatine, IL)		
Lynnea Bylund Dalton, 304 E. Market Street York, PA 17403	U.S. Independent Microwave Television Assn (USIMTA)		
Davidson Colling Group, 1101 Pennsylvania Avenue, NW, #810 Washington, DC 20004	American Advertising Federation		
Do	Association of National Advertisers, Inc		
Do	Caraustar Industries		12.27
Do	Direct Marketing Assn		
Do	Dun & Bradstreet Corporation		
Do	Field Container Corp		2.45
Do	Garden State Paper Company		4.91
Do	Grocery Manufacturers of America, Inc		
Do	Halltown Paperboard Co		0.82
Do	Homedco	200.00	218.77
Do	Lincare	100.00	109.38
Do	Magazine Publishers of America		
Do	Media General, Inc	3,487.50	
Do	National Assn of Broadcasters		
Do	Newark Group		15.55
Do	Newman & Company, Inc		0.82
Do	Newspaper Assn of America		
Do	Packaging Corp of American		4.09
Do	Point of Purchase Advertising Institute		
Do	Rock-Tenn Company		12.27
Do	Sonoco Products Co		13.91
Do	Southeast Paper Manufacturing Co		9.82
Do	Waldorf Corp		4.09
Do	White Pigeon Paper Company		0.82
Do	Yellow Pages Publishers Assn		
Davis & Harman, 1455 Pennsylvania Avenue, NW, #1200 Washington, DC 20004	American Home Life Insurance Co	125.00	
Do	American Investors Life Insurance	1,200.00	
Do	General Aviation Manufacturers Association	4,500.00	
Do	National Business Aircraft Assn	1,500.00	20.87
Do	William H. Williams	3,000.00	154.67
Do	Worldspan	475.00	140.89
Davis Wright & Tremaine, 1155 Connecticut Ave., NW, #700 Washington, DC 20036	Association of National Advertisers, Inc	325.53	
Do	West Pac Vessel Owners Assn		
Michael P. Day, 230 South Phillips Avenue P.O. Box 5118 Sioux Falls, SD 57117	Rural Community Insurance Services/Norwest		
Barbara Daye, 655 Fifteenth Street, NW 300 Metropolitan Square Washington, DC 20005	Blue Cross of California	13,125.00	733.53
Mark O. Decker, 1129 20th Street, NW, #705 Washington, DC 20036	National Assn of Real Estate Investment Trusts, Inc		
Cathy Deeds, 700 13th Street, NW, #500 Washington, DC 20005	Family Research Council	400.00	
Richard A. Deem, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn	25.00	
George K. Degnon Associates, Inc, 6728 Old McLean Villiage Drive McLean, VA 22101			
Edward N. Delaney & Associates, Chtd, 1629 K Street, NW, #1000 Washington, DC 20006	National Assn of Independent Insurers	22,500.00	139.76
Mitchell Delk, 1101 Pennsylvania Avenue, NW, #950 Washington, DC 20077-7347	Federal Home Loan Mortgage Corp		
Deloitte & Touche, 1001 Pennsylvania Ave. Suite 350N Washington, DC 20004-2505	UBTI Coalition	14,000.00	
Willard L. Demory, 1101 - 30th Street, NW, Suite 200 Washington, DC 20007	Murphy & Demory, Ltd (For:Erie BOCES)		
Do	Murphy & Demory, Ltd. (For:Prodigy Services Company)		
Robert Neal Denton, 1211 Connecticut Avenue, NW, #620 Washington, DC 20036-2701	Alliance of Nonprofit Mailers	1,690.79	
Department for Professional Employees, AFL-CIO, 815 16th St., NW, #707 Washington, DC 20006		15,662.93	15,662.93
Dewey Ballantine, 1775 Pennsylvania Ave., NW, #500 Washington, DC 20006	U.S. Coalition for Fair Lumber Imports	350.00	
Mary Dewhirst, 1350 Connecticut Ave., NW, #200 Washington, DC 20036	Association of America's Public Television Stations		
Elaine K. Dezenski, 701 Pennsylvania Ave., NW, Suite 720 Washington, DC 20004	Siemens Transportation Systems		91.53
Alex J. DeBoissiere, 701 Pennsylvania Avenue, NW, #710 Washington, DC 20004	Tenneco, Inc	1,000.00	
Michael DeEmilio, 400 North Capitol Street, NW, #852 Washington, DC 20001	Brotherhood of Maintenance of Way Employes	12,500.00	
James U. DeFrancis, 1215 Jefferson Davis Highway, #1500 Arlington, VA 22202-4302	Raytheon Engineers & Constructors	4,012.50	158.29
Doris M. DeMay, 701 North Fairfax Street Alexandria, VA 22314	United Way of America		
Martin L. DePoy, 700 Eleventh Street, NW Washington, DC 20001	National Assn of Realtors	2,500.00	929.24
Judith Martin DeSarno, 122 C Street, NW, #380 Washington, DC 20001-2109	National Family Planning & Reproductive Health Assn, Inc		
Chester T. Dickerson Jr., 700 14th Street, NW, #1100 Washington, DC 20005	Monsanto Co		2,182.78
Dorothea M. Diemer, 10550 Talbert Avenue Fountain Valley, CA 92728	Hyundai Motor America		
Robbi Rice Dietrich, P.O. Box 660634 Dallas, TX 75266-0634	Frito-Lay, Inc	8,100.00	5,333.00
John Dill, 325 7th Strret,NW #1000 Washington, DC 20004	National Retail Federation	11,500.00	200.10
Lisa M. Dinackus, 1455 Pennsylvania Avenue, NW Washington, DC 20004-1007	American Institute of Certified Public Accountants	5,000.00	791.27
Charles V. Dinges IV, 1015 15th Street, NW, #600 Washington, DC 20005	American Soc of Civil Engineers		
Joseph J. DioGuardi, 9 Larissa Lane Thornwood, NY 10594	Albanian American Civic League		
Direct Selling Association, 1776 K Street, NW Washington, DC 20006			
Rose M. DiNapoli, 1101 Pennsylvania Ave., NW, Suite 950 Washington, DC 20004	Student Loan Marketing Assn	1,500.00	125.00
Thomas B. Dobbins, 1015 Fifteenth Street, NW, #802 Washington, DC 20005	American Consulting Engineers Council	7,000.00	63.00
Jeffrey A. Dodson, 1700 North Moore Street, #2000 Arlington, VA 22209	Boeing Company	4,736.70	1,205.60
Mary Elizabeth Donnelly, 1233 20th St., NW, #200 Washington, DC 20036	Newmont Mining Corp		
Patrick J. Donnelly, 1747 Pennsylvania Ave., NW, Suite 700 Washington, DC 20006	Ciba-Geigy Corp	3,750.00	471.93
Thomas J. Donohue, 430 First Street, SE Washington, DC 20003	American Trucking Assns, Inc	11,000.00	
Dorfman & O'Neal, Inc, 1331 Pennsylvania Ave., NW, Suite 730N Washington, DC 20004	General Pneumatics Corp		9,141.99
Do	Hercules Engine Co		1,537.65
Doris Day Animal League, 227 Massachusetts Avenue, NE, Suite 100 Washington, DC 20002		85,103.00	89,638.00
Dorsey & Whitney, 1330 Connecticut Ave., NW, #200 Washington, DC 20036	Medica	540.00	
Dow Lohnes & Albertson, 1255 23rd St., NW, Suite 500 Washington, DC 20037	Cox Enterprises, Inc, et al.		
Do	Kycom		
Thomas J. Downey & Associates, Inc, 1401 Eye Street, NW, Suite 1210 Washington, DC 20005	American International Group	50,000.00	50,000.00
David P. Drake, 1747 Pennsylvania Ave., NW, #700 Washington, DC 20006	Ciba-Geigy Corp	8,000.00	
James E. Drake, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	3,750.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
John E. Drawz, 1100 International Centre 900 Second Ave., South Minneapolis, MN 55402-3397	Fredrikson & Byron (For:City of New Brighton)		
Charles T. Drevna, 1110 Vermont Avenue, NW, #400 Washington, DC 20005	Capitol Hill Strategies	1,000.00	50.00
Kevin J. Driscoll, 1800 M St., NW Washington, DC 20036	American Bar Assn	400.00	50.00
Marcel Dubois, 430 1st Street, SE Washington, DC 20003	American Trucking Assn, Inc	9,000.00	
Frances A. Dubrowski, 1400 16th Street, NW, #502 Washington, DC 20036	Natural Resources Defense Council, Inc	1,986.30	225.12
Mac S. Dunaway, Dunaway & Cross 1146 19th Street, NW, #400 Washington, DC 20036	Crown Controls Corporation		
Do	Industrial Truck Assn		
Do	Lord Corporation		
Do	Walbro Corp		
Amy K. Dunbar, P.O. Box 19230 Washington, DC 20036	National Assn of Bond Lawyers		
Don R. Duncan, 1776 Eye Street, NW, #700 Washington, DC 20006	Phillips Petroleum Co	6,000.00	
Mallory B. Duncan, 325 7th Street, NW, #1000 Washington, DC 20004	National Retail Federation	2,000.00	100.00
Katherine M. Dutilh, 1100 Connecticut Ave., NW, #1300 Washington, DC 20036-4101	Milliken & Company	5,000.00	600.00
Ernest DuBester, 815 16th Street, NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations		
Stuart S. Dye, 2000 M Street, NW Washington, DC 20036	Graham & James (For:American Hawaii Cruises)	1,127.50	
Do	Graham & James (For:National Assn of Dredging Contractors)		
DFC Group, Inc, 7201 Wisconsin Ave., #620 Bethesda, MD 20814	Pennrose Properties	3,100.00	43.00
Joseph L. Ebersole, 2101 Connecticut Ave., NW, #63 Washington, DC 20008-1760		22,500.00	195.63
Gordon Alexander Echols, 1325 G Street, NW, Suite 1000 Washington, DC 20005	Institute of Scrap Recycling Industries	6,476.00	717.50
Eckert Seamans Cherin & Mellott, 2100 Pennsylvania Ave., NW, #600 Washington, DC 20037			
Daniel J. Edelman, Inc, 1420 K Street, NW Washington, DC 20005	Government of Chile		
Do	Government of India		
Do	Government of Portugal		
Do	Rolls Royce Aerospace Division		
Norman R. Eder, P.O. Box 91000 Portland, OR 97291-1000	Oregon Graduate Institute of Science & Technology	12,103.98	12,256.64
Tony M. Edwards, 1129 20th Street, NW, Suite 305 Washington, DC 20036	National Assn of Real Estate Investment Trusts, Inc		27.00
Egan & Associates, PC, 2300 N Street, NW Washington, DC 20037	Edlow Internatinal Co		
Thomas A. Ehrgood Jr., 1401 H Street, NW, Suite 950 Washington, DC 20005	Digital Equipment Corp	25,000.00	
Peter J. Eide, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce	2,500.00	11.50
Timothy L. Elder, 100 N.E. Adams Street Peoria, IL 61629-1430	Caterpillar, Inc		
Electronetics Corp, 555 Commerce Drive Amherst, NY 14228			
Electronic Industries Assn, 2001 Pennsylvania Avenue, NW Washington, DC 20006		11,681.32	30,686.76
Law Office of Peter L. Eleey, 304 Victory Road Marina Bay, MA 02171	Dana Farber Cancer Institute		
Elf Atochem North America, Inc, 2000 Market Street Philadelphia, PA 19103			6,382.00
Mark G. Ellis, 1920 N St., NW Washington, DC 20036	American Mining Congress		
Eric J. Ellman, 1666 K Street, NW, Suite 1010 Washington, DC 20006	Direct Selling Assn		
Charles Ellstein, 6215 West St. Joseph Highway Lansing, MI 48917	Michigan Hospital Assn		
Dorothy A. Ellsworth, 9000 Machinists Place Upper Marlboro, MD 20772	International Assn of Machinists & Aerospace Workers	18,197.07	403.15
John M. Emery, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	25.00	
Employee Relocation Council, 1720 N St., NW Washington, DC 20036			
Employers Insurance of Wausau, 2000 Westwood Dr. Wausau, WI 54401			25,703.35
Employment Policies Institute, 607 14th Street, NW, #1110 Washington, DC 20005			
Energy Consumers & Producers Assn, P.O. Box 1288 Muskogee, OK 74402-1288		1,125.00	
Gary D. Engebretson, 1200 G Street, NW, #750 Washington, DC 20005	Contract Services Assn		243.00
Steven Engelmyer, 1515 Market Street Philadelphia, PA 19102	Connolly Epstein Chicco Foxman Engelmyer & Ewing (For:FMC Corp)		
Clyde F. Ensslin, 800 Connecticut Avenue, NW, #800 Washington, DC 20006	Tudor Investment Corp		
Ann Eppard Associates, Ltd, 30 Wolfe Street Alexandria, VA 22314	AMTRAK	2,500.00	
Do	Conrail	5,000.00	
Do	Outdoor Advertising Assn of America, Inc	1,666.67	
J. Barry Epperson, 201 West 5th Street, #440 Tulsa, OK 74103-4211	Associated Wire Rope Fabricators		3,100.37
Joe L. Ervin, 1331 F Street, NW, 7th Floor Washington, DC 20004	National Council of Senior Citizens	11,643.18	11,643.18
Anita R. Estell, 1420 New York Avenue, NW, #1050 Washington, DC 20005	Van Scoyoc Hospital, Inc (For:McLean Hospital)	3,750.00	
Do	Van Scoyoc Associates, Inc (For:MetaNetworks)	100.00	
Do	Van Scoyoc Associates, Inc (For:National Commission on Correctional Health Care).	400.00	
Do	Van Scoyoc Associates, Inc (For:Spelman College)	1,200.00	
Brock Evans, 666 Pennsylvania Avenue, SE Washington, DC 20002	National Audubon Society	4,400.00	165.00
Catherine Evans, 430 First Street, SE Washington, DC 20003	American Trucking Assns, Inc	9,000.00	
Rae Evans, 1615 L Street, NW, #1220 Washington, DC 20036	Hallmark Cards, Inc	2,000.00	21.00
Evans Group, Ltd, 1010 Wisconsin Ave., NW, 8th Floor Washington, DC 20007	Armour Pharmaceutical Co		
Do	Matlack Systems, Inc		
Do	Republic of Cyprus	21,500.00	
Faegre & Benson, Suite 450 North 601 13th Street, NW Washington, DC 20036-4001	Plaintiffs in Federal Dist Court litigation in Anchorage, AK	506.25	558.23
Robert J. Falb, 1821 Michael Faraday Drive Suite 400 Reston, VA 22090	National Wholesale Druggists' Assn		
S. Jackson Faris, 600 Maryland Avenue, SE, #700 Washington, DC 20024	National Fed of Independent Business	1,150.00	200.00
Joseph A. Farrell, 1600 Wilson Boulevard, #1000 Arlington, VA 22209	American Waterways Operators, Inc		
Meghan Farrell, 444 North Capitol Street, #418 Washington, DC 20001	New England Council		
Federal Kemper Life Assurance Co, One Kemper Drive, T-1 Long Grove, IL 60049			159.12
Federal Managers Assn, 1000 16th Street, NW Washington, DC 20036		204,000.00	30,947.22
Tara Federici, 1200 G Street, NW, #400 Washington, DC 20005	Health Industry Manufacturers Assn	1,190.00	158.27
Robert Feenstra, 13545 Euclid Avenue Ontario, CA 91761	Milk Producers Council (For:Dairy Farmers for Responsible Dairy Policy)		
Donald M. Fehr, 12 East 49th Street New York, NY 10017	Major League Baseball Players Assn		2,534.34
Steven A. Fehr, 204 West Linwood Blvd Kansas City, MO 64111	Major League Baseball Players Assn	11,025.00	24.00
Geoffrey A. Feiss, 1401 H Street, NW, #600 Washington, DC 20005	U.S. Telephone Assn		9,595.00
Melody H. G. Fennel, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Karen S. Fennell, 818 Connecticut Avenue, NW, #900 Washington, DC 20006	American College of Nurse-Midwives	208,478.00	9,854.00
Jack Ferguson Associates, Inc, 203 Maryland Ave., NE Washington, DC 20002	Arctic Power	2,812.50	327.50
Do	AT&T	7,500.00	557.13
Do	Dillingham Construction Corp, Inc	7,500.00	602.90
Do	Global Marine, Inc	3,750.00	587.90
Do	Holland America West-Tours	6,334.25	602.12
Do	Northern Air Cargo	3,750.00	598.41
Do	U.S. Borax, Inc	7,500.00	612.27
Kirk Ferrell, 122 C Street, NW, #875 Washington, DC 20001	National Pork Producers Council	10,000.00	272.52
Ferroalloys Association, 900 2nd Street, NE, Suite 306 Washington, DC 20002			
Robert J. Fersh, 1875 Connecticut Avenue, NW, #540 Washington, DC 20009	Food Research & Action Center	194.50	
Figgie International, Inc, 4420 Sherwin Road Willoughby, OH 44094			
Andrew D. Filicicchia, 1200 18th Street, NW, Suite 200 Washington, DC 20036	National Business Aircraft Assn	315.00	520.63
Amy Finan De Leon, 818 Connecticut Ave., NW, #303 Washington, DC 20006	National Assn for Biomedical Research	307.00	
James K. Finley, 12300 Twinbrook Parkway Rockville, MD 20852	National Community Mental Healthcare Council		
Mary Ellen Fise, 1424 16th St., NW, #604 Washington, DC 20036	Consumer Federation of America	1,629.00	56.00
Gary K. Fisher, 1401 Eye St., NW, #1200 Washington, DC 20005	Chevron Companies	4,000.00	
Gregory M. Fisher, 1201 Connecticut Ave., NW, #300 Washington, DC 20036	Bailey & Robinson (For:American Gastroenterological Assn Foundation)		
Do	Bailey & Robinson (For:Mastercard International)		
J. Paris Fisher, 1801 K St., NW, #800 Washington, DC 20006	Westinghouse Electric Corp	1,200.00	
Alan M. Fitzwater, 6618 Skyline Court Alexandria, VA 22307	Burlington Northern Railroad Co	15,000.00	
Donald Fix, 2100 Pennsylvania Ave., NW, #560 Washington, DC 20037	Hyjek & Fix, Inc (For:British Aerospace)	1,500.00	892.26
Do	Hyjek & Fix, Inc (For:Canadair Challenger, Inc)	1,500.00	810.00
Do	Hyjek & Fix, Inc (For:Learjet, Inc)	300.00	
Do	Hyjek & Fix, Inc (For:Research & Development Labs)	750.00	998.68
Do	Hyjek & Fix, Inc (For:Short Brothers (USA), Inc)	750.00	
Do	Hyjek & Fix, Inc (For:Thompson Defence Projects)	2,125.00	1,569.90
Do	Hyjek & Fix, Inc (For:Thorn EMI)	200.00	306.36
Sarah A. Flanagan, 1025 Connecticut Ave., NW, #700 Washington, DC 20036	National Assn of Independent Colleges & Universities		
Mac A. Fleming, 26555 Evergreen Rd., #200 Southfield, MI 48076	Brotherhood of Maintenance of Way Employes		
Nancy J. Fletcher, 1850 M Street, NW, Suite 1040 Washington, DC 20036	Outdoor Advertising Assn of America, Inc	20,000.00	125.49
Karen Florini, 1875 Connecticut Ave. NW, #1016 Washington, DC 20009	Environmental Defense Fund	6,000.00	
Ruth Flower, 245 Second Street, NE Washington, DC 20002	Friends Committee on National Legislation	2,270.18	
Veronica M. Floyd, 3306 Fallen Tree Court Alexandria, VA 22310	Brunswick Marine Group	2,934.00	279.00
M. Todd Foley, 1776 I Street, NW, #1000 Washington, DC 20006	BP America, Inc		
John P. Ford, One Kellogg Square Battle Creek, MI 49016	Kellogg Co	2,000.00	283.00
Forest Farmers Assn, P.O. Box 95385 Atlanta, GA 30347		41,795.82	10,233.90
Patrick Forte, 888 17th Street, NW, #312 Washington, DC 20006	Association of Financial Services Holding Companies	3,750.00	
Alison B. Fortier, 1745 Jefferson Davis Highway, #1200 Arlington, VA 22202	Rockwell International	19,900.00	1,151.06

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Michael Fortier, 1200 19th Street, NW, Suite 200 Washington, DC 20036-2437	American Managed Care & Review Assn		74.00
W. Frank Fountain Jr., 1100 Connecticut Ave., NW, Suite 900 Washington, DC 20036	Chrysler Corp	5,860.00	363.00
Barbara Fox, 1101 Pennsylvania Avenue, NW, #950 Washington, DC 20004	Federal Home Loan Mortgage Corp	3,000.00	250.00
Fox Bennett & Turner, 750 17th Street, NW, #1100 Washington, DC 20006	American Soc of Clinical Oncology		
Do	Bristol-Myers Squibb Co	195.00	
Do	Cryomedical Sciences, Inc		
Do	Fisons Corp		
Do	Healthcare Management Alternatives, Inc	150.00	
Do	Hoffmann-La Roche, Inc		
Do	Immuno, US		
Do	Johnson & Johnson		
Do	Lederle-Praxis Biologicals	390.00	65.00
Do	National Coalition for Cancer Survivorship		
Do	New England Biomedical Research Coalition		
Do	Serono Laboratories, Inc		
Phillip L. Fraas, One Massachusetts Avenue, NW, #800 Washington, DC 20001-1431	McLeod Watkinson & Miller (For:DEIP Coalition)	15,040.00	63.53
Michael Francis, 900 17th Street, NW Washington, DC 20006	Wilderness Society	1,044.22	2.00
George Franklin, 1 Kellogg Square Battle Creek, MI 49016-3599	Kellogg Company	1,500.00	150.00
Marian C. Franz, 2121 Decatur Place, NW Washington, DC 20008	National Campaign for a Peace Tax Fund	2,662.60	1,469.82
Kathleen A. Frawley, 1919 Pennsylvania Ave., NW, Suite 300 Washington, DC 20006	American Health Information Management Assn	2,099.14	
David Frazier, 1015 15th Street, NW, Suite 802 Washington, DC 20005	American Consulting Engineers Council	1,900.00	
Paula D. Freer, 1101 Pennsylvania Avenue, NW, #510 Washington, DC 20004	USX Corporation		
Robert Freimark, 900 17th Street, NW Washington, DC 20006-2596	Wilderness Society		
Fresh Produce Assn of the Americas, P.O. Box 848 Nogales, AZ 85621			
Friends Committee on National Legislation, 245 2nd St., NE Washington, DC 20002		273,775.27	142,107.74
Jocelyn C. Frye, 1875 Connecticut Ave., NW, Suite 710 Washington, DC 20009	Women's Legal Defense Fund		
Fuji Photo Film, Inc, 211 Pucketts Ferry Road Greenwood, SC 29649			
Nancy R. Fulco, 1615 H St., NW Washington, DC 20062	U.S. Chamber of Commerce	2,500.00	
Carolyn Fuller, 1420 New York Avenue, NW, #1050 Washington, DC 20005	Van Scoyoc Associates, Inc (For:Metropolitan Museum of Art)	900.00	
Kurt A. Furst, 700 14th Street, NW, #1100 Washington, DC 20005	G.D. Searle & Co		525.00
Floyd D. Gaibler, 1155 15th Street, NW, Suite 300 Washington, DC 20005	Agricultural Retailers Assn	7,000.00	2,857.52
John W. Gaillard, 801 Pennsylvania Ave., NW Washington, DC 20004	European-American Chamber of Commerce		
Galland Kharasch Morse & Garfinkle, P.C., 1054 31st Street, NW Second Floor Washington, DC 20007	Composites Fabricators Assn		
Do	Mobile Industrial Caterers Assn		
Do	National Assn of Theatre Owners		
Do	Textile Rental Services Assn of America		
Curtis B. Gans, 421 New Jersey Avenue, SE Washington, DC 20003	Committee for the Study of the American Electorate	12,267.90	
Reginald R. Garcia, Melendi Gibbons & Garcia, P.A. 216 South Monroe St., #300 Tallahassee, FL 32301	Florida Assn of Broadcasters	7,500.00	44.79
Do	Greenberg, Traurig		1,128.10
Do	Taylor Brion Buker & Greene (for PRIDE of Florida)		
Margaret Garikes, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn	25.00	
Lee D. Garrigan, 1015 15th Street, NW, #802 Washington, DC 20005	American Consulting Engineers Council	1,250.00	
Gas Appliance Manufacturers Assn, Inc, 1901 North Moore Street Arlington, VA 22209		14,215.90	1,705.76
Lillian B. Gaskin, 1800 M St., NW Washington, DC 20036	American Bar Assn	400.00	50.00
Jerome C. Gatto, 230 E Broadway #901 Salt Lake City, UT 84111-2451			
Craig Gehrke, 900 17th Street, NW Washington, DC 20006	Wilderness Society		
Deanna Gelak, 606 North Washington Street Alexandria, VA 22314	Society for Human Resource Management	31,920.00	
David F. Gencarelli, 1919 Pennsylvania Ave., NW, Suite 300 Washington, DC 20006	Alliance of American Insurers	1,875.00	325.00
Do	Guardian Life Insurance Co of America	10,000.00	835.00
Do	Richard T. Hines Consulting, Inc (For:Northwestern National Life Insurance Co)	2,500.00	
Do	Richard T. Hines Consulting, Inc (For:Pan American Life Insurance Co)	2,500.00	395.00
Do	Richard T. Hines Consulting, Inc (For:Washington National Life Insurance)	3,750.00	325.00
Do	Richard T. Hines Consulting, Inc (For:Wausau Nationwide Insurance Group)	11,250.00	375.00
General Aviation Manufacturers Association, 1400 K Street, NW, #801 Washington, DC 20005			16,136.00
Katherine Doddridge Gerlach, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Pamela Gilbert, 215 Pennsylvania Avenue, SE Washington, DC 20003	Public Citizen	8,823.00	
Richard Gilbert, 1015 15th Street, NW Washington, DC 20005	American Public Health Assn	1,222.00	
Jacqueline Gillan, 777 North Capitol Street, NE, #410 Washington, DC 20002	Advocates for Highway & Auto Safety	2,625.00	85.00
Mary Ann Gilleece, 1747 Pennsylvania Ave., NW, #800 Washington, DC 20006	Gadsby & Hannah (For:Dayton Area Chamber of Commerce)		
Do	Gadsby & Hannah (For:Dyncorp)		
Do	Gadsby & Hannah (For:Gulfstream Aerospace Corp)	2,000.00	
Do	Gadsby & Hannah (For:NMP Corp)		
Do	Gadsby & Hannah (For:Veda, Inc)		
Do	Gadsby & Hannah (For:Westinghouse Distribution & Control)		
Cynthia D. Gillespie, 250 Williams Street Suite 6000 Atlanta, GA 30301-1996	Atlanta Committee for the Olympic Games	234.36	2,160.00
Michael B. Gillett, 1001 Forth Avenue Plaza, Suite 3200 Seattle, WA 98154	Atlantic Richfield Company	15,291.15	
Do	Pacific Lumber & Shipping Co	496.18	
Daniel F. Gilligan, 1745 Jefferson Davis Hwy, #511 Arlington, VA 22202	Manufactured Housing Institute	1,100.00	
Gerard Giovaniello, 777 14th St., NW Washington, DC 20005	National Assn of Realtors	2,500.00	614.75
David L. Glass, 485 Lexington Avenue New York, NY 10017	New York State Bankers Assn		
Glass Packaging Institute, 1627 K Street, NW, #800 Washington, DC 20006			4,074.00
Andrew M. Glick, 1201 Connecticut Ave., NW, Suite 300 Washington, DC 20036	Bailey & Robinson (For:American Gastroenterological Association Foundation)		
Do	Bailey & Robinson (For:Blue Cross of Western PA)		
Do	Bailey & Robinson (For:MasterCard International)		
Do	Bailey & Robinson (For:Ormet)		
Do	Bailey & Robinson (For:Utilities Telecommunication Council)		
JoAnne Glisson, 700 14th Street, NW, Washington, DC 20005	Monsanto Company		
Jean C. Godwin, 1010 Duke Street Alexandria, VA 22314	American Assn of Port Authorities	19,050.00	2,000.00
Kevin C. Goebel, 2530 San Pablo Avenue, #J Berkeley, CA 94702	Americans for Nonsmokers' Rights		
Mark J. Golden, 1019 19th Street, NW, Suite 1100 Washington, DC 20036	Personal Communications Industry Assn	812.50	
Wilson Golden, 715 Arlington Street Jackson, MS 39202-1617	ICF Kaiser International, Inc	18,750.00	7,497.52
Max Goldman, 1050 17th Street, NW, #500 Washington, DC 20036	Texaco, Inc		
Benson S. Goldstein, 11800 Tfton Drive Potomac, MD 20854	National Assn for the Self-Employed	12,600.00	
Jack Golodner, 815 16th St., N.W. Washington, DC 20006	Department for Professional Employees, AFL-CIO	6,053.35	
Susannah Goodman, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen	6,781.00	
Goodwin Procter & Hoar, 901 15th Street, NW, #410 Washington, DC 20005	General Latex & Chemical Co		
Linda Goold, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	1,250.00	
John E. Gordon, 1725 Jefferson Davis Highway, Suite 601 Arlington, VA 22202-3585	Litton Industries, Inc	1,000.00	1,195.70
Randall C. Gordon, 1201 New York Ave., NW #830 Washington, DC 20005	National Grain & Feed Assn		
Gordy Associates, Susan K., 1 First National Plaza, #3175 Chicago, IL 60603	First Chicago Corp	4,200.00	1,400.00
John C. Gore, 1776 Eye Street, NW, #1000 Washington, DC 20006	BP America, Inc		
Gorlin Group, 2300 M Street, NW, Suite 800 Washington, DC 20037	Intellectual Property Committee	8,385.00	23.80
Mark S. Gorman, Gorman Consulting 309 Prince Street Alexandria, VA 22314	Council for Affordable Health Insurance	15,000.00	
Do	General Mills Restaurants, Inc	7,500.00	223.00
Do	General Mills, Inc	3,000.00	115.00
Do	National Religious Broadcasters Music License Committee	5,000.00	54.00
Regina M. Gorman, 1850 M Street, NW, Suite 540 Washington, DC 20036	National Multi Housing Council	2,179.09	
Ann M. Gosier, 1001 19th Street North, #800 Arlingtonn, VA 22209	American Mining Congress	60.00	16.00
Margaret A. Gottlieb, 1101 17th Street, NW, #705 Washington, DC 20036	Direct Marketing Assn		
Paul E. Goulding, 1140 23rd Street, NW, Suite 302 Washington, DC 20037	American Deposit Corp		
Gover Stetson & Williams, 2501 Rio Grande Blvd., NW Albuquerque, NM 87104-3223	Campo Band of Mission Indians	4,768.00	
Do	Colorado River Indian Housing Authority		
Do	Crow Tribal Housing Authority		
Do	First Mesa Consolidated Villages		
Do	Lummi Nation		
Do	Mescalero Apache Housing Authority		
Do	Minnesota Chippewa Tribe		
Do	Navajo Nation		
Do	Pueblo of Laguna Housing Authority		
Do	Pueblo of Pojoaque	1,948.00	
Do	Pueblo of Tesuque	12.50	
Do	Pueblo of Zuni		
Do	Santa Clara Indian Pueblo	112.50	
Do	Shoshone Tribe	15,947.50	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Tonono O'dham Nation		
Do	Wind River Tax Commission		
Do	Yavapai-Apache Indian Community		
Do	Zuni Housing Authority		
Bill Gradison, 1025 Connecticut Ave., NW, Suite 1200 Washington, DC 20036	Health Insurance Assn of America, Inc	4,813.91	24.00
Graham & James, 2000 M Street, NW, #700 Washington, DC 20036	Contact Lens Manufacturers Assn		
Do	Dental Implant Manufacturers Assn		
Jay Grant, 1000 Connecticut Ave., NW, Suite 810 Washington, DC 20036	National Assn of Health Underwriters		
Andrew N. Grass Jr., One World Trade Center, #4511 New York, NY 10048	Security Traders Assn, Inc	1,400.00	
Marie Beatrice Grause, 499 South Capitol Stret, SW, #405 Washington, DC 20003	Massachusetts Hospital Assn	16,300.00	
W. Lawrence Graves, 1525 Wilson Blvd., #550 Arlington, VA 22209-2411	National Newspaper Assn		
Geoffrey P. Gray, 888 17th Street, NW, Suite 312 Washington, DC 20006	Association of Financial Services Holding Companies	750.00	
Greater Ecosystem Alliance, P.O. Box 2813 Bellingham, WA 98227		101,704.76	167.34
Greater New York Hospital Assn, 555 West 57th Street 15th Floor New York, NY 10019		828,085.00	62,712.00
Green Stewart & Farber, P.C., 2600 Virginia Ave., NW, Suite 1111 Washington, DC 20037	Premier Health Alliance, Inc	500.00	500.00
Greenberg Traurig Hoffman Lipoff Rosen & Quentel, 1501 M Street, NW, 11th Floor Washington, DC 20005	American Health Care Assn	6,000.00	557.22
Do	AT&T Universal Card Services	12,000.00	
Do	Blockbuster Entertainment	636.88	44.68
Do	Central American & Caribbean Textile & Apparel Council	15,100.00	2,848.57
Do	City of North Miami Beach		
Do	Connaught Laboratories, Inc	5,797.50	708.72
Do	Cookson America USA		
Do	Dade County	37,500.00	
Do	Haverfield Corp	4,950.00	455.48
Do	Healthsource, Inc	3,998.75	172.18
Do	Humana, Inc	22,500.00	1,264.26
Do	John Alden Life Insurance Co	6,000.00	237.66
Do	KeyCorp	24,000.00	
Do	MetroSound USA, Inc	2,280.75	365.31
Do	Mount Sinai Medical Center	15,300.00	567.62
Do	National Assn for the Support of Long-Term Care (NASL)	18,000.00	1,163.51
Do	National Assn of Mortgage Brokers		
Do	National Health Laboratories	7,683.55	930.85
Do	NBD Bank, NA	7,500.00	
Do	South Dade Land Corp	24,123.00	200.66
Do	Torrington Co	36,000.00	1,321.94
Do	Viacom International, Inc	7,850.00	170.22
Do	Visionhouse		100.49
Laurence T. Greene, 100 North Diamond-Star Parkway Normal, IL 61761	Diamond-Star Motors Corp		
Richard Grefe, 1350 Connecticut Avenue, NW, #200 Washington, DC 20036	Association of America's Public Television Stations		
Kathryn Griesinger, 2001 Pennsylvania Ave., NW Washington, DC 20006	Electronic Industries Assn	750.00	246.98
Ann Thomas Griffin, 2707 D.S. Walter Reed Drive Arlington, VA 22206	Harris Corp	1,050.00	236.64
Edward D. Griffith, 3801 West Chester Pike Newtown Square, PA 19073	ARCO Chemical Co		
Michael E. Grisso, 5115 Doyle Lane Centreville, VA 22020	Aliviane No-Ad, Inc	800.00	
Do	Arkansas Blue Cross Blue Shield, Inc		
Do	Blue Cross & Blue Shield of Oklahoma, Inc		
Do	Blue Cross & Blue Shield of Texas, Inc	9,000.00	433.27
Do	Blue Cross & Blue Shield Assn	10,200.00	360.89
Do	Blue Shield & Blue Cross of Louisiana, Inc		
Do	BP America, Inc	1,800.00	217.30
Do	WPS, Inc		
Groom & Nordberg, Chtd, 1701 Pennsylvania Avenue, NW, #1200 Washington, DC 20006	Ad Hoc MGA Group		
Do	Ad Hoc PFIC Group		
Do	American Petroleum Institute		
Do	Amoco Corporation		
Do	Bankers Life & Casualty Co		
Do	Cargill, Inc		
Do	Chevron Corp	100.00	10.00
Do	Eli Lilly & Company	100.00	10.00
Do	Maxus Energy Corp		
Do	Murphy Oil USA, Inc		
Do	Nebraska Public Power District		
Do	New York City Teachers Retirement System		
Do	Phillips Petroleum Co		
Do	Physicians Mutual Insurance Co		
Do	Principal Financial Group		
Do	Prudential Insurance Co of America	250.00	20.00
Do	Prudential Securities		
Do	Puerto Rico, USA Foundation		
Do	Retired Lives Reserve Group		
Do	Southern California Edison Co		
Do	Sunflower Electric Power Corp		
Do	Union Texas Petroleum Corp		
Do	Westinghouse Electric Corp		
Teresa A. Gruber, 1 Massachusetts Ave., NW, #800 Washington, DC 20001	McLeod Watkinson & Miller (For:American Assn of Crop Insurers)	180.00	
Do	McLeod Watkinson & Miller (For:DEIP Coalition)	4,190.00	
Drew Gruenburg, 1601 Duke Street Alexandria, VA 22314	Society of American Florists	1,000.00	
John A. Gruver, 2649 Turf Valley Road Ellicott City, MD 21042	Westinghouse Electric Corp	500.00	75.00
Kenneth A. Guenther, One Thomas Circle, NW, #950 Washington, DC 20005	Independent Bankers Assn of America	58,782.00	
Robert L. Guyer, 13714 NW 21 Lane Gainesville, FL 32606	Energizer Power Systems Division of Eveready Battery Co	5,000.00	16,000.00
Jane Scherer Haake, 1667 K Street, NW, #420 Washington, DC 20006	Mead Corporation		
Sherry J. Haber, 1821 Michael Faraday Dr., #400 Reston, VA 22090	National Wholesale Druggists' Assn		
Anthony L. Hadley, 1745 Jefferson Davis Highway, #511 Arlington, VA 22202	Manufactured Housing Institute	9,000.00	
Hager Sharp, Inc, 1090 Vermont Ave., NW, 3rd Floor Washington, DC 20005	APTUS, Inc, et al.	8,250.00	2,542.00
Veronica A. Haggart, 1350 I Stret, NW, Suite 400 Washington, DC 20005	Motorola	6,500.00	
James Hailer, 122 C Street, NW, Suite 310 Washington, DC 20001	American League for Exports & Security Assistance, Inc	1,000.00	
Robert W. Haines, 1250 H Street, NW, #500 Washington, DC 20005	Mobile Corp	1,250.00	180.67
Randolph M. Hale, 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20004	National Assn of Manufacturers		
Haley Bader & Potts, 4350 North Fairfax Drive #900 Arlington, VA 22203-1633	National Paging & Personal Communications Assn		16.25
Anne Hall, 436 West 5th Avenue Columbus, OH 43201	Banc One Corporation	3,846.40	92.38
Joseph M. Hall, 2930 S. Buchanan Street, #A1 Arlington, VA 22230	Harris Corporation	1,475.00	3,032.12
Mark A. Hall, 1001 North 19th Street, #800 Arlington, VA 22209	TRW, Inc	1,900.00	154.39
Martin L. Hall, 5990 Richmond Highway, #1114 Alexandria, VA 22303	Concord Resources Group, Inc		
Robert P. Hall, 325 7th Street, NW< #1000 Washington, DC 20004	National Retail Federation	5,000.00	352.82
Sarah C. Hallman, 1725 17th Street, NW, #109 Washington, DC 20009	Bruce P. Cameron (For:Embassy of Mozambique)		
Do	Bruce Cameron (For:National Council of Maubere Resistance)		
Jean Halloran, 101 Truman Avenue Yonkers, NY 10703	Consumers Union	100.00	
Ellice Halpern-Barnes, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	25.00	
Matthew W. Hamill, 1025 Connecticut Avenue, NW, #700 Washington, DC 20036	National Assn of Independent Colleges & Universities		82.00
Palmer C. Hamilton, Miller Hamilton Snider & Odom P.O. Box 46 Mobile, AL 36601	Colonial Mortgage Co		
Philip W. Hamilton, 1828 L St., NW, #906 Washington, DC 20036	American Soc of Mechanical Engineers		
Timothy A. Hanan, 1250 H Street, NW, #500 Washington, DC 20005	Mobil Corp	2,500.00	
Hance Scarborough Woodward & Weisbart, 111 Congress, Suite 800 Austin, TX 78701	Contran Corp		
Handgun Control, Inc, 1225 Eye Street, NW, #1100 Washington, DC 20005		1,787,477.00	514,525.00
Cynthia Haney, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	25.00	
Thomas H. Hanna, 1620 Eye Street, NW, #1000 Washington, DC 20006	American Automobile Manuacturers Assn		
Jake Hansen, 11166 Main Street, #302 Fairfax, VA 22030	Seniors Coalition	11,500.00	1,386.14
Michael K. Hansen, 101 Truman Avenue Yonkers, NY 10703	Consumers Union	100.00	
Grant W. Hanson, 507 Second Street, NE Washington, DC 20002	Nike, Inc		62.84
Heidi Hanson, 1055 North Fairfax Street, Suite 201 Alexandria, VA 22314	U.S. Strategies Corp	1,520.00	
Sandra K. Harding, 750 First Street, NE, #700 Washington, DC 20002-4241	National Assn of Social Workers	9,600.00	
John C. Hare, 701 Pennsylvania Avenue Washington, DC 20004	Siemens Transportation Systems, Inc		
Harkins Cunningham, ATTN: A. Carl Kaseman, III 1300 19th Street, NW, Suite 600 Washington, DC 20036	Computer Sciences Corp		
Do	Consolidated Rail Corp		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Michael C. Harper, 2111 Wilson Blvd, Suite 1100 Arlington, VA 22201	Teledyne Ryan Aeronautical	597.00	
W. Brendan Harrington, 1101 15th St., NW, #1000 Washington, DC 20005	Cargill, Inc	1,250.00	
Jayne A. Hart, 1350 Eye Street, NW, #590 Washington, DC 20005	College of American Pathologists	4,830.00	
William J. Harte Ltd, 111 West Washington Street, Suite 1000 Chicago, IL 60602	AMGEN, Inc	1,200.00	771.73
Do	Gamma of Illinois, Inc		
Christina M. Hauptli, 1200 17th St.,NW Washington, DC 20036	National Assn of Home Builders of the U.S.		
Havens Group, Inc, 1200 G Street, NW, Suite 800 Washington, DC 20005	American Commercial Barge Line Co	5,980.00	276.95
Do	Burlington Northern Railroad, Inc	13,293.75	261.91
Do	CSX Corp	7,500.00	198.80
Charles E. Hawkins III, 1300 North 17th St. Rosslyn, VA 22209	Associated Builders & Contractors, Inc	2,500.00	
Hawkins Delafield & Wood, 1015 15th Street NW Suite 930 Washington, DC 20005	City of Antonio	20,100.00	
Do	Mortgage Bankers Assn	25,000.00	
John F. Hay, 1801 K Street, NW, #800 Washington, DC 20006	Westinghouse Electric Corp	1,200.00	
Martin Hayden, 408 C Street, NE Washington, DC 20002	Sierra Club	1,419.65	
Robert G. Hayes, Bogle and Gates 1299 Pennsylvania Ave., NW, #875 East Washington, DC 20004	Coastal Conservation Assn	190.00	
Do	Direct Service Industries, Inc	95.00	
Do	Pacific Northwest Utility Conference Committee	95.00	
Steven L. Hayes, 1015 Oneonta Drive Los Angeles, CA 90065	Citizens for an Alternative Tax System		
Mark F. Haynes, 800 Connecticut Avenue, NW, #600 Washington, DC 20006	Fluor Corporation	5,000.00	
Holly Elisabeth Hazard, 227 Massachsetts Avenue, NE, #100 Washington, DC 20002	Doris Day Animal League	150.00	
Janis D. Hazel, 1350 Connecticut Avenue, NW, #200 Washington, DC 20036	Association of America's Public Television Stations	238.36	8.00
Hazel & Thomas, P.C., 3100 Fairview Park Drive, Suite 1400 Falls Church, VA 22042	International Disarmament Corp		
Hazelden Foundation, 15245 Pleasant Valley Road Center City, MN 55012-0011			42,624.00
Health Insurance Assn of America, Inc, 1025 Connecticut Ave., NW Washington, DC 20036		11,218.25	11,218.25
Healthcare Leadership Council, 1500 K Street, NW, Suite 360 Washington, DC 20005			
Brian Keith Heard, 201 Massachusetts Ave., NE, #C-4 Washington, DC 20002	National Corn Growers Assn	5,375.00	
Heideman Cardin, P.C., 1025 Connecticut Avenue, NW, #1017 Washington, DC 20036	Health Care for America, Inc		
Helicopter Assn International, 1635 Prince Street Alexandria, VA 22314			17,243.25
Don Hellmann, 900 17th Street, NW Washington, DC 20006	Wilderness Society	1,493.87	122.58
Thomas M. Helscher, 700 14th Street, NW, #1100 Washington, DC 20005	Monsanto Co		648.69
Dennis A. Henigan, 1225 Eye Street, NW Washington, DC 20005	Handgun Control, Inc		
Charlotte W. Herbert, 1300 North 17th St. Rosslyn, VA 22209	Associated Builders & Contractors, Inc	2,500.00	
Owen E. Herrnstadt, 9000 Machinists Place Upper Marlboro, MD 20772	International Assn of Machinists & Aerospace Workers	18,197.07	225.17
David S. Hess, 3900 University Boulevard South Jacksonville, FL 32216	Citizens and Business for D'Oench Duhme Reform		
Clare Hessler, 1325 G Street, NW, Suite 1000 Washington, DC 20005	Institute of Scrap Recycling Industries, Inc	3,330.00	165.86
John Drew Hiatt, 1200 18th Street, NW, #500 Washington, DC 20036	National Business Owners Assn, Inc	16,051.14	14,456.69
Christopher Hicks, 1155 15th Street, NW, Suite 611 Washington, DC 20005	Ethyl Corp		
Sharon L. Hildebrandt, 2600 Virginia Avenue, NW, Suite 1000 Washington, DC 20037	Schmeltzer Aptaker & Shepard, PC (For:Council of Nursing Home Suppliers)	8,341.50	
Hill and Knowlton, Inc, 901 31st Street, NW Washington, DC 20007	Grumman		
Edward Joseph Hillings, 750 17th Street, NW, 4th Fl Washington, DC 20006	Enron Corp	7,500.00	
Richard T. Hines Consulting, Inc, 733 15th Street, NW, #700 Washington, DC 20005	Health Policy & Strategy (for Pan American)	2,500.00	796.25
Do	Health Policy & Strategy (for Washington National)	3,750.00	1,184.66
Do	Health Policy & Strategy (for Wausau Insurance Co)	1,250.00	398.13
Do	Health Policy & Strategy (Northwestern National Life)	2,500.00	796.25
Do	Pioneer Financial Services, Inc	15,000.00	4,758.07
Robert L. Hirsch, 1100 17th Street, NW, #1200 Washington, DC 20036	General Atomics		
Hobbs Straus Dean & Wilder, 1819 H St., NW, #800 Washington, DC 20006	Alamo Navajo School Board		
Do	Aroostook Band of Micmacs		
Do	Association of Navajo Community-Controlled School Boards		
Do	Black Mesa Community School Board		
Do	Bristol Bay Area Health Corp		
Do	Evergreen Legal Services		
Do	Maniilaq Assn		
Do	Menominee Indian Tribe		
Do	Metlakatla Indian Community		
Do	Miccosukee Tribe of Indians of Florida		
Do	Mississippi Band Choctaw Indians		
Do	Mohegan Tribe of Indians of Connecticut		
Do	Narragansett Indian Tribe		
Do	National Indian Child Welfare Assn		
Do	National Indian Education Assn		
Do	National Minority Public Broadcasting Consortia		
Do	Norton Sound Health Corp		
Do	Oglala Sioux Tribal Public Safety Commission		
Do	Pinon Community School Board		
Do	Pueblo de Cochiti		
Do	Ramah Navajo School Board		
Do	Rock Point Community School Board		
Do	Rough Rock School Board		
Do	Seminole Tribe of Florida		
Do	Shiprock Alternative Schools, Inc		
Do	Three Affiliated Tribes of the Fort Berthold Reservation		
Julius W. Hobson Jr., 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	3,750.00	563.65
Philip M. Hocker, 20 West Chapman Street Alexandria, VA 22301	Mineral Policy Center		8.00
J. Stanley Hoffert, P.O. Box 8017 Wausau, WI 54402-8017	Employers Insurance of Wausau	12,096.00	12,096.00
William L. Hoffman, 516 First Street, SE Washington, DC 20003	American University of Beirut	15,000.00	4,165.92
Gerald Hogan, 655 15th Street, NW, #220 Washington, DC 20005	ALLTEL Corporation		5,000.00
Hogan & Hartson, 555 13th St., NW Washington, DC 20004-1109	American Academy of Pediatrics		
Do	American College of Osteopathic Surgeons		
Do	American Peanut Shellers Assn	52,817.50	813.09
Do	American Physical Therapy Assn		
Do	Damon Corp		
Do	Farm Credit Bank of Texas	35,472.50	3,416.61
Do	Genzyme Corp		
Do	Golden Peanut Co		
Do	Infectious Diseases Society of America, Inc	145.00	
Do	International Assn of Amusement Parks & Attractions		
Do	Milton S. Eisenhower Foundation	600.00	
Do	Molloy College	4,040.00	58.33
Do	New England Brown Egg Council	6,000.00	300.12
Do	PepsiCo, Inc	20,539.75	2,678.06
Do	Pizza Hut, Inc		
Do	Serono Laboratories		
Do	Sierra Forest Products		
Do	Soap & Detergent Assn	23,713.75	3,144.17
Do	Society of Critical Care Medicine		
Do	Taco Bell Corp	21,007.50	751.16
Do	Tennessee Donor Services	625.00	8.00
Do	U.S. Sugar Corp	8,000.00	446.01
Do	Visiting Nurse Service of New York		
Do	Zeigler Coal Sales Co	3,426.43	550.70
Kathryn Hohmann, 408 C Street, NE Washington, DC 20002	Sierra Club	3,916.83	
Bruce E. Holbein, 111 Powdermill Rd. (b79) Maynard, MA 01754	Digital Equipment Corp	28,000.00	
Holland & Hart, 1001 Pennsylvania Ave., NW, #310 Washington, DC 20004	American Plastics Council	1,500.00	
Do	Association of Oil Pipe Lines		
Do	Citgo Petroleum Corp	1,500.00	
Do	Conservation Fund	2,000.00	
Do	Domestic Priorities Leadership Council		
Do	FMC Corp		
Do	Precious Metals Producers Group	1,500.00	
Karen A. Hoover, 2111 Jefferson Davis Highway Apt. 407 Arlington, VA 22202	American Maritime Officers Service		829.82
Mark M. Hopkins, 2439 25th Street Santa Monica, CA 90405	SpaceCause	240.00	
Hopkins & Sutter (Washington), 888 16th Street, NW Washington, DC 20006	Estate of Helen Wodell Halbach		
Richard M. Hoppe, 900 17th Street, NW Washington, DC 20006	Wilderness Society		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Deborah L. Horan, 122 C Street, NW, Suite 380 Washington, DC 20001-2109	National Family Planning & Reproductive Health Assn, Inc		
Mern Horan, 1424 16th Street, NW, #604 Washington, DC 20036	Public Citizen	4,102.00	
Gerald M. Howard, 15th & M Street, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
John Howard, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce		
Roger W. Howard, 3253 E. Chestnut Expressway Springfield, MO 65802	Burlington Northern Railroad Co		
Edward Howard & Co, 137 N. Main Street, #702 Dayton, OH 45402-1729	Bank One		
Do	BFGoodrich Co		
Do	Dana Corp		
Do	Goodyear Tire & Rubber Co		
Susan Howe, 1300 North 17th Street Rosslyn, VA 22209	Associated Builders & Contractors, Inc	2,500.00	
Lorraine Howorton, 1301 Pennsylvania Ave., NW, Suite 1100 Washington, DC 20004-1707	Air Transport Assn	3,692.89	
Dwight A. Howes, 1819 L Street, NW, #800 Washington, DC 20036	Consolidated Natural Gas Co, Inc		
J. Martin Huber, 5301 Wisconsin Ave., NW, #450 Washington, DC 20015	National Assn of Surety Bond Producers		
Walter D. Huddleston, P.O. Box 456 Elizabethtown, KY 42702	Brown & Williamson Tobacco Co	36,000.00	
Vester T. Hughes Jr., 1717 Main Street, Suite 2800 Dallas, TX 75201	Sammons Enterprises, Inc		
Hughes Hubbard & Reed, 1300 Eye Street, NW, #900 West Washington, DC 20005	UNR Asbestos Disease Claims Trust		
Walter E. Huizenga, 99 Canal Center Plaza, Suite 500 Alexandria, VA 22314	AIADA	15,600.00	
B. Jeanine Hull, 12500 Fair Lakes Circle, Suite 260 Fairfax, VA 22033	LG&E Power, Inc	10,000.00	
Brenda J. Hull, 1001 - 19th Street, North, Suite 800 Arlington, VA 22209	TRW, Inc	100.00	47.72
Brett Hulsey, Midwest Office 214 N. Henry St., #203 Madison, WI 53703	Sierra Club	453.45	
William Thomas Humber, 901 N. Washington STreet, Suite 400 Alexandria, VA 22314	National Smokers Alliance		
Robert R. Humphreys, 2915 34th Street, NW Washington, DC 20008	Helen Keller National Center	250.00	
Angela M. Hunter, 1025 Connecticut Avenue, NW, #1200 Washington, DC 20036	Health Insurance of America	645.00	147.65
Hunton & Williams, 2000 Pennsylvania Ave., NW, #9000 Washington, DC 20006	Long Island Lighting Co	1,000.00	
John A. Hurson, 1201 Connecticut Ave., NW, Suite 300 Washington, DC 20036	Bailey & Robinson (For:Blue Cross of Western Pennsylvania)		
Do	Bailey & Robinson (For:MasterCard International)		
Do	Bailey & Robinson (For:Smart Corp)		
Michael Hussey, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	2,500.00	2,784.29
Joanne L. Hustead, 1875 Connecticut Avenue, NW, Suite 710 Washington, DC 20009	Women's Legal Defense Fund		
Steven M. Hyjek, 2100 Pennsylvania Ave., NW, #560 Washington, DC 20037	British Aerospace	1,500.00	
Do	Hyjek & Fix, Inc (For:Canadair Challenger, Inc)	1,500.00	
Do	Hyjek & Fix, Inc (For:Learjet, Inc)	300.00	757.47
Do	Hyjek & Fix, Inc (For:Research & Development Labs)	750.00	
Do	Hyjek & Fix, Inc (For:Short Brothers (USA), Inc)	750.00	1,278.68
Do	Hyjek & Fix, Inc (For:Thompson Defence Projects)	2,125.00	
Do	Hyjek & Fix, Inc (For:Thorn EMI)	2,000.00	306.36
I-66 Project, Inc, 1021 Kingsway, #6 Cape Girardeau, MO 63701		31,689.60	30,851.95
Angelo Iasiello, 1015 15th Street, NW, Suite 802 Washington, DC 20005	American Consulting Engineers Council	500.00	
Immigration Services Associates, 1212 New York Avenue, NW, #850 Washington, DC 20005	American Council on International Personnel (ACIP)	5,875.00	53.24
Do	Fragomen Del Rey & Bersen (for Sterling Winthrop)	2,550.00	
Do	Information Technology Assn of America (ITAA)		
Do	Irish Immigration Reform Movement (IIRM)	300.00	5.72
Do	IMPAC		
Do	Kennedy Capital Management, Inc		
Do	Professionals for Spouse Reunification	168.75	1.25
Do	SYDA Foundation		
Jon J. Indall, P.O. Box 669 Santa Fe, NM 87504-0669	Uranium Producers of America		
Industrial Union Department, AFL-CIO, 815 16th St., NW, #301 Washington, DC 20006		20,248.00	20,248.00
Industry Union Glass Container Promotion Program, 1627 K Street, NW, #800 Washington, DC 20006			18,413.00
Charles W. Ingram, 1615 H Street NW Washington, DC 20062	U.S. Chamber of Commerce	2,500.00	
Richard Innes, 1350 ConnecticutAVe., NW, Suite 1101 Washington, DC 20036	Browning-Ferris Industries	1,250.00	3,875.26
International Anticounterfeiting Coalition, Inc, 1100 Connecticut Ave., NW #1150 Washington, DC 20036			
International Assn of Machinists & Aerospace Workers, 9000 Machinists Place Upper Marlboro, MD 20772			47,812.89
International Brotherhood of Teamsters, 25 Louisiana Ave., NW Washington, DC 20001			79,734.20
International Hearing Society, 20361 Middlebelt Livonia, MI 48152			
International Speedway Corp, 1801 Volusia Avenue Daytona Beach, FL 32114			9,000.00
Richard M. Irby III, 701 Pennsylvania Avenue, NW, #610 Washington, DC 20004	Tenneco, Inc	152.00	26.00
Edrie Irvine, 750 17th Street, NW, #901 Washington, DC 20006	Nissan North America, Inc	9,240.00	
Walter G. Irvine Jr., 34th & Civic Center Blvd. Philadelphia, PA 19104	Children's Hospital of Philadelphia	8,875.00	993.83
Mark Isakowitz, 600 Maryland Avenue, SW, #700 Washington, DC 20024	National Fed of Independent Business	3,401.00	200.00
Michele Isele, 1250 H Street, NW, #700 Washington, DC 20005	Citizens for a Sound Economy	6,072.04	
Susan A. Ishmael, 1300 North 17th Street Rosslyn, VA 22209	Associated Builders & Contractors, Inc	2,500.00	
J/T Group, 2555 M Street, NW, #327 Washington, DC 20037	Coal Industry Health Protection Coalition	18,000.00	
Do	Pacific Lumber Co	7,000.00	
Do	Smithlkine Beecham	1,500.00	
Do	Stanton and Associates	10,000.00	
Barbara Jackier, 1025 Connecticut Ave., NW Washington, DC 20036	Health Insurance Assn of America, Inc	1,018.67	40.00
Alvin B. Jackson Jr., 1212 New York Ave., NW Washington, DC 20005	General Aviation Manufacturers Assn	5,600.00	
Beverly Roberson Jackson, 3922 Ingomar Street, NW Washington, DC 20015	National Center for Clinical Infant Programs	452.87	
Jeff P. Jacobs, 1015 15th Street, NW Washington, DC 20005	American Public Health Assn	1,200.00	
Harriet James, 600 Maryland Ave., SW, #700 Washington, DC 20024	National Fed of Independent Business	3,401.00	200.00
Delos Cy Jamison, Jamison & Sullivan, Inc 1212 New York Ave., NW, #1200 Washington, DC 20005	Sodak Gaming, Inc		
Jar-Mon Consultants, Inc, 208 N. Patrick St. Alexandria, VA 22314	American Business Council, Inc		
Do	American Freedom Coalition		
Do	Christian Voice, Inc	34,700.00	
Charles W. Jarvis, 11240 Waples Mill Rd., #101 Fairfax, VA 22030	Rust International, Inc		
John T. Jarvis, McGlotten & Jarvis 1901 L Street, NW, #300 Washington, DC 20036	American Insurance Assn	6,000.00	
Do	BC&T	4,500.00	
Do	Computer Sciences Corp	3,750.00	
Do	Labor-Management Comm for the Timber Industry	11,250.00	
Edwin S. Jayne Jr., 1625 L Street, NW Washington, DC 20036	American Fed of State County & Municipal Employees	18,305.28	385.00
Jefferson Group, 1341 G Street, NW, Suite 1100 Washington, DC 20005	Marshall Fund		
Do	Municipality of Cabo Rojo		
Jeford International's, 2775 South Quincy Street, #520 Arlington, VA 22206	Aerojet-General Corp	200.00	
Do	Northrop Corp	500.00	
Do	Rotary Power International, Inc	200.00	
Jellinek Schwartz & Connolly, Inc, 1525 Wilson Boulevard, #600 Arlington, VA 22209	ASARCO, Inc	14,785.63	726.75
Do	MARC	1,380.00	13.80
Timothy Jemal, 122 C Street, NW, #350 Washington, DC 20001	Armenian Assembly of America	2,944.50	
Linda Jenckes, 1025 Connecticut Avenue, NW, #1200 Washington, DC 20036	Health Insurance Assn of America, Inc		
Carole P. Jennings, 8904 First Avenue Silver Spring, MD 20910	American Academy of Nurse Practitioners	6,300.00	300.00
Teresa L. Jennings, 1666 K Street, NW, Suite 1010 Washington, DC 20006	Direct Selling Assn		
Louis Jenny, 1725 K Street, NW, #1212 Washington, DC 2006	National Assn of Water Companies		
Hugh Jewett, 3025 South Parker Road Aurora, CO 80014	TeleCheck Services, Inc		
Jim Wise Associates Inc, 1500 Wilson Blvd., #320 Alexandria, VA 22209	Kern County, CA	7,500.00	550.00
Do	National Assn of Credit Management	4,200.00	250.00
Do	R.J. Mathews Foundation for Prostate Cancer Research	3,000.00	150.00
Do	San Francisco Bar Pilots Assn	6,000.00	425.00
Ronald P. Johnsen, 700 Thirteenth Street, NW, #900 Washington, DC 20005	Columbia Gas System Service Corp	175.00	278.26
James W. Johnson Jr., 1156 15th Street, NW, #1019 Washington, DC 20005	U.S. Beet Sugar Assn		
Jane Leonard Johnson, P.O. Box 19109 Greensboro, NC 27419	Unifi, Inc		
Mark R. Johnson, 1667 K Street, NW, #350 Washington, DC 20006	Maersk, Inc	2,500.00	
Myrna Johnson, 2025 M Street, NW Washington, DC 20036	National Public Radio	11,869.32	
Susan E. Johnson, 2000 Pennsylvania Avenue, NW, #5500 Washington, DC 20006	Real Estate Services Providers Council (RESPRO)		
Robert Winthrop Johnson II, Law Offices, 1050 Potomac Street, NW Washington, DC 20007	American Nonwoven Corporation		
Andrea Johnston, 122 C Street, NW, Suite 380 Washington, DC 20001-2109	National Family Planning & Reproductive Health Assn, Inc		
Robert J. Johnston, 285 Cambridge Avenue Holland, MI 49423	Herman Miller, Inc		
Beverly E. Jones, 1819 L Street, NW, #900 Washington, DC 20036	Consolidated Natural Gas Co	500.00	
Neal T. 'Buddy' Jones, 100 Congress Avenue, #1111 Austin, TX 78701	Pharmaceutical Research & Manufacturers of America		
Ronald D. Jones, 125 West 55th Street, 19th Floor New York, NY 10019	United Distribution Companies		
Theodore L. Jones, P.O. Box 65122 Baton Rouge, LA 70896	BellSouth Telecommunications, Inc		
Do	Blue Cross/Blue Shield		
Do	United Companies Financial Corporation		
Wiley N. Jones, 816 Connecticut Ave., NW, 8th Floor Washington, DC 20006	Southern Pacific Transportation Company	1,000.00	500.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Jones Day Reavis & Pogue, 1450 G Street, NW, #700 Washington, DC 20005-2088	Amoco Corporation		
Do	Marathon Oil Co		
Do	Nextel Communications, Inc		
Do	R.J. Reynolds Nabisco, Inc		
Jones Walker Waechter Poitevent Carrere & Denegre, 1776 Eye Street, NW, #245 Washington, DC 20006	Turner Broadcasting System, Inc		
John Steven Judge, 1401 I Street, NW, Suite 1000 Washington, DC 20005	Securities Industry Assn	2,988.47	
Robert E. Juliano Associates, 2555 M Street, NW, #303 Washington, DC 20037	American Express Co	15,000.00	
Do	Hotel Employees & Restaurant Employees Int'l Union	54,375.00	1,632.01
Do	International Speedway Corp	9,000.00	
JM Family Enterprises, Inc, 100 Northwest 12th Avenue Deerfield Beach, FL 33443			8,708.80
JMD Associates, Inc, 7201 Wisconsin Avenue, Suite 620 Bethesda, MD 20814	Engelhard Corp	2,800.00	126.00
Charles N. Kahn III, 1025 Connecticut Ave., NW, Suite 1200 Washington, DC 20036	Health Insurance of America, Inc	521.10	74.32
Richard Kahn, 101 Truman AVenue Yonkers, NY 10703	Consumers Union	200.00	
Kahn Soares & Conway, 1112 'I' Street, Suite 200 Sacramento, CA 95814	Central Soya/Novamont	15,000.00	3,125.00
Do	Westlake Farms		
Jack Kalavritinos, 1015 15th Street, NW, Suite 802 Washington, DC 20005	American Consulting Engineers Council	1,687.50	39.79
Karen Kalla, 408 C Street, NE Washington, DC 20002	Sierra Club	145.99	
Donald J. Kaniewski, 905 16th St., NW Washington, DC 20006	Laborers' Intl Union of North America, AFL-CIO	21,249.99	429.00
David A. Karcher, 4000 Legato Rd., #850 Fairfax, VA 22033-4003	American Soc of Cataract & Refractive Surgery	533.68	71.91
Kaulius & Associates, 1942 Broadway, Suite 400 Boulder, CO 80302	Colorado State University	3,750.00	
Kathleen Kavanaugh, 1850 M Street, NW, 11th Floor Washington, DC 20036	Sprint	2,000.00	152.00
Kaye Scholer Fierman Hays & Handler, 901 15th St., NW, #1100 Washington, DC 20005	Instruments SA, Inc		
Do	Kraft, Inc		
Do	Londontown Corporation		
Do	Morgan Guaranty Trust Co of New York		
Do	Spanish Broadcasting System		
Carolyn Kazdin, 815 16th Street, NW, #507 Washington, DC 20006	Amalgated Clothing & Textile Workers Union	2,000.00	60.13
Scott Kearin, 418 C Street, NE Washington, DC 20002	Alaska Wilderness League	12,498.00	1,889.00
David L. Keating, 3415 Shepherd Chevy Chase, MD 20815	National Taxpayers Union	4,712.00	
Keck Mahin & Cate, 1201 New York Avenue, NW, Penthouse Washington, DC 20005	American Public Communications Council	1,131.56	
Do	Arkansas Oklahoma Gas Company		
Do	Arkansas Western Gas Company		
Do	NorAm Gas Transmission Company		
Jennifer L. Keehan, 1901 Pennsylvania Ave, NW 10th Floor Washington, DC 20006	International Mass Retail Assn		
Jeffrey R. Keeler, 1525 Wilson Blvd., Suite 550 Arlington, VA 22209	National Newspaper Assn		
J. Michael Keeling, 1726 M Street, NW, #501 Washington, DC 20036	ESOP Association		
Kendell W. Keith, 1201 New York Avenue, NW, #830 Washington, DC 20005	National Grain & Feed Assn		
Susan Keith, 201 Massachusetts Ave., NE, #C-4 Washington, DC 20002	National Corn Growers Assn	3,968.75	
Paul J. Kelley, 2727 North Central Ave. Phoenix, AZ 85004	U-Haul Intl, Inc	9,000.00	
Kelley Drye & Warren, 2300 M Street, NW Washington, DC 20037	Great Western Financial Corp		
Paulette M. Kellogg, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn	25.00	
Steven B. Kelmar, 555 13th Street, NW, Suite 1260E Washington, DC 20004	Medtronic, Inc		25.00
Jane Kelso, 1225 Eye Street, NW, #1100 Washington, DC 20005	Handgun Control, Inc		
Todd E. Kemp, 1201 New York Avenue, NW Washington, DC 20005	National Grain & Feed Assn	2,650.00	
Kemper Investors Life Insurance Co, One Kemper Drive, T-1 Long Grove, IL 60049			178.04
Jonathan Kempner, 1850 M Street, NW, Suite 540 Washington, DC 20036-5803	National Multi Housing Council	8,119.91	
John F. Kennedy, 1620 Fuller Street, NW, #503 Washington, DC 20009	Kennedy & Dolan		
Judith Kennedy, 1050 Thomas Jefferson Street, NW Washington, DC 20007	Student Loan Marketing Assn	300.00	48.00
Nancy Mohr Kennedy, 701 North Fairfax Street Alexandria, VA 22314	United Way of America	24,650.00	100.00
Dianne Keppler, 99 Canal Center Plaza, #500 Alexandria, VA 22314	AIADA	9,000.00	
Vytautas Kerbelis, P.O. Box 336 Seal Harbor, ME 04675	ARAS		
Michael R. Kidd, 2201 Cooperative Way Herndon, VA 22071	NAIOP - Association for Commercial Real Estate	14,750.00	
Carolyn Kiely, 1015 Fifteenth Street, NW, #802 Washington, DC 20005	American Consulting Engineers Council	1,875.00	
Gregory Kilgore, 1850 M Street, NW, 11th Floor Washington, DC 20036	Sprint	8,000.00	667.99
William P. Killmer, 1201 - 15th Street, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Daryl G. Kimball, 1101 14th Street, NW, #700 Washington, DC 20005	Physicians for Social Responsibility	2,500.00	
Roy Caldwell Kime, 515 North Washington Street, #400 Alexandria, VA 22314	International Assn of Chiefs of Police	13,646.40	3,061.62
Mike Kinard, P.O. Box 727 Magnolia, AR 71753	Kinard Crane & Butler, PA		55.00
Ken Kinard & Associates, 1517 Gregg Street Columbia, SC 29201	Pharmaceutical Research & Manufacturers of America		
Sandra S. King, 2100 Pennsylvania Ave., NW, Suite 600 Washington, DC 20037	Eckert Seamans Cherin & Mellott (For:ADT Automotive, Inc)		
Do	Eckert Seamans Cherin & Mellot (For:Behavior Research Institute)		
King & Spalding, 1730 Pennsylvania Ave., NW, #1200 Washington, DC 20006	Lockheed Martin	308.00	
Janie Ann Kinney, 1500 K Street, NW, #650 Washington, DC 20005	Glaxo, Inc	4,500.00	200.00
Peter C. Kirby, 1447 Peachtree St., #812 Atlanta, GA 30309	Wilderness Society		
Keith A. Kirk, 818 Connecticut Ave, NW, #200 Washington, DC 20006	U.S. English, Inc		3,500.00
Sean Kirkendall, 515 N. Washington Street, #400 Alexandria, VA 22314	International Assn of Chiefs of Police	8,088.00	516.34
Kirlin Campbell & Keating, One Farragut Square South, Second Floor Washington, DC 20006	Council of European & Japanese National Shipowners' Assn	17,550.00	305.00
Donald R. Kirtley, Hercules Plaza Wilmington, DE 19894	Hercules, Inc		
Peter C. Kissel, 1225 Eye Street, NW, Suite 1225 Washington, DC 20005	Grammer Kissel Robbins & Skancke (For:Tuolumne Utilities District)	347.70	31.15
William J. Klinefelter, 815 16th Street, NW, #301 Washington, DC 20006	Industrial Union Department (AFL-CIO)	10,559.00	
Mary Jane Klocke, 1776 EYE Street, NW, #1000 Washington, DC 20006	BP America, Inc		
Theodore Knappen, 1001 G Street, NW, #400 East Washington, DC 20001	American Managed Care & Review Assn	9,000.00	
Do	Greyhound Lines, Inc	30,000.00	
Do	Mid-Atlantic Medical Services, Inc	18,000.00	
James E. Kneale, 1725 Jefferson Davis Highway, #300 Arlington, VA 22202	Lockheed Corporation	4,000.00	
Darrell Knuffke, 900 17th Street, NW Washington, DC 20006-2596	Wilderness Society		
Kent Knutson, 600 Maryland AVe., SW, Suite 700 Washington, DC 20024	National Fed of Independent Business	3,401.00	200.00
Marcia L. Knutson, 549 4th Street, SE Washington, DC 20003	Association of America's Public Television Stations	1,125.00	161.64
J. Douglas Koelemay, 444 North Capitol Street, Suite 711 Washington, DC 20001	TKC International, Inc (For:Republic of Azerbaijan)		
David G. Koenig, 1050 17th Street, NW, #500 Washington, DC 20036	Texaco, Inc		
Kogovsek & Associates, Inc, 700 Broadway, #929 Denver, CO 80203-3443	City of Greenwood Village	7,500.00	392.54
Do	Dolores Water Conservancy District	4,000.00	2,478.63
Do	Rio Grande Water Conservation District	9,000.00	705.94
Do	Rocky Mountain Health Care Corp	7,500.00	1,652.02
Do	San Juan Water Commission	1,957.50	945.62
Do	Southern Ute Indian Tribe	13,750.00	4,071.97
Do	Southwestern Water Conservation District, Durango County		8,015.57
Do	Upper Yampa Water Conservancy	3,625.00	1,790.35
Do	Ute Mountain Ute Tribe	21,667.00	
Do	Water Protection Assn of Central Kansas		
Do	Wolf Springs Ranches, Inc	9,000.00	1,998.75
Michel N. Korbey, 12500 Fair Lakes Circle, #125 Fairfax, VA 22033	United Seniors Assn, Inc	18,268.94	67.77
Jerome J. Kozak, 1250 H Street, NW, Suite 900 Washington, DC 20005	International Dairy Foods Assn		
Kramer Rayson Leake Rodgers & Morgan, 800 South Gay Street, Suite 2500 Knoxville, TN 37929	CIT PET Systems, Inc	11,762.77	
Barry Krasner, 1150 17th Street, NW, #701 Washington, DC 20036	National Air Traffic Controllers Assn	471.84	
Gawain Kripke, 1025 Vermont Ave., NW, Suite 300 Washington, DC 20005	Friends of the Earth	93.75	
Victor Krohn, 9401 East Street Manassas, VA 22110	Citizens for an Alternative Tax System		
Sheena Kuruvilla, 727 N. Washington Street Alexandria, VA 22314	United Fresh Fruit & Vegetable Assn	1,587.50	
James M. Kuszaj, P.O. Box 31608 Raleigh, NC 27615	Dow Chemical USA		
Marsha H. Kwalwasser, 1840 Century Park East Los Angeles, CA 90067	Northrop Grumman Corp		36.56
Peter Kyros, 2445 M Street, NW, #260 Washington, DC 20037	Allsup, Inc		
Do	Kyros Associates (For:American Soc for Cell Biology, et al)		
Do	Association of Administrative Law Judges, Inc		
Do	Board of Veterans Appeals Professional Assn		
Do	Cooperative of American Physicians, Inc		
Laborers' Intl Union of North America, AFL-CIO, 905 16th St., NW Washington, DC 20006			73,700.89
Robert Lamb, 1200 G Street, NW, #600 Washington, DC 20005	Wright & Talisman, PC (For:Cabot Energy Corp)		
Do	Wright & Talisman, P.C. (For:Columbia Natural Resources)	9,000.00	
Do	Wright & Talisman, PC (For:Equitable Resources Exploration)	9,000.00	
Do	Wright & Talisman (For:Marisol, Inc)	14,000.00	
Do	Wright & Talisman, PC (For:National Stripper Well Assn)		
Do	Wright & Talisman, PC (For:Potlatch Corp)	3,000.00	
Do	Wright & Talisman, PC (For:Solite Corp)	2,500.00	
Do	Wright & Talisman (For:Sun Company, Inc)		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Wright & Talisman, PC (For:Tenneco, Inc)		
Do	Wright & Talisman (For:Virginia Oil and Gas Assn)		
Arthur Lampros, 1220 16th Street, NW Washington, DC 20036	American Hellenic Institute		
Jill Lancelot, 7100 Sycamore Avenue Takoma Park, MD 20912	National Taxpayers Union		
Robert D. Landis, 2201 Cooperative Way Herndon, VA 22071	NAIOP, Assn for Commercial Real Estate	14,250.00	
Bruce Alan Landy, 2601 Virginia Avenue, NW Washington, DC 20037	B.A.L. Co		
Do	Cryogenic Vacuum Technology Co		
Do	FAA-Congress Watch		
Do			
Maury Lane, 1801 K Street, NW, Suite 800 Washington, DC 20006	Westinghouse Electric Corp	1,200.00	
Scott H. Lane, 99 Canal Center Plaza, Suite 500 Alexandria, VA 22314	AIADA	32,400.00	
Mark Lappen, 1000 Connecticut Ave., NW Washington, DC 20036	National Assn of Health Underwriters		
Nicholas Larigakis, 1730 K Street, NW, Suite 1005 Washington, DC 20006	American Hellenic Institute Public Affairs Committee, Inc		
Christopher D. Larsen, 1220 L Street, NW, #510 Washington, DC 20005	American Resort Development Assn	3,437.50	
Rod Larson, 4510 13th Avenue Fargo, ND 58121-0001	Blue Cross Blue Shield of North Dakota		
Latham & Watkins, 1001 Pennsylvania Ave., NW, #1300 S Washington, DC 20004-2505	Bell Atlantic Personal Communications, Inc	6,000.00	
Do	Bell South Corp		
Do	Bristol-Myers Squibb Co		
Do	Hughes Aircraft Corp	3,000.00	
Do	Hughes Communications Inc	2,000.00	
Do	Imperial County	11,895.00	
Do	Wireless Cable Assn International	9,000.00	
Karl F. Lauenstein, 1745 Jefferson Davis Highway, #1000 Arlington, VA 22202	General Dynamics Corp	1,000.00	321.44
Beth Lavach, 1747 Pennsylvania Ave., NW, Suite 800 Washington, DC 20006	Gadsby & Hannah (For:Colt Manufacturing Co, Inc)	805.00	
Do	Gadsby & Hannah (For:Consolidated Defense Corp)		
Do	Gadsby & Hannah (For:Dayton Area Chamber of Commerce)		
Do	Gadsby & Hannah (For:NMP Corp)		
Do	Gadsby & Hannah (For:Westinghouse & Cutler/Hammer Products)		
Jonathan Lawniczak, 1331 F Street, NW Washington, DC 20004-1171	National Council of Senior Citizens	6,000.00	
Elizabeth Lawson, 1730 M Street, NW Washington, DC 20036	League of Women Voters of the U.S.	7,821.21	32.81
Richard L. Lawson, 1130 17th St., NW Washington, DC 20036	National Coal Assn	3,750.00	
Louis A. LaMarca, 1667 K Street, NW, Suite 1270 Washington, DC 2006	Warner-Lambert Co	3,000.00	
Gary J. LaPaille, 6518 S. Keeler Chicago, IL 60629	Whitman Corp		
Clifford C. LaPlante, 1299 Pennsylvania Avenue, NW, #1100 Washington, DC 20004	General Electric Co	1,850.00	
Joan W. LaRock, 801 Pennsylvania Ave., NW, Suite 1213 Washington, DC 20004	LaRock Associates, Inc		
Leadership Conference on Civil Rights, 1629 K Street, N.W., Suite 1010 Washington, DC 20006		36,050.01	58,905.94
League of Women Voters of the U.S., 1730 M St., NW Washington, DC 20036		55,449.80	55,449.80
Jeffrey A. Lear, 1010 N. Fairfax Street Alexandria, VA 22314	National Society of Public Accountants	2,300.00	
Wendy Lechner, 600 Maryland Ave., SW, #700 Washington, DC 20024	National Fed of Independent Business	3,401.00	200.00
Marque I. Ledoux, 300 Maryland Avenue, NE Washington, DC 20002	Federal Express Corp	6,000.00	
Gary A. Lee Group, Inc, P.O. Box 271 Sanibel Island, FL 33957	Harnischfeger Industries		
Do	Midas International		
Do	Pet, Inc		
Arnold H. Leibowitz, 888 Sixteenth Street, NW # 507 Washington, DC 20006	Cameron & Hornbostel (For:Hebrew Immigrant Aid Society (HIAS))	18,450.00	
Steven L. Leifer, 1299 Pennsylvania Ave., NW Washington, DC 20004	Howrey & Simon (For:Environmental Treatment & Technologies Corp)		
Donna Lenhoff, 1875 Connecticut Avenue, NW, #710 Washington, DC 20009	Women's Legal Defense Fund	370.00	187.00
Lloyd Leonard, 1730 M St., NW Washington, DC 20036	League of Women Voters of the U.S.	9,582.72	491.69
Raymond D. Lett, 201 James Thurber Court Falls Church, VA 22046	Marxman & Associates, Inc		
Mingyew Leung, 1100 17th Street, NW, 10th Floor Washignton, DC 20036	American Assn for Marriage & Family Therapy	16,021.00	
Nancy R. Levenson, 1401 Eye Street, NW, #1220 Washington, DC 20005-2204	Joseph E. Seagram & Sons, Inc	2,500.00	
Robert John Levering, 1101 17th St., NW, #705 Washington, DC 20036	Direct Marketing Assn	1,000.00	1,000.00
Robert B. Levethal, 1050 17th Street, NW, #350 Washington, DC 20036	AFL-CIO Maritime Committee		
Ted Levi, 1130 Connecticut Ave., NW, #830 Washington, DC 20036	Alabama Power Co		
Barbara W. Levine, 1015 15th Street, NW Washington, DC 20005	American Public Health Assn	634.50	
Herbert J. Levy, 1614 King St. Alexandria, VA 22314	National Assn of Housing Cooperatives		
Joseph Christopher Lewis, 1424 16th Street, NW, Suite 604 Washington, DC 20036	Consumer Federation of America	5,323.00	63.00
Nicholas A. Lewis, 15th & M Streets., NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Richard W. Lewis, 6525 Clagett Avenue Fairhaven, MD 20754			
Cynthia LeBrun-Yaffe, 4905 Del Ray Avenue, #503 Bethesda, MD 20814	Council for Compassionate Governance (NEAVS)	3,926.74	
Lawson LeGate, 2273 S. Highland Dr., #2D Salt Lake City, UT 84106-2832	Sierra Club		
William J. Lhota, One Riverside Plaza Columbus, OH 43215	American Electric Power Service Corp		
Judith Lichtman, 1875 Connecticut Avenue, NW, #710 Washington, DC 20009	Women's Legal Defense Fund	187.00	93.00
Eric N. Lieberman, 725 12th Street, NW Washington, DC 20005	Williams & Connolly (For:Sentara Norfolk General Hospital)		
Brett E. Lief, 1025 Connecticut Ave, NW, #700 Washington, DC 20036	National Assn of Independent Colleges & Universities		20.03
Nelson Litterst, 600 Maryland Ave., SW, Suite 700 Washington, DC 20024	National Fed Independent Business	3,401.00	200.00
Melvin J. Littig, 1801 K Street, NW, Suite 800 Washington, DC 20006	Westinghouse Electric Corp	1,200.00	
Barbara A. Little, 1155 15th St., NW, #611 Washington, DC 20005	Ethyl Corporation		
Livestock Marketing Association, 7509 Tiffany Springs Parkway Kansas City, MO 64153		33,500.00	17,475.00
Fernando Lloveras-San Miguel, P.O. Box 5623 San Juan, PR 00902-5623		18,000.00	14,550.00
W. Timothy Locke, 499 S. Capitol Street, SW, #507 Washington, DC 20003	Hecht Spencer & Associates (For:National Automatic Merchandising Assn)		
William E. Loftus, 1120 G Street NW, #520 Washington, DC 20005	American Short Line Railroad Assn		
Kimberly L. Lohman, 1090 Vermont Ave., NW, Suite 800 Washington, DC 20005	National Assn of Mortgage Brokers	8,750.04	
Frank P. Lombardo II, 1776 EYE Street, NW, #275 Washington, DC 20006	Entergy Services, Inc	4,573.20	247.55
London & Satagaj, 1156 15th Street, NW, #510 Washington, DC 20005	Jewelers of America	6,000.00	
Long Law Firm, 8550 United Plaza Blvd., #800 Baton Rouge, LA 70809	AT&T		
Do	General Health, Inc		
Do	J & B Management Company		
Do	Metropolitan Life Insurance Co		
Do	MicroGeneSys, Inc		
Do	United Companies Financial Corp		
Brien Lorenze, 1015 15th Street, NW, Suite 802 Washington, DC 20005	American Consulting Engineers Council	3,312.50	242.92
Franklin W. Losey, 4301 North Fairfax Drive, #330 Arlington, VA 22203	Shipbuilders Council of America		650.00
James P. Love, P.O. Box 19367 Washington, DC 20036	Taxpayer Assets Project	2,000.00	240.00
Charles M. Loveless, 1625 L Street, NW Washington, DC 20036	American Fed of State County & Municipal Employees	24,046.02	1,178.31
James Lovell, 20361 Middlebelt Livonia, MI 48152	International Hearing Society		
Mark A. Lowman, 1201 K Street, #800 Sacramento, CA 95814	California Assn of Hospitals and Health Systems	15,000.00	4,477.00
Suellen Lowry, 1531 P Street, NW, #200 Washington, DC 20005	Sierra Club Legal Defense Fund	2,450.00	84.26
P. Vincent LoVoi, 1667 K Street, NW, #1270 Washington, DC 20006	Warner-Lambert Company	5,000.00	
Amy J. Lucas, 15th & M Street, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Sylvester Lukis, 14 W. Irving Street Chevy Chase, MD 20815	City of Miami	12,487.50	
Do	City of Miami Beach	10,000.00	
Do	City of Palm Springs	4,500.00	
Do	Houston Independent School District	3,200.00	
Do	Metropolian Dade County	10,000.00	
Do	School Board of Dade County, Florida	8,000.00	
Michael L. Lunceford, 8787 Stemmons Freeway Dallas, TX 75247	Mary Kay Cosmetics, Inc		
Cody Lusk, 99 Canal Center Plaza, Suite 500 Alexandria, VA 22314	AIADA	9,900.00	
Michelle Gibson Lusk, 1212 New York Ave. NW Suite 500 Washington, DC 20005	Cement Kiln Recycling Coalition		
Timothy P. Lynch, 430 First Street SE Washington, DC 20003	American Trucking Assns, Inc	15,000.00	
John F. Lyons, 1350 I Street, NW, Suite 400 Washington, DC 20005	Motorola	1,500.00	
Margaret Lyons, 1747 Pennsylvania Ave., NW, #700 Washington, DC 20006	Ciba-Geigy Corp	3,810.00	
William T. Lyons, 1747 Pennsylvania Ave., NW, #700 Washington, DC 20006	Ciba-Geigy Corp	9,250.00	6,370.00
LDDS Communications, Inc, 1120 Connecticut Avenue, NW, #400 Washington, DC 20036			37,200.00
Gordan D. MacKay, Riva Place South #304 1011 Arlington Blvd. Arlington, VA 22207	New England Mutual Life Insurance Co, ('The New England')	2,125.00	163.65
Uday Madiman, P.O. Box 282 Indianapolis, IN 46206	Indy Unlocks, Inc		
Bill Magavern, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen	1,850.00	
James J. Magner, 314 Massachusetts Ave, NE Washington, DC 20002	James J. Magner & Associates, Inc. (For:ASARCO, Inc)	877.50	44.95
Do	James J. Magner Associates, Inc (For:Inter-Mountain Forest Industries Assoc.)	6,288.75	2,233.60
Do	James J. Magner & Associates (For:Kaibab Forest Products Company)		
James J. Magner and Associates, Inc, 314 Massachusetts Ave., NE Washington, DC 20002	Asarco, Inc	2,261.25	1,567.51
Do	Inter-Mountain Forest Industries Assn	16,071.00	13,145.22
Do	Kaibab Forest Products Company		
Alisa Learner Maher, 1100 Connecticut Ave., NW Washington, DC 20036	Chrysler Corporation	4,725.00	392.00
James Timothy Mahoney, 108 Gibbon Street Alexandria, VA 22314	Koniag, Inc	937.50	30.68

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Christopher J. Mailander, 1201 Connecticut Ave., NW, Suite 300 Washington, DC 20036	Bailey & Robinson (For:MasterCard International)		
Do	Bailey & Robinson (For:Ormet)		
Do	Bailey & Robinson (For:Smart Corp)		
Major League Baseball Players Assn, 12 East 49th Street New York, NY 10017			259,222.33
Anthony S. Makris, 116 Waterford Place Alexandria, VA 22314	National Rifle Assn of America		
Andrew T. Malleck, 400 North Capitol St., NW, #852 Washington, DC 20001	Brotherhood of Maintenance of Way Employees	14,922.46	
Manatt Phelps & Phillips, 1501 M Street, NW, Suie 700 Washington, DC 20005	American Chiropractic Assn		
Do	Barr Laboratories, Inc		
Do	Dole Food Co, Inc		
Do	NEC USA, Inc		
Do	Shook, Hardy & Bacon		
Do	Vitro, S.A.		3,134.29
Perry Steven Mansfield, 225 Main Street Newington, CT 06111	American Radio Relay League, Inc	210.00	578.00
Manufactured Housing Institute, 1745 Jefferson Davis Highway, #511 Arlington, VA 22202			24,090.00
John V. Maraney, 324 East Capitol St., NE Washington, DC 20003	National Star Route Mail Contractors Assn		
Marc Associates, Inc, 1101 17th Street, NW, #803 Washington, DC 20036-4704	American Assn of Colleges of Osteopathic Medicine	1,666.00	
Do	American College of Foot & Ankle Surgeons	2,500.00	
Do	American Soc for Gastrointestinal Endoscopy	10,000.00	
Do	American Soc of Anesthesiologists	22,000.60	
Do	American Soc of Hematology	1,000.00	
Do	American Urological Assn/Amer Assn of Clinical Urologists	12,000.00	
Do	California Public Employees Retirement System (CALPERS)	4,250.00	
Do	City of Alhambra	4,000.00	
Do	Federation of State Medical Boards of the US	6,000.00	
Do	Health Industry Manufacturers Assn (HME)	21,000.00	
Do	International Soc for Cardiovascular Surg/Soc for Vascular..	4,500.00	
Do	Los Angeles County Office of Education	6,000.00	
Do	Los Angeles County Transportation Commission	3,000.00	
Do	Merck Sharp and Dohm	1,000.00	
Do	National Assn of Epilipsy Centers	2,000.00	
Do	National Hemophilia Foundation	8,000.00	
Do	NI Industries	3,000.00	
Do	Research Society on Alcoholism	2,000.00	
Do	U.S. Facilites Corp	6,000.00	
Joseph N. Mariano, 1666 K Street, NW, Suite 1010 Washington, DC 20006	Direct Selling Assn		
Marlowe & Company, 1667 K Street, NW, #480 Washington, DC 20006	American Public Gas Assn	725.00	21.00
Do	Association for Healthcare Philanthropy		
Do	Captiva Erosion Prevention District		
Do	City of Venice, Florida	225.00	
Do	Coalition to Keep Alaska Oil	3,287.50	10.00
Do	Coalition to Repeal the Wright Amendment		
Do	Independent Pilots Assn	1,137.50	83.42
Do	National Society of Fundraising Executives	50.00	
Do	Town of Longboat Key		
Alexandra Maroulis-Cronmiller, One Thomas Circle, NW Washington, DC 20005	Independent Bankers Assn of America	12,862.00	
Marsh & Associates, P.C., 111 Washington Avenue Albany, NY 12210	Smokeless Tobacco Council, Inc		
Gwen Marshall, 243 Parkway #3 Cincinnati, OH 45216		170.00	678.55
David L. Martin, P.O. Box 427 Jackson, MS 39205-0427	Comprehensive Health Insurance Risk Pool Assn		
James L. Martin, 1526 N. Johnson Street Arlington, VA 22209	60/Plus Assn, Inc	6,256.24	
Joseph J. Martyak, 1401 EYE Street, NW, #200 Washington, DC 20005	Rhone-Poulenc, Inc		
Maryland People's Counsel, 6 St. Paul St., Suite 2102 Fl. Baltimore, MD 21202			
Joseph Masih, 122 C Street, NW, #350 Washington, DC 20001	Armenian Assembly of America	883.35	
Glen David Mason, 1350 I Street, NW, #590 Washington, DC 20005	College of American Pathologists	7,960.00	
Alexander S. Mathews, 1700 North Moore Street, Suite 1600 Arlington, VA 22209	American Meat Institute	12,750.00	730.31
Suzette Matthews, Arlington Courthouse Plaza II 2300 Clarendon Boulevard, #711 Arlington, VA 22201	Air Traffic Control Assn, Inc	565.46	
Joseph M. Mattingly, 1901 North Moore Street, #1100 Arlington, VA 22209	Gas Appliance Manufacturers Assn, Inc		
Daniel J. Mattoon, 1133 21st St., NW, #900 Washington, DC 20036	BellSouth Corp	3,162.50	1,354.79
Marshall L. Matz, 1400 16th Street, NW, #400 Washington, DC 20036	Olsson Frank & Weeda (For:American School Food Service Assn)	9,000.00	
Maureen Maxwell, 900 17th Street, NW Washington, DC 20006	Wilderness Society	28.40	2.00
William A. Maxwell, 727 15th Street, NW, #900 Washington, DC 20005-2169	Convex Computer Corp	5,000.00	359.96
Gerald M. May, 1608 K Street, NW Washington, DC 20006	American Legion	9,651.24	48.00
Mayer Brown & Platt, 2000 Pennsylvania Avenue, NW, #6500 Washington, DC 20006	Deutsche Lufthansa A.G.		
Do	General Electric Industrial & Power Systems		
Do	Joseph E. Seagram & Sons Inc		
Michael J. McAdams, 1776 Eye Street, NW, #1000 Washington, DC 20006	BP America, Inc		
Rebecca McAuliffe, 601 13th Street, NW, Suite 850 South Washington, DC 20005	El Paso Natural Gas Co	1,000.00	
Ellen McBarnette, 408 C Street, NE Washington, DC 20002	Sierra Club	742.63	
Susan P. McCaffrey, 3901 N. Meridian Street P.O. Box 88409 Indianapolis, IN 46208-0409	Community Service Council of Central IN, Inc		
Nancey K. McCann, 4000 Legato Road, Suite 850 Fairfax, VA 22033-4005	American Soc of Cataract & Refractive Surgery	10,150.40	684.59
James A. McCarthy, 1711 King Street, Suite One Alexandria, VA 22314	Snack Food Assn		100.00
John M. McClung, 727 N Washington Street Alexandria, VA 22314	United Fresh Fruit & Vegetable Assn	2,000.00	
Stephen McConnell, 1319 F Street, NW, #710 Washington, DC 20004-1106	Alzheimer's Assn	4,000.00	150.00
John E. McDade, 1700 North Moore Street Arlington, VA 22209	American Meat Institute		
Marianne McDermott, 1200 G Street, NW, #760 Washington, DC 20005	Resources for Group Management, Inc (For:Greeting Card Assn)		
McDermott Will & Emery, 1850 K Street, NW, #450 Washington, DC 20006	American Vintners Assn		
Bridget McDonald, 1630 Duke Street, 4th Floor Alexandria, VA 22314-3465	National Rural Letter Carriers' Assn	6,113.00	15.00
Jack McDonald, 901 15th Street, NW, #700 Washington, DC 20005-2301	Outboard Marine Corp	7,500.00	25.00
John P. McDonough, 99 Commerce Place Upper Marlboro, MD 20772	O'Malley & Miles (For:National Hockey League)	93.50	
McGuiness & Williams, 1015 15th Street, NW, #1200 Washington, DC 20005	Hoechst Celanese Corp	16,937.50	31.00
Do	Hoechst-Roussel Pharmaceuticals, Inc	4,500.00	
Robert McIntyre, 1313 L St., NW Washington, DC 20005	Citizens for Tax Justice	14,730.76	
Harrison D. McIver III, 1625 K Street, NW, #725 Washington, DC 20006	Project Advisory Group		
Kim F. McKernan, 600 Maryland Ave., SW, Suite 700 Washington, DC 20024	National Fed of Independent Business	4,875.00	400.00
Kathleen Tynan McLaughlin, Thomas J. Downey & Associates, Inc 1401 I Street, NW, #1210 Washington, DC 20005	Institute for Community Development		
Laure C. McLaughlin, 555 13th Street, NW, Suite 430 West Washington, DC 20004	Transco Energy Co	3,000.00	646.69
John R. McLaurin, 1133 15th Street, NW, #640 Washington, DC 20005	American Logistics Assn		
Michael R. McLeod, 1 Massachusetts Ave., NW, #800 Washington, DC 20001-1431	McLeod Watkinson & Miller (For:American Assn of Crop Insurers)	1,800.00	
Do	McLeod Watkinson & Miller (For:American Mushroom Institute)		
Do	McLeod Watkinson & Miller (For:American Peanut Product Manufacturers, Inc) ..		
Do	McLeod Watkinson & Miller (For:Chicago Board of Trade)		
Do	McLeod Watkinson & Miller (For:United Egg Producers)		
Nancy L. McLernon, 1747 Pennsylvania Avenue, NW, #704 Washington, DC 20006	Organization for International Investment (OFII)	1,228.00	
Allegra P. McManus, 815 16th Street, NW, Suite 301 Washington, DC 20006	Industrial Union Department (AFL-CIO)	8,327.00	
P. E. McManus Associates, 1101 30th Street, NW, #200 Washington, DC 20007	AAI Corporation	100.00	
Do	Hydroacoustics, Inc		
Do	Litton Data Systems	150.00	
Rachel A. McMillan, 1776 I Street, NW, #750 Washington, DC 20006	BNFL, Inc	5,500.00	4,207.15
James F. McNulty Jr., Box 2265 Tucson, AZ 85702	Don Benneti Moon	4,399.00	1,373.00
Laura J. McPherson, 1745 Jefferson Davis Highway, #511 Arlington, VA 22202	Manufactured Housing Institute	5,000.00	
Diane B. McRee, Diane McRee Associates 801 Pennsylvania Ave., NW, #1213 Washington, DC 20004	Caribbean Marine Service Co, Inc	6,000.00	
James Meadows, 600 Congress Ave., #1360 Austin, TX 78701	Capital Network System, Inc	1,200.00	
Myron Meche, 325 7th Street, NW, #1000 Washington, DC 20004	National Retail Federation	2,000.00	
Medtronic, Inc, 7000 Central Avenue, NE Minneapolis, MN 55432			61.69
Nanine Meiklejohn, P.O. Box 1 Garrett Park, MD 20896	American Fed of State County & Municipal Employees	8,528.61	35.00
Carol Melton, 800 Connecticut Avenue, NW, #800 Washington, DC 20006	Time Warner, Inc	9,250.00	
Pamela L. Meredith, 600 New Hampshire Ave., NW Washington, DC 20037	Spectrum Astro, Inc		
Cynthia E. Merifield, 1101 Vermont Ave, NW Washington, DC 20005	American Medical Assn	3,750.00	
Edward A. Merlis, 1301 Pennsylvania Avenue. NW, #1100 Washington, DC 20004-1707	Air Transport Assn	3,147.69	
Edward L. Merrigan, 6000 Connecticut Ave., NW Washington, DC 20815	Central Gulf Lines, Inc	3,250.00	13.00
Howard M. Messner, 1015 15th St., NW, #802 Washington, DC 20005	American Consulting Engineers Council	1,000.00	
Alden M. Meyer, l6l6 P Street, NW Washington, DC 20036	Union of Concerned Scientists	3,035.00	
Nicholas Meyers, 1400 K Street, NW Washington, DC 20005	American Psychiatric Assn	3,822.00	1,716.99
Richard P. Michalski, 9000 Machinists Place Upper Marlboro, MD 20772	International Assn of Machinists & Aerospace Workers	11,418.75	
Kathleen Michels, 777 N. Capitol Street, NE, #803 Washington, DC 20002	American Assn of Nurse Anesthetists	5,000.00	31.94

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Michigan Hospital Assn, 6215 West St. Joseph Highway Lansing, MI 48917			
Mid-Atlantic Medical Services, Inc, 4 Taft Court Rockville, MD 20850			18,000.00
Migrant Legal Action Program, Inc, 2001 S St., NW, #310 Washington, DC 20009			
Nelson L. Milder, 1828 L Street, NW, #906 Washington, DC 20036	American Soc of Mechanical Engineers		
Richard Jeffrey Miles, 1530 Wilson Blvd, Suite 250 Arlington, VA 22209	Allison Engine Co		
Military Boot Manufacturers Assn, P.O. Box 508 Belleville, IL 62222			
B. Parker Miller III, 1801 K Street,NW, Suite 800 Washington, DC 20006	Westinghouse Electric Corp	1,200.00	
Claude W. Miller Jr., 410 Middle Street New Bern, NC 28560			
Clinton R. Miller, P.O. Box 528 Gainesville, VA 22065-0528	National Council for Improved Health, et al.	3,500.00	2,032.00
Deborah Imle Miller, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Dennis W. Miller, P.O. Box 427 Jackson, MS 39205-0427	Comprehensive Health Insurance Risk Pool Assn		
G. Daniel Miller, Suite 450 North, Homer Building 601 - 13th Street, NW Washington, DC 20005-3807	Faegre & Benson (For:Plaintiffs in Federal Dist Court litigation in Anchorage, AK).	438.00	
Grant Miller, 1800 Diagonal Rd. # 600 Alexandria, VA 22314	Grumman Corp	4,000.00	600.00
Do	Northrop Grumman Corporation	4,000.00	600.00
Do	Vought Aircraft Co	4,000.00	600.00
Jeffrey T. Miller, 295 Madison Ave 19th Floor New York, NY 10017	Lead Industries Association, Inc		
MIchael D. Miller, 1455 Pennsylvania Ave., NW, Suite 925 Washington, DC 20004	Pfizer, Inc	1,500.00	649.89
Pamela A. Miller, 900 17th Street, NW Washington, DC 20006-2596	Wilderness Society	874.46	23.60
Scott Miller, 1050 Thomas Jefferson Street Washington, DC 20007	Student Loan Marketing Assn	125.00	28.43
Miller & Chevalier, Chtd, 655 15th St., NW, #900 Washington, DC 20005-5701	Export Source Rule Coalition	625.00	
Do	Government of British Columbia/Min. of Dev. Trade & Tourism	1,700.00	
Do	Great Northern Insured Annuity Corp		
Do	Hewlett-Packard Co		
Do	Marine Preservation Assn	7,451.19	
Do	Organization for International Investment	6,580.00	
Do	Pulte Home Corp		
Miller Canfield Paddock & Stone, 1225 19th Street, NW, #400 Washington, DC 20036	City of Dubuque, Cable Television Division	225.00	
Do	City of Laredo	1,146.00	
Do	City of St. Louis		
Do	Montgomery County Government, Cable Television Office	860.12	
Stephen Mills, 408 C Street, NE Washington, DC 20002	Sierra Club	1,031.03	
Brian C. Mitchell, 18715 Martins Landing Germantown, MD 20874	Clark Atlanta University	15,764.90	
Do	Worldspace, Inc	723.27	
Mitchell McNutt Threadgill Smith & Sams, 215 15th Street, North P.O. Box 1366 Columbus, MS 39703	4-County Electric Power Assn	241.25	12.06
Seth Mones, 601 Pennsylvania Avenue, NW North Building-Suite 700 Washington, DC 20004	North American Philips Corp	4,000.00	
Kevin P. Montgomery, 1215 17th Street, NW, 3rd Floor Washington, DC 20036	Polar Air Cargo, Inc		51.90
Andrew D. Moore, 727 North Washington Street Alexandria, VA 22314	United Fresh Fruit & Vegetable Assn	500.00	
Laura Moorhead, 1747 Pennsylvania Avenue, NW, #704 Washington, DC 20006	Organization for International Investment, Inc	1,565.00	33.15
Peter J. Moran, 1601 Duke Street Alexandria, VA 22314	Society of American Florists	1,000.00	
Robert J. Moran, 1120 G Street, NW, #900 Washington, DC 20005	National Ocean Industries Assn	5,407.00	
Judith Morehouse, 1700 N. Moore Street Rosslyn, VA 22209	Boeing Company		
John Morgan, 501 3rd Street, NW Washington, DC 20001	Communications Workers of America		
Morgan Lewis & Bockius, 1800 M St., NW, #800 Washington, DC 20036	Chemical Manufacturers Assn		
Do	City of San Antonio		
Do	Coalition for an Undercharge Relief Bill		
Do	Coalition of Supporters of the Shipping Act		
Do	Columbia Presbyterian Medical Center		
Do	Cornell University		
Do	Financial Institutions Insurance Assn	1,723.00	
Do	Johns Hopkins Health System Corp		
Do	Johns Hopkins University		
Do	New York Hospital		
Do	Strong Memorial Hospital		
Do	United Distribution Companies		
Do	UGI Utilities, Inc	1,484.00	
Do	Yale New Haven Hospital		
Do	Yale School of Medicine		
Gerald D. Morris, 555 New Jersey Ave., NW Washington, DC 20001	American Fed of Teachers	22,768.26	40.00
Kristen Morris, 1200 G Street, NW< Suite 400 Washington, DC 20005	Health Industry ManufacturersAssn	1,190.00	198.62
Mark E. Morrison, 1725 Jefferson Davis Highway Crystal Square 2, Suite 300 Arlington, VA 22202	Lockheed Martin Corp	2,000.00	362.08
Russell N. Mosher, 950 N. Glebe Rd., #160 Arlington, VA 22203	American Boiler Manufacturers Assn, Inc		
Kate Moss Company, 1401 Eye Street, NW, #1100 Washington, DC 20005	Nations Bank Corp		
Beth Moten, 80 F Street, NW Washington, DC 20001	American Fed of Government Employees	14,147.82	
John J. Motley III, 600 Maryland Ave., SW, #700 Washington, DC 20024	National Fed of Independent Business	9,570.00	300.00
Motorcycle Industry Council, Inc, 1235 Jeff Davis Hwy. Arlington, VA 22202			
Barbara Moulton, 1601 Connecticut Ave., NW, #601 Washington, DC 20009	Alliance for Justice		
Heather M. Mullen, 1455 Pennsylvania Ave., NW, #925 Washington, DC 20004	Pfizer, Inc	1,200.00	218.25
Mullenholz Brimsek & Belair, 1150 Connecticut Ave., NW, #700 Washington, DC 20036	North American Equipment Dealers Assn	281.25	
Do	Search Group Inc.	2,810.75	203.00
Michael L. Mullins, 1101 15th Street, NW, #1000 Washington, DC 20005	Cargill, Inc	1,250.00	
Patricia Collins Murdock, 1875 Connecticut Ave., NW, #540 Washington, DC 20009	Food Research & Action Center	288.46	
Patrick W. Murphy, 370 L'Enfant Promenade, SW, 10th Floor Washington, DC 20024	American Nuclear Society	174.23	24.68
William T. Murphy Jr., 1301 Pennsylvania Avenue, NW, #1100 Washington, DC 20004-1707	Air Transport Assn	2,494.53	
Daniel H. Murray, 1133 21st St., NW, #900 Washington, DC 20036	BellSouth Corp	2,955.00	129.80
Richard D. Murray, 1133 15th Street, NW, #640 Washington, DC 20005	American Logistics Assn		
R.C. Murtha, 614 N. 3rd Street Harrisburg, PA 15230	Westinghouse Electric Corp		30.00
Robert Musil, 1101 14th Street, NW, #700 Washington, DC 20005	Physicians for Social Responsibility	4,664.00	
Deborah B. Myers, 1747 Pennsylvania Ave., NW, Suite 700 Washington, DC 20006	Ciba	5,500.00	
John Francis Nash Jr., 910 16th Street, NW, #402 Washington, DC 20006	Milliken & Company	5,000.00	950.00
National Air Carrier Assn, 1730 M St., NW, #806 Washington, DC 20036		1,000.00	1,000.00
National Air Traffic Controllers Assn, 1150 17th Street NW #701 Washington, DC 20036		38,344.93	4,661.08
National Assn for Biomedical Research, 818 Connecticut Ave., NW, #303 Washington, DC 20006		186,250.00	12,725.35
National Assn of Health Underwriters, 1000 Connecticut Ave., NW, #810 Washington, DC 20036		160,697.00	118,855.00
National Assn of Home Builders of the U.S., 15th & M Sts., NW Washington, DC 20005		71,014.81	153,453.67
National Assn of Independent Colleges & Universities, 1025 Connecticut Ave, NW, #700 Washington, DC 20036		2,21,368.00	74,446.00
National Assn of Real Estate Investment Trusts, Inc, 1129 20th St., NW, #705 Washington, DC 20036			47.00
National Beer Wholesalers Assn, 1100 South Washington Street Alexandria, VA 22314-4494		2,631,926.07	76,346.92
National Business Aircraft Assn, 1200 18th St., NW, #200 Washington, DC 20036-2598			13,841.50
National Coal Assn, 1130 17th Street, NW Washington, DC 20036		1,538,054.37	11,984.67
National Coalition for Abortion Providers (NCAP), 206 King Street, 2nd Floor Alexandria, VA 22314		19,988.41	42,503.05
National Coalition for Cancer Survivorship, 1010 Wayne Avenue, 5th Floor Silver Spring, MD 20910			
National Coalition for Marine Conservation, Inc, 5 West Market Street Leesburg, VA 22075		1,357.50	2,495.03
National Comm of Cities & States for Air Service, P.O. Box 507 Williston, ND 58802-0507		9.26	
National Comm on Pay Equity, 1126 16th St., NW, #411 Washington, DC 20036		69,060.78	
National Corn Growers Assn, 201 Massachusetts Ave., NE Suite C-4 Washington, DC 20002		13,375.00	22,706.56
National Council of Agricultural Employers, 1735 I Street, NW, #704 Washington, DC 20006		18,000.00	3,671.00
National Council of La Raza, 810 First Street, NE, #300 Washington, DC 20002		17,740.62	17,740.62
National Crop Insurance Services, Inc, 7301 College Blvd., Suite 170 Overland Park, KS 66212			3,960.00
National Education Assn, 1201 16th St., NW Washington, DC 20036		39,521.99	39,521.99
National Family Planning & Reproductive Health Assn, Inc, 122 C St., NW, #380 Washington, DC 20001		123,334.00	
National Fed of Independent Business, 53 Century Blvd., #300 Nashville, TN 37214		51,079.00	51,079.00
National Grain & Feed Assn, 1201 New York Avenue, NW, #830 Washington, DC 20005-3917			3,650.00
National Independent Automobile Dealers Assn, 2521 Brown Blvd., Suite 100 Arlington, TX 76006-5299			37,217.64
National Knitwear & Sportswear Assn, 386 Park Avenue South New York, NY 10016			6,226.36
National League of Postmasters, 1023 North Royal Street Alexandria, VA 22314			68,679.00
National Leased Housing Assn, 1300 19th Street, NW, #410 Washington, DC 20036		2,000.00	2,000.00
National Motorsports Council of ACCUS-FIA, 1500 Skokie Boulevard, Suite 101 Northbrook, IL 60602		40,000.00	
National Multi Housing Council, 1850 M Street, NW, Suite 540 Washington, DC 20036			20,931.52
National Newspaper Assn, 1525 Wilson Blvd. #550 Arlington, VA 22209		6,300.00	6,300.00
National Pork Producers Council, 122 C Street, NW, #875 Washington, DC 20001		255,313.00	52,751.51
National Realty Committee, 1420 New York Ave., NW, Suite 1100 Washington, DC 20005		10,102.00	10,102.00
National Retail Federation, 325 7th Street, NW #1000 Washington, DC 20004			37,188.54
National Rifle Assn of America, 1600 Rhode Island Ave., NW Washington, DC 20036		319,348.68	327,734.42

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
National Rural Letter Carriers Assn, 1630 Duke St., 4th Floor Alexandria, VA 22314-3465		18,206.00	37,934.00
National Smokers Alliance, 901 N. Washington Street, Suite 400 Alexandria, VA 22314			
National Spa & Pool Institute, 2111 Eisenhower Ave. Alexandria, VA 22314			9,600.00
National Taxpayers Union, 325 Pennsylvania Ave., SE Washington, DC 20003		12,829.00	15,745.00
National Tour Assn, Inc, 546 E. Main Street Lexington, KY 40508		72,081.00	72,081.00
Natural Gas Supply Assn, 1129 20th St., NW, #300 Washington, DC 20036			219,808.69
Ralph G. Neas, 1629 K Street, N.W., Suite 1010 Washington, DC 20006	Leadership Conference on Civil Rights	25,354.76	264.69
Allen Neece Jr., 1050 17th Street, NW Washington, DC 20036	Neece Cator & Associates, Inc (For:Association of Small Business Development Centers).	2,200.00	2,200.00
Do	Neece Cator & Associates, Inc (For:National Small Business United)	2,200.00	2,200.00
Do	Neece Cator McGahey & Associates, Inc (For:National Venture Capital Association).	1,500.00	1,500.00
Thayne T. Needles, 1129 20th Street, NW, Suite 305 Washington, DC 20037	National Assn of Real Estate Investment Trusts, Inc		20.00
Roy M. Neel, 1401 H Street, NW, #600 Washington, DC 20005	U.S. Telephone Assn	8,250.00	
Diana Neidle, 1424 16th Street, NW, Suite 604 Washington, DC 20036	Consumer Federation of American	1,240.00	15.00
Neighbor-To-Neighbor Action Fund, 2601 Mission Street, #400 San Francisco, CA 94110		140,269.00	110,005.00
Christine V. Nelson, 1 Massachusetts Ave., NW, #800 Washington, DC 20001-1431	McLeod Watkinson & Miller (For:United Egg Assn)		
Do	McLeod Watkinson & Miller (For:United Egg Producers)		
Gaylord Nelson, 900 17th Street, NW Washington, DC 20006	Wilderness Society		
Lisanne Nelson, 666 Pennsylvania Ave., SE Washington, DC 20003	National Audubon Society	3,312.50	
Louis H. Nevins, 9800 S. Sepulveda Blvd., #500 Los Angeles, CA 90045	Western League of Savings Institutions	7,208.00	
Barry New, 11911 Freedom Drive, 6th Floor Reston, VA 22090-5602	Rolls-Royce, Inc		
James Newell, 1050 Thomas Jefferson Street Washington, DC 20007	Student Loan Marketing Assn	500.00	873.99
Newspaper Association of America, 11600 Sunrise Valley Drive Reston, VA 22091		59,751.27	59,751.27
Julie L. Nichols, 1101 17th Street, NW, Suite 600 Washington, DC 20036	American Airlines, Inc	600.00	
Sara S. Nichols, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen	8,750.00	
E. Bruce Nicholson, 1800 M St., NW Washington, DC 20036	American Bar Assn	400.00	50.00
Ronald G. Nickson, 1850 M Street, NW, #540 Washington, DC 20036	National Multi Housing Council	2,363.30	
Alan Nissalke, 1133 15th Street, NW, #640 Washington, DC 20005	American Logistics Assn		
Franklyn C. Nofziger, 1730 Pennsylvania Ave., NW, #1050 Washington, DC 20006			
J. Hallock Northcott, 1620 L Street, NW, #1150 Washington, DC 20036	Matsushita Electric Corp of America	500.00	49.62
Helen L. Norton, 1875 Connecticut Avenue, NW, #710 Washington, DC 20009	Women's Legal Defense Fund	2,337.00	631.00
Ellis T. Nottingham Jr., 7900 Westpark Drive, Suite A530 McLean, VA 22102	Honeywell, Inc	6,000.00	1,901.45
Victoria S. Nugent, 2000 P Street, NW Washington, DC 20036	Public Citizen	500.00	
Silas O. Nunn, 4301 N. Fairfax Drive, #330 Arlington, VA 22203	Shipbuilders Council of America		
J. Michael Nussman, 1033 N. Fairfax Street Suite 200 Alexandria, VA 22314	American Sportfishing Assn	366.00	14.00
NAIOP, Association for Commercial Real Estate, Woodland Park, 2201 Cooperative Way Herndon, VA 22071		179,500.00	31,401.00
Coley C. O'Brien, 400 N. Capitol Street, NW, #353 Washington, DC 20001	America's Community Banks		
Do	Transportation Brokers Conference of America		
Coley O'Brien & Associates, 400 N. Capitol Street, NW, Suite 353 Washington, DC 20001	American International Automobile Dealers Assn		
O'Brien Calio, 1350 Eye Street, NW, Suite 690 Washington, DC 20005	Gatt NOW Alliance	625.00	
Carolyn O'Connor, 444 North Capitol Street, #418 Washington, DC 20001	New England Council, Inc		
Maribeth O'Connor, 521 Wall Street Seattle, WA 98121	Group Health Cooperative	11,848.14	6,179.58
O'Connor & Hannan, 1919 Pennsylvania Ave., NW, #800 Washington, DC 20006	Allergan, Inc	11,337.20	
Do	AFL-CIO Maritime Committee		
Do	Coca-Cola Company	2,257.50	
Do	Colt's Manufacturing Company, Inc		
Do	Glass Packaging Institute		
Do	Government of Netherlands Antilles	5,354.69	
Do	J.C. Penney Company, Inc		
Do	Little Six, Inc		
Do	M.A. Mortenson Co		
Do	Martin Marietta Corp	2,393.00	
Do	Mercedes-Benz of North America, Inc	2,100.00	
Do	Ontario Flue-Cured Tobacco Growers Marketing Board	12,316.34	
Do	Soka University Los Angeles	6,079.00	
Do	Student Loan Funding Corp	6,719.00	
Ann E. O'Donnell, 307 Yoakum Parkway, #3-608 Alexandria, VA 22304	United Way of America	8,867.55	200.00
O'Melveny & Myers, 555 13th St., NW Washington, DC 20004	Goldman Sachs & Co	29,110.00	1,421.26
Law Offices of John O'Neal, P.C., 1455 Pennsylvania Ave., NW, #1200 Washington, DC 20004	National Rural Telecom Assn	187.50	
O'Neill and Athy, P.C., 1310 19th Street, NW Washington, DC 20036	Cruise America Line, Inc		
Obadal & McLeod, P.C., 121 North Henry Street Alexandria, VA 22314	Associated Equipment Distributors		
Neil H. Offen, 1666 K Street, NW, #1010 Washington, DC 20006	Direct Selling Association		
John W. Olcott, 1200 18th Street, NW, #200 Washington, DC 20036	National Business Aircraft Assn	675.00	238.92
Sally G. Oldham, 21 Dupont Circle, NW Washington, DC 20036-1109	Scenic America		
Richard Oleck, 1181 South Rogers Circle, #6 Boca Raton, FL 33487-2724	Building Trades Assn, Inc		
Daniel Oliver, 3105 Woodley Road, NW Washington, DC 20008	Major League Baseball Players Assn		
Van R. Olsen, 1156 15th St., NW, #1019 Washington, DC 20006	U.S. Beet Sugar Assn		
Erik Olson, 1350 New York Avenue, NW, #300 Washington, DC 20005	Natural Resources Defense Council, Inc	5,417.00	
Richard C. Olson, 2000 Edmund Halley Drive, #400 Reston, VA 22091	DynCorp		
Edward O.C. Ord, 650 California Street, #1200 San Francisco, CA 94108-8	Ord & Norman		
Organization for International Investment, 1747 Pennsylvania Avenue, NW, #704 Washington, DC 20006-4604		25,500.00	11,315.49
Jose A. Ortiz-Daliot, 1341 G Street, NW, #1100 Washington, DC 20005	Jefferson Group, Inc (For:Puerto Rico College of Medical Technologists)		
Jason Osborne, 1015 15th Street, NW, #802 Washington, DC 20005	American Consulting Engineers Council	3,750.00	79.28
David S. Osterhout, 1725 Jefferson Davis Highway Crystal Square 2, Suite 300 Arlington, VA 22202	Lockheed Martin Corp	6,000.00	1,392.67
Kathleen Galiher Ott, 1001 19th Street North #800 Arlington, VA 22209	TRW, Inc		
Karl Ottosen, 208 G Street, NE Washington, DC 20002	NL Industries/Baroid Corp	11,250.00	
Do	U.S. Federation of Small Businesses, Inc	1,500.00	
Jack C. Overstreet, 1725 Jefferson Davis Highway Suite 300 Arlington, VA 22202	Lockheed Martin Corp	4,000.00	279.29
Thomas J. Owens, P.O. Box 12266 Seattle, WA 98102	Dollar Savings Bank, et al.	31,400.00	12,227.06
William J. Owens, 1745 Jefferson Davis Highway, #511 Arlington, VA 22202	Manufactured Housing Institute		
Oxygenated Fuels Assn, 1330 Connecticut Ave., NW, Suite 300 Washington, DC 20036		7,500.00	9,006.00
Pagonis & Donnelly Group, Inc, c/o Rogers & Wells 607 14th Street, NW Washington, DC 20005	Air Products & Chemicals, Inc	9,381.25	79.38
Michael C. Palmer, 1350 I St., NW, Suite 590 Washington, DC 20005	College of American Pathologists	2,540.00	
Vincent A. Panvini, 1750 New York Ave., NW Washington, DC 20006	Sheet Metal Workers' Internatinional Assn	18,768.75	
David L. Parde, 119 Oronoco Street, #300 Alexandria, VA 22314	Coalition for Automotive Repair Equality, Inc	4,388.00	
Akhandal Parija, 1615 H Street, NW Washington, DC 20062	US Chamber of Commerce	2,100.00	80.00
Nancy L. Parke, 5410 Grosvenor Lane, #100 Bethesda, MD 20814-2122	American Congress on Surveying & Mapping	2,692.65	
Lawrence Parks, 1125 15th Street, NW Washington, DC 20005	Mortgage Bankers Assn of America		
Prudence H. Parks, 11301 Popes Head Road Fairfax, VA 22030	Washington Gas Light Co	2,100.00	350.78
Ann M. Parman, 1745 Jefferson Davis Hwy, #511 Arlington, VA 22202	Manufactured Housing Institute	490.00	
Ken Parmelee, 1630 Duke Street, 4th Floor Alexandria, VA 22314-3465	National Rural Letter Carriers Assn	24,218.00	2,221.00
Jack C. Parnell, 1919 South Eads Street, Suite #103 Arlington, VA 22202-3028	Kahn Soares & Conway (For:Central Soya/Novamont)	15,000.00	
Do	Kahn Soares & Conway (For:Westlake Farms)		
Parry and Romani Associates, Inc, 233 Constitution Avenue, NE Washington, DC 20002	American Assn of Pharmaceutical Distributors	2,000.00	
Do	American Chiropractic Assn	3,600.00	
Do	Bastyr University	600.00	
Do	D & F Industries, Inc		
Do	Federal Judges Association		
Do	Fox Bennett & Turner	2,700.00	
Do	Genentech, Inc	3,300.00	
Do	Generic Pharmaceutical Industry Assn	1,000.00	
Do	HealthCare COMPARE	1,500.00	
Do	International Assn of Broadcast Monitors	200.00	
Do	International Dairy Foods Assn	1,500.00	
Do	Motion Picture Assn of America, Inc	3,000.00	
Do	Murdock Healthcare	1,500.00	
Do	National Assn of Immigration Judges		
Do	Nonprescription Drug Manufacturers Assn		
Do	Pfizer, Inc	1,800.00	
Do	Recording Industry Assn of America	1,200.00	
Do	Research Corp Technology, Inc	3,600.00	
Do	Schering-Plough Corp		
Do	Syntex USA, Inc	1,200.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Systech Environmental Corp	3,600.00	
Do	Unilever U.S., Inc	1,500.00	
Do	Upjohn Company	2,100.00	
Do	Utah Biomedical Industry Council	100.00	
Do	Utah Natural Products Alliance	2,000.00	
Do	Won-Door Corporation	500.00	
Richard E. Pasco, 122 C Street, NW, #875 Washington, DC 20001	National Pork Producers Council	10,000.00	821.23
Andrea B. Passarelli, 3025 South Parker Road, #1100 Aurora, CO 80014	TeleCheck Services, Inc		
John Patrick, 211 Pucketts Ferry Road Greenwood, SC 29649	Fuji Photo Film, Inc		
M. Stephanie Patrick, 1101 15th Street, NW, #1000 Washington, DC 20005	Cargill, Inc	1,250.00	
Patton Boggs, L.L.P., 2550 M Street, NW Washington, DC 20037	Blair Corporation	840.00	
Do	Coalition for Local Government Choice on Flow Control	33,460.00	
Do	Coalition on State Use Taxes	1,000.00	
Do	Infinity Broadcasting Corp		
Do	Manor Care		
Do	Reader's Digest Assn, Inc	1,000.00	
Alma Hale Paty, 1920 N Street, NW Washington, DC 20036	American Mining Congress	60.00	
Paul Weiss Rifkind Wharton & Garrison, 1615 L Street, NW, #1300 Washington, DC 20036	Financial Executives Institute	5,721.00	
Do	IPSCO Steel Inc		
Peabody & Brown, 1255 23rd Street, NW, #800 Washington, DC 20037	National Leased Housing Assn	2,000.00	
J. Leon Peace Jr., 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Joe P. Peck Jr., 2500 Wilson Blvd. Arlington, VA 22201-3834	Electronic Industries Assn	750.00	269.37
Lee Peckarsky, 11408 Stonewood Lane Rockville, MD 20853	Kirkpatrick & Lockhart (For:Glendale Federal Bank, FSB)	12,500.00	
Nicholas J. Penning, 1801 N. Moore Street Arlington, VA 22209	American Assn of School Administrators	9,880.50	
Pepper & Corazzini, 1776 K St., NW Washington, DC 20006	National Private Telephone Assn		
Laura T. Peralta, 1667 K Street, NW, #1270 Washington, DC 20006	Warner-Lambert Company	3,000.00	
Jean Perih, 644 Massachusetts Ave., NE, #405 Washington, DC 20002	National Taxpayers Union	6,750.00	
Jeffry L. Perlman, 1101 Vermont Avenue, NW, #500 Washington, DC 20005	American Advertising Federation	6,000.00	424.56
Robert Perschel, 900 17th Street, NW Washington, DC 20006-2596	Wilderness Society		
Mark Pertschuk, 2530 San Pablo Ave, #J Berkeley, CA 94702	Americans for Nonsmokers' Rights	787.00	
Kate Peterson, 555 13th Street, NW, #1050 E Washington, DC 20004	Medtronic, Inc		36.69
Thomas J. Petrizzo, 325 7th St., NW. #1000 Washington, DC 20004	National Retail Federation	700.00	
Laura M. Pettey, 1776 Eye Street, NW, #575 Washington, DC 20006	Dow Chemical Co	500.00	6,790.00
Mitchell S. Pettit, 1133 Connecticut Ave., NW, #1000 Washington, DC 20036	American Bankers Assn	21,000.00	
Do	SBC Communications, Inc	33,000.00	1,830.61
Peyser Associates, Inc, 1001 G Street, NW, Suite 400 East Washington, DC 20001	City of Philadelphia		
Do	City of Seattle	10,031.25	
Do	Metro	12,999.99	
Do	Mothers Against Drunk Driving (MADD)	13,500.00	
Do	National Assn for Sport & Physical Education	4,500.00	
Do	New York State Thruway Authority	12,000.00	
Do	Southeastern Pennsylvania Transit Authority	225,000.00	
Do	Toledo-Lucas Port Authority	15,000.00	
Steven J. Pfister, 325 7th Street, NW #1000 Washington, DC 20004	National Retail Federation	5,000.00	200.62
Kurt Pfotenhauer, 316 Pennsylvania Avenue, SE, #304 Washington, DC 20003	United Parcel Service	7,000.00	228.67
James R. Phalen, 1776 EYE Street, NW, #400 Washington, DC 20006	Nuclear Energy Institute	7,523.00	705.00
Laura Phelps, 1 Massachusetts Ave., NW, #800 Washington, DC 20001-1431	McLeod Watkinson & Miller (For:American Assn of Crop Insurers)		
Do	McLeod Watkinson & Miller (For:American Mushroom Institute)		
Do	McLeod Watkinson & Miller (For:American Peanut Product Manufacturers, Inc)		
Physicians for Social Responsibility, 1101 14th Street, NW, #700 Washington, DC 20005		15,709.00	15,512.00
Joann Piccolo, 1350 I Street, NW, #400 Washington, DC 20005	Motorola, Inc	4,500.00	
Janice Pieper, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	3,750.00	173.40
Theodore M. Pierce, 5301 Wisconsin Ave., NW, #450 Washington, DC 20015	National Assn of Surety Bond Producers		
Paul E. Pike, 1301 Pennsylvania Ave., NW, #1100 Washington, DC 20004-1707	Air Transport Assn	2,360.00	
Piliero Mazza & Pargament, Farragut Square 888 17th Street, NW, #1100 Washington, DC 20006	Latin American Management Assn		
Do	Villa Banfi, U.S.A		
Piper & Marbury, 1200 19th Street, NW, #700 Washington, DC 20036	AT&T	135.00	34.29
Do	Direct Marketing Assn	1,056.25	20.07
Do	Information Industry Assn		
Do	Journal of Commerce, Inc		
Do	Mead Data Central, Inc	900.00	
Do	MCI Communications Corp	9,425.25	288.57
Do	Rabanco Companies		
Lynn A. Pirozzoli, 1130 Connecticut Ave., NW, Suite 350 Washington, DC 20036	Resource Management International, Inc		
William H. Pitsenberger, 1133 Topeka Boulevard Topeka, KS 66629-0001	Blue Cross & Blue Shield of Kansas		
Martha Rachel Plotkin, 1120 Connecticut Avenue, NW, #930 Washington, DC 20036	Police Executive Research Forum	264.39	45.00
Podesta Associates, Inc, 1001 G Street, NW Suite 900 East Washington, DC 20001	American Personal Communications (APC)	64,755.00	5,709.49
Do	Association of Directory Publishers	3,520.00	303.09
Do	California Healthcare Institute	3,750.00	634.62
Do	California Poultry Industry Federation	23,075.00	2,679.61
Do	Committee for America's Copyright Community		833.13
Do	Computer & Business Equipment Manufacturers Assn	1,800.00	302.58
Do	Digital Equipment Corp	3,000.00	160.70
Do	Electronic Frontier Foundation		115.58
Do	Genentech, Inc	10,000.00	924.16
Do	Genzyme	3,019.38	163.10
Do	HIMA	11,250.00	319.44
Do	International Brotherhood of Teamsters		256.78
Do	MCI	21,000.00	420.23
Do	National Assn of Broadcasters	14,000.00	855.46
Do	National Campaign for Pesticide Policy Reform (NCPPR)	1,500.00	112.59
Do	National Conference of Bankruptcy Judges	32,981.62	1,521.66
Do	Newspaper Assn of America	11,075.63	2,246.03
Do	Nutritional Health Alliance	20,000.00	292.05
Do	Pacifica Foundation	378.75	
Do	Times Mirror	3,000.00	203.95
Anne L. Polansky, 777 North Capitol St., NE, Suite 805 Washington, DC 20002	Solar Energy Industries Assn	2,140.30	
Mark D. Polston, 1225 Eye Street, NW, Suite 1100 Washington, DC 20005	Handgun Control, Inc		
Harry L. Ponder, 815 16th Street, NW, #707 Washington, DC 20006	Department for Professional Employees AFL-CIO	8,775.06	
John F. Pontius, 130 North Carolina Avenue, SE Washington, DC 20003	Executive Interventions		
Port of Seattle, P.O. Box 1209 Seattle, WA 98111			1,062.08
J. Craig Potter, 1850 K Street, NW, #500 Washington, DC 20006	McDermott Will & Emery		
John Pottridge, 400 North Washington Street Alexandria, VA 22314	National Assn of Professional Insurance Agents	5,000.00	
Premark International, Inc, 1717 Deerfield Road Deerfield, IL 60015		4,000.00	12,000.00
S. Patrick Presley, 1776 I Street, NW, #1000 Washinton, DC 20006	BP America, Inc		
Price Waterhouse, 1801 K St., NW, #700 Washington, DC 20006	Investment Company Institute		
Ann L. Pride, 1776 I Street, NW, #275 Washington, DC 20006	Entergy Services, Inc	4,326.00	439.12
George W. Pritts Jr., 1745 Jefferson Davis Hwy., #1200 Arlington, VA 22202	Rockwell International Corp	1,875.00	392.13
Profit Sharing Council of America, 10 South Riverside Plaza, Suite 1460 Chicago, IL 60606			
Project Advisory Group, 1625 K Street, NW, #725 Washington, DC 20006			50.00
Gerald R. Prout, 1627 K St., NW, #500 Washington, DC 20006	FMC Corporation	3,500.00	
James C. Pruitt, 1050 17th St., NW, #500 Washington, DC 20036	Texaco, Inc		
Public Citizen, 2000 P Street, NW Washington, DC 20036		62,056.00	
Brenda Pulley, 607 14th Street, NW, #800 Washington, DC 20005	American Portland Cement Alliance	8,875.00	545.08
Sue P. Purvis, P.O. Box 14042 St. Petersburg, FL 33733	Florida Power Corp	10,535.00	2,169.00
Do	Florida Progress Corp	2,634.00	476.00
Patricia A. Quealy, 1133 21st Street, NW, #450 Washington, DC 20036	HealthCare COMPARE Corp	3,000.00	4,288.05
Charles N. Quigley, 5146 Douglas Fir Road Calabasas, CA 91302	Center for Civic Education	1,765.00	424.00
Patrick H. Quinn, 601 13th Street, NW, #410 Washington, DC 20005	R. Duffy Wall & Associates, Inc	1,250.00	
Robert H. Quinn, Quinn and Morris One State Street Boston, MA 02109	Phillips Petroleum Co	13,275.00	82.00
Jeffrey L. Quyle, 720 N. High School Rd. Indianapolis, IN 46214	Indiana Statewide Assn of Rural Electric Cooperatives, Inc	1,000.00	1,333.13
George Gregory Raab, 1200 G Street, NW, Suite 400 Washington, DC 20005-0000	Health Industry Manufacturers Assn	1,350.00	
Do	Medtronic, Inc		
Linda Rabben, 1725 17th Street, NW, #109 Washington, DC 20009	Bruce P. Cameron (For:National Council of Maubeve Resistance)		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
W. A. Radziewicz, 400 N. Capitol Street, NW, #860 Washington, DC 20001	Brotherhood of Railroad Signalmen		
Raffaelli Spees Springer & Smith, 1341 G Street, NW, #200 Washington, DC 20005	American Psychological Assn	1,000.00	
Do	Buena Vista Golf & Country Club		
Do	BP America	1,500.00	
Do	Chabot Observatory & Science Center	1,200.00	
Do	Circus Circus Hotel & Resort	1,500.00	
Do	City of Chattanooga	750.00	32.94
Do	Competitive Long Distance Coalition	1,000.00	
Do	Council of American Overseas Research Centers	500.00	34.64
Do	Creative Discovery Museum		
Do	Diagnostic Retrieval Systems	1,000.00	
Do	Foley & Lardner		
Do	ICI Chemical		
Do	Johnson Controls, Inc	1,700.00	51.20
Do	National Medical Care	3,250.00	523.47
Do	Orlando-Orange County Expressway Authority	2,500.00	131.58
Do	Seafarers International Union	1,000.00	
Do	University of Nevada/Las Vegas Research Center	7,500.00	
Do	University of Nevada, Reno	8,000.00	1,015.22
Do	Wiley, Rein & Fielding	1,000.00	
Timothy L. Raftis, 6410 Rockledge Drive, Suite 203 Bethesda, MD 20817	American Soc of Hematology	500.00	324.35
Do	Association of American Cancer Institutes	350.00	337.00
Do	Cooley's Anemia Foundation		
Do	Friends of the NIDCD		
Thomas F. Railsback, 2000 M Street, NW Washington, DC 20036	Graham & James (For:Ameritech, et al.)		
Do	Graham & James (For:Attorneys' Title Guaranty Fund, Inc)	6,300.00	
Do	Graham & James (For:Federal Judges Association)		
Do	Graham & James (For:Federal Magistrate Judges' Assn)		
Do	Graham & James (For:RR Donnelley & Sons Co)		
Kristen M. Rand, 2000 P Street, NW, #200 Washington, DC 20036	Consumers Union		
Paul W. Rankin, 8401 Corporate Drive, #425 Landover, MD 20785	Association of Container Reconditioners	2,065.00	65,969.17
Kenneth E. Raske, 555 West 57th Street, 15th Floor New York, NY 10019	Greater New York Hospital Assn	7,136.00	362.00
William Randall Rawson, 950 N. Glebe Road, #160 Arlington, VA 22203-1824	American Boiler Manufacturers Assn, Inc		
John K. Rayburn, 1801 K Street, NW Washington, DC 20006	Westinghouse Electric Corp	1,000.00	45.00
Clark E. Rector Jr., 1101 Vermont Ave., NW, Suite 500 Washington, DC 20005	American Advertising Federation	500.00	
Bill Redding, 214 N. Henry Street, #203 Madison, WI 53703	Sierra Club	1,170.23	
Jill C. Redmond, 606 N. Washington Street Alexandria, VA 22314	Society for Human Resource Management	2,430.00	
Mary Reed, 600 Maryland Ave., Sw, #700 Washington, DC 20024	National Fed of Independent Business	3,401.00	200.00
Reid & Priest, 701 Pennsylvania Avenue, NW Washington, DC 20004	Montana Power Company	1,832.50	48.36
Do	South Jersey Transportation Authority		
Ronald T. Reiling, 111 Powdermill Road Maynard, MA 01754	Digital Equipment Corp	25,000.00	
John W. Reilly, 815 Connecticut Ave., NW, Suite 1000 Washington, DC 20006	Baker & McKenzie (For:Canadian Forest Industries Council)	70,632.00	3,435.68
Mark Reiter, 1325 G Street, NW, #1000 Washington, DC 20005	Institute of Scrap Recycling Industries, Inc	11,000.00	183.40
Martin S. Rendon, 110 Maryland Ave., NE Washington, DC 20002	U.S. Committee for UNICEF	6,000.00	7,000.00
Renewable Fuels Assn, One Massachusettes Ave, NW, #820 Washington, DC 20002		218,475.00	259,683.20
Reserve Officers Assn of the US, 1 Constitution Ave., NE Washington, DC 20002		3,665.00	23,783.00
Michael S. Reynolds, 900 Threadneedle Houston, TX 77079	Vista Chemical Company		
John J. Rhodes III, 2000 Pennsylvania Ave., NW, #900 Washington, DC 20036	Central Arizona Water Conservation District	24,000.00	2,856.00
David C. Rich, 555 West 57th Street New York, NY 10019	Greater New York Hospital Assn	13,500.00	281.00
James E. Rich Jr., 1401 Eye Street, NW, #1030 Washington, DC 20005	Shell Oil Co	500.00	
Alan K. Richards, 1025 Connecticut Ave., NW, #1200 Washington, DC 20036	Health Insurance Assn of America, Inc		
Patricia M. Richards, 1101 Pennsylvania Ave., NW, #510 Washington, DC 20004	USX Corporation		
Kevin C. Richardson, 2001 Pennsylvania Avenue, NW Washington, DC 20006	Electronic Industries Assn	3,000.00	3,350.31
Clarine Nardi Riddle, 10607 Millet Seed Hill Columbia, MD 21044-4150		2,304.00	
Gina J. Rigby-LeDonne, 1901 North Moore Street, Suite 1100 Arlington, VA 22209	Gas Appliance Manufacturers Assn	637.06	714.23
Judith Assmus Riggs, 1319 F Street, NW #710 Washington, DC 20004	Alzheimer's Assn	3,835.00	18.25
Michael R. Riksen, 2706 Davis Ave. Alexandria, VA 22302	Harris Corporation	2,025.00	1,067.27
Durwood W. Ringo, 1299 Pennsylvania Ave., NW, Suite 1100 Washington, DC 20004	GE Company	1,375.00	
Mark R. Riso, 1920 N Street, NW Washington, DC 20036	American Mining Congress		
Edward W. Rissing, 701 Pennsylvania Ave, NW Washington, DC 20004	Edison Electric Institute		
Michelle Robbins, 1725 Jefferson Davis Highway, #300 Arlington, VA 22202	Lockheed Corporation	2,000.00	623.16
Liz Robbins Associates, 522 8th St., SE Washington, DC 20003	Magma Copper Co	5,250.00	11,209.84
Do	Omnipoint Corp	8,107.93	3,455.67
Do	Warburg Pincus Capital Corp	24,221.51	8,673.60
Ricardo Robelin, FCI Allenwood - Med Unit 3-B P.O. Box 2000 Register Number 11741-039 White Deer, PA 17887-2000			
William J. Roberts, 1875 Connecticut Ave, NW, #1016 Washington, DC 20009	Environmental Defense Fund	15,750.00	300.00
Gail Robinson, 1225 Eye Street, NW, Suite 1100 Washington, DC 20005	Handgun Control, Inc		
Nancy J. Robinson, 7509 Tiffany Spgs. Pkwy. Kansas City, MO 64153-2315	Livestock Marketing Association	16,200.00	
Peter D. Robinson, 1201 Connecticut Avenue, NW, #300 Washington, DC 20036	Bailey & Robinson (For:American Cyanamid Co, Inc)		
Do	Bailey & Robinson (For:Blue Cross of Western Pennsylvania)		
Do	Bailey & Robinson (For:MasterCard International)		
Do	Bailey & Robinson (For:Natural Disaster Coalition)		
Do	Bailey & Robinson (For:Ormet)		
Do	Bailey & Robinson (For:Smart Corp)		
Do	Bailey & Robinson (For:Utilities Telecommunication Council)		
Robison International, Inc, 1 Massachusetts Ave., NW, #880 Washington, DC 20001	Alliant TechSystems	2,400.00	581.22
Do	Allied-Signal Aerospace Co	6,000.00	5,863.80
Do	Armtec Defense Products	4,602.19	3,186.88
Do	British Aerospace, Inc (Government Programs Office)	8,768.15	7,427.69
Do	General Atomics Technologies	3,200.00	2,640.96
Do	Mas-Hamilton Group		
Do	McDonnell Douglas Corp	6,147.28	6,059.25
Do	Oshkosh Truck Corp	4,800.00	3,325.42
Do	Prudential Insurance Co	2,100.00	575.68
Do	Solid Waste Composting Council	3,000.00	785.02
Do	U.S. Global Positioning System Industry Council	4,500.00	1,203.67
Do	United Defense, LP	7,600.00	6,437.33
Rocking K Development, 2200 East River Road, #115 Tuscon, AZ 85718			
Lewis A. Rockman, P.O. Box 8000 Bradford, PA 16701-0980			
Richard F. Rodgers, 300 Maryland Avenue, NE Washington, DC 20002	Federal Express Corp	6,000.00	
William P. Roesing, 1401 Eye Street, NW, Suite 1220 Washington, DC 20005-2204	Joseph E. Seagram & Sons, Inc	6,375.00	
Kevin Rogers, 1635 Sunset Avenue, SW Seattle, WA 98116	Washington Citizens for World Trade		4.00
Margaret Rogers, 1776 Eye Street, NW, #575 Washington, DC 20006	Dow Chemical Co	500.00	6,990.00
Barbara J. Rohde & Associates, 1701 K Street, NW, #400 Washington, DC 20006	City of Grand Forks	3,000.00	600.00
Do	City of Moorehead	5,000.00	200.00
Ian M. Rolland, 200 East Berry Street Fort Wayne, IN 46802	Lincoln National Corp		
George L. Rolofson, P.O. Box 18300 Greensboro, NC 27419	CIBA-GEIGY Corp	299.00	
John C. Roney, 1156 15th Street, NW, 1103 Washington, DC 20005	Hawaiian Sugar Planters' Assn		
Curtis D. Rooney, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn	25.00	
Ropes & Gray, 1001 Pennsylvania Ave., NW, #1200 Washington, DC 20004	Eastern Enterprises	1,360.00	720.00
Marilyn Rosenthal, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Roger C. Rosenthal, 2001 S St., NW, #310 Washington, DC 20009	Migrant Legal Action Program, Inc		
Joseph Ross, Ross & Associates 920 Long Blvd. Lansing, MI 48911	Highway Users Federation		
Ross & Green, 1010 Vermont Avenue, #811 Washington, DC 20005	Manute Bol		
Robert G. Rothstein, 2200 Mill Road Alexandria, VA 22314	Interstate Truckload Carriers Conference	700.00	350.00
Michael O. Roush, 600 Maryland Avenue, SW, #700 Washington, DC 20024	National Fed of Independent Business	4,875.00	400.00
Ann M. Rowan, 1301 Pennsylvania Ave., NW, #1100 Washington, DC 20004-1707	Air Transport Assn	4,006.25	
Roxton, Inc, 2000 S. Eads Street, #1003 Arlington, VA 22202			
Eric M. Rubin, 1730 M Street, NW, #412 Washington, DC 20036	Outdoor Advertising Assn of America, Inc		
Lois J. Rude, 700 13th Street, NW, #525 Washington, DC 20005	Meridian Oil Inc.	500.00	80.76
Tonda F. Rush, 1525 Wilson Blvd., #550 Arlington, VA 22209	National Newspaper Association		
Glenn S. Ruskin, 1747 Pennsylvania Avenue, NW, #700 Washington, DC 20006	CIBA-GEIGY Corp	4,375.00	
Matthew Russell, 300 5th Street, NE Washington, DC 20002	American Osteopathic Assn	12,115.39	
J. T. Rutherford & Associates, Inc, 1001 N. Highland Street, #502 Arlington, VA 22201	American College of Radiology		700.20

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	American Optometric Assn		580.30
Do	American Soc for Medical Technology		101.10
Ryan-McGinn, Inc, 2300 Clarendon Blvd., #610 Arlington, VA 22201	Cathedral Healthcare System	900.00	
Do	West Virginia Hospital Assn	600.00	
RBC Associates, 122 C Street, NW, #850 Washington, DC 20001	Chicago & Northwestern Railroad	31,666.64	2,239.07
Do	Delaware Otsego System	31,098.41	2,239.07
Do	Investment Counsel Assn of America, Inc	7,016.00	2,239.07
Do	RailTex, Inc	5,577.00	2,239.06
Do	Regional Railroads of America	27,000.00	2,239.07
Do	Turbomeca Engine Corp	45,000.00	239.07
Kathryn Sabo, 1025 Connecticut Ave., NW Washington, DC 20036	Health Insurance Assn of America, Inc	187.74	24.00
Dean Sackett, 400 North Washington Street Alexandria, VA 22314	National Assn of Professional Insurance Agents	16,250.00	1,227.49
Craig S. Sadick, 1725 K Street, NW Washington, DC 20006	National Assn of Wholesaler-Distributors		
Sagamore Associates, Inc, 1701 K Street, NW #400 Washington, DC 20006	Chemical Bank	2,529.50	60.58
Do	City of Columbus	6,000.00	315.04
Do	Coalition for Employers of the Amish	7,161.25	94.52
Do	Ebasco Services Inc		
Do	Fargo-Moorhead Metropolitan Council of Governments		
Do	Flash Technology Corporation of America	2,600.00	3.00
Do	Goodwill Games, Inc		
Do	Indiana State University	12,420.00	526.31
Do	Rose Acre Farms		
Do	United Student Aid Funds	1,000.00	35.15
Do	USRowing		
Do	VASA Brougher, Inc	9,000.00	367.67
Do	1996 Atlanta Paralympic Games	15,000.00	3,785.39
Scott R. Salmon, 1101 Pennsylvania Ave., NW, #510 Washington, DC 20004	USX Corp		
Babette P. Salus, Schwing & Salus, P.C. 600 S. Second Street, #100 Springfield, IL 62704	Central Midwest Interstate Low-Level Radioactive Waste Comm	675.00	2.43
Sheldon W. Samuels, P.O. Box 1570 Solomons, MD 20688	Ramazzini Institute		
Petronella C. Sanders, 1200 18th Street, NW, #200 Washington, DC 20036	National Business Aircraft Assn		
Stuart A. Sanderson, 1920 N Street, NW Washington, DC 20036	American Mining Congress		
Eric Sapirstein, 1130 Connecticut Avenue, NW, #300 Washington, DC 20036	California Assn of Sanitation Agencies	4,700.00	2,715.77
Do	ENS Resources, Inc (For:East Bay MUD)		
Do	Victor Valley Wastewater Reclamation Authority		
Do	Western Research Institute	3,800.00	1,633.04
Save Our Security, 1331 F Street NW Washington, DC 20004-1171		62,381.67	25,276.75
Thomas J. Scanlon, 3248 Prospect Street, NW Washington, DC 20007	Benchmarks of Washington (For:International Racquet & Sports Club Assn)	12,415.00	414.95
Marc Steven Scarduffa, 15th & M Street, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Scenic America, 21 Dupont Circle Washington, DC 20036			6.26
Schagrin Associates, 1140 - 19th Street, NW, Suite 600 Washington, DC 20036	Committee on Pipe & Tube Imports	496.25	15.00
Do	Tyco International		
Do	Weirton Steel Corporation	1,555.00	20.00
Candace K. Schaller, 1129 20th Street,NW, #600 Washington, DC 20036	Group Health Assn of America, Inc		
Thomas A. Schatz, 1301 Connecticut Ave., NW, #400 Washington, DC 20036	Council for Citizens Against Government Waste	3,000.00	31.25
Marc J. Scheineson, 1201 Connecticut Avenue, NW, #300 Washington, DC 20036	Bailey & Robinson (For:American Cyanamid Co, Inc)		
Do	Bailey & Robinson (For:American Gastroenterological Association Foundation)		
Do	Bailey & Robinson (For:Ormet)		
Robert F. Schiff, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen	10,000.00	
Walter G. Schiller, 1050 17th Street, NW, #500 Washington, DC 20036	Texaco, Inc		
Irene S. Schindler, 1025 Connecticut Ave., NW #1200 Washington, DC 20036	Health Insurance Association of America	552.92	270.00
Ella M. Schiralli, 2001 Pennsylvania Avenue, NW Washington, DC 20006	Electronic Industries Assn	700.00	1,230.00
David S. Schless, 1850 M Street, NW, Suite 540 Washington, DC 20036	National Multi Housing Council	2,504.25	
Lin Schmale, 1601 Duke Street Alexandria, VA 22314	Society of American Florists	1,000.00	
Schmeltzer Aptaker & Sheppard, 2600 Virginia Ave., NW, 10th floor Washington, DC 20037-1905	Council of Nursing Home Suppliers	4,500.00	1,537.23
Paul Schomburg, 1620 L Street, NW, Suite 1150 Washington, DC 20036	Matsushita Electric Corp of America	100.00	49.62
Cindy Z. Schonhaut, 3000 K Street, NW, Suite 300 Washington, DC 20007	Metropolitan Fiber Systems Communications Co, Inc	1,000.00	
Jan Schoonmaker, 1420 New York Ave., NW, #1050 Washington, DC 20005	Van Scoyoc Associates, Inc (For:Alton Ochsner Medical Foundation)	1,125.00	
Do	Van Scoyoc Associates, Inc (For:Coalition of EPSCoR States)	2,250.00	
Do	Van Scoyoc Associates, Inc (For:Metropolitan Museum of Art)	900.00	
Do	Van Scoyoc Associates, Inc (For:National Assn of Water Companies)	750.00	
Do	Van Scoyoc Associates, Inc (For:National Institute for Water Resources)		
Do	Van Scoyoc Associates, Inc (For:Tulane University)	1,350.00	
Do	Van Scoyoc Associates, Inc (For:University of Alabama System)	1,350.00	
Do	Van Scoyoc Associates, Inc (For:WINSM Consortium)	900.00	
Elizabeth Schueler, Willard Office Building 1455 Pennsylvania Ave., NW, #350 Washington, DC 20004	Idaho Conservation League	1,335.00	
Do	Montana Wilderness Assn	1,335.00	
Neil D. Schuster, 2120 L Street, NW, #305 Washington, DC 20037	International Bridge Tunnel & Turnpike Assn	1,000.00	
Schwabe Williamson & Wyatt, 2100 Pennsylvania Ave., NW, #670 Washington, DC 20037	Solid Waste Assn of North America	1,785.53	102.70
Do	Tri-Met	1,884.87	1,131.62
A.R. Schwartz, 10 South Shore Drive Galveston, TX 77551	Southwestern Bell Corporation		
Joseph Schwartz, 1101 14th Street, NW, Suite 700 Washington, DC 20005	Physician for Social Responsibility	2,408.00	
Michael Schwartz, 1101 Pennsylvania Ave. NW, #950 Washington, DC 20077	Federal Home Loan Mortgage Corp	3,000.00	150.00
Eric M. Schwing, Illinois Department of Nuclear Safety 1035 Outer Park Drive Springfield, IL 62704	Central Midwest Interstate Low-Level Radioactive Waste Comm	225.00	0.79
Gregory R. Scott, 1341 G Street, NW, #900 Washington, DC 20005	Philip Morris Management Corp	1,562.50	444.43
Michael D. Scott, 900 17th Street, NW Washington, DC 20006	Wilderness Society	329.43	
Walter J. Sczudlo, 1401 Eye Street, NW, Suite 1030 Washington, DC 20005	Shell Oil Co	500.00	
Debbie Sease, 408 C St., NE Washington, DC 20002	Sierra Club		
John Morton Sebree, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	1,300.00	841.77
Security Traders Assn, Inc, One World Trade Center, #4511 New York, NY 10048			5,400.00
Howard Segermark, 904 Massachusetts Ave., NE Washington, DC 20002	Segermark Company (For:Free Speech Coalition)	5,000.00	
Peter Semler, Box 723 Easthampton, NY 11937	Azerbaijan Study Foundation	6,000.00	
Seniors Coalition, 11166 Main Street, #302 Fairfax, VA 22030		2,270,263.00	834,068.00
W. Edward Senn, 1300 I Street, NW, #400 West Washington, DC 20005	NYNEX	8,987.00	518.07
David Senter, 1901 L Street, NW, #300 Washington, DC 20036	David Senter & Associates, Inc		
David Senter & Associates, Inc, 1901 L Street, NW, Suite 300 Washington, DC 20036			
Andrew L. Sernovitz, 1030 15th St., NW Suite 1053 Washington, DC 20005	Interactive Television Assn	100,000.00	
J. Richard Sewell, 801 Pennsylvania Ave., NW, #640 Washington, DC 20004-2604	Florida Power & Light Co		
Suzanne Shackley, 601 Pennsylvania Ave., NW, #400 Washington, DC 20004	Arco Chemical Company	125.00	
Erin E. Shaffer, 1101 Pennsylvania Ave., NW, #200 Washington, DC 20004	International Paper	4,000.00	34.50
Bernard M. Shapiro, 1801 K Street, NW, #700 Washington, DC 20006	Price Waterhouse (For:Investment Co Institute)		
John Hunter Sharp, 1129 20th St., NW, #300 Washington, DC 20036	Natural Gas Supply Assn	26,677.07	1,918.99
Mark J. Sharp, 1620 L Street, NW, #1150 Washington, DC 20036	Matsushita Electric Corp of America	100.00	49.62
Sharretts Paley Carter & Blauvelt, P.C., 1707 L Street, NW, #725 Washington, DC 20036	Toy Manufacturers of America		
Mark Sheehan, 1525 Wilson Blvd., Suite 550 Arlington, VA 22209-2411	National Newspaper Association		
John E. Sheeley, 1 Massachusetts Ave., NW, Suite 800 Washington, DC 20001	McLeod Watkinson & Miller (For:American Assn of Crop Insurers)	1,038.00	42.00
Jana O. Sheffer, 1776 I Street, NW, #275 Washington, DC 20006	Entergy Services, Inc	4,562.28	219.98
Jill Showell, 1101 Pennsylvania Ave., NW, #950 Washington, DC 20004	Federal Home Loan Mortgage Corp	3,000.00	150.00
Julie Shroyer, 1400 K Street, NW Washington, DC 20005	American Psychiatric Assn	2,367.00	1,367.57
Sidley & Austin, 1722 Eye Street, NW Washington, DC 20006	W. K. Kellogg Foundation		
Susan Siemietkowski, 201 Park Washington Court Falls Church, VA 22046	Society of American Florists	1,000.00	
Sierra Club, 730 Polk Street San Francisco, CA 94109		294,760.21	294,760.21
Jill Sigal, Jill Sigal Associates 412 First Street, SE #100 Washington, DC 20003	ASARCO, Inc	9,675.00	1,572.97
William A. Signer, 805 15th Street,NW, #500 Washington, DC 20005-2207	Chambers Associates, Inc (For:Alarm Industry Communications Committee)	7,650.00	166.43
Do	Chambers Associates, Inc (For:Committee for Employment Opportunities)	4,050.00	581.70
Do	Chambers Associates, Inc (For:Greater New York Hospital Assn)	6,750.00	226.46
Do	Chambers Associates, Inc (For:Management Insights)	1,800.00	192.82
Do	Chambers Associates, Inc (For:National Council of Chain Restaurants (NCCR))	1,950.00	
Do	Chambers Associates, Inc (For:New York Hospital)	4,500.00	93.12
Do	Chambers Associates, Inc (For:PepsiCo, Inc)		
Do	Chambers Associates, Inc (For:Targeted Management Consultants)		
Silverstein & Mullens, 1776 K Street, NW, #800 Washington, DC 20006	Bristol-Myers Co		
Do	C & M Services, Inc		
Do	Cushman & Wakefield		
Do	MCA, Inc	10,000.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	National Assn of Home Builders Trade Assn		
Do	5600, Inc	300.00	
Margaret Simmons, 1455 Pennsylvania Ave., NW Washington, DC 20004-1007	American Institute of Certified Public Accountants	5,000.00	137.50
Simon & Company, Inc, 1001 Connecticut Ave., NW, #435 Washington, DC 20036	American Water Works Assn	10,800.00	1,245.79
Do	Elkhart, IN	5,943.55	2,919.27
Do	Gary, Indiana	8,074.03	1,819.82
Do	Newark, CA	5,262.20	2,007.99
Do	Pierce Transit Authority	6,443.86	2,057.55
Do	Portland, OR	12,243.03	3,363.82
Do	Salt Lake City, UT	8,318.38	2,064.17
Do	San Bernardino, CA	5,668.90	1,914.71
Do	San Leandro, CA	5,599.56	2,597.35
Do	Tacoma Public Utilities	2,316.30	2,062.09
Do	Tacoma, WA	6,772.70	2,393.49
Bonnie J. Singer, 1101 30th Street, NW, Suite 200 Washington, DC 20007	Murphy & Demory, Ltd (For:JEFA International, Inc)		
George Sinner, 101 North Third Street Moorhead, MN 56560-1990	American Crystal Sugar	1,500.00	294.25
Constantine Sirigos, 1730 K Street, #1005 Washington, DC 20006	American Hellenic Institute Public Affairs Committee, Inc		
Marcus W. Sisk Jr., 2828 Pennsylvania Ave., NW, #203 Washington, DC 20037	Tosco Corporation	1,575.00	74.98
Skadden Arps Slate Meagher & Flom, 1440 New York Avenue, NW Washington, DC 20005	Angelo Brothers Co	110.00	
Do	National Assn of Energy Service Companies	2,245.00	
Do	Prudential Insurance Co of America	6,000.00	
William J. Skinner, 751 Rockville Pike, # 27B Rockville, MD 20852	U.S. Pharmacopeial Convention, Inc.	979.00	97.58
Scott Sklar, 122 C Street, NW. Washington, DC 20001	Solar Energy Industries Assn	4,100.80	787.77
William T. Slider, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Catherine Reiss Sloan, 1825 I Street, NW, #400 Washington, DC 20006	LDDS Communications, Inc		
Slover & Loftus, 1224 17th St., NW Washington, DC 20036	Western Coal Traffic League	25,000.00	25,000.00
Lawrence E. Smarr, 1130 Connecticut Ave., NW, Suite 800 Washington, DC 20036	Physician Insurers Assn of America		
Allen Smith, 900 17th St., NW Washington, DC 20006	Wilderness Society		
Daniel C. Smith, 1815 H Street, NW, Suite 1001 Washington, DC 20006	National Field Selling Assn		
David F. Smith, 10 Lafayette Square Buffalo, NY 14203	National Fuel Gas Distribution Corp, et al.		
Diane Smith, 655 15th Street, NW, #220 Washington, DC 20005	ALLTEL Corporation		2,500.00
Eric H. Smith, 1747 Pennsylvania Ave., NW, 12th Floor Washington, DC 20006	International Intellectual Property Alliance	576.05	26.00
Jennifer L. Smith, 1000 Connecticut Avenue, NW, #304 Washington, DC 20036	Fresh Produce Assn of the Americas	300.00	
Lawrence J. Smith, 3111 Stirling Road Fort Lauderdale, FL 33312	Cuban American Foundation		
Marc Smith, 714 Jackson St. Suite 470 Dallas, TX 75202			
Patrick Smith, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn	3,750.00	
Peter N. Smith, 700 13th Street, NW, Suite 950 Washington, DC 20005	Raychem Corp	16,000.00	46,000.00
W. Lamar Smith, 1600 M Street, NW, Suite 700 Washington, DC 20036	VISA USA, Inc	80,413.00	1,269.72
Smith Dawson & Andrews, Inc, 1000 Connecticut Ave., NW, #302 Washington, DC 20036	Children's Hospital & Medical Center	15,000.00	115.00
Do	Cities of Crainville & Carterville, Illinois	8,250.00	
Do	City of Eugene, Oregon	10,500.00	
Do	City of Gillespie, IL	6,000.00	200.00
Do	City of Macon	15,000.00	350.00
Do	City of Ontario, California	18,000.00	
Do	City of Sacramento	11,250.00	
Do	City of San Francisco		
Do	City of Springfield, Oregon	4,500.00	
Do	CRASH	7,500.00	200.00
Do	Haarmann & Reimer Corp	6,000.00	60.00
Do	Kansas City Transit Authority	10,000.00	
Do	Lane Community College	3,000.00	
Do	Lane County, Oregon	10,500.00	
Do	Metropolitan Water Reclamation District of Greater Chicago	21,000.00	
Do	National Assn of Foreign Trade Zones	4,500.00	50.00
Do	New York Metropolitan Transportation Authority	21,000.00	280.00
Do	Port of San Francisco	7,500.00	
Do	San Francisco Public Utilities Commission		
Do	Union Switch & Signal, Inc	15,000.00	
Do	USAir	6,000.00	
Do	WOCN	9,000.00	
Smith Heenan & Althen, 1110 Vermont Avenue, NW, Suite 400 Washington, DC 20005	Private Benefits Alliance		
Smith Johnson Anderson & Carr, 611 Commerce Street Nashville, TN 37203	Pharmaceutical Research & Manufacturers of America		
Randall D. Snodgrass, 666 Pennsylvania Ave., SE Washington, DC 20003	National Audubon Society	2,950.00	1,000.00
Larry S. Snowhite, 1025 Connecticut Avenue, NW, #900 Washington, DC 20036	Semmes Bowen & Semmes (For:Houghton Mifflin Co)	1,075.00	
Society for Human Resource Management, 606 North Washington Street Alexandria, VA 22314			58,573.53
Marlene J. Soderstrom, 6215 West St. Joseph Highway Lansing, MI 48917	Michigan Hospital Assn		
Henry A. Solomon, 4350 North Fairfax Drive, #900 Arlington, VA 22203-1633	Haley Bader & Potts (For:National Paging & Personal Communications Assn)		12.25
Sonnenberg Anderson & Rodriguez, 200 South Wacker Dr. 33rd Floor Chicago, IL 60606	American Yazaki Corp	26,006.50	1,726.96
Do	Florsheim Shoe Co	2,305.40	6.29
Do	Trek Bicycle Corp	467.00	13.00
Sonosky Chambers Sachse & Endreson, 1250 Eye Street, NW #1000 Washington, DC 20005	Alaska Native Health Board		
Do	American Assn of Acupuncture and Oriental Medicine		
Do	Assiniboine and Sioux Tribes		
Do	Bad River Band of Lake Superior Chippewa		
Do	Class of Native Alaskan Plaintiffs		
Do	Colville Business Council		
Do	Cook Inlet Regional Citizen Advisory Council		
Do	Great Lakes Indian Fish & Wildlife Commission		
Do	Hopi Tribe		
Do	Houlton Band of Maliseet Indians of Maine		
Do	Lac Du Flambeau Band of Lake Superior Chippewa Indians		
Do	Mole Lake Band of the Sokaogon Chippewa Community		
Do	Multi-Housing Laundry Assn, Inc		
Do	Pueblo of Jemez		
Do	Sault Ste. Marie		
Do	Shoshone-Bannock Tribes of the Fort Hall Indian Reservation		
Do	Standing Rock Sioux Tribe		
Do	Wisconsin Winnebago Nation		
Do	Yukon-Kuskokwim Health Corp		
Southwestern Power Resources Assn, P.O. Box 1360 1800 Canyon Park Cr., #403 Edmond, OK 73083-1360			
Rachel Southworth, 444 North Capitol Street, Suite 711 Washington, DC 20001	TKC International, INc (For:Republic of Azerbaijan)		
Space Industries, Inc, 800 Connecticut Avenue, NW, #1111 Washington, DC 20006			
Specialized Carriers & Rigging Assn, Inc, 2759 Prosperity Avenue, #620 Fairfax, VA 22314			
Richard L. Spees, 1341 G Street, NW, #200 Washington, DC 20005	McAuliffe Kelly & Raffaelli (For:Desert Research Institute)	2,100.00	870.53
Rachel E. Speltz, 1050 17th Street, NW, Suite 500 Washington, DC 20036	Texaco, Inc		
William B. Spencer, 1300 North 17th Street Rosslyn, VA 22209	Associated Builders & Contractors, Inc	2,500.00	
Andrew Sperling, 12300 Twinbrook Parkway Rockville, MD 20815	National Community Mental Healthcare Council	497.49	
Dennis D. Spice, 1901 Fox Drive Champaign, IL 61820	State Universities Retirement System of Illinois		
Spiegel & McDiarmid, 1350 New York Ave., NW Washington, DC 20005-4798	Aspen-Pitkin County		
Do	City of St. Louis Airport Authority		
Do	Des Moines Community School District		
Do	Minneapolis/St. Paul Metropolitan Airports Commission		
Do	Orange County		
William M. Spodak, 1801 K St., NW Washington, DC 20006	Westinghouse Electric Corp	7,500.00	175.00
Lisa M. Sprague, 601 13th Street, NW, #370 South Washington, DC 20005	U.S. Chamber of Commerce	2,500.00	
Squire Sanders & Dempsey, 1201 Pennsylvania Ave., NW P.O. Box 407 Washington, DC 20044	American Chamber of Commerce in Germany, Rossmarkt		
Do	Public Securities Assn		
Melvin R. Stahl, 1235 Jefferson Davis Hwy., Suite 600 Arlington, VA 22202	Motorcycle Industry Council, Inc		
Jane Sutter Starke, 2100 Pennsylvania Ave., NW, #600 Washington, DC 20037	Eckert Seamans Cherin & Mellott (For:Central Arkansas Transit Authority)		
Do	Eckert Seamans Cherin & Mellot (For:City Utilities of Springfield)		
Do	Eckert Seamans Cherin & Mellott (For:Ormet Corp)		
Do	Eckert Seamans Cherin & Mellott (For:Regional Transportation Commission)	4,995.00	249.12
David Stawick, 201 Massachusetts Ave., NE, Suite C-4 Washington, DC 20002	National Corn Growers Assn	4,031.25	
Rozann M. Stayden, 1800 M Street, NW Washington, DC 20036-5886	American Bar Assn	400.00	50.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Steel Tank Institute, 570 Oakwood Road Lake Zurich, IL 60047			
Steele Silcox & Browning, P.C., 1150 Connecticut Avenue, NW, 9th Floor Washington, DC 20036	Kmart Corp		
Law Offices of Deborah Steelman, Columbia Square 555 13th Street, NW, #1220 East Washington, DC 20004-1109	Aetna Life & Casualty	50,330.00	372.02
Do	American Dental Assn	20,375.00	
Do	American Insurance Assn	1,840.00	
Do	Eli Lilly & Co	24,630.00	
Do	General Mills, INc	13,245.00	4.36
Do	Johnson & Johnson	25,650.00	8.00
Do	National Health Labs, Inc		
Do	National Restaurant Assn	24,660.00	25.44
Do	PepsiCo, Inc	13,245.00	4.36
Do	Pfizer, Inc	29,352.00	
Do	Pharmaceutical Research & Manufacturers of America	23,430.00	17.44
Henry J. Steenstra Jr., 1001 - 19th Street North, Suite 800 Arlington, VA 22201-1722	TRW, Inc	1,324.00	
Charles W. Stellar, 1200 19th Street, NW, #200 Washington, DC 20036-2437	American Managed Care & Review Assn		74.00
Steptoe & Johnson, 1330 Connecticut Ave., NW Washington, DC 20036	Association of Private Pension & Welfare Plans, Inc	9,575.00	1,653.05
Do	Canyon Forest Village Corp		
Do	Del Webb Corp		
Do	Yavapai-Prescott Indian Tribe	400.00	48.90
Gordon Stevens, 1275 K Street, NW, SUite 700 Washington, DC 20005	National Center for Housing Management		
Earl Stevenson, 1977 N. Olden Ave., Ext. Suite 222 Ewing Township, NJ 08628			
Robert B. Stewart, 1120 G Street, NW, #900 Washington, DC 20005	National Ocean Industries Assn	7,050.00	
Bradley Stillman, 1424 16th Street, NW, Suite 604 Washington, DC 20036	Consumer Federation of America	7,633.00	142.00
Lee J. Stillwell, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	750.00	
Edward W. Stimpson, 1400 K Street, NW, #801 Washington, DC 20005	General Aviation Manufacturers Association	6,923.00	
Caroline Stinebower, 600 Maryland Avenue, SW, #700 Washington, DC 20024	National Fed of Independent Business	3,401.00	200.00
Kenneth F. Stinger, 430 First Street, SE Washington, DC 20003	American Trucking Assns, Inc	9,000.00	
Steven F. Stockmeyer, 801 North Fairfax Street, #215 Alexandria, VA 22314	Manville Corporation	500.00	
Do	National Assn of Business PACs		
Do	Springs Industries, Inc	1,850.00	
Geoff Stone, 1300 North 17th Street, 8th Floor Rosslyn, VA 22209	Associated Builders & Contractors, Inc	2,500.00	
John C. Stone, 1420 New York Avenue, NW, #1050 Washington, DC 20005	Van Scoyoc Associates, Inc (For:American Operations Corp)		
Do	Van Scoyoc Associates, Inc (For:WINSM Consortium)	900.00	
Judith Lee Stone, 777 N. Capitol Street, #410 Washington, DC 20002	Advocates for Highway & Auto Safety	1,462.50	
Sam E. Story Jr., 1700 N. Moore Street, #1600 Arlingion, VA 22209	American Meat Institute	12,750.00	335.74
Anna Stout, 122 C Street, NW, #740 Washington, DC 20001	American League for Exports & Security Assistance, Inc	6,666.00	244.85
Andrea Strader, 1625 L St., NW Washington, DC 20036	American Fed of State County & Municipal Employees	17,057.28	194.00
W. Martin Strauss, 700 14th Street, NW, Suite 1100 Washington, DC 20005	Monsanto Co		
Maria S. Strong, 1747 Pennsylvania Ave., NW, 12th Floor Washington, DC 20006	International Intellectual Property Alliance		
Jerry S. Stroope, Route 3, Box 258 Alvin, TX 77511	American Honey Producers Assn		
William Mark Stuart, 1331 Pennsylvania Ave., NW, Suite 1500N Washington, DC 20041-703	National Assn of Manufacturers		
Henry D. Stull, 50 South Maple Street Akron, OH 44303-2199	Saloma International Co		
John N. Sturdivant, 80 F Street, NW Washington, DC 20001	American Fed of Government Employees	26,631.90	
John F. Sturm, NAA 529 - 14th Street, NW, #440 Washington, DC 20045	Newspaper Association of America	15,000.00	
Joseph P. Sudbay, 1225 Eye Street, NW, #1100 Washington, DC 20005	Handgun Control, Inc	1,896.41	
Catherine Sullivan, 1730 M Street, NW Washington, DC 20036	League of Women Voters of the U.S.	534.89	
Francis J. Sullivan, 16 W. Walnut Street Alexandria, VA 22301	Frank Sullivan Associates (For:Ingalls Shipbuilding)	125.00	
Do	Frank Sullivan Associates (For:ITT Corporation)	82.00	
Do	Frank Sullivan Associates (For:Northrop Grumman Corporation)	125.00	
Do	Frank Sullivan Associates (For:Textron, Inc)	82.00	
Do	Frank Sullivan Associates (For:WMX Technology (RUST))	131.00	
Jay R. Sullivan, Jamison & Sullivan, Inc 1212 New York Ave. #1200 Washington, DC 20005	Catellus Development Corp		
Do	Douglas County Oregon	3,000.00	
Do	Sodak Gaming, Inc		
Judy M. Sullivan, 1614 King Street Alexandria, VA 22314	National Assn of Housing Cooperatives		
Sullivan & Cromwell, 1701 Pennsylvania Ave., NW, #800 Washington, DC 20006	First Fidelity Bancorporation		
Do	Securities Industry Assn		
Sullivan & Worcester, 1025 Connecticut Ave., NW, #806 Washington, DC 20036	Kollmorgen Corp, et al.		928.67
Charles Sunderlin, 21480 Pacific Boulevard Sterling, VA 22170	Heckler & Koch, Inc	1,000.00	
Donald B. Susswein, 1500 K Street, NW, #200 Washington, DC 20005	Thacher Proffitt & Wood (For:Citicorp Washington)		
Sutherland Asbill & Brennan, 1275 Pennsylvania Avenue, NW Washington, DC 20004	Federation for American Immigration Reform		
Rosemarie Sweeney, 2021 Massachusetts Avenue, NW Washington, DC 20036	American Academy of Family Physicians	7,690.86	2,858.32
William R. Sweeney Jr., 1331 Pennsylvania Ave., NW, #1300-N Washington, DC 20004	Electronic Data Systems Corp	340.00	752.00
David A. Sweeney & Associates, 5209 Wyecliffe Ct. Rockville, MD 20853		13,500.00	1,325.00
Lori Swenningsen, 1300 North 17th Street, 8th Floor Rosslyn, VA 22209	Associated Builders & Contractors	2,500.00	
Swidler & Berlin, Chtd, 3000 K Street, NW, #300 Washington, DC 20007	Business Software Alliance	737.50	
Do	Metropolitan Fiber Systems Communications Co, Inc	4,957.50	101.00
Do	National Asphalt Pavement Assn	387.50	12.00
Do	National Council of Community Hospitals	580.00	
Do	New England Power		
Do	Pharmaceutical Manufacturers Assn		
Do	Philip Morris Management Corp	4,996.25	120.50
Do	Radnor Development Corp		
Philip E. Swink, 1 Pepsi Way Somers, NY 10589-2201	Pepsi-Cola Company		
Ronald G. Sykes, 1660 L Street, NW, #400 Washington, DC 20036	General Motors Corp	3,000.00	5,518.70
Ronald P. Szabat, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	25.00	
Z. Michael Szaz, 7200 Commerce Street, Suite 101 Springfield, VA 22150	Transylvanian World Federation	1,200.00	
SPACECAUSE, 922 Pennsylvania Avenue, SE Washington, DC 20003		351.00	351.00
Janis Tabor, 1828 L Street, NW, #906 Washington, DC 20036	American Soc of Mechanical Engineers		
George C. Tagg, 300 Maryland Ave., NE Washington, DC 20002	Federal Express Corp	6,000.00	
Alan Tank, 201 Massachusetts Ave,NE, #C4 Washington, DC 20002	National Pork Producers Council	10,000.00	546.76
Graca Da Silva Tavares, 17 Perkins Street West Newton, MA 02165			47.00
Taxpayers Education Lobby, Inc, 14155-F Sullyfield Circle Chantilly, VA 22021			21,612.49
Margaret J. Taylor, 700 13th Street, NW, #525 Washington, DC 20005	Meridian Oil, Inc	1,750.00	
Marie Taylor, 1825 Eye Street, NW, #400 Washington, DC 20006	BF Goodrich Co	100.00	
Sandra E. Taylor, 1600 M St,. NW, #702 Washington, DC 20036	ICI Americas, Inc	20,000.00	
Taylor Thiemann & Aitken, 908 King Street, #300 Alexandria, VA 22314	Association of Personnel Test Publishers		
Do	CTB MacMillan/McGraw-Hill	743.75	
Do	Midwest Motor Express, Inc		
Do	Multiemployer Pension Plan Solvency Coalition		
Do	National Assn of Convenience Stores		
Technical Group, Inc, 1300 Eye Street, NW, #1000 West Washington, DC 20005	NEDA/RCRA Project	500.00	
Do	Steel Shipping Container Institute	500.00	
Ellen S. Teller, 1875 Connecticut Avenue, NW, #540 Washington, DC 20009	Food Research and Action Center		
Richard Tessier, 1133 15th Street, NW, #640 Washington, DC 20005	American Logistics Assn		
Thacher Proffitt & Wood, 1500 K Street, NW, #200 Washington, DC 20005	Citicorp Washington		855.66
Laura I. Thevenot, 1025 Connecticut Ave., NW, Suite 1200 Washington, DC 20036	Health Insurance Assn of America, Inc	268.26	53.00
Edlu J. Thom, 601 Pennsylvania Avenue, NW, #400 Washington, DC 20004	Arco Chemical Company		
W. Dennis Thomas, 1620 Eye St., NW, #700 Washington, DC 20006	International Paper Co	2,400.00	23.00
Patricia L. Thompson, 601 Pennsylvania Avenue #620-North Building Washington, DC 20004	United Illuminating Company	13,695.00	3,994.00
Robert L. Thompson Jr., P.O. Box 70 Fort Mill, SC 29715	Springs Industries, Inc		895.68
R. Thompson & Company, One Massachusetts Ave., NW, Suite 330 Washington, DC 20001	Golden Rule Insurance Co	18,000.00	6,623.07
Do	Mitsubishi Electronics America, Inc	4,050.00	1,166.42
Thompson & Hutson, 1317 F St., NW, Suite 900 Washington, DC 20004	Fluor-Daniel, Inc	2,118.75	12.00
Do	National Dual Shop Coalition		
John H. Thorne, 1156 15th Street, NW, Suite 400 Washington, DC 20005		10,000.00	3,951.86
John Thornton, 1150 17th Street, NW, #701 Washington, DC 20036	National Air Traffic Controllers Assn	1,661.60	
Linda K. Thrasher, 1101 15th Street, NW, #1000 Washington, DC 20005	Cargill, Inc	1,250.00	
John Threlkeld, 80 F Street, NW Washington, DC 20001	American Federation of Government Employees	10,825.62	
Michael L. Tiner, 1824 S Street, NW #402 Washington, DC 20009	International Brotherhood of Teamsters	500.00	
Do	McDonald's Corp	500.00	
Do	Systech Environmental Corp	500.00	
Do	Upjohn		
William C. Tinklepaugh, 1250 H Street, NW, Suite 900 Washington, DC 20005	International Dairy Foods Association		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Constance E. Tipton, 1250 H St., NW, Suite 900 Washington, DC 20005	International Dairy Foods Association		
E. Linwood Tipton, 888 16th St., NW Washington, DC 20006	International Dairy Foods Assn		126.15
Greg R. Toomey, 430 First Street, SE Washington, DC 20003	American Trucking Assn, Inc	9,000.00	
Jonathan M. Topodas, 151 Farmington Avenue Hartford, CT 06156	Aetna Life & Casualty Co	4,250.00	
Michelle Totah, 1620 L Street, NW, #1150 Washington, DC 20036	Matsushita Electric Corp of America		
Charles H. Tower, 1026 16th Street, NW, #503 Washington, DC 20036	Electronic Publishing Group		158.50
E. Neil Trautwein, 1000 Connecticut Ave., NW, Suite 810 Washington, DC 20036	National Assn of Health Underwriters	15,024.00	
Jeffery S. Trinca, 1420 New York Ave., NW, #1050 Washington, DC 20005	Van Scoyoc Associates, Inc (For:American Forest & Paper Assn)	1,000.00	
Do	Van Scoyoc Associates, Inc (For:Anheuser-Busch Companies)	2,500.00	
Do	Van Scoyoc Associates, Inc (For:Kellogg Company)	225.00	
Do	Van Scoyoc Associates, Inc (For:National Assn of Life Underwriters)	1,500.00	
Do	Van Scoyoc Associates, Inc (For:National Assn of Private Enterprise)	500.00	
Do	Van Scoyoc Associates, Inc (For:National Assn of Water Companies)	750.00	
Do	Van Scoyoc Associates, Inc (For:Schering-Plough Corp)	750.00	
Do	Van Scoyoc Associates, Inc (For:USF&G Insurance)		
Eugene M. Trisko, P.O. Box 596 Berkeley Springs, WV 25411	United Mine Workers of America		
Troutman Sanders, 601 Pennsylvania Ave., NW, Suite 640 North Building Washington, DC 20004	Central & South West Corp	624.00	15.86
Do	Southern Company	624.00	15.86
John P. Truitt, 30420 Revelles Neck Road Westover, MD 21871-3368	Federation of Convicted Felons		
Genevieve W. Tuchow, 200 Civic Center Dr. Columbus, OH 43215	Columbia Gas Distribution Companies	3,500.00	
Nathan M. Tyler, 1627 K Street, NW, #800 Washington, DC 20006	Glass Packaging Institute		
U.S. Interactive & Microwave Television Assn, 2300 M Street, NW, Suite 800 Washington, DC 20037			
Daniel Ulmer, 2000 Schafer Street P.O. Box 2657 Bismarck, ND 58502	Blue Cross Blue Shield of North Dakota		1,279.99
Unifi, Inc, P.O. Box 19109 Greensboro, NC 27419			
United Distribution Companies, 125 West 55th Street, 19th Floor New York, NY 10019			
United Fresh Fruit & Vegetable Assn, 727 N. Washington St. Alexandria, VA 22314		57,375.90	
United Seniors Assn, Inc, 12500 Fair Lakes Circle, #125 Fairfax, VA 22033		610,137.44	566,317.41
United Way/Community Service Council of Central IN, Inc, 3901 North Meridian Street P.O. Box 88409 Indianapolis, IN 46208-0409.			
Donald W. Upson, 1500 PRC Drive McLean, VA 22102	PRC, Inc		8,761.75
Jane Usdan, 555 New Jersey Ave, NW Washington, DC 20001	American Fed of Teachers	15,820.98	40.00
Juliane H. Van Egmond, 1101 Pennsylvania Ave., NW, #515 Washington, DC 20004	Bayer Corporation	10,562.49	773.36
Van Fleet Associates, Inc, 499 South Capitol St., SW, #520 Washington, DC 20003	Cadillac Gage Textron	6,000.00	1,224.67
Do	Harsco Corporation	6,000.00	28.00
Do	United Defense Limited Partnership	36,252.00	2,471.10
Van Fleet-Meredith Group, 499 S. Capitol Street, SW, #520 Washington, DC 20003	American Gas Assn	32,812.50	1,477.99
Do	American Gas Cooling Center	15,000.00	
Do	AT&T	4,000.00	
Do	Electrospace Corporation	10,500.00	31.05
Do	Engelhard/ICC	13,500.00	165.03
Do	Litton Applied Technologies	14,250.00	783.76
Do	Magnavox Government & Industrial Relations Co	22,359.00	
Do	Martin Marietta Corp	19,999.98	140.16
Do	Miltope Corp	10,050.00	16.22
Do	Southern California Gas Co	29,998.00	686.70
Do	Southern Maryland Naval Alliance	2,500.00	
Do	SNECMA	42,400.00	3,258.15
Do	Thermo Trex	7,500.00	19.79
Do	Thiokol Corp	11,000.00	109.39
Burkett Van Kirk, 1747 Pennsylvania Ave., NW, #1000 Washington, DC 20006	INTERARMS		
H. Stewart Van Scoyoc, 1420 New York Ave., NW, #1050 Washington, DC 20005	Van Scoyoc Associates, Inc (For:Alton Ochsner Medical Foundation)	1,125.00	
Do	Van Scoyoc Associates, Inc (For:American Forest & Paper Assn)	1,000.00	
Do	Van Scoyoc Associates, Inc (For:American Operations Corp)		
Do	Van Scoyoc Associates, Inc (For:Anheuser-Busch Companies, Inc)	2,500.00	
Do	Van Scoyoc Associates (For:Champion International Corp)		
Do	Van Scoyoc Associates (For:Coalition of EPSCoR States)	2,250.00	
Do	Van Scoyoc Associates, Inc (For:Dresser Industries, Inc)		
Do	Van Scoyoc Associates (For:International Paper)		
Do	Van Scoyoc Associates, Inc (For:Kellogg Company)	250.00	
Do	Van Scoyoc Associates, Inc (For:McLean Hospital)	3,750.00	
Do	Van Scoyoc Associates, Inc (For:MetaNetworks)	100.00	
Do	Van Scoyoc Associates, Inc (For:National Assn of Life Underwriters)	1,500.00	
Do	Van Scoyoc Associates, Inc (For:National Assn of Private Enterprise)	500.00	
Do	Van Scoyoc Associates, Inc (For:National Assn of Water Companies)	750.00	
Do	Van Scoyoc Associates, Inc (For:National Commission on Correctional Health Care).	400.00	
Do	Van Scoyoc Associates, Inc (For:National Institute for Water Resources)	1,125.00	
Do	Van Scoyoc Associates (For:Quanex)	837.50	
Do	Van Scoyoc Associates, Inc (For:Schering-Plough Corp)	750.00	
Do	Van Scoyoc Associates, Inc (For:Spelman College)	1,200.00	
Do	Van Scoyoc Associates, Inc (For:Tulane University)	1,350.00	
Do	Van Scoyoc Associates (For:University of Alabama System)	1,350.00	
Do	Van Scoyoc Associates (For:USF&G Insurance)		
Do	Van Scoyoc Associates (For:Weyerhaeuser)		
Do	Van Scoyoc Associates, Inc (For:WINSM Consortium)	900.00	
Bronson Van Wyck & Co, 2141 Highway 224 East Tuckerman, AR 72473		9,000.00	12,942.84
Ross P. Vartian, 122 C Street, NW #350 Washington, DC 20001	Armenian Assembly of America	294.45	
Philip M. Vaughn, 800 Connecticut., NW, #600 Washington, DC 20006	Fluor Corp	5,000.00	
Vedder Price Kaufman Kammhoz & Day, 1600 M Street, NW, Suite 700 Washington, DC 20036	Bankers' Assn for Foreign Trade (BAFT)	5,587.00	53.12
Do	Coalition to Preserve Self-Insurance		9,627.90
Do	Government of Rheinland-Pfalz		
Jay Velasquez, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn	3,750.00	
Verner Liipfert Bernhard McPherson & Hand, Chtd, 901 15th Street, NW, #700 Washington, DC 20005-2301	Advanced Television Research Consortium (ARTC)		
Do	Ameritech		
Do	Association of American Railroads	390.00	
Do	Bombardier Corp	2,940.00	
Do	Brown & Root, Inc		
Do	Burlington Northern, Inc	7,939.50	
Do	Central Gulf		
Do	Central Transport	815.00	
Do	CliniCorp, Inc		
Do	Commonwealth of Puerto Rico	11,400.50	
Do	David Sarnoff Research Center	100.00	
Do	GenCorp	1,250.00	
Do	George Washington University		
Do	Guardian Industries		
Do	Harmon Industries	2,085.00	
Do	Hughes Communications, Inc	4,851.00	
Do	Hughes Network Systems, Inc		
Do	Insurance Solvency Coalition		
Do	Investment Company Institute	9,611.50	
Do	K Mart Corp		
Do	Kellogg	1,642.50	
Do	Large Public Power Cos		
Do	Manville Corp	15,190.00	
Do	Mars, Inc	3,628.00	
Do	Martin Marietta Corp		
Do	McDonnell Douglas Corp		
Do	Merrill Lynch & Co, Inc	14,721.50	
Do	Michelin North America	1,053.50	
Do	Motion Picture Assn of America		
Do	National Corp for Housing Partnerships		
Do	Northwest Airlines		
Do	NBC	90.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Puget Sound Power & Light Company		
Do	Shell Oil Co		
Do	State of Hawaii	2,755.00	
Do	Tenneco	1,598.00	
Do	Travelers Companies	18,525.00	
Do	TRW, Inc		
Do	Uniroyal Chemical Company, Inc	62.00	
Do	Western Michigan University	1,384.50	
Mary E. Vesely, 1735 Jefferson David Hwy, Suite 700 Arlington, VA 22202	Aries Analytics		
Mary Vihstadt, 1667 K Street, NW, Suite 320 Washington, DC 20006	Dial Corp		
Robert J. Vilhauer, 1700 N. Moore Street, #2120 Arlington, VA 22209	Boeing Company	3,354.00	639.67
David Vladeck, 2000 P Street, NW Washington, DC 20036	Public Citizen	1,200.00	
David K. Voight, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce	2,500.00	
Earl J. Volk, 245 Second Street, NE Washington, DC 20002	Friends Committee on National Legislation	7,865.67	
John M. Volpe, 1825 Eye Street, NW, Suite 400 Washington, DC 20006	Heublein, Inc	6,562.50	290.00
Robert Waffle, 4214 King Street, West Alexandria, VA 22302	International Hardwood Products Assn (IHPA)	675.04	1,596.40
James Wagoner, 1156 15th Street, NW, 7th Floor Washington, DC 20005	National Abortion Rights Action League (NARAL)	25,521.41	
Frederick P. Waite, 1275 Pennsylvania Avenue, NW, Suite 1100 Washington, DC 20004-2404	Popham Haik Schnobrich & Kaufman, Ltd (For:American Wire Producers Assn)		
Do	Popham Haik Schnobrich & Kaufman, Ltd (For:Chiquita Brands International)		
Doug Walgren, 8312 Hunting Hill Lane McLean, VA 22102	Association of Chiropractic Colleges	10,000.00	
Do	Institute of Scrap Recycling Industries, Inc	12,000.00	
Do	National Medical Care	4,000.00	
Gerald M. Walker, 1401 Eye Street, NW, Suite 1200 Washington, DC 20005	Chevron Companies	1,000.00	
Robert J. Walker, 1225 Eye Street, NW, Suite 1100 Washington, DC 20005	Handgun Control, Inc	12,053.03	
Walker/Potter Associates, Inc, 1730 Pennsylvania Ave., NW Washington, DC 20006	American Nuclear Energy Council		
Do	United HealthCare, Inc	312.50	
Lori M. Wallach, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen	7,500.00	
Anne Marie Walsh, 601 13th Street, NW, #370 South Washington, DC 20005	American Assn of Preferred Provider Organizations		
Michael D. Walsh, P.O. Box 591 Parishville, NY 13672			
Johnnie M. Walters, PO Box 19230 Washington, DC 20036	Leatherwood Walker Todd & Mann, PC		
James Waltman, 666 Pennsylvania Ave., SE Washington, DC 20003	National Audubon Society	1,875.00	975.00
Stephen E. Ward, 1401 Eye Street, NW, Suite 1030 Washington, DC 20005	Shell Oil Company	4,000.00	
Robert A. Warden, 1331 F Street, NW, #400 Washington, DC 20004	Public Employees Retirement Assn of Colorado		
Warner & Hultin, 155 E. Broad Street, 16th Floor Columbus, OH 43215-3617	Large States Quality Council		
B. Jack Warren, P.O. Box 95385 Atlanta, GA 30347	Forest Farmers Assn		
Barbara Warren, 101 Truman Avenue Yonkers, NY 10703-1057	Consumers Union		
David L. Warren, 1025 Connecticut Ave., NW, #700 Washington, DC 20036	National Assn of Independent Colleges & Universities	3,741.00	
Washington & Christian, 805 15th Street, NW, #1000 Washington, DC 20005	National Fertilizer Co of Nigeria		
Jerry B. Waters, 777 14th Street, NW, #680 Washington, DC 20005	Farmland Industries, Inc	10,000.00	444.27
Mary Kirtley Waters, 888 17th Street, NW, #300 Washington, DC 20006	ConAgra, Inc	10,000.00	936.87
Matthew J. Waters, 12333 Strong Street Fairfax, VA 22033	60/Plus Assn, Inc	3,234.00	
John L. Watson III, One World Trade Center, #4511 New York, NY 10048	Security Traders Assn, Inc	4,000.00	
Wear & Associates, 888 16th Street, NW, Suite 300 Washington, DC 20006	Chemical Speciality Manufacturers Assn	5,000.00	
Andrew H. Webber, 810 First Street, NE, #410 Washington, DC 20002	American Medical Peer Review Assn		
Margaret L. Webber, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn	3,750.00	573.71
Webster Chamberlain & Bean, 1747 Pennsylvania Ave., NW, #1000 Washington, DC 20006	Commercial Law League of America		
Earl Weeks, P.O. Drawer 351 Columbus, MS 39703	4-County Electric Power Assn		
Daniel Weiss, 408 C Street, NE Washington, DC 20002	Sierra Club	1,282.87	
William J. Welch, 701 Pennsylvania Ave., NW, Suite 710 Washington, DC 20004	Tenneco, Inc	2,704.00	184.54
Stuart P. Wells, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Michael L. Welsh, Executive Mews, Suite D-20 Cherry Hill, NJ 08003	Welsh Consulting Corporation		
William B. Welsh, 1625 L St., NW Washington, DC 20036	American Fed of State County & Municipal Employees		
William Preston West Jr., 1200 18th Street, NW, #200 Washington, DC 20036	National Business Aircraft Assn	1,170.00	1,159.29
J. C. West, P.C., 1090 Vermont Ave., NW, #800 Washington, DC 20005	City of Detroit		
Western Coal Traffic League, 1224 17th St., NW Washington, DC 20036		25,000.00	25,000.00
Joseph J. Westwater, 1 Massachuseets Avenue, N.W., #800 Washington, DC 20001	McLeod Watkinson & Miller (For:DEIP Coalition)	1,593.00	
Curtis E. Whalen, 1600 Wilson Blvd., #1000 Arlington, VA 22209	American Waterways Operators, Inc	1,300.00	6,799.44
Carol Wheeler, 1650 30th Street, NW Washington, DC 20007	Media Enterprises Corp (For:America's Public Television Stations)		
Raymon M. White Jr., 5501 Seminary Road, Apt. 2211-South Falls Church, VA 22041	Harris Corporation	6,000.00	1,441.53
Ward H. White, 1133 21st Street, NW, #900 Washington, DC 20036	U.S. Telephone Assn		4,230.00
Susan J. White & Associates, 1111 North Pitt Street, Suite 2-B Alexandria, VA 22314	County of Los Angeles	20,028.54	3,028.61
Do	Cuyahoga County	10,609.84	964.84
Martin Whitmer, 905 16th Street, NW Washington, DC 20006	Laborers' Int'l Union of N.A., AFL-CIO	8,000.01	172.21
Steven C. Whitney, 900 17th Street, NW Washington, DC 20006	National Parks & Conservation Association		
Whitten & Diamond, 1725 DeSales St., NW, #800 Washington, DC 20036	City of Philadelphia	7,500.00	68.00
Do	Health Trust, Inc	2,500.00	24.00
Do	McDonald's Corp	4,000.00	17.00
Do	Mormac Marine Group	10,000.00	76.00
Do	National Rural Letter Carriers Assn		
Do	Pioneer Seed Co, Inc	1,000.00	27.00
James K. Wholey, 1301 K Street, NW, Suite 900 East Tower Washington, DC 20004	Gardner Carton & Douglas (For:Association of Progressive Retail Organization)		
Do	Gardner Carton & Douglas (For:BCF Telecom International, Inc)	11,006.85	546.42
Do	Gardner Carton & Douglas (For:Jones Intercable)	40,000.00	7,191.31
Do	Gardner Carton & Douglas (For:Rhone-Poulenc Rorer Pharmaceuticals)	4,763.93	1,052.97
Do	Garder Carton & Douglas (For:Rocky Mountain Health Maint Org)	7,500.00	173.63
Do	Gardner Carton & Douglas (For:Ukiah Valley Medical Center)		
Do	Garder Carton & Douglas (For:Voluntary Hospitals of America Inc)		
James Wickett, 600 Maryland Avenue, SW, Suite 700 Washington, DC 20024	National Fed of Independent Business	3,401.00	200.00
W. Scott Wilber, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn	3,975.00	
Wiley Rein & Fielding, 1776 K Street, NW, 12th Floor Washington, DC 20006	Discovery Communications, Inc		
Do	Gannett Company, Inc		
Do	League of American Theatres & Producers		
Do	National Religious Broadcasaters, Music License Comm		
Do	Owens-Corning, Inc	2,976.00	25.00
Do	Professional Photographers of America		
Do	U.S. Sprint Communications Co		
Do	UtiliCorp United		
Do	Washington Citizens for World Trade	9,357.50	3,959.21
Faith Williams, 1025 Connecticut Avenue, NW, #1200 Washington, DC 20036	Health Insurance Assn of America, Inc	846.12	44.00
Karen Williams, 1100 15th Street, NW Washington, DC 20005	Pharmaceutical Research & Manufacturers of America	4,000.00	
Larry Williams, 408 C Street, NE Washington, DC 20002	Sierra Club		3,196.58
Michael E. Williams, 11250 Waples Mill Road Fairfax, VA 22030	National Rifle Assn of America	1,500.00	423.82
Percy V. Williams II, 606 North Washington Street Alexandria, VA 22314	Society for Human Resource Management	20,000.00	
Williams & Jensen, P.C., 1155 21st Street, NW, #300 Washington, DC 20036	American Home Products	1,640.00	14.64
Do	Association for the Cure of Cancer of the Prostate	390.00	
Do	Robert M. Bass Group	487.50	
Do	Boots Pharmaceuticals	825.00	5.10
Do	British Petroleum, plc	2,600.00	1.08
Do	California Recycling Co		
Do	Century 21 Real Estate Corp		
Do	Coalition for Global Investors (CGI)		
Do	College Board		
Do	Colonial Pipeline Company	2,600.00	
Do	Continental Airlines Holding, Inc.	2,592.50	10.91
Do	Credit Suisse Financial Products USA		
Do	CIGNA Corp	3,797.50	
Do	CS First Boston (First Boston Corp)	325.00	
Do	Dreyfus Corp		
Do	DuPont Merck		
Do	Estee Lauder, Inc	1,827.50	7.09
Do	Genzyme Corporation		
Do	Greenwich Capital Markets, Inc		
Do	Kelly Appleman Hart & Hallman	1,650.00	1.05
Do	Keystone Provident Life Insurance Co		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	National Assn of Rehabilitation Agencies	825.00	17.38
Do	National Board for Professional Teaching Standards		
Do	National Soft Drink Assn	987.50	4.74
Do	Norfolk Southern Corp	4,070.00	6.50
Do	Normandy Foundation		
Do	Oklahoma Gas & Electric Co	590.00	1.61
Do	Owens-Illinois, Inc		
Do	Pharmaceutical Manufacturers Assn	1,945.00	
Do	Physician Corp of America		
Do	Pittston Co	2,690.00	114.58
Do	Recording Industry Assn of America, Inc		
Do	Sega of America, Inc		
Do	Southern Pacific Transportation Co	825.00	111.99
Do	Southwest Airlines	825.00	13.42
Do	Student Loan Marketing Assn (Sallie Mae)	382.50	4.21
Do	Texaco, Inc	1,605.00	103.36
Do	Turner Broadcasting System, Inc		
Do	TTX Company		
Do	Universal Foods, Inc		
Do	USAA Financial Service Co	325.00	3.29
Do	Zeneca Pharmaceuticals Group	825.00	7.93
Wilmer Cutler & Pickering, 2445 M Street, NW Washington, DC 20037-1420	Business Roundtable		
Do	Computer Systems Policy Project		
Do	Intellectual Property Committee		
Do	Swiss Bankers Assn	960.00	
David W. Wilmot, 1029 Vermont Avenue, NW Washington, DC 20005	Anheuser-Busch Companies, Inc		
Chapin E. Wilson Jr., 80 F Street, NW Washington, DC 20001	American Fed of Government Employees	5,675.00	
Michael M. Wilson, 801 Pennsylvania Ave., NW, #640 Washington, DC 20004-2604	Florida Power & Light Co	3,000.00	4,006.66
Judith A. Winchester, 800 Connecticut Ave., NW, #1200 Washington, DC 20006	Lehman Brothers, Inc		40.00
Winston & Strawn, 1400 L Street, NW Washington, DC 20005-3502	Alltel Corporation	735.00	
Do	American Honey Producers Assn		
Do	American Hospital Assn	4,756.25	48.32
Do	American Insurance Assn	1,657.50	38.55
Do	Culligan International Co	7,047.50	613.19
Do	CSR, Ltd	500.00	52.50
Do	Dupont Agricultural Products		
Do	Fire Island Assn		
Do	Hong Kong Trade Development Council	2,177.50	
Do	Illinios State Medical Society		
Do	McClure Gerard & Neuenschwander, Inc		
Do	Montgomery Watson		162.61
Do	National Assn of Political Action Committees		
Do	Regional Transit Authority	1,072.50	14.00
Do	Southwestern Bell Corp	735.00	
Do	St. Joseph's Regional Health Center		
Do	U.S. Rice Producers' Group	2,775.00	172.40
Do	Walt Disney Co		
Do	Western Peanut Growers Assn		
Do	Westinghouse Electric Corp		
WinCapitol, Inc, 1207 Potomac Street NW Washington, DC 20007	California Energy Company, Inc		
Do	Calpine Corp		
Do	Dow Chemical Co		
Do	Geothermal Resources Assn		
Do	MAGMA Power Co		
Do	OESI		
Do	ORMAT		
Do	Premark International	400.00	
Do	Unocal Corp		
Marcia A. Wiss, 1215 17th Street, NW Washington, DC 20036	Canned & Cooked Meat Importers' Assn	225.00	1.00
Lyn M. Withey, 1101 Pennsylvania Avenue, #200 Washington, DC 20004	International Paper Co	3,328.00	57.50
James E. Wolf, 2020 14th St., North Arlington, VA 22201	American Standard, Inc		
J. Thomas Wolfe, 1325 G Street, NW, #1000 Washington, DC 20005	Institute of Scrap Recycling Industries	5,750.00	232.86
Joel Wood, 316 Pennsylvania Avenue, S.E. #400 Washington, DC 20003	Council of Insurance Agents & Brokers	1,500.00	897.65
Terry R. Woodard, One Suffolk Square, Suite 500 Islandia, NY 11722-1543	Council for Marketing & Opinion Research (CMOR)		
Robert W. Woodbury Jr., 13 Plumbley Road Upton, MA 01568	Kollmorgen Corp		429.00
G. Kent Woodman, 2100 Pennsylvania Ave., NW Suite 600 Washington, DC 20037	Eckert Seamans Cherin & Mellott (For:Regional Transportation Commission)	3,622.50	16.00
Irvin M. Woods, P.O. Box 81 Hume, VA 22639	National Assn of Air Traffic Specialists	3,900.00	162.76
Workers Compensation Integrity Stability & Equity (WISE), P.O. Box 18300 Washington, DC 20036-8300			19.50
World Series, Inc, 21 Maple Avenue Madison, NJ 07940			
David L. Wray, 10 South Riverside Plaza, Suite 1460 Chicago, IL 60606	Profit Sharing Council of America		
Julie Beth Wright, 1801 North Moore Street Arlington, VA 22209	American Assn of School Administrators	6,000.00	63.85
Sandi Wurtz, 12300 Twinbrook Parkway, Suite 320 Rockville, MD 20852	National Community Mental Healthcare Council		
Jill Yacone, 1401 Eye Street, NW, Suite 600 Washington, DC 20005	United Technologies	1,800.00	4,245.84
T. Albert Yamada, 1000 Connecticut Avenue, NW, Suite 304 Washington, DC 20036	Fresh Produce Assn of the Americas	500.00	
Do	Toyota Motor Sales, USA, Inc	500.00	
Dalton Yancey, 1301 Pennsylvania Ave., NW, #401 Washington, DC 20004-1701	Florida Sugar Cane League, Inc		
Do	Rio Grande Valley Sugar Growers		
Bradley A. Yingst, 1050 17th Street, NW, Suite 700 Washington, DC 20036	Healthcare Financial Management Assn		
Caryl Yontz, 1625 L Street, NW Washington, DC 20036	American Fed of State County & Municipal Employees	13,402.05	102.80
Robert A. Young, 12248 Turkey Creek Maryland Heights, MO 63043	James Brown & Associates		
Paulette Zakrzeski, 1521 New Hampshire Ave., NW Washington, DC 20036	National Cotton Council of America	5,317.00	332.07
Paul J. Zanowski, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Sharon G. Zedd, 1050 17th Street, NW, #810 Washington, DC 20036	Neece Cator McGahey 7 Associates, Inc (For:American Wood Preservers Institute).	2,000.00	2,000.00
Carl A. Zichella, 214 N. Henry St., #203 Madison, WI 53703	Sierra Club	923.83	
Robert R. Zoglman, 1801 K Street, NW, Suite 800 Washington, DC 20006	Westinghouse Electric Corp	1,200.00	
60/Plus Assn, Inc, 1616 N. Ft. Myer Drive, #1010 Arlington, VA 22209		775,468.00	443,804.00
965, Inc, 734 9th Street, SE Washington, DC 20003	General Electric Co	100.00	
Do	Kaman Diversified Technologies	125.00	
Do	Tenneco, Inc	100.00	
Do	Woods Hole Oceanographic Institution	100.00	

SENATE—*Tuesday, June 6, 1995*

(Legislative day of Monday, June 5, 1995)

The Senate met at 9:15 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, we all have known grim days and great days. Some days are filled with strain and stress while on other days everything goes smoothly and successfully. Life can be simply awful or awfully simple. Today, we choose the awfully simple but sublime secret of a great day. Your work, done by Your power, achieves Your results, on Your time. We reject the idea that things work out and ask You, dear Lord, to work out things. Before us is a new day filled with more to do than we can accomplish on our own strength. You have given us the power of sanctified imagination to envision a day in which what is truly important gets done. Help us expeditiously to move through the amendments presented today, to listen to You through each other and make guided decisions. Pull our anchors out of the mud of combative competition. Lift our sails and remind us that it is Your set of our sails and not the gales that determine where we shall go.

Lord, we believe that the work we shall do this day is crucial for our Nation. Help us to complete the assignment of finishing the antiterrorism legislation for the welfare of our people. This is the day You have given. We intend to live it to the fullest with Your guidance, by Your power, and for Your glory. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Ms. SNOWE. Mr. President, for the information of my colleagues, this morning there will be a period of morning business until the hour of 9:45 a.m. Following morning business, the Senate will resume consideration of the antiterrorism bill, S. 735. By consent, Senator BOXER will be recognized at that time to offer an amendment. A cloture motion was filed on Monday with respect to the Hatch substitute to S. 735. Senators with first-degree amendments listed in the agreement on S. 735 are reminded that they have until 12:30 p.m. today to file amendments in order to comply with rule XXII of the Standing Rules of the Senate.

The Senate will stand in recess from 12:30 p.m. until 2:15 p.m. in order to accommodate respective party luncheons. Senators should be aware that rollcall votes are expected throughout the day and a late-night session may be required in order to complete action on the antiterrorism bill by the close of business today.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. INHOFE). Under the previous order, leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senator from Maine [Mrs. SNOWE] is recognized to speak for up to 30 minutes.

Ms. SNOWE. Mr. President, I yield myself such time as I may consume.

TRIBUTE TO SENATOR MARGARET CHASE SMITH

Ms. SNOWE. Mr. President, it gives me a great deal of honor and privilege to be here today to join some of my female Senators in paying tribute to Senator Margaret Chase Smith, who passed away on Memorial Day, after 97 years of courage, bravery, integrity, and pioneering spirit. I would like to join the people of Maine, the Nation, and my colleagues in saying goodbye to Margaret Chase Smith, forever the Senator from Maine. She lived through two world wars, 17 Presidents, and outlived over 70 years of communism. She was given 95 honorary degrees throughout her life, almost 1 degree for every year of her time on Earth.

She was awarded the Presidential Medal of Freedom by President George Bush at a White House ceremony in 1989.

She was a teacher, a telephone operator, a newspaperwoman, an office manager, a secretary, a wife, a Congresswoman and, for 24 years, a U.S. Senator. She rose from the humblest of beginnings to the highest corridors of power.

But she was also a leader, an inspiration, a nation's conscience, a visionary, and a woman of endless firsts.

She was the first woman to be elected to the U.S. Senate. She was the first woman to be elected to both the House of Representatives and the U.S. Senate. She was the first woman to face another woman in a U.S. Senate election campaign.

She was the first woman to become a ranking member of a congressional committee. She was the first woman to serve on the Armed Services Committee. She was the first woman to serve on the Appropriations Committee. She was the first woman to be elected chair of the Republican Conference.

She was the first woman to have her name placed in nomination for the Presidency by either major political party in 1964. She was the first civilian woman to sail on a U.S. destroyer in wartime. And, not surprisingly, if you knew her, she was the first woman to brush Heaven's horizon and challenge the skies by breaking the sound barrier in a U.S. Air Force F–100 Super Sabre fighter.

She was a woman of many firsts, a daughter of Maine, a trailblazer for women, a patriot of America.

Today we come to remember two things: We remember a legend, and we remember history, the history Margaret Chase Smith of Skowhegan made throughout her 32 years of outstanding public service to the people of Maine and the citizens of America.

From the very first day I met Margaret Chase Smith, I often wondered if she ever knowingly set out to make history in 1940 as she began her service in the House of Representatives. Today, I realize Margaret Chase Smith never charted a course to make history or pursue it. The fact is, history merely followed Margaret Chase Smith.

It was when her husband, Congressman Clyde Smith, died in 1940 that Margaret Chase Smith found herself thrust into political life.

Shortly after his death, she won a special election to fill the unexpired term of her late husband, and then went on to win the June Republican primary and win, of course, the November general election.

Mrs. Smith was going to Washington, and she would be there for 32 splendid years in both the House and the Senate.

She ran for the Senate when Senate majority leader Wallace White, of Maine, announced that he would retire in 1948. So she decided to run for that vacant seat. After beating both Maine's incumbent Republican Governor and a former Governor in the June primary, Smith went on to claim victory in the general election, beginning the now famous litany of firsts that would act as proud landmarks and milestones in her life.

It is safe to assume at this point in her life most of Maine knew about their newly-elected junior Senator, although she was not yet a household name anywhere else. But America was about to find out exactly who Margaret Chase Smith was. During one of the Nation's darkest hours of history, Margaret Chase Smith never shone more brightly as a beacon of reason, fairness, and courage.

The spring of 1950 was a dark and tragic time in American history. They were days of poisonous rhetoric, rage, fear, suspicion, and hate.

Senator Joseph McCarthy had made sensational and unsubstantiated charges that had turned him into a national celebrity and purveyor of blatant opportunism—charges about Communist spies and Soviet-sponsored traitors throughout our Nation's governing institutions. He held the American consciousness hostage to his hate-filled tactics, and no one dared to stand up to Senator Joe McCarthy. No one, that is, except Maine's own Senator Smith.

On June 1, 1950, in her first major speech on the floor of the Senate and as a freshman, Margaret Chase Smith spoke out loud the words that much of America had thought quietly to themselves.

A Republican with a strong allegiance to her party, Smith nevertheless retained her independent Yankee spirit and was known to be a maverick on some issues important to her as a matter of conscience, rather than as a matter of politics.

So it was that Senator Smith began one of the most famous speeches in American history, the "Declaration of Conscience," with the words, "I would like to speak briefly and simply about a serious national condition." I would like to quote from that. She began by saying:

> I speak as briefly as possible because too much harm has already been done with irresponsible words of bitterness and selfish political opportunism. I speak as simply as possible because the issue is too great to be obscured by eloquence. I speak simply and briefly in the hope that my words will be taken to heart.
>
> I speak as a Republican. I speak as a woman. I speak as a United States Senator. I speak as an American.

For the next 15 minutes, her words resonated across America and struck a chord with the hearts and minds of all Americans. Senator McCarthy sat directly behind her, a fitting position for him to be shadowed in light of her reason and integrity. She had done in 15 minutes what none of her 94 other colleagues had dared to do for months, and she never mentioned Senator McCarthy's name in the process.

I should mention that she sat in seat No. 1, where the President sits currently, when she made this most important speech.

In slaying a giant of demagoguery, Margaret Chase Smith stood and courageously defended what she termed "some of the basic principles of Americanism," and I would like again to quote from her speech. Those principles, she said, were:

> The right to criticize;
> The right to hold unpopular beliefs;
> The right to protest;
> The right of independent thought.

She went on to say that:

> The exercise of these rights should not cost one single American citizen his reputation or his right to a livelihood nor should he be in danger of losing his reputation or the livelihood merely because he happens to know someone who holds unpopular beliefs.

Bernard Baruch once said had a man made that speech, he would have become the next President of the United States.

Almost exactly 45 years to the date—June 1 of last week—after she spoke those brave words, her voice of reason still reaches across the years and follows her spirit skyward.

In 1972, her public service career concluded. When she retired, she left another legacy of her dedication to public service: A near-perfect attendance record in Congress. She held, until 1981, the all-time consecutive rollcall voting record in the entire history of the U.S. Senate with 2,941 consecutive rollcall votes spanning 13 years. Only a much-needed hip operation in September 1968 kept her from casting her vote on the floor of the Senate.

Not known for displaying idleness as a personal quality, Margaret Chase Smith spent the next 23 years of her life after politics lecturing at dozens of colleges and universities across this country, and worked tirelessly to establish what is now known as the Margaret Chase Smith Library Center at her beloved home in Skowhegan, a small town where she was born almost a century ago.

I know that I and other women in public service have a very high standard to meet in her wake and some rather large shoes to fill as we walk in the footsteps of Margaret Chase Smith. Fortunately for us, those shoes had heels.

Indeed, Margaret Chase Smith showed how a woman's place can truly be in "the House * * * and the Senate." She was an inspiration to millions of young girls and women all across this country who never before thought they could aspire to any kind of public office. She showed us through her talents, abilities, and energies that opportunities for women did exist and that the door to elected office could be unlocked and opened to all women. But most importantly, what Margaret Chase Smith's life proved is it is not necessarily gender which makes a difference in public service, it is dedication, it is energy, perseverance, competence, and the will to get the job done.

At last, she has reached a final resting place amongst the angels. George Bernard Shaw once said, "In Heaven, an angel is no one in particular." I would have to say George Bernard Shaw never knew Margaret Chase Smith, because she was truly one of the "better angels among us," to use the words of the President of the United States. But I am sure in Heaven, as on Earth, Margaret Chase Smith will come to be known as someone quite "in particular."

It is only fitting she requested her epitaph to read: "She served people."

Well, she certainly served them and she served them well. So it is with a mixture of pride and humility that when I am referred to as "the Senator from Maine," I know well this is a phrase of honorable and distinguished past. Hearing those words will always evoke images of an individual who gave Maine some of its proudest moments. That phrase is a daily reminder of an individual who had the will and integrity to speak out vigorously when silence was a safer course.

Margaret Chase Smith once said,

> If I were to do it all over again, I would change nothing. I am very proud of my public service. I have no regrets * * *. No regrets, no changes—I would do it all over again.

I know I speak on behalf of Maine and my colleagues when I say I wish you could.

Mr. President, I now yield 5 minutes to the Senator from Maryland who is the dean of the Democratic women in the U.S. Senate, who is the first Democratic woman, like Margaret Chase Smith, to have served both in the House and in the U.S. Senate and also the first woman to be elected to the U.S. Senate from the State of Maryland.

So I am pleased Senator MIKULSKI could join us today in this tribute to Margaret Chase Smith.

The PRESIDING OFFICER. The Senator from Maryland is recognized for 5 minutes.

Ms. MIKULSKI. Mr. President, I thank the Senator from Maine for recognizing me.

I rise today as the dean of the Democratic women to salute a great and grand lady, a daughter of Maine, Senator Margaret Chase Smith.

Growing up as a young girl, there were very few role models that I or women of my generation had for women participating in politics. Certainly, there had been Eleanor Roosevelt who served as the First Lady of the United States of America. But during the fifties, as a high school girl, I admired two great women—Clare Boothe Luce, who was a Congresswoman, and also Margaret Chase Smith from Maine. And going to a Catholic woman's high school and college, these two women were always held up as models and examples. In those days, we did not have words like "role models," but they used terms like "examples," about how women could retain their femininity and dignity and yet participate in the dynamic world of politics.

When I came to the U.S. Senate, I was struck by the many parallels in the lives between Senator Smith and myself. I was deeply honored to follow in her footsteps. Until 1992, only 17 women had served in the U.S. Senate. Only five of those women had been elected in their own right and there was one who served only 1 day, but that was not Senator Margaret Chase Smith. For four distinguished terms, she served in the U.S. Senate and was a woman of many firsts and many accomplishments.

The similarities in our backgrounds were brought to my attention by the Senate Historian when I came here. Senator Smith was the first woman elected to the U.S. Senate in her own right. I was the first Democratic woman elected in my own right. She was the first woman to serve in both Houses. I, when I came, was the first Democratic woman to serve in both Houses, and now I am delighted to say I have been joined by Senator SNOWE of Maine and Senator BOXER of California. Senator Margaret Chase Smith, in one of her elections, defeated another woman for the job that raised eyebrows all over America in that spirited combat. I defeated another woman in my general election, and I must say we not only raised eyebrows but we raised a bit of a decibel level in the debate.

Senator Smith was a member of the Appropriations Committee, and I have the honor to be appointed to that committee as well. Senator Smith was on the Board of Visitors at the U.S. Naval Academy and I, too, share that great honor. Only when she was there during the dark days of the beginning of the cold war through her term, there were no women at the Naval Academy, and I think she would be delighted to see the accomplishments and advancements of those women.

She was also the first Republican woman who held, or perhaps the only woman to hold, a leadership position in her party for many years. Just recently, I had the opportunity of being chosen by my colleagues to be the Secretary of the Democratic caucus. I bring these issues to the Senate's attention not because I want to draw attention to myself, but to the fact that the parallels here were so inspirational to me. When one comes to the Senate, and my colleagues on the floor, the other women Senators, know how tough it is to be the first in many areas; often they know how tough it is to be the first and the only. When I turned to the history books and see Margaret Chase Smith, and when I came here and joined Senator KASSEBAUM, I was so fortified, so inspired, it really gave me guiding principles to follow here in the U.S. Senate.

However, there are things that differ Senator Smith from myself—not only of different parties, but Senator Smith, as a young girl, was an outstanding athlete. That was not my forte. And, also, she did something I believe no other woman has done in the Senate—she was a lieutenant colonel in the Air Force Reserve and served in the Reserve Forces. Senator SNOWE spoke at great length about the declaration of conscience. I hope that all the women of the Senate and all the men of the Senate feel that same sense of responsibility to speak out where necessary.

When I was elected, I invited her to my swearing in. She could not come but sent me the most gentle and encouraging note. I believe if she were here today, she would like this Senate. She would look at her own party and see another daughter of Maine joining the U.S. Senate and with great admiration, admire Senator SNOWE's moving quickly to responsibility in both fiscal matters and in foreign affairs. She would be delighted to see Senator KASSEBAUM chairing the Committee on Labor, Education, and Human Resources, showing that we can meet our fiscal responsibility, look out for America's day-to-day needs, and yet meet the long-range needs of our country. She would admire the fact that Senator HUTCHISON had joined the U.S. Senate and was taking up the role of women on the Armed Services Committee. I think she would like Senator BOXER's spunk; Senator FEINSTEIN's executive ability; Senator MURRAY being the voice of a mother to the U.S. Senate, a young mother; Senator CAROL MOSELEY-BRAUN's ability in housing, banking, and also judicial affairs and being willing to take on the tough issues in making her own declaration of conscience. I think she would like me here on the Appropriations Committee, saying, BARBARA, watch out for the money, watch out for the country and you will be OK.

Mr. President, I yield the floor.

Ms. SNOWE. Mr. President, I thank the Senator from Maryland for her wonderful tribute and testimony to Senator Margaret Chase Smith. I know she would enjoy the comments the Senator has made. They are fitting and most appropriate for a woman who served her country and her State and constituents well.

I now will yield to Senator KASSEBAUM of Kansas, who was the first woman elected from Kansas. In fact, this was the second woman ever to be elected in her own right to the U.S. Senate, and the first woman to be elected to the Senate without first having been preceded in Congress by a spouse.

Senator KASSEBAUM and I had the pleasure of joining Senator Smith at her home back in October 1992, and I know those were special moments we will always treasure and share. I am pleased that Senator KASSEBAUM could be here today to participate in this tribute. I yield the Senator 4 minutes.

Mrs. KASSEBAUM. Mr. President, I appreciate the Senator from Maine, Senator SNOWE, speaking this morning and introducing all of us and being able to pay a brief tribute to a remarkable woman and a great Senator.

I did not have the privilege of serving with Margaret Chase Smith in the U.S. Senate, but I did have the privilege of knowing her. I want to comment for a few moments. My colleague, Senator SNOWE has recounted many of the milestones in Senator Smith's career. I would like to speak about the spirit of her service and what it has meant to me and to so many others.

I thought Senator MIKULSKI spoke extraordinarily well about what each of the women who serves here today bring out, which is a culmination of many of the things that Senator Smith stood for in her long career of public service. She was a woman who refused to ever be bound by stereotypes or labels. She was not a woman Senator, she was simply a Senator. Her interests were wide-ranging because they were her own and not a narrow agenda imposed by gender, region, or parochial concerns. She was a true expert on defense matters, military preparedness, space exploration, and NATO.

She had deep and strongly held concerns about civil rights law, education policy, and the rules of the Senate. She had a high regard for the institutions of Government and a great respect for the institutions of Government. She denounced the red baiting of the 1950's and the left-wing orthodoxy of the 1960's. She spoke both gently and forthrightly, but always went from personal conviction and principles. She is rightly remembered as a Senator with great spunk, intelligence, and commitment. She sought not only to represent the people of Maine, but also to fulfill her responsibilities to the Nation as a whole.

In her 24 years in the U.S. Senate, she spoke always with honesty and clarity, seeking facts and judging each issue on its merits. Those are high standards, Mr. President, a worthy legacy to pass on to those who will follow her in this Chamber.

I am honored to be able to pay tribute today to a great lady, a fine U.S. Senator and an inspiring legacy.

I yield the floor.

Ms. SNOWE. I thank Senator KASSEBAUM for the wonderful statement she made about Margaret Chase Smith. I know I have those long memories and recollections of our visit with her. It was truly inspiring because of what she had accomplished in both the House and the Senate, but I think more significant is the fact of when she accomplished it. Her accomplishments are as remarkable today as they were then in terms of our standards and the ability of women to participate in the public arena. There are still many obstacles, but there is no doubt there were many more in the 1940's. The fact she was able to have an extremely challenging race in 1948 with an incumbent Governor and former Governor and still came on top. After attacking Senator Joe McCarthy in terms of what he had done to this country, he got somebody to run against her.

She still came out with 82 percent of the vote as a resounding victory, not only for Senator Margaret Chase Smith but for this country, condemning the kind of tactics he employed.

Now it is my pleasure to recognize the Senator from Texas, Senator HUTCHISON. Many women are firsts here. Senator HUTCHISON is the first woman to be elected from the State of Texas to the U.S. Senate, but she is also the second woman in the history of the U.S. Senate to serve on the Armed Services Committee, the other woman being, of course, Senator Margaret Chase Smith.

It is my pleasure to yield 5 minutes to Senator HUTCHISON.

Mrs. HUTCHISON. Mr. President, I do want to thank my colleague from Maine who followed in Margaret Chase Smith's great footsteps. I appreciate the fact that she has set aside this time for Members to pay tribute to the first woman elected to the U.S. Senate in her own right.

I am really proud to follow women who actually knew Margaret Chase Smith, because when I was growing up, I certainly never thought of running for the Senate. However, I remember people talking about Margaret Chase Smith, not as anything unusual, but as a fine Senator, respected in her own right. "One tough hombre," as we would say in Texas.

I think the fact that she served so well as an early woman Senator made it much easier for those woman Members who would follow in her footsteps.

"Mr. President, I speak as a Republican. I speak as a woman. I speak as a U.S. Senator. I speak as an American." Mr. President, although any one of my speeches could have started in that way, those words came, in fact, from a speech more profound than any comments I have ever made on this floor. These are the words with which Margaret Chase Smith started her "Declaration of Conscience" in 1950.

I rise to pay homage to a woman who embodied clarity of conscience and strength of character during her 24 years in this Chamber.

As my colleague from Maine has said, Margaret Chase Smith led seven other Republican Senators in their condemnation of Joseph McCarthy's tactics in accusing numerous Americans of Communist actions.

Although opposed to Communists in America and abroad, she objected to the scope of Senator McCarthy's investigation when it began to harm the reputations of many innocent Americans.

A true leader, Mr. President, she did this at a time when she only had 1 year of experience in the U.S. Senate. She was quick to go to the forefront. She led her colleagues against Senator McCarthy's inaccuracies when they became clear. Senator Smith's commitment to truth and justice made her transcend partisan considerations, to stand up for what she believed was right.

In order to reflect her distinguished career properly, we should also remember Senator Smith's many other accomplishments. Throughout her four terms, one of her primary interests was military readiness of our Nation. She was the first woman to serve on the Armed Services Committee. Women in the Armed Forces will always remember her as the mother of WAVES—the women's branch of the Navy.

Like many of the senators on this side of the aisle, she worked to protect our technological advantage in the cold war by voting against the Test Ban Treaty of 1963.

In an age when men dominated politics, she was a leader at bringing women into the political process. Senator Smith became the first woman placed on the ballot for nomination for President by a major political party. At the Republican National Convention of 1964, she received 27 votes on the first ballot.

Margaret Chase Smith was a role model. She led the way for others to follow. She left her mark. She was, in fact, an architect of the Nation's cold war defense. She was a credit to the U.S. Senate.

Mr. President, as the only other woman to serve on the Armed Services Committee, I hear many stories about the great Margaret Chase Smith and her time on that committee. I hope to live up to the high standards that she set. I honor her service. I offer my condolences and those of all Texans to the family and friends of Margaret Chase Smith. May she rest in peace.

Ms. SNOWE. Mr. President, I ask unanimous consent to extend morning business for an additional 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. SNOWE. Mr. President, first of all, I want to thank the Senator from Texas, Senator HUTCHISON, for her outstanding statement on behalf of Margaret Chase Smith. I know that Margaret Chase Smith would certainly have been delighted and thrilled to hear the remarks that were made here this morning and the work she has performed on the Armed Services Committee.

It also reminds me, as I have heard the statements here today, that it certainly is true that she blazed a trail for women, because we are all firsts here in our own right. If she had not blazed the trail, I am not sure we would be here today. We have all established our trademarks in the way she would be proud, and she would be proud and thrilled by the statements made on her behalf.

It now gives me a great deal of pleasure to recognize Senator BOXER from California. For the first time in the history of California, there are two women Senators. Senator BOXER has the honor of being only one of four in the U.S. Senate to have served in both the House of Representatives and the Senate.

Mr. President, I am glad to yield to the Senator from California 5 minutes.

Mrs. BOXER. Thank you very much, I say to my friend from Maine. She and I served as good friends over on the House side. It is a privilege to be part of this tribute today.

I think it is so extraordinary that a woman like Margaret Chase Smith could bring to this Senate floor Republicans and Democrats who speak of her with such fond memories. I think Senator HUTCHISON found things in Senator Margaret Chase Smith's record she can identify with. I certainly find those, as a Democrat. This says something very special about this woman, that she would be so revered on both sides of the aisle.

Obviously, it is in order to send condolences to the family—the many nieces and nephews, and her sister, Evelyn Williams. I hope that through the sadness of their loss, they certainly can reflect with pride, as we are, on the remarkable life of Margaret Chase Smith.

When you lose someone, whatever age they are, it still is a very painful experience. I am sure they are going through that pain. Just a couple years ago, I read an interview that Margaret Chase Smith gave to a major national newspaper. Believe me, she was sharper than many Members are, at the ripe old age of 95. She lived for nearly a century.

When we think about it, she lived through World War I, World War II, the beginning and the end of the cold war. She lived through women's suffrage and through civil rights. She saw her country and her world grow in many amazing ways.

But she never just sat back. She made history herself and, in doing so, touched many lives, including my own.

I was a child of the 1950's—the time of the "Happy Days," Doris Day movies, the Debbie Reynolds days—when pert women with personalities glowed and danced their way through the perfect life and right into the arms of Eddie Fisher guys, who would sing to them until their dying days.

Politics was not even in the realm of the possible for women, except for Margaret Chase Smith and just a few others.

My mother was an F.D.R. Democrat through and through. Yet, she used to point with pride to Margaret Chase Smith. "Imagine what she must be like," my mother would say. "One woman among all those men. She must be something!" And she was.

Margaret Chase Smith arrived in Washington in 1935, the wife and secretary of Representative Clyde Smith of Maine. Her career began suddenly in 1940 when her husband died and she won a special election to take his place. She went on to serve four terms in the Senate, making her the first woman in history, as my colleague from Maine has noted, to serve in both Houses of Congress. And I think, more significant than that, she was one of the most popular legislators of all times.

She earned her reputation as the conscience of the Senate in 1950, when she became the first in her party to attack Senator Joe McCarthy for his politics of hate and fear and, in doing so, she definitely, in my opinion, blazed trails. Because it does not matter what year it is, what century it is, the fact is there are people in politics who will play the politics of hate and fear and it takes courage to stand up to it, and she taught us how. You can imagine the shock in the Senate when she said, "I do not like the way the Senate has been made a rendezvous for vilification, for selfish political gain at the sacrifice of individual reputations and national unity."

When asked later about the courage she mustered to give that declaration she said, "Oh, my! I'll say it was difficult! But someone had to do it * * *. The more I thought of it, the more I thought, someone has to do this."

I think that is, again, a lesson to us, because sometimes it is very hard to stand up and say something that is unpopular. It is tough to vote for something unpopular, but it is even tougher to stand up and say something unpopular. She was willing to do it and I think, as such, is really a guiding star for both women and men in politics.

That was not the only time Senator Smith defied party unity. She voted for F.D.R.'s New Deal and for Federal support for education, just to name a few. So, therefore, I point out that both Republicans and Democrats can find things in her record that they can identify with.

Mr. President, I ask unanimous consent for just 1 more minute.

Ms. SNOWE. Mr. President, I yield an additional minute to the Senator from California.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Thank you so much.

In her own words, Senator Smith served in Congress in a time when "people felt, as the Constitution says, that people are the Government." I think this is a time when all of us in this Chamber yearn to see that again. We are the Government. Anyone who attacks the Government, such as the kind of thing we saw in Oklahoma City, is essentially attacking America.

In 1975, the long reign of the Lady of Maine—and now we have another Lady of Maine—ended when she was defeated in her fifth run for the Senate. She said, "I hate to leave the Senate when there is no indication another qualified woman is coming in. If I leave and there is a long lapse, the next woman will have to rebuild entirely." In fact, there was a long lapse, but how proud she must have been to see OLYMPIA SNOWE make it and become another Lady of Maine.

I am certainly proud to be one of the many women—and I say there are many of us now, perhaps not enough, but many—to be here today to honor the life of a true pioneer, one who came before and cleared the path for others to follow, one who served as a role model for all of us. Now young women can say: Yes, I can grow up and be a U.S. Senator. I can find the courage to stand up and do what is right.

I again thank my colleague from Maine for giving me this time. Margaret Chase Smith, although she lived 97 years on this Earth, will be missed. But I believe her presence will always be in this Chamber.

I yield the floor.

The PRESIDING OFFICER. The time of the Senator has expired.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent to extend, for 5 minutes, morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, I just want to finish, before my colleague from Maine sums up this tribute, by thanking the Senator from Maine for doing something very thoughtful. As we go through our workdays and we do not stop to think of some of the important milestones that happened in the world, in the United States, in the Senate, the Senator from Maine has done something very special, and that is to point out that there are so many women, now, in the Senate that we could take 45 minutes from the business day to pay tribute to the first woman who led the way for us.

I think, as we heard the remarks that were made, that each person is following in some way a wonderful lead that was given to us by the great service that Margaret Chase Smith gave to our country; that is, to lead with dignity, with class, with continuity through four terms.

I think the tribute today is a wonderful thing to show the first woman, in fact, made it possible for eight women to follow her and to have in our own right a voice at the table on the Armed Services Committee or in our respective States. I think it was wonderful for the Senator from Maine to make this time possible.

Ms. SNOWE. Will the Senator yield?

Mrs. HUTCHISON. I will be happy to yield.

Ms. SNOWE. I appreciate the comments of the Senator because I think it is true that in no small part it is due to Margaret Chase Smith's presence here that today we have eight women in the U.S. Senate and a record number in the House of Representatives. She certainly served as an inspiration as we began our political careers. I know the first time I visited with her when I decided to run for the House of Representatives, and then more recently when I did have the opportunity to see her last year after I announced my candidacy for the U.S. Senate, she told me to give it all I had, to work very hard, to leave no stone unturned, which is what she always did. I think we needed to have role models like Margaret Chase Smith who would blaze that trail for us to make that possible.

After all, she was born 23 years before women had the right to vote in this country. The fact that she was willing to follow through on an extensive political career, 32 years, is remarkable in and of itself.

So I thank Senator KASSEBAUM, Senator HUTCHISON, Senator FEINSTEIN, and Senator BOXER.

Mr. DOLE. Mr. President, 45 years ago last Thursday, Senator Margaret Chase Smith of Maine rose from her seat in this Chamber and delivered a speech she called a "Declaration of Conscience."

Many historians believe this speech marked the beginning of the end of the era of McCarthyism. And it also marked the finest hour of the remarkable career of Senator Smith, who passed away last week at the age of 97.

I was privileged to serve alongside Senator Smith for 4 years in the Senate. She was as she has been described by many others. No nonsense. Fiercely independent. And sometimes as thorny as the red rose she wore every day.

During her 32 years of service in Washington, Senator Smith accomplished many firsts. She was the first woman to be elected to both Houses of Congress. She was the first woman elected to the Senate who did not succeed her husband. She was the first woman to have her name placed in nomination for President by a major political party.

As she made history, Senator Smith became a role model for many women. One of them was my wife, Elizabeth, who has told me of the time in 1960, when, as a young college graduate interning on Capitol Hill, she called upon Senator Smith.

Not many Senators would share an hour with a total stranger seeking advice, but that is just what Senator Smith did. And she advised Elizabeth to bolster her education with a law degree—advice she eventually followed.

When President Bush presented the Presidential Medal of Freedom to Senator Smith in 1989, he said that she "looked beyond the politics of the time to see the future of America, and she made us all better for it."

President Bush was right. Both this Chamber and America are for the better because of Margaret Chase Smith. I know the Senate joins with me in sending our condolences to the people of Maine.

Mrs. FEINSTEIN. Mr. President, I wish to join my colleagues today in commemorating Margaret Chase Smith, the Republican Senator who made history as the first woman to win election to both Houses of Congress, and the first woman ever to be elected to the Senate.

It is a privilege to be a U.S. Senator. And I am grateful to Margaret Chase Smith for paving the way for me, and the women before me, to serve in this great Chamber. And more importantly, I salute her for being an inspiration, setting an example by being tough yet compassionate.

Senator Smith's accomplishments were great. Among them, a long list of firsts, including being the first woman to sit on the Naval Affairs Committee and to have her name advanced for the Presidency at a national convention. But it is here legislative record and her long history of independence—always voting her conscience, that has left a last impression on me.

She was a political independent, voting with her party when she saw fit and standing alone when she felt strongly about an issue. Indeed, in her first major address to the Senate on June 1, 1950, the freshman Senator denounced Joseph McCarthy. She accused the Wisconsin Senator of reducing the Senate to a "forum of hate and character assassination." In 1954 she voted for his censure.

McCarthy exacted his political payback—expelling Senator Smith from a key committee and, in her next election, leading a vicious campaign against her. Still, it was that speech that was the beginning of the end or his career and which cemented her place in history.

In 1970, during the Vietnam war, she addressed the Senate again in a speech that was later expanded into a book called "A Declaration of Conscience." In that speech, the Maine Senator warned Americans that "excessiveness and overreactions on both sides is a clear and present danger to American democracy." Senator Smith knew that if we did not elevate the level of political discourse beyond mean-spiritedness, that we risked chipping away at the democratic process itself.

Her standing up for what she believed earned her the moniker "the conscience of the Senate." But she stood her ground without resorting to personal invective or shrill tactics. It is this sort of reasoned debate and moderation—the very principles that this Chamber has always stood for—that should continue to guide those of us who sit here today.

Margaret Chase Smith was born in Skowhegan, ME. Her father was the town barber and her mother was a part-time waitress. She herself earned only a high-school education. She taught grade school, was a telephone operator and the circulation manager for a weekly newspaper where she met her husband, Clyde Harold Smith. When, in 1940, her husband died of a heart attack, she successfully ran for his seat in the House of Representatives. She served four terms in the House. Later, in the Senate, she served on the Appropriations, Aeronautical and Space committees and was the ranking Republican on the Senate Armed Services Committee. She also was the chairwoman of the Conference of Republican Senators. Senator Smith served under six presidents—from Franklin Roosevelt to Richard Nixon.

Although she advanced considerably in what was considered a man's world, Senator Smith did not consider herself a champion of women's rights. Yet she wrote legislation that paved the way for women to serve in the military and later voted for the equal rights amendment. By her example, Senator Smith pioneered the way for many women, including myself, to enter the political arena.

Late in her career, Senator Smith said: "I have no family, no time-consuming hobbies. I have only myself and my job as United States Senator."

It is in her job as a U.S. Senator that Margaret Chase Smith distinguished herself, and that she will always be remembered and honored.

Ms. SNOWE. I thank my colleagues once again for their participation in this tribute to a remarkable woman who led a remarkable life, and all the causes she espoused in her political career would serve us well today. It certainly serves as an important reminder of the standards we should establish as public servants, and hopefully that will carry through the years to come.

With that, Mr. President, I conclude this tribute to Senator Margaret Chase Smith.

WAS CONGRESS IRRESPONSIBLE? THE VOTERS HAVE SAID YES

Mr. HELMS. Mr. President, before contemplating today's bad news about the Federal debt, let us do that little pop quiz once more. Remember—one question, one answer:

Question: How many million dollars are in $1 trillion? While you are arriving at an answer, bear in mind that it was the U.S. Congress that ran up the Federal debt that now exceeds $4.9 trillion.

To be exact, as of the close of business Monday, June 5, the exact Federal debt—down to the penny—stood at $4,903,927,957,327.07. This means that every man, woman, and child in America now owes $18,615.39 computed on a per capita basis.

Mr. President, back to the pop quiz: How many million in a trillion? There are one million million in a trillion.

COMPREHENSIVE TERRORISM PREVENTION ACT

The PRESIDING OFFICER. Under the previous order, the hour of 9:45 having arrived and passed, the Senate will now resume consideration of S. 735, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 735) to prevent and punish acts of terrorism, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Hatch/Dole amendment No. 1199, in the nature of a substitute.

Hatch (for Smith) amendment No. 1203 (to amendment No. 1199), to make technical changes.

Hatch (for Pressler) amendment No. 1205 (to amendment No. 1199), to establish Federal penalties for the production and distribution of false identification documents.

Hatch (for Specter) amendment No. 1206 (to amendment No. 1199), to authorize assistance to foreign nations to procure explosives detection equipment.

Mrs. HUTCHISON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CAMPBELL). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, I want to make a brief statement so all my colleagues understand the situation. We were supposed to start this amendment at 9:45. I have been prepared since last night. I was here on the floor at 9:30 this morning and have been here straight through, but I do feel it crucial that the chairman of the committee be here because he and I are trying to work out this amendment.

I think it very important that he hears my arguments. It is a very straightforward amendment that deals with extending the statute of limitations to give our law enforcement people more of a chance to go after and arrest and convict those who would violate some very serious laws that are on our books.

I have brought this amendment to the Senate floor because of Oklahoma City, and I feel it is so important that I have sent a message through the Republican leadership that I will be ready to go the moment that Senator HATCH returns to the floor. He is in a hearing. One of the problems around here is that we have to be in so many places at once.

But I do think it is the right thing for this bill, for the American people that the chairman of the committee be here when I offer this amendment. I do not think it should be contentious, but it may be contentious, and I want to make sure we have a fair debate. That is the reason for the delay.

I thank the Chair, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, just a few moments ago, I explained to the Senate that I was awaiting the arrival of the chairman of the committee, the Senator from Utah, who is at a hearing at this time. The reason I was waiting for him is because he expressed some concern with my amendment and at the same time he expressed an interest in working the amendment out. Therefore, I thought it would save some time if he were present when I went through these arguments. But he has sent a message through the leadership that he would prefer if I lay this amendment down. So with the indulgence of the Senate, I will send the amendment to the desk.

AMENDMENT NO. 1214 TO AMENDMENT NO. 1199

(Purpose: To increase the periods of limitation for violations of the National Firearms Act)

Mrs. BOXER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mrs. BOXER] proposes an amendment numbered 1214 to amendment No. 1199.

Mrs. BOXER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 17, between lines 2 and 3, insert the following new section:

SEC. 108. INCREASED PERIODS OF LIMITATION FOR NATIONAL FIREARMS ACT VIOLATIONS.

Section 6531 of the Internal Revenue Code of 1986 is amended—

(1) by redesignating paragraphs (1) through (8) as subparagraphs (A) through (H), respectively; and

(2) by amending the matter immediately preceding subparagraph (A), as redesignated, to read as follows: "No person shall be prosecuted, tried, or punished for any criminal offense under the internal revenue laws unless the indictment is found or the information instituted not later than 3 years after the commission of the offense, except that the period of limitation shall be—

"(1) 5 years for offenses described in section 5861 (relating to firearms and other devices); and

"(2) 6 years—.".

Mrs. BOXER. Mr. President, what I plan to do is make the case for my amendment. I believe it is one that should receive the unanimous agreement of the Senate, both Democrats and Republicans alike. I hope that it will, and if there is still a problem when the chairman of the full committee arrives, I will indulge the Senate once again to repeat for him the reasons why I think this amendment is compelling.

Mr. President, this amendment comes as a direct result of the Oklahoma experience. That is why my amendment is supported by the chief of police of Oklahoma City and 44 other chiefs of police around the Nation.

The amendment I sent to the desk would extend the statute of limitations for violations of the National Firearms Act from 3 years to 5 years. In other words, it would add 2 years that law enforcement has to complete its case and put the villains away.

This change would equalize the period of limitations for the National Firearms Act with the vast majority of other Federal laws. I think that is the most important point I can make. This is really a conforming amendment. If you look at all the gun laws in the criminal law, they have a 5-year statute. This is an anomaly. We have a 3-year statute here.

So the amendment is fair. It would give prosecutors a badly needed tool. What is this tool? It is more time. It is more time to build their case against violent criminals and terrorists. I want to make a point here. We are not talking about a little game of cops and robbers. We are talking about terrorists and violent criminals who make bombs, who make sawed-off shotguns, who make silencers. That is what the National Firearms Act addresses, and that is why we need this 5-year statute of limitations.

I want to point out that this provision has been requested by the Justice Department. It was included in the administration's bill, and although the pending bill incorporates many of the administration's antiterrorism provisions, for whatever reason, this section was dropped out of the new bill. I think it is important to put it back in.

Again, I want to make it clear that this amendment is directly related to preventing terrorism generally and to the Oklahoma City case in particular.

It is likely that when the investigation into the Oklahoma City bombing is completed, the suspects will be charged with illegally manufacturing a bomb. That crime is a violation of the National Firearms Act, and only the National Firearms Act.

We need to give law enforcement more time. There may be one person involved in the Oklahoma City tragedy, or there may be two. There may be 10 or 100. It is complicated to put the case together. We need to give law enforcement time.

The National Firearms Act, the act I am amending, governs some of the most important firearms offenses on the books. The NFA makes it a crime to make a fully automatic machine gun. That is a crime. It makes it a crime to possess a sawed-off shotgun, or to make a homemade silencer.

Now, surely those offenses are serious and complex enough to merit a 5-year statute. In addition, it covers the making of a destructive device, or a bomb. So we have the fully automatic machine gun, a sawed-off shotgun, a homemade silencer, and an incendiary device, or a bomb.

Surely, law enforcement should have 5 years to complete their case, just as they do for all other gun laws.

The NFA, the National Firearms Act which I am amending, is the act which deals with homemade fertilizer bombs, Molotov cocktails. It is the only statute that deals with them. It has a 3-year statute of limitations instead of the 5-year. That means that any charges brought for violations of the NFA must be filed within 3 years of the crime.

To show how important this difference is, I urge my colleagues to consider this: If a terrorist builds a bomb in 1995, but Federal prosecutors are unable to gather enough evidence until 1999, they cannot file those charges. The statute of limitations begins running from the time the bomb is made. I think this is important. For the crime of illegal making a bomb, the statutes of limitations runs from the time the bomb is made—not the date the bomb was used.

Theoretically, we could have a terrorist group make a bomb, store it for 2 or 3 years, use it, but by then the statute would have expired. So we could not get the perpetrators. That is why this amendment is so important. It is not just a technical change. It is a very substantive change. It needs to be included in this bill.

These investigations are complicated. Yesterday, we were all moved to see the families from Oklahoma City asking Members to make this bill the law of the land in the name of the people who died. I want to see that happen. I want to see that happen. I also want to make sure that the people who perpetrated the crime are caught—each and every one of them.

This investigation may lead in 3,000 different directions. We have heard there are thousands of leads. We should get every last individual who participated in this vicious crime.

Mr. President, this is not an academic debate about periods of limitation. This change is badly needed. It has been requested by those who investigate and prosecute criminals.

I have put on Senators' desks the names of 45 police chiefs who urge support for the Boxer amendment. These police chiefs are from all over the country, from Oklahoma City to the east coast, the West, the South, the North. They are unanimous in this. They need this time. They need this tool.

It could take years to unravel complex criminal conspiracies. Law enforcement should not be faced with an unwise artificial deadline to file charges. I want to say again, this is not an academic debate. I have been told by Federal investigators that the 3-year statute of limitations for the National Firearms Act has stopped actual criminal investigations. Indictments that would have been issued in actual explosive cases were not issued because of the NFA's short statute of limitations. Criminals could go free because the statute of limitations is only 3 instead of the usual 5.

The short statute of limitations is truly an anomaly in Federal law. For example, possessing or manufacturing an assault weapon in violation of the ban passed last year has a 5-year statute of limitations, not a 3-year statute of limitations. Manufacturing cop killer bullets has a 5-year statute of limitations, not a 3-year statute. Manufacturing an undetectable firearm has a 5-year statute of limitations. However, in the National Firearms Act, unless we pass the Boxer amendment, we have a 3-year statute of limitations for crimes like making bombs, silencers, sawed-off shotguns.

No one can explain to me why it makes sense to have a 5-year statute on carrying an assault weapon or manufacturing an assault weapon and only a 3-year statute for a sawed-off shotgun or a bomb. It makes no sense. There is no reason for it.

The Boxer amendment addresses the problem simply. I hope and hope that we can all reach agreement on this and not have to argue about it. It is common sense to match the statutes of limitations for the vast majority of Federal criminal laws. We need a level playing field so Federal law enforcement can prosecute violent criminals more effectively.

Again, I want to stress that this change was requested by the Justice Department and the Treasury Department, and the administration supports this. This is a bill where we see bipartisan support. We have Senator DOLE, Senator DASCHLE, and the President of the United States speaking in one voice that we must pass this bill.

Now, this is one bipartisan amendment we should be able to pass. We have Federal prosecutors supporting this change. Local police chiefs who want to keep guns and bombs out of the hands of violent criminal—45 of them in the time we could organize.

These law enforcement officers know that extending the statute of limitations for National Firearms Act offenses will make it easier to put violent criminals behind bars.

Mr. President, I ask unanimous consent to have printed in the RECORD the letter signed by the 45 police chiefs.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JUNE 6, 1995.

Hon. BARBARA BOXER,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR BOXER: In the wake of the Oklahoma City bombing and the recent shootings of police officers around the country, we, as police chiefs who are sworn to protect the public and our officers, strongly urge your support for the following four amendments to the upcoming anti-terrorism bill:

Cop-killer bullets.—This amendment, to be offered by Senator Bradley, will prohibit "cop-killer" bullets based on a performance standard rather than the physical composition of the bullet, as current law requires.

Multiple handgun sale forms.—This amendment, to be offered by Senator Kennedy, will allow local law enforcement to keep a record of multiple handgun sales rather than destroy the forms, as current law requires.

Guns for felons.—This amendment, to be offered by Senators Lautenberg and Simon, will permanently close the current loophole that allows some violent felons to regain their right to possess firearms.

National firearms act.—This amendment, to be offered by Senator Boxer, will increase the statute of limitations for violations of the National Firearms Act from three to five years.

These amendments are designed to close current loopholes in federal law. They will provide law enforcement with additional tools to apprehend violent offenders, vigorously prosecute them and combat crime on our streets.

We strongly urge you to demonstrate your unwavering commitment to the protection of law enforcement and the safety of all Americans by supporting these public safety measures.

Sincerely,
Chief Jerry Sanders, San Diego, CA.
Colonel Clarence Harmon, St. Louis, MO.
Chief Louis Cobarruviaz, San Jose, CA.
Chief Anthony D. Ribera, San Francisco, CA.
Deputy Chief Roy L. Meisner, Berkeley, CA.
Chief Noel K. Cunningham, Los Angeles Port, CA.
Chief Dan Nelson, Salinas, CA.
Chief Robert H. Mabinnis, San Leandro, CA.
Chief James D. Toler, Indianapolis, IN.
Chief Sam Gonzales, Oklahoma City, OK.
Director Steven G. Hanes, Roanoke, VA.
Chief Robert M. Zidek, Bladensburg, MD.
Chief Charles R. McDonald, Edwardsville, IL.
Chief Lawerence Nowery, Rock Hill, SC.
Chief Edmund Mosca, Old Saybrook, CT.
Chief William Nolan, North Little Rock, AR.
Chief David C. Milchan.
Chief Lockheed Reader, Puyallup, WA.
Chief Peter L. Cranes, W. Yarmouth, MA.
Chief Daniel Colucci, Kinnelton, NJ.
Chief Gertrude Bogan, Bel Ridge, St. Louis, MO.
Chief Reuben M. Greenberg, Charleston, SC.
Chief Robert L. Johnson, Jackson, MS.
Chief Robert M. St. Pierre, Salem, MA.
Chief Douglas L. Bartosh, Scottsdale, AZ.
Chief Perry Anderson, Cambridge, MA.
Chief Leonard R. Barone, Haverhill, MA.
Chief Ronald J. Panyko, Millvale, Pittsburgh, PA.
Chief William Corvello, Newport News, VA.
Asst. Chief James T. Miller, Dekalb Co. Police, Decatur, GA.
Chief Larry J. Callier, Opelousas, LA.
Chief Leonard G. Cooke, Eugene, OR.
Chief Harold L. Johnson, Mobile, AL.
Chief Charles A. Moose, Portland, OR.
Chief Frank Alcala, East Chicago, IN.
Chief E. Douglas Hamilton, Louisville, KY.
Chief Charles E. Samarra, Alexandria, VA.
Chief Allan L. Wallis, Renton, WA.
Chief Scott Burleson, Waukegan, IL.
Chief C.L. Reynolds, Port St. Lucie, FL.
Chief Sylvester Daughtry, Greensboro, NC.
Chief Jimmie L. Brown, Miami, FL.
Commissioner Gil Kerlikowske, Buffalo, NY.
Chief Harold L. Hurtt, Oxnard, CA.
Chief Norm Stamper, Seattle, WA.

Mrs. BOXER. Mr. President, this amendment should be adopted. It is fair. It levels the playing field for firearms crimes. It is needed. It is not this Senator who says it is needed; it is the people who do the work, the difficult law enforcement work, tracking down these leads, these thousands of leads, have asked for this additional tool, these additional 2 years.

Mr. President, Congress talks a lot about getting tough on crime. There is not one of us I have not heard make a speech about, "Let's crack down." There is a difference between talking about getting tough on crime and being tough on crime by giving law enforcement the tools that they need. This does not cost us any money. They are not asking for more equipment. They are not asking for bigger office space or another computer system. They are asking for time to track down these leads.

We are in a new phase now, unfortunately, in our country. Who ever dreamed that we would have people within America who would build a device, a bomb, and kill innocent people and innocent children; turn on the Government of, by, and for the people, and somehow twist it around as if it was not America?

It is complicated and it is new and it is different and it is frightening, and law enforcement needs this additional time.

I have no other comments at this time. I have not organized a team of speakers because, frankly, I think this amendment is eloquent in its simplicity and very clear in its common sense. I hope we will have bipartisan support for the Boxer amendment, and at this time I yield the floor and reserve my right to regain the floor when the chairman of the Judiciary Committee makes it here to the floor. I understand he is tied up in a committee. We expect him here I think at the top of the hour, and I look forward to debating with him on this amendment if in fact he feels it is not appropriate.

But I hope against hope that he will in fact embrace this amendment and we can once again show the Nation we are united across party lines in our desire to go after those terrorists and give law enforcement the tools they need to make sure justice reigns in this great Nation of ours.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mrs. BOXER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DEWINE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SANTORUM). Without objection, it is so ordered.

FIGHTING CRIME THROUGH TECHNOLOGY

Mr. DEWINE. Mr. President, as we proceed on this antiterrorism bill, I would like to discuss for a moment one provision of the bill which I believe is very noncontroversial but I think is very significant, and that is the provision of the bill that concerns the increased help, the increased assistance that we are going to give to local law enforcement in regard to giving them the tools they need to fight back, and that is the area of technology. This is one of the essential tools as we fight against terrorism.

The bill we are discussing today strengthens the ability of local law enforcement officers to use high technology to combat terrorism and, frankly, to combat all sorts of crime. It provides for the expenditure of $500 million over the next 3 years to develop and upgrade some very important information systems. These systems provide ready access to criminal histories, fingerprints, DNA, and ballistic information.

The terrorism bill will also help local law enforcement agencies connect into these data bases. A data base in Washington, DC, will not do much good if the local communities, the tens of thousands of local law enforcement agencies that are spread throughout this country, cannot access that information. Let us make no mistake about it, this is a very important component of this legislation, just as it has always been a very important component of our fight against crime.

Last Saturday's Washington Post provided a case in point. It contains a detailed description of how the Oklahoma City bombing suspects were tracked down. Every step of the way, the suspects left a physical trail of evidence that could be fed into the FBI's computer database. The FBI, according to this story, has set up a very sophisticated computer system to put all kinds of information in, some relevant and some not relevant—you never know until it is put in. You try to make the match and pull it back up and use it. But according to this story, there are now at least 38 million bytes of information just in this database on just this one crime alone, the Oklahoma City bombing.

There were 12,800 pieces of evidence collected in Oklahoma City, almost 13,000 pieces of evidence. The FBI computers are being used to analyze all this evidence. I have already told my colleagues the story of how the apprehension of the key Oklahoma suspect came about. It is truly a compelling story. An Oklahoma City detective found a piece of tattered metal at the crime scene. On this piece of metal, he found a vehicle identification number, or a VIN number—one little piece of evidence. He fed this VIN number into the National Insurance Crime Bureau. In a matter of seconds, the bombing truck was identified.

Meanwhile, an Oklahoma State trooper had pulled over the fleeing suspect for driving without a license plate. The trooper had no idea at that time the person he pulled over was a suspect in a major crime, but he called the National Crime Information Center to ask for some data on the suspicious motorist, and when he tapped into the system, that left a fingerprint into the system. In a moment, we will see the importance of that.

Later on, the FBI, based on the information they had obtained from that VIN number—we will jump forward now, a lot of work, a lot of tracking—they were able to get the name of Timothy McVeigh.

Later, when the FBI fed the name Timothy McVeigh into their computers, the computer informed them, because of this fingerprint that had been placed into the system, of his arrest on these unrelated charges. Thanks to this technological edge, the FBI was able to find out an obscure arrestee was in fact America's most wanted criminal suspect.

The McVeigh arrest demonstrates how our technological edge can work and how in fact it can help solve crime, how in fact it can and does save lives.

Another story which was in last Friday's paper shows again the importance of technology. On May 28, a North Carolina State trooper arrested a motorist for speeding. Using established procedure, the trooper ran the motorist's name in the North Carolina State computer databank. The trooper did not run the motorist's name in the national database. That was apparently the procedure in the State at that time—just to run it in the State database, but not the national base. The motorist's name did not show up in the State databank. If the trooper had run the motorist's name in the national databank, he would have discovered the driver was wanted for the shooting of two Washington, DC, police officers and the attempted murder of his girlfriend. Eleven hours after he was arrested for speeding in North Carolina and released, the suspect killed an FBI agent in a shootout in the Washington, DC, metropolitan area.

My purpose in telling the story is not to put blame on anyone, not to be judgmental, but again to point out how very, very important it is that these databases be used and how they can in fact not only solve crime but how they can save lives.

Mr. President, as a result of this incident, North Carolina has taken, to use the phrase, the "worthy step" of encouraging its troopers to run the names of all out-of-State suspects in the national computer. You never know. It certainly does not hurt to ask.

Last month I introduced a comprehensive crime bill, and one of the key elements of my proposed legislation was a renewed focus on crimefighting technology on making sure that the local crimefighters are in fact plugged into a truly all-inspiring national database. Technology is already a proven tool in the fight against terrorism. One of the suspects in the World Trade Center bombing was tracked down—listen to this—because he left a DNA sample in the saliva he left when he sealed an envelope containing a letter to the New York Times. In that letter he claimed responsibility on behalf of his terrorist group. But unknown to him, he left indelible proof of his own identity in the DNA. Mr. President, we have the tools to win this fight. Let us use them.

I want to thank Senator DOLE and Senator HATCH, two individuals who have worked on this bill, for the job that they have done, and for including my provision that I wrote and put in the crime bill—taking that section and putting it in this antiterrorism bill because it has a lot to do with solving the problem of terrorism in this country and has a lot to do with this technology in solving all crimes.

It would be a crime—if I could use the term—if we did not make sure that every law enforcement agency in this country was able to tap into this national database. It would be wrong if for a relatively small amount of money we did not make sure that not only did we tap into the information and pull it back out but that we could get information from every law enforcement agency in the country.

Mr. President, I ask unanimous consent that the two articles which I just referred to be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, June 3, 1995]

HOW DETECTIVES CRACKED OKLAHOMA BOMB CASE

(By Pierre Thomas)

OKLAHOMA CITY.—Three weeks ago, a 40-foot-long tractor-trailer secretly left here loaded with cargo that holds clues to the deadliest terrorist bombing in U.S. history.

Riding shotgun on the truck were armed federal agents guarding more than 7,000 pounds of evidence. The truck carried parts of a rental truck used to store the massive bomb that blasted the federal building here April 19 and a yellow Mercury Marquis, the car of prime suspect Timothy James McVeigh. Final destination of the truck was a laboratory at 10th Street and Pennsylvania Avenue NW in Washington, the FBI's headquarters.

In coming days, forensics experts plan to reconstruct as much of the truck as possible and dust every part of McVeigh's car for fingerprints, using lasers and the latest in latent fingerprint technology. They also will swab and vacuum the car to capture tiny particles and chemically analyze every bit of soil, hair, fiber and residue in an effort to link McVeigh and others to the bombing of the Alfred P. Murrah Federal Building.

While the overall probe has been conducted in the glare of publicity, much of the crucial investigative work has involved behind-the-scenes forensics technology and use of computers to a degree never before seen in a criminal inquiry. In much the same way authorities are trying to use DNA analysis in the O.J. Simpson murder trial. FBI officials want to be able to provide a jury with reams of precise and detailed evidence tying suspects to the case. "This case is juxtaposition of 21st century technology and tried police work," a senior enforcement official said.

The chase for clues began two hours after the bombing. Oklahoma City detective Mike McPherson, surveying what looked like a war scene, noticed a piece of tattered metal that at first glance appeared to be just another mangled reminder of the explosion that left 168 dead. Looking closer, he could see the metal was an axle, charred and twisted at both ends, suggesting it might have been at the explosion's epicenter. Methodically cleaning it, he found a partial vehicle identification number (VIN). Law enforcement had its first big break in the case and immediately turned to computers for help.

McPherson called the identification number to the National Insurance Crime Bureau, which keeps a database that stores 300 million automobile VINs and other records. In seconds, the computer determined the axle came from a 1993 Ford truck eventually sold to Ryder Rentals of Miami. At the FBI's request, Ryder found the truck had been sent to Elliott's Body Shop in Junction City, Kan.

The night of the bombing, agents from the FBI's Salinas, Kan., office contacted Elliott's and, by morning, had descriptions of two suspects, John Doe No. 1 and John Doe No. 2. Composite drawings were developed, using computers to make them appear more lifelike. The FBI also took all the documents John Doe No. 1 signed to look for fingerprints that might match McVeigh's.

"It hit me later that the VIN number was a special number, that this was a very big deal," McPherson said, noting the computers had saved time, doing in seconds work that earlier might have taken hours.

"From that rental shop, we started to expand the investigation out in concentric circles," one senior law enforcement official said. "We planned to go to every restaurant, gas station, hotel between there and Oklahoma City."

More than 1,000 FBI and Bureau of Alcohol, Tobacco and Firearms agents were flown in from around the country, including heads of the FBI's Phoenix, Dallas, Houston and New Orleans field offices. At sites near the blast, agents requested store video surveillance tapes and used computers to enhance the images, hoping McVeigh or others with him could have stopped at a convenience store in days preceding the bombing.

On Thursday, April 20, FBI agents reached the Dreamland Hotel in Junction City. The manager recognized the composite of John Doe No. 1, a young cleanshaven man with a military crewcut. The man, hotel officials said, had stayed in Room 25 and had been driving a large Ryder truck. He also had registered as Timothy McVeigh.

Around that time, a former co-worker of McVeigh's saw the composite sketch on television and called the FBI, telling agents McVeigh expressed anger at the federal government and agitation over the federal-Branch Davidian standoff near Waco, Tex., court records said.

A day earlier, about 90 minutes after the bombing, Oklahoma state trooper Charles D. Hangar had seen a yellow Mercury Marquis without a license plate driving up Interstate 35 near Perry. The driver was McVeigh, who also was carrying a concealed semiautomatic pistol.

Curious, Hangar later queried the FBI's National Crime Information Center (NCIC), a national law enforcement database that includes details on outstanding warrants and fugitives. Hangar had no idea he had just arrested the bombing's prime suspect, but his data request left a fingerprint in the system.

At 7 a.m. Friday, April 21, NCIC officials plugged McVeigh's name into the database and saw information flash on their computer terminals. It showed he had been arrested and offered the name of the arresting law enforcement agency. What they did not know was where and if McVeigh was still being held.

Two agents—one FBI, the other ATF—were assigned to track down McVeigh and began calling jails near the location of his arrest. They learned McVeigh was being held at the Noble County Jail and soon would be released.

McVeigh then became the investigation's focal point. Even before bringing McVeigh into custody, agents began to dissect his life history and associates. The plan was simple: find out who McVeigh spent time with, and other suspects would pop up, hopefully even John Doe No. 2, who had not been found. The plan seemed simple but its execution was complex since McVeigh, after serving in the Army, had drifted from Michigan to Arizona.

Agents obtained a Michigan driver's license from McVeigh, and a computer check of the state's motor vehicle records listed a Decker, Mich., address. Authorities learned two brothers, James and Terry Lynn Nichols, at some time had resided there. McVeigh had been stationed in Fort Riley, Kan.; had recently lived in Kingman, Ariz.; and had family in Pendleton, N.Y. Terry Nichols, the second suspect arrested in the case, lived in Herington, Kan.

As the investigation broadened, command posts were set up in any area offering promising leads—Kingman, Chicago, Los Angeles and Kansas. A national hotline was established to take tips, and tens of thousands of calls came in. "We were chasing everything that made sense, credit records, telephone records," one senior law enforcement source said.

A Justice Department team flew in computer terminals to link into the department's Eagle system, which allows federal prosecutors around the nation to communicate electronically. At the same site, a Southwestern Bell Co. warehouse downtown here, the FBI installed 20 to 30 computer terminals and flew in a team to set up Rapid Start, a three-year-old automated case filing system used in investigating the World Trade Center bombing.

As leads came in, they were typed onto a standardized form and then encoded into Rapid Start. There are now at least 38 million bytes of information on the Oklahoma bombing stored in the database.

The FBI has subpoenaed records from telephone companies around the country, which establish more than 66,000 calls made by McVeigh, Nichols and other associates. Those calls were punched into the database, allowing investigators to sort for patterns.

The 12,800 pieces of evidence collected in Oklahoma City, including some of the rubble and shrapnel taken from the many victims, now are being analyzed. Much of the work is tedious as experts will try to match the chemical composition of explosive residue found at the scene to that allegedly found on McVeigh's clothes and in his vehicle. Similar work is being done on items recovered from Terry Nichols's home.

But the technology has not eliminated the need for a critical component in most investigations—simple luck. If detective McPherson had not stumbled upon the axle quickly, it could have taken months to track down McVeigh, one law enforcement official noted. Computers or nothing else would have mattered, he said.

[From the Washington Post, June 2, 1995]

N.C. Officer Arrested Agent's Killer Hours Earlier

(By Brian Mooar and Bill Miller)

A North Carolina state trooper arrested Ralph McLean for speeding 11 hours before the Landover man fatally shot an FBI agent in Greenbelt, but the trooper failed to check his name against a national database of wanted criminals, officials said yesterday.

A check of the FBI's National Crime Information Center computer would have turned up an outstanding warrant for McLean, who was wanted in the shootings of two D.C. police officers and in the attempted murder of his girlfriend, authorities said.

Washington area law enforcement officials privately expressed frustration over the missed opportunity to catch McLean before he killed FBI agent William H. Christian Jr. and then shot himself to death in a wild gun battle early Monday. North Carolina state police said the trooper followed the department's policy discouraging federal checks on stopped motorists who do not behave in a suspicious manner.

But after considering what happened with McLean, North Carolina on Wednesday adopted a new policy to run checks on out-of-state motorists pulled over by troopers.

Trooper J. Harold Lee stopped McLean about 2 p.m. Sunday after clocking the man's blue 1992 Oldsmobile at 82 mph in a 65-mph zone on northbound Interstate 95 in Johnston County near the hamlet of Smithfield. McLean, who has been described as having a pathological hatred toward law enforcement officers, sat next to Lee in his cruiser and made small talk while the 21-year veteran trooper wrote his speeding citation.

"He was polite [and] cooperative," Lee said. "No indication of anything being out of the ordinary. He was in a little bit of a hurry. That's all that was indicated * * *. He just wanted to know how long it would take."

But as McLean followed Lee to the local magistrate's office, where McLean posted a $200 bond for the speeding violation, the trooper saw him make a call on a cellular telephone and became suspicious.

Although the North Carolina Highway Patrol's procedures did not require a name check on McLean, Lee ran McLean's driver's license number through a state computer system and found nothing. If he had entered McLean's name in the FBI computer, officials said yesterday, he would have learned of a warrant charging McLean with assault with intent to kill a D.C. police officer in January.

"There's nothing I could have done any different," Lee said. "It was a routine stop that we make daily on the interstate, and there's no other way to do it."

Capt. Raymond W. Isley, commander of the North Carolina Highway Patrol's interstate division, said the department has ordered national checks on all out-of-state motorists pulled over by its troopers.

"We reviewed this case because . . . it's a tragedy," Isley said. Isley said his department has not routinely conducted federal checks because they tie up dispatchers, and "we don't want to get implicated with unduly delaying people. We generally don't do it unless there is a need to do it. Ninety-nine and nine-tenths of the people are not criminals. . . .

"If we get suspicious of you, we do [checks],' 'Isley said. "But in this case, the man was very polite, very cordial. This was a seasoned officer, and he was looking for something out of the ordinary. But [McLean] controlled himself very well in his presence."

Hours later, about 1 a.m. Monday, McLean crept up to an unmarked cruiser in the parking lot of Greenbelt Middle School and fatally shot Christian, one of 27 investigators waiting to surprise him. McLean was hit by seven bullets and then took his own life, the Maryland state medical examiner's office said.

McLean was carrying the semiautomatic assault pistol used to kill Prince George's County police Cpl. John J. Novabilski in an April 26 shooting, and he died of a bullet from Novabilski's stolen Beretta 9mm service pistol.

The National Crime Information Center is an FBI office that maintains a database for state and local law enforcement agencies that receives 1.3 million inquiries a day, the FBI said. The computer tracks nearly 400,000 people wanted for crimes, as well as data concerning crime-related categories. Authorities can learn whether a person has significant outstanding warrants or a criminal history.

McLean's name was listed on the computer Saturday when D.C. police obtained a warrant for his arrest in the shooting of city police Sgt. Eric L. Hayes.

Law enforcement specialists said the service was designed to protect not only the public but also the nation's police officers by alerting them to dangerous suspects.

Policies on routine federal checks vary among Washington area departments. Virginia State Police do not require checks on traffic violators. Maryland state troopers are urged to check the driver and the car through the federal system.

"We check for any warrants or wanted [alerts] for the people or the vehicle," said Mike McKelvin, a Maryland State Police spokesman.

Lee, who retires in 11 days, said the traffic stop was indistinguishable from tens of thousands he had made until Monday afternoon, when a Maryland homicide detective called him after finding the speeding citation among McLean's belongings.

Lee said he is convinced that he did everything right during his 45-minute encounter with McLean—and that he was lucky things didn't turn out differently after McLean opened the trunk of his car and rooted through luggage to find his driver's license.

"I was just very fortunate the stop ended like it did for myself," Lee said. "Maybe the Lord was looking after me."

Mr. DEWINE. Mr. President, I yield the floor.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. BIDEN. Mr. President, let me say to my friend from Ohio that I applaud his efforts. As he knows, in the crime bill that we passed we provided $100 million for just these purposes. As a matter of fact, it has been over a decade ago that I initiated an effort in the first crime bill introduced to get the NCIC up to speed to actually make it work. We received some considerable resistance then interestingly enough from the very left and the very right, the right because, as the Presiding Officer notes, the right is always concerned about anyone when anything has to do with Government having power, and the left because they are concerned about the Government having power. So it was stalled for a while in the so-called Biden crime bill which passed out of here.

I wanted that number to be higher out of the trust fund. The most we could get any agreement on was $100 million. I do not quibble with the notion that we could effectively spend more money.

The Senator may recall, because he was in the House at the time, that the local authorities thought they could get by with the $100 million as long as the FBI was essentially going to be the purchasing agent for them. What we do not want to have happen is a little police department in central Ohio or southern Delaware—they may be the very people who pick up the McVeigh's of the world—and we do not want them to be in the position where in order for them to purchase this equipment and some of the more automated fingerprinting capability, the NCIC, the blood and saliva DNA capability, we do not want them to be out there since they are purchasing a very small quantity of whatever it is that is being purchased having to pay considerably more than the police department in Columbus, or New York, or Wilmington, DE, or Philadelphia has to pay. But as it turns out they have concluded that they need more help.

Again, I look forward to working with my friend from Ohio on this issue as the continuation of an effort that he supported when he was in the House as well. He is not new to this. He knows this area as well as anyone does.

One of the things at some point—I will not take the time now because the distinguished Senator from California who has been waiting since 9:30 to go with her amendment is ready to go now that the chairman of the committee is here. We will have a long day today. Maybe the Senator and I, as we say, can repair to the cloakroom. I would like to talk about his formula which he has built in here which is the distribution based strictly on population which seems at odds with the notion that we acknowledge that these little police departments, and smaller areas in population, also in a strange way need the help more than even the large police departments.

So I acknowledge at the front end the parochial interest in that Delaware is a small State and under the formula would be in a disadvantageous position for this additional funding. I do not expect the Senator to change his formula. I would like to make my case to him since this is esoteric.

Mr. DEWINE. If the Senator will yield for a moment, let me congratulate the Senator from Delaware because he really has been a leader in this area. I had the opportunity about 2 months ago to go to the FBI and look to see exactly where all of these systems were. It is amazing the progress that they have made. In the last several crime bills there has been systems in there, and I know particularly that the Senator from Delaware has been a prime leader in this area. Frankly, what the FBI tells me is that they are moving along very, very well. The background for my writing this section was frankly what the FBI told me, and also what local law enforcement told me. That was, look, I say we are moving along very, very well, quite frankly thanks to what the Congress has done. A significant amount of money Congress has put in.

But they said, "Senator, let us tell you the one concern we have; that is, our database is only as good as the information we get. Our concern is that some of these small departments—which the Senator from Delaware is referring to—will not have the resources. They will not have the ability to tap in."

So I look forward to working with the Senator from Delaware in regard to the formula. Our idea, frankly, is to make sure that every police officer in the country—some way, either through his or her own department or through a consortium or through the departments going together—has the ability to put that information into the computer and to get it back out. Frankly, my only interest is making it work. So, if we can come up with a formula that works better to do that, I am more than happy to work with the Senator to do that.

Mr. BIDEN. Mr. President, that is why I rose to speak to this to divert slightly from the amendment process. I am not being so solicitous. I know of the Senator's interest, knowledge, and genuine concern about this. One thing that he did not mention that he has in the past, but I think it is worth noting here, is this information also has the ancillary benefit of saving police officers' lives. The Presiding Officer knows that in his State of Pennsylvania he has had a rough year already with loss of police officers' lives. It has not been a good year. The start has not been a good one.

It is very, very, very practical information when that trooper pulls up behind an automobile. If he has the system and equipment in his automobile and the database is real, he literally can, before he gets out of the car, punch in and find out if that automobile is not only stolen but where and when and how.

He also has the capability, if we give him the capability and if the States step up to the ball, of using this portable, automatic fingerprinting operation where they can literally have a driver come up into their automobile—what the average citizen would think is a portable fingerprinting machine—to actually have that person get out of the car, walk up, stick their thumb or forefinger in this machine in the automobile, and instantly get a readout as to whether or not the license that they are carrying comports with their identity.

This not only makes a lot of sense in terms of tracking and using it as a device to solve crimes, but it also has the immediate benefit of literally saving lives of police officers. As a former prosecutor, the Senator from Ohio knows this. In my discussion with police—and, as you know, the head of the FOP and a number of leading members of the FOP are from the home State of the Senator from Ohio—they know of his work and his interest in this area.

So I compliment him on his initiative and thank him for his willingness to speak with me about the formula. With that, unless the Senator from Ohio wishes to say anything else, I see the distinguished Senator from California is on her feet and is ready to go with her amendment, I think, or is she?

Mrs. BOXER. I am absolutely ready to go with the amendment. My friend, the good Senator from Ohio, has been with me here since 9:30 this morning. I was ready to go at that time. I did lay down my amendment. As my friend from Delaware knows, there is some concern on the other side, although I think it is not all that widely based, that we should narrow the scope of my amendment. It is not my intention to do that.

I am ready to vote on my amendment right now. I say to my friend from Delaware, I would greatly appreciate his views on my amendment because I have expressed mine. If I can have some time at this point, I can summarize in 5 minutes and then I would love to have my friend from Delaware react to the amendment and perhaps express his view as to whether it is a commonsense amendment.

Mr. BIDEN. Mr. President, if the Senator will yield for a moment, I am anxious to do that. I sincerely hope she does not amend her amendment. I will, in time, at an appropriate time, explain why I hope that is not the case. I am of the view that if Senators listen to this debate or this discussion, I think it is very, very difficult to make a case why the exception being sought should be granted. I will yield the floor back to the Senator, have her make her case, and I am prepared and anxious to speak to her amendment.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

AMENDMENT NO. 1214

Mrs. BOXER. Thank you very much, Mr. President. About one-half hour ago, I laid down my amendment which would really, I think, add a lot of common sense to our gun laws, because we seem to have two sets of statutes of limitations.

Generally, gun laws and criminal laws have a 5-year statute of limitations, except for the National Firearms Act, which has a 3-year statute, which means that the police have to complete their work on sometimes very complicated cases, in 3 years.

Now, what are these cases? And this is where I think Senators ought to listen. There are only three cases: The making of a bomb, such as the bomb that was made in Oklahoma City, is only covered in the National Firearms Act. So we have to go after these terrorists. This is the place. Law enforcement is asking us for 5 years, not the 3 that they have. That is one case.

The other case is the making of a sawed-off shotgun. The only place where that crime is covered is in this law, and we think there ought to be a 5-year statute.

And the third, the making of a silencer, is covered in this particular statute, which I would like to amend to 5 years.

So what we are suggesting is that those three areas—silencers, sawed-off shotguns, and bombs—ought to be covered by the same statute of limitations as exists in, for example, the assault weapon ban, cop-killer bullets, and all criminal laws, which basically have a 5-year statute.

I see that the distinguished majority leader is on the floor. I was hopeful that maybe that indicated we could move this along by simply accepting it because it is, in fact, an amendment that really comes to this floor via law enforcement.

On Senators' desks I have the names of 45 police chiefs who urge support for the Boxer amendment. These police chiefs are from California; Oregon; Washington State; Florida; New Jersey; Arizona; Pennsylvania; Roanoke, VA; Connecticut; Indiana; Illinois; New York; Massachusetts; Maryland; Arkansas; Kentucky; South Carolina; Georgia; Missouri; Alabama, and I do not know whether I mentioned Oklahoma City. The Oklahoma City chief of police wants us to adopt the Boxer amendment.

Just now, I was handed a letter from the Fraternal Order of Police. The Fraternal Order of Police, Dewey Stokes, has sent us a letter that says:

> Senator Boxer will offer an amendment that will assist prosecutions under the National Firearms Act. The NFA prohibits the manufacture, sale and possession of machine guns, sawed-off shotguns and bombs. The statute of limitations for NFA violations, however, is only 3 years, in contrast to a 5-year statute of limitation for all other gun control laws and most criminal laws. The Boxer amendment will increase the statute of limitations for NFA violations to 5 years.

The Fraternal Order of Police firmly supports . . . this amendment. And it goes on to write:

> You have supported law enforcement in the past and we hope you will stand with us again by voting to approve these vital propolice amendments.

So, Mr. President, the Boxer amendment is a propolice amendment described that way by the Fraternal Order of Police and 45 police chiefs in this country who are saying to the U.S. Senate: "Please pass this antiterrorism bill, but give us the tools we need."

And here is one tool that does not cost any money, Mr. President. What we are giving the law enforcement authorities is time, time to follow the thousands of leads, time to put together the pieces of the puzzle. I really hope we can have bipartisan support for this amendment in its entirety. The police chiefs are not just supporting part of the Boxer amendment, they are supporting the entire Boxer amendment, and I hope we can come together and move on, because as I watched the families of the victims of Oklahoma yesterday begging us to move forward a bill that would help bring these evildoers to justice, it certainly occurred to me that it would be tragic if the statute of limitations ran out.

One thing we have to remember, the statute starts running when the bomb is completed. So if a terrorist builds a bomb and stores that bomb for a year or 2 before using it, we may be down to a year for the police to put together all the leads.

So at this time, Mr. President, I ask unanimous consent to print in the RECORD the names of the 45 police chiefs who have endorsed the Boxer amendment and the letter from the Fraternal Order of Police that we just received.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FRATERNAL ORDER OF POLICE,
Washington, DC, June 5, 1995.

DEAR SENATOR: As the Senate prepares to debate the anti-terrorism bill, on behalf of the 270,000 police officers who are members of the Fraternal Order of Police, I want to strongly urge that you support three pro-law enforcement amendments that will be offered to the bill. The three amendments concern cop-killer bullets, re-arming felons, and the National Firearms Act. Specifically, the Fraternal Order of Police urges your support for the following:

Senator Bradley will offer an amendment to strengthen the current cop-killer bullet law. In 1986, Congress passed and President Reagan signed legislation prohibiting the manufacture, importation and sale of handgun ammunition capable of piercing the body armor worn by most police officers. Earlier this year, the "Black Rhino" bullet received a lot of publicity for its supposed armor-piercing qualities. While the claims turned out to be exaggerated, manufacture of such a bullet would have been allowed under current law. Because the 1986 law prohibits bullets based on their physical composition, manufacturers currently working to develop ammunition like the "Black Rhino" would be able to manufacture and market them to the public. The Bradley Amendment will close this loophole by prohibiting the manufacture and sale of armor-piercing ammunition based on reasonable performance standards rather than composition.

Senators Lautenberg and Simon will offer an amendment that will prevent all persons convicted of a violent felony or serious drug offense from ever possessing firearms. Even though federal law generally prohibits a convicted felon from possessing a firearm, ATF can grant a waiver to this prohibition, following an extensive background investigation. Although recent appropriations acts have temporarily halted the use of ATF funds to restore firearm rights to convicted felons, the Lautenberg/Simon Amendment will permanently close this loophole by eliminating the waiver procedure. This amendment will also permanently prohibit any individual convicted of a violent felony or serious drug offense from possessing a firearm, even if the state might have restored other civil rights to the individual. The effect of this amendment, in addition to keeping guns out of the hands of felons, will be to permanently free ATF personnel to take guns out of the hands of criminals, rather than to put them there.

Senator Boxer will offer an amendment that will assist prosecutions under the National Firearms Act (NFA). The NFA prohibits the manufacture, sale and possession of machine guns, sawed-off shotguns and bombs. The statute of limitations for NFA violations, however, is only three years, in contrast to a five year statute of limitation for all other gun control laws and most other criminal laws. The Boxer Amendment will increase the statute of limitations for NFA violations to five years.

The Fraternal Order of Police firmly supports these three amendments. You have supported law enforcement in the past and we hope you will stand with us again by voting to approve these vital pro-police amendments.

Sincerely,

DEWEY R. STOKES
National President.

FORTY-FIVE POLICE CHIEFS URGE YOUR SUPPORT OF THE BOXER AMENDMENT

EXTEND THE STATUTE OF LIMITATIONS FOR NFA OFFENSES

Chief Anthony D. Ribera, San Francisco, CA; Chief Charles A. Moose, Portland, OR; Chief Allan L. Wallis, Renton, WA; Chief Jimmie L. Brown, Miami, FA; Chief Daniel Colucci, Kinnelton, NJ; Chief Douglas L. Bartosh, Scottsdale, AZ; Chief Ronald J. Panyko, Millvale, PA; Deputy Chief Roy L. Meisner, Berkeley, CA; Chief Dan Nelson, Salinas, CA; Director Steven G. Hanes, Roanoke, VA; Chief Edmund Mosca, Old Saybrook, CT; Chief Louis Cobarruviaz, San Jose, CA; Chief Frank Alcala, East Chicago, IN; Chief Scott Burleson, Waukegan, IL; Commission Gil Kerlikowske, Buffalo, NY; Chief Robert M. St. Pierre, Salem, MA; Chief Perry Anderson, Cambridge, MA; Chief William Corvello, Newport News, VA; Chief Noel K. Cunningham, Los Angeles Port, CA; Chief Robert H. Mabinnis, San Leandro, CA; Chief Robert M. Zidek, Bladensburg, MD; Chief William Nolan, North Little Rock, AR; Chief Leonard G. Cooke, Eugene, OR; Chief E. Douglas Hamilton, Louisville, KY; Chief C.L. Reynolds, Port St. Lucie, FA; Chief Harold L. Hurtt, Oxnard, CA; Chief Reuben M. Greenberg, Charleston, SC; Chief Leonard R. Barone, Haverhill, MA; Asst. Chief James T. Miller, DeKalb Co. Police, Decatur, GA; Colonel Clarance Harmon, St. Louis, MO; Chief James D. Toler, Indianapolis, IN; Chief Charles R. McDonald, Edwardsville, IL; Chief Lockheed Reader, Puyallup, WA; Chief Harold L. Johnson, Mobile, AL; Chief Charles E. Samarra, Alexandria, VA; Chief Sylvester Daughtry, Greensboro, NC; Chief Peter L. Cranes, W. Yarmouth, MA; Chief Robert L. Johnson, Jackson, MS; Chief Gertrude Bogan, Bel Ridge, MO; Chief Larry J. Callier, Opelousas, LA; Chief Norm Stamper, Seattle, WA; Chief Lawerence Nowery, Rock Hill, SC; Chief Sam Gonzales, Oklahoma City, OK; Chief Jerry Sanders, San Diego, CA; Chief David C. Milchan, Pinellas Park, FL.

Mrs. BOXER. Mr. President, I ask my friend from Delaware at this time if he would be willing to speak to this amendment? I thank the President and yield the floor.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Mr. President, I make an inquiry, are we making progress this morning?

Mr. BIDEN. Mr. President, oh, we are doing great, I say to the leader. Things are moving along swimmingly. At this rate, we will be done.

Mr. DOLE. I understand the Senator from California was available earlier. Others were not available. She was here. I do not think the amendment has been offered.

Mrs. BOXER. Yes.

Mr. DOLE. It has been offered.

Mrs. BOXER. I am ready to vote on it.

Mr. DOLE. Hopefully, we can dispose of that and move on quickly to the other amendments. It is our intention to finish this bill today. We will be discussing in our conference trying to further limit the number of amendments on this side.

Mr. BIDEN. If the Senator will yield, Mr. President, we will make the same effort in our conference.

Mr. DOLE. I think what we are doing is awaiting the return of Senator HATCH right now, as I understand it.

HABEAS CORPUS

Mr. DOLE. Mr. President, as part of the ongoing debate, not on the amendment, I wanted to make a brief statement on habeas corpus because on May 25, President Clinton wrote me urging habeas corpus reform be excluded, that means excluded from the antiterrorism bill pending before the Senate.

The President wrote, and I quote:

> While I do not believe that habeas corpus reform should be addressed in the context of the counterterrorism bill, I look forward to working with the Senate in the future on a bill that would accomplish this objective.

The President apparently had a change of heart. Last night on the Larry King Show, the President reversed his position, endorsing the inclusion of habeas reform in the antiterrorism bill. The President said:

> We need to cut the time delay on appeals dramatically, and . . . it ought to be done in the context of this terrorism legislation so that it would apply to any prosecutions brought against anyone indicted in Oklahoma. And I think it ought to be done.

I welcome the President's remarks. And I am delighted that he has finally come around to our position that, of all the antiterrorism initiatives now before the Senate, the one that bears most directly on the Oklahoma City tragedy is habeas corpus reform.

Yesterday, the families of some of the victims of the Oklahoma City bombing traveled all the way to Washington to tell their elected representatives that habeas reform is an essential ingredient of any serious antiterrorism plan. The families understand, as we do, that if we really want justice that is "swift, certain and severe," then we must put an end to the endless appeals and delays that have done so much to weaken public confidence in our criminal justice system. We must have habeas corpus reform now.

It is great news that President has switched his position and now supports the inclusion of habeas reform in the antiterrorism bill. Hopefully, the President's support will help speed up the process here in the Senate and enable us to pass this legislation later tonight.

I ask unanimous consent that the President's quote on the Larry King Show and his letter of a couple of weeks ago—and they state different positions—be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXCERPTS FROM THE LARRY KING SHOW

President CLINTON. In death penalty cases, it normally takes eight years to exhaust the appeals. It's ridiculous. And if you have multiple convictions, it cold take even longer. So there is a strong sense in the Congress, I think among members of both parties, that we need to get down to sort of one clear appeal. We need to cut the time delay on the appeals dramatically, and that it ought to be done in the context of this terrorism legislation so that it would apply to any prosecutions brought against anyone indicted in Oklahoma. And I think it ought to be done.

You know, we have some differences about exactly what the details are and what the best and fairest way to do to apply to all criminal cases, but I think it definitely ought to be done.

For 15 years I have been trying to get Congress to clarify this, and I have strongly believed it for a very long time, since I was an attorney general and a governor and I'd been on the receiving end of these interminable appeals.

Mr. KING. Are there those in Congress who think you're against this?

Vice President GORE. There are some in both parties who, in good conscience, think it would cause problems for criminal procedure.

Mr. KING. Constitutional.

Vice President GORE. Well, they're worried about it. But the president's for it. And if they want to put the right version of it on this bill, fine.

Mr. KING. Are we——

President CLINTON. You know, there are some good and bad. We don't have time to get into all the details of it. There are things that I like better in some versions than others.

Mr. KING. But you're in essence for it.

President CLINTON. But we—I'm not only for it; we need to do it. You can't justify this lengthy appeal process.

THE WHITE HOUSE,
Washington, May 25, 1995.

Hon. ROBERT DOLE,
Republican Leader, U.S. Senate, Washington, DC.

DEAR MR. LEADER: I write to renew my call for a tough, effective, and comprehensive antiterrorism bill, and I urge the Congress to pass it as quickly as possible. The Executive and Legislative Branches share the responsibility of ensuring that adequate legal tools and resources are available to protect our Nation and its people against threats to their safety and well-being. The tragic bombing of the Murrah Federal Building in Oklahoma City on April 19th, the latest in a disturbing trend of terrorist attacks, makes clear the need to enhance the Federal government's ability to investigate, prosecute, and punish terrorist activity.

To that end, I have transmitted to the Congress two comprehensive legislative proposals: The "Omnibus Counterterrorism Act of 1995" and the "Antiterrorism Amendments Act of 1995." In addition, the Senate has under consideration your bill, S. 735, the "Comprehensive Terrorism Prevention Act of 1995." I understand that a substitute to S. 735, incorporating many of the features of the two Administration proposals, will be offered in the near future. I also understand that the substitute contains some provisions that raise significant concerns. We must make every effort to ensure that this measure responds forcefully to the challenge of domestic and international terrorism. I look forward to working with the Senate on the substitute and to supporting its enactment, provided that the final product addresses major concerns of the Administration in an effective, fair, and constitutional manner. The bill should include the following provisions:

Provide clear Federal criminal jurisdiction for any international terrorist attack that might occur in the United States, as well as provide Federal criminal jurisdiction over terrorists who use the United States as the place from which to plan terrorist attacks overseas.

Provide a workable mechanism to deport alien terrorists expeditiously, without risking the disclosure of national security information or techniques and with adequate assurance of fairness.

Provide an assured source of funding for the Administration's digital telephony initiative.

Provide a means of preventing fundraising in the United States that supports international terrorist activity overseas.

Provide access to financial and credit reports in antiterrorism cases, in the same manner as banking records can be obtained under current law through appropriate legal procedures.

Make available the national security letter process, which is currently used for obtaining certain categories of information in terrorism investigations, to obtain records critical to such investigations from hotels, motels, common carriers, and storage and vehicle rental facilities.

Approve the implementing legislation for the Plastic Explosives Convention, which requires a chemical in plastic explosives for identification purposes, and require the inclusion of taggants—microscopic particles—in standard explosive device raw materials which will permit tracing of the materials post-explosion.

Expand the authority of law enforcement to fight terrorism through electronic surveillance, by expanding the list of felonies that could be used as the basis for a surveillance order; applying the same legal standard in national security cases that is currently used in routine criminal cases for obtaining permission to track telephone traffic with "pen registers" and "trap and trace" devices; and authorizing "roving" wiretaps where it is impractical to specify the number of the phone to be tapped (such as when a suspect uses a series of cellular phones).

Criminalize the unauthorized use of chemical weapons in solid and liquid form (as they are currently criminalized for use in gaseous form), and permit the military to provide technical assistance when chemical or biological weapons are concerned, similar to previously authorized efforts involving nuclear weapons.

Make it illegal to possess explosives knowing that they are stolen; increase the penalty for anyone who transfers a firearm or explosive materials, knowing that they will be used to commit a crime of violence; and provide enhanced penalties for terrorist attacks against all current and former Federal employees, and their families, when the crime is committed because of the official duties of the federal employee.

In addition, the substitute bill contains a section on habeas corpus reform. This Administration is committed to any reform that would assure dramatically swifter and more efficient resolution of criminal cases while at the same time preserving the historic right to meaningful Federal review. While I do not believe that habeas corpus should be addressed in the context of the counterterrorism bill, I look forward to working with the Senate in the near future on a bill that would accomplish this important objective.

I want to reiterate this Administration's commitment to fashioning a strong and effective response to terrorist activity that preserves our civil liberties. In combatting terrorism, we must not sacrifice the guarantees of the Bill of Rights, and we will not do so. I look forward to working with the Congress toward the enactment of this critical legislation as soon as possible.

Sincerely,

BILL CLINTON.

Mr. DOLE. I suggest that we hope to finish this bill tonight. I urge my colleagues on the Republican side of the aisle that there are a number of Republican amendments pending, and they are not rushing to the floor to discuss those amendments with the manager and the chairman of the committee, Senator HATCH.

Now, if we are going to suggest that the Democrats ought to cooperate, then we will suggest that Republicans ought to cooperate, too. So I ask my colleagues on this side of the aisle, or anybody who may be listening in their offices, if you have amendments, please let us know before noon. We would like to find out by noon on this side of the aisle how many amendments we have, serious amendments, and how many are going to be called up. Then we can go to the distinguished Senator from Delaware and say we have *x* number of amendments that will take *x* amount of hours. We hope to get time agreements so we can complete action on the bill later today.

I yield the floor.

AMENDMENT NO. 1214

Mr. BIDEN. Mr. President, let me respond to the question posed to me by the Senator from California, Senator BOXER. There are a couple of things I have observed in the years of working with Senator BOXER, and that is when she thinks she is right, there is nothing that slows her up. I mean nothing. Almost without exception, in my dealings with her and the matters we have worked on, she has a commonsense approach to these things that is, quite frankly, sometimes around this place is not factored in. If she had stood up today on the floor of the Senate and said, you know, my colleagues in the Senate, the statute of limitations for rape is 3 years. Yet, the statute of limitations for robbery is 5 years, and what I want to do is I want to increase the statute of limitations for rape from 3 to 5 years, I imagine there would be a chorus of Members in the Senate on both side standing up and saying, bravo, right.

My goodness, why would we have a serious crime like rape be a statute that was only 3 years and yet a less serious crime like assault be a 5-year statute of limitations. Because I want to make it clear—and I know all my colleagues and everybody on the floor here who has dealt in this area or are accomplished lawyers in their own right know that—let us keep in mind what the rationale for the statute of limitations is. The rationale is, the more serious the crime, the more we are committed to finding the perpetrator, and ofttimes that means we need more time.

A second factor that goes into this is that some crimes are more difficult to solve than others because the evidence that is needed to solve the crime sometimes takes a long time to track down.

Third, we have generally tried—in terms of title 18, the criminal code in effect for the Federal Government—to standardize the amount of time we give prosecutors and the Government to find perpetrators of crime.

Now, the fact of the matter is that I do not think this has anything to do with gun control. It happens to be that we are talking about a Firearms Act that affects guns, but it really does not matter. It has everything to do with equity, and it has everything to do with giving the victim and the Government a chance to find the person who did the thing that we think is a very bad thing.

For example, if someone is out there violating the Firearms Act with a machine gun, then we have as a policy, as a nation, for the past several decades said that is a very bad thing. Yet, there is a 3-year statute of limitations for that. Or if we go out and say we do not want people using chemical weapons or making explosives that can do great damage, we said in the first instance that is a bad thing to do. It is unhealthy for Americans, for people to be making these devices or putting silencers on their guns. Why do people put a silencer on a gun? Is it because they are target practicing in their basement and they do not want to disturb the folks on the second floor? Or is it because they do not want the deer to hear the bullet coming? Why do you use silencers? You use a silencer to avoid detection. And so if someone is out there violating the Firearms Act with a silencer or machinegun or building a bomb, it seems to me, just on the face of it, that we should give the Government and the victims enough time out there as we give somebody if they are assaulted. My Lord, if someone is assaulted, the case stays open for 5 years. Yet, if someone violates what we all say is a serious problem, we are saying 3 years.

Now, look, I know that some of my friends on both sides of the aisle are a little concerned about this because I know that it says "guns and firearms," and when you say that around here, that sets off bells and whistles and so on. But I respectfully suggest that this is totally consistent—although I have not spoken to the national NRA, I have spoken with the NRA in my State and the leadership in my State. I keep in contact with them. As I said yesterday, in my State, the NRA are upstanding citizens. The leader in my State is a member of the ACLU and the NRA and is a practicing lawyer in town. The No. 2 guy in my State in the NRA is a former captain in a police department in Dover, DE. These guys are not wackos or nuts; they are serious citizens.

Now, I have not spoken to them about this, but I have spoken to them and the national NRA about how we should be dealing with guns and gun offenses. What do they always say to us? They say, look, do not outlaw the gun, increase the penalty. So Senator GRAMM comes to the floor all the time and makes a logical, coherent argument. He says, hey, do not do away with assault weapons, but if you have anybody using one, violating the law in its use, nail them. Minimum mandatory sentences, minimum mandatory imprisonment.

And so the philosophy that the NRA has adopted—and to their credit it is consistent—is that people kill people, guns do not kill people. And only when they take that inert instrument, that thing called a gun, and do something bad with it, do you engage the Government.

We have decided as a matter of law under the Firearms Act that it is a bad thing to go around putting silencers on the end of revolvers, or rifles for that matter. We decided that it is a bad thing to tote around a machinegun. We decided that. I do not hear any gun organization saying, by the way, legalize the sale of machineguns again. I do not hear anybody saying silencers are something we should be using. So I am a little surprised that there is any opposition to the initiative of my friend from California. The one thing she is probably—I will speak only of the Democratic side, so I do not implicate any of my Republican friends. She is among the four or five most successful legislators. She knows how to get things done. I assume that it comes from her 10 years of experience in the House. I think she is as surprised as I am that this may be resisted, because I cannot figure out why it would be. It is consistent with what—I do not want to put a negative spin on it—the gun proponents say is the way we should handle the issue of firearms in America. It is consistent. It relates to penalties, not outlawing them. And it is totally consistent with the way in which we decide under title 18 to deal with the vast majority of crimes.

Now, look, this increases from 3 to 5 years the statute of limitations for the most serious weapons offenses, specifically those under the National Firearms Act. In doing so, this amendment brings the statute of limitations into line with the vast majority of Federal offenses which have to do with guns and do not have to do with guns. Generally, the statute of limitations is a period which the Government has following the crime to bring an indictment under Federal law. All noncapital crimes are subject to a limitation. The National Firearms Act covers the most dangerous weapons: machineguns, sawed-off shotguns, silencers, and destructive devices which include any explosive or incendiary or poison gas, A, bomb, B, grenade, C, rocket having a propellant of more than four ounces, D, missiles having explosive or incendiary charges of more than one-quarter of an ounce, and E, a mine.

You know, these are not playthings we are talking about. These are serious offenses. Again, I do not know anybody, whether they are the NRA—and I stand to be corrected by anybody else—who says, by the way, you should not outlaw sawed-off shotguns, machineguns, and rockets having a propellant and the charges, grenades, bombs, incendiary charges of more than one-quarter ounce, and missiles.

So all the Senator is asking for is what the police are asking for. It defies logic to give offenders a break by limiting the statute of limitations to only 3 years. The statute of limitations in other Federal crimes is that, as has been pointed out by the Senator from California, a vast majority of those crimes already are 5 years. Let me give you a few examples. Crimes with a 5-year statute of limitations include assault, 18 United States Code section 111; kidnapping, 18 United States Code section 1201; bank robbery, 18 United States Code section 2113; car robbery, 18 United States Code section 2119; embezzlement, 18 United States Code section 641.

I also point out that the statute of limitations is also 5 years for illegally importing lottery tickets, impersonating a Federal employee, unlawfully shipping, transporting, receiving, possessing, selling, distributing, or purchasing contraband cigarettes, counterfeiting, forging, or using any counterfeited or forged postal or revenue stamp of any foreign government, unauthorized use of the character Smokey the Bear. It is a misdemeanor, but it is a 5-year statute of limitations. Unauthorized use of the character Woodsy Owl. That is a 5-year statute of limitations.

Now, look, if we are going to give the Government 5 years to track down the guy who impersonates or uses Woodsy the Owl, why in the devil would we not give 5 years to the Federal Bureau of Investigation to track down somebody who has violated the most serious weapons offenses that nobody I know of is suggesting we do away with?

Mrs. BOXER. If the Senator will yield, I think this is such a crucial point because if people were unhappy with the 5-year statute of limitations, I would assume there could be an amendment to roll it back to 3. All we are saying is that it is an anomaly here that three or four firearms laws do not match up with the vast majority. I think my friend has gotten it exactly right, as usual.

If I might just say to my friend, I do not know whether he was aware of this, but there was an article in the New York Times on another matter that relates to my friend's work here. And that is that under the Violence Against Women Act, the first arrest was made, and this is a man who crossed State lines to beat his wife. It is a matter of the work of my friend, Senator BIDEN, who, for—I do not know how long—6 years, fought to get the Violence

Against Women Act into law. Proudly, I was the House author when I was there in the House and lived to see the day when it became law here in the Senate.

The reason I bring that up is my friend is a pragmatist. He sees a problem and he solves it. He sticks with it. But my friend from Delaware, the ranking member on the Judiciary Committee, is also somebody who works beautifully with the other side. Senator HATCH worked with him on the Violence Against Women Act, and, in the end, we had everybody together. When my friend, Senator BIDEN, stands on this floor and says he does not understand why there is a problem with this on the other side, I think that carries a lot of weight.

Frankly, I say to my friend, I wish we could just have a vote up or down on this amendment. I think it is common sense. We have 45 police chiefs from 24 States who have endorsed this. We have the Fraternal Order of Police.

It may be that the chairman of the Judiciary Committee, my friend from Utah, may wish to lay this aside. We will take a look at it. I certainly hope that the remarks of the Senator from Delaware will be heard by both sides of the aisle, because this is a commonsense amendment. We should not be wasting a lot of time. We should do this in a bipartisan way.

Frankly, it directly relates to Oklahoma City. It directly relates. If we find out that those terrorists made that bomb a year earlier, it would bring the statute down to 2 years, I say to my friend. It is a very serious amendment. It is directly related to Oklahoma City. I want to thank my friend so much. I yield back.

Mr. BIDEN. Let me conclude, Mr. President, because again, it is a little bit like when we first raised the issue of taggants. There was initially—because a lot of people did not understand it—a lot of resistance.

Yesterday, we overwhelmingly passed it because we talked about it. I am sincerely hopeful that as the staff of Senators who were otherwise occupied now in committee hearings and may not be able to hear this themselves will understand that this does not have to do with guns. It has to do with equity.

A person convicted, as I indicated earlier, of impersonating a Federal employee can get up to a 3-year sentence, while a person convicted under the National Firearms Act can receive up to 10 years in prison.

One has to wonder why a statute of limitations is shorter for the great offense and longer for the shorter offense. It does not seem to make sense.

Again, although I cannot and do not speak for the NRA, it seems to me on its face this is totally consistent with the philosophy that the NRA has adopted relative to gun offenses.

That is, when the law is violated relating to guns and/or explosives, that person should be punished severely. One of the things that we all know, in tracking these cases, is the police need time.

It is totally consistent with the way we have dealt with other crimes and totally consistent with the philosophy on the left and the right, it seems to me, to just merely standardize the statute of limitations for these very serious offenses.

I hope, if we are prepared to vote on this, or whatever decision the Senator from California makes, I hope the Senator sticks to her guns here. I am convinced if people understand what the Senator is attempting to do and depoliticize it here and just look at the facts, the facts are it makes no sense not to give the police what they want, the additional 2 years to be able to track and apprehend people who violate only the most serious of the laws relating to firearms and explosives.

I yield the floor.

Mr. HATCH. Mr. President, the distinguished Senator from Tennessee has been waiting to speak. I need to take just 1 minute. I think I have worked this out with the distinguished Senator from California.

I ask unanimous consent that the Boxer amendment numbered 1214 be laid aside until 2:15 in order for the Senate to consider other amendments, and that no amendments dealing with the same issue as the Boxer amendment be in order prior to 2:15 today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, let me just say, with regard to the Senator's amendment, that there is a lot of concern because 40 percent of the people in this country are afraid of their Government.

If we extend a statute of limitations from 3 to 5 years, there is an awful lot of worry that official prosecutors will dangle and dangle the accused for the full 5 years until they indict them, the day before the 5 years expires. We have seen it happen before.

Extending the statute of limitations is not a simple little gesture. It is important. I understand the sincerity of the distinguished Senator from California, and there are a number of other issues, too.

For instance, I think it is important to answer questions. How many cases in the past decade have failed to be prosecuted because of the statute of limitations for violation of the firearms provisions? What were the reasons for the failure to prosecute the alleged NFA firearms violations within the 3-year statute of limitations? How many NFA firearms violators have been prosecuted in the last decade? How many NFA firearms charges were dropped or reduced by plea bargaining? Has the BATF stated in congressional testimony, or anywhere, that the 3-year statute of limitations for firearms violations has been a significant problem? Out of all the cases prosecuted for NFA firearms violations in the last 5 years, what is the percentage of the convictions obtained?

Now, I ask unanimous consent that the rest of these questions be printed in the RECORD at this point. It may be important for the distinguished Senator from California to answer some of these questions, and I will give her a copy of this so she and her staff can look it over.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL FIREARMS ACT VIOLATIONS—STATUTE OF LIMITATIONS—PROPOSED INCREASE

1. How many cases in the last decade have failed to be prosecuted because of the three year statute of limitations of violations of the firearms provisions NFA?
2. What were the reasons for the failure to prosecute the alleged NFA firearm violations within the three year statute of limitations?
3. How many NFA firearms violators have been prosecuted in the last decade?
4. How many NFA firearms charges were dropped or were reduced by a plea bargain?
5. Has the BATF stated in Congressional testimony, or anywhere, that the three year statute of limitations for firearms violations has been a significant problem for them?
6. Out of all the cases prosecuted for NFA firearms violations in the last five years, what is the percentage of convictions obtained?
7. In the last five years, what percentage of convicted felon for NFA firearm violations are currently serving their sentences in a federal penal institution?
8. Isn't it a fact that under Title I of the Gun Control Act, which is often the subject of indictments also alleging NFA offenses, there is a five year statute of limitations? And isn't also a fact that the three year statute of limitations is overlooked at times by counsel and others? Isn't it true that is the real reason for any cases lost under the NFA statute of limitations is because of human error?
9. If a potential case is brought to the BATF or other relevant federal officials attention's, why would a three year statute of limitations not be sufficient time to bring an indictment against the alleged violator? Shouldn't the punishment for such a crime be swift and effective?
10. After the passage of over three years, evidence becomes stale and witnesses are lost; a defendant is at a great disadvantage to defend himself against charges, what, in terms of fairness, would mandate an extension of that time for prosecutions of NFA firearms violations for another two years?

AMENDMENT NO. 1228

(Purpose: To clarify the procedures for deporting aliens)

Mr. HATCH. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Utah [Mr. HATCH] for Mr. ABRAHAM, proposes an amendment numbered 1228.

Mr. HATCH. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On p. 36, line 16, strike from "to prepare a defense" through the word "imminent" on p. 37, line 12, and insert in its place the following: "substantially the same ability to make his defense as would disclosure of the classified information.

"(C) The Attorney General shall cause to be delivered to the alien a copy of the unclassified summary approved under subparagraph (B).

"(D) If the written unclassified summary is not approved by the court, the Department of Justice shall be afforded reasonable opportunity to correct the deficiencies identified by the court and submit a revised unclassified summary.

"(E) If the revised unclassified summary is not approved by the court, the special removal hearing shall be terminated unless the court, after reviewing the classified information in camera and ex parte issues findings that—

"(i) the alien's continued presence in the U.S. poses as reasonable likelihood of causing

"(I) serious and irreparable harm to the national security; or

"(II) death or serious bodily injury to any person; and

"(ii) provision of either the classified information or an unclassified summary that meets the standard set out in (B) poses a reasonable likelihood of causing

"(I) serious and irreparable harm to the national security; or

"(II) death or serious bodily injury to any person; and

"(iii) the unclassified summary prepared by the Department of Justice is adequate to allow the alien to prepare a defense.

"(F) If the Court makes these findings, the special removal hearing shall continue, and the Attorney General shall cause to be delivered to the alien a copy of the unclassified summary together with a statement that it meets the standard set forth in paragraph (E) rather than the one set forth in paragraph (C).

"(G) If the Court concludes that the unclassified summary does not meet the standard set forth in paragraph (E), the special removal hearing shall be terminated unless the court, after reviewing the classified information in camera and ex parte finds, by clear and convincing evidence, that—

"(i) the alien's continued presence in the United States—

"(I) would cause serious and irreparable harm to the national security; or

"(II) would likely cause ".

Mr. HATCH. Mr. President, I ask unanimous consent that the amendment be set aside. I understand Senator LEAHY is coming to the floor with an amendment to take up immediately following, hopefully, Senator THOMPSON's remarks.

Mr. BIDEN. Mr. President, I know the Senator from Tennessee is waiting, if he allows me 60 seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1214

Mr. BIDEN. Mr. President, I listened to my friend raise questions about the amendment. My response is that all the questions he raised are totally irrelevant.

Whether or not 40 percent of the American people are afraid of their Government, the idea is that who they should be afraid of is anybody walking around with a bomb, grenade, rocket launcher, or a silencer on their gun, or a machine gun. That is who they should be afraid of. Whether there have been prosecutions or not is totally unrelated to whether or not the statute of limitations should be 3 or 5 years. And the notion of dangling over their head the prospect of prosecution—I have zero sympathy for anyone, whether they are a Mafia don, whether they are a rapist, or whether they are someone walking around with a rocket-propelled device, I could give a darn about their concern, if they violate the law. The question is did they violate it or did they not? They will have a chance to prove it in court. The police should have a chance to bring them to court.

With all due respect, I think his questions raised are irrelevant. I hope my friend from California will not bother to answer them, but that is the right of the Senator from California.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I ask unanimous consent that immediately following my remarks here the distinguished Senator from Tennessee be permitted to deliver his remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I do not disagree with Senator BIDEN. When you have terrorists and bomb throwers and rocket launchers and things like that—I do not have any sympathy for them either. But both he and I have been in court before as practicing attorneys where the Federal Government has brought unjust actions against people and dangled them for the full extent of the statute of limitations. We won those cases, but it was not easy and it ruined lives in the process. I have seen that happen. That is what I am concerned about and that is what I think many people are concerned about.

I am not against extending statutes of limitations when they are justified. Maybe in this case they are. I may very well consider voting for this amendment or accepting it. But I want to make sure everybody understands it is not quite as simple as we sometimes paint it on the floor, when 40 percent of the people in this country are afraid of their Government. One reason is because they have seen some unjust prosecutions, criminal prosecutions, that is. That is a matter of concern to me and I think it is to everybody who is worried about what people think in this country.

AMENDMENT NO. 1229

(Purpose: To express the sense of the Congress concerning officials of organizations that refuse to renounce the use of violence)

Mr. HATCH. Mr. President, I send an amendment to the desk for and on behalf of Mr. BROWN and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Utah [Mr. HATCH] for Mr. BROWN proposes an amendment numbered 1229.

Mr. HATCH. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, add the following new section—

"SEC. . TERRORISM AND THE PEACE PROCESS IN NORTHERN IRELAND.

(a) SENSE OF CONGRESS.—It is the Sense of the Congress that—

(1) All parties involved in the peace process should renounce the use of violence and refrain from employing terrorist tactics, including punishment beatings;

(2) The United States should take no action that supports those who use international terrorism as a means of furthering their ends in the peace process in northern Ireland;

(3) United States policy should not discourage any agreement reached in northern Ireland that is ratified by a democratic referendum.

(b) REPORT.—Section 620 of the Foreign Assistance Act of 1961 is amended by adding the following—

"SEC. 620G. REPORT ON NORTHERN IRELAND.

The President shall provide a biannual report beginning 60 days after the date of enactment of this Act to the appropriate committees of Congress on—

(1) The renunciation of violence and steps taken toward disarmament by all parties in the northern Ireland peace process;

(2) Any terrorist incidents in northern Ireland in the intervening six months, their perpetrators, actions taken by the United States to denounce the acts of violence, United States efforts to assist in the detention and arrest of these terrorists and U.S. efforts to arrest or detain any elements that have provided them direct or indirect support;

(3) Fundraising in the United States by the Irish Republican Army, Sinn Fein or any associated organization and whether any of these funds have been used to support international terrorist activities."

Mr. HATCH. I also unanimous consent this amendment be set aside so we can have another amendment called up, presumably by Senator LEAHY, who I understand is coming to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order the Senator from Tennessee is recognized.

Mr. BIDEN. Mr. President, I ask unanimous consent that he yield me 30 seconds.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. The logic of the argument of my friend from Utah would be to reduce the statute of limitations for embezzlement from 5 to 3 years, reduce the statute of limitations for assault from 5 to 3 years, to reduce the statute of limitations for most crimes from 5 to 3 years. I would stand ready to debate him if he wishes to do that.

I yield the floor and thank my friend from Tennessee.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. THOMPSON. Mr. President, we all appreciate the FBI's fine job in investigating the Oklahoma City bombing and tracking down the perpetrators. But all the resources that we vote for the FBI, and all the work that the Marshals Services performs to protect people in Federal buildings, are meaningless if the courts will not put terrorists and other criminals in jail for a long time. And those resources also will be wasted if the Justice Department fails to punish those who are guilty.

The bill before us will strengthen Federal efforts against terrorism. However, the American people should know that we are acting thoughtfully, and are not overreacting. For instance, the bill before us reflects a conscious decision not to pass the administration's proposals to permit roving telephone wiretaps and to significantly increase the role of the military in domestic law enforcement. Before this administration asks for increased authority that could infringe the civil liberties of innocent citizens, it should exercise its already significant authority to punish terrorists.

President Clinton has stated that those who bomb Federal buildings are evil cowards. And he has said that it is wrong for terrorists to try to kill those who lawfully arrest them. Yet, the record of the use of the current authority of the President's Justice Department to fight terrorism fails to match the President's rhetoric.

Rodney Hamrick is a terrorist. He has been convicted of threatening the life of the President, manufacturing an incendiary device while in prison, and making bomb threats against Federal courthouses in Washington and in Elkins, WV. While facing prosecution for threatening to kill the judge who sentenced him, Hamrick built a bomb from materials available at the jail: A 9-volt battery, steel wires, and cigarette lighters. He wrapped the bomb in aluminum and put it in an envelope between a pad and a piece of cardboard. The bomb was designed to detonate when the pad was removed from the envelope. If fully effective, the bomb would have produced a 1000-degree fireball up to 3 feet in diameter.

Hamrick mailed the bomb to the Federal building where the U.S. attorney responsible for prosecuting him worked. When the U.S. attorney opened the envelope, the bomb fortunately did not explode. The U.S. attorney, recognizing the homemade bomb, fled his office. The Marshals Service, FBI, and ATF were called and an Army bomb disposal expert was flow to the scene. He ordered the evacuation of the entire wing of the Federal building. While wearing a full-body kevlar bomb suit, he dismantled the bomb at a distance of 30 feet and a flight of stairs away. Hamrick was convicted of a number of charges related to using a deadly or dangerous weapon and destructive device in perpetrating his attempted murder of a Federal official.

On appeal, a three-judge panel of the fourth circuit held that a dysfunctional bomb was neither a "dangerous or deadly weapon" nor a "destructive device." The court made this ruling despite a unanimous 1986 Supreme Court decision in a bank robbery case that an unloaded gun is a "dangerous or deadly weapon." While the Supreme Court had held that a gun is an article that is typically and characteristically dangerous and instills fear in the average citizen, the panel rules that a dysfunctional bomb is not characteristically dangerous and a combination of wires and a lighter cannot instill fear. It overturned Hamrick's convictions on these counts.

When the Government loses a court case, the Solicitor General determines whether to appeal the decision. Here was a case where an evil coward had tried to bomb a Federal building and kill an important Federal official who had sought to prosecute a terrorist. The facts are extremely similar to the way the President described the Oklahoma City bombing. Additionally, a controlling Supreme Court decision suggested that the fourth circuit panel had decided the case incorrectly.

What did the Clinton Justice Department do? Nothing. As the fourth circuit later wrote:

> The United States, at the direction of the Solicitor General, did not petition either for rehearing or rehearing en banc of the panel's reversal of Hamrick's convictions and sentences on these courts.

Nor did the Justice Department file a petition with the Supreme Court to hear the case. Instead, in an unusual move, the full fourth circuit decided on its own to rehear the case. The full court found that the bomb was a "dangerous or deadly weapon" and affirmed Hamrick's convictions.

Mr. President, a letter bomb mailed to a Federal building is a dangerous or deadly weapon and a destructive device. That is just common sense. But where was the administration when the decision was made to accept the overturning of the criminal charges against this terrorist? Where was the Justice Department, and the Attorney General? They need to be held accountable for a decision that shows insufficient regard for public safety.

And what message does the Justice Department's acquiescence send to Federal law enforcement officials on the line every day, or to Federal prosecutors? Before this administration starts talking tough on terrorism, and about how tough it will act in imposing burdens such as infiltration, roving wiretaps, and searches on law-abiding citizens, it should explain why it has failed to take steps to raise the heat on terrorists.

Consider how the ruling the Justice Department accepted would affect law enforcement. If the original panel decision were the law, bombs that could not operate would not be dangerous or deadly weapons or destructive devices. Now consider how this approach would have applied to the shockingly similar bombing of the Federal building in Oklahoma City. Suppose that the bomber had been arrested for speeding while driving the Ryder truck on the way into Oklahoma City instead of driving the car on the way out. The police would have seen tons of fertilizer and fuel oil in the truck. But the bomber could not have been prosecuted for transporting a destructive device or possessing a deadly or dangerous weapon because the bomb was not yet rigged to explode.

That the Justice Department was willing to accept a ruling that would yield such an astounding result is absolutely unacceptable.

Mr. President, even the defendant in the Hamrick case did not argue that the bomb was not a deadly or dangerous weapon in light of the Supreme Court decision. The Clinton administration was willing to accept a judicial decision that was softer on terrorism than the terrorist himself. The American people are owed an explanation, an apology, and proof that steps have been taken to ensure that the serious mistakes the Justice Department made in Mr. Hamrick's case will not be permitted to happen again. Otherwise, the Clinton administration will have a difficult time credibly fighting terrorism.

I support this legislation, which will strike a proper balance in habeas corpus and will restore the FBI to its pre-Clinton administration hiring levels. But another reason to support the bill is language in section 626, which, in light of the argument that the administration accepted in Hamrick, will clarify that a "deadly or dangerous weapon" includes "a weapon intended to cause death or danger but that fails to do so by reason of a defective or missing component." This language is truly a clarification. Section 111(b) of the Federal Criminal Code always covered assaults on Federal officers with deadly or dangerous weapons, even if by happenstance those weapons misfired, notwithstanding the Clinton administration's position in the Hamrick case. No defendant who has committed an assault on a Federal officer with a defective weapon may use this language to argue that such conduct was legal prior to the date of the passage of this bill. We merely want to prevent other courts from following the fourth circuit's original decision, and we want to prevent the administration from continuing to argue in future cases that a defective bomb is not a deadly or dangerous weapon. I commend Senators DOLE and HATCH for including this language in their substitute amendment. And I hope that the bill sends a message to the administration to apply common sense to prosecute terrorists like Rodney Hamrick to the fullest extent of existing law.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ASHCROFT). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The Senator from Vermont has a right to offer an amendment.

AMENDMENT NO. 1238 TO AMENDMENT NO. 1199

(Purpose: To provide assistance and compensation for U.S. victims of terrorist acts, and for other purposes)

Mr. LEAHY. I thank the Chair, and, in a moment, I will offer my amendment.

Let me just mention, Mr. President, we need to look at what happens when we go after terrorists. As a former prosecutor, I feel that if somebody commits a crime, especially serious crimes like this, we ought to be able to have every possible way of going after that person. They ought to be prosecuted. They ought to be brought to justice. They ought to pay for their crime.

But also as a former prosecutor, I have seen so often the person who is neglected is the victim. We can spend sometimes millions of dollars going after somebody who has perpetrated a crime, especially a heinous crime, but nothing is done to help the victim.

We saw in the continuing tragedy of the downing of Pan Am Flight 103 over Lockerbie, Scotland, the United States Government had no authority to provide assistance or compensation to the victims of that heinous crime. It was the same thing with the victims of the *Achille Lauro* incident. There has been no authority in the law for the Department of Justice to respond to these victims through our crime victims programs. I think it is wrong, and it can be remedied. The amendment I am about to offer would do that.

We had a report to the Congress last summer from the Office for Victims of Crime at the U.S. Department of Justice that identified a related problem. Both the ABA and the State Department have commented on their concern. They said that crime victims' compensation benefits should be provided to U.S. citizens who have been victimized in another country.

If you are a U.S. citizen and you get hit during a terrorist attack in another country, because you are a U.S. citizen, you ought to at least have the benefit of programs that are already in place in this country. Our citizens are deserving of the same protection whether they are hit by terrorists in Washington, DC, or hit by terrorists in Beirut, Lebanon.

The Victims of Terrorism Act, which I am about to offer as an amendment, provides authority to respond to the consequences of violent extremism abroad and also here at home.

We have been shielded from much of the terrorism perpetrated abroad. We see buildings blown up, cars bombed, people shot, leaders assassinated in other parts of the world. Now we are witnessing similar incidents here at home. We see what happened at the World Trade Center in New York, we see assaults on the White House, the Oklahoma City situation.

The Victims of Terrorism Act would add to the Victims of Crime Act provisions for supplemental grants to States to provide emergency relief in the wake of a violent incident that might otherwise overwhelm a State. I look at the tremendous job the people of Oklahoma and the local and State authorities did, but they were overwhelmed. This is the time when they need help from all of us as citizens. Certainly, if something this terrible happened in my own State of Vermont, the sympathy would be there, and I know Vermonters well enough to know all Vermonters would rally, but there would be no way we could handle all the problems.

I want to commend the National Organization for Victims Assistance and all the volunteers and others who have been so critical in providing timely assistance to the Oklahoma City bombing victims. We should acknowledge their heroic activities. My amendment would allow them to do more.

Mr. President, I send to the desk the Victims of Terrorism Act, an amendment I propose to the amendment proposed by Mr. DOLE.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY] proposes an amendment numbered 1238 to amendment No. 1199.

Mr. LEAHY. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 160, after line 19, insert the following:

TITLE X—VICTIMS OF TERRORISM ACT

SEC. 1001. TITLE.

This title may be cited as the "Victims of Terrorism Act of 1995".

SEC. 1002. AUTHORITY TO PROVIDE ASSISTANCE AND COMPENSATION TO VICTIMS OF TERRORISM.

The Victims of Crime Act of 1984 (42 U.S.C. 10601 et seq.) is amended by inserting after section 1404A the following new section:

"SEC. 1404B. COMPENSATION AND ASSISTANCE TO VICTIMS OF TERRORISM OR MASS VIOLENCE.

"(a) VICTIMS OF ACTS OF TERRORISM OUTSIDE THE UNITED STATES.—The Director may make supplemental grants to States to provide compensation and assistance to the residents of such States who, while outside the territorial boundaries of the United States, are victims of a terrorist act or mass violence and are not persons eligible for compensation under title VIII of the Omnibus Diplomatic Security and Antiterrorism Act of 1986.

"(b) VICTIMS OF DOMESTIC TERRORISM.—The Director may make supplemental grants to States for eligible crime victim compensation and assistance programs to provide emergency relief, including crisis response efforts, assistance, training, and technical assistance, for the benefit of victims of terrorist acts or mass violence occurring within the United States and may provide funding to United States Attorneys' Offices for use in coordination with State victims compensation and assistance efforts in providing emergency relief.".

SEC. 1003. FUNDING OF COMPENSATION AND ASSISTANCE TO VICTIMS OF TERRORISM, MASS VIOLENCE, AND CRIME.

Section 1402(d)(4) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(d)(4)) is amended to read as follows:

"(4)(A) If the sums available in the Fund are sufficient to fully provide grants to the States pursuant to section 1403(a)(1), the Director may retain any portion of the Fund that was deposited during a fiscal year that was in excess of 110 percent of the total amount deposited in the Fund during the preceding fiscal year as an emergency reserve. Such reserve shall not exceed $50,000,000.

"(B) The emergency reserve may be used for supplemental grants under section 1404B and to supplement the funds available to provide grants to States for compensation and assistance in accordance with section 1403 and 1404 in years in which supplemental grants are needed.".

SEC. 1004. CRIME VICTIMS FUND AMENDMENTS.

"(a) UNOBLIGATED FUNDS.—Section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601) is amended—

(1) in subsection (c), by striking "subsection" and inserting "chapter"; and

(2) by amending subsection (e) to read as follows:

"(e) AMOUNTS AWARDED AND UNSPENT.—Any amount awarded as part of a grant under this chapter that remains unspent at the end of a fiscal year in which the grant is made may be expended for the purpose for which the grant is made at any time during the 2 succeeding fiscal years, at the end of which period, any remaining unobligated sums shall be returned to the Fund.".

(b) BASE AMOUNT.—Section 1404(a)(5) of such Act (42 U.S.C. 10603(a)(5)) is amended to read as follows:

"(5) As used in this subsection, the term 'base amount' means—

"(A) except as provided in subparagraph (B), $500,000; and

"(B) for the territories of the Northern Mariana Islands, Guam, American Samoa, and Palau, $200,000.".

Mr. LEAHY. Mr. President, when the bomb exploded outside the Murrah Federal Building in Oklahoma City last month, my thoughts and prayers and I suspect that those of all Americans turned immediately to the victims of this horrendous act. The terrorism legislation that has been introduced for our consideration, however, is silent with respect to victims of terrorism.

This amendment is intended to fill that void left in this bill and include attention to those who suffer immediately and directly from violent extremism. It is my desire that this amendment, to include attention to victims of terrorism in the bill, will provide a series of changes in our growing body of law recognizing the rights and needs of victims of crime on which we can quickly reach agreement.

No one will deny that a comprehensive approach to terrorism demands attention to the victims of terrorism. That is what this amendment will provide.

The amendment helps correct a gap in the law for residents of the United States who are victims of terrorism that occurs outside the borders of the United States and who are not in the military, civil service or civilians in the service of the United States and, therefore, not eligible for benefits in accordance with the Omnibus Diplomatic Security and Antiterrorism Act of 1986.

Thus, this amendment, the Victims of Terrorism Act, adds to the Victims of Crime Act provisions that authorize supplemental grants to the States to provide compensation and assistance for residents of such States who are victims of terrorism or mass violence while overseas.

One of the continuing tragedies of the downing of Pan Am flight 103 over Lockerbie, Scotland, is that the United States Government had no authority to provide assistance or compensation to the victims of that heinous crime. Likewise, the U.S. victims of the *Achille Lauro* incident could not be given aid. There has simply been no authority in our law for the Department of Justice to respond to these victims through our crime victims' programs. This is wrong and will be remedied by this amendment.

In its report to Congress last summer, the Office for Victims of Crime at the U.S. Department of Justice identified a related problem. both the ABA and the State Department have commented on their concern and their desire that crime victims compensation benefits be provided to U.S. citizens victimized in other countries. This is an important step in that direction.

Certainly U.S. victims of terrorism overseas are deserving of our support and assistance.

In addition, this Victims of Terrorism Act provides authority to respond to the consequences of violent extremism here at home. We in this country have been shielded from much of the terrorism perpetrated abroad. That sense of security has been shaken by the bombing in Oklahoma City, the destruction at the World Trade Center in New York, and the assaults upon the White House.

The Victims of Terrorism Act adds to the Victims of Crime Act provisions for supplemental grants to States to provide emergency relief in the wake of an act of terrorism or mass violence that might otherwise overwhelm the resources of a State's crime victims compensation program and crime victims assistance services.

We all applaud the efforts of our Office for Victims of Crime in the wake of the Oklahoma City bombing. It helped to organize a crisis response team of specially trained professionals who were dispatched within hours to the disaster. I know that the National Organization for Victims Assistance was critical in providing timely assistance to Oklahoma City victims and thank and acknowledge their heroic efforts.

This amendment will allow them to do more. I want to thank the dedicated officials at the Department of Justice Office for Victims of Crime, John Stein of the National Organization for Victims Assistance, Dan Eddy of the National Association of Crime Victims Compensation Boards, and David Beatty of the National Victim Center for their help, counsel, and suggestions in connection with this amendment.

The amendment builds on the crime victims assistance programs of the States and Federal victims assistance provided through our U.S. attorney's offices to furnish emergency assistance in times that demand it. I propose that we allow the Attorney General and the Office for Victims of Crime, additional flexibility in its targeting of resources to victims of terrorism, mass violence, and the trauma and devastation that they cause.

The Victims of Terrorism Act's supplemental grants to provide compensation and assistance to victims of terrorism and mass violence are funded through an emergency reserve established as part of the crime victims fund. I do not intend for this emergency reserve to be established at the expense of our States' ongoing compensation and assistance programs. Indeed, funds are not available for the reserve until the full annual compensation grants are funded and the crime victims fund has received in excess of 110 percent of the amount deposited in the previous year so that assistance programs will be adequately funded, as well.

The emergency reserve will also serve as a rainy day fund to supplement compensation and assistance grants to the States for years in which deposits to the crime victims fund are inadequate. There have been deep swings in the amount of funding deposited annually and, therefore, available for distribution. This emergency reserve will provide the Director with the means to even out what would otherwise be wide variations in annual grants and allow those providing these critical services some additional confidence that funding will be available even following a year of poor deposits.

The emergency reserve's ceiling of $50 million is intended to allow confidence and the vital resources needed to take action to supplement grants in down years. In order to serve its intended purposes, the emergency reserve and, for that matter, the entire crime victims fund must be accorded respect and security. This is a trust fund that is dedicated to critical needs.

I hope through the provisions of this act to provide some greater certainty to our State and local victim's assistance programs so that they can know that our commitment to victims programming will not wax and wane with events. Accordingly, the amendment would allow grants to be made for a 3-year cycle of programming, rather than the year of award plus one, which is the limit contained in current law. This change reflects the recommendation of the Office for Victims of Crime contained in its June 1994 report to Congress.

Our State and local communities and community-based nonprofits cannot be kept on a string like a yoyo if they are to plan and implement victims' assistance and compensation programs. They need to be able to program and hire and have a sense of stability if these measures are to achieve their fullest potential.

I know, for instance, that, in Vermont, Lori Hayes and Pat Hayes at the Vermont Center for Crime Victims Services; Judy Rex and the Vermont Network Against Domestic Violence and Sexual Abuse; Karen Bradley from the Vermont Center for Prevention and Treatment of Sexual Abuse; and others, provide tremendous service under difficult conditions. Such dedicated individuals and organizations will be greatly aided by increasing their programming cycle by even 1 year. Three years has been a standard that has worked well in other settings.

Unfortunately, even with the recently announced decreases in violent crime, it is certain that we will have too many crime victims who need assistance in the years ahead. While we have made progress over the last 15 years in recognizing crime victims' rights and providing much-needed assistance, we still have more to do. It is in recognition of these needs and the additional authorities and scope being added to the Victims of Crime Act by this Victims of Terrorism Act that I include a provision to raise the base amount for small States from $200,000 to $500,000 for their assistance programs. This is funding that will be put to good use.

I am proud to have played a role in passage of the Victims and Witness Protection Act of 1982, the Victims of Crime Act of 1984, the Victims' Rights and Restitution Act of 1990 and the victims provisions included in such measures as the Federal Courts Administration Act of 1992 and the Violent Crime Control and Law Enforcement Act of 1994.

My greatest hope would be that the Victims of Terrorism Act, while improving our responsiveness to national tragedies, need never be invoked. My concern is that we have not seen the end to terrorism or mass violence and that its provisions will be important in our future.

A number of our colleagues have great interest in crime victims legislation, including Senators HATCH, BIDEN, FORD, DEWINE, KYL, and MCCAIN and I look forward to working with them on these important matters. In connection with this amendment I want to thank, in particular, Senators HATCH, BIDEN, and MCCAIN for working with me on it.

We can do more to see that victims of crime, including terrorism, are treated with dignity and assisted and compensated with Government help.

I ask unanimous consent to have printed in the RECORD a letter of support for this amendment from the National Organization for Victims Assistance, which outlines many of the its benefits.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL ORGANIZATION
FOR VICTIM ASSISTANCE,
Washington, DC, June 5, 1995.

Hon. PATRICK J. LEAHY,
U.S. Senate,
Washington, DC.

DEAR SENATOR LEAHY: I write to express the enthusiastic support of the National Organization for Victim Assistance for your proposed amendment to the anti-terrorism bill now before the Senate—an amendment that would establish vitally needed services for the victims of terrorism through the structure of the Victims of Crime Act (VOCA) and its Crime Victims Fund.

Let me give you a sense of the need for such an emergency service from our perspective:

When we tried to assist the relatives of Americans held hostage in Beruit, one service we tried to give them was the wherewithal to make telephone calls to friends and family—a healthy coping device which virtually every hostage family uses extensively, often causing them financial hardship. We found a charitable businessman who volunteered to organize contributions to a free phone service for a designated member of each family. Sadly, the contributions dried up before the hostage crisis ended.

We also tried to help the niece and nephew of Peter Kilbourne return his body from the East Coast for burial in his home state of California (the State Department being authorized to transport the remains of the slain hostage only to the nearest U.S. port of entry). Happily, we connected the relatives to an imaginative victim advocate in Santa Clara County, who persuaded the state victim compensation program to underwrite the transportation and burial costs. Unfortunately, few American victims of terrorism overseas have such a connection to a victim advocate, and very few compensation programs have the authority to assist its citizens who are victimized beyond the borders of the United States.

And as the coordinator of NOVA's Crisis Response Team that arrived in Oklahoma City the same day that its Federal Building was bombed, I sensed immediately that which is now being slowly documented—that those who had experienced significant, immediate emotional crisis numbered in the scores of thousands, that those at risk of experiencing persistent crisis reactions are surely in the thousands, and that those at risk of debilitating post-trauma stresses number at least in the hundreds. NOVA's ongoing planning work with just one institution—the city school system—shows us that, whatever good has been done by our volunteer crisis counselors and their counterparts in Oklahoma City, the need for caregiving services over the next year or two far exceeds available resources, and that full-time crisis counselors and post-trauma therapists must be hired for the task if society is to perform the same healing services for these victims as for victims of other violent crimes.

Your proposal to meet this need is not merely timely and compassionate but inspired:

It would rename the existing financial reserves in the Crime Victims Fund by calling them an "emergency reserve," which precisely describes both its original purpose—to cover any shortfall in the Fund's revenues in a given year—and to circumscribe the purposes for which the new authorization is being created—a class of emergencies for which there are no victim assistance resources at present;

It would raise additional revenues for the Fund to help cover the new expenses;

It would cover domestic acts of "mass violence" so that one need not immediately ascertain the motives of a terror-inducing criminal before acting to assist the affected community; and

It would place on the Director of the Office for Victims of Crime the task of devising appropriate regulations, presumably in consultation with the State Department and administrators of state victim assistance and compensation programs, among others, so that the emergency authority can be invoked quickly, frugally, and imaginatively.

Let me add a final thought: in our ongoing work with "Operation Heartland" in Oklahoma City—the cooperative enterprise of city, county, state, and federal agencies to ease the pains of thousands of victims of the Murrah Federal Office Building bombing—we have seen just how the resources of your amendment would be put to use—quickly and effectively. The same is true of the monumental task that will someday face city, county, and federal criminal justice agencies, that is, how to meet their burdens of preserving the victims' rights when prosecuting a crime which, by design, produced thousands of anguished and grieving victims of violence.

For these reasons, we very much hope that your amendment will enjoy bipartisan support and speedy enactment.

Sincerely,

JOHN H. STEIN,
Deputy Director.

Mr. LEAHY. Mr. President, I see the distinguished chairman of the Senate Judiciary Committee on the floor, who is seeking recognition. I will yield to him for whatever purpose he may need.

Mr. HATCH. I thank my colleague. I wonder if we can defer further debate on his amendment, so that I can file a bill and make a speech on the bill.

Mr. LEAHY. Of course.

Mr. HATCH. Senator BENNETT is coming over as well. Maybe we can do it right after lunch.

Mr. LEAHY. I also have an amendment somewhat related that I was going to offer on behalf of Senator MCCAIN and myself. I will withhold doing that so that the Senators from Utah can offer their bill.

Mr. HATCH. Why do you not call it up and then we will set it aside.

AMENDMENT NO. 1240 TO AMENDMENT NO. 1199

(Purpose: To increase the special assessment for felonies and extend the period of obligation)

Mr. LEAHY. Mr. President, I send an amendment to the desk on behalf of Senator MCCAIN and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY], for Mr. MCCAIN, for himself and Mr. LEAHY, proposes an amendment numbered 1240 to amendment No. 1199.

Mr. LEAHY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place insert the following new section:

SEC. . SPECIAL ASSESSMENTS ON CONVICTED PERSONS.

(a) INCREASED ASSESSMENT.—Section 3013(a)(2) of title 18, United States Code, is amended—

(A) in subparagraph (A), by striking "$50" and inserting "not less than $100"; and

(B) in subparagraph (B), by striking "$200" and inserting "not less than $400".

Mr. LEAHY. I am pleased to cosponsor this amendment, which mirrors provisions contained in legislation previously introduced by the Senator from Arizona [Mr. MCCAIN], and provisions contained in the amendment I had filed to this bill.

In 1984 when we established the crime victims fund to provide Federal assistance to State and local victims compensation and assistance efforts, we funded it with fines, penalties, and assessments from those convicted of Federal crime. The level of required contribution was set low; 10 years have passed and it is high time to adjust the assessments.

The amendment serves to double the assessments under the Victims of Crime Act against those convicted of Federal felonies. This should provide critical additional resources to assist all victims of crime, including those who are victims of terrorism or mass violence.

I do not think that $100 is too much for those individuals convicted of a Federal felony to contribute to help crime victims.

I do not think that $500 is too much to insist that corporations convicted of a Federal felony contribute to crime victims. The amendment would raise these to be the minimum level of assessment against those convicted of such crimes and provides judges with the discretion to assess higher levels when appropriate.

In connection with these provisions, I acknowledge the work of our colleague, the senior Senator from Arizona [Mr. McCAIN]. I know that he has been actively seeking to raise these special assessments for some time and I am glad that we are able to join together in this effort. He deserves much credit for his ongoing efforts on behalf of crime victims.

I look forward to our continuing to cooperate in additional efforts on behalf of victims of crime, terrorism, and mass destruction. We have much to do if we are to improve collections for the crime victims fund and if we are to augment the critical resources needed by our victims compensation and assistance programs. This is an amendment that will help provide additional resources for meeting critical needs.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah is recognized.

(The remarks of Mr. HATCH and Mr. BENNETT pertaining to the introduction of S. 884 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

COMPREHENSIVE TERRORISM PREVENTION ACT

The Senate continued with the consideration of the bill.

Mr. DOLE. Mr. President, I will just take a moment. I want to get an update on where we are on the pending legislation.

We hope to finish this today. I appreciate the President's efforts, along with the Democrat leader and the manager on the other side, to reduce the number of amendments on that side of the aisle. We have been making the same effort here.

I wonder if the distinguished chairman of the Judiciary Committee, Senator HATCH, might be in a position to indicate how many amendments are remaining on this side or on both sides, if he knows.

Mr. HATCH. We have only disposed of three amendments. We have disposed of a few others by unanimous consent. But of the 32 GOP amendments, only 1 as been accepted; 5 are pending. I expect at the most, only 3 more. We are basically down to a very few on the Republican side. On the Democrat side, they have only offered five amendments. We voted on one of them. That was the taggants amendment. That would leave over 60 unknown or unoffered Democrat amendments.

We have to, it seems to me, if we are going to finish tomorrow, we have to break those down and come up with a limited list, as the Republicans are doing.

Mr. DOLE. It is my understanding that maybe after the policy lunches that we have every Tuesday that maybe there will be an announcement on the other side that a number of the amendments have been dropped.

It seems to me, and I have not seen the list that may be remaining, a number of these amendments are not directly related to antiterrorism or what happened in Oklahoma City or anywhere else.

If there will be a pattern of amendments offered just for the purpose of making points which we believe can be made at another time—I do not suggest people should not have a right to make whatever point they want to make—this is legislation that the President has asked for. It is nonpartisan. It is bipartisan. We have worked together on it. It is part of Senator HATCH's efforts, part of my efforts, part of the President's efforts, part of the efforts of my colleague on the other side. We want to pass it.

The President complains about delay in the Senate. Much of the delay is because of a number of amendments on the other side. It may be the only way we can finish this bill is A, to start tabling amendments that are not directly related to this bill, and I will let the chairman of the committee, Senator HATCH make that decision. That would be one way to expedite passage, to table those amendments which can be offered at a later time, or, B, to invoke cloture. A cloture petition has been filed, and the cloture vote will occur if for some reason we do not finish the bill late this evening, early in the morning. By 8:30 or 9 o'clock, we will have a cloture vote.

Hopefully, that would eliminate a lot of the nongermane amendments. I urge my colleagues on both sides, not just one side, both sides of the aisle, if there are amendments that are somewhat related or Members would like some political point or some other point, let Members pass this legislation.

The other bill is up this year and those amendments can be offered. This legislation is important. We would like to dispose of it today. I hope we can have the cooperation of Members on both sides of the aisle.

I ask that the Senate stand in recess according to the previous order.

RECESS UNTIL 2:15 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:43 p.m., recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. GRAMS].

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMPREHENSIVE TERRORISM PREVENTION ACT

The Senate continued with the consideration of the bill.

AMENDMENT NO. 1214

Mr. HATCH. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is the Boxer amendment, No. 1214.

Mr. HATCH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, after a lot of negotiations I am prepared to accept the amendment. I understand the distinguished Senator from Delaware will accept the amendment.

So, at this point, if it is urged I will accept it.

The PRESIDING OFFICER. Is there further debate on the amendment? The Senator from California.

Mrs. BOXER. Mr. President, I thank my friend. I know there were some who had some problems with the amendment, at least parts of the amendment. I just want to say to my friend, to me this is a very important amendment because it really does relate to the Oklahoma City incident and that is my major purpose here. If we have a 5-year statute of limitations so the police can catch someone who impersonates Smokey the Bear, we should have a 5-year statute to be able to close a case against people who would make a bomb and break other portions of this law.

So I want to say to my friend that I am most appreciative. I know it was contentious on his side. I look forward to following this bill through and seeing this when the bill comes back from conference.

Would it be in order to now ask for the amendment to be voted on?

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from California.

The amendment (No. 1214) was agreed to.

Mrs. BOXER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HATCH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATCH. Mr. President, what is the pending business before the Senate?

The PRESIDING OFFICER. The pending business is now amendment No. 1240 offered by the Senator from Vermont, [Mr. LEAHY].

Mr. HATCH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. I understand that the distinguished Senator from Nebraska is about to call up an amendment. So I yield the floor.

Mr. KERREY addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

AMENDMENT NO. 1208 TO AMENDMENT NO. 1199

(Purpose: To authorize funding for the Bureau of Alcohol, Tobacco and Firearms and the U.S. Secret Service)

Mr. KERREY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. If there is no objection, the pending amendment is set aside, and the clerk will report.

The legislative clerk read as follows:

The Senator from Nebraska [Mr. KERREY], for himself, Mr. D'AMATO, Ms. MIKULSKI, and Mr. SHELBY, proposes an amendment numbered 1208 to amendment No. 1199.

Mr. KERREY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the pending substitute amendment No. 1199, insert the following:

SEC. . AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR THE DEPARTMENT OF THE TREASURY.

(a) IN GENERAL.—There are authorized to be appropriated for the activities of the Bureau of Alcohol, Tobacco and Firearms, to augment counter-terrorism efforts—

(1) $20,000,000 for fiscal year 1996;
(2) $20,000,000 for fiscal year 1997;
(3) $20,000,000 for fiscal year 1998;
(4) $20,000,000 for fiscal year 1999; and
(5) $20,000,000 for fiscal year 2000.

(b) IN GENERAL.—There are authorized to be appropriated for the activities of the United States Secret Service, to augment White House security and expand Presidential protection activities—

(1) $62,000,000 for fiscal year 1996;
(2) $25,000,000 for fiscal year 1997;
(3) $25,000,000 for fiscal year 1998;
(4) $25,000,000 for fiscal year 1999; and
(5) $25,000,000 for fiscal year 2000.

Mr. KERREY. Mr. President, I offer this amendment on behalf of myself and Senator SHELBY of Alabama, Senator D'AMATO of New York and Senator MIKULSKI of Maryland.

The amendment that I am offering authorizes funding of $262 million over 5 years for the U.S. Secret Service and the Bureau of Alcohol, Tobacco and Firearms. Of this, $100 million goes to BATF and $162 million goes to the U.S. Secret Service.

The substitute we are considering contains an authorization of $1.779 billion from the violent crime reduction trust fund for the various law enforcement agencies. Over 5 years, it authorizes $1.226 billion for the FBI, $400 million for the Drug Enforcement Administration, and $100 million for the U.S. attorneys, $25 million for INS, and $28 million for the U.S. Customs Service.

I trust the evaluation of how allocations occur across various law enforcement agencies was done in a very thoughtful and deliberative fashion. However, I believe the exclusion of ATF and the Secret Service from the allocation of resources inside of this antiterrorism bill will impair Treasury's capacity to engage in antiterrorism efforts. Thus, I offer this amendment to authorize resources for both the Bureau of Alcohol, Tobacco and Firearms and the Secret Service.

Since 1970, the Bureau of Alcohol, Tobacco and Firearms has been mandated to enforce the criminal and regulatory provisions of the Federal explosives law.

ATF has regulatory oversight of the legal explosives industry in excess of 10,000 licensees and permittees. ATF personnel have unequaled experience in identifying the postblast explosive devices, components, and logistics involved in investigating postblast crime scenes of any size.

The fiscal year 1995 supplemental and rescissions conference report, just approved by this body, provides quarter-year funding for the hiring of 175 new agents, inspectors, and intelligence analysts for ATF, as requested by the administration.

These positions will be used to form four new national response teams for the purpose of responding within 24 hours to assist State and local law enforcement and fire service personnel in on-site investigations in the event of an explosion or fire. Each team is composed of veteran special agents having postblast, fire cause and origin expertise, forensic chemist and explosive technology expertise. The 59 inspection and intelligence analyst positions will be devoted to the inspection and investigation of groups and/or individuals in violation of Federal explosives laws.

The Bureau of Alcohol, Tobacco and Firearms has been much maligned over the years. Much of this criticism, in my view, has been unjustified. I am quick to point out, some of the criticism is justified. This is an agency, like virtually any other in Government, that has not been operated in a perfect fashion. Alcohol, Tobacco and Firearms does not enact the laws related to guns, but is instead sworn to execute the laws which originate from this body, that is the U.S. Congress. In my opinion, if we do not like the laws, we ought to change them rather than taking, in this case, action that might make it difficult for ATF to carry out the intent of the law.

On those occasions when mistakes may have been made in the execution of laws, Alcohol, Tobacco and Firearms has undergone extensive independent review by a diverse group of respected professionals. It has taken its fair share of justified criticism and its fair share of justified praise as well.

Despite ATF's contributions to cases of great notoriety, ATF rarely receives their due credit. The World Trade Center bombing serves as the most recent example. While that investigation was a massive joint law enforcement effort, it was an ATF agent's determination and ingenuity that resulted in the discovery of one of the most significant pieces of evidence in that tedious investigation, the vehicle ID number.

ATF's contributions to the investigations of over 1,600 arson cases last year were not realized by the majority of the American people. Again, ATF just did its job.

Turning to the Secret Service, Mr. President, the White House complex symbolizes the executive branch of Government. More than 1 million American citizens a year tour the White House, and tens of thousands of White House complex appointments are processed during that same period of time. With the recent closing of Pennsylvania Avenue to vehicular traffic, pedestrian traffic will increase above and beyond the thousands of people who view the White House and surrounding areas.

The White House carries with it both national security and symbolic value which must be protected. Publicized threats of the White House complex in the past several years have caused us to be not just concerned about the safety of the President and the President's family, but also concerned about the executive branch personnel that very often operate inside the White House, as well as other individuals operating and doing business at the White House.

The April 19 Oklahoma City tragedy served to heighten the collective awareness and is, in part, the catalyst to which the closing of Pennsylvania Avenue is generally attributed. I know from personal experience that what many people saw with the Oklahoma

City bombing is the idea that it would be relatively easy now to take a different approach if they had a desire to attack the White House, attack the President, or attack other personnel. Thus, the closing of Pennsylvania Avenue, though it is, in my judgment, an appropriate action, it is just one step in trying to make sure we do all we can to protect this symbol of the United States of America and protect the people who work and do business in it.

Consistent with the recommendations from a recently completed review of White House security, the amendment I am offering will authorize security enhancements at the White House to help the Secret Service ensure that the White House and the First Family are not at risk.

Press reports I have seen since the Oklahoma City bombing indicate threats to the President have increased by 100 percent.

The amendment I am offering as well, Mr. President, authorizes funding for the hiring of 250 additional positions for the Presidential protection division, uniformed division officers, countersniper teams, foot and vehicular patrols, canine officers, and intelligence and physical security specialists.

In addition, it authorizes the purchase of technical security equipment and devices and will permit physical security structural enhancements around the White House complex.

The Secret Service is responsible as well for the protection of foreign heads of state and Presidential candidates. This October, the U.N. General Assembly is projected to have its largest gathering of heads of states, including a Papal visit. All these will require increased Secret Service personnel.

In approximately 7 months, the Secret Service will begin the year-long task of protecting Presidential candidates. How can these challenges and responsibilities not be addressed in any discussion of terrorism?

The Secret Service has for over 125 years been responsible for the integrity of our currency. Counterfeiting of U.S. currency has in recent years shifted dramatically from domestic to foreign production and trends point toward the distribution of high-quality counterfeit U.S. currency by terrorist organizations, as well as arms traffickers and drug dealers.

Pursuing these investigations related to foreign production of counterfeit U.S. currency by such groups should also be a focus in counterterrorism legislation.

The Secret Service possesses unique forensic capabilities relating to handwriting, fingerprinting, ink and paper, just to name a few. They have in the past and will continue in the future to provide these capabilities to assist the investigative efforts of other Federal, State, and local agencies. While I do not argue that the FBI holds much of the responsibility in combating terrorism, it seems to me the challenges and responsibility of Treasury law enforcement agencies have been overlooked.

The bill we are considering is entitled the "Comprehensive Terrorism Prevention Act of 1995," but I do not believe it can be comprehensive unless we include funding for both the Bureau of Alcohol, Tobacco and Firearms and the Secret Service.

Mr. President, I appreciate the manager of the bill allowing me to offer the amendment at this particular time. I urge the adoption of this amendment.

The PRESIDING OFFICER. Is there any further debate?

Mr. HATCH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KERREY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. KERREY. Mr. President, I ask unanimous consent that John Libonati, a legislative fellow with the Appropriations Committee, be permitted the privilege of the floor during the remainder of the debate on S. 735.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. D'AMATO. Mr. President, I support the amendment offered by my colleague, Senator KERREY. This amendment will correct what I believe to be an oversight in the authorization for Federal law enforcement. The current antiterrorism bill, S. 735, while providing substantial funding for some Federal law enforcement entities, overlooked the responsibilities and jurisdictions of the U.S. Secret Service.

The U.S. Secret Service is responsible for the protection of the President of the United States, the Vice President of the United States, and their families. The U.S. Secret Service is also responsible for protecting Presidential and Vice Presidential candidates as well as any head of state visiting the United States. This vast cross section of political entities, that fall within the protective realm of the U.S. Secret Service, continues to attract the interest of numerous terrorist and antigovernment organizations. Due to the recent bombings of the World Trade Center and Oklahoma City, the air intrusion of the White House, and the several shootings directed at the White House, additional security measures have been instituted by the Secret Service, while the funding levels have remained the same. One of the most publicized and controversial security measures that was instituted was the closing of Pennsylvania Avenue to vehicular traffic. This, while being the most visible security enhancement was merely one of dozens that have been effected by the Secret Service without any increase in their funding.

The Secret Service is in need of increased resources to cover expenses in several areas: First, an increased presence of U.S. Secret Service Uniform Division officers. These officers will reinforce the current patrol capabilities and insure greater safety not only for the President, employees of the White House complex, and visiting dignitaries, but for the thousands of citizens who visit the White House and our monuments on a daily basis. The Secret Service also needs to increase their personnel levels within their intelligence branch as well as their protective details. And finally, several of the physical and technological security features of the White House need to be upgraded to deal with the increased and organized threats emanating from these terrorist entities.

The U.S. Secret Service has been recognized as the preeminent law enforcement agency in the world for its protective expertise. This funding will help insure that these capabilities are not diminished, and their vital mission is not impeded due to a lack of funding.

Mr. KERREY. I suggest the absence of a quorum.

Mr. BIDEN. Will the Senator withhold that request?

Mr. KERREY. Yes.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, while the distinguished chairman of the committee is, I guess, deciding how, when, and under what circumstances to respond to the amendment of the Senator from Nebraska, I just want to bring the Senate, and particularly the Democrats, up to date.

I would like every Democrat who has an amendment to come to the floor as soon as they can or communicate to the Cloakroom whether or not they intend to go forward with their amendment and if we can enter into a time agreement on their amendment, if they insist on going forward.

I will say, and I have been discussing this with the Republican manager of the bill, that we have narrowed the list of amendments even further and we have gotten time agreements on 80 percent of the amendments on the Democratic side that are left. The longest request for any time on an amendment is 2 hours. Most are in the range of 20 to 30 minutes. So we are making significant progress.

There are three Senators who are ready to move on amendments that have short time agreements. Senator KENNEDY has agreed to a 30-minute time agreement on his first amendment; Senator BRADLEY, who is to go next if we can work that out, has agreed to, I believe it is a 20-minute time agreement. This is being typed up now. But this is to give some people notice for planning purposes.

Senator BRADLEY has agreed to 30 minutes on his amendment characterized as relating to cop-killer bullets. Senator KENNEDY has agreed to 20 minutes on his amendment that is characterized as relating to multiple gun purchases; and Senator LAUTENBERG has agreed to 1 hour equally divided on his civilian marksmanship amendment.

It is my hope that when we dispose of the Kerrey amendment, which I hope will occur very shortly; that we can agree to take up those amendments under such time agreement—I am not asking unanimous consent for that now; that is being checked in the Republican Cloakroom—and then I can assure my colleagues on the Democratic side, we have additional amendments we are prepared to go to with very short time limits. It is still my hope and expectation that we can finish this bill or come perilously close to finishing this bill tonight.

In the meantime, while the Republican Cloakroom is determining whether or not such a unanimous-consent request would be in order for the next three amendments, I will suggest the absence of a quorum.

Mr. KENNEDY. Mr. President, I would be glad to speak to my amendment rather than have a quorum call if it is agreeable.

Mr. BIDEN. Fine. Mr. President, I think that is fine.

The PRESIDING OFFICER. The Senator from Massachusetts.

PRIVILEGE OF THE FLOOR

Mr. KENNEDY. Mr. President, I ask unanimous consent that Michael Myers and Lauren Cohen, fellows in my office, be granted the privilege of the floor during the pendency of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

ASSISTING LOCAL LAW ENFORCEMENT

Mr. KENNEDY. Mr. President, my amendment is designed to assist law enforcement officials in tracking the incidence of multiple handgun purchases. The stockpiling of weapons is at the heart of the terrorist threat to the country, and this amendment is a needed step to help address the problem.

Under current law, when an individual purchases more than one handgun in a 5-day period, the gun dealer from whom the weapons are purchased must submit a multiple handgun purchase form to Federal, State and local law enforcement agencies. The requirement for this notification to State and local police was included in the law as part of the Brady bill substitute proposed by the majority leader, Senator DOLE.

Under this provision in current law, however, State and local police are required to destroy the records after 20 days. As a result, the notification system is largely useless to State and local authorities. In 20 days, it is impossible to detect the purchasing patterns which might indicate that particular individuals or groups are stockpiling weapons, amassing arsenals, or engaging in illegal guntrafficking.

My amendment eliminates the requirement that these important records be destroyed. There is no reason to handicap the police by requiring them to destroy information that can help prevent or solve crimes, especially terrorist crimes. As under existing law, the information provided to the police will remain confidential and will be used only for legitimate law enforcement purposes.

There are obvious law enforcement needs for this information, especially in the wake of the Oklahoma City bombing and the disclosures that some militant groups have been acquiring weapons at an alarming rate. According to Daniel Welch, director of the Southern Poverty Law Center's Klanwatch, "[t]here has been an arms race within the white supremacy movement as to who can stockpile the most weapons." In addition, some anti-Government militia groups are also racing to acquire weapons for the avowed purpose of engaging in combat with the Government of the United States.

According to the Anti-Defamation League, "[t]hese militia members are not talking about change from the ballot box alone, many are enamored of the prospect of change through bullets, explosives, and heavy armaments."

Recent law enforcement investigations demonstrate the extent to which militias are arming themselves:

A decade ago, in 1985, FBI agents discovered a compound owned by the Covenant, the Sword, and the Arm of the Lord, a paramilitary survivalist group operating along the Missouri/Arkansas border. The group's literature demonstrated it to be strongly anti-Semitic, and its leaders believed they were preparing troops for the coming war through paramilitary training. In the raid, agents seized hundreds of weapons, bombs, an antitank rocket, and quantities of cyanide apparently intended to poison the water supply of a city.

In 1993, law enforcement officials discovered at least 6 separate weapons arsenals and 13 separate explosives arsenals linked to militant extremist groups across the country.

In July 1994, Federal authorities found 13 guns, homemade silencers, explosives, blasting caps, fuses, and hand grenades belonging to James Roy Mullins, the founder of an anti-Government militia group in Virginia.

In September 1994, three members of the Michigan Militia were stopped by police for a routine traffic violation. Inside the car, police discovered three military assault rifles, three semiautomatic handguns, a revolver, 700 rounds of armor-piercing ammunition, and several knives and bayonets. All of the firearms were loaded. And handwritten notes found in the car indicated that the militia members were conducting surveillance of local police departments.

Militia members have been shown on television marching with rifles, but they have not limited their arsenals to such weapons. According to the Treasury Department, anti-Government militias have acquired a wide array of weapons including .22 caliber, .45 caliber, and 9mm pistols, .357 revolvers, and a variety of military-style assault weapons.

There are some who say that militias are harmless. Some ask why the Government should care if some citizens want to spend their weekends marching in the woods wearing camouflage fatigues as a hobby.

The answer is that not all militias are harmless. The events in Oklahoma City and elsewhere has focused public attention on a small group of Americans who are convinced that the Federal Government is the enemy and who may be preparing to wage war against the Government. These groups pose a terrifying threat to Federal agents, Federal workers, and other law-abiding citizens. We cannot afford to ignore that threat.

As a result of lax Federal gun laws, it is relatively easy for anti-Government extremist groups to stockpile arsenals of massive destructive power. Many of the semiautomatic handguns and revolvers recovered from these extremists are legally available at gunshops and gun shows. We do not have Federal licensing or registration requirements in this country. It is perfectly legal for anyone except felons and the mentally ill to possess hundreds or thousands of guns.

I believe we should have tougher, more sensible gun laws, but I do not seek to accomplish that goal on this bill. This amendment does not prohibit the manufacture or prohibit the manufacture or possession of any guns. It does not ration guns, as the NRA has falsely charged. Legitimate sportsmen and gun collectors have absolutely no reason to fear this amendment.

It builds on the recordkeeping requirement so that local law enforcement agencies will not be required to destroy potentially useful records after 20 days. In light of recent events, this amendment is a reasonable step to permit the police to keep track of individuals or groups in a community who may be stockpiling weapons or engaging in illicit gun-trafficking.

This amendment is a necessary measure in the battle against terrorism and I urge the Senate to approve it.

Mr. President, this amendment is supported by 47 police chiefs, including the police chief of Oklahoma City, Sam Gonzales. And I have other letters of support.

I ask unanimous consent that the names of the police chiefs be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
SENATE OFFICE BUILDING,
Washington, DC, June 6, 1995.

DEAR SENATOR: In the wake of the Oklahoma City bombing and the recent shootings of police officers around the country, we, as police chiefs who are sworn to protect the public and our officers, strongly urge your support for the following four amendments to the upcoming anti-terrorism bill:

Cop-killer bullets.—This amendment, to be offered by Senator Bradley, will prohibit "cop-killer" bullets based on a performance standard rather than the physical composition of the bullet, as current law requires.

Multiple handgun sale forms.—This amendment, to be offered by Senator Kennedy, will allow local law enforcement to keep a record of multiple handgun sales rather than destroy the forms, as current law requires.

Guns for felons.—This amendment, to be offered by Senators Lautenberg and Simon, will permanently close the current loophole that allows some violent felons to regain their right to possess firearms.

National Firearms Act.—This amendment, to be offered by Senator Boxer, will increase the statute of limitations for violations of the National Firearms Act from three to five years.

These amendments are designed to close current loopholes in federal law. They will provide enforcement with additional tools to apprehend violent offenders, vigorously prosecute them and combat crime on our streets.

We strongly urge you to demonstrate your unwavering commitment to the protection of law enforcement and the safety of all Americans by supporting these public safety measures.

Sincerely,

Chief Jerry Sanders, San Diego, CA.
Colonel Clarence Harmon, St. Louis, MO.
Chief Louis Cobarruviaz, San Jose, CA.
Chief Anthony D. Ribera, San Francisco, CA.
Deputy Chief Roy L. Meisner, Berkeley, CA.
Chief Noel K. Cunningham, Los Angeles Port, CA.
Chief Dan Nelson, Salinas, CA.
Chief Robert H. Mabinnis, San Leandro, CA.
Chief James D. Toler, Indianaplis, IN.
Chief Sam Gonzales, Oklahoma City, OK.
Director Steven G. Hanes, Roanoke, VA.
Chief Robert M. Zidek, Bladensburg, MD.
Chief Charles R. McDonald, Edwardsville, IL.
Chief Lawrence Nowery, Rock Hill, SC.
Chief Edmund Mosca, Old Saybrook, CT.
Chief William Nolan, North Little Rock, AR.
Chief David C. Milchan, Pinellas Park, FL.
Chief Lockheed Reader, Puyallup, WA.
Chief Peter L. Cranes, W. Yarmouth, MA.
Chief Daniel Colucci, Kennelton, NJ.
Chief Gertrude Gogan, Bel Ridge, St. Louis, MO.
Chief Reuben M. Greenberg, Charleston, SC.
Chief Robert L. Johnson, Charleston, SC.
Chief Robert M. St. Pierre, Salem, MA.
Chief Douglas L. Bartosh, Scottsdale, AZ.
Chief Perry Anderson, Cambridge, MA.
Chief Leonard R. Barone, Haverhill, MA.
Chief Ronald J. Panyko, Millvale, Pittsburgh, PA.
Chief William Corvello, Newport News, VA.
Asst. Chief James T. Miller, Dekalb Co. Police, Decatur, GA.
Chief Larry J. Callier, Opelousas, LA.
Chief Howard H. Tagomori, Wailuku, Maui, HI.
Chief Leonard G. Cooke, Eugene, OR.
Chief Harold L. Johnson, Mobile, AL.
Chief Charles A. Moose, Portland, OR.
Chief Frank Alcala, East Chicago, IN.
Chief E. Douglas Hamilton, Louisville, KY.
Chief Charles E. Samarra, Alexandria, VA.
Chief Allan L. Wallis, Renton, WA.
Chief Scott Burleson, Waukegan, IL.
Chief C.L. Reynolds, Port St. Lucie, FL.
Chief Sylvester Daughtry, Greensboro, NC.
Chief Jimmie L. Brown, Miami, FL.
Commissioner Gil Kerlikowske, Buffalo, NY.
Chief Harold L. Hurtt, Oxnard, CA.
Chief Norm Stamper, Seattle, WA.

Mr. KENNEDY. Mr. President, it is interesting that there is the requirement in the legislation that, after 20 days, the records must be destroyed. All this amendment does is to vitiate that particular provision. It is not a requirement that they maintain them. All this does is eliminate the requirement that they must be destroyed. We have seen in many instances where our law enforcement people have been outgunned by various gangs and other groups in many of the cities of this country, which in many instances are free-fire zones. We have seen the whole pattern of multiweapon purchases. This is a very modest but important law enforcement tool needed to determine the stockpiling and the caching of various weapons.

I will mention here an excellent letter of support from Paul Evans, our police commissioner in Boston.

It says:

I am writing to express support for your proposal to help local police departments track multiple gun purchases. Like many other cities in the Northeast, Boston is concerned about interstate gun trafficking. For years now, an iron pipe has existed on the east coast, with professional gun traffickers buying large numbers of handguns, transporting them elsewhere for illegal sale in States and communities with much tougher gun laws.

In 1993, a study of the Bureau of Alcohol, Tobacco, and Firearms found that 60 percent of the guns used in crimes in Boston were purchased outside of Massachusetts.

The multiple handgun sale notification form can be one of the most potent weapons in the fight against the illegal gun trade. Two years ago, as part of the Brady bill, Congress required Federally licensed gun dealers to send a copy of the multiple sale form to local law enforcement officials in the hope that local law enforcement officials would be armed with the knowledge that could assist them in identifying illegal gun traders.

We can remember from the debate on the Brady bill that there were those who said what we want to do is find out whether those particular individuals have committed a felony or violated the law. So let us shorten the time period that an individual or group has to wait, but let us give the information to the local law enforcement. And within that proposal is the requirement to destroy that information after 20 days.

What we are finding out is, in local law enforcement, as well as State law enforcement, as well as others who have a responsibility in this area, that this requirement for the destruction of this information hinders their opportunity to make judgments about the growth of the illegal gun trade.

I will continue with the Paul Evans letter.

Congress, unfortunately, requires local police to destroy those forms within 20 days. Many gun traffickers, in an effort to avoid suspicion, made several multiple purchases over the course of several days and weeks, rather than one large purchase of firearms. Can the amendment eliminate this? In this case, it would allow the Boston police to develop proactive policies around this information.

This is a viewpoint which is shared by the other police officials who support this amendment.

Mr. President, it is a simple concept. It is a needed provision, and I hope that we might have acceptance of this amendment.

I yield the floor.

Mr. HATCH. Mr. President, we brought this bill to the floor, and it has taken a large effort to get it here. We have worked very hard with the administration. We have worked with Senator BIDEN and the Justice Department, and the vast majority of this bill is agreed to. There seems to be one major contentious issue—and I think we can resolve that by amendments one way or the other—and that happens to be the habeas corpus provision, which the President called for last night. The President has called for us to pass this bill. He has called for us to pass habeas corpus reform on this bill.

A while back, he did not feel he wanted it on this bill, but last night he did call for it. It is the appropriate time to get it done.

I am disappointed to say that we are in the middle of making this a gun control bill. I hate to say it, but we are going to have another opportunity on the crime bill when it comes to the floor of debating these gun issues. Why should we gum up the antiterrorism bill with a bunch of gun provisions?

When it comes to addressing our Nation's crime problems, the liberals in Congress and the media have proposed gun control. When the Nation calls on us to get tough on criminals, the liberals drag out the carcass of gun control. The fact is that when the going got tough, the liberals would embrace gun control over tough reform. That is nothing new to us. What I find shocking here is that they would attempt to turn this bipartisan, antiterrorism bill into an antigun bill, or into a political document.

We have worked hard to try to accommodate everybody on this bill. Frankly, I am amazed that some of my colleagues would use the tragic events of Oklahoma City to push totally unrelated politically motivated gun control legislation.

I have worked long and hard to bring this bill to the floor, as I said. After the President's call for prompt action on meaningful terrorist legislation, we bypassed the normal committee process in order to ensure swift action. We still worked with Senator BIDEN, who has worked well on this bill, the Department of Justice, other members of the Judiciary Committee, and other Members of the Congress.

We have incorporated almost all of President Clinton's legislative proposals. We have been in the front of efforts to provide assistance to the people of Oklahoma. I sought the counsel of the Oklahoma State attorney general, Drew Edmondson, who is a Democrat, who supports much of what we are doing here.

In fact, I have praised President Clinton for his leadership and the effectiveness of his Department of Justice in handling these issues involved in this matter.

In short, we endeavor to do what is right and the right thing in the wake of this atrocity at Oklahoma City. That is why I am so disappointed that all of a sudden we are tearing down the spirit of bipartisanship, and even though some of the amendments sound reasonable, they are not in the eyes of a number of people on both sides of the aisle. I think it is becoming too partisan. We have worked hard on this. We have worked hard to try to cast a tough antiterrorist bill that delivers most of what the President has called for.

It appears that some here have spent the last several weeks again trying to fiddle with the explicit rights of the Constitution. While I was working to deliver the President his bill, some of the more liberal persuasion have been honing gun control designs they wished to wield in their ongoing onslaught against the second amendment rights of freedom, rights of honest, law-abiding citizens. There are two points of view on the second amendment. The distinguished Senator from Delaware shares one; I share the other.

My colleagues may think they have a good political issue on these gun control issues, but I do not think they do. In the court of public opinion, gun control is a big loser. A new U.S. News & World Report poll shows 75 percent of all American voters believe that the Constitution guarantees them the right to own a gun. The poll found voters are less willing today, even after Oklahoma City, to accept restrictions on their constitutional rights in order to feel more secure.

Rather than create schemes that are constitutionally questionable, this body should concentrate on the real measures that will limit terrorist atrocities. These measures are outlined in this bill in great detail.

I have to say they should not be part of an attempt to impose restrictions on second amendment rights. We can agree and disagree on what those second amendment rights are. I tried to avoid this becoming a gun fight as much as I possibly could, in the whole process, from committee to the floor and on the floor.

But now we have a series of amendments that are nothing more than amendments to try to bring up the whole gun issue again on something that needs to be passed now, that the President has asked we pass now, that the majority leader has asked that we pass now, that the majority of Americans in this country would like to have passed.

I am concerned about it. I think both sides know that we have problems on these issues. I hope that we can work on the things that we agree on and reserve the gunfights for the crime bill when it comes up and face them at that time.

It will come up. There will certainly be a crime bill, either before the end of this year or next year. We are going to do everything we can to try to get that done.

In that regard, I want to personally express appreciation to Senator BIDEN for his efforts in trying to work with me on this issue, trying to get time agreements on these amendments. He is representing his side in a very responsible way. I personally appreciate it. I want him to know that. Also, he has a great deal of knowledge in this area, and I just hope we can somehow or another break down the gun fights and get them out of here and start working about antiterrorism and the real issues in antiterrorism and reserve the gun fights until the crime bill. Then we will all face them at that time.

I am prepared to do that at that time. I would like to get this bill passed by this evening, and even if we pass it in the Senate, we still have to go to the House of Representatives. We may have to have a conference. We will have to bring it back. So we still have a fairly detailed process to go through, regardless of what we do.

I would like to get away from these gun control fights and do what we can on the antiterrorism bill, the way the President would like to have it done, and the way I think a vast majority of Senators believe it should be done and has been done.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER (Mr. COVERDELL). The Senator from Delaware.

Mr. BIDEN. Mr. President, it was clear to everyone when habeas corpus was added to this bill—which was never intended originally to be part of this bill—that a lot of issues that were contentious ought to be raised.

We would be better off if we had no amendments on this. It was clear it was not going to happen. Everybody knew these amendments were coming. We got a unanimous-consent agreement limiting the number of amendments before we left to go home for our home period a couple of weeks ago.

I, quite frankly, sought the forbearance of my Democratic colleagues. There are only four amendments out of all the amendments that relate in any way to guns. Of those four amendments, the four sponsors of those amendments have agreed to use a total of 190 minutes, an hour and a half.

I have proposed a time agreement. I certainly hope the Republicans will not filibuster this bill. I hope they will not enter into the mode that I have been arguing with Democrats not to enter into.

There are several Democrats who feel very strongly about habeas corpus. I have gotten an agreement that we will limit the amount of time on the five habeas corpus amendments that are out there. We have agreed on this side, even though several Members find the habeas corpus provision in this terrorism bill so repugnant that they may not be able to even vote for the bill, they have agreed to a time agreement, and they have agreed, in turn, therefore, not to filibuster or delay this bill.

I hope that my Republican friends will not filibuster the bill, either. The way to deal with this is Senator KENNEDY agreed to 20 minutes equally divided on his amendment. He has made his statement. All we have to do is agree to 10 minutes in response to the statement and vote.

We can do the same thing with regard to the Lautenberg amendment, the same thing with regard to the Kohl amendment, and the same thing with regard to the Bradley amendment. That is a totality of the amendments arguably related to firearms. One relates to cop killer bullets, one relates to multiple gun purchases and recordkeeping, one to the civilian marksmanship program, and one relates to the gun-free school zone which passed here almost unanimously. The Supreme Court concluded that it was not constitutional. It has been altered and reintroduced. That was overwhelmingly passed.

Mr. HATCH. Would the Senator yield?

Mr. BIDEN. I yield.

Mr. HATCH. I think the problem is we have a lot of nongermane amendments that do not belong in this bill, and there are people on this side who do not want them.

Frankly, we have a cloture vote tomorrow morning, and nobody will filibuster it on this side. There is a feeling over here by some that we have a bunch of nongermane amendments that gum up this bill, and we may have to wait until cloture tomorrow on some of those amendments.

Maybe we can move ahead on some that are germane, like the habeas amendments. They are germane. Habeas is a big part of this bill. We have kept all the gun fight amendments away on our side because we want to pass the President's terrorism bill. The President of the United States has called for habeas corpus in this bill. We are going to give it to him if we can. I believe we can.

Now we are getting into extraneous matters that are not even germane to antiterrorism, are not germane to this bill, that should not be in this bill, that could be brought up on any number of following pieces of legislation and be germane, especially the crime bill, and the only purpose is to make this bill a more political exercise than it should be.

I would like to worry a little bit more about these victims of the Oklahoma bombing and others who are potentially victims if we do not do something about this antiterrorism legislation as quickly as we can.

Now, nobody wants to filibuster this bill, but by gosh, if we have to go to cloture to establish that we are not going to gum this bill up with a bunch of extraneous, nonbipartisan, nongermane, inappropriate amendments for this, then I do not know if I can stop that.

I am willing to proceed on germane amendments. I suggest we spend the rest of the day working on all the germane amendments that we can, and go forward.

Mr. BIDEN. Mr. President, the way that translates to me is that the Republicans have concluded they are not going to allow Senators KENNEDY, LAUTENBERG, KOHL, or BRADLEY to have a vote on their amendments.

I understand that. I am a big boy. I understand how that works, if that is what they have decided to do. To suggest that we wait until cloture, by definition, cloture means these would not be in order.

Now, every single bill that I know of that we ever pass through this place has nongermane amendments on it. I cannot think of one off the top of my head that does not have nongermane amendments on it. That is the practice. That is the practice. That is the rule. That is the way we proceed. And the theoretical reason for cloture is that people are taking too much time on this bill.

I have time agreements on all these amendments. Before the next half-hour is up, every Democratic amendment on any subject that is in this bill, we can get a time agreement on. We can settle this thing tonight. We can get this done.

I thought the reason for cloture was worry on the part of the majority leader that we would never get to a final vote on this bill. I am telling you I can get a time agreement on all of the Democratic amendments. We can get to a vote on this bill tonight.

But what I am being told here is, we can only get to a vote on this bill tonight if we only vote on the things the Republicans want to vote on. That is what this translates to.

I understand that. I accept that. But let us understand what we are talking about here. This is not about delay. Democrats are willing to vote. We are willing to give time agreements. On this amendment, the Senator spoke for 10 minutes. Ask for 10 minutes and then vote. If they do not even want to respond—vote.

We are ready to vote. This is not about delay. This is about the Republicans wishing to dictate what they will and will not allow to be offered as an amendment on a bill. I understand that. That is their right. I do not quarrel with that right. But let us make this thing real clear. That is what it is about.

Mr. KENNEDY. Will the Senator yield?

Mr. BIDEN. I will be happy to.

Mr. KENNEDY. Was the Senator familiar with the Hatch resolution for Senator BROWN, dealing with terrorism and the peace process in Northern Ireland? It is a sense-of-the-Senate about the parties involved in the peace process in Northern Ireland and a report on Northern Ireland.

Is the Senator familiar with the other provisions, even in the Hatch substitute, that talk about the conditions of eligibility for States being able to receive any funding under this? There is the requirement that, in terms of certain DNA analysis, testing be done by the Director of the Federal Bureau of Investigation. It may be very worthwhile. But that is another measure that has been included. I could go on.

I want to just ask the Senator if he would not agree with me that the issue of availability and the proliferation of military-style weapons that are available to the citizens is an active threat to the security of the American citizens? I will be glad to either spend some time in reviewing that, or I will be glad to follow the urgings of our ranking minority member and put those in the RECORD in order that we can move the process forward. But does not the Senator believe that the issue of the vast proliferation of weapons and their accumulation by various militia groups certainly has as much to do with the issue of potential danger to the American citizen's security as some of these other items I mentioned?

Mr. BIDEN. If I can respond to the Senator's basic question, there are a number of items in this bill, amendments we have already accepted, amendments we have debated and voted on—some defeated, some not—that are nongermane in a technical sense, like the gun amendments are nongermane.

What this is all about is they only want their nongermane amendments. They want to be able to dictate to all of us what we can and cannot offer on this amendment. Who is to say whether or not it is any more relevant to terrorism that you have a habeas corpus provision in this bill or whether it is more relevant to have a provision like the one the Senator from Massachusetts is suggesting? That is a judgment call. That is a judgment call.

I think we should not delay in this. Again, I made a commitment to the leader, the Republican leader, that I would implore the Democrats to reduce their number of amendments and to enter into time agreements. We have done that. We have done that. So we can get to what his objective is, the telecommunications bill, tomorrow. We are able to do that.

We have spent, now, an hour talking about whether or not we can proceed. We could have already disposed of my colleague's amendment and the Bradley amendment by now. They would be over, finished, either in the bill or out. And I have a feeling, unless I count incorrectly—although I agree with the Senator from Massachusetts—I have a feeling he would be out if they let us vote on this just because of the way the votes have stacked up.

But this is not about moving the bill along. This is about several Republican Senators wishing to filibuster indirectly this bill by not allowing my colleague to introduce his amendment, or the other three amendments, for which we have time agreements if they would agree.

Mr. KENNEDY. If the Senator will yield, is the Senator aware that there are 47 police chiefs across the country who have urged the Senate, from their point of view, to accept this amendment that they believe is important, and also that the language, which is included, was basically the majority leader's language to have preservation of these records up to 20 days and then have them eliminated? The Senator is probably aware that it has been the judgment of law enforcement officials, now, that the 20 days is too short and the longer period of time would serve the security of American citizens. I wonder why we are not prepared to move forward. We could accept this amendment, I would welcome the opportunity to do so, and to move on to the other items.

The PRESIDING OFFICER. The Chair recognizes the Senator from Utah.

Mr. HATCH. Mr. President, Senator BIDEN and I have been through this before. We might feel differently about things. We want to pass a bill. We know how important it is. But some on the other side desperately want to make this a gun fight and frankly we have done everything on our side to keep it out of there. Habeas is one reason why our side is willing to keep it out of it, because they recognize that for the first time in years in this country we can correct the habeas corpus problem in this country, of incessant liberal appeals—incessant frivolous appeals. To make a long story short, that should not be allowed.

I have a letter here from President Clinton. President Clinton knows I have been trying to accommodate him. He knows I have done everything I possibly can to try to accommodate him on this bill, even though he has had to be dragged along on habeas corpus, he now admits he wants that in this bill.

I hope the people on the other side, who are of the same persuasion and party, would support the President. But there is nothing in this letter, three-page letter, single-spaced, from the President, where he suggests what he wants in this bill—that we are trying to solve and we can meet every one of those problems, it seems to me, one way or the other—there is nothing in here about making this into a gun fight or making it into a fight over gun control.

I have to say I am very concerned about it because I want this bill to pass. The vast majority of it I believe is acceptable to virtually everybody in this body. The few things that are controversial I think a vast majority will support. I believe the President will support this bill and he will sign it into law.

Here we are, spinning our wheels, talking about gun control. That could be brought up on the crime bill where it should be brought up. It should not be used to delay this bill because these folks on the other side know that there are folks on this side who cannot allow the right to keep and bear arms to be diminished by some of these gun control amendments, as seemingly simple as some of them seem, as complex as they really are.

I have to say personally I would be willing to meet anything on this bill. But I have to live within constraints, too. I am calling on my colleagues to get rid of the gun control amendments or else let us go to cloture and let us get rid of them that way. Because they are not germane.

We have been on this bill 3 days. We have had five amendments that we have disposed of in 3 days. Now we are in the middle of a gun control fight instead of passing what needs to be done, and that is the day after the people from Oklahoma, who pinned this ribbon on me that I am wearing in honor and memoriam because of what happened there—the day after they came and said pass this bill the way it is.

As you can see, I am worked up but I have to say I understand the sincerity on the part of some on the other side. I respect that. I understand the sincerity on the part of my friend from Massachusetts. I respect it, especially in his case. He and I both know what suffering is all about.

I expect him to bring these amendments to the floor, but not on this bill. His amendment is probably less offensive to some on our side than some of the others that are going to be brought here, mainly because we do not want to see this bill turned into a gun control fight when we have people out there in this country who are just waiting to commit more terrorist acts and when we all know that we should act. We all know we ought to do what we can to try to bring some peace and solace to those who suffered in Oklahoma City as well as others in this country.

Mr. President, I ask unanimous consent the letter be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, DC, May 25, 1995.

Hon. ROBERT DOLE,
Republican Leader, U.S. Senate, Washington, DC.

DEAR MR. LEADER: I write to renew my call for a tough, effective, and comprehensive antiterrorism bill, and I urge the Congress to pass it as quickly as possible. The Executive and Legislative Branches share the responsibility of ensuring that adequate legal tools and resources are available to protect our Nation and its people against threats to their safety and well-being. The tragic bombing of the Murrah Federal Building in Oklahoma City on April 19th, the latest in a disturbing trend of terrorist attacks, makes clear the need to enhance the Federal government's ability to investigate, prosecute, and punish terrorist activity.

To that end, I have transmitted to the Congress two comprehensive legislative proposals: The "Omnibus Counterterrorism Act of 1995" and the "Antiterrorism Amendments Act of 1995." In addition, the Senate has under consideration your bill, S. 735, the "Comprehensive Terrorism Prevention Act of 1995." I understand that a substitute to S. 735, incorporating many of the features of the two Administration proposals, will be offered in the near future. I also understand that the substitute contains some provisions that raise significant concerns. We must make every effort to ensure that this measure responds forcefully to the challenge of domestic and international terrorism. I look forward to working with the Senate on the substitute and to supporting its enactment, provided that the final product addresses major concerns of the Administration in an effective, fair, and constitutional manner. The bill should include the following provisions.

Provide clear Federal criminal jurisdiction for any international terrorist attack that might occur in the United States, as well as provide Federal criminal jurisdiction over terrorists who use the United States as the place from which to plan terrorist attacks overseas.

Provide a workable mechanism to deport alien terrorists expeditiously, without risking the disclosure of national security information or techniques and with adequate assurance of fairness.

Provide an assured source of funding for the Administration's digital telephony initiative.

Provide a means of preventing fundraising in the United States that supports international terrorist activity overseas.

Provide access to financial and credit reports in antiterrorism cases, in the same manner as banking records can be obtained under current law through appropriate legal procedures.

Make available the national security letter process, which is currently used for obtaining certain categories of information in terrorism investigations, to obtain records critical to such investigations from hotels, motels, common carriers, and storage and vehicle rental facilities.

Approve the implementing legislation for the Plastic Explosives Convention, which requires a chemical in plastic explosives for identification purposes, and require the inclusion of taggants—microscopic particles — in standard explosive device raw materials which will permit tracing of the materials post-explosion.

Expand the authority of law enforcement to fight terrorism through electronic surveillance, by expanding the list of felonies that could be used as the basis for a surveillance order; applying the same legal standard in national security cases that is currently used in routine criminal cases for obtaining permission to track telephone traffic with "pen registers" and "trap and trace" devices; and authorizing multiple-point wiretaps where it is impractical to specify the number of the phone to be tapped (such as when a suspect uses a series of cellular phones).

Criminalize the unauthorized use of chemical weapons in solid and liquid form (as they are currently criminalized for use in gaseous form), and permit the military to provide technical assistance when chemical or biological weapons are concerned, similar to previously authorized efforts involving nuclear weapons.

Make it illegal to possess explosives knowing that they are stolen; increase the penalty for anyone who transfers a firearm or explosive materials, knowing that they will be used to commit a crime of violence; and provide enhanced penalties for terrorist attacks against all current and former Federal employees, and their families, when the crime is committed because of the official duties of the federal employee.

In addition, the substitute bill contains a section on habeas corpus reform. This Administration is committed to any reform that would assure dramatically swifter and more efficient resolution of criminal cases while at the same time preserving the historic right to meaningful Federal review. While I do not believe that habeas corpus should be addressed in the context of the counterterrorism bill, I look forward to working with the Senate in the near future on a bill that would accomplish this important objective.

I want to reiterate this Administration's commitment to fashioning a strong and reffective response to terrorist activity that preserves our civil liberties. In combatting terrorism, we must not sacrifice the guarantees of the Bill of Rights, and we will not do so. I look forward to working with the Congress toward the enactment of this critical legislation as soon as possible.

Sincerely,

BILL CLINTON.

Mr. HATCH. Mr. President, I do not want to lecture to my colleagues on the other side. They all are sincere. They all have their own ideas. But I think it is time for them to start supporting their President. They ought to get behind President Clinton on this issue and, as tough as it is, they ought to pass this bill because we have tried to accommodate the President in every way. I am sure there may be some things where we still are in disagreement but by and large we have put things in here that I would just as soon—that I would just as soon not have in here. There are some other amendments we are probably willing to accept that are germane, that will make a difference here. We are willing to work on it on this side and get it done. But nobody is trying to delay this bill except those who are trying to make it a gun control fight.

I would not mind that if this was the only vehicle that they could make a gun control fight over. I have to say, I would still mind it because it is important that we pass this bill. It is important that we pass it now. It is important that we do what we can against terrorism in this country. But they have all kinds of future legislation from the Judiciary Committee if they want to use that or any other legislation that they can make into a gun control fight if they want to. But they should not do it on this bill. They should not do it on this bill.

Mr. CRAIG. Will the chairman yield?

Mr. HATCH. I yield.

The PRESIDING OFFICER. The Chair recognizes the Senator from Idaho.

Mr. CRAIG. Mr. President, I thank my chairman for yielding. Let me say this in all due respect to the chairman, who has obviously worked almost since the day of the tragic bombing in Oklahoma City to address the wishes of our President and our majority leader and a great many of America's citizens to change around some of our laws and strengthen them so that innocent people, hopefully, could be protected prior to a criminal element in our society doing what they did and a tragedy resulting.

I and others have watched very closely as the staff of the Judiciary Committee has assembled this legislation from the principles the President laid down and from the principles the majority leader laid down so that no civil liberties in this country would be trampled. I can say that Senator HATCH in due caution has approached this in a way to assure that would not happen. He has now just put into the RECORD a 10-point letter of May 25 from the President establishing the principles that the President thought were necessary in antiterrorist legislation.

None of those principles embody the four or five amendments that at the last moment are trying to be crammed into this bill. They are primarily gun control amendments. They are primarily amendments that would trample all over the feet of second-amendment-right citizens who are law abiding in every respect.

I thought we were after the criminal element until I saw that nasty word of "politics" slivering into the back door of this critical piece of legislation. And that is wrong, Mr. President. That should not be allowed to happen. In fact, I and others cannot allow it to happen. We support this legislation because we believe America needs it and wants it. And we think that many elements of it will work toward trying to deter, before a tragic event like Oklahoma City or the Tower bombings were to happen, the kind of surveillance and intelligence that is necessary to try to block something like that from happening. But we now know the rest of the story, and it is going to be, unless we stop the politics as usual.

So I am saying at this moment to my leader, let us honor our President in this instance and, if we cannot bring the bill down, if we cannot arrive at a bill that is workable, bring it down, or appeal to the Democrats in this Chamber who support their President and the chairman of the Judiciary Committee, and in all fairness the minority leader of that committee, who I do not believe has authored any of these amendments, to get this resolved and get on with the business of the Senate, and say to the American people, "We have addressed your concerns and needs as addressed by this President and the majority leader of the U.S. Senate in a clean, clear criminal bill, not a bill that begins to trample on the ragged edge of the civil liberties of an awful lot of citizens in this country."

I will object to any effort to propose a unanimous consent, whether it is in the guise of limiting time, all in the name of comity. That is not comity at all. That is called politics in the rawest form. We decided after Oklahoma City that this ought not be politics as usual. It would be unfair to the citizens of our country, and it would be unlike the nature of the Congress of the United States in light of a dramatic human tragedy of the kind that occurred in Oklahoma City to play politics. And we walked away from that opportunity, and the Judiciary Committee, under ORRIN HATCH's leadership, stayed away from it and produced a bill that was critical to our country.

The President did not originally agree with habeas corpus. But last night he said on the Larry King Show, and I quote:

> And that ought to be done in the context of this terrorist legislation.

This President recognizes the importance of this legislation, and he is willing to bend a bit. Tragically enough, his own Senators are not.

So I appeal to his Democrat Senators at this time to support their President, to support a quality piece of work coming from the Judiciary Committee that has avoided the very concern that many of us have had about trampling on the edge, if not boldly in the center of some of the civil liberties of the citizens of this country. We ought to be able to do that, and we can do that, and we have done it before in times of national crises, to adhere to our constitutional responsibility while at the same time strengthening the fiber of our society and in a way that it could disallow, cause to be avoided, or stopped from happening the kinds of tragedies that occurred in Oklahoma City.

That is what we ought to be about today. That is what this chairman is trying to do, and that is what the majority leader is asking the U.S. Senate to do. Anything less than that, I hope the majority leader would say enough is enough, because he has this President and the American people on his side at this moment, on this issue. And obstructionism, in nature, as is now being laid down and as proposed is not good legislating.

So I hope we can move in that direction. I hope we can resolve this issue. There are a lot of issues before the Senate that deserve to be resolved, and this one should be handled in a timely and appropriate fashion.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I have listened to the great eloquence of my friends and colleagues on the other side. I do not know whether they understand what this is really all about. All it is saying is that the requirement that exists now on local law enforcement to destroy their records of multiple sales of handguns after 20 days will not be in effect.

Why is that going to be such an impediment to the consideration of antiterrorism legislation? That is basically the amendment. I mean, what we have found is in the original Brady bill, the requirement that was introduced by the majority leader said that in order to work out the compromise at that particular time, there was going to be the requirement of keeping those records for multiple purchases of handguns for a period of 20 days. Now we find out from law enforcement officials that they cannot police efficiently the wide purchasing practices of many of those that are collecting these arsenals of handguns within that 20-day period. All they are saying is just lift the requirement that they have to destroy it—no requirement that they have to keep it, just lift the requirement that they have to destroy it. We hear, "Well, you are playing politics on this." This is politics.

Let me just review a little bit for the Members of the Senate some of what has been happening because of the accumulation. Also, I point out to our friends and colleagues who were talking about Oklahoma City that this provision is supported by the police chief in Oklahoma City, and 47 other police chiefs. The Oklahoma City police chief supports this. We are being told that it is irrelevant, when you have the chief of police in Oklahoma City and 47 others that said they want it on there. It will do something about violence in our society, and the accumulation of weapons by various groups that are irresponsible in our society. We are told no, no. We are not going to even let you get a vote on it.

We said we would agree to a short time limit. It is not a very complicated issue. It is either can you vitiate that requirement that exists in law in 20 days or not? We can understand that. People can understand that very quickly. We do not need a long time to debate that. We do not need a long time to debate cop-killer bullets. We debated that issue at the time. But the majority said no, no; we are not going to be able to do it.

Mr. President, I see the majority leader on the floor. I will just take a few moments before yielding the floor to give some idea about what Members of this body know. But certainly, our American citizens ought to be reminded of it. I refer to an excellent article from the Anti-Defamation League about the growth of weapons stockpiles in the various militias that are taking place across the country. I will include selected parts of it in the RECORD.

"Civil war could be coming, and with it the need to shoot Idaho legislators," so said Sam Sherwood, leader of the backwoods Idaho-based U.S. Militia Association of March 2, 1995, after meeting with the Idaho Lieutenant Governor.

Sherwood amplified his views in a conversation with the Associated Press on Friday, March 10, 1995. According to the AP:

> Sherwood believes that some Idaho lawmakers may . . . come to Washington, DC, and, hence . . . "the need to shoot them," he said. "Go up and look legislators in the face because someday you may have to blow it off," Sherwood said.

Then they continue along.

> "Judges have been threatened with death, as have State workers and even a State legislator's 7-year-old son. County workers have been instructed to dive under their desks with a telephone in hand if anyone storms their offices," reports the Missoulaian.
>
> According to one researcher, militia members on the Internet "at one point said they were going to march on Washington and arrest Congress at gunpoint," and in fact an alert was issued by a militia group which called not only for the arrest of Members of Congress but also their "trial for treason by citizen courts."
>
> "Blood will be spilled in the streets of America", said a militia leader. It is inevitable.
>
> According to the Arizona Republic, "Militia groups obtained the names and home addresses of all Federal officers in Mississippi, prompting U.S. agencies to post a nationwide alert."

According to the same article:

> A Tennessee man who anticipated an armed battle with one-world government amassed an arsenal. When local police pulled up, he pulled a pistol on two officers, and one shot him in the head.

On July 27, this in the same article:

> James Roy Mullins, founder and member of a militia group called the Blue Ridge Hunt Club, was arrested and charged with the possession of a short-barreled rifle with unregistered silencers, and facilitating the unlawful purchase of a firearm. Ultimately, three other members were also charged with firearm offenses. Federal officials said Mullins had formed the club to arm its members in preparation for war with the Government.

What are they arming themselves with? Guns. Guns.

On these issues, the group formed earlier in 1994 had as many as 15 members. They are said to have met three times before Mullins' arrest. While members of the group say that their purpose is to lobby against gun control laws, Federal law enforcement officials tell a much different story. An ATF official who investigated the case said Mullins' organization has a group of confederates to be armed and trained in paramilitary fashion in preparation for armed conflict with Government authorities should firearms legislation become that restrictive. Evidence of such preparation is substantial. In searches of members' homes and storage facilities, Federal agencies found a stockpile of weapons—a stockpile of weapons. This is just to be able to have information about who is stockpiling weapons and what groups are actually threatening Federal officials and have demonstrated, at least in the tragic incident of Oklahoma, their willingness and ability to use deadly force.

In Mullins' home, agents found 13 guns, several of which had homemade silencers. They found explosives, hand grenades, fuses, and blasting caps.

Even pretrial incarceration has not stopped Mullins from threatening violence. While in jail, he wrote a letter to a friend saying that he wanted to borrow a machine gun in order to "take care of unfinished business" with prosecution witnesses.

The strongest indication of the group's goal was the draft of a portion of a newsletter found on a computer disk obtained by Federal agents. "Hit-and-run tactics will be our method of fighting. We will destroy targets, such as telephone relay centers, bridges, storage tanks, radio towers, airports. Human targets will be engaged when it is beneficial to the cause to eliminate particular individuals who oppose us—troops, police, political figures, snitches," et cetera.

In one particular rally that they had in Lakeland, FL, in October 1994, there was distributed in large numbers at the rally a flier urging that "All gunowners should fire a warning shot as a signal to the Congress" on November 11 at 11 p.m. "Congress has failed to safeguard the Bill of Rights * * * especially the second amendment."

> A warship will fire a warning shot across a bow, a rattlesnake will sound off; these warnings are never ignored. It is time to warn politicians that if they do not respect the Bill of Rights, they should at least fear the wrath of the people. Congress is forcing the country into a civil war.

Mr. President, all this amendment does is ensures that the reporting conditions do not have to be destroyed after 20 days. This does not say the Federal Government goes out and takes away the arms. It does not restrict people's right to own them. It does not restrict those people's right to purchase. It does not restrict those individual's rights at all to multi-gun purchases. It does not restrict it at all.

All it says is the requirement that after 20 days, those who are going to sell those kinds of weapons do not have to destroy the record of who they sell them to. That is all. They no longer are mandated to destroy the bill of sale, who they sold it to.

The question is why? And the answer is from those 47 police chiefs. They believe that the maintenance of those can be an important and significant weapon in dealing with violence, existing violence and potential violence of the type at which this legislation is directed.

I daresay that this particular provision is as relevant as any other provision that is before the Senate to deal with violence in our society. As I mentioned before, as Senator BIDEN has pointed out, we are prepared to enter into a time agreement. I am not going to take the time of the Senate to review other provisions that have been included, accepted and supported by other Members that have virtually nothing to do with the fundamental issues of violence and terrorism, but the Members understand that and know it and the RECORD reflects it.

This is dealing with an instrument which law enforcement officials believe can be extremely important and significant in helping to protect American citizens. It is a simple concept to continue those kinds of records so that law enforcement, both local and State officials, that are investigating crimes and violence will have an additional tool to make these kinds of arrests and prosecutions and to keep this country a safer place.

Mr. President, I hope that we would at least be given the opportunity to have a vote on this measure. I just point out this issue is not going to go away. I also take umbrage with the fact that we have been on this for 2½ days. We spent this morning debating another gun issue where the majority could not decide whether they wanted to vote for it, against it, or accept it. And then after they had their caucus, they decided that they would go ahead and accept it.

I take umbrage with the fact that this is a desire to delay by any of us. The measures which have been debated have been extremely important. We are prepared to cooperate with the managers in any way to get an early resolution. But this matter is of importance to law enforcement officials and to the safety and security of the American people. That is what this measure is about—terrorism. This amendment, a modest amendment, ought to be accepted.

The PRESIDING OFFICER. The Chair recognizes the majority leader.

Mr. DOLE. Mr. President, it had been my hope following the policy luncheon that we would have a major shortening of the list of amendments on the other side of the aisle. As I understand, there has been really no effort to limit the amendments, except they picked out five or six amendments which are not germane and suggested time agreements on the nongermane amendments. I do not know the merits of this amendment. It may be a very good amendment. I do not debate the Senator from Massachusetts. I do not believe it was suggested in the President's bill—in any of the President's bills. Again, the President sent me a letter on May 25 outlining his objectives for an antiterrorism bill. There is nothing with reference to this amendment in it.

The President did change. We had a vote on the taggants amendment yesterday. We accepted another gun amendment. I think what this has become is the Democrats are bringing up all the gun amendments they have been keeping in their closet.

Mr. President, we are not going to play that game. I made the best effort I could to work with the White House in an effort to pass antiterrorism legislation, but the Democrats just insist they do not want to do that. They do not want to pass antiterrorism legislation. They have already forgotten what happened in Oklahoma City. They want to have a big debate out here, a big political debate to try to score a few political points, and that is not going to happen.

If we want an antiterrorism bill, we will vote for cloture tomorrow morning. If we do not, that is it, we will go on to telecommunications. The majority is not going to play this game for the benefit of a few Democrats who want to continue to try to make political points. It is almost impossible to work with this White House when you have Democrats in the Senate not willing to work with the White House. How do they expect Republicans in the Senate to work with the White House?

We are not going to play these games. We were told we were going to get a big list of amendments that were going to be eliminated. None has been eliminated. So I am going to suggest that we have a period for the transaction of morning business for the next 45 minutes, and we are going to try to determine what is going to happen. If nothing is going to happen, then we will just recess for the day, have a cloture vote tomorrow, and if the Democrats vote against cloture, that is fine. I want all of them to explain to the President why they did not support an antiterrorism bill, a bipartisan antiterrorism bill.

We began this bill on Thursday. We were delayed 1 day because the Democrats had 60-some votes on the budget bill. We have had filibuster by amendment around here all year long, bill after bill after bill. "Oh, do not file cloture, we will just propose 50 or 60 amendments." We had a record 32 votes in 1 day on amendments on everything they could think of.

So we began on Thursday, and we were on it on Friday and Monday, and now it is Tuesday. Now I understand they do not want to do anything tomorrow. They want to wait and get all these time agreements on habeas corpus. Tomorrow is Wednesday. We are just eating into the August recess day by day, and if nobody cares, it does not make any difference to this Senator, because I assume we will probably be here in any event.

Either we are going to get cooperation on the other side of the aisle or we are going to pull the bill down. I think the best thing to do is wait and have a cloture vote. Stop playing the game. Let us have a cloture vote tomorrow morning, and if Members on that side want to support their President with an antiterrorism bill, they will vote for cloture. If they do not want to support their President, they will vote against cloture. It is all right with this Senator, but we will have kept our word with the President of the United States to deliver him an antiterrorism bill, not a bill with a lot of amendments on it to make a political point for somebody on the other side.

So I have just reached the limit of my patience on this particular measure.

MORNING BUSINESS

Mr. DOLE. Mr. President, I ask unanimous consent that there be a period for the transaction of morning business until the hour of 4:30, with Members permitted to speak therein for 5 minutes each.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

UNITED STATES POLICY TOWARD BOSNIA

Mr. DOLE. Mr. President, at this moment, several thousand United States troops and their equipment are headed for Europe to positions near Bosnia and Herzegovina. Tomorrow the Armed Services Committee will hold hearings on this deployment and U.S. policy. On Thursday the Senate Foreign Relations Committee will also conduct hearings to learn about current United States policy toward Bosnia.

These hearings are of critical importance—not only because of the seriousness of sending American ground forces into harm's way, but because of the continued confusion over U.S. policy.

Last Wednesday, at the Air Force Academy, the President stated, and I quote:

> I believe we should be prepared to assist NATO if it decides to meet a request from the United Nations troops for help in a withdrawal or a reconfiguration and a strengthening of its forces.

But, a few days later, in his weekly radio address, the President stated that in addition to assisting in the withdrawal of UNPROFOR, the United States may send ground troops in the "highly unlikely event" that part of the U.N. force became "stranded and could not get out of a particular place in Bosnia" and need "emergency extraction." The President added that such an emergency operation would be "limited and temporary."

The first question each of the committees must ask is what is U.S. policy today. Is it to help strengthen and reconfigure U.N. forces, or is it to assist in "emergency extraction"? Furthermore, what is the difference between reconfiguring forces and emergency extraction? What is the relationship between emergency extraction and total U.N. withdrawal? Would such an extraction be a prelude to full withdrawal? In other words, what is the mission of U.S. ground forces if they are deployed for contingencies other than participating in a complete withdrawal of U.N. forces.

Then the committees will need to turn to basic operational questions:

What is the NATO-U.N. relationship? When does NATO command begin? How far does it extend—to all air and ground forces in Bosnia?

What is the command structure and its relationship with U.N. commanders?

What are the rules of engagement? Are they robust?

What are the threats to our forces? How will they be addressed?

What is the estimated duration of the operation? Last August during DOD authorization conference former U.S. Envoy Chuck Redman told conferees that Pentagon estimates were that a withdrawal operation would take 3 months—to include equipment. If the current plan anticipates a longer duration, why is that the case? If the duration is lengthy, is this because of demands by UNPROFOR contributors to take all of their equipment—not just lethal equipment? And will U.S. lives be risked to save equipment?

With respect to emergency extraction operations, how are the terms "limited" and "temporary" defined?

What will the United States role be in U.N. decisions which could lead to such emergencies, for example if Bosnian Serbs retaliate for an UNPROFOR action by overrunning Gorazde?

In addition, the committees will need to pursue the administration's decision to provide close air support to the quick reaction force. Reportedly, Secretary Perry has agreed to make helicopter gunships part of potential close air support operations for the quick reaction force. AC–130's, unlike our F–16's, fly slow and close to the ground—therefore they are more vulnerable.

What actions will NATO take to suppress the threats posed by surface to air missiles [SAM's]?

When will such action be taken?

An American pilot was shot down by a SAM and is missing. Last December, Adm. Leighton Smith, our NATO Commander in Naples wanted to take out Bosnian Serb SAM sites because of the threat they posed to pilots patrolling the no-fly zone. But, NATO did not take out those SAMS because the U.N. commanders said "no." Had NATO acted 6 months ago, our pilot may not have been shot down. So the question now is, are we going to send more Americans into harm's way without taking measures to reduce the risk?

On the diplomatic front, there are also many questions.

What is the diplomatic strategy with respect to Serbian President Milosevic? Are we sure there is a split between Milosevic and Radovan Karadzic, or is Milosevic playing good cop and Karadzic bad cop? If there is a split how do we explain Milosevic's role in releasing some of the U.N. hostages? Has Milosevic been promised anything in return for his assistance in securing the release of hostages? I understand this afternoon there way be another 50 or so released.

Are we going to agree to lift most sanctions on Serbia in return for recognition of Bosnia and what does recognition mean—really closing the borders and cutting off supplies and military contact with the Bosnian Serbs?

If we lift sanctions on Serbia now, how do we maintain any leverage over Serbian actions against the Alabanians in Kosova and Serbian support for militant separatists in Croatia?

Mr. President, I have not listed all of the questions that need to be asked at the hearings this week. Furthermore, these matters need to be placed in a larger context—namely, what is the objective of these actions: Is it to remove U.N. forces or to keep them there? Are we serious about withdrawal or not? If not, why not?

This bigger picture should be the focus of administration consultations with the Congress. We should not only be informed about NATO planning and operations. We should be engaging in a dialog about where we are going. Are we at last going to lift the unjust and illegal arms embargo on Bosnia?

I believe that the United States has interests in Bosnia and Herzegovina. As George Will said this week in Newsweek in response to the charge made by some that the United States has no "dogs in this fight," that, and I quote,

> But those in the fight are not dogs and by the embargo we have helped make the fight grotesquely unfair. What would be the consequences on our national self-respect—our Nation's soul—of a preventable Serbian victory followed by "cleansing" massacres? Bosnian Serbs have seized 70 percent of Bosnia but they are not a mighty military force and will become even less so if the Serbian Government in Belgrade can be pressured into leaving Bosnia's separatist Serbs isolated in combat with a Bosnian army equipped at last with tanks and artillery. The Serbs fighting in Bosnia are bullies led by war criminals collaborating with a dictator. If we don't have an interest in this fight, what are we?

Mr. President, I believe that we need to assist our NATO allies in the event of U.N. withdrawal. However, I also believe that we need to recognize that U.N. efforts in Bosnia have failed—failed to stop aggression, failed to bring peace, and failed to protect the Bosnians.

The New Republic in its June 19 editorial states that, and I quote,

> There is another Bosnian crisis this week. Not in Bosnia, of course. In Bosnia things are the same, only more so. A greater Serbia is slowly and steadily emerging by means of a genocidal war. No, the crisis is taking place in the capitals of the Western powers, which are finding it harder and harder to escape the consequences of their policy of appeasement.

The European decision to create a quick reaction force [QRF] is in itself an admission of failure. The QRF is intended to protect UNPROFOR, not the Bosnians. And the very tasks the QRF envisions being engaged in, such as securing the Sarajevo Airport, are tasks that were originally given to UNPROFOR by the U.N. Security Council. Therefore, there is a real question of whether or not sending more forces—even with more equipment—will do anything more than supply the Bosnian Serbs with more potential hostages.

The bottom line is that keeping UNPROFOR on the ground indefinitely will not bring us to a solution in Bosnia. Indeed it will prevent a solution by reinforcing the failed status quo. As the New Republic points out, and I quote,

> It cannot have escaped the notice of our policymakers that the U.N. is providing cover for the Serbs, except that the U.N. is providing cover for our policymakers, too. It saves them from the prospect of action.

Mr. President, withdrawing the U.N. force is the first step away from failure and toward a solution. I support United States participation, to include ground troops, in a NATO operation to withdraw U.N. forces from Bosnia provided certain conditions are met.

Therefore, sometime over the next few days I intend to introduce a resolution to authorize the President to use United States ground forces to assist in the complete withdrawal of U.N. forces from Bosnia under the following conditions:

First, NATO command, from start to finish, no U.N.-NATO dual-key arrangement;

Second, robust rules of engagement which provide for massive response to any provocation or attack on U.S. forces;

Third, no risking U.S. lives to rescue equipment; and

Fourth, prior agreement on next steps, to include lifting the arms embargo on Bosnia and Herzegovina.

Mr. President, we need to support our allies. But we must make sure that in so doing, we are neither prolonging a failed policy or leaping into a quagmire. I believe that this resolution will provide the President with essential support of the Congress and will help put us on the right policy track.

Mr. President, I ask unanimous consent that the complete article by George Will and the article in the New Republic be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

"A DOG IN THAT FIGHT"? THE SECRETARY OF STATE, A SWEET MAN SADLY MISCAST, IS PUZZLED

(By George F. Will)

When Hitler sent Ribbentrop to Moscow in August 1939 to sign the nonaggression pact with the Soviet Union, he sent along his personal photographer with instructions to obtain close-ups of Stalin's ear lobes. Hitler wondered whether Stalin had Jewish blood and wanted to see if his ear lobes were "ingrown and Jewish, or separate and Aryan." This historical nugget (from Alan Bullock's "Hitler and Stalin: Parallel Lives") is offered at this juncture in America's debate about Bosnia, as a reminder of a quality European politics has sometimes had in this century. Some American policymakers need to be reminded.

When Serbians took hostages from U.N. personnel in Bosnia and chained them to military targets as human shields, Warren Christopher was puzzled: "It's really not part of any reasonable struggle that might be going on there." While the Secretary of State, a sweet man sadly miscast, searches for reasonableness amid the Balkan rubble, there are "peacekeepers" where there is no peace to be kept and "safe zones" where slaughter is random. UNProFor (the U.N. Protection Force) is akin to the Holy Roman Empire, which was neither holy nor Roman nor an empire. The U.N. force isn't forceful, so it needs more protection than it offers.

This war has been misdescribed as Europe's first civil war since that in Greece in the 1940s and the most portentous civil war since republicans fought fascists in Spain in the 1930s. Actually, this war now churning into its fourth summer is a war of Serbian aggression. It has been a war of aggression since 1992, when the European Community recognized Bosnia as a sovereign state, and since Bosnia became a member of the United Nations. Perhaps Bosnia's inconvenient existence is unfortunate, and perhaps Bosnia will yet be sundered by partition. But it is a state and that is why Pat Moynihan, carrying

Woodrow Wilson's torch for international law and collective security, says of Bosnia. "Everything is at stake here, if principle is everything." Says Moynihan, if neither NATO nor the United Nations can summon the will to cope with Serbia, "what have we gone through the 20th century for?" We went through it because we had no choice, but you know what he means: A century that began, in effect, at the Somme and went downhill from there to Auschwitz is ending with a wired world watching rape camps used in the service of "ethnic cleansing." All this 80 minutes by air from Rome.

Europe's first war between nations since 1945 illustrates an astounding fact: In this century of European fighting faiths—communism, fascism, socialism, pan-Germanism, pan-Slavism and more—the one hardest to extinguish turns out to be the variant of fascism fueling the drive for Greater Serbia. Like pure fascism it asserts the primacy of the primordial and the goal of perfect national unity achieved by the expulsion or murder of "unassimilables." This explains the violent Serbian loathing of Sarajevo, where Christians and Muslims have peacefully coexisted. Hitler and Mussolini thought they were defending old Europe against the modern menace of Bolshevism. The Serbs think this is the year 732 and they are with Charles Martel saving Christian Europe by stopping the Moslem advance at Tours. Or it is 1529 and they are stopping Suleiman at the gates of Vienna. The Ottoman Empire is long gone, but the gunners in the hills surrounding Sarajevo refer to their targets—civilians dashing from doorway to doorway—as Turks.

Serbia is a raw reassertion of pre-modernity, the idea that uniform ethnicity and shared myths are essential to a political community. This war, which mocks the notion that Europe has become a supranational society, began in 1992, the year the Maastricht Treaty was signed, supposedly to make "Europe" a truly political as well as geographical expression. The United Nations, embodiment of the modern aspiration of a morality of nations, has been no match for Serbia. And the U.N.'s arms embargo against both sides—high-minded, scrupulous neutrality between Serbian slaughterers and their victims—has been a policy of gross immorality.

The embargo was imposed in 1991 against the whole of disintegrating Yugoslavia. When Yugoslavia disappeared the embargo was continued. That favored Serbia, which had ample weapons from the former Yugoslav army and had a large armaments industry. Now the embargo violates the U.N. Charter, which acknowledges every nation's "inherent" right of self-defense. President Bush defended the embargo with a flippancy about the problem in the Bakans not being an insufficiency of weapons. Today defenders of the embargo say it economizes violence because lifting it would prolong the fighting. This argument is especially unpleasant when used by the British, who today might be obeying German traffic laws if Lend-Lease had not prolonged the fighting.

So far the NATO nations have insufficient political will to impose a solution or use force to help restore the integrity of Bosnia. The Serbs are what the NATO nations are not: serious. The NATO nations want to end the game, the Serbs want to win it. Other people with ancient animosities and modern weapons are watching. It probably is not just coincidental that Russian revanchism became bold regarding Chechnya as the NATO nations became, through the embargo, collaborators with Serbian irredentism. If the irredentism goes unopposed when the UNProFor charade ends, the irredentism will become, even more than it already is, genocidal.

Secretary of State James Baker famously said of the Balkan conflict, "We don't have a dog in that fight." But those in the fight are not dogs and by the embargo we have helped make the fight grotesquely unfair. What would be the consequences on our national self-respect—our nation's soul—of a preventable Serbian victory followed by "cleansing" massacres? Bosnian Serbs have seized 70 percent of Bosnia but they are not a mighty military force and will become even less so if the Serbian government in Belgrade can be pressured into leaving Bosnia's separatist Serbs isolated in combat with a Bosnian army equipped at last with tanks and artillery. The Serbs fighting in Bosnia are bullies led by war criminals collaborating with a dictator. If we don't have an interest in this fight, what are we?

THE ABDICATION, AGAIN

This year is the fiftieth anniversary of the United Nations. The celebrations will go on and on, as politicians make banal speeches to command-performance audiences. It is unlikely that Bosnia will appear among their banalities. For it is in Bosnia that the debility of the United Nations has finally been revealed.

There is another Bosnian crisis this week. Not in Bosnia, of course. In Bosnia things are the same, only more so. A Greater Serbia is slowly and steadily emerging by means of a genocidal war. No, the crisis is taking place in the capitals of the Western powers, which are finding it harder and harder to escape the consequences of their policy of appeasement. The doves, you might say, are coming home to roost. And they still don't get it. When the Serbs made hostages of hundreds of United Nations troops last week, a spokesman for the U.N. thundered that "the Bosnian Serb army is behaving like a terrorist organization." But the Bosnian Serb army is a terrorist organization, unless you wish to include systematic rape among the terms of military engagement. And the general in command of the U.N. forces in Bosnia demanded of General Ratko Mladic "that he treat the United Nations soldiers in a manner becoming a professional soldier." But General Mladic is not a professional soldier. He is a man wanted for war crimes.

Here is what happened last week. The Serbs moved heavy weapons closer to Sarajevo and fired upon it. They have done so before. NATO issued warnings. It has done so before. The Serbs ignored the warnings. They have done so before. NATO launched a trivial attack against a Serb position. It has done so before. The Serbs responded by taking U.N. troops hostage. They have done so before. The only thing that changed last week, in short, was that the latent became manifest. De facto hostages became de jure hostages.

Also the iconography of the conflict was enriched. There have been many indelible images of the slaughter in Bosnia; last week's pictures of the scattered limbs in the Tuzla café were only the most recent ones. What was lacking, until last week, were images of the West's weakness. Now we have those photographs of those U.N. soldiers chained to those poles. Not exactly a picture of a helicopter lifting off the roof of an American embassy, to be sure; but surely a picture of our humiliation, of the forces of order flouted, of the triumph of tribalism over pluralism, of the lupine post-cold war world in full swing. No amount of "pragmatic neo-Wilsonianism" (the empty locution of Anthony Lake, who prefers the devising of bold foreign policy rationales to the devising of bold foreign policy) will erase these images of Western impotence from the memories of warlords and xenophobes around the world. They have been instructed that this is their time.

Two conclusions are being drawn from the success of the Serbs. The first is that the use of force has failed. "The Bosnian Serbs have now trumped our ace," as former Secretary of State Lawrence Eagleburger told The Washington Post. Eagleburger's pronouncement is utterly self-serving; the man was one of the architects of American appeasement in the Bush administration. Still, the Clinton administration will not exactly recoil from an analysis that refuses to entertain the serious use of real force. For this reason, it is important to understand that we did not play our ace in Pale last week.

Though the West has occasionally acted militarily against the Serbs in Bosnia, the West's response has been fundamentally unmilitary. No sustained air campaign against the war-making ability of the Serbs in Bosnia was ever really considered. (The precision of the wee assault on Pale, by the way, shows what can be accomplished by air power.) Like NATO's previous strikes, NATO's strike last week was more a demonstration of inhibition than a demonstration of the lack of it. This was not what the Serbs were fearing. It was what they were counting on. This trifling retort to the Serbs' violation of the Sarajevo arrangement played right into the Serbs' hands: it was a military response so predictably puny that it could serve only as a pretext for a Serb provocation. It also reassured the Serbs that they will never experience punishments proportionate to their crimes, and they assassinated the Bosnian foreign minister.

The second conclusion is that we must act forcefully against the Serbs to help . . . the United Nations. The ministers of the Contact Group (including the foreign minister of Russia, who must have been chuckling) announced at The Hague that they intended to expand the size of the U.N. mission and to fortify it with heavier weapons. They said nothing about the nature of the mission itself. For all with eyes to see, of course, the essential absurdity of the U.N. mission was made brutally plain last week. The blue helmets are "peacekeepers" where there is no peace in "safe areas" that are not safe. They have not impeded the war or the genocide. They have impeded only a powerful and decent response.

Recall that the "safe areas" of Bosnia were supposed to be made safe by the U.N. There are six such enclaves: Sarajevo, Bihac, Srebenica, Zepa, Gorazde, Tuzla. The list of their names is a litany of lament. The U.N. has brought them little respite. When the Serbs attack, the blue helmets retreat. On May 21, The New York Times described a videotape that captured a Serb atrocity on a Sarajevo street: "The crack of a shot echoes in Sarajevo's valley. He [a young Bosnian man] falls. He lies on his side. He is curled in an almost fetal position. A United Nations soldier looks on." In Bosnia, a U.N. soldier always looks on. Bystanders or hostages: that is what the "peacekeepers really are.

It cannot have escaped the notice of our policymakers that the U.N. is providing cover for the Serbs, except that the U.N. is providing cover for our policymakers, too. It saves them from the prospect of action. That is why the plight of the U.N. stirs them more than the plight of Bosnia. And nobody is less stirred by the plight of Bosnia than the aloof Boutros Boutros-Ghali, who put an early damper on international outrage when he called this a "rich man's war." The Bosnians, he said, were less deserving than those under siege, by hunger and by arms, in Africa. And the United States followed the secretary general's recommendation. We sent troops to Somalia and we sent no troops to Bosnia.

It is hard to think of a major crisis since the Second World War in which the president of the United States has wielded less moral and political authority. There are 22,470 U.N. troops in Bosnia, from eighteen countries. Britain has 3,565 men under arms; France has 3,835; Pakistan has 2,978. The United States has none, and the Clinton administration, the same administration that denounces the Republicans as isolationists, regularly boasts about it. In such circumstances, it is impossible for the president of the United States to lead. But he is not chafing. He does not wish to lead. He isn't terribly interested. When his national security advisers met last week in the West Wing, he stayed in the East Wing. He did tell a reporter, though, that "the taking of hostages, as well as the killing of civilians, is totally wrong and inappropriate and it should stop." And also that "I would ask him [Boris Yeltsin] to call the Serbs and tell them to quit it, and tell them to behave themselves."

To behave themselves. And if that fails, to go to their room. Does Clinton grasp that there is evil in the world? And does he understand that he is not the governor of the United States? It is a requirement of his job that he care about matters beyond our borders, matters such as war and genocide and the general collapse of America's role in the world, matters that will not gain him a point in the polls. The joke on Clinton is that he is almost certainly about to be hoist by his own isolationism. The result of the Bosnia policy that was designed to spare the United States all costs in lives and dollars may be a U.N. "extraction operation" that will require the deployment of many thousands of American troops and the expense of many millions of American dollars. And Bosnia will have been destroyed. Nice work.

It is time to conclude this sinister farce. The U.N. should get out of the way. It's forces must be withdrawn, so that the Serbs may no longer hide behind them, and then the Bosnians must be armed, so that they can fight their own fight, which is all that they are asking to do. Withdraw and strike, lift and strike. Obviously this is not as simple as it sounds. The withdrawal of the U.N. will mean war; and unless NATO provides protection from the air, for the departing U.N. troops and for the training of Bosnian troops, the U.N. withdrawal will expose the Bosnians to the Serbs as brusquely as it will expose the Serbs to the Bosnians, and Bosnia will fall. But there already is war and Bosnia already is falling. Anyway, Bill Clinton and Boutros Boutros-Ghali and John Major and the rest are not keeping the U.N. in Bosnia to spare it horror. They can live with its horror. They are keeping the U.N. in Bosnia to spare themselves a reckoning with their own failure. For it is they who ordained that Bosnia become a place where it is always too late for justice.

THE ANTITERRORISM BILL

Mr. DASCHLE. Mr. President, I did not get the opportunity to respond to the majority leader prior to the time he made his statement on Bosnia.

Let me say I am disappointed that the majority leader would come to the floor and make the statement that Democrats do not care about what happened in Oklahoma. I hope he does not mean that. I hope he did not really mean to say that, because that is wrong and in my view it is uncalled for.

We care just as deeply as anybody on the other side about what happened in Oklahoma. I hope we do not have to hear a statement like that again on the Senate floor. We care just as deeply about responding to this issue, and we will respond to it. But we also care very deeply about our right to offer some fundamental amendments to this bill.

Let me remind everyone this bill did not go through committee. This bill was not the subject of hearings. We went straight to the floor, brought this bill up on Friday, offered some amendments and took a week's break. If we care so much about this legislation, why in the world did we have to take a week off before we came back? Now we are on it, and this is the third day.

Mr. President, I have worked on our side to bring the list of amendments down, as I said I would. We have gone from over 60 amendments to, as I understand it, 15 or 16. We have come to a point where we can finish this entire bill—and we can stay in as long as necessary to do it—in less than 12 hours. We will get all of the amendments up. We will have votes on them and very short time agreements. We will finish this bill tomorrow at whatever time we want to. We can do it.

Everybody can respond. We can make our political points on both sides, if we have to, but we are going to complete action on this bill.

But let me tell you, if we do not have a right to offer amendments on this bill, of if in some way we are prevented from doing so tomorrow and the next day, and this bill is pulled from the floor, I want to put everybody on notice that we will offer it to the telecommunications bill and every other single piece of legislation that comes on this floor until we resolve it. So this is not going to go away. Our rights are going to be protected. I want everybody to understand that.

So, Mr. President, I hope we can work through this and I believe we can. I hope that in the course of the next hour or two, we can work through this, come up with an agreement, resolve our differences on procedure here, and finally come to a point where we can vote on final passage. We can do it. We need to work together.

I know patience is strained on both sides. But I believe we have to accommodate Senators' rights here, and a Senator has a right to offer an amendment on this bill, as we have attempted to do. We are down to a short list, and I believe we ought to work through the amendments on it.

Mr. DOLE. Mr. President, well, we had hearings on wiretap authority, and we had general hearings before the FBI Director Freeh. We have had numerous hearings on habeas corpus reform. We have had hearings on alien terrorist removal and posse comitatus. We have had a lot of hearings. But, again, I remind the Democratic leader that the President of the United States, who happens to be a Democrat, wants to get this bill passed. Does he want 16 amendments or 26 amendments or 36 amendments? He wants the bill passed.

You cannot have it both ways. You cannot criticize Members on weekends for not passing a bill, saying there are too many amendments, and saying he wants to cooperate and have 16 amendments. Members do not need 16. They probably do not need six. They probably do not need five amendments.

This happens to be your administration, your President, who is taking credit for the antiterrorism bill, and the Democrats will not let it pass because they have to have all of their amendments. They have to have 16 amendments. Why do they need 16 amendments?

This is an antiterrorism bill, not a gun bill and not any other kind of bill. We ought to pass it. We ought to pass it in the next couple of hours. We probably will not. We probably will not pass it at all. We will have a cloture vote tomorrow. If the Democrats vote against cloture, that is fine. Then they will have spoken. They will have made a statement on how they feel about antiterrorism legislation.

If the President were on their side saying, "Gentleman, we have to have all these amendments," I can understand. But he is on our side. He is on our side. He said he was last night on Larry King. He wants habeas corpus reform. He wants what is in this bill. He wants the terrorism bill. "The majority leader is right saying there are too many amendments." We have gone back to our people and said they cannot offer these amendments. Offer them some other time.

We will be in session for a long, long time. I was told we should have stayed here during the week. Do not give me that stuff. Sixty-seven amendments offered by the Democrats, and I was told by the manager on the other side they would work all these things out over the recess. In fact, I asked the question. Let Members not come back on Monday and say we just got back from recess, we have not made any headway.

It is very frustrating. I know the Senate is a different place. I know one Senator can delay as long as they can, and two or three Senators can delay for days and days.

This is something that the President of the United States wants very badly. It is something I assume that the Democrats want badly. If they want it badly, they will stop offering amendments. These amendments have nothing to do with terrorism. They were not in the President's bill.

Why not get on with it and pass the bill? We have a terrorism bill. We can take care of habeas corpus and go to final passage or agree on two or three amendments on a side and get it done.

We have taken the taggants, that amendment that the President was concerned about. We worked it out. Worked it out on both sides. We accepted that amendment and another amendment that we thought had merit, extending the statute of limitations from 3 to 5 years. We have done that. We will not continue this game. I do not care whether they offer it on telecommunications or not. That is a right they have.

The time is running out. The time is running out for this bill to be on the floor. Make no mistake about it. If they want to do business, we will do business. If not, it is fine with this Senator.

Mr. DASCHLE. Mr. President, let me just briefly respond to a couple of points.

First of all, the majority leader filed cloture before the first amendment was offered. I do not know what kind of good faith effort there had been to try to work on both sides to accommodate the interests that Senators have with regard to amending this bill. It did not appear to be much.

Second, as I said, there is a very limited timeframe within which all of these amendments could be disposed of. Let no one confuse the issue. We are not trying to prolong debate on this bill. We are not trying to keep it from coming to final passage. We can do that tonight. We can do that before 8 o'clock tomorrow morning.

All we have to do is work through the amendments. We have already agreed to a time limit. Indeed, we can have it both ways. We can accommodate all of those Senators who specifically said, "I have a very important amendment relevant to this legislation, and I will do it in a very short timeframe, and I want to vote for final passage."

So, it is very clear. No one should be confused about it. No one is trying to delay it. If it is pulled, we will have plenty more opportunities to vote on this legislation on whatever other bills come up before the Senate in the coming weeks.

I yield the floor.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER (Mr. THOMPSON). The Senator from Delaware.

Mr. BIDEN. Mr. President, I realize the majority leader is very busy, and he has a lot of pieces of legislation he has to deal with and a lot of other matters relating to national responsibilities and the Republican Party.

However, I want to point out to him, he keeps talking about 60-some amendments. It is down to 16 amendments, No. 1. No. 2, of the 16 amendments, there are only 4 amendments that there is a problem with here. The four amendments relate to guns.

That is what this is about. The President wanted wiretapping authority in this. We have an amendment for that. The other side does not want to get tough on those terrorists and allow the Government to wiretap them. I understand that. It is a civil liberties issue from their perspective. I understand it. But the President wanted it.

The President wanted posse comitatus, but apparently some of the posses out West do not want posse comitatus change, so we will have a vote on it.

The President also wants it in this bill. He wanted some authority relating to immigration that the other side does not want. It was in his bill. They took it out. I understand. That is one of the amendments in here.

There are four amendments, five amendments, with regard to time agreements—the longest 90 minutes, the shortest 20—relating to habeas corpus. The President says he wants habeas corpus. He did not say he wants the Republican habeas corpus; he says he wants habeas corpus. We want to give the Senate the one the President wants, not the one the Republicans want. We want to debate it.

So, look, the amendments we are talking about here, all of which have time agreements on them, all of which, on our side, have time agreements on them, are amendments—but for four of them—that the President does want or wants a version of them different than the one in the Republican bill.

So I would like to ask this question: Why do we not have a cloture vote on those four gun amendments? Because that is what this is about. Why not have a cloture vote on those? And why do we not move on with the rest of these? And if we get cloture on those four amendments, fine. No problem. They are gone. I am sure they will come back. But they are gone. I do not want them on this bill. I did not want any of these on this bill.

But we should get something straight here. This is an interesting way to proceed. There was a bill that was brought up, not out of committee—which I understand and I am not being critical of—and it gets brought up on the floor, everybody not having not had a chance to read it, because it is a Republican bill that was not finalized on the day we started to debate it, and I understand that, too.

Everybody put all these place holder amendments out there. There were 60, 70, 80, 100, I do not know what the number was, a humongous number. So we stayed here late 1 day, Senator HATCH and I, to get a finite list so no one could add more amendments. So we get a finite list and we list them. And then the leader comes back before we voted on any of them and he files a cloture petition.

Now, I realize this will be lost on the public, and I understand this is inside baseball. I understand this is the Senate. I hope the press understands it, though. Then the leader looks down and says, "OK, you now have shown me your list. You have agreed this is a limited list. Now I want to go down the list. I don't like that one, that one, that one, that one, so I'm filing cloture. Gotcha."

Look, whether there is a time agreement, we walked out of here and came out of a caucus. I did what I committed to do. And the leader did what he committed to do. I came out here and I said, "OK, here is a time agreement with these four. Can we move them right away?"

I thought the Republican side was for it because they printed up a unanimous-consent agreement. All of a sudden, boom. We cannot debate them. Or we cannot vote on them. We have a Kerrey amendment. The President wanted the ATF involved. Apparently, the ATF is like holding up a cross to Dracula to some folks around here. He stood up and gave a time agreement of 30 minutes. He made his pitch on ATF, why they should be included the way the President wants them included. All of a sudden, there is silence on the other side, not a response, no question, just so we cannot vote on it.

What is this, legislation by fiat? Now, look, if this is about getting the bill done, which I thought that is what the cloture thing was about, getting it done, in the 2 hours we have wasted, we could have disposed of at least four of these amendments already. We can get this done.

But that is not what this is about. This is about making sure that the Republican bill stays the way they wrote it. And they are using legitimate procedural approaches under Senate rules to effectively make sure we cannot offer other amendments.

As a matter of fact, one of the four amendments that are about to be offered relative to guns, I am voting against. I do not think we should take away the civilian marksmanship money. Why can we not even allow the guy to raise it?

I tell Members, this is not about time, folks. Understand, this is not about time. This is not about anything other than making sure that the majority can dictate to the minority what they can bring up and under what circumstances they can bring it up. I suspect they would be very satisfied—I hope they would be satisfied—if they brought up all the amendments that would not fall when cloture was invoked, vote on them, and then try to make the rest of them fall.

I cannot think of any major bill—I am sure there is an exception to this—off the top of my head, any major bill, that did not have nongermane amendments in a technical sense attached to it. I cannot think of any. It is possible. I am sure there are some, but I cannot think of any. And we are acting like this is some kind of unusual procedure.

Look, we can give a time agreement on all the 16 amendments. It can all be done—could have been done by tonight. It still can, if we are willing to stay in very late. We could be finished. We do not even have to get to cloture to get to final passage on this bill. But if there is another reason not to do that, I understand it. I respect the right of the Republican majority to deal with this under the rules. If they want to do that, fine. But, please, do not make anybody make any misunderstanding. There are not 60 amendments, there are not 50, there are not 40, there are not 20, there are 16 and dwindling. Four—five of which so far we have been told bluntly they will not allow us to vote on them.

The one—let me be precise. Four we are told we are not allowed to vote on. And, by the way, the longest one has a 60-minute time agreement on it. The others have 20-minute time agreements. And one of which I do not know what they are saying, on the Kerrey amendment about ATF.

I ask my friend from Utah, are we ready to vote on the Kerrey amendment?

Mr. HATCH. Let me answer my colleague. I am prepared to try to resolve that amendment as I am all of them. When we appeared——

Mr. BIDEN. We are ready to vote, Senator.

Mr. HATCH. I understand. When we appeared down at the Cabinet room we promised the President, on our side, at least, we would not make this—we would try to get it passed. I made it very clear at that time that habeas corpus reform would be in the bill and we were trying to satisfy him on it.

I have not heard that he is against the provisions in this bill. If he is for what the Senator from Delaware wants instead of the provisions in this bill, I certainly will be interested in that. Because I do not think he wants to limit it just to the Federal courts, the appeals.

Let me just say this. When we were there we said we would not make this a gun fight. We will do that, if we have to. We will face those issues on the crime bill. And we have succeeded on our side. We have a lot of people over here who are very dissatisfied with some of the current laws with regard to the right to keep and bear arms that we have personally gone to and said, "Do not bring them up on this bill. The President wants an expedited bill. He wants to solve this problem, and, by gosh, we intend to solve it." And our people have not. We turn around and here we have the gun fight started on the other side, that is irrelevant to this bill.

Mr. BIDEN. Will the Senator yield for a question, just a brief question, a serious question?

Mr. HATCH. Of course.

Mr. BIDEN. Will the Senator be prepared to move forward if we drop the four gun amendments?

Mr. HATCH. I certainly believe we could.

Mr. BIDEN. And enter time agreements on all the remaining amendments?

Mr. HATCH. It is up to the leader but I certainly believe we could if we drop the gun issue.

Mr. BIDEN. I ask the leader, will he be willing to continue on the bill if we drop the four gun amendments and vote on the other amendments?

Mr. DOLE. I do not know if those are gun amendments or not. I have not looked at the amendments. I want to stick to terrorism. I want to see what the end result is, when we would finish the bill. But I underscore what the Senator from Utah said. I attended the White House meeting. Everybody was saying "They are going to make this a big gun fight." We said "No, we are not going to do that. We are not going to offer any of the so-called gun amendments." And then we have them all offered on the other side, or many offered on the other side.

We say no. We accommodate the President. He wants to get the bill passed. The President was at the Air Force Academy and blasted Congress for not passing a bill. Mr. President, 67 amendments were filed by Democrats. We only saw seven of those amendments before Monday. We did not know where they were. We did not know what the other 60 were.

I just suggest we are going to either complete this bill or we are going to have a cloture vote in the morning. If we do not get cloture it is out of here. It is gone.

Mr. HATCH. Could I add one other thing in response to my good friend from Delaware——

Mr. BIDEN. Surely.

Mr. HATCH. My partner in the Judiciary Committee. We do not even know what some of the other amendments are because nobody has given us any language. But I think there might be a way of resolving this if we got rid of the gun fight and reserve that for the crime bill.

Mr. BIDEN. Mr. President, if the Senator will yield?

Mr. HATCH. We would like to see what the other amendments are before we move ahead.

Mr. BIDEN. If the Senator will yield, they were all filed by noon today.

Mr. HATCH. We do not know what Senator KERRY's amendment is. I am talking about Senator JOHN KERRY from Massachusetts.

Mr. BIDEN. No, my question was about Senator KERREY from Nebraska. Are we ready to vote on that amendment?

Mr. HATCH. I am trying to get that cleared on our side. The amendment I am concerned about is Senator JOHN KERRY from Massachusetts. We do not have any language on that.

Mr. BIDEN. If it is not filed——

Mr. HATCH. You said you would get back to us on that.

Mr. BIDEN. I am told the amendment was filed at noon.

Mr. HATCH. The Democrats have 20 amendments. Before Monday we had language on only seven of those amendments. We certainly do not know what the John Kerry amendment is.

Mr. BIDEN. Let me reiterate. It was filed, I am told. And, No. 2, of the 35 or so amendments Republicans filed, we did not have copies of any of those amendments either. I mean what are we talking about here?

Mr. HATCH. I would like to know what they are and let us see if we can resolve it. If we can get rid of the gun fight around here and go ahead on habeas and some of these other problems that really pertain to this bill, sure we are going to want to go ahead. I want to go ahead.

Mr. BIDEN. Parliamentary inquiry, Mr. President, if I may. I do not know whether I am making unreasonable work for the Parliamentarian here with this request. If I am I would be happy to be told so and I will withhold.

Have all the amendments that are able to be attached to this bill prior to cloture—have they all been filed by 12:30 today?

The PRESIDING OFFICER. All first-degree amendments had to have been filed by 12:30 today.

Mr. BIDEN. I would ask, is there an amendment—or if they need time—is there a John Kerry of Massachusetts first-degree amendment?

The PRESIDING OFFICER. Senator KERRY of Massachusetts filed an amendment, No. 1212.

Mr. BIDEN. I understand that that is an amendment relating to firearms. And that would, relating to the list of the 16 amendments, make it five of them relating to firearms, including the one Senator JOHN KERRY filed. The point being, it was filed almost 4 hours ago at the desk in accordance with the rule requiring first degrees to have been filed.

The only point I want to make is there is not any subterfuge here that no one knows what is going on. We may not know what is going on because we did not go look, but it has been filed. It is there. We have, of the total of 16 amendments we are talking about, five of them relating to firearms.

We are ready to vote. We can dispose of all these amendments including those five amendments I have just referenced. It can all be done and all finished before the cloture vote tomorrow if there is good faith to try to move. We are willing to enter into time agreements.

What I would like to suggest, since we cannot enter into a time agreement on those five amendments, maybe while the Republican side is responding to Senator JOHN KERRY's amendment—and a further parliamentary inquiry—I mean ROBERT KERREY's amendment—what is the pending business?

Mr. DOLE. There is not any pending business. We are in morning business.

The PRESIDING OFFICER. Actually we are in morning business right now.

Mr. BIDEN. What was the pending business prior to us going into morning business?

The PRESIDING OFFICER. The Kerrey of Nebraska amendment, No. 1208.

Mr. BIDEN. The Kerrey of Nebraska amendment 1208?

Mr. KERREY exhausted his argumentation on it and is ready to vote on it.

Mr. DOLE. We are ready to take it.

Mr. HATCH. We are very close to taking that amendment. I just have to clear one or two more people, and we are working on it. Let me suggest the absence of a quorum.

Before I do, let me suggest let us work on this, let us see if we can get together. There is good will on both sides here. We want to get this resolved. But we just do not want the gun fight on this bill. It is a reasonable request. I understand the sincerity of people on the other side who do want it. There are people on our side who did, and we kept them off. We fought them and said you cannot do it. We told the President we would not do it. Now all of a sudden we are in the middle of a gun fight and we just do not want to do it on this bill. This bill is too important.

Frankly, I think we can battle out these other things. The questions on habeas we will fight it out here on the floor and let the chips fall where they may. We have been willing to do that from the beginning.

I see the majority leader wishes to speak.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Mr. President, I wonder if the two managers might go off somewhere and try to see if they cannot put together something. Better than do it out here in the open.

Mr. BIDEN. You do want us to come back, do you not?

Mr. DOLE. It is like making sausage out here.

It may be we can work it out. I do not see much problem with the Kerrey amendment. We might be able to accept that with some modification. But we want to finish the bill. I promised the President we would finish it before Memorial Day. I like to keep my word. That was not possible. But the President did not know it was not possible and he said some things I did not like.

So I am going to finish this bill. If I do not finish the bill it will not be my fault. Because we could not get cloture or we could not get cooperation on the other side. That is his side, not my side. We are ready. We are ready to do habeas corpus and have final passage before 6 o'clock. That would be an antiterrorism bill. All these other things are going to be around here a long time, this year and next year. We can offer all the amendments we wish. This came to us as an emergency. This was an emergency. We were all called to the White House. We do not do this on every bill.

This is very important to the President of the United States. He has been to Oklahoma City. He saw the need. He met with the Attorney General. He met with leaders of Congress and said, "Let's do it." We did not say let us see how many amendments we can offer, who can outpoint each other, make some political points on some issue, whatever it might be. That is what we are about to get into here, and I do not think I want to be any part of that. I want to try to keep my word to the President. If we cannot, we cannot. We will do the best we can. I think he will understand. If he does not understand, I will write him a letter. But that is the way it goes.

Mr. BIDEN. Mr. President, in response to the leader's suggestion that Senator HATCH and I go off, I am always happy to go off with Senator HATCH. What I would like to suggest is that in the meantime we move on an amendment that the President wants in this bill, the wiretap amendment, while he and I are off. We can continue to make progress. I just think we should debate it in case we do not even get close.

Mr. DOLE. We are close on that amendment, too. If the Senator and Senator HATCH could go off somewhere for 10 minutes they could probably get back pretty much with an agreement.

Mr. HATCH. We have been trying to get an answer to that one for the last 36 hours.

I intend to accept that amendment.

Mr. BIDEN. Good. I urge the amendment.

Mr. HATCH. I have to check one or two more people. I am personally doing the best I can. It is an amendment that really would allow wiretaps following the criminal. In other words, instead of having to follow the phone they follow the criminal who might use multiple phones. I personally have no objection to that and think it is a wise amendment. The President wants it. I support the President.

Mr. BIDEN. Mr. President, I think——

Mr. HATCH. But I have to deal with my side, too.

Mr. BIDEN. Mr. President, my experience is not as extensive as the leader's and slightly more extensive than the Senator from Utah's here, but it seems to me we waste a whole lot of time working out whether we can work things out rather than just bringing them up and voting on them. By the time we get to vote on it, we are slowing things up.

I have another amendment we can move to, then.

Mr. HATCH. Will the Senator yield before he does? We have a bunch of pending amendments that we have asked you to accept. The Smith amendment, which would set a floor.

Mr. BIDEN. We cannot, but let us vote on Smith. We are ready to vote.

Mr. HATCH. We have McCain-Leahy. We have the Pressler amendment.

Mr. BIDEN. McCain-Leahy is cleared.

Mr. HATCH. Then I urge McCain-Leahy—oh, we are still in morning business. I am ready to move here. We have Senator SPECTER's amendment.

Mr. BIDEN. We are ready to vote on the Specter amendment. We would agree to a 10-minute time agreement.

Mr. DOLE. You cannot take it? You do not want to take it or you cannot take it?

Mr. BIDEN. We cannot take it now so let us just vote on it. Look, in 10 minutes—the whole thing is over in 25 minutes rather than spending 45 minutes deciding whether we can take it.

Mr. DOLE. We would like to take a number of back-to-back votes if we are going to do that.

Mr. HATCH. We have the Brown amendment?

Mr. DOLE. Why can you not take any of our amendments and we are taking your amendments? Because we are Republicans?

Mr. BIDEN. We can take Hatch. We can take the Hatch amendment, and we are happy to do that. We are ready to accept the Hatch amendment. We have already taken the McCain amendment. That is two out of six. That is about what your average is.

Mr. DOLE. You are getting better.

Mr. BIDEN. The Pressler amendment; three out of seven. That is better than your average.

Mr. HATCH. How about Abraham? Can you take Abraham?

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. SNOWE). Without objection, it is so ordered.

RECESS

Mr. DOLE. Madam President, I will just announce, the Senator from Delaware and the Senator from Utah have been meeting. We now have a list of amendments, but I think we need time to determine whether or not we are going to proceed, because there are 24 amendments now. There were not that many when they went into the meeting, but they came out with 24 amendments. The time agreements just on the Democratic side would take 9 hours.

I think I need to meet with Senator HATCH to see whether there is any other option, other than waiting and having the cloture vote tomorrow morning.

So, Madam President, I move that the Senate stand in recess until the hour of 6:10 p.m.

The motion was agreed to, and at 5:36 p.m., the Senate recessed until 6:08 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. BURNS].

The PRESIDING OFFICER. The majority leader is recognized.

Mr. DOLE. Mr. President, as I understand it, the Senator from Illinois wanted to speak in morning business.

Mr. SIMON. That is correct.

MORNING BUSINESS

Mr. DOLE. Mr. President, I ask unanimous consent there now be a period for the transaction of routine morning business not to extend beyond the hour of 6:30 p.m., with each Senator to be allowed to speak for 5 minutes—or whatever.

Mr. SIMON. I would like to take about 20 minutes?

Mr. DOLE. OK, you can give him the whole 20 then.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Illinois.

THE DOLLAR, THE YEN, AND THE DEFICIT

Mr. SIMON. Mr. President, this is the third in a series of commentaries I am making on our Nation's condition, a series suggested to me by President Clinton after I announced my future retirement from the Senate.

One of the major economic events of this year is the recent decline of the dollar against the Japanese yen and the German mark. Though this slippage was arrested temporarily a few days ago, the long-term trend is clear. We know that the drop in the value of the dollar will affect our future, but we are not sure how. We know that we should do something about it, but we are not sure what.

At a White House press conference on Tuesday evening, April 18, a reporter asked President Clinton about the sinking dollar, and the President responded: "In the present climate, the ability of governments to affect the strength of their currency . . . in the short run may be limited." If that is an excuse for inaction, it is wrong. But the President was right in saying:

> So what you have to do is work over the long run. The United States does want a strong dollar. We believe in the importance of fundamentals in our economy. We believe in getting the deficit down, getting jobs up and pursuing a responsible course.

The Washington Post had an editorial that observed:

> Anger and frustration in their voices, Japanese and German officials have been calling on the United States publicly to do something about the [falling] dollar * * * The United States is likely to offer sympathy but little more. There's nothing useful that the United States can do.

The Post is wrong.

A few blamed our $20 billion loan guarantee to Mexico, and while it could have altered behavior slightly in an uneasy market, a $20 billion multiyear loan guarantee is not something major for a nation that has a $6 trillion national income, if it has its economic house in order.

There are two basic questions: What does the fall of the dollar mean? What can we or should we do about it? I shall address both.

What does the fall of the dollar mean?

It is significant, both for our Nation and the world. Since two-thirds of the world's trade is carried on in dollars, the erosion of the dollar can destabilize economies far from us. But the British publication, the Economist, is correct:

> In the long run, the biggest loser from the neglect of the dollar will be America itself.—April 15, 1995.

A Journal of Commerce columnist accurately noted on April 17: "The weak dollar will decrease U.S. political influence abroad." Peter Passell wrote in the New York Times, on May 7: "No indicator of the American economic decline stands out like the fallen dollar." Paul Volcker, former chairman of the Federal Reserve Board, is quoted in the New York Times on May 2: "If you think American leadership is important, then erosion [of the dollar] is a negative." Time magazine, in its March 20 issue, quoted financial analyst Felix Rohatyn: "We are gradually losing control of our own destiny. The dollar's decline undercuts American economic leadership and prestige. It is perhaps the single most dangerous economic threat we will face in the long term because it puts us at the mercy of other countries." Van Ooms, economist for the Committee for Economic Development and former chief of staff of the House Budget Committee, said on the pages of the Chicago Tribune on April 13 that Europeans will take this country less seriously on foreign policy "when it can't run a credible economic policy." As if to underscore all of this, the April 12th Wall Street Journal had a heading about the fastest growing economic part of the world: "Asia's Central Banks Unloading Dollars in Shift Toward Yen as Trade Currency."

Short-term, Americans will see little change. Yes, if we are traveling in other nations, we will be hurt a little by the foreign exchange rates. Our balance of trade with other nations may be helped a little, because U.S. products can be secured for less money, though foreign businesses—like their American counterparts—rarely immediately drop their prices, both because they want to make some additional profit and because there is a reluctance to adjust prices until the currency market stabilizes. Our balance of trade is helped because U.S. businesses that buy component parts from overseas producers will suddenly find them more expensive and will shift to a U.S. manufacturer of the same product, if one is available. But that is not always the case. The VCR, for example—invented, developed and, at one time, entirely manufactured here—now has no U.S. manufacturing source.

Little-noticed economic consequences will gradually affect us. For example, securing a patent in Japan will now be more expensive for a United States firm or individual. Factors like that have a limited, short-term impact but a much greater long-range impact.

Long-term, the dollar decline has more serious consequences.

First, the increased cost of foreign goods will have a gradual inflationary impact on our economy. That will not only cause the consumer dollar to shrink and discourage savings, it eventually will put pressure on the Federal Reserve Board to raise interest rates to discourage inflationary pressures—and that will hurt our economy.

The financial markets will also push interest rates up. We know that approximately 16 percent of our deficit—or about $700 billion—is publicly known to be held outside the United States. But many nations outlaw holding bonds from another nation—the United States once did—and there is additional ownership that is not publicly disclosed, hidden usually through a third party holding the bonds. If the dollar continues its decline, U.S. bonds denominated in dollars will become less and less attractive. We will have to raise interest rates to sell this huge chunk of our deficit.

Less widely known is that 14 percent of our corporate bonds are held by people who live beyond our borders. That money has financed a huge chunk of our industrial expansion and modernization. If the dollar continues to decline, we will either lose this source of capital, or interest rate payments will have to be raised to make these bonds attractive enough to sell.

In addition, there are sizable foreign deposits in savings and checking accounts in our banks, and foreign-held certificates of deposit. Indirectly, these help to finance both our government sector—because the banks buy Treasury bonds—and the private sector, because the banks are able to make loans to U.S. businesses with these resources. If all of this shrinks because of a fall in the dollar, the only way to salvage the situation is with higher interest rates.

In the long term, higher interest rates discourage industrial investment and reduce productivity. Our economy is hurt, and the phenomenon of a lower dollar is not healthy for our Nation. From time to time, minor adjustments will occur and frequently are healthy. But the fairly consistent pattern of the drop in our dollar against the yen and the mark has major long-term consequences for our citizens that are not good.

I read an exchange that took place between two economists some years ago when the dollar brought 262 yen. In 1968, incidentally, 1 dollar equaled 360 yen. Here we can see in this graph what has happened to the dollar versus the yen. The one discussant predicted that if our policies were not altered, the dollar would eventually slide to 180 yen. The other economist predicted, confidently, that this would never happen. A few days ago, the dollar fell to 82 yen and today the dollar is worth 84 yen. Recently the Washington Post published a column noting the opinion of an economist and an economic observer who suggest we may have to think about issuing U.S. Treasury notes in yen rather than dollars to attract buyers and save on interest. The reasoning is simple: The financial markets want a stable currency for their investments, particularly long-term investments. The yen has shown itself much more stable than the dollar. To continue to sell in dollars will require higher interest rates. Therefore, they argue, we should issue our bonds in yen and pay less for interest. It would be politically unsettling to many Americans to see our bonds being sold in yen, but that is where we are headed.

There are better alternatives.

What can we do about the fall of the dollar?

It is not difficult to diagnose much of the problem. But once the illness is diagnosed, the patient has to take the medicine, and that is much more difficult with a patient that is not accustomed to taking distasteful medicine.

The basic problem is that the confidence in the dollar has diminished. Neither cheerleading by United States officials nor salvaging efforts by the central banks of Japan, Germany, and other countries will do more than temporarily heal the wound. Confidence-building measures have to be substantial. Those who now hold U.S. dollar-denominated financial certificates, who are uneasy, are not going to be assured by cosmetic actions.

Four steps can strengthen our economy and solidify the dollar.

First, get rid of our Government deficit. This is, by far, the most important of the four actions, and it will help the next three. It is no accident that the most recent slide of the dollar began the day after the Senate rejected the balanced budget amendment by one vote.

The Federal Government has been in a deficit situation for 26 years, and for 25 years, the dollar has been in a slide against the yen and mark. It does not take an Einstein to understand there is a relationship. But it is not a straight line, and other factors are also present. Sometimes when the deficit was high, interest rates were high, increasing the value of the dollar. It is an over-simplification to attribute all of the dollar decline to the deficit. But it is a major cause.

"The Germans and the Japanese say the basic problem is America's budget deficit," the New York Times reported on April 25. A month earlier, the Los Angeles Times reported Federal Reserve Board Chairman Alan Greenspan telling the House Budget Committee that "last week's Senate defeat of the balanced budget amendment [can be blamed] for the sudden plunge in the value of the dollar and pointedly warned Congress that the currency will remain under long-term pressure until Washington tackles the deficit." The newspaper called his comments "extraordinary because he so rarely gets involved in political disputes over tax and budget policies."—March 9, 1995.

Business Week, in its March 2 issue, commented on the dollar slide: "What the [international] market wants is simple: less debt or higher interest rates." The same article noted "that sense of unease [caused by] the narrow defeat in the Senate of the balanced budget amendment. Now, investors are worrying that talk of tax cuts will continue despite the amendment's failure. 'The optimism that something would be done on the long-standing U.S. budget deficit problem has disappeared,' argues Jonathan H. Francis, head of global strategy at Boston's Putnam Investments." The story concludes: "Unless the U.S. * * * catches on, even more trouble lies ahead." Paul McCracken, economist at the University of Michigan and former chairman of the Council of Economic Advisors under President Nixon, had a guest column in the Wall Street Journal of April 13, titled: "Falling Dollar? Blame the Deficit." In the article, he says that the deficits have caused a decline in productive capital investment and that this "is not trivial. If gains in real income had continued at a pace more in line with our long history, average family income today in real terms would be almost 25 percent higher than our economy is now delivering." The bipartisan Concord Coalition recently issued a study suggesting that family income would be $15,000 higher today if we had not had years of deficit. On April 17, Trudy Rubin wrote prophetically in the Journal of Commerce: "If there were signs that Washington were cutting the deficit, the dollar would probably stabilize." Lawrence Thimerene, chief economist for the Economic Strategy Institute, wrote in the New York Times on March 23 that, to stabilize the dollar, Congress and the President must "demonstrate real seriousness on deficit reduction." To the credit of President Clinton, he did that with his budget of 1993. It cost him politically, but it benefited the Nation. To the credit of our colleague, Senator PETE DOMENICI, chair of the Budget Committee, he has proposed that we balance the budget by the year 2002. While I differ strongly with his way of getting there, I applaud his courage in proposing this. The Senate and the House now have passed different budget blueprints. During the Senate debate, several of us on the Democratic side of the aisle proposed a different budget plan which would balance the budget but with significantly different priorities. We need bipartisan efforts in the that direction.

But our task is made more difficult by the one vote we failed to get in the Senate for a balanced budget amendment. I hope that 1 of the 34 Senators who voted against it—DALE BUMPERS, DAVID PRYOR, BARBARA BOXER, DIANE FEINSTEIN, CHRIS DODD, JOE LIEBERMAN, DAN AKAKA, DANIEL INOUYE, WENDELL FORD, BENNETT JOHNSTON, BARBARA MIKULSKI, PAUL SARBANES, EDWARD KENNEDY, JOHN KERRY, CARL LEVIN, PAUL WELLSTONE, BOB KERREY, HARRY REID, BILL BRADLEY, FRANK LAUTENBERG, JEFF BINGAMAN, PAT MOYNIHAN, KENT CONRAD, BYRON DORGAN, JOHN GLENN, MARK HATFIELD, CLAIBORNE PELL, FRITZ HOLLINGS, TOM DASCHLE, PAT LEAHY, PATTY MURRAY, ROBERT BYRD, JAY ROCKEFELLER, and RUSS FEINGOLD—will reexamine the issue in light of what has happened to the dollar and in light of the action taken by Senator DOMENICI and the Budget Committee.

Even Budget Committee action alone toward fiscal balance has had an impact. The heading on the New York Times story of Friday, May 12, was: "The Dollar Surges On New Plan To Cut Deficit." The story, written by Peter Truell, begins:

> The dollar staged its biggest one-day rally in nearly four years, rebounding against the German mark and the Japanese yen on speculation that Washington might do more than in the past to cut the federal budget deficit.

The difficulty with the Budget Committee acting alone, much as its goal is to be applauded, is that the financial markets will remain somewhat skeptical, as I am, about whether Congress will follow through in the remaining 6 years. Financial savings from interest that could be applied to things like social programs and Medicare, and should be applied there rather than for a tax cut, will not be fully achieved. On the basis of estimates made by Data Resources and other forecasters, my guess is that with the same goal of balancing the budget and the firm wall of a constitutional amendment, there would be an additional interest savings of at least 1 percent. That would mean an extra $170 billion over 7 years for needed programs like education and a stimulated U.S. economy in areas that are interest-sensitive, such as home construction, car purchases, and industrial investment.

Washington Post columnist James K. Glassman recently had a column under the heading, "Year of the Balanced Budget." While whoever wrote the headline for the column may not have intended it, there is fear on the part of many that the use of the singular, "year," is what will happen. We need "Years—plural—of the Balanced Budget." Our experience with legislative solutions, such as Gramm-Rudman-Hollings, an earlier balanced budget try, is that they have an impact for a year or two, but when the public squeeze is felt, it is much easier politically to create additional deficits than to make the tough decisions.

That's where the constitutional amendment would help.

But unless we confront our fiscal problems, the day will come when we will look back with longing to the day when the yen was 84 to a dollar.

Second, our trade imbalances must be addressed. A report from the Congressional Research Service says that studies show 37 to 55 percent of our trade deficits are caused by the budget deficit.

But there are other causes, varying from our neglect to aggressively market, to our weakness over the decades in trade negotiations. The latter deficiency is caused in part by not having a cadre of professionals handling our negotiations, particularly when compared to Japan. Too often it has been long-term professionals against changing teams of U.S. negotiators, and I don't mean that disrespectfully to fine, competent people of both political parties who have been thrust into these positions of responsibility.

The firm stance of President Clinton and Trade Ambassador Mickey Kantor in negotiating with Japan on automobiles and car parts is sound. I am optimistic that the problems can be satisfactorily resolved, but we should not be too eager. It is also worth noting that our firmer stance with Japan on trade matters has come since Japan has been a declining factor in purchase of our treasury notes. It is difficult to get tough with your banker.

The United States also must build products that can accommodate the cultures of other nations; we must learn to sell in their languages, not ours; and tens of thousands of U.S. corporations that do not consider marketing in other nations must change course.

We are gradually getting better, but it we can hasten the process, we will reduce the trade deficit that troubles the international currency markets.

But any serious look at trade policy must return to fiscal policy. Last month, Judith H. Bello, former general counsel to the U.S. Trade Representative, wrote in the Washington Post:

> The United States will continue to run trade deficits, no matter what happens in trade negotiations, so long as we run federal budget deficits. If Japan and every other trading partner opened their markets completely, we would still run a trade deficit if our savings rate remained inadequate.
>
> There is little that trade negotiators can do about a trade deficit. The power to reduce the U.S. deficit lies with Congress and those within the administration responsible for the federal budget. No matter how many markets any trade representative opens, the effect on the U.S. trade deficit in isolation is peripheral.
>
> U.S. trade negotiators have relatively little power to affect the weakness or strength of the U.S. dollar through their market-opening negotiations. As long as the United States remains heavily dependent on foreign capital to fuel our economic growth, and fails to save more and spend less, the dollar is likely to be relatively weak despite our fundamental competitiveness.

Third, our savings rate must be increased. Again, the biggest impediment to our savings rate is the deficit. But it is more than that.

The United States culture is not dramatically different from that of Canada and other Western industrialized nations, but our savings rate is significantly lower. We save only 4.8 percent of our gross national product, Canada saves 9.1 percent, Germany 10.7 percent, and 19.7 percent in Japan. Because of the low savings rate, the United States is much more dependent on others buying our debt paper.

By making some changes in our Tax Code, we can reward savings rather than debt. Our Tax Code, for example, rewards businesses that create debt to finance growth, rather than financing growth through savings or equity financing. A corporation that buys another corporation by borrowing money can write off the interest payments even through the debt may create hazards for the purchasing company. But if that same corporation more prudently issues stock, the dividends are not deductible. If we changed the tax laws to permit 80 percent of interest to be deductible and 50 percent of dividends to be deductible, the net result would be a wash in Federal revenue, but many corporations would have a more solid base, and our corporate debt base would decline. Similarly, we should create tax incentives for individual Americans to save that would not add to our Nation's debt but would add to our productivity by making investment capital more available. Our people do not have the incentives to save that citizens of many nations have.

Shifts in our culture will not be brought about quickly, but we must work to bring about change.

Fourth, we must do more long-term thinking and face our deficiencies frankly. The fiscal deficiency is an example I have already discussed. We have ducked telling people the truth because it is politically more convenient to duck.

But there are many more examples.

Can we expect to build the kind of a nation we should have if we continue to have 23 percent of our children living in poverty? Can we expect to build a nation that can lead and compete in the future if we continue to neglect the need for quality education in all of the nation?

Financial markets look at our deficits and worry about long-term inflationary pressures. When our fiscal policy does not address the deficits, the Federal Reserve Board is forced to look at the long-term implications of inflation. That is why the quality of appointments to the Federal Reserve Board are so significant. If we in Congress and the Clinton administration addressed our long-term fiscal problems more directly, the pressure would be removed for Federal Reserve Board action.

Germany and Japan are far ahead of the United States on nondefense research—and probably even further ahead of us in applying their research to productive purposes.

Governmental America tends to live from election to election and, even worse, from poll to poll. Corporate America too often lives from quarterly report to quarterly report. Unless we do more long-term planning and acting in both the public and private sectors, our future performance as a nation will be less than outstanding.

Others understand this about us. We must understand this about ourselves.

If we were to address these four areas with courage, not only would the dollar continue to rebound, our hopes and spirit would rebound also. The cynicism and negative attitudes that concern many of us are not caused only by the haters and those who see only the worst in our Government and public officials. The depth of public concern that results in hostility rather than activity is also caused by good, decent public officials of both political parties who do not have the courage to face our fundamental problems or who see an opportunity for partisan advantage rather than an opportunity to lift the Nation.

Yes, we can save the dollar.

We can also save the Nation.

Mr. President, if no one else seeks the floor, I question the presence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I understand morning business has ended?

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. The time for morning business has closed.

COMPREHENSIVE TERRORISM PREVENTION ACT

The PRESIDING OFFICER. The clerk will report the pending business.

The legislative clerk read as follows:

A bill (S. 735) to prevent and punish acts of terrorism, and for other purposes.

The Senate continued with the consideration of the bill.

Mr. DOLE. Mr. President, can I just indicate to my colleagues on both sides, I thank the managers of the bill. They have been spending the last hour or so trying to work on some amendments. They are ready to accept a number of amendments. There will probably be a vote on the amendment about to be offered by the Senator from Connecticut. We hope to get a short time agreement on that amendment and finish all the amendments, except the habeas corpus amendments, tonight. So there will be votes tonight. I advise and urge my colleagues, if they have to leave the Capitol, to take their beepers so we can notify them when the votes will occur.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, as I understand it, I believe there is a Senator Robert Kerrey amendment pending; is that the pending business?

The PRESIDING OFFICER. That is the pending amendment.

Mr. HATCH. Mr. President, we are prepared to accept that amendment.

Mr. BIDEN. Mr. President, if the Senator will yield, we are prepared at the same time to accept Hatch amendment No. 1233 relative to airline carriers. I urge that both of these amendments be accepted. They are both at the desk.

The PRESIDING OFFICER. The Chair advises the Senator from Delaware that one amendment has not been called up.

AMENDMENT NO. 1233 TO AMENDMENT NO. 1199

(Purpose: To ensure air carrier security)

Mr. HATCH. Mr. President, I call up amendment No. 1233, the airline carriers amendment, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Utah [Mr. HATCH] proposes an amendment numbered 1233 to amendment No. 1199.

Mr. HATCH. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 160, between lines 11 and 12, insert the following:

SEC. 901. FOREIGN AIR TRAVEL SAFETY.

Section 44906 of title 49, United States Code, is amended to read as follows:

"§44906. Foreign air carrier security programs

"The Administrator of the Federal Aviation Administration shall continue in effect the requirement of section 129.25 of title 14, Code of Federal Regulations, that a foreign air carrier must adopt and use a security program approved by the Administrator. The Administrator shall only approve a security program of a foreign air carrier under section 129.25, or any successor regulation, if the Administrator decides the security program provides passengers of the foreign air carrier a level of protection identical to the level those passengers would receive under the security programs of air carriers serving the same airport. The Administrator shall prescribe regulations to carry out this section.".

Mr. FORD. Mr. President, first, let me state my support for the amendment being offered concerning aviation security requirements to the substitute to S. 735, the terrorism prevention bill, offered by Senator HATCH. I know that Senator HATCH has worked hard to include an aviation safety issue in the bill, and I appreciate the chance to express my support for those efforts.

On December 21, 1988, Pan Am flight 103 was blown up over Lockerbie, Scotland, killing 270 people. This terrorist act triggered a time-consuming, all-out effort to find the people responsible. It also triggered legislation enacted in 1990 to improve security for international and domestic air travelers.

Unfortunately, during negotiations over one particular provision, we were unable to agree with the Department of Transportation on ensuring that all international passengers traveling to and from the United States would have the same types of protection. As a result, section 105 of the Aviation Security Improvement Act of 1990, Public Law 101–604, required the Administrator to develop a system of protection for U.S. carriers and a similar system for foreign carriers. In using the word "similar," Congress did not intend that there would be enormous disparities in security programs between U.S. and foreign airlines serving the United States. The security protection sought was intended to be as close to the same for all passengers, regardless of who actually provided the service. However, the administration, at the time, insisted that section 105 use the word "similar" to give the FAA some discretion to address possible differences between foreign carrier requirements and U.S. carrier requirements. Unfortunately, the regulations issued by the Department and FAA to implement section 105 were not stringent enough. As a result, what we have seen is a wide disparity in how foreign carriers screen passengers and how U.S. carriers screen passengers.

Let me give my colleagues an example to show the differences. Let us say that Mr. and Mrs. Jones from Lexington, KY want to go to Germany for a vacation. They decide to take two different carriers. Mr. Jones takes a United States carrier, and Mrs. Jones takes a German carrier. Both leave from Cincinnati. Mr. Jones has to get to the airport at least 2 hours in advance to go through all of the U.S. air carrier security requirements, including security interviews, searches of baggage, x-rays of baggage, and additional security questions at the gate. On average, these types of procedures can take anywhere from 90 to 120 minutes. Mrs. Jones, however, does not have to go through most if not all of those procedures. Her process time takes on average 20 to 30 minutes. Certainly both Mr. and Mrs. Jones want the highest level of protection reasonably necessary, but why should the procedures be different? They should not, and Senator HATCH is attempting to correct this imbalance.

Over the last several years, we have seen numerous terrorist incidents against foreign airlines, while the number against U.S. airlines has dropped. It seems the procedures may be working for our airlines. We now should extend those same types of protection to other airlines that transport U.S. citizens to and from our country. The goal of the legislation was to protect all of our citizens and all of those people traveling to and from our country. The amendment restates and restores that goal.

Senator HATCH has addressed the imbalance by requiring the same types of security screens for U.S. airlines and for foreign airlines serving the United States. I support the change and appreciate his willingness to address the issue in a nonaviation bill.

VOTE ON AMENDMENTS NOS. 1208 AND 1233, EN BLOC

Mr. HATCH. Mr. President, I urge adoption of the Kerrey amendment No. 1208 and the Hatch amendment No. 1233.

The PRESIDING OFFICER. Is there objection to adopting the amendments en bloc? Without objection, it is so ordered.

The question is on agreeing to the amendments.

The amendments (Nos. 1208 and 1233) were agreed to.

Mr. HATCH. Mr. President, I move to reconsider the vote by which the amendments were agreed to.

Mr. BIDEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATCH. Mr. President, I understand the distinguished Senator from Connecticut is prepared to proceed.

SUBMITTED AMENDMENT NO. 1244

Mr. BIDEN. Mr. President, if the Senator will yield for a moment, I say to my friend from Utah, we are prepared to accept several additional amendments that are on the Republican list and the Republican manager, as I understand, is close to being prepared to accept several amendments on the list of the Democrats.

Senator LEVIN has indicated on his amendment No. 1244 that he is willing to withdraw that amendment under an assertion by the chairman of the Judiciary Committee that he would hold hearings on the Levin-Nunn-Inouye amendment.

Mr. HATCH. Mr. President, I think that is a very important issue. It is the issue concerning lying to Congress, whether it should be only those who lie under oath or those not under oath. I think it would be an interesting hearing. We will commit to holding a hearing for Senator LEVIN and the rest of the Senate on that issue.

Mr. BIDEN. Mr. President, I do not think I have to ask unanimous consent, but on behalf of Senator LEVIN then, I ask that his amendment No. 1244 be withdrawn.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

So the amendment (No. 1244) was withdrawn.

Mr. LEVIN. Mr. President, I was unaware of the fact that the managers of the bill had already introduced a statement relative to amendment No. 1244, which I had submitted with Senator NUNN and Senator INOUYE.

That amendment would provide some additional tools to Congress investigating terrorism and other activities that are of importance.

Under Hubbard versus United States, decades of case law was overturned wherein lying to Congress was illegal. This amendment would have restored the law to what it was prior to Hubbard, wherein lying to Congress was illegal. I think we will have to restore that law so that we have the investigative tools we need against terrorism.

However, what I have agreed to do is to introduce this in the form of a bill. The Senator from Utah has agreed that the committee would hold hearings into this bill and I thank him for that. I thank the Senator from Delaware.

Mr. President, to reiterate I introduced today a bill on behalf of myself, Senator NUNN, and Senator INOUYE to strengthen Congress' ability to investigate terrorism. The purpose of this legislation is to ensure that Congress has the tools needed to investigate terroist acts and other matters of important public policy and obtain truthful testimony.

The bill would accomplish four specific goals.

Let me discuss briefly each of the four provisions.

First, the bill would make it clear that false statements to Congress are a criminal offense under 18 U.S.C. 1001. This clarification is needed because a recent Supreme Court decision, Hubbard versus United States, overturned decades of case law including its own precedent, United States versus Bramblett, and held that the plain wording of section 1001 limits it to false statements made to the executive branch. The bill would make it clear that the statute prohibits false statements to the "executive, legislative or judicial branch of the United States," including "any department, agency, committee, subcommittee or office thereof." This language is intended to restore the courts' interpretation of section 1001 prior to the Hubbard decision. In applying section 1001 to the judicial branch, the bill would also incorporate the existing case law in a majority of circuits which, prior to Hubbard, had established a judicial function exception to the statute.

In the wake of the Oklahoma City bombing and other incidents in recent years, Congress needs to take a close look at the causes and solutions to terrorist acts. In examining witnesses, Congress needs to have the most familiar of prosecutorial weapons to combat false testimony, section 1001. At the same time, restoring the statute's application to Congress as it existed prior to the Hubbard decision is not to say that section 1001 can't be improved. I understand the Senate Judiciary Committee is planning hearings on this statute and may wish to legislate some changes. I support that process. The question is what happens in the meantime—do we leave section 1001 off the books for some time or do we get it back on the books now with respect to Congress?

False statements to Congress ought to be illegal, and we ought to act now to get that law back on the books.

Getting the law back on the books is also important, by the way, for another reason. Last month, every Senator filed a financial disclosure statement. Until we amend section 1001, none of those financial disclosure statements are subject to criminal enforcement under section 1001. In this time of low public confidence in Congress, we shouldn't be letting ourselves off the hook by failing to take this opportunity to apply section 1001's prohibition on false statements to ourselves, in the same way we apply it to the executive branch.

Second, the bill would make it clear that obstruction of a congressional inquiry by an individual acting alone is a criminal offense under 18 U.S.C. 1505. This clarification is needed because a 1991 D.C. Circuit Court of Appeals decision, United States versus Poindexter, held that section 1505 "is too vague to provide constitutionally adequate notice that it prohibits lying to the Congress." The decision reasoned that, by using the term "corruptly," section 1505 may prohibit only those actions which induce another person to obstruct congressional inquiry, and not those which, in themselves, obstruct Congress. In other words, the court held that a person who induces another to lie to obstruct Congress violates section 1505, but a person who alone obstructs Congress is outside the reach of the statute.

No other Federal circuit has taken a similar approach. In fact, other circuits have interpreted "corruptly" to prohibit false or misleading statements not only in section 1505, but in other Federal obstruction statutes as well, including section 1503 prohibiting obstruction of a Federal grand jury. These circuits have also interpreted the Federal obstruction statutes to prohibit the withholding, concealing, altering, or destroying documents.

Our bill would affirm the interpretations of these other circuits. Specifically, the amendment would include a definition of "corruptly" in section 1515 of title 18 which provides definitions for the entire chapter of Federal statutes prohibiting obstruction of Federal inquiries. This definition would make it clear that section 1505 is intended to prohibit the obstruction of a congressional investigation by a person acting alone as well as when inducing another to obstruct Congress, and that this prohibition includes making false or misleading statements to Congress as well as withholding, concealing, altering, or destroying documents requested by Congress.

This bill is not intended to expand section 1505, but to clarify the conduct it was always meant to prohibit. Moreover, by limiting the definition of "corruptly" to how it is used in section 1505, we are not intending to limit how this term is interpreted in other chapter 73 obstruction provisions. The definition applies only to section 1505 because the Poindexter decision interprets only that section, and we are unaware of any similar limitation on any other Federal obstruction statute.

Third, the bill would make it clear that any Federal employee or officer, acting in an official capacity, who resists a Senate subpoena under 28 U.S.C. 1365 by claiming some type of privilege must have the written approval of the Attorney General and relevant agency head in order to avoid enforcement. This issue arose in one past congressional investigation, for example, when a Federal employee attempted to assert executive privilege without having any authorization to do so. That's why, in 1988, the Senate adopted by unanimous consent a bill authored by Senator Rudman and Senator INOUYE, S. 2350, containing this clarification. That bill was never taken up by the House—now is a good time to resurrect it.

The Senate currently has explicit statutory authority, under 28 U.S.C. 1365, to obtain court enforcement of subpoenas issued to private individuals and State officials. This statute does not, however, provide for enforcement of subpoenas to Federal employees or officers acting in an official capacity, in order to keep what may be political disputes between the legislative and executive branches out of the courtroom. The problem has been to determine when an employee is acting within his or her official capacity. Requiring written support for the employee's actions from the Attorney General and agency head ensures that the individual is acting in compliance with and not contrary to the decisions of his or her superiors.

By establishing this procedural requirement, the bill does not address the underlying issue of which executive branch officials have the authority to assert particular types of privilege—it simply says that without having at least the written authorization of the Attorney General and agency head, no subpoenaed Federal employee, acting in his official capacity, has a legal basis for resisting enforcement of that subpoena. In the case of executive privilege, for example, I and other colleagues believe that only the President may assert that privilege. On the other hand, it is possible that other statutory privileges may provide grounds for resisting a subpoena, such as the Privacy Act, and may be properly asserted without the President's personal involvement. The bill to section 1365(a) does not attempt to resolve these types of issues. Rather it says that a Federal employee can avoid enforcement of a Senate subpoena only by having the written authorization of the Attorney General and agency head to assert any privilege in opposition to that subpoena.

The fourth and final provision of the bill is also taken from the Rudman-Inouye bill that passed the Senate. This provision would make it clear that Congress may compel an immunized individual to provide truthful testimony in depositions as well as hearings. In the past, some individuals granted immunity from criminal prosecution by Congress have refused to provide testimony in any setting other than a hearing on the ground that the relevant statute, 28 U.S.C. 6005, was limited to appearances "before" a committee, while the comparable judicial immunity statute applied to proceedings "before or ancillary to" court or grand jury appearances. The bill would reword the congressional immunity statute to parallel the language in the judicial immunity statute, and make it clear that Congress can grant immunity and compel testimony not only in proceedings before a committee but also in depositions conducted by committee members of staff. Again, this provision was approved by unanimous consent as part of the Rudman-Inouye bill that passed the Senate in 1988, but was never considered by the House.

If Congress is to investigate terrorism or any other issue important to the public, congressional committees must have clear authority to punish false statements and obstruction, enforce subpoenas and compel truthful testimony. Our bill would help provide that clear authority.

The text of the amendment is printed in today's RECORD under "Amendments Submitted."

AMENDMENT NO. 1205

Mr. HATCH. Mr. President, I believe there is a Pressler amendment No. 1205 that has been called up but set aside; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. HATCH. I have been authorized by the distinguished Senator from South Dakota, Senator PRESSLER, to withdraw that amendment.

The PRESIDING OFFICER. The amendment No. 1205 is withdrawn.

So the amendment (No. 1205) was withdrawn.

Mr. BIDEN. Mr. President, for the benefit of my Democratic colleagues, I believe that we will be able to accept—and we are clearing this now—the Brown amendment No. 1229, as amended, and the McCain-Leahy amendment No. 1240 that relates to special assessments, and the Shelby amendment No. 1230.

It is my hope and expectation that the Republican manager of the bill may be able to accept, with some possible modification, Senator NUNN's amendment No. 1213 on posse comitatus, and Senator LEAHY's amendment No. 1247 on foreign policy.

But while we are trying to work that out, I suggest that maybe it is appropriate for the Senator from Connecticut to proceed. Mr. President, if I have not already, I ask unanimous consent to be added as a primary cosponsor to the Senator's amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. Mr. President, I spoke to this amendment at length earlier today and yesterday. I yield the floor.

AMENDMENT NO. 1247, AS MODIFIED, TO AMENDMENT NO. 1199

(Purpose: To give the President authority to waive the prohibition on assistance to countries that aid terrorists)

Mr. HATCH. Mr. President, I send to the desk on behalf of Senator Leahy a modification to the LEAHY amendment No. 1247.

The PRESIDING OFFICER. Without objection, the amendment will be so modified.

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Utah [Mr. HATCH], for Mr. LEAHY, proposes an amendment numbered 1247, as modified.

Mr. HATCH. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 18, strike lines 18 through 24 and insert the following:

"SEC. 620G. PROHIBITION ON ASSISTANCE TO COUNTRIES THAT AID TERRORIST STATES.

"(a) PROHIBITION.—No assistance under this Act shall be provided to the government of any country that provides assistance to the government of any other country for which the Secretary of State has made a determination under section 620A".

"(b) WAIVER.—Assistance prohibited by this section may be furnished to a foreign government described in subsection (a) if the President determines that furnishing such assistance is important to the national interests of the United States and, not later than 15 days before obligating such assistance, furnishes a report to the appropriate committees of Congress including—

"(1) a statement of the determination;

"(2) a detailed explanation of the assistance to be provided;

"(3) the estimated dollar amounts of the assistance; and

"(4) an explanation of how the assistance furthers United States national interests.".

Mr. HATCH. Mr. President, I urge adoption of the amendment, as modified.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment, as modified.

The amendment (No. 1247), as modified, was agreed to.

Mr. HATCH. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BIDEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BIDEN. Mr. President, we are just awaiting the modification language on Senator BROWN's amendment 1229. As soon as we have that and have a chance to look at it, it will be sent to the desk. We will ask that it be considered and we will accept that as well.

We will also accept in a moment, I believe, Senator SHELBY's amendment relating to fertilizer research, amendment No. 1230.

Now that we have interrupted the Senator from Connecticut 12 times—but we are making progress here; we are accepting important amendments—I will at the end of the comments by my friend from Connecticut urge we accept additional amendments.

Mr. HATCH. Mr. President, I ask unanimous consent that we proceed to the Lieberman amendment No. 1215, pursuant to a 20-minute time agreement to be divided equally between both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Connecticut is recognized.

Mr. LIEBERMAN. Mr. President, I thank the Chair. Let me express my thanks and gratitude to the Senate majority leader, to the Democratic leader, the chairman of the Judiciary Committee, and to the ranking Democratic member for breaking what looked to be the coming of gridlock on an issue and a problem on which none of us want gridlock, and we should not allow it to exist. I think we have now limited the number of amendments, and we have clearly accepted some across party lines. And we are quite appropriately moving toward doing something to put us squarely against those who would terrorize America.

Mr. President, when I came to the Senate, I got interested in this threat of terrorism because it seemed to me, particularly after the cold war ended, that we in America might surprisingly find our security threatened more directly, our lives threatened more directly by terrorists than we had during the long years of the cold war by a heavily armed enemy. The reason is that there are extremist movements throughout the world. There are, sadly, extremist movements within our own country who practice acts of terrorism either to carry out a political purpose or to create panic and insecurity and chaos in our society.

I thought we ought to begin to act and do something about that. We conducted hearings and we visited with experts. Mr. President, these inquiries into the problem of terrorism led me to this sad conclusion, which is that it is very difficult to defend against terrorists in a way that gives absolute security in the sense that they, by their nature, as we have seen in our time, will strike at undefended targets. In the aftermath of the events in Oklahoma City, we might increase security at Federal and public buildings, and one could imagine that we can surround every public building in America with security guards, and yet the terrorist bent on destruction and chaos will tragically go down the street and strike at a public building or an office building or a place where people gather.

So it seems to me that the best defense against terrorism, international and domestic, is an offense. And the offense is to be prepared, to keep an eye and an ear out for those who would commit terrorist acts.

None of us wants to stop people from saying what they believe in this great democracy and writing and demonstrating what they believe. But when some group has indicated or given reason to law enforcement authorities to believe that they are capable of, or are planning or considering a criminal act, I want our Government to be there. I want our Government to be listening. I want our Government to have undercover agents there so that we can strike to stop those terrorist acts, those violent acts, such as the awful assault in Oklahoma City, before they occur.

Mr. President, that is the purpose of this amendment.

AMENDMENT NO. 1215 TO AMENDMENT NO. 1199

(Purpose: To amend the bill with respect to revisions of existing authority for multipoint wiretaps)

Mr. LIEBERMAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Connecticut [Mr. LIEBERMAN], for himself and Mr. BIDEN, proposes an amendment numbered 1215 to amendment No. 1199.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Insert at the appropriate place in the amendment the following new section:

SEC. . REVISION TO EXISTING AUTHORITY FOR MULTIPOINT WIRETAPS.

(a) Section 2518(11)(b)(ii) of title 18 is amended: by deleting "of a purpose, on the part of that person, to thwart interception by changing facilities." and inserting "that the person had the intent to thwart interception or that the person's actions and conduct would have the effect of thwarting interception from a specified facility."

(b) Section 2518(11)(b)(iii) is amended to read:

"(iii) the judge finds that such showing has been adequately made."

Mr. LIEBERMAN. Mr. President, this amendment deals with what in law enforcement circles is called a multipoint wiretap. It is a very rare kind of electronic surveillance that is tied to the movements of the suspected criminal rather than to the particular telephone line he or she is using.

For all other wiretaps except these rare multipoint taps, law enforcement officers have to convince a court that there is probable cause to believe that a specific phone is being used to facilitate an ongoing crime, where a judge is persuaded that a criminal is moving around and using different phones or locations for the purpose, on the part of that person, to thwart interception, which is the wording in the law today. However, the judge may authorize a multipoint wiretap. With such a court order, the criminal's conversations can be listened to through wiretaps on those telephones that the criminal actually ends up using.

Let me point out again that what has to be shown here is that the person is moving around and using different phones or locations for the purpose of thwarting electronic interception. Now, no interceptions may take place until a specifically named individual is using the phone. So law enforcement officers must first establish, through physical surveillance, through observation during the 30-day life of these orders—they are limited to 30 days—that the targeted individual is actually using the phone. If someone else begins to use the phone and the targeted individual is not part of that conversation, the wiretap must stop—even, surprisingly, if other criminal activity is being discussed.

Now, because of these standards, these obstacles, these requirements, multipoint wiretaps are actually quite rarely used. They have, however, proved, according to testimony submitted by Deputy Attorney General Jamie Gorelick to the Judiciary Committee, highly effective tools in prosecuting today's highly mobile criminals who may switch phones frequently for many reasons. Some may move from one cellular phone to another in order to defraud the phone company. Others may switch from phone to phone because it is consistent with the kind of ruthless lives they lead. Others may be changing phones to avoid being tapped, and those are the people—particularly if they are considering carrying out a terrorist act of violence—that I am concerned about in introducing this amendment. Changes in technology make the likelihood that anyone, including criminals, of course, is going to use many different phone lines in the course of a day.

Under current law, unless law enforcement can establish that criminals are switching phones with the specific intent to thwart detection, surveillance, a wiretap, a multipoint wiretap cannot be obtained from a court. That is the law. Proving specific intent in such a situation is very difficult—even where someone may be moving so frequently that a standard wiretap on a particular phone is effectively useless.

So my amendment would allow courts to authorize multipoint wiretaps, either where law enforcement could persuade a judge that a criminal was changing phones frequently for the purpose of avoiding interception, or where the very fact that the criminal was moving around and changing phones had the effect of thwarting surveillance, regardless of why he or she is doing it. And that would ease the difficult task of proving the intention of the criminal to thwart detection. It captures situations also where the target is frequently moving and changes phones for any reason.

Mr. President, my amendment does not change, in any respect, protections in existing law against abuse of these multipoint wiretaps. For instance, no application for a multipoint wiretap may be filed by any Federal law enforcement officer without the approval of top Justice Department officials. They have to go right to the top for approval. And, of course, a judge cannot authorize a multipoint tap without finding probable cause that a specific person is committing a crime or criminal act.

So this is not going to invite any wanton abuse of wiretap authority. The wiretap cannot begin until law enforcement has verified that the target—even after the court orders it—is using the particular phone and only the communications of that person can be intercepted. If other conversations are heard and a conversation involving a target person, for instance, turns out to be personal, the tap has to be turned off. Given the highly secretive nature of most terrorists, given the fact that they are operating in a sophisticated way, and just as all the rest of us, moving around using phones, cellular phones, electronic surveillance is one of our best weapons once we have reason to believe that a criminal act, terrorist act, is being carried out, to find out what the intention of the perpetrator or terrorist is, and to stop that act before any innocent victims are hurt or, God forbid, killed.

The amendment that I am offering was in the President's original bill. I think it is modest and narrowly circumscribed, but enhances the ability of law enforcement officers to help.

Mr. President, how much of the 10 minutes remains?

The PRESIDING OFFICER (Mr. DeWINE). The Senator has 3 minutes and 50 seconds.

Mr. LIEBERMAN. Mr. President, finally, under current law, let me say that these tools are used very sparingly but effectively. I certainly do not anticipate their being used very often in our battle against terrorism, whether the terrorists be domestically or internationally inspired.

However, I do want to be sure that when our law enforcement officials—fighting and working to protect our safety—need these tools, that they will be ready and waiting so that swift and certain preventive action can be taken.

We owe that to our law enforcement officials. But truly more to the point, we owe it to the millions and millions of Americans, innocent people going about their daily lives, who deserve as best we are able to be protected from the hard and thoughtless hand of death that terrorism would wreak upon them.

Mr. President, that concludes my statement.

I yield so much of the remainder of my time as desired by the distinguished ranking Democrat of the Judiciary Committee, the Senator from Delaware [Mr. BIDEN].

Mr. BIDEN. I thank my friend from Connecticut.

The way I look at this, this is real simple. Real simple and basic. There is nothing real complicated about this. Right now, this can be done. Right now, all that has to be proven is there is an intent to evade. All we are saying is if the effect is evasion, and the effect is avoiding the tap on the phone that they think may be tapped, that they be able to do it based on the effect, not having to prove an intent to thwart eavesdropping. I want to make that clear to everyone here.

This still requires an initial finding that this guy is probably a bad guy. It still requires a judge to say that there is probable cause to look at this guy. This is no great leap in anything. Civil libertarians should not worry, law enforcement should be encouraged, and the American people should feel some mild additional sense of security in being able to do what the Senator from Connecticut is suggesting that the President very badly wants, and that was deleted from the bill.

It is my hope that our friends on the Republican side may be able to accept this amendment. If there is any time left, I ask that it be reserved.

Mr. President, I rise in support of Senator LIEBERMAN's amendment, which I believe will improve the current authority for what are known as roving, or multipoint, wiretap orders. This provision was proposed by the President, but is not included in the Republican substitute.

Multipoint wiretaps allow law enforcement officers to obtain a judicial order to intercept the communications of a particular person—not just for one specified phone, as with most wiretap orders, but on any phone that person may use.

A recent prosecution will help illustrate how multipoint wiretaps work. In that case, involving one of the world's biggest international drug traffickers, agents determined that a courier was contacting his bosses by using a number of randomly chosen public phones around his home.

A multipoint wiretap was obtained and up to 25 phones were identified to prepare for the chance that the target would use one of them. Anytime he used one of those phones, the agents were able to initiate a wiretap. Interceptions obtained in this way led to 53 Federal indictments and a 19-ton cocaine seizure.

Under current law, the Government can get a multipoint wiretap order only if it can show that the defendant is intending to thwart surveillance—usually by switching from phone to phone.

The Senator's amendment would allow multipoint wiretaps where the defendant's conduct has the effect of thwarting surveillance—regardless of the defendant's intent.

This small change is desperately needed by law enforcement—because while officers will often be able to show that the individual is changing telephones frequently enough to make a standard wiretap impossible, it may be difficult to prove that he is doing so with intent to thwart a wiretap.

Changes in technology have made this proof even more difficult. A target may use more than one phone for reasons other than avoiding surveillance.

The current intent requirement virtually requires an officer to wait to apply for a multipoint wiretap until the officer somehow hears the target say "I am changing phones because I don't want the cops to tap this conversation."

Let me give you an example of one ongoing case in which a multipoint wiretap order could not be obtained because of the requirement to prove intent to thwart surveillance.

In this case, the targets are using electronic scanning equipment to capture cellular phone and identification numbers from unsuspecting and innocent phone users.

The particular targets in this case are cloning a new phone number—allowing them to use it without authority—every 2 weeks or so and thereby effectively avoiding surveillance.

The officers are hard-pressed to prove that every time the target clones a new number, he did so for the purpose of thwarting interception—rather than simply to avoid paying for the calls.

Because wiretaps are extraordinarily powerful and intrusive, the law contains numerous protections against abuse.

The Government must, of course, prove probable cause that a specific person is committing a crime—as with any wiretap application.

The application must be approved by a top Justice Department official—the Attorney General, the Deputy Attorney General, the Associate Attorney General, an Assistant Attorney General, or an Acting Assistant Attorney General;

The judge must find that the standards for issuing a multipoint order have been met;

The application must identify the person believed to be committing the offense and whose communications are to be intercepted;

The Government must minimize the intrusiveness of a wiretap—by turning the wiretap off when the conversation is personal, for instance; and

Any interception cannot begin until law enforcement has clearly determined that the target is using that particular phone. And once the target is off the phone, the interception must end.

In practice, this latter requirement means that if the agents are out on surveillance and they see their target move to a new phone, they can begin interception of the new phone. It also means that if their target hands the phone to his buddy, they must stop the interception immediately.

A multipoint wiretap order does not allow the police to intercept a slew of different telephones in a number of places and monitor every conversation on those phones.

The amendment proposed by the administration, and offered in modified form by Senator LIEBERMAN, would not change any of the basic protections in the current multipoint wiretap statute.

The narrow, but necessary change that the Senator's amendment would make is not intended to make this authority a run-of-the-mill everyday surveillance technique.

I understand that multipoint wiretaps are used sparingly—in fact, the Justice Department reports that last year only 10 multipoint wiretaps were conducted and that only 4 have been approved to date this year.

The new authority provided by this amendment must be utilized responsibly. And I reiterate that Senator LIEBERMAN's amendment will not change any of the protections built into the multipoint wiretap statute besides broadening the intent standard to include an effects standard.

We must provide law enforcement with the tools they need to meet the demands of an ever-complex and changing criminal element. In today's increasingly mobile and high-technology world, we need to provide law enforcement with the ability to move with the criminals. It is now simply too easy for law enforcement to get left behind as the criminals move from place to place and from phone to phone.

At the same time we must be cautious not to infringe on civil liberties. I believe the amendment Senator LIEBERMAN offers today accomplishes both of these goals.

It is a narrow but necessary expansion of the multipoint wiretap authority—but one that also includes protections against abuse.

I urge my colleagues to support this amendment.

Mr. HATCH. Mr. President, how much time remains on both sides?

The PRESIDING OFFICER. The Senator from Utah has 10 minutes; the Senator from Connecticut has 1 minute and 6 seconds.

Mr. HATCH. Mr. President, initially I opposed the President's version of this amendment. It is a fundamental tenet that the right of the people to be secure in their persons, house, papers, and effects against unreasonable searches and seizures limit the permissibility in Government interception of electronic communications.

In other words, the Government cannot listen to our private telephone conversations whenever it feels like it.

Indeed, because wiretaps are so intrusive in conducting in secret and under circumstances in which the subject generally has a reasonable expectation of privacy, the courts and Congress have required that Federal law enforcement officers meet a heightened burden of necessity before using a wiretap.

At the same time, we have to recognize that no one has a right to engage in illegal activity. Criminals consistently adapt the latest technology to further the aim of completing their illegal acts without detection.

As the criminal use of technology has evolved so, too, must we, enhancing the capabilities of law enforcement who, after all, must protect our citizens from these types of crimes.

The balance between a person's right to be free from unreasonable searches and his or her expectation to live free from crime is a delicate one. We have to consider seriously any proposal with the potential to upset the balance.

Now, I believe that the President's language could very well have done that. Briefly, the President's original proposal would have provided law enforcement with an expanded authority to tap phones in a narrow subset of cases in which the target would be subject to a normal wiretap, but changes phones so quickly it is difficult to get a separate wiretap order for each phone.

These are the so-called roving wiretaps. Essentially, this enables the Government to follow a person around and listen to that person's telephone conversation regardless of what phone the person is using.

I think this is problematic. So, our staff has worked with Senator BIDEN and his staff to narrow the provision considerably.

Now, under this provision, the Government can receive a court-ordered wiretap if the suspect knows he is under surveillance and intentionally thwarts that surveillance. That is country law.

The proposed amendment, which is substantially different from the President's language, permits law enforcement to get a multipoint wiretap only if the suspect intends to thwart surveillance, or if by the course of his conduct he effectively thwarts surveillance.

I think this is a reasonable compromise. It is important that we give law enforcement the critical tools it needs to combat terrorism and protect our free society, but because we are a free society we must be leery of expanding the surveillance powers of law enforcement intemperately. We must not, even in the aftermath of tragedy such as Oklahoma City, trade off our constitutional protections for a generic promise of increased security.

I, personally, am confident that the proposed amendment by my friend and colleague from Connecticut satisfies civil liberty concerns and meets the needs of law enforcement at the same time.

I intend to vote for this amendment. I know there are others who feel deeply that they do not want to vote for it. As manager of the bill on our side, I intend to vote for it. I would encourage others to do so, as well.

I am prepared to yield back the balance of my time and to stack the vote at some later time at the decision of the majority leader.

Mr. LIEBERMAN. Mr. President, first let me thank my friend from Utah for his support of the amendment. I appreciate the terms at which the support was given, that this is a balanced amendment.

It gives extra authority to law enforcement to protect the rest of us, but does so in a way that gives proper regard to the liberties that we all cherish.

Again, this extra wiretap authority cannot be used unless such judge has concluded there is probable cause to believe that the individual who will be the target of this multipoint tap is, in fact, committing a criminal act.

Mr. President, I would be happy to yield back the time that I have remaining.

Mr. HATCH. I yield back the balance, and I ask unanimous consent that the vote on or in relation to the pending Lieberman amendment occur later this evening at a time to be determined by the two leaders.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1210, AS MODIFIED

Mr. COVERDELL. Mr. President, I ask unanimous consent to modify my amendment No. 1210. I send the modification to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1210), as modified, is as follows:

At the appropriate place in the amendment, insert the following new section:

SEC. . PROOF OF CITIZENSHIP.

PROHIBITION OF VOTER REGISTRATION AS PROOF OF CITIZENSHIP.—Notwithstanding any other provision of law, a Federal, State, or local government agency may not use a voter registration card (or other related document) that evidences registration for an election for Federal office, as evidence to prove United States citizenship.

Mr. COVERDELL. Mr. President, I ask for its immediate consideration.

Mr. HATCH. Mr. President, on this side, we find this a good amendment. We are prepared to accept it. I understand the other side is acceptable to that, as well.

Mr. BIDEN. Mr. President, after consulting with Senator FORD and others, we are prepared to accept the modification. We thank the Senator from Georgia for so modifying. We accept the amendment as sent to the desk.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment of the Senator from Georgia, as modified.

The amendment (No. 1210), as modified, was agreed to.

Mr. HATCH. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BIDEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1230 TO AMENDMENT NO. 1199 AND AMENDMENT NO. 1241, EN BLOC

Mr. BIDEN. Mr. President, we are prepared to accept Shelby amendment No. 1230, the fertilizer research study, and I understand that the Republican side is willing to accept the Heflin amendment numbered 1241 related to sarin gas.

I ask unanimous consent that both of them be called up, and then at the appropriate time, I am willing to accept them both en bloc.

Mr. HATCH. We are prepared to accept both of those amendments.

The PRESIDING OFFICER. Without objection, the amendments will now be considered en bloc.

The clerk will report.

The bill clerk read as follows:

The Senator from Delaware [Mr. BIDEN], for Mr. HEFLIN for himself, and Mr. SHELBY, proposes an amendment numbered 1230 to amendment No. 1199, and for Mr. HEFLIN, proposes an amendment numbered 1241, en bloc.

The amendments are as follows:

AMENDMENT NO. 1230

At the appropriate place, insert the following: "In conducting any portion of the study relating to the regulation and use of fertilizer as a pre-explosive material, the Secretary of the Treasury shall consult with and receive input from non-profit fertilizer research centers and include their opinions and findings in the report required under subsection (c).".

AMENDMENT NO. 1241

At the end of the bill, add the following:

SEC. . LISTING OF NERVE GASES SARIN AND VX AS A HAZARDOUS WASTE.

(a) IN GENERAL.—Section 3001(e) of the Solid Waste Disposal Act (42 U.S.C. 6921(e)) is amended by adding at the end the following:

"(3) NERVE GASES.—

"(A) LISTING.—The Administrator shall list under subsection (b)(1) the nerve gases sarin and VX.

"(B) APPLICATION OF REGULATORY REQUIREMENTS.—Standards and permit requirements under this Act and regulations issued under this Act relating to the nerve gases sarin and VX shall not apply to—

"(i) any sarin or VX production facility of the Department of Defense that is in existence on the date of enactment of this paragraph; or

"(ii) the storage of sarin or VX at any Department of Defense designated chemical weapons stockpile in existence prior to the date of enactment of this Act.".

(b) IMMEDIATE ACTION.—The listing of the nerve gases sarin and VX required by the amendment made by subsection (a) shall be deemed to be made immediately on enactment of this Act, and the Administrator of the Environmental Protection Agency shall in fact make the listing as soon as practicable after enactment of this Act.

(c) NO STUDIES OR PROCEEDINGS.—Notwithstanding any other law, it shall not be necessary for the Administrator of the Environmental Protection Agency to make any studies, engage in any rulemaking or other proceedings, or meet any other requirement under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) or any other law in support of the directive made by subsection (b).

(d) CRIMINAL PENALTY FOR MERE POSSESSION.—Section 3008(d)(2) of the Solid Waste Disposal Act (42 U.S.C. 6928(d)(2)) is amended by inserting "or knowingly possesses the nerve gas sarin or the nerve gas VX" after "subtitle".

Mr. BIDEN. Mr. President, while I have strong reservations about the amendment offered by Senators HEFLIN and SHELBY, I have also been informed that the amendment has been cleared by all other Senators—including Senators, from both sides, representing the committee of jurisdiction, the Committee on Environment and Public Works.

For these reasons, I will not object to the amendment offered by Senators HEFLIN and SHELBY and require a roll call vote. But, I would simply note my opposition for the RECORD.

Mr. HATCH. Mr. President, I urge adoption of the amendments.

Mr. BIDEN. We urge the adoption of both amendments.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendments.

The amendments (Nos. 1230 and 1241) were agreed to.

Mr. HATCH. Mr. President, I move to reconsider the vote by which the amendments were agreed to.

Mr. BIDEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1240

Mr. BIDEN. Mr. President, on behalf of Senators MCCAIN and LEAHY, I call up an amendment numbered 1240 and ask for its immediate consideration.

Mr. HATCH. Has that amendment been accepted?

The PRESIDING OFFICER. The Senator is advised that it has not been agreed to.

The question is on agreeing to the amendment.

The amendment (No. 1240) was agreed to.

Mr. HATCH. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BIDEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BIDEN. Mr. President, I understand that the distinguished chairman of the Judiciary Committee is working on the possibility of accepting or working out an agreement on the Nunn-Biden amendment on posse comitatus. Is that correct?

Mr. HATCH. That is correct. There is some language difficulty. We are trying to work it out. We hope that we can.

Mr. BIDEN. I say to the Senator from Michigan that I would like to accept his amendment No. 1228. We are attempting to find out whether that can be cleared. If we can clear that amendment, it will take another few minutes to determine that.

I suggest, with the majority leader here, that while we are clearing some of these additional amendments, if there is anyone who has an amendment that we cannot clear who is ready to go with their amendment, I would encourage them to move on their amendments.

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Parliamentary inquiry: Is the LEAHY amendment No. 1238 at the desk?

The PRESIDING OFFICER. That amendment is pending.

AMENDMENT NO. 1238

Mr. HATCH. Mr. President, I believe both sides are in a position to accept that. Our side will accept it if the distinguished Senator from Delaware will.

Mr. BIDEN. Mr. President, we are prepared to accept it as well.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1238) was agreed to.

Mr. HATCH. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BIDEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1206, AS MODIFIED, TO AMENDMENT NO. 1199

(Purpose: To authorize assistance to foreign nations to procure explosives detection equipment)

Mr. BIDEN. Mr. President, the Senator from Pennsylvania is here. He has an amendment, No. 1206, relating to foreign assistance. We have been discussing this with him. We think it is a good amendment. We have suggested a few minor changes relative to the amount of distribution under the amendment.

I understand the Senator from Pennsylvania is prepared to send his amended amendment to the desk, and we are prepared to accept it.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, the referenced amendment would provide U.S. assistance to other countries to procure explosives detection devices and other counterterrorism technology. At the request of the State Department, it has been broadened to include support for joint counterterrorism research and development with allied countries.

This amendment would be very effective for counterterrorism internationally by providing up to $3 million in assistance to foreign governments to work on counterterrorism technologies. Obviously, when you talk about counterterrorism and explosives-detection devices at airports, U.S. citizens, for that matter citizens and residents all over the world, will be affected by the availability of the sort of counterterrorism technology that will be supported under this amendment.

It has very broad support. I am pleased that the distinguished chairman of the committee and the distinguished ranking member are prepared to accept it.

The amendment has been modified to limit the amount of support to $3 million annually because the total authorization under the program is $15 million. I urge the adoption of the amendment.

Mr. BIDEN. Mr. President, does the Senator need to send that amendment to the desk?

Mr. SPECTER. I send the modification to the desk, Mr. President.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

Without objection, the amendment is agreed to.

The amendment (No. 1206), as modified, was agreed to, as follows:

On page 22, between lines 18 and 19, insert the following:

"(b)(1) ASSISTANCE TO FOREIGN COUNTRIES TO PROCURE EXPLOSIVES DETECTION DEVICES AND OTHER COUNTERTERRORISM TECHNOLOGY.—Subject to section 575(b), up to $3,000,000 in any fiscal year may be made available—

"(A) to procure explosives detection devices and other counterterrorism technology; and

"(B) for joint counterterrorism research and development projects on such technology conducted with NATO and major non-NATO allies under the auspices of the Technical Support Working Group of the Department of State.

"(2) As used in this subsection, the term 'major non-NATO allies' means those countries designated as major non-NATO allies for purposes of section 2350a(i)(3) of title 10, United States Code.

On page 22, line 19, strike "(b)" and insert "(c)".

Mr. HATCH. Parliamentary inquiry: Has the amendment been adopted, because we still have a problem on this side, I have been informed. I ask unanimous consent that the amendment still be considered pending.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. HATCH. The amendment is cleared. I urge adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

So the amendment (No. 1206), as modified, was agreed to.

Mr. HATCH. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BIDEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATCH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. I am one Senator who is wondering what is going on here. I do not know if there are going to be votes or not. We have been here all day. What is happening? Can I go home and have dinner with my kids? That is what I wanted to know. Are we really going to stay and vote, or are we going to stack them?

Mr. DOLE. We are going to vote tonight. We worked out about a dozen amendments. We have made a lot of progress in the last 2 or 3 hours. We hope to dispose of all of the amendments, with the exception of the habeas corpus amendment, which we will do tomorrow morning. We will vitiate the cloture vote and do habeas. We need to complete action tonight. I think it may be another hour before the votes begin. If you ate fast, you might make it.

Mr. HARKIN. Well, I ask the distinguished majority leader, if we are going to have votes, why not stack them in the morning.

Mr. DOLE. We do that every day around here and we never finish anything. I would like to do the voting tonight on all but habeas and vitiate the cloture and finish habeas and start on telecommunications sometime tomorrow morning.

We have some momentum now that we do not want to lose. A lot of people may not be willing to do this in the morning.

Mr. HARKIN. If this is momentum, I would hate to see this place really move.

I just wanted to know if we could stack them in the morning.

Mr. DOLE. You could try to go home, but you probably would not be able to eat much.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. We started off about 4 hours ago with 60-some amendments. We are down to—not counting the habeas—about four or five. So we really have been working in his absence. I wanted to assure him of that.

Mr. HARKIN. I appreciate that.

Mr. DORGAN. Mr. President, I understand that, and I think the progress is commendable. I think the Senator from Iowa and others would appreciate knowing if we are going to stack votes. Do we have any notion of when the votes might be stacked?

Mr. DOLE. We hope that by 9 o'clock we will start voting. There will probably be three or four votes.

Mr. DORGAN. But that is not locked in at this point?

Mr. DOLE. One vote has been ordered.

Mr. BIDEN. Yes. No time is set. It was tonight. I believe we are going to have several more votes. We are waiting for a couple Senators to come and offer their amendments. There are very tight time constraints on each of the amendments. If they get here—quite frankly, what happened is we have come over here and people have started to offer amendments and they have ended up being accepted. So that seems to work as a catalyst to get them accepted, too.

There is one vote ordered for tonight without a time certain on it. There are probably going to be two or three additional votes.

Mr. DOLE. If the Senator will yield. If the managers continue to work as they have, and we only had one vote left, I would put that off until tomorrow. But I am not certain when we are going to be able to tell people that. If we have two, three, or four, I would like to complete the votes tonight. That will save us a couple of hours in the morning. I think if the managers will continue to be flexible on these amendments, and we will avoid a lot of votes.

Mr. BIDEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I have expressed in the past concern about the provisions of the pending legislation which authorize secret proceedings in certain instances. It had been my hope that we might have been able to deal with the problem of suspected terrorists without being involved in secret proceedings.

I had been working on an amendment which would have dealt with people who were in the United States illegally, who could be proceeded against and deported because of their illegal status without the need for the government to rely on secret evidence.

I have very grave concerns about the constitutionality of any deportation proceeding in which secret evidence is used and there is not a right of confrontation. Technically, deportation proceedings are civil in nature and therefore do not require the full scope of confrontation rights which are available in criminal cases.

Notwithstanding the fact that deportation proceedings are civil in nature, the courts have held that due process does attach to a deportation proceeding. It may well be when the case reaches the Supreme Court of the United States that this due process requirement will be found to pick up the right of confrontation under the sixth amendment.

Certainly, the due process clause of the 14th amendment, which is applied to the States, does pick up the confrontation provision of the sixth amendment. By analogy, it may well pick up confrontation rights as it is applies to deportation proceedings, as well.

But in reviewing the existing deportation laws, there would be a much broader change necessary to deport those who are here simply illegally without getting into the question of evidence as to terrorism.

There is obviously a grave concern about disclosure of confidential information involving terrorism, because sources and methods could be compromised. I understand the Senator from Illinois, Senator SIMON, is going to offer an amendment which will require a summary of the classified information being relied on by the government in the deportation proceeding. Frankly, that does not go as far as I would like to see the protections go, but that may be all that can be accomplished under the current bill.

We will subsequently be taking up the immigration laws generally and it may be that at that time we can craft procedures which will protect the public interest of getting out of the country people who are known terrorists, where there is substantial evidence to that effect, even though that evidence cannot be produced in a context of confrontation, which someone would be entitled to under a criminal proceeding.

I am also concerned about the reliance on classified evidence in cases involving the Secretary of the Treasury's designation of foreign organizations as terrorist organizations. The substitute represents a substantial improvement to the bill as introduced. Under the procedures in the substitute, there is de novo review by the courts of the Secretary's designation. That means a court will take a fresh look to see if the designation by the Secretary of the Treasury of an organization as a terrorist organization is, in fact, well founded.

Under the provisions which have been added to the substitute, a summary of the classified evidence presented to the judge will be provided to the organization, and in such cases there will be a requirement that the evidence be clear and convincing that the organization is, in fact, a terrorist organization. The summary will have to be sufficient to allow the organization an opportunity to defend.

I think that these provisions have gone about as far as is possible with the practicalities at hand, and that they would really be risking very sensitive information and sources and methods if full confrontation was possible where someone is to be deported, and where the witnesses would have to be produced where there is a designation by the Secretary of the Treasury of an organization as being engaged in or supporting terrorist activities.

I think, Mr. President, we really are dealing as much as we can under the present legislation. A good bit of this bill will have to be tested in court, and I do express these concerns about the constitutionality of some of these provisions.

I yield the floor.

AMENDMENT NO. 1203 WITHDRAWN

Mr. HATCH. Mr. President, I would like to resolve one of the issues that I think is resolvable, on the Smith amendment.

What the Senator is concerned about is he wanted a floor on the amount of damage, so that incidental damage by citizens who are engaged in peaceful or nonviolent demonstrations or protests would not trigger the antiterrorism language of this bill.

I ask my colleague from Delaware if he would agree that a definition of "terrorist" in this legislation is not intended to apply to American citizens engaged in a nonviolent or peaceful demonstration, or demonstrations or protests where incidental damage to property may occur.

Mr. BIDEN. Mr. President, I agree with the Senator from Utah that that is not the intention.

Mr. HATCH. I think the real thing the Senator has been worried about is whether if pro-choice and right-to-life people are picketing and exercising their rights of free speech, and some incidental damage occurs—just to choose two organizations in society—that if there is no intention to commit terrorist actions, and if the demonstrations are intended to be peaceful and nonviolent, that somehow or another this law would not be triggered.

Mr. BIDEN. Mr. President, I say to my friend, this is not intended to capture incidental damage. Say someone in a peaceful protest trips over a hedge or tromps on a flowerbed. That is not the intention here. The key here is "incidental damage" that is not intended. That would not be captured by this legislation, as I read the legislation.

Mr. SMITH. Will the Senator yield?

Mr. HATCH. I am happy to yield to the distinguished Senator.

Mr. SMITH. I thank the Senator from Utah and the Senator from Delaware. They have alleviated my concerns. We talked about this quite some period of time, and I very much appreciate it. We have gone now to the spirit and intent of what we mean by a "terrorist," and I am satisfied and more than delighted to withdraw the amendment.

I thank my colleagues.

The PRESIDING OFFICER (Mr. ASHCROFT). Without objection, it is so ordered.

The amendment (No. 1203) was withdrawn.

Mr. HATCH. I thank the distinguished Senator from New Hampshire for working on this. We are making a great deal of headway here. If we can just continue for a short while, we might be able to finish this phase of the bill within a relatively short period of time.

Mr. BIDEN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1243 TO AMENDMENT NO. 1199

(Purpose: To amend the penalty provisions for the use of explosives or arson crimes)

Mr. HATCH. Mr. President, it is my understanding that both sides are willing to clear the Levin amendment No. 1243. So, on behalf of the Senator from Michigan, I call up that amendment, No. 1243, at this time.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Utah [Mr. HATCH], for Mr. LEVIN, proposes an amendment numbered 1243.

Mr. HATCH. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 15, strike lines 1 through 25 and insert the following:

"(f)(1) Whoever maliciously damages or destroys, or attempts to damage or destroy, by means of fire or an explosive, any building, vehicle, or other personal or real property in whole or in part owned or possessed by, or leased to, the United States, or any department or agency thereof, shall be imprisoned for not less than 5 years and not more than 20 years. The court may order a fine of not more than the greater of $100,000 or the cost of repairing or replacing any property that is damaged or destroyed.

"(2) Whoever engages in conduct prohibited by this subsection, and as a result of such conduct directly or proximately causes personal injury to any person, including any public safety officer performing duties, shall be imprisoned not less than 7 years and not more than 40 years. The court may order a fine of not more than the greater of $200,000 or the cost of repairing or replacing any property that is damaged or destroyed.

"(3) Whoever engages in conduct prohibited by this subsection, and as a result of such conduct directly or proximately causes the death of any person, including any public safety officer performing duties, shall be imprisoned for a term of years or for life, or sentenced to death. The court may order a fine of not more than the greater of $200,000 or the cost of repairing or replacing any property that is damaged or destroyed.".

Mr. LEVIN. Mr. President, I thank the Senator from Utah. The amendment I am offering would amend an important penalty provision in this bill.

Section 107 of the bill amends title 18, section 844 of the United States Code, which establishes penalties for anyone who damages or destroys or attempts to damage or destroy by fire or explosive any building, vehicle or real or personal property of the U.S. Government. The current law establishes a penalty of imprisonment up to 20 years or a fine or both. And if death results, a sentence of life imprisonment or death can be imposed.

The Hatch substitute does two things. It establishes a minimum amount for the fine that can be imposed and it establishes a minimum number of years for a prison sentence, 5 years in a case involving only the loss of property and 7 years in a case involving injury to a person. It returns the current penalty for cases in which death results.

The concern here is that the amendment seems to provide that a court could impose a fine without the minimum prison sentence that the bill provides. What this amendment does is make it clear that the minimum prison sentence, which is provided for in the bill, must be provided and if a fine is imposed it is not and cannot be in lieu of a prison sentence but must be on top of a prison sentence.

I think that is the way it should be when we do have minimum prison sentences, that we should not in the same provision allow for there to be a fine in lieu thereof, but it must be in addition to such a minimum sentence.

I understand this has been cleared on both sides.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 1243) was agreed to.

Mr. HATCH. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Illinois.

AMENDMENT NO. 1250

Mr. SIMON. Mr. President, I have an amendment. I am working with Senator SPECTER on his version. I think we will have a Specter-Simon amendment very shortly.

What it does is it changes the provision if an alien is to be deported. Under the present bill, if there is classified information that alien is not informed of anything. That is a clear violation of due process and I think the courts would toss it out.

What we have suggested, and we are working on the precise language now, but what we are suggesting is that the Attorney General would provide an unclassified synopsis and the court would have access to the classified information to make sure the unclassified synopsis is accurate. And then that would be given to the person who is charged with being deported. That gives some reasonable access. We provide for review and appeal procedures. We are still working on some details.

Senator SPECTER may want to comment on this. We may offer the amendment tomorrow or later tonight, I am not sure, but I think we are very close to an accord.

I might add the accord is in line with the original draft of the legislation that is before us. But I think the legislation, if it is not amended, frankly, the courts would toss it out as violating due process.

My colleague from Pennsylvania may want to comment on that.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, in comments a few moments ago before the distinguished Senator from Illinois came to the floor, I had referred to my concerns about deportation with secret evidence. I had referred at that time to an amendment which Senator SIMON was considering. We have since conferred and are really joining forces in the amendment which I had filed with the amendment which Senator SIMON has just referred to.

I believe this amendment goes a substantial distance in protecting the rights of someone who is subject to deportation. As I had said earlier this evening, I have great concerns about the fairness of the procedure where there was not confrontation, that is where the evidence is alleged to be present that the person is a terrorist but that evidence is not presented because it would disclose a source very injurious to the Government. So what we are trying to do here is to find an accommodation.

If this were a criminal proceeding, there is no doubt that there would be a requirement of confrontation under the U.S. Constitution. But deportation proceedings are classified as civil proceedings. But notwithstanding the classification of deportation proceedings as civil, the courts have also said that there has to be due process even in a civil proceeding. It is entirely possible when this provision is reviewed in court that it may be determined that due process will require confrontation just as the due process clause of the 14th amendment is applicable. The States picks up the requirement of confrontation applicable to the Federal Government in a criminal proceeding. But I think that the amendment which Senator SIMON and I will be offering will go a long way to raising the standard of fairness.

The one item which we are still wrestling with on the drafting is whether there will be a requirement that the evidence be clear and convincing in order to deport someone without confrontation on the evidence which is presented as to terrorism. But however we work out that last detail, we are in the process of having the drafting finalized now.

We are doing this because Senator SIMON and I have just put these two amendments together trying to work them out. Perhaps it might even be acceptable to the managers. But that remains to be seen. But that is the sense of what we are doing at this moment.

Mr. SIMON. Mr. President, my hope is that it would be acceptable to the managers. I think this is in the line of the spirit of what is being offered. It is in line with the original draft. It certainly is in line with the sentiments over the years that I have worked with Senator BIDEN, and I also believe Senator HATCH also would find this acceptable.

Mr. BIDEN. Mr. President, I would like to speak very briefly to the point.

First of all, I would like to thank both Senators for moving such an important amendment in this hour, and at a time in which I do not think people fully understand how significant this amendment is. Our adversarial system of justice requires that defendants be given evidence to be used against them so that they can prepare a defense. It is kind of a basic element of our entire system. At trial that is what cross-examination is all about, to test the reliability and the basis of information given by a witness. The right to see and confront the evidence against oneself is I think a fundamental premise of the due process clause of the Constitution. Unseen and unheard evidence simply cannot be defended against. How does one defend themselves? The courts have recognized that fact time and again.

The Supreme Court has said that secrecy is not congenial to truth seeking. No better instrument has been devised for arriving at the truth than to give a person in jeopardy every serious notice of the case against him and an opportunity to meet him. That was in the Joint Anti-Fascist Refugee Committee versus McGrath, 1951.

The court also said:

> Certain principles have remained relatively immutable in our jurisprudence. One of these is that where the Government action seriously injures an individual and the reasonableness of the action depends on fact-finding, the evidence used to prove the Government's case must be disclosed to the individual so that he has an opportunity to show that it is untrue.

That was in Green versus McGlory, 1959.

So to sum it all up, the dangers posed by secret evidence are neither hypothetical nor are they imagined. Shortly after World War II an American soldier sought to bring his German bride back to the United States. She was excluded at the border on the grounds that she was a security risk. The Supreme Court concluded secret evidence could be used against her since persons first entering the United States do not have the same right. However, the public outrage forced the Government to give her a hearing. And the supplier of the secret evidence turned out to be a jilted lover and she was admitted.

Secret evidence runs counter to all the principles underlying due process of law and our judicial system, and it cheapens our system by placing in doubt the accuracy of its decision.

So I urge my colleagues to reject the secret evidence and to vote to return this provision to the form in which Senators DOLE and HATCH first introduced it.

I urge my colleagues to support the Specter-Simon amendment.

I yield the floor.

Mr. DOLE. Mr. President, as I understand it, on the Democratic side there are four nonhabeas corpus amendments remaining including the one that is pending. So that would be three. On Senator KENNEDY's amendment there is an effort to try to reconcile that. Also, Senator LIEBERMAN is to be voted on. SIMON, immigration; KENNEDY, immigration; LIEBERMAN; and the others are all habeas.

On the Republican side, how many amendments? Senator ABRAHAM; Senator BROWN; Senator KYL; Senator SMITH has been resolved; and two Specter amendments. But I understand that one of those may have been drafted and is the pending amendment, and the other one may not be offered.

Mr. BIDEN. Mr. President, that is my understanding. I ask my friend from Pennsylvania. But amendment No. 1237, secret proceedings, has been folded into the Specter-Simon amendment. Is that correct?

Mr. SPECTER. That is correct.

Mr. BIDEN. So the only one is the terrorist organization amendment of the Senator from Pennsylvania, No. 1239. Is that correct?

Mr. SPECTER. Mr. President, as I had commented earlier, I am satisfied now that the revision of the bill is about as far as we can go in providing the addition of the de novo hearing by the court, that the classifications of terrorist organizations is well-founded factually, and there again that the evidence which is not subject to confrontation meets a similar standard with respect to Specter-Simon.

Mr. BIDEN. Mr. President, I understand the Senator will not move his terrorist organization amendment because he is now satisfied.

Mr. SPECTER. That is correct.

Mr. BIDEN. If I could respond to the leader, on the disposition of this amendment, in all probability we are prepared to accept the Abraham amendment, and I would urge Senator BROWN to come and offer his amendment on Ireland now.

Senator NUNN has just come in the Chamber. Hopefully, he can work out with the Republicans their concerns, and if not I hope we would be prepared to move that.

So as I look down the Republican list, the only nonhabeas amendments left—because we have accepted most of them—are the Abraham amendment, which I believe we can accept, and the Brown amendment, which I hope Senator BROWN will come and offer. There are no other nonhabeas amendments on that side.

On the Democratic side, the Kennedy immigration deportation proceeding, I hope we will be able to accept, and hopefully the Nunn provision will be accepted. And they are the only two nonhabeas amendments that we have left after we vote on Specter-Simon and Lieberman. I guess that is it. They are the only two we have—and Brown. If we can get Senator BROWN to come and offer his amendment, it will be very helpful.

Mr. DOLE. Let me indicate to Senator BROWN, wherever he may be, that we would very much appreciate his coming to the floor and offering his amendment.

Senator NUNN is here so maybe we can negotiate, if he is willing to negotiate that amendment, or if not have a debate on that amendment.

I understand Senator SPECTER and Senator SIMON will be ready momentarily to offer their amendment.

Mr. BIDEN. Mr. President, again to review the bidding, the only amendment that Senator SPECTER has remaining is the one that he and Senator SIMON just debated. The Simon amendment listed as S. 1234 also drops because that has been merged. So Senator SIMON has no other amendment, other than the pending amendment, left. And that would leave, as I said, again only for debate Brown and possibly Nunn, Biden, and possibly Kennedy, but I hope we can accept the Kennedy amendment. I believe we will be able to accept the Abraham amendment in a moment.

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I ask unanimous consent that I may be permitted to proceed for 5 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIP TO GUATEMALA, COLOMBIA, HAITI

Mr. SPECTER. Mr. President, during the period of May 26–29, 1995, my colleague on the Senate Intelligence Committee, MICHAEL DEWINE, and I traveled to Guatemala, Colombia, and Haiti for a firsthand view on matters of concern to the Intelligence Committee and to the Senate. The following represents my own personal impressions of the facts learned and my own judgments.

Our first stop was Guatemala. On April 5, 1995 the Senate Intelligence committee held an open hearing on the role of the CIA in two human rights cases. In one case, the committee learned that a Guatemalan, Col. Roberto Alpirez, might be implicated in the murder of American farmer and innkeeper Michael DeVine on June 8, 1990. During the open hearing, Acting Director of Central Intelligence, Adm. Bill Studeman acknowledged that the CIA received information in October 1991 that shed light on the possible presence of Colonel Alpirez in the interrogation of Mr. DeVine. Admiral Studeman also acknowledged that the CIA failed to inform the intelligence committees of the House and the Senate regarding this information which should have been done.

In the second human rights case, Ms. Jennifer Harbury, the widow of a Guatemalan guerrilla Commander, Efraim Bamaca, repeatedly sought to learn the fate of her husband. Both Jennifer Harbury and Carole DeVine, the widow of Michael DeVine, were eloquent and dynamic hearing witnesses. They pleaded for our assistance to learn the facts of their husband's deaths, and, in the case of Ms. Harbury, the location of his remains. We were also interested to learn what happened in the cases of Nicholas Blake, Sister Diana Ortiz and Helen Mack.

While the committee's staff is analyzing many documents pertaining to these cases, we traveled to Guatemala to learn more about these matters and to determine the willingness of the Guatemalan government to prosecute anyone legally responsible for these deaths. Our visit also sought to convince the Guatemalan Government that human rights are a top United States Government priority.

Our first meeting was with Guatemala's President Ramirez deLeon Carpio, where we focussed on the Guatemala peace process and pressed hard on human rights, particularly the DeVine and Bamaca cases. President deLeon is the former human rights ombudsman in Guatemala.

We expressed the U.S.'s wish to assist the peace process and our strong interest in resolving the DeVine and Bamaca cases. President deLeon responded by noting the serious challenges his government has had to face since he took power. He also stated he had confronted serious corruption in the Congress and the Courts by changing them through legal means. Finally he noted that he had succeeded in achieving a 5 percent economic growth and had to persevere in a confrontation with powerful interests in the private sector to achieve major fiscal reform which he characterized as being tougher than dealing with the Army, the guerrillas, and corrupt politicians combined.

When we pressed on the DeVine and Bamaca cases, President deLeon said that both represented part of the general problem of impunity in Guatemala. He noted a difference between the cases. He characterized the DeVine case as a common crime. Six soldiers and a Captain Contreras had been convicted. It is widely believed that Captain Contreras was the leader of the group that murdered Michael DeVine, but after his sentencing to 20 years in jail, he escaped, perhaps with the complicity of the Guatemalan Army which had him in custody. Therefore, to cast this as strictly a common case of crime appears inaccurate in that the involvement of the Guatemalan military points to more than a common crime. In my view, not enough has been done to apprehend him in spite of the fact that the government of Guatemala had placed a $17,000 reward for the Captain's recapture.

President deLeon stated that he would be calling Venezuelan President Caldera about the possibility that the Captain is a fugitive in that country and that the FBI and Interpol have been asked to join in the search for him abroad. The President added that he expected to send a special commission to Venezuela to pursue this and thought that President Caldera would be willing to cooperate.

Later we met with Defense Minister General Mario Enriquez. The DeVine and Bamaca murders figured preeminently in our discussions. We underscored several times the importance of the cases to bilateral relations. General Enriquez stated investigations into both killings were going forward, but he drew a distinction between Bamaca and DeVine.

General Enriquez also reported to us that he was hopeful that Captain Contreras had been captured just prior to our meeting. The next day, May 27, the newspapers were filled with front page stories of the capture of Captain Contreras. But a check with our Embassy in Venezuela did not shed any more light in the veracity of this reporting.

The capture of Captain Contreras would be a critical element in the resolution of this crime. It might shed light on why and whether other military officers were involved. President deLeon noted that he had suspended Colonels Catalan and Alpirez pending investigation of their involvement in a crime, a step basically unprecedented in Guatemala. We also learned of the rumored existence of a tape reportedly held by Colonel Alpirez which allegedly recorded instructions to him to cover up the DeVine case.

President deLeon asserted that he would go as far as necessary in pursuing the DeVine case which he added would benefit the army as an institution in Guatemala.

In regard to Guatemalan guerrilla commander, Efraim Bamaca, President deLeon made the same distinction between this case and the DeVine matter as did General Enriquez. In President deLeon's view Bamaca was a product of war and to push prosecution of that case would de-stabilize the army. He felt the Bamaca case should be referred to the Historical Clarification Commission, otherwise known as the "truth commission," established by agreement between the government of Guatemala and the URNG guerrillas to deal with the many abuses committed during the war once it was over.

Nonetheless, we continued to press hard. We asked the President to make an example of the Bamaca case as a human rights violation. It was important to the relations between the government of the United States and the government of Guatemala. I noted that this is a special case and added that if the body of Efraim Bamaca were found, it would represent a big step forward.

I noted how the testimony of both Jennifer Harbury and Carole DeVine to the Intelligence Committee on April 5th had been very moving and, how Colonel Alpirez was linked to both cases. President deLeon acknowledged as a former human rights ombudsman he knew that there was no excuse for torture even in war. Many priests had also been murdered. He stated he wished to strengthen the bi-lateral relations with the U.S. and improve Guatemala's image. However to pursue the Bamaca case would threaten the peace process and the stability of the government. In his words, it would put a "sword of Damocles" over the head of all 2,500 Guatemalan military officers who had seen hundreds of their comrades die in the 34 years of the conflict. What was needed, he added, was a peace agreement and genuine reconciliation, not recriminations.

We also met with human rights activists, including Ronald Ochaeta, Director of the Archbishop's Human Rights Office; Helen Mack, sister of the slain Myrna Mack; and Karen Fisher de Carpio, the daughter-in-law of the slain two-time Presidential candidate and newspaper publisher Jorge Carpio. Jorge Carpio was a cousin of the President deLeon Carpio. They requested that the United States government reveal all the intelligence about Guatemalan military people who may have been involved in human rights crimes. They also expressed the fear that, after the Guatemalan army returns Captain Contreras to justice in Guatemala, that the United States Government and human rights pressure will diminish; and absent that pressure, the Guatemalan Army will no longer even remotely respond to human rights concerns. They termed the Guatemalan justice system as being dysfunctional. Within the Army, they felt that there is brotherhood in which only some individual members are involved in a variety of illegal activities: human rights violations; stealing of cars; and drug trafficking, etc. They expressed the view that while most members of the army may not have been involved in these activities, all have taken "a blood pact" not to disclose any details on their fellow military comrades.

I agree with the human rights activists and monitors that only with the pressure of the U.S. Government and the international community will cause the Army to improve its human rights performance in the future and to shed light and sanctions on past crimes.

Our next stop took us to Colombia where we met with President Ernesto Samper, his Foreign Affairs Minister, Rodrigo Pardo, and his Defense Minister, Fernando Botero. We met the leaders of this country in Cartagena. Our discussions centered on narcotics trafficking and terrorism. While the United States has been riveted for years over the taking of hostages in the Middle East, scant attention has been paid to hostage taking in South America, particularly in Colombia where presently seven Americans are being held by the terrorist group known as FARC. I raised these issues with our Ambassador Myles Frechette and with President Samper. The view of both of them is this hostage taking is different in the sense that it is financially motivated. Terrorists have been taking Americans and other foreign nationals captive for ransom purposes. In meetings with President Samper, Senator DEWINE and I pressed for more action to prevent the taking of these hostages and greater efforts to release them. In my view, not enough has been done in this area.

Of paramount importance were our discussions regarding narcotics trafficking. The conditional certification of Colombia by the President on February 28, 1995 has clearly had an impact on the government on Colombia.

Prior to February 1995, there had been sporadic support by some quarters of the Colombian political establishment in preventing significant damage to the Colombian drug syndicates. For example, in 1994 the government of Colombia took no legislative steps to reverse its 1993 criminal procedures code which made it very difficult to bring mid-level and senior syndicate heads to justice. As a result, following the trend set in 1993, there were no arrests, incarcerations, or fines imposed on such traffickers. In addition, a number of frequently convicted traffickers were able to benefit in significant reductions to their sentences pursuant to Colombia's woefully inadequate sentencing laws.

In 1994, total drug seizures through interdiction efforts were above those of

1993 but didn't reach the levels accomplished in 1991 as the U.S. Government has recommended. Performance on eradications has supposedly improved; but results have not met expectations. In 1994 there were no senior government officials indicted for corruption. The Colombian Congress did not pass bills introduced by the Samper administration to counter money laundering activities. There was insufficient progress to detect and remove corrupt officials. There continues to be a problem with drug syndicate control of foreign soil such as San Andreas Island.

The conditional certification by the Administration on March 1, 1995 of Colombia's counter-narcotics effort appears to have changed Colombia's attitude. Since that date, Colombia has conducted over 170 operations against the Cali cartel by attempting the capture of drug king pins and by the efforts to disrupt their operations.

Nonetheless, it appears that only the surface has been scratched. The Cali cartel is well financed and sophisticated. A captured warehouse disclosed a great amount of electronic equipment ranging from computers to direction finders. In addition, the cartel is controlling the phone companies and conducting telephone taps to uncover counter-narcotics directed against it.

The bottom line is that Colombia still is the largest supplier of cocaine into the United States. Much more needs to be done to counter this trafficking. For one, legal cooperation between the United States and Colombia needs to be reinvigorated. We have been forced to shut down evidence sharing because Colombia has been misusing what we have provided to date; and, as a result, families of witnesses have been killed.

We raised directly with President Samper, the need for extradition and reform of Colombia's legal system. While Colombian law now prohibits extradition, we urged President Samper to revisit this issue. If extradition is not re-instated, Colombia should consider seriously the proposal to allow drug traffickers to be tried in the United States and then serve their sentence in Colombia. This would serve to preserve evidence and remove the case from the inadequate Colombian code of criminal law. A longer range alternative is for Colombia to transfer proceedings to an international criminal court which could be established.

President Samper acknowledged that drugs are a major problem not only in Colombia, but also internationally. He said that he intends to make every effort to stop the Cali cartel. It is not enough to destroy the fields, labs and aircraft used in trafficking, but also to have effective interdiction and to counter money laundering.

When I raised the need for reinstating extradition, he noted the past ramifications: drug traffickers countered by killing four Presidential candidates and 63 magistrates in a reign of terror. In his view, extradition would come at a high cost. He was frank in stating he supported the Constitutional amendment to stop extradition to the U.S. If his judicial reform does not work in the next 2 to 3 years, he stated that he would consider other alternatives such as extradition. He was also confident that he will dismantle the Cali cartel within 2 years.

He also found the idea of an international criminal court worth considering.

On Monday, May 29, 1995 we met with Ambassador William Swing in Haiti along with Maj. Gen. Joe Kinzer. General Kinzer is Commander of the United Nations mission in Haiti as well as senior commander of U.S. forces there.

To gain some perspective on Haiti, it is instructive to note the volatility of this country over its last 190 years. It has had 21 constitutions, 41 heads of state, 7 of whom have served more than 10 years, 9 of whom have declared themselves heads of state for life, and 29 of whom were assassinated or overthrown.

It has been a country of great political and economic instability, over-populated, possessing limited resources and having the worst environmental degradation in the hemisphere. It is the poorest nation in the western hemisphere.

Prior to the return of President Aristide, the country had 3 years of illegal, military de facto government, 8 years of chronic instability and some 30 years of Duvalier family dictatorship. Since the 1991 coup, the country has suffered a 30 percent loss of its gross domestic product and its treasury has been emptied. It has the highest birth rate in the western hemisphere. Between September 30, 1991, and the return of Aristide in October 1994, imposed severe sanctions and the toughest embargo ever in the western hemisphere. The human rights violations by the Cedras regime escalated. This resulted in many Haitians attempting to escape the politically oppressive climate. On July 4, 1994 over three thousand Haitians fled in one day.

On September 19, 1994 over 21,000 U.S. troops were deployed there without any loss of life. Paramilitary forces of Haiti were disbanded and its leaders were arrested. General Cedras departed in exile on October 13, 1994. President Aristide returned on October 15, 1994.

General Kinzer noted that he is operating under Presidential Decision Directive 25, U.N. Security Council Resolution 940 and Chapter 6 of the U.N.'s charter which technically limits him to observing, reporting, and verifying. It does not give him full authority for peacekeeping. Nonetheless, General Kinzer has set up rules of engagement which, in essence, give him the ability to carry out peacekeeping. General Kinzer did point out the importance of intelligence support to the U.S. forces there and also to the United Nations forces. While such intelligence was not as critical as in Somalia, he warned that any efforts to restrict the flow of intelligence of U.N. forces would not be in the best interests of U.S. forces who are participating.

Ambassador Swing emphasized the serious challenges which lie ahead. First, there is a need to create a credible security force by February 1996 when the mandate for U.N. forces ends. There is a need to stimulate badly needed economic development in the country. Third, the electoral process must be fair for the parliamentary elections in June, and the Presidential elections in December. Finally, there needs to be improvement in Haiti's justice system.

We met with President Aristide who pointed out the need for security forces in the number of about 7,000, which he expects to have ready by February 1996. Given the rate of training timetable, it is dubious that this can be achieved. President Aristide represented that the machinery is in place for a fair and democratic process for the forthcoming elections.

There are some rumors that President Aristide may not comply with the Haitian Constitution and step down when his term ends. We questioned him on this. When asked if there were any circumstances under which he would stay on as President, his response was "no". He stated that the Constitution requires him to leave no matter what the majority of Haitians might say. In response to what more he would want from the United States, he responded by saying he would be ashamed to ask for more money. What is needed, in his view, is more economic development, more job opportunities, and a need for a free market.

Mr. President, in the absence of any further proceedings on the pending legislation, I thought this might be a good time to make a brief report on a trip which Senator MICHAEL DEWINE and I made on behalf of the Senate Intelligence Committee to Guatemala, Colombia, and Haiti over a 4-day period, May 26 through May 29, with the principal focus in Guatemala being to determine the civil rights abuses on the murder of an American innkeeper, Mr. Michael DeVine, and a Guatemalan soldier, Commander Bamaca.

These deaths had been the subject of an Intelligence Committee hearing where there were very, very substantial questions of violations of human rights.

At that Intelligence Committee hearing in April, Mrs. Carol DeVine testified about the brutality with respect to her husband, Michael DeVine, and the perpetrators have not yet been brought to justice. Ms. Jennifer Harbury, the wife of Commander Bamaca, testified as to the difficulties in determining what had happened to her husband and even to finding his body.

On our trip, we talked about the matter with President deLeon of Guatemala and also with the Minister of Defense and urged that every effort be made by the Guatemalan Government to find out exactly what had happened to the American citizen, Michael DeVine, and Commander Bamaca.

President deLeon pledged the full efforts of the Guatemalan Government as to the murder of Mr. DeVine but had a difference of opinion with respect to Commander Bamaca, which he classified as a military incident. We urged in the strongest possible terms President deLeon proceed to vindicate human rights and make a thorough investigation as to both of their matters.

In Colombia, we had extensive discussion with ranking Colombian officials, including President Samper, principally on the issues of terrorism and narcotics trade.

I must say, Mr. President, that there is insufficient evidence being taken by the Colombian Government on the very serious problems of narcotics traffic which comes to the United States. Since efforts had been undertaken with some success in the mid to late 1980's, those efforts have materially decreased with Colombia now refusing to have extradition. It is my judgment that our efforts in interdiction and the funds which we are expending in that direction could much more usefully be placed on the so-called demand side in the United States on education and on rehabilitation. It seems that the more acreage or hectares of ground taken away from the growth of cocaine or drugs in Latin America, in Colombia, illustratively, or Ecuador or Peru, the more replacement drug growth occurs in those States. Although we are spending a tremendous sum of money, there has been no significant lessening of the source of supply. We have to maintain a very active and vigorous law enforcement program in the United States to combat supply. But our efforts of international interdiction have been largely unsuccessful, and I think the Government of Colombia is doing much less than ought to be done.

Senator DEWINE and I finished our short trip with a one-day stay in Haiti, where we had an opportunity to visit with President Aristide and visit with General Kinzer. There a real effort has been made by the U.N. forces to establish order, and U.N. forces are scheduled to leave in February of next year. There will have to be significant accomplishments by the Haitian Government to have a local police force to handle the issue.

Rumors had come to our attention that there might be a question as to whether President Aristide would step aside after a new President is elected late this year when his term is set to expire in February. Senator DEWINE and I were very direct and blunt in asking the question as to whether he did intend to step down, and he was unequivocal in stating that he would do so. We noted that a real sign of progress in Haiti would be whether there would be an orderly transition of government from one elected President to his successor. In light of what has happened in Haiti historically, that would really be a remarkable achievement.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SANTORUM). Without objection, it is so ordered.

AMENDMENT NO. 1250

(Purpose: To ensure due process in deportation proceedings)

Mr. SPECTER. Mr. President, we have now completed the drafting of the amendment which had been discussed earlier. I now send this to the desk on behalf of myself, Mr. SIMON, and Mr. KENNEDY.

This amendment provides that under circumstances where the Department of Justice is unwilling to present a witness or witnesses to establish that an alien is a terrorist, that there will be an unclassified summary presented, sufficient to enable the alien to prepare a defense.

It has provisions which protect the government in a number of directions, and ultimately in the situation where there is a threat that the alien's continued presence in the United States would likely cause serious or irreparable harm to the national security, or death or serious bodily injury to any person, and the provision of either classified information or classified summary that meets a higher standard would cause, again, irreparable harm or the possibility of death or serious injury, then there may be an unclassified summary prepared by the Justice Department sufficient to allow the alien to prepare a defense.

There is a provision here for an interlocutory appeal. It would be my hope this might be acceptable on both sides, or if not, that it would receive an affirmative vote by the Senate. I send this amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER], for himself, Mr. SIMON, and Mr. KENNEDY, proposes an amendment numbered 1250.

Mr. SPECTER. Mr. President, I ask unanimous consent further reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike page 36, line 13, through page 38, line 20, and insert the following in lieu thereof:

"(B) The judge shall approve the summary within 15 days of submission if the judge finds that it is sufficient to inform the alien of the nature of the evidence that such person is an alien as described in section 241(a), and to provide the alien with substantially the same ability to make his defense as would disclosure of the classified information.

"(C) The Attorney General shall cause to be delivered to the alien a copy of the unclassified summary approved under subparagraph (B).

"(D) If the written unclassified summary is not approved by the court pursuant to subparagraph (B), the Department of Justice shall be afforded 15 days to correct the deficiencies identified by the court and submit a revised unclassified summary.

"(E) If the revised unclassified summary is not approved by the court within 15 days of its submission pursuant to subparagraph (B), the special removal hearing shall be terminated unless the court, within that time, after reviewing the classified information in camera and ex parte, issues written findings that—

"(i) the alien's continued presence in the United States would likely cause

"(I) serious and irreparable harm to the national security; or

"(II) death or serious bodily injury to any person;

and

"(ii) provision of either the classified information or an unclassified summary that meets the standard set forth in subparagraph (B) would likely cause

"(I) serious and irreparable harm to the national security; or

"(II) death or serious bodily injury to any person;

and

"(iii) the unclassified summary prepared by the Justice Department is adequate to allow the alien to prepare a defense.

"(F) If the court issues such findings, the special removal proceeding shall continue, and the Attorney General shall cause to be delivered to the alien within 15 days of the issuance of such findings a copy of the unclassified summary together with a statement that it meets the standard set forth in subparagraph (E)(iii).

"(G)(i) Within 10 days of filing of the appealable order the Department of Justice may take an interlocutory appeal to the United States Court of Appeals for the District of Columbia Circuit of—

"(I) any determination made by the judge concerning the requirements set forth in subparagraph (B).

"(II) any determination made by the judge concerning the requirements set forth in subparagraph (E).

"(ii) In an interlocutory appeal taken under this paragraph, the entire record, including any proposed order of the judge or summary of evidence, shall be transmitted to the Court of Appeals under seal, and the matter shall be heard ex parte. The Court of Appeals shall consider the appeal as expeditiously as possible, but no later than 30 days after filing of the appeal.

AMENDMENT NOS. 1218 AND 1225, EN BLOC

Mr. BIDEN. Mr. President, it is my understanding that the chairman of the Judiciary Committees, Senator HATCH, is prepared to accept Kennedy amendment 1218 and the Feinstein amendment 1225 en bloc.

I send the two amendments to the desk and ask unanimous consent that they be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Delaware [Mr. BIDEN] for Mr. KENNEDY, proposes an amendment numbered 1218, and for Mrs. FEINSTEIN, proposes an amendment numbered 1225.

Mr. BIDEN. Mr. President, I ask unanimous consent further reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments en bloc are as follows:

(Purpose: To require the same procedures for the use of secret evidence in normal deportation proceedings as are accorded to suspected alien terrorists)

AMENDMENT NO. 1218

On page 48, line 12, before the period insert the following: ", except that any proceeding conducted under this section which involves the use of classified evidence shall be conducted in accordance with the procedures of section 501."

AMENDMENT NO. 1225

At the appropriate place, insert the following:

SEC. . PROHIBITION ON ASSISTANCE UNDER ARMS EXPORT CONTROL ACT FOR COUNTRIES NOT COOPERATING FULLY WITH UNITED STATES ANTITERRORISM EFFORTS.

Chapter 3 of the Arms Export Control Act (22 U.S.C. 2771 et seq.) is amended by adding at the end the following:

"SEC. 40A. TRANSACTIONS WITH COUNTRIES NOT FULLY COOPERATING WITH UNITED STATES ANTITERRORISM EFFORTS.

"(a) PROHIBITED TRANSACTIONS.—No defense article or defense service may be sold or licensed for export under this Act to a foreign country in a fiscal year unless the President determines and certifies to Congress at the beginning of that fiscal year, or at any other time in that fiscal year before such sale or license, that the country is cooperating fully with United States antiterrorism efforts.

"(b) WAIVER.—The President may waive the prohibition set forth in subsection (a) with respect to a specific transaction if the President determines that the transaction is essential to the national security interests of the United States.".

AMENDMENT NO. 1218

Mr. KENNEDY. Mr. President, the bill before the Senate contains a procedure to permit the use of secret evidence in deportation proceedings for suspected terrorists. Many Members have reservations about this procedure, and I believe the sponsors have made a genuine attempt to strike a balance between our concerns about terrorism and the fundamental requirements of due process.

However, another section of the bill, section 303, contains no such balance. It permits the use of secret evidence in any deportation case, without any due process safeguards at all. The amendment I am offering would extend the same minimal due process safeguards to these proceedings that are available in terrorist cases, in the rare situations in which classified evidence must be protected.

The terrorist deportation procedure in section 301 acknowledges the sensitive issues surrounding the use of classified evidence. It requires a special designation by the Chief Justice of five Federal judges to keep the evidence secure and ensure due process.

However, section 303 allows secret evidence to be used in normal deportation cases before any of scores of low-level immigration judges in the Justice Department, with no protection for either the classified evidence or the immigrant.

While this provision exempts permanent residents from its broad reach, there are others who reside in the United States under legal immigration status who also deserve such protection, including the new spouses of American citizens. If we are to take the extraordinary step of permitting the use of secret evidence in general deportation proceedings, I believe the evidence and the immigrant should be afforded at least the same protections that we give to terrorists.

This can be done without unduly burdening the courts. The number of cases which rise to the level of requiring secret evidence to justify deportation is extremely small.

The kinds of cases which could be subject to this procedure would have substantial equities. The use of secret evidence should not be taken lightly.

Under this procedure, the immigrant spouses of American citizens could be deported with secret evidence. By law, these spouses are "conditional residents," not permanent residents, during their first 2 years of marriage.

The same sort of equities apply to refugees. A Vietnamese refugee who fought on our side in Vietnam, who experienced years of re-education in Communist concentration camps, and who has now lived here for many years, but does not have permanent residence, would be subject to secret deportation with illegally obtained evidence. His only offense could be that he rescued a fellow soldier from Vietnam by allowing him to pose as a relative.

There are also 14,000 Chinese students in this country, many of whom were activists in the democracy movement in China. They qualify for permanent residence, but they have not yet received their green cards. They could be subjected to this procedure.

There are 85,000 individuals whom the Immigration Service has allowed to remain in the United States because of special circumstances surrounding their cases. They may have American citizen children with disabilities requiring special attention that cannot be offered in their parents' home country. These families have not been given permanent residence, but the courts have declared them "permanent residents under color of law."

Some may argue that these are unlikely victims of this procedure. But there is nothing in this language that prevents immigrants and refugees with substantial ties to this country from being deported using secret evidence. Under this procedure, they may never know why they were deported.

A long line of judicial decisions requires the protection of immigrants under the fifth amendment from due process violations in the deportation process.

The fifth amendment states that no person shall be "deprived of life, liberty or property, without due process of law." The Supreme Court has consistently ruled that this protection means what it says, it extends to all persons within the United States, not just citizens.

As the Supreme Court stated in the *Japanese Immigrant* case in 1903,

> This court has never held, nor must we be understood as holding, that administrative officers, when executing the provisions of a statute involving the liberty of persons, may disregard the fundamental principles that inhere in "due process of law" as understood at the time of the adoption of the Constitution.

In 1915, in Whitfield versus Hanges, the Court outlined the requirements of a fair deportation hearing, including the right to be notified of charges, to cross-examine witnesses, and to see the evidence and have a fair opportunity to rebut it.

To underscore the gravity of deportation, the Supreme Court in 1921, in Ng Fung Ho versus White, observed that not only does deportation deprive a person of liberty, but "[it] may result also in loss of both property and life; or of all that makes life worth living." Again in 1948, in Tan versus Phelan, the Court characterized deportation as "a drastic measure" and "the equivalent of banishment or exile."

In 1976, Mathews versus Diaz, the Court noted, "There are literally millions of aliens within the jurisdiction of the United States. The fifth amendment, as well as the 14th amendment, protects every one of these persons from deprivations of life, liberty, or property without due process of law."

In Landon versus Plasencia in 1982, the Court stated that the interest of an immigrant facing expulsion from the United States "is, without question, a weighty one. She stands to lose the right to stay and live and work in this land of freedom. Further, she may lose the right to rejoin her immediate family, a right that ranks high among the interests of the individual."

We are all concerned about addressing terrorism and expediting legitimate deportation cases.

The bill before us contains a procedure in section 301 which permits our courts to handle classified evidence to decide the deportability of aliens suspected of terrorism.

At a minimum, other deportees should be given the same protections as terrorists when it comes to using secret evidence against them. For this reason, my amendment says that the use of evidence in other deportation settings must follow what is being proposed for suspected terrorists. This means the evidence must be handled by designated Federal judges. And before the deportation proceeding is allowed to continue on the basis of the secret evidence, the judges must weigh the threat which the presence of the person poses against the likely consequences of revealing the classified information.

I urge my colleagues to support this amendment.

AMENDMENT NO. 1225

Mrs. FEINSTEIN. Mr. President, today I offer an amendment that establishes a clear standard of behavior other countries must meet in order to be eligible to purchase military equipment from the United States.

It amends the Arms Export Control Act by adding a section which states that no defense article or defense service may be sold or licensed for export to a country unless the President has certified to Congress that the country is cooperating fully with the United Stats, or taking adequate steps on its own, to help achieve U.S. antiterrorism objectives.

This amendment does recognize that certain transactions of military equipment do have a direct bearing on our national security, so it allows the President to waive the prohibition with respect to specific transactions if he determines that they are essential to the national security interests of the United States.

The United States is the leading exporter of military equipment in the world. In fiscal year 1994, the United States sold some $12.86 billion worth of defense equipment and services around the world. By and large, these exports serve the interests of the United States by helping to build up the security of our allies. Improving our allies' abilities to defend themselves is one of the most effective ways we can advance and protect our own interests abroad.

It is not unreasonable to expect a certain level of cooperation from countries to whom we sell military equipment. Obviously cooperation in defense matters is taken into consideration, as it should be, because of the clear benefit it brings to U.S. security interests.

But our security these days is affected by other, less conventional problems. Today, terrorism poses a major threat to U.S. security interests, and to our way of life. Because of that, we must demand and expect cooperation from our allies to help us achieve our antiterrorism objectives. When we share our most advanced military technology with our allies, we should be able to expect full cooperation in these crucial areas.

For the most part, the commitment to combat terrorism is strong among our allies who purchase U.S. military equipment. Many of them know firsthand the scourge of terrorism, and have been deeply affected by it. Indeed, the State Department's 1994 Patterns of Global Terrorism report describes some 321 international terrorist attacks in 1994, in Africa, Asia, Europe, Latin America, and the Middle East. Occasionally, however, we have been disappointed by the cooperation we have received in our antiterrorism efforts.

This amendment is designed to add an additional incentive for those states to cooperate with U.S. antiterrorism efforts. We need their full cooperation in: Apprehending, prosecuting, and extraditing suspected terrorists; sharing intelligence to deter terrorist attacks; pressuring state sponsors of terrorism to change their behavior; curbing private fundraising efforts for terrorist organizations within their country; and, taking actions to prevent or deter terrorist attacks. Where we have signed agreements and treaties, they should be fulfilled in both letter and spirit. Where we do not have such agreements, our allies should work with us to put them in place as quickly as practicable.

The threat of international terrorism demands that the civilized nations of the world band together to defend against those who would use violence for political ends. This amendment will help ensure that the United States gets the cooperation it needs from our allies to fight this threat.

Mr. BIDEN. For the sake of clarification, I would ask the Senator from California if the certification requirement in her amendment means that a separate certification of a country's cooperation with U.S. antiterrorism objectives must accompany every notification of an arms sale sent to Congress under section 36(b) of the Arms Export Control Act.

Mrs. FEINSTEIN. No, the certification procedure is designed to require one certification annually for each country that purchases defense articles or defense services, or has them licensed for export, from the United States in a given fiscal year. Most certifications will probably be provided at the beginning of the fiscal year, but a country that is not certified at that time may, if eligible, be certified at any time prior to the first sale or export license to it in the fiscal year.

The PRESIDING OFFICER. The question is on agreeing to the amendments en bloc.

The amendments (Nos. 1218 and 1225) were agreed to.

Mr. BIDEN. Mr. President, I move to reconsider the vote.

Mr. HATCH. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BIDEN. Mr. President, we are perilously close to finishing all but the habeas amendments. The Nunn-Biden amendment on posse comitatus is either going to be debated very shortly or accepted very shortly.

That leaves, I think, after the vote on the Specter-Simon amendment, we will know then on the outcome of that vote, whether or not the Abraham amendment is still relevant. If Specter-Simon prevails, as I hope it does, then the Abraham amendment would be dropped.

The only amendment I am aware of on the Republican side which we do not have any agreement on at this point—we thought we did—was the Brown amendment. If Senator BROWN is available, we are ready to enter into a very short time agreement and debate that amendment tonight.

Mr. DOLE. Have the yeas and nays been ordered?

Mr. SPECTER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BIDEN. Mr. President, again I think we are going to know in a moment whether we will need to debate the Nunn-Biden posse comitatus amendment, but in the meantime while that is being ironed out, I ask my friend from Utah whether or not Senator BROWN is available to introduce his amendment. I think that is the only thing we have left.

Mr. DOLE. Mr. President, I ask for the yeas and nays on the Lieberman amendment numbered 1215.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HATCH. I understand that Senator BROWN is on his way over, and I will chat with him.

Mr. BIDEN. Mr. President, I say to the majority leader that I think when we dispose of the Brown amendment and we dispose of the Nunn-Biden amendment, that other than habeas amendments, there is nothing left.

It is my understanding that the leader, at an appropriate time this evening, if we complete action on Nunn-Biden and Brown, would move to vitiate the cloture vote tomorrow.

I would assure the Senator, as well, we would withdraw all 5 amendments relating to firearms or ammunition. They would not be considered on this bill.

Mr. DOLE. I have not discussed that with the Democrat leader. That would be my intention. They would be germane, in any event. No need to have a cloture vote.

So, if we can complete action on all except habeas corpus, we would like to start fairly early in the morning on the habeas corpus amendments.

So is there anybody who has amendments? I guess Senator BROWN is the only one on this side?

Mr. BIDEN. Senator BROWN is the only one who has a nonhabeas amendment on the Republican side and the only one we have left on the Democratic side, as I understand it, is Nunn-Biden.

Mr. HATCH. You have Abraham as well.

Mr. BIDEN. The Senator points out the Abraham amendment is still on the Republican side, and I have discussed this with Senator Abraham and he points out to me that if Specter-Simon passes, then his amendment is redundant, is no longer necessary. It is only if Specter-Simon fails would we go to the Abraham amendment, in which case we could accept the Abraham amendment.

Mr. DOLE. So we are waiting on Senator BROWN.

Mr. BIDEN. And waiting on a decision by our Republican colleagues whether or not they can accept the Nunn-Biden posse comitatus amendment.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1229 WITHDRAWN

Mr. HATCH. Mr. President, I am very grateful to our distinguished Senator from Colorado, Senator BROWN. Because, as much as he likes his amendment regarding terrorist countries, it has hit a snag where it has had an objection from both sides of the aisle.

In the interests of moving this bill forward he has authorized me to withdraw that amendment at this time.

I ask unanimous consent the Brown amendment be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1229) was withdrawn.

Mr. BIDEN. Mr. President, let me say I know he has decided not to run again, and this will probably hurt his reputation, but it is a pleasure to work with the Senator from Colorado. He is always reasonable. I thank him very much.

As Senator Eastland once said to me, "I will come and campaign for you or against you, whichever will help the most." Maybe if I said something negative it would help more but I really mean it. I thank him for his cooperation. This is the second time he has moved this legislation along. I truly appreciate it.

I want to correct something I said earlier. I referred to the posse comitatus amendment as the Nunn-Biden amendment. That is not accurate. This is not a minor point. It is the Nunn-Thurmond-Biden amendment. Senator THURMOND has been a leader in this issue and I did not mean in any way to leave him out. It is the Nunn-Thurmond-Biden amendment. I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

AMENDMENT NO. 1251 TO AMENDMENT NO. 1199

(Purpose: To authorize the Attorney General to request, and the Secretary of Defense to provide, Department of Defense assistance for the Attorney General in emergency situations involving biological or chemical weapons of mass destruction)

Mr. NUNN. Mr. President, I am going to start with the explanation of the amendment which I hope we will be voting on this evening. If the majority leader would like to interrupt at any point in time, I know there will be other things that will be coming up, I will be glad to yield and I invite that.

I am pleased to propose on behalf of myself, Senator THURMOND, Senator BIDEN, and Senator WARNER, an amendment to address a significant gap in the law regarding the use of chemical and biological weapons of mass destruction in criminal terrorist activities.

The Armed Forces have special capabilities to counter nuclear, biological, and chemical weapons. They are trained and equipped to detect, suppress, and contain these dangerous materials in hostile situations.

Most of our law enforcement officials do not have anything like the capability that our military does in these unique circumstances. At the present time the statutory authority to use the Armed Forces in situations involving the criminal use of these weapons of mass destruction extends only to nuclear materials. In my opinion, chemical and biological attacks on the United States, terrorist attacks, are much more likely than nuclear, although all would be horrible. Section 831 of title 18, United States Code, permits the Armed Forces to assist in dealing with crimes involving nuclear materials when the Attorney General and the Secretary of Defense jointly determine that there is an emergency situation requiring military assistance. There is no similar authority to use the special expertise of the Armed Forces in circumstances involving the use of chemical and biological weapons of mass destruction.

In the wake of the devastating bombing of the Federal building in Oklahoma City, with its tragic loss of life and disruption of governmental functions, I think it is appropriate to reexamine Federal counterterrorism capabilities, including the role of the Armed Forces. I would also add that the Tokyo chemical attack in the subway is the kind of situation that very well could happen, also, in this country.

For more than 100 years, military participation in civilian law enforcement activities has been governed by the Posse Comitatus Act. The Act precludes military participation in the execution of laws except as expressly authorized by Congress. That landmark legislation was the result of congressional concern about increasing use of the military for law enforcement purposes in post-Civil War era, particularly terms of enforcing the Reconstruction laws in the South in and suppressing labor activities in the North.

There are about a dozen express statutory exceptions to the Posse Comitatus Act, which permit military participation in arrests, searches, and seizures. Some of the exceptions, such as the permissible use of the armed forces to protect the discoverer of guano islands, reflect historical anachronisms. Others, such as the authority to suppress domestic disorders when civilian officials cannot do so, have continuing relevance—as shown most recently in the 1992 Los Angeles riots.

It is important to remember that the Act does not bar all military assistance to civilian law enforcement officials, even in the absence of a statutory exception. The Act has long been interpreted as not restricting use of the armed forces to prevent loss of life or wanton destruction of property in the event of sudden and unexpected circumstances. In addition, the Act has been interpreted to apply only to direct participation in civilian law enforcement activities—that is, arrest, search, and seizure. Indirect activities, such as the loan of equipment, have been viewed as not within the prohibition against using the armed forces to execute the law.

Over the years, the administrative and judicial interpretation of the Act, however, created a number of gray areas, including issues involving the provision of export advice during investigations and the use of military equipment and facilities during ongoing law enforcement operations.

During the late 1970's and early 1980's, I became concerned that the lack of clarity was inhibiting useful indirect assistance, particularly in counterdrug operations. I initiated legislation, which was enacted in 1981 as chapter 18 of title 10, United States Code, to clarify the rules governing military support to civilian law enforcement agencies.

We have, as a matter of fact, and have had since 1981 military ships in the Caribbean—and other places for that matter where we have heavy drug traffic—where the military, the Navy, has the right to intercept vessels, but the power of arrest is reserved for Coast Guard personnel that are on the Navy ships for that purpose. So we have been very careful about how we approach this matter.

The administration has requested legislation that would permit direct military participation in specific law enforcement activities related to chemical and biological weapons of mass destruction, similar to the exception under current law that permits direct military participation in the enforcement of the laws concerning improper use of nuclear materials.

We had a hearing under the auspices of Senator HATCH and Senator BIDEN. During that hearing it came to the attention of the committee—and the Armed Forces Committee was also invited to participate in that hearing, and I was there—that, although the overall direction that the President was laying out seemed to me to make sense, I thought the statute that had been submitted was not properly drawn. It used the words "technical assistance" without defining that term properly; used the term "disabling and disarming" but precluded the power of arrest.

In effect, I reached the conclusion that the military would be in a position where they were basically able to disable and disarm, which would include the use of force, and perhaps even the use of fatal force, but not have the power of arrest, which did not make sense.

I think the ultimate depriving of civil liberties is when you kill someone. If you can kill them without arresting them you are not really protecting someone's civil liberties. So we decided to carefully reconstruct that statute to try to deal with chemical and biological weapons, and we worked diligently to do that, and are continuing to work on possible amendments in good faith with colleagues on both sides. Senator HATCH has participated in that. Senator THURMOND and I have worked hard on it. Senator BIDEN has participated, and others. Senator DOLE and others have been involved in trying to make sure we know exactly what we are doing. I hope we can work it out this evening. But, if not, we will certainly have to vote on the matter at some point.

In my judgment, Mr. President, the question of whether we should create a further exception for chemical and biological weapons should be addressed in light of the two enduring themes reflected in the history and practice of the Posse Comitatus Act and related statutes:

First, the strong and traditional reluctance of the American people to permit any military intrusion into civilian affairs.

Second, the concept that any exceptions to the Posse Comitatus Act should be narrowly drawn to meet specific needs that cannot be addressed by civilian law enforcement authorities and that pose a grave danger to the American people.

As I previously mentioned, these issues were examined at a hearing before the Judiciary Committee on May 10, led by the chairman of the Committee, Senator HATCH, and the ranking minority member, Senator BIDEN. At their invitation, I participated in the hearing, and I am grateful for the courtesies extended to me.

At the hearing, we heard from former Secretary of Defense Caspar Weinberger, and from current representatives of the Departments of Justice and Defense. During the hearing, five major themes emerged:

First, we should be very cautious about establishing exceptions to the Posse Comitatus Act, which reflects enduring principles concerning historic separation between civilian and military functions in our democratic society.

Second, exceptions to the Posse Comitatus Act should not be created for the purpose of using the armed forces to routinely supplement civilian law enforcement capabilities with respect to ongoing, continuous law enforcement problems.

Third, exceptions may be appropriate when law enforcement officials do not possess the special capabilities of the Armed Forces in specific circumstances, such as the capability to counter chemical and biological weapons of mass destruction in a hostile situation.

Fourth, any statute which authorizes military assistance should be narrowly drawn to address with specific criteria to ensure that the authority will be used only when senior officials, such as the Secretary of Defense and the Attorney General, determine that there is an emergency situation which can be effectively addressed only with the assistance of military forces.

Fifth, any assistance which authorizes military assistance should not place artificial constraints on the actions military officials may take that might compromise their safety or the success of the operation.

In other words, Mr. President, as a result of that hearing, I came to the conclusion that in this area we ought to set a very high threshold for participation by the military and define those terms very carefully. Once the military is involved and, for example, they have on chemical gear, they are in a very difficult situation. Law enforcement may not even be able to be on the scene because of the heavy presence of chemical or biological agents. Once that happens, we do not want to put our 19, 20-, 22-, 23-, 24- or 25-year-olds out there without having enough authority to go ahead and do the job.

So we have tried to draft this authority with a very high threshold for any involvement of this military and to make that authority very limited, very carefully drawn. Once they are involved, then we want to give the military personnel authority to protect themselves and to take action as required by the circumstances, the very emergency type of circumstances we are describing.

The amendment that Senator THURMOND, Senator BIDEN and I are sponsoring has been drafted to reflect the traditional purposes of the Posse Comitatus Act and the limited nature of the exceptions to the act.

Under the amendment, the Attorney General may request DOD assistance to enforce the prohibitions concerning biological and chemical weapons of mass destruction in an emergency situation.

The Secretary of Defense may provide assistance if there is a joint determination by the Secretary of Defense and the Attorney General that there is an emergency situation, and the Secretary of Defense determines that the provision of such assistance will not adversely affect military preparedness.

Military assistance could be provided under the amendment only if the Attorney General and the Secretary of Defense jointly determine that each of the following five conditions is present:

First, that the situation involves a biological or chemical weapon of mass destruction.

Second, that the situation poses a serious threat to the interests of the United States.

Third, that civilian law enforcement expertise is not readily available to counter the threat posed by the biological or chemical weapon of mass destruction involved.

Fourth, that Department of Defense special capabilities and expertise are needed to counter the threat posed by the biological or chemical weapon of mass destruction involved.

Fifth, that enforcement of the law would be seriously impaired if the DoD assistance were not provided.

The types of assistance that could be provided during an emergency situation would involve operation of equipment to monitor, detect, contain, disable, or dispose of a biological or chemical weapon of mass destruction or elements of such a weapon. This includes the authority to search for and seize the weapons or elements of the weapons.

This authority must be given. I do not know of any way to avoid that because what you have to do is stop the possibility or the probability in some cases of massive death of American people.

The Attorney General and the Secretary of Defense would issue joint regulations defining the types of assistance that could be provided.

The regulations would also describe the actions that Department of Defense personnel may take in circumstances incidental to the provision of assistance under this section, including the collection of evidence. This would not include the power of arrest except in exigent circumstances or as otherwise authorized by law.

Now, that word "exigent" is one we are now considering, whether there are other words that would more precisely define the kind of circumstances we are talking about. The word "exigent" though is used in criminal statutes and has been used over and over again, and that word is well known in law enforcement circumstances.

Also, this provision is designed to address two important concerns. First is the general principle that types of assistance provided by the Department of Defense should consist primarily of operating equipment designed to deal with the chemical and biological agents involved and that the primary responsibility for arrest should reside in all circumstances with civilian officials where that is possible. As a law enforcement situation unfolds, however, military personnel must be able to deal with circumstances in which they may confront hostile opposition.

I repeat, Mr. President, there can very well be circumstances, a subway, for instance, involving chemical agents, just like the situation in Tokyo, or a situation similar to that where chemical agents are present, where law enforcement people are not even able to go into the area, where the only people who can go into the area are the military personnel.

In that situation, we do not want to put handcuffs on the military and say you are going into this dangerous situation but you cannot take steps necessary to protect not only your lives but the lives of the people who are in the area.

In such circumstances, the safety of the military personnel involved, and the safety of others, and the law enforcement mission cannot be compromised by precluding the military from exercising the power they need, including the use of force.

The amendment requires the Department of Defense to be reimbursed for assistance provided under this section in accordance with section 377 of title 10, the general statute governing reimbursement of the Department of Defense for law enforcement assistance. This means that if DOD does not get a training or operational benefit substantially equivalent to DOD training, the DOD must be reimbursed.

Under the amendment, the functions of the Attorney General and the Secretary of Defense my be exercised, respectively, by the Deputy Attorney General and the Deputy Secretary of Defense, each of whom serves as the alter ego to the head of the Department concerned. These functions may be delegated to another official only if that official has been designated to exercise the general powers of the head of the agency. This would include, for example, an Under Secretary of Defense who has been designated to act for the Secretary in the absence of the Secretary and the Deputy.

Mr. President, I will not go into more detail at this time, but the limitations set forth in this amendment are designed to address the appropriate allocation of resources and functions within the Federal Government and are designed to avoid providing a basis for excluding evidence or challenging an indictment.

Current law contains offenses involving the unlawful use of nuclear and biological weapons. The amendment sets forth the administration's proposal for a similar offense concerning the unlawful use of chemical weapons which is not now on the books.

Mr. President, this is a prudent and narrowly drafted amendment. It is consistent with the traditional separation of civilian and military functions and the exceptions for unusual and unique circumstances which require the special expertise of the Armed Forces to address serious threats to the national interest.

I might add there is an amendment that is incorporated in this amendment as it now stands, or it will stand when it is sent to the desk, proposed by the Senator from Maine [Mr. COHEN], basically saying that the Government should take every step possible to get the law enforcement community in a position where we can in the future reduce the need for using military personnel.

So we are not saying this is going to be here for all time. We are saying we need it now, and as the months go by and the years go by there would be the goal in this amendment to reduce the need to rely as much on the military as we must necessarily rely on them now in the chemical and biological area where they do have extensive training and equipment and are virtually the only ones who are able to deal with certain circumstances that could be enormously dangerous to the American people.

Mr. President, I will be glad to yield the floor. I know the Senator from South Carolina, the cosponsor of this amendment, would like to be heard.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, as chairman of the Armed Services Committee of the Senate, I was pleased to work with Senator NUNN, the ranking member of the Armed Services Committee, along with Senators HATCH, DOLE, BIDEN, and CRAIG to draft this amendment.

The purpose of this amendment is to have military assistance available to help Federal law enforcement in emergency situations that involve chemical and biological weapons of mass destruction.

In 1982, the Congress passed and then President Reagan signed into law a bill to authorize military assistance in instances involving nuclear devices. I supported that legislation in 1982 and believe it is now appropriate to extend that law to cover chemical and biological weapons of mass destruction.

We have been careful to limit military assistance to circumstances that pose a serious threat to the interests of the United States and where civilian expertise is not readily available to provide the required assistance to counter the threat posed by the chemical and biological weapons of mass destruction.

Mr. President, I believe this amendment will provide valuable assistance to law enforcement to protect the American people should we face terrorists with chemical and biological weapons. We have been careful to include safeguards to ensure that the military is not involved in routine law enforcement.

I would encourage my colleagues to support this amendment.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, the amendment that the Senator from Georgia, Senator THURMOND, and I have proposed would create a narrow exception to the Posse Comitatus Act in order to permit the use of the military to assist law enforcement in emergency situations involving chemical and biological weapons.

Before describing the amendment in detail, let me briefly review the origins of the Posse Comitatus Act and the existing exceptions to it.

The term "posse comitatus" means literally the "power of the county."

Its roots trace back to English common law, where the sheriff, obligated to defend the county against any of the king's enemies, was empowered to summon every person above 15 years old for this purpose.

The first Congress provided similar power to Federal marshals in 1789—authorizing the marshals to command all necessary assistance in the execution of their duty.

Three years later, Congress explicitly authorized marshals to use the militia in assisting their posse.

In the first half of the nineteenth century, the practice of using both the militia and regular military to assist law enforcement became commonplace—

Although whenever military personnel were called into service as a part of a posse, they were subordinated to civilian authority.

Following the Civil War, Federal troops were often used extensively in the South, as well as to quell labor unrest in the North.

Dissatisfaction with this practice led to pressure from Congress for explicit restrictions on the use of the military in law enforcement operations.

The result was the Posse Comitatus Act, enacted in 1878.

The Act is brief and straightforward:

> Whoever, except in cases and under circumstances expressly authorized by the constitution or act of Congress, willfully uses any part of the army or the air force as a Posse Comitatus or otherwise to execute the laws shall be fined not more than $250,000 or imprisoned not more than two years, or both.

Over the past century, Congress has enacted numerous exceptions to this general principle.

Many of these exceptions are for emergency circumstances, or where the need for use of the military is obvious.

For example, the law permits use of the military: to suppress insurrections; to protect foreign officials and official guests; to enforce the neutrality laws and customs laws; and to assist in investigations of murderers of Members of Congress or the Cabinet.

Congress has also provided some less compelling exceptions to the Posse Comitatus Act.

For instance, the President is empowered to use the military: to protect certain Federal parks and timber on Federal lands in Florida; to assist States in enforcing quarantines and health laws; and to remove any unlawful inclosures on public lands.

Most relevant to our present inquiry is an exception which permits the use of the military to assist law enforcement in countering the illegal possession or use of nuclear materials.

This provision, enacted in 1982, gives the military broad authority to assist in the enforcement of the law. The provision explicitly provides that the armed forces may be used to arrest persons and conduct searches and seizures.

The military has unique expertise concerning nuclear materials, which in my view justifies an exception.

Should this Nation ever be faced with terrorists armed with nuclear materials—of whatever grade—I believe the Department of Justice and FBI should be able to draw on this expertise.

I hold a similar view of the President's request for analogous authority with regard to chemical and biological weapons.

The military's expertise with chemical and biological weapons give it special knowledge which would be impractical and expensive to duplicate in civilian law enforcement.

The provision we have introduced is not—is not—the proposal sent to us by the administration.

Both Senator NUNN and I believed that, as drafted, the administration bill would have presented many practical problems.

Instead, we have drafted a new version which does the following:

DESCRIPTION OF THE AMENDMENT

> It permits the use of the military to assist law enforcement to respond to emergency situations involving biological or chemical weapons.
>
> This assistance can only be provided if certain conditions are met: (1) civilian expertise is not readily available; (2) defense department assistance is needed; and (3) enforcement of the law would be seriously impaired if the Department of Defense assistance were not provided.

Finally, the amendment requires the Attorney General and the Secretary of Defense to joint issue regulations concerning the types of assistance that may be provided.

The provision permits the regulations to authorize arrest or search and seizure only in instances for the immediate protection of human life.

We share the concern of many of our colleagues about using the military to enforce the law.

And we do not want the military to have carte blanche to arrest suspects or engage in search or seizure.

But once called in to assist law enforcement, we do not want to create the ludicrous circumstance where a soldier called in to assist law enforcement stands immobile where his safety—or the safety of others—is at risk.

Mr. President, the issue comes down to this: Do we want to authorize the limited use of the military to combat chemical and biological weapons terrorism, or do we want to spend scarce resources to duplicate this capability in law enforcement?

Mr. President, I am under the impression that our distinguished Republican colleague is likely to accept this amendment. I hope that is the case.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, let me thank Senator THURMOND and Senator NUNN for their cooperation in resolving some concerns in the posse comitatus amendment and the effort that they took in a most serious and appropriate way to cause the military to be involved in the areas of biological and chemical warfare and weaponry of mass destruction when it might be applied against civilian populations in this country.

Many of us expressed some very real concern because of what has been debated here tonight, the very important separation of the military and civilian population which is rooted in our history and that we have cautiously and appropriately guarded throughout our country's existence with few exceptions.

And so it was with that background we watched this amendment most closely, and I must say that in the end I can now support it because of some changes that have been made which I think we can all be very comfortable with, and that is to narrow this to not allow arrests, to prohibit those but to allow action where there is the exception for the immediate protection of human life. We think that narrows it and properly defines it, clarifies it so it is not ambiguous and so that it can be interpreted in the appropriate way by the Attorney General and the Secretary of Defense in their joint responsibility in the issue of regulations concerning the implementation of the statute.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I compliment the distinguished Senator from Georgia and the distinguished Senator from South Carolina for the extra efforts they have put into trying to resolve the problems on this posse comitatus issue.

Everybody knows I was not very enthusiastic about changing the emergency powers of the President or by changing the current posse comitatus law. But after having worked with these two great Senators, and seeing the compromises that have been worked out to try to resolve the problems with this issue that have existed in the minds of a number of Senators on the Senate floor, I am happy to say I believe we are in a position to accept the amendment, and if the distinguished Senator from Delaware is also in the same position, I think we can urge passage of this amendment at this time.

Mr. BIDEN. I would so urge, Mr. President. If I could have the attention of the Senator from Georgia, if he would send the amendment to the desk, I guess we can agree on it.

Mr. NUNN. I say to my friend from Delaware I have just taken the amendment to the desk, and it reflects all those changes that we worked out, and I would ask that the previous amendment not be called up but the one I just brought to the desk be called up.

The PRESIDING OFFICER. Without objection, the pending Specter amendment is set aside for consideration of the amendment of the Senator from Georgia. The clerk will report.

The assistant legislative clerk read as follows.

> The Senator from Georgia [Mr. NUNN], for himself, Mr. THURMOND, Mr. BIDEN, and Mr. WARNER, proposes an amendment numbered 1251.

Mr. BIDEN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> On page 160, between lines 11 and 12, insert the following:
>
> **SEC. 901. AUTHORITY TO REQUEST MILITARY ASSISTANCE WITH RESPECT TO OFFENSES INVOLVING BIOLOGICAL AND CHEMICAL WEAPONS.**
>
> (a) BIOLOGICAL WEAPONS OF MASS DESTRUCTION.—Section 175 of title 18, United States Code, is amended by adding at the end the following:

"(c)(1) MILITARY ASSISTANCE.—The Attorney General may request that the Secretary of Defense provide assistance in support of Department of Justice activities relating to the enforcement of this section in an emergency situation involving biological weapons of mass destruction. Department of Defense resources, including personnel of the Department of Defense, may be used to provide such assistance if—

"(A) the Secretary of Defense and the Attorney General determine that an emergency situation involving biological weapons of mass destruction exists; and

"(B) the Secretary of Defense determines that the provision of such assistance will not adversely affect the military preparedness of the United States.

"(2) As used in this section, 'emergency situation involving biological weapons of mass destruction' means a circumstance involving a biological weapon of mass destruction—

"(A) that poses a serious threat to the interests of the United States; and

"(B) in which—

"(i) civilian expertise is not readily available to provide the required assistance to counter the threat posed by the biological weapon of mass destruction involved;

"(ii) Department of Defense special capabilities and expertise are needed to counter the threat posed by the biological weapon of mass destruction involved; and

"(iii) enforcement of the law would be seriously impaired if the Department of Defense assistance were not provided.

"(3) The assistance referred to in paragraph (1) includes the operation of equipment (including equipment made available under section 372 of title 10) to monitor, contain, disable, or dispose of a biological weapon of mass destruction or elements of the weapon.

"(4) The Attorney General and the Secretary of Defense shall jointly issue regulations concerning the types of assistance that may be provided under this subsection. Such regulations shall also describe the actions that Department of Defense personnel may take in circumstances incident to the provision of assistance under this subsection. Such regulations shall not authorize arrest or any assistance in conducting searches and seizures that seek evidence related to violations of this section, except for the immediate protection of human life.

"(5) The Secretary of Defense shall require reimbursement as a condition for providing assistance under this subsection in accordance with section 377 of title 10.

"(6)(A) Except to the extent otherwise provided by the Attorney General, the Deputy Attorney General may exercise the authority of the Attorney General under this subsection. The Attorney General may delegate the Attorney General's authority under this subsection only to the Associate Attorney General or an Assistant Attorney General and only if the Associate Attorney General or Assistant Attorney General to whom delegated has been designated by the Attorney General to act for, and to exercise the general powers of, the Attorney General.

"(B) Except to the extent otherwise provided by the Secretary of Defense, the Deputy Secretary of Defense may exercise the authority of the Secretary of Defense under this subsection. The Secretary of Defense may delegate the Secretary's authority under this subsection only to an Under Secretary of Defense or an Assistant Secretary of Defense and only if the Under Secretary or Assistant Secretary to whom delegated has been designated by the Secretary to act for, and to exercise the general powers of, the Secretary.".

(b) CHEMICAL WEAPONS OF MASS DESTRUCTION.—The chapter 113B of title 18, United States Code, that relates to terrorism, is amended by inserting after section 2332a the following.

"§ 2332b. Use of chemical weapons

"(a) OFFENSE.—A person who without lawful authority uses, or attempts or conspires to use, a chemical weapon—

"(1) against a national of the United States while such national is outside of the United States;

"(2) against any person within the United States; or

"(3) against any property that is owned, leased or used by the United States or by any department or agency of the United States, whether the property is within or outside of the United States,

shall be imprisoned for any term of years or for life, and if death results, shall be punished by death or imprisoned for any term of years or for life.

"(b) DEFINITIONS.—For purposes of this section—

"(1) the term "national of the United States" has the meaning given in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)); and

"(2) the term "chemical weapon" means any weapon that is designed to cause widespread death or serious bodily injury through the release, dissemination, or impact of toxic or poisonous chemicals or their precursors.

"(c)(1) MILITARY ASSISTANCE.—The Attorney General may request that the Secretary of Defense provide assistance in support of Department of Justice activities relating to the enforcement of this section in an emergency situation involving chemical weapons of mass destruction. Department of Defense resources, including personnel of the Department of Defense, may be used to provide such assistance if—

"(A) the Secretary of Defense and the Attorney General determine that an emergency situation involving chemical weapons of mass destruction exists; and

"(B) the Secretary of Defense determines that the provision of such assistance will not adversely affect the military preparedness of the United States.

"(2) As used in this section, 'emergency situation involving chemical weapons of mass destruction' means a circumstance involving a chemical weapon of mass destruction—

"(A) that poses a serious threat to the interests of the United States; and

"(B) in which—

"(i) civilian expertise is not readily available to provide the required assistance to counter the threat posed by the chemical weapon of mass destruction involved;

"(ii) Department of Defense special capabilities and expertise are needed to counter the threat posed by the biological weapon of mass destruction involved; and

"(iii) enforcement of the law would be seriously impaired if the Department of Defense assistance were not provided.

"(3) The assistance referred to in paragraph (1) includes the operation of equipment (including equipment made available under section 372 of title 10) to monitor, contain, disable, or dispose of a chemical weapon of mass destruction or elements of the weapon.

"(4) The Attorney General and the Secretary of Defense shall jointly issue regulations concerning the types of assistance that may be provided under this subsection. Such regulations shall also describe the actions that Department of Defense personnel may take in circumstances incident to the provision of assistance under this subsection. Such regulations shall not authorize arrest or any assistance in conducting searches and seizures that seek evidence related to violations of this section, except for the immediate protection of human life.

"(5) The Secretary of Defense shall require reimbursement as a condition for providing assistance under this subsection in accordance with section 377 of title 10.

"(6)(A) Except to the extent otherwise provided by the Attorney General, the Deputy Attorney General may exercise the authority of the Attorney General under this subsection. The Attorney General may delegate the Attorney General's authority under this subsection only to the Associate Attorney General or an Assistant Attorney General and only if the Associate Attorney General or Assistant Attorney General to whom delegated has been designated by the Attorney General to act for, and to exercise the general powers of, the Attorney General.

"(B) Except to the extent otherwise provided by the Secretary of Defense, the Deputy Secretary of Defense may exercise the authority of the Secretary of Defense under this subsection. The Secretary of Defense may delegate the Secretary's authority under this subsection only to an Under Secretary of Defense or an Assistant Secretary of Defense and only if the Under Secretary or Assistant Secretary to whom delegated has been designated by the Secretary to act for, and to exercise the general powers of, the Secretary."

(c)(1) CIVILIAN EXPERTISE.—The President shall take reasonable measures to reduce civilian law enforcement officials' reliance on Department of Defense resources to counter the threat posed by the use of potential use biological and chemical weapons of mass destruction within the United States, including:

(A) increasing civilian law enforcement expertise to counter such threat:

(B) improving coordination between civilian law enforcement officials and other civilian sources of expertise, both within and outside the Federal Government, to counter such threat;

(2) REPORT REQUIREMENT.—The President shall submit to the Congress—

(A) ninety days after the date of enactment of this Act, a report describing the respective policy functions and operational roles of Federal agencies in countering the threat posed by the use or potential use of biological and chemical weapons of mass destruction within United States;

(B) one year after the date of enactment of this Act, a report describing the actions planned to be taken and the attendant cost pertaining to paragraph (1); and

(C) three years after the date of enactment of this Act, a report updating the information provided in the reports submitted pursuant to subparagraphs (A) and (B), including measures taken pursuant to paragraph (1).

(D) CLERICAL AMENDMENT.—The chapter analysis for chapter 113B of title 18, United States Code, is amended by inserting after the item relating to section 2332a the following:

"2332b. Use of chemical weapons.".

(E) USE OF WEAPONS OF MASS DESTRUCTION.—Section 2332a(a) of title 18, United States Code, is amended by inserting "without lawful authority" after "A person who".

Mr. BIDEN. Mr. President, I urge acceptance of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

So the amendment (No. 1251) was agreed to.

Mr. HATCH. Mr. President, I move to reconsider the vote.

Mr. BIDEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATCH. Mr. President, it appears to me that we are down to the votes on Senator LIEBERMAN's amendment and the Specter-Simon amendment. We are prepared to vote.

Mr. BIDEN. Mr. President, that is my understanding. I have been informed by staff of the Democratic leadership it would be helpful if we did not start the vote for about 5 minutes, so we give people enough notice that we are about to start the vote.

Mr. HATCH. Why not start the vote and add 5 minutes to it. Start it at 9:45.

Mr. BIDEN. Parliamentary inquiry, Mr. President. Have the yeas and nays been ordered on both amendments?

The PRESIDING OFFICER. The Specter amendment and the Lieberman amendment.

Mr. BIDEN. And the first amendment will be?

The PRESIDING OFFICER. The Specter amendment.

Mr. BIDEN. The second one is Lieberman, and the vote on the Specter amendment will start at 9:45? I ask unanimous consent that the vote on the Specter amendment begin at 9:45.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I ask unanimous consent that the vote on the Lieberman amendment be immediately following that amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

VOTE ON AMENDMENT NO. 1250

The PRESIDING OFFICER. Under the previous order, the question occurs on agreeing to amendment No. 1250 offered by the Senator from Pennsylvania, Mr. SPECTER. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from New Mexico [Mr. DOMENICI], and the Senator from Texas [Mr. GRAMM] are necessarily absent.

Mr. FORD. I announce that the Senator from North Dakota [Mr. CONRAD], and the Senator from Arkansas [Mr. PRYOR] are necessarily absent.

The result was announced—yeas 81, nays 15, as follows:

[Rollcall Vote No. 235 Leg.]

YEAS—81

Abraham
Akaka
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Bradley
Breaux
Bryan
Bumpers
Burns
Chafee
Coats
Cochran
Cohen
Craig
D'Amato
Daschle
DeWine
Dodd
Dorgan
Exon
Faircloth
Feingold
Feinstein
Ford
Frist
Glenn
Graham
Grams
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Helms
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnston
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lott
Lugar
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nunn
Packwood
Pell
Pressler
Reid
Robb
Rockefeller
Santorum
Sarbanes
Shelby
Simon
Simpson
Snowe
Specter
Stevens
Thomas
Thurmond
Warner
Wellstone

NAYS—15

Brown
Byrd
Campbell
Coverdell
Dole
Gorton
Kassebaum
Kyl
Lieberman
Mack
McCain
Nickles
Roth
Smith
Thompson

NOT VOTING—4

Conrad
Domenici
Gramm
Pryor

So the amendment (No. 1250) was agreed to.

VOTE ON AMENDMENT NO. 1215

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to amendment numbered 1215, offered by the Senator from Connecticut [Mr. LIEBERMAN]. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from New Mexico [Mr. DOMENICI] and the Senator from Texas [Mr. GRAMM], are necessarily absent.

Mr. FORD. I announce that the Senator from North Dakota [Mr. CONRAD] and the Senator from Arkansas [Mr. PRYOR], are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 77, nays 19, as follows:

[Rollcall Vote No. 236 Leg.]

YEAS—77

Abraham
Akaka
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Bradley
Breaux
Brown
Bumpers
Byrd
Campbell
Coats
Cochran
Cohen
D'Amato
Daschle
DeWine
Dodd
Dole
Exon
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Grams
Grassley
Harkin
Hatch
Heflin
Helms
Hollings
Hutchison
Inouye
Jeffords
Johnston
Kassebaum
Kennedy
Kerrey
Kerry
Kohl
Kyl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn
Pell
Reid
Robb
Rockefeller
Roth
Santorum
Sarbanes
Shelby
Simon
Simpson
Snowe
Stevens
Thompson
Thurmond
Warner

NAYS—19

Bryan
Burns
Chafee
Coverdell
Craig
Dorgan
Faircloth
Feingold
Gregg
Hatfield
Inhofe
Kempthorne
Mack
Packwood
Pressler
Smith
Specter
Thomas
Wellstone

NOT VOTING—4

Conrad
Domenici
Gramm
Pryor

So the amendment (No. 1215) was agreed to.

Mr. HATCH. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KOHL. Mr. President, I rise today in support of anti-terrorism legislation. After all, one of the principal purposes of any government is to ensure the safety of its citizens. And the destruction of the Oklahoma City Federal building and the bombing of the World Trade Center indicate that we need to do a better job in this area.

But I continue to have concerns about some provisions of S. 735, just as I did about the President's proposal. In addition, I am concerned that the bill under consideration may divide the Senate at a time when all public officials should be unified in the fight against violence and terror. So while I am inclined to support this measure, I am also inclined to support amendments that would improve it.

For many years, we have watched with growing concern as terrorist violence has escalated—and reached closer to home. We can no longer ignore the fact that post-cold-war violence knows no borders, and respects no distinction between soldiers and innocents.

Mr. President, fundraising for international terrorism now has roots in America—and it has even reached the Midwest. In fact, in 1993 a group of Palestinian immigrants, linked to the infamous Abu Nidal terrorist organization, actively raised money here for terrorism abroad. Surprisingly, this terrorist cell extended from St. Louis, MO, to Dayton, OH, to Racine, WI.

After their arrest, three of the men were accused of plotting to blow up the Israeli Embassy in Washington. They admitted to smuggling money and information, buying weapons, and planning terrorist activities. In July 1994 they pleaded guilty to Federal Racketeering charges.

Given these growing threats to American lives, both at home and abroad, it makes sense for Congress to create a comprehensive Federal criminal statute to be used against domestic and international terrorists, and to choke off fundraising by terrorist organizations. Such legislation is not a panacea but, by clarifying and elaborating on our current laws it could provide law enforcement with more effective tools in their fight to protect us.

Unfortunately, while S. 735 accomplishes some of these laudable goals, it moves far beyond areas directly affecting terrorism and into issues—such as habeas corpus reform—that have frayed the consensus that Americans expect from us when their safety is at risk. Now, let us be clear: Many criminal appeals are frivolous, and the often convoluted habeas process is in need of reform. However, this divisive issue should be thoroughly debated on its own—not as a last minute attachment to a 160-page terrorism proposal.

Moreover, attaching habeas reform to this bill opens the door to other issues that should be considered elsewhere. For example, others seem encouraged to offer amendments relating to arms sales, perjury, identification cards, and immigration. If these amendments are attached, this bill will become a christmas tree. And if these proposals are accepted, then I will consider offering my amendment to address the Supreme Court's concerns regarding gun free school zones. After all, this is one bill that will certainly be signed into law quickly.

Beyond these concerns regarding habeas corpus reform, I also have some substantive concerns regarding the core antiterrorism provisions of this bill, just as I had with the Clinton bill. Specifically, I believe that S. 735 has not adequately addressed the constitutional objections that Members from both sides of the aisle have raised over the preceding months. While the substitute does address some of these concerns, it often creates more problems than it solves.

For example, the current bill entirely deletes the licensing provisions of the President's fundraising proposal. While the original provision was already flawed, the Republican cure is worse than the disease. While we need to stop the flow of money to terrorist organizations, we also need to be sure that our final product allows groups to raise funds for nonviolent, legitimate political purposes. An overly broad ban—with no safety valve—may infringe upon the first amendment rights of donors to provide financial support to legitimate organizations of their choice.

Similarly, the alien deportation provisions of S. 735 may undermine the due process rights of legal resident aliens. Specifically, these aliens should have some right to review—and challenge—evidence that the Government has marshalled against them. After all, none of us would want to be caught up in a kafkaesque procedure that takes place entirely behind closed doors. In the words of Benjamin Franklin, "They that give up essential liberty to obtain a little temporary safety deserve neither liberty nor safety."

In closing, Mr. President, we should not use this antiterrorism bill as a vehicle for moving a partisan agenda forward, destroying a rare consensus in the process. Moreover, in fighting terrorists, we must not be frightened into weakening the Constitution that we have sworn to uphold. Therefore, I hope we agree to several amendments to address these problems, so that we may present the American people with legislation that strengthens our defenses against terrorism, without weakening our commitment to the Constitution.

Mr. KYL. Mr. President, I rise in support of S. 735, the Dole-Hatch Terrorism Prevention Act of 1995. I thank Senator DOLE and Senator HATCH for including in the bill my provision, which strengthens the protection of Federal computers against terrorism.

Mr. President, the Internet is a worldwide system of computers and computer networks that enables users to communicate and share information. The system is comparable to the worldwide telephone network. According to a Time magazine article, the Internet connects over 4.8 million host systems, including educational institutions, Government facilities, military bases, and commercial businesses. Millions of private individuals are connected to the Internet through their personal computers and modems.

Computer criminals have quickly recognized the Internet as a haven for criminal possibilities. During the 1980's, the development and broad-based appeal of the personal computer sparked a period of dramatic technological growth. This has raised the stakes in the battle over control of the Internet and all computer systems.

Computer criminals know all the ways to exploit the Internet's easy access, open nature, and global scope. From the safety of a telephone in a discrete location, the computer criminal can anonymously access personal, business, and Government files. And because these criminals can easily gain access without disclosing their identities, it is extremely difficult to apprehend and successfully prosecute them.

Prosecution of computer criminals is complicated further by continually changing technology, lack of precedence, and weak or nonexistent State and Federal laws. And the costs are passed on to service providers, the judicial system, and most importantly—the victims. Mr. President, section 527 will deter this type of crime.

This section requires the U.S. Sentencing Commission to review existing sentencing guidelines as they apply to sections 1030(a)(4) and 1030(a)(5) of title 18 of the United States Code—the Computer Fraud and Abuse Act. The Commission must also establish guidelines to ensure that criminals convicted under these sections receive mandatory minimum sentences for not less than 6 months. Currently, judges are given great discretion in sentencing under the Computer Fraud and Abuse Act. In many cases, the sentences don't match the crimes, and criminals receive light sentences for serious crimes. Mandatory minimum sentences will deter computer "hacking" crimes, and protect the infrastructure of Federal computer systems.

Everybody recognizes that it is wrong for an intruder to enter a home and wander around; it doesn't make sense to view a criminal who breaks into a computer system differently. We have a national anti-stalking law to protect citizens on the street, but it doesn't cover stalking on the communications network. We should not treat these criminals differently simply because they possess new weapons.

These new technologies, which so many Americans enjoy, were developed over many years. I understand that policy can't catch up with technology overnight, but we can start filling in the gaps created by these tremendous advancements. We cannot allow complicated technology to paralyze us into inactivity. It is vital that we protect the information and infrastructure of this country.

Because computers are the nerve centers of the world's information and communication system, there are catastrophic possibilities. Imagine an international terrorist penetrating the Federal Reserve System and bringing to a halt every Federal financial transaction. Or worse yet, imagine a terrorist who gains access to the Department of Defense, and gains control over NORAD.

The best known case of computer intrusion is detailed in the book, "The Cuckoo's Egg." In March 1989, West German authorities arrested computer hackers and charged them with a series of intrusions into United States computer systems through the University of California at Berkeley. Eastern block intelligence agencies had sponsored the activities of the hackers beginning in May 1986. The only punishment the hackers were given was probation.

An example of the pending threat is illustrated in the Wednesday, May 10, headline from the Hill entitled "Hired Hackers Crack House Computers." Auditors from Price Waterhouse managed to break into House Members' computer systems. According to the article, the auditors' report stated that they could have changed documents, passwords, and other sensitive information in those systems. What is to stop international terrorists from gaining similar access, and obtaining secret information relating to our national security?

Mandatory minimum sentences will make the criminals think twice before illegally accessing computer files. In a September 1994 Los Angeles Times article about computer intrusion, Scott Charney, chief of the computer crime unit for the U.S. Department of Justice, stated "the threat is an increasing threat," and "[i]t could be a 16-year-old kid out for fun or it could be someone who is actively working to get information from the United States."

He added, there is a "growing new breed of digital outlaws who threaten national security and public safety." For example, the Los Angeles Times article reported that, in Los Angeles alone, there are at least four outlaw computer hackers who, in recent years, have demonstrated they can seize control of telephones and break into Government computers.

The article also mentioned that Government reports further reveal that foreign intelligence agencies and mercenary computer hackers have been breaking into military computers. For example, a hacker is now awaiting trial in San Francisco on espionage charges for cracking an Army computer system and gaining access to FBI files on former Philippine president Ferdinand Marcos. According to the 1993 Department of Defense report, such a threat is very real: "The nature of this changing motivation makes computer intruders' skills high-interest targets for criminal elements and hostile adversaries."

Mr. President, the September 1993 Department of Defense report added that, if hired by terrorists, these hackers could cripple the Nation's telephone system, "create significant public health and safety problems, and cause serious economic shocks." The hackers could bring an entire city to a standstill. The report states that, as the world becomes wired for computer networks, there is a greater threat the networks will be used for spying and terrorism. In a 1992 report, the President's National Security Telecommunications Advisory Committee warned, "known individuals in the hacker community have ties with adversary organizations. Hackers frequently have international ties."

Mr. President, section 527 of this bill will deter terrorist activity and enhance our national security.

Mr. DODD. Mr. President, the brutal and vicious bombing of the Federal building in Oklahoma City continues to tear at the Nation's soul. We are still mourning the loss of so many innocent lives, and asking ourselves how anyone could act with such savagery.

The toll from this terrible tragedy would have been even worse, if so many rescue workers and volunteers had not acted so heroically. Their courageous and tireless efforts inspired the Nation. We should all take a minute to commend these heroes.

The many law enforcement officials who have worked so hard on this case should also be commended. Their efficient apprehension of suspects and witnesses has impressed everyone. We can all be proud of their efforts.

As we continue to deal with this terrible tragedy—the deadliest terrorist attack on American soil—we must find ways to prevent such acts in the future. While no one will argue that we can end terrorism, we can take steps to deter terrorists, make it more difficult for them to kill and injure, and ensure that they are brought swiftly to justice.

The President deserves commendation for moving forcefully in that direction with a comprehensive proposal to crack down on terrorists. That proposal, which he submitted to the Congress shortly after the Oklahoma bombing, establishes new Federal offenses to ensure that terrorists do not escape through the gaps in current law. FBI director Louis Freeh explained the importance of closing these gaps in recent testimony before the Judiciary Committee.

The President's proposal also provides additional investigative tools for Federal law enforcement officials. These include access to financial reports, telephone bills and other records in foreign counterintelligence investigations. Because these investigations are not always based on criminal offenses, it can be difficult for law enforcement to proceed in certain cases.

Overall, the President's proposal will help the Nation prevent terrorism and help bring terrorists to justice. The bombing in Oklahoma made clear just how vulnerable we all are to terrorism, and we ought to move this proposal forward in an efficient, bipartisan way.

To their credit, Senators DOLE and HATCH have incorporated most of the President's proposal into the bill we are considering today. I commend them for negotiating with the Democratic leadership and attempting to narrow differences.

However, there are a few important Presidential proposals that are not in the Republican bill. The President sought to provide the Attorney General with the authority to order emergency wiretaps in foreign and domestic terrorism cases. When I met with Federal law enforcement officials last week in Connecticut, they stressed the importance of this proposal. Regrettably, my Republican colleagues fought this amendment and it was defeated.

Another critical Presidential proposal fared better. Bipartisan cooperation resulted in a unanimous vote in favor of Senator FEINSTEIN's amendment, which authorizes the Treasury Department to promulgate regulations requiring tracing agents in explosives. This authority should help law enforcement officials track bomb builders and other criminals. Because this technology is relatively new, we will need to monitor the effectiveness of the department's regulations.

There are other important differences between the Republican bill and the President's proposal. One critical difference is the Republican approach to habeas corpus reform. This has been a contentious issue for a number of years. No one in this body wants to see prisoners abuse the legal process, and delay justice for victims, by filing meritless appeals. But most of my colleagues also want to ensure that those people who have been unfairly convicted have some recourse.

We have all struggled to strike the right balance on habeas corpus reform, and it is not an easy task. In this time of healing, we should not let a divisive political issue delay the counterterrorism measures that the Nation demands. I hope that we can reach some sort of compromise on this issue.

There are other aspects of this bill that need to be worked out. Some of my colleagues have raised some important concerns about the effect of this legislation in civil rights. Clearly, no one in this body wants to act hastily and undermine the Constitution. We must not sacrifice the principles of freedom, fairness and privacy on the altar of fear. That would give the ultimate victory to the terrorists.

So let us work together, resolve our differences, and rejoin the battle to strengthen the Nation against terrorist attack.

AMENDMENT NO. 1233

Mr. PRESSLER. Mr. President, I would note the pending amendment concerns a matter, airline security, that is within the jurisdiction of the Senate Committee on Commerce, Science, and Transportation. I see the distinguished chairman of the Committee on the Judiciary is on the floor. Would the chairman be willing to enter into a short colloquy on this issue?

Mr. HATCH. I would be pleased to discuss the matter with my friend.

Mr. PRESSLER. I thank my colleague. Although I support the proposed amendment requiring a uniform security standard for passenger airlines, as chairman of the Commerce Committee I want the record to be clear on the point that the Committee on Commerce, Science, and Transportation retains jurisdiction over matters concerning airline safety and security.

Further, I want the record to be clear that simply by not objecting to this amendment on jurisdictional grounds, the Committee on Commerce, Science, and Transportation will not be deemed to have waived its jurisdiction over the very important issue of air carrier security programs.

I would ask whether the chairman agrees with my assessment of the jurisdictional situation and whether he would be willing to stipulate as much for the record?

Mr. HATCH. I understand and appreciate that the chairman of the Senate Committee on Commerce, Science, and Transportation has always provided strong leadership on air passenger safety and security issues. Let me make it clear that my friend from South Dakota is absolutely correct. Aviation security is within the jurisdiction of the Senate Committee on Commerce, Science, and Transportation. It is not my intention that this amendment will affect in any way that committee's jurisdiction over airline security matters in the future.

Mr. PRESSLER. I thank my friend from Utah for clarifying this point. Having put my jurisdictional concern to rest, I join in supporting the amendment and urge my colleagues to support it. American citizens traveling on foreign carriers should have the same level of protection they have when traveling on U.S. passenger carriers. Moreover, U.S. passenger carriers should not be put at a competitive disadvantage vis-a-vis foreign competitors whose relaxed security standards are less expensive.

Mr. HATCH. I thank the chairman. I very much appreciate his support for this amendment and thank him for agreeing to proceed to its consideration.

Mrs. FEINSTEIN. Mr. President, yesterday the Senate voted 90 to 0 to approve an amendment I authored to the counterterrorism legislation. Because of the importance of this amendment, I want to clarify its intent and language.

This amendment will make it easier for law enforcement officials to trace the origins of bombs used for violent or criminal purposes. The legislation specifically requires the Secretary of the Treasury to conduct a study within 12 months on the use of taggants in all explosive materials, including black or smokeless powder. Once that study is completed, the Treasury Department must enforce the use of taggants in explosive materials within 6 months, depending on the study's findings and other factors. In addition, this amendment instructs the Treasury Department to also study ways of making common chemicals, such as fertilizer, inert and unusable as an explosive.

This amendment exempts putting taggants in black or smokeless gun powder when that powder is used for small arms ammunition, or bullets—an exemption that already exists under current law. In addition, black or smokeless powder used in antique firearms for recreational purposes is also exempted from this amendment. The amendment does allow for the use of taggants in black or smokeless powder produced for sale in large quantities or for other uses.

I want to clarify that this amendment extends the existing exemption under current law. Under sections 845 (a)(4) and (5) of Title 18, United States Code, small arms ammunitiona and antique weapons used for recreational purposes are exempt from all explosive regulations, except for a few specific circumstances. This amendment simply reiterates current law.

Mr. HATCH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, it is my understanding, after visiting with the managers, that the only amendments left are habeas corpus amendments.

I want to thank the managers on both sides of the aisle for their hard work and cooperation for the last 6 hours, and also the Democratic leader, Senator DASCHLE, for his cooperation.

So we are down now to the habeas corpus amendments. We disposed of virtually everything, 80, 90 amendments. We are down to about six, five on the Democratic side and one on the Republican side.

I think we have agreed that we come in at 9:30, have 15 minutes of morning business, and at 9:45 we are on the bill. And Senator BIDEN will bring up the habeas corpus Federal prisoners, No. 1217, with 30 minutes of debate equally divided.

Then there would be a vote at 10:15 which would accommodate two Senators who are going to the Base Closure Commission, and one Senator who has someone in the hospital. Then we would try to reach time agreements on the remaining amendments, and if possible stack all of those votes so we can complete action probably sometime like 1 o'clock. We would have votes on those, plus final passage, unless there is a motion to reconsider a vote, or something like that.

I think that is satisfactory. I wish to check with Senators.

So we will proceed on that basis.

ORDERS FOR WEDNESDAY, JUNE 7, 1995

Mr. DOLE. I would ask unanimous consent that when the Senate convenes tomorrow, it convene at the hour of 9:30 a.m., with 15 minutes of morning business, 10 minutes to the Senator from Louisiana, Senator BREAUX; that at 9:45 we return to the consideration of S. 735, and that the amendment No. 1217, habeas corpus Federal prisons, be in order, 30 minutes equally, controlled by the managers on each side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. And then we will try to work out the order and times on the following amendments. I think we will pretty much stick to the times we have pointed out here.

I would also ask, since we have completed action on every amendment that has been affected by cloture, that the cloture motion filed yesterday be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. As I indicated earlier, there is no reason for a cloture vote because we have taken care of all the amendments that might have been affected by invoking cloture with the exception of five so-called gun or gun-related amendments which have been or will be withdrawn.

Mr. BIDEN. Mr. President, if the leader will yield, each of the authors of the gun amendments has agreed to withdraw their amendments, and I am authorized to do that and I would do that at this moment if that is appropriate.

There are five amendments: Bradley, Lautenberg, Kohl, Levin, and Kerry of Massachusetts. Each had amendments. And there was a Boxer amendment which we never intended on bringing up on guns, and a second Lautenberg amendment. We were not going to do those anyway.

To put it another way, Mr. President, we commit there will be no gun amendments offered from the Democratic side. The only amendments that would be in order are the habeas corpus amendments that have been referenced by the leader already.

Mr. DOLE. Right. That would be Biden No. 1224, Biden No. 1216, Biden No. 1217, Levin No. 1245, Graham of Florida No. 1242, Kyl No. 1211, and then there is the managers' amendment.

Mr. BIDEN. Yes. And that would not be a gun amendment.

Mr. President, that is correct. They would be the only amendments that would be in order. So there is no intention to raise any gun issue.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

AMENDMENT NO. 1228 WITHDRAWN

Mr. HATCH. It is my understanding that the distinguished Senator from Michigan has been very cooperative and has permitted us to withdraw his amendment. I believe both the distinguished Senator from Delaware and I are very grateful that he has been so considerate of all of us.

The PRESIDING OFFICER. Without objection, amendment 1228 is withdrawn.

Mr. DOLE. I assume under the previous agreement that only second-degree amendments would be in order after a failed motion to table.

Mr. BIDEN. That is my understanding.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Again, let me thank the managers and the Democratic leader, Senator BIDEN and Senator HATCH, Senator DASCHLE, and also thank the President and Pat Griffin at the White House, who has been helpful throughout the day.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON NUCLEAR PROLIFERATION—MESSAGE FROM THE PRESIDENT—PM 54

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations:

To the Congress of the United States:

As required under section 601(a) of the Nuclear Non-Proliferation Act of 1978 (Public Law 95–242; 22 U.S.C. 3281(a)), I am transmitting a report on the activities of United States Government departments and agencies relating to the prevention of nuclear proliferation. It covers activities between January 1, 1994, and December 31, 1994.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *June 6, 1995*.

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 6:10 p.m., a message from the House of Representatives, delivered by Mr. Duncan, one of its clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 1158. An act making emergency supplemental appropriations for additional disaster assistance, for anti-terrorism initiatives, for assistance in the recovery from the tragedy that occurred at Oklahoma City, and making rescissions for the fiscal year ending September 30, 1995, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore (Mr. THURMOND).

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–936. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the cumulative report on rescissions and deferrals; referred jointly pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986 to the Committee on Appropriations, the Committee on Agriculture, Nutrition, and Forestry, the Committee on Banking, Housing, and Urban Affairs, the Committee on the Budget, the Committee on Commerce, Science, and Transportation, the Committee on Environment and Public Works, the Committee on Labor and Human Resources, and the Committee on Small Business.

EC–937. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the Department's annual report for 1994, relative to foreign investment in U.S. agricultural land; to the Committee on Agriculture, Nutrition, and Forestry.

EC–938. A communication from the Principal Deputy Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a report of a violation of the Antideficiency Act, case number 94-09; to the Committee on Appropriations.

EC–939. A communication from the Secretary of Defense, transmitting, pursuant to law, a report relative to the detailing of DOD personnel to other Federal agencies with respect to counterdrug activities; to the Committee on Armed Services.

EC–940. A communication from the Secretary of Energy, transmitting, a draft of proposed legislation to authorize privatization of the Naval Petroleum Reserves, and for other purposes; to the Committee on Armed Services.

EC–941. A communication from the General Counsel of the Department of Defense, transmitting, a draft of proposed legislation to repeal various reporting requirements of the Department of Defense, and for other purposes; to the Committee on Armed Services.

EC–942. A communication from the Secretary of Labor, transmitting, pursuant to law, a report relative to the Transition Assistance Program; to the Committee on Armed Services.

EC–943. A communication from the General Counsel of the Department of Defense, transmitting, a draft of proposed legislation to amend chapters 47 and 49 of title 10, United States Code, and chapter 15 of title 37, United States Code, to improve the quality and efficiency of the military justice system; to the Committee on Armed Services.

EC–944. A communication from the Deputy Under Secretary of Defense (Environmental Security), transmitting, pursuant to law, the fiscal year 1994 Defense Environmental Quality Program report; to the Committee on Armed Services.

EC–945. A communication from the Director, Office of Small and Disadvantaged Business Utilization, Department of Defense, transmitting, pursuant to law, a report relative to the progress of the Department in awards of minority contracts; to the Committee on Armed Services.

EC–946. A communication from the Secretary of Defense, transmitting, pursuant to law, the fiscal year 1995 report on proposed obligations for facilitating weapons destruction and nonproliferation in the former Soviet Union; to the Committee on Armed Services.

EC–947. A communication from the Director, Legislative Liason, Department of the Air Force, transmitting, a draft of proposed legislation to adjust the tenure of the Judge Advocate General of the Air Force, and for other purposes; to the Committee on Armed Services.

EC–948. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, a report relative to discrimination and sexual harassment; to the Committee on Armed Services.

EC–949. A communication from the Secretary of Defense, transmitting, pursuant to law, a report relative to cost estimates for C-17 aircraft; to the Committee on Armed Services.

EC–950. A communication from the Secretary of Defense, transmitting, pursuant to law, a report relative to emergency communications services of the American National Red Cross; to the Committee on Armed Services.

EC–951. A communication from the Assistant Secretary of State, Legislative Affairs, transmitting, pursuant to law, a report relative to the transfer of certain properties to the Republic of Panama; to the Committee on Armed Services.

EC–952. A communication from the General Counsel of the Navy, transmitting, a draft of proposed legislation to authorize the transfer of eight naval vessels to certain foreign countries; to the Committee on Armed Services.

EC–953. A communication from the President of the United States, transmitting, pursuant to law, a document relative to the continuation of a waiver of application of certain sections of the Trade Act of 1974 to the People's Republic of China; to the Committee on Finance.

EC–954. A communication from the President of the United States, transmitting, pursuant to law, a document relative to the continuation of a waiver of application of certain sections of the Trade Act of 1974 to Albania, Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Mongolia, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan; to the Committee on Finance.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mrs. KASSEBAUM, from the Committee on Labor and Human Resources, with an amendment in the nature of a substitute:

S. 555. A bill to amend the Public Health Service Act to consolidate and reauthorize health professions and minority and disadvantaged health education programs, and for other purposes (Rept. No. 104–93).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. D'AMATO (for himself and Mr. SARBANES):

S. 883. A bill to amend the Federal Credit Union Act to enhance the safety and soundness of federally insured credit unions, to protect the National Credit Union Share Insurance Fund, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HATCH (for himself and Mr. BENNETT):

S. 884. A bill to designate certain public lands in the State of Utah as wilderness, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MOYNIHAN (for himself, Mr. SIMPSON, Mr. INOUYE, Mr. THOMAS, Mr. GRAHAM, Mr. COCHRAN, Mr. AKAKA, Mr. CHAFEE, and Mr. ROBB):

S. 885. A bill to establish United States commemorative coin programs, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BAUCUS:

S. 886. A bill to provide for the conveyance of the Radar Bomb Scoring Site, Forsyth, MT; to the Committee on Armed Services.

By Mr. LEVIN (for himself, Mr. NUNN, and Mr. INOUYE):

S. 887. A bill to prohibit false statements to Congress, to clarify congressional authority to obtain truthful testimony, and for other purposes; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. D'AMATO (for himself and Mr. SARBANES):

S. 883. A bill to amend the Federal Credit Union Act to enhance the safety and soundness of federally insured credit unions, to protect the National Credit Union Share Insurance Fund, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

THE CREDIT UNION REFORM AND ENHANCEMENT ACT

Mr. D'AMATO. Mr. President, I have always strongly supported credit unions. But I am disturbed by the increasingly risky activities of some of our Nation's largest credit unions. Speculative investments by these large credit unions have already caused millions of dollars of losses—losses that have been passed on to smaller credit unions.

Congress, the National Credit Union Administration [NCUA] and credit unions must work together to preserve the safety and soundness of the credit union industry—an industry primarily consisting of small, healthy credit unions that avoid such speculative investments.

Therefore, with my distinguished ranking minority member—Senator SARBANES—I am introducing today the Credit Union Reform and Enhancement Act. This bill would strengthen the credit union movement by protecting smaller credit unions and the taxpayer-backed National Credit Union Share Insurance Fund ("Share Insurance Fund") from losses caused by high risk activities.

Mr. President, let me explain why I have been—and remain—one of the strongest supporters and defenders of the credit union movement.

Credit unions have a special character. Unlike banks and thrifts, credit unions are cooperative not-for-profit associations in which members, who are the owners, a common bond, deposit funds, and obtain credit.

Credit unions also have a unique mission. Credit unions were created in the early 20th century specifically to provide credit to people of smaller means and to promote thrift among their members and the early credit union philosophy was closely connected with moral and humanitarian goals.

Today, many credit unions remain committed to these lofty goals. For example, the Residents Community Development Credit Union in Binghamton, NY provides vital financial services to the residents of three low-income housing communities. In Manhattan, the Lower East Side People's Federal Credit Union offers savings accounts and safety deposit boxes to the homeless, in addition to providing more traditional financial services to more than 2,000 lower income residents.

Finally, credit unions generally have avoided high risk activities. As a result, the financial health of most credit unions is very good. Capital at the Nation's 12,000 federally insured credit unions is at a record high of 10.4 percent, and the Share Insurance Fund has reached a 1.30 equity level—the maximum possible under the Federal Credit Union Act.

Mr. President, because of my commitment to the credit union movement, I am very disturbed by the increasingly risky activities of a few large credit unions. High risk investments recently caused the largest failure by a credit union in American history—the $1.5 billion failure of Capital Corporate Federal Credit Union [Cap Corp].

Cap Corp invested almost 70 percent of its total assets—over $1 billion—in highly interest rate sensitive derivatives, called collateralized mortgage obligations [OMOs]. As interest rates rose during 1994, the market value of these CMO's dropped steeply. When Cap Corp was finally taken over by the NCUA, the market value of its investments had dropped by over $100 million.

The failure of Cap Corp is particularly disturbing because it was a corporate credit union—a special type of credit union that serves other credit unions, not individuals. Federally insured credit unions invest a significant portion of their assets in large corporate credit unions—over $24 billion as of December 31, 1994. The failure of a corporate credit union can result in the loss of these funds and the domino-like failure of many smaller credit unions. Due to Cap Corp's failure, for example, over 250 credit unions will lose almost $25 million.

Mr. President, corporate credit unions were created to provide liquidity and sound investment advice to smaller credit unions. However, some corporate credit unions are increasingly investing taxpayer-backed credit union funds in high risk securities, and the potential losses are mounting. At the Senate Banking Committee's hearings on the Cap Corp failure, for example, we learned that:

Corporate credit unions reported unrealized investment losses in 1994 totaling about $600 million.

While some of those unrealized losses were quite small, others amounted to between 30 and 40 percent of total capital. One corporate credit union had unrealized losses that were 77 percent of its total capital.

Like Cap Corp, some other corporate credit unions have invested heavily in CMO's that have declined in market value. As of December 31, 1994, 23 corporate credit unions reported aggregate CMO investments with a book value of over $8 billion. That is equal to about 24 percent of total corporate assets and 333 percent of total corporate capital.

Some of these corporate credit unions have much higher than average concentrations of CMO's. For example, three corporate credit unions held more than 40 percent of their assets in CMO's and four others held between 20 and 32 percent of their assets in CMO's.

It is also clear from testimony at the Banking Committee's hearings that the NCUA's supervision and regulation of corporate credit unions is seriously deficient. The NCUA should have recognized sooner that a problem existed at Cap Corp and should have taken prompt corrective action. However, the NCUA reviewed Cap Corp's records in September 1994—just 4 months prior to its failure—and did not discover any serious problems. Shockingly, after that review, Cap Corp's rating remained a "1"—the highest rating possible for credit unions.

Mr. President, these developments are very disturbing to Members of Congress, particularly given our recent experience with the savings and loan industry and Orange County. These developments endanger the health of the credit union industry and the taxpayer-backed Share Insurance Fund. These developments jeopardize the privileged status given to credit unions.

To address the concerns raised by these developments, Senator SARBANES and I are introducing the Credit Union Reform and Enhancement Act [CURE]. This bill would grant the NCUA limited powers to protect smaller credit unions, the Share Insurance Fund and, ultimately, our Nation's taxpayers from the increasingly risky investment practices of a few large credit unions.

First, CURE would limit the ability of federally insured, State-chartered credit unions to engage in certain high-risk activities that are not permitted under Federal law. One important lesson of the savings and loan debacle was that federally insured, State-chartered institutions can, with broad and risky powers granted by State legislatures and regulators, present enormous risks to a Federal insurance fund.

Forty-three States currently grant credit unions broader and potentially riskier powers than those granted to federally chartered credit unions. For example, California allows credit unions to invest in Mexican bonds, and Alabama has liberal requirements on credit union investments in real estate, with no set limits on such investments or purchases of real estate for rental income.

CURE would grant the NCUA the authority to limit such powers unless it believes they pose no significant risk to the Share Insurance Fund or unless the power was authorized pursuant to the laws of the chartering State and being utilized by at least one credit union on May 1, 1995. CURE would put in place a tripwire against future high-risk activities. It would allow the NCUA to prevent losses from such activities—instead of reacting to those losses.

Second, CURE would prohibit federally insured credit unions from investing in nonfederally insured credit unions. Under current law, federally insured credit unions can, and do, invest in nonfederally insured credit unions that are not under the full authority of the NCUA.

Five of the forty-five corporate credit unions—some of the largest credit unions in the Nation—are outside the full supervisory and regulatory authority of the NCUA because they are not federally chartered or insured. A federally insured credit union can escape full Federal regulation by investing in one of these nonfederally insured credit unions.

CURE would bring all investments in corporate credit unions under the jurisdiction of the NCUA and, thus, would reduce the potential for inappropriately risky investing that may put the Share Insurance Fund at risk.

Third, CURE would grant the NCUA the authority to close a federally insured, State-chartered credit union that is insolvent or bankrupt, after prior consultation with the State regulator. This bill would help protect the Share Insurance Fund, which would ultimately be responsible for any losses resulting from such a liquidation.

Under current law, the NCUA must wait until the State regulator closes the credit union and appoints the NCUA as liquidating agent—an often time consuming process. But the need for regulators to act quickly to seize control of failed financial institutions is well documented. During the savings and loan crisis, for example, institutions attempted to avoid insolvency and bankruptcy by making increasingly risky investments as losses from previous high-risk investments mounted.

Fourth, CURE would increase the NCUA's ability to institute a timely conservatorship. Currently, the NCUA can be forced to wait 30 days before placing a federally insured, State-chartered credit union into conservatorship, if the State regulator does not approve of the conservatorship. This bill would eliminate the 30-day waiting period and simply require the NCUA to carry out prior consultation with the state regulator.

Because the health of a credit union can deteriorate rapidly, the NCUA must have the power to act quickly to limit losses to the Share Insurance Fund. Even brief delays in the implementation of Cap Corp's conservatorship, for example, could have resulted in millions of dollars of additional losses. This bill would help to limit such losses.

Finally, CURE would update the terminology concerning corporate credit unions in the Federal Credit Union Act. It would remove outdated references to central credit unions, which once performed functions similar to corporate credit unions. CURE would also require the NCUA to establish limits on loans to a single borrower and to set minimum capital requirements. Since the NCUA has already set such standards by regulations, CURE would simply prevent the NCUA from eliminating those standards. Moreover, this legislation does not specify what these standards should be, so the NCUA would be free to adjust its current standards.

In sum, CURE would grant the NCUA limited powers to protect smaller credit unions and the Share Insurance Fund from losses caused by high risk activities. The powers granted to the NCUA are not extraordinary. Indeed, they are much more limited than the powers already granted to the Federal Deposit Insurance Corporation [FDIC] over federally insured, State-chartered banks and thrifts. The FDIC, for example, can close federally insured, State-chartered thrifts and banks even prior to insolvency or bankruptcy—when their capital is less than 2 percent.

Nevertheless, some will argue that this legislation gives too much authority to the NCUA at the expense of the States. It is important to remember, however, that State-chartered credit unions are only subject to this legislation if they voluntarily choose—or are required by their State legislatures—to have Federal insurance. If the States want broader powers for credit unions, they can establish their own insurance funds and allow State taxpayers to pay for State credit union excesses.

Most recognize that this legislation is a step in the right direction. The NCUA and the Government Accounting Office [GAO] strongly support this legislation, as does the Credit Union National Association [CUNA] and the National Association of Federal Credit Unions [NAFCU].

Like Senator SARBANES and I, they recognize that this legislation would strengthen the credit union movement. It would protect credit unions, the Share Insurance Fund and, ultimately, our Nation's taxpayers from the high risk activities of a few large credit unions.

Mr. President, I request unanimous consent that the full text of the bill and the letters of support from the NCUA, the GAO, CUNA, and NAFCU be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 883

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Credit Union Reform and Enhancement Act".

SEC. 2. INSURED CREDIT UNION INVESTMENTS IN OTHER CREDIT UNIONS.

(a) AMENDMENTS TO SECTION 107.—Section 107(7) of the Federal Credit Union Act (12 U.S.C. 1757(7)) is amended—

(1) by striking subparagraph (G); and

(2) by redesignating subparagraphs (H) through (K) as subparagraphs (G) through (J), respectively.

(b) AMENDMENTS TO SECTION 205.—Section 205 of the Federal Credit Union Act (12 U.S.C. 1785) is amended by adding at the end the following new subsection:

"(j) INSURED CREDIT UNION INVESTMENTS IN OTHER CREDIT UNIONS.—An insured credit union may invest in shares, deposits, notes, or other instruments of another credit union only if such other credit union is also insured pursuant to this title.".

SEC. 3. ACTIVITIES OF INSURED STATE-CHARTERED CREDIT UNIONS.

Section 205 of the Federal Credit Union Act (12 U.S.C. 1785) is amended by adding at the end the following new subsection:

"(k) ACTIVITIES OF INSURED STATE-CHARTERED CREDIT UNIONS.—

"(1) IN GENERAL.—A State-chartered insured credit union may not exercise asset powers of a type, or in an amount not authorized for Federal credit unions, unless either—

"(A) the asset power was—

"(i) authorized pursuant to the laws of the State in which the credit union is chartered; and

"(ii) being utilized by one or more credit unions in that State on May 1, 1995; or

"(B) the Board determines that the exercise of the asset power would pose no significant risk to the Fund.

"(2) CONTINUED RULEMAKING AUTHORITY.—Nothing in this subsection shall restrict or limit in any way the general rulemaking authority of the Board.

"(3) DEFINITION.—For purposes of this subsection, the term 'asset powers' refers to any item or activity properly reflected on the asset side of the financial statements of a credit union, as may be more specifically defined by regulation of the Board.".

SEC. 4. CORPORATE CREDIT UNIONS.

(a) IN GENERAL.—Section 120(a) of the Federal Credit Union Act (12 U.S.C. 1766(a)) is amended—

(1) in the second sentence, by striking "central credit union" and inserting "corporate credit union"; and

(2) by adding at the end the following: "The Board shall, by regulation, establish limits on loans and investment by a corporate credit union to a single obligor and

minimum capital requirements for corporate credit unions.".

(b) DEFINITION.—Section 101 of the Federal Credit Union Act (12 U.S.C. 1752) is amended by adding at the end the following new paragraph:

"(10) The term 'corporate credit union' has the meaning given to that term under the rules or regulations of the Board.".

SEC. 5. AUTHORITY OF THE NCUA BOARD TO PLACE FEDERALLY INSURED STATE-CHARTERED CREDIT UNIONS INTO LIQUIDATION.

Section 207(a)(1) of the Federal Credit Union Act (12 U.S.C. 1787(a)(1)) is amended—

(1) by redesignating subparagraph (B) as subparagraph (C);

(2) in subparagraph (C), as redesignated, by striking "paragraph (1)" and inserting "subparagraph (A) or (B)"; and

(3) by inserting after subparagraph (A) the following new subparagraph:

"(B) Notwithstanding any other provision of this Act or other law, the Board may, after prior consultation with the appropriate State credit union supervisory authority, appoint itself as a liquidating agent for any State-chartered credit union that is insured under this title, and may close such credit union, if the Board determines that the credit union is insolvent or bankrupt. In any such case, the Board shall have all of the rights, privileges, powers, and duties specified in this section as applicable to the liquidation of Federal credit unions.".

SEC. 6. CONSULTATION FOR CONSERVATORSHIPS OF FEDERALLY INSURED STATE-CHARTERED CREDIT UNIONS.

Section 206(h)(2) of the Federal Credit Union Act (12 U.S.C. 1786(h)(2)) is amended to read as follows:

"(2) In the case of a State-chartered insured credit union, the authority conferred by paragraph (1) shall not be exercised without prior consultation with the appropriate State credit union supervisory authority.".

NATIONAL CREDIT UNION
ADMINISTRATION,
Alexandria, VA, May 24, 1995.

Senator ALFONSE M. D'AMATO,
Chairman, Committee on Banking, Housing, and Urban Affairs,
U.S. Senate, Washington, DC.

DEAR CHAIRMAN D'AMATO: Thank you for giving me the opportunity to comment on your proposed legislation, the Credit Union Reform and Enhancement Act.

This bill will greatly strengthen NCUA's ability to preserve the safety and soundness of federally-insured credit unions. You have my full support for its speedy enactment.

I also want to express my sincere thanks for your leadership in support of NCUA's efforts to improve and strengthen both our supervision efforts and our regulation of corporate credit unions. Your backing has been crucial to the progress we are making toward insuring a healthy and safe future for both corporate and natural person credit unions.

I look forward to continuing to work with you on this important legislation.

Sincerely,
NORMAN E. D'AMOURS,
Chairman.

U.S. GENERAL ACCOUNTING OFFICE,
Washington, DC, May 24, 1995.

Hon. ALFONSE M. D'AMATO,
Chairman, Committee on Banking, Housing, and Urban Affairs,
U.S. Senate.

DEAR MR. CHAIRMAN: This letter responds to your request for our views on proposed legislation entitled the "Credit Union Reform and Enhancement Act." Overall, we believe that the bill would enhance the safety and soundness of federally insured credit unions and further the protection of the National Credit Union Share Insurance Fund (Share Insurance Fund). Our specific comments follow.

Section 2 of the bill would confine federally insured credit unions' investments in corporate credit unions to those that are federally insured. This provision would bring all investments in corporate credit unions under the jurisdiction of the National Credit Union Administration (NCUA) and, thus, could reduce the potential for inappropriately risky investing that may put the Share Insurance Fund at risk. In our 1991 report, Credit Unions: Reforms for Ensuring Future Soundness (GAO/GGD-91-85, July 10, 1991), we made a similar recommendation, and we continue to support it.

Section 3 limits the powers of state-chartered credit unions, particularly in the area of so-called "nonconforming" investments, to those allowable to federally chartered credit unions. The concern is that certain investments, e.g. foreign bonds, could carry undue risk. This provision would grant NCUA the authority to limit investment activities unless it believes they pose no significant risk to the Share Insurance Fund or unless the power was authorized pursuant to the laws of the chartering state and being utilized by at least one credit union. In our 1991 report, we recommended that NCUA should be authorized and required to compel a state credit union to follow federal regulations in any area in which powers go beyond those permitted federal credit unions and are considered to constitute a safety and soundness risk.

Section 4 updates terminology concerning corporate credit unions in the Federal Credit Union Act by removing outdated references to "central credit unions", which once performed functions similar to those of corporate credit unions. The section also requires NCUA to establish limits on loans to a single obligor and to set minimum capital requirements. Our 1991 report made similar recommendations and we believe they remain valid.

Section 5 grants NCUA authority to place a federally insured, state-chartered credit union into liquidation after consulting with the state regulator. Currently, NCUA must wait until the state regulator closes the credit union and appoints NCUA as the liquidating agent. This measure would help protect the Share Insurance Fund, because the Fund would ultimately be responsible for any losses resulting from such a liquidation. We believe such powers are appropriate given NCUA's responsibilities.

Section 6 increases NCUA's ability to institute a timely conservatorship. It does this by eliminating the requirement for NCUA to wait 30 days before placing a state-chartered credit union into conservatorship in the event that the state regulator does not approve of the conservatorship. This requirement would be modified so that NCUA would need only to carry out "prior consultation" with the state authority. Because financial institutions' financial health can deteriorate rapidly in some circumstances, NCUA needs to have the power to act expeditiously to limit losses to the Share Insurance Fund. This enhanced authority contributes to that objective and we support the provision.

Mr. Chairman, we appreciate the opportunity to comment on your proposed legislation. In the event you or your staff have further questions, please contact me at 202-512-8678.

Sincerely yours,
JAMES L. BOTHWELL,
Director, Financial Institutions and Markets Issues.

CREDIT UNION
NATIONAL ASSOCIATION, INC.,
Washington, DC, May 19, 1995.

Hon. ALFONSE M. D'AMATO,
Chairman, Committee on Banking, Housing, and Urban Affairs, Washington, DC.

DEAR CHAIRMAN D'AMATO: On behalf of the Credit Union National Association (CUNA), I am writing to inform you that CUNA supports your proposed legislation, the Credit Union Reform and Enhancement Act. We would like to thank you and your staff for addressing many of the concerns that we had with the earlier draft.

We appreciate your efforts to improve the bill and hope there will be an additional opportunity to further refine its provisions after it is introduced. In the end, we are confident that any credit union legislation reported by the Committee on Banking, Housing, and Urban Affairs will allow credit unions to retain legitimate business activities that do not threaten their safety and soundness.

I also thought you may be interested to know that we met recently with representatives of the National Credit Union Administration and the National Association of Federal Credit Unions and jointly agreed upon several possible regulatory relief amendments to the Federal Credit Union Act. Per our discussion with you last week, we look forward to working together on these amendments or others to relieve credit unions of some of the unnecessary regulatory burden which inhibits their ability to fully serve their members.

Thank you again for your support of the credit union movement. We look forward to working together in the coming weeks on these issues and in the years to come on many more.

Sincerely,
CHARLES O. ZUVER,
Executive Vice President and Director, Governmental Affairs.

NATIONAL ASSOCIATION OF
FEDERAL CREDIT UNIONS,
Washington, DC, May 25, 1995.

Hon. ALFONSE M. D'AMATO,
Chairman, Committee on Banking, Housing and Urban Affairs,
U.S. Senate, Washington, DC.

DEAR SENATOR D'AMATO: Thank you very much for taking the time to sit down and discuss with us your thoughts on a variety of issues of interest to credit unions. As you know, the National Association of Federal Credit Unions recognizes your long-standing commitment to credit unions and the principles upon which credit unions were founded.

We have had an opportunity to review in detail a draft of your proposed "Credit Union Reform and Enhancement Act". Based upon our analysis, it is quite clear that your bill is intended to enhance the safety and soundness of federally-insured credit unions and to protect the National Credit Union Share Insurance Fund. After consultation with the board of directors of the National Association of Federal Credit Unions, I am pleased to lend NAFCU's unqualified support to your measure. Our Association would be pleased to stand shoulder-to-shoulder with you in support of this sound and rational proposal.

As you know, there are other areas which NAFCU believes merit congressional review and reform—particularly in regard to the regulatory burden to which our nation's member-owned credit unions are subject. We look forward to working with you and your staff to address these serious issues in the weeks and months ahead as well. If I or my staff may be of assistance to you or the Committee in any way please do not hesitate to contact Bill Donovan, Vice President for Government Affairs, at 703-522-4770, ext. 203.

Sincerely,

KENNETH L. ROBINSON,
President.

Mr. SARBANES. Mr. President, I am pleased today to join with Senator D'AMATO in cosponsoring the Credit Union Reform and Enhancement Act.

Earlier this year Capital Corporate Federal Credit Union of Lanham, MD failed, the largest credit union failure in U.S. history. Cap Corp, as it was known, had invested nearly 70 percent of its $1.5 billion in assets in a form of derivative instrument called fixed-rate collateralized mortgage obligations, CMO's. These highly interest rate sensitive instruments experienced significant losses in value as interest rates rose in 1994. The losses became so severe that the National Credit Union Administration [NCUA] took over Cap Corp's operation by placing it into conservatorship on January 31, and ultimately placed it into liquidation.

On April 13, NCUA announced that the remaining assets, liabilities, and field of membership of Cap Corp had been acquired by Mid-Atlantic Corporate Federal Credit Union of Harrisburg, PA. Before its acquisition, Cap Corp had experienced investment losses of $61 million, all of which were absorbed by Cap Corp's capital. As a result, the National Credit Union Share Insurance Fund itself did not incur losses as a result of Cap Corp's failure.

The failure of Cap Corp raised serious questions about the adequacy of the regulation of corporate credit unions. A corporate credit union is a specialized form of credit union which accepts deposits only from other credit unions rather than individuals. There are currently 44 corporate credit unions. Corporate credit unions were created in the 1970's principally to serve as a source of liquidity for their member credit unions during periods when deposits were low. Over the years, however, they also evolved into sources of investment and payment services for their member credit unions.

Concern about the corporate credit union system had led the Chairman of the National Credit Union Administration, Norman D'Amours, to appoint early last year a corporate credit union study committee made up of five independent financial experts to conduct a thorough review of the regulation of corporate credit unions. That report, which was released on July 26, 1994, provided a careful and critical evaluation of the investment behavior and risk-taking of the corporate credit union system. Among the findings of the report were: Corporate credit unions are assuming more risk in their investment practices and in their portfolios than in the past.

Corporate credit unions are becoming more complex and will continue to become increasingly complex in the future.

Primary capital levels in the corporate credit unions are, on average, inadequate given the investment activities of corporate credit unions.

Credit analysis procedures in the corporate credit unions have not kept pace with the increased volume of funds flowing into the system.

Corporate credit unions use derivative instruments to hedge interest rate risk and create synthetic securities for other corporates and natural person credit unions.

The General Accounting Office [GAO] in an extensive 1991 report on the credit union industry, had raised particular concerns about the status of corporate credit unions. The 1991 report stated: Changes are needed to augment NCUA's currently incomplete regulatory and supervisory authority over all corporates and provide for more carefully defined asset and liability powers and higher capital requirements.

Prompted by the failure of Cap Corp, the Senate Banking Committee held hearings on February 28 and March 8 on the regulation of corporate credit unions. In testimony presented to the committee, both NCUA Chairman D'Amours and Comptroller General Charles Bowsher confirmed the findings of the reports on corporate credit unions previously sponsored by their agencies.

Chairman D'Amours announced at the hearings that NCUA was in the process of developing a new set of regulations that would raise capital requirements, tighten investment authority, and raise management standards for corporate credit unions. The stated objective was to return corporate credit unions to their original mission of serving as liquidity centers and safe havens for their members' funds. NCUA had previously established a new Office of Corporate Credit Unions, hired additional corporate examiner staff, and expanded training for corporate examiners.

NCUA issued the new regulations on April 13 and they were published in the Federal Register on April 26. The 60-day comment period ends on June 26 and NCUA hopes to issue the final regulations by the end of July.

Although the new regulations address many of the problems relating to corporate credit unions identified by NCUA and GAO, there are a small number of matters that require legislative action. The bill introduced by Senator D'AMATO and myself would make those changes, some of which would apply to natural person credit unions as well as corporate credit unions. Both NCUA and GAO have endorsed the bill.

First, the bill would permit federally insured credit unions to make deposits only in other federally insured credit unions. The effect of this provision would be to require the five corporate credit unions which currently are not federally insured to obtain Federal insurance. The purpose of the provision is to ensure that deposits of federally insured credit unions are not put at risk by placing them in non-federally insured credit unions. This change was recommended by the GAO's 1991 report on credit unions.

Second, the bill would prohibit a State-chartered, federally insured credit union from exercising asset powers of a type or in an amount not permissible for a federally chartered credit union unless the NCUA determines that the exercise of the asset power would pose no significant risk to the credit union insurance fund. The bill provides that if a State chartered, federally insured credit union was utilizing an asset power pursuant to State law prior to May 1, 1995, it may continue utilizing that power.

This authority is comparable to the authority the FDIC has to constrain the asset powers of State chartered, federally insured thrifts and banks. In fact, it is less restrictive than the constraint placed on State chartered banks and thrifts, which imposes a flat prohibition on State chartered banks and thrifts. This provision would be prospective in purpose, to prevent future problems from developing in credit unions. The GAO recommended this change in its 1991 report on the credit union industry.

Third, the bill would authorize NCUA to serve as liquidating agent or conservator of State chartered, federally insured credit unions after prior consultation with the appropriate State credit union supervisory authority.

Under current law, the NCUA has the authority to place a State chartered, federally insured credit union into conservatorship, but must obtain written approval from the State supervisor. If State approval is not obtained in 30 days, NCUA may proceed to place the credit union into conservatorship only by unanimous vote of the NCUA board. Conservatorship means NCUA takes over the management of the credit union. NCUA currently has no authority to liquidate a State chartered, federally insured credit union.

This provision of the bill would give the NCUA conservatorship and liquidation authority comparable to the authority the FDIC has over State and federally chartered banks and thrifts. The FDIC has only an obligation to consult with the State supervisor before placing a State chartered bank or thrift into conservatorship or liquidation. The purpose of this provision is to ensure that NCUA can act in an expeditious manner if a federally insured, State chartered credit union gets into difficulty. Delay in acting decisively in such cases can result in larger losses to the deposit insurance fund.

The bill would also make two other changes of a technical nature to the Federal Credit Union Act. It makes explicit NCUA's authority to provide limits on loans and investments by a corporate credit union to a single obligor, and to provide minimum capital standards for corporate credit unions. The bill would provide NCUA such statutory authority.

In addition, the bill would amend the Federal Credit Union Act to replace the term "central credit union" with the term "corporate credit union." The purpose of this change is to avoid any confusion between the 44 corporate credit unions and the single U.S. Central Credit Union.

Mr. President, I believe this is a carefully crafted piece of legislation that will bring greater safety and soundness to our credit union system, and I am therefore pleased to be an original cosponsor.

By Mr. HATCH (for himself and Mr. BENNETT):

S. 884. A bill to designate certain public lands in the State of Utah as wilderness, and for other purposes; to the Committee on Energy and Natural Resources.

THE PUBLIC LANDS MANAGEMENT ACT OF 1995

Mr. HATCH. Mr. President, along with my colleague, Senator BENNETT, I rise today to introduce the Utah Public Lands Management Act of 1995. This bill would designate approximately 1.8 million acres of land managed by the Bureau of Land Management [BLM] in Utah as wilderness and release another approximately 1.4 million acres of land as wilderness study areas [WSA] for nonwilderness multiple uses. With this bill, the requirements of the BLM under the Federal Land Policy and Management Act of 1976 to study and recommend to Congress those lands worthy of wilderness designation, as defined by the Wilderness Act of 1964, are met so far as it concerns the agency in our State of Utah. Identical legislation is being introduced in the House today by Representatives JIM HANSEN and ENID WALDHOLTZ. Utah Gov. Mike Leavitt is supportive of this measure.

Some may find it surprising that I am recommending more wilderness lands in Utah. The fact of the matter is that I am not antienvironment. Like any grandparent, I want to preserve nature's legacy in Utah for my 15 grandchildren to experience, learn from, and glory in. I believe, along with the English poet John Milton, that "Beauty is Nature's coin; must not be hoarded, but must be current. And the good thereof consists in mutual and partaken bliss."

I plan to fight for this new wilderness in Utah. I will also fight for balance. Nature itself is balanced; ecosystems work in wondrous ways to perpetuate life. Man is also a part of nature's grand scheme.

We have also had balance in our development of this legislation. This bill is the culmination of five intensive months of time and effort contributed by each member of the Utah congressional delegation, by Governor Leavitt, and by the local officials in those counties where these proposed wilderness areas are located. At the same time, different groups representing concerns on all sides of this issue—environmentalists, ranchers, conservationists, oil and gas developers, and others—have provided comments and input that have been helpful in fashioning this legislation.

Of course, this bill does not address all of the needs, the desires, or the concerns of all of these interests, or even of the entire Utah congressional delegation. But, in an attempt to resolve this contentious issue once and for all and to bring finality to a matter that has plagued Utahns and the management of our public lands for nearly two decades, we have attempted to write a bill that balances these divergent interests.

In 1978, the Utah State BLM Office began an exhaustive process to develop a Utah BLM wilderness proposal. This was no small task since more than 22 million acres of Utah land managed by the BLM were available for the study. In total, BLM employees scrutinized over 40 percent of Utah's total land mass to assess each acre's eligibility for wilderness classification. After this lengthy and tedious process, BLM identified an inventory of 3.25 million acres that met every classification requirement with no conflicts or de minimis conflicts. Since that determination, these acres have been managed as wilderness to preserve their natural character until Congress could formally designate them. In other words, nonwilderness multiple use activities have been prohibited to occur on these acres.

In 1991, BLM, after clearing all environmental and regulatory hurdles, submitted a report to Congress recommending a final designation total of 1,975,210 acres in 66 specific WSA's. Neither the House nor Senate acted on this report. This is frustrating to many of us who believe that, in this case, the work accomplished by BLM's professional land managers on this matter, is being unjustifiably ignored.

The Clinton administration has exacerbated the situation by adopting a policy that directs those lands designated as wilderness in a bill pending before Congress to be managed in the same manner as an officially designated WSA. For several years now, a bill has been introduced in the other body designating approximately 5.7 million acres of BLM land in Utah as wilderness. Therefore, the BLM now manages 5.7 million acres of land in Utah as if it is already wilderness. This is 2.45 million more acres than were originally studied by the BLM and assessed for wilderness values, and 3.73 million more acres than BLM actually recommended for wilderness designation in its report to Congress.

With this history in mind, my colleagues, especially those from public lands States, can understand why after 17 years and more than $10 million in taxpayer funds, 2,700 work months of employee time, and a countless number of scoping meetings, public hearings, on-site visits, and other related meetings, we are eager to bring closure to this matter. The bill we are introducing today is the next step toward that goal.

Last January, the Utah congressional delegation and Utah Governor Leavitt outlined a process to develop this bill. Each of the 14 counties where the BLM WSA's are located were asked to conduct a public review within their respective county and to submit a county recommendation to the delegation by April 1. Each county utilized its own process to arrive at a county-wide recommendation. Counties examined the BLM's proposed inventory along with various other proposals put forward over the years by Representative HANSEN, Representative BILL ORTON, the Utah Wilderness Association, and the Utah Wilderness Coalition. The amounts in these proposals ranged between 1.4 million acres to 5.7 million acres.

I might add that one ground rule for this process was that a proposal for zero additional acreage was not acceptable to the delegation and that the delegation intended to propose a bill in June.

During the April recess, the delegation and the Governor held five regional meetings throughout Utah to receive public comment on the county recommendations, which totaled nearly 1 million acres, and the other proposals. In addition, written comments have been received and reviewed since April 1.

In total, more than 40 public meetings, including the regional meetings, have been conducted at various levels since January. More than 500 individuals have provided public testimony since the first of the year, and over 22,000 written comments in one form or another have been received by the Governor and the delegation on this issue. I sincerely appreciate all those who have taken the time to share their opinions regarding BLM wilderness in Utah.

Let me briefly explain the contents of the proposal we are introducing today.

As I mentioned, the bill designates 1.8 million acres of Utah's BLM land as wilderness contained in 50 specific areas. These areas include what I consider to be the crown jewels of Utah's public lands—those areas so rich in beauty and grandeur that there can be no question that they meet the wilderness criteria.

Let's face it—not every acre of BLM land is deserving of protection as wilderness. But, our bill captures those areas in wilderness that are well known to Utahns and most Americans, and that are fast becoming recognized by millions of international visitors every year. Photographs of these areas are found in most nature books; and they form the background for many commercial activities, such as TV commercials, still photographs, and movies.

They are the Grand Gulch area of San Juan County; Desolation Canyon, through which the Green River runs; and, the Little Grand Canyon, the Black Box, and Sid's and Mexican Mountains of the San Rafael Swell. They include the Escalante Canyons of Garfield County, once proposed to be a national park; Westwater Canyon, through which the mighty Colorado River flows; and the canyon area of the Dirty Devil River.

Numerous ecosystems are represented in this bill to be designated as wilderness. These areas include the high mountain ranges of the Deep Creek and Henry Mountains; river canyons through which the San Rafael River, the Dirty Devil River, the Escalante River, and the East Fork of the Virgin River flow; the desert regions of western Utah that encompasses Notch Peak, Fish Springs, and the Cedar Mountains; Utah's red rock region of Red Mountain, Canaan Mountain, and Crack Canyon; and contiguous areas that constitute several large and dramatic blocks of wilderness, such as Kane County's Fifty-Mile Mountain, the Escalante Canyon region, and the Desolation Canyon/Book Cliffs complex, which in itself would total more than 300,000 acres.

These names may not be recognizable to my colleagues, but they are truly the golden nuggets of Utah's public lands that are deserving of being called wilderness. I certainly encourage my colleagues to visit Utah and feast on these magnificent panoramas.

But, we have also tried to accomplish a balance in our legislation. As Milton said, "Nature's coin must not be hoarded."

We do not recommend, for example, wilderness designation for those Utah lands that are high in resource development potential, and these are many. We are not interested in locking out these lands that someday may provide the resources our State and this Nation will need to maintain our economic stability. These resources include deposits of oil and gas, coal, uranium, all kinds of precious metals, and other natural elements found in abundance within Utah's boundaries. While the specific boundaries of our proposed wilderness areas may be modified through the legislative process, we have attempted to craft boundaries that avoid any conflicts associated with existing rights and intrusions.

While our bill will designate certain lands as wilderness, it also contains language necessary to protect Utah's interests from the ramifications of this designation. This is not an attempt to lessen the validity of wilderness in anyway, or to erase with one hand what we are writing with the other. The proposed language is simply a recognition that wilderness designation can, and most likely will, affect valid existing rights or the historic uses of an area, and which, if allowed to occur unrestrained, would have a devastating impact on the economies of many rural Utah communities.

Obviously, this is not our intent, which is why we have included language that protects existing water rights with no express or implied Federal reserved water right; allows grazing to continue in wilderness areas without any diminution; prohibits the reclassification of an airshed due to wilderness designation; and protects the practice of native Americans to gather wood for personal use and to collect plants or herbs for religious or medicinal purposes within a designated wilderness areas. We have included other language that is appropriate and necessary to address the unique situations existing throughout our State associated with this effort to create more wilderness.

In addition, we have included language that releases all of BLM's lands, with a few minor exceptions listed in the bill, from any further study or management for wilderness character or values, and returns them to the full range of nonwilderness multiple uses in accordance with already approved management plans. Adoption of this language is critical to passage of this bill. To me it is the key to resolving this issue. Without this provision, this bill would be very difficult for me to support. Let us be clear about one point: if those acres now being managed as wilderness are not returned to multiple use, it is not the wilderness concept that would be shunned, it is the concept of representative and participatory democracy.

Finally, the bill contains language to effectuate an exchange between the State of Utah and the Secretary of the Interior of approximately 140,000 State school and institutional trust lands that would be captured, in whole or in part, by the areas designated as wilderness. These lands and their inherent economic value can only be utilized to provide revenues to Utah's public education system, and the only method of ensuring that our school children benefit from each acre of these trust lands is to trade them to the Secretary for available Federal lands located in Utah.

In 1993, Congress adopted, and President Clinton signed into law, my legislation providing for an exchange of similar lands located within Utah's forests, national parks, and Defense and native American reservations. The process outlined in that bill has proven to be rather cumbersome and frustrating, especially to Utah officials. We are therefore attempting to learn from this prior experience by authorizing a more sensible, reasonable, and quicker process for the exchange of school inholdings in this legislation. Again, the inclusion of a process for the direct, fair, and prompt exchange of captured school trust lands is pivotal to many of us in Utah.

Mr. President, I realize this bill would not be satisfactory to everyone in Utah or to those watching what we are doing from outside our State. Our bill contains an acreage figure that is 80 percent greater than the recommendation submitted by the affected counties, and 70 percent less than the proposal supported by one wilderness advocacy group. Maybe with such a wide expanse between these proposals, the acreage in our bill can be looked upon as a compromise proposal that merits consideration.

I am aware that some advocate a total of 5.7 million BLM acres as wilderness because they believe this generation should preserve and protect at least 10 percent of Utah's approximately 55 million acres for those generations to come. This message has been stated many times in recent months, especially during our five regional meetings last April.

An ad published in the Salt Lake Tribune on May 29 stated that "protecting 10 percent [of Utah's land] won't cost a single job in southern Utah," and that "90 percent of the land will be left for houses, roads, farming, mining, logging, tourist facilities, and the host of activities already there and yet to come."

If the proponents of this position are serious about preserving 10 percent of Utah's land mass from the laundry list of activities mentioned in the ad, then they should support our bill and rally behind it. Utah already has approximately 800,000 acres of wilderness managed by the U.S. Forest Service, which is ironically almost 10 percent of the total forest lands in Utah, and approximately 2 million acres of land in the form of national parks, monuments, and recreation areas that are restrictively managed by the National Park Service. The large majority of the activities listed in the ad are already prohibited for these lands. These two figures, added to the amount of acreage to be designated in our bill—1.8 million, or roughly 8.2 percent of the BLM land in Utah—would mean that approximately 4.6 million acres of land in Utah, or 8.36 percent of Utah's total land mass, will be preserved, protected, and managed by one Federal land agency or another from any future intrusions or conflicts.

We have heard the voices of those advocating this position who truly want to pay back, or tithe, to God for the beauty He has created in Utah's rural country by setting one-tenth of Utah's land. That is why our bill would add BLM's Crown Jewels in Utah to the Crown Jewels already designated by the Forest Service and the National Park Service. I do not accept the argument that this gesture must be made entirely with only BLM land when there is so much splendor and natural peace contained in Utah's other 33 million acres.

Mr. President, during the Memorial Day recess I visited several of the sites to be designated as wilderness in our bill. It was a magnificent journey through Utah's back country, and the trip helped me appreciate even more the beauty of our great State. I also came to a better understanding of the areas listed in our bill and why I can affirmatively state today that they are worthy and deserving of wilderness designation.

At the same time, I came to a clearer understanding of the conflicts that will arise once this designation becomes final, and why we need to take reasonable steps to remediate, if not completely avoid, these potential conflicts. Our bill is an attempt to take these justifiable, yet reasonable, steps.

I recognize that some modifications in our bill may occur during the upcoming legislative review of this bill. I also recognize that changes are inevitable if this bill is to pass the Senate, pass the House, and eventually be signed by the President. But, I need to clearly and emphatically state that despite my strong desire to create this new wilderness and to close this issue in Utah, I am not willing to accept any concession that is not in the best interests, both short- and long-term, for my State. This bill represents a consensus package of ideas and proposals arrived at through a painstaking process. These ideas should be built upon during the legislative process.

I urge my colleagues to consider this bill carefully, and I look forward to working with them toward passage of this bill by the Senate this year.

I also want to pay tribute to my colleague from Utah, Senator BENNETT.

Since he has come to the Senate he has worked long and hard on these types of pieces of legislation. He served on the Energy and Natural Resources Committee. He did a terrific job and is doing a good job working with his former colleagues on that committee, at this point, on this bill. He understands these issues. He has worked hard on them. He has done a terrific job. I have a lot of admiration and respect for the hard efforts he has put forth.

I also want to compliment my dear colleagues in the House, Congresspeople JIM HANSEN and ENID WALDHOLTZ.

JIM is chairman of one of the crucial committees over there in this area. Much of the weight of this falls on his shoulders in the House. ENID WALDHOLTZ, our freshman Member of Congress, is standing right there beside him trying to do the best she can to help Utah to designate the appropriate wilderness areas. We appreciate the work they have done, and give them a lot of the credit for what has been done.

I would also like to say in closing that Congressman ORTON has expressed a desire to work with the Senate. I hope that he will. We are disappointed he has not come on the bill at this time.

I think it does make it easier if every Member of our congressional delegation agrees, but a majority of our State legislature, our Governor, and all Republican Members of the delegation do agree.

Congressman ORTON, to his credit, has said that he believes that it is pretty likely that he will support this in the end. He wants to present at least an alternative point of view as well through a bill that he will file for the purpose of debate. I respect that. I do hope that sometime in the future he can get on this bill and help to pass it through both Houses of Congress.

Mr. President, I ask unanimous consent that a copy of the bill of Senator BENNETT and myself be printed in the RECORD.

Mr. BENNETT. Mr. President, I appreciate the leadership shown on the wilderness issue by my senior colleague, Senator HATCH. He carries tremendous responsibility in this body by virtue of his elevation to the chairmanship of the Judiciary Committee, and there are some political opponents who would have suggested that by virtue of that responsibility he might be less attentive to Utah issues than he might otherwise be.

I assure the people of the State and the people of the Nation that that is not true. He is very attentive to Utah issues and he has demonstrated that in his leadership in this matter. All Members are grateful to him and to our Governor, Michael O. Leavitt, for the work they have done on this issue.

Senator HATCH has outlined the details of this proposal. I would like to make a few additional points for those that may not understand some of the factors relating to the Utah wilderness question.

Some groups have said that the Utah wilderness issue is the premier environmental issue of this Congress, and they are prepared to fight to the last possible breath in order to set aside 10 percent of the State in BLM wilderness. They say we must do at least 10 percent for our children. Those who are unfamiliar with the State of Utah might be impressed by this argument, because after all, 10 percent seems like a relatively small amount to set aside for future generations for some kind of preservation.

I have a map here, Mr. President, that I think will put this argument in its proper perspective. If we look at the portion in the map that is in green, it amounts to approximately 8 million acres. This is land in the National Forest Service. That which is in dark green has already been designated as wilderness in Forest Service land, but 8 million acres have been set aside for future generations. There will be no McDonald's hamburger stands. There will be no strip malls. There will be no Marriott hotels built in these 8 million acres.

During the hearings, we were threatened with all of those things. If we do not set this aside as wilderness we will have McDonald's hamburger stands and strip malls all over the State. Here are 8 million acres that will not get that.

In addition, we see this dark purple area in various places on the map. Those are national parks and recreation areas with set-asides for fish and wildlife preservation, comprising over 2 million acres. So when we add those to that in green we get a 10 million acre set-aside.

Now, if we add the additional 1.8 million that Senator HATCH's and my bill calls for in BLM wilderness, that is shown here in the green area, the total comes to approximately 12 million acres.

That, Mr. President, is not 10 percent of the State, it is 20 percent of the State set aside for the future generations, making sure that there will be on these 12 million acres no economic development other than that which is already permitted in the Wilderness Act, which is to say, grazing, minerals, and other multiple uses of the public licenses.

The additional land that is shown in yellow, Mr. President, is BLM land. Once again, the BLM will not allow the building of a strip mall or a McDonald's hamburger stand or a hotel on these 22 million acres.

The amount of acreage left to private hands, when we take the military reservations—that is what this is—and the Indian reservations—that is what this is—the amount left to private hands in the State of Utah is shown in white.

In the demagoguery around this issue, some people have said can we not set aside 10 percent of the land? Is not 90 percent enough for the developers? I show this chart, and just say that which is in white is what is available to developers. Frankly, it is located upon the corridors of highways that are already in place.

What we have proposed, Senator HATCH and I, is perfectly proper, legitimate, wilderness use. However, it will not freeze out the multiple use that could take place in this BLM land.

People say that wilderness calls for multiple use. Wilderness calls for grazing if it is already established. Wilderness calls for mineral exploration if the leases have already been signed.

I close with this example of what has happened to that truth. That is, it is true the wilderness bill calls for this multiple use on wilderness land if it has already been established. We have a prime example of what the 1964 Wilderness Act had in mind down in southern Utah on the Kaiparowits Plateau. On the Kaiparowits there are close to 300,000 acres that would be considered part of a wilderness activity, and we have set aside a good portion of that in our bill.

In that acreage, there is an existing mineral lease, a coal lease. It is owned by a company called Andalex, named after the two children of the owner of the company, Andrew and Alexander. The company is named Andalex. The Andalex coal leases have existed for years.

Under the Wilderness Act, a careful reading of it, they can continue to exist, and Andalex can extract coal from that area. Those people who are insisting on heavier acreage have said over their dead bodies will they allow Andalex to rape the wilderness for the sake of the coal. That is the kind of rhetoric that has surrounded this debate.

Mr. President, over the last week, during the recess, I went to the Andalex coal facility. What did I find? Out of the roughly 300,000 acres of the Kaiparowits, the Andalex coal mine would require 40 acres. Not 40,000—40. Four-zero, with no zeros after.

The 40 acres, by happy coincidence, happen to be at the bottom of a circular canyon, so if you are not standing on the edge of the canyon looking down, you cannot see it from anywhere in this entire area.

If the Wilderness Act of 1964 says anything, it says that the Andalex proposal should go forward. Yet the people who are saying that Senator HATCH and I are not taking care of future generations are turning around and putting the Wilderness Act on its head by saying we will not permit a coal operation on 40 acres because somehow it would destroy the wilderness experience the surrounding 300,000 acres.

Mr. President, I focus on that because it demonstrates the degree to which we have gotten away from reality in this debate. I hope the Congress in its wisdom will come back to reality and intelligence on this issue.

By Mr. MOYNIHAN (for himself, Mr. SIMPSON, Mr. THOMAS, Mr. INOUYE, Mr. GRAHAM, Mr. COCHRAN, Mr. AKAKA, Mr. CHAFEE, and Mr. ROBB):

S. 885. A bill to establish United States commemorative coin programs, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

U.S. COMMEMORATIVE COIN ACT OF 1995

Mr. MOYNIHAN. Mr. President, I rise to introduce the Commemorative Coin Act of 1995. This bill authorizes the striking of six coins in the next 2 years. The subjects to be commemorated are: the 200th year of gold coinage, the 50th anniversary of the United Nations and the Presidency of Harry Truman, the 150th anniversary of the Smithsonian, the Franklin Roosevelt Memorial in Washington, DC, the 125th anniversary of Yellowstone National Park, and the National Law Enforcement Officers Memorial, also in Washington.

This past November, the congressionally established Citizens Commemorative Coin Advisory Committee published in its first annual report to Congress, which recommended a 5-year plan of coin programs. The committee concluded that the serious decline in commemorative coin sales necessitated a reduction in the number and amount of coins to be minted. Otherwise, the success of each individual coin program is threatened and the Mint runs the risk of losing money on them.

This bill includes the coins recommended by the advisory committee and no others. It has the committee's full endorsement. It is a sensible package of commemoratives for deserving occasions and topics, limited in scope so that the numismatic market can absorb them all.

As a Smithsonian regent I am delighted to offer a coin for the Institution. As a New Yorker I am equally pleased to offer one for the United Nations and one for President Roosevelt. Yellowstone, the Law Enforcement Memorial, and gold coinage will also make popular and worthy coins. I urge my colleagues to join the bipartisan support we have for the bill, and I ask that its text be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 885

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "United States Commemorative Coin Act of 1995".

SEC. 2. DEFINITIONS.

For purposes of this Act—

(1) the term "Fund" means the National Law Enforcement Officers Memorial Maintenance Fund established under section 201;

(2) the term "recipient organization" means an organization described in section 101 to which surcharges received by the Secretary from the sale of coins issued under this Act are paid; and

(3) the term "Secretary" means the Secretary of the Treasury.

TITLE I—COMMEMORATIVE COIN PROGRAMS

SEC. 101. COMMEMORATIVE COIN PROGRAMS.

In accordance with the recommendations of the Citizens Commemorative Coin Advisory Committee, the Secretary shall mint and issue the following coins:

(1) BICENTENNIAL OF UNITED STATES.—On or before December 31, 1995, the Secretary shall mint not more than 25,000 $10 gold coins with specifications to be determined by the Secretary.

(2) UNITED NATIONS AND PRESIDENT TRUMAN.—

(A) IN GENERAL.—To commemorate the 50th anniversary of the founding of the United Nations and the role of President Harry S. Truman in the founding of the United Nations, during a 1-year period beginning in 1996, the Secretary shall issue—

(i) not more than 75,000 $5 coins, each of which shall—

(I) weigh 8.359 grams;

(II) have a diameter of 0.850 inches; and

(III) contain 90 percent gold and 10 percent alloy; and

(ii) not more than 350,000 $1 coins, each of which shall—

(I) weigh 26.73 grams;

(II) have a diameter of 1.500 inches; and

(III) contain 90 percent silver and 10 percent alloy.

(B) SURCHARGES.—All sales of the coins issued under this subsection shall include a surcharge of $35 per coin for each $5 coin, and a surcharge of $10 per coin for each $1 coin.

(C) DISTRIBUTION OF SURCHARGES.—All surcharges received by the Secretary from the sale of coins issued under this subsection shall be promptly paid by the Secretary in accordance with the following:

(i) Fifty percent of the surcharges received shall be paid to the Harry S. Truman Library Foundation.

(ii) Fifty percent of the surcharges received shall be paid to the United Nations Association.

(3) SMITHSONIAN INSTITUTION.—

(A) IN GENERAL.—To commemorate the 150th anniversary of the founding of the Smithsonian Institution, during a 1-year period beginning in August 1996, the Secretary shall issue—

(i) not more than 100,000 $5 coins, each of which shall—

(I) weigh 8.359 grams;

(II) have a diameter of 0.850 inches; and

(III) contain 90 percent gold and 10 percent alloy; and

(ii) not more than 800,000 $1 coins, each of which shall—

(I) weigh 26.73 grams;

(II) have a diameter of 1.500 inches; and

(III) contain 90 percent silver and 10 percent alloy.

(B) SURCHARGES.—All sales of the coins issued under this subsection shall include a surcharge of $35 per coin for each $5 coin, and a surcharge of $10 per coin for each $1 coin.

(C) DISTRIBUTION OF SURCHARGES.—All surcharges received by the Secretary from the sale of coins issued under this subsection shall be promptly paid by the Secretary to the Smithsonian Institution to be used to support the National Numismatic Collection at the National Museum of American History.

(D) DESIGN.—The design of the coins issued under this subsection shall be emblematic of the scientific, educational, and cultural significance and importance of the Smithsonian

Institution. Each coin issued under this subsection shall include an inscription of the following words from the original bequest of James Smithson: "for the increase and diffusion of knowledge".

(4) FRANKLIN DELANO ROOSEVELT.—

(A) IN GENERAL.—To commemorate the public opening of the Franklin Delano Roosevelt Memorial in Washington, D.C., which will honor President Roosevelt's leadership and legacy, during a 1-year period beginning in 1997, the Secretary shall issue not more than 100,000 $5 coins, each of which shall—

(i) weigh 8.359 grams;

(ii) have a diameter of 0.850 inches; and

(iii) contain 90 percent gold and 10 percent alloy.

(B) SURCHARGES.—All sales of the coins issued under this subsection shall include a surcharge of $35 per coin.

(C) DISTRIBUTION OF SURCHARGES.—All surcharges received by the Secretary from the sale of coins issued under this subsection shall be promptly paid by the Secretary to the Franklin Delano Roosevelt Memorial Commission.

(5) YELLOWSTONE NATIONAL PARK.—

(A) IN GENERAL.—To commemorate the 125th anniversary of the establishment of Yellowstone National Park as the first national park in the United States, and the birth of the national park idea, during a 1-year period beginning in 1997, the Secretary shall issue not more than 500,000 $1 coins, each of which shall—

(i) weigh 26.73 grams;

(ii) have a diameter of 1.500 inches; and

(iii) contain 90 percent silver and 10 percent alloy.

(B) SURCHARGES.—All sales of the coins issued under this subsection shall include a surcharge of $10 per coin.

(C) DISTRIBUTION OF SURCHARGES.—All surcharges received by the Secretary from the sale of coins issued under this subsection shall be promptly paid by the Secretary in accordance with the following:

(i) Fifty percent of the surcharges received shall be paid to the National Park Foundation to be used for the support of national parks.

(ii) Fifty percent of the surcharges received shall be paid to Yellowstone National Park.

(6) NATIONAL LAW ENFORCEMENT OFFICERS MEMORIAL.—

(A) IN GENERAL.—To recognize the sacrifice of law enforcement officers and their families in preserving public safety, during a 1-year period beginning in 1997, the Secretary shall issue not more than 500,000 $1 coins, each of which shall—

(i) weigh 26.73 grams;

(ii) have a diameter of 1.500 inches; and

(iii) contain 90 percent silver and 10 percent alloy.

(B) SURCHARGES.—All sales of the coins issued under this subsection shall include a surcharge of $10 per coin.

(C) DISTRIBUTION OF SURCHARGES.—After receiving surcharges from the sale of the coins issued under this subsection, the Secretary shall transfer to the Secretary of the Interior an amount equal to the surcharges received from the sale of the coins issued under this subsection, which amount shall be deposited in the Fund established under section 201.

(D) AVAILABILITY.—The coins issued under this subsection shall be available for issuance not later than May 1997.

SEC. 102. DESIGN.

(a) SELECTION.—The design for each coin issued under this Act shall be—

(1) selected by the Secretary after consultation with the appropriate recipient organization or organizations and the Commission of Fine Arts; and

(2) reviewed by the Citizens Commemorative Coin Advisory Committee.

(b) DESIGNATION AND INSCRIPTIONS.—On each coin issued under this Act there shall be—

(1) a designation of the value of the coin;

(2) an inscription of the year; and

(3) inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

SEC. 103. LEGAL TENDER.

The coins issued under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

SEC. 104. SOURCES OF BULLION.

(a) GOLD.—The Secretary shall obtain gold for minting coins under this Act pursuant to the authority of the Secretary under other provisions of law.

(b) SILVER.—The Secretary shall obtain silver for minting coins under this Act from sources the Secretary determines to be appropriate, including stockpiles established under the Strategic and Critical Materials Stock Piling Act.

SEC. 105. SALE PRICE.

Each coin issued under this Act shall be sold by the Secretary at a price equal to the sum of—

(1) the face value of the coin;

(2) the surcharge provided in section 101 with respect to the coin;

(3) the cost of designing and issuing the coin (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping); and

(4) the estimated profit determined under section 106(b) with respect to the coin.

SEC. 106. DETERMINATION OF COSTS AND PROFIT.

(a) DETERMINATION OF COSTS.—With respect to the coins issued under this Act, the Secretary shall, on an ongoing basis, determine—

(1) the costs incurred in carrying out each coin program authorized under this Act; and

(2) the allocation of overhead costs among all coin programs authorized under this Act.

(b) DETERMINATION OF PROFIT.—Prior to the sale of each coin issued under this Act, the Secretary shall calculate the estimated profit to be included in the sale price of the coin under section 105(4).

SEC. 107. GENERAL WAIVER OF PROCUREMENT REGULATIONS.

Section 5112(j) of title 31, United States Code, shall apply to the procurement of goods or services necessary to carrying out the programs and operations of the United States Mint under this Act.

SEC. 108. PROHIBITION ON JUDICIAL REVIEW.

Each determination made by the Secretary in implementing a commemorative coin program under this Act shall be made in the sole discretion of the Secretary and shall not be subject to judicial review.

SEC. 109. AUDITS.

The Comptroller General of the United States shall have the right to examine such books, records, documents, and other data of each recipient organization as may be related to the expenditures of amounts paid under section 101.

SEC. 110. FINANCIAL ASSURANCES.

It is the sense of the Congress that each coin program authorized under this Act should be self-sustaining and should be administered so as not to result in any net cost to the Numismatic Public Enterprise Fund.

TITLE II—NATIONAL LAW ENFORCEMENT OFFICERS MEMORIAL MAINTENANCE FUND

SEC. 201. NATIONAL LAW ENFORCEMENT OFFICERS MEMORIAL MAINTENANCE FUND.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established the National Law Enforcement Officers Memorial Maintenance Fund, which shall be a revolving fund administered by the Secretary of the Interior (or the designee of the Secretary of the Interior).

(2) FUNDING.—Amounts in the Fund shall include—

(A) amounts deposited in the Fund under section 101(6); and

(B) any donations received under paragraph (3).

(3) DONATIONS.—The Secretary of the Interior may accept donations to the Fund.

(4) INTEREST-BEARING ACCOUNT.—The Fund shall be maintained in an interest-bearing account within the Treasury of the United States.

(b) PURPOSES.—The Fund shall be used—

(1) for the maintenance and repair of the National Law Enforcement Officers Memorial in Washington, D.C.;

(2) to periodically add the names of law enforcement officers who have died in the line of duty to the National Law Enforcement Officers Memorial;

(3) for the security of the National Law Enforcement Officers Memorial site, including the posting of National Park Service rangers and United States Park Police, as appropriate;

(4) at the discretion of the Secretary of the Interior and in consultation with the Secretary and the Attorney General of the United States, who shall establish an equitable procedure between the Fund and such other organizations as may be appropriate, to provide educational scholarships to the immediate family members of law enforcement officers killed in the line of duty whose names appear on the National Law Enforcement Officers Memorial, the total annual amount of such scholarships not to exceed 10 percent of the annual income of the Fund;

(5) for the dissemination of information regarding the National Law Enforcement Officers Memorial to the general public;

(6) to administer the Fund, including contracting for necessary services, in an amount not to exceed the lesser of—

(A) 10 percent of the annual income of the Fund; or

(B) $200,000 during any 1-year period; and

(7) at the discretion of the Secretary of the Interior, in consultation with the Fund, for appropriate purposes in the event of an emergency affecting the operation of the National Law Enforcement Officers Memorial, except that, during any 1-year period, not more than $200,000 of the principal of the Fund may be used to carry out this paragraph.

(c) BUDGET AND AUDIT TREATMENT.—The Fund shall be subject to the budget and audit provisions of chapter 91 of title 31, United States Code.

By Mr. BAUCUS:

S. 886. A bill to provide for the conveyance of the radar bomb scoring site, Forsyth, MT; to the Committee on Armed Services.

RADAR BOMB SCORING SITE LAND CONVEYANCE

Mr. BAUCUS. Mr. President, today, I am introducing a bill which directs the Secretary of the Air Force to convey to the city of Forsyth, MT, the radar bomb scoring site operated by USAF Detachment 18 at Forsyth. The purpose of the legislation is to allow the land, housing units, and facilities supporting detachment 18 to be turned into housing units for the elderly.

The Air Force has decided to close its facility at Forsyth. Because of the base's small size, the closure is not part of the Base Realignment and Closure Commission process. The city of Forsyth is eager to acquire the facility as soon as possible to help alleviate an elderly housing shortage.

This bill contains special procedures for turning the facility over to the city of Forsyth because we believe it offers the best solution. If the normal process is followed, continued maintenance and upkeep of the facility could be a serious burden. Inattentive maintenance could result in serious deterioration of the facility by the time the normal property disposal process finally ends. Obviously, this would not benefit the U.S. Government or the elderly who will live there. The city of Forsyth is prepared to accept the responsibility for the detachment 18 facility and rapidly transform it into much needed housing for the elderly.

I urge my colleagues to incorporate this language into the fiscal year 1996 Defense authorization bill without delay. And I ask unanimous consent that the full text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 886

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LAND CONVEYANCE, RADAR BOMB SCORING SITE, FORSYTH, MONTANA.

(a) CONVEYANCE REQUIRED.—Subject to subsection (b), the Secretary of the Air Force shall convey, without consideration, to the City of Forsyth, Montana (in this section referred to as the "City"), all right, title, and interest of the United States in and to the parcel of property (including any improvements thereon) consisting of approximately — acres located in Forsyth, Montana, which has served as a support complex and recreational facilities for the Radar Bomb Scoring Site, Forsyth, Montana.

(b) CONDITION OF CONVEYANCE.—The conveyance under subsection (a) shall be subject to the condition that the City—

(1) utilize the property and recreational facilities conveyed under that subsection for housing and recreation purposes; or

(2) enter into an agreement with an appropriate public or private entity to lease such property and facilities to that entity for such purposes.

(c) REVERSION.—If the Secretary determines at any time that the property conveyed under subsection (a) is not being utilized in accordance with paragraph (1) or paragraph (2) of subsection (b), all right, title, and interest in and to the conveyed property, including any improvements thereon, shall revert to the United States and the United States shall have the right of immediate entry onto the property.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property conveyed under this section shall be determined by a survey satisfactory to the Secretary. The cost of such survey shall be borne by the City.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary determines appropriate to protect the interests of the United States.

ADDITIONAL COSPONSORS

S. 256

At the request of Mr. DOLE, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 256, a bill to amend title 10, United States Code, to establish procedures for determining the status of certain missing members of the Armed Forces and certain civilians, and for other purposes.

S. 276

At the request of Mr. D'AMATO, the name of the Senator from North Carolina [Mr. FAIRCLOTH] was added as a cosponsor of S. 276, a bill to provide for criminal penalties for defrauding financial institutions carrying out programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

S. 304

At the request of Mr. SANTORUM, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 304, a bill to amend the Internal Revenue Code of 1986 to repeal the transportation fuels tax applicable to commercial aviation.

S. 426

At the request of Mr. SARBANES, the names of the Senator from Hawaii [Mr. INOUYE] and the Senator from Illinois [Mr. SIMON] were added as cosponsors of S. 426, a bill to authorize the Alpha Phi Alpha Fraternity to establish a memorial to Martin Luther King, Jr., in the District of Columbia, and for other purposes.

S. 507

At the request of Mr. PRESSLER, the names of the Senator from North Carolina [Mr. HELMS] and the Senator from South Dakota [Mr. DASCHLE] were added as cosponsors of S. 507, a bill to amend title 18 of the United States Code regarding false identification documents, and for other purposes.

S. 594

At the request of Mrs. BOXER, the name of the Senator from Colorado [Mr. CAMPBELL] was added as a cosponsor of S. 594, a bill to provide for the administration of certain Presidio properties at minimal cost to the Federal taxpayer.

S. 684

At the request of Mr. HATFIELD, the names of the Senator from South Dakota [Mr. DASCHLE] and the Senator from Rhode Island [Mr. PELL] were added as cosponsors of S. 684, a bill to amend the Public Health Service Act to provide for programs of research regarding Parkinson's disease, and for other purposes.

S. 692

At the request of Mr. GREGG, the name of the Senator from Colorado [Mr. CAMPBELL] was added as a cosponsor of S. 692, a bill to amend the Internal Revenue Code of 1986 to preserve family-held forest lands, and for other purposes.

S. 711

At the request of Mr. GRAMM, the name of the Senator from North Carolina [Mr. FAIRCLOTH] was added as a cosponsor of S. 711, a bill to provide for State credit union representation on the National Credit Union Administration Board, and for other purposes.

S. 738

At the request of Mr. THOMAS, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 738, a bill to amend the Helium Act to prohibit the Bureau of Mines from refining helium and selling refined helium, to dispose of the United States helium reserve, and for other purposes.

S. 770

At the request of Mr. DOLE, the name of the Senator from New Hampshire [Mr. SMITH] was added as a cosponsor of S. 770, a bill to provide for the relocation of the United States Embassy in Israel to Jerusalem, and for other purposes.

S. 839

At the request of Mr. CHAFEE, the name of the Senator from New Jersey [Mr. BRADLEY] was added as a cosponsor of S. 839, a bill to amend title XIX of the Social Security Act to permit greater flexibility for States to enroll medicaid beneficiaries in managed care arrangements, to remove barriers preventing the provision of medical assistance under State medicaid plans through managed care, and for other purposes.

S. 847

At the request of Mr. GREGG, the names of the Senator from Oklahoma [Mr. NICKLES], the Senator from Washington [Mr. GORTON], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Maine [Ms. SNOWE], the Senator from New Hampshire [Mr. SMITH], and the Senator from Delaware [Mr. ROTH] were added as cosponsors of S. 847, a bill to terminate the agricultural price support and production adjustment programs for sugar, and for other purposes.

S. 850

At the request of Mrs. KASSEBAUM, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 850, a bill to amend the Child Care and Development Block Grant Act of 1990 to consolidate Federal child care programs, and for other purposes.

S. 851

At the request of Mr. JOHNSTON, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of S. 851, a bill to amend the Federal Water Pollution Control Act to reform the wetlands regulatory program, and for other purposes.

AMENDMENTS SUBMITTED

COMPREHENSIVE TERRORISM PREVENTION ACT OF 1995

COVERDELL (AND SIMPSON) AMENDMENT NO. 1210

(Ordered to lie on the table.)

Mr. COVERDELL (for himself and Mr. SIMPSON) proposed an amendment to amendment No. 1199, proposed by Mr. DOLE, to the bill, S. 735, supra; as follows:

At the appropriate place in the amendment, insert the following new section:

SEC. . PROOF OF CITIZENSHIP; VOTER REGISTRATION.

(a) PROOF OF CITIZENSHIP REQUIREMENT FOR VOTER REGISTRATION.—Notwithstanding any provision of the National Voter Registration Act of 1993 (Public Law 103–31; 107 Stat. 77) or any other provision of law, a Federal, State, or local government agency that performs voter registration activities for elections for Federal office may require proof of United States citizenship from any individual applying for such registration.

(b) PROHIBITION OF VOTER REGISTRATION AS PROOF OF CITIZENSHIP.—Notwithstanding any provision of the National Voter Registration Act of 1993 (Public Law 103–31; 107 Stat. 77) or any other provision of law, a Federal, State, or local government agency may not use a voter registration card (or other related document) that evidences registration for an election for Federal office, as evidence to prove United States citizenship.

KYL AMENDMENT NO. 1211

(Ordered to lie on the table.)

Mr. KYL submitted an amendment intended to be proposed by him to amendment No. 1199, proposed by Mr. DOLE, to the bill, S. 735, supra; as follows:

At the appropriate place, insert the following new section:

SEC. . STOPPING ABUSE OF FEDERAL COLLATERAL REMEDIES.

(a) IN GENERAL.—Chapter 153 of title 28, United States Code, is amended by adding at the end the following:

§ 2257. Adequacy of State remedies

"Notwithstanding any other provision of law, an application for a writ of habeas corpus in behalf of a person in custody pursuant to a judgment or order of a State court shall not be entertained by a court of the United States unless the remedies in the courts of the State are inadequate or ineffective to test the legality of the person's detention.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 153 of title 18, United States Code, is amended by adding at the end the following:

"2257. Adequacy of State remedies.".

KERRY (AND SIMON) AMENDMENT NO. 1212

(Ordered to lie on the table.)

Mr. KERRY (for himself and Mr. SIMON) submitted an amendment intended to be proposed by them to the bill S. 735, supra; as follows:

SEC. 1. DEALERS OF AMMUNITION.

(a) DEFINITION.—Section 921(a)(11)(A) of title 18, United States Code, is amended by inserting "or ammunition" after "firearms".

(b) LICENSING.—Section 923(a) of title 18, United States Code, is amended—

(1) in the matter preceding paragraph (1) by striking "or importing or manufacturing ammunition" and inserting "or importing, manufacturing, or dealing in ammunition"; and

(2) in paragraph (3)—

(A) in subparagraph (A), by striking "or" the last place it appears;

(B) in subparagraph (B), by striking the period at the end and inserting "; or"; and

(C) by inserting the following new subparagraph:

"(C) in ammunition other than ammunition for destructive devices, $10 per year.".

(c) UNLAWFUL ACTS.—Section 922(a)(1)(A) of title 18, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (A)—

(i) by inserting "or ammunition" after "firearms"; and

(ii) by inserting "or ammunition" after "firearm"; and

(B) in subparagraph (B), by striking "or licensed manufacturer" and inserting "licensed manufacturer, or licensed dealer";

(2) in paragraph (2), in the matter preceding subparagraph (A), by inserting "or ammunition" after "firearm";

(3) in paragraph (3), by inserting "or ammunition" after "firearm" the first place it appears;

(4) in paragraph (5), by inserting "or ammunition" after "firearm" the first place it appears; and

(5) in paragraph (9), by inserting "or ammunition" after "firearms".

(d) PENALTIES.—Section 924 of title 18, United States Code, is amended—

(1) in paragraph (5)—

(A) in subparagraph (A)(i), by striking "1 year" and inserting "2 years"; and

(B) in subparagraph (B)—

(i) in clause (i), by striking "1 year" and inserting "2 years"; and

(ii) in clause (ii), by striking "10 years" and inserting "20 years"; and

(2) by adding at the end the following new subsection:

"(o) Except to the extent a greater minimum sentence is otherwise provided, any person at least 18 years of age who violates section 922(g) shall be subject to—

"(1) twice the maximum punishment authorized by this subsection; and

"(2) at least twice any term of supervised release.".

(e) APPLICATION OF BRADY HANDGUN VIOLENCE PREVENTION ACT TO TRANSFER OF AMMUNITION.—Section 922(t) of title 18, United States Code, is amended by inserting "or ammunition" after "firearm" each place it appears.

SEC. 2 REGULATION OF ARMOR PIERCING AND NEW TYPES OF DESTRUCTIVE AMMUNITION.

(a) TESTING OF AMMUNITION.—Section 921(a)(17) of title 18, United States Code, is amended—

(1) by redesignating subparagraph (D), as added by section 2(e)(2), as subparagraph (E); and

(2) by inserting after subparagraph (C) the following new subparagraph:

"(D)(i) Notwithstanding subchapter II of chapter 5 of title 5, United States Code, not later than 1 year after the date of enactment of this subparagraph, the Secretary shall—

"(I) establish uniform standards for testing and rating the destructive capacity of projectiles capable of being used in handguns;

"(II) utilizing the standards established pursuant to subclause (I), establish performance-based standards to define the rating of 'armor piercing ammunition' based on the rating at which the projectiles pierce armor; and

"(III) at the expense of the ammunition manufacturer seeking to sell a particular type of ammunition, test and rate the destructive capacity of the ammunition utilizing the testing, rating, and performance-based standards established under subclauses (I) and (II).

"(ii) The term 'armor piercing ammunition' shall include any projectile determined to have a destructive capacity rating higher than the rating threshold established under subclause (II), in addition to the composition-based determination of subparagraph (B).

"(iii) The Congress may exempt specific ammunition designed for sporting purposes from the definition of 'armor piercing ammunition'.".

(b) PROHIBITION.—Section 922(a) of title 18, United States Code, is amended—

(1) in paragraph (7)—

(A) by striking "or import" and inserting ", import, possess, or use";

(B) in subparagraph (B), by striking "and';

(C) in subparagraph (C), by striking the period at the end and inserting "; and"; and

(D) by adding at the end the following new subparagraph:

"(D) the manufacture, importation, or use of any projectile that has been proven, by testing performed at the expense of the manufacturer of the projectile, to have a lower rating threshold than armor piercing ammunition."; and

(2) in paragraph (8)—

(A) in subparagraph (B), by striking "and";

(B) in subparagraph (C), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following new subparagraph:

"(D) the manufacture, importation, or use of any projectile that has been proven, by testing performed at the expense of the manufacturer of the projectile, to have a lower rating threshold than armor piercing ammunition.".

NUNN AMENDMENT NO. 1213

(Ordered to lie on the table.)

Mr. NUNN submitted an amendment intended to be proposed by him to amendment No. 1199, proposed by Mr. DOLE, to the bill, S. 735, supra; as follows:

On page 160, between line 11 and 12, insert the following:

SEC. 901. AUTHORITY TO REQUEST MILITARY ASSISTANCE WITH RESPECT TO OFFENSES INVOLVING BIOLOGICAL AND CHEMICAL WEAPONS.

(a) Biological Weapons of Mass Destruction.—Section 175 of title 18, United States Code, is amended by adding at the end the following:

"(c)(1) Military Assistance.—The Attorney General may request that the Secretary of Defense provide assistance in support of Department of Justice activities relating to the enforcement of this section in an emergency situation involving biological weapons of mass destruction. Department of Defense resources, including personnel of the Department of Defense, may be used to provide such assistance if—

"(A) the Secretary of Defense and the Attorney General determine that an emergency situation involving biological weapons of mass destruction exists; and

"(B) the Secretary of Defense determines that the provision of such assistance will not adversely affect the military preparedness of the United States.

"(2) As used in this section, 'emergency situation involving biological weapons of mass destruction' means a circumstance involving a biological weapon of mass destruction—

"(A) that poses a serious threat to the interests of the United States; and

"(B) in which—

"(i) civilian expertise is not readily available to provide the required assistance to counter the threat posed by the biological weapon of mass destruction involved;

"(ii) Department of Defense special capabilities and expertise are needed to counter the threat posed by the biological weapon of mass destruction involved; and

"(iii) enforcement of the law would be seriously impaired if the Department of Defense assistance were not provided.

"(3) The assistance referred to in paragraph (1) includes the operation of equipment (including equipment made available under section 372 of title 10) to monitor, contain, disable, or dispose of a biological weapon of mass destruction or elements of the weapon.

"(4) The Attorney General and the Secretary of Defense shall jointly issue regulations concerning the types of assistance that may be provided under this subsection. Such regulations shall also describe the actions that Department of Defense personnel may take in circumstances incident to the provision of assistance under this subsection. Such regulations may not authorize arrest except in exigent circumstances or as otherwise authorized by law.

"(5) The Secretary of Defense shall require reimbursement as a condition for providing assistance under this subsection in accordance with section 377 of title 10.

"(6)(A) Except to the extent otherwise provided by the Attorney General, the Deputy Attorney General may exercise the authority of the Attorney General under this subsection. The Attorney General may delegate the Attorney General's authority under this subsection only to the Associate Attorney General or an Assistant Attorney General and only if the Associate Attorney General or Assistant Attorney General to whom delegated has been designated by the Attorney General to act for, and to exercise the general powers of, the Attorney General.

"(B) Except to the extent otherwise provided by the Secretary of Defense, the Deputy Secretary of Defense may exercise the authority of the Secretary of Defense under this subsection. The Secretary of Defense may delegate the Secretary's authority under this subsection only to an Under Secretary of Defense or an Assistant Secretary of Defense and only if the Under Secretary or Assistant Secretary to whom delegated has been designated by the Secretary to act for, and to exercise the general powers of, the Secretary.".

(b) Chemical Weapons of Mass Destruction.—The chapter 113B of title 18, United States Code, that relates to terrorism, is amended by inserting after section 2332a the following:

"§ 2332b. Use of chemical weapons

"(a) Offense.—A person who without lawful authority uses, or attempts or conspires to use, a chemical weapon—

"(1) against a national of the United States while such national is outside of the United States;

"(2) against any person within the United States; or

"(3) against any property that is owned, leased or used by the United States or by any department or agency of the United States, whether the property is within or outside of the United States,

shall be imprisoned for any term of years or for life, and if death results, shall be punished by death or imprisoned for any term of years or for life.

"(b) Definitions.—For purposes of this section—

"(1) the term "national of the United States" has the meaning given in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)); and

"(2) the term "chemical weapon" means any weapon that is designed to cause death or serious bodily injury through the release, dissemination, or impact of toxic or poisonous chemicals or their precursors.

"(c)(1) Military Assistance.—The Attorney General may request that the Secretary of Defense provide assistance in support of Department of Justice activities relating to the enforcement of this section in an emergency situation involving chemical weapons of mass destruction. Department of Defense resources, including personnel of the Department of Defense, may be used to provide such assistance if—

"(A) the Secretary of Defense and the Attorney General determine that an emergency situation involving chemical weapons of mass destruction exists; and

"(B) the Secretary of Defense determines that the provision of such assistance will not adversely affect the military preparedness of the United States.

"(2) As used in this section, 'emergency situation involving chemical weapons of mass destruction' means a circumstance involving a chemical weapon of mass destruction—

"(A) that poses a serious threat to the interests of the United States; and

"(B) in which—

"(i) civilian law enforcement expertise is not readily available to provide the required assistance to counter the threat posed by the chemical weapon of mass destruction involved;

"(ii) Department of Defense special capabilities and expertise are needed to counter the threat posed by the biological weapon of mass destruction involved; and

"(iii) enforcement of the law would be seriously impaired if the Department of Defense assistance were not provided.

"(3) The assistance referred to in paragraph (1) includes the operation of equipment (including equipment made available under section 372 of title 10) to monitor, contain, disable, or dispose of a chemical weapon of mass destruction or elements of the weapon.

"(4) The Attorney General and the Secretary of Defense shall jointly issue regulations concerning the types of assistance that may be provided under this subsection. Such regulations shall also describe the actions that Department of Defense personnel may take in circumstances incident to the provision of assistance under this subsection. Such regulations may not authorize arrest except in exigent circumstances or as otherwise authorized by law.

"(5) The Secretary of Defense shall require reimbursement as a condition for providing assistance under this subsection in accordance with section 377 of title 10.

"(6)(A) Except to the extent otherwise provided by the Attorney General, the Deputy Attorney General may exercise the authority of the Attorney General under this subsection. The Attorney General may delegate the Attorney General's authority under this subsection only to the Associate Attorney General or an Assistant Attorney General and only if the Associate Attorney General or Assistant Attorney General to whom delegated has been designated by the Attorney General to act for, and to exercise the general powers of, the Attorney General.

"(B) Except to the extent otherwise provided by the Secretary of Defense, the Deputy Secretary of Defense may exercise the authority of the Secretary of Defense under this subsection. The Secretary of Defense may delegate the Secretary's authority under this subsection only to an Under Secretary of Defense or an Assistant Secretary of Defense and only if the Under Secretary or Assistant Secretary to whom delegated has been designated by the Secretary to act for, and to exercise the general powers of, the Secretary.".

(c) Clerical Amendment.—The chapter analysis for chapter 113B of title 18, United States Code, is amended by inserting after the item relating to section 2332a the following:

"2332b. Use of chemical weapons.".

(d) Use of Weapons of Mass Destruction.—Section 2332a(a) of title 18, United States Code, is amended by inserting "without lawful authority" after "A person who".

BOXER AMENDMENT NO. 1214

Mrs. BOXER proposed an amendment to amendment No. 1199, proposed by Mr. DOLE, to the bill, S. 735, supra, as follows:

On page 17, between lines 2 and 3, insert the following new section:

SEC. 108. INCREASED PERIODS OF LIMITATION FOR NATIONAL FIREARMS ACT VIOLATIONS.

Section 6531 of the Internal Revenue Code of 1986 is amended—

(1) by redesignating paragraphs (1) through (8) as subparagraphs (A) through (H), respectively; and

(2) by amending the matter immediately preceding subparagraph (A), as redesignated, to read as follows: "No person shall be prosecuted, tried, or punished for any criminal offense under the internal revenue laws unless the indictment is found or the information instituted not later than 3 years after the commission of the offense, except that the period of limitation shall be—

"(1) 5 years for offenses described in section 5861 (relating to firearms and other devices); and

"(2) 6 years—.".

LIEBERMAN (AND BIDEN) AMENDMENT NO. 1215

(Ordered to lie on the table.)

Mr. LIEBERMAN (for himself and Mr. BIDEN) submitted an amendment intended to be proposed by him to the bill, S. 735, supra; as follows:

Insert at the appropriate place the following new section:

SEC. . REVISION TO EXISTING AUTHORITY FOR MULTIPOINT WIRETAPS.

(a) Section 2518(11)(b)(ii) of title 18 is amended: by deleting "of a purpose, on the part of that person, to thwart interception by changing facilities." and inserting "that the person had the intent to thwart interception or that the person's actions and conduct would have the effect of thwarting interception from a specified facility."

(b) Section 2518(11)(b)(iii) is amended to read:

"(iii) the judge finds that such showing has been adequately made."

KOHL AMENDMENT NO. 1216

(Ordered to lie on the table)

Mr. KOHL submitted an amendment intended to be proposed by him to amendment No. 1199, proposed by Mr. DOLE, to the bill, S. 735, supra; as follows:

At the appropriate place, insert the following:

SEC. . GUN-FREE SCHOOLS.

Section 922(q) of title 18, United States, Code, is amended to read as follows:

"(q)(1) The Congress finds and declares that—

"(A) crime, particularly crime involving drugs and guns, is a pervasive, nationwide problem;

"(B) crime at the local level is exacerbated by the interstate movement of drugs, guns, and criminal gangs;

"(C) firearms and ammunition move easily in interstate commerce and have been found in increasing numbers in and around schools, as documented in numerous hearings in both the Judiciary Committee of the House of Representatives and the Judiciary Committee of the Senate;

"(D) in fact, even before the sale of a firearm, the gun, its component parts, ammunition, and the raw materials from which they are made have considerably moved in interstate commerce;

"(E) while criminals freely move from State to State, ordinary citizens and foreign visitors may fear to travel to or through certain parts of the country due to concern about violent crime and gun violence, and parents may decline to send their children to school for the same reason;

"(F) the occurrence of violent crime in school zones as resulted in a decline in the quality of education in our country;

"(G) this decline in the quality of education has an adverse impact on interstate commerce and the foreign commerce of the United States;

"(H) States, localities, and school systems find it almost impossible to handle gun-related crime by themselves; even States, localities, and school systems that have made strong efforts to prevent, detect, and punish gun-related crime find their efforts unavailing due in part to the failure or inability of other States or localities to take strong measures; and

"(I) Congress has power, under the interstate commerce clause and other provisions of the Constitution, to enact measures to ensure the integrity and safety of the Nation's schools by enactment of this subsection.

"(2)(A) It shall be unlawful for any individual knowingly to possess a firearm that has moved in or that otherwise affects interstate or foreign commerce at a place that the individual knows, or has reasonable cause to believe, is a school zone.

"(B) Subparagraph (A) shall not apply to the possession of a firearm—

"(i) on private property not part of school grounds;

"(ii) if the individual possessing the firearm is licensed to do so by the State in which the school zone is located or a political subdivision of the State, and the law of the State or political subdivision requires that, before an individual obtains such a license, the law enforcement authorities of the State or political subdivision verify that the individual is qualified under law to receive the license;

"(iii) which is—

"(I) not loaded; and

"(II) in a locked container, or a locked firearms rack which is on a motor vehicle;

"(iv) by an individual for use in a program approved by a school in the school zone;

"(v) by an individual in accordance with a contract entered into between a school in the school zone and the individual or an employer of the individual;

"(vi) by a law enforcement officer acting in his or her official capacity; or

"(vii) that is unloaded and is possessed by an individual while traversing school premises for the purpose of gaining access to public or private lands open to hunting, if the entry in school premises is authorized by school authorities.

"(3)(A) Except as provided in subparagraph (B), it shall be unlawful for any person, knowingly or with reckless disregard for the safety of another, to discharge or attempt to discharge a firearm that has moved in or that otherwise affects interstate or foreign commerce at a place that the person knows is a school zone.

"(B) Subparagraph (A) shall not apply to the discharge of a firearm—

"(i) on private property not part of school grounds;

"(ii) as part of a program approved by a school in the school zone, by an individual who is participating in the program;

"(iii) by an individual in accordance with a contract entered into between a school in a school zone and the individual or an employer of the individual; or

"(iv) by a law enforcement officer acting in his or her official capacity.

"(4) Nothing in this subsection shall be construed as preempting or preventing a State or local government from enacting a statute establishing gun free school zones as provided in this subsection.".

BIDEN AMENDMENT NO. 1217

(Ordered to lie on the table.)

Mr. BIDEN submitted an amendment intended to be proposed by him to the bill, S. 735, supra; as follows:

Delete Title 6, subtitle A and insert the following:

SUBTITLE A—COLLATERAL REVIEW IN FEDERAL CRIMINAL CASES

SEC. 601. FILING DEADLINES.

Section 2255 of title 28, United States Code, is amended—

(1) by striking the second and fifth paragraphs; and

(2) by adding at the end the following new paragraphs:

"A one-year period of limitation shall apply to a motion under this section. The limitation period shall run from the latest of—

"(1) the date on which the judgment of conviction becomes final;

"(2) the date on which the impediment to making a motion created by governmental action in violation of the Constitution or laws of the United States is removed, if the movant was prevented from making a motion by such governmental action;

"(3) the date on which the right asserted was initially recognized by the Supreme Court, if that right has been newly recognized by the Supreme Court and is made retroactively applicable; or

"(4) the date on which the facts supporting the claim or claims presented could have been discovered through the exercise of due diligence.

"In a proceeding under this section before a district court, the final order shall be subject to review, on appeal, by the court of appeals for the circuit in which the proceeding is held only if a circuit justice or judges issues a certificate of appealability. A certificate of appealability may issue only if the movant has made a substantial showing of the denial of a constitutional right. A certificate of appealability shall indicate which specific issue or issues shows such a denial of a constitutional right.

"A claim presented in a second or successive motion under this section that was presented in a prior motion shall be dismissed.

"A claim presented in a second or successive motion under this section that was not presented in a prior motion shall be dismissed unless—

"(A) the movant shows that the claim relies on a new rule of constitutional law, made retroactive by the Supreme Court, that was previously unavailable; or

"(B) (i) the factual predicate for the claim could not have been discovered previously through the exercise of due diligence; and

"(ii) the facts underlying the claim, if proven and viewed in light of the evidence as a whole, would be sufficient to establish by clear and convincing evidence that, but for constitutional error, no reasonable factfinder would have found the movant guilty of the underlying offense.

"Before a second or successive motion under this section is filed in the district court, the movant shall move in the appropriate court of appeals for an order authorizing the district court to consider the application. A motion in the court of appeals for an order authorizing the district court to consider a second or successive motion shall be determined by a three-judge panel of the court of appeals. The court of appeals may authorize the filing of a second or successive motion only if it determines that the motion makes a prima facie showing that the motion satisfies the requirements in this section. The court of appeals shall grant or deny the authorization to file a second or successive motion not later than 30 days after the filing of the motion.

"The grant or denial of an authorization by a court of appeals to file a second or successive motion shall not be appealable and shall not be the subject of a petition for rehearing or a writ of certiorari.

"A district court shall dismiss any claim presented in a second or successive motion that the court of appeals has authorized to be filed unless the applicant shows that the claim satisfies the requirements of this section.".

KENNEDY AMENDMENT NO. 1218

(Ordered to lie on the table.)

Mr. KENNEDY proposed an amendment to amendment No. 1199, proposed by Mr. DOLE, to the bill, S. 735, supra; as follows:

On page 48, line 12, before the period insert the following: ", except that any proceeding conducted under this section which involves the use of classified evidence shall be conducted in accordance with the procedures of section 501."

KENNEDY AMENDMENT NO. 1219

(Ordered to lie on the table.)

Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill, S. 735, supra; as follows:

At the appropriate place, insert the following new section:

SEC. . ASSISTANCE TO LAW ENFORCEMENT.

Section 923(g)(3)(B) of title 18, United States Code, is amended—

(1) by striking ", and shall destroy each such form and any record of the contents thereof no more than 20 days from the date such form is received"; and

(2) by striking "and that all forms and any record of the contents thereof have been destroyed as provided in this subparagraph".

FEINGOLD AMENDMENT NO. 1220

(Ordered to lie on the table.)

Mr. FEINGOLD submitted an amendment intended to be proposed by him to amendment No. 1199, proposed by Mr. DOLE, to the bill, S. 735, supra; as follows:

On page 100, strike beginning with line 1 through page 144, line 4.

LAUTENBERG (AND OTHERS) AMENDMENT NO. 1221

(Ordered to lie on the table.)

Mr. LAUTENBERG (for himself, Mrs. FEINSTEIN, Mr. SIMON, and Mr. LEVIN) submitted an amendment intended to be proposed by them to amendment No. 1199, proposed by Mr. DOLE, to the bill, S. 735, supra; as follows:

At the appropriate place in amendment No. 1199, insert the following:

SEC. . TERMINATION OF THE ARMY CIVILIAN MARKSMANSHIP PROGRAM.

(a) REPEAL OF AUTHORITY.—Chapter 410 of title 10, United States Code, is amended—

(1) by striking out sections 4307, 4308, 4310, 4311, 4312, and 4313;

(2) in section 4309—

(A) in subsection (a), by striking out "and by persons capable of bearing arms" and inserting in lieu thereof "law enforcement agencies"; and

(B) in subsection (b), by striking out "civilians" each place it appears in paragraphs (1) and (3) and inserting in lieu thereof "law enforcement agencies"; and

(3) in the table of sections at the beginning of chapter 410 of such title, by striking out the items relating to sections 4307, 4308, 4310, 4311, 4312, and 4313.

(b) TRANSFER OF CIVILIAN MARKSMANSHIP PROGRAM FUNDS TO THE DEPARTMENT OF JUSTICE FOR ANTI-TERRORISM ACTIVITIES OF THE FBI.—The unobligated balance of the funds available for carrying out the Civilian Marksmanship Program of the Army, including funds credited under section 4308 of title 10, United States Code, to appropriations available for support of such program and funds appropriated by title II of Public Law 103–335 under the heading "NATIONAL BOARD FOR THE PROMOTION OF RIFLE PRACTICE, ARMY", is transferred to the Department of Justice to be available for anti-terrorism activities of the Federal Bureau of Investigation beginning October 1, 1995.

(c) FISCAL YEAR 1996 FUNDING NOT AUTHORIZED FOR THE NATIONAL BOARD FOR THE PROMOTION OF RIFLE PRACTICE.—Funds are not authorized to be appropriated for fiscal year 1996 for the National Board for the Promotion of Rifle Practice.

LAUTENBERG (AND SIMON) AMENDMENT NO. 1222

(Ordered to lie on the table.)

Mr. LAUTENBERG (for himself and Mr. SIMON) submitted an amendment intended to be proposed by them to amendment No. 1199, proposed by Mr. DOLE, to the bill, S. 735, supra; as follows:

At the appropriate place in amendment No. 1199 insert the following new sections:

SEC. . ADMINISTRATIVE RELIEF FROM CERTAIN FIREARMS AND EXPLOSIVES PROHIBITIONS.

(a) IN GENERAL.—(1) Section 925(c) of title 18, United States Code, is amended—

(A) in the first sentence by inserting "(other than a natural person)" before "who is prohibited";

(B) in the fourth sentence—

(i) by inserting "person (other than a natural person) who is a" before "licensed importer"; and

(ii) by striking "his" and inserting "the person's"; and

(C) in the fifth sentence, by inserting "(i) the name of the person, (ii) the disability with respect to which the relief is granted, (iii) if the disability was imposed by reason of a criminal conviction of the person, the crime for which and the court in which the person was convicted, and (iv)" before "the reasons therefor".

(2) Section 845(b) of title 18, United States Code, is amended—

(A) in the first sentence by inserting "(other than a natural person)" before "may make application to the Secretary"; and

(B) in the second sentence by inserting "(other than a natural person)" before "who makes application for relief".

(b) APPLICABILITY.—The amendments made by subsection (a) shall apply to—

(1) applications for administrative relief and actions for judicial review that are pending on the date of enactment of this Act; and

(2) applications or administrative relief filed, and actions for judicial review brought, after the date of enactment of this Act.

SEC. . PERMANENT FIREARM PROHIBITION FOR CONVICTED VIOLENT FELONS AND SERIOUS DRUG OFFENDERS.

Section 921(a)(20) of title 18, United States Code, is amended—

(1) in the first sentence—

(A) by inserting "(A) after "(20)"; and

(B) by redesignating subparagraphs (A) and (B) in clauses (i) and (ii), respectively;

(2) in the second sentence, by striking "What" and inserting the following:

"(B) What"; and

(3) by striking the third sentence and inserting the following new subparagraph:

"(C) A conviction shall not be considered to be a conviction for purposes of this chapter if—

"(i) the conviction is reversed or set aside based on a determination that the conviction is invalid;

"(ii) the person has been pardoned, unless the authority that grants the pardon expressly states that the person may not ship transport, possess or receive firearms; or

"(iii) the person has had civil rights restored, or the conviction is expunged, and—

"(I) the authority that grants the restoration of civil rights or expunction expressly authorizes the person to ship, transport, receive, and possess firearms and expressly determines that the circumstances regarding the conviction and the person's record and reputation are such that the person is not likely to act in a manner that is dangerous to public safety, and the granting of the relief is not contrary to the public interest; and

"(II) the conviction was for an offense other than serious drug offense (as defined in section 924(e)(2)(A)) or violent felony (as defined in section 924(e)(2)(B)).".

D'AMATO AMENDMENT NO. 1223

(Ordered to lie on the table.)

Mr. D'AMATO submitted an amendment intended to be proposed by him to amendment No. 1199, proposed by Mr. DOLE, to the bill, S. 735, supra; as follows:

At the appropriate place, insert the following new section:

SEC. —. FICTITIOUS FINANCIAL INSTRUMENTS.

(a) SHORT TITLE.—This section may be cited as the "Financial Instruments Anti-Fraud Act of 1995".

(b) INCREASED PENALTIES FOR COUNTERFEITING VIOLATIONS.—Sections 474 and 474A of title 18, United States Code, are amended by striking "class C felony" each place such term appears and inserting "class B felony".

(c) CRIMINAL PENALTY FOR PRODUCTION, SALE, TRANSPORTATION, POSSESSION OF FICTITIOUS FINANCIAL INSTRUMENTS PURPORTING TO BE THOSE OF THE STATES, OF POLITICAL SUBDIVISIONS, AND OF PRIVATE ORGANIZATIONS.—

(1) IN GENERAL.—Chapter 27 of title 18, United States Code, is amended by inserting after section 513, the following new section:

"§ 514. Fictitious obligations

"(a) Whoever, with the intent to defraud—

"(1) draws, prints, processes, produces, publishes, or otherwise makes, or attempts or causes the same, within the United States;

"(2) passes, utters, presents, offers, brokers, issues, sells, or attempts or causes the same, or with like intent possesses, within the United States; or

"(3) utilizes interstate or foreign commerce, including the use of the mails or wire, radio, or other electronic communication, to transmit, transport, ship, move, transfer, or attempts or causes the same, to, from, or through the United States,

any false or fictitious instrument, document, or other item appearing, representing, purporting, or contriving through scheme or artifice, to be an actual security or other financial instrument issued under the authority of the United States, a foreign government, a State or other political subdivision of the United States, or an organization, shall be guilty of a class B felony.

"(b) For purposes of this section, any term used in this section that is defined in section 513(c) shall have the same meaning given such term in section 513(c).

"(c) The United States Secret Service, in addition to any other agency having such authority, shall have authority to investigate offenses under this section.".

"(2) TECHNICAL AMENDMENT.—The analysis for chapter 27 of title 18, United States Code, is amended by inserting after the item relating to section 513 the following:

"514. Fictitious obligations.".

BIDEN AMENDMENT NO. 1224

(Ordered to lie on the table.)

Mr. BIDEN submitted an amendment intended to be proposed by him to the bill, S. 735, supra; as follows:

Delete page 105 line 3 through page 105 line 17.

FEINSTEIN AMENDMENT NO. 1225

(Ordered to lie on the table.)

Mrs. FEINSTEIN proposed an amendment to the bill, S. 735, supra; as follows:

At the appropriate place, insert the following:

SEC. . PROHIBITION ON ASSISTANCE UNDER ARMS EXPORT CONTROL ACT FOR COUNTRIES NOT COOPERATING FULLY WITH UNITED STATES ANTITERRORISM EFFORTS.

Chapter 3 of the Arms Export Control Act (22 U.S.C. 2771 et seq.) is amended by adding at the end the following:

"Sec. 40A. Transactions with Countries Not Fully Cooperating with United States Antiterrorism Efforts.

"(a) PROHIBITED TRANSACTIONS.—No defense article or defense service may be sold or licensed for export under this Act to a foreign country in a fiscal year unless the President determines and certifies to Congress at the beginning of that fiscal year, or at any other time in that fiscal year before such sale or license, that the country is cooperating fully with United States antiterrorism efforts.

"(b) WAIVER.—The President may waive the prohibition set forth in subsection (a) with respect to a specific transaction if the President determines that the transaction is essential to the national security interests of the United States.".

BIDEN AMENDMENT NO. 1226

(Ordered to lie on the table.)

Mr. BIDEN submitted an amendment intended to be proposed by him to amendment no. 1199, proposed by Mr. DOLE, to the bill, S. 735, supra; as follows:

Delete from page 106, line 20 through all of page 125 and insert the following:

"(h) The ineffectiveness or incompetence of counsel during Federal or State collateral post-conviction proceedings shall not be a ground for relief in a proceeding arising under section 2254.".

SEC. 605. SECTION 2255 AMENDMENTS.

Section 2255 of title 28, United States Code, is amended—

(1) by striking the second and fifth undesignated paragraphs; and

(2) by adding at the end the following new undesignated paragraphs:

"A 1-year period of limitation shall apply to a motion under this section. The limitation period shall run from the latest of—

"(1) the date on which the judgment of conviction becomes final;

"(2) the date on which the impediment to making a motion created by governmental action in violation of the Constitution or laws of the United States is removed, if the movant was prevented from making a motion by such governmental action;

"(3) the date on which the right asserted was initially recognized by the Supreme Court, if that right has been newly recognized by the Supreme Court and made retroactively applicable to cases on collateral review; or

"(4) the date on which the facts supporting the claim or claims presented could have been discovered through the exercise of due diligence.

"In all proceedings brought under this section, and any subsequent proceedings on review, appointment of counsel for a movant who is or becomes financially unable to afford counsel shall be in the discretion of the court, except as provided by a rule promulgated by the Supreme Court pursuant to statutory authority. Appointment of counsel under this section shall be governed by section 3006A of title 18.

"A second or successive motion must be certified as provided in section 2244 by a panel of the appropriate court of appeals to contain—

"(1) newly discovered evidence that, if proven and viewed in light of the evidence as a whole, would be sufficient to establish by clear and convincing evidence that no reasonable factfinder would have found the movant guilty of the offense; or

"(2) a new rule of constitutional law, made retroactive to cases on collateral review by the Supreme Court, that was previously unavailable.".

SEC. 606. LIMITS ON SECOND OR SUCCESSIVE APPLICATIONS.

(a) CONFORMING AMENDMENT TO SECTION 2244(a).—Section 2244(a) of title 28, United States Code, is amended by striking "and the petition" and all that follows through "by such inquiry." and inserting ", except as provided in section 2255.".

(b) LIMITS ON SECOND OR SUCCESSIVE APPLICATIONS.—Section 2244(b) of title 28, United States Code, is amended to read as follows:

"(b)(1) A claim presented in a second or successive habeas corpus application under section 2254 that was presented in a prior application shall be dismissed.

"(2) A claim presented in a second or successive habeas corpus application under section 2254 that was not presented in a prior application shall be dismissed unless—

"(A) the applicant shows that the claim relies on a new rule of constitutional law, made retroactive to cases on collateral review by the Supreme Court, that was previously unavailable; or

"(B)(i) the factual predicate for the claim could not have been discovered previously through the exercise of due diligence; and

"(ii) the facts underlying the claim, if proven and viewed in light of the evidence as a whole, would be sufficient to establish by clear and convincing evidence that, but for constitutional error, no reasonable factfinder would have found the applicant guilty of the underlying offense.

"(3)(A) Before a second or successive application permitted by this section is filed in the district court, the applicant shall move in the appropriate court of appeals for an order authorizing the district court to consider the application.

"(B) A motion in the court of appeals for an order authorizing the district court to consider a second or successive application shall be determined by a three-judge panel of the court of appeals.

"(C) The court of appeals may authorize the filing of a second or successive application only if it determines that the application makes a prima facie showing that the application satisfies the requirements of this subsection.

"(D) The court of appeals shall grant or deny the authorization to file a second or successive application not later than 30 days after the filing of the motion.

"(E) The grant or denial of an authorization by a court of appeals to file a second or successive application shall not be appealable and shall not be the subject of a petition for rehearing or for a writ of certiorari.

"(4) A district court shall dismiss any claim presented in a second or successive application that the court of appeals has authorized to be filed unless the applicant shows that the claim satisfies the requirements of this section.".

SEC. 607. DEATH PENALTY LITIGATION PROCEDURES.

(a) ADDITION OF CHAPTER TO TITLE 28, UNITED STATES CODE.—Title 28, United States Code, is amended by inserting after chapter 153 the following new chapter:

"CHAPTER 154—SPECIAL HABEAS CORPUS PROCEDURES IN CAPITAL CASES

"Sec.

"2261. Prisoners in State custody subject to capital sentence; appointment of counsel; requirement of rule of court or statute; procedures for appointment.

"2262. Mandatory stay of execution; duration; limits on stays of execution; successive petitions.

"2263. Filing of habeas corpus application; time requirements; tolling rules.

"2264. Scope of Federal review; district court adjudications.

"2265. Application to State unitary review procedure.

"2266. Limitation periods for determining applications and motions.

"§ 2261. Prisoners in State custody subject to capital sentence; appointment of counsel; requirement of rule of court or statute; procedures for appointment

"(a) This chapter shall apply to cases arising under section 2254 brought by prisoners in State custody who are subject to a capital sentence. It shall apply only if the provisions of subsections (b) and (c) are satisfied.

"(b) This chapter is applicable if a State establishes by statute, rule of its court of last resort, or by another agency authorized by State law, a mechanism for the appointment, compensation, and payment of reasonable litigation expenses of competent counsel in State post-conviction proceedings brought by indigent prisoners whose capital convictions and sentences have been upheld on direct appeal to the court of last resort in the State or have otherwise become final for State law purposes. The rule of court or statute must provide standards of competency for the appointment of such counsel.

"(c) Any mechanism for the appointment, compensation, and reimbursement of counsel as provided in subsection (b) must offer counsel to all State prisoners under capital sentence and must provide for the entry of an order by a court of record—

"(1) appointing one or more counsels to represent the prisoner upon a finding that the prisoner is indigent and accepted the offer or is unable competently to decide whether to accept or reject the offer;

"(2) finding, after a hearing if necessary, that the prisoner rejected the offer of counsel and made the decision with an understanding of its legal consequences; or

"(3) denying the appointment of counsel upon a finding that the prisoner is not indigent.

"(d) No counsel appointed pursuant to subsections (b) and (c) to represent a State prisoner under capital sentence shall have previously represented the prisoner at trial or on direct appeal in the case for which the appointment is made unless the prisoner and counsel expressly request continued representation.

"(e) The ineffectiveness or incompetence of counsel during State or Federal post-conviction proceedings in a capital case shall not be a ground for relief in a proceeding arising under section 2254. This limitation shall not preclude the appointment of different counsel, on the court's own motion or at the request of the prisoner, at any phase of State or Federal post-conviction proceedings on the basis of the ineffectiveness or incompetence of counsel in such proceedings.

"§ 2262. Mandatory stay of execution; duration; limits on stays of execution; successive petitions

"(a) Upon the entry in the appropriate State court of record of an order under section 2261(c), a warrant or order setting an execution date for a State prisoner shall be stayed upon application to any court that would have jurisdiction over any proceedings filed under section 2254. The application shall recite that the State has invoked the post-conviction review procedures of this chapter and that the scheduled execution is subject to stay.

"(b) A stay of execution granted pursuant to subsection (a) shall expire if—

"(1) a State prisoner fails to file a habeas corpus application under section 2254 within the time required in section 2263;

"(2) before a court of competent jurisdiction, in the presence of counsel, unless the prisoner has competently and knowingly waived such counsel, and after having been advised of the consequences, a State prisoner under capital sentence waives the right to pursue habeas corpus review under section 2254; or

"(3) a State prisoner files a habeas corpus petition under section 2254 within the time required by section 2263 and fails to make a substantial showing of the denial of a Federal right or is denied relief in the district court or at any subsequent stage of review.

"(c) If one of the conditions in subsection (b) has occurred, no Federal court thereafter shall have the authority to enter a stay of execution in the case, unless the court of appeals approves the filing of a second or successive application under section 2244(b).

"§ 2263. Filing of habeas corpus application; time requirements; tolling rules

"(a) Any application under this chapter for habeas corpus relief under section 2254 must be filed in the appropriate district court not later than 180 days after final State court affirmance of the conviction and sentence on direct review or the expiration of the time for seeking such review.

"(b) The time requirements established by subsection (a) shall be tolled—

"(1) from the date that a petition for certiorari is filed in the Supreme Court until the date of final disposition of the petition if a State prisoner files the petition to secure review by the Supreme Court of the affirmance of a capital sentence on direct review by the court of last resort of the State or other final State court decision on direct review;

"(2) from the date on which the first petition for post-conviction review or other collateral relief is filed until the final State court disposition of such petition; and

"(3) during an additional period not to exceed 30 days, if—

"(A) a motion for an extension of time is filed in the Federal district court that would have jurisdiction over the case upon the filing of a habeas corpus application under section 2254; and

"(B) a showing of good cause is made for the failure to file the habeas corpus application within the time period established by this section.

"§ 2264. Scope of Federal review; district court adjudications

"(a) Whenever a State prisoner under capital sentence files a petition for habeas corpus relief to which this chapter applies, the district court shall only consider a claim or claims that have been raised and decided on the merits in the State courts, unless the failure to raise the claim properly is—

"(1) the result of State action in violation of the Constitution or laws of the United States;

"(2) the result of the Supreme Court recognition of a new Federal right made retroactively applicable to cases on collateral review by the Supreme Court; or

"(3) based on a factual predicate that could not have been discovered through the exercise of due diligence in time to present the claim for State or Federal post-conviction review.

"(b) Following review subject to subsections (a), (d), and (e) of section 2254, the court shall rule on the claims properly before it.

"§ 2265. Application to State unitary review procedure

"(a) For purposes of this section, a 'unitary review' procedure means a State procedure that authorizes a person under sentence of death to raise, in the course of direct review of the judgment, such claims as could be raised on collateral attack. This chapter shall apply, as provided in this section, in relation to a State unitary review procedure if the State establishes by rule of its court of last resort or by statute a mechanism for the appointment, compensation, and payment of reasonable litigation expenses of competent counsel in the unitary review proceedings, including expenses relating to the litigation of collateral claims in the proceedings. The rule of court or statute must provide standards of competency for the appointment of such counsel.

"(b) To qualify under this section, a unitary review procedure must include an offer of counsel following trial for the purpose of representation on unitary review, and entry of an order, as provided in section 2261(c), concerning appointment of counsel or waiver or denial of appointment of counsel for that purpose. No counsel appointed to represent the prisoner in the unitary review proceedings shall have previously represented the prisoner at trial in the case for which the appointment is made unless the prisoner and counsel expressly request continued representation.

"(c) Sections 2262, 2263, 2264, and 2266 shall apply in relation to cases involving a sentence of death from any State having a unitary review procedure that qualifies under this section. References to State 'post-conviction review' and 'direct review' in such sections shall be understood as referring to unitary review under the State procedure. The reference in section 2262(a) to 'an order under section 2261(c)' shall be understood as referring to the post-trial order under subsection (b) concerning representation in the unitary review proceedings, but if a transcript of the trial proceedings is unavailable at the time of the filing of such an order in the appropriate State court, then the start of the 180-day limitation period under section 2263 shall be deferred until a transcript is made available to the prisoner or counsel of the prisoner.

"§ 2266. Limitation periods for determining applications and motions

"(a) The adjudication of any application under section 2254 that is subject to this chapter, and the adjudication of any motion under section 2255 by a person under sentence of death, shall be given priority by the district court and by the court of appeals over all noncapital matters.

"(b)(1)(A) A district court shall render a final determination and enter a final judgment on any application for a writ of habeas corpus brought under this chapter in a capital case not later than 180 days after the date on which the application is filed.

"(B) A district court shall afford the parties at least 120 days in which to complete all actions, including the preparation of all pleadings and briefs, and if necessary, a hearing, prior to the submission of the case for decision.

"(C)(i) A district court may delay for not more than one additional 30-day period beyond the period specified in subparagraph (A), the rendering of a determination of an application for a writ of habeas corpus if the court issues a written order making a finding, and stating the reasons for the finding, that the ends of justice that would be served by allowing the delay outweigh the best interests of the public and the applicant in a speedy disposition of the application.

"(ii) The factors, among others, that a court shall consider in determining whether a delay in the disposition of an application is warranted are as follows:

"(I) Whether the failure to allow the delay would be likely to result in a miscarriage of justice.

"(II) Whether the case is so unusual or so complex, due to the number of defendants, the nature of the prosecution, or the existence of novel questions of fact or law, that it is unreasonable to expect adequate briefing within the time limitations established by subparagraph (A).

"(III) Whether the failure to allow a delay in a case, that, taken as a whole, is not so unusual or so complex as described in subclause (II), but would otherwise deny the applicant reasonable time to obtain counsel, would unreasonably deny the applicant or the government continuity of counsel, or would deny counsel for the applicant or the government the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

"(iii) No delay in disposition shall be permissible because of general congestion of the court's calendar.

"(iv) The court shall transmit a copy of any order issued under clause (i) to the Director of the Administrative Office of the United States Courts for inclusion in the report under paragraph (5).

"(2) The time limitations under paragraph (1) shall apply to—

"(A) an initial application for a writ of habeas corpus;

"(B) any second or successive application for a writ of habeas corpus; and

"(C) any redetermination of an application for a writ of habeas corpus following a remand by the court of appeals or the Supreme Court for further proceedings, in which case the limitation period shall run from the date the remand is ordered.

"(3)(A) The time limitations under this section shall not be construed to entitle an applicant to a stay of execution, to which the applicant would otherwise not be entitled, for the purpose of litigating any application or appeal.

"(B) No amendment to an application for a writ of habeas corpus under this chapter shall be permitted after the filing of the answer to the application, except on the grounds specified in section 2244(b).

"(4)(A) The failure of a court to meet or comply with a time limitation under this section shall not be a ground for granting relief from a judgment of conviction or sentence.

"(B) The State may enforce a time limitation under this section by petitioning for a writ of mandamus to the court of appeals. The court of appeals shall act on the petition for a writ or mandamus not later than 30 days after the filing of the petition.

"(5)(A) The Administrative Office of United States Courts shall submit to Congress an annual report on the compliance by the district courts with the time limitations under this section.

"(B) The report described in subparagraph (A) shall include copies of the orders submitted by the district courts under paragraph (1)(B)(iv).

"(c)(1)(A) A court of appeals shall hear and render a final determination of any appeal of an order granting or denying, in whole or in part, an application brought under this chapter in a capital case not later than 120 days after the date on which the reply brief is filed, or if no reply brief is filed, not later than 120 days after the date on which the answering brief is filed.

"(B)(i) A court of appeals shall decide whether to grant a petition for rehearing or other request for rehearing en banc not later than 30 days after the date on which the petition for rehearing is filed unless a responsive pleading is required, in which case the court shall decide whether to grant the petition not later than 30 days after the date on which the responsive pleading is filed.

"(ii) If a petition for rehearing or rehearing en banc is granted, the court of appeals shall hear and render a final determination of the appeal not later than 120 days after the date on which the order granting rehearing or rehearing en banc is entered.

"(2) The time limitations under paragraph (1) shall apply to—

"(A) an initial application for a writ of habeas corpus;

"(B) any second or successive application for a writ of habeas corpus; and

"(C) any redetermination of an application for a writ of habeas corpus or related appeal following a remand by the court of appeals en banc or the Supreme Court for further proceedings, in which case the limitation period shall run from the date the remand is ordered.

"(3) The time limitations under this section shall not be construed to entitle an applicant to a stay of execution, to which the applicant would otherwise not be entitled, for the purpose of litigating any application or appeal.

"(4)(A) The failure of a court to meet or comply with a time limitation under this section shall not be a ground for granting relief from a judgment of conviction or sentence.

"(B) The State may enforce a time limitation under this section by applying for a writ of mandamus to the Supreme Court.

"(5) The Administrative Office of United States Courts shall submit to Congress an annual report on the compliance by the courts of appeals with the time limitations under this section.".

(b) TECHNICAL AMENDMENT.—The part analysis for part IV of title 28, United States Code, is amended by adding after the item relating to chapter 153 the following new item:

"154. Special habeas corpus procedures in capital cases .... 2261.".

(c) EFFECTIVE DATE.—Chapter 154 of title 28, United States Code (as added by subsection (a)) shall apply to cases pending on or after the date of enactment of this Act.

BOXER AMENDMENT NO. 1227

(Ordered to lie on the table.)

Mrs. BOXER submitted an amendment intended to be proposed by her to amendment No. 1199, proposed by Mr. DOLE, to the bill, S. 735, supra; as follows:

At the end of title IX, insert the following new section:

SEC. . STUDY OF LAWS REGULATING PARAMILITARY ACTIVITIES.

Not later than 60 days after the date of enactment of this Act, the Attorney General shall prepare and submit to Congress a report that—

(1) describes all Federal and State laws in effect on or before the date of enactment of this Act that ban or regulate the paramilitary activities of private groups; and

(2) includes the recommendations of the Attorney General for a Federal law or model statute to regulate such paramilitary activities.

ABRAHAM AMENDMENT NO. 1228

Mr. HATCH (for Mr. ABRAHAM) proposed an amendment to the bill, S. 735, supra; as follows:

On p. 36, line 16, strike from "to prepare a defense" through the word "imminent" on p. 37, line 12, and insert in its place the following: "substantially the same ability to make his defense as would disclosure of the classified information.

"(C) The Attorney General shall cause to be delivered to the alien a copy of the unclassified summary approved under subparagraph (B).

"(D) If the written unclassified summary is not approved by the court, the Department of Justice shall be afforded reasonable opportunity to correct the deficiencies identified by the court and submit a revised unclassified summary.

"(E) If the revised unclassified summary is not approved by the court, the special removal hearing shall be terminated unless the court, after reviewing the classified information in camera and ex parte issues findings that—

"(i) the alien's continued presence in the U.S. poses a reasonable likelihood of causing

"(I) serious and irreparable harm to the national security; or

"(II) death or serious bodily injury to any person; and

"(ii) provision of either the classified information or an unclassified summary that meets the standard set out in (B) poses a reasonable likelihood of causing

"(I) serious and irreparable harm to the national security; or

"(II) death or serious bodily injury to any person; and

"(iii) the unclassified summary prepared by the Department of Justice is adequate to allow the alien to prepare a defense.

"(F) If the Court makes these findings, the special removal hearing shall continue, and the Attorney General shall cause to be delivered to the alien a copy of the unclassified summary together with a statement that it meets the standard set forth in paragraph (E) rather than the one set forth in paragraph (C).

"(G) If the Court concludes that the unclassified summary does not meet the standard set forth in paragraph (E), the special removal hearing shall be terminated unless the court, after reviewing the classified information in camera and ex parte finds, by clear and convincing evidence, that—

"(i) the alien's continued presence in the United States—

"(I) would cause serious and irreparable harm to the national security; or

"(II) would likely cause".

BROWN AMENDMENT NO. 1229

Mr. HATCH (for Mr. BROWN) proposed an amendment to the bill, S. 735, supra; as follows:

At the appropriate place in the bill, add the following new section—

"SEC. . TERRORISM AND THE PEACE PROCESS IN NORTHERN IRELAND.

(a) SENSE OF CONGRESS.—It is the Sense of the Congress that—

(1) All parties involved in the peace process should renounce the use of violence and refrain from employing terrorist tactics, including punishment beatings;

(2) The United States should take no action that supports those who use international terrorism as a means of furthering their ends in the peace process in northern Ireland;

(3) United States policy should not discourage any agreement reached in northern Ireland that is ratified by a democratic referendum.

(b) REPORT.—Section 620 of the Foreign Assistance Act of 1961 is amended by adding the following—

"SEC. 620G. REPORT ON NORTHERN IRELAND.

The President shall provide a biannual report beginning 60 days after the date of enactment of this Act to the appropriate committees of Congress on—

(1) The renunciation of violence and steps taken toward disarmament by all parties in the northern Ireland peace process;

(2) Any terrorist incidents in northern Ireland in the intervening six months, their perpetrators, actions taken by the United States to denounce the acts of violence, United States efforts to assist in the detention and arrest of these terrorists and U.S. efforts to arrest or detain any elements that have provided them direct or indirect support;

(3) Fundraising in the United States by the Irish Republican Army, Sinn Fein or any associated organization and whether any of these funds have been used to support international terrorist activities."

HEFLIN (AND SHELBY) AMENDMENT NO. 1230

(Ordered to lie on the table.)

Mr. HEFLIN (for himself and Mr. SHELBY) proposed an amendment to amendment No. 1199, proposed by Mr. DOLE to the bill, S. 735, supra; as follows:

At the appropriate place, insert the following: "In conducting any portion of the study relating to the regulation and use of fertilizer as a pre-explosive material, the Secretary of the Treasury shall consult with and receive input from non-profit fertilizer research centers and include their opinions and findings in the report required under subsection (c).".

GRAMM AMENDMENTS NOS. 1231–1232

(Ordered to lie on the table.)

Mr. GRAMM submitted two amendments intended to be proposed by him to the bill, S. 735, supra; as follows:

AMENDMENT NO. 1231

At the appropriate place insert the following:

SEC. . INCREASED MANDATORY MINIMUM SENTENCES FOR CRIMINALS USING FIREARMS

Section 924(c)(1) of title 18, United States Code, is amended by inserting after the first sentence the following: "Except to the extent a greater minimum sentence is otherwise provided by the preceding sentence or by any other provision of this subsection or any other law, a person who, during and in relation to any crime of violence or drug trafficking crime (including a crime of violence or drug trafficking crime which provides for an enhanced punishment if committed by the use of a deadly or dangerous weapon or device) for which a person may be prosecuted in a court of the United States, uses or carries a firearm, shall, in addition to the punishment provided for such crime of violence or drug trafficking crime—

"(A) be punished by imprisonment for not less than 10 years;

"(B) if the firearm is discharged, be punished by imprisonment for not less than 20 years; and

"(C) if the death of a person results, be punished by death or by imprisonment for not less than life.".

AMENDMENT NO. 1232

SEC. . INCREASED MANDATORY MINIMUM SENTENCES FOR CRIMINALS USING FIREARMS

Section 924(c)(1) of title 18, United States Code, is amended by inserting after the first sentence the following: "Except to the extent a greater minimum sentence is otherwise provided by the preceding sentence or by any other provision of this subsection or any other law, a person who, during and in relation to any crime of violence or drug trafficking crime (including a crime of violence or drug trafficking crime which provides for an enhanced punishment if committed by the use of a deadly or dangerous weapon or device) for which a person may be prosecuted in a court of the United States, uses or carries a firearm, shall, in addition to the punishment provided for such crime of violence or drug trafficking crime—

"(A) be punished by imprisonment for not less than 10 years;

"(B) if the firearm is discharged, be punished by imprisonment for not less than 20 years; and

"(C) if the death of a person results, be punished by death or by imprisonment for not less than life.".

HATCH AMENDMENT NO. 1233

(Ordered to lie on the table.)

Mr. HATCH submitted an amendment intended to be proposed by him to amendment No. 1199, proposed by Mr. DOLE, to the bill, S. 735, supra; as follows:

On page 160, between lines 11 and 12, insert the following:

SEC. 901. FOREIGN AIR TRAVEL SAFETY.

Section 44906 of title 49, United States Code, is amended to read as follows:

"§ 44906. Foreign air carrier security programs

"The Administrator of the Federal Aviation Administration shall continue in effect the requirement of section 129.25 of title 14, Code of Federal Regulations, that a foreign air carrier must adopt and use a security program approved by the Administrator. The Administrator shall only approve a security program of a foreign air carrier under section 129.25, or any successor regulation, if the Administrator decides the security program provides passengers of the foreign air carrier a level of protection identical to the level those passengers would receive under the security programs of air carriers serving the same airport. The Administrator shall prescribe regulations to carry out this section.".

SIMON (AND KENNEDY) AMENDMENT NO. 1234

(Ordered to lie on the table.)

Mr. SIMON (for himself and Mr. KENNEDY) submitted an amendment intended to be proposed by them to amendment No. 1199, proposed by Mr. DOLE, to the bill, S. 735, supra; as follows:

Strike page 36, line 13, through page 38, line 20, and insert the following in lieu thereof:

"(B) The judge shall approve the summary if the judge finds that it is sufficient to inform the alien of the nature of the evidence that such person is an alien as described in section 241(a), and to provide the alien with substantially the same ability to make his defense as would disclosure of the classified information.

"(C) The Attorney General shall cause to be delivered to the alien a copy of the unclassified summary approved under subparagraph (B).

"(D) If the written unclassified summary is not approved by the court pursuant to subparagraph (B), the Department of Justice shall be afforded reasonable opportunity to correct the deficiencies identified by the court and submit a revised unclassified summary.

"(E) If the revised unclassified summary is not approved by the court pursuant to subparagraph (B), the special removal hearing shall be terminated unless the court, after reviewing the classified information in camera and ex parte, issues written findings that—

"(i) the alien's continued presence in the United States would likely cause

"(I) serious and irreperable harm to the national security; or

"(II) death or serious bodily injury to any person;

and

"(ii) provision of either the classified information or an unclassified summary that meets the standard set forth in subparagraph (B) would likely cause

"(I) serious and irreperable harm to the national security; or

"(II) death or serious bodily injury to any person;

and

"(iii) the unclassified summary prepared by the Justice Department is adequate to allow the alien to prepare a defense.

"(F) If the court issues such findings, the special removal proceeding shall continue, and the Attorney General shall cause to be delivered to the alien a copy of the unclassified summary together with a statement that it meets the standard set forth in subparagraph (E)(iii).

"(G)(i) The Department of Justice may take an interlocutory appeal to the United States Court of Appeals for the District of Columbia Circuit of—

"(I) any determination made by the judge concerning the requirements set forth in subparagraph (E).

"(II) any determination made by the judge concerning the requirements set forth in subparagraph (E).

"(ii) In an interlocutory appeal taken under this paragraph, the entire record, including any proposed order of the judge or summary of evidence, shall be transmitted to the Court of Appeals under seal, and the matter shall be heard ex parte. The Court of Appeals shall consider the appeal as expeditiously as possible."

SIMON AMENDMENT NO. 1235

(Ordered to lie on the table)

Mr. SIMON submitted an amendment intended to be proposed by them to amendment No. 1199, proposed by Mr. DOLE, to the bill, S. 735, supra; as follows:

Strike page 29, line 3 through page 30, line 2.

BRADLEY (AND OTHERS) AMENDMENT NO. 1236

(Ordered to lie on the table)

Mr. BRADLEY (for himself, Mr. MOYNIHAN, Mr. LEVIN, Mr. KERRY, and Mr. LAUTENBERG) submitted an amendment intended to be proposed by them to amendment No. 1199, proposed by Mr. DOLE, to the bill, S. 735, supra; as follows:

At the appropriate place insert the following new section:

SEC. . MANUFACTURE, IMPORTATION, AND SALE OF HANDGUN AMMUNITION CAPABLE OF PENETRATING POLICE BODY ARMOR.

(a) EXPANSION OF DEFINITION OR ARMOR PIERCING AMMUNITION.—Section 921(a)(17)(B) of title 18, United States Code, is amended—

(1) by striking "or" at the end of clause (i);

(2) by striking the period at the end of clause (ii) and inserting "; or"; and

(3) by adding at the end the following:

"(iii) a projectile used in a handgun and that the Secretary determine, pursuant to section 926(d), to be capable of penetrating body armor.".

(b) DETERMINING OF THE CAPABILITY OF PROJECTILES TO PENETRATE BODY ARMOR.—Section 926 of such title is amended by adding at the end the following:

"(d)(1) Not later than 1 year after the date of enactment of this subsection, the Secretary shall promulgate standards for the uniform testing of projectile against the Body Armor Exemplar, based on standards developed in cooperation with the Attorney General of the United States. Such standards shall take into account, among other factors, variations in performance that are related to the length of the barrel of the handgun from which the projectile is fired and the amount and kind of powder used to propel the projectile.

"(2) As used in paragraph (1), the term 'body Armor Exemplar' means body armor that the Secretary, in cooperation with the Attorney General of the United States, determines meets minimum standards for protection of law enforcement officers.

(3) A projectile described in 921(a)(17)(B)(iii) of title 18, United States Code, shall not include ammunition designed for sporting purposes.

SPECTER AMENDMENT NO. 1237

(Ordered to lie on the table.)

Mr. SPECTER submitted an amendment intended to be proposed by him to amendment No. 1199, proposed by Mr. DOLE to the bill, S. 735, supra; as follows:

On page 30, strike line 4 and all that follows through page 41, line 18.

On page 54, after line 23, insert the following:

SEC. 305. EXPEDITED DEPORTATION OF TERRORISTS.

Section 242A of the Immigration and Nationality Act (8 U.S.C. 1252a) is amended by adding after subsection (b) the following new subsection:

"(c) DEPORTATION OF ALIEN TERRORISTS.—

"(1) IN GENERAL.—Notwithstanding any other provision of this section, deportation proceedings for an alien who is deportable under section 241(a)(4)(B) shall be governed by this subsection.

"(2) DEFINITION.—For purposes of this subsection, the term 'terrorism activity' has the meaning given such term in section 212(a)(3)(B)(ii).

"(3) HEARING.—An alien who is deportable under section 241(a)(4)(B) shall be given a full evidentiary hearing as expeditiously as possible, but in no event later than 30 days after the alien has been given notice under section 242(b)(1), to determine—

"(A) whether the person is an alien within the meaning of section 101(a)(3); and

"(B) whether the alien has engaged in terrorism activity.

"(4) APPEAL.—(A) Appeal of a determination under paragraph (3) shall lie with the United States Court of Appeals for the circuit in which the hearing was held. An appeal under this paragraph shall be filed not later than 10 days after the date on which the determination was issued.

"(B) The court of appeals shall render a decision on an appeal filed under subparagraph (A) not later than 45 days after the date on which the appeal is filed.

"(5) DEPORTATION.—An alien who is ordered to be deported under this subsection shall not be permitted to apply for asylum, suspension of deportation, or waiver of removal on any grounds within the discretion of the Attorney General.".

LEAHY AMENDMENT NO. 1238

Mr. LEAHY proposed an amendment to amendment No. 1199, proposed by Mr. DOLE, to the bill, S. 735, supra; as follows:

On page 160, after line 19, insert the following:

TITLE X—VICTIMS OF TERRORISM ACT

SEC. 1001. TITLE.

This title may be cited as the "Victims of Terrorism Act of 1995".

SEC. 1002. AUTHORITY TO PROVIDE ASSISTANCE AND COMPENSATION TO VICTIMS OF TERRORISM.

The Victims of Crime Act of 1984 (42 U.S.C. 10601 et seq.) is amended by inserting after section 1404A the following new section:

"SEC. 1404B. COMPENSATION AND ASSISTANCE TO VICTIMS OF TERRORISM OR MASS VIOLENCE.

"(a) VICTIMS OF ACTS OF TERRORISM OUTSIDE THE UNITED STATES.—The Director may make supplemental grants to States to provide compensation and assistance to the residents of such States who, while outside the territorial boundaries of the United States, are victims of a terrorist act or mass violence and are not persons eligible for compensation under title VIII of the Omnibus Diplomatic Security and Antiterrorism Act of 1986.

"(b) VICTIMS OF DOMESTIC TERRORISM.—The Director may make supplemental grants to States for eligible crime victim compensation and assistance programs to provide emergency relief, including crisis response efforts, assistance, training, and technical assistance, for the benefit of victims of terrorist acts or mass violence occurring within the United States and may provide funding to United States Attorney's Offices for use in coordination with State victims compensation and assistance effort in providing emergency relief.".

SEC. 1003. FUNDING OF COMPENSATION AND ASSISTANCE TO VICTIMS OF TERRORISM, MASS VIOLENCE, AND CRIME.

Section 1402(d)(4) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(d)(4)) is amended to read as follows:

"(4)(A) If the sums available in the Fund are sufficient to fully provide grants to the States pursuant to section 1403(a)(1), the Director may retain any portion of the Fund that was deposited during a fiscal year that was in excess of 110 percent of the total amount deposited in the Fund during the preceding fiscal year as an emergency reserve. Such reserve shall not exceed $50,000,000.

"(B) The emergency reserve may be used for supplemental grants under section 1404B and to supplement the funds available to provide grants to States for compensation and assistance in accordance with sections 1403 and 1404 in years in which supplemental grants are needed.".

SEC. 1004. CRIME VICTIMS FUND AMENDMENTS.

(a) UNOBLIGATED FUNDS.—Section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601) is amended—

(1) in subsection (c), by striking "subsection" and inserting "chapter"; and

(2) by amending subsection (e) to read as follows:

"(e) AMOUNTS AWARDED AND UNSPENT.—Any amount awarded as part of a grant under this chapter that remains unspent at the end of a fiscal year in which the grant is made may be expended for the purpose for which the grant is made at any time during the 2 succeeding fiscal years, at the end of which period, any remaining unobligated sums shall be returned to the Fund.".

(b) BASE AMOUNT.—Section 1404(a)(5) of such Act (42 U.S.C. 10603(a)(5)) is amended to read as follows:

"(5) As used in this subsection, the term 'base amount' means—

"(A) except as provided in subparagraph (B), $500,000; and

"(B) for the territories of the Northern Mariana Islands, Guam, American Samoa, and Palau, $200,000.".

SPECTER AMENDMENT NO. 1239

(Ordered to lie on the table.)

Mr. SPECTER submitted an amendment intended to be proposed by him to amendment No. 1199 proposed by Mr. DOLE to the bill, S. 735, supra; as follows:

On page 55, strike line 4 and all that follows through page 74, line 7.

LEAHY (AND McCAIN) AMENDMENT NO. 1240

Mr. LEAHY (for himself and Mr. MCCAIN) proposed an amendment to amendment No. 1199, proposed by Mr. DOLE, the bill, S. 735, supra; as follows:

At the appropriate place insert the following new section:

SEC. —. SPECIAL ASSESSMENTS ON CONVICTED PERSONS.

(a) INCREASED ASSSESSMENT.—Section 3013(a)(2) of title 18, United States Code, is amended—

(A) in subparagraph (A), by striking "$50" and inserting "not less than $100"; and

(B) in subparagraph (B), by striking "$200" and inserting "not less than $400".

HEFLIN AMENDMENT NO. 1241

(Ordered to lie on the table.)

Mr. HEFLIN proposed an amendment intended to be proposed by him to the bill, S. 735, supra; as follows:

At the end of the bill, add the following:

SEC. —. LISTING OF NERVE GASES SARIN AND VX AS A HAZARDOUS WASTE.

(a) IN GENERAL.—Section 3001(e) of the Solid Waste Disposal Act (42 U.S.C. 6921(e)) is amended by adding at the end the following:

"(3) NERVE GASES.—

"(A) LISTING.—The Administrator shall list under subsection (b)(1) the nerve gases sarin and VX.

"(B) APPLICATION OF REGULATORY REQUIREMENTS.—Standards and permit requirements under this Act and regulations issued under this Act relating to the nerve gases sarin and VX shall not apply to—

"(i) any sarin or VX production facility of the Department of Defense that is in existence on the date of enactment of this paragraph; or

"(ii) the storage of sarin or VX at any Department of Defense designated chemical weapons stockpile in existence prior to the date of enactment of this Act.".

(b) IMMEDIATE ACTION.—The listing of the nerve gases sarin and VX required by the amendment made by subsection (a) shall be deemed to be made immediately on enactment of this Act, and the Administrator of the Environmental Protection Agency shall in fact make the listing as soon as practicable after enactment of this Act.

(c) NO STUDIES OR PROCEEDINGS.—Notwithstanding any other law, it shall not be necessary for the Administrator of the Environmental Protection Agency to make any studies, engage in any rulemaking or other proceedings, or meet any other requirement under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) or any other law in support of the directive made by subsection (b).

(d) CRIMINAL PENALTY FOR MERE POSSESSION.—Section 3008(d)(2) of the Solid Waste Disposal Act (42 U.S.C. 6928(d)(2)) is amended by inserting "or knowingly possesses the nerve gas sarin or the nerve gas VX" after "subtitle".

GRAHAM AMENDMENT NO. 1242

(Ordered to lie on the table.)

Mr. GRAHAM submitted an amendment intended to be proposed by him to amendment No. 1199 proposed by Mr. DOLE to the bill, S. 735, supra; as follows:

On page 105, strike lines 8 through 11 and insert the following:

"(1)(A) resulted in a decision that was contrary to clearly established Federal law as determined by the Supreme Court of the United States; or

"(B) involved an unreasonable application of clearly established Federal law as determined by the Supreme Court of the United States; or

LEVIN AMENDMENT NO. 1243

(Ordered to lie on the table.)

Mr. LEVIN submitted an amendment intended to be proposed by him to amendment No. 1199 proposed by Mr. DOLE to the bill, S. 735, supra; as follows:

On page 15, strike lines 1 through 25 and insert the following:

"(f)(1) Whoever maliciously damages or destroys, or attempts to damage or destroy, by means of fire or an explosive, any building, vehicle, or other personal or real property in whole or in part owned or possessed by, or leased to, the United States, or any department or agency thereof, shall be imprisoned for not less than 5 years and not more than 20 years. The court may order a fine of not more than the greater of $100,000 or the cost of repairing or replacing any property that is damaged or destroyed.

"(2) Whoever engages in conduct prohibited by this subsection, and as a result of such conduct directly or proximately causes personal injury to any person, including any public safety officer performing duties, shall be imprisoned not less than 7 years and not more than 40 years. The court may order a fine of not more than the greater of $200,000 or the cost of repairing or replacing any property that is damaged or destroyed.

"(3) Whoever engages in conduct prohibited by this subsection, and as a result of such conduct directly or proximately causes the death of any person, including any public safety officer performing duties, shall be imprisoned for a term of years or for life, or sentenced to death. The court may order a fine of not more than the greater of $200,000 or the cost of repairing or replacing any property that is damaged or destroyed.".

LEVIN (AND NUNN) AMENDMENT NO. 1244

(Ordered to lie on the table.)

Mr. LEVIN (for himself and Mr. NUNN) submitted an amendment intended to be proposed by them to amendment No. 1199 proposed by Mr. DOLE to the bill, S. 735, supra; as follows:

At the appropriate place, insert the following new section:

SEC. . INVESTIGATIONS INTO TERRORISM.

(a) RESTORING FALSE STATEMENTS PROHIBITION.—Section 1001 of title 18, United States Code, is amended by striking "any department or agency of the United States" and inserting "the executive, legislative, or judicial branch of the United States, or any department, agency, committee, subcommittee, or office thereof, except a court when performing an adjudicative function."

(b) OBSTRUCTING CONGRESSIONAL PROCEEDINGS.—Section 1515 of title 18, United States Code, is amended by—

(1) redesignating paragraph "(b)" as paragraph "(c)"; and

(2) inserting a new paragraph (b) to read as follows:

"(b) As used in section 1505 of this title, the term "corruptly" includes acting with an improper purpose, personally or by influencing another, including by making false or misleading statements or withholding, concealing, altering or destroying documents.".

(c) COMPELLING TRUTHFUL TESTIMONY IN CONGRESSIONAL INVESTIGATIONS.—Section 6005 of title 18, United States Code, is amended—

(1) in subsection (a), by inserting "or ancillary to" after "any proceeding before"; and

(2) in subsection (b) (1) and (2), by inserting "or ancillary to" after "a proceeding before" each place it appears.

LEVIN AMENDMENT NO. 1245

(Ordered to lie on the table.)

Mr. LEVIN submitted an amendment intended to be proposed by him to amendment No. 1199 proposed by Mr. DOLE to the bill, S. 735, supra; as follows:

On page 106, line 12, strike "and" and all that follows through the end of line 17 and substitute the following:

"or

"(B) the facts underlying the claim, if proven and viewed in light of the evidence as a whole, would be sufficient to establish that constitutional error has occurred and that more likely than not, but for that constitutional error, no reasonable factfinder would have found the applicant guilty of the underlying offense."

On page 110, line 3, strike "and" and all that follows through the end of line 9 and substitute the following:

"or

"(ii) the facts underlying the claim, if proven and viewed in light of the evidence as a whole, would be sufficient to establish that constitutional error has occurred and that more likely than not, but for that constitutional error, no reasonable factfinder would have found the applicant guilty of the underlying offense."

LEAHY (AND HOLLINGS) AMENDMENT NO. 1246

(Ordered to lie on the table.)

Mr. LEAHY (for himself and Mr. HOLLINGS) submitted an amendment intended to be proposed by them to amendment No. 1199 proposed by Mr. DOLE to the bill, S. 735, supra; as follows:

At the end of title IX, insert the following new section:

SEC. 902. CIVIL MONETARY PENALTY SURCHARGE AND TELECOMMUNICATIONS CARRIER COMPLIANCE PAYMENTS.

The Communications Assistance for Law Enforcement Act (Public Law 103–414) is amended by adding at the end the following new title:

"TITLE IV—CIVIL MONETARY PENALTY SURCHARGE AND TELECOMMUNICATIONS CARRIER COMPLIANCE PAYMENTS

"SEC. 401. CIVIL MONETARY PENALTY SURCHARGE.

"(a) IMPOSITION.—Notwithstanding any other provision of law, a surcharge of 40 percent of the principal amount of a civil monetary penalty shall be added to each civil monetary penalty at the time it is assessed by the United States.

"(b) APPLICATION OF PAYMENTS.—Payments relating to a civil monetary penalty shall be applied in the following order:

"(1) To costs.

"(2) To principal.

"(3) To surcharges required by subsection (a).

"(4) To interest.

"(c) EFFECTIVE DATES.—(1) A surcharge under subsection (a) be added to all civil monetary penalties assessed on or after October 1, 1995, or the date of enactment of this title, whichever is later.

"(2) The authority to add a surcharge under this section shall terminate on October 1, 1998.

"(d) LIMITATION.—This section shall not apply to any civil monetary penalty assessed under the Internal Revenue Code of 1986.

"SEC. 402. DEPARTMENT OF JUSTICE TELECOMMUNICATIONS CARRIER COMPLIANCE FUND.

"(a) ESTABLISHMENT OF FUND.—There is established in the United States Treasury a fund to be known as the Department of Justice Telecommunications Carrier Compliance Fund (referred to in this title as 'the Fund'), which shall be available to the Attorney General to the extent and in the amounts authorized by subsection (c) to make payments to telecommunications carriers, as authorized by section 109.

"(b) OFFSETTING COLLECTIONS.—Notwithstanding section 3302 of title 31, United States Code, the Attorney General may credit surcharges added pursuant to section 401 to the Fund as offsetting collections.

"(c) REQUIREMENTS FOR APPROPRIATIONS OFFSET.—(1) Amounts in the Fund shall be available for expenditure only to the extent and in the amounts provided for in advance in appropriations Acts.

"(2)(A) Collections credited to the Fund are authorized to be appropriated in such amounts as may be necessary, not exceed $100,000,000 in fiscal year 1996, $305,000,000 in fiscal year 1997, and $80,000,000 in fiscal year 1998.

"(B) Amount appropriated pursuant to subparagraph (A) are authorized to be appropriated without fiscal year limitation.

"(d) TERMINATION.—(1) The Attorney General may terminate the Fund at such time as the Attorney General determines that the Fund is no longer necessary.

"(2) Any balance in the Fund at the time of its termination shall be deposited in the General Fund of the Treasury of the United States.

"(3) A decision of the Attorney General to terminate the Fund shall not be subject to judicial review.

"SEC. 403. DEFINITIONS.

"For purposes of this title, the terms 'agency' and 'civil monetary penalty' have the meanings given to them by section 3 of the Federal Civil Penalties Inflation Adjustment Act of 1990 (28 U.S.C. 2461 note).".

LEAHY AMENDMENT NO. 1247

(Ordered to lie on the table.)

Mr. LEAHY submitted an amendment intended to be proposed by him to amendment No. 1199, proposed by Mr. DOLE, to the bill, S. 735, supra; as follows:

On page 18, strike lines 18 through 24 and insert the following:

"SEC. 620G. PROHIBITION ON ASSISTANCE TO COUNTRIES THAT AID TERRORIST STATES.

"(a) PROHIBITION.—No assistance under this act shall be provided to the government of any country that provides assistance to the government of any other country for which the Secretary of State has made a determination under section 620A".

"(b) WAIVER.—Notwithstanding any other provision of law, assistance may be furnished to a foreign government described in subsection (a) if the President determines that furnishing such assistance is important to the national interests of the United States and, not later than 15 days before obligating such assistance, furnishes a report to the appropriate committees of Congress including—

"(1) a statement of the determination;

"(2) a detailed explanation of the assistance to be provided;

"(3) the estimated dollar amount of the assistance; and

"(4) an explanation of how the assistance furthers United States national interests.".

SMITH AMENDMENT NO. 1248

(Ordered to lie on the table)

Mr. CRAIG. (for Mr. SMITH) submitted an amendment intended to be proposed by him to amendment No. 1199 proposed by Mr. DOLE to the bill, S. 735, supra; as follows:

At the appropriate place, insert the following new section:

SEC. . AUTHORIZATION OF DEATH PENALTY AS PUNISHMENT FOR FIRST DEGREE MURDER IN THE DISTRICT OF COLUMBIA.

Section 801 of the Act entitled, "An Act to establish a code of law for the District of Columbia," approved March 3, 1901 (D.C. Code 22-2404), is amended—

(1) in subsection (a)—

(A) by striking "(a) The" and inserting "The"; and

(B) in the first sentence, by inserting before the period ", or death"; and

(2) by striking subsection (b).

BIDEN AMENDMENT NO. 1249

(Ordered to lie on the table.)

Mr. BIDEN submitted an amendment intended to be proposed by him to amendment No. 1199 proposed by Mr. DOLE to the bill, S. 735, supra; as follows:

Add at the appropriate place:

SEC. . AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR THE UNITED STATES MARSHALS SERVICE.

(a) IN GENERAL.—There are authorized to be appropriated for activities of the United States Marshals Service to address increased security requirements, $25,000,000 for each of the fiscal years 1996, 1997, 1998, 1999, and 2000.

(b) AVAILABILITY OF FUNDS.—Funds made available pursuant to subsection (a), in any fiscal year, shall remain available until expended.

SPECTER (AND OTHERS) AMENDMENT NO. 1250

Mr. SPECTER (for himself, Mr. SIMON, Mr. KENNEDY, and Mr. BIDEN) proposed an amendment to the bill, S 735, supra; as follows:

Strike page 36, line 13, through page 38, line 20, and insert the following in lieu thereof:

"(B) The judge shall approve the summary within 15 days of submission if the judge finds that it is sufficient to inform the alien of the nature of the evidence that such person is an alien as described in section 241(a), and to provide the alien with substantially the same ability to make his defense as would disclosure of the classified information.

"(C) The Attorney General shall cause to be delivered to the alien a copy of the unclassified summary approved under subparagraph (B).

"(D) If the written unclassified summary is not approved by the court pursuant to subparagraph (B), the Department of Justice shall be afforded 15 days to correct the deficiencies identified by the court and submit a revised unclassified summary.

"(E) If the revised unclassified summary is not approved by the court within 15 days of its submission pursuant to subparagraph (B), the special removal hearing shall be terminated unless the court, within that time, after reviewing the classified information in camera and ex parte, issues written findings that—

"(i) the alien's continued presence in the United States would likely cause

"(I) serious and irreperable harm to the national security; or

"(II) death or serious bodily injury to any person; and

"(ii) provision of either the classified information or an unclassified summary that meets the standard set forth in subparagraph (B) would likely cause

"(I) serious and irreperable harm to the national security; or

"(II) death or serious bodily injury to any person; and

"(iii) the unclassified summary prepared by the Justice Department is adequate to allow the alien to prepare a defense.

"(F) If the court issues such findings, the special removal proceeding shall continue, and the Attorney General shall cause to be delivered to the alien within 15 days of the issuance of such findings a copy of the unclassified summary together with a statement that it meets the standard set forth in subparagraph (E)(iii).

"(G)(i) Within 10 days of filing of the appealable order the Department of Justice may take an interlocutory appeal to the United States Court of Appeals for the District of Columbia Circuit of—

"(I) any determination made by the judge concerning the requirements set forth in subparagraph (B).

"(II) any determination made by the judge concerning the requirements set forth in subparagraph (E).

"(ii) In an interlocutory appeal taken under this paragraph, the entire record, including any proposed order of the judge or summary of evidence, shall be transmitted to the Court of Appeals under seal, and the matter shall be heard ex parte. The Court of Appeals shall consider the appeal as expeditiously as possible, but no later than 30 days."

NUNN (AND OTHERS) AMENDMENT NO. 1251

Mr. NUNN (for himself, Mr. THURMOND, Mr. BIDEN, and Mr. WARNER) proposed an amendment to the bill, S. 735, supra; as follows:

On page 160, between lines 11 and 12, insert the following:

SEC. 901. AUTHORITY TO REQUEST MILITARY ASSISTANCE WITH RESPECT TO OFFENSES INVOLVING BIOLOGICAL AND CHEMICAL WEAPONS.

(A) BIOLOGICAL WEAPONS OF MASS DESTRUCTION.—Section 175 of title 18, United States Code, is amended by adding at the end the following:

"(c)(1) MILITARY ASSISTANCE.—The Attorney General may request that the Secretary of Defense provide assistance in support of Department of Justice activities relating to the enforcement of this section in an emergency situation involving biological weapons of mass destruction. Department of Defense, may be used to provide such assistance if—

"(A) the Secretary of Defense and the Attorney General determine that an emergency situation involving biological weapons of mass destruction exists; and

"(B) the Secretary of Defense determines that the provision of such assistance will not adversely affect the military preparedness of the United States.

"(2) As used in this section, 'emergency situation involving biological weapons of mass destruction' means a circumstance involving a biological weapon of mass destruction—

"(A) that poses a serious threat to the interests of the United States; and

"(B) in which—

"(i) civilian expertise is not readily available to provide the required assistance to counter the threat posed by the biological weapon of mass destruction involved;

"(ii) Department of Defense special capabilities and expertise are needed to counter the threat posed by the biological weapon of mass destruction involved; and

"(iii) enforcement of the law would be seriously impaired if the Department of Defense assistance were not provided.

"(3) The assistance referred to in paragraph (1) includes the operation of equipment (including equipment made available under section 372 of title 10) to monitor, contain, disable, or dispose of a biological weapon of mass destruction or elements of the weapon.

"(4) The Attorney General and the Secretary of Defense shall jointly issue regulations concerning the types of assistance that may be provided under this subsection. Such regulations shall also describe the actions that Department of Defense personnel may take in circumstances incident to the provision of assistance under this subsection. Such regulations shall not authorize arrest or any assistance in conducting searches and seizures that seek evidence related to violations of this section, except for the immediate protection of human life.

"(5) The Secretary of Defense shall require reimbursement as a condition for providing assistance under this subsection in accordance with section 377 of title 10.

"(6)(A) Except to the extent otherwise provided by the Attorney General, the Deputy Attorney General may exercise the authority of the Attorney General under this subsection. The Attorney General may delegate the Attorney General's authority under this subsection only to the Associate Attorney General or an Assistant Attorney General and only if the Associate Attorney General or Assistant Attorney General to whom delegated has been designated by the Attorney General to act for, and to exercise the general powers of, the Attorney General.

"(B) Except to the extent otherwise provided by the Secretary of Defense, the Deputy Secretary of Defense may exercise the authority of the Secretary of Defense under this subsection. The Secretary of Defense may delegate the Secretary's authority under this subsection only to an Under Secretary of Defense or an Assistant Secretary of Defense and only if the Under Secretary or Assistant Secretary to whom delegated has been designated by the Secretary to act for, and to exercise the general powers of, the Secretary.".

(b) CHEMICAL WEAPONS OF MASS DESTRUCTION.—The chapter 113B of title 18, United States Code, that relates to terrorism, is amended by inserting after section 2332a the following:

"§ 2332b. Use of chemical weapons

"(a) OFFENSE.—A person who without lawful authority uses, or attempts or conspires to use, a chemical weapon—

"(1) against a national of the United States while such national is outside of the United States;

"(2) against any person within the United States; or

"(3) against any property that is owned, leased or used by the United States or by any department or agency of the United States, whether the property is within or outside of the United States,

shall be imprisoned for any term of years or for life, and if death results, shall be punished by death or imprisoned for any term of years or for life.

"(b) DEFINITIONS.—For purposes of this section—

"(1) the term "national of the United States" has the meaning given in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)); and

"(2) the term "chemical weapon" means any weapon that is designed to cause widespread death or serious bodily injury through the release, dissemination, or impact of toxic or poisonous chemicals or their precursors.

"(c)(1) MILITARY ASSISTANCE.—The Attorney General may request that the Secretary of Defense provide assistance in support of Department of Justice activities relating to the enforcement of this section in an emergency situation involving chemical weapons of mass destruction. Department of Defense resources, including personnel of the Department of Defense, may be used to provide such assistance if—

"(A) the Secretary of Defense and the Attorney General determines that an emergency situation involving chemical weapons of mass destruction exists; and

"(B) the Secretary of Defense determines that the provision of such assistance will not adversely affect the military preparedness of the United States.

"(2) As used in this section, 'emergency situation involving chemical weapons of mass destruction' means a circumstance involving a chemical weapon of mass destruction—

"(A) that poses a serious threat to the interests of the United States; and

"(B) in which—

"(i) civilian expertise is not readily available to provide the required assistance to counter the threat posed by the chemical weapon of mass destruction involved;

"(ii) Department of Defense special capabilities and expertise are needed to counter the threat posed by the biological weapon of mass destruction involved; and

"(iii) enforcement of the law would be seriously impaired if the Department of Defense assistance were not provided.

"(3) The assistance referred to in paragraph (1) includes the operation of equipment (including equipment made available under section 372 of title 10) to monitor, contain, disable, or dispose of a chemical weapon of mass destruction or elements of the weapon.

"(4) The Attorney General and the Secretary of Defense shall jointly issue regulations concerning the types of assistance that may be provided under this subsection. Such regulations shall also describe the actions the Department of Defense personnel may take in circumstances incident to the provision of assistance under this subsection. Such regulations shall not authorize arrest or any assistance in conducting searches and seizures that seek evidence related to violations of this section, except for the immediate protection of human lives.

"(5) The Secretary of Defense shall require reimbursement as a condition for providing assistance under this subsection in accordance with section 377 of title 10.

"(6)(A) Except to the extent otherwise provided by the Attorney General, the Deputy Attorney General may exercise the authority of the Attorney General under this subsection. The Attorney General may delegate the Attorney General's authority under this subsection only to the Associate Attorney General or an Assistant Attorney General and only if the Associate Attorney General or Assistant Attorney General to whom delegated has been designated by the Attorney General to act for, and to exercise the general powers of, the Attorney General.

"(B) Except to the extent otherwise provided by the Secretary of Defense, the Deputy Secretary of Defense may exercise the authority of the Secretary of Defense under this subsection. The Secretary of Defense may delegate the Secretary's authority under this subsection only to an Under Secretary of Defense or an Assistant Secretary of Defense and only if the Under Secretary or Assistant Secretary to whom delegated has been designated by the Secretary to act for, and to exercise the general powers of, the Secretary.".

(d) CLERICAL AMENDMENT.—The chapter analysis for chapter 113B of title 18, United States Code, is amended by inserting after the item relating to section 2332a the following:

"2332b. Use of chemical weapons.".

(e) USE OF WEAPONS OF MASS DESTRUCTION.—Section 2332a(a) of title 18, United States Code, is amended by inserting "without lawful authority" after "A person who".

(c) (1) CIVILIAN EXPERTISE.—The President shall take reasonable measures to reduce civilian law enforcement officials' reliance on Department of Defense resources to counter the threat posed by the use of potential use biological and chemical weapons of mass destruction within the United States, including:

(A) increasing civilian law enforcement expertise to counter such threat:

(B) improving coordination between civilian law enforcement officials and other civilian sources of expertise, both within and outside the Federal Government, to counter such threat;

(2) REPORT REQUIREMENT.—The President shall submit to the Congress—

(A) ninety days after the date of enactment of this Act, a report describing the respective policy functions and operational roles of Federal agencies in countering the threat posed by the use or potential use of biological and chemical weapons of mass destruction within United States;

(B) one year after the date of enactment of this Act, a report describing the actions planned to be taken and the attendant cost pertaining to paragraph (1); and

(C) three years after the date of enactment of this Act, a report updating the information provided in the reports submitted pursuant to subparagraphs (A) and (B), including measures taken pursuant to paragraph (1).

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry Subcommittee on Forestry, Conservation, and Rural Revitalization be allowed to meet during the session of the Senate on Tuesday, June 6, 1995 at 9:30 a.m., in SR–332, to discuss resource conservation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet Tuesday, June 6, 1995, beginning at 9:30 a.m. in room SD–215, to conduct a hearing on the overstatement of the Consumer Price Index. The Finance Committee also requests unanimous consent that we be permitted to meet on Tuesday beginning at 2:30 p.m. to conduct a hearing on the 1995 Board of Trustees Annual Report of the Federal Hospital Insurance and Federal Supplementary Insurance Trust Funds.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Tuesday, June 6, 1995, at 2 p.m. to hold a hearing on judicial nominees.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON THE CONSTITUTION

Mr. HATCH. Mr. President, I ask unanimous consent that the Subcommittee on the Constitution of the Committee of the Judiciary, be authorized to hold a hearing during the session of the Senate on Tuesday, June 6, 1995, at 10 a.m. to consider "S.J. Res. 31, granting Congress and the States authority to prohibit the physical desecration of the flag."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EAST ASIAN AND PACIFIC AFFAIRS

Mr. HATCH. Mr. President, I ask unanimous consent that the Subcommittee on East Asian and Pacific Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, June 6, 1995, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ENERGY PRODUCTION AND REGULATION

Mr. HATCH. Mr. President, I ask unanimous consent that the Subcommittee on Energy Production and

Regulation of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Tuesday, June 6, 1995, for purposes of conducting a subcommittee hearing which is scheduled to begin at 9:30 a.m. The purpose of the hearing is to receive testimony on S. 708, a bill to repeal section 210 of the Public Utility Regulatory Act of 1978.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

TRIBUTE TO SISTER RUTH GEHRES

• Mr. McCONNELL. Mr. President, I rise today to recognize an outstanding Kentucky educator who has dedicated her life to serving the Catholic Church. Sister Ruth Gehres is retiring as president of Brescia College on September 15, 1995.

Sister Gehres is in her 10th year as president of the 4-year Catholic liberal arts college. She first came to Brescia College in 1967 as a teacher, a job that kept her extremely busy. She taught English, journalism, literature, linguistics, and elementary German to the hundreds of students enrolled at the campus. In 1986, her hard work and dedication paid off, she was named president of Brescia College, the third in the school's history.

Sister Gehres has seen many changes at Brescia College over the years. During her tenure, she was responsible for the new campus center, the acquisition of the former Western Kentucky Gas headquarters for the Lechner Graduate Center, the creation of a master's degree in management program, and a partnership with Mercy Hosptial to create a wellness center.

The Evansville, IN, native is a graduate of Mount St. Joseph Academy and Brescia College. She has a doctorate from St. Louis University. She also spent several years teaching elementary school in Nebraska and in Hodgenville and Owensboro, KY.

While Brescia College will miss Sister Gehres after her departure, the Catholic Church will remain a big part of her life. She plans to take a sabbatical to prepare for a new ministry. While she is unsure what field she will pursue, Sister Gehres recently told Owensboro's Messenger Enquirer she plans to seek a field that "engages my gifts and serves the church which also allows time for reflection and—I would hope—writing."

Mr. President, I ask you and my colleagues to join me in paying tribute to Sister Ruth Gehres. I commend her for her outstanding service to Brescia College. She has played a major role in making the Catholic college the quality institution that it is today. Her hard work, expertise, and kindness will certainly be missed by students, faculty, and fellow administrators.•

JUSTIN TYLER CARROLL—NATIONAL SPELLING BEE CHAMPION

• Mr. BUMPERS. Mr. President, it is my pleasure today to commend a bright young citizen of Arkansas, Justin Tyler Carroll. Last week Justin was crowned champion of the 68th Annual National Spelling Bee.

Justin, a student at Wynne Junior High School, bested 247 contestants at the competition at the Capitol Hilton. The bee consisted of 835 difficult words such as "smaragdine," "frugivorous," and "syncretize." Justin successfully made it through the closing rounds and received his championship cup after spelling "xanthosis," which means a yellow discoloration of the skin.

Not only is Justin the winner of the National Spelling Bee, but he is the holder of several other outstanding awards as well. He is the recipient of the All-American Scholar Award, National Science Merit Award, National Leadership Merit Award, and National Mathematics Merit Award.

At the young age of 14, this straight A student has already earned many prestigious titles that promise a bright future indeed.

Being the winner of the National Spelling Bee is a tremendous achievement. I commend Justin's numerous accomplishments and praise his hard work. It is gratifying to those of us who were taught the importance of spelling to see that younger generations also take it seriously.•

TRIBUTE TO CHARLES H. LAND

• Mr. SHELBY. Mr. President, I rise today to bring to the attention of my Senate colleagues the retirement of Charles Land, publisher of the Tuscaloosa News. After 40 years of service to the News, the city of Tuscaloosa, and the State of Alabama, Charlie has decided to turn over the job of publishing the Tuscaloosa News, and hopes to spend more time working in the community, golfing, fishing, and writing. I would like to take just a few moments, Mr. President, to recognize the outstanding professional and community leadership Charlie has provided over the years.

A native of Memphis, TN, Charlie Land grew up in Tuscaloosa, attended Tuscaloosa public schools and the University of Alabama, and served his country for 3 years in the U.S. Army. Charlie's newspaper career began in high school, where he covered sports for the school paper—an experience that helped prepare him for his first position at the Tuscaloosa News as a sportswriter. In 1966, he was named Alabama Sportswriter of the Year, and his success led to a series of promotions at the News.

In 1978, Charlie was named publisher of the Tuscaloosa News, and since then he has been a leader in the newspaper industry not only in Alabama, but throughout the southeast. He has served as president of the Alabama Press Association, a board member of the Southern Newspaper Publishers Association, president and board member of the Alabama Press Association Journalism Foundation and has won several State writing awards from the Associated Press and the Alabama Press Association.

In addition to this professional success, Charlie Land has been an outstanding civil leader, dedicating his time and energy to many worthy causes. He is currently the chairman of the president's cabinet at the University of Alabama as well as a member of the National Steering Committee and chairman of the journalism department division for the University of Alabama Capital Campaign. In the past, Mr. Land has served as board member of Crimestoppers, president of the United Way of Tuscaloosa County, president of the Greater Tuscaloosa Chamber of Commerce, and a board member of the Society of Fine Arts.

Mr. President, Charlie Land's dedication to his community and his professional abilities are apparent, and I could mention the many, many awards and honors he has received in recognition of his work. But, as much as Charlie is a business and community leader, he is also a friend and advisor to many organizations and individuals in Tuscaloosa and the State of Alabama.

Recently, the Chamber of Commerce of West Alabama organized a tribute in honor of Charlie Land. The people who have worked with him over the years praised him for having done so much for Tuscaloosa. "When Charlie is your friend, you need few others," one attendee said. Others commented on his extraordinary insight and great skills as a listener and advisor.

Charlie Land's insight, dedication, attitude, and abilities have made him an invaluable member not only of the Tuscaloosa News, but also of the greater Tuscaloosa community. His retirement may mark the end of a remarkable newspaper career, but the contributions he has made to the newspaper industry, the arts, and Tuscaloosa area business and development will be his legacy.

Mr. President, I would like to thank Charlie Land for many years of dedication and work on behalf of the people of Tuscaloosa and the State of Alabama. I know that the leadership and advice he provided the Tuscaloosa News will be missed, but I am confident that he will continue his involvement in community and civic activities. I thank him for his work, and wish him the best in his retirement.•

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. DOLE. If there is no further business to come before the Senate, I move we stand in recess under the previous order.

The motion was agreed to, and the Senate, at 10:35 p.m. recessed until Wednesday, June 7, 1995, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate June 6, 1995:

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

C. Richard Allen, of Maryland, to be a Managing Director of the Corporation for National and Community Service. (New Position.)

Chris Evert, of Florida, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term of 3 years. (New Position.)

Christine Hernandez, of Texas, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term of 2 years. (New Position.)

IN THE AIR FORCE

The following-named officer for appointment in the U.S. Air Force to the grade of major general under the provisions of title 10, United States Code, section 624:

To be major general

Brig. Gen. John B. Hall, Jr [redacted]

EXTENSIONS OF REMARKS

TRIBUTE TO THE VETERANS OF THE KOREAN WAR AND THE KOREAN WAR MEMORIAL

HON. SUE W. KELLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1995

Mrs. KELLY. Mr. Speaker, I rise to pay tribute to America's 5.7 million Korean war veterans, who so diligently answered their Nation's call to duty. As the anniversary of the July 1953 armistice at Panmunjom draws near, it is important for us to honor our veterans for their immeasurable contribution to the efforts of defending freedom. Their undeterred energy played a pivotal role in containing Communist aggression on the Korean peninsula and the rest of Asia.

The American effort in the war was marked by a simple yet central and focused goal—to further the cause of freedom. Our servicemen met this challenge through selfless, patriotic measures. The Army, Navy, Air Force, Marines, and Coast Guard worked in complete cooperation to secure the South Korean capital of Seoul, and to initiate our eventual triumph in the cold war.

The bravery of these American men and women, who so willingly made the ultimate sacrifice, is embodied in the new Korean War Memorial. This monument is scheduled to be dedicated this coming July—a truly living tribute. This memorial includes 19 life-size, bronze statutes of soldiers in a multiservice formation. The 19 portraits of those statues accurately reflect those Americans who so proudly serve, and served, in our Armed Forces. They attest to the sincere appreciation held by all Americans for these soldiers, sailors, marines, and airmen, who fought with such dedication and fortitude.

I know that this same dedication and fortitude went into the statues creation, and I am proud to say that these 19 enduring pieces were cast by the Tallix Art Foundry, in Beacon, NY just outside my district.

Mr. Speaker, I ask that you and all of my colleagues join me in saluting our Korean war veterans for their outstanding bravery. Because as long as there exists an America that seeks to ensure democracy, our veterans must be honored for their contributions to the worthiest cause in the world—freedom.

WELCOME TO HSIAO-YEN CHANG

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1995

Mr. BONIOR. Mr. Speaker, I rise today to welcome Mr. Hsiao-Yen Chang. Mr. Chang is currently serving as the Minister of Overseas Chinese Commissioner in the Republic of China and he is visiting the Metropolitan Detroit area today, June 6, 1995.

The Chinese-American community is honoring Mr. Chang by hosting a banquet at the Golden Harvest in Warren, MI. The community is pleased to have Mr. Chang as a guest because he is largely responsible for establishing a Chinese cultural service center that is located in Troy, MI. This center serves approximately 30,000 Chinese who call Metropolitan Detroit their home.

On behalf of the Chinese-Americans that reside in Michigan, and as the Representative of the 10th Congressional District of Michigan, I am pleased to officially welcome Mr. Chang to our community. I know that the Macomb County Board of Commissioners is preparing a resolution to welcome Mr. Chang and I applaud their hospitality. We are all encouraged by the level of importance demonstrated by Mr. Chang's visit that the Republic of China places on its relationship with the Chinese community in Michigan.

I ask that my colleagues join me in offering a warm welcome to Hsiao-Yen Chang.

THE UNITED NATIONS' INSPECTOR GENERAL

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1995

Mr. HAMILTON. Mr. Speaker, many Members have been concerned about improving the efficiency and effectiveness of the United Nations. That concern was reflected in section 401 of the Foreign Relations Authorization Act for fiscal years 1994 and 1995 (Public Law 103–236). In that law, the Congress withheld significant funds from the U.S. contribution for the United Nations until the United Nations established an independent office of inspector general.

The Office of Internal Oversight Services was established by the United Nations in the fall of 1994. The first report of that office was issued recently. On May 5, I wrote to U.N. Secretary-General Boutros Boutros-Ghali raising my concerns about this report. I would ask that my letter, his reply, and the reply of Mr. Karl Paschke, the Under-Secretary-General for Internal Oversight Services, be included in the RECORD.

MAY 18, 1995.

Mr. LEE H. HAMILTON,
Ranking Democratic Member, Congress of the United States, Committee on International Relations, House of Representatives, Washington, DC.

DEAR MR. HAMILTON: Thank you for your letter of May 5, 1995 with reference to the MINURSO report issued on April 5, by the United Nations Office of Internal Oversight Services (OIOS).

I immediately transmitted your remarks about the report to Under-Secretary-General Paschke and requested him to reply to them. The resolution establishing OIOS stipulates that his office has operational independence. The Secretary-General may comment on, but may not change the contents of OIOS reports.

In assessing the MINURSO report it should be borne in mind that MINURSO must carry out its mission in a politically sensitive and difficult environment. Some of the operational problems which have been alleged are political in nature and cannot be dealt with in an audit report. Such charges are not a matter for Internal Oversight, but must be weighed by the Security Council. In this context, I want to emphasize that Mr. Erik Jensen, my Special Representative for MINURSO, has my full confidence for his performance in a delicate and complicated mission.

With regard to the issuance of other OIOS reports, which you raise in the last paragraph of your letter, delays have been caused by the UN requirement to translate every document addressed to the General Assembly into all six official languages prior to release. In view of the volume of some of the OIOS reports and the unusual workload the UN translating services have been facing because of the non-proliferation treaty conference, it has taken an unusually long time to complete the required translations. The reports you mention are being published this week and should reach you shortly.

With best regards, yours sincerely,

BOUTROS BOUTROS-GHALI.

UNITED NATIONS,
May 19, 1995.

Reference: 4615a/95.

Mr. LEE H. HAMILTON,
Ranking Democratic Member, Congress of the United States, Committee on International Relations, House of Representatives, Washington, DC.

DEAR MR. HAMILTON: Secretary-General Boutros Boutros-Ghali has transmitted your letter of 5 May 1995 to me for a reply to the points which you have raised about this office's report on MINURSO.

I directed one of my most senior auditors to carry out this investigation, a man whose professional credentials and expertise are beyond question. He was instructed to address Mr. Ruddy's allegations in parallel to a follow-up on an audit mission which my office had performed in MINURSO during the fall of 1994. The report on this work is at present being prepared for transmittal to the General Assembly. I am attaching an advance copy for your confidential information.

The investigation was confined to Mr. Ruddy's allegations. As pointed out in paragraph 3 of the report, some of the information provided by Mr. Ruddy was based on hearsay. This made the task of the auditors more difficult.

The allegation that applicants who were to be identified were not allowed free access to the MINURSO centre was examined in the context of ensuring the credibility of the identification process. The lack of free access could have been verified if specific cases

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

of obstruction had been made available to the auditor. This was not, however, the case. Further investigation was not feasible as it would have involved an inquiry into political and diplomatic activities of certain Member States, which is not within the purview of an audit investigation.

As regards the specific cases concerning transport and procurement mentioned by Mr. Ruddy, these were carefully looked into and the outcome reported in paragraphs 22, 23, 26, 27 and 29. Certain inadequacies in the management of procurement of spare parts for vehicles and irregularities in regard to staff costs were earlier noted in the internal audit during September-October 1994 and followed up during the February visit (see copy of the audit referenced above).

Complaints of anti-Americanism were lodged only against the Chief Administrative Officer (CAO) of MINURSO. When the auditors met with a number of officials and queried them on anti-Americanism, they were informed that the CAO had used such expressions against certain other nationals as well. No evidence was found of discriminatory practice against either Americans or other nationals. The CAO has in the meantime left the mission.

In my view, this MINURSO report effectively addresses the allegations made by Mr. Ruddy. I have found every statement to be well documented in the working papers of the auditor-in-charge and I have personally seen to it that the final version of the report was worded with the discretion and caution which the political sensitivity of the matter, as well as Mr. Ruddy's interests, require. In short, I stand firmly behind this OIOS report on MINURSO.

Let me take this opportunity to inform you about the start-up phase of OIOS in general. I tackled this important task as of 15 November 1994 and have worked hard over the past six months to establish Internal Oversight as an independent and credible component of the management culture of the Unit Nations Organization. This was not easy, because an effective internal control mechanism had never existed in the UN before. I had to strengthen the Audit Division and redefine its scope. The Investigation Unit had to be created. The working and reporting procedures for the entire office had to be developed, and a mechanism to monitor compliance with our recommendations had to be established. General Assembly Resolution 48/218B also mandated me to move this office from a mere control function to a more proactive role to "advise" and "provide assistance to programme managers". Such a profound change in the corporate culture of an international organization requires more than six months, but I am encouraged by clear signs that OIOS is beginning to have an impact on the UN, in its deterrent as well as its advisory capacity. It is my hope that the United States Congress will understand the complexity of my task and not judge the success of this new office on the basis of one rather atypical report.

Shortly after the publication of the MINURSO report, two in-depth evaluation reports were issued which I am attaching to this letter for your reference. Two more reports were issued on 16 May which are also enclosed.

Regarding the issuance of reports, let me assure you that the time needed between submission and release of reports is not a reflection of any lack of independence of my office. The reports to which you refer in your letter had to be published in six languages after being edited and translated, a process which is necessarily dependent upon the length of the report and the workload at the time of submission. As you will note from the attached reports, the time was also taken to include a status report on the implementation of recommendations, as the original reports were done some months ago.

I am quite confident that my work will be beneficial to the UN and will eventually be appreciated also by those in the United States Congress who, like you, believe in the usefulness of the World Organization. In a recent speech at Harvard's John F. Kennedy School of Government, I have laid out the philosophy I bring to this office. Please find a copy of this speech enclosed. It would be my pleasure to come to your office at your convenience to tell you more about my mission.

Very sincerely yours.

KARL TH. PASCHKE,
Under-Secretary General.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON INTERNATIONAL
RELATIONS,
Washington, DC, May 5, 1995.

Hon. BOUTROS BOUTROS-GHALI,
Secretary General, United Nations Headquarters, New York, NY.

DEAR MR. SECRETARY-GENERAL: I write to express my disappointment at the first report of the United Nations Office of Internal Oversight Services (OIOS), issued on April 5, 1995 (A/49/884, "Review of the Efficiency of the Administrative and Financial Functioning of the United Nations").

As you know, funding for the United Nations is under severe pressure in the United States Congress. A key element to maintaining Congressional support for U.S. contributions to the United Nations is the oversight performance of OIOS.

Because this is the first report released from OIOS, it will be scrutinized closely by the Congress as an indicator of the level of U.N. reform. In addition, MINURSO has already received considerable unfavorable attention in Congress due to serious allegations of mismanagement, operational problems, and anti-Americanism.

It was my understanding that this report was intended to examine those allegations. In my view, this report is not likely to convince Congress that OIOS is performing the kind of professional, careful oversight of U.N. operations intended by the establishment of this office. Let me detail some of the reasons why.

First, the report does not examine carefully the serious allegation that applicants desiring to be identified as voters are being intimidated and denied free access to the MINURSO center. It merely quotes (paragraph 12) MINURSO's Deputy Special Representative as stating that if such intimidation is occurring, "there will be ample opportunity for such individuals to present themselves at later stages in the process".

Second, regarding allegations of "padded payrolls", irregular transportation practices and costs, and improper procurement in MINURSO, the report makes reference to a previous internal audit which had identified "irregularities" nor the "remedial actions" are specified. So far as I know, the previous internal audit has not been made available to Member States.

Third, as for changes that some MINURSO officials were anti-American, supported by several written complaints (including one by the head of U.S. military troops serving in MINURSO), the report essentially dismisses these charges by quoting observers who stated that "whenever the Chief Administrative Officer saw any problem with an individual, he was in the habit of adversely referring to the individual's nationality" (paragraph 31). Based on this information, the auditors state that they "did not sense any discrimination based on any particular nationality".

I could cite numerous other deficiencies in the report, but these examples highlight my concerns about this OIOS report. I can only state that the work reflected in this report does not begin to meet demands in the United States Congress for a tough, credible U.N. "Inspector General" and will not be helpful to those of us working to maintain support for the United Nations and its funding levels.

Finally, I would like to express my concern at the Secretariat's failure to release several prior reports completed by the OIOS office. It is my understanding that the release of these reports was requested in writing more than a month ago by the U.S. Permanent Representative to the United Nations, but that their release has not yet occurred. It will be difficult to explain to Members of Congress why reports completed by a U.N. office which is presumed to be independent have not been released by the Secretariat. I urge you to ensure that these reports are released expeditiously.

Thank you for your attention to and cooperation in these matters.

With best regards,

Sincerely,

LEE H. HAMILTON,
Ranking Democratic Member.

RETIREMENT OF COMDR. HARRY ROUSE

HON. OWEN B. PICKETT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1995

Mr. PICKETT. Mr. Speaker, I rise today to recognize a truly outstanding Naval officer, Comdr. Harry V. Rouse, who has served with distinction for the past 32 months as a legislative counsel in the Navy's Office of Legislative Affairs. It is a privilege for me to recognize his many outstanding achievements as he prepares to retire following a career of distinguished service to this legislative body and to our great Nation as a whole.

A native of Tulsa, OK, Commander Rouse earned a bachelor of science degree from the U.S. Naval Academy in 1977, graduating with distinction. Upon graduation, he was commissioned an ensign in the U.S. Navy.

Commander Rouse spent his first sea tour aboard the destroyer U.S.S. *Kinkaid*, where he served in the engineering department. He was selected for participation in the Navy's Law Education Program, and, following a brief assignment to recruiting duty in Oklahoma City, OK, began his studies at Harvard Law School in August 1982. Commander Rouse earned his doctor of jurisprudence degree in 1985, and following graduation from the Naval Justice School in Newport, RI, reported to the Naval Legal Service Office, San Diego, CA, in November 1985.

Commander Rouse distinguished himself in all of his assigned duties at the Naval Legal Service Office, including defense counsel and command services officer. Upon completing this highly successful tour, and receiving the

Navy Commendation Medal for outstanding service, he reported aboard U.S.S. *New Jersey* as the command judge advocate. He performed admirably in this assignment as well, completing a 2-year tour in May 1990 and was awarded the Navy Meritorious Service Medal in recognition of that performance.

He returned "home" to the U.S. Naval Academy in 1990, assuming duties as the legal adviser to the Commandant of Midshipmen, where his superb contribution was recognized with the award of his second Navy Commendation Medal. For the past 3 years Commander Rouse has served in the Navy's Office of Legislative Affairs, where he has provided members of the House National Security Committee, our professional and personal staffs, as well as many of you seated here today, with timely support regarding many Navy plans and programs. His valuable contributions have enabled Congress and the Department of the Navy to work closely together to ensure we continue to provide for and support the best naval force, its members and their families, in the world.

Mr. Speaker, Harry Rouse has made numerous sacrifices during his illustrious naval career in order to provide a significant contribution to the outstanding naval forces upon which our country relies so heavily. He is a great credit to both the Navy and this country he has so proudly served. As he now departs the Navy to pursue challenges in civilian life, I call upon my colleagues from both sides of the aisle to wish him every success as well as fair winds and following seas.

A TRIBUTE TO LITERARY SCHOLAR AND CIVIL RIGHTS LEADER, BERNARD BARSHAY

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1995

Mr. SCHUMER. Mr. Speaker, I rise today to honor and pay tribute to an extraordinary citizen, Mr. Bernard Barshay. His literary accomplishments and social contributions have truly made a significant impact on the lives of millions. Like many poor Jewish immigrants who worked hard to achieve the American dream, Professor Barshay survived on meager resources while growing up in Brooklyn. However, these circumstances did not prevent Barshay's remarkable determination to succeed and overcome impossible odds.

Throughout his life, Professor Barshay struggled with his vision, eventually becoming legally blind. He continued to pursue his literary goals and at the age of 28, became the youngest syndicated writer in America. After winning several academic scholarships, Barshay continued to prove himself as a writer, playwright, storyteller, and novelist despite his failing eyesight. Even as his doctors urged him to discontinue his journalistic career, Barshay began teaching, and soon after became the chairman of the journalism department at Long Island University. At LIU, he was a mentor of the Journalism Honor Society, and a member of the Polk Committee, which awards outstanding individuals on newspaper writing. Later Barshay went on to produce dramatic readings and plays for radio broadcast programs. His love of writing and reading developed into yet another successful career as a mystery storyteller, poet, and oral dramatist. His works were recorded in an album titled "Four American Murder Mysteries."

At the height of his teaching and broadcast career, Barshay paid a visit to Louisiana to report on voting rights for blacks. He was then arrested and jailed with other civil rights supporters. Inspired by the voting rights struggle of African-Americans, Barshay began devoting his work toward community activism and educational empowerment. He requested a voluntary position as a teacher in Harlem and continued reading his poetry and children's stories on radio programs. Ever since he moved to the Kensington section of Brooklyn, Professor Barshay has worked tirelessly to promote racial harmony between the Jewish and black residents. The positive impact he has made on all New Yorkers is worthy of national recognition. I am proud to have such an insightful and courageous activist residing in Brooklyn.

A TRIBUTE TO THE HOWARD MARTIN RICHARDSON VFW POST 5394

HON. WALTER R. TUCKER III

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1995

Mr. TUCKER. Mr. Speaker, I rise today to pay tribute to an organization established for the men and women whose desire it was to serve and protect our great Nation. They are individuals who fought valiant battles in foreign lands, many of whom gave the ultimate sacrifice—their lives.

Mr. Speaker, I am proud to stand before you today to recognize the significant contributions and the 30th anniversary of the Howard Martin Richardson VFW Post 5394.

From an initial group of 38 men, the post's membership has grown to almost 1,400 members, men and women veterans of foreign wars. The post is the largest in the Fourth District and the fourth largest in the State of California. The post acquired its present name when it decided to honor one of its late commanders in 1982 and petitioned for a name change from the Wayne Emerson Bungard Post to the present name—Howard Martin Richardson Post.

During the 30 years of its existence, Post 5349 has labored toward its goals and objectives of serving the Compton and surrounding communities, veterans of the United States, their widows and orphans; all this while remaining solvent and self-supporting.

Mr. Speaker, I rise today to pay tribute to an organization that continues to make a difference. I rise today to pay tribute to the Howard Martin Richardson VFW Post 5394 in the city of Compton, CA.

A TRIBUTE TO CORRINE WILLIAMS DUNN

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1995

Mrs. MEEK of Florida. Mr. Speaker, I rise today to bring to the attention of my colleagues one of my constituents who exemplifies what it means to be a concerned community leader and activist—Corrine Williams Dunn.

Mr. Speaker, great neighborhoods don't just happen. They are created through the vision and hard work of hundreds and thousands of community members joining together in common cause.

Bunche Park, Opa-Locka, and Carol City in North Dade are just such neighborhoods and Corrine Dunn is one of the major reasons why. She is one of the most dedicated, most caring members of the community who has helped to make life better for generations of North Dade residents through her extensive community involvement.

Mrs. Dunn has been a major mover in helping to bring much needed county services to North Dade neighborhoods through her pioneering work with Bunche Park Elementary, North Dade High School, and the North Dade Improvement Association. Mrs. Dunn helped to create a community credit union for local residents.

Her remarkable record of community involvement over the years has included positions on many community boards and important commissions. She has served on the boards of Community Coordinated Child Care; EOPI, Inc.; the Community Action Agency; Legal Services of Dade County; Health Systems Agency of South Florida, Inc.; and the North Dade Health Center. In 1977, in recognition of her dedicated and untiring efforts on behalf of others, Corrine Williams Dunn was recognized by her neighbors in North Dade as Citizen of the Year.

Mrs. Dunn has now focused her attention on issues and activities involving senior citizens. She volunteered her time as a health aide to senior citizens and serves as chairperson of the Dade County National Parent Federation for Day Care and Child Development, Inc.

A member of Crooms Temple Church of God in Christ, Mrs. Dunn is also an ardent church worker who has served for 20 years as church secretary and has been active in the Young Women's Christian Council, Mother's Board, and the Missionary Board.

Mr. Speaker, I know that my colleagues join with me in saluting Mrs. Corrine Williams Dunn, a dedicated wife, mother, church leader, and community activist, for her more than 40 years of untiring efforts on behalf of her community.

INTRODUCTION OF H.R. 1742, THE FDA MODERNIZATION ACT OF 1995

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1995

Mr. WYDEN. Mr. Speaker, the technology of drugs and medical devices has reached a new frontier. Through emerging sciences such as bioengineering we can anticipate truly monumental breakthroughs in the way we treat, and conquer, dread diseases which for centuries have plagued mankind.

It is crucial, absolutely critical, that the Federal regulatory system so integral to the development and commercialization of these new products change, improve, and advance in step with this technological revolution.

In support of this effort, I am today introducing H.R. 1742, the Food and Drug Administration Modernization Act of 1995. This bill offers reasonable, progressive, and user-friendly approaches toward making the FDA drug and device approval process more efficient and cost effective.

Most importantly, it accomplishes these goals while preserving the Agency's critical mission to assure the safety and effectiveness of new drugs and medical devices.

It ensures that our multibillion-dollar medical products industry continues as the preeminent international competitor.

Here are the salient features of this legislation:

The bill grants the agency authority to grant early, conditional approvals for promising drugs and devices which appear to be effective in fighting serious or life-threatening disease. Full and final approval would rest upon the manufacturer's ability to demonstrate that the initial promise of effectiveness was proven out in broader use.

The bill offers authority and strong encouragement to the Agency to use third parties—unbiased, independent panels under FDA supervision—to approve and oversee early stage trials of new drugs and devices.

The bill relaxes some restrictions now barring the exchange of scientifically valid material—professional journal articles, medical textbook excerpts, research compendia—between manufacturers, clinicians, and health insurers. This change will make it easier for knowledgeable observers to receive information on promising, though unapproved, new uses of drugs and devices which have already been approved by the FDA for at least a single use. At the same time, the legislation gives the Agency authority to require that persons disseminating these articles provide appropriate supportive scientific data and respond on its balance.

The bill fundamentally revamps and modernizes FDA review processes for biologics, therapeutics which are manufactured or propagated through bioengineering.

The bill offers reasonable relaxation on current restrictions on the export of drugs or devices which are not approved by the FDA, but which meet the importing nation's approval regime. This flexibility would be limited to exports to member nations of the World Trade Organization.

The bill modifies current reporting and approval requirements for minor manufacturing changes in devices of low to moderate risk. In essence, a manufacturer would be required to report, but not obtain prior approval for manufacturing changes which would improve the product's quality. This would allow manufacturers to make swift, useful, and perhaps even lifesaving changes in products without having to wait out an FDA approval decision.

Mr. Speaker, there is no doubt in my mind that the FDA is a premier public health care agency with many extraordinarily dedicated employees. This Agency has a crucial health and safety mission that this Congress must not allow to be undermined.

But I firmly believe that these vital safety missions can be preserved, and better products can be brought to consumers more rapidly and at lower cost, through the modest reform proposals contained in this legislation.

It's time to make a good agency better. I urge my colleagues to support H.R. 1742, the FDA Modernization Act of 1995.

TRIBUTE TO MARY CAPERTON BINGHAM

HON. MIKE WARD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1995

Mr. WARD. Mr. Speaker, it is a distinct honor for me to pay tribute today to a truly remarkable individual who recently passed away, Mary Caperton Bingham of Louisville, KY.

Mary Bingham and her husband Barry Bingham, Sr. met in their college days at Radcliffe and Harvard, respectively, and together built a media powerhouse which included The Courier-Journal newspaper of Louisville until it was sold in 1986. However, the Bingham publishing empire, which began in 1918 with the purchase of The Courier-Journal and The Louisville Times by Robert Worth Bingham, is not the most remarkable aspect of Mary Bingham's life—the attribute which most accurately describes the way she lived her life is her generosity.

In only a 9-year timespan, from the time of the sale of the Bingham media properties, Mary and Barry Bingham, in contributing almost $60 million to education and arts funds throughout Kentucky, came close to achieving their goal of "giving it all away" before their deaths. In rural Kentucky, Mary Bingham founded bookmobiles to encourage children to read and value their education—education and the arts were central to Mary Bingham's philosophy of what made a civilization great, and to this end she dedicated many years of her life. She donated money to many social causes, environmental funds, historic preservations, health care facilities, and community developments. Along with this money came her insightful wisdom and expert counsel. Throughout her life, Mary Bingham was a woman far ahead of her times who did not hesitate to let her views be heard and you may rest assured that when she spoke, people listened and they appreciated her advice.

My hometown city of Louisville now offers one of the most extensive arts programs in the Nation, including the Kentucky Center for the Arts and the Actors Theatre of Louisville, which could not have been possible without the efforts of Mary Bingham.

The city of Louisville, the Commonwealth of Kentucky, and indeed the entire Nation lost one of our most dedicated and generous citizens and we will truly miss her civic contributions, her insightful knowledge and counsel, her dedication and endurance, and her grace and beauty.

TRIBUTE TO THE MARISSA HISTORICAL AND GENEALOGICAL SOCIETY

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1995

Mr. COSTELLO. Mr. Speaker, I rise today to bring to the attention of my colleagues a historical structure in Marissa, IL, which stands as a monument to education and pride for southwestern Illinois.

I recently had the privilege to attend a dedication ceremony sponsored by the Marissa Historical and Genealogical Society in Marissa on May 21. Several months ago, the society's president, Don Jones, began working on a project to have this building declared a national historical place.

By gathering historic documents, Mr. Jones and other members of the society prepared their application to the National Park Service and the U.S. Department of the Interior for historical designation.

I am pleased to tell my colleagues that the Marissa Academy Building, located in the village park, received a certificate announcing its listing on the National Registry of Historic Places effective October 28, 1994.

According to a recent edition of the Marissa Journal-Messenger, the academy was started in 1886 and served students originally as a preparatory school. It was used until 1900, when classes shifted to Marissa Township High School. Later, it was used again as a school while the new elementary school was being built.

Over time the building's structure degraded, and since it was the last academy building in Illinois, the community rallied to have it restored. In 1969, the village leased the building to the Marissa Historical and Genealogical Society. It is now a library and museum open to the public.

Mr. Speaker, I want to congratulate the Marissa Historical and Genealogical Society for its hard work in making the Marissa Academy Building one of our Nation's newest additions to the National Register of Historic Places. It was a privilege for me to participate in the commemoration of this public recognition, for a building that will stand as a learning and historical tool for generations to come.

IN RECOGNITION OF THE CARMEL REPUBLICAN COMMITTEE'S BALANCED BUDGET RESOLUTION

HON. SUE W. KELLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1995

Mrs. KELLY. Mr. Speaker, I rise today to commend to my Republican colleagues the following resolution of support issued by the town of Carmel's Republican Committee. This resolution demonstrates the strong public support for Republican-elected officials, who are working to achieve the important goals of the Contract With America. Our fight to reduce the Federal budget deficit, to have a balanced budget and reduce and consolidate Government services has not gone without recognition from the American people.

Therefore, I join with the spirit of this resolution in applauding the energy put forth by my colleagues in addressing the many reform-minded issues facing this Congress. Mr. Speaker at this time, I insert the full text of the Carmel resolution into the RECORD.

Whereas, through liberal reporting by TV and newspaper media an obvious attempt has been made to undermine the positions held by our Republican State and Federal Officials on issues of budget deficit reduction, balanced budgets, consolidation of government services and welfare reform; and

Whereas, due to media's liberal reporting of these issues the Town of Carmel, Putnam County, State of New York, Republican Committee desires to counteract effects of said liberal reports supporting special interest groups; now,

Therefore, be it resolved, the Town of Carmel Republican Committee membership of ninety-two hereby pledges its support to NYS Governor George Pataki, Senate Majority Leader Joseph Bruno, Assembly Minority Leader Clarence Rappleyea, Senator Vincent Leibell, III; 37th District, Assemblyman Willis Stephens, Jr.; 91st District, and U.S. Senate Majority Leader Robert Dole, U.S. House Majority Leader Dick Armey and Speaker Newt Gingrich, NYS U.S. Senator Alfonse D'Amato and NYS U.S. 19th District Congresswoman Sue Kelly toward achieving their goals to alleviate the overwhelming tax burden through enactment of balanced budgets, consolidation and reduction of government services and welfare reform and "Contract with America"; and,

Be It Further Resolved, that the Chairman of the Town of Carmel, Putnam County, New York, Republican Committee is hereby directed to forward this resolution to the above named State and Federal Officials.

JOHN SCHEMMEL, GERMAN-AMERICAN OF THE YEAR

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1995

Mr. BONIOR. Mr. Speaker, I rise today to pay tribute to my good friend, John Schemmel. John was honored by the members of the German-American Cultural Center this past Sunday during the 45th anniversary banquet. He was named German American of the Year at the Carpathia Hall in Sterling Heights, MI.

John is a first generation German-American. His parents immigrated from Siebenbuergen before he was born in 1920. From an early age John developed an appreciation of his heritage. He attended St. Thomas German Lutheran School as an elementary student. His German roots were rapidly becoming intertwined with America by the time he became a teenager. He was first baseman in the Transylvania Saxons Junior Association fast pitch softball league and, as team manager, he and his teammates won the championship in 1939.

In 1942, John found himself in the U.S. Army as an infantryman. He served in the Aleutian Islands and eventually in France and Germany. After returning to the States, John worked for Chrysler Corp., the Detroit Police Department, and he attended the Michigan Technical School for electrical study. He eventually joined the engineering staff at General Motors where he worked for 33 years. John also became one of the first trustees of UAW Local 160 at the General Motors Technical Center.

Long before John began engineering world class quality cars, he was active in organizations that celebrate and commemorate his German heritage. He has been a member of the Alliance of Transylvanian Saxons since 1937 and has served in every office of the Siebenbuerger Sachsen Verein. He sang tenor with the GBU-Saxonia Gemischterchor. The members of the German American Cultural Center are well aware of John's efforts to preserve the rich German heritage that exists in the metropolitan Detroit area. He served as the center's president for 4 years and is currently the group's first vice president.

In addition to his involvement with cultural organizations, John is a member of the Fraternal Order of Police, the Veterans of Foreign Wars, the Fraternal Order of Eagles, the United Automobile Workers Local 160, and the Roseville Democratic Committee.

John's pride in his German heritage is only equaled by his pride in being American. He has devoted time and energy to his colleagues, his community, our Nation, and his family and friends in numerous capacities. I applaud the German American Cultural Center for recognizing John. He has provided outstanding leadership to the group and I know he is proud to be honored by the members.

On behalf of the German-American community, I urge my colleagues to join me in saluting John Schemmel, German-American of the year.

FAIR WINDS AND FOLLOWING SEAS FOR VICE ADM. DONALD F. HAGEN, MD, USN

HON. OWEN B. PICKETT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1995

Mr. PICKETT. Mr. Speaker, I rise today to recognize and honor a truly outstanding naval officer and physician, Vice Adm. Donald F. Hagen, for his devoted and distinguished service as the Surgeon General of the Navy. It is a privilege for me to recognize his many outstanding achievements and commend him for the superb service he has provided to the Department of the Navy and to our great Nation as a whole.

During his 30 year Navy career, Vice Admiral Hagen has served our Nation in a variety of roles, ranging from combat surgeon to the chief executive of a unique, worldwide health care system dedicated to providing health care and related medical services to Navy and Marine Corps members, retirees, and their families.

Upon commissioning as a lieutenant in the U.S. Navy Medical Corps in 1964, Vice Admiral Hagen assumed his first assignment as a battalion surgeon with the Marines in Chu Lai, Republic of Vietnam. He returned to Vietnam twice more, serving aboard the hospital ship *U.S.S. Repose* and then as staff surgeon with the Riverine Assault Forces in the Mekong Delta.

Vice Admiral Hagen's experiences as a primary care physician under combat conditions led him to seek a career in surgery. His surgical training took him to Naval Hospital, St. Albans, NY, and Naval Hospital, Portsmouth, VA. He then served as staff surgeon at Naval Aerospace and Regional Medical Center, Pensacola, FL; Naval Hospital Yokosuska, Japan; and Naval Regional Medical Center, Jacksonville, FL. During these years, Vice Admiral Hagen gained not only clinical expertise, but became proficient in all aspects of hospital medical staff leadership.

Due to his extensive combat experience aboard hospital ships and service with the Marine Corps, Vice Admiral Hagen was selected to head the Contingency Planning Division at the Bureau of Medicine and Surgery where he served from 1981–84. Returning his energies to peacetime clinical medicine in 1984, he assumed command of Naval Hospital, Camp Pendleton, CA. During this tour, Vice Admiral Hagen's broadly based record of excellence was recognized by his selection to flag rank. As a rear admiral, Dr. Hagen returned to Washington, DC, as Director, Health Care Operations, Navy Medical Command and Chief of the Medical Corps. In December 1988, he assumed command of the National Naval Medical Center, Bethesda, MD. On June 28, 1991, Dr. Hagen took command of all aspects of Navy Medicine with the rank of vice admiral as the 31st Surgeon General of the Navy.

Vice Adm. Donald F. Hagen will complete his tour as the Surgeon General of the Navy in July 1995, concluding more than 30 years of Federal service. Vice Admiral Hagen has provided the broad vision, innovation, and dedicated leadership which have resulted in the Navy's current high state of medical excellence. A man of Vice Admiral Hagen's talent and integrity is rare indeed and while his honorable service will be genuinely missed, it gives me great pleasure to call upon my colleagues from both sides of the aisle to wish him and his family every success as well as fair winds and following seas.

TRIBUTE TO THE CHURCH OF ST. MARGARET MARY ON ITS 75TH ANNIVERSARY

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1995

Mr. SCHUMER. Mr. Speaker, June 4 will mark the 75th anniversary of the Roman Catholic parish of St. Margaret Mary in Manhattan Beach. Though small in membership, the church of St. Margaret Mary remains one of the largest parishes in the Diocese of New York. This church has provided strong leadership to the community of Manhattan Beach, while serving as a role model to other small Catholic churches within the diocese. Since 1928, the families of Manhattan Beach have maintained an active membership to St. Margaret Mary's Church. In honor of this anniversary celebration, I rise to salute the generations of parishioners who have made St. Margaret Mary's Church a valuable addition to New York's spiritual community.

The history of St. Margaret Mary's Church is characterized by courage, strength, and a will to survive during difficult times. For over 75 years, parishioners have overcome severe financial obstacles, often threatening the very existence of the church. Yet, the church and its members fought hard to keep it functioning. By maintaining a strong sense of unity throughout the years, the parishioners of St. Margaret Mary's Church have successfully preserved the character and vitality of the Manhattan Beach community.

On this most joyous anniversary celebration, the Church of St. Margaret Mary remains a beacon of strength and hope for every Catholic church in New York. May the families and future parishioners of St. Margaret Mary's be blessed with the good fortune of celebrating many more anniversary celebrations well into the future.

TRIBUTE TO LOW-INCOME HOUSING PARTNERSHIP

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1995

Mr. CLAY. Mr. Speaker, I would like to recognize the collaborative efforts of two institutions in my district, whose achievements are helping to rebuild and restore hope in south St. Louis. DeSales Community Housing Association and Equality Savings and Loan Association have been recognized by the Social Compact in the 1995 Outstanding Community Investment Awards for their partnership achievement: the creation of an innovative housing program that allows residents to participate fully in the decisions that are shaping their community.

The Social Compact is a national coalition of leaders from the financial services industry and the nonprofit sector, dedicated to increasing private investment in low-income communities, both rural and urban. To achieve this mission, they lead by example, recognizing successful and innovative partnerships between financial services institutions and neighborhood nonprofit organizations that are working together to reclaim vulnerable neighborhoods. As a result of the Outstanding Community Investment Awards, DeSales Community Housing and Equality Savings were chosen out of 160 applicants as a model partnership.

DeSales and Equality are being recognized for the creation of the DeSales Mutual Housing Association. This kind of development represents the first step toward home ownership for life-long renters. Mutual housing associations encourage community-based ownership of affordable rental properties. Neighborhood residents and project tenants actively participate in ownership and management decisions of their buildings, including site selection, design, construction, and organizational structure.

DeSales began working with residents on the mutual housing association model in the early 1990's. Today, thanks to the dedication of 30 neighborhood residents, the Iowa Avenue Townhouses and the California Townhouses have taken the place of nine vacant buildings in south St. Louis as models of affordable, resident-controlled housing.

Equality Savings and Loan Association assumed a critical leadership role in making this project happen. The small thrift took charge of convincing the financial community, businesses, foundations, and the major's office of the credibility of the project. Equality also helped enlist additional investors to provide permanent financing and, equally important, they convinced St. Louis residents and others that this innovative approach could work.

Thanks to the first mutual housing association model ever enacted in Missouri, neighborhood residents are taking on leadership responsibilities in their community. Small-scale rehabilitation is happening elsewhere, and the community's church and elementary school are crediting the townhomes for stabilizing their surroundings.

I applaud DeSales Community Housing Corporation and Equality Savings and Loan Association as a replicable example of a public private partnership that empowers residents to reclaim their neighborhoods.

MEDICAL SAVINGS ACCOUNTS—DISABLED COMMUNITY EXPLAINS WHY THEY ARE A PROFOUNDLY BAD IDEA

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1995

Mr. STARK. Mr. Speaker, medical savings accounts are a brilliant scheme to skim the healthiest people out of the insurance pool—and leave the rest of us to face sky-rocketing insurance rates. MSA's are a bad idea that has spread like wildfire.

Following is a portion of the testimony of the Consortium for Citizens With Disabilities before the Ways and Means Subcommittee on Health on May 25. I hope the CCD's insights will help stop this lemming-like pursuit of MSA legislation.

MEDICAL SAVINGS ACCOUNTS

Many Members of Congress believe that Medical Savings Accounts (MSAs) have the potential to reduce health care costs and increase the number of Americans with insurance. There have been suggestions that MSAs be implemented not only in the private sector but in the Medicare program as well.

The Consortium for Citizens with Disabilities Health Task Force has major concerns with the emphasis presently being placed on Medical Savings Accounts as a solution to our health system's problems of access and affordability. The use of MSAs is not only untested, but also has the very strong potential for making comprehensive health insurance less affordable for persons with disabilities and serious chronic illnesses. Because of our many concerns, which are discussed below, and in the absence of other reforms, the CCD Health Task Force does not support the establishment of MSAs as either an incremental reform or as a solution to the health care problems facing millions of uninsured and underinsured individuals in the U.S.

Supporters of MSAs state that:

MSAs will allow the marketplace, not the government to address the cost and access issue. By giving responsibility for paying for health care to consumers, it is assumed that MSAs will reduce unnecessary health care expenditures because individuals who are spending their own money will be more prudent purchasers. It is also assumed that the lower cost of catastrophic health insurance will lead more employers to offer the health insurance.

MSAs will lead to lower administrative costs because insurance companies will only be involved with claims higher than the deductible amount.

However, MSAs are untested, and it is not clear that they will either lower costs or improve access to services.

What are MSAs and How do they Work?

Medical Savings Accounts are tax-exempt savings accounts modeled on Individual Retirement Accounts that employed individuals can use to pay for health-related expenditures. State MSA laws generally create incentives for people to set up these accounts by exempting from state taxes the money contributed to these accounts. MSAs work like this:

Employers can purchase a standard health insurance plan with a low deductible ($250–$500 annually per person) or a catastrophic health insurance plan with a high deductible ($3000–$5000 annually per person). Because most people will not have health care costs higher than several thousand dollars, the premiums for high deductible catastrophic health insurance plans are much lower than for plans with low deductibles.

An employer sets up a MSA for employees who want to participate in this type of plan and deposits, in pre-tax dollars, an amount equal to the difference between the cost of a standard low deductible plan and a catastrophic high deductible plan. The self-employed can also set up a MSA.

Employees can use the money in their individual account for health care expenses. When the high deductible is met, the insurance company then pays the bills. If money is left in the account at the end of the year, it can be withdrawn and used for other purposes or carried over with accrued interest into the next year.

The CCD has several major concerns about MSAs:

The catastrophic health plans that are purchased in conjunction with MSAs can impose pre-existing condition limitations and can refuse to cover persons with certain health conditions or disabilities.

Catastrophic health plans with high deductibles often do not provide the comprehensive coverage needed by persons with serious illnesses or conditions. Some of these plans have lifetime or per condition limits of only $100,000.

The American Academy of Actuaries has estimated that persons with high health expenses will experience major increases in out-of-pocket costs with MSAs. MSAs may also increase out-of-pocket costs if the amount employers contribute to the MSA is not sufficient to cover the annual catastrophic deductible. Additionally, the combined cost to the employer of an MSA contribution and the catastrophic health plan premium may not be less than the cost of a standard health plan.

If large numbers of individuals choose MSAs plus catastrophic health plans, the health insurance market will be further segmented, reducing the size of the population pool needed to spread risk adequately.

MSA will likely lead to adverse selection because they will be utilized primarily by younger, healthier people who do not anticipate a need for health care. Persons who anticipate health care expenditures, those who need comprehensive coverage, and those who are older and at higher risk for needing health care are likely to remain in standard low deductible health insurance plans. Individuals with MSAs could also change to a low-deductible plan when they become sick or anticipate medical bills (e.g., childbirth expenses), thus exacerbating the problem of adverse selection.

Adverse selection will lead to higher premiums for persons in standard, low deductible health insurance plans. It has been estimated that if MSAs are widely adopted, the cost of a standard, low deductible health insurance policy would rise by as much as 26%. Increases of this magnitude will make comprehensive, low deductible insurance unaffordable both for employers and individuals who want to purchase these policies.

There is no evidence that MSAs will make consumers more cost conscious when they are seriously ill. Physicians—not consumers—determine what treatment is needed. If surgery is recommended, consumers don't look for the cheapest surgeon, they look for the best surgeon.

Some individuals may forgo preventive and early intervention services if they are allowed to use money left in their MSAs at the end of the year for personal expenses other than health care. This concern also raises the question of whether it is appropriate to allow pre-tax dollars to be used for non-health expenses.

It is likely that catastrophic health plans will restrict the type of health care expenditures that will count towards the deductible. For example, if an individual spends $3000 on mental health services, there is no guarantee that all of these expenses will be counted towards the deductible, particularly if the insurance has limited coverage for these services.

A majority of Americans are enrolled in some form of managed health care plan. It is unclear whether MSAs can be coordinated with these plans. Those opposed to managed care view MSAs as a means to maintain the market for indemnity insurance and fee-for-service health care delivery.

Experience with MSAs is very limited. It is not clear whether they will result in savings. Some analysts predict that any potential system cost savings will be eliminated by the additional costs required to administer MSAs.

Most importantly, the CCD Health Task Force believes that allowing employers and the self-employed the option of establishing tax deductible MSAs in conjunction with high deductible catastrophic insurance coverage is not the solution to our nation's health system problems because:

MSAs do not address the need for insurance by millions of working Americans whose employers will not contribute to the cost of health insurance; and

MSAs do not address the need for insurance by millions of low-income individuals who are self-employed or unemployed and who cannot afford to buy health insurance.

THE ADVANCED MEDICAL DEVICE ASSURANCE ACT OF 1995

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1995

Mr. THOMAS. Mr. Speaker, I am pleased today to introduce the Advanced Medical Device Assurance Act of 1995 in order to clarify the scope of coverage and amount of payment under the Medicare Program of items and services associated with the use of certain medical devices approved for investigational use.

Questions have been raised as to whether Medicare should reimburse for hospital and physician services when procedures involving a medical device approved for use by the Federal Drug Administration [FDA] under the Investigational Drug Device [IDE] is used. Our Nation's leading clinical researchers and doctors, and the patients who depend on these improved medical technologies are losing because of this confusion. Additionally, the use of these advanced devices is dramatically declining around the country. Many of the medical technology companies are moving all of their research out of the United States to Europe, Canada, and Japan where payment policy is not an issue.

These advanced medical devices reduce length of surgical procedure, hospitalization, patient mortality, and the need for repeat procedures. All of these patients, whether they get an advanced device or not, would be in the hospital anyway receiving medically indicated care. Clarifying the policy to provide coverage for newer devices would not increase costs because the DRG pays a set rate for set therapies regardless of whether there is a clinical trial involved.

The American Academy of Orthopedic Surgeons, American College of Cardiology, American Hospital Association, American Medical Association, Association of American Medical Colleges, Association of Professors of Medicine, California Health Institute, Catholic Health Association, Cleveland Clinic, Coalition of Boston Teaching Hospitals, Federation of American Health Systems, Greater New York Hospital Association, Health Industry Manufacturers Association, Mayo Clinic, North American Society of Pacing and Electrophysiology, and the Society of Thoracic Surgeons all believe we need to clarify this policy. These are all well-respected health care organizations and I believe this bill brings about the clarity that is needed.

I strongly encourage my colleagues to cosponsor this important, cost-neutral legislation and to work for its prompt enactment so that Medicare beneficiaries will have access to safe and high-quality medical care.

STATEMENT IN RECOGNITION OF 2D LT. REBECCA E. MARIER

HON. SUE W. KELLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1995

Mrs. KELLY. Mr. Speaker I rise to acknowledge and salute the outstanding achievements of 2d Lt. Rebecca E. Marier. This impressive young woman recently graduated from the U.S. Military Academy in West Point, NY at the top of her class—top of her class academically, physically, and militarily.

Second Lieutenant Marier opted to forgo an education at prestigious Harvard University, in order to pursue her dream of a degree from an institution which has a proud tradition of molding our Nation's leaders. Marier is unquestionably a role model for all of our Nation's young people, men and women alike.

Mr. Speaker, I ask that you and all my colleagues join me in not only commending Second Lieutenant Marier's achievements, but more importantly her spirit of selfless dedication to the service of our country. I would also ask, Mr. Speaker, that the New York Time's article which appeared this past Sunday, noting Second Lieutenant Marier's achievements, be inserted at this point in the CONGRESSIONAL RECORD.

[From the New York Times, June 4, 1995]

WOMAN IS NO. 1 IN WEST POINT CLASS

WEST POINT, NY—For the first time in the United States Military Academy's 193-year old history, a woman took the No. 1 class rank as the Academy graduated 988 new members of the Army officer corps today.

The woman, Second Lieut. Rebecca E. Marier, 21, of New Orleans, was the head of her class in the school's three programs—military, academic and physical.

"It was the greatest feeling in the world, throwing up that white hat," Lieutenant Marier said after the ceremony. "I'm just glad to be part of the progress women are making all over the country."

Four years ago, she startled her family and friends by choosing the Academy over Harvard University for her undergraduate work because she wanted the "all-around challenge" and leadership training West Point offered.

But she plans to get to Harvard, after all, becoming the second cadet in West Point history to go on to medical school there, said Andrea Hamburger, an Academy spokeswoman.

Women began attending West Point in 1976, and with today's class, more than 1,400 women will have been commissioned second lieutenants.

At the ceremonies, the Army Chief of Staff, Gen. Gordon Sullivan, addressed graduates, telling them that in an age of changing circumstances, there was no way to predict where they might serve.

General Sullivan omitted remarks about a possible United States role in Bosnia, which had appeared in an advance version of his address received by reporters.

In the prepared text, General Sullivan reviewed the American role as a member of NATO and said the United States was "prepared to act with NATO should the need arise."

Pressed afterward for an explanation of the omission in his speech, he replied: "I felt I had made the point of the uncertainty of the world. I didn't think I needed to go into the details."

General Sullivan's advance text read:

"In response to the appalling Bosnian Serb behavior over the past week, we have been meeting with our NATO allies to consider the next steps to keep the U.N. protection force in place, because it remains our best insurance against an even worse humanitarian disaster there.

"Although our policy remains that we will not become combatants in the conflict, we are prepared to act with NATO should the need arise."

ACDA IS ESSENTIAL FOR OUR NATIONAL SECURITY

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1995

Mr. MORAN. Mr. Speaker, I rise to express my support for the Arms Control and Disarmament Agency as an independent agency and to urge that we consider how important arms control continues to be for our national security. This is also the conclusion of a recent editorial from the News & Observer, from Raleigh, NC. H.R. 1561 would abolish this small Federal agency which has proven itself to be an economic bargain. Not only does the operation of the agency come with a modest price tag of under $50 million, its efforts have saved the Government millions, if not billions, of dollars in defense outlays over its 30-plus years of existence.

I urge a "no" vote on final passage of H.R. 1561. We should not merge ACDA and the other separate foreign service agencies with separate missions into the State Department. The U.S. ACDA is pursuing the biggest and broadest arms control and nonproliferation agenda in history. As the following article makes clear, now is not the time to be dismantling the agency that is charged with getting these agreements negotiated, implemented and verified.

[From the News & Observer, May 30, 1995]

FOREIGN POLICY MEDDLING

A proposal to reorganize foreign affairs agencies has consequences beyond mere streamlining. Some in Congress would like excessive control over foreign policy, a bad idea in today's unstable world.

Overhauling the nation's foreign policy agencies, as proposed by Senator Helms, seems on first glance to make sense. Separate organizations tend to be inefficient, and as long as the rest of government is being "reinvested," foreign affairs shouldn't be exempt.

But a closer look unveils flaws in the proposal, which is advanced in pending legislation in both the Senate and the House.

For one thing, the assorted foreign services agencies don't all have the same mission; merging them into the State Department risks diluting their influence in the sea of a single mighty bureaucracy. In a recent visit to The N&O, John Holum, director of the Arms Control and Disarmament Agency, made a strong argument along this line for preserving his office as a separate expert voice.

As Holum pointed out, the agency's advocacy of arms control and nonproliferation is crucial in the face of new threats from the spread of weapons. His worry, and it comes across as legitimate, is that the arms-control quest could become secondary to the State Department's concerns for smooth diplomacy and maintaining good relations with other countries.

His reasoning tracks the case others have put forward for retaining the independence of the two other agencies that Helms wants to consolidate: the U.S. Information Agency, which uses cultural, educational and broadcast means to explain the United States to people overseas; and the Agency for International Development, which distributes foreign aid.

Another cause for skepticism is that the proposed reorganization is bound up with an attempt by Helms and his like-minded colleagues to limit greatly the president's discretion in foreign policy.

While Congress of course should have a say, carried too far this becomes a dangerous proposition that baffles the country's friends and foes alike. Yet some members of Congress have gone haywire lately in trying to impose a host of foreign policy directives on the Clinton administration, all the while seriously cutting foreign affairs budgets.

These measures are especially dubious when they originate with lawmakers who, like Helms, yearn to dismantle the multinational, cooperative efforts that are crucial to international stability. For the sake of peace in the world, Congress in this instance needs to step back.

SOUTHEAST ASIA BOAT PEOPLE: RETURN IS THE ONLY OPTION

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1995

Mr. BEREUTER. Mr. Speaker, recently this body voted in section 2104 of H.R. 1561 to withdraw its support from the Comprehensive Plan of Action, the international agreement on the Indochinese boat people in Southeast Asian refugee camps. This Member's effort, along with Mr. OBEY of Wisconsin and Mr. LAMAR SMITH of Texas, to strike this dangerous and irresponsible provision was unsuccessful.

While this Member fully understands and shares the desire to provide fair and humane treatment to those in the refugee camps, the action of this body could well have the opposite effect. By giving these asylum seekers false hope of resettlement in the United States, this legislation presents the following dangers. It will likely encourage another wave of boat departures from Vietnam, putting people at risk on the high seas and swelling the refugee camp population at a time when the first asylum countries are attempting to close the camps.

The legislation also increases the chance for violence in the refugee camps by causing discontent among the camp residents when their hopes of resettlement in the West are not realized. Finally, the bill has caused the collapse of voluntary repatriation, through which 72,000 Indochinese have already returned home without evidence of persecution, according to U.N. and American nongovernment monitors in Vietnam. Already there have been riots and violence in the camps of Hong Kong and several hundred camp residents have changed their minds and are refusing to return to Vietnam.

For these reasons, this Member believes that, for the 40,000 camp residents whom the United Nations has determined to be economic migrants rather than political refugees, voluntary return to their countries of origin is not only the sole option available, it is also the most humane option.

Mr. Speaker, this Member would ask to insert into the RECORD an article from the May 24, 1995 edition of the New York Times, entitled, "U.N. Links G.O.P. to Boat People's Riots," and an excellent letter analyzing the problems in section 2104 from the Refugee Policy Group, a nongovernment organization with much experience dealing with Indochinese refugees.

U.N. LINKS G.O.P. TO BOAT PEOPLE'S RIOTS

(By Philip Shenon)

BANGKOK, THAILAND, May 23.—United Nations officials asserted today that a Republican-sponsored proposal to offer asylum to thousands of Vietnamese boat people in the United States set off riots last weekend that left more than 200 wounded in Hong Kong.

They also warned that the bill could lead to a new exodus from Vietnam.

Refugee officials say the riots last Saturday began when 1,500 Vietnamese, many of them carrying handmade metal spears, refused to be transferred from one detention camp in Hong Kong to another in preparation for their deportation to Vietnam. It was the most violent clash in years between the boat people and the Hong Kong police.

The Office of the United Nations High Commissioner for Refugees, which oversees the detention camps in Hong Kong, said the Vietnamese were emboldened to riot by the recent move by Republicans in the House of Representatives to offer asylum to as many as half of the 40,000 Vietnamese still held in detention camps in Asia.

"Absolutely," said Jahanshah Assadi, head of mission for the United Nations High Commissioner for Refugees, when asked if there was a connection between the legislation and the riots. During the riots, he said, "you saw U.S. flags all over the place, you saw portraits of President Clinton all over the place."

At least 180 Hong Kong firemen, police and corrections officers were hurt in the clashes on Saturday in the Whitehead detention center, the largest of the Hong Kong camps used to detain the Vietnamese. Dozens of Vietnamese were also hurt in battles in which the camp was blanketed by thick clouds of tear gas.

Representative Chris H. Smith, a New Jersey Republican who is a key sponsor of the legislation, said in a statement today in Washington that there was no evidence of a connection between the legislation and the violence in Hong Kong. It is "grossly unfair to blame resistance to forced repatriation on the very people who are trying to come up with a peaceful and gentle solution to the problem of these refugees," he declared.

Mr. Smith has said that many of the Vietnamese residents of the camps, including Buddhist monks and former soldiers of the American-backed South Vietnamese Government, are legitimate political refugees who could be persecuted by Vietnam's Communist Government if sent home.

While the Republican-drafted legislation is opposed by the Clinton Administration and faces an uncertain fate in Congress, word of the Republican plan is already circulating in the camps in Hong Kong, where nearly 21,000 Vietnamese are now detained. Mr. Assadi said in a telephone interview that the Vietnamese who joined in the riots "have the false hope of going to the United States."

Even if the bill is defeated in Congress or vetoed by President Clinton, he said, "the damage has been done," since many Vietnamese now believe that they can resist deportation because "they have strong support from influential members of Congress."

Mr. Assadi said the American asylum proposal could also lead to a new exodus of Vietnamese, taking to rickety boats and pushing off into the dangerous waters of the South China Sea in the hope of becoming one of the lucky 20,000 who might be offered resettlement in the United States.

"That risk is definitely there now," he said. The $30 million asylum plan is part of a foreign affairs appropriations bill now before the full House of Representatives. The bill, opposed by the Clinton Administration, has already been approved by the House International Relations Committee.

While some of the Vietnamese rioters waved photographs of President Clinton last weekend, the Clinton Administration is in fact a strong advocate of a United Nations-backed plan to send virtually all of them home to Vietnam.

While the United States granted asylum to most of the more than one million Vietnamese who fled their homeland after the Vietnam War, sympathy for the boat people has mostly run out. The State Department says that virtually all of the Vietnamese who remain in Asian detention camps are economic migrants who have no legitimate fear of persecution in Vietnam and are not entitled to asylum.

The deportation program, known as the Comprehensive Plan of Action, was supposed to empty most of the detention camps around Asia—there are also large camps in Indonesia, Malaysia, the Philippines and Thailand—by the end of the year.

The Hong Kong Government is clearly outraged that the moves in Congress may have contributed to the violence in the camps.

[From The New York Times]

REBUKE BY WHITE HOUSE

WASHINGTON, May 23.—Administration officials said today that they had predicted that the proposed Republican measure would encourage thousands of boat people who were not qualified for refugee status to refuse to be returned to Vietnam.

"We are opposed to the proposed legislation which, at the 11th hour, seeks to abrogate an international undertaking," said one State Department official. "The proposed legislation would reopen large-scale screening of those already found to be ineligible for refugee status."

Administration officials predicted the bill would encourage further riots like the one that occurred on Saturday in Hong Kong.

"The proposed legislation will end voluntary return to Vietnam and create new levels of false hope and result in further disturbances," a State Department official said.

Administration officials assert that the $30 million the bill sets aside to handle the Vietnamese migrants would mean less money would be available to handle those found to be legitimate refugees from Vietnam, Cuba, Bosnia and Russia.

REFUGEE POLICY GROUP,
May 26, 1995.

Hon. DOUG BEREUTER,
Chair, Asia Subcommittee, International Relations Committee, Washington, DC.

DEAR CONGRESSMAN BEREUTER: Your office contacted me, asking for my views on Section 2104(4) of HR 1561 entitled, "Resettlement of Vietnamese, Laotians and Cambodians." This provision essentially turns the clock back undermining the agreements that were reached with great effort and have been reflected in the comprehensive plan of action.

I can only speculate on the basis for this proposal which would be tantamount to a significant and far reaching policy reversal. Politically it's a step back toward an ideological divide that has possible implications for how movements of people from places such as Cuba and China would be addressed.

On the humanitarian front this policy reversal would represent a death knell to future efforts on the part of the U.S. to get the U.N. and other countries to cooperate with us in addressing a migration flow where there is belief that some, but not all, the members of that population may be refugees.

This policy reversal is based on a misapprehension that the screening procedures in the region have been basically flawed. The fact is that massive international effort and resources have gone into screening the applicants in this region. Indeed, more effort has been made in southeast Asia to determine whether someone meets the refugee definition than in any other part of the world. The international standard of who is a refugee is incorporated in this review process. This international standard was incorporated in the Refugee Act of 1980 into U.S. law and in turn into the Worldwide Processing Guidelines of the INS.

The implementation of this standard is subjective. In order to protect against errors reviews of problematic cases are possible under current arrangements. If there is reasonable doubt regarding some of the recent decisions a more effective way to address these concerns would be to encourage a re-review of the few cases where there is an issue. It is an overreaction to scuttle the CPA when problems can be worked out within its framework and procedures.

Significant effort has been made to promote voluntary repatriation of those determined not be refugees and to provide monitoring of their situation back in Vietnam once they return. So far as I know, UNHCR has not reported any instances of situations where Vietnamese who have returned have been persecuted or been maltreated. The effects of this provision, of course, would be to cut funds which can support the return, monitoring, and assistance to the Vietnamese who go back either voluntarily or involuntarily.

The intention may be to reserve funds for the resettlement of a larger number of Vietnamese or Laotians. So long, however, as the refugee definition is the standard that is used to adjudicate claims, the reality is going to be that very few of the people in the camps will meet the standard.

While I would be against it, we can, of course, decide, bilaterally, to admit Vietnamese and Laotians under the terms of the Lautenberg Amendment. It is, however, unreasonable to expect that the countries in the region who are adjudicating these claims with UNHCR oversight would be willing to apply this standard to their own review of these cases.

Given strong sentiments in this country to restrict the numbers of new immigrants, my guess is that there would be strong opposition to bringing substantial numbers of Vietnamese and Laotians to the U.S., either as refugees or special humanitarian entrants. It is also unlikely that normal immigration numbers would be allocated to this group as there has been an effort to get Vietnamese to apply for immigration to the U.S. from within Vietnam. If these assumptions are true then the result of this expression of sympathy for the Vietnamese in the camps that have been screened out can be to provide them with a false hope. At best, it could lead to a situation where people who were becoming reconciled to returning to their country would re-commit themselves to remaining in the camps. Worse outcomes could be a renewed flow of boat people and even worse riots or other disruptions and violence in the camps.

As a former official with the Office of Refugee Resettlement during the peak of the Indochinese refugee resettlement program, I cannot personally be accused of lack of sympathy or concern for the plight of the Indochinese. I feel the decisions made around the Comprehensive Plan of Action were the right decisions, both for the countries concerned and the migrants involved. To reverse course now will have negative effects on efforts to address the plight of refugees everywhere.

Thank you for seeking my comments on this matter.

Sincerely,

DENNIS GALLAGHER,
Executive Director.

THE TAX FAIRNESS FOR FARMERS, RANCHERS, AND SMALL BUSINESSES ACT

HON. TIM JOHNSON

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1995

Mr. JOHNSON of South Dakota. Mr. Speaker, I am pleased today to introduce legislation that will provide for tax changes to benefit farmers, ranchers, and small businesses. This legislation is entitled the "Tax Fairness for Farmers, Ranchers, and Small Businesses Act."

This bill contains three major changes in Federal tax policy which will help to support farmers and ranchers through bad years, support the entry into business of beginning farmers, ranchers and small businesses, and place family farmers, ranchers and small businesses on a level playing field with their corporate counterparts.

The first change this bill would make is to create a form of income averaging under which farmers and ranchers would be permitted to carry forward any standard deductions and personal exemptions that go unused during a low-income year. This would help farmers and ranchers even out the cycle of ups and downs in agricultural income caused by the weather, giving them increased ability to recover after a devastating year.

Second, this bill would help promote beginning farmers and small businesses, by allowing a one-time capital gains exemption up to $500,000 for farmers and ranchers over 55 who sell their farm or ranch to a qualified beginning farmer or a lineal descendent, and by allowing a similar exemption for owners of small businesses who sell the business to a lineal descendent. A retiring farmer would therefore have an incentive to sell his land to a beginning farmer, and because of the tax break he would be able to offer that land for sale at a lower price than he otherwise might demand.

Third, this legislation would establish and make permanent a 100-percent deduction of health insurance premiums for self-employed persons. Corporations have the ability to deduct the full cost of their health insurance premiums, and it is only fair for farmers and small business owners to have the same right. It is time for this inequity to end.

Mr. Speaker, I ask that you and the rest of my colleagues join me in supporting this legislation, and work with me to bring tax fairness to our Nation's family farmers, ranchers, and small business owners.

TRIBUTE TO A 31ST DISTRICT VOLUNTEER

HON. AMO HOUGHTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1995

Mr. HOUGHTON. Mr. Speaker, I'd like to take a minute to make a few remarks in recognition of a very special lady. Dorothy Brownell is a remarkable woman. She has a wonderful blend of energy, wit, and commitment. She keeps everyone around her on their toes.

A former school dental hygienist, she officially retired in 1976. I got to know her during her second career—as a volunteer. For more than 7 years, she has been the cornerstone of our Jamestown district office. She could write the book on volunteerism—that is, if she ever slowed down long enough to put pen to paper.

Let me recap just a few of her interests. She has dished up food at a local food bank; is an officer with the local chapter of the American Association of Retired Persons, Foster Grandparents Program, and the United Senior Council; worked with the United Way; has been an ombudsman for long-term care at an area nursing home, and worked on the county Veterans' Listing Program. You'll have to take my word for it—this litany only scratches the surface. Other activities have been sandwiched between trips to Ireland, Italy, and any number of our own States.

Dorothy has been recognized for her efforts. She received the New York State Legislative Achievement Award; was named United Senior Council's 1990 Senior Citizen of the year; received a Certificate of Achievement from Manor Oak Nursing Home and another for her work with Catholic Charities Outreach for the Aging. On top of that, Dorothy took a silver medal for swimming in the 1990 Senior Olympics.

What prompts my remarks today is that Dorothy, at the tender age of 77, is calling it quits. She's launching her second retirement with a train trip across Canada and following up with courses at Elderhostels. To record that she'll be missed is an understatement—but this little lady with the great big heart deserves the very best life has to offer.

SALUTE TO DR. RAYMOND M. OLSON

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1995

Mr. GALLEGLY. Mr. Speaker, I rise today to salute a selfless community leader and educator who has spent his life helping those around him find strength and guidance through two principal sources—education and religion.

Dr. Raymond M. Olson was born nearly 85 years ago on a farm near Eagle Grove, IA. But those of us who make our homes in Ventura County are grateful for the fact that he found his way out West and has selflessly dedicated himself to improving the lives of the people around him.

In his long, distinguished and varied career, Dr. Olson has served as a teacher, a pastor in the Lutheran Church, president of the National Lutheran Council and president of the California Lutheran College in Thousand Oaks. He now holds the title of president emeritus of California Lutheran University and continues to maintain his ties to the school.

Dr. Olson's impressive career accomplishments are rivaled only by a tireless dedication to his community and extensive record of public service.

He has served on the Ventura County grand jury, the board of directors of the Conejo Valley Historical Society, the United Fund of Ventura County, various boards of education, the Cultural Center Planning Committee, and has been a member of the Thousand Oaks Rotary Club since 1963.

In addition to these numerous professional and philanthropic commitments, Dr. Olson and his wife of nearly 60 years, Helen, have raised two daughter and a son.

In short, Mr. Speaker, I believe that Dr. Raymond M. Olson has truly served his family and his community through a lifetime of service and selflessness.

He was recently selected as the 1995 Patriotic Citizen of the Year by the Conejo Valley chapter of the Military Order of the World Wars and was presented with the Chapter's Silver Patrick Henry Medallion. This recognition was truly appropriate, because one of the basic tenets of the organization is that it is better to serve than to be served.

Dr. Olson has lived his life in strict adherence to this belief and has backed up this opinion with an unparalleled record of action and dedication to others. I commend him to all in this body and congratulate him on his award.

STATEMENT RECOGNIZING NORENE COLLER THE 1995 REGION 2 EPA ENVIRONMENTAL QUALITY AWARD RECIPIENT

HON. SUE W. KELLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1995

Mrs. KELLY. Mr. Speaker, I rise today to offer my congratulations to Norene Coller, a constituent of mine who was recently awarded an Environmental Protection Agency [EPA] Environmental Quality Award for region 2, which includes New York, New Jersey, and Puerto Rico.

Over the past 20 years, Ms. Coller has devoted herself to improving the quality of the environment in region 2, and to increasing public involvement in environmental action. As a biology teacher in Hyde Park, NY, Ms. Coller has involved her eighth grade students in innovative environmental brainstorming exercises. A renowned volunteer of the Dutchess County Environmental Management Council [EMC], Ms. Coller has served as the council's chairperson since 1982. And under her direction, EMC has fulfilled the needs of the community by formulating a comprehensive agenda to battle the growing problems associated with hazardous and solid waste management. Ms. Coller's energetic direction, as both an educator and public servant, has increased the quality of the environment of region 2.

Mr. Speaker, I ask that you join me in recognizing the fine achievements of Ms. Coller. She is to be commended for her dedicated service to the community, and should be noted as a true friend of the environment.

HOOSIER FARMERS URGE CONTINUED SUPPORT FOR EXPORTS AND RESEARCH

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1995

Mr. HAMILTON. Mr. Speaker, I rise today to call attention to the results of my 1995 farm bill questionnaire. The questionnaire responses indicate most Hoosier farmers are willing to accept less funding for farm programs, but only in the context of broader spending reductions. While farm programs should not be singled out for funding cuts, I am pleased—but not surprised—that Hoosier farmers are willing to do their fair share to balance the budget. Among the different agricultural programs, cuts in crop support payments received the broadest acceptance, with nearly 63 percent favoring reductions.

Hoosier farmers gave their strongest support to funding for promoting U.S. exports and agricultural research and education. I agree with this shift in priorities. The 1995 farm bill should be more market-oriented while preserving our competitive edge in world markets.

Of those responding, 64 percent had participated in Federal farm programs in the last 5 years, 75 percent of whom received 10 percent or less of their yearly farm revenue from direct payments. Farmers also expressed their support for limiting farm payments for wealthier farmers, while rejecting proposals to guarantee all farmers a minimum income. Hoosiers also support Congress' decision last year to abolish the Disaster Assistance Program.

I thank the many Hoosiers who answered the questionnaire, and I appreciate their careful consideration of these important agricultural issues.

QUESTIONNAIRE RESULTS

(The results may not add up to 100 percent due to rounding and multiple responses.)

1. What general policy direction do you favor for the 1995 farm bill?

	(Percent)
Extend current programs	13.3
Extend current programs with changes	37.6
Replace with an alternative	13.7
Eliminate farm programs	35.4

2. Current federal spending on programs that directly benefit farmers is approximately $18.8 billion per year. The overall level of funding is likely to decrease for 1996, and Congress may reorganize spending priorities among the following programs. For each category please indicate whether you think spending should be increased, decreased, or kept the same.

[In percent]

	Increase	Same	Decrease	Don't know
Commodity support programs	8.6	26.1	62.7	2.6
Conservation reserve program	8.9	33.8	55.0	2.3
Research and extension	19.5	39.0	39.0	3.4
Other conservation programs	1.4	31.1	54.4	5.7
Export promotion activities	27.9	36.5	31.8	3.9
Crop insurance	10.0	33.5	50.8	5.8
Farm credit programs	9.3	31.1	52.0	7.5

3. If commodity programs must be reduced, which of the following deficit-cutting options would you favor?

	(Percent)
Cutting target prices	12.1
Raise acreage reserve program (ARP) levels	11.0
Raise loan rates	12.9
Reduce $50,000 payment limitation cap	38.8
Establish income ceiling	48.7

4. Some farm groups have suggested abolishing all current farm programs and using the funds for an income support level of 70 percent of each farmer's historical income. Farmers would then be free to farm according to their interpretation of the markets, with the assurance that in a bad year they would receive no less than 70 percent of their usual income. Do you:

	(Percent)
Favor this concept	21.9
Favor this concept with changes	16.6
Oppose this concept	60.4

5. The Conservation Reserve Program [CRP] pays farmers a yearly fee per acre to keep certain land out of production. The program decreases soil erosion, encourages wildlife and boosts commodity prices by controlling supply. CRP expires this year. Should Congress:

	(Percent)
Continue CRP as is	26.2
Focus payments on more environmentally sensitive areas	22.6
Phase out CRP	35.3
Allow more acres in CRP with reduced payments	15.9

6. There are growing concerns among consumers about the possible effects of pesticide use on the environment and public health. If pesticide use should be monitored, which one of the following proposals would you most support?

	(Percent)
Promote extension programs to curb pesticide use	22.5
Establish more controls over pesticide use	8.7
Provide more incentives for alternative farming practices	36.1
Do not change current policy	32.8

7. The Ad Hoc Disaster Assistance Program has been replaced by a much broader Federal crop insurance program. Instead of irregular and expensive disaster payments, farmers in USDA programs will now enroll in a basic catastrophic insurance policy, with subsidies to provide more comprehensive insurance. Which of the following options do you favor?

	(Percent)
Keep the current system	33.9
Return to the ad hoc disaster payments	5.6
Modify the current crop insurance system	35.7
Eliminate all federal emergency assistance	24.8

8. The Uruguay round of the General Agreement on Tariffs and Trade [GATT] reduces agricultural subsidies in foreign countries. Because U.S. subsidies are already far lower than our competitors, other countries will make larger cuts in their farm programs. Would you favor further reductions in worldwide farm subsidies, even if some commodity prices and U.S. farm programs might be reduced?

	(Percent)
Yes	49.7
No	19.2
Don't know	31.1

9. Food and nutrition programs are often described as "indirect" farm programs because they increase food purchases by some $30 or $60 billion per year. They are also a source of urban support for the farm bill. Which of the following food and nutrition proposals do you most favor?

	(Percent)
Continue current funding for food programs	40.3
Increase funding for food programs	7.2
Reduce funding for food programs	30.7
Eliminate food programs	19.7
Allow cash payments instead of food programs	2.0

10. Have you participated in the Federal farm programs over the last 5 years?

	(Percent)
Yes	64.4
No	35.6

11. If yes, about what percentage of your yearly farm revenue came from Federal farm programs?

	(Percent)
0 to 5 percent	50.2
5 to 10 percent	24.9
10 to 15 percent	8.7
15 to 20 percent	2.7
20 to 50 percent	2.7
More than 50 percent	10.9

12. Overall, do you think you are better off, worse off, or about the same economically as you were 5 years ago? Better off—21.7 percent; Worse off—35.8 percent; and About the same—42.4 percent.

13. How do you think you will be doing 5 years in the future? Better off—19.9 percent; Worse off—37.2 percent; and About the same—42.9 percent.

SENATE—*Wednesday, June 7, 1995*

(Legislative day of Monday, June 5, 1995)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Lord God, source of righteousness and one who is always on the side of what is right. We confess that there are times we assume we know what is right without seeking Your guidance.

Lord, give us the humility to be more concerned about being on Your side than recruiting You to be on our side. Clear our minds so we can think Your thoughts. Help us to wait on You, to listen patiently for Your voice, to seek Your will through concentrated study and reflection. May discussion move us to deeper truth, and debate be the blending of varied aspects of Your revelation communicated through others. Free us of the assumption that we have an exclusive on the dispatches of Heaven, and that those who disagree with us must also be against You.

Above all, we commit this day to seek what is best for our beloved Nation. Grant us the greatness of being on Your side and then the delight of being there together. In Your righteous name. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. STEVENS. I thank the Presiding Officer and President pro tempore.

Mr. President, the leader's time has been reserved this morning, and there will be a period for morning business until the hour of 9:45 a.m.

Following morning business, the Senate will resume consideration of S. 735, the antiterrorism bill, with Senator BIDEN to offer a habeas corpus amendment No. 1217. That amendment is limited to 30 minutes of debate. Therefore, Senators should be on notice that a rollcall vote is expected at approximately 10:15 this morning.

Following disposition of the Biden amendment, only six amendments remain in order to the antiterrorism bill. It is, therefore, the expressed hope of the majority leader to complete action on the bill early this afternoon and then begin consideration of S. 652, the telecommunications bill.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business, not to extend beyond the hour of 9:45 a.m.

Mr. STEVENS addressed the Chair.

The PRESIDENT pro tempore. The distinguished Senator from Alaska.

Mr. STEVENS. I thank the Chair.

(The remarks of Mr. STEVENS pertaining to the introduction of S. 888 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. STEVENS. Mr. President, I do notify the Senate, as I said before, that there is a period for morning business at this time in which Senators may speak or introduce bills.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. DEWINE). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ODYSSEY OF THE MIND

Mr. HATCH. Mr. President, I rise today to congratulate the educators and parent leaders whose teams won the Utah State Odyssey of the Mind competition. The Odyssey of the Mind Association gives teams of students at each educational level an opportunity to develop creative problem-solving skills. These student teams compete in local areas, nationally and internationally. There is also an annual world championship competition. I am proud of these young people who are successful problem solvers, team workers, and creative thinkers.

I congratulate Mary Ellen Rasmussen, Robin Money, Rhonda Nilson, Karen Sanderson, Charlotte Summers, Diana and Roger DeFriez, Terry and Debbie Preece, Karen Bodily, Lynn Ottesen, Spencer Jones, and their students for their success in the Utah Odyssey of the Mind competition. I am proud of their efforts to represent their State and country in the 1995 world championship at the University of Tennessee—Knoxville. The dedication given to such programs by these parents and teachers is representative of their love for our children and their investment in the future of our country.

WAS CONGRESS IRRESPONSIBLE? THE VOTERS HAVE SAID YES

Mr. HELMS. Mr. President, there is no requirement that one has to be a rocket scientist to know that the U.S. Constitution forbids any President's spending even a dime of Federal tax money that has not first been authorized and appropriated by Congress—both the House of Representatives and the U.S. Senate.

So when you hear a politician or an editor or a commentator declare that "Reagan ran up the Federal debt" or that "Bush ran it up," bear in mind that the Founding Fathers, two centuries before the Reagan and Bush presidencies, made it very clear that it is the constitutional duty of Congress—a duty Congress cannot escape—to control Federal spending—which they have not for the past 50 years.

The fiscal irresponsibility of Congress has created a Federal debt which stood at $4,904,368,578,709.58 as of the close of business Tuesday, June 6. This outrageous debt, which will be passed on to our children and grandchildren, averages out to $18,617.07 on a per capita basis.

PROCLAMATION FOR VIRGIL "SKIP" BOWER OF KANSAS CITY

Mr. ASHCROFT. Mr. President, as the new Republican Congress attempts to put government back into the hands of the people and bring back a sense of independence rather than dependence for so many citizens, it is important to recognize those individuals who have done their part at the community level, the very core of our society, to promote responsibility in others. I am proud to recognize a Missourian from Kansas City, Mr. Virgil Bower, known to most as "Skip," who has devoted his life to influencing others and serving as a community activist, volunteer, and role model in Missouri for over 60 years.

Mr. Bower began his volunteer service in 1934 as Scoutmaster to Boy Scout Troop 122, and continues to serve to this day. He has been in the banking business in North Kansas City since 1948, serving as a public relations representative. Throughout his career he has remained active in civic organizations. He has been publicly recognized

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

as an outstanding citizen and community leader, having even been called a legend in the North Kansas City area.

Mr. Bower is a man of dignity and humility who has worked hard. Shortly after he graduated from high school, Mr. Bower got a job washing dishes in a cafeteria in downtown Kansas City. He saved enough money to attend college and graduated from William Jewell in 1933. He began his career as a school teacher and found gratification in influencing and motivating young people to strive for excellence. He later became the principal of McElroy Dagg Elementary School, only to have his tenure cut short by the bombing of Pearl Harbor. Like so many young men, Mr. Bower answered the call of his country and served in World War II as an officer in the Navy.

Skip Bower has influenced many young people throughout the years, and many have followed in his footsteps, becoming community volunteers and serving in World War II, Korea, and Vietnam.

Recently, I received a letter from a man from Kansas City whose father died when he was very young. He was fortunate enough to join Boy Scout Troop 122 under Mr. Bower, who proved to be a source of guidance and influence. The young man grew up to be a successful citizen who attributes his sense of civic duty and leadership to Skip Bower. But that is just one example of how Skip Bower influenced a life and saw a young person grow into a responsible, productive citizen. There have been many more.

For over 60 years Mr. Bower has quietly continued to touch the lives of students, Scouts, and North Kansas City citizens who know him from his banking job, the Kiwanis Club, or various other community activities. His accomplishments have not gone unrecognized. He was recently selected by Newschannel 4 as one of Kansas City's Symbols of Caregiving, an award reserved for 11 outstanding citizens who provide an example of hope and service for everyone. The Kansas City Northland Regional Chamber of Commerce sponsors the Virgil Bower Award for Community Service, named in his honor.

Now in retirement at the age of 87, Mr. Bower continues to work half days greeting customers at Boatman's Bank in Kansas City. He takes pride in his work, and knows most of the customers who come through the door, as well as most people in North Kansas City. His wife of 50 years died over 10 years ago, but her portrait sits in his living room as a reminder of the life they shared. The words "loyal, committed, and dedicated" are commonly used to describe Skip Bower. He deserves our praise and recognition for the outstanding contributions he has made to Kansas City and America. Mr. Bower will leave a legacy of morality, responsibility, service, and leadership.

TRIBUTE TO JERRY JORY

Mr. REID. Mr. President, in the mid-1960's, when I first decided to seek political office, I ran for a seat on the hospital board of trustees for Southern Nevada Memorial Hospital. This was not considered a political plum, nor did the race engender much public attention. For me, however, it was incredibly significant, as most firsts are.

I mention this because during that campaign, I met a man who, without motive or want, came to me offering support and assistance in my campaign. He owned a pawn shop in downtown Las Vegas, heard I needed help, and offered it. Since then, I have been the lucky beneficiary of Jerry Jory's support as a friend, as an advisor, and as an ally. And he has never asked for anything in return—because that's the kind of guy he is.

On Friday, June 16, Jerry will be honored by the many friends he has made at a special tribute sponsored by the Las Vegas Police Protective Association. I can say, without hesitation, that there is no one more deserving of this attention than my friend, Jerry Jory.

Jerry is perhaps most well known for his service to his country as a member of the U.S. Navy and as a captain in the Naval Reserve. During the Korean war, he served on the U.S.S. *Bremerton* as a cryptographer breaking Korean and Russian codes. As an active reservist in the Vietnam war, Jerry served in the Pentagon in the sensitive and highly classified position in charge of the staffing of troops and officers. Since then, Jerry has continued to serve our country in the reserves, and he is held in high esteem by his peers and his subordinates because of his thoughtful and even-tempered approach to whatever task is assigned.

Since my election to the Congress in 1982 and the Senate in 1986, Jerry has been my military adviser, and I have relied on his opinion and counsel. He has also served as the chairman of my Academy selection committee. As a result of his efforts, that committee has developed the strongest selection outreach program in the country and Nevada has sent stellar candidates to our military academies.

Jerry is the finest example of a patriot that I know—a man who serves with an unassuming yet passionate and dignified love for his country.

Jerry Jory earned a degree in education and was prepared to enter the teaching profession. However, after returning from Korea, he received an offer to become partners in a pawn shop in Las Vegas. For 40 years, Jerry has operated the Hock Shop, and for those 40 years, he has been a compassionate, determined, and persistent leader in our business community. He has earned a reputation for his sincere concern for his fellow human beings, and there is no one who, needing his help, is ever refused.

In addition to all of his work for his community and his country, Jerry has also been a devoted family man. Together with his wife June, they have raised ten wonderful children—Teri, Toni, Jerry, Jason, Shannon, April, Kit, Sean, Kelly, and Gary. I personally don't know how Jerry has found the time for all that he does; but he must be doing something right—everyone who knows him can tell by the smile on his face.

Jerry has faced many battles in his life, but today he may be facing his toughest. He has recently been diagnosed with cancer, and he will confront this illness with the same determination that he has shown his entire life. And I know there will be hundreds of friends standing beside him to help.

I am proud to be Jerry's friend, and I wish him the very best as he is honored by the community that is his home.

BILLIONAIRES' TAX LOOPHOLE

Mr. KENNEDY. Mr. President, the Joint Committee on Taxation has now completed its long awaited study on the billionaires' tax loophole, and their report is a blatant attempt to save the loophole, rather than close it.

On April 6, the Senate voted 96 to 4 to close this unjustified tax loophole for billionaires who renounce their American citizenship in order to avoid taxes on the wealth they have accumulated as Americans.

As we all know, the Senate Finance Committee had tried to close the loophole as part of its action to restore the health care deduction for small businesses.

The Finance Committee bill closed the billionaires' loophole, despite the fact that the revenue gained was not needed to pay for the health care deduction in the bill. In fact, the Finance Committee recommended that the revenues be used for deficit reduction.

This is exactly the type of action necessary if we are serious about achieving a balanced budget.

According to the revenue estimates at the time, closing the loophole would raise $3.6 billion over the next 10 years. Clearly, substantial revenues are at stake.

Too often, we close tax loopholes only when we need to raise revenues to offset tax cuts. In this case, the Finance Committee closed this flagrant loophole as soon as it was brought to the Committee's attention and rightly so, because this loophole should be closed as soon as possible.

The Senate bill did so, and all of us thought the issue was settled.

Yet, when the legislation came back to us from the Senate-House conference, the loophole had reappeared, and this important tax reform had disappeared. This outrageous tax break for a few dozen or so of the wealthiest individuals in the country would remain open.

The provision was dropped in conference because it was felt that technical issues needed to be addressed before Congress took action on the issue.

But in the April 6 vote, the Senate went solidly on record to close the loophole as quickly as possible, and to make the effective date of such legislation February 6, 1995.

This all happened, of course, at the same time our Republican colleagues in Congress have been proposing deep cuts in Medicare and education in order to pay for their new tax breaks for the rich.

Now, the report of the Joint Tax Committee suggests that the real purpose of the delay was to try to find a way to save as much of the loophole as possible.

I have several major concerns about the report

First, the report now indicates that the revenue gain from closing the loophole may be only about half the amount estimated earlier—$1.9 billion, instead of $3.6 billion. The amount is still significant, but far less than was expected.

Second, the report suggests that it may be preferable simply to tinker with the existing law and improve IRS enforcement procedures, instead of enacting a new reform to close the loophole, as President Clinton has proposed.

But the IRS has attempted to enforce the current law, and it has been found to be fatally flawed. To tinker with the current law is a thin-veiled pretext to save the current loophole.

The IRS has been able to identify only a handful of cases in which any tax was collected under the defective current law. And the total tax collected is less than $500,000.

At the same time, we have tax lawyers quoted as saying: "I talk to a new client interested in expatriating every week."

Third, the report allows an unacceptable window of opportunity to avoid the tax. Under this proposal, wealthy tax-evaders can still qualify for the loophole by simply having begun, not completed, the process of renouncing their citizenship by the February 6 date.

When we debated this issue 2 months ago, there were suggestions that the effective date should be postponed to accommodate certain individuals in their tax avoidance schemes.

In my view, we should close the loophole tight, not gerrymander the effective date to let some well-connected billionaires squeeze through.

At a time when Republicans in Congress are cutting Medicare, education, and other essential programs in order to pay for tax cuts for the rich, they are also maneuvering to salvage this unjustified loophole for the super wealthy.

I say, this loophole should be closed now, and it should be closed tight—no ifs, and, or buts. I intend to do all I can to see that it is.

COMPREHENSIVE TERRORISM PREVENTION ACT

The PRESIDING OFFICER. Under the previous order, the hour of 9:45 having arrived and passed, the Senate will now resume consideration of S. 735, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 735) to prevent and punish acts of terrorism, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Hatch-Dole amendment No. 1199, in the nature of a substitute.

Mr. SPECTER. Mr. President, the time has arrived for consideration of the pending bill on terrorism. The issues which are going to be taken up this morning involve habeas corpus reform. In the absence of any other Senator on the floor who desires to speak or offer an amendment, I will address the subject in a general way.

Mr. President, the Specter-Hatch habeas corpus reform bill, S. 623, is a very important piece of legislation. The provisions of that bill will be taken up now as part of the pending antiterrorism bill. This bill is an appropriate place to take up habeas corpus reform, because the acts of terrorism in the atrocious bombing of the Federal building in Oklahoma City would carry with it the death penalty, and habeas corpus reform is very important in order to make the death penalty an effective deterrent.

In order to have an effective deterrent, the penalty has to be certain and the penalty has to be swift. We have seen in the course of the appeals taken on cases from death row that they last sometimes as long as 20 years. Habeas corpus proceedings arising from Federal convictions are handled slightly differently than those arising out of State convictions, because in State proceedings, after the highest State court affirms the death penalty on direct review, there may then be additional State-court review called collateral review on State habeas corpus before review on Federal habeas corpus. Despite this slight difference, this is the time to move ahead with legislation to reform habeas corpus in all cases.

This is a subject that I have been working on for many years, since my days as an assistant district attorney in Philadelphia and later as district attorney of Philadelphia. Since coming to the Senate in 1981, I have introduced many bills directed at improving the administration of criminal justice, like the armed career criminal bill, which was enacted in 1984, and other legislation which has dealt with expanding the prison system, improving the chances of realistic rehabilitation, and strengthening deterrent value of the criminal law. The subject of habeas corpus reform falls into the latter category.

I have addressed habeas corpus reform on many occasions over the years and succeeded in 1990 in having the Senate pass an amendment to the 1990 crime bill on habeas corpus reform to try to reduce the long appellate time. Notwithstanding its passage by the Senate in 1990, the provision was not passed by the House of Representatives and was dropped from the conference report. I continued to introduce legislation on habeas corpus reform in 1991, 1993, and again in 1995. This year, after very extended negotiations with the distinguished Senator from Utah, the chairman of the Judiciary Committee, we came to an agreement on legislation which captioned the Specter-Hatch habeas corpus reform bill, S. 623, the provisions of which are now pending as part of this antiterrorism bill.

Preliminarily, Mr. President, I think it important to note the controversy over whether the death penalty is, in fact, a deterrent against violent crime.

It is my view that it is a deterrent, and I base that judgment on my own experience in prosecuting criminal cases, prosecuting personally murder cases, and running the district attorney's office in Philadelphia which had some 500 homicides a year at the time. Based on this experience, I am personally convinced that many professional robbers and burglars are deterred from taking weapons in the course of their robberies and burglaries because of the fear that a killing will result, and that would be murder in the first degree.

One of the cases which I handled many years ago as an assistant district attorney on appeal has convinced me that it is, in fact, a deterrent, and it is an illustrative case where there are many, many others which have been cited in treatises and the appellate reports.

The case I refer to involved 3 young hoodlums named Williams, age 19, Cater, 18, and Rivers, age 17. The three of them decided to rob a grocery store in north Philadelphia. They talked it over, and the oldest of the group, Williams, had a revolver which he brandished in front of his two younger coconspirators.

When Cater, age 18, and Rivers, age 17, saw the gun they said to Williams that they would not go along on the robbery if he took the gun because of their fear that a death might result and they might face capital punishment—the electric chair.

Williams put the gun in the drawer, slammed it shut, and they all left the room to go to the grocery store in north Philadelphia for the robbery, to get some money.

Unbeknown to Cater or Rivers, Williams had reached back into the drawer, pulled out the gun, took it with him, and in the course of the robbery in the north Philadelphia grocery store, the proprietor, Jacob Viner, resisted. Williams pulled out his gun and shot and killed Mr. Viner, and all three were caught and charged with murder in the first degree. All were tried. All were given the death penalty.

We know the facts of the case from the confessions and from the clearly established evidence as to what happened, as I have just recited it.

Ultimately, Williams was executed in 1962, the second to the last individual to be executed in Pennsylvania until within the past few months there was an execution after a 33-year lapse in carrying out the death penalty in the State of Pennsylvania.

When the matter came up on hearings before the pardon board, and I was district attorney, I agreed that the death penalty ought not to be carried out as to both Cater and Rivers because of the difference in their approach to the offense, that although technically they were guilty of the acts of their coconspirator, there was a significant qualitative difference, because they had refused to go along when the gun was to be taken and it was counter to the agreement and conspiratorial plan and scheme which the three carried out.

It was not an easy distinction to make because many would say that Cater and Rivers were equally responsible with Williams and that they had participated in the murder plot and should be held to the death penalty as well. But their sentences were commuted.

I think that case is a good illustration of the deterrent effect of capital punishment. Here you had two young men, 18 and 17, with very marginal IQ's, but they knew enough not to go along on a robbery if a gun was present because they might face the death penalty if a killing occurred.

Mr. President, in the current context in which habeas corpus appeals now run for as long as a couple of decades, the deterrent effect of capital punishment has been virtually eliminated.

There are many, many cases which illustrate this point. Many cases of brutal murders in which the case has dragged on and on for as long as 17 years or more.

One of them is the case of a man named Willie Turner. On the morning of July 12, 1978, he walked into the Smith Jewelers in Franklin, VA, carrying a sawed-off shotgun, wrapped in a towel. Without saying a word, Turner showed his shotgun to the proprietor, a man named Mr. Jack Smith.

Mr. Smith triggered the silent alarm, and a police officer, Alan Bain, arrived at the scene. During the course of the events, the defendant, Turner, pointed his shotgun at officer Bain's head and ordered him to remove his revolver from his holster and to put it on the floor. Turner then eventually shot the proprietor, Jack Smith, in the head. The shot was not fatal.

Then officer Bain began talking to Turner and he offered to take Turner out of the store if he would agree not to shoot anyone else. The defendant Turner then said, "I'm going to kill this squealer," referring to the proprietor, Smith, who lay severely wounded. Turner reached over the counter with his revolver and fired two close-range shots into the left side of Mr. Smith's chest.

The shots caused Smith's body to jump. Medical testimony established that either of these two shots to the chest would have been fatal. Turner was tried for murder in the first degree, was convicted, and was sentenced to death. The appeals lasted 17 years, with the victim's family attending some 19 separate court proceedings.

It is not an easy matter, Mr. President, when we talk about capital punishment. It is my judgment, however, that society needs this ultimate weapon in order to try to deal with violent crime in America. That has been the judgment of some 38 States in the United States. That is a judgment of the Congress of the United States in enacting legislation on the death penalty on the crime bill which was passed last year—a very controversial bill with many aspects going in a number of directions, some with gun control, others with providing more police, others with building more prisons.

I supported that bill, in large part because of the death penalty and the strong stands taken in that bill against violent crime.

Mr. President, there are many, many cases which illustrate the enormous delays in the criminal justice system and one which I have cited on the floor before. The CONGRESSIONAL RECORD is replete with citations of cases which show the deterrent effect of the death penalty and show the enormous delays under habeas corpus, but the Robert Alton Harris case is one which shows it vividly.

Defendant Harris was arraigned for a double murder back in July of 1978. His case wound through the courts running for some 14 years until 1992. In the course of this case, Mr. Harris filed 10 State habeas corpus petitions under the laws of California, 6 Federal habeas corpus petitions, 4 Federal stays of executions, there were 5 petitions for certiorari to the Supreme Court of the United States, and the case went on virtually interminably. Finally, in a very unusual order, the Supreme Court of the United States directed the lower Federal courts not to issue any more stays of execution for Harris.

There is another aspect to these very long delays, Mr. President. It involves the question as to whether the protracted, lengthy period of time defendants wait to have their death sentences carried out is itself, in fact, cruel and unusual punishment.

In a case before the Supreme Court of the United States as reported in the Washington Post on March 28 of this year, Justice Stevens, joined by Justice Breyer, called upon the lower courts to begin to examine whether executing a prisoner who has spent many years on death row violates the Constitution's prohibition on cruel and unusual punishment.

There was a case in 1989 where the British Government declined to extradite a defendant, Jens Soering, to Virginia on murder charges until the prosecutor agreed not to seek the death penalty because the European Court of Human Rights had ruled that confinement in a Virginia prison for 6 to 8 years awaiting execution violated the European Convention on Human Rights.

So we have a situation where these long delays involve continuing travail and pain to the family of the victims awaiting closure and awaiting disposition of the case. We also have an adjudication under the European Convention on Human Rights that concluded that the practice in the State of Virginia where cases were delayed for 6 to 8 years constitutes cruel and unusual punishment—all of these factors come together. Delays now average over 9 years across the United States. It seems to me the Congress of the United States, which has the authority to establish timetables and procedures for the Federal courts, ought to act to make the death penalty an effective deterrent. This legislation will move precisely in that direction.

Under the Specter-Hatch bill there will be a time limit of 6 months for the defendant to file his petition for a writ of habeas corpus in the Federal courts in a capital case. At the present time, without any statute of limitations, some of those on death row wait until the death penalty is imminent before filing the petition. This will put into effect a 6-month time limit in capital cases, where the State has provided adequate counsel in its post-conviction proceedings. So there is motivation under the pending legislation for adequate counsel to be appointed by the States. Not only will the appointment of counsel expedite the process, but it will ensure that the defendant will be accorded his or her rights.

After that period of time, a U.S. district court will have a period of 180 days to decide a habeas corpus petition in a capital case. That really is a sufficient period of time. That I can personally attest to from my own experience as an assistant district attorney and district attorney handling habeas corpus cases in both the State and Federal courts. If that time is insufficient, a judge can extend the time by writing an opinion stating his or her reasons. Right now, there are cases that have been pending before some Federal district judges for years. We must act to impose some limit on the length of time such cases are allowed to linger.

This deadline is not unduly burdensome to a Federal judge, to take up a case and decide it in 6 months. Even in the States which have the highest incidence of capital punishment, with the most defendants on death row—Florida, California, Texas—each Federal judge would not have a case sooner than once every 18 months or so. On appeal, the Federal court of appeals would have the obligation to decide the case within 120 days of briefing.

If a defendant sought to file any subsequent petition for habeas corpus, he would not be allowed to do so unless there was newly discovered evidence going to his guilt which could not have been available at an earlier time. This is a reasonably strict standard against filing repetitious petitions. And a second petition would be allowed only if the court of appeals agrees to permit the filing of the petition in the district court. Because the courts of appeals act in panels of three judges, two judges will have to agree that a subsequent petition satisfies the rigorous standards of this bill before it is filed in the district court.

So I think we have set forth here a timetable which is realistic and reasonable, and a structure which will make the death penalty a meaningful deterrent, cutting back the time from some 20 years, in extreme cases, to a reasonable timeframe which can be done with fairness to all parties in the course of some 2 years.

This legislation is not crafted in a way which is totally acceptable to me but it has been hammered out over the course of a great many negotiations and discussions with the distinguished Senator from Utah, the chairman. While he is on the floor I would like to praise him for his work in this field and for his work on the committee generally. This has been a very, very difficult matter to come to closure on. I think in the posture of the terrorism problem, that we are on the verge, now, of really moving forward and enacting this very important legislation.

I think it will pass the Senate. I believe it will pass the House. I think once presented to the President, it will be enacted into law and will very significantly improve the administration of criminal justice in the United States.

Mr. HATCH. Will my colleague yield?

Mr. SPECTER. I do.

Mr. HATCH. Mr. President, I thank my colleague for his kindness. I have to say we would not be as far along here on habeas corpus and having it in this bill if it was not for his leadership in this area. He is one of the few people in the whole Congress who really understands this issue very fully and thoroughly, and I have to give him an awful lot of credit on it.

We have worked together with the States attorneys general to have the language we have in this bill. I hope everybody on this floor will vote down these amendments that are being brought up here today because I think it is the only way we can make the change and get rid of these frivolous appeals, save taxpayers billions of dollars, and get the system so it works in a just and fair way, the way it should.

The amendment we have will protect civil liberties and constitutional rights while at the same time protecting the citizens and the victims and their families from the incessant appeals that really have been the norm in our society.

So I thank my colleague for his leadership on this and I just personally respect him and appreciate him and consider him a great friend.

We are prepared to go. We are supposed to have a vote at 10:15. I hope we can move ahead on the bill.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CAMPBELL). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BIDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. Mr. President, I apologize to my colleague for being late.

AMENDMENT NO. 1217

(Purpose: To amend the bill with respect to deleting habeas corpus for State prisoners)

Mr. BIDEN. Mr. President, I call up an amendment at the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Delaware [Mr. BIDEN] proposes an amendment numbered 1217.

Mr. BIDEN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Delete title 6, subtitle A, and insert the following:

SUBTITLE A—COLLATERAL REVIEW IN FEDERAL CRIMINAL CASES

SEC. 601. FILING DEADLINES.

Section 2255 of title 28, United States Code, is amended—

(1) by striking the second and fifth paragraphs; and

(2) by adding at the end the following new paragraphs:

"A one-year period of limitation shall apply to a motion under this section. The limitation period shall run from the latest of—

"(1) the date on which the judgment of conviction becomes final;

"(2) the date on which the impediment to making a motion created by governmental action in violation of the Constitution or laws of the United States is removed, if the movement was prevented from making a motion by such governmental action;

"(3) the date on which the right asserted was initially recognized by the Supreme Court, if that right has been newly recognized by the Supreme Court and is made retroactively applicable; or

"(4) the date on which the facts supporting the claim or claims presented could have been discovered through the exercise of due diligence.

"In a proceeding under this section before a district court, the final order shall be subject to review, on appeal, by the court of appeals for the circuit in which the proceeding is held only if a circuit justice or judges issues a certificate of appealability. A certificate of appealability may issue only if the movement has made a substantial showing of the denial of a constitutional right. A certificate of appealability shall indicate which specific issue or issues shows such a denial of a constitutional right.

"A claim presented in a second or successive motion under this section that was presented in a prior motion shall be dismissed.

"A claim presented in a second or successive motion under this section that was not presented in a prior motion shall be dismissed unless—

"(A) the movant shows the claim relies on a new rule of constitutional law, made retroactive by the Supreme Court, that was previously unavailable; or

"(B)(i) the factual predicate for the claim could not have been discovered previously through the exercise of due diligence; and

"(ii) the facts underlying the claim, if proven and viewed in light of the evidence as a whole, would be sufficient to establish by clear and convincing evidence that, but for constitutional error, no reasonable factfinder would have found the movant guilty of the underlying offense.

"Before a second or successive motion under this section is filed in the district court, the movant shall move in the appropriate court of appeals for an order authorizing the district court to consider the application. A motion in the court of appeals for an order authorizing the district court to consider a second or successive motion shall be determined by a three-judge panel of the court of appeals. The court of appeals may authorize the filing of a second or successive motion only if it determines that the motion makes a prima facie showing that the motion satisfies the requirements in this section. The court of appeals shall grant or deny the authorization to file a second or successive motion not later than 30 days after the filing of the motion.

"The grant or denial of an authorization by a court of appeals to file a second or successive motion shall not be appealable and shall not be the subject of a petition for rehearing or a writ of certiorari.

"A district court shall dismiss any claim presented in a second or successive motion that the court of appeals has authorized to be filed unless the applicant shows that the claim satisfies the requirements of this section.".

Mr. BIDEN. Mr. President, this is the first of a series of several amendments relating to habeas corpus. Habeas corpus is probably the most time honored phrase in our English jurisprudential criminal justice system, referred to as the Great Writ. But it is not very well understood by a vast majority of people including many lawyers.

I say at the outset here that one of the things we are going to hear today—

we are going to hear a great deal about how the system is abused. We are going to be told that time and again. We will see charts. We have been seeing these charts for years that show that a man or woman, in almost every case it has been a man, who has been sentenced to death, because of a series of frivolous appeals and successive habeas corpus petitions has remained in a prison cell and alive for—some of the examples of 10, 12, 14, 18 years after having committed the crime and having been convicted by a jury of their peers and having exhausted their appeals—after having committed a heinous crime. And we are left with the impression that the choice here is a stark choice between a continuation of a system where everybody convicted of a heinous crime and sentenced to death languishes in a prison for a decade or more, costing the system money and avoiding their ultimate fate that the choice is between that system and a system that essentially eliminates the right of a Federal court to review the actions taken by a State court to determine whether or not someone had been granted a fair trial. That is what habeas corpus is all about. Habeas corpus is all about saying when so and so is convicted, they were deprived of certain rights and opportunities and that they were not given a fair shake in the system.

Habeas corpus came about and really came in the forefront of the American political and legal system around 1917 when the State of Georgia put to death someone who by everyone's account should not have been put to death, and there was no ability of the Federal court to review the actions taken by the Georgia State court. The reason I give this background—and in light of the fact that I got here a few minutes late and there are Senators who have commitments early in the morning on this, I am going to shorten this particular amendment. But what we are told is that—and you will hear time and again this morning—the system is terrible, everyone abuses the system, and essentially State courts do a good job. Why have the Federal courts in this thing at all? I realize I am putting colloquial terms to this, but that is the essence of it.

The amendments that I am going to offer today and others will offer today are not designed to maintain the system as it is. We will show in future amendments that, if we amend the habeas corpus law the way we would like to as opposed to the way it is in the Republican bill, you still would have a situation where someone would have to have their fate executed and carried out after a trial by their peers and a finding of guilt within a very short amount of time. You would not have these 12-, 14-, 16-, or 18-year delays in implementing a court's decision.

As my former associate—I was his associate—a very fine trial lawyer in Wilmington, DE, always would say to the jury, "I hope we keep our eye on the ball here." I want us to try to focus, if we can, this morning. My colleagues on the Republican side of the aisle have repeatedly said in this bill that we must do something to ensure swift punishment of those who committed the Oklahoma City bombing. That is supposedly why, you might wonder, in a terrorism bill there is habeas corpus.

Well, the constant argument put forward is, look, we have to do this because once we find the person who did this awful thing in Oklahoma and they are convicted and sentenced to death, the death penalty must be carried out swiftly. I might add, a bill that the Presiding Officer and I voted for, the Biden crime bill, is the only reason there is a death penalty. Had we not voted for that bill, had that not passed last year, this finding of a person who committed the bombing, that person under Federal law would not be eligible to be put to death. There is no question that because of the action you and I and others took last year there is a death penalty now.

So unlike the World Trade Tower, no death penalty would be there under Federal law had we not passed the Biden crime bill then. Now there is. But they say now, once we find this person, we are going to go put them to death, what we have to do—this will be a Federal prison because under Federal law they will be prosecuted, not under the Oklahoma law but Federal law. They are eligible for the death penalty, and they will be convicted—I assume, and it is our fervent hope they will be convicted—and now they get sentenced to death. And the President and the Attorney General say they want the death penalty for whomever is convicted. My friends say, well, what we have to do now is have habeas corpus changed so no one will languish in prison. I do not think there is anybody in the Federal system right now—and I am looking to my staff for confirmation—who sits on death row filing habeas corpus petitions. There is one habeas corpus petition that has been filed in the Federal system.

So what I want to say to my friends—and I will put the rest of this in the RECORD—is this has nothing to do with terrorism. Not one of the horror stories Senator HATCH has given or has given us on the Senate floor relates to a terrorist who was prosecuted in the Federal court. They all relate to someone who is prosecuted in State court and has spent too long sitting on death row. There are useful and practical steps we can take to prevent future terrorist activities. We can reform habeas corpus petitions for State court prisoners. But in reforming habeas corpus petitions for State court prisoners, not one of them will affect terrorism because—I want to make it real clear—if we have a terrorist convicted under Federal law in a Federal court, then Federal habeas applies.

So my amendment is very simple. It says if you want to deal with terrorism, that is the purpose of putting habeas corpus in this bill and then limit it to Federal cases; limit it to Federal prisoners. That is the stated purpose. Do not go back and change the whole State court system. Do not go back and change the whole State habeas system on this bill. Debate it on a bill which should be the crime bill that is coming up in the next couple of weeks we are told.

There was a lot of discussion yesterday about nongermane amendments. This amendment strikes the 95 percent of the habeas bill that is not germane and keeps the 5 percent that is germane. Ninety-five percent of what my friends have in this bill relates to State prisoners, State courts, and has nothing to do with terrorism, nothing to do with Oklahoma City, but 5 percent arguably does.

My amendment says let us pass the 5 percent that has to do with Federal prisoners held in Federal prisons convicted in Federal courts and change the habeas the way they want for those prisoners. That will deal with Oklahoma City the way they say they want it and it will not mess up the 95 percent of the cases that deal with the State prisoners in State prisons in State courts and deny essentially Federal review of those State decisions.

So I will reserve the remainder of my time by saying that it is simple. My amendment simply says, all right, if this is about Oklahoma City, let us have it about Oklahoma City. The provisions in the bill relate to Federal prisoners and Federal habeas corpus.

Parliamentary inquiry: How much time remains?

The PRESIDING OFFICER. The Senator from Delaware has 5 minutes 2 seconds.

Mr. BIDEN. I will reserve the remainder of my time.

I yield the floor.

Mr. HATCH. Mr. President, I rise in opposition to the amendment offered to limit habeas reform exclusively to Federal cases.

Some have argued that habeas reform as applied to the States is not germane to this debate. Those individuals, including my distinguished colleague from Delaware, contend that a reform of the Federal overview of State convictions is meaningless in the context of the debate we are having. They are perhaps willing to admit that some revision of the collateral review of cases tried in Federal court may be in order, but they contend that reform of Federal collateral review of cases tried in State court is unnecessary.

This position is simply incorrect. I would like to read from a letter written by Robert H. Macy, district attorney of Oklahoma City, and a Democrat:

[I]mmediately following the trial or trials in federal court, I shall, working in cooperation with the United States Department of Justice and the Federal law enforcement agencies investigating the bombing of the Alfred P. Murrah Building, prosecute in Oklahoma State court the cowards responsible for murdering innocent people in the area surrounding the federal building. And I shall seek the death penalty. We must never forget that this bombing took several lives and injured dozens of persons in the neighborhood and businesses near the building. The State of Oklahoma has an overwhelming, compelling interest to seek, and obtain the maximum penalty allowable by law for the senseless and cowardly killings.

In our reaction to the destruction of the Federal building in Oklahoma City, we may overlook the fact that the bombing also caused the death of people who were not inside the building itself, or even on Federal property. The State of Oklahoma, not the Federal Government, will thus prosecute those responsible for the bombing that killed people outside of the Federal building. In those instances, Federal jurisdiction may not obtain and it will thus be necessary to prosecute the killers in State, as well as Federal, court.

A failure to enact a complete, meaningful, reform of habeas corpus proceedings may enable the individuals in this case, provided they are apprehended and duly convicted, to frustrate the demands of justice. The blood of the innocent men and women are on the hands of the evil cowards who committed this terrible tragedy. Justice must be, as President Clinton declared, "swift, certain, and severe."

Moreover, failure to enact meaningful, comprehensive, habeas reform will permit other killers who have terrorized their communities to continue to frustrate the judicial system. If we adopt the proposed amendment, we will create a schism between State and Federal capital law. In other words, murders tried in Federal court will face imposition of their final penalty more swiftly than persons tried for capital crimes in State cases. Why should we adopt such a piecemeal approach to reform, one that will leave such a gap between State and Federal cases? It simply makes no sense to reform habeas proceedings for cases tried in Federal court but leave the current disastrous system in place for cases tried in State court.

As of January 1, 1995, there were some 2,976 inmates on death row. Yet, only 38 prisoners were executed last year, and the States have executed only 263 criminals since 1973. Abuse of the habeas process features strongly in the extraordinary delay between sentence and the carrying out of that sentence.

In my home State of Utah, for example, convicted murderer William Andrews delayed the imposition of a constitutionally imposed death sentence for over 18 years. The State had to put up millions of dollars in precious criminal justice resources to litigate his meritless claims. His guilt was never in question. He was not an innocent person seeking freedom from an illegal punishment. Rather, he simply wanted to frustrate the imposition of punishment his heinous crimes warranted.

This abuse of habeas corpus litigation, particularly in those cases involving lawfully imposed death sentences, has taken a dreadful toll on victims' families, seriously eroded the public's confidence in our criminal justice system, and drained State criminal justice resources. This is simply not a just system.

Justice demands that lawfully imposed sentences be carried out. Justice demands that we now adopt meaningful habeas corpus reform. Justice demands that we not permit those who would perpetuate the current system to steer us from our course. We must do as the victims, families, and friends of those who have asked us to do: enact meaningful, comprehensive habeas reform now.

Mr. President, I know a number of our colleagues are ready to vote on this. Let me just make three or four points that I think are important with regard to the amendment of my friend and colleague.

I contend that the Biden amendment—and I think anybody who reads it would gut the habeas corpus title of this bill by applying habeas corpus reform solely to Federal capital convictions thus making reform inapplicable to the majority of capital cases including the Oklahoma State prosecution for murders of some of the people killed in Oklahoma. I am referring to those victims who were not Federal employees but were killed by the blast while outside of the building. If this amendment passes, there would be no habeas reform that would apply to them.

So I would like to make three additional points about why we should not vote for the Biden amendment before I move to table the amendment.

First, I have made this point that where people who were not Federal employees were outside the building, the terrorist will be prosecuted in State court for those people.

I ask unanimous consent that a letter from Robert H. Macy, a Democrat district attorney of Oklahoma City, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

STATE OF OKLAHOMA,
DISTRICT ATTORNEY,
Oklahoma City, OK, May 24, 1995.

Senator ORRIN G. HATCH,
Chairman, Judiciary, Dirksen Senate Office, Washington, DC.

DEAR SENATOR HATCH: The purpose of this letter is to express my support for the inclusion of the provisions for reform of Federal Habeas Corpus authored by Senator Specter and you in the Anti-terrorism Bill, S735. Apparently some persons have raised questions about the appropriateness of this measure. Specifically, I have been told that there are some who do not see the importance of these reform measures in cases, such as the Oklahoma City bombing, which will initially be prosecuted by Federal Court.

There are two points I would like to make in response to those questions. First, immediately following the trial or trials in Federal Court, I shall, working in cooperation with the United States Department of Justice and the Federal law enforcement agencies investigating the bombing of the Alfred P. Murrah Building, prosecute in Oklahoma State Court the cowards responsible for murdering innocent people in the area surrounding the federal building. And I shall seek the death penalty. We must never forget that this bombing took several lives and injured dozens of persons in the neighborhood and businesses near the building. The State of Oklahoma has an overwhelming, compelling interest to seek and obtain the maximum penalty allowable by law for the senseless and cowardly killings. Not only is it in the interest of the State, it is my sworn duty to seek those sanctions, and I intend to fully carry out my responsibilities.

The reform measures contained in the Specter, Hatch, Dole Habeas Corpus Reform measures contained in S735 will in my judgment significantly curb the abuse and delays inherent in current habeas practice. Every day of delay represents a victory for these cowardly cold blooded killers and another day of defeat and suffering for the victims and all other Americans who cry out for justice.

Secondly, your reform provisions will also create significant time savings during appeals from federal convictions as well. Examples of this include:

Time limitations on when habeas petitions may be filed; time deadlines on when federal courts must rule on habeas petitions; a requirement that federal courts prioritize consideration of capital appeals; reform of the abuses inherent in the probable cause process; limitations on second and successive petitions.

As Chairman of the Board of Directors of the National District Attorney's Association I am proud to inform you that America's prosecutors speak with one voice and that we are calling upon you and your colleagues to set your priorities and enact reforms which will provide to every convicted murderer the rights guaranteed by the constitution, but absolutely no further consideration or delay than is constitutionally required.

Respectfully,

ROBERT H. MACY,
District Attorney.

Mr. HATCH. Mr. President, in this letter, Mr. Macy makes it very clear that he intends to prosecute these terrorists under State law who caused the Oklahoma City bombing. If he does, the Biden amendment will not apply to them. So they can be on death row, even though we want swift, secure, and fast judgment, they would be on death row for anywhere up to 50 years, which is the case of one person in our society today still sitting on death row almost 50 years later.

So, first, it does not take care of those Federal employees who were killed outside the building should the State of Oklahoma choose to prosecute those responsible—as Robert Macy has stated will occur.

Second, we do not want piecemeal reform. If a robber kills one of the Federal employees the night before the bombing in Oklahoma City or anywhere else, why should we treat that killer any differently from the Oklahoma terrorists simply because he would be tried in a State court rather than a Federal court? We need to have it apply across the board, and the vast majority of murders are committed in the States and prosecuted by the State courts, and they would not be affected by the Biden amendment.

Third, let us say that the Federal Government prosecutors, for some reason or other, blow the prosecution. Assume we are unable to get a conviction against these terrorists in the Federal courts. The double jeopardy clause still allows the State to prosecute those terrorists or those murderers in State court under State law. But if they do prosecute them and we do not reform Federal habeas corpus review of State cases, then we will have the same incessant, frivolous appeals ad hominem, day and night, from that point on because this amendment would not take care of that problem. If we are going to pass habeas reform, let us pass real habeas reform. Let us do it straight up. Let us protect the constitutional rights, which our amendment does do in the bill. Let us protect civil liberties, but let us get some finality into the law so that the frivolous appeal game will be over.

Basically, those are the three things: People killed who are not Federal employees outside the building, those prosecutions will be brought in State court. And the Biden amendment would not apply to the benefit of habeas reform to that case. We do not want piecemeal reform. If a robber kills a Federal employee the night before the bombing in Oklahoma City, just to give a hypothetical, and the State has to bring the murder action against that individual, then why should that person not be subject to the same rules as the murderers in the Oklahoma City bombing? And if the Federal prosecutor blows the prosecution, why should not the State prosecutor be able to bring action under the State laws and under those circumstances prosecute the killers and have the same rule apply under those circumstances as well?

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. I will be very brief in reply.

With regard to the point that if someone is not a Federal employee outside the building is killed, fortunately, we passed the Biden crime bill last year, and under title 18, section 2332(A) "Use of Weapons of Mass Destruction"—I would refer my colleague to that—anyone killed at all, whether sitting across the street drinking a cup of coffee, whether they are riding by in their automobile, whether they are a Federal employee or whether they are an alien, it does not matter; they are subject to the Federal death penalty. So the Senator is missing the point.

Second, we do want universal reform of habeas corpus. Let us do it on a bill that we are supposed to do it on. Let us do it on the crime bill.

And, No. 3, as to the idea that we are somehow going to have two different standards apply, the real issue is under what circumstances does a Federal court have a right to review a State court's judgment. It has nothing to do with terrorism under this provision. It has nothing to do with Oklahoma City. We should deal with it. We should discuss it. We should debate it, not on this bill.

I am prepared, whenever the Senator wants, to move to the tabling of my amendment.

Mr. HATCH. I am prepared to yield. Let me just make a point that a State prosecutor—a Democrat—is going to prosecute these terrorists, and this habeas reform, if the Biden amendment passes, will not apply to them. And that, in a nutshell, is the problem with this amendment. We ought to make our habeas reform apply to both Federal and State convictions.

Mr. President, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Do Senators yield back their time?

Mr. HATCH. I yield back the time.

Mr. BIDEN. Mr. President, I would take issue with the last statement of my friend. I will not debate it now. We will have plenty of time to do that.

I yield back my time.

Mr. HATCH. I yield back my time.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the amendment. The yeas and nays have been ordered. The clerk will call the roll.

Mr. LOTT. I announce that the Senator from Texas [Mr. GRAMM], the Senator from New Hampshire [Mr. GREGG], the Senator from Pennsylvania [Mr. SANTORUM], and the Senator from Wyoming [Mr. SIMPSON] are necessarily absent.

I further announce that, if present and voting, the Senator from Wyoming [Mr. SIMPSON] would vote "yea."

Mr. FORD. I announce that the Senator from North Dakota [Mr. CONRAD] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 67, nays 28, as follows:

[Rollcall Vote No. 237 Leg.]

YEAS—67

Abraham
Ashcroft
Baucus
Bennett
Bingaman
Bond
Breaux
Brown
Bryan
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
DeWine
Dole
Domenici
Exon
Faircloth
Feinstein
Ford
Frist
Gorton
Graham
Grams
Grassley
Hatch
Heflin
Helms
Hollings
Hutchison
Inhofe
Jeffords
Johnston
Kassebaum
Kempthorne
Kerrey
Kyl
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Nunn
Pressler
Pryor
Reid
Robb
Rockefeller
Roth
Shelby
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—28

Akaka
Biden
Boxer
Bradley
Bumpers
Daschle
Dodd
Dorgan
Feingold
Glenn
Harkin
Hatfield
Inouye
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Levin
Mikulski
Moseley-Braun
Moynihan
Murray
Packwood
Pell
Sarbanes
Simon
Wellstone

NOT VOTING—5

Conrad
Gramm
Gregg
Santorum
Simpson

So the motion to table the amendment (No. 1217) was agreed to.

Mr. BIDEN. Mr. President, I understand one of our colleagues thought this was an up-or-down vote as opposed to a tabling motion and would like to ask unanimous consent to change the vote which will not affect the outcome.

CHANGE OF VOTE

Mrs. BOXER. On this last rollcall vote No. 237, I voted "yea." It was my intention to vote "nay." Therefore, I ask unanimous consent that I be permitted to change my vote. This will in no way change the outcome of the vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

(The foregoing tally has been changed to reflect the above order.)

Mr. KENNEDY. Mr. President, I rise to speak generally on the subject of habeas corpus and in support of the amendments by Senators BIDEN and LEVIN that will be offered to the bill.

At the outset, I want to emphasize my support for passage of a strong antiterrorism bill that gives law enforcement agencies the tools they need to combat crimes of terror at home and abroad. I commend President Clinton and the Senators who brought in legislation expeditiously before the Senate. There is much in this legislation that deserves to be enacted into law as soon as possible.

It is unfortunate, therefore, that the proponents of the bill have injected into it an unrelated and highly controversial subject; namely, drastic changes to longstanding law relating to habeas corpus.

The manager of the bill says that habeas corpus is relevant because the suspects charged in the Oklahoma City bombings are charged with a capital offense. But that fact presents absolutely no justification for changing the rules with regard to State prisoners.

The inclusion of sweeping habeas corpus reform in this bill is the worst kind of opportunism, and I regret that it has occurred in the wake of this national tragedy.

When, and if, capital punishment is imposed, it must be imposed in a constitutional manner. That is accomplished through the writ of habeas corpus—a process so central to our constitutional system of Government that it is often called the "Great Writ."

Clearly, some form of habeas corpus is needed to avoid excessive litigation, repetitive reviews, and the delays that sometimes characterize the present system. In a series of decisions over the past 10 years, the Supreme Court itself has imposed certain restrictions on the ability of death row inmates to obtain review through habeas corpus, and the issue has brought heated controversy to our congressional debates on crime bills in recent years.

In the past, Senator BIDEN, among others, has proposed legislation to limit the number and length of death row appeals, but at the same time to make sure that post-conviction review in the Federal courts is meaningful. But he adhered to the sensible conclusion of former Justice Lewis Powell, who in a landmark report commissioned by Chief Justice Rehnquist said the following:

> Capital cases should be subject to one fair and complete course of collateral review through the State and Federal system. Where the death penalty is involved, fairness means a searching and impartial review of the propriety of the sentence.

But the bill before us today does not strike a fair balance. It actually precludes the meaningful review that Justice Powell said was necessary, and it increases the likelihood that innocent people will be executed in this country.

A principal problem is that this bill does nothing to ensure that death penalty defendants receive adequate legal representation at their original trial.

As many as 20 percent of all death sentences are overturned after Federal habeas corpus review, very often because a defendant has been inadequately represented at trial.

This bill also eliminates the current requirement that poor defendants receive appointed counsel in Federal habeas corpus proceedings. I reject that view. The appointment of attorneys for death row inmates is not a question of sympathy, it is a question of fundamental fairness.

In addition, the bill limits the circumstances under which a death row inmate may raise a claim of innocence based on newly discovered evidence. The proposal to limit inmates to one bite at the apple is sound in principle, but surely our interest in swift executions must give way in the face of new evidence that an innocent person is about to be put to death.

At any time prior to the execution there must be a forum in which nonfrivolous claims of innocence can be heard. As Supreme Court Justice Potter Stewart once wrote, "swift justice demands more than just swiftness."

Finally, the bill might be read to require Federal courts to defer to State courts on issues of Federal constitutional law. In part the bill states that a Federal court cannot grant a writ of habeas corpus based on Federal constitutional claims unless the State court judgment was an "unreasonable application of Federal law."

No one thinks that under current law the Federal courts just ignore State court decisions, even on questions of Federal constitutional law. The federal courts respect the State courts and give their decisions a great deal of attention. The specialists I have talked to tell me that the Federal courts, even now, grant relief on constitutional claims only when it is pretty clear that a prisoner's constitutional rights were violated.

This being true, a bill that tells the Federal courts that they should not grant relief unless they are satisfied that a prisoner's clearly established rights were violated may not change things very much.

I do not see the need for this kind of language in the bill, but to the extent it allows the Federal courts to do what they are doing now, it may do no great harm. I just hope that, if the bill is adopted, it will be interpreted correctly.

A contrary interpretation would stand our Federal system on its head. Why should a Federal court defer to the judgment of a State court on a matter of Federal constitutional law? The notion that a Federal court would be rendered incapable of correcting a constitutional error because it was not an unreasonable constitutional error is unacceptable, especially in capital cases.

Ever since the days of the great Chief Justice John Marshall, the Federal courts have historically served as the great defenders of constitutional protections. They must remain so.

Whatever the merits of this sweeping habeas corpus reform, such drastic changes should not be adopted on this bill. Nothing in this legislation would be more detrimental to the values of the Nation and our Constitution than for Congress, in its rush to combat terrorism, to strip away venerable constitutional questions.

The perpetrators of the Oklahoma City tragedy will have triumphed if their actions promote us to short-circuit the Constitution.

This bill goes far beyond terrorism and far beyond Federal prisoners. It severely limits the ability of any State prisoner—not just terrorists, but any State prisoner—to seek Federal court review of constitutional rights. This is an extremely controversial, very complicated proposal. It is wrong to try to sneak it into an antiterrorism bill that we all want to pass as quickly as we reasonably can.

The debate on comprehensive habeas corpus reform should take place when we take up the omnibus crime bill. The attempt to jam it into the pending bill is a cynical attempt to manipulate public concern about terrorism, and the Congress should reject it.

I urge the Senate to act responsibly on this critical issue. We should adopt the Biden and Levin amendments on the subject, and if necessary resume the rest of the debate on habeas corpus when the crime bill comes before the Senate.

(Mr. KYL assumed the chair.)

Mr. DOLE. Mr. President, I wanted to indicate we now have to dispose of the Biden amendment No. 1217. My understanding is that the Senator from Delaware is prepared to offer a second.

Mr. BIDEN. Mr. President, my intention would be to offer the second amendment on counsel standards required in Federal habeas corpus cases. I think the number is 1226.

Then I will have one more. The most important, from my perspective, of the amendments I have is the one relating to the deference standard that is in the Republican bill.

Senator GRAHAM of Florida has indicated to me that he will not offer his amendment. Senator LEVIN, I believe, will be ready to offer his amendment shortly.

I would respectfully request that the Presiding Officer, Mr. KYL, offer his amendment sometime between that. It is my intention to offer my amendment last. I will offer the first three, but the last amendment on habeas I would like very much to be my amendment on deference.

We will by that time have eliminated all Democratic amendments. I understand there is one—unless Mr. KYL is withdrawing his—there is one amendment on the other side.

Mr. DOLE. We have one, and we have 30 minutes equally divided on this amendment.

Mr. BIDEN. I am happy to do that. We have apparently not reached a time agreement. I am prepared to enter now into a time agreement on this amendment of 30 minutes equally divided.

Mr. DOLE. Mr. President, I make that request.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1226 TO AMENDMENT NO. 1199

(Purpose: To amend the bill with respect to requiring counsel for federal habeas proceedings)

Mr. BIDEN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Delaware [Mr. BIDEN], proposes an amendment numbered 1226 to amendment No. 1199.

Mr. BIDEN. Mr. President, I ask unanimous consent further reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Delete from page 106, line 20 through all of page 125 and insert the following:

"(h) The ineffectiveness or incompetence of counsel during Federal or State collateral post-conviction proceedings shall not be a ground for relief in a proceeding arising under section 2254.".

SEC. 605. SECTION 2255 AMENDMENTS.

Section 2255 of title 28, United States Code, is amended—

(1) by striking the second and fifth undesignated paragraphs; and

(2) by adding at the end the following new undesignated paragraphs:

"A 1-year period of limitation shall apply to a motion under this section. The limitation period shall run from the latest of—

"(1) the date on which the judgment of conviction becomes final;

"(2) the date on which the impediment to making a motion created by governmental action in violation of the Constitution or laws of the United States is removed, if the movant was prevented from making a motion by such governmental action;

"(3) the date on which the right asserted was initially recognized by the Supreme Court, if that right has been newly recognized by the Supreme Court and made retroactively applicable to cases on collateral review; or

"(4) the date on which the facts supporting the claim or claims presented could have been discovered through the exercise of due diligence.

"In all proceedings brought under this section, and any subsequent proceedings on review, appointment of counsel for a movant who is or becomes financially unable to afford counsel shall be in the discretion of the court, except as provided by a rule promulgated by the Supreme Court pursuant to statutory authority. Appointment of counsel under this section shall be governed by section 3006A of title 18.

"A second or successive motion must be certified as provided in section 2244 by a panel of the appropriate court of appeals to contain—

"(1) newly discovered evidence that, if proven and viewed in light of the evidence as a whole, would be sufficient to establish by clear and convincing evidence that no reasonable factfinder would have found the movant guilty of the offense; or

"(2) a new rule of constitutional law, made retroactive to cases on collateral review by the Supreme Court, that was previously unavailable.".

SEC. 606. LIMITS ON SECOND OR SUCCESSIVE APPLICATIONS.

(a) CONFORMING AMENDMENT TO SECTION 2244(a).—Section 2244(a) of title 28, United States Code, is amended by striking "and the petition" and all that follows through "by such inquiry." and inserting ", except as provided in section 2255.".

(b) LIMITS ON SECOND OR SUCCESSIVE APPLICATIONS.—Section 2244(b) of title 28, United States Code, is amended to read as follows:

"(b)(1) A claim presented in a second or successive habeas corpus application under section 2254 that was presented in a prior application shall be dismissed.

"(2) A claim presented in a second or successive habeas corpus application under section 2254 that was not presented in a prior application shall be dismissed unless—

"(A) the applicant shows that the claim relies on a new rule of constitutional law, made retroactive to cases on collateral review by the Supreme Court, that was previously unavailable; or

"(B)(i) the factual predicate for the claim could not have been discovered previously through the exercise of due diligence; and

"(ii) the facts underlying the claim, if proven and viewed in light of the evidence as a whole, would be sufficient to establish by clear and convincing evidence that, but for constitutional error, no reasonable factfinder would have found the applicant guilty of the underlying offense.

"(3)(A) Before a second or successive application permitted by this section is filed in the district court, the applicant shall move in the appropriate court of appeals for an order authorizing the district court to consider the application.

"(B) A motion in the court of appeals for an order authorizing the district court to consider a second or successive application shall be determined by a three-judge panel of the court of appeals.

"(C) The court of appeals may authorize the filing of a second or successive application only if it determines that the application makes a prima facie showing that the application satisfies the requirements of this subsection.

"(D) The court of appeals shall grant or deny the authorization to file a second or successive application not later than 30 days after the filing of the motion.

"(E) The grant or denial of an authorization by a court of appeals to file a second or successive application shall not be appealable and shall not be the subject of a petition for rehearing or for a writ of certiorari.

"(4) A district court shall dismiss any claim presented in a second or successive application that the court of appeals has authorized to be filed unless the applicant shows that the claim satisfies the requirements of this section.".

SEC. 607. DEATH PENALTY LITIGATION PROCEDURES.

(a) ADDITION OF CHAPTER TO TITLE 28, UNITED STATES CODE.—Title 28, United States Code, is amended by inserting after chapter 153 the following new chapter:

"CHAPTER 154—SPECIAL HABEAS CORPUS PROCEDURES IN CAPITAL CASES

"Sec.

"2261. Prisoners in State custody subject to capital sentence; appointment of counsel; requirement of rule of court or statute; procedures for appointment.

"2262. Mandatory stay of execution; duration; limits on stays of execution; successive petitions.

"2263. Filing of habeas corpus application; time requirements; tolling rules.

"2264. Scope of Federal review; district court adjudications.

"2265. Application to State unitary review procedure.

"2266. Limitation periods for determining applications and motions.

"§ 2261. Prisoners in State custody subject to capital sentence; appointment of counsel; requirement of rule of court or statute; procedures for appointment

"(a) This chapter shall apply to cases arising under section 2254 brought by prisoners in State custody who are subject to a capital sentence. It shall apply only if the provisions of subsections (b) and (c) are satisfied.

"(b) This chapter is applicable if a State establishes by statute, rule of its court of last resort, or by another agency authorized by State law, a mechanism for the appointment, compensation, and payment of reasonable litigation expenses of competent counsel in State post-conviction proceedings brought by indigent prisoners whose capital convictions and sentences have been upheld on direct appeal to the court of last resort in the State or have otherwise become final for State law purposes. The rule of court or statute must provide standards of competency for the appointment of such counsel.

"(c) Any mechanism for the appointment, compensation, and reimbursement of counsel as provided in subsection (b) must offer counsel to all State prisoners under capital sentence and must provide for the entry of an order by a court of record—

"(1) appointing one or more counsels to represent the prisoner upon a finding that the prisoner is indigent and accepted the offer or is unable competently to decide whether to accept or reject the offer;

"(2) finding, after a hearing if necessary, that the prisoner rejected the offer of counsel and made the decision with an understanding of its legal consequences; or

"(3) denying the appointment of counsel upon a finding that the prisoner is not indigent.

"(d) No counsel appointed pursuant to subsections (b) and (c) to represent a State prisoner under capital sentence shall have previously represented the prisoner at trial or on direct appeal in the case for which the appointment is made unless the prisoner and counsel expressly request continued representation.

"(e) The ineffectiveness or incompetence of counsel during State or Federal post-conviction proceedings in a capital case shall not be a ground for relief in a proceeding arising under section 2254. This limitation shall not preclude the appointment of different counsel, on the court's own motion or at the request of the prisoner, at any phase of State or Federal post-conviction proceedings on the basis of the ineffectiveness or incompetence of counsel in such proceedings.

"§ 2262. Mandatory stay of execution; duration; limits on stays of execution; successive petitions

"(a) Upon the entry in the appropriate State court of record of an order under section 2261(c), a warrant or order setting an execution date for a State prisoner shall be stayed upon application to any court that would have jurisdiction over any proceedings filed under section 2254. The application shall recite that the State has invoked the post-conviction review procedures of this chapter and that the scheduled execution is subject to stay.

"(b) A stay of execution granted pursuant to subsection (a) shall expire if—

"(1) a State prisoner fails to file a habeas corpus application under section 2254 within the time required in section 2263;

"(2) before a court of competent jurisdiction, in the presence of counsel, unless the prisoner has competently and knowingly waived such counsel, and after having been advised of the consequences, a State prisoner under capital sentence waives the right to pursue habeas corpus review under section 2254; or

"(3) a State prisoner files a habeas corpus petition under section 2254 within the time required by section 2263 and fails to make a substantial showing of the denial of a Federal right or is denied relief in the district court or at any subsequent stage of review.

"(c) If one of the conditions in subsection (b) has occurred, no Federal court thereafter shall have the authority to enter a stay of execution in the case, unless the court of appeals approves the filing of a second or successive application under section 2244(b).

"§ 2263. Filing of habeas corpus application; time requirements; tolling rules

"(a) Any application under this chapter for habeas corpus relief under section 2254 must be filed in the appropriate district court not later than 180 days after final State court affirmance of the conviction and sentence on direct review or the expiration of the time for seeking such review.

"(b) The time requirements established by subsection (a) shall be tolled—

"(1) from the date that a petition for certiorari is filed in the Supreme Court until the date of final disposition of the petition if a State prisoner files the petition to secure review by the Supreme Court of the affirmance of a capital sentence on direct review by the court of last resort of the State or other final State court decision on direct review;

"(2) from the date on which the first petition for post-conviction review or other collateral relief is filed until the final State court disposition of such petition; and

"(3) during an additional period not to exceed 30 days, if—

"(A) a motion for an extension of time is filed in the Federal district court that would have jurisdiction over the case upon the filing of a habeas corpus application under section 2254; and

"(B) a showing of good cause is made for the failure to file the habeas corpus application within the time period established by this section.

"§ 2264. Scope of Federal review; district court adjudications

"(a) Whenever a State prisoner under capital sentence files a petition for habeas corpus relief to which this chapter applies, the district court shall only consider a claim or claims that have been raised and decided on the merits in the State courts, unless the failure to raise the claim properly is—

"(1) the result of State action in violation of the Constitution or laws of the United States;

"(2) the result of the Supreme Court recognition of a new Federal right made retroactively applicable to cases on collateral review by the Supreme Court; or

"(3) based on a factual predicate that could not have been discovered through the exercise of due diligence in time to present the claim for State or Federal post-conviction review.

"(b) Following review subject to subsections (a), (d), and (e) of section 2254, the court shall rule on the claims properly before it.

"§ 2265. Application to State unitary review procedure

"(a) For purposes of this section, a 'unitary review' procedure means a State procedure that authorizes a person under sentence of death to raise, in the course of direct review of the judgment, such claims as could be raised on collateral attack. This chapter shall apply, as provided in this section, in relation to a State unitary review procedure if the State establishes by rule of its court of last resort or by statute a mechanism for the appointment, compensation, and payment of reasonable litigation expenses of competent counsel in the unitary review proceedings, including expenses relating to the litigation of collateral claims in the proceedings. The rule of court or statute must provide standards of competency for the appointment of such counsel.

"(b) To qualify under this section, a unitary review procedure must include an offer of counsel following trial for the purpose of representation on unitary review, and entry of an order, as provided in section 2261(c), concerning appointment of counsel or waiver or denial of appointment of counsel for that purpose. No counsel appointed to represent the prisoner in the unitary review proceedings shall have previously represented the prisoner at trial in the case for which the appointment is made unless the prisoner and counsel expressly request continued representation.

"(c) Sections 2262, 2263, 2264, and 2266 shall apply in relation to cases involving a sentence of death from any State having a unitary review procedure that qualifies under this section. References to State 'post-conviction review' and 'direct review' in such sections shall be understood as referring to unitary review under the State procedure. The reference in section 2262(a) to 'an order under section 2261(c)' shall be understood as referring to the post-trial order under subsection (b) concerning representation in the unitary review proceedings, but if a transcript of the trial proceedings is unavailable at the time of the filing of such an order in the appropriate State court, then the start of the 180-day limitation period under section 2263 shall be deferred until a transcript is made available to the prisoner or counsel of the prisoner.

"§ 2266. Limitation periods for determining applications and motions

"(a) The adjudication of any application under section 2254 that is subject to this chapter, and the adjudication of any motion under section 2255 by a person under sentence of death, shall be given priority by the district court and by the court of appeals over all noncapital matters.

"(b)(1)(A) A district court shall render a final determination and enter a final judgment on any application for a writ of habeas corpus brought under this chapter in a capital case not later than 180 days after the date on which the application is filed.

"(B) A district court shall afford the parties at least 120 days in which to complete all actions, including the preparation of all pleadings and briefs, and if necessary, a hearing, prior to the submission of the case for decision.

"(C)(i) A district court may delay for not more than one additional 30-day period beyond the period specified in subparagraph (A), the rendering of a determination of an application for a writ of habeas corpus if the court issues a written order making a finding, and stating the reasons for the finding, that the ends of justice that would be served by allowing the delay outweigh the best interests of the public and the applicant in a speedy disposition of the application.

"(ii) The factors, among others, that a court shall consider in determining whether a delay in the disposition of an application is warranted are as follows:

"(I) Whether the failure to allow the delay would be likely to result in a miscarriage of justice.

"(II) Whether the case is so unusual or so complex, due to the number of defendants, the nature of the prosecution, or the existence of novel questions of fact or law, that it is unreasonable to expect adequate briefing within the time limitations established by subparagraph (A).

"(III) Whether the failure to allow a delay in a case, that, taken as a whole, is not so unusual or so complex as described in subclause (II), but would otherwise deny the applicant reasonable time to obtain counsel, would unreasonably deny the applicant or the government continuity of counsel, or would deny counsel for the applicant or the government the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

"(iii) No delay in disposition shall be permissible because of general congestion of the court's calendar.

"(iv) The court shall transmit a copy of any order issued under clause (i) to the Director of the Administrative Office of the United States Courts for inclusion in the report under paragraph (5).

"(2) The time limitations under paragraph (1) shall apply to—

"(A) an initial application for a writ of habeas corpus;

"(B) any second or successive application for a writ of habeas corpus; and

"(C) any redetermination of an application for a writ of habeas corpus following a remand by the court of appeals or the Supreme Court for further proceedings, in which case the limitation period shall run from the date the remand is ordered.

"(3)(A) The time limitations under this section shall not be construed to entitle an applicant to a stay of execution, to which the applicant would otherwise not be entitled, for the purpose of litigating any application or appeal.

"(B) No amendment to an application for a writ of habeas corpus under this chapter shall be permitted after the filing of the answer to the application, except on the grounds specified in section 2244(b).

"(4)(A) The failure of a court to meet or comply with a time limitation under this section shall not be a ground for granting relief from a judgment of conviction or sentence.

"(B) The State may enforce a time limitation under this section by petitioning for a writ of mandamus to the court of appeals. The court of appeals shall act on the petition for a writ or mandamus not later than 30 days after the filing of the petition.

"(5)(A) The Administrative Office of United States Courts shall submit to Congress an annual report on the compliance by the district courts with the time limitations under this section.

"(B) The report described in subparagraph (A) shall include copies of the orders submitted by the district courts under paragraph (1)(B)(iv).

"(c)(1)(A) A court of appeals shall hear and render a final determination of any appeal of an order granting or denying, in whole or in part, an application brought under this chapter in a capital case not later than 120 days after the date on which the reply brief is filed, or if no reply brief is filed, not later than 120 days after the date on which the answering brief is filed.

"(B)(i) A court of appeals shall decide whether to grant a petition for rehearing or other request for rehearing en banc not later than 30 days after the date on which the petition for rehearing is filed unless a responsive pleading is required, in which case the court shall decide whether to grant the petition not later than 30 days after the date on which the responsive pleading is filed.

"(ii) If a petition for rehearing or rehearing en banc is granted, the court of appeals shall hear and render a final determination of the appeal not later than 120 days after the date on which the order granting rehearing or rehearing en banc is entered.

"(2) The time limitations under paragraph (1) shall apply to—

"(A) an initial application for a writ of habeas corpus;

"(B) any second or successive application for a writ of habeas corpus; and

"(C) any redetermination of an application for a writ of habeas corpus or related appeal following a remand by the court of appeals en banc or the Supreme Court for further proceedings, in which case the limitation period shall run from the date the remand is ordered.

"(3) The time limitations under this section shall not be construed to entitle an applicant to a stay of execution, to which the applicant would otherwise not be entitled, for the purpose of litigating any application or appeal.

"(4)(A) The failure of a court to meet or comply with a time limitation under this section shall not be a ground for granting relief from a judgment of conviction or sentence.

"(B) The State may enforce a time limitation under this section by applying for a writ of mandamus to the Supreme Court.

"(5) The Administrative Office of United States Courts shall submit to Congress an annual report on the compliance by the courts of appeals with the time limitations under this section.".

(b) TECHNICAL AMENDMENT.—The part analysis for part IV of title 28, United States Code, is amended by adding after the item relating to chapter 153 the following new item:

"154. Special habeas corpus procedures in capital cases .... 2261.".

(c) EFFECTIVE DATE.—Chapter 154 of title 28, United States Code (as added by subsection (a)) shall apply to cases pending on or after the date of enactment of this Act.

Mr. BIDEN. Mr. President, in 1988, we passed a bill which I had authored with several others called the Death Penalty for Drug Kingpins Act.

It was the first constitutional Federal death penalty to go on the books after 1972 when the Supreme Court invalidated the death penalty.

I helped write that bill, much to the dismay of many of my liberal friends who could not understand why I was writing such a bill. It was a bill strongly promoted by President Bush, and it passed by a lopsided vote of 65 to 29, with only six Republicans voting against the bill.

When we passed that bill, we recognized that if the Federal Government was going to put a person to death, we better get it right. We better have the right guy and we better have had a fair trial, and the defendant better have had his or her day in court.

As part of the law, we said that the capital defendant—the defendant accused of a crime which carried with it the death penalty—in that case the person should have a lawyer. Kind of axiomatic. They should have a lawyer if they are going to go to trial, a trial in which, if that person is found guilty, they will be put to death.

That, of course, is also what the sixth amendment of the Constitution of the United States says. It explicitly says that "In all criminal proceedings the accused shall have the assistance of counsel for his defense."

Remember Clarence Earl Gideon? The case was Gideon versus Wainwright. The Supreme Court held that Mr. Gideon, accused of a crime, could not receive a fair trial absent the right to a lawyer.

In that case, the court said, "The sixth amendment stands as a constant admonition that if the constitutional safeguards it provides be lost, justice will not be done. The right of one charged with a crime to counsel may not be deemed fundamental and essential to fair trials in some countries, but it is in ours."

Also, in the 1988 drug bill we said that prisoners, State or Federal, who are looking the death penalty in the eye should have a lawyer for their Federal habeas corpus appeals. Again, we recognize that if the Federal Government is going to put its stamp of approval on a man's execution, he should at least have a lawyer. But this Republican bill does something I am not sure they intended to do, but they did. This Republican bill changes all of that. Astonishingly, it changes all of that. In a section entitled "technical amendments"—we should all keep our eyes open when someone says "this is just a technical amendment"—in a section entitled "technical amendments," this bill repeals the right to counsel in Federal capital cases. It says that the right to counsel is no right at all but a matter of discretion for the judge.

Let me refer you back to Gideon versus Wainwright, that famous last sentence which says, "The right of one charged with a crime to counsel may not be deemed fundamental and essential to fair trials in some countries, but it is in ours."

It does not say it is discretionary in ours. It does not say maybe it is all right in ours. It does not say it is OK sometimes in ours. It says, "it is in ours."

Astonishingly, this little technical amendment says the right to counsel is a matter of discretion for the judge to decide.

I do not know what my colleagues were thinking of when they wrote this. But what this seems to be saying is this: We do not care what the Constitution says. We do not care what the Supreme Court says. We think it is OK to deny a person who faces the Federal death penalty—and there are now over 60 on the books—we think it is OK to deny that person the assistance of counsel at his trial. I submit this proposition is as unthinkable as it is unconstitutional. And we should have nothing to do with it.

The Republican bill also repeals the right we created in 1968 to a lawyer for Federal habeas corpus appeal. This bill says that there should be no right to a lawyer, that it should instead be a matter of discretion for every individual case. What is more, the Republican proposal is taking away this right at the very same time it is changing the rules of the game on habeas corpus, and placing new and sweeping restrictions on the right of habeas corpus itself.

We want to change habeas corpus but they are making sweeping changes in the rules of the game. And in addition saying, and by the way, while we are at it we are going to go back and deny you your right to counsel when you are filing such a petition. And one more thing, we are going to deny you the automatic right to a lawyer at your trial, before you are convicted.

It reminds me of that line that is often used, and I will paraphrase, "hanging first, trial later." What are we into here?

I agree we should cut down the delay and abuse of the Federal habeas corpus and I have made a number of similar proposals over the years to impose strict time limits on when such petitions could be filed and also to limit the number that could be filed, essentially giving one bite out of the apple to drastically reduce the ability to have successive petitions unless there is some egregious action that is learned about after the petition is filed, the first petition.

But I have always believed if we are going to speed up the process, which I wish to do, if we are going to narrow the avenues of habeas corpus, which I wish to do, we should at least make sure that the petitioner has a lawyer. That is what we said in 1988 and there has been no serious question raised about our wisdom in passing that law since then.

Two years ago I entered into painstaking extensive negotiations with the Nation's district attorneys and the attorneys general of the United States over habeas corpus reform. We negotiated for months. We logged hundreds of hours, argued over scores of serious issues before we came up with a lengthy and comprehensive compromise—which, I might say and I probably should not, my staff will not like this, which the liberal press killed. The liberal press told us this was somehow a terrible thing to do.

I kept saying we better do this or they are going to take it all away. But I hope everybody is listening who helped kill that compromise.

But not once in all our discussions with the Nation's prosecutors, I was not talking with the public defenders. I was not talking with the defense bar. I was talking with the Nation's prosecutors, the DA's back home, the State's attorneys general back home. Not one time in our talks did the prosecutors propose the repeal of the 1988 right to a lawyer in a habeas corpus petition. Not once did they argue that the right to counsel in habeas corpus should be discretionary. Not once did they suggest that the right to counsel at a trial should be denied.

As a matter of fact, what they constantly said was that the best way to shorten the appeals, the best way to cut down on the abuse, was to do it right the first time. They argued—not me—they, the prosecutors, Republican and Democrat—they said if you want to get this thing on track make sure there is a competent lawyer representing these people during this stage of the proceeding. Because they pointed out that most of the habeas corpus petitions that are granted, and the Federal courts grant many, most of the ones that are granted are granted because the court concludes that the defendant did not have adequate counsel, they were denied their right to know what a fair trial should be.

So here you had the prosecutor—not the defense bar—saying, "Make sure that the defendant has legal counsel and then give him one bite out of the apple."

These are experienced people. These are the people who try these cases. These are the people who respond to these habeas corpus petitions.

I might say to those who are listening, I have to keep reminding people—habeas corpus. If a habeas corpus petition is granted it does not mean anyone goes free. The man or woman still stays behind bars. All it says is they get a new trial. This is not a petition for innocence that can be decided in terms of releasing someone. This merely says that a prisoner behind bars slips a paper between the bars and says: Send this to the judge, ask him to take a look at it because I do not think I got a fair trial.

That is what it is. And here we had for months of negotiations—months—worked out a compromise, and these hard-nosed prosecutors in our home States said make sure they have counsel. That is the best insurance for the public at large that we will not be wasting their money and their time.

Just last year the U.S. Supreme Court, which for the most part is no friend of the Federal habeas petitioner, recognized the importance of having a lawyer. In the case of McFarland versus Scott, the Court said:

> Quality legal representation is necessary in capital habeas corpus proceedings in light of the seriousness of the possible penalty and the unique and complex nature of the litigation.

To say that habeas litigation is unique and complex is an understatement. Habeas petitions must meet tightened pleading requirements. They must comply with the Supreme Court's intricate doctrines on procedural default and waiver. Federal courts can summarily dismiss any petition that appears legally insufficient on its face. And they can deny stay of execution where petitioner fails to raise a substantial Federal claim. But this provision tells these indigent defendants who have just been sentenced to death that they have no right to the help of a lawyer, that they might have to navigate the arcane, complicated and hazardous sea of the Supreme Court jurisprudence and statutory rules by themselves.

Quite apart from what I believe is the fundamental unfairness of this proposition, I also think at a practical level it will waste a lot of time and a lot of money to deny a lawyer at this point. First, ask any experienced lawyer or prosecutor. Almost all would rather have a competent adversary who can adequately frame and present issues over an incompetent one who does not have the first clue about how to present his arguments. Most experienced lawyers would tell you that having someone who has no training on the other side only slows things down because the trained lawyer and the judge end up doing a lot of extra work just to figure out what the untrained lawyer is trying to say and to make sure reversible error is not created.

What is more, under the Republican proposal, valuable resources will be squandered in litigation at the outset over whether counsel should or should not be appointed. If the judge ends up appointing counsel, all that time and money will have been wasted, and if the judge does not appoint counsel, the indigent death row inmate will be left to find his own way through some of the most complicated legal doctrines imaginable. This just does not make sense, in my view, as a practical matter or as a matter of principle.

We should not in our haste to hurry up executions lose sight of our commitment to constitutional values. We should not endorse proposals that increase the chance that, where execution is imminent, an innocent person be executed. We should not, I believe, sacrifice certainty in the name of speed, or fairness in the name of vengeance.

Most importantly, Mr. President, I really believe that everyone should understand we are not talking about changing any of the ways in which we deal with habeas corpus in this amendment. We are not talking about whether the Biden approach of only one petition or their approach of only one petition is the best one. We are not talking about whether we are going to cut the delay by a year or a month or a day. What we are talking about is a fundamental principle, one that, as it relates to the trial, has been established since Gideon versus Wainwright, and in many instances before that, and one as it relates to Federal habeas corpus that was established in 1988.

I ask my friend from Utah, because it may have been an oversight, whether he really intended to eliminate the right to counsel at trial as well as the right to counsel in a habeas corpus petition.

So I sincerely hope my colleagues will take a close look at this. This does not have to do with speeding up the process; this has to do with the fundamental fairness. Are we going to stick with constitutional principle established several decades ago in this country saying you are entitled to a lawyer at a trial and, if you cannot afford one, the court will appoint one as a matter of right and you are entitled to a lawyer at the Federal level when you file a habeas corpus petition? The practical implication of all that is that most prosecutors will tell you that will speed the process up, not slow the process down.

I yield the floor.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Of course, we will not deny counsel, nor will anybody; nor is it done, nor will it be done. The reason we oppose this amendment offered by the distinguished Senator from Delaware is this amendment would strike the much-needed reform in 28 U.S.C. 848(q) contained in the antiterrorism bill. Section 848(q), as many of our Senators and others are no doubt aware, provides funding for capital litigants; that is, people who have been convicted of capital crimes, to hire among other things investigators and expert witnesses to assist them with their habeas petitions. That just presumes that there will be a lawyer there as well, and there will be. I do not know of a case where a lawyer has not been appointed.

What you may not be aware of, however, is that section 848(q) permits the defense counsel to contact the judge ex parte; that is, without the prosecutor being present, and requests additional funding for experts, investigators, researchers, and the like. In other words, defense counsel can approach the judge outside the prosecutors presence and request the appointment of additional investigators or a new psychiatrist. The prosecutor is given neither the opportunity to present nor even a chance to oppose such an appointment.

To add insult to injury, the court can order payment and the appointment to run nunc pro tunc; that is, from the time the defense counsel initially hired the additional help. They can go way back. The defense counsel can go hire these people, have no way of paying them, and then all of a sudden have an ex parte proceeding, and the judge can order that they be paid back to the date that the defense counsel hired them. Talk about an abusive system. This means an investigator hired 6 months before can, when approved by the judge, receive payment for all of that investigator's past work, and in an ex parte proceeding, without the right of the prosecutor to be present. The defense counsel can use whatever information the investigator provides as demonstrating the need to hire that investigator and pay him from the time that he actually started working on the case.

There is absolutely no reason for ex parte proceedings on Federal collateral review after the judgment is final. While such an arrangement may arguably be appropriate at the trial level, it is not defensible for postconviction collateral proceedings. It is likely that the secrecy of these proceedings serves no other purpose than to permit the defense counsel to, outside of the presence of the prosecutor or the prosecution, argue their cases, obtain extensions of time, or receive additional unwarranted investigative expenses. This is simply indefensible.

There should be no need for a confidential hearing at this point in the proceeding. They will have had the hearing already. They will be on appeal. They will have had all kinds of constitutional protections under our bill, and then to allow an ex parte proceeding to go ahead, they will have raised their issues at the State level or they would be unexhausted. By the time the claim is presented in Federal court, all of these issues should have seen the light of day. Thus, no reason exists for defense counsel to hide whatever they may be investigating, nor should defense counsel be permitted to argue their petitions outside of the presence of other counsel.

It just makes sense that they would not. Section 848(q) has been greatly abused, and has resulted in enormous cost to the States. The reform contained in the antiterrorism bill is thus greatly needed. The Supreme Court has never required counsel in collateral proceedings. We do not make it discretionary to appoint counsel at trial; counsel must be appointed at trial. I have to say that any argument that we do not is ridiculous. But this is a very, very important point.

I hope our colleagues will vote against the Biden amendment.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. HATCH. I yield time to the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I certainly agree with the distinguished Senator from Delaware that we have to be meticulous on right to counsel. We cite Gideon versus Wainwright, and I was assistant district attorney when that case was decided in 1963. I am glad to say that in our Pennsylvania courts, in Philadelphia, counsel had been provided for indigent defendants long before the Supreme Court of the United States made that a constitutional mandate in the landmark Gideon case, written by Justice Black, which said counsel was required for anyone who is hauled into court to face felony charges.

On a very personal note, I got my introduction into criminal law when I was assisting defendants back in March 1958, when I took my first turn defending indigents going down to the prison in the city of Philadelphia and had, as a matter of fact, my first taste of what the role of the trial lawyer was, of criminal prosecutions, and of being in public service.

As I understand these provisions of the bill, it will greatly improve the extraordinarily technical and complicated procedure that when a State opts into the expedited procedures, there is additional responsibility on the State under the provisions of section 2261(b) to establish a mechanism for the appointment of compensation and payment of reasonable litigation expenses of competent counsel at the State postconviction proceedings brought by indigent prisoners.

On the point about ex parte contacts by defense counsel, I doubt that there is any real quarrel about the requirement that defense lawyers ought to make an application in the presence of opposing counsel and ought to make that application in advance of wanting to hire experts.

So it seems to me that whatever the state of the law is this is an advancement in requiring that States under this provision that I just read have competent counsel.

Mr. BIDEN. Will the Senator yield for a very brief question?

Mr. SPECTER. I do.

Mr. BIDEN. On page 125 of the Senator's bill, section 608, "Technical Amendments," it says "Section 408(c) of the Controlled Substance Act is amended in paragraph 34(a) by striking 'shall' and inserting 'may'."

When you go and look at that paragraph in the law, it says, paragraph 4(a) says "notwithstanding any other provision of the law to the contrary, in every criminal action in which the defendant is charged with a crime," and then it goes on to say that the defendant, the present law says, "The defendant shall be entitled to the appointment of one or more attorneys and" et cetera.

But the way it is changed in your law, it says that "Notwithstanding any other provision of the law to the contrary, every criminal action in which a defendant is charged with a crime the defendant may be entitled." You strike the word "shall" and insert "may."

Mr. SPECTER. I do not have the referenced section. Let me get it.

Mr. BIDEN. All right.

Mr. SPECTER. Even if you had a statutory provision, it would not alter the constitutional mandate of Gideon versus Wainwright. Not that we should trifle with language which would in any way suggest undercutting the constitutional right to counsel, but if a statute in error were to say that, Gideon versus Wainwright would control. You simply cannot have a criminal proceeding where there is not counsel appointed for the defendant.

Mr. BIDEN. If the Senator will yield for 10 seconds, I think he is right, Mr. President, but I do not know why we should pass an unconstitutional statute, because this is clearly unconstitutional the way it is written.

Mr. SPECTER. If I may respond further to my colleague, if that is so, that is something that I would certainly concur ought to be corrected. And I would take a look at that section right now.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

Mr. HATCH. If the Senator will withhold.

The PRESIDING OFFICER. Who yields time?

Mr. HATCH. Mr. President, I yield time to myself.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. This certainly is not unconstitutional. This has been worked very carefully by top legal experts, State attorneys general and others. The court has never mandated counsel in collateral proceedings, and I think that point has to be made. But there is going to be counsel appointed and always has been.

To be honest with you, what we are concerned about is that the way the amendment of the distinguished Senator from Delaware reads, we are going to wind up having nun pro tunc orders which will allow petitioners to have expert witness fees and investigators paid for from the time that the defense counsel wants to hire all these people. The law currently allows these payments to be made at excessive cost to the States on an ex parte, meaning one attorney only, proceeding. And that just should not be. So I hope that folks will vote this amendment down. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BIDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. Mr. President, with the consent of my colleague—and I failed to do this earlier—I would send a modification of my amendment, a draft error correction in my amendment to the desk.

Mr. President, I will withhold.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. I ask unanimous consent that the pending amendment be laid aside so that we can proceed to other business and also to work on some of the questions we have.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. HATCH. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BIDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. Mr. President, let me very briefly state where we are right now. You can see the staffs scurrying around here. We have reached a meeting of the minds on two-thirds of the amendments that I have offered here. The staff is trying to get precise language that would accommodate the mutual agreement we have made here thus far. But there is going to be one part of my amendment that is still going to be pertinent, and I will speak to that later. But the distinguished Senator from Pennsylvania and I would like to enter into a brief colloquy on what I think will be the only remaining part of disagreement in the Biden amendment that was sent up.

Very briefly, Mr. President, there were two sections of the Biden amendment, one relating to counsel for an indigent in the filing of a habeas corpus petition. The second provision is what the Senator from Utah spoke to, and that is the ability under present law for the counsel of an indigent person to go to a judge, without notifying the prosecutor he is going to the judge, and in private—we call it in camera—say, judge, I need you to authorize my ability to go hire a psychiatrist for the following reasons, or hire an investigator for the following reasons. The distinguished Senator from Utah is worried about that provision and suggests that that portion of the law is presently being abused. I do not believe it is abused.

I want to make a very brief statement now as to why I think that and why I am going to pursue in my follow-on amendment here the elimination of the provision in the Republican bill that would delete the possibility of an indigent defense counsel going to a judge on his own. The reason for that is as follows:

Right now, if I am a prosecutor and I get a lead as to how I can make my case better to prove the defendant did the deed, I can hire—I can use—an investigator to go investigate that. If I believe there is a need to make a case that the defendant is, in fact, perfectly sane and not insane, I can hire a psychiatrist.

I can use investigative tools without ever having to go to the defendant's counsel and say, "By the way, here is what I am going to do. I am going to hire this psychiatrist to prove that your defendant, your client, is sane." Or, "I am going to hire two investigators to go down to Second and Vine and prove that the stoplight does not exist there," or whatever.

So no one quarrels with that. If I am a lawyer who is hired by private funds to defend an accused person, I am not required to telegraph to the prosecutor that I have hired a private detective to investigate a lead in a particular city. I do not have to tell the prosecutor that.

My worry is that if we change the law as proposed in the core legislation, that what will be required for an indigent defense counsel is to walk into court, walk into the chambers of a judge and say, by the way, judge, we better call in the prosecutor, and sit the prosecutor down and say, now I want to say, judge, I need your authority to allow me to go hire an investigator. Here are the reasons that I want to hire the investigator. The prosecutor is sitting there taking notes about my case.

Now, that is why I think we should not delete this portion of the law.

Mr. SPECTER. Would the distinguished Senator from Delaware yield?

Mr. BIDEN. I am delighted to yield.

Mr. SPECTER. I understand the concerns that the Senator has expressed. I believe that the bill as drafted is preferable, notwithstanding the arguments the distinguished Senator has raised. I will come to the specific question in just a moment here.

I think that ex parte communications are very problemsome in any kind of a case, but they ought to be eliminated to the maximum extent possible, which is why I think that it just is not a good idea to have one lawyer talking to the judge by himself.

But the language which I would focus on here is that which says no ex parte communication request may be considered pursuant to the section unless a proper showing is made concerning the need for confidentiality.

I concur with the Senator from Delaware when he says that there ought not to have to be disclosure by defense counsel in the presence of the prosecutor to matters which would prejudice the defendant in investigating the case on the facts, or as to getting expert opinion as to mental state and competency.

But the question I would have, and it is not really accommodated by the language, is that if there is a showing of the need for confidentiality, that would preclude the prosecutor gaining an upper hand in an unfair way. As a sponsor of this language, let me state that it is our intent here in this legislation that there not be a circumstance in which the defense is compelled to reveal, in front of the prosecutor, matters which would be prejudicial to his opportunity to present a defense.

Mr. BIDEN. Mr. President, in response to my colleague, he is coming awfully close to what I intend. If it is read the way in which the distinguished Senator from Pennsylvania reads it, which is that if there is a showing for the need for confidentiality, then the judge can meet only with the defense counsel and make his or her judgment. That, quite frankly, gets a lot closer to what I intend.

As the Senator feels, as a matter of principle, that we should err on the side of not having ex parte proceedings, I must acknowledge in these days, I err on the side of allowing indigent defense counsel to have the maximum flexibility with the judge.

While the staff is correcting the other portions of this, I would like to seek the counsel of my counsel, and determine whether or not it is still necessary to proceed with the last portion of this amendment.

I see the distinguished leader is on the floor. He always comes when he worries things are slowing down. I can assure the Senator they are not slowing down, they are moving along fast. We will get this done before the time would have been used had a rollcall vote been called. We are very close. I think that can happen.

So I do not want the Senator to get upset. We have Senator LEVIN waiting in the wings to go with his amendment.

Mr. DOLE. If the Senator will yield, I had just sort of passed through the Chamber and I did not see anything happening, but there is a lot of precedent for that.

As I understand, the next amendment would be the Senator from Michigan, Senator LEVIN, and there would be 50 minutes, 25 minutes on a side. Is that satisfactory?

Mr. LEVIN. That would be fine.

Mr. DOLE. Mr. President, I make that request.

The PRESIDING OFFICER (Mr. ASHCROFT). Without objection, it is so ordered.

Mr. DOLE. While that debate is going on, it is my understanding that the Biden amendment is now pending, is that correct?

Mr. BIDEN. Mr. President, the answer is "yes".

The reason I have counseled my friend from Michigan not to go yet is that the key staff people who know this issue very well, who will also want to be available to Senator HATCH as well as to me, are the very people negotiating this other item which is very close.

Apparently, we are now ready to go. We will be able to move right away to Senator LEVIN. We may be able to dispose of this right now. Apparently, we have reached our agreement.

Mr. DOLE. Does the Senator from Wisconsin have an amendment?

Mr. BIDEN. Mr. President, I think the Senator from Wisconsin wishes to speak on the issue.

Mr. FEINGOLD. That is right.

Mr. BIDEN. Maybe we can let him do that while we nail this down.

Mr. DOLE. If I understand, after the disposition of the pending amendment—if we work it out—fine; then the amendment of the Senator from Michigan; there would be two amendments remaining, one by the Presiding Officer and one by the Senator from Delaware.

Mr. BIDEN. That is correct.

Mr. DOLE. And as I understand, one would have a 60 minute time agreement, the other 90 minutes.

Mr. BIDEN. I would say we may not use all 90 minutes, but since it is the last amendment, I would prefer to have that cushion.

Mr. DOLE. The point is, we would like to complete action. We said no votes before 1 o'clock. I think it will be probably be before 2 o'clock, would be my guess. there will probably not be any vote before 2 o'clock, but we had hoped to complete action on this bill by 3 o'clock so we could start on telecommunications. We are probably going into the evening tonight on that bill.

I am told by the managers on that bill that it is a bipartisan effort, and may be able to complete that more quickly than we may have thought at the outset.

The bottom line is we need to finish this bill, and I know the managers are making progress. I appreciate it very much.

Mr. FEINGOLD. Mr. President, I wish to speak on the bill on the habeas corpus issue. I rise today to speak against provisions in S. 735 that are characterized as reforms in the habeas corpus appeals process. These items that are being referred to as reforms, in my view, would hasten the implementation of the death penalty and might well have the result of rushing innocent people to executions.

This is not, strictly speaking, a debate about the death penalty itself, but about the fundamental American right of due process.

Mr. President, there are several ways in which this fundamental right may be undermined by the pending bill, including the requirement that Federal judiciary defer to State courts. This is a major departure from more than 200 years of legal precedent, and to my mind, the most egregious change proposed by habeas reform supporters.

There is also a general 1-year statute of limitations—6 months in some cases—for filing a petition. These time limits fail to recognize the time needed to develop a proper habeas petition.

There is also a concern which the ranking member has been discussing about the elimination of the current absolute right of petitioners in capital cases to counsel for Federal habeas corpus petitions and replacing it with a provision that leaves assignment of counsel to the discretion of the court. I understand there has been some movement on that, some progress. I am pleased to hear it and look forward to reviewing it.

Mr. President, we have heard the arguments for streamlining habeas corpus procedures to limit death row appeals and implement the death penalty more quickly.

On a gut level, these arguments carry power; they paint a picture of convicted criminals contemptuously manipulating our justice system to avoid punishment for heinous crimes, all the while supposedly languishing comfortably in their prison cells. The arguments remind us of the lingering pain and frustration of victims' families, who are forced to wait, sometimes for years, before they reach the end of their ordeals that began with the violent death of a loved one. The arguments also speak to the problems of clogged courts and precious resources tied up in lengthy and, perhaps, duplicative habeas proceedings.

But the supporters of so-called habeas reform usually do not tell us other stories—the rest of the story.

They do not tell us about innocent defendants sent to death row because they could not afford competent counsel, and because some States do not have procedures in place to provide effective counsel to indigents. They do not tell us of murder defendants watching as their attorneys fail to properly prepare and present a defense, either because they lack resources or because they themselves are indifferent, incompetent, or inexperienced.

They do not tell us about innocent defendants convicted because of sloppy investigations or prosecutorial misconduct.

They do not seem to take into account the amount of time it takes to properly prepare and present a habeas petition.

They seem ready and willing to hasten to fatal judgment in the name of efficiency and to accept tragic mistakes as the necessary price for timely justice.

I am not willing to support this haste.

While I completely understand the pain of victims' families, I do not want to create more pain, and more victims of violence, by approving changes in the law that could send innocent people to their deaths. That in itself would be a dreadful crime.

We must be mindful that when we change the law, it applies to all, not just to the clever manipulators of the system that supporters of the habeas reform provisions of S. 735 seem to believe fill our death rows.

Consider the case of Nathaniel Carter, an innocent man wrongly convicted in 1982 of the stabbing death of his mother-in-law.

Mr. Carter is a man about my age. His story was told in the New York Times and in New York Newsday this past February. Ten witnesses placed Mr. Carter miles from the murder scene at the time the crime was committed. Nonetheless, he was sentenced to 25-years-to-life for a crime he did not commit, only because New York State at that time did not have a death penalty statute.

It does now, and if that statute had been in effect in 1982, the sentencing judge made it plain that it would have been imposed, on Mr. Carter, an innocent man.

Mr. Carter spent 28 months in prison before being exonerated. His former wife eventually admitted committing the crime.

Nathaniel Carter was lucky, but had conditions been different, his luck would not have saved him. His boyhood friend, George Pataki, now Governor of New York, earlier this year signed that State's new death penalty statute into law.

It is worth considering what would have happened if Mr. Carter had faced the death penalty and if he would have faced the habeas reforms included in S. 735. He might well be dead for a crime he did not commit.

So the question today is are we willing to put Mr. Carter and others like him to death for the sake of hastening other deaths of some guilty parties?

The U.S. Supreme Court has handed down significant habeas decisions this year in two separate cases, decisions that should be considered in this debate.

On April 19, the Court, in Kyles versus Whitley, reversed and remanded the first-degree murder conviction of a Louisiana man, Curtis Lee Kyles. Mr. Kyles was sentenced to death.

After his conviction, it was discovered the State had not revealed certain evidence favorable to Mr. Kyles' case. His appeals to State courts won him a remand for an evidentiary hearing, but the State trial court afterward denied relief. He then went to the State supreme court, which denied his application for discretionary review.

However, the U.S. Supreme Court ruled that Mr. Kyles was entitled to a new trial because there was a "reasonable probability" that the disclosure of that evidence would have produced a different result than the original conviction.

Had Mr. Kyles not been able to file his Federal habeas petition, as might well be the case if we pass S. 735 with its habeas reform provisions, which include a higher bar to habeas petitions and deference to State courts, he might still be sitting in a Louisiana prison, awaiting death.

Earlier this year, in January, the U.S. Supreme Court handed down its ruling in Schlup versus Delo.

In that case, Lloyd Schlup, a prisoner in Missouri, was convicted of participating in the murder of a fellow inmate and sentenced to death.

However, Schlup, who was filing his second habeas petition, argued his trial deprived the jury of critical evidence that would have established his innocence. The U.S. district court had denied relief, stating Mr. Schlup had not met the "clear and convincing evidence" standard that the habeas reform provisions of S. 735 would impose.

The U.S. Supreme Court adopted a less stringent standard, that the habeas petitioner need show that the constitutional violation complained of "probably resulted in the conviction of one who is actually innocent."

There is a body of evidence readily available to show that putting limits on the habeas corpus process could well mean innocent people will be affected in the ultimate way.

A 19-page staff report prepared last November for the House Subcommittee on the Constitution, formerly the Subcommittee on Civil and Constitutional Rights, found 52 cases in 20 years where innocent people were convicted of capital crimes and later won release, some of them by filing habeas petitions.

That document, entitled, "Innocence and the Death Penalty: Assessing the Danger of Mistaken Executions," might be worth reading before we decide to reform this system in this way that reminds me very much of something that is quite the opposite of reform.

At one point, the report states:

> These 52 cases illustrate the flaws inherent in the death sentencing systems used in the states. Some of these men were convicted on the basis of perjured testimony or because the prosecutor improperly withheld exculpatory evidence. In other cases, racial prejudice was a determining factor. In others, defense counsel failed to conduct the necessary investigation that would have disclosed exculpatory information.

I would also call to the attention of my colleagues a Yale Law School Journal piece entitled, "Counsel for the Poor; the Death Sentence Not For The Worst Crime But For The Worst Lawyer," published in May 1994, by Stephen Bright, the director of the Southern Center for Human Rights, based in Atlanta, GA.

Mr. Bright's piece is a sobering, I might even say chilling description of problems encountered by defendants in capital cases.

Mr. Bright points out instances of States not providing sufficient resources to assigned defense counsel for proper investigation of a case. Compared to the resources available to an aggressive prosecutor, a defendant can begin with a significant disadvantage in a life-or-death fight.

Mr. Bright also describes cases of professional incompetence on the part of attorneys representing indigent clients in capital cases. Some of these defendants, after they were convicted and sentenced to death, were able to secure competent counsel, prove their innocence, and win just release.

Capital cases are complex, and the stakes are the highest imaginable, so experienced counsel is needed to properly represent a defendant. Still, we are seeing evidence that these cases are not always tried by such experienced counsel. Imagine sitting in the defendant's chair, your life on the line, knowing you are innocent, and watching your attorney fail to conduct proper investigation, fail to call witnesses, fail to present an adequate statement to the jury. Imagine that in this country.

When the day is done, that attorney walks home. You, the defendant, walk to death row. If you cannot find experienced, responsible counsel for an appeal, you walk to the gas chamber, the electric chair, or to a stark room with vials of poison to execute you.

We must not forget these stories as we debate reform.

Neither should we forget, in our frustration with the current system, that a habeas petitioner is not free to walk the streets while awaiting the ruling of the court. I think that is a misperception that some have. This man or woman is in prison, not sitting in a country club.

Many of the stories we hear during this debate rely on their persuasive power on the grief and rage many of us feel after a brutal murder. But let me speak a word of caution to those who stir those feelings. Grief and rage are not good foundations for making good policy, and emotions that strong can lead us to bad decisions and unintended consequences, and in this case, to conclude, although it may not be very frequent and apparently is frequent enough, it literally can lead to the execution of innocent people.

I urge that the habeas provisions of this bill be removed. I do not think they are appropriate to this piece of legislation. Certainly, the bill could go forward without them, and it would be a far better piece of legislation.

I thank the Chair. I yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I came in at the very end to hear the remarks of my colleague from Wisconsin. I would like to thank him for his eloquence. I am not a lawyer, but I do believe that the Senator from Wisconsin has made an essential point. I think his point about habeas is as follows: Actually, regardless of your position about capital punishment—I think all of us in very good faith can have profoundly different views on this question—what you certainly do not want to ever see happen is that someone innocent is executed, and to in any way, shape, or form move away from the very rights that people have in the appeal process, which is a frightening possibility. I think the Senator from Wisconsin has spoken to this in a very eloquent way.

I thank him for his remarks.

AMENDMENT NO. 1252 TO AMENDMENT NO. 1199

Mr. HATCH. Mr. President, I send an amendment to the desk and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> The Senator from Utah [Mr. HATCH] proposes an amendment numbered 1252 to amendment numbered 1199.

Mr. HATCH. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> Delete lines 4 through 7 on page 125.
>
> Strike lines 20 through 24 on page 106 and insert the following:
>
> "(h) Except as provided in title 21, United States Code, section 848, in all proceedings brought under this section, and any subsequent proceedings on review, the court may appoint counsel for an applicant who is or becomes financially unable to afford counsel, except as
>
> Strike lines 9 through 11 on page 108 and insert the following:
>
> "Except as provided in title 21, United States Code, section 848, in all proceedings brought under this section, and any subsequent proceedings on review, the court may appoint counsel who is or becomes financially unable

Mr. HATCH. Mr. President, this modification will correct the text. I want to thank my colleague from Delaware for bringing our attention to it, as well as my colleague from Pennsylvania, who has worked with us to try to resolve this. We think we can resolve this matter so that we can then vote on the Senator's amendment when the time comes.

Mr. BIDEN. I urge adoption of the modification.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1252) was agreed to.

Mr. BIDEN. Mr. President, I thank my friend from Utah. As usual, he is always reasonable.

The effect of what the Senator has just done is to modify the underlying bill that he introduced, the Hatch amendment, the Hatch bill, the Hatch-Dole bill.

It maintains in capital cases the requirement that counsel be appointed at trial and in a habeas proceeding, and it makes discretionary the appointment of counsel at those stages in noncapital cases.

That leaves one part of my original amendment that still needs to be resolved. We can speak to it in a very short order.

There was a third section of the existing bill that was attempted to be amended by my amendment.

I send that modification of my amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Is the Senator modifying amendment 1226?

Mr. BIDEN. No, the Senator is modifying, actually, it is a whole new amendment. I am attempting to modify the underlying bill.

Mr. President, I want to make clear. I may have done something inadvertently here.

I do not mean to modify, I am sending the amendment to the desk, the purpose of which is to amend the Hatch amendment. We need a vote on it. I am not seeking unanimous consent for that.

The PRESIDING OFFICER. If there is no objection, the clerk will report the new amendment.

Mr. HATCH. Parliamentary inquiry: As I understand it, this is a substitute that will replace the pending Biden amendment.

Mr. BIDEN. That is correct.

The PRESIDING OFFICER. The Senator can either withdraw the pending Biden amendment 1226 and send up a new amendment, or he can modify the Biden amendment No. 1226.

Mr. BIDEN. That is correct.

Mr. President, if there is one thing I have learned after years, it is that it is very difficult to listen to staff and the Presiding Officer at the same time. I apologize.

I should have been listening to the Presiding Officer.

Would he mind repeating his question to me?

The PRESIDING OFFICER. The Senator could either modify amendment 1226 or submit a new amendment, either one.

Mr. BIDEN. I am submitting a new amendment.

AMENDMENT NO. 1226 WITHDRAWN

Mr. BIDEN. President, I would like to withdraw amendment 1226. I hate numbers and acronyms. But that is what I wish to withdraw.

I send a new amendment to the desk, the number of which I have not the slightest idea.

The PRESIDING OFFICER. Amendment 1226 is withdrawn.

The amendment (No. 1226) was withdrawn.

AMENDMENT NO. 1253 TO AMENDMENT NO. 1199

(Purpose: To amend the bill with respect to requring counsel for federal habeas proceedings)

The PRESIDING OFFICER. The clerk will report the new amendment.

The legislative clerk read as follows:

The Senator from Delaware [Mr. BIDEN] proposes an amendment numbered 1253 to amendment No. 1199.

Mr. BIDEN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike lines 10–22 on page 125.

Mr. HATCH. Mr. President, as I understand it, that amendment has been set over until some time at 1 o'clock, am I correct?

The PRESIDING OFFICER. No agreement has been reached on the disposition of that amendment.

Mr. HATCH. I move to table the amendment.

Mr. BIDEN. Mr. President, before he does that, I would like to be able to speak for 5 minutes to my amendment.

Mr. HATCH. I withhold that.

I ask unanimous consent that the vote occur on or in relation to amendment No. 1226, which is now 1253, at a time to be determined by the majority leader after consultation with the minority leader, but not before 1 p.m. today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. Mr. President, if I can speak very briefly now to my new amendment, let me make sure that I have it straight for myself, let alone for all of my colleagues.

My original amendment was designed to do three things, to change three provisions of the Hatch—I will call it the bill; it is technically an amendment—the thing we are debating, the counterterrorism legislation that is before us. In that counterterrorism legislation, there were a number of provisions, three of which were as follows: One deleted the existing statutory requirement that there be counsel appointed for an indigent at a trial. The second, deleted an existing statutory provision requiring counsel be appointed at a habeas corpus proceeding for an indigent. And the third amended existing law that says counsel for an indigent has the right to go before a Federal judge by himself without the prosecutor present and make a request to the Federal judge for additional resources in order to adequately be able to protect his client's constitutional interests, that is, go in to a Federal judge and say: Judge, I do not have the money to hire an investigator like the prosecutor has that I need to go to x town to interview three people.

The way the law exists now, that lawyer for the indigent can do just what a lawyer for a nonindigent can do and what the prosecutor can do. He does not have to tip his hand to the prosecutor to say this is what I am about to do; this is what I am about to investigate; this is what I want to check out.

It would be a little bit like in that God-awful O.J. Simpson trial in that if every time the defense hired someone to investigate something, they first had to go to the prosecutor and say: By the way, I am going to hire this investigator to go look at the background of one of the police officers, and I am going to do it on Tuesday, and I am going to interview the following three people.

No one would expect defense counsel to have to do that with the prosecution present, would not have to tell the prosecutor that.

Conversely, the prosecutor, when they are in the middle of a trial and they say: My goodness—or before a trial—we better check out a lead that we have; we have a lead that on September 12 the defendant was with Mary Jones in Oshkosh; we are going to send an investigator to go to see Mary Jones and find out whether that is true—if the prosecutor had to say: By the way, defense counsel, on October 3 we are going to send an investigator to meet Mary Jones in Oshkosh, that would prejudice the State's case because the defendant could pick up the phone and call Mary Jones and tell Mary Jones to leave town. It is not reasonable.

What we did in the law not long ago, we said an indigent should have the same rights. But an indigent does not have any money. The only reason a poor guy's lawyer, the one that is appointed by the court, goes to the judge is because he does not have the money. Otherwise, he would not have to go to the judge. All he would have to do is say: OK, I am hiring a guy to go check this out. But now he is able to go to the judge. The reason he goes to the judge is that the judge is the guy who dispenses the money. The judge is the guy to say: OK, I will give you the money to hire that guy. You proved to me you need it. I will give you the money.

Now, what my friends do here—and I understand their motivation; I think it is pure—is they say, wait a minute now. That is costing money, and should not the prosecutor, the State, have to be in that room when the defense attorney is in that room saying: Judge, I have no money, but I wish to hire an investigator to check this out.

They say that the State prosecutor should be able to be in that room while that is being done. Well, they would not say that if it were a civil case. You would not in a civil case say, by the way, you ought to tell the other side that you are about to hire two people to go investigate a witness who says they saw your client walking around perfectly healthy when they claim to have a bad back. They say, well, you would not have to telegraph that.

Just because somebody is poor, why should they have to give away their case in front of the prosecutor?

And, by the way, to put it another way, how is the State hurt by this? The State is not hurt in any way by this. There is a Federal judge sitting there deciding whether or not there is a legitimate case made to need this investigator or to need this additional resource.

And so what my amendment does is it strikes another provision in the underlying counterterrorism bill, the Hatch bill. It strikes the part that says that before a poor man's appointed counsel can ask a judge a question, he has to have the prosecutor in the room with him while he asks.

Now, my good friend from Pennsylvania, who is, along with the chairman of the Judiciary Committee, one of the best trial lawyers in this place, and their previous records demonstrate that, says basically: JOE, do not worry about that because our legislation says—and I will read it—"No ex parte proceeding, communication or request may be considered pursuant to this section unless a proper showing is made concerning the need for confidentiality."

I understand what they intend by that. What they intend by that is to solve the problem I have just raised, but under the law the use of the phrase "proper showing" means that in front of the prosecutor you are going to have to say: This is why I need this money, judge, to hire this investigator.

The effect of that is in making your proper showing you have to make it in front of the prosecutor. You have now given away the very thing you wanted to avoid when you asked for the closed hearing. This closed meeting with the judge has nothing to do with the facts of the case, nothing to do with the outcome of the case, nothing to do with the evidence that can or cannot be submitted in the case, nothing to do with the substance of the case.

It has to do with the resources made available to a court-appointed lawyer. He may go in and say: Judge, you have not given me enough money to be able to send out the following 20 questions to prospective witnesses. I want that money. Can you give me that money to send out those letters? Or to provide transportation to get a witness.

Remember Rosa, that woman in the O.J. trial who was going to Mexico? Well, it may be a situation where he said: Look, I have an indigent witness who cannot get here. I do not have the money to get him here. Can you give us the money to get him here? The judge may say: No, I will not give you the money. I do not think it is essential for your case. But if the judge thinks it is essential, he can say: OK, you are authorized to buy a ticket to send that person here.

But what you do not want to do is to necessarily have to tell that to the prosecution at this point because it may be a witness you turn out not using.

Anyway, that is the crux of this thing, and although the intention to correct my concern in the underlying remaining amendment is the law says that "upon a proper showing of the need for confidentiality" you can have this secret hearing, or this closed hearing, it does not get it done because "proper showing," we believe, is essentially a term of art in the law. You have to make your case before the other person.

Now, the last point I will make—and this is, I think, an appropriate point to make—is that the mere fact they put this in here evidences the fact they know I am right. The mere fact they acknowledge that there are circumstances under which confidentiality is appropriate makes my case.

Think about that now. If they thought everything I am saying here makes no sense, that it is not a legitimate point to raise, why would they provide for any circumstance under which there could be a closed hearing in which only the judge and only the defense counsel were present? They acknowledge by implication. They try to correct it by saying "proper showing." I spent, with my staff, 20 minutes trying to come up with some other phrase that would get it done.

But the truth of the matter is, it is real simple. It is human nature. If you have the prosecutor and the defense lawyer there and the judge, where the Presiding Officer is, and I have to make my case to you because you are not going to automatically grant what I request, you want to know why I want it. So you have to ask me, "Joe, why do you want it?" And in order for me to convince you to give me the resources, I have to say to you in front of the other guy, "Well, I want it, Judge, because I think this witness is going to show that the witnesses for the prosecution are lying." Bingo, out of the bag.

Now, if I could say to you, "Judge, I can't say in front of the prosecutor here. Could you ask the prosecutor to step out of the room and I will tell you?" If you could say that, then that will get it done. I do not mind the prosecutor being in there as long as when it comes to me to make my case as to why I need the resources that the prosecutor is not there.

So I toyed with the idea of changing the law to say, "No ex parte proceedings, communication, or request may be considered pursuant to this section unless a request is made concerning the need for confidentiality." A request is made—a request—not a showing, because when you move from request to showing, you are required to lay your cards on the table. "The very cards I have to show you, Your Honor, in order to get you to allow me the money," I have to do it in front of those folks.

We do not ask that for a defendant who can afford a lawyer. We do not ask that for a prosecutor. We only ask that for somebody who is poor, and that is a double standard. That is a double standard. To put it another way, Mr. President, if we wanted to make it even for everybody, we should require the privately paid defense lawyer to have to tell the prosecutor every single investigator he or she hires and why they hired them, and we should have to tell the prosecutor they have to tell the defense lawyer every single thing their investigator is doing before they do it. That would be fair. Now everybody is on the same playing field. Now poor folks are treated just like wealthy folks. Prosecutors are treated just like defendants. That would be fair.

But what do we have here? We have a situation where I am poor, he is wealthy, and she is a prosecutor. She does not have to tell me anything about what she is investigating as a prosecutor. He does not have to tell her anything about what he is investigating as a defendant, he can afford it. But I have to tell everybody. It is not fair; not fair. That is what I am trying to correct.

The underlying statute is 848. My amendment strikes all of their reference to that statute. I would be willing to do it by just substituting the word "request" for "a proper showing" in their language, but I do not think they are willing to accept that. So I am willing, when it is the appropriate time for my colleague to respond, if he wishes to, or move to table this—the bottom line, Mr. President, is I just think this is about fairness.

Why should an indigent defendant have to tell the prosecutor all that he is investigating? You say, "They don't have to under the law." They do practically, Mr. President, because they do not have the resources to hire these folks to do the investigation. Therefore, they have to ask for that. In order to get the judge to give them those resources, they have to tell him why they want those resources; thereby, the effect is they have to tell them. They should not have to do that. Wealthy defendants do not have to do it. Prosecutors do not have to do it. Poor people should not have to do it.

I yield the floor and thank my colleague.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I appreciate what my colleague is saying, and I know he, with his experience, feels very deeply about it. The real problem is and the reason we have to oppose this amendment is because at this point in the proceedings, we have had a trial, three appeals, we have had other proceedings, but at this point in the proceedings, to which Senator BIDEN is referring, all claims should have been out in the open. At that point, they should be out in the open. They should not be investigating new claims at this point.

Frankly, ex parte proceedings are simply unnecessary at this point in the proceedings. This is just simply another way of dragging out the process and the proceeding, permitting the defense counsel to argue his case outside the presence of the prosecutor. That is why we have to oppose this amendment.

I suppose we could argue that we should never finish these proceedings; that there is no finality; that people who do not like the death penalty want these things to go on forever hoping that nobody ever has to live up to the judgment of the court or the jury, but that is what we are trying to solve here.

The bill before the Senate protects constitutional rights. It protects civil liberties. We give them every chance under our bill to be able to pursue their claims. There is no reason why they should be able to walk into a court room and get an ex parte hearing without having counsel for the State present and having hired people to investigate new evidence over the last 6 months and then get a nunc pro tunc ruling of the court—in other words, that they should pay for that, the State is going to have to pay for that, from the time they hired them right up to the present time—in an ex parte proceeding. We both argued this pretty much to death.

Mr. BIDEN. Mr. President, I would like to make one brief response.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, let me explain why, although it sounds reasonable what my friend said. We have gone through the factfinding stage, the trial, this is just on habeas appeals, and why do you want to dig stuff up?

Many of the habeas appeals are premised on the following proposition: The defendant says, "Hey, look, I got convicted, I got convicted unfairly because there was perjured testimony in my trial," like a couple trials that were mentioned here today, actually happened. I am not making these up, they happened.

It turns out, for example, the prosecutor had a witness that would have said, "I was with Charlie Smith and he couldn't have committed the crime," and the prosecutor never let anybody know that. Conversely, someone gets on the stand in the trial and lies and it is later found out that they lied.

The reason why the defense attorney needs to be able to investigate is to be able to root that out. You have a defendant saying, "Look, I am about to be put to death, but I'm telling you, Charlie Smith lied. If you just go find Harriet Wilson, I found out she knows he lied."

This is what happened. I am asking my staff to check the Carter case. I am not sure of the facts in the Carter case. If I am not mistaken, there was additional evidence found out after the trial—after the trial. That is why the defendant needs the same tools available to him or her that a wealthy defendant would need or the prosecutor needs. That is all I am saying. Do not be misled by the notion that the trial is over, therefore, there is no other factfinding to go on, you do not need an investigator.

For example, in the Hurricane Carter case—I wanted to make sure I was right on my facts here—after the trial was over, Hurricane Carter's lawyers found out that there was a polygraph test given to one of the witnesses, and the outcome of that polygraph test sustained Hurricane Carter's assertion that he was innocent. It was never made available. They never told anybody such a test was done. Therefore, it took investigative work after the trial to go back and dig this out. They dug it out.

Old Hurricane Carter "ain't" dead now, and the reason he is not dead now is because they dug that, among other facts, out. That is the investigative work we are talking about. Keep in mind now, this does not in any way extend the number of appeals someone can make. This does not in any way extend the time in which appeals have to be filed. This is just simple fairness. Treat poor people like you treat wealthy people during and after the trial.

I yield the floor.

Mr. HATCH. One more sentence. This is after direct appeals, after collateral appeals have been done, after the State has decided the issue on perjury, or to use his hypothetical, where they would have had the opportunity. All we ask is that the State not be hammered. We have had judges that do these things. States have had inordinate expenses, and there is little or no justification for it.

Mr. President, I move to table the Biden amendment and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HATCH. I ask unanimous consent that the vote on the motion to table the Biden amendment No. 1253 be at a time to be determined by the majority leader after consultation with the minority leader, but not before 2 p.m. today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. I ask that the Biden amendment No. 1253 be laid aside and that the Senator from Michigan be recognized to offer his amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. I ask unanimous consent that at the conclusion or yielding back of time on the Levin amendment it be set aside and the vote occur on or in relation to the Levin amendment No. 1245 following the vote on the motion to table the Biden amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. It is my understanding that the distinguished Senator from Oklahoma has asked for some separate time.

I ask unanimous consent that he be given that opportunity to speak at this time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. HATCH. I ask that the time not be charged to Senator LEVIN or our side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. Mr. President, first, I wish to compliment Senator HATCH for his leadership on this bill, and I also compliment Senator DOLE for his leadership in bringing this bill to the floor and his willingness to bring it to the Senate this early.

Mr. HATCH. If the Senator will yield, before the Senator gets into his remarks, I want to also ask unanimous consent that immediately following the Senator from Oklahoma the Senator from Michigan be granted 10 minutes, without having the time count against any amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. Mr. President, again, I thank my friend and colleague from Utah for his leadership on this bill and for his willingness to bring it to the floor so quickly. I also thank Senator DOLE, because I remember after the tragedy of April 19 in my State, talking to Senator DOLE either that day or the next day, he stated to me his willingness to bring legislation forward to the Senate as quickly as possible. He has met that obligation. We do not usually move very fast in the Senate. I appreciate his willingness to schedule this as early as possible. I also appreciate the fact that finally we are going to bring this issue to a conclusion.

It was my hope that we were going to finish it last night. I wanted to be in Oklahoma today because of some base closing hearings both in Enid and in Oklahoma City, Vance and Tinker Air Force bases. That is very important. But I feel like this issue is most important for my State and for many people across our country. It is vitally important that we enact habeas corpus reform.

On Monday of this week I was honored to meet with about a dozen Oklahomans who had lost family members in the Oklahoma City bombing. These brave individuals came to their Nation's Capital to honor their loved ones by asking the U.S. Senate to do one meaningful thing—enact tough habeas corpus reform on the antiterrorism bill.

There are several important parts of the bill that is before us, but the one key element that will help the victims of the Oklahoma City bomber and other victims of violent crime is habeas corpus reform.

I will read a couple of the comments that some of the victim's families made:

> In Oklahoma City they had a press conference and came to the State capitol to urge Congress and the President to implement habeas corpus legislation that would significantly reduce the appeals process and expedite the imposition of death sentences. In strained, choked voices, they talked of the tragedy that tore at the city, leaving shattered families still only beginning to absorb the depths of their losses. Connie Williams wore a button with her dead son Scott's picture, bearing the words "Beloved Scott, Our Special Angel." His pregnant wife, Nicole, said, "I do not want his daughter to be in high school wondering why his killers are still on death row."

She is right.

Some of the families came up to our Nation's Capitol on Monday. One was Diane Leonard. Her statement was, "Our pain and anger are great." Her husband is gone, a Secret Service agent killed in the bombing in Oklahoma City. I might mention he was an agent of the Secret Service for 25 years. She added, "But it would be much, much greater if the perpetrators of this crime are allowed to sit on death row for many years." She is talking about the pain and anger are great, but it would be much greater if the perpetrators were allowed to sit on death row for many years. She is a former Tulsa resident. Diane Leonard, her voice cracking with emotion, described in graphic detail the injuries her husband suffered. She urged Senators to have the courage to amend the law to allow death sentences to be carried out in 2 or 3 years.

I respect the fact that some of our colleagues feel differently on the death penalty. We have heard some of them speak eloquently today. They are opposed to habeas corpus reform in large part, in many cases, because they do not want the death penalty to ever be carried out. I respect their position, but I do not think they are correct. I think they are wrong.

Mr. President, I fear that our criminal justice system is in critical condition. The past couple of years have shown a dip in America's crime rate, but over the course of years our crime rate has gone up and up and up.

Today, an American is about 2½ times more likely to be a victim of a property crime than he or she was in 1960.

Today, an American is about four times more likely to be a victim of a violent crime than he or she was in 1960.

And in the face of these sobering numbers and the numbing real-life stories that appear on our television sets every night, our criminal justice system appears less and less able to dispense justice.

This bill, if it contains tough, new habeas corpus reforms, can be an essential step along the path to reform.

No adult in Oklahoma can consider the probable prospects for the Oklahoma City bomber without reflecting on the man who until a few weeks ago was Oklahoma's most notorious killer. That man is Roger Dale Stafford who, in 1978, murdered nine persons in two separate incidents. Roger Dale Stafford was given nine death sentences for those murders, but he is living still.

Roger Dale Stafford does have an execution date; it is July 1, 1995. But Roger Dale Stafford has had execution dates before, and they all have come and gone. Whether this date will be the last I do not know for his attorney has announced that he will seek another stay of execution. Incidentally, this is the same attorney who has been appointed to represent Timothy James McVeigh, the man being held in connection with the Oklahoma City bombing.

Roger Dale Stafford's crimes are well known in Oklahoma, but the fact that they are well known does not reduce their ability to shock and sadden anyone who hears of his wickedness.

On June 21, 1978, after searching unsuccessfully for a business to rob, Roger Dale Stafford, his wife, Verna, and his brother, Harold, decided to stop their car, raise the hood, and feign distress, in hopes that a wealthy and vulnerable Good Samaritan would come along. They pulled their car to the side of the road, and Verna Stafford attempted to flag down passing cars. Roger and Harold Stafford lay in wait in the darkness.

Eventually, a blue Ford pickup truck with a white camper shell pulled off the road, and the driver, Air Force Sgt. Melvin Lorenz approached Verna Stafford with an offer to help. Sergeant Lorenz looked under the hood of the Stafford automobile and said that he could find nothing wrong. At that point, the Stafford brothers confronted Sergeant Lorenz and demanded his wallet. Roger Stafford was armed with a pistol. Sergeant Lorenz informed the Staffords that he and his family were on their way to his mother's funeral in North Dakota, and that he could give the appellant some money, but not all that he had. Roger Dale Stafford then shot Sergeant Lorenz twice, killing him.

Hearing the shots, Linda Lorenz, Sergeant Lorenz's wife, got out of the pickup truck and ran toward her husband. Verna Stafford knocked Mrs. Lorenz to the ground, and Roger Stafford shot her as she fell, killing her.

The murderers then heard a child calling from the back of the camper. Roger Stafford approached the camper, cut a hole in the screen, and fired his pistol into the darkness, forever silencing 11-year-old Richard Lorenz.

For the Lorenz murders, Roger Dale Stafford was convicted on three counts of first degree murder and sentenced to death for each murder.

That was the first of Roger Dale Stafford's murderous episodes in Oklahoma. A month later, he struck again:

On July 16, 1978, Roger, Verna, and Harold Stafford robbed the Sirloin Stockade Restaurant in Oklahoma City. The trio waited in the restaurant's parking lot until all the customers had left, then knocked on the side door of the restaurant. When the manager answered, he was greeted by Roger and Harold Stafford pointing guns at him. They forced him to take them to the cash register and the office safe.

Harold and Verna Stafford held five employees at gun-point while Roger Stafford had the manager empty the office safe which contained almost $1,300. All six employees were then ordered inside the restaurant's walk-in freezer. Once inside, Roger Stafford shot one of the hostages, then both men opened fire on the remaining employees. Roger Stafford told Verna that it was time for her to take part. He placed his gun in her hand and helped her pull the trigger.

All six Sirloin Stockade employees died as a result of the shootings. They were: Terri Michelle Horst, age 15; David Gregory Salsman, age 15; David Lindsay, age 17; Anthony Tew, age 17; Louis Zacarias, age 46; and Isaac Freeman, age 56.

For the Sirloin Stockade murders, Roger Dale Stafford was convicted on six counts of first degree murder and sentenced to death for each murder.

As I said, Mr. President, Roger Dale Stafford lives still, and each day his penalty becomes farther and farther removed from the crimes for which it is so eminently justified. Justice still waits for Roger Dale Stafford.

And, why the delay? Because since his convictions, Roger Dale Stafford has made at least 18 reported appearances in Federal and State courts. He has been before the U.S. Supreme Court six times—1985, 1985, 1985, 1984, 1984, 1984—before the U.S. Court of Appeals for the 10th Circuit once, 1994, before the Oklahoma Supreme Court once, 1986, and before the Oklahoma Court of Criminal Appeals nine times, 1993, 1992, 1991, 1990, 1987, 1985, 1985, 1983, 1983. This list does not include appearances which were not officially reported. It omits one pretrial appearance at an appellate court, 1979. And, it omits all activity at the trial courts.

Mr. President, 17 years ago he murders teenagers, he murders an innocent family that is trying to help him out, and he is still on death row. That is not justice delayed, that is justice denied.

What about the families that lost teenagers in that incident? What about the families that lost loved ones—168—in the Oklahoma City bombing incident; 168, with over 400 injured? Are we going to be telling them 15, 17, 20 years from now, "Well, the appeals process is just very cumbersome," and have taxpayers paying not only the expense for taking care of the perpetrators of the crime, should they be convicted and receive the death sentences, as they surely should and hopefully will. What are we going to tell those families?

I met with some of the victims that lost two children. I met with them Friday. A young lady in her early twenties lost both her kids. I met with a daughter that lost her father just last Monday. I met with three spouses that lost their spouse. One of the individuals that was here was an uncle who lost his nephew, whose wife is expecting. What about that child who will never see her father alive? Are we going to tell that child, "Well, we are sorry, but the person that was responsible for murdering your dad is still in Federal court, he is still in prison living pretty well, watching TV; Uncle Sam, or the Government, is taking care of him, giving him three meals, making sure all his rights are protected," and allow him to abuse the process for 15 years or so? I do not think so. That is not justice to the families. That is not justice, period.

So we need habeas corpus reform. We have needed it for a long time. I am glad the President has reversed himself and now agreed that we need this on this bill. This will allow the families to at least have some knowledge that there will be justice, and hopefully we will move very quickly.

Mr. President, I want to make some general comments on habeas corpus reform because we have needed this for a long time. First, our habeas system does not promote justice. The availability of habeas corpus to State prisoners, beyond the various remedies and layers of review available in State courts, has little or no value in avoiding injustices or ensuring that the Federal rights of criminal defendants are respected. The typical applicant has already secured extensive review of his case in State courts, having pursued a State appeal and often having initiated collateral attacks in State courts. The claims raised by such defendants are normally without substance and are likely to be technical, that is, to allege procedural irregularities which cast no real doubt on the defendant's guilt.

Let me just mention the cases in Oklahoma City. I talked to a Federal judge, the first judge I was responsible for getting appointed in Oklahoma. 1982 was his first year on the court. They had 193 prisoner appeals made to the Federal courts—193. That happened to be about 10 percent of their caseload. In 1992, 10 years later, they had 630. The number more than tripled, an increase to 25 percent of their caseload.

Prisoners are finding it pretty easy to make appeals, and they are appealing to the Federal system. There is no limit to the number of appeals. They can appeal for anything. They can appeal on habeas that they were incorrectly convicted, or they can appeal and say that somebody next door is smoking or somebody next door has a radio too loud. And they take it all the way to the Federal court. That is happening hundreds of times.

In Oklahoma City and the western district in 1992, there were 630 prisoner petitions. Some of the prisoners are specializing in this. There is nothing else to do. So they have legal access, they have access to the library, and they can abuse this process for all it is worth. And so what if it ties up the court? So what if it keeps them kind of busy? So what if they are as guilty as they possibly can be? So what if they have been convicted and gone through every appeal in the process and been to the Supreme Court?

Roger Dale Stafford has had his case to the Supreme Court six times, and every time the Supreme Court said, "Guilty." Yet he files another petition. I expect he has another one in the typewriter right now. It just so happens his attorney is a very competent, very professional, very good attorney, Steven Jones. He also happens to be the same attorney that will be defending Mr. McVeigh. I do not want the victims of the Oklahoma City bombing to have to wait 17 or 20 years for justice. That is why we need habeas corpus reform.

Second, the habeas system demeans federalism. The present system of review is demeaning to the State courts and pointlessly disparaging to the efforts to comply with Federal law in criminal proceedings. A single Federal judge is frequently placed in the position of reviewing a judgment of conviction that was entered by a State trial judge, reviewed and found objectionable by a State appellate court, and upheld by a State supreme court. An independent determination of the contentions raised by the applicant is required of the Federal judge although he may have no doubt that the State courts were conscientious and fair. State judiciaries are presumed to be incapable of applying Federal law, or unwilling to do so.

I know Senator KYL will have an amendment later that would address that, and I compliment him for his amendment and plan to support him in his efforts.

Third, habeas corpus defeats the demand for finality. The current system of Federal habeas corpus defeats the important objective of having an end to litigation. The costs of such a system were eloquently described by the late Justice John Harlan in *Mackey* v. *United States*, 401 U.S. 667, 690–91 (1971):

> Both the individual criminal defendant and society have an interest in insuring that there will at some point be the certainty that comes with an end to litigation, and that attention will ultimately be focused not on whether a conviction was free from error but rather on whether the prisoner can be restored to a useful place in the community. * * * If law, criminal or otherwise, is worth having and enforcing, it must at some time provide a definitive answer to the questions litigants present or else it never provides an answer at all. * * * No one, not criminal defendants, not the judicial system, not society as a whole is benefitted by a judgment providing a man shall tentatively go to jail today, but tomorrow and every day thereafter his continued incarceration shall be subject to fresh litigation on issues already resolved.

Fourth, habeas procedures are wasteful. The current system is wasteful of limited resources. At a time when both State and Federal courts face staggering criminal caseloads, we can ill afford to make large commitments of judicial and prosecutorial resources to procedures of dubious value in furthering the ends of justice. Such commitments come at the expense of the time available for the stages of the criminal process at which the questions of guilt and innocence and basic fairness are most directly addressed. Former Chief Justice Warren Burger made the following points:

> I know of no society or system of justice that takes such scrupulous care as we do to give every accused person the combination of procedural safeguards, free legal counsel, free appeals, free records, new trials and post conviction reviews of his case. I have seen cases—and this occurs in many courts today—where three, four, and five trials are accorded to the accused with an appeal following each trial and reversal of the conviction on purely procedural grounds. * * * In some of these multiple trial and appeal cases the accused continued his warfare with society for eight, nine, ten years and more. In one case more than 60 jurors and alternates were involved in five trials, a dozen trial judges heard an array of motions and presided over these trials; more than 30 different lawyers participated either as court-appointed counsel or prosecutors and in all more than 50 appellate judges reviewed the case on appeals. I tried to calculate the costs of all this for that one criminal act and the ultimate conviction. The best estimates could not be very accurate, but they added to a quarter of a million dollars. The tragic aspect was the waste and futility since every lawyer, every judge and every juror was fully convinced of the defendant's guilt from the beginning to the end." 25 Record of the N.Y.C. Bar Assoc. 14, 15–16 (Supp. 1970).

Fifth, the way our habeas system is used nullifies capital sentences. The constitutionality of the death penalty has been settled since 1976. Thirty-eight States now authorize capital punishment, but the inefficiency of current court procedures has resulted in a de facto nullification of capital punishment laws. The public interest organizations that routinely involve themselves in capital cases have fully exploited the system's potential for obstruction. Delay is maximized by deferring collateral attack until the eve of execution. Once a stay of execution has been obtained, the possibility of carrying out the sentence is foreclosed for additional years as the case works its way through the multiple layers of State and Federal courts.

Mr. President, this country desperately needs reform in its criminal justice system. Habeas corpus reform is an important part of that necessary reform, and this bill is an excellent place to start reforming habeas corpus.

I agree with the families of the Oklahoma City dead: Habeas corpus reform is an inadequate, but necessary, memorial to the memories of those who died in that dreadful, murderous blast.

Again, I compliment Senator HATCH for his leadership, and Senator DOLE for bringing this to the floor of the Senate and Senator DOLE for pushing the Senate for the last several days, including last night.

I am glad that finally we are going to have this bill come to a conclusion and have cloture, and allow us to have habeas corpus reform which, again, in my opinion, is the most significant element of true crime control that we can enact.

I am hopeful we can send a positive signal to the families of the victims in the Oklahoma City bombing and tell them that, yes, we are going to have an end to these endless appeals, and that justice will be done and it will be done, as President Clinton said, in a timely manner as well.

The PRESIDING OFFICER (Mr. FAIRCLOTH). The Chair recognizes the Senator from Michigan.

Mr. ABRAHAM. Mr. President, I rise today in support of this legislation as well. I also pay tribute to my colleague from Oklahoma, whom I think today presented an extraordinarily strong and compelling argument in favor of the reforms of habeas corpus that we are looking at today, and against a series of amendments.

Later in my remarks I will address some of those reforms and that issue, although I am unable to think of how I can address them more vividly and effectively than the Senator from Oklahoma has already done.

Today I rise to also just indicate my overall support for this legislation. Clearly, the people in our country and in our State of Michigan in particular stand back and look at the events which took place in Oklahoma City with great concern. They have asked us to act. I believe this bill properly incorporates the best ideas as to the sorts of actions we should be taking at this time to address the problem of terrorism, wherever it may originate.

At this point I would like, in my remarks, to highlight a series of provisions in the bill I have worked on with our outstanding floor leader and my good friend, the Senator from Utah, with the majority leader, and others. These provisions would facilitate the deportation of aliens who have committed serious crimes while in the United States.

The provisions at issue, contained in title III, section 303(e) of the bill, require that aliens who are convicted of serious crimes in courts of law in this country be deported upon completion of their sentences without any further judicial review of the order of deportation. These expedited deportation procedures will apply to the almost half a million aliens currently residing in this country who are deportable because they have been convicted of committing serious felonies.

Under the Immigration and Nationality Act, aliens who are convicted of felonies after entry are already deportable. They are rarely actually deported, however, because criminal aliens are able to request equitable waivers from the courts and other types of judicial review that were never meant to apply to convicted felons. Such abuse of process operates to prevent the order of deportation from becoming final.

Notably, both the administration's antiterrorism bill and S. 735 contain expedited deportation procedures for a small class of aliens reasonably suspected of planning future terrorist activity. The administration's bill, however, makes no provision for rapid deportation of aliens who have actually committed crimes. This, despite the fact that the Attorney General has said that the removal of criminal aliens from the United States is one of the administration's highest priorities and that our prisons and jails are crowded with criminal aliens. The substitute to S. 735 remedies that omission.

According to the FBI, foreign terrorists have been responsible for exactly two terrorist incidents in the United States in the last 11 years: the World Trade Center bombing and a trespassing incident at the Iranian mission to the United Nations. While the World Trade Center bombing was obviously a very serious matter, it should not be the exclusive focus of our efforts to take strong action to protect American citizens from criminal conduct by noncitizens.

More than 53,000 crimes have been committed by aliens in this country recently enough to put the perpetrators in our State and Federal prisons right now. An estimated 20 to 25 percent of all Federal prison inmates are noncitizens; in California, almost one-half of the prison populations are noncitizens. According to a 1995 Senate Report on Criminal Aliens in the United States, a conservative estimate of the total number of deportable criminal aliens presently residing in the county is 450,000. All of these aliens have committed at least one serious crime in this country. For that reason all are deportable under the law. They have not been deported because they have been able to prevent the order of deportation from ever becoming final by seeking repeated judicial review.

The grounds on which criminal aliens are legitimately entitled to waivers of deportation are extremely narrow. To avoid deportation, criminal aliens essentially must prove a case of mistaken identity—that the alien is not who the Government thinks he is; that he is not an alien, at all; or that he has been pardoned or had his conviction overturned. Mistakes of this order do not happen often. Mistakes of this order certainly have not happened 450,000 times—for each of the deportable criminal aliens currently in the country. Rather, the alien's capacity to demand successive judicial review, even wholly merit less judicial review, grinds the deportation process to a halt.

Meanwhile, the Immigration and Naturalization Service does not have adequate facilities to house this many criminal aliens. As a result, the great majority of these convicted felons are released back to our streets after serving their sentences, with instructions to report several months later for a hearing before the INS.

Needless to say, the majority of criminal aliens released from custody do not return for their hearings. Having been returned to the streets to continue their criminal predation on the American citizenry, many are rearrested soon after their release. Thus, for example, a recent study by the GAO found that 77 percent of noncitizens convicted of felonies are rearrested at least one more time. In Los Angeles County alone, more than half of incarcerated illegal aliens are rearrested within 1 year of their release.

The provisions at issue will put an end to this abuse of process by doing the following:

First, they will prohibit the Attorney General from releasing criminal aliens from custody prior to deportation.

They will also eliminate judicial review for orders of deportation entered against criminal aliens—although criminal aliens will still be entitled to challenge their orders of deportation before the Board of Immigration Appeals.

In addition, these provisions will require deportation of criminal aliens within 30 days of the conclusion of the alien's prison sentence in most circumstances.

Finally, they will apply these expedited deportation to aliens who have committed the "General Crimes" listed in section 1251 of title 8 of the United States Code. These include crimes such as murder, rape, drug trafficking, espionage, sabotage, and treason.

These reforms are extremely reasonable. Aliens in this country who commit these crimes will still be afforded all the due process protections and lengthy appellate and habeas corpus review afforded U.S. citizens on the underlying offense. Moreover, once those appeals have run and the conviction has been upheld, the alien will continue to be entitled to a hearing before an immigration judge to determine whether an order of deporatation should be entered. And if an order of deportation is entered, the alien will still retain the right to appeal the order to the Board of Immigration Appeals. The substitute to S. 735 only eliminates additional judicial review for criminal aliens beyond this point.

Without the rapid deportation provisions for criminal aliens in this legislation, aliens who are convicted felons will continue to be deported at the current pace, that is about 4 percent a year. At this rate—assuming no alien is ever convicted of another felony—it would take 23 years to deport all the aliens presently residing in the country who are under felony convictions. Meanwhile, many will be released back into society to prey on more American citizens. No country, no matter how civilized, should continue to tolerate this abuse.

For that reason, as well as the many others that have been advanced over the past few days, we should enact this legislation, and quickly too. I urge the Senate to do just that.

Finally, Mr. President, I would like to say a few words about another very important set of provisions in this bill: the sections that would reform habeas corpus.

Like the provisions concerning deportation of criminal aliens, the habeas corpus reforms in the bill correct a common abuse of judicial process in our criminal justice system. In this case they correct the obstructive and abusive manipulation of the writ of habeas corpus by criminals who have been convicted of serious violent crimes.

Right now, the delay made possible by abuse of this writ allows convicted criminals to essentially overrule a State's entire criminal justice system. By filing repetitive or frivolous habeas corpus petitions, criminals are able to delay the imposition of capital sentences indefinitely. This delay in turn seriously undercuts the moral authority of the people, through their elected representatives, to impose this punishment on people who have committed extremely heinous crimes.

This is not fair to the people, who are entitled to determine the punishments to be accorded crimes committed in their States. Nor is it fair or even humane to the families of the victims of crime.

The habeas reforms in the antiterrorism bill impose reasonable limits on the use of the writ—reforms that are long overdue. I support these reforms and I urge the Senate to enact the antiterrorism bill.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1245 TO AMENDMENT NO. 1199

(Purpose: To retain an avenue for appeal in the case of prisoners who can demonstrate actual innocence)

Mr. LEVIN. Mr. President, I call up an amendment at the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Michigan [Mr. LEVIN] proposes an amendment numbered 1245 to amendment No. 1199.

Mr. LEVIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 106, line 12, strike "and" and all that follows through the end of line 17 and substitute the following:

"or

"(B) the facts underlying the claim, if proven and viewed in light of the evidence as a whole, would be sufficient to establish that constitutional error has occurred and that more likely than not, but for that constitutional effort, no reasonable factfinder would have found the applicant guilty of the underlying offense."

On page 110, line 3, strike "and" and all that follows through the end of line 9 and substitute the following:

"or

"(ii) the facts underlying the claim, if proven and viewed in light of the evidence as a whole, would be sufficient to establish that constitutional error has occurred and that more likely than not, but for that constitutional error no reasonable factfinder would have found the applicant guilty of the underlying offense."

Mr. LEVIN. Mr. President, it is my intention to offer and modify this amendment. I will do that in a moment so that the amendment clarifies language that more precisely tracks the Supreme Court language which is the subject of the amendment.

I ask unanimous consent that the modification be in order.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1245, AS MODIFIED, TO AMENDMENT NO. 1199

Mr. LEVIN. Mr. President, I send a modification to the desk.

The PRESIDING OFFICER. The amendment is so modified.

The amendment (No. 1245), as modified, is as follows:

On page 106, line 13, strike clause (B) and substitute the following:

"(B) the facts underlying the claim, if proven and viewed in light of the evidence as a whole, would be sufficient to establish that a constitutional violation has probably resulted in the conviction of a person who is actually innocent of the underlying offense."

On page 110, line 4, strike clause (ii) and substitute the following:

"(ii) the facts underlying the claim, if proven and viewed in light of the evidence as a whole, would be sufficient to establish that a constitutional violation has probably resulted in the conviction of a person who is actually innocent of the underlying offense."

Mr. LEVIN. Mr. President, Justice Clark, discussing the Magna Carta, said the following:

> Ever since the Magna Carta, the greatest right of personal liberty has been guaranteed, and the procedures of the Habeas Corpus Act of 1679 gave to every Englishman a prompt and effective remedy for testing the legality of his imprisonment. Considered by the founders as the highest safeguard of liberty, it was written into the Constitution of the United States that its privilege shall not be suspended unless, when in cases of rebellion or invasion, the public safety may require it. Its principle is embedded in the fundamental law of 47 of our States.

Justice Clark went on to say:

> It has long been available in the Federal courts to indigent prisoners . . . both the State and Federal Government to test the validity of their detention. Over the centuries, it has been the common law world's freedom writ. We repeat what has been so truly said of the Federal writ. There is no higher duty than to maintain it unimpaired and unsuspended, save only the cases specified in our Constitution.

Mr. President, the right of habeas corpus over the years has been abused. It has been overused and excessively attempted to be utilized in many cases. Over the years, the Congress and the courts have attempted to rein in some of those excesses, and have done so. Both the Supreme Court and the Congress have in a number of ways attempted to restrict the utilization of the right of habeas corpus so that it would not be abused. The bill before us, in many respects, however, has reduced the utilization of the right of habeas corpus excessively. One particular that I want to address in the next few minutes would deny access to the writ on the part of somebody who a court believes is actually innocent.

I want to repeat that because this is a very narrow group of cases that we are talking about. The case which this amendment addresses is the case where a court determines that the prisoner filing the writ is probably actually innocent.

I hope that sounds startling because this is a startling subject. The subject is whether or not we are going to execute somebody where a court finds that the person is probably—that is the key word—actually innocent of the underlying offense. I want to go back into history in order to give the background of this issue.

As I have said, the court as well as the Congress has found that the writs of habeas corpus have been used excessively—the petition, more accurately, seeking a writ, has been used excessively. This has been happening for many, many years.

The court in the Schlup case, which is the case I want to discuss at some length, a 1995 case, went through the history of writs of habeas corpus, and they found that the writ had been excessively sought, that there had been repetitious petitions, there had been successive writs sought, and that the burden on the courts became too great.

So in the Schlup case, the majority said the following about the history of the applications for writs of habeas corpus.

> To alleviate the increasing burdens on the Federal courts and to contain the threat to finality and comity, Congress attempted to fashion rules disfavoring claims raised in second and subsequent petitions.

And they then went through congressional enactments starting in 1966. They also then talked about what the Court has done to restrict the applicability and the availability of petitions for writs of habeas corpus, and said the following in the Schlup case.

> These same concerns—

And that is the overutilization—

> resulted in a number of recent decisions from this Court that delineate the circumstances under which a district court may consider claims raised in a second or subsequent habeas petition. In these decisions, the Court held that a habeas court may not ordinarily reach the merits of successive claims absent a showing of cause and prejudice.

The Court then quotes an opinion written by Justice O'Connor in the Carrier case. And they said in Schlup that Justice O'Connor has noted the following:

> In appropriate cases the principles of comity and finality that inform the concepts of cause and prejudice must yield to the imperative of correcting a fundamentally unjust incarceration.

So there is an exception if the Court finds a fundamental miscarriage of justice. That is what courts are for. Courts can be abused but ultimately what they must seek to do is avoid a fundamentally unjust incarceration and a fundamental miscarriage of justice. And this is what the Schlup court wrote.

> To ensure that the fundamental miscarriage of justice exception would remain "rare" and would only be applied in the "extraordinary case," while at the same time ensuring that the exception would extend relief to those who are truly deserving, this court explicitly tied the miscarriage of justice exception to the petitioner's innocence.

That is what we now must address this afternoon. It is what do we do, what standard do we adopt when, on a second application for a petition of habeas corpus raising a constitutional defect, a petitioner persuades a court that he or she is probably innocent of the underlying crime? Will we permit a second petition to be granted so that there can be a hearing? We are not talking about now release from prison. We are just talking about whether a hearing will be available to somebody who persuades a court that he or she is probably innocent and is awaiting execution.

Now, Justice O'Connor in the previous Carrier case, which is relied on heavily in Schlup, said the following:

> In an extraordinary case, where a constitutional violation has probably resulted in the conviction of one who is actually innocent, a Federal habeas court may grant the writ even in the absence of a showing of cause for the procedural default.

And the Court went on to say:

> Explicitly tying the miscarriage of justice exception to innocence

And I want to repeat that word because that is the heart of this amendment. We are only talking about people who are probably innocent as found by a court and as to whether or not they should be denied a hearing on the ground that their application is a second application for the writ and not the first application but where a court now for the first time, faced with new evidence, is satisfied that that applicant is probably innocent.

And here is what the Court said:

> Explicitly tying the miscarriage of justice exception to innocence thus accommodates both the systemic interest in finality, comity, and conservation of judicial resources, and the overriding individual interest in doing justice in the "extraordinary case."

The Court went on to say the following:

> Experience has taught us that a substantial claim that constitutional error has caused the conviction of an innocent person is extremely rare. To be credible, such a claim requires petitioner to support his allegations of constitutional error with new reliable evidence—whether it be exculpatory scientific evidence, trustworthy eyewitness accounts, or critical physical evidence—that was not presented at trial. Because such evidence is obviously unavailable in the vast majority of cases, claims of actual innocence are rarely successful.

And the Court said that:

> A petitioner does not meet the threshold requirement unless he persuades the district court that, in light of the new evidence, no juror, acting reasonably, would have voted to find him guilty beyond a reasonable doubt.

Now, that is a pretty strong test for being eligible for a hearing on a second writ, that a court must find an applicant is probably innocent, meaning that no reasonable juror—no reasonable juror—would find that person guilty beyond a reasonable doubt. And the issue becomes whether or not we want to require that person to be executed. Is that person going to be executed? Are we going to deny, as this bill does, a Federal court the right to grant a hearing on a second writ of habeas corpus when a petitioner introducing new evidence convinces a court that he or she is probably innocent? Will we deny that court that opportunity?

Now, what the bill does is adopts the dissent in Schlup, which has a higher standard—not the standard of probability but the standard of clear and convincing. And that is the issue on this amendment, whether or not we, in the Senate, are going to overturn the Supreme Court decision in Schlup, which said that if a court is convinced that a person is probably innocent, that is enough for that court to grant a hearing on a second or subsequent application for writ of habeas corpus, or will we adopt the dissent in Schlup, which says, no, probability of innocence is not enough. Even if somebody is probably innocent of the underlying offense, we are going to execute that person unless there is clear and convincing evidence, evidence above and beyond probability.

The case itself in Schlup was a case where this man was already a prisoner and was convicted of first-degree murder, a murder that occurred in prison, and was sentenced to death. In the habeas corpus proceedings, he produced a videotape showing him in a cafeteria lunch line at the time the killing occurred in a different place, sworn testimony from a prison guard stating that Schlup could not have committed the murder, and sworn testimony of five eyewitnesses that Schlup was not present and did not participate in any way in the murder.

The Federal court of appeals judge found—this is the court of appeals now, before the Supreme Court—the court of appeals judge found "truly persuasive evidence that Mr. Schlup is actually innocent." Despite that, the majority of the court of appeals upheld the death sentence and refused to grant a hearing on the new evidence. The court held that under the clear and convincing test, the test that they thought they should follow, they would not grant a hearing in his application.

Earlier this year, the Supreme Court overruled that court of appeals saying that the clear and convincing test, which is the test in the bill before us, failed to provide a meaningful avenue by which to avoid a manifest injustice in cases of actual innocence.

The Court ruled that the fair test for the relief sought is whether "a constitutional violation has probably resulted in the conviction of one who is actually innocent." I am going to repeat it because that is the issue in this amendment. The issue is whether we ought to adopt the majority in Schlup or whether we ought to reverse it. The bill reverses it and goes with the dissent. The amendment would allow the majority of the Supreme Court in Schlup to utilize that test in habeas corpus proceedings, the test being that whether a constitutional violation has probably resulted in the conviction of one who is actually innocent.

I think most of us feel that habeas corpus has been abused, that technicalities have been raised by people who are guilty. This amendment raises the opposite issue. This amendment raises the question of whether or not we are going to use a technicality to deny a hearing to someone who is probably actually innocent.

"Probably actually innocent," is that enough for a hearing when someone is on death row or not? Or will the procedural technicality be used to deny that person—a rare case—a hearing because there had been a previous petition filed? And to meet the test of the Supreme Court, the lower court must find that it is more likely than not that no reasonable juror would have convicted him in light of the new evidence.

Mr. President, we are having to face up to the narrowest group of cases, the case where there is a claim that a court finds probably correct that an applicant for the great writ is probably innocent of the underlying crime. We cannot avoid this by talking about technicalities. We are the ones who will determine whether a procedural technicality will stand in the way of a hearing for that small group of prisoners who persuade a court that they are probably innocent of the underlying crime.

This may be and probably is only a very few percent of persons who are in prison on death row, but we know that these cases exist. There were two of them in 1995. In addition to the Schlup case, we had the case of Curtis Kyles. In that case, the Supreme Court found that the prosecution had improperly suppressed evidence of Mr. Kyles' innocence and that this evidence would have made a different result reasonably probable—reasonably probable. The Court agreed with Judge King of the fifth circuit, who expressed "serious reservations about whether the State has sentenced to death the right man."

Mr. President, how much time do I have left?

The PRESIDING OFFICER. The Senator has 4 minutes 7 seconds.

Mr. LEVIN. I thank the Chair and reserve the remainder of my time.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah has 25 minutes.

Mr. HATCH. Mr. President, again, what we are trying to do here is put some finality into the habeas corpus procedures. The Senator's amendment just allows another loophole that is unjustified and allows further appeals. Because liberal judges who are opposed to the death penalty do not want the death penalty imposed, there will be an incentive for them to find that there is probable innocence under this amendment and the whole process will have to start over again, regardless of whether the petitioner is truly innocent of the crime.

The Hatch substitute, our bill, the Specter-Hatch bill, permits successive habeas corpus petitions in death penalty cases where the petitioner may be innocent. If the petitioner is innocent, he or she can have successive habeas corpus petitions and our bill contains a safety valve which permits Federal courts to hear legitimate claims. The Levin amendment, however, weakens the standard of review for determining whether someone is innocent from a "clear and convincing" standard, which is what we have in our bill, to a subjective "probably" innocent standard.

In addition, the amendment guts the bill's prohibition against subsequent provisions by allowing successive habeas corpus petitions where the death row inmate does not dispute his having committed the homicide in question but claims the death penalty should not be imposed.

The amendment offered by Senator LEVIN, while it seems reasonable, is problematic. When the Court rules on these issues, it does not write on a clean slate—and I am talking about the Supreme Court. The Supreme Court has repeatedly held, for example, that Federal courts are not the forums in which to relitigate criminal cases. At the initial trial, society's resources have been concentrated in order to decide the question of guilt or innocence. Therefore, a petitioner making a claim of actual innocence falls well short of satisfying his burden if the reviewing court determines that any juror reasonably could have found the petitioner guilty of the crime.

The proposed amendment attempts to follow the Supreme Court's recent decision in Schlup versus Delo in which the Court exacerbates the confusion in the lower courts, undermines the finality of lawful convictions and creates a greater uncertainty as to the standard under which a court must hold an evidentiary subsequent hearing.

I know that I have said this many times before, but we are dealing with postconviction collateral proceedings, not a trial. This is posttrial. Habeas corpus review is a postconviction remedy. This is postjury verdict. This is postsentence by the court. What it means is the jury has already convicted the individual and his conviction and sentence have been upheld on appeal. The individual had at least two State appellate reviews which are subject to Supreme Court review. The individual has gone to the intermediate appellate court and has gone to the supreme court of the State.

I might add, the appellate courts have upheld the conviction and the State habeas petitions have thus been exhausted. In other words, there has been the trial, there has been a review by the intermediate court, there has been a review by the supreme court of the State. The State procedures have been exhausted. It also means that petitions to the Supreme Court have been filed. In other words there have been two rounds of State review both of which were the subject of a petition for certiorari to the Supreme Court of the United States of America, and that both of those Supreme Court petitions have been denied; and at least in collateral cases, as a general rule, the Governor also has ruled on the case because there has been a petition for clemency; and the Government has also reviewed the claim in a clemency petition and has denied it, too. At this point, the prisoner's conviction has been proved beyond a reasonable doubt. It has been upheld on direct and State collateral review. The conviction has also been upheld on the death row inmate's Federal habeas petition. It is at this point in the process—after all of these reviews—where my colleague from Michigan wants to give individual Federal judges broad, subjective authority to determine whether someone is innocent of the crime he or she was convicted of. We allow such a determination by a Federal court but we propose a more certain standard rather than the subjective standard employed in my colleague's amendment.

The proposed amendment would require the district court to hold an evidentiary hearing or grant a second successive petition if it could be shown that a constitutional violation probably resulted in an erroneous conviction.

First, what does probably mean in the law? Who knows? This standard will gut our habeas corpus proposal here today. Would it be a 50-percent chance of innocence? Is that what it means? If that is so, then I think if the prisoner were probably innocent, his conviction would have been overturned long ago in all of these proceedings up through the State courts to the Supreme Court, to the Governor, for clemency.

Second, the proposed amendment would let a court decide independently that a defendant might be innocent. We go through that every day in the current system. Judges who do not want the death penalty to be imposed, who are violently opposed to it, for any reason, decide there is another reason to let this be prolonged again, all at a tremendous cost to the States and the victims of these crimes.

So what we are saying is, the proposed amendment would let a court decide independently that a defendant might be innocent, that there was constitutional error, and that he should not have been convicted. This is a wholly appropriate standard that we have in the bill.

The Levin amendment will simply serve to permit these prisoners who have been duly convicted, their convictions upheld, all of their constitutional rights protected, their civil liberties protected to continue to raise new claims. It allows judges who does not like the death penalty to make subjective determinations, many years after the conviction, to proclaim the probable innocence of a long-convicted murderer. It simply serves to permit a prisoner to drag out his proceedings and further delay justice.

Delayed justice is justice denied. We are frustrated by that all the time. We have a man in California sitting on death row almost for 50 years—successive habeas corpus petitions all the time, on and on. In Utah, we had the Andrews case. It lasted 18 years. He filed over 30 different habeas corpus petitions—30 different habeas corpus proceedings—over that 18 years before the death penalty was finally carried out.

All this does is continue the old system, the old business as usual. Frankly, because we all know the distinguished Senator from Michigan is one of the most eloquent advocates against the death penalty in this body—and I have respect for him; I believe he is very sincere on this issue—I think it is fair for him to argue against the death penalty straight up. But to just provide a mechanism whereby there can be another appeal because some liberal judge decides there ought to be an appeal and will delay a sentence that the law allows, I think is wrong. I know of no case—not one—that has been cited to the Judiciary Committee, in its years of study on this issue, in which Federal habeas corpus review has been successfully employed to release an innocent individual from an erroneous State court conviction. It is a myth.

This amendment is just another method to try to get another appeal and delay the ultimate imposition of the sentence.

Where is the case of an innocent person needing Federal habeas corpus review in order to prove his or her innocence? Take Randall Dale Adams, the Texas death row inmate who was the subject of the documentary "The Thin Blue Line." How did he establish his innocence after he was convicted? Not through Federal habeas corpus, but through the Texas State court proceedings—procedures similar to those available in virtually every State in the Union today.

Take the case of Walter McMillan, who was wrongfully convicted and sentenced to die for the brutal robbery-murder of an Alabama convenience store clerk. Was it habeas corpus that saved his life? No, it was the State of Alabama. Despite being granted relief through the States, both of these men were called before the Senate Judiciary Committee by a colleague of ours, who opposes the death penalty, to demonstrate why our Nation needs more Federal habeas corpus review rather than less. Federal habeas corpus review had nothing to do with it.

The State procedures were adequate and did the job in protecting their innocence and finding their innocence. Yet, they brought them up here to try and show that Federal habeas corpus review is important.

I do not know of one case where Federal habeas corpus review has saved the defendant. But the State procedures have. In the Federal courts, the Federal direct appeal procedures have. That sort of logic, as in the present amendment, cannot even be called reform even when it expands the rights of convicted murderers.

I mention these cases—Randall Dale Adams and Walter McMillan—not because I advocate abolition of Federal habeas corpus. It is clear that we protect it in the Specter-Hatch antiterrorism bill. I am not advocating abolition of Federal habeas corpus. The responsible scholars and lawyers and law enforcement professionals do support banning and getting rid of Federal habeas corpus. There are many bright people who think that this system is out of whack and that we do not need Federal habeas corpus. But I am not arguing that position.

We have provided for protection of Federal habeas corpus, but we do it one time and that is it—unless, of course, they can truly come up with evidence of innocence that could not have been presented at trial. There we allow successive petitions. Any time somebody can show innocence, we allow that. I simply wish to provide my colleagues some perspective on this issue. We in the Senate, whose duty it is to enact into law the community's legitimate interest in seeing justice done within the parameters of the Constitution, should soundly reject the present amendment to the Dole-Hatch bill. Indeed, the Senate has a particular duty with respect to habeas corpus. As the inscription on the Dirksen Senate Office Building states, "The Senate is the Living Symbol of our National Union of States."

The amendment before us will not only hinder and potentially defeat our efforts to pass a true crime bill this year, but in so doing, this amendment will also force an unprecedented and substantial intrusion into the State criminal justice system.

So I hope that our colleagues will vote against this amendment, as sincere as it is and as sincere as it is being offered. It is another way of just delaying the process because some people do not like the death penalty. I understand that. I think there are good arguments on both sides of the death penalty. I myself would very seldom use the death penalty and only in the most heinous of cases. On the other hand, I think it is essential that we have it on the books. There are those who would just as sincerely argue the other side, that there should be no death penalty, that it is cruel and unusual—even some of our Supreme Court Justices of the past and maybe now and in the future. But do not try to do it by gumming up the procedural process posttrial that has plenty of protections for defendants.

There is no reason for this expensive litigation process with frivolous appeals to continue. That is what we are fighting today. And we are acknowledging that we protect the constitutional rights and civil liberties of the defendants in these matters.

I know the Senator from Michigan is very sincere and I acknowledge that. I have a great deal of respect for his sincerity and intelligence. But this amendment should not pass because I think it would make this process a continuation of the current process, and I think that would be a tragedy.

I reserve the remainder of my time.

Mr. LEVIN. Mr. President, I will take 30 seconds to tell my friend from Utah this is not a death penalty amendment. This is a habeas corpus amendment. The language in the bill reverses the Supreme Court opinion in the Schlup case. That opinion found that the man in that case was probably innocent. I do not think anyone in this body wants to execute someone who is probably innocent and deny that person a hearing.

Now, Justice O'Connor said—not your liberal judge—one of the majority in the Schlup case, said, "The court today does not sow confusion in the law. Rather, it properly balances the dictates of justice with the need to ensure that the actual innocence exception remains a 'safety valve' in an 'extraordinary case'."

The issue is that the bill before the Senate reverses the Supreme Court. The Levin amendment is not trying to bring something new into this. The Levin amendment is trying to preserve a Supreme Court opinion of a few months ago, joined by Justice O'Connor. That is the issue.

I yield the remainder of my time to my friend from Illinois.

Mr. SIMON. Mr. President, I thank my colleague, and I rise in strong support. I think we all know that I oppose the death penalty. It is a penalty we reserve for those of modest means. If a person has enough money, that person will never get the death penalty in this country. That is the reality.

That is not the question, though I find it of interest that today's New York Times has a story that the South African Supreme Court yesterday unanimously outlawed capital punishment in South Africa. We are one of the few countries left in the Western world that still has the death penalty.

The question is whether someone who is probably innocent—that is the language of the Levin amendment—probably resulted in the conviction of a person who is actually innocent of the underlying offense.

Now, whether a person is for the death penalty or against it, no one wants to send someone to prison who is probably innocent. We have done that.

I can remember when we were debating this issue when I was in the Illinois General Assembly and a man was about to be executed, and suddenly someone in the State of Georgia confessed that he had committed the crime.

Now, that case is clear and convincing evidence. I have to say that the bill without this amendment would take care of that case.

There are a lot of other marginal cases. We are not just saying a marginal case. The Levin amendment says where a person is probably innocent, a person ought to have that chance to appeal. I cannot believe anyone who really looks at this—the Senator from North Carolina, the Senator from Utah, my colleagues—I cannot believe they will vote against that.

Maybe Members will vote against it if they are not aware of what the amendment does, and a briefing is right at the desk on either your side or our side. These briefings—and I do not mean this disrespectfully to the fine staff—but it is very difficult to condense in a few words what these amendments do.

The Levin amendment says "If you are probably innocent, you ought to have the chance to appeal." I have a hard time believing that is not going to be accepted unanimously. Apparently, it may not be.

I am pleased to support the Levin amendment, proud to support it and vote for it.

I believe I have consumed my time, Mr. President. I hope I have been able to get the message across.

Mr. President, I ask unanimous consent to have an article printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, June 7, 1995]

SOUTH AFRICA'S SUPREME COURT ABOLISHES DEATH PENALTY

(By Howard W. French)

JOHANNESBURG, SOUTH AFRICA, June 6.—In its first major decision, South Africa's recently created supreme court abolished the death penalty today, ending a decades-old practice of executing criminals convicted of serious crimes that had once given the country one of the world's highest rates of capital punishment.

Announcing the unanimous decision, Arthur Chaskalson, president of the Constitutional Court, said, "Everyone, including the most abominable of human beings, has a right to life, and capital punishment is therefore unconstitutional."

That the Constitutional Court chose the death penalty issue for its first major ruling underscored the importance of the issue in a country where for decades execution was used not just as a weapon against common crime, but as a means of terror in enforcing the system of racial separation known as apartheid.

"Retribution cannot be accorded the same weight under our Constitution as the right to life and dignity," Mr. Chaskalson said. "It has not been shown that the death sentence would be materially more effective to deter or prevent murder than the alternative sentence of life imprisonment would be."

In a strong show of support for the ruling, each of the court's 11 judges issued a written opinion backing the decision. The Constitutional Court was created earlier this year as an equal to the executive and legislative branches.

South Africa stopped executing prisoners in 1992 on the orders of the former National Party Government. With violent crime rampant, the number of prisoners awaiting execution on death rows has since swollen to 443. Over 1,100 people were executed in the 1980's. Death sentences were carried out by hanging.

Reacting to the ruling, Justice Minister Dullah Omar said the prisoners would be quickly moved off of death row. According to prison wardens, the announcement set off a round of wild celebration among condemned inmates at Pretoria's Central Prison.

Elsewhere, however, comments on the ruling revealed the continuing depths of political division among South Africans that typically run along racial lines, one year after the formal end of apartheid.

On radio talk shows today, reactions were deeply split between black and white, with the former typically applauding the abolition of the death penalty, while the latter, invoking high crime rates, criticized what many whites say in a gradual slide away from law and order.

"Under the A.N.C., the message is that people can commit any crime and get away with it," said one caller to a Johannesburg radio station, referring to the African National Congress, the party of President Nelsen Mandela.

Crime has become a highly emotional issue among many whites here, even though blacks are overwhelmingly represented among the victims of violence. Last weekend in Johannesburg alone, 42 people were killed, 477 businesses and homes were broken into and 34 women were reported raped.

While whites complained of a spreading sense of impunity, many blacks reacted by noting that they had been disproportionately made victims of the death penalty in the past through wrongful arrests and convictions.

Moreover, with the death penalty much more likely to be applied to blacks than to whites under apartheid, capital punishment had become as powerfully emotional an issue for many blacks as crime has become for many whites.

Mr. Mandela himself made this point in a statement to the court during his trial for incitement in 1962. "I have grave fears that this system of justice may enable the guilty to drag the innocent before the courts," he said. "It enables the unjust to prosecute and demand vengeance against the just. It may trend to lower the standards of fairness applied in country's courts by white judicial officers to black litigants."

Two years later, in another trial, Mr. Mandela was sentenced to life imprisonment for conspiracy to overthrow the government, a judgment that his supporters saw as a victory because the death sentence was not imposed, even as they deplored Mr. Mandela's conviction.

Conservative white groups condemned the ruling while many predominantly black political organizations portrayed it as a victory for racial justice.

The predominantly black African National Congress, the country's largest political party and the leading force in the fight against apartheid, hailed the ruling as a victory for the country's new democracy, saying, "never, never and never again must citizens of our country be subjected to the barbaric practice of capital punishment."

"It's making us a civilized society," Archbishop Desmond Tutu, the Anglican primate of Southern Africa, told the South African Press Association. "It shows we actually do mean business when we say we have reverence for life."

Archbishop Tutu, a leading campaigner against apartheid, called the death penalty "obscenity," saying it, in effect, said to criminals, "We want to show you that we care about life so we kill you too."

Amoung white political groups the reaction to the ruling was typically negative, running from carefully worded statements of displeasure to outright hostility.

Saying that the overwhelming majority of South Africans supported the death penalty, F.W. de Klerk, vice president in the country's coalition transition Government, said that his National Party, a predominantly white party that had governed the country for decades under apartheid, would campaign to reinstate capital punishment.

Other conservative white groups reacted even more harshly. "The rights of murderers and rapists are being held in higher regard than those of their victims," said one Afrikaner youth organization.

For his part, Mr. Mandela, who served 27 years of a life sentence under a succession of apartheid governments made no public comment today on the ruling. The President's office, however, issued a statement intended to reassure those who fear a growing leniency toward crime.

"The President also wishes to emphasize that this decision has no bearing on the commitment of the Government to tackle the problem of crime, and particularly violent crime, with all the resources and determination it can muster."

Mr. BIDEN. Mr. President, parliamentary inquiry. Is there any time remaining?

The PRESIDING OFFICER. There is no time.

Mr. BIDEN. I ask unanimous consent that I be able to speak 2 minutes on the Senator's amendment.

The PRESIDING OFFICER (Mr. INHOFE). Without objection, it is so ordered.

Mr. BIDEN. Mr. President, this is pretty clear here.

What the Senator from Michigan does in his amendment is stick with one part of the change in the law. Right now there is no requirement in the law to file the successive petition that says that the defendant has to explain why he did not file the petition before.

Now, under the Hatch approach and under the approach if adopted by Senator LEVIN, that is tightened up. Even Senator LEVIN is saying we have to show cause why this was not raised before. There is only one disagreement before the Senate. That is, what standard of proof do you have to bring forward to show you are innocent?

By implication, they are agreeing a person ought to be able, if there is evidence of innocence, ought to be able to have another petition. Senator LEVIN says the same thing.

I think every American would say you ought to have another crack at it. The difference is, they say "clear and convincing." Right now, the Supreme Court says, no, you do not have to go that far, but you have to go pretty far. You have to sufficiently establish the constitutional violation. You said what happened to you in the lower court, you say your constitutional rights were violated in a way that probably resulted in the conviction of a person who is actually innocent.

Are we going to quibble over putting someone to death on whether or not we abide by the Supreme Court majority that says all you have to do is say "probably" this resulted in a conviction of an innocent person?

But they want to go even further. They want to say, no, "probably" is not enough. You have to show that there is clear and convincing. The only thing they do not say is "beyond a reasonable doubt."

Keep in mind, folks, what everybody misses, when we talk about habeas corpus, is this is not about having a convicted person go free. That is not what this is about. Nobody under habeas corpus petition goes free. They get a new trial. That is all they are saying here. I sure think this is distinction with a difference that can mean the difference between life and death of an innocent person. I hope they will yield on "probably" and not "clear and convincing."

Mr. HATCH. Mr. President, I do not want to prolong this. I think I have 11 minutes left. I will just take a minute or two.

What I am saying, there has been a trial, conviction, there have been posttrial proceedings, there has been an appeal to the intermediate court in the State, an appeal to the supreme court of the State, then a petitioner of certiorari to the Supreme Court, all of which are denied, and a petition for clemency to the Governor. He denies. In every case where we found actual innocence, or any kind of innocence, it has been through those proceedings, not in Federal habeas.

I have to say that all of this is another attempt to just prolong the process and allow—call it what it is—a liberal judge who does not believe in the death penalty to prolong the process, again at a tremendous cost to the States, everybody concerned, and I think a cost to justice.

People out there are starting to say, my goodness gracious, is there no finality to the decisions, the just decisions, of the court?

I have to say the cases that we can cite where people have been helped, where innocence has been proven, have been through that State process, not through the Federal habeas process. It is just another layer of expense.

I am not going to knock those who are trying to do this because they will sincerely do anything to stop the death penalty. I respect that.

If I was a defense lawyer again, I would do anything to try and preserve somebody's life. But I have to say it would be pretty cynical to keep doing what is being done in some of these cases today. We can call it sincerity, but the fact of the matter is it is a legal obligation to do what you can. But there is an element out there in the legal community which, having failed to convince the public and the courts that the death penalty is wrong, has set about to eliminate the death penalty defect by making death penalty litigation too costly and protracted.

As a lawyer I do everything I can within the law, and if we provide this law, I will be doing that, and so will every other defense lawyer. It is another appeal, another cost to the States, another frivolous appeal which we are trying to limit here while still giving the protections we need in these matters.

The Levin amendment relies on the term "actual innocence." Actual innocence means—and let me just read out of the leading Supreme Court case on it, Sawyer versus Whitney. This is what they held:

> 1. To show actual innocence one must show by clear and convincing evidence that but for a constitutional error no reasonable juror would have found the petitioner eligible for the death penalty under the applicable State law.

The amendment before us, the Levin amendment, will not help the truly innocent. This amendment will further undermine the proper role of habeas corpus and that is the effect of the amendment. The effect of it is not meant to overturn the fundamental defects. The Specter-Hatch habeas bill has the safety valve. It has a safety valve available for the truly innocent. We provide successive petitions for those who prove innocence. The proposed amendment will do nothing to help the truly innocent. It is merely another means of delaying justice. There are plenty of procedures and mechanisms in the Specter-Hatch bill to protect the truly innocent. So we do not need to continue to prolong this.

I move to table the Levin amendment. I ask for the yeas and nays.

The PRESIDING OFFICER. Does the Senator yield his remaining time?

Mr. HATCH. I yield my remaining time.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HATCH. Mr. President, I ask unanimous consent the vote on the motion to table the Levin amendment be deferred to a time to be determined by the majority leader, after consultation with the minority leader, after 2 p.m. today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. I now ask the Levin amendment be laid aside so the distinguished Senator from Arizona can call up his amendment. I understand there is to be a 1-hour time agreement.

I ask unanimous consent there be a 1-hour time agreement with the time equally divided—in the usual form, we will put it that way.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. I also ask unanimous consent at the conclusion or yielding back of the time on the Kyl amendment that it be set aside and the vote occur on or in relation to the Kyl amendment following the vote on the motion to table the Levin amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Arizona is recognized.

AMENDMENT NO. 1211

(Purpose: To stop the abuse of Federal collateral remedies)

Mr. KYL. Mr. President, I have an amendment at the desk and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. KYL] proposes an amendment numbered 1211.

At the appropriate place, insert the following new section:

STOPPING ABUSE OF FEDERAL COLLATERAL REMEDIES.

(a) IN GENERAL.—Chapter 153 of title 28, United States Code, is amended by adding at the end the following:

"§ 2257. Adequacy of State remedies

"Notwithstanding any other provision of law, an application for a writ of habeas corpus in behalf of a person in custody pursuant to a judgment or order of a State court shall not be entertained by a court of the United States unless the remedies in the courts of the State are inadequate or ineffective to test the legality of the person's detention.".

Mr. KYL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following new section:

SEC. . STOPPING ABUSE OF FEDERAL COLLATERAL REMEDIES.

(a) IN GENERAL.—Chapter 153 of title 28, United States Code, is amended by adding at the end the following:

"§ 2257. Adequacy of State remedies

"Notwithstanding any other provision of law, an application for a writ of habeas corpus in behalf of a person in custody pursuant to a judgment or order of a State court shall not be entertained by a court of the United States unless the remedies in the courts of the State are inadequate or ineffective to test the legality of the person's detention.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 153 of title 18, United States Code, is amended by adding at the end the following:

"2257. Adequacy of State remedies.".

Mr. KYL. Mr. President, the reason I asked the key provision of that amendment be read is to illustrate its simplicity. It is very simple and yet I think very important and necessary as an improvement to the bill which is before us now.

I want to begin by complimenting the manager of the bill, the Senator from Utah, for not only getting the bill to this point but for insisting that we have habeas corpus reform in this important piece of legislation.

My amendment will improve the habeas corpus reforms by, as was just read, ensuring that a case in the State courts can be reviewed in the State court system, but that as long as the State court system provides adequate and effective remedies, that person does not have the authority to go over to the Federal courts and relitigate all of the same claims in the Federal courts.

Of course, it should go without saying that there is always a review in the U.S. Supreme Court from any decision of the highest court of a State. So there is ultimately still the potential for Federal review of a State court decision.

I would like to illustrate exactly what we are talking about here with a hypothetical and a real case. The Senator from Oklahoma is here. One of the reasons the Senator from Oklahoma is so interested in this provision is because of the recent tragedy in his State. Let us assume two cases in the State of Oklahoma. In the first case, there is a robbery and in the course of that robbery someone is shot. The person is tried in the State courts, there is an appeal to the appeals court and on up to the supreme court of the State—eventually a prosecution, a conviction and a sentencing.

Thereafter that State court prisoner may file writs of habeas corpus in the Oklahoma State court system as often as that person can find grounds for doing so. Those writs can be determined legally in the appeals and supreme court of the State of Oklahoma, and eventually of course, after the supreme court of Oklahoma has ruled, they can be considered by the U.S. Supreme Court. So that State court prisoner has virtually an unlimited right to take these writs of habeas corpus up and down the State court system.

In today's law he also has the right to go to the Federal court system and essentially relitigate the exact issues. "I have some newly discovered evidence that will prove I was innocent of the crime. I have gone up and down the State court system, now I would like to try my luck in the Federal courts." Under existing law, that person can do it.

What the bill says is we are going to put a couple of roadblocks in the way. It should not be quite so easy for you to do that. You at least ought to have some time limits within which to file these habeas corpus writs in Federal court, and the Federal courts at least ought to give great weight to the previous decisions of the supreme court. Those are both sound provisions but they obviously do not preclude the State court prisoner from going to Federal court.

Let us take, on the other hand, the perpetrators of the heinous tragedy in Oklahoma City a few weeks ago. They will probably—he or they—will probably be tried in the Federal district court in Oklahoma. If convicted, there could be an appeal to the Tenth Circuit Court of Appeals and eventually to the U.S. Supreme Court. But those people, having been convicted, will have their writs of habeas corpus reviewed only in the Federal district court and circuit courts of the United States of America. They do not have the right to go over to the Oklahoma State court system and relitigate those same claims. So, whereas the State court prisoner can use both the State system and the Federal system, in duplicate appeals, a Federal prisoner may only use the Federal system.

The constitutionality is obviously clear. Either the State courts or the Federal courts are competent to adjudicate constitutional claims. That is established. There is no legal question about that whatsoever. But the Federal court prisoner has one set of options. The State court prisoner, under the status quo, has two sets of options. And we are limiting them a little bit by the bill before us.

My amendment says: No, a Federal court prisoner adjudicates his claims in Federal court. A State court prisoner adjudicates his claims in the State court. The only time the State court prisoner can go to a Federal court is from an ultimate appeal to the U.S. Supreme Court.

This will end the duplicative appeals that we have all been complaining about. This and only this amendment will end those duplicative appeals. Because it will still be quite possible for State court prisoners under the bill before us to adjudicate their claims in State court and then go to the Federal court so long as they do it in a timely manner. So long as they meet the time limits we impose in this bill, they can still go to the Federal court and relitigate exactly the same claims.

What ordinarily happens is that the Federal district courts or circuit courts of appeals say, "Wait a minute, the State court has already decided that. Your appeal is summarily denied." But that takes time.

I just spoke to the presiding judge of the Arizona court of appeals and he said we summarily dismissed many of these. But he said every one of them has to be considered. And that is the point. From a very small number to a very large number, the district courts and the circuit courts of appeals are having to handle these writs that have already been decided by the State court and, as the Federal courts have said over and over again, the State courts are perfectly able to resolve these issues.

Mr. President, this is not just an idea that I have come up with. This is what is happening in the District of Columbia today, and has been for the last 25 years, because 25 years ago the Congress passed a law and established that in the District of Columbia courts—by the way, the District of Columbia has in effect a State court system which parallels the U.S. District Court and the Circuit Court of Appeals for the District of Columbia.

So it is similar to States in that it has its own system of courts. We in the Congress 25 years ago said that prisoners in the District of Columbia can only use that quasi-State court system here in the District of Columbia. That was tested in the U.S. Supreme Court and the constitutionality was upheld in the case of Swain versus Pressley in 1977. And there have also been other opinions with respect to the constitutionality of what was done. One judge, as a matter of fact, even wrote that because of this experiment in the District of Columbia, which has worked very well for the last 25 years, that the Congress ought to consider the same kind of limitation of remedies in the State courts, exactly what we are proposing here today with my amendment.

So at the invitation of Judge McGowan, we are proposing an amendment which says in the State courts, you do like the District of Columbia. You exhaust your remedies in the State court. You can go to the U.S. Supreme Court, but not jump over to the Federal District Court and the Circuit Court of Appeals to litigate the same claims.

Judge Robert Bork has written a letter in support of my amendment. He writes, in part:

> Your proposed amendment to the antiterrorism bill to stop the abuse of Federal collateral remedies is an excellent and much-needed reform. There is no doubt about the constitutionality of the provision you propose, nor is there any doubt about the need for your amendment. Your amendment is a sorely needed reform to a situation that is now out of hand.

Mr. President, the constitutionality of what I propose is beyond question. It has been tried for 25 years here in the District of Columbia. It is found to be very workable. Everybody agrees that we need to limit duplicative appeals.

Therefore, it seems to me that, if we are to really make the provision of habeas corpus reform in this bill work, we do not just play with it at the edges by proposing some time limits and providing for deference to State court proceedings. We go right to the heart of the matter and say if you have a complete and adequate remedy in the State courts, then that is what you will get except, of course, for your ultimate appeal to the U.S. Supreme Court. You cannot jump over to the Federal system of courts to readjudicate those very same claims.

The Senator from Oklahoma is on his feet. I would like to yield time to the Senator from Oklahoma to further discuss this particular amendment.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER (Mr. THOMAS). The Senator from Oklahoma is recognized.

Mr. NICKLES. Mr. President, I would like to compliment my friend and colleague from Arizona for his leadership. He brought this amendment to my attention. I told him I was not very familiar with it, but I told him I would do a little more homework. I have. I have become more convinced that he is on the right track.

I talked to the Federal judge in the Western District of the State of Oklahoma, and I asked him about the number of appeals; prisoner petitions. We find out in the last 10 years they more than tripled, and have actually consumed about 25 percent of the work load in the western district. The court has before them hundreds of prisoner petitions and appeals that have to be reviewed.

The Senator from Arizona makes an excellent point, and says the States have adjudicated these cases thoroughly. They have gone all the way through the State courts, through the appeals process, State supreme courts, and then all the way even—with capital punishment cases—to the Supreme Court.

Yet, they continue to press, and want to run through the Federal court system as well where the Federal judges do not have time to go through the entire case, where there is almost a presumption that, if they have to do that, maybe the Federal Government knows better, which is not always correct. The Federal judges I have talked to said we are in serious need of habeas corpus reform.

I compliment my friend and colleague from Arizona for, I believe, truly making more significant reform. I think Senator HATCH's bill has some good reform. I compliment him for it. The reforms in S. 735 will help expedite the procedures. There are time limits under the proposal now before us from the Senator from Utah. Senator KYL's amendment would go much, much further. It would eliminate these hundreds of, in almost all cases—at least, in my State, frivolous petitions placed before the Federal courts, frivolous but yet they still take time. At 25 percent of the caseload, you are talking about a very significant amount of time and energy and dollars that now are being expended by frivolous appeals because many prisoners become quite good at filing petitions, and there is no limit whatsoever on the number of petitions that they can file.

So I compliment my colleague from Arizona for his leadership and for coming up with very significant reform. I appreciate the fact that we have outstanding scholars such as Judge Bork and others who have endorsed the reforms in this amendment.

I urge my colleagues to adopt the amendment.

Mr. KYL. Mr. President, I would like to yield 7 minutes of additional time to the junior Senator from Oklahoma, Senator INHOFE.

Mr. INHOFE addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Thank you, Mr. President.

First of all, let me thank the Senator from Arizona for bringing this up. I think it is significant for all of us to realize that had it not been for the bombing in Oklahoma City, we would not be here today. We would not even be having a discussion. There would not be a debate on habeas reform. There would not be a counterterrorism bill.

Certainly, this contentious item of habeas that we have been trying to bring up, at least for the last 9 years that I know of, would not even be discussed in an open debate as it is today. So it is very significant for people to understand this is all precipitated by the tragedy that took place in April of this year in Oklahoma City.

On Monday of this week, we had a group of people that came up from Oklahoma. Among others, they were Diane Leonard, whose husband, Don, a Secret Service agent, was killed in the bombing; we had Glenn Seidl, who lost his wife, Kathy; Kay Ice, who lost her brother, Paul, a Customs Agent; Mike Reyes, who lost his father and was injured himself; and Danny McKinney, Linda's husband. It goes on and on. There is not time to name all of them. But they were here for one reason. That reason is that they wanted to be sure that we had the strongest possible habeas reform in this bill.

So when you stop and realize what has happened in Oklahoma, and what happened in Oklahoma as I mentioned once before on this floor, but I think it is worth bringing up again at this point because it gives you an insight into what the families of the victims in Oklahoma are thinking about because it is something that is contemporary right now—a guy named Roger Dale Stafford is scheduled to be executed on July 1. I do not know whether he will be. It is hard to say. In the spring of 1978, someone stopped to help him with his car. He was broken down in Oklahoma. He murdered in cold blood a Sergeant Lorenz, and the sergeant's wife and small son, and drove 60 miles to Oklahoma City, and committed a great crime known as "The Sirloin Stockade Crime," where he rounded up six people and took them into the refrigerator, tied them up, and executed the six of them. He has been found guilty on all nine counts and has nine death sentences. That was 17 years ago.

I might suggest that Roger Dale Stafford today is 100 pounds heavier than he was 17 years ago. So I am sure he is eating well. He has been in the cell, probably living under better conditions than he was before, for the past 17 years.

I cannot help but think when anyone is considering a crime of the magnitude of that which we had in Oklahoma City, Mr. President, that they spend a lot of time thinking, "What is the downside? What is the worst thing that can happen to me if I get caught and convicted? It is going to be that I will be executed. Wait a minute. The average time between conviction and execution in America is 9½ years. So I will be there for 10 or 15 or 20 years watching color TV in an air-conditioned cell."

That loses its deterrent value for those of us who are narrow enough in our thinking to believe that punishment is a deterrent to crime.

So without this, we have no way of delivering the message to other individuals who might be considering such a heinous crime as that which was committed in Oklahoma City.

So let me just say that I am here today on behalf of multitudes of people in the State of Oklahoma who were killed in the brutal bombing, the mass murder that took place last April in Oklahoma City.

The message they told us last Monday to deliver on the floor of this Senate, the loud and clear message, was yes, if this does not pass, we still want to support the bill as it is right now and the habeas element that is in the bill. That is fine. But the message was let us get the strongest possible habeas reform that we can have. That happens to be the John Kyl amendment.

So I am not here speaking on behalf of one U.S. Senator from the State of Oklahoma. I am speaking on behalf of the families of those individuals who were killed in that very brutal act in April of this year.

Thank you, Mr. President.

Mr. KYL. Mr. President, does the Senator reserve the remainder of his time?

Mr. INHOFE. I yield.

Mr. KYL. Both Senators from Oklahoma have conducted themselves in an exemplary manner following the tragedy in their State in a way both to help the people of their State but also to try to do everything they could to assist law enforcement officials to bring to justice the responsible parties and to see to it that there are changes in the law that perhaps can help prevent those kinds of things from happening in the future and, in the cases where they cannot be prevented, that the people are brought to justice.

I very much appreciate the support of both of the Senators from Oklahoma.

Mr. President, I would like to reserve the remainder of my time at this point should anyone from the minority wish to speak.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Let me say while our colleague from Oklahoma is in the Chamber that I, too, admire the way in which he and his senior colleague have conducted themselves in the wake of such a horrible tragedy. I do not in any way question that the victims' survivors, families of the victims in Oklahoma City, want what he states, and that is a change in the way habeas corpus works. They do not want any more Staffords. They cannot understand, nor can I, why Stafford is in jail for 17 years after having filed apparently successful petitions to delay his execution, and they want action.

But I would say that we would be on habeas corpus whether or not that godawful tragedy in Oklahoma had occurred. The Republican crime bill has the habeas corpus petition in it. We are scheduled to take up the Republican crime bill. We were scheduled to take up the Republican crime bill before we left for our Easter recess. Then we were scheduled to take it up before we left for Memorial Day. Now we are scheduled to take it up before the Fourth of July recess.

In that Republican crime bill is the reform of habeas corpus. In the crime bill that I offered 2 years ago, 18 months ago, there was a reform of habeas corpus. So I just want to make it clear that the Senate's attention is not focused on habeas corpus at this moment because of what happened in Oklahoma and the counterterrorism bill. It is a convenient—and I mean that in a literal sense; I do not mean that in a disparaging way—it is a convenient vehicle to move up the debate on this issue, but the debate was necessary and inevitable.

Let me point out there are three sort of teams in this debate. One team says keep habeas corpus the way it is; we do not want any changes in habeas corpus. I got a bite out of that apple over the last couple years because every time I would offer amendments on habeas corpus I would read in the editorial page of the New York Times about how Senator BIDEN is emasculating habeas corpus, and what a terrible thing he is doing, and the compromises Senator BIDEN is working out are—and it went on and on. Every liberal newspaper in America pointed out that wanting to change habeas corpus from the way it is to make sure that the Staffords of the world are executed——

Mr. INHOFE. Just for a moment, will the Senator yield?

Mr. BIDEN. I would be happy to yield.

Mr. INHOFE. Let me clarify. I used the words "at this level." I do not believe we would be having the debate at this level if it had not been for the fact it did not happen.

I might also observe that the same attorney, who is a very capable and competent attorney in Oklahoma, Steven Jones, the one who so successfully got the delays in the Stafford case, is the same attorney that is handling Timothy McVeigh's case here, too.

Mr. BIDEN. I thank the Senator.

But there are basically three points of view on this floor in a broad sense. One is, do we maintain the status quo on habeas corpus? That is made up of half a dozen to a dozen Members on my side and one or two Members on the Republican side. And they do not want to see any change in habeas.

There is a second school of thought in a broad sense represented by the distinguished Senator from Arizona, who is a capable and competent lawyer in his own right and knows this area well, as he demonstrated by his presentation. And that is to say, in effect, as I read what he says but what others have said as well, that State courts are fully competent to determine whether or not somebody's constitutional rights have been violated. And that is a respected, understood, and clearly articulated school of thought that has existed for some time and has been in a very articulate manner stated here today.

There is a third school on this floor that says status quo is bad. We do not want habeas corpus to continue as it statutorily has and has been interpreted by the courts over the last couple decades. We want it changed.

Now, we differ. There are limits to that third group, and they range somewhere between Senator SPECTER and probably me. And Senator SPECTER and I have been for years debating this issue, agreeing and disagreeing, but we are into that school that says, wait a minute, do not take the Federal courts totally out of this or, in effect, take them totally out of it but drastically curtail the time within which someone is able to file a habeas petition and how many times they are able to file one and what constitutes a successive petition.

Now, I am certain that the Senator from Oklahoma was right when he ticked off the names of the families of the victims and said they want action. I would respectfully suggest that it is unlikely that they know the difference between a successive petition based upon probable innocence versus clear and convincing evidence. Most lawyers on this floor do not know the difference. Most lawyers who practice law do not know the difference; 85 percent of the highest paid lawyers in America, if you brought them in and sat them down in these chairs and asked them to define what a successive petition is, could not do it, could not do it. I am talking about the thousand-dollar-an-hour guys. They could not do it.

Now, I do not mean that to malign the legal profession. They do not handle these cases. Death penalty cases, habeas cases are complicated. Just like I could not, if I were back in the practice of law, explain to you a complicated antitrust provision. I did not practice antitrust law.

So with all due respect, what I am proposing and will propose —and my opposition to the Kyl amendment is just as likely to be acceptable to those folks in Oklahoma as anyone else's because the effect of what I wish to see happen—and I think a majority in here—is to make sure that we are no longer in a situation where this fellow Stafford could be gaining weight in an air-conditioned cell after having filed 17 petitions.

If we adopt the amendment that I am going to offer after this amendment, Stafford would be dead. No more Staffords. There is no legal way in which anyone could hang around, after having been convicted of a capital offense, for 17 years, let alone 7 years, because there are strict time limits and strict circumstances under which a second petition could be filed.

Now, one of the problems here is that we confuse all crimes with apples and oranges. We hear about delay all the time, and it is true, with all due respect, even the Kyl amendment will not fundamentally change the delay. If you take a look at where the delay occurs—and just pick this one case that we talk about—and I will get the second graph, if I can, about the length of delay in State courts versus Federal—the case often cited is this Guerra case, to find out how long this fellow, after having been convicted, languished in, at the expense of the taxpayers, a prison avoiding the inevitable.

Of the delays that took place, only—still, there are delays—24 percent of them were because of what the Federal courts did. And 76 percent, or 9 years 2 months' worth of delays had nothing to do with the Federal courts. They were all in the State court in the State of Texas.

Leave that graph up for another moment, please. I want to make sure everybody understands. The State of Texas, under State court and State law, provided for 9 years 2 months' worth of delay.

The Federal courts, having Federal habeas available, did, in fact, add to the delay, 2 years and 10 months. But let us eliminate, as my friend from Arizona wishes to do, in effect, the ability of the Federal courts to get into the game. There still would have been a 9-year-2-month delay in the execution of a man who was convicted and should have been put to death. The point is, the end result of all this was he ended up with a granting of habeas in the end. The point is, it was 9 years 2 months in the State court.

In the State of California, we heard a lot of talk about how Federal habeas corpus causes all these delays. The delays in execution of the death penalty, much of the responsibility is in the State courts. The California experience: California's Supreme Court has on its docket four capital cases that have been fully briefed for over 7 years, but the State court has not even heard the argument yet. It has nothing to do with the Federal courts. You have four cases, as of a month ago, when this chart was made up for a hearing. Maybe something has happened in the last month, but as of a month ago, there were four capital cases in the California Supreme Court where the petitioners seeking redress filed their briefs 7 years ago, and the State court has not even acted yet. Translated, that means 7 years living off the taxpayers in an air-conditioned cell because the California State Supreme Court has not even looked at the briefs or, if they looked at them, have not told anybody they looked at them.

The California Supreme Court has taken more than 8 years to decide 24 of the cases in which it affirmed the death penalty.

One State habeas petition has been pending for 4½ years and another has been pending for 6 years. This is not even getting to the Federal court.

The reason I cite this is the distinguished former Member of Congress and attorney general of the State of California, Mr. Lungren, came before our committee and said, "The Federal courts should work like the State courts work. My State of California really knows what it is doing." Look at what the State of California knows.

I understand the anger. I feel angry and aggrieved as an American citizen that convicted killers are in California sitting in the jails for 7 and 8 years because the court has not even gotten around to listening to what they have to say. You cannot put them to death, because they filed a petition but they have not gotten around to looking at the petition.

What are we doing, though, when we decide that we are angry about that? We are saying the answer is get the Federal Government out of this, the Federal courts out of this. That does not solve the problem, but it creates another problem. The problem it creates when there is no Federal habeas corpus is bad decisions. Bad decisions made by State courts allow people who deserve another trial to not get it. Their constitutional rights are violated. A significant number of the habeas corpus petitions that are filed are granted.

I admit I cannot change the State of California. I have no authority as a Federal official to tell the State of California how they should look at their petitions. But I can do one thing. When it gets to the bottom here and they finally act, under the proposal I want, they get one chance to get into Federal court, to say the State court judges did not know what they were doing on the Constitution.

Keep in mind now, what I am proposing means when all this is done, within 6 months, the person in jail has to file a petition in Federal court. If they do not, they are out of luck, and they can only file a second petition under the same ground rules that my friends from the Republican Party, that Senator SPECTER and Senator HATCH's bill says, where we differ, which I will debate later, where we differ, Senators SPECTER, HATCH and BIDEN, is on what they are allowed to look at once they get that petition in front of them. I will speak to that later.

But look, I really think, to quote my old friend Sid Balick again, "You gotta keep your eye on the ball here." The vast majority of us in this body want to and have been trying for years to change the old system to limit the time in which a petition can be filed and to limit the number of petitions that can be filed. So essentially you get one bite out of the apple.

What my friend from Arizona would do would deny that one bite. I ask you, what damage is done to the Nation allowing a person who, after the fact, learns that perjured testimony was used against him; after the fact, learns that information was made available to the prosecution which went to his innocence that was never made known to him; after the fact, after the fact, after the trial, after the appeals?

If you have to file it within 6 months, I do not know how much additional weight old Stafford would have gained in 6 months, but it would not have been 100 pounds. What is the alternative? The alternative, for example, in this Guerra case was when they finally got down to it, they granted his appeal. They said, "Wait a minute, you did not get it right at the trial."

But I, with the greatest amount of respect, suggest that although I understand the motivation, it will not speed up the process. All it will do is enhance the likelihood that a person whose constitutional rights have been denied—and those constitutional rights usually relate to whether they are innocent or guilty—whether they have had a chance to make their case.

Senator Kyl's amendment would bar a prisoner even from being able to file a habeas petition if the State court system has in place what are determined to be adequate and effective procedures to test the legality of the prisoner's detention.

This amendment makes clear that the State court need not have gotten the result right in a particular case and, in fact, it need not even have applied its system fairly in a particular case. All it says is they have to have had a process, and if they had a process, even though it may not have been applied fairly in a particular case, even though it may not have gotten the result right on a constitutional basis, the Federal court cannot look at it.

Everyone agrees that there is a need to end the delays in the system. It just does not work right now. But I also think everyone agrees that there should be a fair process and one that does not execute innocent people.

We know most prosecutors and law enforcement officers are honorable. Most cases proceed fairly, and we can have confidence in the result. Under my approach, after the first petition, most of that will be made clear. They will be rejected and they will be put to death. And I support the death penalty. The Biden crime bill is the only reason why, if McVeigh is convicted in Oklahoma, he would be put to death. I wrote the law. If he is tried in Federal court without that law having been passed, he could not be put to death. I support the death penalty. But I do not support a reasonable ability for a person, if they have a strong case, to suggest they did not get a fair trial, to be able to have one bite out of the apple to determine in Federal court whether that was true.

We all know that occasionally prosecutors or cops act in bad faith, as Senators do, as doctors do, as lawyers do, as housewives do. Every one of our professions, every one of them, has some bad apples. So, occasionally, prosecutors or cops act in bad faith and there are cases which have demonstrated that. As we all know, our judicial system will make honest mistakes and has done so.

The recent case of Kirk Bloodworth is one example. Bloodworth was convicted and sentenced to death for the rape and murder of a young girl. After a new trial, he was again convicted and sentenced to life imprisonment. Subsequent DNA testing confirmed his innocence. Bloodworth lost 9 years of his life because of the error in our legal system. Habeas corpus has existed to correct just such errors, and to ensure that there will never be another Leo Frank, another innocent person who has been executed.

You do not have to have 17-year delays to ensure that. You do not have to have any delay to ensure that. But what you have to have is the ability of a Federal court, on one occasion, to look at the facts in the petition and make a judgment as to whether or not a new trial is warranted.

So I respectfully suggest that the debate between the Senator from Arizona and me is not about maintaining the status quo; it is about how we change the status quo. I respect the Senator's intelligence and motivation greatly. But I also respectfully suggest that his approach, A, does not solve the real problem—State court delay—and, B, takes away the one last shot, as a practical matter, that one has to get before a Federal court.

Now, I will acknowledge—and I suspect he would agree—that 75 years ago Federal review was probably needed much more than it is today, because the competence of State court justices was, in some cases, de minimis. And the prejudice that existed in some States—my own included—was real and palpable, making it very difficult for some people to get a fair trial and get their constitutional rights guaranteed. I acknowledge that. That is why the Leo Frank case generated a change in statutory habeas corpus. He was a Jew and he was put to death in large part because he was a Jew. Facts were overlooked, and a decade later it became clear from witnesses that he did not commit the crime.

Most States do not operate that way anymore. I will pick a State so that I am not being parochial and bragging about my State court system, and I will not brag about the Arizona State court system, which is very good. I know several of their State supreme court justices and State court judges. They are first rate. I will pick a State. I would rank the New York State court of appeals, their highest court, over the last 50 years, up against any Federal district court or Federal circuit court of appeals in the Nation. But I cannot say that for probably 20 States that I will not name, because it would be a violation of Senate rules, and because I would be maligning the justices of other States. But I will say, as Barry Goldwater once said, "In your heart, you know I am right." In your heart, you know there are certain States you would just as soon not be tried in for a capital offense as other States.

So what this does—although I acknowledge that State courts get it right the vast majority of the times, I will put this in the negative—what damage is done by the proposal of time limits built into the proposal I am making and that are made, I might add, in the underlying bill, that say you have to file a petition within a certain amount of time and there is a limited circumstance under which you can file a second petition.

So for those reasons, and others which I will not take the time to speak to, I am going to oppose the amendment of my distinguished friend from Arizona.

Mr. President, Is any time left in opposition?

The PRESIDING OFFICER. The opposition has 12 minutes 42 seconds.

Mr. BIDEN. I reserve the remainder of my time.

The PRESIDING OFFICER. If I was not clear, the Senator from Arizona has 12 minutes. The Senator from Delaware has 4 minutes.

Mr. BIDEN. I reserve my 4 minutes.

Mr. KYL. Mr. President, I will yield myself 6 minutes of my remaining time. I would like to respond to the comments of the Senator from Delaware. They were well put and thoughtful, and I think they contribute to the debate. I am going to consider the arguments that he made, with the primary arguments in reverse order, if I might.

The last argument he made essentially was what happens when, after the fact, the defendant finds something out that might enable him to win his freedom? That, of course, is the rationale for the writ of habeas corpus. Of course, the answer is, if you are a Federal court prisoner, you have the opportunity to file a writ of habeas corpus in the Federal courts. If you are a State court prisoner, you have the right to file a habeas corpus petition in the State courts. So that is your remedy for something that happens after the fact.

The Senator from Delaware said it must be a fair process, and indeed it must be. Under my amendment, one of the things that can be contested, and could be contested in Federal court, is that the remedy of the State is not adequate or fair. Finally, with regard to this last point, the Senator from Delaware said he will be proposing an amendment that at least gives the prisoner in the State court system one shot in the Federal courts and primarily base that argument on the notion that while great strides have been made in State courts' competence over the years, there may still be some situations where the State court would not be as competent as the Federal court.

I would like to respond to this in a couple of ways, Mr. President. First of all, we do have one shot in the Federal system under my amendment. It is directly to the U.S. Supreme Court. That right exists today, and it could not be taken away in our amendment, and we do not do that, of course. So if a State court prisoner believes that, despite all of the hearings he has gotten in the State court system, he still has not gotten a fair shake, and that he has really two things that he can claim—first, the State court system is not fair, and secondly, he can go to the U.S. Supreme Court and make his final point there.

Let me read something that Justice Powell wrote not too long ago that I think goes to this point:

He said this nearly 20 years ago:

> We are unwilling to assume that there now exists a general lack of appropriate sensitivity to constitutional rights in the trial and appellate courts of the several States. State courts, like Federal courts, have a constitutional obligation to safeguard personal liberties and to uphold Federal laws.

That was in the case of Stone versus Powell, in 1976.

Later, speaking to the American Bar Association, Justice Powell said:

> Another cause of overload in the Federal court system is conferring Federal habeas corpus jurisdiction to review State court criminal convictions. Repetitive recourse is commonplace. I know of no other system of justice structured in a way that assures no end to the litigation of a criminal conviction. Our practice in this respect is viewed with disbelief by lawyers and judges in other countries.

So, Mr. President, I think that particular issue is disposed of by, among other things, the words of Justice Powell.

A second point the Senator from Delaware said is that most of the delay is in State courts. He is correct, although the chart he has there represents one case. He has about 25 or 24 percent of the delay in the Federal courts, and the rest in the State court. Actually, there is a better figure than that, and the figure is about 40 percent in the Federal courts, 60 percent in the trial courts.

This is from the Powell committee report, and it talked about overdue process. The Powell committee report on page 27 notes "Federal habeas corpus made up 40 percent of the total delay from sentence to execution, in a sample of 50 cases." That is 50 cases as opposed to one case.

The point of the matter is the Senator from Delaware is correct in noting that most of the delay would be State courts. I submit, however, that that is due to several factors. I am not sure the statistics fail to account for the fact that most of the cases are in State court. As a matter of fact, there are not that many in the Federal court.

Say it is between 25 and 40 percent. At least under my amendment we are dealing with 40 percent of the problem. That is not insignificant. Or, the least, taking the number of the Senator from Delaware, 25 percent of the problem.

Whereas the Senator from Delaware would simply make it more difficult to get into Federal court if you are a State court prisoner, we say you cannot. As Federal legislators, what we can do something about, the Federal court, we do something. We say you cannot go there. It is up to the States to deal with the rest of the problem which is before them.

Finally, Mr. President, the Senator from Delaware made a point with respect to Senator INHOFE's presentation, and it was a valid point. But I think it makes a point too far, or one point too much.

The Senator from Delaware said it is doubtful that Senator INHOFE's constituents understand the difference between the Hatch and Kyl amendment, and mentions a lot of lawyers could not identify the difference. He is correct. I do not believe that makes the case.

It is true we have to be careful about what we do here. It is also true that while the common citizen may not understand the technicalities, the legalities, even the word habeas corpus coming from Latin, the common citizen does understand when something is broken. And the Senator from Delaware made an eloquent case for the proposition that something is drastically broken when people can stay on death row as long as they do.

The Senator from Oklahoma made the same point, 16 or 17 years, with the average being over 9 years. The system is drastically broken. It does not take a lawyer to figure that out.

Mr. President, let me conclude at this point that the ordinary man may not understand all of the technicalities we are talking about, but he knows something is broken here. The fix in my case is quite simple. Federal prisoners go to Federal court, State prisoners go to State court with an ultimate appeal to the U.S. Supreme Court, but State prisoners do not get the extra bites of the apple in the Federal court. It is a simple solution.

The solution in the bill and the solution of the Senator from Delaware is much more complex. We will impose some limitations on how you get into the Federal court. That does not stop you from getting in the Federal court. So if you want to solve between 25 and 40 percent of the problem, voting for the Kyl amendment will definitely do that.

It has been held as constitutional. It is supported by Judge Bork and by many others. I submit it would be a good addition to this bill. I am happy to yield to the Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I ask the distinguished Senator from Delaware to yield.

Mr. HATCH. Mr. President, I believe the Senator from Delaware needs his remaining 4 minutes. How much time does the Senator need?

Mr. SPECTER. I shall be brief, holding to 5 minutes.

Mr. HATCH. I ask unanimous consent that the Senator be granted 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I am opposed to the amendment by the distinguished Senator from Arizona. At the outset, I acknowledge his experience in the field. But it is my view that Federal review of State criminal convictions, especially in capital cases, is very, very important in order to guarantee appropriate constitutional safeguards.

I believe the death penalty is an effective deterrent against crimes of violence. I spoke earlier about my own experience as a district attorney of Philadelphia, and before that as an assistant district attorney where I tried murder cases. My thought is that it discourages many professional robbers and burglars from carrying weapons because of concern that a killing might result and they would face the possibility of first-degree murder and the death penalty.

I believe that it is very, very important, Mr. President, if we are to retain the death penalty, we have to use it very, very carefully.

There are some 37 States which favor the death penalty. Thirteen jurisdictions in the United States oppose it. It took many years to bring back the death penalty on the Federal level, having achieved that only last year.

The news from South Africa is they have abolished the death penalty. The death penalty is not in use in many jurisdictions, in many nations. I think it is very, very important to retain the death penalty as an effective weapon. Therefore, we have to use it very, very carefully.

I have objections to the pending amendment both on constitutional grounds and on public policy grounds. I am well aware of the contention that there is constitutional support to it. Frankly, I doubt that the constitutional support would stand up.

When we are dealing with the question of jurisdiction of the Federal courts to entertain questions on Federal issues, on constitutional issues, I believe it is necessary that the Federal courts retain that jurisdiction as a constitutional matter.

I am aware of ex parte McCardle and aware of the distinctions on habeas corpus where there is supposedly an adequate State habeas corpus remedy. When someone comes into the Federal courts on habeas corpus, especially in a capital case, and makes an assertion of denial of actual rights on privilege against self-incrimination or coerced confession or ineffective counsel or absence of counsel or search and seizure issues, I believe it is necessary as a constitutional matter that the Federal courts retain that kind of jurisdiction.

In our Judiciary Committee hearings, this is a question which I frequently ask the nominees as to whether they believe the Congress has the authority to take away jurisdiction on constitutional issues from the Federal courts. It is too lengthy a subject to discuss at any length today.

Beyond the constitutional issue is a matter of public policy. I think it is very important to have the kind of detached, objective review that the Federal courts give.

In many of our States we have elected judges. I think that is, in some circumstances, perhaps in many circumstances, an impediment to the kind of review we have by judges who have life tenure.

I recall reading for the first time in law school the case of Brown versus Mississippi, 1936, a decision by the Supreme Court of the United States saying that the due process clause which limited State action warranted the Supreme Court of the United States to reverse a conviction in a State court in a capital case. Without reciting the case of Brown versus Mississippi and the horrendous facts there, it was not until 1936 that the Supreme Court of this country intervened in a State criminal matter to say that it violated the U.S. Constitution.

The Federal courts have been providing the safeguards on constitutional rights significantly through Federal habeas corpus. I believe that has to be maintained. In urging the adoption of the Specter-Hatch amendment, our amendment really goes to the issue of curtailing the time.

Some might say that it is a restriction on defendant's rights. I think, actually, it is not, for reasons I stated earlier, on the challenge to cruel and barbarous treatment, keeping someone on death row for a protracted period of time.

The international court I referred to earlier this morning, refused an extradition from England to Virginia, because Virginia kept prisoners on death row for 6 to 8 years, which was deemed a violation of cruel and barbarous treatment.

I think, Mr. President, on constitutional grounds and on public policy grounds we ought not to restrict the jurisdictions of the Federal courts.

Accordingly, I urge my colleagues to oppose this amendment. I yield the floor.

Mr. KYL. Mr. President I appreciate the remarks of the Senator from Pennsylvania. He makes some good points that I would like to respond to, but at this point I would like to ask unanimous consent that the Senator from Mississippi be allotted the same amount of time that the Senator from Pennsylvania spoke on, so that I may utilize the remaining amount of my time to close the debate.

The PRESIDING OFFICER (Mr. INHOFE) Without objection, it is so ordered.

Mr. LOTT. Mr. President, I thank the distinguished Senator from Arizona for letting me have this time and for his effort on this amendment. I certainly am pleased to support it because I think it really does what needs to be done in this area of habeas corpus, because it provides that when a State—State—provides adequate and effective remedies for considering prisoners' claims, there is simply no basis for allowing additional rounds of litigation on the same claims in the lower Federal courts.

I am not a constitutional expert. But let me just read what Judge Robert Bork has said about this particular amendment. He says:

> [This] . . . amendment to the anti-terrorism bill to stop the abuse of federal collateral remedies is an excellent and much-needed reform. . . . There is no doubt about the constitutionality of the provision you propose. . . . Nor is there any doubt about the need for [the] amendment. . . . [The] amendment is a sorely needed reform to a situation that is now out of hand.

Again, I am not a constitutional expert and I know when we have bills like this the lawyers descend on the floor and start arguing. There are very good merits on both sides. But let me just say what I hear from the American people when I go to my State and other States. They think there is horrible abuse in this area. They think these endless appeals are totally out of control and that it should be cut back and cut back significantly.

I want to emphasize, this does still allow for the Supreme Court to be involved. But how many rounds are we going to have? The American people understand how this system is being abused. That is what is so applicable in this case. If we have a process whereby the people who were involved in the bombing in Oklahoma City are found, apprehended, indicted, convicted and sentenced, if you will, perhaps to death, and then we go through a long, protracted process of appeals through the State courts, appeals through the Federal courts, the American people are going to be even more horrified at our judicial system in America.

They are looking now at the Simpson trial and wondering what have we wrought? This is one small step in the right direction.

Under current law, habeas corpus claims that are rejected after thorough consideration in the State courts are readjudicated in the lower Federal courts. It is duplicative review in the Federal courts and it is needless and time consuming. The habeas corpus provision in S. 735 reduces this redundancy, but it does not eliminate it.

I commend the Senator from Utah, Senator HATCH, for the good work he has been doing in this area for years. Finally he has brought this issue almost to a climax. But I think now Senator Kyl will go one step further and that will really help in dealing with this problem of abuse, delay, and repetitive litigation in the lower courts, the State courts, and the Federal courts.

Under current law, criminal defendants in the State present their claims at their trials, in State court appeals, in State collateral proceedings, and in applications for review by State supreme courts and then by the U.S. Supreme Court. After exhausting these State remedies, prisoners can then go back and initiate additional rounds of litigation through the habeas corpus proceedings in the lower Federal courts, presenting the same claims that have already been raised and decided in State court review. As a result of this redundant review, the criminal justice system in the United States really now is plagued with problems of delay and abuse.

We talked about, I guess it was, cruel and inhuman punishment in the past. The Supreme Court addressed the question of people staying in jails awaiting final conclusion of their trials or convictions, and that was ruled as being wrong. What about the fact that many of them now sit on death row for years and years with access to libraries and computers and everything they could possibly need so they continue to drag out this process? There has to be an end to it.

The habeas corpus provisions in the bill, S. 735, do moderate the redundancy of the current situation through the time limits on Federal habeas filings, stricter limits on the repetitive habeas filings, and more deferential standards of review. But they do not address the underlying problem of pointless readjudication in the lower Federal courts. The Kyl amendment addresses the root cause of the existing problems of delay and abuse by eliminating these habeas corpus reviews of the State judgments.

I think we have seen where this has been changed in the District of Columbia. That has worked quite well. The experience here in DC demonstrates that the rights of defendants can effectively be protected without the redundancy of these habeas corpus reviews in the lower Federal courts. This amendment, as I understand it, would extend those benefits to all the other States.

Punishment is intended to be a deterrent to heinous crime. Under the present system, however, many killers do not fear the punishment because they know of the delays that will be involved. The Kyl amendment addresses this problem, and I commend him for his efforts. I certainly support this amendment.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BIDEN. Mr. President, I yield myself the remainder of the time.

Let me respond quickly to my friend's comment in response to what I had said.

First of all, he said this is about winning freedom. This is not about winning freedom. Habeas corpus is granted—no freedom. It means a new trial.

He points out very forthrightly that he attempts to prevent folks from going to Federal court except as it relates to being able to go to the Supreme Court. It is not the Supreme Court's job to take a detailed look at every State court conviction. It is for the Supreme Court to decide weighty issues of Federal constitutional law. That is why we have Federal courts and that is why my committee spends so much time, a significant portion of it, considering the nomination of Federal judges. Our system depends on Federal courts, all the Federal courts, being the safeguarders of Federal law.

Let us just put this in very practical terms. Let us assume he is right, the State courts are fully capable and do not need any Federal review. What you end up with is as many as 50 different interpretations of the Federal Constitution; 50 different ways in which 50 different States could interpret whether or not a constitutional right has been denied or not denied. Just from a very practical standpoint that is not good policy. Whereas, when you have the appeal to the Federal court system, that becomes the law, the law of the land governing all 50 States.

I also point out that the State—as the Senator said: Look, we allow folks who are convicted in State court to go to State courts for their appeal and folks convicted in Federal court to go to the Federal courts for their habeas corpus petitions. The problem is that Federal court judges are trained in their experiences in interpreting the Federal Constitution. State courts hardly deal with the Federal Constitution. They deal with the State constitutions. We should have the people who are trained and experienced in interpreting the Federal law relative to the Federal Constitution being able to determine whether there has been a violation of that Federal law or, in this case, the Federal Constitution.

Last, Justice Powell, I am confident—and I am willing to bet; you are not allowed to bet on the floor—but figuratively speaking, I would be willing to bet him dinner at any restaurant in America that Justice Powell does not support his amendment. I can say that with certainty because Justice Powell's commission came forward with an explicit guarantee that there would be access to Federal courts; an explicit guarantee. They made it absolutely clear that it is essential there be access to the Federal courts. I do not doubt that Judge Bork would support this, I do not doubt that at all. In fact, I am certain he would and we should all keep that in mind.

So I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. How much time remains?

The PRESIDING OFFICER. The Senator from Arizona has 6 minutes. The Senator from Delaware has 1 minute 1 second.

Mr. HATCH. Mr. President, I ask both sides to allow me to have a few minutes just to make—I ask unanimous consent I be given a few minutes just to make some short comments.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I have listened to this debate and I really want to compliment the distinguished Senator from Arizona. I think this has been one of the most spirited parts of this whole debate on the habeas corpus provisions of the bill. I deeply appreciate, of course, the frustration some have with the Federal court's micromanagement of State court decisions. Indeed, I think the abuses of Federal habeas corpus practice fuel the desire to remove the Federal courts altogether from the review process. The Kyl amendment would effectively end Federal habeas review of State convictions where the State already has postconviction collateral review. And I can appreciate my colleague's willingness to address the gross abuse that currently occurs under our Federal habeas process. We are all sick of it. Something has to be done.

Senator KYL's amendment would return habeas review to its original moorings, as a corrective process where no other real remedy exists. And it deserves consideration.

In the early history of this country, habeas review was not available at common law to review by any other court a conviction of a felony entered by a court of competent jurisdiction. The function of the writ was to free people who had been imprisoned illegally. Let us understand what I am saying. The constitutional great writ is preconviction.

That is the Constitution writ. The writ of habeas corpus we are talking about is postconviction, and it is a statutory writ that can be changed readily by the Congress of the United States. Senator KYL has cogently pointed out that that is exactly what it is. The writ is guaranteed against suspension by the Constitution. The earlier great writ was well understood to refer to habeas for Federal prisoners, only Federal prisoners. The Kyl amendment appreciates the history of the writ and attempts to return it to its original understanding. He has argued that nobly and well.

I think the proposal of the Senator from Arizona deserves close scrutiny, and he should be complimented for his efforts to address this difficult problem. I have to say that I believe there needs to be postconviction habeas corpus review. But I also believe that the Senator makes a very strong point because, as a lot of people do not know, the District of Columbia has done away with postconviction habeas corpus review, collateral review. And it has worked very well in the District of Columbia. All the Senator is saying perhaps is that we should consider doing that for the country as a whole.

So I just wanted to make these few short comments. I have to say that I compliment my friend and colleague from Arizona for his intelligence on this issue, and for the very, very spirited debate that we have had here on this. I want to express that for all concerned.

The PRESIDING OFFICER. Who yields time?

Mr. KYL addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I would like to use the remainder of my time and close the debate, if there are no others who wish to speak.

Mr. President, first of all, let me compliment the Senator from Delaware who has conducted a very intelligent and thoughtful debate. I appreciate that. I very much appreciate the comments of the Senator from Utah just now. It is only because of his tenacity that this issue is before us. As he said, he has been fighting this issue for years to try to bring some reform to the Senate and was able to do that finally in the bill that he brought to the Senate floor. I appreciate very much his efforts.

I also appreciate the comments he just made. He is exactly correct in describing my amendment as an attempt to return the habeas petition to its original meaning. There is a statutory postconviction remedy, as he points out. I believe he is very familiar, as a matter of fact, with Congress' law of 25 years ago under which the District of Columbia uses a purely quasi-State court system for the review of its writs and does not allow prisoners to go into the Federal system, a system which has worked very well and which we have been invited to consider as a result by Federal judges who have written on the subject.

Let me also address briefly two points, one made by the Senator from Pennsylvania, and one by the Senator from Delaware. The Senator from Pennsylvania questioned the constitutionality of what we are doing here. I understand the point he was making. But I do not think that the constitutionality of what we are proposing here is in doubt. The U.S. Supreme Court has upheld this procedure unanimously in a 1977 opinion, Swain versus Pressley. The opinion was written by Justice Stevens. That was—to use the phrase—"bandied about" a fairly liberal court in 1977. Subsequently, the Federal courts have consistently held that the remedy provided in this District of Columbia court system, which does not permit a Federal writ of habeas corpus, is adequate and effective to test the legality of detention.

Among the cases are, for example, Garris versus Lindsay in 1986, a D.C. Circuit Court case, and Saleh versus Braxton, a District of Columbia District Court case in 1992. So consistently the courts have upheld, and I also cited the U.S. Supreme Court decision upholding the constitutionality, as well.

The Senator from Delaware argued finally that there could be 50 different interpretations of the constitutional law, if the State court prisoners are relegated only to a State court habeas remedy. With all due respect, I do not think that is correct because, as we all know, those of us who are constitutional lawyers anyway, the U.S. Supreme Court precedents must be followed when State supreme courts—or as in New York's case, it is called the court of appeals, or the circuit courts—are adjudicating constitutional questions, they must follow U.S. Supreme Court precedents.

Therefore, it is not possible for there to be 50 different interpretations of Federal law by State supreme courts unless those courts are dealing in bad faith, and I am sure that no one is suggesting that is the case. It has always been the case that under our Constitution, the Framers contemplated that State courts would be making these interpretations. As a matter of fact, there is an interesting book by Curt Sneideker who writes to this point. He said that in our judicial system it has been understood from the very beginning that State courts could pass on Federal questions. And, by the way, he cites Federalist Papers No. 82 for that proposition. Indeed, the Constitution itself expressly directs them to do so in article VI, clause 2.

So very clearly, the State courts have always been thought of as a place where Federal constitutional issues could be resolved. As I noted earlier, Justice Powell has made a very convincing case, and he is not the only one. But he specifically has made a convincing case that the State courts have the competence to rule on these issues.

Mr. President, just in summary, again I compliment both managers of this bill for the very intelligent way in which they have approached this issue. I appreciate the opportunity to debate my amendment in this way, and I will simply say that in summary, what I am trying to do with my amendment is to ensure that there is an adequate remedy for all habeas petitions for both Federal and State court prisoners, Federal prisoners in the Federal system, State court prisoners in the State court system, but to limit State court systems to the State just as Federal writs are limited to the Federal system.

The only exception which we could not take away, even if we tried—and, of course, we do not want to—even in the State court system, prisoners have the ability to go to the U.S. Supreme Court, the ultimate Federal court, to test the propriety of the final decision of the State court, in most cases called the State supreme court. So there is adequate ability to protect the constitutional rights of both State and Federal prisoners.

My amendment simply helps to solve this problem of overburdened Federal courts by taking out of the Federal courts somewhere between 25 and 40 percent perhaps of the cases that are currently adjudicated not only in State courts but in a duplicative way in the Federal courts, as well.

I urge that my colleagues support my amendment.

Mr. BIDEN. Mr. President, do I have any time left?

The PRESIDING OFFICER. The Senator from Delaware has 1 minute and 19 seconds.

Mr. BIDEN. Mr. President, my staff pointed out to me, as I sat down when I said we should keep that in mind, I said in jest that we should keep that in mind, my reference was to Judge Bork. I believe Powell does not support this, the Powell Commission would not support this, and that Justice Bork would. We should keep in mind the distinction.

But I would also like to point out, as my staff pointed out to me, in Wright versus West, the Supreme Court case decided a couple of years ago, where the Bush administration sought to ask the Supreme Court to rule on the standard of full and fair, which is what Senator KYL is proposing, Justice Rehnquist, from his home State of Arizona, refused to adopt the standard that Senator KYL is proposing. He is certainly no liberal. He refused to adopt the standard and insisted that there be access to the lower Federal courts.

But I thank my colleagues for their indulgence.

I yield the remainder of my time.

Mr. KYL. Mr. President, let me again compliment both managers of the bill. I think this has been a good debate. I reiterate my amendment simply restricts the State court prisoners to the Start court as prisoners until they are able to go the to U.S. Supreme Court. I believe this will significantly reduce the number of duplicative appeals. That is what this is all about on the habeas corpus reform, to strengthen the bill. In any event, I reiterate that this is a good bill that we should all support.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Utah.

Mr. HATCH. Mr. President, I compliment both Senator KYL and Senator BIDEN. Both have presented very interesting and good arguments. They both deserve being listened to.

Mr. President, I ask unanimous consent that the vote on the Kyl amendment be at a time to be determined by the majority leader, after consultation with the minority leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Mr. President, do we first have to ask for the yeas and nays?

Mr. HATCH. Yes. I ask for the yeas and nays on the Kyl amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Ms. SNOWE. Mr. President, I would like to join my colleagues in supporting S. 735, the Comprehensive Terrorism Prevention Act. This legislation contains a broad range of needed changes in law to enhance our country's ability to combat terrorism, both at home and from abroad. The managers of this bill have described its provisions in some detail, so I will not repeat their comments. Briefly, however, this bill would increase penalties: for conspiracies involving explosives, for terrorist conspiracies, for terrorist crimes, for transferring explosives, for using explosives, and for other crimes related to terrorist acts.

The bill also contains habeas corpus reform to curb the abuse of habeas corpus and to address the acute problems of unnecessary delay and abuse in death penalty cases. The bill also includes provisions to combat international terrorism, to remove aliens, to control fundraising for foreign terrorists, and procedural changes to strengthen our counterterrorism laws. Among those strengthening laws are a requirement to use chemical tagging in plastic explosives, to criminalize a threat to use a weapon of mass destruction, and to add conspiracy crime to certain terrorism offenses.

Finally, the bill authorized increased funding for Federal law enforcement agencies, providing $1.5 billion over 5 years for the FBI, DEA, assistant U.S. attorneys, the INS, and the U.S. Customs Service.

Mr. President, I would like to concentrate the remainder of my comments of two provisions of mine that are included in this bill with the assistance of the chairman of the Judiciary Committee, Senator HATCH, and our distinguished majority leader, Senator DOLE. These two provisions are the Terrorist Exclusion Act and the Law Enforcement and Intelligence Sources Protection Act, both of which I have introduced separately this session of Congress.

Traditionally, Americans have thought of terrorism as primarily a European, Middle Eastern, or Latin American problem. While Americans abroad or U.S. diplomatic facilities have been targets, Americans have often considered the United States itself largely immune from acts of terrorism. Two events have changed this sense of safety. The first was the international terrorist attack of February 26, 1993, against the New York World Trade Center, and the second was the shocking domestic terrorist attack this April 19 against the Federal building in Oklahoma City.

I first introduced the Terrorist Exclusion Act in the House 2 years ago, and this year I have reintroduced the legislation in the Senate with Senator BROWN as my original cosponsor. The Terrorist Exclusion Act will close a dangerous loophole in our visa laws which was opened up in the Immigration Reform Act of 1990. That bill eliminated then-existing authority to deny a U.S. visa to a known member of a violent terrorist organization.

The new standards required knowledge that the individual had personally been involved in a past terrorist act or was coming to the United States to conduct such an act. This provision will restore the previous standard allowing denial of a U.S. visa for membership in a terrorist group.

The elimination of authority to exclude a foreigner from the United States for mere membership in a terrorist group happened in the context of Congress' rewrite of the old McCarran-Walter's Act. The McCarran-Walter's Act contained a wide range of visa exclusions for ideological or associational reasons. But in narrowly refocusing all visa exclusions on personal acts, it perhaps inadvertently treated foreigners who join violent terrorist organizations no differently than if they had merely joined a political club, or fraternal order. This removed a valuable tool for protecting American lives. In my view, and I am sure the view of the vast majority of Americans, there is a difference.

I discovered this dangerous weakness in our visa laws in early 1993 during my investigation of the State Department failures that allowed the radical Egyptian cleric, Sheikh Omar Abdel Rahman, to travel to and reside in the United States since 1990. I undertook this investigation in my role as ranking Republican of the House International Operations Subcommittee, which has jurisdiction over terrorism issues, a role I have continued in the Senate as chair of the International Operations Subcommittee of the Foreign Relations Committee.

Sheikh Rahman is the spiritual leader of Egypt's terrorist organization, the Islamic Group. His followers have been convicted for the 1993 bombing of the World Trade Center in New York, and the sheikh himself is now on trial for his alleged role in planting and approving a second wave of terrorist acts in the New York City area.

The significance of Sheikh Abdel Rahman is that he was clearly excludable from the United States under the old pre-1990 law, but the legal authority to exclude him ended with enactment of the Immigration Reform Act that year. He was admitted to this country through an amazing series of bureaucratic blunders.

But then, the 1990 law came into effect, and the State Department was forced to try to deport him on the grounds that he once bounced a check in Egypt and had more than one wife, rather than the fact that he was the known spiritual leader of a violent terrorist organization. This was before the World Trade Center bombing.

A high-ranking State Department official informed my staff during my investigation that if Sheikh Abdel Rahman had tried to enter after the 1990 law went into affect, they would have had no legal authority to exclude him from the United States because they had no proof that he had ever personally committed a terrorist act, despite the fact that his followers were known to have been involved in the assassination of Anwar Sadat.

The urgency of passing this provision comes from the sad truth that every day American lives continue to be put at risk out of deference to some imagined first amendment rights of foreign terrorists. This is an extreme misinterpretation of our cherished Bill of Rights, which the Founders of our Nation intended to protect the liberties of all Americans.

In my reading of the U.S. Constitution I see much about the protection of the safety and welfare of Americans, but nothing about protecting the rights of foreign terrorists to travel freely to the United States whenever they choose.

The second of my bills contained in S. 735 is the Law Enforcement and Intelligence Sources Protection Act. This legislation would significantly increase the ability of law enforcement and intelligence agencies to share information with the State Department for the purpose of denying visas to known terrorists, drug traffickers, and others involved in international criminal activity.

This provision would permit denials of U.S. visas to be made without a detailed written explanation for individuals who are excluded for law enforcement reasons, which current law requires. These denials could be made citing U.S. law generically, without further clarification or amplification. Individuals denied visas due to the suspicion that they are intending to immigrate would still have to be informed that this is the basis, to allow such an individual to compile additional information that may change that determination.

Under a provision of the Immigration and Nationality Act [INA], a precise written justification, citing the specific provision of law, is required for every alien denied a U.S. visa. This requirement was inserted into the INA out of the belief that every non-American denied a U.S. visa for any reason had the right to know the precise grounds under which the visa was denied, even if it was for terrorist activity, narcotics trafficking, or other illegal acts. This has impeded the willingness of law enforcement and intelligence agencies to share with the State Department the names of excludable aliens.

These agencies are logically concerned about impeding an investigation or revealing sources and methods if they submit a name of a person they know to be a terrorist or criminal—but who we do not want to know that we know about their activities—who then goes on the lookout list, is denied a visa, and then is informed in writing that he or she was denied a visa because of known drug trafficking activity. That drug trafficker then will know that the DEA knows about his or her illegal activity and may be developing a criminal case. This information is something the United States would want to protect, until the case against is completed and, hopefully, some law enforcement action is taken. At the same time, however, for the protection of the American people we should also make this information available to the Department of State to keep the individual out of our country.

The key issue is that travel to the United States by noncitizens is a privilege, not a constitutional right. There is no fundamental right for extensive due process in visa decisions by our consular officers overseas. While I believe that our country should do what we can to be fair in our treatment of would-be visitors to the United States, in cases where providing information to an alien would harm our own national security, complicate potential criminal cases or potentially reveal sources and methods of intelligence gathering, we should err on the side of protecting Americans, not the convenience of foreign nationals.

Mr. President, I again congratulate Senator DOLE, Senator HATCH, and all of my other colleagues—on both sides of the aisle—who have been instrumental in bringing this comprehensive counterterrorism bill to the Senate floor for swift action. This is an example of our capacity to act quickly on a bipartisan basis and in cooperation with the administration on critical issues. It is my hope that this bill is an example of what we can accomplish together in this body, and I hope we will continue to approach issues important to the future of our Nation in this manner.

I urge adoption of the bill.

Mr. HATCH. I now ask that the Kyl amendment be laid aside and the Senator from Delaware be recognized to offer the last amendment to this bill as soon as we have a quorum call.

Mr. President, I suggest the absence of a quorum.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The distinguished majority leader is recognized.

Mr. DOLE. Mr. President, what is the pending business? Are we on the final amendment?

The PRESIDING OFFICER. The Chair would observe we just dispensed with the Kyl amendment. There is no pending amendment at this time.

Mr. DOLE. Is there a time agreement on the Biden amendment?

Mr. HATCH. Mr. President, I ask unanimous consent that the amendment of the distinguished Senator from Arizona be laid aside; that as soon as the distinguished majority leader is finished, we can move to the final amendment, the Biden amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. How much time is the Biden amendment?

Mr. HATCH. Mr. President, I ask unanimous consent that there be 90 minutes equally divided between Senator BIDEN and myself.

Mr. COHEN. Reserving the right to object, I might indicate to the Senator from Utah that Senator BIDEN indicated he will allow me to have an additional 15 minutes separate and apart from this agreement.

Mr. HATCH. Let us make it 105 minutes with 45 minutes——

Mr. DOLE. I have a better idea. Why not the Senator from Utah give him 15 minutes of his 45.

Mr. HATCH. That will be fine.

Mr. COHEN. I do not want to take the time of Senator HATCH.

Mr. DOLE. We want to finish this bill.

Mr. HATCH. That is fine with me. Half-hour to me, an hour to Senator BIDEN.

The PRESIDING OFFICER. Is there objection? Does the Senator from Maine object?

Mr. COHEN. No.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, then it would appear to me that we are not going to finish this bill until after 5 o'clock. But we will take up the telecommunications bill. We will be here late because we have frittered away the afternoon here. We hoped to conclude action on this bill by 1 o'clock. It is now 3:30, and it is going to be 5 or 6 o'clock. So we do not have any recourse because Senator PRESSLER and Senator HOLLINGS have been waiting all day long to take up the telecommunications bill, and there will be votes and there will be amendments probably until 10 or 11 o'clock tonight. So if we can finish, whenever we finish this bill, we will be on the telecommunications bill.

I understand the Senator from Delaware is now prepared to offer his amendment, which will be the final amendment.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I see the distinguished Senator from Maine is prepared to speak and utilize his 15 minutes.

Mr. COHEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

Mr. COHEN. Mr. President, first let me thank the Senator from Utah for allowing me to use 15 minutes of his time. I will try and cut it down if I can, because I do not want to trespass on his time, especially since I am going to be speaking in opposition to his position. So it is kind generosity on his part, superimposed by the majority leader, I might add, but nonetheless I appreciate it.

Mr. President, I have in my past life been both a prosecutor and defense counsel. I believe firmly that some reform of habeas corpus is necessary. Successive and repetitive petitions, appeals and Supreme Court reviews have led to excessive delays and imposed costs on State prosecutors' offices that otherwise would be dedicated to law enforcement. I think these delays have rightly been perceived by the American people as an abuse of the judicial process by those opposed to the death penalty.

I also want to point out that I oppose the death penalty, but I cannot support a system that allows respect for the law to be undermined. Consequently, I believe many of the procedural reforms contained in S. 735 are appropriate and necessary.

I support limits on successive, repetitive petitions. I support a statute of limitations for filing habeas petitions. And I support time limits on judicial consideration of habeas cases. I think these reforms should be sufficient to eliminate the abuses of the habeas system that have led to decade-long delays in many capital cases.

But the goal of habeas corpus reform ought to be that prisoners have one complete bite at the apple.

The bill before the Senate gives prisoners one bite at the apple but changes the law so that the bite is incomplete. It weakens the standards under which Federal courts review constitutional errors that take place in State courts by requiring a Federal court to defer to a State court's reasonable interpretation and application of constitutional law.

By weakening the effectiveness of the writ in this way, I think it is going to erode what has been a cherished procedure over the centuries, the hallmark of Anglo-American jurisprudence. The writ of habeas corpus is the last line of defense for constitutional rights.

An effective habeas remedy is especially necessary in modern times because of the poor caliber of legal representation capital defendants are being provided in capital trials.

Many of the States that produce a large number of capital cases have no minimum competency standards for defense counsel. One State limits the compensation for court-appointed counsel to $1,000 for all pretrial preparation and trial proceedings—I repeat, $1,000 for all pretrial preparation and trial proceedings.

Another State pays a maximum of $2,500. A survey by the Mississippi Trial Lawyers Association estimated that the average capital defense attorney is compensated at a rate of $11.75 an hour, just 2½ times the minimum wage.

There are reported cases of trial counsel sleeping during trial, not presenting any mitigating evidence during the penalty phase of the trial, having only 6 months of legal experience and no criminal trial experience, or filing a one-page brief on appeal.

In one of his last opinions from the bench, Justice Blackmun listed six egregious examples of the poor representation many capital defendants receive. One case Justice Blackmun described was that involving John Young, who was represented in his capital trial by an attorney who was addicted to drugs and who a few weeks after the trial was incarcerated on Federal drug charges. The court of appeals of the eleventh circuit rejected Young's ineffective assistance of counsel claim on Federal habeas review and the Supreme Court denied certiorari. Young was executed in 1985.

In another case, Larry Heath was represented on direct appeal by counsel who filed a six-page brief before the Alabama Court of Criminal Appeals. The attorney failed to appear for the oral argument before the Alabama Supreme Court and filed a brief in that court containing a one-page argument and citing a single case. The eleventh circuit found no prejudice, and the Supreme Court denied review. He was executed in 1992.

The bill before the Senate does nothing to remedy the serious problem of incompetent counsel in State court capital cases. But in light of this, I think the Biden amendment is all the more imperative to maintain the effectiveness of habeas under these circumstances. When trial counsel has done little to protect a capital defendant's constitutional rights at trial, at the very least, it seems to me the Federal Government ought to provide effective Federal court review of the State court conviction and sentence to ensure that the core constitutional requirements have been satisfied.

Mr. President, I think Senator BIDEN has already talked at some length about the case of Rubin "Hurricane" Carter. I read a book that was written some time ago called "The 16th Round." In "The 16th Round," we have a description of what happened to Rubin "Hurricane" Carter, the one time middleweight prizefighter. It was not a death penalty case, but it was a case of an innocent man being convicted for a crime he did not commit, primarily because he was a black man who was in the vicinity when a triple murder was committed.

It was way back in June 1966. Two light-skinned black men, one described as thin, about 5 feet 11 inches, shot and killed three people in a Paterson, NJ bar. Carter, a very dark-skinned, stocky, prizefighter, 5 feet 8 inches tall, was driving in the vicinity with two other people. They were stopped by the police and then released because they did not match the description of the killers. Later that night, Carter and a man named John Artis were again picked up by the police, but the survivor of the shooting failed to identify them as the killers. They were given lie detector tests and they passed.

In the meantime, a small-time thief who was robbing a factory nearby the murder site told the police he had seen the commission of the crimes, and in an attempt to curry favor with the police, he told them Rubin "Hurricane" Carter was the killer.

Based on that information, Carter and Artis were tried, convicted, and sentenced. Carter himself was sentenced to life in prison.

Ten years later, after the thief recanted his trial testimony, Carter and Artis were given new trials. Then at the time of trial the thief recanted his recantation. Carter and Artis were convicted again. The New Jersey Supreme Court affirmed Carter's conviction by a vote of 4–3.

Then a habeas corpus petition was filed in Federal court. In 1985, the court issued an opinion finding two serious constitutional violations: The prosecutor's misuse of a lie detector test and the denial of equal protection due to the prosecutor's unfounded racial allegations against the defendants. The prosecution argued that the defendants were simply out to murder white people when, in fact, the evidence was that they both had many white friends.

The third circuit upheld the lower court's decision to grant the petition. The Supreme Court denied certiorari. And the State of New Jersey finally dismissed the indictment.

Here we have a situation where a person spent over 20 years in prison over charges that were false. The attorney for Mr. Carter has written to Senator HATCH to point out that if a proposal similar to the one on the floor right now were law today, Carter's habeas corpus petition would have been dismissed. He said, "I do not see what legitimate criminal justice purpose would be achieved by such a result."

Indeed, the 16th round never would have occurred. The 15th round would have knocked Carter out for the rest of his life, without him ever having a legitimate opportunity to challenge the injustice that took place 20 years ago.

So let us not fool ourselves. The substantive changes to the habeas bill being proposed are not designed just to eliminate frivolous cases. They are designed to weaken the Federal courts' role in scrutinizing State court verdicts for constitutional error. Prof. Henry Monaghan from Columbia University said it very well in a letter to Senator HATCH. He acknowledged that he is "no fan of habeas corpus." But he was satisfied that the changes in the Supreme Court law and the procedural reforms in this bill "would go a long way to eliminating abuses." He went on to urge that the substantive standards not be altered:

> I believe the writ's core function of affording independent Federal review to mixed questions of law and fact should be retained and that the deference provision in S. 735 should be withdrawn. The deference provision in S. 735 would keep habeas corpus from serving any meaningful role. Effectively, it would repeal the habeas corpus statute.

Similarly, a former State prosecutor recently wrote to me that the "reasonableness" rule of deference in this bill is not the way to speed up habeas corpus review. It is not a way to prevent the same prisoner from filing more than one petition. Rather, "it is an unprecedented attack on the rule, as old as the Republic, that Federal courts have the last word on what the Federal Constitution means and how it is to be applied. It would require Federal courts to stand by and do nothing even if presented with a State court ruling that was wrong, and the cause of the person being unjustly imprisoned or even executed."

So, Mr. President, I think it is important that those accused of serious capital crimes have one complete bite at the apple. I believe the Biden amendment will make sure that one bite is complete and not incomplete. I hope that it will receive the endorsement of the Senate, because habeas corpus without it will become a hollow remedy, one that I do not think would be worthy of the title "the Great Writ."

A strong case has been made for the procedural reforms in this bill. They will increase respect for the law by stopping the endless delays and appeals of capital sentences. But no case has been made for changing the substantive standards applicable in federal courts for well over a century. When we are making such radical changes in our legal system, we should act prudently. We can always cut back on habeas in the future if the procedural reforms in this bill do not work. But we may never recover the habeas process once it has been effectively been repealed by the substantive changes being proposed.

I yield the floor.

Mr. BIDEN. Mr. President, I thank the Senator from Maine. The Senator from Maine has a reputation in this body of being one of the most thoughtful, and when he speaks in debates, unlike the Senator from Delaware, a most measured Senator, and one whose career has been marked by observable high points of principle. And this is, I detect, from his speech, a principled issue here. This is an important issue. This is not one where we should, quite frankly, be guided by the legitimate but sometimes not fully articulated concerns of our constituents.

I believe what our constituents want is what the Senator from Maine has outlined. I doubt whether there is a man or woman in America who thinks that Hurricane Carter should not be free today. I doubt whether there are any people in America today who would have been happy had this been the law and had he been denied the opportunity to make that final plea in Federal court.

Yet, if we amend the law along the lines of the Biden amendment, which Senator COHEN supports, we would have drastically cut down frivolous appeals and drastically cut down successful appeals. As a matter of fact, there is no difference in the time limitation for filing an appeal and the number of successive appeals that are allowed between what Senator HATCH wants and what we want. The big difference in what the Senator from Maine and I are saying is the standard the court is able to apply when the Federal court looks at, as Professor Monaghan states, those mixed questions of fact and law. This would essentially not allow them to look at fact, just theoretically the law.

So what I propose to do is precisely what Professor Monaghan, who is not a fan of habeas corpus, wants done. Let us be real clear right from the start here what we are arguing about and what we are not arguing about. Again, as my old buddy Sid Balick, says, "keep your eye on the ball." What are we arguing about and what are we not arguing about? We are not arguing about whether or not to speed up the process of habeas corpus review, and we are not arguing about reducing the current abuses in the system.

I agree with my Republican colleagues from Utah and Pennsylvania that we have to have a strict statute of limitations and a strict limit on successive petitions. Put another way, how many times after that first one, or under what circumstance, can you file another petition if you are able to at all. Nothing I am trying to do today, nothing in my amendment would change what the Republicans propose for speeding things up or cutting down on abuses. They have a 6-month statute of limitations in their bill. I am not trying to make that 9 months or 1 year or 2 years. I am not proposing to change a single word in the statute of limitations. As this chart up here shows, in the Biden amendment the time limits for filing a petition are the same as in the Specter-Hatch provision. We both set limits on time.

Nothing in my amendment, nothing at all, would change what the Republicans propose for speeding things up or for cutting down on abuses.

The Republicans have a new strict limit on successive petitions in their bill. Many of my liberal friends think these restrictions are excessive. I do not. I have not attempted to change a word. I have not attempted to change a word on their bill relating to successive petitions. Not a period, not a comma of their proposal is changed by my amendment.

Put another way, at the end of the day, or the end of today, even if I were to win everything I am asking for, the statutory right of habeas corpus will be drastically altered from what it is today. No longer will we see a guy filing petition after petition. No longer will my friend from Utah, my distinguished friend from South Carolina, Senator THURMOND, my friend from Pennsylvania, my new friend and colleague from Oklahoma, be able to put up on a board or reference cases which are real and exist today where someone has sat, after having been convicted for a capital offense, on death row for 2, 5, 10, 12, 15, 16, or 19 years. That will not be possible if we adopt my amendment.

Now, usually, the Senator from Utah has a chart out here listing the number of petitions in several cases. I am not making light of that. When he brings out that chart, if he does in his response, I want everyone to look at it and understand that if the Biden amendment passes, that would be the end of charts like that.

There would no longer be an ability for a convicted prisoner, convicted of a capital offense, to be able to file those successive petitions and delay for the number of years the charts have always shown.

I also point out that we will still have the problem of irresponsible State courts who do not read briefs, who do not take the time to follow through. I cannot affect that, nor can they. At a Federal level, we will have eliminated the ability to have those successive petitions.

So let the Senate be clear on what we are not arguing about. What we are arguing about is whether we should dismantle the habeas corpus process by dramatically restricting the Federal power of the Federal courts to decide whether a State court got it wrong, whether a State court wrongly convicted a person, whether a State court is wrongly sending a person to death. That is what we will be changing.

That is where I part company with my Republican friends. I want to fix the problem. They want to do away with the right. I want to get a habeas corpus petitioner in and out of Federal court quickly. I do not want to make it practically impossible for him to get into Federal court. I want to say you get in, and you must get in quickly, and you can only get in under certain circumstances, and you are out. The Republicans want to slam the door of the Federal courthouse closed.

I know there are a lot of things about Federal overreaching, but one thing I do not think most Americans—whether they are liberal or conservative, whether they are moderate, whether they are Republican or Democrat—I do not think they believe that is a remedy, to slam the Federal courthouse door. They do not want it swinging off its hinges, but they do not want it slammed shut.

What I propose is—to be able to use this silly metaphor—to be able to open the door once, walk through the door, and say, "Federal judges, experts on the Federal Constitution, listen to my plea. Make a decision. If you decide against me, I'm out, but listen to it."

As the Senator said, the lawyer for Hurricane Carter, and I suspect everyone else would agree he would be a man in jail the rest of his life were that door slammed shut, had it been slammed shut in the way I believe this present bill does.

So that is what we are arguing about.

AMENDMENT NO. 1224

(Purpose: To amend the bill with respect to deleting the rule of deference for habeas corpus)

Mr. BIDEN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Delaware [Mr. BIDEN] proposes an amendment numbered 1224.

Mr. BIDEN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Delete page 105, line 3, through page 105, line 17.

Mr. BIDEN. Mr. President, let Members be clear about what we are talking about.

A petition for habeas corpus—I want to complicate this—a petition for habeas corpus is literally and simply a piece of paper on which a State prisoner says, "I have been denied my constitutional rights in the following way," and takes that paper or has his lawyer take the paper and file that in a Federal court.

In almost all instances, this is after his remedies have expired in a State court system. The issue is whether he or she should be able to file that in Federal court and under what circumstances.

The piece of paper that a habeas corpus petition is written on says that the prisoner claims to be held or sentenced to death in violation of the Federal Constitution, the U.S. Constitution. It does not ask that the prisoner be released, but it does ask that he be given a new trial.

Habeas corpus is the means by which Federal courts ensure that State courts are following the Constitution. It ensures that those in jail or on death row were not only not put there mistakenly, but that they were not put there in violation of the U.S. Constitution.

I might add, if we, in fact, eliminate Federal habeas corpus or in effect eliminate Federal habeas corpus, what we do is we leave to 50 different States the potential for 50 different interpretations of fact and law.

We all know if a Federal court makes a judgment on a Constitution in a circuit or in a district, it usually goes to a circuit, and then to the Supreme Court. We get a final national judgment on how to read that provision and that fact/legal mixture under the Federal Constitution. We have a uniform application of the law.

The writ of habeas corpus, known historically as the "great writ," is enshrined in the Constitution itself, which provides that "The writ of habeas corpus shall not be suspended," article I, section 9.

Unfortunately, under the current system, guilty people can sometimes delay their death sentences by filing frivolous habeas petitions. There is no time limit on when the petition has to be filed, and there is no statutory limit on the number of petitions.

I have, in years past, proposed legislation that would reform this system to generally limit a petitioner to one petition in Federal court, and to impose strict limits on when that petition had to be filed. But my legislation also recognized in that one round of Federal review, the prisoner is allowed and must be allowed a full and careful review to ensure that we do not execute innocent people.

The death sentence is unlike any other. There is no turning back once it has been carried out; to state the obvious, a mistake cannot be fixed. Because of that, we cannot allow the death penalty to be used against innocent people and we cannot allow it to be carried out unfairly.

I am certain all of my colleagues would agree that, although the death penalty should be applied swiftly and with certainty, the worst thing in the world would be for it to be applied wrongly.

My amendment tries to preserve the important role that habeas plays, while reducing delays. It strikes at what I believe is the issue that truly rises above all else in the Republican bill. It strikes the provision in the Republican bill that I think is the most troublesome, and that is the so-called rule of deference, which has been known around here the last 20 years that I have been here as the full and fair rule.

This, in my view, and probably in the view of advocates of both sides of the habeas corpus debate, is the single most important provision of the Republican bill and the single biggest difference between my approach and their approach.

As the chart I have just had put up illustrates, when it comes to speeding things up, Senator HATCH and I are in the same spot. Both our bills have time limits on when a petition can be filed. Both our bills have limits on successive petitions. But our bill differs when it comes to the issue of deciding these petitions.

I said the Federal courts should exercise independent review while the Specter-Hatch bill requires Federal courts to defer to the States.

It is important to realize that the deference standard in the Specter-Hatch bill effectively makes the rest of the bill irrelevant. After all, what difference does it make what the time limits are if the Federal courts are going to be precluded from examining what the State courts did in any event? What difference do the time limits make? That is the fundamental difference in our approaches, because that is what the result of the Specter Hatch bill will be.

Let me give a hypothetical example. Suppose an innocent man is charged with a capital crime and during the investigation one of the witnesses identifies someone else as having committed the crime other than the defendant, a fact which is concealed from the defendant. And there are cases where this has occurred.

At trial the witness identifies the defendant, the innocent man, even though the prosecution has in its possession the evidence that another witness identifies someone else as having committed the crime. But at trial, the second witness identifies the defendant, the innocent man.

In addition, the witness testifies that he has never met the defendant before when, in fact, the prosecutor knows that the witness harbors a grudge against the defendant, the witness who identifies the defendant.

Now, the prosecutor goes ahead and does not tell the defense about the details of what the witness previously said, that he previously said, no, I identify somebody else, and where the prosecution knows that the identifying witness has a grudge against the defendant.

The State courts go ahead and uphold the conviction anyway, reasoning that the truthful evidence would not actually prove the defendant innocent.

Let me get this straight now. If in a trial the stenographer here is accused of killing John Doe and the prosecutor interviews me as a witness. I say no, he did not kill John Doe, Charlie Smith killed John Doe. But then I say, no, I change my mind. I think he did kill John Doe.

The prosecutor investigates and finds out that the stenographer and I have hated one another for the last 20 years, or I have held a grudge against the stenographer because he took down one of my speeches incorrectly.

They never do that, I might add.

Now, the prosecutor does not tell the defendant about my grudge against the defendant and about the fact that I initially identified somebody else. So, now there is a trial and he is convicted.

After the conviction takes place, he files a petition for the writ of habeas corpus and proves that this information was withheld from him; that it would have made a difference to the jury. And the State court of Delaware says: No, no, even if that is true, it does not prove that he is innocent. It just proves that I have a grudge against him and it just proves that the prosecution was not totally honest. But it does not prove his innocence. Therefore, hang him. Or, in Delaware, lethal injection.

Now, the fact of the matter is under the language of this bill the State court's decision on this issue, that is the scope of the prosecutor's duty to turn over the information, would be the absolute last word because, as long as the State court decision could be described by a lawyer as being reasonable, the Federal court could not overturn it. In this example, an innocent man may be put to death because, under this bill's provisions, the issue before the Federal court would be, was it reasonable for the State court to say that they are upholding the conviction because the information withheld would not have proved his innocence?

The probability is the Federal court would have to say that is reasonable. It may not be right. We might not have decided it that way, but it is reasonable. A reasonable man could say, all right, even if the jury had known this, it did not prove his innocence. They still may have convicted him. The Republican bill says:

> An application for writ of habeas corpus on behalf of a person in custody pursuant to the judgment of a State court shall not be granted with respect to any claim that was adjudicated on the merits in State court proceedings unless the adjudication of the claim * * * resulted in a decision that * * * involved an unreasonable application of, clearly established Federal law, as determined by the Supreme Court of the United States.

That is a heck of a standard to have to apply.

So, I say goodbye to the stenographer. He is off to death row. He probably thinks he is off to death row when he has to come out here and take down my speeches. But he is off to death row. Because even though—even though—the prosecution withheld evidence that goes to his innocence, instead of the court saying, "This would have made it difficult for the jury to find beyond a reasonable doubt he was guilty," which would have been a reasonable conclusion to reach as well, they said "This does not prove that he is innocent so we are not going to overturn the conviction." So he is gone. Because, as long as the State court decision could be described by a lawyer as being reasonable, the Federal court has to defer to the State court.

The effect is there is no habeas corpus review on matters of fact and law at a Federal level. My amendment simply strikes this language. It leaves in the bill the rest of the reforms—time limits, limits on second petitions—but it strikes the deference rule and allows the current practice of independent review by the court, the Federal court. The Federal court should be able to say in that circumstance: We understand what the State court did but under our interpretation of the Constitution and his constitutional rights we believe that withholding this information was so prejudicial that he should get a second trial with all the facts being known. They should be able to do that. This would preclude them from doing that.

I think there are four parts of this long sentence I read up here on the board, four parts of this long sentence which have a devastating effect.

(Mr. THOMPSON assumed the chair).

Mr. BIDEN. First, the language sets out clearly what the general principle is. The general principle in this language in the Hatch bill is that Federal courts shall not grant a claim that was adjudicated in State court proceedings. That is what is at the top. It seems to me that is what the sponsor of this bill views as the most desirable outcome in a habeas petition. Of course, this is directly contrary to the purpose of habeas corpus, which is to have Federal courts, and in particular the Supreme Court, decide issues of Federal constitutional law.

The second problem, in this instance, the bill seems to allow an exception to the general rule but one that is likely to be illusory because a claim can be granted only if the State court's application of Federal law to the facts, before it was unreasonable, not merely wrong but unreasonable. It could be wrong but viewed as reasonable. This is an extraordinary deferential standard to the State courts, and I believe it is an inappropriate one. It puts the Federal courts in the difficult position of evaluating the reasonableness of a State court judge rather than simply deciding whether or not he correctly applied the law, not whether he did it reasonably. You can have a reasonable mistake. They could reasonably conclude that on a constitutional provision, it should not apply, when in fact the Supreme Court would rule it must apply. Reasonable people could have reached the conclusion prior to the application of the Miranda decision that it was reasonable not to tell someone their rights. That is a reasonable decision. It may not be born out of animus. The Supreme Court said no. You have to tell people their rights. A reasonable standard of review is the lowest standard used by Federal courts.

In reviewing the constitutionality of statutes, for example, in cases where courts used the reasonable or rational standard, it looks only at whether there is any rational basis supporting the statute. It is a cursory standard of review. In fact, looking at thousands of cases since the late 1930's, our Supreme Court has found—to the best of my knowledge—no statute invalid when they have applied the reasonable standard.

Reasonable people, like Senator HATCH and I, are going to be arguing on the floor about the regulatory reform bill and about the takings clause and all of those issues, right now if the U.S. Congress passes a law saying you cannot have more than 2 parts per billion of a carcinogenic substance in the liquid effluent coming out of your factory, the Supreme Court says not whether that does or does not cause cancer, they say it is reasonable for those folks in the Senate and the House to conclude that is dangerous and, therefore, they will uphold the statute.

It is the lowest standard. It is one thing to apply that when we are protecting the public against environmental pollution. It is another thing when we are applying that standard to the application of constitutional rights to individuals. There we have always applied the highest standard. The Government has been required to meet the highest standard before they can put someone in jail or put them to death. This reasonableness standard reduces to its lowest common denominator.

The court also uses a reasonableness standard in reviewing Federal agencies' interests, and the administrative statutes. I will not get into it now. But the Chevron case and others are cases we debated about whether or not, in applying civil law, which standard we should apply. But the bottom line is this, folks. If the standard is reasonableness, it is the lowest common denominator. And, if the Federal court is required to give deference to a State court on the grounds that it acted reasonably as opposed to correctly, a lot of folks—I should not say a lot; I do not know how many—but there will be individuals who will be put to death where they otherwise would not have been put to death if the Federal court were able to apply the standard that determines their ability to go back and look at the facts and the law and make an independent judgment.

By the way, let me say the whole reason to have the ability of a defendant to go into Federal court is to allow Federal judges to apply the Federal Constitution and determine whether they think the State court applied it correctly. But if you limit what they can look at and the standard they use in review, you have in effect undercut the very rationale for allowing the defendant to get into that Federal court in the first place.

The third problem with this language is the bill's reasonableness exception is limited not only by the requirement that the decision must have been unreasonable, but that it must have been unreasonable in light of Supreme Court law. So even if there is a Federal court decision directly on point, the State court could ignore it as long as the application of law had not been directly decided by the Supreme Court.

As the Presiding Officer knows, as a former prosecutor and a first-rate trial lawyer, there are a number of lower Federal court decisions that never get to the Supreme Court because no one bothers to conclude that they were wrongly decided. And they are accepted as Federal law. In this case, you could have all the districts or the circuits agreeing on one application of the law, and the State court ignore what the Federal courts have said because there is no Supreme Court decision on point. That seems to me to be a very dangerous precedent. Even so, if there is a Federal court decision directly on point, under this language, the State court could ignore it as long as the Supreme Court has not spoken to it. In other words, State courts could ignore the decisions of the lower U.S. courts interpreting the Constitution without any prospect of being corrected by Federal courts.

For example, an appeals court recently held that a defendant cannot be prosecuted criminally and have his property forfeited under the civil forfeiture laws because of the double jeopardy clause prohibiting that. That ruling is clear. It is unambiguous. But it is not a Supreme Court ruling. Under this bill, a State court, which subsequently refused to follow that interpretation, could not be corrected by habeas corpus review because it could never get back into the Federal court system.

This limitation on Supreme Court laws is particularly nonsensical because the Supreme Court generally does not accept for review decisions by circuit courts of appeal unless there is a split in the circuits, as the Presiding Officer knows. If all the circuits agree on a principle of law, the Supreme Court would have no reason to address it.

So under this standard that we are about to write into the law, a State court could ignore a rule that all the circuit courts agreed on and no Federal court could correct that State decision. That is preposterous; maybe unintended, but that is the effect.

Fourth, the exception to the general rule in habeas shall not be granted if the State court adjudicating the claim is further narrowed by the language in the statute requiring that the Federal law at issue must have been clearly established. Not only must the decision of the State court have been unreasonable, and not only must it have been unreasonable in light of Supreme Court law, not Federal law, but it must have been unreasonable in light of Supreme Court law that is clearly established.

The one thing we know is that where lawyers are involved, there is little that can be said to be clearly established. So where the application of a U.S. Supreme Court decision to a new set of facts is unclear, the State court need not worry about it.

For instance, the Supreme Court quite logically has held that the prosecution must give to the defendant any evidence it has that is favorable to him. It is called justice—justice. This is not a game. Prosecutors are not there to determine whether they can win. They are there to do justice. And so the Supreme Court has said that, if the prosecution has at its disposal evidence that goes to the innocence of the defendant, that has to be made available to the defendant. But is a certain kind of evidence favorable to the accused? That might not be clearly established. And so the State courts will be free to go their own way.

For example, a clear case would be assume that in the State court, the prosecutor had evidence there were two witnesses at the same time who said the defendant did not do it. Well, they cannot withhold that from him. But they may conclude at the State court level that they have evidence there is a motel receipt that indicated the defendant was at such and such a place when this crime was committed. They can reasonably conclude at a State court level we really do not think that goes to the innocence, that is not favorable to the defendant, that is a marginal question so we are not going to tell him.

Now, what you have to do, if you are filing a Federal habeas corpus appeal to get them to go back and get them to look at that, you have to prove that judgment was unreasonable even though there is a Supreme Court decision out there saying you have to make things that are favorable to the defendant available to the defendant, because it is not clearly established law, because it is not around long enough to have been applied to 10, 20, 30 fact circumstances.

Now, it seems to me that we are requiring an awful lot of hurdles and limitations on what a Federal judge can look at once we get to court. Again, keep our eye on the ball here. We are not talking about successive abilities to get into Federal court. We are not talking about extended time limits to get into Federal court. We are not talking about whether or not you can get into Federal court repeatedly. We are only talking about when you get to Federal court what is the Federal judge able to look at. And right now the Federal judge is able to look at the whole thing from ground up if he wants to. He can make an independent decision based on what the specific statement by the defendant is in his petition as to why they should be granted a new trial. They can go back and look at the facts in the case and the law and apply them in conjunction with one another.

So let me summarize what I think this language in the Hatch bill says. First, it states that habeas relief cannot be granted by a Federal judge if a State court has adjudicated the claim, which is directly contrary to the entire purpose of Federal habeas corpus.

Second, it creates what looks to be an exception but one that is largely illusory. It requires that a State court merely behave reasonably—not correctly, reasonably. It requires that a State court merely act reasonably in relation to a Supreme Court decision, not in relation to decisions of lower Federal courts in their State. And it requires them to act reasonably only if the Supreme Court law can be said to be clearly established. All this amounts to is that State courts in almost every case will be free to reach virtually any decision without any chance of Federal review later. This rule, the so-called rule of deference, turns habeas on its head. The purpose of habeas is to correct State court errors. But if Federal courts have to defer to State court decisions, they will not be able to correct their mistakes except in the most egregious circumstances.

Now, through the years we have fought in this Chamber battles over the so-called full and fair standard, essentially what Senator KYL had introduced. At least he was straightforward and blatant about it. He said: Look, my purpose here is to do away with any State prisoner being able to get into a Federal court, period, and because the Constitution says you can go to the Supreme Court under rare circumstances, I am not going to try to eliminate it. But he said 40 percent of the delay is in Federal court, so what I am going to do is do away with the ability to get into Federal courts.

Straightforward. This provision suggested by my Republican friend essentially does the same thing, making it sound like we are really letting someone get in.

Admittedly, the most egregious cases, which would not be captured by the Kyl amendment, would be captured in this amendment. But the vast majority of cases are in a gray area. And again my proposal to delete this standard will in no way slow the process up and will in no way increase the number of opportunities that a prisoner has to file a petition.

While this language looks different than full and fair, the language in this bill would have virtually the same effect. It would prevent Federal courts from granting relief for a violation of the Federal Constitution because it would require deference to the State decision unless that decision were unreasonable. Being wrong would not be enough to get it overturned. It would have to be unreasonable.

If I can make an analogy to the Presiding Officer—who is the only one here at the moment and so that is why I am speaking to him, although I always like to speak to him—it is like this deal with good-faith exceptions to the fourth amendment, search and seizure. All of a sudden, by the way, my friends on the right side of the Chamber, my right and on the ideological right, all of a sudden are beginning to realize: Wait. Maybe we do not want to do away with that so quickly. But at any rate, there is an exception that if a cop violates the fourth amendment but did it in good faith, it should be admissible in court.

Well, you can theoretically argue that makes sense. But how about where a court wrongly but in good faith, in good faith wrongly decides a provision in the Constitution, wrongly decides it, the result of which is the person goes to death. Are we going to reward ignorance? Are we going to reward reasonableness just because it came from the State? It may be reasonable that he reached that decision but wrong.

Wrong. This would preclude Federal courts from looking at the merits—whether it was wrongly decided. They only get to do it if it meets the threshold that it was an unreasonable application of the facts and the law.

When the Supreme Court announces a constitutional wrong such as the right of the defendant to know about evidence held by the prosecutor that suggests he is innocent, it necessarily leaves open the question of how that general rule applies to specific facts. Does that mean evidence that could be used to impeach a witness must be turned over? How strong does the evidence need to be before the requirement kicks in? The Supreme Court cannot possibly decide all of these issues in one case.

But lawyers arguing in courts will be able to come up with all sorts of different ways of applying that general rule in individual cases. And many of those ways of applying them may be reasonable. That means that Federal courts will be unable to review State decisions through habeas corpus and begin to establish some uniform law in that portion of the country. Instead, virtually any decision a court reaches will have to be considered acceptable solely because it was reasonable.

I ask everybody listening to this, do we want 25 different interpretations of what is reasonable? Do we want 25 or 50 different versions of what is reasonable? That flies in the face of the notion of a uniform application of the only unifying document that exists in our Nation, the U.S. Constitution. This would mean that the Federal Constitution would be determined by State court judges.

Placing primary responsibility for the Federal Constitution in the hands of State courts is a dramatic departure from this country's historical principle, and that is that it is the Federal courts that should be the final arbiters of Federal law. It would relegate us to a system in which the 50 State court systems and in fact the individual judges within those systems are the separate and ultimate arbiters of what the Constitution means. The meaning of the Federal Constitution could be different, depending on what State you are in.

Independent review is the only sensible approach, I suggest. Even Justice O'Connor has said in rejecting a judicially created full and fair rule—which is what this rule is—that:

> We have never held in the past that Federal courts must presume the correctness of State court legal decisions.

Let me stop there and read it again:

> We have never held in the past that Federal courts must presume the correctness of State court legal decisions.

This requires us to presume—presume—the correctness of State court decisions. I am not certain that the State of Mississippi would apply the Constitution the same way the State of New York would, as the State of California would, as the State of New Hampshire would. I do not know if anybody else is very sure of that.

Let me go on and read the entire quote from Justice O'Connor:

> We have never held in the past that Federal courts must presume the correctness of State court legal decisions or that State courts' incorrect legal determination has ever been allowed to stand because it was reasonable. We have always held that Federal courts, even on habeas, have the independent obligation to say what the law is.

That is the Federal constitutional interpretation by the Supreme Court. I quote her again:

> We have never held . . . that State courts' incorrect legal determination has ever been allowed to stand because it was reasonable.

This would allow incorrect State court decisions to stand because they are reasonable, although incorrect.

That quote, I might add, was from Wright versus West, decided in 1992. Even Justice Rehnquist——

The PRESIDING OFFICER. All the time of the Senator from Delaware has expired.

Mr. BIDEN. Mr. President, I ask unanimous consent, although I have much more, that I be allowed to have 7 more minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. Mr. President, even Justice Rehnquist publicly stated that this full and fair doctrine goes further than is wise, and the Supreme Court, reflecting that view, has on at least five occasions refused to apply this doctrine. Let me give some of the cases.

The effect of the deference rule is best illustrated, I think, by looking at some of the real-life cases. The last time the Federal courts were required to defer to State courts, we executed an innocent man. That was in 1915. There is a chart I have to illustrate that.

Leo Frank, a Jewish man, had been convicted and sentenced to die by a jury intimidated by an angry lynch mob outside the courtroom. The mob could be heard inside the courtroom. Mr. Frank's lawyers were so intimidated that they left the courtroom at times because they feared for their lives.

Nevertheless, the State court reviewing the conviction concluded the trial had been fair and upheld the conviction. A majority of the Supreme Court voted to uphold the conviction and, after determining that they were required to defer to the State court decision, upheld the conviction. The dissenters thought independent review was appropriate and, on that basis, they concluded that the State court decision was wrong.

The Supreme Court applied the rule of deference in 1915, and Mr. Frank was killed in prison by an angry mob, and later the actual offender confessed and Frank was posthumously pardoned. But because of the deference rule, an innocent man was executed, and that is what is at stake today. We are talking about going back to the 1915 standard.

Several years later, after the Frank case in Moore versus Dempsey, 1923, the Supreme Court was faced with another similar case. Again, this time several African-American men were on trial for murder, which they claim was self-defense, when a mob attacked them in their church and set the church on fire. At the trial, the same mob armed and surrounded the courthouse. The State court held that there had been no violation of the constitutional right to a fair trial by an impartial jury, notwithstanding those little incidental facts.

This time, the Supreme Court rejected the deference rule and concluded that independent review is required and the dissenters argued that the Federal court should defer to the State court decision and voted to uphold the conviction.

Many years later, in the famous 1953 case of Brown versus Allen, the court considered a case in which the defendant had confessed after being subjected to psychological and physical coercion, sleep deprivation, and other types of pressure that put the confession and the resulting conviction in serious doubt.

The State court found the confession to be voluntary, notwithstanding the circumstances. The Supreme Court overturned the conviction, applying independent review. Had they been required to apply this standard, they would have been required to hold that person guilty, even though he had been subjected to psychological and physical coercion and sleep deprivation before the confession was granted.

These Supreme Court cases, and others I will not take the time to go into, illustrate in concrete terms what the effect of the deference rule is. There are also lower court cases in which habeas relief has been granted. These cases would be decided differently under the deference rule.

Consider the recent case of Herrera, who was convicted of murder and sentenced to death. The State court denied his appeal and the habeas petition. A few months ago, a Reagan appointee of the Federal bench granted habeas relief because the prosecutor had threatened and intimidated witnesses and failed to disclose evidence that proved Mr. Herrera innocent and knowingly used false evidence in a closing argument to the jury.

That was not some wacko liberal judge appointed by a liberal President. That was a judge appointed by Reagan. If, in fact, this law had existed at the time, he would not have been able to make that judgment. For instance, one woman told the police Herrera had not committed the killing. She was threatened by a police officer who said he would take away her daughter unless she cooperated. The prosecutor knew this. The prosecutor also insisted she change her testimony to implicate Herrera, and the judge found many other such violations of law, but the State court concluded, no, he was guilty; the conviction should stand.

The Federal court corrected it. Based on this severe misconduct, this Reagan-appointee judge said but for the conduct of the police officer and the prosecutor, either Herrera would not have been charged with the offense or the trial would have resulted in acquittal. The prosecutor's misconduct was designed to obtain a conviction and another notch in their guns despite the overwhelming evidence that another man was the killer and the lack of evidence pointing to Herrera.

This remarkable finding that a constitutional violation would put an innocent man on death row would not have occurred under the Hatch-Specter bill. The same claims had been made to the State courts. There was nothing new in the Federal court habeas petition, but the State court found that they did not amount to a constitutional violation. If the bill's deference rule had been in effect, the Federal judge would have been foreclosed from correcting the State court's decision and saving an innocent man's life.

Let me pose the question to Senator HATCH. In the Herrera case, the court was confronted with various questions, including whether the conduct of the police officer, when intimidating witnesses and withholding evidence, amounted to a violation of the Constitution.

I would like to ask him when he comes back, would not his bill, which requires deference to the decisions of the State court, have prevented the judge from granting Federal habeas relief?

Mr. HATCH. As I understand it, it is the Herrera case.

Mr. BIDEN. It is the Herrera case.

Mr. HATCH. I do not think so. The fact of the matter is, let me just take a second and look at that Herrera case.

Mr. BIDEN. I would like to describe another case: Fred Macias. He was convicted of murdering two people in their homes. The main evidence was the testimony of another man who admitted having been in the house when the murder occurred, but who then claimed Macias was with him and committed the murder. Macias' lawyer did such a poor job. He did not investigate and discover a credible witness who provided an alibi.

The State court rejected Macias' claim that his lawyer had failed to give him an effective representation. Only when a Federal court looked at the fact an innocent man was facing the death sentence was the conviction thrown out.

The prosecution still tried to reindict Macias, but on being presented with all the evidence, a grand jury in that same jurisdiction refused to indict Macias again.

Again, as I read the Hatch-Specter bill, the Federal court would have been forced to defer to the State court. So I would like to also point out another case, that of Hurricane Carter, which has been referred to. Carter was convicted of the murder of three people—despite the fact that he did not match the physical description of the killers, and was sentenced to life in prison.

The prosecution used the eyewitness testimony of a thief who at first denied seeing Carter at the scene. But the police then showed the witness a manufactured lie detector test that falsely showed he was lying.—In the face of this pressure, the witness changed his testimony. The fact that the witness had been pressured into his testimony using a false lie detector was not disclosed to the defendant, and was concealed from the jury.

The New Jersey Supreme Court upheld the conviction—but the Federal courts concluded that the prosecutor had unconstitutionally withheld evidence favorable to Carter. After habeas was granted, the State dismissed the indictment rather than seek a retrial in which it would have to give all the evidence to the defendant.

The deference rule in this bill would have prevented the Federal courts from correcting the State court's decision that the prosecutors had not violated the Constitution.

In fact, in that case, the State of New Jersey tried to win the case by arguing that the Federal court should defer to the State court. The Federal court instead exercised independent review, and ruled for Mr. Carter.

Let me also discuss the case of Walter McMillian. McMillian was convicted of murder and sentenced to death. The main evidence at trial was the testimony of a white man who claimed to have been an accomplice, and who was granted immunity. Two other witnesses testified that they had seen McMillian's truck in front of the dry cleaners. The jury ignored the testimony of a number of friends and family members who said he was at a fish fry.

After trial, a new investigation showed that the alleged accomplice who testified against McMillian at trial did not even know him at the time of the offense.

That, in fact, he had denied McMillian's involvement in three interviews before finally fingering McMillian.

That witnesses who claimed to have seen McMillian's low-rider truck could not have done so since the truck was not a low-rider at the time of the offense.

That the accomplice had complained to prison doctors that he was being pressured to frame McMillian, and that the doctors told the prosecutors about this before trial.

And that the State had interviewed other inmates who said the "accomplice" had told them he was going to frame a man.

The new investigation into the McMillian case showed that all of this evidence was withheld from the defendant at trial.

Despite this new evidence, the Alabama trial court refused to grant relief, turning down the constitutional claims about perjured testimony and Government misconduct. Eventually, the Alabama Appeals Court reversed. But, had the Alabama Appeals Court come out the other way, the deference language would have barred the Federal court from preventing the execution of an innocent man.

While my colleagues rightly point out the crush of repetitive petitions—many of which are frivolous, they leave the impression that habeas is no longer needed.

The cases I have just described demonstrate how important it is to preserve independent Federal review. While most State courts try to apply the law properly, sometimes they fail because of police or prosecution misconduct, or simply because they make mistakes.

Here are a few more examples of recent cases in which Federal courts granted habeas relief:

In Brown versus Lynaugh (5th Cir. 1988), Habeas relief was granted because the presiding judge left the bench, took the witness stand and provided evidence against the defendant. Even though that type of conduct seems to make the trial patently unfair, the State court didn't think so. The rule of deference has prevented the Federal Courts from correcting that error.

In McDowell versus Dixon (4th Cir. 1988), the conviction of a dark-skinned African American was reversed because the prosecutor had withheld eye-witness statements that the assailant was white. The state courts found that this error did not deprive the defendant of a fair trial. The Federal court overruled and granted habeas relief. The deference rule would have prevented the Federal courts from granting relief.

These cases demonstrate that habeas corpus is still needed—and that injustices continue to occur. Without habeas, those injustices would be left to stand uncorrected.

CONCLUSION

Everyone agrees that there is a need to end the delays and that the current system just doesn't work right. But I also think everyone would agree that we should have a fair process—one that does not execute innocent people.

We know that most prosecutors and most law enforcement officers are honorable. Most cases proceed fairly, and we can have confidence in the result.

But occasionally, prosecutors or cops act in bad faith—and there are cases which have demonstrated that. And, as we all know, our judicial system can make mistakes—and has done so.

The recent case of Kirk Bloodsworth is one example. Bloodsworth was convicted and sentenced to death for the rape and murder of a young girl. After a new trial, he was again convicted and sentenced to life in prison. Subsequent DNA testing confirmed his innocence. Bloodsworth lost 9 years out of his life because of an error in our legal system. He was lucky to escape with his life.

Mistakes do happen. Innocent people are convicted and sentenced to die.

Habeas corpus has existed to correct such errors—and to ensure that there will never be another Leo Frank—that there will never be another innocent person—man who is executed.

I urge my colleagues to support this amendment.

I hope that the Senator from Utah, when he gets an opportunity, will respond to my question relating to the case I raise. I thank the Chair for the time.

I yield the floor.

Mr. HATCH. Mr. President, this chart, I think, says about everything that needs to be said on this. Everything that Senator BIDEN has said can be answered by the Specter-Hatch bill. These are the inmates on death row versus the actual executions. There were 2,976 inmates on death row as of January 1995. The yellow bar on the chart shows 281 executions since 1977. There are multiple frivolous appeals in almost every one of these almost 3,000 death row cases. If they lose on one, they conjure up another one, and then they conjure up another one, and they conjure up another one, just like Andrews in Utah—18 years, 30 appeals. Every one of them were frivolous; every one was denied. No question of guilt. No question of problems. No question he did the murders. Yet, it took 18 years. And every time he brought up a habeas corpus petition, the victims and their families had to relive the whole murder situation again. You wonder why people in this country are worried about the laws and do not believe in them.

There is no finality, no way of solving these problems. It is a farce. Why is it? Because liberal judges—and I have to say active defense lawyers who are doing their jobs under a system that allows this charade to go on and on—continue to allow this to happen because they do not like the death penalty.

I think we ought to face that death penalty straight up and down. If you have arguments against the death penalty, I understand that. I know there are two sides to it. I do not like it myself, except in the most heinous of cases. I would never use it unless it was a really heinous case, like the Andrews case, or like any number of other cases, like the Manson case. He was saved by the Furman case, the Supreme Court case where we had a temporary law on whether or not the death penalty is to be inflicted. There are many others you can talk about.

Mr. President, I have to oppose this amendment. It is offered to modify the standard of habeas corpus reform that we have proposed in this antiterrorism bill. Our present system of multilayered State and Federal and collateral appeal has resulted in enormous delays. I have just made the case between sentencing and judicial resolution as to whether the sentence was lawful, without any improvement in the quality of the adjudication. The resulting lack of finality saps public confidence in our criminal justice system and undermines the proper roles of the State and Federal Government. I know there are people here who believe that only the Federal courts tell the truth. That just is not true. State courts, in many respects, are just as good, if not better, than the Federal courts—in these areas, just as good. I get a little tired of the Federal courts being demeaned and maligned because, basically, people do not like the death penalty.

A system incapable of enforcing legally imposed sentences cannot be called just and must be reformed. I mentioned in my home State of Utah, for example, the William Andrews case. He delayed imposition of a constitutionally imposed death sentence for 18 years, and we went through 30 appeals, and the survivors—I think there was one where they poured Drano down his throat. There were others, too, and they would drive pencils through their eardrums before killing them. This survivor had to be there each time and had to go through it each time, had to have it recollected each time. There was no question of guilt, no question of the sentence, and no question it was constitutional. Yet, it took 18 years and 30 appeals and millions of dollars to get done. He was not an innocent person seeking freedom from an illegal punishment. Rather, he committed a particularly heinous crime and simply wanted to frustrate the demands of justice.

The Andrews case is hardly an isolated example. As I have said, as of January 1995 there were almost 3,000 people on death row. Yet the States have executed only 263 since 1973—38 last year. Now, Federal habeas corpus proceedings have become, in effect, a second round of appeals in which convicted criminals are afforded the opportunity to relitigate claims already considered and rejected by the State courts.

The abuse of habeas corpus litigation, particularly in those cases involving lawfully imposed death sentences, has seriously eroded the public's confidence in our criminal justice system. It has drained our State criminal justice resources and has taken a dreadful toll on the victims' families and those who have to live through that every time there is a habeas petition found.

The single most important provision contained in the habeas reform proposal in S. 735, the bill today, is the standard of review that this provision has. It determines the degree of deference the Federal court will give to the decisions of a State court.

I notice the standard of review on the habeas proposals by the Biden staff-prepared poster. It says that Specter-Hatch requires Federal courts to defer to State courts in almost all cases, even if the State is wrong about the U.S. Constitution. That is absolutely false. The fact of the matter is, currently, Federal courts have virtual de novo review of a State court's legal determination. Under our change, Federal courts would be required to defer to the determination of State courts, unless the State court's decision was "contrary to or involved in an unreasonable application of clearly established Federal laws as determined by the Supreme Court." I will read that again.

> An application for a writ of habeas corpus on behalf of a person in custody pursuant to the judgment of a State court shall not be granted with respect to any claim adjudicated on the merits in a State court proceedings unless the adjudication of that claim (1) resulted in a decision that was contrary to or involved an unreasonable application of clearly established Federal laws as determined by the Supreme Court of the United States or (2) resulted in a decision that was based on an unreasonable determination of the facts in light of the evidence presented in the State court proceeding.

This is a wholly appropriate standard. It enables the Federal court to overturn State court positions that clearly contravene Federal law. It further allows the Federal courts to review State court decisions that improperly apply clearly established Federal law. The standard also ends the improper review of the State court decisions.

After all, State courts are constrained to uphold the Constitution and faithfully apply Federal law as well. There is simply no reason that Federal courts should have the ability to virtually retry cases that have been properly adjudicated by our State courts. There is no reason to allow Federal courts to do that. If you talk to your State attorneys general, they will tell you that a review standard is the single most important provision of our bill. Meaningful reform will stop repeated assaults upon fair and valid State convictions through spurious petitions filed in the Federal courts. We cannot stop the spurious petitions without changing the standard under which these petitions are reviewed.

If the Biden amendment passes, we are back to business as usual, except for some time constraints. Even then it is business as usual, because there will be repetitive frivolous appeals allowed by the liberal judges in almost every case brought to them where they can make any kind of a claim, regardless of whether it is legitimate or not.

It happens all the time now. People are fed up to here with it and are sick of it. That is why this issue is so important. We have the balance of the procedural protections afforded to defendants against the need for maintaining the integrity of the finality of decisions of our State courts.

Mr. President, I think that part of the disagreement we have with respect to the appropriate standard of review in habeas petitions involves differing visions as to the proper role of habeas review. Federal habeas review takes place only after there has been a trial.

A direct review by the State appellate court, usually in intermediate court, another direct review by the State supreme court, then a third review or fourth review by the U.S. Supreme Court on a petition for certiorari. Thus we have a trial in at least three levels of appellate review, four different ways of protecting the rights of the defendant.

In a capital case, the petitioner often files a clemency petition, so the State executive branch also has an opportunity. That is five: The trial, the initial appeal to the intermediate court, the State supreme court, the petition to the Federal Supreme Court, and the petition for clemency to the Governor. Five different protections for the defendant. Those are the direct appeals.

Then we give them separate habeas appeals all the way up to the State courts again, all the way up to through the Federal court again.

I notice the distinguished Senator from Pennsylvania was at an Intelligence Committee hearing and needs to get back there. So I will interrupt my remarks to grant him 5 minutes for his remarks on this very important issue.

Mr. SPECTER. Mr. President, I thank my distinguished colleague, the chairman of the committee, for yielding to me at this time. I have worked with him intimately on this legislation.

As he has noted and I noted earlier, we are in the midst of an Intelligence Committee meeting, a committee which I chair, so I appreciate his yielding to me for a few moments.

I have sought recognition to support Senator HATCH and to oppose the amendment offered by the distinguished Senator from Delaware.

This legislation is the result of a great deal of work over many, many years. It has been going on since the 1980's. As I commented earlier, a habeas corpus reform bill was passed by the U.S. Senate in 1990, but it did not survive a conference with the House of Representatives.

Legislation to reform habeas corpus has been considered and reconsidered each year for many years. The provision which is being debated now, I think, is a reasonable compromise. It is not my absolute preference on the kind of language that I would have chosen had I written the bill alone, but I think it is a reasonable compromise.

Part of my concern is that when we change the standards it breeds a lot of new litigation to have interpretations of untested language. I think there is substantial latitude here for interpretation.

Current law gives significant deference on questions of law and on factual determination to State court determinations. Under the current bill, I think there is still a good bit of latitude which the Federal judge will have when he makes a determination under a habeas corpus petition. There will be deference to the determinations of the State court, but the Federal judge will still have latitude to alter the State court decision in any case in which the Federal judge determines that it was contrary to or involved an unreasonable application of clearly established Federal law as determined by the Supreme Court of the United States, or resulted in a decision that was based on an unreasonable determination of the facts in light of the evidence presented in the State court proceedings.

So there still is latitude for the Federal judge to disagree with the determination made by the State court judge. It is my sense, having litigated these cases as an assistant district attorney years ago, in the Federal and State courts, that where there is a miscarriage of justice, the Federal court can come to a different decision than was made in the State court proceedings.

The language in the habeas corpus reform bill passed earlier this year by the House is even more restrictive than the language in the Senate bill. The House bill contains a provision that precludes the granting of a writ of habeas corpus unless the State court's decision is arbitrary. This is an even more restrictive standard than that in the Senate bill.

Mr. President, in the legislation which is pending before us, there are provisions which I consider a step backward from the bill which passed the Senate in 1990, which would have eliminated the requirement of exhaustion of State court remedies.

Were I to craft a bill myself, I would not require an exhaustion of State court remedies before the filing of a Federal habeas corpus petition because if that exhaustion requirement were not present there would be a much more orderly and a prompt disposition of these contested issues.

Were exhaustion of State remedies not necessary, we would not have the interminable tennis match back and forth between the State and Federal courts as illustrated by the Pennsylvania case of Peoples versus Castille, which is illustrative of the complexity of bouncing back and forth between the courts.

In the Peoples case, the defendant was convicted in the State court of aggravated assault. The conviction was reviewed and upheld by the Pennsylvania superior court, an intermediate appellate court. Then the case went to the Supreme Court of Pennsylvania on what is called an allocatur application, a request for review. The Supreme Court of Pennsylvania denied the petition for allocatur but the court may do so either considering the case on the merits or refusing to hear it as a discretionary matter.

The defendant then sought a writ of habeas corpus from the U.S. District Court for the Eastern District of Pennsylvania, which sent the case back to the State court, holding that Peoples had failed to exhaust his available State remedies because it was unclear whether the Pennsylvania Supreme Court had considered the merits in denying allocatur.

The case then went from the district court to the court of appeals which reversed the district court, saying that there had been an adequate exhaustion of State court remedies.

The PRESIDING OFFICER. The time has expired.

Mr. HATCH. I yield an additional 3 minutes.

Mr. SPECTER. The State then went to the Supreme Court of the United States which hears few cases. Thousands apply and the year in which the court agreed to hear this appeal only about 150 cases were heard. They took this case. The Supreme Court of the United States then reversed the circuit court and sent the case back to the district court.

Now, had there been no requirement for an exhaustion of State court remedies, the case could have had one hearing in the Federal court, all of the issues would have been decided, and I think decided about the same way if we did not have State court proceedings, bearing in mind that there had already been a full decision by a State appellate court which had upheld the judgment of conviction in the first instance.

What we are really looking at with about 2,900 inmates on death row, there were only 38 cases in which the death penalty was carried out. It would be very much in the interests of the objective of swiftness and certainty to put an end to the long delays. Eliminating the requirement of exhaustion of State remedies would go a long way to achieving these goals.

The State prosecutors and the attorneys general, however, disagree with my view as to what is in the public interest on the issue of exhaustion. We have the same objective. That is, to make the punishment swift and certain, to eliminate the long delays which are a detriment to law enforcement and undermine the deterrent effect of the death penalty, not to have the matter come to closure for the families of the victims, and not to harm the interests of the defendants, as interpreted by some international tribunals, which say it is cruel and unusual punishment to have the cases last longer than 6 to 8 years, an issue also raised by two of the current Justices of the Supreme Court, as I mentioned earlier today. I will not go into that because of the limitation of time.

The issue of exhaustion of State remedies has been eliminated, however, because this bill does not abolish to exhaustion requirement. Unlike the resolution of this issue in the 1990 legislation, which passed the Senate, which eliminated the requirement of exhaustion of State remedies, that provision is not in this bill.

I refer to that to illustrate how uniformity and consensus cannot be achieved on these difficult issues, and different people will have different views. But what we come down to at bottom in this legislation that is currently crafted, I think, is a realistic compromise. I think defendants' rights are protected. There are increased protections in this legislation with the appointment of counsel. We have the requirement that there are timetables and limitations periods so the defendants' rights, the States rights, and the victims' rights are all protected.

I think it is a carefully crafted compromise which ought to be enacted to promote the interests of all parties involved. That is why I urge my colleagues to reject the amendment offered by the distinguished Senator from Delaware on this state of the record.

I thank my colleague for yielding to me at this time.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I thank my colleague. I have enjoyed working with him on this Specter-Hatch habeas corpus reform. Without him I do not think we would be nearly as far along as we are, so I want to personally thank him for the efforts he has put forward.

Let me get back to what I was saying. Look at all the reviews these cases have: The trial, the direct review to the intermediate court, the direct review to the State supreme court, the direct review to the Supreme Court of the United States of America, petition to the Governor for clemency.

But that is not the end. In virtually every State a postconviction collateral proceeding exists. In other words, the petitioner can file a habeas corpus petition in State court. The petition is routinely subject to appellate review by an intermediate court and the State supreme court. The prisoner then may file a second petition in the U.S. Supreme Court and may also, of course, seek a second review of that by the Governor. So after conviction we have at least six levels of review by State courts, two rounds of review at least in capital cases by the State executive.

Contrary to the impression that may be left by some of my colleagues on the other side of this issue, Federal habeas review does not take place until well after conviction and numerous rounds of direct and collateral review.

The Supreme Court has clearly held in Goeke versus Branch that habeas review is not an essential prerequisite to conviction. Indeed, this very term the Supreme Court reaffirmed that principle that the Constitution does not even require direct review as a prerequisite for a valid conviction, and that is the Goeke case.

Now that we have the proper context for this debate, let us look at the proposed standard again. Under the standard contained in S. 735, Federal courts would be required to defer to the determinations of State courts unless the State court's decision was "contrary to or involved an unreasonable application of clearly established Federal law as determined by the Supreme Court."

That is a wholly appropriate standard. It enables the Federal court to overturn State court decisions that clearly contravene Federal law. Indeed, this standard essentially gives the Federal court the authority to review de novo whether the State court decided the claim in contravention of Federal law.

Moreover, the Federal standard, this review standard proposed in S. 735, allows the Federal court to review State court decisions that improperly apply clearly established Federal law. In other words, if the State court unreasonably applied Federal law its determination is subject to review by the Federal courts.

What does this mean? It means that if the State court reasonably applied Federal law, its decision must be upheld. Why is that a problematic standard? After all, Federal habeas review exists to correct fundamental defects in the law. If the State court has reasonably applied Federal law it is hard to say that a fundamental defect exists.

The Supreme Court in Harlow versus Fitzgerald has held that if the police officer's conduct was reasonable, no claim for damages under Bivens versus Six Unknown Agents can be maintained.

In Leon versus United States, the Supreme Court held if the police officer's conduct in conducting a search was reasonable, no fourth amendment violation ensues or would obtain, and the court could not order suppression of the evidence obtained as a result of the search.

The Supreme Court has repeatedly endorsed the principle that no remedy is available where the Government acts reasonably. Why, then, given this preference for reasonableness in the law, should we empower a Federal court to reverse a State court's reasonable application of Federal law to the facts? If we give that power that Senator BIDEN will give, we have hundreds of judges who do not like the death penalty, who are just going to give repeated habeas corpus reviews any time some clever defense lawyer demands it—which is exactly what we have today.

Our proposed standard simply ends the improper review of State court decisions. After all, State courts are required to uphold the Constitution and to faithfully apply Federal law so there is no reason for what the distinguished Senator from Delaware is arguing for.

He does not believe in the death penalty. I understand that. I respect him for that. But the arguments against meaningful habeas reform, like we have in this bill, are in reality arguments against the death penalty. If that is so, then let us debate the efficacy of the death penalty. Let us not continue frivolous appeal after frivolous appeal at a cost of billions of dollars in this society, just because we do not like the death penalty. Let us decide whether death is the appropriate sanction for people like those who murdered 168 individuals in Oklahoma City, for whom I am wearing this memorial set of ribbons pinned on me by the daughter of one of the victims, somebody, I have to say, by whom I was very moved.

I am prepared to debate the point on whether or not the death penalty is an appropriate penalty. But let us not disguise the argument under the guise of phony habeas corpus.

The second argument I think my friends are making is that they fundamentally distrust the decisions of the State courts. It is an insult to all of the wonderful, fine State court judges around this country. They cannot show cases that literally show that the State courts cannot do the job.

Let me just give an illustration. We have heard a lot about the Rubin Carter case, "Hurricane" Carter. The fact of the matter is we have heard all kinds of arguments relating to that case.

He is supposed to be an innocent individual, falsely held in prison despite his innocence. As a trial lawyer, I know that you should always be suspicious of alleged evidence offered at the last minute by your opponents. And this Carter case is no different.

Here, at the last minute, we hear about still one more apocryphal, highly disputed case on which there is absolutely no agreement whatsoever about the guilt or innocence of the defendant.

First we are told that Carter was falsely convicted in New York—well, he was convicted for murder—twice, but in New Jersey. Then we are told that he served 28 months, when, in fact, he served for nearly 20 years. And now, we are told, without any supporting proof, that he is innocent of the very murders that two juries have found—beyond a reasonable doubt—that he committed. And we are supposed to believe these unsupported allegations of innocence—allegations made by Senators who don't even know what State Rubin Carter was tried in?

These allegations are directly disputed by the prosecutors in New Jersey who know this case best. They are directly disputed by every jury and every court that has reviewed this case. And we should remember that it was Judge Lee Sarokin—a very liberal judge—who was the district judge that released Rubin Carter, after nearly 20 years in jail. And he released him not because he was innocent, but because of a procedural objection to the composition of the jury. An objection raised 20 years after the fact.

The Carter case does not show the value of Federal habeas corpus—the Carter case is a fresh indictment of the current system. It shows more clearly than ever, that if you can get your habeas petition before the right liberal Federal judge, you can get out of State prison, regardless of your innocence or guilt.

Here is what the New York Times—one of the most liberal papers in our Nation—said about Judge Sarokin's decision in the Carter case: it said that the judge's decision was "flawed by excessive lecturing on the need for 'compassion' and the injustice of a possible third trial" for Rubin Carter. Well, I submit that the Federal courts are not empaneled to provide compassion, they are there to provide justice. In the area of habeas, they are there to provide a constitutional back-up for constitutional issues. The Hatch/Dole bill preserves that function of the Federal courts.

The floor of the U.S. Senate is not the place to determine the guilt or innocence of persons involved in highly disputed cases. That is what hearings are for.

Where were these defenders of the alleged innocence of this three-time murderer when the Judiciary Committee held hearing after hearing on the specific question of whether habeas corpus was needed to protect innocent prisoners? They were nowhere.

I have asked witness after witness to show me a case—even one case—where Federal habeas corpus has been used to free an innocent man or woman, and not one case has been cited. Specifically, I asked Chief Judge Charles Clark of the fifth circuit if he could name even one case that he had ever seen in which Federal habeas corpus had resulted in the release or retrial of an innocent man. And he could not. Yet he was the chief judge of the largest circuit in the Nation—running from Texas to Florida in those days. Not one case.

So forgive me if I am a bit reluctant to accept today the unsupported allegations made on the Senate floor as to the alleged innocence of prisoners who have long been held to be guilty of serious crimes.'

It should also be pointed out that the Carter case rebuts entirely the point that the Senator from Delaware has made several times to the effect that habeas petitions only result in retrials—they do not result in release. So he says. But there was no retrial for Rubin Carter—nor could there be after 20 years. He was released outright—despite the jury verdict that he murdered three individuals.

(Ms. SNOWE assumed the chair.)

Mr. HATCH. We can go on and on. There are a number of others. Virtually every case brought up—I do not know the Garrett case, but every case brought up can be distinguished.

The Frank case, cited by Senator BIDEN, involved a lynching. There was nothing State or Federal corrective process could have done to help Mr. Frank. It was wrong that they lynched him, but it happened. That case, decided in 1915, occurred at a very different time and under very different circumstances. That is not applicable to this debate. We can go on and on.

Madam President, this is the most important stage in criminal law in the last 30 years, and maybe in our lifetime. This is a change to stop the incessant frivolous appeals that are eating our country alive. We have the chance to really, really do something about this while at the same time protecting constitutional rights and civil liberties for everybody, and doing it in an appropriate, legally sound manner. This amendment will do that.

I hope we will vote down all of these amendments that we have heard debated here today.

I am prepared to yield back the remainder of my time.

I yield the remainder of my time.

I ask unanimous consent that the rollcall vote on the motion to table the Biden amendment No. 1253 be the standard 15-minute vote and that all remaining stacked votes be limited to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Madam President, I ask unanimous consent—I have the approval of Senator Biden to do this—on behalf of myself and Senator BIDEN, that all action on amendment No. 1241 be vitiated, the Heflin amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Madam President, do we have rollcall votes ordered on every one of the amendments?

The PRESIDING OFFICER. We have rollcall votes ordered on the first three with the exception of 1224.

Mr. HATCH. I move to table the Biden amendment, and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HATCH. Madam President, a rollcall vote is ordered on one which is not a motion to table, and the rest are motions to table?

The PRESIDING OFFICER. The Senator is correct.

VOTE ON MOTION TO TABLE AMENDMENT NO. 1253

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Utah to lay on the table amendment No. 1253 offered by the Senator from Delaware [Mr. BIDEN]. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from North Dakota [Mr. CONRAD] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 65, nays 34, as follows:

[Rollcall Vote No. 238 Leg.]

YEAS—65

Abraham
Ashcroft
Baucus
Bennett
Bond
Brown
Bryan
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
DeWine
Dole
Domenici
Exon
Faircloth
Feinstein
Ford
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hatch
Hatfield
Helms
Hutchison
Inhofe
Jeffords
Johnston
Kassebaum
Kempthorne
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Nunn
Pressler
Reid
Robb
Rockefeller
Roth
Santorum
Shelby
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—34

Akaka
Biden
Bingaman
Boxer
Bradley
Breaux
Bumpers
Daschle
Dodd
Dorgan
Feingold
Glenn
Harkin
Heflin
Hollings
Inouye
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Packwood
Pell
Pryor
Sarbanes
Simon
Wellstone

NOT VOTING—1

Conrad

So, the motion to lay on the table the amendment (No. 1253) was agreed to.

VOTE ON MOTION TO TABLE AMENDMENT NO. 1245, AS MODIFIED

The PRESIDING OFFICER. The question now occurs on agreeing to the motion to table amendment No. 1245, as modified, offered by the Senator from Michigan, Senator LEVIN. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from North Dakota [Mr. CONRAD] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 62, nays 37, as follows:

[Rollcall Vote No. 239 Leg.]

YEAS—62

Abraham
Ashcroft
Baucus
Bennett
Bond
Breaux
Brown
Burns
Byrd
Campbell
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
DeWine
Dole
Domenici
Exon
Faircloth
Feinstein
Ford
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hatch
Helms
Hutchison
Inhofe
Johnston
Kassebaum
Kempthorne
Kerrey
Kyl
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Nunn
Pressler
Reid
Robb
Rockefeller
Roth
Santorum
Shelby
Simpson
Smith
Snowe
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—37

Akaka
Biden
Bingaman
Boxer
Bradley
Bryan
Bumpers
Chafee
Daschle
Dodd
Dorgan
Feingold
Glenn
Graham
Harkin
Hatfield
Heflin
Hollings
Inouye
Jeffords
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Levin
Mikulski
Moseley-Braun
Moynihan
Murray
Packwood
Pell
Pryor
Sarbanes
Simon
Specter
Wellstone

NOT VOTING—1

Conrad

So the motion to lay on the table the amendment (No. 1245), as modified, was agreed to.

VOTE ON AMENDMENT NO. 1211

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Arizona, Senator KYL.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from North Dakota [Mr. CONRAD] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 38, nays 61, as follows:

[Rollcall Vote No. 240 Leg.]

YEAS—38

Ashcroft
Brown
Burns
Campbell
Coats
Cochran
Coverdell
Craig
D'Amato
Dole
Domenici
Faircloth
Gramm
Grams
Grassley
Gregg
Helms
Hutchison
Inhofe
Kassebaum
Kempthorne
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Pressler
Santorum
Shelby
Simpson
Smith
Stevens
Thomas
Thurmond
Warner

NAYS—61

Abraham
Akaka
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Chafee
Cohen
Daschle
DeWine
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Harkin
Hatch
Hatfield
Heflin
Hollings
Inouye
Jeffords
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Nunn
Packwood
Pell
Pryor
Reid
Robb
Rockefeller
Roth
Sarbanes
Simon
Snowe
Specter
Thompson
Wellstone

NOT VOTING—1

Conrad

So the amendment (No. 1211) was rejected.

VOTE ON MOTION TO TABLE AMENDMENT NO. 1224

The PRESIDING OFFICER. The question now occurs on the motion to table amendment No. 1224, offered by the Senator from Delaware [Mr. BIDEN]. The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from North Dakota [Mr. CONRAD] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced, yeas 53, nays 46, as follows:

[Rollcall Vote No. 241 Leg.]

YEAS—53

Abraham
Ashcroft
Baucus
Bennett
Bond
Brown
Burns
Byrd
Campbell
Coats
Cochran
Coverdell
Craig
D'Amato
DeWine
Dole
Domenici
Faircloth
Feinstein
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hatch
Helms
Hutchison
Inhofe
Kempthorne
Kyl
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Pressler
Reid
Rockefeller
Roth
Santorum
Shelby
Simpson
Smith
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—46

Akaka
Biden
Bingaman
Boxer
Bradley
Breaux
Bryan
Bumpers
Chafee
Cohen
Daschle
Dodd
Dorgan
Exon
Feingold
Ford
Glenn
Graham
Harkin
Hatfield
Heflin
Hollings
Inouye
Jeffords
Johnston
Kassebaum
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Mikulski
Moseley-Braun
Moynihan
Murray
Nunn
Packwood
Pell
Pryor
Robb
Sarbanes
Simon
Snowe
Wellstone

NOT VOTING—1

Conrad

So the motion to lay on the table the amendment (No. 1224) was agreed to.

Mr. HATCH. Madam President, I move to reconsider the vote by which the motion to lay on the table was agreed to.

The PRESIDING OFFICER. Without objection, the motion to lay on the table is agreed to.

Mr. HATCH. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. Madam President, I ask unanimous consent that the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1254 TO AMENDMENT NO. 1199

Mr. HATCH. Madam President, on behalf of Senator BIDEN and myself, I send a managers' amendment to the desk, which is agreed to by us, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Utah [Mr. HATCH], for himself and Mr. BIDEN, proposes an amendment No. 1254 to amendment No. 1199.

Mr. HATCH. I ask unanimous consent that further reading of the amendment dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 5, lines 8 and 9, strike "113 (a), (b), (c), or (f)" and insert "113(a) (1), (2), (3), (6), or (7)".

On page 5, line 20, strike "destructs" and insert "obstructs".

On page 7, line 11, insert "intent to commit murder or any other felony or with" after "assault with".

On page 9, line 12, strike "any manner in" and insert "interstate".

On page 10, between lines 18 and 19, insert the following new subsection:

(f) EXPANSION OF PROVISION RELATING TO DESTRUCTION OR INJURY OF PROPERTY WITHIN SPECIAL MARITIME AND TERRITORIAL JURISDICTION.—Section 1363 of title 18, United States Code, is amended by striking "any building, structure or vessel, any machinery or building materials and supplies, military or naval stores, munitions of war or any structural aids or appliances for navigation or shipping" and inserting "any structure, conveyance, or other real or personal property".

On page 13, strike lines 5 through 8 and insert the following:

(b) PENALTY FOR CARRYING WEAPONS OR EXPLOSIVES ON AN AIRCRAFT.—Section 46505 of title 49, United States Code, is amended—

(1) in subsection (b), by striking "one" and inserting "10"; and

(2) in subsection (c), by striking "5" and inserting "15".

On page 23, line 23, strike "2339A)" and insert "2339A of title 18, United States Code)".

On page 29, line 25, strike "determined" and insert "designated".

On page 36, line 2, strike "item of".

On page 48, lines 21 and 22, strike "Notwithstanding any other provision of law,".

On page 60, strike lines 1 and 2, and insert "Columbia not later than 30 days after receipt of actual notice under subsection (b)(6)."

On page 57, strike lines 18 and 20, and insert "The designation shall take effect 30 days after the receipt of actual notice under subsection (b)(6), unless otherwise provided by law."

On page 93, lines 22 through 24, strike "to—" and all that follows through "(ii) expand" and insert "to expand".

On page 95, line 15, strike "shall provide" and insert "shall provide to appropriate State law enforcement officials, as designated by the chief executive officer of the State,".

On page 95, strike line 23 and all that follows through page 96, line 2 and insert the following:

(D) ALLOCATION.—(i) Of the total amount appropriated pursuant to this section in a fiscal year—

(I) $500,000 or 0.25 percent, whichever is greater, shall be allocated to each of the participating States; and

(II) of the total funds remaining after the allocation under subclause (I), there shall be allocated to each State an amount which bears the same ratio to the amount of remaining funds described in this subparagraph as the population of such State bears to the population of all States.

(ii) DEFINITION.—For purposes of this subparagraph, the term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands, except that for purposes of the allocation under this subparagraph, American Samoa and the Commonwealth of the Northern Mariana Islands shall be considered as one State and that for these purposes, 67 percent of the amounts allocated shall be allocated to American Samoa, and 33 percent to the Commonwealth of the Northern Mariana Islands.

On page 99, line 19, insert after "Attorneys" the following: "and personnel for the Criminal Division of the Department of Justice".

On page 99, between lines 21 and 22, insert the following:

"(c) AVAILABILITY OF FUNDS.—Funds made available pursuant to this section, in any fiscal year, shall remain available until expended.

On page 117, lines 3 and 4, strike "right made retroactively applicable to cases on collateral review by the Supreme Court" and insert "right that is made retroactively applicable".

On page 133, line 3, strike "(a) IN GENERAL.—".

On page 133, strike lines 8 through 10 and insert the following:

(B) in paragraph (2), by striking "; or" and inserting the following: "and the results of such use affect interstate or foreign commerce or, in the case of a threat, attempt, or conspiracy, would have affected interstate or foreign commerce if such use had occurred;";

(C) by redesignating paragraph (3) as paragraph (4);

(D) by inserting after paragraph (2) the following:

"(3) against a victim, or intended victim, that is the United States Government, a member of the uniformed services, or any official, officer, employee, or agent of the legislative, executive, or judicial branches, or any department or agency, of the United States; and"; and

(E) in paragraph (4), as redesignated, by inserting before the comma at the end the following: ", or is within the United States and is used in any activity affecting interstate or foreign commerce".

On page 133, line 21, before the end quotation marks insert the following: "The preceding sentence does not apply to a person performing an act that, as performed, is within the scope of the person's official duties as an officer or employee of the United States or as a member of the Armed Forces of the United States, or to a person employed by a contractor of the United States for performing an act that, as performed, is authorized under the contract.".

On page 134, strike lines 1 through 8.

On page 140, line 20, insert after "employee," the following: "or any person assisting such an officer or employer in the performance of official duties,".

On page 140, line 21, strike "their official duties," and insert "such duties or the provision of such assistance,".

On page 141, line 1, insert "or manslaughter as provided in section 1113" after "murder".

On page 143, between lines 15 and 16, insert the following:

(i) CLARIFICATION OF MARITIME VIOLENCE JURISDICTION.—Section 2280(b)(1)(A) of title 18, United States Code, is amended—

(1) in clause (ii), by striking "and the activity is not prohibited as a crime by the State in which the activity takes place"; and

(2) in clause (iii), by striking "the activity takes place on a ship flying the flag of a foreign country or outside the United States,".

On page 147, line 19, strike "effective date of section 801" and insert "date of enactment of title VII".

On page 148, line 13, insert "of title VII" after "date of enactment".

On page 148, line 18, insert "of title VII" after "date of enactment".

On page 149, lines 6 and 7, strike "effective date of section 801" and insert "date of enactment of title VII".

On page 152, strike lines 3 through 5 and insert the following: "Except as otherwise provided in this title, this title and the amendments made by this title shall take effect 1 year after the date of enactment of this Act.".

On page 160, between lines 11 and 12, insert the following:

SEC. 902. AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR THE UNITED STATES PARK POLICE.

(a) IN GENERAL.—There are authorized to be appropriated from the General Fund of the Treasury for the activities of the United States Park Police, to help meet the increased needs of the United States Park Police, $1,000,000 for each of the fiscal years 1996, 1997, 1998, 1999, and 2000.

(b) AVAILABILITY OF FUNDS.—Funds made available pursuant to this section, in any fiscal year, shall remain available until expended.

SEC. 903. AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR THE ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS.

(a) IN GENERAL.—There are authorized to be appropriated from the General Fund of the Treasury for the activities of the Administrative Office of the United States Courts, to help meet the increased needs of the Administrative Office of the United States Courts, $4,000,000 for each of the fiscal years 1996, 1997, 1998, 1999, and 2000.

(b) AVAILABILITY OF FUNDS.—Funds made available pursuant to this section, in any fiscal year, shall remain available until expended.

SEC. 904. AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR THE UNITED STATES CUSTOMS SERVICE.

(a) IN GENERAL.—There are authorized to be appropriated from the General Fund of the Treasury for the activities of the United States Customs Service, to help meet the increased needs of the United States Customs Service, $10,000,000 for each of the fiscal years 1996, 1997, 1998, 1999, and 2000.

(b) AVAILABILITY OF FUNDS.—Funds made available pursuant to this section, in any fiscal year, shall remain available until expended.

On page 51, line 10, replace "1252(a)" with "1252a".

On page 51, line 14, insert "of this title" after "section 101(a)(43)".

Mr. HATCH. Madam President, I urge adoption of the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

So the amendment (No. 1254) was agreed to.

Mr. HATCH. I move to reconsider.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BRADLEY. Madam President, I rise in support of the Comprehensive Terrorism Prevention Act. The Oklahoma City bombing brought into sharp focus the reality and horror of domestic terrorism in America. The death toll of the bombing now stands at 167, making it the deadliest mass murder in the history of the United States. This legislation will enhance the ability of law enforcement to combat both foreign and domestic terrorism. It is a strong, adequate response to the serious problem of terrorism, and will provide the United States with the necessary tools to respond to the international and domestic terrorist threats and prosecute these despicable acts to the fullest extent of the law.

Madam President, I had wanted to offer an amendment to this bill that was designed to make a technical correction to the existing law banning handgun bullets capable of piercing body armor. Law enforcement represents the first line of defense against threats to our internal security. My amendment therefore was designed to give the maximum level of protection to our police officers by extending the current composition-based ban on cop-killing bullets to provide that any bullet capable of penetrating body armor will be banned, regardless of the bullet's physical composition. I decided not to pursue adoption of the amendment, however, because of my concern that it would slow action on this important bill. I intend to offer this amendment to the next appropriate vehicle.

Madam President, the provisions in this bill are vitally important to our efforts to respond to international and domestic threats of terrorism. I, therefore, fully support this bill, and I am confident that because of our actions today, America will be more fortified against the evils of terrorism.

Mr. PELL. Madam President. Today, as the Senate considers final passage of S. 735, legislation designed to combat domestic and international terrorism, I regret that I must oppose the final version of the bill. I regret it because I believe that appropriate steps can be taken by this Congress to add to the tools currently available to law enforcement to combat terrorism. Especially in light of the recent, horrific tragedy in Oklahoma City, enhancement of the ability to combat the growing menace of terrorism is timely and necessary.

However, as Congress rushes to respond, we can not let our fervor for action allow us to unwisely circumscribe basic protections long enshrined in our Constitution. Unfortunately, I believe that as the bill stands, the Senate has gone too far in changing and restricting the application and availability of the right to appeal court decisions under the writ of habeas corpus. This writ has been a fundamental part of our jurisprudence since our country's founding. It is a critical part of the means by which our system of justice guarantees that everyone has the opportunity for a fair trial and that the rights granted under the U.S. Constitution will be respected and enforced.

With this time-honored tradition of habeas corpus so much a part of the bedrock legal principles which underpin our society, why are we considering changing it all? The answer is clear and has been readily acknowledged by the proponents of this so-called reform: they want to expedite the execution of those who have received the death penalty. It is that simple. There is no other driving force behind these efforts; efforts which incidentally have been around for years now. Those who favor the death penalty are frustrated that appeals under habeas corpus are available for those who protest their innocence and claim they were denied a fair trial. They argue that with an appeals process that lasts for years, the deterrent effect of the death penalty is lost. Thus, they want to drastically limit the ability of those convicted of crimes and given the death penalty to appeal their convictions, despite the fact that the sentence, if carried out, is irreversible and final.

Let me be clear. I harbor no sympathy for those appropriately found guilty of murder and strongly believe that it is critical that they face certain and severe punishment, including life in prison without parole. The victims deserve no less, the criminal deserves no more. However, I do oppose the death penalty. I do so because I believe that the death penalty is not a conscionable punishment in a civilized society. The reason is obvious; the death penalty once carried out cannot be reversed if it turns out that an individual really was innocent. Indeed, I note that the last time an individual was executed in my state of Rhode Island, it was later proved that he did not commit the crime. It strikes me as remarkable that in a legal system which has the death penalty, such as ours, that procedures would be sought which limit the opportunities otherwise available for an individual to prove his innocence. If anything, I believe that additional avenues should be available for the proof of innocence, not fewer. But the bill before us today does just that—it limits the rights of the accused to have their convictions reviewed for error. This is wrong and in my opinion, a sad day in the U.S. Senate.

Accordingly, I feel that the limited good done by the bill—by which I mean the commendable efforts to fight terrorism—is outweighed by the attack on habeas corpus which has been included. Interestingly enough, efforts to limit the changes in habeas corpus to apply only to Federal terrorism cases, the supposed reason for this bill, were rejected. The entire habeas corpus system, meaning for both those cases brought in State and Federal courts, has been changed. It brings into question the true motivations behind attaching this language to this bill—a bill that on its face has great public appeal and is being moved by a sense of urgency given the events in Oklahoma City in April. But despite my profound sympathy for the victims of the bombing in Oklahoma City—indeed as well as all terrorist acts—and my desire to do something about relieving the pain they suffer, I believe that in good conscience, I cannot support the bill as it stands given the changes it contains to habeas corpus.

JUDICIAL REVIEW OF CRIMINAL ALIEN CASES

Mr. KENNEDY. Madam President, section 303(e) broadens the class of criminal aliens subject to special expedited deportation procedures and eliminates all judicial review.

Every Member of this body is willing to take every reasonable step to punish criminal aliens and deport them from the United States.

But the Justice Department reports that this provision is a step backward in our fight against crime. It disrupts strong provisions against criminal aliens enacted in last year's crime bill and only recently implemented through regulation. It ties the Attorney General's hands in obtaining convictions against criminal aliens. And it eliminates all judicial review in these cases—a major departure from fundamental principles of due process.

This provision harms our crime fighting efforts in at least three ways.

First, it eliminates the Attorney General's ability to target the removal of the most serious offenders within the resources she has available. It applies to all criminal aliens, regardless of the gravity of their offense. Under current law, only aggravated felons—those committing the most serious offenses—are placed in expedited proceedings. Under this section, however, all criminal aliens must be removed within 30 days, whether they are murderers or petty shoplifters.

An immigrant with an American citizen wife and children sentenced to 1-year probation for minor tax evasion and fraud would be subject to this procedure. And under this provision, he would be treated the same as ax murderers and drug lords. INS is required to detain him. He gets a quick deportation hearing from an immigration judge in the Justice Department and he is out within 30 days—no judicial review, no nothing.

Over the past 2 years, the President and Congress have increased substantially the number of immigration officers and immigration judges to handle these cases. As a result, over the next year, the administration will double the number of criminal aliens deported to more than 58,000.

But even with the additional funds, resources are still limited. The Justice Department would be required to divert resources from the Border Patrol, from naturalization, and from other important activities to accommodate this provision.

The Immigration Subcommittee is now considering legislation which will reform the criminal alien definitions. We should allow that process to proceed, rather than make premature and drastic changes in the current definition and due process.

The second way in which this provision harms law enforcement is that it requires the Attorney General to detain all those in this broadened category of criminal aliens, with no allowance for those whose home countries will not or cannot take them back. This is the case today with Cuba, Vietnam, and Bosnia. In these cases, the Attorney General would be required to keep the alien in indefinite detention, even if the offense is relatively light and the Attorney General believes the alien would pose no danger to the community.

This is a drastic and unnecessary expense to the taxpayer. It takes jail space and resources away from more pressing criminal enforcement.

Under this provision, a Cuban refugee convicted of shoplifting in certain States could face life imprisonment in an INS jail.

Finally, by providing that all criminal aliens be removed within 30 days of the issuance of a deportation order, the provision ignores real law enforcement needs. The 30-day requirement may be waived where criminal aliens are cooperating with law enforcement as witnesses. However, there is no allowance for other law enforcement purposes.

For example, an alien convicted and ordered deported for one offense could not be held in the United States for trial under other offenses for which the alien may subsequently be charged.

In the World Trade Center bombing, for example, one of the suspected conspirators in the case was already in jail for another crime. Under this provision, he would be subjected to mandatory deportation within 30 days of the issuance of a deportation order for the first crime, and would not be available for prosecution under the second—and far more serious—crime.

In addition to undermining the war on crime, this amendment virtually eliminates the Attorney General's flexibility to grant discretionary relief from deportation for long-time permanent residents convicted of lesser crimes. This discretionary relief is available to permanent residents who have resided here for at least 7 years. It is granted if the immigration judge believes their equities in the United States—such as American citizen spouses or children or contributions to their communities—outweigh the gravity of their offense.

Under current law, permanent residents with aggravated felony convictions who serve at least 5 years in prison are ineligible for this discretionary relief from deportation. However, under this provision, this discretionary relief would be denied to permanent residents for carrying a concealed firearm, drug abuse, or addiction, in which no conviction would even be required, any drug offense involving more than 30 grams of marijuana, and other such crimes. They could live here productively for 30 years and have an American citizen wife and children. But for them, it is one strike and you are out.

Similarly, refugees could also be deported to the hands of their persecutors for relatively small offenses.

Under this provision, for example, a refugee from Rwanda could put a bill in the mailbox and realize he forgot to put a stamp on it. When he innocently tries to remove the letter from the mailbox and he is arrested for tampering with the mail—a felony. Due to poor representation, he accepts a plea bargained sentence of 1 year. To his surprise, he is suddenly subject to expedited deportation with no judicial review.

Under this provision, an older immigrant who came to the United States as a child but was never naturalized gets tired of a rash of robberies on her store and buys a firearm which she doesn't realize is illegal. She is convicted of a felony. Even though she is married to an American and has four U.S.-citizen children, she must be placed in expedited deportation proceedings with no recourse to the courts.

A long-time permanent resident could decide to go fishing. He hooks and kills what he does not realize is a rare fish, which is a strict liability felony with a mandatory minimum of 1 year. Even though he is married to an American and has U.S.-citizen children, he is convicted, serves his time, and is immediately deported with no prospect for judicial review.

These are the kinds of cases which can easily happen if this drastic provision is allowed to stand.

Even if we accept—as this provision proposes—that virtually any offense results in automatic deportation, the elimination of judicial review alone would be grounds for opposing this provision. This is a major departure from fair principles of due process.

The need for judicial review in this instance is obvious. Immigration judges in the Justice Department make mistakes.

For example, in a recent ninth circuit case, the panel reviewed an immigration judge's deportation order against someone convicted of drug trafficking who claimed to be a U.S. citizen but did not have a lawyer. The court found that the immigration judge's order was "not based on substantial evidence." In this case, a possible U.S. citizen could have been erroneously deported if the court had not intervened.

It is because of cases such as these that the standing policy of the American Bar Association is that legislation should not:

> Limit the availability and scope of judicial review of administrative decisions under the Immigration and Nationality Act to less than what is provided . . . in the Administrative Procedures Act: in particular judicial review of . . . denials of stays of execution of exclusion or deportation orders . . . and constitutional and statutory writs of habeas corpus.

I had intended to offer an amendment to the counter-terrorism bill which would correct these problems. While I will not offer the amendment at this time, it is my hope that the grave problems of the current language will be addressed as the bill proceeds.

The provision in the pending bill would do nothing to enhance our ability to exclude suspected terrorists. It would impede current efforts to remove dangerous criminal aliens. And I hope it will be addressed at a later stage.

ALIEN TERRORIST REMOVAL ACT

Mr. SMITH. Madam President, I rise this afternoon to commend Senators DOLE and HATCH for incorporating my bill, S. 270, the Alien Terrorist Removal Act of 1995, into S. 735, the comprehensive antiterrorism legislation now before the Senate.

I also want to thank Senator SPECTER again for the opportunity to testify before his Terrorism Subcommittee last month regarding my alien terrorist removal bill.

My bill—now the alien terrorist removal title of S. 735—essentially embodies the Smith-Simpson amendment that the Senate passed unanimously as part of the crime bill in the last Congress. Unfortunately, certain House Members of the conference committee insisted on the removal of the Smith-Simpson amendment from the 1994 crime bill.

This year, however, Madam President, the Clinton administration proposed its own substantially identical version of my bill as a part of its omnibus antiterrorism legislation. Thus, I am confident that the alien terrorist removal title of S. 735 will enjoy broad bipartisan support here in the Senate, will be supported by the House as well, and will be signed into law by the President in the next few weeks.

Let me summarize briefly for the benefit of my colleagues what the alien terrorist removal title of S. 735 is all about. The alien terrorist removal provisions of the bill would establish a new, special, judicial procedure under which classified information can be used to establish the deportability of alien terrorists.

The new procedures provided under title III of S. 735 are carefully designed to safeguard national security interests, while at the same time according appropriate protection to the necessarily limited constitutional due process rights of aliens.

Under current law, Madam President, classified information cannot be used to establish the deportability of terrorist aliens. Thus, when there is insufficient unclassified information available to establish the deportability of a terrorist alien, the Government faces two equally unacceptable choices.

First, the Justice Department could declassify enough of its evidence against the alien in question to establish his deportability.

Sometimes, however, that simply cannot be done because the classified information in question is so sensitive that its disclosure would endanger the lives of human sources or compromise highly sensitive methods of intelligence gathering.

The Government's second, and equally untenable, choice would be simply to let the terrorist alien involved remain in the United States.

Unfortunately, that is not just a hypothetical situation. It happens in real cases. That is why the Department of Justice—under both Republican and Democratic Presidents and Attorneys General—has been asking for the authority granted by my bill—now title III of S. 735—since 1988.

Utilizing the existing definitions of terrorism in the Immigration Act of 1990 and of classified information in the Classified Information Procedures Act, title III of S. 735 would establish a special alien terrorist removal court made up of sitting U.S. District Judges that is modeled on the special court that was created by the Foreign Intelligence Surveillance Act.

Under title III of S. 735, the U.S. district judge sitting as the special court would personally review the classified information involved.

Without the compromising classified information, the alien in question would be provided an unclassified summary of the classified information involved.

Ultimately, the special court would determine whether, considering the record as a whole, the Justice Department has proven, by clear and convincing evidence, that the alien is a terrorist and should be removed from the United States.

Finally, any alien ordered removed under the provisions of title III of S. 735 would have the right to appeal to the full U.S. Court of Appeals for the District of Columbia Circuit.

In closing, let me say that the most serious threat that our Nation faces in the post-cold-war world is the scourge of terrorism.

Foreign terrorism came to our shores in 1993 with the World Trade Center bombing. Tragically, with the Oklahoma City bombing in April, we learned the bitter lesson that we face the threat of terrorism from domestic extremists as well.

Now, this historic 104th Congress is doing its job by moving quickly to respond to those twin threats. I urge the prompt passage of S. 735 and, once again, I commend the sponsors for incorporating my alien terrorist removal bill into their landmark legislation.

Mr. FEINGOLD. Madam President, after the despicable attack on the Murrah Federal building in Oklahoma City almost 2 months ago, I reacted with the same feelings of shock and outrage as millions of other Americans.

Those feelings run deeper than language can adequately describe. The pictures of the ravaged building, the stories of the victims and the families will never be forgotten.

Madam President, there should be absolutely no debate about our national resolve to fight terrorism and to keep it from our shores. No American wants to fear that the kind of thing that happened in Oklahoma or at the World Trade Center in New York will occur in their hometown or that one of their loved ones will be hurt by this kind of heinous act.

Fighting terrorism requires that we take strong and forceful steps to stop terrorists before they strike, and if they do strike, to prosecute, convict and punish them.

We need to make sure that law enforcement officers have the resources to investigate and prosecute terrorist acts; we need to give them tools to apprehend terrorists before they strike.

There are a number of provisions of this legislation that are aimed at achieving that goal, and I strongly support those proposals.

The bill would make available about $1.2 billion to increase law enforcement resources to carry out these tasks. There are provisions added during floor consideration to provide for tracer elements to be placed in explosives to help identify where these materials are likely to have originated. There are other provisions included in this bill that are also likely to help us fight terrorist threats.

Nevertheless, I intend to vote against this legislation. I believe that in the haste to respond to a national tragedy, we may be making mistakes that will be difficult to undo.

There are a number of provisions in this legislation that are problematic, and quite frankly, I am equally concerned about the process which brought this measure to the floor of the Senate, the hasty debate, and the pressure to clear the measure without understanding the implications of what is being proposed.

The Administration proposed legislation to deal with international terrorism earlier this year; that initial proposal was quickly reshaped as a result of the Oklahoma City tragedy into a bill to deal with domestic terrorism. Although hearings were held in the Judiciary Committee, the Committee never met to debate the bill, there is no committee report, and the measure which was called up by the leader was drafted in private and introduced shortly before many Members left town for the Memorial Day recess.

It has also become the vehicle for what is called "habeas corpus reform." What is described as "reform" is in fact an attempt to rewrite and weaken what is known as the "Great Writ"—the common law instrument that allowed citizens to challenge the lawfulness of their detention by the crown. Suddenly, habeas reform has become a tool for fighting terrorism. I find that a stretch of the imagination. What we have is a classic, political move to get another agenda wrapped into an emotionally charged, moving vehicle.

In the past year, many of our basic, fundamental protections against government intrusion contained in the Bill of Rights have been under assault. I think many Americans are unaware that these reform movements are in fact assaults upon fundamental rights—not just the rights of criminals, but the rights of all Americans to be free from government overreaching and harassment.

I spoke at some length earlier today on my very grave concerns about how the so-called habeas reforms engrafted into this bill aimed at speeding up executions threaten the rights of the innocent and raise the spectre of gross miscarriage of justice taking place.

There are also a number of other provisions of this bill that I believe are either not well thought out or misguided.

For example, last night the Senate adopted by a voice vote an amendment authorizing a greater role for the military in domestic antiterrorism activities.

Provisions dealing with this issue were included in the administration's original proposal and they were of great concern to me and a number of Senators who do not believe that the military should be playing a role in domestic law enforcement efforts.

Madam President, one of the hallmarks of a democratic society is the separation of the military—whose primary function is to defend the Nation from outside threats—from internal law enforcement responsibilities. Military dictatorships use soldiers to enforce their laws; democracies do not.

This country has a very closely defined set of rules, arising out of the Bill of Rights itself and applied by our judicial system, which guarantee due process and fairness in the administration of justice. Law enforcement personnel are trained in carrying out these rules; soldiers are not.

I recognized, Madam President, that a very sincere effort was made by a number of the principal authors of these provisions to craft a very narrow exception to the posse comitatus law, the 1878 statute which limits the role of the military in domestic law enforcement activities.

However, I believe that both the process used to craft this amendment and the substance of this amendment are flawed. This broadening of the authority of the military, albeit in a narrow area, was not part of a bill reported by the committees of jurisdiction, but rather was introduced and voice voted within the span of a few hours last night. There were no hearings on this specific proposal, no committee report filed outlining the expectations of how it will operate, and no real public debate over its provisions. Rather, we had a voice vote on language most of us had first seen a few hours earlier.

That is not the way to deal with such a fundamental issue. There is no reason for this hasty disposition of this kind of important issue.

Beyond the process used, I have concerns about whether the amendment itself may operate to open the door to perhaps an even broader role for the military than even the administration had initially proposed. The administration's proposal did not explicitly give the military the authority to make an arrest, although it had language about disabling and disarming individuals that was troublesome. The amendment adopted last night gives the Department of Justice and the Department of Defense the authority to promulgate regulations governing the role of the military and provides that those regulations shall not authorize arrests by the military except under "exigent circumstances" or as otherwise authorized by law. In other words, the military is given the power to make arrests, but the regulations will limit that authority to certain circumstances.

Madam President, while I recognize the authority being created is limited to cases involving biological or chemical weapons, I am concerned that we have opened a door that may be hard to close in the future when the case is made that the military can play a greater role, for example, in the war on drugs or other areas which have been the subject of heightened public concern. I do not believe that it is necessary to give the military arrest powers within the U.S. If military needs to be involved in a domestic investigation, I believe that civilian law enforcement officials should be present and available to make any arrests needed. The notion that military personnel will be operating without accompanying civilian officials is very troubling. If authority is needed to detain an individual until a civilian law enforcement official arrives, arguments can be made for that authority, but that does not justify, in my mind, granting a direct power to make an arrest under any type of circumstances.

Madam President, in a similar vein, I am concerned about the amendment adopted yesterday which loosens the requirements in current law for issuance of a warrant for what is called a "roaming" or "roving" wiretap. The Fourth Amendment, in very explicit language, requires that no search warrant may issue unless "particularly describing the place to be searched, and the persons or things to be seized."

The Fourth Amendment was written in such precise terms because the drafters of the Constitution were aware of the practice of British authorities of obtaining sweeping search warrants that allowed them to search wherever and whenever they pleased. The rights of the people to be secure in their homes from government officials barging in was not a right recognized before the American revolution. It is perhaps a unique American right, but it is one that many of us regard as sacrosanct.

The requirement for specificity is especially important with respect to wire tap authority because a wire tap is particularly invasive—no one knows that a government agent is listening to your private conversations. The law has long required that a wire tap warrant be very narrowly and carefully drawn. Current law allows a roaming wire tap—that is one that moves from place to place—only where there is an allegation that the suspect is moving form place to place with the intent to avoid interception of the communication. The amendment adopted strikes the "intent" requirement and allows such a wiretap where the person's actions and conduct would have the effect of thwarting interception from a specified facility. Again, this provision opens the door to greater government powers. I am not convinced that an adequate case has been made that this broader and potentially abusive authority is needed.

There are other provisions of the bill that may also have problems that I will not take the time to outline here. In sum, I think the bill was hastily crafted and goes beyond what is needed to deal with a terrorist threat.

Madam President, less than a year ago, I confronted this same situation when the Clinton administration's crime bill came to a final vote on the floor of the Senate.

Just as with this bill, there were a number of provisions in that legislation that I supported. I supported the concept of putting more police officers on the streets. I supported prevention programs as sensible and cost-effective ways to head off criminal activity.

But I objected to other provisions.

I objected to the expansion of the death penalty, a form of state-sponsored violence that few civilized nations practice. I note in today's papers that the Supreme Court of South Africa, a nation that has executed people for 350 years has ruled that the death penalty violates that nation's constitution.

The pending legislation would also add new death penalties to federal law. I oppose those provisions as well.

I also opposed some of the provisions of last year's crime bill that I believed amounted to unnecessary and counterproductive Federal intrusion into the war on crime, which is best fought at the State and local level.

Because of these objections, I voted against that bill.

Because of my objections today, I am voting against this one.

I believe that we are acting in haste, making law from outrage and not from deliberation.

I believe that despite good intentions and provisions of the bill that would provide additional resources to law enforcement personnel fighting terrorists, that we are not passing a thoughtful, meaningful response to a real threat. Instead, we are rewriting habeas corpus law because some proponents of these changes saw an opportunity in this bill to move their agenda. We are opening the door to a greater role for Federal Government take actions that will invade the lives of our constituents without reasonable grounds.

When we act in haste, we multiply our chances of error and I see errors in this bill. I cannot support it.

Mrs. MURRAY. Madam President, I rise today to speak in support of S. 735, the antiterrorism bill.

This bill poses serious dilemmas for me, and for this Congress. It requires us to face some of the real dangers that exist in the modern world, and it motivates us to act in the interest of protecting the people. But it also makes us face the cost of freedoms we enjoy as Americans.

It is disturbing to me when the Congress is faced with a decision to increase protection for the people by chipping away at the edges of freedom.

But in this case, the imperative is clear. We have heard many compelling stories on this floor about the horrors of Oklahoma City, the tragedy of the World Trade Center. These stories are real; they involved real Americans in today's world. I need not repeat these stories here. Let me simply acknowledge what we all feel: These events have shaken every American to the core of their being. To reduce the likelihood of such events occurring in the future, and to preserve a peaceful existence for Americans, we must act.

We must empower our law enforcement officials to zero in on terrorist organizations, at home and abroad. This bill does that.

We must make these crimes a high priority within the judicial system, and clearly subject terrorist activities to prosecution. This bill does that.

We must cripple the ability of terrorists to finance their activities in our own backyard. This bill does that.

We must draw on all the expertise of the Government, including the military where appropriate. This bill does that.

This bill contains many provisions that will improve our ability as a nation to prevent, combat, and prosecute against terrorist activities. As a result of the World Trade Center and Oklahoma City bombings, we owe it to the victims to act. As Senators in an increasingly dangerous world, we owe it to all citizens to protect the quality of life unique to the United States of America. Therefore, I will support S. 735.

Madam President, having said that, I must add a few concerns. I do not think it is ever a good idea to legislate in the heat of the moment. Cases like this are most susceptible to the laws of unintended consequences. As we broaden the reach of law enforcement, and as we broaden the application of penalties, we as elected officials have an equal obligation to keep from unnerving the people we are trying to protect. We have no idea what kind of mistakes will be made, or whose rights will be infringed, when this bill is implemented. It will be critically important for law enforcement officials of all types to keep in mind the responsibilities to protect the citizens that go along with the kind of broad new powers we are bestowing on them.

Likewise, we have to recognize the dangers of internal hatred and anger. If there is one thing we can conclude from recent tragedies, it is this: We must remain vigilant against extremism of all types. These are forces that may be motivated by legitimate feelings of frustration with the Government. But there are very clear lines that we must not cross. Our system of Government is geared toward discourse and debate; if we lose the ability to air out our differences through honest debate, and if we cannot agree to disagree when we have to, the entire country will suffer. We all have a responsibility to zealously defend our collective rights to democratic government.

To this end, I feel strongly that all of us—politicians, activists, citizens—have a contribution to make toward maintaining civil discourse. We can improve the environment dramatically by simply toning down the rhetoric. If we are going to protect constitutional democracy and our rights as citizens to express our opinions, we have to learn to respect each other as people.

Finally, Madam President, I would like to add a comment regarding the amendment offered by the ranking member of the Judiciary Committee, Senator BIDEN. He rightfully pointed out that this legislation takes on an issue that is far too complicated to resolve here: habeas corpus reform. This is the wrong time and the wrong bill on which to attempt to resolve a debate that has raged in this country for years. As I said before, I believe it is unwise to legislate in the heat of the moment. By including the limits on habeas corpus in this bill, the majority is doing just that. I believe the Senate should instead have a thorough, thoughtful debate about habeas corpus independent of this legislation. It is simply too important to run through the Senate on a bill narrowly targeting antiterrorism activities.

Therefore, I support the Biden amendment. While it is obvious the votes are not there to postpone the debate over habeas corpus to a later time, at least the point has been made on the Senate floor.

Madam President, I hope my remarks are persuasive in pointing out the dilemmas in passing this legislation. While we can take comfort knowing this bill strengthens the hand of law enforcement to aggressively pursue terrorists, none of us should take comfort in what it might mean for innocents caught in the middle as the antiterrorism effort intensifies. I support S. 735 with some reluctance, and sincerely hope that authorities will use their new powers as judiciously as the spirit of freedom implores.

Madam President, on Monday, June 5, the Senate adopted by a vote of 90–0 an amendment by the Senator from California, Senator FEINSTEIN, to require the use of taggants to mark materials used in the construction of explosives. I was unavoidably detained, and therefore not present for that vote. I apologize to the leaders for my absence; had I been present, I would have voted "aye" on the Feinstein amendment. If there is one straight-forward thing we can do to help law enforcement investigate bombings, it is requiring the use of taggants.

Mr. WARNER. Madam President, the horrific April 19 bombing of the Alfred P. Murrah Federal Building in Oklahoma City shocked and stunned Americans. Every single one of us has been forced to confront the risks and the vulnerability of our open society. The United States needs a systematic and comprehensive counterterrorism policy to detect, deter, prevent, and punish terrorist acts.

Congress must consider and pass an effective antiterrorism bill; we must do so on a bipartisan basis. The problem is too dangerous to be treated in a partisan manner. We must stand together to protect the citizens of the United States.

One of the greatest fears that we all have for the safety of our citizens is the use of weapons of mass destruction by terrorist elements. As demonstrated by the recent Tokyo subway tragedy, even very limited use of chemical agents can cause widespread death and disaster. We must ensure that our Nation has the ability to marshall all available assets and expertise to deal with the potential use of mass destruction by terrorists.

For that reason, I am pleased to join in cosponsoring an amendment to authorize Department of Defense assistance to law enforcement authorities in emergency situations involving biological and chemical weapons. This amendment is patterned on authority which currently exists for the Department of Defense to provide technical assistance to incidents involving nuclear weapons and materiel. The amendment has been carefully drawn to limit the involvement of the military in law enforcement activities. Indeed, we have focused on the critical need to marshall the unique expertise of the military for use in these catastrophic situations.

The legislation pending before the Senate today will lay the foundation for an antiterrorism plan for America.

As the Senate considers legislation directed at antiterrorism, I am aware that we will also consider subsequently during this session modified anticrime legislation. I will continue to support measures that will provide local and State officials, and law enforcement personnel, the appropriate resources needed to combat the rising crime rate. This week, the Federal Bureau of Investigation released preliminary crime reports for 1994. The reports showed crime rates dropping from the year before. The crime rate may appear to decrease slightly, but not enough to calm the fears of many citizens. Crime will continue to terrorize Americans until the Congress can assist the States with adequate funds and legal tools necessary to make a drastic reduction in the crime rate.

I have no doubt that the General Services Administration has stepped up security at our Federal buildings as a result of the tragic events which occurred in Oklahoma City. The House held hearings on Federal building security shortly after the event.

As the chairman of the Subcommittee on Transportation and Infrastructure, it is my intention to hold a hearing soon regarding building security under the auspices of the Federal Protective Service of the GSA.

I am increasingly concerned by recent reports which have indicated that memos produced within GSA have indicated internal skepticism about how reductions in the Federal Protective Service of the GSA could adversely affect the agency's ability to assess and analyze Federal building security in the District of Columbia, Maryland, and Virginia.

It is my intention to review this matter for the Senate.

Madam President, while the Senate debates the legislation before us today, we must all realize that no legislation can make America totally safe. An open, democratic society simply will not allow for total and absolute security for our Nation.

Because of the freedom our society demands, we must be ever vigilant concerning possible threats to our citizens. I have always been totally committed to maintaining the readiness of our Armed Forces whenever a threat to our national security becomes imminent. I am also totally committed to maintaining the readiness of our Federal, State, and local law enforcement personnel to confront any domestic threat which may arise anywhere in the United States.

I do have a major concern with this legislation: we must ensure that its provisions do not violate the Constitution or place inappropriate restrictions on the personal freedoms protected by the first amendment. I will not support provisions which will prohibit free exercise of religion or speech, or which impinge on the freedom of association.

Mr. CRAIG. Madam President, I abhor and condemn terrorism in any form. Our Nation cannot tolerate terrorism—be it foreign or domestic—and our Nation's law enforcement must have the tools it needs to fight this menace.

There are some very important reforms in this bill that would be helpful. They include habeas corpus reform, which is the only change that will really have an impact in the Oklahoma City case.

I will vote for this bill in order to send a strong message of support for those reforms to the House and any future House-Senate conference working on this legislation.

However, for the record, my vote is not an endorsement of each and every provision of this bill. I am not convinced that the bill before us today is the best we can do to assist law enforcement in fighting against terrorism, and I would like to discuss some of the specific reservations I have.

First and foremost are potential constitutional problems such as those relating to the sections on restricting fundraising, excluding and deporting aliens, the new wiretapping authority we adopted last night, and acquisition of information including consumer records.

In all fairness, there are conflicting opinions even among my colleagues who are lawyers about whether some of these provisions will survive court review. I have been assured that the safeguards contained in the bill are sufficient to overcome potential constitutional problems. For that reason, I have decided not to oppose the entire bill on this basis. However, I remain concerned about these provisions and would hope they can be further improved before the Senate takes action on a final bill.

Another section of the bill that I think could be improved is the new language relating to taggants in explosives. Although I joined a unanimous Senate in voting for changes made on the floor during debate, I am not by any means convinced this is the best way to approach that issue. After the Senate acted, I was contacted by several resource-based industries in my State suggesting concerns that had not been raised or reviewed previously. I hope the House and any future conference will take a close look at that section and make improvements that will balance the interests of law enforcement with those of the affected industries.

There are other items in this bill that I question, but those are some of the most important, I do not think we would be sacrificing any tools needed by law enforcement if we were to make improvements in these sections.

I commend the majority leader and Senator HATCH for their hard work to deliver a bill that will strengthen the hand of law enforcement in fighting terrorism. I hope the bill will be improved as it moves through the remaining steps of the legislative process, so that I can vote for a truly effective package.

Mr. BIDEN. Madam President, the Oklahoma City bombing and the earlier bombing of the World Trade Center demonstrate clearly that the United States must respond seriously to those—whether foreign or domestic—who seek to make their point through the mass killing of Americans.

These events demand that we examine our current laws and practices to ensure that we are doing everything that is necessary and appropriate to guard against the threat. We must take strong action to counteract terrorism, both foreign and domestic.

There are steps we can take and should take.

Let me outline the key terrorism proposals from the President's bill that are contained in the substitute we will vote on shortly. These provisions include:

A new offense to assure Federal jurisdiction over all violent acts which are motivated by international terrorism.

This provision will cover gaps in current Federal law—for example, a terrorist who commits mass murder on private or State-owned property may now be subject only to State court jurisdiction.

This offense carries a new death penalty, complementing the terrorism death penalty in last year's crime bill.

The bill will implement an international treaty to require a detection agent to be added to plastic explosives.

It will enhance the Government's ability to obtain consumer credit reports and hotel/motel and vehicle rental records in foreign intelligence investigations. It does not change the law governing such information for domestic investigations.

It gives the Government greater ability to exclude from entering the United States those aliens who are involved in terrorist activities.

Let me also mention the amendments offered by Democrats to add tough law enforcement provisions to the Republican bill.

The Lieberman amendment, which was adopted, expands wiretap authority. It gives new authority for multiple-point wiretaps provided to Federal law enforcement.

Another Lieberman amendment, which was defeated, with no Republicans voting for it, gives authority for emergency wiretaps—identical to authority currently available for organized crime investigations—in terrorist investigations.

The Feinstein amendment, which was adopted, requires taggants. It gives authority to Secretary of the Treasury to require taggants in explosives. Taggants assist law enforcement by providing a means to trace the source of an explosive.

The Nunn-Thurmond-Biden-Warner amendment, also adopted, gives new assistance against chemical and biological weapons. The posse comitatus exception to allow the use of military to assist in the investigations of chemical and biological weapons.

The Kerrey amendment, also adopted, increases funding for Federal antiterrorist enforcement. It adds $262 million for ATF new explosives investigators and for Secret Service security initiatives.

The Boxer amendment, again, adopted, increases penalties for gun and explosives crimes. It extends statute of limitations for National Firearms Act offenses.

A Levin amendment, adopted by the Senate, increases penalties for the use of explosives.

A Feinstein amendment, again, adopted, prohibits the distribution of bombmaking material intended to be used for a crime.

A Leahy amendment, first as adopted, assists victims of terrorist attacks. It provides assistance and compensation for victims of terrorist attacks.

The Leahy-McCain amendment, as adopted, raises special assessment on criminal penalties.

The Specter-Simon-Kennedy amendment, as adopted, deports criminal aliens. It enhances protection of classified information when deporting alien terrorists.

Another Feinstein amendment, also adopted, increases international efforts against terrorism. It prohibits arms sales to countries who are not cooperating fully with U.S. antiterrorist efforts.

Particularly with these tough amendments now added to the bill, this counterterrorism is a big step forward in giving law enforcement new tools to fight and prevent terrorism. I urge my colleagues to support the bill.

The PRESIDING OFFICER. The Senator majority leader.

Mr. DOLE. Let me announce for my colleagues, we are going to move to the telecommunications bill after this vote, and I understand Senator HOLLINGS and Senator PRESSLER are ready to do that. We will have opening statements. I have an amendment that I will offer. I think the distinguished Democratic leader has an amendment he may offer. These amendments may be accepted. But we are trying to find a couple of bona fide amendments that can be offered tonight and voted on in the morning.

If that is the case, if we have a couple, we can debate those amendments tonight and not have any more votes tonight and have those votes in the morning.

I will assume we can find one additional amendment so this will be the last vote tonight. Any votes that are ordered tonight will occur probably fairly early in the morning, around 9 o'clock.

Mr. HATCH. Madam President, are the yeas and nays ordered?

The PRESIDING OFFICER. No, they have not been ordered.

Mr. HATCH. I ask for the yeas and nays on final passage.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question now occurs on agreeing to amendment No. 1199, as amended.

So the amendment (No. 1199), as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, shall it pass? The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from North Dakota [Mr. CONRAD] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 91, nays 8, as follows:

[Rollcall Vote No. 242 Leg.]

YEAS—91

Abraham
Akaka
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Dole
Domenici
Dorgan
Exon
Faircloth
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Harkin
Hatch
Heflin
Helms
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Murkowski
Murray
Nickles
Nunn
Pressler
Pryor
Reid
Robb
Rockefeller
Roth
Santorum
Sarbanes
Shelby
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—8

Feingold
Hatfield
Moseley-Braun
Moynihan
Packwood
Pell
Simon
Wellstone

NOT VOTING—1

Conrad

So the bill (S. 735), as amended, was passed as follows:

S. 735

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Comprehensive Terrorism Prevention Act of 1995".

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—SUBSTANTIVE CRIMINAL LAW ENHANCEMENTS

Sec. 101. Increased penalty for conspiracies involving explosives.
Sec. 102. Acts of terrorism transcending national boundaries.
Sec. 103. Conspiracy to harm people and property overseas.
Sec. 104. Increased penalties for certain terrorism crimes.
Sec. 105. Mandatory penalty for transferring an explosive material knowing that it will be used to commit a crime of violence.
Sec. 106. Penalty for possession of stolen explosives.
Sec. 107. Enhanced penalties for use of explosives or arson crimes.
Sec. 108. Increased periods of limitation for National Firearms Act violations.

TITLE II—COMBATING INTERNATIONAL TERRORISM

Sec. 201. Findings.
Sec. 202. Prohibition on assistance to countries that aid terrorist states.
Sec. 203. Prohibition on assistance to countries that provide military equipment to terrorist states.
Sec. 204. Opposition to assistance by international financial institutions to terrorist states.
Sec. 205. Antiterrorism assistance.
Sec. 206. Jurisdiction for lawsuits against terrorist states.
Sec. 207. Report on support for international terrorists.
Sec. 208. Definition of assistance.
Sec. 209. Waiver authority concerning notice of denial of application for visas.
Sec. 210. Membership in a terrorist organization as a basis for exclusion from the United States under the Immigration and Nationality Act.

TITLE III—ALIEN REMOVAL

Sec. 301. Alien terrorist removal.
Sec. 302. Extradition of aliens.
Sec. 303. Changes to the Immigration and Nationality Act to facilitate removal of alien terrorists.
Sec. 304. Access to certain confidential immigration and naturalization files through court order.

TITLE IV—CONTROL OF FUNDRAISING FOR TERRORISM ACTIVITIES

Sec. 401. Prohibition on terrorist fundraising.
Sec. 402. Correction to material support provision.

TITLE V—ASSISTANCE TO FEDERAL LAW ENFORCEMENT AGENCIES

Subtitle A—Antiterrorism Assistance

Sec. 501. Disclosure of certain consumer reports to the Federal Bureau of Investigation for foreign counterintelligence investigations.
Sec. 502. Access to records of common carriers, public accommodation facilities, physical storage facilities, and vehicle rental facilities in foreign counterintelligence and counterterrorism cases.
Sec. 503. Increase in maximum rewards for information concerning international terrorism.

Subtitle B—Intelligence and Investigation Enhancements

Sec. 511. Study and report on electronic surveillance.
Sec. 512. Authorization for interceptions of communications in certain terrorism related offenses.
Sec. 513. Requirement to preserve evidence.

Subtitle C—Additional Funding for Law Enforcement

Sec. 521. Federal Bureau of Investigation assistance to combat terrorism.
Sec. 522. Authorization of additional appropriations for the United States Customs Service.
Sec. 523. Authorization of additional appropriations for the Immigration and Naturalization Service.
Sec. 524. Drug Enforcement Administration.
Sec. 525. Department of Justice.
Sec. 526. Authorization of additional appropriations for the Department of the Treasury.
Sec. 527. Funding source.
Sec. 528. Deterrent against Terrorist Activity Damaging a Federal Interest Computer.

TITLE VI—CRIMINAL PROCEDURAL IMPROVEMENTS

Subtitle A—Habeas Corpus Reform

Sec. 601. Filing deadlines.
Sec. 602. Appeal.
Sec. 603. Amendment of Federal Rules of Appellate Procedure.
Sec. 604. Section 2254 amendments.
Sec. 605. Section 2255 amendments.
Sec. 606. Limits on second or successive applications.
Sec. 607. Death penalty litigation procedures.
Sec. 608. Technical amendment.

Subtitle B—Criminal Procedural Improvements

Sec. 621. Clarification and extension of criminal jurisdiction over certain terrorism offenses overseas.
Sec. 622. Expansion of territorial sea.
Sec. 623. Expansion of weapons of mass destruction statute.
Sec. 624. Addition of terrorism offenses to the RICO statute.
Sec. 625. Addition of terrorism offenses to the money laundering statute.
Sec. 626. Protection of current or former officials, officers, or employees of the United States.
Sec. 627. Addition of conspiracy to terrorism offenses.
Sec. 628. Clarification of Federal jurisdiction over bomb threats.

TITLE VII—MARKING OF PLASTIC EXPLOSIVES

Sec. 701. Findings and purposes.
Sec. 702. Definitions.
Sec. 703. Requirement of detection agents for plastic explosives.
Sec. 704. Criminal sanctions.
Sec. 705. Exceptions.
Sec. 706. Investigative authority.
Sec. 707. Effective date.
Sec. 708. Study and requirements for tagging of explosive materials, and study and recommendations for rendering explosive components inert and imposing controls on precursors of explosives.

TITLE VIII—NUCLEAR MATERIALS

Sec. 801. Findings and purpose.
Sec. 802. Expansion of scope and jurisdictional bases of nuclear materials prohibitions.

TITLE IX—MISCELLANEOUS PROVISIONS

Sec. 901. Prohibition on distribution of information relating to explosive materials for a criminal purpose.
Sec. 902. Designation of Cartney Koch McRaven Child Development Center.
Sec. 903. Foreign air travel safety.
Sec. 904. Proof of citizenship.
Sec. 905. Cooperation of fertilizer research centers.

Sec. 906. Special assessments on convicted persons.
Sec. 907. Prohibition on assistance under Arms Export Control Act for countries not cooperating fully with United States antiterrorism efforts.
Sec. 908. Authority to request military assistance with respect to offenses involving biological and chemical weapons.
Sec. 909. Revision to existing authority for multipoint wiretaps.
Sec. 910. Authorization of additional appropriations for the United States Park Police.
Sec. 911. Authorization of additional appropriations for the Administrative Office of the United States Courts.
Sec. 912. Authorization of additional appropriations for the United States Customs Service.
Sec. 913. Severability.
TITLE X—VICTIMS OF TERRORISM ACT
Sec. 1001. Title.
Sec. 1002. Authority to provide assistance and compensation to victims of terrorism.
Sec. 1003. Funding of compensation and assistance to victims of terrorism, mass violence, and crime.
Sec. 1004. Crime victims fund amendments.

TITLE I—SUBSTANTIVE CRIMINAL LAW ENHANCEMENTS

SEC. 101. INCREASED PENALTY FOR CONSPIRACIES INVOLVING EXPLOSIVES.

Section 844 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(n) Except as otherwise provided in this section, a person who conspires to commit any offense defined in this chapter shall be subject to the same penalties (other than the penalty of death) as those prescribed for the offense the commission of which was the object of the conspiracy.".

SEC. 102. ACTS OF TERRORISM TRANSCENDING NATIONAL BOUNDARIES.

(a) Redesignation.—(1) Chapter 113B of title 18, United States Code (relating to torture) is redesignated as chapter 113C.

(2) The chapter analysis of title 18, United States Code, is amended by striking "113B" the second place it appears and inserting "113C".

(b) Offense.—Chapter 113B of title 18, United States Code, is amended by inserting after section 2332a the following new section:

"§ 2332b. Acts of terrorism transcending national boundaries

"(a) Prohibited Acts.—

"(1) Whoever, in a circumstance described in subsection (b), commits an act within the United States that if committed within the special maritime and territorial jurisdiction of the United States would be in violation of section 113(a), (1), (2), (3), (6), or (7), 114, 1111, 1112, 1201, or 1363 shall be punished as prescribed in subsection (c).

"(2) Whoever threatens, attempts, or conspires to commit an offense under paragraph (1) shall be punished under subsection (c).

"(b) Jurisdictional Bases.—

"(1) This section applies to conduct described in subsection (a) if—

"(A) the mail, or any facility utilized in interstate commerce, is used in furtherance of the commission of the offense;

"(B) the offense obstructs, delays, or affects interstate or foreign commerce in any way or degree, or would have obstructed, delayed, or affected interstate or foreign commerce if the offense had been consummated;

"(C) the victim or intended victim is the United States Government or any official, officer, employee, or agent of the legislative, executive, or judicial branches, or of any department or agency, of the United States;

"(D) the structure, conveyance, or other real or personal property was in whole or in part owned, possessed, or used by, or leased to the United States, or any department or agency thereof;

"(E) the offense is committed in the territorial sea (including the airspace above and the seabed and subsoil below, and artificial islands and fixed structures erected thereon) of the United States; or

"(F) the offense is committed in places within the United States that are in the special maritime and territorial jurisdiction of the United States.

"(2) Jurisdiction shall exist over all principals, coconspirators, and accessories after the fact, of an offense under subsection (a) if at least one of the circumstances described in paragraph (1) is applicable to at least one offender.

"(c) Penalties.—

"(1) Whoever violates this section shall, in addition to the punishment provided for any other crime charged in the indictment, be punished—

"(A) if death results to any person, by death, or by imprisonment for any term of years or for life;

"(B) for kidnapping, by imprisonment for any term of years or for life;

"(C) for maiming, by imprisonment for not more than 35 years;

"(D) for assault with intent to commit murder or any other felony or with a dangerous weapon or assault resulting in serious bodily injury, by imprisonment for not more than 30 years;

"(E) for destroying or damaging any structure, conveyance, or other real or personal property, by imprisonment for not more than 25 years;

"(F) for attempting or conspiring to commit the offense, for any term of years up to the maximum punishment that would have applied had the offense been completed; and

"(G) for threatening to commit the offense, by imprisonment for not more than 10 years.

"(2) Notwithstanding any other provision of law, the court shall not place on probation any person convicted of a violation of this section.

"(d) Limitation on Prosecution.—No indictment for any offense described in this section shall be sought by the United States except after the Attorney General, or the highest ranking subordinate of the Attorney General with responsibility for criminal prosecutions, has made a written certification that, in the judgment of the certifying official—

"(1) such offense, or any activity preparatory to its commission, transcended national boundaries; and

"(2) the offense appears to have been intended to coerce, intimidate, or retaliate against a government or a civilian population, including any segment thereof.

"(e) Investigative Responsibility.—Violations of this section shall be investigated by the Federal Bureau of Investigation. Nothing in this section shall be construed to interfere with the authority of the United States Secret Service under section 3056, or with its investigative authority with respect to sections 871 and 879.

"(f) Evidence.—In a prosecution under this section, the United States shall not be required to prove knowledge by any defendant of a jurisdictional base alleged in the indictment.

"(g) Extraterritorial Jurisdiction.—There is extraterritorial Federal jurisdiction over—

"(1) any offense under subsection (a); and

"(2) conduct that, under section 3, renders any person an accessory after the fact to an offense under subsection (a).

"(h) Definitions.—As used in this section—

"(1) the term 'commerce' has the meaning given such term in section 1951(b)(3);

"(2) the term 'facility utilized in interstate commerce' includes means of transportation, communication, and transmission;

"(3) the term 'national of the United States' has the meaning given such term in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22));

"(4) the term 'serious bodily injury' has the meaning given such term in section 1365(g)(3); and

"(5) the term 'territorial sea of the United States' means all waters extending seaward to 12 nautical miles from the baselines of the United States determined in accordance with international law.".

(c) Technical Amendment.—The chapter analysis for Chapter 113B of title 18, United States Code, is amended by inserting after the item relating to section 2332a, the following new item:

"2332b. Acts of terrorism transcending national boundaries.".

(d) Statute of Limitations Amendment.—Section 3286 of title 18, United States Code, is amended—

(1) by striking "any offense" and inserting "any noncapital offense";

(2) by striking "36" and inserting "37";

(3) by striking "2331" and inserting "2332";

(4) by striking "2339" and inserting "2332a"; and

(5) by inserting "2332b (acts of terrorism transcending national boundaries)," after "(use of weapons of mass destruction),".

(e) Presumptive Detention.—Section 3142(e) of title 18, United States Code, is amended by inserting "or section 2332b" after "section 924(c)".

(f) Expansion of Provision Relating to Destruction or Injury of Property Within Special Maritime and Territorial Jurisdiction.—Section 1363 of title 18, United States Code, is amended by striking "any building, structure or vessel, any machinery or building materials and supplies, military or naval stores, munitions of war or any structural aids or appliances for navigation or shipping" and inserting "any structure, conveyance, or other real or personal property".

SEC. 103. CONSPIRACY TO HARM PEOPLE AND PROPERTY OVERSEAS.

(a) In General.—Section 956 of title 18, United States Code, is amended to read as follows:

"§ 956. Conspiracy to kill, kidnap, maim, or injure certain property in a foreign country

"(a)(1) Whoever, within the jurisdiction of the United States, conspires with one or more other persons, regardless of where such other person or persons is located, to commit at any place outside the United States an act that would constitute the offense of murder, kidnapping, or maiming if committed in the special maritime and territorial jurisdiction of the United States, shall, if he or any such other person commits an act within the jurisdiction of the United States to effect any object of the conspiracy, be punished as provided in paragraph (2).

"(2) The punishment for an offense under paragraph (1) is—

"(A) imprisonment for any term of years or for life if the offense is conspiracy to murder or kidnap; and

"(B) imprisonment for not more than 35 years if the offense is conspiracy to maim.

"(b) Whoever, within the jurisdiction of the United States, conspires with one or more persons, regardless of where such other person or persons is located, to injure or destroy specific property situated within a foreign country and belonging to a foreign government or to any political subdivision thereof with which the United States is at peace, or any railroad, canal, bridge, airport, airfield, or other public utility, public conveyance, or public structure, or any religious, educational, or cultural property so situated, shall, if he or any such other person commits an act within the jurisdiction of the United States to effect any object of the conspiracy, be imprisoned not more than 25 years.".

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 45 of title 18, United States Code, is amended by striking the item relating to section 956 and inserting the following:

"956. Conspiracy to kill, kidnap, maim, or injure certain property in a foreign country.".

SEC. 104. INCREASED PENALTIES FOR CERTAIN TERRORISM CRIMES.

(a) IN GENERAL.—Title 18, United States Code, is amended—

(1) in section 114, by striking "maim or disfigure" and inserting "torture (as defined in section 2340), maim, or disfigure";

(2) in section 755, by striking "two years" and inserting "five years";

(3) in section 756, by striking "one year" and inserting "five years";

(4) in section 878(a), by striking "by killing, kidnapping, or assaulting a foreign official, official guest, or internationally protected person";

(5) in section 1113, by striking "three years or fined" and inserting "seven years"; and

(6) in section 2332(c), by striking "five" and inserting "ten".

(b) PENALTY FOR CARRYING WEAPONS OR EXPLOSIVES ON AN AIRCRAFT.—Section 46505 of title 49, United States Code, is amended—

(1) in subsection (b), by striking "one" and inserting "10"; and

(2) in subsection (c), by striking "5" and inserting "15".

SEC. 105. MANDATORY PENALTY FOR TRANSFERRING AN EXPLOSIVE MATERIAL KNOWING THAT IT WILL BE USED TO COMMIT A CRIME OF VIOLENCE.

Section 844 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(n) Whoever knowingly transfers an explosive material, knowing or having reasonable cause to believe that such explosive material will be used to commit a crime of violence (as defined in section 924(c)(3)) or drug trafficking crime (as defined in section 924(c)(2)) shall be imprisoned for not less than 10 years, fined under this title, or both.".

SEC. 106. PENALTY FOR POSSESSION OF STOLEN EXPLOSIVES.

Section 842(h) of title 18, United States Code, is amended to read as follows:

"(h) It shall be unlawful for any person to receive, possess, transport, ship, conceal, store, barter, sell, dispose of, pledge, or accept as security for a loan, any stolen explosive material that is moving in, part of, constitutes, or has been shipped or transported in, interstate or foreign commerce, either before or after such material was stolen, knowing or having reasonable cause to believe that the explosive material was stolen.".

SEC. 107. ENHANCED PENALTIES FOR USE OF EXPLOSIVES OR ARSON CRIMES.

Section 844 of title 18, United States Code, is amended—

(1) in subsection (e), by striking "five" and inserting "10";

(2) by amending subsection (f) to read as follows:

"(f)(1) Whoever maliciously damages or destroys, or attempts to damage or destroy, by means of fire or an explosive, any building, vehicle, or other personal or real property in whole or in part owned or possessed by, or leased to, the United States, or any department or agency thereof, shall be imprisoned for not less than 5 years and not more than 20 years. The court may order a fine of not more than the greater of $100,000 or the cost of repairing or replacing any property that is damaged or destroyed.

"(2) Whoever engages in conduct prohibited by this subsection, and as a result of such conduct directly or proximately causes personal injury to any person, including any public safety officer performing duties, shall be imprisoned not less than 7 years and not more than 40 years. The court may order a fine of not more than the greater of $200,000 or the cost of repairing or replacing any property that is damaged or destroyed.

"(3) Whoever engages in conduct prohibited by this subsection, and as a result of such conduct directly or proximately causes the death of any person, including any public safety officer performing duties, shall be imprisoned for a term of years or for life, or sentenced to death. The court may order a fine of not more than the greater of $200,000 or the cost of repairing or replacing any property that is damaged or destroyed.".

(4) in subsection (h)—

(A) in the first sentence by striking "5 years but not more than 15 years" and inserting "10 years"; and

(B) in the second sentence by striking "10 years but not more than 25 years" and inserting "20 years"; and

(5) in subsection (i)—

(A) by striking "not more than 20 years, fined the greater of a fine under this title or the cost of repairing or replacing any property that is damaged or destroyed," and inserting "not less than 5 years and not more than 20 years, fined the greater of $100,000 or the cost of repairing or replacing any property that is damaged or destroyed";

(B) by striking "not more than 40 years, fined the greater of a fine under this title or the cost of repairing or replacing any property that is damaged or destroyed," and inserting "not less than 7 years and not more than 40 years, fined the greater of $200,000 or the cost of repairing or replacing any property that is damaged or destroyed"; and

(C) by striking "7 years" and inserting "10 years".

SEC. 108. INCREASED PERIODS OF LIMITATION FOR NATIONAL FIREARMS ACT VIOLATIONS.

Section 6531 of the Internal Revenue Code of 1986 is amended—

(1) by redesignating paragraphs (1) through (8) as subparagraphs (A) through (H), respectively; and

(2) by amending the matter immediately preceding subparagraph (A), as redesignated, to read as follows: "No person shall be prosecuted, tried, or punished for any criminal offense under the internal revenue laws unless the indictment is found or the information instituted not later than 3 years after the commission of the offense, except that the period of limitation shall be—

"(1) 5 years for offenses described in section 5861 (relating to firearms and other devices); and

"(2) 6 years—.".

TITLE II—COMBATING INTERNATIONAL TERRORISM

SEC. 201. FINDINGS.

The Congress finds that—

(1) international terrorism is among the most serious transnational threats faced by the United States and its allies, far eclipsing the dangers posed by population growth or pollution;

(2) the President should continue to make efforts to counter international terrorism a national security priority;

(3) because the United Nations has been an inadequate forum for the discussion of cooperative, multilateral responses to the threat of international terrorism, the President should undertake immediate efforts to develop effective multilateral responses to international terrorism as a complement to national counterterrorist efforts;

(4) the President should use all necessary means, including covert action and military force, to disrupt, dismantle, and destroy international infrastructure used by international terrorists, including overseas terrorist training facilities and safe havens;

(5) the Congress deplores decisions to ease, evade, or end international sanctions on state sponsors of terrorism, including the recent decision by the United Nations Sanctions Committee to allow airline flights to and from Libya despite Libya's noncompliance with United Nations resolutions; and

(6) the President should continue to undertake efforts to increase the international isolation of state sponsors of international terrorism, including efforts to strengthen international sanctions, and should oppose any future initiatives to ease sanctions on Libya or other state sponsors of terrorism.

SEC. 202. PROHIBITION ON ASSISTANCE TO COUNTRIES THAT AID TERRORIST STATES.

The Foreign Assistance Act of 1961 (22 U.S.C. 151 et seq.) is amended by adding immediately after section 620F the following new section:

"SEC. 620G. PROHIBITION ON ASSISTANCE TO COUNTRIES THAT AID TERRORIST STATES.

"(a) PROHIBITION.—No assistance under this Act shall be provided to the government of any country that provides assistance to the government of any other country for which the Secretary of State has made a determination under section 620A".

"(b) WAIVER.—Assistance prohibited by this section may be furnished to a foreign government described in subsection (a) if the President determines that furnishing such assistance is important to the national interests of the United States and, not later than 15 days before obligating such assistance, furnishes a report to the appropriate committees of Congress including—

"(1) a statement of the determination;

"(2) a detailed explanation of the assistance to be provided;

"(3) the estimated dollar amount of the assistance; and

"(4) an explanation of how the assistance furthers United States national interests.".

SEC. 203. PROHIBITION ON ASSISTANCE TO COUNTRIES THAT PROVIDE MILITARY EQUIPMENT TO TERRORIST STATES.

The Foreign Assistance Act of 1961 (22 U.S.C. 151 et seq.) is amended by adding immediately after section 620G the following new section:

"SEC. 620H. PROHIBITION ON ASSISTANCE TO COUNTRIES THAT PROVIDE MILITARY EQUIPMENT TO TERRORIST STATES.

"(a) PROHIBITION.—

"(1) IN GENERAL.—No assistance under this Act shall be provided to the government of any country that provides lethal military equipment to a country the government of which the Secretary of State has determined is a terrorist government for the purposes of 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)), or 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371).

"(2) APPLICABILITY.—The prohibition under this section with respect to a foreign government shall terminate 1 year after that government ceases to provide lethal military equipment. This section applies with respect to lethal military equipment provided under a contract entered into after the date of enactment of this Act.

"(b) WAIVER.—Notwithstanding any other provision of law, assistance may be furnished to a foreign government described in subsection (a) if the President determines that furnishing such assistance is important to the national interests of the United States and, not later than 15 days before obligating such assistance, furnishes a report to the appropriate committees of Congress including—

"(1) a statement of the determination;

"(2) a detailed explanation of the assistance to be provided;

"(3) the estimated dollar amount of the assistance; and

"(4) an explanation of how the assistance furthers United States national interests.".

SEC. 204. OPPOSITION TO ASSISTANCE BY INTERNATIONAL FINANCIAL INSTITUTIONS TO TERRORIST STATES.

The International Financial Institutions Act (22 U.S.C. 262c et seq.) is amended by inserting after section 1620 the following new section:

"SEC. 1621. OPPOSITION TO ASSISTANCE BY INTERNATIONAL FINANCIAL INSTITUTIONS TO TERRORIST STATES.

"(a) IN GENERAL.—The Secretary of the Treasury shall instruct the United States executive director of each international financial institution to vote against any loan or other use of the funds of the respective institution to or for a country for which the Secretary of State has made a determination under section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)) or section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371).

"(b) DEFINITION.—For purposes of this section, the term 'international financial institution' includes—

"(1) the International Bank for Reconstruction and Development, the International Development Association, and the International Monetary Fund;

"(2) wherever applicable, the Inter-American Bank, the Asian Development Bank, the European Bank for Reconstruction and Development, the African Development Bank, and the African Development Fund; and

"(3) any similar institution established after the date of enactment of this section.".

SEC. 205. ANTITERRORISM ASSISTANCE.

(a) FOREIGN ASSISTANCE ACT.—Section 573 of the Foreign Assistance Act of 1961 (22 U.S.C. 2349aa-2) is amended—

(1) in subsection (c), by striking "development and implementation of the antiterrorism assistance program under this chapter, including";

(2) by amending subsection (d) to read as follows:

"(d)(1) Arms and ammunition may be provided under this chapter only if they are directly related to antiterrorism assistance.

"(2) The value (in terms of original acquisition cost) of all equipment and commodities provided under this chapter in any fiscal year shall not exceed 30 percent of the funds made available to carry out this chapter for that fiscal year."; and

(3) by striking subsection (f).

(b) ASSISTANCE TO FOREIGN COUNTRIES TO PROCURE EXPLOSIVES DETECTION DEVICES AND OTHER COUNTERTERRORISM TECHNOLOGY.—(1) Subject to section 575(b), up to $3,000,000 in any fiscal year may be made available—

(A) to procure explosives detection devices and other counterterrorism technology; and

(B) for joint counterterrorism research and development projects on such technology conducted with NATO and major non-NATO allies under the auspices of the Technical Support Working Group of the Department of State.

(2) As used in this subsection, the term "major non-NATO allies" means those countries designated as major non-NATO allies for purposes of section 2350a(i)(3) of title 10, United States Code.

(c) ASSISTANCE TO FOREIGN COUNTRIES.—Notwithstanding any other provision of law (except section 620A of the Foreign Assistance Act of 1961) up to $1,000,000 in assistance may be provided to a foreign country for counterterrorism efforts in any fiscal year if—

(1) such assistance is provided for the purpose of protecting the property of the United States Government or the life and property of any United States citizen, or furthering the apprehension of any individual involved in any act of terrorism against such property or persons; and

(2) the appropriate committees of Congress are notified not later than 15 days prior to the provision of such assistance.

SEC. 206. JURISDICTION FOR LAWSUITS AGAINST TERRORIST STATES.

(a) EXCEPTION TO FOREIGN SOVEREIGN IMMUNITY FOR CERTAIN CASES.—Section 1605 of title 28, United States Code, is amended—

(1) in subsection (a)—

(A) by striking the period at the end of paragraph (6) and inserting "; or" and

(B) by adding at the end the following new paragraph:

"(7) not otherwise covered by paragraph (2) in which money damages are sought against a foreign government for personal injury or death that was caused by an act of torture, extrajudicial killing, aircraft sabotage, hostage taking, or the provision of material support or resources (as defined in section 2339A of title 18, United States Code) for a person carrying out such an act, by a foreign state or by any official, employee, or agent of such foreign state while acting within the scope of his or her office, employment, or agency, except that—

"(A) the claimant must first afford the foreign state a reasonable opportunity to arbitrate the claim in accordance with accepted international rules of arbitration; and

"(B) an action under this paragraph shall not be maintained unless the act upon which the claim is based—

"(i) occurred while the individual bringing the claim was a national of the United States (as that term is defined in section 101(a)(2) of the Immigration and Nationality Act); and

"(ii) occurred while the foreign state was designated as a state sponsor of terrorism under section 6(j) of the Export Administration Act of 1979 (50 App. U.S.C. 2405(j)) or section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371)."; and

(2) by adding at the end the following new subsection:

"(e) For purposes of paragraph (7)—

"(1) the terms 'torture' and 'extrajudicial killing' have the meaning given those terms in section 3 of the Torture Victim Protection Act of 1991 (28 U.S.C. 350 note);

"(2) the term 'hostage taking' has the meaning given such term in Article 1 of the International Convention Against the Taking of Hostages; and

"(3) the term 'aircraft sabotage' has the meaning given such term in Article 1 of the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation.".

(b) EXCEPTION TO IMMUNITY FROM ATTACHMENT.—

(1) FOREIGN STATE.—Section 1610(a) of title 28, United States Code, is amended—

(A) by striking the period at the end of paragraph (6) and inserting ", or"; and

(B) by adding at the end the following new paragraph:

"(7) the judgment relates to a claim for which the foreign state is not immune under section 1605(a)(7), regardless of whether the property is or was involved with the act upon which the claim is based.".

(2) AGENCY OR INSTRUMENTALITY.—Section 1610(b)(2) of such title is amended—

(A) by striking "or (5)" and inserting "(5), or (7)"; and

(B) by striking "used for the activity" and inserting "involved in the act".

(c) APPLICABILITY.—The amendments made by this title shall apply to any cause of action arising before, on, or after the date of the enactment of this Act.

SEC. 207. REPORT ON SUPPORT FOR INTERNATIONAL TERRORISTS.

Not later than 60 days after the date of enactment of this Act, and annually thereafter in the report required by section 140 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 2656f), the Secretary of State shall submit a report to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate that includes—

(1) a detailed assessment of international terrorist groups including their—

(A) size, leadership, and sources of financial and logistical support;

(B) goals, doctrine, and strategy;

(C) nature, scope, and location of human and technical infrastructure;

(D) level of education and training;

(E) bases of operation and recruitment;

(F) operational capabilities; and

(G) linkages with state and non-state actors such as ethnic groups, religious communities, or criminal organizations;

(2) a detailed assessment of any country that provided support of any type for international terrorism, terrorist groups, or individual terrorists, including countries that knowingly allowed terrorist groups or individuals to transit or reside in their territory, regardless of whether terrorist acts were committed on their territory by such individuals;

(3) a detailed assessment of individual country efforts to take effective action against countries named in section 6(j) of the Export Administration Act of 1979 (50 U.S.C.

App. 2405(j)), including the status of compliance with international sanctions and the status of bilateral economic relations; and

(4) United States Government efforts to implement this title.

SEC. 208. DEFINITION OF ASSISTANCE.

For purposes of this title—

(1) the term "assistance" means assistance to or for the benefit of a government of any country that is provided by grant, concessional sale, guaranty, insurance, or by any other means on terms more favorable than generally available in the applicable market, whether in the form of a loan, lease, credit, debt relief, or otherwise, including subsidies for exports to such country and favorable tariff treatment of articles that are the growth, product, or manufacture of such country; and

(2) the term "assistance" does not include assistance of the type authorized under chapter 9 of part 1 of the Foreign Assistance Act of 1961 (relating to international disaster assistance).

SEC. 209. WAIVER AUTHORITY CONCERNING NOTICE OF DENIAL OF APPLICATION FOR VISAS.

Section 212(b) of the Immigration and Nationality Act (8 U.S.C. 1182(b)) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) by striking "If" and inserting "(1) Subject to paragraph (2), if"; and

(3) by inserting at the end the following paragraph:

"(2) With respect to applications for visas, the Secretary of State may waive the application of paragraph (1) in the case of a particular alien or any class or classes of excludable aliens, except in cases of intent to immigrate.".

SEC. 210. MEMBERSHIP IN A TERRORIST ORGANIZATION AS A BASIS FOR EXCLUSION FROM THE UNITED STATES UNDER THE IMMIGRATION AND NATIONALITY ACT.

Section 212(a)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)) is amended—

(1) in clause (i)—

(A) by striking "or" at the end of subclause (I);

(B) by inserting "or" at the end of subclause (II); and

(C) by inserting after subclause (II) the following new subclause:

"(III) is a member of a terrorist organization or who actively supports or advocates terrorist activity,"; and

(2) by adding at the end the following new clause:

"(iv) TERRORIST ORGANIZATION DEFINED.—As used in this subparagraph, the term 'terrorist organization' means an organization that engages in, or has engaged in, terrorist activity as designated by the Secretary of State, after consultation with the Secretary of the Treasury.".

TITLE III—ALIEN REMOVAL

SEC. 301. ALIEN TERRORIST REMOVAL.

(a) TABLE OF CONTENTS.—The Immigration and Nationality Act is amended by adding at the end of the table of contents the following:

"TITLE V—ALIEN TERRORIST REMOVAL PROCEDURES

"501. Definitions.

"502. Applicability.

"503. Removal of alien terrorists.".

(b) ALIEN TERRORIST REMOVAL.—The Immigration and Nationality Act is amended by adding at the end the following new title:

"TITLE V—ALIEN TERRORIST REMOVAL PROCEDURES

"SEC. 501. DEFINITIONS.

"As used in this title—

"(1) the term 'alien terrorist' means any alien described in section 241(a)(4)(B);

"(2) the term 'classified information' has the same meaning as defined in section 1(a) of the Classified Information Procedures Act (18 U.S.C. App. IV);

"(3) the term 'national security' has the same meaning as defined in section 1(b) of the Classified Information Procedures Act (18 U.S.C. App. IV);

"(4) the term 'special court' means the court described in section 503(c); and

"(5) the term 'special removal hearing' means the hearing described in section 503(e).

"SEC. 502. APPLICABILITY.

"(a) IN GENERAL.—The provisions of this title may be followed in the discretion of the Attorney General whenever the Department of Justice has classified information that an alien described in section 241(a)(4)(B) is subject to deportation because of such section.

"(b) PROCEDURES.—Whenever an official of the Department of Justice files, under section 503(a), an application with the court established under section 503(c) for authorization to seek removal pursuant to this title, the alien's rights regarding removal and expulsion shall be governed solely by the provisions of this title, except as specifically provided.

"SEC. 503. REMOVAL OF ALIEN TERRORISTS.

"(a) APPLICATION FOR USE OF PROCEDURES.—This section shall apply whenever the Attorney General certifies under seal to the special court that—

"(1) the Attorney General or Deputy Attorney General has approved of the proceeding under this section;

"(2) an alien terrorist is physically present in the United States; and

"(3) removal of such alien terrorist by deportation proceedings described in sections 242, 242A, or 242B would pose a risk to the national security of the United States because such proceedings would disclose classified information.

"(b) CUSTODY AND RELEASE PENDING HEARING.—(1) The Attorney General may take into custody any alien with respect to whom a certification has been made under subsection (a), and notwithstanding any other provision of law, may retain such alien in custody in accordance with this subsection.

"(2)(A) An alien with respect to whom a certification has been made under subsection (a) shall be given a release hearing before the special court designated pursuant to subsection (c).

"(B) The judge shall grant the alien release, subject to such terms and conditions prescribed by the court (including the posting of any monetary amount), pending the special removal hearing if—

"(i) the alien is lawfully present in the United States;

"(ii) the alien demonstrates that the alien, if released, is not likely to flee; and

"(iii) the alien demonstrates that release of the alien will not endanger national security or the safety of any person or the community.

"(C) The judge may consider classified information submitted in camera and ex parte in making a determination whether to release an alien pending the special hearing.

"(c) SPECIAL COURT.—(1) The Chief Justice of the United States shall publicly designate not more than 5 judges from up to 5 United States judicial districts to hear and decide cases arising under this section, in a manner consistent with the designation of judges described in section 103(a) of the Foreign Intelligence Surveillance Act (50 U.S.C. 1803(a)).

"(2) The Chief Justice may, in the Chief Justice's discretion, designate the same judges under this section as are designated pursuant to section 103(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(a)).

"(d) INVOCATION OF SPECIAL COURT PROCEDURE.—(1) When the Attorney General makes the application described in subsection (a), a single judge of the special court shall consider the application in camera and ex parte.

"(2) The judge shall invoke the procedures of subsection (e) if the judge determines that there is probable cause to believe that—

"(A) the alien who is the subject of the application has been correctly identified and is an alien as described in section 241(a)(4)(B); and

"(B) a deportation proceeding described in section 242, 242A, or 242B would pose a risk to the national security of the United States because such proceedings would disclose classified information.

"(e) SPECIAL REMOVAL HEARING.—(1) Except as provided in paragraph (5), the special removal hearing authorized by a showing of probable cause described in subsection (d)(2) shall be open to the public.

"(2) The alien shall have a reasonable opportunity to be present at such hearing and to be represented by counsel. Any alien financially unable to obtain counsel shall be entitled to have counsel assigned to represent such alien. Counsel may be appointed as described in section 3006A of title 18, United States Code.

"(3) The alien shall have a reasonable opportunity to introduce evidence on his own behalf, and except as provided in paragraph (5), shall have a reasonable opportunity to cross-examine any witness or request that the judge issue a subpoena for the presence of a named witness.

"(4)(A) An alien subject to removal under this section shall have no right—

"(i) of discovery of information derived from electronic surveillance authorized under the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 801 et seq.) or otherwise for national security purposes if disclosure would present a risk to the national security; or

"(ii) to seek the suppression of evidence that the alien alleges was unlawfully obtained, except on grounds of credibility or relevance.

"(B) The Government is authorized to use, in the removal proceedings, the fruits of electronic surveillance and unconsented physical searches authorized under the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 801 et seq.) without regard to subsections 106 (c), (e), (f), (g), and (h) of such Act.

"(C) Section 3504 of title 18, United States Code, shall not apply to procedures under this section if the Attorney General determines that public disclosure would pose a risk to the national security of the United States because it would disclose classified information.

"(5) The judge shall authorize the introduction in camera and ex parte of any evidence for which the Attorney General determines that public disclosure would pose a risk to the national security of the United States because it would disclose classified information. With respect to such evidence, the Attorney General shall submit to the court an unclassified summary of the specific evidence prepared in accordance with paragraph (6).

"(6)(A) The information submitted under paragraph (5)(B) shall contain an unclassified summary of the classified information that does not pose a risk to national security.

"(B) The judge shall approve the summary within 15 days of submission if the judge finds that it is sufficient to inform the alien of the nature of the evidence that such person is an alien as described in section 241(a), and to provide the alien with substantially the same ability to make his defense as would disclosure of the classified information.

"(C) The Attorney General shall cause to be delivered to the alien a copy of the unclassified summary approved under subparagraph (B).

"(D) If the written unclassified summary is not approved by the court pursuant to subparagraph (B), the Department of Justice shall be afforded 15 days to correct the deficiencies identified by the court and submit a revised unclassified summary.

"(E) If the revised unclassified summary is not approved by the court within 15 days of its submission pursuant to subparagraph (B), the special removal hearing shall be terminated unless the court, within that time, after reviewing the classified information in camera and ex parte, issues written findings that—

"(i) the alien's continued presence in the United States would likely cause—

"(I) serious and irreparable harm to the national security; or

"(II) death or serious bodily injury to any person; and

"(ii) provision of either the classified information or an unclassified summary that meets the standard set forth in subparagraph (B) would likely cause—

"(I) serious and irreparable harm to the national security; or

"(II) death or serious bodily injury to any person; and

"(iii) the unclassified summary prepared by the Justice Department is adequate to allow the alien to prepare a defense.

"(F) If the court issues such findings, the special removal proceeding shall continue, and the Attorney General shall cause to be delivered to the alien within 15 days of the issuance of such findings a copy of the unclassified summary together with a statement that it meets the standard set forth in subparagraph (E)(iii).

"(G)(i) Within 10 days of filing of the appealable order the Department of Justice may take an interlocutory appeal to the United States Court of Appeals for the District of Columbia Circuit of—

"(I) any determination made by the judge concerning the requirements set forth in subparagraph (B).

"(II) any determination made by the judge concerning the requirements set forth in subparagraph (E).

"(ii) In an interlocutory appeal taken under this paragraph, the entire record, including any proposed order of the judge or summary of evidence, shall be transmitted to the Court of Appeals under seal, and the matter shall be heard ex parte. The Court of Appeals shall consider the appeal as expeditiously as possible, but no later than 30 days after filing of the appeal.

"(f) DETERMINATION OF DEPORTATION.—The judge shall, considering the evidence on the record as a whole (in camera and otherwise), require that the alien be deported if the Attorney General proves, by clear and convincing evidence, that the alien is subject to deportation because such alien is an alien as described in section 241(a)(4)(B). If the judge finds that the Department of Justice has met this burden, the judge shall order the alien removed and, if the alien was released pending the special removal proceeding, order the Attorney General to take the alien into custody.

"(g) APPEALS.—(1) The alien may appeal a final determination under subsection (f) to the United States Court of Appeals for the District of Columbia Circuit, by filing a notice of appeal with such court not later than 30 days after the determination is made. An appeal under this section shall be heard by the Court of Appeals sitting en banc.

"(2) The Attorney General may appeal a determination under subsection (d), (e), or (f) to the Court of Appeals for the District of Columbia Circuit, by filing a notice of appeal with such court not later than 20 days after the determination is made under any one of such subsections.

"(3) If the Department of Justice does not seek review, the alien shall be released from custody, unless such alien may be arrested and taken into custody pursuant to title II as an alien subject to deportation, in which case such alien shall be treated in accordance with the provisions of this Act concerning the deportation of aliens.

"(4) If the application for the order is denied because the judge has not found probable cause to believe that the alien who is the subject of the application has been correctly identified or is an alien as described in paragraph 4(B) of section 241(a), and the Department of Justice seeks review, the alien shall be released from custody unless such alien may be arrested and taken into custody pursuant to title II as an alien subject to deportation, in which case such alien shall be treated in accordance with the provisions of this Act concerning the deportation of aliens simultaneously with the application of this title.

"(5)(A) If the application for the order is denied based on a finding that no probable cause exists to find that adherence to the provisions of title II regarding the deportation of the identified alien would pose a risk of irreparable harm to the national security of the United States, or death or serious bodily injury to any person, the judge shall release the alien from custody subject to the least restrictive condition or combination of conditions of release described in section 3142(b) and (c)(1)(B) (i) through (xiv) of title 18, United States Code, that will reasonably ensure the appearance of the alien at any future proceeding pursuant to this title and will not endanger the safety of any other person or the Community.

"(B) The alien shall remain in custody if the court fails to make a finding under subparagraph (A), until the completion of any appeal authorized by this title. Sections 3145 through 3148 of title 18, United States Code, pertaining to review and appeal of a release or detention order, penalties for failure to appear, penalties for an offense committed while on release, and sanctions for violation of a release condition, shall apply to an alien to whom the previous sentence applies and—

"(i) for purposes of section 3145 of such title, an appeal shall be taken to the United States Court of Appeals for the District of Columbia Circuit; and

"(ii) for purposes of section 3146 of such title the alien shall be considered released in connection with a charge of an offense punishable by life imprisonment.

"(6) When requested by the Attorney General, the entire record of the proceeding under this section shall be transmitted to the court of appeals or the Supreme Court under seal. The court of appeals or Supreme Court may consider such appeal in camera.".

SEC. 302. EXTRADITION OF ALIENS.

(a) SCOPE.—Section 3181 of title 18, United States Code, is amended—

(1) by inserting "(a)" before "The provisions of this chapter"; and

(2) by adding at the end the following new subsections:

"(b) The provisions of this chapter shall be construed to permit, in the exercise of comity, the surrender of persons, other than citizens, nationals, or permanent residents of the United States, who have committed crimes of violence against nationals of the United States in foreign countries without regard to the existence of any treaty of extradition with such foreign government if the Attorney General certifies, in writing, that—

"(1) evidence has been presented by the foreign government that indicates that had the offenses been committed in the United States, they would constitute crimes of violence as defined under section 16 of this title; and

"(2) the offenses charged are not of a political nature.

"(c) As used in this section, the term 'national of the United States' has the meaning given such term in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).".

(b) FUGITIVES.—Section 3184 of title 18, United States Code, is amended—

(1) in the first sentence by inserting after "United States and any foreign government," the following: "or in cases arising under section 3181(b),";

(2) in the first sentence by inserting after "treaty or convention," the following: "or provided for under section 3181(b),"; and

(3) in the third sentence by inserting after "treaty or convention," the following: "or under section 3181(b),".

SEC. 303. CHANGES TO THE IMMIGRATION AND NATIONALITY ACT TO FACILITATE REMOVAL OF ALIEN TERRORISTS.

(a) TERRORISM ACTIVITIES.—Section 212(a)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)) is amended to read as follows:

"(B) TERRORISM ACTIVITIES.—

"(i) IN GENERAL.—Any alien who—

"(I) has engaged in a terrorism activity, or

"(II) a consular officer or the Attorney General knows, or has reason to believe, is likely to engage after entry in any terrorism activity (as defined in clause (iii)),

is excludable. An alien who is an officer, official, representative, or spokesman of any terrorist organization designated as a terrorist organization by proclamation by the President after finding such organization to be detrimental to the interest of the United States, or any person who directs, counsels, commands, or induces such organization or its members to engage in terrorism activity, shall be considered, for purposes of this Act, to be engaged in terrorism activity.

"(ii) TERRORISM ACTIVITY DEFINED.—As used in this Act, the term 'terrorism activity' means any activity that is unlawful under the laws of the place where it is committed (or which, if it had been committed in the United States, would be unlawful under the laws of the United States or any State), and that involves any of the following:

"(I) The hijacking or sabotage of any conveyance (including an aircraft, vessel, or vehicle).

"(II) The seizing or detaining, and threatening to kill, injure, or continue to detain, another individual to compel a third person (including a governmental organization) to do or abstain from doing any act as an explicit or implicit condition for the release of the individual seized or detained.

"(III) A violent attack upon an internationally protected person (as defined in section 1116(b)(4) of title 18, United States Code) or upon the liberty of such a person.

"(IV) An assassination.

"(V) The use of any—

"(aa) biological agent, chemical agent, or nuclear weapon or device, or

"(bb) explosive, firearm, or other weapon (other than for mere personal monetary gain),

with intent to endanger, directly, or indirectly, the safety of one or more individuals or to cause substantial damage to property.

"(VI) A threat, attempt, or conspiracy to do any of the foregoing.

"(iii) ENGAGE IN TERRORISM ACTIVITY DEFINED.—As used in this Act, the term 'engage in terrorism activity' means to commit, in an individual capacity or as a member of an organization, an act of terrorism activity, or an act that the actor knows affords material support to any individual, organization, or government that the actor knows plans to commit terrorism activity, including any of the following acts:

"(I) The preparation or planning of terrorism activity.

"(II) The gathering of information on potential targets for terrorism activity.

"(III) The providing of any type of material support, including a safe house, transportation, communications, funds, false documentation or identification, weapons, explosives, or training.

"(IV) The soliciting of funds or other things of value for terrorism activity or for any terrorist organization.

"(V) The solicitation of any individual for membership in a terrorist organization, terrorist government, or to engage in a terrorism activity.

"(iv) TERRORIST ORGANIZATION DEFINED.—As used in this Act, the term 'terrorist organization' means—

"(I) an organization engaged in, or that has a significant subgroup that engages in, terrorism activity, regardless of any legitimate activities conducted by the organization or its subgroups; and

"(II) an organization designated by the Secretary of State under section 2339B of title 18.".

(b) DEPORTABLE ALIENS.—Section 241(a)(4)(B) of the Immigration and Nationality Act (8 U.S.C. 1251(a)(4)(B)) is amended to read as follows:

"(B) TERRORISM ACTIVITIES.—Any alien who is engaged, or at any time after entry engages in, any terrorism activity (as defined in section 212(a)(3)(B)) is deportable.".

(c) BURDEN OF PROOF.—Section 291 of the Immigration and Nationality Act (8 U.S.C. 1361) is amended by inserting after "custody of the Service." the following new sentence: "The limited production authorized by this provision shall not extend to the records of any other agency or department of the Government or to any documents that do not pertain to the respondent's entry.".

(d) APPREHENSION AND DEPORTATION OF ALIENS.—Section 242(b) of the Immigration and Nationality Act (8 U.S.C. 1252(b)(3)) is amended by inserting immediately after paragraph (4) the following: "For purposes of paragraph (3), in the case of an alien who is not lawfully admitted for permanent residence and notwithstanding the provisions of any other law, reasonable opportunity shall not include access to classified information, whether or not introduced in evidence against the alien, except that any proceeding conducted under this section which involves the use of classified evidence shall be conducted in accordance with the procedures of section 501. Section 3504 of title 18, United States Code, and 18 U.S.C. 3504 and the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) shall not apply in such cases.".

(e) CRIMINAL ALIEN REMOVAL.—

(1) JUDICIAL REVIEW.—Section 106 of the Immigration and Nationality Act (8 U.S.C. 1105a(a)(10)) is amended to read as follows:

"(10) Any final order of deportation against an alien who is deportable by reason of having committed a criminal offense covered in section 241(a)(2) (A)(iii), (B), (C), or (D), or any offense covered by section 241(a)(2)(A)(ii) for which both predicate offenses are covered by section 241(a)(2)(A)(i), shall not be subject to review by any court.".

(2) FINAL ORDER OF DEPORTATION DEFINED.—Section 101(a) of such Act (8 U.S.C. 1101(a)) is amended by adding at the end the following new paragraph:

"(47)(A) The term 'order of deportation' means the order of the special inquiry officer, or other such administrative officer to whom the Attorney General has delegated the responsibility for determining whether an alien is deportable, concluding that the alien is deportable or ordering deportation.

"(B) The order described under subparagraph (A) shall become final upon the earlier of—

"(i) a determination by the Board of Immigration Appeals affirming such order; or

"(ii) the expiration of the period in which the alien is permitted to seek review of such order by the Board of Immigration Appeals.".

(3) ARREST AND CUSTODY.—Section 242(a)(2) of such Act is amended—

(A) in subparagraph (A)—

(i) by striking "(2)(A) The Attorney" and inserting "(2) The Attorney";

(ii) by striking "an aggravated felony upon" and all that follows through "of the same offense)" and inserting "any criminal offense covered in section 241(a)(2) (A)(iii), (B), (C), or (D), or any offense covered by section 241(a)(2)(A)(ii) for which both predicate offenses are covered by section 241(a)(2)(A)(i), upon release of the alien from incarceration, shall deport the alien as expeditiously as possible"; and

(iii) by striking "but subject to subparagraph (B)"; and

(B) by striking subparagraph (B).

(4) CLASSES OF EXCLUDABLE ALIENS.—Section 212(c) of such Act (8 U.S.C. 1182(c)) is amended—

(A) by striking "The first sentence of this" and inserting "This"; and

(B) by striking "has been convicted of one or more aggravated felonies" and all that follows through the end and inserting "is deportable by reason of having committed any criminal offense covered in section 241(a)(2) (A)(iii), (B), (C), or (D), or any offense covered by section 241(a)(2)(A)(ii) for which both predicate offenses are covered by section 241(a)(2)(A)(i).".

(5) AGGRAVATED FELONY DEFINED.—Section 101(a)(43) of such Act is amended—

(A) in subparagraph (F)—

(i) by inserting ", including forcible rape," after "offense)"; and

(ii) by striking "5 years" and inserting "1 year"; and

(B) in subparagraph (G) by striking "5 years" and inserting "1 year".

(6) DEPORTATION OF CRIMINAL ALIENS.—Section 242A(a) of such Act (8 U.S.C. 1252a) is amended—

(A) in paragraph (1)—

(i) by striking "aggravated felonies (as defined in section 101(a)(43) of this title)" and inserting "any criminal offense covered in section 241(a)(2) (A)(iii), (B), (C), or (D), or any offense covered by section 241(a)(2)(A)(ii) for which both predicate offenses are covered by section 241(a)(2)(A)(i)."; and

(ii) by striking ", where warranted,";

(B) in paragraph (2), by striking "aggravated felony" and all that follows through "before any scheduled hearings." and inserting "any criminal offense covered in section 241(a)(2) (A)(iii), (B), (C), or (D), or any offense covered by section 241(a)(2)(A)(ii) for which both predicate offenses are covered by section 241(a)(2)(A)(i).".

(7) DEADLINES FOR DEPORTING ALIEN.—Section 242(c) of such Act (8 U.S.C. 1252(c)) is amended—

(A) by striking "(c) When a final order" and inserting "(c)(1) Subject to paragraph (2), when a final order"; and

(B) by inserting at the end the following new paragraph:

"(2) When a final order of deportation under administrative process is made against any alien who is deportable by reason of having committed a criminal offense covered in section 241(a)(2) (A)(iii), (B), (C), or (D) or any offense covered by section 241(a)(2)(A)(ii) for which both predicate offenses are covered by section 241(a)(2)(A)(i), the Attorney General shall have 30 days from the date of the order within which to effect the alien's departure from the United States. The Attorney General shall have sole and unreviewable discretion to waive the foregoing provision for aliens who are cooperating with law enforcement authorities or for purposes of national security.".

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act and shall apply to cases pending before, on, or after such date of enactment.

SEC. 304. ACCESS TO CERTAIN CONFIDENTIAL IMMIGRATION AND NATURALIZATION FILES THROUGH COURT ORDER.

(a) CONFIDENTIALITY OF INFORMATION.—Section 245A(c)(5) of the Immigration and Nationality Act (8 U.S.C. 1255a(c)(5)) is amended—

(1) by inserting "(i)" after "except the Attorney General"; and

(2) by inserting after "Title 13" the following: "and (ii) may authorize an application to a Federal court of competent jurisdiction for, and a judge of such court may grant, an order authorizing disclosure of information contained in the application of the alien to be used—

"(I) for identification of the alien when there is reason to believe that the alien has been killed or severely incapacitated; or

"(II) for criminal law enforcement purposes against the alien whose application is to be disclosed.".

(b) APPLICATIONS FOR ADJUSTMENT OF STATUS.—Section 210(b) of the Immigration and Nationality Act (8 U.S.C. 1160(b)) is amended—

(1) in paragraph (5), by inserting ", except as allowed by a court order issued pursuant to paragraph (6) of this subsection" after "consent of the alien"; and

(2) in paragraph (6), by inserting the following sentence before "Anyone who uses": "Notwithstanding the preceding sentence, the Attorney General may authorize an application to a Federal court of competent jurisdiction for, and a judge of such court may

grant an order authorizing disclosure of information contained in the application of the alien to be used for identification of the alien when there is reason to believe that the alien has been killed or severely incapacitated, or for criminal law enforcement purposes against the alien whose application is to be disclosed or to discover information leading to the location or identity of the alien.".

TITLE IV—CONTROL OF FUNDRAISING FOR TERRORISM ACTIVITIES

SEC. 401. PROHIBITION ON TERRORIST FUNDRAISING.

(a) IN GENERAL.—Chapter 113B of title 18, United States Code, is amended by adding at the end the following new section:

"§ 2339B. Fundraising for terrorist organizations

"(a) FINDINGS AND PURPOSE.—

"(1) The Congress finds that—

"(A) terrorism is a serious and deadly problem which threatens the interests of the United States overseas and within our territory;

"(B) the Nation's security interests are gravely affected by the terrorist attacks carried out overseas against United States Government facilities and officials, and against American citizens present in foreign countries;

"(C) United States foreign policy and economic interests are profoundly affected by terrorist acts overseas directed against foreign governments and their people;

"(D) international cooperation is required for an effective response to terrorism, as demonstrated by the numerous multilateral conventions in force providing universal prosecutive jurisdiction over persons involved in a variety of terrorist acts, including hostage taking, murder of an internationally protected person, and aircraft piracy and sabotage;

"(E) some foreign terrorist organizations, acting through affiliated groups or individuals, raise significant funds within the United States or use the United States as a conduit for the receipt of funds raised in other nations; and

"(F) the provision of funds to organizations that engage in terrorism serves to facilitate their terrorist endeavors, regardless of whether the funds, in whole or in part, are intended or claimed to be used for nonviolent purposes.

"(2) The purpose of this section is to provide the Federal Government the fullest possible basis, consistent with the Constitution, to prevent persons within the United States or subject to the jurisdiction of the United States from providing funds, directly or indirectly, to foreign organizations, including subordinate or affiliated persons, that engage in terrorism activities.

"(b) DESIGNATION.—

"(1) The Secretary of State, after consultation with the Secretary of the Treasury, is authorized to designate under this section any foreign organization based on finding that—

"(A) the organization engages in terrorism activity as defined in section 212(a)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)); and

"(B) the organization's terrorism activities threaten the security of United States citizens, national security, foreign policy, or the economy of the United States.

"(2) Not later than 7 days after making a designation under paragraph (1), the Secretary of State shall prepare and transmit to Congress a report containing a list of the designated organizations and a summary of the facts underlying the designation. The designation shall take effect 30 days after the receipt of actual notice under subsection (b)(6), unless otherwise provided by law.

"(3) A designation or redesignation under this subsection shall be in effect for 1 year following its effective date, unless revoked under paragraph (4).

"(4)(A) If the Secretary of State, after consultation with the Secretary of the Treasury, finds that the conditions that were the basis for any designation issued under this subsection have changed in such a manner as to warrant revocation of such designation, or that the national security, foreign relations, or economic interests of the United States so warrant, the Secretary of State may revoke such designation in whole or in part.

"(B) Not later than 7 calendar days after the Secretary of State finds that an organization no longer engages in, or supports, terrorism activity, the Secretary of State shall prepare and transmit to Congress a supplemental report stating the reasons for the finding.

"(5) Any designation, or revocation of a designation, issued under this subsection shall be published in the Federal Register not later than 7 calendar days after the Secretary of State makes the designation.

"(6) Not later than 7 calendar days after making a designation under this subsection, the Secretary of State shall give the organization actual notice of—

"(A) the designation;

"(B) the consequences of the designation for the organization's ability to raise funds in the United States; and

"(C) the availability of judicial review.

"(7) Any revocation or lapsing of a designation shall not affect any action or proceeding based on any conduct committed prior to the effective date of such revocation or lapsing.

"(8) Classified information may be used in making a designation under this subsection. Such information shall not be disclosed to the public or to any party, but may be disclosed to a court ex parte and in camera.

"(9) No question concerning the validity of the issuance of a designation issued under this subsection may be raised by a defendant in a criminal prosecution as a defense in or as an objection to any trial or hearing if such designation was issued and published in the Federal Register.

"(c) JUDICIAL REVIEW.—

"(1) Organizations designated by the Secretary of State as engaging in, or supporting, terrorism activities under this section may seek review of the designation in the District Court for the District of Columbia not later than 30 days after receipt of actual notice under subsection (b)(6).

"(2) In reviewing a designation under this subsection, the court shall receive relevant oral or documentary evidence, unless the court finds that the probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or considerations of undue delay, waste of time, or needless presentation of cumulative evidence, or unless its introduction or consideration is prohibited by a common law privilege or by the Constitution or laws of the United States. A party shall be entitled to present its case or defense by oral or documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination as may be required for a full and true disclosure of the facts.

"(3) The judge shall authorize the introduction in camera and ex parte of any item of evidence containing classified information for which the Attorney General determines that public disclosure would pose a risk to the national security of the United States. With respect to such evidence, the Attorney General shall submit to the court either—

"(A) a statement identifying relevant facts that the specific evidence would tend to prove; or

"(B) an unclassified summary of the specific evidence prepared in accordance with paragraph (5).

"(4)(A)(i) The Secretary of State shall have the burden of demonstrating that there are specific and articulable facts giving reason to believe that the organization engages in or supports terrorism activity (as that term is defined in section 212(a)(3)(B)).

"(ii) The organization shall have the burden of proving that its purpose is to engage in religious, charitable, literary, educational, or nonterrorism activities and that it engages in such activities.

"(iii) The Secretary shall have the burden of proving that the control group of the organization has actual knowledge that the organization or its resources are being used for terrorism activities.

"(iv) If any portion of the Secretary's evidence consists of classified information that cannot be revealed to the organization for national security reasons, the Secretary must prove these elements by clear and convincing evidence.

"(B) If the court finds, under the standards stated in subparagraph (A) that the control group of the organization has actual knowledge that the organization or its resources are being used for terrorism activities, the court shall affirm the designation of the Secretary.

"(C)(i) If the court finds by a preponderance of the evidence that the organization or its resources have been used for terrorism activities without the knowledge of the control group, but that the control group is now aware of these facts, the court may condition revocation of the designation on the control group's undertaking or completing all steps within its power to prevent the organization or its resources from being used for terrorism activities. Such steps may include—

"(I) maintaining financial records adequate to document the use of the organization's resources; and

"(II) making records available to the Secretary for inspection.

"(ii) If a designation is revoked under subsection (B)(4) and the organization fails to comply with any condition imposed, the designation may be reinstated by the Secretary of State upon a showing that the organization failed to comply with the condition.

"(5)(A) The information submitted under paragraph (3)(B) shall contain an unclassified summary of the classified information that does not pose a risk to national security.

"(B) The judge shall approve the unclassified summary if the judge finds that the summary is sufficient to inform the organization of the activities described in section 212(a)(3)(B) in which the organization is alleged to engage, and to permit the organization to defend against the designation.

"(C) The Attorney General shall cause to be delivered to the organization a copy of the unclassified summary approved under subparagraph (B).

"(6) The court shall decide the case on the basis of the evidence on the record as a whole, in camera or otherwise.

"(d) PROHIBITED ACTIVITIES.—It shall be unlawful for any person within the United

States, or any person subject to the jurisdiction of the United States anywhere, to directly or indirectly, raise, receive, or collect on behalf of, or furnish, give, transmit, transfer, or provide funds to or for an organization or person designated by the Secretary of State under subsection (b), or to attempt to do any of the foregoing.

"(e) SPECIAL REQUIREMENTS FOR FINANCIAL INSTITUTIONS.—

"(1) Except as authorized by the Secretary of State, after consultation with the Secretary of the Treasury, by means of directives, regulations, or licenses, any financial institution that becomes aware that it has possession of or control over any funds in which an organization or person designated under subsection (b) has an interest, shall—

"(A) retain possession of or maintain control over such funds; and

"(B) report to the Secretary the existence of such funds in accordance with the regulations prescribed by the Secretary.

"(2) Any financial institution that knowingly fails to report to the Secretary the existence of such funds shall be subject to a civil penalty of $250 per day for each day that it fails to report to the Secretary—

"(A) in the case of funds being possessed or controlled at the time of the designation of the organization or person, within 10 days after the designation; and

"(B) in the case of funds whose possession of or control over arose after the designation of the organization or person, within 10 days after the financial institution obtained possession of or control over the funds.

"(f) INVESTIGATIONS.—Any investigation emanating from a possible violation of this section shall be conducted by the Attorney General, except that investigations relating to—

"(1) a financial institution's compliance with the requirements of subsection (e); and

"(2) civil penalty proceedings authorized pursuant to subsection (g)(2),

shall be conducted in coordination with the Attorney General by the office within the Department of the Treasury responsible for civil penalty proceedings authorized by this section. Any evidence of a criminal violation of this section arising in the course of an investigation by the Secretary or any other Federal agency shall be referred immediately to the Attorney General for further investigation. The Attorney General shall timely notify the Secretary of any action taken on referrals from the Secretary, and may refer investigations to the Secretary for remedial licensing or civil penalty action.

"(g) PENALTIES.—

"(1) Any person who, with knowledge that the donee is a designated entity, violates subsection (d) shall be fined under this title, or imprisoned for up to ten years, or both.

"(2) Any financial institution that knowingly fails to comply with subsection (e), or by regulations promulgated thereunder, shall be subject to a civil penalty of $50,000 per violation, or twice the amount of money of which the financial institution was required to retain possession or control, whichever is greater.

"(h) INJUNCTION.—

"(1) Whenever it appears to the Secretary or the Attorney General that any person is engaged in, or is about to engage in, any act which constitutes, or would constitute, a violation of this section, the Attorney General may initiate civil action in a district court of the United States to enjoin such violation.

"(2) A proceeding under this subsection is governed by the Federal Rules of Civil Procedure, except that, if an indictment has been returned against the respondent, discovery is governed by the Federal Rules of Criminal Procedure.

"(i) EXTRATERRITORIAL JURISDICTION.—There is extraterritorial Federal jurisdiction over an offense under this section.

"(j) CLASSIFIED INFORMATION IN CIVIL PROCEEDINGS BROUGHT BY THE UNITED STATES.—

"(1) DISCOVERY OF CLASSIFIED INFORMATION BY DEFENDANTS.—A court, upon a sufficient showing, may authorize the United States to delete specified items of classified information from documents to be introduced into evidence or made available to the defendant through discovery under the Federal Rules of Civil Procedure, to substitute an unclassified summary of the information for such classified documents, or to substitute a statement admitting relevant facts that the classified information would tend to prove. The court shall permit the United States to make a request for such authorization in the form of a written statement to be inspected by the court alone. If the court enters an order granting relief following such an ex parte showing, the entire text of the statement of the United States shall be sealed and preserved in the records of the court to be made available to the appellate court in the event of an appeal. If the court enters an order denying relief to the United States under this paragraph, the United States may take an immediate, interlocutory appeal in accordance with the provisions of paragraph (3). For purposes of such an appeal, the entire text of the underlying written statement of the United States, together with any transcripts of arguments made ex parte to the court in connection therewith, shall be maintained under seal and delivered to the appellate court.

"(2) INTRODUCTION OF CLASSIFIED INFORMATION; PRECAUTIONS BY COURT.—

"(A) EXHIBITS.—The United States, to prevent unnecessary or inadvertent disclosure of classified information in a civil trial or other proceeding brought by the United States under this section, may petition the court ex parte to admit, in lieu of classified writings, recordings or photographs, one or more of the following:

"(i) copies of those items from which classified information has been deleted;

"(ii) stipulations admitting relevant facts that specific classified information would tend to prove; or

"(iii) an unclassified summary of the specific classified information.

The court shall grant such a motion of the United States if the court finds that the redacted item, stipulation, or unclassified summary will provide the defendant with substantially the same ability to make his defense as would disclosure of the specific classified information.

"(B) TAKING OF TRIAL TESTIMONY.—During the examination of a witness in any civil proceeding brought by the United States under this section, the United States may object to any question or line of inquiry that may require the witness to disclose classified information not previously found to be admissible. Following such an objection, the court shall take suitable action to determine whether the response is admissible and, in doing so, shall take precautions to guard against the compromise of any classified information. Such action may include permitting the United States to provide the court, ex parte, with a proffer of the witness's response to the question or line of inquiry, and requiring the defendant to provide the court with a proffer of the nature of the information the defendant seeks to elicit.

"(C) APPEAL.—If the court enters an order denying relief to the United States under this subsection, the United States may take an immediate interlocutory appeal in accordance with paragraph (3).

"(3) INTERLOCUTORY APPEAL.—

"(A) An interlocutory appeal by the United States shall lie to a court of appeals from a decision or order of a district court—

"(i) authorizing the disclosure of classified information;

"(ii) imposing sanctions for nondisclosure of classified information; or

"(iii) refusing a protective order sought by the United States to prevent the disclosure of classified information.

"(B) An appeal taken pursuant to this paragraph either before or during trial shall be expedited by the court of appeals. Prior to trial, an appeal shall be taken not later than 10 days after the decision or order appealed from, and the trial shall not commence until the appeal is resolved. If an appeal is taken during trial, the trial court shall adjourn the trial until the appeal is resolved. The court of appeals—

"(i) shall hear argument on such appeal not later than 4 days after the adjournment of the trial;

"(ii) may dispense with written briefs other than the supporting materials previously submitted to the trial court;

"(iii) shall render its decision not later than 4 days after argument on appeal; and

"(iv) may dispense with the issuance of a written opinion in rendering its decision.

"(C) An interlocutory appeal and decision under this paragraph shall not affect the right of the defendant, in a subsequent appeal from a final judgment, to claim as error, reversal by the trial court on remand of a ruling appealed from during trial.

"(4) CONSTRUCTION.—Nothing in this subsection shall prevent the United States from seeking protective orders or asserting privileges ordinarily available to the United States to protect against the disclosure of classified information, including the invocation of the military and State secrets privilege.

"(k) DEFINITIONS.—As used in this section—

"(1) the term 'classified information' means any information or material that has been determined by the United States Government pursuant to an Executive order, statute, or regulation, to require protection against unauthorized disclosure for reasons of national security and any restricted data, as defined in paragraph (r) of section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014(y));

"(2)(A) the term 'control group' means the officers or agents charged with directing the affairs of the organization;

"(B) if a single officer or agent is authorized to conduct the affairs of the organization, the knowledge of the officer or agent that the organization or its resources are being used for terrorism activities shall constitute knowledge of the control group;

"(C) if a single officer or agent is a member of a group empowered to conduct the affairs of the organization but cannot conduct the affairs of the organization on his or her own authority, that person's knowledge shall not constitute knowledge by the control group unless that person's knowledge is shared by a sufficient number of members of the group so that the group with knowledge has the authority to conduct the affairs of the organization;

"(3) the term 'financial institution' has the meaning prescribed in section 5312(a)(2) of title 31, United States Code, including any regulations promulgated thereunder;

"(4) the term 'funds' includes coin or currency of the United States or any other country, traveler's checks, personal checks, bank checks, money orders, stocks, bonds, debentures, drafts, letters of credit, any other negotiable instrument, and any electronic representation of any of the foregoing;

"(5) the term 'national security' means the national defense and foreign relations of the United States;

"(6) the term 'person' includes an individual, partnership, association, group, corporation, or other organization;

"(7) the term 'Secretary' means the Secretary of the Treasury; and

"(8) the term 'United States', when used in a geographical sense, includes all commonwealths, territories, and possessions of the United States.".

(b) TECHNICAL AMENDMENT.—The analysis for chapter 113B of title 18, United States Code, is amended by adding at the end the following new item:

"2339B. Fundraising for terrorist organizations.".

(c) CLASSIFIED INFORMATION IN CIVIL PROCEEDINGS.—Section 2339B(k) of title 18, United States Code (relating to classified information in civil proceedings brought by the United States), shall also be applicable to civil proceedings brought by the United States under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.).

SEC. 402. CORRECTION TO MATERIAL SUPPORT PROVISION.

Section 2339A of title 18, United States Code, is amended to read as follows:

"§ 2339A. Providing material support to terrorists

"(a) DEFINITION.—In this section, 'material support or resources' means currency or other financial securities, financial services, lodging, training, safehouses, false documentation or identification, communications equipment, facilities, weapons, lethal substances, explosives, personnel, transportation, and other physical assets, but does not include humanitarian assistance to persons not directly involved in such violations.

"(b) OFFENSE.—A person who, within the United States, provides material support or resources or conceals or disguises the nature, location, source, or ownership of material support or resources, knowing or intending that they are to be used in preparation for, or in carrying out, a violation of section 32, 37, 351, 844(f) or (i), 956, 1114, 1116, 1203, 1361, 1363, 1751, 2280, 2281, 2332, or 2332a of this title or section 46502 of title 49, or in preparation for or carrying out the concealment or an escape from the commission of any such violation, shall be fined under this title, imprisoned not more than 10 years, or both.".

TITLE V—ASSISTANCE TO FEDERAL LAW ENFORCEMENT AGENCIES

Subtitle A—Antiterrorism Assistance

SEC. 501. DISCLOSURE OF CERTAIN CONSUMER REPORTS TO THE FEDERAL BUREAU OF INVESTIGATION FOR FOREIGN COUNTERINTELLIGENCE INVESTIGATIONS.

(a) IN GENERAL.—The Fair Credit Reporting Act (15 U.S.C. 1681 et seq.) is amended by adding after section 623 the following new section:

"SEC. 624. DISCLOSURES TO THE FEDERAL BUREAU OF INVESTIGATION FOR FOREIGN COUNTERINTELLIGENCE PURPOSES.

"(a) IDENTITY OF FINANCIAL INSTITUTIONS.—(1) Notwithstanding section 604 or any other provision of this title, a court or magistrate judge may issue an order ex parte directing a consumer reporting agency to furnish to the Federal Bureau of Investigation the names and addresses of all financial institutions (as that term is defined in section 1101 of the Right to Financial Privacy Act of 1978) at which a consumer maintains or has maintained an account, to the extent that information is in the files of the agency. The court or magistrate judge shall issue the order if the Director of the Federal Bureau of Investigation, or the Director's designee, certifies in writing to the court or magistrate judge that—

"(A) such information is necessary for the conduct of an authorized foreign counterintelligence investigation; and

"(B) there are specific and articulable facts giving reason to believe that the consumer—

"(i) is a foreign power (as defined in section 101 of the Foreign Intelligence Surveillance Act of 1978) or a person who is not a United States person (as defined in such section 101) and is an official of a foreign power; or

"(ii) is an agent of a foreign power and is engaging or has engaged in international terrorism (as that term is defined in section 101(c) of the Foreign Intelligence Surveillance Act of 1978) or clandestine intelligence activities that involve or may involve a violation of criminal statutes of the United States.

"(2) An order issued under this subsection shall not disclose that it is issued for purposes of a counterintelligence investigation.

"(b) IDENTIFYING INFORMATION.—(1) Notwithstanding section 604 or any other provision of this title, a court or magistrate judge shall issue an order ex parte directing a consumer reporting agency to furnish identifying information respecting a consumer, limited to name, address, former addresses, places of employment, or former places of employment, to the Federal Bureau of Investigation. The court or magistrate judge shall issue the order if the Director or the Director's designee, certifies in writing that—

"(A) such information is necessary to the conduct of an authorized foreign counterintelligence investigation; and

"(B) there is information giving reason to believe that the consumer has been, or is about to be, in contact with a foreign power or an agent of a foreign power (as defined in section 101 of the Foreign Intelligence Surveillance Act of 1978).

"(2) An order issued under this subsection shall not disclose that it is issued for purposes of a counterintelligence investigation.

"(c) COURT ORDER FOR DISCLOSURE OF CONSUMER REPORTS.—(1) Notwithstanding section 604 or any other provision of this title, if requested in writing by the Director of the Federal Bureau of Investigation, or an authorized designee of the Director, a court may issue an order ex parte directing a consumer reporting agency to furnish a consumer report to the Federal Bureau of Investigation, upon a showing in camera that—

"(A) the consumer report is necessary for the conduct of an authorized foreign counterintelligence investigation; and

"(B) there are specific and articulable facts giving reason to believe that the consumer whose consumer report is sought—

"(i) is an agent of a foreign power; and

"(ii) is engaging or has engaged in international terrorism (as that term is defined in section 101(c) of the Foreign Intelligence Surveillance Act of 1978) or clandestine intelligence activities that involve or may involve a violation of criminal statutes of the United States.

"(2) An order issued under this subsection shall not disclose that it is issued for purposes of a counterintelligence investigation.

"(d) CONFIDENTIALITY.—(1) No consumer reporting agency or officer, employee, or agent of a consumer reporting agency shall disclose to any person, other than officers, employees, or agents of a consumer reporting agency necessary to fulfill the requirement to disclose information to the Federal Bureau of Investigation under this section, that the Federal Bureau of Investigation has sought or obtained the identity of financial institutions or a consumer report respecting any consumer under subsection (a), (b), or (c).

"(2) No consumer reporting agency or officer, employee, or agent of a consumer reporting agency shall include in any consumer report any information that would indicate that the Federal Bureau of Investigation has sought or obtained such information or a consumer report.

"(e) PAYMENT OF FEES.—The Federal Bureau of Investigation is authorized, subject to the availability of appropriations, pay to the consumer reporting agency assembling or providing reports or information in accordance with procedures established under this section, a fee for reimbursement for such costs as are reasonably necessary and which have been directly incurred in searching, reproducing, or transporting books, papers, records, or other data required or requested to be produced under this section.

"(f) LIMIT ON DISSEMINATION.—The Federal Bureau of Investigation may not disseminate information obtained pursuant to this section outside of the Federal Bureau of Investigation, except—

"(1) to the Department of Justice, as may be necessary for the approval or conduct of a foreign counterintelligence investigation; or

"(2) where the information concerns a person subject to the Uniform Code of Military Justice, to appropriate investigative authorities within the military department concerned as may be necessary for the conduct of a joint foreign counterintelligence investigation.

"(g) RULES OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit information from being furnished by the Federal Bureau of Investigation pursuant to a subpoena or court order, or in connection with a judicial or administrative proceeding to enforce the provisions of this Act. Nothing in this section shall be construed to authorize or permit the withholding of information from the Congress.

"(h) REPORTS TO CONGRESS.—On an annual basis, the Attorney General shall fully inform the Permanent Select Committee on Intelligence and the Committee on Banking and Financial Services of the House of Representatives, and the Select Committee on Intelligence and the Committee on Banking, Housing, and Urban Affairs of the Senate concerning all requests made pursuant to subsections (a), (b), and (c).

"(i) DAMAGES.—Any agency or department of the United States obtaining or disclosing any consumer reports, records, or information contained therein in violation of this section is liable to the consumer to whom such consumer reports, records, or information relate in an amount equal to the sum of—

"(1) $100, without regard to the volume of consumer reports, records, or information involved;

"(2) any actual damages sustained by the consumer as a result of the disclosure;

"(3) if the violation is found to have been willful or intentional, such punitive damages as a court may allow; and

"(4) in the case of any successful action to enforce liability under this subsection, the costs of the action, together with reasonable attorney fees, as determined by the court.

"(j) DISCIPLINARY ACTIONS FOR VIOLATIONS.—If a court determines that any agency or department of the United States has violated any provision of this section and the court finds that the circumstances surrounding the violation raise questions of whether or not an officer or employee of the agency or department acted willfully or intentionally with respect to the violation, the agency or department shall promptly initiate a proceeding to determine whether or not disciplinary action is warranted against the officer or employee who was responsible for the violation.

"(k) GOOD-FAITH EXCEPTION.—Notwithstanding any other provision of this title, any consumer reporting agency or agent or employee thereof making disclosure of consumer reports or identifying information pursuant to this subsection in good-faith reliance upon a certification of the Federal Bureau of Investigation pursuant to provisions of this section shall not be liable to any person for such disclosure under this title, the constitution of any State, or any law or regulation of any State or any political subdivision of any State notwithstanding.

"(l) INJUNCTIVE RELIEF.—In addition to any other remedy contained in this section, injunctive relief shall be available to require compliance with the procedures of this section. In the event of any successful action under this subsection, costs together with reasonable attorney fees, as determined by the court, may be recovered.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of the Fair Credit Reporting Act (15 U.S.C. 1681a et seq.) is amended by adding after the item relating to section 623 the following new item:

"624. Disclosures to the Federal Bureau of Investigation for foreign counterintelligence purposes.".

SEC. 502. ACCESS TO RECORDS OF COMMON CARRIERS, PUBLIC ACCOMMODATION FACILITIES, PHYSICAL STORAGE FACILITIES, AND VEHICLE RENTAL FACILITIES IN FOREIGN COUNTERINTELLIGENCE AND COUNTERTERRORISM CASES.

Title 18, United States Code, is amended by inserting after chapter 121 the following new chapter:

"CHAPTER 122—ACCESS TO CERTAIN RECORDS

"§ 2720. Access to records of common carriers, public accommodation facilities, physical storage facilities, and vehicle rental facilities in counterintelligence and counterterrorism cases

"(a)(1) A court or magistrate judge may issue an order ex parte directing any common carrier, public accommodation facility, physical storage facility, or vehicle rental facility to furnish any records in its possession to the Federal Bureau of Investigation. The court or magistrate judge shall issue the order if the Director of the Federal Bureau of Investigation or the Director's designee (whose rank shall be no lower than Assistant Special Agent in Charge) certifies in writing that—

"(A) such records are sought for foreign counterintelligence purposes; and

"(B) there are specific and articulable facts giving reason to believe that the person to whom the records pertain is a foreign power or an agent of a foreign power as defined in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 801).

"(2) An order issued under this subsection shall not disclose that it is issued for purposes of a counterintelligence investigation.

"(b) No common carrier, public accommodation facility, physical storage facility, or vehicle rental facility, or any officer, employee, or agent of such common carrier, public accommodation facility, physical storage facility, or vehicle rental facility, shall disclose to any person, other than those officers, agents, or employees of the common carrier, public accommodation facility, physical storage facility, or vehicle rental facility necessary to fulfill the requirement to disclose the information to the Federal Bureau of Investigation under this section.

"(c) As used in this chapter—

"(1) the term 'common carrier' means a locomotive, rail carrier, bus carrying passengers, water common carrier, air common carrier, or private commercial interstate carrier for the delivery of packages and other objects;

"(2) the term 'public accommodation facility' means any inn, hotel, motel, or other establishment that provides lodging to transient guests;

"(3) the term 'physical storage facility' means any business or entity that provides space for the storage of goods or materials, or services related to the storage of goods or materials, to the public or any segment thereof; and

"(4) the term 'vehicle rental facility' means any person or entity that provides vehicles for rent, lease, loan, or other similar use, to the public or any segment thereof.".

SEC. 503. INCREASE IN MAXIMUM REWARDS FOR INFORMATION CONCERNING INTERNATIONAL TERRORISM.

(a) TERRORISM ABROAD.—Section 36 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708) is amended—

(1) in subsection (c), by striking "$2,000,000" and inserting "$10,000,000"; and

(2) in subsection (g), by striking "$5,000,000" and inserting "$10,000,000.

(b) DOMESTIC TERRORISM.—Title 18, United States Code, is amended—

(1) in section 3072, by striking "$500,000" and inserting "$10,000,000"; and

(2) in section 3075, by striking "$5,000,000" and inserting "$10,000,000".

(c) GENERAL REWARD AUTHORITY OF THE ATTORNEY GENERAL.—

(1) IN GENERAL.—Chapter 203 of title 18, United States Code, is amended by adding immediately after section 3059A the following section:

"§ 3059B. General reward authority

"(a) Notwithstanding any other provision of law, the Attorney General may pay rewards and receive from any department or agency funds for the payment of rewards under this section to any individual who assists the Department of Justice in performing its functions.

"(b) Not later than 30 days after authorizing a reward under this section that exceeds $100,000, the Attorney General shall give notice to the respective chairmen of the Committees on Appropriations and the Committees on the Judiciary of the Senate and the House of Representatives.

"(c) A determination made by the Attorney General to authorize an award under this section and the amount of any reward authorized shall be final and conclusive, and not subject to judicial review.".

Subtitle B—Intelligence and Investigation Enhancements

SEC. 511. STUDY AND REPORT ON ELECTRONIC SURVEILLANCE.

(a) STUDY.—The Attorney General and the Director of the Federal Bureau of Investigation shall study all applicable laws and guidelines relating to electronic surveillance and the use of pen registers and other trap and trace devices.

(b) REPORT.—Not later than 90 days after the date of enactment of this Act, the Attorney General shall submit a report to the Congress that includes—

(1) the findings of the study conducted pursuant to subsection (a);

(2) recommendations for the use of electronic devices in conducting surveillance of terrorist or other criminal organizations, and for any modifications in the law necessary to enable the Federal Government to fulfill its law enforcement responsibilities within appropriate constitutional parameters; and

(3) a summary of efforts to use current wiretap authority, including detailed examples of situations in which expanded authority would have enabled law enforcement authorities to fulfill their responsibilities.

SEC. 512. AUTHORIZATION FOR INTERCEPTIONS OF COMMUNICATIONS IN CERTAIN TERRORISM RELATED OFFENSES.

Section 2516(1) of title 18, United States Code, is amended—

(1) in paragraph (c)—

(A) by inserting before "or section 1992 (relating to wrecking trains)" the following: "section 2332 (relating to terrorist acts abroad), section 2332a (relating to weapons of mass destruction, section 2332b (relating to acts of terrorism transcending national boundaries), section 2339A (relating to providing material support to terrorists), section 37 (relating to violence at international airports),"; and

(B) by inserting after "section 175 (relating to biological weapons)," the following: "or a felony violation under section 1028 (relating to production of false identification documentation), sections 1541, 1542, 1543, 1544, and 1546 (relating to passport and visa offenses),";

(2) by striking "and" at the end of paragraph (o), as so redesignated by section 512(a)(2);

(3) by redesignating paragraph (p), as so redesignated by section 512(a)(2), as paragraph (s); and

(4) by inserting after paragraph (o), as so redesignated by section 512(a)(2), the following new subparagraphs:

"(p) any violation of section 956 or section 960 of title 18, United States Code (relating to certain actions against foreign nations);

"(q) any violation of section 46502 of title 49, United States Code; and".

SEC. 513. REQUIREMENT TO PRESERVE EVIDENCE.

Section 2703 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(f) REQUIREMENT TO PRESERVE EVIDENCE.—A provider of wire or electronic communication services or a remote computing service, upon the request of a governmental entity, shall take all necessary steps to preserve records and other evidence in its possession pending the issuance of a court order or other process. Such records shall be retained for a period of 90 days, which period shall be extended for an additional 90-day period upon a renewed request by the governmental entity.".

Subtitle C—Additional Funding for Law Enforcement

SEC. 521. FEDERAL BUREAU OF INVESTIGATION ASSISTANCE TO COMBAT TERRORISM.

(a) In General.—With funds made available pursuant to subsection (b), the Attorney General shall—

(1) develop digital telephony technology;

(2) support and enhance the technical support center and tactical operations;

(3) create a Federal Bureau of Investigation counterterrorism and counterintelligence fund for costs associated with terrorism cases;

(4) expand and improve the instructional, operational support, and construction of the Federal Bureau of Investigation academy;

(5) construct an FBI laboratory, provide laboratory examination support, and provide for a Command Center;

(6) make funds available to the chief executive officer of each State to carry out the activities described in subsection (d); and

(7) enhance personnel to support counterterrorism activities.

(b) Authorization of Appropriations.—There are authorized to be appropriated for the activities of the Federal Bureau of Investigation, to help meet the increased demands for activities to combat terrorism—

(1) $300,000,000 for fiscal year 1996;

(2) $225,000,000 for fiscal year 1997;

(3) $328,000,000 for fiscal year 1998;

(4) $190,000,000 for fiscal year 1999; and

(5) $183,000,000 for fiscal year 2000.

(c) Availability of Funds.—

(1) In general.—Funds made available pursuant to subsection (b), in any fiscal year, shall remain available until expended.

(d) State Grants.—

(1) In general.—Any funds made available for purposes of subsection (a)(6) may be expended—

(A) by the Director of the Federal Bureau of Investigation to expand the combined DNA Identification System (CODIS) to include Federal crimes and crimes committed in the District of Columbia; and

(B) by the Attorney General, in consultation with the Director of the Federal Bureau of Investigation to make funds available to the chief executive officer of each State to carry out the activities described in paragraph (2).

(2) Grant program.—

(A) Use of funds.—The executive officer of each State shall use any funds made available under paragraph (1)(B) in conjunction with units of local government, other States, or combinations thereof, to carry out all or part of a program to establish, develop, update, or upgrade—

(i) computerized identification systems that are compatible and integrated with the databases of the National Crime Information Center of the Federal Bureau of Investigation;

(ii) ballistics identification programs that are compatible and integrated with the Drugfire Program of the Federal Bureau of Investigation;

(iii) the capability to analyze deoxyribonucleic acid (DNA) in a forensic laboratory in ways that are compatible and integrated with the combined DNA Identification System (CODIS) of the Federal Bureau of Investigation; and

(iv) automated fingerprint identification systems that are compatible and integrated with the Integrated Automated Fingerprint Identification System (IAFIS) of the Federal Bureau of Investigation.

(B) Eligibility.—To be eligible to receive funds under this paragraph, a State shall require that each person convicted of a felony of a sexual nature shall provide to appropriate State law enforcement officials, as designated by the chief executive officer of the State, a sample of blood, saliva, or other specimen necessary to conduct a DNA analysis consistent with the standards established for DNA testing by the Director of the Federal Bureau of Investigation.

(C) Interstate compacts.—A State may enter into a compact or compacts with another State or States to carry out this subsection.

(D) Allocation.—(i) Of the total amount appropriated pursuant to this section in a fiscal year—

(I) $500,000 or 0.25 percent, whichever is greater, shall be allocated to each of the participating States; and

(II) of the total funds remaining after the allocation under subclause (I), there shall be allocated to each State an amount which bears the same ratio to the amount of remaining funds described in this subparagraph as the population of such State bears to the population of all States.

(ii) Definition.—For purposes of this subparagraph, the term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands, except that for purposes of the allocation under this subparagraph, American Samoa and the Commonwealth of the Northern Mariana Islands shall be considered as one State and that for these purposes, 67 percent of the amounts allocated shall be allocated to American Samoa, and 33 percent to the Commonwealth of the Northern Mariana Islands.

SEC. 522. AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR THE UNITED STATES CUSTOMS SERVICE.

(a) In General.—There are authorized to be appropriated for the activities of the United States Customs Service, to help meet the increased needs of the United States Customs Service—

(1) $6,000,000 for fiscal year 1996;

(2) $6,000,000 for fiscal year 1997;

(3) $6,000,000 for fiscal year 1998;

(4) $5,000,000 for fiscal year 1999; and

(5) $5,000,000 for fiscal year 2000.

(b) Availability of Funds.—Funds made available pursuant to subsection (a), in any fiscal year, shall remain available until expended.

SEC. 523. AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR THE IMMIGRATION AND NATURALIZATION SERVICE.

(a) In General.—There are authorized to be appropriated for the activities of the Immigration and Naturalization Service, to help meet the increased needs of the Immigration and Naturalization Service $5,000,000 for each of the fiscal years 1996, 1997, 1998, 1999, and 2000.

(b) Availability of Funds.—Funds made available pursuant to subsection (a), in any fiscal year, shall remain available until expended.

SEC. 524. DRUG ENFORCEMENT ADMINISTRATION.

(a) Activities of Drug Enforcement Administration.—With funds made available pursuant to subsection (b), the Attorney General shall—

(1) fund antiviolence crime initiatives;

(2) fund major violators' initiatives; and

(3) enhance or replace infrastructure.

(b) Authorization of Appropriations.—There are authorized to be appropriated to the Drug Enforcement Administration, to help meet the increased needs of the Drug Enforcement Administration—

(1) $60,000,000 for fiscal year 1996;

(2) $70,000,000 for fiscal year 1997;

(3) $80,000,000 for fiscal year 1998;

(4) $90,000,000 for fiscal year 1999; and

(5) $100,000,000 for fiscal year 2000.

(c) Availability of Funds.—Funds made available pursuant to this section, in any fiscal year, shall remain available until expended.

SEC. 525. DEPARTMENT OF JUSTICE.

(a) In General.—Subject to the availability of appropriations, the Attorney General shall—

(1) hire additional Assistant United States Attorneys, and

(2) provide for increased security at courthouses and other facilities housing Federal workers.

(b) Authorization of Additional Appropriations.—There are authorized to be appropriated for the activities of the Department of Justice, to hire additional Assistant United States Attorneys and personnel for the Criminal Division of the Department of Justice and provide increased security to meet the needs resulting from this Act $20,000,000 for each of the fiscal years 1996, 1997, 1998, 1999, and 2000.

(c) Availability of Funds.—Funds made available pursuant to this section, in any fiscal year, shall remain available until expended.

SEC. 526. AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR THE DEPARTMENT OF THE TREASURY.

(a) In General.—There are authorized to be appropriated for the activities of the Bureau of Alcohol, Tobacco and Firearms, to augment counterterrorism efforts—

(1) $20,000,000 for fiscal year 1996;

(2) $20,000,000 for fiscal year 1997;

(3) $20,000,000 for fiscal year 1998;

(4) $20,000,000 for fiscal year 1999; and

(5) $20,000,000 for fiscal year 2000.

(b) In General.—There are authorized to be appropriated for the activities of the United States Secret Service, to augment White House security and expand Presidential protection activities—

(1) $62,000,000 for fiscal year 1996;

(2) $25,000,000 for fiscal year 1997;

(3) $25,000,000 for fiscal year 1998;

(4) $25,000,000 for fiscal year 1999; and

(5) $25,000,000 for fiscal year 2000.

SEC. 527. FUNDING SOURCE.

Notwithstanding any other provision of law, funding for authorizations provided in this subtitle may be paid for out of the Violent Crime Reduction Trust Fund.

SEC. 528. DETERRENT AGAINST TERRORIST ACTIVITY DAMAGING A FEDERAL INTEREST COMPUTER.

The United States Sentencing Commission shall review existing guideline levels as they apply to sections 1030(a)(4) and 1030(a)(5) of title 18, United States Code, and report to Congress on their findings as to their deterrent effect within 60 calendar days. Furthermore, the Commission shall promulgate guideline amendments that will ensure that individuals convicted under sections 1030(a)(4) and 1030(a)(5) of title 18, United States Code, are incarcerated for not less than 6 months.

TITLE VI—CRIMINAL PROCEDURAL IMPROVEMENTS

Subtitle A—Habeas Corpus Reform

SEC. 601. FILING DEADLINES.

Section 2244 of title 28, United States Code, is amended by adding at the end the following new subsection:

"(d)(1) A 1-year period of limitation shall apply to an application for a writ of habeas corpus by a person in custody pursuant to the judgment of a State court. The limitation period shall run from the latest of—

"(A) the date on which the judgment became final by the conclusion of direct review or the expiration of the time for seeking such review;

"(B) the date on which the impediment to filing an application created by State action in violation of the Constitution or laws of the United States is removed, if the applicant was prevented from filing by such State action;

"(C) the date on which the constitutional right asserted was initially recognized by the Supreme Court, if the right has been newly recognized by the Supreme Court and made retroactively applicable to cases on collateral review; or

"(D) the date on which the factual predicate of the claim or claims presented could have been discovered through the exercise of due diligence.

"(2) The time during which a properly filed application for State post-conviction or other collateral review with respect to the pertinent judgment or claim shall not be counted toward any period of limitation under this subsection.".

SEC. 602. APPEAL.

Section 2253 of title 28, United States Code, is amended to read as follows:

"§ 2253. Appeal

"(a) In a habeas corpus proceeding or a proceeding under section 2255 before a district judge, the final order shall be subject to review, on appeal, by the court of appeals for the circuit in which the proceeding is held.

"(b) There shall be no right of appeal from a final order in a proceeding to test the validity of a warrant to remove to another district or place for commitment or trial a person charged with a criminal offense against the United States, or to test the validity of such person's detention pending removal proceedings.

"(c)(1) Unless a circuit justice or judge issues a certificate of appealability, an appeal may not be taken to the court of appeals from—

"(A) the final order in a habeas corpus proceeding in which the detention complained of arises out of process issued by a State court; or

"(B) the final order in a proceeding under section 2255.

"(2) A certificate of appealability may issue under paragraph (1) only if the applicant has made a substantial showing of the denial of a constitutional right.

"(3) The certificate of appealability under paragraph (1) shall indicate which specific issue or issues satisfy the showing required by paragraph (2).".

SEC. 603. AMENDMENT OF FEDERAL RULES OF APPELLATE PROCEDURE.

Rule 22 of the Federal Rules of Appellate Procedure is amended to read as follows:

"Rule 22. Habeas corpus and section 2255 proceedings

"(a) APPLICATION FOR THE ORIGINAL WRIT.—An application for a writ of habeas corpus shall be made to the appropriate district court. If application is made to a circuit judge, the application shall be transferred to the appropriate district court. If an application is made to or transferred to the district court and denied, renewal of the application before a circuit judge shall not be permitted. The applicant may, pursuant to section 2253 of title 28, United States Code, appeal to the appropriate court of appeals from the order of the district court denying the writ.

"(b) CERTIFICATE OF APPEALABILITY.—In a habeas corpus proceeding in which the detention complained of arises out of process issued by a State court, an appeal by the applicant for the writ may not proceed unless a district or a circuit judge issues a certificate of appealability pursuant to section 2253(c) of title 28, United States Code. If an appeal is taken by the applicant, the district judge who rendered the judgment shall either issue a certificate of appealability or state the reasons why such a certificate should not issue. The certificate or the statement shall be forwarded to the court of appeals with the notice of appeal and the file of the proceedings in the district court. If the district judge has denied the certificate, the applicant for the writ may then request issuance of the certificate by a circuit judge. If such a request is addressed to the court of appeals, it shall be deemed addressed to the judges thereof and shall be considered by a circuit judge or judges as the court deems appropriate. If no express request for a certificate is filed, the notice of appeal shall be deemed to constitute a request addressed to the judges of the court of appeals. If an appeal is taken by a State or its representative, a certificate of appealability is not required.".

SEC. 604. SECTION 2254 AMENDMENTS.

Section 2254 of title 28, United States Code, is amended—

(1) by amending subsection (b) to read as follows:

"(b)(1) An application for a writ of habeas corpus on behalf of a person in custody pursuant to the judgment of a State court shall not be granted unless it appears that—

"(A) the applicant has exhausted the remedies available in the courts of the State; or

"(B)(i) there is an absence of available State corrective process; or

"(ii) circumstances exist that render such process ineffective to protect the rights of the applicant.

"(2) An application for a writ of habeas corpus may be denied on the merits, notwithstanding the failure of the applicant to exhaust the remedies available in the courts of the State.

"(3) A State shall not be deemed to have waived the exhaustion requirement or be estopped from reliance upon the requirement unless the State, through counsel, expressly waives the requirement.";

(2) by redesignating subsections (d), (e), and (f) as subsections (e), (f), and (g), respectively;

(3) by inserting after subsection (c) the following new subsection:

"(d) An application for a writ of habeas corpus on behalf of a person in custody pursuant to the judgment of a State court shall not be granted with respect to any claim that was adjudicated on the merits in State court proceedings unless the adjudication of the claim—

"(1) resulted in a decision that was contrary to, or involved an unreasonable application of, clearly established Federal law, as determined by the Supreme Court of the United States; or

"(2) resulted in a decision that was based on an unreasonable determination of the facts in light of the evidence presented in the State court proceeding.";

(4) by amending subsection (e), as redesignated by paragraph (2), to read as follows:

"(e)(1) In a proceeding instituted by an application for a writ of habeas corpus by a person in custody pursuant to the judgment of a State court, a determination of a factual issue made by a State court shall be presumed to be correct. The applicant shall have the burden of rebutting the presumption of correctness by clear and convincing evidence.

"(2) If the applicant has failed to develop the factual basis of a claim in State court proceedings, the court shall not hold an evidentiary hearing on the claim unless the applicant shows that—

"(A) the claim relies on—

"(i) a new rule of constitutional law, made retroactive to cases on collateral review by the Supreme Court, that was previously unavailable; or

"(ii) a factual predicate that could not have been previously discovered through the exercise of due diligence; and

"(B) the facts underlying the claim would be sufficient to establish by clear and convincing evidence that but for constitutional error, no reasonable factfinder would have found the applicant guilty of the underlying offense."; and

(5) by adding at the end the following new subsections:

"(h) Except as provided in title 21, United States Code, section 848, in all proceedings brought under this section, and any subsequent proceedings on review, the court may appoint counsel for an applicant who is or becomes financially unable to afford counsel, except as provided by a rule promulgated by the Supreme Court pursuant to statutory authority. Appointment of counsel under this section shall be governed by section 3006A of title 18.

"(i) The ineffectiveness or incompetence of counsel during Federal or State collateral post-conviction proceedings shall not be a ground for relief in a proceeding arising under section 2254.".

SEC. 605. SECTION 2255 AMENDMENTS.

Section 2255 of title 28, United States Code, is amended—

(1) by striking the second and fifth undesignated paragraphs; and

(2) by adding at the end the following new undesignated paragraphs:

"A 1-year period of limitation shall apply to a motion under this section. The limitation period shall run from the latest of—

"(1) the date on which the judgment of conviction becomes final;

"(2) the date on which the impediment to making a motion created by governmental action in violation of the Constitution or laws of the United States is removed, if the movant was prevented from making a motion by such governmental action;

"(3) the date on which the right asserted was initially recognized by the Supreme Court, if that right has been newly recognized by the Supreme Court and made retroactively applicable to cases on collateral review; or

"(4) the date on which the facts supporting the claim or claims presented could have been discovered through the exercise of due diligence.

"Except as provided in title 21, United States Code, section 848, in all proceedings brought under this section, and any subsequent proceedings on review, the court may appoint counsel for a movant who is or becomes financially unable to afford counsel shall be in the discretion of the court, except as provided by a rule promulgated by the Supreme Court pursuant to statutory authority. Appointment of counsel under this section shall be governed by section 3006A of title 18.

"A second or successive motion must be certified as provided in section 2244 by a panel of the appropriate court of appeals to contain—

"(1) newly discovered evidence that, if proven and viewed in light of the evidence as a whole, would be sufficient to establish by clear and convincing evidence that no reasonable factfinder would have found the movant guilty of the offense; or

"(2) a new rule of constitutional law, made retroactive to cases on collateral review by the Supreme Court, that was previously unavailable.".

SEC. 606. LIMITS ON SECOND OR SUCCESSIVE APPLICATIONS.

(a) CONFORMING AMENDMENT TO SECTION 2244(a).—Section 2244(a) of title 28, United States Code, is amended by striking "and the petition" and all that follows through "by such inquiry." and inserting ", except as provided in section 2255.".

(b) LIMITS ON SECOND OR SUCCESSIVE APPLICATIONS.—Section 2244(b) of title 28, United States Code, is amended to read as follows:

"(b)(1) A claim presented in a second or successive habeas corpus application under section 2254 that was presented in a prior application shall be dismissed.

"(2) A claim presented in a second or successive habeas corpus application under section 2254 that was not presented in a prior application shall be dismissed unless—

"(A) the applicant shows that the claim relies on a new rule of constitutional law, made retroactive to cases on collateral review by the Supreme Court, that was previously unavailable; or

"(B)(i) the factual predicate for the claim could not have been discovered previously through the exercise of due diligence; and

"(ii) the facts underlying the claim, if proven and viewed in light of the evidence as a whole, would be sufficient to establish by clear and convincing evidence that, but for constitutional error, no reasonable factfinder would have found the applicant guilty of the underlying offense.

"(3)(A) Before a second or successive application permitted by this section is filed in the district court, the applicant shall move in the appropriate court of appeals for an order authorizing the district court to consider the application.

"(B) A motion in the court of appeals for an order authorizing the district court to consider a second or successive application shall be determined by a three-judge panel of the court of appeals.

"(C) The court of appeals may authorize the filing of a second or successive application only if it determines that the application makes a prima facie showing that the application satisfies the requirements of this subsection.

"(D) The court of appeals shall grant or deny the authorization to file a second or successive application not later than 30 days after the filing of the motion.

"(E) The grant or denial of an authorization by a court of appeals to file a second or successive application shall not be appealable and shall not be the subject of a petition for rehearing or for a writ of certiorari.

"(4) A district court shall dismiss any claim presented in a second or successive application that the court of appeals has authorized to be filed unless the applicant shows that the claim satisfies the requirements of this section.".

SEC. 607. DEATH PENALTY LITIGATION PROCEDURES.

(a) ADDITION OF CHAPTER TO TITLE 28, UNITED STATES CODE.—Title 28, United States Code, is amended by inserting after chapter 153 the following new chapter:

"CHAPTER 154—SPECIAL HABEAS CORPUS PROCEDURES IN CAPITAL CASES

"Sec.

"2261. Prisoners in State custody subject to capital sentence; appointment of counsel; requirement of rule of court or statute; procedures for appointment.

"2262. Mandatory stay of execution; duration; limits on stays of execution; successive petitions.

"2263. Filing of habeas corpus application; time requirements; tolling rules.

"2264. Scope of Federal review; district court adjudications.

"2265. Application to State unitary review procedure.

"2266. Limitation periods for determining applications and motions.

"§ 2261. Prisoners in State custody subject to capital sentence; appointment of counsel; requirement of rule of court or statute; procedures for appointment

"(a) This chapter shall apply to cases arising under section 2254 brought by prisoners in State custody who are subject to a capital sentence. It shall apply only if the provisions of subsections (b) and (c) are satisfied.

"(b) This chapter is applicable if a State establishes by statute, rule of its court of last resort, or by another agency authorized by State law, a mechanism for the appointment, compensation, and payment of reasonable litigation expenses of competent counsel in State post-conviction proceedings brought by indigent prisoners whose capital convictions and sentences have been upheld on direct appeal to the court of last resort in the State or have otherwise become final for State law purposes. The rule of court or statute must provide standards of competency for the appointment of such counsel.

"(c) Any mechanism for the appointment, compensation, and reimbursement of counsel as provided in subsection (b) must offer counsel to all State prisoners under capital sentence and must provide for the entry of an order by a court of record—

"(1) appointing one or more counsels to represent the prisoner upon a finding that the prisoner is indigent and accepted the offer or is unable competently to decide whether to accept or reject the offer;

"(2) finding, after a hearing if necessary, that the prisoner rejected the offer of counsel and made the decision with an understanding of its legal consequences; or

"(3) denying the appointment of counsel upon a finding that the prisoner is not indigent.

"(d) No counsel appointed pursuant to subsections (b) and (c) to represent a State prisoner under capital sentence shall have previously represented the prisoner at trial or on direct appeal in the case for which the appointment is made unless the prisoner and counsel expressly request continued representation.

"(e) The ineffectiveness or incompetence of counsel during State or Federal post-conviction proceedings in a capital case shall not be a ground for relief in a proceeding arising under section 2254. This limitation shall not preclude the appointment of different counsel, on the court's own motion or at the request of the prisoner, at any phase of State or Federal post-conviction proceedings on the basis of the ineffectiveness or incompetence of counsel in such proceedings.

"§ 2262. Mandatory stay of execution; duration; limits on stays of execution; successive petitions

"(a) Upon the entry in the appropriate State court of record of an order under section 2261(c), a warrant or order setting an execution date for a State prisoner shall be stayed upon application to any court that would have jurisdiction over any proceedings filed under section 2254. The application shall recite that the State has invoked the post-conviction review procedures of this chapter and that the scheduled execution is subject to stay.

"(b) A stay of execution granted pursuant to subsection (a) shall expire if—

"(1) a State prisoner fails to file a habeas corpus application under section 2254 within the time required in section 2263;

"(2) before a court of competent jurisdiction, in the presence of counsel, unless the prisoner has competently and knowingly waived such counsel, and after having been advised of the consequences, a State prisoner under capital sentence waives the right to pursue habeas corpus review under section 2254; or

"(3) a State prisoner files a habeas corpus petition under section 2254 within the time required by section 2263 and fails to make a substantial showing of the denial of a Federal right or is denied relief in the district court or at any subsequent stage of review.

"(c) If one of the conditions in subsection (b) has occurred, no Federal court thereafter shall have the authority to enter a stay of execution in the case, unless the court of appeals approves the filing of a second or successive application under section 2244(b).

"§ 2263. Filing of habeas corpus application; time requirements; tolling rules

"(a) Any application under this chapter for habeas corpus relief under section 2254 must be filed in the appropriate district court not later than 180 days after final State court affirmance of the conviction and sentence on direct review or the expiration of the time for seeking such review.

"(b) The time requirements established by subsection (a) shall be tolled—

"(1) from the date that a petition for certiorari is filed in the Supreme Court until the date of final disposition of the petition if a State prisoner files the petition to secure review by the Supreme Court of the affirmance of a capital sentence on direct review by the court of last resort of the State or other final State court decision on direct review;

"(2) from the date on which the first petition for post-conviction review or other collateral relief is filed until the final State court disposition of such petition; and

"(3) during an additional period not to exceed 30 days, if—

"(A) a motion for an extension of time is filed in the Federal district court that would have jurisdiction over the case upon the filing of a habeas corpus application under section 2254; and

"(B) a showing of good cause is made for the failure to file the habeas corpus application within the time period established by this section.

"§ 2264. Scope of Federal review; district court adjudications

"(a) Whenever a State prisoner under capital sentence files a petition for habeas corpus relief to which this chapter applies, the district court shall only consider a claim or claims that have been raised and decided on the merits in the State courts, unless the failure to raise the claim properly is—

"(1) the result of State action in violation of the Constitution or laws of the United States;

"(2) the result of the Supreme Court recognition of a new Federal right that is made retroactively applicable; or

"(3) based on a factual predicate that could not have been discovered through the exercise of due diligence in time to present the claim for State or Federal post-conviction review.

"(b) Following review subject to subsections (a), (d), and (e) of section 2254, the court shall rule on the claims properly before it.

"§ 2265. Application to State unitary review procedure

"(a) For purposes of this section, a 'unitary review' procedure means a State procedure that authorizes a person under sentence of death to raise, in the course of direct review of the judgment, such claims as could be raised on collateral attack. This chapter shall apply, as provided in this section, in relation to a State unitary review procedure if the State establishes by rule of its court of last resort or by statute a mechanism for the appointment, compensation, and payment of reasonable litigation expenses of competent counsel in the unitary review proceedings, including expenses relating to the litigation of collateral claims in the proceedings. The rule of court or statute must provide standards of competency for the appointment of such counsel.

"(b) To qualify under this section, a unitary review procedure must include an offer of counsel following trial for the purpose of representation on unitary review, and entry of an order, as provided in section 2261(c), concerning appointment of counsel or waiver or denial of appointment of counsel for that purpose. No counsel appointed to represent the prisoner in the unitary review proceedings shall have previously represented the prisoner at trial in the case for which the appointment is made unless the prisoner and counsel expressly request continued representation.

"(c) Sections 2262, 2263, 2264, and 2266 shall apply in relation to cases involving a sentence of death from any State having a unitary review procedure that qualifies under this section. References to State 'post-conviction review' and 'direct review' in such sections shall be understood as referring to unitary review under the State procedure. The reference in section 2262(a) to 'an order under section 2261(c)' shall be understood as referring to the post-trial order under subsection (b) concerning representation in the unitary review proceedings, but if a transcript of the trial proceedings is unavailable at the time of the filing of such an order in the appropriate State court, then the start of the 180-day limitation period under section 2263 shall be deferred until a transcript is made available to the prisoner or counsel of the prisoner.

"§ 2266. Limitation periods for determining applications and motions

"(a) The adjudication of any application under section 2254 that is subject to this chapter, and the adjudication of any motion under section 2255 by a person under sentence of death, shall be given priority by the district court and by the court of appeals over all noncapital matters.

"(b)(1)(A) A district court shall render a final determination and enter a final judgment on any application for a writ of habeas corpus brought under this chapter in a capital case not later than 180 days after the date on which the application is filed.

"(B) A district court shall afford the parties at least 120 days in which to complete all actions, including the preparation of all pleadings and briefs, and if necessary, a hearing, prior to the submission of the case for decision.

"(C)(i) A district court may delay for not more than one additional 30-day period beyond the period specified in subparagraph (A), the rendering of a determination of an application for a writ of habeas corpus if the court issues a written order making a finding, and stating the reasons for the finding, that the ends of justice that would be served by allowing the delay outweigh the best interests of the public and the applicant in a speedy disposition of the application.

"(ii) The factors, among others, that a court shall consider in determining whether a delay in the disposition of an application is warranted are as follows:

"(I) Whether the failure to allow the delay would be likely to result in a miscarriage of justice.

"(II) Whether the case is so unusual or so complex, due to the number of defendants, the nature of the prosecution, or the existence of novel questions of fact or law, that it is unreasonable to expect adequate briefing within the time limitations established by subparagraph (A).

"(III) Whether the failure to allow a delay in a case, that, taken as a whole, is not so unusual or so complex as described in subclause (II), but would otherwise deny the applicant reasonable time to obtain counsel, would unreasonably deny the applicant or the government continuity of counsel, or would deny counsel for the applicant or the government the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

"(iii) No delay in disposition shall be permissible because of general congestion of the court's calendar.

"(iv) The court shall transmit a copy of any order issued under clause (i) to the Director of the Administrative Office of the United States Courts for inclusion in the report under paragraph (5).

"(2) The time limitations under paragraph (1) shall apply to—

"(A) an initial application for a writ of habeas corpus;

"(B) any second or successive application for a writ of habeas corpus; and

"(C) any redetermination of an application for a writ of habeas corpus following a remand by the court of appeals or the Supreme Court for further proceedings, in which case the limitation period shall run from the date the remand is ordered.

"(3)(A) The time limitations under this section shall not be construed to entitle an applicant to a stay of execution, to which the applicant would otherwise not be entitled, for the purpose of litigating any application or appeal.

"(B) No amendment to an application for a writ of habeas corpus under this chapter shall be permitted after the filing of the answer to the application, except on the grounds specified in section 2244(b).

"(4)(A) The failure of a court to meet or comply with a time limitation under this section shall not be a ground for granting relief from a judgment of conviction or sentence.

"(B) The State may enforce a time limitation under this section by petitioning for a writ of mandamus to the court of appeals. The court of appeals shall act on the petition for a writ or mandamus not later than 30 days after the filing of the petition.

"(5)(A) The Administrative Office of United States Courts shall submit to Congress an annual report on the compliance by the district courts with the time limitations under this section.

"(B) The report described in subparagraph (A) shall include copies of the orders submitted by the district courts under paragraph (1)(B)(iv).

"(c)(1)(A) A court of appeals shall hear and render a final determination of any appeal of an order granting or denying, in whole or in part, an application brought under this chapter in a capital case not later than 120 days after the date on which the reply brief is filed, or if no reply brief is filed, not later than 120 days after the date on which the answering brief is filed.

"(B)(i) A court of appeals shall decide whether to grant a petition for rehearing or other request for rehearing en banc not later than 30 days after the date on which the petition for rehearing is filed unless a responsive pleading is required, in which case the court shall decide whether to grant the petition not later than 30 days after the date on which the responsive pleading is filed.

"(ii) If a petition for rehearing or rehearing en banc is granted, the court of appeals shall hear and render a final determination of the appeal not later than 120 days after the date on which the order granting rehearing or rehearing en banc is entered.

"(2) The time limitations under paragraph (1) shall apply to—

"(A) an initial application for a writ of habeas corpus;

"(B) any second or successive application for a writ of habeas corpus; and

"(C) any redetermination of an application for a writ of habeas corpus or related appeal following a remand by the court of appeals en banc or the Supreme Court for further proceedings, in which case the limitation period shall run from the date the remand is ordered.

"(3) The time limitations under this section shall not be construed to entitle an applicant to a stay of execution, to which the applicant would otherwise not be entitled, for the purpose of litigating any application or appeal.

"(4)(A) The failure of a court to meet or comply with a time limitation under this section shall not be a ground for granting relief from a judgment of conviction or sentence.

"(B) The State may enforce a time limitation under this section by applying for a writ of mandamus to the Supreme Court.

"(5) The Administrative Office of United States Courts shall submit to Congress an annual report on the compliance by the courts of appeals with the time limitations under this section.".

(b) TECHNICAL AMENDMENT.—The part analysis for part IV of title 28, United States Code, is amended by adding after the item relating to chapter 153 the following new item:

"154. Special habeas corpus procedures in capital cases .... 2261.".

(c) EFFECTIVE DATE.—Chapter 154 of title 28, United States Code (as added by subsection (a)) shall apply to cases pending on or after the date of enactment of this Act.

SEC. 608. TECHNICAL AMENDMENT.

Section 408(q) of the Controlled Substances Act (21 U.S.C. 848(q)) is amended by amending paragraph (9) to read as follows:

"(9) Upon a finding that investigative, expert, or other services are reasonably necessary for the representation of the defendant, whether in connection with issues relating to guilt or the sentence, the court may authorize the defendant's attorneys to obtain such services on behalf of the defendant and, if so authorized, shall order the payment of fees and expenses therefor under paragraph (10). No ex parte proceeding, communication, or request may be considered pursuant to this section unless a proper showing is made concerning the need for confidentiality. Any such proceeding, communication, or request shall be transcribed and made a part of the record available for appellate review.".

Subtitle B—Criminal Procedural Improvements

SEC. 621. CLARIFICATION AND EXTENSION OF CRIMINAL JURISDICTION OVER CERTAIN TERRORISM OFFENSES OVERSEAS.

(a) Aircraft Piracy.—Section 46502(b) of title 49, United States Code, is amended—

(1) in paragraph (1), by striking "and later found in the United States";

(2) by amending paragraph (2) to read as follows:

"(2) The courts of the United States have jurisdiction over the offense in paragraph (1) if—

"(A) a national of the United States was aboard the aircraft;

"(B) an offender is a national of the United States; or

"(C) an offender is afterwards found in the United States."; and

(3) by adding at the end the following new paragraph:

"(3) For purposes of this subsection, the term 'national of the United States' has the meaning given such term in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).".

(b) Destruction of Aircraft or Aircraft Facilities.—Section 32(b) of title 18, United States Code, is amended—

(1) by striking "(b) Whoever" and inserting "(b)(1) Whoever";

(2) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively;

(3) by striking ", if the offender is later found in the United States,"; and

(4) by adding at the end the following new paragraphs:

"(2) The courts of the United States have jurisdiction over an offense described in this subsection if—

"(A) a national of the United States was on board, or would have been on board, the aircraft;

"(B) an offender is a national of the United States; or

"(C) an offender is afterwards found in the United States.

"(3) For purposes of this subsection, the term 'national of the United States' has the meaning given such term in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).".

(c) Murder or Manslaughter of Internationally Protected Persons.—Section 1116 of title 18, United States Code, is amended—

(1) in subsection (a), by striking ", except that";

(2) in subsection (b), by adding at the end the following new paragraph:

"(7) 'National of the United States' has the meaning given such term in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22))."; and

(3) in subsection (c), by striking the first sentence and inserting the following: "If the victim of an offense under subsection (a) is an internationally protected person outside the United States, the United States may exercise jurisdiction over the offense if (1) the victim is a representative, officer, employee, or agent of the United States, (2) an offender is a national of the United States, or (3) an offender is afterwards found in the United States.".

(d) Protection of Internationally Protected Persons.—Section 112 of title 18, United States Code, is amended—

(1) in subsection (c), by inserting "national of the United States," before "and"; and

(2) in subsection (e), by striking the first sentence and inserting the following: "If the victim of an offense under subsection (a) is an internationally protected person outside the United States, the United States may exercise jurisdiction over the offense if (1) the victim is a representative, officer, employee, or agent of the United States, (2) an offender is a national of the United States, or (3) an offender is afterwards found in the United States.".

(e) Threats Against Internationally Protected Persons.—Section 878 of title 18, United States Code, is amended—

(1) in subsection (c), by inserting "national of the United States," before "and"; and

(2) in subsection (d), by striking the first sentence and inserting the following: "If the victim of an offense under subsection (a) is an internationally protected person outside the United States, the United States may exercise jurisdiction over the offense if (1) the victim is a representative, officer, employee, or agent of the United States, (2) an offender is a national of the United States, or (3) an offender is afterwards found in the United States.".

(f) Kidnapping of Internationally Protected Persons.—Section 1201(e) of title 18, United States Code, is amended—

(1) by striking the first sentence and inserting the following: "If the victim of an offense under subsection (a) is an internationally protected person outside the United States, the United States may exercise jurisdiction over the offense if (1) the victim is a representative, officer, employee, or agent of the United States, (2) an offender is a national of the United States, or (3) an offender is afterwards found in the United States."; and

(2) by adding at the end the following: "For purposes of this subsection, the term 'national of the United States' has the meaning given such term in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22).".

(g) Violence at International Airports.—Section 37(b)(2) of title 18, United States Code, is amended to read as follows:

"(2) the prohibited activity takes place outside the United States, and—

"(A) the offender is later found in the United States; or

"(B) an offender or a victim is a national of the United States (as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22))).".

(h) National of the United States Defined.—Section 178 of title 18, United States Code, is amended—

(1) by striking the "and" at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(5) the term 'national of the United States' has the meaning given such term in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).".

SEC. 622. EXPANSION OF TERRITORIAL SEA.

(a) Territorial Sea Extending to Twelve Miles Included in Special Maritime and Territorial Jurisdiction.—The Congress declares that all the territorial sea of the United States, as defined by Presidential Proclamation 5928 of December 27, 1988, for purposes of criminal jurisdiction is part of the United States, subject to its sovereignty, and, for purposes of Federal criminal jurisdiction, is within the special maritime and territorial jurisdiction of the United States wherever that term is used in title 18, United States Code.

(b) Assimilated Crimes in Extended Territorial Sea.—Section 13 of title 18, United States Code (relating to the adoption of State laws for areas within Federal jurisdiction), is amended—

(1) in subsection (a), by inserting after "title," the following: "or on, above, or below any portion of the territorial sea of the United States not within the jurisdiction of any State, Commonwealth, territory, possession, or district"; and

(2) by adding at the end the following new subsection:

"(c) Whenever any waters of the territorial sea of the United States lie outside the territory of any State, Commonwealth, territory, possession, or district, such waters (including the airspace above and the seabed and subsoil below, and artificial islands and fixed structures erected thereon) shall be deemed for purposes of subsection (a) to lie within the area of that State, Commonwealth, territory, possession, or district it would lie within if the boundaries of such State, Commonwealth, territory, possession, or district were extended seaward to the outer limit of the territorial sea of the United States.".

SEC. 623. EXPANSION OF WEAPONS OF MASS DESTRUCTION STATUTE.

Section 2332a of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by inserting "threatens," before "attempts";

(B) in paragraph (2), by striking "; or" and inserting the following: "and the results of such use affect interstate or foreign commerce or, in the case of a threat, attempt, or conspiracy, would have affected interstate or foreign commerce if such use had occurred;";

(C) by redesignating paragraph (3) as paragraph (4);

(D) by inserting after paragraph (2) the following:

"(3) against a victim, or intended victim, that is the United States Government, a member of the uniformed services, or any official, officer, employee, or agent of the legislative, executive, or judicial branches, or any department or agency, of the United States; and"; and

(E) in paragraph (4), as redesignated, by inserting before the comma at the end the following: ", or is within the United States and is used in any activity affecting interstate or foreign commerce".

(2) by redesignating subsection (b) as subsection (c);

(3) by adding immediately after subsection (a) the following new subsection:

"(b) Use Outside United States.—Any national of the United States who outside of the United States uses, threatens, attempts, or conspires to use, a weapon of mass destruction, shall be imprisoned for any term of years or for life, and if death results, shall be punished by death or imprisonment for any term of years or for life. The preceding sentence does not apply to a person performing an act that, as performed, is within the scope of the person's official duties as an officer or employee of the United States or as a member of the Armed Forces of the United States, or to a person employed by a contractor of the United States for performing an act that, as performed, is authorized under the contract."; and

(4) by amending subsection (c)(2)(B), as redesignated by paragraph (3), by striking

"poison gas" and inserting "any poisonous chemical agent or substance, regardless of form or delivery system, designed for causing widespread death or injury;".

SEC. 624. ADDITION OF TERRORISM OFFENSES TO THE RICO STATUTE.

Section 1961(1) of title 18, United States Code, is amended—

(1) in subparagraph (B)—

(A) by inserting after "Section" the following: "32 (relating to the destruction of aircraft), section 37 (relating to violence at international airports), section 115 (relating to influencing, impeding, or retaliating against a Federal official by threatening or injuring a family member), section";

(B) by inserting after "section 224 (relating to sports bribery)," the following: "section 351 (relating to congressional or Cabinet officer assassination),";

(C) by inserting after "section 664 (relating to embezzlement from pension and welfare funds)," the following: "section 831 (relating to prohibited transactions involving nuclear materials), section 844 (f) or (i) (relating to destruction by explosives or fire of government property or property affecting interstate or foreign commerce),";

(D) by inserting after "sections 891–894 (relating to extortionate credit transactions)," the following: "section 956 (relating to conspiracy to kill, kidnap, maim, or injure certain property in a foreign country),";

(E) by inserting after "section 1084 (relating to the transmission of gambling information)," the following: "section 1111 (relating to murder), section 1114 (relating to murder of United States law enforcement officials), section 1116 (relating to murder of foreign officials, official guests, or internationally protected persons), section 1203 (relating to hostage taking),";

(F) by inserting after "section 1344 (relating to financial institution fraud)," the following: "section 1361 (relating to willful injury of government property within the special maritime and territorial jurisdiction),";

(G) by inserting after "section 1513 (relating to retaliating against a witness, victim, or an informant)," the following: "section 1751 (relating to Presidential assassination),";

(H) by inserting after "section 1958 (relating to use of interstate commerce facilities in the commission of murder-for-hire)," the following: "section 2280 (relating to violence against maritime navigation), section 2281 (relating to violence against maritime fixed platforms),"; and

(I) by inserting after "2321 (relating to trafficking in certain motor vehicles or motor vehicle parts)," the following: "section 2332 (relating to terrorist acts abroad against United States nationals), section 2332a (relating to use of weapons of mass destruction), section 2332b (relating to acts of terrorism transcending national boundaries), section 2339A (relating to providing material support to terrorists),";

(2) by striking "or" before "(E)"; and

(3) by inserting before the semicolon at the end the following: ", or (F) section 46502 of title 49, United States Code".

SEC. 625. ADDITION OF TERRORISM OFFENSES TO THE MONEY LAUNDERING STATUTE.

Section 1956(c)(7) of title 18, United States Code, is amended—

(1) in subparagraph (B), by amending clause (ii) to read as follows:

"(ii) murder, kidnapping, robbery, extortion, or destruction of property by means of explosive or fire;"; and

(2) in subparagraph (D)—

(A) by inserting after "an offense under" the following: "section 32 (relating to the destruction of aircraft), section 37 (relating to violence at international airports), section 115 (relating to influencing, impeding, or retaliating against a Federal official by threatening or injuring a family member),";

(B) by inserting after "section 215 (relating to commissions or gifts for procuring loans)," the following: "section 351 (relating to congressional or Cabinet officer assassination),";

(C) by inserting after "section 798 (relating to espionage)," the following: "section 831 (relating to prohibited transactions involving nuclear materials), section 844 (f) or (i) (relating to destruction by explosives or fire of Government property or property affecting interstate or foreign commerce),";

(D) by inserting after "section 875 (relating to interstate communications)," the following: "section 956 (relating to conspiracy to kill, kidnap, maim, or injure certain property in a foreign country),";

(E) by inserting after "section 1032 (relating to concealment of assets from conservator, receiver, or liquidating agent of financial institution)," the following: "section 1111 (relating to murder), section 1114 (relating to murder of United States law enforcement officials), section 1116 (relating to murder of foreign officials, official guests, or internationally protected persons),";

(F) by inserting after "section 1203 (relating to hostage taking)" the following: "section 1361 (relating to willful injury of Government property), section 1363 (relating to destruction of property within the special maritime and territorial jurisdiction),";

(G) by inserting after "section 1708 (relating to theft from the mail)" the following: "section 1751 (relating to Presidential assassination),";

(H) by inserting after "2114 (relating to bank and postal robbery and theft)," the following: "section 2280 (relating to violence against maritime navigation), section 2281 (relating to violence against maritime fixed platforms),"; and

(I) by striking "of this title" and inserting the following: "section 2332 (relating to terrorist acts abroad against United States nationals), section 2332a (relating to use of weapons of mass destruction), section 2332b (relating to international terrorist acts transcending national boundaries), 2339A (relating to providing material support to terrorists) of this title, section 46502 of title 49, United States Code,".

SEC. 626. PROTECTION OF CURRENT OR FORMER OFFICIALS, OFFICERS, OR EMPLOYEES OF THE UNITED STATES.

(a) AMENDMENT TO INCLUDE ASSAULTS, MURDERS, AND THREATS AGAINST FAMILIES OF FEDERAL OFFICIALS.—Section 115(a)(2) of title 18, United States Code, is amended by inserting ", or threatens to assault, kidnap, or murder, any person who formerly served as a person designated in paragraph (1), or" after "assaults, kidnaps, or murders, or attempts to kidnap or murder".

(b) MURDER OR ATTEMPTS TO MURDER CURRENT OR FORMER FEDERAL OFFICERS OR EMPLOYEES.—Section 1114 of title 18, United States Code, is amended to read as follows:

"§ 1114. Protection of officers and employees of the United States

"Whoever kills or attempts to kill a current or former officer or employee of the United States or its instrumentalities, or an immediate family member of such officer or employee, or any person assisting such an officer or employee in the performance of official duties, during or on account of the performance of such duties or the provision of such assistance, shall be punished—

"(1) in the case of murder, as provided under section 1111;

"(2) in the case of manslaughter, as provided under section 1112; and

"(3) in the case of attempted murder or manslaughter as provided in section 1113, not more than 20 years.".

(c) AMENDMENT TO CLARIFY THE MEANING OF THE TERM DEADLY OR DANGEROUS WEAPON IN THE PROHIBITION ON ASSAULT ON FEDERAL OFFICERS OR EMPLOYEES.—Section 111(b) of title 18, United States Code, is amended by inserting after "deadly or dangerous weapon" the following: "(including a weapon intended to cause death or danger but that fails to do so by reason of a defective or missing component)".

SEC. 627. ADDITION OF CONSPIRACY TO TERRORISM OFFENSES.

(a) DESTRUCTION OF AIRCRAFT OR AIRCRAFT FACILITIES.—(1) Section 32(a)(7) of title 18, United States Code, is amended by inserting "or conspires" after "attempts".

(2) Section 32(b)(D) of title 18, United States Code, as redesignated by section 721(b)(2), is amended by inserting "or conspires" after "attempts".

(b) VIOLENCE AT INTERNATIONAL AIRPORTS.—Section 37(a) of title 18, United States Code, is amended by inserting "or conspires" after "attempts".

(c) INFLUENCING, IMPEDING, OR RETALIATING AGAINST A FEDERAL OFFICIAL BY THREATENING OR INJURING A FAMILY MEMBER.—(1) Section 115(a)(1)(A) of title 18, United States Code, is amended by inserting "or conspires" after "attempts".

(2) Section 115(a)(2) of title 18, United States Code, as amended by section 729, is further amended by inserting "or conspires" after "attempts".

(3) Section 115(b)(2) of title 18, United States Code, is amended by striking both times it appears "or attempted kidnapping" and inserting both times ", attempted kidnapping or conspiracy to kidnap".

(4)(A) Section 115(b)(3) of title 18, United States Code, is amended by striking "or attempted murder" and inserting ", attempted murder or conspiracy to murder".

(B) Section 115(b)(3) of title 18, United States Code, is further amended by striking "and 1113" and inserting ", 1113, and 1117".

(d) PROHIBITIONS WITH RESPECT TO BIOLOGICAL WEAPONS.—Section 175(a) of title 18, United States Code, is amended by inserting ", or conspires to do so," after "any organization to do so,".

(e) HOSTAGE TAKING.—Section 1203(a) of title 18, United States Code, is amended by inserting "or conspires" after "attempts".

(f) VIOLENCE AGAINST MARITIME NAVIGATION.—Section 2280(a)(1)(H) of title 18, United States Code, is amended by inserting "or conspires" after "attempts".

(g) VIOLENCE AGAINST MARITIME FIXED PLATFORMS.—Section 2281(a)(1)(F) of title 18, United States Code, is amended by inserting "or conspires" after "attempts".

(h) AIRCRAFT PIRACY.—Section 46502 of title 49, United States Code, is amended—

(1) in subsection (a)(2), by inserting ", conspiring," after "committing" and

(2) in subsection (b)—

(A) in paragraph (1), by inserting "or conspiring to commit" after "committing";

(B) in paragraph (2), by inserting "conspired or" after "has placed,"; and

(C) in paragraph (3), by inserting "conspired or" after "has placed,".

(i) CLARIFICATION OF MARITIME VIOLENCE JURISDICTION.—Section 2280(b)(1)(A) of title 18, United States Code, is amended—

(1) in clause (ii), by striking "and the activity is not prohibited as a crime by the State in which the activity takes place"; and

(2) in clause (iii), by striking "the activity takes place on a ship flying the flag of a foreign country or outside the United States,".

SEC. 628. CLARIFICATION OF FEDERAL JURISDICTION OVER BOMB THREATS.

Section 844(e) of title 18, United States Code, is amended—

(1) by striking "(e) Whoever" and inserting "(e)(1) Whoever"; and

(2) by adding at the end the following new paragraph:

"(2) Whoever willfully makes any threat, or maliciously conveys false information knowing the same to be false, concerning an attempt or alleged attempt being made, or to be made to violate subsection (f) or (i) of this section or section 81 of this title shall be fined under this title, imprisoned for not more than 5 years, or both.".

TITLE VII—MARKING OF PLASTIC EXPLOSIVES

SEC. 701. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) plastic explosives were used by terrorists in the bombings of Pan Am flight 103 in December 1988 and PTA flight 722 in September 1989;

(2) plastic explosives can be used with little likelihood of detection for acts of unlawful interference with civil aviation, maritime navigation, and other modes of transportation;

(3) the criminal use of plastic explosives places innocent lives in jeopardy, endangers national security, affects domestic tranquility, and gravely affects interstate and foreign commerce;

(4) the marking of plastic explosives for the purpose of detection would contribute significantly to the prevention and punishment of such unlawful acts; and

(5) for the purpose of deterring and detecting such unlawful acts, the Convention on the Marking of Plastic Explosives for the Purpose of Detection, Done at Montreal on 1 March 1991, requires each contracting State to adopt appropriate measures to ensure that plastic explosives are duly marked and controlled.

(b) PURPOSE.—The purpose of this title is to fully implement the Convention on the Marking of Plastic Explosives for the Purpose of Detection, Done at Montreal on 1 March 1991.

SEC. 702. DEFINITIONS.

Section 841 of title 18, United States Code, is amended by adding at the end the following new subsections:

"(o) 'Convention on the Marking of Plastic Explosives' means the Convention on the Marking of Plastic Explosives for the Purpose of Detection, Done at Montreal on 1 March 1991.

"(p) 'Detection agent' means any one of the substances specified in this subsection when introduced into a plastic explosive or formulated in such explosive as a part of the manufacturing process in such a manner as to achieve homogeneous distribution in the finished explosive, including—

"(1) Ethylene glycol dinitrate (EGDN), $C_2H_4(NO_3)_2$, molecular weight 152, when the minimum concentration in the finished explosive is 0.2 percent by mass;

"(2) 2,3-Dimethyl-2,3-dinitrobutane (DMNB), $C_6H_{12}(NO_2)_2$, molecular weight 176, when the minimum concentration in the finished explosive is 0.1 percent by mass;

"(3) Para-Mononitrotoluene (p-MNT), $C_7H_7NO_2$, molecular weight 137, when the minimum concentration in the finished explosive is 0.5 percent by mass;

"(4) Ortho-Mononitrotoluene (o-MNT), $C_7H_7NO_2$, molecular weight 137, when the minimum concentration in the finished explosive is 0.5 percent by mass; and

"(5) any other substance in the concentration specified by the Secretary, after consultation with the Secretary of State and the Secretary of Defense, which has been added to the table in part 2 of the Technical Annex to the Convention on the Marking of Plastic Explosives.

"(q) 'Plastic explosive' means an explosive material in flexible or elastic sheet form formulated with one or more high explosives which in their pure form have a vapor pressure less than 10^{-4} Pa at a temperature of 25°C., is formulated with a binder material, and is as a mixture malleable or flexible at normal room temperature.".

SEC. 703. REQUIREMENT OF DETECTION AGENTS FOR PLASTIC EXPLOSIVES.

Section 842 of title 18, United States Code, is amended by adding after subsection (k) the following new subsections:

"(l) It shall be unlawful for any person to manufacture any plastic explosive that does not contain a detection agent.

"(m)(1) It shall be unlawful for any person to import or bring into the United States, or export from the United States, any plastic explosive that does not contain a detection agent.

"(2) This subsection does not apply to the importation or bringing into the United States, or the exportation from the United States, of any plastic explosive that was imported, brought into, or manufactured in the United States prior to the date of enactment of title VII of the Comprehensive Terrorism Prevention Act of 1995 by or on behalf of any agency of the United States performing military or police functions (including any military reserve component) or by or on behalf of the National Guard of any State, not later than 15 years after the date of entry into force of the Convention on the Marking of Plastic Explosives, with respect to the United States.

"(n)(1) It shall be unlawful for any person to ship, transport, transfer, receive, or possess any plastic explosive that does not contain a detection agent.

"(2) This subsection does not apply to—

"(A) the shipment, transportation, transfer, receipt, or possession of any plastic explosive that was imported, brought into, or manufactured in the United States prior to the date of enactment of the Comprehensive Terrorism Prevention Act of 1995 by any person during a period not exceeding 3 years after the date of enactment of title VII of the Comprehensive Terrorism Prevention Act of 1995; or

"(B) the shipment, transportation, transfer, receipt, or possession of any plastic explosive that was imported, brought into, or manufactured in the United States prior to the date of enactment of title VII of the Comprehensive Terrorism Prevention Act of 1995 by or on behalf of any agency of the United States performing a military or police function (including any military reserve component) or by or on behalf of the National Guard of any State, not later than 15 years after the date of entry into force of the Convention on the Marking of Plastic Explosives, with respect to the United States.

"(o) It shall be unlawful for any person, other than an agency of the United States (including any military reserve component) or the National Guard of any State, possessing any plastic explosive on the date of enactment of title VII of the Comprehensive Terrorism Prevention Act of 1995, to fail to report to the Secretary within 120 days after such effective date the quantity of such explosives possessed, the manufacturer or importer, any marks of identification on such explosives, and such other information as the Secretary may by regulations prescribe.".

SEC. 704. CRIMINAL SANCTIONS.

Section 844(a) of title 18, United States Code, is amended to read as follows:

"(a) Any person who violates any of subsections (a) through (i) or (l) through (o) of section 842 shall be fined under this title or imprisoned not more than 10 years, or both.".

SEC. 705. EXCEPTIONS.

Section 845 of title 18, United States Code, is amended—

(1) in subsection (a), by inserting "(l), (m), (n), or (o) of section 842 and subsections" after "subsections";

(2) in paragraph (1), by inserting before the semicolon ", and which pertain to safety"; and

(3) by adding at the end the following new subsection:

"(c) It is an affirmative defense against any proceeding involving subsections (l) through (o) of section 842 if the proponent proves by a preponderance of the evidence that the plastic explosive—

"(1) consisted of a small amount of plastic explosive intended for and utilized solely in lawful—

"(A) research, development, or testing of new or modified explosive materials;

"(B) training in explosives detection or development or testing of explosives detection equipment; or

"(C) forensic science purposes; or

"(2) was plastic explosive that, within 3 years after the date of enactment of the Comprehensive Terrorism Prevention Act of 1995, will be or is incorporated in a military device within the territory of the United States and remains an integral part of such military device, or is intended to be, or is incorporated in, and remains an integral part of a military device that is intended to become, or has become, the property of any agency of the United States performing military or police functions (including any military reserve component) or the National Guard of any State, wherever such device is located.

"(3) For purposes of this subsection, the term 'military device' includes, but is not restricted to, shells, bombs, projectiles, mines, missiles, rockets, shaped charges, grenades, perforators, and similar devices lawfully manufactured exclusively for military or police purposes.".

SEC. 706. INVESTIGATIVE AUTHORITY.

Section 846 of title 18, United States Code, is amended—

(1) in the last sentence, by inserting in the last sentence before "subsection" the phrase "subsection (m) or (n) of section 842 or;", and

(2) by adding at the end the following: "The Attorney General shall exercise authority over violations of subsection (m) or (n) of section 842 only when they are committed by a member of a terrorist or revolutionary group. In any matter involving a terrorist or revolutionary group or individual, as determined by the Attorney General, the Attorney General shall have primary investigative responsibility and the Secretary shall assist the Attorney General as requested.".

SEC. 707. EFFECTIVE DATE.

Except as otherwise provided in this title, this title and the amendments made by this title shall take effect 1 year after the date of enactment of this Act.

SEC. 708. STUDY AND REQUIREMENTS FOR TAGGING OF EXPLOSIVE MATERIALS, AND STUDY AND RECOMMENDATIONS FOR RENDERING EXPLOSIVE COMPONENTS INERT AND IMPOSING CONTROLS ON PRECURSORS OF EXPLOSIVES.

(a) The Secretary of the Treasury shall conduct a study and make recommendations concerning—

(1) the tagging of explosive materials for purposes of detection and identification;

(2) whether common chemicals used to manufacture explosive materials can be rendered inert and whether it is feasible to require it; and

(3) whether controls can be imposed on certain precursor chemicals used to manufacture explosive materials and whether it is feasible and cost-effective to require it.

In conducting the study, the Secretary shall consult with other Federal, State and local officials with expertise in this area and such other individuals as shall be deemed necessary. Such study shall be completed within twelve months after the enactment of this Act and shall be submitted to the Congress and made available to the public. Such study may include, if appropriate, recommendations for legislation.

(b) There are authorized to be appropriated for the study and recommendations contained in paragraph (a) such sums as may be necessary.

(c) Section 842, of title 18, United States Code, is amended by inserting after subsection (k), a new subsection (l) which reads as follows:

"(l)(1) It shall be unlawful for any person to manufacture, import, ship, transport, receive, possess, transfer, or distribute any explosive material that does not contain a tracer element as prescribed by the Secretary pursuant to regulation, knowing or having reasonable cause to believe that the explosive material does not contain the required tracer element.

"(2) For purposes of this subsection, explosive material does not include smokeless or black powder manufactured for uses set forth in section 845(a) (4) and (5) of this chapter.".

(d) Section 844, of title 18, United States Code, is amended by inserting after "(a) through (i)" the phrase "and (l)".

(e) Section 846, of title 18, United States Code, is amended by designating the present section as "(a)" and by adding a new subsection (b) reading as follows:

"(b) to facilitate the enforcement of this chapter the Secretary shall, within 6 months after submission of the study required by subsection (a), promulgate regulations for the addition of tracer elements to explosive materials manufactured in or imported into the United States. Tracer elements to be added to explosive materials under provisions of this subsection shall be of such character and in such quantity as the Secretary may authorize or require, and such as will not substantially impair the quality of the explosive materials for their intended lawful use, adversely affect the safety of these explosives, or have a substantially adverse effect on the environment.".

(f) The penalties provided herein shall not take effect until ninety days after the date of promulgation of the regulations provided for herein.

TITLE VIII—NUCLEAR MATERIALS

SEC. 801. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) nuclear materials, including byproduct materials, can be used to create radioactive dispersal devices that are capable of causing serious bodily injury as well as substantial damage to property and the environment;

(2) the potential use of nuclear materials, including byproduct materials, enhances the threat posed by terrorist activities and thereby has a greater effect on the security interests of the United States;

(3) due to the widespread hazards presented by the threat of nuclear contamination, as well as nuclear bombs, the United States has a strong interest in ensuring that persons who are engaged in the illegal acquisition and use of nuclear materials, including byproduct materials, are prosecuted for their offenses;

(4) the threat that nuclear materials will be obtained and used by terrorist and other criminal organizations has increased substantially since the enactment in 1982 of the legislation that implemented the Convention on the Physical Protection of Nuclear Material, codified at section 831 of title 18, United States Code;

(5) the successful efforts to obtain agreements from other countries to dismantle nuclear weapons have resulted in increased packaging and transportation of nuclear materials, thereby decreasing the security of such materials by increasing the opportunity for unlawful diversion and theft;

(6) the illicit trafficking in the relatively more common, commercially available and usable nuclear and byproduct materials poses a potential to cause significant loss of life and environmental damage;

(7) reported trafficking incidents in the early 1990's suggest that the individuals involved in trafficking these materials from Eurasia and Eastern Europe frequently conducted their black market sales of these materials within the Federal Republic of Germany, the Baltic States, the former Soviet Union, Central Europe, and to a lesser extent in the Middle European countries;

(8) the international community has become increasingly concerned over the illegal possession of nuclear and nuclear byproduct materials;

(9) the potentially disastrous ramifications of increased access to nuclear and nuclear byproduct materials pose such a significant future threat that the United States must use all lawful methods available to combat the illegal use of such materials;

(10) the United States has an interest in encouraging United States corporations to do business in the countries that comprised the former Soviet Union, and in other developing democracies;

(11) protection of such United States corporations from threats created by the unlawful use of nuclear materials is important to the success of the effort to encourage such business ventures, and to further the foreign relations and commerce of the United States;

(12) the nature of nuclear contamination is such that it may affect the health, environment, and property of United States nationals even if the acts that constitute the illegal activity occur outside the territory of the United States, and are primarily directed toward foreign nationals; and

(13) there is presently no Federal criminal statute that provides adequate protection to United States interests from nonweapons grade, yet hazardous radioactive material, and from the illegal diversion of nuclear materials that are held for other than peaceful purposes.

(b) PURPOSE.—The purpose of this title is to provide Federal law enforcement agencies the necessary tools and fullest possible basis allowed under the Constitution to combat the threat of nuclear contamination and proliferation that may result from illegal possession and use of radioactive materials.

SEC. 802. EXPANSION OF SCOPE AND JURISDICTIONAL BASES OF NUCLEAR MATERIALS PROHIBITIONS.

Section 831 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by striking "nuclear material" each place it appears and inserting "nuclear material or nuclear byproduct material";

(B) in paragraph (1)—

(i) in subparagraph (A), by inserting "or the environment" after "property"; and

(ii) by amending subparagraph (B) to read as follows:

"(B)(i) circumstances exist that are likely to cause the death or serious bodily injury to any person or substantial damage to property or the environment, or such circumstances have been represented to the defendant to exist;"; and

(C) in paragraph (6), by inserting "or the environment" after "property";

(2) in subsection (c)—

(A) by amending paragraph (2) to read as follows:

"(2) an offender or a victim is a national of the United States or a United States corporation or other legal entity;";

(B) in paragraph (3)—

(i) by striking "at the time of the offense the nuclear material is in use, storage, or transport, for peaceful purposes, and"; and

(ii) by striking "or" at the end of the paragraph;

(C) in paragraph (4)—

(i) by striking "nuclear material for peaceful purposes" and inserting "nuclear material or nuclear byproduct material"; and

(ii) by striking the period at the end of the paragraph and inserting "; or"; and

(D) by adding at the end the following new paragraph:

"(5) the governmental entity under subsection (a)(5) is the United States or the threat under subsection (a)(6) is directed at the United States."; and

(3) in subsection (f)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking "with an isotopic concentration not in excess of 80 percent plutonium 238"; and

(ii) in subparagraph (C), by striking "(C) uranium" and inserting "(C) enriched uranium, defined as uranium";

(B) by redesignating paragraphs (2), (3), and (4) as paragraphs (4), (5), and (6), respectively;

(C) by inserting after paragraph (1) the following new paragraph:

"(2) the term 'nuclear byproduct material' means any material containing any radioactive isotope created through an irradiation process in the operation of a nuclear reactor or accelerator;";

(D) by striking "and" at the end of paragraph (4), as redesignated;

(E) by striking the period at the end of subsection (f)(5), as redesignated, and inserting a semicolon; and

(F) by adding at the end the following new paragraphs:

"(6) the term 'national of the United States' has the meaning given such term in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)); and

"(7) the term 'United States corporation or other legal entity' means any corporation or other entity organized under the laws of the United States or any State, Commonwealth, territory, possession, or district of the United States.".

TITLE IX—MISCELLANEOUS PROVISIONS

SEC. 901. PROHIBITION ON DISTRIBUTION OF INFORMATION RELATING TO EXPLOSIVE MATERIALS FOR A CRIMINAL PURPOSE.

(a) Section 842 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(l) It shall be unlawful for any person to teach or demonstrate the making of explosive materials, or to distribute by any means information pertaining to, in whole or in part, the manufacture of explosive materials, if the person intends or knows, that such explosive materials or information will be used for, or in furtherance of, an activity that constitutes a Federal criminal offense or a criminal purpose affecting interstate commerce.".

(b) Section 844 of title 18, United States Code, is amended by designating subsection (a) as subsection (a)(1) and by adding the following new subsection:

"(a)(2) Any person who violates subsection (l) of section 842 of this chapter shall be fined under this title or imprisoned not more than twenty years, or both.".

SEC. 902. DESIGNATION OF CARTNEY KOCH MCRAVEN CHILD DEVELOPMENT CENTER.

(a) DESIGNATION.—

(1) IN GENERAL.—The Federal building at 1314 LeMay Boulevard, Ellsworth Air Force Base, South Dakota, shall be known and designated as the "Cartney Koch McRaven Child Development Center".

(2) REPLACEMENT BUILDING.—If, after the date of enactment of this Act, a new Federal building is built at the location described in paragraph (1) to replace the building described in the paragraph, the new Federal building shall be known and designated as the "Cartney Koch McRaven Child Development Center".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to a Federal building referred to in subsection (a) shall be deemed to be a reference to the "Cartney Koch McRaven Child Development Center".

SEC. 903. FOREIGN AIR TRAVEL SAFETY.

Section 44906 of title 49, United States Code, is amended to read as follows:

"§ 44906. Foreign air carrier security programs

"The Administrator of the Federal Aviation Administration shall continue in effect the requirement of section 129.25 of title 14, Code of Federal Regulations, that a foreign air carrier must adopt and use a security program approved by the Administrator. The Administrator shall only approve a security program of a foreign air carrier under section 129.25, or any successor regulation, if the Administrator decides the security program provides passengers of the foreign air carrier a level of protection identical to the level those passengers would receive under the security programs of air carriers serving the same airport. The Administrator shall prescribe regulations to carry out this section.".

SEC. 904. PROOF OF CITIZENSHIP.

Notwithstanding any other provision of law, a Federal, State, or local government agency may not use a voter registration card (or other related document) that evidences registration for an election for Federal office, as evidence to prove United States citizenship.

SEC. 905. COOPERATION OF FERTILIZER RESEARCH CENTERS.

In conducting any portion of the study relating to the regulation and use of fertilizer as a pre-explosive material, the Secretary of the Treasury shall consult with and receive input from non-profit fertilizer research centers and include their opinions and findings in the report required under subsection (c).

SEC. 906. SPECIAL ASSESSMENTS ON CONVICTED PERSONS.

Section 3013(a)(2) of title 18, United States Code, is amended—

(A) in subparagraph (A), by striking "$50" and inserting "not less than $100"; and

(B) in subparagraph (B), by striking "$200" and inserting "not less than $400".

SEC. 907. PROHIBITION ON ASSISTANCE UNDER ARMS EXPORT CONTROL ACT FOR COUNTRIES NOT COOPERATING FULLY WITH UNITED STATES ANTITERRORISM EFFORTS.

Chapter 3 of the Arms Export Control Act (22 U.S.C. 2771 et seq.) is amended by adding at the end the following:

"Sec. 40A. Transactions with Countries Not Fully Cooperating with United States Antiterrorism Efforts.

"(a) PROHIBITED TRANSACTIONS.—No defense article or defense service may be sold or licensed for export under this Act to a foreign country in a fiscal year unless the President determines and certifies to Congress at the beginning of that fiscal year, or at any other time in that fiscal year before such sale or license, that the country is cooperating fully with United States antiterrorism efforts.

"(b) WAIVER.—The President may waive the prohibition set forth in subsection (a) with respect to a specific transaction if the President determines that the transaction is essential to the national security interests of the United States.".

SEC. 908. AUTHORITY TO REQUEST MILITARY ASSISTANCE WITH RESPECT TO OFFENSES INVOLVING BIOLOGICAL AND CHEMICAL WEAPONS.

(a) BIOLOGICAL WEAPONS OF MASS DESTRUCTION.—Section 175 of title 18, United States Code, is amended by adding at the end the following:

"(c)(1) MILITARY ASSISTANCE.—The Attorney General may request that the Secretary of Defense provide assistance in support of Department of Justice activities relating to the enforcement of this section in an emergency situation involving biological weapons of mass destruction. Department of Defense resources, including personnel of the Department of Defense, may be used to provide such assistance if—

"(A) the Secretary of Defense and the Attorney General determine that an emergency situation involving biological weapons of mass destruction exists; and

"(B) the Secretary of Defense determines that the provision of such assistance will not adversely affect the military preparedness of the United States.

"(2) As used in this section, 'emergency situation involving biological weapons of mass destruction' means a circumstance involving a biological weapon of mass destruction—

"(A) that poses a serious threat to the interests of the United States; and

"(B) in which—

"(i) civilian expertise is not readily available to provide the required assistance to counter the threat posed by the biological weapon of mass destruction involved;

"(ii) Department of Defense special capabilities and expertise are needed to counter the threat posed by the biological weapon of mass destruction involved; and

"(iii) enforcement of the law would be seriously impaired if the Department of Defense assistance were not provided.

"(3) The assistance referred to in paragraph (1) includes the operation of equipment (including equipment made available under section 372 of title 10) to monitor, contain, disable, or dispose of a biological weapon of mass destruction or elements of the weapon.

"(4) The Attorney General and the Secretary of Defense shall jointly issue regulations concerning the types of assistance that may be provided under this subsection. Such regulations shall also describe the actions that Department of Defense personnel may take in circumstances incident to the provision of assistance under this subsection. Such regulations shall not authorize arrest or any assistance in conducting searches and seizures that seek evidence related to violations of this section, except for the immediate protection of human life.

"(5) The Secretary of Defense shall require reimbursement as a condition for providing assistance under this subsection in accordance with section 377 of title 10.

"(6)(A) Except to the extent otherwise provided by the Attorney General, the Deputy Attorney General may exercise the authority of the Attorney General under this subsection. The Attorney General may delegate the Attorney General's authority under this subsection only to the Associate Attorney General or an Assistant Attorney General and only if the Associate Attorney General or Assistant Attorney General to whom delegated has been designated by the Attorney General to act for, and to exercise the general powers of, the Attorney General.

"(B) Except to the extent otherwise provided by the Secretary of Defense, the Deputy Secretary of Defense may exercise the authority of the Secretary of Defense under this subsection. The Secretary of Defense may delegate the Secretary's authority under this subsection only to an Under Secretary of Defense or an Assistant Secretary of Defense and only if the Under Secretary or Assistant Secretary to whom delegated has been designated by the Secretary to act for, and to exercise the general powers of, the Secretary.".

(b) CHEMICAL WEAPONS OF MASS DESTRUCTION.—The chapter 113B of title 18, United States Code, that relates to terrorism, is amended by inserting after section 2332a the following:

"§ 2332b. Use of chemical weapons

"(a) OFFENSE.—A person who without lawful authority uses, or attempts or conspires to use, a chemical weapon—

"(1) against a national of the United States while such national is outside of the United States;

"(2) against any person within the United States; or

"(3) against any property that is owned, leased or used by the United States or by any department or agency of the United States, whether the property is within or outside of the United States,

shall be imprisoned for any term of years or for life, and if death results, shall be punished by death or imprisoned for any term of years or for life.

"(b) DEFINITIONS.—For purposes of this section—

"(1) the term 'national of the United States' has the meaning given in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)); and

"(2) the term 'chemical weapon' means any weapon that is designed to cause widespread death or serious bodily injury through the release, dissemination, or impact of toxic or poisonous chemicals or their precursors.

"(c)(1) MILITARY ASSISTANCE.—The Attorney General may request that the Secretary of Defense provide assistance in support of Department of Justice activities relating to the enforcement of this section in an emergency situation involving chemical weapons of mass destruction. Department of Defense resources, including personnel of the Department of Defense, may be used to provide such assistance if—

"(A) the Secretary of Defense and the Attorney General determine that an emergency situation involving chemical weapons of mass destruction exists; and

"(B) the Secretary of Defense determines that the provision of such assistance will not adversely affect the military preparedness of the United States.

"(2) As used in this section, 'emergency situation involving chemical weapons of mass destruction' means a circumstance involving a chemical weapon of mass destruction—

"(A) that poses a serious threat to the interests of the United States; and

"(B) in which—

"(i) civilian expertise is not readily available to provide the required assistance to counter the threat posed by the chemical weapon of mass destruction involved;

"(ii) Department of Defense special capabilities and expertise are needed to counter the threat posed by the biological weapon of mass destruction involved; and

"(iii) enforcement of the law would be seriously impaired if the Department of Defense assistance were not provided.

"(3) The assistance referred to in paragraph (1) includes the operation of equipment (including equipment made available under section 372 of title 10) to monitor, contain, disable, or dispose of a chemical weapon of mass destruction or elements of the weapon.

"(4) The Attorney General and the Secretary of Defense shall jointly issue regulations concerning the types of assistance that may be provided under this subsection. Such regulations shall also describe the actions that Department of Defense personnel may take in circumstances incident to the provision of assistance under this subsection. Such regulations shall not authorize arrest or any assistance in conducting searches and seizures that seek evidence related to violations of this section, except for the immediate protection of human life.

"(5) The Secretary of Defense shall require reimbursement as a condition for providing assistance under this subsection in accordance with section 377 of title 10.

"(6)(A) Except to the extent otherwise provided by the Attorney General, the Deputy Attorney General may exercise the authority of the Attorney General under this subsection. The Attorney General may delegate the Attorney General's authority under this subsection only to the Associate Attorney General or an Assistant Attorney General and only if the Associate Attorney General or Assistant Attorney General to whom delegated has been designated by the Attorney General to act for, and to exercise the general powers of, the Attorney General.

"(B) Except to the extent otherwise provided by the Secretary of Defense, the Deputy Secretary of Defense may exercise the authority of the Secretary of Defense under this subsection. The Secretary of Defense may delegate the Secretary's authority under this subsection only to an Under Secretary of Defense or an Assistant Secretary of Defense and only if the Under Secretary or Assistant Secretary to whom delegated has been designated by the Secretary to act for, and to exercise the general powers of, the Secretary.".

(c)(1) CIVILIAN EXPERTISE.—The President shall take reasonable measures to reduce civilian law enforcement officials' reliance on Department of Defense resources to counter the threat posed by the use or potential use of biological and chemical weapons of mass destruction within the United States, including—

(A) increasing civilian law enforcement expertise to counter such threat;

(B) improving coordination between civilian law enforcement officials and other civilian sources of expertise, both within and outside the Federal Government, to counter such threat.

(2) REPORT REQUIREMENT.—The President shall submit to the Congress—

(A) ninety days after the date of enactment of this Act, a report describing the respective policy functions and operational roles of Federal agencies in countering the threat posed by the use or potential use of biological and chemical weapons of mass destruction within the United States;

(B) one year after the date of enactment of this Act, a report describing the actions planned to be taken and the attendant cost pertaining to paragraph (1); and

(C) three years after the date of enactment of this Act, a report updating the information provided in the reports submitted pursuant to subparagraphs (A) and (B), including measures taken pursuant to paragraph (1).

(d) CLERICAL AMENDMENT.—The chapter analysis for chapter 113B of title 18, United States Code, is amended by inserting after the item relating to section 2332a the following:

"2332b. Use of chemical weapons.".

(e) USE OF WEAPONS OF MASS DESTRUCTION.—Section 2332a(a) of title 18, United States Code, is amended by inserting "without lawful authority" after "A person who".

SEC. 909. REVISION TO EXISTING AUTHORITY FOR MULTIPOINT WIRETAPS.

(a) Section 2518(11)(b)(ii) of title 18 is amended: by deleting "of a purpose, on the part of that person, to thwart interception by changing facilities." and inserting "that the person had the intent to thwart interception or that the person's actions and conduct would have the effect of thwarting interception from a specified facility.".

(b) Section 2518(11)(b)(iii) is amended to read:

"(iii) the judge finds that such showing has been adequately made.".

SEC. 910. AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR THE UNITED STATES PARK POLICE.

(a) IN GENERAL.—There are authorized to be appropriated from the General Fund of the Treasury for the activities of the United States Park Police, to help meet the increased needs of the United States Park Police, $1,000,000 for each of the fiscal years 1996, 1997, 1998, 1999, and 2000.

(b) AVAILABILITY OF FUNDS.—Funds made available pursuant to this section, in any fiscal year, shall remain available until expended.

SEC. 911. AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR THE ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS.

(a) IN GENERAL.—There are authorized to be appropriated from the General Fund of the Treasury for the activities of the Administrative Office of the United States Courts, to help meet the increased needs of the Administrative Office of the United States Courts, $4,000,000 for each of the fiscal years 1996, 1997, 1998, 1999, and 2000.

(b) AVAILABILITY OF FUNDS.—Funds made available pursuant to this section, in any fiscal year, shall remain available until expended.

SEC. 912. AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR THE UNITED STATES CUSTOMS SERVICE.

(a) IN GENERAL.—There are authorized to be appropriated from the General Fund of the Treasury for the activities of the United States Customs Service, to help meet the increased needs of the United States Customs Service, $10,000,000 for each of the fiscal years 1996, 1997, 1998, 1999, and 2000.

(b) AVAILABILITY OF FUNDS.—Funds made available pursuant to this section, in any fiscal year, shall remain available until expended.

SEC. 913. SEVERABILITY.

If any provision of this Act, an amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

TITLE X—VICTIMS OF TERRORISM ACT

SEC. 1001. TITLE.

This title may be cited as the "Victims of Terrorism Act of 1995".

SEC. 1002. AUTHORITY TO PROVIDE ASSISTANCE AND COMPENSATION TO VICTIMS OF TERRORISM.

The Victims of Crime Act of 1984 (42 U.S.C. 10601 et seq.) is amended by inserting after section 1404A the following new section:

"SEC. 1404B. COMPENSATION AND ASSISTANCE TO VICTIMS OF TERRORISM OR MASS VIOLENCE.

"(a) VICTIMS OF ACTS OF TERRORISM OUTSIDE THE UNITED STATES.—The Director may make supplemental grants to States to provide compensation and assistance to the residents of such States who, while outside the territorial boundaries of the United States, are victims of a terrorist act or mass violence and are not persons eligible for compensation under title VIII of the Omnibus Diplomatic Security and Antiterrorism Act of 1986.

"(b) VICTIMS OF DOMESTIC TERRORISM.—The Director may make supplemental grants to States for eligible crime victim compensation and assistance programs to provide emergency relief, including crisis response efforts, assistance, training, and technical assistance, for the benefit of victims of terrorist acts or mass violence occurring within the United States and may provide funding to United States Attorney's Offices for use in coordination with State victims compensation and assistance efforts in providing emergency relief.".

SEC. 1003. FUNDING OF COMPENSATION AND ASSISTANCE TO VICTIMS OF TERRORISM, MASS VIOLENCE, AND CRIME.

Section 1402(d)(4) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(d)(4)) is amended to read as follows:

"(4)(A) If the sums available in the Fund are sufficient to fully provide grants to the States pursuant to section 1403(a)(1), the Director may retain any portion of the Fund that was deposited during a fiscal year that was in excess of 110 percent of the total amount deposited in the Fund during the preceding fiscal year as an emergency reserve. Such reserve shall not exceed $50,000,000.

"(B) The emergency reserve may be used for supplemental grants under section 1404B and to supplement the funds available to provide grants to States for compensation and assistance in accordance with sections 1403 and 1404 in years in which supplemental grants are needed.''.

SEC. 1004. CRIME VICTIMS FUND AMENDMENTS.

(a) UNOBLIGATED FUNDS.—Section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601) is amended—

(1) in subsection (c), by striking ''subsection'' and inserting ''chapter''; and

(2) by amending subsection (e) to read as follows:

''(e) AMOUNTS AWARDED AND UNSPENT.—Any amount awarded as part of a grant under this chapter that remains unspent at the end of a fiscal year in which the grant is made may be expended for the purpose for which the grant is made at any time during the 2 succeeding fiscal years, at the end of which period, any remaining unobligated sums shall be returned to the Fund.''.

(b) BASE AMOUNT.—Section 1404(a)(5) of such Act (42 U.S.C. 10603(a)(5)) is amended to read as follows:

''(5) As used in this subsection, the term 'base amount' means—

''(A) except as provided in subparagraph (B), $500,000; and

''(B) for the territories of the Northern Mariana Islands, Guam, American Samoa, and Palau, $200,000.''.

Mr. HATCH. Madam President, I would like to thank BOB DOLE for his strong leadership. It was an honor to work with him. ARLEN SPECTER for his legal acumen, JOE BIDEN for his statesmanship and DON NICKLES and JAMES INHOFE for their able input. All of these Senators were vital to the passage of this bill.

I would also like to commend the following staffers for their long, hard work:

Democrats: Cynthia Hogan, Ankur Goel, Chris Putala, Demetra Lambros, Mimi Murphy, Tracy Doherty, and Mike O'Leary.

Republicans: Mike O'Neill and Mike Kennedy. These two men worked, literally, around the clock. Also, Ashley Disque, John Gibbons, Dennis Shea, Richard Hertling, Lee Otis, Eric Maxfield, and Manus Cooney.

All of these people helped make this bill possible. The President called on Congress for swift action, and we delivered.

Mr. DOLE. Madam President, immediately after the Oklahoma City tragedy, President Clinton was right on target when he said that the perpetrators of this vicious crime should face justice that was ''swift, certain, and severe.''

I am pleased to report to the American people and to the President that, with today's passage of the antiterrorism bill, we are one giant step closer to achieving this important goal.

The most critical element of this bill, and the one that bears most directly on the tragic events in Oklahoma City, is the provision reforming the so-called habeas corpus rules.

By imposing filing deadlines on all death row inmates, and by limiting condemned killers convicted in State or Federal court to one Federal habeas petition—one bite of the apple—these landmark reforms will go a long, long way to streamline the lengthy appeals process and bridge the gap between crime and punishment in America.

It is dead wrong that we must wait 8, or 9, or even 10 years before a capital sentence is actually carried out. And, of course, it is terribly unjust to the innocent victims of violent crime and their families.

As I said yesterday, if the Federal Government prosecutes the Oklahoma City case and the death penalty is sought and imposed, the execution of the sentence could take as a little as 1 year once these reforms are enacted into law.

I want to thank President Clinton for his efforts this past week in discouraging Democratic amendments. No doubt about it, the President's involvement has helped speed up the process here in the Senate. I particularly commend the President for finally coming around to the view that habeas reform is an essential ingredient of any serious anti-terrorism plan.

I want to thank the two managers, Senator HATCH and Senator BIDEN, for their persistence in guiding this legislation through the Senate. On this side of aisle, Senator HATCH has provided the intellectual glue that has kept this effort together. And, of course, I want to thank my two colleagues from Oklahoma, Senator NICKLES and Senator INHOFEE, whose help in this process has also been invaluable.

Finally, I commend the good people of Oklahoma City, whose self-sacrifice and resiliency during this very difficult time has been an inspiration for us all. The families of some of the bombing victims travelled all the way to Washington this past Monday to let us know that we must take action now to put an end to the endless delays and appeals that have done so much to weaken public confidence in our system of criminal justice. It is gratifying to see that their efforts have had such a profound impact here in the Senate.

Mr. HATFIELD. Madam President, it has been a difficult process, but we have now reached the conclusion of this worthy debate. I want to commend Majority Leader DOLE and Minority Leader DASCHLE and the managers of this legislation, Chairman HATCH and Senator BIDEN, the ranking member of the Judiciary Committee, for their skill and resolve in moving this important and complex measure through the Senate.

It is proper for the Senate, at the request of the President, to undertake this legislative action to put in place safeguards to ensure, to the extent we can, that terrorism does not occur in the future. It is my hope that this legislation will provide one more avenue toward the national healing that is needed in the aftermath of one of the most senseless and disturbing acts in the history of man.

I have joined with all my colleagues to condemn this act in the harshest terms. However, despite my abhorrence of this horrible crime, I am unable to support this legislation. As many of my colleagues are aware, I am a longtime opponent of capital punishment. This legislation, under section 2332b, on page 7 of the bill, provides for the imposition of the death penalty in the following manner:

(1) Whoever violates this section shall, in addition to the punishment provided for any other crime charged in the indictment, be punished—

(A) if death results to any person, by death, or by life imprisonment for any term of years or for life;

Madam President, I could support this provision if the clause ''by death'' were excluded. Because it has not been deleted, and because the death penalty is so repugnant me, I am unable to support this legislation which has many meritorious provisions.

I would like my colleagues to take note of a recent event in the country of South Africa. I am informed that the highest court in South Africa has struck down the death penalty in that country on the basis that it constitutes cruel and inhumane punishment. In his opinion, Chief Justice Arthur Chaskalson said, ''Retribution cannot be accorded the same weight under our constitution as the right to life and dignity.'' He went on to make a point made by death penalty opponents on this floor many times: ''It has not been shown that the death sentence would be materially more effective to deter or prevent murder than the alternative sentence of life imprisonment.''

I believe it is time for this country to follow the lead of the South Africans. I have long held that capital punishment is a barbaric penalty, certainly one that should be abhorrent to a society such as our own.

I have marveled at the strides the South Africans have made over the past decade. It was not too many years ago that the United States put great pressure on the Government of South Africa to improve their horrible human rights record. While this new decision is being met with the expected cries of opposition, it now appears to me that the South Africans are setting an example for us on human rights.

I merely make note of this enlightenment in South Africa as this body continues down the road of support for capital punishment. It is my hope that some day my colleagues will realize this is a failed, primitive and sickening policy. I regret that, on that basis, I am unable to support S. 735.

THE COMPREHENSIVE TERRORISM PREVENTION ACT

Mr. MOYNIHAN. Madam President, I am deeply concerned that the Senate has chosen in this legislation to radically alter the ancient writ of habeas corpus an subjiciendum. Four separate Democratic amendments that would have moderated the bill's extreme habeas corpus provisions were rejected today.

It is troubling that the Senate has undertaken to revise the Great Writ of Liberty in a bill designed as a response to the Oklahoma City bombing. Habeas corpus reform has very little to do with terrorism. The Oklahoma City bombing was a Federal crime and will be tried in Federal courts. The controversy over habeas corpus is a result of excess litigation by State court prisoners who believe they were wrongly convicted in State courts. According to the Emergency Committee to Save Habeas Corpus, a group of 100 of the Nation's most distinguished attorneys, scholars, and civic leaders, "Cutting back the enforcement of constitutional liberties for people unlawfully held in State custody is neither necessary to habeas reform nor relevant to terrorism."

Article I, section 9 of the U.S. Constitution provides that:

> The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.

The Habeas Corpus Act of 1867 permitted State prisoners convicted in State courts to challenge the constitutionality of their imprisonment in Federal district court. This is a right we have honored in the United States for well over a century.

The legislation before us will require our Federal courts to defer to State court judgments unless a State court's application of Federal law is unreasonable. Our Federal courts will be powerless to correct State court decisions—even if a State court decision is wrong. The bill requires deference by the Federal courts unless a State court's decision is unreasonably wrong. This is a standard that will effectively preclude Federal review.

This Senator understands the need for habeas corpus reform, and I would support legislation to impose reasonable limitations on appeals. But this bill goes far too far. It will in many cases transform the State courts—not the Federal courts established under article III of the U.S. Constitution—into the arbiters of Federal constitutionality.

This legislation will eviscerate the writ of habeas corpus, and that is something this Senator in good conscience must oppose. Mr. President, I ask unanimous consent that a letter from the Emergency Committee to Save Habeas Corpus, and the list of its members, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

EMERGENCY COMMITTEE
TO SAVE HABEAS CORPUS,
Washington, DC, June 1, 1995.

Hon. DANIEL PATRICK MOYNIHAN,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR MOYNIHAN: We understand that the Senate may act next week on the habeas corpus provisions in Senator Dole's terrorism legislation. Among these provisions is a requirement that federal courts must defer to state courts incorrectly applying federal constitutional law, unless it can be said that the state ruling was "unreasonably" incorrect. This is a variation of past proposals to strip the federal courts of the power to enforce the Constitution when the state court's interpretation of it, though clearly wrong, had been issued after a "full and fair" hearing.

The Emergency Committee was formed in 1991 to fight this extreme proposal. Our membership consists of both supporters and opponents of the death penalty, Republicans and Democrats, united in the belief that the federal habeas corpus process can be dramatically streamlined without jeopardizing its constitutional core. At a time when proposals to curtail civil liberties in the name of national security are being widely viewed with suspicion, we believe it is vital to ensure that habeas corpus—the means by which all civil liberties are enforced—is not substantively diminished.

The habeas corpus reform bill President Clinton proposed in 1993, drafted in close cooperation with the nation's district attorneys and state attorneys general, appropriately recognizes this point. It would codify the long-standing principal of independent federal review of constitutional questions, and specifically reject the "full and fair" deference standard.

Independent federal review of state court judgments has existed since the founding of the Republic, whether through writ of error or writ of habeas corpus. It has a proud history of guarding against injustices born of racial prejudice and intolerance, of saving the innocent from imprisonment or execution, and in the process, ensuring the rights of all law-abiding citizens. Independent federal review was endorsed by the committee chaired by Justice Powell on which all subsequent reform proposals have been based, and the Supreme Court itself specifically considered but declined to require deference to the states, in *Wright* v. *West* in 1992.

We must emphasize that this issue of deference to state rulings has absolutely no bearing on the swift processing of terrorism offenses in the federal system. For federal inmates, the pending habeas reform legislation proposes dramatic procedural reforms but appropriately avoids any curtailment of the federal courts' power to decide federal constitutional issues. This same framework of reform will produce equally dramatic results in state cases. Cutting back the enforcement of constitutional liberties for people unlawfully held in state custody is neither necessary to habeas reform nor relevant to terrorism.

We are confident that the worthwhile goal of streamlining the review of criminal cases can be accomplished without diminishing constitutional liberties. Please support the continuation of independent federal review of federal constitutional claims through habeas corpus.

Sincerely,

BENJAMIN CIVILETTI.
EDWARD H. LEVI.
NICHOLAS DEB. KATZENBACH.
ELLIOT L. RICHARDSON.

STATEMENTS ON PROPOSALS REQUIRING FEDERAL COURTS IN HABEAS CORPUS CASES TO DEFER TO STATE COURTS ON FEDERAL CONSTITUTIONAL QUESTIONS

Capital cases should be subject to one fair and complete course of collateral review through the state and federal system * * * . Where the death penalty is involved, fairness means a searching and impartial review of the propriety of the sentence—Justice Lewis F. Powell, Jr., presenting the 1989 report of the Ad Hoc Committee on Federal Habeas Corpus in Capital Cases, chaired by him and appointed by Chief Justice William Rehnquist.

The federal courts should continue to review de novo mixed and pure questions of federal law. Congress should codify this review standard * * *. Senator Dole's bill [containing the "full and fair" deference requirement' would rather straightforwardly eliminate federal habeas jurisdiction over most constitutional claims by state inmates—150 former state and federal prosecutors, in a December 7, 1993 letter to Judiciary Committee Chairman Biden and Brooks.

Racial distinctions are evident in every aspect of the process that leads to execution * * *. [W]e feverently and respectfully urge a steadfast review by federal judiciary in state death penalties as absolutely essential to ensure justice—Rev. Dr. Joseph E. Lowery, President, Southern Christian Leadership Conference, U.S. House Judiciary Committee hearing on capital habeas corpus reform, June 6, 1990.

The State court cannot have the last say when it, though on fair consideration and what procedurally may be deemed fairness, may have misconceived a federal constitutional right—Justice Felix Frankfurter, for the Court, in Brown v. Allen, 344 U.S. 443, 508(1953)

[There is no case in which] a state court's incorrect legal determination has ever been allowed to stand because it was reasonable. We have always held that federal courts, even on habeas, have an independent obligation to say what the law is—Justice Sandra Day O'Connor, concurring in *Wright* v. *West*, 112 S.Ct. 2482(1992), citing 29 Supreme Court cases and "many others" to reject the urging of Justices Thomas, Scalia and Rhenquist to adopt a standard of deference to state courts on federal constitutional matters.

EMERGENCY COMMITTEE TO SAVE HABEAS CORPUS

CHAIRS

Benjamin Civiletti, Former Attorney General of the United States.

Nicholas DeB. Katzenbach, Former Attorney General of the United States.

Edward H. Levi, Former Attorney General of the United States.

Elliot L. Richardson, Former Attorney General of the United States.

MEMBERS

Floyd Abrams, Attorney.

Robert Abrams, Former Attorney General, New York.

Philip S. Anderson, Attorney.

Dennis W. Archer, Mayor of Detroit; Former Justice, Michigan Supreme Court.

Birch Bayh, Former U.S. Senator, Indiana.

Francis X. Bellotti, Former Attorney General, Massachusetts.

Lindy Boggs, Former Member of Congress, Louisiana.

Hyman Bookbinder, Washington Representative Emeritus, American Jewish Committee.

Albert Brewer, Former Governor of Alabama.

Allen E. Broussard, Former Justice, California Supreme Court.

John Buchanan, Former Member of Congress, Alabama.

Haywood Burns, Dean, City University of New York Law School.

Guido Calabresi, Dean, Yale Law School.

Julius Chambers, Director-Counsel, NAACP Legal Defense and Educational Fund.

L. Stanley Chauvin, Jr., Former President, American Bar Association.

Dick Clark, Former United States Senator, Iowa.

W.J. Michael Cody, Former Attorney General, Tennessee.

William T. Coleman, Jr., Former U.S. Secretary of Transportation.

Joseph Curran, Attorney General, Maryland.

John J. Curtin, Jr., Former President, American Bar Association.

Lloyd N. Cutler, Former Counsel to the President.

Talbot D'Alemberte, Former President, American Bar Association.

Samuel Dash, Professor, Georgetown Law School; Former Chief Counsel, Senate Watergate Committee; Former District Attorney of Philadelphia.

John A. Dixon, Jr., Former Chief Justice, Louisiana Supreme Court.

John Douglas, Former Assistant Attorney General of the United States.

Father Robert Drinan, Former Member of Congress, Massachusetts.

Thomas Eagleton, Former U.S. Senator, Missouri.

Raymond Ehrlich, Former Chief Justice, Florida Supreme Court.

Arthur J. England, Jr., Former Justice, Florida Supreme Court.

Marvin Frankel, Former U.S. District Judge, New York.

John Hope Franklin, Historian.

Donald Fraser, Mayor of Minneapolis; Former Member of Congress, Minnesota.

Stanley H. Fuld, Former Chief Judge, New York Court of Appeals.

Susan Getzendanner, Former U.S. District Judge, Illinois.

Joseph I. Giarrusso, Former Superintendent, New Orleans Police Department.

John J. Gibbons, Former Chief Judge, United States Court of Appeals for the Third Circuit.

William A. Grimes, Former Justice, New Hampshire Supreme Court.

Joseph R. Grodin, Former Justice, California Supreme Court.

Gerald Gunther, Professor, Stanford Law School.

William J. Guste, Former Attorney General, Louisiana.

Reverend Theodore Hesburgh, C.S.C., President Emeritus, University of Notre Dame.

L. Eades Hogue, Former Trial Attorney, Criminal Division, U.S. Department of Justice.

Elizabeth Holtzman, New York City Comptroller; Former Member of Congress, New York.

Shirley Hufstedler, Former Judge, United States Court of Appeals for the Ninth Circuit, Former U.S. Secretary of Education.

Richard J. Hughes, Former Governor and Supreme Court Chief Justice, New Jersey (deceased).

Charles J. Hynes, District Attorney for Kings County (Brooklyn), New York.

Thomas Johnson, Former County Attorney, Hennepin County, Minnesota.

Barbara Jordan, former Member of Congress, Texas.

Robert W. Kastenmeier, former Member of Congress, Wisconsin.

William W. Kilgarlin, former Justice, Supreme Court of Texas.

Coretta Scott King, President, Martin Luther King Center.

Lane Kirkland, President, AFL–CIO.

Richard H. Kuh, former Manhattan District Attorney.

Phillip Kurland, Professor, University of Chicago Law School.

Phillip Lacovara, former Deputy Solicitor General of the United States.

Shelby Lanier, Jr., Chairman, National Black Police Association.

William Leech, former Attorney General, Tennessee.

George N. Leighton, former U.S. District Judge, Illinois.

Arthur Liman, former Chief Counsel, U.S. Senate Iran/Contra Committee.

Hans Linde, former Justice, Oregon Supreme Court.

Robert MacCrate, former President, American Bar Association.

Charles McC. Mathias, former U.S. Senator, Maryland.

Darrell McGraw, Attorney General, West Virginia.

Robert S. McNamara, former U.S. Secretary of Defense; former President, World Bank.

Jim Mattox, former Attorney General and Member of Congress, Texas.

Harry McPherson, former Counsel to the President.

Walter F. Mondale, former U.S. Vice President; former U.S. Senator and Attorney General, Minnesota.

James Neal, former Chief Watergate Special Prosecutor; former United States Attorney.

William G. Paul, General Counsel, Phillips Petroleum Company.

John H. Pickering, Attorney.

Jack Pope, former Chief Justice, Texas Supreme Court.

Edward E. Pringle, former Chief Justice, Colorado Supreme Court.

Thomas Railsback, former Member of Congress, Illinois.

Joseph Rauh, Attorney (deceased).

Robert Raven, former President, American Bar Association.

Cruz Reynoso, former Justice, California Supreme Court.

Leroy C. Richie, Vice President, General Counsel, Chrysler Corporation.

Peter W. Rodino, Jr., former Chairman, U.S. House Judiciary Committee.

Stephen Sachs, former Attorney General and former United States Attorney, Maryland.

Carl Sagan, Astronomer.

Whitney North Seymour, Jr., former United States Attorney, New York.

James Shannon, former Attorney General, Massachusetts.

Robert L. Shevin, former Attorney General, Florida.

Seymour Simon, former Justice, Illinois Supreme Court.

Chesterfield Smith, former President, American Bar Association.

Nicholas Spaeth, former Attorney General, North Dakota.

Robert Spire, former Attorney General, Nebraska (deceased).

Geoffrey Stone, Dean, University of Chicago Law School.

Alan Sundberg, former Chief Justice, Florida Supreme Court.

Leonard v.B. Sutton, former Chief Justice, Colorado Supreme Court.

Telford Taylor, Professor, Columbia Law School; former Prosecutor, Nuremburg War Crimes Tribunal.

James Tierney, former Attorney General, Maine.

Joseph D. Tydings, former U.S. Senator and United States Attorney, Maryland.

Harold R. Tyler, Jr., former U.S. District Judge, New York; former Deputy Attorney General of the United States.

Cyrus Vance, former U.S. Secretry of State.

James Vollers, former Judge, Texas Court of Criminal Appeals.

Andrew Young, former Ambassador to the United Nations, former Mayor, Atlanta, Georgia.

EXECUTIVE DIRECTOR

H. Scott Wallace, 1625 K Street, N.W., Suite 800, Washington, D.C. 20006.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. I ask unanimous consent to speak as in morning business briefly for the purpose of introducing a bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. GRASSLEY pertaining to the introduction of S. 888 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

PRESIDENT CLINTON'S VETO OF THE RESCISSIONS BILL

Mr. KENNEDY. Madam President, I commend President Clinton for his veto of the rescissions bill this afternoon. Once again, the President has made clear his strong commitment to education and to the students and working families of the Nation.

By vetoing this bill, the President has said "no" to the elimination of violence and drug prevention programs for 20 million students in 90 percent of our schools.

He has said "no" to the elimination of school reform grants to 2,000 schools in 47 States.

He has said "no" to the drastic cuts in reading and math assistance for 135,000 pupils.

He has said "no" to the elimination of community service support for 15,000 young men and women ready, willing, and able to serve their communities and earn money for their education.

He has said "no" to the elimination of opportunities for thousands of young high school students to participate in school-to-work programs.

He has said "no" to ending the promising start we have made on putting modern technology in schools.

He has said "no" to deep cuts like this to pay for tax cuts for the rich.

The battle has now been squarely joined against drastic antieducation Republican budget proposals that would mean the largest education cuts in the Nation's history.

These Republican budgets are indefensible—they would cut 33 percent of the Federal investment in education by the year 2002, and slash over $30 billion in Federal aid to college students.

Every student, every parent, every American understands that education is the indispensable foundation of a better life for themselves and their children. Deep Republican cuts in education are a betrayal of the hopes and dreams of families for their children. They undermine the Nation's future strength. Our schools, colleges, and students deserve a helping Federal hand—not the back of Republican hands.

This veto is right, and I am confident it will be sustained by the Congress.

ADMINISTRATION POLICY ON BOSNIA

Mr. DOLE. Madam President, it is indeed ironic that the Clinton administration—whose policy on Bosnia needs to be checked hourly—is on the attack against those in Congress like myself who have consistently argued for a policy that candidate Clinton advocated. Maybe administration officials are tired of attacking each other in the press and have decided to take their frustration out on the Congress.

The administration's arguments against withdrawing the U.N. protection forces and lifting the arms embargo are neither based on fact nor on American experience.

First we have a statement from the Secretary of Defense today that withdrawing U.N. forces would lead to a humanitarian disaster. I do not know if the Pentagon has been keeping up with the news over the last few months, but the situation in Bosnia is and has been a humanitarian disaster for the last couple of years, despite the presence of 22,000 U.N. troops. The U.N. mission in Bosnia has failed. Bandages like the quick reaction force will not change that fact.

Secretary Perry also told the Armed Services Committee today that the casualty rate in Bosnia dramatically dropped, which he attributed to the presence of U.N. forces. As the recent hostage taking has painfully demonstrated, the U.N. forces cannot even protect themselves let alone the Bosnians. And I say this understanding the bravery of each of the individuals who are there. They are in a very, very difficult situation. They cannot protect themselves. They are placed there by their governments.

Furthermore, the heaviest Bosnian casualties were in areas where U.N. forces were either not deployed or deployed too late—in northern and eastern Bosnia.

So it seems to me that the real reason casualties dropped is because the Bosnians, over time, have acquired more weapons and have been able to better defend themselves. That is why the casualty rate has gone down.

The second argument made by the administration is that the lifting of the arms embargo would Americanize the war and make the United States responsible for events in Bosnia.

Let us not fool ourselves—America is responsible now. We already have a responsibility. America is responsible because it has not been a leader, rather it has meekly followed the Europeans' failed approach.

As for the accusation that lifting the arms embargo would "Americanize" the conflict, it seems to me that the United States has plenty of experience from Central America to Afghanistan in providing military assistance without being drawn into a quagmire with American troops on the ground. The real recipe for getting bogged down is to send United States ground troops into Bosnia without a mission, which is why the resolution I intend to submit would authorize, with strict conditions, the use of United States ground forces for the clearly stated purpose of withdrawing U.N. protection forces from Bosnia—not for peacekeeping, not for reconfiguration, not for strengthening, or any other proposed deployments supported by the Clinton administration.

Furthermore, Bosnian officials have repeated time and time again that they do not want United States ground troops. Just a couple days ago, in response to news that a European quick reaction force would be created, Bosnian Prime Minister Haris Silajdzic said "Please untie our hands, arm the Bosnians. We do not want your boys to die for us"—British boys, French boys, or American boys.

Finally, when those of us who advocate lifting the arms embargo—and I am talking about Republicans and Democrats; this has never been a partisan issue on this floor, it has been supported by many Democrats and a great number of Republicans—point out that other countries would also participate in arming the Bosnians, we are told this would allow Iran to arm the Bosnians. The fact is the arms embargo has guaranteed that Iran is a key supplier of arms to Bosnia and administration officials have actually used that fact to argue that there is no need to lift the arms embargo.

What other choices do the Bosnians have? They are going to find weapons where they can find weapons.

From statements made by State Department officials to the press, one gets the impression that Iran is the Clinton administration's preferred provider of weapons to the Bosnians. If the administration has a problem with Iran arming Bosnia, it should be prepared to do something about it.

We can do something about it. It would not take very long.

If the arms embargo is lifted, America would not be the only country to provide assistance. Countries like Turkey, Malaysia, Saudi Arabia, Kuwait, and Pakistan would offer financial and military assistance. In addition, former Warsaw Pact countries would be free to sell their vast arsenal of Soviet-style weapons that have been designated for export pursuant to the Conventional Forces in Europe Treaty. Since the Bosnians presently use Soviet-style equipment, acquiring former Soviet bloc equipment would minimize the amount of training they would require. Furthermore, any training, whether by United States military advisers or other country military advisers, could be conducted outside of Bosnia—in Croatia or Slovenia, for example.

Madam President, administration officials should quit fighting amongst themselves and begin real consultations with the Congress, consultations based on the facts and not on wild accusations or unrealistic scenarios. It is time to take sides—with the victims of this aggression. It is also high time for America to exercise leadership and end its participation in this international failure.

VETO OF RESCISSIONS BILL

Mr. DOLE. Madam President, I will just say that on the rescissions veto by the President today, it is highly regrettable President Clinton chose a bill cutting spending for the first veto. The $16.4 billion rescissions bill would have provided for $9 billion—$9 billion, a lot of money in real savings—an important downpayment in getting our country's financial house in order.

The President made a serious mistake in judgment in vetoing this measure. It would have provided funding to the Federal Emergency Management Agency for disaster relief, to Oklahoma for reconstruction, and debt relief for Jordan to support the peace process, money for California.

Speaker GINGRICH and I have previously said we met the administration more than halfway. The President asked for Jordan debt relief, we met his request. The President asked for FEMA funds for disaster relief in 40 States, and we met his request. The President threatened to veto if striker replacement language was included in the bill, we took it out. We left AIDS funding, breast cancer screening, childhood immunization, Head Start, and other programs untouched, and still we came up with $9 billion in net real savings.

We, in the Congress, held up our end of the bargain, but President Clinton missed a valuable opportunity—a golden opportunity—to join us in cutting spending.

Now, with three-quarters of the fiscal year almost gone, we are losing the opportunity to enact real savings this year. In the face of the budget deficit that mortgages our children's future, we in the Congress will proceed to pass a budget that puts us on the path to balance by the year 2002. We owe it to our children, and we owe it to our grandchildren.

For the sake of generations to come, it is time for the President to stop being an obstacle in the road and join us in our responsibility to secure our Nation's economic future.

THE TELECOMMUNICATIONS COMPETITION AND DEREGULATION ACT

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 45, S. 652, the telecommunications bill.

The PRESIDING OFFICER (Mr. BENNETT). The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 652) to provide for a pro-competitive, deregulatory national policy framework designed to accelerate rapidly private sector deployment of advanced telecommunications and information technologies and services to all Americans by opening all telecommunications markets to competition, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. PRESSLER. Mr. President, I rise to begin Senate floor consideration of S. 652—the comprehensive communications bill which the Committee on Commerce, Science, and Transportation overwhelmingly approved late last month on a vote of 17 to 2—The Telecommunications Competition and Deregulation Act of 1995.

The future of America's economy and society is inextricably linked to the universe of telecomunications and computer technology. Telecommunications and computer technology is a potent force for progress and freedom, more powerful than Gutenberg's invention of the printing press five centuries ago, or Bell's telephone and Marconi's radio in the last century.

This force has helped us reach today's historic turning point in America.

The telecommunications and computer technology of 21st-Century America will be hair-thin strands of glass and fiber below; the magical crackling of stratospheric spectrum above; and the orbit of satellites 23,000 miles beyond. With personal computers interconnected, telephones untethered, televisions and radios reinvented, and other devices yet to be invented bringing digitized information to life, the telecommunications and computer technology unleashed by S. 652 will forever change our economy and society.

At stake is our ability to compete and win in an international information marketplace estimated to be over $3 trillion by the close of the decade. The information industry already constitutes one-seventh of our economy, and is growing.

As chairman of the Committee on Commerce, Science, and Transportation, the core of my agenda is to promote creativity in telecommunications and computer technology by rolling back the cost and reach of government. Costly big-government laws designed for another era restrain telecommunications and computer technology from realizing its full potential. My top priority this year is to modernize and liberalize communications law through passage of the bill before us today, S. 652: Telecommunications Competition and Deregulation Act of 1995.

A. THE ADVENT OF TELECOMMUNICATONS REGULATIONS

Most telecommunications policy and regulation in America is based upon the New Deal era Communications Act of 1934. The 1934 Act incorporated the premise that telephone services were a natural monopoly, whereby only a single firm could provide better services at a lower cost than a number of competing suppliers. Tight government control over spectrum based services was justified on a scarcity theory. Neither theory for big government regulation holds true today, if it ever did.

The 1934 Act was intended to ensure that AT&T and other monopoly telephone companies did not abuse their monopoly power. However, regulatory protection from competition also ensured that AT&T would remain a government-sanctioned monopoly. In exchange for this government-sanctioned monopoly, AT&T was to provide universal service. AT&T retained its government-sanctioned monopoly until antitrust enforcement broke up the Bell System and transferred the monopoly over local services to the Bell Operating Companies.

The Communications Act has become the cornerstone of communications law in the United States. The 1934 Act established the Federal Communications Commission, and granted it regulatory power over communications by wire, radio, telephone, and cable within the United States. The Act also charged the Federal Communications Commission with the responsibility of maintaining, for all the people of the United States, a rapid, efficient, Nationwide and worldwide wire and radio communications service with adequate facilities and reasonable charges.

Prior to 1934, communications regulation had come under the jurisdiction of three separate Federal agencies. Radio stations were licensed and regulated by the Federal Radio Commission; the Interstate Commerce Commission had jurisdiction over telephone, telegraph, and wireless common carriers; and the Postmaster General had certain jurisdiction over the companies that provided these services. As the number of communications providers in the United States grew, Congress determined that a commission with unified jurisdiction would serve the American people more effectively.

The 1934 Communications Act combined the powers that the Interstate Commerce Commission and the Federal Radio Commission then exercised over communications under a single, independent Federal agency.

The Communications Act of 1934 was based, in part, on the Interstate Commerce Act of 1888. For example, the requirement for approval of construction or extension of lines for railroads was taken directly from the ICC Act. Prior to 1934, wire communications were regulated by the same set of laws that regulated the railroads. Radio communications were regulated under the 1927 Federal Radio Act. In 1934, the Federal Communications Commission was created to oversee both the wireline communications and radio communications.

The telecommunications industry today is a dynamic and innovative industry, with new technology being introduced on daily basis. The telecommunications industry, however, is regulated under a set of laws that are antiquated and never designed to handle the challenges of today's industry.

Telecommunications laws and regulations are not able to adequately take into account the advent of telecommunications competition, and, indeed, have slowed the introduction of competition into many segments of the industry. These laws did not contemplate the development of fiber optics, the microchip, digital compression, and the explosion of wireless services. It is time to revise and amend the 1934 act to fit the new and future competitive telecommunications industry.

B. THE MODIFICATION OF FINAL JUDGMENT

Since 1984, the Bell operating companies have been restricted from entering various lines of businesses as a result of the consent decree entered in the antitrust case, United States versus Western Electric.

The consent decree, commonly referred to as the modification of final judgment, or the MFJ, places the U.S. District Court for the District of Columbia and Judge Harold Greene as the administrator of the decree, and establishes a procedure by which the Bell operating companies can obtain waivers from the decree's restrictions.

Recent years have seen a proliferation of legislative and judicial action to change the provisions of the original consent decree that divested American Telephone and Telegraph of its local exchange service and created the regional Bell operating companies. Currently prohibited from providing long distance service, manufacturing telecommunications equipment, and, up until July 1991, providing information services, the Bell operating companies and others have long advocated open entry into these new lines of business, contending that such action would invigorate the telecommunications marketplace.

In opposition, certain consumer organizations, electronic publishers, long distance carriers, the Justice Department, and other industry groups over the past few years have opposed entry on the grounds that the courts should administer an antitrust consent decree and that so long as the Bell operating companies face little or no competition in their core business of providing local telephone service, they should not be permitted to enter competitive lines of business.

During the past 10 years a number of waivers have been granted, but the process has slowed in recent years. More fundamentally, the judicial process is necessarily limited; the district courts constitutional role is simply to apply the law and administer the decree, and not make informed policy decisions about how communications law and the communications and computer industry should develop.

Moreover, given the vulnerability of the telephone industry to selective, cherry-picking competition, it is likely that the limited nature of today's competition will have a significant effect on the industry's revenues in general, and on local telephone rates in particular.

Consequently, although the consent decree served a useful purpose initially, it no longer serves the public interest at this dynamic time in the evaluation of the communications and information industry. In place of a process that subjects the communications industry to the terms of a consent decree entered 12 years ago and administered by a single district court, the Congress will reassert its proper policy role and administer a new Federal policy designed to promote competition, innovation, and protect consumers.

Prior to the implementation of the MFJ in 1984, as noted previously, AT&T was the monopoly telecommunications provider in the United States. AT&T's Long Lines Department provided long distance telephone service to virtually everyone in the country. AT&T maintained owership of the 22 Bell operating companies, which provided local telephone service on a monopoly basis to approximately 85 percent of the population.

In addition, AT&T owned Western Electric, which manufactured almost all the equipment needed for the operation of the telephone network. AT&T also owned Bell Telephone Laboratories, Bell Labs, which conducted the most extensive research involving high technologies and telecommunications of any industrial research center in the world.

The roots of the MFJ go back over 100 years. In 1882, Bell Telephone, the predecessor of AT&T, designated Western Electric Co. as the exclusive manufacturer of its patented telecommunications equipment. During the early 1900's Bell Telephone maintained a majority interest in Western Electric; by 1925 it had 100 percent owership of the company.

By that same year, Bell Telephone established Bell Telephone Laboratories to conduct its research and development. The Bell system's rapid expansion triggered interest from the Department of Justice and the Interstate Commerce Commission—which then had jurisdiction over interstate telephone service—for possible antitrust violations.

Following other antitrust action, in 1974, the Department of Justice filed an antitrust suit against AT&T. The suit claimed that AT&T misused its Bell system monopoly of the local exchange network to restrict competition in the manufacturing of telecommunications equipment, and in the market for interchange service through refusal to provide competitors with interconnection to the local networks and, therefore, access to end customers. After years of litigation, the case was settled in 1982 with entry of a modification of final judgment by Judge Harold Greene, which was negotiated by AT&T and the Justice Department.

The debate about the proper role of the Bell operating companies in the communications industry has often overshadowed the larger question of which government bodies should be establishing national telecommunications policy. Courts make rulings, as they should, solely on the narrow questions confronting them. Consequently, courts do not and cannot ensure that broader concerns about sound economic goals are fully considered.

As a result of these concerns, which have been fueled by a period of globalization and intense international competition in the telecommunications industry, I believe, and the committee believes that we in Congress as the expert in the oversight of the telecommunications industry, should have authority to manage these issues in order to develop telecommunications and information policy in a coordinated manner.

At this juncture in the evolution of the communications industry the Congress should be the locus of authority on questions involving telecommunications competition, deregulation and consumer protection. We have the ability to see a more complete spectrum of issues, as compared to the narrow view of discrete issues which a court and the Department to Justice necessarily takes in the context of litigation. Moreover, we can consider broad policy goals in establishing and administering telecommunications policy.

C. REGULATORY LAG

While America is still the world's leader in information technology, we are no longer in the position of being unchallenged. Historically we were an economic and technological Gulliver standing astride a world of competitive Lilliputians. But that's just not true any longer. America—especially we in the American legislative and regulatory system—must respond and respond now.

At a minimum, government should try to avoid doing harm. Unfortunately, government and regulators have a rather sorry history of slowing the introduction of new technologies and competition. The examples of this regulatory lag are numerous and all too common. Regulatory lag means we don't get investment stimulus that competition and new entry spur and, more importantly, the public is denied new service and product options.

1. Competition in customer premises equipment:

Competition and open entry first came to telecommunications with respect to customer premises equipment (CPE). This competition, however, was initially resisted by the FCC. For many years, AT&T prohibited customers or anyone else from connecting any equipment to its telephone network or to telephones themselves that AT&T did not supply. Bell tariffs forbade all foreign attachments—meaning equipment not provided by Bell itself. Unfortunately, regulators endorsed this anticompetitive practice for almost 70 years.

Through prodding from the Federal courts, the commission eventually allowed devices deemed not injurious to the telephone network to be connected to the network. This was only after the courts conferred on subscribers the right to use their telephones in a way that had private benefits without being publicly detrimental

It took the Commission more than a decade to extend the new law to include equipment that was connected electronically, not just physically, to the network. The Commission limited restrictions on interconnection to protecting the network from harm. The details of equipment interconnection were not fully implemented until the commission adopted part 68 of its rules in 1975, nearly 20 years after the original court determination so that carriers themselves would be free to compete on equal terms in the open market.

2. Competition in long distance services:

The commission was equally slow in authorizing interexchange—or long distance—competition. In the 1940s, long distance service was provided exclusively over wires, and the same basic economics that seemed to preclude competition in local service applied equally to long distance service. The development of microwave and satellite technologies radically changed that picture, making competition both practical and inevitable. The first few, faltering steps in the direction of a competitive marketplace, were taken by the commission in 1959 but it wasn't until 1980 that the commission formally adopted an open entry policy for all interstate services.

Competition in the interexchange market developed slowly as the commission gradually and incrementally responded to changes in market pressures, technology, and consumer demand for new and varied long distance services. Microwave relay technology, developed by Bell Laboratories during World War II, prompted the beginning of IXC competition by offering a viable, less expensive alternative to AT&Ts existing wireline facilities for transmitting long distance communications.

The commission first permitted entry of non-AT&T services for provision of private services. In 1959, the FCC, finding a need for private services and foreseeing no risk of harm to established services, authorized certain private companies to provide microwave services and to establish private microwave networks for their own internal use. Although described as a narrow, limited decision, the Above 890 decision prompted a flood of applications from private organizations seeking authorization to establish private microwave long-distance networks. It also brought pressure for entry into other fields.

MCI applied to the FCC for authority to provide private, non-switched communications service between St. Louis and Chicago. This service still did not involve interconnection with AT&T's public network. In 1969, the commission approved MCI's limited point-to-point system, saying it was designed to meet the interoffice and interplant communications needs of small businesses. Again, however, the decision was narrow.

The commission was concerned about permitting unregulated carriers to engage in creamskimming, and it generally still adhered strongly to the philosophy that the public network should remain a regulated monopoly. Nonetheless, it prompted a deluge of applications seeking authorization of similar microwave facilities, reflecting a public demand for competitive alternatives.

A few years later, the commission formalized a policy of allowing entry of new carriers into the private line, or Specialized Common Carrier (SCC), field to provide alternatives to certain interstate transmission services traditionally offered only by the telephone company. The commission did not, however, define the scope of services it was opening up to competition, a matter that would prove troublesome as pressures for increased competition rose.

Although each time emphasizing the limited nature of its decision, the commission had, over the course of 2 decades, continued to approve the entry of new providers of telephone services, albiet at times reluctantly and with prodding by the courts, and only in provision of private line services.

When it came to permitting direct competition with AT&Ts public switched long distance service, the Commission's reluctance hardened. MCI had eventually obtained approval for its private line offerings, but when it later proposed new switched service in direct competition with AT&T's MTS services, the FCC refused approval.

In doing so, the Commission reiterated that its Specialized Common Carrier decision was meant to allow entry only into private line service and not into direct competition with the public network. The Court of Appeals, however, reversed the commission's failure to approve MCI's proposed offering, rejecting the commission's argument that its Specialized Common Carrier decision authorized only private line services.

After Execunet I, the commission still refused to order AT&T to interconnect with MCI. The Court of Appeals, in Execunet II, then explicitly mandated interconnect, emphasizing that Specialized Common Carrier was a broad decision to permit competition in the long distance market and that such competition necessarily required AT&T to provide physical interconnection to the public network.

The Execunet decisions opened virtually all interstate IXC markets to competition. In response to this new judicially imposed reality, the FCC lowered entry barriers, eliminated rules prohibiting sharing of heavy use, bulk rate circuits, and directed AT&T to permit the resale and sharing of these circuits by competitors.

During this same era, the commission approved interstate packet-switched communications network offerings that introduced value-added networks which resold data processing functions through basic private line circuits, and unlimited resale and shared use of private line services and facilities. Tariff restrictions against the resale and shared use of public switched long distance services were removed in 1980. Since this time, the FCC has strongly supported the growth of competition.

The resulting competition has had well documented public benefits of great scale and scope.

3. Enhanced Services:

The MFJ Consent Decree's information services restriction required the Bell Companies to seek waivers for the provision of voice answering services, electronic mail, videotext, electronic versions of Yellow Pages directories, E911 emergency service, and directory assistance services provided to customers of nonassociated independent telephone companies.

The restriction on the provision of voice mail services was lifted in the late 1980's. In the first 2 years of RBOC participation, the voice mail equipment market grew threefold and prices declined dramatically. Between 1988 (when the RBOCs were permitted entry) and 1989, the market for voice mail services grew by 40 percent, with total revenues rising from $452 million to $635 million.

Prices have also fallen. For example, telephone companies today charges as little as $5 per month for its residential voice messaging service. Similar services in 1987 cost 2 to 10 times more. Output has risen. The U.S. market for voice mail and voice response equipment increased from $300 million in 1988 to over $900 million in 1989. The number of voice message mailboxes increased from 5.3 million in 1987 to 7.7 million in 1988 to 11.6 million in 1989.

4. Spectrum Allocation:

The introduction of both FM radio and television was significantly delayed by years of FCC equivocation over which bands would be assigned to which uses. Equally egregious delays preceded the introduction of cellular telephone service.

FM Radio. FM radio technology was invented in 1933, but did not receive widespread use until the 1960s. Lack of FCC support contributed to FM's lack of popularity. One glaring example occurred in 1945. By 1945, 500,000 FM receivers had been built, but were all rendered useless when the FCC decided to move FM channels to a different spectrum band. FM languished for so long that the inventor of FM eventually committed suicide in despair.

TV. The modern television was developed in the 1930s and exhibited by RCA in 1939, but the FCC took 2 more years to adopt initial standards. It was then discovered that channel allocation was inadequate, and the FCC froze all applications for TV licenses for 4 years, until 1952. In the year after the freeze alone, the number of stations tripled. It took another 10 years before regulations for UHF/VHF frequencies were finalized.

Cellular. In 1947 Bell Labs developed the concept of cellular communications and by 1962, AT&T had developed an experimental cellular system. It took another 15 years for regulation to catch up with the new technology; in 1977 the FCC finally granted Illinois Bell's application to construct a developmental celluar system in Chicago. The FCC took 8 years to finalize the boundaries of cellular service areas. The delay cost the cellular industry an estimated $86 billion.

5. Out of Region Competition by Bell Companies:

The Department of Justice, with the concurrence of Judge Greene, originally held that the MFJ consent decree forbade the RBOCs from providing services outside their own regions. The

D.C. Circuit however overruled them both and found that the BOCs are not restricted to providing service only within their home territories; they are free to offer intraLATA services anywhere in the country. The RBOCs now compete heavily against one another in cellular service. The provision of other local services, however, is impeded by the interexchange restriction, which the Department and the decree court have so far refused to lift even outside the service areas of the individual RBOCs.

6. Bell Company Manufacturing:

In June 1991, outages in 5 states and the District of Columbia forced Bell Atlantic and other Bell companies to work closely with a switch manufacturer to determine the cause of the outages and prevent their recurrence. The Department of Justice told Bell Atlantic that, notwithstanding the emergency, Bell Atlantic could not work with the manufacturer without a waiver of the decree's manufacturing restriction. On July 9, 1991, Judge Greene ordered a hearing with Bell Atlantic, the Department of Justice, AT&T, and MCI and granted the waiver on July 10, 1991.

7. Cable Networks:

The FCC—at the behest of broadcasters—crippled and almost killed cable television, by means of a number of regulatory restrictions such anti-siphoning rules. The commission's stated justification for restricting cable was that it did not want to jeopardize the basic structure of over-the-air television.

8. Video Dialtone:

By defining video dialtone service as common carriage, not broadcast, the FCC has successfully preempted a raft of State cable regulation and franchise fees. It has also subjected these services to a raft of regulations. Telephone companies have been invited to provide a basic platform that delivers video programming and basic adjunct services to end users, under Federal, common-carrier tariff.

Video dialtone providers must offer sufficient capacity to serve multiple video programmers; they must make provision for increased programmer demand for transmission services over time; and they must offer their basic platform services on a nondiscriminatory basis. The dial tone moniker is misleading; the video connections are strictly between the telco central office and customers. But the number of programs offered from a video dialtone server can be expanded indefinitely. The commission has attempted to maintain strict separation between the provision of video dialtone conduit, and provision of the programming itself. Video dialtone as defined by the commission is plainly more like telephone carriage than like cable or broadcasting.

9. Direct Broadcast Satellite:

When the FCC first considered licensing Direct Broadcast Satellite service (DBS) in the early 1980s, the National Association of Broadcasters raised the specter of siphoning. DBS would result in the loss of service to minorities, rural areas, and special audiences by siphoning programming, fragmenting audiences, and reducing advertising support. It would rob free local television service of advertising revenues. UHF stations would be especially threatened. The cable television industry joined in the assault on DBS by denying access to programming. The service has only recently become available.

10. Computer and Software:

AT&T—which invented the transistor and in the 1960s and 1970s developed some of the most powerful computers—was barred for years (by the 1956 antitrust consent decree) from competing in the computer market against IBM. The upshot was that IBM completely dominated computing for many years. AT&T had also developed the Unix operating system around which the Internet was built—it couldn't commercialize that aggressively either. Now Microsoft is being accused of monopolizing the industry with the MS-DOS and Windows alternatives.

11. Delay in RBOCC Information and Inter-LATA Services Relief:

In 1987, the Justice Department recommended the removal of the information services restriction on the RBOCs. This was not opposed by AT&T. In September of 1987, Judge Greene permitted the RBOCs to enter non-telecommunications businesses without obtaining a waiver, but did not lift the information services ban.

On April 3, 1990, the U.S. Court of Appeals for the District of Columbia remanded Judge Greene's decision to continue the ban on RBOC information services. Eventually, on July 25, 1991, Judge Greene relented and permitted RBOCs to provide information services. RBOCs were finally granted the right to provide information services more than 4 years after the Justice Department recommended that the restriction be removed.

There have been numerous examples of egregious delays in granting even non-controversial decree waivers. For example, Bell Atlantic sought a waiver in 1985 to allow it to serve Cecil County, Maryland as part of its Philadelphia cellular system. Bell Atlantic submitted another waiver to provide cellular service to 3 New Jersey counties through its Philadelphia-Wilmington system on October 24, 1986.

These waivers were necessary to the provision of uninterrupted cellular service between Washington and New York. Judge Greene finally granted the second waiver on February 2, 1989, almost two-and-a-half years after it was filed and the Cecil County waiver was not approved until 1991, nearly 5 years after it was first sought.

RBOCs have filed more than 200 MFJ waivers that Judge Greene has ruled on. These waiver requests first go to the Department of Justice, and then move to Judge Greene. Unfortunately, the waiver process is also very time consuming. The average age of an RBOC waiver request pending before the Department of Justice is about 2½ years old.

Once the Justice Department passes the waiver on to Judge Greene, it takes approximately 2 years before Judge Greene rules on it. This has made the average waiver process more than 4½ years to work its way through the system.

D. THE NEW COMPETITIVE LANDSCAPE

The competitive landscape is changing, and, if Congress does not act to overhaul the telecommunications legal landscape, consumers will once again be denied benefits of competition and new technology. Wireless services have exploded since the Bell System breakup. Wireless counted less than 100,000 customers at that time.

Today, there are more than 25 million cellular subscribers. Additionally, companies just spent more than $7.7 billion for the major trading area PCS licenses. There is obviously a market for more wireless communications. Cable has more than doubled its subscriber base since the MFJ.

For local telephone services, States such as New York, Illinois, and California, have been leading the way in opening the local market to competition. Competitive access providers did not even exist at the time of the MFJ. Today, CAP's are in 72 cities, and have built 133 competing networks. Rapid changes in technology have broken down the natural monopoly Congress based the 1934 act on. Competition is still slow to fully develop in some areas, and in some markets.

History teaches us that, under existing law, the FCC and the courts have not been able to respond to market and technology changes in an expeditious manner. This delay prevents the consumer from gaining the benefits of competition, such as lower rates, better services, and deployment of new and better technologies.

The courts, FCC and Justice Department have been micro-managing the growth of competition in the telecommunications industry. That is why the committee believes it is incumbent upon Congress to exercise its rightful authority in this area, and pass legislation that will open the entire telecommunications industry to full competition. Without legislation, it may be years, or decades, before America sees the benefits of a truly open and competitive telecommunications industry.

Meanwhile our foreign competitors are moving ahead aggressively. In Great Britain, cable-telco competition is growing rapidly. The major cable players in the UK are, in fact, American telco and cable companies. Prices for telephony provided over cable lines are 10 to 15 percent lower than that provided over British Telecoms network. Here in the United States by contrast, the combination of the 1984 cable-telco prohibition and entry barriers into the local telephone market prevent such competition from developing.

In Japan the government is providing interest free loans to cover 30 percent of the investment for Japan's broadband optical fiber network. Also planned are favorable tax measures for optical fiber and related investments. Meanwhile in the United States when American companies say they'll invest their own money in new networks, the government at both the Federal and State level visits endless regulatory hassle on the proponents.

E. IMPORTANCE OF TELECOMMUNICATIONS TO ECONOMIC GROWTH

At the heart our actions in the 104th Congress is private sector economic growth and private sector jobs through less Government regulation. To achieve our goal, we need increased capital investment.

Telecommunications is an especially important sector to spur investment because it provides a big multiplier effect. The Japanese Government has estimated that for each dollar—or yen—invested in telecommunications, you get 3 dollars' worth of economic growth—a real telecom kicker.

America's edge has always been our grasp of technology. Today, telecommunications and computers are at the cutting edge. Americans today have the broadest choice and best prices for these information economy products and services in the world.

For instance, 98 percent of American homes have television and radio, 94 percent a telephone. Close to 80 percent have a VCR, while 65 percent subscribe to cable TV—96 percent have the option. We are rapidly approaching 40 percent of homes with PC's and 36 percent with video games. Multimedia and CD-ROM sales are flourishing.

The Internet and computer on-line services are reaching millions of Americans. DBS has been successfully launched with 150 channels of digital video and audio programming services. A vibrant new wireless communications industry is growing with cellular—25 million subscribers—and paging—20 million users—soon to be joined by Enhanced Specialized Mobile Radio, Global Satellite Systems, and Personal Communications Services.

First. Digitization and industry convergence meet—Regulatory apartheid:

Telecommunications policy in America, under the 1934 Communications Act, has long been based on the now faulty premise that information transmitted over wires could be easily distinguished from information transmitted over the air. Different regulatory regimes were erected around these different information media.

This scheme might best be described as "regulatory apartheid"—each technology had its own native homeland. These once neat separations and distinctions between the media no longer make sense.

The explanation for the rapid convergence of previously distinct media lies with digitization. Digitization allows all media to become tanslatable into each other. As Congress' Office of Technology Assessment stated in a recent study: "A movie, phone call, letter, or magazine article may be sent digitally via phone line, coaxial cable, fiberoptic cable, microwave, satellite, the broadcast air, or a physical storage medium such as tape or disk."

The same technological phenomenon to sweep the computer industry during the 1980's is now sweeping the telecommunications industry—we can learn valuable lessons from the experience in the computer industry.

Second. Computers and phones:

By the early 1980's, AT&T and IBM were two of the largest and more powerful companies in the world. On January 8, 1982, the Federal Government chose two different destinies for the mammoth companies. The Government agreed to dismiss its case against IBM; by contrast, AT&T would be divested, freed from all antitrust quarantines and so permitted to enter the computer business.

At the time, Intel was already over a decade old. Apple was growing fast. And IBM had just introduced a brand-new machine, based on an Intel microprocessor. Big Blue's new machine—its personal computer—was small and beige. Three weeks after the break-up of AT&T was complete, in January 1984, Steve Jobs stepped out on the podium at the annual stockholders' meeting of Apple Computer and unveiled the new Macintosh.

The impact of unfettered competition has devastated IBM. The only thriving parts of its hardware business today are at the bottom end, where Big Blue's small beige machines have been open, standardized, and widely copied from the day they were introduced. Between 1985 and 1992, IBM shed 100,000 employees. IBM's stock, worth $176 a share in 1987, collapsed to $52 by year's end 1992. In 1992, the New York Times would announce "The End of I.B.M.'s Overshadowing Role." "IBM's problems," the Times noted, "are due to its failure to realize that its core business, mainframe computers, had been supplanted by cheap, networked PC's and faster networked workstations." In a desperate scramble for survival, IBM is breaking itself into autonomous units and spinning off some of its more successful divisions. IBM itself is only one of many first-tier vendors of PC's today, with a market share of 8 percent.

The impact on the computer industry, however, has been intense competition spawning rapid technological advancement. A $5,000 PC in 1990—featuring Intel's 80486 running at 25 MHz—had the processing power of a $250,000 minicomputer in the mid-1980's, and a million-dollar mainframe of the 1970's. Five years later, that same $5,000 PC is two generations out of date—with a third new generation on the horizon. Systems with nearly twice the processing power of that 1990 system—using Intel's 486DX2-66 chip—are available for under $1,500, and Intel runs advertisements encouraging owners of these chips to upgrade to newer ones. Systems with more than twice the processing power of that system—featuring Intel's 120 MHz Pentium chip—are now available, most for under $5,000. Intel is currently promising faster and faster iterations of its Pentium chips—running at 133 and 150 MHz—before it releases commercial versions of its next-generation P6, which promises to move the price-performance curve astonishingly farther out than today. The computer industry is still firmly in the grip of Moore's Law, which holds that the number of transistors that can be placed on a microchip—a rough estimator of the power of the chip—doubles every 18 months.

The upshot is that consumers can purchase systems with four times the power of the 1980's mainframes at one-fiftieth of the price. Put another way, systems today have over 200 times the value of systems in 1984. By contrast, long-distance calls today represent only twice the value of long-distance calls in 1984. Had price-performance gains of the same magnitude occurred in the long-distance market since 1984, the results would have been equally stunning. For example, in 1984, a 10 minute call at day rates between New York and Los Angeles cost a little less than $5, today it costs $2.50. Had competition and technological advances developed in the long distance market as it did in the computer market, that same call would cost less than 3 cents. Alternatively, a 10 minute call from New York to Japan—cost roughly $17 in 1984 and $14 today. Had long-distance service advanced as rapidly as the personal computer industry, that call would cost less than 9 cents.

Third. Lessons learned:

Yet as the United States stands at this critical crossroads—the dawn of a new era in high technology, entertainment, information and telecommunications—America continues to operate under an antiquated regulatory regime. Our current regulatory scheme in America simply does not take many dramatic technological changes into account.

Progress is being stymied by a morass of regulatory barriers which balkanize the telecommunications industry into protective enclaves. We need to devise a new national policy framework—a new regulatory paradigm for telecommunications—which accommodates and accelerates technological change and innovation.

The very same digitization phenomenon supports the prospect of competition by telephone companies and against telephone companies, by cable companies and against cable companies, by long distance companies and against long distance companies. Incumbents on opposite sides of the traditional regulatory apartheid scheme have quite different views about which kind of competition should come first.

If Congress cannot come to grips with digitization and convergence, the private sector cannot be expected to wait. Indeed, the multifaceted deals and alliances of the last several years indicates that industry is not waiting.

Look at a short list of some of these deals:

US West/Time Warner. The world's largest entertainment company, and second ranking cable company, teaming up with the RBOC for the western United States.

AT&T/McCaw. The biggest long distance and equipment maker joining with the biggest cellular carrier. That came on the heels of AT&T acquiring one of the biggest computer companies—NCR.

Sprint/Cable Alliance. The third largest long distance company—and only company with local, long distance and wireless capability—joining cable's TCI, Comcast, Cox, and Continental to form an alliance to provide a nationwide wireless communications service—and the prospect for joining Sprint's broadband long distance lines with cable's high capacity local facilities.

Microsoft. There has been an almost endless series of strategic alliances being struck between Microsoft, the world's largest computer software company, and companies in numerous information and telecommunications businesses for the purpose of delivering interactive services.

HDTV Grand Alliance. The companies teaming up to bring HDTV to America include AT&T—the largest telecom equipment maker—General Instrument—the largest cable TV equipment maker—and Phillips—the world's largest TV set maker.

In addition, layered on top of these and many other deals and alliances is the globalization phenomenon—a breakdown of geographic barriers: all the RBOC's have foreign investments; British Telecom and MCI in partnership; Sprint planning the same with France Telecom and Deutsche Telecom; AT&T also working with Singapore Telecom, Cable & Wireless's Hong Kong Telephone, and the Netherlands Telecom.

We can no longer keep trying to fit everything into the old traditional regulatory boxes—unless we want to incur unacceptable economic costs, competitiveness losses, and deny American consumers access to the latest products and services.

Since becoming chairman of the committee I have been actively working with leaders in the telecommunications and information industry to reform this outmoded and antiquated, regulatory apartheid system in order to make exciting new information, telecommunications and entertainment services available for America.

It is time for American policymakers to meet this new challenge much the way an earlier generation responded when the Russians launched Sputnik. The response must be rooted in the American tradition of free enterprise, de-regulation, competition, and open markets—to let technology follow or create new markets, rather than Government micromanaging and stunting developments in telecommunications and information technology.

By reforming U.S. telecommunications policy we in Congress have an unparalleled opportunity to unleash a digital, multimedia technology revolution in America. By freeing American technological know-how, we can provide Americans with immediate access to and manipulation of a bounty of entertainment, informational, educational, and health care applications and services.

Passing S. 652, The Telecommunications Competition and Deregulation Act of 1995, will have profound implications for America's economic and social welfare well into the 21st Century.

Fourth. Universal service:

An additional, but often overlooked, reason for immediately moving forward with S. 652 and telecommunications regulatory reform concerns the problems affecting the centerpiece of American communications policy—maintaining universal voice telephone service at reasonable and affordable prices.

The explicit subsidies—those of known magnitude and direction—can and should be maintained. These are the "Universal Service Fund," the "Link-Up America" program, and others the FCC made part of the overall access charge system.

The implicit—or hidden—subsidies are much more at risk. The present scheme cannot be maintained when new technology is changing so rapidly and customers are provided with an ever-increasing buffet of choices. This implicit subsidy scheme must be reformed and fixed. We cannot afford to wait any longer to start that reform process.

F. WHAT S. 652 DOES: CHIEF REFORM FEATURES

First. Universal telephone service:

The need to preserve widely available and reasonably priced telephone service is one of the fundamental concerns addressed in The Telecommunications Competition and Deregulation Act of 1995. The legislation as reported requires all telecommunications carriers to contribute to the support of universal service. Only telecommunications carriers designated by the FCC or a State as "essential telecommunications carriers" are eligible to receive support payments.

The bill directs the FCC to institute and refer to a Federal-State joint board a proceeding to recommend rules to implement universal service and to establish a minimum definition of universal service. A State may add to the definition for its local needs.

Second. Local telephone competition:

The Telecommunications Competition and Deregulation Act of 1995 reforms the regulatory process to allow competition for local telephone service by cable companies, long distance companies, electric companies, and other entities.

Upon enactment the legislation preempts all State and local barriers to competing with the telephone companies. In addition it requires local exchange carriers [LEC's] having market power to negotiate, in good faith, interconnection agreements for access to unbundled network features and functions at reasonable and nondiscriminatory rates. This would allow other parties to provide competitive local telephone service through interconnection with the LEC's facilities. The bill establishes minimum standards relating to types of interconnection that a LEC with market power must agree to provide if requested, including: unbundled access to network functions and services, unbundled access to facilities and information, necessary for transmission, routing, and interoperability of both carriers' networks, interconnection at any technologically feasible point, access to poles, ducts, conduits and rights-of-way, telephone number portability, and local dialing parity.

As an assurance that the parties negotiate in good faith, either party may ask the State to arbitrate any differences, and the State must review and approve any interconnection agreement.

The bill requires that a Bell company use a separate subsidiary to provide certain information services, equipment manufacturing, in-region interLATA services authorized by the FCC, and alarm monitoring. In addition a Bell company may not market a subsidiary's service until the Bell company is authorized by the FCC to provide in-region interLATA services.

S. 652 also ensures that regulations applicable to the telecommunications industry remain current and necessary in light of changes in the industry. First, the legislation permits the FCC to forbear from regulating carriers when forbearance is in the public interest. This will allow the FCC to reduce the regulatory burdens on a carrier when competition develops, or when the FCC determines that relaxed regulation is in the public interest. Second, the bill requires a Federal-State joint board to periodically review the universal service policies. Third, the FCC, with respect to its regulations under the 1934 act, and a Federal-State joint board with respect to State regulations, are required in odd-numbered years beginning in 1997 to review all regulations issued under the act or State laws applicable to telecommunications services. The FCC and joint board are to determine whether any such regulation is no longer in the public interest as a result of competition.

The bill modifies the foreign ownership restrictions of section 310 of the 1934 act, if the FCC determines that the applicable foreign government provides equivalent market opportunities to U.S. citizens and entities.

The bill also requires that equipment manufacturers and telecommunications service providers ensure that telecommunications equipment and services are accessible and usable by individuals with disabilities, if readily achievable, a standard found in the Americans with Disabilities Act.

Third. Long distance relief for the Bell companies:

The Telecommunications Competition and Deregulation Act of 1995 establishes a process under which the regional Bell companies may apply to the FCC to enter the long distance or interLATA market. Since the 1984 breakup of AT&T, the Bell companies have been prohibited from providing services between geographical areas known as LATAs, [Local Access and Transport Areas]. The legislation reasserts congressional authority over Bell company provision of long distance and restores the FCC authority to set communications policy over these issues. The Attorney General has a consulting role.

The reported bill requires Bell local companies and other LEC's having market power to open and unbundle their local networks, to increase the likelihood that competition will develop for local telephone service. It also sets forth a competitive checklist of unbundling and interconnection requirements.

If a Bell company satisfies the competitive checklist, the FCC is authorized to permit the Bell company to provide interLATA services originating in areas where it provides wireline local telephone service, if the FCC also finds that Bell company provision of such interLATA service is in the public interest. Out-of-region interLATA services may be provided by Bell companies upon enactment.

S. 652 allows the Bell companies to provide interLATA services in connection with the provision of certain other services immediately, with safeguards to ensure that the Bell companies do not use this authority to provide otherwise prohibited interLATA services. For example the reported bill requires a Bell company to lease facilities from existing long distance companies if it uses interLATA service in the provision of wireless services and certain information services.

Finally, the bill requires a Bell company providing in-region interLATA service authorized by the FCC to use a separate subsidiary for such services.

Fourth. Manufacturing authority for the Bell companies:

The judicial consent decree that governed the breakup of AT&T in 1984, the MFJ, also prohibited the Bell companies from manufacturing telephones and telephone equipment. The AT&T breakup itself, the globalization of the communications equipment market, the concentration of equipment suppliers, the increasing foreign penetration of the U.S. market, and the continued dispersal of equipment consumption have greatly diminished any potential market power of the Bell companies over the equipment market.

The bill permits a Bell company to engage in manufacturing of telecommunications equipment once the FCC authorizes the Bell company to provide interLATA services. A Bell company can engage in equipment research and design activities upon enactment.

In conducting its manufacturing activities, a Bell company must comply with the following safeguards:

A separate manufacturing affiliate.

Requirements for establishing standards and certifying equipment.

Protections for small telephone companies—a Bell manufacturing affiliate must make its equipment available to other telephone companies without discrimination or self-preference as to price delivery, terms, or conditions.

Fifth. Cable competition, video dialtone and direct-to-home satellite services:

The bill permits telephone companies to compete against local cable companies upon enactment, although until 1 year after enactment the FCC would be required to approve Bell company plans to construct facilities for common carrier video dialtone operations. The bill also removes at enactment all State or local barriers to cable companies providing telecommunications services, without additional franchise requirements.

The reported bill does not require telephone companies to obtain a local franchise for video services as long as they employ a video dialtone system that is operated on a common carrier basis, that is, open to all programmers. If a telephone company provides service over a cable system—that is, a system not open to all programmers—the telephone company will be treated as a cable operator under title VI of the 1934 act.

Whether a telephone company uses a video dialtone network or a cable system, it must comply with the same must-carry requirements for local broadcast stations that currently apply to cable companies. A separate subsidiary is not required for a Bell company carrying or providing video programming over a common carrier platform if the company provides nondiscriminatory access and does not cross-subsidize its video operations.

The bill maintains rate regulation for the basic tier of programming where the cable operator does not face effective competition—defined as the provision of video services by a local telephone company or 15 percent penetration by another multichannel video provider. The bill minimizes regulation of expanded tier services.

Specifically the bill eliminates the ability of a single subscriber to initiate at the FCC a rate complaint proceeding concerning expanded tier services. In addition, the FCC may only find rates for expanded tier service unreasonable, and subject to regulation, if the rates substantially exceed the national average rates for comparable cable programming services.

States may impose sales taxes on direct-to-home satellite services that provide services to subscribers in the State. The right of State and local authorities to impose other taxes on direct-to-home satellite services is limited by the bill.

Sixth. Entry by registered utilities into telecommunications:

Under current law, gas and electric utility holding companies that are not registered may provide telecommunication services to consumers. There does not appear to be sufficient justification to continue to preclude registered utility holding companies from providing this same competition.

The bill provides that affiliates of registered public utility holding companies may engage in the provision of telecommunications services, notwithstanding the Public Utility Holding Company Act of 1935. The affiliate engaged in providing telecommunications must keep separate books and records, and the States are authorized to require independent audits on an annual basis.

Seventh. Alarm services:

The bill prohibits a Bell company from providing alarm monitoring services. Beginning 3 years after enactment, a Bell company may provide such services if it has received authorization from the FCC to provide in-region interLATA service. The bill requires the FCC to establish rules governing Bell company provision of alarm monitoring services. A Bell company that was in the alarm service business as of December 31, 1994 is allowed to continue providing that service, as long as certain conditions are met.

Eighth: Spectrum flexibility and regulatory reform for broadcasters:

If the FCC permits a broadcast television licensee to provide advanced television services, the bill requires the FCC to adopt rules to permit such broadcasters flexibility to use the advanced television spectrum for ancillary and supplementary services, if the licensee provides to the public at least one free advanced television program service. The FCC is authorized to collect an annual fee from the broadcaster if the broadcaster offers ancillary or supplementary services for a fee to subscribers.

A single broadcast licensee is permitted to reach 35 percent of the national audience, up from the current 25 percent. Moreover, the FCC is required to review all of its ownership rules biennially. Broadcast license terms are lengthened for television licenses from 5 to 10 years and for radio licenses from 7 to 10 years. Finally, new broadcast license renewal procedures are established.

Ninth. Obscenity and other wrongful uses of telecommunications:

The decency provisions in the reported bill modernize the protections in the 1934 act against obscene, lewd, indecent, and harassing use of a telephone. The decency provisions increase the penalties for obscene, harassing, and wrongful utilization of telecommunications facilities, protect families from uninvited cable programming which is unsuitable for children, and give cable operators authority to refuse to transmit programs or portions of programs on public or leased access channels which contain obscenity, indecency, or nudity.

The bill provides defenses to companies that merely provide transmission services, navigational tools for the Internet, or intermediate storage for customers moving material from one location to another. It also allows an on-line service to defend itself in court by showing a good-faith effort to lock out adult material and to provide warnings about adult material before it is downloaded.

G. THE DEREGULATORY NATURE OF S. 652

Ronald Reagan once joked—in the midst of a debate over the budget—that the only reason Our Lord was able to create the World in 6 days was that he didn't have to contend with the embedded base.

I have been wrestling with the communications issues since I came to Congress. We all have. This has become the congressional equivalent of Chairman Mao's famous "Long March."

Nothing in the field is easy. We are dealing with basic services—telephone, TV, and cable TV—that touch virtually every American family. We are dealing with massive investment—more than half a trillion dollars. We are dealing with industries which provide almost two million American jobs. We are dealing with high-tech enterprises that are critical to the future of the American economy, and our global competitiveness.

The stakes are high for everyone. And it is the sheer number of issues and concerns that accounts for the complexity of any legislation.

First. A major step forward:

But let me talk briefly about some of the major steps forward which are envisioned in this bill.

When the former head of the National Telecommunications & Information Administration testified before the Senate, he commented that, "Everything in the world is compared to what."

Well, virtually all of the bills which the Senate or the House has dealt with over the past generation took the concept of regulated monopoly as a given.

Whether we are talking about Congressman Lionel Van Deerlin's bill, H.R. 1315 in the House in the 1970's; or Senator PACKWOOD's effort back in 1981—S. 898: All of these bills assumed that monopoly, like the poor, would always be with us.

Second. A paradigm shift:

My bill changes that. Instead of conceding that concern, this bill:

Removes virtually all legal barriers to competition in all communications markets—local exchange, long distance, wireless, cable, and manufacturing.

It establishes a process that will require continuing justification for rules and regulations each 2 years. Every 2 years, in other words, all the rules and regulations will be on the table. If they don't make sense, there is a process established to terminate them.

It restores full responsibility to Congress and the FCC for regulating communications. Under the bill that the House passed last spring, for example, you would have still had a substantial, continuing involvement in communications policy on the part of the Justice Department and the Federal courts. This bill brings the troops home.

Third. Genuinely deregulatory:

I understand the concerns that some of my colleagues have raised. Senator MCCAIN has raised the question of whether this bill is deregulatory enough. Senator PACKWOOD has asked if we could not speed up the transition to full, unregulated competition. These are valid concerns.

But let me highlight some of the deregulatory steps which this bill makes possible now.

First, it will make it possible for the FCC immediately to forebear from economically regulating each and every competitive long-distance operator. The Federal courts have ruled that the FCC cannot deregulate. This bill solves that problem and makes deregulation legal and desirable.

Second, this bill envisions removing a whole chunk of unnecessary cable television price controls now. We leave the power to control basic service charges, until local video markets are more competitive. But the authority to regulate the nonbasic services, the expanded tiers, is peeled back. That represents a major step toward deregulation and more reliance on competitive markets.

Third, this bill contains a competitive checklist for determining Bell Co. entry into currently prohibited markets like long distance and manufacturing. After Bell companies satisfy all the requirements, the FCC must, in effect, certify compliance by making a public interest determination.

This is not—contrary to some allegations—more regulation. At least one of the Bell companies—NYNEX—can probably fulfill all the checklist's requirements very soon, because State regulators have already required that company to make the most of the necessary changes in the way it does business. The bill also explicitly says that the competitive checklist cannot be expanded.

So, if you read all the provisions in the bill in context, you will see that there simply is no broad grant of discretion to the Federal or State regulators here. We have essentially spelled out the recipe for competition, and it is incumbent on them to follow it.

Fourth.—Future orientation:

Let me mention another critical aspect of this bill, it is future oriented.

Too many of the earlier measures were focused on the status quo. What they basically did was rearrange existing markets and services. The 1984 and 1992 Cable Television Acts, for instance, did not take steps to encourage competition, it kept in place all the restrictions on telephone company and broadcast competition. Moreover, the 1984 Cable Act also maintained exclusive franchising for cable television.

This bill essentially seeks to change that focus. We assumed that cable television might become an effective competitor to local phone companies, for instance, so we sought to get rid of any regulations that would block that. We also assumed that local phone companies might be effective cable competitors, so we tried to get rid of restrictions on that kind of competition.

In the case of broadcasting, we recognized that this important industry is going to need much more flexibility to compete effectively in tomorrow's multichannel world. So, we will allow broadcasters to offer more than just pictures and sound as well as multiple channels of pictures and sound, if they so choose. Under this bill, they will have the flexibility they need to compete in evolving markets.

Fifth. Safeguarding core values:

This bill is aggressively deregulatory. It seeks to achieve genuine, long-term reductions in the level and intensity of Federal, State and local governmental involvement in telecommunications.

But this bill is also responsibly deregulatory. When it comes to maintaining universal access to telecommunications services, for instance, it does that, It establishes a process that will make sure that rural and small-town America doesn't get left in the lurch.

This bill also maintains significant Federal oversight. Telecommunications, remember, isn't like trucking, or railroads, or airline transportation. The services we are talking about here are marketed and consumed directly by the public.

This bill seeks to advance core values. I know that the Exon Amendment—which places limits on obscene and indecent computer communications—has sparked controversy. All that amendment actually does is apply to computer communications the same guidelines and limitations which already apply to telephone communications.

Sixth. Further responsibility:

This bill also recognizes the fact that deregulation is always a gradual, transitional process—and that Congress has the responsibility to stay involved.

All of us know that good legislation is only one facet of the overall deregulatory process. Other requirements are careful scrutiny of budgets, of appointments to the FCC and other agencies, and effective Congressional oversight. No one should try to fool themselves into believing that we can get away on the cheap. We can't.

If we are serious about deregulating this marketplace and—more importantly—expanding the range of competitive choices available to the American public, Congress is going to have to stay a central player.

Seventh. Summary of affirmative aspects:

Let me summarize, then, what I see as very positive, affirmative aspects of this bill:

First, it dispenses with the old government-sanctioned monopoly model and replaces it with a process of open access which will lead to more competition across-the-board, in every part of the communications business. It flattens all regulatory barriers to market entry in all telecommunications markets. The more open access takes hold, the less other government intervention is needed to protect competition. Open access is the principle establishing a fair method to move local phone monopolies and the oligopolistic long distance industry into full competition with one another. Completion of the steps on the pro-competitive checklist will give both the long distance firms and the local telephone companies confidence that neither side is gaming the system.

Second, it eliminates a number of unnecessary rules and regulations now—by giving the FCC the discretion to forebear from regulating competitive communications services, by removing unneeded, high-tier, cable price controls.

Third, it establishes a process for continuing attic-to-basement review of all regulations on a 2-year cycle.

Fourth, it seeks to create an environment that is more conducive to more new services and more competitors—by allowing broadcasters and cable operators, for instance, greater competitive flexibility, and giving local and long distance phone companies more chances to compete as well.

Fifth, it terminates the involvement of the Justice Department and the Federal courts in the making of national telecommunications policy.

Sixth, the bill emphasizes effective competition while also safeguarding core values, such as universal service access and limitations on indecency; and,

Finally, it maintains the responsibility of Congress to continue to work through the budget, oversight, and confirmation processes to move this critical sector toward full competition and deregulation.

H. BENEFITS OF S. 652

In General. Competition and deregulation in telecommunications as a result of the Pressler Bill means:

Lower prices for local, cellular, and long distance phone service, and lower cable television prices, too.

More and less costly business and consumer electronics to make U.S. business more competitive and American citizens better informed.

Expanded customer options, as business is spurred to bring new technology to the marketplace faster. In addition to more choices for long distance, cellular, broadcast, and other services where competition already exists, competition and choice in local phone and cable services will be introduced.

High technology jobs with a future for more Americans, economic growth, and continued U.S. leadership in this critical field. The President's Council of Economic Advisors estimates that deregulating telecommunications laws will create 1.4 million new jobs in the services sector of the economy alone by the year 2003. In a Bell Company funded study, WEFA concluded that telecommunications deregulation would cause the U.S. economy to grow 0.5 percent faster on average over the next 10 years, creating 3.4 million new jobs by the year 2005, and generating a cumulative increase of $1.8 trillion in real GDP. Finally, George Gilder has estimated $2 trillion in additional economic activity with the Pressler Bill.

More exports of high-value products, and greater success on the part of U.S.-based telecommunications equipment $10.25 billion, and services $3.3 billion, companies as well as computer equipment $29.2 billion, companies as they leverage their domestic gains to make more sales overseas.

In Media. Competition and deregulation in electronic media including broadcasting, cable, and satellite services means:

More Networks and Channels. In the early 1970s, there were three national TV networks and virtually no cable systems. Today, there are 6 national TV networks, plus 10,000 cable TV systems serving 65 percent of American homes—96% have the cable option—with DBS now offering digital service to millions more. The average American family now has access to some 30 video channel choices. Much more is on the way if the Pressler Bill is enacted into law.

More News and Public Affairs. Cable deregulation—spurred by satellite communications deregulation—made more news and public affairs programming available. CNN, C-SPAN, and ESPN are prime examples. Local all news channels and local C-SPAN-oriented programming is on its way if deregulation occurs.

More Jobs. Relaxing broadcast rules and regulations—spurred by the growth of cable TV—made it possible for some 300 new TV and 2,000 new radio outlets to emerge. This created 10,000 new jobs in broadcasting.

Small town and rural America parity. Satellites and cable TV service means small town and rural Americans command nearly the same media choices only big city residents once enjoyed. This democratization has spurred public awareness of national and international events—as well as encouraged fuller participation in the political process.

Political shift. Satellites, cable, talk radio, and C-SPAN, which were a specific result of deregulation and competition in communications, were prime ingredients to last year's landmark national political shift. Further decentralization of media control through deregulation will accelerate this democratization phenomenon.

In telephone service. Competition and deregulation in the telephone business means:

Lower prices. Deregulation of phone equipment resulting in faster deployment of advanced equipment has made it possible to reduce local phone rates by $4 billion since 1987. More long distance competition has meant nearly $20 billion in price cuts since 1987. Virtually all Americans now have far more choices in phone equipment and long distance service—and with the Pressler Bill will see choices in local phone services.

New options. Sixty million American families now have cordless phones. Twenty-five million now have cellular phones. Fifty million have answering machines. Twenty million have pagers. Deregulation has allowed technology to evolve to meet the demands of an increasingly mobile society.

Special benefits. Cellular phones have helped millions of American women feel safer and more secure. They have made it possible to drive safely under even the most severe weather conditions, because now help can be called.

Computer services. Competition and deregulation in telecommunications will speed the deployment of the so-called information superhighway. Currently, 40 percent of American homes have a personal computer. Computers are ubiquitous for American business. There is one school computer for every nine students. Competition and deregulation will mean new communications facilities that will magnify the power of these computers.

International competitiveness. Telecommunications is a prime leverage technology. Competition and deregulation expands business access to this new technology. That makes American business more competitive globally. Deregulation also spurs U.S. production and export of high value-added products like computers, advanced telephone switches, mobile radios, and fiber optics. Each dollar invested in telecommunications results in $3 of economic growth.

For agriculture. For agriculture, competition and deregulation in communications means:

Efficiency. Farms today are the most technology-intensive small businesses. American farmers will be able to harness computer, communications, and satellite technology to stay the world's most efficient lowest cost food producers.

Integration with the national community. Communications advances help integrate the farm community with Americans nationwide. Farm families will have the same news, public affairs, and entertainment choices nearly any American does.

Distance learning/telemedicine. Schools in small town and rural areas will be able to offer the same schooling options as those in the suburbs and major cities. Telemedicine systems will improve the quality of health care available in small town and rural America, especially for the home bound elderly in our society.

More jobs. Deregulation means more modern communications systems as costs drop for small town and rural areas which, in turn, help these areas attract and retain businesses and jobs. Communications deregulation in Nebraska meant thousands of new jobs for the State. Deregulation in North Dakota did the same—one of the country's biggest travel agencies now operate out of Linder and employs several hundred local people.

For Government. For Government agencies, competition and deregulation in telecommunications means:

Better service. With voice mail, smart phone services—for example, to renew your library book, press 1, facsimile, and electronic mail, Federal, State and local agencies will be able to provide the public better service.

Reduced cost. Technology through deregulation and competition also helps Government curb costs. Taxpayers thus get better service without having to pay more. The right-sizing of Government agencies is made possible.

Responsiveness. Using all the latest communications technologies, Government offices will be able to greatly expand their constituent services, including here on Capitol Hill.

For business. For business, competition and deregulation in telecommunications means:

No geographical disadvantage. The ability to locate businesses away from center cities, and to allow many workers, especially working mothers, to telecommute thus reducing urban traffic congestion, pollution problems, and easing child care problems.

Expanding markets. Fax, 800-numbers, United Parcel, and Federal Express have made it possible for even the smallest companies today to compete on a state-wide, regional, national, and even international scale.

Working smarter. Satellite networks, computerized point-of-sale terminals—cash registers—and computerized inventory systems often linked directly to suppliers make it possible for U.S. retailers and other businesses to stay very competitive without being overstocked or understocked. Technology which will be made more available through deregulation has also allowed stores to operate in once remote areas. Wal-Mart has become America's largest retailer, despite its largely rural origins, chiefly because the company was able to harness the best in contemporary communications.

For educators. For educators, competition and deregulation in telecommunications means:

Greater parity. Students in small town and rural America, and in inner cities, will be able to access the same information and instructional resources only wealthy suburban districts have. Advanced math, science, and foreign language courses that many schools could not offer previously are available through telecommunications. This reduces the pressures to close or consolidate small town and rural schools and other institutions, which helps communities maintain their unique local character.

Lower costs. Competition lowers the cost of telecommunications equipment and services. This makes it possible for schools to adopt communications techniques without needing to expand budgets and local taxes.

For law enforcement. For law enforcement, competition and deregulation in telecommunications means:

Efficiencies. Communications equipment prices will continue to fall. Police will be able to afford to buy on board computers, advanced radiocommunications, and other high-tech systems. This magnifies the effectiveness of law enforcement budgets.

Better coordination. Advanced communications and computer systems will result in far better coordination among Federal, State, and local law enforcement agencies. Nationwide criminal records, drunk driving, stolen car, and other checks can be undertaken quickly and cheaply. This means law breakers will face a higher risk of apprehension, which means a stronger deterrent against crime.

Personal security. Advanced computer and communications technology place home security systems within reach of more and more American families. Easier access to cellular phones will help Americans stay safer and feel more secure. At the same time, these telecommunications and information technologies help police, fire department and emergency medical services drastically reduce response times. In the case of emergency medical services far better on-the-spot service will be provided.

For South Dakota and other small city and rural areas:

The bill is designed to rapidly accelerate private sector development of advanced telecommunications and information technologies and services to all Americans by opening all telecommunications markets to competition.

Recent series of television commercials have shown people sending faxes from the beach, having meetings via computer with people in a foreign country, using their computer to search for theater tickets and a host of other services that soon will be available. My bill would make those services available even sooner by removing restrictive regulations.

A person living in Brandon could work at a job in Minneapolis or Chicago, students in Lemmon would be able to take classes from teachers in Omaha, and doctors in Freeman could consult with specialists at the Mayo Clinic. Telecommunications can bring new economic growth, education, health care and other opportunities to South Dakota.

Competition in the information and communications industries means more choices for people in South Dakota. It will also mean lower costs and a greater array of services and technologies. For instance, competing for customers will compel companies to offer more advanced services like caller ID or local connections to on-line services such as Prodigy and America On-Line.

It hasn't been that long since Ma Bell was everyone's source for local phone service, long-distance service, and phone equipment. Now there are over 400 long-distance companies and people can buy phone equipment at any department or discount store. Under my bill, eventually people would be able to choose from more than one local phone service or cable television operator.

This new competition also should lead to economic development opportunities in South Dakota. People will be able to locate businesses in towns like Groton and Humboldt and serve customers in Hong Kong or New York City. We are entering an exciting era. I want to spur growth and bring new opportunities to South Dakota and everywhere in America.

J. CONCLUSION

S. 652 is legislation providing for the most comprehensive deregulation in the history of the telecommunications industry.

Enacting this bill means ending regulatory apartheid. Under the Communications Act of 1934 and the Federal judiciary's Modification of Final Judgment, sectors of the communications industry are forcibly separated and segregated. This created Government-imposed and sanctioned monopoly models for the telecommunications sector.

S. 652 tears down all the segregation barriers to competition and ends the monopoly model for telecommunications. It opens up unprecedented new freedom for access, affordability, flexibility, and creativity in telecommunications and information products and services.

Passing S. 652 will hasten the arrival of a powerful network of two-way broadband communications links for homes, schools, and small and large businesses. For my home State of South Dakota, and other States away from the big population centers, this reform bill will make the Internet and other computer communications more easily accessible and affordable.

Local phone companies, long-distance phone companies, cable TV systems, broadcasters, wireless and satellite communications entities, and electric utility companies all will gain freedom to compete with one another in the communications business.

S. 652 is not only a deregulation bill, it is a procompetitive bill. There is an important distinction. The 1984 Cable Act; for instance, deregulated rates for the cable industry but explicitly kept intact the barriers keeping telephone, electric companies, broadcasters, and others from competing for cable TV service. Keeping the monopoly model in place while lifting the lid on prices led directly to a backlash and re-regulation in the Cable Act of 1992.

This reform law will open the door for billions of dollars of new investment and growth. The United States is the world leader in telecommunications products, software, and services. Still, we labor under self-defeating limits on our ability to grow at home and compete abroad. Most foreign countries retaliate for the strict U.S. limits on foreign investment. This keeps us out of markets where we would have the natural competitive advantage and leaves them open to our competitors. Telecommunications innovation and productivity is flourishing in such countries as the United Kingdom, which has eliminated many barriers to foreign investment. The new legislation will lift limits on foreign investment in U.S. common carrier enterprises on a fair, reciprocal basis.

To maintain our world leadership position we need new legislation. S. 652 will improve international competitiveness markedly by expanding exports. In 1994, according to the Department of Commerce, telecommunications services—local exchange, long distance, international, cellular and mobile radio, satellite, and data communications—accounted for $3.3 billion in exports. Telecommunications equipment—switching and transmission equipment; telephones; facsimile machines; radio and TV broadcasting equipment, fixed and mobile radio systems; cellular radio telephones; radio transmitters, transceivers and receivers; fiber optics equipment; satellite communications systems; closed-circuit and cable TV equipment—accounted for $10.25 billion in exports. Finally, computer equipment accounted for $29.2 billion in exports. With this new legislation, telecommunications and computer equipment and services will be America's No. 1 export sector.

S. 652 will spur economic growth, create new jobs, and substantially increase productivity. As noted earlier, each dollar invested in telecommunications results in 3 dollars' worth of economic growth. The Clinton/Gore administration estimates that with telecommunications deregulation the telecommunications and information sector of the economy would double its share of the GDP by 2003 and employment would rise from 3.6 million today to 5 million by 2003. The WEFA Group, in a Bell Company funded study, stated that with telecommunications deregulation 3.4 million jobs would be created in the next 10 years. In addition, the GDP would be approximately $300 billion higher, and consumers would save approximately $550 billion. Finally, George Gilder recently testified before the Senate Commerce Committee that if telecommunications deregulation like that contemplated in S. 652 does not take place, America will lose up to $2 trillion in new economic activity in the 1990s.

S. 652 will also assist in delivering better quality of life through more efficient provision of educational, health care and other social services. Distance learning and telemedicine applications are especially important in rural and small city areas of America. With the advent of digital wireless technologies the cost of providing service will be lowered tenfold thus closing the gap between the costs of serving urban and rural areas.

If we in Congress do our job right, by passing this legislation, we have the potential to be America's new high-tech pioneers—an opportunity to explore the new American frontier of high-tech telecommunications and computers that will be unleashed through bold free enterprise, de-regulatory, procompetitive, open entry policies. By taking a balanced approach which doesn't favor any industry segment over any other, we will First, stimulate economic growth, jobs, and capital investment; second, help American competitiveness; third, minimize transitional inequities and dislocations; and fourth, actually do something very good for universal service goals.

Mr. President, on March 28, the Committee on Commerce, Science, and Transportation voted 17 to 2 to report S. 652, the Telecommunications Competition and Deregulation Act of 1995.

Telecommunications policy usually rates attention on the business pages, not as a front-page story. Still, for the average American family, legislation to reform regulations of our telephone, cable, and broadcasting industries is surely one of the most important matters the 104th Congress will consider.

OPEN, DELIBERATE PROCESS

Mr. President, this reform legislation was years in the making. It is the handiwork of numerous Senators from both parties, who have shared a common recognition that our laws are outdated and anticompetitive.

The recent hearing process which informed the Commerce Committee and led to development of S. 652 began in February 1994. During 1994 and 1995 the Commerce Committee held 14 days of hearings on telecommunications reform. The committee heard testimony from 109 witnesses during this process. The overwhelming message we received was that Americans want urgent action to open up our Nation's telecommunications markets.

At the beginning of the 104th Congress, on January 31 of this year, I circulated a discussion draft of a telecommunications deregulation bill which reflected ideas from all the Republican members of the Commerce Committee. I invited the comments of ranking Democratic member HOLLINGS and other Democratic members. In just 2 weeks time, Senator HOLLINGS presented a comprehensive response. He has been a tremendous ally in this effort, as have many of my colleagues on the committee.

Senator HOLLINGS and I and Democratic and Republican members of the committee, together with the majority and minority leaders, then engaged in an open, deliberate, productive process of discussion and negotiation.

Mr. President, it is accurate to say that staff from both parties have worked night after night, weekend after weekend, with scarcely any respite, since before Christmas on this bill.

Mr. President, just as it won overwhelming bipartisan support in committee, S. 652 deserves passage by a strong bipartisan vote here on the floor of the Senate.

When I travel around my State of South Dakota and see the craving for distance learning, for telemedicine, for better access to the Internet and the other networks taking shape to improve our productivity and quality of life, it helps me understand the need for this legislation, the need to work and fight for this reform.

Mr. President, the obstacles for progress in telecommunications are not technical. They are political. We have it in our power to tear those obstacles down. S. 652 does a substantial part of the job of tearing them all down.

RESTORING CONGRESSIONAL RESPONSIBILITY

S. 652 returns responsibility for communications policy to Congress after years of micromanagement by the courts. This bill will terminate judicial control of telecommunications policy, in particular, Federal Judge Harold Greene's "Modification of Final Judgment" regime which has governed the telephone business since the breakup of AT&T in 1984.

When the courts control policy, they are restricted to narrow considerations. Congress, on the other hand, takes into account a whole range of economic and social implications in establishing a national policy framework. S. 652 provides such an approach to telecommunications reform.

Piecemeal policymaking by the courts severely delays productive economic activity. The average waiver process before the Department of Justice and the court takes an average of 4½ to 5 years to complete. Such delays cause uncertainty in markets and significantly reduce investment in telecommunications, an increasingly vital sector of our economy.

PROFOUNDLY PRO-CONSUMER

Our electronic media are in a creative tumult known as the digital revolution. New technology is erasing old distinctions between cable TV, telephone service, broadcasting, audio and video recording, and interactive personal computers. In many instances, the only thing standing in the way of consumers and businesses enjoying cheaper and more flexible telecommunications services are outdated laws and regulations.

Mr. President, S. 652 is profoundly proconsumer. The bill breaks up monopolies—that's proconsumer. The bill sweeps away burdensome regulations. This will lower consumer costs—that's proconsumer.

The bill opens up world investment markets for the U.S. telecommunications business. The impact will be more jobs, new services, lower costs—that's proconsumer.

Mr. President, American consumers and businesses want to enjoy the full benefits of the digital revolution. They want more communicating power, more services, more openings, and lower prices. They want wide-open competition.

It is possible for Americans to have all of these. The obstacles in their way are not technical. We have the most powerful economy, the most advanced technological base in the world. The obstacles are political.

The information industry already constitutes one-seventh of the U.S. economy. Worldwide, the information marketplace is projected to exceed $3 trillion by the close of the decade. Today's Federal laws prevent different media from competing in one another's markets, although they have the technical ability to do so.

The regional Bell operating companies are protected with monopoly status in the local residential phone service markets. But they are barred from manufacturing phone equipment, offering long-distance service, or competing in a cable video market. Cable companies, though technically capable, are forbidden to offer competing phone service.

The status quo preserves monopolies and keeps American consumers from access to an array of products and service options. The existing system of law, regulation, and court decrees, holds back the American telecommunications industry from its full potential to compete in world markets.

S. 652 would change all this. It would bring about the most fundamental overhaul of communications policy in more than 60 years. It will break up the monopolies and increase competition. S. 652 immediately lifts regulations barring local telephone companies' entry into cable service and cable's entry into the local phone business.

It allows electric utilities to offer service in both the phone and cable markets, and provides fair, effective, and rapid means to make certain that local Bell companies abandon all vestiges of monopoly. Then it allows those companies into the long-distance and phone equipment manufacturing markets.

This bill ends decades of protectionism in the telephone investment markets. This will help assure access to capital to build the Nation's next generation informational networking.

On a reciprocal basis, it will give Americans more freedom to profit by making major investments in the telecommunications projects of growing markets abroad. For households and business in my home State of South Dakota and all around the Nation, S. 652 means lower prices for local, cellular, and long-distance phone service and lower cable television prices, too. The new competition also will spur companies to bring new technology and services to the marketplace faster.

Phone customers would be assured the same number of digits and the same listing in directory assistance and the white pages, whether they choose the local Bell company or a new competitor. What is more, phone numbers will be portable. A customer will keep the same number even if he or she moves among phone companies to get better prices.

S. 652 promotes competition in cable markets while protecting consumers from surges in rates. The outcome, I fully expect for consumers, perhaps as soon as a year from enactment of the bill, is plentiful competition and low rates without Federal controls.

Freeing business from overregulation is creative and it is proconsumer. There was heavy skepticism 15 years ago about deregulating natural gas prices, but look at the results. I remember I was in the House of Representatives in those days and everybody said if we deregulate natural gas, prices are going to soar. They did not. They went down. Natural gas prices are lower than ever.

Now consider how dramatic the difference in proconsumer advances have been between an unregulated part of the information sector—personal computers—compared with the heavily-regulated telephone sector.

The personal computer success story is especially important in my State of South Dakota. Because a firm that was a tiny start-up in South Dakota a few years ago, Gateway 2000, is now a major player in personal computer markets. It is one of the quality leaders in home computing products.

Computer industry entrepreneurs were free to gamble on the personal computer. No Federal or State regulator told them what they could and could not build, what specifications they had to meet, what markets to target. Market competition was fierce. Technological progress was breathtaking.

By 1990, the upstart personal computer industry was selling for $5,000 a computer with as much processing power as a $250,000 minicomputer of the mid-1980's, more than that of a million-dollar mainframe of the 1970's. Now personal computers with more than twice the processing power are available for $1,500.

The upshot, in terms of price and power, is that today's computer systems have over 200 times the value of systems in 1994. Even with the historic breakup of the AT&T long-distance monopoly, the telephone business has remained heavily regulated, and consumers have gained value. In 1984, a 10-minute call from New York to Los Angeles cost $5. Today it cost $2.50. It should cost less, and will cost less.

If competition and technological advances have developed in the long-distance market, as they had in the computer market over the same period, that same phone call would cost less than 3 cents today, rather than $2.50. Three cents.

The regulatory status quo needs shaking up. That is what S. 652 would do. It would do less for big existing companies than for the businesses and services that are still waiting to be created, and many of those will be small businesses. Most important, it would help bring about an explosion of new job opportunities and services for the American people.

Let me take just a moment to describe in detail the key reforms in S. 652. First, universal telephone service, the need to preserve widely available and reasonably priced services is a fundamental concern addressed in S. 652. The bill preserves universal service, improves it, and makes it cost less.

It requires all telecommunications carriers to contribute to the support of universal service. Only telecommunication carriers designated by the FCC or a State as "essential telecommunication carriers" are eligible to receive support payments. The bill directs the FCC to institute and refer to a Federal-State joint board, a proceeding to recommend rules to implement universal service and to establish a minimum definition of universal service. A State may add to the definition for its local needs.

Mr. President, to smaller cities and rural communities and others who depend upon universal service nothing is changed. They continue to enjoy affordable access to phone service as before. The most important impact of S. 652 is structural and management reform in universal service that will save the American taxpayers $3 billion over the next 5 years. I think that is important to say. The universal service of this will cost less in these years.

For local telephone competition, S. 652 gives a green light to local telephone competition. The bill breaks up the old monopoly system for local phone service. All Federal barriers to competition will be removed, and all State and local barriers will be preempted. Cable companies, long-distance companies, electric companies and other entities will gain a chance to offer lower prices and better service for local phone service.

Upon enactment, the legislation preempts all State and local barriers to competing with the telephone companies. In addition, it requires local exchange carriers having market powers to negotiate, in good faith, interconnection agreements for access to unbundled network features and functions that reasonable and nondiscriminatory rates.

This allows other parties to provide competitive service through interconnection with the LEC's facilities. The bill establishes minimum standards relating to types of interconnection that an LEC with market power must agree to provide if requested, including the following: Unbundled access to network functions and services; unbundled access to facilities and information; necessary for transmission, routing, and interoperability of both carriers' networks; interconnection at any technological feasible point; access of polls, ducts, conduits, and rights of way; telephone number portability; and local dialing parity.

As an assurance that the parties negotiate in good faith, either party may ask the State to arbitrate any differences, and the State must review and approve any interconnection agreement.

There is long distance and manufacturing relief for the Bell companies. The Telecommunications Competition and Deregulation Act of 1995 establishes a process under which the regional Bell companies may apply to the FCC to enter the long-distance market. Since the 1984 breakup of AT&T, the Bell companies have been prohibited from providing long-distance service. S. 652 reasserts congressional authority over Bell company provision of long distance and restores the FCC authority to set communication policy over those issues. The Attorney General has a consulting role.

The bill requires Bell local companies and other LEC's with marketing power to open and unbundle their local networks to increase the likelihood that competition will develop for local telephone service.

It sets forth a competitive checklist of unbundling and interconnection requirements. If a Bell company satisfies the checklist, the FCC is authorized to permit the Bell company to long-distance service if this is found to be in the public interest.

Once a Bell company has met the checklist requirements, it also will be allowed to enter the markets for manufacturing phone equipment.

In conducting its manufacturing activities, a Bell company must comply with the following safeguards:

A separate manufacturing affiliate;

Requirements for establishing standards and certifying equipment;

Protections for small telephone companies. A Bell manufacturing affiliate must make its equipment available to other telephone companies without discrimination or self-preference as to price delivery, terms, or conditions.

This bill also opens international investment markets.

S. 652 lifts limits on foreign ownership of U.S. common carriers. The bill establishes a reciprocity formula whereby a foreign national or foreign-owned company would be able to invest more than the current 25 percent limit in a U.S. telephone company if American citizens or firms enjoyed comparable opportunities. This would allow increased investment in and by the U.S. telecommunications industry, which enjoys worldwide comparative advantage.

Finally, in the area of cable competition, the bill permits telephone companies to compete against local cable companies upon enactment, although until 1 year after enactment the FCC would be required to approve Bell company plans to construct facilities for common carrier "video dialtone" operations. The bill also removes at enactment all State or local barriers to cable companies providing telecommunications services, without additional franchise requirements.

The bill maintains rate regulation for the basic tier of programming where the cable operator does not face "effective competition," defined as the provision of video services by a local telephone company or 15 percent penetration by another multichannel video provider. The bill minimizes regulation of expanded tier services. Specifically the bill eliminates the ability of a single subscriber to initiate at the FCC a rate complaint proceeding concerning expanded tier services. In addition, the FCC may only find rates for expanded tier service unreasonable, and subject to regulation, if the rates substantially exceed the national average rates for comparable cable programming services.

In the area of spectrum flexibility and regulatory reform for broadcasters, if the FCC permits a broadcast television licensee to provide advanced television services, the bill requires the FCC to adopt rules to permit such broadcasters flexibility to use the advanced television spectrum for ancillary and supplementary services, if the licensee provides to the public at least one free advanced television program service. The FCC is authorized to collect an annual fee from the broadcaster if the broadcaster offers ancillary or supplementary services for a fee to subscribers.

A single broadcast licensee is permitted to reach 35 percent of the national audience, up from the current 25 percent. Moreover, the FCC is required to review all of its ownership rules biennially. Broadcast license terms are lengthened for television licenses from 5 to 10 years and for radio licenses from 7 to 10 years. Finally, new broadcast license renewal procedures are established.

Entry by registered utilities into telecommunications is allowed.

Under current law, gas and electric utility holding companies that are not registered may provide telecommunication services to consumers. There does not appear to be sufficient justification to continue to preclude registered utility holding companies from providing this same competition. The bill provides that affiliates of registered public utility holding companies may engage in the provision of telecommunications services, notwithstanding the Public Utility Holding Company Act of 1935. The affiliate engaged in providing telecommunications must keep separate books and records, and the States are authorized to require independent audits on an annual basis.

ALARM SERVICES

Beginning 3 years after enactment, a Bell company may provide such services if it has received authorization from the FCC to provide in-region interLATA service. The bill requires the FCC to establish rules governing Bell company provision of alarm monitoring services. A Bell company that was in the alarm service business as of December 31, 1994 is allowed to continue providing that service, as long as certain conditions are met.

Finally, continuous review and reduction of regulation.

The bill also ensures that regulations applicable to the telecommunications industry remain current and necessary in light of changes in the industry. First, the legislation permits the FCC to forbear from regulating carriers when forbearance is in the public interest. This will allow the FCC to reduce the regulatory burdens on a carrier when competition develops, or when the FCC determines that relaxed regulation is in the public interest.

Second, the bill requires a Federal-State Joint Board to periodically review the universal service policies.

Third, the FCC, with respect to its regulations under the 1934 act, and a Federal-State Joint Board with respect to State regulations, are required in odd-numbered years beginning in 1997 to review all regulations issued under the act or State laws applicable to telecommunications services. The FCC and Joint Board are to determine whether any such regulation is no longer in the public interest as a result of competition.

In short, Mr. President, this bill promotes deregulation as far as it logically should go. It provides a kind of "sunset" process for all regulations which the bill does not abolish immediately.

I welcome the coming debate and vote on S. 652. I urge my colleagues to reassert congressional responsibility for telecommunications policy.

Let me say, in summary and in conclusion, Mr. President, what we are trying to do here is to get everyone into everyone else's business. The economic apartheid that has been a part of telecommunications since the act of 1934 should be brought to an end.

I believe the passage of this bill would be like the Oklahoma land rush, the going off of the gun, because presently a lot of investment in the United States is paralyzed because we do not have a roadmap for the next 5, 10, or 15 years until we get into the wireless age.

What is happening is that many of our companies are investing in Europe or abroad because they are prohibited from manufacturing or doing something here. As a result, American jobs are being lost.

This particular bill, if we can pass it, will provide a roadmap which businessmen and investors will be able to invest in and make an explosion of new devices, an explosion of new jobs, and will help our country a great deal.

I think it will help consumers by lowering prices and providing more devices, and it will also help labor by providing more jobs of the type that we need in our country.

I wish to pay tribute again to Senator HOLLINGS and his staff and all the Senators on the committee who have worked so hard—and Senators in this Chamber. I have spoken to all 100 Senators at some point on this bill and it has been a long time getting it up. I hope we can proceed through today and tomorrow.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, as the communications bill, S. 652, comes up for consideration, my first urge is one of gratitude. I want to thank the majority leader and minority leader for their leadership in calling up this bill and, of course, I particularly want to thank the chairman of our committee who has been outstanding in working all day long in getting this bill to the floor.

Senator LOTT on the majority side and Senator INOUYE, who was the chairman of our Communications Subcommittee, now the ranking member, have been working around the clock. Of course, particular thanks goes, again, for our staff members. I thank the chairman's staff—Paddy Link, Katie King, and Donald McLellan. On my staff particular gratitude must go to Kevin Curtin, John Windhausen, and Kevin Joseph for all their efforts.

We do not extend such thanks casually. This effort started in the fall of 1993, and every Friday morning we would meet with the Bell companies, the regional Bell operating companies. Every Tuesday morning the staffs would meet again with the competing interests of long distance and all the other industry interests. We have continued those meetings right up to this afternoon. We have been working, meeting, reconciling, trying our dead-level best to bring a complicated measure up to the modern age of telecommunications.

To this Senator, they have all done an outstanding job. So it is not a casual "thanks," but it is one that is very genuine and sincere. We thank them all for their cooperation and understanding.

As this bill is called up, it is good to note and emphasize that the Commerce Committee reported it by a vote of 17 to 2 on March 23. It is a product of months and months of consideration and discussion by the committee and by Senators all involved. In the last Congress, Senators INOUYE, Danforth, and I sponsored S. 1822, which was approved at that time by the Commerce Committee by a vote 18 to 2.

The committee held 31 hours of testimony, 11 days of hearings, and heard from 86-plus witnesses. In this Congress, the committee on S. 652 has held 3 days of hearings on telecommunications reform, heard from a number of witnesses representing a broad variety of interests.

S. 652 achieves a very, very important objective. Most important of all the objectives was the requirement of universal telephone service that would be available and affordable and continued to be outstanding. We have the finest communications services in the world.

This Senator went through the experience of airline deregulation. And truth is truth, and facts are facts. Do not come and tell me how airline deregulation is working. All of the airlines have just about gone broke. And I can tell you from paying just to go from Charleston to Washington and Washington to Charleston and back, it is just an inordinate 600 and some odd dollars. What has happened is 85 percent of America is subsidizing some 15 percent for the long haul. They talk about market forces, market forces. We had a good arrangement on the regulated airline service, and we have come full circle now with regulating foreign airlines and KLM taking over Northwest, British Air coming in on USAir, and all the rest being saved while we proudly stand up as politicians blowing hot and hard how wonderful airline deregulation is working. That is hooey.

I wanted to make sure that we did not fall in and mess up in this particular one with the wonderful telecommunications service that we have had. This bill promotes competition in the telecommunications market and restores regulatory authority over the industry to the Federal Communications Commission. That administrative entity has also been outstanding in their rendering of decisions and moving forward as best they could with the technological developments. But the competition of the communications and regular telephonic service and long distance evolved into a heck of a monopoly that we could not deregulate. I was on the teams that worked all during the 1970's and the early 1980's. Finally, the Department of Justice had to bust it up. We found out that they were so strong politically and financially that they could cancel out any and everybody. Senator DOLE on the majority side, this Senator on the minority side, all during the 1980's tried to get it back to the FCC, and we were blocked. This Senate passed the manufacturing bill to allow the Bell companies to get into manufacturing, passed by a vote of 74, bipartisan, and it was blocked over on the House side.

So the difficulty has really been in trying to get it from Judge Greene back into the administrative body where the people's decisions and policies are made by the Congress, administered by the Federal Communications Commission, but blocked by the industry itself time and time again.

Let me also mention Judge Greene who has done an outstanding job. I want to make note that it was just announced that Judge Greene will enter senior status this August. I just could not give him enough kudos in the way he has handled this, almost a one-man administrative responsibility for over 10 years now in his deliberate approach to the needs of the public by maintaining at the same time universal service.

The basic thrust of this bill is clear. Competition is the best regulator of the marketplace. But until that competition exists, until the markets are opened, monopoly-provided services must not be able to exploit the monopoly power to the consumers' disadvantage. Competitors are ready and willing to enter the new markets as soon as they are opened. Competition is spurred by S. 652's provisions, specifying criteria for entry into the various markets.

For example, on a broad scale, cable companies will provide telephone service; telephone companies will offer video services, as pointed out by our distinguished chairman; and telephone companies will, in addition, provide to the consumers the continued universal service; the consumers will be able to purchase local telephone service from several competitors; electric utility companies will offer telecommunications services; the regional Bell operating companies will engage in manufacturing activities. All of these participants will foster competition with each other and create jobs along the way. Of course, long distance will enter the local exchange, and as the local exchange is opened, the regional Bell operating companies will enter into long distance. So we are really moving very expeditiously into the competitive market.

We should not attempt to micromanage the marketplace. Rather, we must set the rules in a way that neutralizes any party's inherent market power so that robust and fair competition can ensue. This is Congress' responsibility.

So this bill transfers jurisdiction over the modified final judgment from the courts to the Federal Communications Commission. Judge Greene, as I mentioned, has been overseeing that modified final judgment in an outstanding fashion. He was doing yeoman's work in attempting to ensure that monopolies do not abuse that market power. Now it is time for the Congress to reassert its responsibilities in this area.

Let me address some of the specific areas of importance. The need to protect advanced universal service is one fundamental concern of the committee in reporting S. 652. Universal service must be guaranteed, the world's best telephone system must continue to grow and develop, and we must ensure the widest availability of telephone service. Under this bill, all telecommunications carriers must contribute to their universal service fund. A Federal-State joint board will define universal service. This definition will evolve. It is a flexible requirement—a requirement, I should say rather, of flexibility so that the definition will evolve over time as technologies change so that consumers have access to the best possible services.

Special provisions in the legislation address universal service in rural areas to guarantee that harm to universal service is avoided there. One of the most contentious issues in this whole discussion has been when the regional Bell operating companies should be allowed to enter the long distance market.

Under section VII(C) of the modified final judgment consented to buy all the RBOC's and attested to in the hearings that we have had on this bill, as a group the test has been whether the RBOC's seeking entry into long distance could have a substantial possibility of impeding competition in that long distance market which it seeks to enter.

Last year, S. 1822 contained a requirement that the Department of Justice utilize this test in considering any application for the regional Bell operating companies' entry into long distance. In addition, the FCC was to utilize a public interest test for considering any such application. This was an approach to which the regional Bell operating companies agreed during the last Congress. This year, earlier draft provisions, however, set a date certain for entry by the RBOC's into the long distance market.

So after all the hearings and much discussion and negotiation, we determined that this self-defeating approach of a calendar ruling there would be no consideration of the competitive circumstances in the marketplace.

So S. 652 specifies that the FCC may approve any application to provide long distance if it finds, one, that the RBOC has fully implemented the unbundling features specified in the competitive checklist in the new section 255 of the Federal Communications Act of 1934; two, the RBOC will provide long distance using a separate subsidiary; and, three, application is consistent with the public interest, convenience, and necessity.

Mr. President, when I mentioned that section 255 is a new section under the Communications Act, I should say of 1934. It is good to point out that we have used the original Communications Act of 1934, as amended, for the simple reason that over the 60 plus years we now have a complex body of law, special rulings, interpretations of legal expressions and requirements by the courts. We are now tasked with the job of trying to bring competition to a regulatory structure based on a monopoly and open up the marketplace.

I remember in an earlier debate we had this year it was brought out that 60,000 lawyers are registered to practice before the District of Columbia bar, 59,000 of whom are probably members of the federal communications bar. That is why you will see every effort to change every little word and analyze every phrase. So we have really had a difficult task trying to break up the monopoly of the local telephone companies and to open the market so competition could ensue and yet it is the monopoly that has provided us with the universal service we all enjoy. We do not want to penalize or jeopardize in any sense the regional Bell operating companies that have been doing an outstanding job because there is no shortcut there. If you penalize them and put them into an uncompetitive position, then, of course, your rates are bound to go up.

So S. 652 is a balanced bill. The public interest test is fundamental to my support for the legislation. In making this public interest evaluation, the FCC is instructed to consult with the Department of Justice which may furnish the Federal Communications Commission with advice on the application using whatever standard it finds appropriate, including antitrust analysis under the Clayton and Sherman Acts and also section VIII(C) under the Modified Final Judgment.

Mr. President, this is great leap from the actual and demonstrable competition test originally proposed in S. 1822 from the last Congress. While I would prefer a more active Department of Justice role, and an explicit reference in the statute to the section VIII(C) test, I support the provisions of S. 652 because the FCC will have the benefit of the Department of Justice views prior to making any decision. The Department of Justice may well decide to base its decision on whether there is a substantial possibility that the regional Bell operating company will impede competition through use of its monopoly power or any other standard under the antitrust law. The report accompanying this bill makes it clear.

I might emphasize at this particular point the leadership that already this year has been given by the antitrust division, by the Department of Justice and the outstanding director, Assistant Attorney General, Ms. Anne Bingaman. She has obtained what we as politicians have been trying over 4 years to get together, and that is about a month ago on national TV there appeared the regional Bell operating company, Ameritech, the long distance company AT&T, the Department of Justice and the Consumer Federation of America, all four entities important to the entire process agreeing on the steps of unbundling, dialing parity, access, interconnection, all of these things all ironed out that in the technological world of communications we have debated back and forth over these many years. They have gotten together. They are going into Grand Rapids and Chicago, and, of course, the RBOC is getting into long distance.

And so while we politicians on the floor of the Senate will be debating in the next few days, no doubt it should be mentioned that the Department of Justice, under the leadership of Ms. Anne Bingaman, has already gotten the parties together. I am convinced that their consent decree now before Judge Greene will be affirmed.

S. 652 requires that an RBOC must provide long distance using a subsidiary separate from itself to avoid any cross-subsidization between local and long-distance rates. These and other safeguards in the bill should prevent against RBOC abuses in the long-distance market.

The committee-approved bill also includes some deregulation rates for cable television. The Democratic proposal at the beginning of the year did not suggest any such deregulation because from 1986 to 1992 cable rates had risen three times faster than the rate of inflation, so that the Congress back in 1992 overwhelmingly imposed rate regulation and new service standards on the cable operators.

We passed the 1992 Cable Act largely in response to the complaints from consumers that rates had soared beyond reason and service was poor. The bill actually became law with the bipartisan vote to override President Bush's veto.

Now, since the 1992 Act was adopted, the cable industry has experienced significant growth. Subscribership is up, stock values in cable companies have risen dramatically, and debt financing by the cable industry rose in 1994 by almost $4 billion over the 1993 levels. But the Consumer Federation of America estimates that $3 billion has been saved for American consumers through the rate regulation that has been put into place. Yet some in the industry maintain that cable regulation produces uncertainty in financial markets and that cable operators will need to be able to respond to new competitors through additional revenues.

S. 652, therefore, changes the standard of regulation for the upper tiers of cable programming. It makes no changes in the regulation of the basic tier. Under the bill, a rate for the upper tier cannot be found to be unreasonable unless it substantially exceeds the national average rate for comparable cable programming.

This standard will allow cable operators greater regulatory flexibility for the upper tiers. The bill retains the FCC's authority to regulate excessive rates charged to the upper tiers.

In addition, the bill changes the definition of effective competition in the 1992 act to allow cable rates to be deregulated as soon as the telephone company begins to offer competing cable services in the franchise area. Once consumers have a choice among entities offering cable service, the need for regulation no longer exists.

S. 652 increases the ability of any entity including television networks to own more broadcast stations. Today, the FCC rules allow an entity to own broadcast stations that reach no more than 25 percent of the Nation's population. This limit was imposed out of concern that broadcast stations would be owned by a few individuals, and that concentration would not be beneficial to our local communities or yield the benefits that result from the expression of diverse points of view. S. 652 would increase that level to 35 percent.

Any modification in the national ownership cap is important because of localism concerns. Local television stations provide vitally important services in our communities. Because local programming informs our citizens about natural disasters, brings news of local events, and provides other community-building benefits, we cannot afford to undermine this valuable local resource.

Earlier drafts of the legislation would have eliminated many of the FCC regulatory limits on the broadcast industry. By contrast, S. 1822, as approved by the Commerce Committee last year, required the FCC to conduct a proceeding to review the desirability of changing these rules. I think the bill with 35 percent permeation is an acceptable compromise between those positions.

In addition, the bill repeals a prohibition on cable broadcast cross- ownership. S. 652 makes no change in the other broadcast ownership rules such as the duopoly rule or the one-in-the-marketplace rule. Rather, the FCC is instructed to review these rules every 2 years, and they can change it upon review.

This comprehensive bill strikes a balance between competition and regulation. New markets will be open, competitors will begin to offer services, consumers will be better served by having choices among providers and services.

I urge my colleagues to support the bill. I myself would have gone further in several areas covered by the legislation, but I have seen that any one sector of the telecommunications industry can stop this bill and checkmate the others, as I have stated before. Telecommunications reform is too important to let this opportunity go by.

Finally, Mr. President, it should be emphasized that here is one industry that suffered from deregulation. You cannot approach this problem in S. 652 as we bring it into the technological age without thinking back to 1912 when David Sarnoff was a clerk in Wanamaker's store and the sinking of the Titanic was occurring. They raced him up to the roof of Wanamaker's. He set up his wireless, made radio contact with the sinking ship and contacted rescue vessels, directing not only some of the rescue effort but the names of survivors, working almost 72 hours around the clock.

Everyone then got a wireless. There was not any regulation. And by 1924, when Herbert Hoover was the Secretary of Commerce, all of those wireless operators came rushing to the Secretary of Commerce and said, "For heaven's sake, we have nothing but jamming." The radio broadcasters, who have a tremendous interest in this S. 652, went begging to be regulated. So they were in the act of 1927 and brought into that age then with the 1934 act.

So those who are now talking about getting rid of the Government and, incidentally, by the way, we can save money by getting rid of the FCC, ought to stop, look and listen. They have to have a sense of history. We can get rid of total deregulation, jamming each other and all that sort of thing, but, after all, the public airways belong to the public, on the one hand, and they need a modicum of administration, on the other hand, for this finest, finest of communications systems in the entire world.

Let us not talk about the FCC costing money. They are the entity this year that already by auction has brought in $7 billion to the Federal Government. If you can find any other bureau, commission, administration, department of Government or otherwise that has reaped 7 billion bucks, I would like to find it.

We have the money to administer all of these things and bring it into a deregulatory, competitive position, but it has to be done in an orderly fashion, and everyone connected and working on this understands that. So let us not start talking about getting rid of the FCC and act like you are doing something sensible.

I thank my colleagues and yield the floor.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, it may well be that the two distinguished southern managers of this bill, the Senators from South Dakota and South Carolina, may never have imagined that this day would come. This is probably the first occasion on which a thorough philosophical change in direction in communications law has been debated on the floor of the U.S. Senate since the Communications Act of 1934, some 61 years ago.

In 1934, of course, communications was via old-fashioned dial or operator-assisted telephone through radio stations and through Western Union telegrams. The technological situation of the time called for monopoly communications systems and the necessity of regulation of those systems in the public interest to see that prices were not too high.

Today, of course, technology is so totally and completely different that an entirely different regime is needed. Perhaps the greatest difficulty in bringing this day on which we start this debate to pass has been the fact that in each long set of hearings in the Senate Commerce Committee over a year or more, each tentative set of conclusions on the part of these two Senators, and others, by the time those conclusions had been reached, the technology has gone beyond those conclusions.

So there seems to be a broad agreement across both parties and many political philosophies that there should be a large degree of deregulation as a part of any bill, based on the proposition that we cannot tell how much the technology will change in the next 6 months, much less the next 10 years, and that we should accommodate it without constantly trying to regulate it through some form of statutory language. That is the philosophy of this bill, a philosophy of competition rather than of regulated monopoly.

It has been a difficult process and it is likely to be a difficult process for the next 3 or 4 days.

So rather than repeat anything that the two leaders in this debate have said, I would simply like to say from the perspective of this Senator, as a member of the Commerce Committee, there have been three guiding principles in dealing with the many conflicts among groups who would like to provide communication services, and those three guiding principles are, of course, deregulation, competition and the interests of the consumers, the users of these various services.

Mr. President, there are a number of areas covered by this bill in which those three interests lead to the same conclusion: Deregulation will promote competition, competition will promote the consumer interest.

Those parts of the bill probably will not be the subject of much discussion during the course of this debate. They have been worked out. But the three considerations are at least slightly different and move in slightly different directions. Because of the nature of the communications industry, which still includes huge regulated monopolies, a total and complete deregulation at least carries with it the risk not of competition but of an unregulated monopoly substituting itself for a regulated monopoly. So there must be a degree of caution in the speed and the completeness of any kind of deregulation.

Almost always, it seems to me, Mr. President, that competition is in the consumer interest, though ironically many of the so-called organized consumer groups have little faith in competition and in the free market and believe in various forms of state socialism and want in many respects more regulation. I believe, Mr. President, that those so-called consumer representatives rarely represent the actual consumer interest.

So as we go through this debate over particular proposed amendments during the course of the next week, it seems to me we all have to attempt to judge them on the basis of those three principles: Are they deregulatory in nature in a constructive fashion that is consistent with the march of new technologies? Do they promote competition? And are they in the consumer interest?

Mr. President, there is only one other major point that I want to make at this time, and that is that of all of the proposals with which I have had to deal in my career in the Senate, this is perhaps the most important for the future of our economy. Perhaps as much as 20 percent of our economy is connected with communications in some respect or another. And, of course, the lobbying, the attempt to influence all of us on the part of people who are in the communications business or wish to be in the communications business is fierce, is overwhelming in nature. At the same time, the actual consumers of these goods, our constituents, who are not in the business, are almost totally silent.

I have hardly gotten a handful of telephone calls or letters from ordinary citizens about this bill. It is too big. It is too complicated. It is about the future. It is very difficult to come up with an intelligent opinion off the top of one's head on some of the particular controversial areas in it. And so it is up to us to weigh the consumer interest as we work our way through this legislation, along with those features that will lead to competition, generally speaking, through deregulation.

My observation is that the large companies and groups which are already in the communications business do sincerely favor competition. But, generally speaking, they would like to create a competitive atmosphere in which they are at least even, and perhaps have a little bit of an advantage. And so the mythical even playing field is something to which all give lip-service but each defines in a different fashion.

Now, the new companies, the entrepreneurs, those who are just beginning in the field, or wish to get in the field, simply want it opened up. They want to be able to compete, where today they cannot. Few of them are large enough to demand some kind of special privileges or another. And we need to encourage both.

We need to encourage the continued investment in this new technology on the part of those companies that have been in the business literally forever. We cannot lose their expertise and that tremendous investment. We need to see to it that those large companies are able to compete against one another in the consumer interest. At the same time, we also need to see to it that the niche companies, the new companies, the people with bright new ideas, are able to get into this business and if they are tremendously successful, become large companies as well.

So, Mr. President, we search for deregulation, we search for competition, and we search for the consumer interests. I think we all do so sincerely, determined that we need to make major changes, and perhaps with a degree of humility, that we do not know what is going to happen tomorrow, and we wish to craft an outline which will allow tomorrow to take place without our having crushed it by unanticipated consequences to the actions we take here.

I want to close by congratulating both of my colleagues, the Senator from South Dakota and also the Senator from South Carolina, who has spent a major part of his career in this field and who now has, I think, the enviable task of attempting to manage this legislation wisely and successfully to a conclusion that will benefit all of the American people.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. DOLE. First, I thank and congratulate the chairman and the ranking member of the committee, Senator PRESSLER and Senator HOLLINGS. We have been promising week after week that this bill was coming to the floor. I do not believe it now that it is on the floor and pending. I have every expectation, with their management skills, that we can probably finish this bill by Friday noon. If that is the case, we probably would not have any votes on Monday—if that is an incentive for anybody. We might have debate on some other bill but no votes on Monday. So if we can consider those incentive programs as we go along, it will be helpful. But it is a very important piece of legislation. It is probably the most important bill we have considered all year, no doubt about it. It will create jobs, opportunity, all of the things we have talked about. I have listened to both managers' opening statements.

Mr. President, some may consider S. 652 to be the end of a long, long, process. And no doubt about it, telecommunications deregulation legislation has been an idea debated around here for nearly a decade. In fact, I first introduced telecommunications deregulation legislation in 1986.

But rather than seeing this bill as an end to the process, I see it as a beginning: A beginning of a new era of leadership for the telecommunications industry and for America.

And one person who deserves a good deal of credit for making this new era a reality is Senator PRESSLER. As all Members know, this is a tough, complex, and often contentious issue. And Senator PRESSLER and Senator HOLLINGS have done an outstanding job at bringing the competing interests together—or as close together as possible.

Senator HOLLINGS was the chairman and came very close last year to getting a bill. This year, under the chairmanship of Senator PRESSLER, we are on the floor with the bill. We have not passed it yet, but my understanding is that there is a lot of bipartisan support. It is not a partisan measure, a Democrat or Republican partisan fight. So we ought to be able to complete it quickly, because they have done an outstanding job of bringing the competing interests as close together as possible.

Mr. President, leadership in telecommunications, whether it was inventing the telegraph or the microchip, has been an American tradition. And we will continue that tradition with passage of this bill.

As I have said before, telecom reform will be the real jobs stimulus package of this decade.

Building the necessary infrastructure will require thousands of private sector jobs. And that is just the beginning. Millions more will be created because information will become more accessible. Jobs that will make America more efficient, more productive, and ultimately more powerful.

Looking back on Congress' track record, a casual observer would think that we have a grudge against the communications industry. Fortunately, this image is changing and Republicans are glad to see that traditional "proregulators" are finally coming around to our competitive way of thinking.

We must develop a flexible policy that will accommodate the explosion of new technology. That policy, of course, is promoting competition. It is irresponsible to think we can do anything more.

No one knows the benefits of free and open competition better than the computer and semi-conductor industries. Just take a look at a few of the players in the U.S. communications industry.

Last year, the computer industry earned revenues close to $360 billion. Two things are amazing about that figure. First, it is twice the telephone industry's revenues. And second, revenues from the personal computer industry, which for all intents and purposes was non-existent in 1980, account for almost half of that figure. In other words, revenues in personal computers have grown as much in 14 years as the entire telephone industry did in 100.

It is not too difficult to figure out that the computer industry benefitted from fierce competition and minimal government regulation. Phone companies did not.

Cable TV also exploded after it was de-regulated in 1984. At that time, its revenues were $7.8 billion and it employed 67,381 persons. Fast-forward to 1992. Revenues tripled and employment numbers jumped to 108,280. While these numbers are also good, I would suggest that the cable TV industry would have done much better if it had faced competition. More importantly, I would also suggest that there would not have been the abuses which prompted Congress to enact re-regulation in 1992.

My point is simple: competition, not regulation, has the best record for creating new jobs, spurring new innovation, and creating new wealth.

Mr. President, America is at the cross roads, and Congress must make a choice. A touch choice, as we all know. But I believe that if we ask the right question, we will get the right Answer. As I see it, we must ask ourselves, "who will decide the communications industry's future."

I say we allow the real technical experts to decide. And I am not talking about government bureaucrats. Instead, we should look to the experts in the field, the entrepreneurs, the engineers, and the innovators. It seems to me that they will do a far better job for our country if big government leaves them alone.

I, for one, cannot allow government to become the biggest player in the telecommunications industry. Too much is at stake. It is nonsense to gamble away millions of new jobs. It is nonsense to gamble away America's ability to compete, and win, around the world. And it is nonsense to gamble away the spoils that the information age will bring.

To get there, I have worked with the committee to develop a comprehensive deregulatory amendment that touches all sectors of the communications industry. It is my understanding that the managers are not quite ready to accept it now.

I have a list describing each provision that I will insert in the RECORD at the end of my remarks, but for now, I will just highlight a few of the provisions.

First, deregulate small cable TV systems. This has bipartisan support. Although views differ on deregulating the entire cable TV industry, most of us can agree that rural and small systems need rate relief in order to survive. This provision gets it done.

Second, force the Federal Communications Commission to eliminate outdated regulations, and do so in a timely manner. Currently, there is no guarantee that the Commission will ever act on requests that it forbear on regulations. Under this amendment, the Commission must respond within 90-days—60 more can be added if the issue requires additional scrutiny. Most importantly, it must provide a written determination to justify its actions.

Third, eliminate the number of TV stations that any one entity can own. Currently, the limit is capped at 12. This amendment removes that cap. I want to point out, however, that this amendment does not, I repeat, does not increase the percentage of national viewership beyond the 35 percent that is included in the chairman's mark.

The amendment also eliminates the number of radio stations one can own, unless the Commission finds that issuing or transferring a license will harm competition.

The measure also privatizes or eliminates a number of FCC functions. The Commission deserves credit for making these suggestions that comprise this provision. In other words they came from the FCC.

I could go on at length, but I believe I have given my colleagues a flavor of what this amendment is about. I know the managers and members of their staffs are well acquainted with it.

This amendment does represent the hard work of many Members, obviously Members on both sides of the aisle. Senator BURNS has been working on this for a couple years, Senator CRAIG, Senator PACKWOOD, Senator MCCAIN on our side, just to name a few, and, of course, Senator PRESSLER and Senator HOLLINGS.

It does not matter how long we work on it, if we cannot get it accepted, it does not make any difference. We hope at the appropriate time that it can be accepted. I hope that we will continue on the procompetitive, deregulatory course that we have taken in a bipartisan way, and in only that way will we ensure that today is beginning a new renaissance for America.

Mr. President, I ask that a summary of the deregulation package be printed in the RECORD following my statement.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUMMARY OF DEREGULATION PACKAGE

Transfers Judge Green's MFJ (consent decree) to the FCC.

Eliminates GTE's consent decree.

Adopts definition to restrict expansion of universal service so that it does not spiral out of control.

Greater deregulation for small cable TV. As the bill stands now, small cable can't take advantage of any rate deregulation because of the way their systems are set-up. To take care of them, the deregulatory amendment would completely eliminate rate regulation for cable operators who serve less than 35,000 in one franchise area, and do not serve more than 1% of all subscribers nationwide (650,000 subscribers). Obviously, this is a pretty broad definition of a "small" cable company.

Increase the Commission's ability to forbear on regulation.

Establish a petition driven process to force the commission to forbear on regulation within a 90-day period. If the Commission does not act, or extend period by an additional 60 days, the petition shall be deemed granted. If petition is rejected, it must be with a written explanation. In short, it will force the commission to justify any and all of its regulations.

Eliminate the number of TV stations any one entity can own.

Force the Commission to change its rules so that any entity can reach up to 35% of Americans with TV broadcast systems (the current cap is at 25%).

Eliminate the number of radio stations any one entity can own, unless it would harm competition.

Have FCC consider eliminating rate regulation in long distance market.

Regulatory relief. Speed up FCC action for phone companies by making any revised charge that reduces rates effective 7 days after it is filed with commission. Rate increases will be effective 15 days after submission. To block such changes, FCC must justify its actions.

Eliminate arcane requirement that phone companies must File any line extension with Commission. As it stands now, companies have to get the commission to approve any line extension which often takes more than a year.

Phone companies will only have to file cost allocation manuals on a yearly basis.

Eliminate the following FCC functions: Repeal setting of Depreciation rates; Have Commission subcontract out its audit functions; Simplify coordination between Feds and States; Privatize Ship radio inspections; Permit Commission to waive construction permits for broadcast stations as long as license application is submitted 10 days after construction is completed.

Also terminate broadcast licenses if a station is silent for more that 12 consecutive months. Subcontract out testing and certification of equipment. Permit operation of domestic ship and aircraft radios without license. Eliminate FCC jurisdiction over government owned radio stations. Eliminate burdensome paperwork involved in Amateur Radio examination. Streamline non-broadcast radio licenses renewals.

AMENDMENT NO. 1255

Mr. DOLE. Mr. President, I send my amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Kansas [Mr. DOLE] proposes an amendment numbered 1255.

Mr. DOLE. Mr. President, I ask unanimous consent further reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(c) TRANSFER OF MFJ.—After the date of enactment of this Act, the Commission shall administer any provision of the Modification of Final Judgment not overridden or superseded by this Act. The District Court for the District of Columbia shall have no further jurisdiction over any provision of the Modification of Final Judgment administered by the Commission under this Act or the Communications Act of 1934. The Commission may, consistent with this Act (and the amendments made by this Act), modify any provision of the Modification of Final Judgment that it administers.

(d) GTE CONSENT DECREE.—This Act shall supersede the provisions of the Final Judgment entered in United States v. GTE Corp., No. 83-1298 (D.C. D.C.), and such Final Judgment shall not be enforced after the effective date of this Act.

On page 40, line 9, strike "to enable them" and insert "which are determined by the Commission to be essential in order for Americans".

On page 40, beginning on line 11, strike "Nation. At a minimum, universal service shall include any telecommunications services that" and insert "Nation, and which".

On page 70, between lines 21 and 22, insert the following:

(b) GREATER DEREGULATION FOR SMALLER CABLE COMPANIES.—Section 623 (47 U.S.C. 543) is amended by adding at the end thereof the following:

"(m) SPECIAL RULES FOR SMALL COMPANIES.—

"(1) IN GENERAL.—Subsection (a), (b), or (c) does not apply to a small cable operator with respect to—

"(A) cable programming services, or

"(B) a basic service tier that was the only service tier subject to regulation as of December 31, 1994,

in any franchise area in which that operator serves 35,000 or fewer subscribers.

"(2) DEFINITION OF SMALL CABLE OPERATOR.—For purposes of this subsection, the term 'small cable operator' means a cable operator that, directly or through an affiliate, serves in the aggregate fewer than 1 percent of all subscribers in the United States and does not, directly or through an affiliate, own or control a daily newspaper or a tier 1 local exchange carrier.".

On page 70, line 22, strike "(b)" and insert "(c)".

On page 71, line 3, strike "(c)" and insert "(d)".

On page 79, strike lines 7 through 11 and insert the following:

(1) IN GENERAL.—The Commission shall modify its rules for multiple ownership set forth in 47 CFR 73.3555 by—

(A) eliminating the restrictions on the number of television stations owned under subdivisions (e)(1) (ii) and (iii); and

(B) changing the percentage set forth in subdivision (e)(2)(ii) from 25 percent to 35 percent.

(2) RADIO OWNERSHIP.—The Commission shall modify its rules set forth in 47 CFR 73.3555 by eliminating any provisions limiting the number of AM or FM broadcast stations which may be owned or controlled by one entity either nationally or in a particular market. The Commission may refuse to approve the transfer of issuance of an AM or FM broadcast license to a particular entity if it finds that the entity would thereby obtain an undue concentration of control or would thereby harm competition. Nothing in this section shall require or prevent the Commission from modifying its rules contained in 47 CFR 73.3555(c) governing the ownership of both a radio and television broadcast stations in the same market.

On page 79, line 12, strike "(2)" and insert "(3)".

On page 79, line 18, strike "(3)" and insert "(4)".

On page 79, line 21, strike "(4)" and insert "(5)".

On page 79, line 22, strike "modification required by paragraph (1)" and insert "modifications required by paragraphs (1) and (2)".

On page 116, between lines 2 and 3, insert the following:

(b) DOMINANT INTEREXCHANGE CARRIER.—The Commission, within 270 days after the date of enactment of this Act, shall complete a proceeding to consider modifying its rules for determining which carriers shall be classified as "dominant carriers" and to consider excluding all interexchange telecommunications carriers from some or all of the requirements associated with such classification to the extent that such carriers provide interexchange telecommunications service.

On page 116, line 3, strike "(b)" and insert "(c)".

On page 117, line 1, strike "(c)" and insert "(d)".

On page 117, line 22, strike "**REGULATIONS.**" and insert "**REGULATIONS; ELIMINATION OF UNNECESSARY REGULATIONS AND FUNCTIONS.**"

On page 117, line 23, insert "(a) BIENNIAL REVIEW.—" before "Part".

On page 118, between lines 20 and 21, insert the following:

(b) ELIMINATION OF UNNECESSARY COMMISSION REGULATIONS AND FUNCTIONS.—

(1) REPEAL SETTING OF DEPRECIATION RATES.—The first sentence of section 220(b) (47 U.S.C. 220(b)) is amended by striking "shall prescribe for such carriers" and inserting "may prescribe, for such carriers as it determines to be appropriate,".

(2) USE OF INDEPENDENT AUDITORS.—Section 220(c) (47 U.S.C. 220(c)) is amended by adding at the end thereof the following: "The Commission may obtain the services of any person licensed to provide public accounting services under the law of any State to assist with, or conduct, audits under this section. While so employed or engaged in conducting an audit for the Commission under this section, any such person shall have the powers granted the Commission under this subsection and shall be subject to subsection (f) in the same manner as if that person were an employee of the Commission.".

(3) SIMPLICATION OF FEDERAL-STATE COORDINATION PROCESS.—The Commission shall simplify and expedite the Federal-State coordination process under section 410 of the Communications Act of 1934.

(4) PRIVATIZATION OF SHIP RADIO INSPECTIONS.—Section 385 (47 U.S.C. 385) is amended by adding at the end thereof the following: "In accordance with such other provisions of law as apply to government contracts, the Commission may enter into contracts with any person for the purpose of carrying out such inspections and certifying compliance with those requirements, and may, as part of any such contract, allow any such person to accept reimbursement from the license holder for travel and expense costs of any employee conducting and inspection or certification.".

(5) MODIFICATION OF CONSTRUCTION PERMIT REQUIREMENT.—Section 319(d) (47 U.S.C. 319(d)) is amended by striking the third sentence and inserting the following: "The Commission may waive the requirement for a construction permit with respect to a broadcasting station in circumstances in which it

deems prior approval to be unnecessary. In those circumstances, a broadcaster shall file any related license application within 10 days after completing construction.".

(6) LIMITATION ON SILENT STATION AUTHORIZATIONS.—Section 312 (47 U.S.C. 312) is amended by adding at the end the following:

"(g) If a broadcasting station fails to transmit broadcast signals for any consecutive 12-month period, then the station license granted for the operation of that broadcast station expires at the end of that period, notwithstanding any provision, term, or condition of the license to the contrary.".

(7) EXPEDITING INSTRUCTIONAL TELEVISION FIXED SERVICE PROCESSING.—The Commission shall delegate, under section 5(c) of the Communications Act of 1934, the conduct of routine instructional television fixed service cases to its staff for consideration and final action.

(8) DELEGATION OF EQUIPMENT TESTING AND CERTIFICATION TO PRIVATE LABORATORIES.—Section 302 (47 U.S.C. 302) is amended by adding at the end the following:

"(e) The Commission may—

"(1) authorize the use of private organizations for testing and certifying the compliance of devices or home electronic equipment and systems with regulations promulgated under this section;

"(2) accept as prima facie evidence of such compliance the certification by any such organization; and

"(3) establish such qualifications and standards as it deems appropriate for such private organizations, testing, and certification.".

(9) MAKING LICENSE MODIFICATION UNIFORM.—Section 303(f) (47 U.S.C. 303(f)) is amended by striking "unless, after a public hearing," and inserting "unless".

(10) PERMIT OPERATION OF DOMESTIC SHIP AND AIRCRAFT RADIOS WITHOUT LICENSE.—Section 307(e) (47 U.S.C. 307(e)) is amended by—

(A) striking "service and the citizens band radio service" in paragraph (1) and inserting "service, citizens band radio service, domestic ship radio service, domestic aircraft radio service, and personal radio service"; and

(B) striking "service' and 'citizens band radio service'" in paragraph (3) and inserting "service', 'citizens band radio service', 'domestic ship radio service', 'domestic aircraft radio service', and 'personal radio service'".

(11) EXPEDITED LICENSING FOR FIXED MICROWAVE SERVICE.—Section 309(b)(2) (47 U.S.C. 309(b)(2)) is amended by striking subparagraph (A) and redesignating subparagraphs (B) through (G) as (A) through (F), respectively.

(12) ELIMINATE FCC JURISDICTION OVER GOVERNMENT-OWNED SHIP RADIO STATIONS.—

(A) Section 305 (47 U.S.C. 305) is amended by striking subsection (b) and redesignating subsections (c) and (d) as (b) and (c), respectively.

(B) Section 382(2) (47 U.S.C. 382(2)) is amended by striking "except a vessel of the United States Maritime Administration, the Inland and Coastwise Waterways Service, or the Panama Canal Company,".

(13) MODIFICATION OF AMATEUR RADIO EXAMINATION PROCEDURES.—

(A) Section 4(f)(H)(N) (47 U.S.C. 4(f)(4)(B)) is amended by striking "transmissions, or in the preparation or distribution of any publication used in preparation for obtaining amateur station operator licenses," and inserting "transmission".

(B) The Commission shall modify its rules governing the amateur radio examination process by eliminating burdensome record maintenance and annual financial certification requirements.

(14) STREAMLINE NON-BROADCAST RADIO LICENSE RENEWALS.—The Commission shall modify its rules under section 309 of the Communications Act of 1934 (47 U.S.C. 309) relating to renewal of nonbroadcast radio licenses so as to streamline or eliminate comparative renewal hearings where such hearings are unnecessary or unduly burdensome.

On page 117, between lines 21 and 22, insert the following:

(d) STREAMLINED PROCEDURES FOR CHANGES IN CHARGES, CLASSIFICATIONS, REGULATIONS, OR PRACTICES.—

(A) Section 204(a) (47 U.S.C. 204(a)) is amended—

(i) by striking "12 months" the first place it appears in paragraph (2)(A) and inserting "5 months";

(ii) by striking "effective," and all that follows in paragraph (2)(A) and inserting "effective."; and

(iii) by adding at the end thereof the following:

"(3) A local exchange carrier may file with the Commission a new or revised charge, classification, regulation, or practice on a streamlined basis. Any such charge, classification, regulation, or practice shall be deemed lawful and shall be effective 7 days (in the case of a reduction in rates) or 15 days (in the case of an increase in rates) after the date on which it is filed with the Commission unless the Commission takes action under paragraph (1) before the end of that 7-day or 15-day period, as is appropriate."

(B) Section 208(b) (47 U.S.C. 208(b)) is amended—

(i) by striking "12 months" the first place it appears in paragraph (1) and inserting "5 months"; and

(ii) by striking "filed," and all that follows in paragraph (1) and inserting "filed.".

(2) EXTENSIONS OF LINES UNDER SECTION 214; ARMIS REPORTS.—Notwithstanding section 305, the Commission shall permit any local exchange carrier—

(A) to be exempt from the requirements of section 214 of the Communications Act of 1934 for the extension of any line; and

(B) to file cost allocation manuals and ARMIS reports annually, to the extent such carrier is required to file such manuals or reports.

(3) FOREBEARANCE AUTHORITY NOT LIMITED.—Nothing in this subsection shall be construed to limit the authority of the Commission or a State to waive, modify, or forbear from applying any of the requirements to which reference is made in paragraph (1) under any other provision of this Act or other law.

On page 118, line 20, strike the closing quotation marks and the second period.

On page 118, between lines 20 and 21, insert the following:

"(c) CLASSIFICATION OF CARRIERS.—In classifying carriers according to 47 CFR 32.11 and in establishing reporting requirements pursuant to 47 CFR part 43 and 47 CFR 64.903, the Commission shall adjust the revenue requirements to account for inflation as of the release date of the Commission's Report and Order in CC Docket No. 91-141, and annually thereafter. This subsection shall take effect on the date of enactment of the Telecommunications Act of 1995.".

On page 119, line 4, strike "may" and insert "shall".

On page 120, between lines 3 and 4, insert the following:

"(c) END OF REGULATION PROCESS.—Any telecommunications carrier, or class of telecommunications carriers, may submit a petition to the Commission requesting that the Commission exercise the authority granted under this section with respect to that carrier or those carriers, or any service offered by that carrier or carriers. Any such petition shall be deemed granted if the Commission does not deny the petition for failure to meet the requirements for forbearance under subsection (a) within 90 days after the Commission receives it, unless the 90-day period is extended by the Commission. The Commission may extend the initial 90-day period by an additional 60 days if the Commission finds that an extension is necessary to meet the requirements of subsection (a). The Commission may grant or deny a petition in whole or in part and shall explain its decision in writing.

On page 120, line 4, strike "(c)" and insert "(d)".

Mr. DOLE. Mr. President, I ask unanimous consent that the amendment be laid aside.

Mr. KERREY. Reserving the right to object, Mr. President, I am not objecting to having it laid aside. I am here to inquire what the procedure is going to be. The Senator is offering an amendment and is not going do debate it here this evening? It will be laid aside?

I have not seen this copy. The Senator is not proposing it be accepted at this moment?

Mr. DOLE. I think the managers may be ready to accept it by tomorrow morning.

Mr. HOLLINGS. If the Senator will yield. That is correct. In fact, about 2 hours ago we had it worked out, but there is some further interest on our side that we have yet to clear. The distinguished minority leader has another amendment that he wanted to present at the same time, and I think we can work that out.

That is the idea, to temporarily lay it aside and move on.

Mr. KERREY. I will not object, but I will inform the manager of this bill that I will not give unanimous consent to this being accepted until I have read it and signed off on it.

Mr. DOLE. I have obviously no problem with that. In fact, I can give the Senator from Nebraska a summary of it, too. I thank my colleague.

The PRESIDING OFFICER. Without objection, the amendment is set aside.

Mr. PRESSLER. I thought we had this agreed to this afternoon, but I guess the minority leader has something he would like to add or change. But I would like to inquire of the majority leader if we cannot get agreement tonight.

Shall we make this one of the votes at 8:30 or 9 o'clock in the morning?

Mr. DOLE. If it is acceptable, I do not need a vote. I do not want to penalize anybody.

Mr. KERREY. Is the Senator asking to set a time for a vote?

Mr. DOLE. Not on this amendment. I will wait until the Senator from Nebraska indicates he has had a chance to look at it.

Mr. STEVENS. Mr. President, I do think that everyone should be aware that the bill we are considering is larger in its impact on the national economy than the health care reform measure we considered last year.

This bill, in a conservative way, will impact more than one-third of the economy of the United States.

It is a bill that is designed to transition from the 1934 Communications Act to a period sometime, hopefully, around the turn of the century when we will have deregulated telecommunications because of the competition that we this bill will instill and guarantee.

Now, the bill will put the communications policy of the United States back where it belongs, in the hands of the elected representatives and the President, and will take it out of the courts. By setting rules for entry into long distance by the Bell operating companies, I think we bring to a close an over-10-year policy-making period by the U.S. courts.

This bill will open the local telephone market to competition. It will bring competition and new services to all parts of the United States.

It is not a permanent piece of legislation, in my judgment. This is not a bill that will replace, totally, the 1934 act. It does, however, by deregulating the industry with appropriate safeguards, set the stages for a new era in the United States.

I want to call the attention of the Senate to a provision that is very meaningful to my area, the universal service provision. This is a concept that, through the existing interstate rate pool, has brought telephone service to all parts of this Nation, including remote villages in Alaska and throughout the Nation wherever you are.

The concept is preserved in this bill in a new manner. It opens up the local market to competition while still preserving the concept of universal service. It does so by taking advantage of new technologies which are intended to reduce the cost of all services, including universal service.

In fact, I find it interesting that the Congressional Budget Office has said that this bill will reduce the cost of universal service from the existing system by at least $3 billion over the next 5 years.

Now, tumbling technology, as I call it, makes terrestrial distances irrelevant. By using modern technologies, the people in Egiagik and Unalakleet and Shishmaref, places many people have never heard of, can be involved in stock markets in New York, explore the Library of Congress, and be connected with overseas sources of information. Allowing cable companies to provide phones and phone companies to provide cable, this bill will spur competition and reduce costs to the Nation.

There are so many new technologies coming along, Mr. President, it is mind-boggling. There are many provisions in this bill that are aimed at deregulating the industry so those new technologies may compete.

It is my hope that the Senate will recognize this bill for what it is. It is a credit, as the distinguished leader has said, to Senator PRESSLER, the chairman of our committee, and to Senator HOLLINGS, the former chairman of our committee. It is a bill of monstrous scope that has substantial bipartisan support.

Had we had a similar approach to the problems of health care reform in the last Congress, we would have had that problem at least partially solved.

To the credit of these two Senators, this is not a bill that attempts to solve all of the problems of the telecommunications industry for the future. It is a bill that opens the door to the future and, in my judgment, it is one that it is absolutely essential be passed.

I am told that George Gilder of the Discovery Institute in Seattle, whom I consider to be one of the real thinkers of this country, has told us that not passing this bill will cost the United States $2 trillion in lost opportunities in the next 5 years alone.

I happen to pay attention to Mr. Gilder because he wrote an article the other day which answered some remarks that I made about universal service. I do feel in the days ahead the thinking that this man is doing will have a great deal to do with guiding the Nation into that ultimate system that I foresee coming on after the turn of the century.

Just in terms of the broad band radio concept that is coming along and how it will replace substantial portions of telecommunications now carried by wire or fiber optic cable or through satellites, that concept alone is going to catch us by surprise if we do not know what is happening. But at least we know it will happen. We are not trying to regulate that by this bill. We are not trying to prevent it by this bill. We are opening the door so new competitive aspects will come into our communications policy in the United States.

This morning I introduced a bill that I said I would offer as an amendment to this bill if the opportunity presented itself. I have discussed it now with the two managers of the bill. I would like to offer now an amendment.

First let me describe what it is. It is an amendment that will expand the FCC's authority to use auctions to assign licenses for the use of radio spectrum. The members of our committee will know that for two Congresses I argued that we should implement auctions to replace the old lottery system that was giving windfall profits to many and denying others access to opportunities that would start new businesses.

Under the old system, the lotteries, there was no commitment to use this spectrum but it was held as sort of an item that other people might bid on when they were willing to pay enough money to the person who was lucky enough to win the lottery. The person who got the license had no intent to use it. Now, with a bidding process, competitive bidding, we have brought the use of the spectrum to the point where people who want it pay what is necessary to get its use.

The Congressional Budget Office, as I said before, has estimated that the amendment I offer will raise $4.5 billion in the next 5 years. That is necessary for a strange reason. The Congressional Budget Office also estimated that the universal service provisions in this bill will require private industry and private purchasers to pay $7.1 billion over the next 5 years into this system, which was the interstate rate pool and now will become the fund for the payment of the universal service provisions of this bill.

I remind the Senate that the universal service system contained in this bill would result in a reduction of $3 billion from what continuation of the existing system will cost in the next 5 years. But notwithstanding that this bill will reduce the costs of the existing system we know, in order to avoid a Budget Act point of order on technical grounds, must offset the finding of the Congressional Budget Office that this requirement of the private sector to pay $7.1 billion into the pool—less than before but they still must pay it in—that this private payment must be offset under our congressional budget process.

That sort of boggles my mind too, Mr. President, but it is a requirement and I respect the Budget Act concept. Therefore I offer this amendment. It will extend the auction authority until the year 2000. That is all that is necessary to comply with the Budget Act, 5 years. It will bring in a minimum estimate, as I said, of $4.5 billion.

We have already received, under the auction amendment that I offered 2 years ago, almost $10 billion. It was new money, the kind of money that was never received by the Government before.

Under my amendment tonight, the FCC would have the authority to use spectrum auctions for all mutually exclusive applications for initial licenses or construction permits except for licenses for public safety radio services or for advanced television services, if the advanced television licenses are given to existing broadcast licensees as a replacement for their existing broadcast licenses.

This means that market mechanisms will help determine who can make the most efficient use of spectrum that will become available. I believe, again, that is the best way to deal with the future.

My amendment does not change the basic safeguards Congress put in the original spectrum auction legislation after I offered it several years ago. The expanded authority will apply only to new license applications. It will not apply to renewals. And the FCC may still not consider potential revenue in making the decision as to which type of service new spectrum should be used for. The revenue only becomes a factor in determining who gets the license to use the spectrum for any particular purpose.

The bill I introduced this morning, which is the same as this amendment, would also provide authority for Federal agencies to accept reimbursement from private parties for the cost of relocating to a new frequency. This will allow private industry to pay to move Government users off valuable frequencies by relocating the Government station to a less valuable frequency at no cost to the taxpayer, but an increase to the Treasury.

The amendment builds on what has been a very successful beginning. Since the existing spectrum auction authority was enacted in 1993, as I have said, the FCC has raised in excess of $9 billion, almost $10 billion now, for the Federal Treasury in just four auctions.

I do hope the Senate will support the amendment.

I ask unanimous consent that Senator DOLE's amendment be set aside for the time being and I be allowed to submit the amendment.

Mr. KERREY. Reserving the right to object.

The PRESIDING OFFICER (Mr. SANTORUM). Senator DOLE's amendment has been set aside. The Senator does have a right to offer an amendment.

Mr. KERREY. But I object.

The PRESIDING OFFICER. Is the Senator sending his amendment to the desk?

Mr. STEVENS. Did the Senator object to my request to set aside Senator DOLE's amendment?

The PRESIDING OFFICER. Senator DOLE's amendment has been set aside. There is no need for a unanimous-consent request.

AMENDMENT NO. 1256

(Purpose: To extend the authority of the Federal Communications Commission to use auctions for the allocation of radio spectrum frequencies for commercial use, to provide for private sector reimbursement of Federal governmental user costs to vacate commercially valuable spectrum, and for other purposes)

Mr. STEVENS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS] proposes an amendment numbered 1256.

Mr. STEVENS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill insert the following:

SEC. . SPECTRUM AUCTIONS.

(a) FINDINGS.—The Congress finds that—

(1) the National Telecommunications and Information Administration of the Department of Commerce recently submitted to the Congress a report entitled "U.S. National Spectrum Requirements" as required by section 113 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923);

(2) based on the best available information the report concludes that an additional 179 megahertz of spectrum will be needed within the next ten years to meet the expected demand for land mobile and mobile satellite radio services such as cellular telephone service, paging services, personal communication services, and low earth orbiting satellite communications systems;

(3) a further 85 megahertz of additional spectrum, for a total of 264 megahertz, is needed if the United States is to fully implement the Intelligent Transportation System currently under development by the Department of Transportation;

(4) as required by Part B of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 921 et seq.) the Federal Government will transfer 235 megahertz of spectrum from exclusive government use to non-governmental or mixed governmental and non-governmental use between 1994 and 2004;

(5) the Spectrum Reallocation Final Report submitted to Congress under section 113 of the National Telecommunications and Information Administration Organization Act by the National Telecommunications and Information Administration states that, of the 235 megahertz of spectrum identified for reallocation from governmental to non-governmental or mixed use—

(A) 50 megahertz has already been reallocated for exclusive non-governmental use,

(B) 45 megahertz will be reallocated in 1995 for both exclusive non-governmental and mixed governmental and non-governmental use,

(C) 25 megahertz will be reallocated in 1997 for exclusive non-governmental use,

(D) 70 megahertz will be reallocated in 1999 for both exclusive non-governmental and mixed governmental and non-governmental use, and

(E) the final 45 megahertz will be reallocated for mixed governmental and non-governmental use by 2004;

(6) the 165 megahertz of spectrum that are not yet reallocated, combined with 80 megahertz that the Federal Communications Commission is currently holding in reserve for emerging technologies, are less than the best estimates of projected spectrum needs in the United States;

(7) the authority of the Federal Communications Commission to assign radio spectrum frequencies using an auction process expires on September 30, 1998;

(8) a significant portion of the reallocated spectrum will not yet be assigned to non-governmental users before that authority expires;

(9) the transfer of Federal governmental users from certain valuable radio frequencies to other reserved frequencies could be expedited if Federal governmental users are permitted to accept reimbursement for relocation costs from non-governmental users; and

(10) non-governmental reimbursement of Federal governmental users relocation costs would allow the market to determine the most efficient use of the available spectrum.

(b) EXTENSION AND EXPANSION OF AUCTION AUTHORITY.—Section 309(j) (47 U.S.C. 309(j)) is amended—

(1) by striking paragraph (1) and inserting in lieu thereof the following:

"(1) GENERAL AUTHORITY.—If mutually exclusive applications or requests are accepted for any initial license or construction permit which will involve a use of the electromagnetic spectrum, then the Commission shall grant such license or permit to a qualified applicant through a system of competitive bidding that meets the requirements of this subsection. The competitive bidding authority granted by this subsection shall not apply to licenses or construction permits issued by the Commission for public safety radio services or for licenses or construction permits for new terrestrial digital television services assigned by the Commission to existing terrestrial broadcast licensees to replace their current television licenses.";

(2) by striking paragraph (2) and renumbering paragraphs (3) through (13) as (2) through (12), respectively; and

(3) by striking "1998" in paragraph (10), as renumbered, and inserting in lieu thereof "2000".

(c) REIMBURSEMENT OF FEDERAL RELOCATION COSTS.—Section 113 of the National Telecommunications and Information Administration Act (47 U.S.C. 923) is amended by adding at the end the following new subsections:

"(f) RELOCATION OF FEDERAL GOVERNMENT STATIONS.—

"(1) IN GENERAL.—In order to expedite the efficient use of the electromagnetic spectrum and notwithstanding section 3302(b) of title 31, United States Code, any Federal entity which operates a Federal Government station may accept reimbursement from any person for the costs incurred by such Federal entity for any modification, replacement, or reissuance of equipment, facilities, operating manuals, regulations, or other expenses incurred by that entity in relocating the operations of its Federal Government station or stations from one or more radio spectrum frequencies to any other frequency or frequencies. Any such reimbursement shall be deposited in the account of such Federal entity in the Treasury of the United States. Funds deposited according to this section shall be available, without appropriation or fiscal year limitation, only for the operations of the Federal entity for which such funds were deposited under this section.

"(2) PROCESS FOR RELOCATION.—Any person seeking to relocate a Federal Government station that has been assigned a frequency within a band allocated for mixed Federal and non-Federal use may submit a petition for such relocation to NTIA. The NTIA shall limit the Federal Government station's operating license to secondary status when the following requirements are met—

"(A) the person seeking relocation of the Federal Government station has guaranteed reimbursement through money or in-kind payment of all relocation costs incurred by the Federal entity, including all engineering, equipment, site acquisition and construction, and regulatory fee costs;

"(B) the person seeking relocation completes all activities necessary for implementing the relocation, including construction of replacement facilities (if necessary and appropriate) and identifying and obtaining on the Federal entity's behalf new frequencies for use by the relocated Federal Government station (where such station is not relocating to spectrum reserved exclusively for Federal use); and

"(C) any necessary replacement facilities, equipment modifications, or other changes have been implemented and tested to ensure that the Federal Government station is able to successfully accomplish its purposes.

"(3) RIGHT TO RECLAIM.—If within one year after the relocation the Federal Government station demonstrates to the Commission that the new facilities or spectrum are not comparable to the facilities or spectrum from which the Federal Government station was relocated, the person seeking such relocation must take reasonable steps to remedy any defects or reimburse the Federal entity for the costs of returning the Federal Government station to the spectrum from which such station was relocated.

"(g) FEDERAL ACTION TO EXPEDITE SPECTRUM TRANSFER.—Any Federal Government station which operates on electromagnetic spectrum that has been identified for reallocation for mixed Federal and non-Federal use in the Spectrum Reallocation Final Report shall, to the maximum extent practicable through the use of the authority granted under subsection (f) and any other applicable provision of law, take action to relocate its spectrum use to other frequencies that are reserved for Federal use or to consolidate its spectrum use with other Federal Government stations in a manner that maximizes the spectrum available for non-Federal use. Notwithstanding the timetable contained in the Spectrum Reallocation Final Report, the President shall seek to implement the reallocation of the 1710 to 1755 megahertz frequency band by January 1, 2000. Subsection (c)(4) of this section shall not apply to the extent that a non-Federal user seeks to relocate or relocates a Federal power agency under subsection (f).

"(h) DEFINITIONS.—For purposes of this section—

"(1) FEDERAL ENTITY.—The term 'Federal entity' means any Department, agency, or other element of the Federal government that utilizes radio frequency spectrum in the conduct of its authorized activities, including a Federal power agency.

"(2) SPECTRUM REALLOCATION FINAL REPORT.—The term 'Spectrum Reallocation Final Report' means the report submitted by the Secretary to the President and Congress in compliance with the requirements of subsection (a).".

(d) REALLOCATION OF ADDITIONAL SPECTRUM.—The Secretary of Commerce shall, within 9 months after the date of enactment of this Act, prepare and submit to the President and the Congress a report and timetable recommending the reallocation of the three frequency bands (225-400 megahertz, 3625-3650 megahertz, and 5850-5925 megahertz) that were discussed but not recommended for reallocation in the Spectrum Reallocation Final Report under section 113(a) of the National Telecommunications and Information Administration Organization Act. The Secretary shall consult with the Federal Communications Commission and other Federal agencies in the preparation of the report, and shall provide notice and an opportunity for public comment before submitting the report and timetable required by this section.

Mr. STEVENS. Mr. President, I understand the Senator from South Dakota, the distinguished chairman, wishes to offer an amendment to this. I understand that suggestion came in after we originally drafted the amendment I have offered.

I yield to him at this time if he wants to offer an amendment to my amendment.

AMENDMENT NO. 12 TO AMENDMENT NO. 1256

(Purpose: To provide for broadcast auxiliary spectrum relocation)

Mr. PRESSLER. Mr. President, I send a second-degree amendment to the amendment proposed by the Senator from Alaska to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Dakota [Mr. PRESSLER] proposes an amendment numbered 1257 to Amendment No. 1256.

Mr. PRESSLER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the matter proposed to be inserted, insert the following:

(e) BROADCAST AUXILIARY SPECTRUM RELOCATION.—

(1) ALLOCATION OF SPECTRUM FOR BROADCAST AUXILIARY USES.—Within one year after the date of enactment of this Act, the Commission shall allocate the 4635-4685 megahertz band transferred to the Commission under section 113(b) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923(b)) for broadcast auxiliary uses.

(2) MANDATORY RELOCATION OF BROADCAST AUXILIARY USES.—Within 7 years after the date of enactment of this Act, all licensees of broadcast auxiliary spectrum in the 2025-2075 megahertz band shall relocate into spectrum allocated by the Commission under paragraph (1). The Commission shall assign and grant licenses for use of the spectrum allocated under paragraph (1)—

(A) in a manner sufficient to permit timely completion of relocation; and

(B) without using a competitive bidding process.

(3) ASSIGNING RECOVERED SPECTRUM.—Within 5 years after the date of enactment of this Act, the Commission shall allocate the spectrum recovered in the 2025-2075 megahertz band under paragraph (2) for use by new licensees for commercial mobile services or other similar services after the relocation of broadcast auxiliary licensees, and shall assign such licenses by competitive bidding.

Mr. PRESSLER. Mr. President, this second-degree amendment would add a new subsection to the underlying amendment. The new subsection would direct the FCC to allocate a 50 megahertz block of spectrum in the 4 gigahertz band for use by broadcast auxiliary services within 1 year of the enactment of the bill. In addition, this amendment would require that all broadcast auxiliary service licensees currently using a 50 megahertz block of spectrum in the 2 gigahertz band relocate their activities to the 4 gigahertz band within 7 years of the date this bill is enacted.

Finally, this amendment requires the FCC to auction the vacated spectrum in the 2 gigahertz band for use by commercial mobile services like cellular PCS within 5 years of the date of enactment.

By moving broadcast auxiliary service licensees, who do not pay the spectrum they are using, to another less valuable frequency, we will make available some very valuable spectrum for auction.

The Congressional Budget Office estimates that the auction of the 50 megahertz block of 2 gigahertz spectrum will bring at least $3.8 billion to the Federal Treasury.

Combined with the underlying amendment by the Senator from Alaska, this would raise more than $7.1 billion that is needed to offset the universal services provisions of this bill.

As the Senator from Alaska last pointed out—I commend him—this is a technical budget problem. The universal service provisions in this bill actually saves $3 billion over what would be paid if the existing system is left unchanged. However, with these amendments we meet the letter of the Budget Act.

I urge my colleagues to support the adoption of my amendment and the underlying amendment by the Senator from Alaska.

If it is appropriate, I would urge the adoption——

Mr. KERREY. Reserving the right to object, Mr. President.

Mr. PRESSLER. Mr. President, we could go into a quorum call or yield to our colleague from Montana who has been waiting to speak.

Mr. BURNS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. I do not wish to speak on this amendment. Might I ask a point of order? Could it be set aside, and I proceed with my opening statement because no time was given for opening statements?

Mr. President, I will continue on as if speaking on this amendment.

This is sort of a special day to me because the former chairman of the full committee, Senator INOUYE, and I, when I first came here 6 years ago, had quite a time as we started I think to react to some of the things happening in the industry. We thought probably we were ahead of the curve in setting some kind of policy that would reflect the future. We thought we were ahead of the curve. Now we are behind the curve because technology as it is being developed in this area is far outpacing the regulatory environment in which it finds itself.

I can remember that day when we started to make amendments and the former chairman was very gracious that day. There were some people around, and I was just a freshman Senator offering some ideas that I thought were important in the telecommunications industry, understanding that there have been three inventions which have happened in my lifetime that have changed this world forever. It has changed it so that we cannot go back and do things the old way anymore. Those three inventions were the transistor, the silicon chip and the jet engine. Think what they have done to our life and our world. We can be anywhere else in the world, from Washington, DC, in 12 hours. We can talk and receive and interact both in video and in voice with anybody anywhere else in the world in 5 seconds. Sadly, we can destroy any other society on this Earth within 20 minutes. That is what these three inventions have done. They have tightened down our world where comparatively speaking it has been the size of this building in which we stand down to the size of a basketball. Now we are in a global society, a global economy, and we just cannot go back.

We will amend the Communications Act of 1934. That is some 60 years ago before any of these inventions were made. So basically what we are doing is we are driving digital, compressed digital, vehicles now within a law that regulates a horse-and-buggy type of situation. So we are here and starting out this great debate on changing an issue that will affect each and every one of us.

Make no mistake about it. This is a very, very important piece of legislation. I want to give kudos to our chairman and ranking member and their staffs because they have spent many hours in developing this bill with strong bipartisan support.

This bill was not drafted to satisfy business plans of major communications providers. It was drafted to benefit communications users, and communications users are solidly behind this bill for a number of reasons. Number one, they think it will bring down rates. So do I. They know it will bring advanced services. So do I. Perhaps more importantly, they know it will bring them more choices in telecommunications.

I recently saw a survey that illustrates why one important group—small American business owners—want and need communications reform. In Montana, over 98 percent of all businesses are classified as small businesses. The survey of 4,600 small business owners, which was sponsored by the National Federation of Independent Business, found that almost two-thirds of the small business owners surveyed want to be able to get long-distance telephone service from their local telephone company; and, 54 percent want to be able to choose local service from their long-distance company.

A full 86 percent of these small business owners want one-stop shopping for telecommunications services. Two-thirds of them want to be able to choose one provider that can give them both local and long-distance telephone service presented in either way.

Of course, lower rates are very important to business owners. We all look for a way to do things more economically, to make our business more profitable, to open more economic opportunities and job opportunities for those folks who live in our local neighborhoods. But breaking down outdated barriers to competition that are preventing some local telephone companies from providing long-distance service and long-distance companies from providing local service will also bring something else that small businesses want—that is called convenience. Small businesses do not have the time nor the resources to juggle separate vendors with separate marketing arrangements and separate billing for long-distance and local services, cable TV teleconferencing and, yes, even internet. They want to be able to choose one reliable and affordable company that can bring them all of these services; and when they have the telecommunications problem they want to be able to get on the phone and call one company that is qualified to handle every aspect of their communications needs and their networks.

At first, deregulation will create competition by allowing companies to cross over and compete in new business areas. If we do this right, however, very soon the gray lines that now separate telecommunications businesses will be gone. There will be seamless networks of vertically integrated communications providers competing head to head, tooth and nail to win the consumers' communications dollar. Those dollars are very big dollars. As a result, small businesses will be able to choose one company that can provide all their communications services—or they will be able to continue buying their telecommunications services piecemeal from multiple providers if they so choose. Either way, their decision will be based on who has the most affordable and most advanced services.

A full 92 percent of the small businesses owners questioned in this small business survey said that the telephone is central to their business. I do not doubt this. I know plenty of small businesses throughout my home state of Montana that rely heavily on the telephone to keep their business—mom and pop catalog shops that sell Montana buckskin jackets to the rest of the country or small cattle ranches that use cable TV and telecommunications to get future prices and negotiate with the slaughterhouses. And I do not know many small businesses today that function well without a personal computer and a fax machine.

How many people looked at a fax machine 10 years ago and said, "Who in the world would ever want to use one of those things?" I will bet you cannot walk into an office and many homes that do not have a fax machine today.

Technology is truly a thrilling thing as it propels us toward the next century. This bill will give small business that one-stop shopping that they want.

So we have a chance to bury outdated restrictions that were created for another era more than 60 years ago, restrictions that draw arbitrary lines between telecommunications providers that just do not make sense anymore. A lot of these anticompetitive, bureaucratic rules are only good to preserve market share for established providers. But protecting markets and maintaining the status quo is not going to help bring lower rates and advanced services to small businesses and consumers in Montana or anywhere else.

I fought very hard to ensure that small business participated in the information age. Whether it is small newspapers, small cable operators we have in Montana, or the small business of radio, these businesses are the backbone of communications in Montana.

I have sought to include nondiscrimination safeguards for small newspapers so that small information providers, especially in rural areas, will be able to purchase certain elements of a common carrier service offering on the smallest per unit basis that is technically feasible.

In addition, small cable operators, when freed from regulatory restraints in past legislation, will provide perhaps our best opportunity for telecommunications services in many of our Nation's rural areas.

They all the time talk about the information highway, that glass highway. Everybody says: When are you going to build it? I am not real sure that it is not already there.

It is already there. All we have to do is take off some restrictions so that it can be used. And there is a ramp on it and there is a ramp off of it. That is what we have to make sure of in this legislation.

Finally, I had deep concerns that one of the Nation's most important telecommunications small business industries, radio—I am familiar with radio—was being passed over in the effort to deregulate information providers. Radio ownership decisions need to be made by operators and investors, not the Federal Government. That is why we need to eliminate the remaining caps on national and local radio ownership.

Nationally, there are more than 11,000 radio stations providing service to every city, town, and rural community in the United States. Presently, no one can control more than 40 stations, 20 AM and 20 FM stations. Clearly, the radio market is so incredibly vast and diverse that there will be no possibility that any one entity could control enough stations to be able to exert any market power over either advertisers or radio programmers.

At the local level, while the Federal Communications Commission several years ago modified its duopoly rules to permit limited combinations of stations in the same service, in the same market, there are still stringent limits on the ability of radio operators to grow in their markets. Further, FCC rules permit only very restricted or no combinations in smaller markets. These restrictions handcuff broadcasters and prevent them from providing the best possible service to listeners in all of our States.

So, Mr. President, this will be landmark legislation. It is legislation that we worked on ever since the first day we stepped into the Senate, because I happen to believe it is key to distance learning; it is the key to telemedicine; it is key to the future of those States that are remote and must be in contact with the rest of the world.

I appreciate the work of my good friend, the Senator from Alaska, and how he fights very hard because no one has cities and towns and villages that are more remote from the rest of the world than he has. And he understands that. Nobody understands that in this body more than he does. Now, we have some vastness in Montana but it does not compare in any way with the State of Alaska.

So as we move this debate forward, I hope that we will keep an open mind and really keep our eye on the ball because we have within our grasp the ability now to turn loose a giant in our economic world and provide services to people who have never had those services before.

Mr. President, I thank you and I yield the floor.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I understand momentarily my distinguished colleague from Nebraska wants to be heard on the amendment.

I would be prepared, at the conclusion of his remarks, to urge adoption of the Pressler amendment to the Stevens amendment and thereupon urge adoption of the Stevens amendment itself.

The Senator from Montana, who is a professional auctioneer, should understand that the daddy rabbit of auctioneering is the Senator from Alaska. He has already made $7 billion for us, and this amendment here is going to make up another $7 billion to get us by a budget point of order.

But let me, in saying that, acknowledge the hard work and leadership that the Senator from Montana has given. Since his very initiation on the Commerce Committee itself, he has been a leader; he has been interested; he has been contributing; and he has been a tremendous help in bringing this bill to the floor.

Mr. BURNS. If the Senator will yield, I thank the Senator for those kind words. And if I can possibly get the job of auctioneering the spectrum, I probably would vacate this chair which I am standing in front of.

Mr. HOLLINGS. I am going to lead on that one myself.

I yield the floor.

Mr. KERREY addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. Mr. President, I have reviewed the amendment that the distinguished Senator from Alaska is offering, and as I understand it, what it does is it offsets an adverse score that this bill has received from the Congressional Budget Office. CBO has said this bill, in particular the universal service fund, is going to cost $7 billion over the next 5 years. Even though that is $3 billion less than what the current universal service fund does, there is the need to come up with $7 billion to avoid a budget point of order.

Now, I point out that under the budget resolution that was passed, when was that, 1½ weeks, 2 weeks ago, I believe that the Commerce Committee is going to be looking at having to reconcile $20 billion, $30 billion anyway, so you are going to have your hands full. The committee will be trying to come up with money to try to get within the recommendations of that budget resolution.

What this amendment does, it comes up with that $7.1 billion in the following fashion. It extends the spectrum actions that are scheduled to expire in 1998 for another 2 years, generating $4.5 billion according to CBO, and then it does something that is of particular interest, I believe, Mr. President—and many people would ordinarily oppose this but they are not—and that is the broadcasters have today assigned a 2-gigahertz spectrum in order to do auxiliary services. When they are going out in the field and they are doing some broadcasting out in the field, they use that 2-gigahertz spectrum.

This amendment would transfer that over a 7-year period from 2 gigahertz to 4 gigahertz, and then that 2-gigahertz spectrum would be auctioned off, generating an estimated $3.8 billion over the 5-year period.

Under normal circumstances, the National Association of Broadcasters would probably oppose this, but there are other things in this bill that they like, so they are not going to oppose it. I believe that the distinguished Senator from Alaska has made a good amendment that will in fact cover the $7.1 billion. And so, therefore, Mr. President, I will not object to this being accepted by unanimous consent.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. The Senator from Nebraska has demonstrated how he is a quick study. He is right. I would add one thing. I think the National Association of Broadcasters are going to want some additional spectrum beyond what is in this bill. We will work that out. But this has been scored, and we will work that out with them as we go forward to make sure that we understand the problem.

The simple problem is that this bill could not go forward unless we within its terms meet the scoring problem that the Senator from Nebraska has outlined.

Again, I point out we are not, however, by this bill spending money for universal service. But the budget process now makes us account for those moneys we must be paid by the private sector pursuant to a mandate, and since we are continuing a mandate, partially reducing it somewhat for universal service, it will cost less than the old universal service, we now must offset it.

I think it is responsible on the part of the Government to do that because there is always the possibility some future Congress might decide not to mandate that service but require the Government to pay it.

So we have, in effect, met the challenge of the Budget Act and, in doing so, we will actually, within this period, raise the additional moneys which I believe will be utilized in offsetting other budget problems as we go along. I do not believe that will be required by any action of the Congress in the future to charge the cost of universal service to the taxpayers.

Again, in my judgment, universal service is required so someone who comes up to my State who wants to call home literally can do it, or wants to bring up a computer and be attached to data services can make that intersection with the telecommunications system of our country.

I believe sincerely in universal services because without the universal services, the villages and towns of our rural areas would be still in probably the early part of the 20th if not the 19th century while we all go into the 21st. If they are not to be left in the position where they are without employment because they cannot attach themselves to this new telecommunications miracle of the United States, then I think they will be a burden on the rest of the country.

My friend George Gilder believes that in the future, the computer will replace, in effect, the networks because the networks will become, in effect, a gigantic computer network rather than just a television network. He tells us that what is going to happen is that we are going to have access through the computer industry to interconnect America's schools and colleges in truly a new worldwide web of glass and air.

If people want to think about it, there is no way we can afford to have this bill stopped by a budget point of order. That is the reason for our amendments. I join in urging adoption of these amendments.

Mr. PRESSLER. I urge the adoption of the amendment.

Mr. HOLLINGS. First, adoption of the Pressler amendment. If there is no further debate, I urge the adoption of the Pressler amendment.

VOTE ON AMENDMENT NO. 1257 AS AMENDED

The PRESIDING OFFICER. If there is no further debate, the question occurs on agreeing to the second-degree amendment No. 1257 offered by the Senator from South Dakota, Senator PRESSLER.

The amendment (No. 1257) was agreed to.

Mr. HOLLINGS. I urge adoption of the Stevens amendment, as amended by the Pressler amendment.

VOTE ON AMENDMENT NO. 1256

The PRESIDING OFFICER. If there is no further debate on the Stevens amendment No. 1256, as amended, the question is on agreeing to the amendment.

The amendment (No. 1256), as amended, was agreed to.

Mr. PRESSLER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I wish to thank the managers of the bill and those patient with us. I thought it was essential first to proceed with these amendments. Otherwise, we would be wasting our time if a budget point of order had the effect of pulling the bill down. I thank all concerned.

Mr. LOTT. Mr. President, I inquire what the parliamentary situation is? Are we back now to making opening statements at this point?

The PRESIDING OFFICER. Opening statements are appropriate at this time.

Mr. LOTT. Mr. President, I do want to rise in support of this legislation and make an opening statement. I would like to begin, as others have already done, by congratulating and commending the distinguished Senator from South Dakota for the hard work that he has put into this legislation. Of course, many members of the committee have been working on this legislation for several months. As the distinguished former chairman said earlier, way back in 1993 there was a lot of work going on on legislation that led to this moment.

But I know from personal experience and observation that the chairman of the Commerce, Science, and Transportation Committee, Senator PRESSLER, said immediately after the election in 1994 that this is an issue that is going to be given high priority, a great deal of his attention and we were going to work together to find solutions to the problems that had prevented its consideration last year and earlier. He made a commitment also to make it a bipartisan effort. So that is why we are here, because the chairman of the committee gave this such high priority and he has worked diligently to resolve problems that had been delaying this legislation.

I just want to acknowledge that fact at the very beginning of this debate. We have a long way to go, but I know now we have started down the path toward passing this legislation. I think it is a tremendous undertaking.

This is big legislation. It is important legislation. It involves a significant part of the overall economy in this country. It is going to create jobs. It is going to raise revenue because it is going to be such a dynamic explosive field. We are fixing to unleash the bounds that have been holding back this competition and advancements and this development. I think that no other segment of the economy in the next 10 years will be more dynamic and more exciting than that of telecommunications.

I also want to commend the distinguished Senator from South Carolina who is working at this very moment to resolve potential problems on this legislation, but Senator HOLLINGS worked so hard last year to bring about the passage of the bill through the Commerce, Science, and Transportation Committee. It did not come to consideration, partially because we just ran out of time.

But Senator HOLLINGS again this year has shown a commitment to get legislation developed that we can pass. He is the major reason we are going to have bipartisan legislation. We should have more legislation like this in the Senate. This is really the first bill of the year of major import that I believe will pass by an overwhelming bipartisan vote. So many of our issues have been considered in a partisan way, have been delayed with amendments. We have had filibusters; 50 amendments on the budget resolution. But in this case, we will have a chance to develop a bill that can be bipartisan and also a bill that will pass this body first instead of the other body of Congress. That is no insignificant accomplishment.

Senator INOUYE certainly has also been very interested in telecommunications. He worked on it last year and has been helpful this year.

The indomitable Senator STEVENS from Alaska is always there. When the debate gets hot and heavy, Senator STEVENS from Alaska will always rise to the occasion, as he has on this bill.

I have one other recognition before I get into my comments. I want to recognize the staff members who have done great work, hard work. It has been laborious, tedious, and they have solved so many problems through the great efforts of Paddy Link, and my own staff assistant Chip Pickering, clearly one of the brightest young men I have known in my life. We would not be here without their help.

Let me begin with a quote from testimony before the committee earlier. It begins with a quote from a Senator from Washington State, Senator Magnuson, who served with great distinction on the Commerce, Science, and Transportation Committee. He put it very aptly when he said in this particular area of legislation "each industry seeks a fair advantage over its rivals."

And then quoting the witness that was before the committee:

> Each industry wants prompt relief so that it can enter the others' fields, but at the same time wants to avoid the pain of new competition in its own field by tactics that will delay that competition as long as possible. It is, therefore, up to the Congress to make the tough calls and, in effect, cut the Gordian knot.

That is what we are trying to do with this legislation, cut the Gordian knot that has held this dynamic field of the economy back now for several years.

As unbelievable as it sounds, the Communications Act of 1934 passed in the era of the Edsel, and it is still the current law of the land. That act now governs, in fact, constrains the most dynamic sector of the U.S. economy—telecommunications. Just as the Edsel became a symbol of all that is outdated, so is the 1934 Communications Act. That act is based on old technology and, consequently, on an outdated, rigid-monopoly-based-regulatory model. Boy, that sounds bad, but that is what we have today. It is time we changed that.

That system cannot accommodate the rapidly developing capabilities of new technologies and advanced networks. Instead, it acts to restrict competition, innovation, and investment.

Under that framework, markets are allocated, not won, by the sweat of competition. Currently monopolies, oligopolies or, at best, limited competition exist in local long distance and cable markets. More than 40 of our 50 States prohibit any entrepreneur or competitor from offering—even offering—local telephone service.

The 1984 consent decree which broke up AT&T continues to restrict the Bell operating companies from offering long distance or manufacturing.

We should have fixed that long ago. It would have created jobs and would have been positive for the economy.

Current law prohibits cable companies and telephone companies from competing in each other's markets. They are willing to do that. They want to do that. Why should we not let them do that?

Another 1934 law, the Public Utility Holding Company Act, PUHCA, prevents registered electric utilities from using their infrastructure and networks to offer telecommunication services to the 49 million American homes that they serve. All of these restrictions and regulations and allocations are truly the equivalent of an "Edsel" in the space and information age. In the case of utilities, they are already wired, hooked up. They have the capability to offer all kinds of services. Yet, they are told, no, you cannot do that. Why? There is no good explanation or justification for it—especially if we do this legislation in a way that is fair, open, and allows competition for all.

In stark contrast, the Telecommunications Competition and Deregulation Act of 1995—this bill—will move telecommunications into the 21st century and will finally leave the era of the Edsel behind. S. 652 will achieve this through full competition, open networks, and deregulation. That is what this bill is all about. That is what we say we want. Senators stand up and say it day in and day out, about all kinds of situations. Well, in this bill, in this area, that is what we would do.

This bill provides a framework where entrepreneurs and free enterprise will make the information superhighway a reality, not just a conversation piece. As a result, tremendous benefits and applications will flow to our economy, to education, and health care. Industries will benefit from expanding markets and opportunities, and consumers will benefit from lower prices in their local, long distance, manufacturing, and cable services.

If one hears the protest of the various industries, it is not because the bill is too regulatory; no, just the opposite is true. It is because this bill removes all of the protection and market allocations that made their respective businesses safe and secure from the rigors of vigorous competition.

Under S. 652, all State and local barriers to local competition are removed upon enactment. An immediate process for removing line of business restrictions on the Bells is put in place. Moreover, the Bell companies are given the freedom to immediately compete out of region and provide a broad range of services and applications known as incidentals. These include lucrative markets in audio, video, cable, cellular, wireless, information services, and signaling.

The 1934 PUHCA is amended to allow registered electric utilities to join with all other utilities in providing telecommunication services, providing the consumer with smart homes, as well as smart highways.

Upon enactment, telephone and cable companies are allowed to compete. Current restrictions barring telephone cable entry are eliminated.

As the telephone/cable restriction is removed, S. 652, rightfully, loosens and removes cable regulation. For cable to convert and compete in the telephone area, it will be freed from the regulatory burdens that limit investment and capital capability, which has been a problem in recent years for the cable industry.

The restrictions placed on broadcasters, also during a bygone era, before cable, wireless cable, and advanced networks, would be reformed.

Ownership restrictions on broadcast TV are raised. An amendment removing restrictions on radio ownership will be adopted, and this is one we have worked hard on, and we have broad support now for. The FCC is granted the authority to allow broadcasters to move toward advanced, digital TV and to use excess spectrum, created by technological advance, for broad commercial purposes. Broadcast license procedures are reformed and streamlined.

S. 652, again, moving in from the communications policy of the past, goes from a protectionist policy to one appropriate for the global economy and technology of the 21st century. The bill promotes investment and growth by opening U.S. telecommunications markets on a fair and reciprocal basis.

In short, S. 652 constructs a framework where everybody can compete everywhere in everything. It limits the role of Government and increases the role of the market. It moves from the monopoly policies of the 1930s to the market policy of the future.

Toward that end, the removal of all barriers to and restrictions from competition is extremely important, and it is the primary objective, and I believe, the accomplishment of this legislation, thanks to the efforts of Chairman PRESSLER and the former chairman, Senator HOLLINGS of South Carolina.

In addressing the local and long distance issues, creating an open access and sound interconnection policy was the key objective, and it was not easy to come up with a solution that we could get most people to be comfortable with. It is critical to recognize the reason why all of these barriers, restrictions, and regulations exist in the first place—the so-called bottleneck. Opening the local network removes the bottleneck and ensures that all competitors will have equal and universal access to all consumers. Such access guarantees full and, I believe, fair competition.

The open access policy makes it possible for us to move to full, free-market competition in local and long distance services, avoid antitrust dangers, and dismantle old regulatory framework.

In fact, the Heritage Foundation makes the following statement and points to the open access interconnection policy:

> Policymakers of a more conservative or free market orientation should not fear this open access policy. In fact, they should favor it for three reasons:
>
> First, there is a rich, common law history that supports the open access philosophy.

They cite railroad and telegraph policy in America and common law tradition dating all the way back to the Roman Empire.

> Second, open access works to eliminate any unfair competitive advantages accrued by companies that have benefited from Government-provided monopolies.
>
> Third, open access removes the need for other regulations because the market becomes more competitive if everyone is on equal footing.

It is the only way to address economic deregulation where a bottleneck distribution system exists. It is the same policy which allows market forces, instead of regulation, to work in the case of long distance, railroads, and in the oil and natural gas pipeline distribution system.

It is those examples of deregulation to which we should look, not to models of deregulation where no bottleneck exists, such as airline or trucking.

Open networks will provide small and mid-sized competitors the opportunity to flourish alongside telecommunication giants. In the long distance industry, similar requirements made it possible for over 400 small and medium-sized companies to develop and compete with AT&T over the past 10 years.

One of the better examples of this is a former high school basketball coach from a small town in Mississippi by the name of Bernie Ebbers. Opening requirements such as interconnection, equal access, and resale made it possible for this entrepreneur to build a small long distance company into the fourth largest in the country—LDDS. It is incredible what has been accomplished by this smalltown man by giving him an opportunity to get in there and compete, and boy did he ever and is he having an impact.

Having used the example of a small long distance entrepreneur, it is also important to point out what happened over the past 10 years to the former monopolist, AT&T. Although AT&T lost significant market share, it has seen the long distance market that it has greatly expand, and its revenues continue with strong, healthy growth.

AT&T's current revenues, with 60 percent share in the long distance market, as opposed to what was 100 percent, are now higher than in 1984. The same dynamic will occur in the local and other markets. Opportunities and markets will expand for all participants, as long as they are effective and efficient in the competitive environment.

It is this free market model which led me to conclude that all of the companies in my State and region and, in fact, in the country, will benefit from this legislation. I believe that markets and opportunities will expand for Bell South and LDDS, both of which are very important in my State of Mississippi, and other long distance companies, including electric utilities—Southern Company and Entergy in my part of the United States, and cable companies and broadcasters will have new opportunities to grow and expand.

A competitive model will create a bigger pie for all the providers, but more importantly, it is the consumers and the overall economy of my region, and I believe the whole country, that will benefit from this legislation.

For consumers and competitors, the open access requirements will do for telecommunications what the Interstate Highway System has done for the shipment of tangible goods and the movement of people and ensure that all competitors will have a way to deliver goods and services to anyone anywhere on the information superhighway.

Other requirements, such as number of portability and dialing parity are just common sense, procompetitive, and fair. A consumer does not want to have to dial more digits or access codes, and if required to do so, they will be less likely and probably not switch to the competitive provider. History shows that dialing parity in long distance services and 1-800 service greatly enhanced competition—or the lack of dialing parity serves as an effective barrier to that competition.

Likewise, a small business or residential consumer will not switch to the competitor if it meant the loss of his or her current number. They will not do it. The disruption to a business or individual or family is too great. That is why we had to deal with this issue in this legislation, although there was a lot of opposition to it.

Another key element of S. 652 is eliminating monopoly-based regulations and putting in place a mechanism to remove those regulations.

The bill eliminates rate-of-return regulation, a regulatory model which cannot logically exist in a competitive environment created by this legislation. States are encouraged to move to more flexible and competitive models.

S. 652 requires the FCC to forbear or to eliminate any past or current regulation requirement which would no longer make sense in this market base of competition. There will be a biannual regulatory review in this legislation that would recommend the elimination, modification, or other needed regulatory reform in the future.

Mr. President, in closing, I think it is time to adopt this communications policy for the future. It provides the right framework, it removes all barriers and restrictions to free market competition, innovation, and increased investment.

With the passage of this legislation our economy will grow a lot faster. We have had tremendous estimates of the kind of economic impact this legislation will have in the billions of dollars. More jobs will be created, applications in education and health care will expand more quickly, and the quality of life will improve in both rural and urban areas.

It is time to move beyond the culture of timidity where the companies and political leaders, regulators, and the courts resist needed reform, fear competition, and opt for the security and inferiority of the status quo.

We know that is what the election was about last year, change in the status quo. Boy, this bill will do that. It is time to trade in the Edsel and pass telecommunications legislation that will move us truly into the future.

I do want to note that I think that the center that holds this legislation together is the part that deals with the entry test. When the local Bell companies get into long distance and they get into the local unbundled market, we have a delicate balance there.

Are they totally happy? No, they would like a fair advantage in each case, but we have been able to cobble together this important balance, and I think it is one that we should support. I believe that we will be able to get this legislation through.

In conclusion, Mr. President, I ask unanimous consent to have printed in the RECORD information specifically citing the impact that this legislation can have in my home State of Mississippi.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WHAT DOES IT MEAN FOR MISSISSIPPI?

Mississippi is home to some of the Nation's new leaders in every segment of telecommunications.

Mississippi is prospering and benefitting from the contributions made by the largest and fastest growing regional company, Bell South.

LDDS, a Jackson, MS company, is the fourth largest long distance company in the Nation and an expanding international force. It is a true American success story.

M-TEL, another Jackson based company, is a dynamic entrepreneurial and leading national company in wireless paging service.

A dynamic culture of young entrepreneurs in cellular services is thriving throughout the State.

Parent companies to Mississippi Power and Mississippi Power and Light, Entergy and Southern Company, are pioneer companies promoting utility participation in telecommunications and advanced networks. They will pave the way for smart homes and highways in our State.

Cable companies of all sizes have deployed throughout Mississippi into virtually every small town.

Wireless cable services have exploded in both rural and urban areas of my State.

Mississippi, in cooperation with National Aeronautical and Space Administration, our leading educational institutions and South Central Bell, has deployed an advanced network which connects schools, universities, Federal facilities, super computers and national data bases. It is an educational and high tech model for the future and the Nation.

It is in my home State of Mississippi that I have seen and experienced the benefits of the communications revolution. I know what it means to the economy and quality of life for my State. It means the creation of high tech jobs, attracting new industry, and promoting and connecting Mississippi to the Nation's best educational opportunities.

As a Senator from a State which has become a leading telecommunications center, I come to this debate with the conviction that this legislation will serve Mississippi's, the Nation's, consumers' and competitors' best interest.

S. 652 promotes and accelerates the communication revolution by tearing down all barriers and restrictions preventing the benefits of free market competition.

Mississippi's economy, with telecommunications serving as a key catalyst, is growing and expanding. This legislation will further fuel its growth.

Under S. 652, Mississippi companies will have new opportunities and expanded markets as well as the challenges of competition. South central Bell will be able to expand into long distance, cable, manufacturing and other services.

LDDS, cable companies, Southern Company, Entergy, and numerous other companies will be able, for the first time, to begin competing for local service and combining local, long distance and cable services.

With S. 652, Mississippi's TV and radio broadcasters will see old restrictions removed or raised which have stifled growth and new business.

Small cable operators in Mississippi who have struggled under the regulatory burden of the 1992 Cable Act, will see regulatory relief. Once again, Mississippi cable operators will be able to expand and deploy new services, regain financial stability and prepare to compete in new markets.

The competition among all participants will spur innovation, products, advanced networks and lower prices for the benefit of Mississippi's consumers and industries.

I want Mississippi to continue as a national leader in telecommunications. S. 652 will help achieve that objective.

For the Nation's future, S. 652 is one of the most significant pieces of economic legislation we will consider.

The President's Council of Economic Advisors estimates the telecommunications deregulation will create 1.4 million new jobs by the year 2003.

A study by the WEFA group, funded by the Bell Companies, projects 3.4 million jobs by the year 2005 and 0.5 percent greater annual economic growth over the next 10 years.

In addition, the committee heard testimony that the Pressler bill will lead to an additional $2 trillion in economic activity.

The communications sector, more than any other, will shape our future economy as well as our civic and community life. This bill is the right policy to maximize the benefits this sector of our economy can deliver.

I urge my colleagues to support this legislation. It is time for Congress, not the courts or bureaucracies, to establish the communications policy for the 21st century.

Mr. LOTT. Mr. President, I yield the floor.

Mr. PRESSLER. I thank the Senator from Mississippi for his terrific contribution. Chip Pickering has been in every step of the way. This would not be happening without your great leadership. I personally thank you very, very much.

Mr. President, I am sending to the desk a managers' amendment which I am cosponsoring with Senator HOLLINGS. This amendment, which has been cleared on both sides of the aisle, makes a number of technical and minor changes in the bill that have been worked out since the bill was reported by the Commerce Committee.

I ask unanimous consent that when adopted, the text be treated as original text for purposes of further amendment.

At this point I would like to send the managers' amendment to the desk.

Mr. LAUTENBERG. Mr. President, reserving the right to object, I commend the managers of the bill thus far.

I know they are anxious to conclude a period of a lot of hard work and having struggled through many discussions and agreements to get this behind.

The reason that I raise the possibility of an objection is because, in the process of developing the managers' amendment, it was determined that a major research company based in New Jersey but doing work throughout this country, a company that has offered many innovative ideas in this period of new technology in communication, would be prohibited as a result of the present managers' statement from engaging in manufacture, even though it is the public declaration that they intend to be free of the regional Bell companies ownership. There they are, a company trying to engage in a competitive practice.

I had a discussion with two good friends, Senator HOLLINGS on the Democratic side and Senator PRESSLER on the Republican side, to see if there was any way that we could defer action on this tonight so we might discuss the competitive environment tomorrow morning.

Apparently, it is the belief of the managers that this bill has gone through so much labor and so many delicate steps that to further delay that might be injurious to the success, ultimately, of passing this bill.

So while I will not object, I would ask the managers whether or not I can have their support for a discussion of a proposal to enable the competitive character of the field to be expanded although it is lacking in the statement of the managers.

Mr. PRESSLER. I want to commend my friend from New Jersey, Senator LAUTENBERG. I know he is an experienced businessman, and I know there is some controversy about Bellcore. It is my belief that if Bellcore is sold and out there competing, it should be able to compete without restriction.

That is based on the information I have at this moment. I know there is a great controversy about manufacturing, because about 99 percent of manufacturing many new devises is research.

It seems to me that the Senator has raised a very good point. As I understand it, in the managers' amendment, we have taken this section out so we will be able to entertain a colloquy, or indeed an amendment.

I have begged several Senators to come tonight to offer amendments. We have all these strong feelings and we would like to get a vote on something tomorrow morning at 9 o'clock. As I gaze about, I do not see any amendments cropping forth. We welcome amendments.

I want to thank the Senator from New Jersey for raising this, because based on the information I have, I tend to agree with what I think his position is. I think he has raised a good point. If we could still adopt the managers' amendment, that is not, as I understand it, in there. We have taken out anything that there is controversy about.

Mr. HOLLINGS. Mr. President, first let me thank, as our chairman has very dutifully done, the distinguished presiding officer, the Senator from Mississippi, Senator LOTT, for the 2 years that we worked on S. 1822. The Senator has been an outstanding leader on S. 652 and his staff Chip Pickering has done exceptional bipartisan work. We never would have gotten this far, this balance that has been emphasized, had it not been for Senator LOTT's leadership. I want to thank my distinguished colleague from New Jersey for his attitude and approach to this. What happens, I have two lists in my hands. The list of possible amendments in my left hand are those amendments that are not agreed to, that we could not get consent on from the colleagues and the staffs on all sides. Objections have been heard. We had a list of those things that we thought were peripheral matters like "Replace subsidiary with affiliate where it appears," number 2, "The FCC may modify the modified final judgment with decrees once they are transferred to the FCC," and on down the list. These are things that both sides have agreed to.

Unfortunately, other distinguished Members of the Senate, and particularly on our committee of Commerce, have objected to the provision dealing with Bellcore. As I understand it, as the distinguished Senator from New Jersey points out—they are very competitive. Heavens knows, they produced the technology. If you had to measure in percentage of communications, I would say 90 percent of it has been produced in the Senator from New Jersey's home State there at Bellcore.

So I am disposed to help in any way I can the Senator from New Jersey. It is not within my power to do so because I have, like I say, in my left hand those amendments that are not agreed to. And the Bellcore amendment would have to be on that particular list.

They are not agreed to. There are at least three Senators on the committee who have so notified us. And if any Senator notified me right now on any of the other items in the managers' amendment I would object for them if they could not even be here. That would be my duty as a manager of the bill, because every Senator has to be respected.

I have the highest respect for the Senator from New Jersey. I will do everything possible I can to help him with his amendment.

Mr. LAUTENBERG. With that statement, if the Senator will yield, Mr. President, I have no objection to going forward.

The PRESIDING OFFICER. Without objection, the several unanimous consent requests are agreed to.

Mr. KERREY. Reserving the right to object, is this just a unanimous consent to read the amendment?

Mr. HOLLINGS. We have to read the amendment.

AMENDMENT NO. 1258

(Purpose: To make minor, technical, and other changes in the reported bill)

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Dakota [Mr. PRESSLER] for himself and Mr. HOLLINGS proposes an amendment numbered 1258.

Mr. PRESSLER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. KERREY. Reserving the right to object, Mr. President, what are we doing here?

The PRESIDING OFFICER. The Senator from South Dakota just asked the amendments be considered as read.

Mr. PRESSLER. I am asking unanimous consent to adopt the managers' amendments, which I have sent to the desk, and which have been cleared on both sides of the aisle.

Mr. HOLLINGS. Is that cleared with the distinguished Senator?

Mr. KERREY. I have great respect for the Senators from South Carolina and South Dakota, but I have not read the amendment. It was just brought to me. It is 40-some pages long and I understand there is lots in it. I cannot. I object.

The PRESIDING OFFICER. Objection is heard.

Is there debate on the amendment?

Mr. PRESSLER. I suggest the absence of a quorum.

Mr. KERREY. Mr. President, I ask unanimous consent to withhold the request for the quorum call.

The PRESIDING OFFICER. Is there objection?

The Senator from Nebraska seeks recognition? The Senator from Nebraska.

Mr. KERREY. Mr. President, I know there is some confusion. I see my friend from South Carolina and South Dakota as well. I have a great deal of respect for them. I take a great deal of interest in this legislation. They have been kind to allow a member of my staff to sit in on lots of the deliberation.

But I want my colleagues to understand there is a lot in this bill that is not very well understood. I declare straight out I will not vote for this bill in its current form. I am here because I see great promise in telecommunications. I see great promise, in fact, in deregulating the telecommunications industry and using competition to regulate as opposed to having Government mandates and so forth do the job.

But in 1986 I signed a deregulation bill. I may be, for all I know, the only

Member of Congress who can come to the floor and say "I signed a deregulation bill for telecommunications." And I know that deregulation does not mean competition. You can have deregulation and have no competition.

I call upon my colleagues who wonder about the impact of their votes. There is a great deal of concern about, for example, the budget resolution we took up. "Gee, what is this going to do to me? Is it going to be difficult to explain at home? There are lots of things in there that might become unpopular and am I going to pay for voting yes on the budget resolution?"

We have lots of issues that are extremely controversial. This is a lot more controversial than meets the eye. I ask my colleagues who are considering voting yes for this and want to move it through quickly to recall what life was like in 1984 when Mr. Baxter, from the Department of Justice, signed a consent decree divesting AT&T of the Bell operating companies, filing that decree with the Federal court here in Washington, DC.

I remember I was Governor of Nebraska at the time and I can tell you, you could have selected a thousand people at random and asked them this question: Would you like Congress to put the Bell companies back together? Do you like what Baxter and Judge Greene did?

And of the thousand people I will bet 998 people would have said "Reverse it. Put it back together. We do not like the confusion that we have. We do not like trying to figure out all this stuff." It was not popular. Do not let anybody be misled by this. This is going to create considerable confusion in the early years. You are not likely to be greeted by a round of applause by households, consumers, who have not been consulted about this legislation.

This is not a Contract With America. Most of the things that we have taken up in this Senate have been carefully polled and researched to determine whether or not they are popular. I have heard, whether it is the balanced budget amendment or the budget resolution or term limits, all sorts of other things, people come down to the floor and say, "In November the people of the United States of America spoke and here is what they meant." I have heard speaker after speaker say that. And in many cases I agreed with them, because I ran in November of 1994.

But I did not have a single citizen, when I was out campaigning, come up to me and say: "Boy, make sure when you go back, if you get reelected, if you go back and represent us, make sure you go back there and deregulate the phone companies. Make sure you go back there and deregulate the cable industry. Make sure. Bob, make sure, if you get back there, get rid of the ownership restrictions on television stations, on radio stations. Because that is what I want. I am really excited about all this stuff. I really think there is a lot in this for me. That is what I want. That is the sort of thing I would like to have you go back there and do."

The American people have not been polled on this one. The distinguished majority leader came down and said there is bipartisan support. It is not a Democratic issue. It is not a Republican issue. He is quite right. It is not. This is an issue that has been discussed at length and I discussed it at length with many corporations that want to be deregulated. They want to be deregulated. In many cases they are right.

But if you listen to the rhetoric, just this far, you would think that the current regulation is holding back the telecommunications industry to such an extent that we have lousy telephone service, that we have noncompetitive industries. You would think America was somehow backwards compared to all the rest of the world. That is not true.

If you look at the OECD examinations of our industries, telecommunications, including the telephone companies, are among the most competitive in the world and among the most productive in the world.

It does not mean, because a company is regulated, that it is not productive or that it is not competitive or that somehow it is going to produce an unsatisfactory thing for the American people.

I am telling my colleagues a lot of people will come down here and say, "It must be good. There is a lot of bipartisan support for it." Walk up to the desk, check out a lot of these amendments, see which way people are voting—this one is going to be remembered. This vote is a big vote. In my State I have about a million households. If you talk telecommunications to those households they do not talk faxes. They are not thinking about enhanced digital processing and all that stuff. They are saying, "What is my dial tone going to cost me? What is my cable going to cost me?" That is what they talk about.

I think we need to come down to this floor and ask ourselves a question. What is this bill going to do for those households? What is it going to do for the consumer? I hear people say it is going to create lots of new jobs. In the course of this debate we are going to come down and examine the question: Who has been creating the jobs?

(Mr. LOTT assumed the chair).

Mr. KERREY. Where are the jobs going? One of the things I hear from people, an awful lot of telecommunications industry people working for the telecommunications company, is substantial downsizing. I say, "Do you want to deregulate? Are you going do get more jobs?" They say, "I do not know. You know. It has not been working too good thus far."

I am down here to talk about what this is going to do for the many households, and for the American consumers. I look forward to the debate. There is much in this legislation that I support. I believe in many cases deregulation will produce a competitive environment that will benefit the American consumer, and that will benefit the American household. But let no one be mistaken. When we pass this piece of legislation in the Senate and go to conference with the House, and get final passage in the early days, do not expect to have the people who vote for you say you were right. "Boy, this thing has really worked." It may take 9 or 10 years, which is what happened with divestiture. It took us a good 10 years before people began to say, "Wait a minute. This is working. Competition is bringing the price down. The quality is going up. This appears to be in fact generating something beneficial to me."

So I would like to get a little fundamental here. I very often, as I am sure the distinguished Presiding Officer does and other Members do, get asked, "What is it that you do? What do you in Washington, DC?" Do I just come down to the floor and give speeches? Do I just answer my telephone and answer letters and do constituent service for the people are having trouble with the IRS, the EPA, or various other agencies of the government? Yes. I try to explain to them I am involved with writing laws. That is what we do here. We write laws; and that the laws matter. I am not a lawyer.

I very often wonder whether or not one of the most important things lawyers do is write the laws that are so darned confusing we have to hire them in order to tell us what is in them. But the longer I am on the job, the longer I am on the job of being in politics and being a politician, the law is becoming more important to me. I see that they are alive. They have an impact on people, and they make a difference.

This bill has about 144 pages in it. Every single word is important. Every single phrase here is going to affect something. We all know it. We have them coming into the office saying we are concerned about this particular phrase, we are concerned about this particular paragraph. I have heard it already referenced—some of the agreements have been difficult to get. They have been difficult to get because every time you do something somebody says, "Gee. That is going to affect me in an adverse way."

The distinguished Senator from Alaska had an amendment earlier that paid for the cost of the universal service, and one of the things that he did—I believe he is quite right—the National Association of Broadcasters is going to object. There are going to be people who say, "I do not like where you got the money." Everything we do in this legislation we know affects one interest group or another. But it is also going to affect more than almost anything we have discussed thus far this year; Indeed, perhaps for a long, long time, every single American household.

If you have a telephone in your home, it is going to affect you. If you have a cable line running into your household, this bill is going to affect you.

I just said to citizens out there who are wondering about what the mumbo jumbo is about, you are going to hear a lot. You had better pay attention because, if you have a telephone, and you if you have a cable line coming into your household, you had better pay attention to this legislation because it is going to have a big impact upon you. You are going to hear a lot of people coming down saying this is going to be good for you. You did not ask for it. You did not say, "By gosh. Let us change this law." You did not ask for this thing. But we have figured out this is going to be good for you. And make no mistake about it. We have really paid careful attention to this legislation. We know exactly what it is going to do.

Mr. President, I believe that the American people deserve as a consequence of the impact of this legislation a good and healthy and lengthy debate.

I heard the distinguished occupant of the Chair earlier say he hopes this thing does not degenerate into a filibuster. I do not intend to filibuster this thing. I point out with great respect to the Senator from Mississippi that 1822 would have passed last year if it had not been filibustered and slowed up and tied up by people who said we do not want this thing to go. This would have been law last year I believe. I do not know if the Senator from South Carolina can confirm that.

I do not want to tie this thing up with filibusters and delays. I intend, when there is a manager's amendment or incidental amendment, to examine the language because the language is important. It is going to have an effect on people.

I say, again for emphasis, that I believe this vote is going to be a lot more controversial the further away you get from it than people suspect today. One of the things about laws that citizens need to understand is that very often it is about power. That is to say, who has the power?

I joined with, again the distinguished Senator from South Carolina, in voting against tort reform bill a little earlier because in my judgment that was about power. That was about saying to the citizens of this country you are getting swept away saying the trial lawyers are making life miserable for you. Just ask yourself this question: You get hurt out there, you have a problem out there. Who is going to help you? Is congress going to help you? Are you going to call up your Congressmen and say, "I am getting abused by the phone and cable companies. I do not like what is going on out there. Do you think Congress is going to rush to your defense? Do you think it will be possible for you to get the agencies of the Federal Government to rally to your cause? And you probably do not even have enough money to buy an airplane ticket to come back here, and if you came back here you will not know where to go.

This is about power. And regulations are in place to protect the interests of the people. That is what they are there for. Let us deregulate.

I have a little case going on right now in Omaha, NE, that illustrates what I am talking about. We have a plant in Nebraska which employees a couple of hundred people. Unfortunately, the company processes lead, and they put a lot of lead in the air and water. And it has been determined—and no one disputes it—that lead damages newborn babies without dispute. We do not have leaded gasoline any longer because we have decided that is the case. We have a Clean Air Act, we have a Clean Water Act. This company has been out of compliance for over 15 years.

Guess how we are going to resolve it? Do you think we resolved it because a U.S. Senator intervened on their behalf? Do you think the Congress came to the rescue? Do you think it was the administrative branch? No, sir. A couple of citizens filed a suit in court. It was the judiciary. It was the right of a citizen to go to court and say, "This company is not obeying the law of the land. I am going to insist that they obey the law of the land."

Mr. President, make no mistake about it. This piece of legislation is about who controls the airways, who controls your telephone, who controls the information? It is about power.

I hear a lot of people say, "Well, we ought to get the government out of that." Let us have a debate about what the government should or should not do on behalf of the citizens. I am prepared to do that. I think it is a healthy debate. Let us not presume it is quite so easy as just saying competition is the best regulator, which I heard three or four or five times. Competition does not give us clean air. Competition does not give us clean water. Competition would not likely make every single factory in the workplace in America safe. Maybe somebody wants to come down here and say that is the case.

I get 1,000 Americans who say, "You tell me." Do you trust the corporation? You have a corporation out there that is desperately worried about their quarterly profits. They are worried about bottom line. They have the shareholders out there to perform for, and they have to make a decision. They have 1,000 people working for them, and have been working for them let us say 30 years; 30,000 man and woman hours in that corporation. They have to make a decision to lay all thousand of them off, and give them no fringe benefits, no severance pay, no retirement. All of those things add cost to the corporation.

I ask my Americans. Do you trust that corporation? Do you think that corporation is going do say "No. I think it is right and decent; I do not care what the stock holders say, what Wall Street says; I am going to ignore all of those people up in New York City; I do not care what they say; I am going to do the right thing; I am going to give you severance pay; I am going to provide you with your health care, and take care of that retirement benefit because I care about you; you are a human being; I am not going to treat you like trash?"

I do not believe many Americans are going to say that is likely to be the case. If a company is a mom and pop shop, owned by an individual which owns 100 percent of the stock, that might be different. But when that company CEO worries about the value of its share, that companies CEO does things differently. They have to. I do not say they are doing the wrong thing. I do not blame them for doing that. But please do not come and say that the market is going to get the job done. The market rewards people that produce. The market rewards a much different set of values than the values that I have just described with these thousand families.

So again, the next thing I say to citizens who are wondering about these 144 pages and all of the amendments that will be offered, it is about power and power over your lives, power to deliver you information, power to give you a phone service, power to give you video information, power to give you the things that you say that you want.

For your information, a lot of people who are coming down here saying get the Government out of that are very strongly supportive of unfortunately a title offered by the senior Senator from Nebraska, title 4, which said we need to have a lot more Government involvement when it comes to regulating.

I understand there is going to be some amendment to make even tougher penalties. That is popular. That one we all know. People are fed up with obscenity and they are fed up with the stuff they see on television and they want us to do something about it. And title IV attempts to do that. I hope we are a bit careful, to say the least, with title IV, but title IV is more Government, it is not less. Title IV is the statement by Members of Congress that says the market does not work when it comes to obscenity.

Do some people want to come here and tell me it does? Does somebody want to come down here and say the market is the best regulator of obscenity? I do not think so. I do not think there is going to be a single Member come down here and say just let the market take care of it; we do not care what kids are getting over the Internet. We do not care what is coming into homes.

No. In that instance the market goes out the window. In that instance we say Time/Warner is putting out slime. We have to regulate them in some fashion.

So, Mr. President, again, I have a great deal of respect and appreciation for the managers of this bill. They have done an awful lot of work on it. I do intend to carefully examine the amendments that are offered. I do believe that increased competition can be enormously beneficial. I believe that it can, properly done, result in lower prices, higher quality service, particularly, as I said, if it is done in a fashion that lets everybody compete.

Again, I do not underestimate the difficulty of this. I am going to have a lot of explaining to do to my citizens to tell them why this is good for them because in the early days when they get competition they are going to get confused. And in the early days they may even get some price increases. They may find themselves paying higher telephone service. They may find themselves paying higher cable. We do not know. We are saying let the market set the price, in general, once you get to the final end of this thing. Let the cost determine what people are going to pay. We have a very small amount of subsidy in the universal service fund. We have an education provision that some people are going to come down here and try to strike, saying the market ought to have taken care of that. After having given speeches saying this is good for health care, this is good for education, they do not even want to have that provision in this piece of legislation.

I have many problems with this bill, Mr. President. I do believe the Department of Justice needs a role in this. I do not think consultation is enough. I would cite as case No. 1 why consultation is not enough, the very thing that Members will use when they are saying that competition works, and that is Mr. Baxter and Judge Greene getting together, the Department of Justice getting together with a Federal judge and putting together a consent decree.

It was the Department of Justice. It was the Department of Justice that gave us the competitive environment. It was not the Federal Communcations Commission. I am not calling for increased authority, increased power, but I want them to do more than consult. They understand competition. The Antitrust Division of the Department of Justice understands where and when competition is, and they are about the only ones in this town that, at least by my measurement, are out there fighting to make sure that that marketplace in fact is working.

I have serious problems saying that telephone companies can acquire cable companies inside of their area immediately.

Mr. President, I believe we have to have two lines coming into the home. I believe you have to have—if it is going to be fiber or some kind of combination of coax and fiber, I do not know what it is going to be, but I want two lines coming into my home.

I have heard people talk an awful lot about competition, and I have heard all the companies coming in saying they want a competitive environment. This is one thing I know. Competition to me means I have choice. Again, this idea of choice is a two-edged sword. You are going to have a lot of households out there that are not going to be terribly pleased with this new choice they have, and they are not going to be terribly happy when they see what that choice might do.

We have to be prepared to stay with this thing. To my mind, choice means if a company does not give me what I want, I can take my business someplace else. Competition means to me I can go wherever I want and get the service I want. And I believe in many ways this bill does just that.

The requirements of unbundling, of dialing parity, the requirements that are in this legislation in title I, in my judgment, provide a good basis for us to have a competitive environment. Allowing the phone companies to go out and buy cable inside their own area, Mr. President, is going to restrict competition immediately. We are not going to have the local cable company and the phone company competing because the phone company is going to have an incentive to buy them. If they buy them, it ends that competition.

I am prepared to hear arguments about that, but I think allowing this cable-Bellcore ownership in the local area does precisely the opposite of what this bill intends to do.

The other objections and problems that I have with the bill I will come later to the floor and try to address. I see the Senator from Pennsylvania is down here. I suspect that he wants to make a statement. I just wanted to stand up at this point in time and say to the Senator from South Dakota and the Senator from South Carolina I do not intend to stand down here and stop this piece of legislation from being enacted. But I do intend to stand down here and examine every amendment that is proposed and make sure it is an amendment that I agree to for all the reasons I cited earlier.

The consumers of this country, the households of this country have not been consulted. We are presuming that it is going to be good for them because we have talked to American corporations and they are saying it is going to be good for them. They are saying this is going to be good for consumers. The corporations are saying it is going to be good for those households. They are saying it is good because they are getting more jobs, higher service, better quality, and lower prices.

That is what they are saying. It is not coming from households. This is not coming from the people of the United States of America, whether it is the people of South Dakota, the people of Nebraska, South Carolina, Mississippi, or Pennsylvania. We believe that we have something here that is going to be good for them, but they have not come to us and said: Please do this because we think this needs to be done.

So I again will have many opportunities to stand and talk, and I look forward to what I hope will be a straightforward and healthy and honest debate, something that I hope does produce a final change in the 1934 Communications Act which I think does need to be changed. But at the end of the day I wish to be able to say to the consumers of Nebraska that this is going to be good for you. I wish to able to say to every household in Nebraska you are going to get benefits from it and these are the benefits that I believe are going to occur.

At this stage of the game, Mr. President, I cannot support this legislation for the reasons cited, and I look forward to engaging in what I said I hope will be a constructive debate.

Mr. PRESSLER addressed the Chair.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. PRESSLER. I thank the Senator from Nebraska for his statement. In fact, the other day I cited him, when I was on a national program of State legislators and they asked, in terms of a model of a State to deregulate, what might it be. And I suggested the work of BOB KERREY of Nebraska when he was Governor. I observed his work in deregulating telecommunications in that State, and I certainly look forward to his insights.

We have worked on a bipartisan basis on this bill. In fact, all the Democrats on the Commerce Committee voted for the bill. Senator HOLLINGS did a good job. I visited with and delivered a copy of the original draft bill to each of the Democrats on the Commerce Committee.

Two Republicans on the committee voted against the bill. Eight Republicans on the committee voted for it. This is a bipartisan bill. All the Democrats on the committee voted for it. I think that is a very important point.

THE PUBLIC UTILITY HOLDING COMPANY ACT PROVISIONS

Mr. D'AMATO. Mr. President, today I rise to speak about certain provisions in S. 652, the Telecommunications

Competition and Deregulation Act of 1995.

This bill contains provisions that would significantly alter the Public Utility Holding Company Act of 1935 (PUHCA). The PUHCA was originally enacted 60 years ago to simplify the utility holding company structure and ensure that consumers were protected from unfair rate increases. At that time, there were many industry abuses involving the pyramidal corporate structures of holding companies which greatly increased the speculative nature of securities issuances, led to market manipulation, and inflated the capital structure. The abuses in the industry made it nearly impossible for the States to adequately protect utility ratepayers.

The PUHCA limited the types of businesses that holding companies could acquire to utility related services. As reported out of the Commerce Committee, Sections 102 and 206 of the "Telecommunications Competition and Deregulation Act" would permit diversification of registered holding companies into the telecommunications business—without SEC approval or any other conditions. Allowing holding companies to diversify away from their traditional core utility operations is a departure from the basic principles underlying the 1935 Act.

Mr. President, my primary concern with these sections of the "Telecommunications Competition and Deregulation Act" is that losses resulting from the subsidiaries telecommunications activities could be passed on to public utility customers in the form of higher utility rates.

I would like to commend Senator PRESSLER and Senator LOTT for including my provision—which addresses these concerns—in the manager's amendment. My provision puts in place the proper consumer safeguards to protect electric utility ratepayers and stockholders from bearing the costs of diversification by registered holding companies into telecommunications activities.

It requires the Federal Communications Commission, the Federal Energy Regulatory Commission, and the State regulators to monitor the activities and practices of both the subsidiaries and the parent holding companies that engage in telecommunications activities in order to ensure that utility consumers pay only what they get.

For example, my provision would ensure that telecommunications-related activities are conducted in a separate subsidiary of the holding company. It would also provide the States with the appropriate regulatory, investigatory, and enforcement authority to protect utility consumers. To this effect, it would require the States to approve any rate increases by those utility companies that have a telecommunications subsidiary. As a result, the States can examine the proposed rate increase to make sure it is justified and that utility customers are not subsidizing the holding company's telecommunications-related costs.

The Banking Committee has consulted the SEC as well as industry and consumer representatives in crafting this provision to make sure appropriate safeguards will allow the holding companies to diversify without negative consequences to utility customers. We have struck a reasonable balance. As a conferee on the Telecommunications Competition and Deregulation Act of 1995, I will be in a position to make certain that this balance is preserved.

At the same time, I would add that the Banking Committee intends to examine the continuing need for the PUHCA once the Securities and Exchange Commission releases its report and recommendations on repeal or reform of the Act.

I would like to thank Senator PRESSLER, Senator LOTT, Senator BUMPERS, Senator SARBANES, and their staffs for their cooperation on this issue.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on Finance.

(The nominations received today are printed at the end of the Senate proceedings.)

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-146. A petition from a citizen of the State of Indiana relative to taxes; to the Committee on the Judiciary.

POM-147. A resolution adopted by the Board of Representatives, Otsego County, New York relative to local government resources; to the Committee on the Judiciary.

POM-148. A resolution adopted by the Council of the City of Alexandria, Virginia relative to the flag; to the Committee on the Judiciary.

POM-149. A concurrent resolution adopted by the Legislature of the State of Arizona; to the Committee on the Judiciary.

"SENATE CONCURRENT RESOLUTION 1018

"Whereas, the people of the State of Arizona believe that state legislatures should be provided with a method of offering amendments to the Constitution of the United States: Therefore be it

"*Resolved by the Senate of the State of Arizona, the House of Representatives concurring:*

"1. That the Congress of the United States propose to the people of the United States an amendment to the Constitution of the United States to amend the Constitution of the United States as follows:

"ARTICLE V—AMENDMENT OF THE CONSTITUTION

"The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article; and that no States, without its Consent, shall be deprived of its equal Suffrage in the Senate.

"Whenever three-fourths of the legislatures of the States deem it necessary, they shall propose amendments to this Constitution. These proposed amendments are valid for all intents and purposes two years after these amendments are submitted to Congress unless both Houses of Congress by a two-thirds vote disapprove the proposed amendments within two years after their submission.

"2. That the Secretary of State of the State of Arizona transmit copies of this Concurrent Resolution to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the President of the Senate and the Speaker of the House of Representatives of each state's legislature of the United States of America, and the Arizona Congressional Delegation."

POM-150. A concurrent resolution adopted by the Legislature of the State of Arizona; to the Committee on the Judiciary.

"SENATE CONCURRENT RESOLUTION 1006

"Be it resolved by the Senate of the State of Arizona, the House of Representatives concurring:

"1. The following Declaration of Sovereignty is adopted:

"*Section I:*

"A. We, the legislature of the State of Arizona, hereby reaffirm the sovereignty of the states and of the people.

"B. More than two centuries ago, the sovereign states, representing the sovereign people did, of their own volition, ratify the Constitution of the United States. In so doing, the states, in concerted action, established the federal government to perform certain limited and enumerated functions. Under the Tenth Amendment of the Constitution of the United States, the powers not delegated to the federal government were "reserved to the states respectively, or to the people."

"*Section II:*

"A. Throughout the history of the United States, and especially in recent decades, the federal government has, without right, blatantly disregarded state sovereignty by arrogating unto itself powers that were to have been reserved to the states and to the people.

"(1.) It has conscripted states and their subordinate levels of government to implement its programs through federal mandates, funded and unfunded;

"(2.) It has requisitioned officers of states and their subordinate levels of government to perform duties on its behalf, bypassing state constitutional and legislative processes;

"(3.) It has, as a result of expanding power, imprudently increased spending, increased taxation and increased regulation, which have, in consequence, reduced economic growth by unnecessarily discouraging investment and job creation;

"(4.) It has, through deficit spending and other actions, created massive federal obligations that threaten the living standards of the people, the solvency of the states and the future of generations yet unborn;

"(5.) It has, by centralizing power in Washington, D.C., created a "democratic deficit," a condition under which the federal government has assumed control over functions of government that should have been reserved to state and local governments, making effective control of government more difficult for the people;

"(6.) It has, through unwarranted judicial intervention, interposed itself between the states and the people on matters not of federal jurisdiction;

"(7.) It has, through imprudent judicial review, systematically expanded the power of Congress and the Executive by usurping powers that were not intended under the Constitution of the United States;

"(8.) It has evaded the restraints of the nation's fundamental law, the Constitution of the United States, and has in so doing engaged in the imposition of arbitrary laws, administrative actions and judicial decisions.

"B. Through these actions, the federal government has usurped the sovereignty of the states. And, through these actions, the federal government has usurped the sovereignty of the people.

"*Section III:*

"A. We declare that the federal government cannot, on its own, legitimately diminish the sovereignty of the states and of the people as intended under the Constitution of the United States.

"B. The fundamental law of the nation may only be altered in the manners prescribed by that fundamental law. We are convinced that the policy failures that have accompanied expanded central authority provide, in themselves, powerful testimony to the importance of limiting the federal government to those powers enumerated in the Constitution of the United States. To correct these failures and to secure a more favorable future for the nation, it is necessary that the powers expropriated by the federal government be returned to the states and to the people.

"*Section IV:*

"We therefore declare the following principles as necessary to the restoration of the sovereignty of the states and of the people, as required under the 10th Amendment of the Constitution of the United States:

"(1.) The federal government should be restored to the role assigned to it under the Constitution of the United States. The powers usurped from the states and from the people by the federal government should be returned in an expeditious and orderly manner. Mechanisms exist for interstate cooperation where necessary, such as interstate compacts and voluntary uniform standards.

"(2.) Constitutional clauses that have been the source of illegitimate federal expansion should be restored to their original meaning. Federal expansion has often been based upon unreasonably permissive interpretations of enumerated powers under the Constitution of the United States, especially the "commerce" clause.

"(3.) The federal government should not impose mandates, unfunded or funded, on the states or on their subordinate governments. The Constitution of the United States delineates federal responsibilities and reserves all other responsibilities to the states or to the people. Federal mandates on state or local governments are unnecessary and inappropriate.

"(4.) The federal government should be the exclusive financier of its programs. By partially funding federal programs, such as through matching grants, the federal government distorts the priorities of state and local governments, and establishes a democratic deficit that virtually disenfranchises state and local voters. The federal government has a legal obligation to fully fund its programs, and should neither require nor entice state or local governments to participate in the funding of federal programs.

"(5.) All federal government relationships with local governments should be through the states. All governments in the United States are the creation of the states, which are the creation of the people. One government, the federal government, was created in concert by the states. All other governments are the creation of, and subordinate to the states respectively. Direct federal government-local government relationships are inappropriate, except to the extent specifically authorized by the constitution or laws of a particular state.

"(6.) The federal government should not assign federal responsibilities to officers of state or local governments. Various federal laws designate state or local government officers to perform federal functions. The federal government should enlist state offices or departments to assist it in the performance of its duties only when specifically authorized by the constitution or laws of a particular state.

"(7.) The federal government's treaty making power should be limited to powers that are clearly within the federal scope of responsibility. The states have delegated treaty making powers only with respect to those areas of authority that have been delegated to the federal government.

"(8.) Congress should not act to displace state and local police power—and the courts should not permit such displacement—except where the Constitution authorizes. Congress has preempted entire areas of regulation that have traditionally been matters of state and local police power. In addition, the federal courts have improperly condoned these congressional assaults on local governance, under the doctrine of implied preemption, the so-called "dormant" commerce clause and other constitutional provisions.

"*Section V:*

"In support of these principles, we commit ourselves to the pursuit of such remedies as may be necessary to restore the sovereignty of the states and of the people, by:

"(1.) Legal actions to challenge the illegitimate exercise of federal power;

"(2.) Repeals of laws by which federal power has been illegitimately expanded;

"(3.) Such other actions as may be appropriate.

"2. That the Secretary of State of the State of Arizona transmit a certified copy of this Resolution to:

"(a) The President of the United States.

"(b) The President of the United States Senate.

"(c) The Speaker of the United States House of Representatives.

"(d) Each Member of the Congress of the United States.

"(e) The presiding officer of each legislative house of each other state in the United States."

POM-151. A concurrent resolution adopted by the House of the Legislature of the State of Hawaii; to the Committee on the Judiciary.

"HOUSE CONCURRENT RESOLUTION

"Whereas, the Omnibus Budget Reconciliation Act of 1993 signed into law by President Clinton on August 10, 1993, included the largest tax increase in history: $115 billion in new taxes and a forty-seven percent increase in income tax rates; and

"Whereas, the income, estate, and gift tax components of the tax increase were retroactive, taking effect on January 1, 1993; and

"Whereas, Treasury Secretary Bentsen has declared that more than one and one-quarter million small businesses will be subject to retroactive taxation despite the administration's claim that the tax increase "only affected the rich"; and

"Whereas, the retroactivity of the Omnibus Budget Reconciliation Act of 1993 is unprecedented in that it became effective during a previous administration—before President Clinton or the 103rd Congress even took office; and

"Whereas, the passage of the bill resulted in loud public outcry against retroactive taxation; and

"Whereas, retroactive taxation places an unfair and intolerable burden on the American taxpayer; and

"Whereas, retroactive taxation is wrong, it is bad policy, and it is a reprehensible action on the part of the government: Now, Therefore, be it

"*Resolved by the House of Representatives of the Eighteenth Legislature of the State of Hawaii, Regular Session of 1995, the Senate concurring,* That the Legislature of the State of Hawaii memorialize the Congress of the United States to propose and submit to the several states an amendment to the Constitution of the United States that would provide that no federal tax shall be imposed for the period before the date of the enactment of the retroactive tax; and be it further

"*Resolved,* That certified copies of this Concurrent Resolution be transmitted to the President of the United States, the Secretary of the United States Senate, the Clerk of the United States House of Representatives, Hawaii's Congressional delegation, the Speaker of the House of Representatives, and the Senate President."

POM-152. A resolution adopted by the Senate of the Legislature of the State of Hawaii; to the Committee on the Judiciary.

"SENATE RESOLUTION

"Whereas, the flag of the United States is the ultimate symbol of our country and it is the unique fiber that holds together a diverse and different people into a nation we call America and the United States; and

"Whereas, as of May 1994, 46 states, representing more than ninety percent of our national population, have adopted similar acts urging Congress to protect the American flag from physical desecration; and

"Whereas, although the right of free expression is part of the foundation of the United States Constitution, very carefully drawn limits on expression in specific instances have long been recognized as an appropriate means of maintaining public safety and decency, as well as orderliness and a productive value of public debate; and

"Whereas, certain actions, although arguably related to one person's free expression, nevertheless raise issues concerning public decency, public peace, and the rights of other citizens; and

"Whereas, there are symbols of our national heritage such as the Washington Monument, the United States Capitol Building, and memorials to our greatest leaders, which are the property of every American and are therefore worthy of protection from desecration and dishonor; and

"Whereas, the American Flag is a most honorable and worthy banner of a nation which is thankful for its strengths and committed to overcoming its weaknesses; and

"Whereas, the American flag remains a symbol for the destination of millions of immigrants attracted to the the American ideal; and

"Whereas, the law as interpreted by the United States Supreme Court no longer accords the reverence, respect, and dignity befitting the banner of the United States, that most noble experiment of a nation-state: Now, Therefore, be it

"*RESOLVED by the Senate of the Eighteenth Legislature of the State of Hawaii, Regular Session of 1995*, that this body respectfully urges the President of the United States and the United States Congress to join in a concerted effort in amending the United States Constitution to prohibit the physical desecration of the United States Flag; and be it further

"*Resolved* That certified copies of this Resolution be transmitted to the President of the United States, the Secretary of the United States Senate, the Clerk of the United States House of Representatives, and each member of the Hawaii congressional delegation.

POM-153. A joint resolution adopted by the Legislature of the State of Illinois; to the Committee on the Judiciary.

"HOUSE JOINT RESOLUTION NO. 8

"Whereas, the United States Congress will be considering a resolution to propose an amendment to the United States Constitution providing for a balanced budget: and

"Whereas, federal budget deficits are fiscally irresponsible and will place an onerous burden on future generations of Americans and erode our Nation's standard of living; and

"Whereas, the federal government, unfettered by a requirement to balance its budget, often spends the taxpayers' dollars indiscriminately; and

"Whereas, the federal government borrows extremely large amounts because of budget deficits: this borrowing diverts money that would otherwise be available for private investment and consumption and will inevitably result in higher long-term interest rates; and

"Whereas, the costs of not acting are high and will get exponentially higher the longer hesitation continues; mandatory spending and interest expense will continue to squeeze out all discretionary spending; therefore, even if the amendment is not adopted, states will face many pressures to assume the federal role in domestic programs; the balanced budget amendment will create a foundation for long-term stability, rather than allowing the deficit slowly to erode federal discretionary programs and undermine the American economy; and

"Whereas, a balanced budget amendment to the United States Constitution will impose the discipline and responsibility that Congress must exercise in order to assure the vitality of our economy and our Nation; and

"Whereas, the amendment will give Congress and the President time to eliminate the deficit, avoiding the sudden shock that opponents fear could throw the economy into recession; and

"Whereas, it is in the best interests of the People of the State of Illinois that a balanced budget to the Constitution of the United States be adopted: Therefore, be it

Resolved by the House of Representatives of the eighty-ninth General Assembly of the State of Illinois, the Senate concurring herein. That we urge the United States Congress to immediately adopt a resolution proposing a balanced budget amendment to the Constitution of the United States of America; and be it further

"*Resolved*, That a copy of this resolution be delivered to the President pro tempore of the United States Senate, the Speaker of the United States House of Representatives, and each member of the Illinois congressional delegation."

POM-154. A resolution adopted by the Senate of the Legislature of the State of Iowa; to the Committee on the Judiciary.

"SENATE RESOLUTION NO. 8

"Whereas, the 50 states, including the State of Iowa, have long been required by their state constitutions to balance their state operating budgets; and

"Whereas, the states have balanced their state operating budgets by making difficult choices each budget session to ensure that their expenditures do not exceed their revenues;

"Whereas, without a balanced federal budget, the federal deficit may continue to grow and continue to have serious negative impact on interest rates, available credit for consumers, and taxpayer obligations; and

"Whereas, the Congress of the United States, in the last two years, has begun to reduce the annual federal deficit by making substantial reductions in federal spending; and

"Whereas, achieving a balanced federal budget by the year 2002 will require continued reductions in the annual deficit, averaging almost 15 percent per year over the next seven years; and

"Whereas, it now appears that Congress, by passing a balanced budget amendment to the United States Constitution, is willing to impose on itself the same budgetary discipline exhibited by the states; and

"Whereas, Congress, in working to balance the federal budget, may impose on the states unfunded mandates that shift to the states responsibility for carrying out programs that Congress can no longer afford; and

"Whereas, the states will better be able to revise their state budgets if Congress gives them fair warning of the revisions Congress will be making in the federal budget; and

"Whereas, if the federal budget is to be brought into balance by the year 2002, major reductions in the annual federal deficit must continue unabated; and

"Whereas, these major reductions will be more acceptable to the states and to the people of the United States if they are shown to be part of a realistic long-term plan to balance the federal budget: Now Therefore, be it

"*Resolved by the Senate*, That it urges the Congress of the United States to continue its progress in reducing the annual federal deficit and, when Congress proposes to the states a balanced budget amendment, to accompany it with financial information on its impact on the budget of the State of Iowa for state budget planning purposes.

"*Be it further resolved*, That the Secretary of the Senate send copies of this Resolution to the Clerk of the United States House of Representatives and the Secretary of the United States Senate, to all members of Iowa's congressional delegation, and to the presiding officers of both houses of the legislature of each of the other states."

POM-155. A resolution adopted by the House of the Legislature of the Commonwealth of Massachusetts; to the Committee on the Judiciary.

"RESOLUTION

"Whereas, the travel agent industry employs a substantial number of full and part-time travel agents in the commonwealth who derive almost one-third of their earnings from the traditional ten percent commission on airline ticket sales; and

"Whereas, virtually every major airline has proposed the imposition of a cap on these sales commissions, such that airlines will pay no more than twenty-five dollars on one-way domestic tickets and fifty dollars for round-trip tickets instead of the current commission of ten percent of the cost of the ticket; and

"Whereas, the imposition of such a cap would devastate the travel agent industry, resulting in the loss of thousands of jobs held primarily by women and single parents, and adding to the unemployment in the commonwealth; and

"Whereas, the job loss would have a negative impact on the State budget, resulting in a decrease in formerly collected income taxes and an increase in state unemployment compensation expenditures; and

"Whereas, the proposed cap would also harm the travelling public which would become a captive customer of the airline industry, and would no longer be able to rely on knowledgeable travel agents to guide it through the maze of travel-related information and provide the most cost-effective travel recommendations; and

"Whereas, it has not yet been determined whether the airline industry's lockstep approach to cost savings through the imposition of the commission cap constitutes a violation of antitrust law: Therefore be it

"*Resolved*, That the Massachusetts House of Representatives respectfully urges the Attorney General of the United States to conduct an investigation to determine if the airlines' imposition of a cap on the sales commissions of travel agents constitutes a violation of federal antitrust law; and respectfully requests the Congress of the United States to enact legislation prohibiting the imposition of commission caps until the Attorney General has completed her investigation; and be it further

"*Resolved*, That copies of these resolutions be forwarded by the clerk of the House of Representatives to the Attorney General of the United States, the Majority Leader of the United States Senate, the Speaker of the House of Representatives, and every member of Congress elected from the commonwealth.

POM-156. A concurrent resolution adopted by the legislature of the state of Michigan; to the Committee on the Judiciary.

"HOUSE CONCURRENT RESOLUTION NO. 13

"Whereas, the effectiveness of the item veto is readily apparent if one examines the success of such a power at the state level. States are often referred to as laboratories where innovative programs may be tested before use at the federal level, yet we fail to act on the obvious advantages of the line item veto demonstrated in the states. Forty-two states and five major overseas possessions of the United States grant their executive branch some form of line item veto power. Some require simple majorities of the legislature to override, others require a three-fifths majority, while still others, including Michigan, require a two-thirds majority; and

"Whereas, clearly, such a power has not prevented state legislatures from exercising their authority to enact legislation and to appropriate money. Instead, it has proven to be an indispensable tool to bring spending into line with available resources. Congress should, in a demonstration of its unswerving determination to reform our budget process, take action to grant the President of the United States line item veto authority; now, therefore, be it

"*Resolved by the House of Representatives, the Senate concurring*, That we hereby memorialize the United States Congress to take action to grant the President line item veto authority; and be it further

"*Resolved*, That a copy of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation as a symbol of our support for such action."

POM–157. A joint resolution adopted by the Legislature of the State of Montana; to the Committee on the Judiciary.

"JOINT RESOLUTION

"Whereas, under Article III, section 1, of the United States Constitution, the Congress of the United States has plenary power to ordain and establish the federal courts below the Supreme Court level; and

"Whereas, in 1988, the 100th Congress created the Federal Courts Study Committee as an ad hoc committee within the Judicial Conference of the United States to examine the problems facing the federal courts and to develop a long-term plan for the Judiciary; and

"Whereas, the Study Committee found that the federal appellate courts are faced with a crisis of volume that will continue into the future and that the structure of these courts will require some fundamental changes; and

"Whereas, the Study Committee did not endorse any one solution but served only to draw attention to the serious problems of the courts of appeals; and

"Whereas, the Study Committee recommended that fundamental structural alternatives deserve the careful attention of Congress and of the courts, bar associations, and scholars over the next 5 years; and

"Whereas, the problems of the circuit court system and the alternative for revising the system represent a policy choice that requires Congress to weigh costs and benefits and to seek the solution that best serves the judicial needs of the nation; and

"Whereas, there are 13 judicial circuits of the United States courts of appeals; and

"Whereas, Montana is in the Ninth Circuit, which consists of Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, Oregon, Washington, Guam, and the Northern Mariana Islands; and

"Whereas, in 1980, it was estimated that the Ninth Circuit: covers nine states and two territories, totaling approximately 14 million square miles; serves a population of almost 44 million people, 15 million more than the next largest circuit court and about 20 million more than all other courts of appeals; has 28 judges, 12 more than the next largest circuit court and 16 more than the average circuit court; and has a caseload of more than 6,000 appeals, 2,000 larger than the next largest court of appeals and nearly one-sixth of the total appeals in all the 12 regional courts of appeals; and

"Whereas, projections are that at the current rate of growth, the Ninth Circuit's 1980 docket of cases will double before the year 2000; and

"Whereas, statistics reveal that, because of the number of judges in the Ninth Circuit, there are numerous opportunities for conflicting holdings—one legal scholar has estimated that on a 28-judge court there are over 3,000 combinations of panels that may decide an issue, without counting senior judges, district judges, and judges sitting by designation; and

"Whereas, legal scholars have suggested that because the United States Supreme Court reviews less than 1% of appellate decisions, the concept of regional stare decisis, or adherence to decided cases, results, in effect, in each court of appeals becoming a junior supreme court with final decision power over all issues of federal law in each circuit (unless and until reviewed by the Supreme Court); and

"Whereas, the Ninth Circuit has been described as an experiment in judicial administration and a laboratory in which to test whether the values of a large circuit can be preserved; and

"Whereas, some legal scholars have opposed its division on the grounds that to divide the Ninth Circuit would be to loose the benefit of an experiment in judicial administration that has not yet run its course; and

"Whereas, the problems of the Ninth Circuit are immediate and growing and maintaining the court in its present state is a disservice to the citizens of Montana and other Ninth Circuit states and territories; and

"Whereas, it is generally understood that an essential element of a federal appellate system must include guaranteeing regionalized and decentralized review when regional concerns are strongest; and

"Whereas, because of the problems of the Ninth Circuit related to its dimensions of geography, population, judgeships, docket, and costs, it is desirable for the Northwest states to be placed in a separate circuit, consisting mainly of contiguous states with common interests; and

"Whereas, the existing circuit boundary lines have been called arbitrary products of history; and

"Whereas, Congress has at least twice divided circuits: in 1929, to separate the new Tenth Circuit from the Eighth Circuit, and in 1981, to separate the new Eleventh Circuit from the Fifth Circuit; and

"Whereas, Congress, in 1989, considered and is expected, in 1995, to again consider a bill to divide the Ninth Judicial Circuit of the United States Court of Appeals into two circuits—a new Ninth Circuit, composed of Arizona, California, and Nevada, and a new Twelfth Circuit, composed of Alaska, Hawaii, Idaho, Montana, Oregon, Washington, Guam, and the Northern Mariana Islands; and

"Whereas, it is the proper function of Congress to determine circuit boundaries and it is desirable that Montana be included in a regional circuit that will allow relief for its citizens from the problems occasioned by its inclusion in the present Ninth Circuit: Now, therefore, be it

"*Resolved by the Senate and the House of Representatives of the State of Montana:* That the Legislature of the State of Montana urge Congress to turn its thoughtful attention to the passage of legislation that will split the existing Ninth Judicial Circuit of the United States Court of Appeals into two circuits and that will include Montana in a circuit composed in large part of other Northwest states with similar regional interests, Be it further

"*Resolved*, That the President of the United States be urged to place a Montana judge on the federal circuit court for Montana, Be it further

Resolved, That Congress grant this relief and pass this legislation immediately, regardless of considerations of long-term changes to the appellate system in general, Be it further

"*Resolved*, That the Secretary of State send copies of this resolution to the Secretary of the United States Senate, the Clerk of the United States House of Representatives, the President of the United States, and the members of Montana's Congressional Delegation."

POM–158. A joint resolution adopted by the Legislature of the State of Montana; to the Committee on the Judiciary.

"JOINT RESOLUTION

"Whereas, at year end 1993, 34 states and the federal prison system held 2,716 prisoners under sentence of death; and

"Whereas, in capital cases it has been estimated that the average length of time from commission of the crime to execution of the sentence was 8 years, 2 months; and

"Whereas, justice delayed is justice denied; and

"Whereas, the delay and small number of executions associated with capital cases indicates that the present system of collateral review operates to frustrate the capital punishment laws of the states; and

"Whereas, capital litigation is often chaotic, with periodic inactivity and last-minute frenzied activity and rescheduling of execution dates; and

"Whereas, this chaotic nature of capital litigation diminishes public confidence in the criminal justice system; and

"Whereas, reform of the appellate review process in capital cases would reduce the cost of death penalty cases by reducing the number and length of appeals proceedings; and

"Whereas, reforms to the appellate review process, such as allowing federal habeas corpus petitions to be filed for only a 6-month period following final decision by a state court and restricting the filing of second or successive federal habeas corpus petitions, would provide an orderly postconviction process with the opportunity for fair and effective review: Now, therefore, be it

"*Resolved by the Senate and the House of Representatives of the State of Montana:*

"(1) That the Senate and the House of Representatives of the United States be encouraged to enact meaningful reforms to limit successive appeals in death penalty cases.

"(2) That such reforms include allowing federal habeas corpus petitions to be filed for only a 6-month period following the date on which the conviction becomes final and imposing restrictions on the filing of second or successive federal habeas corpus petitions.

"(3) That a copy of this resolution be sent to the presiding officers of the United States and House of Representatives and to the members of the Montana Congressional Delegation."

POM–159. A joint resolution adopted by the Assembly of the State of Nevada; to the Committee on the Judiciary.

"ASSEMBLY JOINT RESOLUTION NO. 15

"Whereas, the use, possession and distribution of unlawfully obtained controlled substances continues to be a problem of paramount concern in the United States; and

"Whereas, because studies estimate that 10 times more Americans use alcohol and five times more Americans use tobacco than persons who use illicit drugs, and because the permissive and subsequently increased use of controlled substances to countries such as Italy and the Netherlands indicates that the use of controlled substances increases when laws regulating their use are nonexistent or are only passively enforced, it could be concluded that the legalization of the use, possession and distribution of unlawfully obtained controlled substances would lead to a proportionate increase in their use in the United States; and

"Whereas, many violent crimes, including domestic violence, are committed while the offenders are under the influence of an illegally obtained controlled substance; and

"Whereas, the legalization of the use, possession and distribution of unlawfully obtained controlled substances may consequently increase the number of violent crimes committed in the United States; and

"Whereas, the illegal use of controlled substances may create a direct impact upon the cost of health care associated with drug abuse, thereby dramatically increasing the cost of that care; and

"Whereas, the increased usage that would result from the legalization of the use, possession and distribution of unlawfully obtained controlled substances and its possible resulting increase in the cost of health care would also directly impact and adversely affect economic productivity in the United States; Now therefore, be it

"*Resolved by the assembly and Senate of the State of Nevada, jointly*, That the Nevada Legislature hereby urges the Congress and the President of the United States to oppose the legalization of the use, possession and distribution of unlawfully obtained controlled substances in the United States; and be it further

"*Resolved*, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the President of the United States, the Vice President of the United States as presiding officer of the Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegation; and be it further

"*Resolved* That this resolution becomes effective upon passage and approval."

POM-160. A joint resolution adopted by the Assembly of the State of Nevada; to the Committee on the Judiciary.

"ASSEMBLY JOINT RESOLUTION NO. 1

"Whereas, the text of the Tahoe Regional Planning Compact is set forth in full in NRS 277.200; and

"Whereas, the compact was amended by the State of California and the amendments were adopted by the Nevada Legislature in 1987; and

"Whereas, the amendments become effective upon their approval by the Congress of the United States; and

"Whereas, the amendments would authorize certain members of the California and Nevada delegations which constitute the governing body of the Tahoe Regional Planning Agency to appoint alternates to attend meetings and vote in the absence of the appointed members, alter the selection process of the Nevada delegation and further expand the powers of the Tahoe Transportation District; and

"Whereas, the compact was enacted to achieve regional goals in conserving the natural resources of the entire Lake Tahoe Basin and the amendments are consistent with this objective: Now, therefore, be it

"*Resolved by the Assembly and the Senate of the State of Nevada, jointly*, That the Legislature of the State of Nevada hereby urges the Congress of the United States to expedite ratification of the amendments to the Tahoe Regional Planning Compact made by the State of California and adopted by the Nevada Legislature in 1987; and be it further

"*Resolved*, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the Vice President of the United States as presiding officer of the Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegation; and be it further

"*Resolved*, That this resolution becomes effective upon passage and approval."

POM-161. A resolution adopted by the Legislature of the State of Tennessee; to the Committee on the Judiciary.

"RESOLUTION

"Whereas, one of the most trustworthy indicators of the health, strength and progress of a nation is the esteem in which the family is held; and

"Whereas, family strength, unity and respect cannot be purchased or fabricated, but comes to us instead when families are together and realize that through interaction they know love, trust and hope; and

"Whereas, life is special when we realize the worth of the family and its importance in all relationships; and

"Whereas, the family is the center of our affections and the foundation of our American society; and

"Whereas, no institution can take the family's place in giving meaning to human life and stability in our society; and

"Whereas, it is fitting that official recognition be given to the importance of strengthening family life: Now, therefore, be it

"*Resolved by the Senate of the ninety-ninth General Assembly of the State of Tennessee, the House of Representatives concurring*, That this General Assembly hereby memorializes the U.S. Congress to enact legislation establishing the last Sunday of August of each year as a day of national observance to be known as "Family Day" in order to focus attention and to confer honor upon the importance of the American family as the cornerstone of our society, be it further

"*Resolved*, That the Chief Clerk of the Senate is directed to transmit enrolled copies of this resolution to the Honorable Bill Clinton, President of the United States, the Honorable Al Gore, Vice President of the United States, and to each member of the Tennessee delegation to the U.S. Congress."

POM-162. A joint resolution adopted by the Legislature of the State of Tennessee; to the Committee on the Judiciary.

"SENATE JOINT RESOLUTION NO. 97

"Whereas, one of the most trustworthy indicators of the health, strength and progress of a nation is the esteem in which the family is held; and

"Whereas, family strength, unity and respect cannot be purchased or fabricated, but comes to us instead when families are together and realize that through interaction they know love, trust and hope; and

"Whereas, life is special when we realize the worth of the family and its importance in all relationships; and

"Whereas, the family is the center of our affections and the foundation of our American society; and

"Whereas, no institution can take the family's place in giving meaning to human life and stability in our society; and

"Whereas, it is fitting that official recognition be given to the importance of strengthening family life: Now, therefore, be it

"*Resolved by the Senate of the ninety-ninth General Assembly of the State of Tennessee, the House of Representatives concurring*, That this General Assembly hereby memorializes the U.S. Congress to enact legislation establishing the last Sunday of August of each year as a day of national observance to be known as "Family Day" in order to focus attention and to confer honor upon the importance of the American family as the cornerstone of our society, be it further

"*Resolved*, That the Chief Clerk of the Senate is directed to transmit enrolled copies of this resolution to the Honorable Bill Clinton, President of the United States, the Honorable Al Gore, Vice President of the United States, and to each member of the Tennessee delegation to the U.S. Congress."

POM-163. A concurrent resolution adopted by the Legislature of the State of Texas; to the Committee on the Judiciary.

"SENATE CONCURRENT RESOLUTION

"Whereas, the United States flag belongs to all Americans and ought not be desecrated by any one individual, even under principles of free expression, any more than we would allow desecration of the Declaration of Independence, Statue of Liberty, Lincoln Memorial, Yellowstone National Park, or any other common inheritance which the people of this land hold dear; and

"Whereas, the United States Supreme Court, in contravention of this postulate, has by a narrow decision held to be a First Amendment freedom the license to destroy in protest this cherished symbol of our national heritage; and

"Whereas, whatever legal arguments may be offered to support this contention, the incineration or other mutilation of the flag of the United States of America is repugnant to all those who have saluted it, paraded beneath it on the Fourth of July, been saluted by its half-mast configuration, or raised it inspirationally in remote corners of the globe where they have defended the ideals of which it is representative; and

"Whereas, the members of the Legislature of the State of Texas, while respectful of dissenting political views, themselves dissent forcefully from the court decision, echoing the beliefs of all patriotic Americans that this flag is OUR flag and not a private property subject to a private prerogative to main or despoil in the passion of individual protest; and

"Whereas, as stated by Chief Justice William Rehnquist, writing for three of the four justices who comprised the minority in the case, "Surely one of the high purposes of a democratic society is to legislate against conduct that is regarded as evil and profoundly offensive to the majority of people—whether it be murder, embezzlement, pollution, or flag burning"; and

"Whereas, this legislature concurs with the court minority that the Stars and Stripes is deserving of a unique sanctity, free to wave in perpetuity over the spacious skies where our bald eagles fly, the fruited plain above which our mountain majesties soar, and the venerable heights to which our melting pot of peoples and their posterity aspire. Now, therefore, be it

"*Resolved*, That the 74th Legislature of the State of Texas hereby petition the Congress of the United States of America to propose to the states an amendment to the United States Constitution, protecting the American flag and 50 state flags from wilful desecration and exempting such desecration from constitutional construction as a First Amendment right; and, be it further

"*Resolved*, That official copies of this resolution be prepared and forwarded by the Texas secretary of state to the speaker of the home of representatives and president of the senate of the United States Congress and to all members of the Texas delegation to that congress, with the request that it be officially entered in the Congressional Record as a memorial to the Congress of the United States; and, be it further

"*Resolved*, That a copy of the resolution be prepared and forwarded also to President Bill Clinton, asking that he lend his support to the proposal and adoption of a flag-protection constitutional amendment; and, be it finally

"*Resolved*, That official copies likewise be sent to the presiding officers of the legislatures of the several states, inviting them to join with Texas to secure this amendment and to restore this nation's banners to their rightful status of treasured reverence."

POM–164. A joint resolution adopted by the Legislature of the State of Washington; to the Committee on the Judiciary.

"SENATE JOINT MEMORIAL 8006

"Whereas, although the right of free expression is part of the foundation of the United States Constitution, very carefully drawn limits on expression in specific instances have long been recognized as legitimate means of maintaining public safety and decency, as well as orderliness and productive value of public debate; and

"Whereas, certain actions, although arguably related to one person's free expression, nevertheless raise issues concerning public decency, public peace, and the rights of expression and sacred values of others; and

"Whereas, there are symbols of our national soul such as the Washington Monument, the United States Capitol Building, and memorials to our greatest leaders, which are the property of every American and are therefore worthy of protection from desecration and dishonor; and

"Whereas, the American Flag to this day is a most honorable and worthy banner of a nation that is thankful for its strengths and committed to curing its faults, and remains the destination of millions of immigrants attracted by the universal power of the American ideal; and

"Whereas, the law as interpreted by the United States Supreme Court no longer accords to the Stars and Stripes that reverence, respect, and dignity befitting the banner of that most noble experiment of a nation-state; and

"Whereas, it is only fitting that people everywhere should lend their voices to a forceful call for a restoration of the Stars and Stripes to a proper station under law and decency: Now, Therefore, Your Memorialists respectfully pray that the Congress of the United States propose an amendment of the United States Constitution, for ratification by the states, specifying that Congress and the states shall have the power to prohibit the physical desecration of the flag of the United States; be it "*Resolved*, That certified copies of this Memorial be immediately transmitted by the Secretary of State to the President and the Secretary of the United States Senate, to the Speaker and the Clerk of the United States House of Representatives, and to each Member of this state's delegation to the Congress."

POM–165. A joint resolution adopted by the Legislature of the State of Washington; to the Committee on the Judiciary.

"SENATE JOINT MEMORIAL 8010

"Be it resolved, That the Legislature of the State of Washington, pursuant to Article V of the United States Constitution, hereby postratifies an amendment to that document proposed by the very first Congress of the United States, sitting in the City of New York on September 25, 1789, which amendment reads as follows:

"AMENDMENT XXVII

"No law, varying the compensation for the services of the [United States] Senators and [United States] Representatives, shall take effect, until an election of [United States] Representatives shall have intervened."; and

"That, the Legislature of the State of Washington acknowledges that the constitutional amendment in question has received the approval of the legislatures of the following states on the dates indicated:

"Maryland on December 19, 1789 (138 Cong. Rec. S6831-2);

"North Carolina, first, on December 22, 1789 (138 Cong. Rec. S6832–3); and then a second time on June 30, 1989 (139 Cong. Rec. S22);

"South Carolina on January 19, 1790 (138 Cong. Rec. S6833);

"Delaware on January 28, 1790 (138 Cong. Rec. S6833–4);

"Vermont on November 3, 1791 (138 Cong. Rec. S6834);

"Virginia on December 15, 1791 (138 Cong. Rec. S6834–5);

"Ohio on May 6, 1873 (138 Cong. Rec. S6835–6);

"Wyoming on March 3, 1978 (124 Cong. Rec. 7910, 8265–6; 133 Cong. Rec. 25418–9; 138 Cong. Rec. S6836);

"Maine on April 27, 1983 (130 Cong. Rec. 24320, 25007–; 138 Cong. Rec. S6836–7);

"Colorado on April 18, 1984 (131 Cong. Rec. 36505; 132 Cong. Rec. 22146; 138 Cong. Rec. S6837);

"South Dakota on February 21, 1985 (131 Cong. Rec. 4299, 5815; 138 Cong. Rec. S6837);

"New Hampshire on March 7, 1985 (131 Cong. Rec. 5987, 6689; 138 Cong. Rec. S6837);

"Arizona on April 3, 1985 (131 Cong. Rec. 8057; 9443; 138 Cong. Rec. S6838);

"Tennessee on May 23, 1985 (131 Cong. Rec. 21277, 22264, 27963; 138 Cong. Rec. S6838);

"Oklahoma on July 10, 1985 (131 Cong. Rec. 22898, 27963–4; 138 Cong. Rec. S6114–5, S6506, S6838);

"New Mexico on February 13, 1986 (132 Cong. Rec. 3649, 3956–7; 4077; 138 Cong. Rec. S6838);

"Indiana on February 19, 1986 (132 Cong. Rec. 6638, 8284; 138 Cong. Rec. S6839);

"Utah on February 25, 1986 (132 Cong. Rec. 12480, 13834–5; 133 Cong. Rec. 31424; 138 Cong. Rec. S6839);

"Arkansas on March 5, 1987 (134 Cong. Rec. 12562, 14023; 138 Cong. Rec. S6839);

"Montana on March 11, 1987 (133 Cong. Rec. 7428, 11618–9; 138 Cong. Rec. S6839–40);

"Connecticut on May 13, 1987 (133 Cong. Rec. 23571, 23648–9; 138 Cong. Rec. S6840);

"Wisconsin on June 30, 1987 (133 Cong. Rec. 23649, 24957, 25417, 26159–60; 138 Cong. Rec. S6840);

"Georgia on February 2, 1988 (134 Cong. Rec. 9155, 9525; 138 Cong. Rec. S6840);

"West Virginia on March 10, 1988 (134 Cong. Rec. 8569, 8752; 138 Cong. Rec. S6840-1);

"Louisiana on July 6, 1988 (134 Cong. Rec. 18470, 18760; 138 Cong. Rec. S6841);

"Iowa on February 7, 1989 (135 Cong. Rec. 5171, 5821; 138 Cong. Rec. S6841);

"Idaho on March 23, 1989 (135 Cong. Rec. 9140, 14572-3; 138 Cong. Rec. S.6842);

"Nevada on April 26, 1989 (135 Cong. Rec. 9996, 19926-7; 138 Cong. Rec. S6842);

"Alaska on May 5, 1989 (135 Cong. Rec. 14816, 19782; 138 Cong. Rec. S6842);

"Oregon on May 19, 1989 (135 Cong. Rec. 20442, 20519-20, 21589, 22413; 138 Cong. Rec. S6841);

"Minnesota on May 22, 1989 (135 Cong. Rec. 13623, 14147, 14475, 14573; 138 Cong. Rec. S6842-3);

"Texas on May 25, 1989 (135 Cong. Rec. 11818, 11900-1; 138 Cong. Rec. S6843);

"Kansas on April 5, 1990 (136 Cong. Rec. H1689, S9170, 12550-1; 138 Cong. Rec. S6843-4);

"Florida on May 31, 1990 (136 Cong. Rec. H5198, S10091; 138 Cong. Rec. S6844);

"North Dakota on March 25, 1991 (137 Cong. Rec. H2261, S10949; 138 Cong. Rec. S6844-5);

"Missouri during the a.m. hours of May 5, 1992 (138 Cong. Rec. H3924, S6845, S14974, E1532-3, E1634, E1651);

"Alabama during the p.m. hours of May 5, 1992 (138 Cong. Rec. H3729, H3739, S6845, S8387);

"Michigan during the a.m. hours of May 7, 1992 (138 Cong. Rec. H3093, S6845-6, S7026);

"New Jersey during the a.m. hours of May 7, 1992 (138 Cong. Rec. S6846);

"Illinois on May 12, 1992 (138 Cong. Rec. H3729, H3739, S6846, S8387-8);

"California on June 26, 1992 (138 Cong. Rec. H10100, S18271, E2237);

"Rhode Island on June 10, 1993 (139 Cong, Rec. H4681, S9981-2); and

"Hawaii on April 29, 1994 (140 Cong. Rec. H3791, S7956); and

"That, the Legislature of the State of Washington further acknowledges: That the constitutional amendment in question became Amendment XXVII to the United States Constitution during the a.m. hours of May 7, 1992, when the Legislature of the State of Michigan became the thirty-eighth state legislature to ratify it; that on May 18, 1992, the Archivist of the United States issued a proclamation published in the Federal Register concluding that the two hundred four-year-old proposal had, in fact, been incorporated into the United States Constitution; and that on May 20, 1992, both the United States Senate and the United States House of Representatives, by roll-call votes, adopted resolutions agreeing with the Archivist's conclusion; and

"That, while the Legislature of the State of Washington is quite aware of this constitutional amendment's success in already having become part of the United States Constitution, it is important that the stamp-of-approval of the State of Washington join the legislatures of the forty-three other states that have already given their assent to what is now Amendment XXVII, be it further

"*Resolved*, That copies of this Memorial be immediately transmitted to the Honorable Bill Clinton, President of the United States, the Archivist of the United States (pursuant to P.L. 98–497), the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington, with the request that this joint memorial's text be reprinted in its entirety in the Congressional Record."

POM–166. A joint resolution adopted by the Legislature of the State of Wyoming; to the Committee on the Judiciary.

"Whereas, for one hundred twenty-five (125) years the women of Wyoming have been granted the right to vote, the state of Wyoming being the first government in the world to grant women suffrage, thus earning the name Equality State for the people of Wyoming; and

"Whereas, on December 10, 1869, Wyoming's first Territorial Governor, John A. Campbell sighed a bill making Wyoming the first government to grant women the right to vote, a proud day in the struggle for equal rights, a milestone in the history of Wyoming and the history of the United States; and

"Whereas, Wyoming women held the privilege of voting for fifty (50) years before the 19th Amendment to the United States Constitution was ratified giving all women in the United States the right to vote; and

"Whereas, 1995 marks the 75th anniversary of the passage of the 19th Amendment to the United States Constitution which brought all women of the United States out of second class citizenship into full partnership politically and extended to them the right to vote, own property and be elected to office; and

"Whereas, women continue to work on issues of equality in areas including education, economy and health care.

Now, therefore, be it resolved by the members of the Legislature of the State of Wyoming:

"Section 1. That the State of Wyoming join citizens across the land in commemorating one hundred twenty-five (125) years of voting rights for Wyoming women and in celebrating the 75th anniversary of the 19th Amendment guaranteeing the right to vote to all women in the United States.

"Section 2. That the Secretary of State of Wyoming transmit copies of this resolution to the President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the United States Congress and to the Wyoming Congressional Delegation."

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. STEVENS:

S. 888. A bill to extend the authority of the Federal Communications Commission to use auctions for the allocation of radio spectrum frequencies for commercial use, to provide for private sector reimbursement of Federal governmental user costs to vacate commercially valuable spectrum, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. MURRAY:

S. 889. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Wolf Gang II*, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. KOHL (for himself, Mr. SPECTER, Mr. SIMON, Mrs. FEINSTEIN, Mr. BRADLEY, Mr. LAUTENBERG, Mr. CHAFEE, and Mr. KERREY):

S. 890. A bill to amend title 18, United States Code, with respect to gun free schools, and for other purposes; to the Committee on the Judiciary.

By Mrs. BOXER:

S. 891. A bill to require the Secretary of the Army to convey certain real property at Ford Ord, California, to the City of Seaside, California, in order to foster the economic development of the City, which has been adversely impacted by the closure of Fort Ord; to the Committee on Armed Services.

By Mr. GRASSLEY (for himself, Mr. DOLE, Mr. COATS, Mr. MCCONNELL, Mr. SHELBY, and Mr. NICKLES):

S. 892. A bill to amend section 1464 of title 18, United States Code, to punish transmission by computer of indecent material to minors; to the Committee on the Judiciary.

By Mr. SANTORUM:

S. 893. A bill to amend the Internal Revenue Code of 1986 to provide a credit for charitable contributions, and for other purposes; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. STEVENS:

S. 888. A bill to extend the authority of the Federal Communications Commission to use auctions for the allocation of radio spectrum frequencies for commercial use, to provide for private sector reimbursement of Federal governmental user costs to vacate commercially valuable spectrum, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE SPECTRUM AUCTION ACT OF 1995

Mr. STEVENS. Mr. President, I wish to send to the desk this morning a bill to extend the Federal Communications Commission's authority to use auctions to award radio spectrum licenses. I want to state to the Senate that for several Congresses, I had suggested spectrum auctions to deal with the problem of allocating this very valuable space in our airways. Congress did not pass those bills, but finally, in the last Congress, Congress did accept the amendment that I had offered. Since that time, the Federal Government has received over $9 billion in money that has been bid for the use of this spectrum which is allocated by the FCC.

I am introducing this bill now so that the Senate will be aware of it, because I intend to offer it as an amendment to the telecommunications bill when it is presented to the Senate. This bill will raise an estimated minimum amount of $4.5 billion over a 5-year period. It will be used to partially offset the cost of the telecommunications bill as computed by the Congressional Budget Office.

I might say on the bright side, the Congressional Budget Office has stated that enactment of the telecommunications bill will result in a $3 billion reduction in the payments, that are made by the private sector I might add, for universal service in this country. But there is still a remaining expenditure that will be made in the 7-year period of the budget that is before the Congress, and in order that that budget may remain in balance and still have us be able to enact the telecommunications bill, we are presenting amendments that will provide offsetting revenues on the Federal side.

It is a strange thing about this, Mr. President, because it is the private sector that makes the support payments under existing law and will continue to make smaller payments under the telecommunications bill as the Commerce Committee will present it. But there is no question that the CBO has decided it still has a budgetary impact as far as the economy is concerned, and, therefore, an offset is required.

I urge Senators to review this proposed bill, which, as I said, will become an amendment to be offered by me to the telecommunications bill when it is on the floor.

This bill has five sections. Section 1 is the short title, which is the "Spectrum Auction Act of 1995." Section 2 contains findings drawn from two NTIA reports, which state that the U.S. will need at least 180 megahertz of additional spectrum for cellular, PCS, and satellite services over the next 10 years, and that less than that amount will be available without the bill. Section 3 extends the FCC's auction authority from 1998 until 2002, and would allow the FCC to use auctions for all licenses except public safety radio services and new digital TV licenses. Section 4 of the bill allows federal agencies to accept reimbursement from private parties for the costs of relocating to new spectrum frequencies, so that the private sector can pay to move government stations off valuable frequencies; it also requires NTIA to move government stations if all costs are paid and the new frequency and facilities are comparable. Section 5 requires the Secretary of Commerce to submit a plan to reallocate three additional frequency bands that NTIA has identified for transfer from government to private use.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 888

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Spectrum Auction Act of 1995".

SEC. 2. FINDINGS.

The Congress finds that—

(1) the National Telecommunications and Information Administration of the Department of Commerce recently submitted to the Congress a report entitled "U.S. National Spectrum Requirements" as required by section 113 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923);

(2) based on the best available information the report concludes that an additional 179 megahertz of spectrum will be needed within the next ten years to meet the expected demand for land mobile and mobile satellite radio services such as cellular telephone service, paging services, personal communication services, and low earth orbiting satellite communications systems;

(3) a further 85 megahertz of additional spectrum, for a total of 264 megahertz, is needed if the United States is to fully implement the Intelligent Transportation System currently under development by the Department of Transportation;

(4) as required by Part B of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 921 et seq.) the Federal Government will transfer 235 megahertz of spectrum from exclusive government use to non-governmental or mixed governmental and non-governmental use between 1994 and 2004;

(5) the Spectrum Reallocation Final Report submitted to Congress by the National Telecommunications and Information Administration states that, of the 235 megahertz of spectrum identified for reallocation from governmental to non-governmental or mixed use—

(A) 50 megahertz has already been reallocated for exclusive non-governmental use,

(B) 45 megahertz will be reallocated in 1995 for both exclusive non-governmental and mixed governmental and non-governmental use,

(C) 25 megahertz will be reallocated in 1997 for exclusive non-governmental use,

(D) 70 megahertz will be reallocated in 1999 for both exclusive non-governmental and mixed governmental and non-governmental use, and

(E) the final 45 megahertz will be reallocated for mixed governmental and non-governmental use by 2004;

(6) the 165 megahertz of spectrum that are not yet reallocated, combined with 80 megahertz that the Federal Communications Commission is currently holding in reserve for emerging technologies, are less than the best estimates of projected spectrum needs in the United States;

(7) the authority of the Federal Communications Commission to assign radio spectrum frequencies using an auction process expires on September 30, 1998;

(8) a significant portion of the reallocated spectrum will not yet be assigned to non-governmental users before that authority expires;

(9) the transfer of Federal governmental users from certain valuable radio frequencies to other reserved frequencies could be expedited if Federal governmental users are permitted to accept reimbursement for reallocation costs from non-governmental users; and

(10) extension of the authority to use auctions and non-governmental reimbursement of Federal governmental users relocation costs would allow the market to determine the most efficient use of the available spectrum.

SEC. 3. EXTENSION AND EXPANSION OF AUCTION AUTHORITY.

Section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)) is amended—

(1) by striking paragraph (1) and inserting in lieu thereof the following:

"(1) GENERAL AUTHORITY.—If mutually exclusive applications or requests are accepted for any initial license or construction permit which will involve a use of the electromagnetic spectrum, then the Commission shall grant such license or permit to a qualified applicant through a system of competitive bidding that meets the requirements of this subsection. The competitive bidding authority granted by this subsection shall not apply to licenses or construction permits issued by the Commission for public safety radio services or for licenses or construction permits for new terrestrial digital television services assigned by the Commission to existing terrestrial broadcast licensees to replace their current television licenses.";

(2) by striking paragraph (2) and renumbering paragraphs (3) through (13) as (2) through (12), respectively; and

(3) by striking "1998" in paragraph (10), as renumbered, and inserting in lieu thereof "2002".

(3) by striking '1998" in paragraph (10), as renumbered, and inserting in lieu thereof "2002".

SEC. 4. REIMBURSEMENT OF FEDERAL RELOCATION COSTS.

Section 113 of the National Telecommunications and Information Administration Act (47 U.S.C. 923) is amended by adding at the end the following new subsections:

"(f) RELOCATION OF FEDERAL GOVERNMENT STATIONS.—

"(1) IN GENERAL.—In order to expedite the efficient use of the electromagnetic spectrum and notwithstanding section 3302(b) of title 31, United States Code, any Federal entity which operates a Federal Government station may accept reimbursement from any person for the costs incurred by such Federal entity for any modification, replacement, or reissuance of equipment, facilities, operating manuals, regulations, or other expenses incurred by that entity in relocating the operations of its Federal Government station or stations from one or more radio spectrum frequencies to any other frequency or frequencies. Any such reimbursement shall be deposited in the account of such Federal entity in the Treasury of the United States. Funds deposited according to this section shall be available, without appropriation or fiscal year limitation, only for the operations of the Federal entity for which such funds were deposited under this section.

"(2) PROCESS FOR RELOCATION.—Any person seeking to relocate a Federal Government station that has been assigned a frequency within a band allocated for mixed Federal and non-Federal use may submit a petition for such relocation to NTIA. The NTIA shall limit the Federal Government station's operating license to secondary status when the following requirements are met—

"(A) the person seeking relocation of the Federal Government station has guaranteed reimbursement through money or in-kind payment of all relocation costs incurred by the Federal entity, including all engineering, equipment, site acquisition and construction, and regulatory fee costs;

"(B) the person seeking relocation completes all activities necessary for implementing the relocation, including construction of replacement facilities (if necessary and appropriate) and identifying and obtaining on the Federal entity's behalf new frequencies for use by the relocated Federal Government station (where such station is not relocating to spectrum reserved exclusively for Federal use); and

"(C) any necessary replacement facilities, equipment modifications, or other changes have been implemented and tested to ensure that the Federal Government station is able to successfully accomplish its purposes.

"(3) RIGHT TO RECLAIM.—If within one year after the relocation the Federal Government station demonstrates to the Commission that the new facilities or spectrum are not comparable to the facilities or spectrum from which the Federal Government station was relocated, the person seeking such relocation must take reasonable steps to remedy any defects or reimburse the Federal entity for the costs of returning the Federal Government station to the spectrum from which such station was relocated.

"(g) FEDERAL ACTION TO EXPEDITE SPECTRUM TRANSFER.—Any Federal Government station which operates on electromagnetic spectrum that has been identified for reallocation for mixed Federal and non-Federal use in the Spectrum Reallocation Final Report shall, to the maximum extent practicable through the use of the authority granted under subsection (f) and any other applicable provision of law, take action to relocate its spectrum use to other frequencies that are reserved for Federal use or to consolidate its spectrum use with other Federal Government stations in a manner that maximizes the spectrum available for non-Federal use. Notwithstanding the timetable contained in the Spectrum Reallocation Final Report, the President shall seek to implement the reallocation of the 1710 to 1755 megahertz frequency band by January 1, 2000. Subsection (c)(4) of this section shall not apply to the extent that a non-Federal user seeks to relocate or relocates a Federal power agency under subsection (f).

"(h) DEFINITIONS.—For purposes of this section—

"(1) FEDERAL ENTITY.—The term 'Federal entity' means any Department, agency, or other element of the Federal government that utilizes radio frequency spectrum in the conduct of its authorized activities, including a Federal power agency.

"(2) SPECTRUM REALLOCATION FINAL REPORT.—The term 'Spectrum Reallocation Final Report' means the report submitted by the Secretary to the President and Congress in compliance with the requirements of subsection (a).".

SEC. 5. REALLOCATION OF ADDITIONAL SPECTRUM.

The Secretary of Commerce shall, within 9 months after the date of enactment of this Act, prepare and submit to the President and the Congress a report and timetable recommending the reallocation of the three frequency bands (225–400 megahertz, 3625–3650 megahertz, and 5850–5925 megahertz) that were discussed but not recommended for reallocation in the Spectrum Reallocation Final Report. The Secretary shall consult with the Federal Communications Commission and other Federal agencies in the preparation of the report, and shall provide notice and an opportunity for public comment before submitting the report and timetable required by this section.

By Mrs. MURRAY:

S. 889. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Wolf Gang II*, and for other purposes; to the Committee on Commerce, Science, and Transportation.

JONES ACT WAIVER FOR "WOLF GANG II"

• Mrs. MURRAY. Mr. President, I introduce legislation that grants a Jones Act waiver to the vessel *Wolf Gang II*. This vessel is owned by Robert L. Wolf, a Washington State resident who, after 30 years of service, retired in 1992 as a colonel in the U.S. Army.

After his retirement, Wolf decided to operate a charter boat business on Puget Sound and bought *Wolf Gang II*, a 1985 Bayliner 4518 motoryacht. Although Wolf can document the boat was built in the United States, he cannot verify all of the boat's previous owners were U.S. citizens. As a result, Wolf's boat fails to meet all of the requirements in the Merchant Marine Act, 1920, and he is unable to gain certification for coastwise trade.

I understand how frustrating this situation is for Mr. Wolf. He simply wants to run a charter boat business in the beautiful waters of Puget Sound, and he has waited 3 years for an exemption from the unintended consequences of the Jones Act. My bill addresses this complication and waives the Jones Act requirements so that Mr. Wolf can begin operating his charter business this year. I look forward to swift passage of this legislation, and I expect to see Barnacle Bob's Cruises operating soon.●

By Mr. KOHL (for himself, Mr. SPECTER, Mr. SIMON, Mrs. FEINSTEIN, Mr. BRADLEY, Mr. LAUTENBERG, Mr. CHAFEE, and Mr. KERREY):

S. 890. A bill to amend title 18, United States Code, with respect to gun free schools, and for other purposes; to the Committee on the Judiciary.

THE GUN-FREE SCHOOL ZONES ACT OF 1995

Mr. KOHL. Mr. President, with my colleagues Senators SPECTER, SIMON, FEINSTEIN, BRADLEY, LAUTENBERG, CHAFEE, and KERREY, we rise today to introduce the Gun-Free School Zones Act of 1995. This common-sense measure, which replaces the original Gun Free School Zones Act, is needed to send a strong message to teachers, State law enforcement officers, and State prosecutors: The Federal Government stands behind you and will support you in getting guns out of our school grounds.

Let me begin by reminding you that the original version of this bill passed by unanimous consent in 1990. The measure was kept in conference where any one Member's objection could have struck the bill. That conference was attended by the senior members of the Judiciary Committee, among them Senators BIDEN, HATCH, THURMOND, SIMPSON, and KENNEDY. It was signed into law by then-President Bush. It is a measure that was supported by all of us. And we should continue to support it.

But in April, a sharply divided Supreme Court struck down the original Gun-Free School Zones Act in the case of United States versus Lopez. It did so on the grounds that the commerce clause of the Constitution did not support the act. As long as we can address the Supreme Court's concerns, there is no reason why the decision should alter the support this bill had in 1990.

The original act made it a Federal crime to knowingly bring a gun within 1,000 feet of a school or to fire a gun in these zones, with carefully crafted exceptions. The Gun-Free School Zones Act of 1995 does exactly what the old act did. However, it adds a requirement that the prosecutor prove as part of each prosecution that the gun moved in or affected interstate or foreign commerce.

That is the only change to the legislative language of the original bill. The only change. We place only a minor burden on prosecutors while simply and plainly assuring the constitutionality of the act.

The goal of this bill is simple: to heed the Supreme Court's decision regarding Federal power and yet to continue the fight against school violence. The Lopez decision cannot be used as an excuse for complacency.

Mr. President, this bill is a practical approach to the national epidemic of gun violence plaguing our education system. In 1990, the Centers For Disease Control found that 1 in 20 students carried a gun in a 30-day period. Three years later, it was 1 in 12. Even worse, the National Education Association estimates that 100,000 kids bring guns to school every day. How can Congress turn its back on our children when their safety is being threatened on a daily basis?

My home State, Wisconsin, is not immune to this wave of violence. According to Gerald Mourning, the former director of school safety for Milwaukee, "[K]ids who did their fighting with their fists, and perhaps knives, are now settling their arguments with guns." In the 1993–94 school year half of the students expelled from the Milwaukee Public Schools were thrown out for bringing a gun to school. In Dane County, WI, the number of juvenile weapons offenses tripled—from 75 in 1989 to 220 in 1993.

The Gun-Free School Zones Act of 1995 is a simple, straightforward, effective and construction approach to this problem. In the Lopez decision, the Supreme Court held that the original act exceeded Congress' commerce clause power because it did not adequately tie guns found in school zones to interstate commerce. Much as I disagree with the 5 to 4 decision and strongly agree with the dissenters—Justices Souter, Stevens, Breyer, and Ginsburg—our new legislation will clearly pass muster under the majority's Lopez test. By requiring that the prosecutor prove that the gun brought to school "moved in or affected interstate commerce," the act is a clear exercise of Congress' unquestioned power to regulate interstate activities. In fact, the Lopez decision itself suggested that requiring an explicit connection between the gun and interstate commerce in each prosecution would assure the constitutionality of the act.

Mr. President, there is no doubt that the guns brought to schools are part of a interstate problem. After all, almost every gun is made with raw material from one State, assembled in a second State, and transported to the school yards of yet another State. One 14-year-old in a Madison, WI, gang told the Wisconsin State Journal that the older leaders of his gang brought carloads of guns from Chicago to Madison to pass out to the younger gang members to take to school. In short, this act regulates a national, interstate problem. Numerous Supreme Court cases have upheld similar regulations.

When the act was first passed, less than a dozen States had laws dealing with guns on school grounds. Now, more than 40 have such legislation. Our original Federal law served as an example and a spur to these State laws, and all of us in Congress should be proud of that. Their presence, however, does not eradicate the need for a Federal law.

In light of these State laws, a few of my colleagues have asked me why we need a Federal statute. The answer is simple. Some States still do not have State Gun-Free School Zones Acts; others simply have laws that supplement the Federal statute; still more have laws that are weaker than the Federal law. Alabama, for example, only prohibits bringing a gun to a public school with the intent to cause bodily harm. That means you can bring a gun to school, frighten and disrupt everyone, but still get off because you did not intend to cause injury. And in Alabama you can bring a gun to private school without any worries. That is unacceptable. With a Federal law, we can fill in these loopholes. And where there are not State laws, we can fill in the even larger gaps. In short, the Gun-Free School Zones Act gives prosecutors the flexibility to bring violators to justice under either State or Federal statutes, whichever is appropriate—or tougher.

Mr. President, Congress cannot ignore the epidemic of school violence. The epidemic is undermining our educational system and threatens to cripple our Nation's competitiveness. It is turning our schoolyards into sanctuaries for armed criminals and drug gangs. We have repeatedly recognized that our Nation's classrooms deserve special protection and attention from the Federal Government. Gun-Free school zones are not a panacea, to be sure, but they are an important step toward fighting gun violence and keeping our teachers and children safe.

Five years ago we all agreed unanimously on this bill. It was sensible then, and it is sensible now.

I ask unanimous consent that a copy of the Gun-Free School Zones Act be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 890

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Gun-Free School Zones Act of 1995".

SEC. 2. PROHIBITION.

Section 922(q) of title 18, United States Code, is amended to read as follows:

"(q)(1) The Congress finds and declares that—

"(A) crime, particularly crime involving drugs and guns, is a pervasive, nationwide problem;

"(B) crime at the local level is exacerbated by the interstate movement of drugs, guns, and criminal gangs;

"(C) firearms and ammunition move easily in interstate commerce and have been found in increasing numbers in and around schools, as documented in numerous hearings in both the Judiciary Committee of the House of Representatives and the Judiciary Committee of the Senate;

"(D) in fact, even before the sale of a firearm, the gun, its component parts, ammunition, and the raw materials from which they are made have considerably moved in interstate commerce;

"(E) while criminals freely move from State to State, ordinary citizens and foreign visitors may fear to travel to or through certain parts of the country due to concern about violent crime and gun violence, and parents may decline to send their children to school for the same reason;

"(F) the occurrence of violent crime in school zones has resulted in a decline in the quality of education in our country;

"(G) this decline in the quality of education has an adverse impact on interstate commerce and the foreign commerce of the United States;

"(H) States, localities, and school systems find it almost impossible to handle gun-related crime by themselves; even States, localities, and school systems that have made strong efforts to prevent, detect, and punish gun-related crime find their efforts unavailing due in part to the failure or inability of other States or localities to take strong measures; and

"(I) Congress has power, under the interstate commerce clause and other provisions of the Constitution, to enact measures to ensure the integrity and safety of the Nation's schools by enactment of this subsection.

"(2)(A) It shall be unlawful for any individual knowingly to possess a firearm that has moved in or that otherwise affects interstate or foreign commerce at a place that the individual knows, or has reasonable cause to believe, is a school zone.

"(B) Subparagraph (A) shall not apply to the possession of a firearm—

"(i) on private property not part of school grounds;

"(ii) if the individual possessing the firearm is licensed to do so by the State in which the school zone is located or a political subdivision of the State, and the law of the State or political subdivision requires that, before an individual obtains such a license, the law enforcement authorities of the State or political subdivision verify that the individual is qualified under law to receive the license;

"(iii) which is—

"(I) not loaded; and

"(II) in a locked container, or a locked firearms rack which is on a motor vehicle;

"(iv) by an individual for use in a program approved by a school in the school zone;

"(v) by an individual in accordance with a contract entered into between a school in the school zone and the individual or an employer of the individual;

"(vi) by a law enforcement officer acting in his or her official capacity; or

"(vii) that is unloaded and is possessed by an individual while traversing school premises for the purpose of gaining access to public or private lands open to hunting, if the entry on school premises is authorized by school authorities.

"(3)(A) Except as provided in subparagraph (B), it shall be unlawful for any person, knowingly or with reckless disregard for the safety of another, to discharge or attempt to discharge a firearm that has moved in or that otherwise affects interstate or foreign commerce at a place that the person knows is a school zone.

"(B) Subparagraph (A) shall not apply to the discharge of a firearm—

"(i) on private property not part of school grounds;

"(ii) as part of a program approved by a school in the school zone, by an individual who is participating in the program;

"(iii) by an individual in accordance with a contract entered into between a school in a school zone and the individual or an employer of the individual; or

"(iv) by a law enforcement officer acting in his or her official capacity.

"(4) Nothing in this subsection shall be construed as preempting or preventing a State or local government from enacting a statute establishing gun free school zones as provided in this subsection.".

Mr. LAUTENBERG. Mr. President, I rise today as an original cosponsor of the Gun-Free Schools Act of 1995.

This bill makes it a criminal offense to knowingly bring a gun or fire a gun within 1,000 feet of a school. The penalty for violating the law would be up to 5 years in prison or a fine of $5,000.

Mr. President, I believe that this bill is critical to protect the sanctity of our schools and the safety of our students.

In 1993, the Centers for Disease Control found that 1 in 12 students carried a gun to school within a 30-day period.

Each day, an estimated 135,000 pack a gun with their books on their way to school.

At a time when guns are becoming more and more prevalent on neighborhood streets, we cannot simply stand by and allow our playgrounds to become battlegrounds. We cannot expect our students to thrive in an atmosphere where they must fear for their lives and for their safety.

In 1990, Congress passed the original Gun Free Schools Act with overwhelming bipartisan support. As many of you know, a sharply divided Supreme Court recently invalidated that bill, saying that it exceeded congressional power.

I personally disagreed with the Supreme Court decision, and signed an amicus brief supporting its validity. But that is not the issue before us today. Today, the issue is the safety of our children.

The 1995 act ensures the constitutionality of the Gun Free Schools Act by requiring the prosecutor to prove as part of each prosecution that the gun moved in, or affected, interstate commerce. That provision will place only a small burden on prosecutors and will ensure our power to keep America's schools safe.

Mr. President, this bill has the support of the law enforcement and education communities.

It has been endorsed by the National Education Association, the American Association of School Administrators, the National School Boards Association, the National Association of Elementary School Principals, and the American Academy of Pediatrics.

Certainly this bill is not a panacea, but it is a worthwhile attempt to keep our children away from the dangers of guns and violence.

Mr. President, the National Rifle Association likes to say that guns don't kill; people do. But the gun statistics I've seen belie their contentions.

Just consider these numbers.

In 1992, handguns killed 33 people in Great Britain, 36 in Sweden, 97 in Switzerland, 60 in Japan, 13 in Australia, 128 in Canada, and 13,220 in the United States.

The problem, Mr. President, isn't that we have more people. It's that we have more guns.

We need to fight back the wave of gun violence that's overtaking our streets and neighborhoods once and for all. I urge my colleagues on both sides of the aisle to support this worthy bill and to help protect our children and our teachers from the dangers of violence.

By Mrs. BOXER:

S. 891. A bill to require the Secretary of the Army to convey certain real property at Fort Ord, CA, to the city of Seaside, CA, in order to foster the economic development of the city, which has been adversely impacted by the closure of Fort Ord; to the Committee on Armed Services.

THE FORT ORD CLOSURE IMPACT ACT OF 1995

• Mrs. BOXER. Mr. President, I introduce important legislation to convey surplus real property at the former Fort Ord Army reservation to the city of Seaside, CA. The sale of this property, which includes two golf courses and surrounding property, is in accordance with the reuse plan prepared by the Fort Ord Reuse Authority. This legislation enjoys strong community support. An identical bill has been introduced in the House of Representatives by Congressman SAM FARR.

This legislation would help implement the 1993 recommendation of the Defense Base Closure and Realignment Commission. In the Commission's 1993 report to the President, it made specific recommendations for the disposal of Army property. These recommendations balanced the need for property reuse with the Army's legitimate need to support the military personnel remaining on the Monterey Peninsula.

Specifically, the Commission directed the Department to dispose of all property, including the golf courses, not required to support the Presidio of Monterey and the Naval Postgraduate School. Accordingly, in 1993, the Acting Secretary of the Army decided to sell the two Fort Ord golf courses to the city of Seaside, CA.

Unfortunately, the Defense Base Closure and Realignment Act does not permit the Commission to consider the nonappropriated fund revenue needs which are supported by the golf course revenues. This legislation addresses this problem by allowing funds received by the Army from the sale of golf courses to be deposited into the Army's morale, welfare, and recreation account.

This legislation conveys approximately 477 acres, which consist of the two Fort Ord golf courses, Black Horse and Bayonet, and neighboring the surplus housing facilities. This property has been screened through the Pryor process established in the fiscal year 1994 Defense Authorization Act.

Importantly, this legislation requires the city of Seaside to pay fair market value for the property. I want to repeat that point: this is not a giveaway program; the city of Seaside is required to pay full market value. The proceeds from the sale of the golf course will be deposited in the Department of the Army's morale, welfare, and recreation fund, and the proceeds from the housing sale will be deposited in the BRAC account.

This legislation is another important step in implementing the highly successful Fort Ord Reuse Plan. By enacting this legislation, the Congress will help implement the BRAC Commission's 1993 recommendations and simultaneously foster economic development in the city of Seaside.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 891

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LAND CONVEYANCE, FORT ORD, CALIFORNIA.

(a) CONVEYANCE REQUIRED.—The Secretary of the Army shall convey to the City of Seaside, California (in this section referred to as the "City"), all right, title, and interest of the United States in and to a parcel of real property (including improvements thereon) consisting of approximately 477 acres located in Monterey County, California, and comprising a portion of the former Fort Ord Military Complex. The real property to be conveyed to the City includes the two Fort Ord Golf Courses, Black Horse and Bayonet, and the Hayes Housing Facilities.

(b) CONSIDERATION.—As consideration for the conveyance of the real property and improvements under subsection (a), the City shall pay to the United States an amount equal to the fair market value of the property to be conveyed, as determined by the Secretary under such terms and conditions as are determined to be fair and equitable to both parties.

(c) USE AND DEPOSIT OF PROCEEDS.—(1) From the funds paid by the City under subsection (b), the Secretary shall deposit in the Morale, Welfare, and Recreation Fund Account of the Department of the Army an amount equal to the portion of such funds corresponding to the fair market value of the two Fort Ord Golf Courses conveyed under subsection (a), as established under subsection (b).

(2) The Secretary shall deposit the balance of the funds paid by the City under subjection (b), after deducting the amount deposited under paragraph (1), in the Department of Defense Base Closure Account 1990.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property (including improvements thereon) to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary and the City. The cost of the survey shall be borne by the City.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.•

By Mr. GRASSLEY (for himself, Mr. DOLE, Mr. COATS, Mr. MCCONNELL, Mr. SHELBY, and Mr. NICKLES):

S. 892. A bill to amend section 1464 of title 18, United States Code, to punish transmission by computer of indecent material to minors; to the Committee on the Judiciary.

THE PROTECTION OF CHILDREN FROM COMPUTER PORNOGRAPHY ACT OF 1995

Mr. GRASSLEY. Mr. President, I am pleased to introduce the Protection of Children from Computer Pornography Act of 1995. I believe this bill would provide children with the strongest possible protection from computer pornography. I would like to thank the majority leader for his crucial support of this important piece of legislation. Currently, child molesters and sexual predators use computer networks to locate children and try to entice them into illicit sexual relationships. Accordingly, my bill would make it a crime to knowingly or recklessly transmit indecent pornographic materials to children over computer networks. Some so-called access providers facilitate this by refusing to take action against child molesters, even after other computer users have complained. So, my bill would make it a crime for access providers who are aware of this sort of activity to permit it to continue.

Mr. President, I have carefully drafted this bill so that it will withstand the inevitable court challenge. This bill focuses only on protecting children from material which the Supreme Court has repeatedly stated is harmful to children. The Protection of Children from Computer Pornography Act of 1995 would not tell any adult what type of computerized material they may view or obtain.

Finally, Mr. President, due to time constraints, I ask unanimous consent that the remainder of my remarks be printed into the RECORD.

ANALYSIS OF THE PROTECTION OF CHILDREN FROM INDECENT PORNOGRAPHY ACT OF 1995

At the outset, this initiative, which amends 18 U.S.C. §1464 (1984), defines several technical terms. For "remote computer facility" and "electronic communications service," the definitions used in the "Protection of Children From Computer Pornography Act of 1995" are taken from existing sections of the criminal code. Because it was unclear whether the terms "remote computer service" and/or "electronic communications service" would include an electronic bulletin board, the Grassley initiative creates a specific definition for electronic bulletin board systems. This was done to avoid the possibility that electronic bulletin boards, some of which specialize in providing pornographic materials, would be exempt from the bill.

Substantively, this creates two distinct criminal offenses. First, it is a crime to knowingly or recklessly transmit indecent pornography to minors. The Grassley bill deals exclusively with indecent pornography provided to children because there are already federal laws against providing obscene material and child pornography to anyone, including children. See 18 U.S.C. §2252 (Supp. 1994); 18 U.S.C. §1465 (Supp. 1995). The definition of indecent material has been established by the Supreme Court and is discussed below.

Second, the bill would make it a crime for an on-line service which permits users to access the Internet or electronic bulletin board to willfully permit an audit to transmit indecent pornography to a minor. In the criminal law, "willful" has a specific meaning which is uniquely suited to on-line access providers. See "Manual of Modern Criminal Jury Instructions for the Ninth Circuit" §5.05 (West 1989). A willfulness standard is more appropriate for on-line service providers because those services can only monitor customer communications in narrow circumstances, or face criminal prosecution for invasion of privacy. See 18 U.S.C. §2510 (Supp. 1995).

To prove a violation under the bill for permitting adults to transmit indecent material to children, the Justice Department would have to show that the access provider was actually aware that a particular recipient was a child and that the access provider's customers were using the on-line service to transmit indecent material to minors. Importantly, although this burden of proof appears to be high, it could easily be met by prosecutors, given the current practice.

LEGAL BACKGROUND: THE CONCEPT OF INDECENCY

Basically, there are three categories of sexually explicit expression which are subject to congressional regulation notwithstanding the First Amendment. See *New York* v. *Ferber*, 458 U.S. 747 (1982); *Miller* v. *California*, 413 U.S. 15 (1973). The Grassley initiative focuses exclusively on indecent material because existing federal laws largely cover the transmission of obscene and child pornographic material in interstate commerce. See U.S.C. §2252 (Supp. 1995); U.S.C. §1465 (Supp. 1995); U.S.C. §1462 (Supp. 1995).

For present purposes, indecent material can be defined as depictions of sexual activity or sexual organs which are patently offensive according to contemporary community standards. See *FCC* v. *Pacifica*, 438 U.S. 726, 732 (1978); *Alliance for Community Media* v. *FCC*, 10 F.3d 812 (D.C. Cir. 1993), rehearing en banc granted, 15 F.3d 186 (D.C. Cir. 1994); *Action for Children's Television* v. *FCC*, 932 F.2d 1504 (D.C. Cir. 1991). This test is basically the second prong of the "Miller Test." 413 U.S. 24–25. It is important to note that while indecent material is not constitutionally protected for children, indecency is protested for and among adults. Thus, laws intended to protect children must not "reduce the adult population . . . [to viewing] . . . only what is acceptable to children." *Butler* v. *Michigan*, 352 U.S. 380, 383 (1957). While some courts have applied the indecency in slightly different ways depending on the medium, (see *Pacifica, supra; Sable Communications, Inc.* v. *FCC*, 492 U.S. 115 (1989)), the central purpose of the indecency standard is to prohibit or to regulate the display of patently offensive representations of sexually explicit material which is openly available to the public. As the Court stated in Pacifica, see 438 U.S. at 748-49, this means a medium, like computers, which has "a uniquely pervasive presence in the lives of all Americans" and is "uniquely accessible to children" can be regulated to protect children.

That is precisely what the "Protection of Children from Computer Pornography" initiative would do—prohibit transmission of computerized indecent pornography to children while permitting adults to access otherwise constutitionally protected material.

In some respects indecency is similar, though not identical, to the concept of "harmful to juveniles" laws, which exist in nearly every state. These laws prohibit the sale (and sometimes the display) of certain sexually explicit material to minors. See *Ginsberg* v. *New York*, 390 U.S. 629 (1968). In order to determine whether material is harmful to juveniles, the material must be found to satisfy a three-part test. One part of this test involves a showing that the material depicts or describes sexual activity in terms patently offensive according to contemporary community standards for what is acceptable for children. In a sense, the federal indecency standard is designed to protect children from harmful depictions of sexual activity, similar to the goal of the harmful to juveniles test.

Traditionally, the federal government has not regulated extensively to protect children from inappropriate exposure to pornography because it is primarily a matter of local concern. With the rise of global, international computer networks, however, it has become clear that Congress has a more extensive role to play in protecting children. The Grassley initiative responds to this changed environment by "filing in the gaps" created by new technology.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that a statement from the Family Research Council and the bill be printed in the RECORD.

It has the coauthorship of Senators DOLE, COATS, MCCONNELL, SHELBY, and NICKLES.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 892

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Protection of Children From Computer Pornography Act of 1995".

SEC. 2. TRANSMISSION BY COMPUTER OF INDECENT MATERIAL TO MINORS.

(a) OFFENSES.—Section 1464 of title 18, United States Code, is amended—

(1) in the heading by striking "**Broadcasting obscene language**" and inserting "**Utterance of indecent or profane language by radio communication; transmission to minor of indecent material from remote computer facility, electronic communications service, or electronic bulletin board service**";

(2) by striking "Whoever" and inserting "(a) UTTERANCE OF INDECENT OR PROFANE LANGUAGE BY RADIO COMMUNICATION.—A person who"; and

(3) by adding at the end the following:

"(b) TRANSMISSION TO MINOR OF INDECENT MATERIAL FROM REMOTE COMPUTER FACILITY, ELECTRONIC COMMUNICATIONS SERVICE, OR ELECTRONIC BULLETIN BOARD SERVICE PROVIDER.—

"(1) DEFINITIONS.—As used in this subsection—

"(A) the term 'remote computer facility' means a facility that—

"(i) provides to the public computer storage or processing services by means of an electronic communications system; and

"(ii) permits a computer user to transfer electronic or digital material from the facility to another computer:

"(B) the term 'electronic communications service' means any wire, radio, electromagnetic, photo optical, or photoelectronic system for the transmission of electronic communications, and any computer facility or related electronic equipment for the electronic storage of such communications, that permits a computer user to transfer electronic or digital material from the service to another computer; and

"(C) the term 'electronic bulletin board service' means a computer system, regardless of whether operated for commercial purposes, that exists primarily to provide remote or on-site users with digital images, or that exists primarily to permit remote or onsite users to participate in or create on-line discussion groups or conferences.

"(2) TRANSMISSION BY REMOTE COMPUTERS FACILITY OPERATOR, ELECTRONIC COMMUNICATIONS SERVICE PROVIDER, OR ELECTRONIC BULLETIN BOARD SERVICE PROVIDER.—A remote computer facility operator, electronic communications service provider, electronic bulletin board service provider who, with knowledge of the character of the material, knowingly—

"(A) transmits or offers or attempts to transmit from the remote computer facility, electronic communications service, or electronic bulletin board service provider a communication that contains indecent material to a person under 18 years of age; or

"(B) causes or allows to be transmitted from the remote computer facility, electronic communications service, or electronic bulletin board a communication that contains indecent material to a person under 18 years of age or offers or attempts to do so,

shall be fined in accordance with this title, imprisoned not more than 5 years, or both.

"(3) PERMITTING ACCESS TO TRANSMIT INDECENT MATERIAL TO A MINOR.—Any remote computer facility operator, electronic communications service provider, or electronic bulletin board service provider who willfully permits a person to use a remote computing service, electronic communications service, or electronic bulletin board service that is under the control of that remote computer facility operator, electronic communications service provider, or electronic bulletin board service provider, to knowingly or recklessly transmit indecent material from another remote computing service, electronic communications service, or electronic bulletin board service, to a person under 18 years of age, shall be fined not more than $10,000, imprisoned not more than 2 years, or both.".

(b) TECHNICAL AMENDMENT.—The item for section 1464 in the chapter analysis for chapter 71 of title 18, United States Code, is amended to read as follows:

"1464. Utterance of indecent or profane language by radio communication; transmission to minor of indecent material from remote computer facility.".

FAMILY RESEARCH COUNCIL,
Washington, DC, June 7, 1995.

STATEMENT OF LEGAL DIRECTOR FAMILY RESEARCH COUNCIL

Pursuant to your request, the Family Research Council has reviewed the constitutionality of the "Protection of Children from Computer Pornography Act of 1995." It is our opinion that the Act is fully consistent with the Supreme Court's indecency precedents.

Before providing more extensive analysis, it is prudent that I state my qualifications to render this opinion. I have practiced in the area of pornography law and have participated in extensive litigation before the Supreme Court, federal courts of appeal, and state courts on pornography-related controversies. I am thus very familiar with the manner in which courts have treated statutes aimed at regulating pornographic materials.

The seminal cases applicable to the Act are *FCC* v. *Pacifica*, 438 U.S. 726 (1978) and *Sable Communications, Inc.* v. *FCC*, 492 U.S. 115 (1989). Taken together, these cases clearly and unambiguously establish the principle that society may prohibit the transmission of indecent material to children. As the Act only attempts to do that, in my view it presents no serious constitutional concerns.

Please contact me if I can be of further assistance.

CATHLEEN A. CLEAVER, ESQ.,
Director of Legal Policy.

By Mr. SANTORUM:

S. 893. A bill to amend the Internal Revenue Code of 1986 to provide a credit for charitable contributions, and for other purposes; to the Committee on Finance.

THE CHOICE IN WELFARE TAX CREDIT ACT OF 1995

• Mr. SANTORUM. Mr. President, today I am introducing the choice in welfare tax credit bill.

The goal of our welfare reforms should be to continue to focus antipoverty efforts not just to the States but to local, private charities as well. With the choice in welfare tax credit, taxpayers would be allowed a 100 percent tax credit up to $100 per wage earner each year for contributions to charities engaged in antipoverty efforts. This would go a long way toward transferring antipoverty efforts from the inefficient and ineffective Federal Government to nonprofit charities who are more efficient and have a much better sense for what their local population needs.

I have faith in the ability of people living in the communities to know what works best and to provide prompt, temporary assistance to those who need it most. The emphasis here is on temporary. Private charities view antipoverty assistance not as a right or a way of life but as a tool by which to change behavior and encourage personal responsibility for one's own life.

I want to give the people that pay the bills and provide the services in the local community a much larger role in how poverty relief efforts are structured. This bill would also empower taxpayers to have some direct influence on how their tax dollars are spent.

In fact, it will expand the number of people donating to charities. Currently, about 28 percent of taxpayers take the tax deduction for charitable contributions. This bill will allow all taxpayers, whether they itemize or not, to receive a credit for contributing. Inspiring more taxpayers to contribute to local charities will make people more aware of antipoverty efforts in their community, and may inspire them to volunteer their time as well.

So I want to encourage my colleagues to take a close look at this bill, and lend their support to an idea that truly returns power to the individual taxpayer and the community in which they live.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 893

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CREDIT FOR CHARITABLE CONTRIBUTIONS TO CERTAIN PRIVATE CHARITIES PROVIDING ASSISTANCE TO THE POOR.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to nonrefundable personal credits) is amended by inserting after section 22 the following new section:

"SEC. 23. CREDIT FOR CERTAIN CHARITABLE CONTRIBUTIONS.

"(a) IN GENERAL.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the qualified charitable contributions which are paid by the taxpayer during the taxable year.

"(b) LIMITATION.—The credit allowed by subsection (a) for the taxable year shall not exceed $100 ($200 in the case of a joint return).

"(c) QUALIFIED CHARITABLE CONTRIBUTION.—For purposes of this section, the term 'qualified charitable contribution' means any charitable contribution (as defined in section 170(c)) made in cash to a qualified charity but only if the amount of each such contribution, and the recipient thereof, are identified on the return for the taxable year during which such contribution is made.

"(d) QUALIFIED CHARITY.—

"(1) IN GENERAL.—For purposes of this section, the term 'qualified charity' means, with respect to the taxpayer, any organization described in section 501(c)(3) and exempt from tax under section 501(a)—

"(A) which is certified by the Secretary as meeting the requirements of paragraphs (2) and (3),

"(B) which is organized under the laws of the United States or of any State in which the organization is qualified to operate, and

"(C) which is required, or elects to be treated as being required, to file returns under section 6033.

"(2) CHARITY MUST PRIMARILY ASSIST THE POOR.—An organization meets the requirements of this paragraph only if the predominant activity of such organization is the provision of services to individuals whose annual incomes generally do not exceed 150 percent of the official poverty line (as defined by the Office of Management and Budget).

"(3) MINIMUM EXPENDITURE REQUIREMENT.—

"(A) IN GENERAL.—An organization meets the requirements of this paragraph only if the Secretary reasonably expects that the annual exempt purpose expenditures of such organization will not be less than 70 percent of the annual aggregate expenditures of such organization.

"(B) EXEMPT PURPOSE EXPENDITURE.—For purposes of subparagraph (A)—

"(i) IN GENERAL.—The term 'exempt purpose expenditure' means any expenditure to carry out the activity referred to in paragraph (2).

"(ii) EXCEPTIONS.—Such term shall not include—

"(I) any administrative expense,

"(II) any expense for the purpose of influencing legislation (as defined in section 4911(d)),

"(III) any expense primarily for the purpose of fundraising, and

"(IV) any expense for litigation on behalf of any individual referred to in paragraph (2).

"(e) TIME WHEN CONTRIBUTIONS DEEMED MADE.—For purposes of this section, at the election of the taxpayer, a contribution which is made not later than the time prescribed by law for filing the return for the taxable year (not including extensions thereof) shall be treated as made on the last day of such taxable year.

"(f) COORDINATION WITH DEDUCTION FOR CHARITABLE CONTRIBUTIONS.—

"(1) CREDIT IN LIEU OF DEDUCTION.—The credit provided by subsection (a) for any qualified charitable contribution shall be in lieu of any deduction otherwise allowable under this chapter for such contribution.

"(2) ELECTION TO HAVE SECTION NOT APPLY.—A taxpayer may elect for any taxable year to have this section not apply."

(b) QUALIFIED CHARITIES REQUIRED TO PROVIDE COPIES OF ANNUAL RETURN.—Subsection (e) of section 6104 of such Code (relating to public inspection of certain annual returns and applications for exemption) is amended by adding at the end the following new paragraph:

"(3) CHARITIES RECEIVING CREDITABLE CONTRIBUTIONS REQUIRED TO PROVIDE COPIES OF ANNUAL RETURN.—

"(A) IN GENERAL.—Every qualified charity (as defined in section 23(d)) shall, upon request of an individual made at an office where such organization's annual return filed under section 6033 is required under paragraph (1) to be available for inspection, provide a copy of such return to such individual without charge other than a reasonable fee for any reproduction and mailing costs. If the request is made in person, such copies shall be provided immediately and, if made other than in person, shall be provided within 30 days.

"(B) PERIOD OF AVAILABILITY.—Subparagraph (A) shall apply only during the 3-year period beginning on the filing date (as defined in paragraph (1)(D) of the return requested)."

(c) CLERICAL AMENDMENT.—The table of sections for subpart A of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 22 the following new item:

"Sec. 23. Credit for certain charitable contributions."

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made after the 90th day after the date of the enactment of this Act in taxable years ending after such date.

SEC. 2. REPEAL OF CERTAIN CHANGES MADE IN THE EARNED INCOME CREDIT.

(a) REPEAL OF CREDIT FOR INDIVIDUALS WITHOUT CHILDREN.—Subparagraph (A) of section 32(c)(1) of the Internal Revenue Code of 1986 (defining eligible individual) is amended to read as follows:

"(A) IN GENERAL.—The term 'eligible individual' means any individual who has a qualifying child for the taxable year."

(b) REPEAL OF INCREASES IN AMOUNT OF CREDIT.—

(1) Subsection (b) of section 32 of such Code is amended to read as follows:

"(b) PERCENTAGES.—

"(1) IN GENERAL.—The credit percentage and the phaseout percentage shall be determined as follows:

"In the case of an eligible individual with:	The credit percentage is:	The phaseout percentage is:
1 qualifying child	34	15.98
2 or more qualifying children	36	20.22

"(2) AMOUNTS.—The earned income amount and the phaseout amount shall be determined as follows:

"In the case of an eligible individual with:	The earned income amount is:	The phaseout amount is:
1 qualifying child	$6,000	$11,000
2 or more qualifying children	$8,425	$11,000."

(2) Paragraph (1) of section 32(i) of such Code is amended by striking "subsection (b)(2)(A)" and inserting "subsection (b)(2)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1995, except that adjustments shall be made under section 32(i) of the Internal Revenue Code of 1986 to the section 32(b)(2) of such Code (as amended by this section) for such taxable years.●

ADDITIONAL COSPONSORS

S. 91

At the request of Mr. COVERDELL, the name of the Senator from Oklahoma [Mr. NICKLES] was added as a cosponsor of S. 91, a bill to delay enforcement of the National Voter Registration Act of 1993 until such time as Congress appropriates funds to implement such Act.

S. 234

At the request of Mr. CAMPBELL, the names of the Senator from Kansas [Mr. DOLE] and the Senator from Oklahoma [Mr. INHOFE] were added as cosponsors of S. 234, a bill to amend title 23, United States Code, to exempt a State from certain penalties for failing to meet requirements relating to motorcycle helmet laws if the State has in effect a motorcycle safety program, and to delay the effective date of certain penalties for States that fail to meet certain requirements for motorcycle safety laws, and for other purposes.

S. 426

At the request of Mr. SARBANES, the names of the Senator from Connecticut [Mr. LIEBERMAN] and the Senator from

Rhode Island [Mr. PELL] were added as cosponsors of S. 426, a bill to authorize the Alpha Phi Alpha Fraternity to establish a memorial to Martin Luther King, Jr., in the District of Columbia, and for other purposes.

S. 581

At the request of Mr. FAIRCLOTH, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 581, a bill to amend the National Labor Relations Act and the Railway Labor Act to repeal those provisions of Federal law that require employees to pay union dues or fees as a condition of employment, and for other purposes.

S. 603

At the request of Mr. FAIRCLOTH, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 603, a bill to nullify an Executive order that prohibits Federal contracts with companies that hire permanent replacements for striking employees, and for other purposes.

S. 735

At the request of Mrs. FEINSTEIN, her name was added as a cosponsor of S. 735, a bill to prevent and punish acts of terrorism, and for other purposes.

S. 768

At the request of Mr. GORTON, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of S. 768, a bill to amend the Endangered Species Act of 1973 to reauthorize the act, and for other purposes.

S. 773

At the request of Mrs. KASSEBAUM, the names of the Senator from Texas [Mrs. HUTCHISON], the Senator from Mississippi [Mr. LOTT], and the Senator from Kansas [Mr. DOLE] were added as cosponsors of S. 773, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide for improvements in the process of approving and using animal drugs, and for other purposes.

S. 838

At the request of Mr. D'AMATO, the name of the Senator from Kentucky [Mr. MCCONNEL] was added as a cosponsor of S. 838, a bill to provide for additional radio broadcasting to Iran by the United States.

S. 874

At the request of Mr. GRAMS, the name of the Senator from Colorado [Mr. BROWN] was added as a cosponsor of S. 874, a bill to provide for the minting and circulation of $1 coins, and for other purposes.

SENATE CONCURRENT RESOLUTION 11

At the request of Ms. SNOWE, the names of the Senator from Iowa [Mr. HARKIN], the Senator from Maryland [Ms. MIKULSKI], the Senator from New Jersey [Mr. LAUTENBERG], and the Senator from Pennsylvania [Mr. SPECTER] were added as cosponsors of Senate Concurrent Resolution 11, a concurrent resolution supporting a resolution to the longstanding dispute regarding Cyprus.

AMENDMENTS SUBMITTED

THE COMPREHENSIVE TERRORISM PREVENTION ACT OF 1995

HATCH AMENDMENT NO. 1252

Mr. HATCH proposed an amendment to amendment No. 1199 proposed by Mr. DOLE to the bill (S. 735) to prevent and punish acts of terrorism, and for other purposes; as follows:

Delete lines 4 through 7 on page 125. Strike lines 20 through 24 on page 106 and insert the following:

"(h) Except as provided in title 21, United States Code, section 848, in all proceedings brought under this section, and any subsequent proceedings on review, the court may appoint counsel for an applicant who is or becomes financially unable to afford counsel, except as

Strike lines 9 through 11 on page 108 and insert the following:

"Except as provided in title 21, United States Code, section 848, in all proceedings brought under this section, and any subsequent proceedings on review, the court may appoint counsel who is or becomes financially unable".

BIDEN AMENDMENT NO. 1253

Mr. BIDEN proposed an amendment to amendment No. 1199 proposed by Mr. DOLE to the bill S. 735, supra; as follows:

Strike lines 10–22 on page 125.

HATCH (AND BIDEN) AMENDMENT NO. 1254

Mr. HATCH (for himself and Mr. BIDEN) proposed an amendment to amendment No. 1199 proposed by Mr. DOLE to the bill S. 735, supra; as follows:

On page 5, lines 8 and 9, strike "113 (a), (b), (c), or (f)" and insert "113(a) (1), (2), (3), (6), or (7)".

On page 5, line 20, strike "destructs" and insert "obstructs".

On page 7, line 11, insert "intent to commit murder or any other felony or with" after "assault with".

On page 9, line 12, strike "any manner in" and insert "interstate".

On page 10, between lines 18 and 19, insert the following new subsection:

(f) EXPANSION OF PROVISION RELATING TO DESTRUCTION OR INJURY OF PROPERTY WITHIN SPECIAL MARITIME AND TERRITORIAL JURISDICTION.—Section 1363 of title 18, United States Code, is amended by striking "any building, structure or vessel, any machinery or building materials and supplies, military or naval stores, munitions of war or any structural aids or appliances for navigation or shipping" and inserting "any structure, conveyance, or other real or personal property".

On page 13, strike lines 5 through 8 and insert the following:

(b) PENALTY FOR CARRYING WEAPONS OR EXPLOSIVES ON AN AIRCRAFT.—Section 46505 of title 49, United States Code, is amended—

(1) in subsection (b), by striking "one" and inserting "10"; and

(2) in subsection (c), by striking "5" and inserting "15".

On page 23, line 23, strike "2339A)" and insert "2339A of title 18, United States Code)".

On page 29, line 25, strike "determined" and insert "designated".

On page 36, line 2, strike "item of".

On page 48, lines 21 and 22, strike "Notwithstanding any other provision of law,".

On page 60, strike lines 1 and 2, and insert "Columbia not later than 30 days after receipt of actual notice under subsection (b)(6)."

On page 57, strike lines 18 and 20, and insert "The designation shall take effect 30 days after the receipt of actual notice under subsection (b)(6), unless otherwise .provided by law."

On page 93, lines 22 through 24, strike "to—" and all that follows through "(ii) expand" and insert "to expand".

On page 95, line 15, strike "shall provide" and insert "shall provide to appropriate State law enforcement officials, as designated by the chief executive officer of the State,".

On page 95, strike line 23 and all that follows through page 96, line 2 and insert the following:

(D) ALLOCATION.—(i) Of the total amount appropriated pursuant to this section in a fiscal year—

(I) $500,000 or 0.25 percent, whichever is greater, shall be allocated to each of the participating States; and

(II) of the total funds remaining after the allocation under subclause (I), there shall be allocated to each State an amount which bears the same ratio to the amount of remaining funds described in this subparagraph as the population of such State bears to the population of all States.

(ii) DEFINITION.—For purposes of this subparagraph, the term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands, except that for purposes of the allocation under this subparagraph, American Samoa and the Commonwealth of the Northern Mariana Islands shall be considered as one State and that for these purposes, 67 percent of the amounts allocated shall be allocated to American Samoa, and 33 percent to the Commonwealth of the Northern Mariana Islands.

On page 99, line 19, insert after "Attorneys" the following: "and personnel for the Criminal Division of the Department of Justice".

On page 99, between lines 21 and 22, insert the following:

"(c) AVAILABILITY OF FUNDS.—Funds made available pursuant to this section, in any fiscal year, shall remain available until expended.

On page 117, lines 3 and 4, strike "right made retroactively applicable to cases on collateral review by the Supreme Court" and insert "right that is made retroactively applicable".

On page 133, line 3, strike "(a) IN GENERAL.—".

On page 133, strike lines 8 through 10 and insert the following:

(B) in paragraph (2), by striking "; or" and inserting the following: "and the results of such use affect interstate or foreign commerce or, in the case of a threat, attempt, or conspiracy, would have affected interstate or foreign commerce if such use had occurred;";

(C) by redesignating paragraph (3) as paragraph (4);

(D) by inserting after paragraph (2) the following:

"(3) against a victim, or intended victim, that is the United States Government, a member of the uniformed services, or any official, officer, employee, or agent of the legislative, executive, or judicial branches, or any department or agency, of the United States; and''; and

(E) in paragraph (4), as redesignated, by inserting before the comma at the end the following: '', or is within the United States and is used in any activity affecting interstate or foreign commerce''.

On page 133, line 21, before the end quotation marks insert the following: ''The preceding sentence does not apply to a person performing an act that, as performed, is within the scope of the person's official duties as an officer or employee of the United States or as a member of the Armed Forces of the United States, or to a person employed by a contractor of the United States for performing an act that, as performed, is authorized under the contract.''.

On page 134, strike lines 1 through 8.

On page 140, line 20, insert after ''employee,'' the following: ''or any person assisting such an officer or employer in the performance of official duties,''.

On page 140, line 21, strike ''their official duties,'' and insert ''such duties or the provision of such assistance,''.

On page 141, line 1, insert ''or manslaughter as provided in section 1113'' after ''murder''.

On page 143, between lines 15 and 16, insert the following:

(i) Clarification of Maritime Violence Jurisdiction.—Section 2280(b)(1)(A) of title 18, United States Code, is amended—

(1) in clause (ii), by striking ''and the activity is not prohibited as a crime by the State in which the activity takes place''; and

(2) in clause (iii), by striking ''the activity takes place on a ship flying the flag of a foreign country or outside the United States,''.

On page 147, line 19, strike ''effective date of section 801'' and insert ''date of enactment of title VII''.

On page 148, line 13, insert ''of title VII'' after ''date of enactment''.

On page 148, line 18, insert ''of title VII'' after ''date of enactment''.

On page 149, lines 6 and 7, strike ''effective date of section 801'' and insert ''date of enactment of title VII''.

On page 152, strike lines 3 through 5 and insert the following: ''Except as otherwise provided in this title, this title and the amendments made by this title shall take effect 1 year after the date of enactment of this Act.''.

On page 160, between lines 11 and 12, insert the following:

SEC. 902. AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR THE UNITED STATES PARK POLICE.

(a) In General.—There are authorized to be appropriated from the General Fund of the Treasury for the activities of the United States Park Police, to help meet the increased needs of the United States Park Police, $1,000,000 for each of the fiscal years 1996, 1997, 1998, 1999, and 2000.

(b) Availability of Funds.—Funds made available pursuant to this section, in any fiscal year, shall remain available until expended.

SEC. 903. AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR THE ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS.

(a) In General.—There are authorized to be appropriated from the General Fund of the Treasury for the activities of the Administrative Office of the United States Courts, to help meet the increased needs of the Administrative Office of the United States Courts, $4,000,000 for each of the fiscal years 1996, 1997, 1998, 1999, and 2000.

(b) Availability of Funds.—Funds made available pursuant to this section, in any fiscal year, shall remain available until expended.

SEC. 904. AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR THE UNITED STATES CUSTOMS SERVICE.

(a) In General.—There are authorized to be appropriated from the General Fund of the Treasury for the activities of the United States Customs Service, to help meet the increased needs of the United States Customs Service, $10,000,000 for each of the fiscal years 1996, 1997, 1998, 1999, and 2000.

(b) Availability of Funds.—Funds made available pursuant to this section, in any fiscal year, shall remain available until expended.

On page 51, line 10, replace ''1252(a)'' with ''1252a''.

On page 51, line 14, insert ''of this title'' after ''section 101(a)(43)''.

THE TELECOMMUNICATIONS COMPETITION AND DEREGULATION ACT OF 1995 COMMUNICATIONS DECENCY ACT OF 1995

DOLE AMENDMENT NO. 1255

Mr. DOLE proposed an amendment to the bill (S. 652) to provide for a pro—competitive, deregulatory national policy framework designed to accelerate rapidly private sector deployment of advanced telecommunications and information technologies and services to all Americans by opening all telecommunications markets to competition, and for other purposes; as follows:

On page 9, strike lines 4 through 12 and insert the following:

(c) Transfer of MFJ.—After the date of enactment of this Act, the Commission shall administer any provision of the Modification of Final Judgment not overridden or superseded by this Act. The District Court for the District of Columbia shall have no further jurisdiction over any provision of the Modification of Final Judgment administered by the Commission under this Act or the Communications Act of 1934. The Commission may, consistent with this Act (and the amendments made by this Act), modify any provision of the Modification of Final Judgment that it administers.

(d) GTE Consent Decree.—This Act shall supersede the provisions of the Final Judgment entered in United States v. GTE Corp., No. 83-1298 (D.C. D.C.), and such Final Judgment shall not be enforced after the effective date of this Act.

On page 40, line 9, strike ''to enable them'' and insert ''which are determined by the Commission to be essential in order for Americans''.

On page 40, beginning on line 11, strike ''Nation. At a minimum, universal service shall include any telecommunications services that'' and insert ''Nation, and which''.

On page 70, between lines 21 and 22, insert the following:

(b) Greater Deregulation for Smaller Cable Companies.—Section 623 (47 U.S.C. 543) is amended by adding at the end thereof the following:

''(m) Special Rules for Small Companies.—

''(1) In general.—Subsection 9a), (b), or (c) does not apply to a small cable operator with respect to—

''(A) cable programming services, or

''(B) a basic service tier that was the only service tier subject to regulation as of December 31, 1994,

in any franchise area in which that operator serves 35,000 or fewer subscribers.

''(2) Definition of small cable operator.—For purposes of this subsection, the term 'small cable operator' means a cable operator that, directly or through an affiliate, serves in the aggregate fewer than 1 percent of all subscribers in the United States and does not, directly or through an affiliate, own or control a daily newspaper or a tier 1 local exchange carrier.''.

On page 70, line 22, strike ''(b)'' and inset ''(c)''.

On page 71, line 3, strike ''(c)'' and insert ''(d)''.

On page 79, strike lines 7 through 11 and insert the following:

(1) In general.—The Commission shall modify its rules for multiple ownership set forth in 47 CFR 73.3555 by—

(A) eliminating the restrictions on the number of television stations owned under subdivisions (e)(1)(ii) and (iii); and

(B) changing the percentage set forth in subdivision (e)(2)(ii) from 25 percent to 35 percent.

(2) Radio Ownership.—The Commission shall modify its rules set forth in 47 CFR 73.3555 by eliminating any provision limiting the number of AM or FM broadcast stations which may be owned or controlled by one entity either nationally or in a particular market. The Commission may refuse to approve the transfer or issuance of an AM or FM broadcast license to a particular entity if it finds that the entity would thereby obtain an undue concentration of control or would thereby harm competition. Nothing in this section shall require or prevent the Commission from modifying its rules contained in 47 CFR 73.3555(c) governing the ownership of both a radio and television broadcast stations in the same market.

On page 79, line 12, strike ''(2)'' and insert ''(3)''.

On page 79, line 18, strike ''(3)'' and insert ''(4)''.

On page 79, line 21, strike ''(4)'' and insert ''(5)''.

On page 79, line 22, strike ''modification required by paragraph (1)'' and insert ''modifications required by paragraphs (1) and (2)''.

On page 116, between lines 2 and 3, insert the following:

(b) Dominant Interexchange Carrier.—The Commission, within 270 days after the date of enactment of this Act, shall complete a proceeding to consider modifying its rules for determining which carriers shall be classified as ''dominant carriers'' and to consider excluding all interexchange telecommunications carriers from some or all of the requirements associated with such classification to the extent that such carriers provide interexchange telecommunications service.

On page 116, line 3, strike ''(b)'' and insert ''(c)''.

On page 117, line 1, strike ''(c)'' and insert ''(d)''.

On page 117, line 22, strike ''**REGULATIONS..**'' and insert ''**REGULATIONS; ELIMINATION OF UNNECESSARY REGULATIONS AND FUNCTIONS.**''.

On page 117, line 23, strike ''(a) Biennial Review.—'' before ''Part''.

On page 118, between lines 20 and 21, insert the following:

(b) Elimination of Unnecessary Commission Regulations and Functions.

(1) Repeal setting of depreciation rates.—The first sentence of section 220(b)

(47 U.S.C. 220(b)) is amended by striking "shall prescribe for such carriers" and inserting "may prescribe, for such carriers as it determines to be appropriate,".

(2) USE OF INDEPENDENT AUDITORS.—Section 220(c) (47 U.S.C. 220(c)) is amended by adding at the end thereof the following: "The Commission may obtain the services of any person licensed to provide public accounting services under the law of any State to assist with, or conduct, audits under this section. While so employed or engaged in conducting an audit for the Commission under this section, any such person shall have the powers granted the Commission under this subsection and shall be subject to subsection (f) in the same manner as if that person were an employee of the Commission.".

(3) SIMPLIFICATION OF FEDERAL-STATE COORDINATION PROCESS.—The Commission shall simplify and expedite the Federal-State coordination process under section 410 of the Communications Act of 1934.

(4) PRIVATIZATION OF SHIP RADIO INSPECTIONS.—Section 385 (47 U.S.C. 385) is amended by adding at the end thereof the following: "In accordance with such other provisions of law as apply to government contracts, the Commission may enter into contracts with any person for the purpose of carrying out such inspections and certifying compliance with those requirements, and may, as part of any such contract, allow any such person to accept reimbursement from the license holder for travel and expense costs of any employee conducting an inspection or certification.".

(5) MODIFICATION OF CONSTRUCTION PERMIT REQUIREMENT.—Section 319(d) (47 U.S.C. 319(d)) is amended by striking the third sentence and inserting the following: "The Commission may waive the requirement for a construction permit with respect to a broadcasting station in circumstances in which it deems prior approval to be unnecessary. In those circumstances, a broadcaster shall file any related license application within 10 days after completing construction.".

(6) LIMITATION ON SILENT STATION AUTHORIZATIONS.—Section 312 (47 U.S.C. 312) is amended by adding at the end the following:

"(g) If a broadcasting station fails to transmit broadcast signals for any consecutive 12-month period, then the station license granted for the operation of that broadcast station expires at the end of that period, notwithstanding any provision, term, or condition of the license to the contrary.".

(7) EXPEDITING INSTRUCTIONAL TELEVISION FIXED SERVICE PROCESSING.—The Commission shall delegate, under section 5(c) of the Communications Act of 1934, the conduct of routine instructional television fixed service cases to its staff for consideration and final action.

(8) DELEGATION OF EQUIPMENT TESTING AND CERTIFICATION TO PRIVATE LABORATORIES.—Section 302 (47 U.S.C. 302) is amended by adding at the end the following:

"(e) The Commission may—

"(1) authorize the use of private organizations for testing and certifying the compliance of devices or home electronic equipment and systems with regulations promulgated under this section;

"(2) accept as prima facie evidence of such compliance the certification by any such organization; and

"(3) establish such qualifications and standards as it deems appropriate for such private organizations, testing, and certification.".

(9) MAKING LICENSE MODIFICATION UNIFORM.—Section 303(f) (47 U.S.C. 303(f)) is amended by striking "unless, after a public hearing," and inserting "unless".

(10) PERMIT OPERATION OF DOMESTIC SHIP AND AIRCRAFT RADIOS WITHOUT LICENSE.—Section 307(e) (47 U.S.C. 307(e)) is amended by—

(A) striking "service and the citizens band radio service" in paragraph (1) and inserting "service, citizens band radio service, domestic ship radio service, domestic aircraft radio service, and personal radio service"; and

(B) striking "service' and 'citizens band radio service' "in paragraph (3) and inserting "service', 'citizens band radio service', 'domestic ship radio service', 'domestic aircraft radio service', and 'personal radio service' ".

(11) EXPEDITED LICENSING FOR FIXED MICROWAVE SERVICE.—Section 309(b)(2) (47 U.S.C. 309(b)(2)) is amended by striking subparagraph (A) and redesignating subparagraphs (B) through (G) as (A) through (F), respectively.

(12) ELIMINATE FCC JURISDICTION OVER GOVERNMENT-OWNED SHIP RADIO STATIONS.—

(A) Section 305 (47 U.S.C. 305) is amended by striking subsection (b) and redesignating subsections (c) and (d) as (b) and (c), respectively.

(B) Section 382(2) (47 U.S.C. 382(2)) is amended by striking "except a vessel of the United States Maritime Administration, the Inland and Coastwise Waterways Service, or the Panama Canal Company,".

(13) MODIFICATION OF AMATEUR RADIO EXAMINATION PROCEDURES.—

(A) Section 4(f)(H)(N) (47 U.S.C. 4(f)(4)(B)) is amended by striking "transmissions, or in the preparation or distribution of any publication used in preparation for obtaining amateur station operator licenses," and inserting "transmission".

(B) The Commission shall modify its rules governing the amateur radio examination process by eliminating burdensome record maintenance and annual financial certification requirements.

(14) STREAMLINE NON-BROADCAST RADIO LICENSE RENEWALS.—The Commission shall modify its rules under section 309 of the Communications Act of 1934 (47 U.S.C. 309) relating to renewal of nonbroadcast radio licenses so as to streamline or eliminate comparative renewal hearings where such hearings are unnecessary or unduly burdensome.

On page 117, between lines 21 and 22, insert the following:

(d) REGULATORY RELIEF.—

(1) STREAMLINED PROCEDURES FOR CHANGES IN CHARGES, CLASSIFICATIONS, REGULATIONS, OR PRACTICES.—

(A) Section 204(a) (47 U.S.C. 204(a)) is amended—

(i) by striking "12 months" the first place it appears in paragraph (2)(A) and inserting "5 months";

(ii) by striking "effective," and all that follows in paragraph (2)(A) and inserting "effective."; and

(iii) by adding at the end thereof the following:

"(3) A local exchange carrier may file with the Commission a new or revised charge, classification, regulation, or practice on a streamlined basis. Any such charge, classification, regulation, or practice shall be deemed lawful and shall be effective 7 days (in the case of a reduction in rates) or 15 days (in the case of an increase in rates) after the date on which it is filed with the Commission unless the Commission takes action under paragraph (1) before the end of that 7-day or 15-day period, as is appropriate.".

(B) Section 208(b) (47 U.S.C. 208(b)) is amended—

(i) by striking "12 months" the first place it appears in paragraph (1) and inserting "5 months"; and

(ii) by striking "filed," and all that follows in paragraph (1) and inserting "filed.".

(2) EXTENSIONS OF LINES UNDER SECTION 214; ARMIS REPORTS.—Notwithstanding section 305, the Commission shall permit any local exchange carrier—

(A) to be exempt from the requirements of section 214 of the Communications Act of 1934 for the extension of any line; and

(B) to file cost allocation manuals and ARMIS reports annually, to the extent such carrier is required to file such manuals or reports.

(3) FOREBEARANCE AUTHORITY NOT LIMITED.—Nothing in this subsection shall be construed to limit the authority of the Commission or a State to waive, modify, or forebear from applying any of the requirements to which reference is made in paragraph (1) under any other provision of this Act other law.

On page 118, line 20, strike the closing quotation marks and the second period.

On page 118, between lines 20 and 21, insert the following:

"(c) CLASSIFICATION OF CARRIERS.—In classifying carriers according to 47 CFR 32.11 and in establishing reporting requirements pursuant to 47 CFR part 43 and 47 CFR 64.903, the Commission shall adjust the revenue requirements to account for inflation as of the release date of the Commission's Report and Order in CC Docket No. 91-141, and annually thereafter. This subsection shall take effect on the date of enactment of the Telecommunications Act of 1995.".

On page 119, line 4, strike "may" and insert "shall".

On page 120, between lines 3 and 4, insert the following:

"(c) END OF REGULATION PROCESS.—Any telecommunications carrier, or class of telecommunications carriers, may submit a petition to the Commission requesting that the Commission exercise the authority granted under this section with respect to that carrier or those carriers, or any service offered by that carrier or carriers. Any such petition shall be deemed granted if the Commission does not deny the petition for failure to meet the requirements for forebearance under subsection (a) within 90 days after the Commission receives it, unless the 90-day period is extended by the Commission. The Commission may extend the initial 90-day period by an additional 60 days if the Commission finds that an extension is necessary to meet the requirements of subsection (a). The Commission may grant or deny a petition in while or in part and shall explain its decision in writing.

On page 120, line 4, strike "(c) and insert "(d)".

STEVENS AMENDMENT NO. 1256

Mr. STEVENS proposed an amendment to the bill S. 652, supra; as follows:

At the appropriate place in the bill insert the following:

SEC. . SPECTRUM AUCTIONS.

(a) FINDINGS.—The Congress finds that—

(1) the National Telecommunications and Information Administration of the Department of Commerce recently submitted to the Congress a report entitled "U.S. National Spectrum Requirements" as required by section 113 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923);

(2) based on the best available information the report concludes that an additional 179 megahertz of spectrum will be needed within the next ten years to meet the expected demand for land mobile and mobile satellite radio services such as cellular telephone service, paging services, personal communication services, and low earth orbiting satellite communications systems;

(3) a further 85 megahertz of additional spectrum, for a total of 264 megahertz, is needed if the United States is to fully implement the Intelligent Transportation System currently under development by the Department of Transportation;

(4) as required by Part B of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 921 et seq.) the Federal Government will transfer 235 megahertz of spectrum from exclusive government use to non-governmental or mixed governmental and non-governmental use between 1994 and 2004;

(5) the Spectrum Reallocation Final Report submitted to Congress under section 113 of the National Telecommunications and Information Administration Organization Act by the National Telecommunications and Information Administration states that, of the 235 megahertz of spectrum identified for reallocation from governmental to non-governmental or mixed use—

(A) 50 megahertz has already been reallocated for exclusive non-governmental use,

(B) 45 megahertz will be reallocated in 1995 for both exclusive non-governmental and mixed governmental and non-governmental use,

(C) 25 megahertz will be reallocated in 1997 for exclusive non-governmental use,

(D) 70 megahertz will be reallocated in 1999 for both exclusive non-governmental and mixed governmental and non-governmental use, and

(E) the final 45 megahertz will be reallocated for mixed governmental and non-governmental use by 2004;

(6) the 165 megahertz of spectrum that are not yet reallocated, combined with 80 megahertz that the Federal Communications Commission is currently holding in reserve for emerging technologies, are less than the best estimates of projected spectrum needs in the United States;

(7) the authority of the Federal Communications Commission to assign radio spectrum frequencies using an auction process expires on September 30, 1998;

(8) a significant portion of the reallocated spectrum will not yet be assigned to non-governmental users before that authority expires;

(9) the transfer of Federal governmental users from certain valuable radio frequencies to other reserved frequencies could be expedited if Federal governmental users are permitted to accept reimbursement for relocation costs from non-governmental users; and

(10) non-governmental reimbursement of Federal governmental users relocation costs would allow the market to determine the most efficient use of the available spectrum.

(b) EXTENSION AND EXPANSION OF AUCTION AUTHORITY.—Section 309(j) (47 U.S.C. 309(j)) is amended—

(1) by striking paragraph (1) and inserting in lieu thereof the following:

"(1) GENERAL AUTHORITY.—If mutually exclusive applications or requests are accepted for any initial license or construction permit which will involve a use of the electromagnetic spectrum, then the Commission shall grant such license or permit to a qualified applicant through a system of competitive bidding that meets the requirements of this subsection. The competitive bidding authority granted by this subsection shall not apply to licenses or construction permits issued by the Commission for public safety radio services or for licenses or construction permits for new terrestrial digital television services assigned by the Commission to existing terrestrial broadcast licensees to replace their current television licenses.";

(2) by striking paragraph (2) and renumbering paragraphs (3) through (13) as (2) through (12), respectively; and

(3) by striking "1998" in paragraph (10), as renumbered, and inserting in lieu thereof "2000".

(c) REIMBURSEMENT OF FEDERAL RELOCATION COSTS.—Section 113 of the National Telecommunications and Information Administration Act (47 U.S.C. 923) is amended by adding at the end the following new subsections:

"(f) RELOCATION OF FEDERAL GOVERNMENT STATIONS.—

"(1) IN GENERAL.—In order to expedite the efficient use of the electromagnetic spectrum and notwithstanding section 3302(b) of title 31, United States Code, any Federal entity which operates a Federal Government station may accept reimbursement from any person for the costs incurred by such Federal entity for any modification, replacement, or reissuance of equipment, facilities, operating manuals, regulations, or other expenses incurred by that entity in relocating the operations of its Federal Government station or stations from one or more radio spectrum frequencies to any other frequency or frequencies. Any such reimbursement shall be deposited in the account of such Federal entity in the Treasury of the United States. Funds deposited according to this section shall be available, without appropriation or fiscal year limitation, only for the operations of the Federal entity for which such funds were deposited under this section.

"(2) PROCESS FOR RELOCATION.—Any person seeking to relocate a Federal Government station that has been assigned a frequency within a band allocated for mixed Federal and non-Federal use may submit a petition for such relocation to NTIA. The NTIA shall limit the Federal Government station's operating license to secondary status when the following requirements are met—

"(A) the person seeking relocation of the Federal Government station has guaranteed reimbursement through money or in-kind payment of all relocation costs incurred by the Federal entity, including all engineering, equipment, site acquisition and construction, and regulatory fee costs;

"(B) the person seeking relocation completes all activities necessary for implementing the relocation, including construction of replacement facilities (if necessary and appropriate) and identifying and obtaining on the Federal entity's behalf new frequencies for use by the relocated Federal Government station (where such station is not relocating to spectrum reserved exclusively for Federal use); and

"(C) any necessary replacement facilities, equipment modifications, or other changes have been implemented and tested to ensure that the Federal Government station is able to successfully accomplish its purposes.

"(3) RIGHT TO RECLAIM.—If within one year after the relocation the Federal Government station demonstrates to the Commission that the new facilities or spectrum are not comparable to the facilities or spectrum from which the Federal Government station was relocated, the person seeking such relocation must take reasonable steps to remedy any defects or reimburse the Federal entity for the costs of returning the Federal Government station to the spectrum from which such station was relocated.

"(g) FEDERAL ACTION TO EXPEDITE SPECTRUM TRANSFER.—Any Federal Government station which operates on electromagnetic spectrum that has been identified for reallocation for mixed Federal and non-Federal use in the Spectrum Reallocation Final Report shall, to the maximum extent practicable through the use of the authority granted under subsection (f) and any other applicable provision of law, take action to relocate its spectrum use to other frequencies that are reserved for Federal use or to consolidate its spectrum use with other Federal Government stations in a manner that maximizes the spectrum available for non-Federal use. Notwithstanding the timetable contained in the Spectrum Reallocation Final Report, the President shall seek to implement the reallocation of the 1710 to 1755 megahertz frequency band by January 1, 2000. Subsection (c)(4) of this section shall not apply to the extent that a non-Federal user seeks to relocate or relocates a Federal power agency under subsection (f).

"(h) DEFINITIONS.—For purposes of this section—

"(1) FEDERAL ENTITY.—The term 'Federal entity' means any Department, agency, or other element of the Federal government that utilizes radio frequency spectrum in the conduct of its authorized activities, including a Federal power agency.

"(2) SPECTRUM REALLOCATION FINAL REPORT.—The term 'Spectrum Reallocation Final Report' means the report submitted by the Secretary to the President and Congress in compliance with the requirements of subsection (a).".

(d) REALLOCATION OF ADDITIONAL SPECTRUM.—The Secretary of Commerce shall, within 9 months after the date of enactment of this Act, prepare and submit to the President and the Congress a report and timetable recommending the reallocation of the three frequency bands (225–400 megahertz, 3625–3650 megahertz, and 5850–5925 megahertz) that were discussed but not recommended for reallocation in the Spectrum Reallocation Final Report under section 113(a) of the National Telecommunications and Information Administration Organization Act. The Secretary shall consult with the Federal Communications Commission and other Federal agencies in the preparation of the report, and shall provide notice and an opportunity for public comment before submitting the report and timetable required by this section.

PRESSLER AMENDMENT NO. 1257

Mr. PRESSLER proposed an amendment to amendment No. 1256 proposed by Mr. STEVENS to the bill S. 652, supra; as follows:

At the end of the matter proposed to be inserted, insert the following:

(e) BROADCAST AUXILIARY SPECTRUM RELOCATION.—

(1) ALLOCATION OF SPECTRUM FOR BROADCAST AUXILIARY USES.—Within one year after the date of enactment of this Act, the Commission shall allocate the 4635–4685 megahertz band transferred to the Commission under section 113(b) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923(b)) for broadcast auxiliary uses.

(2) MANDATORY RELOCATION OF BROADCAST AUXILIARY USES.—Within 7 years after the

date of enactment of this Act, all licenses of broadcast auxiliary spectrum in the 2025–2075 megahertz band shall relocate into spectrum allocated by the Commission under paragraph (1). The Commission shall assign and grant licenses for use of the spectrum allocated under paragraph (1)—

(A) in a manner sufficient to permit timely completion of relocation; and

(B) without using a competitive bidding process.

(3) ASSIGNING RECOVERED SPECTRUM.—Within 5 years after the date of enactment of this Act, the Commission shall allocate the spectrum recovered in the 2025–2075 megahertz band under paragraph (2) for use by new licensees for commercial mobile services or other similar services after the relocation of broadcast auxiliary licenses, and shall assign such licenses by competitive bidding.

PRESSLER (AND HOLLINGS) AMENDMENT NO. 1258

Mr. PRESSLER (for himself and Mr. HOLLINGS) proposed an amendment to the bill S. 652, supra; as follows:

On page 2, in the item relating to section 102 in the table of contents, strike "subsidiary" and insert "affiliate".

On page 2, after the item relating to section 106 in the table of contents, insert the following:

SEC. 107. Coordination for telecommunications network-level interoperability ....

On page 2, after the item relating to section 225 in the table of contents, insert the following:

SEC. 226. Nonapplicability of Modification of Final Judgment ....

On page 3, after the item relating to section 311 in the table of contents, insert the following:

Sec. 312. Direct Broadcast Satellite ...

On page 9, line 8, after "Act." insert "The Commission may modify any provision of the GTE Consent Decree or the Modification of Final Judgment that it administers.".

On page 9, line 16, strike 'Commission' and insert "Commission".

On page 9, line 19, strike 'Modification of Final Judgment' and insert "Modification of Final Judgment".

On page 11 beginning on line 4, strike "those companies" and insert "any company".

On page 11, line 6, strike "Judgment," and insert "Judgment to the extent such company provides telephone exchange service or exchange access service,".

On page 12, line 3, insert "directly" after "available".

On page 12, beginning with "The term" on line 5, strike through line 8.

On page 12, line 13, insert "only" after "shall".

On page 12, line 15, after "services" insert "for voice, data, image, graphics, or video that it does not own, control, or select, except that the Commission shall continue to determine whether the provision of fixed and mobile satellite service shall be treated as common carriage".

On page 14, between lines 10 and 11, insert the following:

"(tt) 'LATA' means a local access and transport area as defined in United States v. Western Electric Co., 569 F. Supp. 990 (U.S. District Court, District of Columbia) and subsequent judicial orders relating thereto, except that, with respect to commercial mobile services, the term 'LATA' means the geographic areas defined or used by the Commission in issuing licenses for such services.".

On page 16, line 17, strike "software);" and insert "software, to the extent defined in implementing regulations by the Commission);".

On page 17, line 12, strike "carrier;" and insert "carrier at just and reasonable rates;"

On page 19, line 4, strike "of such services," and insert "of providing those services to that carrier,".

On page 19, line 5, strike "services;" and insert "services in accordance with section 214(d)(5);".

On page 21, beginning on line 7, strike "within 15 days after the State receives" and insert "at the same time as it submits".

On page 21, line 17, strike "notify" and insert "provide a copy of the petition and any documentation to".

On page 21, beginning in line 17, strike "of its petition".

On page 23, line 23, insert "feasible" after "technically".

On page 28, line 5, strike the closing quotation marks and the second period.

On page 28, between lines 5 and 6, insert the following:

"(l) REVIEW OF INTERCONNECTION STANDARDS.—Beginning 3 years after the date of enactment of the Telecommunications Act of 1995 and every 3 years thereafter, the Commission shall review the standards and requirements for interconnection established under subsection (b). The Commission shall complete each such review within 180 days and may modify or waive any requirements or standards established under subsection (b) if it determines that the modification or waiver meets the requirements of section 260.".

On page 28, line 20, strike "SUBSIDIARY" and insert "AFFILIATE".

On page 28, line 21, strike "SUBSIDIARY" and insert "AFFILIATE".

On page 28, beginning on line 24, strike "its subsidiaries and affiliates) which provides telephone exchange service" and insert "any affiliate) which is a local exchange carrier that is subject to the requirements of section 251(a)".

On page 29, line 2, strike "a subsidiary" and insert "one or more affiliates".

On page 29, line 3, strike "is" and insert "are".

On page 29, line 4, strike "provides telephone exchange service" and insert "is subject to the requirements of section 251(a)".

On page 29, line 6, strike "meets" and insert "meet".

On page 29, beginning in line 8, strike "SUBSIDIARY" and insert "AFFILIATE".

On page 29, line 10, strike "subsidiary" and insert "affiliate".

On page 30, line 4, strike "subsidiary" and insert "affiliate".

On page 30, beginning on line 10, strike "a subsidiary and any other subsidiary or affiliate of such company;" and insert "an affiliate;".

On page 30, beginning on line 14, strike "a subsidiary or any other subsidiary or affiliate of such company;" and insert "an affiliate;".

On page 30, beginning on line 19, strike "entity that provides telephone exchange service".

On page 30, beginning on line 22, strike "a subsidiary and any other subsidiary or affiliate of such company" and insert "an affiliate".

On page 31, line 2, strike "subsidiary" and insert "affiliate".

On page 31, beginning on line 3, strike "company, and any other subsidiary or affiliate of such".

On page 31, line 6, strike "pany, its subsidiaries or affiliates," and insert "pany or affiliate".

On page 31, beginning on line 11, strike "company, its subsidiaries or affiliates," and insert "company or affiliate".

On page 31, line 15, strike "tions; and" and insert "tions, unbundled to the smallest element that is technically feasible and economically reasonable to provide, and at just and reasonable rates that are not higher on a per-unit basis than those charged for such services to any affiliate of such company; and".

On page 31, beginning on line 16, strike "a subsidiary" and insert "an affiliate".

On page 31, line 20, strike "subsidiary" and insert "affiliate".

On page 32, line 2, strike "a subsidiary" and insert "an affiliate".

On page 32, line 19, strike "or its affiliates".

On page 33, line 1, strike "subsidiary" and insert "affiliate".

On page 33, line 5, strike "and".

On page 33, line 6, strike "subsidiary" and insert "affiliate".

On page 33, line 11, strike "service." and insert "service; and".

On page 33, between lines 11 and 12, insert the following:

"(6) may provide any interLATA or intraLATA facilities or services to its interLATA affiliate if such services or facilities are made available to all carriers at the same rates and on the same terms and conditions.

On page 33, line 15, strike "subsidiary or".

On page 33, beginning on line 20, strike "subsidiaries and".

On page 34, line 1, insert "with any affiliated entity required by this section or with any unaffiliated entity" after "shared".

On page 34, between lines 19 and 20, insert the following:

"(3) SUBSCRIBER LIST INFORMATION.—For purposes of this subsection, the term 'customer proprietary information' does not include subscriber list information.

On page 35, line 7, strike "subsidiary." and insert "affiliate.".

On page 35, line 10, strike "subsidiary" and insert "affiliate".

On page 35, line 19, strike "subsidiary" and insert "affiliate".

On page 35, line 24, after the period insert closing quotation marks and another period.

On page 36, strike lines 1 through 9.

On page 36, line 14, strike "subsidiary" and insert "affiliate".

On page 40, line 15, after the period insert "The Commission may establish a different definition of universal service for schools, libraries, and hospitals for purposes of section 264.".

On page 41, strike lines 1 through 5.

On page 41, line 6, strike "(e)" and insert "(d)".

On page 41, line 12, strike "(f)" and insert "(e)".

On page 41, line 21, strike "(g)" and insert "(f)".

On page 42, line 5, strike "maintenance and" and insert "provision, maintenance, and".

On page 42, line 7, strike "(h)" and insert "(g)".

On page 42, line 9, strike "consumers" and insert "customers".

On page 42, line 11, strike "consumers" and insert "customers".

On page 42, line 12, strike "(i)" and insert "(h)".

On page 42, beginning with "Telecommunications" on line 13, strike through the period on line 15 and insert "Telecommunications carriers may not use noncompetitive services to subsidize competitive services.".

On page 42, beginning on line 20, strike "(and may, in the public interest, bear less than a reasonable share or no share)".

On page 42, line 23, strike "(j)" and insert "(i)".

On page 47, line 3, strike "fine" and insert "sum".

On page 47, line 5, strike "establishing" and insert "determining".

On page 48, line 7, strike "fine of" and insert "sum of up to".

On page 48, between lines 17 and 18, insert the following:

(c) TRANSITION RULE.—A rural telephone company is eligible to receive universal service support payments under section 253(e) of the Communications Act of 1934 as if such company were an essential telecommunications carrier until such time as the Commission, with respect to interstate services, or a State, with respect to intrastate services, designates an essential telecommunications carrier or carriers for the area served by such company under section 214 of that Act.

On page 49, line 17, strike "basis." and insert "basis within 120 days after the application is filed.".

On page 51, line 4, insert "and provides universal service by means of its own facilities" after "214(d)".

On page 54, line 21, before "Local" insert "STATE AND".

On page 54, line 22, before "local" insert "State or".

On page 55, line 9, strike "immediately" and insert "promptly".

On page 56, line 3, strike "title; and " insert "title for the provision of telecommunications services; and".

On page 56, line 5, strike "affiliate." and insert "affilate for the provision of telecommunications services.".

On page 57, beginning with line 8, strike through line 16 on page 63.

On page 64, line 1, insert "that it owns, controls, or selects" before "directly".

On page 64, line 13, insert "video programming provided by others" after "carries".

On page 64, line 14, insert "that it owns, controls, or selects" before "over".

On page 64, line 15, strike "subsidiary" and insert "affilate".

On page 64, strike lines 22 through 24 and insert the following:

"(ii) the carrier does not use its telecommunications services to subsidize its provision of video programming.

On page 65, strike lines 1 through 6, and insert the following:

"(B) To the extent that a Bell operating company provides cable service as a cable operator, it shall provide such service through an affiliate that meets the requirements of section 252(a), (b), and (d) and the Bell operating company's telephone exchange services and exchange access services shall meet the requirements of subparagraph (A)(ii) and section 252(c); except that, to the extent the Bell operating company provides cable service utilizing its own telephone exchange facilities, section 252(c) shall not require the Bell operating company to make video programming services capacity available on a non-discriminatory to other video programming services providers basis.

On page 65, line 8, strike "subsidiary" and insert "affiliate".

On page 65, line 18, after the period insert the following: "Nothing in this Act precludes a video programming provider making use of a common carrier video platform from being treated as an operator of a cable system for purposes of section 111 of title 17, United States Code.".

On page 65, line 25, insert "common carrier" before "video".

On page 66, line 1, strike "the video" and insert "that".

On page 66, line 6, insert "common carrier" before "video".

On page 66, line 6, after the period insert the following: "If the area covered by the common carrier video platform includes more than one franchising area, then the Commission shall determine the number of channels allocated to public, educational, and governmental entities that may be eligible for such rates for that platform.".

On page 67, line 1, insert "local" before "broadcast".

On page 67, line 2, insert "identified under section 614" after "stations".

On page 68, beginning on line 11, strike "consistent with the other provisions of title VI of the Communications Act of 1934 (47 U.S.C. 521 et seq.)".

On page 69, between lines 19 and 20, insert the following:

(a) CHANGE IN DEFINITION OF CABLE SYSTEM.—Section 602(7) (47 U.S.C. 522(7)) is amended by striking out "(B) a facility that serves only subscribers in 1 or more multiple unit dwellings under common ownership, control, or management, unless such facility or facilities uses any public right-of-way;" and inserting "(B) a facility that serves subscribers without using any public right-of-way;"

On page 69, line 20, Strike "(a)" and insert "(b)".

On page 70, line 22, strike "(b)" and insert "(c)".

On page 71, between lines 2 and 3, insert the following:

(d) PROGRAM ACCESS.—Section 628 (47 U.S.C. 628) is amended—

(1) by striking subsection (c)(5); and

(2) by adding at the end the following new subsections:

"(j) COMMON CARRIERS.—Any provision that applies to a cable operator under this section shall apply to a telecommunications carrier that provides video programming directly to subscribers. Any such provision that applies to a satellite cable programming vendor in which a cable operator has an attributable interest shall apply to any satellite cable programming vendor in which such common carrier has an attributable interest.

"(k) SUNSET.—This section and the regulations required under this section shall cease to be effective on October 5, 2002.".

(e) EXPEDITED DECISION-MAKING FOR MARKET DETERMINATIONS UNDER SECTION 614.—

(1) IN GENERAL.—Section 614(h)(1)(C)(iv) (47 U.S.C. 614(h)(1)(C)(iv)) is amended to read as follows:

"(iv) Within 120 days after the date on which a request is filed under this subparagraph, the Commission shall grant or deny the request.".

(2) APPLICATION TO PENDING REQUESTS.—The amendment made by paragraph (1) shall apply to—

(A) any request pending under section 614(h)(1)(C) of the Communications Act of 1934 (47 U.S.C. 614(h)(1)(C)) on the date of enactment of this Act; and

(B) any request filed under that section after that date.

On page 71, line 3, strike "(c)" and insert "(f)".

On page 71, beginning with line 7 strike through line 3 on page 73 and insert the following:

Section 224 (47 U.S.C. 224) is amended—

(1) by inserting the following after subsection (a)(4):

"(5) The term 'telecommunications carrier' shall have the meaning given such term in subsection 3(nn) of this Act, except that, for purposes of this section, the term shall not include any person classified by the Commission as a dominant provider of telecommunications services as of January 1, 1995.";

(2) by inserting after "conditions" in subsection (c)(1) a comma and the following: "or access to poles, ducts, conduits, and rights-of-way as provided in subsection (f),";

(3) by inserting after subsection (d)(2) the following:

"(3) This subsection shall apply to the rate for any pole attachment used by a cable television system solely to provide cable service. Until the effective date of the regulations required under subsection (e), this subsection shall also apply to the pole attachment rates for cable television systems (or for any telecommunications carrier that was not a party to any pole attachment agreement prior to the date of enactment of the Telecommunications Act of 1995) to provide any telecommunications service or any other service subject to the jurisdiction of the Commission."; and

(4) by adding at the end thereof the following:

"(e)(1) The Commission shall, no later than 2 years after the date of enactment of the Telecommunications Act of 1995, prescribe regulations in accordance with this subsection to govern the charges for pole attachments by telecommunications carriers. Such regulations shall ensure that utilities charge just and reasonable and non-discriminatory rates for pole attachments.

"(2) A utility shall apportion the cost of providing space on a pole, duct, conduit, or right-of-way other than the usable space among entities so that such apportionment equals the sum of—

"(A) two-thirds of the cost of providing space other than the usable space that would be allocated to such entity under an equal apportionment of such costs among all attachments, plus

"(B) the percentage of usable space required by each such entity multiplied by the costs of space other than the usable space;

but in no event shall such proportion exceed the amount that would be allocated to such entity under an equal apportionment of such costs among all attachments.

"(3) A utility shall apportion the cost of providing usable space among all entities according to the percentage of usable space required for each entity. Costs shall be apportioned between the usable space and the space on a pole, duct, conduit, or right-of-way other than the usable space on a proportionate basis.

"(4) The regulations required under paragraph (1) shall become effective 5 years after the date of enactment of the Telecommunications Act of 1995. Any increase in the rates for pole attachments that result from the adoption of the regulations required by this subsection shall be phased in equal annual increments over a period of 5 years beginning on the effective date of such regulations.

"(f)(1) A utility shall provide a cable television system or any telecommunications carrier with nondiscriminatory access to any pole, duct, conduit, or right-of-way owned or controlled by it.

"(2) Notwithstanding paragraph (1), a utility providing electric service may deny a cable television system or telecommunications carrier access to its poles, ducts, conduits, or rights-of-way, on a non-discriminatory basis where there is insufficient capacity and for reasons of safety, reliability, and generally applicable engineering purposes.

"(g) A utility that engages in the provision of telecommunications services shall impute to its costs of providing such services (and charge any affiliate, subsidiary, or associate company engaged in the provision of such services) an amount equal to the pole attachment rate for which such company would be liable under this section.".

On page 73, line 12, strike "holding".

On page 74, beginning on line 6, strike "engaged in any activity described in paragraph (1)".

On page 774, line 8, strike "to that Act," and insert "to,".

On page 74, line 9, strike "review any such activity," and insert "review, any activity described in paragraph (1),".

On page 74, beginning with line 13, strike through line 12 on page 76 and insert the following:

(3) APPLICABILITY OF TELECOMMUNICATIONS REGULATION.—Nothing in this section shall affect the authority of the Federal Communications Commission under the Communications Act of 1934, or the authority of State commissions under State laws concerning the provision of telecommunications services, to regulate the activities of an associate company engaged in activities described in paragraph (1).

(b) PROHIBITION OF CROSS-SUBSIDIZATION.—Nothing in the Public Utility Holding Company Act of 1935 shall preclude the Federal Energy Regulatory Commission or a State commission from exercising its jurisdiction under otherwise applicable law to determine whether a public utility company may recover in rates the costs of any activity described in subsection (a)(1) which is performed by an associate company regardless of whether such costs are incurred through the direct or indirect purchase of goods and services from such associate company.

(c) ASSUMPTION OF LIABILITIES.—Any public utility company that is an associate company of a registered holding company and that is subject to the jurisdiction of a State commission with respect to its retail electric or gas rates shall not issue any security for the purpose of financing the acquisition, ownership, or operation of an associate company engaged in activities described in subsection (a)(1) without the prior approval of the State commission. Any public utility company that is an associate company of a registered holding company and that is subject to the jurisdiction of a State commission with respect to its retail electric or gas rates shall not assume any obligation or liability as guarantor, endorser, surety, or otherwise by the public utility in respect of any security of an associate company engaged in activities described in subsection (a)(1) without the prior approval of the Senate commission.

(d) PLEDGING OR MORTGAGING UTILITY ASSETS.—Any public utility company that is an associate company of a registered holding company and that is subject to the jurisdiction of a State commission with respect to its retail electric or gas rates shall not pledge, mortgage, or otherwise use as collateral any utility assets of the public utility or utility assets of any subsidiary company thereof for the benefit of an associate company engaged in activities described in subsection (a)(1) without the prior approval of the State commission.

(e) BOOKS AND RECORDS.—An associate company engaged in activities described in subsection (a)(1) which is an associate company of a registered holding company shall maintain books, records, and account separate from the registered holding company which identify all transactions with the registered holding company and its other associate companies, and provide access to books, records, and accounts to State commissions and the Federal Energy Regulatory Commission under the same terms of access, disclosure, and procedures as provided in section 201(g) of the Federal Power Act.

(f) INDEPENDENT AUDIT AUTHORITY FOR STATE COMMISSIONS.—

(1) STATE MAY ORDER AUDIT.—Any State commission with jurisdiction over a public utility company that—

(A) is an associate company of a registered holding company, and

(B) transacts business, directly or indirectly, with a subsidiary company, affiliate, or associate company of that holding company engaged in any activity described in subsection (a)(1),

may order an independent audit to be performed, no more frequently than on an annual basis, of all matters deemed relevant by the selected auditor that reasonably relate to retail rates; provided such matters relate, directly or indirectly, to transactions or transfers between the public utility company subject to its jurisdiction and the subsidiary company, affiliate, or associate company engaged in that activity.

(2) SELECTION OF FIRM TO CONDUCT AUDIT.—(A) If a State commission orders an audit in accordance with paragraph (1), the public utility company and the State commission shall jointly select within 60 days a firm to perform the audit. The firm selected to perform the audit shall possess demonstrated qualifications relating to:

(i) competency, including adequate technical training and professional proficiency in each discipline necessary to carry out the audit, and

(ii) independence and objectivity, including that the firm be free from personal or external impairments to independence, and should assume an independent position with the State commission and auditee, making certain that the audit is based upon an impartial consideration of all pertinent facts and responsible opinions.

(B) The public utility company and the company engaged in activities under subsection (a)(1) shall cooperate fully with all reasonable requests necessary to perform the audit and the public utility company shall bear all costs of having the audit performed. The reasonable costs of such audits shall be included in rates.

(3) AVAILABILITY OF AUDITOR'S REPORT.—The auditor's report shall be provided to the State commission within 6 months after the selection of the auditor, and provided to the public utility company 60 days thereafter.

(g) REQUIRED NOTICES.—

(1) AFFILIATE CONTRACTS.—A State commission may order any public utility company that is an associate company of a registered holding company and that is subject to the jurisdiction of the State commission to provide quarterly reports listing any contracts, leases, transfers, or other transactions with an associate company engaged in activities described in subsection (a)(1).

(2) ACQUISITION OF AN INTEREST IN ASSOCIATE COMPANIES.—Within 10 days after the acquisition by a registered holding company of an interest in an associate company that will engage in activities described in subsection (a)(1), any public utility company that is an associate company of such company shall notify each State commission having jurisdiction over the retail rates of such public utility company of such acquisition. In the notice an officer on behalf of the public utility company shall attest that, based on then current information, such acquisition and related financing will not materially impair the ability of such public utility company to meet its public service responsibility, including its ability to raise necessary capital.

(h) DEFINITIONS.—Any term used in this section that is defined in the Public Utility Holding Company Act of 1935 (15 U.S.C. 79a et seq.) has the same meaning as it has in that Act. The terms "telecommunications service" and "information service" shall have the same meanings as those terms have in the Communications Act of 1934.

(i) IMPLEMENTATION.—Not later than 1 year after the date of enactment of this Act, the Federal Communications Commission shall promulgate such regulations as may be necessary to implement this section.

(j) EFFECTIVE DATE.—This section takes effect on the date of enactment of this Act.

On page 78, line 14, insert "all of" after "that".

On page 78, beginning on line 15, strike "service which is intended for and available to the general public" and insert "services".

On page 78, line 17, strike "is" and insert "are".

On page 78, line 19, strike "may" and insert "shall".

On page 80, beginning on line 16, strike "comment (and a hearing on the record if it finds that there are credible allegations of serious violations by the licensee of this Act or the Commission's rules or regulations)," and insert "comment,".

On page 81, line 11, after "determines" insert a comma and "after notice and opportunity for a hearing,".

On page 82, between lines 4 and 5, insert the following:

(3) The amendments made by this subsection apply to applications filed after May 31, 1995.

On page 84, line 15, insert "at just and reasonable rates" before "where".

On page 87, line 22, strike "of such services," and insert "of providing those services to that carrier,".

On page 87, line 24, strike "services." and insert "services in accordance with section 214(d)(5).".

On page 88, line 4, strike "area," and insert "area where that company is the dominant provider of wireline telephone exchange service or exchange access service,".

On page 88, line 5, after "market" insert "in such telephone exchange area".

On page 88, line 6, strike "or exchange access service".

On page 88, line 7, strike "interexchange" and insert "interLATA".

On page 88, line 16, strike "subsidiary or".

On page 91, line 22, strike "SUBSIDIARY;" and insert "AFFILIATE;".

On page 91 line 24, strike "SUBSIDIARY;" and insert "AFFILIATE;".

On page 92, line 6, strike "subsidiary or".

On page 93, line 13, strike "A" and insert "Effective on the date of enactment of the Telecommunications Act of 1995, a".

On page 93, line 14, strike "subsidiary or".

On page 93, strike lines 18 and 19 and insert "service.".

On page 93, line 21, strike "A" and insert "Effective on the date of enactment of the Telecommunications Act of 1995, a".

On page 93, line 22, insert "or its affiliate" before "may".

On page 93, line 23, strike "to the purposes of—" and insert "to—".

On page 94, line 10, strike "or".

On page 94, line 15, after the comma insert "or".

On page 94, between lines 15 and 16, insert the following:

"(iv) providing alarm monitoring services,".

On page 97, line 11, after "audio," insert "alarm monitoring services,".

On page 97, beginning with line 23, strike through line 2 on page 98.

On page 98, line 3, strike "'(2)" and insert "'(1)".

On page 98, line 8, strike "'(3)" and insert "'(2)".

On page 98, line 12, strike the closing quotation marks and the second period.

On page 98, between lines 12 and 13, insert the following:

"(g) CERTAIN SERVICE APPLICATIONS TREATED AS IN-REGION SERVICE APPLICATIONS.—For purposes of this section, a Bell operating company application to provide 800 service, private line service, or their equivalents that—

"(1) terminate in an area where the Bell operating company is the dominant provider of wireline telephone exchange service or exchange access service, and

"(2) allow the called party to determine the interLATA carrier,

shall be considered an in-region service subject to the requirements of subsection (c) and not of subsection (d).".

On page 98, beginning with line 13, strike through line 2 on page 99 and insert the following:

(b) LONG DISTANCE ACCESS FOR COMMERCIAL MOBILE SERVICES.—

(1) IN GENERAL.—Notwithstanding any restriction or obligation imposed pursuant to the Modification of final Judgment or other consent decree or proposed consent decree prior to the date of enactment of this Act, a person engaged in the provision of commercial mobile services (as defined in section 332(d)(1) of the Communications Act of 1934), insofar as such person is so engaged, shall not be required by court order or otherwise to provide equal access to interchange telecommunications carriers, except as provided by this section. Such a person shall ensure that its subscribers can obtain unblocked access to the provider of interchange services of the subscriber's choice through the use of an interexchange carrier identification code assigned to such provider, except that the requirements for unblocking shall not apply to mobile satellite services unless the Commission finds it to be in the public interest.

(2) EQUAL ACCESS REQUIREMENT CONDITIONS.—The Commission may only require a person engaged in the provision of commercial mobile services to provide equal access to interexchange carriers if—

(A) such person, insofar as such person is so engaged, is subject to the interconnection obligations of section 251(a) of the Communications Act of 1934, and

(B) the Commission finds that such requirement is in the public interest.

On page 99, line 23, strike "thereunder." and insert a comma and "except that neither a Bell operating company nor any of its affiliates may engage in such manufacturing in conjunction with a Bell operating company not so affiliated or any of its affiliates.".

On page 99, beginning on line 25, strike "Upon the enactment of the Telecommunications Act of 1995," and insert "Upon adoption of rules by the Commission under section 252,".

On page 110, line 8, strike "SUBSIDIARY;" and insert "AFFILIATE;".

On page 100, line 15, "subsidiary" and insert "affiliate".

On page 100, beginning on line 22, strike "subsidiary" and insert "affiliate".

On page 101, line 2, strike "subsidiary" and insert "affiliate".

On page 101, line 6, strike "subsidiary" and insert "affiliate".

On page 101, strike lines 15 and 16 and insert the following:

"(2) NONDISCRIMINATION STANDARDS.—".

On page 101, line 25, after "controls" insert a comma and "or on which is acting on its behalf or on behalf of its affiliate,".

On page 102, between lines 5 and 6, insert the following:

"(C) A Bell operating company shall, consistent with the antitrust laws, engage in joint network planning and design with local exchange carriers operating in the same area of interest. No participant in such planning shall be allowed to delay the introduction of new technology or the deployment of facilities to provide telecommunications services, and agreement with such other carriers shall not be required as a prerequisite for such introduction or deployment. A Bell operating company shall provide, to other local exchange carriers operating in the same area of interest, timely information on the planned deployment of telecommunications equipment, including software integral to such telecommunications equipment and upgrades of that software.

On page 102, line 6, strike "(C)" and insert "(D)".

On page 102, line 6, strike "subsidiary" and insert "affiliate".

On page 102, line 12, strike "(D)" and insert "(E)".

On page 102, line 19, strike "subsidiaries or".

On page 103, line 4, strike "section." and insert "section, and otherwise to prevent discrimination and cross-subsidization in a Bell operating company's dealings with its affiliate and with third parties.",

On page 103, line 15, strike "CARRIERS" and insert "PARTIES".

On page 103, line 16, strike "local exchange carrier" and insert "party".

On page 103, line 18, strike "subsidiary or".

On page 104, beginning on line 1, strike "local exchange carrier" and insert "party".

On page 4, strike lines 4 through 19, and insert the following:

"(g) APPLICATION TO BELL COMMUNICATIONS RESEARCH.—

"(1) IN GENERAL.—Nothing in this section—

"(A) provides any authority for Bell Communications Research, or any successor entity, to manufacture or provide telecommunications equipment or to manufacture customer premises equipment; or

"(B) prohibits Bell Communications Research, or any successor entity, from engaging in any activity in which it is lawfully engaged on the date of enactment of the Telecommunications Act of 1995, including providing a centralized organization for the provision of engineering, administrative, and other services (including serving as a single point of contact for coordination of the Bell operating companies to meet national security and emergency preparedness requirements).

On page 105, line 12, strike "subsidiary or".

On page 105, beginning on line 13, strike "company, subsidiary, or affiliate" and insert "company or affiliate".

On page 106, line 22, strike "subsidiary" and insert "affiliate".

On page 107, beginning with "service" on line 5, strike through line 6 and insert the following: "service suspended if its right to provide that service is conditioned upon its meeting those obligations.'"

On page 107, line 11, strike "this section" and insert "section 251 or 255".

On page 108, line 23, strike "subsidiary or".

On page 110, line 2, strike "subsidiaries and".

On page 110, beginning on line 15, strike "subsidiaries and".

On page 110, line 21, strike "subsidiaries or".

On page 111, line 17, strike "punish" and insert "to impose sanctions on".

On page 111, line 20, strike "subsidiary or".

On page 111, line 24, insert "or an affiliate" after "company".

On page 112, line 1, strike "December 31, 1994," and insert "June 1, 1995,".

On page 112, line 4, strike "subsidiary or".

On page 112, beginning with "services," on line 8 strike through line 10 and insert "services.".

On page 113, between lines 3 and 4, insert the following:

SEC. 226. NONAPPLICABILITY OF MODIFICATION OF FINAL JUDGMENT.

Notwithstanding any other provision of law or of any judicial order, no person shall be subject to the provisions of the Modification of Final Judgment solely by reason of having acquired commercial mobile service or private mobile service assets or operations previously owned by a Bell operating company or an affiliate of a Bell operating company.

On page 113, line 19, strike "residential".

On page 113, line 23, strike "Where only a single carrier provides a service" and insert "Until sufficient competition exists."

On page 117, line 8, strike "upon request." and insert "requesting such information for the purpose of publishing directories in any format.".

On page 117, between lines 21 and 22, insert the following:

(d) CONFIDENTIALITY.—A telecommunications carrier has a duty to protect the confidentiality of proprietary information of, and relating to, other common carriers and customers, including common carriers reselling the telecommunications services provided by a telecommunications carrier. A telecommunications carrier that receives such information from another carrier for purposes of provisioning, billing, or facilitating the resale of its service shall use such information only for such purpose, and shall not use such information for its own marketing efforts. Nothing in this subsection prohibits a carrier from using customer information obtained from its customers, either directly or indirectly through its agents—

(1) to provide, market, or bill for its services; or

(2) to perform credit evaluations on existing or potential customers.

On page 119, line 3, strike, "The" and insert "Notwithstanding section 332(c)(1)(A) of this Act, the".

On page 119, line 16, strike "ers;" and insert "ers or the preservation and advancement of universal services;".

On page 121, line 23, strike "10401" and insert "14101".

On page 124, line 10, insert "or created" after "designated".

On page 124, line 16, strike "shall be assigned" and insert "shall be permitted to use".

On page 124, line 21, insert "as determined by the Commission" after "basis".

On page 126, line 8, insert "the Commission," before "the National".

On page 126, line 9, insert a comma after "Administration".

On page 128, strike lines 3 through 24.

On page 129, line 1, strike "(h)" and insert "(g)".

On page 129, line 6, strike "6" and insert "18".

On page 129, beginning on line 7, strike "undertake" and insert "commence".

On page 132, beginning on line 5, strike "designated as an essential telecommunications carrier under section 214(d)".

On page 132, line 14, after "areas." insert "A telecommunications carrier providing service pursuant to this paragraph shall be entitled to have an amount equal to the difference, if any, between the price for services provided to health care providers for rural areas and the price for similar services provided to other customers in comparable urban areas treated as a service obligation described in section 253(d) that is considered as part of its obligation to contribute to universal service under section 253(c).".

On page 132, strike lines 15 through 23 and insert the following:

"(2) Educational Providers and Libraries.—All telecommunications carriers serving a geographic area shall, upon a bona fide request, provide to elementary schools, secondary schools and libraries universal services (as defined in Section 253) that permit such schools and libraries to provide or receive telecommunications services for educational purposes at rates less than the amounts charged for similar services to other parties. The discount shall be an amount that the Commission and the States determine is appropriate and necessary to ensure affordable access to and use of such telecommunications by such entities. A telecommunications carrier providing service pursuant to this paragraph shall be entitled to have an amount equal to the amount of the discount, treated as a service obligation described in section 253(d) that is considered as part of its obligation to contribute to universal service under section 253(c)."

On page 133, beginning with "shall" on line 1, strike through line 6 and insert the following: "shall, for essential telecommunications carriers providing service pursuant to subsection (a), include the amount of the support payments reasonably necessary to allow such carrier to provide such service to such users under section 253."

On page 135, line 8, strike the closing quotation marks and the second period.

On page 135, between lines 8 and 9, insert the following:

"(e) TERMS AND CONDITIONS.—Telecommunications services and network capacity provided under this section may not be sold, resold, or otherwise transferred in consideration for money or any other thing of value.".

On page 136, after line 21, insert the following:

SEC. 312. DIRECT BROADCAST SATELLITE.

(a) DBS SIGNAL SECURITY.—Section 705(e)(4) (47 U.S.C. 605(e)(4)) is amended by inserting "satellite delivered video or audio programming intended for direct receipt by subscribers in their residences or in their commercial or business premises," after "programming,".

(b) FCC JURISDICTION OVER DIRECT-TO-HOME SATELLITE SERVICES.—Section 303 (47 U.S.C. 303) is amended by adding at the end thereof the following new subsection:

"(v) Have exclusive jurisdiction to regulate the provision of direct-to-home satellite services. For purposes of this subsection, the term 'direct-to-home satellite services' means the distribution or broadcasting of programming or services by satellite directly to the subscriber's premises without the use of ground receiving or distribution equipment, except at the subscriber's premises, or used in the initial uplink process to the direct-to-home satellite.".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet at 10 a.m. on Wednesday, June 7, 1995, in open session, to receive testimony on the situation in Bosnia.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, June 7, 1995, to conduct a hearing on pending nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. HATCH. Mr. President, I ask unanimous consent that the Finance Committee be permitted to meet Wednesday, June 7, 1995, beginning at 9:30 a.m. in room SD–215, to conduct a hearing on small business issues, including estate tax proposals and expensing of business equipment proposals.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, June 7, 1995, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. HATCH. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Wednesday, June 7, at 10 a.m. for a hearing on the subject: Duplication, Overlap and Fragmentation in Government Programs.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. HATCH. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, June 7, 1995, at 2 p.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS

Mr. HATCH. Mr. President, I ask unanimous consent that the Subcommittee on Oversight and Investigations of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, June 7, 1995, for purposes of conducting a subcommittee hearing which is scheduled to begin at 9:30 a.m. The purpose of this hearing is to examine the historical evolution of the National Environmental Policy Act of 1969 (P.L. 91–190), how it is being applied now in several situations, and what options are available to improve Federal decisionmaking consistent with the objectives of that statute.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON YOUTH VIOLENCE

Mr. HATCH. Mr. President, I ask unanimous consent that the Subcommittee on Youth Violence of the U.S. Senate Committee on the Judiciary be authorized to meet during a session of the Senate on Wednesday, June 7, 1995, at 10 a.m., in Senate Dirksen Room 226, on "The Iron Triangle: Welfare, Illegitimacy, and Juvenile Violence."

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

CHARLES PINCKNEY NATIONAL HISTORIC SITE

• Mr. HOLLINGS. Mr. President, I recently attended the dedication of the Charles Pinckney National Historic Site near Charleston, SC. It is an outstanding facility honoring Charles Pinckney as one of our Founding Fathers. At the ceremony, Prof. Walter Edgar of the University of South Carolina made some remarks that I commend to my colleagues. I ask that they be printed in the RECORD.

The remarks follow:

CHARLES PINCKNEY: PUBLIC SERVANT

We're here today to dedicate this site that is closely associated with the life of one of the founding fathers of our republic, the Honorable Charles Pinckney. I think it particularly appropriate at this juncture in our nation's history to pause and reflect upon the life of this man—not just because he was one of the more active participants in the Convention in Philadelphia—but because of the ideals of public service that he, and others like him, displayed.

Today, public service is sometimes decried by those who do not know any better. "Careerist politician," and "faceless bureaucrat" are among some of the kinder terms heard over the nation's airways and in print. However, once upon a time, when the State of South Carolina was more than a century old and the new United States was less than a decade independent from Great Britain . . . there was a spirit of public service abroad in the land. Individuals believed in something greater than themselves; they believed in the public good. Many were willing, as stated so boldly in the Declaration of Independence, to "pledge their lives, their fortunes, and their sacred Honor" for the cause of the nation.

Charles Pinckney of Snee Farm was one of those individuals for whom serving the state and the nation he loved was paramount. (Just take a look at the summary of his career in your programs). He came from a society where public service was considered every man's duty. Let's just look, for example, at Pinckney and his fellow South Carolina delegates to the Constitutional Convention: Pierce Butler, Charles Cotesworth Pinckney, and John Rutledge. All four men had held a variety of local and state offices in colonial, revolutionary, and post-revolutionary South Carolina.

What these men did before Philadelphia is indicative of the sort of public life that was expected of them. After Philadelphia, however, they continued to give of themselves to the state and nation. Rutledge was an Associate Justice of the United States Supreme Court and Governor of South Carolina. Butler served as U.S. Senator. C.C. Pinckney was our Minister (ambassador) to France, and nominee of the Federalist Party for vice president and president (twice). Our man, Charles Pinckney, was four times governor of the state, a member of the U.S. House of Representatives, a U.S. Senator, and Minister to Spain.

All of them were distinguished public figures; however, I would argue, that Charles Pinckney of Snee Farm did more than his duty. He was truly a public servant. For more than four decades he dedicated his life to serving the people of South Carolina and the United States.

Charles Pinckney, son of Frances Brewton and Charles Pinckney (1732–1782), was born in Charleston in 1757, three years after his father purchased Snee Farm as a country retreat. During his childhood, the family moved their residence among their several plantation homes and Charleston. Young Charles spent many happy days of his youth here. His father began improvements at Snee Farm which included formal gardens in the area between the present house and the road.

Like his cousins and many of his peers, Charles was scheduled to be educated in England—to include taking a law degree at the Inns of Court. The Revolution disrupted the plans for Charles' education and he had to study with private tutors and read law with his father. From an early age, he demonstrated a facility with languages and, by the time he was an adult, was fluent in five.

He was 21 when he was elected to the General Assembly of South Carolina, but with the British advance on Charleston, he soon abandoned politics for the military. He served in the South Carolina militia, was captured at the fall of Charleston, and imprisoned on a ship in Charleston Harbor. Later, he was exchanged in Philadelphia and returned to South Carolina after the peace treaty was signed.

Upon his return to South Carolina he was elected again to the General Assembly. That body, in turn, in 1784, elected him a delegate to the Articles of Confederation Congress. In Congress, he discovered the weakness of the Confederation and was among the members to urge the strengthening of the central government. He chaired a congressional committee that recommended seven amendments to the Articles. There were few who were as active as he in trying to enhance the powers of the government of the United States.

When New Jersey threatened to withdraw its financial support from the national government in 1786, Pinckney was one of three members of Congress sent to persuade that state's legislature not to withhold its funds. In addressing the legislature of New Jersey, Pinckney suggested that they "urge the calling of a general convention of the states for the purpose of increasing the powers of the federal government and rendering it more useful for the ends for which it was instituted."

The very next year there was a call for a constitutional convention to meet in Philadelphia. In Philadelphia, the South Carolinians attracted a great deal of attention. It was a powerful group of men. Because of their wealth and status, some of their fellow delegates referred to them as "the Nabobs from South Carolina." It is always dangerous to say that we know what individuals of two centuries ago thought and felt; however, I believe that I am on very safe ground in stating that Charles Pinckney would have reveled in being called a nabob—for that is what he and his fellow Carolinians were.

Charles Pinckney, at 29, was the second youngest man present. He probably was one of the wealthiest—if not the wealthiest men in Philadelphia.

On May 25, 1787, a quorum of delegates from the various states assembled in Philadelphia. After electing George Washington as its presiding officer, Pinckney, Alexander Hamilton, and George Wythe were appointed as a rules committee to establish procedures under which the convention would operate.

Four days later, after the Virginia delegation presented its plan for a new constitution, Pinckney rose and addressed the convention. In his remarks he outlined his ideas for the new government. These comments would give rise to the controversial "Pinckney Draught" of the Constitution. Whether or not such a document exists is unimportant. What is important was Pinckney's participation in the debates—he spoke more than 100 times—that helped shape the document that now governs us. Historians and political scientists have ranked Charles Pinckney of Snee Farm as one of the more influential delegates present.

When the South Carolina delegation returned home, they immediately began the task of ensuring that South Carolina would ratify the new Constitution—which it did. Pinckney and his fellow delegates all played key roles in the state's ratification convention.

No sooner had South Carolina ratified the federal constitution than it had to write a new state constitution. Pinckney presided over the convention and, at his urging, the delegates wrote into the document the guarantee of religious liberty in South Carolina.

In 1791, Pinckney was serving his second term as governor when President George Washington made his tour of the Southern states. Governor Pinckney wrote the President and asked him to visit Snee Farm and have breakfast "where your fare will be entirely that of the farm." Because of the weather and the size of the gathering, the meal was held outside under the oaks. On May 2, 1791, Washington wrote in his diary, "Breakfasted at the Country seat of Governor Pinckney * * * and then came to the ferry at Haddrel's Point."

From there, Washington travelled to Charleston where he remained for a week. While in the port city, Pinckney was the President's host three more times—for a private dinner in his home, a large public dinner, and a ball.

No doubt, Washington's visit was one of the high points of Pinckney's second term in office. When it was over, he was returned to the General Assembly for several terms, was elected governor for a third term, and in 1798 was elected United States Senator.

During the presidential election campaign of 1800, Pinckney supported Thomas Jefferson. In so doing, he broke with his family—his cousin Charles Cotesworth Pinckney was the Federalist nominee for vice president. Thanks to Charles Pinckney, Jefferson received South Carolina's eight electoral votes and they were enough to put him over the top.

Shortly after Jefferson was inaugurated, he appointed Pinckney as our country's minister (ambassador) to Spain. While in Madrid, Pinckney continued his practice of purchasing books for his library. We have here on display a magnificent maritime atlas which he bought in Madrid—along with other books he purchased in Philadelphia, New York, and Charleston. These books are reflections of his intellect and wide-ranging interests.

Because Pinckney spent so much time out of state, he left his business affairs in the hands of others. Their mismanagement resulted in Pinckney's eventually losing much of his inheritance. In 1814, he was forced to sell Snee Farm in order to settle his debts. There can be no question, that because he devoted himself to the service of his country, that he sacrificed much of his family fortune.

Despite his personal setbacks, he didn't withdraw from public life. He served one more term as governor and one term in the U.S. House of Representatives. During his term in the House, he opposed the Missouri Compromise because he saw it as a threat to the union he had helped create three decades earlier.

When he completed his term in Congress, he did retire from public life—after 42 years. Three years later he was dead. Thus for all but four years of his adult life, Charles Pinckney of Snee Farm was involved in public service. He had a sense of duty and service that, to some, today, might seem outmoded; but, in essence he was an old fashioned patriot who was willing to serve the people of the state of South Carolina and the United States when asked. He did his duty. For him public service was a sacred trust. And, for him, public service was not without great personal sacrifice.

And, so, ladies and gentlemen, as we dedicate the Charles Pinckney National Historic Site, let us remember that this place, Snee Farm, is not only a memorial to a great South Carolinian and a great American—that it is a living tribute to the ideals of patriotic sacrifice and public service that made this nation great ... the ideals of patriotic sacrifice and public service of which Charles Pinckney was the personal embodiment.•

TRIBUTE TO WILLIAM BOLTON

• Mr. McCONNELL. Mr. President, I rise today to pay tribute to an outstanding Kentucky educator who has dedicated 27 years of his career to the Clark County School System. Mr. William Bolton, assistant superintendent for curriculum and instruction, is retiring on June 30, 1995.

He first came to the Clark County School System in 1968 as a supervisor. Bolton was appointed to the post of assistant superintendent in 1993. Before coming to Clark County, he spent time as a teacher and supervisor in the Corbin Independent School System, and as a supervisor in the Bourbon County School System.

Born and raised in Corbin, KY, William Bolton attended Corbin High School; and after graduation, he traveled to Richmond and enrolled at Eastern Kentucky University. After receiving his degree, he decided to stay at EKU and pursue his masters, which he accomplished in 1959. That same year, he moved back to his hometown to become supervisor of the Corbin Independent School System.

Bolton has worked hard over the years to improve the quality of education in Kentucky. He served as treasurer and president of the Kentucky Association of Education Supervisors, he was president of the Kentucky Association for Supervision and Curriculum Development, and he also spent time on the board of directors of the National Association for Supervision and Curriculum Development. He also kept busy as a member of the Kentucky committee of the Southern Association of Colleges and Schools, the Southern Association of Colleges and Schools Elementary Commission, and the Kentucky Department of Education Advisory Committee.

This outstanding Kentuckian is not only dedicated to his school system, he also keeps active in his community. Bolton is a member of the First United Methodist Church, and he has served on the administrative board, and is currently a church trustee.

While the Clark County school system will miss William Bolton's presence, his retirement means he will be able to do more of the things he loves, including spending time with his wife, Connie, his daughter, and his two grandchildren.

Mr. President, I commend William Bolton for his outstanding service to the Clark County schools. He has played a major role in making it the quality school system that it is today. His influence, expertise, and kindness will certainly be missed by students, faculty, staff, and fellow administrators. I ask that you and my fellow colleagues, join me in congratulating Mr. William Bolton and to wish him good luck in his future.●

WINTON M. "RED" BLOUNT, NANCY HANKS LECTURER

● Mr. JEFFORDS. Mr. President, March 13 of this year marked Arts Advocacy Day, an annual event coordinated by the American Council for the Arts. The day also marked the Ninth Annual Nancy Hanks Lecture on the Arts and Public Policy.

In terms of Federal support for the arts and humanities, this year is a critical one. Therefore, it is of great value to have the opportunity to share thoughts relating to our national commitment to the arts and to determine how best to move forward in ensuring that the arts continue to thrive in all corners of our great Nation.

Winton M. "Red" Blount, former Postmaster General of the United States, member of President Nixon's Cabinet, chairman of the board of Blount, Inc., and dedicated spokesperson for the arts in this country was chosen for the high honor of Nancy Hanks Lecturer. I ask that the remarks made by Mr. Blount be printed in the RECORD.

The remarks follow:

REMARKS OF WINTON M. BLOUNT

Let me say that I come before you tonight as an industrialist, not as an arts and culture lobbyist. Given the current environment, I want to be very clear about that.

It is a great honor to have been asked by the friends of Nancy Hanks and the American Council for the Arts to share some thoughts on the arts and public policy at this most critical time, as we celebrate a remarkable person who put real life into the National Endowment for the Arts in the early 70s when President Nixon started increasing dramatically the federal funds to go to the arts.

Along with so many of you here this evening, I had the good fortune and the great pleasure to become acquainted with Nancy Hanks during the Nixon years, and my respect for her deepened over the years as I became increasingly involved at the nexus between business and the arts.

Among my recollections of Nancy Hanks, and her many qualities, was the informed common sense she brought to her work. And, it was to that recollection that I found myself returning again and again as I considered what I might be able to contribute on this occasion.

A HISTORY OF BIPARTISAN SUPPORT FOR THE ARTS

What would she have said about the first Republican-led House of Representatives in over 40 years leveling its sights on federal funding for the arts—one of the few federal programs that has both bi-partisan support, and the overwhelming majority approval of the American people? Programs which have had the support of Presidents Nixon, Ford, Reagan and Bush, as well as our Democratic Presidents Carter and Clinton.

I don't really know what she would have said; your imagination in this regards is as good as mine. I have always been suspicious of those holier-than-thou contrivances about what someone else would have said or done of wanted done in a particular circumstance. I would only say that I wish she were here today to lend her common sense, her keen insight, and her uncommon energy to the current, and rather peculiar, debate on federal support to the arts.

It is a rather variable debate. Just when one thinks one has the sense of it, it pops up in some other place, in some quite other guise. Almost as if those who launched the debate in the first place aren't really sure what their position is—or whether they want to be associated with it entirely.

On any particular day, one may think the issue is privatization, or obscenity.

Just when that notion is coming into focus some person never previously known to have been a constitutional scholar is arguing against subsidies on constitutional grounds. Which constitutional grounds? Well, one is never sure, and the objection is never spelled out. The Constitution is right there with the Bible as documents which are widely cited and rarely read.

A whole different faction insists that federal assistance to the arts is really only a hand-out for elitists whose personal pleasures are being subsidized by the taxpayer.

The issue, of course, is none of the above. We all know what is the real issue. And we will come to that presently.

PRIVATE SUPPORT FOR THE ARTS

But along the way, I would like to offer my own perspective on the matter of public support to the arts. Looking back on the names of those who have been honored on this occasion in the past, one sees an extraordinary assortment of abilities and accomplishments—prominent historian; a poet; an attorney; musician; and high White House official; a former CEO of a leading communications company; a leading academic; and former member of Congress.

One imagines that no one would protest strongly the suggestion that the liberal view has been well and amply represented here, or that the greater number of my predecessors at this podium would fare better than I if they were being rated by, say, Americans for Democratic Action.

It is with this in mind that I refer to my own perspective. Privatization is as good a place as any for a conservative businessman to begin.

With the collapse of the Soviet Union, and the more general acknowledgment that there are things business can do better than governments, the concept of privatization has acquired the illuminating power of a sudden vision. Privatization is the new philosopher's stone that will turn lead to gold. The very word itself has acquired symbolic significance.

As it happens, I can speak with some authority on the matter of privatization. I oversaw the partial privatization of the U.S. Post Office Department. It was quite a wrench; one day I was a Cabinet officer; the next day I was a has-been. Like most has-beens, I am an expert on the matter.

PRIVATIZATION—DOES IT WORK FOR THE ARTS?

At the heart of privatization is the proposition that those who receive a benefit should be the ones to pay for it. If you use the mails, or phone services, or utilities, you should pay for them. To assure that you get the best service at the best price; these services should be delivered in a free market, where competition will provide incentives for good service at fair prices.

But we, as most nations, also recognized that free market processes will not always work to the advantage of the nation as a whole. The national interest was served by a broadening of our agricultural base, and that would not be achieved rapidly by the invisible hand which allocates capital. So we subsidized, for example, rural electrification, and the taxpayer in our cities got his investment back through a better selection, at lower prices, on the dinner table.

The same rationale justified subsidizing the postal service for much of our still brief history. The postal service preceded our Constitution, and the founding fathers saw nothing wrong with underwriting an activity which benefitted the private sector, seeing that it also gave benefit to the whole nation.

So there is ample precedent for using public moneys to underwrite activities which benefit some directly and others residually. This is not a relationship governed by rigid laws. There may come a time when subsidies can be dispensed with, and wisdom resides in knowing when those times have come. It resides as well in knowing when they have not come, and may never come.

I did my privatizing in a rather interesting building on Pennsylvania Avenue. Part of the charm of that building was its art. It was publicly funded art. Not by the NEA, but by the WPA. By the Federal Art Project of the Work Progress Administration, as an example. There were murals in the public spaces and, in retrospect, it is a pity we didn't do more to pull the public in off the street to look at those works, becuase they belonged to the people, after all, and many of them were quite good. In fact there are many buildings in this town filled with art, much of it subsidized by the government, such as the National Archives Building with their wonderful murals and many other buildings.

Still, I don't think they were wasted. The money that subsidized them helped the artists survive in a difficult time, while doing useful work. And the chance to do his or her work may have helped that work to improve. And we don't know whether any of that will someday be taken down off those walls and offered up someplace where it can better be appreciated. You never know about art. It has a way of coming back around. It connects us; it provides the ligaments and the ties that bind, holding the species together along the trajectory of its evolution. In that sense, among many, it can be said to perform a public function, in the purest sense of the word.

Had we not subsidized those artists, in that time, who would have done so? Would we have had a hiatus in the evolution of American art in the Depression era? Perhaps. At any rate, it is difficult to imagine much private money going to new artists for works that would be available to the public.

These programs—and, as all of you know, the Federal Art project was only one; there was a Federal Music Project, a Federal Theater Project—and they did not simply subsidize practicing artists, writers, composers and playwrights. They even provided lessons. They taught some how to make art, and others how to appreciate it.

Alternatively, they may have helped a few would-be artists to discover that their talents might better be employed in the field of cardiology, or welding, or home constructions. Was this not a beneficial thing from the standpoint of civic maturation? Indeed it was. It was as essential to the synthesizing of a distinctive national culture as the civil war was to the synthesizing of a distinctive national form of government. The federal government, by broadly supporting creativity, helps to increase cultural production and the skills associated with that production.

PUBLICLY FUNDED PROGRAMS MAKE ART DEMOCRATIC

These publicly funded programs made art democratic. If there is to be a debate over the utility of that objective, then let the debate be couched in those terms, rather than in economic terms and demagoguery. To suggest that the arts should rely for their health on private funding is a form of snobbery; it implies that those without means are incapable of producing art, or of appreciating it, in the first place. If we accept this proposition, we must accept its concomitant; which is an America irretrievably divided by economic class. Were we to accept that, we wouldn't really need a Constitution, would we?

So, it is important that we not let the terms of this debate be defined by ideology. The arts are not the pre-occupation of a narrow elite; they are the defining sinews of the good society, and, as they serve a public good, they are properly subsidized by public resources.

Neither should we allow ourselves to be put on the defensive over this matter of privatization. The proper allocation of public resources is a vitally important issue, but the argument against public funding of the arts is a reduction to the absurdity which obscures the importance of that issue. Federal support of the arts yields multiple public benefits, including local economic revitalization. With arts education you get improved work force characteristics. Youth who are involved with the arts are less prone to become engaged with crime and violence, etc. Therefore, at a time of scarce federal dollars, policy makers should be looking to allocate resources where they can generate multiple public benefits for the same dollar.

A CALL FOR INTELLECTUAL RIGOR AND CONSISTENCY

What is wanted is a degree of intellectual rigor and consistency which is now missing in this debate. And, along the way, we may also get a more accurate definition of elitism in America, and who among us are the most privileged when it comes to the allocation of public resources.

While we wait for that happy day, we may be excused for taking a look to see what really is at issue here. It is not whether the arts and humanities should be subsidized, but rather how they have been subsidized. It is on this point that one discerns something between intellectual sloth and political cowardice on the part of those who want to eliminate federal funding for the arts.

I have read and re-read the arguments, as all of you have, against federal funding, and for privatization. I have yet to find, anywhere, this issue defined on the merits. The issue, purely and simply, is whether the arts contribute to the commonweal. Is art an inevitable component of the good society? If there are those who believe it is not, let them say so. And let them offer us examples of nations which have achieved greatness while turning their backs on art.

A GREAT, LOST OPPORTUNITY

One sees in all this a great, lost opportunity. Our friends who would disestablish the National Endowments for the Arts, the Humanities, IMS and public broadcasting, would require zero public funding for the arts, are good people, men and women with distinguished records of public service, some of considerable learning. The role of the arts in our national life is a matter of no less consequence than the role of science, than matters of health care, education, or the national defense. A fairly met debate on the arts and public policy could be, and ought to be, an enriching, edifying contribution to our national life.

We have not seen this. Every op-ed piece, every speech, every public objection to public funding of the arts begins and ends not with a consideration of the role of the arts, but with finger-pointing at what is seen as the inappropriate funding of certain artists and their projects. Fair enough, as far as it goes. But it goes nowhere. Or rather it goes nowhere near the issue of the significance or insignificance of the arts in public life.

It does, rather to the settling of old scores. To getting even. Let there be no mistake about it, this is a partisan issue. And, more often than not, it is a matter of personalities.

Henry Kissinger once said that the reason academic politics are so sordid is because the stakes are so low. So it is in the art world, when politics is the arbiter of taste, and the allocation of public funds becomes a means for expressing contempt for the values and convictions of segments of our population. Let there be no mistaking the fact that influential elements in the arts community bear major responsibility for the embarrassing occurrence in which we now find ourselves, and for the jeopardy of public funding for the arts. There is an organized constituency which has opposed the principle of federal support for arts and culture. They have systemically looked for projects that may offend common good taste and tarnished the NEA with them. As long as those groups exists, they will manage to find one of two projects which they can create controversy with—those groups actually thrive from those controversies by using them to raise money from their constituency.

There is a fine line between challenging public taste and offending it. It is the responsibility of those who administer public funding for the arts to assure that line is not crossed. Still, the elimination of funding is not the appropriate response to the crossing of that line.

Rather, let us be bold to say that we do not approve, or at least some of us don't, of some of the uses to which public moneys have been put. It is true that if we pitch the argument on those grounds, we open ourselves to charges of cultural ignorance, of smugness, even of supporting censorship.

But is it preferable to hide behind specious arguments about fiscal responsibility, budgetary necessity, and free market principles, than to risk being ridiculed for admitting we do not see the artistic merit in the Mapplethorpe photograph?

It is difficult to believe that anyone honestly sees the harsh imperatives of economics as compatible with the refining evolution of a culture. Yet the argument for privatization depends on such a belief. If you doubt that a variant of Gresham's law functions in the shaping of a culture, turn on your television. Left to its own devices, bad entertainment drives out good entertainment. Bad art will drive out good art.

FISCAL PRUDENCE SUPPORTS FEDERAL FUNDING OF THE ARTS

Yet, even on its face, the claim that fiscal prudence militates in favor of privatization is transparently faulty. In what other area of federal funding does one federal dollar generate eleven more dollars from the private sector? And some of these dollars flow back to the federal treasury. Thus, if deficit reduction is the objective, then it is obvious that we should be spending more, not less, on the arts.

In government, as in most aspects of our lives, we tend to reason from the exceptional. And it is the exceptional abuses of public trust in the funding, however infinitesimal a part of the whole, of those who offend public decency, which underpins the argument for eliminating all federal funding of the arts. Part of what makes this both a travesty and a tragedy, is the fact that nothing would be more gratifying to those few who express their contempt for our values than for them to be the agents of disestablishment.

It does not seem to me beyond the competence of men and women of good will to correct the abuses in the public funding of the arts, and to retain the greater good which flows from the government's proper role in these endeavors. It is precisely the opportunity to devise such corrections that is being squandered today.

We do have the right and the obligation to demand accountability from those who dispense federal resources for the arts. We do have the right to impose sanctions on those individuals and organizations which offend public sensibilities by abusing public support. It is reasonable to consider the merits of a cultural impact statement as part of the grant process. It is reasonable to demand corrections in the peer review process. It is to these corrections that we should be directing our attention now. Jane Alexander has affectively addressed many of these issues. She is doing an outstanding job as the director of the National Endowment for the Arts, as is Sheldon Hackney as director of the NEH.

The history of holy wars is strewn with the bodies of the innocent. We may eliminate funding for the arts in order to avenge ourselves on the self-indulgent and the contemptuous few who caper on the edges of the arts community, and we may take whatever satisfaction is to be gained from that.

ART IS NOT THE EXCLUSIVE PROVINCE OF THE WEALTHY

But along the way, we will deny millions of our people affordable access to the pleasures of the arts. We will affirm that art is, indeed, the exclusive province of the wealthy. We will announce that the value of art is a function of what those who can pay and will pay for it; and not a function of its ability to instruct, and to exalt, and to leaven, and to unify a people.

Consider the relish of these new saviours of the public welfare if they could crucify Van Gogh, or even Shakespeare, or Henry Moore, and try to consider the emptiness in our souls if artists like this had not been permitted to live their lives.

The Alabama Shakespeare Festival is a beneficiary of the National Endowment for the Arts. We are grateful for that support, but we will not perish without it. Others, however, will. I take strong exception to the idea that the arts are the province of the elite. I take exception to the word itself. I would invite our friends in the Congress on any day to come to see the children, the elderly or the temporarily disadvantaged who come to our theatre, just one of hundreds across our nation, and point out for me which among these Americans are the elite—and, more to the point, which are not. It is a pleasure to watch their faces as they enter the theatre. But it is an astonishment to see their faces as they come out. They are, in their shared experience, new people, aware of things they only dreamed before, or did not dream at all. Art has done its job. Those who bring them to it have done theirs.

There has been an explosion of support for the arts in cities and towns all over this country following the appointment of Nancy Hanks as the second director of the NEA. With the federal government giving seed money the private sector has responded with many times the support given by the endowments. To dramatically change or reduce this support would be a tragedy in many places over this country.

We are, take us altogether, a rough people, we Americans. Bred to adversity, we know the rigors of war and want and doubt and debt. Always we have stepped up to necessity, to the defense of our values and the betterment of our people. Always, ultimately though often painfully, we have rejected those things which divided us. Always, though often reluctantly, we have embraced those things which united us.

Our edges are softened, and our nature gentled, by the shared difficulties of perfecting our democracy. The art we create, or borrow, or recreate is one expression of our progress. It is one measure of our progress. And it is one engine of our progress, helping us, in the words of Tennyson:

> * * * by slow prudence to make mild
> A rugged people, and thro' soft degrees
> Subdue them to the useful and the good.

If history is to be the judge of our achievement as a nation, what will it say about those who would determine that art was merely an indulgence of the wealthy, and should be available only to the wealthy; that the whole people did not need it, and ought to be denied it by reason of their means?

My family, along with so many others over the years, worked to build this nation. Not some of it, but all of it. I served, along with so many others over the years, to defend it. Not some of it, but all of it. I was raised to believe and, in my final years, continue to embrace, the proposition that a nation advances and grows strong by allocating its opportunities not to some of its people, but to all of them. I believe I am in good company.

Thank you.●

ARTHUR FLEMMING: CRUSADER AT 90

● Mr. ROCKEFELLER. Mr. President, I rise to bring to the attention of my colleagues an upcoming occasion for great celebration: the 90th birthday of Arthur Sherwood Flemming on Monday, June 12.

Arthur Flemming's service to America, to all of humanity, stretches back farther than most of us can imagine. Most of us are aware that he served as Secretary of Health, Education and Welfare under President Eisenhower, and was appointed to several positions, including Chairman of the U.S. Commission on Civil Rights, by President Nixon.

Far fewer Americans are aware that Arthur Flemming served almost a decade on the Civil Service Commission, under Presidents Roosevelt and Truman, and that he served with such distinction that, today, outstanding federal civil servants vie to be named winners of the Arthur Flemming Award. He was a member of that original engine for reinventing Government, the Hoover Commission.

Arthur has served as president of three important institutions of higher education: Ohio Wesleyan University, the University of Oregon, and Macalester College. He has chaired citizens' watchdog groups in civil rights and health care, chaired White House conferences on aging, as well as a Social Security Administration task force on improving the Supplemental Security Income Program for low-income older and disabled Americans.

Last year he was awarded the Presidential Medal of Freedom, and just last month he stole the show with the eloquence and passion of his speech to the 1995 White House Conference on Aging.

My own contact with Arthur Flemming has been most intense in recent years, on the issue of health care. I am proud to point out that he serves as secretary and treasurer of the Alliance for Health Reform, a nonpartisan organization I founded several years ago to educate opinion leaders about the complexities of our health care system. His work on this issue, through the alliance and other means, has been productive and prodigious. Of course, Arthur is no johnny-come-lately to the health care issue. He presented to Congress in 1959 President Eisenhower's plan to provide coverage for older Americans, which he had drafted. Medicare's enactment a few short years later was anything but coincidental.

Health care is an important component, as well, in the work of the Save Our Security Coalition, which Arthur chairs.

Mr. President, Arthur Flemming is a person with enormous talent and dedication, and the energy to exhaust all of his younger colleagues as they try to keep up with him. He is a man for whom the word "peripatetic" is an understatement. I suspect that his wonderful and talented wife, Bernice, has long since given up trying to keep track of where her husband's travel schedule might take him on a given day. Of course, that has given her the time to write the definitive biography of her husband of 60 years, "Crusader at Large."

Arthur Flemming's integrity is unsurpassed, and his commitment to social justice is unparalleled. When too many younger Americans have lost their dream, Arthur Flemming seizes—and pursues vigorously—a vision of an America with a shared sense of community, a land where we pool resources of the private and public sectors to help one another deal with what Franklin Roosevelt called the "hazards and vicissitudes of life."

Quite simply, this is someone for whom I have the deepest admiration and affection.

When Arthur Flemming's 90th birthday occurs next Monday, Mr. President, he will no doubt pause only briefly to allow some of his friends and admirers to mark the occasion—and then press on. There is, in Arthur Flemming's view, so much yet to be done.

I believe that his vision and fortitude are captured quite accurately in an opinion article he authored just last month for the Los Angeles Times, and I ask that it be printed in the RECORD.

The article follows:

[From the Los Angeles Times, May 2, 1995]

SAVE OUR NATIONAL COMMUNITY

(By Arthur S. Fleming)

The "contract with America" constitutes a massive effort to break up the national community we have developed over the past 60 years.

The House Speaker dramatically underlined this objective when he said, referring to the major social programs the national community has undertaken:

"They are a disaster. They ruin the poor. They create a culture of poverty and a culture of violence which is destructive to this civilization, and they have to be thoroughly replaced from the ground up. We need to simply reach out, erase the slate and start over."

When I was a reporter in 1933 and 1934 for what was the predecessor to U.S. News and World Report, I had a front-row seat observing Franklin Roosevelt challenge the national community to pool the resources of the public and private sectors to help one another deal with the hazards and vicissitudes of life. He believed that the national community should place the concept of "social security" alongside "national security."

I say the national community, for the six years I served under President Roosevelt as a member of the U.S. Civil Service Commission, respond to his challenge by authorizing the executive branch to launch 10 programs under the umbrella of Social Security. These included social insurance for retirees, Aid to Families With Dependent Children, aid to the aged, blind and disabled, unemployment compensation, public health and vocational rehabilitation.

I have seen administrations and Congresses since then reaffirm the social role of the national community in partnership with state and local communities.

As a member of President Eisenhower's Cabinet for both terms, I participated in developments that illustrate his commitment to strengthening the national community: the creation of the Department of Health, Education and Welfare, the strengthening of Social Security, the addition of the disabled to our social-insurance programs and the adoption of the National Defense Education Act.

I've had the opportunity of working with all subsequent presidents up to the 1980s; all have contributed to strengthening the national community. President Clinton has been, and is, making a vigorous contribution to the same objective. The drive for universal coverage of all types of health care is one example.

Never in all these years had I witnessed a national political party deliberately develop an agenda such as the "contract with America" with an avowed purpose of weakening the role of the national community.

The current leaders of Congress propose to take funds away from social insurance, particularly Medicare. In so doing, they are proposing not a new "contract with America" but to break a contract that has existed for many years.

They also propose to establish block grants for existing programs for the middle class, the poor and those who suffer, which over a period of five years will provide fewer qualified persons with federal funds. Likewise, they would eliminate many standards designed to ensure quality of services.

Millions of our people are living below the poverty line. Millions more will join them if the proposals made by the leaders of Congress are adopted. Under our system of partnership between local, state and national communities, we cannot weaken the national community without weakening state and local communities. Many states will not replace lost federal funds.

We can, and should, travel another road. We are the richest nation in the world. All of our economic studies reveal that the rich are getting richer and the poor poorer. We can, and should, reverse that trend. We can adjust our tax code. We can raise the top rates for individuals and corporations, eliminate some of the significant corporate tax loopholes and raise new funds over five years for national community programs. This can be combined with cost savings growing out of constructive reductions in the programs of the national community resulting from overlaps, unnecessary rules and eliminating fraud and waste.

These combined resources should be used for a disciplined program that can bring about a gradual reduction in the deficit each year, plus a stronger national community that builds on the strength and accomplishments of the past 60 years, instead of retreating to a position comparable with that of the 1930s.

ORDERS FOR THURSDAY, JUNE 8, 1995

Mr. PRESSLER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 9:30 a.m. on Thursday, June 8, 1995; that following the prayer, the Journal of proceedings be deemed approved to date, the time of the two leaders be reserved for their use later in the day, and the Senate then immediately resume consideration of S. 652, the telecommunications bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. PRESSLER. Mr. President, all Members should be aware that at 9:30 a.m. tomorrow morning the new Secretary of the Senate, Kelly Johnston, will be formally sworn in on the Senate floor.

Also, Senators should be on notice that votes can be expected to occur throughout the day and into the evening on amendments to the pending telecommunications bill.

ORDER FOR RECESS

Mr. PRESSLER. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in recess under the previous order following the remarks of Senator SANTORUM.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT OF CONFEREES—HOUSE CONCURRENT RESOLUTION 67

The PRESIDING OFFICER. Pursuant to the order of May 25, 1995, the Chair appoints the following conferees on House Concurrent Resolution 67: Mr. DOMENICI, Mr. GRASSLEY, Mr. NICKLES, Mr. LOTT, Mr. BROWN, Mr. GORTON, Mr. GREGG, Mr. EXON, Mr. HOLLINGS, Mr. JOHNSTON, Mr. LAUTENBERG, and Mr. SIMON.

The PRESIDING OFFICER. Does the Senator from Pennsylvania seek recognition?

Mr. SANTORUM addressed the Chair.

The PRESIDING OFFICER. The Senator is recognized.

Mr. SANTORUM. I thank the Chair.

MISSING BUDGET RESOLUTION

Mr. SANTORUM. Mr. President, I return to the floor after a brief hiatus as a result of the Memorial Day recess to continue the vigil of waiting for the President to come forward with his 1996 and beyond budget resolution explaining to the Congress and to the American public how he believes we should get to a balanced budget by the year 2002 or 2000 or 2010 or whatever date that he chooses.

As of yet, while the President has coyly discussed with the reporters in New Hampshire and a little cat and mouse with Larry King a couple of nights ago on "Larry King Live," he has steadfastly refused to come forward with any definitive proposal, or even a definitive announcement, of whether he is going to come forward with a proposal on how to balance the Federal budget.

So I will put up the numbers on the chart tonight which indicate the number of days with no proposal to balance the budget from President Clinton. We have now reached day 20 of this visual, not an unmomentous day on day 20.

Several things occurred today that provides some light on what the thinking of the White House is not only on this issue but his lack of leadership on a variety of issues that have come to his attention that are being debated here in the U.S. Congress.

I want to refer first to what happened on Larry King the other night. There was a commercial run by the Republican National Committee during the Larry King anniversary show that reminded the President that this was also an anniversary of a comment that he made during the 1992 campaign that he promised—that he promised—that he would propose a 5-year balanced budget. Larry King asked him about that, I think, shortly after the commercial aired, and the President gave the response that, well, he was thinking about it, or he was going to look at the Republican plans and try to deal with that but sort of dodged around the question.

The Washington Times asked White House Press Secretary Mike McCurry about this exchange on the Larry King show. I will read the exchange between the Washington Times reporter and White House Press Secretary Mike McCurry:

Question, Washington Times: "Where does President Clinton stand on writing his own budget now?"

Answer: "Where does he stand on writing it? As he indicated last night in his television interview, he's prepared to contribute his ideas to the budget process at an appropriate time."

Washington Times, question: "What does that mean?"

White House Press Secretary Michael McCurry, answer: "It means we're ducking the question for now."

"It means we're ducking the question for now."

Twenty days after the Republicans have put forward and now passed their budget in the Senate, even more so in the House, while we are debating in conference, "we're ducking the question for now." The President of the United States, the leader of the free world, "we're ducking the question for now." On the most fundamental issue that we are debating and dealing with in America today, "we're ducking the question for now."

This should come as no surprise as a result of some of the actions the President has taken over the last couple of days on a couple of other issues.

Today he trotted out the first veto. Now, was this veto on a bill that was a dramatic change in course of this country that was threatening the very underpinnings of our society that the Congress and this Democratic administration has constructed? No.

Was this a bill that was a partisan issue that passed on strictly partisan lines that was part of the Contract With America? No, this was a rescissions bill, which also provided funding for disaster relief for Oklahoma City and California earthquakes, but provided reductions in funding in a variety of other programs. And the President, $16 billion in spending cuts, vetoed it, because it just cut too much and because it spent too much money on pork.

Now this is a very interesting point. This was a rescissions bill. A rescissions bill is a bill that says money that has been appropriated will not be spent. Now, I do not know how in a bill which says that money that was appropriated will not be spent will spend more money, because it does not. None of these porkbarrel projects is actually added in the rescissions bill. It is just that they were not included to be taken out in the rescissions bill.

And, by the way, who passed these porkbarrel projects and authorized the spending on those projects and appropriated the money to spend? Last year's Democratic Congress and last year's President. So this President, who signed off on these bills, who approved of the pork now is vetoing a bill because we did not take the pork out.

I think it was said best by Senator HATFIELD on the floor just before the recess when he got up, again in a bipartisan display—the bill passed in a bipartisan fashion with over 60 votes—he said that in his career as a chairman of the Appropriations Committee, spanning six Presidents—six administrations—it is the first time that a President has not assigned an individual to sit in the conference committee where the final bill is being drafted, to sit in the conference committee and work with the House Republicans and Democrats and Senate Republicans and Democrats, conferees on a final bill that everyone could agree with.

They sent no representative. They had no input. They sent one letter, asked for one change. The change was made. The bill was reported out bipartisan, it comes to the floor and the President decides he is going to veto it without any excuses, and now has made up some trumped up excuses because of spending that he signed now should be taken out and he wants to spend more money in about $800 million worth of programs.

Where was he in the conference committee? Where was the leadership that is delaying disaster relief for Oklahoma City and for California? Where is this President when it comes to charting the course?

I will tell you where he is. I will move to yesterday at the National Governors' Conference where the President gets up and talks about welfare reform. Now, remember, welfare reform during the 1992 campaign was potentially the issue that put Bill Clinton over the top. He told the American public he wanted to end welfare as we know it and proved that he was not Michael Dukakis or was not Walter Mondale, that he was a new Democrat, because he was going to stand up to the old welfare state mentality of the Democratic Party.

And what has he done? Well, he went to the National Governors' Association and said:

> The Republican plans are a way to cut spending on the poor and balance the budget in 7 years and give a big tax cut largely benefiting upper-income people. People ought to just say that flat out because that's what's really underneath this.

Has the President offered a welfare reform plan this year? No.

Did the President offer a welfare reform plan last year? Yes.

Did the Democratic Congress give it a hearing? No.

Did anyone take it seriously? No.

Was it a political document that virtually changed nothing in the system? Yes.

And now he is out taking shots at what we are doing. Is he offering an alternative now? No.

Is he leading on this issue to help win him the election? No.

I may have to have multiple charts about all these issues on which the President simply is just not participating. I do not know how many easels they have here, but hopefully they have enough easels to hold up all the different charts. I had to have more numbers made about just where the President simply is not going to participate in the process.

I am not talking about whether to name the national flower the rose or something here. I am talking about welfare reform, balancing the budget, cutting spending—pretty fundamental issues to the domestic debate in this country—and he is AWOL, absent without leadership.

What are some of his friends in the media saying?

Well, on welfare, Brit Hume said, "He no longer has a welfare reform plan of his own, but would like to shape what Congress produces—and doesn't like what he sees."

NPR's Liaison said, "Since President Clinton's own welfare reform plan died in Congress last year, he's made only intermittent attempts to influence the debate."

His friends on the editorial staff at the Baltimore Sun said, "Clinton has a 'long interest' in welfare issues."

They are saying this lamentingly.

They say he "knows more than any previous President, and yet, in midterm, he has become almost irrelevant as Congress speeds toward changes * * *"

"Almost irrelevant." Does it ring a bell? Almost irrelevant to the fundamental issue that helped him get elected—welfare. Irrelevant to providing any source of suggestions or vision or leadership in moving forward on a balanced budget. The President of the United States of America, the leader of the free world.

We can do better. We can do better. I am hopeful that as we continue this visual—as I will between now and the end of September—that we can encourage the President to engage, to understand that the country wants the executive branch, the President and the Congress, to work together to solve the problems that they were elected to change Washington, to move this country forward, to set priorities, and to create opportunities for our citizens. In the measures that I talked about, they are all fundamental to the revolution that is occurring in this country and, hopefully, here in Washington, DC.

I can only ask that the President stop me from coming back, and that he comes forward and quits playing cat and mouse with the press and proposes a budget resolution, comes forward with a welfare reform plan, with spending cuts, to get the ball rolling right away and begin to lead America into the next generation and the next millennium.

Mr. President, I yield the floor.

RECESS UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 9:30 a.m. tomorrow, June 8, 1995.

Thereupon, the Senate, at 9:42 p.m., recessed until Thursday, June 8, 1995, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate June 7, 1995:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

JOHN JOSEPH CALLAHAN, OF MASSACHUSETTS, TO BE AN ASSISTANT SECRETARY OF HEALTH AND HUMAN SERVICES, VICE KENNETH S. APFEL, RESIGNED.

FEDERAL HOSPITAL INSURANCE TRUST FUND

STEPHEN G. KELLISON, OF TEXAS, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE FEDERAL HOSPITAL INSURANCE TRUST FUND FOR A TERM OF 4 YEARS, VICE DAVID M. WALKER, TERM EXPIRED.

MARILYN MOON, OF MARYLAND, TO BE MEMBER OF THE BOARD OF TRUSTEES OF THE FEDERAL HOSPITAL INSURANCE TRUST FUND FOR A TERM OF 4 YEARS, VICE STANFORD G. ROSS, TERM EXPIRED.

FEDERAL SUPPLEMENTARY MEDICAL INSURANCE TRUST FUND

STEPHEN G. KELLISON, OF TEXAS, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE FEDERAL SUPPLEMENTARY MEDICAL INSURANCE TRUST FUND FOR A TERM OF 4 YEARS, VICE DAVID M. WALKER, TERM EXPIRED.

MARILYN MOON, OF MARYLAND, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE FEDERAL SUPPLEMENTARY MEDICAL INSURANCE TRUST FUND FOR A TERM OF 4 YEARS, VICE STANFORD G. ROSS, TERM EXPIRED.

HOUSE OF REPRESENTATIVES—*Wednesday, June 7, 1995*

The House met at 12 noon and was called to order by the Speaker pro tempore [Mr. RIGGS].

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 7, 1995.

I hereby designate the Honorable FRANK RIGGS to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

O gracious God, from whom comes every good thing, we ask that Your Spirit lead us along the right way, hold our lives in Your providence, direct our minds and enlighten our hearts and heal us and make us strong. We begin each day with gratefulness and confidence that any anxiety or concern that we may have will be sanctified by Your gifts to us and made well by Your presence. May Your renewing Spirit, O God, touch the lives of every person, that we will be the people You would have us be, and do those good works that honor You and serve people everywhere. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Texas, Mr. GENE GREEN, come forward and lead the House in the Pledge of Allegiance?

Mr. GENE GREEN of Texas led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will recognize 20 Members on each side for the purposes of making a 1-minute address to the House.

SUPPORT URGED FOR A REAFFIRMATION OF UNITED STATES COMMITMENT TO DEMOCRACY IN CUBA

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, today the House resumes consideration of the American Overseas Interests Act.

This bill reduces spending by $3 billion over the next 2 years, and reforms our foreign policy institutions by folding three agencies into the State Department. Five recent Secretaries of State—Eagleburger, Baker, Shultz, Haig, and Kissinger—endorse this plan. The bill addresses important policy issues. It stops aid to countries that supply weapons to terrorist States and those who vote consistently against us in the United Nations. It cuts off aid to countries that provide aid to the Castro regime or which engage in subsidized trade with the Cuban dictatorship.

Tomorrow, freedom-loving people are rallying at noon in Lafayette Park in front of the White House to protest the administration's policy of forcible repatriation of Cuban refugees. I encourage all of my colleagues to join in this protest and to demand a reaffirmation of this country's commitment to freedom and democracy in Cuba, and please support our bill this week.

HOUSTON ROCKETS PLAYING FOR CHAMPIONSHIP

(Mr. GENE GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Speaker, let me take just a minute away from the budget cutting debate and the foreign aid debate. Tonight the world champion Houston Rockets will be playing in the finals with the Orlando Magic. I just wanted to talk about it, because this is the second year in a row those of us in Houston have been honored to have the Rockets in the world championship.

This has been a tough year. That is why we are starting in on the road, even though we are world champions. We are blessed by not only a great basketball team but a great city in Houston.

I was honored a couple months ago to receive an award along with Hakeem Olajuwon, an outstanding alumnus of the University of Houston. I am proud that the University of Houston is playing a part in tonight's world championship, because both of the Rockets' stars, Olajuwon and Clyde Drexler, were on the University of Houston teams in 1983 and 1984 when they went to the NCAA championship. The Rockets are fighting to have a back-to-back championship. They have overcome adversity and injuries to become the Western Conference champions.

I see my colleague from Phoenix. There are great teams in Phoenix and other western divisions. I hope they will join us in trying to keep the title in the western division.

CLINTON SHOULD PASS THE BALL

(Mr. HAYWORTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYWORTH. Mr. Speaker, I would join with my colleague, the gentleman from Texas, in all well wishes to the Houston Rockets, and also really to the Orlando Magic, because cheering the NBA finals we are going to see some great basketball.

Also during the finals we will hear terms like air ball and slam dunk. These terms can also apply to what is happening right here in Washington. The new Republican majority is a slam dunk on the liberal establishment and the bloated Federal bureaucracy. The new Congress wants to deliver a facial on deficit spending.

On the other hand, President Clinton's administration is an air ball. Every time the President tries to show leadership, he is throwing up a brick. The latest example is his threatened veto of the rescission bill. In his first veto Bill Clinton will cut off funds to flooding victims in Missouri, earthquake victims in California, and those who suffered as a result of the Oklahoma City bombing.

Mr. Speaker, instead of constantly throwing up air balls, Bill Clinton should pass the ball to the team who will not choke when the going gets tough.

PROTECT THE FLAG

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Mr. TRAFICANT. Mr. Speaker, in many cities and towns across America it is illegal to kiss in public. It is illegal in some places to ride a skateboard. It is illegal to burn trash or leaves. It is illegal to yodel or sing in public, and it is illegal, Mr. Speaker, to tamper with a mailbox. However, in America, it is completely legal to burn the flag, completely legal to desecrate the flag. It is even legal, Mr. Speaker, to urinate on Old Glory. In the words of a Russian comedian, "America, what a country." The truth is, Congress, the debate on protecting the flag is not about Old Glory. It is about national pride. Think about it.

STAY OUT OF BOSNIA

(Mr. FUNDERBURK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FUNDERBURK. Mr. Speaker, as we speak the President is laying the groundwork for military action in Bosnia. Our troops are about to be put in harm's way by an administration with no Bosnia policy, no public support, and no idea how and when to stop our involvement once we get in.

Mr. Speaker, what is happening in Bosnia is a tragedy, but I ask you, has the President defined any legitimate American interest in the 900-year war in the Balkans, worth risking thousands of Americans? There is a better way—let the Bosnians defend Bosnia—lift the arms embargo.

Those who think lifting the embargo will prolong the war assume that the Serbs will win. As we speak, the Bosnian Government is preparing to launch a campaign to reverse Serbian gains. Serbia is in the grip of a severe internal crisis. Why not let the people of Bosnia make the price of Serbian aggression high? Why not let the people of Bosnia fight for their own freedom?

Mr. Speaker, this administration should start listening to the American people instead of the United Nations. Mr. President, stay out of Bosnia. Lift the arms embargo or be prepared to tell us why you want to leap into a war that will cost more American lives.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will advise that Members should address their remarks to the Chair and not to the President.

SEX TRAFFICKING IN THAILAND

(Ms. SLAUGHTER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SLAUGHTER. Mr. Speaker, I rise today to urge all my colleagues to support my resolution to demand that our Government work to stop the sex trafficking and forced prostitution of women and girls from Burma into Thailand. I am pleased that my colleague from Washington, Senator MURRAY, has introduced this same bill in the Senate.

I was appalled and disgusted to discover that the Government of Thailand has permitted the trafficking of women of brothels. Credible reports have indicated that thousands of Burmese women and girls, as young as 14, are being led into Thailand with false promises of employment, only to be forced to work in brothels under conditions which include sexual and physical violence, debt bondage, exposure to HIV, passport deprivation, and illegal confinement. In addition, members of the Thai police are often actively involved.

And now we read in our own New York Times, that Thai women are being brought to the United States for the same purpose. This is a practice the U.S. Government must not support and we must work to stop it, before it becomes a practice quietly condoned and supported worldwide.

As we debate the foreign aid budget, we must remember the gross human rights violations which occur against women, and we must remember we have a moral duty to pay attention. We have ignored it for too long. This is an issue of fundamental human rights.

STUDENT LOANS

(Mrs. KENNELLY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. KENNELLY. Mr. Speaker, I had the honor in the Memorial Day break to have been chosen as the commencement speaker at two schools, Trinity College in Hartford and Central Connecticut State University in Connecticut. As a result, I talked to many students during this time that we were in our districts. They are very worried.

A perfect example of these students right here is Vincent Federici. He has worked hard in high school, got good grades, got accepted to a good college. His mother is a computer worker, his father works at a machine shop. They have worked hard to make sure that Vincent can go to college. They have three sons coming along. They have put every dollar in order. They know where every penny is going.

Mr. Speaker, as we consider changes in the Student Loan Program, I ask Members to think about Vincent and the millions of other young men and women across this country who are doing the right thing, going to college so they can compete in this world competitive market. Please, Mr. Speaker, do not make the students that are going to college pay more and have a bigger burden. It is the wrong thing to do.

ON REPLACING THE FEDERAL INCOME TAX

(Mr. CHRISTENSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHRISTENSEN. Mr. Speaker, this week on the Committee on Ways and Means we are looking at alternatives for making our tax system more clear, simple, and fair. There is no longer a question that we should revamp our Federal tax system.

President Carter was right when he stated that our income tax system is a disgrace to the human race. In 1914 we had just 14 pages of Federal income tax law. Today we have over 9,000 pages. A decade ago the IRS commissioned a study that said that it cost $159 billion in compliance. Today it cost nearly $500 billion in compliance costs alone.

Today one economist has estimated that last year more hours were spent doing taxes than were used to build a car, van, and truck in the United States. I look forward to working with my colleagues to design a Federal tax system that encourages savings and investment, rather than punishing those who plan for the future.

Just last year it seemed that the Tax Code maybe would not be reformed at all. Now, this year, it is not a question of whether it is going to be reformed, but just when and how. We look forward to making sure that we have a taxpayer-friendly Code in the future.

URGING SUPPORT FOR FEDERAL LAW ENFORCEMENT OFFICERS IN THE NATIONAL PARK SERVICE AND THE BLM

(Mr. MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of California. Mr. Speaker, National Park rangers and BLM rangers and other Federal law enforcement officers are daily subjected to threats of violence and danger. The men and women who protect our resources and our citizens deserve our respect and our support, whether they wear the uniform in the streets of our cities or in the desolate back woods of our public lands. However, we see a Bureau of Land Management law enforcement ranger in Montana responding to knife assaults, a BLM ranger in California coming upon a drug deal that is turning into a shootout, guns are fired at BLM vehicles in New Mexico, and the list of violent incidents are growing: 29 homicides, 110 cases of arson, 166 weapons violations, and hundreds of more serious offenses on BLM land every year.

That is why Americans are shocked to hear about Members of this House calling for the disarming of law enforcement officials or suggesting that those who violate public laws have an irrational fear of their government.

Now they are getting very specific. The Chairman of the House Committee on Resources, in a letter to the Committee on Appropriations, has called for zero funding of BLM resources protection of law enforcement and huge cuts in law enforcement in the Forest Service. The Members of this House should stand with law enforcement.

URGING A "YES" VOTE ON THE AMERICAN OVERSEAS INTERESTS ACT

(Mrs. CHENOWETH asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CHENOWETH. Mr. Speaker, today the House resumes work on legislation designed to take our Nation's foreign affairs operations out of the dark days of the cold war and into the sunshine of the 21st century.

H.R. 1561—the American Overseas Interests Act—recognizes that we won the cold war. It reorganizes our foreign affairs agencies, cuts spending, and refocuses our resources to priorities that support American interests.

The bill eliminates three agencies that our cold war victory has rendered obsolete—the Agency for International Development, the U.S. Information Agency, and the Arms Control and Disarmament Agency.

It cuts spending by nearly $3 billion over 2 years—and by $21 billion over 7 years—while supporting our allies and punishing our opponents.

A vote in favor of this bill is a vote to downside the Federal Government and to cut foreign aid. I urge my colleagues to join me in voting "yes" on final passage of the American Overseas Interests Act.

BREAKING THE PUBLIC TRUST—MAKING MONEY IN THE REPUBLICAN CONGRESS

(Mr. LEWIS of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Georgia. Mr. Speaker, the Republicans won the elections last November and they promised no more business as usual, and were they ever right. The ethical standards that have been adopted by the Republicans in this House are at the lowest level I have ever seen.

Lobbyists writing legislation, Members letting outside groups send out partisan political mailings on their office stationary and, of course, at the center of it all, the Speaker of the House and his infamous book deal.

Now, in the latest chapter, the Speaker has ignored the ethics committee and signed his contract with Rupert Murdoch. He has even launched a nationwide book tour. This, despite saying he would wait for the ethics committee to approve the deal, which they have not.

They cut school lunches, they cut Medicare, they cut students' college loans, while the Speaker joins the club of millionaires.

For Republicans, it is no more business as usual, it is time for making money.

CHILD SURVIVAL PROGRAMS A PRIORITY IN FOREIGN AID BUDGET

(Mr. WALSH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALSH. Mr. Speaker, I rise today in strong support of H.R. 966, the James P. Grant World Summit for Children Implementation Act. As we revise our foreign aid priorities it is critical that we not reduce spending for cost-effective programs like child survival that provide benefits to children throughout the world.

Spending for kids' programs must continue to be a priority in our foreign aid budget. Minimum Federal investments in child survival, basic education, and micronutrient programs has had a dramatic impact in improving the lives and well-being of children in underdeveloped countries. In 1980, for example, over 5 million kids died from vaccine preventable diseases. Because of our investments in child survival programs such as immunization and oral rehydration therapy we are saving millions of childrens' lives each year.

Nearly 13 million children worldwide die each year, 35,000 per day, due to largely preventable diseases and malnutrition. These miserable conditions create a cycle of poverty and hopelessness that can be broken through proven, cost-effective child survival strategies.

Last year, we provided $280 million for child survival program activities and increased funding for these activities is desperately needed. While it is clear that overall foreign aid levels will be reduced this year, it is essential that the committees dealing with foreign affairs ensure continued U.S. participation in child survival. The World Summit for Children Implementation Act, a bill which I have sponsored with my good friend and leading hunger advocate, TONY HALL, maintains and increases our investment in child survival, basic education, micronutrient programs, and UNICEF. Congress needs to keep its commitment to these cost-effective child development assistance programs and I plan on working with my colleagues to see that these priorities are incorporated into foreign affairs legislation.

ABSENCE OF APPROVAL BY ETHICS COMMITTEE REVIVES TALK OF OUTSIDE COUNSEL ON SPEAKER'S BOOK DEAL

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, earlier this year, Speaker GINGRICH promised to get approval for his book deal from the Ethics Committee before signing the contract. Now, the Speaker has embarked on a nationwide book tour, so the Ethics Committee must have given its OK, right? Wrong.

In fact, the Ethics Committee did not get a chance to rule on the propriety of the Speaker's multimillion-dollar book contract, before it received a letter from Mr. GINGRICH's lawyer saying that Mr. GINGRICH was going ahead with the deal. The letter reads: "We will assume that Mr. GINGRICH's book publishing complies with House rules."

But, the chairwoman and the ranking member of the committee quickly wrote back to Mr. GINGRICH's lawyer saying: "You should make no such assumption." This advice was ignored.

The Speaker never received approval from the Ethics Committee on his book contract, as he promised. Mr. GINGRICH's wanton disregard of the Ethics Committee makes the case for an outside counsel to investigate the other charges pending against him. The Speaker will be unable to ignore the ruling of an outside counsel in the way that he has ignored the Ethics Committee.

□ 1220

RESCISSION BILL VETO WILL AFFECT DISASTER VICTIMS

(Mr. WHITFIELD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WHITFIELD. Mr. Speaker, President Clinton is threatening to veto the Republican rescission bill. This rescission bill will actually pay for emergency spending by cutting money out of the current year's budget. Responsible, commonsense action like this was seldom adopted when liberals controlled Congress.

The rescission bill provides $6.7 billion in disaster assistance to victims in 40 States, including victims in Oklahoma City, flood victims in Missouri and Kentucky, and earthquake victims in California. These victims need assistance, but the President is trying to stop the money by playing politics.

We know he is upset because we reduced funding for his AmeriCorps. But, Mr. President, don't veto this bill. It provides relief money and it is paid for. Be a compassionate President and don't make the victims of these disasters wait any longer for help.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. RIGGS). The Chair would remind Members that they must address their remarks to the Chair and not address their remarks to the President.

RECOGNIZING CHANDA RUBIN, PROFESSIONAL TENNIS PLAYER

(Mr. FIELDS of Louisiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FIELDS of Louisiana. Mr. Speaker, today I take special pride in recognizing a very outstanding constituent of mine. She is a 19-year-old professional tennis player from Lafayette, LA. I speak of no other than Chanda Rubin, daughter of Judge and Mrs. Edward D. Rubin.

I am proud to say that Chanda Rubin just completed her best ever grand slam performance at the French Open. Although Chanda fell short to the defending champion in the quarterfinals yesterday, she proved to be a tough fighter. Her courage has touched the lives of many individuals, particularly young people, across this Nation. I commend Chanda for her hard work and I wish her the best of luck in the future.

BIPARTISAN COMMISSION ON FUTURE OF MEDICARE

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, just prior to the Memorial Day recess, in introduced legislation to establish a bipartisan Commission on the Future of Medicare. The goal of the Commission would be to find commonsense solutions to reforming and strengthening our Medicare system. It would be patterned after the Pepper Commission that was developed to preserve Social Security. My colleagues, you should have received a "Dear Colleague" letter outlining this bill.

The Commission would submit to Congress a report that would contain its findings and recommendations regarding patterns of spending under the Medicare Program, long-term solvency of the Hospital Trust Fund, need to eliminate waste, fraud, and abuse, and administration of the current program.

I believe we can all work together in a bipartisan manner. We can then preserve, protect, and strengthen the Medicare system to ensure that our seniors will have access to this program well into the 21st century.

KILLING THE AMERICAN DREAM OF HIGHER EDUCATION

(Mr. HILLIARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HILLIARD. Mr. Speaker, I rise today to protest another one of the Republican plans to kill the American dream.

I am speaking of the budget that was rammed through last week. This budget gutted the Student Loan Program, taking away the hopes and dreams of young Americans who will not be able to go to college. The budget plan is bad. The Republicans have betrayed the future of America by getting rid of student loans in order to cut taxes for their rich friends.

To finance this despicable tax cut for the rich, they have sold out the young people of America. There are some great kids in Alabama and elsewhere in this fantastic country who now will never be able to reach their full potential. We have enticed them and lured them to sleep with dreams of a bright future, and the Republicans have turned those dreams into nightmares.

Wake up, Alabama. Wake up, America.

SUPPORT THE AMERICAN OVERSEAS INTERESTS ACT

(Mr. HEFLEY asked and was given permission to address the House for 1 minute.)

Mr. HEFLEY. Mr. Speaker, when the House resumes debate today on H.R. 1561, the American Overseas Interests Act, our colleagues on the other side of the aisle will remind us that President Clinton doesn't like this bill and has said he will veto it.

Of course Bill Clinton doesn't like this bill. It kills three Federal agencies and cuts spending by $3 billion in the next 2 years. It is not his style to support such cuts.

But it also focuses on vital American interests by supporting peace and stability in the Middle East. This bill is about getting nuclear weapons out of Russia and the other former Soviet States—and locking in the gains of the cold war by supporting nations that want to join NATO.

It recognizes our enemies by cutting off aid to countries that supply weapons to terrorist states—that give aid to Cuba—or that consistently vote against us in the United Nations.

So what if Bill Clinton is threatening to veto the American Overseas Interests Act? We should still support it. I urge my colleagues to join me in voting yes on final passage.

MEDICARE CUTS

(Mr. UNDERWOOD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. UNDERWOOD. Mr. Speaker, under the guise of saving Medicare, the majority would make funding cuts that would have the effect of reducing benefits to Medicare recipients—and these funding cuts would be used to fund tax cuts that would primarily benefit the wealthy.

This fiscal trickery will not fool the American people.

We often hear of class warfare. Well, this majority has just given us generational warfare with its policies that make school children compete for school lunch funding with seniors on fixed incomes, whose Medicare funding in turn must compete with tax cuts for wealthy middle-aged citizens.

In this generational warfare the weapons are not missile launches but school lunches, and not stealth bombers but stealth tax cuts. And the greatest irony is that the generation that won World War II is now at risk with generational warfare being waged by this majority.

We can do better, and we can do it without pitting the American people against each other.

THE PRESIDENT DOESN'T GET IT

(Mr. WELDON of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELDON of Florida. Mr. Speaker, isn't it ironic that the first bill the President lost increased spending by $17 billion, and the first bill he is going to veto cuts spending by almost $17 billion.

Where has the President been for the past 2 years? The mandate from the people in the last election was clear—cut spending first. Gone are the days where out-of-control spending habits are the norm. This new Congress is showing that Washington must act responsibly to balance the budget. And that means that any increase in spending in one area will equal a decrease in another. It is simple accounting.

The rescission bill provides much-needed disaster assistance to people in Oklahoma City and to victims of earthquakes and floods in 40 States. Yet the President has decided to play politics with these disaster victims. By vetoing the rescission bill, thousands of people will have their suffering prolonged.

Mr. Speaker, the President just doesn't get it. The people want us to act responsibily and we have.

THE REPUBLICANS' BAD DEAL ON STUDENT LOANS

(Mr. BENTSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BENTSEN. Mr. Speaker, the Republican budget cuts student loans, plain and simple. The Republicans say they want to protect the children, they want to provide incentives for investment, but they want to slam the door on middle-class kids who want to go to college.

The Republicans want to cut student aid by $9.5 billion by the year 2002. They will start by requiring students to pay interest on their loans before they have moved into their dormrooms, before they have even attended a class.

On average, a Texas student would pay up to $5,000 more to attend a 4-year college under the Republican plan. That's $5,000 most Texas families don't have to spend. Middle-class families will struggle to pay this amount when the cost of college is already rising twice as fast as their incomes.

Students in my district and the entire Houston area would especially be hit hard by these cuts. Rice University, one of the premier postsecondary institutions in this country, has 2,584 students enrolled this year in its undergraduate program. Of that number, 2,170 students receive financial aid—that's 82 percent of all undergraduates. Of those students, 715 receive Stafford loans totaling $4.7 million. It's difficult to imagine how these students will find an extra $3.6 million to complete their education.

The Republicans just don't get it when it comes to student loans. To compete in a world economy, we must encourage kids to get a higher education, not discourage them. Higher costs for higher education is a bad deal for Texas' students and an even worse deal for America's future.

A PLEA FOR SUPPORT OF AMERICAN OVERSEAS INTERESTS ACT

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, H.R. 1561—the American Overseas Interests Act—is the first major step toward reshaping and reorganizing our foreign policy operations since the cold war.

It begins by recognizing that—with the end of the long, twilight struggle—we no longer need the specialized agencies that were created to help in the fight against world communism.

Nor can we afford them, in a period when we are facing deficits in the range of $200 billion a year. H.R. 1561 begins the necessary task of reordering, by eliminating the Agency for International Development, the U.S. Information Agency, and the Arms Control and Disarmament Agency—and transferring their responsibilities to the State Department.

Together with cuts in spending of $3 billion over 2 years—that is cuts below current spending—we are on the way toward modernizing and streamlining the way we project American power and influence around the world. I urge my colleagues to join me in voting "yes" on final passage of the American Overseas Interests Act.

MEDICARE AND SOCIAL SECURITY USED TO BALANCE PROPOSED GOP BUDGET

(Mr. STUPAK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STUPAK. Mr. Speaker, having spent the last week in my district, it is obvious to me and to the 130,000 seniors in northern Michigan that the Republican budget proposals are wrong. In their budget resolution, they want to balance the budget on the backs of our seniors, veterans, and college students.

The Republicans want to cut $282 billion from Medicare over the next several years. They say they must cut $282 billion to save Medicare. Yet Medicare fund trustee Stanford G. Ross has testified that Medicare needs $130 billion to remain solvent. Not $282 billion. Why the extra $152 billion? The Republicans want that money to pay for the tax breaks they are giving to large corporations and the top 1 percent of the wealthiest Americans, the millionaires and the billionaires, while they slash Medicare.

You know what else? The GOP plan as passed by the other body says that they will pass a balanced budget by 2002, but when you look at the bill, they still have a $113 billion deficit. You know where they are going to make it up? By borrowing from the Social Security trust fund.

Mr. Speaker, the Republicans have broken their contract by using Medicare to balance the budget and by using Social Security to balance the budget.

RECONSIDER THE VETO

(Mr. HERGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HERGER. Mr. Speaker, President Clinton has threatened to veto the disaster assistance package produced by the Congress.

I urge the President to reconsider that threat.

He should not sacrifice needed disaster assistance on the altar of domestic politics.

If the President vetoes this bill, he stops aid to victims of the tragedy in Oklahoma.

If the President vetoes this bill, he jeopardizes the peace process in the Middle East.

If he vetoes this bill, the President stops funds from flowing to aid victims of the natural disasters in California.

Mr. Speaker, if the President vetoes this bill, he allows $9 billion in unnecessary and wasteful spending to be spent.

Apparently, the President has issued the veto threat because he wants to appear relevant to the legislative process. But vetoing this crucially important piece of legislation seems to me to be a destructive way to prove relevance.

SUPPORT WORLD SUMMIT FOR CHILDREN IMPLEMENTATION ACT

(Mrs. MEEK of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MEEK of Florida. Mr. Speaker, as we consider funding for U.S. foreign aid programs, I hope that Congress will remember the needs of children and enact the World Summit for Children Implementation Act.

We have all seen the pitiful photographs and the television videotape of children in other countries who are the helpless victims of poverty, ignorance, and war—little children who enter life with great hopes but few chances, and who suffer terribly because they lack the most basic of human needs—nourishing food, safe water, basic vitamins, immunization from disease, rudimentary sanitation, and basic education.

But we do not have to accept present reality. Progress has been made. Worldwide, child mortality rates have been cut in half in the last three decades. Eighty percent of the world's children are immunized against disease, saving 3 million children annually.

We need to continue this progress, and we can do it by implementing the goals of the World Summit for Children Implementation Act.

This is something we ought to do.

SUPPORT AMERICAN OVERSEAS INTERESTS ACT

(Mr. KIM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KIM. Mr. Speaker, today we are going to adopt H.R. 1561, the American Overseas Interests Act. Everybody knows that our foreign aid programs are among the least accountable to our taxpayers and the most dubious in their results. I did not say that. That is the letter sent by the Americans for Tax Reform group.

Taxpayer group after taxpayer group sends us letters urging us to revise and overhaul this long-overdue, complicated, foreign bureaucracy we have.

This is what we have, how complicated it is. Even Dr. Henry Kissinger says that the Agency for International Development is among the worst agencies he has ever seen. It is that bad.

By making common sense from this complicated bureaucratic system we have in controlling foreign aid, changing to this, under our new bill, from year to year, we can save $1.8 billion.

That is why we support this bill today. I urge my colleagues to support this.

MEDICARE CUTS TO MISSOURI RURAL HOSPITALS PAY FOR TAX BREAKS FOR WEALTHY

(Mr. VOLKMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VOLKMER. Mr. Speaker, it is flimflam time in the U.S. House of Representatives again. What do I mean by that? When we passed the budget, the Republican budget calls for huge cuts in Medicare in order to give tax breaks for the wealthy.

But when the Republican Members went back home, they said, "No, we're not making big cuts in Medicare. We're strengthening Medicare. We're improving Medicare."

Well, I went home and I talked to my hospital administrators, three of them, including one in my hometown. On Friday, I will be visiting three more rural hospitals.

What did they say? They did not say that Republican budget cuts in Medicare will improve Medicare, will strengthen Medicare. No. In my regional hospital at Hannibal, MO, by the year 2002, a loss of $1.5 million a year in cuts—$1.5 million jeopardizes my hospital.

What about Moberly Regional, $1 million in lost revenue. Audrain County Medicare, $1 million in lost revenue, jeopardizing rural hospital care with those Medicare cuts to give tax breaks for the wealthy.

WIDE GRASSROOTS SUPPORT CITED FOR PASSAGE OF AMERICAN OVERSEAS INTERESTS ACT

(Mr. GILMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GILMAN. Mr. Speaker, later today the House will resume work on H.R. 1561—the American Overseas Interests Act. It recognizes that the cold war is over by proposing the most important and comprehensive reform and reorganization of our foreign affairs activities in nearly 50 years.

Our legislation rolls up three independent cold war agencies and cuts spending by $3 billion over 2 years. While the administration threatens to veto our bill, a broad array of grassroots organizations supports it, including citizens against Government Waste, the National Taxpayers Union Foundation, the Association of Concerned Taxpayers, and the Eagle Forum, to name just a few.

Mr. Speaker, H.R. 1561 offers an opportunity to streamline and downsize the Federal Government and cut spending while continuing to project American influence and power around the world in a cost-effective manner.

Accordingly, I urge my colleagues to support the American Overseas Interests Act on final passage.

MEDICARE CUTS THREATEN HOSPITALS IN SMALL-TOWN AMERICA

(Mr. DURBIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DURBIN. Mr. Speaker, if you have ever gotten into your car in the middle of the night to drive a critically injured or critically ill person to the hospital, you know that every minute seems like an hour. You pray to God that you will get to that hospital in time to save the life of someone you love very much.

That is what the debate on the floor or the House of Representatives is all about when we talk about the future of Medicare. Because if the Republicans have their way and cut $282 billion out of Medicare over the next several years to fund a tax break for wealthy Americans, we are going to see hospitals closing in America, particularly in my part of the world in small-town America. It will mean for a lot of people a much longer drive in the middle of the night, many more prayers, and a lot more hope that they will make it in time.

Is this the Republican vision of America which people voted for last November? I don't think so. I hope the Gingrich Republicans will abandon this tax cut program that they have put forward and will instead focus on really strengthening Medicare instead of the cuts that they are proposing which will close hospitals across the United States.

□ 1240

A MODIFIED FLAT TAX PROPOSAL CALLED McFLAT

(Mr. SOUDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SOUDER. Mr. Speaker, I favor tax cuts for the American families. I believe American families can do more for themselves than the Government.

Mr. Speaker, the American people devote 5.4 billion hours and $232 billion every year to comply with the United States Tax Code. Furthermore, billions of dollars are then spent by the IRS to administer and enforce these tax laws. To reform this unwieldy system, our majority leader, Congressman DICK ARMEY has put forward a flat tax proposal that can simplify our system and provide a new contract with the American people.

We have all heard the phrase "you deserve a break today" and now I want to help put those words into action. Today I will be introducing a modified flat tax proposal called McFlat. the "m" stands for mortgage and the "c" stands for charitable. McFlat incorporates the meat of Congressman ARMEY's flat tax along with deductions for mortgage interest and charitable contributions.

McFlat can provide the arches, so to speak, between those that want a simpler and fairer system and those of us who feel that it is essential to retain deductions for homes, churches, and charities. McFlat is the simple and fair way to revolutionize the American Tax Code.

THE NEED FOR THE APPOINTMENT OF AN OUTSIDE COUNSEL

(Mr. BONIOR asked and was given permission to address the House for 1 minute.)

Mr. BONIOR. Mr. Speaker, when is NEWT GINGRICH going to learn that he is not above the rules of this House?

Earlier this year, Mr. GINGRICH announced he would not sign his $4.5 million book deal until the Ethics Committee approved it. But now he has changed his mind.

Even though the book is still under investigation, not only has Mr. GINGRICH signed the book deal, he has embarked on a Rupert Murdoch-financed book tour to hawk his book.

At a time when the American taxpayers will be paying his salary, Mr. GINGRICH is going to be on the road promoting a book that will make him a multimillionaire.

Mr. GINGRICH's lawyers said that since there has been no ruling, they just assumed that no rules have been broken. The Ethics Committee issued a strong rebuke: "You should make no such assumption."

Mr. Speaker, no Member of this House is above the rules, not even the Speaker.

The only way we are going to get to the bottom of this case is to appoint an outside counsel to investigate.

THE UNITED STATES-JAPAN AUTO DISPUTE

(Ms. KAPTUR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KAPTUR. Mr. Speaker, what is wrong with this picture? Regardless of the yen-dollar exchange rate, United States market share of the Japanese auto and auto part market has remained flat for nearly two decades. As a matter of fact, the import share for all foreign manufacturers in Japan has remained stuck at 4.6 percent for autos and 2.6 percent for auto parts.

The gigantic United States automotive deficit with Japan defies all economic rationale. In 1985, when the yen was 240 to the dollar, the United States had an automotive deficit with Japan of $23.9 billion. Now, with the yen hovering around 80 to the dollar—a 300-percent decrease in the dollar's value against the yen—our automotive trade deficit is on track to break last year's record of $37 billion.

As this chart shows, the facts are on our side. The United States has a trade surplus in the automotive sector with the rest of the world. Isn't it time for Japan to play fair?

THE OVERSEAS INTERESTS ACT

(Mr. CHRYSLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHRYSLER. Mr. Speaker, the reason we do not sell cars in Japan is because we do not build right-hand drive cars in this country, and for no other reason.

Mr. Speaker, today and tomorrow the House will debate the Overseas Interests Act. This bill cuts foreign aid and ends the status quo of the bloated foreign aid bureaucracy.

The American people, by very lopsided majorities, have expressed their desire to make these cuts. But unfortunately, the liberal Democrats in the White House and in Congress stand in the way. Liberals oppose any cut in the Federal bureaucracy and are wedded to the old Washington ways. They refuse to see that out-of-control Government is causing deficits and debt. If we do not cut the growth of Washington, our children will be saddled with unimaginable debt and unimaginable taxation.

The Overseas Interest Act addresses these concerns. It will cut foreign aid and the bureaucracies that attempt to globally redistribute the hard-earned tax dollars of ordinary Americans. Republicans realize that we can no longer base our policies on waste, fraud, and ever-expanding bureaucracies. Instead, we must ensure that the interests of Americans are served, and not just those of the Federal Government.

MORE ON THE UNITED STATES-JAPAN AUTO DISPUTE

(Mr. WISE asked and was given permission to address the House for 1 minute.)

Mr. WISE. Mr. Speaker, I would yield to the gentlewoman from Ohio [Ms. KAPTUR].

Ms. KAPTUR. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, in referring to what the previous speaker said, he made an untrue statement. United States manufacturers manufacture 60 different models of right-hand drive vehicles both in this country and around the world, and for a Member from the State of Michigan to speak out against the United States, and we are hemorrhaging in terms of these trade deficits with Japan for over two decades, I think is unconscionable.

I thank the gentleman for yielding.

Mr. WISE. Mr. Speaker, in conclusion, dealing with the other part of the gentleman's remarks, I think it ought to be pointed out what the President is budgeting are those who would almost eliminate the Safe Schools Act, the Drug Free Schools Act, eliminate, almost eliminate, summer youth programs, all of which has been funded, is in line with the budget, a budget, I might add, cutting the deficit one-half in relation to our gross domestic product over what it was a few years ago, a budget which will mean the third straight year of deficit reduction, the first time that has happened since Harry Truman.

THE NATION'S MALL

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, the Nation's Capital is famed for its parks and wide open spaces. The Mall, the area between this Capitol and the Lincoln Memorial, is one of the most venerable and most visited of our alabaster city's sights and all Americans have a right to enjoy it. Of course, we have to ensure that one set of rights does not outweigh another. Today, a walk down The Mall suggests that we have lost our balance on that score. Simply put, large parts of The Mall have become a disorderly tourist trinket bazaar. This famous open space has become haven to countless unsightly, makeshift tables and weather covers from which temporary vendors push their merchandise in an atmosphere of cacophony and hustle. Those vendors, it seems, secured U.S. Park Service permits under their first amendment rights. As an ardent defender of the Constitution and its amendments, I certainly support the right to free speech. But Americans also have a right to and an expectation of unobstructed, safe, and peaceful use of their national parks. Especially one with such majestic monuments. I hope we can restore some balance and find a more suitable spot to relocate the tourist merchants while there is still summer ahead to enjoy The Mall peacefully.

THE ADMINISTRATION IS REDUCING BUREAUCRACY

(Mr. HOYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOYER. Mr. Speaker, although I had not intended to include this, let me say "amen" to the remarks of the gentleman from Florida. He is absolutely right. We ought to get a handle on that.

The gentleman from Michigan who preceded him was absolutely wrong, however. He talks about reducing bureaucracy.

This administration, ladies and gentlemen, has reduced bureaucracy by 272,000 over the next 6 years, actually the next 4 years. We have already reduced over 100,000 Federal employees. This administration, contrary to the previous two administrations, is not just talking about it, and has saved $30 billion in Federal expenses, which is funding the crime bill.

Whether you take the 1994 Crime Act, which I think was a smart and tough crime act, or the crime act that passed this House, both relied on the reductions in Federal employees that this administration, in its reinvention of Government, of doing more with less, has led and the Congress has supported.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. RIGGS) laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 7, 1995.

Hon. NEWT GINGRICH,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on Tuesday, June 6, 1995 at 2:45 p.m. and said to contain a message from the President whereby he transmits a report on the activities of the United States Government relating to the prevention of nuclear proliferation for calendar year 1994.

With warm regards,

ROBIN H. CARLE,
Clerk.

ACTIVITIES OF THE U.S. GOVERNMENT RELATING TO PREVENTION OF NUCLEAR PROLIFERATION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations.

To the Congress of the United States:

As required under section 601(a) of the Nuclear Non-Proliferation Act of 1978 (Public Law 95–242; 22 U.S.C. 3281(a)), I am transmitting a report on the activities of United States Government departments and agencies relating to the prevention of nuclear proliferation. It covers activities between January 1, 1994, and December 31, 1994.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *June 6, 1995.*

COMMUNICATION FROM HON. BOB FRANKS, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Hon. BOB FRANKS, Member of Congress:

SEVENTH DISTRICT, NJ,
May 24, 1995.

Hon. NEWT GINGRICH,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that my office has received a subpoena issued by the Municipal Court of Manville, New Jersey.

After consultation with the General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,

BOB FRANKS,
Member of Congress.

PERMISSION FOR CERTAIN COMMITTEES AND SUBCOMMITTEES TO SIT DURING 5-MINUTE RULE

Mr. GOSS. Mr. Speaker, I ask unanimous consent that the following committees and their subcommittees be permitted to sit today while the House is meeting in the Committee of the Whole House under the 5-minute rule: Committee on Banking and Financial Services; Committee on Commerce; Committee on Economic and Educational Opportunities; Committee on Government Reform and Oversight; Committee on the Judiciary; Committee on National Security; and Committee on Science.

It is my understanding that the minority has been consulted and that there is no objection to these requests.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

Mr. WISE. Mr. Speaker, reserving the right to object, the gentleman is correct. The Democrat leadership has been consulted and agrees with all of these requests.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

PROVIDING FOR FURTHER CONSIDERATION OF H.R. 1561, AMERICAN OVERSEAS INTERESTS ACT OF 1995

Mr. GOSS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 156 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 156

Resolved, That when the Committee of the Whole House on the state of the Union resumes consideration of H.R. 1561 pursuant to House Resolution 155, consideration for amendment under the five-minute rule may continue beyond the initial period of ten hours prescribed in House Resolution 155 for an additional period of six further hours. Consideration for amendment may not continue beyond such additional period. During further consideration for amendment only the following further amendments to the committee amendment in the nature of a substitute, as modified and amended, shall be in order—

(1) pro forma amendments for the purpose of debate;

(2) amendments printed before May 25, 1995, in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII;

(3) amendments en bloc described in section 2 of House Resolution 155, but only if consisting solely of amendments so printed before May 25, 1995, in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII or germane modifications of any such amendment; and

(4) one amendment offered by the chairman of the Committee on International Relations after consultation with the ranking minority member of that Committee.

The SPEAKER pro tempore. The gentleman from Florida [Mr. GOSS] is recognized for 1 hour.

Mr. GOSS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Ohio [Mr. HALL], pending which time I yield myself such time as I may consume. During consideration of this resolution all time yielded is for the purpose of debate only.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

(Mr. GOSS asked and was given permission to include extraneous material.)

Mr. GOSS. Mr. Speaker, as most Members know, this rule is the product of an emergency rules committee meeting held the day before the House adjourned for the Memorial Day recess. At that time, H.R. 1561 had been under consideration for almost 12 hours and a host of amendments were still pending—amendments offered by Republicans and Democrats. Using past precedents on similar bills as our guide, we had hoped that the original allotment of 2 hours of general debate and 10 hours of open amendment process would be sufficient, if properly managed, to allow a full and free debate on all the major issues at play in this important foreign policy bill. Looking back at the rules granted for foreign aid authorizations during past Congresses, where 1 hour of general debate and amendment time caps of 8 to 10 hours were standard, we felt that our formula would be sufficient.

Clearly we underestimated Members' interest in extending debate on several standard issues along the way. That's somewhat understandable, partially because we have so many new Members and these programs have not been properly reauthorized since 1985. So, when it became clear that more time would be needed on this bill, our leadership attempted to work out a compromise with the minority to allow the extension of debate by unanimous consent. Unfortunately, some Members of the minority were not interested in that type of bipartisan cooperation. Hence the emergency rules meeting that produced this rule, a rule which responds to Members requests to add debate time, hopefully for some important points.

I commend Chairman SOLOMON for his flexibility and his efforts to work this out in a congenial manner—and I do believe this rule leans over backward to provide a fair solution. Under this rule we will have an additional 6 hours of open debate, with Members having the opportunity to offer any amendment that was properly prefiled by May 24. In addition, this rule allows the chairman of the International Relations Committee, in consultation with the minority, to offer one amendment that was not prefiled but is otherwise in order under the rules of the House.

Mr. Speaker, as we gear up for the appropriations cycle in the immediate months ahead it is crucial that we complete our work on H.R. 1561, and I am pleased that our Rules Committee was able to develop a plan to ensure that the major issues properly managed can be dealt with in a reasonable period of time without jeopardizing that legislative schedule. I say "properly managed," because under this type of fair open rule, there is always a possibility for some abuse of allotted time by some Members who for whatever motive choose to indulge in dilatory tactics. Nevertheless, I urge support for this good workable, fair rule.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. GOSS. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I thank my friend from Florida for yielding.

Under the rule, can the gentleman tell me, at the end of the 6 hours, if there are still pending printed amendments, will they be allowed to be offered without debate?

Mr. GOSS. Reclaiming my time, my understanding is that we have used that provision up in the first rule, so we will have to complete all of the business in the time left for debate; that is, the 6 hours plus, I understand, with some 25 or 35 minutes of carryover. I am not sure what the exact number was. It is at that time we will be finished with the debate.

Mr. HOYER. If the gentleman would yield further for a question, does that mean there are 35 minutes remaining under the old rule? Is that correct?

Mr. GOSS. I cannot confirm that. I believe approximately.

Mr. HOYER. Approximately a half an hour?

Mr. GOSS. I believe it is in that order.

Mr. HOYER. At the end of that half hour, would it be in order for anybody to offer an amendment without debate?

Mr. GOSS. Reclaiming my time, my understanding of the rule, as it was originally filed before we had the second rule, was keyed to a time specific on a certain date for that provision. So, therefore, that provision is not available, and all Members need to be advised that the rule, as I explained it in my statements, would be the way we carry on, and after the 35 minutes or 30 minutes has gone plus the 6 hours of debate, that is the end, subject to the other parts of the rule.

Mr. HOYER. Mr. Speaker, I thank the gentleman for his clarification.

Mr. GOSS. Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. HALL of Ohio. Mr. Speaker, I rise in opposition to House Resolution 156, the second rule limiting debate on H.R. 1561, the American Overseas Interest Act of 1995. While this rule does provide an additional 6 hours of debate for previously printed amendments, capping time on a bill of this magnitude is unnecessary and impedes the proper legislative process. As my colleague on the other side of the aisle well knows, an additional 6 hours will only slightly improve a bad situation. We have 90 amendments remaining. The 6 hours allowed under this rule will not provide enough time to debate many of these amendments, especially because voting time is counted under the time restriction. Under this rule, only a handful of amendments will be likely to receive consideration.

Mr. Speaker, as I indicated in my May 23 speech on the first time limit rule, the bill before us is a mixture of foreign policy initiatives and reorganizations that could change and weaken the conduct of U.S. foreign policy. In the few days following the bill's original consideration we have seen major developments around the world, including an escalation of hostilities in Bosnia. Yet this rule, which admittedly takes a step forward by providing some additional time, continues the pattern of shutting out amendments simply because 6 hours is not enough. Many of us argued against the first rule because it did not provide enough time. Here we have a second rule with the exact same problem. Again, we will be making substantive foreign policy decisions based on who is recognized before the time runs out.

In addition to the obvious procedural problems, this bill itself is seriously flawed. In addition to cutting funds in the wrong areas, it includes the elimination of three agencies, including the Agency of International Development [AID]. Yet no sound evidence exists to show this will save the taxpayers any money. The American people do not want us to be ramming bills through for the sake of reorganization without any kind of cost analysis. I support the work of AID and believe, at minimum, we should seriously study the merits of reorganizing its functions before doing so in this bill.

Fortunately, this rule does make in order one amendment to be offered by the chairman of the International Relations Committee, Mr. GILMAN, even though it was not printed in the CONGRESSIONAL RECORD as required under the previous rule. There is an opportunity, therefore, for improvements to be made in the legislation.

I sincerely hope that funds for both development assistance and Africa in this bill can be restored, and the AID reorganization will be considered. The International Affairs budget represents only 1.3 percent of total Federal spending. It has already been cut by 40 percent since 1985. I am particularly troubled with the 34 percent cut in development assistance. While the bill earmarks $280 million for the Child Survival Fund, the overall reduction squeezes necessary prevention efforts such as basic education, microenterprise programs, and self-help initiatives that have been proven to work. It makes no sense to have the United States functioning as the world's ambulance when famine and disaster occur in developing countries, when we could have prevented them.

In addition to saving lives, development assistance enables many countries to become self-sufficient enough to buy U.S. exports. Between 1990 and 1993, U.S. exports to the developing countries grew by $46 billion, creating 920,000 new jobs in this country. It is in our economic interests to continue meeting our foreign assistance obligations.

Mr. Speaker, this bill has many, many flaws. However, it would be more palatable to many of us if it did not devastate development aid. This is not the time to turn our backs on the world's poor. I sincerely hope the overall spending priorities will be reworked.

At any rate, Mr. Speaker, this rule simply does not provide enough time for us to handle this comprehensive, complicated piece of legislation. There are major reorganizations of agencies in this bill. There are also major restraints and new conditions our Government must follow when dealing with other nations.

Because of this time cap, I am going to oppose this rule and I urge my colleagues to join me in voting "no" on this restrictive rule.

□ 1300

Mr. GOSS. Mr. Speaker, I yield such time as she may consume to the distinguished gentlewoman from Florida [Ms. ROS-LEHTINEN].

Ms. ROS-LEHTINEN. Mr. Speaker, the proposed rule for the final consideration of the American Overseas Interests Act should be adopted by the House.

This bill is a very important step forward in our goal to reform Government to make it more efficient and more effective.

To achieve this goal, the bill calls for the consolidation of three independent agencies—the Arms Control and Disarmament Agency, the Agency for International Development, and the U.S. Information Agency—into an enhanced Department of State.

The consolidation of three independent agencies into the State Department has been endorsed by five former Secretaries of State who argue that it will improve foreign policy by clarifying lines of authority and responsibility.

Secretary of State Warren Christopher also endorsed this concept earlier this year, but his proposal met strong bureaucratic opposition and was withdrawn.

But the fundamental soundness of the proposal led to the leadership in both the House and Senate international relations committees, to study it and include it in our 1995 reform efforts.

The bill also sets forth the spending priorities for our foreign operations during this time of fiscal austerity.

There are protections in this bill for our efforts to promote democracy and freedom in Cuba through Radio and TV Marti.

There is also a provision that supports our efforts to isolate the Castro regime by prohibiting aid to countries that provide economic aid or preferential trade benefits to the Castro regime.

The bill also sets out Congress' desire that a priority be placed on economic and other assistance to the developing countries in Africa.

While the Africa programs have had to bear a share of the overall effort to cut Government spending, they have been given more than they would have received under an across-the-board budget cut process.

This bill represents a fair and responsible approach to the management of Government programs in foreign policy.

Therefore I urge the adoption of this rule.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts [Mr. MOAKLEY], the former chairman of the Committee on Rules.

Mr. MOAKLEY. Mr. Speaker, I thank my colleague, the gentleman from Ohio [Mr. HALL], who has been always a leader in this type of legislation, for his continuing hard work.

Mr. Speaker, this is the second rule we have granted for this bill. The first time around we said 10 hours was not enough. We said that the "drop dead time" was a lousy idea, and no one believed us. Now, here we are again, 2 weeks later, taking up rule No. 2 that still will not do the job. There are still at least 99 preprinted amendments that we cannot possibly finish in 6 hours.

The floor schedule for this week is unusually light. There is no reason to shut down the amendment process, particularly when we are considering an issue as important as this one.

Mr. Speaker, I urge my colleagues to oppose this rule. We have plenty of time. Let us open up this rule and give members a chance to fix this bill.

Mr. GOSS. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from California [Mr. KIM].

Mr. KIM. Mr. Speaker, I rise to support this rule; however, as we debate this important legislation today, I think it is important that we address North Korea's denial of a bipartisan congressional delegation trip to North Korea.

For the first time in 40 years, we finally have a Republican Speaker of the House, and our Republican committee chairmen have requested that I pick a small delegation to North Korea. This is a bipartisan group of both Republicans and Democrats, yet the North Koreans denied our group's entry. We have contacted North Korea again for an August trip, yet we have not still received any answer yet. All this happened while the other Member of Congress have visited North Korea.

Ironically that Member was a Democrat.

This picking and choosing of Member visits is a discriminatory policy. This is simply unacceptable. This is an insult to the Speaker of the House, the House leadership, and to this Committee of International Relations.

This is the most serious insult in my opinion to the U.S. Congress. We should not tolerate these actions, otherwise the entire world will laugh at us, laugh at this Congress.

My original course of action was to offer amendment to this legislation boycotting congressional visit to North Korea until this issue is resolved. I can understand why they are afraid of my going up there, because of my unique background, but I understand that our chairmen prefer to dress this issue in conference if the North Koreans fail to change their position.

Again I would like to say for the RECORD this issue must be addressed during conference meeting.

Mr. HALL of Ohio. Mr. Speaker, I yield 9 minutes to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Speaker, I rise to inform my colleagues that later this afternoon I hope to have the opportunity to offer an amendment to lift the arms embargo against Bosnia and Herzegovina.

Mr. Chairman, I do so knowing that difficult circumstances confront the United States as well as our allies. It is after all their forces that are still being held hostage by Bosnian Serb forces.

I think we all recognize that the U.N. peacekeeping forces went in to provide critically needed humanitarian aid. But, it has ended up providing a cover, enabling the Serbs to continue the war largely without the credible threat of resolute military action by the United Nation or NATO.

The fact is there is no peace being kept. In this the United Nation has failed.

I am encouraged by the more forceful actions that are being planned by our allies, that is the plan to deploy a rapid-expansion force to protect UNPROFOR, thereby giving some muscle to those forces in Bosnia. I am also pleased by the statements coming from a number of our allies, notably president Chirac that France "refuses to yield to fatalism and irresponsibility."

My concern remains, however, that we are still confronted with a U.N. force that is mandated to be "impartial" in a war of aggression and a genocide that claims the lives of mostly civilians. It is an untenable position both from the members of UNPROFOR who must stand by and watch the killings, and the ethnic-cleansing, and for the nations who have failed to take the necessary action to protect the hundreds of thousands of victims from their persecutors. It is a position which states as its working premise to choose no sides to treat the aggressor and victim the same. Yet at the same time UNPROFOR watches in horror, the arms embargo has the effect of denying the right of Bosnians to defend themselves, their families, and their nation from a well-armed and well-trained military force that seeks to annihilate them.

Once this current crisis is resolved we must not allow the status quo to be reinstated. And what I mean by that is for a slightly reinforced UNPROFOR merely to go back to what it was doing, or I should say not doing.

This is a war between sovereign nations in the heart of Europe. It is a war that has been and continues to be the result of an illegal act of aggression by Serbia against the peoples of Bosnia and Herzegovina. It is a war and genocide of a scale that we have not witnessed since World War II in Europe. And most tragically of all it is a war against a nation that stands for the very values which the United States, NATO and the U.N. security council espouse over and over again, and which Serbian policy is bent on exterminating.

□ 1310

I believe, Mr. Speaker, that the United States must act to lift the arms embargo against the victims of a war of aggression not of their making. I urge my colleagues to join me in supporting that amendment.

Mr. Speaker, I also rise to express concern about this rule. This issue is a critically important issue. I believe that the amendment to be offered by the gentleman from Illinois [Mr. HYDE], the War Powers Act amendment, is also a critically important amendment, worthy of more than a few minutes of debate on the floor of the House of Representatives.

The gentleman from Ohio is correct: If we are serious about being the policy makers and enunciating the policies that this Nation ought to pursue, I think the American public expects us to do so in a considered way, allowing full time for debate.

These are not unserious issues. These are not issues of little consequence. Indeed, the issue of which I speak speaks to the very essence of what America stands for, of what the United Nations stands for, and what NATO has pledged to protect: The opportunities of a people freely elected to be free from international aggression. That is what America stands for.

The gentleman who just preceded me spoke about the unwillingness of North Korea to allow a bipartisan delegation to come in and to talk and to see. The lesson that we learned in World War II and the lesson that we ought to be learning is that openness in foreign policy leads to international security on all sides.

I regret very much, Mr. Speaker, that time is being limited; that in effect some of us are going to be, I think, prevented as I understand it from offering a critically important amendment that passed this House overwhelming 1 year ago, when we said then we ought to lift unilaterally the embargo imposed upon Bosnia and Herzegovina.

What does that mean in real terms? It means you have two people confronting one another in a war. One is heavily armed and one is very lightly armed, and we say we are neutral. We will not allow any arms to go in. We will not allow others to help the combatants.

What does that mean? That means by definition you have taken the side of the party that has been heavily armed, in this case the Bosnian-Serb aggressors who have succeeded to the Yugoslavian arms heavy weapons.

Mr. Speaker, I have had a discussion with the chairman of the Committee on International Relations, the gentleman from New York [Mr. GILMAN]. He is my good friend and I believe a supporter of this amendment. I do not want to speak for him. He and I have fought together on the side of preventing the genocide that has occurred in Bosnia and Herzegovina.

But I must tell my friend I am deeply disappointed we will not be able to, if that is the case, address this issue today. As a result, I will not support the rule, because I believe we need more time.

Mr. GILMAN. Mr. Chairman, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from New York.

Mr. GILMAN. Mr. Speaker, just in response, of course we would like to be supportive of the gentleman's proposal. What we are concerned about is the limited amount of time in this measure to enable Members on both sides of the aisle to take up their amendments. I hope the gentleman will be able to present his bill as a free standing bill shortly after the consideration of this measure so that the House will have a full opportunity to debate the gentleman's measure.

Mr. HOYER. Mr. Speaker, reclaiming my time, I want to thank the gentleman from New York [Mr. GILMAN] who, as I say, is a very close friend of mine. We say that about most, but in this case it is really the case. He has always been fair, and he and I have always, since I can remember, fought on the same side of issues as they relate to justice and international fairness and opposition to human rights abuses.

I would say to my friend that I appreciate that effort and, obviously, if I am not successful today, I will work with the gentleman to bring that bill forward as quickly as we can.

But I say to my friend, it is unfortunate that we do not allow sufficient time on this issue, which is so timely. There is no more timely foreign policy issue that currently confronts the United States and its western allies than the issue of Bosnia and Herzegovina, as we all know.

Mr. GILMAN. Mr. Speaker, if the gentleman will further yield, I want to assure him I will be pleased to work with him to bring this to the floor in a timely manner.

Mr. GOSS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I also wanted to congratulate the gentleman from Maryland [Mr. HOYER] for his very articulate presentation, and look forward to being able to deal with that issue in the very near future. I would point out there are some aspects to the American Overseas Interests Act that do deal with some of the problems, particularly this dual management problem with the United Nations, which I am sure every American—if they read about it in the paper this morning—is as outraged this morning as I am about, that we cannot defend our aircraft, but only expose our aircraft. Some of those problems that demand immediate attention are provided for here.

Mr. Chairman, I am happy to yield 5 minutes to the gentleman from New York [Mr. GILMAN], the distinguished chairman of the Committee on International Relations.

Mr. GILMAN. Mr. Speaker, I rise in support of House Resolution 156, the rule under which the House would be afforded an opportunity to devote an additional 6 hours to consideration of H.R. 1561, the American Overseas Interests Act.

As my colleagues recall, the initial rule under which this bill was brought to the floor provided for 10 hours for debate on amendments.

When the Committee of the Whole rose on Wednesday, May 24, 9½ hours of that time had been consumed. Nine amendments have been disposed of out of some 75 that had been filed under the rule.

It was obvious that more time would be needed to enable the House to fully consider the measure. Moreover, an additional 25 amendments were filed so that when the House adjourned for the Memorial Day recess, there were 91 amendments pending—51 by Republicans and 39 by Democrats.

Mr. Speaker, H.R. 1561 is the first major challenge to the foreign policy status quo since the cold war began nearly 50 years ago—providing for the first major reorganization and consolidation of our foreign affairs apparatus in that period.

It also reauthorizes our foreign assistance programs and reduces current spending by nearly $3 billion over 2 years—while redirecting and targeting our resources on high priority programs.

H.R. 1561 is about projecting American power and influence around the world at a cost of 1 cent on the Federal dollars.

It defends our national security—supports our trade and economic interests—provides for those who have been struck by disaster and cannot provide for themselves—and cuts duplication and waste in dozens of programs.

The administration opposes H.R. 1561 because it wants to maintain the status quo of the cold war period.

Mr. Speaker, when it's winter, we need the appropriate clothing to deal with the snow and cold—boots, gloves, and earmuffs—and a good snow shovel. But, when warm weather arrives, we discard the heavy clothing and put away the snow shovel.

Similarly—with the cold war over—it is now time to put away our cold war agencies and policies and retarget our priorities. H.R. 1561 does just that.

Mr. Speaker, House Resolution 1561 provides the House with an additional 6 hours to consider the first major recording of our foreign affairs operations since the cold war began, and I urge its adoption.

Mr. Speaker, I would like to yield for a moment to the gentleman from California [Mr. KIM].

Mr. KIM. Mr. Speaker, I thank the chairman for yielding.

Mr. GILMAN. Mr. KIM earlier addressed the House with regard to his rejection of the opportunity to visit North Korea, is that correct, Mr. KIM?

Mr. KIM. That is correct, Mr. Chairman.

Mr. GILMAN. If the gentleman would yield, I was dismayed by the North Korean Government's refusal to allow our good friend and respected member of our Committee on International Relations the opportunity to visit Pyongyang as an official of our Government. Along with the Speaker, I personally requested Mr. KIM to travel to North Korea. The House leadership and our committee support Mr. KIM in that endeavor. But we were rejected outright by the North Korean Government.

North Korea has yet to respond to Mr. KIM'S third request to be allowed to be able to travel to North Korea in August. This rejection is an outright insult, not only to Representative KIM, but to our committee and the House leadership. I believe we should take this opportunity to send a clear message to the North Koreans that they must satisfy our demand that Mr. KIM be allowed to join a congressional delegation to North Korea.

The State Department must know that it is an appropriate solution, that an appropriate solution is needed and must be reached. I am prepared to address that issue during the conference on our bill to ensure that North Korea accepts all congressional visitors or faces some repercussion.

Mr. HALL of Ohio. Mr. Speaker, I have no further requests for time. I would briefly conclude by yielding myself such time as I may consume.

Mr. Speaker, I believe truly that this bill, if it passes, is really a step backwards for the Congress and for the President of the United States. It ties the hands of the President, or any President. It abolishes departments and agencies by incorporating them under the arm of the State Department. Issues like AID and the Arms Agency and USIA, those issues have not even been debated on this floor of the House, and yet we are kind of confusing the whole situation by just kind of putting them under the State Department. Nobody knows what is going to happen. They are being put under the idea that in fact it will save money, but nobody has been able to prove that. We are doing that without debate.

The second thing is there is over 90 amendments left, with only 6 hours. I suspect that probably with the tremendous number of controversial issues that come up, we will only be able to address 4 or 5 amendments of all the 90 amendments that are previously printed in the RECORD.

So that rule is not a good rule. It is devastating to the whole process, and to the whole direction we are trying to give our President as far as being a leader in the world. This ties his hands.

The way the United States goes in the world, a lot of nations follow us.

We have cut foreign aid since 1985 by 40 percent. But under this bill, there are further cuts that are devastating. There is going to be a 34-percent cut in development assistance, something that Americans have asked us for years to get involved. Why aren't we helping these people help themselves? But we are cutting the very thing that Americans want us to do.

The second thing is we are cutting the African Fund, where most of the humanitarian crises are going on today. So many of these cuts could be redirected in a better way.

I am not sure that this bill can be improved upon. There is a chance to do it. But the way the bill stands now, it is devastating, it ties the hands of the U.S. Government, it is a step backwards, with substantial cuts in areas that for the most part are going to hurt a lot of women and children in poor nations, and it is not something that our Government, our Congress, ought to be behind.

For that reason, I hope that the Congress votes the rule down and votes the bill down.

□ 1330

Mr. GOSS. Mr. Speaker, I yield myself such time as I may consume.

I have no further requests for time. Before yielding back the balance of my time, I would just simply like to say that this act is called the American Overseas Interests Act. Usually the labels that we have on a lot of our legislation around here are somewhat grandiose. I think this label actually means something.

I think we are making a shift from what we used to call foreign aid to put the emphasis on something that is truly what are America's interests overseas. I think that is a major departure from some of the direction that we have been struggling with in the past 10 years or so here. It is one of the reasons why we have not gotten the bill through.

I think this is a new time, and I think that justifies in part this extra debate time which is really an extraordinary amount of time, almost 20 hours when we count the rules and general debate, that is an awful lot of time.

With regard to the observation of the gentleman from Maryland that there probably is no greater time or no more important thing right now than discussing Bosnia, there, of course is another avenue, as the distinguished chairman of the Committee on International Relations has pointed out. And the thing about what goes on in the world is that every day there is always something new anyway that is very important for us, not that Bosnia is not critically important, but there will be other things that are critically important.

We have to make sure we have a process to bring those things forward. But the basis, the structure, the foundation of what we are trying to signal here in this legislation are American overseas interests and to provide for them appropriately, well aware of the message that we have had from our American constituency that says we have got to be a little bit more careful about how we spend our money, make sure it really counts for national security and true interests overseas and we are not in the business of being the world's policemen or the world's welfare source.

I think that this bill goes a long way in dealing with that.

The ranking Member and distinguished gentleman from Massachusetts [Mr. MOAKLEY], a wonderful man and a good friend, has said we need more time, more debate, and that we might not even have enough after this 20 hours. I do not know how much debate is enough debate on any particular bill, but it seems to me this is an extraordinary amount of time for a very important subject, where we are having a change of direction which is part of the change that was promised in the November 8 elections. I believe that we have got it pretty well covered now. I urge my colleagues to support this rule.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HALL of Ohio. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, further proceedings on this question will be postponed until later today.

PARLIAMENTARY INQUIRY

Mr. GOSS. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. GOSS. Mr. Speaker, will that vote be automatically called by the Chair?

The SPEAKER pro tempore. That is correct; the yeas and nays have been ordered, and it will automatically be called later today.

Mr. GOSS. Mr. Speaker, I did not hear, but was a time certain set for that?

The SPEAKER pro tempore. It will be after the three fish hatchery bills, which are next on the calendar.

Mr. GOSS. I thank the Chair.

CORNING NATIONAL FISH HATCHERY CONVEYANCE ACT

The SPEAKER pro tempore. Pursuant to House Resolution 144 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for consideration of the bill, H.R. 535.

□ 1338

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 535) to direct the Secretary of the Interior to convey the Corning National Fish Hatchery to the State of Arkansas, with Mr. CAMP in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from New Jersey [Mr. SAXTON] will be recognized for 30 minutes and the gentleman from Massachusetts [Mr. STUDDS] will be recognized for 30 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. SAXTON].

Mr. SAXTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of this noncontroversial legislation.

H.R. 535 seeks to convey the Corning National Fish Hatchery to the State of Arkansas. Mrs. LINCOLN, the sponsor of the bill, will fully explain the need for this legislation. Briefly, the State of Arkansas has been operating and maintaining the Corning hatchery since 1983. Arkansas has recognized the need to modernize the facility, but cannot obtain the necessary funding to do so because the State does not hold title to the hatchery. The Fish and Wildlife Service, which does hold title, fully supports the conveyance of the title to the State of Arkansas.

During our subcommittee markup, I offered an amendment—which was adopted unanimously—to expand the mission of the hatchery. In that way, the Corning facility would not be limited to fish cultures only and would be able to perform a broader range of fishery-related activities. In addition, the amendment ensures that if this property ever reverts to the Federal Government, it will be in the same or better condition as the time of the transfer. These changes are reflected in the bill pending before the House today.

I am confident that H.R. 535 as written will satisfy the U.S. Fish and Wildlife Service and the State of Arkansas. I urge you to support H.R. 535 without amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. STUDDS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the gentleman from New Jersey has said it all. This is a bill without controversy. It is very much like many others we have passed in years gone by. I must say for the life of me I cannot figure out what it is doing under a rule. If there was ever a bill that was ready for suspension, it would be these three. They are routine. They are without controversy.

Mr. Speaker, I rise in support of H.R. 535, a bill to transfer title of the Corning National Fish Hatchery to the State of Arkansas.

The Corning hatchery, which has been operated by the State of Arkansas under a memorandum of understanding with the Fish and Wildlife Service since 1983, produces bass, bluegill, sunfish, crappies, and catfish for State fishery programs.

While the State has made minor improvements to the facility, it is now interested in making more significant capital investments and would like title to the property before doing so. This bill would give title to the State, while protecting the interests of the Federal Government by requiring that title revert to the Fish and Wildlife Service in the event that Arkansas no longer wants to operate the facility as a fish hatchery.

This is standard language we have used to transfer many facilities in the past. It is supported by both the State and the administration, and I urge Members to support it today.

Mr. Chairman, I yield 3 minutes to the gentlewoman from Arkansas [Mrs. LINCOLN], the author of the bill.

Mrs. LINCOLN. Mr. Chairman, today I rise to urge my colleagues to support H.R. 535. Before I list all the reasons why my colleagues should support this bill, I first want to extend my deepest thanks to the chairman of the full committee, Mr. YOUNG, the chairman of the subcommittee, Mr. SAXTON, and the ranking minority member of the Fisheries Subcommittee, Mr. STUDDS, for taking action on this bill in such a prompt manner. I worked with all these distinguished gentlemen last year on the Merchant Marine Committee, and I certainly must say that I miss working with them on a more regular basis.

I urge my colleagues to support this non-controversial bill. H.R. 535 would transfer property rights in the Corning National Fish Hatchery from the Federal Government to the State of Arkansas. Due to previous Federal budget cuts, the fish hatchery was closed in early 1983. However, the Arkansas Game and Fish Commission resumed hatchery fish production in May 1983 after entering into an agreement with the fish and wildlife service. The fish hatchery has been operating since 1983 as William H. Donham State Fish Hatchery. With funds provided by the State of Arkansas

This fish hatchery has become an important part of the Arkansas Fisheries Division Fish Culture Program and I believe that this transfer will greatly benefit the sportsmen and women of Arkansas and the Nation. This warm water hatchery is very active and successful, producing up to 1,000,000 fish annually.

Currently, and since 1983 no Federal funds are used to operate or maintain the Corning National Fish Hatchery. Let me repeat, this fish hatchery does not cost Federal taxpayers a red cent. It is financed solely by funds derived from resident and non-resident fishing licenses sales. This transfer of ownership has the support from both the Arkansas Game and Fish Commission and the Fish and Wildlife Service.

It is appropriate to transfer the property to the State of Arkansas since the funds used to finance the hatchery's programs are raised within the borders of Arkansas. In addition, without this transfer, Arkansas would be unable to make long-term commitments as to the direction the hatchery will take in its operations or risk of abandonment.

Identical legislation passed both the House and the Senate last Congress only to be stymied in the Senate during the last minutes of the 103d. I urge my colleagues to support H.R. 535 and to oppose any amendments.

Mr. SAXTON. Mr. Chairman, I have no further requests for time, and I reserve the balance of my time.

Mr. STUDDS. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, those who have spoken already quite properly represent the presentation of this legislation and they, in fact, are not controversial. I do have an amendment to the legislation that would require that prior to the transfer of these facilities, prior to the transfer of title from the Federal Government to the State government that the Federal Government would get an appraisal as to the fair market value and the State would in fact pay the Federal Government in the fair market value for these assets.

The fact is that we have been transferring these assets historically for many, many years from the Federal Government to the states without questioning the value of the property being transferred or the Federal taxpayer investment in these properties. But today is not the same as it has been in the last 20 years. That is, this is the first Congress that is operating under a firm target of balancing the Federal budget in the next 7 years.

We see a whole hose of programs that are being cut, some much smaller in value than the value of these hatcheries, but the point is this, that no longer are we in a position simply to transfer assets of the Federal Government and receive nothing in return at a time when we are trying to balance the budget. So the amendment that I will offer to all three of these bills later on is an amendment to require an appraisal and a fair market value assessment, crediting the State with the cost of some of their improvements that they have made and then making sure that the State either pay the Federal Government in cash or in in-kind contribution for that fair market value.

I think this is fair to the taxpayers of the country. I think it is fair to other committees that are making cuts in very vital programs and that we ought to do our share. The value of these assets, of these hatcheries, we really do not known. There are no current appraisals of these. Appraisals were done in 1983, back in 1979. We have comparable sales in some cases for much smaller parcels adjacent to these lands that were transferred earlier that have been sold in some cases for higher value than the appraised value of the hatcheries.

Let us remember that in fact when the hatcheries are, they have been run for the benefit of the States, so the fact that the State has been running this at their cost should be no mystery to us or surprise us because in fact the State has been the beneficiary of the programs being run there and the State will continue to do so.

If the Federal Government is going to back out of this and we are going to turn these assets over, I think the least that we can do is ask that we return to the Treasury some ability to recapture the cost that the Federal Government has spent on these assets.

Finally, let me make this point, Mr. Chairman: This is only the beginning of a whole series of assets that will be coming to the floor seeking transfer from the Federal Government either to the private sector and/or to other segments of the Government. I think it is very important that we understand that when we do make these transfers to these other entities, that we ought to make some effort to try and recapture the fair market value of those assets.

There will be assets developed in the energy area, in the mineral area, in the timber area, in a whole range of programs that the Federal Government is currently engaged in, mainly throughout the western United States, but in some cases, as we see with these hatcheries, in other areas of the Federal Government. I would hope that Members would support these very commonsense and very-fair-to-the-taxpayer amendments asking for fair maket value.

Mr. YOUNG of Alaska. Mr. Chairman, I support H.R. 535, a bill to transfer title of the Corning National Fish Hatchery to the State of Arkansas for use by the Arkansas Game and Fish Commission.

The Corning National Fish Hatchery includes approximately 137 acres, buildings, structures, and related equipment. It is a warm water hatchery that produces between 250,000 to 1,000,000 fish each year. About 95 percent of these hatchery-reared fish are stocked in new or renovated public lakes, providing recreational opportunities for thousands of Americans.

It is my understanding that the State of Arkansas has been effectively operating this hatchery facility since 1983, under an agreement with the U.S. Fish and Wildlife Service.

The State has spent in excess of $1.5 million to maintain it. H.R. 535 would simply convey all right, title, and interest of the United States to the State of Arkansas.

Finally, this legislation contains language providing that the property revert back to the Federal Government if the State of Arkansas no longer wishes to use the facility as part of its fisheries resources management program. It also stipulates that the property be returned in substantially the same or better condition than it was in at the time it was transferred to the State.

The U.S. Fish and Wildlife Service supports this transfer and I compliment the gentlelady from Arkansas [Mrs. LINCOLN] for bringing this matter to our attention.

Mr. Chairman, I urge my colleagues to support the bill.

Mr. STUDDS. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. SAXTON. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill and the amendment printed in the bill are considered as having been read for amendment under the 5-minute rule.

The text of H.R. 535 is as follows:

H.R. 535

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Corning National Fish Hatchery Conveyance Act".

SEC. 2. CONVEYANCE OF CORNING NATIONAL FISH HATCHERY TO THE STATE OF ARKANSAS.

(a) CONVEYANCE REQUIREMENT.—Within 180 days after the date of the enactment of this Act, the Secretary of the Interior shall convey to the State of Arkansas without reimbursement all right, title, and interest of the United States in and to the property described in subsection (b), for use by the Arkansas Game and Fish Commission as part of the State of Arkansas culture program.

(b) PROPERTY DESCRIBED.—The property referred to in subsection (a) is the property known as the Corning National Fish Hatchery (popularly known as the William H. Donham State Fish Hatchery), located one mile west of Corning, Arkansas, on Arkansas State Highway 67 in Clay County, Arkansas, consisting of 137.34 acres (more or less), and all improvements and related personal property under the control of the Secretary that is located on that property, including buildings, structures, and equipment.

(c) REVERSIONARY INTEREST OF UNITED STATES.—All right, title, and interest in property described in subsection (b) shall revert to the United States if the property ceases to be used as part of the State of Arkansas fish culture program. The State of Arkansas shall ensure that the property reverting to the United States is in substantially the same or better condition as at the time of transfer.

The CHAIRMAN. The Clerk will designate the committee amendment.

The text of the committee amendment is as follows:

Committee amendment: Page 2, line 21, strike subsection (c) and insert the following:

(c) USE AND REVERSIONARY INTEREST.—The property conveyed to the State of Arkansas pursuant to this section shall be used by the State for purposes of fishery resources management, and if it is used for any other purposes all right, title, and interest in an to all property conveyed pursuant to this section shall revert to the United States. The State of Arkansas shall ensure that the property reverting to the United States is in substantially the same or better condition as at the time of transfer.

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

□ 1345

The CHAIRMAN. Are there other amendments?

AMENDMENT OFFERED BY MR. MILLER OF CALIFORNIA

Mr. MILLER of California. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MILLER of California: In section 2(a) (page 2, beginning at line 3), strike "Within" and all that follows through "without reimbursement", and insert "Upon the provision of consideration by the State of Arkansas in accordance with subsection (c) within 180 days after the date of the enactment of this Act, the Secretary of the Interior shall convey to the State of Arkansas".

Amend section 2(c) (page 3, beginning at line 3) to read as follows:

(c) CONSIDERATION.—

(1) CONSIDERATION REQUIRED.—The Secretary of the Interior shall require that, as consideration for any property conveyed by the Secretary under subsection (a), the State of Arkansas shall—

(A) pay to the United States an amount equal to the fair market value of the property conveyed by the Secretary under subsection (a), reduced in accordance with paragraph (3); or

(B) convey to the United States real property that the Secretary deterimes—

(i) has a fair market value not less than an amount equal to the fair market value of the property conveyed by the Secretary under subsection (a), reduced in accordance with paragraph (3); and

(ii) is useful for promoting fish restoration and management.

(2) APPRAISAL REQUIRED.—The Secretary shall determine fair market value of property for purposes of this subsection after considering an appraisal of the property prepared for the Secretary after the date of the enactment of this Act.

(3) REDUCTION OF FAIR MARKET VALUE OF PROPERTY CONVEYED.—For purposes of subparagraphs (A) and (B)(i) of paragraph (1), the fair market value of property conveyed under subsection (a) shall be reduced by the value of any capital improvements to the property that were made by the State of Arkansas before the date of the enactment of this Act.

(4) DEPOSIT OF PAYMENT.—

(A) DEPOSIT.—Amounts received by the United States as payment under this subsection shall be deposited into the Sport Fish Restoration Account of the Aquatic Resources Trust Fund established by section 9504 of the Internal Revenue Code of 1986 (26 U.S.C. 9504), commonly referred to as the Wallop-Breaux Fund.

(B) LIMITATION ON USE OF DEPOSITS FOR PURPOSES NOT RELATED TO FISH RESTORATION AND MANAGEMENT.—Section 9504(b)(2)(B) of the Internal Revenue Code of 1986 (26 U.S.C. 9504(b)(2)(B)) does not apply to amounts deposited under this paragraph.

Mr. MILLER of California (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MILLER of California. Mr. Chairman, this amendment requires that as consideration for the fish hatchery conveyed to the State of Arkansas, that the State pay the Federal Government the fair market value based on an updated appraisal.

That payment shall not include the value of any capital improvements made by the State. The amendment also strikes the clause in the bill which would have the property revert to the Federal Government if not used by the State as a hatchery. In other words, the State would receive clear title.

The amendment gives the State the option to pay cash equivalent to fair market value or to exchange property with the Fish and Wildlife Service which must be useful for promoting fish restoration and management.

If the State pays cash, the amendment provides that the proceeds would be deposited in the sport fish restoration account which is better known as the Wallop-Breaux Fund. Every State receives Wallop-Breaux funds which are dedicated to improving sport fishing opportunities. The amounts devoted to fish restoration are decreasing, so this amendment will help assure that all of our constituents continue to benefit from this fund.

Mr. Chairman, as I said earlier in the general debate on this legislation, I think this is simply a matter of equity for the taxpayers, that they receive some semblance, and hopefully will receive, in fact, fair market value for these Federal assets that the Federal Government has built and developed, when they transfer them to the State.

It also provides the additional benefit that the funds received not only will return to the Federal Treasury, but they will help fund those portions of the Federal programs and cooperative programs between the States and the Federal Government that come under the Wallop-Breaux funds for the improvement of this Nation's sport fisheries.

Again, the amounts of money are not large, but I think the principle is sound. I think the principle is fundamental as we continue upon our legislative journey, living under the hard cap of going to a balanced budget in the next 7 years. Every committee, every Member of Congress, and all of our constituencies are going to have to make sacrifices to deal with that.

Quite clearly, we have been transferring these assets for the past 20 years. That has become what we believe is normal. These are not normal times. We believed that highway demonstration projects were normal up until this year. They no longer are normal, because we cannot justify the expenditure of those moneys and the need to balance the budget and to meet higher priorities of this Nation.

Mr. Chairman, I would hope, again, that the Members of Congress would support this amendment to provide for a return of fair market value to the taxpayers of the Nation.

Mr. SAXTON. Mr. Chairman, I rise in opposition to the gentleman's amendment.

Mr. Chairman, as the gentleman well knows, we have discussed this amendment at length at the subcommittee level, and I believe at the full committee level as well. While I would generally tend to agree with the gentleman, that certainly if this is an early version of many transfers that will occur as part of the budget-balancing process that we will go through during the months and years ahead, certainly it would be good to start this in a way that is the most fiscally prudent. That is exactly the reason that I oppose the gentleman's amendment.

It is noteworthy, I believe, to point out here that it was in 1983 that the Federal Government decided that we no longer had the resources to justify the implementation of a Federal program at this hatchery. In that year, the State of Arkansas decided that since it was a very important program to that region of the country, that the State of Arkansas would supplement what the Federal Government had previously spent, and continue the program on forward.

To the extent that this bill changes that situation, it does so for one very good reason. That is that the hatchery is in dire need of upgrading and renovation, and perhaps some additional facilities to be built on the premises which require financial considerations. Those considerations can be forthcoming only when the State of Arkansas has title to the property.

Therefore, Mr. Chairman, this bill becomes very necessary. In order to ensure the Federal equity position, however, it is noted in the bill that there is a clause which ensures that if the hatcheries would ever revert to the Federal Government, that they would be in as good or better condition than they are at the time of transfer.

Mr. Chairman, there are a number of other reasons that I could go on and explain at some length, but certainly the gentleman will have ample opportunity to help Members on both sides of the aisle find savings as we make our way through this budget process. This, in my opinion, Mr. Chairman, is not the place to be penny-wise and dollar foolish, and risk the very existance of this very vital hatchery facility.

Mr. STUDDS. Mr. Chairman, will the gentleman yield?

Mr. SAXTON. I yield to the gentleman from Massachusetts.

Mr. STUDDS. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, it is not very often that I find myself differing from the gentleman from California [Mr. MILLER]. We did, as the gentleman has indicated, go through this in subcommittee and in full. I am the first to concede that this is not one of the more cosmic issues of our day, and really ought not to be taking up a great deal of time, with all due respect to the State and the gentlewoman who represents it.

However, let me just say that I think I know what the gentleman from California is concerned about as he looks down in the future here. I share his concern of what may be coming. There may be attempts for the Federal Government to divest itself of some of our great national parks and forests and resources, and God knows to whom and when. However, I will be at this side if and when that battle occurs.

However, there is nothing devious here. This is a State that is willing to assume the purpose for which the Federal Government acquired these facilities in the first place. It is perfectly consistent with the normal process of excessing Federal property. We do not, as I understand it, normally charge the States if they bid on and receive land which has been excessed by the Federal Government.

There is ample precedent for this in the past. There are any number of facilities in different States that I think we will be dealing with in the future. I do not think that we risk setting some kind of precedent for the very real concerns of the gentleman from California. For that reason, I associate myself with the remarks of the gentleman from New Jersey.

Mr. SAXTON. Mr. Chairman, if I may reclaim my time, I would point out to all here on the floor and other interested parties that, as a matter of fact, it could well be the case that the State of Arkansas could well not afford to be able to purchase the facility, in which case the entire program would be jeopardized.

Mrs. LINCOLN. Mr. Chairman, will the gentleman yield?

Mr. SAXTON. I yield to the gentlewoman from Arkansas.

Mrs. LINCOLN. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, I rise in strong opposition to the amendment offered by the gentleman from California [Mr. MILLER].

I think there are many issues here to be debated. One point that was just brought up, in terms of preservation, if what we want to do is preserve some of the wonderful natural resources we have in this Nation, we do have to give the States the capability. The fact is most States, and I think we have heard from many of our fish and wildlife agency representatives, the States cannot afford it.

The other point that I would make is the value of the property has changed considerably since 1983. If you are going to talk about the fair market value, since 1983 the State of Arkansas has put well over $2 million, almost $2.5 million into the property, which has enhanced its value. If it had been abandoned in 1983 by the Federal Government, it would be worth next to nothing at this point right now anyway.

In terms of the justification given by the gentleman from California [Mr. MILLER], in terms of what he is trying to do, I do not disagree. I tend to find myself very fiscally responsible as well and wanting desperately to balance the budget, but I do feel he has chosen a poor target in this area.

This is an industry, quite frankly, where we are producing fish for an industry of tourism and sport fishing. It is one of the largest in our State. It is one across the Nation that does have a tremendous amount of return on the dollars that are invested. I do think it is a poor target.

The property is the Federal Government's, but they did give it up an awful long time ago. We are simply legalizing this situation to make sure that the State of Arkansas can adequately prepare and make the necessary decisions that they need to keep it a productive industry. Again, I would certainly focus that that is exactly what it is.

Mr. Chairman, I would just ask my colleagues to reason in terms of fiscal responsibility. This is a good industry for us across the Nation, and the fish hatcheries are a big part of that. We have invested a great deal in the State of Arkansas.

The CHAIRMAN. The time of the gentleman from New Jersey [Mr. SAXTON] has expired.

(By unanimous consent, Mr. SAXTON was allowed to proceed for 1 additional minute.)

Mrs. LINCOLN. Mr. Chairman, will the gentleman yield?

Mr. SAXTON. I yield to the gentlewoman from Arkansas.

Mrs. LINCOLN. Again, Mr. Chairman, the proceeds from the industry in sport fishing far exceed the cost of what we are talking here. I do think it is important in terms of making sure we are able to preserve these wonderful facilities that we have in the Federal Government to allow the States to do that.

The chairman of the subcommittee did point out there is a reversion clause. If by any chance the States do not use these facilities for what they were intended, they do revert back to the Federal Government.

As I said before, I think in all good intentions that my colleague, the gentleman from California, may have had, I do think that this is a poor target in terms of trying to make a point of saving money and in terms of billing the States, who cannot afford it, in losing the preservation of these natural resources that we have.

I just urge my colleagues to oppose the amendment and pass this bill and the other two, which are really noncontroversial bills.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. MILLER].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. MILLER of California. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 96, noes 315, not voting 23, as follows:

[Roll No. 356]

AYES—96

Ackerman
Andrews
Barrett (WI)
Becerra
Beilenson
Berman
Bonior
Brown (CA)
Brown (OH)
Bryant (TX)
Clay
Clayton
Coble
Coleman
Collins (IL)
Conyers
Costello
Coyne
Danner
DeFazio
DeLauro
Dellums
Deutsch
Dixon
Doggett
Durbin
Ehlers
Eshoo
Fattah
Flake
Ford
Franks (NJ)
Furse
Gejdenson
Gutierrez
Harman
Hastings (FL)
Hinchey
Jacobs
Johnson (SD)
Kaptur
Kennelly
Kildee
Klug
Lantos
Lewis (GA)
LoBiondo
Lowey
Maloney
Martinez
Martini
McDermott
McKinney
Meehan
Meek
Mfume
Miller (CA)
Mineta
Mink
Nadler
Neal
Neumann
Owens
Pastor
Payne (NJ)
Petri
Poshard
Reynolds
Rohrabacher
Roth
Roybal-Allard
Royce
Rush
Sanders
Sanford
Scarborough
Schroeder
Schumer
Sensenbrenner
Serrano
Shays
Slaughter
Stark
Stokes
Torres
Upton
Velazquez
Visclosky
Waters
Watt (NC)
Waxman
Woolsey
Wyden
Wynn
Yates
Zimmer

NOES—315

Abercrombie
Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bono
Borski
Boucher
Brewster
Browder
Brown (FL)
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clement
Clinger
Coburn
Collins (GA)
Collins (MI)
Combest
Condit
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cunningham
Davis
de la Garza
Deal
DeLay
Diaz-Balart
Dickey
Dicks
Dingell
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
Engel
English
Ensign
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (TX)
Filner
Flanagan
Foglietta
Foley
Forbes
Fowler
Fox
Frank (MA)
Franks (CT)
Frelinghuysen
Frisa
Frost
Funderburk
Gallegly
Ganske
Gekas
Geren
Gibbons
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hilliard
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jefferson
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Johnston
Jones
Kasich
Kelly
Kennedy (MA)
Kim
King
Kingston
Klink
Knollenberg
Kolbe
LaFalce
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
Longley
Luther
Manton
Manzullo
Markey
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
McNulty
Menendez
Metcalf
Meyers
Mica
Miller (FL)
Minge
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nethercutt
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Payne (VA)
Peterson (MN)
Pickett
Pombo
Pomeroy
Portman
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Riggs
Rivers
Roberts
Roemer
Rogers
Ros-Lehtinen
Rose
Roukema
Sabo
Salmon
Sawyer
Saxton
Schaefer
Schiff
Scott
Seastrand
Shadegg
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torricelli
Towns
Traficant
Tucker
Vento
Volkmer
Vucanovich
Walker
Walsh
Wamp
Ward
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Young (AK)
Young (FL)
Zeliff

NOT VOTING—23

Barr
Bonilla
Chapman
Clyburn
Cubin
Fields (LA)
Gephardt
Gilchrest
Green
Hefner
Kanjorski
Kennedy (RI)
Kleczka
Lofgren
Lucas
Paxon
Pelosi
Peterson (FL)
Porter
Richardson
Shaw
Waldholtz
Watts (OK)

□ 1419

The Clerk announced the following pairs:

On this vote:

Mr. GENE GREEN of Texas for, with Mr. WATTS against.

Mr. FIELDS of Louisiana for, with Mrs. WALDHOLTZ against.

Messrs. HOLDEN FAWELL, and HORN changed their vote from "aye" to "no."

Mrs. LOWEY and Messrs. NADLER, ROHRABACHER, STOKES, and NEAL of Massachusetts changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. FIELDS of Louisiana. Mr. Chairman, I was attending a drug-free schools and communities event at the White House and was not able to make rollcall vote 356. Had I been present I would have voted "aye."

PERSONAL EXPLANATION

Mr. GENE GREEN of Texas. Mr. Chairman, I also missed rollcall vote 356. I was attending a drug free schools event at the White House. If I had been present, I would have voted "yes."

The CHAIRMAN. There being no further amendments, under the rule the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mr. CAMP, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 535) to direct the Secretary of the Interior to convey the Corning National Fish Hatchery to the State of Arkansas, pursuant to House Resolution 144, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CONVEYANCE OF THE FAIRPORT NATIONAL FISH HATCHERY TO THE STATE OF IOWA

The SPEAKER pro tempore. Pursuant to House Resolution 145 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 584.

□ 1421

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole

House on the State of the Union for the consideration of the bill (H.R. 584) to direct the Secretary of the Interior to convey a fish hatchery to the State of Iowa, with Mr. CAMP in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from New Jersey [Mr. SAXTON] and the gentleman from Massachusetts [Mr. STUDDS] will each be recognized for 30 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. SAXTON].

Mr. SAXTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today in strong support of this noncontroversial legislation.

H.R. 584 was introduced by Mr. LEACH. It would convey the Fairport National Fish Hatchery from the U.S. Fish and Wildlife Service to the State of Iowa. It is my understanding that this facility was built in the 1930's, and as you can imagine, it is in need of improvement. Due to Federal budget constraints, the State of Iowa agreed to assume operational control of the facility in 1973. The State of Iowa has managed, maintained, and staffed the Fairport Fish Hatchery for the past 22 years, and has made some cosmetic changes. If the State of Iowa had not stepped in when the Federal Government found its management too costly, this hatchery would have closed and its fishery resources would have ceased to exist.

Now the State of Iowa would like the authority to modernize the facility, which would be accomplished by this legislation. H.R. 584 will formalize a permanent transfer of title between the Federal and State Government. The State of Iowa has committed over $2 million to the operation of this facility over the past 22 years. Further, it has spent $220,000 on necessary improvements to the hatchery.

This is a noncontroversial bill and will accomplish its goal without amendment. I urge you to support H.R. 584 without amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. STUDDS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, once again the gentleman from New Jersey has said it all. The issues are virtually identical in this bill as they were in the past and as they will be in the next one, and therefore in consideration of sheer humanity they need not be repeated.

Mr. Chairman, I rise in support of H.R. 584, a bill to transfer title of the Fairport National Fish Hatchery to the State of Iowa.

The Fairport hatchery has been operated by the State of Iowa under a memorandum of understanding with the Fish and Wildlife Service since 1972. It produces bass, bluegill, and channel catfish for stocking programs throughout the State.

After 20 years of operation, the State is now interested in making capital improvements to the facility but needs title to the property before doing so. This bill would give title to the State, while protecting the interests of the Federal Government by requiring that title revert to the Fish and Wildlife Service in the event that Iowa no longer wants to operate the facility as a fish hatchery.

The bill is supported by both the State and the administration, and I urge Members to support it today.

Mr. Chairman, I reserve the balance of my time.

Mr. SAXTON. Mr. Chairman, I yield such time as he may consume to the gentleman from Iowa [Mr. LEACH].

Mr. LEACH. Mr. Chairman, 3 weeks ago in thunderous debate the House considered the "mega" implications of the budget resolution. Now we have before us perhaps the smallest bill of the year, H.R. 584, which would have the effect of conveying a small federally owned, State-operated, fish hatchery to the State of Iowa.

This hatchery, operated by the State of Iowa since 1973, is crucial to the fishery resources program in my State, and the legislation before us formalizes a permanent transfer of title between the Federal and State government.

The hatchery is located in Fairport, an unincorporated town of 50 people situated on a beautiful hillside embankment overlooking the Mississippi River approximately 8 miles east of the community of Muscatine. The facility was originally donated at the turn of the century to the Federal Government by an association of button manufacturers who, prior to the advent of plastic alternatives, utilized the shells of freshwater mussels from the Mississippi River as raw material for the making of buttons.

With the subsequent acquisition of surrounding land, at a total cost of $21,771.22, Fairport was established by Congress in 1909 as a biological research station, and in 1929 became a fish hatchery operated and maintained by the Bureau of Sport Fisheries and Wildlife.

In 1973, as a result of Federal budgetary constraints, operation and maintenance of the facility was assumed by the Iowa Department of Natural Resources. The Fairport Fish Hatchery has served as an important part of the State's fish hatchery system since that time.

The State of Iowa agreed to assume responsibility for the facility partly to assist sports fisherman but mainly to help advance a growing/midwestern acquaculture industry, particularly for the stocking of farm ponds. As an augment to farming the land and feeding livestock, increasing numbers of farmers are finding they can diversify into aquaculture.

The Fairport facility is one of three warmwater fish hatcheries within Iowa's hatcheries program. The facility fills the need for several fish including bass, bluegills, white amur, and channel catfish, which are utilized throughout the State as a part of the Iowa stocking program. Simply put, fish that are not hatched cannot be caught or bred.

The State Iowa has committed substantial resources to providing for its fisheries needs through the operation and maintenance of the Fairport facility. Unlike other States, it has done so without seeking Federal funds for 22 years. The Iowa Department of Natural Resources estimates that it has expended $2,100,000 for the operation of the hatchery under the memorandum of understanding with the Fish and Wildlife Service since 1973. This sum is substantially greater than the market value of the property which, according to a 1983 appraisal, was $717,000. It is possible that the property has slightly increased in value since then, but before use by others, numerous ponds would have to be filled and the extensive well and underground pipe system removed at considerable cost.

In addition to its current operating budget of $175,000, the State of Iowa has to date spent $220,000 on necessary improvements to the hatchery. If title to the property is transferred, the State intends to make an additional $350,000 investment in the facility, including a new holding house and dike improvements. But the State of Iowa cannot afford both to buy the property and then improve and operate the facility. Without this transfer the facility is likely to close and the Federal Government will have to either make necessary improvements and operate it itself or take on the costly task of closing it.

Iowa's interest in obtaining title to the hatchery is based on the concern that the State be able to make these needed improvements to the facility without risk of loss. If the State does not have title to the property, the Federal Government could divest itself of the hatchery along with any investment the State might make in it. The State would be left vulnerable to property confiscation precipitated either by the executive branch in Washington or capricious Federal legislators.

Because investment without ownership would be imprudent, Iowa has secured the U.S. Fish and Wildlife Service's agreement to transfer title to the property to the State. To obviate concerns that the State of Iowa might accept property conveyance and then turn around and put it on the market or use it for another purpose, the agreement between the Department of Interior and the State provides that if the property ceases its fish related functions, it will revert back to the Federal Government.

Mr. Speaker, conveyances of national fish hatcheries to States are normally noncontroversial. Indeed, since 1989, four almost identical conveyances have taken place—in the States of South Carolina, Georgia, Kentucky, and Ohio—all with the unanimous approval of this House. And, in an analogous transaction for a different purpose the 103d Congress transferred land to Imperial Beach, CA.

Federal and State officials involved in the Fairport conveyance unreservedly support this transfer. Mr. J. Edward Brown, State Water Coordinator for the Iowa Department of Natural Resources, is particularly to be commended for his long and hard work in this effort to secure the future of the Fairport Fish Hatchery. I also wish to thank Mr. SAXTON of New Jersey, the chairman of the Subcommittee on Fisheries, Wildlife, and Oceans, and Mr. YOUNG of Alaska, the distinguished chairman of the Committee on Resources and their staffs for providing the residents of my State and my district with a great service by moving this legislation quickly to the floor.

While by precedent such conveyances to States are normally routine, I was surprised to learn that the distinguished gentleman from California [Mr. MILLER] objects and in the committee report as well as in a "Dear Colleague" letter suggests that it is the taxpayers who, along with the fish, are being "soaked." Actually, it is citizens who are being served by this approach and politician who are being "fishy" in their arguments in opposition.

This is, after all, a country with one Government of, by, and for the people. It is true there are different levels of governmental organization—local, State, and Federal—but the obligation is the same: to serve the people. Transferring property from one level of government to another has implications that must be assessed on a careful basis—on this, Mr. MILLER is correct—but, when the purpose is to maintain a public service which otherwise would be dropped; when the cost is de minimus; when there is no intent to take advantage of anyone or any institution; when the public body the property is transferred to has a historical commitment to and investment in the property and public program in question; when all relevant professional bodies—private and governmental—are in concurrence, there is no credible reason not to proceed.

In this regard, let me tell a tale of two States and two fish hatcheries to illustrate why I believe Mr. MILLER's protestations represent "upstream" logic with a fishy "downwind" odor.

Iowa, unlike California, has no national parks. Iowa, unlike California, has no Bureau of Land Management projects. And, Mr. Chairman, Iowa, unlike California, has no federally subsidized fish hatchery.

In Iowa, private citizens almost a century ago gave a piece of property to the Federal Government for the purpose of advancing Mississippi River aquaculture. For the last generation the State of Iowa has exclusively borne the cost of such activities and maintained and upgraded the property. On the other hand, in the State of California there exists a fish hatchery which the Federal Government bought and which the Federal Government on a yearly basis subsidizes. Indeed, this year the Federal Government has committed $1,902,000 to the Coleman National Fish Hatchery in Anderson, CA, a sum which is $887,000 or 87 percent more than that obligated just 4 years ago. By comparison, the value of the Fairport property is about one-third the annual Federal subsidy to California's fish hatchery and less than the increase in that subsidy authorized in the last 4 years.

A fair question might therefore be asked: Which fish are more important—California's federally subsidized steelhead trout or the Mississippi River catfish which do not receive a Federal subsidy?

Mr. Chairman, I do not rise today, nor have I ever risen, to object to the California Fish and Wildlife Protection Act, which the gentleman from California sponsored; nor do I rise to object to nor did I vote against passage of the California Desert Protection Act, which Mr. MILLER assured us was vital to the needs of his State; nor, Mr. Speaker, do I rise to object to nor did I vote against addition of land to the John Muir National Historic Site in Martinez, CA.

But I do think it fair to point out some irony in the fact that the gentleman from California has proposed new environmental projects costing multibillions in the gentleman's home State while he now objects to the transfer of an existing small fish hatchery which will cost the Federal Government nothing and which the Federal Government paid next to nothing for to begin with. Methinks it is hollow conservatism for the gentleman to protest so much. Why, pray tell, is it fair for Iowans to pay for California fish propagation when Californians object to Iowans taking responsibility for their own aquaculture?

The issue, let me stress, is not traditional congressional logrolling. I ask no money for anything from anyone. I ask only that this Congress allow a transfer of property and responsibility to take place between one level of government and another. This transfer, as small as it is, represents a symbolic step away from all-knowing Washington hegemony toward a new federalism in which States rights are matched by State responsibility. Beyond this, it is particularly poignant that the transfer contemplated symbolizes a State taking responsibility for a governmental service after the Federal Government has abdicated its traditional role. In fact, under State management, the Fairport Fish Hatchery provides regular advice and information to the U.S. Army Corps of Engineers on the Mississippi River ecosystem. The State in other words, willingly provides a service to the Federal Government, without charge or complaint. It is a commonsense thing to do.

The gentleman might wonder why I object so strenuously to his legislative sophistry. Let me say as carefully as I can: I don't like legislative games being played with people's livelihoods and a town's well-being. At a personal level I spoke twice to the gentleman this year asking for comity. For the last generation citizens of my State have provided tax resources to advance environmental projects all over the country. All Iowans ask today is the opportunity to invest in our future at our expense. Aquaculture and the study of the Mississippi River ecosystem are important to our region. It is simply not fair to ask Iowa taxpayers to foot the bill for environmental projects in virtually every other State but their own and then pay Washington for a facility the State of Iowa has invested more in than the Federal Government.

Let me conclude by stressing that H.R. 584 is supported by all executive branch parties involved, including the Republican administration in Des Moines and the Democratic administration in Washington. The approach it contains is consistent with precedent, in conformance with administration policy, and represents mutual fairness to all parties. No obligations are being placed on the Federal taxpayer. I doubt if there is a stronger equity case anywhere in the federal system for the transfer of property from one level of government to another.

To turn down an agreement in which a State accepts responsibility for services the Federal Government abandons in some parts of the country but embraces elsewhere is not only unfair, it risks the transfer of an environmental jewel to industrial development.

If Mr. MILLER's irascible approach is adopted, a wonderful small town in my congressional district will be faced with the elimination of its second largest employer—negatively impacting the quality of life of this beautiful river community and severely retarding the development of aquaculture in the State of Iowa.

To paraphrase Daniel Webster in a reference he made in a court case involving a small private college: "Fairport is, Sir, but a small place but there are those who love it."

□ 1430

Mr. STUDDS. Mr. Chairman, I yield myself 1 minute.

I just want to say to the distinguished gentleman from Iowa, I now feel extremely guilty that I did not speak at greater length on this matter.

I do not recall a more scholarly presentation replete with more references to literature, to history, to Latin invective, and to puns, and it was the part about the buttons that really got to me, I must say.

Also, let the record reflect for the duration of this debate I am not sitting between the gentleman from Iowa and the gentleman from California.

Mr. Chairman, I yield 5 minutes to the aforementioned distinguished gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, Members of the House, the amendment is not large, but the principle is important, and that is that we are now living under a zero-sum situation within the Federal Government in an effort to balance the Federal deficit, and that is what makes some of the things we have done in the ordinary course of business in this Congress in the past not possible in the ordinary course of business today because we have that mandate to meet.

The fact is, yes, we have transferred fish hatcheries in the past and we did not charge the States. That is before we were living under these rules of today.

The gentleman from Iowa cites a number of transfers between agencies of the Federal Government which he suggests is analogous to this, and the fact of the matter is it is not. The California desert was created out of Federal lands currently owned. The fact is the moneys that go into the hatchery in California are there because Federal actions have devastated the fisheries in that general area in the northern part of the State.

And the fact is this hatchery, once it is transferred, will continue to receive Federal funds for its operation, as do many of the other hatcheries. So this is not a question of Iowa only. There will be Federal funds, $2 million a year, to go to the State for the operation of this and other hatcheries.

The fact is the Federal Government operated this hatchery for 44 years, and I do not see anybody complain about that. Yes, Iowa operated it for 22 years. The point÷sea 1. is this: We have 60 acres on a prime piece of land next to the Mississippi River that we could call this surplus. We could put it out and let it go. We are doing the State of Iowa a favor because we are continuing the hatchery program by making this available to them so that they can continue to have a program which, like the gentlewoman from Arkansas said, is a vital interest to that State for sport fishing revenues, recreational revenues, for all the revenues the State receives from those efforts, and apparently also for the people who live in the small town.

The point is this, though, in the transfer of that we ought to receive for the taxpayers of this country fair market value. The suggestion is it is only $717,000. The fact is, again, we do not know that. It has been suggested it might be as much as $2 million. But $717,000 is half again as much as all of the taxes that an average family will pay to the Federal Government after working a lifetime.

So we hear very often, and I think quite correctly, that from time to time we have got to check what we have been doing before. This gentleman has, in this Committee of Natural Resources for many years, forced the receipt of fair market value in land exchanges and land trades and land transfers to levels of local governments, and I have been doing that for 20 years. And in most cases that is what the Federal law requires.

In this particular case, we simply are desiring to make a gift to the people of Arkansas, the people of Iowa, the people of Minnesota to a program that we hear is vitally important to them, very, very helpful to their economies, and simply saying the taxpayer will walk away from it.

All I am suggesting is we ought to get an appraisal. We ought to find out fair market value. This is not an attempt to gouge. We will give them credit for the improvements they have put into the facility, and everybody will be happy in their work as we transfer this facility.

Again, I would say that there is tremendous local benefit to the transfer of this project, the facility, to the State, ongoing benefit in terms of their economy, in terms of, I believe, this hatchery is even used in the private sector in aquaculture and other commercial ventures, and all I am saying is when you have got that, you know, we constantly go before town hall meetings, people, what do they say to you all the time? "Why don't you run the government like a business?" And the point is we ought to run the government like a business. And in this case, when you transfer an asset, what tenant would be able to go and say, "I would love to fix up this building so I can do a better job in this building; I am not going to do it if I don't own it, but you have to give it to me for free." I have never met that landlord, except the U.S. Government, that would say, "Oh, okay, take it for free, and then we will be on our merry way."

I think that is the point, is that that we have got to make this effort, as I said before; there will be a rationale made for each and every one of these projects coming out of this committee. Some of them are far grander than this in terms of transferring the assets that the people of this country have invested into the projects or the ideas or the purposes of a single region.

I think we ought to make some effort to provide for the recapture of that investment. We are not talking about recapturing the money that was spent for 44 years. We are not talking about recapturing the Federal money that will be spent after this. We are not talking about capturing the Federal money being spent today in this or any other hatchery. We are talking about the fair market value for the real estate transaction of this facility to the State of Iowa.

I think it is a very, very small thing to ask in behalf of the taxpayers of this country.

Mr. YOUNG of Alaska. Mr. Chairman, I rise in strong support of H.R. 584, a noncontroversial bill to transfer the Fairport National Fish Hatchery to the State of Iowa.

This facility is an important component of Iowa's fish hatchery system. The State has operated this hatchery with their own funds since 1973, and it is one of three warm-water facilities within the State's program. The Fairport facility fills the need for several fish, including large-mouth bass, blue gills, and channel catfish. These fish are utilized throughout the State as part of their fisheries resources program.

While the Iowa Department of Natural Resources wants to modernize the upgrade this facility, they cannot justify the expense of these improvements as long as the Federal Government holds title to this property.

H.R. 584 was introduced by our distinguished colleague from Iowa, JIM LEACH It is strongly supported by the U.S. Fish and Wildlife Service, which indicated by letter that the Service has "no present, or foreseeable need for a hatchery at this site and recognizes the importance of this facility to the fishery resources program of the State of Iowa."

I urge my colleagues to support this legislation and I compliment the gentleman from Iowa for his outstanding leadership in this matter.

The CHAIRMAN. Is there further debate on the bill?

Mr. SAXTON. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. STUDDS. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to have the rule, the bill is considered as having been read for amendment under the 5-minute rule.

The text of H.R. 584 is as follows:

H.R. 584

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONVEYANCE OF THE FAIRPORT NATIONAL FISH HATCHERY TO THE STATE OF IOWA.

(a) CONVEYANCE.—Within 180 days after the date of the enactment of this Act, the Secretary of the Interior shall convey to the State of Iowa without reimbursement all right, title, and interest of the United States in and to the fish hatchery described in subsection (b) for use by the State for purposes of fishery resources management.

(b) HATCHERY DESCRIBED.—The fish hatchery described in subsection (a) is the Fairport National Fish Hatchery located in Muscatine County, Iowa, adjacent to State

Highway 22 west of Davenport, Iowa, including all real property, improvements to real property, and personal property.

(c) USE AND REVERSIONARY INTEREST.—The property conveyed to the State of Iowa pursuant to this section shall be used by the State for purposes of fishery resources management, and if it is used for any other purpose all right, title, and interest in and to all property conveyed pursuant to this section shall revert to the United States.

The CHAIRMAN. Are there amendments to the bill?

AMENDMENT OFFERED BY MR. MILLER OF CALIFORNIA

Mr. MILLER of California. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MILLER of California: In section 1(a) (page 1, beginning at line 5), strike "Within" and all that follows through "without reimbursement", and insert "Upon the provision of consideration by the State of Iowa in accordance with subsection (c) within 180 days after the date of the enactment of this Act, the Secretary of the Interior shall convey to the State of Iowa".

Amend section 1(c) (page 2, beginning at line 12) to read as follows:

(c) CONSIDERATION.—

(1) CONSIDERATION REQUIRED.—The Secretary of the Interior shall require that, as consideration for any property conveyed by the Secretary under subsection (a), the State of Iowa shall—

(A) pay to the United States an amount equal to the fair market value of the property conveyed by the Secretary under subsection (a), reduced in accordance with paragraph (3); or

(B) convey to the United States real property that the Secretary determines—

(i) has a fair market value not less than an amount equal to the fair market value of the property conveyed by the Secretary under subsection (a), reduced in accordance with paragraph (3); and

(ii) is useful for promoting fish restoration and management.

(2) APPRAISAL REQUIRED.—The Secretary shall determine fair market value of property for purposes of this subsection after considering an appraisal of the property prepared for the Secretary after the date of the enactment of this Act.

(3) REDUCTION OF FAIR MARKET VALUE OF PROPERTY CONVEYED.—For purposes of subparagraphs (A) and (B)(i) of paragraph (1), the fair market value of property conveyed under subsection (a) shall be reduced by the value of any capital improvements to the property that were made by the State of Iowa before the date of the enactment of this Act.

(4) DEPOSIT OF PAYMENT.—

(A) DEPOSIT.—Amounts received by the United States as payment under this subsection shall be deposited into the Sport Fish Restoration Account of the Aquatic Resources Trust Fund established by section 9504 of the Internal Revenue Code of 1986 (26 U.S.C. 9504), commonly referred to as the Wallop-Breaux Fund.

(B) LIMITATION ON USE OF DEPOSITS FOR PURPOSES NOT RELATED TO FISH RESTORATION AND MANAGEMENT.—Section 9504(b)(2)(B) of the Internal Revenue Code of 1986 (26 U.S.C. 9504(b)(2)(B)) does not apply to amounts deposited under this paragraph.

Mr. MILLER of California (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

□ 1445

Mr. MILLER of California. Mr. Chairman and members of the committee, I rise in support of the amendment. This amendment has been previously explained in the debate, would provide for an appraisal of the fair market value of the 60 acres and facilities that the Federal Government would transfer to the State of Iowa for the continued use of a fish hatchery at Fairport, IA, a national hatchery. The purpose of this amendment, as I stated previously and with the previous amendment, is to try and assure that we have some ability to recapture the Federal investment in this facility as we transfer it to the State of Iowa. As I said earlier, we operated this facility for 44 years. Previously the State took it over at one point determining it was in such interest to the State that they would then run the annual operating expenses of this to continue to provide for the feedstocks that are developed at this hatchery, and now they seek to gain clear title to the facility. I have no problem with the State gaining clear title to that facility, the State taking this over and the Federal Government getting out of this business. It all sort of makes sense. My problem is I think, when we exit there, when we turn over this 60 acres of real estate, that we owe it to the public to get an appraisal and to get fair market value for this facility, and the amendment also provides for the offsets for the moneys that the State has put into improving that facility during their tenancy in that facility.

Mr. Chairman, I would ask for a favorable reporting of this amendment.

The CHAIRMAN. Is there any further debate on the amendment?

Mr. SAXTON. Mr. Chairman, I rise in strong opposition to the amendment offered by the gentleman from California [Mr. MILLER].

Mr. Chairman, this proposal was debated at length during our subcommittee and full committee deliberations, and it was also deliberated at some length earlier today on the amendment when the gentleman offered an amendment on the Arkansas bill. While on the surface the amendment may appear to have certain amount of appeal, there are certain facts that are indisputable. I think I will just reference them very quickly.

First, Iowa has operated this hatchery with State funds for decades and have done so effectively for more than 23 years—22 years. Furthermore, Iowa has spent millions of dollars to operate the hatchery and to improve the infrastructure surrounding it.

Second, this bill contains language requiring the property to revert to the Federal Government in as good or if not better condition at the time that any transfer may be contemplated.

Third, this is not the first time the Federal fish hatchery has been transferred to a State at no cost. It has been done several times, as recently as the last Congress. This bill simply transfers an asset from one level of government to another to continue the partnership that is so important relative to this hatchery.

Fourth, recent real estate appraisals have not been conducted on this facility, and it would cost the Federal Government thousands of dollars to make such an assessment and would be a waste of the taxpayers' money.

Finally, this bill is an important partnership with the State, and we will benefit, and it will benefit, thousands of Americans who enjoy recreational opportunities that abound from it.

So, I believe the choice is clear. By supporting the Miller amendment precious funds would be squandered on real estate assessments and appraisals. The hatchery would be in jeopardy of closing if the State of Iowa decided not to purchase it, and these important fish stocking programs would cease to exist, and so I urge a no vote on this amendment and support the committee's position.

Mr. LEACH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, first there are two issues under consideration with this amendment. One relates to the concept of an appraisal, and I would say the gentleman from California has a point that the last appraisal was done 12 years ago. I would affirm to the gentleman that most Iowa small towns have not seen property appreciate in levels above the inflation rate, and generally it is less than that.

I would acknowledge that in terms of view, Fairport enjoys one of the most spectacular views in the world, every bit comparable to Big Sur; in fact, probably exceeding. On the other hand, great land and seascape portraits in Iowa are valued far differently than they are in other parts of the country, and I cannot say that on a dollar basis that view value would be reflected. But even if the property value were 50 percent higher than the 1983 appraisal, 100 percent higher, 200 or 300 percent higher, the point still holds that that would not be a credible reason for not making the transfer, and so I would suggest that the concern for an appraisal, while being of 12 years of age, does not constitute a compelling point.

The second issue is the issue of what is equity between the parties. Should the State of Iowa pay the Federal Government? And I would say that the gentleman's points would be not only more plausible, but very compelling, if this were a transfer of land from the U.S.

Government to a private sector source. This is not. This is a transfer between two levels of government. The public interest is the same. The constancy of the public interest has to be considered a factor of some significance, not precluding other factors, but a factor of serious significance.

In this regard it also should be stressed that there is a reversion clause in this agreement. If the State of Iowa were to sell the property for another use or use it itself for another use, the property rights would revert back to the U.S. Government.

I would also like to stress, and I tried to lay it out in my opening statement to this body, that because the gentleman from California [Mr. MILLER] has a point in the abstract and a point that also could well be valid in concrete circumstances, it is important to lay down criteria where transfers might take place without proceeds involved. I would suggest five relevant criteria:

First, when the purpose is to maintain a public service which would otherwise be dropped; second, when the cost is de minimis; third, when there is no intent to take advantage of anyone or any institution; fourth, when the public body which the property is transferred to has an historical commitment to and investment in the property or program in question; and fifth, when all relevant professional bodies, private and governmental, are in concurrence.

With these five criteria met, I would suggest that there is no credible reason whatsoever not to proceed with this transfer, leaving open the philosophical question that the gentleman from California [Mr. MILLER] raises that there might well be a philosophical circumstance in which these criteria are not met in other kinds of situations. But I would stress to the gentleman, to the committee and to this body that to act on a line of reasoning because of something that might exist in another circumstance that does not relate to this precise circumstance where a series of very careful weighings have taken place and where, by the way, and I would stress again, this administration and its professionals, as well as the Iowa administration and its professionals, are in concurrence, would be a mistake.

I leave myself open to supporting the kind of amendment that the gentleman from California [Mr. MILLER] or any other member of this body may raise in other contexts at other times, but in my judgment to apply it to the Fairport fish facility, a facility with two full-time employees and one part-time employee, a facility that is serving the interests of the State and the Midwest, would be a mistake of not large, but symbolically quite sad proportions.

Mr. STUDDS. Mr. Chairman, I move to strike the requisite number of words to remind Members the question before us is for all intents and purposes identical to the one that was before us in the preceding bill, although we have spent an unaccountably longer period of time discussing it, and I would urge Members, for reasons particularly stated by the gentleman from New Jersey and the gentleman from Iowa, to vote as they did before, in opposition to the amendment.

Mr. BURTON of Indiana. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I just want to say to my good friend from California that God loves a repentant sinner, and I remember in the Bible when Paul is on the road to Damascus, then called Saul, and Christ appeared to him,and he had a miraculous conversion and became, instead of a zealot against Christ, he became a supporter and became one of the greatest apostles of all, and the gentleman from California has been, at least to my recollection, one of the bigger spenders in the body, and apparently he has some new found fiscal conservatism, and I just like to say, I really appreciate that conversion, and I hope that conversion continues when we get to the appropriations bills later in the year, because later in the year we'll have the opportunity to make some major cuts in spending, and since this new found conservatism has risen in this gentleman's psyche, I hope it continues, and I would congratulate him on becoming a fiscal conservative.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. BURTON of Indiana. I yield to the gentleman from California.

Mr. MILLER of California. Mr. Chairman, I appreciate the gentleman's remarks, but they are somewhat off target. The fact of the matter is that in these issues before the committee, which I have now sat on for 20 years, my position has always been that the Federal Treasury and the Federal taxpayer, whether it is in my district in California, in the Western United States or anywhere else, is entitled to fair market value for the resources. Most of these pieces of legislation that have made it to the floor the gentleman from the well has voted against for, I am sure, other reasons than those reasons, but the fact is we have voted, whether it is in water subsidies, mining subsidies, timber subsidies, and tried to regain for the people some control over those, that has been my historical record, and it has happened no matter without question where the project existed or elsewhere, and so the gentleman's arrow is somewhat misplaced at this point, but I appreciate his support for the concept that I am expressing here and expect his vote on this amendment because that road to Damascus was started with one small step, and the gentleman can take it here today. I am sure the gentleman from Iowa [Mr. LEACH] will have some other literary reference at some point——

Mr. BURTON of Indiana. Reclaiming my time, let me just say that I am happy to see that the gentleman is moving in the right direction, and I hope, when we get to the appropriations bills later this year, that he will continue to be fiscally conservative.

Mr. MINGE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am concerned that we try to maintain a certain level of consistency, and I would point out to the gentleman from California that in November of 1993 he did vote for legislation that included the nonreimbursed advance of the hatchery in Senecaville, OH, and I am curious that now he has seen that this is no longer a good policy, he would like to depart from that.

Mr. COLEMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I heard somebody a minute ago from the other side of the aisle mention the National Taxpayers Union, and I think it is appropriate to point out the lack of credibility that that organization has with most Members of this House and certainly with most Members of the other body. Some may wonder why that is. Let me remind Members that when the Senate was controlled by the Republican Party, and the House was controlled by the Democratic Party, the National Taxpayers Union used double standards in order to rank and rate Members' votes about whether they were conservative enough or liberal enough. Whatever it was, they were going to make the report. So, when you pass an appropriations on this side of the House and voted for it, it was a bad vote for the National Taxpayers Union. That same bill passing the Senate, however, was not counted as a bad vote against a Senator.

So, I think it is appropriate, Mr. Chairman, that any time somebody gets up and touts that particular organization, that those of us who understand that they use a double standard ought to stand up and say so.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. MILLER].

The amendment was rejected.

□ 1500

The CHAIRMAN. If there are no further amendments, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mr. CAMP, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill, (H.R. 584) to direct the Secretary of the Interior to convey a fish hatchery to the State of Iowa, he reported the bill back to the House.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mrs. Sara Emery, one of his secretaries.

NEW LONDON NATIONAL FISH HATCHERY CONVEYANCE ACT

The SPEAKER pro tempore. Pursuant to House Resolution 146 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 614.

□ 1502

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 614) to direct the Secretary of the Interior to convey to the State of Minnesota the New London National Fish Hatchery production facility, with Mr. CAMP in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from New Jersey [Mr. SAXTON] will be recognized for 30 minutes, and the gentleman from Massachusetts [Mr. STUDDS] will be recognized for 30 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. SAXTON].

Mr. SAXTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I suspect this debate will be somewhat shorter than the last one. I cannot think of anything that can be said that has not already been said, including references to outside organizations and other such debate. But this bill, which is brought to us by the gentleman from Minnesota [Mr. MINGE] with reference to the New London National Fish Hatchery in Minnesota, is substantively the same as the previous two bills. It is of the same level of importance as the previous two bills. I would hope that, once again, this bill would proceed to be passed without amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. STUDDS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, ditto. I really join the gentleman from New Jersey in being utterly unable to conjure anything that has not been said at least three times before.

I take that back, I can think of one thing. I understand the desire of the new majority to tote up on the scoreboard the number of open rules that they have successfully adopted, but I would enter just one personal plea to go back to the old system of suspensions.

The gentleman from New Jersey and I and the gentleman from Alaska and I and others in the old days would have been finished these three bills approximately 1½ hours ago. We could be well on our way toward dinner. There are matters that require the time of the House, but with all due respect, these three bills, which are very good and should be passed, do not require that much time. We should proceed.

Mr. Chairman, I rise in support of H.R. 614, a bill to transfer title of the New London National Fish Hatchery to the State of Minnesota.

The New London hatchery has been operated by the State of Minnesota under a memorandum of understanding with the fish and Wildlife Service since the early 1980's. It produces walleye and muskies for a wide range of State fishery programs.

The State of Minnesota has made some minor improvements to the facility, and it is now interested in making more significant capital investments. In order to do so, the State first needs title to the property. This bill would give title to the State and protect the interests of the Federal Government by requiring that title revert to the Fish and Wildlife Service in the event that Minnesota no longer wants to operate the facility as a fish hatchery.

This is standard language we have used to transfer many facilities in the past and two more hatcheries we are transferring today. It is supported by both the State and the administration, and I urge Members support.

Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Minnesota [Mr. MINGE].

Mr. MINGE. Mr. Chairman, the previous speakers are indeed correct. Virtually everything has been said about fish hatchery bills today that needs to be said. There are two things, however, I would like to add, two comments.

The first is that you need to recognize that we have had extended discussion this afternoon about the importance of the Federal Government being compensated for assets that transfer to State and local governments and to other parties. I wholeheartedly embrace that principle, and I applaud the gentleman from California for having raised our sensitivity to that important concept. I will not applaud out loud, but I will just do so figuratively.

I do think it is important, however, to recognize the context in which these transfers are occurring. The gentleman from Iowa has certainly laid out a five-part test for whether or not we ought to go through the exercise of appraisal. If all five parts of his test are met, I would suggest that it is a futile expenditure of taxpayer funds to go through that appraisal process.

In the context of the Minnesota facility, I would like to mention two considerations which I think are important and also indicate that this property is of de minimis value to the Federal Government.

First, all of the land that is included in the Minnesota situation has been classified as wetlands. The Minnesota Department of Natural Resources has advised me of this. This means that this land is not suitable for development. Indeed, it cannot be developed under State and Federal law. The Federal Government and the policies that we have developed in the Clean Water Act, swampbuster, as a part of the farm bill, and other legislation, all indicate that it is inconsistent with Federal policy to so develop land.

The other point that I wish to make with respect to the Minnesota property is that the Federal law already authorizes the transfer of this property by the Secretary of the Interior to the States without compensation so long as it is used for the designated purpose.

The difficulty that we would face in using this Federal procedure is that we would have to shut down the operation of the fish hatchery to confirm that it indeed is surplus property. To shut down the operation of the fish hatchery, go through the exercise of determining that it is a surplus property, and then in turn conveying it to the States, simply adds to the complexity and the cost of the process. Historically we have operated in a very informal and expeditious fashion with these assets in Congress, and I see no reason to go back to the ad hoc disposal of this by the Secretary of the Interior in a more complex fashion. Therefore, I urge that this bill be approved.

Mr. SAXTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I hate to burn up the time, but I just feel as if I have to just say a word. When the gentleman from Massachusetts [Mr. STUDDS] made note that these bills were being considered under an open rule, which for people who are not familiar with that gives any Member of the House the opportunity to stand, as the gentleman from California [Mr. MILLER] has on two occasions so far, and undoubtedly will again on this bill, to offer an amendment of his or her choice, this has come about because as I experienced during the time that I was here as a Member of the minority for 10 years, we did not enjoy, as Members of the minority, the opportunity to offer amendments very often under an open rule.

Some here may remember a few months ago there was a document that became quite the talk of the town called the Contract With America. Part of the Contract With America was a provision or statement or series of statements that promised that we would open the process.

This is an example of, where possible, we are trying to open the process. If it were not for this open process, it is true that we would have consumed perhaps an hour total on these three bills, and the gentleman from California [Mr. MILLER] would have been precluded his opportunity to make his statement in the form of amendments on these bills.

So there has been a great deal said in this session about promises made and promises kept. It is not always comfortable on either side to spend the time or the effort to keep promises. But today is a part of the promises that were made during the 1994 campaign, and once again a promise kept.

So I hope the gentleman will appreciate the opportunity that the new majority has provided for the purposes of these types of discussions and these types of amendment procedures, which are a relatively new phenomenon around here. We are quite proud to say we are keeping our promise.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. SAXTON. I yield to the gentleman from California.

Mr. MILLER of California. Mr. Chairman, I guess like my budget cutting tendencies, they were well kept secrets around here, but I just wanted the gentleman to know as the staff on your side knows, I never both brought a bill to the floor from this committee under a closed rule. They were always open rules. As the gentleman from California [Mr. LEWIS], who sits behind you can testify, we had the most open rule and the longest debate in the history of the Congress.

I want to commend the minority for, hopefully, what will be an increasing commitment to open rules because I think it is the only way to do business. But I knew it was a well-kept secret.

Mr. SAXTON. I believe you the gentleman meant to say "commend the majority."

Mr. MILLER of California. Majority, soon to be minority.

Mr. STUDDS. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I am not going to prolong this, God help us all. But I cannot help but help observing that the debate on this bill under this rule could go on all night and tomorrow and for the rest of next week and into next month. For that degree of breathtaking openness, we are indebted to the new majority.

I must also observe the $16-billion-plus bill we are going to take up in 10 minutes teminates in 6½ hours. This might be called selective openness, not where we need it, but do not need it.

I would also observe in a personal matter that in my first term here, I thought open rules were a very good idea. Since then I have come to reconsider. The function of the Committee on Rules, it seems to me, ought to be to look at those major propositions that are before the House and to allow them to be voted on. But to let us go on indefinitely I think is a mistake. In any event, I shall cease going on indefinitely, and with great relief I will yield back the balance of my time.

Mr. YOUNG of Alaska. Mr. Chairman, I support H.R. 614, which was introduced by the gentleman from Minnesota [Mr. MINGE].

This legislation would transfer the ownership of the New London Fish Hatchery facility from the U.S. Fish and Wildlife Service to the State of Minnesota's Department of Natural Resources. H.R. 614 would convey all rights, title, and interest of the United States to the State of Minnesota. This includes all property, buildings, water rights, and easements of the New London facility.

It is my understanding that the hatchery has been operated by the Minnesota Department of Natural Resources for the Fish and Wildlife Service under a memorandum of agreement [MOA] since 1983. This MOA, which was extended in 1993, expires in 1998.

The hatchery facility is actually located on two separate pieces of land. One is located outside the town of New London and is owned by the Fish and Wildlife Service. The other is located within the town of New London; the State had owned the property but transferred it to the Fish and Wildlife Service in 1939.

Finally, the bill stipulates that this property revert back to the Federal Government if the State of Minnesota decides it no longer wishes to operate the hatchery as a fishery resources management facility.

The Fish and Wildlife Service supports this transfer and I urge my colleagues to vote "aye" on this measure.

Mr. SAXTON. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill and the amendment printed in the bill are considered as having been read for amendment under the 5-minute rule.

The text of H.R. 614 is as follows:

H.R. 614

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONVEYANCE OF NEW LONDON NATIONAL FISH HATCHERY PRODUCTION FACILITY.

(a) CONVEYANCE AUTHORIZED.—Notwithstanding any other provision of law and within 180 days after the date of the enactment of this Act, the Secretary of the Interior shall convey to the State of Minnesota without reimbursement all right, title, and interest of the United States in and to the property comprising the New London National Fish Hatchery production facility, located outside of downtown New London, Minnesota, including—

(1) all easements and water rights relating to that property, and

(2) all land, improvements, and related personal property comprising that production facility.

(b) USE OF PROPERTY.—All property and interests conveyed under this section shall be used by the Minnesota Department of Natural Resources for the Minnesota fishery resources management program.

(c) REVERSIONARY INTEREST.—All right, title, and interest in and to all property and interests conveyed under this section shall revert to the United States on any date on which any of the property or interests are used other than for the Minnesota fishery resources management program.

The CHAIRMAN. The Clerk will designate the committee amendment.

The text of the committee amendment is as follows:

Committee amendment: Page 2, line 19, strike lines 19 through 24 and insert:

(c) USE AND REVERSIONARY INTEREST.—The property conveyed to the State of Minnesota pursuant to this section shall be used by the State for purposes of fishery resources management, and if it is used for any other purpose all right, title, and interest in and to all property conveyed pursuant to this section shall revert to the United States. The State of Minnesota shall ensure that the property reverting to the United States is in substantially the same or better condition as at the time of transfer.

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. If there are no further amendments, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mr. CAMP, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 614) to direct the Secretary of the Interior to convey to the State of Minnesota the New London National Fish Hatchery production facility, pursuant to House Resolution 146, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

□ 1515

PROVIDING FOR FURTHER CONSIDERATION OF H.R. 1561, AMERICAN OVERSEAS INTERESTS ACT OF 1995

The SPEAKER pro tempore (Mr. LAHOOD). The pending business is the question of agreeing to the resolution (H. Res. 156) providing for further consideration of the bill (H.R. 1561) to consolidate the foreign affairs agencies of the United States; to authorize appropriations for the Department of State and related agencies for fiscal years 1996 and 1997; to responsibly reduce the authorizations of appropriations for United States foreign assistance programs for fiscal years 1996 and 1997, and for other purposes, on which the yeas and nays are ordered.

The Clerk read the title of the resolution.

The vote was taken by electronic device, and there were—yeas 252, nays 168, not voting 14, as follows:

[Roll No. 357]

YEAS—252

Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bono
Boucher
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cunningham
Davis
de la Garza
Deal
DeLay
Diaz-Balart
Dickey
Dingell
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Ford
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Manton
Manzullo
Martini
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
Meek
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Oxley
Packard
Parker
Payne (VA)
Peterson (MN)
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Taylor (NC)
Thomas
Thornberry
Thurman
Tiahrt
Torkildsen
Traficant
Upton
Vucanovich
Walker
Walsh
Wamp
Ward
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (FL)
Zeliff
Zimmer

NAYS—168

Abercrombie
Ackerman
Andrews
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bishop
Bonior
Borski
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
Danner
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dixon
Doggett
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Frank (MA)
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lincoln
Lipinski
Lowey
Luther
Maloney
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McKinney
McNulty
Meehan
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Nadler
Neal
Oberstar
Obey
Olver
Orton
Owens
Pallone
Pastor
Payne (NJ)
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reed
Reynolds
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Skaggs
Slaughter
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Taylor (MS)
Tejeda
Thompson
Thornton
Torres
Torricelli
Towns
Tucker
Velazquez
Vento
Visclosky
Volkmer
Waters
Watt (NC)
Waxman
Williams
Wise
Woolsey
Wyden
Wynn
Yates
Young (AK)

NOT VOTING—14

Bonilla
Cubin
Hayes
Houghton
Kleczka
Lofgren
Lucas
Paxon
Pelosi
Peterson (FL)
Riggs
Tauzin
Waldholtz
Watts (OK)

□ 1535

Messrs. FLAKE, VOLKMER, MOAKLEY, SCHUMER, and SERRANO changed their vote from "yea" to "nay."

Mr. HANSEN and Mr. NUSSLE changed their vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AMERICAN OVERSEAS INTERESTS ACT OF 1995

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to House Resolutions 155 and 156 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 1561.

□ 1538

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 1561) to consolidate the foreign affairs agencies of the United States; to authorize appropriations for the Department of State and related agencies for fiscal years 1996 and 1997; to responsibly reduce the authorizations of appropriations for United States foreign assistance programs for fiscal years 1996 and 1997, and for other purposes, with Mr. GOODLATTE in the Chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Wednesday, May 24, 1995, amendment number 42 offered by the gentleman from Florida [Mr. HASTINGS] had been disposed of, and the bill was open for amendment at any point.

Pursuant to House Resolutions 155 and 156, 6 hours and 35 minutes remain for consideration of the bill under the 5-minute rule.

Only the following further amendments to the committee amendment in the nature of a substitute, as modified and amended, are in order:

Pro forma amendments for the purpose of debate;

Amendments printed before May 25, 1995, in the CONGRESSIONAL RECORD;

Amendments en bloc described in section 2 of House Resolution 155 comprising only amendments printed before May 25, 1995; and

One amendment offered by the chairman of the Committee on International Relations.

Are there further amendments to the bill?

AMENDMENTS EN BLOC, AS MODIFIED, OFFERED BY MR. GILMAN

Mr. GILMAN. Mr. Chairman, I offer amendments en bloc, as modified.

The CHAIRMAN. The Clerk will designate the amendments and report the modifications.

The Clerk designated the amendments en bloc and proceeded to read the modifications.

Mr. GILMAN (during the reading). Mr. Chairman, I ask unanimous consent that the modifications be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The text of the amendments en bloc, as modified, is as follows:

Amendments en bloc, as modified, offered by Mr. GILMAN:

Amendment No. 12 offered by Mr. LANTOS: After section 3211, insert the following new section:

SEC. 3212. CENTRAL ASIAN ENTERPRISE FUND.

Notwithstanding section 201(d)(3)(A) of the Support for East European Democracy (SEED) Act of 1989 (22 U.S.C. 5421(d)(3)(A)), the Central Asian-American Enterprise Fund may, in lieu of the appointment of citizens of the host countries to its Board of Directors, establish an advisory council for the host region comprised of citizens of each of the host countries or establish separate advisory councils for each of the host countries, with which such Fund shall periodically consult with respect to the Fund's policies and proposed activities. Such host country citizens shall satisfy the experience and expertise requirements set forth in section 201(d)(3)(A) and (d)(3)(C) of that Act.

Amendment No. 13 as modified, offered by Mr. LIVINGSTON: Page 47, strike line 9 and all that follows through line 20 (section 348(e) of the bill), and insert the following:

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 8(a) of such Act (22 U.S.C. 1465f(a)) is amended in the second sentence by striking "United States Information Agency" and inserting "Department of State".

In section 2101(a)(1)(B), strike "only".

In section 2101(a)(2)(B), strike "only".

In section 2102(b)(2)(A)(i), strike "only".

In section 2102(b)(2)(B)(i), strike "only".

In section 2102(b)(2)(C), strike "to be made available".

In section 2102(b)(2)(D), strike "only".

In section 2102(b)(2)(E), strike "only".

In section 2102(b)(2)(G), strike "only".

In section 2106(4)(B), strike "only".

In section 2106(4)(C), strike "only".

In section 3222(a)(1)(A), strike "shall" and insert "should".

In section 3222(a)(1)(B), strike "shall" and insert "should".

In section 3222(b), strike "shall" and insert "should".

In section 3222(c), strike "shall" and insert "should".

In section 3227(a), strike "shall" and insert "should".

Amendment No. 30, as modified, offered by Mr. CONDIT: After chapter 2 of title XXXIV (relating to special authorities and other provisions), insert the following new chapter (and redesignate the subsequent chapter accordingly):

CHAPTER 3—FOREIGN AID REPORTING REFORM ACT OF 1995

SEC. 3421. SHORT TITLE.

This chapter may be cited as the "Foreign Aid Reporting Reform Act of 1995".

SEC. 3422. ANNUAL FOREIGN ASSISTANCE JUSTIFICATION REPORT.

(a) IN GENERAL.—In conjunction with the submission of the annual requests for enactment of authorizations and appropriations for foreign assistance programs for each fiscal year, the President shall submit to the Congress a single report containing—

(1) an integrated justification for all foreign assistance programs proposed by the President for the coming fiscal year; and

(2) an assessment of when the objective of those programs will be achieved so that the assistance can be terminated.

(b) SPECIFIC INFORMATION TO BE PROVIDED.—Each such report shall include the following:

(1) INFORMATION REGARDING A FOREIGN ASSISTANCE PROGRAM GENERALLY.—For each foreign assistance program taken as a whole—

(A) the total amount of assistance proposed to be provided under that program;

(B) the justification for that amount;

(C) the objectives that assistance under that program is intended to achieve;

(D) an explanation of the relationship of assistance under that program to assistance under other foreign assistance programs; and

(E) the President's estimation of the date by which the objectives of that program will be achieved and the program terminated.

(2) INFORMATION REGARDING SPECIFIC ASSISTANCE RECIPIENTS.—For each country or organization which is a proposed recipient of assistance under any foreign assistance program—

(A) the amount of each type of assistance proposed;

(B) the justification for providing each such type of assistance;

(C) the objectives that each such type of assistance is intended to achieve;

(D) an explanation of the relationship of each type of assistance proposed to other types of assistance proposed for that recipient; and

(E) the President's estimation of the date by which the objectives of assistance for such recipient under each foreign assistance program will be achieved and assistance under that program to that recipient terminated.

The information required by subparagraphs (A) through (E) shall be provided on a recipient-by-recipient basis.

(3) INFORMATION REGARDING CENTRALLY-FUNDED PROGRAMS.—For each centrally-funded program under a foreign assistance program—

(A) the amount proposed for such program;

(B) the justification for such program;

(C) the objectives each such program is intended to achieve;

(D) an explanation of the relationship of such program to other types of assistance proposed under that foreign assistance program and under other foreign assistance programs; and

(E) the President's estimation of the date by which the objectives of such program will be achieved and such program terminated.

SEC. 3423. DEFINITION OF FOREIGN ASSISTANCE PROGRAMS.

As used in this chapter, the term "foreign assistance program" includes—

(1) any program of assistance authorized by the Foreign Assistance Act of 1961 (such as the development assistance program, the economic support fund program, and the international military education and training program) or authorized by the African Development Foundation Act, section 401 of the Foreign Assistance Act of 1969 (relating to the Inter-American Development Foundation), or any other foreign assistance legislation;

(2) any program of grant, credit, or guaranty assistance under the Arms Export Control Act;

(3) assistance under the Migration and Refugee Assistance Act of 1962;

(4) assistance under any title of the Agricultural Trade Development and Assistance Act of 1954;

(5) contributions to the International Monetary Fund;

(6) contributions to the International Bank for Reconstruction and Development, the International Development Association, or any other institution within the World Bank group; and

(7) contributions to any regional multilateral development bank.

Amendment No. 33, as modified offered by Mr. GILMAN: At the end of chapter 6 of title XXXI (relating to other provisions of defense and security assistance), add the following new section:

SEC. 3194. RETURN AND EXCHANGES OF DEFENSE ARTICLES PREVIOUSLY TRANSFERRED PURSUANT TO THE ARMS EXPORT CONTROL ACT.

(a) REPAIR OF DEFENSE ARTICLES.—Section 21 of the Arms Export Control Act (22 U.S.C. 2761) is amended by adding at the end the following new subsection:

"(l) AUTHORITY.—

"(1) IN GENERAL.—The President may acquire a repairable defense article from a foreign country or international organization, if such defense article—

"(A) previously was transferred to such country or organization under this Act;

"(B) is not an end item; and

"(C) will be exchanged for a defense article of the same type that is in the stocks of the Department of Defense.

"(2) LIMITATION.—The President may exercise the authority provided in paragraph (1) only to the extent that the Department of Defense—

"(A)(i) has a requirement for the defense article being returned; and

"(ii) has available sufficient funds authorized and appropriated for such purpose; or

"(B)(i) is accepting the return of the defense article for subsequent transfer to another foreign government or international organization pursuant to a letter of offer and acceptance implemented in accordance with this Act; and

"(ii) has available sufficient funds provided by or on behalf of such other foreign government or international organization pursuant to a letter of offer and acceptance implemented in accordance with this Act.

"(3) REQUIREMENT.—(A) The foreign government or international organization receiving a new or repaired defense article in exchange for a repairable defense article pursuant to paragraph (1) shall, upon the acceptance by the United States Government of the repairable defense article being returned, be charged the total cost associated with the repair and replacement transaction.

"(B) The total cost charged pursuant to subparagraph (A) shall be the same as that charged the United States Armed Forces for a similar repair and replacement transaction, plus an administrative surcharge in accordance with subsection (e)(1)(A) of this section.

"(4) RELATIONSHIP TO CERTAIN OTHER PROVISIONS OF LAW.—The authority of the President to accept the return of a repairable defense article as provided in subsection (a) shall not be subject to chapter 137 of title 10, United States Code, or any other provision of law relating to the conclusion of contracts.".

(b) RETURN OF DEFENSE ARTICLES.—Section 21 of such Act (22 U.S.C. 2761), as amended by this Act, is further amended by adding at the end the following new subsection:

"(m) AUTHORITY.—

"(1) IN GENERAL.—The President may accept the return of a defense article from a foreign country or international organization, if such defense article—

"(A) previously was transferred to such country or organization under this Act;

"(B) is not significant military equipment (as defined in section 47(9) of this Act); and

"(C) is in fully functioning condition without need of repair or rehabilitation.

"(2) LIMITATION.—The President may exercise the authority provided in paragraph (1) only to the extent that the Department of Defense—

"(A)(i) has a requirement for the defense article being returned; and

"(ii) has available sufficient funds authorized and appropriated for such purpose; or

"(B)(i) is accepting the return of the defense article for subsequent transfer to another foreign government or international organization pursuant to a letter of offer and acceptance implemented in accordance with this Act; and

"(ii) has available sufficient funds provided by or on behalf of such other foreign government or international organization pursuant to a letter of offer and acceptance implemented in accordance with this Act.

"(3) CONDITION.—Upon acquisition and acceptance by the United States Government of a defense article under paragraph (1), the appropriate Foreign Military Sales account of the provider shall be credited to reflect the transaction.

"(4) RELATIONSHIP TO CERTAIN OTHER PROVISIONS OF LAW.—The authority of the President to accept the return of a defense article as provided in paragraph (1) shall not be subject to chapter 137 of title 10, United States Code, or any other provision of law relating to the conclusion of contracts.".

(c) REGULATIONS.—Under the direction of the President, the Secretary of Defense shall promulgate regulations to implement subsections (l) and (m) of section 21 of the Arms Export Control Act, as added by this section.

Amendment No. 34, as modified, read by Mr. GILMAN: At the end of chapter 1 of title XXVI (relating to miscellaneous foreign policy provisions), add the following new section:

SEC. 2604. REPEAL OF TERMINATION OF PROVISIONS OF THE NUCLEAR PROLIFERATION PREVENTION ACT OF 1994.

Part D of the Nuclear Proliferation Prevention Act of 1994 (part D of title VIII of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995; Public Law 103-236; 108 Stat. 525) is hereby repealed.

Amendment No. 35, as modified, read by Mr. GILMAN: Page 203, line 2, strike "for such fiscal year".

Amendment No. 43, as modified, offered by Mr. HOKE: At the end of chapter 2 of title XXXIV of division C (relating to special authorities and other provisions), add the following new section:

SEC. 3420. PROHIBITION ON FOREIGN ASSISTANCE TO FOREIGN GOVERNMENTS NOT IMPLEMENTING EXTRADITION TREATIES.

(a) PROHIBITION.—Except as provided in subsection (b), the President may not provide foreign assistance to the government of any country determined by the President to have refused to implement an extradition treaty between such country and the United States with respect to one or more individuals of significant concern to the United States who have been charged with or who have committed felony offenses.

(b) EXCEPTION.—The President may provide foreign assistance to the government of a country that would otherwise be prohibited from receiving such assistance under subsection (a) if the President—

(1) determines that the provision of such assistance is in the national interest of the United States; and

(2) notifies the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate of such determination.

(c) DEFINITIONS.—As used in this section:

(1) FELONY OFFENSE.—The term "felony offense" means an offense punishable by death or imprisonment for a term exceeding one year.

(2) FOREIGN ASSISTANCE.—The term "foreign assistance" means any funds made available to carry out any program, project, or activity under the Foreign Assistance Act of 1961 or the Arms Export Control Act, except such term does not include funds used to provide humanitarian assistance.

(d) EFFECTIVE DATE.—The prohibition contained in subsection (a) applies with respect to the provision of foreign assistance on or after the date of the enactment of this Act.

Amendment No. 49 offered by Mr. KING: Page 196, after line 13, insert the following section:

SEC. 2712. POLICY TOWARD IRAN.

(a) IRAN'S ACTS OF INTERNATIONAL TERRORISM.—The Congress makes the following findings with respect to Iran's acts of international terrorism:

(1) As cited by the Department of State, the Government of Iran was the greatest supporter of state terrorism in 1992, supporting over 20 terrorist acts, including the bombing of the Israeli Embassy in Buenos Aires that killed 29 people.

(2) As cited by the Department of State, the Government of Iran is a sponsor of radical religious groups that have used terrorism as a tool. These include such groups as Hezballah, HAMAS, the Turkish Islamic Jihad, and the Popular Front for the Liberation of Palestine-General Command (PFLP—GC).

(3) As cited by the Department of State, the Government of Iran has resorted to international terrorism as a means of obtaining political gain. These actions have included not only the assassination of former Prime Minister Bakhitiar, but the death sentence imposed on Salman Rushdie, and the assassination of the leader of the Kurdish Democratic Party of Iran.

(4) As cited by the Department of State and the Vice President's Task Force on Combating Terrorism, the Government of Iran has long been a proponent of terrorist actions against the United States, beginning with the takeover of the United States Embassy in Tehran in 1979. Iranian support of extremist groups has led to the following attacks upon the United States as well:

(A) The car bomb attack on the United States Embassy in Beirut killing 49 in 1983 by the Hezballah.

(B) The car bomb attack on the United States Marine Barracks in Beirut killing 241 in 1983 by the Hezballah.

(C) The assassination of American University President in 1984 by the Hezballah.

(D) The kidnapping of all American hostages in Lebanon from 1984-86 by the Hezballah.

(5) The Government of Iran provides several hundred million dollars annually in financial and logistical support to organizations that use terrorism and violence as a tool to undermine the Middle East peace process.

(6) The Government of Iran provides financial, political, and logistical support and safe haven to groups that seek the violent overthrow of secular governments in the Middle East and North Africa.

(b) IRAN'S PROGRAM TO ACQUIRE WEAPONS OF MASS DESTRUCTION AND THE MEANS BY WHICH TO DELIVER THEM.—The Congress makes the following findings with respect to Iran's program to acquire weapons of mass destruction and the means by which to deliver them—

(1) the Government of Iran has intensified its efforts to develop weapons of mass destruction and the means by which to deliver them:

(2) given Iran's petroleum reserves, the desire of the Government of Iran to obtain gas centrifuge equipment and light water nuclear power reactors clearly demonstrates what had already been apparent, that Iran seeks to develop its nuclear weapons capability; and

(3) Iran has been relentless in its attempt to acquire the missiles needed to deliver nuclear and chemical weapons.

(c) IRAN'S VIOLATIONS OF HUMAN RIGHTS.—The Congress makes the following findings with respect to Iran's violations of human rights:

(1) As cited by the 1991 United Nations Special Representative on Human Rights, Amnesty International, and the United States Department of State, the Government of Iran has conducted assassinations outside of Iran, such as that of former Prime Minister Shahpour Bakhitiar for which the Government of France issued arrest warrants for several Iranian governmental officials.

(2) As cited by the 1991 United Nations Special Representative on Human Rights and by Amnesty International, the Government of Iran has conducted revolutionary trials which do not meet internationally recognized standards of fairness or justice. These trials have included such violations as a lack of procedural safeguards, trial times of 5 minutes or less, limited access to defense counsel, forced confessions, and summary executions.

(3) As cited by the 1991 United Nations Special Representative on Human Rights, the Government of Iran systematically represses its Baha'i population. Persecutions of this small religious community include assassinations, arbitrary arrests, electoral prohibitions, and denial of applications for documents such as passports.

(4) As cited by the 1991 United Nations Special Representative on Human Rights, the Government of Iran suppresses opposition to its government. Political organizations such as the Freedom Movement are banned from parliamentary elections, have their telephones tapped and their mail opened, and are systematically harassed and intimidated.

(5) As cited by the 1991 United Nations Special Representative on Human Rights and Amnesty International, the Government of Iran has failed to recognize the importance of international human rights. This includes suppression of Iranian human rights movements such as the Freedom Movement, lack of cooperation with international human rights organizations such as the International Red Cross, and an overall apathy toward human rights in general. This lack of concern prompted the Special Representative to state in his report that Iran had made "no appreciable progress towards improved compliance with human rights in accordance with the current international instruments".

(6) As cited by Amnesty International, the Government of Iran continues to torture its political prisoners. Torture methods include burns, arbitrary blows, severe beatings, and positions inducing pain.

(d) UNITED STATES POLICY AND RESPONSE.—The Congress makes the following findings with respect to United States policy and response to Iran:

(1) The actions by the Government of Iran identified in subsections (a), (b), and (c) threaten the national security and offend the democratic values of the United States and many other nations in the Middle East and elsewhere.

(2) In response to this record of violent, destablizing, and antidemocratic conduct, it has been the policy of the United States to seek to isolate the Government of Iran diplomatically and economically, thereby making the continuation of such conduct increasingly costly.

(3) The policies the United States has pursued in an effort to pressure the Government of Iran diplomatically and economically have included refusing to conduct normal diplomatic relations with Iran; barring the importation of Iranian oil and other products into the United States; prohibiting the export or reexport to Iran of weapons or of

goods or technology with potential military uses; voting against all loans to Iran by international financial institutions; and, most recently, imposing a total economic embargo on Iran.

(4) To further increase the cost to the Government of Iran of its objectionable conduct the United States has urged other countries with economic ties to Iran to take equivalent steps to isolate Iran economically and diplomatically.

(e) CONGRESSIONAL DECLARATIONS.—The Congress makes the following declarations:

(1) The imposition of an economic embargo on Iran by President Clinton was an important and necessary measure to increase economic and political pressure on Iran.

(2) The President should, as a matter of the highest priority, intensify efforts to persuade Iran's leading trade partners and creditors to join with the United States in ceasing all trade with Iran and ending any rescheduling or other relaxation of debts owed to them.

(3) The President should take whatever steps are appropriate to dissuade those who are aiding Iran's efforts to develop nuclear weapons and the means by which to deliver them from continuing such assistance.

(4) The United States should convene a special summit of the world's leading heads of state to address the issue of international terrorism and the means for improving the efforts to combat international terrorism.

(5) The Secretary of State should promptly take steps to strengthen each of the existing multilateral nonproliferation regimes to make them more effective in counteracting rogue regimes such as Iran.

(6) The President should make the development of a multilateral economic embargo on Iran a top priority on the agenda at the meeting of the G–7 industrial partners scheduled for June 1995 in Halifax, Nova Scotia.

Amendment No. 59, as modified offered by Mr. ROEMER: At the end of title XXVII of division B (relating to congressional statements), add the following new section:

SEC. 2172. CONFLICT IN CHECHNYA

(a) FINDINGS.—The Congress finds the following:

(1) Russian troops advanced into Chechnya on December 10, 1994, and were met with strong resistance from Chechen rebels who have now moved to the Caucasus mountains where they are engaging in what even the most optimistic Russian military officers predict will be a drawn-out guerrilla war.

(2) The cost of the Chechen battle is estimated to cost the Government of Russia at least $2,000,000,000 and could exacerbate the budget deficit of the Government of Russia.

(3) The United States has approved over $2,400,000,000 in loan guarantees through the Export-Import Bank of the United States and the Overseas Private Investment Corporation.

(4) The United States has provided Russia with significant direct assistance to promote a free market economy, support democracy, meet humanitarian needs, and dismantle nuclear weapons.

(b) DECLARATION OF POLICY.—The Congress declares the following:

(1) United States investment in Russia has been significant in promoting democracy and stabilizing the economy of Russia and this progress could be imperiled by Russia's continued war in Chechnya.

(2) the inability to negotiate an end to this crisis and the resulting economic implications could adversely affect the ability of Russia to fulfill its commitments to the International Monetary Fund, the Export-Import Bank of the United States, and the Overseas Private Investment Corporation.

(3) In further contacts with President Yeltsin, it is imperative that President Clinton repeat his call for an immediate end to the war in Chechnya.

Amendment No. 61, as modified, offered by Mr. ROHRABACHER: At the end of title XXXIII (relating to regional provisions), add the following new sections:

SECTION 3314. ASSISTANCE FOR LAOS.

(a) It is the sense of Congress that—

(1) a permanent waiver on the prohibition of foreign assistance for Laos should be granted following the fullest possible accounting of all outstanding POW/MIA cases involving Laos;

(2) the United States should continue to improve its relationship with Laos as the mutual cooperation between the two countries on POW/MIA issues improves;

(3) no Lao citizen or government official should be held accountable by the United States for activities involved in holding American POW/MIAs if those citizens or officials cooperate with efforts to return such POW/MIAs alive or to otherwise account for such POW/MIAs;

(4) the future relationship of the United States with Laos should be characterized by economic cooperation and friendly diplomatic ties;

(5) such bilateral relationship will improve as respect for human rights in Laos improves, including human rights for Hmong people; and

(6) in the event an American POW/MIA is returned alive from Laos, the United States should view this action as a positive development and as strong incentive for the United States to rapidly improve our economic and diplomatic relationship with Laos.

(b) Notwithstanding section 620 of the Foreign Assistance Act of 1961, foreign assistance may be provided for Laos for fiscal years 1996 and 1997 only if the President determines and certifies to the Congress that the Government of Laos is cooperating with the United States on outstanding POW/MIA cases involving Laos.

Amendment No. 63 offered by Mr. ROTH: Add a new Section 2604 as follows:

SEC. 2604. ANNUAL ASSESSMENT

The Secretary of State shall assess the impact of the foreign policy of the United States on the ability of United States entities engaged in the manufacture, sale, distribution, or provision of goods or services to compete in foreign markets. The Secretary shall provide such assessments annually to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate and shall publish such assessments in the Federal Register.

Amendment No. 65 offered by Mr. SAWYER: At the end of title XXVII (relating to congressional statements) insert the following new section:

SEC. 2712. UNITED STATES DELEGATION TO THE FOURTH WORLD CONFERENCE ON WOMEN IN BEJING.

It is the sense of the Congress that the United States delegation to the Fourth World Conference on Women should include at least one representative of a United States-based nongovernmental organization representing Tibetan women.

Amendment No. 66 offered by Mr. SAWYER: At the end of chapter 6 of title XXXI (relating to other provisions of defense and security assistance), add the following new section:

SEC. 3194. ANNUAL MILITARY ASSISTANCE REPORT.

The Foreign Assistance Act of 1961 is amended by inserting after section 654 (22 U.S.C. 2414) the following new section:

"SEC. 657. ANNUAL REPORT ON MILITARY ASSISTANCE AND MILITARY EXPORTS.

"Not later than February 1 of each year, the President shall transmit to the Congress an annual report for the fiscal year ending the previous September 30, showing the aggregate dollar value and quantity of defense articles (including excess defense articles) and defense services, and of military education and training, furnished by the United States to each foreign country and international organization, by category, specifying whether they were furnished by grant under chapter 2 or chapter 5 of part II of this Act, by sale under chapter 2 of the Arms Export Control Act, by commercial sale license under section 38 of that Act, or by any other authority.".

Amendment No. 69 offered by Mr. SMITH of New Jersey: In section 2102(b)(2)(C) (relating to voluntary contributions for the war crimes tribunal for the former yugoslavia)—

(1) in the heading strike "FOR THE FORMER YUGOSLAVIA";

(2) strike "budget for the tribunal" and insert "combined budgets for the tribunals"; and

(3) after "Yugoslavia" insert "and the United Nations International Criminal Tribunal for Rwanda".

Amendment No. 71 Offered by Mr. TORRICELLI: At the end of Title XXXII (relating to regional provisions) at the following new section:

SEC. 3314. RESTRICTIONS ON ASSISTANCE FOR GUATEMALA.

(a) RESTRICTION.—None of the funds authorized to be appropriated for grant assistance under section 23 of the Arms Export Control Act (22 U.S.C. 2763; relating to foreign military financing) or for assistance under chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.; relating to international military education and training) may be made available to the Government of Guatemala unless the Secretary of State determines and certifies to the appropriate congressional committees that—

(1) substantial progress has been made in the prosecution of all those responsible for the human rights abuses against Michael DeVine, Nicholas Blake, Griffin Davis, Dianna Ortiz, Myrna Mack, and Efrain Bamaca Velasquez;

(2) former Guatemalan Lieutenant Colonel Carlos Rene Ochoa Ruiz, who is under indictment in the State of Florida for narcotics trafficking, has been extradited to the United States; and

(3) substantial progress has been made in the dismantling of the Voluntary Civil Self-Defense Committees, curbing their patrols, and returning their weapons to the Guatemalan military.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—For purpose of this section, the term "appropriate congressional committees" means the Committee on International Relations and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

Amendment No. 78 Offered by: Mr. ZIMMER: At the end of title XXXIII (relating to regional provisions), add the following new section:

SEC. 3314. PROHIBITION ON ECONOMIC ASSISTANCE, MILITARY ASSISTANCE OR ARMS TRANSFERS TO THE GOVERNMENT OF MAURITANIA UNLESS APPROPRIATE ACTION IS TAKEN TO ELIMINATE CHATTEL SLAVERY.

(a) PROHIBITION.—The President may not provide economic assistance, military assistance or arms transfers to the Government of Mauritania unless the President certifies to the Congress that such Government has taken appropriate action to eliminate chattel slavery in Mauritania, including—

(1) the enactment of anti-slavery laws that provide appropriate punishment for violators of such laws; and

(2) the rigorous enforcement of such laws.

(b) DEFINITIONS.—For purposes of this section, the following definitions apply:

(1) ECONOMIC ASSISTANCE.—The term "economic assistance" means any assistance under part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) and any assistance under chapter 4 of part II of such Act (22 U.S.C. 2346 et seq.) (relating to the economic support fund), except that such term does not include humanitarian assistance.

(2) MILITARY ASSISTANCE OR ARMS TRANSFERS.—The term "military assistance or arms transfers" means—

(A) assistance under chapter 2 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2311 et seq.) (relating to military assistance), including the transfer of excess defense articles under sections 516 through 519 of that Act (22 U.S.C. 2321j through 2321m);

(B) assistance under chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.) (relating to international military education and training);

(C) assistance under the "Foreign Military Financing Program" under section 23 of the Arms Export Control Act (22 U.S.C. 2763); or

(D) the transfer of defense articles, defense services, or design and construction services under the Arms Export Control Act (22 U.S.C. 2751 et seq.), including defense articles and defense services licensed or approved for export under section 38 of that Act (22 U.S.C. 2778).

Amendment No. 80 Offered by: Mr. BILBRAY: Page 100, line 10, strike "$12,472,000" and insert "$19,372,000".

At the end of the bill, add the following:

DIVISION D—ADDITIONAL PROVISIONS

TITLE XLI—FOREIGN BUILDINGS

SEC. 4001. AUTHORIZATION OF APPROPRIATIONS.

Notwithstanding section 2101(a)(4), there are authorized to be appropriated for "Acquisition and Maintenance of Buildings Abroad", $369,860,000 for the fiscal year 1997.

Amendment No. 82 Offered by: Mr. BURTON of Indiana: In paragraph (1) of section 3309(b) (relating to the future of the United States military presence in Panama)—

(1) in the matter preceding subparagraph (A), strike "a new base rights" and insert "an"; and

(2) strike subparagraph (B) and insert the following new subparagraph:

(B) to ensure that the United States will be able to act after December 31, 1999, to maintain the security of the Panama Canal and guarantee its regular operation, consistent with the Panama Canal Treaty, the Treaty Concerning the Permanent Neutrality and Operation of the Panama Canal, and the resolutions of ratification thereto; and

Amendment No. 83: Offered by Mr. CHABOT: At the end of the bill, add the following:

DIVISION D—ADDITIONAL PROVISIONS

TITLE XLI—AUTHORIZATION OF APPROPRIATIONS

SEC. 4101. AUTHORIZATION OF APPROPRIATIONS.

(a) FOREIGN MILITARY FINANCING PROGRAM.—Notwithstanding section 3101 of this Act, there are authorized to be appropriated for grant assistance under section 23 of the Arms Export Control Act (22 U.S.C. 2763) and for the subsidy cost, as defined in section 502(5) of the Federal Credit Reform Act of 1990, of direct loans under such section—

(1) $3,274,440,000 for fiscal year 1996; and

(2) $3,216,020,000 for fiscal year 1997.

(b) ECONOMIC SUPPORT ASSISTANCE.—Notwithstanding section 3201 of this Act, section 532(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 234a(a)) is amended to read as follows:

"(a) There are authorized to be appropriated to the President to carry out the purposes of this chapter $2,346,378,000 for fiscal year 1996 and $2,238,478,000 for fiscal year 1997.".

(c) DEVELOPMENT FUND FOR AFRICA.—Notwithstanding paragraph (2) of section 3221(a) of this Act, there are authorized to be appropriated $649,214,000 for fiscal year 1996 and $634,214,000 for fiscal year 1997 to carry out chapter 10 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2293 et seq.).

Amendment No. 86 Offered by: Mr. Gilman: After section 510, insert the following new section:

SEC. 511. TRANSFER OF FUNCTION.

Any determination as to whether a transfer of function, carried out under this Act, constitutes a transfer of function for purposes of subchapter I of chapter 35 of title 5, United States Code, shall be made without regard to whether or not the function involved is identical to functions already being performed by the receiving agency.

Amendment No. 87 Offered by: Mr. Hamilton: On page 286 after line 19, amend the subsection "(e)" which would be added to Section 222 of the Foreign Assistance Act of 1961, by adding at the end a new sentence as follows:

"The provisions of this subsection shall not apply to guaranties which have been issued for the benefit of the Republic of South Africa."

Amendment No. 96, as modified, offered by Mrs. SCHROEDER: At the end of title XXVII insert the following new section:

SEC. 2712. FEMALE GENITAL MUTILATION.

(a) FINDINGS.—The Congress finds that—

(1) female genital mutilation is a violation of women's basic human rights;

(2) female genital mutilation constitutes a major health risk to women, with lifelong physical and psychological consequences; and

(3) female genital mutilation should not be condoned by any government.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) the President should seek to end the practice of female genital mutilation worldwide through the active cooperation and participation of governments in countries where female genital mutilation takes place; and

(2) steps to end the practice of female genital mutilation should include—

(A) encouraging nations to establish clear policies against female genital mutilation and enforcing existing laws which prohibit it;

(B) assisting nations in creating culturally appropriate outreach programs that include education and counseling about the dangers of female genital mutilation for women and men of all ages; and

(C) ensuring that all appropriate programs in which the United States participates include a component pertaining to female genital mutilation, so as to ensure consistency across the spectrum of health and child related programs conducted in any country in which female genital mutilation is known to be a problem.

Amendment No. 98, as modified, Offered by Mr. TRAFFICANT: At the end of title XXVII (relating to congressional statements), add the following new section:

SEC. 2712. SENSE OF THE CONGRESS REGARDING SYRIAN OCCUPATION OF LEBANON.

It is the sense of the Congress that—

(1) the Government of Syria should comply with the Taif Agreement and withdraw all of its troops from Lebanon;

(2) the United States should use its contacts at the highest level of the Syrian Government to encourage the Government of Syria to withdraw all of its troops from Lebanon within a timeframe to be negotiated between the Syrian and Lebanese Governments; and

(3) the Secretary of State should inform the Congress as to the actions the United States has taken to encourage withdrawal of all Syrian troops from Lebanon.

Amendment No. 99, as modified, offered by Mr. TRAFICANT: At the end of chapter 2 of title XXXIV of division C (relating to special authorities and other provisions of foreign assistance authorizations), add the following new section:

SEC. 3420. LIMITATION ON PROCUREMENT OUTSIDE THE UNITED STATES.

(a) Funds made available for assistance for fiscal years 1996 and 1997 under the Foreign Assistance Act of 1961, for which amounts are authorized to be appropriated for such fiscal years, may be used for procurement outside the United States or less developed countries only if—

(1) such funds are used for the procurement of commodities or services, or defense articles or defense services, in the country in which the assistance is to be provided, except that this paragraph only applies if the total of such procurement for a project or activity in that country would cost less than procurement from the United States;

(2) the provision of such assistance requires commodities or services, or defense articles or defense services, of a type that are not produced in, and available for purchase from, the United States, less developed countries, or the country in which the assistance is to be provided;

(3) the Congress has specifically authorized procurement outside the United States or less developed countries; or

(4) the President determines on a case-by-case basis that the procurement outside the United States or less developed countries would result in the more efficient use of United States foreign assistance resources, including to meet unforeseen circumstances such as emergency situations.

(b) For purposes of this section, the term "less developed countries" includes the recipient country if that country is not a developed country.

The CHAIRMAN. Pursuant to House Resolution 155 and House Resolution 156, the gentleman from New York [Mr. GILMAN] will be recognized for 5 minutes, and the gentleman from Indiana [Mr. HAMILTON] will be recognized for 5 minutes.

The Chair recognizes the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Chairman, the House is not in order.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Members and the guests in the gallery are advised that participants in this debate are entitled to be heard, and they should not conduct conversations on the floor of the House or in the gallery.

Mr. GILMAN. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I am pleased to offer this amendment, which hopefully will speed up and simplify the process of consideration of this bill.

The amendment has been agreed to on both sides, and I want to thank the ranking Democratic Member, the gentleman from Indiana [Mr. HAMILTON], for his cooperation in putting together this list of amendments. These are noncontroversial amendments.

There is only one amendment in this en bloc amendment that affects funding levels. At the suggestion of the gentleman from Ohio [Mr. CHABOT] we have shifted another $20 million per year into the Development Fund for Africa. This money comes from the Economic Support Fund and Foreign Military Financing functions of the budget.

It does not increase the deficit or the overall spending levels in this bill.

I would like to point out to my colleagues that once we will have passed this amendment, the Africa Development Fund will get 85 cents for every dollar the general development assistance account receives for the rest of the world. Right now, the Africa Fund only gets 62 cents for every dollar the general fund receives. Although we are cutting many accounts, comparatively speaking, Africa is being treated very well in this bill.

Mr. Chairman, the en bloc amendment contains new language affecting the transfer of functions between the various agencies to be consolidated into the State Department under this act.

Under the law, when functions are transferred, the employees performing those functions are likewise transferred, and the employees in the new combined agency may or may not be subject to a reduction in force, depending on the needs of the agency.

However, an unduly restrictive interpretation of the phrase "transfer of function" has cropped up in a little known case from the Merit Systems Protection Board, and the ruling in that case has unfortunately been adopted in recent regulations by the Office of Personnel Management.

Without this amendment, the rights of employees whose functions were shifted to the Department of State would be adversely affected if they performed a function similar to a function already carried out in the Department of State, even if they were the best qualified employees, were entitled to veterans preference, or otherwise ought to be retained.

In my opinion, the rights of employees should be protected in a merger regardless of whether some other employees performing their function works in a gaining Department. The gaining Department should have the right and duty to retain the best personnel of the combined agency work forces, consistent with RIF regulations, without giving special preference to Department of State employees.

Accordingly, this section changes the definition of "transfer of function" for the purposes of this act. This change rejects, and it is my explicit purpose to reject for the purposes of this act, the restrictive definition of the phrase "transfer of function" in the Office of Personnel Management's current regulations at 5 CFR section 351.203 (1995), and the restrictive interpretation of that phrase by the Court of Claims in *Childress* v. *United States*, 650 F.2d 285, 222 Ct. Cl. 557, 558 (1980), and by the Merit Systems Protection Board in *Kentner* v. *National Transportation Safety Board*, 20 M.S.P.R. 595 (1984). This provision is meant to ensure that employees affected by a transfer of function and any attendant reduction in force are covered by OPM's regulations on transfers of functions, 5 CFR, part 351, subpart C.

Mr. Chairman, I reserve the balance of my time.

Mr. HAMILTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the en bloc amendment, as modified, has been cleared by this side of the aisle. I want to express my appreciation to the chairman of the committee for his cooperation in working with us, and his willingness to do so, to modify several of the amendments so they could be included in the en bloc.

Mr. Chairman, I urge support of the en bloc amendment, and I yield 1 minute to the gentleman from Connecticut [Mr. GEJDENSON].

Mr. GEJDENSON. Mr. Chairman, while I have grave reservations about many parts of the bill, the en bloc is certainly acceptable. I want to commend the gentleman from New York [Mr. KING] for the work we have done together on the Iranian provision within it. There is no country in the world today that is more active in the support of terrorism that is trying to derail the peace process in the Middle East to the degree that Iran is.

□ 1545

The signal that we must send from this Congress and from every government official in this country is that that kind of behavior is unacceptable, the United States will continue to resist it, and clearly the President's leadership on this issue is something we need to stand behind.

As we learned in the first instance where Americans were taken hostage in Iran, Iran may begin terrorism elsewhere on the globe but the pain will inevitably come back to us in the United States. This is something we need to get our European allies to join us on.

The efforts of this date are tremendous, but they are not sufficient without getting Europe to join us in this effort. Again, I would like to thank the gentleman from New York [Mr. KING] for working together on this amendment.

Mr. Chairman, I am pleased to cosponsor this amendment with my colleague from New York, Mr. KING, who has been a leader on this issue. This resolution puts our allies and others on notice that the Congress expects their cooperation in isolating Iran. The administration has no objection to this amendment.

On April 30, the President took a bold and decisive step by imposing a total embargo on Iran. It left no room for interpretation. The United States considers Iran to be an outlaw and is simply unwilling to make believe that Iran is among the family of civilized nations. President Clinton has done the right thing and the smart thing.

There seems to be little in the way of disagreement as to the United States objectives in regard to Iran. Iran needs to end its support of terrorism, much of which is designed to undermine the Middle East peace process. Iran must cease its development of weapons of mass destruction and the missiles by which to deliver them. Iran must significantly alter its abhorrent record on human rights.

The burden is now on our allies to come along. Thus far, the strategy of constructive dialog embraced by many of our allies has, to put it delicately, been less than successful; to put it bluntly, Iran has paid no price for its support for international terrorism or its efforts to obtain weapons of mass destruction.

There are countries, even those with which we have significant differences, where a constructive dialog could serve to further our objectives. Iran is not among them. It is a rogue regime hellbent on fomenting unrest in the region and determined to acquire weapons of mass destruction so that it can terrorize not only the region but the world.

Unlike North Korea, Iran is by no means isolated. Iran exports $15.5 billion of goods each year, $14 billion of which is comprised of oil. In addition, Iran has approximately $25 billion in foreign debt, $12 billion of which was rescheduled last year, most of it by our allies. So, those who purchased Iranian oil and those who chose not to compel payment of Iranian debts contributed upward of $15 billion to Iran's ability to obtain weapons of mass destruction and train terrorists.

I fully support efforts to deny United States exports to Iran. For the last 5 years I have sponsored legislation that would deny dual use technology to Iran. To maximize the impact of the embargo, we must get multilateral cooperation in denying Iran dual use and military equipment, and other items that Iran seeks to purchase. More important, we must forge a multilateral consensus to restrict imports from Iran and to limit relief to Iran on the terms of its foreign debt. We must deny to Iran the resources it needs to support terrorism and develop weapons of mass destruction.

Our allies must understand how serious we are about Iran. An Iran with a nuclear bomb and the means by which to deliver it is a blueprint for international chaos. It is encumbent on the administration to apprise our allies on a regular basis of Iran's actions in supporting international terrorism and developing weapons of mass destruction. The administration must continue to express at the highest levels the need to isolate Iran. The upcoming G–7 meeting in Nova Scotia is an appropriate place to raise this issue in very clear terms.

Again, I join with Mr. KING in offering this amendment and I urge my colleagues to vote for it.

Mr. GILMAN. Mr. Chairman, I yield 1 minute to the gentlewoman from Florida [Ms. ROS-LEHTINEN].

Ms. ROS-LEHTINEN. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I support the Chabot amendment to the en bloc, which would increase funding for the Development Fund for Africa, because there are important developmental and humanitarian assistance needs on that continent.

I am also pleased that the amendment of the gentleman from New Jersey [Mr. ZIMMER] on slavery in Mauritania has been accepted. It is long past time for us to take action against any Nation that tolerates slavery. The State Department reports that there may be up to 90,000 slaves in that country. Just one person held as a slave is reason enough for us, I believe, to refuse aid to the government that permits slavery to exist.

Finally, I commend the gentleman from New Jersey [Mr. SMITH] for his amendment to allow some of the funds authorized for the War Crimes Tribunal in Yugoslavia to be used for a similar tribunal in Rwanda. We must bring to justice those guilty of the crime of genocide in Rwanda.

I thank the gentleman from New York [Mr. GILMAN], the chairman, for including these important Africa-related amendments in the en bloc amendments.

Mr. HASTINGS of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. TORRICELLI].

Mr. TORRICELLI. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, in the last several months the American people have learned a great deal about Guatemala. Ten Americans lost, disappeared, brutalized, or raped. Their families have come forward to tell the story of their horrors in Guatemala.

The Drug Enforcement Agency has told us a story that nearly one-third of all the cocaine reaching the United States is now warehoused in Guatemala before being shipped to our own cities and towns. Yet, 11 Guatemalan military officers indicted in the United States are protected by that country's laws where extradition is refused.

Against this, the backdrop of 150,000 people in Guatemala who have lost their lives in the last 30 years through a genocidal campaign against their own people, led by civil defense patrols who roam the countryside harassing, exploiting, and murdering poor civilians who are defenseless.

Mr. Chairman, in the weeks since we have learned many of these things in the tragic history of Guatemala, President Clinton has suspended United States military assistance to that country's armed forces, demanding cooperation in the investigation of the deaths of Americans, insisting on cooperation in the extradition of military officers involved in cocaine trafficking.

I have included in the en bloc amendment an insistence that until there is cooperation on narcotics, on ending human rights abuses and on investigating the deaths and abuse of American citizens, that there be no further assistance. This is indeed legislatively the equivalent of what President Clinton has already done unilaterally.

I urge its adoption in the bill. I thank the gentleman from New York [Mr. GILMAN], the chairman of the committee, for its inclusion in the en bloc amendments, and the gentleman from Indiana [Mr. HAMILTON] for his support, as well. It is simply a proper statement in this bill.

Mr. GILMAN. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey [Mr. SMITH], chairman of the Subcommittee on International Operations and Human Rights of the Committee on International Relations.

Mr. SMITH of New Jersey. Mr. Chairman, I thank my good friend the gentleman for yielding me the time.

Mr. Chairman, first I would like to thank the gentlewoman from Florida [Ms. ROS-LEHTINEN] and the gentlewoman from Georgia [Ms. MCKINNEY] for cosponsoring this amendment with me, and for their leadership on the issue of trying to provide a modest amount of funds to the War Crimes Tribunal for the people who has suffered in Rwanda.

Mr. Chairman, the outbreak of warfare in Rwanda was accompanied by an outbreak of genocidal violence all too reminiscent of what happened in the former Yugoslavia. Under cover of longstanding tribal rivalries, an effort was launched by leaders of one tribe to bring about the systematic extermination of another.

It is important that the international community show that this kind of crime against humanity will be detected, prosecuted and punished. The Rwanda tribunal was created by Security Council Resolution 955 on November 8, 1994. Many Members no doubt remember that date for other reasons, but for Rwandans it was an important sign of hope that the world had not forgotten their sufferings and there would be a prosecution for committing these heinous crimes.

Mr. HASTINGS of Florida. I yield such time as he may consume to the gentleman from California [Mr. FILNER].

Mr. FILNER. Mr. Chairman, I rise in support of the en bloc amendment designated as number 80 which is a combination of amendments submitted by Congressman BILBRAY and myself, to restore funding required by the International Boundary and Water Commission [IBWC] to operate a critical sewage treatment facility soon to be completed in San Diego.

As many of you know, we are building a critically needed $240 million sewage treatment plant in San Diego, CA. This plant is under construction and will soon be completed. It is imperative that we provide the funds necessary to operate this treatment plant—and that we fulfill our commitment to the thousands of American citizens who suffer from the raw sewage that flows downhill from Mexico through our community and contaminates the Tijuana River and our beaches. This sewage is more than a nuisance, it is a health hazard!

While this is only a minor technical correction in the context of the State Department's overall budget, this amendment is critical for the IBWC to operate the soon-to-be-completed sewage treatment facility. Our failure to operate this facility would present a serious health threat to San Diego and threaten our Nation's ability to fulfill an international treaty obligation.

The failure of the Federal Government to operate this facility, after it is built, would be the height of absurdity—and would mark a tragic new day in our Nation's history, I urge my colleagues to support the bipartisan, Filner-Bilbray amendment!

Mr. HASTINGS of Florida. Mr. Chairman, I yield 1 minute to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Chairman, I thank the gentleman for yielding me the time, and I thank my colleagues for putting a generic form of my amendment into this area.

Mr. Chairman, this is very historic, in that it is the first time this body will speak out and say that our government should recognize female genital mutilation as a major health risk to women and a major human rights violation, and we also should do everything we can to make sure that countries do not allow this practice to continue. This was important.

I had wanted to target this to Egypt, since we give so much aid to Egypt and since this practice is so rampant there, and especially since their government has recently tried to medicalize it rather than condemn it. This is a more generic form, but I approve it, and I think very much all of my colleagues who worked very hard to take this very, very important step of saying violations against women are also human rights violations and not just cultural violations. There has never been any religious reason for this. There has never been any reason except cultural, and we are making a great progressive step today.

Mr. GILMAN. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. KING], a member of our committee.

Mr. KING. Mr. Chairman, I thank the gentleman from New York [Mr. GILMAN] for yielding me the time.

Mr. Chairman, I rise in support of the en bloc amendment. Iran is an outlaw state, the major destabilizing force in the Middle East, and is desperately attempting to obtain nuclear capability. I am proud I have been able to join my colleague, the gentleman from Connecticut [Mr. GEJDENSON], in sponsoring this amendment, amendment 49, which will establish on the record as a sense of Congress that Iran is an outlaw nation.

In addition to that, Mr. Chairman, this amendment will go one step further than the President's boycott announcement of April 30, where the President announced a unilateral boycott against Iran. This was a very important first step but it is not enough.

It is essential that all our allies join this embargo, and the sense of Congress resolution which is encompassed in amendment 49 will call upon the President to make the development of a multilateral economic embargo on Iran a major priority at the Halifax G–7 meeting.

I want to thank the gentleman from Connecticut [Mr. GEJDENSON] for his support in working with me. I want to thank the gentleman from New York [Mr. GILMAN], the chairman, and the gentleman from Indiana [Mr. HAMILTON], the ranking member, for their support, and I urge support of the en bloc amendment and indeed final passage of the entire bill.

Mr. GILMAN. Mr. Chairman, with regard to the amendment offered by Mr. KING, I would like to congratulate the gentleman on his amendment and his leadership on our effort to combat Iran and its terrorist policies. This amendment makes a positive contribution to our policy toward Iran and puts a much-needed multilateral focus on the President's Executive order of May 8 prohibiting U.S. trade and investment with that country.

This amendment clearly identifies how Iran's policies pose a threat to our interests and to those of our allies in the region and urges the administration several policy initiatives that would help to isolate this outlaw regime.

In particular, it directs the President to intensify his efforts to persuade Iran's leading trade partners and creditors to join with the United States in ceasing all trade with Iran and ending any policy of rescheduling of debts owed to them.

Furthermore, the President is directed to convene a special summit of world leaders to address the issue of international terrorism. It would also call on the President to develop a comprehensive multilateral policy toward Iran with the goal of putting Iran on the agenda of the upcoming G–7 meeting in Canada and bringing consensus on the need to isolate this regime.

This administration has finally begun to transform its rhetoric into a more realistic approach to limiting the ability of this one country to finance and support terrorism around the world. The adoption of this amendment will ensure that the administration remains focused and committed in our fight against state-supported international terrorism.

Our allies still seem to believe that they can reap a short-term profit at our expense by continuing a policy of business as usual with Iran. They should be aware that there will be a long-term cost to our relationship and alliances if some kind of multinational consensus is not achieved on this issue.

Mr. HASTINGS of Florida. Mr. Chairman, I yield back the balance of my time.

Mr. GILMAN. Mr. Chairman, I yield 30 seconds to the gentleman from Ohio [Mr. CHABOT], another member of the committee.

Mr. CHABOT. Mr. Chairman, I thank the gentleman from New York [Mr. GILMAN], the distinguished chairman, and the gentlewoman from Florida [Ms. ROS-LEHTINEN], the chair of the Subcommittee on Africa, for their leadership in getting this amendment accomplished, and also the gentleman from California [Mr. ACKERMAN], the cosponsor on the other side of the aisle, for his assistance in this important amendment.

While the African continent is making great strides toward democracy, economic development, free markets and human rights, many African nations continue to face terrible hardships. This modest amendment will provide much-needed help to Africa without costing American taxpayers any additional dollars.

Mr. GILMAN. Mr. Chairman, I want to thank the gentleman from Ohio [Mr. CHABOT] for his involvement and for his addition to our work.

Mr. SAWYER. Mr. Chairman. I would like to thank the chairman of the International Relations Committee and his staff for their assistance with my amendment which is included in the amendments en bloc before us.

Mr. Chairman, during the cold war our arms control efforts were directed at what was clearly the greatest threat to international security at that time—nuclear weapons. When we did undertake efforts in the realm of conventional weaponry—they were directed at large-scale strategic weapons such as planes, missiles, and tanks which could alter regional balances of power.

Well, times have changed, but unfortunately our thinking on arms control is still mired in the Cold War experience.

Today, the greatest threat to international security and stability are the growing number of wars of ethnic hatred and the increasing cases of government oppression. In these conflicts, it is light weaponry—AK47s, hand grenades, and land mines—that are the weapons of choice. The ample supply, falling prices, and ease of purchase of these weapons has helped to increase the ferocity and number of conflicts we are witnessing across the globe—from Liberia to Rwanda to Kashmir.

Of course, I do not mean to downplay the importance of arms control efforts directed at strategic weapons. I only wish to point out that the vast trade in light weapons, which is a real source of instability today, receives, comparatively little attention.

Before we can begin any control efforts for small arms, we need an effective mechanism to monitor their trade. What types and how many of these deadly weapons are being sent where and by whom? We need answers to these questions.

My amendment would reinstate a reporting requirement which existed from fiscal years 1978 through 1980. During those years the State Department and the Defense Security Assistance Agency produced an annual report listing all U.S. military transfers and sales on a country-by-country basis.

The information for this report is maintained in a readily accessible data base. Producing the report would not require much more than the hitting of a print command key and binding the pages together. In other words, this is not an onerous reporting requirement.

Congress has a right and, indeed, an obligation to review the information contained in that data base. However, in 1993, I was denied a request for such information by the DSAA.

Once we begin to produce this report, we can use it as leverage to encourage other arms producing nations to provide greater transparency for their own activities. With a comprehensive understanding of the small arms trade, we can begin to work towards a regime to control this scourge.

But without good information, we can't formulate an effective policy. We will be left to witness the devastating effects of small arms proliferation and to pay the price both in terms of costly relief activities and in diminished international security.

The better approach is to take preventive action—to avert crises before they begin. This amendment is the first step in that process.

I urge support for the amendments en bloc.

Mr. Chairman, I would like to make special mention of Mr. BERMAN and Mr. ROSE who are coauthors of this amendment. I also would like to thank the chairman and ranking members of the International Relations Committee and the International Operations Subcommittee.

Mr. Chairman, when a government hosts an international conference, it also accepts certain obligations. The host government must abide by the terms which govern such gatherings and must uphold agreements it makes.

Unfortunately, Mr. Chairman, the Chinese Government has demonstrated that it does not intend to be a good host for the Conference on Women being held in Beijing this summer. The principle of openness, which is crucial to the success of this gathering, has run afoul of the communist instinct to suppress opposing points of view.

The Chinese Government has worked quietly to exclude groups representing Tibetan women from the women's conference. Mr. Chairman, this is not right, and it is not what the international community expected when it agreed to hold the conference in Beijing.

China's reneging on its obligations does not stop with the exclusion of groups it disagrees with. Originally, the Chinese had agreed to allow a gathering of nongovernmental groups in a downtown stadium near the official conference site.

However, as the time for the conference drew nearer, the Chinese Government began to fear the consequences of their citizens coming into contact with the thousands of foreigners participating in the nongovernmental gathering. Mysteriously, the stadium where the NGO's were to meet was declared structurally unsound.

The Chinese Government now wants to hold the NGO gathering an hour from Beijing in a remote location near the Great Wall.

Mr. Chairman, China's leaders need to be sent a message that they cannot impose their intolerant standards on the rest of humanity, and that they cannot turn this gathering into a platform for advancing their narrow agenda.

My amendment would urge the administration to include a representative of a U.S.-based group representing Tibetan women in the official U.S. delegation. This would ensure that Tibetan women have a voice at this conference. More important, it would send a message to the Chinese that we do not appreciate their attempt to muzzle groups with which they disagree.

Mr. Chairman, the Chinese Government has challenged the international community by excluding these groups. If we allow them to succeed in this, we are legitimizing their actions, and we should expect more of the same in the future.

I urge adoption of this amendment.

Mr. GILMAN. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendments en bloc, as modified, offered by the gentleman from New York [Mr. GILMAN].

The amendments en bloc, as modified, were agreed to.

The CHAIRMAN. Are there further amendments to the bill?

AMENDMENT OFFERED BY MR. HYDE

Mr. HYDE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendmemt offered by Mr. HYDE: Strike section 2707 (relating to recommendations of the President for reform of war powers resolution) and insert the following new section:

SEC. 2707. REPEAL OF WAR POWERS RESOLUTION.

(a) REPEAL.—

(1) IN GENERAL.—The War Powers Resolution (Public Law 93–148; 50 U.S.C. 1541 et seq.) is repealed.

(2) CONFORMING REPEAL.—Section 1013 of the Department of State Authorization Act, Fiscal Years 1984 and 1985 (50 U.S.C. 1546a) is repealed.

(b) CONSULTATION WITH CONGRESS.—

(1) PRIOR CONSULTATION.—The President shall in every possible instance consult with Congress before introducing United States Armed Forces into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances.

(2) CONSULTATION AFTER INTRODUCTION OF ARMED FORCES.—The President shall, after every such introduction, consult regularly with Congress until United States Armed Forces are no longer engaged in hostilities or have been removed from such situations.

(c) REPORTING TO CONGRESS.—

(1) INITIAL REPORT.—

(A) IN GENERAL.—Subject to subparagraph (B), the President shall, in the absence of a declaration of war, submit a report to Congress in any case in which United States Armed Forces are introduced.—

(i) into hostilities or into a situation where imminent involvement in hostilities is clearly indicated by the circumstances;

(ii) into the territory, airspace, or waters of a foreign nation, while equipped for combat, except for a deployment which relates solely to supply, replacement, repair, or training of such forces; or

(iii) in numbers which substantially enlarge United States Armed Forces equipped for combat already located in a foreign nation.

(B) EXCEPTION.—The requirement that the President submit a report to Congress in accordance with subparagraph (A) shall not apply if the President determines that to submit such a report would jeopardize the operational success of United States Armed Forces in a situation described in clause (i), (ii), or (iii) of such subparagraph.

(2) TIME AND CONTENT OF REPORT.—A report under paragraph (1) shall be submitted within 48 hours of the introduction of United States Armed Forces described in that paragraph. Each such report shall be in writing and shall set forth—

(A) the circumstances necessitating the introduction of United States Armed Forces;

(B) the constitutional and legislative authority under which such introduction took place; and

(C) the estimated scope and duration of the hostilities or involvement.

(3) ADDITIONAL INFORMATION.—The President shall provide such other information as Congress may request in the fulfillment of its constitutional responsibilities with respect to committing the Nation to war and to the use of United States Armed Forces abroad.

(4) PERIODIC REPORTS.—Whenever United States Armed Force are introduced into hostilities or into any situation described in paragraph (1), the President shall, consistent with the constitutional responsibilities of the President and so long as such Armed Forces continue to be engaged in such hostilities or situation, report to Congress periodically on the status of such hostilities or situation as well as on the scope and duration of such hostilities or situation.

Mr. HYDE. Mr. Chairman, I am offering an amendment that repeals the War Powers Act and sets up a structure for consultation and reporting by the President.

This amendment that I am offering does three things: In addition to repealing the War Powers Resolution, it requires ongoing consultation between Congress and the President, the President to consult with Congress, before the introduction of troops, ongoing consultation while they are there and after the troops are introduced, and the third thing it does, it requires timely and comprehensive reports to Congress, within 48 hours of the engagement, and in detail. These also are ongoing.

Mr. Chairman, the War Powers Resolution was passed in 1973. In casting about for the best way to describe it, I came up with the inelegant phrase "wet noodle," but that is about what the War Powers Act has been. It has never been used. No President have ever acknowledged that it is there or that it is constitutional. The vice, the flaw, the fault with the War Powers resolution is that the President must withdraw troops within 60 days after he has committed them unless Congress acts specifically to endorse the deployment.

Congress can halt a deployment after 60 days by doing nothing, by dithering, by debating. If Congress is unsympathetic or opposed to the commitment of troops, Congress can pass a bill cutting off the funding. The ultimate weapon, the ultimate power of the purse under the Constitution, remains with Congress. Therefore, that is all the authority we need to halt, to bring to a screeching halt, any commitment of troops. But to have on the books a law that says by doing nothing, by inaction we can halt and reverse and turn around a military commitment of troops is really an absurdity. What it does is provide our enemies with a statutory timetable. They can wait it out to see if Congress and the President are not getting along.

There are a couple of things we ought to always bear in mind. First of all, the Constitution says that President is Commander in Chief. That is true whether Ronald Reagan, George Bush, or Bill Clinton is President. We are talking about the institution and constitutional powers that devolve on the President, whoever that may be.

The second unshakable, immutable, important point is we always have the purse strings clutched in our hand. We can pass a bill, and we have passed several to withhold funding for certain military operations. That is the effective way to work our will should we disagree with the President.

Congress alone can declare war but the President who is charged with the responsibility of defending this country needs flexibility, he needs to act quickly, and he should not, and the law should not provide our enemies, whether it is Saddam Hussein or Raoul Cedras or anybody else, with the hope, with the expectation that in 60 days they will all have to come home.

□ 1600

That is a disincentive to settle a dispute and to negotiate.

So, I think that is a mistake and I think it has been on the books too long and it ought to be taken off.

No President has ever considered the war powers resolutions as constitutional. I have letters from President Ford, President Jimmy Carter, President George Bush. Henry Kissinger said it should be repealed; it is misleading and ineffective. Howard Baker when he was the majority leader in the Senate said it is an attempt to write in the margins of the Constitution. It is confusing and gives comfort to our opponents.

Congress has used its power of the purse to limit and even halt military operations, many, many times, and I have a list here from the congressional reference service. During the Vietnam war in December of 1970 we prohibited the use of funds to finance the introduction of ground combat troops into Cambodia or to provide advisers to or for Cambodian military forces. In 1973 we cut off funds for combat activities in Indochina after August 15, 1973. We did. June 30, 1973, no funds herein or heretofore appropriated may be obligated or expended to finance directly or indirectly combat activities by U.S. military forces in or over, above the shores of North Vietnam, South Vietnam, Laos, or Cambodia.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. HYDE] has expired.

(By unanimous consent, Mr. HYDE was allowed to proceed for 5 additional minutes.)

Mr. HYDE. Mr. Chairman, we set a personnel ceiling of 4,000 Americans in Vietnam 6 months after the enactment and 3,000 within a year; in Somalia we did the same. In Rwanda we did the same. And interestingly enough, the congressional reference service says, and I quote, "With respect to your question regarding the number of instances when the Congress has utilized the War Powers Resolution, since its enactment in 1973, to compel the withdrawal of U.S. military forces from foreign deployments, we can cite no single specific instance when this has occurred."

So it is a useless anachronism and we ought not to have it on the books. No Supreme Court test is even possible. Several attempts have been made to test it. The courts have said they are not justifiable. It did not stop what we did in Somalia, it did not stop what we did in Haiti. We had a vote on Desert Storm but nobody conceded that was pursuant to the War Powers Resolutions.

It provides a false hope to our adversaries; it is confusing.

My amendment does not just wipe the books clean of the War Powers Resolution, it requires adequate, timely, prompt consultation with Congress, and notice of what the President is going to do, and reporting, comprehensive reporting. There is a Presidential waiver, but that is for the Entebbe sort of situation and we still hold the ultimate weapon which is the purse.

We cannot get, as I say, a constitutional test on it, but it emboldens our adversaries while hamstringing the President when he most urgently needs the authority and the flexibility to act.

Permit me just to read from George Bush's letter of April 17, this year. "Dear Henry, you are 100 percent correct in opposing the War Powers Resolution as an unconstitutional infringement on the authority of the President. I hope that you are successful in your effort to change the War Powers Resolution and restore proper balance between the Executive and Legislative Branches. George Bush."

Gerald Ford: "Dear Henry, I share your views that the War Powers Resolution is an impractical, unconstitutional infringement on the authority of the President, I opposed it as a Member of the House. As President I refused to recognize it as a constitutional limitation on the power of the commander in chief."

Jimmy Carter to Congressman HENRY HYDE: "I fully support your effort to repeal the War Powers Resolution. Best wishes in this good work," et cetera.

So I just say to my colleagues, they are not yielding anything, they are retaining the power of the purse, which is the ultimate weapons. But my amendment requires notice, consultation, and reports, and with that in one hand and the power of the purse in the other, we are yielding no autonomy on the issue of committing troops, but are clearing off the books of unconstitutional infringement on the President's power, And are giving the President flexibility that the President may need over a weekend when something happens. And we are not giving hope and comfort to our adversaries that if they just wait it out, 60 days, will elapse, we will be dithering, we will be debating, and nothing will happen and the military engagement will end.

So I respectfully request the support of the Members in adopting my amendment.

Mrs. SCHROEDER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I must say I rise to discuss the amendment by the distinguished chairman of the Committee on the Judiciary because I know he has given this very serious thought. But I think I come down on the other side and say maybe this is too hasty at this moment, and to move forward right at this time without more serious debate is very troubling.

The gentleman from Illinois and I were both here when this amendment went through, and I would be the first to concede it has not worked as well as many of us had hoped it would work when it was passed in 1973.

But let me talk about what I thought the driving factors were of that war powers amendment. If we go back and look at the history, the Constitution says in article I, section 2, the Congress is the one, the Congress is the one that gives the money and raises the army. We are the ones that must do that. And the President is the commander-in-chief.

If you also look at President Washington's speeches about foreign entanglements and many other such things, I think it is very clear that our forefathers and foremothers never really foresaw a day when we would be deploying hundreds of thousands of troops overseas. One of the incredible, unique things about this country is it had unloaded upon it, whether it wanted it or not, a world leadership role where even though we are only 3 percent of the world's population, we have been carrying a very heavy burden of maintaining freedom on this globe in this century, and the War Powers Act was a modification that came in this century.

Part of that was we have been one of the very few governments on the planet that would deploy hundreds and hundreds of thousands of our most precious treasures, our young people, overseas for someone else's freedom. This War Powers Act would not have occurred if we had only been acting within our borders to protect our borders as most countries do and is much more traditional.

But when you start deploying them overseas, and we had seen in both the Korean and the Vietnam war many hundreds of thousands deployed overseas without a declaration of war, without a consultation of Congress, and we were suddenly left there under article I, section 3 having to raise the money, and raise the number of troops through drafts and many other things, and so this body said no, no, no, there should be, when we are doing these massive deployments overseas, a little more consultation at the beginning.

The only area I can think of where this has worked very well since then has been the gulf war where we had a very historic debate on this House floor, and I must say I thought it was very valuable for the whole Nation. All over the Nation you could hear people listening to this debate, and when this debate ended and when one side won, everybody shut up and supported those troops that were over there until it was time to bring them home.

I think that is important, because otherwise, if you allow a President to decide when we are going to commit troops, whether it would be today in Bosnia, say the President of the United States today decided OK, we are going to go into Bosnia, that is probably option 3. Option 1 would be you help them withdraw. Option 2 would be we do nothing. Option 3, we are going to go gangbusters, we are going to take a side and we are going to be in there. In fact, there are some Members out there now saying that is what we should do. Do you want the President of the United States to be able to make that decision, send off a half a million men, which is about what it would take, men and women, and go over there and just come tell us about it after they did it, and our only choice would be that we cut out the money? I think the War Powers Act has had an effect, and I think with the demise of the cold war I do not see any reason that we cannot work out a way to maybe make this better, to maybe make it more efficient, but I am not sure we need to do it in a haste right now where we just withdraw as Members of Congress and say we are going to let all of that fall on the shoulders of the President of the United States, and of course if he messes up or she messes up, then we all have the prerogative to jump up and down and scream at him. I would think that the last few days of Bosnia would be the greatest reason for why we should not do this right now, because you see no matter what the President does you have all sorts of other voices jumping up and down saying no not that, oh why did he do this, oh, you cannot connect the dots on his policy, oh, he is not being consistent. He should do more; he should do less.

The CHAIRMAN. The time of the gentlewoman from Colorado [Mrs. SCHROEDER] has expired.

(By unanimous consent, Mrs. SCHROEDER was allowed to proceed for 1 additional minute.)

Mrs. SCHROEDER. Mr. Chairman, it seems to me that what we would be saying is we want to be able to criticize, but do not give us any responsibility. I would think the American people would think that if the President decided we were going to take a side in the Bosnian war, he would do more than just come tell us, consult us, and send someone to brief us on it. I think they would want their representatives to be involved in that debate at the beginning, so that we stay behind those troops when they are overseas in that difficult point.

But I keep saying the War Powers Act came because of the new missions the United States had heaped upon it as a world leader after World War I and World War II. And I think it is a very, very, important addition, and I hope very much that maybe we take the concerns of the gentleman from Illinois [Mr. HYDE] into consideration and we all work very hard to figure out is there a better way to do this. But I think to back off and say we are giving it up would be the wrong way to go.

Mr. PORTMAN. Mr. Chairman, I move to strike requisite number of words.

Mr. Chairman, I rise today to express my strong support for repealing the War Powers Resolution with the consultations as set forth in the Hyde amendment. I understand the history of the resolution that is described by the gentlewoman from Colorado, and I appreciate that, but it is my belief that this 22-year relic of the Vietnam era is both unconstitutional and ineffective. I want to commend the gentleman from Illinois for raising this issue, for bringing forth the amendment today and for all of his efforts over the years on this.

I served in the Bush White House in the counsel's office, so I saw firsthand just how this resolution can interfere with the President's ability as the commander-in-chief to defend U.S. interests. I think the Constitution has its right, particularly in this dangerous world where rapid deployment is vital, vital to success. The President must maintain his authority as commander-in-chief to protect U.S. interests around the globe. Under the War Powers Resolution, however, as the gentleman from Illinois [Mr. HYDE] stated earlier, if Congress fails to explicitly endorse the deployment of troops, the troops must return home. I think this is a flagrant intrusion on the President's constitutional rights inherent as commander-in-chief to defend and protect the Nation. There is a reason that all four former Presidents, Democrat and Republican, support repeal. The Constitution struck the right balance. It granted the President the right to act as commander-in-chief to protect U.S. interests. It also provided appropriate checks for leaving the authority for funding military operations with Congress. The War Powers Resolution tips that healthy balance, tips it too far, by allowing Congress to override the President's constitutional authority by mere inaction. If Congress simply fails to act, 60 days after deployment U.S. troops engaged in hostilities must be withdrawn. In my mind this is a taking. It is Congress taking authority away from the President to act as commander-in-chief.

As important, the practical application of the War Powers Resolution is essentially rendered ineffective. We have seen that over the years. It was noted earlier by both speakers. It has also increased the danger to U.S. personnel and interests. By requiring the withdrawal of troops within 60 days unless Congress acts, the resolution permits Congress to drag its feet until policy is established by inaction. More troubling I think is that the resolution unwisely undermines U.S. policy. It is dangerous. Our enemies have a strong incentive if the War Powers Act acts as intended to resist negotiations and wait out the 60 days. Why should they not? In other words, the effect of the War Powers Act is really to embolden our enemies and endanger our military personnel overseas unnecessarily.

Whether we are dealing with Raoul Cedras, Manuel Noriega, or Saddam Hussein, we cannot simply afford to send our enemies the message that the actions of our military and the President are not the actions of the United States, do not constitute the will of Congress and the people. They must, until Congress explicitly acts otherwise. If we insist on keeping the War Powers Resolution, I would urge this Congress to make changes to it to force Congress to face the issue.

□ 1615

Let us vote up or down on the issue. Let us openly confront the question of deployment.

Under the war powers resolution, we have got it both ways. We have got the best of both worlds. We can tie the hands of the President and avoid a direct up-or-down vote on an often tough issue whether to deploy or not. If we keep the resolution, I think it would be better to establish expedited procedures during that 60-day period, forcing to act by joint resolution on an up or down vote, either authorizing action or requiring disengagement.

As President Nixon noted in his veto of the War Powers Act in 1973, "One cannot become a responsible partner unless one is prepared to take responsible action."

Let us act responsibly today, 22 years later, and end this congressional encroachment.

Mr. BERMAN. Mr. Chairman, will the gentleman yield?

Mr. PORTMAN. I yield to the gentleman from California.

Mr. BERMAN. Mr. Chairman, I appreciate the gentleman yielding, I appreciate his comments and certain parts of his argument I find very compelling.

Mr. PORTMAN. What part does the gentleman not find compelling?

Mr. BERMAN. The part I am going to get into right now. You spoke about working in the Bush White House and the War Powers Act tended to create some uncertainty, tended to immobilize the administration in some fashion, undercut the administration's aims.

I would like to develop this more extensively because the way I look at the War Powers Act, it is a law that no President recognizes, no court is willing to enforce, and as you pointed out, in almost every instance the Congress is not willing to step up to the plate anyway because they do not want to take a firm position because they want to see how it is going before they jump on the bandwagon.

Mr. PORTMAN. Reclaiming my time, the gentleman has made an excellent case for repeal of an ineffective act. Presidents have ignored the War Powers Act on an official basis. However, our enemies overseas know it exists. It is on the books. Frankly, it is a consideration taken into consideration as Presidents decide whether or not to go to Congress, as we saw with the Gulf War, to receive, and in that case approval, so it is something that is not working. It is unconstitutional.

The reason it is not working, I believe, goes to the Constitution. In other words, the constitutionality of it is the reason it is not working.

The CHAIRMAN. The time of the gentleman from Ohio [Mr. PORTMAN] has expired.

(On request of Mr. BERMAN, and by unanimous consent, Mr. PORTMAN was allowed to proceed for 2 additional minutes.)

Mr. BERMAN. Mr. Chairman, if the gentleman will yield further, is the gentleman saying that without the existence of the War Powers Act, the President would not have asked Congress to take a position authorizing the use of force in the Gulf?

Mr. PORTMAN. The answer to that question, reclaiming my time, I would say that is a consideration that every President has to factor in is that it is a law on the books. It is a pressure applied to the executive branch. It is a factor when one is considering deployment, and necessarily so. I think it would also lead to a lot less ambiguity, as I said earlier, with regard to our foreign adversaries.

Mr. BERMAN. If the gentleman will continue to yield, I started out thinking that I would vote for the repeal of this act. But if the consequences of repealing the act, if the existence of the act did in fact argue for the President to come to Congress to ask for authorization for the use of force, you have given me the most serious, important, and useful purpose, more than I ever thought that I had.

Mr. PORTMAN. I would encourage the gentleman to take a look at the Hyde amendment carefully because it requires the kind of notification and the kind of consultation that, frankly, I do not think we have now. I think, under this new iteration, with repealing the War Powers Act, by being required to come to Congress for notification and for consultation, I think you would find that in fact Congress would be more of a partner with the executive branch in the future.

Mr. BERMAN. If you just would yield one more time, but that sort of begs the question. Consulting, we have all kinds of consultations, and all kinds of notifications, the fact is Desert Storm was a carefully planned, date-certain decision to use force. If it was not a war, then there is not any.

You are telling me, it sounds like, that in the Bush White House one of the reason they decided to come to Congress, to not consult, not notify but to seek authorization for the use of force, was the existence of the War Powers Act, which makes a case for the existence of that act and an argument against the repeal. I think, perhaps more than any I had thought of, making me change my mind.

The CHAIRMAN. The time of the gentleman from Ohio [Mr. PORTMAN] has again expired.

(On request of Mr. HYDE and by unanimous consent, Mr. PORTMAN was allowed to proceed for 2 additional minutes.)

Mr. PORTMAN. I thank the gentleman.

I thank my colleague from Illinois may have some salient comments on this. Let me say the power of the purse, to my friend on the other side of the aisle, is far more powerful and is a much more powerful inducement, I believe, to that President and other Presidents, than any other. Congress could always have acted to force us to withdraw troops from the Gulf had we used the power of the purse and pulled the appropriations. That is ultimately where I think our power derives. I think also, if you look at the amendment, you will see there is consultation and notification that would actually take place.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. PORTMAN. I yield to the gentleman from Illinois.

Mr. HYDE. I would just tell my friend from California at that time in history I was ranking member of the House Intelligence Committee and, therefore, I got invited into the consultations, and we spent a lot of time, many, many days at the White House, Dante Fascell, Senator NUNN, everybody who had any connection with the military, foreign affairs and intelligence sat around and this was fully, fully debated. There was no question that the President was going to do something without Congress's knowledge and acquiescence.

So I do not know what the gentleman doubts, because we require prior consultation, during consultation, after consultation, notification within 48 hours, and reports, detailed reports.

Mr. BERMAN. If the gentleman will yield, I understand there was all kinds of consultation, and I was in some of those meetings as well.

But what the gentleman in the well is saying is, in the end, the decision to come to Congress and ask for authorization was at least in part made because of the existence of the War Powers Act.

The CHAIRMAN. The time of the gentleman from Ohio [Mr. PORTMAN] has again expired.

(On request of Mr. HYDE, and by unanimous consent, Mr. PORTMAN was allowed to proceed for 2 additional minutes.)

Mr. HYDE. If the gentleman will yield, I would just say to the gentleman from California [Mr. BERMAN], and I hope I do live to see the day that you are President, I would be very thrilled and applaud that good judgment by our American voters, but I would say this——

Mr. BERMAN. Would you endorse me for reelection.

Mr. HYDE. I did not catch that. What did you say?.

Mr. BERMAN. I said would you just endorse me for reelection?

Mr. HYDE. I would not mind. I do not know who your opponent is.

Mr. PORTMAN. Reclaiming my time——

Mr. HYDE. You are getting me in trouble here. I would work very hard for the gentleman's vote.

Let me just say this to you: There is no question that a law on the books has to be taken into account by a President. He may think it is unconstitutional, but to just deliberately flout a law that is on the books and has not been declared unconstitutional would be very foolish. So I do not think you can read into the fact that they considered the existence of this law that it animated them to do anything. Common sense and the President's own military experience and service in Congress required him to consult, and he did.

Mr. BERMAN. If the gentleman would yield, but in the end, the Constitution gives the warmaking power to the Congress. Obviously, statute cannot repeal or modify or limit the power. I would have thought that the President would feel compelled to come to the Congress and that the use, authorization for use of force was the substantive equivalent of a declaration of war, and if in fact that is not the case, that was not the constitutional power of that provision that motivated him to come to Congress but, in part, was one of the considerations, it makes me a little concerned about what was, when I got up, an inclination to vote for repeal of this law.

Mr. PORTMAN. Reclaiming my time for what little time remains, I would just say I would like to echo the comments of the gentleman from Illinois. I think it has to be a consideration when it is on the books. I think it is ineffective. I think it violates the constitutional rights of the commander-in-chief. I think the reason previous Presidents may have come to Congress, including the case the gentleman from California mentioned, perhaps that was a factor, but there are other considerations that were overriding.

Mr. GEJDENSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the situation in the world today, there is a lot of focus on Bosnia.

If this Congress votes to exclude itself in any active way from the process of engaging military forces around the globe, it will be very difficult for either Republicans or Democrats to come back here if American troops are committed in a serious way to Bosnia, and say, "Wait a minute, we want to get at this some way."

And what is the response going to be? "Well, you have got consultation. You are guaranteed to be consulted with. They will call you in and they will explain there are now troops on the way to Bosnia." You will say, "We want to do something about it." "Well, there is going to be another consultation as soon as the troops get there. When we get time to take the troops out, you will get another consultation."

The war powers provisions are not perfect. This is not a world that can easily accommodate the two branches of government involved in the decision to commit American forces in war with a time frame that is often instantaneous.

But there is no question that the war powers provision, as is evident from the comments of the gentleman who just spoke, have forced Administrations to recognize the need to involve the Congress.

Now, is there an advantage to giving the Congress an opportunity to view the President's policy before making a commitment? Well, I would tell you that many of the Members of Congress who voted for the Gulf of Tonkin Resolution wish that they had not done so.

Why? The most difficult act in American politics is not to be wrong, it is not to be even voting against your constituents' interests. It is to be inconsistent, and it is impossible to explain that the circumstances have changed.

We all remember Mr. Romney when he ran for President changed his position on Vietnam. He said he was brainwashed. Well, that was probably a bad choice of terminology. But he was dead.

It is very hard for a Congress that has at the ground level jumped in the boat on a strategy to then review that strategy. It is almost impossible for an executive. An executive in his first term, looking at reelection, takes a course of action, and then he is going to come back and say to the American people, "I made a mistake. We lost 5,000, we lost 10,000, we lost 300 men. But it was a mistake being there." No, he has got to stay the course. That is what seems to sell politically.

It is a lot better to have a Congress that has maybe sat back, in some instance out of lack of courage, I will grant you, but it is also timely, often, to sit back and view a policy and make a decision after more of the facts are in.

This is not a perfect process. But it is no question that simple consultation, and I think the desires of the gentleman from Illinois here are honorable, there is no question he is frustrated by what we have done in Congress all too often, and that it sat back as Presidents took action, fearful to take a public position, and he is also probably frustrated by Presidents who did not come to the Congress and demand we get engaged, but the Presidents do have that authority.

The President did not come here and ask us to give a declaration of war. The President can come here, as President Bush did, and ask for support for what he is doing, which may not be technically meeting of standards of being committed to war, but certainly was basically telling the same thing to the American people, that both the President and the Congress were on the same side of this particular issue.

The war powers provisions, I think have worked. They have worked to force the dialogue, to force the President to take into account what Congress might do, what Congress's actions could be if things do not turn out as rosy as the generals and the CIA tell them they are going to be.

To change the war powers provisions is for Congress to abdicate any serious role in the commitment of troops on the ground.

Again, whether in the next 4 years or in the next 5 years, whether a Republican or a Democratic President, think of yourself as a Member of Congress who voted to get rid of the war powers provision, think about yourself at a town meeting, and they are saying, "Congressman, my son is in a battlefield today. I want you to bring him home." Your answer is going to be, "I get to be consulted by the President."

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. GEJDENSON. I yield to the gentleman from Illinois.

Mr. HYDE. Mr. Chairman, why does the gentleman assume paralysis on the part of Congress when it comes to appropriating money? Is the gentleman not aware that we have cut off funds time and time again for military operations? And the gentleman, as a Member of Congress, could join in the consensus that can be developed and cut the water off immediately.

Mr. GEJDENSON. The problem with simply dealing with the funding issue, we saw at the tail end of the Vietnam war, we have seen it in so many other instances, that the Administration, one has multiple resources.

The CHAIRMAN. The time of the gentleman from Connecticut [Mr. GEJDENSON] has expired.

(On request of Mr. HYDE, and by unanimous consent, Mr. GEJDENSON was allowed to proceed for 1 additional minute.)

Mr. GEJDENSON. Mr. Chairman, Administrations have multiple resources for smaller wars that they can operate without direct funding, and additionally, what it leaves us with is only one option to review the process, and often an option that is very difficult to bring to the floor.

My HYDE. I just think the gentleman underestimates the power of Congress.

Mr. GEJDENSON. I have been here not as long as has the gentleman from Illinois, but there is no question the power of Congress is enhanced by a law that gives us a role and a positive action in the process rather than simply being consulted.

□ 1630

The consultation process again is a very weak situation to find yourself in. The President fulfills the law if he calls up the Congress and tells them what he is doing. I think it is much better, both for Congress' responsibility and the President's responsibility, to force Congress to either take an action or, through its lack of action, to give the President support for his policies, and also clearly to give Congress and the American people some time to view the developments in the field.

Mr. ROTH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this is an extremely important debate. Although I was not going to talk on this issue, this is an issue that can affect the lives of many, many Americans, and I think that we all have to have our say. I rarely disagree with my friend, the gentleman from Illinois [Mr. HYDE]. He is one of the best members, by far, that we have on this committee, and I have sat next to him in the International Relations Committee for 10 years.

On this particular issue, which is of paramount importance, I listened closely to the comments from our former Presidents that were quoted here on the floor and from the people who worked in the White House. They are very eloquent. But, as my colleagues know, every president finds Congress inconvenient and an intrusion, but we are a democracy, not a monarchy, and that is why it is so important for Congress to be involved.

The American people have a right to have a say, and the American people, especially on issues of war where we send our sons and daughters into harm's way, certainly should have a right to speak out.

I once went on TV and debated the repeal of the War Powers Act with Representative Solarz. While debating, I said, yes, we have to repeal the War Powers Act. But when we stop to consider what we have seen since 1973, there is a reason why the War powers Act resolution was passed by this Congress. The history shows as I see it, that there are only two central issues involved in the War Powers Act: first, how to ensure that the president consults with Congress before U.S. troops are sent into hostilities; and second, that Congress must approve the use of forces or else they will be withdrawn within 60 days.

Now in the last 22 years there have been 40 occasions when the Presidents have consulted with Congress under provisions of this act, and these have covered events from Lebanon, to the Persian Gulf, to Haiti, Somalia and even to Bosnia. Twice Congress has invoked the act in authorizing the use of troops in combat, in Lebanon and also in the gulf war.

However, the crux of the law, which is forcing the withdrawal of U.S. troops when Congress does not approve, has never been invoked. There are some 12 cases that have come before the courts, and the courts have not become involved. This is the history of the War Powers Act.

But let me suggest to the members that this is probably the most important time to debate this resolution, because we are on a brink of war today. I mean that last night we had some 1,500 troops ordered out of Germany and flown down into Italy to get ready to jump into Bosnia, into that civil war. So this is the time to debate this issue, because the deepening crisis in the Balkans may lead us at some point to invoke the war powers to withdraw these forces.

After all, the American people are not in favor of this intervention. In matters of months, or weeks, or even days we may be grateful that we have the War Powers Act on the books. I want to be able to go back home and tell my people, You're darned right, I spoke up on the floor of Congress about this. This is an issue that involves the lives of young men and women here in our country, and it's important for us to speak out.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. ROTH. I yield to the gentleman from Illinois.

Mr. HYDE. I want to suggest to the gentleman I am as concerned as he is with the lives of young people. I have been in combat, I was in an invasion, so I am very sensitive to that.

Now will the gentleman tell me why is it, does he believe, that Congress is impotent to stop within one day any military engagement if we cut off the funding? Is the gentleman aware of how many times we have done that?

Mr. ROTH. Yes, I will——

Mr. HYDE. Why are we impotent? Why do we need this act which is a nullity——

Mr. ROTH. Let me take back the balance of my time, and I will be happy to respond. I say to the gentleman: With war powers you're giving the President 60 days to withdraw those troops. If he doesn't withdraw those troops, Congress is intervening.

I feel that Congress has not only a right, but has an obligation, to speak out in cases of America getting into war. That is why I think that the war powers resolution at certain critical times is something that we should have. We should have the power——

Mr. HYDE. When has it been used?

Mr. ROTH. I think twice, once in Lebanon and once in the gulf war.

Mr. HYDE. Nobody ever conceded that that was for the War Powers Act.

Mr. ROTH. I know that is your view, but let me take back the balance of my time and say the reason the President, I think, has been more sensitive to Congress is because we have had the war powers resolution on the books. I think, if we had not had the war powers resolution on the books, the President may not have been that sensitive to Congress.

I do feel that it is very important for the Congress to speak out. In my opinion, repealing war powers is like abolishing the fire department just because there has not been a fire in the last couple of years. We are facing an intervention in Bosnia right now. Just because Congress has not used the War Powers Act——

The CHAIRMAN. The time of the gentleman from Wisconsin [Mr. ROTH] has expired.

(By unanimous consent, Mr. ROTH was allowed to proceed for 3 additional minutes.)

Mr. ROTH. For example, I think we are facing a very perilous time right now in Bosnia, and, as I mentioned before, there is a looming crisis. If we repeal the War Powers Act now in the face of a wider war in the Balkans, this Congress could, in my opinion, be guilty of dereliction of our duty to the American people and the young Americans whose lives may be at risk.

I feel that we in Congress have an obligation to speak out, and I am sorry that we have not been speaking out more forcefully in Bosnia. If the President is going to put 25,000 troops in Bosnia, why is this Congress not speaking out? Why are we not debating that issue on the floors?

On Friday we lost a pilot in Bosnia, one man, one American, and today it is Wednesday. We still have not found him. We do not know if he is alive or dead. Now we are getting ready to put 25,000 troops into Bosnia, and this Congress is not debating this issue.

I think we are being derelict in our duty, quite frankly, and I think that is why the war powers resolution is important, because it keeps Congress in the act. But if the President, as we have seen, is listening to people other than Congress, I think that is why the war powers resolution is so important.

How many of my colleagues here are aware just how close we are to fighting in Bosnia? I certainly hope we are aware of it. The Clinton Administration has promised to send some 25,000 ground troops into Bosnia. This is very serious; it is serious for our troops.

Sure, the people here are not going to be fighting, but the kids off the dairy farms in Wisconsin, small cities of Wisconsin, are going to be fighting, and I do not want them going into Bosnia without my having a right to speak up on the floor and having this entire Congress debating that issue. That is why this is important.

We all too often have been derelict in our duty. We have had 40 engagements since the War Powers Act was instituted, and only twice, only twice, have we invoked the war powers, and I think it is very important, especially at a time like this, that we not repeal the war powers resolution.

It has not harmed our foreign policy. We have had it for 22 years. Show me one instance where it has done any harm. It has not done any harm, so why repeal it?

With this administration seemingly bent on jumping into the quagmire, we simply cannot afford the risk.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. ROTH. I yield to the gentleman from Illinois.

Mr. HYDE. Can the gentleman envision Saddam Hussein taking comfort in the fact that after 60 days maybe the troops would be withdrawn while Congress dithered?

Mr. ROTH. Reclaiming my time, I say to the gentleman, Congress did not dither. I was here on the floor, and so were you, and so was everybody else when we voted to give George Bush, the President, the power to go into the Gulf War. So we were in that decision, and it didn't stop, hinder, us in any way because we had the war powers resolution.

I do not think that the war powers resolution ties the hands of a President, and I say, You're never going to be able to do that, but I think what it does is put Congress into the equation, into the debate. When we go into these issues of life and death overseas, I think it's not only right but it's proper, and it's our duty to do that.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. ROTH. I yield to the gentleman from Illinois.

Mr. HYDE. I just want to say I was here in 1975, and I remember it was 2 o'clock in the morning, and we were debating, and we debated—the total debate lasted three weeks, and President Ford wanted authority to send troops to get our people out of Saigon, and Congress never could reach a decision, and I remember John Connolly—John Conlan, I guess his name was, from Arizona—standing there saying, "It's Dunkirk over there. We're getting pushed in the sea."

Congress could never come to closure. The President finally sent the troops anyway, but that is what it was——

Mr. ROTH. Reclaiming my time, in the 22 years that we have had the War Powers Act on the books, it has not inhibited the President for a second in any particular time, and the Congress has got to be involved in these important issues.

The CHAIRMAN. The time of the gentleman from Wisconsin [Mr. ROTH] has expired.

(On request of Mr. BERMAN and by unanimous consent, Mr. ROTH was allowed to proceed for 1 additional minute.)

Mr. BERMAN. Mr. Chairman, would the gentleman yield for a question?

Mr. ROTH. I yield to the gentleman from California.

Mr. BERMAN. Through the gentleman I would like to ask the gentleman from Illinois:

"I think there is a good case that the 60-day provision creates a level of uncertainty and can create an expectation in the enemy that doesn't serve U.S. national interests. But you don't need to repeal the War Powers Act to do that. You need to deal with the 60-day requirement, and I just wonder how the gentleman feels about that particular concern, given that it is not enough to say the appropriations process. If you are talking about rescinding the appropriations for the military in the middle of a fiscal year, you are talking about getting the votes to pass it to override a veto. It's very different than the majority of the Congress cutting off—as simple as cutting off the appropriations in the middle of the year. That can't happen."

Mr. DORNAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to thank my colleague from Illinois for graciously letting me go out of sequence here, although it does keep a continuity of pro-con, pro-con, and I will try and be brief here because I have pride of ownership here.

H.R. 1111 was the only bill in either body all year building up to this debate. I am indebted to my friend, the gentleman from Illinois [Mr. HYDE], for carrying this. I am going to put Mr. HYDE'S article, which I think says it all, when we go back into full House, and I will ask permission to do that at the end of the debate, and I am really curious to see how this debate is going to turn out because it has been a excellent debate, and I have got friends all over this.

As a matter of fact, the reason I am a bit antsy and about to get a hernia to get my chance is I have got the Secretary of Defense, William Perry, and Chairman of the Joint Chiefs, Shalikashvili, sitting there in the National Security Committee, and I do not want to send one single American young man or woman, not even fighter pilots, not "Deny Flight," not top cover, not close air support. No American from this country, or Canada for that matter, should die for Europeans again in another civil war inside Bosnia-Herzegovina, and look what is seemingly contradictory. I am trying to give the President more power to act, and the reason I ask for that number 1111 is because this gives the Commander-in-Chief the ability to move quickly, effectively, unilaterally in our national interests before a prolonged debate here brings in Europe, Asia and Africa's opinions, and it enables him to move decisively.

Now obviously I am doing this for future Presidents. Nobody thinks about some of these military expressions like over hill or over dale, or off we go into the wild blue yonder, when you think of our Commander-in-Chief, let alone Semper Fidelis or Semper Paratus. However, I am doing this for history, for the Presidents to come. I would not go back through all the President's letters.

Suffice it to say this:

"Somalia proved the point of Mr. HYDE and myself, Mr. FUNDERBURK. Somalia proved that the current chain of command is more concerned about meeting requirements of the war powers resolution than ensuring that we deploy adequate combat power when necessary. If it weren't for this darned War Powers Act, we never would have thought twice about lending one M–1, one tank, or one Bradley. They had six of those at Waco. We didn't have one to blow through those road blocks on the ground in those filthy alleys of Mogadishu. We would have had our AC–130 Specter gunships in there. American troops would have had the support they needed, and maybe not one or most of the 19 of best-trained sergeants and helicopter crews would have died in the alleys of Mogadishu."

Please support the Dornan-Hyde amendment. It is time to repeal the War Powers Act, and I look forward to an overwhelming vote today, and I tell the gentleman in front of my colleagues, "Mr. DURBIN of Illinois, I owe you one."

Mr. DURBIN. Mr. Chairman, I move to strike requisite number of words.

Mr. Chairman, I respect my colleague, the gentleman from Illinois [Mr. HYDE], and I respectfully disagree with his amendment.

☐ 1645

One of the saddest responsibilities of any Member of Congress is to stand at the funeral of a fallen soldier. Many of us have had to do it. After the crack of the rifles, after the honor guard has folded the flag from the casket into a neat tri-corner and handed it to the family, it is often our responsibility to walk over to the family of the fallen serviceman and to strain to find some words to say.

I do not know that I could walk up to the family of a soldier who has died in the invasion of a foreign land, and say I am very sorry, but Congress voted just a few weeks ago not to have any voice in the decision as to whether your son or daughter would go to war. You elected me as your Representative, but I had no voice in a premeditated declaration of war which ultimately took the life of your son or daughter. You gave me your voice in Congress to represent you, and I gave it away. I could not say that.

Our Constitution could not make it clearer. Article I, section 8, clause 11 of the Constitution confers on Congress, the House of Representatives and the Senate alone, alone, the power to declare war, and the War Powers Act, imperfect though it may be, is an effort to carry out the intent of our Constitution, the clear unambiguous intent of that Constitution, to require Congress, and the American people through them, to enter into a debate and deliberation before we send our sons and daughters off to die.

I think today, 22 years after the fact, we may have forgotten the circumstances of the creation of this War Powers Act. It is said that those who ignore history are doomed to repeat it. This act was enacted in 1973 over the veto of President Richard Nixon. It followed the Vietnam war. It was an extraordinary situation. Congress came together, Democrats and Republicans, and rebuked the sitting President of the United States and said "We have learned our lesson. Vietnam has taught us a bitter lesson. Never, never, never again will this country allow so many wonderful young men and women to give up their lives without the kind of full-scale national debate of this Nation through its Congress."

Then we enacted the War Powers Resolution, after 58,000 Americans lost their lives in an undeclared war which Robert McNamara now concedes as unwinnable in his infamous apologia. An America ravaged by the divisive national debate over Vietnam, an America devastated by the loss of so many good men and women in that war, an America cynical over being lied to and misled by Presidents of both political parties, that America of 1973 passed this law and vowed to do everything in its power to avoid any repetition of the national tragedy of Vietnam.

So today, 22 years later, we come to repeal the law, to walk away from it, to basically abdicate our congressional responsibility, to say to this President and every President to come, it is your responsibility. It is your war. Come see us, consult us, talk to us. If we get upset with it after it is done, we will probably try to address it through an appropriations process.

Like so many other actions we have taken over the last several months, this is a further erosion of the power of everyone sitting in this gallery and everyone listening to my voice who elects a man or a woman to come and stand in this well before this microphone and speak for them. It takes away that power. It takes away the authority of your family to be represented in that national debate.

As I reflect on what I have accomplished in the years that I have served in the House of Representatives, one of my proudest moments was to cosponsor a resolution with former Congressman Charles Bennett before the Persian Gulf war. That resolution brought every Member of the House of Representatives to the floor in an all-night session to express their most heartfelt views as to whether or not we should engage in war. It was the finest hour of this Chamber in all the years that I have served. We stood tall for the constitutional principle that it was our responsibility to declare that war and to decide whether anyone's life would be risked. And we passed that resolution, saying it was the congressional responsibility, by a bipartisan vote of 302 to 131. We then went on to vote on the question.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. DURBIN] has expired.

(By unanimous consent, Mr. DURBIN was allowed to proceed for 3 additional minutes.)

Mr. DURBIN. Mr. Chairman, as was alluded to by the gentlewoman from Colorado, after that debate, after the bipartisan decision that it was Congress' responsibility to decide whether we would go to war, we voted on the question. You could have heard a pin drop in this Chamber. People were waiting to see what would happen. It prevailed. President Bush's position prevailed. And even those, and I was one, who were critical of the idea of engaging in that war then said the debate is over. We stand behind the men and women whose lives are on the line. And we went forward, united as a Nation, to a swift and decisive victory.

Now, I know when the Constitution was written wars were conducted in a much different fashion. It took months, sometimes years, to muster an army and to bring about a war. There was plenty of time for deliberation. We live in a different time. The Commander in Chief of the United States, the President, has that express authority in the Constitution. He must respond to emergencies immediately. He cannot wait for Congress to debate it. The President of the United States as Commander in Chief must take defensive actions immediately. He cannot wait for a committee hearing.

But in a Persian Gulf war situation, with a premeditated deliberation, we had a chance as a nation to decide as a nation what we would do. This decision today, if we adopt the Hyde amendment, completely walks away from this congressional opportunity and responsibility.

To argue that we could take the funds away once the war has started, sure, that could happen, over months, maybe even over years, as we debate back and forth the right language, whether an appropriation will be changed, whether we can override a veto. Sure, Congress has a voice in it, but only a voice, and a muted one, because of this amendment.

I implore my colleagues not to seize this amendment as the opportune moment today in today's circumstances, but to reflect on the history that led up to this war powers resolution, the history of Vietnam, the history that taught us as a country and as a Nation we must stand together as a people and debate whether or not we engage in premeditated war.

Mr. Chairman, I urge my colleagues to oppose the Hyde amendment.

Mr. FUNDERBURK. Mr. Chairman, I move to strike the requisite number of words.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. FUNDERBURK. I yield to the gentleman from Illinois.

Mr. HYDE. Mr. Chairman, I just want to say I listened awestruck by what the gentleman from Illinois just got through saying. It appears to me that he really believes this act, this war powers resolution, which the Congressional Reference Service 2 days ago said, with respect to your question regarding the number of instances when the Congress has utilized the war powers resolution since its enactment in 1973 to compel the withdrawal of U.S. military forces from foreign deployments, we can cite no single specific instance when this has occurred.

It has never been used. The gentleman seems to imply that Congress would be in a state of paralysis if we got into a combat situation. I would tell the gentleman, but he knows this, we have a Committee on Appropriations, a Committee on Armed Services, a Committee on International Relations, and they would be vigorously holding hearings and disbursing legislation, and we control the purse. The existence or nonexistence of the War Powers Act is utterly irrelevant.

I thank the gentleman.

Mr. FUNDERBURK. Mr. Chairman, I am proud to stand with Chairman HYDE and Congressman DORNAN as an original sponsor of this amendment.

Mr. Chairman, there is no more vocal critic of this administration's foreign policy and its misuse of the military than this Member. My district borders Fort Bragg. The soldiers of the 18th Airborne Corps have borne the brunt of the Clinton administration's misadventures in Somalia and Haiti. As we speak the Clinton administration is even contemplating action in Bosnia. But, the issue here is not the competence of Bill Clinton. The issue is whether we will be faithful to the Constitution and restore the delicate balance of power between the President and the Congress.

There will be some who say that the timing of this amendment is wrong. They argue that with war in Bosnia looming we should maintain the status quo. That argument is wrong on two accounts. First, adhering to the original intent of the Framers is never wrong. Second, the repeal of the War Powers Act increases the President's responsibility for explaining to the American people the reasons for expanding our role in Bosnia. Repeal the War Powers Act now and Mr. Clinton can't say his Bosnian policy was hamstrung by the Congress.

Mr. Chairman, despite events in Bosnia, this isn't a partisan fight. Every President since 1973, Republican and Democrat, has urged the repeal of the War Powers Act. Plain and simple, it is a ticking time bomb. If we don't diffuse it now, at a time of relative peace, it has the potential to explode during a great national crisis. In a strange way, this act, first promoted by the so-called peace movement of the 1960's and 1970's, reduces deterrence, increases the risk of war, and places our combat troops in greater danger.

Let me put this debate in some historical context. The conflict between congressional and Presidential war powers is as old as the Constitution. But, until the twin disasters of Watergate and Vietnam, the President's authority over the deployment of American troops had been relatively undisputed. The War Powers Act, passed over the veto of President Nixon in 1973, changed that. The act was the centerpiece of the activist, radical Vietnam/Watergate Congress.

As Ambassador John Norton Moore notes, the first problem is that the act itself is a product of a myth—the myth that somehow the Vietnam war was "a presidential war" and if Congress only had a veto over the President's war powers there would have been no lives lost in Indochina. That myth is nonsense. From the time of the 1964 Gulf of Tonkin resolution, the Congress passed appropriation after appropriation to pay for the increase in troop levels and material requested by the White House. The late Sam Ervin, the primary opponent of the War Powers Act and the leading constitutionalist in the Congress, argued that each Vietnam resolution and appropriation was a "declaration of war in the Constitutional sense."

Congress was a full and equal partner in the decision to prosecute the war. Only when the war became unpopular did the Congress try to shift the blame and the result was this misguided legislation.

This act is clearly unconstitutional. At its heart is an attempt by the Congress to define the war powers of the President. The Congress has no such authority. The President's power comes solely from the Constitution of the United States not a temporary majority on Capitol Hill. Congress has the power to provide the President with an Army and a Navy and to declare war but it has no constitutional authority to deny the President his right to deploy and engage Americans forces in any action short of offensive war.

Section 5 of the act contains the most egregious violations of the Constitution.

The CHAIRMAN. The time of the gentleman from North Carolina [Mr. FUNDERBURK] has expired.

(By unanimous consent, Mr. FUNDERBURK was allowed to proceed for 2 additional minutes.)

Mr. FUNDERBURK. Mr. Chairman, it requires the President to withdraw troops in any situation in which hostilities are possible within 60 days of the deployment. It gives the Congress a legislative veto over the constitutional prerogatives of the Executive. This is a flagrant attempt by the Congress to exercise the Commander-in-Chief authority vested by the Framers in the President.

Section 5 is also practically dangerous. It tells friend and foe alike that the President's commitment of force is only good for 60 days, after that American resolve is left to the whim of 535 Secretaries of Defense in the Congress. It sends a signal that if the Congress can't determine the propriety of the President's actions, this act automatically assumes that the President is wrong and it works as a silent veto over his decision. Knowing that American forces will disappear in 60 days might encourage an enemy to fight harder or wait us out in order to gain a political victory.

We have been lucky so far. But we can't continue to gamble with American security. What happens during a crisis to a President who considers the War Powers Act unconstitutional? The President must either give up his right to uphold and defend the Constitution or force a fight with the Congress at a moment of maximum danger to America. Can we afford to have such a momentous decision left up to the unelected justices of the Supreme Court? Let's head that disaster off right now. Mr. Chairman, it is long past time to repeal this dangerous legacy of the Vietnam era—it is time to dispose of the War Powers Act.

Support the Hyde-Dornan-Funderburk amendment.

Mr. GILMAN. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto be limited to 30 minutes, to be equally divided and controlled by the gentleman from Illinois [Mr. HYDE] and the gentleman from Indiana [Mr. HAMILTON].

□ 1700

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. HAMILTON. Reserving the right to object, Mr. Chairman, we are prepared on this side at some point to enter into a limitation of time and agree to a unanimous consent request. We do have a bit of a problem here, because there is an important briefing going on now in the Committee on National Security on Bosnia. I am informed that several of those Members would like to speak.

May I ask if the gentleman would defer his request for maybe 15 or 20 minutes, and we will try to reach an agreement.

Mr. GILMAN. Mr. Chairman, will the gentleman yield?

Mr. HAMILTON. I yield to the gentleman from New York.

Mr. GILMAN. Mr. Chairman, I will be pleased to defer for another 15 minutes.

Mr. HAMILTON. Mr. Chairman, I thank the gentleman for his cooperation.

Mr. GILMAN. Mr. Speaker, I withdraw my unanimous consent request.

The CHAIRMAN. The unanimous-consent request is withdrawn.

Mr. DEFAZIO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, it is interesting, if you followed the debate, the discussion of the repeal of the War Powers Act, what we have here actually is a partial repeal of the War Powers Act without due deliberation.

The committees of jurisdiction, the Committee on International Relations, has held no hearings and has marked up no legislation; the Committee on National Security, which is vitally concerned, has held no hearings and has marked up no legislation. Yet before us suddenly springs full blown a proposal to partially repeal the War Powers Act and to substitute a shadow of the constitutional powers delegated to the Congress by the Constitution.

We would be better served if this were an absolute repeal. It would be cleaner, and it would not give anyone the impression that the role of Congress was "the President shall in every possible instance," that is a pretty big loophole, "consult with," does that mean, Congress, who are they? All 435? I am a member of Congress. Would I be consulted with? Would I have an opportunity to represent the people of my district? No. A few people could be selected; one person could be selected. What does it constitute? This is a shadow of the authority that was granted to the Congress by the Constitution.

I admit that the War Powers Act is, in fact, effective and at the end of my 5 minutes I will sketch out a fix. But to partially repeal it and instead impose a very weak, prior consultation loophole-ridden provision certainly gives solace to those who believe that the commander in chief, the president, is preeminent. Unfortunately, none of the Framers of the Constitution felt that was a very good idea.

If you would refer to James Madison's notes on the Federal Convention, he quotes:

> Mr. Sharman thought it stood very well. The Executive should be able to repel and not to commence war. "Make" better than "declare," the latter narrowing the power to much
>
> Mr. Gerry never expected to hear in the Republic a motion to empower the executive alone to declare war.
>
> Mr. Mason was against giving the power of war to the Executive because not safely to be trusted with it; nor to the Senate, because not so constructed as to be entitled to it. He was for clogging rather than facilitating war; but facilitating peace. He preferred "declare" to "make."
>
> On a motion to insert "declare" in place of "make," it was agreed to.

That is reserved to the United States Congress, as is the power to raise armies.

The gentleman, the esteemed gentleman from Illinois has pointed out, certainly we have the powers of the purse, but once you of deployed troops, secretly, after consultation with one or more Members of Congress, if the opportunity arose and it was convenient for the President, once those troops are on the ground, under hostile fire, is this Congress going to stand up and repeal the funds immediately? No. Member after Member will come to the well and say, we must stand with the Commander in Chief, we must stand behind those troops, no matter how ill-intentioned the initial deployment. This Congress is not going to have anymore guts to cut off the funds than it does to use the implementation of the act and to require that the President submit a report, which has not happened during my time in this Congress.

The key here is prior restraint before we get into a shooting war, before we have had casualties, before emotions run high. Prior restraint was in the Senate version of the War Powers Act and, had we adopted the Senate version instead of the more watered-down House version, we would have an effective War Powers Act. We can fix the War Powers Act. We can require prior restraint and require consultation as the Framers of the Constitution intended.

It is no surprise that four former Presidents have said, "Repeal the War Powers Act." Of course, every Executive, as the Framers of the Constitution pointed out, is wont to foreign adventures without the restraint of this body, without having to go through a torturous debate before the U.S. Congress on the passing of resolutions.

But remember, again, if we are to do this through the appropriations of the powers of the purse, if a President has gone forward and if the Congress, a majority of the elected representatives of the people should say," Let us restrain the President, let us bring the troops home," the President could veto that resolution and it would require a supermajority of the Congress to exert our constitutional role.

Under this act, if we adopt this amendment, this is not a repeal of the War Powers. If we adopt this amendment to the War Powers Act, future Congresses will require a two-thirds majority in order to restrain the President's war-making authority, certainly nothing that the Framers of the Constitution would have envisioned, nor endorsed.

There is a fix to War Powers. It is possible. Three modifications: a return to the concept of prior restraint, as was in the original Senate bill, defining in advance those uses of the armed forces in hostilities for which the President needs no prior authorization; a prohibition on any other use of the Armed Forces in hostile situations and on any of the permissible uses lasting longer than 60 days.

The CHAIRMAN. The time of the gentleman from Oregon [Mr. DEFAZIO] has expired.

(By unanimous consent, Mr. DEFAZIO was allowed to proceed for 1 additional minute.)

Mr. DEFAZIO. A prohibition on any other use of the Armed Forces in hostile situations and on any of the permissible uses lasting longer than 60 days, unless such use is authorized by

Congress, and using purse string restrictions to enforce the prohibition; and providing for judicial review.

This is key. I am one who has gone to try and defend the constitutional prerogatives of the Congress several times in the last decade. But the courts will not act. We need to give standing so we need to provide for judicial review by conferring standing to bring suit upon Members of Congress in the event of presidential noncompliance and limiting the court's discretionary powers to dismiss such cases.

That would fix War Powers. That would reassert the war-making powers of the United States Congress. But if we adopt this amendment to War Powers, not repeal, we will superimpose and put in place a mere shadow of the power of Congress. And, yes, some Members of Congress might be consulted if it is convenient for the president and then we will have a war. I do not believe that that is what the American people want.

Mr. COX of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the preceding speaker in the course of his remarks acknowledged that the War Powers Resolution that we have before us that has been in effect for the last 22 years is toothless and weak. It is the weak version that was adopted that contains no restraint whatever on the Commander in Chief exercising the war power legitimately given to the Congress under the Constitution. In fact, it is a 60-day grace period during which this resolution unconstitutionally purports to confer that power for a time on the president.

I rise in wholehearted support of the amendment of the gentleman from Illinois [Mr. HYDE] to repeal the War Powers Resolution. It is now, and has been every day since it was passed, unconstitutional.

As has been pointed out several times in the course of this debate, President Clinton, President Bush, President Reagan, President Carter, President Ford and President Nixon all have said that this War Powers Resolution in effect for the last 22 years is injurious to the national security of the United States.

It is harmful to the United States. This resolution weakens both the President and the Congress. It is that bad. In time of crisis, it actually increases the risk of war. Most importantly for purposes of this debate, it offends two centuries of our constitutional history.

First let us take a look at how it weakens the Congress. It is very important to recognize that that is exactly what this is all about. It is a 60-day abdication of Congress's legitimate war-making power. Article I, Section 8, clauses 1 and 11 of the Constitution give to Congress the power to provide for the common defense and to declare war. There is no requirement that the Congress wait 60 days in order to exercise its constitutional authorities in these respects.

But the War Powers Resolution with its 60-day grace period purports to give the President carte blanche to wage war for a full 2 months without any congressional authorization, just as President Clinton did in Haiti. The War Powers Resolution has provided political cover for this Congress to sit back and do nothing for months, to abdicate its responsibility so that later it can take political pot shots at the President and the Commander in Chief after our troops are already in the field.

It has bred flabbiness in the real war-making power of this Congress. It has caused this body to retreat utterly and shamelessly as it did in Haiti when the then-Speaker of the House went so far as to prevent this House of Representatives from even debating the use of force in Haiti.

It weakens the Congress as well as the President. Here is how it is weakening the President. The vesting clause, Article II, section 1 of the Constitution, unambiguously grants to the President, not to the Congress, the totality of the executive power. Article II, section 2 of the Constitution provides that the President shall be the Commander in Chief of the Army and Navy. For centuries American Presidents have relied on these sweeping grants of authority to use our Armed Forces in a host of contexts without prior congressional action such as responding to attacks or threats on American forces, citizens or property, or when secrecy or surprise are essential.

No one thinks that we ought to have weeks and weeks of debate before the Commander in Chief could act in those circumstances or where the necessity for an immediate military response leaves no opportunity for congressional action. But the War Powers Resolution in effect over these last 22 years purports to shrink these historic inherent Presidential powers to just one circumstance: a direct attack on the United States.

Thankfully the War Powers Resolution was not on the books for a single one of the major wars in which our Nation has been involved over 200 years. It is a distortion of our Constitution. It ignores the entire course of our constitutional history. If it were correct, then Presidents Adams, Jefferson, Lincoln, Grant, Wilson, FDR, Truman and Eisenhower were all lawbreakers.

No American President of either party, including President Clinton, has ever recognized perversion of our constitutional order. None has ever pretended to follow its terms. It is instructive that in the course of this debate not a single Member has pointed to a single instance in which the War Powers Resolution was in fact invoked to withdraw U.S. troops from combat. It has not ever happened.

The War Powers Resolution claims to force an end to hostilities in 60 days unless Congress has affirmatively acted. This unwise and inflexible rule has emboldened our enemies. They have every reason to doubt our resolve.

The CHAIRMAN. The time of the gentleman from California [Mr. COX] has expired.

(By unanimous consent, Mr. COX of California was allowed to proceed for 2 additional minutes.)

Mr. COX of California. It has tempted our enemies to think that America's staying power in any conflict is limited to those 60 days. It is ironic that this measure enacted 22 years ago ostensibly for the purpose of limiting the use of force, minimizing it, has vastly magnified the risks of war, and it will continue to do so every day that it is on the books.

The War Powers Resolution illegitimately pretends to allow Congress by simple concurrent resolution to compel the President to break off military action. That is a flatly unconstitutional legislative veto. As the chairman, the gentleman from Illinois [Mr. HYDE], has pointed out so eloquently, through the exercise of its legitimate constitutional powers this Congress has ample means to achieve the same result.

Mr. Chairman, we can redress a grave constitutional injury today. We can improve the stature and the standing of Congress. We can protect our legitimate war-making prerogative by repealing the War Powers Resolution. We can strengthen the Commander in Chief simultaneously and restore his legitimate constitutional authority. And we can better defend the national security against tyrants and other external enemies by letting the world know our staying power in any conflict extends beyond a mere 60 days.

Mr. Chairman, our Constitution is right. The War Powers Resolution is wrong. Let us repeal it today for the sake of our national security and for the peace of the world.

□ 1715

Mr. HAMILTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, let me say first of all that I think the gentleman from Illinois, Mr. HYDE, has performed a genuine service here in bringing this amendment forward. There just is not any doubt at all that the War Powers Act just has not worked well.

The gentleman from Illinois has a serious amendment. It needs to be and is being carefully discussed. He very well points out that there are serious flaws in the War Powers Resolution. He is correct when he says that no President accepts the War Powers Resolution in its current form. He is correct, I think, when he says that the 60-day clock provision means the Congress can control by inaction, and thereby play into the hands of an adversary.

He is correct, I think, when he says that the concurrent resolution mechanism does not work. Put aside constitutional questions, which are serious, but that mechanism does not work. The statute does not define hostilities, and that allows the executive branch to stretch the meaning of it beyond rationality. The consultative process could stand a lot of improvement. I concede all that. I acknowledge that.

On the constitutional level, although it has not been finally determined, the concurrent resolution mechanism has likely been rendered moot by the Chadha decision on legislative vetoes. The 60-day clock by which congressional silence or inaction requires a President to bring the troops home very likely steps over the line into the President's Commander-in-Chief powers.

Having said all of that, on the constitutionality of the core principle behind the War Powers Resolution, it is at that point that I think that the gentleman from Illinois [Mr. HYDE] and I disagree. I believe that the Constitution absolutely requires that Congress share with the President the decision to send troops abroad for combat. We do not always do it, we often do not like to do it, but I do not think that we should cede the power away. That is the way I read the gentleman's amendment.

Mr. Chairman, it is very important to recognize the advantages of the War Powers Resolution. Despite all of its deficiencies, there are some real advantages to it. The decision to commit American forces to combat is the gravest decision that a government makes. Presidents are not infallible. They do make mistakes. They are surrounded by aides, almost invariably aides who favor the executive power. When faced with a judgment about committing troops abroad, I believe that the President needs the balanced judgment from the legislative branch.

The core principle behind the War Powers Resolution is that sending troops abroad requires the sound collective judgment of the President and the Congress. I do not think that principle should be abandoned. The War Powers Act provides a framework for shared decision making. It gives the President strong incentive to consider the opinion of the Congress, and I think most of us who served in the Congress before the War Powers Act and after the War Powers Act understand that presidents now are much, much more careful about consulting with the Congress with the War Powers Resolution than without it. It provides a precedent process to get congressional advice to consult with the Congress, and it does, I think, give the Congress some leverage on this key decision of sending troops into combat.

Mr. Chairman, the argument is made that the War Powers Resolution weakens the President's hand. I believe I would argue just the opposite. When the Congress goes on record in support of the President's judgment to send combat troops abroad, that collective judgment strengthens the President's hand. I think it strengthens the role of the United States in the conflict, because it shows that the Congress and the American people support the President. Absent the clear indication of support what a congressional authorization provides, the President and his policies are vulnerable to every blink of public reaction when U.S. forces face hostilities.

The CHAIRMAN. The time of the gentleman from Indiana [Mr. HAMILTON] has expired.

(By unanimous consent, Mr. HAMILTON was allowed to proceed for 3 additional minutes.)

Mr. HAMILTON. Mr. Chairman, we do a lot of signal sending in this body. I think the signal sending we do today is important. I have come down on the side that repealing the War Powers Act sends the wrong signal, because, as others have stated, it represents an abdication of our powers. It gives the President a kind of a green light for his action without the legislative branch, except consultation.

The argument is made, of course, that we have the power of the purse, and we certainly do, and that that is enough. I do not think I can agree with that. The power of the purse is not equivalent to Congress sharing the critical threshold decision, up front, about whether to send troops at all. The power of the purse is usually, not always, but usually exercised after the fact, weeks after the fact, sometimes months after the fact.

It is true that we can cut off funding any time for a given operation. It is very difficult to cut off funding before an operations starts, although we have done it on occasion, but it is difficult to do. Presidents are going to fight, as they should, to keep their options open. However, it is also difficult to cut funding after the troops are in the field. Senator Javits I think rightly pointed out that Congress can hardly cut off appropriations when we have American troops fighting for their lives in the field.

Mr. Chairman, I understand that the gentleman from Illinois has received a number of endorsements from former Presidents. However, I do not think that should surprise anyone. Former executives are not exactly disinterested parties in questions about war powers authority. This discussion goes to the very heart of what our institutional responsibilities are. Institutional prerogatives govern the war powers debate. It is not surprising that Presidents want fewer restrictions on their ability to take action.

However, I believe that the Congress should hold tenaciously to the power to share the tough decision about putting troops into battle. I look upon the act of repealing the War Powers Act as an act of abdication by the Congress of its power.

The CHAIRMAN. The time of the gentleman from Indiana [Mr. HAMILTON] has expired.

(By unanimous consent, Mr. HAMILTON was allowed to proceed for 1 additional minute.)

Mr. HAMILTON. Mr. Chairman, the Congress can stand against a President. The Congress can stand beside a President. What Congress must not do is to stand aside. Congress should not cede its constitutional responsibilities. We are a co-equal branch of government.

Of course, consultation is necessary and important, but it is not enough when it comes to the War Powers Resolution. This is an extraordinarily important debate that the gentleman from Illinois, [Mr. HYDE] has opened up. I know him well enough to know, and I have visited with him about it, that this amendment is the beginning, and not the end, of a serious dialogue on the war powers. It is my hope that his amendment, if it is adopted, is not the final proposal, but I do think our vote today sends a signal.

The CHAIRMAN. The time of the gentleman from Indiana [Mr. HAMILTON] has expired.

(At the request of Mr. HYDE and by unanimous consent, Mr. HAMILTON was allowed to proceed for 3 additional minutes.)

Mr. HAMILTON. Mr. Chairman, if we are prepared to cede congressional power on this important decision, then the vote is yes. However, if Members believe, as I do, that Congress has a role to play when we send these troops into action, that we ought to be in on that decision, even though we reluctantly take that decision, or try to avoid it, then I think Members should vote against this amendment.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. HAMILTON. I yield to the gentleman from Illinois.

Mr. HYDE. Mr. Chairman, I thank my friend for a thoughtful, well reasoned, and illuminating statement, which is typical of the gentleman. I just want to simply say in Vietnam there was not a bullet shot, there was not a gun held by a GI, that was not authorized and paid for by this Congress, and this Congress can stop it, or can make it go ahead any time it wants.

I suggest again to the gentleman that my amendment requires us to know, to be in at the take-off as well as the landing, to be not only informed but to be given reports, periodic reports. Then we have the power to stop it or go ahead, and be a full partner.

We would be the dominating partner, because the President cannot wage war without our funding it.

Lastly, the lesson of Vietnam, to anybody who is not deaf, dumb, and blind, is that you cannot carry on a war without the support of the people. That means the support of Congress. We are, under the Constitution, under the power to appropriate and raise the money and spend it, we are full partners. We are the senior partner with the executive.

The CHAIRMAN. The time of the gentleman from Indiana [Mr. HAMILTON] has expired.

(By unanimous consent, Mr. HAMILTON was allowed to proceed for 1 additional minute.)

Mr. HAMILTON. Mr. Chairman, the gentleman from Illinois, of course, always states well and eloquently his position. I think the problem with the gentleman's position is that there comes a critical point, a very critical point when you have to decide to commit these troops or not. The power of the purse really is not involved at that point. We want the power at that critical point, at the threshold of the decision, to be part of that decision.

It is not enough just to be consulted. We have to be consulted, but it is not enough. We are a co-equal branch of government. This is the most important decision a government makes, and we ought to be in on that threshold decision when it is made, not later when we take up the appropriations bill.

Mr. GILMAN. Mr. Chairman, we have now had 13 Members speak on this debate.

I ask unanimous consent that debate on this amendment and all amendments thereto be limited to 30 minutes, to be equally divided and controlled by the gentleman from Illinois [Mr. HYDE] and the gentleman from Indiana [Mr. HAMILTON].

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. HAMILTON. Reserving the right to object, Mr. Chairman, the problem I confront here is that we have a list of 8 speakers on our side remaining. That could easily jump by a couple. A cut-off at 6 o'clock, 15 minutes on each side, would just be extremely limiting.

Mr. Chairman, I wonder if the gentleman would agree to 6:30.

Mr. GILMAN. Mr. Chairman, we only have three speakers on our side. would the gentleman agree to 6:15 as a cut-off time?

Mr. HAMILTON. Mr. Chairman, I would agree only to 6:30.

Mr. GILMAN. Mr. Chairman, I ask unanimous consent that debate on this amendment and all amendments thereto be limited to 1 hour, to be equally divided and controlled by the gentleman from Illinois [Mr. HYDE] and the gentleman from Indiana [Mr. HAMILTON].

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN. The gentleman from Illinois [Mr. HYDE] is recognized for 30 minutes.

Mr. HYDE. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan [Mr. UPTON].

□ 1730

Mr. UPTON. Mr. Chairman, I thank the author of the amendment for yielding me the time as he knows that I am opposed to his amendment.

Mr. Chairman, I rise in opposition to this amendment for a number of reasons. As the previous speaker indicated, I do believe very strongly that we need a shared responsibility between the branches of the Government. I can remember well, probably the biggest vote that I have ever cast, certainly the biggest vote that I have ever cast was to give President Bush the authority to go into the gulf war. I view the War Powers Act as one of the major issues back then as to why the President came to this body and came to the American people and persuaded them convincingly that that was the right vote. I am not so certain that he would have done that had there not been a War Powers Act.

I have talked to Members of Congress on this floor today who have indicated that had he not come to the House floor, they probably would have voted to impeach him, and yet they still voted for the resolution as it passed that night in January on a fairly convincing vote.

Mr. Chairman, I remember well an earlier vote that same night, the Bennett resolution, a resolution that passed in this floor 302–131. It expressed the sense of Congress that the Constitution vested the power to declare war on Congress and that the President must gain congressional approval before any offensive military action could be taken against Iraq. That was a check and a balance. That is what this Government is about, a check and a balance.

As I look at the votes that were cast on overriding the President's veto, President Nixon back in 1973, I look at a number of my colleagues past and present. I passed one today, Larry Coughlin, who voted to override the President that day. But I look at some of the names, Mr. Edwards and Dickinson of Alabama, later became the ranking members on the Committee on Armed Services here in the House and served in a distinguished way and on Appropriations as well. I look at Mr. Rousselot from California who voted to override, at the gentleman from Illinois [Mr. CRANE], still in the House, and Mr. Erlenborn and Mr. Anderson. I look at TRENT LOTT, now the majority whip in the Senate, who voted to override. I look at my own former Members from Michigan, Bill Broomfield, who were ranking Members of this committee. I look at Mr. Frenzel.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. UPTON. I yield to the gentleman from Illinois. I wish the gentleman had been in the Congress in 1973.

Mr. HYDE. Mr. Chairman, I would just point out to the gentleman that there was another issue overhanging that debate and that vote. The President had just gone through the Saturday night massacre. There was nobody more vulnerable on this planet than Richard Nixon, and I dare suggest, without knowing, a lot of those people wished to show a lack of support for the President because of the problems he was having. I could be wrong but I would just like to offer that. I thank the gentleman.

Mr. UPTON. Again, I respect the gentleman from Illinois tremendously, but this is an issue that puts the Congress as a player in making decisions that are certainly, I think, the biggest ones that we make, sending, whether it is our children or our friends' and neighbors' sons and daughters off to war. I believe that it has to be more than a consultation process, it has to be one where we can take some action. Again, I look at the gulf war. I do not believe that President Bush may have come to this body seeking our approval without that hanging over his head. He did so, and he did so admirably. He made the point and we had strong bipartisan support. Thank goodness it was the right decision for all of us to live by.

I would just suggest that perhaps we do need reform of the War Powers Act, having seen it play now for 20 some years. But I do not know that revocation is the answer. I would certainly welcome hearings before the Committee on National Security and others to look at ways that we can improve the bill rather than repeal it. I urge my colleagues to vote no.

The CHAIRMAN. The gentleman from Indiana [Mr. HAMILTON] is recognized for 30 minutes. Does he choose to yield time?

Mr. HAMILTON. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Colorado [Mr. SKAGGS].

Mr. HYDE. Mr. Chairman, I yield 2 minutes to the gentleman from Colorado [Mr. SKAGGS].

The CHAIRMAN. The gentleman from Colorado [Mr. SKAGGS] is recognized for 7 minutes.

Mr. SKAGGS. Mr. Chairman, I thank the gentlemen for yielding me the time.

Mr. Chairman, I have great respect for the gentleman from Illinois and believe that he has offered what is almost a good amendment. In a debate like this about one of the most significant powers that the Constitution grants to the Congress, I think it is well to look back to the thoughts of one of the Founders and perhaps the Father of the Constitution. Madison observed as follows about this power, and I quote:

> Those who are to conduct a war cannot in the nature of things be proper or safe judges whether a war ought to be commenced, continued or concluded. They are barred from the latter functions by a great principle of free government . . .

In other words, the Executive who would be charged with the prosecution of the war should not be considered the proper authority for determining whether to commence one.

We clearly have constitutional problems with the current War Powers Resolution. I think in order to understand those, we really need to parse out the kinds of situations that we face that implicate the war power provisions of the Constitution.

First clearly we have those actions that truly involve the commencing of war in a constitutional sense. I would assume that the gentleman would agree that in those cases, the power of Congress is paramount. It is not a matter of consultation or reporting or a shared power. It is our responsibility, and no one else's, to make the decision.

Then there are all other cases, deployments of one sort or another, emergency responses, humanitarian efforts, all of the variations on the theme in which I believe we have to concede a good deal of constitutional authority to the President of the United States both as Commander in Chief and as the individual with authority under our system to conduct the foreign policy of the country.

The War Powers Resolution impinges on the constitutional authority on the one hand of the Congress, by ceding authority to the President in some instances where it is our paramount responsibility to act. And it impinges on the constitutional authority of the President as Commander in Chief in some instances, in those other wide-ranging examples that fall short of the commencement of war in a constitutional sense.

It is a defective statute constitutionally with respect to both the executive and the legislative branches and the responsibilities we each have under the Constitution.

This amendment is perhaps unfortunate in that it does not go far enough and simply repeal the War Powers Act in toto. Or better yet, we should attempt a constitutionally coherent effort to explain and to state the respective roles of the executive and the legislative branches with respect to military action abroad.

Instead, this partial repeal, I fear, will leave a remainder of the War Powers Resolution that carries an unfortunate implication. And that implication is that the Presidential authority in war is restrained only by a consultative and reporting requirement. I do not believe that is what the gentleman intends. It is certainly not what the Constitution permits. But relative to the current state of debate as reflected in the War Powers statute, that I think is the only inference to draw from making this change.

I think we do a great disservice to the constitutional responsibility of the Congress under Article I if we appear to tilt too far in expressing deference to the executive.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. SKAGGS. I yield to the gentleman from Illinois.

Mr. HYDE. Mr. Chairman, I think it is a fact of modern history that declarations of war are gone. I think they are anachronistic. I do not think they will happen. Clearly the Constitution assigns the declarations of war function to Congress and only to Congress. But declaring war has consequences in a technologically advanced world that nobody wants to face.

Had we declared war against Vietnam, the fear was China and Russia would have had to declare war against us. So you get into a cascading snowball situation. Instead what you do is you call it a police action, as we did in Korea, or you call it something else, but you do not formally take that giant leap of declaring war.

So we are back to the President as Commander in Chief having the authority to move troops around but we always have the inescapable function of Congress, and that, too, is constitutional, to provide the appropriations. Without the appropriations, they cannot get a drink of water.

Mr. Chairman, I just suggest that requiring consultation does not exhaust Congress's authority. We have the untrammeled authority to unappropriate, disappropriate funds. That is the key, and that makes us the king of the hill. I suggest that by repealing the foolish, nonsensical, unusable parts of the War Powers Resolution and requiring the President to keep us informed comprehensively, we enhance the use, ultimate use of our appropriation authority.

Mr. SKAGGS. Mr. Chairman, reclaiming my time, I simply disagree with the way the gentleman characterizes the ultimate impact of what he is proposing. I think it really would be a default to the executive on the powers that we must hold.

I think the gentleman makes a good argument for amending the Constitution, perhaps, to reflect current times. I would disagree with that step, but that is the argument he is really making. In fact, I think we need a more constitutionally subtle and discrete approach to this issue than is encompassed in his amendment, perhaps one that would be the product of a full committee hearing and deliberation process in both the Committee on International Relations and Committee on National Security.

In any case, under these circumstances with this debate on this bill, I would reluctantly urge a "no" vote on the gentleman's amendment.

Mr. HYDE. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Missouri [Mr. SKELTON].

Mr. SKELTON. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I have been in the Committee on National Security this afternoon listening to testimony by the Secretary of Defense and by the Chairman of the Joint Chiefs, and so I missed the earlier part of this debate.

I wonder if the gentleman from Illinois would answer some inquiries, some questions that I have regarding his amendment.

The first is, would you explain as briefly as possible just what you repeal. Second, would you please explain the purpose behind that.

I would like to add, if I may, is it not correct that Presidents in recent years, and my recollection is that during my term in Congress, which is the same as my friend from Illinois, that the Presidents have complied with the notification portions of the War Powers Act without acknowledging its force and effect.

Mr. HYDE. If the gentleman will yield, as a practical matter, the Presidents are wise enough to consult with Congress, let Congress know because you can not keep a secret when you move troops around the world. So the President has consulted. But no President has acknowledged it was pursuant to the War Powers Resolution. It was just common sense and comity between two co-equal-and-essential-to-each-other branches of government.

Mr. SKELTON. But would the gentleman answer my first question. Please explain what you repeal and the basic reason therefor.

Mr. HYDE. Yes. Section 2707(a)1, the War Powers Resolution, is repealed. That is the law that requires the President after 60 days to bring the troops home if we have not acted affirmatively to support the presence of the troops there. In other words, by doing nothing, the President has to call everybody home, which gives a false expectation to our adversaries, if they just wait us out. It has never been tested in court. No President ever, of either party, has recognized it as constitutional. It is unworkable. I am just trying to clean up the law so we have left a requirement of consultation and reporting timely and comprehensive and we always have that appropriations authority. You will remember the Boland amendments which cut off funds for the Contras. We passed one every year over my objection, but we did. Just one example of Congress cutting off funds for belligerencies we did not agree with.

Mr. SKELTON. My next question, if you recall, deals with a bit of history back in the 1940 era, early 1941, when President Roosevelt made certain actions, particularly with the United States Navy. How would the War Powers Act have affected him?

Mr. HYDE. It would not. What we did was transferred destroyers to Great Britain. He declared them surplus.

Mr. SKELTON. No, no, no. In his activities in having patrols acting against the submarines of the Nazis at the time in the North Atlantic. Does that ring a bell?

Mr. HYDE. If he was sending troops into hostilities or into a place where hostilities were imminent, that is the language of the War Powers Resolution.

Mr. SKELTON. So, in other words, the War Powers Act had it been in effect in 1940–41 would have affected what President Franklin Roosevelt did at the time, is that correct?

Mr. HYDE. I do not know what knowledge Congress had of what was going on. If they knew and were looking the other way, as I suspect was the truth, nothing would have happened.

Mr. SKELTON. I thank the gentleman.

□ 1745

Mr. HAMILTON. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from New Jersey [Mr. TORRICELLI].

Mr. TORRICELLI. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, every American schoolchild learns to respect and revere the Constitution of our country and those who wrote it. It is a near perfect document, an expression of extraordinary wisdom. But it was not without flaw.

Among those flaws has been a 200-year conflict in authority between the commander-in-chief and the powers incumbent upon him and the war-making powers of this Congress. The problem was masked for many years. But time, changes in technology and diplomacy made a collision inevitable, the speed of war, the powers of weapons, the change of diplomacy. That collision came most dramatically in Vietnam.

The result was not simply the loss of life of thousands of Americans after a constituency for that war in this Congress and among our people had evaporated. There was another price, the near loss of legitimacy of this Government in its actions.

It has been suggested by the gentleman from Illinois that this Congress was not without recourse, at any moment we could have abandoned the providing of appropriations, withdrawn funding, and by doing so expressed the wishes of our constituencies and ourselves. And indeed in the final analysis, after more than 10 years of combat that is exactly what happened. But the War Powers Act was enacted because Members of Congress themselves found that that choice was inadequate. Members were not going to choose to take away appropriations from our own sons and daughters who were fighting and dying while they were in combat. They would not do it, and neither would we. It was not a sufficient power. We needed the right to express ourselves before the Nation engaged in combat.

The War Powers Act itself may not have been a perfect expression either. Indeed, from Grenada to Lebanon, for different reasons and different circumstances, we have seen the flaws in the act itself. But it has nevertheless in our own time been a valuable method of expression for this Congress, creating at a minimum a period of consultation, a consultation, a sharing of power between the Congress and the Presidency that did not exist when FDR invaded Nicaragua, or when Lyndon Johnson sent forces to the Dominican Republic.

In our own time that power has been shared and has been different. Would the marines have stayed in Haiti for 30 years if the Congress had had power when Woodrow Wilson acted. Would we have remained for a generation in Nicaragua when Roosevelt acted? It has been different and it has been better because of the War Powers Act.

Maybe George Bush never accepted its constitutionality. Maybe he did not agree and maybe today he would like to see us repeal it. But when he was faced with a judgment in the Persian Gulf, he was quick to bring Members of this Congress to the White House, and quick despite his objections to seek a congressional vote, because he understood not a problem, but an opportunity in the War Powers Act. He wanted Saddam Hussein to know that this was no Vietnam, you will not divide the American people in combat, that the Congress and the Presidency will act together, and so he did not seek to avoid a vote, he wanted it, because he knew of what it telegraphed to Iraq. That vote more than anything else brought the United States allies and showed solidarity.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

Mr. TORRICELLI. Mr. Chairman, I ask unanimous consent for 2 additional minutes.

The CHAIRMAN. The time is controlled by the gentleman from Indiana [Mr. HAMILTON].

Mr. HAMILTON. Mr. Chairman, I regret I do not have the time.

Mr. TORRICELLI. Mr. Chairman, I ask unanimous consent the gentleman from Indiana have 2 more minutes on his time.

The CHAIRMAN. The Committee is operating under an existing unanimous-consent agreement which equally divides the time on the Hyde amendment.

Mr. HYDE. What was the gentleman's request?

Mr. TORRICELLI. I asked unanimous consent for an additional 2 minutes.

Mr. HYDE. We should have an equal division then.

The CHAIRMAN. The gentleman has asked unanimous consent that the amount of time be extended by 2 minutes.

Mr. TORRICELLI. Mr. Chairman, will the gentleman yield 2 additional minutes?

Mr. HYDE. Of course I yield 2 minutes to the gentleman from New Jersey.

Mr. TORRICELLI. Mr. Chairman, I thank the gentleman for yielding the time.

Mr. Chairman, there are many reasons why this system has survived for so long when so many other constitutional systems around the world have faltered, but there may be one which is more important, the idea of refusing to centralize power in the American constitutional system. Admittedly, this has been a conservative idea, central to conservative doctrine in the American political system, that no one individual and no one institution would monopolize power.

Ironically, a great Member of this House, a leader in the conservative movement, the gentleman from Illinois [Mr. HYDE], today would repeal this idea, and leading us back to a different time when one man, one institution in this Government could so control constitutional power.

I rise today in defense of that conservative idea, because cutting off appropriations is not an answer, and in an age with the technology today that exists, when the gentleman from Illinois is correct that war may no longer be formally declared, to give that power to one man is more dangerous than when Lyndon Johnson had it, more dangerous than when Franklin Delano Roosevelt had it. This constitutional system serves best by insisting that the Congress share in that right, and that the lessons of Vietnam and the opportunities of the Persian Gulf remain with us.

When there is a better way to distribute power, better than the Persian Gulf war lessons, better than the resolution we would repeal today, let us do it. It is not before this House today.

I thank the gentleman for yielding me the time.

Mr. HYDE. Would the Chair tell me how much time I have remaining?

The CHAIRMAN. The gentleman from Illinois [Mr. HYDE] has 17 minutes remaining, and the gentleman from Indiana [Mr. HAMILTON] has 20 minutes remaining.

Mr. HAMILTON. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. BERMAN].

Mr. BERMAN. Mr. Chairman, I thank the gentleman for yielding the time.

Mr. Chairman, I came to the floor this afternoon planning to support the Hyde amendment, and have been giving it a lot of thought since then and have decided to change my mind, one of those rare times where the debate on the floor actually affects somebody's decision.

I agree with so much of what the gentleman says. First of all, the argument that this law could be at the center of congressional participation in the decisions about whether or not to go to war. When you get right down to a law that no President has ever considered constitutional, no court has ever been willing to enforce, and in most instances Congress has not even been willing to implement just does not I think, make a lot of sense to me.

This is law that at its heart and at the part that Mr. HYDE wishes to change and repeal, since once the President submits a report pursuant to the War Powers Act, within 60 days after the hostilities or the imminent threat of hostilities for U.S. forces within 60 days either Congress has to extend, has to grant that authorization for additional time or the forces must come back.

In the Lowry case, in the reflagging of the Kuwaiti tankers, the district court in response to the lawsuit seeking to compel a determination that the Presidential information on the reflagging of the Kuwaiti tankers constituted a report said we are not going to get into that, we are not going to declare it a report. If the report has not been made pursuant to the War Powers Act, the 60 days do not run. So the act becomes meaningless and it has become meaningless in any legal sense.

The more interesting question is whether the act serves a purpose. There has been some discussion on the floor. Initially it was stated on the floor that in fact President Bush decided to come to the Congress with the authorization for the use of force in the Desert Storm because of the existence of the War Power Act, and that that played some role in this decision. Others have said that really played no role in the decision, and of course I do not know the full story of what went on in his mind. But what I do know is that the Committee on International Relations should conduct hearings on this subject. We should look at modifications. We should get rid of the 60-day requirement. I think we should change the threshold. There are a lot of times where our forces are in imminent threat of hostilities where we do not want to trigger any particular congressional action.

We should look at a meaningful consultative process that has an ongoing precedent the executive branch involved. If we pass the Hyde amendment today without more attention to what that consultative process will be, and that were to go into law, we have no leverage to get the more meaningful consultative process from a President who would like to see the repeal of the 60-day requirements and of the requirement for the report which triggers any time period set.

So I would suggest a better course, and I do it very reluctantly, is to vote against the Hyde amendment today, for the Committee on International Relations have hearings, to draw up a bill which goes to the heart of what the gentleman from Illinois, Mr. HYDE, does but provides for a more meaningful consultative process with the executive branch, and hand the administration a package which allows them to get out of a requirement which they do not consider constitutional, which, as the gentleman from Illinois [Mr. HYDE] points out, in some cases give aid and comfort to our adversaries by giving them hope that the Congress will not act, even though no one argues that the President will listen to what the Congress said on this subject anyway or is legally compelled to listen, get rid of that 60-day requirement and substitute a more carefully drafted consultative process and I would urge, and thereby maintain some legislative role in those decisions.

So I would like to get a separation of two different kinds of questions. In Desert Storm I think the President was constitutionally compelled to come before Congress. I considered it would have been an impeachable offense for him to engage in that kind of attack with time for preparation, with a date certain set, without coming to Congress. I am not sure Mr. HYDE agrees with me. I would like to go through a process where we seek to separate the more minor incidents, which it does not work to have a congressional role, from the more serious incidents where we want to preserve the core congressional functions.

Mr. HYDE. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Massachusetts [Mr. TORKILDSEN].

Mr. HAMILTON. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. TORKILDSEN].

□ 1800

Mr. TORKILDSEN. Mr. Chairman, I rise today in opposition to the amendment offered by my colleague, the distinguished gentleman from Illinois [Mr. HYDE], the Chair of the Committee on the Judiciary.

The Constitution grants the President the power of Commander in Chief of our Armed Forces. Yet, the Founding Fathers also granted Congress the authority to "organize, arm, and discipline" an army.

At our country's founding, we were insulated from attack by foreign powers by two vast oceans. Thus it wasn't necessary to keep large peacetime armies. Congress effectively limited the President's authority to make war by not funding large, peacetime standing armies.

The framers of the Constitution were so intent on keeping a too-powerful chief from making war, that not only did they give the power to make war to the Congress, they also specifically prohibited, in the Constitution itself, any appropriation to raise and support armies from lasting more than 2 years.

But as our country grew, and technology made the insularity of the oceans limited at best, it became necessary, in our own national interest, to keep and maintain large armies in peacetime as well as during conflict. However, in funding these large peacetime armies, Congress was giving up much of its constitutionally authorized role in determining whether or not make war.

The War Powers Resolution was passed in 1973 as one way to reassert the Congress' constitutional authority to determine whether or not any President can make war in the name of the people of the United States.

With passage of the War Powers Resolution, Congress sought—rightfully so—to restore its legal authority to determine whether or not U.S. armed forces are involved in war.

Today, we are faced with an amendment which would effectively repeal the War Powers Act, and replace it with a requirement for simple consultation by the President with Congress.

As a member of the National Security Committee, I am aware of many arguments for and against the War Powers Resolution. Clearly, the War Powers Act does need to be amended, both to take into consideration the many new missions we ask our troops to perform, and to make it work in times of crisis. Amending it is far different than repealing it.

Now is not the time for Congress to give up its role in determining whether or not troops are committed to combat. I urge my colleagues to defeat the repeal of the War Powers Act, and work together for the logical amendment the act requires.

Mr. HAMILTON. Mr. Chairman, does the gentleman have further speakers?

Mr. HYDE. Mr. Chairman, I have three more speakers left, and I understand, if I yield the gentleman 2 minutes, we will then be permitted to close.

Mr. HAMILTON. We are prepared to let you close, but let me make sure I understand how this debate plays itself out. My understanding is that you will want to call a quorum call?

Mr. HYDE. Correct.

Mr. HAMILTON. That would be toward the end here, after which there will be four speakers, two on each side? Is that correct?

Mr. HYDE. That is correct.

Mr. HAMILTON. Although we have the privilege of closing under the unanimous consent, it is my understanding the Speaker would like to speak, and we will be glad to yield him the privilege of speaking last.

Mr. HYDE. Mr. Chairman, I thank the gentleman.

Does the gentleman require 2 additional minutes?

Mr. HAMILTON. We may before we are through. The gentleman may hold them in reserve.

Mr. HYDE. I will hold them in reserve. All right.

Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Georgia [Mr. BARR].

Mr. BARR. Mr. Chairman, the War Powers Act has become a resolution without meaning, honored in its breach rather than in its compliance. It has cost us credibility at home and abroad. It is time to reform it.

It is time to get back to basics, to a basic understanding of the separation and the balance of powers in our carefully crafted system of government.

Coequal does not mean the same. While the executive branch has certain powers, Congress likewise has certain powers. From time to time, in certain areas, these may converge, but they do not coincide. There are differences and shall always and should always remain differences.

I have been honored over the years to work very closely on national security matters. As a matter of fact, at the time the war powers resolution was being debated and passed and enacted I was working in national security matters for the CIA. I know, as do other Members of this great learned body, how swiftly the affairs and matters of national security are, arguably, subject to the war powers resolution come up, how quickly they can change, how difficult it is to anticipate, except, of course, by our adversaries, how the War Powers Resolution would play itself out and constrict the ability of our commander-in-chief to operate.

We cannot tie the hands of our Commander in Chief, because when we do that, when we tie his hands, we cost the lives of our soldiers, and it is improper and unconscionable to put their lives at risk.

That is why, Mr. Chairman, for over 25 years our Presidents, Republican and Democrat alike, have found way after way after way around the War Powers Resolution, because it does not work. It will not work, Mr. Chairman.

The amendment fashioned by the learned chairman of the Committee on the Judiciary brings this long out-of-balance resolution and separation of powers back into balance for both parties and for both branches of Government, and importantly, also in the eyes of our allies and adversaries alike in the world.

Let us remove this cloud, this fog hanging over the ability of our Government of which we are both a part, the Congress and the President, to conduct coherent and effective national security policy around the world in the most dangerous situations imaginable.

I rise in strong support of the amendment offered by the learned gentleman from Illinois.

Mr. GILMAN. Mr. Chairman, can the Chair tell us how much time is remaining on each side?

The CHAIRMAN. The gentleman from Illinois [Mr. HYDE] has 15 minutes remaining, and the gentleman from Indiana [Mr. HAMILTON] has 14 minutes remaining.

Mr. HYDE. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently, a quorum is not present.

Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No 358]

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Gallegly
Ganske
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Hoyer
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E.B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Longley
Lowey
Luther
Maloney
Manton
Manzullo
Markey
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Moorhead
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Reynolds
Richardson
Riggs
Rivers
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

□ 1828

The CHAIRMAN. Four hundred five Members have answered to their names, a quorum is present, and the Committee will resume its business.

Mr. HAMILTON. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Tennessee [Mr. TANNER].

□ 1830

Mr. TANNER. Mr. Chairman, I thank my friend from Indiana for yielding. I do not think I will take all of 2 minutes. I did not intend to speak on this matter, but I served on a committee with Larry Hopkins from Kentucky some years ago as we tried to perfect the War Powers Act. I served in the Navy during the Vietnam war, and I went into the Navy in 1968. By the time I got off of active duty or discharged in 1972, I saw our country divided as maybe never before, at least since the Civil War.

Now, as imperfect at the War Powers Act is, my friends, it does put the Congress in the mix to express the will of the people into the equation. I saw during those 4 years our country divided in a way perhaps it has not been since the Civil War.

My friends, it does put the Congress into the mix to express the will of the people. Any administration, be it the Kennedy, Johnson, or Nixon administration as it was in Vietnam, is going to get into matters that it cannot extricate itself. Never again let us go into war with bullets flying and people dying without the expressed will of the American people, at least with some resolution by the Congress, so that we do have that critical mass of popular support for whatever it is we may do. I really believe it is critical, even though it is imperfect, that we stay involved in the process.

The CHAIRMAN. The gentleman from Illinois [Mr. HYDE] has 15 minutes remaining, the gentleman from Indiana [Mr. HAMILTON] has 11 minutes remaining.

Mr. HYDE. Mr. Chairman, I am pleased to yield 5 minutes to the distinguished gentleman from Pennsylvania [Mr. MURTHA].

Mr. MURTHA. Mr. Chairman, let me speak from a practical standpoint in favor of the Hyde amendment. In the last couple years we have had real problems with peacekeeping, for instance, and I have always felt that the President should get authorization from Congress before be deploys troops in peacekeeping mission. But I separate peacekeeping from war making. And I think there is a distinctive difference, and I think it is very difficult for us to insist on the convoluted war powers requirements for a President to make decision on sending troops into battle.

Now, I remember vividly, and Vietnam war hangs over us with all the concerns and problems that we had, but I remember vividly going to meet with President Bush upstairs in the White House. And the thing we discussed it how long would the American public support a war in Saudi Arabia. As we discussed that, there were recommendations that probably the public would support it anywhere from 6 months to the next election. And this all grew out of the hostilities that were throughout the country during the Vietnam war.

My prediction was that the public would support this deployment for about 6 months. And after 6 months, if you remember, we started to get requests, or at least in my office I did, we started to get requests from people in my district that were serving overseas in the hardship position that these folks ought to come home. It is never popular to put people in harm's way. Nobody believed that the Congress would pass an authorization to send troops into harm's way.

As a matter of fact, I remember after talking to the public at home, I came up and called General Scowcroft, who was the national security advisor at that time, and I said to him, I think the Congress, because the public supports the need for national security and the importance of the Middle East and the energy supply, they will support an authorization to go to war. An awful lot of people did not agree with that. But when the Congress met and debated, one of the finest debates that this Congress has ever been involved in, we did the right thing. By an overwhelming margin in the House we authorized this great Nation to send our young people into harm's way.

It worked out fine, and that is the way it should be. We had public support. We called up the Reserves, and we did it the right way.

The danger in the War Powers Act in my estimation is by inaction. We can stop the President from making a decision. We should have to take action. It should be hard. No President is going to send troops into harm's way without a national security reason. It is not an easy thing.

I supported President Reagan all through the Central American crisis. I supported President Bush in Saudi Arabia. I opposed him in Somalia because I felt Somalia was a mistake and we would not be able to solve it. It was an internal problem. I oppose using ground forces in Bosnia except to extract U.N. forces under NATO.

But let me say this: I believe that when the American people elect a President, that President should have the leeway and the right to send people into harm's way with the advice and counsel of the Chiefs of Staff. I do not believe that in an emotional situation the Congress should be able to stop this in any way. I do not think there should be hope that because we have something on paper that the Congress of the United States is going to stop the President from making the right decision.

So I support very strongly what the gentleman from Illinois [Mr. HYDE] is trying to do in getting rid of this. Now, can we do something in the future? I do not know. But at this time in our history, I think it is up to this Congress to step up and say that it is the President's prerogative, and if we want to take exception to that, we can stop the appropriation funds.

So I strongly support and urge the Members of this Congress to vote for the Henry Hyde amendment and to eliminate the War Powers Act.

Mr. HAMILTON. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from California [Mr. DELLUMS].

Mr. DELLUMS. Mr. Chairman, members of the committee, I was here many years ago when we debated the War Powers Resolution. It was back in my black haired days and many days have gone by. And I recall the debate vividly, Mr. Chairman. It was a significant debate. A freestanding resolution came to the floor as a product of a deliberative and substantive legislative process.

To the consternation of a number of my colleagues on this side of the aisle, I found myself, Mr. Chairman, in opposition to the War Powers Resolution and was one of the few Democrats who voted against the resolution. And I did so for several reasons. One, I felt that the War Powers Resolution diminished the clarity of the Constitution on the issue of Congress' role in war making.

Second, I felt that it was a mistake to allow the President to introduce American forces into a situation and seek retroactive approval from the Congress of the United States. I thought that our Founders thought brilliantly and thoughtfully and creatively about the issue of war making and war powers, because that was a grave decision that the body politic would engage in.

While I believe, Mr. Chairman, that the post-cold-war era has introduced a new period in American and world history and that the War Powers Resolution should be looked at, we may very well need a new instrument to guide us through this transitional period into the new world of the 21st century. But I would submit, though I believe in the need for a new instrument and while in the early 1970 I opposed the War Powers Resolution, I find myself today on the floor of Congress asking my colleagues to oppose the amendment before us for two reasons: One, on process, and, two, on substance.

With respect to process, Mr. Chairman, the War Powers Act is no small piece of legislation. The War Powers Act is not a minor instrument in our government. This is a high profile instrument. It is a contentious issue. There are thoughtful people on all sides of the question of what should be an appropriate instrument that guides us in the context of the post-cold-war world. I believe that this issue is so important that the policy with respect to war making, the role of the Congress of the United States vis-a-vis the President, is so significant, that it should not come to the floor simply and solely as an amendment. Though I would agree that there is some debate here, this is the end product of the legislative process, not where it should begin.

It should begin in subcommittee and in full committee, where we hear and understand the subtleties and the nuances of any significant policy that affects our lives and millions of people in this country and throughout the world. The War Powers Resolution does just that.

So I would suggest that we oppose it, first, because of the process being flawed. We should not come to the floor with policy considerations so exceptional and so profound and so extraordinary, and we simply debate them here on the floor of Congress. It needs to be substantive, deliberative, and thoughtful. Hearings were not held, markups were not held. This is much too large.

Second, to the issue of substance. As I understand the resolution, it, A, repeals the War Powers Resolution, and, two, puts in place the following: A consultative process. The President consults with the Congress of the United States, with reporting requirements that are weaker than in the present War Powers Resolution.

There are some of us, Mr. Chairman, in the body politic who believe that the role of Congress goes far beyond simply one of being consulted. There are times when this gentleman believes that we need prior approval.

I would remind a number of my colleagues, some of whom were not here in the context of the debate on the Persian Gulf that the distinguished former speaker spoke to, this gentleman took the President of the United States to court trying to protect and defend the Congress' constitutional prerogatives in war making.

So there are thoughtful and courageous people on both sides of the issue, some who think it is simply one of consultation, others who believe that we should embellish upon that with prior approval. I am simply saying that this does not get us here.

Finally, and in conclusion, I think that the gentleman from Illinois [Mr. HYDE] is attempting to do something important. This is not the forum, this is not the product. I urge my colleagues to oppose the amendment.

Mr. HAMILTON. Mr. Chairman, I yield myself the balance of my time on this side.

The CHAIRMAN. The gentleman is recognized for 6 minutes.

Mr. HAMILTON. Mr. Chairman, let me begin by simply saying that I think that the gentleman from Illinois [Mr. HYDE] has performed a genuine service in bringing before this body the question of a repeal of the War Powers Resolution. There is no doubt that the resolution has many defects to it. The gentleman from Illinois and others are quite right when they point out those defects.

There is no President that accepts the War Powers Resolution. You are right about that. The 60-day clock provision means that the Congress can control whether or not we have combat troops there by inaction. That does not make any sense. I acknowledge that.

□ 1845

The concurrent resolution mechanism does not work; so all of us agree, I think, in this Chamber that the War Powers Resolution needs major revision. But I want to put out to you what the Hyde amendment says. In its very first substantive sentence, the War Powers Resolution is repealed. I want Members to think a little bit about what that means.

One of the mysterious attributes of this body is that we do not sometimes want the power that the Constitution gives us. And that is exactly what a repeal of War Powers means here. I believe that the Constitution absolutely requires the Congress to share with the President the decision to send troops into combat. Presidents make mistakes. Presidents are not infallible. And the gravest decision that a government makes, do you send young men and women into war, is a decision that should be made not by any person alone, even if that person is the president. It should be made with a collective judgment. And is that not the theory of the Constitution, that the war making power requires a collective judgment of the President and the legislative branch?

That is the core of the War Powers Resolution. The other parts of it need to be corrected; but do not cede away the core power of the resolution because, when you do that, you are walking away from the constitutional power of the Congress.

The War Powers Resolution has been helpful. Any of us in this Chamber who served before the War Powers Resolution and then served after the War Powers Resolution knows that presidents today consult a lot more with the Congress after the War Powers Resolution was enacted.

Now, what does the amendment do by the gentleman from Illinois, [Mr. HYDE]? It does not acknowledge that Congress should share in this most important decision to go to war. It means that on this most important decision we are not a coequal branch. We say: Mr. President, please consult with us. We do not even require him to consult. We just say in every possible instance consult. The President can ignore us under this amendment if he wants to. The Congress becomes on this most important power a junior partner who will be consulted or not as the President chooses. Do not cede away this power. Work with us to improve it.

I have talked with the sponsor of this amendment. He is a very reasonable man. I think he believes that this amendment is not the end but the beginning of a serious effort to revise and strengthen the War Powers Act. I believe that to be the case. But repealing the War Powers Act now sends a signal to the American people, and that signal is that we abdicate our power in this body and we give it to the President of the United States carte blanche, carte blanche authority. I do not see how we can do that. I do not see how we can do it and read the Constitution of the United States.

We give a green light unchecked to the President, and we send that message that we have no role up front.

Now, the point is often made that we have the power of the purse. But just think about that. There comes a critical point whenever you are making a decision to commit troops, we all know it, there is a critical point. And that critical point is when the decision is made to send them in or send them out. That is when you want the Congress involved, not months later when you are dealing with the power of the purse.

Sure, we can cut off funding. But it is very difficult to cut off funding beforehand because you want to keep your options open. It is very difficult to cut off funding after the fact because the troops are already in the field. I am not saying we do not ever do it. I am just saying it is extremely difficult to do it.

I think the Congress of the United States on this question of war powers can stand against the President. I think there are times when we should stand beside the President, but Congress should not stand aside when American soldiers go into combat; and that is precisely what this amendment puts forward.

I urge a vote in order to keep the constitutional powers of this institution. I urge Members to vote "no" on the Hyde amendment.

Mr. HYDE. Mr. Chairman, I yield myself 1 minute.

I want to respond very briefly. There is no carte blanche authority given to the President by this amendment of mine. This amendment strengthens. There is nothing requiring notification in the War Powers Act. This amendment says the President shall in every possible—not may—shall report to Congress before, before the troops go in; and then after the introduction, the President shall. So we will be informed. The same thing goes for the report.

We are not required to leave our common sense out in the Rotunda. The facts of life are Lyndon Johnson could not even go to his own convention because the people did not support what he was doing in Vietnam. And that lesson has not been lost on anybody with a room temperature IQ. So do not think the War Powers Act forces the President to consult. No President who wants to survive another week will omit consulting.

Mr. Chairman, I yield 9 minutes to the Speaker of the House, the distinguished gentleman from Georgia [Mr. GINGRICH].

Mr. GINGRICH. Mr. Chairman, I thank the gentleman from Illinois for yielding time to me.

I rise for what some Members might find an unusual moment, an appeal to the House to, at least on paper, increase the power of President Clinton. And here we are in the middle of the Bosnian exercise with troops in Haiti and with all sorts of concerns, and yet I stand here to say that for America, the right thing to do is repeal these provisions, for America.

The reason is simple. First of all, I listened carefully to my good friend, the gentleman from Indiana [Mr. HAMILTON], who I think is a very serious and a very committed scholar of this. But he said something that all of us need to be aware of. He said, he complained, "We have no role up front." I want to make two points about this, because he is right. We have no role up front.

We have no role up front because in an age of instantaneous change, as we were tragically reminded in Oklahoma City, there are times and moments when you need what the Constitution called "the Commander in Chief." And once we have designed the military and we have paid for the military and we have established the framework and we have created the laws, within the legal framework of those laws in an emergency the Commander in Chief has to actually act as the Commander in Chief.

And that has been true of both parties. In fact, it was true of George Washington. It was true of Thomas Jefferson. People who say I am a Jeffersonian conservative, well, Jefferson sent the Marines to Tripoli and then told this Congress.

So the fact is, in the real world, if we are going to be honest with our constituents, a Commander in Chief exercising those powers with American troops scattered across the planet and, I think, over 100 different countries, if you count various advisory groups, they are there. We did advise. We passed the appropriations. We said, we established the Congress. We maintained the Navy, to use the two terms, and we established the Army and maintained the Navy, and the fact is they are there.

And if tomorrow morning somebody were to attack our troops, there would be an instantaneous, immediate reaction. And I certainly hope, for one, they would not stand there taking casualties waiting for the President to come to the Congress to see if we could report out a resolution to allow our troops to defend themselves.

My good friend would say, the War Powers Act does not stop that. Exactly. What the War Powers Act says is if the President decides to notify us that the troops are in imminent danger, then we have 60 days. I have been through this drill. I was through this drill with President Reagan. I was through this drill with President Bush. I am now going through this drill with President Clinton. Let me tell you what happens.

We get committed somewhere. And then the military comes in and says, you could pass this. But if you pass this, you are now saying to every terrorist, why do you not kill some Americans to force them out? Do you want to set the standard that Americans are targets so that the Congress can be pressured and suddenly everybody in senior leadership in both parties. Somebody says, Well, maybe we do not want to make Americans targets; maybe we do not want to set up Americans to get killed. What happens?

Let me give you an example from the Clinton administration. A letter, written July 21, 1993. It said about Somalia, in a situation where people were being killed, "intermittent activity, intermittent military engagements involving U.S. forces overseas, whether or not constituting hostilities, do not count." So an ambush in Mogadishu, the loss of 18 American lives, that does not count. They are not in imminent danger.

Nobody jumped up, the Democratic leadership did not return to the floor, the then chairman of Committee on International Relations did not rush to the floor, did not say, 18 Americans have died. Clearly, Americans are in imminent danger.

Instead everybody agreed, let us hold hands, let us not risk any additional Americans being killed.

Why, if that is the case, why am I for repealing this?

Because it sends exactly the wrong signal to both branches. It says the Congress is just enough involved to have everybody downtown wandering in circles and being confused, and it says to the Congress, oh, you really have a role. You want to cut off troops in Haiti or Somalia or you want to cut off troops in Bosnia, there is an easy way to do it. It is called the power of the purse.

In fact, we have done it before. In the case of Lebanon, we did it. In the case of Somalia we did it. We used the appropriations process exactly as the Federalist Papers described and exactly as the Founding Fathers wanted, and we had a clean and a decisive choice.

Where we are responsible, which is the money, we said, No, after this date get out, period, end of story.

Now, we negotiated to make sure the day was a safe one. We negotiated to protect our troops. But we exercised the power of the Congress without having a complicated, convoluted, and profoundly dishonest law. Because what this law does is it says to every administration, do not tell the truth. If Americans are in imminent danger, do not say it because if you say it, you will trigger the War Powers Act. And by the way, if it triggered the War Powers Act and we did not pass something and you had a strong President, they would promptly say, as the Clinton administration said last year, it does not count. And they would stay. And guess what, the only way you could get them out would be to pass an appropriations bill to cut off the funding or to impeach the President.

So what I am begging for is clarity. Let us return to a system that worked from the founding of the country to the mid-1970's. Let us return to a system that says, we in Congress have awesome power. If we do not pass an appropriations bill, nothing happens. There is no government. There is no Army. There is no Navy. But if we delegate powers to the President and we establish a framework of law and we agree to establish something to happen, let us actually allow the Commander in Chief to be Commander in Chief.

And I asked my good friend, the gentleman from Illinois [Mr. HYDE], to allow me to close because I think the American nation needs to understand that as Speaker of the House and as the chief spokesman in the House for the Republican party, I want to strengthen the current Democratic President because he is the President of the United States. And the President of the United States on a bipartisan basis deserves to be strengthened in foreign affairs and strengthened in national security. He does not deserve to be undermined and cluttered and weakened.

When we get to disagreements, we will have the right place to have them. But this particular bill was wrong when it was passed. It has not worked in 20 years. And it is wrong now. And we should clean up the law, get it back to the constitutional framework and allow the President of the United States to lead in foreign policy with us deciding on key issues by our power of the purse.

□ 1900

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. HYDE].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. HAMILTON. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 201, noes 217, not voting 17, as follows:

[Roll No. 359]

AYES—201

Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barr
Bartlett
Barton
Bass
Bateman
Bilbray
Bilirakis
Bliley
Blute
Boehner
Bono

Borski
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Canady
Castle
Chabot
Chambliss
Chapman
Christensen
Chrysler
Clinger
Coburn
Collins (GA)
Combest
Cox
Crane
Crapo
Cremeans
Davis
de la Garza
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Dunn
Ehlers
Ehrlich
English
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gillmor
Gingrich
Goodlatte
Goodling
Goss
Graham
Greenwood
Gutknecht
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hoke
Holden
Horn
Hostettler
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson, Sam
Jones
Kelly
Kim
King
Kingston
Klink
Klug
Knollenberg
Kolbe
LaFalce
Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
Longley
Manzullo
Martinez
Matsui
McCollum
McCrery
McDade
McHale
McHugh
McIntosh
McKeon
Mica
Miller (FL)
Mink
Molinari
Mollohan
Moorhead
Moran
Murtha
Myers
Myrick
Nethercutt
Neumann
Norwood
Nussle
Ortiz
Orton
Oxley
Packard
Petri
Pickett
Pombo
Porter
Portman
Pryce
Quillen
Radanovich
Roberts
Rogers
Ros-Lehtinen
Royce
Salmon
Sanford
Saxton
Schaefer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stenholm
Stockman
Talent
Tate
Taylor (NC)
Tejeda
Thornberry
Thornton
Tiahrt
Vucanovich
Walker
Wamp
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wilson
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—217

Abercrombie
Ackerman
Allard
Andrews
Baldacci
Barcia
Barrett (NE)
Barrett (WI)
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bishop
Boehlert
Bonior
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Camp
Cardin
Chenoweth
Clay
Clayton
Clement
Clyburn
Coble
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Cooley
Costello
Coyne
Cramer
Cunningham
Danner
DeFazio
DeLauro
Dellums
Deutsch
Dingell
Dixon
Doggett
Dooley
Doyle
Duncan
Durbin
Edwards
Emerson
Engel
Ensign
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gilman
Gonzalez
Gordon
Green
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hayes
Hefner
Hilliard
Hinchey
Hobson
Hoekstra
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kasich
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
LaHood
Lantos
Lazio
Leach
Levin
Lewis (GA)
Lincoln
Lipinski
LoBiondo
Lowey
Luther
Maloney
Manton
Markey
Martini
Mascara
McCarthy
McDermott
McInnis
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mfume
Miller (CA)
Mineta
Minge
Moakley
Morella
Nadler
Neal
Ney
Oberstar
Obey
Olver
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (MN)
Pomeroy
Poshard
Quinn
Rahall
Ramstad
Rangel
Reed
Regula
Reynolds
Richardson
Riggs
Rivers
Roemer
Rohrabacher
Rose
Roth
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Scarborough
Schiff
Schroeder
Schumer
Scott
Serrano
Shuster
Skaggs
Skelton
Slaughter
Spratt
Stearns
Stokes
Studds
Stump
Stupak
Tanner
Tauzin
Taylor (MS)
Thomas
Thompson
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Upton
Velazquez
Vento
Visclosky
Volkmer
Walsh
Ward
Waters
Watt (NC)
Waxman
Williams
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—17

Bonilla
Bryant (TX)
Cubin
Dicks
Houghton
Johnson (CT)
Kleczka
Laughlin
Lofgren
Lucas
Montgomery
Paxon
Peterson (FL)
Stark
Waldholtz
Watts (OK)
Wicker

□ 1917

Mr. SCARBOROUGH changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. GILMAN. Mr. Chairman, I ask unanimous consent that debate on the amendment about to be considered and all amendments thereto be limited to 60 minutes, to be equally divided and controlled by myself and the gentleman from Indiana [Mr. HAMILTON].

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. ACKERMAN. Mr. Chairman, reserving the right to object, I would like to ask the distinguished chairman if he has discussed this at all with the minority.

Mr. GILMAN. Mr. Chairman, if the gentleman will yield, I do not believe it has been discussed with the minority.

Mr. ACKERMAN. In that case, I will be compelled to object, Mr. Chairman.

Mr. GILMAN. Mr. Chairman, will the gentleman yield?

Mr. ACKERMAN. Mr. Chairman, further reserving the right to object, I yield to the gentleman from New York.

Mr. GILMAN. Mr. Chairman, how many speakers does the gentleman have on his side on this amendment?

Mr. ACKERMAN. We are not sure right now, but we would be delighted to discuss it with the gentleman. We think it is in the neighborhood possibly of anywhere from 4 to 6.

Mr. GILMAN. If we could agree on some reasonable time, if the gentleman will yield further, we have until 9 o'clock to wind up this evening. We have one other major amendment to consider this evening.

Mr. ACKERMAN. I think that we would be very amenable to discussing it on a staff level at this point while this amendment is being debated.

Mr. GILMAN. We will be pleased to discuss it further with the gentleman's staff.

Mr. Chairman, I withdraw my unanimous consent request.

AMENDMENT OFFERED BY MR. ACKERMAN

Mr. ACKERMAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ACKERMAN: On page 67, after line 9, insert the following new section:

SEC. 501. CONSOLIDATION REPORT.

(A) REPORT.—No agency of the United States Government may be abolished or its functions transferred or consolidated with another such agency pursuant to this division or any other provision of this Act relating to reorganization unless the Director of the Congressional Budget Office and the Director of the Office of Management and Budget independently calculate and submit to the Congress a joint report analyzing the costs and benefits of any such action.

(b) CONTENTS OF REPORT.—The cost/benefit analysis required by subsection (a) shall include, but not be limited to—

(1) An assessment of direct and indirect costs for the first five years associated with the implementation of the provisions of this division or any other provision of this Act relating to reorganization; and

(2) The effects of consolidation on personnel, management systems, real property, decisionmaking processes, administrative costs, and costs associated with terminating, amending, renegotiating, or negotiating existing and new contracts.

(c) FURTHER CONGRESSIONAL ACTION REQUIRED.—Notwithstanding any other provision of this act, if the Director of the Congressional Budget Office and the Director of the Office of Management and Budget either jointly or independently determine and report that the costs associated with the consolidation required by this division or any other provision of this act relating to reorganization exceed the fiscal year 1995 operating costs of the affected agencies, such provisions shall not become effective unless—

(1) the President determines that such consolidation is in the national interest of the United States; or

(2) a joint resolution is enacted specifying that such provisions shall become effective upon enactment of such resolution.

Redesignate sections 501 through 511 as sections 502 through 512.

Mr. ACKERMAN. Mr. Chairman, this amendment is modeled on principles that the majority has articulated in this chamber since January, and it is my hope that we will have strong bipartisan support for its adoption. Members on both sides of the aisle—whether they support consolidation within the State Department or not—should find this amendment very attractive. We should know what our actions will cost or save before we engage in a massive reorganization.

The amendment is designed to ensure that this body does not unknowingly write a blank check in the course of passing this bill, something that concerns all of us who are trying to save taxpayer dollars from frivolous Government spending.

For those who are not on the International Relations Committee, let it be known that there is presently no way of knowing if the bill, as reported, will save one penny as a result of reorganization.

Under this bill, we abolish three agencies and direct the former heads to report to work and assume new roles within the State Department. Yet there is no specific plan on how this will be accomplished.

There is no plan in place to reduce any staff. There is no plan in place to eliminate the cost of maintaining buildings, if indeed any are found not to be needed, and there is no plan in place to determine the costs and savings in buying out leases and service contracts. In fact, as the legislation is written, a consolidation plan is not required until March 1996.

How do we do this in the blind? Without this amendment we will be passing a blank check bill. At this point, there is simply no way to conduct a cost-benefit analysis because under the bill we won't even see a plan until March 1996.

To rectify this problem my amendment does the following:

First, it requires a joint report from the Director of OMB and the Director of the CBO, who is a Republican, requiring an analysis of the costs and benefits of the proposed plan for the first 5 years it is in effect. The report will cover effects of consolidation on personnel, management systems, real property, decision making processes, administrative costs and costs associated with terminating, amending or negotiating existing and new contracts.

What if the proposed consolidation doesn't save money, but actually costs more money? That might come as a surprise to some. But you may want to go forward anyway—and you can.

Second, if the report indicates that the costs of the reorganization exceed the fiscal year 1995 operating costs of the agencies, the President may determine it is in the national interest and proceed—and don't forget, this bill applies to the next president. If the President does not make that determination, the Congress must enact a joint resolution specifying that the consolidation, if more costly, may proceed.

My goal here is simple: It is to guarantee that the Congress know and understand the costs of its action, and then proceeds to act with that knowledge. This provision is consistent with the vision of the Republican majority who have shown a consistent dedication to rigorous application of cost-benefit analysis. I look forward to strong bipartisan support in adoption of this amendment.

Mr. BEREUTER. Mr. Chairman, I rise in opposition to the Ackerman amendment.

Mr. Chairman, our colleague, the gentleman from New York, has put forth an amendment, but in reality what the amendment really does is to put a hold, to absolutely gut the provisions of the bill. This bill, as written in this section, will allow the consolidation of ACDA, AID and USIA functions within the State Department.

Of the organizations that are in an unusual fashion expressing support for this bill today, the support is coming because we are in fact consolidating the agencies that now exist as separate agencies, AID, ACDA and, of course, USIA. That is the reason we are having the taxpayer groups and so many other conservative groups, who ordinarily would never come out and suggest that we ought to vote for a foreign assistance bill, but in fact it is one of the major ways that we are saving an extraordinary amount of money.

I want to call my colleagues' attention to a couple of changes that the committee made in the course of deliberations on the proposal to consolidate these agencies. One of the most important concerns I had early in the process was the fact that we may be burying ACDA, the arms control agency, and their recommendations, too deep in the bureaucracy of the State Department. So in fact we amended that and moved the placement so that the director of ACDA will be making recommendations not through some layer of bureaucracy but directly to the National Security Council, to the President. It cannot be delayed, cannot have his recommendations deferred or set aside by some assistant Secretary of State or even the Secretary of State.

The other thing I wanted to mention is the fact that while the concept started in the other body and was once enunciated in the House bill at its earliest stage of having a separate foundation run what are now the programs of the Agency for International Development, that concept was jettisoned. Indeed, what we have kept is an assurance by the organization proposed that the programs of the Agency for International Development in its new home, it is not being eliminated, it is being placed and consolidated into the State Department, that those programs will in fact be a tool or set of tools to be implemented by the President of the United States.

□ 1930

After all, the development policies and the other programs run by the Agency for International Development ought to be under the direction of the President so that they can indeed serve our national interests, our foreign policy objectives.

So I would say to my colleagues, if they vote for the Ackerman amendment they are basically gutting the bill's savings provisions, the part that conserves our dollars and makes a better use of them, they are gutting the consolidation efforts that we have shown in this bill.

Importantly, the Ackerman amendment gives the Director of the Office of Management and Budget an independent veto over this consolidation. A new statute would be required to override the veto. Now those are the kind of decisions I think properly are left to the Congress of the United States and not to CBO and not to OMB. I do not think we need additional studies. If there are savings in this approach, I think it is a rather extraordinary circumstance that they would have to demonstrate. It is very clear that the savings in the bill are in significant part because of this consolidation.

So I urge my colleagues to reject the Ackerman amendment and to leave what we have crafted in the way of a consolidation effort. I think it focuses the programs, the decisionmakings that do relate to our foreign policy where it ought to be in the State Department but with careful placement of these three new subcomponents.

I ask my colleagues to vote against the Ackerman amendment.

Mr. OBEY. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the Ackerman amendment.

Mr. Chairman, I support the Ackerman amendment for one very simple reason: I think the matter of arms control policing is much too important to be left in the hands of the State Department. I recognize the efforts made by the committee to try to ensure that ACDA will in fact still directly report to the National Security Agency. But the fact is that so long as the Arms Control and Disarmament Agency remains in any way a part of the State Department, it will be under pressure, regardless of the bureaucratic boxes, it will be under pressure to follow the party line of the agency. And with all due respect to the State Department, and I have a lot of respect for it, I think the Congress needs to know that it has an absolutely independent and fiercely independent agency which will call the shots as they see it when they are evaluating whether other countries who share this globe with us are in fact in compliance with arms control agreements or not. And so long as the arms control agreements or not. And so long as the arms control agency is folded into the State Department, we will always have the tendency of the State Department to want to take into account other factors, and they will bring pressure on ACDA to take into account other factors such as our political relationships with those countries.

Political relationships are important. But when it comes to arms control, this Congress needs to be able to know that it has the unvarnished facts, and I think there are just too many pressures on the State Department to assure that we are going to get those unvarnished facts, and therefore I would oppose what the committee does.

I cannot think of any more important information which the Congress needs to have than to know whether or not some other country in the world is either violating or getting close to violating arms control agreements which they have signed.

I do not want to have even the slightest scintilla of pressure be brought on an arms compliance evaluating agency to take into account the fact that we need to have good relations with another country, or we need to take into account what is happening with the political opposition in that country. It just seems to me that the primary obligation of this Congress is to have clear, straight information, and I think we risk the fact that we will not have it if ACDA is submerged into the State Department.

So I would strongly urge that the Ackerman amendment be supported. All it says is that this action cannot take place until there is a cost-benefit analysis. That to me refutes the argument of my good friend from Nebraska, with whom I very seldom disagree on foreign policy issues. It just seems to me in this case the Congress' overwhelming interest in having absolutely neutral, straight, hard-nosed information about whether other countries are giving us a snow job or not in terms of their compliance overrides all other considerations. We ought to vote for this amendment.

Mr. ROHRABACHER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, have no doubt about it, this amendment would gut the reform that the Republicans have brought to the foreign policy establishment of this country. The American people voted for change. We have come forward with a bold plan of reform, and what we have now is an attempt to derail that reform, to study it to death.

In answer to some of the arguments that have been made, whether it is arms control or whether it is AID policy, or whether it is communications policy, these are not separate efforts. These are not things that operate and should operate independently of a global strategy. These are part and should be part and parcel of a global strategy, part of the same effort. This is what is behind our whole reform proposal to take arms control, AID decisions, and communications and put them into the State Department so that we can have what this country needs, and that is bold leadership on the part of the executive rather than what we have had in the last 10 years, which is quite often nothing more than an attempt by people who hold executive power to reach a consensus among independent agencies.

The fact is that if we are going to be efficient in the post-cold war world we need to make sure that our organizational structure is more efficient, and is operating with decisive leadership, which is exactly what you cannot have when you have different agencies operating independently.

What we are trying to do is consolidate, reform, and restructure the foreign policy apparatus of the United States in order to bring down costs and to make the system more efficient. What this amendment would do is prevent that reform, and maintain an ineffective status quo.

We need to provide American ambassadors, for example, more flexibility in their decisions with lower budgets, because they will have lower budgets. If we do not restructure at a time when we are bringing down the budgets of our foreign policy establishment, if we do not give them more flexibility, we are going to end up with a worse foreign policy apparatus. We need to change the way our foreign policy establishment has been doing business because this is a different world. And there is no way that you can force these types of reform decisions to be made than to force this type of restructuring by a reform process.

Again what we have here is a proposal to study our reform measures to death. Instead it is time to act decisively, time to move forward, time to change the status quo, and not sit back in indecisive studying of the problem.

Mr. ACKERMAN. Mr. Chairman, will the gentleman yield?

Mr. ROHRABACHER. I yield to the gentleman from New York.

Mr. ACKERMAN. I appreciate the gentleman's yielding.

First, Mr. Chairman, the gentleman misinterprets my intent. I am not intending for anything to be studied to death. I do not want it to be studied any more than the time necessary to make the appropriate decision, but the gentleman refers, as previous speakers have referred, to the supposed fact, and it may or may not be true, that this bill as constructed is going to save money. And the only thing that I am asking and those who support this bill are asking is, where is the savings? Has there been, as you have called for time and time again, a cost-benefit analysis of any major change? Perhaps it is going to cost less, perhaps it is going to cost more. Without any delay, why can we not have somebody tell us where the savings are, where is it going to be more efficient, how many dollars. Could the gentleman tell me within $100 million how much we might save? There is not one penny of savings in the bill.

Mr. ROHRABACHER. Reclaiming my time in order to answer the question, we are bringing down these budgets, and by restructuring we are forcing those people, those managers within the system, to be more efficient, to make decisions that will make their operation more effective within decreased budgets. The fact is that in the post-cold-war world we need some restructuring, and we perhaps need our Ambassadors in foreign countries to be able to operate a little bit more independently even though their budgets in foreign countries will be less than what they were 10 years ago at the height of the cold war.

Mr. ACKERMAN. If the gentleman will yield further, as the gentleman knows, within the bill presently there is no plan for restructuring. The bill calls for a plan to be put forth by March 1996. So there is no plan on which to base any costs. Why is there opposition to having somebody do an analysis of whether this will cost or save money?

Mr. ROHRABACHER. There is a reform plan.

Mr. GILMAN. Mr. Chairman, we have only one remaining speaker.

The CHAIRMAN. The Chair would advise the Members we are under the 5-minute rule.

Mr. ACKERMAN. Mr. Chairman, in answer to the gentleman's question, we have five additional speakers who are present in the room right now.

The CHAIRMAN. The Chair is proceeding under the 5-minute rule.

Mr. GILMAN. The gentleman has five additional speakers?

Mr. ACKERMAN. That is correct.

Mr. GILMAN. We have only two. Would the gentleman consent to unanimous consent to wind up all debate by 8 o'clock?

Mr. ACKERMAN. If he will limit each of his speakers to 1 minute each and allow us the balance of the time, the answer is yes, but obviously we have more speakers than he.

Mr. GILMAN. We are pleased to limit our speakers so we can wind up by 8 o'clock if we can share the time equally.

Mr. ACKERMAN. I have to object; if the gentleman has two speakers and we have five, splitting the time equally would not be equitable.

Mr. GILMAN. We will be pleased to try to limit our speakers to 3 minutes each and reserve the balance for the gentleman's side.

Mr. ACKERMAN. We will try to exercise the maximum restraint possible. We are not interested in dragging this out, but we do have Members who have signed up.

Mr. GILMAN. May I further suggest that we limit the remaining speakers to 3 minutes each on both sides?

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. ACKERMAN. Reserving the right to object, Mr. Chairman, I withdraw my reservation to object, but not to the 8 o'clock ceiling. But we will limit subsequent speakers to 3 minutes each.

Mr. GILMAN. Mr. Chairman, I withdraw my initial unanimous-consent request and I ask unanimous consent that each speaker be allowed 3 more minutes so we can wind up the debate at an early hour.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. ACKERMAN. Reserving the right to object, Mr. Chairman, I just want to make it clear we are talking about this amendment specifically, and we are not amending the 5-minute rule to now be known as the 3-minute rule for the remainder of the debate on this particular bill.

The CHAIRMAN. It is the understanding of the Chair it will be this amendment and amendments to this amendment.

Mr. ACKERMAN. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. HAMILTON. Mr. Chairman, I rise in support of the Ackerman amendment.

The CHAIRMAN. The gentleman from Indiana is recognized for 3 minutes.

Mr. HAMILTON. Mr. Chairman, I think what strikes me about the provision in the bill with respect to reorganization is that we simply do not know what the bill's impact is on people, on costs, on the ability to carry out the mission. I do not know whether we make any savings with this bill or not, the reorganization.

□ 1945

The chairman of the Subcommittee on International Economic Policy, during the committee debate, said there are no savings from the consolidation in this bill. The word "abolish" is used several times in the bill to abolish AID, abolish USIA, abolish ACDA, and put them all into one organization, but all of the functions of those agencies are continued. So we are simply moving boxes around, as far as I can see.

What it does, the reorganization proposal, is to vastly expand the State Department. It doubles the number of employees in the State Department. It triples the budget of the State Department.

Now, all of us agree that government has to be downsized, and I want to say that the administration has worked pretty hard at that. Staff has already been reduced by 2,300 in the foreign policy agencies. That has contributed $500 million in cost savings thus far. It has pledged to cut another $5 billion from the international affairs budget from 1997 through the year 2000.

I want to point out that the Congressional Budget Office has not done any study on the potential cost savings that would result from the consolidation mandated by this bill, and it is important to compare the processes here with the processes used in the Defense Department and the intelligence agencies, where you really had a bottom-up review. Compare this bill with the approach taken in the intelligence community today, also a bottom-up review, but here we have no rationale. We are not connecting the changes in reorganization with the problems in American foreign policy.

There is no effort to tie these reorganization proposals to any improvement in American foreign policy, and I simply do not have a good idea of what this reorganization does in terms of improving American foreign policy.

The Ackerman amendment gives us the ability to know what we are buying into in this bill, and through that amendment we will find out whether there is money to be saved or there is not, whether decisionmaking will be enhanced or it will not be, whether effectiveness will be improved or it will be diminished.

So this amendment, which mandates a cost-benefit analysis of agency reorganization prior to the implementation of any reorganization or consolidation plan, makes a lot of sense to me in terms of management.

Mr. ROTH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I hope that the Members of this Chamber have had a chance to look at this amendment. You know, this is a very craftily adopted, created amendment. This amendment is very clever. It is Machiavellian in an effort to undo a major provision of this bill.

I do not know if the people have all read this amendment, but when you read it there are a couple of sentences in here. It say, look at this, "Unless the Director of the Congressional Budget Office and the Director of the Office of Management and Budget, independently, calculate and submit to the Congress a joint report, nothing can be done.

In other words, you have got 100 Senators, 435 Congressmen, and two bureaucrats can stifle the entire Congress and the will of Congress. That is what this amendment says, if you take a look at the amendment from line 5 to line 9. This amendment really guts the main provision of this bill.

Now, our bill consolidates three out-of-date Cold War agencies. And how many times have you been home when people have said, "Hey, our government is too big, our government costs too much?" And basically what we are trying to do with this bill is take these three agencies and downsize them.

The American people have loudly and clearly told us again and again that our government has gotten too big and costs too much. What is at issue here is basically a fight between the people who want to change what is happening in our government and the people who are fighting for a status quo. That is really at issue here, and the agents opposed to change are fighting a rear guard action here to gut the bill. It is the old adage, if you cannot defeat the bill, gut the bill.

The President actually is given here a heck of a lot of authority. We are giving the President, under this bill, tremendous authority. He has all the advantages to structure this any way he wants, plus we are not giving him until tomorrow morning to do it. We are giving him 3 years to bring about this change. That certainly is enough. We are leaning over backwards to be fair.

No one can argue the President is being disadvantaged. He has got all the time and all the abilities and all the advantages in carrying this out.

This amendment merely says that we want change, and that change has to come about. This amendment is the old liberal welfare state philosophy of big government, of study, study, study, study. Study? How many studies do you need? You do not need any more studies. No matter how many studies are going to come here, you are going to make a decision whether to cut the government or not.

Study, study, study, spend, spend, spend, but the real objective is to delay, delay, delay.

What we are saying is we want to move forward. The American people have spoken, and we are saying that we are going to go ahead and downsize this government.

Yes, we are going to move ahead, and we want to work with you, but we cannot allow you to totally stymie us and to keep us from doing what we have pledged to the American people that we will do. Let us do what the people have repeatedly asked us to do.

The CHAIRMAN. The time of the gentleman from Wisconsin [Mr. ROTH] has expired.

(On request of Mr. ACKERMAN, and by unanimous consent, Mr. ROTH was allowed to proceed for 1 additional minute.)

Mr. ACKERMAN. Mr. Chairman, will the gentleman yield?

Mr. ROTH. I yield to the gentleman from New York.

Mr. ACKERMAN. I can understand and appreciate the gentleman's strong aversion and opposition to study. But could the gentleman cite for me one penny's worth of savings in this bill that you do not want to study? Not a dollar, not a thousand, not a million, not a billion. One penny. Tell me where it is saved in this bill.

Mr. ROTH. We are bringing these three agencies into the State Department.

Mr. ACKERMAN. At what cost?

Mr. ROTH. We are downsizing them by one-third; each agency will be downsized by a third. Therefore, the cost of the agencies should be downsized by a third. That is what we are doing in this amendment.

Mr. ACKERMAN. If the gentleman will explain how much the cost that offsets that in avoiding or renegotiating existing contracts.

Mr. ROTH. Reclaiming my time, and I appreciate the gentleman getting me more time——

Mr. ACKERMAN. Tell me how that saves more money on balance.

Mr. ROTH. Reclaiming my time, we are going to be saving, because when we put these three agencies into the State Department, we are mandating to the President that when he brings these agencies in, he has to downsize them by a third.

Mr. ACKERMAN. You do not mandate he saves any money?

Mr. ROTH. Each one of these agencies will be downsized by a third. That is where the savings are going to be. This is a poor amendment, and I hope we all vote against it.

Mr. BERMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment.

I think, let us step back and take a look at what is going on. The majority party has put a bill on the floor which is a frontal assault on the President's authority to conduct foreign relations, micromanages to a level that the Democrats during Ronald Reagan's presidency never even presumed to go to, and massively slashes the amount of money spent on the foreign relations function.

But they have got a problem because some of their members said they never would vote for anything, and the bill still is a $17 billion bill and they have got to get their members to vote for it. So they say, "Well, this does something else. This reforms the foreign affairs agencies by consolidating them." It gives total discretion, or pretty close to total discretion, to the executive branch as to how to consolidate it. There is no inherent savings in the consolidation.

The gentleman from New York has pointed out why the act of consolidation will cost money, but now they can say it is reform, it is slashing, and it is attacking the President, so maybe now they can pick up the votes.

The gentleman from Wisconsin [Mr. ROTH], my friend, says we are cutting each by one-third. You could leave the agencies separate and cut them by one-third. The act of consolidation does nothing to save money. What it does do is ensure commercial interests, like they did in Iraq, will supersede nonproliferation issues when you eliminate the Arms Control and Disarmament Agency. What it does take independent radios and make them subordinate to the geopolitical relationships between countries, moves that independence which allows an accurate voice of what is going on in a country to be broadcast to that country where there is a dictatorship, where there is an absence of free press, and has caused conservatives, who are very much supportive of bringing that word to those countries, to oppose this consolidation.

What it does is make development assistance goals and humanitarian goals subordinate to government-to-government relationships. There are major bad policy consequences from the consolidation.

There are no savings. But now you can say you slashed and you reformed and you have attacked the President, and maybe you can pick up your party's members who said they would never vote for an even $17 billion Foreign Assistance Act.

The amendment offered by the gentleman from New York [Mr. ACKERMAN] calls that bluff by saying, through a cost-benefit analysis, demonstrate the act of consolidation saves money. It puts you to the test. If this is the goal of consolidation, you will have no objection to the Ackerman amendment.

If the goal is simply to put a label of reform onto a bill, then you probably want to oppose the Ackerman amendment.

I urge adoption of it.

Mr. LEACH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, well, let me just stress that I think we have probably exaggerated the debate.

The fact is the Department of State can well function with the consolidated basis. The foreign policy of the United States can well function in a more decentralized basis.

As perhaps the only Member of this body who has served in one of these agencies as a Foreign Service Officer, having spent 2 years in the Arms Control and Disarmament Agency, it is my sense that for long term continuity the country's foreign policy probably operates better on a decentralized basis. We have a long and proud history of the United States Information Agency, under great leadership, of great independence and respect. Likewise with the Arms Control and Disarmament Agency, and while AID is obviously a controversial mission, we have had distinguished people serve at the Agency for International Development.

I would only rise to stress whether one is for or against this bill, it should not relate to the outcome of this particular amendment.

My view is to be sympathetic to it, and I will support it, but I would also stress that one can consolidate and function effectively. It all is a matter of leadership at any given point in time, and here we are involved in kind of a great political science debate in the sense of sometimes agencies of government, like business, are better off consolidated; sometimes, depending on leadership, they are better off with decentralized leadership. Sometimes there is a case for flux, where one has one circumstance to change it. Sometimes, in addition, there is a case for stability.

Now, having said that and having noted that one can reach opposite conclusions, I think in the long term the best interest here is for stability and for decentralization and, therefore, I think on balance the Ackerman amendment makes the most sense at this particular time.

Mr. SKAGGS. Mr. Chairman, I move to strike the requisite number of words.

I urge my colleagues to support the Ackerman amendment. It quite clearly gives us the opportunity to take a more careful look at what I think is the not carefully thought through proposal for consolidation that is in the base bill.

Mr. Chairman, effective foreign policy should represent the pursuit of enlightened self-interest. One of the most pressing interests in American foreign policy today is to control the spread of weapons of mass destruction. This becomes more and more important as regional and ethnic conflicts continue to explode across the globe. Today, more than ever before, it is in our critical self-interest to maintain an agency that advocates, negotiates, implements and verifies effective arms control, nonproliferation, and disarmament policies, strategies and agreements. That agency is the Arms Control and Disarmament Agency.

Independent status means that ACDA brings to the policy table an expert and undiluted arms control viewpoint. Often, this viewpoint differs from the State Department's perspective, which must be primarily concerned with diplomacy. That is why ACDA was created and that is why ACDA has continued to prove its worth to U.S. national security over the years.

H.R. 1561 eliminates ACDA's independent voice on arms control. It eliminates the ACDA's Director's access to the President, the National Security Advisor and the Secretary of State. It expels ACDA from interagency policymaking process where significant arms control and nonproliferation decisions are made.

To understand the efficacy of ACDA's role in the foreign policy process one need only to look at recent newspaper headlines. I find it ironic that earlier this month, during the same week when the International Relations Committee proposed its abolition, ACDA's director was with the President at a summit in Moscow working on important national security matters while ACDA's deputy director was in New York securing one of the greatest American post-Cold War foreign policy successes—permanent extension of the Nuclear Nonproliferation Treaty.

Negotiation of the permanent extension of NPT was reached against the odds. Without the relentless effort of ACDA's expert negotiators over the last 3 years we might not have the NPT today. The protection that NPT helps provide against nuclear proliferation benefits all Americans.

The supporters of H.R. 1561 claim that ACDA is a cold war relic. This claim shows how out of touch the authors of this legislation are with the realities of the foreign policy environment we face. Given the remaining dangers of Russian overarmament, and the new dangers of the post-cold-war world, ACDA is a relic today only if weapons of mass destruction are a rumor and proliferation is a myth.

The authors of H.R. 1561 claim that it would save money by eliminating an independent ACDA. In fact, according to the Congressional Research Service, it will cost $10 million to eliminate ACDA.

ACDA's basic budget is $50 million. According to the U.S. Strategic Command, the existing strategic arms limitation treaties have saved about $100 billion. Since these treaties took about a decade to negotiate, you could argue that there's a payoff of 200 to 1 from ACDA. I suspect that the impact of this ill-conceived legislation will be the reverse—one bill and 200 new problems caused by the disruption, dislocation, and crippling reductions contained in this bill.

The creation of a mega-bureaucracy that absorbs ACDA comes at the worst time—as the U.S. Government is pursuing the biggest and broadest arms control and nonproliferation agenda in history. Now is not the time to be dismantling the one agency whose sole mandate is to fomulate, negotiate, and verify arms control and nonproliferation policies and agreements.

This bill ought to be called the "American Leadership Reduction and Avoidance Act of 1995." By silencing ACDA's independent voice on arms control and nonproliferation issues this bill presents a serious threat to the future security of this country. The purpose of ACDA is to bring the arms control perspective to the table when foreign policy decisions are made. This perspective has helped protect America and the world from dangerous proliferation of nuclear, chemical and biological weapons of mass destruction for a third of a century. Now is not the time to stop or shrink from responsibilities of leadership.

□ 2000

Now is not the time to be dismantling the one agency whose sole mandate is to formulate, negotiate, and verify arms control and nonproliferation policies and agreements. I urge a "yes" vote for the amendment offered by the gentleman from New York [Mr. ACKERMAN].

Mr. DAVIS. Mr. Chairman, I move to strike the requisite number of words and rise in support of the amendment before the House.

Mr. Chairman, this amendment requires that the Directors of the Congressional Budget Office and the Office of Management and Budget to submit a joint report to the Congress analyzing the costs and benefits of proposals to abolish or consolidate the U.S. Agency for International Development, the U.S. Information Agency, and the Arms Control and Disarmament Agency. This cost/benefit analysis will allow this Congress to make an informed decision that fully considers the effects of consolidation of agencies on the personnel and management systems involved.

I support the goal of achieving a balanced budget over seven years, but I believe that we need to focus on the hard working citizens, many who live in Northern Virginia, who face possible job loss as a result of the agency consolidations proposed by this bill. I serve on the Subcommittee on Government Management, Information and Technology where we are currently reviewing the costs and benefits of many of the consolidation and downsizing proposals that would reshape the Executive Branch of the Federal government. During our recent hearings, it has become evident that so-called downsizing and consolidation efforts can have the unintended consequence of actually increasing costs to the federal government. For example, it costs the federal government an average of $35,000 for each employee that is terminated from the civil service. This amendment would provide for enough time to make an informed decision regarding agency consolidation—a decision that could avoid the unintended costs associated with massive layoffs.

Earlier this year, I strongly supported several measures that emphasize cost/benefit analysis and informed decision-making by regulatory agencies. My support for this amendment on agency consolidation is consistent with my support for regulatory reform. Congress has a fudiciary duty to ensure that it takes the time to consider the costs of legislative proposals. I urge my colleagues to join me in support of this amendment to delay the consolidation of U.S. AID, USIA, and ACDA, to preserve jobs, and to avoid an unintended waste of tax dollars.

Mr. MORAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from New York [Mr. ACKERMAN] because it addresses one of the most egregious aspects in this bad bill. The problem with the proposal to gut the Agency for International Development, the United States Information Agency and the Arms Control and Disarmament Agency by putting them into the State Department is that it compromises the mission of every one of those agencies.

The mission of the State Department, my colleagues, in diplomacy. That is not the mission of AID, USIA and ACDA.

The mission of the United States Agency for International Development is to maximize the economic and the human potential of everyone around the world and, by doing so, create market opportunities for American industry.

The mission of the U.S. Information Agency is very simply truth, not truth that complies with State Department policy that is politically oriented, that is acceptable, but simply, plainly credible truth. That is what the USIA delivers around the world.

And the mission of the Arms Control and Disarmament Agency is to save us expenditures and arms procurement by enabling us to control the proliferation of nuclear, chemical and biological weapons.

Of all the times in history to think about gutting the mission of the Arms Control Disarmament Agency, when we know how able dictators, tyrants, crazy nuts around the world have access to lethal weapons, and we are going to gut the mission of the Arms Control and Disarmament Agency? Of all the times to gut the mission, to compromise the mission or the Agency for International Development.

Consider the fact that as we move into the next millennium, the 21st century, there will be five new human beings born every second of every day, and three of them are going to go hungry, without adequate housing, without decent medical care. The Agency for International Development can enable them to become not desperate, hostile people, but constructive members and contributing to a world of peace and economic and social stability and, by doing so, create markets throughout the world for the American economy.

That is what the Agency for International Development does, and let me quote just from the New York Times here on USIA.

The CHAIRMAN. The time of the gentleman from Virginia [Mr. MORAN] has expired.

(By unanimous consent, Mr. MORAN was allowed to proceed for 15 additional seconds.)

Mr. MORAN. In his directive granting the United States Information Agency independence, independence which would be eliminated by this bill, President Eisenhower empowered it to explain imaginatively the correlation between United States policies and the legitimate aspirations of other people of the world. Now is not the time to tear the United States Information Agency from that appointed task.

President Eisenhower knew what he was doing. He would vote against this bill, but he would certainly support the amendment offered by the gentleman from New York [Mr. ACKERMAN].

Mr. ENGEL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the opponents of the amendment offered by the gentleman from New York [Mr. ACKERMAN] are saying that what his amendment would essentially do is gut the bill. I say that unless we have the Ackerman amendment, we are gutting America's role in the world.

I said it before, and I will say it again. Did we spend billions upon billions of dollars to fight and win the cold war, only to throw it away after we are successful? American foreign aid, only 1 percent of the budget, has worked. The people pushing this bill—and I oppose the bill because I think the bill is an isolationist bill; I think the President is exactly right on that—the people pushing this bill are saying that consolidation of AID, ACDA, and USIA would be a good thing.

Well, how do we know? I say to my colleagues, "If you are for the Contract for America, then you ought to be for this amendment. All we are saying is do a cost-benefit analysis, see if indeed there will be savings, and then make an intelligent judgment after we see what the cost-benefit analysis says."

Voting this way is buying a pig in a poke. We do not know if it is going to save money. In fact, many of us believe it will lose money. We do not know if it is going to be more effective. In fact, many of us believe it will be less effective.

I like AID, ACDA, and USIA as independent. Do we really want them rolled into the State Department? They have different roles. Do we really want them under the thumb of the State Department? I do not.

I say to my colleagues, "The only plausible reason you can make to consolidate is if it saves money, and, my colleagues, if it doesn't save money, then what are we doing this for?"

So all my colleague from New York is saying is, "Let's do a cost-benefit analysis, which my friends on the other side of the aisle often talk about the cost, they often talk about wasteful government programs, they often talk about downsizing and consolidating if it saves money, but if it doesn't save money, what are you doing? You are shifting the bureaucracy from one part to the next, and you're probably making for a less efficient agency."

So again, whether my colleagues are for this consolidation or whether they are not, and I am not, what detriment can a cost-benefit analysis do. If it, indeed, saves money, it would seem to me that my friends on the other side of the aisle would have something to bolster their argument to consolidate, and, if it loses money, I would think a lot of people on both sides of the aisle would not want to vote for it anyway.

So let us stop having our heads in the sand. Let us stop having the fervor of consolidation and downsizing only. Let us do something that makes sense. Where there is fat, let us cut it out. If it makes sense to consolidate, let us consolidate, and, above all, let us look at the cost. A cost-benefit analysis is right for America.

Again I say to my colleagues, "If you supported the Contract, you should be for this. Everybody ought to be for this on both sides of the aisle, so I urge my colleagues to support the Ackerman amendment."

Mr. GILMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I urge my colleagues to vote against the amendment offered by the gentleman from New York [Mr. ACKERMAN]. It seeks to gut our whole reorganization structure, and I merely want to quote from two former Secretaries of State.

James Baker said,

> Your proposal is breathtaking in its boldness and visionary in its sweep. It represents the fundamental reorganization needed if we are to transform government institutions to meet foreign policy challenges of the twenty-first century.

Then Larry Eagleberger, former Secretary said:

> With regard to the consolidation, I am already on record in testimony before Senator Helms in enthusiastic support of what his committee and yours seek to accomplish. By abolishing the Arms Control and Disarmament Agency, the Agency for International Development, and the U.S. Information Agency, the bill will eliminate bureaucratic overlap, improve efficiency, save money, and enhance the ability of the Executive branch to advance American interests abroad.

I urge my colleagues to vote against the amendment offered by the gentleman from New York [Mr. ACKERMAN].

Mr. MOAKLEY. Mr. Chairman, there are many reasons to oppose this bill. It undermines the ability of the U.S. Government to conduct foreign policy. It abdicates U.S. leadership worldwide. It wastes our resources on moving boxes when the challenges of the post-cold-war world demand our attention, and it ties the President's hands and eliminates many of the tools at his disposal. National Security Advisor Tony Lake rightly calls it the "unilateral disarmament" of American foreign policy.

Under the reorganization provisions of this bill, we stand to lose a foreign policy tool which is vital to our national security. The Arms Control and Disarmament Agency is charged with solving the nuclear, chemical, biological, missile technology and conventional arms proliferation problems of our day. ACDA is a small, lean agency with a budget of only $50 million. Yet the U.S. Strategic Command tells us that the strategic arms treaties ACDA administers save the nation's taxpayers about $100 billion.

In its present form, ACDA's Director has an independent voice and direct access to the President, the National Security Council and the Secretary of States. But this bill buries the director under three levels of bureaucracy. To make his voice heard, he will first have to make his case to an Assistant Secretary, then to an Undersecretary, and then to the Secretary of State.

State Department decisions, by nature, are often grounded in diplomacy and sensitive to the political considerations of other nations. ACDA has no entrenched interest in diplomatic relations. Thirty years ago, it stood alone in support of a nuclear non-proliferation treaty that the State Department opposed out of deference to some of our allies. It stood alone in support of a ban on deployment of multiple-warhead land-based missiles in the SALT treaty negotiated by Richard Nixon. When that effort failed, it took twenty years to negotiate a new agreement (START II) to remove the highly-threatening Soviet land-based missiles. And ACDA was the key to getting the Soviet Union's radar at Krasnayarsk removed as a violation of the ABM treaty in spite of reluctance at the State Department.

An independent ACDA has made tremendous contributions toward peace. Ralph Earle, Deputy Director of ACDA, recently put it this way:

> If one thinks that arms control implementation and compliance can largely take care of itself; that the dangers of proliferation are overblown; that the chemical weapons terrorism in Japan was a fluke; and that we should let arms and sensitive dual-use technologies flow abroad more freely, then the proposed legislation may be the way to go.

But, Mr. Chairman, I submit that our President—and our country—needs the full range of tools to make the most informed and effective decisions. The Arms Control and Disarmament Agency is a vital agency built around highly trained arms control specialists. Our national security necessitates its independent voice, its unique expertise, and its direct access to the highest levels of government. The reorganization provisions proposed in this bill will cost us money, disrupt arms control and non-proliferation progress, and surrender valuable expertise. They are harmful to our nation's security and I urge their rejection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. ACKERMAN].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. GILMAN. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 177, noes 233, not voting 24, as follows:

[Roll No. 360]

AYES—177

Abercrombie
Ackerman
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Clay
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello

Coyne
Cramer
Danner
Davis
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dingell
Dixon
Doggett
Dooley
Durbin
Edwards
Emerson
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Klink
LaFalce
Lantos
Leach
Levin
Lewis (GA)
Lipinski
Lowey
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Moran
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reed
Reynolds
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Stokes
Studds
Stupak
Tanner
Tejeda
Thompson
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates

NOES—233

Allard
Andrews
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bono
Brewster
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clinger
Coble
Collins (GA)
Combest
Condit
Cooley
Cox
Crane
Crapo
Cremeans
Cunningham
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lazio
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
LoBiondo
Longley
Luther
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Minge
Molinari
Moorhead
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Orton
Oxley
Packard
Parker
Peterson (MN)
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Walker
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—24

Bonilla
Bryant (TX)
Clayton
Coburn
Cubin
Dicks
Foglietta
Gephardt
Houghton
Johnson (CT)
Kleczka
Largent
Laughlin
Lofgren
Lucas
Montgomery
Paxon
Peterson (FL)
Spratt
Stark
Thornton
Waldholtz
Watts (OK)
Wicker

□ 2029

The Clerk announced the following pair:

On this vote:

Mrs. Clayton for, with Mrs. Waldholtz against.

Mr. MASCARA changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. STOKES. Mr. Chairman, I rise in strong opposition to H.R. 1561, the American Overseas Interests Act of 1995. By eliminating important foreign policy functions of the Federal Government this bill retreats from our obligations as Americans and human beings to the neediest citizens of the world. As the recent tragedies in Rwanda and Bosnia clearly demonstrate, this is not time for America to retire from the world community.

The stated objective of the American Overseas Interests Act, is the elimination of the Agency for International Development [AID]. The U.S. Information Agency [USIA], and the Arms Control and Disarmament Agency [ACDA] in addition to slashing $1.8 billion in foreign aid, international broadcasting, and diplomatic functions funding from the administration's requested level. In fact 29 percent of the development assistance for child survival programs, African development aid, disaster assistance, and Latin American and Caribbean aid will be cut by this draconian legislation. This shortsighted and rushed legislation will reorder American foreign policy objectives by abolishing foreign and peace organizations, interfering with the foreign policy prerogatives of the President and substantially cutting assistance to friends of America in great need.

The American Overseas Interests Act of 1995 that we are considering here today is completely out of balance. H.R. 1561 seeks to isolate the United States by restricting America's role in the world. It recklessly cuts U.S. contributions to the United Nations and U.S. peacekeeping operations. It would be an abdication of American humanitarian leadership overseas to support this legislation.

Contrary to the representations of the supporters of this bill, foreign aid constitutes less than 1 percent of the U.S. budget. This small investment is leveraged further by a public-private partnership involving several hundred U.S.-based charitable organizations. Without the U.S. contributions of seed money, these cuts in aid will be devastating.

Foreign aid is no giveaway. These dollars work as an effective means of developing and expanding U.S. export markets. In fact, the recipients of U.S. Foreign aid constitute the fastest growing market for U.S. exports. In the past 10 years, our exports to developing countries have more than doubled from $71 to $180 billion. This valuable trade results in thousands of badly needed jobs for American workers.

Mr. Chairman, H.R. 1561 is not only a bad deal for the American economy, it also compromises the President's initiatives in foreign affairs. In a seven to one decision, the U.S. Supreme Court in *United States v. Curtis-Wright Export Corp.*, 299 U.S. 304 (1936) held that because of "fundamental differences" in national power with respect to internal and external affairs, the President of the United States possesses additional prerogatives in the foreign affairs field that, in my opinion, this legislation compromises.

This bill imposes restrictions and limitations on the President's special authorities that would hamper the ability of the United States to respond to rapidly changing international circumstances. Therefore, the constitutionality of the American Overseas Assistance Act is in question and should be carefully examined prior to any further consideration of this bill.

A dramatic example of the negative impact this legislation would have on the President's prerogatives in foreign affairs is the fact that H.R. 1561 directly inhibits vital Presidential objectives such as—implementation and funding for the framework agreement with North Korea; debt reduction for poorer nations; democracy building and market reform in Russia; and funding for worldwide family planning activities.

Contrary to the arguments that have been made by the supporters of H.R. 1561, President Clinton has proposed a budget that reasonably addresses the overseas interests of the United States. President Clinton's fiscal year 1996 foreign affairs budget has two key initiatives; reasonable consolidation and maintenance of our obligations to our friends and the world's neediest people.

The administration has proceeded vigorously with its efforts to streamline AID, ACDA, USIA, and the Department of State. Under the administration's efforts, foreign affairs agencies are reducing staffing by 4,700 positions, cutting bureaucratic layers and duplication, eliminating low-priority posts and programs, reengineering their business processes, and establishing common administrative services.

The administration has taken these steps to enhance the efficiency and effectiveness of these agencies.

By contrast, the approach of H.R. 1561 is to simply eliminate AID, ACDA and USIA. This extreme action would result in an unwieldy, costly, and ineffective compromise of U.S. foreign policy objectives and would constitute an abdication of American humanitarian leadership overseas.

The ironic truth about H.R. 1561 is that it will actually weaken our influence overseas and therefore compromise our national defense, prestige, and effectiveness. As a result of the bill's redirection of $1.8 billion away from programs that help uplift the world's poor, American interests will be compromised.

Mr. Chairman, there is no doubt that with the end of the cold war the United States now reigns supreme as the world's only superpower. Over the past 7 years, our foreign policy has undergone a massive undertaking to adjust to a post-cold-war world which has allowed us to maintain a better balance of our domestic and foreign interests. Because of these changes in world politics, the United States is faced with an unprecedented opportunity to redirect funds to relieve problems here at home and help improve the lives of our friends overseas.

Mr. Chairman, unfortunately, as a political maneuver, the current majority has attached to this bad bill provisions authorizing aid to Israel and her Mid-East peace partners. This insulting and cynical attempt to force those of us who support Israel to endorse the overwhelmingly shortsighted and offensive objectives of H.R. 1561 will not work.

My record in Congress supporting issues important to Israel and the Mid-East peace process has been consistent and steadfast. In the form of foreign aid, trade relations, and support for the peace process, I have recognized the wisdom of a vital Israel and a fair peace process. Despite the fact that I have been forced to vote against this bill, rest assured I will do all that I can to ensure that the President's budgeted aid for Israel and the Mid-East peace process is delivered by this Congress.

In closing, H.R. 1561 reflects my colleagues' desire to sacrifice the interests and obligations of the American people in exchange for isolationism and inhumanity. I urge my colleagues to vote against this bill.

Mr. GILMAN. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. WALKER) having assumed the chair, Mr. GOODLATTE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1561) to consolidate the foreign affairs agencies of the United States; to authorize appropriations for the Department of State and related agencies for fiscal years 1996 and 1997; to responsibly reduce the authorizations of appropriations for United States foreign assistance programs for fiscal years 1996 and 1997, and for other purposes, had come to no resolution thereon.

PERSONAL EXPLANATION

Mrs. WALDHOLTZ. Mr. Speaker, due to a family illness, I missed votes on Wednesday, June 7. Had I been here I would have voted "yea" on rollcall No. 357, the rule for consideration of H.R. 1561, and "yea" on rollcall No. 359, the Hyde amendment to H.R. 1561.

SCHEDULE FOR FURTHER CONSIDERATION OF H.R. 1561

(Mr. MORAN asked and was given permission to address the House for 1 minute.)

Mr. MORAN. Mr. Speaker, I have asked unanimous consent to inquire of the chairman of the Committee on International Relations the schedule for tomorrow so that we understand what amendments might come up. I would like to inquire of the chairman of the Committee on International Relations the implications of the decision to rise at this point.

I understand that there is an hour and 45 minutes left of debate. We have at least three Democratic amendments scheduled: the gentleman from Maryland [Mr. HOYER], the gentleman from California [Mr. BERMAN], the gentleman from New Jersey [Mr. ANDREWS]. However, with an hour and 45 minutes tomorrow, it is conceivable that, particularly if the chairman was to oppose the Burton amendment, that the chairman might have two amendments in succession which would preclude the ability of the Democrats to offer any of our amendments.

I would like some assurance from the chairman that the Democrats will be able to offer an amendment after the subsequent Republican amendment to this bill.

Mr. GILMAN. Mr. Speaker, will the gentleman yield?

Mr. MORAN. I yield to the gentleman from New York.

Mr. GILMAN. Mr. Speaker, I have been informed that 1 hour and 45 minutes remain on full debate on this bill. We have a manager's amendment which is en bloc, a number of amendments, and then we have the Burton amendment. And whatever additional time that may be remaining, we will try to accommodate the gentleman.

Mr. MORAN. Mr. Speaker, I would suggest to the Chairman that is the reason for the inquiry because that may very well take up the full space of the 1 hour and 45 minutes which means that there would be two Republican amendments. There would not be the opportunity for any Democratic amendment to be offered, if that were the schedule. That is the concern of the minority side.

Mr. GILMAN. Mr. Speaker, if the gentleman will continue to yield, we will try to urge the Members to keep their remarks as brief as possible and the Berman amendment will be next following the Burton amendment.

Mr. MORAN. Can the Chairman assure us that we will get a Democratic amendment, at least one Democratic amendment considered tomorrow.

Mr. GILMAN. It will depend on the amount of time that we will be able to save with the debate on those two measures.

Mr. MORAN. This side would much appreciate the Chairman cooperating.

Mr. GILMAN. We will try to do our best to allow some time for additional amendments.

ON AMENDMENTS TO H.R. 1561

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute.)

Mrs. SCHROEDER. Mr. Speaker, does that mean that no one else will be able to offer amendments? We have only got this 1 hour and 45 minutes and, as you know, I have a very, I think, important amendment dealing with immigration, which I do not even think should be in this bill. Does that mean that we are not going to have time to get to anybody else's amendment?

Mr. GILMAN. Mr. Speaker, will the gentlewoman yield?

Mrs. SCHROEDER. I yield to the gentleman from New York.

Mr. GILMAN. Mr. Speaker, it will all depend on the amount of time that we can conserve in the remaining time that has been allotted to us by the rule. We have an hour and 45 minutes remaining, and we will try to work with the minority as best we can.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentlewoman yield?

Mrs. SCHROEDER. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Speaker, I would just like to note that under this unfair rule we have, the quorum call, a totally unnecessary quorum call came out of the time for amendments. We will probably have one less amendment because for no valid parliamentary reason, we spent about 25 minutes with a quorum call so somebody could get a bigger audience. And under the crazy rule we have, a quorum call comes out of the time and the quorum call has probably eclipsed one amendment.

Mr. GILMAN. Mr. Speaker, if the gentlewoman will continue to yield, let me explain that on four occasions this evening, I attempted to arrive at unanimous consent to cut back on the debate time so we would have additional time left for other amendments.

Mr. FRANK of Massachusetts. Mr. Speaker, if the gentlewoman will continue to yield, I do not regard it as an acceptable trade-off that you cut off debate time to have a quorum call. I do not think cutting debate on important amendments is an acceptable defense of a very arbitrary and unfair rule.

CLARIFICATION SOUGHT CONCERNING DEBATE ON BOSNIA AMENDMENT

Mr. ENGEL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. THOMAS. Mr. Speaker, reserving the right to object, I will not object if the request is something other than an imploring of the chairman that someone else be allowed to offer an amendment. If the request is something other than that, I will not object.

Mr. ENGEL. Mr. Speaker, will the gentleman yield?

Mr. THOMAS. I yield to the gentleman from New York.

Mr. ENGEL. Mr. Speaker, I have a question for the chairman.

Mr. THOMAS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Without objection, the gentleman from New York [Mr. ENGEL] is recognized for 1 minute.

There was no objection.

Mr. ENGEL. Mr. Speaker, I would like to inquire of the chairman, with the big events in Bosnia this past week, we are dealing with a very, very important foreign aid bill. I know that the gentleman from Maryland [Mr. HOYER] has an amendment which I am sure the American people would like to see debated.

I just find it incongruous that we are being denied, for whatever reason; I am not blaming anyone, but the way it is working out, it seems that Mr. HOYER will not be allowed to put forth his amendment which would call for an end to the arms embargo. I think this is a very, very important vote on a very important amendment at a very important time.

I am wondering if I could somehow or other ask unanimous consent or ask the chairman if we can somehow get some time to debate Mr. HOYER's amendment because I think the American people want to see us debate it and it is too important to just push it to the side.

Mr. GILMAN. Mr. Speaker, will the gentleman yield?

Mr. ENGEL. I yield to the gentleman from New York.

Mr. GILMAN. Mr. Speaker, I will be pleased to respond to the gentleman. We all share the concern about the Bosnia situation. Tomorrow afternoon we will be having a hearing on Bosnia in the Committee on International Relations. I discussed the Bosnia amendment with the gentleman from Maryland [Mr. HOYER]. We talked about trying to have sufficient time to properly debate that measure on a single standing bill rather than to take it up as part of this in a very short and limited period of time.

I assured Mr. HOYER that I would try to work with him in bringing that measure to the floor at an early date following the consideration of this measure.

ON BOSNIA

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Mr. Speaker, I thank the gentleman from New York, the chairman of the committee. As the Members of this House know, I, along with the gentleman from New York [Mr. GILMAN] and others, offered an amendment last year that dealt with lifting the arms embargo to allow the Bosnians to defend themselves. This situation has gone on now for almost 3 years. The largest number of refugees since the Second World War have been created as a result of this confrontation and over 100,000 deaths. Genocide is occurring.

I regret that it appears, based upon the schedule that is going forward now, that I will be precluded from offering this amendment, which I believe is critically timely today and will be critically timely tomorrow.

I would hope that we could configure the schedule tomorrow so that I would have a half an hour to offer this amendment at the end of the other amendments so that this House can address this issue. It is critical. It is on the front page of every newspaper in Europe and the United States. It is in the councils of the armed forces of every NATO nation. And it seems to me it is timely now for this Congress to speak.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR ADDITIONAL DISASTER ASSISTANCE AND RESCISSIONS FOR FISCAL YEAR 1995—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 104–83)

The Speaker pro tempore laid before the House the following veto message from the President of the United States:

To the House of Representatives:

I am returning herewith without my approval H.R. 1158, a bill providing for emergency supplemental appropriations and rescissions for fiscal year 1995.

This disagreement is about priorities, not deficit reduction. In fact, I want to increase the deficit reduction in this bill.

H.R. 1158 slashes needed investments for education, national service, and the environment, in order to avoid cutting wasteful projects and other unnecessary expenditures. There are billions of dollars in pork—unnecessary highway demonstration projects, courthouses, and other Federal buildings—that could have been cut instead of these critical investments. Indeed, the Senate bill made such cuts in order to maintain productive investments, but the House-Senate conference rejected those cuts.

For example, H.R. 1158 would deprive 15,000 young adults of the opportunity to serve their communities as AmeriCorps members.

It would deprive 2,000 schools in 47 States of funds to train teachers and devise comprehensive reforms to boost academic standards.

It would reduce or eliminate antiviolence and drug prevention programs serving nearly 20 million students.

It would prevent the creation and expansion of hundreds of community development banks and financial institutions that would spur job growth and leverage billions of dollars of capital in distressed communities across the country.

And it would seriously hamper the ability of States to maintain clean drinking water, thus jeopardizing the health of residents.

In the end, the Congress chose courthouses over education, pork barrel highway projects over national service, Government travel over clean water.

At my instruction, the Administration has provided alternatives to the Congress that would produce greater deficit reduction than H.R. 1158, cutting even more in fiscal year 1995 spending than is included in H.R. 1158. But the spending reductions would come out of unnecessary projects and other spending, not investments in working families.

My position on this legislation has been made clear throughout the legislative process. The Administration strongly and consistently opposed the House version of the bill because it would have unnecessarily cut valuable, proven programs that educate our children, invest in our future, and protect the health and safety of the American people. We worked closely with the bipartisan leadership of the Senate to improve the bill, and I indicated my approval of those improvements. Regrettably, the conference went well beyond the spending reductions contained in the bipartisan compromise despite my Administration's consistent urging to adhere to the Senate bipartisan leadership amendment.

In addition, I continue to object to language that would override existing environmental laws in an effort to increase timber salvage. Increasing timber salvage and improving forest health are goals that my Administration shares with the Congress. Over the last 6 months, my Administration has put in motion administrative reforms that are speeding salvage timber sales in full compliance with existing environmental laws. It is not appropriate to use this legislation to overturn environmental laws. Therefore, I urge the

Congress to delete this language and, separately, to work with my Administration on an initiative to increase timber salvage and improve forest health.

My Administration has provided the Congress with changes that would enable me to sign revised legislation. I urge the Congress to approve a bill that contains the supplemental funding included in H.R. 1158—for disaster relief activities of the Federal Emergency Management Agency, for the Federal response to the bombing in Oklahoma City, for increased antiterrorism efforts, and for providing debt relief to Jordan in order to contribute to further progress toward a Middle East peace settlement—along with my Administration's alternative restorations and offsets.

I will sign legislation that provides these needed supplemental appropriations and that reduces the deficit by at least as much as this bill. However, the legislation must reflect the priorities of the American people. H.R. 1158, as passed, clearly does not.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *June 7, 1995*.

The SPEAKER pro tempore. The objections of the President will be spread at large upon the journal, and the veto message and the bill will be printed as a House document.

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent that the message of the President, together with the accompanying bill, be referred to the Committee on Appropriations.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

Mr. OBEY. Reserving the right to object, Mr. Speaker, I do not intend to object, but I would simply use this reservation to ask the distinguished gentleman from Louisiana what the intention of the committee would be with respect to the disposition of the president's veto message.

Do we intend to take this up for a vote or, if you do not, do you intend that there would be a new bill? If so, what do you think the timing would be and what would be your intention with respect to trying to work out a compromise accommodation?

Mr. LIVINGSTON. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Louisiana.

Mr. LIVINGSTON. Mr. Speaker, I am making this unanimous consent request to refer the veto message of the president on H.R. 1158 to the Committee on Appropriations so that, basically, we can terminate discussion on this bill and get it behind us.

Frankly, sending the bill to the committee, it will help us clear the air so we can see if there might be a way we can reach an agreement on a different approach that will satisfy the president. There is no point in proceeding further on H.R. 1158. I do not believe that the votes are present to override the veto. I am disappointed that we have reached this point because I believe it is a good bill. Frankly, I wish the president had signed it. I think he would have been better served had he done so. But he has decided to veto it.

Now, we need to spend our time productively on fiscal year 1996 appropriations bills, not by continuing to argue about the merits and faults of this bill. So I would hope that the gentleman would not object and that we can send this message to committee, and we can go ahead and confer with the representatives of the White House in hopes that we might come up with an alternative agreement.

Mr. OBEY. Continuing my reservation of objection, Mr. Speaker, I would simply say that I do not necessarily share the gentleman's judgment about the wisdom of the president's veto. I think under the circumstances it was correct. But I do hope that we will be able to get together and work out a rational compromise so that we can proceed to the regular appropriations process without too much delay intervening.

Mr. LIVINGSTON. Mr. Speaker, if the gentleman will continue to yield, the gentleman has summarized my own feelings in that the sooner we get to a final settlement of this matter, the better. Every day that goes by, the American taxpayer loses some $25 million in savings. That is one estimate that I have seen. The fact is that the bureaucracy continues to spend money. And if we are going to reap anything near the $9.2 billion in savings that this bill gave us, we need to reach a conclusion, reach an agreement with the White House as expeditiously as possible.

□ 2045

But we would expect that the leadership of both sides of the aisle in the House would work with both sides of the aisle on the other side of this Congress and work in turn with the White House and develop a new bill, hopefully within the next few days.

Mr. OBEY. Mr. Speaker, I thank the gentleman. I would simply say that I hope that next time around, we can find reductions that do not in fact attack programs for seniors and children in order to provide tax increases for very high income people that we cannot afford under these circumstances.

Mr. LIVINGSTON. The gentleman's characterization of the bill is not my own. I would only say that when one attempts to downside Government, nobody is going to be completely satisfied, but of course the purpose in referring this message to committee and then developing another bill is to come up with a compromise which is satisfactory to a majority of the House, a majority of the Senate, and one that will gain the President's signature, and doing all that will take compromise.

Mr. OBEY. Mr. Speaker, I hope in any bill that can be produced, we can protect the Brewster amendment.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. (Mr. WALKER). Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

GENERAL LEAVE

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the veto message of the President to H.R. 1158, and that I might include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

CLEANER WATER

(Mrs. SEASTRAND asked and was given permission to address the House for 1 minute, to revise and extend her remarks, and to include extraneous matter.)

Mrs. SEASTRAND. Mr. Speaker, last week the Santa Maria Times, a local newspaper in my district on the central coast of California, let the Sun shine on some of the arguments big government groups and the Clinton administration had made against our clean water bill, which will give local communities more flexibility to solve their water problems. I quote:

> When courting small business and voters frustrated by government, the Clinton administration decries "regulatory overkill," yet whenever anyone proposes actually loosening any particular Federal dictate, the Administration balks. Thus, the rewrite of the Clean Water Act passed 240 to 185 by the House of Representatives, with votes from 45 Democrats. It has inspired the President's most demagogic rhetoric in weeks.

Mr. Speaker, I agree with the Santa Maria Times editorial, which continues to point out that groups such as the National Governors Association, which the President once headed, the National League of Cities, the U.S. Conference of Mayors, and the Association of Metropolitan Sewer Agencies, all endorse this legislation. Let us finish with the hard rhetoric and continue with clean water for our local communities.

Mr. Speaker, I include for the RECORD the article of June 1, 1995, in the Santa Maria Times:

[From the Santa Maria Times, June 1, 1995]

DIRTY FIGHT, CLEAN WATER

When courting small business and voters frustrated by government, the Clinton administration decries "regulatory overkill."

Its touted blueprint for "reinventing government" prescribes a periodic weeding out of cumulative, obsolete, inconsistent and unnecessary regulations.

Yet whenever anyone proposes actually loosening any particular federal diktat, the administration balks. Thus, the rewrite of the Clean Water Act passed 240–185 by the House of Representatives recently (with votes from 45 Democrats) has inspired the president's most demagogic rhetoric in weeks.

At a propaganda event staged in Washington, D.C.'s Rock Creek Park, Bill Clinton caricatured the bill as written by "the lobbyists who represent the polluters." The bill's effect, he said, would be to put "poisons" in the water our children drink.

It is hard—make that impossible—to believe that the National Governors Association (which Clinton once headed), the National League of Cities, the U.S. Conference of Mayors and the Association of Metropolitan Sewerage Agencies all would knowingly endorse legislation so blatantly contrary to the public good. The bill the president vows to veto must have flaws but it cannot be the piece of unconscionable recklessness that the president so irresponsibly described.

Who are these polluters, for example? They are city dwellers, mall shoppers, users of roads and parking lots, and farmers. The major outstanding water issue is known as "nonpoint" pollution, the dirt that ends up in sewers and streams not because some profit-hungry corporation dumps it there but because rain water washes it off fields and parking lots and city streets.

Those striving to provide citizens safe drinking water and fishable and swimmable rivers and lakes are local governments. These are the same counties and municipalities that are stretched thin meeting increased demands for neglected children's services and economic development, road and bridge repair, police, courts and prisons. Nothing is gained by pretending that resources are infinite for any of these priorities, even clean water.

Admirably, the House bill nearly doubles the federal revolving loan fund to help local authorities pay for sewage treatment. Its major thrust is to give states more flexibility in regulating storm water and other runoff from the landscape. It does not alter standards for the purity of water people drink.

Whether this bill has found the optimal definition for wetlands we are not prepared to say. That and the other issues will be tackled anew by the Senate. They will be tackled it appears, without constructive input from a president busy with scare tactics as his re-election campaign nears.

H.R. 1561: NO MORE BUSINESS AS USUAL IN FOREIGN POLICY

(Mr. HORN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HORN. Mr. Speaker, one of the most important bills to come before this Congress is the American Overseas Interests Act of 1995, H.R. 1561.

For the first time in nearly half a century, it will provide focus on American foreign policy instead of the fragmentation which is provided by a separate United States Agency for International Development, the United States Information Service—including cultural affairs, and the United States Agency for Arms Control and Disarmament. At last, these agencies will clearly be directly responsible to the Secretary of State of the United States, the President's first Cabinet officer, the person who needs to advise the President on various aspects of foreign affairs.

This legislation will save over $3 billion in the next 2 years. It will provide focus not only in organization. It will eliminate 23 assistant secretaries. It will provide less money and more direction. This legislation is long overdue and much-needed.

Vote for the American Overseas Interests Act.

Mr. Speaker, I am including a summary of the key features of H.R. 1561, as follows:

The American Overseas Interests Act, the first Republican foreign policy bill in over 40 years, changes "business as usual" five ways:

1. *Three Major Agencies Killed.*—AID, USIA, ACDA folded into State Department, eliminating hundreds of jobs, including 23 at the level of Assistant Secretary or higher.

2. *Cuts Spending.*—Cuts nearly $1 billion from FY95 appropriated levels in FY96, over $2 billion in FY97. Cuts more than $21 billion from International Affairs spending below the FY95 baseline over seven year "glide path" to balanced budget. With Brownback Amendment, bill fully meets Budget Resolution.

3. *Kills Dozens of Lower-Priority Programs.*—Housing Guarantee Program, PL–480 Title III food aid program, U.S. funding for over a dozen international agencies. Development assistance, though important, is cut by $750 million in FY96 and $998 million in FY97.

4. *Focuses on Vital U.S. Interests.*—Funds antiterrorism assistance, Russian disarmament-related programs, NATO expansion aid, antinarcotics assistance, aid to Israel and Egypt (Camp David Accords).

5. *Punishes Adversaries.*—Cuts off aid to countries that provide weapons to terrorist states, give aid to Cuba, or vote against us in the U.N.

SPECIAL ORDERS

The SPEAKER pro tempore (Mrs. MORELLA). Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

TERM LIMITS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. SMITH] is recognized for 5 minutes.

Mr. SMITH of Michigan. Madam Speaker, I would like to comment today about the Supreme Court decision limiting the powers of the States to prohibit those States from enacting term limits.

Madam Speaker, the majority opinion in U.S. Term Limits versus Thornton, as Justice Thomas points out in dissent, reflects a fundamental misunderstanding of the 10th amendment's reservation of powers to State governments and the people. While the 5 to 4 decision may be a setback for term limits, it is only a temporary one. The closeness of the vote, and the strength of the dissent's argument, means that less harm was done to the term limit movement than is generally believed.

The fundamental issue in Thorton is not term limits, but the power of States and citizens to add to the three qualifications that are spelled out in article I for Members of Congress: age, citizenry, and residence. While the majority makes a cogent and correct argument that the Constitution bars Congress from setting additional qualifications, it fails to demonstrate that the States are barred from adding qualifications. The thrust of the majority's argument is that allowing States to set additional qualifications could lead to abuses of the electoral process. The majority said the Founders would have opposed such abuses, and therefore must have meant to bar the states from adding qualifications. But the fact, as the dissent points out, is that the Constitution is silent on the matter. And the 10th amendment could not be more clear: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." The plain language of the Constitution says that unless the Constitution prohibits states from adding qualifications about who can represent them in Congress, they should have the ability to do so. Whether a particular qualification, such as not having served more than three terms in the U.S. House, is a good idea or not is irrelevant.

If one accepts the majority opinion, then all other state qualifications are unconstitutional. These would include requirements that Congressman must live in the district that they represent, or that they not be a convicted murderer. Justice Thomas points out the absurdity of the situation where states have the right to restrict those who can vote in an election, but not the right to say who can run when he says: "the people of each state must leave open the possibility that they will trust someone with their vote in Congress even though they do not trust him with a vote in the election for Congress."

Actually, the Arkansas law would allow Congressmen to serve more than three terms, it just would require them to be a write-in candidate. The majority ruling was that this disadvantages a class of candidates, and holds that an amendment with the purpose of handicapping a class of candidates is in violation of the Qualifications Clauses and cannot stand. As the dissent again points out, this would mean that one could argue that the current congressional campaign finance system disadvantages challengers, and thus is unconstitutional. The same arguments could be raised against any redistricting plans of the various states.

It has not been well-reported that the implications of the majority opinion could go well beyond term limits. As other related issues come before a future Supreme Court, it is possible that the U.S. Term Limits versus Thornton decision will be overturned. Of course, this would be well into the future. An interesting question is, where do we go from here?

I am committed to term limits, and have directed the House Clerk to take my name off the congressional roll after six terms. I believe a majority of Americans now realize that our government is going to be better led by a citizen legislature than by career politicians. The court decision means that neither Congress nor the States can impose term limits by statute. Unless the decision is overturned, there must be a constitutional amendment to allow for term limits. While term limits supporters are often divided on the exact constitutional language for term limits, I expect them to agree on a form which will be able to gather the necessary two-thirds vote. Despite having a majority in the House in favor of term limits, the vote was 61 short of passing a constitutional amendment in March. Should the people continue to pressure the Congress a constitutional amendment will be enacted.

Another option is the use of Article 5 to call for a constitutional convention. While it is true that all 27 constitutional amendments have come through the Congress, mounting a drive for a convention would add to the pressure on Congress to pass a term limit amendment and would keep the movement on the front burner in each of the States.

I believe strongly that the citizens of each of our 50 States have the right to choose how to govern themselves. The people of any State should be able to enact and enforce qualifications for their representatives. Term limits address the broader issue of limiting the growth of our leviathan government. As George Mason said during the general debate on the ratifying of the constitution in 1778: "Nothing so strongly impels a man to regard the interests of his constituents as the certainty of returning to the general mass of the people from whence he was taken." Congress must not become a perpetual body. It must be made up of citizen legislators who, in the words of Thomas Jefferson, "might have in idea that they were at a certain period to return into the mass of people and become the governed instead of the governors." Term limits will accomplish this and States deserve to have their 10th amendment rights be recognized.

IMMIGRATION LAW ADVERSELY IMPACTED IN FOREIGN AID BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Colorado [Mrs. SCHROEDER] is recognized for 5 minutes.

Mrs. SCHROEDER. Madam Speaker, I take the floor to talk about a very serious promise that I think has been broken. Early on, we heard a lot of people talking about how wonderful it was that we were going to have open rules, open rules when we discussed issues in this Congress, and everybody said, oh, that's great, and finally we are going to be able to discuss everything fully and so forth.

Well, next week we are going to be bringing the Armed Services Committee bill to the floor, and I know it is now called the National Security Committee, but that bill comes to the floor. I have served on that committee for 22 years, and we have always brought it to the floor under an open rule. I hear this time it is going to be closed. They are going to narrow it down and it is going to be closed.

Today we just ended the foreign affairs bill that has been on the floor. We used to call it foreign aid. Now it has got some other fancy title. It is basically foreign aid. But let me tell you, it is under a very narrow, narrow, narrow rule in which many of us are not going to be able to discuss some very critical issues in there.

The issue that I wanted to talk about, and if we do not get to discuss this with an amendment, I hope people vote against this whole bill, is the portion of what we are doing to the immigration law. I do not even think it belongs in this bill, but we are severely modifying the immigration law to apply in a whole new way. Let me tell you what we are doing.

Right now the immigration law says you cannot emigrate to the United States unless you prove that that law, the laws of the land, are being discriminated in how they are applied against you. There is a discriminatory application against you because of your beliefs, and, therefore, you are not being treated equally.

Let's take it into some neutral area that many people won't get as impassioned about. Let's talk about conscription. If a person lives in a country that has universal conscription and you are upset about conscription and do not believe in the draft, you cannot emigrate to the United States on the basis that you don't believe in the draft and you are living in a country where there is a draft, so, therefore, you have the right to come here.

You could come to the United States if you had been out leading the movement against the draft and because of that your country put you in jail or because of that your country did all sorts of other discriminatory acts toward you. Then you would be made a political refugee because you had been out exercising your political rights in your country and they had made a target of you. That is how we have enforced the law.

However, in this bill, we are changing it vis-à-vis population policy, and we are saying that if a person does not like the population policy of the country that they are in, they can then come to the United States because they feel that they are going to be discriminated against.

□ 2100

Boy, is that a change. Boy, is that a major change. And I think that because we do not understand the great body of case law that has grown up in this area we are apt to do very serious damage if we let this bill go through without dealing with this issue and trying to educate Members with this issue.

The problem that I have is I am not on the committee so I do not know how I get recognized. There is a whole hour and 45 minutes left with any number of Members on the committee that have not even had their amendments recognized. And when the hour and 45 minutes goes, boom, the hammer comes down, that is it, vote on the bill, it is out of here.

I just am very, very shocked that we have so soon forgotten our pledge to have open rules, and I think in the area of foreign affairs we have had open rules every time I remember. I know the distinguished gentleman from Maryland [Mr. HOYER] has a very critical amendment that he would like to offer that is on the front pages of every newspaper. I probably disagree with him on how I would vote, but I think he has the right to offer it, and I just find it very surprising that we are not going to permit that, and in an hour and 45 minutes tomorrow that is it, we are done.

Maybe on this globe we may have all sorts of global issues discussion, there may be all sorts of different things that were not dealt with; they fall off the table and we adjourn.

I just think the American people should be more than aware that there is a lot of talk about open rules, but I have not seen one in a long time.

I am going to ask the gentleman from Maryland, has he seen any open rules wandering around this Chamber anywhere?

Mr. HOYER. I have not seen any open rules, if the gentlewoman will yield, that really give open debate, and that is the issue. The gentlewoman mentions the 6 hours of debate or the hour and 45 minutes. The tragedy for the American public and for the House of Representatives is that of that hour and 45 minutes, 45 minutes to an hour may be taken up in simply voting, no debate, no consideration, no thoughtful exchange of ideas as to what is good and bad policy.

Mrs. SCHROEDER. The gentleman is absolutely correct. It is a very sad day.

LIFE EXTENDING AND LIFE SAVING DRUG ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. FOX] is recognized for 5 minutes.

Mr. FOX of Pennsylvania. Madam Speaker, as was aptly described by Carl B. Feldbaum, president of the BioTech Industry Organization, "Life-saving new drugs do take too long to reach the people who need them."

From my district in Montgomery County, PA, I have heard many a compelling story from constituents with cancer, Lou Gehrig's Disease, epilepsy, or AIDS who speak of the difficulties in accessing the medicines they need because the approval process in our country is so prolonged and, in effect, they have to turn to other countries where the products are available.

Don't get me wrong. The Food and Drug Administration serves a valuable purpose in maintaining high safety and efficacy standards. However, it is important to note that the FDA's actions directly affect the lives of patients and the ability of physicians to provide state-of-the-art care for their patients.

In addition, the FDA regulates businesses that produce 25 percent of America's gross national product, so the Agency's actions also impact our country's economic well-being. The pharmaceutical industry is an excellent example. The United States leads the world in discovering new drugs yet, all too often, these drugs are available overseas first. The United States is far and away the world leader in biotechnology, but many biotechnology firms are moving clinical trials overseas because of red tape imposed on them by the FDA. These are very troubling trends that do not bode well for the economic future of the United States, or for the economic future of Pennsylvania.

In my 13th Congressional District of Pennsylvania alone, we have 10 facilities of 4 major pharmaceutical companies. Together, these facilities employ more than 11,000 people. I would not want to see any of these constituents lose their jobs because FDA regulation is prompting companies to conduct some of their work overseas.

Americans want safe medicines. They want a strong FDA that will keep unsafe products off the market but, I believe, they want to see more emphasis on the value of giving patients quicker access to safe and effective new medicines. That is why, today, I am introducing the Life Extending and Life Saving Drug Act. We need to take action as soon as possible for the great benefit of this Nation's patients, physicians, and our emerging industry. I look forward to working with my colleagues to act quickly on this critical piece of legislation.

THE TIMBER AMENDMENT IN THE RESCISSIONS BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina [Mr. TAYLOR] is recognized for 5 minutes.

Mr. TAYLOR of North Carolina. Madam Speaker, today the President of the United States vetoed the rescission bill that had been worked on for many weeks in this Congress by the House and the Senate and then in conference, and in that rescission package were many things that I think are important to the Nation, but one thing that was very important for forest health was the timber salvage amendment. The salvage amendment called for increasing forest health by allowing and actually requiring the Forest Service to get rid of the large portion of the dead and dying and deceased timber in our national forests.

We have several problems in the national forests. First of all there have been billions of board feet, there are somewhere between 20 and 30 billion board feet that are dead and dying in the forest that need to be taken out. The dead trees in the West are accumulating so fast that forest fires are not only burning along the ground as they once did, they are now burning to high degrees because of the buildup of dead and dying timber that has already accumulated in the forests. They reach temperatures of over 2000 degrees. They bake the land, charcoal runs over in the streams, it makes it almost impossible to come back and reforest in those areas. Many thousands of acres have been blown down through wind damage. These are also hard to reforest, to return to forest health.

Insects and disease in our national forests are not only consuming parts of our national forests but they are moving over into private lands. Most silviculturalists recognize the only way to stop the insect-infested movements is to destroy the tree, take out the host tree, either burn it or use it if you can get to it early enough, remove it so that there is not the location for the insects to move on year after year.

We know all of this because we have over 100 years of silviculture at our disposal, both from our best universities that have taught forestry going back almost 100 years when the first school of forestry started in this country. We know it from numerous experimental stations that we have, both private, Federal, and State and at university centers. We know it because silviculture is a science that is taught and studied and is probably one of the best informed sciences that we have because we have been studying for over 100 years in this area now.

With all of this accumulated knowledge we allow special interest groups in Washington to take in hundreds of millions of dollars, scaring people with misinformation, bad science, and pandering to politicians. The President has bought their message, hook, line, and sinker, because according to a Wall Street Journal story about the polling of the environmental organizations in Washington, we find that over 93 percent voted for Mr. Clinton. They are primarily far left. The report also showed that they are contrary in most of the things they report to the actual science that we know in these areas.

What we tried to do with the timber amendment that we had was to give the Forest Service the tools and the responsibility to move into the forests and move out the dead and diseased trees. The President today in his veto message said, and I am quoting, "I have done more for logging than any other single person in this country." Well, the President told us his first term here in 1993 that he was cutting the budget deficit with his $100 billion tax increase; then he came to Congress and said he was increasing the deficit by over $1 trillion in his 4 years in office. He told us that he was working to balance the budget, and he did not. He has told this Congress many things. His story in foreign policy and Bosnia has changed no fewer than six times just in the last few weeks, so when he says that he has done more for helping the forests, the unemployed forest people in the Pacific Northwest or other parts of the country, it should be taken with a grain of salt by now. Certainly if you ask the forest families, the tens of thousands of people who are unemployed because of his misinformation and policy he has put in place in the Pacific Northwest, they will tell you very quickly how much he has done for the resource in this Nation

So, those of us in Congress by a vote of 277 in the House, which is almost two-thirds of this body, spoke out for forest health, and today the President has vetoed that.

It will come back to him. It will be back if there is another rescission package brought forth. It will be back in the Interior appropriations bill, because those of us that recognize the true science in silviculture, the health of our national forests, and recognize the phony misinformation that the President is getting, is wrong, we are going to see that that legislation is put back before him again and again.

His closing statement in his veto message was that we had with our timber amendment abolished all environmental legislation. Clearly, he could not have studied this himself. He took this right out of the radical environmental fringe that houses itself in Washington and puts out so much misinformation. It is ludicrous to think that a timber salvage amendment could abolish all of the environmental legislation that this country has passed in the last 20 years. It boggles the mind to think that we could even do it, much less have done it.

So I would ask the President to go back and reconsider what he has just said and the misinformation, and sign this bill for the families of America and the resources of this country and our forest health.

CONSTITUENTS INTERESTED IN A BALANCED BUDGET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. KINGSTON] is recognized for 5 minutes.

Mr. KINGSTON. Mr. Speaker, during the 10 days that we were home for the break, the many constituents that I met with had concerns on a lot of different subjects, budget matters, they are very concerned about us balancing the budget. I said many, many times over the last 10 days that the third largest expenditure of our national budget is interest on the debt. And in 2 years that interest on the debt will exceed all military spending, all of the expenditures for the Coast Guard, the Army, the Navy, the Marines, and the Air Force and so forth. We will pay more money, more interest money to the bond holders on the national debt than we will for all of the armed services. I think this is absolutely atrocious, and found that most constituents agree. They want us, they are screaming for us to balance this budget. They realize that there will be some reductions in spending, some reductions in projections, and some elimination in consolidations of various programs, and yet what the folks of the First District of Georgia are saying is if you are going to balance the budget and you are going to do it across the board, that is fine. Do not do it on the backs of the veterans, do not do it on the backs of elderly, do not do it on the backs of children, do it across the board.

When I explain to them the Kasich budget proposal, in most cases people said that is a balanced approach, that is the way to handle this tremendous problem, because as we look at spending over a trillion dollars more than the current budget allocation in the next 7 years, people understand that in many cases we are not talking about budget cuts but we are talking about reducing the projected increase.

□ 2115

And yet people want that budget balanced.

They are also interested in this tax relief. It is a shame that the United States other body on the other side of the hall has not quite caught on the American people are sick and tired of paying taxes.

The average middle-class family paid a 2 percent tax burden in the 1950's as a percentage of Federal income tax. In the 1970's, that 2 percent went to 16 percent. In the 1990's, it is 24 percent.

The middle-class families of America today are paying 40 to 50 percent of their income in taxes, and they are sick and tired of it. they cannot afford it.

And most families, both spouses are working simply because of the economic necessity of paying taxes. It does not get them ahead, it just keeps them standing still and breaking even.

The middle class needs relief. The tax relief bill passed by the House actually benefitted 75 percent of the American people in the middle-class category.

We have got to help the middle class, and our package does that. But more importantly than that, giving the people their own money back, not confiscating it from them in the first place, allows them to buy more hamburgers, more CD players, more cars, more houses. When they do that, businesses expand. They create jobs. New workers create new revenue. History shows, and I went back to 1956, the Treasury Department numbers, and looked at it. Our revenues have increased every time taxes were low; the revenues to the national budget actually increased.

And what is so important about that is that our projection is that if the economy grows over 1 percent more than the current projection, then in the next 7 years we will have another $640 billion of revenue added to the current budget, and if that is the case, it will be a lot easier to balance the budget without further reductions and caps and so forth.

Although many people are saying, "Do not worry about those cuts," because one of the major objectives we want out of the 104th Congress is to reduce the size of government. People are tired of government micromanagement. They are tired of Washington bureaucrats telling them how to run the show. They are saying, "We can handle our problems just fine on a local basis. Let our local nonprofits or our for-profits handle it. Let our local city councils and county commissions handle it. Let State governments do it. Take things, particularly major decisionmaking, out of Washington."

Another thing I found that the folks in the First District of Georgia are very concerned about is welfare reform. Simply put, they just do not want people who are able to work paid for not working. The middle-class families are out there working 40, 50, 60 hours a week, breaking their back. They are tired of doing it for the benefit of a huge Washington bureaucracy and able-bodied public assistance recipients. They are tired of it.

If somebody needs a helping hand, we want to help them. But if they are just going to take a free ride, then it is time to tell them to get off the train and help start fueling the engine with the rest of us.

Madam Speaker, I found these things over and over again, not just during the current district work break but all along as I have been in public office, that people are saying this is what we want, this is what we want out of Washington, "We want less; we want more personal freedom."

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. LUCAS (at the request of Mr. ARMEY), for today, on account of official business.

Mrs. WALDHOLTZ (at the request of Mr. ARMEY), for today, on account of family illness.

Mr. WICKER (at the request of Mr. ARMEY), for today after 5:45 p.m. and on Thursday, June 8, on account of attending Base Realignment and Closure Commission hearings concerning his district.

Mr. MONTGOMERY (at the request of Mr. GEPHARDT), for today after 5 p.m. and the balance of the week, on account of official business.

Ms. LOFGREN (at the request of Mr. GEPHARDT), for today and the balance of the week, on account of illness.

Mr. KLECZKA (at the request of Mr. GEPHARDT), for today and the balance of the week, on account of medical reasons.

Mr. SPRATT (at the request of Mr. GEPHARDT), for today after 8 p.m. and the balance of the week, on account of personal family business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. SCHROEDER) to revise and extend their remarks and include extraneous material:)

Mr. LIPINSKI, for 5 minutes, today.

Mr. OWENS, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mrs. SCHROEDER, for 5 minutes, today.

(The following Members (at the request of Mr. CHRYSLER) to revise and extend their remarks and include extraneous material:)

Mr. SMITH of Michigan, for 5 minutes each day, today and June 8.

Mr. FIELDS of Texas, for 5 minutes, today.

Mr. RIGGS, for 5 minutes each day, today and June 8.

Mr. FOX of Pennsylvania, for 5 minutes, today.

Mr. EMERSON, for 5 minutes, June 8.

Mr. TAYLOR of North Carolina, for 5 minutes, today.

Mr. TIAHRT, for 5 minutes, June 13.

Mr. KINGSTON, for 5 minutes, today.

Mr. HUNTER, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mrs. SCHROEDER) and to include extraneous material:)

Mr. LIPINSKI.
Mr. WILSON.
Mrs. MINK of Hawaii in two instances.
Mr. GEJDENSON in two instances.
Mr. BERMAN.
Mr. FATTAH in two instances.
Mr. MARTINEZ.
Mr. DIXON.
Mr. PALLONE.
Mr. MINETA.
Mr. FOGLIETTA.
Mr. WARD.
Mr. MILLER of California.
Mr. SKELTON in three instances.
Mr. GORDON.
Mr. RAHALL.
Mr. STARK.
Mr. HAMILTON in four instances.
Mr. CARDIN.
Mr. TORRES.
Mr. MOAKLEY.
Mr. VISCLOSKY.
Mrs. MALONEY in two instances.
Mr. POMEROY.
Mr. UNDERWOOD.
Mr. DINGELL.
Mr. BONIOR.
Mr. OLVER.
Mr. WYDEN.
Ms. NORTON.
Ms. SLAUGHTER.
Mr. TEJEDA.

(The following Members (at the request of Mr. CHRYSLER) and to include extraneous matter:)

Mr. BAKER of California in three instances.
Mr. OXLEY.
Mr. DAVIS in two instances.
Mr. DUNCAN in two instances.
Mr. PORTER.
Mr. GALLEGLY.
Mr. COBURN.
Mr. FORBES.
Ms. MOLINARI.
Mr. SOLOMON.
Mr. CAMP.
Mr. MCCOLLUM in two instances.
Mr. LEWIS of California in two instances.
Mr. CRANE.
Mr. SMITH of New Jersey.
Mr. SHUSTER in two instances.
Mr. DORNAN.

(The following Members (at the request of Mr. TAYLOR of North Carolina) and to include extraneous matter:)

Mr. MATSUI.
Mr. PAYNE of New Jersey.
Mr. ANDREWS.
Mr. SAXTON.
Mr. BENTSEN.
Mr. HOBSON.
Mr. MEEHAN.
Ms. EDDIE BERNICE JOHNSON of Texas.
Mr. BROWN of Ohio.
Mr. WYDEN.
Mr. BERMAN.
Mrs. JOHNSON of Connecticut.
Ms. FURSE.
Mr. MILLER of California.
Mr. GORDON.
Mr. CARDIN.

BILL PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Administration, reported that that committee did on the following date present to the President, for his approval, a bill of the House of the following title:

On June 6, 1995:

H.R. 1158. An act making emergency supplemental appropriations for additional disaster assistance, for anti-terrorism initiatives, for assistance in the recovery from the tragedy that occurred at Oklahoma City, and making rescissions for the fiscal year ending September 30, 1995, and for other purposes.

ADJOURNMENT

Mr. KINGSTON. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 19 minutes p.m.), the House adjourned until tomorrow, Thursday, June 8, 1995, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

971. A letter from the Secretary, Department of Agriculture, transmitting the annual report on foreign investment in U.S. agricultural land through December 31, 1994, pursuant to 7 U.S.C. 3504; to the Committee on Agriculture.

972. A letter from the Under Secretary of Defense, transmitting a report of a violation of the Anti-Deficiency Act which occurred in the Department of the Air Force, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

973. A letter from the Chief of Legislative Affairs, Department of the Navy, transmitting notification that the Department intends to offer for lease four naval vessels to the Government of Mexico, pursuant to 10 U.S.C. 7307(b)(2); to the Committee on National Security.

974. A letter from the Director, Office of Small and Disadvantaged Business Utilization, Office of the Under Secretary of Defense, transmitting a report on the progress of the Department of Defense toward the achievement of the goal to award 5 percent of DOD contracts to small disadvantaged business, historically black colleges and universities and minority institutions, pursuant to 10 U.S.C. 2323(i); to the Committee on National Security.

975. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving United States exports to the Philippines, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking and Financial Services.

976. A letter from the Secretary of Agriculture, transmitting the annual report on the Youth Conservation Corps Program in the Department for fiscal year 1994, pursuant to 16 U.S.C. 1705; to the Committee on Economic and Educational Opportunities.

977. A letter from the Secretary of Education, transmitting a follow-up report on the recommendations of the National Advisory Council on Educational Research and Improvement's Presidential Advisory Committee, pursuant to section 6(b) of the Federal Advisory Committee Act, as amended; to the Committee on Economic and Educational Opportunities.

978. A letter from the Secretary of Health and Human Services, transmitting the annual report for fiscal year 1993, describing the activities and accomplishments of programs for persons with developmental disabilities, pursuant to 42 U.S.C. 6006(c); to the Committee on Commerce.

979. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report pursuant to title VIII of the Foreign Relations Authorization Act for fiscal year 1990–91, as amended, pursuant to Public Law 103–236, section 583(b)(2) (108 Stat. 489); to the Committee on International Relations.

980. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 95–22: Emigration Policies of the Republic of Romania, pursuant to 19 U.S.C. 2432(a); to the Committee on International Relations.

981. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of the Secretary's determination and justification that it is in the national interest to grant assistance to Guatemala, pursuant to 22 U.S.C. 2370(q); to the Committee on International Relations.

982. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of the removal of items from the U.S. munitions list, pursuant to 22 U.S.C. 2778(f); to the Committee on International Relations.

983. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of major defense equipment and services sold commercially to the United Kingdom (Transmittal No. DTC–29–95), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

984. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of major defense equipment and services sold commercially to the Kuwait (Transmittal No. DTC–27–95), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

985. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed manufacturing license agreement for production of major military equipment with Egypt (Transmittal No. DTC–30–95), pursuant of 22 U.S.C. 2776(d); to the Committee on International Relations.

986. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on employment of U.S. citizens by certain international organizations, pursuant to Public Law 102–138, section 181 (105 Stat. 682); to the Committee on International Relations.

987. A letter from the General Counsel of the Navy, transmitting a draft of proposed

legislation to authorize the transfer of eight naval vessels to certain foreign countries; to the Committee on International Relations.

988. A letter from the Secretary, Department of Health and Human Services, transmitting the semiannual report of the inspector general for the period October 1, 1994, through March 31, 1995 and management report for the same period, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2515, 2526); to the Committee on Government Reform and Oversight.

989. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11-59, "Human Services Spending Reduction Temporary Amendment Act of 1995," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

990. A letter from the District of Columbia Board, transmitting financial disclosure statements of board members, pursuant to D.C. Code, section 1-732, 1-734(a)(1)(A); to the Committee on Government Reform and Oversight.

991. A letter from the Executive Director, Federal Retirement Thrift Investment Board, transmitting a draft of proposed legislation to amend title 5, United States Code, to provide additional investment funds for the Thrift Savings Plan; to the Committee on Government Reform and Oversight.

992. A letter from the Director, Office of Personnel Management, transmitting a draft of proposed legislation entitled "Federal Employees Emergency Leave Transfer Act of 1995"; to the Committee on Government Reform and Oversight.

993. A letter from the Acting Assistant Attorney General, Department of Justice, transmitting the Department's report on settlements for calendar year 1994 for damages caused by the FBI, pursuant to 31 U.S.C. 3724(b); to the Committee on the Judiciary.

994. A letter from the Director, National Legislative Commission, The American Legion, transmitting a copy of the Legion's financial statements as of December 31, 1994, pursuant to 36 U.S.C. 1101(4), 1103; to the Committee on the Judiciary.

995. A letter from the Chairman, U.S. Sentencing Commission, transmitting the 1994 annual report of the activities of the Commission, pursuant to 28 U.S.C. 997; to the Committee on the Judiciary.

996. A letter from the Chairman, Interstate Commerce Commission, transmitting the Commission's report to Congress pursuant to section 2(d) of the Negotiated Rates Act of 1993; to the Committee on Transportation and Infrastructure.

997. A letter from the Secretary, Department of Energy, transmitting the 18th annual report on activities under the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976, pursuant to 15 U.S.C. 2513; to the Committee on Science.

998. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on the transfer of property to the Republic of Panama under the Panama Canal Treaty of 1977 and related agreements, pursuant to 22 U.S.C. 3784(b); jointly, to the Committees on International Relations and National Security.

999. A letter from the Secretary of Health and Human Services, transmitting a report on the initial estimate of the applicable percentage increase in inpatient hospital payment rates for fiscal year 1996, pursuant to Public Law 101-508, section 4002(g)(1)(B) (104 Stat. 1388-36); jointly, to the Committee on Committees on Ways and Means and Commerce.

1000. A letter from the Chairman, Board of Governors, Federal Reserve System, transmitting the fifth in a series of annual reports on the subject of intermarket coordination, pursuant to Public Law 101-432, section 8(a) (104 Stat. 976); jointly, to the Committees on Agriculture, Banking and Financial Services, and Commerce.

1001. A letter from the Chairman, Securities and Exchange Commission, transmitting the Commission's report on intermarket coordination, pursuant to Public Law 101-432, section 8(a) (104 Stat. 976); jointly, to the Committees on Commerce, Banking and Financial Services, and Agriculture.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Alaska: Committee on Resources. S. 523. An act to amend the Colorado River Basin Salinity Control Act to authorize additional measures to carry out the control of salinity upstream of Imperial Dam in a cost-effective manner, and for other purposes (Rept. 104-132). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 260. A bill to provide for the development of a plan and a management review of the National Park System and to reform the process by which areas are considered for addition to the National Park System, and for other purposes; with an amendment (Rept. 104-133). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 1070. A bill to designate the reservoir created by Trinity Dam in the Central Valley project, California, as "Trinity Lake" (Rept. 104-134). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MINETA (for himself, Mr. Livingston, Mr. Sam Johnson, Mr. Skelton, Mr. Yates, Mr. Hoyer, Mr. Stupak, Mr. Lightfoot, and Mrs. Cubin):

H.R. 1753. A bill to require the Secretary of the Treasury to mint coins in commemoration of the subjects recommended by the Citizens Commemorative Coin Advisory Committee in accordance with section 5153 of title 31, United States Code, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. BROWN of Ohio (for himself and Mr. LaTourette):

H.R. 1754. A bill to amend title XVIII of the Social Security Act to permit a supplier of durable medical equipment under part B of the Medicare Program to furnish an upgraded item of such equipment to a Medicare beneficiary, and for other purposes; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CASTLE (for himself, Mr. McHale, Mr. Shays, Mr. Deal of Georgia, Mrs. Waldholtz, Mr. Klug, Mr. Barrett of Wisconsin, Mr. Minge, Mr. Dickey, Mr. Meehan, Mr. Zimmer, Mr. Stenholm, Mr. Roberts, Mr. Horn, Mr. Blute, Mr. Laughlin, Mr. Poshard, Mr. Shadegg, Mr. Kildee, Mr. Browder, Mr. LoBiondo, Ms. Pryce, Ms. Danner, Mr. Salmon, Mr. LaTourette, Mr. Hancock, Mr. Frank of Massachusetts, Mr. Bachus, Mr. Brownback, Mr. Upton, Mr. Souder, Mr. Sanford, Mr. Inglis of South Carolina, Mr. Jacobs, Mr. English of Pennsylvania, Mr. Fox, Mr. Hutchinson, Mr. Parker, Mrs. Lincoln, Mrs. Morella, Mr. Ballenger, Ms. Furse, Mr. Leach, Mr. Goss, Mr. Torkildsen, Mr. Bartlett of Maryland, Mr. Foley, Mr. White, Mrs. Schroeder, Mr. Thornberry, Mr. Gilchrest, Mr. Schaefer, Mr. Barrett of Nebraska, Mr. Wamp, Mr. Dornan, and Mr. Baker of Louisiana):

H.R. 1755. A bill to provide for the establishment of an official mass mailing allowance for Members of the House of Representatives, and for other purposes; to the Committee on House Oversight.

By Mr. CHRYSLER (for himself, Mr. Brownback, Mr. Kasich, Mr. Livingston, Mr. Solomon, Mr. Crane, Mr. Boehner, Mr. Paxon, Mr. Parker, Mr. Metcalf, Mr. Cooley, Mrs. Chenoweth, Mr. Neumann, Mr. Scarborough, Mrs. Myrick, Mr. Knollenberg, Mr. Gutknecht, Mr. LaHood, Mr. Sanford, Mr. Graham, Mr. Weldon of Florida, Mr. Hilleary, Mr. Jones, Mr. Ensign, Mr. Christensen, Mr. Weller, Mr. Klug, Mr. Nethercutt, Mr. McIntosh, Mr. Stearns, Mr. Smith of Michigan, Mr. Radanovich, Mr. Salmon, Mr. Chabot, Mr. Fox, Mr. Largent, Mr. Bono, Mr. Tiahrt, Mr. Cremeans, Mr. Miller of Florida, Mr. Hayworth, Mr. Hutchinson, Mr. Wicker, Mr. Hastings of Washington, Mr. Funderburk, Mr. Frisa, Mr. Thornberry, Mrs. Waldholtz, Mr. Norwood, Mrs. Seastrand, Mr. Bass, Mr. Ewing, Mr. Shadegg, Mr. Hoekstra, Mr. Camp, Mr. Linder, Mr. Upton, Mr. White, Mr. Riggs, Mr. Tate, and Mrs. Smith of Washington):

H.R. 1756. A bill to abolish the Department of Commerce; to the Committee on Commerce, and in addition to the Committees on Transportation and Infrastructure, Banking and Financial Services, International Relations, National Security, Agriculture, Ways and Means, Government Reform and Oversight, the Judiciary, Science, and Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. DeLAURO (for herself, Mr. Owens, Mr. Towns, and Mr. Gejdenson):

H.R. 1757. A bill to amend title XVIII of the Social Security Act to provide for coverage under part B of the Medicare Program of paramedic intercept services provided in support of public, volunteer, or nonprofit providers of ambulance services; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. DELAURO (for herself, Mr. Bevill, Mr. Barrett of Wisconsin, and Mr. Durbin):

H.R. 1758. A bill to provide for a Federal response to fraud in connection with the provision of or receipt of payment for health care services, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DUNCAN:

H.R. 1759. A bill to ensure that any person who served aboard the vessel H.M.T. *Queen Mary* and who was awarded the American Theater Campaign Ribbon for service in World War II is able to obtain a replacement for that ribbon if it has been lost, destroyed, or rendered unfit for use; to the Committee on National Security.

H.R. 1760. A bill to provide a military survivor annuity for widows of certain retirement-eligible reserve members of the uniformed services who died during the period between the establishment of the military survivor benefit plan and the creation of the reserve-component annuity under that plan; to the Committee on National Security.

H.R. 1761. A bill to eliminate the Medicare peer review system; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ENSIGN (for himself, Mrs. Vucanovich, Mr. Calvert, Mr. Fox of Pennsylvania, Mr. McDermott, Mr. Doolittle, Mr. Christensen, Mr. Hastings of Washington, Mr. Schiff, and Mr. Browder):

H.R. 1762. A bill to amend the Internal Revenue Code of 1986 to deny Federal tax return information to States which impose an income tax on the pension income of individuals who are neither residents nor domiciliaries of the State; to the Committee on Ways and Means.

By Mr. FOX (for himself, Mr. Clinger, Mr. McIntosh, Mr. Forbes, Mr. Ney, Mr. English of Pennsylvania, Mr. Knollenberg, Mr. Longley, Mr. Norwood, Mr. Mica, Mr. Stockman, Mr. Kingston, Mr. Souder, Mr. Gutknecht, and Mr. Hostettler):

H.R. 1763. A bill to require the review of all Federal departments and agencies and their programs and for other purposes; to the Committee on Government Reform and Oversight, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FUNDERBURK:

H.R. 1764. A bill to amend title 28, United States Code, to provide for the protection of civil liberties, and for other purposes; to the Committee on the Judiciary.

By Mr. GALLEGLY:

H.R. 1765. A bill to amend the Immigration and Nationality Act to deny visas and admission to aliens who have been unlawfully present in the United States for more than 1 year until they have been outside the United States for 10 years and to repeal the provision allowing adjustment of status of unlawful aliens in the United States; to the Committee on the Judiciary.

By Mr. HOBSON (for himself, Mr. Sawyer, and Mrs. Johnson of Connecticut):

H.R. 1766. A bill to provide for the establishment of a modernized and simplified health information network for Medicare and Medicaid, and for other purposes; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HUTCHINSON (for himself, Mr. Edwards, and Mr. Montgomery):

H.R. 1767. A bill to amend title 38, United States Code, to provide for cost recovery by the Department of Veterans Affairs of the cost of health care delivered to veterans who are eligible for care under the Medicare Program; to the Committee on Veterans' Affairs, and in addition to the Committees on Commerce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KNOLLENBERG (for himself, Mr. Kolbe, Mr. Bartlett of Maryland, Mr. Ewing, Ms. Molinari, and Mr. Upton):

H.R. 1768. A bill to amend the Internal Revenue Code of 1986 to provide a credit for charitable contributions to fight poverty, and for other purposes; to the Committee on Ways and Means.

By Mr. McCOLLUM:

H.R. 1769. A bill to provide adequate funding for the Financing Corporation, to provide for the merger of the deposit insurance funds, to merge the positions of Comptroller of the Currency and Director of the Office of Thrift Supervision, to provide for the conversion of savings associations into banks, and for other purposes; to the Committee on Banking and Financial Services.

By Mrs. MALONEY:

H.R. 1770. A bill to amend the Office of Federal Procurement Policy Act to improve the acquisition workforce of civilian Federal agencies; to the Committee on Government Reform and Oversight.

By Mr. WAXMAN:

H.R. 1771. A bill to amend the requirements of the Federal Food, Drug, and Cosmetic Act for the labeling of food for pesticides and for other purposes; to the Committee on Commerce.

By Mrs. MINK of Hawaii:

H.R. 1772. A bill to authorize the Secretary of the Interior to acquire certain interests in the Waihee Marsh for inclusion in the Oahu National Wildlife Refuge Complex; to the Committee on Resources.

By Ms. MOLINARI:

H.R. 1773. A bill to amend the United States Housing Act of 1937 to provide for more expeditous evictions from public housing, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. NADLER (for himself, Mr. Rangel, Ms. Lowey, Mr. Frost, Mr. Serrano, and Mr. Manton)

H.R. 1774. A bill to redesignate General Grant National Memorial as Grant's Tomb National Monument, and for other purposes; to the Committee on Resources.

By Mr. NADLER (for himself, Mr. Engel, Mrs. Maloney, and Ms. Lowey):

H.R. 1775. A bill to amend the Internal Revenue Code of 1986 to provide for the restoration of the prior law formula for the inclusion in gross income of Social Security and tier 1 railroad retirement benefits; to the Committee on Ways and Means.

By Mrs. JOHNSON of Connecticut (for herself, Mr. Payne of New Jersey, Mr. Watts of Oklahoma, Mr. Wolf, Mr. Rangel, Mr. Bonior, Mr. Dellums, Mrs. Meek of Florida, Ms. Velázquez, Mr. Conyers, Mr. Mfume, Mr. Lazio of New York, Mr. Tucker, Mr. Clyburn, Mr. Wynn, Mr. Frost, Mr. Filner, Mr. Jefferson, Mr. Ward, Mr. Spratt, Mr. Hastings of Florida, Mr. Martini, Mr. Lipinski, Mr. Thompson, Ms. Jackson-Lee, Mr. Dixon, Mr. Stokes, Mr. Owens, Mr. Ackerman, Mr. Bryant of Texas, Mr. Fattah, Mr. Serrano, Mrs. Kennelly, Mr. Reed, Mr. Gonzalez, and Mr. Bentsen):

H.R. 1776. A bill to require the Secretary of the Treasury to mint coins in commemoration of black revolutionary war patriots; to the Committee on Banking and Financial Services.

By Mr. OBERSTAR:

H.R. 1777. A bill to amend title 5, United States Code, to provide that service performed by air traffic second-level supervisors and managers be made creditable for retirement purposes; to the Committee on Government Reform and Oversight.

By Mr. PALLONE (for himself, Mr. Jones, Mr. Smith of New Jersey, Mr. Rose, Mr. Gejdenson, Mr. Hinchey, Mr. Torricelli, Ms. DeLauro, and Mr. Nadler):

H.R. 1778. A bill to prohibit the Department of the Interior from expending any funds for a mid-Atlantic coast offshore oil and gas lease sale; to the Committee on Resources.

By Mr. SENSENBRENNER:

H.R. 1779. A bill relating to the tariff treatment of certain plastic flat goods; to the Committee on Ways and Means.

By Mr. SOUDER (for himself, Mr. Solomon, Mr. Doolittle, Mr. Baker of California, Mr. Foley, and Mr. Barton of Texas):

H.R. 1780. A bill to amend the Internal Revenue Code of 1986 to impose a flat tax only on the earned income of individuals and on business taxable income, and for other purposes; to the Committee on Ways and Means.

By Mr. STARK (for himself, Ms. Roybal-Allard, Mr. Torres, Mr. Waxman, Mr. Filner, Mr. Mineta, Mr. Miller of California, Ms. Eshoo, Ms. Woolsey, Mr. Lantos, Mr. Matsui, Mr. Horn, Ms. Pelosi, and Mr. Dellums):

H.R. 1781. A bill to provide for the continuation of the operations of the California Urban Environmental Research and Education Center; to the Committee on Economic and Educational Opportunities, and in addition to the Committee on Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TOWNS:

H.R. 1782. A bill to amend the Federal Election Campaign Act of 1971 to provide for election day registration for elections for Federal office, and for other purposes; to the Committee on House Oversight.

By Mrs. VUCANOVICH:

H.R. 1783. A bill to require a change in a regulation under the Occupational Safety and Health Act of 1970; to the Committee on Economic and Educational Opportunities.

By Mrs. VUCANOVICH (for herself and Mr. THOMAS):

H.R. 1784. A bill to validate certain conveyances made by the Southern Pacific Transportation Company within the cities of Reno, NV, and Tulare, CA, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. ZIMMER (for himself, Mr. SCHUMER, and Mr. CHRISTENSEN):

H.R. 1785. A bill to amend the Internal Revenue Code of 1986 to promote capital formation for the development of new businesses; to the Committee on Ways and Means.

By Mr. HAMILTON:

H. Res. 162. Resolution amending the Rules of the House of Representatives to provide for the consideration in each Congress of a congressional reform resolution, and for other purposes; to the Committee on Rules.

By Mr. MILLER of California (for himself, Mrs. FOWLER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SCHUMER, Mr. BARRETT of Wisconsin, Mr. BERMAN, Mr. CALVERT, Mrs. CLAYTON, Mr. ENGEL, Mr. FATTAH, Mr. FOX, Mr. FROST, Ms. FURSE, Mr. GENE GREEN of Texas, Mr. HEINEMAN, Mr. HINCHEY, Mr. JOHNSON of South Dakota, Mr. KLECZKA, Ms. LOFGREN, Mrs. LOWEY, Mrs. MALONEY, Ms. MCKINNEY, Ms. MOLINARI, Ms. NORTON, Ms. PELOSI, Mr. RANGEL, Ms. RIVERS, Mr. SERRANO, Ms. SLAUGHTER, Mr. STEARNS, Mr. THOMPSON, Mr. ACKERMAN, and Ms. DELAURO):

H. Res. 163. Resolution commending the Police Athletic League; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII,

107. The SPEAKER presented a memorial of the Legislature of the State of Maine, relative to memorializing the U.S. Postal Service to issue a stamp honoring Joshua Lawrence Camberlain; to the Committee on Government Reform and Oversight.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 26: Mr. MARTINI.

H.R. 43: Mr. HILLIARD and Mr. TORRICELLI.

H.R. 60: Mr. MCCOLLUM, Mr. KIM, Mr. MCKEON, Mr. RIGGS, and Mr. KINGSTON.

H.R. 62: Mr. SHADEGG.

H.R. 65: Mr. HAYES.

H.R. 67: Mr. SOUDER.

H.R. 94: Mr. HERGER, Mr. KLUG, Mr. MCINNIS, Mr. YOUNG of Alaska, and Mr. PETERSON of Minnesota.

H.R. 103: Ms. SLAUGHTER, Mr. ENGLISH of Pennsylvania, Mr. LEWIS of Kentucky, Ms. WOOLSEY, and Mr. COBURN.

H.R. 104: Mr. MCCOLLUM, Mr. STEARNS, and Mr. PAXON.

H.R. 109: Mr. FATTAH, Mr. TORKILDSEN, Mr. ENSIGN, Mr. MILLER of California, and Mr. TOWNS.

H.R. 123: Mr. RIGGS and Mr. BAKER of Louisiana.

H.R. 218: Mr. HERGER, Mr. PETE GEREN of Texas, and Mr. BUNN of Oregon.

H.R. 239: Mr. GORDON.

H.R. 353: Mrs. MORELLA and Mr. MORAN.

H.R. 359: Ms. EDDIE BERNICE JOHNSON of Texas and Mr. BROWDER.

H.R. 396: Mr. SOLOMON and Mr. CALVERT.

H.R. 399: Mrs. JOHNSON of Connecticut.

H.R. 468: Mr. FORBES and Mr. ENSIGN.

H.R. 488: Mr. TORKILDSEN.

H.R. 491: Mr. PARKER, Mr. COOLEY, Mr. SMITH of Texas, Ms. DANNER, Mr. GOSS, and Mr. DOOLITTLE.

H.R. 497: Mr. CANADY, Mr. BAKER of Louisiana, Mr. GENE GREEN of Texas, Mr. BATEMAN, Mr. HUTCHINSON, and Mr. SHAW.

H.R. 526: Mr. HEFNER and Mr. LEWIS of Kentucky.

H.R. 530: Mr. KNOLLENBERG, Mr. ALLARD, Mr. PORTER, Mr. COMBEST, Mr. HEFLEY, Mr. HAYES, Mr. QUILLEN, and Mr. MCCOLLUM.

H.R. 539: Mr. FIELDS of Louisiana, Mr. POMEROY, Mr. LIVINGSTON, and Mr. EMERSON.

H.R. 559: Mr. DEFAZIO and Mr. ACKERMAN.

H.R. 625: Mr. CONDIT and Ms. ROS-LEHTINEN.

H.R. 661: Mr. HAMILTON.

H.R. 708: Mr. CLEMENT, Mr. BENTSEN, and Mrs. WALDHOLTZ.

H.R. 733: Mr. TORKILDSEN.

H.R. 734: Mr. TORKILDSEN.

H.R. 739: Mr. SOUDER, Mr. LINDER, and Mr. BACHUS.

H.R. 752: Mr. EDWARDS, Mr. BENTSEN, Ms. BROWN of Florida, Mr. CANADY, Mr. DEAL of Georgia, Mr. PETE GEREN of Texas, Mr. GENE GREEN of Texas, Mr. INGLIS of South Carolina, Mr. MANTON, Ms. MCCARTHY, Mr. SALMON, Ms. WOOLSEY, Mr. ZIMMER, Mr. BLILEY, Mr. HANSEN, Mr. FOX, and Mr. FIELDS of Texas.

H.R. 771: Mr. ENGEL, Mr. PASTOR, Mr. REED, and Ms. DELAURO.

H.R. 777: Mr. CONYERS, Mr. CUNNINGHAM, Mr. EHLERS, Ms. FURSE, Ms. LOWEY, Mr. MINETA, Mr. SMITH of New Jersey, Mr. TAYLOR of North Carolina, Mr. WYNN, and Mr. SOLOMON.

H.R. 778: Mr. BEREUTER, Mr. CONYERS, Mr. CUNNINGHAM, Mr. EHLERS, Ms. FURSE, Ms. LOWEY, Mr. MINETA, Mr. SMITH of New Jersey, Mr. SOLOMON, Mr. TAYLOR of North Carolina, and Mr. WYNN.

H.R. 779: Mr. COOLEY, Mr. DELLUMS, Mr. EHLERS, Mr. ENGEL, Ms. LOWEY, Mr. SOLOMON, and Ms. VELÁZQUEZ.

H.R. 780: Mr. COOLEY, Mr. DELLUMS, Mr. EHLERS, Mr. ENGEL, Ms. LOWEY, Mr. SOLOMON, and Ms. VELÁZQUEZ.

H.R. 782: Ms. NORTON.

H.R. 783: Mr. SENSENBRENNER, Mr. GANSKE, and Mr. NORWOOD.

H.R. 785: Mr. RIGGS.

H.R. 789: Mr. LONGLEY, Mr. FRELINGHUYSEN, Mr. LEWIS of California, Mr. YOUNG of Alaska, Mr. BALLENGER, Mr. CASTLE, and Mr. DOOLEY.

H.R. 803: Mr. CHAPMAN, Mr. PALLONE, Mr. PAYNE of Virginia, and Mr. TORKILDSEN.

H.R. 820: Mrs. CLAYTON, Mr. TAYLOR of North Carolina, Mr. SKAGGS, Mr. DEAL of Georgia, Mr. HINCHEY, Mr. LATOURETTE, Mr. BROWDER, Mr. ENGLISH of Pennsylvania, and Ms. MCCARTHY.

H.R. 858: Mr. VENTO, Mr. NETHERCUTT, Mr. WILSON, Mr. MENENDEZ, Mr. PASTOR, Mr. JOHNSON of South Dakota, Mr. TRAFICANT, Mr. BARTLETT of Maryland, Mr. NEAL of Massachusetts, and Mr. CONDIT.

H.R. 860: Mr. PETRI.

H.R. 873: Mr. FUNDERBURK, Mr. HOKE, Mr. MARTINI, Mr. GOODLATTE, Mr. HOEKSTRA, Mr. CHABOT, Mr. GILMAN, Mr. EVERETT, Mr. BUNNING of Kentucky, Mr. LATHAM, Mr. LATOURETTE, Mr. SCARBOROUGH, Mr. CANADY, Mr. BARR, Mr. SCHAEFER, Mr. WAMP, Mr. LOBIONDO, Mr. FRISA, Mr. HOBSON, and Mr. DIAZ-BALART.

H.R. 881: Mr. MENENDEZ.

H.R. 882: Mr. PASTOR and Mr. SOLOMON.

H.R. 927: Mr. SALMON and Mr. SANFORD.

H.R. 957: Ms. DELAURO.

H.R. 972: Mr. HOEKSTRA.

H.R. 994: Mr. CUNNINGHAM, Mr. FROST, Mr. INGLIS of South Carolina, and Mr. RADANOVICH.

H.R. 995: Mr. SOUDER.

H.R. 996: Mr. SOUDER.

H.R. 997: Mr. CRAMER, Mr. HUTCHINSON, Mr. SOLOMON, Mr. SOUDER, and Mr. YOUNG of Alaska.

H.R. 1003: Mr. HALL of Ohio, Ms. DUNN of Washington, Mr. LATHAM, Mr. SPRATT, and Mr. REYNOLDS.

H.R. 1010: Mr. WYDEN, Mr. REYNOLDS, and Mr. JOHNSTON of Florida.

H.R. 1020: Mr. GALLEGLY, Mr. POMEROY, Mrs. LINCOLN, Mr. ACKERMAN, Mr. GOSS, Mr. MCHUGH, Mr. CHAMBLISS, Mr. BOUCHER, Mr. HASTINGS of Florida, Mr. MARTINI, and Mr. COOLEY.

H.R. 1023: Mr. BONO, Mr. PAYNE of New Jersey, Mr. BRYANT of Texas, Ms. DELAURO, and Mr. BEVILL.

H.R. 1039: Mr. DOOLITTLE.

H.R. 1046: Mrs. MEEK of Florida, Mr. FRAZER, Mr. DELLUMS, and Mr. LIPINSKI.

H.R. 1061: Mr. JEFFERSON, Mr. SKEEN, Mr. FARR, Mr. SABO, and Mr. SMITH of Texas.

H.R. 1066: Mr. REYNOLDS.

H.R. 1073: Mr. MONTGOMERY, Mr. BORSKI, Ms. NORTON, Mr. STUPAK, and Mr. MARKEY.

H.R. 1074: Mr. MONTGOMERY, Ms. NORTON, and Mr. STUPAK.

H.R. 1078: Mrs. MALONEY, Ms. RIVERS, and Mr. DELLUMS.

H.R. 1090: Mr. TAYLOR of North Carolina, Mr. FRAZER, and Mr. KILDEE.

H.R. 1111: Mr. SOUDER.

H.R. 1114: Mr. HOBSON, Mr. WALSH, Mrs. SMITH of Washington, Mr. MARTINI, and Mr. GILLMOR.

H.R. 1161: Mr. MCCOLLUM.

H.R. 1162: Mr. TANNER and Mr. MARTINI.

H.R. 1175: Mr. SAXTON, Mr. MILLER of California, Mr. STUDDS, Mrs. MORELLA, Mr. MANTON, Mr. MONTGOMERY, Mr. GILCHREST, Ms. LOFGREN, Mr. REED, Mr. JOHNSTON of Florida, Mr. MCDERMOTT, Mr. GENE GREEN of Texas, Mr. TORKILDSEN, Mr. PICKETT, Mrs. MINK of Hawaii, Mr. FIELDS of Texas, Mr. FRANK of Massachusetts, Mr. LAFALCE, Mr. JONES, Mr. PALLONE, Mr. MARKEY, Mr. KENNEDY of Rhode Island, Mr. HINCHEY, Mr. QUILLEN, Mr. KENNEDY of Massachusetts, Mr. METCALF, Mr. ROMERO-BARCELO, Ms. PELOSI, Mr. FRAZER, Mr. LOBIONDO, Mr. GEJDENSON, Mr. BATEMAN, Mr. KLUG, Mr. BILBRAY, Mrs. FOWLER, Mr. HILLIARD, Ms. SLAUGHTER, and Mrs. SEASTRAND.

H.R. 1203: Mr. SOLOMON, Mr. HERGER, Mr. HOBSON, and Mr. MARTINI.

H.R. 1220: Mr. GUTKNECHT and Mr. SOUDER.

H.R. 1221: Mr. EVANS, Mr. SERRANO, Mr. HASTINGS of Florida, Mr. FROST, Mr. HOLDEN, and Mr. OLVER.

H.R. 1242: Mr. TAYLOR of North Carolina, Mr. CREMEANS, and Mr. NUSSLE.

H.R. 1256: Mr. MARTINI.

H.R. 1274: Mr. MEEHAN, Mr. LOBIONDO, Mr. EVANS, and Mr. RADANOVICH.

H.R. 1288: Mr. HAMILTON.

H.R. 1291: Mr. BAKER of Louisiana.

H.R. 1294: Mr. GANSKE.

H.R. 1298: Mr. DOOLEY, Mr. CONDIT, and Mr. POMBO.

H.R. 1299: Mr. MATSUI and Mr. SERRANO.

H.R. 1362: Mr. SHADEGG, Mr. PETRI, Mr. DAVIS, Mr. COMBEST, Mr. HUTCHINSON, Mr. NEY, Mr. MICA, Mr. STOCKMAN, Mr. STENHOLM, and Mr. ROBERTS.

H.R. 1406: Mr. BORSKI and Mr. COYNE.

H.R. 1444: Ms. WOOLSEY, Mr. TORRES, Mr. DEFAZIO, Ms. SLAUGHTER, and Mr. BEILENSON.

H.R. 1460: Mr. ENGEL.

H.R. 1493: Mr. WOLF, Mr. MCCOLLUM, Mr. DOOLITTLE, Mr. BATEMAN, and Mr. PICKETT.

H.R. 1499: Mr. WAMP, Mr. LUTHER, Mr. MARTINI, Mr. BAKER of Louisiana, and Mr. MCCOLLUM.

H.R. 1504: Mr. ABERCROMBIE, Mr. CONDIT, Mr. PETE GEREN of Texas, and Mr. FILNER.

H.R. 1514: Mr. SPRATT, Mr. STENHOLM, Mr. BUNNING of Kentucky, Mr. PETERSON of Minnesota, Mr. HOBSON, Mr. SMITH of New Jersey, Mr. STEARNS, Mr. MCCOLLUM, Mr. CRAPO, Mrs. MEYERS of Kansas, Mr. FRELINGHUYSEN, Mr. BENTSEN, Mr. FIELDS of Texas, Mrs. MYRICK, Mr. POMEROY, Mr. CHAMBLISS, and Mr. LUCAS.

H.R. 1532: Mr. BURTON of Indiana and Mr. FOX.

H.R. 1537: Ms. KAPTUR.

H.R. 1542: Mr. FAWELL.

H.R. 1560: Mr. FATTAH, Mr. LEWIS of Georgia, and Mr. MONTGOMERY.

H.R. 1566: Mr. PALLONE and Mr. MARTINI.

H.R. 1591: Mr. HASTINGS of Florida and Mr. BONIOR.

H.R. 1594: Mr. DORNAN, Mr. BAKER of California, Mr. BUNNING of Kentucky, and Mr. HOBSON.

H.R. 1604: Mr. SHAW, Mr. DAVIS, Mr. PORTMAN, Mr. LATOURETTE, Mr. GUNDERSON, and Mr. SOLOMON.

H.R. 1610: Mr. BOUCHER, Mr. SOLOMON, and Mrs. MORELLA.

H.R. 1618: Mr. SOLOMON, Mr. MILLER of Florida, Mr. ALLARD, Mr. GENE GREEN of Texas, Mr. BARTLETT of Maryland, Mr. CHAMBLISS, Mr. INGLIS of South Carolina, Mr. MEEHAN, Mr. ENSIGN, and Mrs. MYRICK.

H.R. 1627: Mr. ARCHER, Mr. CAMP, Mr. CHRISTENSEN, Mr. COBURN, Mr. HERGER, Mr. KANJORSKI, and Mr. COSTELLO.

H.R. 1640: Mr. HUTCHINSON, Mr. SOUDER, Mr. MCINTOSH, Mr. BAKER of Louisiana, Mr. FORBES, Mr. SHADEGG, Mr. BRYANT of Tennessee, and Mr. NORWOOD.

H.R. 1677: Mr. TEJEDA, Mr. BRYANT of Texas, Ms. DELAURO, Mr. FROST, and Mr. EHRLICH.

H.R. 1684: Mr. BEILENSON, Mr. DIAZ-BALART, Mr. SHAW, Mr. LIVINGSTON, Mr. BILIRAKIS, Mr. ROMERO-BARCELO, and Mr. NORWOOD.

H.R. 1713: Mrs. WALDHOLTZ, Mr. HASTINGS of Washington, Mr. DOOLEY, and Mr. BONO.

H.R. 1735: Mr. GENE GREEN of Texas, Ms. JACKSON-LEE, and Ms. VELAZQUEZ.

H.R. 1744: Mr. RAMSTAD, Mr. COX, and Mrs. JOHNSON of Connecticut.

H.J. Res. 79: Mr. GILLMOR, Mr. THOMPSON, Mr. SANFORD, and Mr. KLUG.

H.J. Res. 91: Mr. PETRI and Mr. ENGLISH of Pennsylvania.

H. Con. Res. 50: Mr. SAXTON.

H. Con. Res. 62: Mr. DELLUMS, Mr. DEUTSCH, Mr. EVANS, Mr. FRAZER, Ms. JACKSON-LEE, Mr. MEEHAN, Mr. MORAN, Ms. NORTON, Mr. PALLONE, Ms. RIVERS, and Mr. THOMPSON.

H. Res. 94: Mr. FRANK of Massachusetts, Mr. DOYLE, Mr. WALSH, and Mr. CHAPMAN.

H. Res. 153: Mrs. MALONEY, Mr. CLYBURN, Mr. NEAL of Massachusetts, Mr. WILLIAMS, Mr. UNDERWOOD, Mr. MCDERMOTT, Mr. BONIOR, Mr. LAFALCE, Mr. BROWN of California, Mr. FRANK of Massachusetts, Mr. FOGLIETTA, Mr. SCHUMER, Mr. PAYNE of New Jersey, Mr. LANTOS, Mr. SANDERS, Mr. RUSH, Mr. PALLONE, Ms. BROWN of Florida, Mr. ROMERO-BARCELÓ, Mr. DEFAZIO, Mr. TOWNS, and Mr. OWENS.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

[Omitted from the Record of May 2, 1995]

H. Res. 123: Mr. NETHERCUTT.

PETITIONS, ETC.

Under clause 1 of rule XXII:

23. The SPEAKER presented a petition of the New York City Council, NY, relative to the Federal Bankruptcy Code; which was referred to the Committee on the Judiciary.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 1530

OFFERED BY: MRS. MINK

AMENDMENT NO. 1: At the end of title III (page 153, after line 25), insert the following new section:

SEC. 396. PROVISION OF TRANSPORTATION FOR HUMANITARIAN PURPOSES IN PACIFIC RIM REGION.

(a) AUTHORITY TO PROVIDE TRANSPORTATION.—Chapter 157 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2643. Provision of transportation for humanitarian purposes in Pacific Rim region

"(a) AUTHORITY.—(1) Notwithstanding section 1344 of title 31, the Secretary of Defense may provide persons described in subsection (b) and equipment described in subsection (c) with transportation on a space-available basis—

"(A) to an airport or port in a country or other entity in the Pacific Rim region from an airport or port in the United States; and

"(B) to an airport or port in the United States from an airport or port in a country or other entity in the Pacific Rim region.

"(2) Transportation provided under subsection (a) shall be provided without charge.

"(b) PERSONS COVERED.—Persons eligible for transportation under this section are—

"(1) minor children residing in the Pacific Rim region who have been admitted for necessary medical treatment at a medical facility in the Pacific Rim region, but who are unable to afford the costs of transportation to the facility; and

"(2) in the case of any child described in paragraph (1), one adult attendant.

"(c) EQUIPMENT COVERED.—Equipment eligible for transportation under this section is limited to equipment intended for health or humanitarian use by a nonprofit organization at the ultimate destination of the equipment.

"(d) CONDITIONS.—The Secretary may provide transportation under subsection (a) only if the Secretary determines that—

"(1) the provision of that transportation is not inconsistent with the foreign policy of the United States;

"(2) the transportation is for humanitarian purposes; and

"(3) adequate arrangements have been made with sending and receiving entities before the provision of such transportation at the location of departure and arrival.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2643. Provision of transportation for humanitarian purposes in Pacific Rim region.".

EXTENSIONS OF REMARKS

OUR COMMITMENT TO HIGHER EDUCATION: A VIEW FROM THE "TRENCHES"

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1995

Mr. ANDREWS. Mr. Speaker, I rise today to commend to my colleagues an article in The Record of Hackensack written by Dr. Robert A. Scott, President of Ramapo College in Mahwah, New Jersey. In his article Dr. Scott advocates the importance of maintaining student loan funding while also encouraging alternatives such as college work study programs. Dr. Scott has committed his professional life to the betterment of higher education. I am proud to relay that this commitment was first developed during his undergraduate experience at my alma mater, Bucknell University.

I greatly respect the accomplishments and commitment of Dr. Scott and recommend his article to all interested in higher education.

[From The Record, Hackensack, NJ, Apr. 10, 1995]

DON'T UNDERCUT OUR COMMITMENT TO HIGHER EDUCATION

(By Robert A. Scott)

The House of Representatives has voted to cut more than $200 million in funding for higher education. These cuts and some promises in the Contract With America contain elements that could seriously weaken our commitment to social mobility and civic stability through higher education.

For more than 200 years, higher education has been an important strategy for population dispersal, scientific agriculture and food production, services to less populated regions, veteran's readjustment, advancement of the middle class, national defense, and upward mobility for low-income, urban, and rural citizens.

One of the proposals introduced by the House is to eliminate the in-school interest exemption on federal loans, an important feature of student loan programs for four decades, and a multimillion-dollar form of federal assistance to New Jersey college students. Interest exemptions are essential while students are enrolled in college. Loans are a part of a package of aid consisting of campus work, grants, and both student and family contributions, all of which require sacrifice.

The consequences of charging debt service while a student is in college, or charging for the in-school portion of debt service after a student has left college, are encouraging part-time study, thus delaying career entry; encouraging even greater loans, in order to pay the increased debt service; or delaying college entry entirely.

I believe we rely on loans too much and that we should streamline our financial system. But the House Republicans propose to eliminate some of the best alternatives to loans, such as work study. We should put greater priority on College Work Study as an alternative to student loans. After all, pursuit of a college education is a good investment.

Over the past 20 years, federally subsidized loan volume has increased more than 2,000 percent while College Work Study has remained constant. Yet work study results in positive student learning experiences, bonding with adults who value education, no loan defaults, payment for services rendered, discipline in meeting obligations, and assistance to colleges trying to provide service with reduced public support. Cuts in work study are a serious mistake because they affect society for decades.

I understand and recognize the need to streamline the national budget, and especially to reduce the deficit, but I strongly disagree with proposals to reduce opportunities for college.

From coast to coast, students are facing reduced prospects. In Virginia, state officials are trying to conceive ways to accommodate 68,000 more college-eligible students with less state support. In California, policy-makers are trying to plan for an additional 300,000 college-eligible students with fewer resources.

To cope with recent cutbacks, spaces for nearly 200,000 students were eliminated, thus making a potential of 500,000 students seeking higher education in a shrinking system. Many of these students are from minority groups, which are underrepresented in today's colleges and universities.

How sad it is that the federal government now seems bent on reducing access to upward mobility. This, after all, will be the result if student financial aid is reduced and college access is dependent more on the ability to pay than on the ability to learn.

The House position is a mistake. We should keep college affordable. We should stop the growth in loans, and start the growth in jobs. Work study is beneficial to students, colleges, and the community. And it is much wiser than simply cutting the $20 million in-school interest exemption, which helped provide college access to 163,000 New Jersey residents this year.

TRIBUTE TO BEN WAXMAN

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1995

Mr. WAXMAN. Mr. Speaker, I ask you and my colleagues to join me in saluting my dear uncle, Ben Waxman, on his 80th birthday which will be celebrated on June 11, 1995 at the home of his deeply devoted daughter and son-in-law, Audrey and Jerry Sandler, in Boca Raton, FL.

Ben Waxman was born 80 years ago in Montreal, Canada. Before he retired to Florida, he was a long-time resident of the Los Angeles area as a distinguished attorney, philanthropist, Democratic Party activist, and community leader.

Ben earned his law degree at the Southwestern Law School Night Program and he developed a thriving law practice. Prior to his legal career, he worked with his brother Al S. Waxman as a journalist and editor for the Los Angeles Reporter. Ben always had great concern for public policy and he contributed to his community in myriad ways. He was a leader in the B'nai B'rith, he belonged to the Masonic Order, and he diligently worked on behalf of the Shriner's Children's Hospital.

Loving parents of twin sons, David and the late Joel, Ben and his wife Muriel were among the most active participants in the Questers organization. The Questers successfully developed techniques for allowing the developmentally disabled and others to realize their maximum potential through innovative programs for independent living. Joel and David, as well as David's wife Sherry Waxman, were active in this group.

As a Democratic Party activist, Ben was especially close to the late Vice President Hubert Humphrey. He and Muriel were his special guests at the inauguration of President Lyndon Johnson and Vice President Humphrey in 1965.

Since his retirement, Ben has found a most useful role for his decades of legal experience and longstanding concern for youth. He serves as a volunteer referee with the Boca Raton courts, working to keep juveniles out of the criminal justice system and in school and involved in productive community service.

Among the friends and relatives who will celebrate Ben's birthday are his devoted sister-in-law, Sandi Steinberg; Sandi's sons, Rusty, Michael, and Andy, who will be coming from Los Angeles; Muriel's sister, Shirley Rosenbloom, who will be coming from St. Paul, MN; Ben's son, David, and his daughter-in-law, Sherry from Portland, OR; and Ben's adored granddaughters, Carrie and Lisa.

The hostess of this celebration will be Ben's beloved wife, Muriel, who has been his trusted help-mate, inspiration, and greatest strength for five decades.

Mr. Speaker, I ask you and my colleagues to join me in congratulating Ben Waxman on this momentous occasion and in wishing him happiness, good health, and the energy to continue his humanitarian work.

HONORING THOMAS E. MCEWAN

HON. BILL BAKER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1995

Mr. BAKER of California. Mr. Speaker, if anyone wonders about America's ability to compete in the world marketplace, they need look no further than Lawrence Livermore National Laboratory. The Lawrence Livermore

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Lab has been on the leading edge of technology research for decades, and is continuing this tradition today.

Recently, one of the Lawrence Livermore Lab's key researchers received a most prestigious award here on Capitol Hill. Thomas E. McEwan was given the Distinguished Inventor Award by the Intellectual Property Owners organization for his invention of an ultra-band radar motion sensor. Called radar on a chip by Popular Science magazine, the device fits on a 1.5 inch square circuit board and transmits about a million ultra short pulses each second at extremely low power levels. The device samples pulses reflected from distances of up to 20 feet.

This remarkable device, which can be run on a pair of AA batteries for up to 8 years, is inexpensive to construct and has many practical applications. Among those to whom Lawrence Livermore Lab has issued licenses, one licensee plans to use the invention on automobiles to signal if there are vehicles in a driver's blind spot, which promises substantial enhancement of roadway safety. Other possible applications include intrusion alarms, instruments for locating wall studs in wood and rebar in concrete, light switches, liquid level senors, medical monitors and, safety shutoff valves.

Thomas McEwan's invention is critical to America's technology future. He deserves high praise and credit for his superlative work, and for his reminder that the initiative and creativity that have helped make America the land of economic promise are alive and well. It is a pleasure for me to commend him and thank him for his most important work.

COLLEGE PROFESSORS IN CHARGE OF OUR GOVERNMENT?

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1995

Mr. DUNCAN. Mr. Speaker, let me commend to you the following article written by a constituent of mine, Mr. John Mark Hancock. Citing House Speaker NEWT GINGRICH, House majority leader DICK ARMEY, and Senator PHIL GRAMM as examples, this insightful commentary discusses the important role former college and university professors are playing in defining the 104th Congress.

COLLEGE PROFESSORS IN CHARGE OF OUR GOVERNMENT

(By John Mark Hancock)

One of the ironic and perhaps overlooked facts about the sweeping Republican victory in last November's elections is that former college professors are actually taking control of our federal government. House Speaker Newt Gingrich, House Majority Leader Dick Armey, and Senator Phil Gramm, a frontrunner for the 1996 GOP Presidential nomination, are all former teachers from various universities.

Since academia has long been the province of self-righteous, bleeding hearts, and the centers of most of our liberal thought, and even Marxist views, on government and social policy, it is especially gratifying to conservatives that these new leaders have come from that realm. It must be galling to the majority of college professors to know that the architects and engineers of the Republican "Contract With America" are from their domain, one they have long sought to preserve as a bastion of liberal ideology.

The ivory towers of America's colleges and universities have for too long now been dominated by leftist views. These professors have promoted such themes as Keynesian economic theory, big government social policies, gay "rights", prisoner's "rights", animal "rights", and studies which glorified Communism, by imparting such ideas to their students in class and in their policies of hiring others of their number, despite a decided trend in the opposite direction on a worldwide scale, with the breakup of the Soviet Union and the fall of the Berlin Wall.

It is therefore especially satisfying to those of us who have received a great deal of higher education to find that the dream does indeed rise to the top. Our nation's voters have found that the voice of the conservative Christian minority on campuses nationwide is actually the voice of the overall majority of Americans.

As a former member of Young Americans for Freedom and the College Republicans during my student days in the 1970's, it was hard for me to find professors who agreed with what has become the mainstream philosophy of people who are fed up with government's intrusion into their lives. Having served as president of the graduate student body at my school in 1979–81, it was disconcerting to find so many professors wanting to preserve the status quo on campus.

Perhaps this pervasive liberal attitude is to be expected from institutions that thrive on government monies and assistance for their very livelihood. Without huge taxpayer funded mandates, colleges and universities would be unable to help minorities, assist students in paying fees, pay premium salaries to certain professors, achieve research contracts, and perpetuate bloated bureaucracies that are top-heavy with useless administrators.

Cutbacks in government will inevitably mean that our educational institutions will suffer. But, maybe that's not so bad if it weeds out some of the deadwood that some schools have been harboring for too long. The views they hold are the main hindrances and stumbling blocks to us bringing about a better America, one in which government gets out of our lives and pocketbooks, and off of our land.

America was founded as a nation of independent ideas and rugged individualism. It has become a nation dominated by the government that was intended to serve the people, rather than having the people serve its ends. It is long past time for the pendulum to swing back in the other direction.

We have long been a people known for plain speaking and straight talking. The failed policies of FDR's New Deal and LBJ's Great Society programs have finally come home to roost. Their net result is a country that is bankrupt, financially, morally, and spiritually.

Newt Gingrich, Dick Armey, and Phil Gramm are shining examples of political leaders who are teaching us all in their academic style, polished in their years as professors, that dependency on government leads to a lack of self-esteem and a country that perpetuates a permanent underclass. They will lead us out of the abyss we have created by deluding ourselves into thinking government is the answer to all of our problems. As Abraham Lincoln once said, "You can't help the poor by weakening the rich." How true.

TRIBUTE TO DEDICATION OF ANTHONY R. DEMARCO & GLADYS ALLOWAY DEMARCO MUNICIPAL BUILDING IN WOODLAND TOWNSHIP

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1995

Mr. SAXTON. Mr. Speaker, I rise today to recognize and celebrate the new, beautiful Anthony R. DeMarco and Gladys Alloway DeMarco Municipal Building in Woodland Township, NJ which will be officially dedicated on June 15.

This new facility, Mr. Speaker, is a particularly unique structure designed to reflect the community's cultural traditions and rich history.

The new one story town hall was inspired by the architectural detailing and shingle style of the original saloon building and the surviving historic houses located throughout the town. The building materials reflect those used in the area. Hand split cedar shakes with cedar facias are the predominant materials used on the exterior. Pine end grain flooring with oak wanscot and trip were used extensively on the interiors.

Furthermore, Mr. Speaker, the township has chosen to dedicate the facility as a tribute to Anthony R. DeMarco and Gladys Alloway DeMarco. It is truly a fitting dedication, Mr. Speaker.

Upon Anthony's passing in 1964, a local newspaper published a memorial column. In part, it reads as follows:

> Few men thought more of Woodland Township and even fewer had more friends within the Township than Anthony R. DeMarco. Even though he was never a formal resident of Woodland, he passed most of his life in this area, either as a young laborer on cranberry bogs, or, in his mature years, as the owner and operator of a large blueberry and cranberry plantation. He took a keen interest in all aspects of Woodland Township civil and social activities and was an avid student of Burlington County history and of Pineland lore. As 'Tony' grew older he spent even more time in Woodland Township enjoying the sort of tranquility and peacefulness that can only be found in an area uncorrupted by sprawling residential developments or by industrial complexes.

Gladys Alloway DeMarco was born and raised in the Chatsworth area and was a teacher in the Chatsworth school. Her roots in the region extend back to the days of William Penn.

Finally, Mr. Speaker, there are a number of community leaders who deserve special recognition for assuring that the vision for this important project became a reality.

Woodland's Mayor, John Bowker, chaired the Building Committee that included the Township's two Committeemen, Robert DePetris and Thomas Davis, Township Clerk, Carol Cobb, and J. Garfield DeMarco.

And, Mr. Speaker, the DeMarco Family generously supported the project and provided the assurance that it would be a facility the town will be proud of for generations to come. Very special thanks are due to J. Garfield DeMarco, Mark A. DeMarco, and Anna Lynne DeMarco Papinchak.

MEMORIAL DAY IS A TIME TO REMEMBER

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1995

Mr. GEJDENSON. Mr. Speaker, this Memorial Day, as we observe the 50th anniversary of the end of World War II, we have an excellent opportunity to recognize the contributions of more than 28 million living American veterans. Furthermore, it is a good opportunity to improve citizen awareness of the sacrifices made, and the service given, by our veterans in defense of our Constitution and the liberties it guarantees.

All too often, we take our freedoms for granted. These precious freedoms were defended by those who sacrificed their lives in times of war. They are preserved by those who exercise their rights in defense of peace.

When I think of what my freedom means to me, I recall the memory of when my family came to the United States after surviving the horrors of World War II. My parents were not attracted by the flag or the Statue of Liberty, for other nations have flags and monuments; it was and is the American Constitution, and the freedom which it embodies, which sets the United States apart from so many other nations.

As a Member of Congress, I am pleased to be in a position to honor our veterans. The willingly went to war to defend our freedoms and the American dream we all strive to achieve. In this time of restricted budgets and divisive rhetoric, we must pause to recall the commitment given to us by those veterans and we must honor the commitments we have made to them.

Today, there are more living American veterans than at any point in history. They are among the reasons that the United States is the mightiest, wealthiest, most secure nation on the earth today. They are the reason the United States has been, and will continue to be, the bastion of support and solace for those in a world still searching for freedom and human rights.

Memorial Day is a time to remember all those men and women who gave their lives and livelihoods for their country. Let this 50th Anniversary of the end of World War II signal a rededication to our commitment to honor the service of our Nation's veterans.

CENTRAL PENNSYLVANIA BLASTS CLINTON AGAIN

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1995

Mr. SHUSTER. Mr. Speaker, I'd like to call to your attention the following editorial, which appeared in the Lewistown Sentinel, located in my Ninth District of Pennsylvania. This well-written piece explores the manner in which transportation issues, in an unprecedented manner, have been crassly politicized by the Clinton administration. He was the candidate, recall, who won election on his promise to focus on the infrastructure of America. However, as the editorial states, the President now thinks that highway construction and improvement is just "pork-barrel politics."

This sad state of affairs is convincingly documented in this superb editorial and I commend it to all my colleagues.

[From the Sentinel, May 30, 1995]

DON'T CALL IT PORK UNTIL YOU TASTE IT

Pork, huh?

After years of waiting, studying lobbying, waiting some more and studying some more, those who have wanted improvements made to the "Missing Link" thought the badly needed highway was finally on its way to becoming a reality.

But, no, not so fast. Suddenly it's just another pork-barrel project. In a shameful game of political football, President Clinton and his staff have jumped on the "special interest road projects" in Rep. Bud Shuster's district. The money targeted for those projects, the president charged, would be better spent on teacher training.

Shuster, of course, is the area's representative in Congress. A long-time member of the House Transportation Committee, he rose to chair the panel when Republicans took over control of the House in the fall election. Now Shuster's efforts to bring road-building dollars to his district—something he has always been skilled at doing—are worthy targets for the Democratic president's darts.

We're sure Clinton didn't worry about stepping on a few GOP toes. We're also sure he didn't expect the screams to come from his own party. In a letter dashed off to the president, state Rep. Ruth C. Rudy, D-Centre Hall, challenged Clinton and his staff to take a drive through her district and see the Missing Link for themselves. Then let them decide if this is really just political pork-barreling.

We're just as disturbed by wasteful spending as anyone. To be sure, billions of federal dollars have been spent on worthless projects—including some roads—and we want to see that stopped. We also want to see money spent where it will do the most good, and the Missing Link is clearly a good investment. If the president and his talking heads would take a close look at the dangerous, congested stretch of road, perhaps they would agree.

Clinton should pay the Missing Link a visit. That worked on another Democrat, then Gov. Robert Casey, a few years ago. In fact, the Missing Link Committee, a citizens group that has long been pushing for improvements on the road, put up a big billboard with Casey's likeness on it, along with a plea for him to support the project.

Maybe Clinton will be the next to visit. Does anybody have a paint brush? Better get busy on that billboard.

REINTRODUCTION OF LEGISLATION REQUESTING ACQUISITION OF WAIHEE MARSH (H.R. 429)

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1995

Mrs. MINK of Hawaii. Mr. Speaker, I introduced H.R. 429 at the beginning of the 104th Congress which requests the U.S. Fish and Wildlife Service [FWS] to acquire the Waihee Marsh wetland and to establish a conservation easement on both sides of Waihee Stream located at Kahaluu, Island of Oahu, State of Hawaii. I developed the legislation at the request of a member of the county council of the city and county of Honolulu.

Thirty acres of the Waihee Marsh are currently on the 2-year priority acquisition list of FWS. The wetland functions as a flood control area and filtration system that protects adjacent lands and Kaneohe Bay. The marsh also serves as primary habitat for endangered water birds and migratory shorebirds. Community support is widespread for this proposed acquisition.

The Waihee Stream parcel proposed for acquisition had been recommended for conservation by the Kaneohe Bay Task Force, which maintained that the creation of a 100-foot buffer area around the stream would protect water quality and prevent flooding.

However, property owners of lands along Waihee Stream are concerned and opposed to the acquisition of the conservation easement. Because of this protest, I am deleting this particular provision from the bill, and resubmitting it for the marsh area alone.

I urge support of the Waihee Marsh, and urge its inclusion in the fiscal year 1996 budget for acquisition.

TRIBUTE TO FREDERICK DOUGLASS

HON. CHAKA FATTAH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1995

Mr. FATTAH. Mr. Speaker, recognizing Frederick Douglass in the centennial year of his death is an opportunity for the Nation to embrace its traditional American values of education, self-reliance, and public service through the life of this American patriot.

As biographer and author, Frederick Douglass wrote about his triumph over chattel slavery 150 years ago, and his story has become a reminder of the essential role of education in our democracy. As a journalist, he founded The North Star in 1847 and became an articulate witness for the indivisibility of freedom and citizenship for the slave and for the idea and image of freedom in America. As a public servant, Frederick Douglass advised Presidents from Lincoln to Harrison, ending his distinguished public career as Minister to the Dominican Republic in 1871 and to Haiti in 1889.

On February 1, 1895, Mr. Douglass gave his last public lecture at West Chester University of Pennsylvania. The University has honored this champion of freedom with a 2-year program and has helped to lead the Nation in commemorating his life. Frederick Douglass voiced hope and confidence in America during some of the most anxious moments in the Nation's history.

Our recognition of the life of Frederick Douglass is a testimony to his enduring faith that this Nation and all of its people will remain worthy of and committed to the highest principles of freedom and justice for all.

BISHOP STUDENT EXCELS IN NATIONAL HISTORY DAY

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1995

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention today the fine achievement of Will Baylies and the leadership of his teacher, Mrs. Irene Sorenson, from Home Street Middle School in Bishop, CA. Recently, this remarkable student joined other students from across the country at the University of Maryland to compete in National History Day sponsored by the Constitutional Rights Foundation. The theme for this year's competition was "Conflict and Compromise in History."

Will qualified for the national competition by first winning at the local, regional, and State levels. Will placed first in California for his research paper titled, "A Philosophical Conflict on Civil Rights, Integration or Separatism?" Correspondence Between Martin Luther King, Jr. and Malcolm X." Will took the original approach of creating a series of letters between these two men that express an understanding of their philosophies. In reality, King and Malcolm X did not correspond so the content of the letters reflect the research done as well as critical analysis by Will.

This outstanding student and Mrs. Sorenson are a tribute to our public school system which remains the finest in the world. Although this student lives in a community of less than 5,000 people located 200 miles from a major library or university, he completed extensive research in his subject area and was highly competitive with students from the large metropolitan area including Los Angeles County, San Bernardino County, and Riverside County. It is also remarkable that under the guidance of Mrs. Sorenson, a total of sixteen students made it all the way to the final State competition and exhibited their knowledge in seven of the possible eight categories.

Mr. Speaker, I ask that you join me, our colleagues, and friends in recognizing the fine achievement of these individuals, Their work is a reflection of education at its best. It is fitting and appropriate that the House of Representatives pay tribute to them today.

25TH ANNIVERSARY OF THE MAJOR APPLIANCE CONSUMER ACTION PROGRAM

HON. DAVE CAMP

OF MICHIGAN

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1995

Mr. CAMP. Mr. Speaker, this year marks the 25th anniversary of the creation of the Major Appliance Consumer Action Program [MACAP]. I rise today, with my colleague, Representative BART GORDON, to offer appreciation to those who have voluntarily served on the panel to promote communication between consumers and industry for the past 25 years.

On January 8, 1969, President Lyndon B. Johnson appointed a task force to investigate guarantees and servicing problems for major home appliances. He recognized the need for a greater, coordinated effort to serve the interest of consumers. President Nixon reactivated the task force on October 30, 1969, and called for a report of progress made by the appliance industry in implementing report recommendations. It was in early February 1970 that this industry launched a bold, new initiative called MACAP.

MACAP serves three primary purposes: First, to provide consumers with unbiased mediation of their unresolved major appliance complaints, second, to counsel the industry on ways to improve its customer relations practices, and third, to prevent consumer appliance problems through public education of proper appliance purchase.

The MACAP panel consists of professionals, independent of the appliance industry, representing various disciplines including family law and economics, technical knowledge of appliance operation and design, and the relationship of water/temperature/materials in laundry and dishwashing and consumer advocacy. Remarkably, the average time needed to bring a complaint to closure is about 60 days. The panel meets 10 to 12 times a year through face-to-face meetings and conference calls and reviews about 25 individual consumer complaints at each meeting. The panel's review of consumer complaints identifies trends and patterns that call for specific educational messages to the public.

Since MACAP's inception 25 years ago, the program has processed over 45,000 complaints with 80 percent reaching a resolution that was accepted by the consumer and the manufacturer.

We commend this very competitive industry for first recognizing a common problem that required the cooperation and dedicated interest of all the appliance companies. We are pleased to offer our expressions of deep gratitude and appreciation to the panel for their voluntary untiring efforts and devoted service and to the manufacturers for their visions, discernment and cooperation.

TRIBUTE TO OLGA S. LAW

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1995

Mr. PAYNE of New Jersey. Mr. Speaker, today I rise to pay tribute to a very special lady. Mrs. Olga Sharpe Law of Merry Hill, NC, celebrated her 87th birthday on May 25 and was honored at a birthday celebration by the church family of Zion Bethlehem Baptist Church in Windsor, NC.

Mrs. Law, one of four children who was born in Portsmouth, VA, in 1908, has devoted her life to the service of others. After she graduated from Elizabeth City State Teachers College, now Elizabeth City State University, she taught 5 years in Virginia and then remained with the Bertie County school system for 39 years. As a former teacher myself, I can confirm that it takes a great deal of dedication and love to make a 39-year commitment to the children in her community. I can also confirm that Mrs. Law possesses these qualities in abundance. Her joy came in teaching the three R's—reading, 'riting, and 'rithmetic. However, she got greater joy in teaching her students to respect themselves, and others. Many of her students still approach her to thank her for being a wonderful and inspirational teacher.

But teaching for Mrs. Law did not end with the school day. She has and continues to serve as an adult Sunday School teacher, Bible study teacher, a deaconess, and a missionary. In between all of this, she regularly attends three churches pastored by her late husband.

Mrs. Law is well known in the community for extending her hand to whomever is in need, and her deeds speak for themselves. Everyone knows that you do not have to call upon her for help, she often offers it.

On June 4, 1992, because of her love for the church and its congregation, her soft-spoken voice and firm manner, the Rev. John W. Barnes bestowed her with the honor of "The Mother" of Zion Bethlehem Church.

Mrs. Law remains very active in the woman's auxiliary to the West Roanoke Association and the Tri-County Minister's Wives and Widows' Association, both of which she has served as President. She has also served as worthy matron of the North Star Chapter Order of the Eastern Star No. 332 of Merry Hill.

Mr. Speaker, all too frequently, we do not take the time out to recognize people who have made significant contributions to our communities until it is too late. However, Mr. Speaker, today, I am proud to rise in honor of a woman who has served her community with distinction and tenacity, and also with great humility. Mrs. Law epitomizes the tenet of lifetime service to her community and to others. She often says, "If I can help somebody—then my living will not be in vain," and fortunately for us all, it hasn't.

DRUG LEGALIZATION—THE MORAL EQUIVALENT OF GENOCIDE

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1995

Mr. SOLOMON. Mr. Speaker, our Nation's top drug enforcement official, Lee Brown, recently gave an important speech on drug legalization. While some liberals and libertarians would have you believe that legalization is a viable alternative to the war on drugs, Mr. Brown makes it very clear that drug legalization will never occur in the United States.

LEE BROWN'S "WHY THE U.S. WILL NEVER LEGALIZE DRUGS"

When we look at the plight of many of our youth today, especially African American males, I do not think it is an exaggeration to say that legalizing drugs would be the moral equivalent of genocide.

Making addictive, mind altering drugs legal is an invitation to disaster for our communities that are already under siege.

Without laws that make drug use illegal, some experts estimate that we could easily have three times as many Americans using cocaine and crack—the proponents of legalization would have us believe that crime would go down if drug use was legal, but an honest look at the facts belie this argument.

Statistics tell us that almost half of those arrested for committing a crime test positive for the use of drugs at the time of their arrest. Making drugs more readily available could only propel more individuals into a life of crime and violence. Contrary to what the legalization proponents say, profit is not the only reason for the high rates of crime and violence that are associated with the drug trade * * * drugs are illegal because they are harmful—to both body and mind.

Those who can least afford further hardship in their lives would be much worse off if drugs were legalized.

CONGRATULATORY REMARKS FOR DAVID JOHNSON, COACH, NATIONAL FORENSIC LEAGUE, BELLAIRE HIGH SCHOOL

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1995

Mr. BENTSEN. Mr. Speaker, I rise today to recognize Mr. David Johnson who is celebrating his 25th year as the National Forensic League coach at Bellaire High School. Under the direction of Mr. Johnson, Bellaire High School has become a highly recognized debate team. Among the many awards Bellaire has been honored with are the National Sweepstakes trophy, won in 1994 and the Bruno E. Jacob/PKD trophy. Bellaire has been awarded the Bruno Jacob trophy more than any other school in the Nation.

Debate teams teach students how to analyze information and prepare arguments. I believe this education will serve these students well and provide them with leadership training.

I congratulate Mr. Johnson on his 25-year dedication to Bellaire High School and its students. As a committed coach and educator he has become a role model to his students and other professionals in the education field.

CONGRATULATIONS TO THE LADIES' VILLAGE IMPROVEMENT SOCIETY OF EAST HAMPTON ON THEIR CENTENNIAL

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1995

Mr. FORBES. Mr. Speaker, I rise today to congratulate the Ladies Village Improvement Society of East Hampton [LVIS] on their hundred-year anniversary. The LVIS was founded by 21 women on November 30, 1895 with the slogan, "Keep East Hampton Beautiful." Since then, these women have kept their promise. Through the years, the LVIS has planted grass plots and trees, tended the village greens, exterminated harmful insects, lead clean up campaigns, and even started a college scholarship fund for high school students which totaled $23,000 in 1993.

I believe that volunteer work is an asset to any community. The women of the LVIS of East Hampton exemplify this spirit of altruism. Their service is a valuable contribution to improving the lives of everyone in the village of East Hampton.

Today, membership of LVIS has expanded to include many women who have professional careers, as well as part-time residents of East Hampton Village. These women are, and continue to be valuable members of their community. Congratulations on 100 years of dedication to making East Hampton beautiful.

HONORING JOHN KELLEJIAN

HON. BILL BAKER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1995

Mr. BAKER of California. Mr. Speaker, on a spring day in 1942, a handful of young Americans under the remarkable leadership of Jimmy Doolittle flew on a mission that has captivated the hearts and minds of Americans ever since. They did what was supposed to have been impossible: they successfully flew into Japanese airspace and bombed Tokyo.

One of the men on the famed Doolittle raid was John Kellejian. The devotion to duty and steely courage he displayed that memorial day are the stuff of legend. John's heroism was honored in May at a Pentagon ceremony in which he was recognized for his role in the "60 seconds over Tokyo" that live on in history. Today, I want to join in recognizing John for his contribution to the freedom we enjoy today.

With his gracious wife, Bev, John is a resident of my hometown of Danville, CA, and is commander of the Danville chapter of the Veterans of Foreign Wars. His life is a testimony to the virtues of family, freedom, and loyalty that have imbued our country with greatness for more than two centuries.

In our country, we seek to commemorate great acts of bravery, and well we should. They ennoble our heritage and inspire us in our daily lives. Yet our inspiration must be drawn not only from the sacrifices of war but from lives well lived in times of peace. John Kellejian's bravery made history, and his life helped build a country. He is richly deserving of America's thanks for all he has done for his community, his State, and his country.

STATEMENT OF LINDA SPANGLER

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1995

Mr. DUNCAN. Mr. Speaker, on June 2, I was privileged to attend the signing ceremony for a bill to increase the penalties in the cases of vehicular homicide in the State of Tennessee. This ceremony took place at the South Knox county home of the late Katie Spangler. Mrs. Spangler was killed by a drunk driver as she was stringing Christmas tree lights in her yard in December 1993.

Just before this bill was signed by Governor Don Sundquist, who had made it part of his crime package, Mrs. Spangler's daughter, Linda, made one of the most beautiful and moving statements I have ever heard. Her words touched me deeply, and I wish that everyone in this country would read them and think about what she had to say, especially as it relates to the nationwide tragedy of drunk drivers who kill people.

I would like to recall the statement of Linda Spangler to the attention of my colleagues and other readers of the CONGRESSIONAL RECORD.

Today my family and I with utmost humility would like to express to Governor Sundquist what an honor it is to welcome him to our home. Words fail us as we attempt to convey to our Governor our deep appreciation for signing a new vehicular homicide and DUI bill into law and arranging for funding for such a desperately needed law.

In an attempt to signify what this means to our family I would like to say that our mother, Katie Spangler was a Christian. My family and I are Christians. We believe that God is sovereign. At the time of mother's death each of us children began to question God as to why our mother had to die at the hands of a drunken driver. We agonized over the question "why" because we knew that God could have let mother die naturally, die in her sleep—a peaceful death. Because God had promised in his word that He would protect us "Lest we cast our foot upon a stone," yet He had allowed our mother to die in such a horrifying way. What we had experienced would shatter the faith of the strongest Christian.

Well meaning Christians would tell us that we must not question God as to why. We felt this was not scriptural as the Bible says that Jesus while dying on the cross for our sins said My God, My God why hast thou forsaken me. God understands when we ask why from a broken heart.

God continued to love us even though we questioned Him. He held us in the palm of His hand, gave us strength for each day, guided us in decisions that needed to be made, gave us rest when there was no rest. God's grace was indeed sufficient for us.

Finally we concluded that we may never know why but that God does not make mistakes and that in His own way God would turn this horrible tragedy into something good.

We then entered into the criminal justice system for the first time seeking justice for the wrongful death of our mother. The person who killed our mother was given the maximum sentence of 6 years with 1 year in jail, 5 years probation. Our faith in the judicial system was at that moment destroyed.

There was a public outcry of protest against the sentencing. Petitions were signed and brought to us. People were very angry. We could not let their cries of outrage go unheard so we channeled these petitions to our representative, Wayne Ritchie, to whom we would like to say, Mr. Ritchie, you are the epitome of what it means to be a representative of the people, one who cares what the people in his district are interested in. Good luck to you always.

As a young person and a new Christian I sat through a sermon about testing the 2 spirits, the Holy Spirit and the evil spirit. I did not understand this sermon and I asked my mother to explain to me. She said that if I were trying to make a decision about one thing or another that the first thought I would have would be a positive thought, and that immediately I would have a second thought that would be negative. She said my first thought would be the Holy Spirit and the second thought would be the devil. She said I should always abide by my first thought.

My family and I feel that you, Governor Sundquist, along with all of those who voted to pass this legislation, and Mr. Wayne Ritchie, have listened to your "first thought."

In so doing no greater compliment could be paid to you than to know that God has used you as an instrument for turning a tragedy into something good and for us as a family it answers our question "Why?" because God has used our mother's untimely death to have far reaching effects for the citizens of Tennessee and perhaps these new laws will prevent any other families from going through such agony and loss of a loved one.

Governor Sundquist, you and your administration are to be commended for your stand against crime. It is our prayer that God will give you the courage and the wisdom to make Tennessee a safer place in which to live for its citizens.

For the first time in 17 months some of our faith has been restored in the judicial system and we realize "Why" God took our mother in such a tragic way and are truly humbled that God could use mother and this family for His purpose.

We hope you get to meet our mother someday in heaven after Christ says to you "Well done, thou good and faithful servant."

These words are so feeble to express our deepest gratitude to you, Governor Sundquist, but please know they come from our heart.

May God bless you and watch over you.

We wish you Godspeed.

TRIBUTE TO WATERFORD TOWNSHIP AT THE TIME OF ITS TRI-CENTENNIAL

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1995

Mr. SAXTON. Mr. Speaker, it is a privilege to recognize Waterford Township and its citizens during this celebration of its 300th birthday. This yearlong celebration, with its kickoff parade and pageant, circus, tree lighting ceremony, ecumenical service, anniversary "Sweetheart Reception" for the 65 couples in the township who have been married 50 years or longer, and now, the Finale Fair, pays tribute to the contributions of the 11,000 residents of this 37-square-mile community, located in the Third Congressional District of New Jersey.

Lands encompassed by the original Township of Waterford later became Atlantic County in 1837 and Camden County in 1844. Additional lands were used to form what is now known as Cherry Hill. Land given from Waterford Township provided for the creation of Chesilhurst Borough and Voorhees Township, and the enlargement of the county of Burlington.

Originally viewed by the early settlers of Philadelphia as a place of fresh air in the pines, it was the location of many summer homes for city folk. Today, it is the only community in Camden County to lie totally under the protection of the Pinelands Preservation Act. The Wharton State Forest, its open spaces, streams, and wildlife are an integral part of the charm and beauty of this community.

However, it is the people of Waterford Township who have made this community grow and prosper. The support of the township's civic organizations such as the Rotary, Fire Company, schools, churches, and the Tri-Centennial Committee, demonstrates the commitment of its residents to the betterment of their community.

It will be the people of Waterford Township who will protect and ensure its continued prosperity as it begins its fourth century. Their sharing and showing the spirit of pride in their heritage and their community today sets them apart and holds them together. To them, I pay tribute.

COMMENDING STUDENTS FROM WAIAKEA HIGH SCHOOL

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1995

Mrs. MINK of Hawaii. Mr. Speaker, today I want to recognize the stellar performance of Waiakea High School students from Hilo, HI in the We the People—The Citizen and the Constitution national competition. The outstanding performance of these students against 49 other schools from across the Nation demonstrated a thorough grasp of the fundamental principles embodied in the U.S. Constitution.

I commend the Waiakea High School students and their teacher, Patrick Marquart for their commitment and dedication to learning about the freedoms and responsibilities which the Constitution and Bill of Rights bestows on us all. The district coordinator, Helen Kobayashi, and the State coordinator, Sharon Kaohi also contributed a significant amount of time and effort to help the team reach the national finals.

The We the People program, supported and funded by Congress, is the most extensive educational program in the country developed specifically to educate young people about the Constitution and the Bill of Rights. The 3-day national competition simulates a congressional hearing in which students' oral presentations are judged on the basis of their knowledge of constitutional principles and their ability to apply them to historical and contemporary issues.

This program provides an excellent opportunity for students to gain an informed perspective of the significance of the U.S. Constitution and its place in our history and our lives. I am proud of Waiakea High School's achievement in reaching the national finals, and of their outstanding performance in the national competition.

My congratulations to: Elijah Clark, Brienne Colton, Deborah Dacallo, Lannis Enriques, Jeffrey Fuke, Chatney Gram, Rhiannon Kauwa, Ian Kawamoto, Joy Kobayashi, Janelle Kuroda, Christine Miyasaki, Jill Nagashima, Celina Nelson, Shane Okimoto, Brandon Tenn, Malia Uyehara, and Kristy Yamamoto.

THOUGHTFUL WORDS ON WETLANDS

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1995

Mr. SHUSTER. Mr. Speaker, the absolute chaos unleashed by the current section 404 wetlands program in the 1972 Clean Water Act is excellently documented in the following editorial, which appeared in the Lewistown Sentinel, a newspaper in my Ninth Congressional District of Pennsylvania. Indeed, the word "wetlands" is not even mentioned in the main provisions of the original 1972 act. Instead, abuses and distortions that exist currently in the wetlands regulatory program stem from just 10 words in original 1972 legislation: "The discharge of dredged or fill material into navigable waters."

It is from this simple phrase that bureaucrats and judges have created what is so eloquently written described in the editorial's concluding paragraph. This editorial provides a good overview of the issue and I commend it to my colleagues and all people interested in the wetlands debate.

[From the Lewistown Sentinel, May 31, 1995]

CLEAN WATER BILL IS SOLID LEGISLATION

Two years ago last week, conservationist Bill Ellen was released from the federal prison at Petersburg, Va., after serving a six-month sentence for allegedly violating wetland regulations.

Ellen ran afoul of the Environmental Protection Agency in the course of building a wildlife preserve, where he was the project supervisor.

A couple of loads of clean fill were placed on land so dry that his crews were spraying water on the ground to reduce dust for safety reasons. But overly broad regulations—upon which even assorted federal and state agencies did not agree at the time—called the spot wet, at least by the EPA's lights.

If revisions to the Clean Water Act adopted by the House of Representatives this week become law, there won't be any more Bill Ellen cases. The legislation requires the Army Corps of Engineers—the primary wetlands agency—and the Department of Agriculture to write new regulations, this time with real definitions that would put wetlands into three categories according to their ecological importance. Land in the least significant category could be used for other purposes, whereas land in the most significant category would be tightly restricted. Property owners might be entitled to just compensation in such instances.

Rep. Bud Shuster is a sponsor of the bill, which passed the House in a 240–185 bipartisan vote. Shuster, whose district includes Mifflin and Juniata counties, is chairman of the House Committee on Transportation and Infrastructure.

Central Pennsylvania's congressman has spent a good bit of time lately defending the bill against broadsides from the Clinton administration. The White House is threatening a veto. In a public relations campaign against the bill, they're calling it "The Polluters' Protection Act," which is utter nonsense.

Among other points, Shuster has correctly pointed out that the bill contains many points that align with Clinton's own blueprint for federal reform. He also noted that the bill received support from the bipartisan National Governors' Association, which Clinton once headed.

"The president read from a script handed him by the environmental extremists," Shuster said. "This is a common-sense bill written and supported by an overwhelming bipartisan majority of House members."

Shuster is right on the money. Like him, we can't see the logic in Clinton's attack. He's missing the real question at hand, which is whether environmental regulation in this country is going to be governed by rule of law or by arbitrary bureaucrats.

Americans are entitled, through their elected representatives, to define what is important and what's not and to set down some clear definitions.

THE HEALTH INFORMATION MODERNIZATION AND SECURITY ACT

HON. DAVID L. HOBSON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1995

Mr. HOBSON. Mr. Speaker, today I am introducing the Health Information Modernization and Security Act with Mr. SAWYER. In the Senate, Mr. BOND and Mr. LIEBERMAN introduced the same bill as S. 872. Our bipartisan, bicameral bill was developed over several years in an open, cooperative effort between the private and public sectors. Our purpose is to reduce excessive paperwork and administrative waste in the health care system by facilitating the development of an electronic health information network.

Health information systems are on the verge of a dramatic transformation. Today, financial and administrative information commonly is keyed into a computer, printed in paper form, and then mailed or transmitted to another person who rekeys the information into another computer. The constant demand for more information in less time is pushing the current system toward electronic data interchange [EDI], the computer-to-computer exchange of information in a standard format.

The technology exists today to move away from a paperwork system and toward an electronic health information network. Although many institutions have internally automated health information systems, there are barriers to sharing information externally, among institutions. First, no single entity in the health care industry has the market power to move the industry toward a common standard. Second, antiquated State licensing laws make computerized medical records technically illegal in 12 States and legally ambiguous in 16 others. Third, there are privacy concerns related to the degree of access to health information.

The Health Information Modernization and Security Act removes the barriers that block the modernization and simplification of health information networks. Once these barriers come down, the private sector will be able to reduce unnecessary paperwork, which adds nearly 10 cents to every health care dollar; expose fraud in ways that are impossible under the confusing, disjointed paperwork system we have today; protect patient privacy and the confidentiality of health information; and provide consumers with the data they need to compare the value of insurance plans and health services.

Basically, our bill sets up a process that moves the health care industry toward a common electronic language for sharing information. The Secretary of the U.S. Department of Health and Human Services is required to adopt standards for health information, but only if those standards already are in use and generally accepted. The Secretary is required to adopt financial and administrative data standards, security standards, privacy standards for individually identifiable health information, and special rules for coordination of benefits, code sets, electronic signature, and unique health identifiers for individuals, employers, health plans, and health care providers.

The Secretary is not required to adopt standards for clinical data or information in the patient medical record. Financial and administrative data often is handled electronically today, and there is general agreement on the type of standards that should be adopted. Clinical information, in contrast, is more complicated and there is little consensus on the quantity or content of the data that should be standardized. Further, adopting clinical standards involves complex privacy requirements and a debate about whether or not data should be centralized. However, after 4 years, but sooner than 6 years, the Secretary must recommend to Congress a plan for developing and implementing uniform, electronic data standards for information in the patient medical record.

Within 2 years after the Secretary adopts the standards, health plans are required to comply. The mandate is on the payer, not the provider. Providers are required to comply with the standards for any business they do with Medicare. Payers and providers may deviate from the standards by mutual agreement. For example, a payer may agree to accept information on paper claims, but they are not required to accept that information if it is not in the standard format adopted by the Secretary. Similarly, a provider may agree to provide additional information requested by the payer, but they do not have to provide that information if it is not among the standards adopted by the Secretary. This creates the market-oriented leverage necessary to converge on a single industry standard.

To conclude my remarks, I want to credit the work and commitment of the people behind this legislation. In 1991, Secretary of Health and Human Services Louis Sullivan articulated a vision of a health care information system. Mr. BOND first introduced legislation to achieve that vision in 1992, updated that work in 1993—Mr. Sawyer and I were the House sponsors—and now we introduce the final product of our continuing efforts here today—the Health Information Modernization and Security Act.

CONGRATULATIONS FLORIDA HOSPITAL

HON. BILL McCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1995

Mr. MCCOLLUM. Mr. Speaker, congratulations to Florida Hospital in Orlando, FL, on the occasion of the beginning of construction for the Walt Disney Memorial Cancer Institute's new facility in my congressional district.

When its new facility is complete, the institute will bring honor to Orlando as a leader in diagnosis, treatment, and prevention of cancer. We are grateful to Florida Hospital for providing a service of this magnitude, including research and cancer prevention education, for the citizens and families of central Florida.

We are fortunate to have dedicated caregivers like Florida Hospital and the Walt Disney Memorial Cancer Institute in Orlando. We congratulate them on their commitment to bring quality cancer care to our citizens.

TRIBUTE TO MARIANNE TETA AND MARTIN GOLDEN, BAY RIDGE COMMUNITY COUNCIL AWARD DINNER DANCE

HON. SUSAN MOLINARI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1995

Ms. MOLINARI. Mr. Speaker and distinguished colleagues, please join me as I recognize the dedication, determination and efforts of two outstanding citizens of Bay Ridge, NY, Marianne Teta, president of the Bay Ridge Community Council and Martin Golden, president of the Fifth Avenue Board of Trade and the recipient of the 1995 Bay Ridge Community Council Civic Award.

This dynamic team allied civic, business, church, and veterans groups in an ongoing public awareness campaign which resulted in the continued operation of Fort Hamilton Army Base, a historic landmark serving our country since 1825.

Marianne J. Teta, lifelong resident of Brooklyn, presently serves as the director of NYNEX Consumer Affairs for Brooklyn and Staten Island. Among the many organizations Marianne is presently active in are the Bay Ridge Lions, Ragamuffin and the Bay Ridge Parks and Waterfront Council.

Martin Golden resides in Bay Ridge with his lovely wife Colleen and their son Michael. Together they manage the Bay Ridge Manor and aid many worthly organizations such as the Angel Guardian Home and Heart Share.

We are fortunate to be blessed with these caring individuals who have encouraged community pride and involvement by supporting our neighbors in the armed forces. They are a credit to Bay Ridge, Brooklyn, and an important part of the fiber that strengthens our neighborhoods and Nation.

INVESTORS MAKE LOUSY CROWBARS

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1995

Mr. OXLEY. Mr. Speaker, I commend the following column by Cynthia Beltz from the Journal of Commerce to the attention of my colleagues.

[The Journal of Commerce, May 25]

INVESTORS MAKE LOUSY CROWBARS

(By Cynthia Beltz)

The world's major industrialized nations this week launched two years of negotiations to reduce barriers to cross-border investment. Just last week, the United States threatened Japan with 100 percent tariffs on luxury auto imports unless its auto parts market is opened to U.S. companies. Unfortunately, such tit-for-tat tactics in the trade arena are now spreading like an infectious disease into the investment field, threatening to thwart the negotiations before they get off the ground.

U.S. investment policy traditionally has rejected aggressive reciprocity tactics. Instead, Washington has maintained open-door policies at home while promoting them abroad. The strategy has paid off. The best companies in the world have flocked to the United States, boosting productivity and economic welfare. New research from the Census Bureau shows, for example, that foreign-owned plants are more productive, more technology-intensive and pay higher wages than the average U.S.-owned plant. Developing countries are also moving at a record pace to emulate America's successful open-door investment policy. More than 40 nations moved in this direction in 1992 alone. Indeed, attitudes have shifted from deep suspicion of multinational investors to active solicitation.

Foreign direct investment, or FDI, is now the most important source of external finance for developing countries, which attracted a record 40 percent of global FDI flows in 1994. A lack of modern infrastructure that threatens future growth is further driving FDI liberalization in areas still restricted in many nations. Countries such as India and Indonesia, for example, are breaking down telecommunication monopolies and encouraging increased foreign participation.

The irony is that the United States is moving in the opposite direction. In contrast to the unilateral opening now occurring in developing countries, the United States has started to experiment with a new generation of laws and regulations that promote the discriminatory treatment of foreign investors.

Since 1988 substantial machinery has been put in place to block FDI deals and to penalize foreign-owned firms for the offensive practices of their home-country governments. First popular in the area of research and development policy, these tit-for-tat tactics are now being used against foreign investors through the deregulation of U.S. financial services and communications sectors. In both cases, pending legislation would condition the access of foreign investors—such as banks and telecommunication firms—on comparable market-opening measures in their home countries. U.S. negotiators have further indicated their intention to link the two during the investment negotiations, which are being held under the auspices of the Organization for Economic Cooperation and Development.

Caught in the cross-fire are deals like the proposal by Deutsche Telekom and France Telecom to buy a 20 percent stake in Sprint; rival AT&T wants the deal blocked until equal access is secured in the German and French markets. Also caught are proposals to unconditionally eliminate the existing 25 percent restriction on foreign ownership of media and telephone companies. These proposals don't have a chance until the tactic of using investors as a trade tool is rejected as economic nonsense.

For starters this approach treats liberalization as a concession and discounts the intrinsic value of foreign investment to the U.S. economy. Opening financial services and telecommunications more to competition and foreign participation will generate benefits for the U.S. economy that do not depend on more open rules abroad. Sir James Graham, a 19th century British statesman, said it best: to create a link between the two is to "make the folly of others the limit of our wisdom."

As San Francisco Federal Reserve Bank President Robert T. Parry put it, the "hammer of reciprocity" is a crude policy tool that misses the fundamental point: Competition is America's secret economic weapon, not reciprocity.

Take the case of the auto industry. Foreign-owned car plants in this country—so-called transplants—have brought key technology and management practices to the United States, strengthening the domestic industry and transforming the nation's Rust Belt into an export belt. By contrast, consider the sheltered telecommunications industry in Germany and the slow pace of deregulation, which have kept costs high and hurt firms within the industry as well as downstream users.

Further, if the United States hopes to secure an investment agreement—either through the OECD or an expanded World Trade Organization—that is based on the principles of nondiscrimination, then approving the use of foreign investors as a crowbar is hardly an auspicious start. Is this really the precedent the United States wants to set for other countries, especially the dynamic developing economies? Just as the OECD is trying to narrow the scope of investment restrictions, Washington is carving out a new category of exceptions to the principle of nondiscrimination, with potentially damming consequences.

The hazard of being a leader is that others watch and follow. The anti-dumping laws provide an unfortunate case in point. Initially promoted as a "trade remedy," anti-dumping laws have spread around the world, to the detriment of U.S.-owned multinationals. More than 40 nations—half of them developing countries—have adopted anti-dumping laws. Indeed, there has been a sharp increase in cases since 1990, and U.S. exporters are now the target of these laws more often than any other country. What seemed to help in the short term instead has worked to reduce corporate flexibility and hurt the efficiency of the global economy.

If other countries follow the U.S. lead in investment and use FDI as a trade tool, we will have created an administrative nightmare. We also will have squandered a rare opportunity to develop a comprehensive, nondiscriminatory investment regime.

Rather than take this troubled path, the United States should lead by example and resist the tit-for-tat approach to investment challenges. Competing for, not restricting, investor dollars—domestic or foreign—drives the economy forward. Let's stick with the program that works.

Cynthia Beltz, a research fellow at The American Enterprise Institute in Washington, is editor of the forthcoming, "The Foreign Investment Debate" (AEI, 1995).

SUPPORT THE NAVY'S SUBMARINE MODERNIZATION PLAN

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1995

Mr. GEJDENSON. Mr. Speaker, I encourage my colleagues to read the article below from this month's issue of Sea Power Magazine, which underscores the need for Congress to support the Navy's submarine modernization plan. The article was written by James Courter, former Congressman and chairman of the BRAC Commission, and Loren Thompson, executive director of the Alexis de Tocqueville Institution.

The timing of this article could not be better as Congress debates the Navy's plan to complete the third *Seawolf* and continue design work on the follow-on less expensive new attack submarine. I urge all my colleagues to read this informative article and to support the Navy's submarine plan.

The article follows:

THE NEXT SUBMARINE—AND THE ONE AFTER THAT

(By James Courter and Loren Thompson)

In the years since the fall of the Berlin Wall, the future of the Navy's submarine construction program has become somewhat uncertain. The service has taken several steps to adjust to the diminished threat, including scaling back the program to build Seawolf-class nuclear-powered attack submarines (SSNs). In the late 1989s the Navy was planning to build as many as 29 Seawolfs; the program now has been cut back to a mere three boats. Meanwhile, the Navy has initiated the design of a less expensive follow-on attack submarine, and has concentrated its new submarine construction work at the General Dynamics Electric Boat (GD/EB) shipyard in Groton, Conn.

Despite these efforts, critics in Congress and elsewhere have urged that additional changes are needed. Some favor termination of the third ship of the Seawolf class. Others believe that all construction of nuclear-powered ships, aircraft carriers as well as submarines, should be carried out at one location. And still others argue that the Navy should build at least some diesel-powered submarines rather than the more expensive nuclear boats.

Despite the critics, a careful examination of recent history, current technological trends, and prospective geopolitical developments builds a compelling case for the continued production of SSNs as a reasonable trade-off between future military requirements, current geopolitical uncertainties, and continuing constraints on resources.

BACK TO THE FUTURE

Although the United States fought two world wars prior to the full emergence of Soviet military power in the late 1940s, many policy-makers apparently believe the earlier threats of this century—including the Soviet threat—have no relevance to current or future U.S. security needs. But there is, in fact, a common thread that links all the great military threats of the twentieth century to all of the others, and to the equally imposing challenges that America may face in the foreseeable future.

That common thread is geopolitical uncertainty. Three times in the twentieth century, anti-democratic coalitions sought to dominate Eurasia. The imperialist threat posed by Germany and Austria Hungary was followed by fascist aggression mounted by Germany and Japan, which gave way to communist-sponsored subversion and political upheaval emanating from the USSR and Communist China. These three challenges largely defined U.S. defense policy and spending patterns in the twentieth century.

Such threats were not unanticipated in the nineteenth century. Geopolitical theorists such as Halford Mackinder and Alfred Thayer Mahan had noted the disproportionate concentration of people and material resources in Eurasia, and correctly concluded that insular powers such as the United States must possess the political, economic, and military strength needed to ensure their access to what Mackinder called the "world island." To allow one power, or a coalition of powers, the theorists argued, to control the Eurasian landmass might set the stage for domination of the whole world. During the Cold War, the strategy of assuring access to Eurasia—and of preventing Soviet and Chinese control of it—was christened "containment" by George Kennan. But the basic geopolitical roots of the Cold War containment policy differed little from the strategic considerations that in earlier times had drawn the United States into global conflicts against imperialism and fascism.

American seapower played a central role in enabling the United States to execute its containment strategy, just as it played an important part in the efforts of U.S. foes—Germany and Japan in World War II and the USSR in the Cold War—to defeat that strategy. Even after the advent of intercontinental aircraft, control of the sea lanes remained essential to U.S. economic prosperity and national security. In fact, the relevance of seapower has increased dramatically as the U.S. economy has become increasingly linked to the economies of Europe and Asia—and, not incidentally, also has become more and more dependent on energy resources, such as Middle East oil, and other vital raw materials available only, or primarily, from foreign suppliers. The breakup of the Soviet Union into numerous republics—four of them armed with nuclear weapons—has not significantly altered this reality.

What it has altered, though, is the sense of urgency among U.S. decision-makers about the need to preserve naval forces adequate to safeguard freedom of the seas and to protect U.S. interests overseas. The United States is currently engaged in its third great demobilization of the twentieth century—and, although this one has been more gradual than those following the world wars, it seems to be based on the same assumption that great-power threats to U.S. national security are a thing of the past. The current U.S. defense posture thus is predicated in large part on the expectation that U.S. forces will face no future military challenge more imposing than regional conflict. The budgetary result has been a massive demobilization and downsizing of the force structure. As an ancillary consequence, the U.S. defense production base, including the shipbuilding and aerospace industries, and their suppliers, also has been seriously weakened.

THE RELEVANCE OF SUBMARINES

Nowhere is this fact more apparent than in the building of nuclear submarines. Thirty years ago, there were half a dozen public and private shipyards in the United States capable of building submarines. Today, there are two—and soon there may only be one. The Navy's current submarine construction plan calls for building a single nuclear-powered attack submarine at General Dynamics Electric Boat every other year into the next decade.

This minimal production rate, combined with the accelerated retirement of boats now in the active fleet, will, by the turn of the century, reduce the Navy's SSN fleet to a force of only 45 to 55 ships. (The Clinton administration's Nuclear Posture Review also has recommended retention of 14 Trident ballistic missile submarines (SSBN's) to serve as the core of the nation's nuclear deterrent.)

Many defense analysts have pointed out that the presently contemplated rate of submarine construction is not sufficient to sustain even the much-reduced operational now force planned. Assuming a service life of 30 years for each boat, a build rate of one new submarine every other year would eventually produce a fleet of only 15 submarines. However, because the current inventory of operational SSNs exceeds the established requirement, the Navy does not plan to address the production-rate issue until early in the next century. For the time being, its main concern is simply to ensure that a submarine design and production base is preserved. And concern is warranted: If even one submarine is dropped from the current minimal-construction plan for replacement SSNs, the production base for nuclear-powered submarines may indeed collapse.

The relevance of attack submarines to future U.S. national security requirements is based primarily on the continuing requirement to guarantee U.S. access to Eurasia, and recent history suggests that major new threats to the stability of the world island could emerge in the relatively near future—initially, perhaps, in the form of regional aggression. The question that arises in that context concerns the future role of nuclear-powered attack submarines.

INSTABILITY AND PERSISTENCE

The most obvious such role revolves around the traditional mission of maintaining control of the world's sea lanes. By countering enemy submarines and surface combatants, attack submarines assure the safe ocean transit of U.S. and allied naval and merchant vessels. Because of the general decline in Russian military power, that mission may seem to be perhaps less critical in the mid-1900s than it was during the Cold War. But U.S. naval intelligence officials have warned that "the bear still swims"—and have backed up that statement with hard evidence. The Russians continue to build several new submarines per year, and they have made significant progress in matching—in some cases surpassing—the stealthiness of U.S. submarines, even while they cut back drastically on many other components of their military power. The present instability of the Russian regime, and the persistence of anti-Western, anti-democratic political attitudes in Russia, both strongly suggest that the United States should not allow itself to fall behind Russia's technological achievements in the underwater arena.

A related and potentially more ominous development to which the Russians—and several U.S. allies—have contributed is the rapid proliferation of non-nuclear submarine technologies to developing countries. There are now over 600 submarines deployed around the world, operational in the navies of more than 40 countries. Not all of those submarines pose a direct threat to U.S. use of the sea lanes, but a growing number do. In recent years, Russia and various Western nations have agreed to sell diesel-electric submarines to, among other countries—not all of them friendly to the United States—China, Egypt, India, Iran, Pakistan, and Syria. In addition, several of the more developed nations of the Third World have begun or are beginning to develop an indigenous capacity to produce diesel-electric or even nuclear-powered submarines.

The problem posed by the proliferation of submarine technology is today more embryonic than urgent, but the pace of proliferation, combined with the strategic location of several recent purchasers of modern submarines, is worrisome. It would require only a few submarines to close the Straits of Gibraltar or the Straits of Hormuz—which would be likely targets of Libya and Iran, respectively, in the event of future conflict. Continued U.S. access to Middle East oil, and to Asian and European markets, demands that the U.S. Navy be prepared to deter or counter major new submarine threats. The current U.S. submarine program is for that reason aimed primarily at developing and building the submarine platforms, sensors, and weapons needed to track and destroy submarines that in the future will be faster, more lethal, and, above all, increasingly stealthy.

LAND-ATTACK SSNS

A second key role that attack submarines will in all likelihood be assigned in the future is the delivery of precision firepower against land targets ashore. The precedent for this mission is well-established in the fleet of SSBNs, which have for so long been the most survivable "leg" of the U.S. strategic nuclear triad, and which have as their primary if not exclusive mission the destruction of enemy ICBM (intercontinental ballistic missile) silos, air bases, and other strategic land targets. In the future, though, the parallel capability of SSNs to launch conventional cruise missiles against land targets may play a greater role in U.S. naval strategy and tactics. Because of the loss of U.S. bases overseas and the need in recent years, as a result of budget cuts, to "gap" forward-deployed Navy battle groups in waters adjacent to areas of potential crisis, it may become increasingly necessary for the Navy to rely on submarines to compensate for the absence of surface combatants and tactical naval aviation.

The vulnerability of surface ships to the increasingly sophisticated cruise missiles, land-based as well as sea-based, possessed by so many Third World nations and regional powers also will require submarines to play a growing role in the land-attack mission. A recent war game at the U.S. Naval War College in Newport, R.I., demonstrated that a U.S. surface fleet could suffer severe losses to land-based cruise missiles.

There is nothing hypothetical about this threat; it is already a very real and increasingly difficult problem. A long-time U.S. ally, France, currently is developing a stealthy, long-range cruise missile called the Apache that will be able to use a direct link to reconnaissance satellites for guidance. While the French have no plans to export the new missile, it is clearly only a matter of time before all of the key technologies—stealth, cruise missiles, realtime satellite reconnaissance—are available to other industrialized countries and, probably, to some lesser-developed nations as well.

Such trends in the capabilities of weapons will require parallel changes in the operating tactics and battle doctrines of all the world's navies. As it becomes increasingly necessary for major surface combatants and auxiliaries to remain further offshore, the ability of submarines to elude detection will enhance their usefulness in the land-attack role. Indeed, some observers already believe that the capacity of submarines to remain stealthy will make the attack submarine the true capital ship of the next century.

Submarines probably also will retain the various ancillary missions, such as reconnaissance and the insertion of special-operations forces, that they assumed—or that were thrust upon them—during the Cold War. While such roles may not in themselves justify spending a billion dollars or more for a nuclear-powered attack submarine, they are a useful complement to the submarine's primary mission and thus, by helping to amortize the SSN's operating as well as initial-construction costs, would be a key factor in the overall cost/benefit equation.

MAINTAINING AN ADEQUATE FORCE

Despite recurrent reports throughout the Cold War that new technology was about to render the oceans transparent, U.S. submarines have remained exceedingly difficult, if not impossible, for adversaries to track and target, thanks primarily to the Navy's long-term and continuing effort to improve the stealthiness of its submarines. Although the sensitivity and signal-processing capabilities of potential adversaries' sonar systems have improved significantly, they have not managed to match the pace of "quieting" U.S. submarines. Experts are nearly unanimous in believing that American submarines can remain ahead in the survivability race—but only for as long as the Navy continues a reasonably vigorous technology program to maintain—or, preferably, enhance—the stealth of its own submarines.

Unfortunately, the survivability of U.S. submarines is only half of the combat equation. The other half is the survivability of enemy submarines, a matter about which the U.S. Navy has good reason to be worried. The newest Russian submarines have actuallysurpassed the quietness of the most advanced, quietest, and most survivable boats—the Los Angeles-class SSNs—now in the U.S. active fleet. The threat posed by Russia's stealthy Akula-class SSNs imposes new and unprecedented demands on U.S. sensors and weapons. Thus, despite its temporary surplus of nuclear-powered attack submarines, the United States has two compelling reasons to build new and even more advanced SSNs: (a) it must preserve the stealthiness of its own submarines; and (b) it must overcome the stealthiness of the most advanced foreign-built submarines.

The Seawolf SSN program, and the follow-on new attack submarine (NSSN)—scheduled to begin construction in 1998—are intended to meet both of these needs. The NSSN will incorporate the advanced quieting, sensor, and weapons technology of the Seawolf in a less expensive hull that is more compatible with anticipated future budgetary limitations. Although it will cost considerably less than the Seawolf, it will be able to accomplish all of the post-Cold War missions, including the land-attack mission, envisioned for U.S. attack submarines.

The pace of development for the NSSN will not allow construction of the first of the class to begin any earlier than 1998, however. The Navy already has committed $900 million to the construction of a third Seawolf submarine, and in the fiscal year 1996 defense budget is seeking the remaining $1.5 billion needed to complete it. That common-sense economic rationale is not, of course, the only reason the Navy wants to complete construction: The third Seawolf will contribute significantly to future seapower capabilities, and will help satisfy a Joint Chiefs of Staff requirement for at least 10 to 12 submarines with Seawolf-quality stealthiness by 2012.

THE BUDGETARY/RISK TRADEOFF

A recent study of the U.S. submarine production base by the Rand Corporation concluded that little money would be saved by allowing a production gap to develop in the construction of new submarines. The risks, though, would be considerable. The third Seawolf illustrates this finding clearly. The cost of the boat will be $2.4 billion, of which $900 million is already obligated. Since it will cost at least that much more to terminate contracts and shut down production of the third boat, the Navy faces the choice of spending: (a) nearly $2 billion, with nothing to show for it; or (b) $2.4 billion, to get a very capable submarine.

Its decision to embrace the latter option is driven, though, not only by the budgetary arithmetic, but also by the urgent need to preserve the nation's ability to build submarines. Consolidation of all nuclear-ship production at Newport News Shipbuilding—builder of the Navy's nuclear-powered carriers and other surface combatants, as well as more than three dozen SSNs and SSBNs—would not only reduce the U.S. nuclear shipbuilding industrial base to one yard, but also would deprive the nation of the pre-eminent submarine integration facility at Electric Boat, and of a highly skilled work force as well.

It might at some future date be considered necessary, for strictly budgetary reasons, to consolidate all nuclear construction at one yard—but to do so would mean a loss of flexibility and of surge capacity, and would entail some serious national security risks as well.

Fortunately, that decision does not have to be made this year. The overwhelming case for completing the SSN-23 gives the Navy, and Congress, the time needed for a detailed and much more comprehensive study of the cost/benefit tradeoffs involved in making what would be an irreversible change in the long-term U.S. submarine construction program. For at least the time being, though, the Navy itself apparently has concluded that it makes more sense to keep nuclear submarine production at its preferred source, Electric Boat, while maintaining the construction of nuclear-powered surface ships at Newport News Shipbuilding.

The near-term costs of such an approach are outweighed, the Navy says, by the overriding national security need to ensure the preservation of an adequate industrial base. The Navy's industrial plans for submarines are in that respect similar to its military plans. Both focus on the long term, because it is assumed that the long term is when major new threats to national security may arise. A long-term approach may, of course, create certain near-term budgetary pressures, but those pressures reflect the service's unwillingness to sacrifice its enduring requirements in order to address the more transitory concerns of the moment. Considering the evidence of the recent past and the global trends evident today in technology and politics, it is hard to argue with such an approach.

HUMAN RIGHTS IN EAST TIMOR

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1995

Mr. PORTER. Mr. Speaker, as cochairman of the Congressional Human Rights Caucus, I rise today to speak out about human rights conditions in Indonesia, and specifically, on the island of East Timor. Home to nearly 200 million people, Indonesia is the fourth most populous nation in the world. Congress has already pressed the Government of Indonesia to give the people of East Timor greater freedom and to ensure the protection of their fundamental human rights. I am disheartened, however, by the lack of progress on ending abuses being committed by Indonesian military forces and the frequent reports of torture and other serious abuses being committed in East Timor. This year, the State Department's "Country Reports on Human Rights Practices for 1994" states:

> The [Indonesian] Government continued to commit serious human rights abuses and in some areas, notably freedom of expression, it became markedly more repressive, departing from a long-term trend towards greater openness. The most serious included the continuing inability of the people to change their government and harsh repression of East Timorese dissidents.

In November 1994, the U.N. Special Rapporteur on Extrajudicial, Summary, and Arbitrary Executions reported that the atmosphere in East Timor continues to be oppressive and resembles the conditions that precipitated the mass killings by Indonesian forces in November 1991. The rapporteur's report serves as a warning to the world and should be a call to action for the international community to prevent a repetition of severe human rights violations.

In addition, I remain concerned about the large Indonesian military presence on the island and about reports indicating that one of the Indonesian army battalions that was responsible for the Santa Cruz massacre recently returned to the region. I also oppose the mistreatment of Timorese political prisoners, the heightened migration of Indonesian settlers to East Timor, and the obstruction of international observers who are working to monitor trials of dissidents and report on conditions in East Timor. I firmly believe that these developments demand a strong response by the international community.

Indonesian President Suharto has recently cracked down on free press, causing the firing of journalists who voice their dissent. This campaign to intimidate journalists is not the only repression that has intensified. There are frequent cases of Christians being arrested, beaten, and intimidated. There is little freedom of association, assembly or expression, and members of the security forces responsible for these human rights violations enjoy virtual impunity. Assistant Secretary of State John Shattuck recently reported to Congress that the human rights situation "Which began worsening in late 1994, worsened further in January of this year." I call on Members to put pressure on the Indonesian Government to end their pattern of abuses in East Timor. I call on my colleagues to join me in my efforts to remain vocal and keep a bad situation from further deteriorating

I also commend to Members the following article, from the Boston Globe dated April 3, 1995, which explains United States shortcomings in promoting human rights in Indonesia.

One way to continue to keep pressure on the Indonesian Government is to continue the ban on International Military Education and Training [IMET] funds to them. I applaud Representative REED of Rhode Island for the amendment he intends to offer to the American Overseas Interest Act to cut all IMET funds to Indonesia for fiscal year 1996 and fiscal year 1997. I urge Members to support this amendment, which is a strong and clear message to the Indonesian Government that their disregard for human rights will not be tolerated by the United States.

[From the Boston Globe, April 3, 1995]

COMPROMISING HUMAN RIGHTS

The most generous way to describe the Clinton administration's approach to human rights is to call it ambivalent.

John Shattuck, assistant secretary of state for human rights, has said all the right things and produced candid reports on human rights around the world. But President Clinton ignored Beijing's abuses for the sake of trade, subordinated human rights to strategic concerns when Boris Yeltsin assaulted Chechnya and made the fatal mistake of refusing to classify the mass murders in Rwanda as genocide when to do so might have enabled UN forces to stop the slaughter.

Recently there has been an unusually overt demonstration of the administration's ambivalence on human rights. Speaking in the Indonesian capital, Jakarta, the vice chairman of the Joint Chiefs of Staff, Adm. William Owens, said the Pentagon wants to resume a U.S. program for the military and educational training of the Indonesian army, a program that Congress suspended in 1992 because of Indonesia's flagrant abuse of human rights on the conquered territory of East Timor.

The same day, Shattuck was telling Congress that the human rights situation on East Timor, "which began worsening in late 1994, worsened further in January this year." Shattuck's testimony replicated a report by the organization Human Rights Watch/Asia on "Deteriorating Human Rights in East Timor." The report describes "extrajudicial executions, torture, disappearances, unlawful arrests and detentions and denials of freedom of association, assembly and expression."

As Clinton and the new Congress consider the Pentagon's request for $600,000 to spend on the training of Indonesian officers, they ought to heed the counsel of the US Catholic Conference. "As difficult as the situation in East Timor has been over the years," the bishops' office noted, "congressional protests and representations by various US administrations have helped limit the severity of human rights abuses, keeping a bad situation from becoming much worse."

This is no time to encourage Indonesian persecution of the East Timorese.

SALUTE TO M.L. "LIN" KOESTER

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1995

Mr. GALLEGLY. Mr. Speaker, I rise today to salute a longtime friend and former colleague who will be leaving the city of Simi Valley to become Ventura County's chief administrative officer.

When I joined the Simi Valley City Council in 1979, one of our first objectives was to find an administrator who could lead the city into the next decade while restoring the fiscal and personal security city residents expected and deserved.

Lin Koester was that administrator. In more than 15 years on the job, he has established a list of accomplishments and successes that would be the envy of any manager in the private or public sector.

Through Lin's tenure, Simi Valley has earned the respect of other municipalities from around the State for its strong record of fiscal conservatism and financial stability. With an annual budget of more than $88 million and more than 500 employees, the city has weathered the economic downturn that has plagued southern California and the entire Nation over the past few years and has emerged in good financial shape with a $14 million general fund reserve.

But Lin's achievements are hardly limited to the area of financial management.

While he has served as city manager, Simi Valley has established a statewide reputation for its innovative efforts and programs in the areas of recycling and hazardous waste management.

Under Lin's leadership, the city has maintained its reputation as one of the top three safest cities of its size in the entire country. It has also financed and built a new city hall and senior center and has helped establish a local DMV office, a new county courthouse and a library. The city has also seen the construction and opening of the Ronald Reagan Presidential Library, while construction continues on a new cultural arts center—scheduled to open later this year. A new, state-of-the-art, police facility is expected to open within the next 3 years.

None of these things happened by accident. They happened because of strong, thoughtful leadership and an ability to get the most from a well-chosen, well-organized professional staff.

As Lin moves on to put his time-tested talents to work for the county, Mr. Speaker, I would like to join many of his former colleagues and friends in wishing him well. I know that Simi Valley is a much better place today because the years Lin spent at the helm. I am confident that, years from now, we will be able to look back and say the same thing about Ventura County.

HONORING ALISON GAVRELL

HON. BILL BAKER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1995

Mr. BAKER of California. Mr. Speaker, in June, a very talented young woman from my district in California will be traveling to Washington to receive a major literary award. Alison Gavrell will receive the Silver Award at the Scholastic Art and Writing Awards National Exhibition at the Corcoran Gallery of Art for her short story, "Don't Believe Everything You Read."

This prestigious program, which honors talented young writers and artists from across the Nation, is designed to encourage some of America's finest and most gifted students in the pursuit of excellence. Alison plans to read from her story at the Library of Congress Saturday, June 17, and will be part of the ceremony and recreation for all national award winning students at the Corcoran the following day.

Alison, a student at the Dorris-Eaton School in Walnut Creek, deserves high praise for her diligence, self-discipline, and creativity. My congratulations also go to her parents, Elaine and George Gavrell, and her teacher, Ms. Deeni Schoenfeld for their contributions to Alison's signal achievement. It is a pleasure for me to recognize Alison in the CONGRESSIONAL RECORD.

TRIBUTE TO STEPHEN H. WATTERS

HON. CHAKA FATTAH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1995

Mr. FATTAH. Mr. Speaker, I am pleased to rise today to pay tribute to Mr. Stephen H. Watters, who for 19 years, has been the director of the middle school at William Penn Charter.

Over the past 20 years, he has helped to define and shape one of the finest middle school programs in the country. Stephen H. Watters has demonstrated his long-term leadership and commitment to the school, the development of its curriculum, and to his caring approach to students, parents and peers.

Steve is leaving the Penn Charter family this summer and will assume his new responsibilities as head of the Green Vale School, a K–9 school in Glen Head, NY.

Steve's departure will further impact Penn Charter with the departure of his wife, Anne Watters, who has served as director of lower school admissions as she joins her husband in New York.

I ask my colleagues to join me in applauding Mr. Watters for a job well done.

HONORING YVONNE McCALL

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1995

Mr. DAVIS. Mr. Speaker, it gives me great pleasure to rise today and pay tribute to an outstanding educator from Fairfax County, VA, who is retiring this month.

S. Yvonne McCall, is the principal of Silverbrook Elementary in Fairfax Station, VA. She was selected as the National Distinguished Principal of Virginia 1993.

I first met Mrs. McCall in 1981 when she brought in private and charitable donations to build a new playground at Glen Forest Elementary School, where she was principal.

Mrs. McCall encourages her students to strive for academic excellence. Her motto is: "Reach for the moon. If you don't make it, then you'll at least land among the stars."

McCall has designed a number of innovative programs at Silverbrook. They include: PEP [Parents Energizing Parents], a parent support group; PLUS [Parents Lending Us Support], a program designed to train volunteer parents; RESPECT [Rules Expected at Silverbrook—Plans Everyone Can Trust], a schoolwide discipline program designed to reward positive behavior; Social Skills, a program that encourages good cafeteria behavior by rewarding well-behaved students with a complimentary lunch at a local restaurant; and, a mentor program with employees of the school's business partner, HFSI, through which the partners communicate via electronic mail.

Mrs. McCall began her career in Fairfax County in 1971 as a reading teacher at Fairview Elementary School. In 1980, she assumed the post of principal at Glen Forest Elementary School and later served as principal at Dogwood Elementary School, where she remained until assuming the reigns at Silverbrook Elementary in 1988.

Throughout her career, Mrs. McCall has earned honors. She received the Outstanding Principal Award from Mount Olive Baptist Church in 1985. From 1986 to 1993, McCall was nominated seven times for the Washington Post Distinguished Educational Leadership Award. She received the Department of the Army's Outstanding Civilian Service Medal in 1991. In 1991, McCall was also a finalist in the National Distinguished Principal of Virginia program. In 1993, she was awarded the Virginia Association of Elementary School Principals' School Bell Award for her leadership abilities and her innovative and successful school programs.

Mr. Speaker, I know that my colleagues join me in honoring Yvonne McCall for all of her hard work and dedication in molding the way that our children view themselves and the world. Mrs. McCall is a credit to her profession and has been a vital assets to thousands of families in northern Virginia who have been touched by her professional leadership.

TRIBUTE TO MARK BISCOE

HON. MARTIN T. MEEHAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1995

Mr. MEEHAN. Mr. Speaker, I rise today to pay tribute to an outstanding educator, Mr. Mark Biscoe.

For 36 years, Mr. Biscoe was a member of the Fenn School family. He dedicated life to teaching, coaching, and guiding young students at this small school for boys in Concord, MA.

Mr. Biscoe began his distinguished career in 1958. Throughout his career, he has assisted countless numbers of students. Each of his students has been a recipient of his sincere kindness, care, and responsible guidance. His supervision and instruction have been significant factors in shaping Fenn boys into young men and preparing them for the future.

In his role as teacher, coach, and sometimes parent, Mr. Biscoe has provided emotional as well as educational support. He has made many invaluable contributions to the Fenn community. Unfortunately, our society often takes its teachers for granted. But, when we consider the positive effects a teacher can have on the lives of children, we begin to appreciate the value of the profession.

Mr. Biscoe's commitment is a lesson about teaching through example. He dedicated himself to improving his community and he succeeded. He is held in the highest esteem by all who know him. I know many parents, students, and colleagues are grateful to Mark Biscoe for his contributions. I extend my congratulations and best wishes to him on his retirement. I know that the Fenn School will continue to benefit from Mr. Biscoe's involvement and contributions.

HUMAN RIGHTS ABUSES IN CHINA: MILLIONS SUFFER WHILE THE GOVERNMENT IS REWARDED BY THE CLINTON ADMINISTRATION

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1995

Mr. SMITH of New Jersey. Mr. Speaker, two significant events marking the tragic human rights record of the People's Republic of China must not be allowed to pass without this body pausing to remember the victims in China who are not allowed to speak out for themselves without fear of persecution, imprisonment, torture, and death. There are even those victims who will never have the opportunity to cry out for their lives.

On June 1, the Maternal and Infantile Health Care Law went into effect in the People's Republic of China. This law, though titled a "health care" policy, is nothing short of Nazi-style eugenics policy added to an already oppressive, nonvoluntary, coercive one-child-per-couple family planning policy being implemented in China.

China's coercive population control policy is already well known and is a crime against women. Xiaorong Li, the vice-chair of Human Rights in China's Executive Committee and a research fellow at the Institute of Philosophy and Public Policy at the University of Maryland recently wrote: "In assessing the population policy, the unfair burdens that women have been made to bear in recent history for mistaken national policies must not be ignored * * * If China faces a population crisis, is it just to make women (and children) primarily bear the cost of reducing birth rates?" She goes on to note that "75 percent of urban women would like to have two children, but most settled for having one child to avoid losing subsidies, housing, medical care, retirement benefits, and even their jobs. Rural women seem to suffer more from pressures of all kinds * * * to evade the quotas set by the policy and produce more, preferably male, babies. They alone have to endure abortions in the 7th and 8th months of pregnancy, use IUD's, take the pill, get sterilized, bear the children, and suffer the health consequences of all these things. In most cases, they alone are punished for their extra-quota births, having to escape the harassment of family planning workers, lying about their pregnancies, and eluding the teams sent to take them for abortions and sterilizations."

The new law goes even further than setting quotas, it is aimed at ensuring that parents can have a perfect child, according to Sun Nianfu, senior obstetrician at Beijing's Capital Hospital. To this end, the law prohibits marriage between people if one of them has a serious hereditary disease, which is medically deemed unsuitable for reproduction unless the couple would agree to take long lasting contraceptive measures or give up childbearing by undergoing tubal ligation. Further, the law indicates that when a woman is determined to be carrying a child that may have serious hereditary diseases or have a serious deformity, the pregnancy should be terminated.

What will this mean for the people of China? According to one report "couples discovered to have a genetic predisposition toward conditions like diabetes, mild retardation, or even rheumatoid arthritis * * * could be forced by the government's medical establishment to abort their child." The law, so vague in its definition of serious diseases would allow the government and medical officials to determine in each case which people may get married, which couples may have children, which children may be born.

Three days after the eugenics law went into effect, on June 4, the world remembered the brave men and women who filled Tiananmen Square 6 years ago calling for democratic reform and greater freedoms. Tragically, that peaceful protest, watched by millions the world over, turned violent when the government ordered military troops into Tiananmen Square and opened fire on peaceful, unarmed citizens.

Hundreds were killed. The Chinese Government has never given an accounting of the exact number. More were rounded up and imprisoned. Many of these peaceful protesters remain in Chinese prison, many of them are imprisoned in labor camps, where they are forced to participate in China's slave labor system, producing items exported to the United States under the administration's tragic trade policy which sacrifices human lives and dignity on the altar of the dollar. On Friday the President once again renewed MFN with China, while paying lip service to the human rights situation in China. While unborn children are being called undesirable, while women are forced to undergo coerced abortions and sterilizations, while hundreds of political dissidents are imprisoned and their voices silenced, the government which inflicts there horrors on the people is rewarded.

Mr. Speaker, fortunately there are others who have more integrity. And these people are paying a high price for standing up for human rights. Several appeals, signed by dozens of China's leading intellectuals have been issued calling for a commemoration of the Tiananmen Square victims and the release of those who are still detained for their participation in the peaceful protests. Some of those who have signed the petitions have been arrested, including Wang Dan, the 26-year-old former student leader at Tiananmen Square. Others arrested include Wang Xizhe who was imprisoned for 12 years for his participation in the 1978 Democracy Wall movement, Liu Xiaobo, a professor, Huang Xiang, a poet, and Liu Nianchun.

And, Mr. Speaker, we must not forget that Wei Jingsheng, the father of China's democracy movement was detained on April 1, 1994 and has vanished without a trace. He had already spent over 14 years in prison. He was released in September 1993 during China's bid to host the Olympics in the year 2000. Once this no longer served their purpose, Wei was picked up by authorities and has not been heard from since. At this point he has not been charged with any crime nor have there been any judicial proceedings against him.

Mr. Speaker, today the government of China enjoys most-favored-nation trade status with the United States. Government officials and the military are reaping the rewards of unlimited trade with our Nation while at the same time they trample the rights, dignity, and lives of millions of women and men in the name of population control and stability.

These victims of China's human rights abuses must not be forgotten. Today I honor the forgotten women and men of China, who are victims of Nazi-like eugenic policies, who cannot choose the number and spacing of their children, whose bodies are violated, whose voices are silenced, but whose hopes and dreams remain alive.

BROWN INTRODUCES PATIENT CHOICE LEGISLATION

HON. SHERROD BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1995

Mr. BROWN of Ohio. Mr. Speaker, I rise on behalf of myself and my colleague, Mr. LATOURETTE, to introduce legislation to ensure patient choice of medical equipment under Medicare.

Under current law, the Medicare Program will reimburse beneficiaries for durable medical equipment only if they choose the basic model. Those beneficiaries who wish to choose an upgraded piece of equipment for convenience or comfort reasons must pay for the equipment themselves. In fact, some beneficiaries are forced to use the basic model of equipment even if it may make their condition worse because they cannot afford to pay the full amount for an upgraded model.

I do not believe that Medicare should not be dictating choices to elderly beneficiaries, If an 85 year-old Medicare patient wishes to use an electric wheelchair because it helps her get around better, she ought to be assured that Medicare will cover up to the amount for a basic model.

During last year's debate on health care reform, one of the comments I heard most often from the families of northeast Ohio was concern about restrictions on patient choices. Health care is too personal to allow choices to be determined by Government bureaucrats.

This legislation would ensure beneficiaries true choice of medical equipment such as wheelchairs, hospital beds, walkers and other aids. In addition, the bill includes measure to protect beneficiaries from high pressure sales and allows the Health Care Financing Administration [HCFA] to establish guidelines for the purchase or rental of upgraded equipment.

Restrictions on coverage for medical equipment were established in response to fraud and abuse in the program. However, these restrictions have become outmoded and inflexible. This legislation would protect older Americans from the hard sell by equipment suppliers while providing the flexibility in their equipment choices.

It is not my intent to allow the industry to oversell grandma on the luxury models of all equipment, but we need to have some common sense about Medicare coverage. Why shouldn't Medicare beneficiaries have access to equipment that all Americans do? Why should they be penalized?

Furthermore, while this legislation ensures that additional choices are available to the elderly, this bill is revenue neutral to the Medicare Program. Medicare current covers medical equipment at a standard level. My legislation would simply ensure that Medicare beneficiaries could choose an upgraded model and be reimbursed from Medicare at the standard level. Thus, the U.S. taxpayer will pay no more for this choice legislation.

I urge my colleagues to join in cosponsoring this necessary legislation.

THE PASSING OF AN AMERICAN HERO

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1995

Mr. WYDEN. Mr. Speaker, let us take a moment today to remember one of the great advocates for justice who died at the age of 89 on April 22—my friend and Gray Panthers colleague, Margaret Eliza Kuhn. I had the pleasure of knowing Maggie for 20 years. She was the inspiration for the Oregon Gray Panthers, pioneer advocacy organization that has worked to bring seniors and young people together in Oregon since 1975. Maggie is truly an American hero.

Maggie Kuhn founded the Gray Panthers in response to her forced retirement. Her goal was simple: unite the generations to serve as advocates for fundamental social change that would reduce injustice, discrimination, and oppression in our society.

Maggie was given a sewing machine to celebrate her retirement, a seemingly appropriate gift, but she never even found time to open it. She was too busy. Instead, she served as a tireless champion for those without a voice in our society.

Maggie Kuhn led the fight to root out discrimination against older Americans. Kuhn thought it was absurd to waste the valuable talents of older Americans, and helped to shatter the myth that growing older is synonymous with powerlessness, decrepitude, and weakness.

Kuhn saw a natural connection between young and old. She said that the mind needs exercise to stay healthy. Kuhn encouraged seniors to return to school. She encouraged older Americans to teach children, based on their vast life experiences.

Maggie Kuhn and the Gray Panthers have always had an aggressive agenda of social action. Maggie refused to let government and society stunt the productivity of seniors by forcing them to retire at age 65. She argued that forced retirement damages self-esteem and leads to feelings of uselessness. She felt it was unconscionable that this physical and psychological damage could be forcibly imposed as a person ages. Maggie fought mandatory retirement until she won.

Maggie Kuhn would be outraged today by the recent attacks on the role of seniors in our society. When talking about Medicare much of the media says seniors, not out of control health costs, are the problem. When talking about Social Security, seniors, not the use of the Social Security surplus to fund other programs, are again described as the problem. When it comes to the economy, again seniors are described as the problem and held out as takers, not producers.

The fact is millions of seniors are producers, not takers, and Maggie led the way for older people to use their skills to make our communities better places every day. Seniors are part of the solution, not problems as so often portrayed in today's media.

Older Americans are making valuable contributions every day in many ways around the country. Stop in at your local blood bank, school lunch program, or your favorite charity. You'll see that seniors are the glue that holds these programs together. They are the National Senior Service Corps, the Peace Corps, the Retired and Senior Volunteer Program [RSVP], and AmeriCorps. Just look around—seniors are helping—because Maggie Kuhn helped open the doors for older Americans.

Maggie's credo was age and youth in action, and I'm pleased that this House is beginning to understand the need for policies that bring the generations together. Recently, the House voted for my amendment to promote kinship care, which gives seniors and other adult relatives the opportunity to support and raise children, as an alternative to forcing children from broken homes into foster care run by strangers. Enacting a national plan to promote kinship care would be an ideal way to honor Maggie Kuhn, who led the fight to bring younger and older people together.

Maggie hated waste and foolish bureaucracy. Democrats and Republicans alike can work together to reduce fraud and waste in vital government services and protect consumers. In support of this objective, Congress should pass the bipartisan legislation introduced by the chairs of the House Older Americans Caucus that would attack fraudulent and unethical practices in the sale of private long-term care insurance.

In the days ahead, Congress will debate many important issues of social justice. Let us remember Maggie Kuhn's life and support government policies that empower and liberate our citizens.

Maggie Kuhn led a life of unselfish service to others. She felt that the greatest sin was to waste time and to waste human potential. She lived her life to the fullest. Millions of Americans, young and old, have been touched by her work.

Maggie Kuhn was once asked how she would like to be remembered. She recited her favorite epitaph: "Here lies so-and-so, under the only stone she left unturned."

Maggie Kuhn, a true American hero, will be much missed.

BIENNIAL CONGRESSIONAL REFORM

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1995

Mr. HAMILTON. Mr. Speaker, today I am introducing a resolution providing for the biennial review of the structure and organization of Congress.

One of my major conclusions from my work last Congress on the Joint Committee on the Organization of Congress is that the institution is better served if congressional reform is treated more as an ongoing, continual process rather than something taken up in an omnibus way every few decades. Congress has set up three major bipartisan, bicameral reform efforts in recent times—the 1945, 1965, and 1993 Joint Committees on the Organization of Congress. All three panels were given extremely broad mandates—to look at virtually all aspects of Congress in order to improve efficiency and effectiveness. The panel last Congress took up everything from committee jurisdiction reform and the congressional budget process to ethics reform and congressional compliance with the laws we pass for everyone else. We conducted scores of hearings, heard from hundreds of witnesses, looked over thousands of pages of testimony, considered hundreds of reform ideas, and issued reports totalling several thousand pages.

In my view, it would be far preferable to have the House take up a congressional reform resolution each Congress:

First, the task would be much more manageable. Members would be able to focus attention on the key reform issues of the day, rather than consider the entire range of procedural and organizational matters over from previous Congresses.

Second, political tensions would be lessened. Letting systematic institutional reform slide for several years only allows problems to fester and heightens partisan tensions.

Third, continual attention to reform is needed. We live in a rapidly changing world and need to keep the institution of Congress up to date on a regular basis.

Fourth, public confidence in Congress would be bolstered. Regular, systematic reform of Congress should help improve its operations and remove unnecessary impediments to legislative action.

Thus I strongly favor bringing a congressional reform resolution to the House floor every Congress, and letting Members work their will on the major reform issues of the day. That is what the resolution I am introducing today would help to bring about. It has three main components:

The first, and main, part, Section 1, would require the House Committee on Rules each Congress to consider submitting to the House a congressional reform resolution. My proposal does not require that they report out and send such a resolution to the floor. It instead says that they should consider submitting such a resolution to the House, and—if they decide against such a resolution—they would have to explain—as part of their end-of-Congress report required in Section 3 below—why they thought congressional reform was not needed.

The biennial reform resolution proposed in Section 1 would draw upon two sources of information, among others:

Section 2 provides for a general floor debate on congressional reform during consideration of the legislative branch appropriations bill. Just as we set aside time for a Humphrey-Hawkins debate on the economy each session during consideration of the budget resolution, so we should set aside time for regular debate on how well Congress is working, allowing the main committee involved in congressional reform to take part in the discussion. The time of the year when we are funding Congress would be an appropriate time to discuss how well Congress is working.

Section 3 requires that the Committee on Rules, as part of its oversight agenda, submit a systematic and comprehensive report at the end of each Congress on the effectiveness of House organization, operations, and procedures. Earlier this year the House required each committee, including Rules, to submit an end-of-Congress report on its overnight activities. My resolution would require that a section of the Rules Committee report specifically take up the need for congressional reform—what was done on reform during that Congress and what might the areas of future reform.

Mr. Speaker, interest in congressional reform tends to ebb and flow according to the changing interests of the main House players in reform, the shifting national agenda, the varying amounts of media coverage given to the operations of Congress, and the changing winds of public interest in major reform. I believe we need to regularize the process so that whoever is in charge of reform in the future will be looking seriously at scheduling and debating a congressional reform resolution each Congress.

My idea is not a new one. The Legislative Reorganization Act of 1970 stated the need for a congressional panel to "make a continuing study of the organization and operation of the Congress." Moreover, the 1974 bipartisan House Select Committee on Committees, headed up by Richard Bolling, stated: "A key aspect of any viable reoroganziation is provision for continuing evaluation of its effectiveness, and for periodic adjustments in the institution as new situations arise." I believe it is time to finally follow through on these recommendations and regularize the congressional reform process.

A TRIBUTE TO MELVIN AND JOSEPHINE CARLSON

HON. JOHN W. OLVER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1995

Mr. OLVER. Mr. Speaker, on June 9, 1945, Melvin and Josephine Carlson were married in the Holy Name Church in West Roxbury, MA.

That is 50 years, for those of you who may not be mathematically inclined. On the occasion of this monumental anniversary, I must take time out to pay tribute to their lives together.

Melvin and Joey met at Fort Devens Army Base in Ayer, MA. For Melvin, an illustrious military career was in the works. A World War II combat veteran of Guadalcanal and Bourgainville fighting, he holds Legion of Merit, Purple Heart, and Combat Infantry Badge honors. He is also authorized to wear the Distinguished Unit badge.

Melvin worked for General Electric, and is recently retired from New England Confectionery Co. as director of research and development.

Josephine, a graduate of Regis College in Weston, MA, taught elementary students at St. Dominici's School in Brookline, MA. These days, it is reported that she spends some of her time gardening, reading, and making afghans for her grandchildren.

Speaking of children, Melvin and Josephine have three: Joseph Eric, Richard Melvin, and Elaine Marie, each of who coincidentally went to Boston College. Melvin and Joey have two grandchildren: Heather Ann and Eric Joseph Carlson.

I hear that, in addition to spending as much time as possible with their children and grandchildren, they are very active in their church, and they are loved by many good friends, both old and new.

Fifty years is quite an achievement. I hope my colleagues will join me in wishing Melvin and Josephine Carlson many more memorable years together. Congratulations and happy anniversary.

THE AVERAGE AMERICAN HAS REASON TO BE ANGRY

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1995

Mr. SANDERS. Mr. Speaker, I submit the following article for the CONGRESSIONAL RECORD:

(From the Christian Science Monitor, June 1, 1995)

THE AVERAGE AMERICAN HAS REASON TO BE ANGRY—LOW PAY, LONG HOURS, AND A WIDENING GAP BETWEEN RICH AND POOR

(By Bernard Sanders)

It has recently been widely reported that the average American is angry. Well, the average American should be angry.

Since 1973, the working people of this country have worked longer hours, earned less, and lost much of the economic security they previously had. During the last 22 years, 80 percent of American families have experienced falling or stagnant real incomes. Meanwhile, average Americans are experiencing a major drop in their standard of living, while the rich and powerful have never had it so good.

New statistical studies show that the wealthiest 1 percent of the population own nearly 40 percent of the wealth of this country, more than the bottom 90 percent. That is the greatest concentration of wealth in the industrialized world and, most significantly, it is a trend accelerating faster here than anywhere else.

In 1959, the richest 4 percent of American families earned as much income as the bottom 35 percent. By 1989, that top 4 percent earned as much as the bottom 51 percent. In 1980, the average pay for a chief executive officer of a major corporation was 42 times as high as that of a factory worker. Today, the CEO earns 149 times as much.

Meanwhile, while profits soar and CEOs reap huge salary increases, the purchasing power of the minimum wage has declined by 26 percent over the last 20 years. Many of the new jobs being created are low-wage, part-time, or temporary, without benefits. As major corporations continue to "downsize," the number of temporary jobs in America has exploded form 962,300 in 1987 to 1,657,700 in 1993.

Tens of millions of American workers are experiencing extraordinary financial insecurity and pressure. Will they have their jobs tomorrow, or is the owner moving the company to China where he can get workers for 20 cents an hour? Will their limited healthcare benefits be cut even further? Will they ever collect on the pension plan they've been promised?

From 1988 to 1993, worker productivity in the private sector increased by 5.9 percent. Average hourly earnings, however, declined by 4 percent. By 1993, the typical family had lost $1,400 of the buying power it had in 1991. People are working longer, harder, and more productively—and they're becoming poorer. Should the average American be angry?

Given the crisis facing the American middle class, what has the new Republican-controlled Congress been doing to address our nation's underlying economic problems?

JOBS

There is nothing in the "Contract With America" to address our $160 billion trade deficit, the decline of our manufacturing base, and the loss of missions of decent-paying manufacturing jobs. How do we get corporate America to reinvest in this country, rather than in cheap, unprotected labor abroad? This is apparently not a subject of much interest to the Republicans, who have recently received huge amounts of corporate campaign contributions.

DECLINING LIVING STANDARDS

At a time when the rich are getting richer and the middle class and the poor are getting poorer, the Republicans have adopted a series of bills to cut benefits drastically for working people and the poor-making life more difficult for those already hurting the most. The Republicans are proposing major cuts in child nutrition, fuel assistance, education, affordable housing, Medicare, Medicaid, and college financial aid.

TAX CUTS

Fifty percent of the individual tax breaks passed by the Republican House will go to people making a $100,000 a year, and the upper 1 percent will get more in tax breaks than the bottom 60 percent. For the lower middle class, there will be virtually no tax reductions at all.

Should the average American worker be angry?

If we are to turn this country around and create an economy that provides well for all the people, and not just the rich, we must focus on the real causes of our problems—and demand real solutions.

Most importantly, we must have the courage to take on the big money interests who—through their control of the economy, the political parties, and the media—make most of the decisions that affect our lives now and those of our children, too.

THE GOLDEN TEMPLE MASSACRE: SELF DETERMINATION AND INDEPENDENCE FOR KHALISTAN

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1995

Mr. CRANE. Mr. Speaker, I would like to bring to the attention of my colleagues the terrible conditions that the people of Khalistan must endure on a daily basis. June 3–6 marks the 11th anniversary of the Golden Temple Massacre, where the Indian army massacred thousands of Sikhs. The situation has not improved, and the Indian police routinely use torture, murder, and rape to oppress the Sikh people. This religious intolerance and ethnic warfare amounts to genocide and must stop.

We need only look at the former Soviet Union to understand why a society based on ethnic repression cannot work. After the collapse of the Soviet Union, the republics were finally able to break free and exist in peaceful democratic states. It has been predicted that India will suffer the same fate and it is our duty to support and encourage the people of the Sikh Nation. The following remarks by Dr. Gurmit Singh Aulakh should be read to fully understand the importance of the situation.

COUNCIL OF KHALISTAN,
Washington, DC, June 3, 1995.

Remarks of Dr. Gurmit Singh Aulakh, President, Council of Khalistan, on the Eleventh Anniversary of the Golden Temple Massacre, at Washington, DC.

I am glad to see so many people here today. As you know, the Sikh Nation celebrated its 296th birthday this past Vaisakhi Day. That was a joyous occasion; today is a sad one. We all know about the oppression the Sikh Nation has suffered under India's tyrannical occupation of our homeland, Khalistan. At least 120,000 Sikhs have been murdered in India since 1984. Tens of thousands of Sikhs remain in prison. In many rural areas, where the killings are most frequent, whole villages are emptied of their most able bodied young men.

The bloody massacre we commemorate today helped to clarify for the Sikh Nation its true place in Hindustan's sham "democracy." The oppression and bloodshed inflicted on the Sikh Nation by the brutal Indian tyrants make it crystal clear that there is no place for Sikhs in India. For ourselves and for out children, we must liberate Khalistan. Only a free and independent Khalistan will insure that the Sikh Nation can live in peace, prosperity, and freedom.

Freedom for Khalistan is coming soon. It is inevitable. Dr. Jack Wheeler of the Freedom Research Foundation, who predicted the Soviet collapse, predicted almost a year ago that within ten years, India will cease to exist as we know it.

When Sikhs read about India's recent destruction of one of Kashmir's most sacred mosques, we felt a familiar pain remembering how we felt when thousands of our Sikh brethren were slaughtered in the Golden Temple massacre.

In the country that bills itself as "the world's largest democracy," military forces are being used to attack the faith, identity, and even the very being of the Sikh nation. But instead of breaking the Sikh nation, as the tyrants of Hindustan had hoped, it has led to a resurgence of the Sikh faith in our struggle for dignity and freedom. The Golden Temple massacre crystallized a desire in the Sikh nation for a free and sovereign Khalistan.

As you all know, today marks the anniversary of that act of wanton desecration. From June 3 through 6, 1984, 15,000 troops of the Indian army launched a surprise military attack on the Golden Temple in Amritsar, the holiest shrine of the Sikh people. Simultaneously, they attacked 38 other Sikh temples throughout Punjab, Khalistan. These attacks, timed on a holy day for the Sikh nation, left 20,000 Sikhs dead. Many innocent, unarmed men, women and children, who had come only to pray on the anniversary of the martyrdom of Guru Arjan Dev Ji, were gunned down in the very temples in which they sought peace and solace.

The operation took 72 hours to complete. A news blackout in Punjab was initiated immediately before the attack. In the Temple complex itself, hundreds of Sikhs were forced into rooms designed to hold no more that 20 or 30 people. Most died of asphyxiation. Many Sikh women were raped before being killed.

In one episode, one hundred Sikh boys, students at the temple who were between 8 and 12 years old, were lined up along the sacred pool that surrounds the Temple. The Indian army officers asked each boy, one by one, if he supported Khalistan. One by one, each boy would cry out Bulleh So Nihal! ("Everyone cry out and be contented!"), and the rest would respond Sat SRI Akal ("God is Truth!"). One by one, each boy was shot in the head. Yet the Indian regime claimed that "Not a single woman or child was wounded in the operation proper at the hands of the Army personnel."

Other Sikhs were herded together, their turbans were removed and used to tie their hands behind their backs. They were blindfolded and their unshorn beards were stuffed into their mouths. They were then killed by machine gun fire. Bodies were piled together and shipped to nearby Gobindgarh fort, where they were drenched in kerosene and burned. The stench of smoldering bodies permeated in the area for two weeks. Sant Bhindranwale and 20,000 other Sikhs lost their lives.

The damage to the Temple complex was extensive. We cannot forget how the Akal Takht, the throne of timeless God, was severely damaged and the Temple's library building was destroyed. Priceless original manuscripts written by the Gurus were burnt. The Golden Temple itself was riddled with bullet holes, many precious stones inlaid upon its walls removed by Army personnel.

In the mopping up operations, the Indian forces planted sophisticated weapons inside the Golden Temple in an effort to legitimize the action. The Golden Temple was utterly desecrated. In the 400-year history of the Golden Temple, no ruler had done the kind of damage the Indian Government meted out in the 72-hour massacre. The Guru Granth Sahib, the holy book of the Sikh religion, had bullet holes in it. This is Indian religious tolerance.

Eleven years later, we remember. The Sikh nation can never forget the brutal massacre and desecration that took place during those dark days. We cannot forget, and the memory reminds us that we must take back our homeland from the tyrannical Indian regime. We must liberate Khlistan from the grip of oppression, and we should do so very soon. It is our destiny. Raj Karega Khlasa! Khalistan will be free.

Eleven years later, the killing has not stopped. Virtual martial law and press blackouts have been in place almost continuously since 1984. In November 1984, after Sikh bodyguards assassinated Prime Minister Indira Gandhi, Congress party and government sponsored rioting broke out in cities all over India. 40,000 Sikhs lost their lives, 20,000 Sikhs in New Delhi alone. Sikhs were pulled out of shops, homes, trains and buses, and burned alive. For three days, television stations throughout India, all State controlled, aired the simple message, Blood for Blood.

Indian newspapers recently reported that 25,000 bodies have been cremated and listed as unclaimed by the Indian regime since 1990. In Amritsar district alone, over 6000 bodies were listed as unidentified. This is one of 13 districts in Punjab. A mass grave which held the remains of 400 Cambodians shook the world, as it should have. Why does the mass cremation of 25,000 in Punjab, Khalistan, get ignored? These Sikhs were brutally tortured and murdered by the Indian police, then cremated to hide the evidence.

Sikhs are not the only victims. Indian "democracy" has murdered over 150,000 Christians in Nagaland since 1947, over 43,000 Muslims in Kashmir since 1988, and tens of thousands of Assamese, Manipuris, and other tribal people. According to the State Department's 1994 report on human rights, between 1991 and 1993 the Indian regime paid over 41,000 cash bounties to police officers for killing Sikhs. Many people simply "disappear." It is the great unknown holocaust.

These atrocities are part of a pattern of oppression by the corrupt Indian regime. According to the Indian magazine Sunday, for every case of human rights violations that is reported, another thousand go unreported.

I am sure that you know what happened to Simranjit Singh Mann. On December 26, Sardar Mann made a speech calling for a peaceful, democratic, nonviolent movement to liberate Khalistan. He asked the 50,000 Sikhs in his audience to raise their hands if they agreed with him. All 50,000 did so. For this blatant act of free speech, Mann was arrested under the so-called "Terrorist and Disruptive Activities Act" (TADA). Although the regime has repealed TADA, and despite a Supreme Court ruling that asking for Khalistan is not a crime, Mann remains in a windowless cell almost five months after he was arrested. This is typical of the kind of tyranny practiced against the Sikh nation by the Indian regime.

According to the government of India, all Sikhs are terrorists. The regime has even outlawed the Sikh baptismal ceremony of amrit. Most Sikhs have a friend or relative who has been imprisoned, tortured or killed by police, ostensibly because they are terrorists. This is the myth that justifies the Indian government's bloody campaign of ethnic cleansing. The world is beginning to realize that Sikh terrorism is a myth. On November 6, the Indian newspaper Hitavada reported that the Indian regime paid the late governor of Punjab, Surendra Nath, $1.5 billion to foment terrorism in Punjab and Kashmir, then blame it on "Sikh militants." Again, Indian "democracy" is exposed.

This oppression must stop. On October 7, 1987, the Sikh nation declared its independence from India, forming the separate country of Khalistan. Sikhs ruled Punjab from 1710 to 1716 and from 1765 to 1849. Punjab belongs to the Sikhs. Sikhs own 95 percent of the land in Punjab, Khalistan. Over two-thirds of the population of Punjab is Sikh. No Sikh has ever signed the Indian constitution. In the Indian-run elections in Punjab, Khalistan, in February 1992, 96 percent of the Sikhs there did not vote, according to India Abroad. India's occupation of Khalistan is destroying our homeland. The Sikh Nation has made its desire for freedom clear. We want our country back. We want to live in peace, and we want to live apart from India in a free, democratic society.

Every day the world is exposed to the brutality of India's occupation of Khalistan. In May 1994, Human Rights Watch/Asia and Physician for Human Rights released a report entitled Dead Silence: The Legacy of Abuses in Punjab. The report quotes a police officer as saying, "Once I became a police officer in Punjab, I realized that torture is used routinely. During my five years with the Punjab police, I estimate 4,000 to 5,000 were tortured at my police station alone." Another policeman was quoted as saying that 500 people were killed at his police station in five years. At least 200 of these torture centers currently operate in Indian-occupied Khalistan.

In 1947, when India achieved independence, three nations were to receive power. The Hindus got India, the Muslims got Pakistan, and the Sikh Nation was to receive a state of our own. But the Sikh leadership at the time made the critical mistake of taking our share with India on the solemn promises of Gandha and Nehru that Sikhs would enjoy "the warm glow of freedom" in Punjab and that no law affecting Sikh rights would be passed without Sikh consent. Almost immediately, those promises were broken and the repression of our people began.

India is not one nation. It is a conglomeration of many nations thrown together for administrative purposes by the British. It is the last vestige of colonialism. With 18 official languages, India is doomed to disintegrate just as the former Soviet Union did. Freedom for Khalistan and all the nations living under Indian occupation is inevitable. The Sikh Nation's demand for an independent Khalistan is irrevocable, irreversible, and nonnegotiable. But we are willing to sit down with the Indian regime anytime to demarcate the boundaries of Khalistan. It is time for India to recognize the inevitable and withdraw from Khalistan.

An independent Khalistan will help make South Asia nuclear-free. Punjab, Khalistan, produces 73 percent of India's wheat reserves and 48 percent of its rice reserves. As a country where it takes three days' pay to buy a box of cereal, India will have to sign the Non-Proliferation Treaty because it needs food. Once India disarms, Pakistan will have no reason not to do so as well. Khalistan will sign the NPT and a 100-year friendship treaty with the United States.

In the past eleven years, there have been thousands of cases of Sikh deaths and torture at the hands of Indian police and security forces. According to domestic and international human rights groups, the following are frequently used torture methods by the Indian government:

A log of wood made heavier by weights is placed on the legs of the detainee and rotated up and down.

The legs of detainees are often stretched and then the thigh muscles are beaten until they tear.

Body joints are beaten with a heavy baton.

Electric shocks are applied to genitals resulting in impotency.

Sikh women and girls are raped, then usually killed or rendered infertile.

Family members are forced to watch while violence is inflicted on other family members. Often the parents must watch as their children suffer.

Husbands are forced to beat their wives and vice versa.

Pregnancies are forcibly terminated.

Security officials sponsor death squads throughout Punjab. Typically, these agents arrive in unmarked cars, dressed in plain clothes and carry automatic weapons. The death squads pick up suspects and take them to interrogation centers.

According to Asia Watch, "virtually everyone detained in Punjab is tortured." Sikhs who die of torture are routinely listed as having died in fake "encounters" with the police. Behavior like this is the reason that Amnesty International has been barred from conducting an independent human-rights investigation in Punjab, Khalistan since 1978. Even Fidel Castro's Cuba has allowed Amnesty International into the country more recently.

Eleven years after the Golden Temple massacre, the human rights situation has only gotten worse. Our history and the history of other minority nations under Indian occupation teach us that freedom for Khalistan, Kashmir, and Nagaland is the only way to prevent further massacres like the one in the Golden Temple.

Secular democracy in India is a myth. The plight of minority nations in India is a direct result of Indian government's racial and ethnic intolerance. A Brigadier General of the Indian Army made clear the actual, if unofficial, policy of the Indian government he said that he would execute the mayors of all six villages, kill all the adult males, and confine all the women to army camps, that they would reproduce with Hindus and thereby "breed a new race."

No longer can genocide be an accepted norm of democracy. Let me close with a poignant quotation from a former world leader, one that expresses the very situation in which Sikhs find themselves.:

A government that has to rely on the Criminal Law Amendment Act and similar laws, that suppresses the press and literature, that bans hundreds of organizations, that keeps people in prison without trial, and that does so many things that are happening in India today, is a government that has ceased to have even a shadow of a justification for its existence.

These were the words that Jawaharlal Nehru used to describe the British Administration in India in 1936. What is the difference between the India of 1936 and the

India of 1995? I'll tell you. Our small homeland of Punjab, Khalistan has 500,000 security forces. The British never stationed that many troops in the entire Indian subcontinent. And the British, in the century in which they ruled Punjab, never came near slaughtering the 120,000 Sikhs India has slaughtered in the last eleven years.

The free countries of the world support peace, justice, and freedom. I call on all Americans to support freedom for Khalistan. All the Sikh Nation asks is the same freedom that Americans enjoy.

On this anniversary of the Golden Temple massacre, Sikhs will never forget the brutal desecration of our most sacred shrine. I know that by 1999, which will be the 300th anniversary of the birth of the Sikh nation, the truth will be known, and the Sikh nation will celebrate that year in a free and sovereign Khalistan.

Khalistan Zindabad! India out of Khalistan!

SAFE KIDS AND OREGON

HON. ELIZABETH FURSE

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1995

Ms. FURSE. Mr. Speaker, I rise today in support of the work that Oregon First Lady Sharon Kitzhaber is doing in my home State to protect our children from preventable injuries. Getting children involved in their own safety is something that makes good sense, particularly because it prevents untold human suffering and millions of health care dollars. We cannot wait to take action; unintentional injuries are the No. 1 killer of children under age 14.

Sharon Kitzhaber is to be commended for her work with the National Safe Kids campaign. Safe Kids is all about getting children buckled up or getting bike helmets on their heads. Oregon's First Lady has been working to spread the word throughout the State that by working together, we can save lives and money. In fact, according the National Safe Kids campaign, every dollar spent on prevention saves up to $70. In terms of injuries, for example, universal bike helmet use by children ages 4 to 15 would prevent 45,000 head inquires a year.

I join with National Safe Kids to protest recent attempts in Congress to eliminate funding for the National Center for Injury Prevention and Control [NCIPC]. NCIPC has been instrumental in highlighting the important role that prevention can play in saving money and lives in America. In fact, NCIPC is the lead Federal agency for the prevention of injuries outside the workplace and has developed an impressive partnership with private and public institutions to carry out their vital mission.

I pay special tribute to the efforts of Oregon's First Lady, Sharon Kitzhaber, and urge all my colleagues to get involved in the National Safe Kids campaign.

WALDEN POND RED MAPLE

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1995

Mr. BONIOR. Mr. Speaker, whenever I return home to Michigan, I am always grateful to spend time with the people I have the privilege to represent in the U.S. House of Representatives. I am fortunate to have been raised in a district where people are community oriented and dedicated to creating organizations that better our lives.

Last month, on May 6, 1995, I was pleased to have the opportunity to join the members of a group that epitomizes pride in our community—the Friends of the Roseville Public Library. An organization dedicated to improving the city's library, they gathered to commemorate the 20th anniversity of the founding of the group.

The guest speaker at the anniversary celebration was Mr. Robert Selwa. Bob recently celebrated his 25th anniversary with our local paper, the Macomb Daily, where he specializes in community journalism. Bob relishes covering what he calls "the heart of life in America—people in their homes, with their families, friends, and neighbors; in their schools and in their churches, patriotic folks who believe in this country and the values of life." For 25 years, he has done a fine job covering "the heart of life in America" and the people of Macomb County know they can count on him.

Bob has been a friend for many years and I was pleased to share the podium with him at the Roseville event. His remarks were enjoyed by everyone in attendance and I wish to share them with a large audience. Bob reminds us all of our literary heritage from Thoreau's Walden Pond to the American writers of today. I am pleased to submit his speech as part of the CONGRESSIONAL RECORD and hope that my colleagues and their constituents find it as inspiring as I did.

OUR LITERARY HERITAGE: BOOKS AND LIBRARIES BRING AMERICA TOGETHER

(By Bob Selwa)

Our thanks for this celebration go to Rose Kollmorgen, our outstanding library director in Roseville, and to the Friends of the Roseville Library, and to all our students and patrons, supporters and friends, including Congressman Dave Bonior.

Beginning today it will be said that a tree grows in Roseville—a special tree—a tree representing our literary heritage in America.

We dedicate this special tree today to mark the 20th anniversary of the Friends of the Roseville Library, a dedicated group of volunteers, and of the Roseville Civic Center, a magnificent facility.

The tree we dedicate is a red maple grown from a seed from one of the trees in the woods by Walden Pond in Concord, Massachusetts.

The maple tree is a proud member of our woodlands from New England across the northern Appalachians and throughout the Midwest. The maple is one of the favorites at home and in our neighborhoods, in our yards and of our streets. The red maple is honored as the state tree of Rhode Island, and its cousin the sugar maple as the state tree of Vermont, West Virginia, New York and Wisconsin.

Our Walden Pond red maple will be a reminder of the wonderful work for 20 years of the Friends of the Roseville Library. This organization has funded 180 speaker programs at the Roseville Civic Center, hosted an annual Children's Christmas party, and provided bus tours for the public. The Friends have given computerized databases, historical books and display items, a 55-gallon aquarium, the compact disk collection, video shelving, the "Books on Tape" collection, library seasonal decorations, and other donation totalling an estimated $140,000.

Thanks to both our civic leaders and our volunteers, the Roseville Public Library today has 110,000 books, 4,000 videos, and a variety of other materials including records, computer software, and books on tape.

Today the Walden Pond Reservation of Massachusetts is a 300-acre wilderness forever wild. It includes a 64-acre lake. But New England typically saves the word lake for only the largest inland bodies of water, and names its smaller lakes as ponds, and so we have the name Walden Pond.

In 1845 the woods by Walden Pond were owned by the great author, poet, philosopher and lecturer Ralph Waldo Emerson, 1803–1882, one of our foremost transcendentalists and one of many great literary figures of Concord, Massachusetts.

One of Emerson's followers and friends was Henry David Thoreau, 1817–1862. Thoreau was born in Concord and graduated from Harvard University in 1837. Though he could have pursued any profession he wished, he chose to do odd jobs, such as work as a gardener and handyman and housekeeper for his friend Emerson.

One day Thoreau approached Emerson with the idea of building a cabin in the woods by Walden Pond and going there to live to see what life in harmony with nature would really be like.

Both cherished nature and both encouraged and practiced individualism, and so it was natural for Thoreau to want to go off into the woods by himself, and natural for Emerson to support the idea.

On July 4, 1845, Thoreau moved to the woods by Walden Pond. With his own hands he built a simple wooden cabin, just enough to shelter him from the occasional rain of the Massachusetts springs, summers and autumns and the cold and the snow of the Massachusetts winters.

And so the seasons passed by at Walden Pond—the summer and autumn of 1845, the winter, spring, summer and autumn of 1846, and the winter, spring and summer of 1847. Occasionally Emerson checked on his friend in the woods. Occasionally Thoreau came to town. But essentially Thoreau was there by himself in his cabin in the woods, wandering those woods and the shore of that beautiful lake, with the birds and the deer as his company.

Emerson attained great fame in his time, but Thoreau attained even greater enduring fame, when many years later, he reflected on those times in the woods, and wrote the classic, "Walden."

Transcendentalists such as Emerson and Thoreau believed in the harmony of man and nature, in the importance of the individual, and in the idea of passive resistance to civil wrongs. When Thoreau went to jail rather than pay a federal tax in protest of the federal government's support of slavery and of war with Mexico, and Emerson came to visit him, the exchange was memorable.

"What are you doing in there?" asked Emerson.

To which Thoreau asked, "What are you doing out there?"

Thoreau's "On Civic Disobedience" written from that experience in jail profoundly changed the course of civilization, impacting Mohandas Gandhi of India and Dr. Martin Luther King of America. The writings and lectures of Emerson and the writings of Thoreau created the American literary revolution. And they impacted our literature all through the generations including the great 20th Century New England poet Robert Frost.

From Emerson and Thoreau, to Laura Ingalls Wilder's beautiful and poetic prose showing life on the frontier as it really was for settlers, to the touching plays of Thornton Wilder especially "Our Town," to the poetry of Frost, and to the sweeping historical novels today of James Michener, we have a literary heritage in America to cherish.

And today, in the wake of the terrorism that occurred in Oklahoma City, as we struggle to build a national community and define what our country is all about, we reflect on what our literary heritage provides us and what our libraries such as this excellent facility in Roseville mean to us.

Our literary heritage began with the American Revolution, the Declaration of Independence and the Constitution when letters and pamphlets and newspapers brought 13 separate colonies into one united nation.

Our literary heritage today is two centuries rich of a vast land. The heritage of America is full and fascinating in the charms of our 50 unique states. Our literary heritage bonds a diverse people, as books and libraries bring America together.

So today, when we dedicate the red maple from the Walden Pond woods, let us reflect on the writings of our American masters such as Henry David Thoreau and Robert Frost.

Here is a little taste of what Thoreau wrote in "Walden":

"I lived alone, in the woods, a mile from any neighbor, in a house which I had built myself, on the shore of Walden Pond, in Concord, Massachusetts. . . .

"The mass of men lead lives of quiet desperation. . . . But alert and healthy natures remember that the sun rose clear. It is never too late to give up our prejudices. No way of thinking or doing, however ancient, can be trusted without proof. What everybody echoes or in silence passes by as true today may turn out to be falsehood tomorrow. . . .

"I went to the woods because I wished to live deliberately, to front only the essential facts of life, and see if I could not learn what it had to teach. . . . I wanted to live deep and suck out the marrow of life. . . .

"Our life is frittered away by detail. . . . I say, let your affairs be as two or three, and not a hundred or a thousand. . . .

"Why should we be in such desperate haste to succeed, and in such desperate enterprises? If a man does not keep pace with his companions, perhaps it is because he hears a different drummer. Let him step to the music which he hears. . . .

"Love your life, poor as it is. . . . The setting sun is reflected from the windows of the almshouse as brightly as from the rich man's abode. . . .

"Cultivate poverty like a garden herb, like sage. Do not trouble yourself much to get new things. . . . Turn the old; return to them. . . .

"Only that day dawns to which we are awake. There is more day to dawn. The sun is but a morning star."

Such is the philosophy of Henry David Thoreau from "Walden" represented in the red maple tree we dedicate today.

Robert Frost's deep, stirring poetry builds upon that philosophy, as with "The Road Not Taken."

"Two roads diverged in a yellow wood,
"And sorry I could not travel both
"And be one traveler, long I stood
"And looked down one as far as I could
"To where it bent in the undergrowth.

"Then took the other, as just as fair
"And having perhaps the better claim,
"Because it was grassy and wanted wear;
"Though as for that, the passing there
"Had worn them really about the same.

"And both that morning equally lay
"In leaves no step had trodden black.
"Oh, I kept the first for another day!
"Yet knowing how way leads on to way,
"I doubted if I should ever come back.

"I shall be telling this with a sigh
"Somewhere ages and ages hence;
"Two roads diverged in a wood, and I—
"I took the one less traveled by,
"And that has made all the difference."

With these thoughts we dedicate a red maple, one of the most beautiful and sturdiest of all trees. The red maple buds magnificently in spring, shades us well in summer, comes to full glory in autumn, and then promises us new hope in winter.

It reminds us of Robert Frost, and Henry David Thoreau, and so many of the authors who have given us a great American literary heritage. Thanks to that heritage, we come together as Americans, linked by a common love of books and of libraries and of our country.

TRIBUTE IN HONOR OF MAXINE COHEN, EXECUTIVE DIRECTOR OF SAN ANTONIO COMMUNITY RELATIONS COUNCIL

HON. FRANK TEJEDA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1995

Mr. TEJEDA. Mr. Speaker, I take this opportunity to honor an outstanding woman in San Antonio, TX, a woman who in words and deed has built bridges between diverse communities and fought with uncompromising dedication for her values. Maxine Cohen, the executive director of San Antonio's community relations council, is a woman of action, giving new meaning to the words of Oliver Wendell Holmes when he said: "To reach the port of heaven, we must sail sometimes with the wind and sometimes against it,—but we must sail, and not drift, nor lie at anchor."

The Jewish community in San Antonio earlier this week honored Maxine Cohen in a beautiful and moving tribute. Diverse community leaders, one after the other, stood up to praise her and highlight for all to hear the positive impact that one person has made. Ms. Cohen has spearheaded holocaust education programs in San Antonio schools, founded the San Antonio Holocaust Memorial and Museum, responded to attacks on the Jewish community in various media, and fought for the security and well-being of Israel. She has reached out to others. Recognizing the value of shared experience and personal relationships, Ms. Cohen established an organized dialogue with local Catholics to break through old barriers and emerge with lifetime friendships. Her work concretized what we already knew: that we as humans share fundamental values and bonds that emerge from and at the same time transcend religious lines.

Maxine Cohen combines inner strength, personal conviction, and unlimited spirit. One after the other, her admirers recalled instances of her selflessness and dedication, her love and caring for her fellow Jews and for the entire San Antonio community. She inspires others to become involved in politics, in community, in our schools, teaching all of us time and again the virtues of involvement and activism. Senator Robert Kennedy must have envisioned Maxine Cohen when he uttered the following words in a 1966 address at the University of Capetown, now inscribed at his gravesite in Arlington National Cemetery:

> It is from numberless diverse acts of courage and belief that human history is shaped. Each time a man stands up for an ideal, or acts to improve the lot of others, or strikes out against injustice, he sends forth a tiny ripple of hope, and crossing each other from a million different centers of energy and daring those ripples build a current which can sweep down the mightiest walls of oppression and resistance.

Maxine Cohen contributes far more than her share of ripples of hope, and with her setting the example for us, we can hope for a future in which we stand proud for ourselves, whatever our background or race, and appreciate each other for our unique contributions to our great Nation and the entire world.

CHAPLAIN PRECIADO AND THE VFSC

HON. MATTHEW G. MARTINEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1995

Mr. MARTINEZ. Mr. Speaker, I rise today to praise the laudable work of a nonprofit, charitable organization in my congressional district, the Veteran Family Service Corp. [VFSC]. Started 4 years ago during the Persian Gulf war, the VFSC has helped thousands of veterans find food, clothing, shelter, and drug and alcohol treatment.

Through the tireless work of Chaplain Robert Preciado, the founder and president of the Veteran Family Service Corp., hundreds of indigent veterans and their dependents in the San Gabriel Valley receive moral and material support every other Wednesday. The VFSC provides 9 to 12 tons of food monthly, directly to veterans, homeless shelters, and food pantries in the community.

The VFSC, through its food bank, gives veterans who are down and out a helping hand. Chaplain Preciado offers hope to people who have run out of hope. I have stood with Chaplain Preciado and seen first hand the admirable work he does.

During natural disasters, the Veteran Family Service Corp. has extended its services to nonveterans. The VFSC, for example, provided much-needed relief to victims of the Northridge earthquake. With the help of countless volunteers, the cities of Baldwin Park, Irwindale, and Azusa, as well as the California Army National Guard 40th Infantry Division, the VFSC provided over 27 truckloads of provisions to earthquake victims. The VFSC has also provided help to flood victims in the South Bay area in January 1995.

In conclusion, Mr. Speaker, I salute Chaplain Preciado and the Veteran Family Service Corp. for providing food, clothing, assistance, and hope to veterans and their families in need.

COMMEMORATION OF THE RETIREMENT OF ALBERT M. DREYFUSS

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1995

Mr. MATSUI. Mr. Speaker, I am proud to take this opportunity to call to the attention of the House of Representatives the retirement of one of the most distinguished business and civic leaders in my home town of Sacramento, Mr. Albert M. Dreyfuss.

For nearly 50 years, Al has made Sacramento a better place to live, both through his landmark building designs and through his service to the community.

As an architect, I can think of no one who has made a greater impact on the Sacramento area than Al. From our airport, to our leading hotels, to some of the finest, most modern office buildings that grace our skyline, Al has been a true innovator in creating facilities that have made our city more attractive, and our businesses more efficient.

As a community leader, Al has taken his abilities as an architect and literally donated them to our community's governments and civic organizations. He was a founding member of the Capitol Area Plan Committee in 1959, and served as its chairman from 1959 to 1967. Under Al's leadership, CAP led our region through some important transitions as Sacramento grew into a major metropolitan area. But he also made sure that, as Sacramento developed, it did so responsibly while preserving its rich historical heritage.

Mr. Speaker, as Al undoubtedly is aware, I, at one time, aspired to be an architect. When I look at all Al has accomplished in his career, I cannot help but wonder what would be left for me to achieve as an aspiring architect, had I followed that path. As he leaves the firm he established in 1950, Al leaves behind a lifetime legacy that will never be forgotten.

THE BUDGET RESOLUTION

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1995

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, May 31, 1995 into the CONGRESSIONAL RECORD.

BALANCED BUDGET PLANS

The House of Representatives recently completed action on the budget resolution, which sets broad dollar targets for federal spending and revenues for the next seven years. Each of the four versions considered by the House would, in theory, balance the federal budget by the year 2002. Some would even produce a surplus and begin reducing the national debt.

The House leadership deserves credit for bringing balanced budget resolutions to the floor. The deficit this year is projected to be just under $200 billion. The deficit has been significantly reduced—from 4.9% of the total economy three years ago to 2.5% today—but much more needs to be done. The cuts necessary to erase the deficit will be felt by all Americans. Congress' challenge is to make sure that the burden of cuts is distributed fairly.

A Moderate Plan: I support a balanced budget. The budget resolution I voted for would balance the budget by 2002, begin to reduce the national debt, stabilize the Medicare trust fund, and invest in our children through student loans, Head Start, and childhood immunization. It would make tough but fair cutbacks in almost every part of the budget: foreign aid, welfare, agriculture, transportation, housing, and many others. It did not raise tax rates. The gradual reductions would cut the deficit in half by 1999, provide a surplus in 2002, and reduce the national debt (the sum of yearly deficits) by $160 billion more than the majority's budget. This budget received the most bipartisan support. Unfortunately, it was defeated.

The Majority Plan: The majority leadership's resolution passed the House. While I disagreed with several of its priorities, the majority's budget has some positive features. It is a serious attempt to break the pattern of government overspending with hard targets and a final date to balance the budget. It forces the nation to confront fiscal decisions avoided for too long.

The majority's budget would cut spending for virtually all federal programs except defense, which would increase sighificanlty. It also assumes cuts in tax revenue by $280 billion reduction over seven years and an additional $350 billion in the following three years.

The largest savings in the majority budget come from a $288 billion in Medicare services, compared to spending levels required under current law. The plan would eliminate 284 programs, reduce student loans, cut major agricultural programs, and make significant cuts in child nutrition services. Heating assistance to low-income families would be abolished, and only 50 percent of housing assistance vouchers for older persons would be renewed. The majority's budget would also eliminate small business assistance, community development funds, and assistance to rural communities for wastewater treatment.

Reservations: I did not support the majority budget resolution for several reasons:

First, the majority delayed most of the tough spending cuts until 2001. Until then, we will have deficits in excess of $100 billion per year. My preference is to reduce spending gradually each year, rather than postponing action.

Scond, the job of balancing the budget is made much more difficult by huge tax cuts. I do not think we can justify large tax breaks until the budget is balanced—especially when the tax cuts start early and the bulk of the spending cuts are delayed for six years. If and when a surplus occurs, then Congress should pass tax cuts. It does not make sense to borrow more money to give ourselves a tax cut.

Third, my spending priorities are different. Half of the total savings come from health care and assistance to the poor. We should not ask the poor to bear more than their share of the burden. The curbs on Medicare and Medicaid are too steep. I prefer fair, across-the-board cuts in most programs, and deep cuts in "corporate welfare"—wasteful subsidies to business. We should also preserve funding for long-term investments such as health and science research, infrastructure, and education. These are necessary to continue economic growth, increase revenues, and reduce the deficit.

Fourth, the majority budget devolves a great deal of responsibility to state and local governments in a short period of time. This may be a good idea in many cases, but we need more information on the ability of these governments to handle new duties. Balancing the federal budget will be a hollow victory if state and local governments fail to run programs well or raise taxes to meet exploding costs.

Fifth, I am not convinced the majority plan would achieve a balanced budget. The plan makes optimistic economic assumptions that it could lower interest rates almost two percentage points and boost economic growth. That might occur, but the hope of $170 billion in savings from this should not be assumed in advance.

Conclusion: The House action on the budget was a significant step toward restoring fiscal responsibility to the federal government. The Senate has also passed a budget resolution, with no immediate tax cut. The House and Senate resolutions must be reconciled in what will be a contentious conference committee, with tax cuts at the center of debate. The budget resolution itself is not subject to a Presidential veto, but the measures to implement it must be approved by the President.

The toughest choices lie ahead, when Congress debates these specific spending cuts. It is one thing to say that Medicare services must be reduced by $288 billion over seven years, but quite another to decide exactly how these savings will be accomplished. The real budget decisions are just beginning.

The popular promise of 1994, that the budget could be balanced painlessly, will not be kept. The strongest evidence of that is the deep cuts in Medicare and Medicaid services. The right way to reduce the deficit is to distribute the burden of spending cuts fairly. The challenge is to balance the need for austerity with critical investments in long-term growth. We should reduce unnecessary and marginal programs, but also invest in programs that will help working families build a more prosperous future.

TRIBUTE TO LORNA M. HART

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1995

Mr. DIXON. Mr. Speaker, I rise today to pay special tribute to Mrs. Lorna M. Hart for her 30 years of outstanding service as a teacher in the Los Angeles Unified School District. In recognition of her dedication to the children of Los Angeles, Mrs. Hart will be honored by her friends and family at an appreciation dinner on June 10, 1995. It is a pleasure to share with my colleagues just a few of her many accomplishments.

A dedicated student, Mrs. Hart received her bachelor of arts degree from the University of

California at Los Angeles [UCLA] in 1960. By 1965, Mrs. Hart received her general elementary teaching credentials and began her 30 year career with the Los Angeles Unified School District. Later, she returned to school, and in 1975 she earned her masters of arts in education from California State University, Los Angeles, as well as a media education credential.

From 1964 until her retirement in September of last year, Mrs. Hart taught elementary and special education, touching the lives of many young students. As a special education teacher to students with physical disabilities, Mrs. Hart worked closely with administrators, school support staff, teachers, and parents to enrich the educational experience of disabled youth. Mrs. Hart was also responsible for implementing "Career Week" for young children and served on the Ethnic Heritage Committee for the Los Angeles Unified School District.

In addition to her teaching, Mrs. Hart has contributed greatly to the Los Angeles Christian community. Mrs. Hart was ordained to preach the gospel and is the former assistant pastor of the People's United Community Church of Christ, Inc. Mrs. Hart is currently affiliated with the Emmanuel Independent Community Church where she is an associate pastor and minister of christian education. She serves on the board of directors for Christian Women in Action, is president of the Community Alliance of Pastors and Ministers, and treasurer of the West Adams Christian Athletics.

Mr. Speaker, I urge my colleagues in the House of Representatives to join me in saluting Mrs. Lorna M. Hart on her many years of dedicated service to her students and the Los Angeles Unified School District. It is a pleasure to join her family, friends, and colleagues in recognizing her distinguished teaching career and wishing Mrs. Hart well on the occasion of her retirement.

FIFTIETH WEDDING ANNIVERSARY OF EDWIN AND CHARLOTTE WENTA

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1995

Mr. LIPINSKI. Mr. Speaker, it gives me great pleasure to bring to the attention of my colleagues an exemplary couple from the Third Congressional District of Illinois, Mr. and Mrs. Edwin Wenta. On Sunday, June 11, 1995, Edwin and Charlotte will celebrate their 50th weeding anniversary with their family and friends at the sky room of the Martinique Restaurant in Evergreen Park.

On June 9, 1945, Edwin and Charlotte were married at the San Buena Mission in Ventura, CA. It was near the end of World War II and Ed was on leave from the U.S. Navy.

Edwin and Charlotte have two children, son Terry and daughter Diane, and five grandchildren, Lisa, Nick, Deanna, Dierdra, and Gerald. The entire Wenta family joins me in saluting Edwin and Charlotte on this special occasion.

The Wentas are a role model of the family strength and integrity that has made America great. Their commitment to each other and their family is impressive and deserving of special recognition and honor. I am sure that my colleagues join me in congratulating Edwin and Charlotte on their many years of love and commitment. May their life together continue to be an adventure and offer them many more pleasant memories.

TRIBUTE TO NEW LOS ANGELES MARKETING PARTNERSHIP

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1995

Mr. BERMAN. Mr. Speaker, I am honored to pay tribute to my good friend Larry Fisher and others for launching the New Los Angeles Marketing Partnership, a much-needed effort to counter the negative image of Los Angeles in the media. With a riot, an earthquake, fires and a sensational murder trial having dominated the news from Los Angeles in the past 3 years, the New Los Angeles Marketing Partnership could not be arriving at a better time. I wish them all the luck in the world.

Seeing the outline of the program, which will officially kick off on June 7, I am confident it will achieve its goals. The participants truly love Los Angeles, and have a keen sense of what it is that makes this a great city, including climate, extraordinary ethnic diversity and a thriving entertainment industry. The chosen theme, Together we're the best, Los Angeles conveys the spirit of optimism guiding this project.

For the first 5 years, New Los Angeles Marketing Partnership will be reminding the people of Los Angeles County about the exciting place in which they live. This effort will be specifically targeted at all 88 cities in Los Angeles County.

Mr. Speaker, I ask my colleagues to join me in saluting Larry Fisher and the other members of the New Los Angeles Marketing Partnership, whose faith in the city of Los Angeles and dedication to improving its image is an inspiration to all of us who live and work there.

MEDICARE CUTS ARE A BAD IDEA

HON. SHERROD BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1995

Mr. BROWN of Ohio. Mr. Speaker, there is an old country and western song that goes, "She got the gold mine, and I got the shaft." The Republican budget would give the gold mine to wealthy special interests and give the shaft to America's elderly—$300 billion in tax breaks, $300 billion in Medicare cuts.

The Republicans indignantly cry that these are not really cuts, they are only slowing the growth of Medicare. Tell that to the literally millions of people who depend on Medicare in Ohio, and Pennsylvania, and California, and all over this country, who will have $3,500 more taken out of their pocket over the next 7 years in higher premiums, deductibles, and copayments. Tell those people that these are not really cuts.

The cuts in services which will pay for tax breaks for the wealthiest Americans, tax breaks for special interests, tax breaks for people who do not need these kinds of tax breaks—to people with the highest income in this country.

Mr. Speaker, I support Medicare and ensuring that older Americans have access to health care services when they need them from the doctor of their choice. As Republicans move to make these cuts in Medicare, they are talking about rationing health care and limiting seniors' ability to choose their doctor.

We should reject that, Mr. Speaker. We should reject this kind of thinking. It is not good for America's elderly. It is not good for the American people.

RETIREMENT OF JOHN ADDEO: APPRECIATION FOR A GREAT CAREER

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1995

Mr. PALLONE. Mr. Speaker, on Friday, June 9, 1995, Mr. John Addeo, Jr., of Ocean, NJ, will be honored with a retirement dinner at Squire Pub in West Long Branch, NJ. It is a great honor for me to pay tribute to Mr. Addeo on this occasion.

Mr. Addeo has served as the principal of the Woodmere School in Eatontown, NJ, since 1968. In total, Mr. Addeo has dedicated 34 years of his life to education. A 1957 graduate of Long Branch High School and a 1961 graduate of Monmouth University, Mr. Addeo began his teaching career in Asbury Park. He received his master's degree from Newark State College in 1968 and became prinicpal at Woodmere later that year. He also was an instructor at Brookdale Community College and serves as a member of the Elementary Principals and Supervisors Association and the New Jersey Education Association.

John and Theresa Addeo are the parents of John Addeo III and Melissa Addeo Ardito. The list of Mr. Addeo's current and former community affiliations is a long one. He is a former member of the Italian-American Association and the Eatontown Lion's Club. He is a charter member and first vice president of the Eatontown/Tinton Falls Kiwanis Club, former Little League baseball and softball coach in Ocean Township, a former member of the Ocean Township Zoning Board of Adjustment and the organizer of Boy Scout Troop 376.

Mr. Speaker, throughout his career, John Addeo has exemplified the very best qualities of America's proud tradition of public education. Generations of students who have passed through the Woodmere School—many of them fully grownup and now in important positions of responsibility, some of them now parents themselves—have benefited from his dedication and leadership. As his friends, colleagues, and students pay tribute on the occasion of his retirement, I am proud to add my voice in recognition of the fine job that John

Addeo has done for nearly a quarter of a century in one of the most important jobs I know of: the education of our young people.

AN AGENDA FOR THE NATION

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1995

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, June 7, 1995, into the CONGRESSIONAL RECORD.

AN AGENDA FOR THE NATION

Hoosiers continue to express to me their widespread discontent in the country, their unease with government, and anger at those who conduct its business. They understand changes are being made in government—that federal jobs are being eliminated, budgets are being trimmed, agencies are being eliminated—but believe more can and should be done to make government more responsive to the needs and demands of the average American.

The challenge facing Congress and the President is to make the changes that will restore the public's faith and confidence in government. Hoosiers mention the following reforms most often in my recent public meetings, and I think their views reflect the concerns of most Americans.

Deficit reduction: Deficit reduction should be a top priority. Congress acted last session to cut $600 billion from the projected deficits. The House and Senate recently approved budget plans to eliminate the deficit over the next seven years, but the budget resolution only provides a rough outline for how deficit reduction will be achieved. The tough decisions on specific spending cuts lie ahead. I agree that the deficit must be reduced.

Investment: Americans favor steps to reduce the budget deficit that are fair and balanced. It makes no sense to try to balance the budget by slashing federal investment programs. The private sector is the engine for economic growth, but government can play a role by supporting training and education of our workers as well as investing in our infrastructure and our technology. Such investments are critical to economic growth, and without growth, balancing the budget becomes immensely more difficult. Most of the investment trends over the past several years have been in the wrong direction. We need a shift in federal priorities away from consumption and toward investment, and we need to emphasize both public and private investment.

Reinventing government: The federal government is bloated and should be downsized. Congress and the Executive Branch adopted significant measures last session to make government work better and cost less, from streamlining Pentagon procurement policies to eliminating outdated government agencies. These efforts can and should be expanded this year. Americans want bold changes in government today, and Congress and the President should support that.

Tax reform: Tax reform and simplification should be priorities again. Several proposals are pending in Congress to significantly simplify the tax code. Those proposals include replacing the income tax with a consumption tax or a flat tax; or reducing the rates in the current system in exchange for fewer exemptions and deductions.

Congressional reform: Real government reform means cleaning up our system of campaign finance, restricting special interest PACs, and ending lobbyists' gifts to members of Congress. Voters are deeply suspicious that organized interest groups have become too powerful and that they have multiplied to the point that they now are clogging the arteries of the democratic system.

Health care: Americans are concerned about the rise of health care costs and the risk of losing coverage if they leave their jobs. In almost every public meeting now, a constituent will pull out a hospital bill that has delivered a knock-out blow to family finances. They favor incremental reforms to our health care system, such as barring insurance companies from denying coverage to people with pre-existing medical conditions, or cutting administrative costs in the system. They do not want to see drastic cuts in Medicare services.

National defense: Our military strength should be preeminent. Americans are proud of our military forces, and recognize that in a dangerous world those forces will be called upon to perform difficult missions. They favor improved readiness and strengthening our ability to meet realistic threats to our national security, but not wasteful spending to meet threats long since gone with the end of the Cold War. They know that defense dollars can be more prudently spent, and money can be saved by cutting waste, fraud and abuse.

Foreign policy: Americans are wary of our commitments overseas, but they do not support a compete withdrawal from foreign affairs. They recognize that his country must be engaged in the world—not because it feels good, but because it's in the national interest to do so. They believe that the world is a better, more secure place because of American leadership. They think the overriding consideration in any challenge should be to act to protect the American national interest. They support trade policies that open foreign markets to U.S. businesses and farmers; arms control efforts that make the world a safer place; and use of force, when necessary, to defend key interests.

Values: I am impressed by the number of constituents who talk about the importance of values, religion, and faith. They understand that not all our problems are fiscal, and they are concerned about the coarsening of our culture, the breakup of the family, and a decline in civility. Voters are rightly concerned about where as a society we are headed. They believe federal programs should strengthen families and traditional values and not in any way undermine them. At the same time most Americans say that the federal government should not be excessively entangled in people's religious lives.

Conclusion: This is not meant to be an exhaustive list, but it is a good start. What underlies the public's demand for change is a deep anxiety about the future. Many working families have watched their income stagnate or fall for a decade and are worried about the future. Government must help working people confront the uncertainties caused by a changing global economy. It should try to give them more security and confidence about the future. The demand from ordinary Americans is for greater economic and personal security. They want the good life in a stable community. They want a chance to send their kids to college, to live in safe communities, and to enjoy a rising standard of living.

Our fundamental task is still to put the nation back on the track—now and in the future—toward broad prosperity for all Americans.

BALLISTIC MISSILE DEFENSE THROUGH NAVY UPPER TIER

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1995

Mr. DORNAN. Mr. Speaker, a near-term defense against ballistic missile attack can be achieved by upgrading existing Navy AEGIS cruisers, destroyers, and standard missiles.

[From the Wall St. Journal, June 5, 1995]

REVIEW AND OUTLOOK—DOABLE MISSILE DEFENSE

Opponents of defending America against missile attack have long argued that (1) it can't be done and (2) even if it could, it's too expensive. Meanwhile, proponents of missile defense of late have been squabbling among themselves about the pros and cons of their individual pet projects.

But now, under the auspices of the Heritage Foundation, a group of 16 eminent scientists and former military and civilian Defense officials have put aside their differences and joined to come up with a proposal that is doable and affordable. Better yet, it would work.

At the core of the Heritage Team B plan is an upgrade of the Navy's Aegis air-defense system to allow it to shoot down long-range and short-range ballistic missiles. The Aegis is a shipboard radar-tracking and interceptor system that directs surface-to-air missiles, also on ships, against enemy aircraft and cruise missiles. It is intended for use in combat theaters—for example, to defend the Marines from attack as they storm a beach.

The Navy is already working on an upgrade that would allow it to intercept missiles outside the atmosphere, in the "upper tier." The Upper Tier system would also be for theater use, though the upgrade would vastly expand the territory it could protect. The Team B proposal calls for Upper Tier to be upgraded even further, to shoot down missiles of any range. Given such a capability, if Upper Tier were deployed on ships scattered around the American coast, it would provide a protective shield against strategic missiles aimed at the U.S.

And therein lies the rub. For, incredibly, the United States has agreed not to defend itself against missile attack. This was the mad promise made 23 years ago in the Anti-Ballistic Missile Treaty with the Soviet Union. It is an even more reckless pledge today considering the growing threat of missile attack. A full upgrade of Upper Tier would violate the ABM Treaty since it could be used to defend the U.S. against attacks by strategic missiles.

If we proceed along the current track, Frank Gaffney, a former Reagan Defense official and a member of Team B, points out that a Navy Aegis commander in the Sea of Japan would be in the absurd position of being able to shoot down a missile the North Koreans aim at Tokyo, but incapable of shooting down one heading for Chicago. How on earth could it possibly be in our national interest to dumb down the Upper Tier system so that it can be used to protect our allies and our troops abroad, but not one heading for our homeland?

The experts on Team B say a fully upgraded Upper Tier system could begin to be deployed in three years at a cost of only about $1 billion. For a total cost of between $2 billion and $3 billion, 650 interceptors could be deployed on 22 Aegis cruisers by 2001. The reason this is so cheap is that the U.S. has already invested close to $50 billion in the Aegis system; most of the necessary infrastructure is already there.

A fully upgraded Upper Tier alone wouldn't provide a perfect national defense, but it's a start. Team B also wants to expedite work on Brilliant Eyes, a space-based sensor capable of detecting missile launches and tracking missiles in flight. And it calls for putting more money into research on space-based defenses, which in the long run are the most effective and cheapest way to defend against missile attack.

It is hardly controversial to assert that it won't be all that many years before a pirate in a place like Baghdad or Pyongyang gets hold of a nuclear bomb and the means with which to deliver it. When that capability exists, it will of course be too late to start slapping together a national missile defense.

The House National Security Committee took a step in the right direction when it marked up a defense spending bill that would authorize more money for Upper Tier, Brilliant Eyes and missile defense in general. Similar legislation is making its way through the House Armed Services Committee.

That's the good news. The bad news is that the House bill makes it clear that all this must be done within the confines of the ABM Treaty. Even worse is the possibility that the ABM Treaty might be expanded to cover some theater missile defenses, as suggested in the agreement President Clinton signed in Moscow earlier this month. Some Members of Congress ought to ask their constituents whether they really want their government to consciously retard its defensive capability because of an antique Cold War treaty. It's now time for this country's political establishment to admit that future missile technology is likely to be carrying something much nastier than communications satellites.

NAVAL WAR COLLEGE PRESIDENT RETIRES

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1995

Mr. SKELTON. Mr. Speaker, today I wish to honor Rear Adm. Joseph Charles Strasser for his faithful and dedicated service to the U.S. Navy. In June 1995, Rear Admiral Strasser will retire from the Navy. For the past 5 years, Admiral Strasser has headed the Naval War College, bringing outstanding instruction in strategy and military affairs to officers of our country.

Strasser was commissioned into the U.S. Navy in June 1963, after graduating from the Naval Academy. His initial assignment was as an exchange officer with the Argentine Navy. In July 1968, he began studying at the Fletcher School of Law and Diplomacy at Tufts University. There he earned a master's degree in international relations, a master's degree in international law and diplomacy, and a Doctor of Philosophy in political science. He went on to attend the command and staff course at the U.S. Naval War College in Newport, RI.

In January 1987, he was selected for promotion to rear admiral and in August of the following year he became the commander of Crusier-Destroyer Group Three. He was also the commander of Battle Group Foxtrot, and set sail on the U.S.S. *Enterprise* for her around-the-world cruise. On July 17, 1990, Rear Admiral Strasser became the 45th president of the Naval War College.

Rear Admiral Strasser has been awarded many decorations including the Defense Distinguished Service Medal, Defense Superior Service Medal, Legion of Merit, Meritorious Service Medal, Navy Commendation Medal, Navy Achievement Medal, Combat Action Ribbon, Meritorious Unit Commendation, and various campaign and service ribbons. I know that this body joins me in wishing the best of luck to him as he becomes the CEO for Pennsylvania State-Dubois Campus. My congratulations and best wishes to Rear Admiral Strasser, his wife Barbara, and their four children.

TURTLE BAY ASSOCIATION SALUTED FOR PLAYGROUND REVITALIZATION

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1995

Mrs. MALONEY. Mr. Speaker, I rise today to alert my colleagues to an exciting community development project that has taken place in my district.

Mr. Speaker, we are daily confronted with the news of the breakdown of our country's infrastructure, of crumbling communities that have ceased to care. Across this Nation, the most basic city institutions, such as parks and playgrounds, have seriously declined in recent years, as drug dealers and the homeless move in and residents and their children stay away. That's why I think it is important to herald the kind of community action that has resulted in a stunning turnaround for Gen. Douglas MacArthur Playground in New York City. Over the past year, the Turtle Bay Association, with the overwhelming support of neighborhood residents, has effected a revitalization for the embattled playground.

The new MacArthur Playground should serve as a shining example to all those who doubt that communities can rally to bring about substantive change. Beginning in 1994, the Turtle Bay Association organized badly needed renovations to the park, such as replacing contaminated sand in the sandbox and repairing damaged park equipment. Recently, the City Parks Foundation donated substantial funds for the construction of a state-of-the-art modular play system. To reduce installation costs, neighborhood residents actually raised money to purchase the equipment themselves. Now MacArthur Playground stands ready for its official ribbon-cutting ceremony on June 6th, a monument to community action as well as an oasis for hundreds of children and their parents.

The Turtle Bay Association and local residents should be commended for their devotion to this extremely worthy project. Richard and Amy Harary, and David and Susan Post Jensen in particular deserve special recognition and thanks for their efforts to turn MacArthur Playground around. I would also like to salute 860 and 870 UN Plaza, Chemical Bank, The Family School, Post Jensen Inc., Richard's Interior Design, the City Parks Foundation, and the Tenants of 301 East 47th Street. Finally, local merchants who donated food for volunteers at the project deserve recognition for their generous part in this revitalization. These people and organizations are a reminder to us all that urban decline is not irreversible, that caring neighbors can effect a world of good. They give us hope for the future of our troubled cities.

Mr. Speaker, I am delighted to report such good news to my colleagues, and to be able to congratulate all those who made it possible for New York's children to play in MacArthur Playground again. I am confident that their efforts will be enjoyed by generations to come, and I am hopeful that they will inspire others to do the same for their communities.

THE 30TH ANNIVERSARY OF HEAD START

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1995

Mr. BONIOR. Mr. Speaker, I rise today to commemorate the 30th anniversary of Head Start. It is hard to believe that one of the most successful of the Great Society's programs is now 30 years old. For three decades this Federal program has been helping to improve the quality of life for children throughout our Nation.

Head Start Works. It has proven to be successful in contributing to the readiness of children beginning school. It is far more than child care. It is a comprehensive program that provides health, nutrition, and family services. It involves parents by encouraging them to participate in classroom activities, accompanying children on field trips, becoming substitute teachers, and teaching them to help their children learn and grow. This family focus is one of the reasons Head Start has been so successful. Unfortunately, many parents are unable to participate on a regular basis because they must work. For these parents, Head Start is a Godsend. Without Head Start, many children would simply lack adequate supervision because their parents must struggle to pay the bills.

Head Start is especially important for children with special needs. The identification of speech or language difficulties as well as more severe impairments allows early intervention to minimize and sometimes prevent the long-range effects of such obstacles. The health component provides youngsters an opportunity to have a complete health appraisal, another advantage that many of these children may not have had otherwise.

Today, the Macomb County Community Services Agency [MCCSA] is hosting a Birthday celebration to mark the success they have had in many of the communities I have the privilege to represent. According to their mission statement, the challenge of MCCSA Head

Start is to empower participants towards self-sufficiency and skill development thereby removing barriers which limit the realization of individual potential. Since the summer of 1965, the MCCSA Head Start program has been removing barriers for literally thousands of children. Originally a summer program serving barely 100 children, Head Start in Macomb County has grown to serve children in 41 classrooms and four home based clusters. A "Community Action Agency," MCCSA is dedicated to families and individuals seeking to improve their quality of life. For thirty years they have been meeting the challenge with positive results.

On this 30th anniversary, I applaud those who have made the program a success and I encourage my colleagues to join me in pledging continued support of Head Start.

CONGRESSIONAL REFORM

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1995

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, May 17, 1995 into the CONGRESSIONAL RECORD.

REFORM OF CONGRESS

Congress has made significant progress in its efforts to prevent and prosecute ethics violations by individual Members. A ban on honoraria for speeches, full financial disclosure, a prohibition on the use of official funds for campaign expenses, and increased scrutiny by the ethics committee have all made Members of Congress more accountable to the public. But public confidence in the institution remains low, and further steps are necessary.

Congress must continue to prosecute personal ethics violations vigorously, but we must also strengthen Congress by addressing institutional integrity more broadly. Some congressional conduct, while it may be legal, hampers the democratic process in the interest of political gain. We must broaden our concept of public morality and the standards of conduct to include a sense of fairness, respect for honest differences, and responsibility to the democratic process.

I have often expressed the concern that money plays a disproportionate role in American politics. The high cost of campaigns is increasing the dependence of candidates on special-interest groups, forcing candidates to spend too much time raising money instead of focusing on issues of national importance and meeting with voters.

Congress as an institution is damaged by the perception that the flood of campaign money or favors from lobbyists are influencing the behavior of Members of Congress. Even though there is little evidence showing a direct impact on Members' voting records, the public cannot be blamed for thinking otherwise. The democratic process is also damaged when Members make unfounded allegations or denigrate Congress as a whole for personal political gain. Many important reforms came close to passage last year, only to falter in election-year politics. I support a number of additional reforms to improve the public image of Congress, including the following:

Campaign Finance Reform: The importance of Political Action Committees (PACs) should be reduced. We should cap the total amount of PAC contributions a candidate could accept per election cycle and reduce the maximum PAC contribution limit. Members of Congress should also be prohibited from running "leadership PACs", which some use to gain influence over other Members. Reform should require candidates to emphasize small individual donations, capping the amount of large contributions a candidate could accept per election cycle.

Gift Ban: I have cosponsored legislation to ban all gifts to Members, with limited exceptions for close personal friends or family. This bill would ban lobbyist contributions to a legal defense fund and prohibit lobbyists from making charitable contributions at a Member's behest. The bill also limits the ability of Members to profit from generous book-writing deals.

Lobbying Reform: Current registration requirements allow thousands of paid lobbyists to evade lobbying disclosure rules. Congress should act to close these loopholes and require lobbyists to disclose who pays them, whom they lobby, what issues they lobby for, and how much they are paid to influence the legislative process or the executive branch. In addition, Members of Congress and congressional committees should disclose information about legislation they introduce that was written by lobbyists.

Ethics Panel: I have introduced legislation to create an outside panel to investigate charges against Members. It is enormously difficult for the ethics committee to fairly investigate, prosecute, and judge ethics complaints against fellow Members. With less of an investigative burden, the committee could focus on important institutional ethics issues, including preventive education on ethics and guidelines on extremely harsh personal attacks.

Congressional Salary: I have consistently voted against congressional pay raises during my time in Congress, including the most recent increase in 1989. I support the proposals to freeze Members' salaries for several years. Current law provides for an automatic cost-of-living adjustment (COLA) for Members unless Congress votes it down each year. While Congress has blocked these increases in recent years, these automatic COLAs should be abolished. At the very least, Congress should not receive an increase until the budget is balanced.

Congressional Pensions: I support significant reductions in congressional pension benefits. Possible reforms include increasing Members' personal contributions, capping total pension benefits, and means-testing benefits for former Members in lucrative jobs. Congress should conduct a comprehensive study to bring congressional benefits in line with benefits in the private sector.

Franking: Since 1992, with my strong support, the House has cut its mailing budget by more than 70%, banned mass mailings within 60 days of an election, and required all mass mailings to be approved by a bipartisan franking commission to ensure that they are substantive and non-partisan. Additional reforms are still needed. Congress should further restrict unsolicited mailings and ban "postal patron" mailings to all residents unless they advertise public meetings or solicit information. All large mailings should be disclosed for public scrutiny.

Ongoing Reform Process: I am introducing legislation to require regular congressional reforms—taking reform up every Congress rather than having one-shot, omnibus packages every twenty or thirty years. Members should have the opportunity to vote on significant reforms at least every two years. Reform should be a continual, ongoing process, and not wait until problems force belated change.

Conclusion: No issue is more important than the restoration of the confidence of Americans in their government. Americans will forgive government's honest failings if they believe that it cares about their needs and is trying to do a better job. Members of Congress have an obligation to earn the public's respect and trust. Congress has taken some important steps, but other, broader reforms are necessary if Congress is to be the truly representative body the people deserve and the nation's founders intended.

URGING SUPPORT FOR THE UNITED STATES COMMEMORATIVE COIN ACT OF 1995

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1995

Mr. MINETA. Mr. Speaker, I rise today to introduce bipartisan legislation to celebrate key moments and presidents in American history, and by doing so help provide for the continued education of Americans about these subjects in the years ahead.

Commemorative coins have played a unique role in celebrating American history, as well as in providing a source of income for those nonprofit organizations which care for the legacies represented by these coins. This is part of the inspiration for the United States Commemorative Coin Act of 1995, which I am introducing today along with my colleagues Reps. LIVINGSTON of Louisiana, JOHNSON of Texas, SKELTON of Missouri, YATES of Illinois, HOYER of Maryland, STUPAK of Michigan, LIGHTFOOT of Iowa, and CUBIN of Wyoming.

Organizations supporting this effort include the Smithsonian Institution, the U.S. Mint, the U.S. Department of the Treasury, and the Citizens Commemorative Coin Advisory Committee. Our purpose is clear. In the effort to streamline important U.S. commemorative coin legislation, this bill includes a program of six commemorative coins to be minted during the next 2 years. To explain why this is in the national interest, some background history is in order.

In November of 1994, the Citizens Commemorative Coin Advisory Committee published its first annual report to Congress. The Committee, which is congressionally authorized, concluded that given the recent decline in commemorative coin sales there must be greater thought and limits to future coins. Offering numerous coin programs during the same period threatens the success of each individual program, does a disservice to those honored with commemorative coins, and increases the risk that the programs will operate at a loss to the Mint.

In its report to Congress, the Committee stated its full support of the 1993 Sense of the Congress Resolution, enacted as part of Public Law 103–186, which seeks to limit the number of commemorative coin programs in any 1 year. The legislation introduced today provides for the following coins to be minted:

Bicentennial of U.S. Gold Coins (1995 minting), Harry S Truman and the United Nations (1996 issue), 150th Anniversary of the Smithsonian Institution (1996 issue), Franklin Delano Roosevelt Memorial (1997 issue), 125th Anniversary of Yellowstone National Park (1997 issue), and National Law Enforcement Officers Memorial (1997 issue).

Mr. Speaker, this is a well-balanced program with original sponsors to represent the subjects to be honored. In my added capacity as a Regent of the Smithsonian Institution, I had previously introduced H.R. 1079 with fellow House regents LIVINGSTON and JOHNSON to authorize the Smithsonian coin. But this omnibus bill offers several advantages to our Nation, including a faster legislative process and the certainty of what our commemorative program will be in its entirety over a 2-year period.

I urge our colleagues to join in this effort and move this legislation quickly.

THE DISTRICT OF COLUMBIA SPORTS ARENA FINANCING ACT OF 1995

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1995

Ms. NORTON. Mr. Speaker, at the request of the District of Columbia, I introduced H.R. 1509 on April 7, 1995, in order to begin the necessary process that will enable the District to begin work on a new sports arena. Since then, the District has developed a different funding mechanism and has requested that a revised bill be introduced. Mayor Barry and the City Council have assigned a very high priority to the new arena because of its revenue-generating potential at a time when the city is in acute financial distress. The Council has given its wholesale support to the project and the Mayor has expedited the project in the District to free it from procedures that might otherwise delay it. We will try to do the same here in the Congress.

I particularly appreciate that Representative TOM DAVIS, chairman of the subcommittee that must carry the legislation through the Congress, has agreed to become an original cosponsor and to expedite the bill.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "District of Columbia Sports Arena Financing Act of 1995".

SEC. 2. PERMITTING DESIGNATED AUTHORITY TO BORROW FUNDS FOR CONSTRUCTION OF SPORTS ARENA.

(a) IN GENERAL.—An agency or instrumentality may borrow funds for purposes of developing and constructing a sports arena in the District of Columbia if the agency or instrumentality is granted the authority to borrow funds for such purposes by the District of Columbia government.

(b) TREATMENT OF DEBT CREATED.—Any debt created pursuant to subsection (a) shall not—

(1) be considered general obligation debt of the District of Columbia for any purpose, including the limitation on the annual aggregate limit on debt of the District of Columbia under section 603(b) of the District of Columbia Self-Government and Governmental Reorganization Act (sec. 47-313(b), D.C. Code);

(2) constitute the lending of the public credit for private undertakings for purposes of section 602(a)(2) of such Act (sec. 1-233(a)(2), D.C. Code); or

(3) be a pledge of or involve the full faith and credit of the District of Columbia.

SEC. 3. PERMITTING CERTAIN DISTRICT REVENUES TO BE PLEDGED AS SECURITY FOR BORROWING.

(a) IN GENERAL.—The District of Columbia (including the agency or instrumentality described in section 2(a)) may pledge as security for any borrowing undertaken pursuant to section 2(a) any revenues of the District of Columbia which are attributable to the sports arena tax imposed as a result of the enactment of D.C. Law 10-315.

(b) EXCLUSION OF PLEDGED REVENUES FROM CALCULATION OF ANNUAL AGGREGATE LIMIT ON DEBT.—Any revenues pledged as security by the District of Columbia pursuant to subsection (a) shall be excluded from the determination of the dollar amount equivalent to 14 percent of District revenues under section 603(b)(3)(A) of the District of Columbia Self-Government and Governmental Reorganization Act (sec. 47-313(b)(3)(A), D.C. Code).

SEC. 4. NO APPROPRIATION NECESSARY FOR ACTIVITIES RELATING TO BORROWING.

The fourth sentence of section 446 of the District of Columbia Self-Government and Governmental Reorganization Act (sec. 47-403, D.C. Code) shall not apply with respect to any of the following obligations or expenditures:

(1) The proceeds of any borrowing conducted pursuant to section 2(a).

(2) The pledging of revenues as security for such borrowing pursuant to section 3(a).

(3) The payment of principal, interest, or other costs associated with such borrowing.

THE ENDING OF AN ERA

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1995

Mr. SKELTON. Mr. Speaker, the 351st Missile Wing, Whiteman AFB, MO, under the command of Col. G.D. Blackmore, recently completed deactivation of its 150 Minuteman II Intercontinental Ballistic Missiles under the Strategic Arms Reduction Treaty and has today inactivated. This unit's accolades remain unparalleled in the annals of ICBM history. The only six-time winner of the ICBM missile competition, only simultaneous holder of the ICBM community's tripe crown of awards, and six Air Force outstanding unit awards are but a small part of the recognition of this wing's total contribution to our country's success in winning the cold war.

The men and women of the 351st have continuously maintained a silent vigil in the rural countryside of west-central Missouri since 1963. Twenty-four hours a day, every day for 32 years, the 351st kept the deterrent posture that safeguarded our great Nation so very well. The 351st Missile Wing carried out this immense responsibility in tremendous style, and we, the citizens of this country, owe them a debt of thanks which cannot be repaid.

The wing continued its pursuit of excellence even while deactivating. Everything this unit did was done using quality approaches, and that effort paid great dividends. From first place international public sector in my great State's Quality Award Program, to winning the Secretary of the Air Force Team Quality Award, to first place in Air Force Space Command's Unit Quality Award, the men and women of the 351st have become an example to the entire Air Force in trust, teamwork, and continuous improvement.

Safety was the wing's No. 1 goal while deactivating and was the underlying philosophy of the unit. Nothing is more challenging than deactivation of a weapon system covering a 10,000-square-mile area in west-central Missouri, in all kinds of weather and conditions.

Many of the tasks the wing performed during deactivation have never been done before at an operational unit. The 351st saved the Air Force over $163 million by returning items to the supply system. All of the arduous maintenance, security, and operations efforts were performed without incident, and this fact illustrates that the wing routinely turned the intricate into the commonplace. Safety was more than a phrase in the wing, it was a way of life—the safe conduct of all wing activities.

The outstanding efforts of this wing have clearly established them as the benchmark for others to emulate. After more than 32 years of faithful and outstanding service to the Nation, the wing cased its flag for the final time today. The legacy of the Whiteman Warchiefs has been one of continuous excellence in every area of their mission. The 351st Missile Wing takes its place today as one of the finest units ever to serve in the Armed Forces of the United States of America.

TRIBUTE TO LOUISVILLE MALE HIGH SCHOOL

HON. MIKE WARD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1995

Mr. WARD. Mr. Speaker, I would like to take this opportunity to congratulate the outstanding performance of Louisville Male High School from Louisville, KY, in the "We the People . . . The Citizen and the Constitution" national competition which was held in Washington, DC, April 29–May 1. These outstanding young people competed against 49 the classes from throughout the Nation and demonstrated a remarkable understanding of the fundamental ideals and values of American constitutional government.

This program is administered by the Center for Civic Education and is one of the most extensive of its kind. In its 8-year history the program has reached more than 20 million students in elementary, middle and high school. The competition at the national level simulates a congressional hearing during which students testify as constitutional experts before a panel of judges. I applaud this program and, as a result, these students for their participation in an invaluable educational experience.

Mr. Speaker, I ask that a copy of the list of participants which I am submitting be placed in the CONGRESSIONAL RECORD. I hope that the students of Male High School will continue their interest in Government.

The competing class was from Louisville Male High School. The teacher was Sandra Hoover. The students were as follows: Shannon Bender, Josh Bridgwater, Shilo Burke, Katie Callender, Scott Embry, Jessi Followwill, Adam Greenwell, John Grissom, Christy Jones, Jonathan Keith, Stephanie McAlmont, Stephen McAlmont, Shannon McMillan, Travis Moore, Kristi Mosier, Adam Pedigo, Melanie Rapp, Amber Rowan, Chris Rutledge, Shannon Simms, Eric Stevens, April Stivers, Ricky Suel, Danyaun Vandgrift, and Shaniqua Wade. The State coordinator was Tami Dowler. The district coordinator was Tommy Dowler.

A REQUEST TO INCLUDE TEXAS HOUSE CONCURRENT RESOLUTION 30 IN THE CONGRESSIONAL RECORD

HON. CHARLES WILSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1995

Mr. WILSON. Mr. Speaker, the following was sent to me by the Secretary of State of Texas. I respectfully request that it be printed in the CONGRESSIONAL RECORD.

THE STATE OF TEXAS,
SECRETARY OF STATE,
May 29, 1995.

I, Antonio O. Garza, Jr., Secretary of State of the State of Texas, do hereby certify that the attached is a true and correct copy of House Concurrent Resolution 30, passed by the 74th Legislature, Regular Session, 1995, as signed by the Governor on May 25, 1995, and as filed in this office on May 25, 1995.

Enclosure.

ANTONIO O. GARZA, JR.,
Secretary of State.

HOUSE CONCURRENT RESOLUTION

Whereas, In response to an Act of Congress approved April 10, 1869, the 12th Legislature of the State of Texas convened in Provisional Session from February 8 to February 24, 1870, and ratified Amendments XIII, XIV, and XV to the United States Constitution; and

Whereas, Those federal constitutional amendments, each ratified by separate joint resolutions of the 12th Legislature on February 15, 1870, solidified some of the most precious rights that have been guaranteed constitutionally to Americans, particularly ethnic minorities who were granted the blessings of equal citizenship and the beginning of an end to their past oppression; and

Whereas, Amendment XIII eliminated forever the practice of slavery, Amendment XIV promised due process and the equal protection of the laws, and Amendment XV prohibited denial of suffrage on the grounds of race, color, or previous condition of servitude; and

Whereas, Over time, copies of the three resolutions regrettably have vanished from the holdings of the Texas state archives, yet others are preserved in Washington, D.C., by virtue of their certification and transmittal to the Secretary of State of the United States and to the presiding officers of the United States Congress; and

Whereas, The 1995 Regular Session of the 74th Legislature coincides with the 125th anniversary of these historic ratification actions and marks an appropriate time for the conveyance to this state of replicas of the three resolutions so that Texans may view and appreciate a series of documents that have played such and important role in the extension and elaboration of their civil rights: Now, therefore, be it

Resolved, That the 74th Legislature of the State of Texas, Regular Session, 1995, hereby respectfully request the National Archives and Records Administration to make copies of the joint resolutions of the 12th Texas Legislature ratifying Amendments XIII, XIV, and XV to the United States Constitution and transmit those copies to the Texas State Library and Archives Commission for placement in the state archives; and, be it further

Resolved, That the Texas secretary of state forward copies of this resolution to the archivist of the United States at the National Archives and Records Administration, to the vice-president of the United States and speaker of the United States House of Representatives with a request that this resolution be officially entered in the Congressional Record, and to all members of the Texas delegation to the United States Congress, as an official request to the federal government by the 74th Legislature of the State of Texas: And, be it further

Resolved, That if and when such replicas are received from the National Archives and Records Administration, the Texas State Library and Archives Commission is hereby directed to place them in the holdings of the state archives to be available for public viewing and photocopying and in all other respects to be treated as any other material worthy of archival storage and retrieval.

THIRTEENTH PRECINCT HONORED FOR WORK WITH KENMORE HOTEL

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1995

Mrs. MALONEY. Mr. Speaker, I rise today to pay tribute to New York's 13th Police Precinct and its valiant efforts on behalf of the Kenmore Hotel, its tenants and the surrounding community.

The Kenmore is the largest single room occupancy hotel in New York City. On June 8, 1994, it was seized by the Federal Marshalls and police officers, thereby becoming the largest building ever seized under the Federal Forfeiture Act. During the 9 years prior to its seizure, the Kenmore had steadily fallen into disrepair and become a haven for crime and drugs. The sad fact was that a once great landmark of New York, a place where Nathaniel West and Dashiell Hammett once lived and wrote, had become a crime-ridden residence. Drug dealing, prostitution, robberies, burglaries, and serious assaults are common in the building. The problems of the Kenmore became a source of concern not only to its residents, but to the surrounding community.

Due to the efforts of the personnel of the 13th Precinct and, in particular, one community policing officer, Scott Kimmins, major efforts were taken to inform and involve other local and Federal agencies regarding these developments. Officer Kimmins, whose beat included the Kenmore, walked the halls of its 23 floors daily for several years. On July 11, 1994, I was joined in front of the Hotel by Attorney General Janet Reno, New York Governor Mario Cuomo and others to personally honor Officer Kimmins and his colleagues at the 13th Precinct for their courageous efforts in cleaning up the Kenmore. Nearly a year after that auspicious day, the 13th Precinct continues to maintain a presence at the Kenmore, ensuring greater safety for its residents and neighbors.

Thanks to Federal intervention and under the auspices of the Federal marshals, the Kenmore is now under new management. Though still far from perfect, conditions are improving. Indeed, I am hopeful that the U.S. Attorney's office will be successful in stripping the current owner of his ownership and reversing this sad chapter in the Kenmore's history.

It is because of the extraordinary efforts of Captain Michael Darby, Officer Scott Kimmins, and others at the 13th Precinct that the conditions at the Kenmore have improved so dramatically. Indeed, I am pleased to report that all incidents of drug and non-drug-related crimes, including assaults, have dropped substantially since the seizure.

Mr. Speaker, I ask my colleagues to join me in saluting the 13th Precinct and its officers for their courageous effort to improve conditions at the Kenmore and to make New York City a safer, better place in which to live.

SOCIAL SECURITY

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1995

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, May 24, 1995, into the CONGRESSIONAL RECORD.

SOCIAL SECURITY: QUESTION AND ANSWERS

When I meet with Hoosiers I often hear from those concerned with Social Security insurance and benefits. Older persons seek assurance for secure payments at adequate levels. Younger persons question how program changes could affect their plans for retirement. Questions also arise concerning the solvency of the program and the nature of proposed reforms.

What are the various parts of the Social Security program and how is the program run?

Social Security, also known as the Old Age, Survivors, and Disability Insurance (OASDI), is the nation's largest retirement and disability program. It pays benefits when a person retires, becomes disabled, or dies, if eligibility requirements are met. Family members may also be eligible for benefits. It is financed through taxes on wages and self employment income. More than 95% of the work force is required to pay these taxes on the first $61,200 of income. Benefits are dispersed through a trust fund dedicated exclusively to the payment of Social Security benefits. The Social Security Administration, which manages the program, is an independent agency accountable to Congress. The administrative costs of the program are less than 1% of benefit payments.

How is the money in the Social Security trust fund managed?

In the past, Social Security has worked on a pay-as-you-go basis: workers' payroll taxes went out almost immediately as benefits to retirees. However, as of 1983, baby boomers are paying for benefits of current retirees while also contributing funds to finance their own future benefits. The trust fund's $400 billion surplus is invested in U.S. government bonds, the only investment allowed by law. The federal government has never defaulted on its payments to the trust fund.

Is the Social Security trust fund included in the federal budget?

The answer to this question is both yes and no. In 1990 Congress took action to exclude the trust fund from budget calculations. However, this has not prevented economists and others from including the trust fund in their budget calculations as a way to obtain a more accurate portrayal of the federal budget and its impact on the economy.

Which seniors are affected by recent changes in the Social Security program?

The 1993 budget deficit reduction package increased the portion of taxable benefits for wealthier beneficiaries from 50% to 85%. This higher tax applied only to the top 13% of Social Security recipients—couples with a retirement income of $44,000 and individuals with income over $34,000.

The House recently passed a bill amending the Social Security earnings limit and income tax level. The bill includes provisions that would raise the Social Security earnings limit over five years to $30,000 and reduce the level of income tax on Social Security benefits for higher-income recipients. The Senate has taken no action on this bill.

Will Social Security be used to balance the budget?

The inclusion of the Social Security program in a balanced budget amendment has greatly concerned seniors. The House considered several versions of a balanced budget amendment this year. I voted for measures to exempt Social Security from a balanced budget amendment. The version that passed the House does not exclude Social Security. The Senate did not pass a balanced budget amendment.

The budget resolution drafted by the House Leadership proposes a 0.6% reduction in the Consumer Price Index (CPI) as a means of slowing the Social Security program's growth. Social Security COLAs are based on the CPI. Therefore, an adjusted CPI would reduce the COLA starting in 1999.

Is the Social Security program stable for the years ahead?

The program is projected to be solvent only for the next 35 years. After that point, the amount of benefits being paid will exceed receipts. As the baby boom generation ages, the reserves are projected to be drawn down by the year 2030.

What can be done to ensure that our children and grandchildren will receive benefits?

A number of proposals to ensure the solvency of Social Security has been mentioned, such as reducing benefits for future recipients, raising the payroll tax, increasing the retirement age, or instituting a means test denying full benefits to those with large incomes from other sources. Various proposals have been made to privatize the system, such as requiring workers to place part of their Social Security contribution into a system of mandatory IRAs. Some Members of Congress have proposed major changes in the program, such as allowing trust fund monies to be invested outside of the U.S. Treasury. No one solution is likely to cure all the problems, and a good argument can be made for doing several things at once.

The Bipartisan Commission on Entitlement and Tax Reform studied the stability of Social Security but was unable to reach a consensus on solutions to the problem. The President has created the Advisory Council on Social Security to examine Social Security financing and other program issues.

How confident can we be about the future of Social Security?

Social Security is important to the 42 million people who count on the benefits for their income, as well as those planning their future retirement. If future generations are to receive benefits, we must recognize that some difficult decisions must be made to prevent Social Security insolvency. The future of Social Security is a test of democratic government. A clearly foreseeable disaster lays ahead, but it is not imminent. The question is whether an agreement can be reached on some reasonable reforms so that older persons can live in some security without hurting younger people. I do not want to see the benefits of current Social Security recipients reduced. The federal government has made a commitment to current and future recipients, and I will work to ensure that commitment remains strong.

IN SUPPORT OF H.R. 1776: THE BLACK REVOLUTIONARY WAR PATRIOTS COMMEMORATIVE COIN ACT

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1995

Mrs. JOHNSON of Connecticut. Mr. Speaker, today I introduced, with my colleague DONALD PAYNE of New Jersey, H.R. 1776, the Black Revolutionary War Patriots Commemorative Coin Act. This legislation will direct the Secretary of the Treasury to mint a special coin in commemoration of the many black soldiers who fought for our Nation's independence and our individual freedom. In addition to recognizing the often forgotten contributions of African-Americans during this historic period of our Nation's history, distribution of such a coin will enable the Black Patriots Foundation to succeed in funding the Black Revolutionary War Patriots Memorial, to be located in Constitution Gardens between the Washington Monument and the Lincoln Memorial.

More than 5,000 black revolutionary war patriots fought shoulder-to-shoulder with white patriots, heroically sacrificing so that we can stand here today, a free people and a world leader. This contribution should not be forgotten. As generations of children visit our Nation's capital and walk the mall, they should have a concrete reminder that we are descendants of men and women of all races and ethnic backgrounds and only together can we create a Nation in which individual social freedom and justice are a reality.

I urge my colleagues to join in honoring black revolutionary war patriots through this commemorative coin act and enable the Black Patriots Foundation to complete the Black Revolutionary War Patriots Memorial here in Washington, DC.

HOUSE RESOLUTION COMMENDING POLICE ATHLETIC LEAGUES NATIONWIDE

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1995

Mr. MILLER of California. It gives me great pleasure today, together with my fellow cosponsors, to introduce a resolution commending Police Athletic Leagues [PAL] across this country for their excellent work on behalf of our Nation's youth.

PAL was created over 50 years ago in New York City by Lt. Ed Flynn, who, faced with persistent gang violence, organized a baseball league to give kids an alternative to crime. PAL now has 246 local chapters in cities nationwide, including Jacksonville, Des Moines, New York, Denver, Dallas, San Francisco, and Seattle. And in my congressional district, there are PAL organizations in Benicia, Martinez, Richmond, and Vallejo.

Three million kids participate in PAL's recreational and educational program, such as athletic tournaments, police cadet clubs, and computer training. Fifty years after its inception, the principal mission of PAL remains the same: Police officers volunteer their free time to work with youths in promoting trust and understanding in an atmosphere of cooperation. The kids benefit by receiving positive role models and learning life skills. The officers benefit by getting an opportunity to make a real, positive difference in kids' lives.

Mr. Speaker, in my own State, PAL—called CAL-PAL—is easily one of the largest juvenile crime prevention programs in California, with over 50,000 kids participating. CAL-PAL includes over 25 chapters, each as varied as the towns or cities in which they operate. CAL-PAL has established itself as a viable, successful juvenile crime prevention program by focusing on athletic and other related youth activities. Their motto is "Filling Playgrounds Not Prisons." PAL's long years of experience with kids shows that sporting activities help bring out the best in kids. Youth members of PAL learn to be part of a team—they learn how their individual efforts are part of a collective goal, they learn endurance and perseverance, and they learn that hard work leads to success. And above all they gain self-awareness and self-esteem, which are the essential building blocks of every child's personality, but are especially important to disadvantaged kids. PAL also serves the purpose of cementing positive relationships between kids and police officers, a relationship that is based on mutual respect and deep admiration.

Clearly, we need to do all we can to reduce crime among our youth. Although crime in the Nation has subsided somewhat in recent years, violent crimes committed by juveniles has surged. PAL is certainly no substitute for tough crime fighting strategies and policies. But police athletic leagues, acting in concert with these policies, are out in the field everyday attempting to turn back the rising tide of crime by providing constructive activities for kids. PAL's police officers deserve our support and our commendation.

REDEDICATION OF DOUGHBOY STATUE

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1995

Mr. SKELTON. Mr. Speaker, on the evening of May 30, 1995, the community of Concordia, MO, rededicated the Doughboy Statue, first erected in 1923, in the city's central park. It was a memorable experience for me to participate in the ceremonies with community leaders, including Dick Stuenkel, Rev. Paul Wobus, and Mayor Alfred Rodewald. Brig. Gen. Ron Marcotte of Whiteman Air Force Base delivered an address. Mayor Rodewald delivered the rite of dedication, which was a fitting tribute to the community's veterans:

RITE OF REDEDICATION OF DOUGHBOY MONUMENT

In the Name of Almighty God, the Creator of all things, the Redeemer of sinful mankind and the Sanctifier of all that is made just and holy.

On Sept. 23, 1923, this community dedicated a monument. The monument was formed of Bedford limestone. It depicted an American soldier—a Doughboy of World War fame—standing at attention, standing 6 feet tall, a weapon at his right side, in full uniform, dignified, in Central Park, Concordia, MO.

Here the Doughboy monument has stood for 71 years. It has been a symbol of appreciation for all who joined the Armed Forces of America to defend her against human injustice: in the Civil War from 1861 to 1865; the Spanish-American War in 1898; and the World War from 1914 to 1918.

The monument has endured 71 years of exposure to the elements of west central Missouri. It has received tender glances from people who wanted to know of its significance and meaning. It has been greeted by warm faces from patriotic Americans and foreigners alike. Through the years, the Doughboy has stood as a proud symbol in central park.

This monument of stone has stood in silence. Yet it has projected a message of dedication and commitment by area citizens to the defense of liberty, peace and justice for all. Dedicated to those who defended America in the Civil War, Spanish-American War, and World War I, the Doughboy has held its place in Concordia while more wars raged and the U.S. Government called upon new generations of local men and women to bear arms in her defense.

The monument stood through World War II, from 1939 to 1945; the Korean war, from 1950 to 1953; the Vietnam war, from 1965 to 1973; and the Persian Gulf War in 1991.

This monument of stone, reflecting material blemishes from years of exposure to elements at central park, was recently refurbished. It was refurbished through the effort of many—including the city of Concordia; American Legion Post 258 and auxiliary; Veterans of Foreign Wars Post 5649 and auxiliary; Concordia Area Heritage Society; Concordia Lions Club and Concordia Civic Club.

Refurbished, the monument dedicated in 1923 is ready for rededication.

I, therefore, rededicate the Doughboy Monument with this rite. May this monument of stone continue to project its message of commitment to liberty, peace and justice for all mankind to everyone who lives in and visits this community. May God grant it to stand enduringly as a symbol of peace and as a symbol of love for God and country in the town that chose the name Concordia as it sought peace and harmony following many painful experiences in the Civil War.

As floodlights focus on the Doughboy Monument tonight we rededicate it to its mission.

In the Name of the Father and of the Son and of the Holy Ghost. Amen. [let the lights turn on]

1995 FARM BILL

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1995

Mr. POMEROY. Mr. Speaker, I rise today to recognize Debra Lundgren, a farm wife from Kulm, ND, who gave a short, but meaningful speech in April when U.S. Secretary of Agriculture, Dan Glickman, was in North Dakota for a regional farm forum. Her speech follows:

I am here today as a farm wife. It is a role I enjoy, but one I do not get to perform very often. Because I am married to a farmer, I cannot afford to be a farm wife. I would rather work on the farm, but can't—and I'm not alone. Eighty-seven percent of the income generated by the average U.S. farm operator household comes from off-farm sources.

My husband farms full-time and works an additional job, fulltime job. I am presently working two jobs, so no one can say we are lazy. Nor are we getting rich from program payments.

Between bureaucrats and the media, farmers take a beating every day. They sensationalize program abuse and tend to forget those of us trying to make a living.

Unfortunately, most people who are removed from agriculture believe there is an unlimited flow of financial support from the government to the farmer. That sir, as you know, is not true. In fact, our government has kept the price of our commodities artificially low. You must admit, it's a consumer subsidy, not a farm subsidy. Expenses have risen since the depression. Prices have not.

In countries that have been hungry, governments provide price supports to make sure their farmers will produce. Japan pays their farmers $32.88 for each bushel of wheat. Syria pays $23. Even Bangladesh supports prices above the United States of America.

Please don't let the word "price supports" be misunderstood. We are not asking for welfare. We are, in essence, requesting a minimum wage. Unlike most people working for a minimum wage, we invest for the privilege.

Mr. Secretary, the original intent of the farm program was to narrow the gap in income between farmers and the rest of the population. Family farmers still stand to benefit from that idea, but the current abuse of the programs allow the largest 18% of farms to collect ⅔ of the benefits. The time has come to change the programs, not throw them out. Target the benefits, based on production, to family farmers. Reward the efforts of the farmers who continue to provide quality food for America's families while struggling to feed his own. The new wealth created by a fair price would revitalize rural and urban main streets across the country.

Finally, we may be only 2% of the population, but that means that 98% of the population depends on us to provide their food. I'd say that makes us an extremely important part of this country. I'd say that deserves the respect of anyone who had breakfast this morning or supper last night. I'd say we are worth the effort of a farm bill that directs program benefits to farm families who risk everything every year.

Wouldn't you?

AUTHORIZING A CALIFORNIA URBAN ENVIRONMENTAL RESEARCH CENTER

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1995

Mr. STARK. Mr. Speaker, today I am reintroducing legislation to authorize the Environmental Protection Agency [EPA] to establish a California Urban Environmental Research and Education Center [CUEREC].

I am honored to be joined in this effort by 13 California colleagues: Mr. DELLUMS, Ms. PELOSI, Mr. HORN, Mr. LANTOS, Mr. MATSUI, Mr. MILLER, Ms. WOOLSEY, Mr. MINETA, Ms. ESHOO, Ms. ROYBAL-ALLARD, Mr. TORRES, Mr. WAXMAN, and Mr. FILNER.

Legislation to authorize EPA research programs was unfortunately not acted upon in the last Congress. However, CUEREC did receive a line item in the 1995 Department of VA, HUD, and Independent Agencies appropriations bill to cover start-up costs. This line item has allowed CUEREC to begin its first year of operation and the center was dedicated on October 21, 1994 at a tree planting ceremony on the Cal State Hayward campus.

The bill requests $4.5 million for fiscal year 1996 because CUEREC is mandated to work with all 22 California State Universities in its 2nd year of operation and because CUEREC will need this level of support to carry out the activities set out for it in the legislation.

Currently, CUEREC is in the process of linking California's major university systems—the Cal State University [CSU] campuses, the University of California [UC] campuses, as well as private universities and colleges—to deal with the employment and environmental challenges of California's military base closures and defense conversion. Among other activities CUEREC will: help remove market barriers for small environmental business enterprise development; help in military base conversion and utilization focused on increasing sustainable economic development and job creation throughout California; encourage the transfer of government developed and/or sponsored environmental technology to the private sector while working closely with such laboratories as Lawrence Livermore, Sandia, and Lawrence-Berkeley; encourage the funding of viable environmental projects throughout California; assist women and minority owned small businesses in complying with local, State, and Federal environmental regulations and taking advantage of opportunities in sustainable economic development; avoid duplication in environmental research and education programs by developing an on-line data base of such activities available to all California universities and colleges; help coordinate Cal State and

UC environmental applied research and education programs; and advise local, State, and Federal officials on the economic and envionmetal implications of development programs throughout California.

Prior to CUEREC, no EPA sponsored research center had been established in California. Seventeen such EPA sponsored research centers have already been established in other States. CUEREC would be the first to focus on urban environmental policy, base closures, and defense conversion environmental problems. CUEREC would also be the first to include all of the universities and colleges in a single State.

Both Senators were very supportive of the legislation last year. CUEREC is a unique program, providing many important benefits for California and a cost effective model; university based program for the Nation and I urge my California colleagues to support it.

MARY N.D. MATANANE, GUAM NURSES ASSOCIATION 1995 NURSE OF THE YEAR

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1995

Mr. UNDERWOOD. Mr. Speaker, I would like to take this occasion to commend Mary N.D. Matanane, an outstanding member of Guam's island community, for having been chosen as the Guam Nurses Association's Nurse of the Year for 1995.

For over two decades, Mary Matanane has dedicated herself to the health care profession, working for both the private and public sectors. Prior to her retirement from government service, she worked for a total of over 19 years with the Guam Memorial Hospital and the Department of Public Health and Social Services. She currently serves as the assistant director and clinical supervisor at Clark Home Nursing Service.

Throughout this time, Mary worked toward uniting the members of Guam's nursing profession and improving the quality of health care available on the island serving as president and director-at-large of the Guam nurses Association for the past 18 years. In addition to her significant role in several of the association's committees, she also served as chairperson for the Governor's Task Force for Maternal Child Health and the Maternal and Child Health Advisory Council.

Her devotion to the community through the nursing profession has resulted in a number of awards including the 1994 ANA Search for Excellence Award, the 1993 National League for Nursing Centennial Leadership Award, the 1993 Department of Public Health and Social Services Supervisor of the Year Award. It is only befitting for her to be selected as 1995's Nurse of the Year.

On behalf of the people of Guam, I congratulate Mary Matanane for having been chosen as the Guam Nurses Association's Nurse of the Year for 1995. We commend her efforts, hard work, and contributions to the island.

IN RECOGNITION OF A DEDICATED EDUCATOR, RICHARD F. PULICE

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1995

Mr. TORRES. Mr. Speaker, I rise today to recognize a special individual, dedicated educator, and childhood friend, Richard F. Pulice, director of instruction, Montebello Unified School District.

Richard has dedicated over 34 years of service to providing the children of Montebello with a superior public education. Immediately upon graduating from Occidental College in 1961, Richard began his longstanding career by teaching at Bandini Elementary School in the city of Commerce. He taught at Bandini until 1969. During this time he also earned his masters degree in education administration, which he received from Whittier College in 1967.

For the next 18 years, Richard proceeded to hold various principal positions throughout the Montebello Unified School District. He was principal at Bella Vista Elementary, Suva Elementary, and Potrero Heights Elementary. In 1987, Richard was appointed as director of elementary instruction for the Montebello Unified School District and in 1992, he was appointed director of instruction, a position he currently holds.

In addition to his extensive professional accomplishments, Richard has been involved in local, county, and State efforts to improve our educational system. He has served as an advisor to Montebello's Board of Education and superintendent on current issues and trends in education. Richard is also responsible for the overall coordination and implementation of the instructional program from kindergarten through 12th grade, and the selection of education materials and staff development activities for the professional staff of the district.

Mr. Speaker, it is with pride that I rise to salute a recognized and respected educator, Richard Pulice. I ask my colleagues to join me in paying tribute to him for his outstanding commitment to public education, and to wish him luck on all his future endeavors.

KENSINGTON CONGREGATIONAL CHURCH CELEBRATES ITS 100TH ANNIVERSARY

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1995

Mr. FOGLIETTA. Mr. Speaker, I rise today to salute the Kensington Congregational United Church of Christ in Philadelphia on its 100th anniversary.

The Kensington Congregational Church has witnessed many changes throughout the years. Under the watchful eye of Reverend Alan Reider, the church has maintained its commitment to its members and its community. The Kensington Congregational Church has 68 faithful members and draws a standing room crowd every Sunday.

The church often provides the youth in its congregation with great opportunities through programs such as Sunday School, Bible School, Girl Scout and Boy Scout troops. The congregation also helps those in need with its Emergency Food Cupboard. Last year, the Kensington Congregational Church helped feed 576 families—nearly 1,500 people.

In recent years, the church has also opened its doors to the community at large, hosting meetings to address problems affecting Kensington. The congregation has worked with community activists to address problems ranging from drug abuse to flooded streets.

I hope my colleagues will join me today in wishing Rev. Alan Reider and the congregation of the Kensington Congregational Church a very happy 100th anniversary. I wish the Kensington Congregational Church the very best in its next 100 years of service.

THE 100TH ANNIVERSARY OF THE NORTHERN CENTRAL NEW YORK VOLUNTEER FIREMEN'S ASSOCIATION

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1995

Ms. SLAUGHTER. Mr. Speaker, I rise today to pay tribute to the village of Fairport's firefighters for hosting the 100th Anniversary Convention of the Northern Central New York Volunteer Firemen's Association. The Northern Central Volunteers have provided an invaluable service not only to volunteer firefighters throughout upstate New York, but also to the many people whose lives they have protected. I am pleased that my home village of Fairport is playing such a significant role by hosting this important event.

The Northern Central New York Firemen's Association was created in 1895 when William Weedsport and a few other volunteer firefighters between Rochester and Syracuse met to discuss issues relative to firefighters in their region. Since then, they have been a local adjunct to the Fire Association of New York State. The Northern Central New York Volunteer Firemen's Association has worked very closely with its State association to promote and protect the interests of firemen for the past 100 years.

The Northern Central delegation's contribution to the history of firefighters in New York State has been immeasurable. Three of the presidents of the Firemen's Association of New York State and one president-elect have come from the Northern Central Association in the past 15 years. Several of the Northern Central Volunteers have also served as trustees and presidents for the Firemen's Home in Hudson, NY.

The Rochester delegation of the Northern Central Volunteers also has a long history of leadership. After the Second World War, the Northern Central volunteers grew in membership and geographical area. Seneca, Ontario, Oswego, Steuben, and Yates Counties were added to the existent membership in Cayuga, Monroe, Onondaga and Wayne Counties. Sam Pitcher of Fairport, Joey Kuhn of Penfield and Lavern Barrett of Lyons were instrumental in adapting the Northern Central Firemen's Association to this dramatic growth. By writing a new constitution, creating new committees such as the Public Relations Committees, establishing new honors such as the Fireman of the Year Award, and launching new programs such as the Ladies Day Program, they and all of the members since 1895 have helped carry the Northern Central volunteer firemen into the 21st century.

Mr. Speaker, we should all be thankful for the courage and commitment to the safety of the people of New York State that the Northern Central volunteer firemen have displayed over the past 100 years. Please join me in saluting their service to our Nation.

FEDERAL DEPOSIT INSURANCE AMENDMENTS OF 1995

HON. BILL McCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1995

Mr. McCOLLUM. Mr. Speaker, I rise to introduce the Federal Deposit Insurance Amendments of 1995, which addresses the weak condition of the Savings Association Insurance Fund [SAIF] and the risk that it poses to the U.S. taxpayers. This is an issue that must be addressed this year.

Currently the SAIF insured institutions are required to pay the interest and carrying costs on the Financing Corporation [FICO] debt. This obligation has been continuously diverting larger portions of the SAIF premiums from ever reaching the SAIF. Under the current structure two problems exist. First, if the SAIF deposits continue to shrink it is likely that there will not be enough money to meet the FICO obligation. Second, there will not be enough money to protect the taxpayer from losses associated with the thrift fund.

Today I am proposing a comprehensive solution to the SAIF problem. It addresses meeting the FICO obligation and providing an adequate cushion for the taxpayer.

My proposal requires that when the Bank Insurance Fund [BIF] exceeds the 1.25 percent designated reserve ratio any excess monies be rebated to the banks. This reestablishes the rebate that existed prior to the enactment of the Federal Deposit Insurance Corporation Improvement Act.

In order to safeguard the taxpayer, my proposal assists in the SAIF capitalization by spreading the FICO obligation across the BIF and the SAIF in proportion to the insured deposits held by members of the respective funds. My proposal also extends the availability of funds appropriated for the Resolution Trust Corporation [RTC] to cover losses from SAIF members until the SAIF reaches the designated reserve ratio. This should assure that the SAIF reaches the designated reserve ratio in a timely manner.

The interest earned by the BIF will be used to pay for the BIF insured institutions' share of the FICO obligation. The remainder of the interest will be paid into the BIF and may be eligible for rebate.

The Office of the Comptroller of the Currency [OCC] and the Office of Thrift Supervision [OTS] will be merged on January 1, 1996. My bill in this regard is similar to Chairman LEACH'S proposal introduced earlier this year.

Upon enactment of this proposal, the Treasury Department will be required to complete within 12 months a study on combining the bank and savings association charters into a unified charter.

This bill specifically requires the Treasury to consider issues concerning taxes consequences, Federal home loan bank membership, regulation of holding companies, and mutual ownership. The Treasury will also be required to report back to Congress with a legislative proposal as part of this study.

Finally, when the SAIF reaches the targeted reserve ratio of 1.25 percent, the BIF and the SAIF will be merged into one fund. Within 12 months of this merger, the Federal Deposit Insurance Corporation [FDIC] shall require that all insured institutions have a bank charter whether the new unified charter, State or other bank charters.

My solution does not affect the reduction in premiums that BIF insured institutions are scheduled to receive. The BIF will be fully capitalized this year and the FDIC is required to reduce BIF members premiums. Nothing in my solution or any other potential solution to the SAIF problem should jeopardize this reduction. The FDIC should move expeditiously to finalize the required reduction in premiums.

When the Congress passed Federal Institutions Reform, Recovery, and Enforcement Act of 1989 [FIRREA] to address the clean-up of the savings and loan crisis, it was based on faulty assumptions. The Congressional Budget Office [CBO] and the Office of Management and Budget [OMB] predicted thrift deposits would continue to grow at 7 percent annually. In reality, the SAIF insured deposits have decreased at an average rate of approximately 5 percent per year. Based on the CBO and OMB estimates the SAIF should have a $1.3 trillion deposit base. However, there is only $721 billion from which to derive premiums.

One of the results of the faulty assumptions is that the FICO interest payments continue to divert larger percentages of thrift premiums each year from reaching the SAIF. The FICO obligation is sizable, diverting $795 million per year, or 46 percent of the premiums, from the SAIF. As the percentage of premiums paying the FICO obligation continues to increase, the capitalization of the SAIF slows. Without corrective legislation, the SAIF may never capitalize, putting the taxpayer at risk.

In February 1995, the Federal Housing Finance Board noted that thrifts are unlikely to meet the FICO interest payments through their maturity. Price Waterhouse, FICO's outside auditor, and GAO have reported that if the assessment base continues to shrink a FICO default will occur by the year 2000.

The portion of the SAIF deposit base available to pay the FICO obligation has declined at an annual rate of 10 percent because insurance premiums paid by so-called Oakar and Sasser banks cannot be used to pay the FICO obligation. An Oakar bank is a BIF member that has acquired a thrift and therefore pays into the BIF and the SAIF. A Sasser institution had a savings association charter and has converted to either a commercial bank or State savings bank. A Sasser bank remains a SAIF member.

The SAIF is grossly undercapitalized. Currently, the SAIF has $2 billion in reserves backing up approximately $693 billion of insured deposits. This is about 28 cents for every $100 of insured deposits which is far below the Congressionally mandated reserve ratio of $1.25 per $100. In order to meet the designated reserve ratio the SAIF needs approximately $8.5 billion, an additional $6.5 billion to its reserves.

According to Jonathan Fiechter, the Acting Director of the Office of Thrift Supervision, "The SAIF is weak * * * A sudden economic downturn, a weakness in a particular real estate market, or unexpected stress on the deposit insurance system could overwhelm the thinly capitalized SAIF and render it insolvent."

An undercapitalized SAIF puts the taxpayer at risk. On June 30 of this year the RTC will no longer be responsible for resolving failed thrifts. This means that losses in excess of SAIF reserves must be covered by the taxpayer.

According to the FDIC, problem thrifts currently hold $31 billion in assets and the SAIF only has $2 billion in reserves. This is simply not enough because the failure of one of the large problem thrifts or a combination of small problem thrifts could deplete the reserves of the SAIF and leave the taxpayer holding the bag, again.

Additionally, even if the SAIF becomes fully capitalized, the OTS believes that the fund will not be sound. A key ingredient to a sound insurance fund is size. The fund must be large enough to spread risk and absorb a series of simultaneous losses of at least moderate size. Since the fund is much smaller than Congress anticipated due to the faulty assumptions, the SAIF fails to meet the basic standards of size and diversity.

This issue must be addressed now. The Federal Deposit Insurance Amendments of 1995, protects the taxpayer from footing the bill resulting from another savings and loan fiasco.

THE ARMS CONTROL AND DISARMAMENT AGENCY

HON. JOHN JOSEPH MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1995

Mr. MOAKLEY. Mr. Speaker, I want to share with my colleagues an editorial recently published in the Boston Globe which highlights the impact of legislation pending before the House and Senate which would fold the U.S. Agency for International Development, the United States Information Agency and the Arms Control and Disarmament Agency into the State Department. I think that the Globe makes a very strong case for allowing the Arms Control and Disarmament Agency to retain its current status as an independent agency.

THE MASOCHISM OF CHAIRMAN HELMS

All other systems are worse than democracy, Winston Churchill once observed. But there are moments when it is salutary to remember that Churchill also recognized that democracy can look plenty bad. This is one of those moments.

Grandstanding, demagoguery and perversity: These are some of the qualities on display in congressional attempts to restructure and cut funding for agencies that carry out US foreign policy.

Though budgets of these agencies should be scrutinized for economies and pruned accordingly, the legislation initiated by the chairman of the Senate Foreign Relations Committee, Sen. Jesse Helms, is composed of measures that would, if implemented, do grave harm to US interests and to millions of people around the world.

In a spirit of score-settling, Helms, a North Carolina Republican, and other conservatives in Congress have been truffling the House and Senate foreign aid bills with irresponsible provisions pertaining to America's lost sovereignty over the Panama Canal and abortion in China. In a hamhanded manner, they have also been seeking to meddle in the Clinton administration's delicate negotiations to make North Korea abandon its nuclear weapons program without having to bomb Pyongyang's cooling ponds. The posturing of Helms and his emulators in the House, if judged by its likely effects, amounts to a show of unwitting masochism.

Of three independent agencies the Helms bill would absorb into the State Department—the US Agency for International Development, the US Information Agency and the Arms Control and Disarmament Agency—the strongest case for preserved independence belongs to the arms control agency. Not only does this lean, inexpensive agency have the most impressive record of achievements and the most fateful missions in the aftermath of the Cold War, it also owes its success to its status as a separate, specialized entity.

The agency has saved taxpayers billions of dollars and enhanced US security because it has been able to offer advice on policy directly to the secretary of state and the president. Its expert judgments on Pakistan's nuclear weapons capability or on the proper interpretation of the Anti-Ballistic Missile Treaty, for example, did not have to be trimmed or inverted to comply with the parochial bureaucratic interests of the Departments of State and Defense.

Without the independence of the Arms Control and Disarmament Agency, the other national security bureaucracies would hardly have pursued the banning of the Soviet Union's dangerous and destabilizing SS-18, an intercontinental ballistic missile with multiple warheads. Nor would the United States be on the road to a comprehensive nuclear test ban treaty and a verifiable Biological Weapons Convention. If the arms control agency were folded into the State Department, as Helms proposes, its decisive, expert influence on crucial issues of national security would inevitably be diluted. The loss would be incalculable.

THE PTA

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1995

Mr. CARDIN. Mr. Speaker, I rise today on behalf of Parkville Middle School in my district. I received a large notebook of letters and artwork from Parkville students, requesting a commemorative stamp in honor of the Parent Teacher Association [PTA]'s 100th anniversary in June 1996. Most of us have been PTA members ourselves and we know that this outstanding organization has dedicated itself to strengthening the family-school-community partnership which is essential to quality education.

The PTA has an impressive record. It has been involved in working toward achieving better schools, healthier children, and stronger families for out Nation's future. Over the years, it has conducted nationwide campaigns to promote awareness on such issues as drug and alcohol abuse, protection of the environment, teacher appreciation, safety, AIDS, and the promotion of positive self-images.

In 1912, the PTA sponsored the first hot-lunch programs in our schools. In 1941, it initiated a nationwide school-lunch program. The PTA is responsible for the organization of field trips, launching health information projects, and sponsoring events which create a more well-rounded, quality educational experience.

I would like to read to you a couple of reasons these students want to commemorate the PTA:

Also in 1976 they began a nation wide project to combat violence on television. This was needed so that children will behave in play and in class without violence. Remember, children can not vote what they want, that's what the PTA does.

I remember when at my old school Villa Cresta Elementary and my big fifth grade trip was coming up, a thrilling three days at Camp Wo-Me-To. The Villa Cresta PTA paid the rent fee for each cabin so all us fifth graders only had to pay for food and activities such as rock climbing and stream study. The camp fee was able to let low income families pay for their child's trip. Do you remember when you were a kid in especially elementary school or even middle or high school when the PTA did something for your school like a Fun Fest or Fiesta? Well I do remember.

I believe that the PTA should get a commemorative stamp in honor of the National PTA. My personal experience with the PTA is that in my old Elementary School, Fullerton, our PTA made a day for us kids. The day was called Fun Fest Day.

I am sure that many of you have received similar letters from your constituents. I have written to the National Stamp Advisory Committee expressing my support for commemorating the PTA's 100th anniversary next year.I encourage my colleagues to support this effort as well.

THE SACRED HEART CATHOLIC CHURCH CELEBRATES 100 YEARS IN BLUEFIELD

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1995

Mr. RAHALL. Mr. Speaker, 1995 is a memorable year for the residents of Bluefield, WV. For it was 100 years ago that the Sacred Heart Catholic Church was dedicated on Mercer Street. The theme of this years celebration is "Remember, Rejoice, and Renew."

Late in the 19th century, the coal industry, the railroad, and commercial trade brought numerous Catholics to southeastern West Virginia. The first Catholic service in Bluefield took place on Princeton Avenue, when the Reverend John McBride came on horseback from Wytheville, VA, to perform the ceremony. Mr. Speaker, the first Catholic service in Bluefield even predated the incorporation of the city of Bluefield, WV.

Five years later, in 1984, the Most Reverend P.D. Donahue, Bishop of the Diocese of Wheeling, WV, appointed the Reverend Emile Olivier the pastor of the growing Catholic community in Bluefield. Through Reverend Olivier's tutelage and the hard work of the parish, the Sacred Heart Church was dedicated on Mercer Street in Bluefield on October 27, 1895. The church continued to grow and was responsible for the creation of other Catholic communities in Powhatan, Gary, Welch, Williamson, Princeton, and Our Lady of Lourdes in Bluefield.

Mr. Speaker, the Sacred Heart Church in 1995, as in 1895, is a family of Christians whose mission it is to bring about the Kingdom of God on Earth by their worship, evangelization, and strengthening of relationships and service to church and community. It is with great honor that I help to honor the centennial year of Bluefield's Sacred Heart Church. Remember, Rejoice, and Renew.

UNEMPLOYMENT COMPENSATION

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1995

Mr. VISCLOSKY. Mr. Speaker, as the 104th Congress considers changes to the unemployment compensation [UC] system, I would like to bring to your attention a recent speech by Leon Lynch, Vice President of the United Steelworkers of America. Mr. Lynch's views, which focus on the unemployment insurance reforms recommended by the Advisory Council on Unemployment Compensation, were delivered to the National Foundation for Unemployment Compensation and Workers Compensation last month in Atlanta. These remarks provide an important viewpoint that should become part of the debate over UC reform.

REMARKS OF LEON LYNCH TO THE NATIONAL FOUNDATION FOR UNEMPLOYMENT COMPENSATION AND WORKERS COMPENSATION

The focus of my presentation today is unemployment insurance reforms recommended by the Advisory Council on Unemployment Compensation. To date, the Council has issued two reports containing a number of recommendations to improve our unemployment insurance program. The Council's major recommendations are focused on bringing the unemployment insurance system more into line with the realities of the 1990s economy and labor market. I believe they deserve the support of business and labor, and I want to explain why.

Since I joined the Advisory Council only late last summer, I did not directly participate in the adoption of the recommendations of the first report, which dealt mostly with the reform of the extended Benefits (EB) program. The second Council report, released in February 1995, focused broadly on the regular UI program. I was on board last year and

I voted in favor of the recommendations of that report. The third and final report, due in February 1996, will focus on the administrative aspects of UI.

In all honesty, I am continuing to learn about our unemployment compensation system from the testimony presented by witnesses at Advisory Council meetings, the briefing papers prepared by Advisory Council staff, discussions among the Advisory Council, and meetings such as this. I have enjoyed my participation in the work of the Advisory Council and I hope to work for the adoption of the Council's recommendations at both the federal and state levels.

Having admitted that I am not an unemployment insurance expert, however, should not be taken as less than my full endorsement of the recommendations of the Advisory Council to date. You don't need a Ph.D to understand that our UI system is neither serving the needs of unemployed workers nor employers as well as it should.

As a trade union leader, I have long understood the terrible human impact of the defects in our UI system. These defects are much clearer to close observers. If you haven't done so, I encourage you to review the Advisory Council reports. They contain many more facts supporting the Council's recommendations than I can cover today. I hope you will take the time to review the reports since even those who regularly deal with UI will find a fair and impartial review of all aspects of the UI program.

I often hear employer representatives claim that our UI system isn't broken. I challenge you to read the reports with an open mind and come away with anything but a conclusion that, in key respects, our UI system can be improved and made to work better for all interested parties.

I want to begin my discussion by pointing out some of the factual findings from the February 1995 Advisory Council report. Many of you may be generally aware of UI developments, but I think these particular findings deserve mention.

First, there's been a serious erosion in the number of unemployed workers getting UI benefits. The ratio of insured unemployed workers (those that file a claim and have monetary eligibility) and the totally unemployed (those who are unemployed and actively seeking work) is widely used as an indicator of how many unemployed workers get UI benefits. In 1993, 32 of the 52 jurisdictions had an IU/TU ratio under 33 percent. Twelve states had a ratio of less than 25 percent. South Dakota had a ratio of 15.3 percent. In other words, the ratio of unemployed workers getting UI benefits was a third or less in a majority of the states, and less than 2 in 10 in South Dakota.

Complaints about the declining proportion of unemployed workers getting UI have not been met with sympathy by employers. However, even so-called "job losers" are no longer getting UI benefits at past levels. Job losers fall in the unemployed workers category which is closest to the involuntarily unemployed workers who are supposed to get UI—even according to most employers.

The 1995 report finds a steep decline in receipt of UI benefits in the "job losers" category. In fact, the ratio of UI claimants to job losers has fallen nearly forty percent since 1970.

The other reason cited for the reduced number of unemployed workers getting UI benefits is that eligible workers apparently aren't applying. While the research on non-applicants is not as clear as we might wish, on a practical level there are many things we can do to encourage potentially eligible UI claimants to apply for benefits. These include providing better UI claims information to workers at the time of layoff, permitting electronic and telephone claims, prohibiting employer retaliation, and continuing to improve the customer service aspects of agency claims handling. I believe that the Advisory Council will consider some of these administrative matters in the coming year.

Analysts disagree about why the ratio of insured unemployed workers to totally unemployed workers has fallen, but all recent studies show that legislative restrictions on UI eligibility and disqualifications have contributed. The only argument among the experts is the weight assigned to federal and state UI law changes as compared to other factors.

In fact, in most states, there are dollar estimates made on the amount of money to be "saved" when legislative restrictions on UI are passed. Since many of you have pushed for this so-called "cost saving" legislation to reduce the number of UI benefits recipients in your states, we should have few claims of innocence in this audience. We in organized labor are past the point of needing more studies concerning the reasons for the decline in receipt of UI benefits. We expect positive action to reverse the decline.

Often, when government is slow to act or fails to act, we have to look for solutions elsewhere. That's what we've done in the Steelworkers—in this and other areas, such as employment security, pensions and health care.

For the unemployed, we have negotiated supplemental unemployment benefits—commonly known as SUB. The fair-minded employers we have contracts with recognize that unemployment compensation by itself—where it exists—is nowhere near sufficient to keep a family going.

With SUB, however, circumstances improve substantially. When one of our members is laid off, SUB will provide benefits ranging from 70 percent to 90 percent of the worker's wages. And it provides these benefits for two years.

When the worker is receiving UC, that amount is deducted from the SUB payment. When UC expires, SUB makes up the difference. The result is that no matter what the level of UC is, the worker receives the same percentage of wages.

The rationale is simple: Workers should not suffer for events over which they have no control. SUB payments help them to survive until they are recalled to their former jobs, or until they find new employment.

Even though we are proud of what we have done in this area, we feel this is an area that is properly the government's responsibility. Is any that with full knowledge of the atmosphere in Washington—an atmosphere with which I disagree completely. But that's a different story for a different time.

The problem we are dealing with today has its own import, and I'm pleased that the Advisory Council report this year makes specific recommendations to reverse the decline in UI benefits. In the meantime, the various experts can argue about the weight of factors that cause the decline.

Let me discuss two recommendations which would start to move our UI system in a positive direction.

First, the Advisory Council recommends that no state set its monetary eligibility requirement higher than the equivalent of 800 hours of work at the state's minimum wage, with the higher quarter wages requirement no more than 200 hours of minimum wage work. This should encourage states to resist the trend toward requiring more and more earnings to gain UI monetary eligibility.

The factual basis for this recommendation was a staff study of the monetary eligibility provisions of all state UI laws. This study showed that lower wage workers and part-time workers with substantial labor market participation still failed to meet monetary eligibility requirements in some states. The 800 hour recommendation converts to roughly a fifteen hour week for a full-year worker. I do not think these workers have shown so little attachment to the labor market that we should exclude them entirely from the UI system and force them onto welfare and Food Stamps.

Another recommendation would begin to move part-time and low-wage workers back onto UI. It is the adoption of a moveable, or flexible, base period. Under a moveable base period, workers with insufficient earnings in the first four of the five completed calendar quarters can use their "lag" quarter wages to meet the monetary eligibility. In Vermont, workers can even use the current, or "filing" quarter wages, to meet the monetary eligibility standard.

At this time, eight states have some form of flexibility as to the period over which they measure monetary eligibility for UI benefits. Six states have a so-called moveable base period. Maine, Massachusetts, Ohio, Rhode Island, Vermont, and Washington. California and New York permit different periods of measurement as well. In 1997, Michigan will adopt a moveable base period as part of its conversion from a wage request state to a wage record state.

The rest of the states define their base periods as the traditional first four of the last five completed quarters. As a result, wages can be as much as eighteen months old, depending on when the unemployed worker files and when she or he worked. A worker who needs his or her "lag quarter" wages to meet monetary eligibility standards must wait up to three months to obtain benefits under the traditional definition of base period. The moveable, or flexible, base period permits these workers to gain UI benefits much sooner, by counting the lag quarter wages toward monetary eligibility.

The Advisory Council relives that workers needing the moveable base period to gain UI eligibility have demonstrated adequate labor market attachment, as defined by each state. They should not be denied UI benefits solely because of the distribution of their wages in their base periods. For this reason, all states should consider the Advisory Council's moveable base period recommendation. Especially those which are currently paying UI benefits to very low percentage of their unemployed workers.

We also believe that the U.S. Department of Labor should encourage this action. Another important area of Advisory Council activity has been our examination of state UI trust fund solvency. Here, I believe the Advisory Council has made good progress toward increasing the solvency of the UI system, while maintaining a good deal of state flexibility.

Analysis by the Council staff has shown clearly that states with lower reserves are much more likely to be forced to borrow from the feds, raise taxes, or cut UI benefits in a recession—or a combination of FUTA penalty taxes and interest payments. Both benefit cuts and increased taxes during recessions should be avoided. Workers need the benefits during any period of unemployment, but especially during a recession. And employers need the spending boost provided by

UI benefits during a recession, and can least afford a tax increase during economic downturns.

For this reason, the Advisory Council has recommended that States avoid so-called, "pay as you go" financing, and provide for forward funding of UI. In other words, during periods of economic recovery, the state should permit funds to accumulate in its trust fund for payment later during a recession.

Rather than debating continuously over the exact level of reserves that are desirable, the Council compromised on a level somewhat lower than the 1.5 high cost multiple which has been historically defined as prudent. There was some feeling that requiring this level of reserves drew too much capital out of the economy and was less productive. Instead, the Council recommended that states maintain a reserve equal to one year of benefits at the average of the three years of highest payouts over the past 20 years.

The innovative part of the Council's solvency recommendation was the suggested use of federal interest premiums on trust fund deposits over the desired level of reserve, and interest breaks for states forced to borrow despite having reached the desired level prior to the recession. In other words, the Council did not set a "federal standard" for solvency, but, set up a method of encouraging states to accumulate higher reserves prior to the next recession.

The Advisory Council also made a number of recommendations related to the budgetary treatment of UI by the federal government. For years, both labor and employers have urged the removal of the UI trust funds from the budget. The Council recommended that all UI trust funds be removed from the federal unified budget.

The inclusion of the UI trust funds causes a number of distortions. Dedicated UI revenues have been treated as offsets against the budget deficit allowing regular state UI benefit payments to be counted in federal spending. In addition, the tightening of administrative funding over the last several years, and the recent difficulty in getting supplemental appropriations for unexpected UI workload is a result of having the UI trust fund in the budget. We say this must end.

Another result of having UI in the budget is to make it subject to cost cutting measures designed for budget balancing, rather than for UI policy. One example is the federal income taxation of UI benefits. This is nothing more than a federally imposed reduction in state weekly benefit amounts. The Council has recommended the repeal of income taxation on UI benefits.

In the coming year, the Advisory Council will be looking at administrative financing of UI. Last year, the Council recommended that the state agencies collect the federal FUTA taxes used for administrative financing. Currently, the Internal Revenue Service assesses charges of up to $100 million a year to collect the FUTA revenue, and the states feel that they are in a position to collect FUTA taxes without using scare resources.

I believe that administrative financing will be a matter for continued examination because proper levels of appropriations and proper use of the administrative funds are so critical to the UI system. As Bruce Springsteen has said, "sooner or later, it all comes down to money".

Employer support for UI and ES will increase, if they feel that their FUTA taxes are wisely spent. State agency employees need and deserve adequate wages and benefits. State administrators need flexibility and better incentives for meeting UI program goals. The federal partner needs to better ensure that service improvements and efficiency are a product of its financing. And, unemployed workers need pleasant, accessible, and effective UI and ES offices.

The Advisory Council often refers to the two traditional, and inter-related, national goals of the UI program. That is, adequate wage replacement for unemployed workers and economic stabilization. It is critical that both of these national goals be met, and that state and federal actions undercutting these goals be reversed.

Wage replacement at an adequate level of benefits is of obvious interest to organized labor. But, in addition, organized labor recognizes that the overall level of workers getting UI benefits must also be improved. Otherwise, the UI programs are only a hollow shell, leaving many workers who have substantial labor market involvement without UI benefits. For these reasons, the Advisory Council should consider methods to encourage states to pay adequate levels of UI benefits to a higher proportion of unemployed workers in the coming years. Possible solutions include trust fund enhancements, administrative funding incentives, and federal goals for states in these areas.

Let me close with some comments directed to the employer community and its approach to UI. I believe employers need to take a broader view of UI than what I usually hear from their representatives.

The other side of the coin from adequate UI benefits is economic stabilization. This is the other national goal of UI, and it still deserves our combined support. It truly helps employers.

UI benefits buy groceries, pay rent, keep the utilities connected, and purchase other necessities for unemployed workers and their families. In other words, all UI benefits are spent with employers—a fact that some employers have apparently forgotten. The unemployed worker's pocketbook is merely a way station for UI benefits on their way to an employer's bank account.

Most employers are also on fairly thin ice on the cost issue. Nationally, state UI payroll taxes amounted to .9 percent of total payrolls in 1993. This is not insignificant, but it is near the historically lowest levels of the early 1970s, and well below the 1.4 percent level reached in the recession of 1982–1983.

The federal FUTA tax rate is at historic low levels, amounting to only 36 percent of average wages. This has severely eroded the actual FUTA tax rate, which has fallen in relation to inflation since the federal taxable wage base was last increased in 1983. At that time, the FUTA payroll tax amounted to $81—today it's $56. So even with the much maligned .2 percent surcharge, FUTA taxes, in terms of real dollars, are at the same level as they were in 1970. In 1970, the net FUTA tax rate was .5 percent and the taxable wage base was still $3000.

While each employer naturally concerns itself with its labor costs, employers as a group should recognize that UI benefits help maintain a stable economy and society. While $25 billion or so are paid in UI benefits in any given year, these 25 billion were also spent. And, unlike defense spending or social security benefits or highway construction funds, these UI dollars were mostly spent in areas where unemployment was higher and local employers most needed a spending boost.

In short, the business approach to UI doesn't seem to have changed, even though the bad old days of higher UI taxes and lenient treatment of unemployed workers are long gone. Whatever the validity of the cost-cutting approach of the mid-1970s to mid-1980s period, employers, should rethink their "cost above all else" approach to UI.

Especially in the current political climate, the views of employers are of paramount importance. Unless the policies advocated by employers change, the downward trend of the past fifteen or twenty years will continue, and this will have serious impacts on employers and the larger society—not just on unemployed workers.

The developments of the last fifteen or twenty years have undercut the achievement of our national UI goals. This was mainly due to the effective elimination of the EB program in 1981, the spread of state restrictions on UI eligibility and the adoption of harsher disqualifications during the 1970s and 1980s. Meeting these national UI goals is important to workers *and* employers. For this reason, favorable action on the recommendations of the Advisory Council on Unemployment Compensation is important to employers as well as the rest of our society. I hope that employers will review their UI policy positions in light of the Advisory Council's recommendations. This would be an important step in restoring the vitality of our UI system.

Thank you, and I look forward to your questions following the remarks of Bob Mitchell.

RECOGNIZING SERVICE BY WCTE–TV

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1995

Mr. GORDON. Mr. Speaker, WCTE–TV in Cookeville, TN, provides a great service to the television viewers of Putnam County and the Upper Cumberland region of Tennessee. The enclosed article from the New York Times shows how the small, but capable staff juggle many responsibilities and produce quality local programming.

[From the New York Times, Apr. 17, 1995]

WHERE PUBLIC TV IS MORE THAN A POLITICAL FOOTBALL

(By Laurie Mifflin)

COOKEVILLE, TN.—When people argue about public television in Washington, Boston, New York or Los Angeles, they talk about "Sesame Street," "Nova" and "Frontline"; about whether the political programming is too partisan, about whether opera and ballet are too elitist, and about slashing station budgets of $100 million a year or more.

Here, too, in Cookeville, in the Upper Cumberland region of Tennessee, public television means "Sesame Street," "Nova" and "Frontline." But political programming means covering monthly meetings of the Putnam County Commission. Cultural programming means the Smithville Fiddlers Jamboree and the Tennessee Tech Faculty Brass Quintet. The budget runs a little over $1 million. And the station consists of three rooms and a truck.

The boxy WCTE–TV truck is parked beneath the iron girders and concrete risers of the Tennessee Tech football stadium, the station's home. It is a "remote truck," divided inside into three cramped carrels lined with audio and video editing equipment, the kind of truck television crews use when they cover events away from the studio.

This remote truck does venture out—to cover Tech football or basketball road games—but as soon as it is parked under the stadium, thick hanks of blue cable are pulled out and connected to other cables leading to the station's control room, because the truck doubles as the station's main editing facility.

So when Donna Castle and Rick Wells return from videotaping teenagers in Cane Creek Park who are testing leaf and water samples in a regional "Envirothon" contest, for example, Mrs. Castle climbs into the truck and sits down to edit a Hot Puddin' Cake recipe for that week's "Cumberland Cooking With Cathy" show.

Mr. Wells heads to the "studio" on the other side of the parking-bay wall—a windowless 20-by-30-foot room with cinder-block walls and klieg lights sprouting from the ceiling—to operate a camera focused on teams of jittery high school students competing in the Upper Cumberland Academic Bowl. And when that taping starts, Mrs. Castle will have to stop editing because David Dow will need the truck's control panel to direct the three-camera Academic Bowl production.

WNET in New York and WGBH in Boston may be the signature stations of the Public Broadcasting Service because they produce many of its best programs, but the mom-and-pop stations of small-town America have deep roots in the public television heritage, too.

The two dozen or so smallest PBS stations in the country receive 30 to 40 percent of their budgets from the Corporation for Public Broadcasting, so eliminating Federal financing could force them to close up shop. But "zeroing out" now appears unlikely; when Congress returns from Easter recess, the House and Senate will have to reconcile their versions of bills to cut back financing, with the compromise likely to be in the 10-to-15-percent range.

But for Donna and Richard Castle, the operators of WCTE, Channel 22, in Cookeville, even a 10 percent cut will hurt their bare-bones budget of $1.16 million (which includes 18 salaries). And because it would be cheaper simply to pick up PBS's national programming, Channel 22 would probably cut back the thing that makes it distinctive: its local programming.

WCTE was founded in 1978 as part of the state Department of Education, and Mr. Castle, 58, the general manager, still calls it "educational TV" as often as he calls it "public TV." The station offers instructional programs used by local schools and by parents who teach their children at home, as well as programs informing the community about local government, local schools, local cultural affairs and local businesses.

"We're here for the public, and I try to remember it all the time," Mrs. Castle said. "If people around here want to see the Smithville Fiddlers Jamboree instead of something from the Theater of the Rhinoceros in San Francisco, that's O.K."

Mr. Castle pronounces himself "stumped" by the Washington politicians who seem so down on public television. "We've never been partisan or played politics in any way," he said of WCTE. "And when they talk about public TV being for the wealthy and the elite, well, that's sure not true here."

Cookeville lies midway between Nashville and Knoxville, far enough from each for the area to qualify for Federal money to build an 840-foot television and radio transmission tower. To the east, the countryside's rolling ridges become small mountains; there, television reception requires either a satellite dish or a huge antenna. Many people cannot afford either.

"In our viewing area, 60 percent of the people don't have cable," Mr. Castle said. "In the mountainous parts, if you don't have a dish, you can't even get ABC, CBS or NBC. In some of the historically poor areas around here, the only station people get is Channel 22."

Channel 22, one of the smallest PBS stations in the country in terms of both budget and viewership, is so small that it falls "below measurable standards" for rating by the A.C. Nielsen Media Research Company. Nielsen estimates WCTE's cumulative weekly audience (house-holds that tune in for at least 15 minutes a week) at 17,000 to 18,000.

The station gets its modest home rent-free from Tennessee Tech, whose green campus graced by red-brick Georgian buildings is the town's centerpiece. Of the station's $1.6 million budget for 1994–95, $393,254 comes from the Corporation for Public Broadcasting and $498,315 from the state.

Finding that level of financial support around Cookeville would be unlikely. Membership in Channel 22, which costs $25 a year, accounted for $50,000 last year. An annual eight-night auction at the town's Drama Center, run by 200 volunteers, added $72,000. There are no large corporations here, and persuading local businesses to underwrite programs instead of buying advertising on local commercial stations is difficult.

"We charge $50 a program a week," said Tina Majors, WCTE's director of development, "whether it's for a local program or one from PBS, but that's for a 13-week commitment. Some businesses won't commit to that, but they'll spend $100 for two spots in a big local event like Horse Show Night at the county fair."

Ms. Majors is WCTE's newest employee, hired about 18 months ago because of fears about losing financing. She is just about the only one who doesn't work on programs. "There's nobody here who can't run a camera," Mr. Castle likes to say.

Sue Gibbons, the traffic manager, said, "Richard and Donna's three boys grew up in the station, pulling cable and helping out." Russ Castle, 23, now works for a local radio station but still "runs a camera," unpaid, on all Tennessee Tech football games for WCTE. His 20-year-old twin brothers, Art and Roger, attend the University of Tennessee at Martin and run cameras (also without being paid) when they are home.

Steve Boots, the station's young assistant manager, describes his job as "anything from grabbing a broom to hosting a show." He was the host for the Upper Cumberland Academic Bowl in early April.

Channel 22's director of educational programming, Becky Magura, started out as a college intern in 1980 and has run the camera on hundreds of football and basketball games by now. She also produces the Academic Bowl shows and many segments for "Upper Cumberland Camera," a magazine-format show that appears every Thursday night.

That program—"52 new shows a year; we don't repeat," Mrs. Castle says with pride—has done segments on the effort to restore defunct movie theaters, on a conference offering advice to women in business, and on a Tennessee Tech professor using computer simulation in chemistry experiments.

The station also produces the "Upper Cumberland Business Profile," an interview program; "Education in the Upper Cumberland," and "Cumberland Cooking With Cathy." "When she did her Christmas show, we stupidly said, 'Send us an envelope if you want recipes,'" Mrs. Castle said. "We got over 600 requests. Joyce Hunter and I sat there and stuffed all those envelopes."

WCTE's productions look and sound as professional on the screen as most shows aired on Channel 13 in New York. Indeed, its one-hour special on the Smithville Fiddlers Jamboree was offered nationally by PBS, and more than 100 stations picked it up.

Teachers, parents and elderly residents watch the instructional programming offered every weekday between 9:30 A.M. and 2:30 P.M., including some courses for college credit. Mrs. Magura, the mother of a 4-year old, coordinates the schedule with PBS and makes sure teachers get the guides that go with it.

"A lot of our rural schools don't have VCR's," she said, "so teachers watch our program guide very closely. If something they want is on at 10:30 A.M., they put on the TV in their classroom at 10:30 A.M."

Mrs. Castle bristles at two frequent criticisms of public television: that it serves only an elite and offers too much provocative programming.

"People come up to me and say they watched 'Upper Cumberland Camera,'" she said, "and some of them go on and say, 'Boy I sure enjoyed that mystery program you had on.' So they watch us, and then maybe it leads them to watch 'Mystery' or 'Nova' or Charles Dickens, too."

As for programming, she points out that middle Tennessee has a cultural heritage of its own. "Our local programming gives people around here a positive image of themselves, too," she said. "It gives people things to feel proud of."

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, June 8, 1995, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 12

9:30 a.m.

Joint Economic

To hold hearings to examine certain issues relating to capitalism in the 21st century.

SD–106

JUNE 13

9:30 a.m.

Agriculture, Nutrition, and Forestry

To resume hearings on proposed legislation to strengthen and improve United

States agricultural programs, focusing on commodity policy.

SR-328A

Commerce, Science, and Transportation

To hold hearings on the nomination of Roberta L. Gross, of the District of Columbia, to be Inspector General, National Aeronautics and Space Administration.

SR-253

Energy and Natural Resources

To hold hearings on S. 755, to provide for the privatization of the United States Enrichment Corporation.

SD-366

10:00 a.m.

Finance

Social Security and Family Policy Subcommittee

To hold hearings to examine the financial and business practices of the American Association of Retired Persons.

SD-215

Foreign Relations

To hold hearings on numerous treaties relating to conventions and protocols on avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income and capital.

SD-419

10:30 a.m.

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To hold hearings on issues relating to NASA's mission to Earth program.

SR-253

12:30 p.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1996 for the Department of Defense, focusing on health programs.

SD-192

JUNE 14

9:30 a.m.

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD-366

Labor and Human Resources

Business meeting, to consider pending calendar business.

SD-430

JUNE 15

9:30 a.m.

Agriculture, Nutrition, and Forestry

Production and Price Competitiveness Subcommittee

To hold hearings on proposed legislation to strengthen and improve United States agricultural programs, focusing on commodity policy.

SR-328A

Energy and Natural Resources

To hold hearings on S. 871, to provide for the management and disposition of the Hanford Reservation, and to provide for environmental management activities at the Reservation.

SD-366

Rules and Administration

To hold hearings on proposed legislation authorizing funds for programs of the Federal Election Commission.

SR-301

JUNE 19

12:00 p.m.

Governmental Affairs

Post Office and Civil Service Subcommittee

To resume hearings on proposals to reform the Federal pension system.

SD-342

JUNE 20

9:30 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1996 for the Department of Defense, focusing on counternarcotic programs.

SD-192

JUNE 22

9:30 a.m.

Indian Affairs

To hold joint hearings with the House Committee on Resources Subcommittee on Native American and Insular Affairs on S. 487, to amend the Indian Gaming Regulatory Act.

SD-G50

JUNE 27

9:30 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1996 for the Department of Defense, focusing on ballistic missiles.

SD-192

JUNE 28

9:30 a.m.

Labor and Human Resources

Business meeting, to consider pending calendar business.

SD-430

Indian Affairs

To hold hearings on S. 814, to provide for the reorganization of the Bureau of Indian Affairs.

SR-485

JULY 13

9:30 a.m.

Indian Affairs

To hold hearings on S. 479, to provide for administrative procedures to extend Federal recognition to certain Indian groups.

SR-485

HOUSE OF REPRESENTATIVES—*Thursday, June 8, 1995*

The House met at 10 a.m.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

May we remember each morning, O loving God, to be grateful for all Your good gifts to us and to all people and remind us during all the hours of the day to have hearts of thanksgiving. At our best moments we know that the gifts of thanksgiving and gratitude are at the center of our humanity and Holy Scripture commends these virtues as marks of a healthy life. With all the duties that are before us and with all the responsibilities that never quite get done, we pray that we will never forget the practice of prayer, praise, and thanksgiving. May we not neglect to begin each day and to commence each responsibility with grateful hearts and sensitive spirits. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Colorado [Mr. HEFLEY] come forward and lead the House in the Pledge of Allegiance.

Mr. HEFLEY led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a concurrent resolution of the House of the following title:

> H. Con. Res. 67. Concurrent resolution setting forth the congressional budget for the United States Government for the fiscal years 1996, 1997, 1998, 1999, 2000, 2001, and 2002.

The message also announced that the Senate insists upon its amendment to the resolution (H. Con. Res. 67) "Concurrent resolution setting forth the congressional budget for the United States Government for the fiscal years 1996, 1997, 1998, 1999, 2000, 2001, and 2002", and requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. DOMENICI, Mr. GRASSLEY, Mr. NICKLES, Mr. LOTT, Mr. BROWN, Mr. GORTON, Mr. GREGG, Mr. EXON, Mr. HOLLINGS, Mr. JOHNSTON, Mr. LAUTENBERG, and Mr. SIMON, to be the conferees on the part of the Senate.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair announces that there will be twenty 1-minutes on each side.

WHITE HOUSE DEMONSTRATION WILL DRAMATIZE NEED FOR ADMINISTRATION SANCTIONS ON CUBA

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, today at noon the Cuban-American community will hold a rally in front of the White House to protest the immoral policy of the Clinton administration of repatriating freedom-seeking Cubans who escaped their homeland for liberty in the United States.

Through the accord, the Clinton administration once again has shown its foreign policy ineptitude, and specifically its lack of vision and effectiveness toward the formulation of a clear Cuba policy. Instead of supporting the desires for freedom for the Cuban people, the President has preferred to accept the empty promises from the ruler of a totalitarian state who promotes terrorism, and is about to finish construction of a potentially dangerous and unsafe nuclear powerplant just a few hundred miles from our shores. Yet, we hear only silence from the administration on these illicit acts by the Cuban dictator.

I hope that the President takes a look from the White House at today's demonstration, so he can listen to the voices of those Cubans who were forced to leave their country in search of freedom, and from those who suffered from the oppressive hand of the Cuban dictator. Maybe then the President will realize the diabolical consequences of his failed policy and join us in implementing new sanctions against the Cuban tyrant.

WHAT MASSIVE REPUBLICAN BUDGET CUTS MEAN TO RURAL MISSOURI

(Mr. VOLKMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VOLKMER. Mr. Speaker, the Republicans say "Listen to me, listen to my words, but don't watch what I do." What I am alluding to is a budget, a Republican budget that passed the House and also the one that passed the Senate, with massive cuts in Medicare and Medicaid in order to give tax relief to the wealthy.

What do these massive cuts for Medicare and Medicaid mean to rural Missouri, where I am from? It means loss, a huge loss in revenues for my hospitals. It means many of my senior citizens who are on a low income and Social Security will have to pay money they do not have in order to give tax cuts of $20,000 for those who earn over $250,000 a year. That is not right. That is not fair. That is mean-spirited.

We need rural hospitals in rural Missouri. We do not need them to be shut down because they want to give tax cuts to the wealthy. Mr. Speaker, think twice before you act.

HYPOCRISY ON ETHICS COMPLAINTS REGARDING BOOK ROYALTIES

(Mr. HEFLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HEFLEY. Mr. Speaker, I listened yesterday with interest as the whining and moaning voices from the other side of the aisle criticized the Speaker of the House. What were they criticizing him for? He wrote a book. He was doing a book tour. Actually, he might get paid for that book. They acted like there was something unusual or unethical about what he was doing.

I would just ask, Mr. Speaker, where were those same voices in 1990, when Senator GORE received $33,300 in book royalties? Where were they in 1991, when Senator GORE received $66,700 in book royalties? Where were they in 1992, when Senator GORE took a 35-city book tour and received $546,260 in book royalties? Where were they in 1993, when Vice President GORE received $310.84 in book royalties?

There is a difference, however, Mr. Speaker. Senator GORE received a $100,000 advance. Speaker GINGRICH received $1. Stop the hypocrisy; it does not play well.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

EXPRESSING PRIDE IN CAPTAIN O'GRADY AND HIS MARINE RESCUERS

(Mr. SKELTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SKELTON. Mr. Speaker, Americans awakened today to good news, the rescue of Capt. Scott O'Grady, the F-16 pilot whose plane was shot down last week by rebel Serbs over Bosnia. The successful mission was performed by the Marine Expeditionary Force, commanded by Col. Marty Berndt.

I share the pride in Captain O'Grady and the rescuing Marines that was so eloquently expressed earlier this morning by the President, our NATO Commander, Admiral Leighton Smith, and members of Captain O'Grady's family.

I had the pleasure, Mr. Speaker, of congratulating Colonel Berndt by telephone just a few moments ago. He was personally along on the rescue mission. I have visited our troops participating in Operation Deny Flight, which includes an A-10 reserve wing from Whiteman Air Force Base in Missouri.

All Americans should be grateful for the courage and for the dedication to this dangerous mission. We must also continue to support those who risk their lives every day in training and combat, in peace and war. All Americans, Mr. Speaker, are proud of Captain O'Grady, the rescuing marines, and all who wear the American uniform.

GOOD NEWS

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, I would like to continue on in the sentiment of the gentleman from Missouri [Mr. SKELTON] who has so eloquently expressed our pride this morning in our military. Indeed, it is a great pleasure to wake up to good news in the midst of all the trouble that we are experiencing in the Bosnia area.

According to the morning news reports, and as has been confirmed now, the American pilot downed in Bosnia has been rescued by American marines, and is safe aboard a United States ship. I am sure every American's heart sings to hear that news. This was a very risky rescue mission. It was extremely dangerous. It was no easy thing to do.

It took a lot of courage and professionalism, but the professionalism, team spirit, and perseverance of our military personnel, coupled with the grace of God, saw those marines through, and helped bring our young pilot out of danger, back to his family, and back to our shores.

With the commemorations of Memorial Day still fresh in our minds, this feat of bravery reminds us again the risks and sacrifices our men and women in uniform take very day. We wish the pilot and his family well, and we thank all the families of those brave young men and women who serve in our Armed Forces. They are always there when we need them. Thank God for them.

A SALUTE TO MARINE CAPT. SCOTT O'GRADY AND HIS RESCUERS

(Mr. GEPHARDT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEPHARDT. Mr. Speaker, I rise this morning to pay tribute to a remarkable act of courage that has taken place in the war-torn land of Bosnia.

I am talking about the rescue of Capt. Scott O'Grady, who had been missing for nearly a week, since his F-16 jet was shot down by the Bosnian Serbs.

Many had almost given up hope of Scott's return. But for 6 days, he survived on his own in the woods—and stayed out of enemy hands—because of what one marine colonel called his "guts and his training."

That is when an outstanding team of marines, led by Col. Martin Berndt, responded to his radio call, and braved fire from Serb forces to bring this American patriot back home.

Mr. Speaker, there are no words to express the gratitude of each and every American to Captain O'Grady, who placed his life on the line in the service of his country.

His valor, his perseverance, his cunning and skill in the toughest of circumstances are a tribute not just to the U.S. Marine Corps, but to America's fighting spirit itself.

As for his rescuers, I think it should be clear today that, as much as we need our weapons systems—as much as we need the sophisticated technology that keeps our troops safe and helps them do their jobs—the heart of our Armed Forces is the drive, the dedication, the determination of our men and women in uniform to do their best for America.

On behalf of every Member of this Congress, I salute them—I thank them—and I am grateful for the gift of Captain O'Grady's return to family and country.

PUT THE TAXPAYERS' INTERESTS FIRST: SUPPORT THE AMERICAN OVERSEAS INTERESTS ACT

(Mr. CHABOT asked and was given permission to address the House for 1 minute.)

Mr. CHABOT. Mr. Speaker, today, the House will have an opportunity to vote for a foreign aid bill which, for the first time in nearly a half-century puts the interests of the American taxpayer first.

H.R. 1561 eliminates three major Government agencies and more than 20 low priority programs. It cuts $3.7 billion from current spending over the next 2 years and it calls for savings of $21 billion over the next 7 years.

The American Overseas Interests Act finally brings an end to the foreign policy status quo. It concentrates our limited resources on helping our friends to help themselves, it improves our global antiterrorism efforts and it strengthens our hand in the area of international narcotics control.

Mr. Speaker, Chairman GILMAN and the International Relations Committee have crafted a good bill—a bill which protects the interests of the American taxpayer and brings an end to the foreign aid status quo. I urge my colleagues to support the American Overseas Interests Act.

OVERSEAS INVESTMENT

(Mrs. SEASTRAND asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SEASTRAND. Mr. Speaker, when is a spending cut a spending cut? Today, as we are considering the Overseas Interests Act that recognizes that we have won the cold war, we will answer that question.

The bill we are considering today reduces, diminishes, lessens, curtails, lowers and yes, cuts foreign aid. It concentrates on cutting aid to countries that do not support us in the United Nations. It punishes the countries that supply weapons to terrorist states. It refocuses our efforts on the countries that do support American interests overseas.

The new majority in this Congress are serious about cutting spending and eliminating agencies in this bill. We save the taxpayers $21 billion over 7 years. That is a cut. We eliminate three major agencies in the first major restructuring of our foreign affairs operation in 50 years. That is a cut.

When is a spending cut a cut? It is today, when we debate and continue discussion on the Overseas Interests Act.

TWO WEEKS' DEBATE ON MONEY FOR FOREIGN AID, BUT NO FUNDING TO SOLVE AMERICAN PROBLEMS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, let us see if I can understand this. There are 25,000 murders a year. We have a Tax Code that is literally killing us. The IRS keeps ripping us off. We have parents without children, Social Security being raided, Medicare almost broke, a record number of school dropouts, workers losing their pensions, losing their health insurance benefits, workers losing their jobs, massive budget deficits, huge trade deficits, and, Mr. Speaker, the Congress of the United States has been debating foreign aid for 2 solid weeks.

Beam me up, Mr. Speaker. Is it any wonder why America is so angry with their Government? While we debate foreign aid and more money for overseas, America is going to hell in a handbasket. Think about it.

CONCERN FOR THE REPUTATION OF THE HOUSE RAISED BY UNRESOLVED QUESTIONS ON SPEAKER'S BOOK DEAL

(Mr. THOMPSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON. Mr. Speaker, I rise today out of concern for the reputation of this institution. It is devastating when the Speaker of the House of Representatives does not stand by his words. NEWT GINGRICH announced earlier this year that he would not sign his book deal with Rupert Murdoch until the Ethics Committee had approved the contract. The jury is still out. And what has the Speaker done? He has ignored the Ethics Committee and signed the contract anyway. Maybe the Speaker knows something that we do not know. Is it because every single Republican on the Ethics Committee has a conflict of interest in the Speaker's case? Is it likely that they cannot be credible as judge and jury?

Mr. Speaker, how can NEWT GINGRICH make such an outrageous claim, that if the Ethics Committee has not finished its deliberations, then he will assume that no rules have been broken. The Ethics Committee clearly said to the Speaker not to make such an absurd assumption. Once again, the Speaker has demonstrated that he will not allow the Rules or the Ethics Committee to stand in the way of his multimillion-dollar book deal. Is this the same person who led the call for an investigation of the former Speaker of the House, Jim Wright? I ask today, out of fairness to the American people, appoint an outside counsel. What's good for the goose is also good for the gander.

TIME FOR THE ETHICS COMMITTEE TO THROW OUT RIDICULOUS CHARGES

(Mr. LINDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LINDER. Mr. Speaker, I appreciate what the gentleman who spoke just before me brought up, because of an opportunity to respond to what the Ethics Committee is not willing to do. The fact of the matter is the Speaker did submit a contract for its review. The only role that the Ethics Committee has in this is to determine whether the contract is too generous. In fact, any Member can write a book in this House without having approval, but if the contract is too generous, such as Speaker Wright's, where he got 55 percent royalties, it becomes a gift.

The same contract that the Speaker submitted before two times and was approved in 3 weeks was submitted this time. It is not being approved by the Ethics Committee because the Democrats refuse to approve the very same contract that AL GORE got approved, that the gentleman from Michigan, DAVID BONIOR, got approved.

As a matter of fact, one of the ethics charges is that he used an 800 number on the floor of the House. So did 11 others. Do we discharge that complaint, or do we file complaints against the 11 others? One of the charges is that a cable channel carried his course. Every one of the Members plays on the cable channels for free. Do we level charges against each of them? It is time for the Ethics Committee to throw out these ridiculous, frivolous charges.

PRESIDENT CLINTON COMMENDED FOR VETOING RESCISSIONS BILL

(Mr. FIELDS of Louisiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FIELDS of Louisiana. Mr. Speaker, today I rise to commend President Clinton for his leadership in vetoing the mean-spirited rescission bill that passed this body. It is unbelievable that our President has to use his first veto on a bill to stand up for our children and our future. Investing in our children with programs like Goals 2000, Safe and Drug Free Schools, AmeriCorps, and School to Work Programs promote the betterment of our country.

Drastically reducing funds which go toward educating our children sends a bad signal to the rest of the world, telling them, we do not want to be competitive in the next century, we do not want to train our children to be the best that they can be, we do not want drug education in our schools. We need to stop this nonsense of cutting $16 billion in domestic aid that affect our children at home and turning around to authorize $16 billion for foreign aid for people abroad. Again, I commend President Clinton for vetoing this ill-advised rescissions bill.

THE PRESIDENT'S VETO OF THE TAX SAVINGS BILL

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, featuring interactive dialog with John Kennedy, Lyndon Johnson, and Richard Nixon, "Forrest Gump" proved that to star in a movie, one not only does not have to be an actor, but through modern technology, you do not have to be alive anymore, either.

Yesterday, by vetoing the $16 billion tax savings bill, the Clinton administration proved a similar phenomenon: That is, even a dead presidency can continue to enhance its reputation as a big spending friend of bureaucracy long after its political life has expired. That is right. Without asking anybody, Mr. President just went ahead and vetoed.

For a short while, he will be the hero of the big spenders in Washington and the bureaucracy, but the American people will demand: If not these cuts, which cuts; if not this rescission, which rescission; if not these programs, which programs?

If you want relevancy, Mr. President, join the debate. Show us where you want to save the taxpayers' dollars.

□ 1020

MEDICARE

(Ms. VELÁZQUEZ asked and was given permission to address the House for 1 minute.)

Ms. VELÁZQUEZ. Mr. Speaker, I rise to take strong exception to the Republicans' proposed massive Medicare cuts.

These cuts will force senior citizens in my district and around the country to pay $3,500 over 7 years. Many seniors will have to make hard choices between food on their table or the medical attention that they desperately need to survive.

Slashing Medicare will not only hurt seniors, it will hurt all Americans. Medicare cuts will hurt many hospitals that rely heavily upon Medicare reimbursement.

Republicans argue that these cuts are necessary to save the system. However, the very same Republican budget that cuts Medicare contains a $288 billion tax giveaway for the most affluent Americans.

Senior citizens have worked hard and contributed all their lives to this country. They deserve affordable health care. Let us end these shameless cuts and consider real health care reform.

REPUBLICANS FIGHTING FOR SENIORS

(Mr. FOX of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOX of Pennsylvania. Mr. Speaker, the fact is that the Republicans have in fact looked at the problem and seen that the Medicare trust fund will go out of business by 2002. We will have no Medicare. But under our proposal, there is an increase from $4,700 to $6,300 for the Medicare recipients.

This is not a cut. Only in Washington, DC can an increase be a cut.

Working in a bipartisan fashion, we want to make sure our seniors are protected.

Not only are we going to protect Medicare but we are making sure that Social Security is off the table. More importantly, we just recently rolled back the 1993 increase in Social Security taxes and we allow seniors under 70 years old not to be capped at $11,280 for income but be able to make up to $30,000 a year over the next 5 years without deductions from Social Security.

We are fighting for senior citizens. We ask that everyone join together and work with us so that we can make sure that Medicare is preserved, protected, and improved.

CALL FOR AN OUTSIDE COUNSEL IN SPEAKER'S ETHICS CASE

(Mr. WISE asked and was given permission to address the House for 1 minute.)

Mr. WISE. Mr. Speaker, the Speaker of our House is an intelligent person. He is a student of history. He has been a professor of history and indeed he has helped write a lot of recent history. He knows well the historical precedent to avoid even the semblance of conflict or impropriety.

Now the House and the House Ethics Committee faces an important question on ethical violations—

Questions concerning the activities of GOPAC under the control of the Speaker; questions concerning possible conflicts of interest with a book deal and a publisher who might have involvement and interest before this body.

Despite promises that the Ethics Committee would approve any signing of a book deal, the Speaker went ahead and signed it, anyway, and then received a letter from the Ethics Committee saying you should not make any assumptions about our signing or approving that conduct.

In previous high-profile cases, 22 out of 46 since 1968, an outside counsel has been appointed including for the most recent Speaker under investigation, Speaker Wright. Today the Ethics Committee is deadlocked on partisan lines.

Historical precedent is clear here—avoid even the semblance of a conflict. I would urge the appointment of an outside counsel.

THE ANSWER IS NO

(Mr. McINNIS asked and was given permission to address the House for 1 minute.)

Mr. McINNIS. Mr. Speaker, on June 4, 1992, on "Larry King Live," then-candidate Bill Clinton said, "I will present a 5-year plan to balance the budget."

About 3 weeks ago, President Clinton said that he would balance the budget within 10 years. What do we have today? We have got nothing. It is 3 years later from the original promise and the American people are still waiting to hear from this President on a balanced budget.

Two nights ago on "Larry King Live," the President once again artfully dodged Larry King's question about the lack of any attempt by the administration to balance this budget.

We have got to balance the budget in this country. We have a huge problem in this country that is accumulating at a rate of $33 million an hour.

What does our President do? He goes out and vetoes the first serious attempt in a long time to cut spending.

Does he have an alternative? The answer is no.

Can he balance the budget in 5 years? The answer is no.

Can he balance the budget in 10 years? The answer is no.

Is he even going to try? The answer is no.

Mr. Speaker, it is up to us, the Republicans in the U.S. Congress, to balance this budget.

EDUCATION AND ENVIRONMENTAL PROGRAMS BRIGHTEN WITH PRESIDENT'S VETO OF RESCISSIONS BILL

(Mrs. MALONEY asked and was given permission to address the House for 1 minute.)

Mrs. MALONEY. Mr. Speaker, I rise this morning to commend President Clinton for vetoing a bill that took food out of the mouths of children, heat out of the homes of the elderly, and trees out of national forests.

The bill cut student loans and summer jobs for young Americans trying to do something with their lives. It used money for those programs to provide timber barons with massive Government subsidies. This is a clear-cut case of clearcutting.

The new majority has taken a chain saw to education funding and to our disappearing natural resources. But the President's pen was mightier than the chain saw.

His first veto was a defining one. He stuck up for education and the environment.

The Republicans stuck up for corporate welfare and environmental destruction.

Mr. Speaker, the new majority has passed some awful legislation. I hope the President's veto pen has plenty of ink.

THE TRUTH

(Mr. HOKE asked and was given permission to address the House for 1 minute.)

Mr. HOKE. Mr. Speaker, one after another of our liberal colleagues take to the well to carp, to moan, to deceive and to distort. * * * They can say the most outlandish things with such ease, you would swear that it was Mephistopheles himself that was up there speaking.

For instance, they say that Republicans are drastically cutting Medicare. It is not true and they know it. Far from cutting Medicare, Republicans are strengthening the program and saving it from certain bankruptcy as said so by the trustees of the program itself. * * *

It is there. Why are my——

Mr. GENE GREEN of Texas. Mr. Speaker, I would ask that the gentleman's words be taken down. Twice during this time, he called the Members of Congress liars and I would like to have those words taken down or an apology issued.

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman will suspend and the Clerk will report the words.

PARLIAMENTARY INQUIRIES

Mr. LINDER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. LINDER. Mr. Speaker, if the appropriate rule with respect to accusations of untruths arise, does it require you specify a certain Member of Congress? In other words, must it be specific as to a certain Member?

The SPEAKER pro tempore. The Chair will not issue an anticipatory ruling. The Chair will wait until the words of the gentleman have been reported by the Clerk.

Mr. WISE. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. WISE. Mr. Speaker, I think the gentleman raises an important point which I would like to frame as an inquiry in the same vein. When would be the proper time to do that?

The SPEAKER pro tempore. At the conclusion of the disposition of the Clerk reporting the words of the gentleman from Ohio [Mr. HOKE].

□ 1025

Mr. GENE GREEN of Texas. Mr. Speaker, if we could also make sure a sentence before the term "liar" or "liars" is used so we can see the total context, if that is possible.

Mr. VOLKMER. I have a parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman will state his parliamentary inquiry.

Mr. VOLKMER. Mr. Speaker, while the gentleman's words are being taken down, where is the gentleman supposed to be? Where is the gentleman supposed to be while his words are being taken down?

The SPEAKER pro tempore. The gentleman is required to be seated.

Mr. VOLKMER. He has not been seated, he has been speaking with the Parliamentarian.

The SPEAKER pro tempore. The gentleman from Ohio will please be seated.

Mr. HOKE. Mr. Speaker?

The SPEAKER pro temore. For what purpose does the gentleman rise?

Mr. HOKE. To request unanimous consent that the word "lies" be stricken and to proceed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. VOLKMER. Reserving the right to object, Mr. Speaker——

The SPEAKER pro tempore. The gentleman from Missouri will proceed with his reservation.

Mr. VOLKMER. At this time will the gentleman apologize for using the words to this House?

Mr. HOKE. Mr. Speaker, my understanding with respect to this—having——

May I answer the question?

Mr. WELDON of Pennsylvania. Regular order, Mr. Speaker.

Mr. HOKE. My understanding is that references in general to the entire group, either of Republicans or Democrats, with respect to that word are in fact in order. But I am willing to withdraw that word, and if we are going to move in a different direction with respect to that, I have no problem with it in the future. But, and so I feel perfectly, so I think the proper thing to do is to ask unanimous consent to withdraw the word.

Mr. VOLKMER. Will the gentleman also issue an apology—I am reserving the right to object—to this House for using that word in the House?

Mr. HOKE. The word, that word has been used many times in the context of general spoken admonition to an entire group by both sides. If we are going to go in a different direction, that is fine with me.

Mr. GENE GREEN of Texas. Mr. Speaker, continuing to reserve the right to object, could we possibly have the words read to the House, both the sentence before, and frankly in two cases during the 1 minute of my colleague I heard the word "liar." I would like to hear both of them.

The SPEAKER pro tempore. It is the Chair's understanding that the Clerk has been transcribing that for some time now. Does the gentleman continue under his reservation?

Mr. WISE. Mr. Speaker, will the gentleman yield under his reservation?

Mr. VOLKMER. I yield to the gentleman from West Virginia.

Mr. WISE. Mr. Speaker, my concern, I would say to the gentleman from Ohio, is yes, there is in the precedent a general application of the word. However, then you get down to the question, and this is what I would propound to the Chair at the appropriate time, you get down to making it more and more specific. In this case several Members on this side of the aisle had risen to make certain statements about Medicare. I think it can be reasonably inferred that the gentleman's remarks went directly to them, not to a body at large, and that is why the apology is sought.

Mr. HOKE. Well, I would disagree with you. I think when the words are respoken or reread you will see that the words are very general in nature; they have to do with liberal colleagues, and that is who is being spoken to. The word "liar" is not there; the word "lies" is there. And it has nothing to do with a specific person. It is not directed to a specific person, and I would just as soon have it clarified. If we are not going to use the word "lies" to describe untruths in the future and we use the word untruths, then let that be the new rule, but at least let us have consistency with respect to this. If we can use the word "lies" to describe words that are spoken regarding a——

The SPEAKER pro tempore. The gentleman will suspend.

Mr. HOKE. Then we will do it that way.

The SPEAKER pro tempore. The gentleman will suspend.

The Clerk will report the words.

The Clerk read as follows:

> One after another after another of our liberal colleagues take to the well to carp, to moan, to deceive and to distort. The lies roll off their tongues so easily. They can say the most outlandish things with such ease, you would swear that it was Mephistopheles himself that was up there speaking.
>
> For instance, they say that Republicans are drastically cutting Medicare. It is not true, and they know it.
>
> Far from cutting Medicare, Republicans are strengthening the programs and saving it from certain bankruptcy as said so by the trustees of the program itself. They tell the same lies about the programs for children, about education, about nutrition, you name it.

The SPEAKER pro tempore. Does the gentleman renew his unanimous-consent request?

Mr. VOLKMER. I object, Mr. Speaker.

The SPEAKER pro tempore (Mr. LATOURETTE). An objection has been heard.

The Chair is prepared to rule.

The Chair's ruling is that the use of the word "lies" in that context as it relates to specific Members and generally as it relates under the Rules of the House regarding Members' participation in debate, is inappropriate and is a breach of decorum.

Mr. VOLKMER. Is inappropriate?

The SPEAKER pro tempore. Is inappropriate and a breach of decorum.

Mr. VOLKMER. And the gentleman's words will be stricken?

The SPEAKER pro tempore. Without objection, the words will be stricken.

There was no objection.

PARLIAMENTARY INQUIRIES

Mr. WISE. I have a parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. WISE. Mr. Speaker, does that also mean that since the gentleman's words were stricken, the gentleman is not permitted to take the floor for the rest of the day?

The SPEAKER pro tempore. Without objection, the gentleman may proceed in order.

Mr. WISE. Reserving the right to object, I presume the Chair is making that unanimous-consent request on its own, because I did not hear a unanimous-consent request that the gentleman be permitted to take the floor. Would some other gentleman wish to?

Mr. LINDER. Mr. Speaker in keeping with the policies of the past 2½ years that I have been here, I would like to ask unanimous consent that the gentleman be allowed to be maintained on his feet on the floor of the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The SPEAKER pro tempore. It is so ordered. The gentleman from Ohio [Mr. HOKE] may proceed in order.

The gentleman has 15 seconds remaining.

Mr. HOKE. Why are my liberal colleagues so shall we say economical with the truth? Because they are in a panic, they have no new ideas to offer, no alternatives to pose, no plans of their own. They still do not understand what happened last November. Will they say anything and will they do anything to regain the power that they feel is their birthright? I believe they will. Maybe it will take another election to prove this.

PARLIAMENTARY INQUIRIES

Mr. LINDER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. LINDER. Mr. Speaker, is it not under the longstanding rules of the House inappropriate to address on the floor of the House matters that are under discussion and not disposed of in the Ethics Committee?

The SPEAKER pro tempore. The gentleman is correct.

Mr. WISE. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. WISE. Under that same principle, though, is there not a difference between matters that might be under consideration by the Ethics Committee and matters and allegations dealing with any particular Member that are important before the body, particularly if the body or some of the body is pressing for the appointment of a counsel to remove it from the Ethics Committee?

Finally let me add to that parliamentary inquiry, I thought the principle of this House as expressed by the Speaker of this House on March 8 in a press conference was, essentially paraphrasing, anything can be spoken about on the House floor? Mr. Speaker.

The SPEAKER pro tempore. It is the Chair's understanding that that matter was clarified from the Chair the other day, first of all. Second, that Members should not refer to matters pending before the Ethics Committee.

Mr. WISE. Mr. Speaker then I have this parliamentary inquiry, and I quote:

> The fact is, Members of the House are allowed to say virtually anything on the House floor. * * * It is protected and has been for 200 years. * * * It is written into the Constitution.

That was by Speaker GINGRICH on March 8, 1995. Is that not, is that not the policy? Was the Speaker——

Mr. LINDER. Mr. Speaker, that is not a parliamentary inquiry.

The SPEAKER pro tempore. The Chair believes it was. It is the Chair's understanding the Speaker pro tempore, Mr. BURTON, clarified that issue May 25 from the Chair.

Mr. WISE. Mr. Speaker, what was his ruling? Could the Chair clarify that for those of us who were not here?

The SPEAKER pro tempore. The Chair's ruling was that references in debate should not be made to ethical conduct of Members.

Mr. WISE. So then the announcement by the Speaker of the House has been preempted by that, by the Speaker pro tempore?

Mr. KOLBE. Mr. Speaker, regular order. That is not a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman is correct, that is not a parliamentary inquiry.

Mr. LINDER. Mr. Speaker, is it not true matters can be spoken on the floor of the House within the rules and it is explicitly against the rules to refer to matters before the Ethics Committee before the House?

The SPEAKER pro tempore. That was the precedent and that is the rule.

Mr. WISE. Mr. Speaker, a parliamentary inquiry: Does that mean any matter before the Ethics Committee? I would like the Speaker to answer that.

The SPEAKER pro tempore. The gentleman is correct.

Mr. WISE. Does that mean any matter that might be brought to the Ethics Committee or letter that has been sent to the Ethics Committee. When is a matter before the Ethics Committee?

The SPEAKER pro tempore. Members should not engage in personalities in debate and discuss the ethics of Members.

Mr. WISE. Mr. Speaker, a further parliamentary inquiry: If the proceedings of the Ethics Committee are secret, how do we know what is before the Ethics Committee?

The SPEAKER pro tempore. The Ethics Committee can report the matter in a proper way.

Mr. WISE. But how do I know not to wander into this area if I do not know what the area is because the proceedings are secret; that is what I do not understand.

The SPEAKER pro tempore. Or a Member may rise to a proper question of privilege.

Mr. WISE. A parliamentary inquiry: A question of privilege to what? If the Speaker would guide the House we might avoid some of this.

The SPEAKER pro tempore. To offer a resolution with respect to a matter and during the perdency of the resolution those matters may be discussed.

Mr. WISE. I thank the Chair.

THE SPEAKER AND THE ENTERTAINMENT INDUSTRY

(Mr. BONIOR asked and was given permission to address the House for 1 minute.)

Mr. BONIOR. Mr. Speaker, I awoke this morning to an article in the paper entitled "Cecil B. Gingrich." Now it seems a major production studio is eying Mr. GINGRICH's novel "1945" for the big screen.

The novel contains a sex scene between a spy and the White House chief of staff, which led BOB DOLE to include the book in his criticism of the entertainment industry.

Mr. GINGRICH's Hollywood agent says he expects the Georgia Republican to receive more than $1 million in movie rights. At a time when Speaker GINGRICH is asking senior citizens to take $1,000 out of their pockets to pay for tax breaks for the rich, he is out there lining his own pockets with multimillion-dollar deals from media moguls and Hollywood producers.

MAKE ENGLISH OUR OFFICIAL LANGUAGE

(Mr. ROTH asked and was given permission to address the House for 1 minute.)

Mr. ROTH. Mr. Speaker, I want to thank the Speaker for endorsing English as our official language yesterday in his speech before the Iowa Chamber of Commerce. It is a fight I have been engaged in for a long time.

We Americans are a people from every corner of the globe, every religion, every ethnic background you can think of, but we are one Nation, one people. Why? Because we have a wonderful commonality called the English language. We are losing that today and losing it very quickly. One out of seven Americans does not speak English. U.S.A. Today has reported that it costs some $12 billion a year at the Federal, State, and local level for bilingual education. I think it is time we go back to the concept again of one Nation, one people.

In Los Angeles now you can vote in seven different languages. In many parts of the country English is not the language that is spoken. And while we want everyone to have a chance to protect their culture, speak any language they want at home, to protect their culture and promote their culture, I think it is very important when you deal with the Government, when you vote, you do it in the English language so we can keep our wonderful commonality, we can keep this common glue that has held our country together so we do remain one Nation, one people, one flag, and yes, one language.

JAPAN SHOULD OPEN ITS MARKETS

(Ms. KAPTUR asked and was given permission to address the House for 1 minute.)

Ms. KAPTUR. Mr. Speaker, last week a full-page advertisement appeared in the Washington Post that stated: "Leading Newspapers Agree: U.S. Trade Sanctions On Japan Are Not The Answer." The Washington Post raked in over $25,000 on this one ad. The Wall Street Journal, another opponent of the sanctions, printed a similar ad, but the charges there were over $123,000 for a page. Here on Capitol Hill, Roll Call, a newspaper that goes to every congressional office, printed an ad opposing the sanctions that cost $6,200.

There is big money to be made by newspapers in opposing United States trade sanctions on Japan and in opposing the American people in the process, but is it not revealing who has their hands in the honey pot.

I would like to say who is going to stand up for the 700,000 United States workers employed in the auto industry, the 4 million workers who work in the textile, semiconductor, paint, and plaster industry and millions of Americans who would have jobs in the industry if Japan would open its markets?

PRESIDENT VETOES DISASTER RELIEF

(Mr. GUTKNECHT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUTKNECHT. Mr. Speaker, earlier this year this House passed a responsible bill that provided emergency funds for those who were affected by disasters throughout the country. Just like ordinary Americans we cut spending elsewhere to offset these new expenses. But the President says we cannot provide relief to those in need.

So to those living in California who were devastated by earthquakes and fires, I am sorry, the President says your plight is not important enough to him. To those in Oklahoma City, still reeling from your loss, I am sorry, this time the President does not feel your pain.

The responsible rescissions bill that the President vetoed yesterday would have provided disaster relief to more than 40 States throughout this country.

How do you spell, "Relief." Well, unfortunately for needy Americans, if you're this President of the United States, you spell it V-E-T-O.

MEDICARE CUTS MEAN A WINDFALL FOR THE WEALTHY

(Mr. NADLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NADLER. Mr. Speaker, I rise today to express my outrage with the Republican proposal to force the Nation's seniors to pay for their tax cut for the rich. The Republican budget proposal would force our seniors to pay more than $1,000 out of pocket for medical care each year, while giving the very wealthiest 1 percent of Americans an annual windfall of $20,000.

It is outrageous that at a time when our Nation's seniors are struggling to make ends meet the Republicans have chosen to make their medical care more expensive. We must not force our seniors to pick up the tab for a huge tax break for the very wealthiest Americans. The Republicans claim that they must cut Medicare because they project that the system will be out of money in 7 years. But even if you accept their figures, and I certainly do not, most of the $286 billion the Republicans would cut from Medicare and take from our senior citizens would be used to pay for their tax cuts. A windfall for the very wealthy, not to save the future of Medicare for seniors.

For shame.

TRIBUTE TO THE LATE HONORABLE MAX McCARTHY

(Mr. QUINN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. QUINN. Mr. Speaker, I rise today to honor the memory of Richard Dean McCarthy, better known as Max McCarthy, who recently passed away. Max was a member of the House of Representatives from 1965 to 1970.

Max last worked for the Buffalo News as the Washington bureau chief. His last column appeared in the News 2 days after he had died. In the words of the Buffalo News, "Max was an outstanding citizen of Buffalo, outstanding patriot and a fine newspaperman."

Max McCarthy served our Nation in two wars. He was with the Navy in the Pacific Theater in World War II and with the Army in the Far East during the Korean war.

After serving Buffalo and western New York in the House for three terms, Max lost a bid for the U.S. Senate and then worked as press attache in the United States Embassy in Iran. Prior to working for the Buffalo News, Max also worked in the White House as an adviser in legislative affairs in the Carter administration.

Max was a avid writer. He was first published in the Buffalo News as a corporal in the Army, stationed in Japan in 1952. He sent accounts of military life to the Buffalo Evening News and they published his stories. Max also wrote some books, one of which led to congressional hearings, policy reviews, and the cancellation of a plan to dump outdated nerve gas in the sea.

Max was known for his honesty and integrity. He received numerous awards and recognitions for the service he provided to the western New York community in many different ways. Western New York is still reaping the benefits of many of Max McCarthy's projects.

Max lost his long fight with Lou Gehrig's disease in early May. He will be missed by his family and the community.

PREVENT CHANGES IN MEDICAID

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, the House Republican budget resolution in my opinion is heading us toward block granting Medicaid with strict caps on funding provided by the Federal Government to the States. These proposed caps in Federal spending will reduce services to individuals who benefit from Medicaid. As with Medicare, I believe that Medicaid should be reformed, but in the context of health care reform.

One-third of the spending for Medicaid provides benefits to senior citizens, especially in obtaining long-term care such as nursing home care. Another third of the funding assists those who are disabled or blind. As the program is currently structured, by the beginning of the next decade, every child and pregnant woman will receive health care services, universal coverage in effect for children. My fear is that by making the proposed cuts in this program, many of these people will see a reduction in their health care services, and may not even continue to receive health benefits.

This is a very negative effect of the House Republican budget, and I hope that we can in Congress over the next 6 months prevent these changes in the Medicaid Program.

PRESIDENT'S VETO FAVORS BIG GOVERNMENT, ABANDONS DEFICIT REDUCTION EFFORTS

(Mr. RADANOVICH asked and was given permission to address the House for 1 minute.)

Mr. RADANOVICH. Mr. Speaker, President Clinton's veto of the rescissions bill goes to the heart of the reason why the liberal Democrats lost control of Congress last year. Liberals are totally committed to big government, and it it totally outside their realm of understanding to reduce the deficit. They are incapable of thinking in terms of less government and less bureaucracy. Their political commitments and rigid ideology render them completely ineffective in solving the problem of deficit spending.

When liberals like Bill Clinton get up and say they want to reduce the deficit, you have to wonder who he is trying to fool.

I cannot for the life of me figure out how President Clinton has any credibility on deficit reduction or the budget.

By vetoing the rescissions bill, the President says that big government and big bureaucracy are more important than our children's future. This is why liberals lost control of Congress. They say one thing, but do another. Liberals may say they want to balance the budget, but their actions say that government is more important than people, and certainly more important than America's future.

THE PRESIDENT'S VETO—THE RIGHT THING FOR AMERICA

Mr. HILLIARD. Mr. Speaker, I rise today to commend President Clinton for his veto of that awful rescissions bill that the Republicans tried to inflict on the American people. This bill was a direct assault on our children, our seniors, and our needy. The Democrats have a better plan.

I believe that we can reduce the deficit without cutting programs like student loans and Medicare. Education should be our top priority, and the Republicans have sadly neglected and ignored the needs of America's youth.

The President's alternate proposal includes cutting out billionaire tax loopholes, cutting government overhead, and cutting foreign aid. These are areas that should be cut, not programs that the American people depend on.

The President did the right thing. Now it is up to Congress to do the right thing for America.

RESCISSIONS VETO IRONIC

(Mr. HERGER asked and was given permission to address the House for 1 minute.)

Mr. HERGER. Mr. Speaker, how ironic.

What did a President who campaigned on reducing Government spending choose as his first veto? He chose to veto a bill that reduces Government spending. It's no wonder that people in America are confused about where the administration wants to take this country.

This bill provides $9 billion in real deficit reduction. It takes a first step to balancing the budget—which will lower interest rates, stimulate job growth and provide a sound future for our children.

But the President would rather play politics.

Contrary to what the Democrats are claiming, this bill does not hurt education. Programs such as Head Start, Education for the Disadvantaged and Student Financial Assistance aren't even touched. Even where spending is slightly reduced, programs are still being funded at higher levels than last year.

When are the Democrats and the President going to stop playing politics and come to the table with real alternatives?

If they don't want to be part of the solution, then let them stop being part of the problem.

□ 1053

DO WE CHOOSE PORK OR PEOPLE?

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, yesterday, President Clinton vetoed a bad bill proposed by the Republican leadership that would have cut crucial education and job training programs for our young people, in order to fund wasteful pork projects. As that legislation comes back to Congress, it is time to reassess our priorities. Do we choose pork or people?

Democratic priorities are clear. We want to work to make a better future for America's working families. Education and job training help to give our young people the tools they need to succeed in life. They should not be sacrificed for another multimillion-dollar courthouse or another needless tax giveaway to the wealthy.

I believe that Democrats and Republicans can work together to fashion a package of cuts that will preserve crucial education and job training programs and achieve deficit reduction. The bill that the President vetoed yesterday failed on both counts, and, therefore, failed America's working families. The President was right to veto it.

SUPPORT URGED FOR PASSAGE OF THE AMERICAN OVERSEAS INTERESTS ACT

(Mr. GILMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GILMAN. Mr. Speaker, today the House will complete debate and vote on one of the most important bills affecting the operations of our foreign affairs agencies and programs since the cold war.

H.R. 1561—the American Overseas Interests Act eliminates three Federal agencies—cuts spending by $3 billion over 2 years—and by a total of $21 billion over the 7-year glide path to a balanced budget.

It is a major step in the direction of downsizing and streamlining the Federal Government, as well as reducing the deficit.

H.R. 1561 also is about ensuring that our Nation continues as a world leader by targeting scarce resources toward priorities that serve American interests. H.R. 1561 is about supporting peace and stability in the Middle East and getting nuclear weapons out of Russia and the other former Soviet states.

H.R. 1561 has been endorsed by former Secretaries of State Jim Baker, Alexander Haig, Henry Kissinger, and Larry Eagleburger. Accordingly, on final passage, I urge our colleagues to join in supporting this highly important measure.

A GOOD NEWS MORNING

(Mr. SCHUMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHUMER. Mr. Speaker, today, for the first time in a long time, Americans woke up to a good news morning. First, Mickey Mantle, my childhood hero and that of many of my generation, is now on the road to recovery.

Second, Capt. Scott O'Grady, a young man who could become a hero to a new generation of Americans, was rescued from Bosnia by a stalwart group of Americans. Captain O'Grady braved 5 days in hostile territory and waited for just the right moment to send his radio signal. A team of 40 aircraft kept the Serbs at bay while, in a spectacular rescue, helicopter gunships rescued Captain O'Grady.

Today, Mr. Speaker, all Americans, from the President down to the average person on the street, can take justifiable pride in the bravery of Captain O'Grady and his Marine rescuers.

To Captain O'Grady and to Mickey Mantle, good luck and Godspeed.

CELEBRATING THE DAY OF PORTUGAL

(Mr. BLUTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLUTE. Mr. Speaker, today I rise to honor the millions of Portuguese-Americans across our Nation by calling attention to the day of Portugal.

This Saturday the Portuguese-American community will gather to celebrate their heritage and many positive contributions they have made to America.

Throughout the history of the United States, Portuguese-Americans have had a tremendous impact on the success of our country. From John Philip Sousa, who authored "The Stars and Stripes Forever," to Benjamin Cardozo, a member of the Supreme Court of the United States, to Cardinal and Archbishop Medieros of Boston, and to our own distinguished colleague, the gentleman from California [Mr. POMBO], the Portuguese-American community have helped to make America the great country that it is.

There are approximately 2 million Americans who are of Portuguese descent. The United States Congress today joins them in celebrating their heritage day of Portugal this weekend.

THE PRESIDENT NEEDS TO SHOW LEADERSHIP

(Mr. SCARBOROUGH asked and was given permission to address the House for 1 minute.)

Mr. SCARBOROUGH. Mr. Speaker, like another Member who came up earlier today, I want to talk about the President's veto of the rescissions bill.

The President, of course, does not think it is a good bill. I think the bill has problems, too, but obviously not for the same reasons that the President thinks. I do not think it goes far enough. I do not think it shows enough courage.

If you want to talk about saving education programs and saving education, you need to do it back in the States. We left some money in for Goals 2000. I think Goals 2000 needs to be zeroed out. We need to get to a point in this Congress where we believe that our parents and our teachers and our communities are not so stupid that they do not know how to educate their own children.

Let us educate children at home and let Washington bureaucrats worry about what Washington bureaucrats worry about.

The President needs to come forward with some real spending cuts and show some leadership, for a change. That is something he has not done in these first 5 months of Congress, and it is something that he needs to do or else we are not going to be able to balance our budget.

THANKING THE PRESIDENT FOR HIS LEADERSHIP

(Mr. GENE GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Speaker, the rescission bill was bad policy. It cuts education programs for children. The rescission bill cuts safe and drug-free schools, drastically reducing the funding to a little less than $10 million.

Yesterday I was honored to be at the White House when the President honored 98 schools who received safe and drug-free school funds for their commitment to education in fighting crime and drugs.

One of those schools recognized was Crespo Elementary, in Houston's independent school district, an inner-city school district located in the 29th Congressional District.

When the doors of Crespo Elementary opened in 1992, it was an inner-city school. Everyone expected it to be low performing. In 2 years that school has been recognized as a school by the Texas Education Agency for its academic performance and its positive drug-free environment.

I applaud Crespo's teachers and parents and administrators and students for their active programs. That is what works in this country.

I stand by President Clinton's veto of the rescissions bill on behalf of the 20 million schoolchildren in Texas and the hundreds at Crespo elementary who benefit from the antiviolence and drug funding.

RUSSIAN MISSILE TECHNOLOGY SOLD TO BRAZIL

(Mr. WELDON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELDON of Pennsylvania. Mr. Speaker, they say that actions speak louder than words. In the case of the Clinton administration, that appears to be true.

We have heard from the Clinton administration they are concerned about arms proliferation; specifically, missile technology being sold around the world.

But what are their actions? Mr. Speaker, today's Washington Post headline screams out the record of the Clinton administration. "U.S. Waives Objections to Russian Missile Technology Sale to Brazil." We now learn the Clinton administration secretly has given the go-ahead to allow the Russians to begin to export their technology, while next week on the House floor, on the defense bill, we will hear all of these arguments about adhering to the ABM Treaty.

This is the second case where the Clinton administration has waived efforts to stop proliferation of missile technology. Earlier this year they failed to stop the sale of rocket motors to China, which will be used to enhance their cruise missiles.

This is outrageous. Last evening I wrote to the President a two-page letter asking for a full public discussion and disclosure, with the Congress, about the waiver of the sanctions against Russia and Brazil.

GIVING THANKS FOR THE RESCUE OF CAPT. SCOTT O'GRADY

(Ms. JACKSON-LEE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE. Mr. Speaker, I rise this morning to give thanks for the safe rescue of Capt. Scott O'Grady, the F-16 pilot shot down over Bosnia while flying a NATO support mission.

Captain O'Grady's training was the very best in the world, and it kept him alive for 6 days as he managed to elude hostile Bosnian Serb troops and communicate by radio with the Marine Corp rescue unit that would ultimately bring him to safety.

Though he had suffered some burns to his neck as he ejected from his crippled aircraft, Captain O'Grady never panicked.

He endured hunger and hypothermia while judiciously using his battery-powered rescue radio to call for help.

Both Captain O'Grady and his Marine Corps rescuers from Camp Lejeune performed by the book. They did precisely what their military training had instructed them to do, and thus the prayers of all America have been answered.

Mr. Speaker, it has become fashionable lately for many of my congressional colleagues to criticize our military's readiness, to allege that training has suffered as a result of more streamlined Pentagon spending.

Well, Mr. Speaker, for those who want to justify a return to the days of monstrous defense budgets in the face of deficits and mounting domestic problems, I would like to point to the textbook competence and excellence displayed by American fighting forces in this dramatic episode.

To Captain O'Grady's family, I extend America's warmest wishes.

We share your joy in the safe return of your brave loved one.

And we share your pride in knowing that he is a part of the very best trained, the very best equipped, and the readiest fighting force the world has ever known, and supported by this administration and Democrats of Congress believing in a strong, efficient, effective defense.

URGING CONGRESS TO SHOW RESTRAINT

(Mrs. MEEK of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MEEK of Florida. Mr. Speaker, I stand here today to urge restraint on the part of the Congress on both sides of the aisle, both Republicans and Democrats, to understand when they begin to dismantle the only health care program for the poor that we have in this country, that they should take some pause before doing that.

I think the American public needs to know not what is going on here in Washington and the bills and the resolutions, but they need to know what is not there.

The Republicans want to cut Medicaid by $170 billion, and I listened this morning and I heard some greedy Governors, particularly Governors from Republican States, who want to have all the money dumped in one pile so they can use it as they see fit. And I guarantee you it will not all be used for the purposes for which it is intended.

They show little concern about the impact of these proposals on children, the elderly, and the severely disabled. They are concerned about management and about how they can use this money to make their coffers stronger. They like to cut dollars, but they do not like to create alternatives.

I have heard no alternatives to Medicaid since I have been here.

Mr. Speaker, I urge restraint on the part of the Congress to think about the poor and the underserved.

PERMISSION FOR CERTAIN COMMITTEES AND SUBCOMMITTEES TO SIT TODAY DURING 5-MINUTE RULE

Mr. KASICH. Mr. Speaker, I ask unanimous consent that the following committees and their subcommittees be permitted to sit today while the House is meeting in the Committee of the Whole House under the 5-minute rule: Committee on Agriculture; Committee on Banking and Financial Services; Committee on Commerce: Committee on Economic and Educational Opportunities; Committee on Judiciary; Committee on Resources; Committee on Science; Committee on Small Business; and Committee on Transportation and Infrastructure. Mr. Speaker, it is my understanding that the minority has been consulted and that there is no objection to these requests.

The SPEAKER pro tempore (Mr. LaTourette). Is there objection to the request of the gentleman from Ohio?

Mr. WISE. Mr. Speaker, reserving the right to object, the gentleman is correct. The Democrat minority has been consulted and has no objection to this request.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

APPOINTMENT OF CONFEREES ON HOUSE CONCURRENT RESOLUTION 67, CONCURRENT RESOLUTION ON THE BUDGET—FISCAL YEAR 1996

Mr. KASICH. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the concurrent resolution (H. Con. Res. 67) setting forth the congressional budget for the U.S. Government for the fiscal years 1996, 1997, 1998, 1999, 2000, 2001, and 2002, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

MOTION TO INSTRUCT CONFEREES OFFERED BY MR. SABO

Mr. SABO. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SABO moves that the House conferees on H. Con. Res. 67, the concurrent resolution on the budget for fiscal years 1996 through 2002, be instructed to agree to revenue levels (within the scope of the conference) that exclude the revenue effects of the Contract With America Tax Relief Act (H.R. 1215), and to insist on the House position regarding the Earned Income Tax Credit.

The SPEAKER pro tempore. The motion is debatable for 1 hour.

The gentleman from Minnesota [Mr. SABO] will be recognized for 30 minutes, and the gentleman from Ohio [Mr. KASICH] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. SABO].

PARLIAMENTARY INQUIRY

Mr. SABO. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. SABO. Mr. Speaker, who has the right to close on this motion?

The SPEAKER pro tempore. The gentleman from Minnesota [Mr. SABO] has the right to close.

Mr. SABO. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker and Members, the motion to instruct is relatively simple. To my colleagues on the Republican side, one segment of it simply endorses something you did and the Republicans in the Senate did not do, and that is not make cuts in the earned income tax credit. We commend you for it and urge you to retain that decision in conference.

Mr. Speaker and Members, it is rather difficult to find a motion to instruct when you have two very bad resolutions before us.

But, Mr. Speaker and Members, as we begin this process of evolving a budget for 1995 and the next 7 years, we should not start that process of trying to achieve a balanced budget by simply digging the hole deeper with a tax cut aimed primarily at the most affluent in this country.

Over 50 percent of the benefits of this tax cut flow to people with incomes over $100,000 a year. What is the impact of that decision?

I might add that while the Senate does not do that, they do the opposite. They increase taxes for millions of hard-working Americans with the lowest incomes in our country.

Mr. Speaker, the impact of what the House has done and what the Senate is doing is to force deep cuts in a whole host of programs that substantially impact the American public.

Where are the biggest impacts felt? Clearly, in the health area. What we have in the House is a budget resolution that, by the year 2002, would cut Medicare by $86 billion a year, while at the same time the tax cut is costing $90 billion a year, deep and significant cuts in Medicaid, a program that provides health care for the most vulnerable in our society, the poor, elderly, and disabled.

By 2002, the Republican House proposal would have growth in that program at less than 2 percent, when projected caseload is 3 to 4 percent. Clearly, it either means significant numbers of American people would not have health care or else we are transferring significant costs to State and local governments.

Mr. Speaker and Members, what we have before us in the House and Senate budget resolutions are attempts to reward the most affluent in our society, those people who have benefited the most by growth and income over the last 15–20 years. We have had a revolution where income flows to the most affluent in our country. The proposed bill that comes from the House would reward those folks with a significant tax cut while we substantially cut the funding for a variety of health care programs like Medicare, Medicaid, substantially cut back on veterans' health care, scale back training for education, whether it be loan programs for college students, whether it be basic education and training to make sure that our workforce is equipped for the 21st century.

□ 1115

So, Mr. Speaker and Members, as we go to conference, let us not begin by digging a hole deeper that forces unconscionable cuts in health care programs like Medicare, Medicaid, makes our education and training programs such that there would be thousands of students who could not afford to go on to college and to cut programs that train our workforce so they are equipped for the 21st century.

Mr. KASICH. Mr. Speaker, I yield 3 minutes to the gentleman from Colorado [Mr. ALLARD].

Mr. ALLARD. Mr. Speaker, I thank the gentleman from Ohio [Mr. KASICH] for yielding, and I would like to address some of the concerns that were raised from the distinguished ranking member on the Committee on this Budget.

These tax reductions that we have in the budget plan are part of a total package, and let me explain to my colleagues how that works. We have looked very hard in the Committee on the Budget on the subsidies that business receives, whether it is agriculture, small business, dealing with housing, or whether it is even airports; that is in the entitlement and mandatory spending area. We said, Look, if you're going to lean less on the shoulders of government, we have got to give you an opportunity to retain more of your earnings within your business.

I say to my colleagues, Let's take, for example, agriculture. There have been reductions in the agricultural program since 1986, gone from $26 billion down to somewhere around $11 or $12 billion, where we are today, and farmers and ranchers are saying that we have to have regulatory relief. We're willing to step back as far as the subsidies, but give us regulatory relief, give us some breaks on the tax side.

This is not wealthy people. These are hard-working Americans that have gone back on a year-to-year basis and accumulated some wealth in their business, whether it is a small businessman or an agricultural person, and then, when they get around to that stage in their life when they want to retire, then they have all of this income that comes in in 1 year, but it is income that is accumulated over years and years of hard work, and in each individual year that has not amounted to an awful lot, but over a period of 20 to 30 years it amounts to their whole retirement.

So, Mr. Speaker, that is why it is important that we have something like a reduction in capital gains. That is why it is important that we do something with the inheritance tax so that these particular businesses can pass on and remain in the family.

If we want to continue to say that the individual in this country has got to take responsibilities for his own actions, save for his retirement, provide for his own family, we have got to say that the Government takes less and we let the individual keep more, and that is what we are talking about, less Government. That is what the Republican budget is about. As the opposition will say, they want more Government. They think the answer is here in Washington. This is not where the real answers are. The answers are back in our districts, back with families, back with local elected officials.

Mr. SABO. Mr. Speaker, I yield 3 minutes to the distinguished minority leader, the gentleman from Missouri [Mr. GEPHARDT].

Mr. GEPHARDT. Mr. Speaker, I rise today to make one simple fundamental point. We can do better than a budget that takes health care from the elderly to pay for tax breaks for the privileged few. I say to my colleagues, "If you ask me, this budget is not just reckless public policy. It's a repudiation of everything this country stands for and every purpose that we came here to serve."

Mr. Speaker, tax cuts for the privileged few and budget cuts for the middle class is the most egregious redistribution of income from workers to the wealthy since Republicans ruled the White House, and I suppose this should not come as a surprise because that is what trickle-down economics is really all about, survival of the richest and feeding everybody else to the economic wolves. The last time the Republicans tried it in the high rolling 1980's, two-thirds of all the new wealth went to the top 1 percent of Americans. The most privileged of the privileged, the decent, hard-working, middle-income families who are the strength and soul of this country, barely got a dime.

And now the Republicans are saying that after a decade and a half of economic disaster and decline for the middle income people it is time to try it all over again. It is time to ravage health care for the elderly and disabled, rob people's pensions, and pass a back-door tax increase. It is time to slash the earned income credit, which nearly 40 percent of all families with children depend upon sometime in the decade to keep themselves out of poverty. It is time to cut education, and increase the cost of student loans and eliminate summer jobs for worthy young people.

Mr. Speaker, this is a dark moment in the history of our House. This budget is so unfair, so extreme, so reckless in redistribution, my guess is that many on the other side even find it offensive. That is why we are offering this motion to instruct. That is why we want this opportunity to build a better budget and a fairer budget.

Mr. Speaker, I ask my colleagues to turn aside trickle-down economics not out of partisanship, but out of an abiding sense of justice, and fairness, and decency and what is right. Vote for this motion. Let us put an end to tax breaks for the privileged few and budget cuts for the middle class. We can and we must do better for the people of this country.

Mr. KASICH. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Ohio [Mr. HOBSON].

Mr. HOBSON. Mr. Speaker, let me state one simple fact. The Democrats have no budget proposal. We worked long and hard on a budget, and let me state it again.

At no time did the Democrats come forth with any budget proposal from the House. The President had a budget, yes, but did he take the trouble? No, he left us with $200 billion in the hole. He did not offer any response to the problems with Medicare or Medicaid, no proposals at all. So the President punted, just as the House Democrats punted in the Committee on the Budget, and now they have the audacity to come out here when we have proposals to help people for the future of our country, for our grandchildren and our children, and the middle income people in this country, they come out with a motion like this. I think it takes a lot of gall to come out and, while proposing nothing positive throughout this whole process, to come forth and say, "We want to go a different direction now."

What we are saying, "Let's get on board, let's go in a direction for the future of our country, for our children." Greenspan says, if we want to have the same kind of life for our children, our grandchildren, we better get about balancing this budget.

Defeat this motion to instruct.

Mr. KASICH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I obviously rise in opposition to the motion to instruct because I think we have been able to show that we can, in fact, balance the budget, downsize the Government, and give people tax relief.

As my colleagues know, the amazing thing about the budget document that we passed on the House floor is that it is described in Washington as a revolutionary document. But, if we were to take this document and put it on the tables of American families for discussion as they sit down Sunday morning for breakfast, it would not be viewed as revolutionary. Frankly it would be viewed as common sense. The fact is that we are going to grow over the next 7 years from $9 trillion in spending at the Federal level to $11 trillion in spending.

Now some would have us grow with 13 trillion. That is what would happen if we put the Government on automatic pilot. If we were to actually sit down with families at the breakfast table on Sunday morning and explain that the Federal budget—considering the fact that we are running a national debt of almost $5 trillion, is going to grow from $9 to $11 trillion, their question would not be, "Why isn't it going up to $12 or $13 trillion?" They would be saying "Well, wait a minute. If the country is in trouble, if we got these financial difficulties, why should it go up $2 trillion over the next 7 years?"

Well, it is because we tried to put together a document that we thought met the priorities of our country, and had a reasonable chance of being accepted and accommodated the needs of people who depend on entitlement programs. That is essentially it, and we believe that this document, described as revolutionary in this town because anything that does represent change is revolutionary in this town, is nothing more than common sense.

Now we have been dancing around the mulberry bush here since—well, I guess since September when people said it was the "couldn't, wouldn't, shouldn't" argument. Well, there is no way that we could balance the budget and provide tax relief to Americans.

Well then, after we showed that we could do it, then the argument was, "Well, the Republicans, they wouldn't do it. There is no way that they will propose a budget that will cut spending and provide tax relief." And now the argument is they "shouldn't" do it.

Well, the "couldn't, wouldn't, shouldn't" crowd is going to lose this fight because we are, in fact, going to balance the budget, and we are, in fact, going, as we downsize Government, to give people some of their money back.

Now let us kind of talk about the taxes just for a second. Capital gains. I think we could get some amazing studies on this floor that would show how the capital gains argument has evolved to the point where the people say the rich benefit. As my colleagues know amazingly, there are a great number of Americans, for example a husband and a wife who reach the age of 80 who sell a farm. All of a sudden guess what? Their income has gone from $50,000 or $60,000 to about $300,000 because they are selling their assets. Now these are not rich people. These are people who have saved and invested wisely.

I say to my colleagues, I mean they could be your next-door neighbor, if you live in middle or lower income areas. I mean it's very possible, and in many cases likely, but capital gains, as I pointed out before, is—we have the highest capital gains tax in the world. I mean we penalize people to invest. We don't want to penalize people to invest. We want to give people incentives to invest because, as they invest, they create economic activity, and then people get jobs, poor people can get jobs, and then the poor people can get rich, and then they can become the bosses of the investors.

I mean I think the goal in our country and who I focus on every day—the person I focus on every day is the person that gets up, and goes to work, and tries to raise the kids, and saves money—I do not focus on the rich; I am focusing on the person that needs the opportunity to become rich. I do not think we ought to have certain advantages in our society that protect rich people. On the other hand, we should not punish rich people, but what we should do is keep in mind the fact that we need to have an economy that allows people to have maximum amount of opportunity, and capital gains is nothing more than giving people incentives to create economic growth.

Now in terms of the earned income tax credit, and I want to say to the gentleman from Minnesota in regard to the earned income tax credit, I am concerned about what happened in the Senate on the earned income tax credit. What I would tell the gentleman is that there are two things that trouble me in this area. One is the argument that has been coming to the fore lately about the fact that people have been scamming this EITC. If, in fact, there are scams going on in EITC, we got to clean that up. The other argument is, and I am going to commend; in fact with unanimous consent I will enter into the RECORD a study by a guy named Edgar Browning who talks about the effects of the earned income tax credit on income and welfare; and I want to say to the gentleman that the earned income tax credit I think was a Republican creation. It was designed to say that, if you're on welfare, we are going to give you a way to work and not lose all your benefits. I mean I think everybody is for that, but we don't want to create an earned income credit system that creates marginal rates that provide disincentives for people to work.

So I would say to the gentleman that the idea that we ought to go in and start doing major surgery on the earned income tax credit in order to get deficit reduction, I would share the gentleman's concern on that because I am not really excited about the prospect of doing that.

□ 1130

But if in fact there are scams going on in the EITC, or if in effect the earned income tax credit, like many Government programs, has grown so quickly that it is starting to provide disincentives for work, I want to focus on that as well. But the concept of the earned income tax credit, where working Americans can have an opportunity to earn more and not be penalized, I favor. I do not want to pick on people who may not have a lobbyist in this town because we can somehow go and raise some revenue. That is not my interest. I want to do an intellectually honest look at EITC. So I share some of the concerns that the gentleman has.

But I would say in closing that we, of course, want to defeat this motion to instruct because it is the same debate again. I think we have a reasonable bill to cut spending. In fact, it is a positive bill to cut spending that makes some necessary structural changes in this Government, and we are able as we downsize Government to give people some of their money back. That is all very, very positive.

I am paying attention to the gentleman's concerns about the earned income tax credit. It is a legitimate point. I share his concerns. I want to note that for the record. But I would ask the Members to come to the floor, to defeat the motion to instruct, and to move forward with the appointment of conferees and get this conference committee meeting and get the issues resolved.

Mr. Speaker, I reserve the balance of my time.

Mr. SABO. Mr. Speaker, I yield 3 minutes to the gentleman from Washington [Mr. MCDERMOTT].

Mr. MCDERMOTT. Mr. Speaker, I come to this floor to support this motion because I cannot imagine a proposal more devastating to the health care system of this country than the $340 billion tax cut to the well-off which is proposed in the Republican budget.

The greatest travesty of this tax cut is that it is being paid for overwhelmingly by cuts in Medicare and Medicaid, cuts that total almost $500 billion. The Republicans cut $280 billion from Medicaid alone. Every senior citizen will experience an average increase of $1,000 per year in health care costs as a result of the Republican Medicare cuts. Cost of living increases in Social Security will be applied directly to increased health care costs. The effect on senior citizens will be a 50 percent decrease in Social Security COLA's to pay for the tax cut that will give 1 million Americans an average tax break of $20,000 a year.

Now, Mr. Speaker, Medicare and Medicaid are not bloated Government programs. They are health insurance for approximately 70 million Americans, and they have been pared down and pared down, and the benefits have been pared down each year. Medicare spends less than 3 percent of its budget on administration, compared to 30 percent by the private insurance industry.

The Medicare cuts in the Republican budget go to the bone, the muscle, and the artery of the senior citizens' health care system, but they do not effect only senior citizens. As older parents and grandparents are unable to pay these increased costs, the effect of those cuts will spill over onto young families, young families who have had stagnant incomes for the last 10 years as they face the need to educate their own children. It is the young families who will be hit hard by these unnecessary, and I say unnecessary, cuts: $288 billion in Medicare cuts to pay for $344 billion of tax breaks for the rich. It is an even exchange. Take it from senior citizens and give it to the rich.

Now, young families will have to come up with the money to maintain their parents' medical care. If they do not, their parents will lose the insurance coverage they have now under Medicare and they will lose access to the hospitals and physicians that they have always used. The reality is that the Republican tax cuts will force families to take on the medical expenses of their elderly parents, something that has not happened in this country in 30 years.

The Medicaid cuts, on the other hand, to pay for the rest of the tax cuts, will make this problem even worse. There is a myth in this country: Medicaid is not primarily a program for the poorest of the poor women and children. Two-thirds of the money from Medicaid goes to pay for senior citizens' nursing home care. Those Medicare fund cuts will mean that families will no longer have the long-term safety net that they have come to expect, and they will have to either cough up the money or leave their jobs to take care of people in their family who need senior citizen care.

Now, if this was not bad enough, I just left the Committee on Ways and Means, where the Republicans are preparing to get rid of the progressive income tax and shift the costs all down onto the middle class and the lower class. This is a two-pronged approach to shift all the costs onto the middle class.

I urge you to support this motion, because it is a protection not only for senior citizens, but for the middle class, the baby boomers in this country, who are going to get hit with a back door punch they do not see coming. I urge the support of this motion.

Nursing homes cost $40,000 per year. Before these cuts, American families could be secure that if grandma's savings were used up in paying for nursing home care, the Medicaid Program would be there to assure that her care could continue without also bankrupting her children.

With these cuts, that guarantee is gone.

The financial impact is not the only cost American families will feel. Medicare and Medicaid are the main structural beams supporting the rural health delivery system, our Nation's teaching hospitals, urban hospitals, and children's hospitals.

With these cuts, many rural hospitals and children's hospitals will simply close. Teaching hospitals will not be able to continue to train at the same level the next generation of doctors or continue to provide our most sophisticated care. Most hospitals will have to reduce services to everyone and limit nursing care to absorb the dramatic impact of these cuts.

Most hospitals will have to reduce the amount of uncompensated care they give to people without health insurance—a number that is growing every day.

And for what? To improve Medicare? To make our families more secure? To get health insurance to more people? To improve the quality of care?

The answer to all those questions is No, No, No and No. These cuts will not make Medicare more secure or save it for the next generation or make health care better. They will do only one thing. They will pay for tax cuts to the rich while everyone else will pay through the nose for health care for their loved ones.

These tax cuts paid for with Medicare and Medicaid cuts are a devastating attack on the economic and health security of American middle class families. I urge that they be reconsidered under the reasoned light of public responsibility, not the glare of tax cut politics. I urge the adoption of this motion.

Mr. KASICH. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Arizona [Mr. KOLBE].

Mr. KOLBE. Mr. Speaker, I rise in opposition to the motion to instruct. The effect by excluding the revenue effects of the Contract With America is to deny the tax relief that we give in this legislation. What we have heard this morning from several of the speakers on the other side is the usual class warfare; the idea of it is going to be the rich that benefit, and it is the poor and the middle class that get cut.

It is not an argument with validity, but we have heard it over and over again. And the idea of trying to create this kind of class division in our society is a tired, old argument that I do not think sells anymore.

There are two points I want to make with regard to this, about why we have tax relief in this budget and why I think it is so critical. The first is one that I am asked very frequently when I am home, and I think my colleagues get as well, and it is a legitimate question from our constituents: Why, if the deficit is so important, why are you giving tax relief now? Why do you not just focus on getting the deficit down?

I think I have an answer to that. I think the answer is in the action that the Senate took on their budget resolution, because the Senate budget resolution gets to a balanced budget in the same time that we do, no sooner, in 7 years. But it does not give any kind of tax relief.

If there are going to be painful cuts in all of this, why should not the people get something back from it? It does not get us any faster to a balanced budget to give no tax relief, so why do we not give some tax relief?

The second is the point that my colleague the distinguished chairman of the committee made earlier, that people deserve to have some of this back. This was brought home to me in a very poignant way by a letter I received this week from a friend of mine. He was a Navy buddy. We correspond at Christmas card time, but this is the first letter I have had from him I think in 20 or 25 years. He lives in New Jersey. He is writing to me, I think out of frustration as much as anything else, telling me why in this last election for the first time he became a Republican.

He says:

> My concern is the same as others I know. We obey laws, pay taxes—I had to borrow $8,000 to pay an increase in my 1993 income tax as my employer graduate tuition reimbursement payments were taxed as regular income—practice good citizenship and still recognize our future is increasingly less certain despite how hard we try to prepare. My mortgage with interest payments, property tax and tuition for Karen's education exceed my after tax income. I now have my own deficit to deal with. Barbara's income has to cover my rent and living expenses so I may work in Massachusetts. Automobile, property, and personal casualty insurance exceeds $5,000 annually. And my home has lost 25 percent valuation since 1988. I have difficulty believing that the inadequate and at times inappropriate work by government in regulations, crime and the legal systems has not contributed significantly to those costs. I absolutely resent the incompetence and mishandling of public funds by Government. I dislike the arrogance of some public officials and those politicians who act out their fantasies or beliefs with seemingly total disregard to the consequences we have to live with as they proceed to intrude in our lives and create unreasonable and unfair barriers to opportunity. For too long government has been disconnected from the day-to-day reality that average Americans share and experience.

Mr. Speaker, this letter came to me unsolicited. I cannot think of any words more eloquent than these, anything that has been spoken on the floor of this House during this entire debate, that says it more eloquently as to why we are doing what we are doing, why we are trying to give back to the American taxpayers, to the overburdened, oppressed American taxpayers, some of what they have given. It is time that Americans took back some of what Government takes from them. That is what this budget resolution is about.

Mr. Speaker, I yield back the balance of my time.

Mr. SABO. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Chairman, I am going to urge the House to vote for this motion to instruct. It simply says we ought to drop the tax cuts for the rich in the House bill and drop the tax hikes in the Senate bill on the working poor because of the changes in the earned income tax credit.

It simply says: "Don't make war on education, don't make war on Medicare, in order to give the wealthy and the super-rich another big tax cut."

The Federal Reserve has done a new study which has shown what has happened to the Nation's wealth during most of the eighties. It showed that the richest one-half million families, who in 1983 had 24 percent of the Nation's wealth and had $2.5 trillion in wealth, had their wealth doubled to $5 trillion over a 6 year period in the eighties alone, and that their share of the Nation's total wealth went up from 24 to 31 percent.

That means that the richest one-half million families in this country saw their net worths increase by two-and-a-half times as much as the public debt went up during that same period. That increase came because the profitability of their business holdings exploded at the expense of their workers.

During the same period that workers' productivity went up by 15 percent, their wages went down by 10 percent, and that gap between increased productivity and lower wages went right into the pockets of the economic elite of this country. That is the same elite that asked us to pass NAFTA; it is the same elite that asked to pass GATT. But it is also the same elite that refuses to support even table scraps for workers by providing for an increase in the minimum wage and still insists that we cut education opportunities for the kids of those workers and cut Medicare for the parents of those workers and cut Social Security COLAs for the parents of those workers in order to give another break to the people whose average net worth rose from $2.5 million per family to over $5 million per family.

The previous speaker in the well said, "Oh, don't engage in this class warfare. Tut, tut, tut, terrible thing." Well, I have news for you. We have had class warfare in this country for the past 15 years, and the working class has lost. That is what has happened.

Mr. Speaker, I urge Members to vote for this motion to recommit.

Mr. SABO. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Texas [Mr. STENHOLM].

□ 1145

Mr. STENHOLM. Mr. Speaker, I rise in support of this motion to instruct conferees, encouraging a budget conference agreement that does not allow for the tax cuts included in the House-passed budget but does include the House position on the earned income tax credit provisions.

I think there should be no doubt in anyone's mind how strongly I fee about balancing our budget. I am committed to finding a bipartisan answer, a bipartisan solution to our deficit problem, a reasonable and responsible path toward a balanced budget.

In my opinion, today the biggest obstacle to these goals is an immediate and enormous tax cut. I am personally committed to the spending cuts required to get to a balanced budget by the year 2002. I am not prepared at this time to vote for the additional spending cuts until I know more about that they are going to do to programs like Medicare and Medicaid, until we know more about the resolve of 218 Members of this body on the policies required before we vote the tax cuts, the easy part of it.

The additional spending cut burden created by the loss of current revenues assumed in the House-passed budget resolution fails to meet the test of being reasonable and responsible. I am extremely concerned by the strains which would be created in the areas of agriculture, health care, and education, as a result of paying for the immediate tax cuts. I give credit to the gentleman from Ohio [Mr. KASICH] because his budget is very credible in specifying where these cuts could come. What I am afraid is, he does not have the troops behind him.

I fear that as the reality of spending cuts of the magnitude required to pay for these tax cuts become more evident over the next few years, commitment to deficit reduction will be abandoned. Meanwhile the politically easy policy changes, the tax cuts already will have been made. Once again, future generations forced to bear even greater debt burdens will be the victims of our irresponsibility.

This dismal scenario is not what inevitably must happen. We have the opportunity to redeem ourselves with those future generations. The conference committee should start by making the difficult spending choices in a responsible way, postponing tax cuts until a balanced budget is first achieved. If such as approach is pursued, I believe there is a much greater likelihood of bipartisan support both of the budget resolution and ultimately of reconciliation.

We have a great opportunity to pass the first balanced budget this Congress has approved for decades. Let us do it the right way. Support the motion to instruct. Let us get the conference off on the right foot.

Mr. SHAYS. Mr. Speaker, I reserve the balance of my time.

Mr. SABO. Mr. Speaker, I yield 3 minutes to the gentlewoman from California [Ms. WATERS].

Ms. WATERS. Mr. Speaker, I rise in support of this motion to instruct conferees on this year's budget resolution. I take the floor not to oppose deficit reduction or even a balanced budget, but to debate budget priorities. Government can be reduced. Spending can be cut. But we legislators have a responsibility to make spending reductions in a manner that is fair, strategic, and economically wise.

The House Republican budget proposal fails miserably on these counts. First, the tax policy contained in the Republican budget is backwards. This budget reduces taxes by $350 billion over 7 years. At least one-half of the benefits of these tax breaks will go to families earning over $100,000. This is, indeed, class warfare.

Families earning between $100,000 and $200,000 will receive a tax cut of almost $2,500 per year under this budget. Those families earning over $200,000 would do better yet. They would receive $11,266 in yearly tax relief under the House budget plan. This is, indeed, class warfare.

Amazingly, at the same time the same budget increases taxes on millions of working poor people. It does this by reducing the earned income tax credit. The earned income tax credit makes work pay. The earned income tax credit only goes to working families. The earned income tax credit increases people's economic incentive to leave welfare. I cannot imagine the rationale for lowering taxes on Americans who are doing well, who are doing the best, while at the same time raising taxes on Americans who are struggling.

We have heard a lot of rhetoric about welfare reform in this Chamber. The earned income tax credit is among the best work programs for low income Americans there is. It is an outrage that the Republican budget would cut that program back. This is, indeed, class warfare.

On the spending side, the Republicans have made seniors, the disabled, the sick, students, and the poor the sacrificial lambs in their campaign to reach a balanced budget. The simple fact is this, Medicare is being reduced. It is being reduced to pay for a tax cut which would benefit mostly rich Americans.

Nearly $500 billion will be cut from Medicaid and Medicare over 7 years. Seniors and the poor must not and should not be punished by this Congress. We must cut wisely, not indiscriminately.

A budget reflects our national priorities. Unfortunately, I am afraid this budget establishes a set of priorities that are mean spirited, shortsighted and economically foolish. Support the motion to instruct the conferees. Bring families and proper priorities to this budget.

Stop the class warfare. Discontinue this budget.

Mr. KASICH. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Michigan [Mr. SMITH].

Mr. SMITH of Michigan. Mr. Speaker, I think we should remind ourselves what we are after. We are not just after changes in the way the Federal Government keeps its books. Our goal is to make the United States a better place to live and work and raise our families.

How do we get there? We get there, No. 1, by increasing savings. That will help us achieve more and better jobs. I would like to suggest that the biggest cost over the next 10 years of the tax decreases is a bill that I have been supporting for the last 2½ years called neutral cost recovery.

What this bill does is to say to businesses that—when they buy new machinery or equipment, they can consider that a business expense and can deduct it from the tax base before you figure out how much taxes you owe.

Guess what the economists say is going to happen if you allow businesses to deduct the price of the cost of the machinery and equipment and the facilities that they purchase in the year that they buy it? What is going to happen is, it is going to in effect reduce the price of that equipment by 16 percent and businesses are going to buy more of it. And if we want the great American work force to have better tools, then we are going to have to have some motivation, some incentive to get those tools in the hands of the best work force in the world. And the way we do that is tax policy.

We are dealing with a tax increase 2 years ago that was $252 billion. Our conference got together, said, do we want to have an offset to that $250 billion tax increase? The answer was yes. And we said, How do we want to do it? We want to do it in a way that is going to encourage savings and that is going to encourage capital investment. That is what we did in this tax bill. So to have an amendment that says, do away with the incentives that are going to expand business and jobs by putting better tools in the hands of the American workers, I think, is very shortsighted. As we look at the poor people that need help, our goal has got to be offering those people better jobs.

Mr. SABO. Mr. Speaker, I yield 3 minutes to the gentleman from North Dakota [Mr. POMEROY].

Mr. POMEROY. Mr. Speaker, I rise in support of the motion to instruct which at its heart reaches a balanced budget, directs conferees to reach a balanced budget by 2002 by dropping the tax cuts for the privileged and knocking out the tax increases for the poor.

The chairman, I think, raised a good point. He said we ought to quit talking about this in terms of the formal budget jargon. Let us put it in the context of a couple at the breakfast table. I liked that idea.

I imagine myself talking about this with a couple back in North Dakota at the Sunday breakfast table. I think they would agree that the budget is out of balance, that we ought to do something about it. I would have to agree with them, and I would in fact commend the majority for their efforts to reach a balanced budget.

But how do we get there? I would have to tell them that the House budget starts the road to the balanced budget by a deep tax cut. I think they would ask questions at that point. They would say, that sounds a little bit like digging the hole deeper before you start to fill it up. Like taking a trip on your credit cards before you begin to get your household finances in order. It just does not make sense.

But they might ask a question, intrigued by tax cuts like we all are, who gets it? At this point I would have to tell them, well, if you are an average North Dakotan making $30,000 a year, you will get about 25 bucks a month. But it you are a doctor or someone making over $200,000 a year, you are going to get $1,000 a month: $25 a month for the average guy; $1,000 a month if you make over $200,000 a year.

At that point I believe this couple at the breakfast table would start to say, wait a minute. This thing is stacked against the average working family. This is not fair.

They might also wonder, how are you going to balance that budget and pass the tax cut? Well, I would have to tell them that the House budget plan makes deep, deep, painful cuts in programs as important to North Dakota as Medicare, student loans, the farm program. In fact, I would have to tell them if they were on Medicare they would be looking at paying maybe 2,500 bucks more in out-of-pocket costs than they would have otherwise.

At this point in time, this couple at the breakfast table might say, there has got to be a better way of getting to a balanced budget than that House plan which savages these programs and gives tax cuts which benefit disproportionately the rich. I would have to say there is.

In fact, the Senate Republicans passed a plan that did not have those tax cuts for the most privileged. In fact, the Senate rejected that idea entirely. As we construct a budget, we ought to recognize that the Senate took the better course.

One thing the Senate did that was very objectionable is they added tax increase, one that falls on the poorest working families. That ought to come out. The House did not have it in its plan. And our motion to instruct directs conferees not to impose the tax increase on working families like they did.

What this motion is about is establishing a modest degree of fairness between two flawed budget proposals.

One thing is clear, there is nothing more unfair than the House version, which passes tax cuts for the most privileged, funded by deep cuts in programs important to working families.

Mr. SHAYS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Arizona [Mr. SHADEGG], a member of the Committee on the Budget.

Mr. SHADEGG. Mr. Speaker, the last time I rose on this floor to speak about the issue of tax cuts, I said that my colleagues on the other side simply do not get it. Well, in the time that has intervened, they have not learned anything. They still do not get it.

The answer is that American people are not taxed too little. They are taxed too much. In 1950, the year after I was born, the average American family with children paid $1 out of $50 to the Federal Government in taxes. Today that family with children pays $1 out of $4. That is a 1,200-percent increase.

They say it is a tax cut for the rich. I say they are wrong. But let us hear the argument. If they believe it is a tax cut for the rich and if they understand that we have had a 1,200-percent increase in taxes in America to the Federal Government alone, why are they not proposing that we cut taxes for people below the level, that we cut them further for the people they say are the poor and the needy? The answer is, they do not believe in tax cuts. The answer is, they are addicted to spending. The answer is that over the past 40 years they created this deficit and now they said, we could not balance the budget and cut taxes. Well, guess what? We proved them wrong.

My colleague, the gentleman from Arizona [Mr. KOLBE], made the point. We not only balanced the budget, but we lifted the tax burden off the American people at the same time. We must do that. Get it straight. This is not our money. We are not giving back our money. We are letting the working people of America keep their money.

That is the fundamental difference. If a 1,200-percent increase is not enough, what would make you happy? Would it make you happy if we had a 2,000-percent increase in the Federal tax burden or a 20,000-percent increase. If from 1950 to 1994, we went from $1 out of $40 to $1 out of $4, how soon will it be that we are at $1 out of $2. Would it be enough if we took from the average American taxpayer $1 out of every $2 that they earned?

I tell my colleagues, this is the right budget. It is a historic budget. I urge its support.

□ 1200

Mr. SABO. Mr. Speaker, I yield 3 minutes to the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY. Mr. Speaker, I rise in strong support of the motion to instruct conferees. I particularly want to speak to the instruction on the earned income tax credit.

Not long ago, we in this House had a very necessary debate about welfare reform. During that debate we could agree on two things. One is that we had to reform the welfare system. The other point that Members on both sides of the aisle consistently agreed on was that we ought to encourage and reward work. This is precisely what the earned income tax credit does. It helps people who work hard for low wages. It rewards them for their efforts, and it makes it possible for them to support themselves, take care of their families, and stay off welfare.

In fact, the earned income tax credit, the reason for it, was the first step in welfare reform, so people who work, work at the minimum wage, have children, can keep enough of their money, and as this gentleman said, it is their money, keep their money and stay off welfare.

Mr. Speaker, I notice that the budget chairman, the gentleman from Ohio, said that he understood what the Senate did was not the right thing. I was very heartened to hear that, because he will fight for us, as this side of the aisle wants to fight, to keep the earned income tax credit.

He also said that the earned income tax credit was a Republican idea. In fact, he is half right. The earned income tax credit was a bipartisan idea which we agreed on in the Reagan years and the Bush years. When President Clinton became President he embraced the idea and funded it to the point that it became a very potent program.

Just yesterday we read that the earned income tax credit works. People do not go on the program and stay on it and keep getting the earned income tax credit. It helps them through rough patches in life. It helps them to keep working, keeps them off welfare, and lets them have dignity.

I find it appalling that the Senate would look to this program that helps working people to pay for other things. I urge conferees on both sides of the aisle to keep this a bipartisan issue, to keep the earned income tax credit, and really back up the idea that people should be able to work and keep their money.

Mr. HOBSON. Mr. Speaker, I yield such time as he may consume to the gentleman from Connecticut [Mr. SHAYS], a very valued member of the committee.

Mr. SHAYS. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I think this motion to instruct is flawed. It could have been made a motion that I could have liked if it had said to lower some of the taxes, if it had said eliminate one or two of them, if it had said make one or two of them more income-sensitive, particularly the child tax credit. In that case I would have supported it.

If it had said "Make some changes to the Earned Income Tax Credit, but do not do what they are doing," it would have had some merit. What this does is basically say under no circumstance should we have any reduction in taxes. That is an interesting argument and may have some validity, but let us recognize what we are talking about. We are saying that we should not consider a child tax credit. That is a tax credit of $500 per child.

Mr. Speaker, when my mom and dad were raising their four sons, they were allowed to take in today's dollars what amounts to $7,000 per child off the bottom line of their income. If my parents in today's income made $50,000, they would have been able to take $28,000 off their total income. That is what we did for families in the 1940's and in the 1950's.

Today what we allow families to deduct are slightly over $2,000 per child, so we are giving a $500 tax credit per child. When I hear the speakers talk about who will benefit, I am thinking that they must think that everyone who pays taxes is wealthy, because they are going to benefit. I am thinking that there have to be middle class families, middle class families that have children. I am thinking that these middle-class families may have, in some cases, more than one child; maybe two maybe three, maybe four, maybe five. If they have four children, they get to deduct a significant sum of money. They get an actual tax credit of $500 per child. With five children, they will get a significant sum of money back. They are not wealthy, but they are going to benefit. Under this instruction, they would not.

There is a marriage penalty, to make sure married couples do not get penalized. There is a super IRA that allows families to deduct for health care tax-free, and to use it for college and medical expenses and so on. There is even a tax credit for adoption. We want to encourage families to adopt, and we allow a $500 credit. We have an elderly care credit, if you take care of someone who is elderly. Then we have also a capital gains tax exemption.

The capital gains tax exemption, under almost anybody's definition, is going to generate economic activity. However, to listen to Democrats describe the benefits, they say only the wealthy. This is their logic. If we have a family who makes $40,000 a year in what we call earned income, and they have a one-time capital gains exemption of $100,000 to sell their home, they are saying that person is wealthy. They are saying they make $140,000.

Wrong, they make $40,000. One year they had a slight increase, a significant increase in capital gain, probably most of it due to inflation, and we are saying they should not have to pay a significant gain on what really is inflation. We are not talking, in many cases, about wealthy people.

Mr. Speaker, the child tax credit, 75 percent of it goes to families who earn less than $75,000. All of that would disappear if we were to adopt this.

Mr. Speaker, then they get to the angle of talking to Medicare and Medicaid, as if we are going to solve the problem by going forward with their motion. Their motion says "Do not provide these tax credits and these tax cuts that are paid for, that would generate economic activity and help families." Then they are saying that we should not control the growth of Medicare and Medicaid. We should not save it.

Mr. Speaker, if we want to put everyone out of work who works for the health care industry, particularly at hospitals, if we want to tell them to retire in 7 years, if we want to tell people on Medicare after 7 years that the money is going to disappear, because that is what is going to happen unless we deal with Medicare, the bottom line is we want to save Medicare. We want to preserve it, we want to protect it, and we want to strengthen Medicare.

Why would we want to do that? Why does it need to be strengthened? Because we have the President's own administration, the Board of Trustees of the Federal hospital insurance trust fund, they are the ones responsible for all the money that goes into Medicare part A. Who are these people? Robert Rubin, Secretary of Treasury; the Secretary of Labor; the Secretary of HHS; the Commissioner of Social Security; the Administrator of the Health Care Financing Administration, all President Clinton's appointees. They are five out of the seven.

What did this Board say to us? What the Board said was very direct. They said "Based on the financial projections developed for this report, the Trustees apply an explicit test of short-range financial adequacy. The HI trust fund fails this test by a wide margin. In particular, the trust fund is projected to become insolvent," that means bankrupt, "within the next 6 to 11 years under all three sets of assumptions."

What they say in the next page, they say "Under the Trustees' immediate assumptions, the present financing schedule"—for the fund, the program—"is sufficient to ensure the payment of benefits only over the next 7 years." We want to save Medicare by controlling its growth. We want it to grow about 5 percent a year. We want to take Medicaid and we want to say to it, it will grow at 36 percent a year. We want to spend $324 billion more in Medicaid in the next 7 years. Then we have Medicare part A going bankrupt. It goes bankrupt in 7 years. It starts next year. We want to save that. We are going to save it by allowing Medicare to grow at 45 percent in the 7th year, to spend over $659 billion more during the next 7 years than we did in the last 7 years.

We hear the word "cut" as it applies to Medicare and Medicaid. Wrong. We are not cutting, we are going to spend more. We are going to spend $659 billion more in the next 7 years. Only in Washington, when you spend more money, do people call it a cut. We are going to spend more.

Then people say "Well, you are going to spend more, but what about the beneficiaries? You are not going to increase what the beneficiaries get under Medicare." We are going to save Medicare and we are going to spend 32 percent more per beneficiary in the 7th year. It is going to go from $4,800 to $6,300." Under any test, we are going to save Medicare. We are going to strengthen it and preserve it. We pay for our tax cuts.

Most of the tax cuts go to help families. I am sorry, my assumption is that families have children, and half of our tax cuts go to children. I am thinking to myself, that is wrong? Under the instructions, there will be no $500 tax credit per family. Under the instructions, there will be no capital gains exemption.

Mr. Speaker, I urge my colleagues to defeat this motion and to allow the committee to proceed in order.

The SPEAKER pro tempore. All time on the majority side has expired.

The gentleman from Minnesota [Mr. SABO] controls 4½ minutes, and has the right to close.

Mr. SABO. Mr. Speaker, I yield the balance of my time to the gentleman from Michigan [Mr. BONIOR].

Mr. BONIOR. Mr. Speaker, I thank my colleagues for yielding me this time.

Mr. Speaker, like most Members, I had the chance to go home last week. And when I was home, I met with students. I met with senior citizens. I met with working families.

And all of them asked me the same exact question: Why are Republicans cutting Medicare, Medicaid, and student loans in order to pay for tax breaks for the wealthy?

Why are we cutting programs that help the middle class in order to pay for tax breaks for the privileged few? That is what they wanted to know.

Mr. Speaker, these are good people. They work hard for every dollar they make.

They know the budget deficit is a problem. They know we have to make tough choices as a nation. And they are more than willing to take responsibility and do their fair share.

But is it not fair to cut Medicare and Social Security in order to give tax breaks to the wealthiest people in our society?

Is it fair to cut student loans and school lunches in order to give tax breaks to wealthy corporations?

Is it fair to target the middle class when we are not even willing to close a loophole that lets billionaires renounce their citizenship to avoid paying taxes?

Are these the values we believe in as a nation? The people back home do not think so.

They do not think students should be forced to pay an additional 40 percent for school loans just so a few wealthy corporations can pay no taxes at all.

They do not think seniors should be forced to pay an additional $3,500 for Medicare just so we can give tax breaks to wealthy investors. Only in Republican Washington can you take $3,500 out of the pockets of seniors and then call it an increase.

Only in Republican Washington can you increase premiums, ration care, and limit the choice of doctors and then say you are strengthening the system.

Mr. Speaker, these tax breaks are so outrageous that even the Senate rejected them by a huge bipartisan majority.

So outrageous that 106 members of your own caucus signed a letter that said these were tax breaks for the wealthy.

So outrageous that even the Wall Street Journal urged wealthy investors to "start salivating."

So do not come here today and lecture us about how you strengthened Medicare or cutting the deficit. Because we all know you are cutting Medicare for one reason and one reason only: to pay for tax breaks for the wealthy.

Mr. Speaker, this is not what the American people voted for last fall.

I urge my colleagues: Vote "yes" on the motion to instruct. Drop this tax break for the wealthy. And stand up for the middle class for a change.

Mr. COSTELLO. Mr. Speaker, I will be brief in my comments today. I want to express my disappointment in the budgets we are considering. I am concerned the budget resolution passed by the House Budget Committee and adopted by the full House, while potentially successful in reducing the deficit, is irresponsible fiscal policy. I did not support the House budget resolution which gives enormous tax breaks to the wealthy while cutting critical Government programs—including a virtual assault on Medicare. And I cannot support a compromise crafted here which furthers these priorities which are inconsistent with the priorities of the majority of my constituents.

I fully support getting to a balanced budget. In fact, I have voted for an amendment to the Constitution mandating a balanced Federal budget. I believe we must end the continued policy of running billion-dollar deficits which add to the national debt that must be paid by our children and grandchildren. The budget resolutions for fiscal year 1996, however, cut crucial programs at a time when our Federal belt-tightening will mandate a greater need for certain programs. I am especially concerned about the deep cuts in education, health, and infrastructure.

This budget is too extreme. It is unfair, and it asks too much of the majority of Americans. I firmly believe we must continue on a serious path toward real deficit reduction. Our $4.7 trillion dollar debt is not a legacy I, in good conscience, can leave to my children and grandchildren which I why I think we cannot afford a tax cut until we reach a balanced budget. However, as we reduce Government services we must protect those who will be hardest hit by such reductions.

I believe if we get rid of the $340 billion tax cut for the wealthy and used those funds to help keep Medicare solvent; if we ask the very wealthy instead to pay their fair share; restore some funding for some of our most needed initiatives, such as student loans; and do not tamper with Social Security, we could reach our common goal of a balanced budget and a healthy economy and a prosperous and bright future for all of our Nation's citizens.

Mr. COYNE. Mr. Speaker, now is not the time for massive tax increases. We desperately need to reduce the growing Federal deficit. The House budget plan's tax cut would reduce Federal receipts by $190 billion over 5 years, $350 billion over 7 years, and more than $650 billion over 10 years. These tax cuts are forcing deep, irresponsible cuts in Medicare and Medicaid—as well as other important Federal programs like student loans and nutrition programs.

On another front, the House Ways and Means Committee is holding hearings today on replacing the Federal income tax within the next 2 or 3 years. Frequent changes in the Tax Code create uncertainty that hinders financial decisions and reduces economic growth. If we are seriously considering making major changes to the Tax Code in the near future, we shouldn't make dramatic changes in the Tax Code now.

The most responsible policy we could adopt at this time would be no tax cut, but if that is not an option, then the Senate position is preferable. If we are serious about the budget, we shouldn't be enacting tax cuts with revenue losses that explode after the year 2000. In addition, the tax cuts are distributionally unfair—many working class families won't see a penny out of them. If we want to reduce the tax burden on the hard-pressed middle class, we should rethink our approach. In short, for many compelling reasons, I urge the House to instruct the conferees to eliminate the House tax cuts in conference.

One tax provision in particular deserves special attention—the earned income tax credit. The Senate bill would reduce the EITC. The House version—perhaps due to its brutal cuts in welfare, nutrition programs, and Medicaid—would leave the EITC untouched. The conference committee should—in this one case—follow the House's lead and leave the EITC alone.

Hard work should be rewarded, and the EITC "makes work pay"—it offsets the burden of Social Security and other payroll taxes, and it ensures that a household with an adult working full-time will have a higher income than a family on welfare.

The purchasing power of low-income wages has declined substantially since the EITC was created 20 years—for example, the proportion of full-time year-round workers paid a wage too low to lift a family of four up to the poverty level rose from 12 percent in 1979 to 16 percent in 1993. The EITC restores some of that purchasing power. It is wrong to pay for tax cuts for families with incomes over $100,000 by increasing taxes on working families with incomes below $27,000. Honest working families that often hold down several jobs—and yet still struggle to make ends meet—need tax relief a lot more than America's most affluent families.

Republicans from Ronald Reagan and Richard Nixon to ROBERT DOLE and PETE DOMENICI have praised the EITC as the best antipoverty program in existence. Granted, Republicans have often supported the credit in order to resist increases in the minimum wage or to counteract the disincentives created by Government welfare programs; but now that they are in control of Congress and have gutted Federal welfare programs, the need to maintain the credit at its current level is that much greater.

In short, I urge my colleagues to support the motion to instruct conferees. It's not too late to produce a budget that cuts the deficit responsibly without stabbing hard-working middle-class families and the elderly in the back.

The SPEAKER pro tempore. All time has expired.

Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct conferees offered by the gentleman from Minnesota [Mr. SABO].

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. SABO. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

This will be a 17-minute vote.

The vote was taken by electronic device, and there were—yeas 183, nays 233, not voting 18, as follows:

[Roll No. 361]

YEAS—183

Abercrombie
Ackerman
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt

Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Hastings (FL)
Hayes
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lincoln
Lipinski
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Moran
Murtha
Nadler
Neal
Obey

Olver
Ortiz
Orton
Owens
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reed
Reynolds
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Towns
Traficant
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wise
Woolsey
Wyden
Wynn

NAYS—233

Allard
Andrews
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bono
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer

Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan

Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte

Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Pallone
Parker
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Torricelli
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—18

Baesler
Bonilla
Chapman
Dicks
Flanagan
Foglietta
Harman
Johnson (CT)
Kleczka
Laughlin
Lofgren
Montgomery
Oberstar
Peterson (FL)
Spratt
Wicker
Wilson
Yates

☐ 1235

The Clerk announced the following pairs:

On this vote:

Mr. Oberstar for, Mrs. Johnson of Connecticut against.

Mr. Yates for, Mr. Wicker against.

Mrs. FOWLER, Mrs. MORELLA, Mr. PALLONE, and Mr. PORTER changed their vote from "yea" to "nay."

Ms. ROYBAL-ALLARD changed her vote from "nay" to "yea."

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Messrs. KASICH, HOBSON, WALKER, KOLBE, SHAYS, HERGER, ALLARD, FRANKS of New Jersey, and LARGENT, Mrs. MYRICK, Messrs. PARKER, SABO, STENHOLM, Ms. SLAUGHTER, Messrs. COYNE, MOLLOHAN, COSTELLO, and JOHNSTON of Florida, and Mrs. MINK of Hawaii.

There was no objection.

GENERAL LEAVE

Mr. SABO. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the motion to instruct conferees on House Concurrent Resolution 67.

The SPEAKER pro tempore (Mr. LATOURETTE). Is there objection to the request of the gentleman from Minnesota?

There was no objection.

AMERICAN OVERSEAS INTERESTS ACT OF 1995

The SPEAKER pro tempore. Pursuant to House Resolutions 155 and 156 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 1561.

☐ 1238

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 1561), to consolidate the foreign affairs agencies of the United States; to authorize appropriations for the Department of State and related agencies for fiscal year 1996 and 1997; to responsibly reduce the authorizations of appropriations for United States foreign assistance programs for fiscal year 1996 and 1997, and for other purposes, with Mr. GOODLATTE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Wednesday, June 7, 1995, amendment No. 23 offered by the gentleman from New York [Mr. ACKERMAN] had been disposed of and the bill was open for amendment at any point.

Pursuant to House Resolutions 155 and 156, 1 hour and 45 minutes remain for consideration of amendments under the 5-minute rule.

Are there further amendments to the bill?

AMENDMENT OFFERED BY MR. GILMAN

Mr. GILMAN. Mr. Chairman, pursuant to the rule, I offer an amendment that has not been printed in the RECORD. I have consulted through staff and the ranking minority member with regard to this amendment.

The Clerk read as follows:

Amendment offered by Mr. GILMAN: In section 2644 (relating to further steps to promote United States security and political interests with respect to North Korea) by striking paragraph (1) and inserting the following:

(1) action by the Government of North Korea to engage in a North-South dialogue with the Government of the Republic of Korea to facilitate progress toward:

(A) holding a North Korea-South Korea Summit;

(B) resuming North-South joint military discussions regarding steps to reduce tensions between North and South Korea;

(C) expanding trade relations between North and South Korea;

(D) promoting freedom of travel between North and South Korea by citizens of both North and South Korea;

(E) cooperating in science and technology, education, the arts, health, sports, the environment, publishing, journalism, and other fields of mutual interest;

(F) establishing postal and telecommunications services between North and South Korea; and

(G) reconnecting railroads and roadways between North and South Korea;

At the end of division A insert the following new title:

TITLE VI—REORGANIZATION OF UNITED STATES EXPORT PROMOTION AND TRADE ACTIVITIES

SEC. 601. PLAN FOR REORGANIZATION OF UNITED STATES EXPORT PROMOTION AND TRADE ACTIVITIES.

(a) FINDINGS.—The Congress makes the following findings:

(1) Supporting American businesses overseas and assisting United States exporters to identify market opportunities is of increasing importance to America's economic health and competitiveness, and to the well-being of American workers.

(2) At least 18 different government-sponsored organizations or agencies spending over $3,300,000,000 exist to provide support to American exporters and international businesses. In the past, poor coordination among these organizations and a lack of accessibility often hindered the effectiveness of the Government's trade promotion activities.

(3) Recent efforts to improve coordination between many of these organizations and to increase their availability to exporters around the country were begun through the Trade Promotion Coordination Council. These efforts appear to have generated some improvement in the Government's trade promotion capabilities.

(4) Broader governmentwide reform efforts and future funding questions currently being addressed in Congress may affect different trade promotion organizations to varying degrees.

(b) REPORT REQUIRED.—In order to fully assess the organizational structure, capability, and spending levels of United States Government trade promotion organizations, the Trade Promotion Coordination Council, not later than March 1, 1996, shall submit to the Committee on International Relations of the House of Representatives, the Committee on Foreign Relations of the Senate, and to other appropriate committees of jurisdiction, a report detailing what steps are being taken to improve accessibility and coordination among all trade promotion organizations and agencies, what additional measures should be taken to further improve the efficiency of and reduce duplication among these organizations and agencies, and any suggested legislative actions that would further improve the Government's export and trade promotion activities.

(c) CONTENT OF REPORT.—The report required by subsection (b) shall—

(1) identify the name, number, function, and budget of all Government organizations or agencies with some responsibility for supporting, advancing, or promoting international trade or United States exports;

(2) assess the amount of exports directly generated by the activities of each organization or agency;

(3) describe the overall impact of the Government's trade and export promotion programs on increasing exports and overseas market share;

(4) identify areas where increased cooperation and interoperability would improve United States export promotion efforts;

(5) identify areas where greater efficiencies can be achieved through the elimination of duplication among the organizations and agencies included in paragraph (1);

(6) identify ways to improve the audit and accountability mechanisms for each organization or agency, with particular emphasis on ensuring independent oversight capabilities for each organization;

(7) assess the trade and export promotion activities of the major trade partners and competitors of the United States, including amounts of tied aid and export subsidization provided by the governments of those trade partners and competitors; and

(8) provide a plan to reorganize the United States trade and export promotion organizations and agencies, with legislative requirements if necessary, in order to more efficiently promote trade, increase organizational assessability, organize bureaucratic effort, and expend public resources in support of American exporters and international business.

In title XXV (relating to international organizations and commissions) insert the following new section at the end of chapter 1:

SEC. 2502. REPEAL OF AUTHORITY FOR PARTICIPATION BY THE UNITED STATES IN THE INTERPARLIAMENTARY UNION.

The Act entitled "An Act to authorize participation by the United States in the Interparliamentary Union", approved June 28, 1935 (22 U.S.C. 276–276a-4) is repealed.

Strike section 3412 of the bill (relating to prohibition on assistance to foreign governments engaged in espionage against the United States).

Page 289, add the following after line 26 and redesignate the succeeding chapter accordingly:

CHAPTER 8—OVERSEAS PRIVATE INVESTMENT CORPORATION

SEC. 3275. STUDY ON OPIC PRIVATIZATION.

The President or his designee shall conduct and, not later than 180 days after the date of the enactment of this Act, report to the Congress on the feasibility of transferring the activities of the Overseas Private Investment Corporation to the private sector.

SEC. 3276. PRIVATIZATION OF OPIC ACTIVITIES.

Upon completion of the report required under section 3275, the President is authorized to sell the stock of the Overseas Private Investment Corporation and to take other necessary steps so that all the evidences of ownership of the Corporation are transferred to the private sector, whether through the sale of the Corporation's contracts, leases, or other agreements or rights, or otherwise.

In section 2201, add the following at the end:

(c) USE OF EARNINGS FROM FROZEN ASSETS FOR PROGRAM.—

(1) AMOUNTS TO BE MADE AVAILABLE.—Up to 2 percent of the earnings accruing, during periods beginning October 1, 1995, on all assets of foreign countries blocked by the President pursuant to the International Emergency Powers Act (50 U.S.C. 1701 and following) shall be available, subject to appropriations Acts, to carry out section 36 of the State Department Basic Authorities Act, as amended by this section, exception that the limitation contained in subsection (d)(2) of such section shall not apply to amounts made available under this paragraph.

(2) CONTROL OF FUNDS BY THE PRESIDENT.—The President is authorized and directed to take possession and exercise full control of so much to the earnings described in paragraph (1) as are made available under such paragraph.

At the end of chapter 3 of title XXII (relating to refugees and migration) insert the following new sections:

SEC. 2256. VIETNAM POW/MIA ASYLUM PROGRAM.

(a) ASYLUM FOR ELIGIBLE ALIENS.—The Attorney General shall grant asylum in the United States to any alien described in subsection (b), upon the application of that alien.

(b) ELIGIBILITY.—Asylum shall be granted under subsection (a) to any alien (1) who is a national of Laos, Vietnam, Cambodia, or Burma, and (2) who, while acting other than in an official or unofficial capacity on behalf of any government or agency, personally delivers into the custody of the United States Government a living Vietnam POW/MIA (or participates in such a delivery).

(c) VIETNAM POW/MIA DEFINED.—

(1) For purposes of this section, the term "Vietnam POW/MIA" means an individual—

(A) who is a member of a uniformed service (within the meaning of section 101(3) of title 37, United States Code) in a missing status (as defined in section 551(2) of such title) as a result of the Vietnam conflict, unless it is official determined under section 552(c) of such title that such individual is officially absent from such individual's post of duty without authority; or

(B) who is an employee (as defined in section 5561(2) of title 5, United Stats Code) in a missing status (as defined in section 5561(5) of such title) as a result of the Vietnam conflict.

Such term does not include an individual who the Secretary of Defense determines remained in Vietnam, Laos, or Cambodia voluntarily.

(2) For purposes of paragraph (1)—

(A) the Vietnam conflict began on February 28, 1961, and ended on May 7, 1975; and

(B) an individual in a missing status shall be considered to be in a missing status as a result of the Vietnam conflict if immediately before that status began the individual—

(i) was performing service in Vietnam; or

(ii) was performing service in Southeast Asia in direct support of military operations in Vietnam.

SEC. 2257. KOREA POW/MIA ASYLUM PROGRAM.

(a) ASYLUM FOR ELIGIBLE ALIENS.—The Attorney shall grant asylum in the United States to any alien described in subsection (b), upon the application of that alien.

(b) ELIGIBILITY.—Asylum shall be granted under subsection (a) to any alien (1) who is a national of North Korea, South Korea, or China and (2) who, while acting other than in an official or unofficial capacity on behalf of any government or agency, personally delivers into the custody of the United States Government a living Korea POW/MIA (or participates in such a delivery).

(c) KOREA POW/MIA DEFINED.—

(1) For purposes of this section, the term "Korea POW/MIA" means an individual—

(A) Who is a member of a uniformed service (within the meaning of section 101(3) of title 37, United States Code) in a missing status (as defined in section 551(2) of such title) as a result of the Korean conflict, unless it is officially determined under section 552(c) of such title that such individual is officially absent from such individual's post of duty without authority; or

(B) who is an employee (as defined in section 5561(2) of title 5, United States Code) in a missing status (as defined in section 5561(5) of such title) as a result of the Korean conflict.

Such term does not include an individual who the Secretary of Defense determines remained in North Korea, South Korea, or China voluntarily.

(2) For purposes of paragraph (1)—

(A) the Korean conflict began on June 27, 1950, and ended on January 31, 1955; and

(B) an individual in a missing status shall be considered to be in a missing status as a result of the Korean conflict if immediately before that status began the individual—

(i) was performing service in the Korean peninsula; or

(ii) was performing service in Asia in direct support of military operations in the Korean peninsula.

Strike subsection (a) of section 3421 (relating to the repeal of section 537(h)(2) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988).

In subsection (c) of section 3421 (relating to the repeal of the Special Foreign Assistance Act of 1986), strike "section 1 and section 204" and insert "section 1, section 204, and title III of such Act".

In section 3401 of the bill (in paragraph (1) of section 610(a) of the Foreign Assistance Act of 1961, as proposed to be amended by such section 3401), insert "or the Arms Export Control Act" after "of this Act".

Strike section 3402 of the bill and insert the following:

SEC. 3402. AUTHORITY TO MEET UNANTICIPATED CONTINGENCIES.

Paragraph (1) of section 451(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2261(a)(1)) is amended by striking "$25,000,000" and inserting "$50,000,000".

Strike section 3403 of the bill and insert the following:

SEC. 3403. SPECIAL WAIVER AUTHORITY.

(a) LAWS AFFECTED.—Section 614 of the Foreign Assistance Act of 1961 is amended by striking subsections (a)(1) and (a)(2) and inserting the following:

"(a) AUTHORITY TO AUTHORIZE ASSISTANCE, SALES, AND OTHER ACTIONS; LIMITATIONS.—(1) The President may authorize assistance, sales, or other action under this Act, the Arms Export Control Act, or any annual (or periodic) foreign assistance authorization or appropriations legislation, without regard to any of the provisions described in subsection (b), if the President determines, and notifies in writing the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate—

"(A) with respect to assistance or other actions under chapter 2 or 5 of part II of this Act, or sales or other actions under the Arms Export Control Act, that to do so is vital to the national security interests of the United States; and

"(B) with respect to other assistance or actions that to do so is important to the national interests of the United States.

"(2) The President may waive any provision described in paragraph (1), (2), or (3) of subsection (b) that would otherwise prohibit or restrict assistance or other action under any provision of law not described in those paragraphs if the President determines, and notifies in writing the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate, that to do so is important to the national interests of the United States.".

(b) ANNUAL CEILING.—Section 614(a)(4)(C) of that Act is amended by striking "$50,000,000" and inserting "$75,000,000".

(c) LAWS WHICH MAY BE WAIVED.—Section 614 of that Act is amended by striking subsections (b) and (c) and inserting the following:

"(b) LAWS WHICH MAY BE WAIVED.—The provisions referred to in subsections (a)(1) and (a)(2) are—

"(1) the provisions of this Act;

"(2) the provisions of the Arms Export Control Act;

"(3) the provisions of any annual (or periodic) foreign assistance authorization or appropriations legislation, including any amendment made by any such Act;

"(4) any other provision of law that restricts assistance, sales or leases, or other action under the Acts referred to in paragraph (1), (2), or (3); and

"(5) any law relating to receipts and credits accruing to the United States.".

(d) CONFORMING AMENDMENTS.—Section 614(a)(4) of that Act is amended—

(1) in subparagraphs (A)(ii), by striking "or the Arms Export Control Act"; and

(2) in subparagraph (B), by striking "the Arms Export Control Act or under".

In section 3404 of the bill (in subsections (a)(1) and (c) of section 617 of the Foreign Assistance Act of 1961, as proposed to be amended by such section 3404), insert "or the Arms Export Control Act after "under this Act" each place it appears.

Strike section 2601(b) (relating to visits to the United States by officials of the Government of the Republic of China and Taiwan) and strike the subsection designation and heading for section 2601(a).

Strike section 505 (relating to voluntary separation incentives) and designate the subsequent sections and amend the table of contents accordingly).

At the end of chapter 1 of title XXVI (relating to foreign policy provisions) add the following new section:

SEC. 2604. VERIFICATION OF MISSILE TECHNOLOGY CONTROL REGIME.

Not later than February 1, 1996, the Director of the Arms Control and Disarmament Agency shall transmit to the Congress a report on the capability of the United States to verify the Missile Technology Control Regime, to include any applicable United States policy statements, pursuant to section 87 of the Arms Control and Disarmament Act.

At the end of section 501 (relating to reorganization authority) insert the following new subsection:

(c) REDUCTION IN EXPENDITURES.—A reorganization plan pursuant to any title of this division shall provide for a twenty percent reduction to apply to each of the first two fiscal years after implementation of such plan in the total level of expenditures for the functions transferred to the Department of State from amounts appropriated for such transferred functions for fiscal year 1995.

At the end of the bill, add the following:

DIVISION D—ADDITIONAL PROVISIONS

TITLE XLI—UNITED STATES EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

SEC. 4001. AUTHORIZATION OF APPROPRIATIONS.

(a) FULBRIGHT ACADEMIC EXCHANGE PROGRAMS.—Notwithstanding section 2106(3)(A), there are authorized to be appropriated for "Fulbright Academic Exchange Programs", $112,484,200 for the fiscal year 1996 and $88,680,800 for the fiscal year 1997.

(b) OTHER PROGRAMS.—Notwithstanding section 2106(3)(F), there are authorized to be appropriated for "Other Programs", $77,265,800 for the fiscal year 1996 and $57,341,400 for the fiscal year 1997.

In section 3231 of the bill (in section 667(a)(1) of the Foreign Assistance Act of 1961, as proposed to be amended by such section 3231; relating to operating expenses of the United States Agency for International Development), strike "$465,774,000" and insert "$396,770,250" and strike "$419,196,000" and insert "$396,770,250".

Mr. GILMAN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GILMAN. Mr. Chairman, yesterday, with the cooperation of the minority, we were able to take care of the concerns of many Members by adopting an en bloc amendment. We added provisions to this bill that were supported on both sides, even provisions that were propounded by members who have no intention of voting for this bill. We tried to accommodate as many Members as we could.

There were several amendments that we could not get agreement on however, and some matters that have come to our attention since the time for printing amendments had expired.

Whereas yesterday we only shifted funds on one amendment, in this package we make even more spending reductions. Some of these are minor, such as the decision we have made to end U.S. participation in the Interparliamentary Union. The United States pays dues of nearly $1 million per year for the IPU assessment, but participates only minimally. The IPU has, regrettably, taken a rather arrogant attitude toward our participation and on one relatively recent occasion increased our assessment at a meeting where we were not represented.

Other changes involve greater amounts of money. For example, the Manzullo amendment represents a considerable, additional cut in cultural and educational exchanges. Mr. MANZULLO has been one of the more active members of our committee and I commend his close attention to this program. I hope he will continue to look closely at the costs and benefits of this program, and welcome his willingness to meet me more than halfway in crafting a solution to the problems he sees in it. The amendment reduces funding for these exchanges by $10 million in each of fiscal years 1996 and 1997.

Another senior member of our committee has reached a compromise with us. Mr. ROTH has made modifications to his amendment, offered in committee and preprinted in the RECORD, relating to a requirement that the President's reorganization plan show reductions in transferred functions. We have come to a compromise making that amendment acceptable on this side.

At the request of the Committee on Intelligence, which I understand was representing the concerns of the intelligence community of this administration, we are deleting a provision that cuts off aid to countries which conduct certain intelligence activities against this country. The intelligence community felt that having to make a cutoff could in certain cases expose its state of knowledge about the activities of other countries and, more generally, expose intelligence sources and methods. We reluctantly went along but will work with the intelligence committee and the administration to see if we cannot find another way to achieve this general goal.

We also include the Mica export promotion study language, as modified, the McInnis language on Korea, a new Hoke amendment calling for a report on compliance with the Missile Technology Control Regime, a modification of the Hoke amendment on OPIC, a modification of the Upton amendment providing for special treatment for foreign nationals who find a live MIA from the Vietnam or Korean conflicts—something we would all wish for. In addition, we include the Solomon amendment providing that interest earned on certain blocked assets be used to fund a rewards program for the arrest and conviction of international terrorists.

In response to concerns expressed after the Committee on Government Reform and Oversight held its hearings on voluntary separation payments, essentially contemporaneously with our consideration of this bill in our committee, we have stricken language authorizing such payments in this bill. I do hope and expect that as the administration puts together its plan effectuate our reform of the foreign affairs agencies, it will consider if voluntary separation payments are appropriate, and if they are will work closely with our committee and the Committee on Government Reform and Oversight, and for my part I will sympathetically consider their views.

In terms of technical amendments, we strike a provision that inadvertently repealed provisions of laws under our jurisdiction relating to international environmental programs, and another provision that addresses administration concerns relating to the waiver and other special authorities provisions in the bill.

Mr. Chairman, in the time remaining, I would like to make a few more comments on the bill as a whole.

First, I want to thank my colleagues on the committee, and of the House, on both sides of the aisle, for their cooperation as we have moved this bill through its various stages, as well as the leadership, committee, and personal staffs who have worked on the bill. In addition, I would like to thank the chairman of the Committee of the Whole for the excellent manner in which he has presided over these extended deliberations.

Second, I want to point out that this bill has some things that everyone likes, and some things that some of us dislike intensely. We must look beyond to the details to the whole.

□ 1245

The CHAIRMAN. The time of the gentleman from New York [Mr. GILMAN] has expired.

(By unanimous consent, Mr. GILMAN was allowed to proceed for 1 additional minute.)

Mr. GILMAN. Mr. Chairman, what we are doing in the overall bill is making fundamental needed reforms to the foreign policy establishment, reforms that this House voted for with a strong vote yesterday evening, in defeating the Ackerman amendment.

Mr. Chairman, we are cutting our budget for the international affairs function in line with today's budget realities. We are setting forth policies that address important foreign policy problems, from terrorism to nuclear proliferation to the situation in Cuba.

We are doing both of these things in an effort that has earned the backing of groups as diverse as Citizens Against Government Waste and Americans for Tax Reform, from the Irish National Caucus and the Conference of Presidents of Major American Jewish Organizations to the Family Research Council and Phyllis Schlafley's Eagle Forum.

Mr. Chairman, I urge my colleagues to support this measure.

And just one added note. In addition, language has been offered by another senior member of our committee, the gentleman from Indiana [Mr. BURTON], which is included, that would cut AID's operating expenses by an additional 15 percent above the 10 percent reduction in the bill.

AMENDMENT OFFERED BY MR. HOYER TO THE AMENDMENT OFFERED BY MR. GILMAN

Mr. HOYER. Mr. Chairman, I offer an amendment to the amendment offered by the gentleman from New York [Mr. GILMAN].

The Clerk read as follows:

Amendment offered by Mr. HOYER to the amendment to the amendment offered by Mr. GILMAN:

At the end of the amendment, add the following: In title XXVI (relating to foreign policy provisions) insert the following at the end of chapter 1:

SEC. 2604. BOSNIA AND HERZEGOVINA SELF-DEFENSE ACT.

(a) SHORT TITLE.—This section may be cited as the "Bosnia and Herzegovina Self-Defense Act".

(b) FINDINGS.—The Congress makes the following findings:

(1) The Serbian aggression against Bosnia and Herzegovina continues into its third year, the violence has escalated and become widespread, and ethnic cleansing by Serbs has been renewed.

(2) It has been almost one year since the Bosnian Government unconditionally, and on time, accepted the "Contact Group" plan, which the Serb forces have rejected.

(3) The United Nations has failed to protect its declared safe havens from continuing and relentless Serbian aggression, and has failed to order North Atlantic Treaty Organization (NATO) air strikes against Serb forces in retaliation for their attacks on Sarajevo, despite calls from its own field commander to do so.

(4) The United Nations Security Council has not considered a resolution providing for the multilateral termination of the arms embargo against Bosnia and Herzegovina, which would be the preferred course of action to allow that country to defend itself.

(5) The United Nations Security Council has not taken measures necessary to maintain international peace and security in Bosnia and Herzegovina since the aggression against that country began in April 1992.

(6) For the reasons stated in section 520 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236), the Congress has found that continued application of an international arms embargo to the Government of Bosnia and Herzegovina contravenes that Government's inherent right of individual or collective self-defense under Article 51 of the United Nations Charter, and therefore is inconsistent with international law.

(c) STATEMENT OF PURPOSE.—The Congress supports the efforts of the Government of the Republic of Bosnia and Herzegovina—

(1) to defend its people and the territory of the Republic;

(2) to preserve the sovereignty, independence, and territorial integrity of the Republic; and

(3) to bring about a peaceful, just, fair, viable, and sustainable settlement of the conflict in Bosnia and Herzegovina.

(d) TERMINATION OF ARMS EMBARGO.—

(1) TERMINATION.—The President shall terminate the United States arms embargo of the Government of Bosnia and Herzegovina upon receipt from that Government of a request for assistance in exercising its right of self-defense under Article 51 of the United States Charter.

(2) DEFINITION.—As used in this section, the term "United States arms embargo of the Government of Bosnia and Herzegovina" means the application to the Government of Bosnia and Herzegovina of—

(A) the policy adopted July 10, 1991, and published in the Federal Register of July 19, 1991 (58 FR 33322) under the heading "Suspension of Munitions Export Licensees to Yugoslavia"; and

(B) any similar policy applied by the United States Government as of the date of receipt of the request described in paragraph (1) pursuant to which approval is denied for transfers of defense articles and defense services to the former Yugoslavia.

(3) RULE OF CONSTRUCTION.—Nothing in this section shall be interpreted as authorization for deployment of United States forces in the territory of Bosnia and Herzegovina for any purpose, including training, support, or delivery of military equipment.

Mr. HOYER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The CHAIRMAN. The gentleman from Maryland [Mr. HOYER] is recognized for 5 minutes in support of his amendment.

Mr. GILMAN. Mr. Chairman, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from New York.

Mr. GILMAN. As I indicated to the gentleman last night, with the short period of time left for debate on this measure, I would think it would be more appropriate that we take this as a freestanding bill, and I assure the gentleman we will put this measure on at the earliest possible date next week in our committee so that it can move to the floor as rapidly as possible.

I think to try to compress the debate in the short period of time we have remaining on the floor today does a disservice to this very critical issue, and I would hope that the gentleman would consider at this point taking the measure off the floor and taking it up in full committee and getting it as a freestanding bill on the floor when we would all have an opportunity to extensive debate.

Mr. HOYER. I appreciate the gentleman's remarks. He and I have discussed this.

Mr. Chairman, I yield to the gentleman from Florida [Mr. HASTINGS], who wanted to be recognized initially on the en bloc amendment.

Mr. HASTINGS. Mr. Chairman, I rise in opposition to the manager's amendment.

I oppose this amendment for three basic reasons.

First, the amendment includes bad policy language. It folds together several amendments that were printed in the RECORD that individually are objectionable.

On North Korea, OPIC, the International Parliamentary Union, U.N. command and control—the list goes on and on—the amendment takes United States policy in a bad direction.

Second, this amendment enables the bill manager to delete provisions of the current bill without any debate.

These same provisions were put in the bill without discussion and over the minority's objection.

The bill manager should have to stand up and explain to the House why a provision like that on espionage was included in the chairman's mark and the committee-passed bill, and why it is now being dropped.

These are not just technical corrections. They are U-turns in the road. The bill manager should explain his driving.

Third, I oppose this amendment on process grounds.

It contains several provisions that we start to see until yesterday, and in three cases, provisions that we received only late last night or early this morning: provisions on the environment, special authorities, MTCR verification, USIA programs, and overall funding for fiscal year 1988.

These amendments were never even filed in the CONGRESSIONAL RECORD. We haven't had adequate time to study these provisions. We don't know what they do. We don't know their implications. We shouldn't vote for provisions that many on both sides of the aisle have had no opportunity to review.

Mr. HOYER. Mr. Chairman, my amendment states that the arms embargo against Bosnia and Herzegovina shall be lifted upon receiving a request from the Bosnian Government to do so.

I suggest there is no more important issue that confronts this country and the international community at this moment in time, in this moment in history, than does this issue.

Last year, with bipartisan support the House voted overwhelmingly to lift the U.N. embargo, an action designed to uphold Bosnia and Herzegovina's inherent and recognizable right of self-defense, as provided under article 51 of the Charter of the United Nations.

Following the House vote on June 9 last year, Bosnia accepted the contact groups, that is, Britain, France, Germany, Russia, and ourselves, plan after the group assured Bosnia that if the Serbs refused the plan, international sanctions against Serbia would be tightened, more efforts would be made to afford greater protection of safe areas by the United Nations, and ultimately the arms embargo would be lifted.

Mr. Chairman, I was at a meeting with the Bosnian President, President Izetbegovic, and Prime Minister Haris Silajdzic, and others, in Sarajevo, when it was announced Bosnia would accept the plan unconditionally. That acceptance, Mr. Chairman, was met by Serbia's ultimate rejection.

And what did the international community do? First, sanctions against Serbia were eased and safe areas were left abandoned to the wanton aggression of the Bosnian Serbs and, of course, Bosnia continues to fall victim to the arms embargo.

Well, Mr. Chairman, here we are 1 year later. And what has time brought the Bosnians? Nothing other than more deaths.

The CHAIRMAN. The time of the gentleman from Maryland [Mr. HOYER] has expired.

Mr. HOYER. Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

Mr. BURTON of Indiana. Mr. Chairman, reserving the right to object, we have a number of amendments that are pending, but I hope my colleagues on the other side of the aisle will be concerned about the time disbursement and the time other people are going to need to discuss other parts of the bill. I will not object, but I hope we do not see that go on any further.

Mr. Chairman, I withdraw my reservation of objection.

Mr. GILMAN. Mr. Chairman, reserving the right to object, I am going to ask the gentleman from Maryland [Mr. HOYER] if he would please consider other Members who want to debate other important issues and not take up a good portion of the remaining time of debate, and that is why I asked that you withdraw the amendment and give us a freestanding amendment, a freestanding measure later on next week, whenever we can get it to the floor.

Mr. HOYER. Mr. Chairman, will the gentleman yield?

Mr. GILMAN. Further reserving the right to object, I yield to the gentleman from Maryland.

Mr. HOYER. I thank my good friend.

There are a few Members on this floor for whom I have more respect. I want to tell the gentleman, with as much respect as I can, yesterday we voted on an amendment. We had approximately 2½ hours, maybe longer, on the War Powers Act.

As the gentleman probably knows, I was one of the few Democrats who voted for the Hyde amendment. So I agreed with the proposition that the gentleman from Illinois raised. Nobody on this floor believes that if we consider the war powers amendment next week, the week after or 4 weeks from now, it would have made a whit of difference.

This amendment, for which time was not made available and which this Member had to go through a relatively strained parliamentary procedure to even get considered, at a time when people are dying in hostage, in a genocide, in a country that the international community has recognized, that the international community has said is subject to genocide and which this country, this country said is led by war criminals, Mr. Milosevic, Mr. Kradajic, Mr. Miladiz in Bosnian Serbia; our Secretary of State, Lawrence Eagleberger, under George Bush, leveled the charge and accusation they were war criminals.

I say with all due respect and affection to my good friend from New York, the chairman of the committee, I regret I have not had the opportunity even to present——

Mr. GILMAN. Mr. Chairman, I withdraw my reservation of objection and just ask the sponsor of the measure to consider there are other Members who want to be heard.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

Mr. VOLKMER. Mr. Chairman, reserving the right to object, the gentleman from Maryland has only requested the time, as I understand it, in order to make up for the time that the gentleman yielded so graciously to other Members, especially the gentleman from Florida, so that he could present in timely fashion the opposition to the en bloc amendment and, therefore, his time was used up.

I do not understand why anyone would make an objection to the gentleman now taking the time to explain the reason for his amendment, and so, the gentleman from Maryland, I think you have an amendment here that is one of the most important that we have faced this whole bill, this issue. Like you say, it is a question of genocide.

You know, we had a holocaust at one time in this world. Many people at that time said, "Never again, never again." But we are witnessing it today. We witnessed it for 3 years, and we have stood back and we have done nothing.

We are saying we do not want to do anything. We want to let it go on, just let them be killed, because they are not Americans, they are way over there in Bosnia.

So I think that the gentleman has a very good amendment, and I hope that the House will adopt his amendment.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. HOYER. Mr. Chairman, I thank my colleagues for not objecting.

Mr. Chairman, here we are 1 year later, and what has time brought the Bosnians?

All of us know: Further deaths, further ethnic cleansing, further disruption to the democratically elected government.

□ 1300

For the aggressors however, Mr. Chairman, they just dug their trenches a little deeper. And the Bosnian Serbs upped the ante by taking more than 370 U.N. troops hostage. They released some, but they still hold others, and then, on last Friday they shot down a U.S. F–16 fighter. Thank God that he has now been retrieved. We thank the technology that allowed him to get out of that plane and to let us know where he was.

But, Mr. Chairman, let us be clear.

It is not just UNPROFOR that is being held hostage but the United Nations and NATO itself. A test of wills has been going on now for 3 years between the Bosnian Serbs, Milosevic, and the United Nations and NATO. The Serbs have won every time. And the world's most powerful collective institution is being rendered helpless.

On several occasions, we have witnessed Bosnia's aggressors stay their assaults at the prospect that Bosnia would be aided by the international community. But each time, Mr. Chairman, they have returned even more bold and resolute to try to finish their crime, the annihilation of an independent democratic, internationally recognized Bosnia, when the international community has failed to act decisively. The taking of UNPROFOR hostages is but the latest example of such boldness and of such contempt for the international community's lack of resolve.

Mr. Chairman, we in America have serious national interests in helping the people of Bosnia, which I think it very important to point out consists of Moslems, Croats, and Serbs.

First, this is a recognized member state of the United Nations. We have an interest as we did with Kuwait in seeing that it is not destroyed.

Second, we have an interest in stopping a genocide. Surely we do not want history to show that within years of one genocide we stood idly by while it was committed in Europe again?

Third, we have an interest in international norms and laws being upheld and ultimately respected. If not, why should any nation seek help from an international community that espouses rule by law yet acknowledges and ultimately respects rule by force.

Fourth, we have an interest in making sure that the carnage of Bosnia does not spread to other nations with the real possibility of pitting NATO allies against each other.

I think it is also useful, Mr. Chairman, for us to take a moment to recall the actions that led up to the crisis with which we are now concerned. Those actions included:

First, the increasingly bold and unrelenting Serb violations of a heavy weapon exclusion zone;

Second, the shelling of Sarajevo;

Third, the carrying off with artillery pieces and a mortar out of a U.N.-NATO impoundment depot, and

Fourth, the ignoring of a U.N.-NATO ultimatum.

It was only then that NATO conducted an air raid. The Serbs retaliated by shelling 5 "safe-areas" in Bosnia killing 76 people. That triggered a second NATO strike on other pale ammunition dumps. The Serb response was to seize hundreds of members of U.N. peace-keeping forces and then to shoot down a United States fighter enforcing the no-fly zone.

It seems to me, Mr. Chairman, that what we are encountering is similar to a scene dating back to the 1930's when another dictator sought to carve up a neighboring country in the name of ethnic unity. It occurred in Munich in 1938. It is appeasement.

At the outset of the crisis in Czechoslovakia one European leader remarked and I wish that everybody would listen to this, "How horrible, fantastic incredible it is that we should be digging trenches and tying on gas masks here because of a quarrel in a faraway country between people of whom we know nothing."

All of us, and particularly our fathers, and many who serve in this room, learned the lessons of that negligence.

Mr. Chairman, I am hopeful that this House will repeat its message of 1993–94 and say that we are going to allow the Bosnians to have the right and ability to defend themselves from terrorists.

Mr. BURTON of Indiana. Mr. Chairman, I move to strike the requisite number of words.

First of all, Mr. Chairman, let me just say that I have a first degree amendment, and I ask for a division of the question on the last part of Mr. GILMAN's amendment regarding AID and O&E cuts.

The CHAIRMAN. The Chair will divide the question at the appropriate time.

Mr. BURTON of Indiana. This is going to be a very confusing period as we discuss and debate the chairman's mark because we are going to be talking about several different issues, and I would just like to point out that the gentleman's amendment is likely to pass. I voted for it, I believe, the last time. I think it will pass this time. Unfortunately this issue was not brought before the committee. Otherwise it probably would have been a part of the entire debate, and it probably would have passed anyhow, and so I am just a little disappointed that this could not have been brought up as a separate issue. I do not have the time to yield, but I just say, I wish this wasn't in the mix right now because it is going to confuse a lot of people who are paying attention to the debate.

I had an amendment which was a freestanding amendment which is now part of the chairman's mark which will be voted on separately, which is confusing, which would cut the AID operating expenses. And AID last year got $517.5 million to run its operation. This year it was increased to $529 million. The chairman's mark reduced that down to $465 or $466 million, and what my amendment does is reduce it further, down to about $400 million.

Now the reason that I propose this amendment is because $400 million is more than enough money for the operating expenses of AID. We cut our staff here in the Congress by a third. What we are asking with my amendment is for AID to cut their staffs and their operating expenses by less than a fourth, and we think that is a reasonable thing to do. If we can do it by a third, they can sure do it by less than a fourth.

Now I would also like to point out that AID has adopted the practice in my view of wasting money. I want to quote to my colleagues, and I hope they will pay particular attention to this if I might have everybody's attention. This is a memo that was sent out by the leadership of AID to many of their offices around the world. And I quote, I want to quote from, this interoffice memo which went around the world to many AID offices, and this is a quote from Sally Shelton, senior staffer at AID. She said:

> Larry Burn, assistant administrator from management at AID, announced that AID was 62 percent through the fiscal year and we have 38 percent of the dollar volume of procurement actions completed. We need to do, and that means spend, we need to do $1.9 billion in the next 5 months.
>
> Burn also said, "There are large pockets of money in the field, so let's get moving."

So here was AID two-thirds of the way through their year saying they had only spent one-third of their budget so let us get on with spending more money so we can ask for more in the coming year.

This is a perfect example of bureaucrats trying to spend money as fast as they possibly can, even more than they should, so they can ask for more money in the next fiscal year.

In addition to that, there are some other items of waste that I would like to point out where AID is concerned:

> In El Salvador, AID-sponsored economists helped organize a socialistic land reform program in the early 1980s that nationalized land holdings, banks and private export companies. After the U.S. had spent billions in El Salvador, former President Alfredo Cristiani commented that millions more would be needed "just to correct the damage done by U.S. assistance in nationalizing the economy."

So what AID did, the President down there said, was something that hurt them rather than help, and they spent millions and millions of dollars to do that.

> After the Sandinistas lost the 1990 election, more than $1 billion in direct and indirect U.S. aid flooded Nicaragua. Hundreds of millions of U.S. tax dollars were lost bailing out a corrupt banking system largely controlled by Sandinista bureaucrats and loan officers. Even today, this fiasco threatens Nicaragua's democracy.

In Burundi they spent $7 million to buy a 1,000-acre farm to raise improved corn seed variety. This farm cost the American taxpayer $7,000 an acre, and I want to tell my colleagues, in Burundi you can get it for practically nothing, which is an outrageously expensive price to pay for an acre of farmland on which you are growing corn.

The project turned out to be a complete disaster because AID located the farm near the President of Burundi's home village even though this was an area of the country with the worst soil. They were simply trying to placate the President's whimsical desire to have a fancy foreign aid project in his home village. Then it turned out after this $7 million investment that there were no improved varieties of corn seed to be grown in Burundi because the ag research had never been done and I can go on and on and on.

The CHAIRMAN. The time of the gentleman from Indiana [Mr. BURTON] has expired.

(By unanimous consent, Mr. BURTON of Indiana was allowed to proceed for 3 additional minutes.)

Mr. BURTON of Indiana. Let me just say that AID, like every agency of Government, needs to be fiscally responsible. We have a huge national debt, we have huge deficits, and this House and the Senate are trying our dead level best to get control of runaway Government spending.

Here is an agency that has wasted money. I was a senior Republican on Africa for 10 years. I can tell my colleagues they wasted money in many countries over there. Some of the projects were good, but much of the money was wasted, and here we have, as I said before, a memo going out by the leadership in that agency saying that we have to spend money as fast as we possibly can because we are two-thirds of the way through our fiscal year and we have only spent one-third of our budget.

We need to send a message to AID. We cut back Congress by a third as far as our staffs were concerned. They can stand a 20- to 25-percent cut.

This is a good amendment which will save the taxpayers $65 million, and once again I would like to say I am very sorry that this was incorporated into this debate that is taking place right now on Bosnia. That should be a separate debate at a separate time. Unfortunately this is not the case.

So, I hope my colleagues, when we get to this first degree amendment which will be voted on separately later on, will see fit to support it because it is going to save the taxpayers $65 million, it is going to downsize one of the biggest bureaucracies in Washington, and it would not hurt our foreign aid program one whit, and with that I would like to add also that there have been all kinds of atrocities in India that AID has seen fit to continue to support through our developmental assistance over there even though the Congress in the past has voted to cut that money off. AID, 2 years ago we were going to cut $4 million in developmental assistance to India. AID overruled the elected Members of Congress and went ahead and sent that money, and that is another reason they need to receive a very strong message.

Mr. HASTINGS of Florida. Mr. Chairman, will the gentleman yield?

Mr. BURTON of Indiana. I yield to the gentleman from Florida.

Mr. HASTINGS of Florida. Mr. Chairman, I would like to ask the gentleman:

You argue that this amendment would save money. Am I correct that AID would have to lay off at least half of their employees, and would that not be very costly in terms of retirement and all of the buyout benefits that come along with that in addition to the number of agencies that would be——

Mr. BURTON Of Indiana. Mr. Chairman, reclaiming my time, let me just say when we downsize Government there are going to be short-range problems, but long-term, long-term major cash savings, and I believe this amendment long term will save a great deal, more than the $65 million that it will save initially, and I think that this is something the American people want us to do. They want to see us economizing Government and not continue to see runaway costs which have bankrupted this Nation, and so I think this amendment is a good one, and I hope my colleagues will see fit to vote for it.

BURTON AMENDMENT CUTS AID TO INDIA

WASHINGTON, DC.—Rep. Dan Burton (R-IN), Chairman of the Western Hemisphere Subcommittee, today won approval of an amendment to the foreign aid bill which would dramatically cut aid to India and other countries that consistently oppose U.S. interests at the U.N.

By including developmental assistance to the list of aid programs which would be denied these countries, Burton's amendment puts some real teeth into the foreign aid bill. The bill, as reported by the International Relations Committee, ties U.S. economic assistance directly to the voting patterns of other countries at the U.N. If a country votes against the U.S. more than 75% of the time, it would be ineligible for economic support funds, International Military and Education Training (IMET) funds, and Foreign Military Financing, three relatively modest programs. The Burton Amendment adds Development Assistance, which is a more substantial program, to the list. For example, India which has voted against the U.S. more than any other country, from 81% to 95% of the time would lose $70.4 million in developmental assistance and $364,000 in IMET funds next year alone.

"This is American taxpayers' money we are talking about here. There is no reason for us to be giving American money to countries who do not support our policies. I don't think it's unreasonable to expect countries who receive our assistance to vote with us 25% of the time. Most countries who do not support the U.S. in the U.N. are noted human rights violators, such as Cuba, Sudan, North Korea, Iran, and India. We should not be supporting countries like this," said Burton after the debate.

Burton has been a consistent critic of India's human rights record, speaking frequently about torture and extrajudicial killings of Sikhs in Punjab, Muslims in Kashmir, and Christians in Nagaland. During debate today, he spoke passionately on the House floor about India's long record of abuses.

All major human rights groups have condemned India as one of the most notorious human rights violators in the world. It is no surprise that India almost always votes against the U.S. at the U.N. According to Asia Watch, "Virtually everyone detained in Punjab is tortured." Amnesty International says, "Torture (in Punjab and Kashmir) and ill treatment is widespread and in some cases systematic, resulting in scores of deaths in police custody." Even our own State Department reported, "Over 41,000 cash bounties were paid to police in Punjab for extrajudicial killings of Sikhs between 1991 and 1993." This month in Kashmir, Indian troops burned to the ground a centuries-old mosque and hundreds of Muslim homes in the neighborhoods surrounding it.

"It is absolutely grotesque and inhumane to torture human beings in any way, but the government of India makes it a routine practice. There are certain standards to which we should hold countries who receive U.S. aid, and India is no exception. I believe we should cut ALL aid to India until they quit their murderous reign of terror in Punjab and Kashmir, and start supporting U.S. policies at the U.N.," said a determined Burton.

The foreign aid bill does not cut money from humanitarian food aid, international narcotics control, or antiterrorism programs, even in countries which are effected by the substantial cuts.

HUMAN RIGHTS IN INDIA AT A GLANCE

Disregard for Religious Sites and Figures

May 1995—Indian troops in Kashmir burn to the ground the centuries-old walnut wood mosque in Charar-e-Sharies, along with hundreds of homes around it.

December 1992—Hindu mobs destroy the historic Babri Mosque in Ayodhya as Indian troops stand by and watch.

December 1992—Gurdev Singh Kaonke, one of the most revered leaders of the Sikh religion, is arrested, tortured and killed in police custody.

June 1984—Indian soldiers launch an all out attack on the Golden Temple in Amritsar, the holiest shrine of the Sikh religion. 38 other temples throughout Punjab are attacked, killing thousands of Sikhs.

What Human Rights Groups Say

Asia Watch: "Virtually everyone detained in Punjab is tortured."

Amnesty International: "Torture (in Punjab and Kashmir) and illtreatment is widespread and in some cases systematic, resulting in scores of deaths in police custody."

State Department Human Rights Report (1994): Over 41,000 cash bounties were paid to police in Punjab for extrajudicial killings of Sikhs between 1991 and 1993.

Graphic Examples of Torture and Murder, Punjab and Kashmir

Extrajudicial murders of Sikh youth are a common occurrence. Between 1986 and 1994, 6,017 unidentified Sikh victims of Indian police were cremated in the District of Amritsar alone. There are 13 districts in Punjab. It has been estimated that security forces have had over 25,000 unidentified Sikhs cremated or dumped in rivers during this period.

In January 1995, the water level of the Sirhind Canal was lowered for repair work. One dozen bodies of young Sikh torture victims were found at the bottom of just one short section of the canal with their hands and feet bound. There are hundreds of miles of canals throughout the province.

In January 1993, Indian paramilitary forces in Kashmir burnt to death at least 65 Kashmiri civilians in the town of Sopore. Soldiers deliberately set fire to five separate areas of the town. They also dragged shopkeepers out of their shops and shot them in the streets. The torching of entire Kashmiri villages by Indian forces is a common tactic.

In 1994, Sikh activist Kanwar Singh Dhami was imprisoned along with his pregnant wife and son. He and his wife were tortured in front of each other. When the police were unable to extract an untrue confession from Mr. Dhami, they hung his wife up by her heels (she was six months pregnant) forcing her to have a miscarriage.

In Amritsar district in 1993, Indian police brought a Sikh youth they had tortured and thought was dead to the hospital for an autopsy. After the police left, the doctors discovered that the young man was miraculously still alive and revived him. The police returned several hours later after hearing that the man was alive. They took him out of the hospital, killed him again, and brought him back to the same hospital for his autopsy.

DON'T SUPPORT INDIAN TYRANNY WITH AMERICAN TAX DOLLARS—VOTE FOR THE BURTON AMENDMENT TO CUT AID TO INDIA

Here are some relevant facts about India and Indian-occupied Khalistan:

India votes against the United States at the United Nations 84 percent of the time, more than any other U.S. aid recipient.

India is helping Iran build up its military arsenal.

Human Rights Violations

Indian newspapers recently reported that 25,000 Sikhs were either cremated as "unclaimed bodies," or thrown in canals and rivers.

The White Paper on State Terrorism in Punjab cites S.S. Ray, Indian Ambassador to the U.S., as the "butcher of Bengal" and the "butcher of Punjab."

Over 41,000 cash bounties were paid to police officers for killing Sikhs, according to the U.S. State Dept.

Over 120,000 Sikhs killed since 1984.

Over 150,000 Christians killed since 1947. Over 43,000 Kashmiri Muslims killed since 1988.

Tens of thousands more languish in Indian prisons without charge or trial.

Amnesty International reports hundreds of Sikhs have disappeared.

Asia Watch reports "virtually everyone detained in Punjab is tortured."

Police operate over 200 torture centers (police stations) in Punjab, Khalistan.

Police routinely pick up Sikh youths and demand ransom of tens of thousands of rupees for their safe release. Otherwise, the youths are tortured and killed.

Sikhs who die of torture are listed as being killed in an "encounter" with the police.

Despite the recent repeal of TADA, the other "Black Laws", giving the regime sweeping powers to detain anyone for any reason and kill Sikhs without fear of persecution, remain on the books.

India has not allowed Amnesty International to conduct an independent human-rights investigation in Punjab, Khalistan, since 1978.

India recently attacked an ancient mosque in Kashmir which houses the mausoleum of the venerated Sheik Nooruddin Wali. In December 1992, Hindus destroyed the Babri mosque in Ayodhya.

In June 1984, India attacked the Golden Temple in Amristar, the holiest shrine of the Sikh Nation.

The *Chicago Tribune* reports that a nun was stabbed 36 times by right-wing Hindu fundamentalists. By these actions, India displays its religious intolerance.

The Indian newspaper *Hitavada* reported in November that the late Governor of Punjab, Surendra Nath, was paid $1.5 billion by the Indian regime to foment terrorism in Punjab, Khalistan, and in Kashmir.

The State Department says that the human-rights situation is getting worse.

India's Nuclear Threat to World Peace

India has recently announced successful tests of the Akash antiballistic missile, India's equivalent of the Patriot.

India has deployed Prithvi missiles, which have a range of 250 kilometers, on the Pakistani border and has successfully tested other missiles like Agni, Thrishul, etc.

Last year, India launched the Polar Satellite Launch Vehicle, which can be made to carry nuclear warheads.

India spends over 20% of its research and development budget on the development of nuclear weapons. Only 2% goes to education and health.

Khalistan's Right to Self-Determination

No Sikh has ever signed the Indian constitution.

The Sikh leadership declared Khalistan independent on October 7, 1987.

The movement to liberate Khalistan is peaceful, democratic, and nonviolent.

Former Member of Parliament Simranjit Singh Mann has been held in a windowless cell for four months for the "crime" of *speaking* out for Khalistan.

The Supreme Court of India ruled that asking for Khalistan is not a crime.

According to *India Abroad*, 96 percent of the Sikhs in Punjab, Khalistan did not vote in India's February 1992 elections there.

India has 500,000 troops in Punjab, occupied Khalistan, alone—more than Britain had in the entire subcontinent during its rule.

Khalistan, Kashmir, and Nagaland continue to be denied their right to self-determination.

India has 18 official languages. It is a polyglot like the former Soviet Union. It is not one country.

Mr. BONIOR. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, let me first of all say that I oppose the amendment offered by the gentleman from Indiana [Mr. BURTON]. I think it is very shortsighted, but I want to address the issue that my friend, the gentleman from Maryland [Mr. HOYER], mentioned with respect to Bosnia.

Mr. Chairman, after 3 years of all out war in Bosnia, and more than 200,000 people killed and 16,000 children slaughtered, and after 2 million people have been left homeless, and countless tens of thousands of women and girls have been raped, we are once again on this floor today debating whether or not the United States of America should take action in Bosnia.

□ 1315

Once again, Mr. Chairman, there are those who say we cannot lift the arms embargo because it will involve us directly in the war. But let us be honest, Mr. Chairman. We are already involved in this war. By keeping this embargo in place for so long, not only have we denied the Bosnian people the very weapons they need to personally defend themselves, we have helped tilt the balance of the war in favor of Serbian aggression. In doing so, we have become unwitting accomplices to a mass genocide of more than 200,000 people.

Mr. Chairman, there can be no more excuses, there can be no more second guessing. It is time that we lift this embargo once and for all.

Now, over the past 3 years we have seen two dozen cease-fires come and go. We have seen the peace process start, stall, countless times. We have watched Serbs break agreement after agreement after agreement. We have seen NATO warnings issued and ignored. And the one constant through it all has been the absolute unwillingness of the West to take meaningful steps to stop the slaughter in Bosnia.

The greatest sin, Mr. Chairman, is not that we simply turned our backs. The greatest sin in Bosnia is that time and time again we have raised the hopes of the Bosnian people that the cavalry was on its way, and time and again we have not delivered.

Mr. Chairman, the people of Bosnia deserve better than this. If we are not going to stop the slaughter, if we are not going to strike back at the Serbs, if we are not going to defend Bosnia, then we should keep United States troops out and we should lift the arms embargo right away. If we are not going to defend Bosnia, then we have no right to continue to deny them the right to defend themselves.

By passing this amendment today, we will simply extend to the Bosnian people the right which is guaranteed to every other sovereign nation under the U.N. charter, and that is the right of self-defense, and even the more fundamental right to self-determination.

To those who would argue and say that lifting the embargo will disrupt the peace process. I say what peace process? There is no peace process to keep in Bosnia right now. Lifting the arms embargo will not weaken the peace process, it will strengthen it. The reason peace talks have failed the past 3 years is because the Serbs have no reason to negotiate. They faced no real opposition on the battlefield, although the Bosnian Moslems are waging a heroic battle with limited means. But they face no real opposition and they have no incentive to stay at the negotiating table as a result of that.

Only when the Serbs are certain that the Bosnians can defend themselves will they realize that further aggression will really get them nowhere, and only then, Mr. Chairman, will we have a real chance for peace in Bosnia.

Mr. Chairman, if we had been courageous in our approach on this most difficult issue from the very beginning at the beginning of this decade, we would not be in this situation we are in today. The very least we can do today is to lift the arms embargo, because if we do not lift this embargo and at least let the people of Bosnia defend themselves, then the blood of Bosnia is not just on the hands of the Serbs, but is on all of us.

Mr. BURTON of Indiana. Mr. Chairman, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Chairman, I would like to real briefly ask one question: If the Bosnia amendment passes, as I believe it will, will the gentleman from Michigan vote for the bill?

Mr. BONIOR. Mr. Chairman, reclaiming my time, there are too many other things in the bill I will not support.

Mr. BURTON of Indiana. What is the purpose of the debate?

Mr. BONIOR. The purpose is to get out to the American people that what we are doing in Bosnia is not in the best interests of peace in Europe, Bosnia, or international relations with the United States. It seems to me that we cannot stand by and watch as 200,000 people be made homeless, as 16,000 children are slaughtered, and tens of thousands of countless women are raped.

The CHAIRMAN. The time of the gentleman from Michigan [Mr. BONIOR] has expired.

(At the request of Mr. BURTON of Indiana, and by unanimous consent, Mr. BONIOR was allowed to proceed for 2 additional minutes.)

Mr. BONIOR. We have an obligation, and the purpose seems to me, as my friend from Maryland [Mr. HOYER] has stated, is to let these people defend themselves.

Mr. BURTON of Indiana. Mr. Chairman, if the gentleman will yield further, I want to make the point that we on the Committee on International Operations agreed to give the gentleman from Maryland [Mr. HOYER] a freestanding hearing next week on his bill, which probably would have passed and been brought to the floor and passed.

Mr. BONIOR. Mr. Chairman, reclaiming my time, I have heard that argument three times on the floor. The problem with that argument, I say to my friend from Indiana, is this: That while the committee may do that, while the gentleman from New York [Mr. GILMAN] may be in favor of doing that, the majority leader on the other side of the aisle is opposed to what we are doing here. It is my opinion that would not see the light of day.

Mr. BURTON. If the gentleman will yield further, the fact of the matter is if you vote against it after the amendment passes, you have not accomplished a thing, whereas if you waited and brought the bill up as a freestanding bill, it would pass.

Mr. WOLF. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of this amendment. I could not live with myself and continue to serve in the Congress if I did not speak on this amendment. I would not deserve to have the right to serve in this body.

I have visited Yugoslavia three times. The first time with the gentleman from New Jersey, Mr. CHRIS SMITH, who will speak in support of it. We were in Vukovar when the Serbs were bombing Vukovar, and we went down in the cellars and saw the people who told us that their families had been slaughtered. Slaughtered. They had no weapons to defend themselves. Now Vukovar will go down in the history of Yugoslavia as a place that will be like somewhere unbelievable in their history.

Second, we went back one other time on a CSCE trip. We went into Mostar. In east Mostar the Croats and then the Serbs have been bombing and bombing. Here is a picture of a young lady, if the cameras and Members can pick it up, that will show that she was in a hospital, with no medicine, nothing at all to take care of her.

We were in a prison camp run by the Serbs. The Moslems used to go around like this with their heads down, and they could not come up and look you in the eye. If they did, they hollered at them, they shouted at them. That will stick in my mind forever.

I have seen these things. It is not something I read about in the Washington Post or the Times. This is not something that I saw on Peter Jennings. This is something I saw with my own eyes.

Now, the close is this: We do not want to send American troops there. I do not want to send American troops there. I do not believe there are many people here who want to send American troops there. So if you are not going to send American troops, should you not give the Bosnians, the Moslems, and also the Croats the opportunity to defend themselves? Their moms and dads are being killed.

Imagine, put yourself in their role. There you are in a little village of east Mostar. The murderers are coming in. Your wife is in the basement, your children are down in the basement, maybe your mom is, and you cannot defend yourself. You know NATO is not coming in. You do not want the United States to send troops in. All you want is for the arms embargo to be lifted, whereby you can defend yourself.

I have been in the Holocaust Museum over Christmas. I took my family. We saw the letters where during World War II people said no, these things were not happening. Believe me slaughter and genocide are occurring.

The gentleman from Michigan mentioned rape. We had hearings in the Helsinki Commission that the gentleman from New Jersey [Mr. SMITH] can talk about, 20,000 women have been raped.

This is a good amendment. It is a good amendment on this bill. It is a good amendment on any bill. It is an amendment that will send a message, so when they listen on their little crystal radio sets tonight or tomorrow, they will hear that the U.S. Congress has voted to lift the arms embargo, to stand with them. If this amendment passes, believe me, I do not know how I am going to vote on this bill. I am going back and forth. But if this amendment passes, boy, I will support this bill with greater vigor.

Mr. CARDIN. Mr. Chairman, will the gentleman yield?

Mr. WOLF. I yield to the gentleman from Maryland.

Mr. CARDIN. Mr. Chairman, I wanted the gentleman to yield to compliment him on his statement and associate myself with the comments that he has made. I enjoyed my service on the CSCE with him. We had been to Yugoslavia and seen firsthand. It is interesting to point out as we are debating the issue here, the Prime Minister of Bosnia is testifying before the Helsinki Commission as to the necessity to remove the arms embargo now. By enforcing the arms embargo, we are violating international law. We must give the people the right to defend themselves. I compliment the gentleman on his statement.

Mr. HAMILTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to say first of all that I appreciate the frustration that lives at the basis of the comments of many of my colleagues who favor the Hoyer amendment. I do not favor it and am going to state the case against it. But I fully understand the frustrations involved. Let me give you several reasons why I think lifting this embargo at this time is a very dangerous move.

First of all, we are at an extremely delicate time. We have 150 hostages being held, the war is intensifying in Bosnia, the war is threatened to be broadened in Croatia, and it is at an extremely delicate point. This vote in this House is going to be construed as a vote to intensify the war. I think the proponents of the war do not really deny that. 150 hostages' lives are on the line, and we vote in this House to intensify the war. Think of that for a moment.

Now, second, there is no doubt what follows after we vote to lift, if we did lift unilaterally. And what follows is an Americanization of the war. A unilateral lifting of the embargo will put 25,000 American troops into Bosnia. There is not any doubt about that. Our allies, who are now conducting UNPROFOR, have made it very clear to use they are pulling out, and the President of the United States has said when UNPROFOR pulls out, we are going to go in. And we are going to go in. We have the commitment. There is no doubt about that commitment.

So the impact of lifting the embargo is 25,000 American troops go into Bosnia. We then will become responsible for humanitarian services. We will become responsible for protecting the Bosnian civilians. That is the result, and it is not in doubt. Lift the embargo unilaterally and we are committed to go in. The British and the French and all the others pull out. We are sitting there, we have got to protect the Bosnian civilians, we have got to deliver the humanitarian services.

Next: Nobody addresses the financial consequences of this. The Defense Department has said that if you are going to level the playing field it is going to take $1 billion by conservation estimates. People just ignore that. We are going to have to supply those arms. The Bosnian Government cannot pay for it. Nobody is talking about stepping up here to the bar and putting $1 billion on the line, but that is the consequence of a unilateral lift.

Nobody talks about the problems of delivery. How do you get these arms in? In order for the arms to go in, they have got to go, if they go by land or sea, through Croatia or through Serbia. How does that happen? They are going to have something to say about it, and they are probably going to take a good many of the arms. If you do it by air, all the airfields are in range of the Serbian gunners. So the problem of delivery is a serious one.

Likewise, the problems of training. These are big guns. That is what the Bosnians need. They do not know how to use these weapons. Who is going to teach them? We are going to have to teach them. Where are you going to teach them? You are going to teach them on the ground, in Bosnia. American troops in Bosnia on the ground training them.

Now, another problem with this is the impact on our allies. None of our allies support a unilateral lift of the embargo so far as I know, save one, Turkey. The United Kingdom is against it, France is against it, Canada is against it, the Netherlands is against it, Germany is against it, Spain is against it, Belgium is against it, Denmark is against it. They are all against it, and they are the ones that have troops on the ground whose lives will be at risk when we unilaterally lift the embargo.

We see the unilateral lifting of the embargo as a kind of risk-free solution. It will solve the war. We will not injure any Americans. But, my friends, that is not what is going to be what happens. We are going to have troops on the ground, and enormous strains will develop between the United States and its allies in NATO. I do not know of any expert, military or diplomatic, who favors a unilateral lift of the embargo.

☐ 1330

I have listened to testimony on this and briefings over and over again. Talk to our Pentagon people; talk to our diplomats. They will tell you that the result of lifting this embargo unilaterally is to put Americans right in the hottest war in the world today. It is a very, very unwise move.

Mr. ROTH. Mr. Chairman, I move to strike the requisite number of words.

To say that the debate on the floor is somewhat discombobulated on this particular amendment I think would be an understatement. We have three amendments here. We have the Hoyer amendment, the Burton amendment and the manager's amendment.

Let me just say that I think the Hoyer amendment is a good amendment. I do not agree that if we lift the embargo we are putting in American troops. I think that is really stretching the argument. I think the reason that we have to lift the embargo is because we have to allow people to defend themselves and basically that is what I see this amendment doing.

But there is another provision here that we are debating. That is the Burton amendment. I want to look at the facts of that amendment, because it is extremely important to this House. But before I do, my friend here has been waiting to say a word.

Mr. CREMEANS. Mr. Chairman, will the gentleman yield?

Mr. ROTH. I yield to the gentleman from Ohio.

Mr. CREMEANS. Mr. Chairman, I rise to support the foreign aid package we have before us today. This is a good bill, and I congratulate the gentleman from New York [Mr. GILMAN] and his committee for their hard work on this legislation.

We have made and we are going to make a lot of tough choices on the road to balancing the Federal budget. I could not go home to southern Ohio and explain budget reductions that affect the people there without first cutting the funds we have sent abroad. This is a good bill.

I support the foreign aid package we have before us today. This is a good bill and I congratulate Chairman GILMAN and his committee for their hard work on this legislation.

We have made, and are going to make, a lot of tough choices on the road to balancing the Federal budget. I could not go home to southern Ohio and explain budget reductions that effect the people there, without first cutting the funds we send abroad. This is a good bill.

I would however like to say that I understand that in a post-cold-war era, Radio Free Europe should and must be cut back. But I strongly oppose its outright elimination. The committee bill cuts the program from $230 million a year to $75 million a year. That's a 70-percent cut. It's worth saving, and $75 million will keep it alive.

I've been to Eastern Europe and I've heard the broadcasts. In some countries its still the only independent, uncensored news available.

Former Ambassador Jeane Kirkpatrick said, "I think it is an important mistake to eliminate U.S. support for the freedom radios. They are the best purveyors of the message of freedom, the cheapest, safest, and most effective instrument of foreign policy." I could not agree with her more.

Mr. ROTH. Mr. Chairman, I thank the gentleman for his contribution, and reclaim the balance of my time.

Let us look at the facts behind the Burton amendment, because this is a key amendment to this bill. Over the past 10 years, AID has become a bloated bureaucracy by anyone's estimation, including GAO and every other agency that has ever looked at what goes on in AID, including this Congress. In 1985, their programs cost $9.8 billion. That was 10 years ago. Today these programs are down to $7.5 billion. That is a $2.3 billion drop. That is a 23 percent reduction in what AID's programs are costing.

But look at what is happening to administrative costs. That is what the Burton amendment is addressing. The AID bureaucracy has received an increase in salary, travel, office supplies by some 41 percent. In 1985, we were spending $393 million in administrative costs. Now they are receiving $556 million. That is an increase of 41 percent in their administrative costs. That is what we mean by bloated bureaucracy. The programs go down but the agency's costs for salaries and travel go up by 41 percent.

What the Burton amendment does is cut it down, not by 41 percent, but by 25 percent. And that is certainly going in the right direction.

AID is a smaller agency in programs but costs 40 percent more to run. That is why this is such an important amendment. I am asking Members to vote for it.

This is the right amendment. This issue of what it costs to run this agency is a classic picture of an inefficient bureaucracy, or a bureaucracy run amok. The AID bureaucracy is asking this year, with all the increases they got in administrative costs, they are asking for $11.5 million more so they can all fly first class around the country and around the world.

It is time that we cut back on the administrative costs. This committee bill that we have before us makes a modest cut of 10 percent for the next 2 years. What the Burton amendment is saying is to cut it back by 25 percent. Remember, they have a 41-percent operating cost increase, while the programs have dropped by 23 percent. So it is a huge increase, even with the Burton amendment.

There is a huge amount, $556 million. If you cut it by $90 million, you are still at $466 million. In 1985, when this agency was spending $2 billion more and had many more programs, they were spending on administration costs $393 million. So we still see increases for administration, while we have seen cutbacks in the programs by $2 billion.

It does not make sense, does it? That is why this particular amendment is a good amendment. This amendment is only a modest reduction. If you are interested in putting the taxpayers first, if you want to cut waste and if you believe in shrinking the bureaucracy, then this vote on the Burton amendment is a "yes" vote.

Mr. MORAN. Mr. Chairman, will the gentleman yield?

Mr. ROTH. I yield to the gentleman from Virginia.

Mr. MORAN. Mr. Chairman, does the gentleman know of any State Department employee who flies first class, who has flown first class in a commercial airline in this administration?

Mr. ROTH. I will not name any by name. I am more responsible than that. But call down at the State Department. They will probably give you an entire list.

Mr. MORAN. Mr. Chairman, no one flies first class.

Mr. ROTH. Mr. Chairman, the manager's amendment incorporates a provision which I had filed as a separate amendment. Let me commend Chairman GILMAN for including this provision.

My amendment injects some real savings into the reorganization plan. It requires that a 20-percent reduction be made in the functions that are folded into the State Department.

This reduction would be in effect for at least 2 fiscal years.

This provision insures that we will get savings from this reorganization, when it occurs in 1998 and 1999.

Without this provision, we are not assured of any savings.

This provision rectifies that problem and improves the bill.

Let me also take this opportunity to describe a provision which was incorporated in the en bloc amendment, adopted last night. This provision, which I had filed as a separate amendment, requires an annual assessment of the impact of U.S. foreign policy on our trade posture and our competitive position in global markets. In 1988, Congress enacted a similar requirement, as part of the Trade Act, however the provision "sunsetted" last year and is no longer in effect.

My amendment expands on that 1988 law, by requiring that we look at our overall competitive position.

This amendment is important because we in the Congress must begin considering how our foreign policy affects our ability to compete.

In today's world, our national security depends as much on our economic strength as on our military might. In our Subcommittee on International Economic Policy, we will use this report as the basis for increased oversight on how foreign policy affects trade.

Finally, let me register my concern over another provision—which authorizes the President to sell off the Overseas Private Investment Corporation.

My understanding is that this does not in any way require the sale—it merely authorizes it.

Last year, Congress reauthorized OPIC for 2 years. Our Subcommittee on Economic Policy is scheduled to consider OPIC next year. OPIC has $10 billion outstanding in loans, guarantees and insurance policies. Most of these commitments are for 20 years, and the Government cannot cancel them without jeopardizing the full faith and credit of the United States.

Against these liabilities, OPIC has $2.3 billion in reserves—on deposit in the U.S. Treasury.

OPIC pays for itself, and it even makes money—last year earning $161 million. Even though OPIC is subject to annual appropriations, it does not use any taxpayer money.

In effect, the Appropriations Committee controls how OPIC uses its own money. The Reagan administration studied whether OPIC could be privatized—most recently in 1987—and the conclusion at the time was that no one in the private sector would buy it.

It may be time to study this again, but we must not pre-judge the feasibility of making this sale.

This provision should not be taken by anyone as a congressional policy. The truth is, we simply do not know yet what the impact would be of selling OPIC. Therefore, this provision is included in the manager's amendment with this understanding.

Mr. ENGEL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we are actually debating three amendments, and I would like to speak on all three.

First of all, with regard to the Burton amendment to cut AID, I strongly, strongly oppose it. Cutting AID any further, and we are cutting it enough in this bill, would in my opinion render AID much less effective. It would be simply a matter of being penny wise and pound foolish. If we are going to lead in the world, then we have to have a strong AID program. So I oppose the gentleman from Indiana [Mr. BURTON].

The chairman's amendment, the manager's amendment, I oppose that as well, primarily because in the amendment we are withdrawing from the Inter-Parliamentary Union. Let me tell Members what that means.

I want to read the amendment of the gentleman from New York [Mr. GILMAN] with regard to the Inter-Parliamentary Union. It says the act entitled An Act to Authorize Participation by the United States in the Inter-Parliamentary Union approved June 28, 1935 is repealed.

Now, we have participated in the Inter-Parliamentary Union for 60 years. The Inter-Parliamentary Union is a group of parliaments from all over the world, 135 countries, which get together to discuss parliamentary democracy and other concerns around the world.

Is this the time that we ought to be withdrawing from such an organization? To me, as so much else in this bill, this amendment is yet another indication of the dangerous and growing isolationist wave engulfing the Republican Party. The United States is the leader of the Free World and we ought to lead.

The IPU is the only global international parliamentary organization to which the U.S. Congress belongs. We have forums who meet on NATO and CSCE, colleagues, but the IPU is the only parliamentary organization in which we have a chance to meet with members of the Middle East, including Israel, Asia, Africa, and Latin America.

And like most international parliamentary organizations, the great utility of the IPU lies not in its resolutions or debates but in the forum it provides for Members of Congress to interact and make direct contacts with prominent parliamentarians from around the world. From personal experience, I have been to IPU meetings, and what we get in interchange of ideas and talking is certainly an enhancement of democracy.

This summer the United Nations is celebrating its 50th anniversary, and in New York City there will be commemorations and celebrations, and the IPU is taking the lead. Is this the year the United States ought to withdraw from the Inter-Parliamentary Union when we are celebrating our own country, the establishment of the United Nations and the establishment of the victory in World War II over fascism and the establishment of democracy, when countries are knocking down the door to try to be more democratic and emulate the United States? We are going to withdraw from the world. We are going to pull away. I can think of nothing that is really more ridiculous.

One hundred thirty-five countries participate. The United States is now going to join Upper Volta or some other country in not participating. We really ought to wake up. It may sound good but it is not something that is in the best interests of this country. So I am opposed to the chairman's, the manager's amendment.

I want to speak briefly on the Hoyer amendment and Bosnia. There are some of us who for the past 3 years have been arguing for a lifting of the arms embargo. Every time we get to the floor and we are able to bring forward some kind of resolution, we are always hearing the argument that we should not get involved. What has happened every time we plead? A year passes by, months pass by, more people are killed, more people are raped, more injustice has been heaped upon genocide, heaped upon a people. And yet the world wrings its hands.

In my opinion, we ought to get the British and the French and everybody else out of there and let the Bosnians defend themselves. That is all they are asking. They are asking not for American troops. They are asking for the arms to defend themselves. How can we just sit by and allow genocide to happen again on the continent of Europe? I do not understand it.

Diplomatic niceties are passed; 3 years ago, they passed. We said this 3 years, 2 years ago, last year and now, and nothing has happened. And if the events of the past several weeks have taught us nothing, I do not know how we ever learned from history.

The Serbs are arrogant. They thumb their nose; they care not about what the international community thinks. They have made a shambles out of NATO. They have made us look like fools. They have made our allies look like fools. Yet we stand by and say, no, no, no, we do not want to give the Bosnian Moslems a chance to defend themselves. Is it because they are Moslems? They are people. Give them the chance to defend themselves. That is all they are asking, and I commend the gentleman from Maryland for his amendment.

Mr. GILMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to commend the gentleman from Indiana [Mr. BURTON]. He is a valued member of our committee.

He is the chair of our Subcommittee on the Western Hemisphere and has been performing an important function in that area. I regret that I cannot support his amendment. The bill before us already cuts AID operating expenses by $52 million in fiscal year 1996 and another $98 million in fiscal year 1997.

The cuts in the bill already forces reductions in over 1,000 AID employees. This amendment is somewhat like firing the assembly line workers when the cars are only half built. Personnel reductions, if they are to improve efficiency, must be done in a deliberate and a planned manner.

While I strongly am in favor of reducing the budget and did so in the bill, the cuts outlined here would devastate our programs while saving only a small amount.

The amendment does not make exceptions for staff supporting Russian disarmament programs, disaster relief or aid to starving people. Accordingly, I urge a "no" vote on the Burton amendment.

Mr. Chairman, I yield to the gentleman from Louisiana [Mr. LIVINGSTON], chairman of the Committee on Appropriations.

Mr. LIVINGSTON. Mr. Chairman, I thank the gentleman. First of all, I would like to say that I support the Hoyer Amendment. I applaud the gentleman for offering it, and I support it wholeheartedly.

As much as I would like to support my friend from Indiana, and I appreciate his intent to downsize our foreign aid programs, and I share that intent. His amendment unfortunately is just too extreme. The Burton amendment would cut 25 percent from the operating expenses of AID. A cut of that magnitude would almost certainly result in a shutdown of the agency by next summer or perhaps earlier. That means the child survival programs, disaster assistance and food aid program would be halted before the end of the year.

Shutting down operations would not allow AID to oversee and implement the $8 billion in funds obligated but not yet expended. It could lead to tremendous waste and abuse, which is exactly what the gentleman from Indiana does not want to happen.

The agency has already made major cuts in its staffing. The 8,750 on-board work force level planned for October 1, 1996 is 18 percent below the level at the end of fiscal year 1993.

More personnel cuts can and will be made, but such cuts need to be made and they will be made.

Whatever one thinks of foreign aid, it would be irresponsible to force such a draconian cut in the personnel account of this agency. We have a responsibility to the taxpayers to ensure that the funds we appropriate for the government programs are properly disbursed and that adequate oversight is provided. I believe no matter how well-intentioned, this amendment is shortsighted and counterproductive and I urge the defeat of the Burton amendment.

Mr. GILMAN. Mr. Chairman, I urge a "no" vote on the Burton amendment.

□ 1345

Mr. HASTINGS of Florida. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today to express my opposition to the Burton amendment. While I have the utmost respect for my colleague on the International Relations Committee, and I believe that his amendment is truly well-intentioned, I think the amendment is short-sighted and counter-productive. Rather than streamline AID, the Burton amendment will undermine its ability to implement the activities that we in Congress have authorized. It will also destroy the reforms that AID has already implemented toward cost-cutting and program effectiveness.

In 1992, President George Bush appointed George Ferris to head a Commission on the Management of AID. It was Ferris, a Republican appointee, who said, "We know of no other agency that has increased its effectiveness to the degree that Brian Atwood has brought change and reform in AID. * * * What has been accomplished at AID should serve as an example for other departments and agencies of the Federal Government."

If I understand my colleague from Indiana, these cuts will save the taxpayers money without harming our foreign policy and development goals. I disagree. To accommodate such drastic cuts, AID would have to lay off almost one-half of its direct-hire staff in the next year, which would force the agency to spend most of its remaining resources in contract termination costs, lease buyouts, transportation home for personnel, and on mandatory retirement and separation benefits which would have to be paid under the Foreign Service and Civil Service Acts.

By mandating such drastic cuts in such a short time frame, this amendment would actually add millions of dollars to the cost of streamlining and downsizing our foreign aid programs. These cuts would force the agency to close down more than 20 overseas missions in addition to the 25 that they have already begun to close. This would force us to make impossible choices. Will we support new democracies or child survival programs? Foreign aid used to be writing checks to governments. But in recent years we have weaned ourselves off of direct payments, and have focused on helping nations develop from the grassroots up. This policy shift was, correctly, mandated by Congress. I believe that most AID programs are an effective use of a very small amount of our taxpayers dollars. AID-backed training programs can stabilize new democracies in Latin America, and prevent famines in Africa. These are honorable goals which we must support. Therefore, I oppose the Burton amendment.

Mr. Chairman, in my remaining time I wish to make an admission. That is that, No. 1, I supported the measure by my friend, the gentleman from Maryland [Mr. HOYER], last year, and I feel that it has great currency this year. However, the ranking member of this committee has very carefully pinpointed those areas of vital concern that all of us here should have. It is not that we do not recognize the horror and destruction that is going on in Bosnia. It is that there is at this time an increase in the UNPROFOR troops in that area. In addition thereto, the United Nations has ongoing discussions with all of our allies in that locale.

The day before yesterday the Prime Minister of Hungary visited this august body, and some of us who met with him are mindful of his entreaty that we not do anything to exacerbate conditions there.

Mr. Chairman, I understand where the gentleman from Maryland is coming from, and all of my colleagues and I stand with him and take no back seat to any Member in this House in being diametrically opposed to the continuing slaughter going on in Bosnia. However, we need a careful and reasoned approach, and not just something thrown together in just a few minutes in order for us to be able to arrive at such conclusions as we help our administration, that we help our allies, and that we help ourselves come to an understanding.

There are no good solutions in Bosnia. I defy any man or woman of this House to come forward and say that they have the answer, and anyone that did have the answer would want to utilize it most immediately.

Mr. Chairman, I urge defeat of the manager's bill, I urge defeat of the foreign aid bill, I urge the defeat of the bill of the gentleman from Maryland [Mr. HOYER], and the defeat of the gentleman from Indiana [Mr. BURTON].

Mr. MANZULLO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the American Overseas Interest Act and the manager's amendment to this bill. In the midst of the dire fiscal situation in which our Nation now exists, this bill, and in particular, this amendment that I helped craft, begin to set a course in the right direction—to cut back spending and address the problems that come with a $200 billion deficit and steadily expanding national debt.

This Nation is drowning in a sea of red ink. Each day we are passing on to the next generation a growing $4.8 trillion national debt. Last November, the American people spoke in clear terms that passing on massive bills to our children and grandchildren is simply not acceptable. This new Congress heard their voices and during the first 100 days we passed legislation that represented a change from business as usual—an end to the tax-and-spend policies of the past.

The American Overseas Interest Act continues this trend to cut back on Government spending. This bill eliminates three agencies and consolidates their operations into the State Department, eliminating 4,000 positions over 2 years. This bill saves the American taxpayer $21 billion over 7 years—a cut of between 15 and 20 percent from current levels—and conforms to the budget requirement that balances the Federal budget in 7 years. This is the first authorization bill we have had of this nature in 10 years. This bill cuts $2.1 billion over fiscal year 1996 and fiscal year 1997, and continues to reduce spending in subsequent years.

Clearly we are on the right track to reduce spending.

Mr. Chairman, I am proud to support the manager's amendment, because it goes further and explores areas where additional cuts have to be made. My amendment, which is part of the manager's amendment, says "Let us take a look at all programs," including the cultural and educational exchange programs, the vast majority of which are worthwhile.

However, Mr. Chairman, the issue is not one of merit but of cost. Can we afford current spending levels, given the massive debt this Nation has incurred?

As a part of this amendment, I have proposed additional reductions in the U.S. Information Agency cultural and educational programs. Specifically, we would save the American taxpayer an additional $10 million in fiscal year 1996 and another $10—half coming from Fulbright scholarships and half from the other exchanges. The effects of these savings would be to reduce spending on these accounts by 27 percent in fiscal year 1996 and 44 percent in fiscal year 1997 from the fiscal year 1995 levels.

Mr. Chairman, these are reasonable reductions and ones arrived at with the cooperation of the distinguished chairman of the committee, Mr. GILMAN, whose assistance I greatly appreciate. I am pleased to see that this Congress takes seriously its mandate from the American people that massive debt is unacceptable, that passing the buck on to future generations must stop and that Government spending must be brought under control and reduced. This bill and this amendment contribute to this effort, and I urge my colleagues to support passage of both.

Mr. GEJDENSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the manager's amendment has a number of serious defects, and it would take more time than remains in this debate to address all of them.

Mr. Chairman, I simply want to address what is referred to as the Hoke amendment, which would end OPIC. OPIC, which is an organization, is not the one associated with oil control but the one that helps American companies take advantage of opportunities overseas. OMB has found that the transfer of OPIC reserves would be substantially affecting our budget situation. There is a $2.4 billion outlay that would be at risk. There is $146 million in income from the reserves that are presently used in the 150 activities. The Federal budget would also lose future cash flows from insurance premiums of $40 billion a year.

What would that do, Mr. Chairman? What it would do is endanger what has been $40 billion of American exports. Not only does OPIC make money for the American taxpayer, but it helps produce thousands of jobs here in the United States. It seems to me unbelievable that someone would want to cripple an agency that produces revenue for the taxpayers and produces jobs for Americans and business opportunity for American companies.

In 1994 alone, Mr. Chairman, OPIC supported investments in projects that will result in over $5.5 billion in the first 5 years of the projects' operation, and will generate approximately 18,000 American jobs. OPIC generates overseas investments, which in turn generate trade and opportunity for American companies.

When we see the Japanese restricting American trade, we understand why they are doing it. They are doing it because it is to their advantage, so when they stop American agricultural products from going to Japan, they are going to protect Japanese agriculture.

When they stop American auto parts from going to Japan, they are doing it to stop Americans from making the auto parts that go into Japanese cars, because they want to make them in Japan.

Why on Earth, Mr. Chairman, would anybody in this institution want to cripple an agency that makes profit for the taxpayers and creates jobs at home and business opportunities for American companies? If Members vote for the manager's amendment, they are endangering thousands of American jobs and the budget, because nowhere in the amendment of the gentleman from Ohio [Mr. HOKE], which is now part of the manager's amendment, do they explain how they will replace the millions of dollars that OPIC now generates for the Treasury.

Once again, Mr. Chairman, I would ask my colleagues, for a host of reasons, to vote against the manager's amendment. When other countries do us harm in trade and take away American trading opportunities, we know why they are doing it. They are doing it to help themselves. Why somebody would take an American agency that helps American jobs and American workers and the American taxpayers and try to destroy it is counterintuitive to our own self-interest, and I would hope that people would recognize this and will vote against the manager's amendment.

Mr. CUNNINGHAM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, let me bring up a few facts. I would like to speak to the amendment of the gentleman from Maryland [Mr. HOYER]. It has been stated that the former Yugoslavia is a European problem, and that the Europeans cannot handle it; that in the estimation of many, Europe has not been willing to commit either the resources economically or militarily to solve it.

I spoke recently with Dr. Kissinger. He said, and I quote, "The only way for the war to expand to Greece and to other countries is if the major powers would have direct involvement to lift the embargo." Two weeks ago I had dinner with Dick Cheney, Colin Powell, "Cap" Weinberger, and John Sununu. They said that the President's lack of foreign policy in this particular area makes it even more dangerous for us to get involved in risky amendments. I look at Russia's involvement or willingness to become involved in this conflict. I look why Greece supports the Serbians; because they were in World War II, and it was the Croatians who fought with Nazi Germany. The head of the Moslems trained with Qadhafi in Libya with Moslem terrorists. Yet, on the other side, the Serbians and the Croatians both have former, and I quote, used loosely, former Communist leaders. Therefore, the whole area is awry. For us to get involved in that civil war and possibly jump in is dangerous, I think, Mr. Chairman.

Mr. Chairman, I voted yesterday against my own leadership on the War Powers Act, because I did not think we had enough time to look at it. I thought it was not responsible. I do not think the War Powers Act works, but we need to adjust it. I voted against my own leadership on that principle.

□ 1400

I would say to my friend from Maryland, on the same principle, I oppose the gentleman's amendment.

If we give arms to the other side, I think we invite direct input from the Russians and their intervention. I look at the Pentagon, and I know most of the generals and the admirals by first names, and I talk to them. It is wrong, in their opinion, for us to get involved and lift the arms embargo.

No one wants to raise the embargoes other than those that generally have not been directly involved in combat. For us to decrease our own military size, to put and risk our own troops in harm's way, our men and women, and then to lift an embargo, would further throw kerosene on that fire.

My job in the Seventh Fleet was to employ war-fighting both Allied and U.S. troops in and out of countries. Seventeen weeks ago in the Christian Science Monitor I published an article that said if you bomb, the Serbs are going to retaliate. They are going to bomb Moslems and they are going to bomb Croatians and they are going to kill a lot of civilians. They are going to capture our peacekeepers, tie them to the primary targets, and then move their weapons.

Yet yesterday I heard Secretary Perry say we knew that; we knew the risk, and we consider it a success. Well, after that when they chained them, they shut down, the Serbians are still bombing, they are still gunning, but yet 70 are dead.

I would ask my friend from Maryland, if you want to sit in on hearings, I will bring in those admirals and those generals, and I would just ask the gentlemen from Maryland to sit down and listen to the dangers involved in this particular amendment. I understand the good intentions of the gentleman from Maryland, but in my humble opinion, it is wrong, and I oppose the gentleman's amendment.

Mr. MORAN. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from Virginia.

Mr. MORAN. Mr. Chairman, speaking of behaving responsibly, would the gentleman explain what he is talking about, about a Moslem leader training with Qaddafi? I know that not to be the case. I do not know who it is you could possibly be referring to.

Mr. CUNNINGHAM. Mr. Chairman, I would be glad to provide the entire dossier on the gentleman, and I will provide it to him immediately.

Mr. MORAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the manager's amendment. Is it really too much to expect the largest economic and military power in the world to spend almost 1 percent of its budget on developing market opportunities overseas, in promoting democracy, in protecting human rights? The vast majority of the American people have no idea how little we spend on foreign aid.

Now we have a manager's amendment that picked up all these little piles of amendments that were rejected by a committee that reported out a very extreme bill, they were rejected in committee, and now to get enough votes we throw them all into one package. Talk about a package that stinks, and that is entirely counter to the direction in which this country has gone from the days of Franklin Roosevelt, Harry Truman, Dwight Eisenhower and all the way up through Ronald Reagan and President Bush.

You look at the Burton amendment. The Bush and Baker administration established these overseas missions in the New Independent States. The Burton amendment requires that we gut them. In fact, you have heard from the chairman of the Committee on Appropriations and the chairman of the Committee on International Relations on how bad the Burton amendment is.

I trust that people will recognize that that Burton amendment actually prevents us from accomplishing any of the programs we are talking about, eliminates the Micro Enterprise Program for all intents and purposes, eliminates our child survival programs, eliminates the ability to do anything more than simply write checks to foreign nations.

That is not what this Congress has voted to do in the past. They voted to give more responsibility to our international executive establishment so that we could be audited and we would be accountable for what we spend. The Burton amendment prevents us from being able to do that.

The Manzullo amendment, gutting the exchange programs. Anwar Sadat, F.W. DeKlerk, can you put a price tag on the value of leaders like that? And they were major participants in our USIA exchange programs.

I could go down the list of these amendments. Most Members have no idea what they do. We were only just shown what they did a couple of hours ago. They are wrong, they are bad, they are inconsistent with foreign policy that has been established decades ago by both Republican and Democratic administrations.

Now I would like to address the Hoyer amendment. The reason why this amendment is appropriate is that the arms embargo was never intended to apply to Bosnia. It was intended to apply when there was conflict between Serbia and Slovenia and then Croatia, and Slovenia and Croatia had the capacity, the access to arms. Bosnia never did. They never had the arms, they never had the capability for manufacturing weapons, so they have had to sit back while an aggressor came in and slaughtered them.

People who would suggest that this is a civil war are simply wrong. This is not any civil war. The reality is that it is a war that was directed, conducted, initiated by Serbia to create a greater Serbia.

No Bosnians have ever bent a blade of grass in Serbia, and we have a multiethnic democracy. It is not just a Moslem state as many would suggest. The head right now happens to be Moslem. The Ambassador to the United States is Jewish. The leadership of the Government is a combination of Croatians and Serbians and Moslems.

They want to live together. That is why they are a threat to fascists like Milosevic and others. They do no want that to happen. They do not want a country like Bosnia to survive.

The United Nations comes in, the United Nations has a mission. Not to do right, not to ensure justice is done, but to sit back and essentially observe. We created safe areas. How safe is anyone living in those safe areas? We have deserted them. They have been shelled. People have been killed.

We have more than 2 million refugees throughout Europe. We have had about 40,000 women deliberately raped as a strategy, a tactic of war. We have over 100,000 people who have been slaughtered, defenseless to defend themselves.

I think we ought to lift the arms embargo, but I think we ought to do more than that. I think we ought to protect a sovereign nation. We ought to stand up for the integrity of territorial borders. That is the problem.

Mr. Chairman, I would ask unanimous consent to address the House for 1 further minute, because the gentleman from Indiana [Mr. BURTON] asked for 3 minutes, we gave him the 3 minutes out of deference, I think maybe a third of that time. We would ask that we have that extra time.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

Mr. GILMAN. Mr. Chairman, reserving the right to object, I would have to object. We only have 15 minutes left for the full debate. We have a number of Members who wish to speak. As much as I admire the gentleman, I am going to ask him to please refrain.

Mr. MORAN. I defer to the judgment and leadership of the chairman of the Committee on International Relations.

Mr. MICA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I strongly support the Burton amendment and rise to also support the Mica amendment which is part of this package.

Let me tell my colleagues, I have seen AID firsthand in dozens of countries around the world and AID is a wasteful and ineffective bureaucracy. It should be abolished as it exists or dramatically modified.

AID represents a post-World War II mentality. It has become an international welfare system that creates dependency and fails to help our U.S. trade activities. It often does very little to assist countries in need to help themselves.

Let me tell Members some examples. After spending billions of dollars to free Haiti with a military force and having spent over $1 billion in United States economic assistance, including $600,000 in AID grants, what has happened?

Here is the AID plan for Haiti. The cornerstone of this AID plan is 25,000

Haitians collecting garbage, 2,400 feeding stations, millions for election supervision, millions for judicial training, and almost nothing, a couple of pages, for creating permanent jobs.

Even teenagers with whom I met just recently in Port-au-Prince who serve in our military, these are teenage soldiers of our force. This is what one of them handed me, this note. He did not sign it but he says, "Port-au-Prince is secured. There is no need for United States presence in Haiti. I believe a lot of the money spent here should go to problems in the United States. This is a waste of taxpayers' money."

This is what our teenaged soldiers who observe the process there say.

Last summer I went to Bratislava in Slovakia and found that we only had one part-time commercial officer from Vienna coming once a week to help our United States trade agencies in this emerging nation. On the other hand, the AID office in Bratislava—now get this—has more employees than our Embassy.

We spend millions of taxpayer dollars in this country, for example, to set up a banking system and provide enterprise funds. Then we let other countries get the contracts for this business.

The President, an American citizen, of the Slovak American Chamber of Commerce told me, and let me quote what he said. He said, "We spend $200 to give away $1."

My colleagues, we are the laughingstock of the emerging nations.

When I visited recently our Embassy in Moscow, we had only four full-time commercial officers. In contrast, AID had an entire building with hundreds of employees.

I took in the private sector one of the first trade missions to Lithuania and every Lithuanian from the lowest official to the highest said, "Trade, not aid." Then I returned to the United States, turned on the TV and saw our transport delivering humanitarian aid to the Soviet Union, the former Soviet Union, Russia. A couple of nights later I turned on the same newscast and there was the largest trade show in the history of Moscow, sponsored by the Japanese. Counting full-time employees and individuals serving under personal service contracts, AID has over 9,000 employees, more than our Embassies.

This amendment only cuts 25 percent from their funds. The entire U.S. foreign commercial service office only has 896 people working abroad. We have spent hundreds of billions of dollars with few positive results.

AID is an outdated, overrated giveaway program. We should be focusing our efforts on increasing and improving trade activities as I have in my amendment. Trade rather than temporary aid will raise the fortune and opportunities and jobs for all people.

I do not oppose all foreign aid and I resent President Clinton's statement that we are isolationists.

Let me tell Members, there are still billions in this bill for aid. Americans are the most compassionate people in the world. But let me tell you, ladies and gentlemen, they are not the dumbest. If the Clinton administration were around when they had outhouses, they would be opposed to bringing the plumbing inside.

I do not oppose again all aid. Look at Japan. They tie trade to aid. Look at our successes where we provide trade and business opportunities rather than a temporary handout. Finally, look at even the earliest Biblical lessons that teach a man how to fish.

People in Grenada may need sidewalks. I need sidewalks for the people in my district. People in Port-au-Prince may need their garbage collected, but, my colleagues, in my district, I only have the people in my district and the taxpayers to pay for their trash collections.

Quite frankly, both I and my constituents believe there can be a better way. Let us revise AID.

Mr. GILMAN. Mr. Chairman, there is such limited time, I ask unanimous consent that additional speakers be limited to 3 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. HASTINGS of Florida. Mr. Chairman, reserving the right to object, and I will not object, may I ask how much time is left?

The CHAIRMAN. Approximately 10 minutes, until 2:25.

Mr. HASTINGS of Florida. Then I would object, Mr. Chairman, because we have two additional speakers.

Mr. GILMAN. Mr. Chairman, if the gentleman will yield, we have more than two additional speakers. I am trying to give everyone the opportunity to speak. That is why I am asking consent to agree to a limitation of time.

Mr. HASTINGS of Florida. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. SMITH of New Jersey. Mr. Chairman, reserving the right to object, I ask unanimous consent that we have 10 additional minutes for this debate. I think it is important that Members who want to speak get an opportunity to speak.

Mr. GILMAN. Mr. Chairman, if the gentleman will yield, the rule calls for a 2:25 limitation.

The CHAIRMAN. The Chair would point out that the rule does not provide for a unanimous-consent request to extend the time beyond that provided in the rule.

Mr. SMITH of New Jersey. Mr. Chairman, I object to the unanimous-consent request.

The CHAIRMAN. Objection is heard.

Mr. PAYNE of New Jersey. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the Burton amendment to cut the operating expenses of the U.S. Agency for International Development, the implementing arm of our Nation's concern for children around the world.

It is really ironic that a Member who has seen with his own eyes the suffering of African children would propose such a cruel amendment.

This amendment will gut programs of child survival and feeding programs for young children, because there will be insufficient staff to carry out the very programs for which we are authorizing funds. What kind of a business are we running when we commit products to save lives, but do not have the cooks and truck drivers to get the food to the needy consumers?

I know from past discussions of this subject in the International Relations Committee that Mr. BURTON somehow feels that our overseas staff is too large. Yet, in the last 2 years under the effective leadership of AID Administrator Brian Atwood we have already reduced total staff while at the same time have added 24 AID missions in Eastern Europe and the former Soviet Union. AID has even responded to assisting in the peace process by implementing new programs in the West Bank and Gaza, bringing the results of peace to the people there.

Amazingly, Mr. BURTON seems to have a problem with an agency that is trying to turn around the management mistakes of the past administration when 87 percent of the money was spent in the last quarter.

How can any business operate this way and provide timely service to the people America wants to help? This is why we need to keep the AID budget for staff and operations on a sufficient level.

I further find this amendment ironic on the month of the African child, which we celebrate on June 16 in commemoration of the South African children that lost their lives in Soweto.

Let us save the children.

Vote against the Burton amendment.

□ 1415

Mr. WYNN. Mr. Chairman, will the gentleman yield?

Mr. PAYNE of New Jersey. I yield to the gentleman from Maryland.

Mr. WYNN. Mr. Chairman, I thank the gentleman for yielding.

I rise to support the amendment of my colleague and good friend from Maryland, Mr. HOYER. I believe we are debating a simple proposition today. There have to be consequences of aggression. There have to be consequences of aggression. It is not enough to stand on this floor and bemoan the rapes and bemoan the genocide and then not do anything.

I think we all agree we do not want to see U.S. troops actively engaged, but it seems to me that we do have to level the playing field, we do have to allow the victims of aggression the opportunity to protect themselves.

When there are consequences of aggression, when the victim has an opportunity to respond, you have a climate in which peace negotiations can take place because now the aggressor has a reason to negotiate for peace because he suffers some casualties and he suffers some hardships. In the absence of these consequences, in the absence of weapons to defend oneself, there are no consequences, and the aggression continues.

I believe that people should be cautious and I am not unmindful of the caution cited by the ranking member. But it is clear to me that this lifting of the arms embargo need not be immediate. We can have an orderly withdrawal of U.N. peacekeepers. There is no peace to keep. We can protect them, have them move out, and then lift the arms embargo and enable the people who are the victims of the genocide we bemoan and the victims of the rapes we bemoan to defend themselves in the only way they can, and that is with weapons.

If we truly believe that we should exert leadership in the world, if we truly believe as the only superpower we have a responsibility not to allow another Holocaust, it seems to me that we ought to take the only logical step remaining, and that is to lift the embargo following the withdrawal of U.N. peacekeepers and allow the victims of this savagery to defend themselves.

Mr. SMITH of New Jersey. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Hoyer amendment. Through vacillation, indecision, incoherence, and incompetence, the Clinton administration has allowed the situation in Bosnia to go from bad to worse. And let us not forget that the previous administration was in office when the arms embargo was imposed. During those years I was equally vociferous in my opposition to the imposition of the arms embargo.

Beyond the deepening humanitarian disaster, 200,000 civilian killed while half of the population have been forced to become refugees—the worst humanitarian crisis in Europe since World War II. There have been over 20,000 rapes. The United Nations and NATO have found themselves very much undermined through this process. But the loss of life obviously is our overriding concern.

As Chairman of the Helsinki Commission, I just left a hearing where Bosnian Prime Minister Haris Silajdzic made a very, very convincing and compelling case to lift the arms embargo. He has done this before with equal eloquence, but some of his comments today should be heard by every Member of this Chamber and every American. He said, "We face extinction; our people are dying, each and every day," while the United Nations and NATO, but especially the United Nations, talks about more talks with people like Milosevic and others who are war criminals, and frankly thugs.

Developments on the ground in Bosnia underscore the utter failure of the international community to come to terms with the armed aggression and genocide that has been perpetrated by the Bosnian Serbs against the people of Bosnia.

Let me say, Mr. Speaker, we hear over and over again that we do not want to see escalation of the fighting in Bosnia. Nobody wants to see that, but there are an estimated 200,000 Bosnian government forces who want to take up arms, but there is only one rifle for every three soldiers. They cannot defend themselves. Mr. Speaker, everybody should remember and be mindful of the fact that when the breakup of the former Yugoslavia occurred, the military capability and the might of Yugoslavia fell into hands of the Serbs, placing the Bosnians and the Croats at a great disadvantage. When an arms embargo was imposed, one side had all the guns, all the MiG's, all the heavy artillery and the tanks; the other side had nothing but broom handles and sticks. Again, that is why the continued imposition of the arms embargo is so immoral.

Dr. Silajdzic said, and I thought it was very well taken, that the arms embargo is illegal, immoral, and after 3 years it is inhumane. The policy of containment has done nothing to stop armed aggression and genocide. The arms embargo has rewarded aggression.

And let me make another point that I think is very important. The Prime Minister said again today as he has said before, as President Izetbegovic has stressed, the Bosnians do not want American troops, they do not want British troops, they do not want French troops. They want to exercise their right to defend themselves, as any sovereign nation would want, especially in the face of aggression and genocide.

On the U.N. rapid reaction force, he said it is a more robust status quo. The U.N. peacekeepers are not even safe and they have the modest ability to defend themselves, but certainly the civilians who are killed each and every day by sniper fire and shelling are anything but safe.

The gentleman from Virginia [Mr. WOLF] mentioned earlier, that he and I have been to that part of the world—we have seen the devastation. We were in Vukovar together. Shortly thereafter, we met with Milosevic, who denied that attacks in the city had resumed. We saw Serb MiG's fly over Vukovar with our own eyes, yet he denied it. We saw the tanks and devastation and that has continued year in and year out, and we have done nothing to stop it. There is bipartisan support for this effort to lift the arms embargo. The gentleman from Maryland [Mr. HOYER] and I and others have had hearings, we have looked in the eyes of the women raped as a part of this genocide, and we were absolutely moved to tears. It is unconscionable that we will not allow Bosnia—a sovereign state—to defend itself. Mr. Speaker, I urge adoption of the Hoyer amendment in keeping with Bosnia's inherent right to self defense under the U.N. Charter.

Mr. BEREUTER. Mr. Chairman, will the gentleman yield?

Mr. SMITH of New Jersey. I yield to my friend, the gentleman from Nebraska.

Mr. BEREUTER. Mr. Chairman, I rise in strong opposition to the Burton amendment to make further cuts in AID.

If we adopt this amendment, we should forget about child survival programs, microenterprise support and democracy promotion programs that are authorized in this bill.

This amendment will make it almost impossible for AID to implement these and other activities that don't simply involve writing checks to foreign governments, but involve serious work of program design implementation and oversight.

To accommodate such drastic cuts, AID would have to lay off nearly one-third of its direct-hire staff in the next year, throwing its operations into chaos.

In addition, the costs associated with the mandatory retirement and separation benefits which would have to be paid to those employees under the Foreign Service and Civil Service Acts would be enormous.

The Burton rapid cutback would entail termination costs in excess of $100 million in fiscal year 1996, which could not be borne by the reduced operating expenses account. These costs include severance for U.S. and foreign national direct-hire and PSC employees, contract termination costs, lease buyouts and transportation for American employees returning from overseas.

AID would also have to close down between 15 and 20 overseas missions in addition to the 25 it is already closing down.

This would compel the United States to make impossible choices about ending support for countries in which we have real interests and which are going through tough democratic and market reforms.

While there may be some merit to streamlining the AID presence overseas, this kind of draconian cut would merely ensure that the assistance we are authorizing in this bill is not spent wisely or effectively.

This cut would also mean that AID would have to stop its development and acquisition of new technologies that are designed to make the delivery of assistance more efficient and cost-effective—technologies which we in Congress have been pushing them to develop and use over many years.

Shutting down all overseas operations and terminating all of the Agency's employees would leave no capacity to oversee the implementation of the $8 billion in funds obligated but not yet expended in the Agency's pipeline.

The fiscal year 1996 budget request for operating expenses represents less than 7 percent of the Agency's overall appropriation request of $7.56 billion for fiscal year 1996, an extremely low overhead rate by any standard.

Mr. Chairman, the bill already meets the category of AIP funding of $25 million in fiscal year 1996 and $55 million in fiscal year 1997. The Burton amendment would approximately cut a further $70 million in fiscal year 1996 and $25 million in fiscal year 1997. The distinguished chairman and ranking minority member of the International Relations Committee have already spoken against this amendment, as has the distinguished chairman of the Appropriations Committee, Mr. LIVINGSTON. I strongly urge Members to approve the Burton amendment.

Mr. HOKE. Mr. Chairman, will the gentleman yield?

Mr. SMITH of New Jersey. I yield to the gentleman from Ohio.

Mr. HOKE. Mr. Chairman, I rise to correct the mischaracterization of the OPIC amendment that I have. It calls for a privatization feasibility study. It was mischaracterized by the gentleman from Connecticut as being the elimination of OPIC. It is not. It does authorize the President to sell OPIC's stock. It does not direct him to do so. It calls for a feasibility study and its adoption will assist the Internnational Relations Committee in its upcoming review.

The CHAIRMAN. The time of the gentleman from New Jersey [Mr. SMITH] has expired.

Mr. SMITH of New Jersey. Mr. Chairman, I ask unanimous consent to proceed for 1 additional minute.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

Mr. HASTINGS of Florida. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. BERMAN. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from California [Mr. BERMAN] is recognized for the 2 remaining minutes under the rule.

Mr. BERMAN. Mr. Chairman, I rise in support of the Hoyer amendment and in deep opposition to the Burton amendment and in opposition to the manager's amendment.

Mr. TAYLOR of Mississippi. Mr. Chairman, will the gentleman yield?

Mr. BERMAN. I yield to the gentleman from Mississippi.

Mr. TAYLOR of Mississippi. Mr. Chairman, I thank the gentleman for yielding. He is very gentlemanly to do that.

Mr. Chairman, I am going to use my time to say that this is a bad amendment, referring to the Hoyer amendment, to an already terrible bill. It is going to waste $16 billion American dollars, money we have to borrow in order to give away to rich countries like Israel and Egypt.

But worse than that, the Hoyer amendment would call for the wasting of American lives. Testimony before the Committee on Armed Services coming from the Chairman of the Joint Chiefs of Staff, Colin Powell, says you cannot just give people surface-to-air missiles. You cannot just give people heavy artillery. You have to send people over there first to deliver it and then to train them to use it, and that means putting American service personnel on the ground in the Bosnia, which is going to lead to the loss of American lives in a 700-year-old war.

Those who think that the Moslems from the Middle East are going to stand by once we lift the embargo or the Russians are going to stand by once we lift the embargo and not help the Croatians are absolutely crazy.

Where is the rush to squander American lives?

Yesterday this Congress did the right thing in voting not to get rid of the War Powers Act and voting not to give President Clinton more power to send American kids off to get killed. If you are so anxious to go help the Moslems or the Croatians or the Serbs, put down your briefcase, pick up a gun, and go have a lot of fun. But do not send American troops off to do what you will not do. Do you squander their lives for a hopeless war in a part of the world where we do not belong.

Mr. WOLF. Mr. Chairman, I will vote for the Gilman amendment for one reason and one reason only: The Gilman amendment includes the Hoyer amendment which would lift the U.N. arms embargo against Bosnia and Herzegovina and allow that nation to defend itself.

There are several provisions of the Gilman amendment that are troubling to me. I support the continuation of the Overseas Private Investment Corporation, which the Gilman amendment would privatize. I support the work of the Agency for International Development and strongly disagree with the Gilman amendment's reductions in personnel at AID.

But I have been to Bosnia. I have seen the slaughter of the people there. I have been huddled with those people in basements which were their only sanctuary after their city was shelled. The Bosnian Serbs are maiming and killing innocent people and the arms embargo continues to tie the hands of the people of Bosnia in their efforts at self-defense.

The Hoyer amendment, I believe, can help to bring the war in Bosnia more quickly to an end. The Hoyer amendment will let the people of Bosnia know that the United States Congress stands with them.

For that reason and that reason alone, I vote today for the Gilman amendment which includes the Hoyer amendment to give the people of Bosnia their right to self-defense.

Ms. BROWN of Florida. Mr. Chairman, I rise in opposition to the amendment offered by Mr. MANZULLO because further reductions in funding for cultural exchange programs would cripple the country's ability to build a meaningful dialog with new democracies around the world.

As the United States scales back abroad, USIA-supported exchange programs have become vital to our national security. In the past, the exchange programs encouraged greatness in the lives of modern, global leaders like F.W. DeKlerk and Anwar Sadat. Today, in a fractured world, these programs are a beacon to young leaders searching for practical policies that have been tested over time.

We must make long-term efforts to promote, first, civil societies, second, open economies, third, respect for human rights and fourth, peaceful resolution of conflict.

Let me tell you about an exchange program that works. In Jacksonville, FL, the chamber of commerce with its 5,000 members, has jointly developed a leadership program with the Czech Ministry of Industry and Trade. The program has become national in scope as Czech future leaders come to America to learn about democracy and trade. This successful hands on program involves local participation and should be replicated rather than destroyed. Many Czech participants have written letters telling how their internship changed their life by opening doors they did not know existed.

This is a win/win situation for Jacksonville and other cities that have entered into USIA-supported exchange programs. Today Jacksonville is reaching out to the world because it knows it must in order to grow and not stagnate in the 21st century.

I support USIA-supported exchange programs because I know that our Nation must not stagnate in the 21st century.

Mrs. FOWLER. Mr. Chairman, I rise in opposition to the amendment to unilaterally lift the arms embargo on the Bosnian Government.

I take this position very reluctantly. But I have to say that I believe that voting for this action today would be a grave mistake. Some of our most important allies have put their forces in harm's way to try to bring about a halt in the fighting and to safeguard the civilian population in Bosnia. True, they have not been completely successful. But compared to the carnage and atrocities that occurred in Bosnia prior to the deployment of U.N. forces, the situation is more than a modest improvement. And our allies have just taken further action to introduce additional forces for a rapid deployment force to enhance the prospects of peace enforcement and to open supply lines to civilian populations.

If we lift the arms embargo we will pull the rug out from under our allies and invite the Serbian forces, which have been the aggressors in this conflict and have been responsible for utterly abhorrent atrocities and human rights violations, to renew completely unbridled hostilities. We will endanger the lives of UNPROFOR troops who today remain in illegal Serbian custody. And we will put the forces of our allies who are on the ground today in even greater danger than they currently find themselves.

Our allies with troops on the ground have said they will withdraw from Bosnia if we lift the embargo. Our President has already pledged that he would support this withdrawal with the deployment of U.S. ground troops. So make no mistake about it—if we lift the embargo now we will absolutely compel the introduction of U.S. ground forces to extricate UNPROFOR troops.

I might add that if anyone here thinks the Serbs will wait until the embargo is lifted, the Bosnian Moslems rearm, and the Bosnian Moslems train in the effective use of the new weapons they receive before the Serbs resume further offensive actions, including the full-scale shelling of civilian populations, they are sadly mistaken. The Serbs will initiate mass shelling immediately. Thousands more civilians will be killed or wounded.

We should wait to see how the latest European initiative introducing troops into Bosnia fares before we ruin its chances for success. I know the situation in Bosnia is tragic. Last year some 3,000 people were killed in Bosnia as a consequence of the fighting there. But this is nothing compared to the number that would die if the fighting proceeds without check.

If our allies give up on this situation, if they conclude that there is no further utility in trying to intervene on the side of peace and they choose to withdraw their forces, then we should indeed lift the embargo. But doing so before that time would be premature. It will result in further terrible loss of life. And it surely will suck U.S. ground troops into this conflict and involve our Nation in a war it does not want to be in.

Mr. MINETA. Mr. Chairman, I rise today in strong opposition to the amendment being offered by Mr. GILMAN.

Mr. Chairman, this amendment would further cut funding for one of the most successful programs our Nation operates—the Sister Cities Program, as well as other important cultural exchange programs.

President Dwight D. Eisenhower founded the Sister Cities Program almost 40 years ago, and now Sister Cities is the largest citizen exchange organization in the world. There are more than 1,000 U.S. cities in partnership with over 1,900 international cities in 120 countries.

As a former member of the board of directors of Sister Cities. I have seen first hand the benefits that the program brings.

My own city of San Jose, CA, has built strong relationships with such cities as Okayama, Japan, and Dublin, Ireland.

When the San Francisco Bay Area suffered the Loma Prieta earthquake in 1989, the citizens of San Jose, Costa Rica, another of our Sister Cities, generously sent supplies and aid for the relief centers.

The Sister Cities Program, Mr. Chairman, brings people of different nations together in friendship and understanding. It builds relationships that strengthen the bonds between the United States and the other nations of the world.

Mr. Chairman, as we seek to reduce the Federal budget deficit, we must do so responsibly. In cutting funding for cultural exchange programs like Sister Cities, this amendment goes far beyond what is reasonable and will cripple programs that are of very great importance.

I urge my colleagues to oppose the Gilman amendment.

Mr. RADANOVICH. Mr. Chairman, today, we have the welcome news of Capt. Scott O'Grady's rescue by U.S. Marines in northern Bosnia. Having survived the trauma of being shot down by hostile forces is testimony to Captain O'Grady's courage and determination. This mission was a combination of Semper Fidelis and the luck of the Irish.

As a Member of this body and because of my own Croatian heritage, Bosnia is a major concern. I continue to pray for the quickest possible—and least bloody—resolution to the crisis in the Balkans.

Let me make firm by belief that there must be no large-scale commitment of American troops in Bosnia.

The need, Mr. Chairman is to lift the arms embargo immediately. What many fail to see is that by not lifting the embargo, the internationally recognized state of Bosnia cannot effectively defend itself. We must not be a party to preventing fearless people from resisting naked aggression. The aggressive conduct of the Bosnian Serbs can and will be met—and punished—by those who want to defend themselves.

If the international community will not help, it must not hinder.

Mr. DEUTSCH. Mr. Chairman, I rise today in support of a provision in the fiscal year 1996 American Overseas Act [H.R. 1561], related to unresolved commercial claims between United States nationals and the Government of Saudi Arabia.

This section 36(b)(1) of the Arms Export and Control Act to require congressional oversight and scrutiny of all arms sales to the Government of the Kingdom of Saudi Arabia until such time as the Secretary of State certifies and reports to Congress that the unpaid claims of American companies described in the June 30, 1993 report by the Secretary of Defense pursuant to section 9140(c) of the Department of Defense Appropriation Act, 1993, Public Law 102–396; 106 Stat. 1939, including the additional claims noticed by the Department of Commerce on page 2 of the report, have been resolved satisfactorily.

For more than 2 years now, Gibbs & Hill, Inc., has been waiting for the Kingdom of Saudi Arabia to honor commitments to it and to our Government to favorably resolve its $43.4 million debt owed to it by the Saudi Arabian Government. The claim is one of the long outstanding claims designated for resolution by the Saudi Arabian Government, by its Embassy here in Washington, under the special claims process which was originated by this body following hearings on May 9, 1992 on the commercial abuses of American companies by the Kingdom.

As recently as 3 weeks ago, United States Ambassador to Saudi Arabia, Raymond Mabus, advised Members of Congress and the company that he had been assured by a member of the Saudi Royal Court, on the authority of the King, that the Kingdom was soon to pay the claim. Despite this assurance, the Saudi Arabian Embassy here in Washington continues its efforts to delay, obfuscate, and avoid payment of the debt. This outrageous situation cannot be allowed to continue. This section will show the Congress intends to stress upon the Saudi Arabian Government that the claims issue must be successfully concluded through the payment of this last remaining claim.

The claim of Gibbs & Hill dates back more than a decade. In 1978, Gibbs & Hill went to Saudi Arabia to provide its engineering expertise to the Royal Commission for Jubail and Yanbu in connection with the design and construction of the Yanbu industrial city. Gibbs & Hill was hired by the Royal Commission to help design the desalination and related facilities which are a major component of this industrial complex. The Royal Commission required significant additional services of Gibbs & Hill to perform the work, committing to compensate Gibbs & Hill for the added services, benefiting from the work performed, and highly praising Gibbs & Hill's work product, but the Royal Commission refused to pay. Gibbs & Hill's attempts to seek redress through the Kingdom's court system was useless, as the court merely upheld the wrongful acts of another agency of the Kingdom. Gibbs & Hill was decimated by the financial losses suffered on this project as a result of the commercial abuses of the Kingdom.

We have an opportunity now to bring the special claims process to a successful conclusion through the full and prompt resolution of the Gibbs & Hill claim. This is a stated policy objective of our Nation, which is currently supported by some 50 Members of Congress and Senators from both sides of the aisle. This section will ensure that in the future, American companies are protected from the type of commercial abuses suffered by Gibbs & Hill at the hands of the Kingdom of Saudi Arabia.

Mr. LANTOS. Mr. Chairman, I want to express my strongest opposition to the amendment proposed by my distinguished friend from New Jersey [Mr. SMITH]. I have the highest regard for my colleague, Mr. SMITH. He and I have worked together on many issues on human rights, and I fully share his abhorrence of coerced abortions that have been carried out in China. I have joined him on many occasions to protest in the strongest terms this egregious violation of human rights. While we have worked closely together on a large number of human rights issues, including coercive population control programs, and I look forward to working with him on a number of other issues in the future, I disagree in the strongest terms with this amendment that he has offered to the bill H.R. 1561.

I support the reasoned alternative that has been presented by our distinguished colleague from Maryland, Mrs. MORELLA, which is the same provision that Mrs. MEYERS of Kansas presented during full committee markup, and which was approved by a significant margin during that markup by the entire International Relations Committee.

Mr. Chairman, unchecked population growth in developing countries poses a serious and a growing threat to United States national interests throughout the world. It has serious implications for our international policy in areas of trade, security, environment and international migration.

To reduce the whole range of U.S. population assistance to the issue of abortion—which is what the amendment of our colleague from New Jersey does—does a great injustice to our pioneering work in the field of population planning, where the United States is a recognized leader and innovator.

U.S. population assistance addresses a broad range of critical needs—maternal health; child survival; primary health care, including the prevention of death due to pregnancy-related causes; and the prevention of the spread of sexually transmitted diseases; and contraception.

The aim of a family planning organization is not to promote abortion, but quite to the contrary—to prevent unwanted pregnancies and abortion, which is the leading cause of maternal mortality. The principal objectives of the Agency for International Development's Population Program are to enable couples and individuals to decide freely and responsibly the number and spacing of their children, to improve individual health, and to reduce population growth rates to levels that are consistent with sustainable development.

U.S. population assistance is very much in our Nation's interest and—dollar for dollar—probably offers the best return on investment of any of our foreign assistance programs.

If effective action is not taken with this decade as today's 1.6 billion children in the developing world under the age of 15 reach their childbearing years, then the Earth's population could nearly quadruple to over 19 billion people by the end of the next century.

Such an unchecked explosion in population threatens the international community just as much as the proliferation of weapons of mass destruction or the increase in international crime, because the alarming rate of population growth underlies virtually every developmental, environmental, and national security problem facing the world today. In Algeria, Brazil, and India—to name but a few examples—we are seeing how growing populations hinder economic development, foster serious environmental degradation, and exacerbate political instability.

Experts estimate, Mr. Chairman, that 125 million people in developing countries want to delay or avoid childbirth, but they are not using contraception because they do not have access to means of birth control.

Population growth is outstripping the capacity of many nations to make even modest gains in economic development, leading to growing political instability in many countries. At best, this undermines the ability of these countries to be reliable members of the international community or good trading partners of the United States. At worst, it can contribute to massive unrest and violence, as we have witnessed in Rwanda.

The impact of exponential population growth is also evident in the mounting signs of depletion and overuse of the world's natural resources. We have only to see what is happening throughout the continent of Africa, in South Asia, and in many areas of South America to realize the serious and, I, fear, irreversible environmental consequences of unchecked population growth.

At the International Conference on Population in 1984 in Mexico City, the Officials of the Reagan administration speaking for the United States Government announced a new policy of denying United States foreign aid funds to any foreign nongovernmental organization that provided abortion counseling, referral, or services. Initially called the Mexico City Policy, because it was announced at the U.N. conference in that city, it came to be known as the International Gag Rule.

While the ostensible purpose of that policy was to prevent abortion, the evidence has shown that restrictions did nothing to reduce reliance on abortion. In fact, the only impact of the restrictions was to interfere with the delivery of effective family planning services and appropriate medical care.

Current law and the explicit text of the Morella/Meyers language make it very clear that no United States funds can be used now or in the future to perform abortions abroad except in cases of rape, incest, or endangerment of the mother's life. No United States funds may be used to lobby for or against abortion, and no United States funds will be spent by the U.N. Family Planning Agency in China.

Mr. Chairman, I urge my colleagues to reject this effort to return us to the era of the International Gag Rule. The counter-productive and self-defeating Mexico City Policy was appropriately and rightfully rejected by the American people, and it was repudiated in the past by the Congress as well. It is necessary for us to reject this effort to turn back the clock. The Smith amendment is contrary to American national interests, and it is a policy that is contrary to the interest of stability and economic development in the Third World. It is time for us to move forward and face realistically and meaningfully the very serious population problems that we face in the world.

Mr. LANTOS. Mr. Chairman, I want to express my strong support for the amendment proposed by my distinguished friend from Florida, Mr. HASTINGS. His reasonable amendment calls for restoration of funding for the development fund for Africa to the levels allocated for this program in the past. I welcome this amendment by my distinguished colleague, and I urge my colleagues to support the adoption of his fair and sensible proposal.

Development assistance to Africa now is a preventive medicine against future more grave problems, such as those that have plagued Somalia and Rwanda in recent years. The peoples of Africa are among the most vulnerable people on earth, the peoples most in need of our help anywhere. If we can encourage the advancement of the African countries through programs that focus on economic and political development, this will be important in preventing future problems. Assistance now will help prevent crises in the future. As with medical care, prevention is far more cost-effective than post-crisis intervention. A few million dollars today to assist the countries of Africa deal with their very serious problems can save our Nation billions in the future by preventing or minimizing the development of humanitarian emergencies and totalitarian regimes that could some day once again threaten the peace and stability of that continent.

Development assistance is an investment in the future stability of that Continent. We need only remember the horrifying television pictures of the crisis in Rwanda last summer to be reminded of the dreadful cost of instability and crisis in Africa. To the extent that we are able to prevent such humanitarian disasters by fostering economic development and political stability, we are saving resources and contributing to global stability, goals which are clearly in our national interest.

The amendment of my friend from Florida to maintain development aid to Africa at current modest levels will be an important impetus to further economic and political development in South Africa. All of us in this Congress were cheered a year ago to see the first free, universal and multi-racial elections take place in South Africa. For years Americans have followed closely and sought to encourage developments in South Africa to bring about an end to apartheid and to encourage democratic development. While all of us have been delighted with the progress that has taken place thus far, the democratic evolution of South Africa depends on economic progress in South Africa. Furthermore, the progress in South Africa could be undermined if development lags and instability increases in the rest of Africa.

Furthermore, our assistance is not simply altruistic. Africa is a continent of rapidly growing countries, countries which are potential markets for United States products which our workers and our factories produce. These countries are sources of important goods and products that the American people and the American economy require. It is in our own national interest to foster economic development and progress for the peoples of Africa.

Mr. Chairman, I strongly support the amendment of Mr. Hastings.

Mr. LUTHER. Mr. Chairman, I am committed to ensuring that all efforts are taken to recover our American POW's and MIA's from the Vietnam and Korean wars. After 27 years of families waiting for news and information about loved ones, the time has come to renew our national commitment to those American soldiers still unaccounted for in Southeast Asia.

We must do all we can to achieve the fullest possible accounting of our POW/MIA's. We must reach out to the families of POW/MIA's and listen to their stories. We must continue to seek answers to the questions that remain, and we must address our past failures and develop more positive future solutions.

One of those stories is the story of Joan O'Brien, a constituent of mine and an active member of the Minnesota League of POW/MIA's. Her brother, Sgt. Eugene Allen Handrahan has been missing in action since October 10, 1968. She is convinced that the POW/MIA's issue has been seriously mishandled and is frustrated by our inability to adequately address the lack of information available to her family about her brother. She feels as though our Government has stopped looking for positive solutions. I understand her feelings and am concerned with the Department of Defense's unwillingness to provide this family with complete information.

Today we have before us a positive approach. I applaud my colleague, Representative FRED UPTON for his provision in the American Overseas Interest Act, adopted in the manager's amendment, which I voted for and fully support. Representative UPTON's language enables us to reach out to citizens of countries who may have access to information about our missing service personnel. This provision grants asylum in the United States to any citizen of Laos, Vietnam, or Cambodia who personally delivers into the custody of the U.S. Government a living American POW or MIA of the Vietnam war, and to any citizen of North Korea, South Korea, or China who delivers an American POW or MIA from the Korean war.

Mr. Chairman, this is the least we can do to show our support and appreciation to those who risk their lives to bring American soldiers home. It is the least we can do to answer to the millions of families still waiting for positive solutions.

Mr. LANTOS. Mr. Chairman, I want to express my opposition to the amendment proposed by my distinguished friend from Illinois, Mr. HYDE. I have the highest regard for my friend from Illinois. He and I have worked together on many issues, and we agree on many of the most fundamental of those issues. I respect his principled opposition to the War Powers Act, and I have heard him express his disagreement with that legislation on many different occasions over the years as we have served together on the Foreign Relations Committee.

Like Congressman HYDE, I have serious reservations about the way in which fundamental questions regarding the decision to commit United States troops abroad have been made over the years. I have had disagreements with Republican presidents and with Democratic presidents, and it will come as no surprise to my colleagues to know that I have not hesitated to express those differences both publicly and privately. As Chairman of the Subcommittee on International Security, International Organizations, and Human Rights in the last Congress, I chaired a number of hearings related to this issue.

I have the highest regard for my distinguished friend from Illinois, and I acknowledge that his amendment to repeal the War Powers Act and to establish provisions that provide for Executive-Legislative consultations is a serious and thoughtful effort to deal with the problem of the commitment and involvement of American military forces abroad.

At the same time, however, Mr. HYDE's amendment suffers from the same fundamental flaw that undermines the entire bill that is before us today, Mr. Chairman. It is a partisan document that has been imposed by the Republican majority, first in the International Relations Committee and now, I fear, in the House of Representatives. Our foreign policy should be a bipartisan effort that jointly involves the Administration and the Congress, and both of our political parties. Furthermore, it is again being done without thoughtful deliberate consideration and evaluation by the Committee of jurisdiction.

There were no hearings in the International Relations Committee on the specific amendment Mr. HYDE is presenting to us here today; There was no effort to solicit the thoughtful views of the Administration about mechanisms to assure consultation between the Administration and the Congress; there was no effort to seek the views of scholars and lawyers and historians about the potential impact of those changes; there was no attempt to develop an amendment that had input from and reflected the concerns of the Democratic members of the International Relations Committee.

Regretfully, Mr. Chairman, with Mr. HYDE's amendment we are simply continuing the partisan politicization of our foreign policy at the very time that we should be working together to deal with the serious challenges that our Nation faces in the post-cold war world. There may be merit in the proposals of my distinguished friend from Illinois, but this amendment should be thoughtfully considered and evaluated, not presented as an amendment to this piece of legislation without proper reflection.

Mr. Speaker, I strongly oppose the amendment.

Mr. LANTOS. Mr. Chairman, I want to express my strong support for the amendment proposed by my distinguished friend from New York, Mr. ACKERMAN. His reasonable amendment calls for reports by the Congressional Budget Office and the Office of Management and budget prior to implementing the provisions of this legislation requiring the consolidation of the functions of the Agency for International Development, the United States Information Agency, and the Arms Control and Disarmament Agency into the Department of State.

The organizational changes that are mandated in this legislation are the most sweeping and comprehensive changes ever proposed to the structure and function of the agencies charged with the conduct of our Nation's foreign policy. None of the Members of the Congress—no matter how long they have been serving in this House or in the other chamber—have dealt with changes in our foreign policy agencies of this massive a scale and none of us have any sense of what the unforseen consequences may be.

Before the Department of Defense scaled back and reorganized our national defense effort, a Bottom-Up review was conducted to assess our Nation's defense requirements in the post-cold war world. But here in the case of the Department of State, we have had only a few general hearings before the International Relations Committee earlier this year on reorganization in general. After the specific provisions of this legislation were drafted, the International Relations Committee held a single hearing on the specific reorganization proposals in this legislation—a hearing, I should add, which was requested by the Democratic members of the Committee to provide the administration with the opportunity to comment on the language in the bill.

Mr. Chairman, our Nation is facing unprecedented challenges and threats to the security of our Nation as we face the uncertainly of the post-cold war world. No effort has been made a assess the nature of the perils we face, no effort has been made to assess how our Nation's foreign policy agencies can best address these threats, no effort has been made to determine the impact of this massive restructuring of our foreign policy organizations.

In view of the scope of the changes that have been proposed, the amendment of Mr. ACKERMAN is a reasonable, prudent, and thoughtful effort to consider the impact and evaluate the consequences of consolidation before that irreversible step is taken. In the last few months, Mr. Chairman, this House has not been given to actions that are reasonable, prudent, and thoughtful. In this case, however, we are dealing with the national security of the United States—and caution is only appropriate and reasonable in this case.

If this consolidation policy is so all-important and self-evident, why did we not have such proposals from two presidents and four Secretaries of State in the previous administrations. Alexander Haig, George Schultz, Jim Baker, and Larry Eagleburger were obviously guilty of a tremendous dereliction of duty and responsibility for not proposing the wholesale downsizing of our foreign policy apparatus. If there is such urgency for this action, if there is such necessity to take these decisions without essential review, study, and reflection before acting, these previous Secretaries of State should have been able to see and make such recommendations for change.

Furthermore, Mr. Chairman, no effort has been made to consult and work with the Department of State and the administration to come up with a bipartisan consensus to deal with this consolidation. All of us agree that government can and should be made more efficient and that redundancies should be eliminated. But it is highly inappropriate for the Congress to dictate to the administration the structure of our foreign policy agencies. These are decisions that can and should be made cooperatively in a bipartisan fashion.

Mr. Chairman, during the 14½ years that I have served in this Congress, 12 of those years were with a Republican administration and a Democratically-controlled House of Representatives. During those 12 years, the Democratic members of the Foreign Affairs Committee consulted with our Republican colleagues on the Committee and with the Republican administration to try to achieve a truly bipartisan foreign policy. While there were some areas of disagreement, in the foreign policy realm we were remarkably successful in achieving broad bipartisan agreement.

Mr. Chairman, in coming up with the legislation that is now before us, I find that the procedure which we used through the years—of consulting with Republicans and Democrats to come forward with bipartisan proposals—is all gone by the board. I think it is a sad spectacle when the bipartisan foreign policy process of this Nation is torn asunder for cheap partisan political ends. This is not the way to build a superpower and enhance its ability to conduct foreign affairs in the 21st century.

What we see in this legislation—in this rush to consolidation with no regard for the consequences and with no consideration of alternatives—is rampant isolationism in action. As

I told my colleagues in the markup of this legislation in the International Relations Committee, this is nothing more than pathetic, preposterous partisan posturing. It is cutting to shreds the international capabilities of the one remaining superpower on the face of this planet. It was aptly and accurately described by Dr. Tony Lake, the National Security Advisor to the President, as unilateral disarmament.

Mr. Chairman, the amendment of Mr. Ackerman is a rational approach, a thoughtful recommendation in dealing with a process of consolidation that should be given serious and careful consideration before it is implemented. For these reasons, Mr. Chairman, I strongly support the Ackerman amendment.

The CHAIRMAN. All time for consideration of amendments under this rule has expired.

PARLIAMENTARY INQUIRIES

Mr. HOYER. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his inquiry.

Mr. HOYER. To understand the parliamentary situation at this point in time, am I correct that the Gilman en bloc amendment will be voted on after the Hoyer amendment as a secondary amendment which will be voted upon first; then is it my understanding that the Burton amendment will be then split out of the en bloc amendment for the purposes of a vote, and then the Gilman amendment as amended?

The CHAIRMAN. The gentleman is correct. For the information of the Members, the Chair will announce that the order of voting will proceed as follows: first on the amendment offered by the gentleman from Maryland [Mr. HOYER] to the amendment offered by the gentleman from New York [Mr. GILMAN]; next on separate votes on any divisible portion of this Gilman amendment; and finally on the remainder of the Gilman amendment, as amended or not.

Mr. HASTINGS of Florida. I have a further parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state his inquiry.

Mr. HASTINGS of Florida. Mr. Chairman, does that mean that Members could ask for a division on any of the manager's amendments that are in there?

The CHAIRMAN. Any divisible portion of the amendment can be subjected to a separate vote.

The question is on the amendment offered by the gentleman from Maryland [Mr. HOYER] to the amendment offered by the gentleman from New York [Mr. GILMAN].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. TAYLOR of Mississippi. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. Pursuant to clause 2(c) of rule XXIII, the Chair announced that he may reduce to not less than 5 minutes the period of time within which a rollcall vote by electronic device may be taken without intervening business on the divisible portions of the Gilman amendment.

The vote was taken by electronic device, and there were—ayes 318, noes 99, not voting 17, as follows

[Roll No. 362]

AYES—318

Ackerman
Allard
Andrews
Archer
Bachus
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Becerra
Beilenson
Bentsen
Berman
Bevill
Bilbray
Bishop
Blute
Boehlert
Boehner
Bonior
Bono
Boucher
Brewster
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clayton
Clement
Clyburn
Coble
Coburn
Collins (GA)
Collins (MI)
Condit
Cooley
Costello
Cox
Crapo
Cremeans
Cubin
Danner
Davis
DeFazio
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dingell
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Ehrlich
Emerson
Engel
English
Ensign
Everett
Ewing
Fattah
Fawell
Fields (TX)
Flake
Flanagan
Forbes
Ford
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hancock
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jefferson
Johnson, Sam
Jones
Kaptur
Kasich
Kelly
Kennelly
Kildee
Kim
King
Kingston
Klink
Klug
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
McCarthy
McCrery
McHale
McHugh
McInnis
McIntosh
McKeon
McNulty
Meehan
Menendez
Metcalf
Meyers
Mfume
Mica
Miller (FL)
Mink
Molinari
Mollohan
Moorhead
Moran
Morella
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Pelosi
Peterson (MN)
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Riggs
Rivers
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roybal-Allard
Royce
Rush
Salmon
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Skeen
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Stearns
Stenholm
Stockman
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (NC)
Tejeda
Thomas
Thornberry
Thurman
Tiahrt
Torricelli
Towns
Traficant
Tucker
Upton
Velazquez
Vento
Volkmer
Waldholtz
Walker
Walsh
Wamp
Waters
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wilson
Wise
Wolf
Wyden
Wynn
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—99

Abercrombie
Armey
Baesler
Baker (CA)
Baldacci
Barrett (WI)
Bateman
Bereuter
Bilirakis
Bliley
Borski
Browder
Brown (CA)
Canady
Clay
Clinger
Coleman
Collins (IL)
Combest
Conyers
Coyne
Cramer
Crane
Cunningham
Deal
Dellums
Dixon
Edwards
Ehlers
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Foglietta
Foley
Fowler
Gejdenson
Gephardt
Gibbons
Goodling
Gordon
Hamilton
Hastert
Hastings (FL)
Hefner
Hostettler
Houghton
Jacobs
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kennedy (MA)
Kennedy (RI)
Knollenberg
Lewis (GA)
Longley
Matsui
McCollum
McDermott
McKinney
Meek
Miller (CA)
Mineta
Minge
Moakley
Murtha
Payne (VA)
Petri
Reed
Reynolds
Richardson
Roemer
Rose
Roukema
Sabo
Sanders
Schroeder
Sisisky
Skaggs
Skelton
Souder
Spence
Stark
Stokes
Studds
Taylor (MS)
Thompson
Torkildsen
Torres
Visclosky
Vucanovich
Ward
Watt (NC)
Waxman
Williams
Woolsey

NOT VOTING—17

Bonilla
Chapman
de la Garza
Dicks
Harman
Johnson (CT)
Kleczka
Laughlin
Lofgren
McDade
Montgomery
Oberstar
Peterson (FL)
Spratt
Thornton
Wicker
Yates

□ 1448

Mrs. MEEK of Florida and Messrs. CRANE, BROWDER, LEWIS of Georgia, and CLINGER changed their vote from "aye" to "no."

Mr. BUYER, Mrs. CLAYTON, and Messrs CALLAHAN, NADLER, SERRANO, BLUTE, and RUSH changed their vote from "no" to "aye."

So the amendment to the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the last divisible portion of the amendment as originally offered by the gentleman from New York [Mr. GILMAN], as amended, demanded by the gentleman from Indiana [Mr. BURTON].

The Clerk will report the divided portion of the amendment.

The Clerk read as follows:

In section 3231 of the bill (in section 667(a)(1) of the Foreign Assistance Act of 1961, as proposed to be amended by such section 3231; relating to operating expenses of the United States Agency for International Development), strike "$465,774,000" and insert "$396,770,250" and strike "$419,196,000" and insert $396,770,250".

Mr. BURTON of Indiana (during the reading). Mr. Chairman, I ask unanimous consent that this portion of the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The CHAIRMAN. The question is on the last divisible portion of the amendment offered by the gentleman from New York [Mr. GILMAN], as amended.

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. BURTON of Indiana. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 182, noes 236, not voting 16, as follows:

[Roll No 363]

AYES—182

Allard
Archer
Armey
Bachus
Baker (CA)
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bevill
Boehner
Beno
Browder
Brownback
Bryant (TN)
Bunning
Burr
Burton
Buyer
Camp
Canady
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
English
Ensign
Ewing
Fields (LA)
Fields (TX)
Flanagan
Forbes
Fowler
Fox
Franks (NJ)
Frisa
Funderburk
Gallegly
Gekas
Geren
Goodlatte
Graham
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hoekstra
Hoke
Horn
Hostettler
Hunter
Hutchinson
Inglis
Istook
Jacobs
Johnson, Sam
Jones
Kasich
Kennedy (RI)
Kim
Kingston
Klug
Largent
Latham
Lewis (KY)
Lincoln
Linder
LoBiondo
Lucas
Luther
Manzullo
Martini
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Minge
Moorhead
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Parker
Paxon
Peterson (MN)
Petri
Pickett
Pombo
Poshard
Quillen
Radanovich
Ramstad
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Seastrand
Sensenbrenner
Shadegg
Shuster
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stark
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thornberry
Thurman
Tiahrt
Traficant
Upton
Waldholtz
Walker
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Young (AK)
Zeliff
Zimmer

NOES—236

Abercrombie
Ackerman
Andrews
Baesler
Baker (LA)
Baldacci
Ballenger
Barrett (WI)
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Bonior
Borski
Boucher
Brewster
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Bunn
Callahan
Calvert
Cardin
Castle
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Coyne
Danner
Davis
DeFazio
DeLauro
Dellums
Deutsch
Dingell
Dixon
Doggett
Dooley
Doyle
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
Eshoo
Evans
Everett
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Foley
Ford
Frank (MA)
Franks (CT)
Frelinghuysen
Frost
Furse
Ganske
Gejdenson
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodling
Gordon
Goss
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hamilton
Hastings (FL)
Hefner
Hilliard
Hinchey
Hobson
Holden
Houghton
Hoyer
Hyde
Jackson-Lee
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennelly
Kildee
King
Klink
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Longley
Lowey
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Miller (CA)
Miller (FL)
Mineta
Mink
Moakley
Molinari
Mollohan
Moran
Morella
Murtha
Nadler
Neal
Nussle
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Pomeroy
Porter
Portman
Pryce
Quinn
Rahall
Rangel
Reed
Regula
Reynolds
Richardson
Rivers
Rose
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schiff
Schroeder
Schumer
Scott
Serrano
Shaw
Shays
Sisisky
Skaggs
Skeen
Slaughter
Stokes
Studds
Stupak
Tejeda
Thomas
Thompson
Thornton
Torkildsen
Torres
Torricelli
Towns
Tucker
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walsh
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
White
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Young (FL)

NOT VOTING—16

Bonilla
Chapman
de la Garza
Dicks
Harman
Johnson (CT)
Kleczka
Laughlin
Lofgren
McDade
Montgomery
Oberstar
Peterson (FL)
Spratt
Wicker
Yates

□ 1459

The Clerk announced the following pair:

On this vote:

Mr. Wicker for, with Mr. Yates against.

Mr. DEFAZIO and Mr. QUINN changed their vote from "aye" to "no."

Messrs. KASICH, KIM, and McCOLLUM changed their vote from "no" to "aye."

So the last divisible portion of the amendment, as amended, was rejected.

The result of the vote was announced as above recorded.

□ 1500

The question is on the remaining portion of the amendment offered by the gentleman from New York [Mr. GILMAN], as amended.

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. GILMAN. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 239, noes 117, not voting 18, as follows:

[Roll No 364]

AYES—239

Andrews
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bono
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clement
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Fawell
Fields (LA)
Fields (TX)
Flanagan
Forbes
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson, Sam
Jones
Kasich
Kelly
Kennedy (RI)
Kim
King

Kingston
Klug
Kolbe
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Luther
Manzullo
Martini
McCrery
McHugh
McInnis
McIntosh
McKeon
McNulty
Metcalf
Meyers
Mica
Miller (FL)
Minge
Molinari
Moorhead
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Peterson (MN)
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Traficant
Upton
Vucanovich
Waldholtz
Walker
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—177

Abercrombie
Ackerman
Baesler
Baldacci
Barrett (WI)
Bateman
Becerra
Beilenson
Bentsen
Berman
Bishop
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Clay
Clayton
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
Danner
DeFazio
DeLauro
Dellums
Deutsch
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Ewing
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Foley
Ford
Fowler
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennelly
Kildee
Klink
Knollenberg
LaFalce
LaHood
Lantos
Levin
Lewis (GA)
Lowey
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McCollum
McDermott
McHale
McKinney
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Moran
Morella
Murtha
Nadler
Neal
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reed
Reynolds
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Stark
Stokes
Studds
Stupak
Tanner
Tejeda
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wyden
Wynn

NOT VOTING—18

Allard
Bonilla
Chapman
de la Garza
Dicks
Harman
Johnson (CT)
Kleczka
Laughlin
Lofgren
McDade
Montgomery
Oberstar
Peterson (FL)
Spratt
Walsh
Wicker
Yates

□ 1509

The Clerk announced the following pair:

On this vote:

Mr. Wicker for, with Mr. Yates against.

Mr. WILSON changed his vote from "aye" to "no."

Mr. TAYLOR of Mississippi changed his vote from "no" to "aye."

Mr. RADANOVICH. Mr. Chairman, I rise to reiterate my strong support for the Humanitarian Aid Corridor Act, of which I am an original co-sponsor.

Those who support this portion of H.R. 1561 believe in the integrity of the United States, and are sensitive to preserving America's credibility abroad. That credibility is linked to effectively carrying-out policies of humanitarian assistance. U.S. humanitarian assistance must be allowed to be delivered to those countries in need all over the world.

Specifically, this legislation will address situations such as that found in Armenia, where a Turkish blockade is preventing our aid from being delivered. It is essential that United States aid be allowed to flow unhindered into Armenia.

I urge my colleagues to support the Humanitarian Aid Corridor Act.

Mr. BORSKI. Mr. Chairman, I rise today in opposition to H.R. 1561, the so-called American Overseas Interests Act. Despite several good provisions, this bill will severely restrict the ability of the United States to exercise leadership in the post-cold war world. By micromanaging foreign policy and slashing valuable foreign aid resources, this legislation unilaterally disarms America and relegates the world's sole remaining superpower to a second-class status.

H.R. 1561 includes a number of provisions that tie the hands of the President and reduce the leverage he needs to solve complex foreign policy problems in countries such as Russia, North Korea, and China. It also undermines our effective participation in international organizations and our efforts to encourage other nations to share the burden of global responsibilities.

It is ironic that many of my colleagues who criticized Democrats for curtailing and micromanaging the foreign policies of Presidents Reagan and Bush will vote for this measure today. They would be wise to heed the words of Lawrence Eagleburger, former Secretary of State under President George Bush, who recently stated on the bill, "all of these various restrictions and demands on the President * * * are an absolute attack on the separation of powers. Foreign policy is now and always should be in the hands of the executive branch with the advice and consent of the Congress. * * * You can't put in prescriptions that may apply today and don't apply tomorrow."

Moreover, despite promises by its sponsors that it will reduce bureaucracy, H.R. 1561 will create a megabureaucratic State Department that is unwieldy, costly and ineffective. By contrast, the Clinton administration is already proceeding vigorously with its efforts to streamline the State Department foreign policies agencies, reducing staffing by 4,700 positions, cutting bureaucratic layers and duplication.

H.R. 1561 also cuts our foreign aid programs by $1 billion, including a 30 percent cut in development assistance. These cuts will restrict the ability of our President to fight for our interests through diplomacy, protect our global security interests, and open markets to U.S.-produced goods and services.

Mr. Chairman, it is with some reservations that I oppose final passage on this measure today. I support the provisions in H.R. 1561 that include the administration's full request for foreign assistance to Israel and Egypt. This aid is absolutely critical to keeping the Middle East peace process moving forward.

While aid to Israel is protected in the short term in this legislation, the long-term future of Israel's security is jeopardized by the isolationist policies implicit in this legislation.

By slashing America's foreign policy resources, H.R. 1561 will hollow out our first line of defense against future threats to the United States and Israel. It will impede our ability to bar the proliferation of weapons of mass destruction that threaten both the United States and Israel. It will slash the resources we need to combat international terrorism that threatens both the United States and Israel. And it will diminish our influence and leadership in efforts to peacefully resolve potential conflicts in the Middle East before they flair into military conflicts.

H.R. 1561 will set foreign aid spending on a downward spiral that will ultimately increase political pressure to cut into the aid accounts for Israel and Egypt. Under this legislation, aid to Israel and Egypt will comprise almost half of the overall foreign aid budget. Under this trend, there will soon be nothing left to cut in these accounts.

Without foreign aid, our country will lose its ability to exercise leadership to confront the challenges of the post-cold-war world. It is a small but very important investment, representing less than 1 percent of our overall budget, in our ability to safeguard America's political and economic interests abroad.

Mr. Chairman, despite the end of the cold war, the world remains a dangerous and uncertain place. We will be confronted with new challenges abroad every day. H.R. 1561 will inhibit the ability of the executive branch to meet those challenges. For this and many other reasons, Mr. Speaker, H.R. 1561 should be defeated, and the House should instead approve an authorization bill that gives the President the tools he needs to exercise leadership in the postcold-war world.

Mr. LAZIO of New York. Mr. Chairman, I rise today in support of H.R. 1561, the American Overseas Interest Act. I believe that the bill before us represents a responsible foreign aid approach that clearly defines America's overseas interests. It is a departure from the past and a vision into the future.

An important provision of H.R. 1561 is the inclusion of the MacBride Fair Employment

Principles, that serve as a corporate code of conduct for U.S. companies doing business in Northern Ireland. The MacBride Principles, named for the late Sean MacBride, co-founder of Amnesty International and Nobel Peace Prize winner, were initiated, proposed and launched by the Irish National Caucus in November 1984. Since their inception, the MacBride Principles have provided Irish-Americans with a direct, meaningful and non-violent means of addressing injustice in Northern Ireland. H.R. 1561 codifies these principles and for the first time ever, any U.S. company accepting funds from the International Fund for Ireland must comply with the MacBride Fair Employment Principles. Importantly, these principles do not call for quotas, reverse discrimination, divestment—the withdrawal of United States companies from Northern Ireland—or disinvestment—the withdrawal of funds now invested in firms with operations in Northern Ireland.

The MacBride Principles have been widely endorsed by many states, companies, and individuals. For the record I would like itemize the principles as follows:

First, increase the representation of individuals from under-represented religious groups in the work force including managerial, supervisory, administrative, clerical, and technical jobs.

Second, ensure adequate security for the protection of minority employees at the work place and while traveling to and from work.

Third, ban provocative religious or political emblems from the work place.

Fourth, advertise all job openings publicly and making special recruitment efforts to attract applicants from under-represented religious groups.

Fifth, lay off, recall, and termination procedures should not favor a particular religious group.

Sixth, abolish job reservations, apprenticeship restrictions and differential employment criteria which discriminate on the basis of religion.

Seventh, develop training programs that will prepare substantial numbers of current minority employees for skilled jobs, including the expansion of existing programs and the creation of new programs to train, upgrade and improve the skills of minority employees.

Eighth, establish procedures to assess, identify and actively recruit minority employees with potential for further advancement.

Ninth, appoint a senior management staff member to oversee the company's affirmative action efforts and the setting up of timetables to carry out affirmative action principles.

It is important that the United States take a strong moral stand against unfair employment practices. As the largest contributor to the International Fund for Ireland, we should lead by example and not tolerate those who exclude any group because of their religion.

It is my hope that someday employment practices in Northern Ireland will be fair so that the MacBride Principles will no longer be necessary. However, at this stage in the Northern Ireland peace process, the voice of the United States on the topic of fair employment practices is more critical than ever. I strongly endorse this legislation and urge its passage.

Mr. BALLENGER. Mr. Chairman, I'd like to first praise the gentleman from New York [Mr. GILMAN] on his fine leadership in producing a bill that reduces our foreign aid spending in a responsible manner.

The collapse of the Soviet empire has eradicated the threat of Communist aggression worldwide leaving only one superpower, the United States. With this end to the cold war, in turn, came radical changes in the political and social landscape of the world and therefore, strategies to keep stability in the world need drastic reforms. We can no longer depend on the "for us or against us" formula of foreign aid. With the rise of new regional conflicts posing new threats to world peace and leaving us with new challenges for our foreign policy, we must develop new strategies to meet the demands of the new world order. Unfortunately, many of the antiquated foreign aid programs that existed during the cold war are still in use, and paid for by American taxpayers. While I understand that foreign aid cannot and should not be cut out completely, it must be reformed and reduced to meet the demands of the post-cold-war world.

H.R. 1561, the American Overseas Interests Act of 1995, does just that. The House is currently considering H.R. 1561, which will further reduce Federal spending, and take yet another step toward balancing the budget by streamlining overall spending on foreign aid programs and redefining U.S. foreign aid policy for the future. Specifically it would consolidate three agencies in the State Department and reduce their budgets, forcing them to streamline and become more efficient. The agencies to be consolidated are the Agency for International Development, the Arms Control and Disarmament Agency and the U.S. Information Agency. The bill authorizes $32.3 billion over the next 2 years, saving the taxpayers $2 billion in fiscal year 1996 and $1 billion in 1997. The overall savings to the American taxpayer by the year 2002 is projected to be nearly $21 billion.

I rise in support of the American Overseas Interests Act passed by the International Relations Committee, not only because of the reductions, eliminations and consolidations of bureaucracy, but because of the reasonable funding for valuable programs that are in our best interests. As I have always stated in the past, foreign aid programs are an integral part of the President's efforts to protect and advance U.S. interests at home and abroad. But, I strongly support foreign aid reform. The U.S. aid program must be constantly evaluated and held accountable to high standards of performance and results. Clearly measurable and achievable goals should be established. Tough standards should be applied to our aid program, as well as to those international organizations and financial institutions to which we contribute funding. Where our aid has no lasting impact, it should be terminated. Redundancy must be eliminated, and this will require major program changes. I would like to comment on two programs, in particular, that I believe are worthy aid recipients: FUSADES and FUNDESA.

Almost everyone knows of my interests in Central America. As a member of the International Relations Subcommittee on Western Hemisphere, and an active participant in the affairs of Central America, I am quite concerned with the political, economic, and social climate in this region. Over the years, I have had the unique opportunity to meet and forge great relationships with leaders throughout Central America. Today, we are witnessing all across Latin America that those countries who emerged from the disasters of civil war with a commitment to improve human rights have been able to foster a stronger foundation for social and economic development. The movement to democracy in Latin America is no longer the great dream of this century. Victories in the Western Hemisphere, from Argentina, Chile, Nicaragua to El Salvador, are just a few examples of democracy in action.

These organizations have helped people realize this dream and have received U.S. funding indirectly. FUSADES in El Salvador and FUNDESA in Guatemala have successfully helped the people of these developing countries progress economically and democratically. FUSADES and FUDNESA were created to promote economic and social development improving the precarious situation of many of our neighbors to the South. They promote equitable, responsive development by awarding grants to small entrepreneurs throughout the region. More importantly, these organizations provide small loans to local individuals who start small businesses and later repay their debts, at repayment rates of approximately 95 percent. For example, only a $100 loan for the purchase of a sewing machine can be the driving force to help an individual start his or her own business. These small entrepreneurs create jobs, assist the emerging middle-class, and in turn help stabilize the region's economy. A small amount of U.S. aid goes a very long way.

While recognizing the need to rein in federal spending, we have also witnessed the positive side of foreign aid. With this in mind, I urge Members to support H.R. 1561, the American Overseas Interests Act. I ask unanimous consent to revise and extend my remarks.

Mr. SERRANO. Mr. Chairman, I rise in strong opposition to H.R. 1561, the American Overseas Interests Act. In an era of rising global interdependence, this bill sends the message that America is turning inward, away from its allies and the areas that need it the most. Instead of maintaining and strengthening the leadership and vision expected from a great superpower, this bill cuts and weakens the powers of the executive branch and distorts the priorities of foreign policy. More specifically, H.R. 1561 creates a vacuum of leadership and support for the nations in our own hemisphere at the time when they need it the most.

As a former member of the Appropriations Subcommittee on Foreign Operations and as a representative of a district heavily populated by Hispanic-Americans from throughout Latin America and the Caribbean, I have a strong interest in issues affecting this area. This bill would reduce assistance to the region by $213 million. Mr. Chairman, where is the logic in this reduction when it is clear that our closest neighbors are in dire need of our leadership and support? In the last few years, this region has borne the brunt of the reductions necessary to accommodate preserving or increasing assistance to other regions of the world and any reduction only further jeopardizes the process toward peace, prosperity, and democracy currently underway in Latin America and the Caribbean.

Developmental assistance and economic support funds further our own national security interests by encouraging fledgling democracies, emerging economies, and public health initiatives. Not long ago, the Western Hemisphere was ruled largely by military dictatorships. Now it is overwhelmingly represented by emerging democracies. We should not turn our back on the nations of this hemisphere while they struggle to establish the structures which support strong democracies.

In addition, foreign aid to Latin America and the Caribbean makes economic sense. It strengthens the ties forged by NAFTA, GATT, and the Summit of the Americas and supports the President as he seeks to further U.S. trade and economic interests in our hemisphere. The United States should not reduce its commitment to our fastest growing market, which accounts for $178 billion in two-way trade, $91 billion in U.S. exports, and 2 million in American jobs.

Finally, public health initiatives for the hemisphere should be supported. The Western Hemisphere has been declared polio-free thanks in part to the decade-long investment by the United States in polio prevention programs. Significant progress has also been made in the areas of immunization, family planning, oral rehydration therapy, and AIDS. Cutting aid for these programs could affect the lives of millions of children and cause a public health crisis in the region.

Aid to Latin America and the Caribbean furthers the interests of the United States with respect to national security, trade, and public health. It is in our own best interest to live in a neighborhood of nations which are stable and prosperous.

While this bill seeks to cripple our own Nation's ability to forge ties with our closest friends and allies, it also works to dictate the foreign policy objectives of the rest of the world by prohibiting assistance to any foreign government that the President determines has provided economic assistance to or engaged in non-market-based trade with the Government of Cuba or any entity controlled by such government in the preceding fiscal year. Mr. Chairman, is assistance to Russia or Israel in jeopardy as they move ahead with their trade initiatives in the Caribbean island? Do we expect hundreds of other sovereign and independent nations to, in effect, support an embargo which they have consistently voted against in the United Nations for 3 consecutive years? Are we asking the nations of the world to submit to our punitive and vindictive Cuba policy and our obsession with its leader?

Mr. Chairman, H.R. 1561's short-sighted objectives with regard to Latin America and the Caribbean reflect the short-sightedness of the bill in general. Foreign assistance only represents 1 percent of the total Federal budget, but it is a crucial part of our role in world leadership. At a time when the world looks to the United States for leadership and vision, this bill sends the message that the United States prefers a narrow, arrogant, isolationist policy. As the world changes, it is logical that our foreign policy priorities also change, but this does not imply a need for withdrawal from our responsibilities. I urge my colleagues to vote against this bill.

So the remaining portion of the amendment, as amended, was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as modified, as amended.

The committee amendment in the nature of a substitute, as modified, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. RIGGS) having assumed the chair, Mr. GOODLATTE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1561) to consolidate the foreign affairs agencies of the United States; to authorize appropriations for the Department of State and related agencies for fiscal years 1996 and 1997; to responsibly reduce the authorization of appropriations for U.S. foreign assistance programs for fiscal years 1996 and 1997, and for other purposes, pursuant to House Resolution 155, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. HAMILTON

Mr. HAMILTON. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill in its current form?

Mr. HAMILTON. Mr. Speaker, I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. HAMILTON moves to recommit the bill H.R. 1561 to the Committee on International Relations, with instructions to report it back forthwith with the following amendments:

On page 11, strike line 1 and all that follows through page 82, line 9 and insert in lieu thereof the following:

DIVISION A—STREAMLINING OF FOREIGN AFFAIRS AGENCIES

TITLE I—GENERAL PROVISIONS

"SEC. 101. SHORT TITLE.

"This division may be cited as the Foreign Affairs Agencies Streamlining Act of 1995.

"SEC. 102. CONGRESSIONAL FINDINGS.

"The Congress makes the following findings:

"(1) With the end of the Cold War, the international challenges facing the United States have changed, but the fundamental national interests of the United States have not. The security, economic, and humanitarian interests of the United States require continued American engagement in international affairs. The leading role of the United States in world affairs will be as important in the twenty first century as it has been in the twentieth.

"(2) The United States budget deficit requires that the foreign as well as the domestic programs and activities of the United States be carefully reviewed for potential savings. Wherever possible, foreign programs and activities must be streamlined, managed more efficiently, and adapted to the requirements of the post-Cold War era.

"(3) As part of an overall review to foster efficiencies in the executive branch, the President has had under review the organization and functions of those departments and agencies responsible for administering the international affairs (150) budget function.

"(4) The President deserves commendation for the results of such review to date, including significant numbers of foreign posts closed and personnel reductions made by some foreign affairs agencies.

"(5) In order to achieve further budgetary savings and eliminate overlapping responsibilities and duplication of efforts in the foreign programs and activities of the United States without jeopardizing United States interests, continued careful review and strong effective leadership will be required.

"(6) A streamlined foreign affairs structure under the leadership of the President can more effectively promote the international interests of the United States in the next century.

"TITLE II—ONGOING REVIEW OF INTERNATIONAL AFFAIRS MANAGEMENT

"SEC. 201. REVIEW OF INTERNATIONAL AFFAIRS AGENCIES.

"(a) REVIEW.—The President shall review, as part of an overall effort to foster efficiencies in the executive branch, the programs described in the Foreign Assistance Act of 1961 and the Arms Export Control Act, as well as other initiatives within the administration of international affairs programs, to determine how best to achieve the cost savings and streamlining.

"(b) CONSIDERATIONS.—The review conducted pursuant to subsection (a) shall include a review of—

"(1) any additional costs or cost savings that would result from reorganizing the agencies administering programs under the international affairs (150) budget function;

"(2) the management implications of any agency reorganization;

"(3) the optimal organizational structure for the foreign affairs agencies;

"(4) the implications for the conduct of United States foreign policy and United States foreign assistance programs of any agency reorganization;

"(5) the justification for staffing levels of non-foreign affairs agencies overseas, including the Departments of Commerce, Defense, Justice, Treasury, and any intelligence agencies;

"(6) the extent to which the activities of such non-foreign affairs agencies contribute to United States foreign policy and national security interests;

"(7) the implications for United States foreign operations of recent developments in communications technology;

"(8) the feasibility of centralizing worldwide financial services of all foreign affairs agencies in the United States, including the feasibility of moving all such services to a location outside of the Washington, D.C. metropolitan area;

"(9) the feasibility and cost-effectiveness of contracting with private companies or other United States Government agencies for certain services, including payroll, vendor payments, and Foreign Service pension payments systems, medical examination programs, and certain training programs; and

"(10) efforts to consolidate management of all U.S. international exchange programs to eliminate duplication and overlap.

"(c) REPORT.—Not later than six months after the date of enactment of this Act, the President shall submit to the Committee on International Relations and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate a report on the results of the comprehensive review required by subsection (a).

"SEC. 202. REORGANIZATION AUTHORITY.

"(a) AUTHORITY.—The President is authorized to submit to the Congress a reorganization plan, if he determines such reorganization is necessary, to enhance the coordination, effectiveness, and efficiency of programs within the international affairs (150) budget function.

"(b) EXCEPTION.—Any plan submitted pursuant to the authority of subsection (a) may be submitted pursuant to chapter 9 of title 5 (relating to executive reorganization) of the United States Code, notwithstanding section 905(b) of that chapter.

On page 84, beginning on line 21 strike "$1,728,797,000 for the fiscal year 1996 and $1,676,903,000 for the fiscal year 1997" and insert in lieu thereof "$1,748,438,000 for each of the fiscal years 1996 and 1997".

On page 85, beginning on line 11 strike "$366,276,000 for the fiscal year 1996 and $355,287,000 for the fiscal year 1997" and insert in lieu thereof "$372,480,000 for each of the fiscal years 1996 and 1997".

On page 86, beginning on line 1 strike "$391,760,000 for the fiscal year 1996 and $391,760,000 for the fiscal year 1997" and insert in lieu thereof "$421,760,000 for each of the fiscal years 1996 and 1997".

On page 86, beginning on line 11, strike "$23,469,000 for the fiscal year 1996 and $23,469,000 for the fiscal year 1997" and insert in lieu thereof "$24,250,000 for each of the fiscal years 1996 and 1997".

On page 86, beginning on line 16, strike "$15,165,000 for the fiscal year 1996 and $14,710,000 for the fiscal year 1997" and insert in lieu thereof "$15,465,000 for each of the fiscal years 1996 and 1997".

On page 86, beginning on line 20, strike "$9,579,000 for the fiscal year 1996 and $9,579,000 for the fiscal year 1997" and insert in lieu thereof "$8,579,000 for each of the fiscal years 1996 and 1997".

On page 87, beginning on line 6, strike "$873,505,000 for the fiscal year 1996 and $867,050,000 for the fiscal year 1997" and insert in lieu thereof "$934,057,000 for each of the fiscal years 1996 and 1997".

On page 87, beginning on line 17, strike "$309,375,000 for the fiscal year 1996 and $302,902,000 for the fiscal year 1997" and insert in lieu thereof "$425,000,000 for each of the fiscal years 1996 and 1997".

On page 94, beginning on line 15, strike "$445,000,000 for the fiscal year 1996 and $345,000,000 for the fiscal year 1997" and insert in lieu thereof "$533,304,000 for each of the fiscal years 1996 and 1997".

On page 96, beginning on line 10, strike "$68,260,000 for the fiscal year 1996 and $68,260,000 for the fiscal year 1997" and insert in lieu thereof "$100,000,000 for each of the fiscal years 1996 and 1997".

On page 100, begining on line 9, strike "$13,858,000 for the fiscal year 1996 and $12,472,000 for the fiscal year 1997" and insert in lieu thereof "$13,858,000 for each of the fiscal years 1996 and 1997".

On page 100, beginning on line 11, strike "$10,393,000 for the fiscal year 1996 and $9,353,000 for the fiscal year 1997" and insert in lieu thereof "$10,393,000 for each of the fiscal years 1996 and 1997".

On page 100, line 17, strike "$666,000" and insert in lieu thereof "$740,000".

On page 100, beginning on line 20, strike "$3,500,000 for the fiscal year 1996 and $3,195,000 for the fiscal year 1997" and insert in lieu thereof "$3,550,000 for each of the fiscal years 1996 and 1997".

On page 101, line 1, strike "$13,202,000" and insert in lieu thereof "$14,669,000".

On page 104, beginning on line 11, strike "$10,000,000 for the fiscal year 1996 and $9,000,000 for the fiscal year 1997" and insert in lieu thereof "$15,000,000 for each of the fiscal years 1996 and 1997".

On page 105, beginning on line 4, strike "$450,645,000 for the fiscal year 1996 and $428,080,000 for the fiscal year 1997" and insert in lieu thereof "$496,002,000 for each of the fiscal years 1996 and 1997".

On page 105, beginning on line 14, strike "$117,484,200 for the fiscal year 1996 and $113,680,800 for the fiscal year 1997" and insert in lieu thereof "$130,799,000 for each of the fiscal years 1996 and 1997".

On page 106, beginning on line 19, strike "$87,625,800 for the fiscal year 1996 and $87,341,000 for the fiscal year 1997" and insert in lieu thereof "$119,536,000 for each of the fiscal years 1996 and 1997".

On page 107, beginning on line 1, strike "$321,191,000 for the fiscal year 1996 and $286,191,000 for the fiscal year 1997" and insert in lieu thereof "$395,340,000 for each of the fiscal years 1996 and 1997".

On page 107, beginning on line 17, strike "$75,164,000 for the fiscal year 1996 and $67,647,000 for the fiscal year 1997" and insert in lieu thereof "$85,919,000 for each of the fiscal years 1996 and 1997".

On page 108, beginning on line 2, strike "$4,300,000 for the fiscal year 1996 and $3,870,000 for the fiscal year 1997" and insert in lieu thereof "$4,300,000 for each of the fiscal years 1996 and 1997".

On page 108, beginning on line 8, strike "$15,000,000 for the fiscal year 1996 and $10,000,000 for the fiscal year 1997" and insert in lieu thereof "$20,000,000 for each of the fiscal years 1996 and 1997".

On page 108, beginning on line 23, strike "$44,000,000 for fiscal year 1996 and $40,050,000 for the fiscal year 1997" and insert in lieu thereof "$76,300,000 for each of the fiscal years 1996 and 1997".

On page 197, on line 19, strike "$3,284,440,000" and insert in lieu thereof "$3,351,910,000".

On page 197, on line 20, strike "$3,240,020,000" and insert in lieu thereof "$3,351,910,000".

On page 200, line 18, strike "$22,620,000" and insert in lieu thereof "$37,000,000".

On page 200, line 22, strike "$37,800,000" and insert in lieu thereof "$52,890,000".

On page 218, beginning on line 5, strike "$20,000,000 for fiscal year 1996 and $25,000,000 for fiscal year 1997" and insert in lieu thereof "$15,244,000 for each of the fiscal years 1996 and 1997".

On page 248, beginning on line 16, strike "$2,356,378,000 for fiscal year 1996 and $2,283,478,000 for fiscal year 1997" and insert in lieu thereof "$2,504,300,000 for each of the fiscal years 1996 and 1997".

On page 264, line 9, strike "$858,000,000" and insert in lieu thereof "$1,300,000,000".

On page 264, line 14, strike "$629,214,000" and insert in lieu thereof "$802,000,000".

On page 264, beginning on line 18, strike "$643,000,000 for fiscal year 1996 and $650,000,000 for fiscal year 1997" and insert in lieu thereof "$788,000,000 for each of the fiscal years 1996 and 1997".

On page 264, beginning on line 24, strike "$325,000,000 for fiscal year 1996 and $275,000,000 for fiscal year 1997" and insert in lieu thereof "$480,000,000 for each of the fiscal years 1996 and 1997".

On page 265, beginning on line 5, strike "$20,000,000 for fiscal year 1996 and $10,000,000 for fiscal year 1997" and insert in lieu thereof "$31,760,000 for each of the fiscal years 1996 and 1997".

On page 265, beginning on line 10, strike "$10,000,000 for fiscal year 1996 and $5,000,000 for fiscal year 1997" and insert in lieu thereof "$17,405,000 for each of the fiscal years 1996 and 1997".

On page 283, beginning on line 11, strike "$456,774,000 for fiscal year 1996 and $419,196,000 for fiscal year 1997" and insert in lieu thereof "$529,027,000 for each of the fiscal years 1996 and 1997".

On page 284, beginning on line 3, strike "$35,206,000 for fiscal year 1996 and $31,685,000 for fiscal year 1997" and insert in lieu thereof "$39,118,000 for each of the fiscal years 1996 and 1997".

On page 284, strike line 20 and all that follows through line 24 and insert in lieu thereof the following:

"There is authorized to be appropriated $50,000,000 for each of the fiscal years 1996 and 1997 for the provision of agricultural commodities under title III of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1727 et seq.).".

At the end of the bill, insert the following new title:

"TITLE XXXVI—AGGREGATE AUTHORIZATION

"SEC. 3601. AGGREGATE AUTHORIZATION.

"Notwithstanding any other provision of law, the maximum aggregate amount authorized to be appropriated by this Act shall not exceed $16,505,843,000 for fiscal year 1996 and $15,395,362,000 for fiscal year 1997.

Mr. HAMILTON (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

☐ 1515

The SPEAKER pro tempore (Mr. RIGGS). The gentleman from Indiana [Mr. HAMILTON] is recognized for 5 minutes.

Mr. HAMILTON. Mr. Speaker, I yield myself such time as I may consume.

The motion to recommit is rather simple and straightforward. The motion to recommit has two components to it. First of all, it deletes that portion of the bill that requires the abolition of AID, USIA, and ACDA. In its place it replaces those portions with a requirement that the President review the management and operations of the foreign policy agencies. It is a requirement that the President review those agencies and report to the Congress efforts to streamline those operations. That is the first part.

The second part of the motion authorizes the same level of funding for each of the line items in this bill that the President requested, but then it cuts the overall authorization funding to the level that is now in the bill.

The effect of the motion to recommit, then, is to accept the funding levels that the committee and this House have already voted on. We accept those cuts. What we do is permit the President of the United States, however, to have flexibility as to how those funds are spent. We earmark Egypt and Israel, but in other respects he has flexibility. So the motion to recommit accepts the funding levels that this House has voted on.

Second, with regard to reorganization, it lets the President take the initiative; after all, it is his administration. He should be able to reorganize that executive branch as he sees fit. We tell him he has to do it, no discretion at that time on that point. But there is no micromanagement on our part. We do not force him to reorganize in a particular way, but we do require him to reorganize.

So the motion to recommit accepts the funding levels that we now have as voted on in this House but gives the President flexibility to spend those funds, and it requires a reorganization. It does not try to micromanage. It does not tell the President how to organize his own executive branch, but it does permit the Congress to set the policy parameters and give the President the flexibility with regard to reorganization.

Mr. Speaker, I yield to the distinguished minority leader, the gentleman from Missouri [Mr. GEPHARDT].

Mr. GEPHARDT. Mr. Speaker, I rise tonight to ask Members to vote for this motion to recommit. I do it in a bipartisan way. We have always had a bipartisan foreign policy for this country. We have always tried to stop partisanship at the water's edge. And we have always tried to write these authorization bills for foreign policy together. And we have always tried to balance the power of the President with the power of the Congress in reaching our foreign policy.

In all humility, I suggest to all of my colleagues that this bill does not carry on that tradition. I was proud of the House last night when in a bipartisan way we refused to give up powers that I think it was important for the Congress to keep with regard to how we declare and make war. And I ask tonight that we pass this motion to recommit; we leave more of the power in reordering the structure of our foreign policy to the President, that as we make these cuts we give the President more authority in exactly where the cuts ought to be made.

Let me finish with this simple thought: Foreign aid and foreign policy are not popular and never have been in any district in these United States. But it is vitally important to every one of our citizens that we have a good foreign policy that is in the deep self-interest of every American citizen and in our great country.

The best way to do that is to make it bipartisan and keep it that way. I urge Members to send this bill back to the committee along the lines the distinguished ranking member has made and let us return to the successful tradition of foreign policy that we have had in this country, which has served this country very well.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong opposition to the motion to recommit. Our bill consolidates three major agencies. It cuts $3 billion in spending and changes the status quo. The motion to recommit keeps the status quo. It tries to add over $4 billion in spending. The recommit motion also calls for yet another study. We have studied the issue long enough. The cold war ended half a decade ago.

I say it is time now to reform foreign affairs agencies.

Mr. Speaker, I yield to the gentleman from Ohio [Mr. KASICH], the distinguished chairman of our Committee on the Budget.

Mr. KASICH. Mr. Speaker, I thank the gentleman for yielding time to me.

I know there is a lot of concern about the bill. America has a responsibility to practice smart strategic foreign aid, which I believe the gentleman from New York [Mr. GILMAN] is delivering us in this bill. The motion to recommit takes us back to the status quo.

I am told that this morning the Heritage Foundation released a study saying that the Agency for International Development hired a group to study their studies. And we do not need to study anybody's studies anymore.

The simple fact of the matter is under the Gilman bill, which is the most successful effort at reform in foreign aid since I have been in the House, will consolidate the Agency for International Development, ACDA, the [Arms Control Disarmament Agency], the United States Information Agency, in some sense a relic, and also makes cuts in foreign aid.

The bill is endorsed by the Americans for Tax Reform by the Citizens Against Government Waste. Why? Because they recognize the fact that the United States has a role to play in the world. But they also recognize the fact that the gentleman from New York has made changes.

Furthermore, the Overseas Private Investment Corporation, one of the best examples of big corporate pork, is now authorized to be sold and to be phased out and to be privatized. This bill deserves and merits our support.

I would argue to the Members that if you believe America has a role in the world, that you want that role to be narrowed and focused, this is not perfect, but this is the biggest step that we have made in the House in a dozen years to try to bring improvement to foreign aid and to satisfy some of the frustrations that our hard-working, tax-paying constituents have wanted.

Mr. GILMAN deserves a vote in favor of this bill and against the motion to recommit. I would urge Members, as the leader of the world, to adopt this bill. I think it makes good sense. It is fiscally prudent and moves us in the right direction on foreign aid reform.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for his support.

Mr. Speaker, I yield to our distinguished majority leader, the gentleman from Texas [Mr. ARMEY].

Mr. ARMEY. Mr. Speaker, I thank the gentleman for yielding time to me.

Let me take a moment to thank the committee, the gentleman from New York [Mr. GILMAN], and the members of the committee for the hard work they put into this bill.

My colleagues, we have just finished celebrating the 50th anniversary of D-day. I do not know about you, but I spent a good deal of my past weekend watching old film clips of that 50th anniversary. I was reminded, as I watched those brave men all too often falling on the shores of some remote beach, that this is a great Nation and in one very, very special regard, it is the greatest Nation in the history of the world. Because in America, in the history of the world, no nation has ever so much loved freedom that their nation's people have been willing to risk their own peace to secure freedom for other nations.

We have all too many times seen our Nation's children on the field of battle, fighting for freedom and dreaming about peace. When we think of those terribly horrible, frightful times when men and women were willing to put their life and their limb on the line for the double dream of freedom and peace, we then should reflect upon the times when we can put some part of our national treasure on the line for freedom and peace.

What can we do, where can we do it in the world, to help protect the freedoms of people, help ensure the peace of people, help to see to it that starving children perhaps have hope, help where we can to breathe hope and life into this world.

We do not spend so awfully much but we have always been a frugal Nation. We always have insisted that we spend our treasure with care, with discretion, with compassion that is mixed with understanding and where in fact it will make the difference we hope and dream for in the lives of people.

This committee has done this. This committee has repaired American foreign aid efforts, maybe not enough to suit everybody, but enough to tell the world that, yes, indeed, we are willing to look at the needs in the world. We are willing to be discrete. Yet we are willing to be generous, and we are willing to be organized and we are willing to be systematic. And we are willing to put some part of our treasury behind the dream of freedom and peace for all the world's people. This is a good bill. This is a good dream. It deserves our support.

I implore Members, vote "yes" for the dream of freedom and peace in the lives of all the world as sponsored by the generosity of this greatest Nation in the history of the world.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. HAMILTON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 179, nays 237, not voting 18, as follows:

[Roll No. 365]

YEAS—179

Abercrombie
Ackerman
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
Cramer
Danner
Davis
DeFazio
DeLauro
Dellums
Deutsch
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lipinski
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Moran
Morella
Murtha
Nadler
Neal
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Pomeroy
Rahall
Rangel
Reed
Reynolds
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Stark
Stokes
Studds
Stupak
Tanner
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Watt (NC)
Waxman
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn

NAYS—237

Allard
Andrews
Archer
Armey
Bachus
Baker (CA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bono
Brewster
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Peterson (MN)
Petri
Pickett
Pombo
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Waters
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—18

Baker (LA)
Bonilla
Chapman
de la Garza
Dicks
Foglietta
Harman
Johnson (CT)
Kleczka
Laughlin
Lofgren
McDade
Montgomery
Oberstar
Peterson (FL)
Spratt
Wicker
Yates

□ 1545

The Clerk announced the following pair:

On this vote:

Mr. Oberstar for, with Mr. Wicker against.

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. RIGGS). The question is on the final passage of the bill.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. GILMAN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 222, noes 192, not voting 21, as follows:

[Roll No. 366]

AYES—222

Allard
Andrews
Archer
Armey
Bachus
Baker (CA)
Ballenger
Barr
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bono
Brewster
Brownback
Bryant (TN)
Bunn
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Graham
Gunderson
Gutknecht
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (SD)
Johnson, Sam
Jones
Kasich
Kelly
Kennedy (RI)
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Luther
Manton
Manzullo
Martini
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Myrick
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley

Packard
Parker
Paxon
Peterson (MN)
Petri
Pombo
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Ramstad
Reed
Regula
Riggs
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stockman
Talent
Tate
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—192

Abercrombie
Ackerman
Baesler
Baldacci
Barcia
Barrett (NE)
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bishop
Bonior
Borski
Boucher
Browder
Brown (FL)
Brown (OH)
Bryant (TX)
Bunning
Cardin
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Costello
Coyne
Cramer
Danner
DeFazio
DeLauro
Dellums
Deutsch
Dingell
Dixon
Doggett
Dooley
Doyle
Duncan
Durbin
Edwards
Engel
Eshoo
Evans
Everett
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Gordon
Green
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Hastings (FL)
Hayes
Hefner
Herger
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennelly
Kildee
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lincoln
Lipinski
Lowey
Maloney
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Moran
Morella
Murtha
Myers
Nadler
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Pickett
Pomeroy
Rahall
Rangel
Reynolds
Richardson
Rivers
Roberts
Roemer
Rogers
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Stark
Stearns
Stenholm
Stokes
Studds
Stump
Stupak
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wyden
Wynn

NOT VOTING—21

Baker (LA)
Bonilla
Brown (CA)
Chapman
de la Garza
Dicks
Furse
Harman
Johnson (CT)
Kleczka
Laughlin
Lofgren
McDade
McKinney
Montgomery
Oberstar
Peterson (FL)
Spratt
Waters
Wicker
Yates

□ 1603

The Clerk announced the following pairs:

On this vote:

Mr. Wicker for, with Mr. Montgomery against.

Mr. Bonilla for, with Mr. Oberstar against.

Mr. TEJEDA changed his vote from "aye" to "no."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. WATERS. Mr. Speaker, on rollcall 366, I was unavoidably detained and unable to cast my vote. Had I been present, I would have voted "no."

PERSONAL EXPLANATION

Ms. MCKINNEY. Mr. Speaker, I was unavoidably detained on rollcall vote No. 366. Had I been present, I would have voted "no."

PERSONAL EXPLANATION

Ms. FURSE. Mr. Chairman, due to personal family matters, I was unable to cast a vote on rollcall 366. I would like the RECORD to reflect that had I been present I would have voted "no."

PERSONAL EXPLANATION

Mr. BROWN of California. Mr. Speaker, on June 8, 1995, I was unable to vote on rollcall vote No. 366, final passage for the fiscal year 1996–97 Foreign Aid and State Department Authorization Act, because of the need to return home to my congressional district in California for official and family buisness. Had I been present, I would have voted "no."

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 1561, AMERICAN OVERSEAS INTERESTS ACT OF 1995

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 1561, the Clerk be authorized to correct section numbers, cross references, punctuation, and indentation, and to make any other technical and conforming changes necessary to reflect the actions of the House.

The SPEAKER pro tempore (Mr. RIGGS). Is there objection to the request of the gentleman from New York?

There was no objection.

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent all members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous material, on H.R. 1561, the bill just adopted.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

LEGISLATIVE PROGRAM

(Mrs. KENNELLY asked and was given permission to address the House for 1 minute.)

Mrs. KENNELLY. Mr. Speaker, I ask for this time for purpose of inquiring about the schedule from the gentleman from Texas [Mr. DELAY].

Mr. DELAY. Mr. Speaker will the gentlewoman yield?

Mrs. KENNELLY. I yield to the gentleman from Texas.

Mr. DELAY. I thank the gentlewoman for yielding.

The House will not be in session on Monday, June 12.

On Tuesday the House will meet at 12 o'clock p.m. to consider H.R. 1530, the fiscal year 1996 National Defense Authorization Act, subject to a rule. Members should be advised that recorded votes may take place beginning at 12 noon on Tuesday.

Wednesday and the balance of the next week the House will meet at 10 a.m. to complete consideration of H.R. 1530.

After completion of the defense measure we plan to take up the 1996 military construction appropriations bill. It is our hope to have Members on their way home to their families and their districts by no later than 3 p.m. on Friday.

Mrs. KENNELLY. I thank the gentleman. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. I thank the gentlewoman for yielding. I am very concerned about what I understand the rule is going to be next week. Many of us were not able to offer very critical amendments this week to the foreign aid bill, and next week I had an amendment to the defense authorization bill that would bring the authorization bill down $9.5 billion to the level the Pentagon asked for. It is my understanding that will not be made in order and I am very concerned about that, because I understood we were going to be allowed to at least debate fundamental differences and people of the committee, of which I am on the committee and a senior ranking member on the committee, would like to debate this fundamental deference.

So I am very concerned about whether next week we are just going to be here doing some pro forma pantomine rather than getting to the fundamental issues of the defense committee and these incredible markups that have happened.

Mr. DELAY. Mr. Speaker, will the gentlewoman yield?

Mrs. KENNELLY. I yield to the gentleman from Texas.

Mr. DELAY. I am sure the chairman of the Committee on Rules would like to speak to the rule on this bill. All I can say is that this is a very important piece of legislation. We are hoping to let many issues come to the floor under this legislation. There are a lot of Members who wanted amendments; unfortunately we could not accommodate all of them, but the chairman from the Committee on Rules can probably speak to this.

Mr. SOLOMON. Mr. Speaker, will the gentlewoman yield?

Mrs. KENNELLY. I yield to the gentleman from New York.

Mr. SOLOMON. I say to my good friend, the gentlewoman from Colorado [Mrs. SCHROEDER], I am not aware of any amendments being denied as yet. We are still in the process at this late hour of consulting with both the minority on the Committee on National Security and with the minority on the Committee on Rules as to what amendments will be made in order. The rule will be, as it has been in the past, a structured rule.

However, in our preliminary discussions with the minority on the two different committees, I believe they believe this is going to be a fair rule to all Members. Certainly we are going to try to take all of the major issues, significant issues, into consideration.

As soon as I finish this colloquy we will go up to the Committee on Rules and finish the consulting, and, hopefully, within the next hour or two pass a rule.

Mrs. SCHROEDER. Mr. Speaker, will the gentlewoman yield?

Mrs. KENNELLY. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. I am then hoping what I am hearing is that you have not made a final decision on this. I know that the ranking member on the Committee on National Security has spoken to the Speaker, has spoken to all sorts of people. We feel this is one of the most fundamental issues there, and we thought people had come here to debate reasonable levels of expenditures. To deny our side the right to offer a very basic amendment that would bring the defense budget, the bloated defense budget, in my opinion, back down to where the Commander in Chief had it and the Pentagon had it I think would be absolutely outrageous, so I am glad to hear the Committee on Rules has not done that and that is a malicious rumor, and I certainly hope the gentleman from New York will not do that, or we are going to have to declare war or something.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentlewoman yield?

Mrs. KENNELLY. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Speaker, I want to reinforce what the gentlewoman from Colorado said. It is inconceivable to me that the proposal on the budget made by the President would not come forward. I want to add, I have been disturbed, I had hoped we had had some progress on the rule, but I do not really believe that we have. In the first place, 3 days to do the defense bill is inadequate.

Now in fairness to the chairman of the Committee on Rules, given an inadequate amount of time there is not much he can do about that, but I would say to the leadership on the Republican side, 3 days to do the whole defense bill, which I assume includes debating the rule, which includes the general debate, and then amendments on this enormous amount of money which is in fact being increased, is clearly going to be inadequate, and we are seeing a restriction.

In particular I would like to urge and I would say to my friend, the chairman of Committee on Rules, if he is going to continue to do these rules that have a 6 hour and 8 hour, in the name of basic fairness, quorum calls should not come out of that time. If there is a debate about someone's words being taken down, it should not come out of that time. The problem now is that you give us the 6 hours and the clock does not stop. It is like a basketball game where the time outs and the fouls and everything else just run the clock, and then obviously allows people to game it, and even if they are not trying to game it, it is a problem.

So to them a rule with a hour limit if it does not exclude from that time things like quorum calls, fights over points of order, et cetera, we are clearly making a mockery of the process, and I would hope that that would not continue to happen.

Mr. SOLOMON. Mr. Speaker, will the gentlewoman yield?

Mrs. KENNELLY. I yield to the gentleman from New York.

Mr. SOLOMON. I am sure, as the ranking minority member of the Committee on Rules over there would attest to, that we do not intend to place a time limit certain. There will be 25 to 30 hours of debate on general debate and the amendment process, but there will be an assigned time for each amendment as we go along. We do not intend to have a time certain to cut off debate at all.

The points are well-taken.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentlewoman yield further?

Mrs. KENNELLY. I yield again to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Speaker, I am glad to hear that from the gentleman. I would hope that in the future if we do have a time certain there would be exclusions, you know, words being taken down or quorum calls, et cetera. The only thing I would like to say though as I am told that in accordance with past practice the minority on the Committee on Rules has been given a tentative list of amendments, and the gentlewoman from Colorado is conspicuous by her absence from that list. I am told that there is a tentative list out and the amendment that the gentlewoman from Colorado is proposing, the President's numbers, was not on that list. I hope that that was very tentative and soon to be corrected, because it does seem to us a major omission for that not to be there.

Mr. DELAY. Mr. Speaker, will the gentlewoman yield?

Mrs. KENNELLY. I yield to the gentleman from Texas.

Mr. DELAY. In response to the gentleman from Massachusetts' comments, and I do appreciate his comments, because it is a very important bill, I might warn Members that because it is such an important bill we could go late into the evenings the 3 days that we will be on this bill.

Mrs. KENNELLY. The gentleman is saying that there is a possibility that we will go late Tuesday and Wednesday and Thursday?

Mr. DELAY. It is highly likely that we will go late on Tuesday, Wednesday, and even Thursday.

Mrs. KENNELLY. Mr. Speaker, I yield again to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. I just want to hope that the House dining room has got the television on and heard what the gentleman said.

Mrs. KENNELLY. Mr. Speaker, quickly I would just like to ask one other thing. I notice on the schedule we got that morning hours on Tuesday have not been there. Is that just an oversight?

Mr. DELAY. If the gentlewoman will yield, that is just an oversight. We will have morning hours.

Mrs. KENNELLY. I thank the gentleman.

ADJOURNMENT FROM TOMORROW TO TUESDAY, JUNE 13, 1995

Mr. DELAY. Mr. Speaker, I ask unanimous consent that when the House adjourns on Friday, June 9, 1995, it adjourn to meet at 10:30 a.m. on Tuesday, June 13, for morning hour debates.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. DELAY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

□ 1615

PROVIDING MEMBERSHIP OF THE UNITED STATES COMMISSION ON IMMIGRATION REFORM

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 962) to amend the Immigration Act of 1990 relating to the membership of the United States Commission on Immigration Reform.

The Clerk read the title of the bill.

The SPEAKER pro tempore. (Mr. RIGGS). Is there objection to the request of the gentleman from Texas?

Mr. BRYANT of Texas. Mr. Speaker, reserving the right to object, I do so to ask the gentleman from Texas to explain the bill, and I yield to him for that purpose.

Mr. SMITH of Texas. Mr. Speaker, H.R. 962 adds former Representatives Hamilton Fish and Ron Mazzoli, by name, to the Commission on Immigration, chaired by former Congresswoman Barbara Jordan of Texas.

Hamilton Fish and Ron Mazzoli were both long-time members of the Committee on the Judiciary and of the Immigration Committee. Adding these two individuals to the commission would be a fitting tribute to their years of service in the Congress and to their work on immigration policy, and both have much to contribute to the commission itself.

Barbara Jordan, Chair of the Commission on Immigration Reform and Dr. Susan Forbes Martin, executive director of the commission, have expressed their support for this bill.

Mr. BRYANT of Texas. Mr. Speaker, further reserving the right to object, the minority is in support of the bill.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the bill, as follows:

H.R. 962

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. COMPOSITION OF COMMISSION.

Section 141(a)(1) of the Immigration Act of 1990 (Public Law 101-649) is amended—

(1) by striking "9 members to be appointed" and inserting "11 members"; and

(2) by adding at the end thereof the following:

"(F) Hamilton Fish, former Member of Congress and Ranking Minority Member of the Judiciary Committee of the House of Representatives and Romano Mazzoli, former Member of Congress and Chairman of the Subcommittee on International Law, Immigration, and Refugees of the Committee on the Judiciary of the House of Representatives.".

AMENDMENT OFFERED BY MR. SMITH OF TEXAS

Mr. SMITH of Texas. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SMITH of Texas: Page 1, line 6: Strike out "to be appointed".

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Texas [Mr. SMITH].

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NAVAJO-HOPI RELOCATION HOUSING PROGRAM REAUTHORIZATION ACT

Mr. GALLEGLY. Mr. Speaker, I ask unanimous consent that the Committee on Resources be discharged from further consideration of the Senate bill (S. 349) to reauthorize appropriations for the Navajo-Hopi Relocation Housing Program, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. FALEOMAVAEGA. Mr. Speaker, reserving the right to object, I yield to the gentleman from California [Mr. GALLEGLY] to enable him to explain this piece of legislation.

Mr. GALLEGLY. Mr. Speaker, I rise today in support of the immediate consideration of S. 349, legislation which would reauthorize, for the upcoming 2 fiscal years, funding for that portion of the 1974 Navajo-Hopi Land Dispute Settlement Act, Public Law 93-531, which has come to be known as the Navajo-Hopi Relocation Housing Program.

This housing program provides payments to relocated Navajo and Hopi families who have been forced from lands partitioned pursuant to the provisions of Public Law 93-531.

As of the beginning of this year, Mr. Speaker, 2,518 families had been relocated. Another 746 eligible families are awaiting their benefits. Additional families may be determined to be eligible for relocation assistance in the months and years ahead.

S. 349 is needed so that this relocation program may be brought to a conclusion and this chapter in the long dispute between Hopi and the Navajo tribes can be resolved.

This legislation would authorize to be appropriated not more than $30 million each year for the upcoming 2 fiscal years.

Mr. Speaker, I urge adoption of this important legislation.

Mr. FALEOMAVAEGA. Mr. Speaker, further reserving the right to object, the purpose of S. 349 is to extend the authorization of the Navajo-Hopi Relocation Housing Program through fiscal year 1997. The Navajo-Hopi Land Dispute Settlement Act was enacted in 1974 to resolve land disputes between the tribes dating back over a century. The act required the partition of the disputed lands and relocation of members of each tribe from the lands partitioned to the other tribe.

The House has had hours of debate on the land dispute between the Navajo and Hopi tribes and I will not debate the merits or problems here today. This bill does nothing to change the Settlement Act or the lands addressed by it. It simply allows for an extension of time for additional families to relocate.

As is often the case, I think it is safe to say that neither tribe is thrilled with this bill, but both accept it as necessary to the process which I hope will come to an end soon.

The Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 349

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REAUTHORIZATION OF APPROPRIATIONS FOR THE NAVAJO-HOPI RELOCATION HOUSING PROGRAM.

Section 25(a)(8) of Public Law 93-531 (25 U.S.C. 640d-24(a)(8)) is amended by striking "1989," and all that follows through "and 1995." and inserting "1995, 1996, and 1997.".

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

INDIAN CHILD PROTECTION AND FAMILY VIOLENCE PREVENTION ACT REAUTHORIZATION

Mr. GALLEGLY. Mr. Speaker, I ask unanimous consent that the Committee on Resources be discharged from further consideration of the Senate bill (S. 441) to reauthorize appropriations for certain programs under the Indian Child Protection and Family Violence Prevention Act, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. FALEOMAVAEGA. Mr. Speaker, reserving the right to object, I yield to the gentleman from California to explain this piece of legislation.

Mr. GALLEGLY. Mr. Speaker, I rise today in support of the immediate consideration of S. 441, legislation which would reauthorize, for the upcoming 2 fiscal years, funding for the Indian Child Protection and Family Violence Prevention Act.

That 1990 act, Public Law 101-630, currently provides prevention and mental health treatment for child abuse and family violence victims on Indian reservations.

S. 441 would reauthorize $10 million each year to be provided in the form of Indian Health Service grants to tribes for treatment programs for Indians who have been victims of child sexual abuse.

This legislation would also reauthorize $30 million each year to be provided to tribes to be used for the development of Indian Child Protection and Family Violence Prevention Programs. In addition, S. 441 would reauthorize $3 million each year to fund Indian Child Resource and Family Service Centers within each Bureau of Indian Affairs area office.

Mr. Speaker, Public Law 101-630 has spent 5 years awaiting implementation primarily because the Bureau of Indian Affairs and the Indian Health Service have failed to promulgate regulations needed under the act. However, it is my understanding that these long-awaited regulations have finally been completed and are now awaiting final approval.

Mr. Speaker, I urge the adoption of S. 441, without amendment, so that this legislation can be forwarded to the White House as soon as possible and, thus, so that the Appropriations Committees can move forward in considering funding pursuant to a program which is authorized for each of the 2 upcoming fiscal years.

Mr. FALEOMAVAEGA. Mr. Speaker, further reserving the right to object, S. 441 extends the authorization of certain programs under the Indian Child Protection and Family Violence Prevention Act for 2 years.

This act was written to counter a rising number of prosecutions of Federal, State, and tribal employees for child abuse on reservations and the high rate of incidents of family violence affecting American Indian families. It provides for on reservation treatment for abused children. Suffering abuse is traumatic enough for small children to endure, but to then be taken for treatment far from those who love and support the child only deepens the wounds already inflicted.

This act also provides tribes with needed assistance in reporting child abuse, and resources for family violence prevention programs on reservations.

Mr. Speaker, the work of this important act has only just begun. I strongly support this bill and urge my colleagues to join me.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 441

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REAUTHORIZATION OF PROGRAMS.

Sections 409(e), 410(h), and 411(i) of the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3208(e), 3209(h), and 3210(i), respectively) are each amended by striking "and 1995" and inserting "1995, 1996, and 1997".

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EXPRESSING THANKS FOR THE HEROIC RESCUE OF CAPT. SCOTT O'GRADY

(Mr. LATOURETTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LATOURETTE. Mr. Speaker, this morning at 5:50 a.m., two CH-53 Sea Stallion assault helicopters, two AH-1 Cobra attack helicopters and two AV-8 Harrier jump jets were launched from the U.S.S. Kearsarge to travel into war-torn Bosnia and rescue Capt. Scott F. O'Grady whose F-16 jet was shot down over hostile Serb territory 6 days ago.

It was a daring, risky daytime rescue. Less than 1 hour after the launch, Capt. Scott F. O'Grady ran out of the woods, pistol in hand, and safely boarded one of the massive CH-53 Sea Stallion helicopters.

As the chopper took off to flee Bosnia in these most dangerous and harrowing of circumstances, its fuselage was hit by two shots and its blades were clipped by small fire. A missile was fired but missed. Still, the pilot of that 53 Echo chopper was able to safely exit Bosnia over the Adriatic Sea and return Captian O'Grady to safety aboard the U.S.S. Kearsarge.

The pilot of that chopper in that extraordinarily courageous rescue mission was U.S. Marine Capt. Paul A. Fortunato, 30, the son of Paul and Gayle Fortunato of Concord Township in Northeast Ohio.

Captian Fortunato's mother, Gayle, said, "This is what they train for." But I would disagree. You cannot train for acts of heroism. They come from within the heart and soul. They are the products of a deep and abiding love of country. Capt. Paul A. Fortunato is the embodiment of a hero.

For that, on behalf of citizens of the 19th District of Ohio and all of the United States of America, we thank you Capt. Paul A. Fortunato, and the rest of the brave participants in this heroic and spectacular rescue mission.

America is infinitely proud of you, and forever grateful.

EXCHANGE OF SPECIAL ORDER TIME

Mr. EMERSON. Mr. Speaker, I ask unanimous consent to exchange my 5-minute special order with that of the gentleman from Florida [Mr. GOSS].

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

INTRODUCTION OF LEGISLATION TO INCLUDE AMERICAN SAMOA AND GUAM INTO THE EXPEDITED FUNDS AVAILABILITY ACT

(Mr. FALEOMAVAEGA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today with my colleague the gentleman from Guam [Mr. UNDERWOOD], to introduce a bill to include the U.S. territories of American Samoa and Guam into the Expedited Funds Availability Act.

Mr. Speaker, for as long as I have been doing my banking in American Samoa, getting access to funds represented by checks drawn on banks outside of American Samoa has taken literally weeks. Banking customers throughout the United States had similar problems, and in response Congress passed the Expedited Funds Availability Act in 1987. The 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and the U.S. Virgin Islands were included in the act, but the territories of Guam and American Samoa were not.

While Guam and American Samoa are still the most distant territories, billions of dollars now move daily around the world at close to the speed of light.

Mr. Speaker, thousands of years ago the Samoans and the Micronesians carried their currency across vast expanses of open ocean in heroic voyages in wind-driven canoes made of hollowed logs. I have sailed part of the Pacific Ocean in a double-hull Polynesian voyaging canoe called the Hokuleian from Tahiti to Hawaii for 28 days, and I think I could have carried my currency in stones from one port to another faster than funds are now being made available by the Banks in American Samoa and Guam. This is the 95th year of this country, and I hope the banks in the Pacific will enter this century before the rest of us move on to the next one.

I ask that a copy of the bill be printed in today's CONGRESSIONAL RECORD, and, Mr. Speaker, I urge my colleagues to support this legislation.

H.R.—

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Expedited Funds Availability Act (12 U.S.C. 4001 et seq.) is amended—

(1) in section 602(20) (12 U.S.C. 4001(20)) by inserting ", located in the United States," after "ATM";

(2) in section 602(21) (12 U.S.C. 4001(21)) by inserting "Guam, American Samoa," after "Puerto Rico,";

(3) in section 602(23) (12 U.S.C. 4001(23)) by inserting "Guam, American Samoa," after "Puerto Rico,"; and

(4) by adding at the end of section 603(d) (12 U.S.C. 4002(d)) the following new paragraph:

"(3) EXTENSION FOR CERTAIN DEPOSITS IN GUAM AND AMERICAN SAMOA.—Notwithstanding any other provision of law, any time period established under subsection (b), (c), or (e) shall be extended by 2 business days in the case of any deposit which is both—

"(A) deposited in an account at a depository institution which is located in Guam or American Samoa; and

"(B) deposited by a check drawn on an originating depository institution which is not located in the same State as the receiving depository institution.".

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members are recognized for 5 minutes each.

TRIBUTE TO DEPARTING PAGES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri [Mr. EMERSON] is recognized for 5 minutes.

Mr. EMERSON. Mr. Speaker, I rise, as chairman of the Page Board, to advise my colleagues that today marks the end of the school year for our pages and those who are here with us today, the pages here with us today, will be replaced over the weekend by a new group of pages who will be with us for the summer.

For those who may be unfamiliar, we have school year pages and we have summer pages, so this is to advise that the pages who are here today will not be here on Monday, and, second, Mr. Speaker, I rise to pay tribute to the very wonderful group of young people who have served throughout this past school year. Not all of them have served the whole year. Some of them have served only this last semester, but whether it is for the whole year or the whole semester, they have rendered distinguished service, and I do not want their parting to be unnoted.

Mr. Speaker, I am inserting at this point in the RECORD a list of all the pages who have served here in the spring of 1995.

The list follows:

DEPARTING PAGES—SPRING 1995

Maria Grace Abuzman, Paulette M. Adams, Seth A.G. Andrew, Angela S. Armstrong, Kathryn L. Ballintine, Alison J. Bell, Rebecca A. Belletto, Joanna L. Bowen, Kirk D. Boyle, Tamara L. Brewer, Nancy M. Brim, Erin C. Carney, Carolyn A. Cassidy, Erin A. Coker, Todd D. Connor, Richard A. Consul, Keegan B. Cotton, Mary K. Derr, Courtney M. Duncan, and Tristan A. Durst.

Joseph F. Eddy, Micheal D. Ellison, Tatum C. Evans, Kristin M. Francis, Robert C. Gates, Rebecca M. Geraci, Jennifer C. Gerard, Carolyn J. Gereau, William J. Heaton, Joseph R. Hill, Erica L. Hogue, Anna M. Holder, Molly K. Hooper, Sarah C. Jackson, Francie J. Julien, Kathleen A. Kelly, Karly A. Kevane, Debrorah L. Kinirons, Lisa N. Konitzer, and Ross C. Maradian.

Rene Marcano, Katharine J. Mills, Abigail M. Moon, Kristina M. Motulewicz, Joel T. Niedfeldt, John S. Parker, Jeffrey A. Pojanowski, Kathleen E. Quinlan, Alison J. Rabb, Lindsay E. Rosenfeld, Marianne E. Royster, Vanessa M. Ruggles, Nick T. Ryan, Timothy P. Scharf, Allison M. Sessions, Serena M. Sherrell, Tatiana I. Sohrakoff, Jennifer T. Sontag, Kelle L. Stanforth, Joshua K. Stello, Todd J. Stonewater, Xaviera M. Vanegas, Brooke E. Wagner, Matthew R. Williams, and Calvin W. Winchester.

Mr. Speaker, it may interest my colleagues, if you do not know it, although I am very proud to talk about this, and it may interest the pages if they do not know it, that I am the only sitting Republican in the House of Representatives who was actually here the last time we Republicans controlled the House.

□ 1630

I was not a Member at that time. It was as a page that I served here in the 83d and the 84th Congresses, and I want to say also that I have always—I have long regarded, since I underwent the experience, that having been a page was probably the finest, most objective, educational experience of my life. I've said many, many times that you learn as a page by doing and observing and participating and that is just an awfully lot different than reading about it in the textbooks.

So I hope to the pages—let me say I hope that this experience has been as meaningful to you as it was for me, and I wish all of you, and I know I do this on behalf of the entire House, I wish all of you well in your life's endeavors.

Some of you will be going off to college, others to the military, perhaps others to other things. But I hope this experience has served you well, will be a constant point of favorable reflection throughout your life and that you will have much success and happiness and good health in all of your undertakings.

So from me on behalf of the House to all of our department pages, "God bless you and Godspeed."

Let me at this time yield to the distinguished gentleman from California [Mr. DREIER].

Mr. DREIER. I thank my very good friend, the former page from Cape Girardeau, MO, for yielding to me, and I would like to first extend to him hearty congratulations for his stellar service. He served in the last Republican Congress, and we certainly hope that these pages on the Republican side who have blazed a trail will not follow the precedent that my friend from Cape Girardeau established in seeing the other party control the place for 40 uninterrupted years.

I believe that, as we look at the fine work that these pages have done here for the past several months, it clearly is an example that should be set for many young people throughout the rest of the country and the world. We so often see the negative side of young people. It makes the headlines and the news, and very rarely is the attention focused on those who are providing stellar service as these pages have, and I would simply like to join with my colleagues here, and I know that every one of our colleagues would want to extend congratulations to them.

I thank you again, my friend, for allowing me to participate, and I hope very much that these young people have great futures ahead of them.

Mr. EMERSON. I thank the gentleman for his contribution.

The gentleman from North Carolina.

Mr. COBLE. I thank the gentleman from Missouri [Mr. EMERSON] for having taken this special order to honor our pages. I thank the gentleman from California [Mr. DREIER] for his very appropriate remarks.

As the gentleman from Missouri well knows, this is traditionally a bittersweet time, happy on the one hand for the pages to return to their respective homes, some sadness on the other for having to leave this place that has been their home for the past year.

In closing I say to the gentleman from Missouri, and I say to the Speaker, we will forever be in the memories of these pages. They conversely will forever be in our memories. They have indeed done well here, and, as they depart, we wish them Godspeed and smooth seas, and again I thank the gentleman from Missouri.

Mr. EMERSON. I thank the gentleman from North Carolina.

I am very pleased to yield to the distinguished gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. I thank the gentleman from Missouri for offering this special order.

As my colleagues know, quite often not only the pages but the staff members on both sides of the aisle, the Republicans and the Democrats; I see these young ladies and young men that supervise these pages. I see them yell, "Snap to," when the pages arrive, and I see all of them cry when they leave because it is like a big family here, and quite often not enough of us pay attention to what I call our critters that run about. You will see them here at 5:30 in the morning going to school, you will see them here at midnight, and I challenge any one of our Members to ever see a page that did not look at them and smile and say "hi," and maybe sometimes all of us can take a note from that.

But I want to thank you for the special order and say, job well done, kids, or critters, and thank you very much.

Mr. EMERSON. I thank the gentleman from California.

I am glad to yield to the gentleman from California [Mr. DOOLITTLE].

Mr. DOOLITTLE. I thank the gentleman for yielding. I will just be very brief.

I say to the outstanding young people who are the pages, we thank you for your service. It seems that the good times always go very, very quickly, but you will be missed and remembered, and do not lose track. Come back, stay in touch, and God bless you. Thank you very much.

Mr. EMERSON. I am delighted to yield to the gentleman from California [Mr. DORNAN].

Mr. DORNAN. I thank my dear colleague from the great "Show Me State" of Missouri, and I am happy to see one of the best clerks in history—We are watching the new one very closely—Donnald K. Anderson on the floor here, who has also been one of the masters in inspiring these young pages.

I want to tell you pages something about my last page, where he is today. I have got a page in the new class. Not every Congressman can get a page every class, so it has been 5 years since I had a page. He was a son of a good friend of mine, Andy Messing's son Eric. He spent his page time here. He set a record; I bet some of you have passed it: One of the swiftest couriers, male or female, I have ever seen, and he went from here to Annapolis, and he graduated from Annapolis a few months ago, went to a brief school, and he arrived in the Mediterranean with our beautiful 6th Fleet just a few days ago. I do not know where Eric Messing is. Maybe he is on the *Kearsarge*, and what a day it is to be on the *Kearsarge*. Today, your day of graduation, a true story book place, better than any Hollywood movie, and an ex-page may be an eyewitness to this, on a U.S. carrier, a Navy-Marine Corps carrier named after one of our great battles. This morning, June 8, two big giant H-53C Stallion helicopters launched U.S. Marines as marines saved DUKE CUNNINGHAM out to rescue an Air Force F-16 pilot, two Huey Cobra gunships flying escort and two U.S. Marine Corps ADAD vertical takeoff carrier jets flying cover, and they find our Air Force captain, Scott O'Grady. He comes running out of the woods, pistol in hand, jumps on one of the Marine choppers, rescue guys helping him on board, and a rocket-propelled grenade is fired at these massive helicopters as they lift off in victory. God plays a role at this point. Mere miss, and they are all back on the *Kearsarge* now, toasting one another.

Dr. O'Grady and Mrs. O'Grady, right here, a physician in Alexandria, brother Paul, sister Stacey, all happy.

What a country you young people have just served, what a great blessed country, the United States of America, and you have a Government experience in your youth second to none. Run for office, some of you. Come back here like several of our pages, like this gentleman, who are serving their country. Go out and become doctors and fighter pilots and young female physicists. Do anything you want, you women. But some of you, please run for office even if you lose. Try and come back here so when I come in here in a wheelchair I can visit with you about June 1995. Godspeed and, may God, bless you in your every endeavor, and may all of your dreams come true. Well done.

Mr. EMERSON. I thank the gentleman from California [Mr. DORNAN] for his contribution.

Mr. Speaker, I yield to the gentleman from Texas [Mr. GONZALEZ]. I am delighted to yield to the gentleman.

Mr. GONZALEZ. Thank you very much because I have not failed on previous occasions of this nature. From my inception of a career here, the question of pages has always been foremost, and preeminently so. I believe I was the first to bring about the occasion of dipping into a segment of our population back in the Soutwest that had never had a page proceed from its midst, and very proud to say that it was the beginning for him in which the stimulus he received, and being that he had never been out of the city of San Antonio up to that point, enabled him to chart a course that has resulted in his carving a niche in our San Antonio society and his finding his place on a professional level.

So I want to add my voice to the gentleman's in complimenting these young ladies and young men who have taken time. Now, it does take dedication, and it is a selected choice that each one of the individuals does. When you consider that not every youth is interested, we then have more reason to be grateful to them for their interest in the most intimate aspect of the proceedings of this great lawmaking body, and I again want to thank the gentleman for his thoughtfulness.

Mr. EMERSON. I thank the gentleman for his contribution.

I think we should also note the gentleman from California [Mr. DORNAN] alluded to it, that in the Chamber with us at this time is the distinguished former Clerk of the House, Mr. Donnald K. Anderson, who has had a long-time interest in the page program, he himself having been a page many years ago.

Mr. Anderson, unfortunately, does not have the privileges of the floor and cannot speak, but he has prepared some remarks that he would have delivered if he could have said them.

So, for the RECORD, I include at this point a statement by Mr. Anderson:

STATEMENT OF DONNALD K. ANDERSON,
FORMER CLERK OF THE HOUSE

I am grateful, indeed, to Congressman Emerson for the opportunity to share my thoughts on the occasion of the departure of the House Page Class of 1994–5.

My roots in the Page Program are deep, beginning with my own appointment as a page in the Eighty-sixth Congress and graduation in the Class of 1960. For eighteen years as the Manager of the Democratic cloakroom, I was a page supervisor and during my eight years as the Clerk of the House was a member of the Page Board on which I continue to serve as Member Emeritus.

The Class of 1995 is a splendid and remarkable group of young Americans. They have unfailingly distinguished themselves in every area of their page experience. Successful and useful lives are easily predictable. I am proud to have been a page and proud to be a friend of the Class of 1995.

God bless you and stay in touch.

Now, with that, Mr. Speaker, that concludes my remarks. Once again I want to thank the pages for their service and extend every good wish to them for their future success and for their careers.

THE SHOCKING AUDIT OF THE OFFICE OF SUPPORT AIRCRAFT

The SPEAKER pro tempore (Mr. KIM). Under a previous order of the House, the gentleman from Oregon [Mr. DEFAZIO] is recognized for 5 minutes.

Mr. DEFAZIO. Today Senator GRASSLEY and I received a very important report from the U.S. General Accounting Office. We asked for an audit of the Office of Support Aircraft of the Department of Defense, and what we received in this audit is shocking. The Department of Defense, which is required to keep administrative aircraft adequate to meet the wartime needs of the United States of America, made use of 48 such aircraft during the Persian Gulf war, maintains over 500 aircraft, 10 times what they used at the height of the Persian Gulf war and, last year they spent $378 million on these support aircraft.

There are some notable problems with their use of these aircraft. There is no centralized control. Each and every service determines who and when people will be eligible to use these aircraft. Frequently, one-star generals and lower-ranking civilian officials from the Department of Defense, instead of using their chauffeurs and their automobiles, their limousines and their drivers, to go to Andrews Air Force Base to catch a jet, opt to take a helicopter at the cost of $1,400 to $1,600 an hour. According to the GAO, they save between 5 and 15 minutes instead of spending $30 on a cab. They spend $400 to $1,600 to operate a helicopter. I think it is more for their ego than it is for any support purposes, and that is what the General Accounting Office has found.

We also have the fact that we are providing now for the commander in Korea, C-U-S-F-K, as he is called, a four-star general, we are going to provide him with a luxury pallet. That is something which can be inserted into a jet aircraft as this general is required, often, to come back to Washington, DC, to receive orders, and the current $350,000 luxury pallets—I think that most Americans would like to live in a $350,000 house, but this general does not think that a $350,000 luxury pallet is adequate to put in an airplane so he can fly back in comfort to Washington, DC. No, he needs a $750,000 pallet so that this general can fly back and forth to Washington, DC, in extraordinary luxury at probably seven times the average median price of houses for most Members of Congress, $750,000 for a luxury pallet for one general.

□ 1645

It is time that the generals in the Pentagon and the civilians in the Pentagon entered into the real world, the world of limitations, the world where you do not go first class-plus when you are not on an urgent mission. And the GAO identifies that most of these missions were not urgent missions.

In fact, they also find that not only are these aircraft used to transport generals, as I said, every one-star general in the Pentagon can take a helicopter and then get a private jet any time they want. They do not have to justify it or compare it to commercial rates. They do not even have to compare it to first class rates with a chauffeur-driven limousine. They can just do it, because it is there. And there are no controls.

We not only use it indiscriminately for Pentagon brass and for officials at the Pentagon, we are carting around the cadets at our academies to football games and swim meets. We had one football game in Hawaii. The Air Force played the University of Hawaii. The taxpayers of the United States of America spent $270,000 to transport Air Force cadets to the University of Hawaii football game. Now, is that not wonderful?

My hometown university, the University of Oregon, went to the Rose Bowl this year, something that only happened once in the last quarter of a century. It is our second time. Nobody asked the State of Oregon to support the students of the University of Oregon or the alumni of the university of Oregon and spend hundreds of thousands of dollars to transport them. People made their own way.

But no, not when it comes to the Air Force Academy. Was it a particularly important game in Hawaii? Why did we spend $300,000 on transporting? It had something to do the with the fact the game was in Hawaii. They spent a total of $2 million transporting cadets to and from sporting events last year, many times at the cost of $2,000 per student. Those same students could have flown first class and each student could have had a chauffeur-driven limousine and had their meals and hotels paid for, for less than it cost to transport them, and this does not include the cost of the crew on the ground and other incidental costs, wear and tear on the airplane. These are only the actual operating costs of the plane.

So it is time the Pentagon came to reality here. I have introduced with Senator GRASSLEY legislation that would reduce the support aircraft to that which is needed, truly needed by the military, 50 percent, save $200 million next year and every year thereafter.

ALTERNATIVES TO OUR CURRENT TAX SYSTEM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. SMITH] is recognized for 5 minutes.

Mr. SMITH of Michigan. Mr. Speaker, I rise to discuss the need to change the tax system.

Mr. Speaker, James Madison, one of the architects of the Constitution, once warned that we must keep our laws simple. Our freedom is in danger, he explained, when laws become so complicated that no one knows what they mean and change so often that no one can predict what they will be in the future.

Our Tax Code in the United States provides an example of what happens when we ignore Madison's warning. Today, thanks to the bold leadership of Chairman BILL ARCHER, we can now discuss fundamental changes in our Tax Code, including even the elimination of the income tax.

As a former chairman of the Senate Finance Committee in Michigan, I had the opportunity to deal with several alternatives to our current tax system. Among these alternatives was a consumption tax, a sales tax with our industrial processing exemption, and a flat-rate income tax. I would like to simply make a few comments about our experience in Michigan.

Michigan is the only State in the Nation with a consumption tax. We call it the single business tax. It has been in effect since 1975. A couple of points that come from this experience are, first of all, if a consumption tax is adopted at the national level, it must include a deduction for capital acquisition. That is full expensing of the cost of machinery and buildings. Michigan's capital acquisition deduction has been the most successful element of our consumption task. It increases productivity and encourages business and job expansion.

Second, the tax base should be determined using a subtractive method of calculation. Michigan uses the additive method to get the value added, and it has given us some problems. While it is going to yield the same base as the subtractive method, it has created a great deal of confusion among businesses. The tax is viewed as our income tax by many businesses and results in such questions as why can not I deduct wages? Why do I have to pay a tax even though I do not have profit? These types of questions would be eliminated if the tax was calculated using the so-called subtractive method.

Third, the primary problem with a consumption tax is that the tax is hidden in the final price of the product. This creates a danger that the government can raise the rate without individual taxpayers being aware of it. This is what has happened oftentimes in Europe. However, our experience in Michigan has been that since the business tax rate has not been increased since 1976, it has not been a problem. In fact, it was recently reduced by a small amount.

One major problem with a sales tax is that it tends to become a turnover tax. It is important that only the final sales are taxed. For example, we should not tax the sale of rubber sold to Goodyear Tire, for example, and then tax the full value of the tires when they are again sold. This fundamental concept is clear in theory, but there are numerous difficulties in actual implementation that we have pretty much solved in our Michigan system. The problem with services is especially severe.

Finally, the flat rate income tax has some important advantages. It is simple, it has the same economic effect as the ideal consumption or sales tax, and the taxpayer, if withholding is eliminated, will be very knowledgeable about the rate.

There are two negatives with a flat tax, as I see it. First, it would not allow the repeal of the 16th amendment and dismantling of the Internal Revenue Department, and thus special interests could again come and complicate the existing Tax Code.

Second, there are problems with the tax treatment of U.S. exports. While the economic effect of the Armey flat tax is identical to a value-added tax, GATT may preclude us from removing a flat tax on our exports while governments using a VAT could remove the tax on their exports.

In summary, each alternative to the current income tax system has strengths and weaknesses, but each method is far superior to our current invasive system that we have today. In "The Wealth of Nations," Adam Smith spoke against the income tax, saying the necessary invasion of privacy to enforce tax would be too much for citizens to bear. Today his words ring true, and we must move forward with this opportunity to replace the current tax system.

SETTING THE STAKES ON THE BASKETBALL CHAMPIONSHIP

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas [Ms. JACKSON-LEE] is recognized for 5 minutes.

Ms. BROWN of Florida. Mr. Speaker, I ask unanimous consent that I be recognized ahead of Ms. JACKSON-LEE for 5 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. BROWN of Florida. Mr. Speaker, will Ms. JACKSON-LEE join me, and my colleague from Orlando, Mr. McCOLLUM from Florida.

Mr. Speaker, I yield to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE. Mr. Speaker, I thank the gentlewoman for yielding.

Mr. Speaker, I join my colleagues, GENE GREEN and KEN BENTSEN from the great city of Houston and the great State of Texas in a full-throated support of defending our world champion, yes, you might be thinking, Houston Rockets.

To Ms. BROWN and Mr. McCOLLUM, who are from Florida, and their Orlando constituents, all of you have much to be proud of in their young Magic team, a team that promises to be a strong NBA contender for years to come—in the future. But I am confident that in this instance, the veterans experience of Hakeem the Dream, Clyde the Glide, and the rest of the tested Rocket squad, will be a decisive advantage over the strong shoulders and young, young legs of Shaq, Penny, and the talented Magic lineup.

The Houston side of this friendly wager offers a basketball signed by all of our team, but particularly our all-star center. And our staffs, now, listen to this, are prepared to provide the Floridians when you lose with a delicious Texas barbecue meal. We do not think that this will happen, that we would have to prepared that for you, but, however, in the good spirit of good sportsmanship, we look forward to receiving a signed ball from Magic and, as well, I look forward to enjoying a delicious meal prepared by your staffs in the true Floridian style, and I know you know how to get a good meal going.

So I hope you will accept this friendly wager for the Houston Rockets World Champion to do it again.

I yield to Mr. McCOLLUM.

Mr. McCOLLUM. I thank you both for yielding. I must say having Orlando Magic, with CORRINE BROWN and I representing Orlando, we are mighty proud of them, and we are ready to step up to the challenge that you have just made to us.

We understand the talent the Houston Rockets have, and we saw them last night as they won a very, very close game. I think, however, the closeness of that game and the excitement of it just proves how evenly competitive these teams are. And it is our judgment, and I am sure CORRINE BROWN and BILL McCOLLUM will both agree, that when the chips are down after the whole series is completed, our young Magic are going to surprise your Houston Rockets and we are going to be able to be the ones receiving the meal.

We are more than happy to provide a basketball if indeed we are on the short end of the stick, but we do not think we are going to be. We have got Penny Hardaway, we have got Shaq and Anderson and Scott and Shaw and Grant and a whole list of others, Bowie and Royal, and I could go on down the list, Turner.

Those are players who have never had the chance to be where they are today, with the exception of Grant, who was with the Bulls for a few years, and they are hungry. And we got a feeling that they are just as hungry, and in fact more than we are for a meal, they are hungry for the championship.

We are looking forward to the next few games as we meet the challenge you have offered. We are proud in Orlando of our Orlando Magic.

For the moment I will yield back to my colleague, CORRINE BROWN.

Ms. BROWN of Florida. Ms. JACKSON-LEE, not only do we accept your challenge, I am prepared to raise it.

Ms. JACKSON-LEE. Oh, my goodness.

Ms. BROWN of Florida. Not only do we stand by our men in Orlando, the Magic, but we will throw in a couple of Disney tickets and Universal Studio tickets. And I understand we have some of the sweetest corn in the country. We are prepared to provide sweet corn and peanuts. And someone from your delegation asked for an alligator. But what we are prepared to do, is the Houston team will be alligator bait.

Mr. McCOLLUM. If the gentlewoman will yield, before that, about the corn, we have zellwood sweet corn in season right now. If we do not make it, and we think we will, we are going to bring some of that up here and we are going to serve you some of the best sweet corn you have ever eaten.

Ms. JACKSON-LEE. My goodness, it looks like two on one. But my colleagues who are in absentia will join me in accepting the challenge. We have got beets, we have got good fruit, we have a variety of other talent going on in our great State, along with Sam Cassell, Kenny Smith, Mario. We have got a whole list of those on the fine Houston team. I do realize that all of this that we are betting on the friendly wager will go to charity for all of our good efforts in our respective States.

But I tell you standing here in the well, I am feeling embellished and strong to accept your challenge, for the world champion Houston Rockets will do it again.

Ms. BROWN of Florida. We will see you tomorrow night at 9 o'clock in Orlando.

Mr. McCOLLUM. We will indeed. And we look forward to seeing you in a couple of games after that too. We are sure we are going to be around right to the end, and we are looking forward to this challenge.

Ms. JACKSON-LEE. Thank you. We are all very optimistic.

CONCERN OVER LIMITATIONS ON OFFERING AMENDMENTS ON FOREIGN AID BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas [Ms. JACKSON-LEE] is recognized for 5 minutes.

Ms. JACKSON-LEE. Mr. Speaker, there comes a time when we expect that legislation that is passed will be offered and passed in a bipartisan manner in the light of the seriousness and importance of the issue it confronts. Unfortunately, at the conclusion of the passage of H.R. 1561, the foreign aid bill, some 60 amendments were not allowed to be discussed. I rise to express my concern over that, as well as the passage of this particular legislation.

□ 1700

For the amendment that I felt was most important, among many others that was eliminated, was the increased funding from $2 million to $2,500,000 in fiscal years 1996 and 1997 for the micro- and small enterprise development credit program.

This program, which is administered by the Agency for International Development, has been a successful program emphasizing direct assistance to businesses owned by the poor in developing nations. Most of the businesses employ less than 10 individuals but help develop a strong entrepreneurial tradition in many countries.

The microenterprises are very small, informally organized, nonagricultural businesses that employ a third of the labor force in lower income countries. As I heard one of my Republican colleagues say, it teaches these entities and individuals to fish and not merely to be given fish.

The micro- and small enterprise development program, in conjunction with the private financial institutions, help provide full access to formal financial markets to small businesses that would not otherwise have such access.

These small businesses participating in the MSED are run by and employed by the poor. This would help keep a stabilized atmosphere in developing nations and that is a sure way to ensure political and economic peace.

If we are in fact to be a world power, it is important for us to stand on behalf of economic development in Third World and developing nations helping themselves. Again, we were not able today to rise to the support of the African Development Foundation, by adding to its budget $1,500,000 to increase it from the $5 million. This is a modest increase and it reflects the concern of Americans that we must be budget wise.

However, this particular foundation, established in 1980, is a forward-thinking organization that delivers funds directly to self-help organizations in economically undeveloped countries in Africa.

Since no funds are channeled through any foreign government, the ADF avoids any bureaucratic patterns in dispensing funds. This organization also has been instrumental in expanding ties and developing goodwill among the citizens of the United States and the citizens of many African countries.

In the year 1995, ADF received $18 million. This year's budget proposes $7 million, leaving ADF with only $10 million. However, as we proceed in the years to come, the funding will go to $5 million, which would be a 50-percent reduction from fiscal year 1996.

At this rate, Mr. Speaker, ADF, which has been very helpful, will simply go out of business.

My amendment that was to be proposed was part of an effort to ensure that these countries are able to stand on their own two feet. It helped agricultural cooperative youth groups and self-help organizations. These groups have been effective stewards of these grants which range from $25,000 to $250,000.

Moreover, the ADF conducts annual audits on how these community organizations utilize these funds and ADF has been pleased with the performance of the grantees. Many of my corporate constituents who do business in Africa and other Third World nations have indicated how important it is to maintain a stable climate, how important it is to have a responsible community in these countries so that we in America can do business and create jobs.

My amendment would have helped the African Development Foundation and helped millions of Africans and Americans and support adequate development assistance which would ultimately improve foreign relations and commercial trade between Africa and the United States.

I simply ask, as we move this legislation toward the U.S. Senate, that we enact responsible foreign policy. Yes, be efficient and effective with our dollars. We do not give away dollars recklessly and for no reason, but we do try to help those nations who are trying to help themselves.

Mr. Speaker, I ask that the U.S. Senate devise a foreign aid bill that works for Americans and works for its allies.

VACATION OF SPECIAL ORDER

Mr. DORNAN. Mr. Speaker, I ask unanimous consent to vacate my special order of today for 5 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

OPIC

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Vermont [Mr. SANDERS] is recognized for 5 minutes.

Mr. SANDERS. Mr. Speaker, at a time when this country has a $4.5 trillion national debt, and at a time when there are Members here who are talking about cutting back on Medicare and Medicaid and veterans programs, student loans, school lunch programs, and other programs of tremendous need for the vast majority of our people, it seems to me that we can no longer tolerate spending billions and billions of taxpayers' dollars on corporate welfare. That is money that goes to the largest corporations in America and to the wealthiest people.

I want to say a few words today about one particular program which I think is a very good example of corporate welfare. That is OPIC, the Overseas Private Investment Corporation. What OPIC does is receive about $5 million a year of taxpayers' money. And what they do with that money is something that is very interesting. What they do is help some of the largest corporations in America invest abroad. They provide insurance for those companies who are investing in politically unstable countries such as Russia, Eastern Europe, former Communist bloc and certain Latin American countries. What they are saying is, if there is political unrest in those countries, if your assets are nationalized, we will provide insurance to cover your loss.

Also, OPIC provides generous financing to the large multinationals who wish to invest abroad.

Now, it seems to me that, if the largest corporations in America wish to invest in Russia, wish to invest in Croatia, wish to invest in Peru or Latin America, they have every right in the world to do so. But it also seems to me to be absolutely wrong to say to the middle class of America, people who are working longer hours for lower wages, that we are going to subsidize your investment abroad.

Mr. Speaker, one of the things that particularly outrages me is that many of the companies who we are providing incentives to invest abroad are precisely those companies who are laying off hundreds of thousands of American workers.

Now, it seems to me that it is a little bit absurd that we are helping the Ford Motor Company invest abroad, after they have laid off 337,000 workers here in the United States in the last 15 years. And I would ask my colleagues to take a good look at this chart, which is right here by my side.

What this chart shows is that Ford is getting help from OPIC to invest abroad; interesting, after laying off 337,000 American workers in the last 15 years. So we are saying to Ford and the other companies, thank you very much for throwing American workers out on the street. Thank you very much for lowering the standard of living of American workers. And here is your reward, the taxpayers of America will help you invest in other countries. And we say thank you to the Exxon company. You have only laid off 86,000 American workers in the last 15 years. Here some help. Maybe you want to go abroad and hire people there for low wages. Thank you very much. Thank you AT&T, you have only laid off over 200,000 American workers. General Electric, 221,000 American workers, and so forth and so on.

Now, it seems to me that rather than having the taxpayers of America providing incentives for these huge corporations to go abroad, and I might say, Mr. Speaker, and this is a fact not very often talked about, that these American corporations, the large multinationals who are laying off millions of American workers, they have invested this last year $750 billion abroad. Now, in every city in America, in every State in America, mayors and governors are getting down on their hands and knees and they are saying to these companies, invest in the State of Vermont, my state, invest in Texas, invest in California. But these corporations do not. They are laying off American workers and they are going abroad.

So it seems to me that instead of encouraging them to go abroad, maybe we may want to say to them, hey, stay back here in the United States and provide jobs for our workers; pay your taxes here.

At a time when this country has a $4.5 trillion national debt it seems to me that we can no longer afford to maintain various forms of corporate welfare, at great expense and risk to the taxpayers.

I rise today to call for the end of Government funding for OPIC, the Overseas Private Investment Corporation, and for the elimination of this agency which receives about $50 million a year in funding but, more importantly, has placed at risk some $6.3 billion of taxpayer money through Government insured assets.

It is important to acknowledge that concern about Government funding for OPIC extends across the political spectrum—progressives, moderates and conservatives increasingly see no sense to the public funding of this agency.

I am also delighted to say that Budget Chairman JOHN KASICH, in the recently passed Republican budget, quite appropriately called for eliminating the appropriations for OPIC, and I want to credit Mr. KASICH for doing so.

Furthermore, a Wall Street Journal editorial of April 12, 1995, also called for the defunding of OPIC. The Wall Street Journal is deeply concerned, as I am, about OPIC's risky financial guarantees in Russia and Eastern Europe.

A very conservative think tank—the Center for Security Policy—is also sounding the alarm regarding the growing danger of OPIC continuing to use taxpayer dollars to insure risky investments in Russia and other former Communist countries.

But it is not only conservative groups who are calling for the elimination of OPIC funding. Progressive groups are also raising the same cry. For example, here in Congress the 46-

member progressive caucus was the first congressional organization to call for OPIC's elimination. Furthermore, two organization affiliated with Ralph Nader—Congress Watch and Essential Information—have called for the elimination of OPIC.

Mr. Speaker, if huge Fortune-500 corporations like Ford, Exxon, AT&T, General Electric, IT&T, and Coca-Cola want to make investments in politically unstable countries, they have every right in the world to do so. That is not what we are debating today.

These multi-billion-dollar corporations have every right in the world to invest in Russia and Eastern Europe—in Albania, Croatia, El Salvador, Somalia, Peru, or anyplace else they want to invest. But, Mr. Speaker, they do not have the right to ask the American taxpayers to underwrite the insurance on those investments. And they do not have the right to get advantageous financing from the Government.

If these corporations invest and make a lot of money—the stockholders get the profits. If, on the other hand, they invest in Russia or any other country and because of political instability they lose their assets through nationalization or expropriation—the American taxpayer picks up the bill. That is wrong. If you take a risk, you can sometimes make a lot of money. But sometimes you lose. And it is not the function of the U.S. Government to place our taxpayers at risk for $6.3 billion to protect the investments of huge, multinational corporations.

Now, who are some of the corporations who are receiving this help? Here are some recent examples: OPIC is providing $105,057,000 in insurance in Russia for the Coca-Cola Export Corp.; $200,000,000 in insurance for Du Pont in Russia; $200,000,000 in insurance for Mars, Inc., in Russia, which I believe is owned by one of the wealthiest families in America; and $200,000,000 in financing for GTE and AT&T for a joint cellular telephone project in Argentina.

Other major corporations that are being provided insurance by OPIC are: First National Bank of Boston, the Enron Corp., Bechtel, Cargil, Duracell, American Express, International Paper, Levi Strauss, and Citibank.

Mr. Speaker, another aspect of this whole situation which bothers me very much is that the U.S. Government is providing financial incentives to the largest corporations in America to invest abroad—when, on the contrary, we should be demanding that these companies invest in the United States, hire workers in the United States, and pay taxes in the United States. Corporate America already invests $750 billion a year abroad—and the number is increasing every year. They do not need Government subsidies to increase that investment.

It is especially outrageous that we are using taxpayers dollars to help finance companies who, in the last 15 years, have thrown millions of American workers out on the street. My colleagues, take a good look at this chart, and note how many workers have been fired by some of the very same companies that OPIC is now providing financial assistance to.

Should we really be helping Ford Motor Co. invest abroad after they have laid off 337,000 workers in the last 15 years. Thank you, Ford, for laying off these workers. Now here is your Federal subsidy to invest abroad so that you can hire foreign workers. Exxon—86,000 workers laid off, AT&T—233,000 laid off, General Electric—221,000 workers laid off or downsized as they occasionally say. And on and on it goes. This is a list of only 10 companies—and they have laid off over 1 million workers. Helping companies go abroad after they have laid off 1 million American workers does not make a lot of sense to me.

I wonder what the laid off workers of these companies must think when they learn that their tax dollars are rewarding those companies who have caused so much suffering and, to a large degree, are responsible for the terrible decline in the standard of living for working people all over this country. Yes, cut-backs in Medicare, Medicaid, student loans and veterans programs, but $50 million a year, and a $6.3 billion insurance risk for the largest corporations in America. A very sensible policy.

BOSNIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 5 minutes.

Mr. GONZALEZ. Mr. Speaker, I rise in order to report on my actions and activities with respect to the ongoing situation in Bosnia and my letter to President Clinton, which I had prepared immediately, that that became a crisis point, and it looked as if the President might take unilateral action without any real consultation with the Congress.

So in my letter I said: "The preparations currently underway for the possible involvement of U.S. military forces on the ground in Bosnia impel me once again"—because I have previously "to urge you in the strongest possible terms to seriously consider this matter before committing our troops to any such action and to abide in the closest possible way to the laws of the land with regard to the use of U.S. military force abroad."

Let me say, this has been the story of my career since I first came to the Congress, beginning with then-President Kennedy, believe it or not, who was probably one of the most intimate personal friends I have had as a President, and then with President Johnson, who succeeded him, whom, of course, I had known from the beginning back in Texas. And more so with President Johnson, I became a gadfly, as the drum beats rose in noise and the urge to propel our armed services into action became irresistible.

So in this letter I say, as I said in my letter to you last year—and this reflects my consistency "air strikes will not accomplish the goal of peace in the former Yugoslavia."

Fortunately, of course, we know now that the president has been restrained, and I compliment him. But as I said in this letter, in my last paragraph: "As I have expressed to you with regard to Somalia, Haiti, and before in Bosnia, as I have with previous presidents about other situations, the Constitution and the War Powers Resolutions"—which I had the great honor of first evolving and developing in this House and eventually, unfortunately too late, enacted "the Constitution and the War Powers Resolution clearly afford Congress an important role to play in the use of U.S. military force overseas, and, as you know, I have long struggled to uphold this balance of powers among coequal branches of government. I was heartened by your comments today that Congress would be consulted in this matter and that you continue to exercise restraint in deploying United States forces on the ground in Bosnia. I fully hope and trust that you will continue to do so."

□ 1900

I am happy to say that up until now that seems to be the case.

However, I do want to point out that one of the things that in fact has made me an irritant to be even friends, like President Johnson, is the fact that we have become inured more and more to an excessive weight in that coequal branch, which should be a coequal branch, the presidency.

After all, the Constitution itself does not make the office of the presidency Article 1. It is the Congress, and it was deliberately done. There was a reason for it. The men who wrote the Constitution were the first to protest that the king made wars. Now in democracies, we have the equivalent. The only thing is that it is not the king declaring then, but as far as the will of the people expressing itself and the idea of the fundamental nature of a justified war having been lost sight of, makes it impelling that we review this matter.

I want to terminate by saying that I will place a copy of this letter in the RECORD, so that those of my colleagues interested will have a chance to review it.

The material referred to is as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 31, 1995.

Hon. WILLIAM J. CLINTON,
President, The White House, Washington, DC.

DEAR MR. PRESIDENT: The preparations currently underway for the possible involvement of U.S. military forces on the ground in Bosnia impel me once again to urge you in the strongest possible terms to seriously consider this matter before committing our troops to any such action and to abide in the closest possible way to the laws of the land with regard to the use of U.S. military force abroad.

As I said in my letter to you last year, airstrikes will not accomplish the goal of peace in the former Yugoslavia. I am truly sad to say that recent events make this all the more clear. The Serbian forces in Bosnia have shown that they will exact as high a toll as possible from their adversaries in their pursuit of their military goals. In this situation where the Serbs are waging a war against the Bosnian government and where they consider the United Nations an enemy in their fight, deploying U.S. forces on the ground, whether it be in support of a reorganization of U.N. forces or in a related effort, will surely put our troops in a hostile situation and in imminent danger of being involved in combat. With the Bosnian Serb's recent demonstration of their grotesque lack of respect for civilian life and for U.N. peacekeeping forces, there can be little doubt that American forces would likewise be a target for attack.

As I have expressed to you with regard to Somalia, Haiti and before on Bosnia, as I have with previous presidents about other situations, the Constitution and the War Powers Resolution clearly afford Congress an important role to play in the use of U.S. military force overseas, and, as you know, I have long struggled to uphold this balance of powers among co-equal branches of government. I was heartened by your comments today that Congress would be consulted in this matter and that you continue to exercise restraint in deploying U.S. forces on the ground in Bosnia. I fully hope and trust that you will continue to do so.

Sincerely,

HENRY B. GONZALEZ.

THE RESPONSIBILITIES OF THOSE IN A CREATIVE MEDIUM AND OF AMERICA'S ELECTED OFFICIALS

The SPEAKER pro tempore (Mr. GILCHREST). Under a previous order of the House, the gentleman from California [Mr. MILLER] is recognized for 5 minutes.

Mr. MILLER of California. Mr. Speaker, last week when Senator BOB DOLE made his statements about Hollywood, it was unfortunate that they were made in the context of a presidential campaign, because his remarks were immediately analyzed and seemingly split into two camps, deciding whether or not it was an attack on Hollywood, justified or unjustified, and whether or not Hollywood should defend itself, justified or unjustified, and that seemed to end the debate. You could take sides on whether or not that attack had taken place or not.

Mr. Speaker, I think it would be a very fundamental mistake for Hollywood or anyone else in this country to believe that because that speech appeared in a political context and was analyzed mainly by political analysis and analysts, pundits who deal with the political people in this country, to believe that his remarks do not represent a concern in this country about the level of violence in the media, in all of its different forms, in music, in films, TV, and a concern that is one that is shared by millions of American families, and a concern for many of us in public life.

Mr. Speaker, I would hope that the issue would not get down to the issue of censorship, or picking our favorite stars, or deciding who bankrolled the good movie versus the bad movie, but I would hope that we would have the possibility of having a national conversation in this country about the future of our children, about the impact of the media on our children, on our families, on ourselves, because none of us are immune from this.

It is not just young, impressionable children who absorb the hours and hours of violence that are now portrayed on TV, in the movie theaters, and in our music. It happens to all of us. It makes statements about our society. I think we have to have this discussion. I do not think you can end this discussion by denying the power of this media, all of a sudden saying we have no impact, or suggesting that it is the only reason, or the cause of many things that we do not like in our society, because it is not. These are all multifaceted problems.

I think we should do it with an understanding that this is a country that loves its movies, love its moviemakers, its songwriters and its performers. We recognize the creativity, we recognize the agility, the ability, the fascination that they can create.

We also, in loving them, recognize that they are powerful; that music can pick up our spirits, it can lower our spirits. It can excite us, it can soothe us. A film is designed to invoke emotions, to create a result, to get a response. When you listen to the great filmmakers of our time discuss how they put movies together, what they were thinking about, why they picked to do it this way, why music was added in this fashion, why this scenery, why this color, why black and white, why this, why that, why that lighting, it is all designed to move people in the viewing of that medium, designed to get a reaction, to get a response, to create an atmosphere, and they successfully do it. they have been doing it as long as the movies have been around.

You listen to them discuss that, and you appreciate that they understand the power of their medium, the power to move a Nation, the power to move a Nation's children, to excite us, to fascinate us. They know they can do that if you give them an hour and a half of your time, if you give them 2 hours, if you give them a subject. It does not matter if it is fantasy or animation, it does not matter if it is in a historical context or a completely fictional context, they know they can do that. That is the tribute, the genius.

The same is true with songwriters. They know they can move a Nation to its feet. They know they can move romance, where romance maybe was not. We have to recognize that. However, they have also got to recognize that when it becomes unpleasant and the outcomes are not what we desire, in some instances, or what some of us do not desire in a pluralistic society, they cannot run away and say "Oh, we could not be responsible for that, because after all, it is just a movie." No, you cannot take that genius and understand and know what you have created, and then deny it the next moment, to suggest it has none of the impacts for which you designed it in this movie, but it could not have any impacts over here.

In summary, Mr. Speaker, I would just hope that we would not let this get down to who is getting the advantage and not getting the advantage in presidential politics, but we would bring this as a national conversation about the future of our children. I hope to have more to say on this to their body, to my constituents and to others, but I think we need this conversation without jumping to a conclusion, but understanding the responsibilities, the powers, and the obligations that go with this medium and with those of us in public office.

THE PRESIDENT'S VETO ON THE RESCISSIONS BILL

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Florida [Mr. SCARBOROUGH] is recognized for 30 minutes as the designee of the majority leader.

Mr. SCARBOROUGH. Mr. Speaker, I could not help but notice that the President vetoed the rescissions bill, and our attempts to cut back spending on the Federal level, and to send money back home on education programs and on job training programs. The President vetoed the bill because he thought it cut too much. I have to tell you, I agree with the President that the bill was not perfect, but I do not think it was perfect for another reason. I do not think we went far enough.

Let me explain, Mr. Speaker. When he talks about education dollars, when he talks about job training dollars, what he is actually talking about is spending money on the Department of Education bureaucracy in Washington, DC. We are not talking about spending money on children, we are not talking about spending money on raising teachers' salaries, we are not talking about spending money on hiring more teachers so we can lower the student-teacher ratio, so our students can learn more. We are talking about spending more money in Washington, DC, on an education bureaucracy that has, unfortunately, failed miserably over the past 15 years.

Mr. Speaker, I was named to head the task force to look into education reform. I believe today, more than at any other time in this country's history, we have to be bold and aggressive in reforming the educational system of this country, because if our children are going to be prepared for the 21st century, and if our children are going to be able to work in the 21st century workplace, they are going to have to do it by having the best education possible. With two young boys in public schools, I have as much at stake in this fight as anybody.

Mr. Speaker, we have to start with basics. The bill that we are introducing is called the back-to-basics education reform bill. The basics that we begin with are these. First of all, parents and teachers and principals know how to teach our students and our children better than a bureaucrat in Washington, DC. That is not a foreign concept in this country's history, or in our educational history.

The fact of the matter is that over 200 years ago we had Founding Fathers, who believed that education belonged in local communities; that we were to be a nation of communities, instead of a nation of bureaucrats and a nation of education bureaucracies.

James Madison wrote, as he was helping to frame the Constitution, "We have staked the entire future of the American civilization not upon the power of government, but upon the capacity of each of us to govern ourselves, to control ourselves, and sustain ourselves according to the Ten Commandments of God." That was from James Madison, one of the 3 men that was most responsible for framing the Constitution.

Of course, Thomas Jefferson wrote that "The government that governs least governs best." As they were saying that, they were not saying that because they were antigovernment. Far from it. The men and women that helped found this great constitutional republic believed government could serve a useful purpose. In fact, they dedicated their entire lives to this government, put their lives on the line in a brutal war, where they could have been killed or where they could have been hung as traitors. They believed that the Federal Government had a role, but that role was in protecting the God-given rights of the men and women and the children of the country that they were serving.

One of those rights, I have to believe, was the right to teach your children and to educate your children, instead of having bureaucrats in Washington, DC do it. Thomas Jefferson and James Madison believed that this country should be a great experiment; that we should have a country that was a nation of communities, and not a nation of bureaucrats and bureaucracies; that would have parents and individuals and families and communities making decisions on how to teach children, and what type of school programs needed to be implemented.

Unfortunately, somewhere along the line we lost our way, because in the late seventies the great education bureaucracy experiment began. It began in 1980, as Jimmy Carter struck a deal with the NEA teacher's union to set up a national education bureaucracy. Since that time, we can see what has happened to education.

Back when it started in 1980, we were spending $14 billion on education in this Federal bureaucracy. Since 1980, spending has gone from $14 billion in Washington, DC, to $33 billion. What have we gotten for our education revenue? The fact of the matter is that despite the fact we have gone from spending $14 billion on an education bureaucracy to $33 billion in 15 years, we have spent more money on the bureaucracy, but as you might guess, the results have not been positive. Test scores have gone down. Dropout rates have risen.

Of course, as all of you know, violence in schools has risen. You go to inner-city schools, whether it is in the South Bronx or whether it is in South Central Los Angeles, or Gary, IN, or in parts of Miami or Tampa, or even in your hometown, you know and parents know and I know as a parent that our educational system in this country continues to decline.

□ 1730

That is because education dollars are not getting into the classroom. They are coming up to Washington, DC, to our Federal bureaucracy.

Let me give you a perfect example of how this has happened. Do you know this year the Department of Education will be cutting $100 million from their budget to keep our schools safe? Think about that. They are cutting $100 million to keep the infrastructure in our schools safe across the country. But at the same time when they are saying we don't have the money to keep our school buildings safe for our children, they are spending $20 million to upgrade their own bureaucracy right down the street.

Think about that. This is not robbing Peter to pay Paul. This is robbing our schools across the country, I suppose what they consider to be the flyover space between Washington, DC and Los Angeles. They are taking the money out of our schools so they can bring it up to Washington, DC, and upgrade their bureaucracy.

Is that what education should be about? Is that what educational reform should be about? I don't think so, and I know that men and women across the country that have a little bit of common sense don't think so, either. We need to put our education dollars in our school system, but the fact of the matter is that by the time the money goes through the process, the education dollars don't get to the schools.

Think about it. Where I come from—I am from northwest Florida, specifically I live in Pensacola, FL—when I have to pay a dollar for my taxes, that dollar goes from Pensacola, FL, to Atlanta, GA. That is our regional IRS center.

So when it goes up to Atlanta, the IRS center up there, they obviously have to take out their brokerage fee in Atlanta. Then it comes up to Washington, DC, goes to the IRS there, they take out their brokerage fee, so this education dollar is getting carved up a little bit around the edges.

Then it goes to Treasury and they take out their brokerage fee. After that, of course, it goes over to the Department of Education and they take out their brokerage fee, so the education dollar is getting cut up.

Does it go down to the schools now? No, it goes to our State capital. In Florida, that State capital is Tallahassee, so the dollar goes to Tallahassee. Of course they have to take out their brokerage fee, too. By the time it gets back to our community, that dollar is being carved up and cut up in such a way that you would not even recognize it.

Some officials of the Department of Education claim that they only spend 2 percent on overhead. If you believe that, I have got some swampland to sell you in south Florida. We all know that is not the case. That dollar takes a very tortured route before it gets back to the school districts. We need to keep education dollars in the communities.

This is not a budget-cutting exercise. It is about making sure that our children get the most bang for their educational buck. We are not going to do it as long as we keep throwing money at Washington and that money is not coming back home.

Some people have suggested that this is some ideological battle, that Republicans, or conservatives, want to take power away from an educational bureaucracy for their own ideological purposes. The fact of the matter is, Republicans and Democrats alike, as well as liberals and conservatives, are slowly coming around to the realization that our teachers and our parents and our communities and our States can be trusted with the important role of educating children.

Alice Rivlin, the President's OMB director, wrote a book back in 1992 when she was at the Brookings Institute. Of course at that time she was not working for President Clinton, so she was allowed to think for herself. When she did, she wrote what I thought was a tour de force on educational reform and on reforming this Federal Government.

Alice Rivlin talked about a productivity agenda where you had States experimenting in educational reform and in job training reform and in other areas. She talked about the States all competing against each other to see who could come up with the best idea for educational reform, instead of having Washington throw down all these dictates saying this is how you are going to teach your students.

So we allow the States to compete, and the States that have the best educational system will obviously have the greatest economic development, and will have money coming into their States and will have students coming into their States. It is what I like to call legislative laboratories.

Ask yourself this: Would you rather have Bill Clinton and an education bureaucracy in Washington tell us all how to teach our children, or would you rather have your State and your community competing with 50 other States to see who could do the job best?

What they would do is create legislative laboratories that would experiment, and they could borrow from other States. If California was doing something Utah liked, Utah could borrow from there. If Florida was doing something that Georgia liked, Georgia could borrow from that, instead of having Washington, DC, and bureaucrats in Washington continue to labor under the extremely, extremely presumptive belief that they know how to teach our children better than we know how to teach our children. It is a false premise. I have got to tell you, I believe that it is a very, very dangerous premise.

We have got again to spend our education dollars on teachers' salaries, on computers, on improving the teacher-student ratio. Let me tell you, I had an education townhall meeting in my district. I was absolutely stunned to find out that a special education teacher had 30 students in her class. Let me tell you something. There is no way a teacher teaching special education is going to be able to give children the type of attention that they need to have.

But there are shortfalls, budget shortfalls in the State. Why was that? Because we have got $33 billion in education money coming up to Washington instead of going to the schools. We have got to do something about that.

I talked before about our Founding Fathers. We can talk about what works, what does not work, but we also need to look at what is constitutionally proper and what is constitutionally improper.

I would certainly say that any reading of the Constitution of the United States of America would show that the system that we are laboring under right now is patently unconstitutional. Read your Constitution. If you read the 10th amendment, the 10th amendment states explicitly that all powers not specifically granted to the Federal government in the Constitution of the United States are reserved to the States and to the citizens that live within those States.

You can look through the Constitution all you want to. But our Founding Fathers did not state that the Constitution of the United States allowed the Federal Government to get involved with an education bureaucracy.

If you read the Federalist Papers, when they explained why they wrote the Constitution the way they did, there is nothing in the Federalist Papers that show that the Federal Government wanted us to have an education bureaucracy. The fact of the matter is the Constitution, the Federalist Papers, and all the other documents of the Founding Fathers show that they believed that our parents and our teachers and our communities should teach children instead of having an education bureaucracy in Washington, DC, teach children. I think they were on to something.

If the Federal Government does not have it in the Constitution, what about the States? It is not surprising that in all 50 State constitutions, every one of these documents state explicitly that State governments and communities and local governments should be the ones that get involved in educating our children. I think that is extremely important to realize, that the States and the Federal Government got together, drafted constitutions that clearly show that the Federal Government has no business in forming an education bureaucracy, that again it needs to be formed back into the States.

Mr. Speaker, I believe that we need to turn back where we trust communities again and we trust parents again and don't labor under this false assumption that they are too backward or too stupid to take care of their most important resource, and that is children, and in educating children.

I hear a lot of people say, well, look what happened 30 years ago. Look what happened when Bull Connor was running the streets of Birmingham, or 60 years ago when Huey Long was Governor of Louisiana. Can we really trust the States?

I say, yes, emphatically, we can trust the States. Alice Rivlin in her book "Reinventing the American Dream" talks about moving to a point where we can trust the States again. David Halberstam in his book "The Next Century" talked about the face that the most talented and most gifted leaders in this country did not occupy the well of the House of Representatives, and I know that might shock a lot of people in Washington, DC. But the people who know where the rubber meets the road are back in the States. They are the ones who have to put together an education budget every year, they are the ones who understand what losing $33 billion in education revenue means. They are the ones that are closest to the problem.

Let's trust our parents again. Let's trust our teachers again.

As a parent of two young children who are in public schools, I have got to tell you, I am deeply offended by any bureaucrat in Washington, DC, who tells me they know how to teach my children better than I know how to teach my children.

I will side with James Madison and Thomas Jefferson and the Constitution of the United States any time over bureaucrats in the education bureaucracy who have destroyed our public education system over the past 15 years. If they have not destroyed it, well, they sure have not done anything to improve it.

A lot of people will say that the burden of proof rests on those who say abolish the Federal Department of Education bureaucracy and send it back to the States.

I say the burden of proof rests on those bureaucrats that take $33 billion out of local communities and school boards all across this Nation and give us very little in return.

Look at the test scores. Look at the dropout rates. Look at violence in schools. They have to step forward and explain how the principals of the NEA teachers union and how the principals of the education bureaucracy are somehow in harmony with the philosophies of Jefferson and Madison. I have got to tell you, they cannot do it.

Again, listen to the great words of James Madison:

> We have staked the entire future of the American civilization not upon the power of government but upon the capacity of each of us to govern ourselves, control ourselves, and sustain ourselves according to the 10 commandments of God.

It is a very simple premise. Trust communities, trust families, trust individuals, trust parents. You can do that.

Two hundred years after the greatest experiment in the history of government, we are getting back to a point where we once again are going to untie parents and communities and teachers and school boards, and say, "Be creative, dare to make a difference." If we do that, if we return authority back to parents and teachers and school boards instead of an education bureaucracy in Washington, DC, then my two boys and children all across this country will once again be able to take control of their school system and be prepared for the 21st century workplace. We have got to do it now. We cannot delay any longer. I certainly would ask for all of your support.

Mr. Speaker, I yield to the gentleman from California.

Mr. DORNAN. I just wanted to thank the gentleman. As one of my troopers on the Military Personnel Subcommittee, it has been a joy working with the gentleman from Florida [Mr. SCARBOROUGH].

Because my fatherly days are behind me as far as education is concerned—my youngest son is graduating from UCLA on Sunday, the 18th of this month—but I have got nine grandchildren and, God willing, more to come.

Your statement resonates in my ears. I also take personal affront to any bureaucrat saying, "I know how to teach your children better than you do."

No, when that report came out that showed that for the first time in the history of this great Nation, in over two centuries, a generation, the current one, was not as well educated as their parents, the prior generation, we hit a stonewall in education, where all the educrats, the bureaucrats of education, do not have the answers anymore.

□ 1745

That is why I am a strong supporter of home schooling. I have not had to do that with any of my sons or daughters yet, but home schooling is growing across this country because the main area where our education system has failed us is in the area of teaching values, ethics, and if we have to come down to a plan that a grandmother told me the other day, not my own wife, but a grey-haired grammy, said, "Why don't you people just broadcast to every school in America now that we are on the informational highway on Mondays and Tuesdays the prayer at the beginning of the House of Representatives, and then on Wednesdays and Thursdays—you are smiling, Speaker GILCHREST, this is not your idea, is it?—then on Wednesdays and Thursdays we broadcast the prayer to every public school in America at the beginning of the U.S. Senate's day, and on Friday, a special day, the prayer at the beginning of the U.S. Senate, in every school in America. And then occasionally we can sing at general assemblies the most popular song during the War between the States that kept our Nation together, "The Battle Hymn of the Republic." Mine eyes have seen the glory in the coming of the Lord. Who would that be? I do not know, would it be Jesus Christ, our savior, our redeemer, the son of God. Lilies across the sea in Jerusalem or Bethlehem or Nazareth, names familiar to one generation of schoolchildren, not anymore. I would love to see pumped to every school in America rabbis as we have seen here coming invoking the God of Abraham and the code of ethics of Moses, who is staring right down at the gentleman from Florida, look at him looking down at Speaker GILCHREST there, over in the corner, Maimonides, who in Sephardic tradition in Spain and Portugal rewrote the entire code of ethics for every Jewish person in the world. On this wall look at the wall of saints up there, Edward the Confessor, St. Ed, Alfonse, a saint of Spain, Gregory IX, a saintly pope, St. Louis, whose mother said "I would rather have my son dead at my feet than see him commit a grievous mortal sin."

So there is a lot of education our kids are not getting, it is being denied, and there is a way to do it, to recognize the Western civilization, culture, and there are a lot of colleges around, including UCLA, where in my son's first five classes Christianity was attacked by name in two of those classes, Catholicism attacked by name after they worked over Christianity, and in one of those classes Jesuits attacked. My son has never had the thrill of sitting in a class with a Jesuit teacher at the front, but I had 7 great years of it, and I am still grateful for my teachers. The Jesuits were all conservatives in those days and lived up to their fourth vow of being loyal to the Pope. They are having some problems these days. But I tell you, we are going to get this education thing solved, and why are we going to do that, because Ronald Reagan said we are Americans, which means we can win any battle. Thank you for weighing in today. Glad to associate myself proudly with your words.

THE BATTLE OF OKINAWA

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from California [Mr. DORNAN] is recognized for 30 minutes as the designee of the majority leader.

Mr. DORNAN. Mr. Speaker, I am so, pleased is not a strong enough word, I am so ecstatic today over this rescue in Bosnia that I am glad I have got a Marine Corps sergeant sitting in the Speaker's chair today. Let me see that 1,000-yard stare, because as a former Air Force fighter pilot, peacetime to be sure, let me thank you for the whole Marine Corps in that superb rescue this morning, and wait till you get details tonight on CNN or C-SPAN or whatever, because I have got the bare outlines off the wire service stories, I called the Pentagon, they are having down in the cellar of the Rayburn Building a goodbye party for some of our great military people, liaison people who help us understand everything we can about our heroic men and women all around the world they will they cannot tell me much because they are hanging off the wire services' stories too.

But let me put this in perspective for the Marine Corps and the Army and every fighter pilot in those days was either Marine, Navy, or Air Force, I mean Army Air Corps, there was no Air Force. I was going to finish my Okinawa special orders today, June 8, 1945, and it is interesting, fascinating that the Battle of Okinawa started on Easter Sunday in 1945, that was April 1, and it was no April Fool's Day for the bloodshed on those beaches. It started off easily as the Japanese warlord forces were back in their caves and said come on, soft beach landings, everything looked good, and said oh, this is not going to be Iwo Jima, and then it became hell on Earth. That started April 1, 50 years ago. So all of April is 30 days, all of May, we are up to 61 days, this is the 8th, this was day 69 of an 87-day battle which means they had 18 brutal days to go where more marines and more Army soldiers died in a battle than ever before. This was the highest-fatality battle of the whole Pacific war.

And MacArthur took a bum rap there. Some people called him Dugout Doug because they wanted to see more of him up front. If he was not up front with one unit it is because he was with somebody else. Where was Gen. Douglas MacArthur, who stood right in front of you in one of the greatest speeches ever given at the Presidential lectern there and said and like most old soldiers I will fade away, that ringing speech, hardly a dry eye on either side of the House here, everybody conceding that Harry Truman, President, had his right to fire him, but that on the merits of the issues MacArthur was right. We should have bombed Manchuria, we should have bombed the Yalu River bridges when once the Chinese came at him, which he did not think they would do because he did not realize we had filthy, sneaky, dirty, spying traitorous people in our government feeding a whole homosexual network of spies in the British Government of Burgess, Maclean, Kim Philby, all of them telling the Russians to tell the Chinese, go ahead and attack, the Americans will never come back at you, they will not bomb the bridges in the Yalu. All of our pasty-faced types in the State Department are not going to allow that to happen.

So, MacArthur was wrong about the Chinese coming in, but when he was fired in April of 1951 I had just turned 17. It was a sad day when he came to this Congress and said goodbye and kept the promises.

Where was MacArthur today? On the deck of a cruiser, in a combat action, could have been a kamikaze coming at him off the island of Borneo. He is on the bridge of one of our cruisers, the *Boise*, the *Nashville*, the *Phoenix*, and Australian cruiser *Hobart* named after the capital of Tasmania, seven destroyers with these cruisers, and they are bombarding one of the richest cities in the world today, the highest-income city. The wealthiest man in the world today on the planet Earth is the Sultan of Brunei, and they were in Brunei Bay bombing northern Borneo in that harbor and MacArthur is on the bridge of the task force softening up the landing beaches for Australia's Ninth Division. Their glorious feats in combat are known in Australia, little known to us. Their prisoners like all prisoners were being severely tortured, beaten to death. This is less than 2 months from the dropping of the atom bomb on August 6. But MacArthur was not aware of the bomb at this point. He was preparing for on this onslaught on the Japanese homeland islands where we would have lost maybe 300,000 men were in danger of KIA, higher than all of the war before that, certainly a million overall casualties and a million dead Japanese people, all of them innocent of what their warlords had done to them except for a few officers in the officer corps, they would have been wiped out.

So what else was happening in the South Pacific? Down in Sumatra, the Japanese cruiser, *Asha Gara*, overloaded with 1,200 young Japanese kids, peasant kids recruited out of the countryside in Japan without ever firing their guns in anger go to the bottom of the sea because the British submarine, the *Trenchant*, sinks this Japanese cruiser and all 1,200 soldiers and most of the crew drowned. Planes from the carrier *Cowpens*, the great *Independence*, the *Shangri-La*, so named because Roosevelt said the *Hornet* and Jimmy Doolittle was a Shangri-la where we launched our raid 53 years ago last April against 5 Japanese cities, and the *Yorktown*, the great fighting lady, the *Yorktown*, they were all pounding their planes kamikaze bases on the Japanese southern island of Kyushu, and when any of those pilots were captured they were murdered as some of the Japanese Bushido warrior, brace yourself Mr. Speaker, cut them open and ate their livers. I have just come across that research. They killed so many of our air crews out of the B-29's and our Navy pilots that we hung the Japanese commander on the island where George Bush almost drifted ashore, Chichi Jima, hung him for cannibalism.

This was a rough conclusion to this war, less than 2 months to the first atomic bomb, 2 months and a day to the Nagasaki bomb, and I still get angry when I think about that phony politically correct exhibit that a bunch of liberals almost put around the fuselage of the Enola Gay.

Back to Okinawa. Artillery, naval gunfire, air strikes pounding the Japanese positions on Yaeje-Dake Mountain. I spell that not only for our recorders but for the vets to jog their memory. It was a strong point of the military commander Ushi Jima's last defense line.

The Sixth Marine Division, there was a day when we had six Marine divisions, the Sixth Marine Division compresses Admiral Minoru Ota, his marines, into a 3-mile pocket on the Oroku Peninsual, and how many Americans met their God on that peninsula during the next 18 days of fighting? So let us close the loop from 1945 to today.

Mr. Speaker, I do not know as a ground NCO what your favorite motion picture representation of the hell that is warfare is. But for pilots, it has been a long dry spell. The best one ever was based on a fictional book, more truth than fiction, by the great writer, James Michener, written during the Korean war while it was still in progress in 1953. I read it on my way to pilot training, published in its totality in Life magazine, just as they did that same year with "The Old Man and the Sea" by Hemingway, and I read this story in Life magazine and then got the book later, called "The Bridges at Toko-Ri," and it had a gut-wrenching decidedly non-Hollywood ending. Bill Holden, at the peak of his career at 36 years of age playing a symbolic naval aviator named Brubaker is in a ditch in northern Korea, and he is with the rescue pilot, the crewman, the gunner on the rescue pilot, Mickey Rooney, and Mickey Rooney says to him "Lieutenant, what are you doin' here in a ditch in human feces," they probably softened that for the movie, "here in Korea? Aren't you a lawyer from Denver?" And he says, "That's what I'm trying to figure out."

Well, he was there because he was called. Within seconds the Skyraiders flew right up until a few years ago, flew all the way through Vietnam as rescue support, Spads, they call them, their code name was Sandy, the Navy A-1 Skyraiders, then called AD's aforeship, then painted Navy dark blue, they made their last strafing run, kill some of the enemy coming in on Brubaker, and the young enlisted man from the rescue helicopter sitting there smoking, and then they pull off, just as they had to do in Vietnam sometimes, wiggle their wings, goodbye, good luck, friend, and within seconds, Mickey Mooney is dead, shot in the chest, and then Bill Holden starts running back and forth in this filthy human manure ditch, and finally they drill him again and again, and he dies spread-eagled in this filthy mud, and then it goes to the carrier bridge, Frederick March in one of his great final roles says those words that Ronald Reagan used to quote all of the time, this fictional admiral again more true than fiction, and says, "Where do we get such men, they go out, they do their job, they come back, they find this little pitching deck in these heavy seas, and they come home. Where do we get such men? Why is America lucky enough to have such men?" That was 1954. Here we are 41 years later and it is not a good Hollywood movie, it is real, somebody will make a movie out of this.

What happened with Capt. Scott O'Grady today is better than any Shakespeare could put it on print. Listen to this, Mr. Speaker.

□ 1800

June 2, Scott O'Grady's F-16 goes down over Bosnia. He had air-to-air missiles. He also had air-to-ground missiles. It was a deny-flight flight. As I argued with Secretary Perry, whom I deeply respect, and Shalikashvili, a soldier's soldier, Chairman of the Joint Chiefs, they would contradict themselves in their own testimony in front of the Senate yesterday morning and in front of the National Security Committee yesterday, because they kept calling these air combat missions, and they kept saying we are not in combat. This is combat.

My colleague from Colorado once said fighter pilots are not athletes. I almost took off out of my chair. I said, "Excuse me? Would the gentle lady yield?" She got all flustered. Fighter pilots are athletes, and these women officers demanding to go into combat, they have given up the fight to go into special operations. They do not want to be Delta Force people. They do not want to rappel off of helicopters in the middle of the desert or jungle or Arctic situation. They are not asking for infantry anymore. They certainly do not want to work around artillery with 100-pound shells, slinging them around, and they are not asking anymore to go into tank armored units, because they know trying to pull a wounded 200-pound unconscious man out of a tank is something I have never seen a woman do, not even the ones pumping weight to get on the Gladiators. I could not lift a 200-man out of a tank on fire about to explode. If I called for somebody, I want it to be somebody who, together, we can lift him out, not somebody with not too much upper body strength who says, "Oh, I can't be of any help. Sorry. Let's get a third person here."

No, they are not asking for armor, special ops, infantry, or artillery any longer. But they are still lusting for those fighter pilot seats.

So all the time I am discussing this, picture the strongest, best woman fighter pilot, and I do not think the Marines have any yet, in the Navy or the Air Force today, trying to do what Scott O'Grady did. He goes down June 2. His wingman, I just confirmed on the phone, did not see him go down.

I bailed out once in peacetime on a gunnery range in the Gila Bend Mountains. I had a towship, two guys in the towship with a target, four guys in my flight, three others, a flight behind me, a flight in front of me; nobody saw me bail out, because I was going straight down 500 knots, 500 miles an hour, 450 knots, and went out upside down. Nobody saw this guy go out.

National Security Adviser Tony Lake tells Mr. Clinton that we could probably launch a search and rescue mission. Lake tells the President that he may be alive, based on a variety of sources. Meanwhile, the military is lying to me, and I love it. I want to be lied to. If there is a search and rescue operation going on. I do not have a need to know and, therefore, I am not in a position to be wishing well to some newsman that I trust for the umpteenth time and stabs me in the back, because an Air Force officer trusted some newsman, and they went running right out yesterday while Scott O'Grady is still on the ground and published we were getting beeper signals. Is the media not great with their first amendment right to know? Could have gotten O'Grady captured.

So now we skip forward. That was on June 7, yesterday, that he might be alive, 5 days, for 5 days, and I will tell you the truth, Mr. Speaker, I started to say prayers for this young pilot without knowing his name. I thought his wingman was probably right, that he was blown up.

June 8, that is today, Scott O'Grady, U.S. Air Force captain, F-16 Fighting Falcon, snake-eating face on fire, fighter pilot makes contact with NATO aircraft. That is probably an Air Force AWACS.

Two-twenty, and let us see, what time was it here in Washington, 7-hour difference, so this is 7:20 at night, after I had said in committee to Secretary Perry and General Shalikashvili, in my mind thinking that Scott was probably gone, in heaven 5 days ago, I said, "And our F-16 pilot who may be lost," and I said, "God willing, the F-16 jockey is hiding in the bush as we speak," and that is exactly what was happening yesterday at about 11, no, at about 1:30, when I asked that question.

O'Grady makes contact with NATO airplane, 2:20, 7:20 last night, D.C. time, 4:20 in California, the signal is positively identified. The reason I brought up the West Coast is his mother, Mary Lou Scardapane, is up there in Washington State, in Washington, so she did not know, wherever you were, Mary Lou, at 4 o'clock, and I think she is watching this special order, wherever you were at 4:20, think about that moment. That is when God answered your prayers.

The father, a physician, Bill O'Grady, over here in Alexandria, VA, at 7:00 at night, maybe he is in the office late, trying not to bug the Pentagon, but like any dad, worried about his hero son. Three-thirty a.m., Bosnia-Herzegovina, Lake calls the President in his residential quarters and says, "It looks like it is real. It looks like a go." Sunrise, Bosnian time, 5:06, so it is 10:06 at night. I am watching the Channel 5 news, still no word about our missing pilot; name kept secret.

By the way, I want to tell you about Scott so you can picture him, and I do not know how tall he is or what color his hair is.

Do know he graduated from Embry-Riddle University. There are two of those, one in New Mexico and one in Florida. I do not know which one. He has got a younger brother, Paul, who is 25, a sister, Sheila, 26. She is the one I woke up to this morning to hear through her eyes and ears that her father walked into her room in the middle of the night and says, "Scott is alive. They have got him. He is rescued."

She said she thought it was a dream, and then she shook her head and realized that it was not a dream. Then she said, "We went berserk." So I guess that means Paul and Stacey and Dr. Bill were jumping around, that God had answered their prayers.

So it is now 5:45. A backup group of rescue aircraft and helicopters is launched. They remain offshore to monitor the rescue operation, to assist, if needed. Meanwhile, the Air Force guys, Avion, the best rescue guys in the world, are probably chomping at the bit to get there. But the Marines are closer on the deck of the *Kearsage*, and the primary rescue aircraft are told, "Go get him." They are launched from the *Kearsage*, two gigantic CH-53 Sea Stallion assault helicopters made up here in Connecticut, two AH Cobra attack helicopters, probably made in Texas, if I am correct, and two AV-8 Harrier jump jets made in St. Louis, all of them launched from the *Kearsage*.

I have been lucky enough to fly in all of these, and that Harrier still steals every air show everywhere in the country, everywhere it goes, when it bows to the audience, turns around, turns the vanes on those jets, and then it is up, up and away like Superman.

Six-twelve, rescue aircraft make radio contact with O'Grady, a happy ending here to the bridges of Toko-Ri. This is utterly fantastic.

Six-forty-four, rescuers spot a yellow smoke flare. Yes, Scott, our equipment does work, that O'Grady released to mark the landing site.

O'Grady, Captain Scott O'Grady, runs out of the woods, pistol in hand, and is picked up by a big Marine Corps CH-53 helicopter.

Six-forty-nine, 5 minutes later, Lake calls the commander-in-chief and says, "Got him." Clinton says, "It sounds like this is one amazing kid." Not a kid, a man, an athlete, a fighter pilot, a real man, not a young boy at 23 ditching classes at Oxford.

Seven-oh-seven, missile fired at helicopters after they lift off with O'Grady. Helicopter carrying O'Grady leaves Bosnia. The way the Marines probably said that to the *Kearsage* is, "Crossing the beach."

Over the Adriatic, 7:30, O'Grady is safely aboard the USS *Kearsage*. Break out the champagne aboard. So, from first contact, let us see, rescue makes contact at 6:12, and 1 hour and 8 minutes later, he is back on the deck of the *Kearsage*, and the Air Force rescue guys, Avion, probably launched, are probably saying, "Oh, well, next time."

Now, you could not write a better story than that, Mr. Speaker. Listen to this, what a great happy day for America. We have gone from what was, in my mind yesterday, questioning our Defense Secretary, one killed in action, our first in 3 years of that Bosnian fratricidal, horrible killing scene; I thought we had our first KIA. By the grace of God, we have gone from one KIA back to zero, no American man or woman dead in the Balkans, and I want to keep it that way.

Listen to this, Air Force Captain Scott F., and I wonder if that is for Fitzgerald or Francis, Scott F. O'Grady survived for 6 days after his F-16 was shot down by Serbs in Bosnia, shot down by a SAM-6 missile. That is 4 quad missiles on a mobile unit, very tough to hunt out and destroy. He hid out by day, slept by day, and hid out, moved at night, living on a small supply of survival rations, sparingly activating a radio transmitter.

His sister, Stacey, says he knew they were hunting him down, looking for him. She finally spoke to her brother by telephone between 3 and 4 a.m. this morning. What a happy day for them. Over there it is already 10 o'clock.

"He told us he was thinking about us and that helped him get through," O'Grady's younger brother, Paul, said. "If he made it out of the plane," Paul said, "I was not worried about my brother's survival or not. He has been well trained. He told me about all the survival things. I knew he would be okay."

The siblings all gathered at the home of their father, Dr. William O'Grady, in Alexandria, immediately after hearing, and I hope you are watching, Doc. He remained there throughout the week waiting for news. Stacy flew in from Chicago, where she is a teacher. Oh, gosh, what a heart-gripping vigil for the O'Gradys.

Paul drove up from Chapel Hill, NC, where he has a summer job before beginning dental school in the fall. The family stayed in contact with Scott's mom, who lives in Seattle. I am going to call her when I walk off the floor here, Mr. Speaker.

"We had a lot of ups and downs as the week went on," said the elder O'Grady. Dr. O'Grady said, "We knew he was hit by a missile. But at first we really did not know if he had ejected. There was no evidence of life." Later, news media reports indicated a parachute had been found. I missed that. A radio signal was being received. That sounded good. There was nothing definite.

Then the military may have known more than they could tell us. Yes. And they handled it perfectly.

I am a chairman, and they did not tell me, Doctor, and I am on the Intel Committee, and they did not tell me, Doctor, and I asked them, and I am glad I was not told. He was the first person to tell us that they had been contacted, if they contacted Scott by radio, and they were going in to get him, said the dad.

A short time later, perhaps 20 minutes, an Air Force general called to say O'Grady had been brought out by helicopter, a class act, hearing from a general officer.

The siblings reminisced, joked about old times together. "I slept with it last night, and I told them," because she was dreaming about her brother being rescued when she got the call, adding it was a very emotional moment. He was overwhelmed by the fact that so many people were fussing over him.

Stacey said she had been born on Scott's third birthday. They have the same birthday. "I took the limelight away from him. Now he is getting it back. He can have it all."

In Seattle, Scott's mother, Mary Lou Scardapane, was relieved enough to joke with reporters, typical fighter pilot's mom. "As a parent, I think one of our fears is when our kids are out at night and they are not at home on time. When they get home, they had better have a darned good reason. When he gets home, he had better have a darned good story." Oh, he does, Mary Lou, and Mrs. Scardapane and the stepfather, Joseph, said they planned to go to Italy to see Scott.

O'Grady suffered little more than a burn on the neck. Little more than a burn on the neck? That is not a sunburn. That is from the SAM–6 missile. Hunger pangs, he probably did not worry about that too much; and dehydration.

Clinton has called the O'Grady family. Clinton says bravery and skill are an inspiration. Yes, sir, just what is needed up and down the whole civilian chain of command who is still abusing our military men and women, so are the bravery and skill of those who took part in the operation, just doing their duty, Mr. President. They are all American heroes. That is right, particularly under these trying times, no pay raises.

Marine Colonel Marty Berandt, who helped coordinate the mission and was in one of the rescue choppers, it is getting too good to be believed here, Mr. Speaker, Marine Corps bird colonel, eagle type, in a chopper over enemy country, in the hot zone, with SAM–6 missiles and big SAM–2's tracking him; he is on the rescue board; that is my kind of Marine colonel, excellent, Marty, this is great.

"It won't be very soon," says the colonel, "that I will forget the look on the pilot's face as he approached the helicopter this morning." He said in a NATO commander's report that he pulled the pilot aboard was wrong, well, a Marine Corps colonel being a little humble. Here he was probably watching from the front cockpit, and why did he not pull him aboard? I bet he would have loved to have. Berandt said O'Grady was very talkative. That is called high adrenaline rate, in good spirits, and got a block here, lost 3 or 4 lines, helicopter this morning, no, here it is, here it is, I skipped ahead.

Once on board, O'Grady took some water and then dug right into a meal-ready-to-eat. Meals rejected by Ethiopians, and an MRE must have looked good to Scott, so he must have really been hungry, the colonel said.

Paul O'Grady praised his brother's rescuers. "I want to thank the Armed Forces, just from the bottom of my heart. I cannot thank them enough."

O'Grady, oh, it is getting better, born in Brooklyn, NY. I am born in Harlem, I hate to trump him, but Harlem trumps Brooklyn, probably not if you are born in Brooklyn, born on Columbus Day, October 12, 1965, so he has got his 30th birthday coming up. What an adventure for a 29-year-old.

O'Grady grew up in Spokane, WA, his home of record, earned a degree in aerospace aviation management in 1989. So he has only been out of college 6 years this month, from Embry-Riddle Aeronautical University. It is the one in Prescott, AZ. He was commissioned on April 20; that is the birthday of my young nephew, Matt, who is fighting as we speak to get into pilot training. Good luck, Matt. Commissioned April 20, 1989, 6 years ago, pilot training in the Euro-NATO joint jet pilot training. That is my nephew's fondest dream, at Sheppard Air Force Base in Texas, served as an F–16 pilot in Korea, Osan, I will bet, in Germany, and most recently in Italy, and has more than 780 hours of flying time.

□ 1815

I am glad I went long enough to get one of the hottest Marines serving in this House, my vintage, from the early fifties, the chairman of our great Committee on Rules, JERRY SOLOMON.

May this Air Force peacetime fighter pilot thank this Marine, as I did Wayne Grisham when he was in? God bless you for saving this snake-eating, face-on-fire, 29-year-old fighter pilot, plucking him right out of the hands of the crazed Serbian guys there.

I yield happily to the gentleman.

Mr. SOLOMON. I just want to thank the great American for yielding to me, but you know what happened yesterday in the rescue of that downed pilot just speaks to the real need of what we are going to be doing next week on the floor of this House, and I do not have to tell the gentleman because he is such a valuable member of the Committee on Armed Services, but we are going to take up a bill which is going to turn this country around and turn our military preparedness around.

The gentleman knows the condition that we were in back in the early 1970's, when just to attempt to rescue our hostages in a place called Iran we had to cannibalize about 14 helicopter gunships just to get 5 that would work, and they failed. So did the mission. That is the condition of our military preparedness back in the seventies. We have almost reached that area now.

Mr. DORNAN. Same helicopters, by the way, big H–53——

Mr. SOLOMON. Absolutely, and in the budget that we are going to be taking up, the armed services bill, on next Tuesday, which the gentleman had a lot to do with writing that bill, we are going to increase procurement by 11 percent instead of cutting our defense. We are going to be increasing procurement by 11 percent——

Mr. DORNAN. Hurrah.

Mr. SOLOMON. Research and development increased by 5 percent instead of a 20-percent cut, operation and maintenance up 3 percent, military facilities and installations up 5 percent.

And more than anything else, BOB, instead of putting a ceiling on how many Members can serve in the Armed Forces, we are putting a bottom on it, saying that this is how we cannot go any lower than this. We are going to maintain a strong military preparedness.

But the whole idea was in the rescue of that pilot which you know so well, the state-of-the-art technology in order to find the pilot, to communicate with him, and then to go in there and bring him out. That took great state-of-the-art technology, the same kind we used in Desert Storm where we could see them with night vision; they could not see us.

That is what we need to do any time we put any man or woman in combat. They better be there with the best we can give them, and that is what this bill is going to do next Tuesday, and I thank you for what you have done that way.

Mr. DORNAN. JERRY, I just wanted to touch on one thing.

I am the chairman of the Military Personnel Committee, so all of these ceilings and floors on military strength falls under my purview at first, until I turn it over to my friend and super chairman, FLOYD SPENCE, Navy captain type on Armed—now renamed the National Security Committee.

We also re-added to the floor that we put there now 7,500 new slots, and so as not to get into micromanaging, we told the Secretary of Defense, fine gentleman, Mr. Perry, "Look, here is 7,500 birds. You need them in Patriot missile batteries. You may need them in the Air Force and AWAC's. You may need them in the Marine Corps in certain areas where the Marines are stretched too thin. You pick them out for us, and, if we have disagreement with you, try not to micromanage. We will counsel together and figure out where we can put these slots."

Now I had an account for something else, and it looks like the battle is over. Even though you know just about everything on that Rules Committee, you do not know that I just went over to the Senate and asked my equivalent over there—we served with him, one of our class of '80, great Members in the House, DAN COATS, Senator, Indiana, chairman of their Military——

Mr. SOLOMON. Great Senator.

Mr. DORNAN. Right.

He told me he will put in his chairman's mark my HIV language, and it is not cruel. It simply says, as you and I have spoken, that if you have contracted the AIDS virus, and nobody is left in the military who got it through polluted blood.

You and I know that the odds are a 100 to 1, a 1,000 to 1, 10,000 to 1 you got it from violating the Uniform Code of

Military Justice. You put a dirty needle in your arm. That is the biggest category out of the roughly 400. You went to an off-limits house of prostitution where 100 percent of the prostitutes are infected with AIDS—the killing venereal disease virus—or you went to an off-limits homosexual bar. That is the smallest of the three categories. You are going to get a honorable discharge, and you ought to thank your stars for it, and you got 6 months to pack up your bags. I hope the military will move paster because they are going to go "figmo," and you remember what that means, not much you can get out of somebody when they know they are going to leave in a few months and they are leaving a little disgruntled. They will get the world's best hospital treatment in the VA hospitals. You worked those hospitals for almost two decades here. They transfer even to the very same hospital where they are already getting care.

But here is the important part. I have actually bought our military by putting off active duty honorably 1,400 HIV carriers. Not only do we make the walking blood bank safer, but we now have 1,400 slots to add to the 7,500 of men and women who are deployable anywhere in the world, who can fly, shoot, sail, and get in an armored vehicle, JERRY.

These people could not do any of this, and we have put off active duty, Mr. Speaker, 8,114 good, patriotic Americans because they did not have the will power to control their diet, for being overweight, and a few hundred for being underweight or too weak to do push-ups, lack of discipline. They are being honorably discharged.

How could we put our 8,000 people who have not violated the UCMJ, and, to be politically correct, keep on board 1,400 who cannot leave Virginia or California, if they were under the Naval Department, and not much else if they are Air Force or Navy? We have won that battle. No abortions in military hospitals. There is going to be a fight on the House floor.

Chairman COATS said he will put that in his mark, and next year, you will be happy to hear—and I am kind of an up front guy, that is my style, it is yours, too, JERRY—hearings on women in combat. We have agreed to have that this winter, hearings on "Don't ask."

I believe it is immoral not to tell a confused young person who maybe comes out of this all homosexual, weird high school in New York City that it is not compatible with military life. Democrat SAM NUNN's words, or IKE SKELTON, Democrat here in this House, other side of the aisle, good patriotic, gung-ho American whose son is in the First Armored Division in Europe. You must ask them so they can go, "Oh, I didn't know that. I won't join, then, if you don't want me." Instead, we bring them on board. They then get the news that then it is an administrative discharge and we wasted all that money.

We have fixed a lot of things, and there is more to fix, and, Chairman SOLOMON, you know how I look at this as a one-two punch in the 104th Congress. We have a lot of work left to do. We have got to work together.

Next year's defense bill will continue this earth-shaking bill that you have just discussed. It is going to be a great debate on the House floor, and hopefully this weekend I will be in Aviano hugging a lot of heroes over there and be back to give you a firsthand report; okay?

Mr. SOLOMON. We wish you well over there, and I will be interested in getting your report when you come back.

Mr. DORNAN. You got it.

Mr. SOLOMON. Thanks so much for being such a great Congressman.

Mr. DORNAN. You got it. Semper Fidelis, and, if I may say so, the Air Force is still aiming high. Off we go into the wild blue yonder, but not over Bosnia. Off the coast, stay out over the Adriatic.

I yield back the balance of my time. Have a good weekend, Mr. Speaker, and take care of all your Air Force guys down there in your neck of the woods.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1996

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 104–136) on the resolution (H. Res. 164) providing for consideration of the bill (H.R. 1530) to authorize appropriations for fiscal year 1996 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1996, and for other purposes, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. HARMAN (at the request of Mr. GEPHARDT), for today, on account of personal business.

Mr. YATES (at the request of Mr. GEPHARDT), for today, on account of personal business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. JACKSON-LEE) to revise and extend their remarks and include extraneous material:)

Mr. VOLKMER, for 5 minutes, today.

Mr. LIPINSKI, for 5 minutes, today.

Ms. JACKSON-LEE, for 5 minutes, today.

Mr. GENE GREEN of Texas, for 5 minutes, today.

Mr. POSHARD, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. SANDERS, for 5 minutes, today.

(The following Members (at the request of Mr. DREIER) to revise and extend their remarks and include extraneous material:)

Mr. RIGGS, for 5 minutes each day, on June 13, 14, and 15.

Mr. DORNAN, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. GONZALEZ, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Ms. JACKSON-LEE) and to include extraneous matter:)

Mr. VENTO.
Mr. MARKEY.
Mr. GORDON.
Mr. DEUTSCH.
Mr. BONIOR in six instances.
Ms. DELAURO in two instances.
Mr. LIPINSKI.
Ms. SLAUGHTER.
Mr. HINCHEY.
Mrs. MEEK of Florida.
Mr. GEJDENSON.
Mr. DINGELL.
Mr. SCHUMER.
Mr. THOMPSON.
Mr. POSHARD.
Mr. FRANK of Massachusetts.
Mr. COSTELLO.
Mr. CLEMENT.

(The following Members (at the request of Mr. DREIER) and to include extraneous matter:)

Mr. YOUNG of Alaska.
Mr. PORTMAN.
Mrs. JOHNSON of Connecticut.
Mr. GILMAN.
Mrs. ROUKEMA.
Mr. ENGLISH of Pennsylvania.
Mr. HANSEN.
Mr. CAMP.
Mr. UPTON.
Mr. MCCOLLUM.
Mr. HORN.
Mr. DORNAN.
Mr. FUNDERBURK.
Mr. ISTOOK.
Mr. FIELDS of Texas.

(The following Members (at the request of Mr. DORNAN) and to include extraneous matter:)

Mr. STUMP.
Mr. MCHUGH.
Mr. RICHARDSON.
Mr. HORN.
Mr. BORSKI.
Mr. BURTON of Indiana.
Mr. CUNNINGHAM in two instances.
Ms. KAPTUR.
Mr. SOLOMON.
Mrs. MORELLA.

Mrs. WALDHOLTZ.
Mr. PACKARD.
Mr. TALENT.

ADJOURNMENT

Mr. DORNAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 26 minutes p.m.), the House adjourned until tomorrow, Friday, June 9, 1995, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1002. A letter from the Chief of Legislative Affairs, Department of the Navy, transmitting notification that the Department intends to offer for lease one naval vessel to the Government of Eritrea, pursuant to 10 U.S.C. 7307(b)(2); to the Committee on National Security.

1003. A letter from the Chief of Legislative Affairs, Department of the Navy, transmitting notification that the Department intends to offer for lease one naval vessel to the Government of Tunisia, pursuant to 10 U.S.C. 7307(b)(2); to the Committee on National Security.

1004. A letter from the Secretary of Energy, transmitting the Department's annual report on Federal Government energy management and conservation programs during fiscal year 1993, pursuant to 42 U.S.C. 6361(c); to the Committee on Commerce.

1005. A letter from the Secretary of Energy, transmitting the Department's 29th quarterly report to Congress on the status of Exxon and stripper well oil overcharge funds as of December 31, 1994; to the Committee on Commerce.

1006. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance [LOA] to Israel for defense articles and services (Transmittal No. 95-26), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

1007. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance [LOA] to Taipei Economic and Cultural Representative Office in the United States for defense articles and services (Transmittal No. 95-25), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

1008. A letter from the Administrator, Small Business Administration, transmitting a draft of proposed legislation to amend the Small Business Act and Small Business Investment Act of 1958; to the Committee on Small Business.

1009. A letter from the Secretary, Department of the Treasury, transmitting the 1995 annual report on the public debt, pursuant to Public Law 103-202, section 201(a) (107 Stat. 2355); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XXIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HYDE: Committee on the Judiciary. H.R. 962. A bill to amend the Immigration Act of 1990 relating to the membership of the U.S. Commission on Immigration Reform (Rept. 104-135). Referred to the Committee of the Whole House on the State of the Union.

Mr. SOLOMON: Committee on Rules. House Resolution 164. Resolution providing for consideration of the bill (H.R.1530) to authorize appropriations for fiscal year 1996 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1996, and for other purposes (Rept. 104-136). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. YOUNG of Alaska:

H.R. 1786. A bill to regulate fishing in certain waters of Alaska; to the Committee on Resources.

By Mr. BILBRAY (for himself, Mr. BURR, and Mr. COX):

H.R. 1787. A bill to amend the Federal Food, Drug, and Cosmetic Act to repeal the saccharin notice requirement; to the Committee on Commerce.

By Ms. MOLINARI (for herself and Mr. SHUSTER):

H.R. 1788. A bill to reform the statutes relating to Amtrak, to authorize appropriations for Amtrak, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. WYDEN (for himself and Mr. HOUGHTON):

H.R. 1789. A bill to make permanent certain authority relating to self-employment assistance programs, and for other purposes; to the Committee on Ways and Means.

By Mr. HORN (for himself, Mr. TUCKER, Mr. ROYCE, Mr. BECERRA, Ms. HARMAN, Ms. ROYBAL-ALLARD, Mr. TORRES, and Ms. WATERS)

H.R. 1790. A bill to amend the Internal Revenue Code of 1986 to permit tax-exempt financing of certain transportation facilities; to the Committee on Ways and Means.

By Mr. BARTON of Texas (for himself, Mr. COLEMAN, Mr. GREENWOOD, Mr. ACKERMAN, Ms. PRYCE, Mr. DINGELL, Mr. LEACH, Mr. LEVIN, Mr. EMERSON, Mr. SKELTON, Mr. UPTON, Mr. JACOBS, Mr. KIM, Mr. RAHALL, Mr. KILDEE, Mr. DEUTSCH, Mr. SMITH of New Jersey, Mr. BRYANT of Texas, Mr. STUPAK, Mr. BARCIA, Mr. FROST, and Mr. BROWN of Ohio):

H.R. 1791. A bill to amend title XIX of the Social Security Act to make certain technical corrections relating to physicians' services; to the Committee on Commerce.

By Mr. BRYANT of Tennessee:

H.R. 1792. A bill to amend the Internal Revenue Code of 1986 to provide that no deduction shall be allowed for personal income taxes paid to a State, or political subdivision thereof, which taxes nonresidents on income derived from certain Federal areas; to the Committee on Ways and Means.

By Mr. CARDIN (for himself, Mr. BUNNING of Kentucky, and Mr. MFUME):

H.R. 1793. A bill to amend the Internal Revenue Code of 1986 to allow a credit or deduction for interest paid on educational loans; to the Committee on Ways and Means.

By Mr. CHRYSLER (for himself, Mr. MANTON, Mr. ACKERMAN, Mr. SOLOMON, and Mr. CALVERT):

H.R. 1794. A bill to amend the Violent Crime Control and Law Enforcement Act of 1994 to double the minimum and maximum penalties for crimes against elderly and child victims; to the Committee on the Judiciary.

By Mrs. COLLINS of Illinois:

H.R. 1795. A bill to improve Government procurement procedures; to the Committee on Government Reform and Oversight, and in addition to the Committee on National Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CRANE:

H.R. 1796. A bill to amend section 1951, commonly called the Hobbs Act, of title 18 of the United States Code to prevent union violence; to the Committee on the Judiciary.

By Ms. DELAURO (for herself, Mr. MCHALE, Mr. WARD, and Mr. GEJDENSON):

H.R. 1797. A bill to require employer health benefit plans to meet standards relating to the nondiscriminatory treatment of neurobiological disorders, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Economic and Educational Opportunities, and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DELLUMS:

H.R. 1798. A bill to establish a U.S. Health Service to provide high quality comprehensive health care for all Americans and to overcome the deficiencies in the present system of health care delivery; to the Committee on Commerce, and in addition to the Committee on Ways and Means, the Judiciary, Government Reform and Oversight, National Security, and Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ENGLISH of Pennsylvania (for himself, Mr. WELLER, Mr. ACKERMAN, and Mr. BLUTE):

H.R. 1799. A bill to amend the Internal Revenue Code of 1986 to allow a credit for the cleanup of certain contaminated industrial sites; to the Committee on Ways and Means.

By Mr. FALEOMAVAEGA (for himself and Mr. UNDERWOOD):

H.R. 1800. A bill to amend the Expedited Funds Availability Act to clarify the application of that act to American Samoa and Guam; to the Committee on Banking and Financial Services.

By Mr. FOLEY:

H.R. 1801. A bill to privatize certain Federal power generation and transmission assets, and for other purposes; to the Committee on Commerce.

By Mr. GEKAS (for himself, Mr. BARRETT of Wisconsin, Mr. BEVILL, Mr. BONILLA, Mr. BONO, Mr. CALVERT, Mr. FRANK of Massachusetts, Mr. KANJORSKI, Mr. KLECZKA, Mr. INGLIS of South Carolina, Mr. SOLOMON, and Mr. GILMAN):

H.R. 1802. A bill to reorganize the Federal administrative law judiciary, and for other purposes; to the Committee on the Judiciary.

By Mr. HANSEN (for himself, Mr. GALLEGLY, Mrs. VUCANOVICH, and Mr. HORN):

H.R. 1803. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize additional projects; to the Committee on Resources.

By Mr. HUTCHINSON:

H.R. 1804. A bill to designate the U.S. Post Office-Courthouse located at South 6th and Rogers Avenue, Fort Smith, AR as the "Judge Isaac C. Parker Federal Building"; to the Committee on Transportation and Infrastructure.

By Mr. LIGHTFOOT:

H.R. 1805. A bill to amend title 18, United States Code, to exempt qualified current or former law enforcement officers from State laws prohibiting the carrying of concealed firearms; to the Committee on the Judiciary.

By Mr. McCOLLUM (for himself and Mr. STENHOLM):

H.R. 1806. A bill to authorize appropriations for the Legal Services Corporation Act and for other purposes; to the Committee on the Judiciary.

By Mr. MORAN (for himself, Mr. MARTINEZ, Mr. LAUGHLIN, Mr. MONTGOMERY, Mr. SPRATT, Mr. DEUTSCH, Mr. BEREUTER, Mr. LIPINSKI, Mr. MILLER of California, Mrs. COLLINS of Illinois, Mr. POMEROY, Mr. HILLIARD, Mr. UNDERWOOD, Mr. FALEOMAVAEGA, Mr. MENENDEZ, Ms. KAPTUR, Mrs. CLAYTON, Ms. SLAUGHTER, Ms. LOFGREN, Mr. JACOBS, Mr. HALL of Ohio, Mr. THORNTON, Mr. PAYNE of Virginia, Mr. MOLLOHAN, Mr. CLYBURN, Mr. FROST, and Mr. HEFNER):

H.R. 1807. A bill to provide means of limiting the exposure of children to violent programming on television and for other purposes; to the Committee on Commerce.

By Mr. ROTH:

H.R. 1808. A bill to amend the Agricultural Adjustment Act to repeal the minimum adjustments to prices of fluid milk under Federal marketing orders and to establish basing points in various geographical areas of the United States for purposes of determining prices to be paid to milk producers under such orders; to the Committee on Agriculture.

By Mr. STUMP (for himself and Mr. MONTGOMERY):

H.R. 1809. A bill to authorize the American Battle Monuments Commission to enter into arrangements for the repair and long-term maintainence of war memorials for which the Commission assumes responsibility; to the Committee on Veterans' Affairs.

By Mr. ZIMMER (for himself and Mr. KLUG):

H.R. 1810. A bill to amend title 18, United States Code, to provide for the privatization of health care services in the Federal prison system; to the Committee on the Judiciary.

By Mr. RANGEL.

H. Res. 165. Resolution expressing the sense of the House of Representatives that children are America's greatest assets; to the Committee on Economic and Educational Opportunities.

MEMORIALS

Under clause 4 of rule XXII,

108. The SPEAKER presented a memorial of the Senate of the State of Tennessee, relative to memorializing the U.S. Congress to propose an amendment to the U.S. Constitution to restore to the people the right of free religious expression, including the right to allow prayer, religious study, and religious expression in public schools and other public assemblies, and to submit such constitutional amendment to the several States for proper ratification; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 38: Mr. TANNER, Ms. LOFGREN, Mr. JOHNSTON of Florida, Ms. BROWN of Florida, Mr. LUCAS, Mr. COBLE, and Mr. HERGER.

H.R. 72: Mr. SCARBOROUGH, Mr. DEUTSCH, Ms. BROWN of Florida, and Mr. FOLEY.

H.R. 73: Mr. SCARBOROUGH, Mr. DEUTSCH, and Ms. BROWN of Florida.

H.R. 188: Ms. KAPTUR.

H.R. 219: Mr. BONO.

H.R. 248: Mr. DAVIS.

H.R. 249: Mrs. MALONEY.

H.R. 311: Mr. MARKEY and Mr. FOLEY.

H.R. 326: Mr. GALLEGLY.

H.R. 359: Mr. SAXTON.

H.R. 390: Mr. METCALF and Mr. LOBIONDO.

H.R. 427: Mr. BUNNING of Kentucky, Mr. CALVERT, Mr. HUTCHINSON, and Mr. LAHOOD.

H.R. 444: Ms. DELAURO.

H.R. 607: Mr. OBEY.

H.R. 682: Mr. DORNAN.

H.R. 743: Mr. MCINTOSH, Mr. BONILLA, Mr. GALLEGLY, Mr. GREENWOOD, and Mrs. SEASTRAND.

H.R. 752: Mr. COMBEST, Mr. BAESLER, Mr. FROST, Mr. TEJEDA, Mr. SMITH of Texas, and Mr. GINGRICH.

H.R. 753: Mr. LUTHER.

H.R. 769: Mrs. JOHNSON of Connecticut.

H.R. 833: Mr. SERRANO, Mr. COLEMAN, and Mr. GENE GREEN of Texas.

H.R. 835: Mr. DEFAZIO.

H.R. 844: Mr. WELLER.

H.R. 893: Mr. SABO, Mr. MARTINI, and Mr. LATOURETTE.

H.R. 910: Mr. REYNOLDS and Mr. MILLER of California.

H.R. 940: Mr. FALEOMAVAEGA, Mr. GONZALES, Ms. JACKSON-LEE, and Mr. WATT of North Carolina.

H.R. 946: Mr. FAWELL.

H.R. 963: Mr. GOODLATTE, Mr. MURTHA, Mr. CAMP, Mr. SOLOMON, Mr. BONIOR, Mr. LATOURETTE, Mrs. LINCOLN, Mr. PAYNE of Virginia, Mr. PETRI, Mr. STUMP, Mr. COSTELLO, Mr. YOUNG of Alaska, Mr. CRAPO, and Mr. MINETA.

H.R. 966: Mr. BROWN of California and Mr. CLYBURN.

H.R. 1020: Mr. GEKAS and Mr. SMITH of New Jersey.

H.R. 1023: Mr. SMITH of New Jersey and Mr. BLUTE.

H.R. 1044: Mr. EHLERS.

H.R. 1114: Mr. JACOBS and Mr. FORBES.

H.R. 1138: Mr. HOKE and Mr. GENE GREEN of Texas.

H.R. 1172: Ms. SLAUGHTER, Mr. DAVIS, Mr. GOSS, Mr. CHRISTENSEN, Mr. FUNDERBURK, Mr. MCNULTY, and Ms. VELÁZQUEZ.

H.R. 1204: Mr. REYNOLDS, Mr. BUNN of Oregon, Mr. SOLOMON, and Mrs. MALONEY.

H.R. 1210: Mr. MENENDEZ.

H.R. 1229: Ms. MCKINNEY and Mr. REYNOLDS.

H.R. 1264: Mr. HASTINGS of Florida.

H.R. 1274: Mr. BLUTE.

H.R. 1278: Mr. KENNEDY of Massachusetts, Mr. SERRANO, Mr. HASTINGS of Florida, Mr. BARRETT of Wisconsin, Mr. CLYBURN, and Mr. THOMPSON.

H.R. 1319: Mr. SAWYER, Ms. SLAUGHTER, Mr. WILLIAMS, and Mr. EHLERS.

H.R. 1329: Mr. OLVER and Mr. RICHARDSON.

H.R. 1377: Mr. NORWOOD.

H.R. 1386: Mr. PICKETT and Mr. MCINTOSH.

H.R. 1424: Mr. SOLOMON.

H.R. 1501: Mr. SOLOMON and Mr. SOUDER.

H.R. 1515: Mr. JACOBS.

H.R. 1535: Mr. MEEHAN, Mr. SKELTON, and Mr. BENTSEN.

H.R. 1540: Mr. DOOLITTLE, Mr. CAMP, Mr. GENE GREEN of Texas, Mr. SHAYS, Mr. CALVERT, Mr. POSHARD, Mr. NORWOOD, Mr. SAXTON, Mr. POMBO, Mr. BONO, and Mr. WELLER.

H.R. 1547: Mr. LANTOS.

H.R. 1552: Mr. BRYANT of Tennessee, Mr. ANDREWS, Mr. SOUDER, Mr. WARD, Mr. GOODLATTE, Mr. DOYLE, Mr. PETERSON of Minnesota, Mr. BONILLA, Mr. BROWDER, Mr. TORRICELLI, Mr. BLUTE, Mr. RADANOVICH, Mr. CHAMBLISS, Mr. PICKETT, and Mr. KING.

H.R. 1559: Mr. MARTINI, Mr. SABO, Mr. FRANK of Massachusetts, and Mr. CANADY.

H.R. 1594: Mr. SCHAEFER, Mr. CRAPO, Mr. GOSS, and Mr. FORBES.

H.R. 1598: Mr. KLINK, Mr. DELLUMS, Mr. EVANS, and Mr. BURTON of Indiana.

H.R. 1608: Mr. OWENS and Mr. TOWNS.

H.R. 1610: Mr. BREWSTER.

H.R. 1627: Mr. FRANKS of Connecticut.

H.R. 1640: Mr. FOLEY, Mr. CANADY, Mr. INGLIS of South Carolina, Mr. MCCRERY, and Mr. TAYLOR of North Carolina.

H.R. 1744: Mr. CARDIN and Mr. BERMAN.

H.R. 1768: Mr. ISTOOK and Mr. ROYCE.

H. Con. Res. 42: Mr. WAMP, Mr. DUNCAN, Mr. SENSENBRENNER, Mr. SAXTON, and Mr. FLANAGAN.

H. Res. 28: Mr. SOUDER, Mr. CHRISTENSEN, Mr. BURTON of Indiana, Mr. CRAPO, and Mr. JACOBS.

H. Res. 30: Mr. MILLER of Florida, Mrs. SMITH of Washington, Mr. ANDREWS, Mr. HEINEMAN, Mr. KENNEDY of Massachusetts, Mr. WARD, and Mr. BILBRAY.

H. Res. 39: Mr. MORAN.

H. Res. 102: Mr. CANADY.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

[Omitted from the Record of March 10, 1995]

H. Con. Res. 5: Mr. FOX.

SENATE—*Thursday, June 8, 1995*

(Legislative day of Monday, June 5, 1995)

The Senate met at 9:31 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious Lord of this Senate, we firmly believe that it is by Your choice and providence that we are here, called to serve You and our Nation together.

Today, we thank You for the strategic role of the Secretary of the Senate. Our lives and the ongoing work of the Senate have been deeply enriched and immensely enabled by the effective leadership of Sheila Burke. Thank You for her commitment to excellence and her loyalty and faithfulness to Senator DOLE and the ongoing work of the Senate.

Now Lord, we ask Your blessing on Kelly Johnston as he is installed as the new Secretary. We thank You for his talents, experience, and gifts that prepare him for this challenging responsibility. We gratefully affirm his commitment to You, and the forward movement of the process of shaping the future of America through the deliberations of this Senate. As he is installed may he experience a fresh anointing of the strength of Your spirit and a renewed assurance of the esteem of the Senators, officers, and all the staffs that make up the Senate family. Thank You Lord for the privilege of working for You, working for our beloved Nation and working together in unity. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

Mr. PRESSLER. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ELECTING KELLY D. JOHNSTON AS SECRETARY OF THE SENATE

Mr. NICKLES. Mr. President, I send a resolution to the desk electing Kelly Johnston Secretary of the Senate and ask for its immediate consideration.

The PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 129) to elect Kelly D. Johnston as Secretary of the Senate.

Resolved, That Kelly D. Johnston, of Oklahoma, be, and he hereby is, elected Secretary of the Senate beginning June 8, 1995.

The PRESIDENT pro tempore. Is there objection to proceeding to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

The PRESIDENT pro tempore. Without objection, the resolution is agreed to.

So the resolution (S. Res. 129) was agreed to.

ADMINISTRATION OF OATH TO THE SECRETARY OF THE SENATE

The PRESIDENT pro tempore. The Secretary of the Senate will be escorted to the desk for the oath of office.

The Honorable Kelly D. Johnston, escorted by the Honorable Sheila Burke, advanced to the desk of the President pro tempore; the oath prescribed by law was administered to him by the President pro tempore.

The PRESIDENT pro tempore. You are now Secretary of the Senate.

[Applause, Senators rising.]

Mr. NICKLES. Mr. President, one, I wish to congratulate Kelly Johnston for now being named and appointed Secretary of the Senate.

I have had the privilege of knowing Kelly Johnston for several years. He is an outstanding individual. I have had, indeed, the honor of having him be the executive director of the Republican Policy Committee for the last 3 years, where he did an outstanding job in serving all Republican Senators.

Now as Secretary of the Senate, I am confident he will do an outstanding job serving the entire family of the Senate.

It gives me a great deal of pleasure not only to recommend Kelly Johnston for this position, but to see that he is now Secretary of the Senate.

Mr. President, I also acknowledge that his family is here, most of whom are from Oklahoma. We are delighted to have them join us as well, his wife Adrienne and his parents. They, indeed, I know, are very, very proud of Kelly Johnston for his service and for his selection for this position.

I would also like to compliment Sheila Burke for her service as Secretary of the Senate and also as chief of staff to the majority leader. She had two very big jobs and she has carried them out exceptionally well, and I compliment her.

PROVIDING FOR NOTIFICATION TO THE PRESIDENT OF THE UNITED STATES OF THE ELECTION OF SECRETARY OF THE SENATE

Mr. NICKLES. Mr. President, I send a resolution to the desk notifying the President of the election of Kelly Johnston as Secretary of the Senate and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. GREGG). The resolution will be stated by title.

The legislative clerk read as follows:

A resolution (S. Res. 130), providing for notification to the President of the United States of the election of Secretary of the Senate.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the resolution is considered and agreed to.

The resolution (S. Res. 130) was agreed to, as follows:

Resolved, That the President of the United States be notified of the election of the Honorable Kelly D. Johnston, of Oklahoma, as Secretary of the Senate.

PROVIDING FOR NOTIFICATION TO THE HOUSE OF REPRESENTATIVES OF THE ELECTION OF SECRETARY OF THE SENATE

Mr. NICKLES. Mr. President, I send a resolution to the desk notifying the House of Representatives of the election of Kelly Johnston as Secretary of the Senate and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated by title.

The legislative clerk read as follows:

A resolution (S. Res. 131), providing for notification to the House of Representatives of the election of Secretary of the Senate.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the resolution is considered and agreed to.

The resolution (S. Res. 131) was agreed to, as follows:

Resolved, That the House of Representatives be notified of the election of the Honorable Kelly D. Johnston, of Oklahoma, as Secretary of the Senate.

Mr. NICKLES. I again thank my colleagues. I thank Senator DOLE for an outstanding selection. I know Senator

INHOFE, Senator DOLE, myself, Senator LOTT, and Senator THURMOND are all very proud to have Kelly Johnston be the next Secretary of the Senate.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I just want to take this opportunity to commend Sheila Burke for the great job she has done and the service she has rendered to this Senate and to this country. She is a lady of ability, integrity, and dedication. We have been very fortunate to have her to serve as she has done so faithfully.

I also would like to congratulate Kelly Johnston for assuming the secretaryship of this Senate. This is a very important position. It involves many activities that concern all of us, and I am sure, since he is going to run the service, it will be efficient, capable, and helpful to this country.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, I would like to join the others this morning in congratulating Kelly Johnston upon his selection to be the Secretary of the Senate. I, too, have known Kelly for several years. I have known him to be always very efficient and very effective in whatever he has done. His work with the Republican Party in the past, but particularly his work at the policy committee, has been exceptional.

The papers, the studies, the analyses, the statistics that we receive from the policy committee—under the chairmanship of DON NICKLES, but under the stewardship, also, of Kelly Johnston as executive director of the policy committee—has been outstanding. I always look forward to receiving those documents. In fact, I have one of their very good pieces right here before me this morning on the telecommunications bill.

He has done outstanding work. I think his ability to get along with people and his knowledge of the Senate will serve us all very well. I congratulate him and his family for the fine work he has done and look forward to working with him in the future.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, let me also join in the welcoming of Kelly Johnston as our new Secretary of the Senate. He has done outstanding work for the Senator from Oklahoma, and we are pleased at his appointment.

I particularly wanted to emphasize the admiration that we have all had for the job done by Sheila Burke. I had the utmost confidence in the former Secretary, Joe Stewart. He had been around this body 40-some years. I will never forget, recently, as we talked, he was commenting on the outstanding job being done by Sheila Burke. He said she was the most efficient Secretary that we had ever had in there. I am sorry to see her not continue, but I understand that Kelly Johnston will be well able, after a short time, to perform equally well.

So I both welcome Mr. Johnston and I lament the loss of Sheila Burke, but she will be continuing to work with us, I am sure.

I yield the floor.

Mr. PRESSLER. Mr. President, may I just say a word about Sheila Burke and Kelly Johnston? I would like to join in praise. Sheila Burke has been absolutely amazing. She is somebody we can go to and get something done right away. She will always have the answer. I join in the congratulations to Kelly Johnston and I look forward to working with him.

TRIBUTE TO GEN. GORDON R. SULLIVAN, CHIEF OF STAFF, U.S. ARMY

Mr. THURMOND. Mr. President, I rise today to recognize one of our country's finest soldiers, Gen. Gordon R. Sullivan, the Chief of Staff of the Army, who is retiring after a distinguished 36-year career.

General Sullivan began his service in 1959 when he was commissioned a second lieutenant of armor upon graduation from Norwich University. He commanded troops at every level from platoon to division, including the 1st Infantry Division, and served two tours of duty in Vietnam. He also spent an extensive amount of time overseas, serving four tours in Euorpe and one in Korea.

General Sullivan held a number of increasingly important duty positions at the corps, NATO, and Department of the Army levels. He influenced a generation of leaders at the Command and General Staff College, where he served as the Deputy Commandant. Throughout his career he exemplified selfless devotion to duty and totally committed leadership.

I believe history will show that General Sullivan led the Army through one of its most challenging periods with exceptional skill, courage, and wisdom. Most importantly, he preserved the Army and its high standards of excellence during the turbulent post-cold-war drawdown, and positioned the Army for the future. He is widely and rightly acknowledged as a visionary thinker, both within military and private industry circles. The Army of the 21st century will regard General Sullivan as the bold, courageous architect of a preeminent military force which is able to apply technology to maximum advantage.

Mr. President, our Nation owes General Sullivan its deepest appreciation for his truly distinguished service. I wish him and his wife, Gay, continued success and happiness in all future endeavors.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

THE TELECOMMUNICATIONS COMPETITION AND DEREGULATION ACT

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 652, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 652) to provide for a pro-competitive, deregulatory national policy framework designed to accelerate rapidly private sector deployment of advanced telecommunications and information technologies and services to all Americans by opening all telecommunications markets to competition, and for other purposes.

Pending:

Dole amendment No. 1255, to provide additional deregulation of telecommunications services, including rural and small cable TV systems.

Pressler-Hollings amendment No. 1258, to make certain technical corrections.

The Senate resumed consideration of the bill.

The PRESIDING OFFICER. Who seeks time?

The Senator from South Dakota.

Mr. PRESSLER. Mr. President, we are resuming consideration of the telecommunications bill. We had opening statements last night and we urged Senators to bring amendments to the floor. We eagerly are awaiting the many amendments because we only have a certain amount of time and we are urging all offices and all Senators who have amendments to bring them to the floor. We are ready to go, as we have emphasized in our opening speeches last night.

Let me just reiterate, I think the movement of this bill is very important to America. It will create an explosion of new jobs, of new devices, and of new activities. I know there are a variety of amendments. We have welcomed them. I am prepared to yield the floor to any other Senator who has statements at this time.

The PRESIDING OFFICER. Who seeks recognition?

The Senator from Nebraska.

Mr. KERREY. Mr. President, I restate at the beginning what I said last evening; that is, I believe the distinguished chairman, the Senator from South Dakota, and the distinguished ranking member, the Senator from South Carolina, have done an awful lot of work on this, a lot of good work. I appreciate the work they have done. They allowed me to be involved in many of these steps.

But I say for emphasis, I cannot support this bill. I do not believe it provides the kind of protection for consumers that needs to be provided. I believe many of the statements that have been made thus far overestimate the impact upon the economy and underestimate the disruption that will occur to households throughout this country.

No Member should doubt this. Any Member who doubts the impact of this legislation should go back and read clippings from 1984, when William Baxter and Judge Greene signed a consent decree, or when the U.S. Government and AT&T signed a consent decree in Judge Greene's court. Talk to consumers and talk to households and citizens in 1984 and 1985, and you will find an awful lot of those folks will say, "Why don't you put the phone company back together?"

I believe that action was good. That action was taken by the Antitrust Division of the Department of Justice. I say that for emphasis. Justice is given a consultative role in this legislation. But they were the prime mover in breaking up the monopoly that many people cite as the reason for wanting to go even further today.

Second, you will hear people come to the floor and say and act as if somehow the regulations are really tying up American business. I intend to come to the floor and bring profit and loss statements and to bring economic analysis.

Where do you go in this world to find better phone service? Where do you go in this world to find better cable? Where do you go in this world to find businesses doing better than American businesses in telecommunications? It may be in fact it is true that our regulations need to be changed. But please let us not come down here and act as if we have these corporations all handcuffed as if they are not making any money, sort of hamstrung and cannot move and cannot reach the customers they want to reach to generate the revenue they are trying to generate.

This piece of legislation will touch roughly half of the U.S. companies in America and every single American household. Citizens who wonder how it is going to affect them need to pay careful attention to the 146 pages of legislation that is before this body today. The law matters. The law determines how people behave. This law governs the behavior of American corporations in nine basic communications industries. If you are a household or a citizen who is affected by the broadcast industry, this legislation affects you because this legislation affects the broadcast industry. If you are a home or a citizen who has cable coming into your household, this affects you. This legislation affects the regulations governing the cable industries of America and the telephone coming into your household.

This 146 pages in S. 652 affects you because this deregulates the telephone industries in America in a very dramatic and I believe generally constructive fashion. If you are a person who goes to the movies, or you are a person who buys CD-ROM's or buys records of any kind, this affects you because it affects Hollywood, and it affects the music recording business. It is written into this law.

If you have a newspaper coming into your household, or you subscribe to magazines or electronic publishing of any kind, it affects you because this legislation affects American publishers as well. If you buy a computer or use a computer in the workplace, it affects you again. If you purchase consumer electronics or are a consumer of wireless services or satellite services, all the nine basic communications industries, all growing relatively rapidly, all affect each and every single American citizen in their homes and in their workplace.

Let no Member of this Senate underestimate the impact of this legislation. We had a great debate over the budget resolution. I know from my own personal experience with that legislation that there was a great deal of concern. Gosh, what if you vote for it, is it going to be a problem? Are people going to get angry with you? There are changes in Medicare, and cuts in programs. Are people going to get unhappy because we finally are asking them to pay the bills of the Government? The answer is probably yes. Probably they are going to get a little bit upset.

This piece of legislation is more dramatic than the budget resolution. This piece of legislation affects Americans far more intimately than that budget resolution. There is not an American citizen that will not be affected by this piece of legislation.

Last night on the floor of the Senate the distinguished Senator from South Dakota said:

> The recent hearing process which informed the Commerce Committee and led to the development of S. 652 began in February 1994. In 1994 and 1995, the Commerce Committee held 14 days of hearings on telecommunications reform. The committee heard from 109 witnesses during this process. The overwhelming message we received was that Americans want urgent action to open up our Nation's telecommunications market.

Mr. President, I challenge that statement. I challenge the statement that we can conclude from the hearing process that "Americans want urgent action to open up our Nation's telecommunications market."

Tell me who it was that in a town hall meeting stood up and said, "Senator GREGG, would you go to Congress and make sure you get down there and change the laws to help our telecommunications market?" Where do we have polling data that shows what the people of South Dakota or Nebraska or South Dakota or New Hampshire or elsewhere say about this particular piece of legislation? Were they heard in the hearing procession?

If you look, in fact, at the hearings held on this bill, on January 9, 1995, the committee had their first hearing. They heard from the distinguished majority leader, the Senator from Kansas, Senator DOLE. They heard from the chairman of the House full Committee on Commerce, Congressman BLILEY. They heard from the chairman of the Subcommittee on Telecommunications, JACK FIELDS. That was panel No. 1.

Then on the 2d of March, the committee held another hearing. They heard from Anne Bingaman, who is the Chief of the Antitrust Division at the Department of Justice. They heard from Larry Irving, Assistant Secretary of the National Telecommuncations Information Administration in the Department of Commerce, which is being proposed to be abolished, an interesting witness; Kenneth Gordon, representing NARUC, a State regulatory agency. That is panel No. 2 on the 2d of March.

Also, on the 2d of March another panel, Peter Huber, senior fellow from the Manhattan Institute; George Gilder, senior fellow from the Discovery Institute; Clay Whitehead with Clay Whitehead & Associates; Henry Geller from the Markle Foundation; John Mayo, professor at the University of Tennessee; Lee Selwyn, professor of economics and technology.

Then on the 21st of March the committee met again. This is the third hearing on this particular piece of legislation. On that day there were three panels.

Panel No. 1: Decker Anstrom with the National Cable Association; Richard Cutler, Satellite Cable Services; Gerald Hassell, Bank of New York; Roy Neel, U.S. Telephone Association; Bradley Stillman, Consumer Federation of America.

Then the second panel: U. Bertram Ellis, Ellis Communications, Inc.; Edward Fritts, National Association of Broadcasters; Preston Padden, Fox Network; Jim Waterbury of NBC Affiliates.

Panel No. 3: Scott Harris from the FCC, not on behalf of the FCC but his own personal testimony; and Eli Noam, Communications Institute for Teleinformation. That was the third set of hearings.

On the 23d of March, the full committee had their markup, and the bill was reported out 17 to 2.

I would like to put on my glasses and read the small print of some of the things that were said in these hearings. Just again, the idea here is I am respectfully challenging what I think is a very important statement, a very important statement that lots of others are going to make as well; that is, that the overwhelming message we received was that Americans "want urgent action to open up our Nation's telecommunications market." Keep that in mind.

What do the households in your State want? What do the citizens of your

State want? What do the people who elected you and sent you here to the U.S. Congress want? What do they want?

Let us see what they wanted as we look at the hearings that were held. They said: First, there were the three Members of Congress.

> Senator Dole advocated quick passage of telecommunications legislation. He noted that rural Americans are concerned about telecommunications legislation, as it offers tremendous opportunities for economic growth. He testified that legislation should underscore competition and deregulation, not reregulation.
>
> Chairman Bliley stated that the goals of telecommunications legislation should be to: one, encourage a competitive marketplace; two, not grant special Government privileges; three, return telecommunications policy to Congress; four, create incentives for telecommunications infrastructure investment, including open competition for consumer hardware; and, five, remove regulatory barriers to competition.
>
> Chairman Fields stated telecommunications reform is a key component of the legislative agenda of 104th Congress. He chastised those who speculated that Congress will be unable to pass telecommunications legislation this year. He asserted that the telecommunications industry is in a critical stage of development, and that Congress must provide guidance.

I did not hear any of those three witnesses come and say "Americans want urgent action to open up the telecommunications market." They are talking about American corporations. They are talking about American industry and advising them that they want to do things that they are currently unable to do because the regulations say they are prohibited from doing it. That is what this bill is about, businesses that want to do something that they are currently not allowed to do. That is what it is all about—change in the law. All of these various businesses do something that they currently cannot do. In many cases, I support it. But I am not getting calls from people at home saying, "Gee, Bob, I hope you are really getting there because we want to make sure that our Nation's telecommunications markets get opened, there is a very urgent need to do it."

Listen to panel No. 1, second hearing:

> Anne Bingaman testified that the administration favors legislation that is comprehensive and national in scope, opens the BOC local monopoly, and provides for interconnection at all points.
>
> She claims that local loop competition will bring consumers the same benefits that long distance competition brought consumers when the Justice Department broke up AT&T.

I believe that Anne Bingaman is right, but I caution my colleagues it took 7 or 8 years before the consumers gave you a round of applause. There was a long period of time after 1984 when people, at least in my State, were saying what in the Lord's name is going on here? All of a sudden I cannot get a phone into my house; I have to go to a different provider; I have competition; I have choice. What the heck is going on? What was wrong with what they had? they were saying to me. I said, well, stay with this thing. It is going to work. We are going to open up the long distance market. We are going to have competition. It is going to be good. Trust me. I trust it is going to be good.

And it has worked. It was not coming from home, Mr. President. It was not coming from households and citizens who said, Gee, Governor, would you write a letter to the Justice Department, old Bill Baxter back there, and see if he can get together with AT&T and file a document down in Judge Greene's court because we would really like to see the RBOC's spun off, and all that sort of thing.

It has worked. Anne Bingaman is correct that it worked. But it took years before we understood that citizens began to see the benefits.

> Larry Irving agreed that opening telecommunications markets will promote competition, lower prices, and increase consumer choice. He stated that the government must maintain its commitment to universal service. He stated the administration's concern that private negotiations may not be the best way to open the local loop to competition. He also asserted that a date certain for elimination of the MFJ restrictions will hurt efforts to negotiate interconnection agreements with Bell operating companies.
>
> Kenneth Gordon stated the State regulators, including those in Massachusetts, were once a barrier to competition, but are now at the forefront of promoting competition. He said that States must also retain control of universal service.

And he goes on to make some other additional comments.

But these three witnesses are beginning to talk about the consumers. They are beginning to talk about the impact upon the American people. They are beginning to express, particularly the last witness, Larry Irving, they are beginning to express concern for what happens when deregulation and competition come in. But, again, no overwhelming testimony here. None of them comes in and says we have to do this because the American people are banging down our doors and urging us to do this; no statement that has the overwhelming support of the American people; merely saying that we think it is right to deregulate; we think it will be good to deregulate; we think this will be good for the people.

Now, how many of us understand the 1994 election? A lot of us here have heard people come down to the floor and say it was this, that, and the other thing. I agree with an awful lot of it. Most of us understand one of the things that was going on in 1994, people said we do not think you people in Congress understand. We do not have any power. We are disenfranchised. We do not feel a part of this process.

Mr. President, they have not been a part of this process, in my judgment. This is about power. Corporations should do things they currently cannot do. They are telling us it is going to be good for the American people. They are telling us it is going to be good for consumers. They are telling us it is going to be good for jobs. They are telling us it is going to be good for the people. It is not the people telling us it is going to be good for them, Mr. President.

Then on that same date, on the second panel, Peter Huber noted that a date certain for entry is necessary because the FCC and the Department of Justice are very slow to act. And this is a very important issue. We have to get the witnesses coming in and saying that the FCC is a terrible regulatory body and they are very slow. This is all language to give you the impression that somehow American communications businesses are burdened down by these nasty bureaucrats over at FCC. Peter Huber said he advocated swift enactment of legislation with a date certain for entry into restricted lines of business.

Then George Gilder, the greatest advocate of deregulation of all, also advocated swift congressional action, claiming that telecommunications deregulation could result in a $2 trillion increase in the net worth of U.S. companies.

> He said the U.S. needs an integrated broadband network with no distinction between long haul, short haul, and local service.

Clay Whitehead comes in and says:

> Congress should not try to come in and chart the future of the telecommunications industry but should try to enable it. He also advocated a time certain for entry into restricted lines of business.

Then Henry Geller comes in. He agrees with the previous speakers that Congress should act soon.

> He said that a time certain approach would work for the "letting in" process, allowing competition in the local loop, as well as the "letting out" process.
>
> Geller advocated that the FCC should allow users of spectrum the flexibility to provide any service, as long as it does not interfere with other licensees.
>
> John Mayo testified that the spread of competition in other markets over the last decade supports the opening of the local loop. He said that the interLATA telecommunications competition has been a success and Congress should follow the same model for local exchange competition.
>
> Lee Selwyn asserted that there will be no true competition in the local loop unless all participants are required to take similar risks. Selwyn also testified that premature entry by the Bell operating companies into long distance could delay the growth of competition for local service.

I frankly do not know who all these individuals are. I do not know whether they are consultants for one company or another. I suspect that all of them have a fairly defined sense of view, defined either by the companies or encouraged by the companies as a result of previously reached conclusions.

Again, I do not hear individuals coming in and saying, do you know what it is like out in the households today trying to get cable service, trying to keep phone service? Do you know what consumers are saying out there today? Do you know what individuals are saying when all of these entities have downsized over the last 4 or 5 years? Any expression of concern for what technology does to families on the underside of that two-edged sword? Any expression of concern from any of these highfalutin individuals that are paid a lot of money to provide us with their advice about what is going on out there in America?

No, just swift action, by God. Let us get the laws out of the way, get rid of the regulations. Let these companies do whatever they see fit, whatever they decide is best for the bottom line. Whatever they decide is best for the shareowners will in the end be better for their customers.

Then on March 21, Mr. President, three panels come before the committee. This is getting a little lengthy. I do not think I will read every single one of these.

Decker Anstrom, from the cable industry, they support telecommunications legislation because the cable industry is ready to compete.

Roy Neel agreed with Anstrom. He is with the U.S. Telephone Association. He agrees that cable regulation repeal would allow for investments incentive.

Richard Cutler testified that the 1992 Cable Act had a devastating effect on small cable operators.

Bradley Stillman said that the 1992 Cable Act resulted in lower programming and equipment prices for consumers.

Weighing in that in fact the Cable Act of 1992 did work.

Gerald Hassell stated that true competition will only develop if both cable and telephone survive and flourish.

I happen to agree with that. I think if we are to have competition at the local loop, we have got to make sure we have two lines coming in.

One of my problems with this legislation is it allows acquisition of cable in the area by the telephone company. You folks out there right now in your households, you have a cable line coming in; you have a phone line coming in. You may not have both for long. You may have one line and only one opportunity to choose. That is not my idea of competition.

Panel No. 2.

Bertram Ellis testified that the local ownership restrictions no longer serve the public interest. He said that allowing local multiple ownership will permit new stations to get on the air that would not otherwise be able to survive. He also stated that local marketing agreements—joint venture between broadcasters—

Et cetera, et cetera. Open it all up. Let us get rid of the restrictions. I do not care if they own 50 percent of the market, 100 percent of the market. I do not care who controls. Just let the flow of the cap determine the public interest.

There is no public interest here involved any longer. We do not care who controls the information, who controls the stakes, who controls the radio, the newspaper.

Mr. President, again, as I said at the start, this is about information. It is about communication. And it does matter who controls it. It does matter if we have one single individual controlling a significant portion of the local market, controlling our access to information. It does matter. There is a consumer interest.

I am an advocate of deregulating the telecommunications industry. I do not know that I am, but I may be the only Member of Congress who can stand here and say that I signed a bill in 1986 that deregulated the telecommunications industry in Nebraska, that removed the requirement of them to go to the local public service commission for rate increases because I thought, and believe still, it would free up capital and they were in fact just spending a lot of money on lawyers and not really serving the public's interest requiring the companies to come forward. So I am an advocate of deregulation. But I also believe there are times when we need to declare and protect the public interest. And I do not believe in many cases this piece of legislation does that. I have already heard people come to the floor and say the best regulator is competition.

That is not true, Mr. President. If you want to get goods and services delivered in the most efficient fashion, competition does that. That is true. If you are trying to get goods and services at the highest quality and lowest price, competition is the best way to get the job done.

However, competition is not the best regulator. The only time we should be regulating is when we say we have the public interest in doing this. There is no other way of getting it done. The market is not going to be able to accomplish it. We agree there is going to be cost on businesses to do it. We believe it is a reasonable cost. We measure the cost. We assess the cost. We do not go blindly and say there is no cost to this deal. We understand the costs going in. But we say the public interest is so great that we believe it is necessary to do that. That is the purpose of regulation. Competition is not the best regulator. It is the best way to get goods and services delivered in a highly efficient fashion. But competition, unless you believe, unless you are prepared to come down to the floor and say American public corporations performing for their shareowners and American CEO's performing for their shareowners, worrying about what the analysts are going to say on Wall Street about the value of their stock, facing a decision of laying off 1,000 people that would improve the value of their stock—and make no mistake about it, analysts love cold blooded CEO's. You read it in the paper all the time.

Some CEO just takes over a company, reduces the force by 20 percent. What do the analysts say? "Buy the stock; this guy is doing the right thing." So they are rewarding the downsizing, they are rewarding the cutting of the employee base.

Does it improve the productivity of the company? Absolutely. Does it make the company more competitive? Absolutely. Make no mistake, it has a devastating impact upon those families, upon those individuals who work for the company.

We do not find, I think, any evidence that CEO's are heartless, but when they are out there trying to perform for their share owners, they are not trying to satisfy some public interest, they are trying to satisfy the interest of people who own shares in their stock.

On that same day, Preston Padden advocated deregulation; Jim Waterbury said retain some ownership rules; on panel three they had Scott Harris testifying on behalf of himself, not the FCC, and Eli Noam, an expert in telecommunications. The two individuals debated a section of our telecommunications law called 310(b), which is foreign ownership. That is enough. That should give people some sense of what went on.

There were three hearings—three hearings, Mr. President. Three hearings that were held, four if you include the statements made by the majority leader, the chairman of the House Commerce Committee, and the chairman of the Subcommittee on Telecommunications. There were three total hearings, and I do not believe that the sum and substance of those hearings justifies the conclusion that the American people overwhelmingly back this particular piece of legislation.

Mr. President, I was on a trip this past week, a trip with the Intelligence Committee on narcotics. We went to Colombia, Peru, and Bolivia. One of the places I went was down in the Amazon River Basin on the Ucayali River. I went to church on Sunday, to mass actually, more appropriately, a Catholic church in Pucallpa, Peru. It just happened that Sunday was celebration of Pentecost. Being a good Christian man, I go to church regularly, but I must confess, I did not remember all the details of what Pentecost meant. I listened carefully. Just by coincidence, the service, the Pentecost is about communication. The prayer of Pentecost is that we appeal to the Holy Spirit to come and fill our hearts with his love. That is the appeal.

The priest that Sunday said to the congregation that the tongue is the most powerful organ in the human body, that it delivers the word and a word can unite us, it can divide us, it can cause us to love one another, it can cause us to hate one another. The word coming from God can change our life. The word coming from human beings can inform us, change us and can cause us to reach all kinds of conclusions.

That is what this debate is about, Mr. President. You can turn on the news tonight, you can pick up the newspaper in the morning, and you watch and read what is going on. These people have the control over what they are going to put on the air, what they are going to put in the newspaper, what they are going to have in the form of serving up information to you and me. It is about power, Mr. President, power to do what they want to do.

Again, I am not against deregulation, I am not against changing the 1934 Communications Act, but this piece of legislation is being driven by a desire of corporations to do things that they currently are not allowed to do.

I also brought down here this morning some additional things. I do not know if the managers want to speak. I will be glad to yield or keep going and read some things that the press has said about this whole process.

I am not an apologist of the press. Sometimes they get it right, sometimes they get it wrong. Form your own impression. This is people observing this whole process, and this is what they say about it. Let us see if you hear anything about the American people coming here in airplanes and buses and demonstrating out front with placards, "Deregulate the telecommunications industry."

Here is one from Ken Auletta, "Pay Per Views," in the New Yorker, June 5, 1995. Mr. Auletta says:

> The hubris was visible at the House Commerce Committee briefings, on January 19th and 20th. Held in the Cannon Office Building, they were closed to the press and to the Democrats. At dinner the first night, Gingrich was the featured speaker, and he took the occasion to attack the media as too negative and too biased, and even unethical. After the speech, Time-Warner's CEO, Gerald Levin, rose and gently rebuked Gingrich for being too general in his remarks. Surely Gingrich did not mean to tar all journalists with the same brush—to lump, say, Time in with the more sensationalist tabloid press? "I hope you don't mean all of us," Levin concluded. "Yes, I do," Gingrich is reported to have replied. "Time is killing us." And, according to several accounts, he went on to say that he had been particularly incensed by Time's account of his mother's interview with Connie Chung, of CBS . . .
>
> [O]thers found it chilling that the Speaker would press the CEO's to have their journalistic troops hold their fire. "We're at greater risk now of that kind of pressure having an impact."

The interviewee went on to say:

> "Traditionally, there has been a separation between news and corporate functions. Given the consolidation, you may have more instances where the top business executives, who have many corporate policy objectives, may find it tempting to impose control over their news divisions to advance corporate objectives." . . .

Another observation is from "The Mass-Media Gold Rush," Christian Science Monitor, Jerry Landay, reporting June 2, 1995:

> The players are limited to the cash-rich: The regional phone companies, networks and cable companies, and conglomerates such as Time-Warner. Smaller ownership groups, such as local television stations, are distressed. They expect the balance of power to swing to the cash-rich networks, which will gobble up many of them . . .

It goes on to say:

> To influence the House legislation, legions of lobbyists swept across Capitol Hill, with bags of campaign cash. Over the past 2 years the communications industry has handed out some $13 million. Republican lawmakers literally invited industry executives to tell them what they wanted. They're getting most of it.

The next one is from Congressional Quarterly Weekly. The headline is: "GOP Dealing Wins the Votes for Deregulatory Bill."

> After doling out legislative plums to broadcasters, phone companies and carriers, top Republicans on the House Commerce Committee won bipartisan backing for a bill to promote competition and deregulation in the telecommunications industry. The committee's leaders—Chairman Thomas J. Bliley, Jr., R-VA, and Telecommunications and Finance Subcommittee Chairman Jack Fields, R-Texas—engaged in a lengthy give-and-take with committee members and telephone company lobbyists over the bill's rules for competition in local and long-distance phone markets. . . .
>
> The intra-industry horse trading left consumer advocates feeling frustrated and ignored on the sidelines. . . . The biggest winners at the markup were broadcast networks, media conglomerates and cable companies.

The next one is from the New York Times, Edmund L. Andrews. Headline: "House Panel Acts to Loosen Limits on Media Industry." Dateline, May 26, 1995:

> Rolling over the protests of several Democrats, the House Commerce Committee voted today to kill most cable television price regulation and lift scores of restrictions on the number of television, radio and other media properties a single company may own. . . .
>
> ABC, NBC and CBS and other large broadcasters like the Westinghouse Electric Company, the Tribune Company and Ronald O. Perelman's New World Communications Group all lobbied for sharply increasing the number of television and radio stations a company could own nationwide. . . .
>
> But industry lobbyists have seldom met more receptive lawmakers. Committee Republicans have held numerous meetings with industry executives since January, some behind closed doors, at which they implored companies to offer as many suggestions as possible about the ways Congress could help them.

Next, an article that appeared in the Washington Post, a longer article that I will take pieces from, written by Mr. Mike Mills on the 23d of April, 1995:

> The Bells—the folks who bring you local phone service—like to play political hardball, and they have been remarkably successful at it. This year, the Bells stand a very good chance of winning most of the prize they've sought for the last decade: Freedom from U.S. District Judge Harold H. Greene. . . . If they get what they want, the Bells can claim a place among history's most powerful Capitol Hill lobbyists, ranking them with the oil industries of the 1970's and the steel trusts of the turn of the century. . . .
>
> All that lobbying costs money. According to the Federal Communications Commission, the Bells' individual phone companies spent $64 million on State and Federal lobbying expenses in 1993 and $41 million in 1992. Bell lobbyists themselves say their annual budget for influencing Congress has been $20 million a year in recent years, but has dropped to half of that this year. . . .

It goes on and on:

> "Right now, the doors to the candy stores are wide open," said Brian Moir, who heads a coalition of business telephone users fighting the Bells.

These are the customers, Mr. President, make no mistake about it. These business users are the customers. These are not the companies providing the service. These are people using the service. This man says, ". . . the doors to the candy store are wide open."

It continues:.

> The Bells figure, "Why focus on one thing? Just go in with a frontloader." They're covering the waterfront. And why not? Moir estimates that if States' regulatory powers are limited, the Pressler bill will raise the typical Bell residential telephone bill by $3 to $6 a month. For the companies, that would raise it at least $24 billion over 4 years.

An editorial in the Baltimore Sun called "Communicating Again," April 3, 1995:

> Still, there are hundreds of billions of dollars at stake, and the lobbying is as fierce as Washington has seen in many years. Though the rivals like to make their cases in terms of what's best for the consumer, the quarrel is really over who gets a head start in capturing market share.

No one can deny that that is true.

Edmund L. Andrews, "Big guns lobby for long-distance; insiders are trying to influence bill," Raleigh News & Observer, March 28, 1995:

> With so much at stake, and so little to pin on labels of right and wrong, the various factions are seeking a personal edge by throwing into the fray as many people with friends in high places as possible. All of which made telecommunications as much of a bonanza for lobbyists this year as health care was last year. "Everybody in this town who has a pulse has been hired by the long-distance coalition or the Bell operating companies," said Michael Oxley, R-Ohio, a member of the Commerce Committee. "It's just amazing. . . ."

Michael Ross with the Pittsburgh Post-Gazette, January 20, 1995. Headline: "Gingrich Defends Book Deal; GOP Beats Murdoch." I am sorry I brought in all this. This article is talking about this bill:

> Besides Murdoch, there were 10 other executives at the Capitol session, including Thomas Murphy of Capital Cities/ABC; Robert Wright, NBC; Howard Stringer, CBS; Bill

> Korn of Group W; and John Curley of Gannett. Gingrich was to address a private dinner last night for the communications firm chiefs in the Cannon House Office Building. . . .
>
> Gingrich said the meeting yesterday was closed because "we want their advice on how the United States can be the most competitive country in the world, and we would just as soon not have them give advice with the Japanese and Europeans listening."

I do not believe it is the Japanese and the Europeans they were trying to keep out.

> GOP organizers sought to keep the meeting secret, excluding notice of the events from the official daily calendar. But word leaked out from the executives, prompting protests from consumer advocates and from the committee's former Democratic chairman, Rep. John Dingell of Michigan, now the ranking minority member.

The last one is a piece that appeared in the Washington Post, again Mike Mills:

> Consumer advocates yesterday protested plans by House Republicans to hold 2 days of private meetings with top communications executives that will feature a dinner with House Speaker Newt Gingrich. . . .
>
> Media will not be present so Members and chief executive officers of various companies. . . . have honest and informative discussions."

Boy, if that is not a keyword to telling you to hang on to your billfold I have not heard one.

> "What policies can the Congress promote or repeal that would help your company to be more competitive and successful domestically?" the letter asked. "And, second, what obstacles does your company face when trying to do business abroad?"

I do not mind in general saying to any company in America, is there anything we are doing we should not be doing, anything we are doing with regulations or rules that do not make any sense at all? Lord knows, we have lots of things we do to small business and big business alike that add no value at all to the public interest, that you really cannot defend it all, have been around a long time, and you scratch your head trying to figure out why they are even there.

But that is not this invitation. This does not say after you established what the public interest is, is there anything here you would like to get out of the way that makes no sense at all; is there any nonsensical regulation? This did not add any qualifier in the public interest.

This merely says is there anything out there adding cost to your business that you would like to get rid of? It would be like me saying, "I would like to drive about 90 miles an hour, would that be OK? Can you get the law of Nebraska to let me drive my automobile 90 miles an hour? I find that a major inconvenience. I like to drive fast. Why don't you have a meeting and ask people driving automobiles what they think about that? Maybe we can change the rules and regulations to accommodate them as well."

Mr. President, I will wrap this up by quoting from an article, I believe it was David Sanger of the New York Times. The article describes the conflict between the United States of America and the Japanese over automobiles. It was assessing the impact of, I think, the correct decision by the Trade Representative to say to the Japanese, "It is time to open up your market and let our parts, in particular, be sold and loosen the restrictions so we can begin to sell automobiles in Japan." It was trying to measure the impact. It interviewed a man who was the trade minister from Indonesia, I believe.

You know, we are worried about Japan and the United States. They are the big ones. They are the big elephants in this jungle. And they have a saying in Asia. They say that when the elephants fight, the grass gets trampled. But even worse, they said, is when the elephants make love. That is what we have here, Mr. President. We have a real lovefest going on.

Corporations have basically all signed off on this deal. They have had the opportunity to look at the language. They have had the opportunity to examine the details, and they are saying it looks pretty good to them. I say it is time for us to come to the floor to debate this. I hope we are, in fact, able to enact legislation. I intend and expect to support it. I cannot support it in its current form, but I want the American consumer to be heard on the floor of the Senate. I want the interests of American households to be considered and the interests of the average American citizen to be considered when this piece of legislation, which is important, is being debated.

I yield the floor.

Mr. DORGAN. What is the pending business?

The PRESIDING OFFICER. The pending measure is amendment No. 1258 offered by the managers of the bill.

Mr. DORGAN. This is the managers' amendment.

The PRESIDING OFFICER. Is there further debate on that amendment?

Mr. HOLLINGS. We can go right ahead with the Senator's amendment.

Mr. PRESSLER. If it has not been laid aside, and if it is proper at this point, we will lay that amendment aside so that the Senator from North Dakota can offer his amendment.

I ask unanimous consent that the managers' amendment be laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Dakota is recognized.

AMENDMENT NO. 1259

(Purpose: To require certain criteria upon the designation of an additional Essential Telecommunications Carrier)

Mr. DORGAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. KYL). The clerk will report.

The legislative clerk read as follows:

> The Senator from North Dakota [Mr. DORGAN] proposes an amendment numbered 1259.

The amendment is as follows:

> On line 24 of page 44, strike the word "may" and insert in lieu thereof "shall".

Mr. DORGAN. Mr. President, in the telecommunications bill there is a provision with respect to universal service that describes certain conditions in which the State designates additional essential telecommunications carriers that may impose certain requirements. I think it is sufficiently important to say the State shall impose those requirements. I would like to explain why this is important to me and why I think it is important to rural America.

Before I do, let me comment on a couple of broader points about this legislation. Clearly, there would never be a circumstance where legislation affecting the telecommunications industry would be moving through the Congress without there being an intense interest by the telecommunications industry. The fact is that without congressional involvement in trying to set some new rules for competition, the industry itself is out creating the rules.

That is why universal service legislation is necessary. We must establish some guidelines about where we move in the future and what is in the public interest as we do that.

I come from a rural State. I know there are a lot of people in this Chamber who worship at the altar of competition and the free market. That is wonderful. But, I have seen deregulation. I have seen the mania for deregulation that does preserve for some people in this country wonderful new opportunities of choice and lower prices. Example: Airline deregulation. There was a move in this country and in these Chambers for airline deregulation, saying this will be the nirvana. If we get airline deregulation, Americans are going to be better served with more choices, more flights, lower prices, better service.

Well, that is fine. That has happened for some Americans but not for all Americans. Deregulation in the airline industry has had an enormously important impact if you live in Chicago or Los Angeles. If you want to fly from Chicago to Los Angeles you check the official airline guide and find out what flights are offered. You have a broad range of choices, a vast array of carriers competing in a market that is densely populated, where they have an opportunity to make big money. In this market, there is intense competition for the consumers dollar in both choice and price.

But I bet if you go to the rural regions of Nebraska, and I know if you go to the rural regions of North Dakota and ask consumers, what has airline deregulation done to their lives, they will not give you a similar story. They will not tell you that airline deregulation has been good, providing more choices and lower fares. That has not been the case.

In fact, airline deregulation has largely, in my judgment, hurt consumers in rural America. We have fewer choices at higher prices as a result of deregulation.

For that reason, when we talk about deregulation and setting the forces of competition loose in order to better serve consumers, we need to understand how it works. Competition works in some cases to an advantage of certain consumers. In other cases, it does not.

That is why when the telecommunications legislation was crafted I was very concerned about something called the universal service fund. For those who don't know, I want to explain what the universal service fund is.

It probably stands to reason that it is presumably less expensive to put telephone service into New York City when you spread the fixed costs of the telephone service over millions of telephone instruments; less expensive to do it there than to go into a small town of 300 people that is 50 to 100 miles from the nearest population center. How will you decide how to spread the fixed costs of telephone service over 300 people? The fact is, you have a higher cost of telephone service in rural areas of our country.

We have always understood, however, that a telephone in Grenora, ND, is just as important as a telephone in New York City, because if you don't have the telephone in Grenora, the person in New York City cannot call them, and vice versa.

The universal service nature of communications is critical. The presence of one telephone instrument makes the other telephone instrument, no matter where it is in this country, more valuable.

That is why we have, as a country, decided that an objective of universal service makes good sense. We have generally tried to move in that direction to see that we use a universal service fund to even out the costs and the price to the consumer.

Therefore, even in the higher cost areas, the lower populated, more rural areas, we are able to bring the cost down to the consumer with a universal service fund by moving money into those areas to try to help keep prices down for the consumer. Therefore, consumers will be able to afford this service and we will have a more universal nature of that service.

Well, in this legislation, Mr. President, we understood that there will be substantial competition in many areas of telecommunications. Take my home county of Hettinger County, ND, a very small county, several thousand people, about three towns, the largest of which is 1,200 or 1,400 people, no one will be rushing in to provide local telephone service in Hettinger County.

This is not a case where you fire the gun and at the starting line you have eight contestants lined up to find out who can win the commercial battle to serve the telephone needs of that small rural county. You might, however, have someone decide to come in and serve one little town in that county, because maybe it would be worthwhile to serve that little town, but only that town.

If they bring telephone needs to that town and take the business away from the existing service carrier, the rest of the services would be far too expensive and the whole system collapses.

For that reason, in this legislation we described a condition in which, if someone comes in and decides to serve in one of those areas, one of the conditions is that they would have to serve the entire area. They would be required to serve the entire area as a condition of receiving these support payments from the universal service fund.

Then the bill also said that in designating an additional essential telecommunications carrier to come in and compete in a rural area, aside from requiring they have to serve the entire area, they cannot come in and cherry-pick and pick one little piece out.

Aside from that, the bill said that the States may require there be a designation; that the designation would be: First, in the public interest; second, encourage development of advanced telecommunications services; and third, protect public safety and welfare.

My universal service amendment very simply says that provision of law shall be changed from "may" to "shall." In other words, the States shall require that there be a demonstration of those three approaches.

I think it is very important that those who live in rural America, who are not going to bear the benefit of the fruits of competition, are given protection.

That is the purpose of my offering a universal service amendment. This amendment is supported by the National Telephone Cooperative Association, National Rural Telecom Association, the USTA, Organization for Protection and Advancement of Small Telephone Companies.

They understand, like I understand, that the chant of competition is not a chant that will be heard in the rural reaches of our country. We are simply not going to see company after company line up to compete for local service in many rural areas.

If that does not happen, and it will not, we need to make certain that the kind of telephone service that exists in rural counties will be the kind of telephone service that brings them the same opportunity as others in the country will be provided.

We should make sure that we have a buildout of the infrastructure, so this information highway has on ramps and off ramps—yes, even in rural counties of our country.

If we, in the end of this process, finish the building out of an infrastructure in telecommunications by having a continued, incessant wave of mergers and consolidations into behemoth companies that are trying to fight to serve where the dollars are, big population centers, affluent neighborhoods, but decide to leave the rural areas of the country without the build-out of the infrastructure and without the opportunities that they should have, we will, in my judgment, have failed.

Mr. President, while I am on my feet I would like to comment on a couple of other points in this legislation. I supported the legislation coming out of the Commerce Committee and indicated then that I had some difficulties with several provisions in it.

One concern I have deals with the provision in the legislation on the subject of ownership restrictions.

It is interesting that we have in this bill the inertia to try to provide more competition, and then we, in this attempt to say to those who want to own more and more television stations, yes, we will lift the barrier here, we will change the rules so that you can come in and consolidate and buy and own more television stations.

That does not make sense to me. That is moving in the opposite direction. The telecommunications bill is about competition. I do not think we should say it is fine with us if one group or consortium decides to buy more and more television stations and we lift the ownership limit from 25 to 30 percent—some say to 50 percent—of the audience share. I think that flies exactly in the opposite direction of competition.

Consolidation is the opposite of competition. I intend to offer an amendment on this and hope we will preserve the opportunity to decide what is in the public interest with the Federal Communications Commission. Instead of having an artificial judgment in this bill that says let us lift the restrictions and allow people to come in and buy more and more television stations into some sort of ownership group. I do not think that comports at all with the notion of competition. I am going to offer an amendment on that at some point.

I would like to talk also about the issue of the role of the Justice Department. I know Senator STROM THURMOND and others are interested in this subject. I intend to offer an amendment on the subject of the role of the Justice Department in this bill. The question of when the regional Bell Companies are free to engage in competition for long distance relates to when there is competition in the local service area, in the local exchange.

When will the Bell Service Companies open themselves to local competition? When they do, when there is true local competition, then they have a right and ought to be able to compete in the long distance markets.

The problem is that in the telecommunications bill, the role of the Justice Department—which ought to be the location of where the judgments about whether or not there is competition in the local exchanges—is rendered a consultative role. The Justice Department is defanged here, and I do not think that ought to be the role of the Justice Department. Again, I think this flies in the face of all of the discussions I heard about the virtues of competition. If we are talking about competition being virtuous, then let us make sure competition exists before we release the Bell Companies to engage in competition with the long distance industry.

How do you best determine competition exists? With the mechanism we have always used to determine it. The antitrust judgments and evaluations by the Justice Department. It does no service, in my judgment, to the American people to decide to take out the traditional role of the Justice Department in preserving and protecting the interests of competition with respect to this issue when the Bell Companies will be set loose to engage in competition in the long distance business. So I also intend to offer an amendment on that issue. That is a critically important issue.

In conclusion, I think there is much in the telecommunications bill that is useful, valuable and will provide guidance to the direction of the telecommunications industry and its service to the American people, but this legislation is not perfect. This legislation has some problems. I pointed that out when I supported it out of the Commerce Committee.

I have a great friend on the floor, Senator HOLLINGS, the ranking member on the Commerce Committee, who I think is one of the best on telecommunications issues. I have been pleased to work with Senator PRESSLER, who I think has done a remarkable job in bringing this bill to the floor as well. But let us not say, "Now, gee, this bill came from high on stone tablets and cannot be changed. We cannot accept any changes here." I think universal service is one amendment we can accept, but there are going to be some big changes proposed, some of which will have merit.

You can say, "This bill is carefully balanced on the scale. We read the meter with expertise and just cannot make changes." It is like the argument of a loose thread on a $20 suit. You pull the thread and the arms fall off. We have people coming here and saying if this amendment is agreed to, the coalition breaks apart, the balance of the bill somehow is skewed, and the bill will fail.

We must, in the intervening days as we debate this legislation, take a hard look at a whole range of issues. The Justice Department role, yes. I have not mentioned the foreign ownership issue, but that is also of concern to me. The concentration of ownership in this country of television stations, as an example. Those are all issues I think are of great concern and we ought to weigh carefully.

I hope the Chair and the ranking member on this legislation will entertain constructive and useful proposals to strengthen and improve this legislation in the public interest of this country.

Mr. President, I have sent the amendment to the desk. I believe this amendment may be acceptable. In any event, at this point, I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Right to the point, Mr. President, the distinguished Senator from North Dakota has a good amendment. I should make a couple of comments, though, with reference to his references and those of my friend, the distinguished Senator from Nebraska, who has been very participatory, and a cosponsor of the legislative reform in communications reform.

With respect to the general picture here on communications, the Senator from North Dakota is right. We do think this is balanced, that it cannot be balanced any more, that this bill did come down from on high and we are not going to accept any amendments.

That is out of the whole cloth. I learned long ago I could not pass a communications bill by itself, that the Democrats could not pass a communications bill by itself and the Republicans could not pass a communications bill by itself. We really have to work this out in a bipartisan fashion. Senator PRESSLER has given us the necessary leadership and I am committed to working with him in a bipartisan fashion. That maybe I have created an atmosphere where there will be no amendments and we know it, the opposite is the case. We are begging Senators to come, as we begged the Senator from North Dakota to hasten on and present that amendment.

A word should be said about the industry and the service that we have because comments have been made about all of these entities involved, and there are 30-some. People should understand. We have the long distance industry, the cable industry, the wireless cable, the regional Bell Operating Companies, the independent telephone companies, the rural telephone companies, newspaper industry, electronic publishing industry, the satellite industry, the disabled groups, the broadcast industry, electric utilities, computer industry, consumer groups, burglar alarm industry, telemessage industry, pay phone industry, directory publishing industry, software industry, manufacturers, retail manufacturers, direct broadcast satellite industry, cellular industry, PCS, States, public service committees, commissions, the cities, the Federal Communications Commission, the Clinton administration, the Department of Justice, the Secretary of Education—all the public entities.

Communications is a very splendid thing. With respect to not wanting to open up all the markets, I had a good friend who took a poll with what you call a peer review group, testing thing, what do they call that thing when they get them all together?

Mr. DORGAN. A focus group.

Mr. HOLLINGS. A focus group. Thank you, Senator.

They had a focus group in Maryland last week and 90 percent of them have never heard of the Contract With America. That is all I heard about since January. In fact, it started in November, I think. But they still had not heard of the contract. You can bet your boots the Senator from Nebraska is right; people are not storming the doors for a communications bill. In fact, with all of these entities calling on the Senators and having to make up their minds, yes or no, the Senators from the South say let that communications bill go, let us not call it up now, let us delay it, we did last year because there are so many tough decisions to be made. But on the information superhighway, Congress and Government are squatting right in the middle of the road and the technology is rushing past it.

The information superhighway is there. We have been a hindrance, obstacle to it, and what we are trying in this balanced approach and bipartisan approach is to remove the obstacle of Government, with the view of the Senator from North Dakota that universal service continue. He is right on target. I have been very much concerned having experienced the airline deregulation. So we want to make certain that they can come in and render this service. In that light, our communications system has been the best in the world. Yes. The Bell Operating Companies, because these parties are so competitive—I have not necessarily been in love with either side because it is hard—they are really individually competitive. But after all, AT&T, long distance, has to file tariffs. They are controlled by the public, and operate in the interest of the public convenience and necessity. Every one of the Bell Companies have to respond, not just to the FCC but to the individual public service commissions. They operate on the basis of public convenience and necessity. They have a monopoly, yes, but their profits are controlled, and everything else.

If there is anything operating as a large corporate entity in the interest of the public, it has been the Bell Operating Companies. They have been most responsive. We have as a result the finest communications system in the world. Let us maintain it. On universal service, let us extend it. Let us not be in any way doubtful about it because the lead-in word that goes into this particular requirement about another universal service carrier is "shall." The language reads, "If the commission with respect to interstate services designates more than one common carrier as an essential telecommunications carrier, such carrier shall meet"—"shall" meet. That is the law as we now propose it. But later on we say the State "may" check off these things that are highly important. The truth is they "shall." And I hope we can accept the amendment of the Senator from North Dakota and show that we did not think the bill came down from on high.

Let us hear from the chairman.

Mr. PRESSLER. Mr. President, we accept the amendment of the Senator from North Dakota on this side of the aisle. I want to commend him for his work on this subject. He is a friend of mine, and an outstanding leader in this area. Let me say that this subject of serving the smaller cities and rural areas is very important. I have spoken frequently on that in our committee.

We are prepared to accept this amendment. We urge other Senators with amendments to bring them to the floor. We are ready to go here on the floor.

Mr. STEVENS. Mr. President, will the Senator yield at that point?

Mr. PRESSLER. Yes.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I know that the Senator represents areas similar to mine, the author of the amendment. I know that he wants the States to have powers and to change the word "may" to "shall," as a mandate to the State. What worries me about the Senator's amendment is not that it is saying that the States shall require a finding by the authorized agency, but that States may require additional considerations to be met. The word "may" in this bill right now gives the State the authority to determine what findings shall be made by its designated agency. By turning this to "shall" I wonder if we are limiting the States' discretion in terms of the findings that shall be made by a designated agency before it permits an additional carrier.

Mr. President, I do not want to argue it now. I agree with the manager of the bill to take the amendment. But I do want the Senator to know, my good friend, Senator DORGAN, that I want to look at this in conference. I believe this section is going to have to be revised in conference anyway. It is in a different form than the House bill, as I understand it. But I do think that we should not mandate States as to what their findings must be before they can deal with additional carriers. I believe that smaller States in particular would prefer to have more flexibility.

I am just wondering out loud if the Senator's amendment is fixing this so that the State has no alternative once it makes those findings to permit the additional carrier, and what the impact of the Federal law will have on the State should the State legislature attempt to state that its agency must make additional or alternative findings in this regard.

Again, I conferred with the managers of the bill. I think we understand where the Senator is coming from. We want the States to have authority. But I really think he is confining the authority by changing it to "shall." But I do believe the States might want to—any State—might want to have other standards other than those stated in this bill. I wonder if the Senator might have us look at that.

Mr. DORGAN. If I might respond, I too respect the point raised by the Senator from Alaska. My intention would not be to prohibit States from adding additional requirements. My intention is that this would represent a set of requirements at a minimum that we should expect to be met. But to the extent a State would wish to add additional requirements, I do not believe that would be prohibited with this language. This language establishes the minimum requirements that must be met. That is the purpose of the universal service amendment.

Mr. STEVENS. Mr. President, as I stated, I am not going to ask for a rollcall vote. I am not going to object to the change. But I do think that when we get to conference we are going to have to figure out how we give States greater flexibility. I do not think we ought to have a mandate that indicates that the States must find Federal requirements are met before it can designate an additional essential telecommunications carrier, in that it cannot add any additional State requirements, or it cannot reduce these designated findings and substitute others that might be more applicable to its situation with regard to size and competition and whatever else that might be involved.

It does seem to me that we ought to be very careful about delineating to a State what findings it must make with regard to the designation of common carriers as essential telecommunications carriers. We are basically talking about the findings that are necessary to deal with universal service. The concept of that was really borrowed from the essential air service approach, and the way it is done actually, as I pointed out to the Senator from Nebraska last night, reduces the costs of universal service about $3 billion a year. Those services are provided by those who are users of this national system. This allows the States to designate additional carriers. I would not want the restrictions that are applied in this bill to lead to a lack of flexibility as far as the States are concerned to designate additional carriers in circumstances which might be unique.

I could go on at length about some of our unique situations. I do think we ought to have flexibility for the State to manage it, provided that we understand that the impact of the multiple essential carriers is going to be that there be a change in the concept of universal service.

The Senator's amendment deals with universal service concepts as modified in this bill, and I would like to see the States have as much flexibility as possible, keeping in mind that there is a built-in limitation in the Senator's amendment that will reduce the availability of universal service in rural States.

I hope that the Senator understands what I am trying to say. I agree to accept the amendment, but I do think we have to find some way as we go further to say that this does not prevent the State from modifying these findings in the event its legislature determines that other standards are more adaptable to its circumstances with regard to the providing of universal service within its boundaries.

Mr. DORGAN. If the Senator will yield for one additional point, Mr. President, I understand what the Senator is saying, and I do not want to prevent anything being done to respond to peculiar or unique circumstances or when a State determines that something else might be necessary with respect to these kinds of requirements. It is not my intention to interrupt or to prevent that.

I do think, however, when we are talking about the use of the universal service fund, the requirement that this result in the build-out of the telecommunications infrastructure even to rural areas, boy, I think that ought to be a national requirement.

Those of us who come from rural areas want to say if you are going to certify a new essential telecommunications area in an area that would be eligible for universal service funds, we want that certification to be based on a couple of themes that they think are important, one of which is this ought to result in the build-out of the infrastructure in rural areas. We know that build-out will occur in urban areas because that is where the money is, and we are just saying we want that same opportunity to exist in rural areas.

But I am not suggesting that these three tests be limited. I think that States may well find they have unique circumstances and want to add additional tests or additional requirements, and I do not in any way want to prevent that. So I will look forward to working with the Senator from Alaska as we go to conference on this legislation.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. I tried to go into this a little bit last night, and I do not know whether this is the time now, but I just point out to my friend that the April issue of the bulletin known as Personal Communications contains an article that mentions Donald Cox, who is the former Bellcore wireless leader who is now at Stanford. He has calculated that digital-based station technologies will lower capital costs for wireless customers to $14 compared to the current cellular cost of $5,555.

What it really means is we have the possibility of moving into a new domain as far as digital radio is concerned that will deal with telecommunications competing with telephone companies. One of the things in this amendment is that we will now require that the State must find that there will not be a significant adverse impact on users of telecommunications services or on the provisions of universal service.

I question whether at the time of the transition into these new technologies a State should have to make findings that are based upon the use of the old technology. That is one of the problems. If you lock a State into findings, I think you may hamper the transition to less costly services and, of course, that is where I am coming from. That is why I support this bill. I think it will lower the cost ultimately of service to rural areas by bringing in additional providers of service. It should not be tied to the old wire services that we have relied upon in the past.

Mr. President, I do not have any opposition to the suggestion that we adopt the Senator's amendment, but I do want to serve notice that in conference, I may wish, because of the amendment, to modify the whole section.

Mr. KERREY addressed the Chair.

The PRESIDING OFFICER (Mrs. HUTCHISON). The Senator from Nebraska.

Mr. KERREY. Madam President, I have no objections to this amendment. I would like to point out, the distinguished Senator from North Dakota, as well as the chairman and ranking member and the distinguished Senator from Alaska and others, worked very hard to try to craft this particular title and this particular section of title I so as to make certain that areas that are not likely to benefit from competition will continue to be served with the same high quality service that they are currently receiving.

This particular provision is a recognition, and I think most do recognize, that competition all by itself will not work and that we do have to allow competition to determine many things. But this particular section I think has been very carefully put together, and it indicates how an essential carrier is designated. It describes the obligations of that particular carrier. It describes how we set up a multiple essential carrier. It describes resale enforcement and interchange of principles.

Madam President, earlier when I made a statement, my staff tells me that I made a mistake at the beginning. If I did, I apologize. I was pulling a quote from the chairman, and I do not know if I said Senator HOLLINGS or Senator PRESSLER, but it was the chairman's quote last night, and I do not again mean to be intentionally confrontational when I say that statement that says, "The overwhelming message we received was that Americans want urgent action to open up our Nation's telecommunications markets," what we are doing, in fact, is what the distinguished Senator from North Dakota described and the Senator from South Carolina, Senator HOLLINGS, described as well. We are trying, with this law, to work our way into a competitive environment and create a structure that will enable competition to occur in a fashion that is minimally disruptive, but it will be disruptive.

Title I describes not just the transition to competition in the universal service, but it lays out all the various interconnection requirements. It describes separate subsidiary safeguard requirements. That is a structure that is offered as a protection. I believe the Senator from South Carolina in particular has been concerned about that. It describes foreign investment and ownership reform, and infrastructure sharing. Title I describes the removal of restrictions to competition, describes how that is going to occur, how we remove entry barriers.

There is limitation on local and State taxation of satellite services. I might point out that for those concerned about putting a mandate upon the State, indeed, we are intervening with the State regulatory mechanism. This legislation intervenes and says—and I know the Senator from Alaska understands that we are intervening, and we are saying you cannot do rate-based rate of return regulation; you are going to go to price caps. You have a range of motion under price caps.

But we all need to understand what price caps do. It essentially moves us in a direction where the market will determine what the price is going to be. It is a much different kind of regulatory scheme than we have right now. There are many States, I guess 10 or so, on a price cap system of regulation. This would take the other 40 along. I do not object to that. I think it is a fair and reasonable thing to do. But it is a relatively dramatic action to come to the State level and say that we are going to require you to regulate in this fashion, and we say there is a limitation on how you can tax your satellite services, and so forth.

Title I, as we remove the restrictions to competition, does lots of other things that I will look forward to describing at a later date.

Madam President, as I said, I do not object at all to the change asked for in this amendment.

Mr. PRESSLER. I urge adoption of the amendment, Madam President.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

So the amendment (No. 1259) was agreed to.

Mr. PRESSLER. Mr. President, I move to reconsider the vote.

Mr. HOLLINGS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DORGAN. Mr. President, today the Senate begins consideration of comprehensive telecommunications legislation, S. 652, the Telecommunications Competition and Deregulation Act of 1995. This legislation has been incubating in the Congress for a number of years and throughout the past few years, the Senate has appeared to be on the brink of passing this landmark legislation that would reform which is arguably the most dynamic and fast growing industry in our economy—telecommunications.

The underlying agenda of this legislation is to promote competition in all areas of telecommunications. We already have a competitive long distance industry and there is some competition in cellular service throughout the country. Clearly, telecommunications competition has had a positive impact. Since the AT&T breakup in 1982, competition in the long distance industry has lead a reduction in long distance prices and it has spawned the deployment of four nationwide fiber optic networks—the backbone of the information superhighway.

This legislation attempts to promote competition in other areas of telecommunications, such as in the local exchange and in cable. As a general proposition, I support this notion of promoting competition. I think competition will lead to lower prices and greater availability of telecommunications services. However, Congress must proceed in caution as we break down barriers and ease regulation.

First, a one-size-fits-all approach to competition in the local exchange may have destructive implications. In large, high-volume urban markets, competition will certainly be positive. However, in smaller, rural markets, competition may result in high prices and other problems. The fact is that some markets; namely, high-cost rural areas, competition may not serve the public interest. If left to market forces alone, many small rural markets would be left without service.

That is why the protection of universal service is the most important provision in this legislation. S. 652 contains provisions that make it clear that universal service must be maintained and that citizens in rural areas deserve the same benefits and access to high quality telecommunications services as everyone else. This legislation also contains provisions that will ensure that competition in rural areas will be deployed carefully and thoughtfully, ensuring that competition benefits consumers rather than hurts them. Under this legislation, States will retain the authority to control the introduction of competition in rural areas and, with the FCC, retain the responsibility to ensure that competition is promoted in a manner that will advance the availability of high quality telecommunications services in rural areas.

My second concern is that in our drive to deregulate and eliminate barriers, that competition may be impeded. Currently, there are over 500 long-distance carriers that offer service nationwide. Virtually every American has a competitive choice as to what carrier they want to use for long distance services. Long distance rates have reduced by over 40 percent in the past 10 years because of competition. The same choice does not avail itself to consumers with respect to local exchange service.

The second danger we confront in passing this legislation is that we could impede competition where it currently exists. Under S. 652, the regional Bell operating companies [RBOC's] would be permitted to reenter the long distance market. In the early 1980's, the old Bell system was divested because the monopoly in the local exchange seriously impeded competition for long distance services. After nearly 14 years of separation from the long distance market, the RBOC local networks want to compete for long distance services. This legislation will permit that.

The question is not whether or not the RBOC's should be permitted into long distance. The question is under what conditions. Unfortunately, this bill is flawed in that it does not provide for an adequate role for the Justice Department to determine that RBOC entry into long distance services will not harm what is already a successfully competitive market.

I intend to offer an amendment to this legislation that will provide for a role for the Justice Department. It seems to me that given the history of the AT&T breakup and the threat that the local exchange monopolies could use their power to impede competition, the Justice Department must ensure that the appropriate conditions are present before the RBOC's can be permitted to offer long distance services.

In addition, I will offer an amendment that will improve the universal service provisions in the bill. Under the bill as reported by the Senate Commerce Committee, only "essential telecommunications carriers" [ETC's] would be eligible to receive universal service support. The reason is that ETC's would be required to take on the same universal service obligations as the incumbent carriers. I believe that this condition is imperative to ensure that universal service is maintained in rural areas.

However, the bill falls short in ensuring that when a State designates an additional ETC for qualification for universal service support, that the best interests of rural consumers are paramount. Under my amendment, States would be required to ensure that the designation of an additional ETC in a market, that such designation: (a) protects the public interest; (b) promotes the deployment of advanced telecommunications infrastructure; and (c) protects public safety and welfare.

Finally, I have two other amendments that I intend to offer. I intend to offer an amendment that will strike the bill's provisions dealing with the liberalization of broadcast ownership rules and require, instead, the FCC to review and modify broadcast ownership rules on a case-by-case basis. Under my amendment, the FCC would review and modify broadcast ownership rules in such a way as to ensure that broadcasters can compete fairly with other media sources while at the same time protecting localism and diversity of voices in each local market.

Under the bill in its present form, the national television ownership limits would be increased from the current 25 percent viewership cap to 35 percent with permission to increase beyond that amount later. It seems to me that encouraging further concentration in the national media is not a desirable goal and it is my hope that we can correct this provision in this legislation.

Mr. President, the goals of this legislation are laudable. However, I believe that certain changes are necessary and I intend to work with my colleagues to improve the bill and move this important legislation forward.

The PRESIDING OFFICER. The question occurs on the managers' amendment.

Mr. PRESSLER. I move to lay the managers' amendment aside so our friend from Arizona may offer his amendment.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. McCAIN. Madam President, may I inquire as to the parliamentary situation? The pending business is the managers' package of amendments?

The PRESIDING OFFICER. The managers' amendment has just been laid aside.

Mr. McCAIN. I thank the Chair. Madam President, I will make some comments and remarks concerning this legislation, and then, if the parliamentary situation allows it, I will begin offering amendments.

I note the presence of my colleague from Alaska, who has agreed that we would take up one of my amendments as soon as possible, and I will be as brief as possible. But I am sure my friend from Alaska understands this is a very complex issue and one which probably, in my view, will have more impact on America than any other piece of legislation that we will consider not only this year but for several years.

Some estimates are that health care reform would have as little as one-third the impact financially on America as this legislation does.

There is no doubt that there are tens of billions of dollars at stake. I personally, Madam President, have never seen an issue in my now 9 years as a Member of this body have such intense and continued and high-priced lobbying. We have as head of one lobbying group a former majority leader of the Senate. We have names who are well known to all of us in Washington. I doubt if there is a single lobbying group inside the beltway that has not had a contract at one time or another to lobby on this issue. All of that is not by accident. In fact, Madam President, it is because the stakes are enormously high here. One phrase, one comma, one or two words in the appropriate place has enormous and significant impact.

So I think this issue should be well debated. I think that there are opposing views as to what this legislation does, but let us not have any doubt about the impact of this legislation on the very future of our Nation. This is all about information and how Americans will acquire that information and how Americans will pay for it and who will be eligible for it and who will not and to what degree we will regulate this industry or deregulate this industry.

I wanted to start out by applauding the efforts of the chairman of the committee, Senator PRESSLER, who has worked on this issue not only as chairman of the committee but for many years. I have had the privilege and opportunity of working with him. He has done an outstanding job. I know of no other committee chairman who has spent as much time on this issue as Chairman PRESSLER has. I am very appreciative of the work he and his staff have done. There are many aspects of this legislation which I think are not only excellent measures but very important ones and will contribute to the deregulation of this industry.

I also would like to recognize the efforts of the distinguished ranking minority member of the committee, Senator HOLLINGS, who also has been involved in this issue for many years. I respect his indepth knowledge of the issue. He and I have had disagreements about the philosophy of regulation or deregulation, but there are no personal differences that we have. I not only respect but admire his advocacy of what he feels is the best type of legislation for us to pursue.

I understand the disappointment that the Senator from South Carolina felt last year when he had worked so very hard for this legislation and had it stymied at the very end of the session.

Before I go into details, Madam President, let me just state my fundamental philosophy and why these amendments that I will be proposing today flow from them. We need to have a deregulated industry. In the past, we have deregulated the airline industry, the trucking industry, the railroad industry in America, and there is very little doubt in my mind that world events, as well as national events, indicate very clearly and very strongly that the free enterprise system, unfettered by Government interference and regulation, not only prospers best but provides the best services for the citizens of any nation, including this one.

The people will come to this floor and argue that the airline industry is in bad shape, that they have lost billions of dollars, and some of the great names in the airlines industry, like Eastern Airlines and Pan Am, have disappeared from the scene. But the fact is my constituents can fly from one place to another in this country more easily and at a lower cost than they could in 1974 when the airline industry was deregulated.

I will freely admit that I do not ride in the comfort that I used to. In fact, when the four CEO's testified before the Aviation Subcommittee the week before last, I wanted to relate that two mornings previously I had flown from Phoenix, AZ. The airline, which will remain unnamed, advertised a breakfast. And that breakfast turned out to be a banana and a bagel. I think that something has to be changed at least in their description of what breakfast is.

At the same time, I paid far less than I would have in 1974, 21 years ago, for that airline ticket. If I had chosen to, although I would not have, and paid a significant additional amount of money and rode in first class, I probably would have gotten more than a banana and a bagel. But we have deregulated those industries, and we have found that the less regulation and interference that exists in those industries, the better off we are.

Madam President, there are those that will argue this is a deregulatory bill. It is advertised as that. I do not deny that. And I think some aspects are deregulatory in nature. Let me just quote from the report itself, which indicates that there is a $7 billion increase in revenues that will be required, and a $1.5 million per-State additional cost will be required to implement this law. And perhaps as compelling as anything else, $82 million will be required in additional funding for the Federal Communications Commission. "CBO estimates the telecommunications firms would have to pay an additional $7 billion over the next 5 years to comply with universal service requirements of the bill and believes that these amounts should be included as revenues in the Federal budget." The managers have accounted for that with spectrum auction, is my understanding.

"CBO estimates that enacting S. 652 would increase the spending requirement for the FCC by about $81 million over the 1996–2000 period."

Madam President, how can you have a bill that is deregulatory that is going to cost us an additional $81 million over a 5-year period in order to deregulate the industry? I do not think so. In fact, Madam President, there are additional—at least according to this morning's Wall Street Journal, there are 80 new regulatory functions for the FCC, all designed, of course, to ensure fairness and competition. Eighty new regulatory functions for the FCC. And, of course, the most egregious of which, in my view, is the so-called public interest aspect of the bill, which, frankly, places an enormous amount of power and authority in the hands of the FCC.

Let me make it clear for the RECORD that this legislation is a substantial improvement over S. 1822 from the 103d Congress. With all due respect, I have to say that any legislation that advertises itself as deregulatory and has a requirement for domestic content in it, which, according to the U.S. Trade Representative, was a direct violation of NAFTA and GATT, of course, it is an insult to one's intelligence to call it deregulatory. So at least we got rid of the so-called domestic content aspect of it. And we have made other substantial improvements in this bill.

Let me note that it is an improvement, but it does little in the way of fundamental deregulation. Why is it that every time I talk to someone in this industry—and there are many—they say, "I am in favor of total deregulation, but * * *" There is always a "but." And guess what? They have to have some kind of special dispensation for their industry to make sure that they have a level playing field. Apparently, the only way you get a level playing field is to have some kind of special deal for this or that segment of the industry.

As the Heritage Foundation noted in its report card on S. 652,

> Unfortunately, while a modest improvement on current law misses the opportunity to benefit consumers by opening the industry to real competition, if this legislation becomes law, as structured today, consumers will not be able to look forward to serious telecommunications deregulation or competition in the short-term.

The Heritage Foundation graded S. 652, unfortunately, albeit accurately—the bill scored an overall grade of a C-minus. It is my understanding that the managers are offering amendments that will raise that grade somewhat. I applaud their efforts. Senator PACKWOOD and I are also offering amendments which will raise the grade of the bill and will result in substantially better, more deregulatory, more proconsumer legislation.

As I said before, Madam President, we will have one opportunity this decade to substantially reform the telecommunications industry. I think we are all in agreement that if we do not pass this bill within a relatively short period of time the legislation will probably not be reconsidered until at least 2 years from now. And, of course, we do not want that to happen.

I urge my colleagues to remember that on November 8, the American people demanded a change—less Government and more freedom to innovate and compete. S. 652, like last year's bill, is based on the belief that all the woes of the communication industry could be solved by the glory of increased regulation. History tells us that regulation binds and restricts industry growth and innovation and transfers decisionmaking from entrepreneurs and thus customers to bureaucrats. These regulatory shackles do little to benefit the public.

Madam President, in free markets, less Government usually means more innovation, more entrepreneurial opportunities, more competition, and more benefits for consumers. This point was made exceedingly clear by the Wall Street Journal when it stated on April 8, 1994,

> It is truly humorous for politicians to think they can somehow fine-tune or stage-manage the rapidly developing world of advanced technologies that includes emerging financial and corporate structure, entire armies of engineers and software wizards. The people who will actually bring this exciting future to life are put in lead shoes when the FCC and the Congress micromanages.

Madam President, one of the arguments that will be made today by my friend from Alaska is that this is a interim bill, that this is one step on the path toward total deregulation. My response to that is that I would have to be convinced as to where that is needed and why. I note that my friend from South Carolina is smiling at me. I understand that, since we have a fundamental philosophical disagreement. The Senator from South Carolina, I believe, did not support airline deregulation or trucking deregulation, and does not probably support the kind of deregulation that I am in favor of. We have a fundamental philosophical difference in the role of Government and whether the Government should regulate the market or let the free market play. I have heard many times my friend from South Carolina talk and how he laments that there is no longer the direct flights to Charleston, SC. I lament that, too. There is not nearly the comfort or the convenience there used to be. But the fact is—and I have provided the facts many times—that the people of South Carolina can get back and forth from Charleston, and most any other part of South Carolina less expensively and more conveniently than they ever had in the past, under Government deregulation. We used to have, under airline regulation, a special flight that went from here to a certain destination because there was a certain Senator who was a chairman of a committee. That flight used to be mostly empty, but that flight stayed in existence at least as long as that was the case.

It is important to note that without any regulations the television manufacturing industry has managed to achieve a very high penetration rate for televisions in this country, even higher than that of telephones. We must ask the fundamental question: Why do more American homes have TV sets than have telephones? Whatever the answer, the facts demonstrate that an industry can achieve virtual universal penetration without Government-imposed regulation.

Madam President, I want to highlight some of the problems I see with this legislation. First and foremost, it is not deregulatory. According to estimates published by the FCC itself, this bill will require it to take over 60 new regulatory or administrative actions.

This bill also expands the current telecommunications service subsidies scheme. As the Heritage Foundation notes,

> Instead of attempting to reform or eliminate this destructive subsidy system, the Pressler bill actually expands its scope. For example, the bill maintains current price controls, continues inefficient rate averaging, and expands the telecommunications entitlements.

The Heritage Foundation continues:

> The continuation of the failed subsidy policies of the past, combined with an expanding definition of universal service, mandated under the bill, places at risk almost everything else the bill hopes to accomplish. Once personal computers, online service, set top boxes, and other future technologies become part of a package of mandated benefits, to which every American must have access, it is likely these technologies will be regulated and thus made less competitive. Further, according to CBO, enacting S. 652 would increase spending requirements for the FCC by about $81 million over the period from 1996 to the year 2000.

I wish the managers would explain to me, how do you deregulate and increase the cost to the enforcing agency of the enforcement of regulations? Is it to help them make a transition? Or is it, in reality, to enforce the additional 80 new regulations that are a part of this bill? I do not think any American would believe that a bill is truly deregulatory if it costs $81 million, payable to the regulators, to enforce.

On this point, I want to again quote the Heritage Foundation.

> The bill does not contain any serious discussion of the future of the Federal Communications Commission. Policymakers appear unconcerned with the role the agency plays in the deregulatory process, and apparently do not realize it was part of the problem they hope to correct.

I am going to—I hope, before we finish this bill—look at what the Federal Communications Commission has done when we have given them a broad charter, such as determining what is in the public interest. I will tell you what the record shows—that is, that they have never really been able to determine what is in the public interest, and if they have, their conclusion has been more regulation.

That is not a criticism of the FCC. That is the nature of bureaucracies, the nature of regulatory bodies when you set them up. How should we expect anything else? That is their business.

The Congress should follow the model established by the congressional Democrats in the Carter administration in the late 1970's when they led the battle to deregulate the airlines. From the start, the future of the Civil Aeronautics Board, which regulated the airline industry, was on the table. It was well understood by most in Congress that deregulating the airlines would mean eliminating the CAB. A few years later, the CAB was abolished.

Just the opposite occurs in this bill. The bill actually expands the ability and policymaking ability of the FCC. As noted by the CBO, as I said, it will cost an additional $81 million over the next 5 years.

I want to enumerate some of the other problems in this bill. I mentioned it before, and I will mention it again, because it is really a very crucial item. The FCC administered public interest tests, which allowed the FCC to use subjective criteria in determining whether an RBOC can compete in other lines of business. The public interest test gives the FCC policymaking authority. The FCC's authority and power should be lessened, not enhanced. The public interest test allows the FCC to establish policy and control private companies and whole industries. Such ill-defined discretionary power would prevent full competition in the communications industry for years, if not decades. It should be eliminated, or at least amended so that compliance with the competitive checklist is deemed to be in compliance with the public interest test.

The Snowe-Rockefeller public users language in the bill should be stricken. The bill mandates at-cost telecommunication rates for schools, any medical facility, or libraries.

First, in my view, the Congress should not be establishing specific rates for specific groups. Such decisions should be made by the free market or, at a minimum, on the State level.

Second, many political causes that operate out of such entities, such as proabortion operations, would be given a federally mandated benefit that others in society would not be able to receive. The provision should be eliminated.

Mr. President, if we are interested in making sure that low-income individuals have access to a telephone, we have a proposal that simply is to provide vouchers for those who need it.

It seems to me that to provide vouchers to those who are low income, Americans who need a telephone service or anything else should be the recipients directly of the ability to purchase that service. When we go through other bureaucracies, other industries, what we do is increase the cost. Obviously, we distort the entire situation.

I intend to offer an amendment that would establish the voucher program in lieu of the urban rural subsidy scheme that currently exists. The current system and that envisioned under S. 652 seeks to ensure that Americans receive telecommunication services at similar rates, by giving the corporations that offer such services a subsidy. Instead of giving subsidies often to well-to-do people, we should be giving the funds directly to the needy consumer. I intend to discuss this issue more fully when I offer the amendment.

Last, we must closely examine the universal service fund mechanism in the bill. I have serious concerns about the potential of this legislation, as drafted, to create a new telecommunications entitlement program.

Furthermore, I am very concerned that the Budget Committee has not dealt sufficiently with the budgetary impact of this legislation. CBO has stated that the bill contains a Government mandate that will force telecommunications firms to have to pay an additional $7 billion over the next 5 years to comply with the universal service requirements of the bill. CBO believes that these accounts should be included as revenues in the Federal budget.

Mr. President, the budgetary ramifications of this bill cannot and should not be ignored. As CBO noted, the costs associated with S. 652 fall within the budget function 370. As such, they would increase direct budget authority in function 370 by $7 billion.

Additionally, proponents claim that the new Federal tax contained in this bill should not be counted on the budget but, instead, be considered off budget, since it is budgetarily neutral. That simply is not correct.

CBO states that receipts generated by this bill would be on budget, and I believe they are correct. Regardless of how the money is used, it should be counted in the budget.

There are those who argue that this bill saves consumers money. I wish that could be proven, but it cannot. In fact, the opposite appears to be true.

First, some have estimated that the current telecommunications subsidy scheme totals $10 billion, and since this bill streamlines and makes explicit some subsidies, that this bill results in $3 billion in savings. That is not an accurate statement.

How much money totals in the subsidy scheme is not accurately known. Some state $10 billion; others claim the number is much closer to $20 billion.

The reality is that the bulk of all this money is currently controlled by the States and is inherent in the rate scheme. In this bill, we are effectively federalizing $7 billion of the $20 billion. Is money saved by such action? I do not know.

I do know that CBO claims that it will cost $81 million to implement this bill on the Federal level and $1.25 million per year per State to implement this measure. I do know that the Federal Government does not have an outstanding reputation for efficiency and cost savings.

I also know that it is impossible to estimate the future costs of this legislation. The evolving definition of universal service contained in the bill will allow the FCC to expand service. Any such expansion of service will cost money.

The State of Colorado, for example, by the end of this year, will finally implement a single-party dialing scheme throughout the State. Doing so is good for the people of Colorado. But I will want to note that doing so costs money. It is not done for free.

Additionally, I am very concerned about the future costs of the public user section of this bill. When we subsidize telephone service for all schools, libraries, and medical facilities, there are costs in doing so. Those costs must be borne by someone.

The bill allows the FCC and a Federal-State joint board to determine what services qualify as universal service. These services are what this new Federal telecommunications tax will pay for.

I want to emphasize after this bill passes, the FCC, not the Congress, will be determining how high this new telecommunications tax will rise. Let me repeat this: After this bill is signed into law, the FCC will be determining how much is paid into the universal service fund. That is wrong, and the impacts are staggering.

Additionally, CBO estimates that the cost of the bill to State and local governments will be substantial. The CBO report states:

> Implementing the provisions of S. 652 would result in increased costs to most States. The bill would require States to promulgate regulations, direct various audits of Bell companies, and to participate in various joint Federal-State boards.

CBO states, based on information from the National Association of Regulatory Utility Commissioners' estimates, that States will incur costs approaching $125 million over the next 5-year period.

Again, I ask the question: What kind of deregulatory bill costs the Federal Government extra to implement and the State governments extra money to implement? It does not make sense.

Mr. President, we are moving this bill forward without fully understanding its impact, in my view, on the industry and the economy as a whole, and most importantly, the consumer.

I have been assured, Mr. President, that we will fix many of the bill's problems in conference. I have seen too many things happen in conference behind closed doors. I think there is no time, when special interests have more impact in a conference behind closed doors. I have no confidence that this will be "fixed" in conference.

In closing, Mr. President, I hope we can improve the bill. Deregulation will result in winners and losers in the communications industry. That is the unfortunate reality. But consumers will be the biggest winners. They will have increased options and lower prices.

The bill we pass should result in that goal becoming a reality. If the bill cannot do that, then we should amend it. If that is not possible, we should start again.

Mr. President, this morning in the Wall Street Journal, there is an article called "Locals' Access," and it begins with a quote that says "It's an inside-the-beltway game, a wise guy's game," a quote from Larry Irving, of the Commerce Department.

Mr. President, the article goes on to say:

> [From the Wall Street Journal, June 8, 1995]
>
> LOCALS' ACCESS
>
> It's a harsh verdict, but after watching the House Commerce Committee approve a misshapen telecommunications bill, we reluctantly have to agree with Mr. Irving's assessment. The once-grand enterprise of opening the Information Highway has become a wise guy's game.
>
> The recent committee markup was packed with lobbyists, many of whom paid $1,000 for their seats by hiring a student to wait in line for three days to reserve a spot. The bill that emerged from this familiar Beltway bog was dripping with new restrictions on competition—all of course in the name of "deregulation." This is what happens when Republicans forget the November election and start behaving like the locals.
>
> The GOP decline on this issue was put in stark relief with the release of a study on telecom deregulation last week by the Progress & Freedom Foundation. The report, prepared by a distinguished group of scholars and welcomed by Speaker Newt Gingrich, sets a truly radical agenda: Abolish the FCC and replace it with a smaller executive branch agency. Get rid of the current regulatory hodgepodge, leaving in place only the Justice Department's antitrust functions. Get the government out of the spectrum business by creating "property rights" on the I-Way. Shrink subsidies for the officially protected groups down to the smallest possible level.
>
> This vision, which combines Republican principles with the realities of the 21st century marketplace, is what the GOP should be doing—but isn't. Oh sure, Congressman Jack Fields and Senator Larry Pressler—the chief architects of the Republican approach—have promised that abolishing the FCC will be the next item on their agenda. But after a bruising, months-long battle over this telecom bill, Congress is hardly likely to revisit the subject anytime soon.
>
> The Fields and Pressler legislation comes to the Senate floor this week, and far from phasing out the FCC, it gives the agency some 80 new regulatory functions—all designed, of course, to ensure "competition" and "fairness." By taking this approach, Republicans have aligned themselves with the Clintonites' French Bureaucrat worldview and against the real entrepreneurs.
>
> In fairness, it must be said that the Republicans' failure of political vision is matched and made possible by that of industry. Over and over, telecom CEOs have told us that all they want to do is compete without government interference. But when confronted with a wide-open legislative process, the temptation seems irresistible to seek provisions burdening competitors.

Mr. President, having been lobbied by representatives of the telecommunications industry, I can attest to that for a fact.

> The problem here is a familiar one—the telecom companies lean too heavily on their "insider" Washington representatives, whose skill is chiseling arcane special provisions out of an arcane process. These people are part of the reason the public is cynical about Washington. The CEOs know what's right, but are given to believe it's never attainable. Consider "universal service."
>
> Numerous telecom CEOs have told us how awful this entitlement is: It distorts market signals. It offers huge subsidies to recipients who aren't means-tested. It costs the economy billions. But every CEO hastily adds: Of course, we can't oppose universal service; remember the political realities.
>
> In short, the imagination that builds such remarkable private networks and products stops at the Capitol steps. Nobody is making the case to the public against universal service. Where are the TV commercials pointing out that Harry & Louise would be forced to subsidize telephone service to their rich neighbor's summer home? Instead industry lobbyists and Republicans have quietly united behind a new universal service entitlement, whose cost, by CBO estimates, would be $7 billion.
>
> It would be a tragedy if this approach becomes law—for all concerned. The telecom industry, which now represents one-seventh of the economy, wouldn't create the 2.1 million new jobs that real deregulation would bring by the year 2000. The Republican Party would see its mantle as the party of new ideas tarnished. And the American people would be delayed in receiving the benefits of full competition—everything from new cable channels to interactive television to services not yet imagined.
>
> Newt Gingrich and Bob Dole have to get involved to prevent their political managers from blowing this chance to deregulate America's fastest growing industry. The leadership should declare: Enough compromises, already. Let's get back to first principles, with the Progress & Freedom Foundation report an excellent place to rediscover them.

I want to read a letter I received yesterday from the Citizens for a Sound Economy.

DEAR SENATOR MCCAIN: I am writing on behalf of Citizens for a Sound Economy (CSE) to express our support for the amendments you intend to offer during floor debate on S. 652, the Telecommunications Competition and Deregulation Act of 1995. We commend your efforts to improve the legislation by streamlining regulatory review processes and taking steps to rein in the current universal service system.

S. 652, as reported by the Commerce Committee, eliminates or reduces a number of regulatory hurdles to telecommunications competition, cable rate regulation, and broadcast ownership restrictions. It provides spectrum flexibility for broadcasters. It also eliminates some rate of return regulation, and provides transition mechanisms to competitive pricing, a periodic review of regulations, and authority for regulatory forbearance.

Given the outdated regulatory scheme currently used to regulate the telecommunications industry, this legislation is a step forward. While we strongly urge adoption of the amendments discussed below, which would strengthen the bill, CSE believes the Senate should pass S. 652 even if these amendments fail.

"Public interest" review. S. 652 would condition a Bell's entry into the long-distance market upon a showing that the company had undertaken specified steps (a "checklist") to open its local network to competition. Even after the Bell company complies with the checklist, however, the FCC would have to determine whether Bell entry is consistent with the public interest.

CSE supports your amendment to deem the public interest standard to be met when a Bell company has met the requirements specified in the checklist. The requirement of an FCC "public interest" determination in addition to the checklist requirements is unnecessary and will result only in delay in bringing additional long distance competition to consumers. Moreover, this "public interest" requirement is ill-defined and thus invites virtually endless litigation over whether Bell entry is in the public interest. Unlike the public interest test, the checklist is objective, and conditioning long-distance entry solely on meeting its requirements provides some certainty in the process. Objective criteria also reduce the temptation of existing providers to use regulatory processes to protect their market.

Universal service amendments. S. 652 takes some steps toward making universal service subsidies explicit, which CSE strongly supports. We also support your amendments to prevent potential unchecked expansion of the current flawed system.

First, S. 652 mandates cost-based rates for schools, libraries, and medical facilities. This provision should be stricken, as your amendment proposes. The federal government should not favor particular entities to receive preferential rates. If local or state ratepayers wish to subsidize these entities, that determination can be made at the local or state level. Moreover, the community-user provision raises difficult questions. For example, is a parochial school entitled to the discounts? Should Americans who oppose abortion be required to subsidize the telecommunications services provided to an abortion clinic? Giving such benefits to certain institutions in society raises questions of fairness and touches upon constitutional issues. Therefore, GSE supports elimination of this provision.

Second, S. 652 defines universal services as an "evolving level" of services that includes, at a minimum, services subscribed to by a substantial majority of residential customers. Your amendment would narrow this definition to exclude entertainment services and telecommunications equipment. There is simply no justification to require consumers to subsidize access to interactive video games or the purchase of computers.

Finally, CSE supports your amendment to require congressional notification of the amount of universal service contributions and of any increases. This is essential to foster congressional oversight of a potentially fast-growing entitlement. It also will facilitate accountability to consumers who are paying for universal service support in their telephone bills.

In conclusion, CSE supports your amendments to further streamline the regulatory structure governing the telecommunications industry. In addition, while we recognize that S. 652 is not perfect, we urge the Senate to act on the bill.

Mr. President, the Heritage Foundation also wrote a memorandum to me and to Senator PACKWOOD, and I ask unanimous consent their letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE HERITAGE FOUNDATION,
Washington, DC, June 6, 1995.

Re Improving S. 652

Hon. JOHN MCCAIN,
Hon. BOB PACKWOOD

I am writing on behalf of the Heritage Foundation concerning S. 652, The Telecommunications Competition and Deregulation Act of 1995, which the Senate is scheduled to begin debate on as early as Wednesday morning. While the bill makes considerable strides toward the liberalization of the telecommunications market, the legislation is also riddled with much unnecessary regulation and new mandates. Federal Communications Commission (FCC) Chairman Reed Hundt made this clear when he announced recently that the agency "will need substantial resources" to implement the legislation. "We'll need economists, statisticians, and business school graduates," Hundt went on to say.

Although this may be the type of deregulation FCC bureaucrats like, it is falls well short of what most experts and consumers would view as true deregulation. I fact, a recent scoring of S. 652 by the Congressional Budget Office revealed the bill would require approximately $60 million in additional FCC spending over the 1996–2000 period.

Realizing the need for a more deregulatory approach, you plan to introduce a package of amendments on the Senate floor that will correct much of the bill's overly regulatory emphasis. Only by including amendments such as these can the Senate assure S. 652 will be deregulatory in both rhetoric and reality.

Cutting out the regulatory fat. Although S.652 makes some important improvements over current law, most experts agree too much regulatory fat has been added to the bones of the bill. Whether it was added to appease special industry interests or particular legislators makes little difference—the fact remains that the bill contains dozens of new rule-making powers and open-ended mandates for the FCC.

Your amendments would correct many of these flaws by offering language that would do the following.

Eliminate lengthy potential delays that would result from a "public interest" test on Baby Bell entry into new markets by demanding that the FCC allow such firms to enter new markets once they have satisfied a pre-determined checklist of requirements.

End numerous unnecessary common carrier regulations by requiring mandatory FCC forbearance when markets are deemed competitive.

Sunset transitional regulations to ensure rules do not become permanent fixtures.

Eliminate price controls and expensive mandates on carriers that serve rural health care providers, schools, and libraries.

Narrowly define universal service as basic phone service and create a more efficient, pro-competitive delivery mechanism.

Adopting these provisions would improve markedly the deregulatory scope of the bill. In fact, comparing a report card of the relevant section of S. 652 that your amendments focus on, illustrates the magnitude of this improvement. (See Table 1).

A REPORT CARD ON THE PRESSLER PLAN FOR TELECOM (S. 652) WITH AND WITHOUT PACKWOOD-McCAIN AMENDMENTS

Report card item	Grade without amendments	Grade with amendments
Elimination of barriers to entry and regulation (telephony).	B –	A –
Elimination of telecommunications bureaucracy.	D –	B
Elimination of telecommunications entitlements.	F	B+

Many of the amendments that Commerce Committee Chairman Larry Pressler (R-SD) plans to offer as part of a "manager's" package could also broaden the deregulatory nature of the bill. Specifically, if the Chairman offers amendments further scaling back cable rate regulation, adding more substantial broadcast deregulation, vacating the GTE consent decree, eliminating asymmetrical regulations on AT&T, as well as language broadening the scope of the spectrum auctioning authority of the FCC, then this bill overall would score a solid "B". But, again, this would be the case only if all the free-market oriented amendments being proposed are adopted.

Although the adoption of these amendments would clearly improve the scores S. 652 receives, to obtain perfect marks the Senate would need to include language that: unconditionally eliminated all barriers to entry in every segment of the market after one year; completely devolved all authority for the delivery of universal service to the states; repealed all cable regulations and created a clear and unconstrained legal environment for the delivery of video services; privatized completely the radio spectrum by creating property rights in wireless spectrum holdings; unconditionally repealed all protectionist foreign ownership barriers; eliminated entire bureaus and departments at the FCC; and made explicit mention of the preeminence of the 1st Amendment in the emerging telecommunications legal environment.

However, inevitable political trade-offs and compromises probably diminish the chances such comprehensive reform language could be inserted into the bill so late in the legislative process. In addition, certain issues such as continued downsizing of the FCC bureaucracy and the privatization of the radio spectrum could be handled in separate bills later this session.

Last chance till 1997. If the S. 652 fails to pass the Senate, in all likelihood there is little chance legislation would resurface until the next Congressional session in 1997. Such deregulatory delay would cost both the industry and consumers billions of dollars in lost economic output, higher prices, and foregone job opportunities.

However, the overly regulatory baggage attached to S. 652 would also impose significant costs on the industry and consumers and, therefore, should be removed if Congress desires a rapid and unfettered transition to free markets. The Packwood-McCain amendments would strip out such elements of the bill and facilitate such a beneficial transition. If coupled with deregulatory language found in Senator Pressler's amendment package, S. 652 could then be considered truly "deregulatory" in both rhetoric and reality.

Mr. McCAIN. I will quote from the memorandum from the Heritage Foundation. It says:

While the bill makes considerable strides toward the liberalization of the telecommunications market, the legislation is also riddled with much unnecessary regulation and new mandates. Federal Communications Commission (FCC) Chairman Reed Hundt made this clear when he announced recently that the agency "will need substantial resources" to implement the legislation. "We'll need economists, statisticians, and business school graduates," Hundt went on to say.

Although this may be the type of deregulation FCC bureaucrats like, it is falls well short of what most experts and consumers would view as true deregulation. In fact, a recent scoring of S. 652 by the Congressional Budget Office revealed the bill would require approximately $60 million in additional FCC spending over the 1996–2000 period.

Your amendments would correct many of these flaws by offering language that would do the following:

Eliminate lengthy potential delays that would result from a "public interest" test on Baby Bell entry into new markets by demanding that the FCC allow such firms to enter new markets once they have satisfied a pre-determined checklist of requirements.

End numerous unnecessary common carrier regulations by requiring mandatory FCC forbearance when markets are deemed competitive.

Sunset transitional regulations to ensure rules do not become permanent fixtures.

Eliminate price controls and expensive mandates on carriers that serve rural health care providers, schools, and libraries.

Narrowly define universal service as basic phone service and create a more efficient, procompetitive delivery mechanism. It shows increases in grade with this amendment.

The Heritage Foundation concludes by saying:

If the S. 652 fails to pass the Senate, in all likelihood there is little chance legislation would resurface until the next Congressional session in 1997. Such deregulatory delay would cost both the industry and consumers billions of dollars in lost economic output, higher prices, and foregone job opportunities.

However, the overly regulatory baggage attached to S. 652 would also impose significant costs on the industry and consumers and, therefore, should be removed if Congress desires a rapid and unfettered transition to free markets. The Packwood-McCain amendments would strip out such elements of the bill and facilitate such a beneficial transition. If coupled with deregulatory language found in Senator Pressler's amendment package, S. 652 could then be considered truly "deregulatory" in both rhetoric and reality.

That is what I am hoping we can add here.

AMENDMENT NO. 1260

(Purpose: To require Congressional notification before the imposition or increase of universal service contributions)

Mr. McCAIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. DEWINE). The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. McCAIN] proposes an amendment numbered 1260.

Mr. McCAIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 42, strike out line 23 and all that follows through page 43, line 2, and insert in lieu thereof the following:

"(j) CONGRESSIONAL NOTIFICATION OF UNIVERSAL SERVICE CONTRIBUTIONS.—The Commission may not take action to impose universal service contributions under subsection (c), or take action to increase the amount of such contributions, until—

"(1) the Commission submits to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Commerce of the House of Representatives a report on the contributions, or increase in such contributions, to be imposed; and

"(2) a period of 120 days has elapsed after the date of the submittal of the report.

"(k) EFFECTIVE DATE.—This section takes effect on the date of the enactment of the Telecommunications Act of 1995, except for subsections (c), (e), (f), (g), and (j), which shall take effect one year after the date of the enactment of that Act.".

Mr. McCAIN. Mr. President, this amendment would mandate that the Congress be notified in advance of any action taken by the Federal Communications Commission that would result in increased receipts to the Government. In other words, increasing taxes. There is a substantial debate about whether this bill mandates taxes or not. I believe it does. I believe this bill should be blue slipped by the House of Representatives due to the fact that the Constitution mandates that all tax bills originate in the House.

According to CBO:

CBO estimates that telecommunications firms would have to pay an additional $7 billion over the next 5 years to comply with the universal service requirements of the bill and believes that these amounts should be included as revenues in the Federal budget.

What may be a receipt to many here is a tax to many in Arizona. We can debate semantics for some time, whether a receipt is a tax or not. I do not intend to do so. But to my constituents, Government-mandated collection of revenues, which we then spend, in my view and their view is a tax.

It is true many of the costs that CBO calculated in this bill currently exist. They are part of a large telecommunications subsidy scheme controlled by the States. That does not change the fact that we are now federalizing that money into some that constitutes a tax.

I am very concerned about this new tax. As I noted, the Constitution states that all revenue measures originate in the House. I have contacted the House Parliamentarian regarding this matter, and it is my understanding that they are very concerned about precisely this issue. After all the hard work of the chairman and ranking member of the Commerce Committee—and they have worked very hard on this matter—I fear it may be for very little due to the tax problem.

Further, under provisions of this bill, not the House nor the Senate but the FCC will have the ability to originate or increase taxes, federally mandated taxes to be paid by companies. Either way, I believe that is an abrogation of congressional duty.

Under the evolving definition of universal service contained in the bill, the FCC in conjunction with a Federal-State joint board can at any time change the definition of universal service. Although I applaud the committee for accepting the suggestion I made for tightening the bill's definition of universal service, I remain concerned. However, the definition is changed. The FCC in the future could mandate call waiting, three-way calling, and any other number of services that no one has yet thought of for all Americans. Such services do not come for free. They come with a substantial cost.

The bill allows the FCC to force all telecommunications companies to pay into the universal service fund an amount necessary to subsidize such services. And, yes, these costs, the costs of paying federally mandated access, will be passed on to the consumer. When American companies are taxed, when American consumers are taxed, when anyone is taxed in this country, the Congress—not an executive branch agency—should be making these decisions.

Because of the structure of the bill it is not possible to allow the Congress to veto FCC authority we give them. Such a legislative veto bill violates the Chadha decision. This amendment, however, does mandate that the FCC notify the Congress of its intent to raise the fees that it charges communications companies. The Congress could then act to stop the FCC. We could choose to do anything. But it is imperative that we know of such changes and have time to act.

I understand that some will state that any such changes promulgated by the FCC would appear in the Federal Register, and, therefore, the notification requirements mandated by this amendment are not needed. I disagree.

We should not allow tax-for-fee increases to occur merely after notification in the Federal Register. Direct notification is appropriate. Congressional committees should concur. That is exactly what this amendment does.

I ask that it be adopted.

Mr. President, I believe that the managers of the bill are receptive to this amendment. I would ask for the yeas and nays. But I am not sure it is necessary to do so.

Mr. PRESSLER. We will accept this amendment. We commend the Senator from Arizona for his support.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. I join in recommending that it be accepted. But I want to point out some things to my friend from Arizona.

I, too, have no objection to this concept of notification of increased requirements for the requirement to report if there is going to be increased cost for universal service and if there is going to be an increase in the universal service contributions.

I point out in the first instance that I believe the House is operating under a misinterpretation of this bill. If we do not enact this bill, the cost of the universal service under existing law will be about $10 billion. If we do enact it, it will be more than $3 billion less. I do not understand why the House indicated it would have an objection to a bill that would reduce the existing cost of universal service. Because of the change in this system the Congressional Budget Office has indicated that even though private contributions do not come through the Treasury, and private expenses do not come through the Treasury, as I said before since it is a mandate, it would be included in the budget process. But I have every reason to believe, and I do believe, that the cost of these systems will decline dramatically in the period ahead, and it is because primarily of this bill opening the door to telecommunications competition.

Again, I want to quote my friend George Gilder who indicated that "the computer industry will double its cost effectiveness every 18 months. The wireless conversions of digital electronics and spectronics will allow the industry to escape its copper cage and achieve at least a tenfold drop in the real price of telephonic service in the next 7 years."

I believe, and everything I have read comes to the same conclusion, with more competition and the addition of the new technology, tumbling as it is, we should see an ever-decreasing cost of telecommunications services. We have modified this bill so that it reflects the approach of the essential air service. It is not a universal service concept as exists under existing law. It is certainly not a tax. There is no way that this could be determined a tax. It is continuing the process that the industry itself started in the interstate rate pool. The interstate rate pool to my knowledge has never been included in the budget process. But because now we are limiting it, the Congressional Budget Office has decided that it ought to be referred to in the budget process.

Again, Mr. President, that is merely taking into account the money that customers pay and then having that money paid out pursuant to the provisions of the bill. But it is not paid to the Government. Surely it is stretching the Budget Act, as I have said before.

But I do want to say to my friend from Arizona, Mr. President, I made some comments about the long statement my friend made before. Let me say this at the very outset. The intention of this bill is to take the regulation of the telecommunications service away from the courts. What we have done is restored the States rights and we have reestablished oversight in the FCC. If you want to look at the cost of the courts over the last 10 years under the modified final judgement and add it to what we have put out for the Justice Department antitrust operation in that time, we are reducing the cost to the Government of the administration of the telecommunications law because the courts will not have jurisdiction over these cases that they have had before under the modified final judgment.

I do believe that we have a series of matters we ought to discuss. But I certainly want to compliment the Senator from Arizona in terms of his approach of pushing further and further for deregulation. But the deregulation comes about as we increase competition. If we just deregulate the monopolies in their own areas, we will not end up with a kind of telecommunications competition that will bring about this constant reduction in costs because of the entrance into this telecommunications area of these new technologies.

Above all, I urge Members of the Senate to look at the studies that have been made about what is going to happen as we do in fact bring in the new technologies and allow them to compete. We are really not going to be talking about telephones. My friend from Arizona said we ought to have telephone service for these people. Telephone service in the future is going to be like giving people vouchers to ride in an Edsel. We are not talking about telephone service anymore. We are talking about telecommunications connections which will enable people in rural America to have computer services just like everyone else. As George Gilder points out, the computer is going to be so pervasive that it will be the means of communication for most Americans by the turn of the century. It will not be telephones. There will be what amounts to phone connections in the computers.

By the way, the cost of the computers themselves is coming down at such a great rate. The cost of the base stations that will implement the interconnections are coming down. If we have the ability to use the broadband radio the way it has been described and use it for interconnections, I tell my friend from Arizona the report from the FCC, if anything I would modify it and say let us know the extent to which the costs are being reduced as well as increased because the progress is going to be in reduction, just as this bill reduces it by almost 30 percent just by the changes we have made. The communications industry itself in 7 years is going to reduce that tenfold.

I do not believe that we should oppose an amendment which would require a report from the FCC of increases in universal service contributions.

Mr. KERREY addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. Mr. President, I do not know whether or not this might be the appropriate time for us to have a rollcall vote on the amendment of the Senator from Arizona.

Prior to making some comments about that amendment, I point out to my colleagues that many of the things that the Senator from Arizona said in his statement I said last night and again today. It might surprise some to hear me say this, but I, in fact, might embrace a lot of the things that the Senator from Arizona is trying to propose. I do think if you are going to move to a competitive environment the quicker you can get there the better off in many ways, and that to hold this thing back might make it difficult for us to get consumers to understand how it is we are going to adjust because there is going to be substantial adjustment to the changes we are proposing in a regulatory structure.

I must say again, as I have said a number of times, I am not getting a lot of complaints from citizens saying, "Gee. I do not like the way this is thing is working." I do not get a lot of people coming to me talking about enhanced services and all of that. I do not hear people say the current regulation makes it difficult for technology to be deployed. And I happen to be a relatively high-end consumer. I must tell you I have not been struggling to get existing technology, and hearing the companies say that it is not cost-effective. We are not going to provide you the kind of services that existing technology allows under variety.

It really is not that the regulation prevents them from doing it. They just are not doing it. So in a competitive environment, if they do not provide it to me, I will go someplace else. I will get somebody else to provide the service for me.

As I see this legislation it is attempting to move us to a point where I at the local level—and I know competition, by the way. Let me stop here a little bit and define it. Competition for me means I choose. If I do not like what you are giving me, I will go someplace else. In my particular business, if my customers do not like what I put on the table in front of them, they have a lot of choices, lots of places they can go. To me, the idea of competition is not AT&T competing with MCI or Bell Atlantic competing with CTI and all that sort of stuff. Those are big companies coming into a competitive environment.

What I think of competition is potentially a whole generation of entrepreneurs who are not here lobbying, by the way, that are not talking to us, that are not asking for anything. In fact, if you look at the jobs created in the State of Nebraska in technology, they are created by businesses that have not even contacted my office. They are created by people who are not even aware of S. 652. When I am at home on the weekend, and I say what do you think about S. 652, is it going to help or hurt? They say what the heck is that? I have to ship it to them and show them what it is all about.

The new entrepreneurs that are coming in for services with the ones that are likely to have customers are saying, boy, this is working; this is terrific.

I say, as I envision competition, there are four big areas where people are going to be able to compete, if we transition this thing properly. One is people are going to come in and say to me as a consumer you do not have to buy dial tone separately; you do not have to buy video separately; you do not have to buy all your information separately.

I have about $70 or $80 for local and long-distance telephone service. I have about $40 or so for cable—I do not know the exact dollar amount—and about $30 for other sort of published accounts, published documents, newspapers, and magazines that are coming in. I have $150 a month. If we deregulate properly, entrepreneurs coming knocking on my door or contacting me through E-mail or however they want to get to me say, BOB, you are spending 150 bucks a month, we can do it for $89.95, and we can give it to you in a different form, faster, clearer, and better than what you are getting right now.

In that kind of an environment—instead of buying dial tone separately, cable separately, and all these other sorts of services separately, I buy them in a package—I believe the consumers will be excited about it, because I believe price will go down and quality will go up.

Second, we are going to have competition in switching. By that I mean people say, well, gee, the phone is the one that is doing all the switching. It is not true. There are a lot of entrepreneurs coming online today that are doing switching, that have the technology, that have the gear, that have the hardware, the software in a remote location and they are switching long-distance calls, and they can do it cheaper and do it faster and better.

There is going to be competition in switching. You have this idea that you have somebody down in an office still sort of either doing it manually or digitally, moving these packets about. Well, that can be done in lots of different locations in lots of different ways and there is going to be competition, the second area of switching, of getting whatever information you got, whatever bundle of goods and services you want to move from point A to point B. They are going to get those bundles wherever you want and retrieve whatever you desire to retrieve in a most competitive fashion.

Third, there is going to be competition in content, if we do it right, if we do not yield to people who say, as the Senator from Arizona was saying, I really like competition but could you just kind of protect me a little while until I figure out how I am going to compete with somebody who has 2 people working in his office instead of 2,000. How do I compete against an entrepreneur that understands that he has to keep his salary down and his fringe benefits down and other sorts of things down in order to be able to compete.

The fourth area is there is going to be a tremendous amount of competition in a whole range of services. As I said, I consider myself relatively high in, but this stuff still confuses me an awful lot, and I am going to be paying people to tell me how to connect this hardware with that hardware and how to get on this network and that network, how to make it work inside my office or make it work inside my home—all kinds of questions that I am going to have on all kinds of new services. There will not be one company that comes when you have a problem in your home to call up and say, gee, I have a question here. And the company says, well, I can get to you next Thursday or next Friday or, gee, we do not really get into that kind of thing, Bob. We are not involved with that kind of thing.

That whole world, if we write the language of this law correctly, can create a competitive environment that I think will benefit consumers and I think prices will go down and quality will go up.

So I share many of the concerns the Senator from Arizona raised and I declare it right up front. It may be there is potential for compromise where it may not be so obvious that there is potential for compromise between myself and the Senator from Arizona and the Senator from Oregon, who have an amendment. Unfortunately, I have not seen that one. We are talking about this one smaller amendment that deals with the universal service fund, and I would like to talk about that now.

The universal service fund that we have right now is rather complicated. I will not even pretend to describe it to you because frankly I do not understand it. But I do understand one thing, and that is that we do have subsidies going on to people who are not using them quite right. Sometimes it is used to keep the price of residential service artificially low. You can go to some places in America today, they are paying $6, $7, $8 for basic residential service where you go to a city with no universal service fund where they are paying $14. The business rates are substantially lower and the technology has not been upgraded.

In many cases the universal service fund is not being used in a fashion that you think of when you hear it described. You say, well, gee, I need the universal service fund because I have people out there who cannot afford it. Well, that is terrific; if they cannot afford it, let us help them get it. The idea of a voucher may have merit. In fact, it may have merit to go in that direction rather than having this very, very difficult to administer thing and very difficult for us to understand from our vantage point. In fact, there are an awful lot of us who, up until the last 2 or 3 years, were not even aware that there was a universal fund being administered and checks written and redistributed out throughout the country, and they come and tell us such things as the entire State of Georgia as I understand it is a universal service fund. I do not know if that is true or not, but I was told recently that is the case.

Well, I mean that just indicates how difficult it is to sit here in Washington, DC, with a good idea in mind; little people cannot afford to buy the local or residential service, making sure they are able to buy the product. It is a terrifically good idea to help somebody be able to communicate out of their home that otherwise might not be able to communicate. But it is difficult for us with that good idea to put it in practice. And I think if we were to have a lengthy debate about how the current universal service fund operates it might inform an awful lot of us as to why this system needs to be changed. We are basically accepting the status quo, and I declare and disclose, I participated with the farm team as we tried to keep this universal service idea alive.

As the Senator from Arizona cited, some corporate entity that he discussed this issue with, they said, well, we do not like it, but you know the politics of it; we have to keep it in place, and we sort of presumed the same thing.

It may be there is the mobility of altering the way we operate that universal service fund, but let us presume for the moment that we are going to keep the universal service fund the way it is. As I said, I am open to suggestions of ways to do it differently. Presuming that is the case, if you look at the language of this bill, what it is attempting to do—and I now turn to my friend from Arizona because I really have a question as to how he sees this thing working. The idea that we have in subsection (c) on page 40 of the act, which is referenced in this amendment, is that if you are going to have a universal service fund, I mean if that is the idea that we are going to keep this universal service fund concept alive and use that method of funding, what is going to happen is you are going to get new telecommunications companies coming into the arena.

The idea is they should make a contribution as well; that it should not be just the phone companies or should not just be the existing entities that are making a contribution to the universal service fund; that, in fact, it should be everyone who is now providing these new information services should be making a contribution.

As I see this—maybe the Senator from Alaska, who understands this well, can comment—as I see what this does, it actually provides an opportunity for a reduction in the assessment that the established carriers are paying into a universal service fund because it broadens the base of contribution. That is the idea of subsection (c). I do not have strong feelings against this amendment. I do not mind having the FCC notify. I think it makes genuinely good sense. It was blank on my copy of the amendment. As I understand it, it is 120 days. The Senator from Arizona in his amendment is saying from the time notification of the committee occurs and the time the assessment can occur there will be a 120-day period lapse?

Mr. McCAIN. The Senator is correct.

Mr. KERREY. Will the Senator from Alaska comment? Am I right, are we not trying in subsection (c) to say we are broadening the contribution base? If I had new companies coming on-line providing service at the local level, they should make a fair share contribution to the universal service fund? As I say, I am not trying to oppose this amendment, I want to make sure we do not get something in here that ends up coming back to haunt us.

We are trying to actually broaden the base of the universal service fund contribution which should for telephone ratepayers result in a reduction of the levy that they currently have for a universal service fund payment.

Mr. STEVENS. Mr. President, if the Senator will yield to allow me to answer that question, that is the intent of the bill. When new providers of service enter into competition, they will contribute to the fund as those who are currently providing the service. So it will broaden the contribution to the fund.

The courts have held that the current universal service system is not a tax. I do not view this as a tax. I view it as one of the requirements to enter the system in a competitive spirit. I think CBO itself did not say it was a tax but said it had to be taken into account in the budget process.

What we are saying is those who provide the services will contribute to the fund. It will broaden the base, as the Senator indicated.

I accept the Senator's amendment. If nothing else, it will give Congress notice every year how the cost of this system is going down by virtue of what we have done.

Mr. KERREY. I would, in fact, love to have the FCC provide in notification some explanation of how this fund works. I would not mind that at all, if I could understand the thing once and for all.

The question I have is really the 120-day period. Notification is not a problem for me. The question is, does this delay? Would this have the impact, do you believe, of delaying an opportunity for reducing the levy on other carriers?

Mr. McCAIN. I say to my friend from Nebraska, if he will yield, it is only if there is an indication of an increase would the 120-day prior notification——

Mr. KERREY. The language of the amendment says "may not take action to impose universal service contributions under subsection (c), or take action to increase the amount of such contributions, until—".

Subsection (c) is an attempt to broaden the base of contributions, to get new providers of services who are currently not contributing to the universal service fund to make a contribution to the universal service fund.

My concern is that if that is what we are trying to do, we could delay the actual reduction that is currently being imposed on other carriers. I do not know if that is right or not. I just raise the question.

Mr. McCAIN. Mr. President, I will say to my friend from Nebraska, that is not the intent of the legislation. I can see how it would possibly be interpreted that way. But what we were trying to say is they may change the formula, which would not have an immediate impact, but then would have an impact later on.

That is why the first part of it says "may not take action to impose universal service contributions." In other words, the immediate impact may not be an increase in rates but the long-term impact would be. As I say, I will glad to modify the amendment in such a fashion that if there is a rate reduction, which would be contemplated in any event, this would not apply.

I ask unanimous consent to modify the amendment to reflect the colloquy just discussed between myself and the Senator from Nebraska. We will write it up.

The PRESIDING OFFICER. The Chair advises the Senator he can modify his amendment, but the Chair will need the modification. The Chair does not have the modification.

Mr. McCAIN. With the indulgence of the Chair, we will have it in approximately 1 minute. In the meantime, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1260, AS MODIFIED

Mr. McCAIN. Mr. President, I send a modification to the desk and ask for the appropriate portion to be read by the clerk. It is a new paragraph.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

On page 2, after line 6 of the amendment, add the following: (3) The provisions of this paragraph shall not apply to any action taken that would reduce costs to carriers or consumers.

The amendment, as modified, is as follows:

On page 42, strike out line 23 and all that follows through page 43, line 2, and insert in lieu thereof the following;

"(j) CONGRESSIONAL NOTIFICATION OF UNIVERSAL SERVICE CONTRIBUTIONS.—The Commission may not take action to impose universal service contributions under subsection (c), or take action to increase the amount of such contributions, until—

"(1) the Commission submits to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Commerce of the House of Representatives a report on the contributions, or increase in such contributions, to be imposed; and

"(2) a period of 120 days has elapsed after the date of the submittal of the report.

"(3) The provisions of this paragraph shall not apply to any action taken that would reduce costs to carriers or consumers.

"(k) EFFECTIVE DATE.—This section takes effect on the date of the enactment of the Telecommunications Act of 1995, except for subsections (c), (e), (f), (g), and (j), which shall take effect one year after the date of the enactment of that Act.".

Mr. McCAIN. Mr. President, I hope that will satisfy the Senator from Nebraska.

Mr. KERREY. It most assuredly does. I appreciate the change made, and I believe it is an improvement. I have no objection to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified.

So the amendment (No. 1260), as modified, was agreed to.

Mr. PRESSLER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HOLLINGS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1261

(Purpose: To prevent excessive FCC regulatory activities)

Mr. McCAIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. McCAIN], for himself, Mr. PACKWOOD, Mr. CRAIG, Mr. KYL, Mr. GRAMM, Mr. ABRAHAM, and Mr. BURNS, proposes an amendment numbered 1261.

Mr. McCAIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 90, line 6, after "necessity.", insert: "Full implementation of the checklist found in subsection (b)(2) shall be deemed in full satisfaction of the public interest, convenience, and necessity requirement of this subparagraph."

Mr. McCAIN. Mr. President, I understand that my colleague from Alaska has a very important commitment. He wanted this amendment raised at this time. I am more than happy to do so. I understand that it is a very important one, in his view. As always, I look forward to vigorous discussion of this amendment.

Mr. President, this amendment would clarify the role of the FCC regarding public interest tests contained in the bill. It is supported by Senators PACKWOOD, CRAIG, ABRAHAM, KYL, and GRAMM and a letter supporting this amendment was signed by Senators PACKWOOD, MCCAIN, CRAIG, BURNS, KYL, GRAMM, HATCH, THOMAS, and BREAUX.

As S. 652 is currently drafted, it contains two substantial hurdles for a regional Bell operating company before the company can fully compete in any marketplace. I believe the consumer would be better off if such hurdles did not exist and companies were allowed to compete at a date certain.

I understand that some believe there is a need for a competitive checklist. Originally, the approach that others and myself favored allowed competition at a date certain. It was my understanding, in dealing with my colleagues on this issue, that the compromise would be a checklist that the regional Bell operating companies would have to comply with.

During the compromise, obviously, that changed. And so in addition to the checklist, we went back and placed judgment of this in the hands of the FCC in the form of public interest.

Entrepreneurs, not the Congress, nor the FCC, should make these kinds of decisions, in my view. Neither I nor anyone else in the Senate wants the FCC to act contrary to public interest. My concern is that different individuals will have different interpretations of what is in the public interest. I strongly believe that our interpretation and that of the commissioner of the FCC would be different.

A finding of public interest is an ill-defined, arbitrary standard which implies almost limitless policymaking authority to the FCC. The public interest test gives the FCC policymaking authority. The purpose of this bill should be to lessen the FCC's authority, not to enhance it. The public interest test allows the FCC to act to establish a policy and control private companies and whole industries. I believe that it can prevent full competition for a very long period of time.

The bill States that the FCC must find that allowing a Bell company into other areas of business is "consistent with the public interest, convenience and necessity."

Mr. President, this amendment would not radically change this bill. It preserves the competitive checklist that everybody agrees will ensure that local markets are open. Competition is in the public interest. I do not think we need the FCC to tell us that. The amendment will pare down the bureaucracy envisioned by the bill. As FCC Commissioner Hunt stated, "The FCC will need substantial resources to implement this legislation. We will need economists, statisticians, and business school graduates."

I do not know how much of the additional $81 million that will have to be spent by the FCC in order to implement this spending legislation would entail in determining what is in the public interest. But I would imagine that, given my knowledge of the nature of bureaucracies, it would consume a very large amount of money. And as the Commissioner of the FCC himself has stated, "We will need economists, statisticians and business school graduates."

I am sure business schools around the country are pleased to note that there will be new job openings. However, I would like to see that employment in the private sector rather than on the taxpayers' payroll.

Mr. President, I ask unanimous consent that Senator BURNS be added as an original cosponsor to the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN. Finally, I know that this issue is a contentious one. I also understand that there is substantial and significant opposition to this amendment. But the whole thrust of this amendment, in my view, is to accelerate what is the stated goal of the legislation, which is a deregulatory climate, and one which has less and less Government interference and regulation, rather than a continuum, where a somewhat amorphous definition of public interest which is defined not by those who are competing, not by consumers or the Members of this body, but an unelected bureaucracy.

I yield the floor.

Mr. STEVENS. First let me thank my friend from Arizona for his courtesy. I understand Senator PACKWOOD and others wish to speak on this matter. I have a long-standing appointment that I think is very important to the national defense. I do wish to make that appointment. I am pleased that we can take up this amendment now.

I would like to set the stage a little bit for the amendment, because I think Members may not understand the context of the Senator from Arizona's amendment.

This bill adds a new section, section 255, to the Communications Act of 1934. This will set forth the process for the entry of regional Bell companies into long-distance services. This is the provision that brings to a close the restrictions of the modification of final judgment.

This section has been the most controversial section in this bill. It has been the subject of intense negotiation between all segments of the industry. As the Senator from Arizona mentioned, there are some people that have been involved in it for a long, long time, that are coming back to talk to us about it. Members of the Senate have been involved now for well over 2 years in the whole negotiation of this section. It goes back to the days when the Senator from South Carolina was chairman.

By necessity, the language in this bill represents a compromise between a series of competing viewpoints.

Under the language of the bill, a regional Bell company may provide long-distance service when the FCC determines that the Bell company has fully implemented a specific checklist, which is found in the bill, which the Senator from Arizona mentioned; that the Bell company has complied with the separate subsidiary requirements; and the approval is consistent with the public interest, convenience and necessity. It is this last concept that the Senator from Arizona wishes to change.

This determination by the FCC must be made on the basis of the record as a whole, after a public hearing and consultation with the Attorney General, and is subject to the substantial evidence standard of review by the courts.

Let me point out that, although CBO has scored that this bill will cost, I think, $61 million over a 5-year period—more than the current FCC requirements—it does not score the decrease in costs of the involvement by the Attorney General or the involvement by the courts. So this is one of the penalties of the system that we operate under. But it is not a significant amount when one looks at the total amount of revenue being brought in now by the FCC under the spectrum auction concept that I authored, which will reach $10 billion in the near future. I think that the $61 million over a 5-year period, compared to the billions of dollars they will bring in—and more will come in under this bill than if the bill is not enacted. But we do not score that under the budget process, Mr. President. So it is a very difficult thing to handle.

Some argue that the three-pronged test is too difficult—that there should be no discretion left to the FCC to consider the public interest. Others argue—I am sure you are going to hear this—that it is too weak, and that an independent review and approval by the Department of Justice is necessary to protect the public interest.

In other words, I think you are going to have an amendment come in here that is the opposite of what Senator McCain wishes—to delete the FCC's involvement—to one that says the FCC's requirement is not enough, that we must also have the Attorney General involved to protect the public interest.

In my judgment, this compromise we have worked out is just right. The FCC has a long history of considering public interest, convenience, and necessity. That was the bedrock principle of the 1934 Communications Act.

In order to transition to this new era and take the courts out—because under the modified final judgment, the courts have been determining communications policy through administrative hearings under court jurisdiction. In order to take them out, the parties involved wanted to be assured that, at least for this transition period, the oversight role of the FCC would be restored. And the determination by the FCC in this case is subject to a heightened standard of review.

Now, mind you, we have not just put it back to the way it was before the modified final judgment. It is no longer a case of the FCC not being arbitrary and capricious, which is the standard under a long series of precedence in the courts; the FCC must have substantial evidence on the record as a whole to support a decision to either grant or deny a request by a Bell company to enter a long-distance market.

In other words, in this compromise, the FCC comes back, the matter is taken from the courts, it comes back to the FCC, but under a standard that was stronger than it was before the FCC's jurisdiction was removed to the courts under the modified final judgment.

That evidence must support any determination by the FCC that the approval is not in the public interest, just as it must support any decision that the approval is in the public interest. To make any finding under this provision, the FCC must have substantial evidence. That means there will be an opportunity for all to be heard. That may be what has caused the $61 million over 5 years increase in costs to the FCC.

This is a heightened standard of review, and it is a double-edged sword that will accomplish one of the main goals of the bill, and that is to end the rule of the courts over telecommunications policy in this country.

I think that the substantial evidence standard will prevent abuse by the FCC of the public interest review, just as it will help protect the FCC decision in the grant of approval from a suit by competitors.

If the Senate takes out the public interest test and asks the FCC to base their decision only on the statutory checklist, I think that would invite abuse. Instead of considering the checklist on the merits and addressing any policy concerns in the public interest portion of the review, the FCC would have no alternative but to try to manipulate the checklist if they feel the application should be denied on policy grounds.

Likewise, I think the courts would have an incentive to question the fact-finding process used by the FCC in making the determination solely on the basis of a checklist.

Now, I do believe if the court wants to find the process inadequate, we would be right back where we are now with the courts taking jurisdiction once again over the decisions and affect the telecommunications policy of the country.

The checklist contains 14 technical requirements for interconnection and unbundling of the Bells' local exchange networks. However, the list is not self-explanatory or self-implementing. One of the requirements is there must be the capability to exchange telecommunications between customers of the Bell company and an interconnecting carrier.

Now, I believe the reading of the checklist itself shows where the FCC is going to be involved in discretion in some way. The Senator from Arizona argues that the checklist is all that is needed and it should be straightforward for the FCC to implement. Paragraph 4 of subsection (b) of this bill specifically prohibits the FCC from limiting or expanding the terms of the checklist.

But the trouble is, how will the FCC decide that the capability to exchange communications exists? If we have just the checklist and the FCC decides that the capability to exchange communications efficiently does not yet exist, then it would be off to the courts again, because obviously no person that seeks approval of the FCC is going to take that denial without going to court. As a matter of fact, no protester is going to take the denial without going to court. I say it should only go to court with the increased standard that exists under this bill.

If it goes to court, the court will decide if the broad terms of the checklist have been met. They will second-guess the FCC in endless arguments over what the FCC based its decision on.

Our provision is clear, and will prevent abuse by both the FCC and the courts.

One of the reasons the FCC must be involved is to ensure that there is a concept of understanding of what is the public convenience and necessity, whether or not anyone is going to be harmed by the availability of the new service, and under what conditions those people are going to be harmed.

Now, we are going into a whole new concept of how rates are computed. We are going into a whole new concept of how service is provided. I believe that the gatekeeper in this process, in this period we are in now, must be the FCC, but under the standards we have agreed to now, which are higher standards than the FCC has had before and certainly higher than even the courts have followed under the period of the modified final judgment.

In other words, I tell my friend, we do have the occasion of being opposed here on the floor quite often. I understand what the Senator wants to do, but again I am hopeful that we succeed in not making the changes that the Senator from Arizona wants at this time because I think without this bill the final step of the integration of Alaska and Hawaii with the rest of the United States will not come about. Without this bill we will not have the stimulus, the development of this competition between the regional Bells and the long distance carriers, between the Bells themselves, and even more than that, between providers of new communication, through new technological systems that I think will ultimately lower the cost for everybody.

Let me, in closing, say this to my friend from Arizona: One of the things that has gotten me involved in this over the years is that when I came to the Senate, on every advertisement concerning phone service was a little tag line at the bottom of the television or on the radio announcement saying "Not applicable to Hawaii and Alaska."

My friend Senator Inouye and I, serving on the Commerce Committee, started what we called rate integration from the offshore States. That led, really, into a whole concept of what that meant, why we had higher costs to start with and how we could bring about a reduction in the costs of communications to our States and at the same time an increased amount of service.

Actually when I came to the Senate, the Army was running the telephone service for Alaska. Alaska communication service was an Army concept. We brought about the sale of that to a private carrier, and part of that sale was a commitment that telephone service would be expanded rapidly within the State of Alaska. That has been done—but not totally even yet.

One of the reasons I am deeply involved in this, I say to my friend from Arizona, is I still believe that the process we are going through is decreasing the cost. I think we can show that the whole process, even of rate integration that Senator INOUYE and I instituted, brought about a reexamination of the interstate rate pool, a determination that, yes, it could be expanded to Alaska and Hawaii. It was expanded to Hawaii first, and it is still being expanded to Alaska.

As that came about, the contributions from individual consumers rate pool has declined in the past. It will continue to decline now. It was a private mechanism, integration of the telephone service. It continues to be a private mechanism under this bill. But with the competition that this bill now will bring in to the providers of telephone service per se, communication service will come through satellite service, like DBS; it will come to us through radio service; through fiber optic cable, in one instance; through the old links that are there, the systems that have existed even before we became a State.

What I am saying is that the net impact of this bill will be the completion, really, of the process that Senator INOUYE and I started in trying to integrate Alaska and Hawaii totally into the telephone system of the United States.

When this bill passes, there will be no distinction between the service to any portion of the country. We will have the concepts of telecommunication and the freedom to enter and compete, to bring new telecommunication systems into the arena, and to have the ability to compete with existing carriers, existing carriers whose costs of installation may have been a magnitude of 10 for 100 times what the new service will be.

My request to the Senate is that the amendment of the Senator from Arizona be defeated. Again, I hope the time comes when we are both in the Senate when we can join together and say we passed through this interim period and it is time to totally deregulate telecommunications of this country.

I think we will live to see that day. I do not think it is here now. I do not think it will even come about without this bill, because without this bill we are still under the courts. This is the bill that takes back to the legislative process the regulation of the telecommunications industry in the United States.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, the distinguished Senator from Arizona allowed that he and I had different philosophies. He is right. But let me talk about different facts, which brings about a confidence in this particular Senator's philosophy.

As the Senator from Arizona was talking about the improvements of deregulation in the airlines we went out and doublechecked. If you want a round trip ticket on USAir, Charleston, SC, to Washington, it is $628. But if you want to go 500 miles further, right across Charleston to Miami and back to Washington, it is only $658. Miami is 1,000 miles away, Charleston is a halfway point at 500 miles. So what you have in essence—and this is the fact, not the philosophy, and it is a very understandable one—you go an additional 1,000 miles just for $30.

It is what you call economies of distance in the airline industry. Fearing this, listening to certain experts at the time—Senator Howard Cannon, of Nevada, was the chairman of the Commerce Committee. I was engaged then in a communications bill. I was chairman of the Subcommittee on Communications and I could not make all the hearings and check. I said, "Be sure the small- and medium-size towns are protected."

He said, "Oh, yes, we have the protection. We have the protection. Do not worry. This is going to work in the public interest."

And the opposite, of course, has been the fact. The fact is, yes, I had three airline routes coming up, three direct to Washington and three going back with National Airlines. I now have only one. For a time I had none. We worried about National Airlines continuing. They sold out to Pan Am. National is gone. We wondered about Pan Am's survival. Pan Am is gone. We wondered about Piedmont and Piedmont is gone. Air Florida crashed out here. And the very rights, the slots that the distinguished Senator from Arizona and I debate, were sold off by Air Florida, and we lost those landing rights that had been premised and founded on public convenience and necessity.

What has happened in the transportation industry, both by truck and airlines and otherwise, is the public convenience and necessity—the communities got the airports and facilities and developed them. They enticed an airline to come along with them to Washington. They had hearings before the old Civil Aeronautics Board. And on the basis of public convenience and necessity, proper service at an affordable price, they were awarded the routes and the carriage and everybody was making money, holding fire. The equipment was sound. They were competing. And everyone was happy until someone came to town with this virus to get rid of the Government, deregulate, deregulate, deregulate.

So what has happened is exactly what we feared. I voted for airline deregulation, so I am a born-again regulator. I learned anew there is no education in the second kick of a mule. I can tell you here and now, I have learned the hard way, trusting going with the amendment of the Senator from Arizona in doing away with convenience and necessity of the public. Because we go right immediately to what has occurred. What has occurred, the fact is that all of the American airlines are on the ropes. And who is taking over? The regulated ones. KLM is coming over and coming in and saving Northwest. British Air is saving USAir. Those are all the regulated airlines in Europe are taking over the so-called deregulated where we are running around like ninnies: Deregulate, deregulate, market forces, market forces.

It is just like this silly trade crowd running around hollers about free trade. Free trade, free trade—there is no such thing as free trade. The Japanese mercantilist, protectionist system is taking us over.

I was talking last night with the distinguished Senator from New Jersey. He was talking about Bellcore and the research. Do not worry about Bellcore. The Japanese are right next door, hiring the same research scientists from Bellcore like gangbusters. They do not have to move. They are in the same homes. Their children go to the same schools. And they are taking it over.

We are against industrial policy. We run around saying we cannot have industrial policy. We have the Japanese industrial policy here. That is what we have. How much do you think it costs for that Lexus? $55,000. How much does it cost back in Tokyo? It costs $85,000. And that is why I oppose the amendment of the Senator from Arizona, because the size, the financial size can take over here.

How are you going to regulate? We are not against size in the Bell Companies, but they built themselves up into the largest financially-wealthy-sized company that you can find in this country. On cash flow, the average, for example, AT&T, is 19 percent cash flow margin. The cash flow margin of a Bell Company is 46 percent. Why do you think the Bell companies are not all in with zeal for a communications bill? Who wants to get out of a cash flow margin of 46 percent to get into a business that is 19 percent? Come on. So, if one is going to occur, they want to make darned sure that it occurs very, very gradually.

The amendment of the Senator from Arizona is that if you take off this convenience and necessity, then they can get down this checklist they have about the unbundling, interconnection, dial parity—go right on down the checklist. But using their size they come like Japan. They will have loss leaders, as we call it.

I practiced law in the antitrust courts for a large grocery chain, the

Piggly-Wiggly, in South Carolina. We got up to 120-some stores. They said we had a loss leader for a half-gallon of milk. We proved otherwise, but I had to go all the way to the Supreme Court to prove it. So we know about Robinson-Patman. We know about Sherman. We know about the Clayton Act.

But the public convenience and necessity goes to the philosophy and difference. The distinguished Senator from Arizona, when he says politics and politicians take over—I think it was Elihu Root—I hate to quote a Republican—but Elihu Root, the Republican Secretary of State for Teddy Roosevelt, who said that politics was the practical art of self government, and someone has to attend to it if we are going to have it. And going along talking he concluded with a very cogent observation: "The principal ground for reproach against any American citizen should be that he is not a politician." In representative America we all count. In this particular body that is what we are here for. We are representing the public convenience and necessity.

I know one way we can agree. The Senator from Arizona and I will agree we have the best communications system in the world. He nods.

"Let the record show, if your Honor please, that the witness nodded."

Now, Mr. President, I have the Communications Act of 1934 in my hand and I can read from it, I understand the Senator from Alaska has other commitments.

But I have it documented. Reading here again, as the Senator from Arizona was speaking, it appears 73 times— the "public interest" and "convenience." In title I of the 1934 act it appears five times; in title II of the act, eight times; in title III of the 1934 act, 43 times; in title IV, one time; in title V, zero times, but in title VI, 12 times; in title VII four times. Seventy-three times back in 1934 when they believed in Government, when the Government at that time was taking this "market forces, market forces," throwing us into the depths of the Depression. The Government saved us, and got us out of the Depression and saved this great United States of America. The minds of the representatives of the people here in this Congress were thinking right. They were thinking the public interest, public convenience and necessity—73 times.

So it is that as we come here the networks all came to Washington—ABC, NBC, CBS, and the rest. And on the basis of public convenience and necessity were licensed to use the public spectrum. The public convenience and necessity has gone along all the way, and we cannot do away with it. We are never going to pass a communications bill in this Congress, I am convinced, with these kind of market forces—"deregulate, deregulate, market forces controlling." On the contrary, we want to get out of the way of the technology. A new technology could come in that we do not know about.

The Senator from Alaska is reading very interesting articles which are being written in these various magazines, and communications editorials. Yes. There could be a takeover by computerization from telephones. What will happen there about the public convenience and necessity? It will not be a checklist down there for computers. We have the unbundling and all the checklists. But there still has to be that FCC, the public airwaves, the public being protected and particularly for universal service.

So we are very supportive, very strongly of the philosophy that the market forces are best. We have found that there are many instances, particularly in public transportation, public health, public safety, and public communications that, as I said on yesterday or last evening when we opened up, the one industry, the communications industry, was the one that came and begged for regulation. They were not begging for market forces. They tried it on for size.

I will go back two sentences. Our friend David Sarnoff was on top of that Wanamaker Building at the sinking of the Titanic. He picked up the actual radio signal, directed some of the rescues, picked up the names of survivors, stayed on station there for some 72 hours. And everyone got themselves a wireless. By 1924, everybody had a wireless. So nobody had a wireless because they just jammed the airwaves. So they came to Herbert Hoover, Secretary of Commerce. And they said, "Mr. Secretary, for Heaven's sake, regulate us." The market force of the people's spectrum up here is jammed. No one can get no one. As a result, we passed the 1927 act, and then the formative act, of course, in 1934.

So we wanted to take hold of our senses here in the National Government as we try to get ourselves out as a roadblock to the information superhighway, because the technology is on course, and the superhighway is already being developed. We in Congress can go home and adjourn for 10 years. They are going to get it. But whether they are going to get it in a monopolistic fashion, and whether concerned about the rural areas, about the less-populated areas, concerned about the general public convenience and necessity against monopolistic practices and prices, they can come in.

I can tell you right now. If I ran one of those Bell companies, you would just deregulate everything. I would go down the checklist, and if you did not have this public convenience and necessity provision in here, I lost leave of you. I would price it below cost. Just go like they are pricing this Lexus. I got a Toyota Cressida. I just checked the price of that—$21,800 in downtown Washington; $31,800 in Tokyo. Look at Business Week at the end of the year. Last year, they took over—in spite of Detroit's comeback, having a quality product, and making big profits—the Japanese took over 1.2 percent additional of U.S. market at a loss of $2.5 billion.

You give me one of these Bell companies and the checklist, and I got it. I can comply with it. But I can put you out of business unless you have public convenience and necessity. This is what the Bell companies want so they can run amuck.

The other one is going to come with the Department of Justice. My senior colleague is going to come with it. That is the long-distance crowd. So they can muck it up over there at the Justice Department.

So you have the Bell companies wanting a little. And we have the long-distance crowd wanting a little favor over here. We have not tried to fight them. For what? The public convenience and necessity.

Several Senators addressed the Chair.

Mr. PRESSLER. Mr. President, I ask unanimous consent that a time be set for a vote on this at 2:15 and that the time from now until then be equally divided between the Senator from Arizona and myself. I would like to vote at 1:30. There is a Senator at the White House, another Senator wants to speak at 2 and cannot; no amendments, and an up-and-down vote, at 2:15.

The PRESIDING OFFICER. Is there objection?

Mr. McCAIN. Mr. President, very briefly, I always appreciate the educational experience of listening to the Senator from South Carolina on a broad variety of issues, including the airlines.

The PRESIDING OFFICER. Does the Senator reserve the right to object?

Mr. McCAIN. No.

Mr. PRESSLER. I would like to lay aside my request until we hear from the leader. And then the Senator will yield to me to ask unanimous consent.

The PRESIDING OFFICER. Is the request withdrawn?

Mr. PRESSLER. Yes, temporarily.

Mr. McCAIN. If there is anyone who would ever be interested, I would enjoy a long, extended public debate on the issue of airline deregulation, although that is not the issue before the Senate today. I felt compelled to call the travel organization here in the Senate. And the Senator from South Carolina might be interested in knowing that there are six USAir flights between Dulles and Charleston, and three United Airlines flights between Dulles and Charleston, and many of those seats are available for $249. I will find out and submit for the RECORD what exactly that cost was in 1974 before the deregulation of the airlines.

Mr. PRESSLER. Mr. President, I ask unanimous consent that a vote occur on this amendment, and no further amendments, up or down, at 2:15, and that the time between now and then be equally divided between the Senator from Arizona and myself, and that all Senators be on notice that the vote will occur at 2:15. I think we have accommodated everybody. We have to move this bill forward.

The PRESIDING OFFICER. Is there objection?

Mr. HOLLINGS. I have to momentarily object, Mr. President.

Mr. McCAIN. I informed the Senator from Alaska that one of the Senators requested that we hold it until 2:15.

The PRESIDING OFFICER. Objection is heard.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I am pleased to join my colleagues, Senators McCAIN and PACKWOOD, in offering this amendment to define the public interest test.

As currently written, S. 652 gives the Federal Communications Commission in my opinion exceptionally broad discretion in defining a Bell company's fitness to provide interLATA long distance services.

The bill authorizes the FCC to block, if you will, the Bell companies from offering interLATA services if it deems that their entry into the long-distance business is not "in the public interest"—even after full compliance with a comprehensive interconnection and unbundling checklist, which is now included in S. 652.

The current language in the bill gives the FCC an open field to interpret the public interest standard any way it wishes. The FCC could, for example, decide that a market share test is required before Bell company entry into long distance on the grounds that the test is in the public interest.

A market share test in my opinion is anticompetitive and will only serve to prolong long-distance competition. It would put the fate of the Bell companies' long-distance plans in the hands of their competitors. And in a market environment, it is always amazing to me that somehow Federal regulations would allow that kind of thing to happen. Potential competitors could choose to delay their own entry into the local phone market in order to prolong the entry of one of the Bell companies into the interLATA market.

In order to avoid the potential abuse of the public interest standard, it should at a minimum state that any kind of market share test be barred from the FCC's consideration of this standard.

Mr. President, of particular concern is the extraordinary time and resources it takes for the FCC to make a public interest determination. The FCC's typical review process includes hearings and rulemakings and comments and replies and painstaking analyses. The committee report on S. 652 states that the public interest test for all Bell company provisions of long distance service must be based on substantial evidence on the record as a whole.

The report goes even further than the current FCC public interest standard by requiring the applications of heightened judicial scrutiny of the substantial evidence standard as opposed to the lesser arbitrary and capricious standard. In other words, in a bill that is deregulatory in some areas, Mr. President, this appears to be a bill that in this area is even more regulatory. And that is, of course, exactly why this amendment is now in this Chamber.

In an industry where new technologies are evolving at a record pace, this regulatory bureaucracy is counterproductive and it unnecessarily, in my opinion, delays delivery of beneficial services to the customers. And I would suggest, Mr. President, we are in the Chamber today debating a new world for the consuming public and not a new world for the companies involved, if that, of course, is the intent of S. 652.

A case in point is the history of cellular phone technology. Back in the 1970's, AT&T asked the FCC to allocate spectrum for the development of cellular services. Because of all of the encompassing nature of the public interest test, it took a decade—let me repeat, it took a decade—for the FCC to determine how best to allocate the spectrum.

Now, that is a 10-year delay in the ability of a communications technology that has become one of the fastest growing consumer products in America's history. Of course, we know, since the day we entered the cellular world, we have seen more growth in 10 years and more productivity and more jobs than the bureaucratic nightmare of the 10 years it took to open up the marketplace.

Another example of how time consuming and labor intensive the public interest test can be is to look at video, the concern over video dial tone. The Commission first addressed the idea of additional cable TV competition from television companies in early 1991. It has taken more than 4 years for the FCC to create a general framework for video dial tone, and with each successive ruling more and more constraints have been placed on telephone companies wishing to offer cable TV services.

That is not the way to foster competition. And it is not giving consumers the additional cable choices they have all asked for and they think in a free market they ought to be able to receive. In effect, the FCC 4-year delay has prevented robust competition in the cable industry. I would argue that this is hardly in the public interest and yet, in this legislation, that kind of bureaucracy would largely still exist and might even be enhanced over current law.

Cable industry competition would have been far preferable to the stifling regulations that have been imposed under the 1992 Cable Act. My last example concerns the Commission ruling in the mid-1980's allowing telephone companies to provide new services like voice mail that enhanced basic telephone service. In other words, some people would ask you today: What did we do before voice mail? Well, I will tell you what we did. We had a great, complicated process in many of our offices just to get communications through to the individual, and where you did not have the ability to hire the person to take the phone call, often your phone went unanswered or a call went unreturned. Today, we know voice mail works marvelously well.

Boise, my State capital, was among the first US West cities to offer voice mail service, and the service is now available from telephone companies across the Nation. It is clear to me that services like voice mail provide real benefits to consumers and to businesses yet, even after a decade, the public interest issue is still unresolved.

The Ninth Circuit Court of Appeals has twice questioned the FCC's public interest determination when it allowed telephone companies to offer new services to consumers. Because of the legal situation surrounding these FCC orders issued nearly a decade ago, phone companies are currently offering voice mail and other services under, believe it or not, a special waiver—not a standard rule of the marketplace, but a special exception or a special waiver.

Mr. President, with the heightened public interest standard included in S. 652, a decade-long wait for cellular service or resolution of voice mail issues, believe it or not, could take even longer while the consuming public believes that now to be a standard of the industry.

Before closing, Mr. President, I would like to share a few quotes from a March 8, 1995, paper on S. 652 entitled "Deregulating Telecommunications," written by Thomas Hazlett from the University of California, Davis.

In this article, he reviews the public interest standard.

While he praises the deregulatory provisions included in the bill, and there are some and they deserve to be recognized, he qualifies that praise by stating that the bill, through the inclusion of the public interest test, "fails to move us beyond the highly regulatory paradigm under which we live today." Hazlett argues that S. 652 retains the source of all anticonsumer policies since the 1934 act that we are now changing under this legislation, the public interest test. He states this:

> This is not a proconsumer standard. This fundamental defect is further revealed in the

> bill's [four] announced objectives: Nowhere is consumer protection listed as a goal of this legislation.

Mr. President, let me repeat that. In a bill that is argued to be positive for consumers, nowhere in this bill is consumer protection listed as a goal of the legislation. I think this is wrong, and Mr. Hazlett says he believes it is wrong, also.

> Indeed, the very first aim of this or any telecommunications policy should be: "Lower prices, improved choice, and better, more innovative services for consumers." The glaring omission of this goal is far more than a systemic problem.

Mr. President, Mr. Hazlett goes on to discuss the origins and purpose of the public interest standard at its inception in the 1927 Radio Act, and the subsequent 1934 Cable Act, which we are now amending today. This standard was included at the behest of incumbent radio broadcasters:

> The industry liked it because it would allow Government a legal basis for denying licenses to newcomers. Senator C.C. Dill, the author of both the 1927 and the 1934 acts, liked it because it would not only allow the industry what it wanted, it would give policymakers such as himself political discretion to shape the marketplace.

Let me repeat that. It would allow public policymakers political discretion to shape a marketplace; in other words, a political free marketplace and not the marketplace that creates the kind of competition that is self-regulating at best.

> This was terribly important to the Senator at the time, Dill wrote later, because established principles of law were already shaping spectrum access rights as private property.

In other words, Mr. President, the public interest test was the regulatory means by which the policymaker—that is us—not the marketplace and certainly not the consumers, could control the development of technology in the market. And we know that has never worked. The explosion of service and the quality of service that the American consumer now expects in telecommunications has only been created in the last decade as we move toward a more deregulated environment.

This was hardly a competitive criteria, and let me suggest that in this legislation, that test will stifle the kind of competitive environment that we want to create.

One last point I would like to share from this article brings us to our current situation. Mr. Hazlett argues, and I would agree, that even after years of use of public-interest standard, we still do not know what it means.

In 1993, FCC Commissioner Duggan lashed out at Commission critics who claimed this, saying it was not impossible to define public interest, and that the Commission would proceed to do so. That was 1993.

William Mayton wrote an interesting article in the Emory Law Journal in 1989 which pointed out how curious a standard the public-interest standard is by defining whatever a Government agency does in the public interest is the public-interest standard.

I find that fascinating, and yet the FCC today still struggles in its ability to define and to appropriately announce to the policymaker and to the consuming public. In short, Mr. President, anything could be deemed either in or against the public interest, and unless you treat it in the marketplace where the public ultimately makes the decision, then the public interest is in the eye and in the mind of the Commissioner or the policymaker, and that is not necessarily, and in almost all instances has never been, in the public interest.

Therefore, it is a standard that has no standard. This is the most subjective test possible, and I would argue that it will not, in effect, serve the interests of the American people.

Congress should clearly define the parameters of the public-interest standard and outline the factors that should be weighed in the making of the determination.

I submit that the competitive interconnection and unbundling checklist is in the public interest and fully meets the standard, and that should be the only provision in this law as an amendment to the 1934 act that frees the marketplace and determines the public interest. That is why I am in strong support of this legislation.

Mr. PRESSLER. Will my friend yield for a unanimous-consent request?

Mr. CRAIG. I yield back the remainder of my time.

Mr. PRESSLER. The Senator need not do that.

Mr. CRAIG. I am through.

Mr. PRESSLER. We finally, after much negotiation, arrived at the time of 2:10 for the vote on this amendment. I shall move to table at that time. I ask unanimous consent that we vote at 2:10 this afternoon.

The PRESIDING OFFICER (Mr. ABRAHAM). Is there objection?

Mr. CRAIG. Mr. President, I reserve the right to object.

Mr. BURNS addressed the Chair.

The PRESIDING OFFICER. Is there an objection?

Mr. CRAIG. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. BURNS. Mr. President, if the Senator from Idaho does not have the floor at this time——

Mr. CRAIG. I do not.

The PRESIDING OFFICER. The Senator from Idaho has yielded the floor. The Senator from Montana.

Mr. BURNS. I thank the Chair. I will not be long, but I want to agree with my friend from Idaho in one respect. Public interest is kind of like art or beauty: It is in the eye of the beholder.

When we talk about putting up different barriers, we are really saying that it is going to be a select few who will decide who gets in the business and who does not, where I think most of us believe that the marketplace should dictate that, because from that comes perfection, and from that comes a very competitive medicine: Lower rates for everybody who wants to use that service.

There are those who serve in this body and those who will serve without this body that can take a public service interest before the FCC and completely delay the advancement of any kind of technology or any kind of deployment of any kind of services in the telecommunications industry by just a delaying tactic that would prevent any kind of progress to be made in that area.

Whenever we start talking about this industry, what are we referring to? The Senator from Nebraska [Mr. KERREY] was saying there is no public clamor for change in this area, but there is a clamor to allow new technologies to be introduced, to do more things with the tools that we have now. That is what it is all about. We talk about great distances, and we talk about remote areas and new services that will be provided to our rural areas and our remote areas. We are trying to dictate technology such as digital, digital compression, and all of those kinds of new technologies, trying to deploy it under an act that was written some 60 years ago and that has served this industry very well, by the way. But we are talking about the nineties-and-beyond technology. In other words, we are trying to do something in the nineties with a horse-and-buggy kind of regulatory environment that does not serve either one very well.

Unnecessary delay will hinder job creation because it will prevent openings of communications markets to competition simultaneously. One has to have incentives in order to progress in this industry or in any other industry. If there is no competition at home, there is no competition internationally because this is where we hone our skills.

This amendment only helps to clarify and define the public interest. It is like I said, there are many definitions of public interest. That is why I support this amendment. It will do things not only in this industry but other industries and send a strong signal that we are a strong country within and without in the competitive marketplace, especially in new technologies and the deployment of those new technologies.

This bill already removes all legal barriers, as well as mandates the Bell companies fully comply with the requirements concerning interconnection, unbundling, resale, portability, and dialing parity. In other words, we have already gone through this business of interoperability of competition on the same lines. And that, too, has to be confronted in this bill.

So I rise in support of this amendment and just believe that it has to be done in order to make this bill in final passage truly a procompetitive and proconsumer piece of legislation.

Mr. President, I thank you, and I yield the floor.

Mr. PRESSLER. Mr. President, the public interest, convenience, and necessity standard is the bedrock of the Communications Act of 1934 and the foundation of all common carrier regulation. I am surprised that this standard has come under attack.

WHERE "PUBLIC INTEREST" ORIGINATED

The public-interest standard has been part of English common law since the 17th century. In a treatise on seaports by Lord Hale, this fundamental concept was stated: When private property "is affected with a public interest, it ceases to be subject only to private control."

This public-interest concept is the basis for the government's authority to regulate commerce, in general, and common carriers, in particular. The public-interest standard has been a cornerstone of U.S. common carrier law for more than a century.

The U.S. Supreme Court applied the public-interest concept to American commerce for the first time in 1876. In Munn versus Illinois, the Supreme Court considered the possible constitutional limits upon government regulation of business. In Munn, the Court relied on Lord Hale's statement regarding public interest. The Supreme Court added that this principle "has been accepted without objection as an essential element in the law of private property ever since." Two hundred years of English common law supported this precedent.

The 19th century U.S. Supreme Court summarized the common law public interest test as follows:

> Property does become clothed with a public interest when used in a manner to make it of public consequence, and affect the community at large. When, therefore, one devotes his property to a use in which the public has an interest, he in effect, grants to the public an interest in that use, and must submit to be controlled by the public for the common good, to the extent of the interest he has thus created.

The public interest is fundamental to the law of common carriage. The Supreme Court in Munn noted that this common-law principle was the source of "the power to regulate the charges of common carriers" because "common carriers exercise a sort of public office, and have duties to perform in which the public is interested."

The Communication Act's public interest, convenience, and necessity standard grew out of this common-law notion of property that is "clothed with a public interest" and therefore subject to control "by the public for the common good."

The public-interest standard was first codified in the Transportation Act of 1920, which extended Federal regulation of railroads. The public-interest standard governed the grant of licenses under the Radio Act of 1927, the forerunner of the Communications Act's broadcast and spectrum licensing provisions.

The phrases "public interest" and "public interest, convenience and necessity" appear throughout the Communications Act of 1934 as the ultimate yardstick by which all of the FCC's different regulatory functions and responsibilities are to be guided. For example, the public-interest standard specifically applies to the physical connections between carriers (section 201(b)); the acquisition or construction of new lines (section 214); the imposition of accounting rules on telephone companies (section 220(h)); the review of consolidations and transactions concerning telephone companies (section 222(b)(1)); and the grant, renewal, and transfer of licenses to use the electromagnetic spectrum.

Thirty-two States and the District of Columbia have public-interest standards in their communications statutes similar to the standard in the Communications Act.

PUBLIC INTEREST AND S. 652

Despite the fundamental nature of the public-interest standard to communications regulation, questions have been raised about the inclusion of the public-interest standard in relation to the competitive checklist in S. 652. Critics say the public-interest standard will frustrate the Bell companies' ability to enter the interLATA market. The fear appears to be that the FCC will use the public-interest standard to keep the Bell companies out of the interLATA market even though they have, in fact, opened their markets to competition by complying with the checklist.

PUBLIC INTEREST HAS LIMITS

These critics assume the FCC's discretion is unrestrained. This is not the case. The FCC's functions and powers are not open-ended. The Communications Act specifies in some detail the kinds of regulatory tasks authorized or required under the act. In addition, the act specifies procedures to be followed in performing these functions. Such delineations of authority and responsibility define the context in which the public-interest standard shall be applied. By specifying procedures, the act sets further boundaries on the FCC's regulatory authority.

S. 652 is no different. The bill would require the FCC to make two findings before granting a Bell company's application to provide interLATA telecommunications service: First, that the Bell operating company has fully implemented the competitive checklist in new section 255(b)(2); second, that the interLATA services will be provided through a separate affiliate that meets the requirements of new section 252. In addition, the Commission must determine that the requested authority is consistent with the public interest convenience, and necessity.

Opponents of the public-interest standard in section 255 argue that a Bell company could fully implement the checklist, meet the separate affiliate standards, and be arbitrarily denied authority to provide interLATA service by the FCC. This simply is not the case.

The FCC's public-interest review is constrained by the statute providing the agency's authority. For example, the FCC is specifically prohibited from limiting or extending the terms used in the competitive checklist. In addition, the procedures established in S. 652 ensure that the FCC cannot arbitrarily deny Bell company entry into new markets.

THE TRUTH OF PUBLIC INTEREST IN S. 652.

In S. 652, Congress directs the FCC to look at three things: the implementation of the checklist, separate affiliate compliance, and consistency with the public interest. The FCC's written determination of whether to grant the Bell company's request must be based on substantial evidence on the record as a whole. A reviewing court would look at the entire hearing record. If the FCC would find that a Bell company meets the checklist and separate affiliate requirements, but denies entry based on the public interest, the agency's reasoning must withstand this heightened judicial scrutiny. Those who oppose public-interest review would ask us to sanction action that the FCC affirmatively finds to be inconsistent with the public interest. How could this be good public policy?

Mr. President, on earlier points, I will point out that the Citizens for a Sound Economy has endorsed the bill that is before us. It has endorsed some of the amendments, but also the entire bill.

This bill is much more deregulatory than any we have had before us. It is not a perfect bill. But it will be a great step toward deregulation and a promarket competition.

Let me also say that we will be reducing the costs of the Justice Department administration. It seems for some reason the Justice Department wants to stay in the regulation business. The Justice Department is to enforce certain antitrust standards and to carry out certain other functions.

In our bill, the FCC refers their decision to the Attorney General and the Attorney General can make a recommendation as to whether to use the 8(c) test or whether to use the Clayton standard test, or indeed whether to use the public interest standard, or any other standard that he deems necessary. So we still have involved consultation with the Justice Department in our bill.

There are many other points to be made here regarding this bill. But I believe we have completed debate on this amendment.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CRAIG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. President, I ask unanimous consent that the McCain amendment vote occur at 2:10, and the time between now and 2:10 be equally divided in the usual form, and no amendments be in order. I further ask unanimous consent to table the McCain amendment at 2:10.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THOMAS. Mr. President, I strongly support the amendment offered by my colleagues—Senators MCCAIN, PACKWOOD, CRAIG, and others—to clarify the public interest standard in the bill.

This public interest test will certainly cause unnecessary delays in the deregulation of the telecommunications industry. The public interest is a vague and subjective standard. A deregulatory bill, as this bill is supposed to be, should establish clear and objective criteria to open the industry to competition. This bill does not. Instead it dictates that a few folks at the Federal Communications Commission [FCC] will decide when true competition begins on the information superhighway.

The FCC's regulatory track record is horrendous. In addition, allowing the FCC to interpret what is in the public interest introduces a perverse incentive for FCC officials to slow down deregulation. Increased competition decreases the agency's workload and diminishes its need for existence. At a time when we are downsizing Government, we ought not to be expanding the role of the FCC. The bottomline is that FCC officials cannot create competition with bureaucratic entry tests.

By delaying true competition, this bill hurts consumers. According to several studies, this delay could result in billions in lost economic output and millions of new jobs. With such severe economic costs, it makes little sense to delay competition with this public interest standard. Quick deregulation will ensure that all companies face the most ruthless regulator of all—the American consumer.

This amendment puts all parties on equal footing—the Bells can offer long distance services when long distance companies can offer local telephone service—no sooner, no later.

Mr. President, the bottomline is that competition is in the public interest. It expands consumer options, lowers prices, creates new jobs and increases our international competitiveness. I urge my colleagues to join me in supporting this proconsumer amendment.

Mr. CRAIG. Mr. President, after many years of failed attempts, this Congress will have the overdue opportunity to reform the 1934 Communications Act. Senator PRESSLER, the chairman of the Commerce, Science, and Transportation Committee, is to be commended for his efforts to get legislation passed out of the committee and onto the floor of the Senate.

Mr. President, the Telecommunications Competition and Deregulation Act of 1995, S. 652, is a very comprehensive bill covering all areas of the telecommunications industry. S. 652 is a vast improvement over the status quo.

However, it could be made more deregulatory, better enhancing competition in the marketplace. Therefore, I hope that the final bill passed by the Senate will incorporate a number of deregulatory amendments.

As I mentioned, this is a very comprehensive bill, so I will limit my remarks at this time, to more general issues of concern and interest. First, and foremost, it is important that we do not lose sight of the ultimate goal of reforming the 1934 act, which should be to establish a national policy framework that will accelerate the private sector deployment of advanced telecommunications and information technologies and services to all Americans by opening all telecommunications markets to competition.

In addition, working toward that goal should spur economic growth, create jobs, increase productivity, and provide better services at a lower cost to consumers.

Passing legislation that will open competition in this $250 billion industry will have broad-reaching effects.

It is important that we seize this opportunity to limit the Government's role in this vibrant sector of our economy.

Last year we debated health care—that is, impact. It is not often that the Congress has an opportunity to write telecommunications legislation. Therefore, it is important that we pass legislation that is clear, forward-looking, and does not perpetuate regulations that outlive their usefulness or create monopolies.

It is my position that the best way to achieve this is to move toward a competitive system by removing barriers to access in the various sectors of industry. Let me emphasize this point, because I think it reflects some of the differences of opinion on how to get to competition, competition will exist when all barriers to market access have been removed.

To deregulate through regulation reminds me a little of the term widely referred to in last year's health care debate, "Managed Competition." I am very concerned that efforts to control deregulation through regulation will put the Government in the position of determining the winners and losers in the marketplace.

This is not a role for the Government to play. As a conservative, and one who strongly believes in limited Government, I am very concerned about the powers delegated to the FCC in S. 652, which could allow unnecessary delays in fully opening the telecommunications market.

In short, S. 652, as I read it, deregulates through regulation. It gives an inch with new competitive freedoms—then takes a mile with new layers of regulatory conditions and market entry barriers. It is my hope that we can preserve the pro-competitive aspects of S. 652 and clarify those sections that unnecessarily restrict competition.

With that in mind, there are several amendments that I will be supporting during debate on this bill, which will promote deregulation and competition.

First and foremost, we must ensure that the bill provides for the elimination of obsolete regulations, once certain competitive conditions are met. In order to achieve those competitive conditions, there should be clear, reasonable and objective requirements or conditions that will remove access barriers that currently protect monopolies.

Having said that, once those barriers protecting monopolies are removed, a competitive marketplace is established and there should be open competition. More specifically, if a market is contestable, regulators should not interfere with natural competitive forces.

Competition will provide the lowest price, the best delivery of new services, and infrastructure investment—not regulators.

Mr. President, I think it is important to emphasize that this is not just an industry bill. This legislation has the potential of creating thousands of new jobs and enhancing access to a wide array of communication and information services to all Americans, but especially folks who live in rural or remote communities.

According to a recent study by the WEFA group, which is an econometric forecasting agency, competition in the telecommunications industry will dramatically benefit the American economy.

The WEFA study concluded that delaying competition just 3 years will result in a loss of 1.5 million new U.S. jobs, and $137 billion in real gross domestic product by the year 2000.

Conversely, the study found that the immediate and simultaneous opening of all telecommunications markets would create 2.1 million new jobs by the turn of the century, and about 3.4 million over the next 10 years.

The study also shows that during the next decade, full competition in telecommunications would increase GDP by $298 billion; save consumers nearly $550 billion through lower rates and fees for services; and increase the average household's annual disposable income by $850.

In Idaho alone, thousands of jobs would be created with simultaneous and immediate competition. According to the WEFA study, Idahoans would benefit from the creation of 7,400 new jobs by the year 2000.

In addition to the issue of job creation, rural States have a great deal at risk if we do not pass legislation to deregulate telecommunications.

There are many examples in my home State of Idaho that demonstrate how current regulations reduce customer choice, restrict growth and access to new technologies.

In March 1994, U.S. West Communications was forced to cancel two new information services in Idaho, Never-Busy fax and Broadcast fax, due to the MFJ requirement that equipment providing the services must be located in each LATA. Because of population density, there were not enough customers to support the cost of maintaining the necessary equipment in the Boise LATA.

Technically, one piece of equipment can serve several States, but the law requires the extra expense of replicating equipment in each LATA just to meet outdated regulations that are not consistent with market demands.

In addition, Boise was selected by U.S. West to be one of the first areas in the company to be wired for broadband service, giving residential and business customers access to voice, video, and data over a single line. Due to the long timeframe associated with the FCC approval process and limitations of current MFJ regulations, the project has been delayed indefinitely.

In 1988, the Idaho Legislature approved one of the first modified regulation structures in the country.

All services except local exchange services with five or fewer lines were completely deregulated. As a result of opening the marketplace, over 150 companies now provide long-distance calling within the State.

The total volume of calling has increased by 60 percent and the long-distance market share of U.S. West has declined by over 15 percent. The end result has been a reduction in both the prices paid by the long-distance carriers to gain access to the network and the price paid by the consumer for services. This, in spite of the fact that local exchange services were still perceived to be what some would term as a "monopoly" service. Opening Idaho's market has enhanced competition and improved prices for consumers.

In both an article and an editorial, the Idaho Statesman outline how businesses in Idaho were able to save millions of dollars through increased productivity and improved services because of the infrastructure and services offered by the local telephone company as a result of the modified regulation made possible by legislation I have described.

The Statesman recognizes the value of a competitive communications marketplace, and has been proactive in its editorials in encouraging an open telecommunications industry.

Mr. President, I would like to take a few moments to discuss some concerns on the need for deregulation on the cable industry. Let me begin by saying that I opposed the Cable Act of 1992, and voted against passage of the bill.

Since the enactment of S. 12, I have received numerous complaints from fellow Idahoans who felt that the changes resulting from S. 12 worsened rather than improved their cable service and cost. In addition, a number of very small independent cable systems in Idaho have been in jeopardy of closure because of the astronomical costs associated with implementing the act.

A rural community hardly benefits, if it loses access to cable services because the local small business that provides the service cannot handle the burden of Federal regulations. Quite the opposite is true.

Competition, not regulation, will encourage growth and innovation in the cable industry, as well as other areas of telecommunications, while giving the consumers the benefit of competitive prices.

As I mentioned before, Mr. President a central goal of S. 652 is to create a competitive market for telecommunications services. Cable companies are one of the most likely competitors to local telephone monopolies. Cable companies will require billions of dollars in investment to develop their infrastructures in order to be competitive providers.

The Federal regulation of cable television has restricted the cable industry's access to capital, made investors concerned about future investments in the cable industry, and reduced the ability of cable companies to invest in technology and programming.

Mr. President, rate regulation will not maintain low rates and quality services in the cable industry. Competition will.

New entrants in the marketplace such as direct broadcast satellite [DBS] and telco-delivered video programming will provide competitive pressures to keep rates down.

In short, Mr. President, deregulation of the cable industry is essential for a competitive telecommunications market—and it is necessary as an element of S. 652, and the competitive model envisioned in the bill.

It is my preferred position that S. 652 should completely repeal the Cable Act. However, I am very supportive of efforts to repeal rate regulation for premium tiers, and complete relief of rate regulation for small cable companies, who have been hit so severely by the 1992 Cable Act.

Before closing, Mr. President, I would like to take a moment to share some interesting letters I have received from various groups outside the telecommunications industry. First and foremost, I was very interested as a member of the Senate Veterans affairs Committee to see the great interest veterans service organizations have in seeing a deregulatory bill passed.

In a letter form James J. Kenney, the national executive director of AMVETS, he states the following:

> America's veterans and their families have a real stake in the debate in Congress over competition in telecommunications.
>
> We know that full competition—now—means millions of new jobs spread throughout every section of our economy. A recent study by the WEFA group calculated that 3.4 million new jobs would be produced over the next ten years if all telecommunications companies were allowed to compete right away. These jobs are desperately needed for the estimated 250,000 men and women who are being discharged every year due to downsizing of the military. . . .
>
> Veterans want Congress to be on our side in this fight—to stand up for us—for new jobs and lower prices. We don't want to have to wait for the benefits of new competition. . . .
>
> On behalf of AMVETS and all of America's veterans, I urge you to move forward quickly in assuring that S. 652 will be a telecommunications reform bill that will allow immediate and simultaneous competition in the marketplace.

Mr. President, I intend to stand up for our veterans, and others of our citizens. I think this letter shows just how important this bill is to all Americans and the benefits that we can all enjoy from a robust and competitive telecommunications market.

Another interesting letter on this legislation, written by former Surgeon General C. Everett Koop, M.D. and Jane Preston, M.D., and president of the American Telemedicine Association, also urges the Congress to "Pass telecommunications reform legislation that opens up full competition in both local and long distance communications without delay."

Their interest in S. 652 is the potential advances it can bring to the medical field through greater access to telemedicine.

As a member of the Senate/House ad hoc Committee on Telemedicine and Informatics, I agree with the interests outlined in this letter.

> One of the single largest obstacles to the Deployment of Telemedical services LATA boundaries. Many of those involved in the field of telemedicine see LATA boundaries as "toll booths on the information highway." The existence of LATA boundaries, (and accompanying high rates for long distance services) was not a problem in the early stages of telemedicine research and demonstration projects. . . . However, with the development of telemedicine projects as ongoing, financially viable operations and with the steady increase in telemedical interactions, the cost of long distance services

> has become a major problem. Therefore, we ask you to eliminate this barrier by lifting existing restrictions and allowing all companies to compete immediately for local and long distance services.

The letter goes on to describe the many health care uses of the telecommunications infrastructure such as the training and education of health care professionals, consultation, and diagnostics, in addition to all the administrative functions that use the system. This is especially important to the future of the delivery of health care in remote and rural communities.

Mr. President, I don't support the unnecessary Government regulation of private industry. Some will argue that the regulations incorporated in S. 652 are not only necessary, but they are the only way we can reach a competitive marketplace. I disagree. There will be a number of amendments offered to curb the regulations that remain in this bill. With these clarifications and improvements, I am confident that S. 652 will positively change the telecommunications landscape for the betterment of American consumers and the national economy. I hope my colleagues will join me in support of those amendments.

The PRESIDING OFFICER. Who yields time?

If neither side yields time, time will be charged equally against both sides.

The Senator from Idaho.

Mr. GRAIG. Mr. President, I suggest the absence of a quorum. I ask that no time elapse equally.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, may I inquire about the time arrangement at this point?

The PRESIDING OFFICER. At this point we have a vote on the McCain amendment set for 2:10. At this point, there are remaining 2 minutes 3 seconds on Senator PRESSLER's time for discussion on that amendment, and 20 minutes remaining on Senator McCain's amendment.

Mr. LOTT. Let me ask it this way. Is there time in here that I may use that is not designated on one side or the other?

The PRESIDING OFFICER. It would take unanimous consent to proceed in that fashion. But the effect would be potentially delaying the vote if the advocates and proponents of the amendment were to withhold this time.

Mr. LOTT. Mr. President, I ask unanimous consent that I be allowed to speak against the amendment for the next 5 minutes.

Mr. STEVENS. Reserving the right to object, I shall not object, so long as it comes off both sides. I understand that is agreeable to Senator McCAIN. We still want the vote at 2:10.

The PRESIDING OFFICER. There are only 2 minutes left of Senator McCAIN's time. If that were to be equally divided, it would exhaust all the time he has left plus additional time.

Mr. STEVENS. Senator PRESSLER has 2 minutes.

The PRESIDING OFFICER. I believe Senator McCAIN has 2 minutes because the last speaker spoke, I thought, in support of the amendment.

Mr. STEVENS. Mr. President, as I understand it, consistent with Senator McCAIN's desire, just take the time and allow the Senator to speak.

Mr. LOTT. Mr. President, I think we all understand that. I will be brief. I want to be recognized briefly to speak against this amendment. I think what we have here is a classic case of the defeat of the good in pursuit of the perfect. Perhaps this legislation is not perfect, but it has been worked out very laboriously in a bipartisan way. It may not be totally perfectly deregulatory. I am sure it would be wonderful if we could eliminate the FCC. A lot of us would like to see no need for the FCC. But we are going from what has been a monopolistic system, an antiquated system, to a new, dynamic, open, more competitive, and much less regulatory system. This language, the public interest standard, that is included in the bill is a very important part of the core. It was a part, an important part, of putting together the agreement on the entry test. In my opinion, it is sort of part of the checklist. Once the Bell companies meet the checklist, there is this one additional thing, the public interest question. I think it is important to make sure that we have a fair and level playing field. This is part of that effort to make sure that we have done it right.

Our purpose here is to have more competition and less regulation. But I do not believe it is going to be constructive at this point if we take that public interest language out of there.

So I urge my colleagues, if we are going to keep this compromise agreement together, we need to leave this language in there.

I urge the defeat of the McCain amendment.

I yield the floor.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. How much time remains?

The PRESIDING OFFICER. Eighteen minutes forty seconds.

Mr. McCAIN. Mr. President, I yield myself such time as I may consume.

I really am struck by the comments of the Senator from Mississippi because it is exactly what is in this editorial of the Wall Street Journal. It is not a good idea to have the public interest provision in the bill, but let us do it because we have a compromise here. Let us make a bad deal, but it is a deal. I cannot tell my colleague from Mississippi how deeply I am disappointed in his position on this issue.

I had many conversations with him when we were talking about a checklist and how a checklist would satisfy the concerns of those who were in opposition to this legislation. Now, obviously, that was not enough. But we are going to make a deal. Let us change the debate around here. Instead of debating a piece of legislation, let us make a deal. The fact is the public interest aspect being added onto a checklist negates the entire checklist. What in the world is the need to have a checklist to say we comply with the checklist and then send it over to the FCC to decide what the amorphous position of the public interest is? The reason we will not do away with the checklist is we went down this road of concession after concession. We decided first that we will not have a checklist, then whether we needed a checklist. Then that was not sufficient to get enough support, so we added the public interest clause. So we end up with a meaningless checklist.

What in the world is the sense of having a checklist then after the checklist has been complied with? OK, it has been complied with, but it is up to you, FCC. What relevance does a checklist have?

Mr. President, I continue to be disappointed at what the Wall Street Journal describes as the "problem here is a familiar one." Companies lean too heavily on their insider Washington representatives whose skill is chiseling arcane special provisions out of an arcane process. These people are part of the reason the public is cynical about Washington. The CEO's know what is right, but they are given to believe it is never attainable considering universal service.

Mr. President, I am aware that this amendment will probably not be passed. But this is a clear example of what is wrong with the way we do business here in Washington. In the face of principle, we now compromise, and instead of doing so, let us have a bad deal, but it is better than no deal at all. I do not agree with that. I believe that we do a great disservice to the people whom we represent in the name of deregulation to add 80, according to the Wall Street Journal, 80 new regulatory functions, all designed, of course, to ensure competition and fairness.

Part 1 of those 80 new regulatory functions—part of the $81 million that the FCC is going to need to enforce this deregulation, and, of course, in the words of the Commissioner of the Federal Communications Commission, they will need accountants, statisticians and business school graduates. So let us call this what it is—a plus to some special interests and perhaps some improvement in the status quo but certainly not deregulatory legislation.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. STEVENS. I yield such time as is remaining to the Senator from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. Mr. President, I thank the Senator from Alaska.

I rise in opposition to the amendment. The most difficult thing to have happen in the law that we are deliberating here is the competition at the local level. That is the most perplexing and most difficult part of all. By competition, I do not mean competition for phone service. I do not mean competition for cable service. I do not mean competition for information businesses that want to preserve this kind of line of business distinction. I mean competition to package information services, not coming from the big guys that we talk to all the time in this town, but from that new entrepreneur that hires their lawyers at $50 an hour, not by the dump truck load, who need to make certain they will have an opportunity to compete.

This checklist, such as it is, I do not know if the checklist is going to work. There are 14 things on the checklist. Take a look at it. You tell me. One of the problems that I have in this whole mechanism is that it says the FCC is supposed to determine whether or not we have competition. How do I determine? Well, I have a checklist.

Then I have one final test that, by the way, has been litigated many, many times over the course of time. The Supreme Court has spoken many times on this issue. They understand the intent with a lot more clarity than meets the eye in this area. This is an effort to make certain that in fact we do get competition at the local level. I assure my colleagues, if we do not get competition at the local level, our consumers, our citizens, households are not going to be happy because their rates will not come down for overall information services. Their quality will not go up. Only in the competitive environment will that happen. Only if the provider of services knows that the customer can walk and go someplace else is there going to be a competitive environment, and only if the law encourages and allows new entrepreneurs and startup companies, as I believe the language in this bill allows, and that the amendment will strike.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. McCAIN. Mr. President, I yield my remaining time to the Senator from Oregon.

Mr. PACKWOOD. Mr. President, I thank my good friend from Arizona. I apologize for being late. The Finance Committee met from 9:30 until about quarter of 1. I have just gotten here now.

I realize the time constraints we are under, and I am not going to make a lot of long opening comments. This amendment is a simple amendment. No matter how anybody cuts it and attempts to parcel the bill, there are two competitive tests in this. I am going to refer to them as section A and section B, and they are genuinely competitive, objective tests. But then there is a conjunction at the end of the second section. We get into this public interest. It reads, "And if the Commission determines that requested authorization is consistent with the public interest, convenience and necessity," and what not.

What that means is that if any applicant meets the first two, which are objective and measurable, they still have to get over the hurdle of the third test, which is the public interest test. That is amorphous. That is anything the Federal Communication wants it to be. It is an unneeded test. It is going to be a test that is going to tie up every applicant not for weeks, not for months, but for years as we go through not some kind of an objective what is the public interest but on every single application to extend service to consumers, every single application to get more competition into the communications field, every one of those is going to have to pass a subjective public interest test, because I can assure the Presiding Officer and I can assure this Chamber that anybody who opposes one of your competitors getting into your business is going to say it is not in the public interest and you are going to have to prove that it is in the public interest.

And here is where I wish to complain about established bureaucracy generally, and I do not mean it critically, but I do mean it in the sense that there is a great tendency of any regulatory body to like what is. And there is a triangle between applicants and regulators and employees who used to be with the regulators, who now represent the applicants and who will also be representing the opponents of the applicants. And there will be a cozy tendency not to want to expand.

I am just going to give 3 minutes of history here on deregulation efforts I have seen since I have been on the Commerce Committee. I have been on it now since 1977, and I have been through every single deregulatory phase that we have had. Airlines in 1978—no one in the airline industry except United Airlines, to their credit, favored deregulating the airlines, nor did any of the unions that worked for the airlines want deregulation. In 1980, truck deregulation was opposed by the American Trucking Association and the Teamsters Union and not very enthusiastically looked at by the Interstate Commerce Commission, which then regulated trucking. We deregulated trucking by and large in 1980, and the Interstate Commerce Commission has shrunk from about, as I recall, 2,200 employees in 1981 down to around 500 or 600 now. My hunch is that the life of the Interstate Commerce Commission is not long in being. But because we deregulated, they shrunk down.

Now, what is the one thing that we left unregulated—I should not say we—that was left unregulated. When AT&T agreed with the antitrust division for the modified final judgment in 1982, the one thing that is not part of that judgment was cellular phones. Why? Because nobody cared. In 1982, you had 100,000 cellular phone customers. Do you know what the historical analogy is?

It is England and France after World War I, when they decided to divide up the Turkish territories, Turkey being an ally with Germany in World War I, and they lost. Turkey had control of the entire Middle East. England and France divided it up. England took Israel, Jordan, and Iraq; France took what became Lebanon and Syria. Nobody wanted Saudi Arabia—nothing but a desert. So it was left to drift on its own. No one knew there was any oil. I am sure Britain and France would have carved it up also if they thought they wanted it.

Nobody cared about cellular phones in 1982, so with 100,000 then, 25 million now, and 28,000 new customers a day, we will be at about 120 million cellular phone users by the year 2002. There are only 150 million telephone subscribers now. The reason this service is growing—and is it competitive? Read the advertisements. Hear the television. Listen to the radio. Competitive? Are the prices coming down? Is it big competitor after big competitor about some interesting small-niche competitors that understand this business, and because they are small and often personally held, they can beat AT&T or MCI or Bell Atlantic? That never would have happened had they been included in the modified final judgment.

I can see exactly what is to happen if we do not get rid of this public interest part of this bill. In is going to come a smart young engineer who worked for AT&T until he or she was 38 and decided to leave and form a little niche company of their own, and they are going to want to get into Bell Atlantic's territory. We think this is Bell versus AT&T. They are going to want to get into that territory, and they are going to make an application. And they are going to be kept out, or Bell Atlantic is going to be kept out if they want to get into AT&T's territory because they do not meet the public interest test.

Mr. President, of all of the areas of business in this country that no longer need regulation, communications is it. The argument is made that we are operating under an act that was passed in 1934. That is true. If we pass this act today, this takes us up to about 1964, 1974 at most.

Mr. President, we are not 5 to 10 years from the day that wired systems are going to be irrelevant. We are going to go back to broadband broadcasting where your computers are going to be hooked up by radio waves or the equivalent rather than wires, and we are going to have more spectrum than we know what to do with. And we are going to be hobbled because this bill will not give the freedom to competitors that is necessary, and the public interest test will do more to stop that freedom of competition than any other single thing.

I hope very much the Senate will adopt this amendment. This amendment by itself will do more to make sure that we have the equivalent of the kind of competition we have seen in cellular in the last 10 years than any other single thing this Senate will consider.

I thank the Chair.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER (Mr. GRAMS). The Senator from Arizona.

Mr. McCAIN. I ask unanimous consent that Senator THOMAS be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRESSLER. Mr. President, I move to table.

Mr. HOLLINGS. I move to table.

The PRESIDING OFFICER. Does the Senator from Arizona yield back his time?

The Senator yields back his time.

Mr. PRESSLER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question now is on agreeing to the motion to table the amendment. The yeas and nays have been ordered. The clerk will call the roll.

Mr. LOTT. I announce that the Senator from Mississippi [Mr. COCHRAN] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 68, nays 31, as follows:

[Rollcall Vote No. 243 Leg.]

YEAS—68

Akaka
Ashcroft
Bennett
Biden
Bingaman
Bond
Boxer
Bradley
Bryan
Bumpers
Byrd
Campbell
Chafee
Cohen
Conrad
D'Amato
Daschle
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Gorton
Grams
Grassley
Harkin
Hatfield
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Kassebaum
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn
Pell
Pressler
Pryor
Reid
Robb
Rockefeller
Roth
Sarbanes
Simon
Snowe
Specter
Stevens
Thompson
Thurmond
Warner
Wellstone

NAYS—31

Abraham
Baucus
Breaux
Brown
Burns
Coats
Coverdell
Craig
DeWine
Dole
Domenici
Faircloth
Frist
Graham
Gramm
Gregg
Hatch
Heflin
Helms
Johnston
Kempthorne
Kyl
Mack
McCain
McConnell
Packwood
Santorum
Shelby
Simpson
Smith
Thomas

NOT VOTING—1

Cochran

So the motion to table the amendment (No. 1261) was agreed to.

Mr. PRESSLER. Mr. President, I move to reconsider the vote.

Mr. HOLLINGS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

PRIVILEGE OF THE FLOOR

Mr. PRESSLER. Mr. President, I ask unanimous consent that Rosanne Beckerle be permitted privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I ask unanimous consent that Erica Gum, an intern in my office, be permitted privilege of the floor during the remaining debate of this issue.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1262

Mr. McCAIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report.

The legislative clerk read as follows:

> The Senator from Arizona [Mr. McCAIN] proposes an amendment numbered 1262.

The amendment is as follows:

> Strike Section 310 of the Act and renumber the subsequent Sections as appropriate.

Mr. McCAIN. Mr. President, this amendment would strike the provisions in the bill that force private companies to give preferential rates to certain other entities.

Specifically, the bill mandates that any health care facility, library, or school receive telephone service at cost. In other words, the telephone company must offer such service at reduced rates.

We all support helping education, furthering the ability of all individuals to have access to libraries, and helping people get medical help.

Mr. President, I am very concerned that the provisions of this bill go too far. Rural health providers will be provided with these low, preferential rates. I question whether such action will help low income rural Americans receive health care or will it help wealthy doctors become even wealthier when their telephone bills are reduced.

I question whether such an across-the-board mandate for schools to receive preferential rates is really necessary for wealthy suburban schools?

And for all of these provisions, I must question does anyone truly know the cost involved here?

For the following reasons, the public users section of this bill should be struck.

First, these provisions amount to an unfunded mandate. Earlier this year we passed legislation to discourage us from passing unfunded mandates on to companies. Make no mistake, this is an unfunded mandate.

Second, many States are already giving some entities preferential rates. There is no reason we should federalize a legitimate function of the States.

Third, if we are to pass such a provision, at a minimum, it must be means tested. There is no reason to give preferential rates to individuals who do not need them.

Fourth, we do not have an accurate assessment of how much this entitlement will cost.

Last, these provisions contain huge loopholes that many will exploit. Will abortion clinics apply for preferential rates as medical facilities? Will law firms with legal libraries seek preferential rates? These terms are not precisely defined in the bill and are open to exploitation.

Mr. President, as an example of what would be provided, it says in the bill on page 134, paragraph 3:

> Health Care Provider. The term "health care provider" means post-secondary educational institutions, teaching hospitals, and medical schools.

After reading through the bill language and also after consultation with staff, I am told that the term "elementary school" means a nonprofit institutional day or residential school that provides elementary education as determined under State law.

Does that mean a nonprofit private school falls under this? Does it mean, as I said before, that clinics that perform abortions are a medical facility? Does it, under the term "secondary school," mean a nonprofit institutional day or residential school that provides secondary education, as determined under State law, except that such term does not include any education beyond grade 12?

Does this mean private schools? I know that some private schools such as private parochial schools are not very wealthy. I also know that we all know there are certain private schools that are extremely well off.

Mr. President, I just think this is a wrong idea. It passed by a vote of 10 to 8 in the committee without a large amount of debate.

I hope we can strike this from the bill. I have no idea how much this would cost. I believe that we have spoken very loudly and clearly that unfunded mandates are something that we are rejecting. I urge the adoption of this amendment.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BRYAN. Mr. President, I ask unanimous consent that we might return to morning business for 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BRYAN. Mr. President, I thank the Chair and the distinguished managers of the bill.

TRIBUTE TO CAPTAIN O'GRADY

Mr. BRYAN. Mr. President, the nation sighed with relief this morning as we heard reports that Air Force Capt. Scott F. O'Grady, the United States pilot downed by a Serbian surface-to-air missile, had been found in good health, and was resting comfortably on a United States aircraft carrier.

Yesterday, in the Senate Armed Services Committee, Secretary of Defense Perry and Chairman of the Joint Chiefs of Staff, General Shalikashvili, gave a presentation on United States policy towards Bosnia. As was clear from this hearing, there is little agreement on what United States policy should be towards this war-torn region, and many deeply troubling questions continue to surface regarding the depth of United States involvement in Bosnia, and the need for a strong and coherent United States and NATO policy.

But today, I would like to focus on a good news story, and extend commendations to Captain O'Grady and the American military personnel who were involved in his remarkable recovery.

Although details of the rescue effort are still being released, it is clear that many American military personnel put themselves at great risk in the all-out attempt to locate Captain O'Grady and safely bring him out of Bosnia.

The ability of Captain O'Grady to evade capture by the Bosnian Serbs for nearly 6 days in heavily wooded areas is a great tribute not only to the courage and survival skills of Captain O'Grady, but also to the outstanding training he has received as a U.S. Air Force pilot.

Equally outstanding was the courage and competence of the marines who went into Bosnia under extremely dangerous conditions. Early reports indicate two CH-53 Sea Stallion helicopters under attack by both Serbian surface-to-air missiles and small arms fire were able to land within 50 meters of where Captain O'Grady was concealed. The commander of these marines, Col. Martin Berndt, reached out, grabbed the young pilot, and took off in a matter of seconds.

Finally, many American pilots risked their lives during the past 6 days, flying through a highly sophisticated Serb integrated air defense system in an attempt to pinpoint the location of Captain O'Grady. Many of these flights were extremely hazardous routes in and out of thunderstorms. During the actual rescue mission, additional American pilots covered the Marine helicopters with fighter and electronic monitoring aircraft.

Mr. President, the training, competence and experience that led to the spectacular success of this rescue mission gives credit to the outstanding job done by Secretary of Defense Perry and General Shalikashvili, as well as Adm. Leighton Smith, the NATO commander for Southern Europe. But our highest tribute should go to the courageous young men who were on the ground in Bosnia or flying low overhead. They have demonstrated the best of our U.S. Armed Forces, and the quality of the young men and women we have defending our national security. And a special tribute must go to the remarkable young man, Captain O'Grady, whose actions and courage serve as an example for us all.

Mr. President, I yield the floor.

AIR FORCE CAPT. SCOTT O'GRADY

Mrs. MURRAY. Mr. President, I want to join the President, my House and Senate colleagues, and the American people in expressing my deep relief at the safe return of Air Force Capt. Scott O'Grady, who was shot down over Bosnia 6 days ago while on a NATO mission.

It is a tribute to Captain O'Grady and the Air Force that trained him that he was able to survive for so long under such difficult circumstances. And certainly we must all loudly applaud the brave marines who put their own lives on the line and rescued him under the most treacherous circumstances, braving both missile and small-arms fire during their 5-hour rescue mission, to pull one of their own to safety.

Captain O'Grady's family has no doubt had a week of anguish and hope, and I celebrate with them this wonderful news and the remarkable strength and courage of Captain O'Grady and the marines who come to his rescue.

Scott O'Grady, who is from Spokane, WA, is an inspiration to citizens across my State and this nation, and I am proud to join the many many voices today that are celebrating his safe return.

THE TELECOMMUNICATIONS COMPETITION AND DEREGULATION ACT

The Senate continued with the consideration of the bill.

AMENDMENT NO. 1262

The PRESIDING OFFICER. Is there further debate on amendment No. 1262?

The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, as we know, the distinguished Senator from West Virginia, Senator ROCKEFELLER, on the Commerce Committee, has been the lead Senator on our side, and the distinguished Senator from Maine, Senator SNOWE, on the majority side of the Commerce Committee with respect to the public entities. They did not realize this amendment was coming up and they are on their way to the floor.

My friend from Arizona got some quick figures and questioned the figures I had given relative to the air fares. So let me once again state that the USAir fare from National to Charleston round trip is $628. United from Dulles round trip to Charleston is $628. There is a Continental flight at $608 round trip from National.

With respect to USAir going down to Miami, we talked about flying 500 miles further and of course the 500 miles coming back, 1,000-mile difference. There is a USAir $658 round trip to National, and if you walk up to the counter, there is a special of $478 for the 10 seats available that the clerk at the counter can give at that reduced rate.

Perhaps that is what was the case with respect to the quoted figure of going from Dulles to Charleston, D.C. to Charleston, the $249 fare round trip—that was the 21-day advance, nonrefundable fare under USAir.

In my investigation, though, it did prove salutary that I found out the Government fare to fly out from Washington to Charleston is $192, but the Government fare all the way out to Phoenix is $135. So we found out, in the airline industry, who the chairman is of the subcommittee on air travel.

I am going to get my office to call and see if I cannot persuade the Senator from Arizona to get me a little bit better consideration on this Government rate. They go 1,000 miles further, I say to the senior Senator, the President pro tempore of the Senate, 1,000 miles further and they get it $47 cheaper than you and me.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I thank the Senator from South Carolina for his additional information. The fact is, there are still one-way tickets available for $249. And the fact is, the number of departures from Washington, D.C., to South Carolina since deregulation has gone up 16 percent. The number of available seats since deregulation from Washington, D.C., to South Carolina has gone up 50 percent since deregulation. The President's Council of Economic Advisers has said that consumers have saved $100 billion since the airline industry deregulated.

I would also point out to the Senator from South Carolina, who is so enamored of the trip from Washington, D.C., to Phoenix, if I choose to leave from National Airport there is no direct flight. It has to stop someplace in between because of the arbitrary barrier to the markets imposed by the so-called perimeter rule, which was imposed by the former Speaker of the other body, Mr. Wright, which happens to reach the western edge of the tarmac at Dallas-Fort Worth Airport.

So, as one who commutes back and forth every weekend and has done so, now—this is the 13th year—I can assure the Senator from South Carolina I am in favor of far more deregulation. What the Senator from South Carolina calls distance market is what is called the free market. It is called supply and demand. When there are enough people who utilize a service the price of that service goes down.

It is a strange thing we find out when the free market works. If enough people want to use a certain service, and the cost of that service is divided up amongst more people, then the cost goes down. I am sure the Senator from South Carolina can appreciate that phenomenon. It has happened in the airline industry and the trucking industry and every other industry that we have deregulated. I am very sorry we are not going to see that in the telecommunications industry, because we have basically a bill that is more reregulatory than deregulatory.

But as I said earlier, I look forward to the opportunity of extended debate on the issue of airline deregulation with my friend from South Carolina, who obviously feels very strongly on the issue and has a lot of knowledge and experience. But I would remind him, the issue before us today is telecommunications deregulation, although I always enjoy a spirited exchange with my dear friend from South Carolina.

I thank him and yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, quickly because the Senator from West Virginia is here, the number of flights has gone up in the context of the population and travel. It certainly has not gone up in the context of service and price.

With respect to the service, now, those direct flights that I had are gone. I know it. I know it severely. I spend more time in Charlotte, NC, than I do in my hometown of Charleston.

I told Harvey Gantt, when he was mayor, I was going to run against him and run for mayor of Charlotte because I am beginning to know more people in Charlotte than I do in Charleston. With respect to price, obviously some time back, it was a round trip, $64. That is what I used to pay. It is now up to $628. Inflation could quadruple the price but not go all the way up to $628.

The price has gone up and I am subsidizing those long hauls. Eighty-five percent of the medium- and small-size towns in West Virginia and in South Carolina are subsidizing the long hauls out to the west coast and Phoenix, Los Angeles and the rest, because the airlines make money on those things. Because that is where, under the economy of distance and the airline fuel costs and the crew and everything else, nonstop, they can make the money. And we have to subsidize it.

The service has gone down, and the airlines are broke, and the Europeans are taking them over and we are thanking them for taking them over.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, there are times when I wish I had never offered an amendment in the Commerce Committee having to do with perimeters for flights, 1,250 miles, because the doing of that and the winning of that in the Commerce Committee has, I think, fundamentally angered my very good friend, the distinguished Senator from Arizona. I think it has caused a whole series of things to happen as a result. The hearing with respect to United Airlines, a hearing with respect to—well, no other hearings, but then I think this amendment. I think he was very deeply disturbed by that.

I just want to say one thing. As I walked in the door over there I heard him mention that $100 billion had been saved in terms of cost of deregulation of airlines. I want to inform the Senator from Arizona that—sure, a lot of that must have been saved in West Virginia. Because you do not get to West Virginia now by jet airplane. Yes, there are one or two. Corporations have theirs. But when I go it is by propeller. I remember when we had American and Eastern and United, and they came in regularly into our airports. That was years and years ago.

Within two or three months of deregulation it was gone. I am talking about this amendment when I am talking about airlines; that is what happens when the free market is allowed to entirely set what the rules of the game will be.

West Virginia has suffered substantially. West Virginia has suffered profoundly because of deregulation of airlines which is glorified by the Senator from Arizona and which is very deeply hurtful to the livelihoods of the people of the State of West Virginia who have to move to other States, often, because there is not enough work because businesses have to be able to count on reliable air service and they do not want it to be some small propeller plane where your chin is resting on your knees—as is the case in the seated position of the junior Senator from West Virginia.

It is incredibly important, not just to West Virginia but to every single State that has any part of it which is rural, that the amendment of the Senator from Arizona be defeated and be defeated soundly. We are dealing with some very, very fundamental principles here.

For example, as we build on this information superhighway we must include an on-ramp for students and adults to ensure that every American has the opportunity to plug in and be part of this technology.

The bill before us, ably shepherded through by Senator HOLLINGS and Senator PRESSLER, includes this amendment. I think this amendment—I said this a couple of times in the last few days—I think it is so important that this language stay that schools, elementary schools, secondary schools, no matter where they are, be included as part of the information process, that they be wired up, that public libraries be included as part of this process, which in many cases in rural areas and other areas they may not be and will not be, because, like airline deregulation, you go where the population is.

And, terribly important particularly for rural areas, that the telemedicine be available through rural health centers and through rural hospitals. And they will not be if the amendment of the Senator from Arizona prevails. They will not be because the market will not allocate the resources to make that available. I am as certain of that as I am of having to take a propeller airplane whenever I go to West Virginia. In fact, the only time that I do not take a propeller airplane when I go to West Virginia is if I go to Pittsburgh first. And the principle is exactly the same. The market will seek out where it is profitable to go as they are deregulated, as we will do and we will do with my full support in this bill, but where it is not profitable for them to go they will not go.

I want every Senator from every one of the 50 States—I do not care if it is New York State, which is thought of as being urban but has an enormous rural section, that people who live in Binghamton, NY, or Oneida or other places outside of that, they are not going to get service. Their elementary and secondary schools, their rural hospitals, their rural health clinics are not going to get service. They are not going to be wired up. They are not going to be part of this information highway. It is not going to happen because the market will make other choices.

As a result of that, I have said what I think is probably a hyperbole in listening to myself say it, but I find believing myself saying it so compelling that I need to say it on the floor of the Senate, that if this language is allowed to stay in the bill and, thus, if the amendment of the Senator from Arizona is defeated, this Senator as an individual junior Senator from West Virginia will probably have done more in one series of paragraphs of sentences in a bill to help his State than anything he has done in his public career.

I feel so strongly about that amendment. The amendment to strike this language is so wrong. It is so wrong for rural America. It is so wrong for places that cannot defend themselves. It is so wrong for choices that will be made by the marketplace to avoid elementary schools, secondary schools, libraries, rural health clinics, and rural hospitals. If you are not there with the technology, you might as well not be there.

If you are a kid, if we want to create in this country a first-tier and a second-tier society—and I am not talking about rich and poor in financial terms. I am talking about even more important terms; that is, having a future. If you want to have a two-class society in this country, those who know and those who do not, then you vote with the Senator from Arizona because that is what you will have. You will have people that go on-line, with America-On-Line, that can search and have their home pager and do all kinds of things, and they will make 15 percent more in salaries than people that do not have those abilities; probably 30 percent more.

I remind you that in the computer business, the productivity, the technology, has been doubling for the last 30 years every 18 months.

So what are these rural schools, what are these rural hospitals to do when they are not wired up? I cannot imagine anything that affects the future of this Senator's State, of the State of the Senator from North Dakota or the Senator from Nebraska in a more fundamental way in terms of its young people finding a chance to take their place in America as citizens with possibilities and pride and confidence than how this amendment is disposed of.

Senator PRESSLER and Senator HOLLINGS have worked together and have kept this as a part of the bill. They deserve praise for that.

I want to share one story. Then I will sit down and yield to the others. I will have more to say about my home State of West Virginia and this amendment, which I feel is just—I feel so strongly that it has to be defeated for the sake not just of my State, but of every State, the rural and the out-of-the-way parts of every State. Let me share one story about West Virginia. It has to do with the West Virginia Library Commission, which is a very aggressive group. They have very aggressively worked for years to develop the network, and they recently won a Federal grant to provide computers for over 150 libraries in our State.

Our State commission is currently investing in that equipment and training for every library to be linked to the internet. But each library must pay for its own telecommunication link, and they cannot. My wife Sharon and I have our farm in Pocahontas County. That is one of those little public libraries—when I was a Governor I was there—a little octagonal building that uses solar ray because they cannot afford the fuel. And it is interesting to use solar panels in that part of the State because the sun does not shine that often. It rains 45 inches every year. There is no way they can possibly match.

So that is taking the students of Pocahontas County, WV, and condemning them to second-class citizenship in terms of going into a library or the adults who want to improve themselves through library services. They are struggling financially. They cannot match. They cannot pay what they would be required to pay.

We have something in this law called "public interest." If there is ever a case of public interest, it is that people who are born in poor circumstances, in rich circumstances, in rural areas, in urban areas, or somewhere in between on either of those fronts have an equal chance in terms of the education system and the computer system and the health system of this country.

No, we did not pass health care last year. Maybe we bit off too much. But here is something we can bite off which will really help. It is called telemedicine. It will only affect those parts of the State which are rural, and they will never get it unless the amendment of the Senator from Arizona is defeated and defeated soundly.

Our part of the bill on this is not intended to give something away for nothing. It merely assures financially strapped public institutions like libraries and schools will get affordable rates for access.

There are many others who want to speak. I will speak more on this subject. But I say again that the defeat of this amendment, I think, is central to the bill. I think it is central to the future of the young people and adults of my State. I have rarely felt so strongly about anything in my public life.

I yield the floor.

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. Mr. President, I rise in support of the amendment.

Some provisions of the legislation I believe are not necessary would promote bureaucratic intervention and intermeddling in the system. I believe the provisions of the legislation which will provide for subsidies and will provide for special privileges for certain entities is unnecessary.

I believe that the suggestion that this is similar to the airline industry is misleading and counterproductive. The truth of the matter is that technology is going to change dramatically the impact of distances as it relates to the transmission of data and information. If you are bouncing information off the satellite, it does not matter whether you are in a rural area or in an urban area. It does not matter whether you are in a remote area or an approximate area. They are all equally accessible in that respect.

So to speak about the airline industry and the amount of traffic that is generated to one area, and that that traffic somehow does not justify a lower cost to that area like it does another area ignores the fact that the transmission of data, especially the wireless transmission of data, simply really does not have costs related to the location of the receiver of the data.

The data can be transmitted or received via satellite regardless of the location. So I do not think it is particularly instructive to try to get bogged down in the debate over airline deregulation here. We are talking about a different technology. And arguments which are locked into the technology of the past are based on ideas like the airline technology and what it takes to transmit a passenger instead of transmitting data, those are misleading arguments.

The provision which is, I think, noble in its objective to try to help us have educational institutions with good access and health institutions with good access would require a costly accounting procedure and intermeddling by governmental entities to try to determine what would be "reasonable rates" or what would be "incremental costs."

If we say that elementary schools, secondary schools, libraries—and, incidentally, that is not public libraries in the legislation. The word "libraries" is used without reference to whether it is public or private—if we say that they are entitled to special rates for the transmission of data or communications which they would choose to transmit or provide, it seems to me that we have set up a provision which requires governmental rate setting, governmental cost accounting, and massive and significant intervention of the Government in this process. And if those rates are established by the Government at less than the full cost of the proceeding, that means everyone else who uses the system is going to be subsidizing the overall cost of these institutions and these entities.

Much has been made of the rural setting and the fact that it might be a lot more expensive according to some that in order to have provision of telecommunications to rural settings——

Mr. PRESSLER. If my friend will yield for a unanimous-consent request, it will take 30 seconds.

Mr. ASHCROFT. I will be happy to yield.

Mr. PRESSLER. Mr. President, there has been agreement on both sides for a vote on the McCain amendment at 3:30 today and that the time between now and then be equally divided—I do not intend to use mine; I will give it to anyone who wants it—in the usual form with no amendments in order to the amendment.

Mr. KERREY. Reserving the right to object.

Ms. SNOWE. Reserving the right to object.

The PRESIDING OFFICER. There was no unanimous-consent request made at this point. There was an explanation.

Mr. PRESSLER. I ask unanimous consent that the vote occur on the McCain amendment at 3:30 today.

Mr. ROCKEFELLER. Reserving the right to object.

The PRESIDING OFFICER. Is there objection?

Mr. KERREY. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. I thank the Chair.

In order for some groups to have a specially reduced rate of services, other groups will have to pay and subsidize that rate for service. Now, whether those services are laudable or important or necessary or would not otherwise be available is debatable. There seems to be the thought that a lot of rural hospitals exist now without telecommunications access. I have been to many rural hospitals during the last year. I actually worked in several rural hospitals. They all have a number of the kinds of transmission devices that were very important to transmitting and receiving the kinds of things that would be involved in telecommunications. All of them had cable television, coaxial access, and the like.

The point I would make here is that on page 132 of the bill, at lines 19 through 22, it provides that the rates would be affordable and not higher than incremental costs.

This places the Government in a position of having to try to ascertain what affordable rates are, having arguments about what incremental costs are, and injects the Government back in the process of regulation at the micro level. I think it is counterproductive. I pointed out that it not only applies to schools, elementary and secondary, but it applies to libraries, and it does not mean that it is only public libraries. The statute just says "libraries."

I wonder if you might literally have a library that became an electronic library. It could be commercial in nature but it could provide information on the telecommunications highways but demand the right to do so at subsidized rates merely because it is mentioned in this section.

It occurs to me that the promise of telecommunications deregulation means that access to new service, both digital and wireless, is going to be available to individuals around the country and institutions around the country. It also occurs to me that as that access is available and becomes cheaper as a result of the proliferation of services—and it is estimated that our costs in telecommunications will go down very substantially—a bureaucracy to start setting rates and to regulate the rates and to provide special subsidies for one part of our society as opposed to another is not only unnecessary but is counterproductive.

So I stand in support of the fact that the marketplace will do a good job of providing service. And I just elevate for your consideration something of what has happened in terms of cellular phones. Some have indicated that because there are rural areas there would not be cellular phones. My State, which has substantial rural areas, is covered with cellular phones. Virtually every part of the State is accessible to them. And I was charmed the other day, when meeting with some cellular phone operators, to find that one of the rural cellular operators includes in the package that is offered free long-distance phones so that if you pay for time on your cellular telephone, you can call anywhere you want to in the United States of America at the same rate you can call the next phone.

This is sort of the prejudice that they are alleging, I suppose, is going to ruin us if we do not have this micromanagement in the telecommunications industry.

That is not prejudice at all. That is just the fact that entrepreneurs are at work in rural America as well as they are in urban America, and as a matter of fact in rural America sometimes telecommunications services are substantially enhanced and can even be at a competitive advantage, comparably stronger, offered with a more attractive array of advantages and features, than they would in the urban setting.

It is with that in mind I think this amendment is well taken, that I think it is unnecessary to set rates and to have micromanagement and special privileges and subsidies built into this bill at a time when telecommunications is going to be more and more available as a result of technology, when the rates will be going down as a result of a proliferation of providers and services. And for us to single out a few groups, some of them inordinately narrow, perhaps providing additional advantages to public schools as opposed to private schools, some of them inordinately broad, providing this subsidy to all libraries, however they may be defined or constituted, it seems to me this section would be a section without which we could do well. And for that reason, I support the amendment as proposed by the Senator from Arizona.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER (Mr. COATS). The Senator from North Dakota.

Mr. DORGAN. Mr. President, I grew up in North Dakota, in a town of about 300 people. I graduated in a high school class of 9. It is always interesting to come to the Senate floor and listen to folks who talk to us about the marketplace and competition and the advantages of this free market system as the allocator of goods and services. Frankly, in my hometown, a small town 50 to 60 miles from the nearest big town, which was 12,000 people, we did not receive a lot of the marketplace advantages that big cities have. And we did not complain a lot about it. We had a lot of other advantages living in a small town. We did not have a theater in Regent, ND. I guess you have a theater in big towns.

I do not come to the floor of the Senate suggesting somehow from a public policy standpoint we need to have theaters in my hometown or in small towns in order to enjoy the arts. We missed out on a lot of the advantages that the market system brings to big communities because the market system works in search of revenue and income and profits.

The market system works when competition is developed around a circumstance where competitors can provide a service or sell a product and make money. Where are they going to do that? They are going to do that where people live because the more people, the bigger the market, the more potential for profit.

That is the way the market system works. We understand that. All of us have likely studied Adam Smith, who talked about the cloak of the invisible hand in the market place. Adam Smith would be rolling over in his grave these days because he preached these things before there was the modern convenience of the corporation —the artificial person that is born, lives, and never dies. Adam Smith actually talked about the marketplace and the cloak of the invisible hand when we had people who participated in the marketplace who lived and then died.

But, in today's marketplace, the corporations dominate and they do not die.

It is a different life and a different time. So Adam Smith, I suppose, would adapt.

It is useful, I think, to talk about this issue of deregulation and the issue of airlines, even on this amendment. The Senator from South Carolina was, I think, still addressing the core subject when he talked about deregulation of airlines on this amendment, because this amendment really provides an opportunity for people to see competing visions of what we ought to be doing.

Some stand up and say, "It doesn't matter what it is." It does not matter if it is communications, health care, transportation. It does not matter what it is, let the market system decide who gets served, when they get served, and how they get served.

I am glad we had folks in Congress who did not believe that back in the thirties when they decided how to move some electricity around to provide advantages in this country and nobody in the world wanted to serve the farms in rural America because it was too expensive. If you had one customer for every 2 miles, you are not going to run a line out there and try to serve a farm because it is not profitable. The result, if you lived out in the country, is you did not turn on a light switch because you did not have electricity.

Congress said there are some things universal in nature, some things everybody ought to enjoy the advantage of in this country. Electricity was one. So enough people in Congress felt differently than those who propose this amendment, and said, "Well, we understand the marketplace, we understand competition, but we understand also there are some universal needs one of which is electricity." Therefore, they constructed an REA Program and brought electricity to farms, electrified rural America, and unleashed productivity never dreamed of before.

That would never have happened if we worshiped at the altar of the marketplace and said rural America will get electricity as soon as the utility companies decide to run a line out there. When will that be? Never.

The Senator from South Carolina, as he stood and spoke about this amendment, talked about airline deregulation. Airline deregulation had at its roots the notion of let the marketplace decide who gets air service, at what price, and what convenience in this country.

We know what has happened with airline deregulation despite all the little statistics and charts people keep bringing to my attention. If you live in rural America and you access airline service, you have less choice and higher prices. It is a plain fact. If you live in Chicago, God bless you, then you have more choice and lower prices. That is just the way it works. There is no denying it. All the data in the world demonstrate that is the case.

"Oh," some will say, "gee, there are more little flights here and there." Yes, there are little propeller airplanes running around. The fact is the minute a regional jet carrier tries to start out, one of the large carriers tries to squash them like a bug and do it successfully. I think it is interesting what is happening in the airline industry is the big have gotten bigger, the big carriers have gotten much, much bigger by merging and absorbing little carriers.

Those on the other side of the aisle who preach competition and who talk about the virtues of the marketplace never stand up and say, "Wait a second, when the big get bigger and you concentrate more power in the hands of the few, you have less competition." In other words, those who bring these amendments to the Senate floor talk about the virtues of the marketplace, preach about competition but they do not practice it. If they practiced competition, they would care about ending up with only four or five very large airlines who have absorbed all the regional carriers. You do not hear that. You never hear from the folks who talk about competition, what we need to do to keep competitive and what we need to do to fight monopolistic tendencies.

In the airline deregulation issue, it was decided that the Department of Transportation shall make judgments about whether a merger is in the public interest or not, and the Justice Department shall be consulted.

Mr. President, do you know what has happened? What has happened is a merger is proposed by a large carrier buying up a smaller carrier and it goes to the Department of Transportation. The Department of Transportation raises its hands and says, "Hosanna, this is just fine, we have no problem." The Department of Justice says, "No, this is not in the public interest," but the Department of Transportation approves it anyway.

That brings me to the telecommunications bill. We have the same problem. They say, "Let's defang the Department of Justice and let the Federal Communications Commission decide when the regional Bells should be allowed to enter into long distance. What is the competitive test, when does competition exist and when does it not, regarding local and long distance services."

Same old thing. We apparently have not learned with respect to airline deregulation and giving the Department of Transportation the authority and rendering the Department of Justice to a consultative role.

Some of us will offer amendments on the role of the Justice Department, which I hope the Senate will accept. If we are going to stand here preaching competition on the floor of the Senate, let us all practice the virtues of competition. Let us nurture the benefits of competition by deciding that we want competition in a real way to exist in this country.

I do not understand sometimes those who say there is no other interest we have except having the marketplace and the potential profits dictate who gets what in this country. There are apparently no other influences or interests they have in terms of what advantages Americans should enjoy, what kind of things are universal in nature—transportation, communications, and others.

I recall a book written by Upton Sinclair as a result of research he did at the turn of the century. I do not want to ruin anybody's dinner, but Upton Sinclair is the person who toured the meat packing plants and discovered the scandal of the rats in the meat packing plants. Producers put arsenic on slices of bread and placed them around the meat packing plant so the rats would eat the arsenic and die. The rats died and they shove the bread and the rats in the hole with the meat, and they produce the mystery sausage. That is what America was eating.

Upton Sinclair said this is what is going on. Then America rose up and said, "We don't want to eat that." The barons of industry producing meat laced with rat poisons and rats apparently going down the same chutes were pursuing profits but not very interested in the health of our country.

So Congress said maybe we ought to inspect meat. Maybe those folks who say the free-market system should not be interrupted are prepared at this point to say, "Let's not inspect meat because we are inconveniencing the folks who run the meat packing plants." Maybe we should not inspect airlines for safety because we inconvenience the airlines.

I have heard some disciples—not anybody in the Congress—but I have heard the free market advocates and some of the theorists suggest if people are putting out bad infant formula, babies will die and people will realize that the company is selling bad infant formula. Pretty soon, consumers will not buy any more infant formula and the company will go bankrupt. So the penalty for killing babies is bankruptcy.

Maybe the same theory is on airline safety. You do not have a Government role on airline safety. If the airline is not safe, if they do not have their own internal safety mechanism, planes crash and people will say, "We won't fly that airline anymore, and, therefore, the market system is a self-regulatory system, so we do not want to worry about airline safety," they would say. "We don't have to worry about meat inspection," they would say. "Those are all inconveniences to the market system. Let's let the income stream of the market system and competitive forces determine who does what in this country."

I have taken a long tour to get back to the central point. I recognize that. This is a perfect place for us to talk about the differences between us and them, and by them I am talking about those who stand and say there is not a public good that is involved here when you single out libraries or hospitals in rural areas with respect to rates charged and the buildup of infrastructure of the actual communications industry. They say, "No, that's meddling, that's tinkering." We have heard all these voices before. They say the market system will work, and if the market system does not get these services to those rural areas, to those hospitals, to those schools, those libraries, then tough luck, it was not meant to be.

I would appreciate it, if anybody is keeping score, if they would put me down as a meddler, at least a tinkerer. Maybe someone who believes that it is worthy as we build up the infrastructure of telecommunications to have some on-ramps and some off-ramps, yes, even in the smallest portions of this country, even in rural towns, even at small libraries, even in rural hospitals. If we do not believe that, as far as I am concerned, I do not want to participate in building it. Is that selfish? Probably. But I come from a part of the country where they crossed with wagon trains, years and years ago, to get where they were going, and they understood back then the concept of moving together. You did not move wagon trains ahead unless all the wagons were ready. You do not move ahead by leaving some behind. That is part of the focus of this debate, I believe.

This can be a remarkable opportunity for our country by seeing the explosion, the breathtaking new technology in telecommunications that improves our lives. But it can also be the development of a system of communications, producing services and products that leaves out a significant portion of our population if it is not done properly.

I hope that as we go through this debate, we will expose over and over again the basic conflict between the two theories expressed on this floor—one by some who say let the market system allocate and decide and do not meddle and worry about whether folks in the rural areas are beneficiaries of this breathtaking new technology. And others of us say, no, this is something of a more universal need and a more universal nature, and we want all of America to benefit from it.

That is what this amendment is about, I suppose, and why I oppose it. I think it contravenes that basic need that we have in this country to make sure all Americans benefit from the potential good that comes from this new telecommunications industry.

So, Mr. President, I would like to make one additional point. I know that the chairman of the committee and the ranking member are very anxious to move forward. We have a vote ordered now or one that is about to be ordered. Is there a vote pending at this point?

Mr. PRESSLER. No. We are working on an agreement.

Mr. DORGAN. I understood earlier this week that the antiterrorism legislation should be moved quickly, and I cooperated with that. It was important to do that. The majority leader was absolutely correct. But I do not think there is a compelling need to suggest that we ought to be dealing with hundreds of billions of dollars in American industry and the rules for the telecommunications industry and be worrying about whether we get 20 or 30 minutes to fully debate something that is going to have a profound impact on our country. Let us take some time on these amendments and explore them thoroughly, and let us have good debate and substantial debate, and then let us make judgments.

But there is no reason, in my judgment, to believe that we have to finish this bill by 6 o'clock tonight or 9 o'clock tonight or 10 o'clock tomorrow. This bill ought to take whatever time it needs for us to devote our best energies and intellect to make sure this is the right thing for our country.

Mr. President, I yield the floor.

Ms. SNOWE addressed the Chair.

The PRESIDING OFFICER (Mr. COVERDELL). The Senator from Maine.

Ms. SNOWE. Mr. President, I rise in very strong opposition to the amendment that has been offered by Senator McCAIN. It certainly is disturbing to think that some Members in this body cannot accept a provision that will provide affordable access to rural schools, libraries, and health care providers, given that we have become part of the information age, and this issue is absolutely critical to our Nation's future.

The Senator from Arizona has offered an amendment that will strike the provision that was offered by Senator ROCKEFELLER, Senator EXON, Senator KERREY, and myself in the Commerce Committee which requires telecommunications carriers, upon a bona fide request, to provide important telecommunications services to schools and libraries and rural health care providers.

This principle of affordable access is not a new concept. The universal service concept has been embodied in our national telecommunications policy since 1934, to ensure that all parts of America had access to the telephone. It was important to ensure that all Americans had access to the essential service at the time, telephone service.

But universal service needs to be updated, and in fact, the bill recognizes that universal service is an evolving concept. The bill presently ensures universal service for telemedicine, and educational services, which I believe will make a difference, not only for America and its ability to compete with other countries, but also for individuals in preparing themselves for the work force of tomorrow, which we know will be constantly changing. And ensuring that our Nation's children gain access to the important technologies of the future will make a significant difference in the standard of living they and their families will enjoy for years to come. That is what this amendment is all about.

The Senator from Arizona, Senator McCAIN, is offering an amendment to strike this language. His amendment will result in a nation of technology haves and have-nots, and that is not an outcome that I am willing to accept.

I do not believe that we in Congress should pass a new telecommunications policy—I might add, the first revision of the Communications Act since 1934—which divides our Nation between the telecommunications haves and the have-nots. Many of the telecommunications providers are going to reap enormous gains from this legislation. Most will, and some will not. But the point is, in deregulating the telecommunications industry, we must make sure that we do not deny important areas of our country affordable access to telecommunications services.

We know the densely populated urban areas will benefit from deregulation. They will have the benefit of all of the advances in technology for today and tomorrow and thereafter. But what about the rural areas? We know now that telecommunications services are far more expensive in rural areas than they are in urban areas, for example, access to Internet costs more in rural areas because the Internet nodes of access often are not in local calling areas, meaning that rural consumers must pay toll rates.

What is going to happen now? If we do not guarantee some affordable access to telecommunications services in rural schools, libraries, and health care centers, where are they going to be tomorrow? Where will our Nation be? It is in our national interest to ensure that these areas are part of the information superhighway.

If we want young people to be familiar with technology and to have it become second nature to them, to understand that it is their future, I cannot understand why we would support Senator McCAIN's amendment, which would take out the one provision that provides enormous public gain for all of America.

Look at telemedicine. It is the here and now and it is the wave of the future. I have talked to many rural health care centers in my State of Maine. They need affordable access to telemedicine. They need the help so that they can provide the same kind of services and health care for their rural constituents as enjoyed by residents of more densely populated areas.

I received a letter recently from Eastern Maine Health Care Services, which is located in a rural area of the State. They write:

> In the past several months, a network of hospitals have begun to collaborate in our region of Maine. One of the outstanding issues within that group is the need to use

telemedicine as a tool for providing cost-effective quality health care from the smallest to the largest towns in our region. Telemedicine in our region is defined as the transmission of data—voice, image, and video—over distance. We have come across many obstacles in this endeavor, but one of the greatest obstacles is the transmission of these media over the present telecommunications lines at an affordable cost. Many of the hospitals and health centers in our service area have extremely limited funds.

I thank the Senator, the chairman of our committee, Mr. PRESSLER, for including important refinements to this language in the managers' amendment. I know that there are some, such as the sponsor of the amendment to strike this language, who believe that the marketplace should be free of regulations and that somehow, someway, affordable telecommunications will be available for everybody at affordable rates.

Other Senators have mentioned here on the floor today, as an example of deregulation and the impact that it has had on many rural parts of our country, the impact of airline deregulation. I can certainly speak firsthand to that, as far as how it has affected the State of Maine. It certainly has denied us the kind of airline service I would have thought might have developed from deregulation, and it simply has not happened.

Many of the areas that at one time had the benefits of airline service—and I might add jet service—do not even have the benefits of commercial airline service.

Our largest city in the State of Maine, Portland, ME, is losing jet service as a result of deregulation. That is occurring this year.

Since we have had deregulation—this is about 17 years ago—the situation has gotten worse. It has not improved in the rural areas of our country. That is a fact.

I can speak to it firsthand because I use those airlines every week. We have commuter services. We do not have jet service for the most part, anymore, in the State of Maine. Most of the areas, like Presque Isle and Portland, that used to have jet service do not have the benefits of commercial airline service.

So that is why I cannot understand why we want to apply the same notion here when it comes to telecommunication services. What will happen to the rural area? Who will make sure that our schools, libraries and health care centers are going to have the benefits of our national information infrastructure, if we do not provide for that in this legislation?

House Speaker NEWT GINGRICH said "If our country doesn't figure out a way to bring the information age to the country's poor, we are buying ourselves a 21st century of enormous domestic pain." He said, "Somehow there has to be a missionary spirit in America that says to the poor kid, the Internet is for you, the information is for you."

Well, that is exactly right. But I think that we have an obligation as a Nation to ensure that our young people have affordable access to this kind of service.

The National Center for Education Statistics reports—and I think it is interesting to note these statistics because I think it proves the point—that 35 percent of public schools have access to the internet, but only 3 percent of all instructional rooms, classrooms, labs, and media centers in public schools are connected to the internet.

Of the 35 percent of the schools with access, 36 percent cited telecommunication rates as a barrier to maximizing the use of their telecommunication capabilities.

Some would suggest that the Snowe-Rockefeller-Kerrey amendment is opening a Pandora's box, a new array of entitlements for schools, libraries and hospitals. No, it is not.

As I said earlier in my remarks, universal service provisions for residential consumers existed in the bill prior to the adoption of this amendment, to this legislation, in the committee.

Those provisions guaranteed access to essential telecommunication services for residential consumers. Our amendment simply provides that assurance for key institutions in rural areas. Our objective is to ensure that rural areas are on an equal footing in terms of schools, libraries, and health care facilities in urban areas.

I should also mention the fact that we have worked with some of the Bell telephone companies to address their concerns. We made some changes in the language, to address their concerns about incremental costs language. The revised language ensures affordable access to educational services for schools and libraries, and discounts will be determined, as for residential consumers, by the joint board in conjunction with the FCC and the states. The discount must be an amount necessary to ensure affordable access to use the telecommunications services for educational services.

Some have suggested that these discounts would be wasted on some communities with poor schools, low literacy rates, high levels of unemployment, or other social problems. I disagree. This language will open doors, not close them. Those communities stand to gain enormously from the telecommunication network. It will open up a whole new world to these communities. Senator MCCAIN's amendment will deny those gains, benefits, and opportunities for troubled areas.

We do not know what the future will be all about. We do not have a crystal ball. We do know, however, that technology and the information age is going to be very much part of our future, I think in ways which we cannot now fully anticipate or appreciate even today.

This is the first time we have addressed telecommunication policies, I mentioned, since 1934. There probably will be years and decades before we come back to this issue as a Nation and as an institution.

How can we seek to deprive some areas of the country of the knowledge that they need in order to thrive and to develop, and to be productive for the future, for their future and this country's future?

Knowledge is power. To cut some areas off from the information superhighway is not only denying them the future that they deserve, but it is denying the kind of future this country deserves, because their future is going to affect America's future.

I hope that the Senate will reject this amendment of Senator MCCAIN to strike out our universal service language, which, I might add, is not a new concept. In fact, it is interesting to note that the Commerce Committee in the last Congress approved a bill by a vote of 18 to 2 which contained adopted similar language on this very issue, extending the universal service concept to these key institutions, schools, libraries and rural health care facilities. Last year's bill went even further than this year's bill—it contained universal service discounts for museums and zoos and so on.

We narrowed our language to ensure that we were just addressing the needs of key entities that are so important to the development of this Nation.

Funding is a major barrier to access, it is the one that is most often cited in the acquisition of users of advanced telecommunications in public schools.

Smaller schools, with enrollments of less than 300, are less likely to be on the internet than schools with larger enrollment sizes. Only 30 percent of the small schools reported having internet access, while 58 percent of schools with enrollments of 1,000 or more reported having internet access.

So we know that there is a gap between the high expectations of an increasingly technologically-driven society and the inability of most schools, particularly rural schools, to prepare students adequately for the high-technology future.

Almost 90 percent of K through 12 classrooms lack even basic access to telephone service. Telephone lines are used to hook up modems to the internet. When classrooms do have phone lines, schools are typically charged at the corporate rate for service. Schools and libraries in rural areas often pay more for access to information services because the information service providers are not located in the local calling regions, meaning they have to make long-distance calls.

A recent study conducted by the U.S. National Commission on Libraries and

Information Science found that 21 percent of public libraries had internet connections. Only 12.8 percent provide public access terminals. Internet connections were 77 percent for public libraries serving a population base of more than 1 million, but declined to 13.3 percent for libraries serving fewer than 5,000. Maine, I might add, has a population of 1.2 million. The largest city representing Maine has no more than 80,000 people.

I hope that Members of this body would understand the importance and the value of maintaining the language that we have included in this legislation. It is so important to our future and to our children's future. It is fundamental that we, as a Nation, assure that all areas in America have access to essential telecommunication services for the future.

I, for one, will not vote to deprive schools and libraries and hospitals of the affordable telecommunication services that they need and require.

I hope that Members of this body will vote to defeat Senator MCCAIN's amendment. His amendment will go a long way toward denying the important opportunities that we should afford our young people. No matter where they live in America, everyone should be entitled to have access to the information superhighway which will be so much a part of our future. So I urge Members of this body to defeat the McCain amendment.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I want to speak just briefly on this amendment that Senator MCCAIN has offered to strike out section 310 of the telecommunications bill and indicate my strong opposition to that effort. The provision which he is intending to strike was added by the Senator from Maine in the committee markup with the help of the Senator from West Virginia and I know with the urging of the Senators from Nebraska and others. I think the provision that was adopted in committee is an excellent provision and one we need to keep in the bill.

I became interested in this set of issues because of the needs in my own State of New Mexico to provide telecommunication services to rural schools in particular, but also to rural hospitals and to rural libraries. In our State, we have one model program which came to my attention several years ago, and that is at the Clovis Community College on the east side of New Mexico. It is a 2-year school. They began a pilot project several years ago to provide instruction from that community college into nine of our rural high schools in that part of the State. We still have, today, in this school year which is just now ending, classes taught at the community college that students in those small, rural high schools are able to access in their own classrooms. That has been a very successful project and it is a model for what we ought to be doing throughout my State and throughout this entire country.

However, we are not able to do it throughout my State and throughout this entire country because of the enormous cost of taking advantage of telecommunications services. What is needed is special provisions, special rates so that educational services can be provided to schools at reasonable cost; and can be provided to rural hospitals and rural libraries at reasonable cost.

I am persuaded that technology can either be a great boon to mankind and to the people in this country in coming years, or it can prove to be a great divider of our people. Either it will help us all to pull ourselves up and realize the opportunity that is present in this country, or it will further divide the rich from the poor, the urban from the rural, the "haves" from the "have nots."

The provision that the Senator from Maine proposed in committee, which is now in the bill and which we need to keep in the bill, goes a long way toward helping us ensure that technology brings us together instead of dividing us. I do think it is essential that we take some action in this area as a public policy matter. You cannot leave everything up to the free market system.

I heard the Senator from North Dakota speaking, Senator DORGAN, earlier this afternoon. He was pointing out that left to its own devices, the free market system will provide technological opportunity and new technology and benefits to those who can pay the bill. We want that to happen. But we also want some access to that technology for those who may not be able to pay as much and that is what this provision is intended to do.

There is another example in my State which I just would allude to because it is a very small example but perhaps one that people can understand. There is a small community in New Mexico called Santa Rosa, which is east of Albuquerque on our Interstate 40. That is the community that you have to go to if you live in Guadalupe County and you want to go to high school. You have to travel to Santa Rosa.

North of Santa Rosa about 60 miles is the much smaller community of Anton Chico. If you live in Anton Chico you have school right there up through the elementary level, and then you have to get on a bus and travel 60 miles each way to go to high school.

What the school district there in Guadalupe County has done very effectively, is use telecommunications to provide instruction from the Santa Rosa schools to a classroom in Anton Chico, for those students who wish to continue past the eighth grade and take instruction in the ninth grade without having to travel all the way to Santa Rosa.

This has allowed them to keep students in that school for that extra year, and in many cases keep those students involved in education long enough that they will stay in school through twelfth grade.

This is dealing with a very, very real problem we have in New Mexico of students dropping out. They drop out for a variety of reasons, but one of the reasons that students drop out in some of the rural parts of our State is because of the physical problems of getting to the high school that they need to attend each day.

Modern telecommunications services can help us to solve this problem. One of the great opportunities that we have as a country, as we try to improve our educational system, is to take proper advantage of new technology to keep students interested, to help students raise the standards that they are achieving in school, and to eliminate the difference that exists between the quality of instruction in urban schools and that of rural schools.

In order that technology is successful or is able to help us in this regard, we need to deal with the problem of the cost of using that technology. This provision allows that. I hope very much we will keep it in the bill. It is one of the better provisions in this telecommunications bill and I think it would be a very sad day if the Senate were to agree to strike this part of the bill.

I compliment the Senator from Maine, the Senator from West Virginia, the Senators from Nebraska, and others who have worked hard to get this provision in the committee-reported bill. I urge my colleagues to keep it in there and to defeat the McCain amendment when it comes to a vote.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I want to try to give a sense of a little bit of the overview of this, and do it within a relatively short amount of time. I want to also say that there have been some very constructive conversations that have been taking place, which reflect themselves in the managers' amendment.

For example, there was a very constructive conversation yesterday afternoon involving the Senator from Maine, the Senator from Nebraska, Senator KERREY, myself, and others with, for example, Bell Atlantic, which represents my State, Ameritech, NYNEX. We were able to reach accommodation in a very constructive, positive way, in ways which are reflected in the managers' amendment. So I do not want people to think this is kind of a pitched battle only. There have been some people who have been trying to do some good work on this, on both the corporate and senatorial side.

I have to say we have heard some absolutely amazing statements from the Senator from Arizona and some of his allies. Make no mistake about what they are trying to do. They are trying to say to all of these telecommunications giants: Go ahead and charge exorbitant rates on the backs of America's schools and libraries and rural health institutions, and keep those community institutions off the ramps of learning and telemedicine. Or go ahead, in the alternative, and milk schools and libraries for as much money as you can get.

I can fly, under airline deregulation, from Huntington, WV, to Washington, DC, in 1 hour. But it is cheaper to fly from Washington, DC, to Los Angeles. I think you understand the point. Where people think they can put it to you and they are in a profitmaking business and they do not have a sense of corporate responsibility or a broader picture, as some that I have mentioned do have, they will do it. And they have done it. And it hurts.

We should reject that kind of thinking out of hand in this Chamber. Private telecommunications companies are being given an open ticket in this bill to get into new businesses, exciting businesses, important businesses, making all kinds of profits and reaping incredible dividends. And I do not object to that. I do not object to that. I think what we are looking at is an extraordinary excitement.

I had dinner with the President of a computer company last night—with six of them, in fact. He said within a very few years any citizen of the world will be able to talk with any other citizen of the world directly, through e-mail or some such, based upon the name of the person, the service that the person provides, be it a business or a location. There will be worldwide direct person-to-person communication in as fast a time and with as much clarity as you pick up your local telephone to dial your mother-in-law.

All we are doing in our provision is to say, in return for this explosion of excitement and opportunity and profits, which create, indeed, more opportunity for all of that growth, for all of those profits that you will now be able to get your hands on, make sure that you bring libraries, schools, and hospitals along with you. That is called a fair deal.

Mr. President, let us be clear about what the Senator from Arizona is trying to do also with this amendment. This amendment strikes a dagger into the heart of Main Street U.S.A. Just about every issue associated with the telecommunications industry sounds incredibly complicated and confusing. As soon as you start talking about it, the jargon and the terms are from a world of their own—cyberspace, internet, on-line, you name it.

The Snowe-Rockefeller-Exon-Kerrey amendment in this bill—and the one that the Senator from Arizona wants to strip from this bill—has an extremely simple, basic mission. It is the way to make absolutely sure that America's schools, elementary and secondary, libraries and rural health care institutions are part of this information superhighway that is unfolding before our eyes. I do not think anyone is confused about what we mean when we say that schools, libraries, and rural hospitals should be one of this country's and this body's highest priorities. Without a doubt, I can say that is how the people of West Virginia feel—that our schools, our libraries, and our rural hospitals and clinics are a lifeline that we hold most dear. And that is true for all States.

The provision in this bill, and the one being attacked by the McCain amendment, which we hope loses, designates these vital institutions—again, schools, libraries, rural health facilities, and hospitals—as community users and then requires communications companies to charge this category of community user affordable rates for universal service. Through this part of the bill, we guarantee that America's children and library users and health care providers in rural communities can take advantage of the exciting range of technologies that are in fact the new roads, the new interstates, to education and lifesaving medical information.

I applaud the Senator from Maine, OLYMPIA SNOWE, for her work in incorporating this provision into the telecommunications bill. It is her amendment. Together we presented this idea to our colleagues in the Commerce Committee, and her commitment to this idea helped win the day when we had the vote on our provision. Both Senators from Nebraska, Senators KERREY and EXON, have been stalwart partners in this work. This provision, section 3010 of the bill, is a major reason to enact telecommunications reform. Looking at it from my State's perspective, it is the major reason. This is a historic chance to ensure that schools, libraries, and rural health care providers will acquire affordable access to advanced communications services, not only now but in the future, and all kinds of possibilities that we can only begin to imagine today.

The telecommunications bill before us, carefully crafted by Senators HOLLINGS and PRESSLER, presents us with an opportunity that will not come again. It is time to unleash an industry into the realm of competition, innovation, job creation, product creation and profit. But in return, Mr. President, we should make sure that the most basic institutions of our community and our society can hitch a ride onto this great journey.

Once a few of the kinks and other parts of this bill are worked out—by that I mean things that are being worked on by the leadership as I talk—the passage of this bill will be good news for business, good news for workers and consumers, and good news for our country as a whole. And it will be great news for our basic institutions, the institutions through which all of us have to pass in order to achieve adulthood—schools, libraries, in this case rural health facilities—because they know they will not be left behind. If the McCain amendment passes, they will be left behind. If it is defeated, those schools, libraries, and rural health facilities will not be left behind.

The Senator from Arizona thinks this is a part of the bill that can be amputated or weakened. If that is what he thinks, let me be very, very clear about what that means to schools, libraries, and rural health institutions. You are telling the organizations that are the bedrock of America that they will just have to stay on the back roads of communications. The organizations with the big money and clout can speed their way onto that information superhighway as fast as they want. But the institutions that educate our children and our adults, that serve Americans with the keys to knowledge, that treat and cure the people of rural communities will have to settle for the back road.

Mr. President, I do not want anybody to be at all unclear about this. One of the things that we have learned in the Commerce Committee and in our own conversations is, if we think the world has begun to change in terms of telecommunications up until this point, we have not seen anything yet. Remember, I said a moment ago that every 18 months the capacity of computers has doubled for the last 30 years. That is going to speed up. So what we are talking about now is going to be far greater in the future. Therefore, what we deprive people of now will hurt much more in the future than we can possibly imagine.

Our provision in the bill says to these institutions that they will have their place on the modern roads of telecommunications—schools, libraries, rural health clinics, and hospitals.

We intend to open the new worlds of knowledge and learning and education to all Americans, rich and poor, rural and urban. Browsing a Presidential library, reviewing the collections of the Smithsonian, studying science or finding new information on the treatment of an illness are becoming available to all Americans through new technologies in their homes or at their schools, libraries and rural hospitals. And our provision, the one that the Senator from Arizona wants to strike, is designed to make sure that these links do get made to our children and citizens.

Mr. President, our provision is targeted. It promises affordable rates to institutions that are the heart and soul of the communities of the United States of America, and we all know it. Our provision deals with the new realities and opportunities that face schools and libraries and rural health institutions in the towns and States that we all represent—every single one of us—rural or urban.

We hear a lot about the explosion of computers in America's homes. But let us keep in mind that a lot of families cannot afford their own computers and equipment for their children.

They cannot afford that. This Senator can. Some other Senators here can. Most people cannot. We are talking, Mr. President, about thousands of dollars that many, many families in my State of West Virginia and elsewhere simply do not have for this kind of purchase. The Presiding Officer may be aware that in 1994, for the first time, the purchase of personal computers surpassed the sale of television sets in this country. The Presiding Officer may be aware that those who are on Internet are now 30 million, and that that number is growing at 10 percent per month, but it is not growing in Welch, WV. It is not growing in Alderson, WV, and it is not growing in the Presiding Officer's rural areas and some of his urban areas because the people do not have the capacity to get on line to join up with that information highway.

Schools and libraries are the institutions that serve our communities and that serve our children, no matter what. That is why we want to make sure that these institutions can count on affordable rates to get on line, to tap into telecommunications services and to bring in the learning and the information from distant places for our children and adults and other users to learn from.

No matter where one lives, we want every citizen to have a chance to go to the local library and visit a world of information available as a result of these new technologies.

I am very sorry to hear some talk of different ways to achieve our basic goal. Let us face it. Some communications companies do not want to be forced to offer rates to even the most basic institutions serving our communities. But let me be clear. Our approach is the simplest way to achieve the simplest goal I believe that all of us support—affordable access to communications that these community institutions in fact do need. The Snowe-Rockefeller-Exon-Kerrey part of this bill provides the way to ensure that elementary and secondary schools and libraries have access to essential universal telecommunications services, which will be defined, incidentally, by the universal service board described in this bill, at rates that are affordable. The affordable rate will be determined by the FCC and the State commission, depending upon whether you are talking interstate or intrastate.

What does this mean for thousands of elementary and secondary schools in America? A 1995 study by the National Center for Education Statistics discovered, to my shock, that only 3 percent of classrooms in public schools in America were connected to something called Internet, which is the whole future, a large part of the future—only 3 percent. Why? One reason has to be the lack of funds to even buy the equipment.

But another reason, which becomes more serious as schools do scrape together the money for the one-time expense of buying equipment, is their inability to pay excessive rates to hook into those services. It is one thing to have the computer on the table or the desk. It is another to have that hooked up to the wall and then through that wall to the other wall. That is expensive.

Look at the study of the U.S. National Commission on Libraries. They found that 21 percent of public libraries are connected to the Internet. And I thought that was pretty good news. But that figure then suddenly drops to 13 percent when it comes to public libraries in rural areas and small communities.

Why does it drop? Because there are libraries that do not have the money and will not have the money to pay commercial rates to be on-line. And therefore you just count them out of it.

I described in Pocahontas County—and I see my senior colleague from West Virginia here—the small, octagonal library that was barely scraped together, the only library in the county. It is one of the largest counties east of the Mississippi and it has about 7,000 people in it. And we scraped together the money to put that octagonal building up, all made of wood and put solar panels on the outside because fuel is expensive.

Now, of course, there is a problem; it rains 45 inches every year in Pocahontas County so the solar panels do not work, so they have to spend money on fuel. But that is typical of a rural community, of a library trying to make it. And then you ask them on top of that to have to pay money to hook up to these information systems. It cannot work and it will not work, and it is not fair to those people. Why is somebody born in a big city any better than somebody born in a small rural area? The answer is he or she is not. But I refuse to be a part of creating a two-tier society. We appear to be on our way to doing that in other ways. I do not want it to be done in terms of the ability to learn and to grow.

In West Virginia, our schools are determined, by hook or crook, to get computers into every one of our 900 elementary and secondary schools because our Governor has made it a priority and so has our Bell Atlantic company. They have made a special project of West Virginia. Classrooms in 50 different places already can connect to Internet. But this is not the way most of it works, Mr. President. This is a special set of circumstances.

Let us be clear. If the schools of West Virginia cannot count on affordable rates—and that is what this part of the bill is about—many of them are never going to be a part of the world that telecommunications offers regardless of what they have.

Teachers in West Virginia cannot wait to use these computers, Mr. President, and their links to distant places. They are excited about it. It transforms them as it transforms us as we get into the business of learning computers. They want to get into libraries. They want to get into colleges, to courses on every topic imaginable, to art collections, to whatever for their students. They have come before the Commerce Committee and boasted about what they can do for their children in schools when they have computers.

Think of what this means for children of small schools in remote towns in West Virginia or South Dakota or Alaska or South Carolina or Maine. Through their computers, students can take a language class that is being given in Texas, visit a museum's collection on Fifth Avenue in New York, communicate with a computer pen pal in Asia or Russia or South America, and explore the jungles and the rivers and the plains of distant places to learn about science and biology and nature. Extraordinary opportunities, if it will be provided for them.

Most classrooms in America still look the same as they did 60 years ago when we wrote the first telecommunications act. They have chalk and blackboards, desks and chairs. Yet, with the tools of our modern-day office, how can we possibly expect our children to become productive, informed, innovative contributors to the economy out there, beyond the schools, when they learn with a blackboard and they do not have a computer? It will not work. If our children are to use technology thoughtfully and appropriately, they must have access to it in their formative years.

Our bill also has a special provision to guarantee access to the health care providers in rural communities, like rural hospitals and clinics, by promising them universal telecommunications services at rates reasonably comparable to the rates charged urban health care providers, language carefully worked out.

Why do we single out our health care providers in rural areas? Why do we do that? Because their remoteness makes it far more likely that they cannot afford the cost of telecommunications that are now being used to save lives and help train health care professionals and provide other critical services. Most of this is known as telemedicine. It is the wave of the future. It is what is going to hold down the cost of health care.

My own home State of West Virginia is a pioneer, as Senator BYRD well knows, in the frontier of telemedicine. Our mountaineer doctor television program that we are struggling as best as we can to make work has created a network using interactive video and other telecommunications services that hooks up two of our academic health centers to our large teaching hospitals, two veterans hospitals—two veterans hospitals are involved in this—and six hospitals in rural areas, all hooked up and linked together through this network. Senior medical professors and practitioners are guiding and training physicians at hospitals hundreds of miles away.

Just about a week ago, a resident in one of West Virginia's rural hospitals was confronted with a broken neck. He had never treated this resident, obviously, and had never treated a broken neck before. Thanks to that mountaineer doctor program, called telemedicine, the chief of emergency medicine at West Virginia University helped that resident through the steps of stabilizing that patient and preparing a transfer of that patient to a more sophisticated medical facility.

Through this telecommunications network, West Virginia's chief of neurology helped a medical student and primary care doctor in a Grant County hospital determine if a Medicare patient was suffering from Lou Gehrig's disease. This consultation by interactive video saved that patient a brutal 140-mile trip, allowed him to remain comfortable in his own community's rural hospital, and saved Medicare about $2,500 in extra costs. Examples like this go on and on and on just in West Virginia.

I know from listening to statements made by Majority Leader DOLE, by the chairman of our committee, Senator PRESSLER, and my good friend, the Senator from Montana, Senator BURNS, that they are among many in this body who know all too well what telemedicine means to their States. Talk about being rural, you better talk about Montana, as well as West Virginia and Maine.

Again, the Snowe-Rockefeller part of this bill simply ensures that these institutions can count on affordable rates to take advantage of telemedicine and other unfolding communications technologies. Affordable telemedicine will allow patients in rural America to receive in their own communities the care they need. They will not have to suffer the costs and the hardship of travel, and they will be able to receive care at their local hospital, thus helping to preserve that hospital.

The Snowe-Rockefeller language is an economic development tool and it is an empowerment vehicle. It ensures that our children will become productive members in a world that is growing more technological and competitive every single hour. It ensures that our citizens in rural America will be able to stay in their communities and receive quality health care. It ensures that we will not create information haves and have-nots in our country.

I will close, Mr. President, and I apologize to my colleagues for the length of what I have said, but I wanted to lay this out. One of our colleagues who is opposed to this bill and who supports the McCain amendment, which I hope will be defeated or tabled, said on this floor earlier that rural hospitals and rural clinics already have access to affordable rates. That is absolutely without any merit or basis in truth whatsoever. The lack of adequate telecommunications infrastructure is a major barrier to the development of telemedicine and those systems in our rural communities.

Let not that statement get by. Rural areas have the equivalent of a dirt road when it comes to telecommunications. When Texas implemented one of the very first telemedicine projects in the country, they found that people still had party lines in west Texas—party lines. They had to install dedicated T-1 lines at very significant costs because T-1 lines are powerful instruments. Basic startup costs are coming down, but according to all the experts in this field, transmission costs must be lowered to make telemedicine economically feasible.

The small rural hospital in West Virginia was told that it would cost $4,300 a month to hook up with a major, larger hospital for administrative and quality assurance support. They decided they could not afford the technology, and so they did not do it. And there you have it.

The University of Arizona, not a small rural hospital, established the Arizona international telemedicine internetwork in 1993. They used straight telephone lines and they used compression to transmit static images. They say cost is a barrier to upgrading. According to them, their carrier—in this case U.S. West—has been inflexible in making any sort of cost concessions.

Mr. President, I have said what I want. There are many others on the floor who want to speak. I was determined to try and give a broad overlay of what the Hollings-Pressler bill does, and I have done my best to do so.

I yield the floor.

Mr. ROBB addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. ROBB. Mr. President, I rise today in support of the language that was passed by the committee, which my friend, the Senator from Arizona, is proposing that we strike. I would like to speak to that part of the bill that makes advanced telecommunications more affordable to public schools and libraries.

During the consideration of the telecommunications bill last year, I offered legislation very similar to the language that we are considering today, to ensure that every school and classroom in the United States has access to telecommunications and information technologies. I proposed an educational telecommunications and technology fund to support elementary and secondary school access to the information superhighway.

Regrettably, last year's telecommunications bill was not taken up by the full Senate before adjournment. The provision in the bill before us, introduced by Senators SNOWE, ROCKEFELLER, and KERREY of Nebraska, will make advanced telecommunications connections more affordable for schools and libraries. Specifically, the provision allows elementary and secondary schools, as well as libraries, to receive telecommunications services for educational purposes at an affordable rate.

Currently, schools all over the country, including those in my own State of Virginia, are forced to pay business rates for access to the information superhighway. That means that schools are subsidizing residential customers. Without more affordable rates, schools, by the thousands, will not have adequate, and, in some cases, not have any access to the Internet. As a result, too many American children will be left by the wayside.

For those of our colleagues that have any doubts about the value of electronic communications in the classroom, I challenge them to sit down at a computer with Internet access and surf. They will be visiting one of the most up-to-date and fastest growing libraries in the world. You can chat with experts from across the globe. You can set up the video link with teachers at distant schools using a small camera costing as little as $100. You can share data or results in a joint research effort spanning continents. You can take an electronic tour of the White House, or visit the so-called web page of a Member of Congress. I have such a page, and many of our colleagues have those, Mr. President. You can even see images of molecules or galaxies. The possibilities are endless.

In discussions with school administrators, it becomes clear that students are fascinated by the Internet. Students that might otherwise be indifferent are eagerly pursuing new subjects and sharing their newfound knowledge with the global community of students.

Simply put, Mr. President, the child with access will be at a distinct advantage and better prepared for future employment. And those without access are simply going to be left behind.

We cannot afford to let our school systems slip behind those of our leading competitors when the technology is at our fingertips—the technology that was pioneered here in the United States.

Mr. President, I urge our colleagues to support the most cost-effective education we can offer our Nation's children. I urge my colleagues to support the Snowe-Rockefeller-Kerrey provision and oppose the amendment offered by my friend from Arizona.

Mr. President, I yield the floor.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. McCAIN. Mr. President, I see my friend from West Virginia, Senator BYRD, on the floor. I will be brief, I say to my colleague. I know he has been waiting for some time.

I just have a couple of comments to make. Our States have done a lot in this area. I know that, for example, some of the States in the South have done things.

This describes that in the State of Alabama, there is pending approval within the next few days where the Educational Network Service will offer DS-1 and 56-KBP service for any educational institution at a discount rate.

In Florida, there is legislation waiting signature, where the LEC's are required to provide advanced communication services to eligible facilities, including public universities, community colleges, area technical centers, public schools, libraries, and teaching hospitals.

In Georgia, the Public Service Commission approved the Southern Bell reduced rate telephone service for schools, called the Classroom Communication Service.

In the State of Kentucky, the State government provides high-volume discount access to schools, hospitals, libraries, and government agencies.

In Louisiana, all schools in Orleans Parish receive an additional 33-percent discount, and public and parochial schools pay residential rates as opposed to business rates.

Mississippi has two special pricing arrangements targeted toward education in the classroom communications services, distance learning, and transport services.

South Carolina has somewhat the same thing.

Tennessee has in-classroom computer access service, distance learning, video transport service, et cetera.

Mr. President, the fact is that nearly every State in America has some kind of accommodation for this. I am appreciative of the fact that the Senator from West Virginia may not share my view about the role of the Federal Government versus the role of the State government, but the fact is that the State governments, who I think are much better attuned and much more cognizant of the needs of their respective States, are doing these kinds of things. To my view, this is vitiating the requirement for, again, another unfunded mandate, which this is.

Mr. President, I heard the Senator from West Virginia, who makes some very emotional arguments that there are some libraries that will never be able to afford a computer, or some hospitals. Who are they, Mr. President? So to cure the problem we are just going to give a blanket agreement to wealthy, private schools, wealthy hospitals, wealthy libraries. There is no means testing. If the Senator from West Virginia and the Senator from Maine had, in any way, brought in some kind of provision for means testing as to who needs it and who does not before we proposed this unfunded mandate, I would have been much more open to some compromise or agreement on it. I am sorry that virtually all schools, all hospitals and libraries are going to receive this.

Mr. President, I think we are being a little discriminating in our morality here. I would like to see the Disabled American Veterans have this same kind of facility. They are people who have fought and served and sacrificed. Do they deserve something? I do not see them included. What about the Veterans of Foreign Wars and the Salvation Army? They are organizations I have admired enormously. They get all of their funds from contributions, at least about 95 percent of them.

What is it that makes us discriminate with these institutions and not with others? I understand that—and I was not told this directly by the Senator from Maine—she intends to make a motion to table this amendment. If this amendment is tabled, then I may have an amendment expanding this to other needy and deserving Americans and groups of Americans that also may be as equally as deserving as private schools are, for example, or as wealthy hospitals are, or the Getty Library.

So I think that the flaw here, Mr. President, is who are we really trying to help, and who are we not? It seems to me that there are many who are deserving of our help who are not included in here, and there are many who are not who are included. I would like to see us be much more discriminating.

I believe the whole thrust of the American people is that they believe local government is best. I would like to see the States be able to continue what they are doing and tailor what is best for their respective communities and localities and counties and cities and towns, rather than the Congress acting in a far more sweeping and all-encompassing fashion.

Mr. President, I yield the floor.

Mr. BYRD. Mr. President, I thank the Chair.

I rise in strong support for the provision authored by my distinguished colleague from the State of West Virginia, Mr. ROCKEFELLER. I oppose the attempt to remove it from the bill.

It has long been an axiom in the development of America that rural America be provided basic telephone services, under the concept of universal service. Universal service is, again, a central part of the bill before us. Mr. ROCKEFELLER's amendment, together with the distinguished Senator from Maine, Ms. SNOWE, attempts to ensure that our schools, our libraries, our health care facilities have access to the best that is available across our country for the well being of our children, our elderly, our rural dwellers at affordable rates. This amendment allows a child in Beckley, WV, to access the Library of Congress to enhance his education, allows the provision of medicine from the best facilities in America to be available to health care providers in communities which cannot afford to have all facilities available at their fingertips. It is a mechanism to enhance standards throughout the country. It is a force enhancer, a multiplier, an advanced bootstrap for rural America at reasonable cost.

I have, for the last several years, supported funding for medical doctor's television, so that experts in universities can conference with doctors in rural remote areas so that they have the best that medicine has to offer in the State. The Rockefeller provision extends this concept for all citizens to have access to the best that is available across the country. This is the fruit of the technological and telecommunication revolution that is meaningful, that makes sense, and will build human capabilities and infrastructure in our land.

I commend my colleague for this provision. It is a builder of communities throughout our land, a benefit that our technological progress gives us as a society. I support the provision, and urge my colleagues to defeat the amendment.

I yield the floor.

Ms. SNOWE. Mr. President, I just want to address a couple of points that have been raised by Senator MCCAIN because I think it is important to address his comments with respect to what would be provided, and to whom, under the manager's amendment that was incorporated in the legislation which Senator MCCAIN seeks to strike.

I cannot think what would be more in the public's interest than schools, libraries, and hospitals. As I said earlier, in the last Congress, the Committee, on a nearly unanimous vote, sought to provide universal service to zoos, aquariums, and museums. We do not include those entities under this language because we think we should strictly limit it to very essential institutions, schools, libraries, and rural hospitals.

Universal service happens to be a national priority. That is what this issue is all about. Senator MCCAIN said leave it to the States. States are involved, in the sense that there is a joint board in this legislation that will help determine the rates for the communities under the universal service provision.

But this happens to be a national priority, a national issue, and it is too important just to leave it to the States on an ad hoc basis and say whatever happens, happens. The States are certainly doing their best. They understand the importance of this issue, and have been very innovative and progressive. But they cannot do it alone. Presently, there is a disparity between the States.

We all recognize how important the information age is to the future of this country and to individuals and to families. It is so important, and therefore I think it requires a national policy and should be established as a national priority. Certainly, universal service can be supplemented by the States. The fact is, they cannot do it alone.

This is a major telecommunications policy. If that was not the case, we would not be here discussing today the amendment before the Senate.

But it is an important telecommunications policy. It is essential that we establish some parameters to universal service. There may be a day when it will not be required. But right now, we need a transition with respect to telecommunications. That is why the universal service language becomes an imperative.

We have to recognize the changes that have evolved and will continue to evolve over time. We have to anticipate the needs of America. I cannot think of entities with a greater need to affordable telecommunications services than schools, libraries, and rural hospitals. I never would have expected anybody to have questioned that.

The language in the bill extends the idea, included in the Communications Act of 1934, of universal service. That is all we are saying, with the language in the bill, sponsored by myself and Senator ROCKEFELLER and Senator KERREY and Senator EXON and adopted by committee. The language simply extends universal service to schools, libraries, and rural hospitals.

Under the language, essential telecommunication providers will get reimbursements. They can recoup the discounts given to these public entities from the universal service fund.

In the case of schools and libraries, the discount is an amount necessary to ensure affordable access to telecommunications services for educational purposes. This is a modification we made in the managers' amendment that was offered last night.

By changing the basis for the discount from incremental cost to an amount necessary to ensure an affordable rate, the Federal-State joint board in conjunction with the FCC and the States have some flexibility to target discounts based on a community's ability to pay.

The discounts will not be indiscriminate, as the Senator from Arizona suggested in his previous remarks. There will be some parameters, because we do not have an unlimited fund.

There have been a number of letters from supporters of the language in the bill that various Senators have received. I would like to quote from a couple of them. I think it gives everyone an idea of the importance of this issue. One letter that I will quote from is from an education technology specialist.

She writes to one Senator, and I received a copy of this letter:

> Two key issues for rural States like ours are affordable and equitable access. Cost is the barrier cited. A recent survey shows only 3 percent of the Nation's classrooms have access to Internet or use information services for instructional services. Preferential rates for school and libraries at cost would be a step toward eliminating this barrier. As a Nation and as a State, we must recognize the need for improvement in our educational system and seize the opportunities offered by technology and telecommunications. The dream of access, equity, and excellence for all Americans for life means acting now to ensure these essential elements for better education, bound in decisions currently under consideration. We urge you to make certain the voices of K through 12 educators are heard and their needs addressed in the drafting and passage of this legislation.

In another letter:

> I hope that Members of Congress will stop and consider the impact that schools and libraries had upon their lives. Then, if they will project what these entities can provide when they are equipped with appropriate connectivity, we can begin to understand the quality of true education our young people will possess that will equip them for bright futures. With your help, thousands of young lives will be able to experience the rush that comes with free exploration of knowledge sources.

And then we received a list of different associations that are supporting this legislation, again, I think, expressing the thought that this legislation and this provision is so important to the future of this country. The organizations are part of a coalition supporting affordable telecommunications access for our Nation's schools and libraries, and there are a number of different associations. I am not going to read them all, but I ask unanimous consent to have them printed in the RECORD, Mr. President.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUPPORT AFFORDABLE TELECOMMUNICATIONS ACCESS FOR OUR NATION'S SCHOOLS AND LIBRARIES

Supported by a coalition including:

American Association of Community Colleges.
American Association of School Administrators.
American Association of School Librarians, a division of the American Library Association.
American Council on Education.
American Federation of Teachers.
American Library Association.
American Psychological Association.
Association for Advancement of Computing in Education.
Association for Educational Communications and Technology.
Association for Supervision and Curriculum Development.
Center for Media Education.
Coalition of Adult Education Organizations.
Consortium for School Networking.
Council for American Private Education.
Council for Educational Development and Research.
Council of Chief State School Officers.
Council of the Great City Schools.
Council of Urban Boards of Education.
Educational Testing Service.
Instructional Telecommunications Council.
International Society for Technology in Education.
International Telecomputing Consortium.
National Association for Family and Community Education.
National Association of Elementary School Principals.
National Association of Secondary School Principals.
National Association of State Boards of Education.
National Education Association.
National School Boards Association.
Organizations Concerned about Rural Education.
Public Broadcasting Service.
Software Publishers Association.
The Global Village Schools Institute.
The National PTA.
Triangle Coalition for Science and Technology Ecucation.
United States Distance Learning Association.

Ms. SNOWE. For example, the American Association of Community Colleges, the American Association of School Administrators, American Association of School Librarians, American Council on Education, American Federation of Teachers, American Library Association, the American Psychological Association, the Council of Urban Boards of Education, the Educational Testing Service, the National Association for Family and Community Education, National Association of Elementary School Principals, the National Association of Secondary School Principals, the National Association of State Boards of Education, the National Education Association, the National School Boards Association, the National PTA, the United States Distance Learning Association.

That gives you an idea of the cross-section of organizations and associations across America that support this language. Even I was surprised at the extent to which the language that we incorporated in this legislation received such strong and widespread support.

The FCC Chair, Reed Hundt, recently stated:

> There are thousands of buildings in this country with millions of people in them who have no telephones, no cable television, and no reasonable prospect of broadband services. They are called schools.

This all goes to show how important this issue is. I hope that Members of this Senate will oppose the McCain amendment and will continue to support the provision that is incorporated in the managers' amendment and in the underlying legislation that was supported by members of the Commerce Committee—not a unanimous vote but a broad vote—because this is so important to the future of this country.

Mr. President, I move to table the McCain amendment. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

Several Senators addressed the Chair.

Mr. HOLLINGS. Mr. President, I wanted to suggest the absence of a quorum. The distinguished Senator from Nebraska who cosponsored the amendment has not had a chance to be heard.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll to ascertain the presence of a quorum.

The legislative clerk proceeded to call the roll.

Ms. SNOWE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection.

Mr. PRESSLER. Reserving the right to object. I will not object.

The PRESIDING OFFICER. You cannot reserve the right to object to calling off the quorum.

Mr. PRESSLER. I withdraw my request.

Ms. SNOWE. Mr. President, I ask unanimous consent to withdraw my tabling motion and to vitiate the yeas and nays.

Mr. PRESSLER. Reserving the right to object, and I will not object. Senators are doing different things. We are trying to give a little advanced notice when these votes will occur. I am not trying to cut anybody off or anything of that sort. I am wondering if we could vote—I ask the Senator from Nebraska when he would suggest we have a vote.

Mr. KERREY. I appreciate that. What I would propose is that I make my statement. We have been led to believe there are a couple of other people who would like to speak, but if they do not make it down to the floor by that time, we might be able to set a time relatively quickly after I get done talking. I just do not know whether there will be other Members actually getting down, having said they are coming.

Senator MCCAIN asked earlier. I said it could be 6 or it could be 8. I think we pretty well heard most of the arguments on this particular proposal.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Maine to vitiate the yeas and nays and withdraw her motion to table?

Hearing none, it is so ordered.

The Senator from South Dakota.

Mr. PRESSLER. Mr. President, I ask unanimous consent for an agreement to vote at 5:15. Or would that be objected to?

Mr. KERREY. I object to that.

The PRESIDING OFFICER. Objection is heard.

Mr. KERREY. Mr. President, I say to——

The PRESIDING OFFICER. Does the Senator from Nebraska seek the floor?

Mr. KERREY addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. You run a tight ship, Mr. President.

I say to the Senator from South Dakota, I am not trying to unreasonably object. I am uncertain as to how much longer is a reasonable time.

I myself would be surprised if I am going to talk for 30 minutes, and if no one comes down here at that particular time, between now and the time that I stop I think we can put a time on this pretty quickly.

Mr. President, again I hope colleagues understand that this bill is being asked for largely by American companies and corporations that would like to do things, lines of business they currently cannot do. I have heard colleagues after I have said that say, no, we have lots of people in our State who really understand and would like to have this.

That may be the case indeed. On this particular section there are quite a few people who understand the potential and positive impacts. Indeed, I would argue that—perhaps somebody has a countervailing argument—but I would argue, of all the sections, this section has more Americans excited about what might happen if this proposal were to become law. There has been more straight grassroots citizen support for this section of the bill than any other section of the bill.

We have heard from companies, we have heard from a whole range of people. The Senator from Arizona raises some valid and interesting points. I do not dispute all the points he raised.

But one of the points that is raised, dealing with K–12 education, where we have the largest amount of support, the distinguished Senator from Maine earlier read off a list of organizations that are in support. I will not go through all these again: American Association of School Administrators, the American Federation of Teachers, the National Education Association, school boards, and other people who understand that, if you leave the status quo in place, these schools are going to get further and further behind. That really is a given. It is not going to go away.

When the distinguished Senator from Arizona comes and says there is lots of progress being made out there, it is true there is progress being made. But colleagues should not be taken in by that argument because this law takes away the incentives that schools have used to get State public service commissions to negotiate for them. That is what has been going on.

What has been going on in Georgia and other States is that they have negotiated and given the regional Bell operating company the right to price differently in exchange for connecting the schools. They did not do it for eleemosynary reasons or as a consequence of saying we can give away a little of our cash flow. They did it to get something in return.

Mr. President, this legislation goes into every State public service commission, and says you shall allow price cap regulation. There is no more incentive for an RBOC to negotiate the sort of things we have seen happen in State after State after State.

So understand that the reason that section 310 is needed in this legislation—and it is contained significantly, I point out to colleagues, in the title III portion that calls for the end to regulation—is because in other sections of the bill, we take away the very incentives that have been used to get the progress that we have been seeing in other States.

So do not come to the mistaken conclusion that if this title is stricken you are going to continue to see the kinds of progress that we have seen in States. You will not see it. It will stop.

I would like to make a point and talk a little about why we need this. Again, I understand there are lots of other areas of concern—libraries, hospitals, and so forth. My No. 1, 2, and 3 concern is the educational environment. The question is why is it important? Is there a sense of urgency attached? Is there any reason for us to be excited about this? Is there any reason to believe that the promise of this technology will be different than the promise that lots of us heard 40 years ago when people were saying we are going to put this television set in your home. They bring a television set into your room, into your home. Television was going to be a great learning technology. We are going to learn more. That was the idea. In some cases, with children's educational television, we have seen some improvement in test scores. But for many of us adults, we hold I think the correct conclusion that television has produced a distraction, larger and larger volumes of time being consumed with young people watching television, not doing homework, not doing the work required in school, and as a consequence, people say maybe this technology is just another one of those items, just another promise to do something, another easy solution to the difficult work of education.

Mr. President, this technology is different. Computer technology is much different than we have seen in other educational applications, in other technology applications. We can cite research. You can use anecdotes. You can talk about any measurement you want out in your local community. But computer technology, particularly when it is network and particularly when there is access to a database outside of the school, particularly when the network concludes a connection between the home and the school itself, there are advances in mathematics, impressively so. There are advances in reading, almost counterintuitive for those of us who have seen this technology. How can you possibly learn to read and write better? But there are improvements in test scores in both areas when the technology is available to young people.

The fact of the matter is this technology does offer substantial hope to do something for public education that a lot of us have begun to believe—we are wondering whether anything is going to work. We are wondering whether anything is in fact going to do something to turn around what we see as decline in test scores in many significant areas.

I note that the National Assessment of Educational Performance not long ago said that high school seniors, a full third, cannot read at the basic level; that approximately a third can read at the proficiency level or above, down 10 percent from 2 years ago. You cannot graduate from high school anymore—and half of our young people will graduate and go right into the work force and are not able to read and write, and do multistep mathematics, to be able to think in creative, in complex ways, and expect to earn very much in the workplace. It may have been true when most of us went to high school and graduated that you could do that, but not anymore. Today you have to know more. You use that computer in the workplace, and you have to know a lot more besides the sorts of things that were required when I got out of high school in 1961.

Mr. President, there is an urgency attached to this section. That is what I am trying to describe to my colleagues. Not only is there a demand for it. Not only in this case do we have people in the community saying: Senator KERREY, this is one where I know it is going to help. I am not certain about all the rest, and I am a little bit nervous about what is going to rate telephone or cable. I do not know about all this promise about new jobs. I have some stats I am going to talk about later when I talk about this promise of employment. An awful lot of people were turned out onto the bricks as a consequence of technology. They get a little nervous when I tell them there are going to be a lot of jobs. They do not know about all of that. They say to me, I know because I have seen computer technology work in my home. I have seen it work in the school. I know it can work. We are trying to network it inside our school buildings. We are trying to make progress there.

What are we up against? We are up against a number of things. The people are saying to me and with schools that I have worked, that the principle among those things is that if you want to fund it, you have to fund it out of property or sales and income taxes.

I am going to get to a subject that will probably put my colleagues to sleep because I talk about it perhaps too much; that is, how we fund not just education, but how we fund other things that we try, other services that we try to provide to our people. In the State of Nebraska, we have about 275,000 people in the K through 12 environment. We have 275,000 people over the age of 65. We spend $1.3 billion on that K through 12 environment, and $4.5 billion on people over 65. Now, the source of revenue for retirement and health care is payroll taxes. It is relatively easy to get that from people in the work force; apparently about 16 percent of total wages. The source of revenue for the schools is property, sales, and income tax.

The incremental cost expenditures from the schools will be $50 million against the $1.3 billion base. On that retirement and health care data, the differential is going to be close to $500 million. The reason the cost increase is so low is that the people at the local level are saying: We are fed up with property tax increases, and we are not very excited about sales and income tax increases, either. And our schools get squeezed.

I had a rather unpleasant encounter with an educational organization that said this is not going to be a big deal because it is only going to address the cost to the schools, about 16 percent, and phone activity is not a problem, and affordable dial tone is not a problem. It is a problem. It is true that States have been able to negotiate with the public service commissions. But that only affects interLATA costs. It does not affect long distance calls, and it does not let these kids get on line and access databases in long distance education. It does not provide the kind of high-speed activity these schools need.

We are not asking for a bailout. Schools are still going to have to put a ton of money in software, a ton of money in hardware. They are going to still have to make a good-faith effort and contribution in order to make this work. This is not a subsidy that is unreasonable. It is a subsidy that is not only quite reasonable but it is a savings. If we do not provide it, we are going to lose a tremendous opportunity to bring education technology to our children and give them, I think, a learning tool that can enable them to increase math, increase reading, increase verbal scores. I have seen it work. I have looked, as I said, at research data. I have seen anecdotal evidence, as well. It in fact gets the job done.

Mr. President, one of the arguments again that we hear a lot, or at least I have heard a lot—I am not sure how much it applies to this particular amendment; perhaps it does, perhaps it does not; I believe it does—is that we are giving special attention to a particular group of people, and that they do not deserve the special attention. I am not really talking about the comments of the Senator from Arizona. I heard comments made by others. Why would we want to single out one particular group? We have 100,000 school buildings in the public school system, 16,000 school districts out there, 45 million students, government-run operations, pure and simple, and we have to figure out some way to help them out.

But what very often is annoying to me is the argument—and I have heard it from the business sector, mostly; it is made by businesses who have been given special protection, who have been given a monopoly franchise, and now are complaining when we give somebody else special attention. It is not like the RBOC. It is not a mom-and-pop started in Charleston, SC. This is a regulated monopoly. It is not like they started from scratch or something. It is with tremendous cash flow, and tremendous resources.

I am prepared to let them compete. I am prepared to provide deregulation to them so they can get out there and go head to head. I think there will be benefits from it.

But please spare me when it comes to trying to help 45 million school children with this argument that I am giving them special attention. For god's sake. You would not even exist were it not for a franchise granted to you by the people of the United States of America. At least, that is how I see it. I would be very interested to hear, and I asked earlier if the Senator from South Carolina would be willing to give his own description of that.

It seems to me that when a regional Bell operating company—I have good friends, at least I used to have good friends in that particular sector—when they come and say why would you want to provide special attention to these schools like this, it seems to me that I am deserving of saying to them, well, did we not give you a special franchise? Did we not give you a special right to do business in a monopoly way? And did we not keep all the internet competition away so that you could do all this stuff over the years?

Am I missing something, I ask my friend from South Carolina?

Mr. HOLLINGS. If the distinguished Senator will yield, I think he is right on target with respect to the regional Bell operating companies. They are not just a guaranteed monopoly but a guaranteed return on investment.

But they used to have a percentage return of profit, and they did not like that because they found, quite to the point, if they could get what they said, pay caps, the actual size and operation growing, minimizing, of course, the general cost of operation, and superimpose on that downsizing, which is firing, to me, the employees—and everybody thinks this is a wonderful thing, that everybody is downsizing, but that is what they are doing, and so they are increasing their return on investment but more particularly what they call the operating cash flow margin. That is the principal measure of the financial worth of a company by Wall Street and the financial community.

Specifically, I say to the Senator, I have a chart—I swore I was not going to use charts, but I am going to have to get this one blown up for the Senator because I have the operating cash flow margin by industries from computers to chemicals, household products, autos, trucks, alcoholic beverages, long-distance companies, the soft drink industry, semiconductors, railroads, drug industry, electric utilities, petroleum-producing corporations, and, of course, the regional Bell operating companies.

This is a small sort of chart. We will have it enlarged. But you can see right at the bottom edge, in the lowest so-called operating cash flow margin of 10.3 percent is computers. Come right on up midway, 19 percent for the long-distance companies, and for the regional Bell operating companies it is 46 percent. It is above all the others.

If you want to get to the actual return, you would find in Standard & Poor's in a composite of the top 1,000 corporations in America, their average would be 10.4 percent, but the regional Bell operating companies is 16.6 percent.

Now, if you want to go then up to their cash flow margin, as they call it, that would be 46 percent rather than the average of 34.1. If you go up to the actual operating income margin, it is 26 percent with the U.S. average of 10 percent.

But they tell me in the financial community, if the Senator will give me just a second more, it is not only the 46 percent, but we had it in those hearings that the RBOC's had a cash flow of about $5.5 billion. They paid some $600 million in taxes, Mr. President. I think the distinguished Presiding Officer was there when this was brought out. Of the $5.5 billion in cash flow, $600 million was in taxes, $1.6 billion was paid to keep Wall Street happy—that was the dividends—which left them $1.7 billion to invest.

Excuse me. That $1.7 billion they reinvested in upgrading the equipment and optic fibers and everything else of that kind. It left them $1.6 billion in their back pocket so they could walk into any bank: I have $1.6 billion in my back pocket, and I would like to make a loan.

Well, heavens above, what financial power. And they wanted to know a little while ago why we had to have the public interest test included in this thing. With that $1.6 billion in their back pocket, they are already into New Zealand. They are putting in communication links between Moscow and Tokyo. That is these telecommunications companies. They are in Hungary.

I landed last year, I say to the Senator, in Buenos Aires, and the Ambassador came out and met me in the car. As we were driving into town—this is Ambassador Cheek, an Arkansas native—he turned to me, and he said: Well, our section is doing good.

I said, how is that?

He said Bell South here operates—I think they have about 14 to 16 million in Buenos Aires, and Bell South runs the local telephone, and they are getting a tremendous return on their investment. I know they are into Mexico and everything else.

I commend them. I do not know of a better operating company in my own sort of hometown, Bell South and Southern Bell. But they should not come here—and I do not think, frankly, these companies are coming.

I find it, I say to the Senator, as a result more or less of pollster politics. You go to run for Congress and the Senate, and the first thing you do is you get a poll and the poll gets you five to seven hot-button items. Crime, everybody is against crime. Taxes, everybody is against taxes. Jobs, everybody is for jobs. It is a jambalaya of the same nonsense, where you have the contract.

One thing, this communications bill, you know what, is not in the contract. And you know why? Because this communications bill is going to do something. You can take that 10-point contract, it is all process. It is all procedure. It is all pap. It is all line-item veto, term limits, paper shuffling or whatever—unfunded mandates, balanced budget constitutional amendment. It is all process, making sure you do not do anything but what the pollster tells you to hit and identify. Do not ever be for or against. Identify with the problems but do nothing about them.

Here we are trying to do something about them and you know what they come up with? They take the very responsibility they have fundamentally for education, for the schools, for the libraries, for the nonprofit health care, community health service, rural health centers and everything else and talk against them, using expressions like "micromanagement, meddling, bureaucracy" and everything else, like somehow something was wrong with that.

I thought that is what we were here for. If we are not here for the community health centers, who is? If we are not here for the schools, where are they going—all private schools with vouchers and people with money running around butting into each other? We are going the way of England. We are getting two levels of society now. Those with jobs are making 20 percent less today than what they were making 20 years ago.

And the census figures, I say to the Senator—I will yield right now—will show that in the age group 17 to 24, 73 percent of that age group cannot find a job or they cannot find a job outside of poverty. And here the people's representatives are coming here and talking against the people's institutions because the pollsters tell them to do that. It is a sort of an ideological bent: Get rid of the REA, a magnificent entity; get rid of public communications that is doing some good. And they tell you, yes, you know, public broadcasting—sure, it can make a profit. We can sell those VHF channels like gangbusters, and they can put on some more of the giggle shows or whatever you call them. You turn them on and there is some little wise kid about this high and the grownups tottering around, the wise kid makes the smart remark and everybody goes "hee-hee-hee" and that is all you get unless you have public television.

So I think that the distinguished Senator is getting right to one of the most valuable discourses I have seen because you have seen the rural Senators come with the metropolitan areas saying since we have the satellite and you can beam down into the rural area as well as down into the urbanized megacity you do not need these things—you do not need schools; you do not need hospitals; you do not need libraries anymore. And if you do, let the market forces operate them.

Mr. KERREY. I appreciate that. In fact, I am sure people will be interested—and I believe there is a lot of promise of jobs, by the way, in changing our regulation and going more to competition.

But do not count on the jobs coming from the companies that are typically coming up here on Capitol Hill urging us to do one thing or another. I have some interesting facts in that regard.

Regional Bell operating companies in 1984 in the United States of America employed 556,561 people. In 1993, that was down to 395,639. They dropped over 160,000 employees in that period—160,000 employees in approximately 10 years. The LEC's/Independents went from 180,000 down to 140,000. So now you are down 200,000 employees over that period of time.

The cellular industries everybody talks about really added a whole bunch of employees. They have added 40,000. So now you are back to a net loss of 160,000. So you hear from the RBOC's, LEC's and you hear from cellulars. They are talking about jobs saved. I am down 160,000 thus far. Are you going to keep going in that direction and give me more of the same?

The broadcast industry has gone from 170,000 down to 150,000, so another 20,000. Now I am up to 180,000 jobs. I bet you an awful lot of those people did not get jobs that paid the same as they previously had.

In cable television, you see increased employment in cable television, 67,000 or so up to about 109,000. So you are still about 150,000 jobs or so down.

We have the computer industry that we talk about an awful lot, a surprising number. I heard—I cannot remember who it was—a colleague come down and talked about we ought to do it like the computer industry has done. For your information, the computer industry in 1985 employed 542,000 Americans. Guess how many employees in 1993? 400,000 employees, down 150,000. When you are at home in your hometown meetings and they say to you, "Senator, what is this telecommunications deregulation bill going to do for me?" and you say, "Jobs," you better be prepared to say where those jobs are going to come from. You better be prepared to answer that person who says, "Thus far, technology has not been all that kind. I used to make $40,000 a year and now I am down to $15,000. How is that working for me?"

I hope that this particular attempt to strike this section will be rejected.

As I said earlier, the reasons I would cite are the following: One, it is about the only hope we have, I believe, of improving the quality of education both in the home and in the school. It is working. It is working out there.

Secondly, if you believe that the progress that is being made out there in the States right now is exciting, understand that the language in other sections of the bill takes away the incentives the RBOC's have had to do those things. It truly does. There is no disputing that. In every single State—every single State—where this kind of effort has been made, it has been made in exchange for regulatory relief, particularly going from rate-based rate of return to price caps. The premier example is in the State of Georgia, but it is not alone.

Finally, Mr. President, this well-meaning attempt to strike this section should be tabled because this is one of the few pieces of this legislation where, indeed, we are hearing from our citizens, where, indeed, we are hearing from mothers and dads and the PTA, the PTO that are coming to us and saying, "This one is going to work. We're trying to figure out how to make computers work in our school. We are up against the property tax lid, we are up against sales and income. We are trying to figure out how to do it, and this is going to give us a little help."

Do not believe it is a giveaway. These schools are going to make a maintenance effort on top of that. They have to. They have to spend a lot of money on software and hardware. This is just a little bit of help asked for by the companies that, indeed, can afford to do it given what this legislation allows them to do, given what this legislation provides for them.

Mr. President, I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. INHOFE). The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, one note on commending our distinguished colleagues. The Senator from Maine, the Senator from West Virginia, and the Senator from Nebraska have joined together on this amendment and given leadership.

It should be noted that when we started, easily 4 years ago, the then distinguished Senator from Tennessee, AL GORE, was the one who paraphrased the "information superhighway." Part and parcel of his drive for the information superhighway was just this: education, hospitals, libraries, public entities and public interest groups that we had even expanded in the original treatment some 4 years ago in our Committee of Commerce. Vice President AL GORE has to be credited with this part of the information superhighway.

We had at our hearings this year the Secretary of Education, Secretary Riley, come forward and testify on this particular score outlining the various uses and needs of this particular consideration by the public to go ahead and take entities that are on a nonprofit basis—public schools are not for profit, not-for-profit hospitals, libraries and otherwise—and give them consideration, which is just like the universal service fund, to get the communications facilities out into the rural or sparsely settled areas.

So I commend Senator SNOWE, Senator ROCKEFELLER, and Senator KERREY, but I particularly wanted the record to show that the Vice President of the United States has been the leader on this information superhighway, and particularly the educational, health and library facilities to be afforded these particular services at a reduced rate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I rise in opposition to the McCain amendment. I want to commend the previous speakers who have emphasized very eloquently what this will do for the critical areas, especially of education. I am, as my colleagues know, the chairman of the Senate Subcommittee on Education. I have just completed a number of trips around this country visiting the schools in the urban areas of this Nation, from Baltimore to New York to Detroit to Washington, DC, as well as Los Angeles and San Diego. I have also examined the statistics of where our schools are at this particular point in our history when it is so essential and so important that we improve our educational system to be competitive in the world that awaits us out there and the markets that are necessary for this Nation to expand its economy.

The number one problem we see is the ability of our schools to be able to take advantage of the wonders that can come about through the information age. As I talk with them and travel with them, there is no question but that one of the most critical and important barriers they have to being able to participate in a meaningful way by the utilization of computer technology to provide the education through the software that would be made available and the opportunities that come through that is the inability to have affordable telephone communications. Without that, there is no hope that they will be able to make the kind of leap that we have asked them to make, for, as you know, we have passed Goals 2000, strongly indicating that we must by that time improve substantially the education of our young people.

I have been through my charts. I have gone through them many times, and I will many more times, to try to let everybody know the serious problems we are having.

First, I pointed out over and over again, when you compare our young people in the younger groups with competitor nations across this world, those nations which we would be competing with and gradually losing our competitive edge, we are last—last—in math and science among 14 of those nations.

Most probably, the most devastating statistic that we have facing us is the knowledge that 55 percent of our young people now that go through the school system come out functionally illiterate, because if you are not going to college, we do not worry about you. They are going to be the skilled work force of tomorrow in America. But if we do not furnish them the tools in schools and are not able to provide the kind of software that is out there and the ability to bring them up to speed on skills and on education, math, reading and all, we will not make it.

This is the best and biggest step forward we can make, by ensuring that there will be access to telephone lines.

Let me give you an example of how bad off it is. About 3 percent of our schools in this Nation right now have access to internet or outside communications for the utilization of the information age. When I go around to cities, I say, "I want to see your best and your worst." I have seen the best, and I have seen what they can do with the information age. I have seen so many young people sitting there with eyes lit up and looking at fantastic software and learning well above the capacity that we have ever had before.

Do you know how many of those schools there are in this Nation? Maybe 1 percent. Then I said, "I want to go to the worst that you have." I remember very vividly in the city of New York going down to a school on the lower east side. We went in there, and I think it was an old factory building. There were six floors that you have to walk up and down. I said, "Let me see what you have to offer your young people." She showed me four computers. I said, "How old are these?" She said, "I think they were from the 1970's." I asked, "What kind of software do you have?" She said, "Let me show you." It was something I had seen back in the mid-1970's. But she said, "I am excited. We just got a grant for $250 to upgrade our software."

Well, anybody that knows anything about computers and software knows what you are going to get for $250 is not going to do much for anybody. I saw similar things in Los Angeles and San Diego. I saw the best and the worst.

This one provision in the bill will do as much as we can do for education as anything else—the dimensions of what it will cost in these schools to be able to bring the communications in without this kind of help is devastating. For instance, there is $300 million in backlog of repairs and renovations needed in the city of Washington in order to upgrade structure to do the things that are needed to be done. It is $100 billion nationwide. But if you can afford to get the phone lines in and give them a reasonable rate, then we have an opportunity to take advantage of that tremendous software that is out there. I have seen systems which are imaginative and wonderful. But it will not work unless there is access to it. The only way we can start making that access—and we need to worry about the ability to have power to run these and other things that go along with it. But if do you not have the phone access, you will not get there.

So I urge very strongly, if you believe as I do that education is so critical and important to the future of this Nation, the one best thing you can do right now is to vote against the McCain amendment and make sure the provisions are in here to assist our country, to be able to elevate our educational system on a fast track instead of the slow, slow snailpace process we are undergoing now.

I yield the floor.

Mr. BURNS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BURNS. Mr. President, I rise in support of the McCain amendment. I guess when I first came to the Senate and I took a look at my State—long distances, sparsely populated—nobody has made more speeches on education, telemedicine, and all of those good things that can happen through wideband, broadband telecommunications.

Once we start down the road of preferential treatment, there is no end to it, and that technology will not be deployed at any price. That is the reason that we are doing this piece of legislation, to give some people incentive to deploy new technologies. If there is a way that we can serve education and telemedicine in rural areas, it will be done. It is being done in my State. For the first time, we have school boards that are setting aside money now for equipment and software and, yes, charges in order to accommodate it, to give some people incentive to deploy it.

What this does as a result is create a whole new class of preferential telecommunications service entitlements for a diversity of groups. I have no disagreement with my colleague with regard to the contribution which advanced telecommunications can make to society, especially in rural America. My home State of Montana is one of those rural areas in the country. I have worked very hard to make sure that we have this new technology. But we have to find ways to be entrepreneurial and allow some competition into it to make it work. You know what? It works in an area where telephone companies and those companies that work outside of the regulatory environment—country telephones, REA's, people who have an interest in community that makes it available to their schools because they know what the investment is in that school and what it is worth to that community.

They can do that because they do not have to go to a PUC and explain why they are doing it for a school or why they are doing it for a rural hospital. The RBOC's are inside that regulatory, and what we are trying to do is relieve ourselves of them so they can do some special things. This new technology is not going to go out there, and we are not going to tell Government to force it out there. It is not going to make it friendlier or cheaper for preferential users.

When the heavy hand of Government reaches out to mandate that business prevent preferential rates to certain groups, business is not going to be the one who pays. You know who will pay for it? Consumers pay for it. That is what we have lost here a little bit —that the paying public of every telephone will pay for this preferential treatment. You can almost call that double taxation, because they are also paying school taxes and also probably to some of the hospitals for some of the work they are doing there. We just tend to forget. Make no mistake about it, businesses will pass along such costs to consumers through higher rates—the same consumers that will be looking for lower costs and more services once this legislation passes.

So philosophically, section 310 takes a mandated approach that moves exactly in the opposite direction from the entire legislation, and it is an approach that is really tough to support. It defies logic on preferential treatment. You just cannot simply ignore the future impact this will have on the consumers in Montana, and they will come at a higher cost—a higher cost—if this legislation passes with this section intact.

Whenever there are a lot of people who want to get into that universal service and they want to use it for themselves, keeping in mind that the integrity of universal service is in question now because of preferential treatment, the Senator from Nebraska is 90 percent right. He understands what it did for Nebraska. I understand what it is doing in Montana. But it takes dollars in order to get that technology out there. If the Federal Government wants to step up to the plate and get some money out there, that is fine and dandy. I would support some of that for infrastructure inside the schools.

But we are going in exactly the wrong direction. It is a great thought. It has probably broad support because you always find more people who want something for nothing than you do people who want nothing for something. And that is just exactly the wrong direction. The marketplace is already moving in the right direction. It does not need this legislation in some areas to provide more service and more technology. But that progress could be stymied through mandates from this Government and—probably the Wall Street Journal was right this morning—placing more mandates. Every time we have a mandate, somebody pays. And it will be the consumers of this country who will pay for it, because this does not get out there for nothing.

I think it is a wrong approach. I say to my colleagues, if they are serious about building a national health and education infrastructure through telecommunications, this is the wrong direction to go, because with competition in the marketplace we will find somebody that will provide the services a little bit cheaper maybe than the next guy to do business in an area where there is a high volume of business as there is in education and health care provision in rural areas.

I ask my colleagues to support the McCain amendment.

I yield the floor.

Mr. KERREY. Before the Senator from Montana leaves, I appreciate the statement. I must say, Mr. President, I appreciate very much that Senator from Montana included a couple sections of language in this legislation on my behalf, section 304. It does deal with education. We added elementary and secondary schools for advanced telecommunications incentives. That is the connection. That is the fiber that would go to the school. It does not cover affordable rates and does not get some of the other things section 10 does, but last year when S. 1822 passed, the vote was 18-2. The Senator from Oregon, Senator PACKWOOD, and the Senator from Arizona, Senator MCCAIN, voted against it, but last year section 104 that the Senator from Montana supported did provide preferential rates.

Section 104 says the purpose of this provision—a new provision of the 1934 act to provide for public access actually much broader than what 310 does: disseminate noncommercial, educational, cultural, civic, and charitable, so the public has access to telecommunications network—the purpose of this provision is to ensure that these entities may be able to obtain, at preferential rates, advance services and functionalities for all their communication needs.

The chairman of the committee voted for it last year—last year's ranking member, this year's chairman. All members of the committee, not just Republicans, but all members of the committee, voted for that last year with the exception of the Senator from Arizona and the Senator from Oregon.

I know there is a good explanation as to what happened between last year and this, but last year, preferential rates were part of the bill, and this year they are some kind of a slippery slope.

Mr. BURNS. To reply to the Senator from Nebraska, had it been part of this bill out of committee—that is the only place I voted for, was out of committee. I would probably have voted for it again to get it out of the committee to get it to come to the floor of the U.S. Senate in order to move this legislation along.

Mr. KERREY. The Senator has included S. 1822, some special comments that indicate which provisions of S. 1822 he did not particularly like, and I have read that and I do not find any objection to providing the preferential rates to the various institutions.

My focus is the K-through-12 institutions.

Mr. BURNS. I say to the Senator that was a year ago, and I would have voted to get it out of committee.

Once we look at who will pay for it and who will pick it up, somewhere in this mix we have lost the consumer. That is where it is going to come. It will come in the form of higher rates for everybody.

I say if we do not do that, then the deployment of the technology will be slower to happen. That is where I am coming from.

Mr. KERREY. Those Members concerned about higher rates, I point out that the managers' amendment, that I am quite sure will be accepted, has some changes that allows for universal funding to be used to provide these preferential rates, which avoids the necessity for any kind of concern for rate increase.

Again, I close briefly, the Senator from Maine was kind earlier to vitiate a tabling motion. I am prepared to end this in this debate.

I say in summary, for me, we are making progress out there right now in States precisely because we have an opportunity to negotiate with telephone companies because they are trying to move from a rate-based system of regulation to a price cap system. This legislation takes away that leverage by saying that all States will move to price cap regulation. The progress we see being made out there will stop.

This piece of legislation with section 310 intact, this particular section intact, will give every single Member who votes to retain this section in there, I guarantee, an awful lot of pride. I promise, from personal experience and visiting schools that are using computer technology, those schools that use this provision—and they will, there will be very few schools that do not find themselves saying this is a way to leverage the purchase of computers, the purchase of software, to begin to use the technology for math scores, reading scores, and writing scores—all the things that have been frustrating, as citizens, will allow Members to get quite excited.

I hope that Members will not support this well-intentioned motion to strike the section and allow section 310 to remain in S. 652. I yield the floor.

Ms. SNOWE. Mr. President, just a few final points that I think are important to make in response to one of the previous speakers, Senator BURNS.

First of all, the language that has been incorporated in the legislation before the Senate that was offered by Senator ROCKEFELLER, Senator KERREY, Senator EXON, and myself in committee extended the already existing universal service provisions within the legislation. Universal service has been a fundamental part of our telecommunication policy, and rightly continues to be part of our telecommunication policy before this Senate.

We extended the provisions to include schools, libraries, and hospitals because we think it is in the public interest. It is in our national interest.

Furthermore, I think it is important to note that this ultimately will save money. When we talk about the deregulation of the telecommunication industry, which is what this legislation is all about, many providers will reap enormous benefits as a result of the goal of this legislation. We want to make sure that the rural areas also reap benefits, that they are not removed from affordable access to the technological growth and development of the information superhighway. It will save money through telemedicine. Making sure schools have access will ultimately increase the economic growth of this country. This language is a wise investment that will ultimately save money.

In talking to rural health care centers and hospitals, they point out that through telemedicine they could communicate with some of the specialists, without transporting the patient or going to another hospital in order to get those services. They can do it through telemedicine.

Access may be there to some citizens, in a limited fashion in some rural health care centers, as Senator BURNS mentions. It is not pervasive, and certainly not in my State.

Without this language in the bill, then rural areas will not reap the full benefits of the information age because it will be more economically feasible for carriers to provide those services in densely populated areas, in urban areas—not in the rural areas of our country.

We have to ensure that there is a minimal threshold of affordable access to telecommunications services to our schools and our libraries and rural hospitals. We cannot make it more basic than that.

Finally, I would like to note that three of the Bell telephone companies support our provisions. We refined our language to conform to some of their concerns. NYNEX, Ameritech, and Bell Atlantic do not oppose these provisions.

I hope Members of this body will defeat the McCain amendment, which would strike the language that we have incorporated in the legislation before the Senate. I move to table the McCain amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from New York [Mr. D'AMATO], the Senator from North Carolina [Mr.

HELMS], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Alabama [Mr. SHELBY], and the Senator from Alaska [Mr. STEVENS] are necessarily absent.

Mr. FORD. I announce that the Senator from Delaware [Mr. BIDEN] is necessarily absent.

The PRESIDING OFFICER (Mr. BENNETT). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 58, nays 36, as follows:

[Rollcall Vote No. 244 Leg.]

YEAS—58

Akaka
Baucus
Bingaman
Bond
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Chafee
Cochran
Cohen
Conrad
Daschle
DeWine
Dodd
Domenici
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hatfield
Hollings
Inouye
Jeffords
Johnston
Kassebaum
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Robb
Rockefeller
Sarbanes
Simon
Simpson
Snowe
Specter
Thomas
Wellstone

NAYS—36

Abraham
Ashcroft
Bennett
Brown
Burns
Coats
Coverdell
Craig
Dole
Faircloth
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hatch
Heflin
Hutchison
Inhofe
Kempthorne
Kyl
Lott
Lugar
Mack
McCain
McConnell
Nickles
Packwood
Pressler
Roth
Santorum
Smith
Thompson
Thurmond
Warner

NOT VOTING—6

Biden
D'Amato
Helms
Murkowski
Shelby
Stevens

So the motion to lay on the table the amendment (No. 1262) was agreed to.

Mr. FORD. Mr. President, I move to reconsider the vote.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. JEFFORDS. Mr. President, I note that a quorum is not present.

The PRESIDING OFFICER. The Senator suggests the absence of a quorum. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PRESSLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRESSLER. Mr. President, I hope Senators will bring up their amendments. We are ready for amendments. As far as I am concerned, I would like to go deep into the night, but maybe others disagree.

I have been trying all afternoon to get the voting speeded up. We are ready for the next amendment, as far as I am concerned. I do not know if anybody has an amendment ready. And I have been seeking time agreements. But we can really move much faster. We could theoretically finish this bill tonight if we really get going. So I would appreciate Members' support in moving this forward. We are ready for amendments. Senator HOLLINGS and I ready for any amendments.

Mr. DOLE. Mr. President, I have talked with both managers of the bill to see what we could do to accommodate our colleagues who have commitments for the next couple of hours. But then you have colleagues who have commitments tomorrow morning. I am not certain we can accommodate everybody. But the key is to get an amendment laid down that will take a couple of hours.

I think the Senator from South Carolina may be prepared to offer his amendment.

Mr. THURMOND. Not yet.

Mr. DOLE. He is in doubt.

There is the managers' amendment that still has not been adopted, and the amendment by this Senator, and then the amendment by Senator DASCHLE.

Mr. HOLLINGS. We are trying to work those out. We will work those out if we can get another amendment up and relieve our colleagues here.

Mr. DOLE. I have given a copy of my amendment to Senator KERREY because I know his concern with the bill. If we need to furnish any additional information, we will be happy to do so. But we do need to get an amendment here.

Do we have a list of amendments?

Mr. PRESSLER. If the leader will yield, we invite any amendments. But we are prepared to go to third reading very soon if Members do not bring up their amendments.

Mr. DOLE. As I understand, the Senator from Maine, Mr. COHEN, is prepared to offer an amendment which will take approximately 1½ hours. I am not sure how much the people in opposition might want.

Mr. PRESSLER. As I understand, Senator THURMOND will have an amendment and Senator DORGAN. Those are the only outstanding amendments that I know of.

Will someone correct me if that is not true?

We have the Cohen amendment and we have the Thurmond amendment and the Dorgan amendment coming up. That is all that I know of.

Mr. DOLE. The Senator from Maine is prepared to enter into a time agreement of 1 hour and 30 minutes equally divided, if that is all right with the Senator from South Carolina.

Mr. HOLLINGS. Yes.

Mr. DOLE. May we make that request?

The PRESIDING OFFICER. Is there objection?

Mr. KERREY. Reserving the right to object, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KERREY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERREY. Mr. President, I have no objection to the unanimous consent to set a time for this debate.

The PRESIDING OFFICER. Is there further objection?

Without objection, it is so ordered.

Mr. COHEN. Mr. President, reserving the right to object——

Mr. DOLE. No second-degree amendments in order.

The PRESIDING OFFICER. The Senator from Maine.

Mr. KERREY. Mr. President, may we have order in the Chamber?

The PRESIDING OFFICER. The Senator from Maine.

Mr. COHEN. Mr. President, as I understand it, we have agreed to an hour and a half equally divided, expecting a vote no later than—I would say what—a quarter of 8?

Mr. PRESSLER. That is correct.

Mr. COHEN. If it can occur sooner, can Senators be on notice that if time is yielded back we will vote prior to that time?

Mr. PRESSLER. For the convenience of Members, perhaps we can agree it will be an hour and a half. It does not make any difference to me. I am for voting as soon as possible.

Mr. COHEN. A 7:30 vote.

Mr. PRESSLER. And we will divide the time equally.

Mr. COHEN. I ask unanimous consent that there be no second-degree amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1263

(Purpose: To provide for the competitive availability of addressable converter boxes)

Mr. COHEN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Maine [Mr. COHEN], for himself and Ms. SNOWE, proposes an amendment numbered 1263.

Mr. COHEN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 8, between lines 12 and 13, insert the following:

(15) When devices for achieving access to telecommunications systems have been available directly to consumers on a competitive basis, consumers have enjoyed expanded choice, lower prices, and increased innovation.

(16) When recognizing the legitimate interest of multichannel video programming distributors to ensure the delivery of services

to authorized recipients only, addressable converter boxes should be available to consumers on a competitive basis. The private sector has the expertise to develop and adopt standards that will ensure competition of these devices. When the private sector fails to develop and adopt such standards, the Federal government may play a role by taking transitional actions to ensure competition.

On page 82, between lines 4 and 5, insert the following:

SEC. 208. COMPETITIVE AVAILABILITY OF CONVERTER BOXES.

Part III of title VI (47 U.S.C. 521 et seq.) is amended by inserting after section 624A the following:

"SEC. 624B. COMPETITIVE AVAILABILITY OF CONVERTER BOXES.

"(a) AVAILABILITY.—The Commission shall, after notice and opportunity for public comment, adopt regulations to ensure the competitive availability of addressable converter boxes to subscribers of services of multichannel video programming distributors from manufacturers, retailers, and other vendors that are not telecommunications carriers and not affiliated with providers of telecommunications service. Such regulations shall take into account—

"(1) the needs of owners and distributors of video programming and information services to ensure system and signal security and prevent theft of the programming or services; and

"(2) the need to ensure the further deployment of new technology relating to converter boxes.

"(b) TERMINATION OF REGULATIONS.—The regulations adopted pursuant to this section shall provide for the termination of such regulations when the Commission determines that there exists a competitive market for multichannel video programming services and addressable converter boxes among manufacturers, retailers, and other vendors that are not telecommunications carriers and not affiliated with providers of telecommunications service.".

Mr. COHEN. Mr. President, I rise this evening, along with Senator SNOWE, to offer an amendment that is a pro-consumer amendment. It is a pro-competition amendment that is focused on one narrow area of telecommunications that I truly believe needs more competition.

Basically, what we have is a situation in which cable companies will offer their cable service and offer the so-called set-top boxes, a cable box essentially, that you need to rent in order to carry the cable signal.

Obviously, cable companies are in the business to sell their signals and their programming, and they want to protect the integrity of that signal and that programming. I think that is not an unreasonable request. It is one that we ought to protect.

The difficulty, however, is that there is little, if any, competition in the set-top box market. As a matter of fact, what you have is an essential monopoly that has been granted to the cable companies.

We had a situation in Maine a short time ago where one company increased the monthly charge by almost $3, just for the privilege of renting a box in order to carry signals that subscribers were already carrying. A furor erupted over that.

There is no real way to deal with this situation other than introducing competition. What I am seeking to do by this amendment is to allow the FCC the authority to call upon the private sector to develop a standard that would say, "Here is the technology whereby we can protect our signals but also allow for competition in the manufacture and distribution of these set-top boxes."

If we go back historically, we look at what happened to telephone companies. Decades ago, telephone companies would say, "You have to rent our telephone. If you don't rent our telephone, you don't get any telephone service."

Of course, times have changed. We now can walk into Circuit City, Radio Shack, Best Buy, or any of the supermalls, and we can find 20 or 30 different types of telephones. The signal has been protected. We can plug the telephone into the wall. We still have to pay the Bell companies, AT&T, MCI or whoever is carrying the signal. But the signal is protected.

As a result of competition, we have a wide variety of choices in other markets—VCR's, television sets, computers, video game players, and stereo systems. In these markets, we have competition. What this amendment seeks to do is introduce competition into the set-top box market.

Mr. President, I really believe that those who are opposed to this amendment—I have seen a letter circulated—argue that somehow this amendment represents more regulation. Those who argue against this amendment are for monopoly, not for more competition.

What we seek to do is to allow the FCC to call upon the private sector to develop the standards, and those would come—they should come—in a reasonably short period of time. We can do it today with analog technology. I am told that digital technology is moving along very rapidly. For example, one could take a credit card, or something that looks like a credit card, and the cable company that is sending the signal would have their code on that card. You could not receive the programming without inserting that card into the set-top box.

That is something that is not too far away on the horizon. It may not even be necessary to have a set-top box the way technology is running today. But even if we are dealing with analog technology, competition can exist in the manufacture and distribution of the boxes, just as we have competition in the manufacture and distribution of telephones today.

So for those reasons, I am submitting the legislation. I am hoping that the Members of the Senate will agree that if we are trying to stimulate more competition, give consumers more choices at lower prices—which, after all, is the goal of this legislation—then it should be accepted.

I understand there are several States where these set-top boxes are manufactured, and the manufacturers like being able to go to the cable companies and say, "Here, buy our box." If I were they, I would enjoy that as well.

But if we are really talking about competition and giving consumers greater choices and lower prices, there is absolutely no reason why this amendment should not be accepted by the overwhelming majority of those people who are supporting deregulation, who are supporting this telecommunications revolution, and who want to see more competition.

With that in mind, Mr. President, there may be others on our side. I know Senator Snowe is here, and she is a chief cosponsor of the legislation. It is something that is long overdue. The problem we have today is there is no free market. If we were back 30 years ago in the telephone industry, we would still have the old black phone and still be paying rent to AT&T. If we had this information superhighway, we would say basically you cannot own a car, you have to rent one of our cars.

What this amendment says is we are going to give the consumer the opportunity to buy set-top boxes from any source they choose and, at the same time, allow for the protection of the signal by the cable company that is sending it forth. I believe this represents a reasonable approach.

By the way, there were questions raised about my earlier legislation (S. 664) on this issue. Was I really trying to bring in the computer industry? The answer is no. Was I trying to bring in the cellular phone industry? Again, the answer is no. To address the concerns of these industries, our current amendment focuses on the lack of a competitive market for cable boxes. We have excluded cellular telephone communications. We have excluded anything relating to computers. The legislation is designed solely for set-top boxes. We have no desire or intent to regulate cellular phone or other telecommunications markets.

I urge those who are now advocating competition in order to give consumers lower prices and more choice to support the amendment.

I reserve the remainder of my time.

Ms. SNOWE addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

Ms. SNOWE. Mr. President, I rise in strong support of the amendment offered by my distinguished colleague from Maine, Senator COHEN, and I join in cosponsorship of this legislation to ensure that set-top boxes are competitively available. I commend him for offering this legislation because I think in the context of the legislation before us today, this becomes a very important issue.

Currently, as Senator COHEN has noted, consumers have absolutely no choice with respect to set-top boxes. They are forced to rent them from cable companies, often as a requirement to receiving cable signals.

This issue was highlighted recently when a cable operator in Maine planned to scramble signals and require their customers to rent set-top boxes at a predetermined price.

This obviously did not go over very well because it did not offer a choice to the consumers. Rather, they were required to rent set-top boxes for an additional fee added to their cable costs in order to unscramble the cable signal.

Fortunately, the issue was resolved, but I think it underscores an important point, the need to ensure that consumers seeking to access cable services have options. This amendment would allow consumers to purchase the set-top box from a local retail store, or to lease or purchase a box from their cable provider. They would be able to choose boxes that will work with their own television set and continue receiving the cable programming channels to which they have subscribed.

When set-top boxes are available in a competitive market, consumers will benefit from lower prices, increased flexibility, and a higher quality product. Competition will ensure technological innovation in set-top boxes, as companies compete to provide a better product at lower prices.

I recognize that as companies try to provide consumers with new and changing technological features, there are bound to be growing pains. In the case of the State of Maine cable provider, the requirement to rent set-top boxes was intended to provide consumers with added flexibility through addressable programming—but instead it limited consumer choices because it required them to rent the set-top boxes and bear the additional cost, even if they wanted to receive the same services. I do not think that is a mandate, nor is it a price, that consumers should be forced to bear. I think certainly we should encourage competition, and I think this amendment does this.

This amendment requires the FCC to assure that set-top boxes used by consumers to access cable programming are available in a competitive market. This amendment also continues to recognize the legitimate interest of cable operators in ensuring the delivery of cable services only to those consumers which have paid for them.

Present technology, however, can ensure the integrity and safety of cable operators' signals without requiring delivery of set-top boxes only through the cable company.

In fact, the Electronic Industries Association has developed a draft standard for security cards, similar to credit cards, that could be inserted into set-top boxes by cable companies to protect their system, while allowing consumers to use a commercially-sold set-top box.

I think it is important to mention this issue because I know that cable companies were concerned about providing safeguards for their own signals. And this legislation provides for that, take that into account. Under the amendment the FCC has the responsibility and obligation to consider the legitimate needs of owners and distributors of cable programming to ensure system and signal security, and to prevent theft of programming or services.

It is interesting to look back on telephones prior to the deregulatory environment, specifically, think back to 1978—to give an example of how much costs have dramatically changed in telephone services, back in 1978, it cost $8.10 a month to rent a touch-tone telephone from AT&T—a noncompetitive rental that would cost about $18.60 in 1994 dollars, plus the touch-tone and extension fees. As you know, the AT&T monopoly was broken up back in 1984. With that decision, the non-competitive telephone rental market was concluded.

In today's competitive market, a similar phone can be purchased for less than twenty dollars—about the same cost as a monthly rental from AT&T would have cost in today's dollars. In 1983, it cost $3.03 to rent a standard black telephone—$4.63 in 1994 dollars. Later that same year, when AT&T customers were allowed to buy the phones already in their homes, the very same phone could be purchased for $19.95.

We have learned that competition did not threaten the security of the phone networks, and consumers benefited from technological innovations, lower prices, and expanded choice. So I think that a "yes" vote on Senator COHEN's amendment will bring competition to the market for set-top boxes, I think, benefiting consumers all across America. I think the case has been made absolutely clear. I urge a "yes" vote for consumer choice and improved competition.

I yield the floor, Mr. President.

Mr. PRESSLER addressed the Chair.

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

Mr. PRESSLER. Mr. President, I must rise in opposition to this amendment. But I do want to praise Senator COHEN, Senator SNOWE, and others who have worked on this, and who have done a good job of trying to find a solution.

I know that the intention of the amendment is to permit unbundling of cable boxes so that vendors other than cable companies can offer them.

While it is a good concept, the amendment is faulty.

Consumers should be able to obtain their set top boxes from vendors other than their cable provider. However, urging the FCC to step in to find a solution may not be the right way to proceed.

This amendment is drafted in such a way that I cannot imagine the FCC reacting in any other way but to try to issue standards governing set top boxes.

Standards should be set by industry. And, I understand that there has been difficulty in getting cooperation from industry in establishing standards. A uniform standard would make it easy for vendors and manufacturers who wish to get into the business. However, there is no uniform standard among the nation's cable operators.

Cable is going to have to change. Competition will force change. DBS has licensed several satellite dish providers, and the cost of DBS will continue to decline. The percentage of DBS will increase, and cable will have to compete to keep its customers.

There simply is no need for Congress to mandate further FCC studies or regulations on the subject of set-top boxes. The proposed amendment on set-top boxes is not sound for a number of reasons, including: The retail sale of cable descramblers could increase cable theft; increased cable theft will raise costs for cable systems and customers; widespread cable theft will surely discourage increased investment in cable programming and cable distribution facilities.

The proposed amendment is premised on the following four myths:

Myth 1: Cable boxes are no longer necessary to secure video programming.

Myth 2: The use of new digital technologies with replaceable "smart cards" will solve cable's security concerns.

Myth 3: Cable boxes are like telephones.

Myth 4: Retail availability of cable boxes will reduce prices to consumers.

Decoder boxes in homes are the only viable form of security for video service. While there are other ways to secure a program service, all of the known techniques have problems that make them useful only in limited circumstances. For example, negative traps cannot be used with multiple pay services without interfering with the signal quality of other programs delivered. Interdiction technology is costly and not totally reliable.

Since cable theft raises the cost of doing business for cable systems and, ultimately, cable consumers, product security is essential to the economic well-being of cable operators, cable consumers, and program networks. In addition, product security is vital for continued investment in cable programming and cable distribution systems.

Theft of cable service is a multi-billion dollar problem today. The retail sale of cable descramblers would increase cable signal theft significantly. A person with a desire to modify cable boxes would be able to purchase any number of them at retail, modify them to illegally receive encrypted services, and then resell them to others at whatever cost the market would bear.

Signals protected by digital techniques are not immune to attack. The security of other television services that have depended on digital techniques and smart cards have been quickly compromised. Indeed, such security systems used by program providers in Europe were broken within months of their deployment.

Proponents of set-top box legislation argue that even if system security is breached, the smart card can be changed. The problem for both consumers and cable operators is the expense of such a scheme: Smart cards cost $30–$40 apiece. Sending out new cards to all customers every time signal security is breached would become a prohibitive recurring cost.

Telephone architecture and cable architecture are radically different. The telephone instrument itself does not grant consumers access to the services being sold by the telephone company. The telephone set is merely the instrument that consumers need to use the network. Access to telephone services is provided by a line that connects consumers to the telephone company's central office. In order to prevent consumers from using a service, such as dial tone, the telephone industry physically disconnects the consumer's wire at the central office. Consumers cannot steal the service.

Cable companies, however, must protect their services at the consumer's home, since the signals of all program services are present at all times in the cable system's distribution system.

Cable operators scramble or encrypt program signals to prevent their unauthorized reception. Access to the encrypted product which is present in every home is given only to consumers who have purchased it by providing a set-top box containing the appropriate descrambling circuitry.

Even telephone companies entering the video-delivery business have recognized that the most efficient way to deliver a video to consumers is to replicate cable television architecture, and they are deploying that approach in their new distribution networks.

Current law requires cable operators to provide decoders and descramblers to consumers at cost. S. 652 does not change existing law. The retail cost of a descrambler is 10 times higher than the annual rental fee consumers now pay.

Cable companies deploy new set-top technology every 5 to 7 years. This obsolescence cost is far less for a consumer paying an annual rental fee based on actual cost than for consumers at retail.

Cable companies utilize different scrambling technologies from market to market, requiring cable boxes to be franchise specific. Consumers moving from one franchise area to another pay far less by renting their set-top equipment than by purchasing new boxes at retail.

For all the reasons I have mentioned, we do not need to place yet another requirement on this industry, particularly one which harms both paying customers and cable operators.

Therefore, I oppose the amendment.

Mr. COHEN. Mr. President, let me take this opportunity to add a few comments.

First, let me add my distinguished colleague, Senator THURMOND, as a cosponsor to the amendment.

Let me try to respond briefly to the comments that have been made. It seems to me these are the very same arguments that AT&T made 30 years ago: "If you do not allow us to control the phone, we will lose our signal. We will have people who will be getting access to our telephone service without paying for it."

The objective of this amendment is to make sure the FCC calls upon the private sector to develop the standard that will protect the cable signal. I do not want to see the cable companies lose the benefit of programming and the costs of doing business by having people engage in thievery. What we want to do is make sure that they are, in fact, protected. That is precisely the wording and the intent of the language of the amendment.

The Senator from South Dakota said competition will force change. But that is the problem. There is no competition in the set-top box market; there is a monopoly. We want to have competition. We want to force change. We want to have 10 different types of boxes or whatever other devices might be developed in the future, and not grant a monopoly to any one of the cable companies.

Yes, competition does force change. We have seen it in virtually every aspect of our lives, from the telephones, the VCR, to the computers, to everything. We go to Circuit City, Radio Shack, any of these major malls, and we see an absolute abundance of electronic devices by virtue of having a free market.

There is no free market today with set-top boxes. Take, for example, one cable company in Arlington, VA. Here is what they say in their "Policies and Procedures":

> Please remember . . . that channel selector boxes with descrambling capability can only be obtained from Cable TV Arlington. In fact, should you see advertisements for cable equipment that have descramblers in them (so-called "pirate boxes" or "black boxes") you should understand these devices are illegal to sell or to use, unless authorized by CTA [Cable TV Arlington]. Because of the need to protect our scrambled services, Cable TV Arlington will not authorize the use of any descrambler not provided by CTA. CTA does not recommend purchasing channel selector boxes from other sources.

Companies say "Rent our boxes." People cannot buy them.

If you have more competition, you obviously will have greater consumer choice. You will have more manufacturers. You will have diversity. You will have quality, as well.

Our amendment has a security provision, and for those who are concerned about whether the FCC is now going to interject itself and take over, we have also added a sunset provision. I do not want to see the FCC have long-range regulatory authority. But we are talking about breaking up the monopoly by saying the FCC shall go to the private sector, give them enough time to develop a standard, and if they do not develop a standard, propose a temporary standard. And it is temporary under this legislation as drafted.

Who supports this, Mr. President? Well, I have a letter here from the Information Technology Industry Council [ITI]. I will have it printed for the RECORD.

We also have the support of the Cellular Telecommunications Industry Association [CTIA]. They were originally concerned with the bundling provision in my earlier legislation. Because of this concern, I deleted the bundling provision in the amendment. So they are now in support and do not oppose the amendment.

Who is opposed to it? Obviously, the cable companies are opposed to it. They are the ones who are saying no; we like having this monopoly. We want to control the boxes. We want to rent them. We do not have to worry about competition. We do not have to worry about it at all.

The companies, obviously, who manufacture the boxes like going to a couple of cable companies and saying, "Here is our product." They do not want to be forced to engage in competition for the manufacture of these devices, be they boxes or some other type of device that the future will show us.

I think we have also addressed the issue of security. We have addressed the issue of limited FCC regulatory power by saying it is only temporary. The core of this amendment is more competition, lower prices, better quality, and more choice.

Mr. President, I make these comments on behalf of many of my colleagues who have served on the Judiciary Committee, as well. Perhaps they will be coming to the floor before debate is concluded.

The notion that somehow we have to be concerned that if we allow any competition, this will actually increase the theft of cable signals, I think is precisely the same argument that was made by the telephone industry 30 years ago.

I think we have come a long way since then by virtue of competition. The consumer certainly has benefited. I think that this is precisely what needs to be done with this area of telecommunications that is now controlled by monopolies.

I reserve the balance of my time.

Mr. President, I ask unanimous consent to have printed in the RECORD the material previously mentioned.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

INFORMATION TECHNOLOGY
INDUSTRY COUNCIL,
June 8, 1995.

Hon. WILLIAM S. COHEN,
U.S. Senate,
Washington, DC 20510.

DEAR BILL: ITI, the Information Technology Industry Council, supports your amendment to S. 652 that would enhance the competitive availability of equipment used to access multichannel video programming services. Competitive markets for these devices, like the one in which the computer industry has thrived, will benefit consumers and industry alike.

ITI represents the leading U.S. providers of information technology products and services. Our members had worldwide revenue of $227 billion in 1994 and employ more than one million people in the United States. It is our member companies that are providing much of the hardware, software, and services that are making the "information superhighway" a reality.

We have been working with Kelly Metcalf of your staff over the last several weeks and believe that, as modified, the proposed amendment will improve consumer choice and stimulate competition and innovation in the market for the converter boxes and other devices that consumers will use to access video and other services provided by video programmers. This will ensure that consumers of multichannel video services—whether provided by cable systems, direct broadcast satellite, video dialtone networks, or other means—will be able to purchase equipment necessary to receive programming and services separately from the video services. This will allow independent manufacturers and retailers, who have no relationship to the service provider, to offer such equipment directly to consumers.

We appreciate your leadership and your willingness to work with us to address our concerns on earlier versions of the amendment.

Sincerely,
RHETT DAWSON,
President.

CELLULAR TELECOMMUNICATIONS
INDUSTRY ASSOCIATION,
Washington, DC, June 8, 1995.

Hon. WILLIAM S. COHEN,
U.S. Senator,
Washington, DC.

DEAR SENATOR COHEN: The wireless industry, through CTIA, has worked closely with you and your very capable professional staff regarding concerns of the commercial mobile service industry about restrictions and regulations being considered which would affect the industry's competitive and highly diverse marketing and distribution channels for mobile telecommunications equipment and services.

We are pleased that the amendment which you have offered does not affect the commercial mobile radio services equipment market, nor impose additional regulatory restrictions which would slow or deter the current ability of existing and new CMRS competitors, as well as retailers and manufacturers, to aggressively market mobile equipment and services to consumers from numerous outlets, including national, regional and local retailers, specialty stores and dealer stores.

The wireless industry appreciates the concerns that you have expressed about some aspects of the telecommunications equipment marketplace and we thank you for narrowing the scope of your amendment to address those legitimate concerns.

Very truly yours,
THOMAS E. WHEELER,
President/CEO.

Mr. KERREY. Mr. President, I would like 10 minutes to speak in favor of the Cohen amendment.

Mr. COHEN. I yield 10 minutes to the Senator from Nebraska.

Mr. KERREY. Mr. President, I have viewed the amendment and the company documents and listened to the Senator from Maine. I must say, he is entirely consistent with what this legislation, at its best, proves in a couple of ways. We will have the opportunity to discuss and debate this later.

It says that if consumers have a competitive choice—and by that, I mean that if I do not like what I got, I go someplace else.

The distinguished occupant of the chair has been in business and understands what choice is. If you have a product that your customer wants to buy, your customer buys it. If you do not, if the price or quality is wrong, he goes somewhere else. And in that kind of environment it tends to focus the mind. It tends to say to you, "I better figure it out and give that customer the right price."

The customer says to me, "I do not like black, I like blue, and if you do not give me blue, I will go down the road here where they are manufacturing it in blue." That is the kind of competitive choice that produces the kind of quality and the kind of choices that in fact we have seen in other sectors of our economy and that we are trying to do with this particular piece of legislation.

I understand the opposition to it. I understand certain sectors of the industry are worried about what is going to happen in a competitive environment. But let us not say to our citizens, as we are going through this debate as we are, that we are going to try to use competition to give you something that you currently do not have right now and then kind of pull back, which is what we would do if we do not accept this amendment, in my judgment.

I understand there are some concerns about what sort of impact this might have upon rural cable or smaller cable operators. I am prepared to surface that kind of concern. We just did that, in fact, with the Snowe-Rockefeller amendment in education.

If you have a particular problem where somebody is not able to survive, if you can make a good case where there ought to be some direct subsidy to enable them to survive, let us do it. But let us not take the entire sector, this piece of the electronics market, and shut down development of it, which in my judgment we are about to do unless we allow competitive choice to occur as we again are trying to produce a piece of legislation that pretends to be in favor of competition as a way to make the U.S. economy and this sector of our economy not only more productive but satisfy the needs of the consumers at the other end.

As I said in some earlier comments—and I will try not to run beyond my 10 minutes; you can hammer me down when I have gotten to the end point—on previous occasions, this piece of legislation we are considering, S. 652, is not a small bill. It is a big bill. It is going to have a major impact on every household in America.

From my experience with the divestiture in 1984, I remember for the first 2 or 3 years people were not happy. They were upset. They did not like all the choice. They were confused about it. We have to make sure, if there is a philosophy here that we believe will produce lower prices and higher quality, we have to be sure we will stick with it. But if we do not stick with it, what is going to happen is you are going to continue to have artificial separations that make it difficult for those entrepreneurs to come to our households and say, "I am prepared to sell you a packaged service. Here is my price and what I will give you. And if you do not like it, there are lots of other people who will come here and try to nail down your business."

That is the environment we are trying to create, and if we do not create it, consumers will say to us, our citizens will say to us as consumers, that we have gotten a good deal out of this thing. It has been good for us.

If we preserve any sort of monopoly out of concern, "I am not sure what is going to happen here, maybe I better hedge my bet a little bit," it seems to me we are going to find ourselves wondering why we supported this legislation.

I make it clear, even with this amendment adopted, I need to have some additional changes in this before this bill is going to get my support. But this particular amendment is entirely consistent with what I think this legislation needs to do before we enact it.

Mr. LEAHY. Mr. President, I join as a cosponsor of this amendment and commend my colleagues for their leadership. Just last year, Senator THURMOND and I proposed an amendment along the same lines to promote consumer availability of converter boxes. We were delighted when our colleagues from Maine took up the fight and previously noted our support when they appeared before the Antitrust Subcommittee earlier this year.

This amendment seeks to encourage consumer options and competition. It uses regulatory authority only as a last resort when competition is not working, when consumer choice is not available, and where the private sector and the marketplace fail to develop standards that ensure competition. It is, of course, our hope that this regulatory authority never need be exercised.

Mr. HELMS. Mr. President, the pending amendment requires the Federal Government to jump in and set standards for technology and this will have a chilling effect on new technologies. Not only that it will compromise the security devices used in cable TV that enable parents to protect their children from indecent and violent programming on television. Allowing the FCC to set standards for technologies will have an adverse impact on new technologies being developed.

Mr. President, in order to protect their services, cable television operators have used increasingly sophisticated and cost-effective methods to secure that signals against theft. Current technology does this by including the security devices in a converter placed on or near the television set.

Security for these programs is essential for parents who wish to protect their children from the deluge of violent and explicitly sexual material so regrettably abundant on many cable channels. If the FCC, for whatever reason, sets a weak or easily compromised standard, it will be much easier for our children to gain access to trashy and violent programming.

Let me state for the record a few examples of the type programs to which children may gain access: HBO's program (called "Real Sex") in which a former porn state describes sexual acts and how men can dress like women: and the Playboy Channel, the X-rated movies on pay-per-view channels, and the violent R-rated movies.

Concerns over the lack of security are very real: the cable television industry is already experiencing a significant level of theft of service-approaching 15 percent in the largest systems. This cost cable operators and owners of intellectual property an estimated $4.7 billion per year. Satellite television was victim to theft of service rates in the late 1980's which approached 65 percent of the market.

This amendment would turn over to Federal bureaucrats the responsibility for making the determination as to how much security is adequate. That determination will be binding on owners of intellectual property and network providers. This obviously is unacceptable.

The Federal Government should not be charged with setting the standards for technology. Standard setting for technology belongs in the hands of those in the private sector who have the expertise and the incentive to protect intellectual property.

A national and uniform security standard actually facilities theft by giving criminals a single target; it also stifles the necessary innovation for security to stay ahead of high-technology hackers.

Mr. President, I am unalterably persuaded that property owners, and those acting for them, should have the right and responsibility to determine the level and method of security appropriate for their needs. That is clearly an economic business decision—not a matter for bureaucrats determination.

We must let new technologies develop to preserve security, experience the development of increased retail availability of equipment and avoid the consequences of the law of unintended results that usually accompanies regulation.

The Cohen amendment should be rejected.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. PRESSLER. Mr. President, I wonder if the Senator from Maine would allow us, within the unanimous consent agreement, to go to the managers' amendment that we have worked out and we wish to have agreed to. We are not going to change anything here. This will take about 5 minutes at the most.

Mr. COHEN. I have no objection.

Mr. PRESSLER. For the information of everybody, we will stick with the 7:30 vote. There is no change. There are more amendments to this and other speakers are welcome to come to the floor.

Mr. FORD. Mr. President, could the Senator refrain for just a moment?

It is all right, Mr. President.

Mr. COHEN. I assume it will take about 5 minutes after the time?

Mr. PRESSLER. Yes. It will take no more than 5 minutes.

Mr. HOLLINGS. Mr. President, this is a managers' amendment. We worked it out on both sides and we think this is a good use of time. We have been looking for the opportunity. We cleared it with those Senators. I yield.

Mr. PRESSLER. Mr. President, I ask unanimous consent to set aside the Cohen amendment for no more than 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

MODIFICATION TO AMENDMENT NO. 1258

Mr. PRESSLER. Mr. President, I call for the regular order with respect to amendment No. 1258. This is a modification of the managers' amendment.

I send to the desk a modification of our amendment, the amendment of Senator HOLLINGS and I, and ask the amendment be modified accordingly.

The PRESIDING OFFICER. The amendment is so modified.

The modification is as follows:

On page 7 of the amendment, beginning with line 22, strike through line 4 on page 8 of the amendment and insert the following:

"(1) REGISTERED PUBLIC UTILITY HOLDING COMPANY.—A registered company may provide telecommunications services only through a separate subsidiary company that is not a public utility company.

"(2) OTHER UTILITY COMPANIES.—Each State shall determine whether a holding company subject to its jurisdiction—

"(A) that is not a registered holding company, and

"(B) that provides telecommunications service,

is required to provide that service through a separate subsidiary company.

"(3) SAVINGS PROVISION.—Nothing in this subsection or the Telecommunications Act of 1995 prohibits a public utility company from engaging in any activity in which it is legally engaged on the date of enactment of the Telecommunications Act of 1995; provided it complies with the terms of any applicable authorizations.

"(4) DEFINITIONS.—For purposes of this subsection, the terms 'public utility company', 'associate company', 'holding company', 'subsidiary company', 'registered holding company', and 'State commission' have the same meaning as they have in section 2 of the Public Utility Holding Company Act of 1935.".

On page 8 of the amendment, between lines 5 and 6, insert the following:

On page 36, line 13, strike "within 9 months" and insert "not later than one year".

On page 18 of the amendment, between lines 10 and 11, insert the following:

On page 74, line 1, strike "(2) SEC JURISDICTION LIMITED.—" and insert "(2) REMOVAL OF SEC JURISDICTION.—".

On page 18 of the amendment line 12, before the period insert the following: "and insert 'to grant any authorization' ".

On page 18 of the amendment, between lines 17 and 18, insert the following:

On page 74, line 12, strike "contracts." and insert "contracts, and any authority over audits or access to books and records.".

On page 19 of the amendment, between lines 3 and 4, insert the following:

(4) COMMISSION RULES.—The Commission shall consider and adopt, as necessary, rules to protect the customers of a public utility company that is a subsidiary company of a registered holding company against potential detriment from the telecommunications activities of any other subsidiary of such registered holding company.

On page 22 of the amendment, beginning with "The" on line 23, strike through line 24.

On page 13 of the amendment strike lines 14 through 17 and insert the following: "is amended by adding at the end the following:"

On page 13 of the amendment, line 25, insert closing quotation marks and a period at the end.

On page 14 of the amendment, strike lines 1 through 3.

On page 9 of the amendment, line 24, strike "120 days" and insert "180 days".

On page 7 of the amendment, line 9, before the period insert "so long as the costs are appropriately allocated".

Mr. PRESSLER. Mr. President, these modifications represent minor and technical changes in the public utility company provisions, preserve current law regarding the sunset provision of section 628 of the Communications Act of 1934, and extend the period for certain market opportunity determinations from 120 days to 180 days.

Mr. President, following the remarks of my colleague, I urge the adoption of the amendment.

Mr. HOLLINGS. Mr. President, it has been cleared on this side. I join the Senator from South Dakota.

THE PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 1258), as modified, was agreed to.

Mr. HOLLINGS. Mr. President, I move to reconsider the vote.

Mr. PRESSLER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PRESSLER. Mr. President, I ask unanimous consent the amendments included in the managers' amendment be treated as original text for purposes of further amendment during the consideration of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERREY. This manager's amendment allows the FCC to modify those provisions of the modified final judgment (MFJ) that are not overridden or superseded by the bill. Does this provision of the Manager's amendment allow the FCC to change the provisions regarding the entry of the Bell operating companies into long distance or manufacturing?

Mr. PRESSLER. No. The amendment is intended, to allow the FCC to modify those provisions of the MFJ that this legislation would not modify or supersede.

Mr. KERREY. The manager's amendment changes the definition of "telecommunications service" by deleting a sentence concerning the transmission of information services and cable services. My question is whether the deletion of this sentence will affect the scope of many of the bill's substantive provisions.

For example, section 254(a) preempts State entry restrictions on the provision of "telecommunications services." Does the new definition mean that States would be allowed to restrict entry into the business of transporting information services?

Section 254(b) ensures that States can preserve universal service for "telecommunications services." Does the new definition mean that States could not preserve universal service for the transmission of any information services?

The bill provides detailed requirements that must be satisfied before the Bell companies may offer interLATA "telecommunications services." Does the deletion of that sentence mean that the Bell companies may provide interLATA transmission of information services without complying with the requirements of this legislation?

Mr. PRESSLER. The answer to each of those questions is "no".

The deletion of this sentence is intended to clarify that the carriers of broadcast and cable services are not intended to be classified as common carriers under the Communication Act to the extent they provide broadcast services or cable services.

AMENDMENT NO. 1263

Mr. PRESSLER. Mr. President, I now move to go back to the Cohen amendment. I say to Senators, a vote has been set for 7:30. Any Senators wishing to speak on this amendment or on the bill, I invite them to the floor, if that is agreeable with the Senator from Maine.

I do have some closing, about 5 minutes of closing remarks on the Cohen amendment, but I will hold those over for a bit.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Who controls the time in opposition?

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. PRESSLER. Mr. President, I yield as much time as the Senator from Kentucky wishes.

Mr. FORD. I do not want very much. I rise more in being inquisitive here rather than being in opposition to the amendment.

I understand what my friend from Nebraska says about competition. You come in the front door with a piece of equipment and you offer it for a certain price and if that is a little too high, there is always somebody else who will knock on the door and sell you something different.

Not many people go out in rural areas and drive 5 miles from customer to customer. They like to stay in town where you have houses and lots and there are 15 customers on one block rather than two customers in 15 miles.

My rural cable people are very concerned about this particular amendment, and I will tell you why. One, they are not sure what this will do to the small cable operator who would have maybe 250 or 500 customers, maybe 1,000, in a rural area. Will they be able to accommodate? Can they get the accommodation? Will they be able to carry things that will not be unscrambled through the boxes? Of course, our friend who promotes this amendment says everything is protected; there are temporary rules. Temporary rules that go into permanent rules? How soon will that be done? I have a lot of concern for the little people, particularly in rural areas.

There must be something special from all these technology groups. They must make the boxes and they want to manufacture them and sell them. I do not blame them.

I hate for me to be the vehicle to help them sell their products. I think they ought to be competitive, and if they have a better product, they can sell to the cable companies, if that is what is in it. But I am going to be concerned about my rural area and, somehow, I think if we could have a short study period here, perhaps we could eliminate their fears. Because, if the small rural cable operator cannot make it and then he has a financial problem and he is being pressured by the larger cable companies to buy him out, we find there will be less and less competition in the cable community than there is now out there. And the struggling small cable operator, I think, is getting in trouble more and more all the time. They are not concerned; they are frightened.

They are not concerned; they are frightened. When you talk to them about having to borrow money to enlarge to try to keep up with the new technology and with the new rules, all of that, it becomes almost unbearable weight; to hire lawyers, to do all these things, and the expense is just almost unbearable weight.

I hope that Senators will look at this and have a study. I do not want a long study. I just want somebody to look at it and to convince the small cable operators that this is a good thing for them, that they will not be hurt, that they will be able to have—not many small communities have Radio Shacks. They may have a Wal-Mart about 15 or 20 miles away they can drive to, but they are not going to have a Radio Shack or Electric Avenue or all of these things right close by.

So, Mr. President, I am expressing some frustration as it relates to what we do to the small operator, the small entrepreneur. Let us put his life into it. And he is still struggling to be in competition with the major that is knocking on his door every day saying, "You cannot make it fellow. Let us take it over."

I would want the Senator from Maine, if he could—he is a smart individual and is a good word merchant—if there might be some way that we could have a short period of study that would maybe just apply to small cable operators and not major ones. I hear they are going to have a credit card. Just stick it in the box, punch it, and you get your program. Not many out in the rural areas are going to have a box you can put a credit card in, punch it, pull it out, and you will get certain programs. It will be very difficult for them to do.

I am here trying to protect the small operator in my rural constituency, and I hope I will not have to oppose this amendment. I hope we can have some sort of a study as it relates to really finding out whether all of these things are possible, all of these things are doable, this competition is going to be out there, and that everything is going to be great. If you can convince my small operators or me, I would be more than willing to be an advocate of this amendment. But I was always brought up believing when in doubt, do not. I am in doubt about what this does to my small cable operators.

Mr. President, I hope that we will give serious consideration to a study. I do not want a long one, but at least a period of time to be sure that my small cable operators will not be damaged in their operation and that their financial future will not be jeopardized because of this.

To go back to Abraham Lincoln, who said, "When progress is made somebody gets hurt." That is when Abraham Lincoln was defending the railroads against the barge and ferry operators when trying to build a bridge across the Missouri River. The railroad won and it hurt the ferry operators and the barge operators. So Mr. Lincoln said, "When progress is made somebody gets hurt."

I am trying to prevent the hurt here. I have not been convinced that this will not hurt my small operators.

I yield the floor. I thank the Senator for giving the time.

Mr. PRESSLER. Mr. President, I think the goal of the Senator from Maine is very laudable, and I also believe we have to jog a little the cable industry to set a standard because they have been very slow to do so. I think the cable industry needs to get the message that we want better action from them in setting the standards. But when I get to boiling down to my concern about this amendment, it is that it says, "The commission shall, after notice and opportunity for public comment, adopt regulations to ensure the competitive availability of * * * convertible boxes, subscribers, and services of multi-channel video programs and distributors from manufacturers," et cetera. The part that worries me is that the "commission shall adopt regulations."

I am concerned that this might lock technology in. I fear it may be likely that the industry will not adopt a common standard in a timely fashion, thus involving potential standard setting by the FCC. The standards created by a Government entity may result in technology being locked in place which could result in stifling innovation. If the computer industry had been subject to a similar legislative mandate when interoperability was a real problem for early users of personal computers, I doubt our industry would be as competitive as it is today. After all, what is the top box but a small computer. If we have a standard developed by the FCC for these boxes, I think we will not have the future improvements and innovations that could occur if we simply leave the standard setting to the industry.

I cite the innovations that we have had in computers where there has not been a standard set by Government and innovation has gone forward very quickly. On the other hand, I would jawbone the cable industry very much to set a private standard so there could be more competitors.

Mr. President, this concludes my remarks on this particular amendment. I am sure there are other speakers. We have from now until 7:30, depending on Senators coming to the floor, but we are open for opening statements or statements on this or any other part of the bill.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. PRESSLER. I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KERREY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERREY. Mr. President, the Senator from North Carolina is getting ready to speak.

I yield the floor.

Mr. FAIRCLOTH addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. FAIRCLOTH. Thank you, Mr. President.

Mr. President, in the June 2, 1995 edition of the Washington Times, there appeared a front page article which was another reminder of the serious problem of theft of intellectual property. The article makes reference to the extraordinary efforts to which signal thieves have gone to steal programming carried by cable television systems, such as movies and special programs. They obtain cable television converters, normally through illegal means, modify them to compromise the security, and then sell them to either knowing or unwitting consumers so that they can steal the programming.

Indeed, in a recent article reported in the February 20, 1995 edition of Multi-Channel News that these signal thieves are increasingly resorting to armed robbery to obtain these boxes.

Mr. President, as both articles point out, this theft is a crime. It is viewed very seriously by Federal law enforcement officials because, left unchecked, such theft could undermine our national telecommunications networks. Let us not forget that, in the late 1980's, theft of satellite service almost destroyed that industry.

Mr. President, given the high value placed on this equipment by these thieves, I am very concerned about the amendment offered by the distinguished Senator from Maine, to make such equipment available at retail. Aside from the fact that the proposal would put the FCC right in the middle of setting standards and designing equipment for advanced digital technologies, this proposal fails to adequately address the problem of these signal thieves.

The current situation is that the limited numbers of warehouses where these cable television security boxes are kept are a major target for these signal thieves. Here you have a situation where the equipment is considered so valuable that signal thieves are risking armed robbery to obtain it. Can you imagine how much worse the situation would become if that equipment were widely available at retail? Under these circumstances, it would become virtually impossible to keep it out of the hands of signal thieves.

Let us not forget that these thieves are not stealing these security boxes so that they can display them on their fireplace mantles. They are using them to steal programming. The more easily they can be obtained, particularly in quantities, the faster and cheaper it is for these signal thieves to mass produce modified boxes to steal programming.

Mr. President, I sympathize with the goal of the Cohen amendment. But I think that the approach taken is fatally flawed. It rests on the assumption that the Government can know that some security technique, like smart cards, can be used to facilitate retail sale. I do not know that to be true. Not even the experts at the FCC can know that to be true.

Yet the principle which underlies the amendment is that the Government can and will make the determination as to how much security is adequate. That determination will become binding on owners of intellectual property and network providers. This is not acceptable.

I believe that property owners and those acting for them should have the right to determine the level and method of security appropriate for their needs. That is an appropriate, economic business decision and not a matter for Government determination.

Moreover, it is entirely consistent with the deregulatory goals of this legislation that the chairman has consistently and clearly advocated during the debate on the underlying legislation and this amendment in particular.

This amendment is not proconsumer but it is proregulation. Therefore, I strongly urge that the pending amendment be defeated.

Mr. President, I yield the floor.

Mr. KERREY addressed the Chair.

The PRESIDING OFFICER (Mr. SANTORUM). The Senator from Nebraska.

Mr. COHEN. Mr. President, how much time remains?

The PRESIDING OFFICER. Fifteen minutes. The other side has 13 minutes 54 seconds.

Mr. COHEN. This side has?

The PRESIDING OFFICER. Fifteen minutes.

Mr. COHEN. How much time does the Senator need?

Mr. KERREY. I was actually going to ask the managers—I do not know—if the opponents to this amendment were going to use all 13 minutes?

Mr. HOLLINGS. No. The opponents have used time. Go right ahead.

Mr. KERREY. Did the Senator want to respond?

Mr. COHEN. I am just curious; the Senator is going to speak for the amendment or against it?

Mr. KERREY. I am still speaking for the amendment.

Mr. COHEN. All right. The Senator wants me to give him some time then.

Mr. KERREY. I wish to speak more generally about the bill.

Mr. HOLLINGS. I yield sufficient time to the Senator from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. I thank very much the Senator from South Carolina.

Mr. President, this amendment is important, but I say to the Senators who will be perhaps watching, or the staffs who will be over the next 30 minutes trying to figure out OK, what is going to happen next? Where are we in this piece of legislation? Remember, there are 9 sectors of the telecommunications industry, all directed to approximately 100 million American households. That is where they do business. They are selling to commercial customers as well, but they are focused on those households, and that is where we are going to hear whether this legislation is successful or not. That is where, a year from now, a year and a half, 2 years from now, you are going to hear people say, you know, this really did work. You were telling us it was going to work. It did work.

Nine sectors. I will run through them briefly again. Broadcasting is the big one, cable is one, telephone is one, Hollywood and music recording—that is music and the images—publishing is one, computers is one, consumer electronics, which is the subject of this particular amendment, wireless is one, and satellite is one.

All nine of them, Mr. President, represent hundreds of billions of dollars' worth of sales into the American household on a constant basis. They are making judgments about what to purchase and what to buy. What has happened is that the technology has changed so that it is possible now for people to buy in a package, and what we are trying to do is give them real competitive choice.

It is going to be traumatic. What we need to do is to say what is more important to us, the trauma faced by those consumers, those citizens in the households, or the trauma of businesses as they face competition for the first time in their business lives?

Mr. President, not only does this amendment need to be adopted, but we need to change the underlying bill so that the Department of Justice, which has been the prime mover in this—I know that many of my colleagues on the other side of the aisle think the Department of Justice should be left out, with just a consultant role, if necessary. I really urge you to think about that. That is going to be the next order of business. The DOJ, the Department of Justice, is the one that started this in motion in 1948, in a consent decree, with the Department of Justice action against AT&T. That is what produced the competitive environment in long distance.

If you hook the Department of Justice of that Republican administration to another Republican administration to a Democrat administration, they have consistently been the best advocates in this Nation's Capital for competition. They are the ones that said: Look, I know you want to own all the market. I understand what you are trying to do. But you cannot. We have to keep this competitive because not only will consumers benefit, but the economy will benefit as well.

I understand people said oh, no, that is not going to work. I have talked to the companies about this. I know why they do not like it.

The Department of Justice needs to be more than just a consultant in this thing. Otherwise, I tell you, Mr. President, my colleagues, I think you are going to regret this vote. You are not going to get the kind of vigorous competition that is needed in all of these sectors, in a package fashion, that is going to have our consumers say I was paying $120 a month for all of my information, all these things taken together, all nine of them, and now I am paying $80. This is terrific. This is working.

Disregard, if possible, the companies that are coming in and saying, gee, I do not want to do it that way because this is going to be a better way.

Think about those consumers in the households. Think about those individual families in the households. This amendment is going to look a lot better, the DOJ role is going to look a lot better under those circumstances.

I suggest, Mr. President, that another particular portion of this legislation that says a local telephone company can buy a local cable company, we cannot allow that in the local area, because then you are only going to get one line to 75 percent of the homes.

So I hope as we go through this thing colleagues will see that there is an intent with this legislation to produce a competitive environment about which, if we do it, the citizens we represent will say this did work; we are glad you provided that for us.

It is not completely unregulated. It is not completely unfettered competition. The structure here that we are trying to produce allows competition to satisfy not just a public interest that we understand is still present but also a consumer interest.

So once again I understand very much the concern raised by the distinguished Senator from Kentucky and perhaps there is some accommodation that can be made in the area of a study. I do not know. I certainly would not necessarily object to that, if the distinguished Senator from Maine could work it out. But I think we have to really make sure we understand that if competition is something we are going to use to reduce prices and increase quality, then we have to turn back some folks who are going to be coming to us, and I really think the toughest one of all is going to be the Department of Justice role. And I understand people are digging in on it, but I hope you do not dig in too much because you are the one who is going to have to live by this vote. You are the one who is going to have to explain whether this works or not.

I would not be on the floor all day today and last night not feeling very strongly as I do. Unless we get this thing right, we are going to live to regret it.

Mr. FORD. Will the Senator yield for a question?

Mr. KERREY. I will be pleased to yield.

Mr. FORD. After this amendment passes, how long does the Senator think it would take the companies to go to China and have these boxes made for practically nothing and come back over here and flood the area with them?

Mr. KERREY. There is no question the distinguished Senator from Kentucky is raising a very legitimate concern. When we lift the restrictions on manufacturing in general, which we are doing in here—and we heard earlier the distinguished Senator from Arizona coming down and saying that we finally got out of this domestic content stuff in there. That was there out of a concern we try to keep some of this manufacturing business in the United States. There is no question that is a legitimate concern.

Mr. FORD. Not only, would I say to my friend, is my concern for the small cable operator. I would encourage those who are promoting this amendment to give us an opportunity to study it. All of a sudden we get this amendment out on the floor and people have an opportunity maybe to study it for a short period of time. Competition is great, but competition putting out a lot of cable operators, small entrepreneurs struggling for a long time, does not set very well with me, and I am sure it does not set very well with the Senator from Nebraska.

Mr. KERREY. I am not the sponsor of the amendment. The distinguished

Senator from Maine is. However, he would decide in that regard. I certainly would have no objection to what the Senator proposes.

I yield the floor.

Mr. COHEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

Mr. COHEN. Mr. President, I ask unanimous consent that Senator HUTCHISON and Senator LEAHY be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COHEN. Mr. President, I will respond briefly to the comments of the Senator from Kentucky.

He mentioned that he is from a rural State. So am I. I do not know what the population of his State is, but we have little over 1 million people in the State of Maine. I used to be the mayor of the third largest city in Maine—38,000 people. So we have a rural population in my State as well.

I doubt very much whether there are many States—no matter how rural—that do not have a Radio Shack or a Wal-Mart or a Sam's or some other major type of outlet in their States. That really is not the issue. If you live in a rural area and you do not have a Wal-Mart, Sam's, Circuit City, or Radio Shack, what you do is just keep renting your box from your cable company.

That is all you have to do. You have a choice. You do not have to buy anything. You can continue to pay the rent for the box. Your small cable company rents the box to you, and you continue to pay the rent. If you get unhappy with it, you may decide you want to make the trip 12 miles to buy another converter box.

What I am saying is consumers cannot take that signal of the cable company and steal that signal by virtue of having access to the box. That was the purpose of having the private sector develop a standard whereby cable operators protect their signal.

What the FCC does is turn to the private sector, just as they did with the phone jack. The standard for the telephone jack was developed by the private industry.

That is what we are talking about here. If you are talking about theft, what do we tell Hewlett-Packard, Compaq, or IBM or any of the other major computer developers and manufacturers today? You know something, we have a big problem—hacking. We have hackers all over the country, all over the world. They can get into the computers at the Pentagon.

The Senator from South Carolina knows about this. All the people who are here, the Senator from Kentucky and all of you, have had access to information. They can gain access to the computers in the Pentagon.

What do we do? Shut down the computers? We said, "No, let's do better. We have to develop better standards for protecting the signals, protecting the technology." That is what is going on in the private sector today. We all have been briefed on what is going on in the private sector, the kind of standards designed to prevent hackers from getting access.

What is the largest growing market today? The direct satellite television. Do you think people are putting millions or billions of dollars into developing direct satellite television if they are worried that they cannot protect their signals?

That is what is going on. The industry will develop the equipment to protect the signals. Why are you going to give cable companies, not mom-and-pop cable companies, major cable companies the opportunity to run a monopoly? For the small rural State that may have only one cable company and no marts where consumers can go to purchase a set-top box, there will be no problem. Consumers will just keep renting that same box.

Mr. President, the Senator from South Dakota said that what we really have to do is jawbone the industry. The difficulty is the jawbone is not connected to the hip bone. They are not walking, they are not running, they are not doing anything.

What they are doing is holding on to a monopoly, and they are saying, "Take our box or don't get any signal, period." What we are saying is here is an opportunity to put competition into the business so that people have a choice with lower prices and the cable company still protects its signal.

Mr. President, that is why the Consumer Federation of America and the Consumers Union endorse this particular amendment. It is why ITI supports the amendment. They also support it because they see this as an opportunity to get more competition in the field that we are supposed to be trying to get competition in—telecommunications.

I want to say to the Senator from Kentucky, I represent a small State, too. I have small cable companies. They are not particularly concerned they are going to be put out of business. Their signal is protected—maybe not well enough from somebody stealing the boxes. But the private sector will develop a standard to protect the signals.

The FCC can adopt the standard, as they have with the telephone jack, to allow any individual to go into any store—rural, urban, big mall, little shop—to buy a telephone, to buy a VCR, to buy a computer, to buy an organizer. A standard ought to apply to the set-top box as well. That is what this amendment is designed to do, to allow the private sector to get into the business of lowering the prices for consumers so they do not have the consumer at the mercy of the cable operator saying, "Take this box or else you get no signal. Rent this box or rent this telephone; you can't buy your own."

What we are saying is let us give the consumer a choice to buy a set-top box or rent one, whether you live in an urban or rural State. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. PRESSLER. Mr. President, we have approximately 15 minutes until the next rollcall vote. I believe all speakers have concluded. I urge Senators who wish to make statements on the bill to come to the floor.

Mr. FORD. Mr. President, will the distinguished Senator from Maine answer a question for me, just one?

Mr. COHEN. If I can.

The PRESIDING OFFICER. Who yields time to the Senator from Kentucky?

Mr. PRESSLER. I yield time.

The PRESIDING OFFICER. The Senator from South Dakota yields time to the Senator from Kentucky.

Mr. FORD. Am I correct in that if the television set is cable ready, you do not need the box?

Mr. COHEN. That is correct.

Mr. FORD. So most television sets are becoming cable ready. They may not go up to 98—they may be 60-some-odd, most of them. So, technically, the box is not used on a cable-ready television.

Mr. COHEN. Right. Many, many homes, as you know, in the rural areas do not necessarily have the cable-ready type of television.

Mr. FORD. As I recall, and the Senator might agree with me, we would allow only one charge under the cable bill, no matter how many TV sets you might have in your home. They used to charge you for each one, now they charge for one.

Mr. COHEN. I correct myself. You may still need a set-top box, even though you have a cable-ready television set. That is what happened in southern Maine recently where a major company as a matter of fact, said, "This box you have to rent. Even though you are currently getting our signal, this is something we are going to now prepare for the future in terms of interactive television and you must now rent this box, in order to get the signal you were getting previously through your television sets."

Mr. FORD. I wanted to clear up one thing with my friend from Maine. Time Warner withdrew that, and they no longer do that.

Mr. COHEN. They withdrew it only after great protest was raised, precisely the problem when you have a company who can come in and say, "The signal you are getting now you have to pay more for it. Now it is roughly $3 more and you are going to get just precisely the same thing you were getting before."

Mr. FORD. That is no longer being done.

Mr. COHEN. It does not prevent any other company in any other State from doing precisely the same thing.

Mr. FORD. I understand that, Mr. President, and I say to my friend, with cable ready, I do not believe you need the box. I think he agrees with me that basically that is true.

Mr. COHEN. No, because the—

Mr. FORD. I am not sure the cable company can still scramble on a cable-ready. You cannot get HBO—it is scrambled—unless you pay for it and then they release that. The box is almost a moot question in some respects. But I still have the same concern I had earlier about the small cable operator.

You have a rural State; I have a rural State. I remember the satellite dishes we put up, about $3,000 apiece, and then you had to go to the cable company and get it turned on. There are a lot of things going on. But progress has been made.

Now FCC is not going to help build anything. They are not going to mandate anything, I understand, but you are going to set standards. I agree with the chairman, when you set standards, you limit the technology in a great many places, because as long as they meet the standards, they do not have to be competitive.

We have 8 or 9 minutes we can have some debate with. But it is awfully hard for me to agree that the box is a problem, except in cases where the television set is not cable-ready. I believe what the Senator from North Carolina said a few minutes ago—it is setting up for a lot of theft as it relates to intellectual property.

I hope this amendment will be defeated. But better than that, I wish the Senator from Maine would let us study it and convince us and be sure when he comes forward with this, that we all understand it. It could be a 3-month study, 6-month study, a 1-year study, or whatever it might be, so that we can come back and that study will be available, and then we can go forward with legislation and we can probably give better instructions to the FCC.

I thank the Senator for his courtesy.

Mr. COHEN. I thank the Senator for raising the issue. It highlights the nature of the problem whereby one company can suddenly come in and decide it wants to give you a different type of service and you must rent this box in order to get what you are already paying for. Sure, there was an outcry, an outrage expressed by consumers. They were told to relax, this is for the future. We are preparing you for interactive television. They got interactive alright with the consuming public, and they were forced to take it down.

The FCC is not in the business to try and stifle developments. As a matter of fact, can we argue today that as a result of the standards developed by the private sector and incorporated by the FCC, that technology has been stifled in the telephone industry? I do not think so.

We are seeing tremendous progress being made. I point out to the Senator from Kentucky that while some people might get hurt, a whole lot of people get helped when you make progress. We are trying to help millions of people in this country acquire the technology cheaper and with greater choice, and hopefully with greater quality. That is the purpose of the amendment. So the telephone industry is a good example of what can take place with the set-top box market.

I might point out that on page three of the amendment, it indicates, "Such regulations shall take into account the needs of owners and distributors of video programming and information services to ensure system and signal security and prevent theft of the programming or services; and, second, the need to ensure the further deployment of new technology relating to converter boxes."

I say to those who are arguing that this is being raised to stifle technology, it is just the opposite. Those against this amendment want to stifle competition. Those who vote for this amendment will vote for the Consumer Federation of America and the Consumers Union.

When the vote comes at 7:30, those people here that are concerned about getting more choice to the public, getting better quality, and getting more competition will vote to support the amendment.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. PRESSLER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COHEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COHEN. Mr. President, just before our time expires, I want to indicate that this amendment certainly is not a partisan issue, as you can see from the debate that has taken place, with the Senator from Nebraska joining the Senator from Maine, and others who have expressed support for this amendment.

I also point out that in the other body, Congressman BLILEY, the chairman of the House Commerce Committee, and also Congressman MARKEY, the ranking member on the House Telecommunications Subcommittee, have endorsed the legislation and, in fact, have reported it out of the committee. So the legislation is bipartisan in the House. I hope the bipartisan support for this amendment will be reflected in the vote here this evening.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PRESSLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRESSLER. Mr. President, an up or down vote has been agreed to.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays are ordered.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1263 offered by the Senator from Maine [Mr. COHEN].

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MACK (when his name was called). Present.

Mr. LOTT. I announce that the Senator from Texas [Mr. GRAMM], the Senator from Arizona [Mr. MCCAIN], the Senator from Alabama [Mr. SHELBY], and the Senator from Arkansas [Mr. STEVENS] are necessarily absent.

Mr. FORD. I announce that the Senator from Delaware [Mr. BIDEN] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 30, nays 64, as follows:

[Rollcall Vote No. 245 Leg.]

YEAS—30

Ashcroft
Boxer
Bradley
Bumpers
Byrd
Chafee
Cohen
Feingold
Feinstein
Glenn
Graham
Hatfield
Hutchison
Jeffords
Kassebaum
Kerrey
Lautenberg
Leahy
Levin
Lieberman
Moseley-Braun
Pell
Rockefeller
Roth
Simon
Simpson
Snowe
Thompson
Thurmond
Wellstone

NAYS—64

Abraham
Akaka
Baucus
Bennett
Bingaman
Bond
Breaux
Brown
Bryan
Burns
Campbell
Coats
Cochran
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Dole
Domenici
Dorgan
Exon
Faircloth
Ford
Frist
Gorton
Grams
Grassley
Gregg
Harkin
Hatch
Heflin
Helms
Hollings
Inhofe
Inouye
Johnston
Kempthorne
Kennedy
Kerry
Kohl
Kyl
Lott
Lugar
McConnell
Mikulski
Moynihan
Murkowski
Murray
Nickles
Nunn
Packwood
Pressler
Pryor
Reid
Robb
Santorum
Sarbanes
Smith
Specter
Thomas
Warner

ANSWERED "PRESENT"—1

Mack

NOT VOTING—5

Biden
Gramm
McCain
Shelby
Stevens

So the amendment (No. 1263) was rejected.

Mr. HOLLINGS. Mr. President, I move to reconsider the vote by which the motion was rejected.

Mr. PRESSLER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PRESSLER. Mr. President, I hope the Senator from North Dakota will bring his amendment forth.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, my understanding is the pending business is the Dole amendment. I ask unanimous consent that the Dole amendment be set aside so that I might offer an amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 1264

(Purpose: To require Department of Justice approval for Regional Bell Operating Company entry into long distance services)

Mr. DORGAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for himself, Mr. SIMON, Mr. KERREY, Mr. REID, and Mr. LEAHY, proposes an amendment numbered 1264.

The amendment is as follows:

On page 82, line 23, beginning with the word "after", delete all that follows through the words "services" on line 2, page 83 and insert therein the following: "to the extent approved by the Commission and the Attorney General".

On page 88, line 17, after the word "Commission", add the words "and Attorney General".

On page 89, beginning with the word "before" on line 9, strike all that follows through line 15.

On page 90, line 10, replace "(3)" with "(C)"; after the word "Commission" on line 17, add the words "or Attorney General"; and after the word "Commission" on line 19, add the words "and Attorney General".

On page 90, after line 13, add the following paragraphs:

"(4) DETERMINATION BY ATTORNEY GENERAL.—

"(A) DETERMINATION.—Not later than 90 days after receiving an application made under paragraph (1), the Attorney General shall issue a written determination with respect to the authorization for which a Bell operating company or its subsidiary or affiliate has applied. In making such determination, the Attorney General shall review the whole record.

"(B) APPROVAL.—The Attorney General shall approve the authorization requested in any application submitted under paragraph (1) only to the extent that the Attorney General finds that there is no substantial possibility that such company or its subsidiaries or its affiliates could use monopoly power in a telephone exchange or exchange access service market to impede competition in the interLATA telecommunications service market such company or its subsidiary or affiliate seeks to enter. The Attorney General shall deny the remainder of the requested authorization."

"(C) PUBLICATION.—Not later than 10 days after issuing a determination under paragraph (4), the Attorney General shall publish the determination in the Federal Register."

On page 91, line 1, after the word "Commission" add the words "or the Attorney General".

AMENDMENT NO. 1265 TO AMENDMENT NO. 1264

(Purpose: To provide for the review by the Attorney General of the United States of the entry of the Bell operating companies into interexchange telecommunications and manufacturing markets)

Mr. THURMOND. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. THURMOND], for himself, Mr. D'AMATO and Mr. DEWINE, proposes an amendment numbered 1265 to amendment No. 1264.

Mr. THURMOND. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 82, line 23, strike "after" and all that follows through "services," on page 83, line 2, and insert in lieu thereof "to the extent approved by the Commission and the Attorney General of the United States,".

On page 88, line 17, insert "and the Attorney General" after "Commission".

On page 89, line 3, insert "and Attorney General" after "Commission".

On page 89, line 6, strike "shall" and insert "and the Attorney General shall each".

On page 89, line 9, strike "Before" and all that follows through page 89, line 15.

On page 89, line 16, insert "BY COMMISSION" after "APPROVAL".

On page 90, between lines 9 and 10, insert the following:

"(C) APPROVAL BY ATTORNEY GENERAL.—The Attorney General may only approve the authorization requested in an application submitted under paragraph (1) if the Attorney General finds that the effect of such authorization will not substantially lessen competition, or tend to create a monopoly in any line of commerce in any section of the country. The Attorney General may approve all or part of the request. If the Attorney General does not approve an application under this subparagraph, the Attorney General shall state the basis for the denial of the application.".

On page 90, line 12, strike "shall" and insert in lieu thereof "and the Attorney General shall each".

On page 90, line 17, insert "or the Attorney General" after "Commission".

On page 90, line 19, insert "and the Attorney General" after "Commission".

On page 91, line 1, insert "or the Attorney General" before "for judicial review".

On page 99, line 15, strike out "Commission authorizes" and insert in lieu thereof "Commission and the Attorney General authorize".

On page 99, line 18, insert "and the Attorney General" after "Commission".

On page 90, line 6, after "necessity", insert: "In making its determination whether the requested authorization is consistent with the public interest, convenience, and necessity, the Commission shall not consider the effect of such authorization on competition in any market for which authorization is sought."

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. DORGAN. I am happy to yield.

Mr. DOLE. Is there a time agreement on this amendment?

Mr. HOLLINGS. Not yet, no.

Mr. DOLE. Would there be a possibility of having a time agreement?

Mr. DORGAN. I would not agree to a time agreement at this point. This is one of these major issues on this bill. I think that we have an amendment in the second degree. I think this will have to be explored at some length.

Mr. HOLLINGS. Could we agree to debate it tonight and vote first thing tomorrow?

Mr. DORGAN. I would not agree to that time agreement.

Mr. PRESSLER. If my colleague will yield, if we could debate all this evening, and have a vote at 9 in the morning, would that be agreeable?

Mr. DORGAN. My point is, I do not want to agree to a time agreement on these issues. We have two amendments on the Department of Justice's role here. This is I think one of the central issues in this bill. If you are suggesting that we ought to now, in the next few hours, debate when a number of Members will probably not be here and have a vote in the morning, I do not think that there is an urgency on this bill to move to a vote on one of the central issues in this bill by 9 o'clock in the morning. So I would not agree to a time agreement at this point.

Mr. PRESSLER. If my colleague will yield, we could debate until midnight or beyond, and Members who wish to speak could speak tonight and vote at 9 in the morning. Everybody could speak who wants to speak this evening.

Mr. DORGAN. I would respond that I do not at this point propose to accept a time agreement. I think what we ought to do is have the debate and see which of our colleagues wish to weigh in on these issues. This is, as I said, one of the central issues in this bill. I think at least from my observations there are many Members on both sides who will want to be heard, and many of them want to be heard at some length on these two amendments. I think it is premature to be seeking a time agreement.

Mr. DOLE. Will the Senator yield? But we are prepared to debate it at some length tonight; is that correct?

Mr. DORGAN. Oh, yes.

Mr. DOLE. There will be no more votes tonight. We will try to see what happens in the next couple of hours. It is a very important amendment, and it is central to the debate. I do not have any quarrel with the amendment of the Senator from North Dakota nor the Senator from South Carolina. I am not trying to crowd anyone. I want my other colleagues to know what they can expect.

So I think it is safe to say, if it is all right with the Democratic leader, there will be no more votes tonight. We will take another look at it at 10 o'clock, 11, whatever, whoever is still here.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota has the floor.

Mr. DORGAN. Mr. President, as Members know, I offered the amendment and the amendment has been second-degreed by an amendment offered by Senator THURMOND, and we will, I expect, debate the merits of both amendments at this point.

As I indicated to the majority leader, this is, I think, one of the central issues in the telecommunications bill that the Senate must consider.

When I spoke this afternoon on this legislation, I talked about the breathtaking changes in our country especially in the area of telecommunications, technology, the building of the information superhighway. I also talked about what telecommunications technology means to the people in this country and our future.

I must say that the people in the private sector in our country have been investing money, and taking risks. I commend them for that. The risk-taking entrepreneurs, I think have brought enormous fruits of accomplishment to our country. Their advances in technology will improve life in our country in many, many ways. It creates jobs; it provides entertainment. It does many, many things that are important for our country.

The question of how we develop the information superhighway, who benefits from it and what are the rules in a competitive economy we are now confronting.

The industry, dealing with 1930's laws that were originally established in telecommunications, has been out developing its own course largely because there have not been guidelines established by Congress. The Senator from South Dakota and the Senator from South Carolina now bring to the floor a piece of legislation that says let us update the 1930's laws and let us talk about the guidelines, what are the conditions of competition. And this legislation, I think, has a lot to commend it to the Members of the Senate.

So I have supported the legislation out of the Commerce Committee but have indicated that I feel there are some problems with the legislation, one of which is the role of the Justice Department in establishing the criteria for when competition exists with respect to local service carriers and when those local service carriers, namely, the regional Bells, can go out and engage in long distance competition.

The Commerce Committee passed a telecommunications bill last year, and a bill was passed by the entire House of Representatives, that included provisions with respect to the tests that should be met before the Bell systems should go out and begin to compete in long distance.

That test was very simple. It's called the VIII(c) test. VIII(c) provides a test for the Department of Justice to perform its assigned and accustomed role to determine when there is competition in local service and when then the Bell systems will be allowed to go out and compete in long distance service.

VIII(c) existed last year in the telecommunications bill that was passed in the House and the Senate Commerce Committee. All of a sudden this year that test vanishes. That's why I propose in my amendment to establish the VII(c) test.

Some say, gee, that is a radical requirement, an VIII(c) test for the Justice Department. So radical, it is exactly what the House passed last year, so radical it is exactly what the Senate Commerce Committee passed last year. It is not radical at all. It is exactly what the Justice Department role should be in evaluating when sufficient competition exists in the local exchanges so that the Bell systems will be free to engage in long distance services.

I wish to remind my colleagues of the experience we have had with airline deregulation. When we deregulated the airlines we said that the role of determining when sufficient competition existed and whether mergers should be allowed will be assumed by the Department of Transportation. The Department of Justice shall have a consultative role.

What has happened as a result of that? Well, you have all seen what has happened. We have seen the large airlines in this country grow larger through acquisition and merger. They have bought up the regional carriers. So now we have fewer airlines and bigger airlines; in other words, less competition.

It is interesting to me that when we have seen some of these mergers proposed, the Department of Transportation consults with the Department of Justice, and the Department of Justice says, well, we do not think this merger would be in the country's interest from a competitive standpoint; we think it would diminish competition. And then the Department of Transportation says, we do not care about that; we are going to allow the merger to occur anyway.

That is a sample of what happens when you take the Justice Department out of the decision making in these areas.

Now, we have, over a long period of time in this country, established the Justice Department as the referee in the issue of where and when sufficient competition exists with respect to questions like this. But this bill comes to the floor and says well, now, let us see if we can do something different. Let us take the Justice Department; let us clip their wings. Let us defang the Justice Department with respect to its ability to make judgments about what is in the public interest and what is not in the public interest in this particular area.

I listened intently about the subject of competition. Members of the Senate have come to the floor of the Senate and talked about the market system and competition. I think the market system is a wonderful thing, and it has brought this country enormous benefits. It is the way this country has become as strong as it is—market system, free and open competition.

But if you believe in the market system and competition, then you have to, in my judgment, stand up for these kinds of issues. You have to stand up for the role of the Justice Department to investigate and evaluate what represents antitrust, what kinds of conditions must we insist upon to ensure competition, because if you are not standing up for those kinds of things that ensure competition, in my judgment you are no friend of the marketplace. You are no friend of free markets. That is the reason I offer this amendment to the Senate tonight.

This amendment utilizes the standard that is found in section VIII(c) of the modified final judgment with which most of us are familiar. This amendment requires the Bell systems to show there is no substantial possibility that it could use its monopoly power to impede competition in the long distance market.

The standard I propose is well understood. It has been applied by the Department of Justice and the courts since 1982. The standard protects competition in long distance services by limiting the entry to cases where local monopolies have ceased to exist or the potential for abuse of power in local markets is absent.

Now, under the bill as reported, as I have indicated, the Bell systems need only apply to the FCC to enter long distance services, and the FCC would use what is called a public interest standard and determine that the Bell systems have completed the competitive checklist. They might ask the Justice Department in a consultative role but it will not matter, because the FCC will make the judgment.

Well, the problem with that is this. The FCC is a regulatory agency and the Department of Justice is the agency that has had over time and does have the capability of evaluating the issue of competition.

The Department of Justice is the agency with the expertise in protecting and promoting competition in telecommunications markets. It was the Department of Justice that investigated and sued to break up the Bell system monopoly, which resulted in making the long distance and manufacturing markets competitive.

All of us understand what has resulted from that. Those areas of the telecommunications system that are competitive, namely, now long distance and manufacturing—and let me say, especially long distance—those areas have produced enormous rewards for the consumers: lower prices and substantial changes in opportunity for choice. You can go to any one of hundreds of long distance carriers these days and find a wide variety of choices at competitive prices, prices much, much lower than consumers paid when the old monopoly system existed.

I have indicated that we have seen what has happened with respect to another deregulation model, airlines. When the airline deregulation occurred and the opportunity to judge the competitiveness of certain future structures was given not to the Department of Justice, but instead to the Department of Transportation, we understand what happened. The consumer, in my judgment, has been shortchanged. Mergers that should not have been allowed which the Department of Justice said were anti-competitive were allowed by the Department of Transportation.

If we do not change this bill, if we do not impose this VIII(c) test, in my judgment, we will be left in the same position with respect to telecommunications as we have been with the airlines, and it will not be a friendly position for the American consumer.

The fact is the Department of Justice has promoted competition in the telecommunications industry under both Republican and Democratic administrations. The AT&T investigation began under the Nixon administration. The suit was filed under the Ford administration. It was pursued through the Carter administration, and it was settled during the Reagan administration. On a bipartisan basis, the Department of Justice, I think, has stood up for the interests of the American consumer, attempting to require and impose a competitive test.

You have heard in discussion on the floor of the Senate that the breakup of the Bell system meant that long distance telephone rates have dropped 66 percent and the long distance competitors have constructed four nationwide fiber optic networks in this country, which is now the backbone of the information superhighway.

If we do not include in the telecommunications legislation the kind of amendment I am proposing, the role that would traditionally have been the role for the Department of Justice will become the burden of enforcement for the FCC. The FCC, I think, clearly is ill-equipped to adequately serve that function.

In 1987, the GAO reported that at its existing staff level, the FCC would be able to audit carrier cost allocations in order to protect ratepayers from cross-subsidization only once every 16 years, and then only on the major carriers.

A 1993 GAO report found that as of 1992, the FCC staff of 14 auditors could, on average, cover the highest priority audit areas once every 11 years and all audit areas once every 18 years. The GAO concluded in that February 1993 report that at the current staffing level, the FCC cannot, in the GAO's words, "provide positive assurance that ratepayers are protected from cross-subsidization."

The only way, in my judgment, to assure that true competition is existing at the local level—and when that exists we free the Bell systems to compete in the long distance area—but the only way to assure that true competition exists is to look at the actual marketplace facts, and the place to do that, the proper place to do that is in the Department of Justice.

I mentioned earlier that last year the very test that I am proposing today for this legislation was in the bill passed by the House of Representatives. That bill passed in the U.S. House with 420 votes. The Senate Commerce Committee passed legislation by an 18 to 2 vote, and it included what I now propose we add to this legislation. So it will be interesting to hear the cries of those who come to the floor and say, "Gee, this is way out of bounds, this is really radical stuff you are proposing." I want to hear the wailing of those who oppose this and ask them if what the House of Representatives did with 420 votes last year or what the Senate Commerce Committee did by an 18 to 2 vote last year was truly radical, or has somehow the public interest standard changed in 12 months? And if so, what is that change? Did the election last year tell us that the Department of Justice had to have its wings clipped with the question of whether or not there is competition before we decide to change the circumstances under which the Bell systems can compete for long distance? I do not think so.

I think the American people expect and the American people would require us to believe that competition is fair competition and that true competition exists before we decide to allow the Bell systems to get involved in long distance and potentially create monopolistic conditions in a segment of the industry that is now highly competitive.

I want to read some comments about last year's test, which I now propose in this year's bill. James Cullen, the president of Bell Atlantic, March 8, 1994, wrote a letter to Senator HOLLINGS, and he said this about the standard I am now proposing:

> The section VIII(c) standard is the correct test for whether a Bell company should be allowed to provide interstate long distance services. Under this test, the restrictions imposed on a Bell company shall be removed upon a showing by the petitioning BOC that there is no substantial possibility that it could use its monopoly power to impede competition in the market it seeks to enter.

Cullen also confirmed that the VIII(c) test was the appropriate test when he testified before the Senate Commerce Committee on May 12, 1994.

The CEO of Pacific Telesis, Sam Guinn, wrote to Senator HOLLINGS on March 16, 1994, stating this:

> The VIII(c) test—the ability to impede competition in the market we're entering, the long distance market—is the appropriate test. A test based on local competition just won't work.

William Weiss, then chairman and CEO of Ameritech, wrote to Senator Danforth saying:

> An entry test, based on antitrust principles, must focus on conditions in the market one is seeking to enter. The modified final judgment (MFJ) provides just such a test. * * * The MFJ provides that the line of business restrictions, including the long distance prohibition, shall be removed when there is no substantial possibility that a regional company could use its monopoly power to impede competition in the market it seeks to enter.

Again, that is from William Weiss, then chairman and CEO of Ameritech.

In fact, Ameritech recently reached an agreement with the Justice Department to conduct a trial to offer long distance service from Grand Rapids, MI, and Chicago, IL. Under that trial, the Department of Justice would have to evaluate competitive conditions in the marketplace to determine that those conditions ensure there is "no substantial possibility that commencement of the experiment could impede competition in interLATA service."

That trial not only uses the VIII(c) standard, but it also requires that actual competition exists prior to Ameritech offering long distance services.

I had the opportunity to visit with Anne Bingaman at the Justice Department, who is in charge of the Antitrust Division, about this very agreement. It is interesting that this agreement uses the VIII(c) test.

There are plenty of claims and there is a great deal of discussion on the floor about this issue, largely because it is an issue that is very controversial at this point.

We have a bill before us that deals with literally hundreds of billions of dollars of revenue to very important segments of our economy, and the industry's breakdown between the long distance industry, the local service carriers. I understand why they would use some of these things in their own self-interest. I am not interested in their self-interest at this point. I want the telecommunications industry to do well, and I want them to do well especially for our country.

My interest, however, on the floor of the Senate is the public interest. The question is not what benefits them. The question is what benefits the American citizens in the longrun? What benefits our country? What advances our country's economic interests, our public interests?

I think if we evaluate that, we will understand that imposing a requirement that competition exist at the local level before we unharness in the modified final judgment the Bell systems to go compete in the long distance system is in the best public interest. I know some make the case that is not necessary; the FCC can do it. Some make the case that the Justice Department role should not be such a strong role. But they do that, in my judgment, because they represent—or they argue the interests of an $80 to $100 billion enterprise out there, the enterprise of local service carriers who want to do something and are prevented from doing it now and who want to be able to unharness themselves with the least possible difficulties. I do not want to put up roadblocks. If they want to compete in long distance, they have every right to do it, as long as they are allowing competition in the local exchanges.

The question is, how can you demonstrate that? All of us understand that it is easy to decide to say you are now allowing local competition. It is easy to create conditions in which you try to demonstrate that is the case, but even as you create conditions to demonstrate that is the case, you can suddenly create other conditions to make it more difficult. Everyone understands that. That is the danger and the dilemma.

We are interested in this VIII(c) test, in true competition. We are not interested in theory. We are interested in when true competition exists in the local exchanges, because when it exists, then there is no disagreement on the floor of the Senate about whether the Bells ought to be able to involve themselves in long distance service. Of course, they should.

But the question is when it exists, and who should be the arbiter of that? Those who argue for a weaker standard in the Department of Justice, in my judgment, are making a very serious mistake. It is a mistake that was not made in the last session by the House of Representatives or by the Commerce Department. But something has changed. I do not think it is the facts. I think the political dynamic has changed in some way, and I hope that the public interest need prevails on this issue.

The public interest need, in my judgment, is to have the U.S. Justice Department play the role they have always played on behalf of the American citizens—to make sure there is robust, healthy competition. When it exists, then we unleash the opportunities for those who now have monopolistic power to get involved in the long distance service. But until it exists, they should not be allowed to do so. Until the Justice Department—the Department with the experience, background and knowledge to make that judgment—is given full opportunity to do so by amending this portion of the bill, I think the American people will be shortchanged. I hope that we will, at this point, reject the second-degree amendment when we get around to voting and that we will adopt the VIII(c) standard. I expect there will be a lot of discussion between us in the intervening hours today, tomorrow, Monday, or whenever we vote on these issues. I think this will be one of the most important issues that we resolve on the floor of the Senate as we seek to advance legislation establishing new rules for the 1990's and into the next century in the telecommunications industry.

Let me finish with one additional statement about this issue, and then I want to speak to other areas at some point later in the debate. There is ample discussion on the floor of the Senate about the fruits of competition in these areas. I come from a part of the country where I swear that there will not be much competition. A county of roughly 3,000 people is not going to attract a lot of competitors. A hometown of 300 people is not going to be the cause of fierce competition between eight carriers who want to serve these 800 people. That is not the way competition works. Competition exists in a free market to maximize profits in areas where you yield maximum returns. That is in the affluent neighborhoods of America, in the population centers of America. That was true under deregulation of the airlines, and it will be true under deregulation of the telecommunications industry.

That is why another part of this bill that I care very much about are the protections in this bill for rural America—not protections against competition, but protections to make sure we have the same benefits and opportunities in rural America for the build-out of the infrastructure of this telecommunications revolution, as we will see in Chicago, Los Angeles, New York, and elsewhere. Our citizens are no less worthy of the opportunities that are brought to them by this industry than citizens who live in the biggest cities of our country.

I think once we establish the public interest tests of this legislation, we must do it not only with respect to the role of the Department of Justice, which is important, but also with respect to the issue of universal service and with respect to the issue of concentration of ownership in broadcast facilities. I think if we address those properly, and if we do our jobs the way I think people expect us to, I think we will have produced a good bill—good for this country, good for all citizens of this country regardless of where they live.

With that, Mr. President, I yield the floor.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, I rise today with Senators D'AMATO and DEWINE to offer an amendment to ensure that fundamental antitrust principles will be applied by the Antitrust Division of the Department of Justice to determine when the Bell Operating Companies should be allowed into the long distance and manufacturing markets. My amendment establishes a legal standard to be applied by the Justice Department based on section 7 of the Clayton Act, which the Congress passed in 1914. Under this standard, the Bell companies would be permitted to enter into long distance and manufacturing unless the effect of entry would "substantially lessen competition, or tend to create a monopoly."

Section 7 of the Clayton Act is the well-established and well-known standard used nationwide to determine whether mergers and joint ventures—which affect the economic course of our country—are pro-competitive or not. Indeed, we rely on this Clayton section 7 standard even in areas of national security, as in the recent merger of defense giants Lockheed and Martin Marietta. In the same way, this antitrust standard should be used to determine whether competition and consumers will be served by Bell company entry into new markets.

As chairman of the Judiciary Committee's Antitrust, Business Rights, and Competition Subcommittee, I firmly believe that we must rely on the longstanding bipartisan principles of antitrust law in order to move as quickly as possible toward competition in all segments of the telecommunications industry, and away from regulation. Applying antitrust concepts is vital to ensure that free market principles will work to spur competition and reduce government involvement in the industry.

The standard for permitting Bell company expansion from their local exchange markets into long distance and manufacturing may well be the most important antitrust question in this legislation. This issue results from the 1982 antitrust settlement which divided the single Bell system monopoly into the seven regional Bell companies, and limited the lines of business they could pursue. The debate centers on whether those seven Bell companies should be allowed into long distance and manufacturing markets while maintaining their current market position in local telephone service. The concern is that despite detailed rules, the Bell companies may be able to use their market power in local telephone service to harm competition in the long distance and manufacturing markets where competition already exists.

It is generally desirable to have as many competitors as possible in each market. I want to make clear that the Bell companies certainly should be allowed to enter long distance and manufacturing under appropriate circumstances. The question is merely when. But the Bell companies should not be allowed to enter without consideration of whether their entry will harm competition. S. 652 does not require antitrust analysis on this point and provides only a minimal consulting role for the Department of Justice.

As drafted, S. 652 allows the Bell companies to get into the long distance and manufacturing markets if they meet a checklist and the FCC finds that entry is in the public interest. The checklist is intended to permit other companies to enter the Bell companies' local exchange markets and compete with the Bells. But the checklist does not require that anyone actually compete with the local exchange monopoly. Moreover, S. 652 appears to require only a single interconnection agreement between a Bell company and a potential competitor—no matter how small—before the Bell company can seek to enter long distance.

Mr. President, I am not confident that this checklist will be adequate to take the place of thorough antitrust analysis. It would be unwise to ignore antitrust analysis. It would be unwise to ignore antitrust principles and risk harm to the substantial competition which has developed in telecommunications markets over the last dozen years through the application of antitrust principles.

The Clayton section 7 standard in my amendment is much more moderate than the so-called "VIII(c)" test from the Modification of Final Judgment which broke up the Bell system monopoly. It is my belief, as one long interested in competition and our antitrust laws, that the language from Clayton section 7 is the best standard to employ. This standard permits the flexible analysis needed to determine when the Bell companies should be allowed to enter into long distance and manufacturing markets.

The Clayton section 7 test would permit Bell company entry into long distance and manufacturing unless entry would substantially lessen competition. Clearly, we should not permit entry which would not only lessen competition, but would substantially lessen competition. The Clayton section 7 standard is well understood and can be fairly applied to ensure ongoing competition in telecommunication markets. The Clayton standard has been applied in each merger in the telecommunication industry, including several large recent ones. This standard provides the proper incentives to the Bell companies to encourage them to open local monopolies to competition, rather than meeting the minimal requirements of a checklist.

Let me make very clear that this Clayton section 7 standard does not necessarily require the Bell companies to lose any market share or even face actual competition in their local exchange markets. The Bell companies often assert that their entry into long distance and manufacturing would benefit competition. If this is true, they could enter those markets promptly under a Clayton section 7 standard, because competition would not be substantially lessened.

Although the Bell companies may not support this standard, it is noteworthy that in the past Bell companies were less critical of the more stringent VIII(c) test. In fact, there was agreement among Bell companies concerning the VIII(c) test in the last Congress when negotiating over telecommunications legislation. If the higher standard of the VIII(c) test was acceptable last year, the familiar Clayton section 7 standard should be considered far more reasonable.

If this antitrust analysis is to be undertaken, as I and many other Members believe it should, the Antitrust Division of the Department of Justice has the necessary background and expertise to conduct the analysis. The Justice Department has some 50 attorneys and other professionals with antitrust expertise in the telecommunications area. The Justice Department was responsible for the breakup of the Bell system monopoly which has resulted in significantly greater competition, and has been continually involved in the industry since that time.

It would be redundant and inefficient to ignore the proven track record and expertise of the Justice Department and begin to develop such know-how in another agency. The Federal Communications Commission does not have expertise in antitrust law, and history shows that it is not desirable to attempt to develop antitrust expertise across a range of Federal agencies. For example, it is now recognized that the Department of Transportation did not give adequate weight to antitrust principles when it conducted its own antitrust analysis of airline mergers. Although the Justice Department had a consulting role, the Transportation Department disregarded the important antitrust expertise of the Justice Department, and approved deals which have resulted in excessive concentration in the airline industry, and higher prices for consumers. It is vital that we avoid this mistake here.

Mr. President, these antitrust issues in the telecommunications legislation affect a huge sector of our economy, and impact every consumer and business in our Nation. The hearing by the Antitrust, Business Rights, and Competition Subcommittee, which I chaired last month, confirmed the importance of ensuring that S. 652 embraces antitrust principles which are adequate to encourage competition and benefit consumers. These principles have been tested and refined by more than 100 years of antitrust analysis and experience in our Nation.

The purpose of the antitrust laws is not to favor one group over another, but to apply objective principles to encourage competition for the benefit of consumers. When antitrust principles are observed, competition is maximized resulting in lower prices, better services and products, and more innovation for the benefit of consumers and our Nation. If antitrust principles are ignored, however, competition is likely to suffer and concentration of market power in a few companies may lead to harm to consumers, less innovation, and the end of our country's leadership in telecommunications.

Finally, I would note that despite the current claims by some, this important issue of Bell company entry generally has not been partisan in the past. In addition to the concerns of Democratic Members and the current Administration, Republicans have long been champions of applying our antitrust laws in the telecommunications field. In fact, the break up of the Bell system monopoly resulted from the antitrust investigation by the Justice Department begun during the Nixon Administration, from antitrust litigation brought by the Justice Department during the Ford Administration, and from the settlement by Assistant Attorney General William Baxter during the Reagan Administration. In fact, Mr. Baxter wrote to me last month on this subject, encouraging an ongoing role for the Department of Justice in determining when the Bell companies should get into other lines of business, which I included in my Antitrust Subcommittee hearing record. The current antitrust head at the Department of Justice asserts that same position.

For all of these reasons, I urge my colleagues to support this amendment.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. PRESSLER. Mr. President, I think we have come to a key part of this debate. As I see it, we are trying to decide whether or not the Department of Justice should have a regulatory role in this whole matter.

Under the bill brought to the floor by Senator HOLLINGS and me and others, and by the Commerce Committee, there is a checklist test at the FCC and there is a public interest test at the FCC. There is also required that the Attorney General be consulted. And he might make a recommendation based on the VIII(c) test, or he might make a recommendation based on the Clayton Act, or he might make a recommendation on public interest standards.

The Justice Department is not supposed to be a regulatory agency. Its duties are in the antitrust area. If we adopt either of these amendments, we are basically continuing to employ about 200 people over at Justice who are regulators and not people who interpret antitrust law. We are making the Department of Justice into a regulatory agency when it is supposed to be dealing with interpretations of antitrust law.

What has happened under Judge Greene's order, partially out of necessity, is that the Justice Department began hiring whole legions of people over there to administer the consent decree. For example, the Ameritech waiver has been cited. The Ameritech company in the Chicago area has been, quite rightly, allowed to do some things by the Department of Justice under Judge Greene's consent decree. And quite appropriately, because Congress has not acted.

That is one thing about this bill. We are at least trying to get Congress to do this instead of the courts. But if we allow the Justice Department to begin regulating, it will be like in the Ameritech decision. I am not saying the Ameritech decision is wrong, but it shows how the Justice Department likes to use its people as regulators.

That Ameritech waiver, the proposed waiver, creates a highly regulatory process under which Ameritech may be able to obtain temporary interLATA authority, but only on a resale basis and only for calls originating from the Illinois portion of the Chicago LATA and the Grand Rapids LATA in Michigan, areas that serve only 1.2 percent of the area's population.

But the point is, the chief regulator in this process is the Department of Justice, the same Department that has frequently taken from 3 to 5 years to process waivers under the existing decree. So this means we are probably adding 3 to 5 years of regulation if we adopt the amendment by my friend from North Dakota. This is more Government regulation. This is supposed to be a deregulatory bill. We are supposed to be deregulating here, but we are adding another formal layer of regulation.

We have already pointed out that the Ameritech decision is illustrative of the regulatory function of the Department of Justice. And they want to keep these people employed over there. They want to keep on being regulators. They want to be something other than what they are constitutionally created to be. After this bill passes, the Department of Justice will not have to carry out that role. That will save the taxpayers a lot of money; moreover, it will lessen regulation. Indeed, I would like someday to see the FCC substantially reduced.

But under this amendment we are not only keeping the FCC using both the checklist and the public interest standard, we are also going a step further and saying after they get through we are going to send it over to Justice and do the same thing all over again with another set of regulators. That will take 3 to 5 years, I do not care how you slice it, because that is the way it has been in the past and that is the way the Department of Justice functions. Anything that goes over there, it will take 3 to 5 years to get a decision out and there is ample evidence to illustrate that.

The point I made about Ameritech is that it shows the Department of Justice likes even to write telephone books over there. That is not the business they are supposed to be in. They are in the business of antitrust and the big picture of law.

The Dorgan amendment would give the Department a separate, independent clearance in addition to the FCC's clearance for determining whether the Bell operating companies have complied with the checklist for opening their networks to their new competitors.

Providing this authority to the Justice Department is unprecedented. The Antitrust Division of the Justice Department has never had decisionmaking authority over regulated industries or any industry. Justice was given a role under the modified final judgment, the consent decree which governed the breakup of AT&T. One of the key reasons for passing telecommunications legislation is once and for all to establish national policy, thus phasing out the MFJ.

How is the modified final judgment administered today? The U.S. district court retains jurisdiction over those companies that were party to the MFJ. The court then asked the Justice Department Antitrust Division to assume postdecree duties. The Antitrust Division provides Judge Harold Greene of the district court with recommendations regarding waivers and other matters regarding the administration of the MFJ.

Does the Antitrust Division have decision authority over the MFJ? No. The U.S. district court, in the person of Judge Greene, has sole decisionmaking authority over the administration of the MFJ. The Antitrust Division at Justice essentially acts as Judge Greene's staff attorneys. Obviously, those several hundred attorneys in Justice want to keep their jobs, and the Justice Department wants to keep that bureaucracy going.

Let us review the kind of job that has been done there by those regulators in the Justice Department. First of all, the Justice Department has not conducted triennial reviews effectively, or every 3 years, as it is supposed to. When the MFJ was instituted, Justice said it would conduct reviews every 3 years, known as the Triennial Review, to make recommendations to the court regarding the continued need for restrictions implemented under the MFJ. The Triennial Reviews were to provide parties to the MFJ with a "benchmark" by which to gain relief.

Since 1982, only one Triennial Review has been conducted.

Waiver requests: Justice is slow—very, very slow. Bell operating companies are required under the MFJ to obtain DOJ review of waiver requests before filing with the district court.

In 1984, Justice disposed of 23 waiver requests with the average age of waivers pending at Justice being 2 months. In 1994, Justice disposed of 10 waiver requests with the average age of the 30 waivers pending at DOJ at the end of the year being approximately 30 months. That is, people had to wait 30 months for a decision.

Justice review of the waiver requests takes almost as much time for each waiver as the time that was intended to elapse between the Triennial Reviews, which have not been done. One may think that many of these waiver requests must be controversial because they take so long for Justice to make a decision. This is not the case. In fact, the district court has approved about 96 percent of the waiver requests filed before it.

So I say we should say no to a coequal Justice role in regulation.

The Justice track record in fulfilling its obligations under the MFJ is poor. Why would Congress wish to give the Department an unprecedented role that they do not have under the existing MFJ?

S. 652 gives Justice a role but instead of reporting to Judge Greene with its recommendations, the Justice Department would make its recommendations to the FCC, the proper authority.

There is no reason why two federal entities should have independent authority over determining whether the very clear congressional policy has been met.

THE U.S. DEPARTMENT OF JUSTICE SHOULD NOT CONTROL BELL CO. ENTRY INTO NEW LONG DISTANCE

The U.S. Department of Justice is asking that it be given a "decisionmaking" role in the process of reviewing applications for Bell Co. entry into long distance telephone service. A grant of such authority to Justice is unprecedented. It goes far beyond the historical responsibility of Justice, is a significant expansion of the Department's current authority under the MFJ; and raises constitutional questions of due process and separation of powers.

First, assigning a decisionmaking role to Justice is unprecedented.

The Antitrust Division of the U.S. Department of Justice has one duty: to enforce the antitrust laws, primarily the Sherman and the Clayton Acts.

It has never had a decisionmaking role in connection with regulated industries. The Department has always been required to initiate a lawsuit in the event it concluded that the antitrust laws had been violated. It has no power to disapprove transactions or issue orders on its own. While the U.S. district court has used the Department of Justice to review requests for waivers of the MFJ, the Department has no independent decisionmaking authority. That authority remains with the courts.

Second, decisionmaking authority should reside in the agency of expertise.

In transportation, energy, financial services, and other regulated businesses, Congress has delegated decisionmaking authority for approval of transactions that could have competitive implications with the agency of expertise, and typically has directed the agency to consider factors broader than simply the impact upon competition in making its determinations. This approach has worked well. It contrasts with the role Justice seeks with regard to telephony.

Third, assigning a decisionmaking role to Justice establishes a dangerous precedent that could be expanded to other industries.

Telecommunications is not the only industrial sector to have a specific group of Justice Department Antitrust Division lawyers devoted to examination of its discrete competitive issues and market structure. The Antitrust Division has a Transportation, Energy and Agriculture Section, a Computers and Finance Section, a Foreign Commerce Section, and a Professions and Intellectual Property Section. The size of the staff devoted to some of these sections is roughly equivalent to that devoted to telecommunications.

If the Department has special expertise in telecommunications such that it should be given a decisionmaking role in the regulatory process, does it not also have special expertise in other fields as well? Today's computer, financial services, transportation, energy and telecommunications industries are far too complex, and too important to our nation's economy, to elevate antitrust policy above all other considerations in regulatory decisions.

Fourth, the Justice Department proposal raises constitutional questions of due process and separation of powers by failing to define an appeals process or an appropriate standard of review for agency determinations.

The Justice Department, in requesting a decisionmaking role in reviewing Bell Co. applications for entry into long distance telephone service, seeks to assume for itself the role currently performed by U.S. District Judge Harold Greene. They want to keep on doing things the way they are but they are going to replace Judge Greene with themselves, unnecessarily so. It does so without defining by whom or under what standards its actions should be reviewed. Typically, as a prosecutorial law enforcement agency, actions by the Department of Justice have largely been free of judicial review. In this case, the Department also seeks a decisionmaking role. As a decisionmaker, would the Antitrust Division's determinations be subject to the procedural protections and administrative due process safeguards of the Administrative Procedure Act? What does this do to the Department's ability to function as a prosecutorial agency? Should one agency be both prosecutor and tribunal?

Congress should reject the idea of giving the Justice Department a decisionmaking role in reviewing Bell Co. applications to enter the long distance telephone business. It is bad policy, bad procedure, and bad precedent.

DOJ IS THE PROBLEM, NOT THE ENTRY STANDARD FOR THE RBOC'S

The Sherman and Clayton Acts give the Justice Department ample authority to assure the RBOC's comply with the antitrust laws as they enter the long-distance business.

I think those two acts, the Sherman and Clayton standards, have come to be known as very good standards. They are under the Justice Department's legitimate role.

The Justice Department has never had a decisionmaking role in connection with regulated industries, or any other industry. The decisionmaking role should reside in the FCC: the agency with the regulatory expertise.

The issue centers around the way the Justice Department administers its current responsibility under the MFJ and the length of time the Department takes to reach its decisions, not what, if any, standard should be applied to RBOC entry into the long distance business.

The Department has consistently interpreted section VIII(c) of the MFJ to mean there must be actual and demonstrable competition, when in fact the section only requires that the entity entering a market not have the "substantial possibility that it could use its monopoly power to impede competition."

The Justice Department has been unable to loosen its grip on the reins of regulation, nor handle issues in a timely fashion. In 1984 the average age of pending waivers was two months. In 1993, the average age of pending waivers was 3 years.

The Department of Justice has one duty: to enforce the antitrust laws. It should not be allowed to become the police officer, judge, and jury for the telecommunications industry.

So, Mr. President, in summary and in conclusion, let me say to my colleagues that we have worked out a bipartisan bill in the Commerce Committee. All Democrats voted for it and two Republicans voted against, and all the other Republicans voted for it in the committee. It is a carefully crafted bill that would be deregulatory yet would protect the public interest and the taxpayers. In that bill we set the standard. We are trying to get everybody into everybody else's business. We are trying to break up the economic apartheid. We are trying to encourage small business entry.

If we can pass this bill, it will be like the gun going off in the Oklahoma land rush because investors and consumers and entrepreneurs will have a road map to take us into the wireless age.

This is a transitional bill, as I see it. If we add another layer of regulation on this bill, if we add the Department of Justice doing the same thing the FCC is doing, then we are merely adding another 3 to 5 years to any decisions. The Justice Department just does not move very fast. We would be giving to the Justice Department, which is supposed to interpret the Sherman and Clayton Acts, a regulatory role. I know there are about 200 lawyers over there in Justice who have been carrying out Judge Greene's orders. They are Judge Greene's attorneys. That is because Congress failed to act.

I am not criticizing Judge Greene. I am not criticizing those attorneys. But in S. 652 we have set up a system and a process that is very fair. There is the competitive checklist, and the FCC can use the public interest standard. The public interest issue was voted on today in this body. We have tried to work these things out.

I know there is a great nervousness between the long distance companies and the regional Bells. But we have reached a balance. These amendments would throw that balance off. But worse, they would disserve the public because the public wants lower cost telephones and lower cost cable rates. They are getting, in this amendment, more regulations, more delays. There would be more delays in developing new devices.

The cellular phone was invented in the late fifties. But because of Government regulation, we did not really see much of them until about 1985. Then the cellular phones came onto the market without much regulation. Now the price is coming down, and more and more people are buying them. Still, it took 40 years because of Government regulation.

That is what this amendment is about. This amendment is for more Government regulation. We need to be deregulators. We need to be procompetitive.

This is a very important amendment. I urge that we vote this amendment down, the underlying amendment, and any second-degree amendment, because this goes to the very heart of the debate in the Senate tonight. It is deregulation. We go on and on with layers of people to approve things going from one agency to another to another to another. We go on and on asking people to wait 3 to 5 years. We have people in the Justice Department who want to oversee the writing of yellow pages in telephone books. They are supposed to be interpreting the Sherman and Clayton antitrust acts. That is what the Justice Department is for. The FCC has another role.

I urge when we come to this that we vote it down. It is a very regulatory amendment.

I yield the floor.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Could I just yield momentarily? I think the Senator from North Dakota has an amendment of clarification to his amendment.

AMENDMENT NO. 1264, AS MODIFIED

Mr. DORGAN. Mr. President, I send a modification to my amendment to the desk, and I might tell the Senate the modification is to form only, not to substance. And I ask the modification be accepted.

The PRESIDING OFFICER. The amendment is so modified.

The amendment (No. 1264), as modified, is as follows:

On page 82, line 23, beginning with the word "after", delete all that follows through page 91, line 25, and insert the following:

"to the extent approved by the Commission and the Attorney General".

"in accordance with the provisions of subsection (c);

"(2) interLATA telecommunications services originating in any area where that company is not the dominant provider of wireline telephone exchange service or exchange access service in accordance with the provisions of subsection (d); and

"(3) interLATA services that are incidental services in accordance with the provisions of subsection (e).

"(b) SPECIFIC INTERLATA INTERCONNECTION REQUIREMENTS.—

"(1) IN GENERAL.—A Bell operating company may provide interLATA services in accordance with this section only if that company has reached an interconnection agreement under section 251 and that agreement provides, at a minimum, for interconnection that meets the competitive checklist requirements of paragraph (2).

"(2) COMPETITIVE CHECKLIST.—Interconnection provided by a Bell operating company to other telecommunications carriers under section 251 shall include:

"(A) Nondiscriminatory access on an unbundled basis to the network functions and services of the Bell operating company's telecommunications network that is at least equal in type, quality, and price to the access the Bell operating company affords to itself or any other entity.

"(B) The capability to exchange telecommunications between customers of the Bell operating company and the telecommunications carrier seeking interconnection.

"(C) Nondiscriminatory access to the poles, ducts, conduits, and rights-of-way owned or controlled by the Bell operating company at just and reasonable rates where it has the legal authority to permit such access.

"(D) Local loop transmission from the central office to the customer's premises, unbundled from local switching or other services.

"(E) Local transport from the trunk side of a wireline local exchange carrier switch unbundled from switching or other services.

"(F) Local switching unbundled from transport, local loop transmission, or other services.

"(G) Nondiscriminatory access to—

"(i) 911 and E911 services;

"(ii) directory assistance services to allow the other carrier's customers to obtain telephone numbers; and

"(iii) operator call completion services.

"(H) White pages directory listings for customers of the other carrier's telephone exchange service.

"(I) Until the date by which neutral telephone number administration guidelines, plan, or rules are established, nondiscriminatory access to telephone numbers for assignment to the other carrier's telephone exchange service customers. After that date, compliance with such guidelines, plan, or rules.

"(J) Nondiscriminatory access to databases and associated signaling, including signaling links, signaling service control points, and signaling service transfer points, necessary for call routing and completion.

"(K) Until the date by which the Commission determines that final telecommunications number portability is technically feasible and must be made available, interim telecommunications number portability through remote call forwarding, direct inward dialing trunks, or other comparable arrangements, with as little impairment of functioning, quality, reliability, and convenience as possible. After that date, full compliance with final telecommunications number portability.

"(L) Nondiscriminatory access to whatever services or information may be necessary to allow the requesting carrier to implement local dialing parity in a manner that permits consumers to be able to dial the same number of digits when using any telecommunications carrier providing telephone exchange service or exchange access service.

"(M) Reciprocal compensation arrangements on a nondiscriminatory basis for the origination and termination of telecommunications.

"(N) Telecommunications services and network functions provided on an unbundled basis without any conditions or restrictions on the resale or sharing of those services or functions, including both origination and termination of telecommunications services, other than reasonable conditions required by the Commission or a State. For purposes of this subparagraph, it is not an unreasonable condition for the Commission or a State to limit the resale—

"(i) of services included in the definition of universal service to a telecommunications carrier who intends to resell that service to a category of customers different from the category of customers being offered that universal service by such carrier if the Commission or State orders a carrier to provide the same service to different categories of customers at different prices necessary to promote universal service; or

"(ii) of subsidized universal service in a manner that allows companies to charge another carrier rates which reflect the actual cost of providing those services to that carrier, exclusive of any universal service support received for providing such services in accordance with section 214(d)(5)

"(3) JOINT MARKETING OF LOCAL AND LONG DISTANCE SERVICES.—Until a Bell operating company is authorized to provide interLATA services in a telephone exchange "area where that company is the dominant provider of wireline telephone exchange service or exchange access service,", a telecommunications carrier may not jointly market in such telephone exchange area telephone exchange service purchased from such company with interLATA services offered by that telecommunications carrier.

"(4) COMMISSION MAY NOT EXPAND COMPETITIVE CHECKLIST.—The Commission may not, by rule or otherwise, limit or extend the terms used in the competitive checklist.

"(c) IN-REGION SERVICES.—

"(1) APPLICATION.—Upon the enactment of the Telecommunications Act of 1995, a Bell operating company or its affiliate may apply to the Commission and Attorney General for authorization notwithstanding the Modification of Final Judgment to provide interLATA telecommunications service originating in any area where such Bell operating company is the dominant provider of wireline telephone exchange service or exchange access service. The application shall describe with particularity the nature and scope of the activity and of each product market or service market, and each geographic market for which authorization is sought.

"(2) DETERMINATION BY COMMISSION.—

"(A) DETERMINATION.—Not later than 90 days after receiving an application under paragraph (1), the Commission shall issue a written determination, on the record after a hearing and opportunity for comment, granting or denying the application in whole or in part.

"(B) APPROVAL.—The Commission may only approve the authorization requested in an application submitted under paragraph (1) if it finds that—

"(i) the petitioning Bell operating company has fully implemented the competitive checklist found in subsection (b)(2); and

"(ii) the requested authority will be carried out in accordance with the requirements of section 252,

and if the Commission determines that the requested authorization is consistent with the public interest, convenience, and necessity. If the Commission does not approve an application under this subparagraph, it shall state the basis for its denial of the application.

"(C) PUBLICATION.—Not later than 10 days after issuing a determination under paragraph (2), the Commission shall publish in the Federal Register a brief description of the determination.

"(4) DETERMINATION BY ATTORNEY GENERAL.—

"(A) DETERMINATION.—Not later than 90 days after receiving an application made under paragraph (1), the Attorney General shall issue a written determination with respect to the authorization for which a Bell operating company or its subsidiary or affiliate has applied. In making such determination, the Attorney General shall review the whole record.

"(B) APPROVAL.—The Attorney General shall approve the authorization requested in any application submitted under paragraph (1) only to the extent that the Attorney General finds that there is no substantial possibility that such company or its subsidiaries or its affiliates could use monopoly power in a telephone exchange or exchange access service market to impede competition in the interLATA telecommunications service market such company or its subsidiary or affiliate seeks to enter. The Attorney General shall deny the remainder of the requested authorization."

"(C) PUBLICATION.—Not later than 10 days after issuing a determination under paragraph (4), the Attorney General shall publish the determination in the Federal Register."

"(4) JUDICIAL REVIEW.—

"(A) COMMENCEMENT OF ACTION.—Not later than 45 days after a determination by the Commission or Attorney General is published under paragraph (3), the Bell operating company or its subsidiary or affiliate that applied to the Commission and Attorney General under paragraph (1), or any person who would be threatened with loss or damage as a result of the determination regarding such company's engaging in the activity described in its application, may commence an action in any United States Court of Appeals against the Commission or the Attorney General for judicial review of the determination regarding the application.

"(B) JUDGMENT.—

"(i) The Court shall enter a judgment after reviewing the determination in accordance with section 706 of title 5 of the United States Code.

"(ii) A judgment—

"(I) affirming any part of the determination that approves granting all or part of the requested authorization, or

"(II) reversing any part of the determination that denies all or part of the requested authorization, shall describe with particularity the nature and scope of the activity, and of each product market or service market, and each genographic market, to which the affirmance or reversal applies.

"(5) REQUIREMENTS RELATING TO SEPARATE AFFILIATE; SAFEGUARDS; AND INTRALATA TOLL DIALING PARITY.—

"(A) SEPARATE AFFILIATE SAFEGUARDS.—Other than interLATA services * * *".

Mr. HOLLINGS. Mr. President, I am probably a good witness to settle this case because much of what has been referred to is what we did last year and the year before.

As the Clinton administration came to office, we had the original hearing. I remember it well. Secretary Brown of Commerce appeared. He asked for the Department of Justice. I cross-examined him very thoroughly on that because what we were trying to do was deregulate, what we were trying to do is sort of give us the term in the market, one-stop shopping. And if there were any inadequacies in the administrative body, namely the Federal Communications Commission, it was incumbent on me, I felt, as a Senator to make sure those inadequacies were considered. I felt the administration felt very, very strongly about this. And what you do in Government in the art of the possible is you get a bill.

So while I really wanted to have the one-stop shopping, I went along with the majority vote overwhelmingly as has been referred to. We had an 18 to 2 vote, and that kind of thing.

We had the Bell companies, the Senator from North Dakota is quite correct, reading the VIII(c) test that is a part of his amendment, and the amendment, of course, of the distinguished senior colleague of mine from South Carolina, Senator THURMOND, is whether or not it will substantially lessen competition. One is the no substantial possibility to use monopoly power to impede competition. That is once competition has already ensued. The Dorgan amendment.

The Thurmond amendment is to the effect of reviewing ahead of time a merger, for example, to see whether it would substantially lessen competition.

We begin with the fundamental that to monopolize trade is a felony, and these communications people are not criminals—not yet, in any event, and they do not belong in the Justice Department unless they violate the law.

So looking at the majority vote in the art of the possible in getting a good communications bill passed, I was very careful.

Number one, if all the colleagues would turn to page 8, I think it is, of S. 652, and you look down starting at line 20, section 7, "Effect on other law," I read this simple line:

> Except as provided in subsections (b) and (c)—

which have to do with the MFJ and the GTE consent decrees—

> Except as provided in subsections (b) and (c), nothing in this act shall be construed to modify, impair, or supersede the applicability of any antitrust law.

So let us clear the air. S. 652 says antitrust, keep all your experts; do all your reviews; study all your studies; make all your motions.

How many years does it take? They are so proud: Well, the Justice Department is the one that broke up the AT&T. Well, if they wait for them to break up the next monopoly in a similar fashion, we will all be term limited. Even the senior Senator might not be here. I do not know. It will be long enough, I can tell you that.

So let us get right down to it. The Antitrust Division has its responsibilities under Section 7 of Clayton. It has its responsibility with respect to the Sherman Act, whether any violations are there because that is how they moved with respect to AT&T.

The thrust here is by the long distance crowd to get some more bureaucracy.

That stated it in a line.

Just like my friends, the Bell crowd, wanted to do away with the public trust, this long distance crowd wants to bureaucratize the entire thing like the end of the world is going to happen if you do not have the Justice Department bureaucracy and minions studying, moving, motioning, hearing, and everything else.

I graduated from law school. I had a colleague I think who joined the Louisiana land case down there. Like the Georgia Pacific, they had the Louisiana pulp and paper case. It was a long —well, 13 years later, under the fees he got, he was retired down in Florida. And I always regretted that I went to trying cases in my hometown and did not get connected up with one of those rich antitrust motions.

We are all spoiled. You have a wonderful Assistant Attorney General in charge of the Antitrust Division, Ms. Anne Bingaman, who has done an outstanding job with respect, for example, to the Microsoft case and engineering the Ameritech consent decree. You have a wonderful set of facts there where they were all petitioning and joining in. They were not enjoining. They were not motioning to estop. They were not appealing. And they were not getting clarifications and everything else, all these other motions that can be made under antitrust with findings and what have you.

This was already under the Department of Justice consent decree, the MFJ consent decree whereby they could come in and motion the judge and agree on a limited market that was outlined, and you did not have to go into the regular antitrust bureaucracy and ritual that takes years on end, which they have already put in the Record, fortunately, for me.

The Senator from North Dakota talked about starting with President Nixon, President Ford, President Carter, and then finally under President Reagan. So there is a strong feeling here that we tried to simplify as much as possible this proceeding.

And under the amendment of the Senator from North Dakota about the VIII(c) test, no one knows it better than I because I did cite those letters and understanding and everything else of that kind. Because of the way 1822 was drafted year before last, it had actual and demonstrable competition. That just threw everything into the fan, and before I could get around and explain anything to the colleagues and everything else what we were trying to do, they just had a mindset that the chairman of the Commerce Committee was off on a toot and a little mixed up and it was not going to go anywhere. I had to agree with them; I was not going to go anywhere. So we sat down and over a 2-year period, meeting every Friday with all the Bell companies, and meeting every Tuesday morning with all of the long distance companies and the other long distance competitors in there, we then started spelling out as best we could that checklist of what actual and demonstrable competition would encompass. So we spell this out dutifully.

I wish to read that to you because I wish to show you what actual and demonstrable, what VIII(c) is. The idea is that we have disregarded the admonition that there be no substantial possibility of using monopoly power to impede competition.

Well, how do you determine that? You determine that best by making a checklist of the unbundling, of the local exchange, the interconnection after it is unbundled. You get the dial parity. You set up a separate subsidiary and all the other particular items listed.

I have a wonderful group here that is very familiar with the bill. They know how exactly to turn to the page and section so I can read it to you. But while they search for it, which is very difficult to find, what we did is we dutifully spelled out the VIII(c) test, which is the amendment of the Senator from North Dakota, and thereupon put in the bill itself, which, again I think, is on page 89. Understand, we had not disregarded actual and demonstrable competition. On page 16, line 10:

(b) MINIMUM STANDARDS.—An interconnection agreement entered into under this section shall, if requested by a telecommunications carrier requesting interconnection, provide for—

(1) nondiscriminatory access on an unbundled basis to the network functions and services of the local exchange carrier's telecommunications network software to the extent defined in the implementing regulations by the Commission.

(2) nondiscriminatory access on an unbundled basis to any of the local exchange carrier's telecommunications facilities and information, including databases and signaling, necessary to the transmission and routing of any telephone exchange service or exchange access service and the interoperability of both carrier's networks;

(3) interconnection to the local exchange carrier's telecommunications facilities and services at any technically feasible point within the carrier's network;

(4) interconnection that is at least equal in type and quality to and offered at a price no higher than that provided by the local exchange carrier to itself or to any subsidiary, affiliate, or any other party to which the carrier provides interconnection;

(5) nondiscriminatory access to the poles, ducts, conduits and rights-of-way owned or controlled by the local exchange carrier at just and reasonable rates;

(6) the local exchange carrier to take whatever action under its control is necessary, as soon as is technically feasible, to provide telecommunications number portability and local dialing parity in a manner that.

(A) Permits consumers to be able to dial the same number of digits when using any telecommunications carrier providing telephone exchange service or exchange access service in the market served by the local exchange carrier;

(B) permits all such carriers to have nondiscriminatory access to telephone numbers, operator services, directory assistance, and directory listing with no unreasonable dialing delays; and

(C) provides for a reasonable allocation of costs among the parties to the agreement.

(7) telecommunications services and network functions of the local exchange carrier to be available—

AMENDMENT NO. 1265, AS MODIFIED

Mr. THURMOND. Mr. President, I send a modification of my amendment to the desk.

The PRESIDING OFFICER. The amendment will be so modified.

The amendment (No. 1265), as modified, is as follows:

Strike all after the first word of the pending amendment and insert the following:

(2) Section 309(d) (47 U.S.C. 309(d)) is amended by inserting "(or subsection (k) in the case of renewal of any broadcast station license)" after "with subsection (a)" each place it appears.

SUBTITLE B—TERMINATION OF MODIFICATION OF FINAL JUDGMENT

SEC. 221. REMOVAL OF LONG DISTANCE RESTRICTIONS.

(a) IN GENERAL.—Part II of title II (47 U.S.C. 251 *et seq.*), as added by this Act, is amended by inserting after section 254 the following new section:

"SEC. 255. INTEREXCHANGE TELECOMMUNICATIONS SERVICES.

"(a) IN GENERAL.—Notwithstanding any restriction or obligation imposed before the date of enactment of the Telecommunications Act of 1995 under section II(D) of the Modification of Final Judgment, a Bell operating company, that meets the requirements of this section may provide—

"(1) interLATA telecommunications services originating in any region in which it is the dominant provider of wireline telephone exchange service or exchange access service to the extent approved by the Commission and the Attorney General of the United States, in accordance with the provisions of subsection (c);

"(2) interLATA telecommunications services originating in any area where that company is not the dominant provider of wireline telephone exchange service or exchange access service in accordance with the provisions of subsection (d); and

"(3) interLATA services that are incidental services in accordance with the provisions of subsection (e).

"(b) SPECIFIC INTERLATA INTERCONNECTION REQUIREMENTS.—

"(1) IN GENERAL.—A Bell operating company may provide interLATA services in accordance with this action only if that company has reached an interconnection agreement under section 251 and that agreement provides, at a minimum, for interconnection that meets the competitive checklist requirements of paragraph (2).

"(2) COMPETITIVE CHECKLIST.—Interconnection provided by a Bell operating company to other telecommunications carriers under section 251 shall include:

"(A) Nondiscriminatory access on an unbundled basis to the network functions and services of the Bell operating company's telecommunications network that is at least equal in type, quality, and price to the access the Bell operating company affords to itself or any other entity.

"(B) The capability to exchange telecommunications between customers of the Bell operating company and the telecommunications carrier seeking interconnection.

"(C) Nondiscriminatory access to the poles, ducts, conduits, and rights-of-way owned or controlled by the Bell operating company at just and reasonable rates where it has the legal authority to permit such access.

"(D) Local loop transmission from the central office to the customer's premises, unbundled from local switching or other services.

"(E) Local transport from the trunk side of a wireline local exchange carrier switch unbundled from switching or other services.

"(F) Local switching unbundled from transport, local loop transmission, or other services.

"(G) Nondiscriminatory access to—

"(i) 911 and E911 services;

"(ii) directory assistance services to allow the other carrier's customers to obtain telephone numbers; and

"(iii) operator call completion services.

"(H) White pages directory listings for customers of the other carrier's telephone exchange service.

"(I) Until the date by which neutral telephone number administration guidelines, plan, or rules are established, nondiscriminatory access to telephone numbers for assignment to the other carrier's telephone exchange service customers. After that date, compliance with such guidelines, plan, or rules.

"(J) Nondiscriminatory access to databases and associated signaling, including signaling links, signaling service control points, and signaling service transfer points, necessary for call routing and completion.

"(K) Until the date by which the Commission determines that final telecommunications number portability is technically feasible and must be made available, interim telecommunications number portability through remote call forwarding, direct inward dialing trunks, or other comparable arrangements, with as little impairment of functioning, quality, reliability, and convenience as possible. After that date, full compliance with final telecommunications number portability.

"(L) Nondiscriminatory access to whatever services or information may be necessary to allow the requesting carrier to implement local dialing parity in a manner that permits consumers to be able to dial the same number of digits when using any telecommunications carrier providing telephone exchange service or exchange access service.

"(M) Reciprocal compensation arrangements on a nondiscriminatory basis for the origination and termination of telecommunications.

"(N) Telecommunications services and network functions provided on an unbundled basis without any conditions or restrictions on the resale or sharing of those services or functions, including both origination and termination of telecommunications services, other than reasonable conditions required by the Commission or a State. For purposes of this subparagraph, it is not an unreasonable condition for the Commission or a State to limit the resale—

"(i) of services included in the definition of universal service to a telecommunications carrier who intends to resell that service to a category of customers being offered that universal service by such carrier if the Commission or State orders a carrier to provide the same service to different categories of customers at different prices necessary to promote universal service; or

"(ii) of subsidized universal service in a manner that allows companies to charge another carrier rates which reflect the actual cost of providing those services to that carrier, exclusive of any universal service support received for providing such services in accordance with section 214(d)(5).

"(3) JOINT MARKETING OF LOCAL AND LONG DISTANCE SERVICES.—Until a Bell operating company is authorized to provide interLATA services in a telephone exchange "area where that company is the dominant provider of wireline telephone exchange service or exchange access service," a telecommunications carrier may not jointly market telephone exchange service in such telephone exchange area purchased from such company with interLATA services offered by that telecommunications carrier.

"(4) COMMISSION MAY NOT EXPAND COMPETITIVE CHECKLIST.—The Commission may not, by rule or otherwise, limit or extend the terms used in the competitive checklist.

"(c) IN-REGION SERVICES.—

"(1) APPLICATION.—Upon the enactment of the Telecommunications Act of 1995, a Bell operating company or its affiliate may apply to the Commission and the Attorney General for authorization notwithstanding the Modification of Final Judgment to provide interLATA telecommunications service originating in any area where such Bell operating company is the dominant provider of wireline telephone exchange service or exchange access service. The application shall describe with particularity the nature and scope of the activity and of each product market or service market, and each geographic market for which authorization is sought.

"(2) DETERMINATION BY COMMISSION AND ATTORNEY GENERAL.—

"(A) DETERMINATION.—Not later than 90 days after receiving an application under paragraph (1), the Commission and the Attorney General shall each issue a written determination, on the record after a hearing and opportunity for comment, granting or denying the application in whole or in part.

"(B) APPROVAL BY COMMISSION.—The Commission may only approve the authorization requested in an application submitted under paragraph (1) if it finds that—

"(i) the petitioning Bell operating company has fully implemented the competitive checklist found in subsection (b)(2); and

"(ii) the requested authority will be carried out in accordance with the requirements of section 252,

and if the Commission determines that the requested authorization is consistent with the public interest, convenience, and necessity. In making its determination whether the requested authorization is consistent with the public interest convenience, and necessity, the Commission shall not consider the antitrust effects of such authorization in any market for which authorization is sought. If the Commission does not approve an application under this subparagraph, it shall state the basis for its denial of the application.

"(C) APPROVAL BY ATTORNEY GENERAL.—The Attorney General may only approve the authorization requested in an application submitted under paragraph (1) if the Attorney General finds that the effect of such authorization will not substantially lessen competition, or tend to create a monopoly in any line of commerce in any section of the country. The Attorney General may approve all or part of the request. If the Attorney General does not approve an application under this subparagraph, the Attorney General shall state the basis for the denial of the application.".

"(3) PUBLICATION.—Not later than 10 days after issuing a determination under paragraph (2), the Commission and the Attorney General shall each publish in the Federal Register a brief description of the determination.

"(4) JUDICIAL REVIEW.—

"(A) COMMENCEMENT OF ACTION.—Not later than 45 days after a determination by the Commission or the Attorney General is published under paragraph (3), the Bell operating company or its subsidiary or affiliate that applied to the Commission and the Attorney General under paragraph (1), or any person who would be threatened with loss or damage as a result of the determination regarding such company's engaging in the activity described in its application, may commence an action in any United States Court of Appeals against the Commission or the Attorney General for judicial review of the determination regarding the application.

"(B) JUDGMENT.—

"(i) The Court shall enter a judgment after reviewing the determination in accordance with section 706 of title 5 of the United States Code.

"(ii) A judgment—

"(I) affirming any part of the determination that approves granting all or part of the requested authorization, or

"(II) reversing any part of the determination that denies all or part of the requested authorization,

shall describe with particularity the nature and scope of the activity, and of each product market or service market, and each geographic market, to which the affirmance or reversal applies.

"(5) REQUIREMENTS RELATING TO SEPARATE AFFILIATE; SAFEGUARDS; AND INTRALATA TOLL DIALING PARITY.—

"(A) SEPARATE AFFILIATE; SAFEGUARDS.—Other than interLATA services au-".

AMENDMENT NO. 1264, AS MODIFIED

Mr. HOLLINGS. I thank the distinguished Senator.

(7) telecommunications services and network functions of the local exchange carrier to be available to the telecommunications carrier without any unreasonable conditions on the resale or sharing of those services or functions, including the origination, transport, and termination of such telecommunications services, other than reasonable conditions required by a State; and for the purposes of this paragraph, it is not an unreasonable condition for a State to limit the resale—

(A) of services included—

I could keep on reading. I hope the colleagues will refer right on past page 19.

How this was developed is powerfully interesting, Mr. President, because we had the lawyers. I said earlier today 60,000 lawyers are licensed to practice before the District of Columbia bar; 59,000 of them are communications lawyers, and they have all been meeting here for the last 2 years. They know every little motion, every little twist, every little word, every little turn.

This is nothing about the Department of Justice. All of this has to be done by the Federal Communications Commission. Talk about expertise. How high and mighty and what a great aura of austerity and other things we have to have here for the Department of Justice. The Department of Justice looks out at the market and finds out if there is any unreasonable monopolistic practices in restraint of trade. They have a very broad thing. They do not look at any of these things. They would not be equipped to and would not know.

When you get through having done all of this, which really ends up into actual and demonstrable competition, which ends up actually being the VIII(c) test under the modified final judgment, when you have done all of that, there is one other catchall, and that was referred to earlier today in an overwhelming vote of the public interest standard. That is why you had it, Mr. President. For everybody's understanding, if you wanted to know why they were fighting to get rid of the public interest standard, we had the catchall in there that the public interest standard had to be adhered to, and that was measured by the Federal Communications Commission.

Here is how that reads:

> If the commission determines the requested authorization is consistent with the public interest convenience and necessity. . .

Now that is a tremendous body of law under the present and continuing to be 1934 Communications Act. Oh, it would be great to come and have the Pressler Act, the Hollings Act. We could go down in history.

But there is a tremendous body of law under the 1934 Communications Act, and if we started anew with an entirely new communications act for our own egos around here, then we would have really messed up 60 years of law and decisions, res adjudicata, understandings, and we would have caused tremendous mischief. We would not have deregulated anybody. We would have thrown the information superhighway into the ditch.

So what we did is refer back to that where it is referred as a public interest matter 73 times under the original 1934 act.

The Commission, after doing all of that, has at its hand a duty affirmatively—you are talking about affirmative action in Washington these days. The affirmative action imposed upon the Federal Communications Commission is found on page 89 where the "Commission shall consult with the Attorney General regarding the application. In consulting with the Commission under this subparagraph, the Attorney General may apply any appropriate standard."

Then if the colleagues would turn to page 43 of the committee report:

> Within 90 days of receiving an application, the FCC must issue a written determination, after notice and opportunity for a hearing on the record, granting or denying the application in whole or in part. The FCC is required to consult with the Attorney General regarding the application during that 90-day period. The Attorney General may analyze a Bell operating company application under any legal standard (including the Clayton Act, Sherman Act, other antitrust laws, section VIII(c) of the modified final judgment, Robinson-Patman Act or any other antitrust standard).

I can tell you, Mr. President, that you cannot do a better job than that. I have no misgivings for the wonderful vote on the good bill, 1822. We were ready, willing and able to pass it as it was. I was passing it the best way we could. But on second thought, looking at the votes, the support, the determination of the colleagues—and that is what we all said in the very beginning, that this is a good balance, we do not disregard the public on a fundamental here. What we do—and it is well to be argued—is that we consider the public. If you go down all the particular things required, plus the public interest standard, if you go into the Attorney General coming in, you know that is going to raise a question if the Attorney General sees any substantial possibility of monopoly power being used to impede competition or the other Clayton 7 act substantially lessening competition.

Either way, or any other way, under the Sherman Act, the Attorney General has an affirmative duty to advise, and that is right quick like, because they have to do it under a stated time here in our act. I do not know how to more deliberately go about the particular granting of licensing and opening up of markets, allowing the Bell operating companies into long distance and the long distance into the Bell operating companies and to let competition ensue.

So both of these amendments—the amendment of the distinguished Senator from South Carolina to the second degree under the Clayton 7 test is cared for under this S. 652. The VIII(c) test of no substantial possibility, of impeding competition, is taken care of here. And over and above it all, it is stated clear on page 8 of the particular bill that all standards can be used by the Attorney General. The Attorney General has its duties. They are generally criminal duties, and we should not have our wonderful carriers, whether they be Bell operating companies, long distance companies, or any other telecommunications carriers, even calling over there and trying to find a Justice department lawyer, rather than a Federal Communication Commission lawyer. It is like ailments physically, when you have to get a special doctor. Well, you need a special lawyer for that. Once he gets into that and they get the billable hours and the motions and clarifications and everything else, you can forget about your communications company. It has gone down the tubes financially. We put it in there to make sure that the Antitrust Division of the United States Justice Department is not impeded in any fashion.

"Nothing in this act shall be construed to modify, impair, or supersede the applicability of any add antitrust law."

Now, why do we have these amendments? The long distance crowd are wonderful people. I have been working with them, and I have been working with the Bell companies. We all say that everybody has to get together and we have to get this bill passed. We have to do it in a bipartisan fashion. It is incumbent on this Senator's judgment here at this particular time that this is far and away the best approach.

So I support our distinguished chairman here in his S. 652, to eliminate the direct hearing process, and everything else, of going first to one department of Government and after you get through with that department of Government, come down over to the next department of Government, and then go through all of that list of things that I have listed down there and expect to get anything done.

We are trying to get one-stop shopping here. There is no reason other than, yes, if you get a violator, and if you get a violator with all of this klieg light of attention being given to communications and the responsibilities to the FCC and the experts they are going to have to hire. They have already made $7 billion for us this year with auctions. So there is no shortage of money at the FCC.

We have to make sure we have the Federal Communications Commission's appropriations in our subcommittee of appropriations, and we are going to provide a very outstanding staff, because we want to facilitate. We do not want the FCC coming back and saying we are overwhelmed and we cannot possibly get it out and we cannot do this and that. Temporarily, for 2, 3 years, sitting down and promulgating all of the rules, entertaining all of the petitions and what have you, there is going to be a plethora of legal proceedings looking at both the VIII(c) tests and section 7 of the Clayton Act, and all other measures with respect to trying to open up and make sure that on the one hand there is competition, and on the other hand that any present monopoly power is not used to impede that competition. I do not know how you can get it done any better than that.

This amendment would really just formalize both things constituting a requirement to get the lawyers and go up and go through one and go through the other, where these two can really communicate, not only by phone—communications, that is—but they can send a letter and give a formal opinion, and everything else like that, and you can bet your boots that the Federal Communications Commission is not going to disregard the advice of that Attorney General if it is a strong showing in its opinion that there is some substantial possibility of impeding competition, or that it lessens substantially competition.

No FCC is going to get by with that. That appeal will go up, and the order would not go anywhere before it would be appealed up and probably set aside, because then it would have one division of the Government against the other division.

We have smoothed it out and streamlined it. We have cut out the bureaucracy, and yet, we have had every particular safeguard that you can imagine, that the lawyers could think of that is in here, to make sure that it works and works properly for the public interest.

I yield the floor.

Mr. KERREY. Well, I must say, Mr. President, I rise with some trepidation. The distinguished Senator from South Carolina has made a very impressive legal case as to why the language in the bill, as it is written, is satisfactory and the distinguished Senator from South Dakota, prior to him, laid out a number of reasons why the amendment offered by the Senator from North Dakota is wrong.

I say to my colleagues that I do not come here representing the long distance companies or any other companies. I come here representing the consumers, first of Nebraska, and then of the United States of America. And I hear in the arguments offered here that, first of all, this would be an unprecedented thing for the Justice Department to do. Well, if it is our fear of breaking precedent that is the problem with this amendment, then we should not enact this legislation. This legislation is unprecedented, is it not?

I ask the distinguished Senator from South Dakota, is this legislation not itself unprecedented? Has the Congress of the United States of America ever considered a law that would take such a substantially regulated monopoly with such size and move it into a competitive environment? When have we done this before, of this size and magnitude?

Mr. HOLLINGS. If the Senator will yield. AT&T.

Mr. KERREY. The AT&T divestiture was done by the Department of Justice, not the Congress.

Mr. HOLLINGS. It took 10 years. We do not want to do that.

Mr. KERREY. My point here is, to say that what we are asking for with this amendment is unprecedented leads me to the question, is this legislation itself not unprecedented? Is not what Congress is considering with S. 652 unprecedented? I do not come to the floor and say let us not do S. 652 because it is unprecedented. I understand it is unprecedented. We are in unchartered waters. We have not done this before.

Mr. PRESSLER. Will my friend yield?

Mr. KERREY. I yield.

Mr. PRESSLER. We are in unchartered waters in the sense that already the Department of Justice is running an industry, so to speak. That is without precedent in terms of Judge Greene's order, which I think was necessary, because Congress did not do its duty. Congress is now doing its duty or trying to in this bill.

Mr. KERREY. The Senator is saying that the Congress, the fact that we had divestiture of AT&T in 1985 was the failure of the U.S. Congress?

Mr. PRESSLER. In part, yes. The Congress should have acted.

Mr. KERREY. Mr. President, I ask the Senator from South Dakota what would he propose Congress do?

Mr. PRESSLER. Congress has been paralyzed and unable to make telecommunications policy because there are so many people in telecommunications who can checkmate the decision. So as telecommunications was modernizing, the Congress was not reacting, and the pressure built up to the point that Judge Greene made the decision that he did.

Mr. HOLLINGS. Will the Senator yield?

Mr. KERREY. Pleased to yield.

Mr. HOLLINGS. We had 10 years of hearings, John Pastore of Rhode Island was chairman of the subcommittee, and in the late 1960's and all the way through the entire 1970's we had hearings.

I got a nice compliment from Judge Greene. Minority opinions that we put in the committee reports, after all of our hearings, trying to break up AT&T. Congress was trying to do it because there were 12 orders that were made by the Federal Communications Commission, but they, AT&T, was so legally powerful that they had each of the 12 orders into some legal snarl of one kind or another, whereby none of the orders were enforceable. They could not get anything done, and we could not deregulate.

That is why they were accelerating the particular antitrust proceedings. Congress was unable to act. I am a witness to that because I served on that subcommittee and went to hearings ad nauseam, trying to do it, and we make up the reports and everything else. Finally, it had to be done by the Justice Department.

It is just like the Senate passing different bills. We tried during the 1980's to take this from Judge Greene and put it back into the FCC and got nowhere. We had the manufacturing bill pass by 74 votes—bipartisan in the Senate. It got blocked over on the House side.

Every time we turned and tried at the congressional level we failed. Now we are about to succeed, I think, and I am confident we have the support of the distinguished Senator from Nebraska.

Mr. KERREY. I will stipulate that I agree that Congress failed in not being able to resolve the various conflicts and pass legislation to break up AT&T in the 1980's and come up with a legislative solution.

A failure of the Reagan administration, as well, not to be able to exercise sufficient leadership. I stipulate here on the floor tonight that it was a failure of the Reagan administration, a failure of the U.S. Senate in the 1980's, and a failure of the United States House of Representatives to be able to get this job done.

Is that a fair stipulation? Am I expressing something with which the Senator from South Dakota would disagree?

Mr. PRESSLER. Would my friend yield?

Mr. KERREY. I yield.

Mr. PRESSLER. I am not trying to score debate points, but in part, it was a failure of everyone and previous Congresses and administrations to tackle the difficult problem we were trying to tackle.

I am not putting anybody down. This bill has been worked on by many Senators, and the Senator from South Carolina has shown great courage. His speech was one of the great speeches that I have heard in the Senate.

I would say to my good friend from Nebraska, may I ask a question: Is there any other precedent, is there any other industry that has been taken over by the Justice Department and regulated and run as Judge Greene's decree did? Is not that unprecedented?

Mr. KERREY. Absolutely is.

Is there any situation, Senator, where governmental entity has produced so much good? Is there? Tell me the bad things that have happened since the consent decree was filed.

Mr. PRESSLER. Well, I would have supported the concept of a consent decree.

I think we have reached a point where Congress should take back its rightful role. I think that Judge Greene probably would say that. I have not met him. I would love to meet him some day, because he is one of the great people in American history in terms of what he has done. An industrial reconstruction that is bigger than any in history.

I always tell students when I give speeches in my State of South Dakota, if they want to influence public policy, they should become a journalist or Federal judge first, if they really want to have sweeping affects. I cite Judge Greene as an example.

But if I may say so, we are sort of debating the chicken and the egg.

Mr. KERREY. It is not the chicken and the egg.

Mr. PRESSLER. We have a situation that I think we have the responsibility to act.

Mr. KERREY. If Congress did it in 1985, they could not have done it as well as the Department of Justice. The regional Bell companies at the time of the filing of the consent decree object to restrictions placed on them on manufacturing, on services, and they objected because they wanted to get into all the things.

The consent decree said we will have competition. It said we will move from a monopoly to competition.

This is the agency of the government that has enabled us to do that. The U.S. Department of Justice has done it. That is what I see. I see them as an agency that has produced competition, in an unprecedented time, once before, and now in another unprecedented time.

In my judgment, we need them not to produce duplication, not to produce a duplicative process. It is a parallel process. Do you not go to one agency and then to another. I tend to walk through, as I see, the process.

I feel odd arguing, because in S. 1822 last year, we had all this pretty well settled. Last year's legislation came out with a 18–2 margin. I believe, basically, that did what the Dorgan amendment is now asking for.

I point out, as well, one of the statements that was made here that this thing could drag on a long, long time.

Well, the amendment tends to deal with that. I point out to my colleagues that there is a determination, a process, that says that the Attorney General, not later than 30 days after receiving an application, shall issue a written determination. There is a time certain in here of the 90 days.

Now, maybe 90 days is too long. Maybe it ought to be somewhat shorter. There is an attempt made here not to lengthen the process. Indeed, I believe very strongly that the law as it is written without this amendment is an invitation for lengthy litigation.

But most importantly, Mr. President, my fear with this, and it is a sincerely based fear, I do not come here pulling for the long distance companies, or represent one interest or another.

I come many times in this debate to say this: We are going to vote on this in final passage some time in the next year. We will have a vote on final passage.

Members need to understand that they will be held accountable for that vote. Who will hold them accountable? Who will say, "You cast the right vote." In the early difficult days, it will be the companies who have taken an interest. It will be the corporations that have been in town talking to Senators, day in and day out since the committee began its work in the early part of this year, and since the committee started its work last year. The companies that have been in town saying "We like this provision, we don't like this provision," all the delicate balance that has been referenced. Either get a pat on the back, or a wave, or some smaller number of fingers directed in your direction.

I urge my colleagues to understand that the much more important test of whether or not this piece of legislation is going to be something Senators are either proud of, or for the rest of your political career—perhaps shortened by this vote—Senators are explaining why they thought it would do something else.

This piece of legislation either produces lower prices and higher quality to 100 million residential users of information services from 9 basic industries, or anybody that votes "aye" on this thing has a lot of trouble.

I do not care what AT&T says. I do not care what the RBOC says. I do not care what the cable companies say or the broadcast people say, or anybody else says. Out in that hallway or in your office or through the mailbox or through E mail or any other kind of communication, they may tell Senators they are doing the right thing, but the real test is going to come a year from now, 2 years from now, 3 years from now when this rubber begins to meet the road.

The question then will be, what do the consumers say? What do the citizens say? Dare I mention it, what do the voters say, who have not asked for this piece of legislation?

I say now for the 8th or 9th or 10th time, this is not something that has been driven by town hall meetings. This is not on talk radio. This is not something that is coming as a part of the Contract With America. No one has polled this. No one has reached out and said, we will do focus groups and find out what is going on here. This is being driven by legitimate corporations with a sincere desire to do something that current law says they cannot do.

So we are trying to do something that is unprecedented—unprecedented to take a large sector of our economy and move it from a monopoly status into a competitive environment.

And if we only worry about whether or not the existing corporations are going to be able to get what they want, in my judgment, not only would the consumers be unhappy, because they do not get the competitive choice they need. In my judgment, as well, all the promises of jobs we are talking about all the time, are not going to be fulfilled. Because, rest assured, when jobs are created they are going to be created by companies that do not even exist today. New entries, like we saw with Microsoft, new entries like we saw with Intel—we are going to see new entries that are going to be creating the jobs of tomorrow. And, unless this legislation permits, with no reservations, competition at the local level, it is unlikely that either the consumers of the United States of America, or those people in America who are trying to find jobs, are going to be terribly happy with the product.

I am going to go down a few things I have heard said here this evening. I do not know how much longer I will talk. I will talk a while. We are going to come back in tomorrow and have plenty of time to go through some additional matters. Let me go through some of the things that were referenced.

I have heard it said this is more regulation and more delay. I am prepared to argue and present it is not. I am prepared to argue in fact that the existing legislation, unless it is changed by the Dorgan amendment, is going to be more regulation and more delay.

I have heard it said the Department of Justice is going to take on legions of new employees. It is not true. Indeed, the much more likely possibility is it will be the FCC that has to take on legions of new employees because they are not used to doing this kind of work. It is much more likely that the plethora of applications that come the FCC's way is going to produce an increase in that bureaucracy and not an increase in the Department of Justice.

I have heard it said, and I referenced it earlier, this is going to create duplication. It is not. It is a concurrent process, a simultaneous process of application. The FCC does the work it is supposed to do. The Department of Justice does the work it is supposed to do. There is not an overlapping of permit requirement here. One agency has one responsibility; another has another responsibility. There is a time certain, as I indicated already in the amendment.

In my judgment we have made an effort with this amendment to try to take into account the concerns that people have. Are we going to have more regulation? Is this going to create duplication? Is this going to mean more paperwork and delay? It will not mean more of any of those things. It will mean less.

I have heard it said, as I indicated earlier, that this is an unprecedented intrusion by the Department of Justice into an industry. Mr. President, this whole venture is unprecedented. I hope colleagues understand that. It is an unprecedented action. It is an unprecedented bipartisan action, and I trust and hope this amendment will become an unprecedented bipartisan action as well, because, unless we improve this legislation with this change, those who vote "yes" on this bill, I believe sincerely and genuinely, will regret having done so.

Mr. President, I hear that this is a dangerous precedent.

Mr. PRESSLER. I am sorry. I have the example, if the Senator will yield, that he asked for earlier.

Mr. HOLLINGS. If the Senator will yield, what we have, I say to the distinguished Senator, is the minority leader's amendment. When we called up the bill we put in the majority leader's amendment. We did not have a opportunity to put in the minority leader's, and we wanted to print it in the RECORD so the Members could read it.

Will Senator temporarily yield?

Mr. KERREY. I will.

Mr. HOLLINGS. Mr. President, I ask unanimous consent the pending amendment be set aside so I may send an amendment to the desk on behalf of myself and the Democratic leader, Senator DASCHLE.

Without objection, it is so ordered.

AMENDMENT NO. 1266

(Purpose: To clarify the requirements a Bell operating company must satisfy before being permitted to offer long distance services, and for other purposes)

Mr. HOLLINGS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. HOLLINGS], for himself and Mr. DASCHLE, proposes an amendment numbered 1266.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 53, after line 25, insert the following:

SEC. 107. COORDINATION FOR TELECOMMUNICATIONS NETWORK-LEVEL INTEROPERABILITY.

(a) IN GENERAL.—To promote nondiscriminatory access to telecommunications networks by the broadcast number of users and vendors of communications products and services through—

(1) coordinated telecommunications network planning and design by common carriers and other providers of telecommunications services, and

(20 interconnection of telecommunications networks, and of devices with such networks, to ensure the ability of users and information providers to seamlessly and transparently transmit and receive information between and across telecommunications networks,

the Commission may participate, in a manner consistent with its authority and practice prior to the date of enactment of this Act, in the development by appropriate voluntary industry standard-setting organizations to promote telecommunications network-level interoperability.

(b) DEFINITION OF TELECOMMUNICATIONS NETWORK-LEVEL INTEROPERABILITY.—As used in this section, the term "telecommunications network-level interoperability" means the ability of 2 or more telecommunications networks to communicate and interact in concert with each other to exchange information without degeneration.

(c) COMMISSION'S AUTHORITY NOT LIMITED.—Nothing in this section shall be construed as limiting the existing authority of the Commission.

On page 66, line 13, strike the closing quotation marks and the second period.

On page 66, between lines 13 and 14, insert the following:

"(6) ACQUISITIONS; JOINT VENTURES; PARTNERSHIPS; JOINT USE OF FACILITIES—

"(A) LOCAL EXCHANGE CARRIERS.—No local exchange carrier or any affiliate of such carrier owned by, operated by, controlled by, or under common control with such carrier may purchase or otherwise acquire more than a 10 percent financial interest, or any management interest, in any cable operator providing cable service within the local exchange carrier's telephone service area.

"(B) CABLE OPERATORS.—No cable operators or affiliate of a cable operator that is owned by, operated by, controlled by, or under common ownership with such cable operator may purchase or otherwise acquire, directly or indirectly, more than a 10 percent financial interest, or any management interest, in any local exchange carrier providing telephone exchange service within such cable operator's franchise area.

"(C) JOINT VENTURE.—A local exchange carrier and a cable operator whose telephone service area and cable franchise area, respectively, are in the same market may not enter into any joint venture or partnership to provide video programming directly to subscribers or to provide telecommunications services within such market.

"(D) Exception.—Notwithstanding subparagraphs (A), (B), and (C) of this paragraph, a local exchange carrier (with respect to a cable system located in its telephone service area) and a cable operator (with respect to the facilities of a local exchange carrier used to provide telephone exchange service in its cable franchise area) may obtain a controlling interest in, management interest in, or enter into a joint venture or partnership with such system or facilities to the extent that such system or facilities only serve incorporated or unincorporated places or territories that—

"(i) have fewer than 50,000 inhabitants; and

"(ii) are outside an urbanized area, as defined by the Bureau of the Census.

"(E) Waiver.—The Commission may waive the restrictions of subparagraph (A), (B), or (C) only if the Commission determines that, because of the nature of the market served by the affected cable system or facilities used to provide telephone exchange service—

"(i) the incumbent cable operator or local exchange carrier would be subjected to undue economic distress by the enforcement of such provisions,

"(ii) the system of facilities would not be economically viable if such provisions were enforced, or

"(iii) the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

"(F) Joint use.—Notwithstanding subparagraphs (A), (B), (C), a telecommunications carrier may obtain within such carrier's telephone service area, with the concurrence of the cable operator on the rates, terms, and conditions, the use of that portion of the transmission facilities of such a cable system extending from the last multiuser terminal to the premises of the end user in excess of the capacity that the cable operator uses to provide its own cable services. A cable operator that provides access to such portion of its transmission facilities to one telecommunications carrier shall provide nondiscriminatory access to such portion of its transmission facilities to any other telecommunications carrier requesting such access.

"(G) Savings clause.—Nothing in this paragraph affects the authority of a local franchising authority (in the case of the purchase or acquisition of a cable operator, or a joint venture to provide cable service) or a State Commission (in the case of the acquisition of a local exchange carrier, or a joint venture to provide telephone exchange service) to approve or disapprove a purchase, acquisition, or joint venture.".

On page 70, line 7, strike "services." and insert "services provided by cable systems other than small cable systems, determined on a per-channel basis as of June 1, 1995, and redetermined, and adjusted if necessary, every 2 years thereafter.".

On page 70, line 21, strike "area." and insert "area, but only if the video programming services offered by the carrier in that area are comparable to the video programming services provided by the unaffiliated cable operator in that area.".

On page 79, before line 12, insert the following:

(3) Local marketing agreement.—Nothing in this Act shall be construed to prohibit the continuation or renewal of any television local marketing agreement that is in effect on the date of enactment of this Act and that is in compliance with the Commission's regulations.

On page 88, line 4, strike "area," and insert "area or until 36 months have passed since the enactment of the Telecommunications Act of 1995, whichever is earlier,".

On page 88, line 5, after "carrier" insert "that serves greater than 5 percent of the nation's resubscribed access lines".

Mr. HOLLINGS. I thank the distinguished Senator from Nebraska for allowing us to do that. This will have printed in the Record, now, this particular amendment, for the colleagues.

AMENDMENT NO. 1264, AS MODIFIED AND AMENDMENT NO. 1265, AS MODIFIED

Mr. KERREY. Mr. President, let me go through a few more things here. I appreciate that. I have only a few things.

Mr. PRESSLER. Will my friend yield? This is a fascinating dialog for me. I am not in any way trying to one-up or anything. But in the early 1980's both AT&T and IBM were in the Justice Department with big lawsuits against them. And on the same day, January 8, 1982, the Federal Government chose two different destinies for those mammoth companies.

It is my contention that, had we done with AT&T then what we are trying to do now, that is broken up the monopoly by requiring them to unbundle and interconnect and allow competition—in any event the computer industry went the other way. The computer industry—it is true there are winners and losers. It is true IBM has had problems and had spinoffs. But the computer industry, in terms of service to the American people, and dropping costs, moved forward much faster. In fact, there is a chart here that, had the telecommunications industry moved forward in competition as much as IBM in the computer area, the cost of telephones today would be about a fifth what they are, because the innovation and the competition, reduction in costs was much greater in the computer industry.

So the Justice Department on the same day in 1982 sent the two industries on two different paths. They did that with AT&T because Congress had failed to act. We failed to do then what we are trying to do now, that is open up access, provide interconnection and unbundling to provide competition. And we would have had much more innovation in the telecommunications area, if you compare the two industries.

Mr. KERREY. I say to the Senator from South Dakota, had we done that, had we tried to follow the model of IBM, we would have had to do a number of other things. We would have had to say there is no public purpose in having universal service to all Americans.

Mr. PRESSLER. I am not talking about IBM, I am talking about the computer industry. I am talking about the computer industry.

Mr. KERREY. But AT&T and IBM are wholly different cases. IBM is a company that manufactured hardware and software for the consumer and business industry. There is no public purpose there, in saying we have to make sure every single American household has a computer. Whereas AT&T was a monopoly created with the 1934 Communications Act, with a franchise and a specific instructions to achieve universal service for all Americans.

So, in the one case——

Mr. PRESSLER. If my friend will yield, I am talking about the computer industry, the competitiveness that is in it. It has been far more innovative than the telecommunications areas. I know the two companies are different. I am not just talking about IBM. It has been replaced—there have been all those things that have happened; Intel, Apple, and all sorts of things. I could go through them.

But a comparison of the two technologies, how they have progressed—compare the computer area to telecommunications, you would find that today a telephone call would be only a few cents, if it had advanced as much as the reduction in cost of personal computers. My friend asked for an example. That is an example.

But, in 1982, what the Congress should have been doing——

Mr. KERREY. I ask my friend from South Dakota, does he think it would have cost a couple of cents in Rapid City, SD?

Mr. PRESSLER. Personal computers cost much, much less in Rapid City.

Mr. KERREY. If we had taken the IBM track in 1984, does the Senator think it would have cost a couple of cents for phone service in South Dakota? I do not think so.

Mr. PRESSLER. Personal computers cost much less in South Dakota than they would otherwise. You can argue this thing circuitously. You might have innovations. In the computer area there are so many innovations. We may have had telecommunications innovations that we have not had. You cannot argue this perfectly.

But there is probably no part of American industry that has had more innovation and competition than the computer industry, and people in Rapid City, SD, can buy personal computers at a fraction of the cost, and they are much more advanced than they would have been had the Justice Department gone the other way.

Mr. KERREY. The point in fact is the Justice Department put the pressure on IBM, caused IBM to spin off two relatively insignificant, at the time, inventions. One was——

Mr. PRESSLER. I am talking about the computer.

Mr. KERREY. The Department of Justice had a very constructive impact on IBM and on the U.S. economy. They had them spin off a couple of little things. One was an operating system called MS–DOS. And a couple of guys, high school or college dropouts up in Seattle, they built Microsoft. And Intel was the second company that got spun off, because the Department of Justice said we have a monopoly here. It is unacceptable.

You are going to control too much of the economy. We are going to require some action. I understand you are using an example. I find the example difficult frankly on two grounds: One, in the case of IBM, you are dealing with a company that is different than AT&T. AT&T is a licensed monopoly by law created as a monopoly. The question is how do you go from that monopoly to something you now want to become a competitive industry?

That is what I find most remarkable about the objection to this amendment—that if you are looking for a Federal agency with experience taking a monopoly situation to a competitive situation, why in heaven's name would we not go to the Department of Justice that has the most experience doing it and the most successful experience doing it? They have the track record. They have the personnel. Tell me where the FCC was in all of this. Describe to me the FCC's role either in IBM or in AT&T in a transition from monopoly to competition.

Mr. PRESSLER. If my colleague will yield again, I am talking not specifically about IBM. But I am talking about the direction the computer industry took. AT&T was a Government monopoly. But my argument is that if we had done what we are trying to do in this bill—that is, require them to unbundle and interconnect, to allow for local competition, allow people to have access locally as this bill does, the whole telephone communication industry might be much more innovative today than it is.

Mr. KERREY. I hear that. But one of the reasons Congress did not do that was when you get right down to it, it is difficult for us to say to a company you have to be competitive.

I say to my friend from South Dakota that when the Cohen amendment came up earlier we were on the opposite sides of that issue. The Cohen amendment said we are going to take the set-top box industry and allow it to develop in a competitive fashion. There were concerns from smaller cable operators that it could result in some hardship to them. It could result in some problems for them. I understand. I think it is very difficult for the U.S. Congress to take a position to say to any industry that we are going to require you to go from a situation where you are not competitive, where you have been given Government protection of some kind, and in this particular case it is the telephone industry, given a franchise, given protective status, protected from competition, we are trying to figure out how to protect them from that protected status to a competitive environment, and the only Federal agency in town, in the people's capital in Washington, DC with the experience of having done it is the U.S. Department of Justice is given a consultative role. "Oh, what do you think of this transition, Mr. Department of Justice?"

It seems to me, odd. I do not understand. I understand why the people who are going from a monopoly to a competitive environment oppose this. I understand why they are nervous about it because they saw how effective the Department of Justice was the previous time they did it. They saw how rigorous the Department of Justice was in making sure that there was competition.

Mr. PRESSLER. If the Senator will yield, it is not true that if we allow the FCC to set the standard for anything, a Government standard, there is very little room for innovation, for new inventions, for the type of things that have happened in the competitive world. There are some winners and some losers.

But my point about computers is that every 18 months things become virtually obsolete because there is so much competition. There are so many things going on. The average consumer has benefited from all this competition. They can own a personal computer, and the prices are going down and capacity has gone up enormously. Had we had the Government standards we would not have seen that type of innovation.

That is the point I am trying to make.

Mr. KERREY. We are not proposing a Government standard with this amendment, I do not believe. Maybe I misunderstand the amendment of the Senator from North Dakota. I do not believe so. I do not believe we are proposing that. I do not know if the Senator from South Dakota is familiar with it. I suspect the Senator is since he has been inundated with all of this stuff involved in this piece of legislation. There is an issue of interoperability.

I introduced an interoperability bill a month or so ago, and immediately was approached by some people in the private sector who said that if the Government comes in and sets a legal de jure standard, what that does is it inhibits the development of the de facto standards, and I yielded to that argument. Indeed, I do not want the Government to establish in technology with the de jure standard that makes it difficult for the companies to go to the marketplace and say we are going to give what the marketplace wants and after we have given you what you want that becomes the standard, that becomes the new standard. I do not want to inhibit that at all.

What I am concerned about, again I say for my colleagues, I am concerned about that the consumer who will not benefit unless there is competition so rigorous that I can take my business someplace else if I do not like what is being offered either in the way of price or service, not in independent lines of business, not in cable, not in dial tone, not in tech. But if they want to come in and sell it to me all put together for a lower price than I am currently paying, that is where I am going to get innovation and reduction in the cost of my current household information services. I am not going to get it if you preserve out of concern for what the Department of Justice is going to do, if you preserve a line of business differential in some artificial fashion. I think that is what this legislation does unless we get the Department of Justice with a role, an active role.

I mean I am willing to consider any suggestions on what to do, to reduce any potential duplication, overlap. I am willing to consider any suggestions to make sure we shorten the time. We do not want to stretch it out. The idea is do what Justice did in 1984. You go into court. If you get the parties in hand, you write up a memorandum. You get in this case a consent decree. You walk into the judge at a Federal court, and you file it. All parties agree. You do not have litigation afterwards.

You do not have any dispute to tie this thing up for a long time and tragically prevent the very competition that we are trying to see. I hope my colleagues understand that. If this thing is litigated, if I as an owner in a monopoly fashion have the right to deliver information services at the local level, and can tie this thing up in court for a long enough time to prevent that innovation from occurring, it is prevented permanently for the very reason that the Senator from South Dakota said, because innovation only lasts a little while and then it is obsolete.

So I understand this delicate balance. I truly do. The distinguished chairman and the ranking Member have worked so hard on it. I understand that maybe it could all come apart if this amendment is agreed to. Members say, "Oh, my gosh. We settled that in committee. We cannot now take it up again."

I hope that we get some reconsideration of that conclusion. If I am wrong, if I have reached a conclusion because I have myself diagnosed the scene and do not understand what is going on, come and tell me. I am prepared to admit. If I see that incorrectly I have assessed on behalf of consumers and people making certain this legislation does set off some innovation that results in new and higher paying jobs for the people of the United States of America, I do not believe that this is a precedent that we should fear. Indeed, I believe it is a precedent that we should seek based upon the success of having done it once before.

I heard one of the comments here this evening. Well, if the Justice Department has specialized expertise, then maybe we would ask them to do this. It does have specialized expertise. That is precisely the point. It has specialized expertise. Let us define what we want the Justice Department to do based upon that specialized expertise and have the FCC do what it does well, based upon its specialized expertise. And in that kind of a situation, Mr. President, we must be able to come to an agreement on how to make certain that we do not end up with overlap and duplication and a long regulatory process that makes it difficult not just for the RBOC's to get into long distance, but far greater concern for all of us who want to make sure that our vote turns out right, and that consumers end up with lower prices and higher quality service as a consequence.

Mr. President, I really could talk a bit longer. I do not know what the distinguished Senator from South Dakota has in mind for the evening. It looks like there is a shortage here of red-blooded American men and women, unfortunately, elected to this great body that want to talk on this wonderful issue.

Mr. PRESSLER. I do not see colleagues nor the Chamber filled with people listening to my words.

But, in very good spirit, I say to my friend from Nebraska, I have worked with him on his interoperability amendment. In fact, we accepted it. But only after insisting that a private standard be set. My understanding is then the Senator's original proposal had a Government standard set.

Mr. KERREY. It had a voluntary Government standard, and I was willing to make changes and make certain that it did not become a rigid Government standard, this is true.

Mr. PRESSLER. I do not care to debate it.

Mr. KERREY. Network and network interoperability.

Mr. PRESSLER. I welcome it and I am pleased to accept it, and it demonstrates that we are working together.

I have said about all I am going to say today, but I do have some remarks for the leader at the appropriate time.

Mr. KERREY. I will just take a few minutes and conclude for this evening.

The distinguished ranking member went through the 14 part checklist and said that among other things this checklist—for my colleagues who are wondering, this is in section 221. It actually becomes section 255 of the communications act.

This checklist says this is what a Bell operating company, your local telephone company from whom you purchase your telephone service, this is what they have to do in order to be able to provide long distance. That is, they have to do all these things and present that to the FCC. And when they do that and meet one higher test, one additional test, public interest test, then they are allowed to get into long distance.

Now, the idea here is that that 14 part checklist substitutes for meeting a test called no substantial possibility of interfering with demonstrable competition, or some such thing as that. The idea is that this 14 part checklist is all we need to have in order to make certain that we have competition.

Now, the phone companies in their defense are a bit frustrated with all this because they say oh, my gosh, I have this 14 part checklist and now you want me to satisfy the Department of Justice. I want them to have a role in this thing as well. That is too much.

Mr. President, I actually think that in these negotiations we sometimes sort of seize onto something and begin to feel as if it has to be this way and there is no better way. I say to the phone companies, you would be far better off if your interest is getting competition without litigating it, you would be far better off with both of these things. You have a checklist. I know exactly what it is you have to do. We have gone through that exercise. We have said that is what you have to do to get into long distance. You present that to the FCC. You go through the process as Justice simultaneous with that and then there is no dispute. There is nobody that can say to you you have not satisfied what is required to make sure there is local competition, and for us in the Congress no risk that we will not have that competition, and it is the biggest risk in this whole deal. Fail to get that competition at the local level and most assuredly regret will come to your mind sometime in the not too distant future.

I am going to just make one last comment and then wrap this up. One last thing that was said was there is a lot of money over at FCC from the auctions. As I understand it, in fact I know it to be the case, that auction money is hardly available if you are going to add staff over at the FCC in order to be able to handle the increased caseload, and there is going to be increased caseload. There is going to be increased pressure upon the FCC. They are going to have to hire new people. They do not have this expertise over there right now. They are going to have to hire at the FCC in order to be able to handle these applications, in order to be able to make those determinations. We are going to have to build what does not exist today in a Federal agency that previously has not had this kind of responsibility. And you are going to have to find an offset in some fashion in order to be able to get the job done, whereas, as I see it anyway, at the Department of Justice we already have those folks on the job.

Mr. President, once again I say I hope that in the process of debating this, this will in the end lead to a piece of legislation I am able to enthusiastically support based upon my confidence that this is going to be good for the American consumer, this is going to be good for American workers that are hoping that this country will create more high paying jobs, that this will be good for American citizens who increasingly are dependent upon information in order to do a good job in their schools, to do a good job in their businesses, to do a good job in their operating rooms and various other places where Americans either work or play.

I appreciate the tolerance and the assistance of the distinguished chairman of this committee and the ranking member who has already left.

Mr. President, I yield the floor.

Mr. PRESSLER. Mr. President, if I may commend my friend from Nebraska because I think our discussion has stimulated at least me to think a bit about where we are historically as we conclude this debate this evening.

First of all, it is stimulating in the sense to think if we can find a way to help people have more products available at a lower cost that are useful to them in their lives, we are doing more for them than if we were to give them Government aid. There is a proper role for Government in our society. But it is my strongest feeling that if we can find ways through competition in the free enterprise system that people can have products at a lower price in abundance and innovations we are actually doing more for them frequently than if we give them grants or aid.

For example, let us talk about senior citizens. I am a champion of senior citizens. We deregulated natural gas prices in the 1970's, and I remember I was over in the House of Representatives, and we were struggling with that issue. And people said, if you deregulate natural gas the prices are going to skyrocket and companies are going to gouge everybody. In fact, the prices came down and they have stayed down. If you want to do a senior citizen a favor, you can help the cost of heating their home stay low. You can help the cost of their goods to be lower through competition.

Usually we think of helping senior citizens by giving them more money or spending taxpayers' money, and in some cases that is accurate. But you can also help senior citizens by providing them low cost fuel and low cost natural gas. And that has been done through deregulated natural gas prices.

And I also say that to a lot of people in the United States the innovations that have occurred in the computer industry—true, there have been some winners and losers among the companies, but the fact is that people have lower cost personal computers available today through competition. And we never could have achieved that through Government regulations or

Government standards. Indeed, every 18 months there is a complete turnover.

I also serve on the Finance Committee, and the people in the computer area in Silicon Valley would like an 18-month depreciation schedule because their products are obsolete after 18 months. That is because there is so much competition and there is not a Government standard holding them back. The American free enterprise system allows that type of innovation. Every 18 months the old computer is obsolete, and we are moving forward and people are able to buy personal computers at a low cost. That is a service to people much more so than if we had a huge Government agency regulating and setting standards.

I would say that through this bill if we can increase competition and if through this bill we can bring innovation, we will see the same kind of explosion of new devices and investment and services for telecommunications at a lower cost to consumers, just as we have seen in other areas of competition. But we do not have that so long as we have the Justice Department and the FCC running things with Government regulation and Government standards.

Now, also let me say what will happen if we do not pass this bill.

It is tough to pass this bill because different groups have checkmates and the White House has been opposing this bill—though they will not say they will veto it. But I am very sad about this opposition, because if we do not pass this bill, we will be failing again as a Congress to do what we are supposed to do.

Had Congress, before 1982, required AT&T to unbundle and interconnect so they could have competition in the local markets, we would not be here today. We would have had an explosion of new devices in telecommunications, more than we have had. We would have lower costs. There is no reason the cost of long distance calls needs to cost what they do. Consumers should be paying a fourth of what they are paying for local and long distance service, based on what has happened to prices in the computer area.

We are trying to do what we were supposed to do in 1982 in this bill, and we are trying to get this thing together. Yet people come to the floor with more regulatory amendments. This amendment that is before us now to put on the Department of Justice another layer of regulation is going to delay, delay, delay. What if computers and innovation in computers had to go through the Department of Justice? It takes 3 to 5 years for them to respond even to petitions that are routine. Why do we want more regulations?

If we do not pass this bill, we will be failing again. People say, "Well, if we don't pass this bill, we'll get another bill." No, we will not. We are coming into a Presidential election, and it will be over to 1997 and that is 2 more years of innovation and lower prices for the American people lost.

I say to the White House, I find it very odd that the White House is opposing this bill, because they will not say they will veto it. I went over three times to see AL GORE, to get him to lead this movement, because it is everything he says he believes in. It is reinventing, privatizing, all of those things; it is the information highway.

I have been amazed that the White House has not supported this. They will not say they are going to veto it.

Every Democrat on the Commerce Committee voted for this bill. The Democrats in the Senate have been at the forefront of helping us to deregulate and move forward in telecommunications.

I know there have not been very many bipartisan bills that have passed this Senate, and I will not put this on a partisan basis. I would give as much credit to Senator HOLLINGS as to some of the Republican people and Democratic people that have served for years. But here we have a chance to deregulate an industry, to get everybody into everybody else's business. If we slip and fail, this thing will go over to 1997, and then we will start again, I suppose, because we are not going to have a major telecommunications reform bill in a Presidential election year.

I have also said that I hope that this bill passes both Houses by the Fourth of July. I hoped it would be signed by the President by the Fourth of July. That was my original goal.

The Senate has moved on a bipartisan basis in an amazingly coordinated way. We had meeting after meeting every night with Democrats and Republicans. We met Saturdays and Sundays, Democrats and Republicans, shoulder to shoulder, to finally get a telecommunications bill. We passed it through the Senate Commerce Committee when people said it could not be passed. It is on the Senate floor.

This is early June. This is one of the most complicated bills here, and it will affect a third of the American economy. It affects every home in America. And I think it is time for the White House to join us. They are opposing this bill. I think it is time for the Consumer Federation of America to join us. I hope NEWT GINGRICH gives this bill an early slot over there because it is very important. It is a bipartisan bill that will create jobs, and it will create the kind of jobs we want in this country.

Right now, a lot of our telecommunications industry is forced to invest overseas because they are prohibited from doing certain things here. Our regional Bells cannot manufacture, they cannot do this, and they cannot do that. So one of my friends in my life, Dick Callahan, for example, president of U.S. West International, is over in London. He is originally from Sioux Falls. He is not in Denver and Sioux Falls investing, he is over in London investing U.S. money in things that the telecommunications companies can do there that they cannot do here. I would rather have the Dick Callahans of this world creating jobs in the United States.

Also, this bill is a modernizing bill. We are losing jobs in some of our aging industries, very frankly. We read every day about how a certain mature industry is laying off people. I recently toured the Caterpillar plants in Peoria, IL, and I saw the difference in the assembly line where the modernized part is, where they turn out 51 engines a day, versus the old part, where they turn out 13 engines a day. They make 51 engines with fewer people.

But those people will need new jobs in new industries, and this bill does that. Everybody should understand that. This is a jobs bill, but it is not a jobs bill through Government, it is a jobs bill through free enterprise. If we are going to do something for people, we provide them more services at a cheaper level, just as with deregulating natural gas. We helped every senior citizen, probably more than we did with the COLA on Social Security, by providing them with a cheap form of fuel to heat their home. And that is what this bill is.

I could go on at great length. But I would like to conclude the debate today by saying I think we have made good progress on this bill. This is a bill that some of the private newsletters said only had a 10 percent chance in January. They said it had a 30 percent chance in April. But I think we are right on the cusp. We have to make progress with this bill. If we do not, we will be failing the American people and we will be failing the creation of a lot of jobs, new kinds of jobs, and we will be having our brightest people going overseas investing our telecommunications capital, as is happening.

Mr. CAMPBELL. Mr. President, I rise today to support the Telecommunications Competition and Deregulation Act of 1995—S. 652.

S. 652 will open telecommunications markets to competition which will benefit consumers and the American economy. It will give America the freedom we need to remain the world's leader in telecommunications, information and computer technology in the 21st century. Keeping this edge will enhance our competitiveness, spur domestic economic growth and job creation, and, most importantly, provide a better quality of life for our citizens.

Mr. President, I want to make sure that these same benefits flow into the educational system and into our classrooms, libraries and hospitals.

The communications revolution is leaving our schools behind. As access to telecommunications technology and information increases across the country, our classrooms are cut off from the information revolution. The National Center for Education Statistics reports that overall, 35 percent of public schools have access to the Internet but only 3 percent of classrooms in public schools are networked. Smaller schools in rural areas are even less likely to be on the Internet than schools with larger enrollment sizes.

Mr. President, I live in a small rural town in Colorado where many schools lack even basic phone lines. I have seen, first-hand, how many rural areas were left unserved and were dependent on the Federal Government to finance cooperatives to bring basic telephone service to rural communities. Schools and libraries in rural Colorado and in rural America cannot afford to be left unserved and kept out of the information revolution.

The Snowe-Rockefeller provision in S. 652 ensures that rural communities and high cost areas have access to communications and information technology. This provision builds on the overall universal service provision in S. 652 and adds the important component of providing schools, libraries and hospitals with affordable access to the Information Superhighway. In my view, it is essential to rural communities to keep this provision in the bill. Otherwise, rural areas will not benefit from technological advances in communications.

There is a growing understanding that technology can have a significant positive impact on teaching and learning and can serve as a means for achieving educations excellence. For example, a computer network connected to the classroom means that every teacher and student has access to the world's greatest libraries. New technologies and tools such as e-mail and the World Wide Web will give schools greater access to text, audio and video-on-demand. Through telecommunications, students and teachers will gain access to significantly greater amounts of information than would otherwise be available.

Teachers could be far more productive and innovative if they had access to new ideas and technologies through computer networks. Studies show productivity increases of as much as 30 percent when teachers are connected to the Information Superhighway. In essence, teachers would be able to exchange lesson plans, get tips from their colleagues, or obtain access to the Library of Congress or the National Archives for teaching materials. In rural areas, students can access information through distance learning programs where information and instruction is exchanged by two-way videos.

There are many exciting technological opportunities available for our schools and libraries across the country. Yet, teachers simply do not have adequate tools to use the resources of the information revolution. Most teachers have not had adequate training to prepare them to use technology effectively in teaching. According to survey data from the National Education Association, an estimated 56 percent of all public school teachers feel they need training to use personal computers adequately in their classes and 72 percent need training in the use of on-line databases.

Technology can even draw parents into the education process. Many parents do not understand how technology filters into the education process, and they do not understand its significance in their children's schooling. However, parents can have access to simple voice-mail technology and can call into a mailbox to find out the homework assignment or information about a class trip. In the future, classroom networks could eventually extend to the home and thereby fulfill what educators say is their biggest unmet need: lengthening the learning day and involving the parents.

Mr. President, all of the Nation's children deserve to be exposed to the best possible education, not just those who live in affluent areas. But, without a national commitment to providing affordable access to these emerging technologies in schools and libraries in rural areas, our Nation will fall far short in preparing all its citizens for the 21st century.

MORNING BUSINESS

(During today's session of the Senate, the following morning business was transacted.)

THE MUSIC PERFORMANCE TRUST FUNDS

Mr. KENNEDY. Mr. President, Henry Wadsworth Longfellow once said that music is the universal language of mankind. If so, recording industries music performance trust funds enable that language to be heard and enjoyed by all.

Since its creation in 1948 by the Recording Companies of America and the American Federation of Musicians, MPTF has raised over $500 million, and has sponsored more than a million free instrumental performances throughout the United States and Canada. MPTF can truly be described as the largest single sponsor of live music in the entire world.

Indeed, the effect of MPTF is enormous. It provides young musicians with opportunities to learn from experienced professionals. It permits individuals to hear excellent artistic selections, and to broaden their musical tastes. It functions as an educational tool enabling students to acquire a better appreciation and understanding of music. It serves as an outstanding example of industry and employees working together for a greater future, in which the arts are widely accessible to people in their own communities.

It is often said that few things in life are free. When MPTF was first envisioned, it was designed to be an exception to that rule. Its original goal was to present free musical performances for community education and outreach, with emphasis on reaching the largest possible audiences. For half a century, in reaching for that goal, MPTF has helped to develop, strengthen, and enrich our national culture and heritage, especially the appreciation and enjoyment of live music.

Because of these admirable achievements, it is a privilege to take this opportunity to commend the recording industry and MPTF for their leadership. Through their efforts, music is fulfilling its potential as a magnificent unifying and humanizing experience that can be shared and understood by all.

WILLIAM W. WILKENS, SR.

Mr. THURMOND. Mr. President, I rise today to reflect on the life of a good friend of mine, and one of our State's leading citizens—William Walter Wilkins, Sr.—who passed away recently.

Born in the South Carolina "Upstate", Mr. Wilkins became one of the most prominent and well liked citizens of the region. A gifted athlete, "WW" was active in a number of sporting activities, including playing 4 years of varsity basketball, before his cum laude graduation from Furman University. Soon after he earned his law degree from that prestigious institution in 1929, William began to establish a well deserved reputation as a capable and dedicated attorney whose integrity was unimpeachable. Mr. Wilkins was forced to put his law practice aside to serve in the Navy during World War II, but upon his return to the United States, he founded the Wilkins Law Firm and remained its senior partner until his retirement in 1992.

A civic minded individual, Walter was actively involved in many community activities and was recognized as an important regional leader. In addition to being a member of the Greenville County and South Carolina Bar Associations, he belonged to a number of other civic groups and organizations. He was the Past Commander of the James F. Daniel, Jr. American Legion Post; a past Master of the Walden Masonic Lodge; and, Chairman of the Board of Directors of the Greenville County American Legion Fair Association, where he served as chairman for 44 years and helped to raise many thousands of dollars to support the Legion. His commitment to civic service earned him many recognitions and awards from groups as diverse as the American Legion, the City of Greenville, and the Governor of South Carolina who presented him with our State's highest award, "The Order of the Palmetto".

Perhaps the one thing that Walter Wilkins loved more than practicing law was his family. He was very devoted to his lovely wife, Evelyn, and their three children: Nancy Wilkins Lydon; Judge William W. Wilkins, Jr.; attorney and Speaker of the South Carolina House of Representatives, David H. Wilkins; and Dr. Robert T. Wilkins of Denver, Colorado.

As a class project, one of Walter's grandchildren wrote a short essay about him, and I would like to share an excerpt of it with you:

> My grandfather, Walter Wilkins or "Papa", has had a great influence on my life. Thanks in large part to "Papa", our family name is well respected in the community. Having a family tradition of which I am very proud means a great deal to me. I was not really aware that "Papa" did more for us than simply give us a little money at Christmastime until my entire family gathered for a ceremony in "Papa's" honor by a well-known organization in Greenville County. The speaker talked a great deal about "Papa's" many contributions to the community. It was then I realized how much we owe "Papa" for our good name and reputation. "Papa" is not as strong and healthy as he used to be, and I'm afraid he won't be with us for too many more years. But his contributions to our family will live on. He has given us a legacy of integrity and honor, and taught us to always do our very best. I know that's why he tried so hard to make clear to his children and grandchildren when he would stress hard work in our schoolwork and athletics. I can still picture in my mind playing football and other sports in his backyard and looking up at the window and making eye contact with him sitting there watching me play, pulling for me to always do my best.

Certainly a moving and fitting tribute to a unique man. All those who knew Walter Wilkins, Sr. share the sense of loss his family must feel and they have our deepest sympathies on the passing of their father and grandfather.

THE LATE SECRETARY OF DEFENSE, LES ASPIN

Mr. THURMOND. Mr. President, providing for the adequate defense of our Nation is a concern that members of the Senate Armed Services Committee and the House Committee on National Security take quite seriously. Political differences are pushed aside in order to ensure that our soldiers, sailors, marines, and airmen are well provided for, both in the equipment they require to do their jobs and in being compensated for their sacrifices in service to the United States. Over the years, I have had the pleasure of working with a number of men and women on these committees who have demonstrated their commitment to our personnel in uniform and for the security of the United States. One of the most serious-minded and analytical of this group was the former chairman of the House Armed Services Committee and Secretary of Defense, Les Aspin, who unexpectedly passed away recently after suffering a massive stroke.

A graduate of Yale, Oxford, and the Massachusetts Institute of Technology, Les was a man who dedicated almost his whole adult life to the national security field. Les entered government service with Robert McNamara and served in the Pentagon during the Vietnam War. After deciding to leave the Department of Defense, Les turned to academia and taught economics at Marquette for a year before running for, and being elected to, Congress where he served from 1971 until 1993. It was during those years that I came to know Les well, especially as he climbed the leadership ladder of the House Armed Services Committee. As its Chairman, he surprised, and even angered, a number of people with his stands in favor of the MX missile, aid to the Contras, and for his support in our military efforts against Saddam Hussein. He assumed these positions because he studied the issues, weighed their costs and benefits, and acted in a manner that was in the best interests of the United States.

In 1992, his role as an advocate for the armed services brought him to the attention of then newly elected President Clinton, who decided that Les would make an ideal Secretary of Defense. Resigning from his powerful seat in the House, Les again heeded the cry of service and assumed the Secretary's job, a position that some said he coveted and many thought him ideal to hold. Unfortunately, his tenure in this post is not remembered with as much admiration as was his service in the Congress.

The truth of the matter is that being the Secretary of Defense for Bill Clinton was no easy task, especially in the first days of his administration. President Clinton wanted to end the ban on gays in the military, envisioned turning American troops over to the United Nations, cutting defense, and committing U.S. forces to various humanitarian and peacekeeping operation. As the man charged with implementing these policy objectives, Les had an uphill struggle from the time he stepped foot in the Pentagon. Given all the obstacles placed before him, Les did a commendable job of working for the defense of the United States.

Mr. President, Les Aspin was a man who was pleased to be able to serve his Nation and he worked hard in each endeavor he undertook. Some say his zeal for work is what killed him, but I prefer to think that he gave his heart for his Nation. We all appreciate the sacrifices and contributions that he made during his life and he will be missed by all those who knew him.

WAS CONGRESS IRRESPONSIBLE? THE VOTERS HAVE SAID YES

Mr. HELMS. Mr. President, on the evening I learned I had been elected to the Senate in 1972, one of the commitments I made to myself was that I would never fail to see a young person or a group of young people who wanted to see me. It was certainly beneficial to me that I did because I have been inspired by the estimated 60,000 young people with whom I have visited during the nearly 33 years I have been in the Senate.

Most of them have been concerned about the magnitude of the Federal debt that Congress has run up for the coming generations to pay. The young people and I always discuss the fact that under the Constitution, no President can spend even a dime of Federal money that has not first been authorized and appropriated by both the House and Senate of the United States.

That is why I have been making these daily reports to the Senate since February 22, 1992. I want to make it a matter of record precisely the size of the Federal debt which as of Wednesday, June 7, stood at $4,902,043,504,916.54 or $18,608.24 on a per capita basis.

What Congress has already done to future generations is immoral.

COMMENCEMENT ADDRESS BY PRESIDENT HAVEL AT HARVARD UNIVERSITY

Mr. KENNEDY. Mr. President, earlier today, President Vaclav Havel of the Czech Republic received an honorary degree from Harvard and delivered the commencement address.

President Havel's address is an eloquent analysis of the human condition in our diverse, interdependent and increasingly technological world, where the greatest achievements of humanity can also lead to the greatest destruction. He speaks especially of the responsibility of politicians and the mass media to enhance respect for individuals and for other peoples, other nations, and other cultures, so that the discoveries of the modern age will be able to serve humanity, not destroy it. As he states, "Our conscience must catch up to our reason, otherwise we are lost."

I believe that President Havel's eloquent and thoughtful address will be of interest to all of us in Congress, and I ask unanimous consent that the prepared text of the address may be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY VÁCLAV HAVEL

Mr. President, Mr. Vice-President, ladies and gentlemen. One evening not long ago I was sitting in an outdoor restaurant by the water. My chair was almost identical to the chairs they have in restaurants by the Vltava River in Prague. They were playing the same rock music they play in most Czech restaurants. I saw advertisements I'm familiar with back home. Above all, I was surrounded by young people who were similarly dressed, who drank familiar-looking drinks, and who behaved as casually as their contemporaries in Prague. Only their complexion and their facial features were different—for I was in Singapore.

I sat there thinking about this and again—for the umpteenth time—I realized an almost banal truth: that we now live in a single global civilization. The identity of this civilization does not lie merely in similar forms of dress, or similar drinks, or in the constant buzz of the same commercial music all around the world, or even in international advertising. It lies in something deeper: thanks to the modern idea of constant progress, with its inherent expansionism, and to the rapid evolution of science that comes directly from it, our planet has, for the first time in the long history of the human race, been covered in the space of a very few decades by a single civilization—one that is essentially technological. The world is now enmeshed in webs of telecommunication networks consisting of millions of tiny threads or capillaries that not only transmit information of all kinds at lightning speed, but also convey integrated models of social, political and economic behavior. They are conduits for legal norms, as well as for billions and billions of dollars, crisscrossing the world while remaining invisible even to those who deal directly with them. The life of the human race is completely interconnected not only in the informational sense, but in the causal sense as well. Anecdotically, I could illustrate this by reminding you—since I've already mentioned Singapore—that today all it takes is a single shady transaction initiated by a single devious bank clerk in Singapore to bring down a bank on the other side of the world. Thanks to the accomplishments of this civilization, practically all of us know what cheques, bonds, bills of exchange, and stocks are. We are familiar with CNN and Chernobyl, and we know who the Rolling Stones, or Nelson Mandela, or Salman Rushdie are. More than that, the capillaries that have so radically integrated this civilization also convey information about certain modes of human coexistence that have proven their worth, like democracy, respect for human rights, the rule of law, the laws of the market-place. Such information flows around the world and, in varying degrees, takes root in different places.

In modern times this global civilization emerged in the territory occupied by European and ultimately by Euro-American culture. Historically, it evolved from a combination of traditions—classical, Judaic and Christian. In theory, at least, it gives people not only the capacity for worldwide communication, but also a coordinated means of defending themselves against many common dangers. It can also, in an unprecedented way, make our life on this earth easier and open up to us hitherto unexplored horizons in our knowledge of ourselves and the world we live in.

And yet there is something not quite right about it.

Allow me to use this ceremonial gathering for a brief meditation on a subject which I have dwelt upon a great deal, and which I often bring up on occasions resembling this one. I want to focus today on the source of the dangers that threaten humanity in spite of this global civilization, and often directly because of it. Above all, I would like to speak about the ways in which these dangers can be confronted.

Many of the great problems we face today, as far as I understand them, have their origin in the fact that this global civilization, though in evidence everywhere, is no more than a thin veneer over the sum total of human awareness, if I may put it that way. This civilization is immensely fresh, young, new, and fragile, and the human spirit has accepted it with dizzying alacrity, without itself changing in any essential way. Humanity has evolved over long millennia in all manner of civilizations and cultures that gradually, and in very diverse ways, shaped our habits of mind, our relationship to the world, our models of behaviour and the values we accept and recognize. In essence, this new, single epidermis of world civilization merely covers or conceals the immense variety of cultures, of peoples, of religious worlds, of historical traditions and historically formed attitudes, all of which in a sense lie "beneath" it. At the same time, even as the veneer of world civilization expands, this "underside" of humanity, this hidden dimension of it, demands more and more clearly to be heard and to be granted a right to life.

And thus, while the world as a whole increasingly accepts the new habits of global civilization, another contradictory process is taking place: ancient traditions are reviving, different religions and cultures are awakening to new ways of being, seeking new room to exist, and struggling with growing fervour to realize what is unique to them and what makes them different from others. Ultimately they seek to give their individuality a political expression.

It is often said that in our time, every valley cries out for its own independence or will even fight for it. Many nations, or parts of them at least, are struggling against modern civilization or its main proponents for the right to worship their ancient gods and obey the ancient divine injunctions. They carry on their struggle using weapons provided by the very civilization they oppose. They employ radar, computers, lasers, nerve gases, and perhaps, in the future, even nuclear weapons—all products of the world they challenge—to help defend their ancient heritage against the erosions of modern civilization. In contrast with these technological inventions, other products of this civilization—like democracy or the idea of human rights—are not accepted in many places in the world because they are deemed to be hostile to local traditions.

In other words: the Euro-American world has equipped other parts of the globe with instruments that not only could effectively destroy the enlightened values which, among other things, made possible the invention of precisely these instruments, but which could well cripple the capacity of people to live together on this earth.

What follows from all of this?

It is my belief that this state of affairs contains a clear challenge not only to the Euro-American world but to our present-day civilization as a whole. It is a challenge to this civilization to start understanding itself as a multicultural and a multipolar civilization, whose meaning lies not in undermining the individuality of different spheres of culture and civilization but in allowing them to be more completely themselves. This will only be possible, even conceivable, if we all accept a basic code of mutual co-existence, a kind of common minimum we can all share, one that will enable us to go on living side by side. Yet such a code won't stand a chance if it is merely the product of a few who then proceed to force it on the rest. It must be an expression of the authentic will of everyone, growing out of the genuine spiritual roots hidden beneath the skin of our common, global civilization. If it is merely disseminated through the capillaries of this skin, the way Coca-cola ads are—as a commodity offered by some to others—such a code can hardly be expected to take hold in any profound or universal way.

But is humanity capable of such an undertaking? Is it not a hopelessly utopian idea? Haven't we so lost control of our destiny that we are condemned to gradual extinction in ever harsher high-tech clashes between cultures, because of our fatal inability to cooperate in the face of impending catastrophes, be they ecological, social, or demographic, or of dangers generated by the state of our civilization as such?

I don't know.

But I have not lost hope.

I have not lost hope because I am persuaded again and again that, lying dormant in the deepest roots of most, if not all, cultures there is an essential similarity, something that could be made—if the will to do so existed—a genuinely unifying starting point for that new code of human co-existence that would be firmly anchored in the great diversity of human traditions.

Don't we find somewhere in the foundations of most religions and cultures, though they may take a thousand and one distinct forms, common elements such as respect for what transcends us, whether we mean the mystery of Being, or a moral order that stands above us; certain imperatives that come to us from heaven, or from nature, or from our own hearts; a belief that our deeds will live after us; respect for our neighbours, for our families, for certain natural authorities; respect for human dignity and for nature: a sense of solidarity and benevolence towards guests who come with good intentions?

Isn't the common, ancient origin or human roots of our diverse spiritualities, each of which is merely another kind of human understanding of the same reality, the thing that can genuinely bring people of different cultures together?

And aren't the basic commandments of this archetypal spirituality in harmony with what even an unreligious person—without knowing exactly why—may consider proper and meaningful?

Naturally, I am not suggesting that modern people be compelled to worship ancient deities and accept rituals they have long since abandoned. I am suggesting something quite different: we must come to understand the deep mutual connection or kinship between the various forms of our spirituality. We must recollect our original spiritual and moral substance, which grew out of the same essential experience of humanity. I believe that this is the only way to achieve a genuine renewal of our sense of responsibility for ourselves and for the world. And at the same time, it is the only way to achieve a deeper understanding among cultures that will enable them to work together in a truly ecumenical way to create a new order for the world.

The veneer of global civilization that envelops the modern world and the consciousness of humanity, as we all know, has a dual nature, bringing into question, at every step of the way, the very values it is based upon, or which it propagates. The thousands of marvelous achievements of this civilization that work for us so well and enrich us can equally impoverish, diminish, and destroy our lives, and frequently do. Instead of serving people, many of these creations enslave them. Instead of helping people to develop their identities, they take them away. Almost every invention or discovery—from the splitting of the atom and the discovery of DNA to television and the computer—can be turned against us and used to our detriment. How much easier it is today than it was during the First World War to destroy an entire metropolis in a single air-raid. And how much easier would it be today, in the era of television, for a madman like Hitler or Stalin to pervert the spirit of a whole nation. When have people ever had the power we now possess to alter the climate of the planet or deplete its mineral resources or the wealth of its fauna and flora in the space of a few short decades? And how much more destructive potential do terrorists have at their disposal today than at the beginning of this century?

In our era, it would seem that one part of the human brain, the rational part which has made all these morally neutral discoveries, has undergone exceptional development, while the other part, which should be alert to ensure that these discoveries really serve humanity and will not destroy it, has lagged behind catastrophically.

Yes, regardless of where I begin my thinking about the problems facing our civilization, I always return to the theme of human responsibility, which seems incapable of keeping pace with civilization and preventing it from turning against the human race. It's as though the world has simply become too much for us to deal with.

There is no way back. Only a dreamer can believe that the solution lies in curtailing the progress of civilization in some way or other. The main task in the coming era is something else: a radical renewal of our sense of responsibility. Our conscience must catch up to our reason, otherwise we are lost.

It is my profound belief that there is only one way to achieve this: we must divest ourselves of our egotistical anthropocentrism, our habit of seeing ourselves as masters of the universe who can do whatever occurs to us. We must discover a new respect for what transcends us: for the universe, for the earth, for nature, for life, and for reality. Our respect for other people, for other nations, and for other cultures, can only grow from a humble respect for the cosmic order and from an awareness that we are a part of it, that we share in it and that nothing of what we do is lost, but rather becomes part of the eternal memory of Being, where it is judged.

A better alternative for the future of humanity, therefore, clearly lies in imbuing our civilization with a spiritual dimension. It's not just a matter of understanding its multicultural nature and finding inspiration for the creation of a new world order in the common roots of all cultures. It is also essential that the Euro-American cultural sphere—the one which created this civilization and taught humanity its destructive pride—now return to its own spiritual roots and become an example to the rest of the world in the search for a new humility.

General observations of this type are certainly not difficult to make, nor are they new or revolutionary. Modern people are masters at describing the crises and the misery of the world which we shape, and for which we are responsible. We are much less adept at putting things right.

So what specifically is to be done?

I do not believe in some universal key or panacea. I am not an advocate of what Karl Popper called "holistic social engineering", particularly because I had to live most of my adult life in circumstances that resulted from an attempt to create a holistic Marxist utopia. I know more than enough, therefore, about efforts of this kind.

This does not relieve me, however, of the responsibility to think of ways to make the world better.

It will certainly not be easy to awaken in people a new sense of responsibility for the world, an ability to conduct themselves as if they were to live on this earth forever, and to be held answerable for its condition one day. Who knows how many horrific cataclysms humanity may have to go through before such a sense of responsibility is generally accepted. But this does not mean that those who wish to work for it cannot begin at once. It is a great task for teachers, educators, intellectuals, the clergy, artists, entrepreneurs, journalists, people active in all forms of public life.

Above all it is a task for politicians.

Even in the most democratic of conditions, politicians have immense influence, perhaps more than they themselves realize. This influence does not lie in their actual mandates, which in any case are considerably limited. It lies in something else: in the spontaneous impact their charisma has on the public.

The main task of the present generation of politicians is not, I think, to ingratiate themselves with the public through the decisions they take or their smiles on television. It is not to go on winning elections and ensuring themselves a place in the sun till the end of their days. Their role is, something quite different: to assume their share of responsibility for the long-range prospects of our world and thus to set an example for the public in whose sight they work. Their responsibility is to think ahead boldly, not to fear the disfavor of the crowd, to imbue their actions with a spiritual dimension (which of course is not the same thing as ostentatious attendance at religious services), to explain again and again—both to the public and to their colleagues—that politics must do far more than reflect the interests of particular groups or lobbies. After all, politics is a matter of serving the community, which means that it is morality in practice. And how better to serve the community and practice morality than by seeking in the midst of the global (and globally threatened) civilization their own global political responsibility: that is, their responsibility for the very survival of the human race?

I don't believe that a politician who sets out on this risky path will inevitably jeopardize his or her political survival. This is a wrongheaded notion which assumes that the citizen is a fool and that political success depends on playing to this folly. That is not the way it is. A conscience slumbers in every human being, something divine. And that is what we have to put our trust in.

Ladies and gentlemen,

I find myself at perhaps the most famous university in the most powerful country in the world. With your permission, I will say a few words on the subject of the politics of a great power.

It is obvious that those who have the greatest power and influence also bear the greatest responsibility. Like it or not, the United States of America now bears probably the greatest responsibility for the direction our world will take. The United States, therefore, should reflect most deeply on their responsibility.

Isolationism has never paid off for the United States. Had it entered the First World War earlier, perhaps it would not have had to pay with anything like the casualties it actually incurred.

The same is true of the Second World War. When Hitler was getting ready to invade Czechoslovakia, and in so doing finally expose the lack of courage on the part of the western democracies, your President wrote a letter to the Czechoslovak President imploring him to come to some agreement with Hitler. Had he not deceived himself and the whole world into believing that an agreement could be made with this madman, had he instead shown a few teeth, perhaps the Second World War need not have happened, and tens of thousands of young Americans need not have died fighting in it.

Likewise, just before the end of that war, had your President, who was otherwise an outstanding man, said a clear "no" to Stalin's decision to divide the world, perhaps the Cold War, which cost the United States hundreds of billions of dollars, need not have happened either.

I beg you: do not repeat these mistakes! You yourselves have always paid a heavy price for them! There is simply no escaping the responsibility you have as the most powerful country in the world.

There is far more at stake here than simply standing up to those who would like once again to divide the world into spheres of interest, or subjugate others who are different from them, and weaker. What is now at stake is saving the human race. In other words, it's a question of what I've already talked about: of understanding modern civilization as a multicultural and multipolar civilization, of turning our attention to the original spiritual sources of human culture and above all, of our own culture, of drawing from these sources the strength for a courageous and magnanimous creation of a new order for the world.

Not long ago I was at a gala dinner to mark an important anniversary. There were fifty Heads of State present, perhaps more, who came to honor the heroes and victims of the greatest war in human history. This was not a political conference, but the kind of social event that is meant principally to show hospitality and respect to the invited guests. When the seating plan was given out, I discovered to my surprise that those sitting at the table next to mine were not identified simply as representatives of a particular state, as was the case with all the other tables; they were referred to as "permanent members of the UN Security Council and the G7" I had mixed feelings about this. On the one hand, I thought how marvelous that the richest and most powerful of this world see each other often and even at this dinner, can talk informally and get to know each other better. On the other hand, a slight chill went down my spine, for I could not help observing that one table had been singled out as being special and particularly important. It was a table for the big powers. Somewhat perversely, I began to imagine that the people sitting at it were, along with their Russian caviar, dividing the rest of us up among themselves, without asking our opinion. Perhaps all this is merely the whimsy of a former and perhaps future playwright. But I wanted to express it here. For one simple reason: to emphasize the terrible gap that exists between the responsibility of the great powers and their hubirs. The architect of that seating arrangement—I should think it was none of the attending Presidents—was not guided by a sense of responsibility for the world, but by the banal pride of the powerful.

But pride is precisely what will lead the world to hell. I am suggesting an alternative: humbly accepting our responsibility for the world.

There is one great opportunity in the matter of co-existence between nations and spheres of civilization, culture and religion that should be grasped and exploited to the limit. This is the appearance of supranational or regional communities. By now, there are many such communities in the world, with diverse characteristics and differing degrees of integration. I believe in this approach. I believe in the importance of organisms that lie somewhere between nation states and a world community, organisms that can be an important medium of global communication and co-operation. I believe that this trend towards integration in a world where—as I've said—every valley longs for independence, must be given the greatest possible support. These organisms, however, must not be an expression of integration merely for the sake of integration. They must be one of the many instruments enabling each region, each nation, to be both itself and capable of co-operation with others. That is, they must be one of the instruments enabling countries and peoples who are close to each other geographically, ethnically, culturally and economically and who have common security interests, to form associations and better communicate with each other and with the rest of the world. At the same time, all such regional communities must rid themselves of fear that other like communities are directed against them. Regional groupings in areas that have common traditions and a common political culture ought to be a natural part of the complex political architecture of the world. Co-operation between such regions ought to be a natural component of co-operation on a world-wide scale. As long as the broadening of NATO membership to include countries who feel culturally and politically a part of the region the Alliance was created to defend is seen by Russia, for example, as an anti-Russian undertaking, it will be a sign that Russia has not yet understood the challenge of this era.

The most important world organization is the United Nations. I think that the fiftieth anniversary of its birth could be an occasion to reflect on how to infuse it with a new ethos, a new strength, and a new meaning, and make it the truly most important arena of good co-operation among all cultures that make up our planetary civilization.

But neither the strengthening of regional structures nor the strengthening of the UN will save the world if both processes are not informed by that renewed spiritual charge which I see as the only hope that the human race will survive another millennium.

I have touched on what I think politicians should do.

There is, however, one more force that has at least as much, if not more, influence on the general state of mind as politicians do.

That force is the mass media.

Only when fate sent me into the realm of high politics did I become fully aware of the media's double-edged power. Their dual impact is not a specialty of the media. It is merely a part, or an expression of the dual nature of today's civilization of which I have already spoken.

Thanks to television the whole world discovered, in the course of an evening, that there is a country called Rwanda where people are suffering beyond belief. Thanks to television it is possible to do at least a little to help those who are suffering. Thanks to television the whole world, in the course of a few seconds, was shocked and horrified about what happened in Oklahoma City and, at the same time, understood it as a great warning for all. Thanks to television the whole world knows that there exists an internationally recognized country called Bosnia and Herzegovina and that from the moment it recognized this country, the international community has tried unsuccessfully to divide it into grotesque mini-states according to the wishes of warlords who have never been recognized by anyone as anyone's legitimate representatives.

That is the wonderful side of today's mass media, or rather, of those who gather the news. Humanity's thanks belong to all those courageous reporters who voluntarily risk their lives wherever something evil is happening, in order to arouse the conscience of the world.

There is, however, another, less wonderful, aspect of television, one that merely revels in the horrors of the world or, unforgivably, makes them commonplace, or compels politicians to become first of all television stars. But where is it written that someone who is good on television is necessarily also a good politician? I never fail to be astonished at how much I am at the mercy of television directors and editors, at hoe my public image depends far more on them than it does on myself, at how important it is to smile appropriately on television, or choose the right tie, at how television forces me to express my thoughts as sparely as possible, in witticisms, slogans or sound bites, at how easily my television image can be made to seem different from the real me. I am astonished by this and at the same time, I fear it serves no good purpose. I know politicians who have learned to see themselves only as the television camera does. Television has thus expropriated their personalities, and made them into something like television shadows of their former selves. I sometimes wonder whether they even sleep in a way that will look good on television.

I am not outraged with television or the press for distorting what I say, or ignoring it, or editing me to appear like some strange monster. I am not angry with the media when I see that a politician's rise or fall often depends more on them than on the politician concerned. What interests me is something else: the responsibility of those who have the mass media in their hands. They too bear responsibility for the world, and for the future of humanity. Just as the splitting of the atom can immensely enrich humanity in a thousand and one ways and, at the same time, can also threaten it with destruction, so television can have both good and evil consequences. Quickly, suggestively, and to an unprecedented degree, it can disseminate the spirit of understanding, humanity, human solidarity and spirituality, or it can stupefy whole nations and continents. And just as our use of atomic energy depends solely on our sense of responsibility, so the proper use of television's power to enter practically every household and every human mind depends on our sense of responsibility as well.

Whether our world is to be saved from everything that threatens it today depends above all on whether human beings come to their senses, whether they understand the degree of their responsibility and discover a new relationship to the very miracle of Being. The world is in the hands of us all. And yet some have a greater influence on its fate than others. The more influence a person has—be they politician or television announcer—the greater the demands placed on their sense of responsibility and the less they should think merely about personal interests.

Ladies and gentlemen, in conclusion, allow me a brief personal remark. I was born in Prague and I lived there for decades without being allowed to study properly or visit other countries. Nevertheless, my mother never abandoned one of her secret and quite extravagant dreams: that one day I would study at Harvard. Fate did not permit me to fulfill her dream. But something else happened, something that would never have occurred even to my mother. I have received a doctoral degree at Harvard without even having to study here.

More than that, I have been given to see Singapore, and countless other exotic places. I have been given to understand how small this world is and how it torments itself with countless things it need not torment itself with if people could find within themselves a little more courage, a little more hope, a little more responsibility, a little more mutual understanding and love.

I don't know whether my mother is looking down at me from heaven, but if she is I can guess what she's probably thinking: she's thinking that I'm sticking my nose into matters that only people who have properly studied political science at Harvard have the right to stick their noses into.

I hope that you don't think so.

Thank you for your attention.

MESSAGES FROM THE HOUSE

At 2:33 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 535. An act to direct the Secretary of the Interior to convey the Corning National Fish Hatchery to the State of Arkansas.

H.R. 584. An act to direct the Secretary of the Interior to convey a fish hatchery to the State of Iowa.

H.R. 614. An act to direct the Secretary of the Interior to convey to the State of Minnesota the New London National Fish Hatchery production facility.

The message also announced that House disagrees to the amendment of the Senate to the resolution (H. Con. Res. 67) setting forth the congressional budget for the United States Government for fiscal years 1996, 1997, 1998, 1999, 2000, 2001, and 2002, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. KASICH, Mr. HOBSON, Mr. WALKER, Mr. KOLBE, Mr. SHAYS, Mr. HERGER, Mr. ALLARD, Mr. FRANKS of New Jersey, Mr. LARGENT, Mrs. MYRICK, Mr. PARKER, Mr. SABO, Mr. STENHOLM, Ms. SLAUGHTER, Mr. COYNE, Mr. MOLLOHAN, Mr. COSTELLO, Mr. JOHNSTON of Florida, and Mrs. MINK of Hawaii as the managers of the conference on the part of the House.

The message further announced that pursuant to the provisions of section 194(a) of title 14, United States Code, the Speaker appoints as members of the Board of Visitors to the United States Coast Guard Academy the following Members on the part of the

House: Mrs. JOHNSON of Connecticut and Mr. GEJDENSON.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 535. An act to direct the Secretary of the Interior to convey the Corning National Fish Hatchery to the State of Arkansas; to the Committee on Environment and Public Works.

H.R. 584. An act to direct the Secretary of the Interior to convey a fish hatchery to the State of Iowa; to the Committee on Environment and Public Works.

H.R. 614. An act to direct the Secretary of the Interior to convey to the State of Minnesota the New London National Fish Hatchery production facility; to the Committee on Environment and Public Works.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–167. A concurrent resolution adopted by the Legislature of the State of California; ordered to lie on the table.

"ASSEMBLY CONCURRENT RESOLUTION NO. 25

"Whereas, every three hours one person in the United State dies while awaiting organ transplantation, and in 1994, 3,098 persons died while awaiting transplants because too few families agreed to give the 'Gift of Life' by consenting to organ donation on behalf of their deceased loved ones; and

"Whereas, in addition to solid organs, transplants can be performed using tissues such as heart valves for cardiac patients, corneas for patients with corneal blindness, skin for patients with critical burns who require skin grafts, and bone and cartilage for reconstructive or rehabilitative orthopedic transplants; and

"Whereas, more than 18,000 organ transplants were performed in the United States in 1994, of which 2,400 were performed in California; and

"Whereas, the national waiting list of patients in need of solid organ transplants now exceeds 38,000 men, women, and children; and

"Whereas, more than 400,000 tissue transplants were performed in the United States in 1994, of which more than 40,000 were performed in California, most of which were skin, bone, tendon, and cartilage allografts; and

"Whereas, at any given time the number of patients in the United States waiting to receive tissue transplants exceeds 10,000 men, women, and children; and

"Whereas, more than 41,000 corneal transplants were performed in the United States in 1994, of which 4,736 were performed in California; and

"Whereas, the national waiting list of patients in need of corneal transplants exceeds 6,000 men, women, and children; and

"Whereas, evidence about a person's willingness to be an organ and tissue donor, even in the form of a signed Organ Donor Declaration on a California driver's license under the Uniform Anatomical Gift Act, often can be outweighed when families elect not to consent to donation; and

"Whereas, in 1994, more than 2,400 California families gave the 'Gift of Life' to critically ill people in California, across the United States, and even in other countries, by consenting to the prompt recovery of organs and tissues on behalf of their deceased family members, even during their time of grief and bereavement; and

"Whereas, one California family, the family of the late Nicholas Green of Bodega Bay, has received international recognition for their altruistic decision to donate Nicholas' organs and tissues to desperately ill children and adults in Italy, where Nicholas tragically perished in October 1994, at the age of seven; and

"Whereas, in California there is a need for increased education and awareness about the supply and demand for organ and tissue donation so that patients, families, and their physicians can speak openly about organ and tissue donation, participate in family discussions, prepare Advance Directives stipulating their wishes regarding organ and tissue donation, and recognize that organ and tissue donation is a lifesaving memorial tribute to deceased loved ones. Now, therefore, be it

"*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the Legislature hereby proclaims Monday, April 17, 1995, as California Donor Family Recognition Day to coincide with National Organ and Tissue Donor Awareness Week from April 16, 1995 through April 22, 1995, so that the citizens of California may be made aware of the need for organ and tissue donation and the opportunity that organ and tissue donation offers as a lifesaving memorial tribute to deceased loved ones; and be it further

"*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the Governor of the State of California, to the President and Vice President of the United States, to each Senator and Representative from California in the Congress of the United States, to the Secretary of Health and Human Services, and to the Director of the United Network for Organ Sharing, advising them of the special recognition afforded by the Legislature to those families who have given the 'Gift of Life.'"

POM–168. A resolution adopted by the Senate of the Legislature of the State of Georgia; ordered to lie on the table.

"A RESOLUTION

"Whereas, the State of Georgia and other states have a constitutional provision that prohibits its legislative body from creating a budget deficit in its appropriations process; and

"Whereas, the State of Georgia has various constitutional and statutory constraints relative to debt financing which require the state to maintain a very tight credit strategy; and

"Whereas, the economic welfare of the United States and its citizens depends on a stable dollar and a sound economy; and

"Whereas, the federal budget deficit has had a deleterious impact on the nation's financial health and has impeded severely investment productivity and growth; and

"Whereas, the members of the United States House of Representatives cast a vote of overwhelming support for a balanced budget amendment to the federal Constitution; and

"Whereas, the Georgia General Assembly has supported an amendment requiring a balanced federal budget for many years, having specifically applied to the United States Congress to call a convention for the purpose of proposing such an amendment in 1976: Now, therefore, be it

"*Resolved by the Senate* That the members of this body urge the United States Senate to adopt the balanced budget amendment and applaud the United States House of Representatives for overwhelmingly supporting the proposed amendment; Be it further

"*Resolved by the Senate* That the Secretary of the Senate is authorized and directed to transmit an appropriate copy of this resolution to the Secretary of the Senate of the United States Congress, the Clerk of the House of Representatives of the United States Congress, and to each member of the Georgia congressional delegation."

POM–169. A joint resolution adopted by the Legislature of the State of Colorado; ordered to lie on the table.

"Whereas, the Contract with America was formed in an effort to turn the government of the United States of America in a new direction; and

"Whereas, the American people have spoken clearly regarding the Contract with America, overwhelmingly endorsing the concepts of the Contract; and

"Whereas, while we have taken the first steps, the real work to implement the will of the American people, as embodied in the Contract with America, is just beginning; and

"Whereas, it is essential at this crucial time that the members of the General Assembly of Colorado, as well as leaders throughout the country, make known our support for the efforts underway in the United States Congress: Now, therefore, be it

"*Resolved by the House of Representatives of the Sixtieth General Assembly of the State of Colorado, the Senate concurring herein:* That we, the members of General Assembly of the state of Colorado, hereby support the Contract with America and hereby urge all government leaders throughout the country to voice their support of the vital work being done to realize the desires of the American people as described in the Contract with America; be it further

"*Resolved,* That the General Assembly requests that the members of the Congressional delegation of Colorado work diligently to implement the legislation necessary to fulfill the promises made to the citizens of the United States in the Contract with America; be it further

"*Resolved,* That copies of this Resolution be provided to Governor Roy Romer, the Speaker of the House and the President of the Senate of the state legislature in each of the other states, President Bill Clinton, Vice President Al Gore, Senate Majority Leader Bob Dole, Speaker of the House Newt Gingrich, Senate Minority Leader Tom Daschle, House Minority Leader Richard Gephardt, United States Senator Hank Brown, Senator Ben Nighthorse Campbell, Representative Dan Schaefer, Representative Joel Hefley, Representative Wayne Allard, Representative Scott McInnis, Representative Pat Schroeder, and Representative David Skaggs."

POM–170. A resolution adopted by the Board of Commissioners of the County of Franklin, North Carolina relative to tobacco; to the Committee on Labor and Human Resources.

POM–171. A resolution adopted by the Board of Commissioners of the County of Martin, North Carolina relative to tobacco; to the Committee on Labor and Human Resources.

POM–172. A resolution adopted by the American Bar Association relative to victims of domestic violence; to the Committee on Labor and Human Resources.

POM-173. A resolution adopted by the Student Government of George Mason University, Fairfax, Virginia relative to Federal student financial aid; to the Committee on Labor and Human Resources.

POM-174. A resolution adopted by the Texas Society Sons of the American Revolution relative to the National History Standards; to the Committee on Labor and Human Resources.

POM-175. A resolution adopted by the Legislature of the State of Hawaii; to the Committee on Labor and Human Resources.

"SENATE RESOLUTION

"Whereas, seven years after the national Family Support Act was passed in 1988, Hawaii and the nation's welfare rolls have soared to record levels; and

"Whereas, according to the American Public Welfare Association, Hawaii's Aid to Families with Dependent Children (AFDC) caseload from July, 1989 to November, 1993 increased by 43.2 per cent; and

"Whereas, nearly one in seven American children is receiving AFDC assistance, and fewer than one per cent of those on welfare work for their benefits, yet this body believes the majority of people now on welfare want to support themselves and their families, and will do so if given the proper encouragement and support; and

"Whereas, the poor economic condition of the State, including increased unemployment, will continue to increase the number of participants in all welfare programs, most especially AFDC, general assistance (GA), the food stamp program, MedQuest, and Medicaid; and

"Whereas, this surge in eligible recipients has occurred more dramatically and rapidly than the Department of Human Services could be expected to predict; and

"Whereas, for three of the last five years, the Department of Human Services has faced shortfalls requiring emergency appropriation of funds to continue operation of its scores of programs, and in 1995 request $22,000,000 from this body because of budget shortfalls in the AFDC, MedQuest and Aid to the Aged, Blind, and Disabled (ABD) programs; and

"Whereas, the number of persons who will be unemployed and therefore eligible for medical benefits and financial assistance will continue to alarmingly deplete the already strained financial resources of the State; and

"Whereas, in June, 1994, the AFDC caseload count was 20,843 of which 95.8 per cent were citizens; and

"Whereas, in June 1994, the ABD caseload count was 2,211 of which 65.2 per cent were citizens while permanent aliens accounted for 33 per cent and refugees accounted for 1.2 per cent; and

"Whereas, the ABD population in Hawaii, as in most States, is the fastest growing population in the Medicaid program and the costs of providing services are growing at a faster rate than costs in the overall Medicaid program; and

"Whereas, in June, 1994, the GA caseload count was 9,057 and the recipient total count was 12,961 of which 92.1 percent of single recipients are citizens and 84.7 per cent of family recipients are citizens; and

"Whereas, the 104th Congress is now dominated by a Republican majority which will attempt to:

"(1) Provide tax relief to the middle class;

"(2) Increase defense spending;

"(3) Continue to insist on deficit reduction; and

"(4) Transfer many of the country's most pressing problems to the states for resolution; and

"Whereas, the President and the Congress will be searching for revenues to fund these various commitments, and prominent on the agenda are proposed reductions in the federal contribution to the public assistance programs, particularly the Medicaid program; and

"Whereas, the President of the United States has called for comprehensive massive welfare reform; and

"Whereas, this body agrees that reform of the State's welfare system be completed before the threat to the State's financial security becomes more burdensome; and

"Whereas, there is general agreement that able-bodied welfare recipients should not expect the government to support and raise their families indefinitely and should be required to choose among work, school, community service, or termination of benefits alternatives; and

"Whereas, nationally, approximately one-third of public assistance recipients cannot read a street map or fill out a Social Security card application; and

"Whereas, it is estimated that two-thirds of AFDC recipients who have been on welfare for more than two years have not graduated from high school and the average adult on welfare has eighth grade level reading and math skills; and

"Whereas, welfare recipients who want to work should be rewarded with incentives and not financially punished by having benefits immediately withdrawn upon receipt of the first paycheck; and

"Whereas, many states and the federal government recognize that most Americans are no longer willing to pay increased taxes to continue supporting America's out-of-control welfare system; and

"Whereas, the federal Health Care Financing Administration has authorized waivers for twenty-six states to experiment with various welfare schemes. Now, therefore, be it

"*Resolved by the Senate of the Eighteenth Legislature of the State of Hawaii, Regular Session of 1995*, That the Department of Human Services is requested to report on the cost-effectiveness, if any, of the following measures, including any cost savings stemming from changes to its operations:

"(1) Ways to encourage self-sufficiency and support egress from the Aid to Families with Dependent Children (AFDC) program, recognizing that a lack of self-esteem, education, and self-confidence created and perpetuate the welfare treadmill, and recognizing that the JOBS program has a waiting list of approximately ten thousand but that in five years of existence has found jobs for approximately only four hundred fifty participants so that significant success of the JOBS program is far from imminent;

"(2) Limiting to two the number of children for whom the State will provide financial and medical support, together with any evidence that this limitation is an incentive to AFDC mothers to control the number of children they bear while relying on the state and federal governments for support;

"(3) Limiting able-bodied mothers' AFDC assistance to two years, with continuation of the children's benefits only after annual reevaluation;

"(4) Termination or denial of AFDC benefits to children:

"(A) Whose paternity has not been established unless:

"(i) A paternity suit has been initiated;

"(ii) the parent or guardian is proven to be deceased, or missing; or

"(iii) The State determines the physical wellbeing of the mother or child is threatened by that identification; or

"(B) For failure to fully cooperate with the Child Support Enforcement Agency;

"(5) Increasing sponsorship of legal immigrants from three to five years if the immigrant commits a felony or becomes eligible for public assistance;

"(6) The feasibility of reporting to the Immigration and Naturalization Service for possible deportation legal aliens who have lived in the United States for less than five years who have received welfare benefits for more than twelve months and who have been convicted of a felony related to welfare fraud;

"(7) Termination of benefits including benefits from the food stamp program, which is one hundred per cent federally funded upon failure to voluntarily participate in a transition-to-work, a work program, or both. This would not apply to those who:

"(A) Are physically unable;

"(B) Are of advanced age;

"(C) Are attending school full-time;

"(D) Are providing full-time care for a disabled dependent;

"(E) Are making satisfactory progress in a substance abuse program; or

"(F) Have had a child within six months;

"(8) Requiring the performance of community service for those welfare recipients awaiting placement in a transition-to-work program, such as the JOBS or JOBS Works program. These community service opportunities could be offered by state and city and county agencies who are faced with hiring freezes and are in desperate need of help to perform their day-to-day assigned functions. These welfare recipients could also be utilized to help maintain public buildings, schools, universities, nursing homes, hospitals, and other agencies and organizations that are suffering financially because of reductions in reimbursement or in approved positions;

"(9) Whether states can require unemployed, noncustodial parents who are two months or more in arrears on child support payments to participate in a work or community service program;

"(10) Termination of welfare benefits to identified substance abusers who refuse to participate in a rehabilitation program, or do not show satisfactory rehabilitation progress;

"(11) Termination, or at minimum, reevaluation of welfare benefits to identified individuals who refuse medical or psychological treatment for their conditions. It has been determined that there are significant numbers of recipients who have been classified as "mentally or physically disabled", who fail to show improvement or benefit from treatment, and have been receiving "treatments" for more than fifteen years;

"(12) Replacing free no-fault insurance for welfare recipients with a $20 per month bus pass in counties having a public transportation system. Hawaii's financially exhausted citizens legitimately resent having to pay for this extravagant benefit when the island of Oahu enjoys the privilege of having a nationally recognized public transportation system. The Department of Human Services is requested to research other states that have rural populations and recommend alternatives to providing free auto insurance;

"(13) Alternatives being considered in Congress and in other states to address the uncontrolled increases in welfare expenditures;

"(14) The feasibility of implementation of a "Learnfare" program, based on the Wisconsin model, whereby welfare benefits are cut to families whose teenagers are chronically truant. Americans believe that welfare families have an obligation to not only assume financial responsibility for their own lives but also most certainly have an obligation to make sure that their children attend school; and

"(15) The success of a Wisconsin law requiring some parents of teenage mothers and fathers to support their grandchildren; and be it further

"*Resolved* That this body recognizes that the avenue to welfare reform is paved with education, enhancement of self-respect, and the perpetuation of human dignity. This body also recognizes that the current system was established by a benevolent Democratic Congress to provide temporary financial and medical assistance to vulnerable and impoverished Americans, not to mire our citizens, especially our most precious commodity—our youth—in the quicksand of despair, hopelessness, and self-loathing which are the results of the existing system; and be it further

"*Resolved* That the Department of Human Services is requested to report findings and recommendations to the Legislature no later than twenty days prior to the convening of the 1996 Regular Session; and be it further

"*Resolved* That certified copies of this Resolution be transmitted to the Director of Human Services and to the President of the United States Senate and the Speaker of the House of the United States House of Representative to support the denial of welfare benefits to all legal immigrants admitted to the United States after January 1, 1996, other than those admitted to this country seeking political asylum."

POM-176. A resolution adopted by the Senate of Legislature of the State of Hawaii; to the Committee on Labor and Human Resources.

"SENATE RESOLUTION

"Whereas, Community Action was introduced to Hawaii in 1965 by enactment of the Economic Opportunity Act of 1964 for the sole purpose of ameliorating the causes and conditions of poverty in the State; and

"Whereas, four agencies were established to carry out this mandate: Honolulu Community Action Program, Inc., Hawaii County Economic Opportunity Council, Maui Economic Opportunity, Inc., and Kauai Economic Opportunity, Incorporated; and

"Whereas, these agencies have provided needed services to the low-income population in areas of employment and educational opportunities, income management, housing, transportation, economic development, emergency assistance, and self-sufficiency projects; and

"Whereas, they have extended opportunities to low-income families and individuals through better participation in the affairs of the community; and

"Whereas, they have coordinated and established linkages between governmental and other social programs to assure the effective delivery of services to low-income individuals; and

"Whereas, they have encouraged the use of entities in the private sector in efforts to alleviate poverty in the community; and

"Whereas, United States Congress has recently indicated that it intends to either eliminate or reduce Community Services Block Grant funds that currently support these agencies in the amount of $2,222,460; and

"Whereas, the loss of this grant will jeopardize the continuation of providing anti-poverty efforts in the form of community action and the positive impact of sustaining other state and federal grants within the agencies that presently exceed $20,000,000; and

"Whereas, this loss would seriously affect the eight hundred fifty employees that are currently employed by these agencies; and

"Whereas, the elimination of the Community Services Block Grant will severely halt services provided to the target population of 105,100 low-income persons; Now, therefore, be it

"*Resolved by the Senate of the Eighteenth Legislature of the State of Hawaii, Regular Session of 1995*, That Hawaii's congressional delegation is urged to help preserve the Community Services Block Grants that support the Community Action agencies in Hawaii; and be it further

"*Resolved* That certified copies of this Resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and to the members of Hawaii's congressional delegation."

POM-177. A joint resolution adopted by the Legislature of the State of Maine; to the Committee on Labor and Human Resources.

"JOINT RESOLUTION MEMORIALIZING THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES TO SUPPORT THE LOW INCOME HOME ENERGY ASSISTANCE PROGRAM

"Whereas, the federal House Appropriations Subcommittee has voted to eliminate funding for the Low Income Home Energy Assistance Program; and

"Whereas, approximately 60,000 families in Maine receive aid through the Low Income Home Energy Assistance Program; and

"Whereas, the Low Income Home Energy Assistance Program is crucial to the Maine families who rely on the federal program to help with weatherization costs for their homes and winter fuel bills; Now, therefore, be it

"*Resolved* That We, your Memorialists, respectfully urge that legislation be enacted by the Senate and the House of Representatives of the Congress of the United States to restore funding for the Low Income Home Energy Assistance Program; and be it further

"*Resolved* That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable William J. Clinton, President of the United States, the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States and to each Member of the Maine Congressional Delegation."

POM-178. A joint resolution adopted by the General Assembly of the State of Vermont; to the Committee on Labor and Human Resources.

"*Whereas*, the Program of Action of the Cairo International Conference on Population and Development, which received consensus from all 183 participating nations is a significant blueprint for investing in humanity and the world's biosphere, and

"*Whereas*, human overpopulation poses a serious threat to all life on earth including human life, and

"*Whereas*, the problem of preserving the earth's capacity to sustain human beings and other species is enormous and immediate, and

"*Whereas*, the quality of life will vary inversely to the number of people living on the earth and the intensity of the population's use of natural resources, and

"*Whereas*, the United States comprises only five percent of the world's population but consumes 25 percent of the world's commercial energy and produces the greatest volume of solid waste, and

"*Whereas*, at current rates of fertility and immigration, the United States population will grow from the present 250 million to over 400 million people by the year 2050, and

"*Whereas*, at current rates of fertility the world's population will grow from its present level of 5.7 billion to 11.5 billion people by the year 2050: *Now therefore be it*

"*Resolved, by the Senate and House of Representatives*, That the Vermont General Assembly urges the Vermont Congressional delegation to bring before the United State Congress legislation that requires the United States to adopt a national population policy aimed at stabilizing the United States' population considering its patterns of consumption; *and be it further*

"*Resolved*, That the Vermont Congressional delegation is urged to support policies that recognize the connection between population dynamics and the education and economic status of women; *and be it further*

"*Resolved*, That the delegation is urged to support policies that further the United States State Department's brief on Population and Development, including the elimination of legal and social barriers to gender equality, population policies that encompass economic opportunity for women, and that family planning be a part of primary and reproductive health initiatives; *and be it further*

"*Resolved*, That the delegation is urged to support policies that will inform our citizens about family size, unsustainable resource use and their combined impact on world resource depletion; *and be it further*

"*Resolved*, That to lessen international chaos and worldwide environmental degradation caused by population pressures, the delegation is urged to support efforts to raise federal funding to implement international population stabilization programs, as devised by the governments involved in the 1989 Amsterdam Conference, to four percent of the total United States foreign aid appropriation as was agreed upon at the conference; *and be it further*

"*Resolved*, That the Secretary of State be directed to send copies of this resolution to the President and Vice-President of the United States, the Speaker of the United States House of Representatives and to each member of the Vermont Congressional delegation."

POM-179. A concurrent resolution adopted by the Legislature of the State of Hawaii; to the Committee on Agriculture, Nutrition, and Forestry.

"SENATE CONCURRENT RESOLUTION

"Whereas, Hawaii's sugar industry has grown and processed sugarcane continuously for 160 years; and

"Whereas, the sugar industry is one of the State of Hawaii's most important sources of export revenues, generating total revenues of $279 million on the export sales of raw sugar and molasses and sales of electricity to island energy grids; and

"Whereas, the sugar industry is Hawaii's largest agricultural activity and generates more than one-third of the agriculture industry's total annual revenues of $655 million; and

"Whereas, Hawaii's sugar industry provides employment, directly and indirectly, for nearly 10,000 people, including good paying jobs in rural areas, and generates, directly and indirectly, more than $800 million of annual economic activity in the State; and

"Whereas the lush green fields of sugarcane provide a pleasing aesthetic backdrop for lifestyle activities and contribute significantly to the positive experiences of visitors to Hawaii; and

"Whereas, Hawaii's sugar industry is an integral part of the U.S. sweetener industry, comprised of beet sugar, cane sugar, and corn sweetener producers and processors, providing both directly and indirectly, employment for 420,000 people in 42 states and $26.2 billion in annual economic activity; and

"Whereas the U.S. sugar program protects Hawaii's and the nation's other domestic sweetener producers from unfair, heavily subsidized foreign competition; and

"Whereas, the U.S. sugar program is mandated by Congress to operate at no cost to the taxpayer and actually generates over $30 million annually in revenues for the U.S. Treasury in marketing assessments, helping to reduce the federal budget deficit; and

"Whereas, the U.S. sugar program has assured the consumer of ample supplies of high-quality refined sugar products at an average retail that is lower than the world average retail price and among the lowest retail prices in the world's developed countries; and

"Whereas, international trade reforms undertaken under the auspices of the Uruguay Round of the General Agreement on Tariffs and Trade and under the North American Free Trade Agreement make the U.S. sugar program consistent with all U.S. international trade agreement obligations; and

"Whereas, the elimination of the U.S. sugar program would threaten the stability, quality, and price of sugar supplies for U.S. consumers, and jeopardize the livelihoods of efficient U.S. sugar farmers and the state and local economies to which they make important contributions in jobs and revenues; Now, therefore, be it

Resolved by the Senate of the Eighteenth Legislature of the State of Hawaii, Regular Session of 1995, the House of Representatives concurring, That the Legislature respectfully urges the United States Congress to renew the highly successful U.S. sugar program in the 1955 Farm Bill; and be it further

Resolved, That certified copies of this Concurrent Resolution be transmitted to the Speaker of the U.S. House of Representatives and the Chair of the House Committee on Agriculture, the President of the U.S. Senate and the Chair of the Senate Committee on Agriculture, each member of Hawaii's congressional delegation, the Secretary of the U.S. Department of Agriculture, and the Governor of the State of Hawaii."

POM-180. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on Appropriations.

"SENATE JOINT RESOLUTION NO. 8

"Whereas, the Endangered Species Act of 1973 was enacted for the express purpose of providing a program for the conservation of endangered and threatened species of wildlife, fish and plants and to provide a means whereby the various ecosystems upon which such species depend may be conserved; and

"Whereas, since its enactment, the Endangered Species Act of 1973 and the several amendments thereto have been successful in protecting various species of wildlife from extinction, including the American bald eagle, and have increased the awareness of the American public as to the need for protecting the many diverse and unique species of wildlife in the United States; and

"Whereas, despite its successes, the Endangered Species Act of 1973 has also been criticized as containing draconian and intransigent provisions which do not allow for the consideration of its impact upon the ever-present need for human growth and development; and

"Whereas, the enforcement of the provisions of the Act often requires restrictions to be placed upon economic growth and development in the geographic areas in which protected habitats are located, thereby creating hardships upon the persons residing within those geographic areas; and

"Whereas, the recent controversy surrounding the protection of the spotted owl in the Northwestern United States and its impact upon the logging industry provides a dramatic example of the need to balance competing interests in the area of wildlife protection; and

"Whereas, the Congress of the United States has made several appropriations of money to assist in carrying out the provisions of the Endangered Species Act of 1973, and is currently considering making another such appropriation; and

"Whereas, in conjunction with making such an appropriation, Congress may also consider the enactment of various amendments to the Endangered Species Act of 1973, thereby creating an opportunity for Congress to restructure the provisions of the Act and to carry out a more balanced approach to the protection of endangered and threatened species of wildlife; Now, therefore, be it

"*Resolved by the Senate and Assembly of the State of Nevada, jointly*, That the Congress of the United States is hereby urged to include in the appropriations act that is currently under consideration to fund the Endangered Species Act of 1973, an amendment which would provide for a consideration of the impact the Act may have on the economic growth and development of those geographical areas in which protected species of wildlife, fish and plants are located; and be it further

"*Resolved*, That Congress is further urged to amend the Endangered Species Act of 1973 to require the United States Fish and Wildlife Service to prepare and cause to be published a proposed recovery plan for each species declared endangered or threatened, including an analysis of the costs and benefits of the plan and an assessment of its impact on private property that will be affected by the plan, before taking any regulatory actions or carrying out any management activities for that species; and be it further

"*Resolved*, That the Secretary of the Senate prepare and transmit a copy of this resolution to the Vice President of the United States as the presiding officer of the Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegation; and be it further

"*Resolved*, That this resolution becomes effective upon passage and approval."

POM—181. A joint resolution adopted by the Legislature of the State of Washington; to the Committee on Appropriations.

"SENATE JOINT MEMORIAL 8014

"Whereas, Congress traditionally has deferred to state regulation of water; and

"Whereas, Congress enacted the McCarran Amendment, 43 U.S.C. Sec. 666, to allow the joinder of the United States in state general stream adjudications; and

"Whereas, Congress intended the United States to be subject to the same procedures as all other water users joined in state stream adjudications; and

"Whereas, many of the western states' general stream adjudication procedures require claimants to pay a fee to offset a part of the state's expenses arising from state general stream adjudications; and

"Whereas, many of the western states are conducting general stream adjudications in state courts for the purpose of quantifying all water right claims in accordance with the McCarran Amendment; and

"Whereas, the United States is a large claimant of water rights in these general stream adjudications; and

"Whereas, the United States often provides legal representation of Indian tribes claiming reserved rights in state general stream adjudications, and these rights stem from agreements with the United States; and

"Whereas, the adjudication of federal and Indian water right claims takes a great deal of the state courts' and state water rights agencies' time, effort, and resources; and

"Whereas, in some instances, federal agencies have promised financial support to states in these adjudications which the western states have included in their budgets; and

"Whereas, the United States has in the past paid adjudication filing fees in some western states; and

"Whereas, the United States Supreme Court interpreted the McCarran Amendment as not waiving the United States' sovereign immunity to payment of state adjudication fees; and

"Whereas, this suit by the federal government is contrary to promises and assertions made by various federal officials to provide financial assistance to states for the conduct of the adjudication; and

"Whereas, equity and fairness dictate that the United States share the financial burden borne by other claimants and the state in funding these adjudications; Now, therefore, Your Memorialists respectfully pray that Congress require federal agencies to pay state adjudication fees to the same extent as required of other claimants; and be it "*Resolved*, That Congress require the Bureau of Indian Affairs to pay state adjudication fees for Indian reserved claims to the same extent as required by other claimants; and be it further "*Resolved*, That Your Memorialists urge Congress to appropriate moneys for payments to states that have incurred costs as a result of federal or Indian reserved claims or objections to private claims in a state general stream adjudication for services that the respective states have provided to the federal government in quantifying its water rights; be it "*Resolved*, That copies of this Memorial be immediately transmitted to the Honorable Bill Clinton, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington."

POM-182. A resolution adopted by the Senate of the Legislature of the Commonwealth of Pennsylvania; to the Committee on Armed Services.

"RESOLUTION

"Whereas, Fort Indiantown Gap is vital to the training of the Pennsylvania Army National Guard and the Pennsylvania Army Air National Guard, the United States Army Reserve, the United States Army, the United States Marine Corps and several other Federal and State agencies; and

"Whereas, Fort Indiantown Gap provides a true, seamless training partnership among the forces; and

"Whereas, Fort Indiantown Gap has maintained a successful training partnership for over 55 years; and

"Whereas, the current cost of $19 million to operate the installation is a sound financial investment for the Federal Government in return for the excellent training facilities; and

"Whereas, the training expenditures of Fort Indiantown Gap are extremely cost efficient with over 177,000 personnel trained annually at a per capita cost of $91.50; and

"Whereas, the National Guard Bureau is not adequately funded to assume the training mission of Fort Indiantown Gap; and

"Whereas, the National Guard Bureau could not maintain the status quo at Fort Indiantown Gap in terms of training, safety, security and services provided without substantial additional funding; and

"Whereas, the withdrawal of the United States Army Garrison from Fort Indiantown Gap will reduce the quality of life for the remaining tenants of the installation; and

"Whereas, the withdrawal of the United States Army Garrison from Fort Indiantown Gap will diminish the safety of operation on the installation and increase the expense of training; and

"Whereas, the withdrawal of the United States Army Garrison from Fort Indiantown Gap will result in the loss of a neutral training buffer and operations facilitator for the forces who conduct training at Fort Indiantown Gap; and

"Whereas, the withdrawal of the United States Army Garrison from Fort Indiantown Gap will diminish the security of the installation; and

"Whereas, a reduction in training operations at Fort Indiantown Gap will result in an increase in training expense, liability for injury to third parties, injury to personnel, damage and wear and tear to vehicles and equipment and danger to the environment as a result of travel to alternate training sites; and

"Whereas, the withdrawal of the United States Army Garrison from Fort Indiantown Gap will have a negative impact upon the local economy and will result in the loss of services to the locale; and

"Whereas, the withdrawal of the United States Army Garrison from Fort Indiantown Gap is an abrogation of the responsibility of the Department of Defense to support the training and readiness of the reserve components of the National Guard and the United States Army Reserve; Therefore be it

"*Resolved*, That the Senate of Pennsylvania urge the Department of Defense, the Base Realignment and Closure Commission and the Congress of the United States, in order to maintain maximum military capability at minimum cost, to immediately suspend any further effort to close Fort Indiantown Gap or reduce the training mission of that facility; and be it further

"*Resolved*, That the Senate support maintaining the status quo at Fort Indiantown Gap, Pennsylvania, and urge the Department of Defense and Congress to support the same; and be it further

"*Resolved*, That the Senate urge the Department of Defense and Congress not to reduce the mission of the 10th Mountain Division by eliminating the Garrison at Fort Indiantown Gap, Pennsylvania.

"*Resolved*, That copies of this resolution be forwarded to the United States Secretary of Defense, the Base Realignment and Closure Commission, the chairmen of the Armed Forces Committees of the United States Senate and the United States House of Representatives, the United States Senators Arlen Specter and Rick Santorum and the members of the United States House of Representatives representing the Commonwealth of Pennsylvania."

POM–183. A resolution adopted by the Senate of the Legislature of the Commonwealth of Pennsylvania; to the Committee on Armed Services.

"Whereas, the Greater Pittsburgh International Airport Air Reserve Station in Moon Township (911th) has been recommended for closure by the Secretary of Defense and the 1995 Defense Base Realignment and Closure Commission; and

"Whereas, the 911th Airlift Wing's presence in the Pittsburgh region of the State adds nearly $62 million to the economy and services 1300 reservists; and

"Whereas, the 911th participated in military operations in the Persian Gulf, Bosnian Airlift, Somalia and Haiti and domestic relief efforts in response to Hurricane Hugo, Hurricane Andrew and air disasters; and

"Whereas, the 911th is used as a base for emergency management operations for western Pennsylvania and other regional sites; and

"Whereas, the 911th's strategic location, military worthiness, emergency preparedness and historical contributions demand reconsideration of the 1995 Defense Base Realignment and Closure Commission's decision to recommend closure; Therefore be it

"*Resolved*, That the Senate of Pennsylvania urge Congress, the Department of Defense and the Base Realignment and Closure Commission to immediately suspend any further effort to close the 911th Airlift Wing or reduce the training mission of that facility; and be it further

"*Resolved*, That the Senate of Pennsylvania support maintaining the facility at the Greater Pittsburgh International Airport Reserve Station, Moon Township, Pennsylvania, and urge Congress and the Department of Defense to support the same; and be it further

"*Resolved*, That copies of this resolution be transmitted to the presiding officers of each house of Congress, to the Secretary of Defense and to each member of Congress from Pennsylvania."

POM–184. A joint resolution adopted by the General Assembly of the Commonwealth of Virginia; to the Committee on Armed Services.

"HOUSE JOINT RESOLUTION 573

"Whereas, the recent worldwide conflicts have highlighted again the contributions of this nation's military and retired veterans; and

"Whereas, integral to the success of our military forces are those servicemen and servicewomen who have made a career of defending their country, who in peacetime may be called away to places remote from their families and loved ones, and who is war face the prospect of death or of serious disabling wounds as a constant possibility; and

"Whereas, legislation has been introduced in the United States Congress to remedy an inequity applicable to military careerists; and

"Whereas, the inequity concerns those veterans who are both retired and disabled and who, because of an antiquated law that dates to the nineteenth century, are denied concurrent receipt of full retirement pay and disability compensation pay, but instead may receive one or the other or must waive an amount of retirement pay equal to the amount of disability compensation pay; and

"Whereas, no such deduction applies to the federal civil service so that a disabled veteran who has held a nomilitary federal job for a requisite duration receives full longevity retirement pay undiminished by the subtraction of disability compensation pay; and

"Whereas, a statutory change is necessary to correct this injustice and discrimination in order that America's occasional commitment to war in pursuit of national and international goals may be matched by an allegiance to those who sacrificed on behalf of those goals; Now, therefore, be it

"*Resolved by the House of Delegates, the Senate concurring*, That Congress be urged to amend United States Code Chapter 71, relating to the compensation of retired military personnel, to permit full concurrent receipt of military longevity retirement pay and service-connected disability compensation pay; and, be it

"*Resolved further*, That the Clerk of the House of Delegates transmit copies of this resolution to the President of the United States, to the Speaker of the House of Representatives, the President of the United States Senate, and to the members of the Virginia Congressional Delegation that they may be apprised of the sense of the General Assembly of Virginia in this matter."

POM–185 A joint resolution adopted by the Legislature of the State of Alaska; to the Committee on Banking, Housing, and Urban Affairs.

"RESOLUTION NO. 5

"Be it Resolved by the Legislature of the State of Alaska:

"Whereas the President of the United States has, by executive order, continued the ban on the export of Alaska North Slope crude oil contained in 50 U.S.C.S. Appx. 2406(d) (sec. 7(d), Export Administration Act of 1979) that prohibits, with tightly restrictive exceptions, the export of domestically produced crude oil transported by pipeline over the right-of-way granted by 43 U.S.C. 1652 (sec. 203 of the Trans-Alaska Pipeline Authorization Act); and

"Whereas the ban on the export of Alaska North Slope crude oil effectively limits its sale to the domestic American market, and

"Whereas Alaska North Slope crude oil required to be transported and delivered for sale in the domestic market incurs approximately $2–$4 per barrel in higher transportation charges than if the oil could be exported to Pacific Rim countries; and

"Whereas the higher transportation cost associated with shipping Alaska North Slope crude oil to the Gulf Coast states reduces the wellhead price of the oil; and

"Whereas, over a seven-year period of time, Alaska would gain $700,000,000 to $1,600,000,000 in state taxes and royalties if the ban is lifted; and

"Whereas lower wellhead prices make uneconomic the threshold for exploring for and producing all North Slope oil and, as a result, production from certain existing and newly discovered oil fields is currently uneconomic; and

"Whereas the transportation cost savings from lifting the Alaska North Slope crude oil export ban will be available for reinvestment in domestic exploration, and development of marginal and newly discovered oil reserves will increase production and enhance the nation's energy and economic security; and

"Whereas, according to the June 1994 U.S. Department of Energy report on exporting Alaskan North Slope crude oil, reserve additions in Alaska alone could be as large as 200,000,000 to 400,000,000 barrels, a size that roughly equals the known reserves in major North Slope fields, such as Point McIntyre; and

"Whereas the export ban singles out Alaska, effectively penalizing the state and reducing revenue needed for vital state programs; and

"Whereas, according to the U.S. Department of Energy June 1994 report, exporting

Alaska North Slope crude oil to Pacific Rim nations will decrease the substantial trade deficit with nations that have expressed a strong interest in purchasing Alaska produced oil; and

"Whereas the proposal to lift the Alaska North Slope crude oil ban has enjoyed strong support in the Legislature of the State of Alaska, the Legislature of the State of California, and the United States Congress; and

"Whereas lifting the oil export ban would result in a net increase in United States employment from 11,000 to 25,000 jobs nationwide; be it

"*Resolved* That the Alaska State Legislature supports lifting the ban on export of Alaska North Slope crude oil; and be it further

"*Resolved* That the President is respectfully requested to present to the United States Congress a recommendation that it is both in the national interest to lift the ban on the export of Alaska North Slope crude oil and discriminatory to the state to maintain the ban; and be it further

"*Resolved* That the Alaska State Legislature endorses H.R. 70 and S. 70, pending companion federal legislation removing the restraints on the export of Alaska North Slope crude oil."

POM-186. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on the Budget.

"SENATE JOINT RESOLUTION NO. 16

"Whereas, the United States Geological Survey was established by Congress in 1879; and

"Whereas, in preparing the budget for the next federal fiscal year, Congress is considering the elimination of the United States Geological Survey; and

"Whereas, the United States Geological Survey has provided valuable services in measuring and studying the quality and quantity of the surface-water and groundwater resources of the State of Nevada; and

"Whereas, the data provided by the United States Geological Survey is vital to the services provided by the State Engineer and other governmental and educational entities within the State of Nevada which are responsible for the control of floods, the teaching of biological sciences, the protection and preservation of endangered species and the protection of water quality; and

"Whereas, it is imperative that the United States Geological Survey continue its studies of the hydrology and geology of the State of Nevada before a decision is made concerning the possible disposal of high-level radioactive waste in the State of Nevada; and

"Whereas, it is anticipated that if the United States Geological Survey is maintained, it will continue its cooperation with the State of Nevada and assist in several projects essential to the future of the State of Nevada, including, without limitation:

"1. A study of the cumulative effects of mining below the water table in the northeastern portion of the State of Nevada;

"2. An analysis of reasonable alternatives for resolving disputes concerning various rivers in the State of Nevada;

"3. Studies of possible policies and programs to meet the rapidly growing requirements for water in Clark County, Nevada; and

"4. An analysis of the deep carbonate systems underlying much of the eastern and southern portions of the State of Nevada; Now, therefore, be it

"*Resolved by the Senate and Assembly of the State of Nevada, jointly,* That the Nevada Legislature urges Congress to maintain the United States Geological Survey; and be it further

"*Resolved,* That the Secretary of the Senate of the State of Nevada prepare and transmit a copy of this resolution to the Vice President of the United States as presiding officer of the Senate of the United States, the Speaker of the House of Representatives, each member of the Nevada Congressional Delegation, the Director of the United States Geological Survey, the Secretary of the Interior and the Assistant Secretary for Water and Science of the Department of the Interior; and be it further

"*Resolved,* That this resolution becomes effective upon passage and approval."

POM-187. A joint resolution adopted by the General Assembly of the Commonwealth of Virginia; to the Committee on Commerce, Science, and Transportation.

"HOUSE JOINT RESOLUTION NO. 424

"Whereas, Amtrak is an energy-efficient and environmentally beneficial means of transportation, consuming about one-half as much energy per passage mile as airline travel and causing less air pollution; and

"Whereas, Amtrak provides mobility to citizens of many smaller communities poorly served by air and bus service, as well as senior citizens, disabled people, and people with medical conditions that preclude flying; and

"Whereas, on a passenger-mile basis, Amtrak is nine times safer that driving an automobile and operates safely even in severe weather conditions; and

"Whereas, the number of passenger using Amtrak rose 48 percent from 1982 to 1993, allowing Amtrak to dramatically improve coverage of its operating costs from revenues; and

"Whereas, expansion of Amtrak service by existing rail rights-of-way would cost less and use less land than either new highways or new airports and would further increase Amtrak's energy-efficiency advantage; and

"Whereas, federal investment in Amtrak has fallen in the last decade, while it has risen for both highways and airports; and

"Whereas, states may use highway trust fund money as an 80 percent federal match for variety of nonhighway programs, but they are prohibited from using such funds for Amtrak projects; and

"Whereas, Amtrak pays a federal fuel tax that commercial airlines do not pay; and

"Whereas, Amtrak workers and vendors pay more in taxes that the federal government invests in Amtrak; now, therefore, be it

"*Resolved by the House of Delegates, the Senate concurring,* That the President and the Congress of the United States be urged to make no further reduction in funding for Amtrak; and, be it

"*Resolved further,* That the General Assembly request that Amtrak be excused from paying federal fuel taxes that the commercial airlines do not pay, that the states be permitted to use federal highway trust fund moneys on Amtrak projects if they so choose, and that federal officials include a strong Amtrak component in any plans for a national transportation system; and, be it

"*Resolved finally,* That the Clerk of the House of Delegates transmit copies of this resolution to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States, and the members of the Virginia Congressional Delegation so that they may be apprised of the sense of the General Assembly of Virginia."

POM-188. A concurrent resolution adopted by the Legislature of the State of Texas; to the Committee on Commerce, Science, and Transportation.

"HOUSE CONCURRENT RESOLUTION

"Whereas, Texas is proud to be home to the National Aeronautics and Space Administration's (NASA) Johnson Space Center and is a state where thousands of Texans have taken part in NASA's goals, vision, missions, and accomplishments in furthering space exploration; and

"Whereas, the approach of an integrated design and development team concept implemented at Johnson Space Center has a proven record of accomplishment, in the Mercury, Gemini, Apollo, and Shuttle programs, and the International Space Station program was purposely located at Johnson Space Center to take advantage of the integrated product team concept that has been so successful in previous NASA programs; and

"Whereas, the human space integration missions at Johnson Space Center, including spacecraft engineering, space shuttle operations program management, the shuttle orbiter project, and science programs, are vital to NASA's human space program; and

"Whereas, a proposed plan developed by NASA to consolidate operations portends an action that would severely impact Johnson Space Center and the Texas economy; and

"Whereas, if the proposal is implemented, Texas stands to lose thousands of primary and secondary jobs associated with the aerospace industry and Johnson Space Center, thousands of secondary, retail, and support jobs, and a significant share of investment opportunities and associated investment benefits; and

"Whereas, Texas was affected negatively as a consequence of NASA's 1994 restructuring, downsizing, and space station redesign at Johnson Space Center; and

"Whereas, Texans support the general goal of reducing government waste and jobs; how the goal is achieved in the case of NASA's proposed reorganization is a key point that needs clarification; Now, therefore, be it

"*Resolved,* That the 74th Legislature of the State of Texas respectfully urge the Congress of the United States to review fully NASA's proposed reorganization plan and to analyze the cost/benefit of the plan, including proposed mission transfers and relocations, with the purpose of preserving and protecting the United States' leadership in space technology and exploration; and be it further

"*Resolved,* That the Texas secretary of state forward official copies of this resolution to the administrator of the National Aeronautics and Space Administration, to the president of the United States, to the speaker of the house of representatives and president of the senate of the United States Congress, and to all members of the Texas congressional delegation with the request that it be officially entered into the Congressional Record of the United States of America."

POM-189. A resolution adopted by the Illinois Commerce Commission relative to nuclear waste; to the Committee on Energy and Natural Resources.

POM-190. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on Energy and Natural Resources.

"SENATE JOINT RESOLUTION NO. 27

"Whereas, the State of Nevada has a strong moral claim upon the public land retained by the Federal Government within Nevada's borders; and

"WHEREAS, on October 31, 1864, the Territory of Nevada was admitted to statehood on the condition that it forever disclaim all right and title to unappropriated public land within its boundaries; and

"WHEREAS, Nevada received the least amount of land, 2,572,478 acres, and the smallest percentage of its total area, 3.9 percent, of the land grant states in the Far West admitted after 1864, while states of comparable location and soil, including Arizona, New Mexico and Utah, received approximately 11 percent of their total area in federal land grants; and

"WHEREAS, the State of Texas, when admitted to the Union in 1845, retained ownership of all unappropriated land within its borders; and

"WHEREAS, the federal holdings in the State of Nevada constitute 86.7 percent of the area of the state, and in Esmeralda, Lincoln, Mineral, Nye and White Pine counties the Federal Government controls from 97 to 99 percent of the land; and

"WHEREAS, the federal jurisdiction over the public domain is shared among several federal agencies or departments which cause problems concerning the proper management of the land and disrupts the normal relationship between a state, its residents and its property; and

"WHEREAS, the intent of the framers of the Constitution of the United States was to guarantee to each of the states sovereignty over all matters within its boundaries except for those powers specifically granted to the United States as agent of the states; and

"WHEREAS, the exercise of dominion and control of the public lands within the State of Nevada by the United States works a severe, continuous and debilitating hardship upon the people of the State of Nevada: Now, therefore, be it

"*Resolved by the Senate and Assembly of the State of Nevada, jointly*, That the ordinance of the constitution of the State of Nevada be amended to read as follows:

"In obedience to the requirements of an act of the Congress of the United States, approved March twenty-first, A.D. eighteen hundred and sixty-four, to enable the people of Nevada to form a constitution and state government, the convention, elected and convened in obedience to said enabling act, do ordain as follows, and this ordinance shall be irrevocable, without the consent of the United States and the people of the State of Nevada:

"First. That there shall be in this state neither slavery nor involuntary servitude, otherwise than in the punishment for crimes, whereof the party shall have been duly convicted.

"Second. That perfect toleration of religious sentiment shall be secured and no inhabitant of said state shall ever be molested, in person or property, on account of his or her mode of religious worship.

"Third. That the people inhabiting said territory do agree and declare, that [they forever disclaim all right and title to the unappropriated public lands lying with said territory, and that the same shall be and remain at the sole and entire disposition of the United States; and that] lands belonging to citizens of the United States, residing without the said state, shall never be taxed higher than the land belonging to the residents thereof; and that no taxes shall be imposed by said state on lands or property therein belonging to, or which may hereafter be purchased by, the United States, unless otherwise provided by the Congress of the United States; and be it further

"*Resolved*, That the Legislature of the State of Nevada hereby urges the Congress of the United States to consent to the amendment of the ordinance of the Nevada constitution to remove the disclaimer concerning the right of the Federal Government to sole and entire disposition of the unappropriated public lands in Nevada; and be it further

"*Resolved*, That, upon approval and ratification of the amendment proposed by this resolution by the people of the State of Nevada, copies of this resolution be prepared and transmitted by the Secretary of the Senate to the Vice President of the United States as presiding officer of the Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegation; and be it further

"*Resolved*, That this resolution becomes effective upon passage and approval, except that, notwithstanding any other provision of law, the proposed amendment to the ordinance of the constitution of the State of Nevada, if approved and ratified by the people of the State of Nevada, does not become effective until the Congress of the United States consents to the amendment or upon a legal determination that such consent is not necessary."

POM–191. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on Energy and Natural Resources.

"ASSEMBLY JOINT RESOLUTION NO. 7

"Whereas, the drought which has occurred in the last 8 years in the Lake Tahoe Basin has created conditions in the forests of the basin wherein there is widespread infestation of beetles and other diseases causing an estimated 25 to 80 percent rate of mortality for trees and creating an extremely dangerous and imminent catastrophic fire hazard, which represents a severe threat to life and personal property; and

"Whereas, there are limited routes of ingress and egress in the Lake Tahoe Basin which make any evacuations extremely hazardous; and

"Whereas, the threat of fire and the drastic decline in the health of the forests in the Lake Tahoe Basin presents a serious threat to the natural and human environment in the Lake Tahoe Basin; and

"Whereas, the Tahoe Basin Forest Health Consensus Group, formed in October 1992, is a voluntary organization consisting of interested residents of the basin and specialists in the management of natural resources; and

"Whereas, the stated mission of the Tahoe Basin Forest Health Consensus Group is to recommend to the Tahoe Regional Planning Agency certain changes to the regional plan which would assist in restoring the health of the ecosystem of the forests in the Lake Tahoe Basin; and

"Whereas, to accomplish its mission, the Tahoe Basin Forest Health Consensus Group has stated that it will, be examining the ecosystem of the Lake Tahoe Basin in its entirety, identify and define objectives and strategies intended to educate and assist the public and the various local, state, regional and federal agencies in the Lake Tahoe Basin on the current and long-term dynamics of the ecosystem of the forests; and

"Whereas, approximately 75 percent of the lands of the Lake Tahoe Basin lie within the lands belonging to the national forest; and

"Whereas, the United States Forest Service has indicated that, when adequately funded, it could satisfactorily remove the dead and dying trees in the basin; and

"Whereas, an effective and safe transition from the current unhealthy condition of the forests to a healthy and manageable condition requires vision and commitment from all those concerned: Now, therefore, be it

"*Resolved by the Assembly and Senate of the State of Nevada, jointly*, That the Legislature of the State of Nevada expresses its support for the mission of the Tahoe Basin Forest Health Consensus Group in recommending to the Tahoe Regional Planning Agency those changes to the regional plan which would assist in restoring the health of the ecosystem of the forests in the Lake Tahoe Basin and the reduction of the threat of catastrophic fires; and be it further

"*Resolved*, That the Congress of the United States and the various federal and state agencies that regulate activities in the Lake Tahoe Basin are hereby urged to provide financial and other assistance to the Tahoe Basin Forest Health Consensus Group in the accomplishment of its mission; and be it further

"*Resolved*, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the Vice President of the United States as presiding officer of the Senate, the Speaker of the House of Representatives, each member of the Nevada Congressional Delegation, the United States as presiding officer of the Senate, the Speaker of the House of Representatives, each member of the Nevada Congressional Delegation, the United States Forest Service, the Department of Transportation of the State of Nevada, and the Division of Forestry, Division of State Lands, Division of State Parks, and Division of Wildlife of the State Department of Conservation and Natural Resources of the State of Nevada; and be it further

"*Resolved*, That this resolution becomes effective upon passage and approval."

POM–192. A resolution adopted by the Federal Bar Association relative to the Oklahoma City tragedy; to the Committee on Environment and Public Works.

POM–193. A concurrent resolution adopted by the Legislature of the State of Texas; to the Committee on Environment and Public Works.

"HOUSE CONCURRENT RESOLUTION

"Whereas, the enactment of the Water Pollution Control Act of 1987, also known as the Clean Water Act, marked a renewed commitment and resolve by the federal government to purify and protect our nation's water; and

"Whereas, While the goals of the federal Clean Water Act are shared by the citizens of this country, a balance must be struck between the steps to be taken to reduce water contamination and the adverse impact those steps may have on individuals, the economy, and government; and

"Whereas, under the Water Pollution Control Act, all municipalities with populations of less than 100,000 must obtain a permit from the Environmental Protection Agency for every stormwater discharge point in the city; and

"Whereas, this unfunded federal mandate on municipal stormwater discharges is estimated to cost cities across the country as much as $625,000 per permit; and

"Whereas, thousands of cities will now have to grapple with the enormous costs, complexity, and liability of meeting this new, unfunded federal mandate; and

"Whereas, the failure of the United States Congress to provide adequate funding to implement the Clean Water Act and other federal legislation has placed state and local governments in the untenable position of attempting to fund the federal requirements with diminishing amounts of available revenue or, by failing to do so, jeopardizing state and local eligibility for certain federal funds; and

"Whereas, the 102nd Congress of the United States previously addressed the issue of unfunded mandates by enacting legislation that provided a two-year moratorium on unfunded state and local mandates, which included the municipal stormwater discharge mandate; and

"Whereas, the 103rd Congress adjourned without extending the moratorium, thus triggering the municipal stormwater discharge permit requirement: Now, therefore, be it

"*Resolved*, That the 74th Legislature of the State of Texas hereby strongly urge the Congress of the United States to amend the Water Pollution Control Act to exempt cities with populations of less than 100,000 from obtaining permits from the Environmental Protection Agency for stormwater discharge points; and, be it further

"*Resolved*, That the Texas secretary of state forward official copies of this resolution to the president of the United States, to the speaker of the house of representatives and president of the senate of the United States Congress, and to all members of the Texas delegation to the congress with the request that it be officially entered in the Congressional Record as a memorial to the Congress of the United States of America."

POM–194. A joint resolution adopted by the General Assembly of the Commonwealth of Virginia to the Committee on Environment and Public Works.

"HOUSE JOINT RESOLUTION NO. 598

"Whereas, the major purpose of the enactment of the federal Clean Air Act Amendments of 1990 (Public Law No. 101–549) was the improvement and protection of air quality through control of air pollution and its sources; and

"Whereas, in concentrating on control and elimination of air pollution, the provisions of the Clean Air Act Amendments (CAAA) themselves and the regulations promulgated by the federal Environmental Protection Agency (EPA) in furtherance of the CAAA overlook the full range of costs which anti-pollution measures impose on businesses, industries, state and local governments, families, and individuals; and

"Whereas, supporting regulations of both the CAAA and EPA contain numerous deadlines and compliance schedules that, in seeking to speed the pace of air pollution control and reduction technology, have proven to be unrealistic and inflexible; and

"Whereas, neither the CAAA nor EPA's regulations grant the states adequate latitude in or credit for exploring, developing, and implementing air pollution control and reduction techniques and programs that take into account state and regional differences in pollution problems, geography, climate, political culture, and lifestyle; and

"Whereas, the more the public perceives there to be an imbalance between air pollution control measures' costs and their environmental benefits, the less the public will support the full implementation and vigorous enforcement of such measures; and

"Whereas, an erosion of public support of air pollution reduction and control programs could ultimately lead to a failure or abandonment of those programs and others aimed at promoting and protecting environmental quality: Now, therefore, be it

"*Resolved by the House of Delegates, the Senate concurring*, That the Congress be hereby requested to review and reconsider the provisions of the federal Clean Air Act Amendments of 1990 and policies and regulations of the federal Environmental Protection Agency adopted or promulgated in furtherance of that Act in order to ensure, through appropriate amendments and other changes, that federal and federally mandated air pollution reduction and control programs, policies, procedures, requirements, and implementation schedules be, to the maximum extent prudent, practical, cost-effective, and flexible enough to take into account the often widely diverging needs; varying air pollution problems; existing, proposed, and developing state and local air pollution reduction and control programs; and differing life-styles of America's states and regions; and, be it

"*Resolved further*, That the Clerk of the House of Delegates transmit copies of this resolution to the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the Virginia Congressional Delegation in order that they may be apprised of the sense of the General Assembly of Virginia in this matter."

POM–195. A joint resolution adopted by the Legislature of the State of New Hampshire; to the Committee on Finance.

"HOUSE JOINT RESOLUTION

"Be it enacted by the Senate and House of Representatives in General Court convened:

"Whereas, the northern forest comprises 26 million acres of forest land stretching from eastern Maine through New Hampshire and Vermont across northern New York almost to Lake Ontario; and

"Whereas, the northern forest is one of the largest expanses of continuously forested land in the nation; and

"Whereas, the northern forest is valuable in many ways to the people who live within its boundaries, work with its resources, use its products, visit it, and care about it; and

"Whereas, nearly 85 percent of the northern forest is privately owned and has provided a diversity of environmental and economic benefits; and

"Whereas, the forest-based industries of this region have profound impacts on the economies of the 4 states; and

"Whereas, within the 4 states, forest-related jobs, including manufacturing and tourism, account for a total annual payroll of over 3 billion dollars; and

"Whereas, the northern forest provides products to people around the world; and

"Whereas, the northern forest is also valued by those who live outside the region; and

"Whereas, 70 million people live within a day's drive of the northern forest and many come for outdoor recreation, escape and adventure; and

"Whereas, the visitors to the northern forest spend over 16 billion dollars annually, generating 750 million dollars in state and local taxes; and

"Whereas, the northern forest is recognized as an important source of clean water and clear air and as an essential source of rich plant and animal diversity; and

"Whereas, in the 1980's, complex social and economic forces have led to competing and conflicting uses of the northern forest; and

"Whereas, the concern about present and future conversion of forest land to non-forest uses in the northern forest region prompted Congress and the governors of Mine, New Hampshire, New York, and Vermont to create the Northern Forest Lands study and subsequently the Northern Forest Lands Council; and

"Whereas, the study and the council have focused efforts on changes in the region which are, or potentially might be, leading to a loss of public and private values of these lands; and

"Whereas, the values of these lands include long-term stewardship of the forest resource for timber, wildlife, wildlife habitats, and ecosystems; and

"Whereas, in September 1994, the Northern Forest Lands Council presented its recommendations for the northern forests: Now, therefore be it

"*Resolved by the Senate and the House of Representatives in general court convened:*

"That the general court of New Hampshire hereby urges the federal government to implement the recommendations of the Northern Forest Lands Council; and

"That Congress support funding of the forest legacy which is a federal program which provides funds to the United States Department of Agriculture Forest Service and other easement acquisition programs; and

"That, a part of the forest legacy program, local jurisdictions be given maximum flexibility and discretion in administering any federal funds that may be made available through this and other similar programs; and

"That Congress support the Stewardship Incentive Program by eliminating the 25 percent constraint on funds used for developing forest management plans, raising the maximum eligibility from 1,000 to 5,000 acres, allowing states to provide cost share funds for expenses related to voluntary land protection, and requiring landowners to reimburse the granting agency if conversion to non-forest use occurs within 10 years of receiving the cost-share funds; and

"That certain federal laws be changed to allow heirs to make post mortem donations of conservation easements of undeveloped estate land and to allow the valuation of undeveloped land at current use values for estate tax purposes of owners or heirs who agree to maintain the land in its current use for a minimum of 25 years; and

"That Congress change the Income Tax Code to allow the cost of timber to be set at the value of the timber when it was acquired, providing landowners with the incentive to keep timber in production; and

"That Congress change the Income Tax Code to allow small private forest landowners to deduct, from their income tax, the forest management costs for less than 100 hours of work per year; and

"That Congress change the Income Tax Code to exclude from income tax a portion of the gain received from the sale of qualified forest land and conservation easements from private to public conservation agencies; and

"That, as future acquisitions of forest land take place, local jurisdictions be held harmless for the loss of local tax revenues; and

"That Congress fund the Land and Water Conservation Fund a the currently authorized level with at least 60 percent of the funds going to the states; and

"That Congress authorize and fund community development financial institutions or similar programs to steer capital to distressed communities in order to attract small industries and promote diversification; and

"That Congress provide the necessary funds for the U.S. Forest Service to conduct and publish decennial forest surveys, ensuring that the funding is adequate enough so that it takes place every 10 years; and

"That the general court of New Hampshire hereby urges the United States Congress to review and implement the recommendations of the Northern Forest Lands Council; and

"That copies of this resolution, signed by the president of the senate and the speaker of the house, be forwarded by the house clerk to the President of the United States, to the President of the United States Senate, to the speaker of the United States House of Representatives, and to each member of the New Hampshire Congressional delegation."

POM–196. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on Finance.

"SENATE JOINT RESOLUTION NO. 15

"Whereas, Nevada is one of the fastest growing states in the union; and

"Whereas, the continuous influx of persons into this state promotes a growing, healthy and diversified economy; and

"Whereas, many persons who migrate into this state are retired and live on limited and fixed incomes; and

"Whereas, many of these persons retire to Nevada with the expectation of being exempt from any state income tax and have planned their finances accordingly; and

"Whereas, for many of these persons, the income that they earn from their pension, savings and other investments is barely sufficient to pay their expenses and offset inflation; and

"Whereas, other states have enacted legislation that authorizes the imposition of a tax on income from a pension that originates in those states, even if the person who earns the income resides in another state; and

"Whereas, as a result, many persons who have retird to Nevada are required to pay a tax imposed by other states on the income from their pensions; and

"Whereas, these laws have placed an unexpected and often insurmountable financial burden on many of these persons; and

"Whereas, United States Representative Barbara Vucanovich has introduced a bill in the House of Representatives, H.R. 394 of the 104th Congress, 1st Session (1995), which would prohibit each state from imposing a tax on the income from a pension of any person who is not a resident of that state; and

"Whereas, United States Senator Harry Reid has introduced a similar bill in the Senate, S. 44 of the 104 Congress, 1st Session (1995): Now, therefore, be it

"*Resolved by the Senate and Assembly of the State of Nevada, jointly* That the Nevada Legislature urges the Congress of the United States to pass H.R. 394 or S. 44 of the 104th Congress, 1st Session (1995), which would prohibit each state from imposing a tax on the income from a pension of any person who is not a resident of that state; and be it further

"*Resolved*, That the Secretary of the Senate prepare and transmit a copy of this resolution to the Vice President of the United States as presiding officer of the Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegation; and be it further

"*Resolved*, That this resolution becomes effective upon passage and approval."

POM–197. A joint resolution adopted by the General Assembly of the Commonwealth of Virginia; to the Committee on Governmental Affairs.

"HOUSE JOINT RESOLUTION NO. 411

"Whereas, the 10th Amendment to the Constitution of the United States clearly limits the powers of the federal government by stating that 'the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people'; and

"Whereas, the debate over the powers of the federal government in relation to the several states has raged throughout our history, but the recent actions of the federal government, particularly in the area of unfunded mandates, have rekindled the controversy; and

"Whereas, the restriction on the power of the federal government, so simply and elegantly stated in the 10th Amendment, is the essence of the federalism envisioned by the framers of the Constitution; and

"Whereas, that vision of federalism, with the states retaining those powers not specifically delegated by the Constitution to the federal government, has been subverted by an insolvent federal government that imposes increasingly onerous and costly mandates on the states; and

"Whereas, the assault by the Congress of the United States on the 10th Amendment showing no signs of abating, the time for the states to exert their constitutional rights has come; now, therefore, be it

"*Resolved* by the House of Delegates, the Senate concurring, That the Congress of the United States be hereby requested to pay greater heed to the clear restrictions placed by the 10th Amendment to the Constitution on the powers of the federal government; and, be it

"*Resolved further*, That the Commonwealth join with the several other states that have taken steps to convene a 'summit on federalism'; and, be it

"*Resolved finally*, That the Clerk of the House of Delegates transmit copies of this resolution to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, the Attorney General of Virginia, and the members of the Virginia Congressional Delegation so that they may be apprised of the sense of the General Assembly of Virginia."

POM–198. A joint resolution adopted by the General Assembly of the Commonwealth of Virginia; to the Committee on Governmental Affairs.

"HOUSE JOINT RESOLUTION NO. 606

"Whereas, the 10th Amendment to the Constitution of the United States specifies that the 'powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people'; and

"Whereas, the founders of our Republic and the framers of the Constitution of the United States understood that centralized power is inconsistent with republican ideals, and accordingly limited the federal government to certain enumerated powers and reserved all other powers to the states and the people through the 10th Amendment; and

"Whereas, the federal government has exceeded the clear bounds of its jurisdiction under the Constitution of the United States and has imposed ever-growing numbers of mandates, regulations, and restrictions upon states and the local governments, thereby removing power and flexibility from the units of government closest to the people and increasing central control in Washington; and

"Whereas, the United States Supreme Court recognized in *New York* v. *United States*, 112 S. Ct. 2408 (1992), that the constitutional limitations on federal power have continuing vitality, notwithstanding the general failure of the federal courts to afford remedies to the states and their citizens for violations of the 10th Amendment; and

"Whereas, in holding that the states generally must rely on political processes in Washington for their protection, the federal courts have permitted Congress and federal agencies to treat the states as though they are merely part of the regulated community, rather than as sovereign partners in a federal system of shared powers; and

"Whereas, federal mandates have imposed enormous costs on states and localities, draining away resources and preventing state governments from addressing pressing local needs such as education and law enforcement; and

"Whereas, facing a persistent budget deficit, the federal government has forced the burden of funding federal programs onto state and local governments, resulting in an excessive tax burden at the state and local levels; and

"Whereas, federal mandates and preemptive measures impose 'one size fits all' requirements that deprive state and local governments of the ability to set priorities, thereby diminishing their ability to allocate resources and tailor programs in the way best suited to meet local needs; and

"Whereas, states and localities are burdened not only by federal legislation, but also by mushrooming numbers of costly, complex, lengthy, and often incomprehensible regulations drafted by bureaucrats who are not accountable to the people; and

"Whereas, the exercise of increasing power by Congress, the federal courts, and the federal bureaucracy has diminished the ability of citizens to influence the course of their government and has produced an ever-widening gulf between citizens' demands for change and the ability of state and local officials to effect that change; and

"Whereas, experience has taught that the framers' design of a balanced federal system of shared powers and dual sovereignty can only be restored through federal constitutional changes that secure the rights and prerogatives of the states; and

"Whereas, proposals for structural change likely to be considered by the United States Congress and the Council of State Governments' proposed Conference of the States include constitutional amendments that would:

"1. Require a balanced federal budget;

"2. Prohibit the imposition of unfunded federal mandates;

"3. Require the federal courts to render enforceable decisions in cases or controversies arising under the 10th Amendment.

"4. Give a super-majority of the states the power to initiate constitutional amendments and repeal improper federal legislation, subject to veto by a super-majority of the United States Congress; and

"5. Provide other safeguards against unwarranted federal intrusion into the affairs of the sovereign states and their local subdivisions; and

"Whereas, as a sovereign government under the Constitution of the United States, the Commonwealth of Virginia has not only the right but also the duty to defend the prerogatives of the people of Virginia against federal government excesses; and

"Whereas, the Commonwealth of Virginia currently is attempting to enforce the 10th Amendment rights of its citizens through appropriate litigation: Now, therefore, be it

"*Resolved by the House of Delegates, the Senate concurring*, That Congress be urged to observe the principles of federalism as required by the 10th Amendment of the Constitution of the United States. The Commonwealth of Virginia hereby asserts its sovereignty under the 10th Amendment to the Constitution of the United States over all powers neither prohibited to the Commonwealth of Virginia nor enumerated and granted to the federal government by the Constitution of the United States; and, be it

"*Resolved further*, That this resolution serve as notice and demand to the federal government to cease and desist immediately the imposition and enforcement of mandates that are beyond the scope of its constitutionally delegated powers; and, be it

"*Resolved further*, That the General Assembly of Virginia endorse and support the efforts of the Governor and other representatives of the people of Virginia, including the members of the United States Congress, to secure adherence to and enforcement of the 10th Amendment rights of the Commonwealth of Virginia and its citizens and to secure structural changes at the federal level that will restore the states as full partners in a federal system of shared powers and dual sovereignty; and, be it

"*Resolved finally*, That the Clerk of the House of Delegates transmit a copy of this resolution to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate and the members of the Virginia Congressional Delegation so that they may be apprised of the sense of the General Assembly of Virginia in this matter."

POM-199. A joint resolution adopted by the General Assembly of the Commonwealth of Virginia; to the Committee on Governmental Affairs.

"HOUSE JOINT RESOLUTION NO. 633

"Whereas, the 10th Amendment to the Constitution of the United States clearly limits the powers of the federal government by stating that "the powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people"; and

"Whereas, the debate over the powers of the federal government in relation to the several states has raged throughout our history, but the recent actions of the federal government, particularly in the area of unfunded mandates, have rekindled the controversy; and

"Whereas, state authority has been eroded primarily by (i) federal assumption of powers reserved to the states under the 10th Amendment; (ii) unreasonable interpretations of the "commerce clause" that authorize federal pre-emption with respect to any issue that has any faint or circuitous connection to interstate commerce; (iii) constant threats of withholding, withdrawing, or diverting federal funds to coerce compliance with federal practices; and (iv) failure on the part of the states to challenge federal intrusion, while at the same time showing passive endorsement of federal usurpation by seeking federal funding and by accepting federal delegations of power; and

"Whereas, that vision of federalism, with the states retaining those powers not specifically delegated by the Constitution to the federal government, has been subverted by an insolvent federal government that imposes increasingly onerous and costly mandates on the states; and

"Whereas, the assault by the Congress of the United States on the 10th Amendment showing no signs of abating, the time for the states to exert their constitutional rights has come; Now, therefore, be it

"*Resolved by the House of Delegates, the Senate concurring*, That Congress be urged to observe the 10th Amendment to the Constitution of the United States. The Commonwealth of Virginia hereby claims sovereignty under the 10th Amendment to the Constitution of the United States over all powers not otherwise enumerated and granted to the federal government by the Constitution; and, be it

"*Resolved further*, That this resolution serve as the Commonwealth of Virginia's notice and demand to the federal government, as our agent, to cease and desist, effective immediately, mandates that are beyond the scope of its constitutionally delegated powers; and, be it

"*Resolved finally*, That the Clerk of the House of Delegates transmit copies of this resolution to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, the Attorney General of Virginia, and the members of the Virginia Congressional Delegation so that they may be apprised of the sense of the General Assembly of Virginia."

POM-200. A joint resolution adopted by the Legislature of the State of Washington; to the Committee on Indian Affairs.

"SENATE JOINT MEMORIAL 8004

"Whereas, the Indian Gaming Regulatory Act of 1988 was passed by Congress to protect tribal and state interests as they pertain to gambling; and

"Whereas, the primary intent of Congress was to allow for tribal economic development and self-sufficiency consistent with the state's public policy as it pertains to gambling; and

"Whereas, under the Indian Gaming Regulatory Act, the conduct of class III gaming within the state's boundaries is subject to the completion of a tribal-state compact; and

"Whereas, the Indian Gaming Regulatory Act does allow certain tribes to operate specific class III card games without the completion of a tribal-state compact if the tribes were operating these gaming activities on or before May 1, 1988; and

"Whereas, the Puyallup Indian Tribe has requested the National Indian Gaming Commission to allow the tribe to operate class III card games without the benefit of a tribal-state compact despite the fact that the tribe was not operating these card games on or before May 1, 1988; and

"Whereas, the Puyallup tribe is clearly attempting to circumvent the legitimate tribal-state negotiation process established by the Indian Gaming Regulatory Act; and

"Whereas, the approval by the National Indian Gaming Commission of such requests would clearly damage the current state negotiation process and regulatory structure developed under current compacts: Now, therefore, Your Memorialists respectfully request that the Congress of the United States direct the National Indian Gaming Commission to reject the Puyallup Indian Tribe's request to operate card games without the benefit of a tribal-state compact and require the Puyallup tribe to proceed with the legitimate negotiation process with the state of Washington that has been established by the Indian Gaming Regulatory Act in order to be allowed to operate any class III gaming activities; be it

"*Resolved*, That copies of this Memorial be immediately transmitted to the Honorable Bill Clinton, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington, and the National Indian Gaming Commission."

POM-201. A resolution adopted by the Association of Property Owners and Residents of the Port Madison Area, Suquamish, Washington relative to Indian tribes; to the Committee on the Judiciary.

POM-202. A joint resolution adopted by the General Assembly of the Commonwealth of Virginia; to the Committee on the Judiciary.

"Whereas, constitutional conventions played an important role in the creation of American government; and

"Whereas, the convention has historically been the expression of the people's right to create their own governing authority and to consent actively to that authority; and

"Whereas, although Article V of the Constitution of the United States says that Congress shall call a convention for the purpose of amending the Constitution whenever two-thirds of the states request it, the article does not address whether states can limit the convention to one or more topics; and

"Whereas, this question raises immediate concerns since most petitions received by Congress today apply for a limited convention and Congress has not adopted legislation addressing the validity of these petitions or how they are to be counted for purposes of determining whether the requisite number of states have applied for a convention; and

"Whereas, many states are reluctant to ask Congress to call a national convention for fear of creating a "runaway convention" that might undermine the delicate constitutional framework the forefathers worked so hard to establish; and

"Whereas, it is time for Congress to lay to rest these concerns by proposing a constitutional amendment to clarify that the agenda of a constitutional convention may be set in the application of the states: Now, therefore, be it

"*Resolved by the House of Delegates, the Senate concurring*, That the Congress of the United States be urged to propose an amendment to Article V of the Constitution of the United States which provides for the calling of limited national constitutional conventions. The amendment provides for the deletion of the language shown as stricken and the insertion of the italicized language, in essence as follows:

"ARTICLE V

"AMENDMENT OF THE CONSTITUTION

"The Congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments to this Constitution, or, on the applications of the legislatures of two-thirds of the several states, shall call a convention for proposing amendments. *Except for applications asking Congress to call an unlimited convention, each application shall specify the subject or subjects which shall limit the agenda of the constitutional convention. In determining whether two-thirds of the states have applied for the same limited convention, Congress shall consider whether each request in its entirely or in part calls for a substantially similar need for change. Any amendments proposed by Congress or convention* shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three-fourths of the several states, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; *however*, no state, without its consent, shall be deprived of its equal suffrage in the Senate; and, be it

"*Resolved further*, That the General Assembly request the legislatures of the several states to apply to Congress for the proposal of this amendment to the Constitution of the United States; and, be it

"*Resolved finally*, That the Clerk of the House of Delegates transmit copies of this resolution to the Speaker of the United States of Representatives, the President of the United States Senate, the Archivist of the United States at the National Archives and Records Administration of the United States, the members of the Virginia Congressional Delegation, and the legislatures of each of the several states attesting the adoption of this resolution."

POM–203. A joint resolution adopted by the Legislature of the State of Tennessee; to the Committee on the Judiciary.

"SENATE JOINT RESOLUTION NO. 15

"Whereas, the founders of our nation appended to the Constitution of the United States ten amendments commonly known as the Bill of Rights; and

"Whereas, the First Amendment of the Constitution of the United States provides that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceable to assemble, and to petition the government for a redress of grievances; and

"Whereas, the Ninth Amendment to the Constitution of the United States provides that "The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people; and

"Whereas, the clear and express intent of the framers of the Constitution was to prevent the Federal Government from interfering with the right of the people to freely exercise and express their religious beliefs; and

"Whereas, for more than one hundred and fifty years the people, acting through their state and local governments, enjoyed the freedom to provide for prayer and religious expression in their schools and public assemblies; and

"Whereas, beginning in the 1960's the United States Supreme Court has issued a series of rulings that have systematically stripped from the people their historic and constitutionally guaranteed right to provide for prayer, religious study and religious expression in schools and public assemblies; and

"Whereas, to date, the Congress of the United States has failed or refused to restore to the people their right to provide for prayer, religious study and religious expression in schools and public assemblies; and

"Whereas, it is now time for the citizens of this nation to reclaim and reassert our First Amendment rights which constitutionally guarantee our freedom of religion and freedom of religious expression; Now, therefore,

Be it resolved by the Senate of the Ninety-ninth General Assembly of the State of Tennessee, the House of Representatives concurring, That this General Assembly hereby memorializes the United States Congress to propose an amendment to the United States Constitution to restore to the American people the right to free religious expression, including the right to allow non-sectarian prayer, religious study and religious expression in public schools and other public assemblies, and to submit such constitutional amendment to the several states for proper ratification;

Be it further resolved, That the Chief Clerk of the Senate is directed to transmit an enrolled copy of this resolution to the Speaker and the Clerk of the U.S. House of Representatives; the President and the Secretary of the U.S. Senate; and to each member of Tennessee's Congressional delegation."

POM–204. A resolution adopted by the Senate of the Legislature of the State of Hawaii; to the Committee on Veterans' Affairs.

"SENATE RESOLUTION

"Whereas, service-connected disability compensation for veterans from World War I, World War II, the Korean War, the Vietnam War, and the Persian Gulf War and any other conflicts, as designated by the President of the United States, is compensation for wounds or injuries, or both, sustained while on active duty; and

"Whereas, social security disability compensation for these same veterans injured while in the service of their country is vital to the health and welfare of disabled veterans and their families; and

"Whereas, the reduction, taxation, or elimination of veterans' disability compensation and social security disability compensation would, in effect, penalize the service-connected disabled, who by the grace of opportunity and the success of unusual determination, have overcome or lessened the economic loss associated with their disabilities; and

"Whereas, any taxation, reduction, or elimination of these benefits will guarantee that disabled veterans and their families can never enjoy the potential to rise above a governmentally-mandated economic status and station in life, without being penalized; and

"Whereas, veterans are not responsible for the current federal deficit; and

"Whereas, these disabled veterans, in good faith, have served their country in support of those ideals upon which this country was founded and have answered the call to protect and defend the Constitution of the United States; and

"Whereas, this nation has a solemn contract with her veterans to provide health care and compensation for wounds or injuries sustained: Now, therefore, be it

"*Resolved by the Senate of the Eighteenth Legislature of the State of Hawaii, Regular Session of 1995*, That this body urges Congress to support legislation to safeguard veterans' disability compensation and social security disability compensation from elimination, reduction, or taxation; and be it further

"*Resolved* That certified copies of this Resolution be transmitted to the President of the United States Senate, the Speaker of the House of the United States House of Representatives, the United States Secretary for Veterans' Affairs, the members of Hawaii's congressional delegation, and the Director of the State Office of Veterans' Services."

POM–205. A joint resolution adopted by the Legislature of the State of Tennessee; to the Committee on Veterans' Affairs.

"SENATE JOINT RESOLUTION NO. 71

"Whereas, the Honorable James H. Quillen has served the good people of Tennessee's First Congressional District as their representative to the U.S. Congress for the past thirty-two years with the utmost in acumen, perspicacity, devotion and industry; and

"Whereas, as a member of the 88th U.S. Congress through the 104th U.S. Congress, James H. Quillen has distinguished himself as a true statesman and an exemplary elected official who can be relied upon to carry out the people's will expeditiously; and

"Whereas, throughout his outstanding legislative career, Congressman Quillen has proven himself to be a good friend and stalwart supporter of the courageous veterans who risked their lives in time of war to defend and preserve the many blessed freedoms our nation and our state enjoy today; and

"Whereas, Congressman James H. Quillen has contributed significantly to the quality and availability of health care in the Northeast Tennessee community; and

"Whereas, he was instrumental in securing passage of the legislative initiative known as the Teague-Cranston legislation, which legislation provided for the establishment of a number of new medical colleges in conjunction with already existing Veterans Affairs facilities; and

"Whereas, Congressman Quillen also secured the addition of Mountain Home Veterans Affairs Center to the list of facilities covered under the terms of the Teague-Cranston legislation; and

"Whereas, James H. Quillen was also instrumental in the establishment of the School of Medicine at East Tennessee State University, which now bears his name; and

"Whereas, he also worked assiduously to secure federal funding for the construction of the modern Veterans Affairs Medical Center at Mountain Home; and

"Whereas, because of the important role he played in the establishment of this stellar medical facility, it is most appropriate that the Mountain Home Veterans Affairs Medical Center should bear the honorable name of James H. Quillen: Now, therefore, be it

"*Resolved by the Senate of the Ninety-ninth General Assembly of the State of Tennessee, the House of Representatives concurring*, That this General Assembly hereby most fervently urges and encourages the members of Tennessee's delegation to the U.S. Congress to introduce and work for the passage of legislation to redesignate the Mountain Home Veterans Affairs Medical Center as "The James H. Quillen Veterans Affairs Medical Center" at Mountain Home, Tennessee in honor of Congressman Quillen's superlative leadership and vision as a member of the U.S. Congress and his lifetime of meritorious service to his constituents in Northeast Tennessee; be it further

"*Resolved*, That the Chief Clerk of the Senate is directed to transmit a certified copy of this resolution to each member of Tennessee's congressional delegation; the Speaker and the Clerk of the U.S. House of Representatives; and the President and the Secretary of the U.S. Senate."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mrs. KASSEBAUM, from the Committee on Labor and Human Resources, without amendment:

S. 850. A bill to amend the Child Care and Development Block Grant Act of 1990 to consolidate Federal child care programs, and for other purposes (Rept. No. 104–94).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. PACKWOOD, from the Committee on Finance:

John D. Hawke, Jr., of New York, to be Under Secretary of the Treasury.

Linda Lee Robertson, of Oklahoma, to be a Deputy Under Secretary of the Treasury.

Stephen G. Kellison, of Texas, to be a Member of the Board of Trustees of the Federal Supplementary Medical Insurance Trust Fund for a term of four years.

Marilyn Moon, of Maryland, to be a Member of the Board of Trustees of the Federal

Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund for a term of four years.

Marilyn Moon, of Maryland, to be a Member of the Board of Trustees of the Federal Hospital Insurance Trust Fund for a term of four years.

Marilyn Moon, of Maryland, to be a Member of the Board of Trustees of the Federal Supplementary Medical Insurance Trust Fund for a term of four years.

Stephen G. Kellison, of Texas, to be a Member of the Board of Trustees of the Federal Hospital Insurance Trust Fund for a term of four years.

(The above nominations were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 894. A bill to establish a California Ocean Protection Zone, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BOND:

S. 895. A bill to amend the Small Business Act to reduce the level of participation by the Small Business Administration in certain loans guaranteed by the Administration, and for other purposes; to the Committee on Small Business.

By Mr. CHAFEE (for himself, Mr. MCCAIN, Mr. INOUYE, Mr. BRADLEY, Mrs. KASSEBAUM, Mr. GLENN, Mrs. MURRAY, Mr. SANTORUM, Mr. CRAIG, and Mr. SIMPSON):

S. 896. A bill to amend title XIX of the Social Security Act to make certain technical corrections relating to physicians' services, and for other purposes; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 897. A bill to provide for a nationally coordinated program of research, promotion, and consumer information regarding kiwifruit for the purpose of expanding domestic and foreign markets for kiwifruit; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. MURKOWSKI (by request):

S. 898. A bill to amend the Helium Act to cease operation of the government helium refinery, authorize facility and crude helium disposal, and cancel the helium debt, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. ROTH (for himself, Mr. NICKLES, and Mr. PRESSLER):

S. 899. A bill to amend the Internal Revenue Code of 1986 to prevent fraud and abuse involving the earned income tax credit, and for other purposes; to the Committee on Finance.

By Mr. BENNETT (for himself and Mr. HATCH):

S. 900. A bill to amend the Reclamation Projects Authorization and Adjustment Act of 1992 to direct the Secretary of the Interior to allow for prepayment of repayment contracts between the United States and the Central Utah Water Conservancy District dated December 28, 1965, and November 26, 1985, and for other purposes; to the Committee on Energy and Natural Resources.

S. 901. A bill to amend the Reclamation Projects Authorization and Adjustment Act of 1992 to authorize the Secretary of the Interior to participate in the design, planning, and construction of certain water reclamation and reuse projects and desalination research and development projects, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. COCHRAN:

S. 902. A bill to amend Public Law 100–479 to authorize the Secretary of the Interior to assist in the construction of a building to be used jointly by the Secretary for park purposes and by the city of Natchez as an intermodal transportation center, and for other purposes; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. NICKLES (for Mr. DOLE):

S. Res. 129. A resolution to elect Kelly D. Johnston as Secretary of the Senate; considered and agreed to.

S. Res. 130. A resolution providing for notification to the President of the United States of the election of Secretary of the Senate; considered and agreed to.

S. Res. 131. A resolution providing for notification to the House of Representatives of the election of Secretary of the Senate; considered and agreed to.

By Mr. SANTORUM (for himself, Mr. LIEBERMAN, Mr. SPECTER, and Mr. DODD):

S. Con. Res. 17. A concurrent resolution authorizing the use of the Capitol Grounds for the exhibition of the RAH-66 Comanche helicopter; to the Committee on Rules and Administration.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 894. A bill to establish a California ocean protection zone, and for other purposes; to the Committee on Energy and Natural Resources.

THE CALIFORNIA OCEAN PROTECTION ACT OF 1995

• Mrs. BOXER. Mr. President, I am pleased to introduce today the California Ocean Protection Act of 1995. This act will provide permanent protection for California's Outer Continental Shelf [OCS] from the adverse effects of new offshore oil and gas development, deep-sea mining, at-sea incineration of toxic wastes, and harmful ocean dumping. This act will make management of the Federal OCS consistent with State-mandated protection of State waters.

This act recognizes that the resources of the lands offshore California, and of the Pacific Ocean itself, are priceless. This act recognizes that the real costs of offshore fossil fuel development, mining and toxic waste disposal far outweigh any benefits that might accrue from those activities. Finally, this act recognizes that renewable uses of the ocean and OCS lands are irreplaceable elements of a healthy, growing, California economy.

California's coast, from San Diego to Crescent City, is a natural marvel. From the white sand beaches and secluded coves of southern California, to the grandeur of Big Sur, to the wild, rocky north, this coast is one of the Earth's great wonders—enjoyed by Californians and visitors from around the globe alike. But the California coast is much more than a scenic treasure; it is a dynamic convergence of land and sea—a grand yet fragile system that ultimately depends on the health of the Pacific Ocean for its continued viability.

The cold, clear waters of the Pacific give life to a wealth of plant, fish, bird and marine mammal species. Some of those species in turn support California's multibillion-dollar fishing industry—an industry founded on renewable resource management. Clean Pacific waters also form the basis for California's coastal tourism industry—valued at over $27 billion annually and creator of tens of thousands of jobs in California's economy.

Fishing and tourism are just two of the industries that we must weigh in the balance against non-sustainable, polluting uses of the ocean. The other values supported by an unpolluted Pacific are less easily quantified, but every bit as important. These values are economic, scientific and, indeed, spiritual. These are the values that have somehow gotten lost in the shuffle, as the Congress and past administrations have debated the issue of developing California's offshore resources.

When those values are added to the scales and weighed against the benefits to be obtained from non-sustainable exploitation, permanent protection becomes the only viable choice. Consider that if all the unleased areas of the California coast were suddenly opened to oil and gas development, we would produce less than 60 days of oil for the nation at current rates of consumption. Such production would come at the certain cost of oil spills, contamination by the toxic wastes and air emissions generated by offshore rigs and the increased risk of tanker accidents.

The Nation's interest in future energy security does not require that we pay those costs. Conservation measures are now available that will achieve far greater oil savings than the California OCS can produce, without the environmental risks brought by development. For example, raising CAFE standards to a readily achievable 40 miles per gallon would save 20 billion barrels of oil by 2020—over 18 times the estimated total California OCS reserves in unleased areas. And California is leading the nation in adopting an energy strategy that lessens our dependence on fossil fuels. Conservation programs already put in place by the State of California will save two billion barrels of oil over the next 20 years—almost twice the oil thought to lie in the State's frontier offshore areas.

The legislation I am introducing today would bring the Federal OCS program for California into line with protection now in place for State waters. The State legislature, working cooperatively with Gov. Pete Wilson, has acted to protect most areas of the State tidelands that had not already been protected from oil and gas development. The danger is that unless we act Federal development will render protection of State waters practically meaningless. To State the obvious: water flows. An oilspill in Federal waters offshore California can rapidly foul State beaches, contaminate nutrient-rich ocean upwellings upon which California's fishing industry depends and destroy endangered species habitat in State tidelands.

In the same way it is misleading to believe that we can limit the hazards of offshore drilling by identifying and protecting environmentally sensitive areas. The ocean is a dynamic system—it is impossible to protect one area—even if there were scientifically sound criteria by which we could identify particularly sensitive areas—without also protecting adjacent areas. Permanent protection for as much of the system as possible again emerges as the only viable option.

This act does contain an exception for existing drilling operations. In recognition of the economic importance of current offshore development in southern California, the act would only prohibit new development. Thus drilling now underway offshore Orange and Santa Barbara counties would be allowed to continue. New drilling in those areas would be stopped.

The act would also prohibit ocean mining, at-sea incineration of toxic wastes and harmful ocean dumping. Each of these activities represents a threat to the marine environment and the coastal economy. Ecologically and economically sound alternatives exist to each of these activities. The prohibitions contained in this act recognized that the optimum value of the ocean is maintained only when it remains free of marine pollution caused by unnecessary exploitation.

I don't have to remind this body of the battles that have been fought over developing oil and gas offshore California. Interior Secretaries Watt and Hodel lined up with the oil industry to push for massive new leasing along the coast. That action was met by an opposite and more-than-equal reaction from the Congress. Thirteen of the past fourteen Interior appropriations bills have contained 1-year leasing moratoria on the lands offshore California. While the unreasonable approach of past administrations has necessitated such moratoria, I think everyone agrees that a more certain, long-term policy is called for. This year with a Republican majority in Congress, we face a real threat that the moratoria will not be extended.

This Act constitutes the long term policy and provides the certainty that California needs. We now have a better understanding of the costs associated with the activities this bill prohibits than we did when Secretary Watt fired his first salvo in the long battle over offshore drilling. We have come to understand that the greenhouse effect, and the global disaster it threatens, is a long-term effect of fossil fuel use. We know that the U.S. has only 4 percent of the world's remaining petroleum reserves and that much of the remainder is in the volatile Middle East—making the development of alternative forms of energy the only true source of energy security.

America has the opportunity and the creativity to lead the way in developing renewable resources and energy efficient innovations. We must commit ourselves to those goals which will enable us to face the future with confidence and hope. Offshore drilling, dumping, incineration and mining offer only short-term benefits at extremely high long-term costs. These activities should not be part of our national strategy for the future.

We have wasted far too much time fighting over a relatively insignificant energy resource. That time could have been far more productively spent devising real solutions to our energy needs. It is time to put the debate over California OCS development behinds us so that we can focus on developing the strategies and technologies that will help us compete and win in the global economy of the 21st century. The only way to achieve that goal is to permanently protect this resource. Anything less than permanent protection will only produce more controversy, more fighting, and continue to distract our focus from the real energy issues facing this Nation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 894

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "California Ocean Protection Act of 1995".

SEC. 2. FINDINGS.

Congress finds that—

(1) the coast of California possesses unique historical, ecological, educational, recreational, economic, and research values that are appropriate for protection under Federal law;

(2) the threat to the coast of California, a national treasure, continues to intensify as a result of fossil fuel exploration and development, mineral extraction, and the burning and dumping of toxic and hazardous wastes;

(3) the activities described in paragraph (2) could result in irreparable damage to the coast of California; and

(4) the establishment of an ocean protection zone off the coast of California would enhance recreational and commercial fisheries, and the use of renewable resources within the zone.

SEC. 3. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) DEVELOPMENT.—The term "development" has the meaning stated in section 2 of the Outer Continental Shelf Lands Act (43 U.S.C. 1331).

(3) EXCLUSIVE ECONOMIC ZONE.—The term "Exclusive Economic Zone" means the Exclusive Economic Zone of the United States, as defined by Presidential Proclamation 5030 of March 10, 1983.

(4) EXPLORATION.—The term "exploration" has the meaning stated in section 2 of the Outer Continental Shelf Lands Act (43 U.S.C. 1331).

(5) HARMFUL OCEAN DUMPING.—The term "harmful ocean dumping"—

(A) shall have the meaning provided by the Administrator, in consultation with the heads of other Federal agencies whom the Administrator determines to be appropriate; but

(B) shall not include—

(i) a de minimus disposal of vessel waste;

(ii) the disposal of dredged material that—

(I) would meet the requirements for disposal under the criteria established under section 103 of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1413), including regulations promulgated under that section; or

(II) is disposed of pursuant to a permit issued pursuant to that section;

(iii) a discharge that is authorized under a National Pollutant Discharge Elimination System (NPDES) permit issued under section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342); or

(iv) a disposal that is carried out by an appropriate Federal agency under title I of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1411 et seq.).

(6) MINERALS.—The term "minerals" has the meaning stated in section 2 of the Outer Continental Shelf Lands Act (43 U.S.C. 1331).

(7) OUTER CONTINENTAL SHELF.—The term "outer Continental Shelf" has the meaning stated in section 2 of the Outer Continental Shelf Lands Act (43 U.S.C. 1331).

(8) PERSON.—The term "person" has the meaning stated in section 2 of the Outer Continental Shelf Lands Act (43 U.S.C. 1331).

(9) PRODUCTION.—The term "production" has the meaning stated in section 2 of such Act (43 U.S.C. 1331).

(10) TERRITORIAL SEA.—The term "territorial sea" means the belt of sea measured from the baseline of the United States, determined in accordance with international law, as set forth in Presidential Proclamation 5928, dated December 27, 1988.

(11) ZONE.—The term "Zone" means the California Ocean Protection Zone established under section 4.

SEC. 4. DESIGNATION OF CALIFORNIA OCEAN PROTECTION ZONE.

There is established a California Ocean Protection Zone, consisting of—

(1) waters of the Exclusive Economic Zone that are contiguous to the waters of the territorial sea that are contiguous to the State of California;

(2) waters of the territorial sea that are contiguous to the State of California; and

(3) the portion of the outer Continental Shelf underlying those waters.

SEC. 5. RESTRICTIONS.

(a) MINERAL EXPLORATION, DEVELOPMENT, AND PRODUCTION.—

(1) DEFINITION.—In this subsection, the term "lease" has the meaning stated in section 2 of the Outer Continental Shelf Lands Act (43 U.S.C. 1331).

(2) ISSUANCE OF LEASES, PERMITS, AND LICENSES.—Notwithstanding any other law, the head of a Federal agency may not issue a lease, permit, or license for the exploration for or development or production of oil, gas, or other minerals in or from the Zone.

(3) EXPLORATION, DEVELOPMENT, AND PRODUCTION.—Notwithstanding any other law, a person may not engage in the exploration for, or the development or production of, oil, gas, or other minerals in or from the Zone after the date of the cancellation, expiration, relinquishment, or termination of a lease, permit, or license in effect on June ___, 1995, that permits exploration, development, or production.

(b) OCEAN INCINERATION AND DUMPING.—Notwithstanding any other law, the head of a Federal agency may not issue a lease, permit, or license for—

(1) ocean incineration or harmful ocean dumping within the Zone; or

(2) any onshore facility that facilitates ocean incineration or harmful ocean dumping within the Zone.

SEC. 6. FISHING.

This Act is not intended to regulate, restrict, or prohibit commercial or recreational fishing, or other harvesting of ocean life in the Zone.•

By Mr. BOND:

S. 895. A bill to amend the Small Business Act to reduce the level of participation by the Small Business Administration in certain loans guaranteed by the Administration, and for other purposes; to the Committee on Small Business.

THE SMALL BUSINESS LENDING ENHANCEMENT ACT OF 1995

• Mr. BOND. Mr. President, as our Nation rushes toward the 21st century, we are living in a critical time for small business men and women. For over 40 years, it has been our Government's policy to encourage the growth of small business and entrepreneurship. With all the discussion today about reinventing or reorganizing Government, I am concerned that too much emphasis has shifted away from our Government's role in promoting small business. We must be committed to deficit reduction, but we also must remain committed to the vital small business sector of our economy.

As chairman of the Committee on Small Business, I believe it is time to reassure America's small business owners and entrepreneurs that their Government is behind them 100 percent. During the past 10 years, as large businesses have restructured, laying off thousands of very able workers, small businesses have filled this void, creating up to five new jobs for each person laid off as the result of a corporate restructuring. During these years, economic growth has been fueled by small business. Fifty-four percent of America's work force now is employed by small businesses which generate 50 percent of the gross domestic product.

As we experience this period of restructuring and significant change in our business community, many small businesses have flourished. And their success has added to our Federal tax revenue base.

As small businesses are confronted with the uncertainties of a changing Government, I believe we should provide them with positive assurance that their Government will continue to support them in the future. Therefore, I have developed the following five fundamental principles for reform, that define the critical role that the Small Business Administration should play as we prepare for the next fiscal year and the next century.

First, consolidate and redesign small business loan guarantee programs: Abolish all SBA direct loan programs except for Disaster Assistance. Implement a simpler and safer credit support role for SBA to encourage private sector loans to small business.

Second, make SBA an effective small business advocate: Change SBA's structure and refocus SBA's resources to make it an effective advocate and ombudsman for small business on Federal governmental policy issues. SBA field offices and Small Business Development Centers should work together to provide regulatory compliance assistance to small businesses and act as a watchdog for excessive Federal regulatory behavior.

Third, refocus SBA's role in small business Government contracting: Retain SBA's role to encourage Federal Government contracting opportunities available to all small businesses. Discontinue the practice of having SBA act as a contracting party with the Federal Government and then subcontracting with small businesses. Consider a new Federal contracting preference for small business located in, and hiring employees from, high unemployment and low income areas.

Fourth, redesign SBA's role in small business venture capital: Increase private sector responsibilities in funding SBA's Small Business Investment Company Program. Investigate authorizing a Government sponsored enterprise to issue pooled securities to fund venture capital investments made by SBIC's.

Fifth, shift small business counseling and management assistance to the private sector: Phase out SBA's direct delivery of small business management assistance and business counseling, and shift the cost of SBA sponsored management assistance increasingly to colleges, universities, and to the States. Encourage the lending community to offer business counseling to applicants for SBA guaranteed loans.

I am setting forth these five fundamentals for reform as a positive statement to our Nation's small business community to assure them that Government reform does not mean they suddenly have been forgotten. And as a demonstration of my strong belief that we need to implement the reforms spelled out in the five fundamentals, today I am introducing the Small Business Lending Enhancement Act of 1995.

This legislation will increase the supply of loans available under the Small Business Administration's 7(a) Guaranteed Business Loan Program. The direct beneficiaries of this bill are America's small business men and women who otherwise would not be able to obtain affordable financing for their companies. The formula I have chosen for this bill authorizes a combination of lower guarantee levels and higher lender fees to increase loan capacity and reduce the taxpayer subsidy of these loans.

The impact of these changes dramatically decreases the amount of the loan loss reserve that must be funded out of annual congressional appropriations. In fiscal year 1995, SBA's 7(a) loan program needed $215 million in appropriated funds to support a $7.8 billion guaranteed loan program. Under my bill, in fiscal year 1996, the 7(a) program can grow to $11 billion but will only require $119 million in appropriations. While the loan program size increases by 41 percent, there is a 44 percent decrease in taxpayer cost to fund the program.

This bill is structured to balance the demands of the popular 7(a) Guaranteed Business Loan Program with prudent fiscal management. While I am committed to balancing the Federal budget, I will work to retain and improve effective programs, like 7(a). I believe the dual avenue I am advocating—combining increased fees from lenders with a decreased appropriations level—creates the correct balance in these times of fiscal restraint.

Small business owners need access to capital, and the Small Business Lending Enhancement Act of 1995 is the first step toward meeting the financing demands of small businesses. My bill is just a beginning. I will continue to study additional enhancements for the 7(a) program, as well as other ways to streamline and improve the manner in which we carry out our Federal policy of encouraging our small business community to continue its growth into the 21st century.

Mr. President, I ask unanimous consent that the bill and certain additional materials be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 895

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Small Business Lending Enhancement Act of 1995".

SEC. 2. REDUCED LEVEL OF PARTICIPATION IN GUARANTEED LOANS.

Section 7(a)(2) of the Small Business Act (15 U.S.C. 636(a)(2)) is amended to read as follows:

"(2) LEVEL OF PARTICIPATION IN GUARANTEED LOANS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), in an agreement to participate in a loan on a deferred basis under this subsection (including a loan made under the Preferred Lenders Program), such participation by the Administration shall be equal to—

"(i) 75 percent of the balance of the financing outstanding at the time of disbursement of the loan, if such balance exceeds $100,000; or

"(ii) 80 percent of the balance of the financing outstanding at the time of disbursement of the loan, if such balance is less than or equal to $100,000.

"(B) REDUCED PARTICIPATION UPON REQUEST.—

"(i) IN GENERAL.—The guarantee percentage specified by subparagraph (A) for any loan under this subsection may be reduced upon the request of the participating lender.

"(ii) PROHIBITION.—The Administration shall not use the guarantee percentage requested by a participating lender under clause (i) as a criterion for establishing priorities in approving loan guarantee requests under this subsection.

"(C) INTEREST RATE UNDER PREFERRED LENDERS PROGRAM.—

"(i) IN GENERAL.—The maximum interest rate for a loan guaranteed under the Preferred Lenders Program shall not exceed the maximum interest rate, as determined by the Administration, applicable to other loans guaranteed under this subsection.

"(ii) PREFERRED LENDERS PROGRAM DEFINED.—For purposes of this subparagraph, the term 'Preferred Lenders Program' means any program established by the Administrator, as authorized under the proviso in section 5(b)(7), under which a written agreement between the lender and the Administration delegates to the lender—

"(I) complete authority to make and close loans with a guarantee from the Administration without obtaining the prior specific approval of the Administration; and

"(II) authority to service and liquidate such loans.".

SEC. 3. GUARANTEE FEES.

(a) AMOUNT OF FEES.—Section 7(a)(18) of the Small Business Act (15 U.S.C. 636(a)(18)) is amended to read as follows:

"(18) GUARANTEE FEES.—With respect to each loan guaranteed under this subsection (other than a loan that is repayable in 1 year or less), the Administration shall collect a guarantee fee, which shall be payable by the participating lender and may be charged to the borrower, in an amount equal to the sum of—

"(A) 3 percent of the amount of the deferred participation share of the loan that is less than or equal to $250,000;

"(B) if the deferred participation share of the loan exceeds $250,000, 4 percent of the difference between—

"(i) $500,000 or the total deferred participation share of the loan, whichever is less; and

"(ii) $250,000; and

"(C) if the deferred participation share of the loan exceeds $500,000, 5 percent of the difference between—

"(i) the total deferred participation share of the loan; and

"(ii) $500,000.

(b) REPEAL OF PROVISIONS ALLOWING RETENTION OF FEES BY LENDERS.—Section 7(a)(19) of the Small Business Act (15 U.S.C. 636(a)(19)) is amended—

(1) in subparagraph (B)—

(A) by striking "shall (i) develop" and inserting "shall develop"; and

(B) by striking ", and (ii)" and all that follows through the end of the subparagraph and inserting a period; and

(2) by striking subparagraph (C).

SEC. 4. ESTABLISHMENT OF ANNUAL FEE.

(a) IN GENERAL.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended by adding at the end the following new paragraph:

"(23) ANNUAL FEE.—In carrying out this subsection, the Administration shall, in accordance with such terms and procedures as the Administration shall establish by regulation, assess and collect an annual fee, which shall be payable by the participating lender, in an aggregate amount equal to not more than 0.4 percent of the outstanding balance of the deferred participation share of the loan.".

(b) CONFORMING AMENDMENT.—Section 5(g)(4)(A) of the Small Business Act (15 U.S.C. 634(g)(4)(A)) is amended—

(1) by striking the first sentence and inserting the following: "The Administration may collect a fee for any loan guarantee sold into the secondary market under subsection (f) in an amount equal to not more than 50 percent of the portion of the sale price that exceeds 110 percent of the outstanding principal amount of the portion of the loan guaranteed by the Administration."; and

(2) by striking "fees" each place such term appears and inserting "fee".

SEC. 5. TECHNICAL AMENDMENT.

Section 3 of the Small Business Act (15 U.S.C. 632) is amended by adding at the end the following new subsection:

"(o) PARTICIPATING LENDER.—For purposes of this Act, the term 'participating lender' means any bank or other financial institution that enters into an agreement with the Administration described section 7(a) to provide financing in accordance with that section.".

TAKING THE SMALL BUSINESS ADMINISTRATION INTO THE 21ST CENTURY—FIVE FUNDAMENTAL PRINCIPLES FOR REFORM

1. *Consolidate and Redesign Small Business Loan Guarantee Programs.*

Abolish all SBA direct loan programs except for Disaster Assistance. Implement a simpler and safer credit support role for SBA to encourage private sector loans to small businesses. Reduce the federal government's guarantee exposure and shift more of the costs of this credit support from the taxpayer to the private sector. Create an enhanced role for secondary market transactions to compensate SBA for the value of its guarantee. Change SBA's role in the program from approving individual loans to one of carefully regulating and overseeing increased responsibilities for private sector program participants.

2. *Make SBA an Effective Small Business Advocate.*

Change SBA's structure and refocus SBA's resources to make it an effective advocate and ombudsman for small business on federal governmental policy issues. SBA field offices will have a Small Business and Agriculture Ombudsman to work together with Small Business Development Centers to offer small business regulatory compliance assistance and act as a watchdog for excessive or inappropriate regulatory enforcement against small businesses by federal agencies. SBA should receive citizen input in these activities from small business volunteers appointed to newly-created Small Business Regulatory Fairness Boards throughout the country.

3. *Refocus SBA's Role in Small Business Government Contracting.*

Retain SBA's fundamental monitoring and informational role to encourage the federal government to make government contracting opportunities available to all small businesses to the maximum extent possible. Discontinue the practice of having SBA act as a contracting party with the federal government and then subcontracting with small businesses. Investigate the possibility of establishing a federal contracting preference for small businesses located in, and hiring a significant number of employees from, geographic areas with high unemployment and low average incomes.

4. *Redesign SBA's Role in Small Business Venture Capital.*

Increase private sector responsibilities in the funding of SBA's Small Business Investment Company program for small business venture capital. Continue SBA's role in the licensing and supervision of SBIC's. Investigate the possibility of reducing federal funding of the SBIC program and limiting guarantee exposure for individual company investments by authorizing a government sponsored enterprise to issue pooled securities to fund venture capital investments made by SBIC's.

5. *Shift Small Business Counseling and Management Assistant to the Private Sector.*

Phase out SBA's direct delivery of small business management assistance and business counseling. Gradually reduce SBA's subsidization of private sector business assistance and counseling, shifting these costs increasingly to colleges and universities, and to the states. Encourage lenders participating in SBA's small business credit support program to offer small business counseling to applicants for SBA supported loans.

THE SMALL BUSINESS LENDING ENHANCEMENT ACT OF 1995

PARTICIPATION IN GUARANTEED LOANS

Reduces the maximum level of participation in guaranteed loans as follows:

1. 75% guarantee rate[1] on any loan participation exceeding $100,000; or,

Footnotes at end of article.

2. 80% guarantee rate[2] on loan participation of less than $100,000 (i.e., LowDoc loans).

GUARANTEE FEES

A. Amends the guarantee fee[3] on 7(a) loans to:

1. 3% on the guaranteed amount between $0 and $250,000;

2. 4% of the guaranteed amount between $250,001 and $500,000; and,

3. 5% on the guaranteed amount between $500,001 and $750,000.

B. Repeals the option for banks to retain 50% of the guaranty fee for small (4) and rural (5) loans.

ANNUAL LENDER FEE

Requires lenders to pay an annual fee (6) equal to .40% on the outstanding balance of the guaranteed amount.

FOOTNOTES

[1] Existing guarantee is 85% for loans between $155,001 and $750,000 with maximum term of ten

years. Alternatively, a 75% guarantee is available for loans between $155,001 and $750,000 with a term of greater than 10 years. Preferred Lenders would be able to obtain guarantees as high as 75%; currently their guarantee level is capped at 70%.

[2] The existing guarantee level on loans of up to $155,001 is 90%.

[3] The current guarantee fee is .20% of the guaranteed amount, regardless of loan size.

[4] Applies to loans of up to $50,000.

[5] Applies to loans of up to $75,000. This provision is set to expire on 10/1/95.

[6] At present, the lender fee is charged only on those loans sold in the secondary market.•

By Mr. CHAFEE (for himself, Mr. McCain, Mr. Inouye, Mr. Bradley, Mrs. Kassebaum, Mr. Glenn, Mrs. Murray, Mr. Santorum, Mr. Craig, and Mr. Simpson):

S. 896. A bill to amend title XIX of the Social Security Act to make certain technical corrections relating to physicians' services, and for other purposes; to the Committee on Finance.

MEDICAID LEGISLATION

• Mr. CHAFEE. Mr. President, today I am introducing legislation which makes a technical correction to the Omnibus Budget Reconciliation Act of 1990 [OBRA 90]. These changes would allow pregnant women and children enrolled in the Medicaid Program to continue receiving services from osteopathic physicians.

The 1990 provisions were meant to prevent unqualified physicians from caring for Medicaid patients. Strict guidelines were enacted, requiring physicians working with these populations to be certified in family practice, pediatrics, or obstetrics, by the applicable medical specialty board recognized by the American Board of Medical Specialties [ABMS].

While the 1990 budget legislation recognizes the importance of the ABMS in certifying physicians trained in allopathics, it does not recognize the authority of the American Osteopathic Association [AOA] in certifying osteopathic physicians. As one out of every four Medicaid recipients receives health care from an osteopath, this policy only makes life more difficult for those on Medicaid.

It is important that we rectify this situation. Osteopaths have been an integral and vital part of our Nation's medical community for over a century. This important change ensures that our health care system continues to grow more accessible and reliable for those who depend upon it.

I urge my colleagues to join me in this effort, and look forward to working with them toward the bill's enactment.•

By Mrs. FEINSTEIN:

S. 897. A bill to provide for a nationally coordinated program of research, promotion, and consumer information regarding kiwifruit for the purpose of expanding domestic and foreign markets for kiwifruit; to the Committee on Agriculture, Nutrition, and Forestry.

THE NATIONAL KIWIFRUIT RESEARCH, PROMOTION, AND CONSUMER INFORMATION ACT

• Mrs. FEINSTEIN. Mr. President, today I am introducing legislation to provide for a nationally coordinated program of research, promotion, and consumer information regarding kiwifruit for the purpose of expanding domestic and foreign markets for kiwifruit.

This bill is identical to H.R. 1486 introduced in the House by Congressman Wally Herger, Congressman Vic Fazio, and others.

The kiwifruit industry is an important and growing sector in American agriculture, with tremendous potential to expand sales both at home and abroad through increased promotion and consumer education.

California presently represents 99 percent of the U.S. kiwifruit production.

Kiwifruit are commercially grown in Kern, Tulare, Fresno, San Joaquin, Yolo, Sutter, Butte, Yuba, and Colusa Counties.

Altogether, there are about 700 kiwifruit growers in my State.

In 1993, U.S. consumption of kiwifruit was 59 percent California grown, 33 percent Chilean imports, and 8 percent New Zealand imports.

It is my understanding that Chilean exporters have expressed interest in participating with California growers in promoting kiwifruit to encourage increased domestic consumption and expand opportunities in foreign markets.

The self-help program, administered by the Department of Agriculture, would be funded almost entirely by industry user fees. The industry would assess benefiting domestic growers and importers to equitably share in the costs.

Currently there are 18 similar federally authorized commodity research and promotion programs.

Once Congress approved the authorizing legislation, the promotion program must be approved by a majority of the handlers of kiwifruit, including the handlers of imported kiwifruit.

Specifically, this bill would authorize the Secretary of Agriculture to issue a federal order for kiwifruit research, promotion, and consumer information; establish an eleven member kiwifruit board composed of six growers, four importers, and one member of the general public to run the promotion program; authorize the kiwifruit board to collect assessments, at no more than $0.10 per seven pound tray of kiwifruit, to pay for research, promotion, and consumer information and for administrative expenses incurred by the kiwifruit board; authorize use of the assessments not only for domestic generic promotion, but also for promotion activities outside the United States; and require the kiwifruit order to be approved by a majority of the producers and importers and by a majority of those producing and importing more than 50 percent of the total volume of kiwifruit produced and imported.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 897

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the "National Kiwifruit Research, Promotion, and Consumer Information Act".

(b) Table of Contents.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.
Sec. 2. Findings and purposes.
Sec. 3. Definitions.
Sec. 4. Issuance of Kiwifruit Research, Promotion, and Consumer Information Order.
Sec. 5. National Kiwifruit Board.
Sec. 6. Required terms in order.
Sec. 7. Permissive terms in order.
Sec. 8. Incorporation of petition and review, enforcement, and investigation provisions by reference.
Sec. 9. Referenda.
Sec. 10. Suspension and termination of order by Secretary.
Sec. 11. Authorization of appropriations.
Sec. 12. Regulations.

SEC. 2. FINDINGS AND PURPOSES.

(a) Findings.—Congress finds that—

(1) domestically produced kiwifruit are grown by many individual producers;

(2) virtually all domestically produced kiwifruit are grown in the State of California, although there is potential for production in many other areas of the United States;

(3) kiwifruit move in interstate and foreign commerce, and kiwifruit that do not move in such channels of commerce directly burden or affect interstate commerce;

(4) in recent years, large quantities of kiwifruit have been imported into the United States;

(5) the maintenance and expansion of existing domestic and foreign markets for kiwifruit, and the development of additional and improved markets for kiwifruit, are vital to the welfare of kiwifruit producers and other persons concerned with producing, marketing, and processing kiwifruit;

(6) a coordinated program of research, promotion, and consumer information regarding kiwifruit is necessary for the maintenance and development of such markets; and

(7) kiwifruit producers, handlers, and importers are unable to implement and finance such a program without cooperative action.

(b) Purposes.—The purposes of this Act are—

(1) to authorize the establishment of an orderly procedure for the development and financing (through an assessment) of an effective and coordinated program of research, promotion, and consumer information regarding kiwifruit;

(2) to use such program to strengthen the position of the kiwifruit industry in domestic and foreign markets and maintain, develop, and expand markets for kiwifruit; and

(3) to treat domestically produced kiwifruit and imported kiwifruit equitably.

SEC. 3. DEFINITIONS.

As used in this Act:

(1) BOARD.—The term "Board" means the National Kiwifruit Board, as provided for under section 5.

(2) CONSUMER INFORMATION.—The term "consumer information" means any action taken to provide information to, and broaden the understanding of, the general public regarding the consumption, use, nutritional attributes, and care of kiwifruit.

(3) EXPORTER.—The term "exporter" means any person from outside the United States who exports kiwifruit into the United States.

(4) HANDLER.—The term "handler" means any person, excluding a common carrier, engaged in the business of buying and selling, packing, marketing, or distributing kiwifruit as specified in the order.

(5) IMPORTER.—The term "importer" means any person who imports kiwifruit into the United States.

(6) KIWIFRUIT.—The term "kiwifruit" means all varieties of fresh kiwifruit grown or imported in the United States.

(7) MARKETING.—The term "marketing" means the sale or other disposition of kiwifruit into interstate, foreign, or intrastate commerce by buying, marketing, distribution or otherwise placing kiwifruit into commerce.

(8) ORDER.—The term "order" means a kiwifruit research, promotion, and consumer information order issued by the Secretary under section 4.

(9) PERSON.—The term "person" means any individual, group of individuals, partnership, corporation, association, cooperative, or other legal entity.

(10) PROCESSING.—The term "processing" means canning, fermenting, distilling, extracting, preserving, grinding, crushing, or in any manner changing the form of kiwifruit for the purposes of preparing it for market or marketing the kiwifruit.

(11) PRODUCER.—The term "producer" means any person who grows kiwifruit in the United States for sale in commerce.

(12) PROMOTION.—The term "promotion" means any action taken under this Act (including paid advertising) to present a favorable image for kiwifruit to the general public for the purpose of improving the competitive position of kiwifruit and stimulating the sale of kiwifruit.

(13) RESEARCH.—The term "research" means any type of research relating to the use, nutritional value, and marketing of kiwifruit conducted for the purpose of advancing the image, desirability, marketability, or quality of kiwifruit.

(14) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(15) UNITED STATES.—The term "United States" means the 50 States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico. (7 U.S.C. 6202.)

SEC. 4. ISSUANCE OF KIWIFRUIT RESEARCH, PROMOTION, AND CONSUMER INFORMATION ORDER.

(a) ISSUANCE.—To effectuate the declared purposes of this Act, the Secretary shall issue an order applicable to producers, handlers, and importers of kiwifruit. Any such order shall be national in scope. Not more than one order shall be in effect under this Act at any one time.

(b) PROCEDURE.—

(1) PROPOSAL FOR ISSUANCE OF ORDER.—Any person that will be affected by this Act may request the issuance of, and submit a proposal for, an order under this Act.

(2) PROPOSED ORDER.—Not later than 90 days after the receipt of a request and proposal for an order, the Secretary shall publish a proposed order and give due notice and opportunity for public comment on the proposed order.

(3) ISSUANCE OF ORDER.—After notice and opportunity for public comment are given, as provided in paragraph (2), the Secretary shall issue an order, taking into consideration the comments received and including in the order provisions necessary to ensure that the order is in conformity with the requirements of this Act.

(c) AMENDMENTS.—The Secretary may amend any order issued under this section. The provisions of this Act applicable to orders shall be applicable to amendments to orders.

SEC. 5. NATIONAL KIWIFRUIT BOARD.

(a) MEMBERSHIP.—An order issued by the Secretary under section 4 shall provide for the establishment of a National Kiwifruit Board, to consist of 11 members as follows:

(1) Six members who are producers (or their representatives) and who are not exempt from an assessment under section 6(b).

(2) Four members who are importers (or their representatives) and who are not exempt from an assessment under section 6(b) or are exporters (or their representatives).

(3) One member appointed from the general public.

(b) ADJUSTMENT OF MEMBERSHIP.—Subject to the 11-member limit, the Secretary may adjust membership on the Board to accommodate changes in production and import levels of kiwifruit, so long as producers comprise not less than 51 percent of the membership of the Board.

(c) APPOINTMENT AND NOMINATION.—

(1) APPOINTMENT.—The Secretary shall appoint the members of the Board from nominations submitted in accordance with this subsection.

(2) PRODUCERS.—The members referred to in subsection (a)(1) shall be appointed from individuals nominated by producers.

(3) IMPORTERS AND EXPORTERS.—The members referred to in subsection (a)(2) shall be appointed from individuals nominated by importers or exporters.

(4) PUBLIC REPRESENTATIVE.—The public representative shall be appointed from nominations submitted by other members of the Board.

(5) FAILURE TO NOMINATE.—If producers, importers, and exporters fail to nominate individuals for appointment, the Secretary may appoint members on a basis provided for in the order. If the Board fails to nominate a public representative, such member may be appointed by the Secretary without a nomination.

(d) ALTERNATES.—The Secretary shall appoint an alternate for each member of the Board. An alternate shall—

(1) be appointed in the same manner as the member for whom such individual is an alternate; and

(2) serve on the Board if such member is absent from a meeting or is disqualified under subsection (f).

(e) TERMS.—Members of the Board shall be appointed for a term of three years. No member may serve more than two consecutive three-year terms. However, of the members first appointed—

(1) five members shall be appointed for a term of two years; and

(2) six members shall be appointed for a term of three years.

(f) REPLACEMENT.—If a member or alternate of the Board who was appointed as a producer, importer, exporter, or public representative member ceases to belong to the group for which such member was appointed, such member or alternate shall be disqualified from serving on the Board.

(g) COMPENSATION.—Members and alternates of the Board shall serve without pay.

(h) GENERAL POWERS AND DUTIES.—The Board shall—

(1) administer orders issued by the Secretary under section 4, and amendments to such orders, in accordance with their terms and provisions and consistent with this Act;

(2) prescribe rules and regulations to effectuate the terms and provisions of such orders;

(3) meet, organize, and select from among members of the Board a chairperson, other officers, and committees and subcommittees, as the Board determines appropriate;

(4) receive, investigate, and report to the Secretary accounts of violations of such orders;

(5) make recommendations to the Secretary with respect to amendments that should be made to such orders; and

(6) employ or contract with a manager and staff to assist in administering such orders, except that, in order to reduce administrative costs and increase efficiency, the Board shall seek, to the extent possible, to employ or contract with personnel who are already associated with State chartered organizations involved in promoting kiwifruit.

SEC. 6. REQUIRED TERMS IN ORDER.

(a) BUDGETS AND PLANS.—An order issued under section 4 shall provide for periodic budgets and plans as follows:

(1) BUDGETS.—The Board shall prepare and submit to the Secretary a budget prior to the beginning of the fiscal year of the anticipated expenses and disbursements of the Board in the administration of the order, including probable costs of research, promotion, and consumer information. A budget shall take effect upon a two-thirds vote of a quorum of the Board and approval by the Secretary.

(2) PLANS.—Each budget shall include a plan for research, promotion, and consumer information regarding kiwifruit. A plan under this paragraph shall take effect upon approval by the Secretary. The Board may enter into contracts and agreements, upon approval by the Secretary, for—

(A) the development and carrying out of such plan; and

(B) the payment of the cost of such plan, with funds collected pursuant to this Act.

(b) ASSESSMENTS.—Such order shall provide for the imposition and collection of assessments with regard to the production and importation of kiwifruit as follows:

(1) RATE.—The assessment rate shall be recommended by a two-thirds vote of a quorum of the Board, approved by the Secretary, but shall not exceed $0.10 per seven pound tray of kiwifruit or equivalent.

(2) COLLECTION BY FIRST HANDLERS.—Except as provided in paragraph (4), the first handler of kiwifruit shall—

(A) be responsible for the collection from the producer, and payment to the Board, of assessments under this subsection; and

(B) maintain a separate record of the kiwifruit of each producer whose kiwifruit are so handled, including the kiwifruit owned by the handler.

(3) IMPORTERS.—The assessment on imported kiwifruit shall be paid by the importer to the United States Customs Service at the time of entry into the United States and shall be remitted to the Board.

(4) EXEMPTION FROM ASSESSMENT.—The following persons or activities are exempt from an assessment under this subsection:

(A) A producer who produces less than 500 pounds of kiwifruit per year.

(B) An importer who imports less than 10,000 pounds of kiwifruit per year.

(C) Sales of kiwifruit made directly from the producer to a consumer for a purpose other than resale.

(D) The production or importation of kiwifruit for processing.

(5) CLAIM OF EXEMPTION.—To claim an exemption under paragraph (4) for a particular year, a person shall—

(A) submit an application to the Board stating the basis for the exemption and certifying that the person will not exceed any poundage limitation required for the exemption in such year; or

(B) be on a list of approved processors developed by the Board.

(c) USE OF ASSESSMENTS.

(1) AUTHORIZED USES.—Such order shall provide that funds paid to the Board as assessments under subsection (b) may be used by the Board—

(A) to pay for research, promotion, and consumer information described in the budget of the Board under subsection (a) and for other expenses incurred by the Board in the administration of an order;

(B) to pay such other expenses for the administration, maintenance, and functioning of the Board, including any enforcement efforts for the collection of assessments as may be authorized by the Secretary, including interest and penalties for late payments; and

(C) to fund a reserve established under section 7(d).

(2) REQUIRED USES.—Such order shall provide that funds paid to the Board as assessments under subsection (b) shall be used by the Board—

(A) to pay the expenses incurred by the Secretary, including salaries and expenses of Government employees, in implementing and administering the order; and

(B) to reimburse the Secretary for any expenses incurred by the Secretary in conducting referenda under this Act.

(3) LIMITATION ON USE OF ASSESSMENTS.—Except for the first year of operation of the Board, expenses for the administration, maintenance, and functioning of the Board may not exceed 30 percent of the budget.

(d) FALSE CLAIMS.—Such order shall provide that any promotion funded with assessments collected under subsection (b) may not make—

(1) any false claims on behalf of kiwifruit; and

(2) any false statements with respect to the attributes or use of any product that competes with kiwifruit for sale in commerce.

(e) PROHIBITION ON USE OF FUNDS.—Such order shall provide that funds collected by the Board under this Act through assessments may not, in any manner, be used for the purpose of influencing legislation or governmental policy or action, except for making recommendations to the Secretary as provided for in this Act.

(f) BOOKS, RECORDS, AND REPORTS.—

(1) BY THE BOARD.—Such order shall require the Board—

(A) to maintain books and records with respect to the receipt and disbursement of funds received by the Board;

(B) to submit to the Secretary from time to time such reports as the Secretary may require for appropriate accounting; and

(C) to submit to the Secretary at the end of each fiscal year a complete audit report by an independent auditor regarding the activities of the Board during such fiscal year.

(2) BY OTHERS.—So that information and data will be available to the Board and the Secretary that is appropriate or necessary for the effectuation, administration, or enforcement of this Act (or any order or regulation issued under this Act), such order shall require handlers and importers who are responsible for the collection, payment, or remittance of assessments under subsection (b)—

(A) to maintain and make available for inspection by the employees of the Board and the Secretary such books and records as may be required by the order; and

(B) to file, at the times and in the manner and content prescribed by the order, reports regarding the collection, payment, or remittance of such assessments.

(g) CONFIDENTIALITY.—

(1) IN GENERAL.—Such order shall require that all information obtained pursuant to subsection (f)(2) be kept confidential by all officers and employees of the Department and of the Board. Only such information as the Secretary considers relevant shall be disclosed to the public and only in a suit or administrative hearing, brought at the request of the Secretary or to which the Secretary or any officer of the United States is a party, involving the order with respect to which the information was furnished or acquired.

(2) LIMITATIONS.—Nothing in this subsection prohibits—

(A) issuance of general statements based on the reports of a number of handlers and importers subject to an order, if the statements do not identify the information furnished by any person; or

(B) the publication by direction of the Secretary of the name of any person violating an order issued under section 4(a), together with a statement of the particular provisions of the order violated by such person.

(3) PENALTY.—Any person who willfully violates the provisions of this subsection, upon conviction, shall be subject to a fine of not more than $1,000, or to imprisonment for not more than one year, or both, and, if a member, officer, or agent of the board or an employee of the Department, shall be removed from office.

(h) WITHHOLDING INFORMATION.—Nothing in this Act shall be construed to authorize the withholding of information from Congress.

SEC. 7. PERMISSIVE TERMS IN ORDER.

(a) PERMISSIVE TERMS.—On the recommendation of the Board, and with the approval of the Secretary, an order issued under section 4 may include the authorities specified in this section and such additional terms and conditions as the Secretary considers necessary to effectuate the other provisions of the order and are incidental to, and not inconsistent with, the terms and conditions required by this Act.

(b) ALTERNATIVE PAYMENT AND REPORTING SCHEDULES.—Such order may authorize the Board to designate different handler payment and reporting schedules to recognize differences in marketing practices and procedures.

(c) WORKING GROUPS.—Such order may authorize the Board to convene working groups drawn from producers, handlers, importers, exporters, or the general public and utilize the expertise of such groups to assist in the development of research and marketing programs for kiwifruit.

(d) RESERVE FUNDS.—Such order may authorize the Board to accumulate reserve funds from assessments collected pursuant to section 6(b) to permit an effective and continuous coordinated program of research, promotion, and consumer information in years in which production and assessment income may be reduced. However, any reserve fund so established may not exceed the amount budgeted for operation of this Act for one year.

(e) PROMOTION ACTIVITIES OUTSIDE UNITED STATES.—Such order may authorize the Board to use, with the approval of the Secretary, funds collected under section 6(b) for the development and expansion of sales in foreign markets of kiwifruit produced in the United States.

SEC. 8. INCORPORATION OF PETITION AND REVIEW, ENFORCEMENT, AND INVESTIGATION PROVISIONS BY REFERENCE.

The following provisions of the Lime Research, Promotion, and Consumer Information Act of 1990 (subtitle D of title XIX of Public Law 101-624) shall apply to this Act and any order or regulation issued under this Act:

(1) Section 1957 (7 U.S.C. 6206), relating to petitions filed by persons subject to an order issued under this Act and review of administrative rulings on such petitions.

(2) Section 1958 (7 U.S.C. 6207), relating to violations of any order or regulation issued under this Act.

(3) Section 1959 (7 U.S.C. 6208), relating to the authority of the Secretary to make investigations, administer oaths and affirmations, and issue subpoenas in connection with inquiries under this Act.

SEC. 9. REFERENDA.

(a) INITIAL REFERENDUM.—

(1) REFERENDUM REQUIRED.—During the 60-day period immediately preceding the proposed effective date of an order issued under section 4, the Secretary shall conduct a referendum among kiwifruit producers and importers who will be subject to assessments under the order, to ascertain whether producers and importers approve of the implementation of the order.

(2) APPROVAL OF ORDER.—The order shall become effective, as provided in section 4, if the Secretary determines that the order has been approved by a majority of the producers and importers voting in the referendum and these producers and importers produce and import more than 50 percent of the total volume of kiwifruit produced and imported by persons voting in the referendum.

(b) SUBSEQUENT REFERENDA.—The Secretary may periodically conduct a referendum to determine if kiwifruit producers and importers favor the continuation, termination, or suspension of any order issued under section 4 and in effect at the time of the referendum.

(c) REQUIRED REFERENDA.—The Secretary shall hold a referendum under subsection (b)—

(1) at the end of the six-year period beginning on the effective date of the order and at the end of every six-year period thereafter;

(2) at the request of the Board; and

(3) if not less than 40 percent of the kiwifruit producers and importers subject to assessments under the order submit a petition requesting such a referendum.

(d) VOTE.—Upon completion of a referendum under subsection (b), the Secretary shall suspend or terminate the order that was subject to the referendum at the end of the marketing year if—

(1) the suspension or termination of the order is favored by not less than a majority of the producers and importers voting in the referendum; and

(2) these producers and importers produce and import more than 50 percent of the total

volume of kiwifruit produced and imported by persons voting in the referendum.

(e) CONFIDENTIALITY.—The ballots and other information or reports that reveal, or tend to reveal, the vote of any person under this Act as well as the voting list shall be held strictly confidential and shall not be disclosed.

SEC. 10. SUSPENSION AND TERMINATION OF ORDER BY SECRETARY.

(a) UPON FINDING.—If the Secretary finds that an order issued under section 4, or a provision of such an order, obstructs or does not tend to effectuate the purposes of this Act, the Secretary shall terminate or suspend the operation of such order or provision.

(b) LIMITATION.—The termination or suspension of any order, or any provision thereof, shall not be considered an order within the meaning of this Act.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for each fiscal year such funds as are necessary to carry out this Act.

SEC. 12. REGULATIONS.

The Secretary may issue such regulations as are necessary to carry out this Act.•

By Mr. MURKOWSKI (by request):

S. 898. A bill to amend the Helium Act to cease operation of the government helium refinery, authorize facility and crude helium disposal, and cancel the helium debt, and for other purposes; to the Committee on Energy and Natural Resources.

THE HELIUM DISPOSAL ACT OF 1995

• Mr. MURKOWSKI. Mr. President, on behalf of the administration, I introduce the Helium Disposal Act of 1995. This legislation was submitted to the Senate Committee on Energy and Natural Resources by the administration as a legislative proposal needed to implement the President's budget for fiscal year 1996.

While I support ending helium refining and marketing operations by the U.S. Bureau of Mines, I do not support the administration's legislation.

I am a cosponsor of Senator THOMAS' legislation, S. 738, the Helium Act of 1995. I support Mr. THOMAS' legislation and look forward to working with him to enact responsible legislation that will end the Federal Government's involvement in the refining and marketing of helium in the United States.•

By Mr. BENNETT (for himself and Mr. HATCH):

S. 900. A bill to amend the Reclamation Projects Authorization and Adjustment Act of 1992 to direct the Secretary of the Interior to allow for prepayment of repayment contracts between the United States and the Central Utah Water Conservancy District dated December 28, 1965, and November 26, 1985, and for other purposes; to the Committee on Energy and Natural Resources.

THE CENTRAL UTAH PROJECT PREPAYMENT AMENDMENT ACT OF 1995

Mr. BENNETT. Mr. President, today I am introducing along with my colleague from Utah, Senator HATCH, a bill to extend the authority of the Secretary of the Interior to accept prepayment of portions of the Central Utah Project [CUP]. In 1992, Congress enacted Public Law 102–575 which contained the Central Utah Project Completion Act of CUPCA. Section 210 of CUPCA authorized the Secretary to negotiate and accept early payment from the waterusers for the Jordan Aqueduct component of CUP. This prepayment ultimately proved to be a win/win deal for both the Federal Government and for the waterusers. Shortly after the agreement was signed on October 18, 1993, which concluded the terms of the prepayment, the Federal Government received a check from the local waterusers totaling $35.2 million. The local water districts have also saved money through the refinancing by shortening the total number of payments they must make.

The legislation we introduce today amends section 210 of the CUPCA broadens the Secretary's ability to accept prepayment from the Central Utah Water Conservancy District for the rest of the District's debt to the Federal government on the same terms and conditions that were negotiated for the Jordan Aqueduct. According to estimates provided by the district's bonding counsel, it is expected that prepayment of the district's remaining debt could yield the Federal Treasury between $145 to $200 million over the next 4 to 5 years. Mr. President, this is a significant amount of money which we are in certain need of as we move to balance the Federal budget over the next 7 years. I want to say that this bill does nothing with respect to title to the water project features. They will remain in the name of the United States. This bill is a simple prepayment which will save the Central Utah Water Conservancy District money by shortening its repayment term and will provide the Federal Government a significant amount of revenue at a most critical time. It is my understanding that the extension of this prepayment authority has been reviewed by the district with the Secretary's official representative to the CUP and that the Department of the Interior will support this legislation. I want to thank the district and the Department of the Interior for working together to bring about this win-win scenario.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 900

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PREPAYMENT OF REPAYMENT CERTAIN CONTRACTS BETWEEN THE UNITED STATES AND THE CENTRAL UTAH WATER CONSERVANCY DISTRICT.

Section 210 of the Reclamation Projects Authorization and Adjustment Act of 1992 (106 Stat. 4624) is amended by striking the second sentence and inserting the following: "The Secretary shall allow for prepayment of repayment contracts between the United States and the District dated December 28, 1965 and November 26, 1985, providing for repayment of the municipal and industrial water delivery facilities for which repayment is provided pursuant to those contracts, under the same terms and conditions as are contained in the supplemental contract providing for the prepayment of the Jordan Aqueduct System dated October 28, 1993.".

By Mr. BENNETT (for himself and Mr. HATCH):

S. 901. A bill to amend the Reclamation Projects Authorization and Adjustment Act of 1992 to authorize the Secretary of the Interior to participate in the design, planning, and construction of certain water reclamation and reuse projects and desalination research and development projects, and for other purposes; to the Committee on Energy and Natural Resources.

THE RECLAMATION PROJECTS AUTHORIZATION AND ADJUSTMENT ACT AMENDMENTS OF 1995

Mr. BENNETT. Mr. President, today I rise to introduce the Reclamation Projects Authorization and Adjustment Act Amendments of 1995. This legislation amends title XVI of the Reclamation Projects Authorization and Adjustment Act of 1992 to expand participation of public water providers in water reuse and recycling projects. This bill provides a sensible and lasting solution to the growing problem of dwindling municipal, industrial, and agricultural water supplies in many areas of the country. This bill will also help protect and preserve environmentally sensitive watershed environments by reducing demand for freshwater supplies.

In my home State, Utah, water is a precious commodity and this legislation will allow for the better use and management of our limited water supply. In particular, both Salt Lake City and St. George will greatly benefit from this legislation.

Economically and environmentally, the next step to guaranteeing more dependable and cheaper supplies of water is water reuse and recycling. Recycling programs treat wastewater so that it can be safely used to irrigate land, golf courses, crops, and freeway medians, and replenish groundwater basins. Recycled water is also increasingly being used by industry.

In addition, the Bureau of Reclamation has ended their chapter of building large western dams. Their mission now is to assist in the water management of existing water supplies. From a public policy point of view, it is far cheaper to help our local western communities recycle their water than it is to construct new reservoirs and water delivery facilities. This legislation accomplishes this goal.

Past Federal legislation such as the Endangered Species Act and the Central Valley Improvement Act have placed tremendous stress on fresh water reserves by mandating that large portions of water sources be diverted from use by municipal water suppliers to be dedicated to general fish and wildlife and habitat purposes.

As a result, public water agencies have begun to search for alternative sources of water to meet the demands of rising populations and the limiting effects of regulatory burdens. The costs of importing water over great distances or storing vast reserves of water have begun to make other sources of water more economically feasible. The added environmental benefits also make these sources increasingly desirable.

Title XVI of the Reclamation Projects Authorization and Adjustment Act of 1992 provides for water recycling projects and has been a major success. It should be considered a model for other infrastructure funding efforts. Compared to other Federal programs it is "user friendly" and virtually free of red tape, and because the program is highly leveraged, meaning 75 percent local cost sharing, it is not subject to criticism for subsidizing unworthy projects. As a result the water recycling program has enjoyed wide bipartisan support in Congress and from both the Bush and Clinton administrations. It is also backed by national and local environmental organizations.

Because of the success of Title XVI, communities from around the country are beginning to look at water recycling as not only an attractive new way to serve their customers but also the environment.

This is a unique, win-win program which goes a long way toward preparing for the future, preserving fresh water reserves protecting the Nation's environment.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 901

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. WATER RECYCLING PROJECTS.

Section 1602 of the Reclamation Projects Authorization and Adjustment Act of 1992 (43 U.S.C. 390h) is amended by adding at the end the following:

"(e) PARTICIPATION IN CERTAIN PROJECTS.—

"(1) IN GENERAL.—The Secretary, in cooperation with the appropriate State and local authorities, is authorized to participate in the design, planning, and construction of the following water reclamation and reuse projects:

"(A) The North San Diego County Area Water Recycling Project, consisting of projects to reclaim and reuse water in the service areas of the San Elijo Joint Powers Authority, the Leucadia County Water District, and the Olivenhain Municipal Water District, California.

"(B) The Calleguas Municipal Water District Water Recycling Project to reclaim and reuse water in the service area of the Calleguas Municipal Water District in Ventura, California.

"(C) The Central Valley Water Recycling Project to reclaim and reuse water in the service areas of the Central Valley Reclamation Facility and the Salt Lake County Water Conservancy District in Utah.

"(D) The St. George Area Water Recycling Project to reclaim and reuse water in the service area of the Washington County Water Conservancy District in Utah.

"(E) The Watsonville Area Water Recycling Project, in cooperation with the city of Watsonville, California, to reclaim and reuse water in the Pajaro Valley in Santa Cruz County, California.

"(F) The Southern Nevada Water Recycling Project to reclaim and reuse water in the service area of the Southern Nevada Water Authority in Clark County, Nevada.

"(G) The Albuquerque Metropolitan Area Water Reclamation and Reuse Study, in cooperation with the city of Albuquerque, New Mexico, to reclaim and reuse industrial and municipal wastewater and reclaim and use naturally impaired ground water in the Albuquerque metropolitan area.

"(H) The El Paso Water Reclamation and Reuse Project to reclaim and reuse wastewater in the service area of the El Paso Water Utilities Public Service Board.

"(2) FEDERAL SHARE.—The Federal share of the cost of a project described in paragraph (1) shall not exceed 25 percent of the total cost.

"(3) NO FUNDING FOR OPERATION AND MAINTENANCE.—The Secretary shall not provide funds for the operation or maintenance of a project described in paragraph (1).".

SEC. 2. DESALINATION RESEARCH AND DEVELOPMENT PROJECT.

Section 1605 of the Reclamation Projects Authorization and Adjustment Act of 1992 (43 U.S.C. 390h-3) is amended—

(1) by striking "The Secretary" and inserting "(a) IN GENERAL.—The Secretary"; and

(2) by adding at the end the following:

"(b) LONG BEACH DESALINATION RESEARCH AND DEVELOPMENT PROJECT.—

"(1) IN GENERAL.—The Secretary, in cooperation with the city of Long Beach, the Central Basin Municipal Water District, and the Metropolitan Water District of Southern California, may participate in the design, planning, and construction of the Long Beach Desalination Research and Development Project in Los Angeles County, California.

"(2) FEDERAL SHARE.—The Federal share of the cost of the project described in paragraph (1) shall not exceed 50 percent of the total.

"(3) NO FUNDING FOR OPERATION AND MAINTENANCE.—The Secretary shall not provide funds for the operation or maintenance of the project described in paragraph (1).

"(c) LAS VEGAS AREA SHALLOW AQUIFER DESALINATION RESEARCH AND DEVELOPMENT PROJECT.—

"(1) IN GENERAL.—The Secretary, in cooperation with the Southern Nevada Water Authority, may participate in the design, planning, and construction of the Las Vegas Area Shallow Aquifer Desalination Research and Development Project in Clark County, Nevada.

"(2) FEDERAL SHARE.—The Federal share of the cost of the project described in paragraph (1) shall not exceed 50 percent of the total.

"(3) NO FUNDING FOR OPERATION AND MAINTENANCE.—The Secretary shall not provide funds for the operation or maintenance of the project described in paragraph (1).".

ADDITIONAL COSPONSORS

S. 101

At the request of Mr. LEVIN, the name of the Senator from Montana [Mr. BAUCUS] was added as a cosponsor of S. 101, a bill to provide for the disclosure of lobbying activities to influence the Federal Government, and for other purposes.

S. 448

At the request of Mr. GRASSLEY, the names of the Senator from Utah [Mr. HATCH] and the Senator from Indiana [Mr. COATS] were added as cosponsors of S. 448, a bill to amend section 118 of the Internal Revenue Code of 1986 to provide for certain exceptions from rules for determining contributions in aid of construction, and for other purposes.

S. 678

At the request of Mr. AKAKA, the names of the Senator from Oregon [Mr. HATFIELD], the Senator from Maine [Mr. COHEN], the Senator from Kentucky [Mr. MCCONNELL], and the Senator from New Jersey [Mr. LAUTENBERG] were added as cosponsors of S. 678, a bill to provide for the coordination and implementation of a national aquaculture policy for the private sector by the Secretary of Agriculture, to establish an aquaculture development and research program, and for other purposes.

S. 770

At the request of Mr. DOLE, the names of the Senator from Virginia [Mr. WARNER], the Senator from Idaho [Mr. CRAIG], the Senator from Idaho [Mr. KEMPTHORNE], and the Senator from Nevada [Mr. REID] were added as cosponsors of S. 770, a bill to provide for the relocation of the United States Embassy in Israel to Jerusalem, and for other purposes.

S. 792

At the request of Ms. MOSELEY-BRAUN, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 792, a bill to recognize the National Education Technology Funding Corporation as a nonprofit corporation operating under the laws of the District of Columbia, to provide authority for Federal departments and agencies to provide assistance to such corporation, and for other purposes.

S. 794

At the request of Mr. LUGAR, the name of the Senator from Kentucky [Mr. FORD] was added as a cosponsor of

S. 794, a bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to facilitate the minor use of a pesticide, and for other purposes.

S. 830

At the request of Mr. SPECTER, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 830, a bill to amend title 18, United States Code, with respect to fraud and false statements.

S. 838

At the request of Mr. D'AMATO, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of S. 838, a bill to provide for additional radio broadcasting to Iran by the United States.

SENATE RESOLUTION 97

At the request of Mr. THOMAS, the names of the Senator from Connecticut [Mr. LIEBERMAN] and the Senator from Rhode Island [Mr. PELL] were added as cosponsors of Senate Resolution 97, a resolution expressing the sense of the Senate with respect to peace and stability in the South China Sea.

SENATE CONCURRENT RESOLUTION 17—RELATIVE TO THE CAPITOL GROUNDS

Mr. SANTORUM (for himself, Mr. LIEBERMAN, Mr. SPECTER, and Mr. DODD) submitted the following concurrent resolution; which was referred to the Committee on Rules and Administration:

S. CON. RES. 17

Whereas the RAH-66 Comanche is the new reconnaissance helicopter of the Army;

Whereas the Comanche will save the lives of military aviators acting in the defense of the Nation;

Whereas the technologies employed in the Comanche makes it a revolutionary, highly effective, and survivable helicopter;

Whereas the Comanche development program is on budget, on schedule, and encompasses the latest concepts of design and testing to drastically reduce performance risk and ensure ease of manufacturing and maintenance; and

Whereas many members of Congress have expressed support for the Comanche and an interest in seeing the Comanche and learning more about its technology: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. USE OF CAPITOL GROUNDS FOR THE EXHIBITION OF THE COMANCHE HELICOPTER AND ASSOCIATED TECHNOLOGIES.

The Boeing Company and United Technologies Corporation Joint Venture (hereinafter in this resolution referred to as the "Joint Venture"), acting in cooperation with the Secretary of the Army, shall be permitted to sponsor a public event featuring the first flying prototype of the RAH-66 Comanche helicopter on the East Front Plaza of the Capitol Grounds on June 21, 1995, or on such other date as the President pro tempore of the Senate and the Speaker of the House of Representatives may jointly designate.

SEC. 2. CONDITIONS.

(a) IN GENERAL.—The event to be carried out under this resolution shall be free of admission charge to the public and arranged not to interfere with the needs of Congress, under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board; except that the Joint Venture shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event.

(b) FLYING PROHIBITION.—The Comanche helicopter referred to in section 1 shall be transported by truck to and from the event to be carried out under this resolution and shall not be flown as part of the event.

SEC. 3. STRUCTURES AND EQUIPMENT.

For the purposes of this resolution, the Joint Venture is authorized to erect upon the Capitol Grounds, subject to the approval of the Architect of the Capitol, a portable shelter, sound amplification devices, and such other equipment as may be required for the event to be carried out under this resolution. The portable shelter shall be approximately 60 feet by 65 feet in size to cover the Comanche helicopter referred to in section 1 and to provide shelter for the public and the technology displays and video presentations associated with the event.

SEC. 4. EVENT PREPARATIONS.

The Joint Venture is authorized to conduct the event to be carried out under this resolution from 8 a.m. to 3 p.m. on June 21, 1995, or on such other date as may be designated under section 1. Preparations for the event may begin at 1 p.m. on the day before the event and removal of the displays, shelter, and Comanche helicopter referred to in section 1 shall be completed by 6 a.m. on the day following the event.

SEC. 5. ADDITIONAL ARRANGEMENTS.

The Architect of the Capitol and the Capitol Police Board are authorized to make any such additional arrangements that may be required to carry out the event under this resolution.

SEC. 6. LIMITATION ON REPRESENTATIONS.

The Boeing Company and the United Technology Corporation shall not represent, either directly or indirectly, that this resolution or any activity carried out under this resolution in any way constitutes approval or endorsement by the Federal Government of the Boeing Company or the United Technology Corporation or any product or service offered by the Boeing Company or the United Technology Corporation.

SENATE RESOLUTION 129—TO ELECT KELLY D. JOHNSTON AS SECRETARY OF THE SENATE

Mr. NICKLES (for Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 129

Resolved, That Kelly D. Johnston, of Oklahoma, be, and he hereby is, elected Secretary of the Senate beginning June 8, 1995.

SENATE RESOLUTION 130—RELATIVE TO THE ELECTION OF THE SECRETARY OF THE SENATE

Mr. NICKLES (for Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 130

Resolved, That the President of the United States be notified of the election of the Honorable Kelly D. Johnston, of Oklahoma, as Secretary of the Senate.

SENATE RESOLUTION 131—RELATIVE TO THE ELECTION OF THE SECRETARY OF THE SENATE

Mr. NICKLES (for Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 131

Resolved, That the House of Representatives be notified of the election of the Honorable Kelly D. Johnston, of Oklahoma, as Secretary of the Senate.

AMENDMENTS SUBMITTED

THE TELECOMMUNICATIONS COMPETITION AND DEREGULATION ACT OF 1995 COMMUNICATIONS DECENCY ACT OF 1995

DORGAN AMENDMENT NO. 1259

Mr. DORGAN proposed an amendment to the bill (S. 652) to provide for a pro-competitive, deregulatory national policy framework designed to accelerate rapidly private sector deployment of advanced telecommunications and information technologies and services to all Americans by opening all telecommunications markets to competition, and for other purposes; as follows:

On line 24 of page 44, strike the word "may" and insert in lieu thereof "shall".

McCAIN AMENDMENT NO. 1260

Mr. MCCAIN proposed an amendment to the bill S. 652, supra; as follows:

On page 42, strike out line 23 and all that follows through page 43, line 2, and insert in lieu thereof the following:

"(j) CONGRESSINAL NOTIFICATION OF UNIVERSAL SERVICE CONTRIBUTIONS.—The Commission may not take action to impose universal service contributions under subsection (c), or take action to increase the amount of such contributions, until—

"(1) the Commission submits to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Commerce of the House of Representatives a report on the contributions, or increase in such contributions, to be imposed; and

"(2) a period of 120 days has elapsed after the date of the submittal of the report.

"(k) EFFECTIVE DATE.—This section takes effect on the date of the enactment of the Telecommunications Act of 1995, except for subsections (c), (e), (f), (g), and (j), which shall take effect one year after the date of the enactment of that Act.".

McCAIN (AND OTHERS) AMENDMENT NO. 1261

Mr. MCCAIN (for himself, Mr. PACKWOOD, Mr. CRAIG, Mr. KYL, Mr. GRAMM, Mr. ABRAHAM, Mr. DOMENICI, Mr. THOMAS, Mr. KEMPTHORNE, and Mr. BURNS) proposed an amendment to the bill S. 652, supra; as follows:

On page 90, line 6, after "necessity.", insert: "Full implementation of the checklist found in subsection (b)(2) shall be deemed in full satisfaction of the public interest, convenience, and necessity requirement of this subparagraph."

McCAIN AMENDMENT NO. 1262

Mr. McCAIN proposed an amendment to the bill S. 652, supra; as follows:

Strike section 310 of the Act and renumber the subsequent sections as appropriate.

COHEN (AND OTHERS) AMENDMENT NO. 1263

Mr. COHEN (for himself, Ms. SNOWE, Mr. THURMOND, Mrs. HUTCHISON, and Mr. LEAHY) proposed an amendment to bill S. 652, supra; as follows:

On page 8, between lines 12 and 13, insert the following:

(15) When devices for achieving access to telecommunications systems have been available directly to consumers on a competitive basis, consumers have enjoyed expanded choice, lower prices, and increased innovation.

(16) While recognizing the legitimate interest of multichannel video programming distributors to ensure the delivery of services to authorized recipients only, addressable converter boxes should be available to consumers on a competitive basis. The private sector has the expertise to develop and adopt standards that will ensure competition of these devices. When the private sector fails to develop and adopt such standards, the Federal Government may play a role by taking transitional actions to ensure competition.

On page 82, between lines 4 and 5, insert the following:

SEC. 208. COMPETITIVE AVAILABILITY OF CONVERTER BOXES.

Part III of title VI (47 U.S.C. 521 et seq.) is amended by inserting after section 624A the following:

"SEC. 624B. COMPETITIVE AVAILABILITY OF CONVERTER BOXES.

"(a) AVAILABILITY.—The Commission shall, after notice and opportunity for public comment, adopt regulations to ensure the competitive availability of addressable converter boxes to subscribers of services of multichannel video programming distributors from manufacturers, retailers, and other vendors that are not telecommunications carriers and not affiliated with providers of telecommunications service. Such regulations shall take into account—

"(1) the needs of owners and distributors of video programming and information services to ensure system and signal security and prevent theft of the programming or services; and

"(2) the need to ensure the further deployment of new technology relating to converter boxes.

"(b) TERMINATION OF REGULATIONS.—The regulations adopted pursuant to this section shall provide for the termination of such regulations when the Commission determines that there exists a competitive market for multichannel video programming services and addressable converter boxes among manufacturers, retailers, and other vendors that are not telecommunications carriers and not affiliated with providers of telecommunications service.".

DORGAN (AND OTHERS) AMENDMENT NO. 1264

Mr. DORGAN (for himself, Mr. SIMON, Mr. KERREY, Mr. REID, and Mr. LEAHY) proposed an amendment to the bill S. 652, supra, as follows:

On page 82, line 23, beginning with the word "after", delete all that follows through the word "services" on line 2, page 83 and insert therein the following: "to the extent approved by the Commission and the Attorney General".

On page 88, line 17, after the word "Commission", add the words "and Attorney General".

On page 89, beginning with the word "before" on line 9, strike all that follows through line 15.

On page 90, line 10, replace "(3)" with "(C)"; after the word "Commission" on line 17, add the words "or Attorney General"; and after the word "Commission" on line 19, add the words "and Attorney General".

On page 90, after line 13, add the following paragraphs:

"(4) DETERMINATION BY ATTORNEY GENERAL.—

"(A) DETERMINATION.—Not later than 90 days after receiving an application made under paragraph (1), the Attorney General shall issue a written determination with respect to the authorization for which a Bell operating company or its subsidiary or affiliate has applied. In making such determination, the Attorney General shall review the whole record.

"(B) APPROVAL.—The Attorney General shall approve the authorization requested in any application submitted under paragraph (1) only to the extent that the Attorney General finds that there is no substantial possibility that such company or its subsidiaries or its affiliates could use monopoly power in a telephone exchange or exchange access service market to impede competition in the interLATA telecommunications service market such company or its subsidiary or affiliate seeks to enter. The Attorney General shall deny the remainder of the requested authorization."

"(C) PUBLICATION.—Not later than 10 days after issuing a determination under paragraph (4), the Attorney General shall publish the determination in the Federal Register."

On page 91, line 1, after the word "Commission" add the words "or the Attorney General".

THURMOND (AND OTHERS) AMENDMENT NO. 1265

Mr. THURMOND (for himself, Mr. D'AMATO, and Mr. DEWINE) proposed an amendment to amendment No. 1264 proposed by Mr. DORGAN to the bill S. 652, supra, as follows:

On page 82, line 23, strike "after" and all that follows through "services," on page 83, line 2, and insert in lieu thereof "to the extent approved by the Commission and the Attorney General of the United States,".

On page 88, line 17, insert "and the Attorney General" after "Commission".

On page 89, line 3, insert "and Attorney General". after "Commission".

On page 89, line 6, strike "shall" and insert "and the Attorney General shall each".

On page 89, line 9, strike "Before" and all that follows through page 89, line 15.

On page 89, line 16, insert "BY COMMISSION" after "APPROVAL".

On page 90, line 6, after "necessity", insert: "In making its determination whether the requested authorization is consistent with the public interest, convenience, and necessity, the Commission shall not consider the effect of such authorization on competition in any market for which authorization is sought."

On page 90, between lines 9 and 10, insert the following:

"(C) APPROVAL BY ATTORNEY GENERAL.—The Attorney General may only approve the authorization requested in an application submitted under paragraph (1) if the Attorney General finds that the effect of such authorization will not substantially lessen competition, or tend to create a monopoly in any line of commerce in any section of the country. The Attorney General may approve all or part of the request. If the Attorney General does not approve an application under this subparagraph, the Attorney General shall state the basis for the denial of the application.".

On page 90, line 12, strike "shall" and insert in lieu thereof "and the Attorney General shall each".

Page 90, line 17, insert "or the Attorney General" after "commission".

On page 90, line 19, insert "and the Attorney General" after "Commission".

On page 91, line 1, insert "or the Attorney General" before "for judicial review".

On page 99, line 15, strike out "Commission authorizes" and insert in lieu thereof "Commission and the Attorney General authorize".

On page 99, line 18, insert "and the Attorney General" after "Commission".

HOLLINGS (AND DASCHLE) AMENDMENT NO. 1266

Mr. HOLLINGS (for himself and Mr. DASCHLE) proposed an amendment to the bill S. 652, supra, as follows:

On page 53, after line 25, insert the following:

SEC. 107. COORDINATION FOR TELECOMMUNICATIONS NETWORK-LEVEL INTEROPERABILITY.

(a) IN GENERAL.—To promote nondiscriminatory access to telecommunications networks by the broadest number of users and vendors of communications products and services through—

(1) coordinated telecommunications network planning and design by common carriers and other providers of telecommunications services, and

(2) interconnection of telecommunications networks, and of devices with such networks, to ensure the ability of users and information providers to seamlessly and transparently transmit and receive information between and across telecommunications networks,

the Commission may participate, in a manner consistent with its authority and practice prior to the date of enactment of this Act, in the development by appropriate voluntary industry standards-setting organizations to promote telecommunications network-level interoperability.

(b) DEFINITION OF TELECOMMUNICATIONS NETWORK-LEVEL INTEROPERABILITY.—As used in this section, the term "telecommunications network-level interoperability" means the ability of 2 or more telecommunications networks to communicate and interact in concert with each other to exchange information without degeneration.

(c) COMMISSION'S AUTHORITY NOT LIMITED.—Nothing in this section shall be construed as limiting the existing authority of the Commission.

On page 66, line 13, strike the closing quotation marks and the second period.

On page 66, between lines 13 and 14, insert the following:

"(6) ACQUISITIONS; JOINT VENTURES; PARTNERSHIPS; JOINT USE OF FACILITIES.—

"(A) LOCAL EXCHANGE CARRIERS.—No local exchange carrier or any affiliate of such carrier owned by, operated by, controlled by, or under common control with such carrier may purchase or otherwise acquire more than a 10 percent financial interest, or any management interest, in any cable operator providing cable service within the local exchange carrier's telephone service area.

"(B) CABLE OPERATORS.—No cable operator or affiliate of a cable operator that is owned by, operated by, controlled by, or under common ownership with such cable operator may purchase or otherwise acquire, directly or indirectly, more than a 10 percent financial interest, or any management interest, in any local exchange carrier providing telephone exchange service within such cable operator's franchise area.

"(C) JOINT VENTURE.—A local exchange carrier and a cable operator whose telephone service area and cable franchise area, respectively, are in the same market may not enter into any joint venture or partnership to provide video programming directly to subscribers or to provide telecommunications services within such market.

"(D) EXCEPTION.—Notwithstanding subparagraphs (A), (B), and (C) of this paragraph, a local exchange carrier (with respect to a cable system located in its telephone service area) and a cable operator (with respect to the facilities of a local exchange carrier used to provide telephone exchange service in its cable franchise area) may obtain a controlling interest in, management interest in, or enter into a joint venture or partnership with such system or facilities to the extent that such system or facilities only serve incorporated or unincorporated—

"(i) places or territories that have fewer than 50,000 inhabitants; and

"(ii) are outside an urbanized area, as defined by the Bureau of the Census.

"(E) WAIVER.—The Commission may waive the restrictions of subparagraph (A), (B), or (C) only if the Commission determines that, because of the nature of the market served by the affected cable system or facilities used to provide telephone exchange service—

"(i) the incumbent cable operator or local exchange carrier would be subjected to undue economic distress by the enforcement of such provisions,

"(ii) the system or facilities would not be economically viable if such provisions were enforced, or

"(iii) the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

"(F) JOINT USE.—Notwithstanding subparagraphs (A), (B), and (C), a telecommunications carrier may obtain within such carrier's telephone service area, with the concurrence of the cable operator on the rates, terms, and conditions, the use of that portion of the transmission facilities of such a cable system extending from the last multiuser terminal to the premises of the end user in excess of the capacity that the cable operator uses to provide its own cable services. A cable operator that provides access to such portion of its transmission facilities to one telecommunications carrier shall provide nondiscriminatory access to such portion of its transmission facilities to any other telecommunications carrier requesting such access.

"(G) SAVINGS CLAUSE.—Nothing in this paragraph affects the authority of a local franchising authority (in the case of the purchase or acquisition of a cable operator, or a joint venture to provide cable service) or a State Commission (in the case of the acquisition of a local exchange carrier, or a joint venture to provide telephone exchange service) to approve or disapprove a purchase, acquisition, or joint venture.".

On page 70, line 7, strike "services." and insert "services provided by cable systems other than small cable systems, determined on a per-channel basis as of June 1, 1995, and redetermined, and adjusted if necessary, every 2 years thereafter.".

On page 70, line 21, strike "area." and insert "area, but only if the video programming services offered by the carrier in that area are comparable to the video programming services provided by the unaffiliated cable operator in that area.".

On page 79, before line 12, insert the following:

(3) LOCAL MARKETING AGREEMENT.—Nothing in this Act shall be construed to prohibit the continuation or renewal of any television local marketing agreement that is in effect on the date of enactment of this Act and that is in compliance with the Commission's regulations.

On page 88, line 4, strike "area," and insert "area or until 36 months have passed since the enactment of the Telecommunications Act of 1995, whichever is earlier,".

On page 88, line 5, after "carrier" insert "that serves greater than 5 percent of the nation's presubscribed access lines".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet at 10 a.m. on Thursday, June 8, 1995, in open session, to receive testimony on the situation in Bosnia.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, June 8, 1995, to conduct a hearing on financial services trade negotiations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. STEVENS. Mr. President, I ask unanimous consent that the Finance Committee be permitted to meet on Thursday, June 8, 1995, beginning at 9:30 a.m., in room SD–215, to conduct a hearing on the earned income tax credit [EITC], and on the nominations of John D. Hawke, Jr., Stephen G. Kellison, Marilyn Moon, Linda L. Robertson, and Ira Shapiro.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, June 8, 1995, at 10:00 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Thursday, June 8, 1995, beginning at 9:30 a.m., in room 485 of the Russell Senate Office Building on S. 436, a bill to improve the economic conditions and supply of housing in Native American communities by creating the Native American Financial Services Organization, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on S. 673, Youth Development Community Block Grant, during the session of the Senate on Thursday, June 8, 1995 at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. STEVENS. Mr. President, the Committee on Veterans' Affairs would like to request unanimous consent to hold a hearing on recent court decisions affecting Department of Veterans Affairs regulations regarding veterans' benefits. The hearing will be held on June 8, 1995, at 10:00 a.m., in room 418 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FORESTS AND PUBLIC LAND MANAGEMENT

Mr. STEVENS. Mr. President, I ask unanimous consent that the Subcommittee on Forests and Public Land Management of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, June 8, 1995, for purposes of conducting a subcommittee hearing which is scheduled to begin at 2:00 p.m. The purpose of this hearing is to review the Forest Service's reinvention proposal and the proposed national forest planning regulations.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON IMMIGRATION

Mr. STEVENS. Mr. President, I ask unanimous consent that the Subcommittee on Immigration, of the Committee of the Judiciary, be authorized to hold a business meeting during the session of the Senate on Thursday, June 8, 1995, at 2:00 p.m., to consider S. 269.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

BUDGET SCOREKEEPING REPORT

• Mr. DOMENICI. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under section 308(b) and in aid of section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of section 5 of Senate Concurrent Resolution 32, the first concurrent resolution on the budget for 1986.

This report shows the effects of congressional action on the budget through June 7, 1995. The estimates of budget authority, outlays, and revenues, which are consistent with the technical and economic assumptions of the concurrent resolution on the budget (H. Con. Res. 218), show that current level spending is below the budget resolution by $5.6 billion in budget authority and $1.4 billion in outlays. Current level is $0.5 billion over the revenue floor in 1995 and below by $9.5 billion over the 5 years 1995-99. The current estimate of the deficit for purposes of calculating the maximum deficit amount is $238.0 billion, $3.1 billion below the maximum deficit amount for 1995 of $241.0 billion.

Since my last report, dated May 22, 1995, Congress cleared for the President's signature the 1995 emergency supplemental and rescissions bill (H.R. 1158). The President vetoed H.R. 1158; therefore, since my last report there has been no action that affects the current level of budget authority outlays or revenues.

The report follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 8, 1995.

Hon. PETE DOMENICI,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report for fiscal year 1995 shows the effects of Congressional action on the 1995 budget and is current through June 7, 1995. The estimates of budget authority, outlays and revenues are consistent with the technical and economic assumptions of the 1995 Concurrent Resolution on the Budget (H. Con. Res. 218). This report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended, and meets the requirements of Senate scorekeeping of Section 5 of S. Con. Res. 32, the 1986 First Concurrent Resolution on the Budget.

Since my last report, dated May 22, 1995, Congress cleared for the President's signature the 1995 Emergency Supplementals and Rescissions bill (H.R. 1158). The President vetoed H.R. 1158; therefore, there has been no action to change the current level of budget authority, outlays or revenues.

Sincerely,

JUNE E. O'NEILL,
Director.

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, FISCAL YEAR 1995, 104TH CONGRESS, 1ST SESSION, AS OF CLOSE OF BUSINESS JUNE 7, 1995

[In billions of dollars]

	Budget resolution (H. Con. Res. 218)[1]	Current level[2]	Current level over/under resolution
ON-BUDGET			
Budget authority	1,238.7	1,233.1	−5.6
Outlays	1,217.6	1,216.2	−1.4
Revenues:			
1995	977.7	978.2	0.5
1995–99	5,415.2	5,405.7	−9.5
Deficit	241.0	238.0	−3.1
Debt subject to limit	4,965.1	4,814.7	−150.4
OFF-BUDGET			
Social Security Outlays:			
1995	287.6	287.5	−0.1
1995–99	1,562.6	1,562.6	(3)
Social Security Revenues:			
1995	360.5	360.3	−0.2
1995–99	1,998.4	1,998.2	−0.2

[1] Reflects revised allocation under section 9(g) of H. Con. Res. 64 for the Deficit-Neutral reserve fund.

[2] Current level represents the estimated revenue and direct spending effects of all legislation that Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

[3] Less than $50 million.

THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 104TH CONGRESS, 1ST SESSION, SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1995 AS OF CLOSE OF BUSINESS JUNE 7, 1995

[In millions of dollars]

	Budget authority	Outlays	Revenues
ENACTED IN PREVIOUS SESSIONS			
Revenues			978,466
Permanents and other spending legislation	750,307	706,236	
Appropriation legislation	738,096	757,783	
Offsetting receipts	−250,027	−250,027	
Total previously enacted	1,238,376	1,213,992	978,466
ENACTED THIS SESSION			
1995 Emergency Supplementals and Rescissions Act (P.L. 104–6)	−3,386	−1,008	
Self-Employed Health Insurance Act (P.L. 104–7)			−248
Total enacted this session	−3,386	−1,008	−248
ENTITLEMENTS AND MANDATORIES			
Budget resolution baseline estimates of appropriated entitlements other mandatory programs not yet enacted	−1,887	3,189	
Total current level[1]	1,233,103	1,216,173	978,218
Total budget resolution	1,238,744	1,217,605	977,700
Amount remaining:			
Under budget resolution	5,641	1,432	
Over budget resolution			518

[1] In accordance with the Budget Enforcement Act, the total does not include $3,905 million in budget authority and $7,442 million in outlays in funding for emergencies that have been designated as such by the President and the Congress, and $841 million in budget authority and $917 million in outlays for emergencies that would be available only upon an official budget request from the President designating the entire amount requested as an emergency requirement.

OCEANS DAY 1995

• Mr. KERRY. Mr. President, Oceans Day is celebrated annually to draw attention to the critical need to cross national and political boundaries to protect and preserve the oceans which are among our vital resources. This year it is celebrated today, June 8, 1995.

Oceans, coastal waters, and estuaries cover over 70 percent of the Earth's surface and contain over 90 percent of the world's plants and animals. The world's oceans provide ceaseless beauty and recreational pleasure, but very importantly, they are an essential economic resource for transportation and tourism, a reservoir of biological diversity, and a vital source of food, raw materials, and even new medicines. Yet tragically, our oceans are in peril from pollution, over-use of coastal and marine resources and habitat destruction.

As the president of the U.S. chapter of Global Legislators' Organization for a Balanced Environment [GLOBE], a coalition of international legislators dedicated to creating an international environmental agenda, I recently cochaired a bipartisan conference in Washington, DC on the state of our oceans. The conference brought together leading ocean researchers, advocates, and government officials to examine pressing environmental challenges related to the health of our planet's oceans. This was the first effort in the 104th Congress to seriously examine an environmental issue of international significance in a nonpartisan, nonconfrontational setting, and I believe it was a great success.

This year, on the fourth annual Oceans Day, a national conservation collaborative, including the New England Aquarium, is launching a campaign to preserve and restore the populations of large ocean fish such as tuna, sharks, and swordfish, and marlin. Over the past two decades, as demand has increased, the populations of these fish have plummeted due to overfishing, poor management, and the killing of immature fish and nontarget species. This is devastating news for the estimated one billion people, mostly in developing countries, who depend on fish as their sole protein source. Developing sustainable international fisheries as a shared goal of GLOBE and the conservation collaborative because the survival of our world's growing population may depend on success in that endeavor.

I wholeheartedly agree with Woods Hole Oceanographic Institution scientist Robert Ballard's assessment that, today, the oceans are more important to our survival than ever before. I hope that Oceans Day can raise the Nation's awareness of our dependence on the health of our world's oceans, the current state of the oceans and the imperative to act rapidly and effectively to ensure their preservation.•

RULES OF THE COMMITTEE ON ENERGY AND NATURAL RESOURCES

• Mr. President, in accordance with rule XXVI, paragraph 2, of the Standing Rules of the Senate, I hereby submit for publication in the CONGRESSIONAL RECORD, the Rules of the Committee on Energy and Natural Resources, as amended.

RULES OF THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES

GENERAL RULES

Rule 1. The Standing Rules of the Senate as supplemented by these rules, are adopted as the rules of the Committee and its Subcommittees.

MEETINGS OF THE COMMITTEE

Rule 2. (a) The Committee shall meet on the third Wednesday of each month while the Congress is in session for the purpose of conducting business, unless, for the convenience of Members, the Chairman shall set some other day for a meeting. Additional meetings may be called by the Chairman as he may deem necessary.

(b) Business meetings of any Subcommittee may be called by the Chairman of such Subcommittee, *Provided*, That no Subcommittee meeting or hearing other than a field hearing, shall be scheduled or held concurrently with a full Committee meeting or hearing, unless a majority of the Committee concurs in such concurrent meeting or hearing.

OPEN HEARINGS AND MEETINGS

Rule 3. (a) Hearings and business meetings of the Committee or any Subcommittee shall be open to the public except when the Committee or such Subcommittee by majority vote orders a closed hearing or meeting.

(b) A transcript shall be kept of each hearing of the Committee or any Subcommittee.

(c) A transcript shall be kept of each business meeting of the Committee or any Subcommittee unless a majority of the Committee or the Subcommittee involved agrees that some other form of permanent record is preferable.

HEARING PROCEDURE

Rule 4. (a) Public notice shall be given of the date, place, and subject matter of any hearing to be held by the Committee or any Subcommittee at least one week in advance of such hearing unless the Chairman of the full Committee or the Subcommittee involved determines that the hearing is noncontroversial or that special circumstances require expedited procedures and a majority of the Committee or the Subcommittee involved concurs. In no case shall a hearing be conducted with less than twenty-four hours notice.

(b) Each witness who is to appear before the Committee or any Subcommittee shall file with the Committee or Subcommittee, at least 24 hours in advance of the hearing, a written statement of his or her testimony in as many copies as the Chairman of the Committee or Subcommittee prescribes.

(c) Each member shall be limited to five minutes in the questioning of any witness until such time as all Members who so desire have had an opportunity to question the witness.

(d) The Chairman and Ranking Minority Member or the ranking Majority and Minority Members present at the hearing may each appoint one Committee staff member to question each witness. Such staff member may question the witness only after all Members present have completed their questioning of the witness or at such other time as the Chairman and the ranking Majority and Minority Members present may agree.

BUSINESS MEETING AGENDA

Rule 5. (a) A legislative measure or subject shall be included on the agenda of the next following business meeting of the full Committee or any Subcommittee if a written request for such inclusion has been filed with the Chairman of the Committee or Subcommittee at least one week prior to such meeting. Nothing in this rule shall be construed to limit the authority of the Chairman of the Committee or Subcommittee to include legislative measures or subjects on the Committee or Subcommittee agenda in the absence of such request.

(b) The agenda for any business meeting of the Committee or any Subcommittee shall be provided to each Member and made available to the public at least three days prior to such meeting, and no new items may be added after the agenda is so published except by the approval of a majority of the Members of the Committee or Subcommittee. The Staff Director shall promptly notify absent Members of any action taken by the Committee or any Subcommittee on matters not included on the published agenda.

QUORUMS

Rule 6. (a) Except as provided in subsections (b), (c), and (d), seven Members shall constitute a quorum for the conduct of business of the Committee.

(b) No measure or matter shall be ordered reported from the Committee unless eleven Members of the Committee are actually present at the time such action is taken.

(c) Except as provided in subsection (d), one-third of the Subcommittee Members shall constitute a quorum for the conduct of business of any Subcommittee.

(d) One Member shall constitute a quorum for the purpose of conducting a hearing or taking testimony on any measure or matter before the Committee or any Subcommittee.

VOTING

Rule 7. (a) A rollcall of the Members shall be taken upon the request of any Member. Any Member who does not vote on any rollcall at the time the roll is called, may vote (in person or by proxy) on that rollcall at any later time during the same business meeting.

(b) Proxy voting shall be permitted on all matters, except that proxies may not be counted for the purpose of determining the presence of a quorum. Unless further limited, a proxy shall be exercised only upon the date for which it is given and upon the items published in the agenda for that date.

(c) Each Committee report shall set forth the vote on the motion to report the measure or matter involved. Unless the Committee directs otherwise, the report will not set out any votes on amendments offered during Committee consideration. Any Member who did not vote on any rollcall shall have the opportunity to have his position recorded in the appropriate Committee record or Committee report.

(d) The Committee vote to report a measure to the Senate shall also authorize the staff of the Committee to make necessary technical and clerical corrections in the measure.

SUBCOMMITTEES

Rule 8. (a) The number of Members assigned to each Subcommittee and the division between Majority and Minority Members shall be fixed by the Chairman in consultation with the ranking Minority Member.

(b) Assignment of Members to Subcommittees shall, insofar as possible, reflect the preferences of the Members. No Member will receive assignment to a second Subcommittee until, in order of seniority, all Members of the Committee have chosen assignments to one Subcommittee, and no Member shall receive assignment to a third Subcommittee until, in order of seniority, all Members have chosen assignments to two Subcommittees.

(c) Any Member of the Committee may sit with any Subcommittee during its hearings and business meetings but shall not have the authority to vote on any matters before the Subcommittee unless he is a Member of such Subcommittee.

SWORN TESTIMONY AND FINANCIAL STATEMENTS

Rule 9. Witnesses in Committee or Subcommittee hearings may be required to give testimony under oath whenever the Chairman or ranking Minority Member of the Committee or Subcommittee deems such to be necessary. At any hearing to confirm a Presidential nomination, the testimony of the nominee and at the request of any Member, any other witness shall be under oath. Every nominee shall submit a statement of his financial interests, including those of his spouse, his minor children, and other members of his immediate household, on a form approved by the Committee, which shall be sworn to by the nominee as to its completeness and accuracy. A statement of every nominee's financial interest shall be made public on a form approved by the Committee, unless the Committee in executive session determines that special circumstances require a full or partial exception to this rule. Members of the Committee are urged to make public a statement of their financial interests in the form required in the case of Presidential nominees under this rule.

CONFIDENTIAL TESTIMONY

Rule 10. No confidential testimony taken by or confidential material presented to the Committee or any Subcommittee, or any report of the proceedings of a closed Committee or Subcommittee hearing or business meeting, shall be made public, in whole or in part or by way of summary, unless authorized by a majority of the Members of the Committee at a business meeting called for the purpose of making such a determination.

DEFAMATORY STATEMENTS

Rule 11. Any person whose name is mentioned or who is specifically identified in, or who believes that testimony or other evidence presented at, an open Committee or Subcommittee hearing tends to defame him or otherwise adversely affect his reputation may file with the Committee for its consideration and action a sworn statement of facts relevant to such testimony or evidence.

BROADCASTING OF HEARINGS OR MEETINGS

Rule 12. Any meeting or hearing by the Committee or Subcommittee which is open to the public may be covered in whole or in part by television broadcast, radio broadcast, or still photography. Photographers and reporters using mechanical recording, filming, or broadcasting devices shall position their equipment so as not to interfere with the seating, vision, and hearing of Members and staff on the dais or with the orderly process of the meeting or hearing.

AMENDING THE RULES

Rule 13. These rules may be amended only by vote of a majority of all the Members of the Committee in a business meeting of the Committee: Provided, that no vote may be taken on any proposed amendment unless such amendment reproduced in full in the Committee agenda for such meeting at least three days in advance of such meeting.•

RETIREMENT OF JOHN C. GOODMAN

• Mr. SIMON. Mr. President, I rise today to acknowledge the retirement of one of my constituents, John C.

Goodman. John is stepping down from his post as gateway district manager for customer service and sales at the U.S. Postal Service.

A 39-year veteran of the Postal Service, John was appointed as gateway district manager in September 1992. In making this appointment, Postmaster General Marvin Runyon said at the time, "We are pleased to have John Goodman serving our customers." John's outstanding record of service has made Mr. Runyon's 1992 observation even more meaningful and accurate.

John began his postal career as Postmaster in O'Fallon, IL after which he was elected secretary/treasurer of the National Association of Postmasters of the United States [NAPUS]. He was then elected NAPUS president, serving at the Organization's Washington, DC headquarters. Having completed his term, John returned to the Midwest in 1978 and was assigned to positions in Granite City, IL and later in Columbia, MO.

John also served as acting manager of the Grand Rapids Post Office as part of the Executive Exchange Program, and was the executive assistant for customer relations in St. Louis, MO where he was appointed St. Louis Field Division General Manager/Postmaster in 1986.

John's extensive management and operational expertise has yielded an impressive array of honors and citations. Under John Goodman's supervision, the St. Louis Division won the prestigious Regional Postmaster General's Quality Award. John also won the Postmaster General's Award for Excellence for the Union/Management Pairs [UMPS] program, as well as the National Postal Forum's Partnership for Progress Award for his dedication to customer service.

A native of O'Fallon, IL, John served in the Air Force and attended both the University of Denver and Southern Illinois University in Edwardsville, where he earned a bachelor of science degree in business administration.

Mr. President, I join John Goodman's family and many friends in congratulating him on an exemplary career, and wishing him all the best for the future. Illinois, Missouri and the country have benefited greatly from his superb service.•

TRIBUTE TO NOKOMIS REGIONAL HIGH SCHOOL, NEWPORT, ME

• Ms. SNOWE. Mr. President I would like to recognize the outstanding work being done by both students and faculty at Nokomis Regional High School in Newport, ME.

What is happening at Nokomis is truly exciting. Students and faculty, in their commitment to educational excellence, are making vital links between the classroom and the world around them. Whether in clubs that foster an appreciation for wildlife, testifying before legislative committees, conducting research for State agencies, or helping to save the black tern, Nokomis students are already making a positive difference in the world while at the same time gaining valuable skills and knowledge.

Nothing mankind does occurs in a vacuum—neither should our education. It is important that students and educators alike have a strong feel for how knowledge gained today can have a direct impact on the world of tomorrow. It is not simply enough to memorize information—you must also know why the information is important, and how it can be used for the betterment of our world.

It is clear that the students and faculty at Nokomis High School have positioned themselves at the forefront of this philosophy. Educators at Nokomis should be acclaimed for nurturing a love for learning; students deserve credit for opening themselves to the opportunities presented to them. All are to be commended for innovative and pro-active approaches to education. They are giving all of us perhaps the greatest gift of all—the chance for a brighter future, and a better world for generations to come.

The importance of what is happening at Nokomis cannot be overstated, particularly in an age which will increasingly require skilled and knowledgeable professionals in a wide variety of fields. In particular, scientists with an environmental background will be in great demand as the strain on the world's resources increases with global population. Indeed, efforts at Nokomis are an ideal model for others to follow, and I would encourage anyone in the field of education to look closely at what is being done at Nokomis.

Education is a top priority to me as a United States Senator, and I want to thank the students and faculty of Nokomis High School for setting the standard by which educational initiatives should be judged. I believe that as the Nation charts a course for education, we need look no further than Nokomis Regional High School in Newport, ME as a shining example of our goals.•

MASSACHUSETT'S CRANBERRY GROWERS CLARK AND GERALDINE GRIFFITH

• Mr. KERRY. Mr. President, my home State of Massachusetts is the leading producer, year in and year out, of cranberries in America and in the world. The economic contribution cranberries make to Massachusetts is impressive, with more than $200 million in payroll to Massachusetts workers and about 5,500 jobs for Massachusetts citizens. I am also proud that Ocean Spray's corporate headquarters are located in Middleboro, MA.

I invite the attention of my colleagues to the article which follows from the November 1994 edition of Yankee magazine. It tells a poignant and all-American story of one cranberry growing family, that of Clark and Geraldine Griffith. Mr. Griffith's family goes back to the 1700's like many multigenerational cranberry families around our Nation. The article tells an impressive story of the mechanization and modernization of what remains, after all, a small family farming operation. It also reminds us of the vulnerability to weather and governmental actions of an important crop that is not subsidized by the Federal Government. And, most of all, it captures the spirit and the hard work of Massachusetts cranberry growers.

Both Clark and Geraldine Griffith are fine citizens of my State, and I commend this article to your reading. I ask that it be printed in the RECORD.

The article follows:

[From Yankee magazine, November 1994]

WAITING FOR THE FROST IN CRANBERRY LAND

Clark Griffith works one row of cranberry vines at a time, driving his water-reel tractor back and forth in a decreasing spiral. The ride is rough and swaying, and he has to brace his legs and keep a secure grip on the wheel so as not to fall. The water reflects the light up into his eyes, and Griffith squints to see the long stake that marks the submerged row just combed and the red and yellow flags that indicate the location of irrigation ditches. At the end of a row he bends forward, pulls out the stake with one hand, quickly turns the wheel with the other, and hurls the stake back into the bog. Water mists the air as the metal rods of the cylindrical beater comb the vines, and berries bob through the white foam to the surface. Amorphous, blood-red trails foam in the wake.

Griffith, who owns 90 acres of bog, flooded this three-acre section two days earlier and is now harvesting his cranberry crop. A strapping man of 62 with peppery hair and a squarish face, he runs the Griffith Cranberry Company in the town of Carver, Massachusetts. Located about an hour's drive southeast of Boston and just inland from historic Plymouth Bay, the three precincts comprising the town—North, Center, and South Carver—have more than 3,500 acres of active bogs: Nearly half of the taxable land is directly or indirectly cranberry related, and almost all of Carver's 121 growers are members of the huge Ocean Spray cooperative. It is a town where police cars sport the logo "Cranberry Land USA" and cranberry vines are stenciled on the walls of the post office.

Carver is justifiably called the Cranberry capital of the world. From Labor Day through Halloween, the town's farmers bring in their crop, flooding fields late at night and working bleary-eyed days. In the late fall of 1993 Griffith knows the harvest will be disappointing. He frowns as he reaches into a bin and scoops up glistening berries. The weather has made for a year of small berries. "It takes a lot of small fruit to fill a box," Griffith says. He drops the berries and watches as they bounce in the bin.

Cranberries have always been a part of Carver. Up through the 19th century, when Carver was a community of lumber mills, gristmills, and iron furnaces, people gathered wild cranberries solely for personal consumption. Griffith's family moved here from

Rochester, Massachusetts, around the time in 1790 that the 847 souls who lived in Plympton's South Precinct decided to secede from that community and form Carver. His ancestors forged stoves, heaters, pans, and sinks from the bog iron excavated from nearby Sampson Pond. But in the late 19th century, as the iron industry began to wane, his grandfather Alton and his great-uncle Lloyd decided to start farming cranberries. Alton and Lloyd's first bog was inconspicuously christened Bog One in 1902, and it still produces good berries behind Griffith's house.

Griffith started serious work in the fields when he was 13 and labored along with the 40 to 50 workers the family hired at harvest time from the nearby mills in New Bedford. Pickers then used hand scoopers, small wooden boxes with metal or wooden teeth that were combed through the vines. "When your back got tired, you kneeled," recalls longtime Carver grower Albertina Fernandes, "and when your knees got tired, you stood up." But for Griffith, the work was exciting. "I always considered harvest season to be fun," he says. "I grew up with it, and there was always a gang around laughing and joking."

Mechanization in the mid-1950s revolutionized the industry. "It used to take 60 days to do 60 acres. We can now do four to six acres in a day," says Griffith, who employs only four fulltime workers. Most equipment is handmade, much of it cannibalized from old cars and trucks. "When someone discards a piece of equipment, that is what we use," says Wayne Hannula, a grower who constructs sanders from old Dodge pickups. "We all built our own equipment because we all know what we want."

If the temperature drops too low, it can kill the berries, so there are now daily frost reports. Many farmers have a Chatterbox, an electronic monitoring device that calls them on the phone if it gets too cold. If that happens, the grower has to flood the bogs so that the berries will not freeze. "The frost can come anytime," says Griffith. "Sometimes it is 4:30 in the morning, and you dash out. Fortunately, I have all electric sprinklers, so all I have to do is snap switches." Yet even with the innovations, the work still has its hardships. "If you have worked all day and the frost comes early, you don't get any sleep," says Griffith. "By three o'clock in the morning, you are pretty tired. You try not to stumble over things and fall in the water while jumping ditches."

Even with machinery there are losses. "I had an evening when I got caught flat-footed," Griffith recalls of a night in the early 1970s. "The frost came early in the evening, and I didn't have sprinkler systems on all the acreage. I had to flood a lot of it. We did everything we could, but we lost a lot of cranberries that night." One of the area's smaller growers lost part of his crop when a neighbor—a newcomer to town—shut off his sprinklers and left a note: "Water your crops in the daytime; the noise of the engines keeps us awake."

Griffith has experienced all the unexpected calamities that have racked cranberry farmers. The worst event to befall the industry, though, was not a natural calamity but a simple government pronouncement. On November 9, 1959, the Secretary of Health, Education, and Welfare announced that an experimental weed killer, Aminotriazole, that was used by some cranberry growers, had caused cancer in laboratory animals. The market immediately dried up.

"We were done picking," recalls Griffith, "and we had a nice crop of berries sitting in the screen house. Of course no one knew what was going to happen to them until the decision was made by Ocean Spray and the government to dump the berries. They came to us and counted the boxes. Then the berries were just poured into dump trucks and taken away."

Aminotriazole is no longer sprayed on crops, and growers are required to keep detailed records on the chemicals they use. Griffith has files in his office dating back decades. The office is located just up the street from his home. There are maps of the bogs on the wall, a computer linkup to Ocean Spray, and a stained-glass window of a cranberry scooper. He stops by in order to retrieve from his computer information on the previous day's delivery to the Ocean Spray processing plant. He then picks up a stack of papers and drives to the town hall in center Carver. He hitches himself out of his pickup, and bog soil flecks off his shoes as he lumbers toward the building. A gray-haired man greets him in the hall.

"Clark, how is your crop?" he nervously inquires.

"Terrible," Griffith frowns as he shakes his head. "How about you?"

"I got about three-quarters of what I got last year."

"Everyone says that it is going to be down," Griffith shrugs his shoulders. "It's not what Ocean Spray estimated. It can't be a bumper crop every year."

When Griffith finishes at the town hall, he heads back to his bogs. Around noon Griffith's wife, Geraldine, brings coffee and brownies to Bog 20. The men and women emerge from the water and enjoy a few moments of rest. After the break Angel Vasquez mounts the water reel and starts harvesting the rows. Workers smooth the floating fruit carpet with shiny aluminum pushers while others corral the berries with a series of long, white wooden booms. Water presses against the sides of their chest-high rubber waders as firm cranberries bob against their calves. Swarms of small black spiders scamper over the thickening red mass toward the shore. Swallows flock to the water to gather the unexpected bounty.

Griffith drives the winding series of bumpy one-lane dirt roads, checking on his other crews, tending the levels of his various bogs, flooding some and draining others. Before he eats dinner with Geraldine, Griffith checks on the latest frost report and plans for the evening vigil. He talks of slowing down, of doing less work. His house is backed by the moss-covered pines that surround the land. It has a beautiful view of the bog, of the dark green vines that his family has spent generations tending and harvesting. One day it will make for a tranquil retirement spot. But now, after dinner, Griffith drives over to a pump house and draws water from Sampson Pond to flood Bog 22 for the morning pick. When he returns home, he checks the weather and waits.•

PARTNERS OUTDOORS FAIR

• Mr. MURKOWSKI. Mr. President, I rise today to call to the attention of my colleagues a most unusual and informative event which took place in the Senate Energy Committee hearing room on May 8 and 9. The first Partners Outdoors Fair was hosted by the committee and organized by six Federal agencies and the Recreation Roundtable, a group comprised of the chief executives of more than 20 of the leading recreation-oriented companies in America. The fair was a great success, celebrating the imaginative and effective work taking place across the nation through partnerships involving Federal, State and local agencies, private corporations and others.

The idea for the Partners Outdoors Fair was conceived in early 1995 at the Partners Outdoors conference in Florida, an annual meeting of public and private organization leaders committed to the protection of America's wonderful outdoors resources and the enhancement of the recreational experiences of visitors to federally-managed areas. Candidates for programs to be showcased at the fair were submitted by all six Federal agencies taking part in the conference: the Forest Service, the Bureau of Land Management, the National Park Service, the U.S. Fish and Wildlife Service, the Corps of Engineers, and the Bureau of Reclamation. From the dozens of submissions, 20 displays were selected to represent diversity in focus, partners and size.

As chairman for the Senate Committee on Energy and Natural Resources, I was very enthusiastic upon learning of the plans for the fair and was pleased to offer the use of our hearing room for this important 2-day event. As you might guess, Mr. President, I was particularly enthusiastic about those displays that showcased successful programs in my State of Alaska. One of these, an eye-catching display describing fishing restoration efforts and the Wallop-Breaux Fund, prominently featured the creation of a new sportfishing opportunity at Homer Spit in Alaska. Thanks to the determined efforts of the U.S. Fish and Wildlife Service and several State agencies—as well as to the millions of Americans whose purchases of fishing equipment and motorboat fuels make the Wallop-Breaux fund viable—Homer Spit has seen a steady return of large chinook salmon and has been made more accessible to children, the elderly and those with physical disabilities.

Another display featured a successful partnership including ARCO, the Anchorage School District, the National Audabon Society, Alaska Pacific University, and the BLM. The diverse collection of entities polled its resources to design the Campbell Creek Environmental Education Center, a 10,000-square foot facility that will be built by the BLM on Campbell Tract in Anchorage. Targeted for completion in 1996, the Campbell Creek facility will provide children and others with the opportunity to experience the outdoors, learn about wildlife and understand the role people play in the local and global environments. The center will also promote behaviors, practices and lifestyles that have minimal impact on the environment. Still another display described the interpretive programs used aboard cruise ships that ferry visitors to Alaska's majestic Glacier Bay National Park and Preserve. These programs greatly enhance the cruise experience and are the result of a collaborative effort between companies such as Holland America and the National Park Service.

The fair features many other outstanding displays about partnerships in operation around the country, and those who stopped by saw that the number of partners involved was breathtakingly large and diverse. For example, a program entitled "WOW—Wonderful Outdoor World," which aims at introducing city kids to the pleasures of camping and other outdoor recreational activities, was established with contributions from the Walt Disney Co., the city of Los Angeles, the Bureau of Land Management, the Coleman Co., Chevy/Geo, California State University at Long Beach, and the U.S. Forest Service, among others. Another good example was Tread Lightly, a program to help protect public and private lands through the responsible use of off-highway vehicles. Tread Lightly involves the Forest Service, Four Wheeler Magazine, the Izaak Walton League, Goodyear, Jeep, Honda, Toyota, Ranger Rover, the Perlman Group, and Warn Industries. There were many others worthy of mention. Mr. President, I would ask that a complete list and description of the featured displays appear in the RECORD immediately following my remarks.

Mr. President, there have long been, and continue to be, debates in this country over whether the private or public sector can accomplish certain tasks more effectively. And today, perhaps more than at any other time since the drafting of the Constitution, there is much discussion about whether State and local governments are better equipped for certain tasks than the Federal Government. I do not expect that a relatively small, 2-day event in the Senate Energy Committee hearing room will by itself lay these contentions debates to rest. However, I do believe the Partners Outdoors Fair made great strides in calling our attention to the fact that it does not always have to be one or the other. The public sector can work with the private sector, and the Federal Government can work with State and local governments. In fact, when the particular resources and expertise of each come together in a collaborative effort, the results are precisely what we saw on display on May 8 and 9. In addition, the projects displayed at the fair made clear that progress can be made even without large increases in Federal budgets and even without specific legislative direction.

Mr. President, I would also like to mention an important event that took place on the afternoon of May 9, as the Partners Outdoors Fair was winding to a close. At that time, I joined with Francis Pandolfi, the president and CEO of Times Mirror Magazines and chairman of the Recreation Roundtable, in a news conference at which the Recreation Roundtable released the results of its latest national survey of public attitudes regarding outdoor recreation. Joining us was Edward Keller, executive vice president of Roper Starch Worldwide, the organization that performed the study for the roundtable. One of the most interesting aspects of this event was the presentation of a new national index—the Recreation Quality Index [RQI]—which reflects public perceptions regarding changes in recreation opportunities, quality of experience and personal participation. Regarding the significance of this development, I agree wholeheartedly with Mr. Pandolfi, who called the RQI "a new, important expression of public opinion which can help guide and measure the impact of policy decisions in Washington and decisions by companies providing recreation goods and services. The RQI provides the first comprehensive reflection of satisfaction with outdoor recreation in America—not just a specific service provided or a specific recreational product."

Mr. President, I strongly encourage my colleagues to heed these words and to carefully study the recreational needs of the American people when considering legislation that affects our public lands and other issues that affect the $300 billion plus recreation industry in America.

The material follows:

PARTNERS OUTDOORS—1995

FISHERIES RESTORATION: SUCCESSES FROM COAST TO COAST

America's anglers and boaters pay special federal taxes and fees totaling more than $300 million annually—most of which is deposited into the Wallop-Breaux Fund. A sizeable portion of that money is then provided as grants to state fisheries agencies for fisheries research, habitat improvements, fisheries management activities and for expanded access to public waters by anglers and boaters. The monies have had direct and very successful consequences for fisheries from coast to coast. In Alaska, Wallop-Breaux funding was used to create a new sportfishing opportunity at Homer Spit, close to the homes of many Alaskans and accessible by children, persons with physical challenges and the elderly. Research into sensory impregnation has brought a steady return of large Chinook salmon to an area previously without any sizable run.

Similarly, federal assistance has been used on the east coast by Maryland and other states to arrest the precipitous decline in striped bass populations. Research efforts and fisheries management activities qualified for 75% federal funding. As in many cases, the decline in the fishery was attributable to a combination of pollution and over-fishing. States along the east coast responded with an ambitious recovery plan, limiting fishing and undertaking some mitigation projects. The result is a strong return of this popular sportfish in the Chesapeake Bay and surrounding areas and a reopening of fishing for this species.

Partners in this effort include the millions of Americans purchasing fishing tackle and motorboat fuels, the fishing tackle industry which "fronts" the tax monies, the U.S. Fish and Wildlife Service and state fish and wildlife agencies across the nation.

AQUATIC RESOURCES EDUCATION EFFORTS

Aquatic Resources Education Programs are underway across the nation, thanks to Wallop-Breaux partners. Focusing chiefly on youth, the programs teach subjects as diverse as science and safety, fishing techniques and ethics. Up to 10% of each state's Wallop-Breaux Fund allocation can be used for these programs; overall, about 5% of the total funding to states is being spent on these efforts. In ten years, some two million young people have participated in state aquatic resources education projects, and the programs are growing in size and sophistication.

One of the imaginative partnerships which has evolved in aquatic resources education has been Pathway to Fishing. Initiated by Outdoor Technologies Group and expanded to include federal agencies ranging from the Forest Service and the Bureau of Land Management to the Bureau of Reclamation as well as Wal-Mart and other companies, Pathway events have occurred at hundreds of sites across the nation. Pathway can be conducted by a lake, river or pond—or even in a parking lot or open field. Kids learn and have fun, regardless. Volunteers from organizations such as B.A.S.S. and Trout Unlimited as well as federal and state agencies act as instructors in this 12-learning station effort.

Another major focus of aquatic resources education is National Fishing Week, which began on June 5. Hundreds of events will be held across the nation. Partners in this effort include the American Sportfishing Association, fishing tackle companies, federal and state agencies, recreational fishing organizations and the media.

WALLOP/BREAUX: MAKING OUR WATERS BETTER FOR BOATING AND FISHING

Although relatively new, the Wallop/Breaux program is already causing tremendous positive changes in fishing and boating—as well as in the health of our nation's surface waters. Using a 10% federal excise tax at the manufacturer/importer level imposed with the support of industry plus the federal motorfuel excise tax collected on gas used in recreational boating, Wallop/Breaux provides grants to states for fisheries management, for improved boating and fishing access, for aquatic resources education programs, for wetlands restoration, for construction of marine waste disposal sites and for boating safety efforts by the U.S. Coast Guard and state and local agencies.

Using 3:1 matching federal grants, Wallop/Breaux program partners accomplished the following between 1986 and 1993: built 1600 new public boat launching ramps and related facilities, including parking areas and restrooms; improved 9,700 public boat ramps; built 600 roads to open up access to public waters; installed directional signs for thousands of boating and fishing access sites; developed over 1,500 new fishing access sites; and acquired at least 170 properties and over 50,000 strategic acres to improve access to public waters.

In 1992, the Wallop-Breaux program was amended to add a new emphasis on wetlands restoration. A new revenue source—the federal excise tax on fuels used in lawnmowers, chainsaws, snowblowers and other small-engine items—was approved by the Congress. Approximately $50 million per year is now invested in this wetlands effort.

Partners in Wallop/Breaux include more than thirty national recreation and conservation organizations which constitute the American League of Anglers and Boaters, the U.S. Fish and Wildlife Service, state fishery and boating agencies, the U.S. Coast Guard and America's anglers and boaters.

WOW—WONDERFUL OUTDOOR WORLD

On opposite coasts of the nation last year, two groups of individuals addressed the lowered rate of exposure of today's youth to traditional outdoor recreational activities such as camping, fishing, hiking and wildlife viewing. Many factors are behind this drop, from the lure of indoor pastimes to changes in the structure of our families. The conversations joined and a unique national partnership resulted called "WOW—Wonderful Outdoor World." Now operating in a pilot effort in Los Angeles, the program brings tents, lanterns, sleeping bags, fishing poles and other recreational items to the neighborhoods of city kids and offers them camping adventures within blocks of home. The program doesn't end with this first exposure; "graduates" are helped to understand the outdoor fun opportunities near-by and the organizations available to make this fun accessible—from city and county agencies to the Boy Scouts. Current partners include the Walt Disney Company, the City of Los Angeles, the Forest Service, the Bureau of Land Management, the Recreation Roundtable, the Coleman Company, Chevy/Geo Environmental, Ralphs Grocery Company, California State Parks, Wells Cargo Trailers, California State University at Long Beach and the L.A. Times. Partners hope to learn from the monthly camping adventures for 9–12 year-olds between May 1995 and April 1996 and to expand the program both in Los Angeles and to more cities.

SMOKEY BEAR BALLOON FLOATS ACROSS AMERICA

In celebration of the 50th anniversary of Smokey Bear, the Forest Service and many friends and partners helped create a new non-profit organization based in Albuquerque, New Mexico, to build and "campaign" a new hot air balloon in the shape of Smokey Bear. Towering 85 feet high and 75 feet across, the balloon has already made almost 100 flights. The balloon travels with a specially constructed trailer, donated by Fleetwood Enterprises, which offers an outstanding fire and conservation ethics message. This newest icon for Smokey, one of America's best known and best loved symbols, is totally privately funded but works in close harmony with federal and state forestry organizations. Smokey recently flew in formation with another famed American symbol—Mickey Mouse—at the Walt Disney World Resort, celebrating both the partnerships reflected by the balloon and the origin of the idea for the balloon—at the first Partners Outdoors conference at the Florida site.

WINTER SPORTS PARTNERSHIP

Approximately half of all downhill skiing in the United States occurs at ski areas operating on national forests. Private funding has been used to build the lifts and other facilities, which are then operated under long term permits which return revenues to the government. The ski areas also assist the Forest Service with wildlife management, interpretation and other programs.

A partnership was established among the U.S. Disabled Ski Team, Olympic Gold Medalist Sarah Will, Dick Bass of Snowbird, the National Ski Area's Association and the U.S. Forest Service in 1994. At this time, a Memorandum of Understanding (MOU) was signed by Under Secretary Jim Lyons, Forest Service Chief Jack Ward Thomas and the President of the National Ski Area's Association Michael Berry. The MOU supports enhancing public awareness of ecosystems through environmental education at ski areas at National Forest lands, particularly ski areas, increasing partnership recognition, encouraging stewardship of public land and demonstrating the availability of the National Forests to people of all ages, abilities and cultures.

TREAD LIGHTLY

This program was started by the Forest Service in 1986 to help protect public and private lands through education about responsible use of off-highway vehicles. To maximize its effectiveness, Tread Lightly, Inc., a non-profit organization funded and managed by the private sector, was incorporated in 1990. Tread Lightly unites manufacturers, publishers, environmental groups and individuals who share a basic commitment to recognize and protect our valuable resources. Some of these partners are: Jeep, Honda, Toyota, Range Rover, the Perlman Group, Warn Industries, the Izaak Walton League, Goodyear and Four Wheeler Magazine.

ACCESS AMERICA'S GREAT OUTDOORS

The partnership is among the American Recreation Coalition, the Forest Service, MIG Communications, Quickie Designs and Wilderness Inquiry. It involves a comprehensive approach to integrating universal access to outdoor recreation environments and supports the full implementation of the Americans with Disabilities Act.

Efforts on this program were inspired by the President's Commission on Americans Outdoors. Among the products of this partnership are: a design guidebook offering practical and creative information to public and private recreation facility operators alike; improved facilities across the nation; demonstrations for the Western Governors Association and recreation community leaders and national awareness through media stories.

BACK COUNTRY BYWAYS

The Bureau of Land Management's Back Country Byways program now includes more than 70 routes, showcasing some of the scenic and cultural best of the West. The BLM program has enjoyed the active support of national partners such as the American Recreation Coalition, Farmers Insurance Companies and American Isuzu as well as dozens of local corporate, municipal and civic organizations. Three outstanding byways have been developed recently in the state of Arizona. Historic Route 66 is a part of many family histories dating back to the 1920s. The 42-mile scenic road offers an outstanding side-trip for visitors traveling to Arizona, California and Nevada. The Historic Route 66 Association, Kingman, Oatman and Topack chambers of commerce, Mohave County and Arizona state governmental agencies have worked cooperatively to develop and promote this back country byway.

In March 1994, the Black Hills Back Country Byway was dedicated celebrating "Riches from the Earth." This 21-mile road journeys through rough terrain, provides opportunities for rockhounding, viewing wildlife, hiking, rafting the Gila River and many other activities as well as seeing one of the nation's largest copper mining sites. This byway was developed as a partnership with Phelps Dodge and the Graham and Greenlee Counties and chambers of commerce.

BLACKFOOT CHALLENGE

Facing population growth and the consequences of poor land use practices in the past, the large and lovely Blackfoot River valley in Montana was threatened and in need of comprehensive action. The Bureau of Land Management led efforts to develop a common vision for the region and then enlist public and private partners able to turn the vision into reality. The result is both astonishing and encouraging. Major corporations such as Plum Creek Timber and Phelps Dodge Mining have joined federal agencies, environmental organizations, local governments and private citizens to develop a land use strategy for the area, target priority sites for clean-ups and other mitigation and communicate goals to landowners in the area. The effort has been aided by use of GIS and other new technologies. The valley now has a markedly more positive future.

BLM: HIDDEN PARTNERSHIPS IN THE EAST

BLM has developed partnerships with numerous states, oil and gas companies, wild horse and burro adopters, as well as historically black colleges and universities. These organizations have worked together to protect wildlife habitat, introduce non-traditional publics to the outdoors, improve recreation opportunities, protect fragile ecosystems and cultural resources, and improve environmental education programs.

NATIONAL RIVER CLEAN-UP WEEK

As the national coordinator, America Outdoors originated this program in 1992 in partnership with federal agencies and the private sector. The organizations participating include: Bureau of Reclamation, Forest Service, Bureau of Land Management, National Park Service, American Canoe Association, American Rivers, American Whitewater Affiliation, North American Paddle Sports Association and The National Association of Canoe Liveries and Outfitters.

Since the inception of this partnership, 100,000 volunteers have participated in 1,600 clean-ups covering 30,000 miles of waterways. American Outdoors donates staff time for promotion, coordination, fund raising, distribution of trash bags and development of educational materials. The federal agencies provide logistical support to volunteers for clean-ups on public land, assist with the acquisition of trash bags and coordinate clean-ups. The private sector promotes clean-ups among their membership and provides educational material on the value of maintaining healthy riparian zones and waterways.

CAMPBELL CREEK (ALASKA) ENVIRONMENTAL EDUCATION CENTER

A partnership, including ARCO, Anchorage School District, National Audubon Society and Alaska Pacific University along with BLM, designed the Campbell Creek Environmental Education Center that will be located in a residential facility and will be built by the BLM on the Campbell Tract in Anchorage. The facility will be completed in 1996 and will include a 10,000 square-foot education center, two dormitories, outdoor amphitheater and interpretive trails. The center will provide children and others with the opportunity to experience the outdoors, learn about wildlife and understand the role people play in the local and global environment. The center will also promote behaviors, practices and lifestyles that have minimal impact on the environment.

PUBLIC LAND APPRECIATION DAY

PLAD was initiated by Times Mirror Magazines (TMM) in 1994 and encourages conservation-oriented volunteers to help diminish the huge back-log of restoration projects on our nation's public lands.

Through TMM, reaching 30 million readers, a call to action was given that mobilized forces to public land sites across the country. Five federal government agencies—the Bureau of Land Management, the Army Corps of Engineers, the Forest Service, the Park Service and the Fish and Wildlife Service are partners with TMM. At each site, agency staff oversee the PLAD volunteers who work on restoration projects. All the tools needed to accomplish the work are donated by the PLAD corporate sponsors.

PLAD started with two pilot sites in 1994 and has expanded to 15 sites in 1995. By the end of the century, there will be hundreds of PLAD sites throughout the country and people will know that on the last Saturday in September they can go to a local site to do their part.

LAKE HAVASU (ARIZONA) FISHERIES IMPROVEMENT PROGRAM

This program partnership includes the Bureau of Land Management, Anglers United, Arizona Game and Fish Department, Bureau of Reclamation, California Department of Fish and Game, Metropolitan Water District of Southern California, and the U.S. Fish and Wildlife Service. It is the largest and most comprehensive warm water fisheries project ever undertaken in the United States. The $28.5 million program meets the needs of a host of anglers, revitalizes the fishery, and restores populations of native fish in Lake Havasu.

This program will increase access for all shoreline anglers by construction of foot trails, fishing docks, access roads and parking areas. Other facilities such as fish cleaning stations, ramadas with picnic tables, interpretive areas and restrooms will be added in eight access areas. Over 150 artificial habitat structures will be placed in the lake to provide spawning sites, feeding locations and escape cover for the declining populations of sport fish. Volunteers are a major factor in the construction and placement of artificial habitat structures in the lake. Hundreds of volunteers contribute thousands of hours each year at work sites on the lake. Community involvement complements the partner contributions to implement this program. The Lake Havasu Fisheries improvement program provides exhibits and a habitat construction station for participants and their families so that they actually help make structures on site.

CONSERVATION GOOD TURN

Conquistador Council of the Boy Scouts of America and the Roswell District of the BLM brought 300 scouts and scouters to the dunes in southeast New Mexico. They learned the eight principles of Leave No Trace camping from BLM staff and scouters that were trained by a BLM specialist. An afternoon was devoted to conservation projects in the area. Fences were built and repaired; boundary signs were hung on those fences; concrete was mixed and poured to set poles for other signs; picnic tables were painted; and over one and one-half tons of litter was removed from the area and the adjacent highway. At the end of the project, BLM and the BSA signed a Memorandum of Understanding to make Conservation Good Turn an annual event.

LAKE LANIER AND THE 1996 OLYMPICS

In December 1993, Lake Lanier was selected as the venue for the 1996 Olympic rowing and sprint and canoe/kayak events. Immediately following the announcement, the city of Gainsville, Hall County and the Mobile and Savannah Districts of the U.S. Army Corps of Engineers began a cooperative effort to prepare the site for the July 1996 competition. Through this partnership, leases, reviews, permit approval processes, cultural resources surveys and environmental clearances were all expedited. Construction is currently underway and the project is on schedule. After the Olympic games, the site will be used for local, state and national rowing and/or sprint and canoe/kayaking events.

SPECIAL HANDICAPPED HUNTING AND FISHING OPPORTUNITIES IN GEORGIA

The Augusta and Atlanta areas are regional centers for spinal cord injury patients. The Savannah District U.S. Army Corps of Engineers formed a partnership with the Georgia Handicapped Association, the Southeastern Paralyzed Veterans Association, local bass clubs and the Georgia Department of Natural Resources to provide improved hunting and fishing opportunities for physically challenged sportsmen. The first special hunt was for Eastern wild turkeys and took place on April 1, 1991, on J. Strom Thurmond Lake for 11 sportsmen confined to wheelchairs. It was the first hunt of its kind on public lands and resulted in nationwide publicity. In the second series of hunts, 65 physically challenged sportsmen participated in a deer hunt at Richard B. Russell Lake and harvested 62 deer during the 1993 and 1994 seasons. For the past 3 years, bass tournaments were sponsored in the Georgia and South Carolina areas. Bass club fisherman provided the boats and were paired with a physically challenged sportsman. Additional hunts and fishing tournaments are scheduled for this season.

FISHERIES HABITAT ENHANCEMENT IN MISSISSIPPI

This program is a project of Enid and Sardis Lakes in the Vicksburg, Mississippi District of the U.S. Army Corps of Engineers. Members of the Sardis, Batesville, Oxford and Yalobusha County bass clubs and the Otoucalfa Sportsman's Club collect Christmas trees, donated by the public, and place them in the Enid and Sardis Lakes as fish shelters. The partnership included the Mississippi Highway Department and South Central Bell who donated anchoring material and excess wire for the project.

CHATFIELD WETLANDS

A 20-acre wetland serving as a wildlife sanctuary and environmental education center was created and is now being sustained by a unique partnership of federal and state government agencies, Martin Marietta Astronautics and local conservation enthusiasts. The area is located within Chatfield State Park, Colorado's most visited park, located just minutes from Denver. Already an example of a partnership, since Chatfield is a Corps of Engineers area being operated by the state, Chatfield became even more "cutting edge" when innovative state and industry leaders devised an innovative way to reuse 350,000 gallons of treated, high quality waste water from a Martin Marietta plant. Rather than a long-distance pumping operation to discharge the water into a high volume water body, as required by federal and state regulation, the waste water is instead deposited into a new wetland area close to the plant site. Volunteers planted grasses and other vegetation and the site was in use by waterfowl within days of initial discharges. Martin Marietta has also paid for the construction of a viewing site at the wetland area, which is immediately adjacent to a planned trail hub center and an existing major environmental education center. The site is readily accessible for school trips and has become a real asset for the Denver area.

PARTNERS IN INTERPRETATION

More than a billion visits are made each year to America's parks, forests and other public lands. In many cases, little or no contact occurs between the visitors and the federal officials managing the areas because of manpower limits, inadequate visitor facilities and the pattern of visitation. Yet recently, the Forest Service and the National Park Service have launched imaginative programs to reach more visitors with interpretation programs which add substantially to the quality of the experience. In both cases, the agencies work in partnership with private businesses serving visitors in the areas: resorts and campgrounds, AMTRAK, motorcoach tour operators and cruise lines serving Alaska. The results are exciting—and appreciated by the visitors.

More than 150,000 people each year are now treated to the majesty of Glacier Bay aboard cruise ships. Most of these visitors have the added advantage of special interpretive programs about the land and the bay and the diverse wildlife found here. Companies such as Holland American have entered into agreements with the National Park Service which provide for two NPS interpreters to be onboard the ships, holding regular seminars and answering questions. The cruise lines pay for this service and provide the facilities needed by the NPS, even helping to sell guidebooks and other items. The cruise ships allow hundreds of thousands of people to see areas like Glacier Bay without construction of the on-land facilities which would be required for normal visits. Everyone benefits!

The Forest Service has developed similar cooperative arrangements with hotels and resorts in the Pacific Northwest and with AMTRAK, putting a trained Forest Service interpreter on key trains in the West, for example. Again, private sector contributions offset the cost of the interpreter to the agency, and the private sector also provides the interpretation site eliminating the need for federal outlays for construction.•

GREEK FOLK FESTIVAL

• Mr. SARBANES. Mr. President, I would like to call to the attention of our colleagues the Greek Folk Festival sponsored by St. Nicholas' Greek Orthodox Church this upcoming weekend. While this celebration is obviously enjoyed by parishioners of St. Nicholas, the entire community also relishes this wonderful festival. St. Nicholas is led by Father Manuel J. Burdusi, a man whom many applaud as a pastor who has developed a strong community within St. Nicholas, including a dynamic youth fellowship.

I would also like to bring to the attention of my colleagues that this festival contributes greatly to the preservation and enhancement of the historic culture of the Greek-American community. The Greek Folk Festival includes educational and cultural activities, live music and dancing, authentic Greek food and pastries, and most importantly, wholesome family entertainment. I would like to highlight an excellent article in today's Evening Sun newspaper by Jacques Kelly, highlighting the magnificent people that make this festival a superb event that is acclaimed year after year. Mr. President, I ask that the article be printed in the RECORD.

The article follows:

[From the Baltimore Evening Sun, June 8, 1995]

PRIEST HELPS HIGHLANDTOWN KEEP THE FAITH

(By Jacques Kelly)

It seems that everybody in this part of East Baltimore knows "the priest."

He is the Rev. Manual J. Burdusi, the 33-year-old pastor of St. Nicholas Greek Orthodox church, the spiritual home of many Highlandtown families.

Father Manual, as he is called, is the former altar boy who came back to his home parish wearing a cleric's black robes. He grew, up on Bonsal Street near Francis Scott Key Medical Center. His church is in the 500 block of S. Ponca St. He is one of the pivotal personalities here.

Part of the reason so many East Baltimore Greeks know Father Manual is that they watched him grow up.

As a 10-year-old, he assisted at the Divine Liturgy. Then he joined the choir. After his studies at Hellenic College and the Holy Cross School of Theology in Brookline, Mass., he returned to Baltimore. He was ordained in 1989 and named the church's pastor four years ago.

"I have always felt comfortable on the path that led me to the priesthood. It felt like home" Father Manuel said.

He also kept things in the family by marrying a woman named Malama (Molly), who also sang in the choir. They have a son named Nicholas, the saint's name commemorated in the church.

One of the hardest things is to bury a person you've known so well in this neighborhood," he said one day this week.

The loss of a family member in this close-knit community is strictly observed. Many widows wear black after a husband dies. Families have memorial prayer services in the church 40 days after a death. This is often repeated six months later, then after a year, and on the third anniversary.

At funerals, the custom is to have the deceased in an open casket. Close family members kiss the corpse on the cheek. Others may kiss the hand or forehead or a religious icon.

"The formal process of mourning is therapeutic. It helps with dealing with grief. It forces the family back into the life of the church," Father Manuel said.

The life of the church is often the life of this neighborhood. Witness the tremendous activity for this weekend's Greek Folk Festival sponsored by the church. From tomorrow through Sunday, Ponca Street will explode with people, music, food and dancing. It has become one of the city's most popular summer events.

Family ties, church and tradition all mix within this tight community.

Blocks of rowhouses branch off Eastern Avenue in this part of Highlandtown known to some as The Hill, to others Greek Town. Many immigrants from the Greek islands settled here in the 1960s and 1970s. With them came their own grocery stores, bakeries, places to sip strong coffee and talk, and restaurants.

Father Manuel's family, for example, came from an island that was controlled by Italy for some years. His surname, Burdusi, reflects this.

His parish has its origins in a little school established here in the late 1940s. It was torn down and the present church built in 1956. Today, it has 1,200 families on its mailing list. Of these, some 700 are active.

"At times it is so busy, it feels like more," the pastor said. "When it gets very rushed I have to ask my wife, "Did we pay the bills this month?"

Father Manuel wears a beeper and is on call at all times.

"I don't want anybody to say they couldn't get a call into a priest," he said.

It is not uncommon for his parishioners to walk to Sunday services. Some 575 of his families reside in the 21224 Zip Code. Another 120 live in Rosedale and 100 more in Dundalk. The parish has a large and vigorous youth organization that its pastor feels is the cornerstone of the community.

Throughout the festival, Father Manuel will be giving church tours—4 p.m. and 7 p.m. on Friday, 2 p.m. and 4 p.m. on Saturday and Sunday—during which he will explain the rich collection of Christian art here. Just this past Easter, the church unveiled a vibrant mural of Mary, the mother of Jesus, the Christ child and saints Basil, Gregory, Nicholas and John Chrysostom.

Father Manuel also answers questions about the elaborate religious ceremonies here.

When recently asked, for example, how much incense is used on a typical Sunday, the priest thought for a moment and quietly replied, "Ten tablespoons."

AMMUNITION CONTROL

• Mr. MOYNIHAN. Mr. President, as some Senators may know, I had intended to offer an amendment to the antiterrorism legislation to update the existing statute prohibiting the manufacture, sale, and importation of armor-piercing ammunition. My amendment would have simply revised current law to cover new projectiles capable of penetrating the soft body armor worn by most law enforcement officers. However, as part of the agreement negotiated by the managers to permit completion of the bill yesterday, all amendments relating to firearms were dropped.

Senator BRADLEY and I planned to offer a separate amendment requiring development by the Department of the Treasury of uniform standards for the testing of armor-piercing ammunition. This is an important effort which I fully support, and I regret that we were not able to offer this amendment.

Unfortunately, the amendment by the Senator from New Jersey failed to address the more immediate danger presented by the presence today in stores nationwide of certain bullets capable of penetrating police body armor. I learned of this ammunition only last week from the FBI. It obviously poses a serious threat to law enforcement.

It has been well over a decade since I first introduced legislation to eliminate the armor-piercing bullets. I first became aware of problem in 1982, and with the help of the Patrolman's Benevolent Association of New York City, as well as other law enforcement groups, helped secure enactment in 1986 of the original statute banning so-called cop-killer bullets. In 1993, I secured passage of a provision in the crime bill, which became law in September 1994, to include in the definition of armor-piercing ammunition the Swedish-made M39B round. When I learned last week that other armor-piercing rounds exist which elude the ban, I immediately began work on an amendment to update the statute once again.

Unfortunately, I was not in a position to offer this amendment to S. 735. As I have said, amendments on this subject were not permitted under the unanimous consent agreement. Even if such amendments had been permitted, however, we could not have proceeded without the cooperation of the Federal Bureau of Investigation and the Bureau of Alcohol, Tobacco and Firearms. I had gone to some lengths to solicit support for this amendment from both the FBI and the BATF. I had sought to draft language that would ban the new armor-piercing rounds without affecting nonarmor-piercing or other legitimate sporting rounds that pose no threat to law enforcement. Despite repeated inquiries to the FBI and BATF, however, I had no response. The administration took the position on Monday that all amendments should be resisted, and that was that.

Mr. President, I regret that we were unable to proceed on the antiterrorism bill with my amendment to update the ban on armor-piercing ammunition. It is of great importance to the Nation's law enforcement officers. I hope we will be able to more forward on this matter in the near future.•

THE DEAN OF STATE PLANNERS DAN VARIN WILL SOON RETIRE

• Mr. PELL. Mr. President, Daniel W. Varin today announced his own plans for retirement, in one of the quietest, most unobtrusive ways imaginable, after more than 30 years of service directing the State of Rhode Island's planning effort.

Dan Varin, who has been acknowledged nationally a dean of State planning officials, announced his own plans quietly at the end of an otherwise ordinary State Planning Council meeting in Rhode Island, under the agenda item of "other business."

Throughout his 30 years, he has brought an unusual ability to his position. He perceives the implications of numbers, statistics, and trends, in a word, he has foresight. He has remained committed to a larger view of things, exercising his gift of seeing the interrelation of issues.

He has been a wonderful, dedicated proponent of comprehensive, areawide planning. He has looked to the future, and worked long hours. He has been available in crises, and brought a great knowledge of how governmental systems work to resolving vexing problems for State and local government.

In the winds of change, and squalls of politics, Dan Varin has been a steadying sail of calm reason. He has been a navigator of great value on a stormy sea.

He has an awesome knowledge of State and Federal programs, and those of us in the Federal Government are indebted to him. Much of what we do relies on State action to secure its realization. With Dan Varin's guidance, many things were done well in Rhode Island.

To say that my office and I will miss him deeply is an understatement. All that really can be said is, "Thank you, and best wishes for a truly well-earned retirement."•

APPOINTMENT BY THE MINORITY LEADER

The PRESIDING OFFICER. The Chair would like to make an announcement. The chair announces on behalf of the Democratic leader, pursuant to Public Law 101-509, his appointment of John C. Waugh, of Texas, to the Advisory Committee on the RECORDS of Congress.

AUTHORITY FOR COMMITTEE TO REPORT

Mr. PRESSLER. Mr. President, I ask unanimous consent that the Finance Committee have until 6 p.m. on Friday, June 9, to file a report to accompany H.R. 4, the welfare reform bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE INDEFINITELY POSTPONED—H.R. 830

Mr. PRESSLER. Mr. President, I ask unanimous consent that Calendar No. 23, H.R. 830, the Paperwork Reduction Act, be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR FRIDAY, JUNE 9, 1995

Mr. PRESSLER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 9:15 a.m. on Friday, June 9, 1995; that following the prayer, the Journal of proceedings be deemed approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then immediately resume consideration of S. 652, the telecommunications bill, with the THURMOND second-degree amendment to the DORGAN amendment pending.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. PRESSLER. Mr. President, for the information of all Senators, the Senate will resume consideration of the telecommunications bill early tomorrow morning. Amendments are pending to the bill; therefore, Senators should expect rollcall votes during Friday's session of the Senate, possibly as early as 10 a.m.

RECESS UNTIL 9:15 A.M. TOMORROW

Mr. PRESSLER. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 10:17 p.m., recessed until Friday, June 9, 1995, at 9:15 a.m.

EXTENSIONS OF REMARKS

HEALTH CARE REFORM

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1995

Mr. DEUTSCH. Mr. Speaker, while health care reform legislation has been temporarily set-aside for other pressing business, we can not neglect the important issues raised during the health care reform debate.

A major focus of several of the proposals involved the need to increase the number of doctors providing primary care services. Today, too many new physicians elect to practice specialized medicine where they can earn higher salaries. As a result, there is a deficiency in the number of physicians that practice general family health care or primary health care.

I would like to direct my colleagues' attention to the efforts of Dr. Robert Ross, chairman and founder of Ross University School of Medicine located on the Island of Dominica in the Caribbean. Dr. Ross has greatly contributed to reversing the trend in the declining numbers of primary care physicians. Dr. Ross opened Ross University in 1978 with just 13 students. Since that time, over 2,500 students have received medical degrees from the university. In fact, Ross University celebrated its 33d commencement on June 3, 1995, at the United Nations. Ross University graduates have continued on into medical residency training and medical practice all over the United States.

Ross University is committed to academic excellence and requires its students to complete the basic sciences portion of the curriculum in Dominica.Then, they return to the United States to complete their clinical clerkships in teaching hospitals. Recently, I toured the campus in Dominica and found the facilities to be of the highest quality—utilizing state-of-the-art technologies.

In addition, many Ross University graduates have set up their primary care practices in rural and urban areas that would otherwise go without the attention of a physician. These foreign-trained medical students help fill the critical shortage of primary care physicians. In fact, over 20 percent of the practicing doctors in the States of Michigan, North Dakota, Illinois, Connecticut, and Delaware were educated outside the United States. In New Jersey, the figure is 33 percent, and in New York this number is nearly 50 percent.

Dr. Ross and Ross University provide a valuable service to the American people. I urge my colleagues to examine the contribution foreign medical schools can make with respect to primary health care.

KEEP ACDA INDEPENDENT

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1995

Mr. BONIOR. Mr. Speaker, now is not the time to be dismantling the one agency whose sole mandate is to formulate, negotiate, implement, and verify arms control and nonproliferation agreements.

The Arms Control and Disarmament Agency [ACDA] should remain an independent agency with the goal of strengthening U.S. national security through effective arms control agreements. President Eisenhower, who first proposed the agency, and President Kennedy, who founded it, both recognized the need for an independent voice on arms control matters within the Federal Government.

The United States is pursuing the biggest, broadest arms control and nonproliferation agenda in history. With the end of the cold war and the rising threat of proliferation of weapons of mass destruction, we need a clear focus on resolving outstanding arms control issues.

Now is not the time to abolish ACDA. Yet that is exactly what the Republicans are doing in H.R. 1561, the American Overseas Interests Act.

The American people want a world that is safer for their children than the one in which they grew up. Let us hope we can avoid the days when school children learned to duck and cover under their desks at the same time they were learning their ABCs. An independent ACDA provides an assurance that our Nation will continue to maintain the proper focus on arms control and nonproliferation agreements.

I urge my colleagues to vote against H.R. 1561.

IN MEMORY OF FLOYD CECEL COUGILL

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1995

Mr. POSHARD. Mr. Speaker, I rise today to honor a very special man, Floyd Cecel Cougill, who passed away recently after a lifetime of helping the people of southern Illinois. It is with great sadness that I offer my condolences to his family, and say that Floyd's passing is a great loss to all who knew him.

Floyd dedicated his life to helping the hardworking people of southern Illinois. At the young age of 13 Floyd started to work at the Metropolis Box Factory, and later he made his way to the Metropolis Bending Co. where he became a charter member of Local No. 1301 of the Laborers International Union of North America. In 1949, Floyd founded the Construction and General Laborers Local No. 1320 of the American Federation of Labor, and served as its business agent until his retirement in 1973. Even during his retirement Floyd remained active in the union by continuing to serve as an organizer for the Laborers International Union of North America.

Mr. Speaker, Floyd's unquestionable personal integrity and honesty gained the respect of all who knew him. It is for this reason that people turned to him when they needed sound advice. It was for his unparalleled commitment to honesty that Southern Illinois University invited him to serve on a special panel that was designed to help find solutions to labor-management relations for the entire southern Illinois region. Floyd was always willing to help solve problems that the working people of southern Illinois face on a daily basis. His life was dedicated to helping ensure that these people had decent jobs and decent lives.

Floyd's efforts to help the lives of working people will not be forgotten. The unions he helped found and the workers he helped to gain meaningful representation serve as a living monument to his work and dedication. Rarely in life is one person able to directly help the lives of countless individuals, but through Floyd's hard work, he was able to serve his neighbors in crucial ways. Mr. Speaker, I believe I speak for many when I say Floyd Cecel Cougill will truly be missed, but will always be remembered.

NATIONAL MARITIME DAY

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1995

Mr. CUNNINGHAM. Mr. Speaker, today I rise to pay homage to America's merchant mariners. As you may be aware, each year, at the request of the Congress, the President declares May 22 as National Maritime Day to honor the Nation's merchant mariners. The significance of National Maritime Day was marked the week of May 21 with special ceremonies and events held in Washington, DC, and cities throughout the country.

Fifty years ago, on Maritime Day in 1945, the leaders of the U.S. Armed Forces, including General Eisenhower and Admiral Nimitz, praised the American merchant mariners who sailed on civilian merchant ships moving war materials to Europe and the Far East. These men and ships participated in every landing operation of the Marine Corps in the Pacific. Their skill and courage made a vital difference to our Armed Forces in the European and Pacific theaters of World War II. The American merchant marine later provided strong support to our Armed Forces during the conflicts in Korea, Vietnam, and the Persian Gulf.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

As a Vietnam veteran, I was grateful for the assistance of the civilian merchant mariners. In fact, 172 Victory Ships were activated during Vietnam as part of the Maritime Administration's National Defense Reserve Fleet (NDRF). A crew of approximately 35–45 U.S. citizen merchant mariners manned each vessel. I wish to extend a special thanks to the 15,000 or so merchant mariners who crewed the various National Defense Reserve Fleet ships throughout my time in Vietnam. Any member of the Armed Forces will tell you that the cooperation of the entire organization is needed to retain order, readiness, and fighting efficiency. As I flew over Vietnam, I was grateful for our dedicated mariners at sea.

As we pay tribute to their service to this country, remember that the American mariners need U.S.-flag ships to sail on in peacetime in order to be available to us in emergencies. Unless a maritime bill is enacted this year, our U.S.-flag presence in international trade is likely to vanish, along with civilian sealift support and seafaring jobs. I urge you to support our mariners by supporting H.R. 1350, the Maritime Security Act of 1995.

FINCH, PRUYN, THE HEART AND SOUL OF GLENS FALLS

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1995

Mr. SOLOMON. Mr. Speaker, Finch, Pruyn, the heart and soul of Glens Falls, NY, will mark its 13th decade on June 22.

It might even be said, Mr. Speaker, that a company grew into a town, a town that grew into a small city Look magazine called Hometown, U.S.A. in 1944. Even in this era of downsizing, plant closings, and moves to foreign lands, outstanding management has kept Finch, Pruyn not only a thriving enterprise employing over 1,000 people, but a respected corporate neighbor as well.

Creating and preserving the conditions that allow the Finch, Pruyns of America to prosper should be the first priority of this Congress, Mr. Speaker. The health and prosperity of companies like Finch, Pruyn mean jobs for Amercians, growth for our economy, and vibrant, thriving communities.

That's what Finch, Pruyn has meant to Glens Falls, an important employer and a source of pride because of its leadership in the paper industry. That industry, as does the equally important tourist industry, both require a concern for the environment, and in this area, too, Finch, Pruyn has been a leader.

A symbol of that leadership is its present chairman of the board, a good friend of mine, Richard J. Carota. Two years ago Dick Carota was named Executive of the Year by the Paper Industry Management Association, and never was an award more deserved.

Dick Carota began as a $1.35-an-hour sweeper in 1956, and rose up the ranks. Having done so, there isn't a single job he doesn't understand. As I said on this floor in 1993, Dick Carota listens to everyone, respects everyone, sets high standards, and gets everyone to work as a team. His all-American success story is typical of the spirit of Finch, Pruyn. I'll say it again, Mr. Speaker, I'm proud of Dick Carota, and I'm proud of the outstanding company he leads.

Mr. Speaker, I ask you and this entire House to join me in wishing Finch, Pruyn all the best on this occasion of its 130th birthday, and many more decades of industry leadership and contributions to the community.

HONORING DR. DAVID N. MESCHES

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1995

Mr. HINCHEY. Mr. Speaker, I rise today to ask my colleagues to join me in recognizing the accomplishments of the Mid-Hudson Consortium for the Advancement of Education for the Health Professions, which is now commemorating its 20th anniversary. For the past two decades, the consortium has promoted invaluable training programs for health care professionals that respond to the needs of the mid-Hudson community. Vital to the success of this organization have been the tremendous efforts of my good friend, Dr. David N. Mesches.

Dr. Mesches was a strong advocate of managed care even before managed care was an established system of health care delivery. In the hopes of attracting physicians to our area who would provide affordable, quality care, Dr. Mesches and his colleagues have paved the way toward improved care by the formation of the consortium as well as other programs they have created such as the Mid-Hudson Rural Family Practice Resident Training program.

Through the continued efforts of Dr. Mesches, the resident program annually attracts a considerable number of physicians and medical students through an affiliation with the New York Medical College and the New York College of Osteopathic Medicine. These health care providers are being trained to respond to the specific needs of the community in which they live and work and the program proudly boasts that 75 percent of its graduates not only remain in New York State but also in the community in which they were trained. This is an astounding success rate and it has benefitted the people of the mid-Hudson Valley immeasurably. We are indeed grateful for it as well.

I am honored to ask my colleagues to join me in commending Dr. David N. Mesches for his very generous hard work and devotion to our community.

TRIBUTE TO JOHN F. LONG

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1995

Mr. COSTELLO. Mr. Speaker, I want to bring to the attention of my colleagues the outstanding service to our Nation of Mr. John F. Long, of East St. Louis, IL. John Long served as a U.S. soldier from the 125th Infantry, who served his country during World War II.

Mr. Long, originally from Cairo, IL, entered the U.S. Army in October 1941, and fought a number of World War II battles in Italy. Those conflicts included Rome, Arno, the Appennines, and the Po Valley.

Private Long's bravery won him the Good Conduct Medal, World War II Victory Medal, American Defense Ribbon, American Theater Ribbon, European African Middle Eastern Theater Ribbon with three Bronze battle stars, and one service stripe.

John Long, who will turn 76 on June 15, was honorably discharged from the U.S. Army in November 1945. This year commemorates the 50th anniversary of his World War II service, and I am confident he watched, as we all did, the recent commemoration of V–E Day. On this glorious day, 50 years ago, John Long joined his fellow servicemen to accept the surrender of the Axis Powers to the Allied victors. His Army service in the battles of Italy was part of this victory, a contribution we honor in the House today.

IN SUPPORT OF H.R. 1776: THE BLACK REVOLUTIONARY WAR PATRIOTS COMMEMORATIVE COIN ACT

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1995

Mrs. JOHNSON of Connecticut. Mr. Speaker, yesterday I introduced, with my colleague DONALD PAYNE of New Jersey, H.R. 1776, the Black Revolutionary War Patriots Commemorative Coin Act. This legislation will direct the Secretary of the Treasury to mint a special coin in commemoration of the many black soldiers who fought for our Nation's independence and our individual freedom. In addition to recognizing the often forgotten contributions of African-Americans during this historic period of our Nation's history, distribution of such a coin will enable the Black Patriots Foundation to succeed in funding the Black Revolutionary War Patriots Memorial, to be located in Constitution Gardens between the Washington Monument and the Lincoln Memorial.

More than 5,000 black revolutionary war patriots fought shoulder to shoulder with white patriots, heroically sacrificing so that we can stand here today, a free people and a world leader. This contribution should not be forgotten. As generations of children visit our Nation's Capital and walk the mall, they should have a concrete reminder that we are descendants of men and women of all races and ethnic backgrounds and only together can we create a Nation in which individual social freedom and justice are a reality.

I urge my colleagues to join in honoring black revolutionary war patriots through this commemorative coin act and enable the Black Patriots Foundation to complete the Black Revolutionary War Patriots Memorial here in Washington, DC.

FAIRNESS FOR PAKISTAN

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1995

Mr. BONIOR. Mr. Speaker, I rise today to bring to the attention of my colleagues' provisions in the American Overseas Interests Act that address basic issues of fairness for Pakistan.

I think it was the Greek poet Aeschylus who once wrote that the greatest wish a man could have was to live in interesting times.

I think all of us know that we live in a time of rapid change. But as the United States moves forward into this new world, we can't afford to forget where we've been. We can't afford to leave our oldest and truest friends behind.

For nearly 50 years, the United States and Pakistan have been close friends and allies. Even though we come from different cultures and have different customs, in the end we are united by our hopes and dreams for the future and by our deep, profound belief in democracy. Those values have brought us together through tough times—and they must sustain us now.

However, I'm concerned that we have pushed Pakistan away from us the past few years.

Mr. Speaker, I have said it before and I'll say it again: Pakistan is not a terrorist nation or a nuclear outlaw, and it's time we stop treating them as if they were.

If we are truly going to meet the goals we all share in South Asia we must work with both India and Pakistan to make it happen.

To be honest, I'm encouraged by some of the developments I have seen recently. Thanks to Prime Minister Bhutto's efforts at reform, over $20 billion has been invested in Pakistan—half of which came from private American investors. That's more than any other time in history. In addition, we were all appreciative of Pakistan's efforts to work with us to capture Ramzi Yousef, one of the key suspects in the World Trade Center bombing.

Last week, I'm also told that for the first time since 1990, the Pentagon has had fruitful discussions with Pakistan about our common defense interests in South Asia.

And as we all know, both the White House and Congress are working with Pakistan to come up with ways to resolve this dispute over the planes. I agree with President Clinton: I don't think it's right that Congress keeps the money Pakistan paid for those planes. Not only have we kept over a billion dollars—we're actually charging Pakistan a $50,000 storage fee for each jet. Some in Congress have suggested that we should sell the planes to a third party, then give the money to Pakistan. But we are working on this issue now and hopefully we'll reach a solution in the next few months.

But there are two other issues we should all be able to agree on. The Senate is working on the antiterrorism bill. But while we work for solutions, we can't allow people to be scapegoated on the basis of ethnicity or race.

When those first reports were coming out of Oklahoma City—looking for three "Middle Eastern men"—it brought back painful memories from the Persian Gulf war, when Moslem-Americans actually saw their homes being searched. As much as we all want to crack down on terrorism, we have to do it in such a way that doesn't hurt innocent people and doesn't violate constitutional rights.

When this bill comes to the House floor—which should be in the next month or so—I look forward to working to make sure these concerns are addressed.

I also look forward to continuing to work and to speak out on behalf of the people of Kashmir. By all indications, the situation in Kashmir isn't getting any better.

Just last Saturday, the Indian Government canceled elections in Kashmir yet again—and extended its direct rule. We can't sit back as Indian Government security forces continue to rape, torture, and murder innocent women and children.

If India hopes to have any kind of relationship with the United States in the future, I believe these issues must be addressed, the troops must be withdrawn, international observers must be allowed in, and the people of Kashmir must be given the opportunity to determine their own destiny. Because if they're not, I believe the whole issue of Indian aid comes into question. The world simply cannot afford to have two nuclear powers locked in mortal combat over disputed territory any longer. It's up to all of us to help solve this.

Mr. Speaker, the Pakistani-American community has provided real leadership on these issues in recent years. We all live in a time of exciting change.

I look forward to working to make sure that we can make that change work for all of us.

HAPPY 100TH ANNIVERSARY EASTERN STAR HOME

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1995

Mr. POSHARD. Mr. Speaker, I rise today to congratulate the Eastern Star Nursing Home for 100 years of quality service. Located in Macon, IL, the home has, for a century, provided exceptional living conditions for the Sisters of the Order of the Eastern Star of Illinois. I want to take this opportunity to wish them my very best as they enter a new era of providing excellence in health care.

The members of Eastern Star offer guidance and support to young women from across the country, and always strive to work together for the benefit of mankind. This nonprofit, sheltered, and intermediate life care facility is dedicated to providing superior medical care to its residents, furnishing 58 women a caring and compassionate home that ensures a safe and secure living environment.

The Eastern Star Nursing Home is the only remaining retirement home specifically designated for the Sisters of the Order of the Eastern Star of Illinois. Since 1895, the home has set the standard of excellence in this area of health care. I applaud the home's dedicated staff, and I salute the members of this civic minded organization. Mr. Speaker, I urge my colleagues to join with me in congratulating the Eastern Star Nursing Home on its century of service to the people of southeastern Illinois.

REFUTING DEMOCRAT SCARE TACTICS

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1995

Mr. SOLOMON. Mr. Speaker, I would like to draw your attention to the comments of Ian M. Yarian, a resident of Gansevoort, NY in my congressional district. Ian, for one, has not fallen prey to the vicious scare tactics being employed by Democrats who have no solutions to the crises facing our Nation. It is certainly encouraging to see the comments of Americans outside the beltway who don't fall victim to the Washington propaganda which floods the news media.

To that end, Mr. Speaker, I ask unanimous consent to submit Ian's remarks as published in The Saratogian newspaper in Saratoga Springs, NY. I ask all my fellow Members to pay close attention to the logic of his argument, especially those colleagues on the other side of the aisle who simply seek to employ class warfare as opposed to addressing the concerns of the people.

REPUBLICANS AREN'T OUT TO ROB US

(By Ian Yarian)

After reading the May 17 Speaking Out column by Ron Deutsch, I can't help but speak out also.

I am one of the so-called middle class the Republicans are accused of trying to rob. I am also a single parent. I am tired of the leftist drivel being spouted concerning the Contract With America. People like Mr. Deutsch are either ignorant of the facts or they are intentionally misrepresenting them. The proposed spending for the balanced budget does not cut vital services, nor does it redistribute the money from such programs to the wealthy.

First, the Republicans are not cutting welfare, Social Security or Medicare. What they are doing is trying to curb the runaway spending increases that will bankrupt the programs and leave nothing for my generation.

The programs are in fact being increased in accordance with appropriate inflationary figures instead of the arbitrary current services baseline which makes no logical budgetary sense. Democrats routinely hide behind this automatic 10 to 12 percent annual spending increase to mask their irresponsible spending habits and turn the truth around to claim Republican-proposed smaller increases are cuts.

Mr. Deutsch further shows his ignorance by comparing the so-called "cuts" to tax reductions. Tax cuts such as those being proposed have been historically proven to increase revenue generated for the government because they encourage consumer spending, business expansion and investment. They don't need to be paid for. Redistribution of wealth is unfair, to everyone, but the Democrats want us to send more and more of our money to them so they can decide who gets what. They say whatever it takes to scare us into doing it. With so many blatant lies coming out of the mouths of Democrats lately, they must believe we are all to ignorant to look up the facts for ourselves. Unfortunately, few make the attempt.

The federal school lunch program fiasco is one such example. The Republicans proposed a 4 percent increase in funding. President Clinton and the Democrats had proposed a 3 percent increase, but they campaigned the countryside to tell people the Republicans were planning to take food from the mouths of children. The only people cut out by the Republicans would have been the federal elitists who have been mismanaging the program and lining their pockets. Control of the lunch program would have been given to individual states where programs have been proven again and again to be more efficient. Do Democrats feel our state governments are as incapable as they believe the citizens to be?

Democrats are clearly interested only in preventing Republicans from doing what they were elected to do, not in the future of America. I am firmly convinced if Republicans all got together and decided to give a gift of $100 from their own personal bank accounts to every American citizen, the Democrats would claim this was a "mean-spirited cut" and an attempt to steal from children and the elderly. Unfortunately, the media would support them since you rarely see reporters make a Democrat back up what he says.

I am not wealthy or influential, and the only people I see, "dipping into my pockets" are the Democrats. The only chance I see for the future of America is from the Republicans. If the only arguments against the Contract With America consist of fear mongering and lies, what are the real motivations of the Democrats? And just what do they propose to ensure a prosperous future for us all? I would really like to know.

DON'T CUT FINANCIAL AID TO STUDENTS

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1995

Mr. MARKEY. Mr. Speaker, recently I received a letter from a young woman in my district. She brought up some very good reasons why Republicans should not cut Federal funding for student financial assistance.

She said: "College is the best investment in America's future." I agree. That only way to insure that America prospers tomorrow is to make education and training available to our Nation's children and young adults today. These ill-considered Republican budget cuts are a short-sighted move that will limit America's future.

While graduates may earn more over their lifetime than nongraduates, they do so because they master specialized skills and knowledge demanded in our complex and dynamic economy. While graduates may earn more money than non-graduates, they don't have money to pay tuition and other expenses this year, before they enter or complete college. The small amount of Federal financial aid provided through interest subsidies and grants are essential to allow many students to attend colleges and universities.

In the words of the same young woman: "The opportunity to go to college is a privilege that should be everyone's right. Every student with the ability and the determination to work for a college education should have that opportunity. But suggested cuts in student aid programs would make financing a college education more difficult for average Americans."

She is right. Not only would the cuts mean that post-secondary education would be more difficult to obtain for so-called average or middle-class Americans. These cuts would also make it virtually impossible for less privileged Americans to gain access to a post-secondary education.

While we must balance the budget, it is penny-wise and pound foolish to skimp on one of the most important investments we can make—the education of young people or the continuing education of adults.

This young women from my district and her peers are tomorrow's work force. We must give them the tools they will need—and we all will need—to compete and succeed in the global marketplace of the 21st century.

I ask unanimous consent that a copy of the letter be inserted in the RECORD.

Hon. EDWARD MARKEY,
U.S. House of Representatives,
Washington, DC.

DEAR CONGRESSMAN: College is the best investment in America's future, I urge you to support continued funding for college loan and student aid programs.

A college education means increased opportunity—opportunity to advance in a career, to earn more, and to contribute more to the economy and to society.

The opportunity to go to college is a privilege that should be everyone's rights, Every student with the ability and the determination to work for a college education should have that opportunity. But suggested cuts in student aid programs would make financing a college education more difficult for average Americans.

Please don't cut our future short. Don't cut student aid.

Sincerely,

ERICA MARTIN-DOYLE.

TRIBUTE TO FIVE MINNESOTA IMMIGRANTS

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1995

Mr. VENTO. Mr. Speaker, in light of the antiimmigrant sentiment currently prevalent in much of U.S. society, I wanted to submit the following article which appeared in the St. Paul Pioneer Press newspaper in my district in St. Paul, MN. This article tells a different story from those often heard about immigrants. Immigrants to the United States, like the five people being honored in Minnesota, work hard to make important contributions to our society.

As we consider changes to immigration law in Congress, I hope that we will keep in mind that these five people are a true representation of what immigration means to the United States.

FIVE MINNESOTA IMMIGRANTS HONORED FOR ACHIEVEMENT—RIGHTS GROUP AWARD IS FOR CONTRIBUTION

(By Ann Baker)

The last time Rocky Ralebipi went home to Pietersburg, South Africa, it was 1992, two years after Nelson Mandela walked out of prison.

Seeing tank-like army vehicles called "hippos" patrolling her family's segregated black neighborhood, she couldn't shake off the memory of a 1977 police raid on the university where she was a student. Classmates suspected of conspiring against the apartheid government were beaten to death and flung out of 10th-story windows.

It's a memory the College of St. Catherine librarian will never forget.

Tonight, Ralebipi and four other immigrants who live in the state will be honored at the Minneapolis Hilton by Minnesota Advocates for Human Rights for their outstanding contributions to Minnesota's economy and community life.

Nazie Eftekhari, Jose Lamas, George Meredith and Viet Ngo, who with Ralebipi are immigrants from four different continents, teach, invent, create and manage businesses and operate communication networks. All but Meredith came to Minnesota as students.

"These individuals are not unique," said Nancy Arnison, deputy director of Minnesota Advocates for Human Rights. "They represent what immigrants bring to this country."

Arnison points to local surveys showing that Minnesotans tend to believe immigrants brought more harm than good, even before California's Proposition 187 barred undocumented immigrants' families from free school and vaccinations.

In the meantime, anti-immigrant sentiment is on the rise nationally, with welfare reform bills in the U.S. House and Senate proposing to deny numerous federal services to legal immigrants who are waiting to become naturalized.

Eftekhari, who is from Iran, founded and directs one of the first managed-care health corporations in the United States, called the Araz Group. Recipient of the 1995 Bloomington Small Business Person of the Year award, she has 115 employees.

"It's the strength of this country that people can come here and accomplish their dreams," she says.

Lamas left Mexico for California by himself six years ago at age 14, supporting himself with restaurant jobs. He graduated from Worthington Senior High School on Monday, and has published three editions of a six-page Spanish language newspaper, supported by advertisements, for the Worthington area.

In the fall he plans to enroll at Gustavus Adolphus College in St. Peter to study prelaw. He also likes to tinker with inventions, especially auto safety devices. He has legal immigration papers now and hopes to become a citizen in three years.

Meredith, a 28-year veteran of 3M, came here on a job transfer from South Wales eight years ago. He is an executive vice president in charge of the company's life sciences division, which produces medical, pharmaceutical and dental products.

Now a U.S. citizen, Meredith lives in Grant township, which he calls "a satisfying place to live from a community standpoint." He enjoys the outdoors, fishing, skiing and sailing on the St. Croix.

Ngo, an engineer and sculptor who came from Vietnam in 1970, founded and operates a sewage treatment company, Lemna Corp. of Mendota Heights. He creates parks out of ponds with floating duckweed, packed into wire mesh to cleanse the effluent. His method is praised as cheap, natural and esthetic.

"And I'm as American as chow mein," he says.

"We're trying to dispel the myths that immigrants are flooding our shores, taking

American jobs, draining the welfare system and failing to assimilate," said Arnison.

In fact, she said, immigrants, who have been entering at the "hardly a flood" rate of 1 million a year, make up 8 percent of the population, compared with 15 percent in the early 1900s. Together, they earn $240 billion a year and pay back $90 billion in taxes. Only 9 percent of immigrant households are on welfare.

Next week, Ralebipi, who now directs the College of St. Catherine's health sciences library, will return to South Africa, this time to teach library technology for a year to students at her alma mater, the University of the North.

This time she is excited, not scared. She is confident that in South Africa freedom has become "really real" and she is eager to help build the newly integrated society.

CONTRACT FROM AMERICANS

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1995

Mr. CUNNINGHAM. Mr. Speaker, last week my constituents sent me a Contract from Americans. The first line of this contract says it all. "We the undersigned citizens are concerned about the future that awaits us," they say. They are worried about the growing size of government. They are angry about the cruel Federal welfare state. And, above all, they call on us to get to work and balance the Federal budget.

I take their concern to heart. Not just because I agree with them, but because the people that sent me this contract are very important to me. It was written by a group of students from Escondido High School in my district.

Students like these are standing up to the people that say they don't care. They know how important it is that we balance and change the way government does business. It is their future that is at stake, not ours.

If we fail, these students know that they will have to live with the debt. In their contract, they note that, "the interest alone on our national debt is more than our entire national budget was when America was a better place to call home."

These young adults are taking the initiative to make a difference, and to make us change our ways. I am proud of them for making their voice heard.

Mr. Speaker, this contract represents the voice coming from the future of our country. I ask unanimous consent that it be included in the record so that every Member of this body can read it. We must hear their voice. We must make the future better for these children.

CONTRACT FROM AMERICANS

We the undersigned citizens are concerned about the future that awaits us. We feel the role of Government is to ensure the safety of the citizens, and prolong the sovereignty of the nation. unfortunately, the nation that awaits us is not safe and is not sovereign. The continual waste of tax dollars on entitlement programs such as unending welfare, food stamps, special aid for drug addicts, paying farmers to not plant, and ensuring farmers profits must stop. In a true democracy everyone would vote on such spending. But as we live in a representative republic, you were selected to represent our wishes. With this in mind, we ask that you ensure the stability of our futures by enacting the following legislation:

1. The spending on welfare, food stamps, AFDC, and others must decrease. These programs have increased to 54% of the total federal budget with no end in sight. If this spending continues on the same course, you will authorize spending of all our tax dollars on programs that are designed to help only a fraction of our nation's population. We believe some people deserve help, but only for limited periods of time. These programs were designed to make life better. In reality they have not made people's lives better, and in many instances' people have been so harmed by the continual give away of money they have lost the will to "get off welfare." The welfare program is so full of waste, fraud and redundancy, that it can only be repaired with a major overhaul. We feel if the social programs continue, they should be managed by the states where the recipients reside.

2. The furnishing of money to drug addicts must stop. Under your current rules, if someone is a drug addict, you authorize additional welfare (SSI) income over and above their "normal" welfare entitlement. Drugs cost money. If you give someone, who is addicted to drugs more money, that means they will only buy more drugs. This program was created to get people off drugs, an idea with good intentions. Unfortunately it has not worked. There are no indications that drug addiction is on the decrease. In fact, drug addiction is on the increase, with the addict's drug of choice being once again, heroin.

3. Farm subsidies in all forms must stop or be reduced. You are authorizing farmers to receive income by not planting crops, at the same time people are going hungry, and food prices are going up. It is difficult to understand the concept of paying people to ensure they do not do their job, especially when others that need jobs cannot get a job. Additionally, if farmers grow certain crops, such as sugar, and do not make enough profit, you authorize payments to them to ensure they make what has been predetermined as a reasonable profit.

4. Balance the Federal Budget. Every American and every American business can spend only what they earn. The Federal Government should be held to the same standard. We are deeply in debt, yet the overspending continues. The interest alone on our debt is more than our entire national budget when America was a better place to call home.

The discussion in vogue these days, according to U.S. News and World Report, and the New York Times is "how little Generation X wants to contribute to the world, how they only play video games, buy CD's and watch television." We are members of Generation X, and very much want to contribute to the world. That is why we are so concerned about its current condition. Most of us work while going to high school. Hopefully, we will all be working soon. We want to contribute our fair share.

People of all ages need role models. We expect you to be a role model. But continually giving away our tax dollars on frivolous programs that pay people not to contribute sends a clear message that it is acceptable not to contribute. That is not acceptable to us. You were elected to be a leader. We expect you to lead the way for all of us for a better tomorrow.

Sincerely,

Iriceyda Baza; Ryan Bezenek; Maria Borbolla; Juan Broderick; Amy Brooks; Chris Cabrera; Fernando Carranza; Elizabeth Cervantes; Toeey Chov; Abe Copeland; Michelle Dalope; Lorena Delatorre; Matthew Dewall; April Dillard; Elva Duron; Mainardo Flores; Karin Giron; Christi Henderson; Saul Hidalgo; Jennylind Johnson; Crystal Lara; Tessa Larsen; Jose Morales; Elizabeth Nunez; Josh Pippins; Art Reyes; Araceli Rodriguez; Alfonso Rosas; Ana Salas; Adriana Sanchez; Marty Sanchez; Kimmy Sitaket; Karen Stivers; J'nesse Thompson; Valerie Torres; and Damion Voss.

WORKING FOR PEACE IN KASHMIR

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1995

Mr. BONIOR. Mr. Speaker, the Congress should take a strong stand in support of an end to the violence in Kashmir.

The American Overseas Interests Act, H.R. 1561, recognizes the need for all parties in the conflict in Kashmir to resolve the conflict peacefully.

India and Pakistan have fought two wars over this region.

Kashmir is still plagued by violence.

More than 20,000 people have been killed.

Tensions are on the rise again.

A mosque sacred to the Moslems in Kashmir was recently burned to the ground.

And on Saturday, June 3, the Indian Parliament once again extended New Delhi's rule over Kashmir and postponed elections, which were set to take place next month.

The call for peace is more important than ever.

I will continue to push for an even stronger message—to press India to respect human rights, to urge an end to the violence, and to allow the Kashmiri people to determine their own future.

While I am glad that India repealed the TADA law which has kept many minorities behind bars for political reasons, India needs to do more.

India should take further steps to allow international human rights groups access to Kashmir, and India should prosecute security personnel involved in abuses of human rights.

We cannot ignore the conflict in Kashmir.

The recognition of this issue in the bill is an important step in working toward a peaceful resolution.

Mr. Speaker, while I am not voting for H.R. 1561 because I believe it takes us a giant step back in building democracy around the globe, I wanted to indicate that I support this action on Kashmir.

CONGRATULATIONS MT. ZION SWINGSATIONS

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1995

Mr. POSHARD. Mr. Speaker, I rise today to salute the Mt. Zion Swingsations, a special group of young people from my district who recently were awarded the National Show Choir Title at the Showstoppers 2-day national competition. These dedicated singers were named the best 14-piece combo in the Nation, and competed against 14 schools from across the country.

The Swingsations is directed by Connie Mulligan with Scott Hines as the instrumental director. The members of this sensational singing group are Jon Alford, Brian Babis, Jeff Badorek, Kim Bartholomew, Kristen Borders, Brian Bowman, Pete Bowman, Dannielle Brown, Josh Butts, Zach Carter, Heather Childs, Brian Clark, Eric Corman, James Drayton, Bill Egbert, Beth Ellingston, Brian Fogarty, Jared Gleason, Jessica Goodwin, Neil Goodwin, Sara Goveia, Jennifer Greenwell, David Hendricksen, Bob Higar, Paul Higar, Brian Howell, Tim Jones, Christy Laesch, Tatum Landreth, Lindsay Lehew, Kate McCullough, Tracy McGhee, Ashley McKittrick, Aaron Monts, Byron Muniz, Jeanie Owens, Tray Patrick, Jamie Pflum, Angie Pickowitz, Jimmy Rade, Ginger Roberts, Danny Rutherford, Derek Schmaiz, Scott Sill, Amanda Skowronski, Jeremy Skowronski, Tina Sphar, Brian Spry, Brian Stimson, Carrie West, Richie Williams, Ted Williams, Scott Willis, Todd Wilson, Eric Wortman, Evan Wortman, Jim Yantis, and Keisha Young.

It should be also noted that soloist Kelly Courtawa won a national vocalist award and the Swingsations choreographer, Dwight Jordan, was awarded an artistic production award.

I applaud this fine group of award-winning performers who entertain thousands in the 19th Congressional District and across the country each year. The Swingsations exemplify the meaning of "champion," and I am proud to represent them in the U.S. Congress.

ESTABLISHMENT OF A FUND FOR THE MAINTENANCE OF OVERSEAS WAR MEMORIALS

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1995

Mr. STUMP. Mr. Speaker, today I am introducing legislation to establish an account to accept and disburse funds for the maintenance and repair of selected overseas war memorials. My distinguished colleague, the ranking member of the Veterans Affairs Committee, SONNY MONTGOMERY, joins me in introducing this bill.

The American Battle Monuments Commission is tasked with maintaining our overseas cemeteries and war memorials in a manner befitting the sacrifices of those who served this Nation in time of war, especially those who gave their lives in the cause of freedom.

When requested to assume responsibility for a specific memorial, the Commission makes an assessment of the condition and historical value of the site. In this way, the Commission accepts responsibility for only the most important sites. Typically, the request to assume responsibility includes funds to maintain the memorial.

Today, the Commission is increasingly being asked to assume responsibility for overseas memorials whose private sponsors have dwindled in numbers. But the passage of time now makes it difficult for these patriots to provide the active oversight needed to ensure the appropriate condition of the memorial.

My bill will provide the Commission an account to accept private donations, direct the Secretary of the Treasury to invest excess funds in interest bearing obligations of the United States, and authorize use of those funds for memorial maintenance.

In this manner, we can continue to honor those who have fought and died and keep the memory of their sacrifices alive as a reminder for the generations who have inherited the legacy of their commitment. I urge my colleagues to support the bill.

ABMC BACKGROUND NOTES

ABMC currently has statutory authority to take over private monuments it considers worthy of retention.

Past takeovers include the Ranger monument at Point du Hoc overlooking Utah Beach and the Cabanatuan Memorial in the Philippines honoring 75,000 U.S. and Filipino POW's held by Japan.

ABMC is currently considering taking over monuments for 3 Engineer units and a 29th Division monument on the Normandy beaches, as well as several USAF monuments.

ABMC estimates that about $300,000 is available for these and a few other sites, if they can get the account established. Interest on investments in government securities will also be added to the account to maintain solvency for the next ten years or so.

TRIBUTE TO SMYRNA NISSAN EMPLOYEES

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1995

Mr. GORDON. Mr. Speaker, in the coming days and months Congress will be making big decisions about the way our economy works. These decisions will have a lasting impact on how America meets the 21st century and whether our workers and companies will have the tools to compete. I take my responsibility to make sure that America goes into the future strong and prepared very seriously.

America has the most skilled, productive, and dedicated workers in the world. Despite vocal nay-sayers' predictions about the American economy declining in the face of international competition, I have found the opposite to be true.

I did not have to go far to find proof. There are 6,000 hard-working people in Smyrna, TN who go to work every day at the Nissan Motor Manufacturing Corp. with the attitude that "every day we want to do better than we did yesterday." Those words came from Nissan CEO and President Jerry Benefield who has proven that rewarding hard work and making sure that employees know they have the power to create—or break—their company.

Those Smyrna Nissan employees have reason to be proud. They have built the most productive car and truck assembly plant in America for the second year in a row.

One of the secrets of their success is attitude. Another is their extensive training and know-how. Those are the two keys that set not only the Smyrna plant apart from other American plants, but also what sets American companies apart from the rest of the world. Smyrna employees assemble a car in just 2.2 worker days, setting the benchmark for national productivity.

I want to congratulate and thank the 6,000 of you who earned this recognition on behalf of Smyrna. It goes to show that Tennessee, and America, are poised to take the lead in innovation and productivity. All of you are obviously going above and beyond just doing your job—and doing it very successfully.

SCHOOL OF THE FUTURE IS HERE NOW

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1995

Mr. PORTMAN. Mr. Speaker, last Friday, I had the pleasure of touring a school in my district which is setting the trend for the future of education. Mason Middle School, in Warren County in southwest Ohio, uses a state-of-the-art technology-driven curriculum so that students can easily enter the high-tech workplace and adapt to a changing world.

If our world is transitioning to an information-based society, these students will be way ahead of the curve. As our current methods of production become obsolete, more and more work will have to do with information processing. Because of Mason Middle School's emphasis on information and technology, its students are being given the skills to compete in the work force of the future and the confidence to succeed there. Students also learn to appreciate the interconnectedness of the world, preparing them to interact in a global economy.

When we create schools such as this, we are doing more than providing for our children's success in an age of ever-expanding technology. We are laying the groundwork for a new political system. Our system is based on democracy, or the will of the people. To express the will of the people, we rely on representation. Computers will make our system of representation more responsive. What began with polling by mail and then phone has evolved into direct communication and decisionmaking. Instead of relying on our Senators or Congressmen and women to represent us, in the future, we can begin to represent ourselves. A democratic system can only be effective with an informed and engaged electorate. Technology will bring us even closer together—creating a more participatory democracy.

Using today's far more advanced computers, satellites, telephones, cable, polling techniques, and other tools, not to mention the Internet and other communication networks, an educated citizenry can, for the first time in history, begin making many of its own political decisions. I'd say that's pretty exciting stuff. And I would also say that I am very proud that a school in the Second Congressional District is leading the way.

BUILDING DEMOCRACY IN UKRAINE

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1995

Mr. BONIOR. Mr. Speaker, the American Overseas Interests Act, H.R. 1561, does not encourage economic and democratic reforms in the New Independent States.

The bill cuts aid to Ukraine and other New Independent States by nearly $100 million.

At a time when Ukraine is receiving a more significant share of United States assistance to the NIS, this bill negates the gains that have been made.

However, one positive step in the bill in the increase of our assistance to the victims of Chernobyl.

This bill provides a $10 million commitment to help the victims of the Chernobyl disaster, especially the children.

Thyroid cancer is plaguing the children in the region.

There are hundreds of thousands of people with severe health problems.

And the worst is yet to come, because many of the effects of the Chernobyl nuclear disaster will not be known until later this decade.

There is a desperate need for this aid.

Ukraine faces a severe shortage of medical supplies and effective health care.

Our aid to Ukraine and other New Independent States is less than 10 percent of the foreign aid budget, which is less than 2 percent of our Federal budget.

Mr. Speaker, I'm pleased we were able to help the victims of Chernobyl.

But the bill on balance will not provide much help to Ukraine.

We must do better than this to build democracy and continue economic reforms in Ukraine.

CONGRATULATIONS DR. GEORGE MITCHELL

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1995

Mr. POSHARD. Mr. Speaker, I rise today to pay special tribute to Dr. George Mitchell of Marshall, IL. On May 19, 1995, Dr. Mitchell was given the National Rural Health Association's Rural Health Practioner of the Year Award. The ceremony was part of the 18th Annual National Conference that was held in Atlanta, GA. The people of southeastern Illinois have known for over four decades of Dr. Mitchell's award winning contributions, and now the entire Nation does as well.

This is not the first time Dr. Mitchell has been recognized for his dedicated service to the people of rural Illinois. In 1993, he was awarded the Illinois Academy of Family Physicians' Family Physician of the Year Award. In 1992, he was honored with the Distinguished Service Award from Lake Land College. In addition, the Illinois State Senate honored him for his "commitment to public service in the State of Illinois."

Since 1946, Dr. George Mitchell has provided quality health care to the people of southeastern Illinois. Dr. Mitchell has worked 49 years with his community to help improve the lives of his friends and neighbors. Whether he is called upon to aid the ill, or to help ensure that the area has an organized and effective ambulance service, Dr. Mitchell is always willing to help the people of Clark County.

Mr. Speaker, Dr. Mitchell's lifelong commitment to patient care, community involvement, and continued contributions to his profession led to his being chosen as this year's National Rural Health Practitioner. For decades Dr. Mitchell has given of himself, so that others are able to live a better life. Dr. George Mitchell is an outstanding individual, and I am proud to represent him in the U.S. Congress.

EAGLE SCOUTS HONORED

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1995

Mr. LIPINSKI. Mr. Speaker, it gives me great pleasure to bring to the attention of my colleagues two outstanding individuals from the Third Congressional District of Illinois who have recently completed a major goal in their Scouting careers. On May 21, 1995, Jason Michael Baumann and Bryan Duffy were honored at an Eagle Scout Court of Honor. At that time, I presented each Scout with a flag that was flown over the U.S. Capitol in honor of their outstanding achievement.

Jason joined Saint Symphorosa Cub Pack 4439 in 1983 and quickly progressed through the ranks while earning the Parvuli Dei and Arrow of Light Awards. Jason then joined Boy Scout Troop 1439 during the end of 1987. He participated in many Scouting activities while working on the requirements for the ranks leading to Eagle. During this time, he earned a total of 24 merit badges. Jason also served as the troop scribe, chaplain's aide, assistant patrol leader, and junior assistant scoutmaster.

Jason attended high school at the new Archbishop Quigley Preparatory Seminary. Jason's interests in high school included involvement in the music and drama programs. He also played the organ, piano, keyboard, and timpani for the weekly Masses and was a music appreciation teacher's aid.

Upon graduating high school, Jason enrolled at the University of Illinois at Chicago, where he is currently majoring in computer science. His future plan is to become a computer programmer. He also currently works for the Archdiocese of Chicago in the development office at Quigley as a computer consultant.

Bryan also joined Cub Pack 4439 in 1983 where he earned the Bobcat, Wolf, Bear, Webelo and Arrow of Light Awards. While a Cub Scout, he held the position of assistant den chief. When he joined Boy Scout Troop 1439 in June of 1987 he quickly progressed through the ranks. Bryan held the positions of assistant patrol leader, senior patrol leader, junior assistant scoutmaster, and is a member of the Order of the Arrow, an organization for honored Scouters.

During his 4 years at Brother Rice High School, Bryan excelled on the swimming and water polo teams for all 4 years. He was a member of the 1994 Illinois State Championship Water Polo Team and completed in the Illinois State Sectional Championships.

It is important to note that less than 2 percent of all young men in America attain the rank of Eagle Scout. This high honor can only be earned by those Scouts demonstrating extraordinary leadership abilities. Jason and Bryan have clearly demonstrated such abilities through their dedicated community service and deserve special recognition.

In light of the commendable leadership and courageous activities performed by such fine young men, I ask my fellow colleagues to join me in honoring Jason and Bryan for attaining the highest honor in Scouting—the rank of Eagle Scout. Let us wish them the very best in all of their endeavors.

IN RECOGNITION OF THE AWARD-WINNING PARTNERSHIP OF NORTHEAST BLOCK CLUB ALLIANCE AND FIRST FEDERAL SAVINGS AND LOAN

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1995

Ms. SLAUGHTER. Mr. Speaker, I rise today to pay tribute to Rochester, New York's Northeast Block Club Alliance [NEBCA] and First Federal Savings and Loan Association, together one of six partnerships in the country to receive the prestigious Social Compact 1995 Outstanding Community Investment Award. NEBCA and First Federal were recognized for creating First Place, a project that transformed a 5½ acre city block of vacant and deteriorating properties into a vibrant new neighborhood. First Place has created new homes for 50 low- and moderate-income families by building the first large-scale residential housing development in downtown Rochester in 30 years.

In anticipation of First Federal's 100th anniversary in March 1993, president and CEO Thomas N. Borshoff spearheaded an intensive study to determine the housing needs of Rochester and target at risk communities. After identifying 5.3 acres of a distressed, inner-city neighborhood, First Federal acquired 15 vacant properties and worked closely with the city of Rochester to reconfigure the area as a future residential community. To launch the project, First Federal waived the normal developer's fee, provided no-interest construction financing, and also agreed to offer 30 year, fixed-rate mortgages to ensure affordable monthly mortgages for each borrower.

First Place also owes a great deal to NEBCA, which has dedicated its energies to serving low- and moderate-income households in Rochester since its inception in 1976. Through its social service and housing programs, NEBCA has preserved existing housing stock, promoted owner-occupied homeownership, provided elderly and day care, and organized resident participation in crime prevention and community policing programs. With the help of First Federal and the city of Rochester, NEBCA was able to transform First Place from concept to reality.

As of March 1995, 29 of 30 homes have been completed and sold, with another 15 under construction and expected to be completed this fall. Large families who used to live in overpriced, poorly maintained, and absentee-owned apartments now have the opportunity to own their own quality homes at a monthly cost that is less than their former rental payments. In addition to the tremendous strides First Place has made in housing, the NEBCA–First Federal alliance has also provided important jobs for local minority contractors and established a youth training program for high school students. These factors will not only provide many of our young people with a skilled trade for the future, but they also foster pride and continued commitment to the community, as well.

Because of these landmark achievements, NEBCA and First Federal were rightly recognized by the Social Compact, a coalition of financial services CEO's and neighborhood organizations dedicated to promoting proven, effective strategies for strengthening America's most vulnerable neighborhoods.

Mr. Speaker, the First Place project has infused a new hope in Northeast Rochester, and presented all of us with a model of a successful alliance between local government, a community organization, and a financial institution. Through close collaboration, NEBCA, Rochester, and First Federal removed administrative obstacles, streamlined approval processes, and worked directly with residents to keep the First Place project on a fast track. Because of their efforts, First Place evolved from an initial idea to owner-occupied affordable housing in the span of just 2 years. Finally, the success of First Place has convinced other cities to take note: discussions are already underway in the cities of Buffalo and New York for replication of this model project.

Mr. Speaker, we should all recognize the outstanding NEBCA-First Federal partnership and the efforts of the Social Compact. Please join me in saluting their service to our cities and our Nation.

FROM E-MAIL TO V-MAIL, POSTAL CLERK HAS SEEN IT ALL

HON. JOHN M. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1995

Mr. McHUGH. Mr. Speaker, I want to pay tribute to a dedicated individual from my district who has provided her community with quality mail service for 54 years. Even more remarkable is that she plans to continue to do so. Patricia M. Drake, a 71-year-old grandmother of four, began work as a mail clerk in 1941, when mail was sorted one letter at a time. Although technology now enables mail to be processed en mass, it is the dedication and reliability of individual Postal Service employees such as Pat Drake that provides this Nation with the most productive, efficient, and cost-effective mail system in the world.

When Pat was hired, Franklin Delano Roosevelt was President and a war was raging in Europe. Pat initially worked weekends and summers, sorting V-mail that came in by train to help people communicate. Now, more than 54 years later, Pat is still working weekends and evenings sorting mail to help people communicate. And she would not have it any other way. According to her colleagues, Pat is well-loved and respected because she personifies all that is good about the Postal Service. Her sound integrity and reliability are an asset to the two offices in which she works.

While the methods have changed, the basic mission of both Pat and the Postal Service remains as important today as it has ever been, and perhaps even more so in this fast-paced information age. With data whirling by us via e-mail, fax, interactive cable, and other, yet-to-be developed supertechnologies, we must not lose sight of the basic service that Pat renders, which is so important to our continued well-being. Pat's contribution, along with that of others, enables 125 million American households to receive prompt, universal mail service, 6 days a week, at just about the lowest rates in the industrial world.

Pat's career, and the honors that have come her way recently, have been recounted in the following story written by Tracy Valentine in the Watertown Daily Times. Mr. Speaker, it is my honor to pay tribute to Pat Drake for giving 54 years of dedicated service to the communities of Theresa and Watertown, NY, and to wish her continued success in all her endeavors.

[From the Watertown Daily Times, Apr. 30, 1995]

THERESA MAIL CLERK STILL ENJOYS POST POSITION AFTER 54 YEARS ON JOB

(By Tracy Valentine)

THERESA.—Patricia M. Drake started working as a postal clerk in 1941, when the price of a stamp was 3 cents and zip codes didn't yet exist.

Fifty-four years later, Mrs. Drake is still on the job and seems to be fazed very little by all the dramatic changes she's witnessed over the decades.

"A lot has changed, but that's what you've got to expect," said Mrs. Drake, who lives on Drake Road.

But she admits that when she started working at the Theresa post office at age 17, she never expected to remain on the job for more than a half-century.

"I never thought I'd be here this long," said Mrs. Drake, who at 71 is a grandmother with no immediate plans to retire from her part-time job.

She was honored Tuesday for her decades of service to the U.S. Postal Service during a luncheon at the Riveredge Resort at Alexandria Bay.

Her service also represents the continuation of a family legacy. Mrs. Drake's mother, Marie Proctor, was Theresa's postmaster from 1943 to 1963.

Mrs. Drake started her job during wartime and often sorted the daily shipments of V-Mail, correspondences from World War II soldiers to their families.

The much-anticipated blue envelopes contained copies of troops' letters that were made by the U.S. government, which often kept the originals.

"We would call the families or drop the letters off on our way home because we knew they were anxious to hear from their sons overseas," recalls Mr. Drake.

Today, machinery is more widely used to sort mail and cancel postage, but Mrs. Drake remembers a time when all mail was hand sorted. It arrived in Theresa every morning by train and was delivered to townspeople, most of whom she knew.

Today, machines have taken over a lot of the work, trucks have replaced the trains, and she said it is harder and harder to remember all the new faces in town.

"Fort Drum has changed things. There's lots of new people around," said Mrs. Drake, who also worked as a part-time evening clerk at the Watertown post office for nearly 20 years.

More people mean more mail, and Mrs. Drake estimates the amount of mail handled at the Theresa post office has more than tripled since the 1940s.

However, the mail isn't quite as exotic as it used to be.

Mrs. Drake recalled an incident in the 1950s when a shipment of chickens arrived for one of two local hatcheries and was refused.

"We got stuck with them and they were squawking and yakking. They were driving us crazy," said Mrs. Drake, who added that postal workers ended up selling the chickens for $1 each.

At the Theresa post office she has worked with five officers in charge and five postmasters.

She said the best among them is current Theresa Postmaster Richard R. Kingsbury, who has managed the town's post office for eight years.

"He's tops," Mrs. Drake said of her boss. "He's easy-going and he knows his stuff. He's very good."

Mr. Kingsbury returned the compliment and gave Mrs. Drake high marks for dedication and her strict work ethic.

"She never complains, she's always there when you need her, and there could be mail up to the ceiling and she'd just get right in there and do it," said Mr. Kingsbury, who has nicknamed her "machine-gun Drake" for her swiftness in sorting the morning mail.

"She doesn't take much time off, either," added Mr. Kingsbury. "Probably 50 out of 52 Saturdays she's here."

Watertown Postmaster Warren Johnson also considers Mrs. Drake a rare find.

"She's always on time, and she works from the time she comes into the building until the time she leaves," said Mr. Johnson. "She's a person with a 54-year career and she's done every one really outstanding."

TEXAS STATE LEGISLATURE REQUEST A COPY OF TEXAS CONCURRENT RESOLUTION BE PLACED INTO THE CONGRESSIONAL RECORD

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1995

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to commend the 74th Legislature, Regular Session, 1995 of the State of Texas for recognizing the importance of archiving our State records and hereby request on behalf of the Governor, Lieutenant Governor, Speaker of the House, Secretary of the Senate, the Clerk of the House, and the Secretary of the State of Texas to place a copy of the Texas House Concurrent Resolution into the CONGRESSIONAL RECORD.

HOUSE CONCURRENT RESOLUTION

Whereas, In response to an Act of Congress approved April 10, 1869, the 12th Legislature of the State of Texas convened in Provisional Session from February 8 to February 24, 1870, and ratified Amendments XIII, XIV, and XV to the United States Constitution; and

Whereas, Those federal constitutional amendments, each ratified by separate joint resolutions of the 12th Legislature on February 15, 1870, solidified some of the most precious rights that have been guaranteed constitutionally to Americans, particularly ethnic minorities who were granted the blessings of equal citizenship and the beginning of an end to their past oppression; and

Whereas, Amendment XIII eliminated forever the practice of slavery, Amendment XIV promised due process and the equal protection of the laws, and Amendment XV prohibited denial of suffrage on the grounds of race, color, or previous condition of servitude; and

Whereas, Over time, copies of the three resolutions regrettably have vanished from the holdings of the Texas state archives, yet others are preserved in Washington, D.C., by virtue of their certification and transmittal to the Secretary of State of the United States and to the presiding officers of the United States Congress; and

Whereas, The 1995 Regular Session of the 74th Legislature coincides with the 125th anniversary of these historic ratification actions and marks an appropriate time for the conveyance to this state of replicas of the three resolutions so that Texans may view and appreciate a series of documents that have played such an important role in the extension and elaboration of their civil rights: Now, therefore, be it

Resolved, That the 74th Legislature of the State of Texas, Regular Session, 1995, hereby respectfully request the National Archives and Records Administration to make copies of the joint resolutions of the 12th Texas Legislature ratifying Amendments XIII, XIV, and XV to the United States Constitution and transmit those copies to the Texas State Library and Archives Commission for placement in the state archives: And, be it further

Resolved, That the Texas secretary of state forward copies of this resolution to the archivist of the United States at the National Archives and Records Administration, to the vice-president of the United States and speaker of the United States House of Representatives with a request that this resolution be officially entered in the CONGRESSIONAL RECORD, and to all members of the Texas delegation to the United States Congress, as an official request to the federal government by the 74th Legislature of the State of Texas: And, be it further

Resolved, That if and when such replicas are received from the National Archives and Records Administration, the Texas State Library and Archives Commission be hereby directed to place them in the holdings of the state archives to be available for public viewing and photocopying and in all other respects to be treated as any other material worthy of archival storage and retrieval.

SONS OF ITALY FOUNDATION'S ANNUAL NATIONAL EDUCATION AND LEADERSHIP AWARD CEREMONY

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1995

Mrs. ROUKEMA. Mr. Speaker, I want to congratulate the Sons of Italy Foundation for its Seventh Annual National Education and Leadership Award ceremony, which was held April 20 at the National Press Club. This successful event has gained wide recognition during the past few years in Congress, in the corporate community, and among others in the philanthropic community throughout the Nation for its promotion of educational excellence and professional achievement. I commend the SIF for the encouragement it provides to some of our Nation's most outstanding young scholars and future leaders.

At this year's event, the SIF presented scholarships to the winners of the 1995 National Leadership Grant Competition, the SIF's annual merit-based national scholarship competition. In addition, the SIF presented the 1995 NELA to businessman and philanthropist Joseph E. Antonini. Mr. Antonini's achievements in leading one of our Nation's largest retailers, Kmart Corp., and his strong support of charitable and educational institutions in Michigan and in his native State of West Virginia speak volumes for his character, perseverance, and leadership. In selecting Mr. Antonini for this honor and in awarding a merit-based academic scholarship in his name, the SIF has recognized one of the Italian-American community's most outstanding role models.

Mr. Antonini's rise from management trainee to corporate chief executive is an inspiring example of the American dream. The career of this son of Italian immigrants serves as a reminder of why our parents and grandparents traveled to this country and why today's immigrants are so eager to make their homes in our great country. Most appropriately, the scholarship that the SIF awarded in Mr. Antonini's name can now help the dreams and aspirations of an outstanding young student come true. There is no more important work for us to perform, no greater gift we can give.

The Order of the Sons of Italy of America's long and distinguished record of generous support for education should be recognized and praised. During the past three decades, OSIA and the SIF have distributed more than $20 million for academic scholarships. The leaders of OSIA and the SIF have set a worthy example for other nonprofit organizations in their unselfish support of the young of our Nation.

I commend Ms. Joanne L. Strollo, national president of OSIA and chairwoman of the SIF; Mr. Valentino Ciullo, president of the SIF; Mr. Joseph Sciame, chairman of OSIA's National Education Committee; Ambassador Peter F. Secchia, NELA dinner chairman; and Dr. Philip R. Piccigallo, national executive director of the OSIA and the SIF, for their leadership roles in the 1995 NELA ceremony and the National Leadership Grant Competition.

Listed below are the names of the 10 winners of the National Leadership Grant Competition. These young men and women represent our Nation's highest level of academic achievement and leadership potential. I offer congratulations and heartfelt wishes for future success to:

Dominic A. Ricci, Joseph E. Antonini scholarship.

Brett Vasconcellos, Henry Salvatori scholarship.

Joseph H. Casola Jr., Louis J. Free-Michael Cappellotti-Daniel A. D'Amico scholarship.

Natalie A. DiPietro, The Hon. Frank J. Montemuro scholarship.

Danielle M. Dorsaneo, Pearl Tubiolo scholarship.

Morgan Lazzaro-Smith, Joanne L. Strollo scholarship.

Matthew J. Lazzara, Dr. Anthony S. Fauci scholarship.

William Lentz, The Hon. Silvio O. Conte scholarship.

Gary W. Caliendo, Lou Carnesecca scholarship.

Stacy Deanne Cerrutti, Giovanni Glessi scholarship.

RESCUE OF CAPT. SCOTT O'GRADY

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1995

Mr. GILMAN. Mr. Speaker, this morning the Nation awoke to some great news, for once, coming out of Bosnia. The young pilot, Scott O'Grady, of our F–16 that was downed last week over Bosnia was well back in our hands. Captain O'Grady's rescue culminated 5½ days of riding an emotional rollercoaster for his family, his commrades at Aviano and for the entire Nation. We join with his family in our heartfelt thanks to all those who participated in his outstanding rescue, and our appreciation for this one chapter with a happy ending in the on-going Bosnian tragedy.

Recently, along with some of my colleagues, we had the opportunity to visit our airmen at the Aviano airbase in Italy from which Captain O'Grady flies. We were impressed at that time with the dedication and the high professionalism of all our personnel who serve with the NATO operation assisting the United Nations in Bosnia. This morning's dramatic operation only adds to our sense of admiration for the skill and training of these courageous young people serving in our military.

I would first of all congratulate Captain O'Grady for his skill and perservance in surviving and evading capture behind enemy lines. I am confident that the Bosnian Serbs expended a great deal of effort in trying to locate him to use as another pawn in their cruel exploitation of U.N. peacekeepers in Bosnia. Captain O'Grady did everything possible to avoid providing the Serbs with a possible asset to use to hamstring this government. The fact that Captain O'Grady was found in relatively good health is a tribute to the superb services training our pilots receive.

Secondly, I congratulate the personnel aboard the USS *Kearsarge* and all those who have undertaken the painstaking search and rescue operation that has been ongoing since the moment that SAM 6 struck Captain O'Grady's plane. The rescuers never gave up hope, and their confidence finally paid off. I particularly offer my praise for a job superbly done to the marines of the 24th Marine Expeditionary Unit that executed this daring rescue. They are a credit to all our men and women who serve this country in our Armed Forces. The Air Force and Naval personnel who supported the 24th MEU in this operation are also to be credit with the professionalism and persistence that made today's rescue possible. I know my colleagues join with me in extending our Nation's praise and gratitude.

HONORING PROJECT SANDOVAL COUNTY

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1995

Mr. RICHARDSON. Mr. Speaker, at a time when we are considering significant reductions in Federal funding for a wide array of domestic programs, it is important that we do our best in helping recipients find alternative resources. We can learn a great deal from groups and organizations which are succeeding with little or no Federal assistance and try to apply these success stories to other needy groups.

I call my colleagues attention to one such group in my congressional district, Project Sandoval County, Inc., which is run by two remarkable and dedicated women, Marty Sena and Yolanda Hall.

Project Sandoval County, Inc. is a New Mexico non-profit corporation dedicated to providing support services to victims of domestic violence, offender education and community education. Marty and Yolanda started the project out of their homes almost a year ago. Services are provided at no cost to the victims.

Domestic violence is a serious problem that crosses economic lines. Abusers and victims come from every social, racial and educational background. What Ms. Sena and Ms. Hall do, with their own money and with money they raise in the community, is provide victims of domestic violence with support groups, legal advocacy, 24-hour crisis intervention, children's assistance, and community education. They are also providing offenders with anger management counseling.

At a time when Federal funds for programs that combat domestic violence are threatened, it is important that we pay tribute to women like Ms. Sena and Ms. Hall who are making their life's work helping victims of domestic violence. I urge my colleagues to join me in honoring these women and suggest we and others can learn from their successes.

H.R. 1501, THE STUDENT LOAN PRIVATIZATION ACT

HON. ERNEST J. ISTOOK, JR.

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1995

Mr. ISTOOK. Mr. Speaker, please include the following remarks in the RECORD regarding H.R. 1501, The Student Loan Privatization Act.

STATEMENT OF THE HONORABLE ERNEST ISTOOK

Mr. Chairman, I am pleased to speak with you today regarding the federal student loan programs. I congratulate you on holding this hearing on an area of federal policy so important to America's future.

I am one of over four dozen members of the House of Representatives who have come to the conclusion that the Federal Direct Student Loan Program enacted two years ago is a mistake and that corrective action needs to be taken. The direct government loan is being implemented too quickly. Federal funds and the educational opportunities of students are being placed in jeopardy.

My bill, The Student Loan Privatization Act of 1995 (H.R. 1501) calls for a phase-out of the Federal Direct Student Loan Program. This approach reflects an unambiguous vision of the direction in which federal student policy should be moving. I would like to explain why I, and my colleagues, believe we should move immediately to terminate the direct loan program.

There are three principles that I believe should guide our consideration of student loans and other federal education policy:

First, the Federal government should only carry out those responsibilities that cannot be performed by the private sector.

Second, programs should be structured to minimize federal employment, whether that employment is direct—as reflected in the number of bureaucrats at the Department of Education—or through government contractors; and

Third, the opportunity for private sector participation in federal programs should be structured to promote innovation and efficiency.

Mr. Chairman, the William D. Ford Federal Direct Student Loan Program violates all three of these principles. That is why I propose eliminating this cumbersome federal program.

The Direct Loan Program was enacted as part of the Clinton Administration's massive budget bill in 1993. It was not subject to any in-depth examination or hearings and, in my view, would not have been enacted if it had not been buried in the larger budget legislation. It was adopted less than a year after Congress passed legislation to test direct government student lending in a pilot project in 1992. That was unfortunate.

Direct lending is nothing more than a government-run, multi-billion dollar consumer loan program. It is premised on three assumptions:

Sole-source government monopolies are more efficient and customer-oriented than the private sector; (This has yet to be proven true, given our experience with Public Housing, the Tennessee Valley Authority, and other government monopolies.)

The federal government is an efficient collector of loans (We have problems collecting other debt owed to the government.); and

Centralized administration of a program is consistent with assuring accountability and continued innovation (This flies in the face of all that the private sector is currently experiencing with their rightsizing and decentralization efforts made necessary by international competition and information technology).

Mr. Chairman, we have heard much over the last few months about the initial success of the direct loan program and the savings it has allegedly produced. These claims would be amusing if they were not being used to justify the massive expansion of the federal government now underway at the Department of Education.

First, we hear that schools like direct government loans. Let us examine this.

I was unaware that anyone on Capitol Hill doubted the federal government was efficient in giving away money. Unfortunately, it is this aspect of the direct loan program that is getting the rave reviews from schools and others—schools are getting student loan funds to their students with less paperwork and less hassle than before: That is the crux of the success story for direct loans. In fact, there are numerous higher education organizations opposing direct lending. My own Board of Regent in the State of Oklahoma is on record as opposing this takeover.

But what about the repayment process? Can anyone here show me a federal loan program where getting loan recipients to repay their loans has not been a problem? Loans made under the direct government loan program are only now entering repayment. Only after we get significant feedback on the repayment process will any meaningful statement be possible on the "success" of the program. At this point, all we can say is that the Department of Education has proven again it is good at giving money away. The real test will be whether they can convince students to repay.

Second, we hear that the program "saves" more than $12 billion over a five year period.

Mr. Chairman, the Department of Education itself has admitted that the current Credit Reform Act fails to account for the administrative costs associated with direct government student loans. Ironically, in criticizing Chairman Goodling's bill, the Department itself admits that the amendment proposed to the Credit Reform Act in that bill does not increase federal costs, but merely the point in time at which they are recognized. This is a $4.5 billion distortion over 5 years that the direct lending program is not showing as a cost of the program. It is thus impossible to compare one program to the other under current credit reform rules.

Given the budget scoring distortions produced under the current Federal Credit Reform Act, is it any wonder that direct government lending appears cheaper than the private sector-based program?

More important perhaps than any analysis of Credit Reform is the work of the Congressional Research Service on the subject of student loans. The paper recently produced for Rep. Gordon unambiguously states the following: "There may be a logical rationale for direct lending, but low cost is not it."

To make the revenue stream to the government appear better than it really is, the administration has used 90-day Treasury note interest rates for loans that are actually on the books for 10 years. This results in a 2 percentage point difference in interest rates. It certainly does not take into account the risk the government is experiencing as a result of the dramatic increase in lending the pilot schools have experience (in the neighborhood of a 20% increase in the amount of direct lending.)

Finally, one item that greatly disturbs me is the move from a Guaranteed Student Loan program, where the government has a contingent liability, to a Direct Student Loan program where the taxpayer is liable for 100% of the amount of the loan, not just the default portion. The chart with me today, "Direct Lending's Impact on the National Debt," demonstrates this clearly. Using conservative assumptions throughout, assumptions clearly listed on the graph included with my testimony, after 20 years of Direct Lending, given default rates, growth in the program, repayments, and the "profit" from repayments, the National Debt will increase by $348 billion between FY95 and FY2014.

Mr. Chairman, the enactment of the direct loan program effectively precluded exploration of innovations in the private sector-based program that may very well equal or surpass the ease in access to funds that many schools in direct government loans find so attractive. I understand that notwithstanding the fact that the Congress and Department of Education have not required or even encouraged program improvements in Federal Family Education Loans (FFEL), that the student loan industry is unilaterally undertaking implementation of such improvements on its own. Two of the most promising innovations are the Educational Loan Management initiative and the Nation Student Loan Clearinghouse. I also understand that much of the work of the industry is taking place in spite of poor cooperation from the Department of Education.

It seems the Department is reluctant to cooperate with the private sector when it sees itself as a direct competitor. I was very disturbed to see a quote from Mr. Leo Kornfeld of the Department of Education in a May 22nd *Forbes* article where he states, "I want to go toe-to-toe against the industry." This is clearly inappropriate and reflects the belief of some at the Department that the private sector is the enemy.

Mr. Chairman, I would respectfully suggest that this subcommittee pay careful attention to Mr. Kornfeld's activities in his capacity as Senior Advisor to the Secretary. A situation where the regulator of the private sector student lending sees itself as a competitor is most untenable.

There are several other observations I would like to make about the direct government loan program. These observations, among others, prompted me to introduce my bill:

First, I am concerned about how the Department of Education is marketing the program. Direct government lending is supposedly a break-through in administrative simplicity that all schools should be rushing to join. Instead, the Department is using part of the $2.5 billion made available for poorly defined "administration" of the program to fund newspaper advertisements, to contract with a New York City advertising firm, and to send dozens of employees to financial aid conferences to sell the program. If direct government loans are so good, shouldn't the program be able to sell itself?

In these times of serious budget problems, should the Department of Education be spending hundreds of thousands of dollars on advertising and public relations? I don't think so.

I would suggest, Mr. Chairman, that the administrative funds available for the direct government loan program have been subject to inadequate and deficient oversight at the Department. I urge your subcommittee to fully review the types of activities the Department is undertaking with monies that were understood by many of us to have been made available solely to service student loans.

Second, I am concerned about the types of schools that seem anxious to get into direct loans. Mr. Gordon has documented the disproportionate number of high-default schools that have applied for, or been accepted into the program.

What does the fact that problem schools seem to like direct government loans so much tell us? It tells us that the program appears an easy to source of virtually unlimited federal funds to these schools. It tells me that the direct government loan program is a disaster waiting to happen. Remember that the Savings and Loan debacle was about $50 billion.

Third, I am very concerned about the level of responsibility placed in the Department of Education. The Department of Education has a record of administrative inefficiency. As you know, it was the Department of Education that ran the Federal Insured Student Loan Program, the failed program that led to the concept of a decentralized, private sector based student loan program.

I simply do not believe that the management problems at the Department have disappeared, notwithstanding the fact that the 520 new bureaucrats being hired to run direct government loans, in direct contradiction of the premises of reinventing government.

I see no evidence whatsoever that the Department is doing a better job in policing the types of schools that get into the federal student aid programs. In fact, Mr. Chairman, the only real progress in reducing defaults resulted from imposition of cut-offs of schools for high default rates, something that Congress enacted on its own.

It is time for us to admit the mistake of enacting direct loans in 1993 and to get on with the project of making sure the private sector loan program works efficiently. The longer we delay getting rid of this ill-conceived government monopoly, the greater the problem will be in getting rid of it later.

I would like to close my statement by emphasizing that my reasons for objecting to the direct government loan program are reasons which appear to have strong bipartisan support.

On January 19, 1995, the President stood with the Vice President and several members of the Cabinet at the White House and said to the American people "We propose to stop doing things that government doesn't do very well and that don't need to be done by government." The Vice President went further. He declared to the American people who sent a clear mandate in November to reduce government that "over the next several months, we will be looking at every other agency and program asking the direct question, do we really need this agency; do we really need this program; there is a better way to do it; is there an opportunity here to give middle-class Americans a break? We have already eliminated over 100 programs. We will eliminate a lot more in the weeks and months ahead." Mr. Chairman, I urge all of my colleagues, Republicans and Democrats alike, to join in my efforts to help the President achieve these stated goals by supporting H.R. 1501 to eliminate direct government student loans.

HONORING MORTON GOULD

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1995

Mr. CLEMENT. Mr. Speaker, I am honored today to pay tribute to one of the pioneering composers of the 20th century, Morton Gould. Mr. Gould is the 1995 Pulitzer Prize winner in music for his work "Stringmusic", which he wrote as a tribute to cellist and conductor Mstislav Rostropovich.

Mr. Gould has often been referred to as the Franz Josef Haydn of American music. He is a true original, helping to forge a national classical music where there hadn't been one. Along the way, Gould has composed so much music he can "barely keep track of it all."

Mr. Gould composed his first piece, entitled "Just Six," when he was, in fact, 6 years old. A teacher got it published. Being a child prodigy wasn't easy, though: boys will be boys, and according to Mr. Gould, he was often roughed up by the bullies at his elementary school for his musical tendencies.

One of Mr. Gould's most famous compositions is "American Salute," his 1943 arrangement of the American standard "When Johnny Comes Marching Home." Mr. Gould says that people often approach him to say that they played the song in band class when they were younger.

Mr. Gould dropped out of high school during the Great Depression; as the oldest of four boys with an ill father, it was his responsibility to support the family. He took a job playing piano at Radio City Music Hall in New York, and at age 19 he played at the Music Hall's December 27, 1932, opening night.

From 1934 to 1943 he conducted and was in charge of music at the Mutual Radio Network, and in 1943 he went to CBS radio. He continued composing and making a name for himself with such popular tunes as "Pavane", and with ballets that were choreographed by Agnes de Mille and Jerome Robbins.

Mr. Gould served more than 40 years on the board of the American Society of Composers, Authors and Publishers, which protects the copyrights of musicians. He was president of the society for 8 years.

In December 1994, Morton Gould was honored by the Kennedy Center for his innumerable and enduring contributions to American culture, and in 1995 he was awarded the Pulitzer Prize for music.

It is an honor and a privilege to salute Morton Gould, one of America's premier composers. His musical gifts have enriched the lives of people the world over, and his timeless legacy will continue to enrich lives for generations to come.

H.R. 1786, A BILL TO REGULATE FISHING IN CERTAIN WATERS IN ALASKA

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1995

Mr. YOUNG of Alaska. Mr. Speaker, I am pleased to offer a bill today which would allow for the traditional fishing of Red Fish in the Katmai National Park during the months of August to October of each year by a limited number of my Alaska Native constituency in the Bristol Bay area. This bill is the result of the work of the Bristol Bay Native Association in cooperation with the Alaska Federation of Natives.

This bill would allow approximately 30 to 40 local residents who live within the boundaries of the Katmai National Park to fish for Red Fish during the months of August to October of each year. The ancestors of local residents who reside within the boundaries of the Park have participated in the annual harvest of Red Fish from August to early October every year. While Katmai National Park was designated a park in the 1930's, local residents were prohibited from the taking of fish except with a rod and reel. This bill would allow the local residents to again fish for a traditional dietary fish of their region.

Specifically, section one defines the Katmai National Park.

Section two is the provision which would allow local residents, to, again, begin their traditional fishery of Red Fish within the Katmai National Park during the months of August through October.

Finally, section three addresses the effect of title and jurisdiction of tidal and submerged lands within the Katmai National Park.

Mr. Speaker, I offer this bill at this time to begin the process of reviewing each of these important provisions which affect my Native constituency. I introduced an identical bill last year, H.R. 4943, and am pleased to report that I received no opposition to the intent of that bill from any State or Federal agency or from any other group which may have an interest in this bill. Thank you for the opportunity to briefly explain my bill today.

TRIBUTE TO WAYNE LEESE

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1995

Mr. CAMP. Mr. Speaker, it is with great pleasure that I rise today to recognize an outstanding individual from Bridgeport, MI, Wayne Leese. Over the course of his life time, Wayne has shown exceptional dedication to the school community. On June 12, 1995, Wayne will be recognized for his devotion to our youth and out community when he is presented the Second Annual Government's Community Service Award.

In 1994, Bridgeport was selected to host the American Legion 16 & Under National Baseball Tournament. As the General Manager of Cablevision, Wayne was able to obtain a $1500 contribution from ESPN so that Bridgeport-Spaulding Community School District could purchase an electric scoreboard. Furthermore, Wayne set up and chaired a raffle which raised over $1800 for the tournament.

In addition to obtaining funds for the school district, Wayne has also expanded Bridgeport-Spaulding Community School's communication capability by providing a public access channel. This channel enables the school district to dispense educational materials, award recognition to students, allow access to videobroadcast of school events, and serve as another form of communication in an area without a daily local newspaper. However, Wayne Leese's contribution doesn't stop there. He continually serves as the information expert for the technology he provides to the community. Moreover, he devotes his time to making sure that the school community has the most updated interactive communication system.

Furthermore, Wayne, as an active member of the Bridgeport Chamber of Commerce, is constantly seeking ways to contribute to the community. With the Bridgeport Fire Department, Wayne set up a model on wheels which helps teach children about fire safety. Since 1990, Wayne and Cablevision have donated thousands of dollars to the "Toys for Tots" charity and area fire departments.

Mr. Speaker, Wayne Leese is an outstanding individual who is devoted to improving the Bridgeport Community. He has literally brought the technological world into this rural area. I know you will join me in commending Wayne for all that he has done as he receives the Governor's Community Service Award.

NATIONAL FLAT TAX SURVEY RESULTS

HON. DAVID FUNDERBURK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1995

Mr. FUNDERBURK. Mr. Speaker, let me commend to you the following statement by a fellow North Carolinian, Mr. Louis T. March. Citing the results of a survey conducted by the Representative Government Education Foundation, Inc. as evidence, Mr. March presents a thoughtful argument for implementation of a nation flat tax.

STATEMENT OF LOUIS T. MARCH, PRESIDENT, REPRESENTATIVE GOVERNMENT EDUCATION FOUNDATION, INC.

The Representative Government Education Foundation is a North Carolina based foundation dedicated to educating citizens about our American system of representative government and the vital role of citizen participation therein. An important part of our work is citizen surveys on various issues of importance.

There is an uneasy feeling on the part of many Americans that we no longer have truly representative government in our country, that government of the people, by the people and for the people has become government of the people, by big government for special interests. Many feel that the wishes of the majority have been lost in the shuffle of big government regulation, special interest favoritism and partisan political wrangling.

A recent survey conducted by the Foundation shows overwhelming support for a flat rate income tax (hereinafter Flat Tax). Reasons most often cited in favor of a Flat Tax are related as much to problems with the current tax system as they are to the merits of a Flat Tax itself. In our survey follow up the five most cited reasons for desiring a Flat Tax were:

1. The simplicity of a Flat Tax. The current tax code is much too complex, and defies comprehension on the part of the average taxpayer. With over 9,400 pages of tax law, the vast majority (seventy percent in one study cited) of returns filed by professional preparers are from citizens and households earning less then $50,000. The average American feels a sense of alienation when he cannot easily understand such a basic law of the land. The myriad complexities of the current tax code certainly take their toll in human frustration and personal and business time which could otherwise be utilized for more productive pursuits. The sheer simplicity of a Flat Tax is perhaps the source of its greatest appeal.

2. A Flat Tax would mean tax relief for the American family. The current tax system imposes a tremendous burden on the American family. A generation ago one wage earner could comfortably support the average family of four—no longer. Now two incomes (or more) are required to do so, and the costs of day care, time away from children and the economic stress on family home life are taking their toll. It has often been said that as goes the family, so goes the country. A new family friendly tax system should be devised. Congressman Armey has previously cited that the typical middle income family of four pays approximately 24 percent of its income, up from two percent in 1948, and that the average American family pays more in all taxes than it does for food, clothing and shelter combined. This is wrong, and effectively constitutes a form of economic warfare on the American family. Strengthening the American family is much more important then any Federal government program. And one sure way to help the American family is to simply allow them to keep more of the money they earn. A Flat Tax with generous exemptions for dependents would be fair to the family; the current tax system is not. The American family is in dire need of tax relief, and a Flat Tax is viewed as a means of restoring a measure of fairness to the tax system.

3. A Flat Tax would be less of an economic burden not only on the individual taxpayer but would realize significant cost savings within the government as well. The current tax system is too costly. Respondents overwhelmingly concurred with the sentiment that marginal tax rates are much too high. Also, the current tax system requires approximately 115,000 employees of the Internal Revenue Service alone to administer and enforce it, with an annual budget of $8 billion. Congressman Armey has cited a $232 billion annual cost of compliance with the existing tax code. This has spawned an entire industry of tax code interpreters, tax preparers, accountants and attorneys to keep track of it all. The uniformity of rates, and the overall simplicity of the various Flat Tax proposals as seen as much more efficient system, saving money for taxpayers and for the government as well.

4. A Flat Tax would be beneficial to economic expansion. The current tax system stymies economic growth. The sentiment "what we tax we get less of, what we subsidize we get more of" certainly applies to

the current system. Taxing savings, investment and productivity while subsidizing a whole array of proliferating social welfare programs is a major point of contention. There is a widespread feeling that our country's economic growth is held back by the massive outflow of hard earned tax dollars for the support of an inefficient, debt ridden and intrusive Federal government—a government perceived as not representing the best interests of the middle American taxpayer.

5). A Flat Tax would serve to restore public confidence and trust in our government. The current tax system has severely eroded public confidence in and trust of our Federal government and has over time incurred the resentment of a significant percentage of the citizenry. A large number of hard working law abiding Americans have come to live in fear of the Internal Revenue Service. There is a perception that those federal officials entrusted to be servants of the people are acting as their masters. Many Americans are simply fed up and feel that they have no say in this matter. They feel that the current tax system, apart from being too costly, complicated and inefficient, is grossly unfair, favoring moneyed special interests and partisan political concerns over the average American.

"No taxation without representation" was the rallying cry in the American Revolution. Many Americans feel that today we have excessive taxation without representation. This does not bode well for public confidence in our government. Tax relief would do a great deal to restore public confidence in government and in our elected officials. A Flat Tax is viewed by many as a step in the right direction. The American people want Congress to put the concerns of the law abiding, hard working taxpayer first. There is a widespread public sentiment that this has not been the case for a long time.

On behalf of the Representative Government Education Foundation, I thank you for your consideration of these matters.

LET'S NOT TURN OUR BACKS ON ARMENIA

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1995

Mr. BONIOR. Mr. Speaker, the commitment we have made to Armenia has helped to build democracy in that nation.

Now is not the time to be making extreme cuts in our assistance to the Armenian people.

The cuts proposed in the American Overseas Interests Act, H.R. 1561, would be devastating.

If this bill becomes law, United States aid to Armenia will be cut by at least one-third.

The Armenians are resilient people.

They are continuing to rebuild after a devastating earthquake.

They have outlasted the Ottoman Empire and the Soviet Union, and they continue to fight for freedom in Nagorno Karabagh.

Now is not the time to turn our backs on the Armenians.

But that is what this bill does.

This bill cuts aid to Armenia and other New Independent States by nearly $100 million next year.

Instead of rewarding and encouraging the development of democracy, it sends the wrong signal to the Armenian people.

Mr. Speaker, the bill isn't all bad news for Armenia.

The humanitarian aid corridor provision we have fought so hard for is included in the bill.

The provision cuts off aid to countries, such as Turkey, which are blocking American humanitarian assistance.

This is an important step, and one that I believe is long overdue.

Mr. Speaker, our commitment to Armenia is a very modest one.

It is a fraction of our foreign aid budget, and our foreign aid budget amounts to less than 2 percent of our Federal budget.

Mr. Speaker, I am voting against this bill because I believe we can do better, and we must do better to build democracy around the world.

CONGRATULATIONS JOE GLASSFORD

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1995

Mr. POSHARD. Mr. Speaker, I rise today to pay special tribute to Mr. Joe Glassford. This week Joe will retire from his 22 years of dedicated service as the director of special education for the Wabash and Ohio Valley Special Education District. Throughout his professional educational career Joe has earned the respect and admiration of all that have had the honor of working with him. His tireless efforts to improve education have positively influenced the lives of fellow teachers, parents, administrators, and most importantly, the children he has dedicated his life to helping.

During my time as an educator, I had the pleasure of meeting and working with this fine man. His tireless efforts in support of quality educational programs for children with disabilities distinguishes him as a truly exceptional educator.

Joe understands children with disabilities have the right to a first-rate education, and because of this, Joe has helped bring the torch of education to a special place. His unwavering dedication to the pursuit of knowledge has helped light the world for children throughout southeastern Illinois.

Mr. Speaker, Joe Glassford is a special and outstanding human being. He has served as the Illinois State Director of Special Education, and has been instrumental in the establishment and improvement of numerous programs that are designed to help our children receive a better education. I want to take this opportunity to urge my colleagues to join with me in congratulating this fine man for all his successes. I wish Joe, along with his family, all my best as he enters retirement, and begins this new educational journey.

INTRODUCTION OF THE EQUITABLE HEALTH CARE FOR NEUROBIOLOGICAL DISORDERS ACT OF 1995

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1995

Ms. DELAURO. Mr. Speaker, I rise today to introduce the Equitable Health Care for Neurological Disorders Act of 1995. I want to thank my colleagues, Representatives MCHALE, WARD, and GEJDENSON, for joining me as original cosponsors.

I am proud once again to introduce this important measure that would make such a dramatic difference in the lives of people afflicted with neurobiolgical disorders. This year, I am especially honored to be reintroducing the bill in memory of my dear friend, Enid Peschel. Enid was a pioneer in the emerging study of neurobiological disorders and the inspiration behind my decision to introduce this bill. It is my hope that her dream of seeing this legislation become law will be realized in this session of Congress.

As an active participant in the fight for health care reform, I continue to believe that health care reform is a goal that we must continue to work toward. All Americans should have the security of knowing that they will have health care coverage—regardless of their health or economic status.

Perhaps no group of individuals has faced more discrimination by our Nation's health care system than those with severe mental illnesses. In the past 15 years, a revolution has occurred in neurobiology that has clearly documented that many of these severe mental illnesses are, in fact, physical illnesses. These physical disorders of the brain—neurobiological disorders—are characterized by neuroanatomical and neurochemical abnormalities. Controlled clinical research undertaken by scientists across the Nation has produced a body of irrefutable scientific evidence documenting the physical nature of these disorders.

Despite this, individuals with neurobiological disorders and their families continue to face discrimination and stigmatization by health insurance plans and society at large. I have visited with families who have had to cope not only with the emotional pain of dealing with neurobiological disorders, such as schizophrenia and autism, but the financial hardship as well.

Health insurance coverage for mental disorders is often limited to 30 to 60 inpatient days per year, compared with 120 days for physical illnesses; copayments, which are usually about 20 percent for physical illnesses, are often raised to 50 percent. Because of these arbitrary limits on coverage, individuals and families affected by these disorders are faced with onerous financial burdens. These people deserve the same kind of care and treatment that is available to those who suffer from other severe illnesses such as cancer, diabetes, or heart disease.

Families who are faced with severe mental illnesses should not be placed in a different category—financially burdened, stigmatized, and treated as if they had done something wrong.

My bill would help these individuals and their families by requiring nondiscriminatory treatment of neurobiological disorders. Health care plans would be required to provide coverage that is not more restrictive than coverage provided for other major physical illnesses and that is consistent with effective and common methods of controlling health care costs—such as copayments and deductibles. My bill also stipulates specific benefits that must be provided and assesses a penalty on those plans that do not comply with the act's requirements.

Requiring equal health coverage of these disorders is not just important to individuals suffering from neurobiological disorders and their families. It is also important to the Nation. According to the National Institutes of Mental Health, equitable insurance coverage for severe mental disorders will yield $2.2 billion in net savings each year through decreased use of general medical services and a substantial decrease in social costs.

I urge my colleagues to join me in supporting passage of this important legislation. Adoption of this policy would go a long way toward saving billions of dollars in wasteful spending, eliminating the stigmatism and misunderstanding so often associated with neurobiological disorders, and most importantly, ensuring that all those suffering from these devastating illnesses are adequately cared for.

CONSERVATION RESERVE PROGRAM

HON. DAVID MINGE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1995

Mr. MINGE. Mr. Speaker, actions of public officials are always scrutinized for conflicts of interest and self-benefit—and they should be. As public officials, we are trustees of the people we represent in the Nation. We should not benefit from the programs upon which we deliberate unless we do so on the same basis as the rest of the population, or unless the benefit is fully disclosed and subject to review. The goal is not just to avoid impropriety but also the appearance of impropriety. If we do not observe these principles, it undermines our role in this democratic institution.

In 1991, before I even considered becoming a candidate for the U.S. Congress, my wife and I purchased 106 acres of land adjoining the farm building site where we live. These 106 acres were once the fields and pastures, which together with our home site, comprised a single farm. Approximately 55 acres of our purchased land and had been enrolled in Conservation Reserve Program [CRP] by the seller. As a part of the sale, we made an agreement with the seller to abide by the CRP contract. However, our contract and the current CRP program will expire in 1996.

The U.S. Congress is now considering the renewal of CRP. Since I sit on the House Agriculture Committee and the subcommittees which have jurisdiction over this legislation, my wife and I have applied to withdraw all our land from CRP effective September 30, 1995. We expect that this will be approved except for a 2.7 acre tract on which the prior owner planted trees. This is a wind break/wildlife habitat and will stay in CRP for 1 more year. We have developed a conservation plan for the highly erodible land that has been in CRP.

I hope this will clearly avoid any appearance of any self-interest in my work as a Member of Congress, on the Agriculture Committee, in promoting the continuation of CRP. I feel this is an important program and deserves disinterested analysis and review by Congress. I look forward to being a part of that process.

I appreciate the benefits of CRP for highly erodible land in this country. We must minimize top soil loss, protect ground water, and continue to reduce the fertilizer and chemical runoff to our lakes and streams. When this can be done in such a way that we provide wildlife habitat, and advance the farm program, it is a win-win situation. With such a tight budget this will be a challenge.

A REALISTIC LOOK AT CRIME FIGHTING FROM THE NEW BEDFORD STANDARD TIMES

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1995

Mr. FRANK of Massachusetts. Mr. Speaker, the city of New Bedford is an ethnically diverse, older industrial city, which is also one of the major fishing ports in the country. Thus, it has had its share of experience with all of the problems that affect modern America. And this has given the New Bedford Standard Times, the newspaper of New Bedford, a very good perspective on versions of these problems, including that of urban crime. It is for this reason that the very thoughtful and cogent editorial which ran in the Standard Times on May 25 seems to me worth sharing here. Too often today, in American journalism, bad news is all that gets attention. And the antidote to this is not factitious and unfounded optimism, but a willingness to look at encouraging trends in a thoughtful way, and to see what we can do to promote these trends.

The editorial in the Standard Times which I ask to be printed here does exactly that. The Standard Times quotes New Bedford Police Chief Richard Benoit in strong support of community policing. It points out that "grassroots policing and community building activities that prevent crime from occurring in the first place, are an essential part of an overall anticrime strategy.

No one can accuse the Standard Times of being soft on crime, or unaware of the need for strong law enforcement measures. The balance and thoughtful appraisal it gives of recent crime fighting efforts is all the more valuable for that reason. I ask that the editorial be printed here.

[From the New Bedford Standard Times, May 25, 1995]

SUNNIER CRIME STATISTICS POINT THE DIRECTION FOR THE FUTURE

Life in the community got a lot better in New Bedford in 1994, judging by the crime statistics just released for the state. This city was one of a handful to experience a sharp drop in serious crime—a full 27 percent. Other towns and cities did even better; crime in Plymouth dropped an amazing 67.6 percent, Weymouth 40.2 percent.

And in case anyone suspects that all towns and cities had the same results, look at Fall River, where the decline was modest, at 4.4 percent, and at Lowell, where crime rose 44.5 percent.

What is going on here? Is this news for New Bedford as good as it seems?

Perhaps it is. While it is not safe to make sweeping conclusions based on one year's statistics, something obviously went right in New Bedford last year. It goes against the reputation of this city to learn that there were just three murders here last year; that's fewer than some small towns experience. And it is a far cry from such places as gang-infested Gary, Indiana, the per capita murder capital of the country, which can barely keep count.

New Bedford Police Chief Richard Benoit's view is that community policing—more uniformed officers working in concert with neighborhood associations—are making a dramatic difference. "You can put as many undercover officers out there but you wouldn't be having the same effect on someone who sees a uniformed officer," he told our reporter.

That strikes us as common sense, and it ought to be remembered by those in the state Legislature and in Congress who believe that the most effective way to fight crime is to endlessly build new prisons while starving the grassroots policing and community-building activities that prevent crime from occurring in the first place.

It used to be that liberals were routinely mocked for being for all the "soft" community programs intended to build character and keep young lives from going the wrong way. Now, the majority in Congress has set its sights on much the same objective, couching it in terms of such things as traditional "family values" and the old social structures in which people watched out for each other.

It would pay these lawmakers to keep an eye on New Bedford and other places, where such things are being tried with apparent success. It is not that this community has suddenly become an oasis of calm in a crime-ridden America. Heaven knows we still have our problems with drugs and violence. It just pays to remember that it could be far worse, it has been far worse, and our own experience can be our guide.

MAKE A DIFFERENCE DAY AWARDEES

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1995

Mr. THOMPSON. Mr. Speaker, I stand today to recognize two constituents from the Second Congressional District in Mississippi. The Rev. Benjamin Ashford, Jr., pastor of Raspberry Chapel United Methodist Church, and Ms. Ada Brown, a retired teacher in Indianola, MI, were recently in Washington to receive the "Make a Difference Day Award" from the USA weekend magazine. These two constituents are to be honored for their diligence and determination in making a difference in their community. Reverend Ashford and Ms. Brown have devoted much time and effort to eliminating teenage pregnancy as well as encouraging teen mothers to continue their studies and graduate from high school. Instead of merely preaching sexual abstinence, Reverend Ashford and Ms. Brown use interactive instruction to provide young people with the skills needed to be assertive in saying "no."

Mr. Speaker, these are the types of leaders, though there are many, who so often go unrecognized. I take extreme pleasure in recognizing Reverend Ashford and Ms. Brown.

DR. HADEN McKAY RETIRES AS MAYOR OF HUMBLE, TX, AFTER DECADES OF SERVICE

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1995

Mr. FIELDS of Texas. Mr. Speaker, for most of us who call Humble, TX, home, and who voted in city elections on May 6, it was unprecedented: For the first time in our adult lives, Dr. Haden E. McKay was not on the ballot for mayor. At 87 years young, Mayor McKay had decided that the rigors of balancing a medical practice and leading a city of 14,000 people simply did not allow him enough time with Lillian, his wife of 54 years.

I could easily take up an hour or two of the House's time listing honors that have been accorded Mayor McKay, citing his amazing catalog of medical society memberships, and reading Dr. McKay's truly impressive civic accomplishments. But for those of us who know him and respect him, that simply wouldn't do this great man justice.

Haden McKay is more—far more—than a list of medical society honors and civic memberships. Since he began his medical practice in Humble in 1938, Dr. McKay has been a guiding force in my hometown. Dr. McKay has seen Humble grow from a small town with board walks and dirt streets to a modern community that is home to Houston Intercontinental Airport and a wide variety of other businesses and industries. Dr. McKay has done more than observe such changes; he, more than any other single individual, is responsible for bringing about that transformation.

Mr. Speaker, Haden McKay has served his community as a medical professional as well as public official for well over half a century. And in an interview with the Houston Chronicle in 1991, he explained that he chose a career in doctoring for the same reason he chose to enter public service: to help people. I dare say there aren't too many people in Humble whose lives haven't been touched directly and significantly by Dr. McKay. During his medical career, he's brought more than 4,000 babies into this world. And even those he didn't deliver have been helped through Dr. McKay's successful efforts to responsibly guide Humble through changing times and toward a better future for all of its people.

Haden McKay has helped others as a caring doctor, as a courageous member of the U.S. Army Medical Corps, and as a concerned public servant. He has enjoyed well-deserved success in each of those areas. His medical practice provided accessible health care to an entire community. At the time of his discharge from the Army, he held the rank of major. And during his years as city council member and mayor, Humble has grown larger without losing the high quality of life we have always enjoyed in Humble.

Mr. McKay may no longer hold the title of "Mayor of Humble," but he will forever be known as "Mr. Humble" to his friends and neighbors. While we all wish Humble's new mayor, Wilson Archer, the very best of luck as he begins his first term as mayor, we all know that he has some very, very big boots to fill.

Mr. Speaker, thank you for this opportunity to salute a man who I respect almost as a second father. I know you and all of my colleagues join with me in wishing Dr. McKay and his wife, Lilian, many, many years of the same good health and happiness they have given to so many of us in Humble, TX, throughout their lives.

TRIBUTE TO THE REVEREND WILLIAM T. KENNEDY, JR.

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1995

Mr. BORSKI. Mr. Speaker, I rise today in recognition of the outstanding contributions of the Reverend William T. Kennedy, Jr., to his community during his 25 years of service to the people of Philadelphia.

As a minister, educator, writer and lecturer, Dr. Kennedy has greatly influenced the lives of the many people who have been fortunate enough to know and work with him during his remarkable career.

Dr. Kennedy received a bachelor of science degree from the District of Columbia University in 1953 and went on to earn a bachelor of divinity studies from Drew Theological Seminary in 1956. He furthered his education, as well as his spiritual growth, by enrolling in Wesley Theological Seminary where he earned a master of divinity degree in 1963 and a master of sacred theology degree in 1964. In 1981 he was awarded the doctor of divinity degree from Livingstone College.

During his 25-year ministry, Dr. Kennedy has served as the pastor of Wesley A.M.E. Zion Church for 12 years, pastor of Tioga United Methodist Church for 3 years, and pastor of the Grace United Methodist Church for the past 10 years.

He shared his knowledge and experience by teaching others not only through his ministry, but also in academic environments. His academic experience includes: professor of ethics at Waterbury Hospital School of Nursing, associate professor of sociology and religion at Eastern College, adjunct professor of preaching at Eastern Baptist Theological Seminary, associate professor or preaching and practical theology at Yale Divinity School, professor of preaching at Lutheran Theological Seminary's Urban Institute, and adjunct professor of preaching at Drew Theological Seminary. In addition to teaching he has authored several publications and lectured on subjects including, "The Genius of Black Preaching" and the "The Black Preacher and Social Issues."

In addition to these accomplishments, Dr. Kennedy still found time to serve as a community leader in several church councils, community based committees, and the NAACP.

For these accomplishments, and most importantly, for the positive effects that these accomplishments have had on the people of Philadelphia, I would like to recognize and thank the Reverend William Kennedy, Jr.

HONORING THE UNION OF ORTHODOX JEWISH CONGREGATIONS OF AMERICA

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1995

Mr. SCHUMER. Mr. Speaker, I rise today in honor the Union of Orthodox Jewish Congregations of America. This national organization has played a leading role in raising awareness of the plight of three Israeli soldiers still missing in action. As a key member of the task force on the Israeli missing soldiers still missing in action. As a key member of the task force on the Israeli Missing Soldiers of the Conference of Presidents of Major American-Jewish Organizations, the Union of Orthodox Jewish Congregations of America pioneered and instituted an annual national Sabbath commemoration to educate the community about this important human rights issue.

On June 11, 1982, a battle raged in the Bekaa Valley in Northeastern Lebanon between an Israeli tank unit and a Syrian armored unit. Captured by the Syrians on June 11, 1982, Sgt. Zachary Baumel, 1st Sgt. Zvi Feldman, and Cpl. Yehuda Katz were reported missing in Damascus in front of the offices of President Hafaz Assad's brother, Rifaat Assad, who reported that they identified the soldiers as the Israeli tank crew. The tank, belching black smoke and flying the Syrian and Palestinian flags, was greeted by cheers from passers-by. To this day, very little information has been forthcoming about their condition.

Ever since these events took place, the government of Israel has spared no effort and the United States has been doing its utmost to obtain any information possible as to the fate of these missing soldiers, trying to utilize the offices of the International Committee of the Red Cross, the United Nations, and other international bodies. According to the Geneva Convention, Syria bears responsibility for their fate since the areas in which these soldiers disappeared were continually controlled by Syria.

This day, June 11, 1995 marks the bar-mitzvah, or 13th year, that these soldiers are missing in action. To date, President Assad has not revealed their whereabouts.

One of these soldiers, Zachary Baumel is an American citizen from Brooklyn, NY, who began his studies at the Hebrew School of Boro Park, formally known as the Eitz Chaim Yeshiva. An ardent basketball fan, Zachary emigrated to Israel in 1979 with the other members of his family. After graduation from high school, he entered military service which he combined with his religious studies at Yeshivat Hesder, where religious studies and army service are integrated.

When the Lebanon War started, he was at the rail end of his army service and had been accepted by Hebrew University to study psychology. He was due to work for the summer under the auspices of the Jewish Agency. But fate decreed otherwise as he disappeared on the 11th of June, 1992.

Zachary Baumel participated in one of the most costly battles in that war, Sultan Yakub, and has not yet returned. In the 13 years since that fateful day, June 11, 1982, he has been missing and presumed held in a Syrian-controlled part of Lebanon.

We earnestly request of the Syrian government to transcend all political differences and interests, and, in keeping with the international conventions to which Syria is a signatory and in the interests of true peace, to return these sons to their families.

We eagerly look forward to the day as we live in the hope of again welcoming Zachary Baumel to see his family in Israel and in Brooklyn and to greeting Zvi Feldman and Yehuda Katz.

TRIBUTE TO GUSSIE ERVIN

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1995

Mrs. MEEK of Florida. Mr. Speaker, I rise to honor a truly outstanding member of our community, Mrs. Gussie Ervin, an educator of outstanding ability and commitment who has taught the youth of Dade County for almost 40 years.

On June 17, her friends and family will gather at Mount Tabor Baptist Church in Miami to mark the retirement and celebrate the brilliant career of this remarkable person.

Almost by definition, those who are called to teaching are special, but by any measure, Mrs. Ervin is a very special teacher. She is not scared away by big problems or hard work. To her, challenges are to be overcome, tough decisions are to be made, and problems are to be overcome.

That message has been conveyed to literally thousands of Dade students. Mrs. Ervin has always demonstrated concern for their education and for their personal needs, as well as for the needs of their families. She frequently provided basic necessities like food and clothing to her students, at her own expense.

Her caring and dedication has earned for her the everlasting love and respect of her students, her colleagues, and her community. For thousands of students, the phrase "good teacher" is synonymous with Mrs. Gussie Ervin.

In addition to her service in our schools, Mrs. Ervin has also worked tirelessly to make our community a better place in which to live.

Mr. Speaker, I know that my colleagues join with me in recognizing the remarkable career and achievements of this wonderful person. On behalf of our entire community, I say thank you, Mrs. Ervin, and much success and happiness in the future.

TRIBUTE TO DR. MARVIN SHAPIRO

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1995

Ms. KAPTUR. Mr. Speaker, I rise today to pay tribute to an outstanding podiatric medical physician, Dr. Marvin Shapiro of Sylvania, OH, who has been a leader and an advocate of podiatric medicine for 63 years. Although he officially retired in 1984, Dr. Shapiro, now 85, has remained a strong voice for his profession, serving this year as the only podiatrist-delegate to the White House Conference on Aging.

In 1959, Dr. Shapiro was president of his professional organization, the American Podiatric Medical Association [APMA]. A gifted speaker and lecturer, he earned the title of "Foot Ambassador" during his term as president when he represented America's podiatric physicians as part of the State Department's People-to-People Program in England, France, and the USSR. Later, in 1963, he visited Poland, Turkey, the USSR, Israel, and Malta under the same program.

This morning I had the pleasure of hosting a breakfast at which Dr. Shapiro presented to the National Library of Medicine a rare and wonderful book he received as a gift while participating in the People-to-People program. The book, "De Calceis Hebraeorum," by Antoniii Baynaei, catalogues every reference to the foot found in the Old Testament. Each verse is published in Latin, Hebrew, and Greek. The volume is beautifully illustrated with both medical and artistic drawings of the human foot. The book was written in 1715. I am very happy that this treasure has found a home at the National Library of Medicine.

Dr. Shapiro was also responsible for the first joint meeting between the American Podiatric Medical Association and the American Medical Association in 1959, which did much to enhance mutual understanding between the two health care professions.

To help educate other physicians and the public about podiatric medicine and the importance of foot care, Dr. Shapiro instituted the audiovisual department at the APMA nearly 60 years ago, and he has produced many exhibits and countless slides and videos. His name is also on the APMA's Marvin Shapiro Audiovisual Achievement Award, an international competition for long-term medical contributions in the field.

His outstanding career began as a premedical student at the University of Toledo in 1927, and he was graduated from the Ohio College of Podiatric Medicine in 1932. Dr. Shapiro founded the podiatry department at St. Vincent's Hospital and Medical Center in Toledo and has received many awards and honors from this respected institution. In 1980, Dr. Shapiro received the APMA's highest honor, the Distinguished Service Citation.

I applaud Dr. Shapiro on his magnificent career and his life-long efforts to keep Americans walking and to advance the study of therapeutic medical treatment for the foot and human health. It is a delight to have this leader as a constituent.

THE NEED FOR TAX-EXEMPT FINANCING FOR AMERICA'S MAJOR INTERMODAL PROJECT: THE ALAMEDA CORRIDOR

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1995

Mr. HORN. Mr. Speaker, on behalf of myself and Representatives TUCKER, ROYCE, BECERRA, HARMAN, ROYBAL-ALLARD, TORRES, and WATERS, I am introducing legislation [H.R. 1790] to permit tax-exempt financing of transportation facilities that are directly connected to the activities at a port. This a critical step in making a reality of our vision of a true national intermodal system.

As the largest port complex in the Nation, the Port of Long Beach and the Port of Los Angeles play an indispensable role in our Nation's economy. The continued growth and success of the operations at the ports is important to Americans from North Dakota to North Carolina and Maine to California, not just to those of us in southern California. We are the "Gateway to the Pacific" which includes Asia and Latin America. The Federal Government has an important stake in seeing this gateway thrive.

The linchpin of continued growth—to meeting the demands of the 21st century—is the Alameda corridor. Annually, the ports have returned billions of dollars in customs revenues to the national treasury and—with their expension plans—promise to double cargo volume, and customs revenues.

If landside access to these ports is not opened up, growth will be effectively capped. Lost customs and economic development revenue to the Federal Government will also be in the billions of dollars. The two ports have pooled their resources to purchase the existing Santa Fe, Southern Pacific, and Union Pacific Railroad Lines which come from central Los Angeles 20 miles to the harbor area. The integrated railroad corridor will generally follow the Alameda Street north-south route to the ports and enable container and other cargo to move directly from the ship to dockside rail for transit to points west, east, north, and south. The completed corridor will enable civilian and military cargo to come in various directions much more efficiently.

If expansion is stalled, there will be freight diversions to alternative sites—with much talk from the Government of Mexico about constructing a new port in Ensenada. The current administration recognizes this fact. Secretary of Transportation Federico Peña has stated, "The Corridor is not only a California issue, it's a national priority."

In order to build on that support, those of us in the Los Angeles/Orange County delegation are working as a bipartisan coalition to ensure that the Federal Government plays an active role as a financial partner not only in the overall construction costs, but also in helping to see that early planning needs and already authorized grade crossings are started at the earliest opportunity.

An integral part of this Federal role is the extension of tax-exempt bond financing authority to the Alameda corridor. Tax-exempt bond financing is critical to keeping debt service to a point where the Alameda corridor can be a successful operation. The bill we are introducing today is carefully crafted to limit the financial impact to the Federal Treasury. Its reach is limited. Currently, tax-exempt financing is available to construction activities which are immediately connected to a wharf. This bill is merely an extension of that logic, whereby transportation facilities that allow cargo to flow to and from that wharf are also given tax-exempt status. Again, it is important to remember that the long-term financial gains to the Federal Government through increased customs revenues far outweigh any short-term economic loss which may result from that legislation.

The Federal funding requirements to make the Alameda corridor a reality are tremendous. The corridor will be the largest intermodal project in the Nation. Securing the requisite Federal assistance—estimated to be less than 40 percent of the total costs—will demand working as a unified coalition not only at every level of government, but as a unified coalition of the private and public sectors. The Alameda corridor has tremendous support from our business and political leaders. The task is to translate that support into a constructed reality. This legislation is a critical step toward that goal.

Mr. Speaker, below is the text of H.R. 1790:

H.R. 1790

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TAX-EXEMPT FINANCING OF CERTAIN TRANSPORTATION FACILITIES.

(a) IN GENERAL.—Subsection (c) of section 142 of the Internal Revenue Code of 1986 (relating to exempt facility bonds) is amended—

(1) by redesignating paragraph (2) as paragraph (3), and

(2) by inserting after paragraph (1) the following new paragraph:

"(2) RELATED TRANSPORTATION FACILITIES.—

"(A) IN GENERAL.—Transportation facilities (including trackage and related rail facilities, but not rolling stock) shall be treated as facilities described in paragraph (2) of subsection (a) if at least 80 percent of the use of the facilities (determined on an annual basis) is to be in connection with the transport of cargo to or from a facility described in such paragraph (without regard to this paragraph).

"(B) GOVERNMENTAL OWNERSHIP REQUIREMENT.—In the case of transportation facilities described in subparagraph (A), subsection (b)(1) shall apply without regard to subparagraph (B)(ii) thereof."

(b) CHANGE IN USE.—Section 150(b) of the Internal Revenue Code of 1986 (relating to change in use of facilities financed with tax-exempt private activity bonds) is amended by adding at the end the following new paragraph:

"(7) CERTAIN TRANSPORTATION FACILITIES.—In the case of any transportation facility—

"(A) with respect to which financing is provided from the proceeds of any private activity bond which, when issued, purported to be a tax-exempt bond described in paragraph (2) of section 142(a) by reason of section 142(c)(2), and

"(B) with respect to which the requirements of section 142(c)(2) are not met,

no deduction shall be allowed under this chapter for interest on such financing which accrues during the period beginning on the 1st day of the taxable year in which such facility fails to meet such requirements and ending on the date such facility meets such requirements."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after the date of the enactment of this Act.

A TRIBUTE TO DAVID W. HOWE

HON. PHIL ENGLISH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1995

Mr. ENGLISH. Mr. Speaker, it is with great sadness that I rise to honor David W. Howe, a World War II fighter ace, who is being laid to rest in Arlington National Cemetery today.

David W. Howe began his flying career in Canada in 1941 when he joined the Royal Air Force. After he completed his training, he was sent to England to fight the Nazis with the Royal Air Force. In 1943, when the United States began looking for experienced American pilots, David Howe became part of the famed American Eagle Squadron. He was a member of a elite group of "double-breasted" pilots who wore wings from the the United States Air Force as well as Royal Air Force. As part of the Eighth Air Force, Howe's fighter squadron flew much needed cover for bomber groups attacking German targets across Europe. By the end of World War II, Howe had received the Distinguished Flying Cross with two oak leaf clusters, the Air Medal with 13 oak leaf clusters and a Presidential Unit Citation. Howe flew 117 combat missions and was credited with shooting down nine enemy aircraft and destroying German trains as well as other ground targets.

Perhaps what best illustrates the heroism of David W. Howe is the story of an incident that occurred near the end of World War II. Howe barely escaped certain death when a new Nazi jet fighter was in pursuit of his propeller driven P–51 Mustang fighter. Knowing that it was impossible to outrun the German Messerschmitt 262, Howe turned his fighter into a steep dive, gaining needed speed, then abruptly flew under a bridge. The pursuing jet, unable to make the same maneuver, hit the bridge. Howe's superior flying skills and fighting spirit truly make him a flying ace and one of America's finest that ensured the defeat of the Nazi forces.

After the war, Howe returned to his wife and family in Erie, PA. Saddened by the number of friends that he had lost in the war, he did not fly for several years. Flying, though, remained his first love and, in 1951, he joined Bell Aircraft and trained to become a test pilot for experimental aircraft. He became the very first American pilot to test a Vertical Takeoff and Landing [VTOL] jet. Because of the unique principle of the aircraft, Howe was forced to teach himself how to fly it. That plane now hangs on display in the Smithsonian Museum at the Garber Facility in Suitland, MD.

Howe was a co-pilot of a specially outfitted B–50 bomber carrying an X–2 rocket plane that exploded just under the mother ship's bomb bay in 1953, in a test flight over Lake Ontario. The blast killed the X–2's pilot and a scanner on the B–50. Howe and other crew members fought to bring the big bomber, which was on fire and had lost all hydraulics, back to the base without any further loss of life. The bomber was later deemed beyond repair.

David W. Howe passed away on May 22, 1995, after suffering from a massive stroke. Every generation of Americans has been called to send their finest into battle, and at every call, the finest have responded, fully prepared to give their "last full measure of devotion." Many, far too many, have given their lives on the world's battlefields. Many more, like Capt. David W. Howe, have served with extraordinary distinction and were able to return home and continue giving to their families, communities and Nation in ways far too numerous to record. Today, I am thankful that David W. Howe's service continued beyond far away battlefields and touched so many lives in our community.

Thank you, Mr. Speaker.

IN HONOR OF PHILIP EMERY SCHERRY

HON. JAMES M. TALENT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1995

Mr. TALENT. Mr. Speaker, I rise today to congratulate a young constituent, Philip Emery Scherry, upon his receipt of the Eagle Scout Award at the National Court of Honor on June 20, 1995.

While only 15 years old, Philip has many accomplishments. He is a junior at Christian Brothers College High School in St. Louis. He was a Cub Scout with Pack 361 for 3 years where he earned the distinguished Arrow of Light. He then became a member of Troop 361, St. Mary Magdalene, Brentwood, MO, for 6 years. Some of his leadership positions include assistant patrol leader, assistant senior patrol leader, troop guide, quartermaster, and senior patrol leader. He was elected to the Order of the Arrow by the Scouts of his troop and selected for Junior Leader Training Camp.

In order to receive the Eagle Scout Award, Philip Scherry has donated over 600 hours of service to his troop and his community. Some of his service projects include the Scouting for Food, Christmas toy drives for St. Louis city children, the kickoff for a Brentwood city-wide recycling program, two city creek cleanups, tree planting for the Missouri Botanical Gardens, building park benches for Brentwood Parks and Recreation, and reconstructing playground areas for local schools. For his Eagle Service Project, Philip built a picnic shelter/viewing area for the Wabash Frisco & Pacific Model Railroad. This shelter provides a safe viewing area for visitors to watch the live steam railroad crews working the trains and turnaround.

Service projects are not Philip's only accomplishments. He has traveled to the National Scouting Museum in Murray, KY. He was also a member of the troop contingent to the 1993 National Jamboree at Fort A.P. Hill, VA, as well as attending the 50th anniversary celebration of Lincoln Day in Springfield, IL. Finally, Philip is a member of the 1995 troop contingent to the Philmont Scout Ranch in New Mexico.

Philip Scherry embodies the volunteerism and community commitment that is so vital to the spirit of our Nation. His dedication as a member of the Eagle Scouts will be remembered long after June 20.

I therefore want to take this opportunity to congratulate Philip and his parents Ed and Sandy Scherry on his achievements. Mr. Speaker, it is truly an honor to represent them.

TRIBUTE TO NAVY LT. COMDR. TOM DIETZ

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1995

Mr. DORNAN. Mr. Speaker, I rise today to recognize Lt. Comdr. Tom Dietz—our resident Navy Seal and special operations warfare specialist here in Congress—for his distinguished service to the U.S. Special Operations Command, the U.S. Navy, and the entire Nation as the Special Operations Command Legislative Liaison for Naval Special Warfare programs. In this capacity, Tom quickly established a solid reputation with both Members of Congress and their staff due to his extensive knowledge of all special operations issues. Fresh from his daring and highly decorated exploits in the Persian Gulf during Desert Storm, Tom was able to give us an insider's view to the unique and powerful Special Operations Force which we in Congress have worked so hard to support during defense budget deliberations.

Tom Dietz has played a vital part in building this congressional support by earning our trust and respect. His effective work on Capitol Hill is legendary. Because of Tom's dedication and commitment to excellence, U.S. Navy Seals, the U.S. Special Operations Command, and the entire Department of Defense will long reap the benefits of his tenure on Capitol Hill. All of my colleagues and I bid Tom, his wife Pam, and their son and future Seal Tyler, a fond farewell. Good luck and Godspeed at your next assignment at "Seal Central" on Coronado Island, CA.

THE FISCAL YEAR 1996 BUDGET RESOLUTION

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1995

Mrs. MORELLA. Mr. Speaker, today we are being presented with four alternative budget resolutions—two offered by the majority and two by the minority. For the first time in a quarter century, each of the resolutions before us would result in a balanced Federal budget. Each resolution recognizes that our current pattern of runaway spending is both economically unsustainable and morally indefensible. Each resolution presents us with very difficult, even painful choices; they are not ones that we relish making today or that we will relish making in the future. But the bottom line, Mr. Speaker, is that we will have to make them—and postponing them won't make them any easier.

Let's consider a few facts. Our national debt stands at $4.8 trillion—that is $18,460 owed by every man, woman, and child in our Nation. Interest on our debt is the fastest-growing part of the Federal budget; in fact, each year, the Federal Government spends 15 cents of every dollar—or more than $200 billion—just on interest on the debt. That is almost as much as we spend on all nondefense discretionary programs combined—on education, job training, medical research, and much more. If current trends are not abated, interest and entitlement obligations will continue to grow exponentially until there is little left for anything else. Our choice today, then, is not about whether to balance the budget; it is about how to balance it.

This morning, I voted for the budget resolution offered by Democratic Representatives CHARLES STENHOLM and BILL ORTON. The Stenholm-Orton budget would have cut defense expenditures by $60 billion more than the committee resolution, and it would have cut domestic expenditures by $60 billion less. In addition, the Stenholm-Orton budget would have funded a tax cut, would not have increased contributions to civil service retirement, would not have cut the student loan program, and it would have slowed the growth in Medicare spending more modestly than the committee resolution. Unfortunately, the Stenholm-Orton resolution was defeated by a wide margin.

Given the defeat of this resolution, and due to the paramount importance of putting our Nation on a glidepath to a balanced budget, I will support the Budget Committee's resolution. While I have concerns about some aspects of the committee budget, I believe that these concerns can be addressed in a House-Senate conference, and that the budget process must move forward. In fact, given the prevailing sentiment in the Senate, it is my expectation that the final document produced by House and Senate conferees will be very similar to the Stenholm-Orton budget for which I voted today: it will contain deeper defense cuts, more modest domestic cuts, and few, if any, tax cuts.

Mr. Speaker, a budget on a path to balance—however imperfect that path may be—is preferable to one that saddles future generations with hundreds of billions of dollars of debt each year. In addition, we must remember that a budget resolution is a blueprint, not a fully binding document, and that the authorizing and appropriating committees will have final discretion in determining how funds are spent in each budget category. That is why I will continue to work with these committees to protect our national priorities—education, health care, equity for our civil service, and much more, as I have done throughout my service in the Congress.

TRIBUTE TO FATHER JAY SAMONIE

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1995

Mr. DINGELL. Mr. Speaker, I rise today to recognize the years of service and achievement of the Reverend Jay Samonie. On July 1, 1995, Father Samonie will retire as pastor from St. Michael Catholic Church, in Monroe, MI.

The son of Lebanese-American parents, Jacob and Marie Samonie, Father Samonie is 1 of 11 children and grew up on the east side of Detroit.

When he was 14, he enrolled at Sacred Heart Seminary, where he completed high school and obtained a bachelor's degree. He took postgraduate studies in theology at the St. John's Provincial Seminary in Plymouth, MI. He received a master's degree from the University of Detroit in 1971 and a doctorate in 1988. Father Samonie was knighted by the worldwide Order of St. Peter in 1984 and joined the Knights of Columbus in 1989.

Before coming to Monroe, Father Samonie served as pastor of Holy Trinity Catholic Church in Detroit for 11 years, where he led medical and social programs serving more than 30,000 people annually. His other pastorates include St. Michael Parish in Pontiac in 1972 and St. Bernadette Church in Dearborn in 1968.

Throughout his years of service, Father Samonie has remained active in the community and the Archdiocese. He served as vicar of the Southwest Detroit Vicariate from 1970–72 and served on the Archdiocesan Pastoral Assembly, Bread for the World, Clergy Advisory Board for the Archdiocesan Office of Hispanic Affairs and Pastoral Alliance of Detroit. Since 1968, Father Samonie has been a member of a pastoral team that assists Latin-Americans and has been Guadalupe Society Director since 1963. He also has the distinction of being the first priest to serve on the Michigan Judicial Tenure Commission, which investigates charges of misconduct against any State court judge.

Father Samonie's hobby is painting. His beautiful compositions are created using oils, acrylics, watercolors, and airbrush on a variety of surfaces. Angels and flowers are the pastor's favorite subjects but all of his works include messages and themes. There have been two successful exhibits of his artwork. During his retirement Father Samonie plans to concentrate on painting people and biblical scenes.

From civic duty to painting, Father Samonie has fostered beauty and kindness throughout his career. His life is a testament to the vast good a dedicated person can achieve within a community. Mr. Speaker, I call upon my colleagues to join with me in congratulating Father Samonie on his distinguished career of service and to wish him continued good health, happiness, and involvement in the many causes he holds dear.

TRIBUTE TO THE STURGIS NEIGHBORHOOD PROGRAM AND STURGIS FEDERAL SAVINGS BANK

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1995

Mr. UPTON. Mr. Speaker, I would like to recognize the fine efforts of the Sturgis Neighborhood Program and Sturgis Federal Savings Bank who were recently recognized by The Social Compact with its 1995 Outstanding Community Investment Awards. They received this honor for their partnership achievement: stabilizing lower income neighborhoods and families through the rehabilitation of affordable rental housing which is rebuilding community hope and pride.

Sturgis Neighborhood Program [SNP] was founded in 1991 in response to the Sturgis Area Chamber of Commerce's call for greater responsiveness to the housing needs of the city's lower income residents. The downtown business district of Sturgis, a small rural city, has a high concentration of deteriorating and substandard housing. These units, built before 1940 and converted from single-family, owner-occupied residences to multifamily properties, are rented to very-low-income families and require high maintenance. Many of the residents receive public assistance and lack necessary skills to balance their household budgets and maintain their property.

SNP combines housing rehabilitation with support services to address the needs of Sturgis citizens. Since its inception, SNP has rehabilitated five single-family homes, with numbers six and seven on the way. Tenant families are employed, receive family development guidance, and participate in maintenance education programs. A Family Services Coordinator meets with each family on a regular basis to develop a goal-setting plan, a program that is helping families become self-sufficient, productive members of the community. I must say that SNP's Director, Judy Sommerfield, has done a wonderful job with all of the various activities of the organization.

Sturgis Federal Savings Bank, the first of four financial institutions to support SNP's mission, played a vital role in SNP's initial success. The thrift's president, Leonard Eishen, provided key financial direction and guidance in the area of administration and the development of community support, a major issue for SNP.

In order to gain community support, the nonprofit organization undertook an extensive, year-long campaign to meet with community leaders. Sturgis Federal also helped SNP with a line of credit, a $1,000 annual grant toward operating support, low interest rates, and flexible terms. With the assistance of Sturgis Federal, SNP received $124,000 in grants and subsidies which allowed the organization to successfully renovate five units of affordable rental housing. The Michigan State Housing Development Authority also awarded grants for the rehabilitation of the second house and subsequent projects.

By the end of SNP's 1996–97 fiscal year, it hopes to have completed 24 housing units in the targeted downtown area. These efforts improve the neighborhoods and support the local economy. Besides its partnership with Sturgis Federal, SNP has actively sought partnerships with local government, industry, business, financial institutions, youth groups, and service organizations. A network of volunteers from these groups helps to complete small projects on SNP houses.

Working together increases community pride for those who volunteer and for the individuals and families who don't want a handout but only an opportunity for a hand up. With its initial success, SNP has earned the trust of the community it serves and has become an integral part of the community's vision for improving the lives of its lower income residents.

LEGAL SERVICES CORPORATION REAUTHORIZATION

HON. BILL McCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1995

Mr. McCOLLUM. Mr. Speaker, today Mr. STENHOLM amd I introduce a bill which proposes to reauthorize the Legal Services Corporation and institute major and significant reforms to the Corporation. Over the years we have seen extensive abuses within the Legal Services Corporation by lawyers with their own political agendas actively recruiting clients, creating claims, and advancing their own social causes. They have been involved in inappropriate lobbying, highly controversial issues like abortion litigaiton, and impact litigation in an attempt to socially engineer change in our laws and rules.

It is for this reason that Mr. STENHOLM and I today introduce a bill which calls for extensive reforms in the Legal Services Act. This bill will restore the very limited and appropriate Federal role in the delivery of legal services to the poor. At the same time, this bill enhances accountability and compliance for the restricted and limited activities of the Legal Services Corporation.

I will submit for the RECORD a partial section-by-section summary which outlines the reform measures included in our bill. We seek to significantly limit the activities of a Legal Services Corporation and to return its function to the original and envisioned intent, providing the bread and butter basics of legal representation for the poor of this Nation.

THE LEGAL SERVICES REFORM ACT OF 1995

In order to create a non-political, accountable and fair federal legal service program, The Legal Services Reform Act of 1995 does the following:

NON-POLITICAL

Prohibits redistricting activity (Section 4)

Redistricting at all levels is inherently political. Many non-federally funded organizations, including the major political parties, are actively involved in redistricting fights. No matter which party is advantaged by litigation of these matters (who is advantaged is unclear) federally funded legal services attorneys should not be involved.

Prohibits solicitation of clients (Section 6)

If as many poor persons are being turned away for lack of funding as the American Bar Association estimates, the only reason to solicit would be to find clients that fit the political agenda of the lawyers. Our bill specifically allows outreach to educate potential clients of their legal rights but leaves it up to clients to seek legal help.

Prohibits lobbying or rulemaking activity (Section 8)

Nothing is more political or creates as much controversy as lobbying. We believe the intent of Congress in 1974 was to provide poor persons access to the legal system to have their existing legal rights vindicated. There are hundreds of organizations which have competing views on what changes in the law are in the best interest of the poor. Taxpayer's should not be forced to fund any particular side of that debate.

Prohibits the use of funds from any source for prohibited activities (Section 11)

While Congress continues to believe that certain activities are too controversial or otherwise inappropriate for the use of federal funds—controversy will still attach to programs which engage in those activities with funds from other sources. Let the many groups of lawyers, on the right and on the left, who are not constrained by Congressional restrictions, handle the highly political cases. In our opinion, we should promote this diversity. Why give a virtual monopoly to the federally funded program?

Prohibits abortion litigation or lobbying (Section 15)

Abortion is probably the most volatile issue facing the country today. Organizations and activist attorneys abound on each side of the debate. As in 1974, abortion remains highly controversial and a threat to the support of the program. It would be inappropriate for Congress to fund either side of the right to life/right to abortion struggle.

Prohibits training for political purposes (Section 18)

This prohibition has been in appropriation riders since 1982 and reflects Congress' concern about political activity by legal services attorneys.

Elimination of the regional resource centers (Section 14)

These regional resource centers have proven to be a bed of controversy where research, training and technical assistance have been used to promote a particular agenda, not necessarily to the benefit of the poor. The Legal Services Administration Act practically gave these Centers carte blanche authority to pursue their social agendas.

ACCOUNTABLE

Requires local boards to set and enforce priorities (Section 10)

Our bill requires local boards of directors of LSC recipients to set and monitor priorities for the use of recipient resources. We feel strongly that deviating from those priorities should be the exception, not the rule; our bill would require staff attorneys to follow an established procedure when an emergency requires taking a case that is outside the specific priorities set by the local Board.

Allows clients to affect priorities by modest co-payments (Section 19)

Some observers of the Federal legal services programs see the number of cases taken by LSC recipients involving drug dealers as a symptom that programs are often out of touch with client concerns. Requiring a modest co-payment will help insure that resource allocations reflect client priorities. Co-payments would allow clients to feel a sense of dignity and control and the lawyers would be held accountable by their clients.

Requires keeping time by type of case and source of funds (Section 9)

Today—no one—not Congress, not the LSC, not the recipients themselves, can determine whether one program is more or less efficient than another. It may take one program 4 lawyer hours to handle a type of case which takes another program 12 lawyer hours to handle. The taxpayers have a right to know exactly what they are getting for their money. Accountability depends on knowing where a grantee spends its time and money. Currently no one knows.

Organizations to compete periodically to obtain federal funding (Section 13)

The genesis of protection Congress gave to existing LSC recipients was concern that a hostile Administration would replace grantees on ideological grounds. To the extent that threat ever existed it has passed. The presumption that a grantee will be refunded has meant an existing grantee will be funded again no matter how poorly it performs or complies with Congressional mandates.

Competition generally produces innovation, efficiency and excellence. It is hard to believe that, if competition involving complex weapons systems—long resisted by the defense industry—has produced the F15, the best fighter of its generation and the Advanced Tactical Fighter—then competition will not produce better delivery systems for legal services to the poor.

We have defined our proposed competitive bidding system in Section 13 where we note that this competition is not in the sense of the least cost program that might be offered but rather competition in the sense of quality and variety in the type of service that a program might offer.

Application of waste, fraud and abuse laws (Section 5)

There is no disagreement that the federally funded legal service program should be subjected to the same rules as other federal programs.

Prevention of evasion of congressional restrictions (section 24)

In 1981 the GAO found that a number of legal services recipients had set up mirror corporations to evade Congressional restrictions. That must not happen again. If a group of lawyers want to engage in activities which Congress prohibits, they should not be set up and controlled by federally funded recipients.

Attorney client privilege defined

Recently the GAO was asked to investigate legal services practices in a particular industry but reported it was unable to reach any conclusions because it was denied access to records and documents by LSC grantees. While we do not want to preclude legitimate claims of attorney client privilege, we should not allow exaggerated claims to shield programs from legitimate oversight.

Appointment of corporation president (Section 23)

This section changes the way in which the president of the Corporation is appointed making him serve at the pleasure of the President of the U.S. upon the advise and consent of the Senate. Presently, the president of the corporation is elected by the Board. This will serve to bring more accountability to the LSC.

Naming plaintiffs and statements of fact (section 7)

Private parties who are sued by Federally funded LSC attorneys are often at a tremendous disadvantage. They are generally not lawyers and must bear the often considerable expense of hiring legal counsel. Demands for money damages often strain or exceed their ability to pay. Our bill attempts to help such citizens by requiring, under most circumstances, that they know who is bringing the complaint and that a statement of facts by the plaintiff is on file. The potential defendant can then intelligently evaluate whether to settle or litigate.

No attorneys fees from private defendants (section 14)

Private parties who are sued by Federally funded attorneys pay four times: (1) their taxes, (2) their own attorneys fees, (3) a money judgement and (4) the attorney's fees of taxpayer funded attorneys who sued them. We don't think that is fair. Our bill provides that while government defendants would still be liable for attorneys fees, taxpayers would not be required to pay the attorneys fees of taxfunded lawyers.

ELEVENTH ANNIVERSARY OF THE MASSACRE AT THE GOLDEN TEMPLE

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1995

Mr. BURTON of Indiana. Mr. Speaker, this past Saturday, June 3, marked the 11th anniversary of a very dark day in India's history—the Indian Army's assault on the Sikhs' Golden Temple in Amritsar. On that date in 1984, the Golden Temple in Amristar, the holiest shrine of the Sikh nation, was brutally attacked by 15,000 Indian troops.

The brutal assault on the temple was timed to occur on a Sikh holiday. Simultaneously, 38 other Sikh temples throughout Punjab were attacked. Over 20,000 Sikhs, mostly civilians, were killed during the month of June.

At the Golden Temple, hundreds of people were herded into tiny rooms, where many died of asphyxiation. Many Sikh women were raped and then murdered. One hundred Sikh students between the ages of 8 to 12 were lined up in front of the temple's sacred pool and asked one by one to denounce the movement for an independent Sikh nation named Khalistan. One by one the children refused to do so and were shot in the head.

These types of horrible atrocities have become routine in Punjab, in Kashmir, and in other areas under India's control. India has over a half-a-million troops in Punjab and another half-a-million in Kashmir who are brutalizing those people—raping women, torturing prisoners, murdering civilians. Countless thousands of Sikhs, Moslems, and Christians have been murdered by Indian soldiers and paramilitary forces. This brutality has led the Sikhs of Punjab to seek independence so that they can enjoy the blessings of life, liberty, and the pursuit of happiness. The Indian Government should understand that its brutal campaign of terror will not wipe out this movement, it will only add fuel to the fire.

The Indian Government must be called to account for its crimes and human rights violations. It has become notorious for its disrespect for sacred religious sites. In 1992, Hindu mobs sacked the Mosque at Ayodhya. Just last month, Indian forces in Kashmir gutted the ancient Moslem shrine at Charar-e-Sharies on a Moslem holiday. The democracies of the world must not turn a blind eye on these heinous acts.

I hope all of my colleagues will join me in making the 11th anniversary of the attack on the Golden Temple by calling on India to begin to respect the human rights of all people.

THE WELFARE SYSTEM

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1995

Mr. PACKARD. Mr. Speaker, today President Clinton suggested that Republican welfare proposals would give States incentive to cut loose the poor in order to save money simply by throwing people off the welfare rolls. Frankly, nothing could be further from the truth and the Clinton administration knows it.

The President has expressed skepticism of plans that give more authority to the States, yet the States have a proven track record on welfare reform and we should move the responsibility for welfare programs out of Washington and back to the States. The only examples of successful welfare reform have come at the State level, led by Republican Governors. Furthermore, as Governor of Arkansas, the President urged increased authority to the States.

The President continues to defend a failed system that even most welfare recipients do not believe in. The current system has resulted in increased poverty, dependency, and violence. The poverty rate today is higher than it was when Lyndon Johnson launched the war on poverty in 1965, even though trillions of dollars have been spent on welfare programs. Studies show that half of AFDC families remain on welfare for more than 10 years and many are stuck there for life. The current system has made work financially unfeasible in many States. Violence in our society has increased. Felonies per capita have tripled as have violent crime arrests for juveniles, while welfare spending has increased 800%.

Mr. Speaker, the welfare system is a national disgrace. It is outrageous and arrogant for the President to tell America that Governors and State governments cannot be trusted. It is particularly incredulous since he has not presented a plan of his own and continues to leave the answer to many key questions purposely ambiguous.

HOUSE OF REPRESENTATIVES—*Friday, June 9, 1995*

The House met at 10 a.m. and was called to order by the Speaker pro tempore [Mr. RADANOVICH].

DESIGNATION OF THE SPEAKER PRO TEMPORE

The Speaker pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 9, 1995.

I hereby designate the Honorable GEORGE P. RADANOVICH to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Reverend Douglas Tanner, Jr., Faith and Politics Institute of Washington, DC, offered the following prayer:

Almighty God, Creator of us all: We come before You on a day when the heat and humidity outside this Chamber tell us that summer is here, even though officially it has yet to arrive. We also know it is summer by the departure today of this year's page class, and we thank You for their work in the seasons past.

Grant us the capacity to discern with equal clarity the seasons of our own lives: the time to sow, the time to cultivate, the time to reap, the time to lie fallow. Help us to know when to water, and when to weed.

Help us to know good seed from bad as we choose what to sow in the fields of public policy. Enable our public leaders to appeal to what is noble in our nature, to our human dignity, to our sense of fairness, to our compassion, to our willingness to sacrifice, to our ability to forgive. Strengthen us to follow those who will lead. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The gentleman from Arizona [Mr. KOLBE] will lead the membership in the Pledge of Allegiance.

Mr. KOLBE led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed the following resolution:

S. Res. 131. *Resolved,* That the House of Representatives be notified of the election of the Honorable Kelly D. Johnston, of Oklahoma, as Secretary of the Senate.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 735. An act to prevent and punish acts of terrorism, and for other purposes.

The message also announced that pursuant to Public Law 101–509, the Chair, on behalf of the Democratic leader, announces his appointment of John C. Waugh, of Texas, to the Advisory Committee on the Records of Congress.

TRIBUTE TO THE DEPARTING PAGES

Mr. KOLBE. Mr. Speaker, ladies and gentlemen, it is my pleasure once again to take the floor of this House at this time of year to say just a few words about the pages. This is their final day, and it is customary for us to say a word or two about the service that they have provided for us.

I will have an opportunity to say a few words to them this evening, because I am especially privileged and honored to have been chosen by them to be their speaker at their graduation or end-of-year exercises this evening, and I promised them that I would not speak for more than an hour and a half this evening, so perhaps if I say a few of the words here this morning, we can cut it a little short this evening.

I know that the pages have very mixed feelings about their departure. On the good side, they do not have to get up at 5:30 in the morning in order to get to school. They do not have to listen to more of these boring speeches on the floor of the House of Representatives. They do not have more flags they have to deliver to the offices.

But I know they also are going to be missing this wonderful learning environment that they have been in and, of course, leaving behind so many friends that they have made. But I can tell you, and I speak, as the pages know, with some experience, having served here as a page many years ago, all too many years ago. We will not name how many years ago it was, having served here as a page all those years ago.

I know that the friendships that you have made here will endure, will endure if you work at it, and I know the memories that you have of this will certainly continue. But, of course, it is the lessons that you learn from all of this that are important.

You have had an opportunity to see firsthand how government works. You have had an opportunity to see the good and the bad of this place, the good and the bad that are in people, whether it is in government, in the House of Representatives, or any place in our walk of life. The House of Representatives truly is the people's body, and it reflects in many ways the good and sometimes the bad that we see in our own society.

So I want to say thank you this morning to each and every one of you for what you have done to make our daily lives a little better.

I would be remiss if I did not particularly mention the two pages, and I am privileged to have two here this year, that have worked so hard and have been my pages, Francie Julien from Amphitheater High School in Tucson, and Nancy Grimm from University High School, and since they are mine, I mention them, but in mentioning them I am really mentioning each and every one of you for the wonderful jobs and the service that you have given us.

You really do do us a great service. You know, it takes a huge operation to make this place run, to keep it going. There are people that are all over this House of Representatives and this Congress of the United States, from the very rooftop of this building to the bowels of the building, that, in an unsung way, keep the place going every day, and you are part of that, you are a very visible part of it. You are visible to the public as you make your way around this building delivering the messages and the packages and doing the errands that you do. You are very visible to us here on the floor of the House of Representatives. You play a huge role in making our lives easier and making it work for us. And that is why you are so important to us in that sense.

But you are important to us in a much more important way, I think, that sometimes escapes the notice of you, and perhaps even of us. You are here as a daily reminder to us of what

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

this work that we do is all about, because you represent the next generation of America, and I think that we need to be reminded daily that the votes that we cast, the votes that we cast to make sure that this is a sound government, a sound society for the future, the votes that we cast are done not for ourselves but for our children, for the next generation, and you are the next generation. That is, after all, what this is all about, maintaining the future of our country.

So I wish you well in your endeavors in school next year and in the endeavors that go beyond that. Some of you, I suspect, well, I do not expect it, I guarantee it, there will be one or more of you among you that will be back here someday in the Congress of the United States serving in this body just as I have done, working as a staff person here on the Hill.

So I do not have to say do not forget us. You will not forget us. But you have to do the work of keeping up the friendships and of maintaining the contacts and relearning the lessons that you have learned from here, of maintaining the involvement and your concern in government.

You have a responsibility to take the lessons that you have learned here and will continue to learn throughout life and pass those lessons along to the next generation, for you, too, will be parents someday. You will have your own families, and that is the important, most important thing we do, not what we do here, not what we do in our workplace, but what we do in terms of passing the values of our society on to the next generation.

You have made a very good start of it, and I wish you all very well, and I am looking forward very much for the chance to talk to you again this evening.

Good luck, Godspeed, come back and see us.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. KOLBE) to revise and extend their remarks and include extraneous material:)

Ms. KAPTUR, for 5 minutes, today.

Mr. OWENS, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Member (at the request of Mr. KOLBE) and to include extraneous matter:)

Mr. SKELTON in two instances.

(The following Members (at the request of Mr. KOLBE) and to include extraneous matter:)

Mr. ARCHER.

Mr. GOODLING.

ADJOURNMENT

Mr. KOLBE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 11 minutes a.m.), under its previous order, the House adjourned until Tuesday, June 13, 1995, at 10:30 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1010. A letter from the Secretary, Department of Commerce, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 1994, through March 31, 1995, and semiannual management report for the same period, pursuant to 5 U.S.C. app. 5(b); to the Committee on Government Reform and Oversight.

1011. A letter from the Administrator, Environmental Protection Agency, transmitting the semiannual report of the Office of Inspector General covering the period October 1, 1994, through March 31, 1995, and the semiannual management report for the same period, pursuant to 5 U.S.C. app. 5(b); to the Committee on Government Reform and Oversight.

1012. A letter from the Chairman, Federal Trade Commission, transmitting the semiannual report on activities of the inspector general for the period October 1, 1994, through March 31, 1995, pursuant to 5 U.S.C. app. 5(b); to the Committee on Government Reform and Oversight.

1013. A letter from the Director, Office of Management and Budget, transmitting a report of activities under the Freedom of Information Act for calendar year 1994, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

1014. A letter from the Inspector General, Resolution Trust Corporation, transmitting the semiannual report on activities of the inspector general for the period October 1, 1994, through March 31, 1995, pursuant to 5 U.S.C. app. 5(b); to the Committee on Government Reform and Oversight.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MARTINI:

H.R. 1811. A bill to amend title 18, United States Code, to provide an additional aggravating factor for death penalty cases; to the Committee on the Judiciary.

By Mr. ARCHER (for himself and Mrs. JOHNSON of Connecticut):

H.R. 1812. A bill to amend the Internal Revenue Code of 1986 to revise the income, estate, and gift tax rules applicable to individuals who lose U.S. citizenship; to the Committee on Ways and Means.

By Mr. EHRLICH (for himself and Mr. RADANOVICH):

H.R. 1813. A bill to establish a Minerals Management Service within the Department of the Interior, and for other purposes; to the Committee on Resources.

MEMORIALS

Under clause 4 of rule XXII,

109. The SPEAKER presented a memorial of the Senate of the State of Louisiana, relative to memorializing the Congress of the United States to propose an amendment to the Constitution of the United States to prohibit burning of the U.S. flag; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 863: Ms. DANNER.

H.R. 1496: Mr. FALEOMAVAEGA, Mr. BRYANT of Texas, Mr. WOLF, Mr. TOWNS, Mr. MILLER of California, and Mr. DEFAZIO.

H.R. 1594: Mr. KOLBE and Mr. CHAMBLISS.

SENATE—*Friday, June 9, 1995*

(Legislative day of Monday, June 5, 1995)

The Senate met at 9:15 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious God, there are five vandalizing words that confuse, hurt, and deplete. We hear these words spoken carelessly; we have said or thought them ourselves. These five words, "It won't make any difference!" cause discouragement, cut the slender thread of hope, and give us that bottomless inner feeling of frustration.

And then we come to prayer and we hear Your voice sounding in our souls, encouraging us to believe that we can make a difference. Help us to realize that You have all power and are ready to use us in the challenging relationships and heavy responsibilities we carry in the work of government.

We thank You that You have given us work to do that can be an expression of our worship of You. We have the privilege of spending our working hours in crucial matters that will make a difference for the future of America. Our work is not wasted, insignificant, or useless.

Today, as another week draws to a close and weariness threatens to invade, awaken us to the privilege of a new day filled with opportunities to serve You in our work. The vital telecommunications legislation is before us. Thank You for the care of Senators and staffs in drafting it and for thoughtful discussion and debate of it. Give us a fresh burst of enthusiasm. Help us to make our motto today five words of determination, "We are making a difference!" In the Name of Him whose grace has made all the difference. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

Mr. PRESSLER. Mr. President, for the information of my colleagues, this morning the Senate will immediately resume consideration of S. 652, the telecommunications bill.

Amendments are pending to the bill. Therefore, Senators should be aware that rollcall votes are expected throughout the day today and possibly as early as 10 a.m.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

THE TELECOMMUNICATIONS COMPETITION AND DEREGULATION ACT

The PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of S. 652, the telecommunications bill, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 652) to provide for a pro-competitive, deregulatory national policy framework designed to accelerate rapidly private sector deployment of advanced telecommunications and information technologies and services to all Americans by opening all telecommunications markets to competition, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Dole amendment No. 1255, to provide additional deregulation of telecommunications services, including rural and small cable TV systems.

Dorgan modified amendment No. 1264, to require Department of Justice approval for regional Bell operating company entry into long distance services, based on the VIII(c) standard.

Thurmond modified amendment No. 1265 (to amendment No. 1264), to provide for the review by the Attorney General of the United States of the entry of the Bell operating companies into interexchange telecommunications and manufacturing markets.

Hollings/Daschle amendment No. 1266, to clarify the requirements a Bell operating company must satisfy before being permitted to offer long distance services.

Mr. PRESSLER. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KERREY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. THOMAS). Without objection, it is so ordered.

AMENDMENT NO. 1265, AS MODIFIED, TO AMENDMENT NO. 1264, AS MODIFIED

Mr. KERREY. Mr. President, we now resume the discussion of S. 652, in particular the amendment before us, which is, as I understand it, the second-degree amendment offered by the Senator from South Carolina to the amendment from the Senator from North Dakota; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. KERREY. I have not yet read, or we have not yet seen the amendment from the distinguished Senator from South Carolina. But I am going to make some presumptions here that I understand in general terms what it is about. I think in that amendment, there is a possibility of a compromise here, something that could satisfy both sides and get us to a point where we have a bill where we are going to get large numbers of people rather than a relatively smaller number of people supporting the legislation.

I believe that S. 652 in its current form, unamended, is not good for the American consumer. I will make it clear on that. I do not believe the American consumer will enjoy the full benefits of competition with S. 652 in its current form. The reason I believe that is that competition will not bring the kinds of benefits to the American consumer unless that competition comes from the bottom up, from entrepreneurs who have a chance to come to our households—100 million households total in the United States of America—and offer us packaged information services through two alternative lines coming into our home—a telephone line and a cable line.

If they have an opportunity to come into that environment and say, well, Mr. KERREY, we would like to sell you a packaged service of voice, video, or text; you are purchasing services today of $120 to $150 a month, and we can sell that to you for $75, $80, or $90 a month, in that kind of a competitive environment, the prices will come down and the quality is going to go up in the four big areas where households tend to see services.

No. 1, the price is going to go down for the switching services; that is, the movement of the bundled data from household to household or from household to business or vice versa.

We will see reductions in the cost of the manufactured hardware that is used in the home, regardless of what that hardware is, as the market tries to give better and better service.

We will see prices come down in the content—that package I described earlier—and we will see prices come down and quality come up in a range of services that household services buy.

My fear is that in a good faith effort to produce a means to replace the

VIII(c) test—I apologize for getting a little technical—what the committee did in a good faith effort to replace the VIII(c), test which I believe 18 members of the committee last year voted for in S. 1822 that was tied up late last fall, to replace that test, the committee came up with 134 individual things that the ARBOC, the local telephone company, has to have before they are allowed into long distance service.

That is kind of a summary, I believe, the distinguished Senator from South Carolina last evening gave as to how those 14 items did, in fact, replace this old test that was S. 1822, a bill that was supported by 18 members of the Commerce Committee last year.

The reason I say with respect that I do not feel that is adequate is, again, the Justice Department has the expertise of managing unprecedented movements from a monopoly situation to a competitive situation. We need that. That is a service that the people of the United States of America need. That is what this whole bill is about.

If we look at the title, title I is "Transition to Competition"; title II, "Removal of Restrictions to Competition"; title III, "An End to Regulation."

Mr. President, the only people in the U.S. Capital, the people's Capital, with experience in all these three of those areas is the Antitrust Division of the Department, approximately 800 people. We will not fall into the illusion that this is an enormous bureaucracy over there just busting at the seams with all sorts of people. It is approximately 800 people that run the Antitrust Division at Justice, and they managed the movement from a monopoly, AT&T, to our current competitive environment we have in long distance.

We are talking about doing the same thing with local telephone service. It seems to me, Mr. President, for those who want to survive this vote, who want to not just get a pat on the back as we walk out of here on final passage from those folks in industry that are out there hoping we vote the right way, whichever way that is, if we hope to get a pat on the back by our consumers, by our citizens, by our voters—and I would argue that is, in the end, the ultimate test—then we need to go to that agency that has experience in managing an unprecedented event, a movement from a monopoly situation at the local telephone service to a competitive environment.

This is going to be an extremely difficult thing to do. As I understand it, the distinguished Senator from South Carolina has proposed an amendment. I have not seen that amendment yet. He has proposed an amendment that might, in fact, solve problems that people have about having dual authority here. As I understand it, it may reduce the role of the FCC while giving the Department of Justice some additional authority. It seems to me that that is the right direction to go.

I want to walk through a little bit here this morning, and I will stop and yield afterward to anyone else that wants to talk on this issue.

There is, I think, legitimate concerns about what this will mean in terms of the time that is taken. In a time we are trying to get rid of regulation, which we are trying to do, we ought not have any unnecessary regulation.

I am prepared to support any person that has an amendment that says, here is something we will regulate that does not add any value at all; all it does is slow things down. I am prepared to vote for the elimination of any regulation that still is in the bill that might be unnecessary and that might add unnecessary costs.

The procedures for a Bell operating company entering into long distance—under the amendments proposed, the underlying Dorgan amendment, the Bell operating company would file an application to get into long distance. The Department of Justice and the Federal Communications Commission would review and proceed simultaneously. Their reviews go forward at the same time. We do not go to one and then to the other. We go to both simultaneously and each reviews something different. The Bell operating company has an answer within 90 days after application in accordance with a date certain established by Congress.

For Members that are wondering about how this will all work out and whether or not this is going to delay things, the language of the Dorgan amendment provides a date certain for an answer to be given by the Department of Justice to the Bell operating corporation applying for permission to get into long distance. The procedure is fast—90 days. It is fast.

We can set into the RECORD, with people who are experienced with how the courts work, if we need stronger colloquies filed so the courts understand that 90 days means 90 days, then we will do that and make certain that the time will be 90 days and that extensions are not granted for this particular procedure.

The standard for DOJ is clear, Mr. President. There is not ambiguity here. It is based on a well-established law applying both the Clayton Act and, by the way, the VIII(c) test under MFJ. The procedure will reduce litigation. Make no mistake about it. In my estimation, the existing law as written will encourage litigation and prolong the process. If Members believe it will do the opposite, come and say that it will do the opposite.

I am saying that my concern, as one Member that has one vote here, is that we come here and try to satisfy citizens—in this case, citizens as consumers—and I say that the existing law, in my judgment, will produce consumer confusion, it will produce consumer dissatisfaction, and it will produce problems that are going to cause Members who vote for it in its current form to say, well, I did not realize it would do that. Maybe we can come back in afterward and fix it with an amendment. Unfortunately, it is likely to be the very amendment we are considering today.

I said at the beginning that somewhere in the mix, somewhere in the mix, and I appreciate what we are basically doing is trying to figure out some way to continue the work that the senior Senator from Nebraska came up with this compromise language in committee. He is the one that has taken the lead on this. I understand the committee had a difficult time balancing and getting this stuff done.

Somewhere in the mix is a way for Members to give DOJ a role, perhaps limit and reduce some of the regulation that is at the FCC, and give those Members who are concerned about how we will manage this transition from monopoly to competition, give those Members that have that kind of concern some satisfaction.

I yield the floor.

Mr. DOLE. Mr. President, I wanted to inquire, if the regular order is called for, it is my understanding that the amendment I offered would be pending; is that correct?

The PRESIDING OFFICER. The majority leader is correct.

Mr. DOLE. That would be subject to a second-degree amendment?

The PRESIDING OFFICER. That is correct.

Mr. DOLE. I am not certain when we can agree on a vote. I know for the Senator from North Dakota, this is a central issue, the one we are debating now. I am not trying to crowd anyone. I want to try to make some headway this morning. If Members believe that Friday is Friday and we do not vote on Friday, nobody will ever be here on Friday.

We are going to have votes this morning, and I would like to accommodate everybody's request. I wonder if there is any objection—and I do not want to offend anyone—to calling for the regular order.

As I understand, the Senator from Pennsylvania has a second-degree amendment to my amendment. We are still trying to work out my amendment and the Daschle amendment, so we do not have one leader getting his adopted, the other not. We are trying to work that out.

Is there any objection if we proceed on that basis?

Mr. HOLLINGS. No objection.

Mr. DOLE. I ask unanimous consent to lay aside the pending amendment for Senator SANTORUM to offer an amendment.

Mr. KERREY. Reserving the right to object, I do not believe I intend to object. As I understand, the Senator is asking to proceed to the Santorum amendment with no agreement as to how long we will debate the Santorum amendment.

Mr. DOLE. Yes, we will lay aside the big amendment that the Senator is concerned about, Senator DORGAN's, and my amendment—just go ahead and offer it, period. That is all right.

Mr. DORGAN. Reserving the right to object. I would like to speak for a moment on the Department of Justice amendment, after which I have no objection to setting it aside and going to the Santorum amendment.

Mr. DOLE. I ask unanimous consent to lay aside the pending amendment for the Senator from Pennsylvania to offer an amendment with the understanding the Senator from North Dakota is going to be first recognized for a moment to make a statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Dakota is recognized for a moment.

Mr. DORGAN. Mr. President, the Senator from Nebraska, appropriately framed the issue of the role of the Department of Justice in the telecommunications legislation—or more appropriately put, the role the Department of Justice does not yet have in the telecommunications legislation and the reason many of us believe the legislation should be amended. For those who have not been involved in studying this legislation, I want to describe, again, why I think a role for the Justice Department is central to telecommunications legislation.

In 1934, when the Telecommunications Act was written originally, the issue was regulating a monopoly. Why must you regulate a monopoly? If you do not regulate a monopoly, a monopoly will do whatever it chooses to do to the American citizens and to the consumers. Regulating a monopoly was important in 1934.

Mr. President, we are rewriting that telecommunications law today in the Senate. The issue is no longer reregulating or regulating a monopoly; the issue is deregulation and competition. That requires a different legislative approach.

The breakup of AT&T into the regional Bell operating companies and the long distance companies, has created a substantially different kind of telecommunications network in our country.

In the long distance area we have robust, healthy, vibrant competition. Literally, hundreds of companies are involved in competitive efforts to market long distance services. These competitive efforts bring choice to consumers, generally at lower prices. We have seen a very substantial drop in charges for long distance services.

We have not seen similar circumstances in local service. This telecommunications bill must provide conditions under which local services will also have competition. The Bell operating companies are not now free to go out and compete with the long distance companies because they have a monopoly in most places in local service. It is not fair for the Bell operating companies to have a monopoly in local service, retain that monopoly and get involved in competitive circumstances in long distance service.

Most of the Bell companies want to get involved in the long distance business and this piece of legislation establishes the conditions under which that will occur.

The question before us is, When is competition in local service sufficient so that the Bell companies will be freed to provide long distance service? The piece of legislation before us establishes a role for the Federal Communications Commission to evaluate or to judge when that competition exists. Traditionally, that judgment role would be made at the Department of Justice. That is what the Justice Department does. That is their background and expertise. The Justice Department evaluates competition. It is the agency that deals with antitrust, monopoly, and competition issues.

The role of the Justice Department was, I assume, deliberately left out of this legislation for a number of reasons. I assume some people wanted there to be less aggressiveness in determining whether there is, in fact, real competition at the local level before the Bell operating companies are allowed to compete in the long distance area. One interesting point, last year, when the Senate Commerce Committee passed this legislation, and last year when the House of Representatives passed this legislation with 420 votes, a role for the Justice Department was in the telecommunications bill.

Last year the Justice Department was to have a full role in evaluating whether competition exists. This year, it does not. The question is, Why? What has changed? Nothing has changed. Consumers still need protection. Our responsibilities to make certain consumers are served the way they should be served has not changed. If we are moving from a period where we talked about regulated monopolies to a period where we are talking about deregulated competition, why should those who talked the loudest about deregulation not also be those who are most aggressive in making sure that competition really exists? Because competition, it seems to me, is the linchpin of a free market system.

If you have less competition, then your free market system does not work very well; it is not very free. If you have broader competition, robust, healthy competition, that is when the free market system works. In this legislation, the role of the Justice Department is to make sure that there is real competition before we release the Bell operating companies to get involved in long distance services.

I think a Department of Justice role is the most important issue we will deal with on the floor of the Senate in this legislation. It deals with literally hundreds of billions of dollars. The consumers are at substantial risk if we make the wrong decisions. I believe if we think our way through this issue as we construct this legislation on the floor of the Senate, we will reach the right result. And the right result clearly is for the Department of Justice to have a role.

The Senator from South Carolina believes it should happen. That is why he has offered an amendment. I believe it should happen that is why I offered an amendment. It is true we come at it in different ways, but they are, in many ways, not so far apart. And I am hoping in not too many hours we can reach some sort of common understanding between our amendments and resolve the differences we have. The technical difference is I am proposing what is called an VIII(c) standard, and he is dealing with a Clayton 7 standard. These standards are not so different. The best approach will be if we can, the Senator from South Carolina and others on both sides of this issue, find a way to merge these two approaches so the Justice Department retains a strong role in this legislation to protect the public interest. After all, protecting the public interest is what this legislation must do in the final analysis.

I appreciate very much the work and the words of my colleague from Nebraska, Senator KERREY.

I think the coalition of us, Senator KERREY, myself, Senator THURMOND, Senator LEAHY, Senator SIMON, and so many others, can amend this legislation before this debate is over.

If we do that, I think the winner will be the American people and the free market system in our country that works only when there is healthy and robust competition.

So I know we are going to set this legislation aside and go to a Santorum amendment, after which we will come back to it. There are a number of Members who wish to come to the floor and speak on this issue—Senator SIMON, Senator LEAHY, and others. I hope at the end of the debate we will have succeeded in amending the telecommunications bill to include a Justice Department role. I think it is important for the American people.

Mr. President, I yield the floor.

Mr. SANTORUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I ask unanimous consent to proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERREY. Reserving the right to object. As in morning business? I thought the Senator was going to offer an amendment.

Mr. SANTORUM. I am still waiting to hear if there is an agreement on my offering the amendment. We are waiting to hear from Members on your side of the aisle.

Mr. KERREY. Did the majority leader not earlier ask? Is that what we are proceeding under? I thought we were going to——

Mr. DOLE. Mr. President, in response to the Senator from Nebraska, what we are trying to do is get an agreement on when we are going to vote, if we can get a 10:30 agreement to vote. Does anybody object to voting at 10:30? Otherwise, we will have a Sergeant at Arms vote. There is going to be a vote. Either vote on the amendment or have a live quorum and we will have a vote. It is up to the Senator from Nebraska.

Mr. KERREY. I just got this amendment. I am not going to agree to a time of 10:30 or any other time at the moment until I review this amendment.

Mr. DOLE. We had an agreement last night, I understand, with the Senator for 10 o'clock. He had the amendment in his hand last night.

Mr. KERREY. Mr. President, 10 o'clock—my understanding last night was we were going to take it up at 10 o'clock. I did not understand.

Mr. DOLE. Take it up at 9:15, vote at 10. Now we are going to take it up at 9:45, vote in 45 minutes. I understand it is a very technical amendment.

Mr. KERREY. Let me just continue what I am doing, which is reviewing the amendment which I am looking at now for the first time.

Mr. SANTORUM. Mr. President, I ask unanimous consent that I may proceed as in morning business.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Pennsylvania.

Mr. SANTORUM. I thank the Chair.

LACK OF PRESIDENTIAL LEADERSHIP

Mr. SANTORUM. I rise to continue my vigil in pointing out the lack of leadership of the President in coming forward and offering a balanced budget resolution. I have been in the Chamber noting the days that have passed since the Republicans in the Senate brought to the floor a balanced budget resolution which lay out a chart, a plan in specific detail, of how we would achieve a balanced budget over the next 7 years. Since that time, the President has played coyly with this issue and unfortunately has not come to the table. In fact, he has done a whole lot of things that lead many of us to believe we are not so sure he is ever going to come to the table.

Mr. KERREY. Will the Senator yield for a question?

Mr. SANTORUM. I would be happy to yield for a question.

Mr. KERREY. Mr. President, I have not been in the Chamber before when the Senator brought this chart down. I am 51 years old, 51 years old. I spent 3 years in the world's largest, most powerful Navy. And I was taught, when I was in the Navy, the Commander in Chief, the President of the United States, deserved respect, and I never called the President of the United States by his first name in public, let alone on the floor of the Senate.

I just ask my colleague, do you feel this is respectful? You can disagree with the President, say you have something you do not like about what he is doing, but, for God sakes, "Where is Bill?" I ask my colleague——

Mr. SANTORUM. If I can reclaim my time, I would suggest to the Senator from Nebraska that the reason this chart was put forward really is as a response to some of the comments made by the Senator from Massachusetts about the previous President. You remember the famous statement repeated over and over and over again in the 1992 election, "Where is George?" How many times?

Mr. DORGAN. Mr. President, will the Senator yield?

Mr. SANTORUM. Excuse me. How many times did we hear that refrain throughout the course of the election? So I would just——

Mr. KERREY. Mr. President, will the Senator yield for a followup question on that?

Mr. SANTORUM. I would be happy to yield.

Mr. KERREY. Mr. President, is the Senator from Pennsylvania saying essentially then if somebody else does something that he finds objectionable, because the other person has done it, therefore it establishes a precedent and he does not mind doing it as well? Is the Senator from Pennsylvania saying he is following the example of the Senator from Massachusetts, that whenever the Senator from Massachusetts does something, even though he may object to it, he is going to cite it as a precedent? The question that I asked was, does he respect the Commander in Chief, the President of the United States, enough to call him by a name that is worthy of that respect, regardless of whether he disagrees? If you want to bring up these opinions, bring up these policies, bring up whatever you want to the floor——

Mr. SANTORUM. Mr. President, I would like to reclaim the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania has the time.

Mr. SANTORUM. I think you will find the dialog that has occurred in charting the number of days that the President has refused to offer a budget has been very respectful of the President in referring to him as the President.

The point of the chart is apparent.

I find it ironic that when this was going on by the Senator from Massachusetts, I do not remember anybody coming to the well, much less the Senator from Nebraska coming to the well, defending President Bush from those similar attacks. So I think it——

Mr. DORGAN. Will the Senator yield for a moment?

Mr. SANTORUM. Depends on whose ox is being gored as to who is offended by the remarks. I can appreciate the constructive dialog, but I think it is a suitable poster and will continue with it.

Mr. DORGAN. I wonder if the Senator would yield for a moment.

Mr. SANTORUM. I would be happy to yield for a question.

Mr. DORGAN. I appreciate it very much. The Senator refers to the Senator from Massachusetts. My recollection of the dialog "Where's George?" was that it occurred at a political convention. Is the Senator from Pennsylvania equating the floor of the Senate with a political convention?

Mr. SANTORUM. I am not equating the floor of the Senate with a political convention, no.

Mr. PRESSLER. If my friend will yield.

Mr. SANTORUM. I would be happy to yield to the Senator from South Dakota.

Mr. PRESSLER. I think in American society we refer respectfully to our President. I have heard various Presidents referred to by their first name on the Senate floor. I do not want to start digging it out. We have a friendly society. We refer to our President by first name or last name. We have good, healthy debate. I think that this whole objection here is nonsense. And I urge——

Mr. KERREY addressed the Chair.

Mr. PRESSLER. I urge the Senator from Pennsylvania to proceed.

Mr. SANTORUM. I thank the Senator from South Dakota.

Mr. KERREY addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania has the time.

Mr. KERREY. Parliamentary point.

The PRESIDING OFFICER. The Senator will state his point.

Mr. KERREY. I just heard my comment referred to as nonsense. Is that correct?

Mr. PRESSLER. I did not refer to the Senator's comment as nonsense. I just said this whole debate I think——

Mr. KERREY. Mr. President, I believe you have to look long and hard to find a Member who comes here and refers to the President by his first name, whether it is President Clinton, President Bush, or President Reagan. You have to look long and hard to find it. I appreciate the Senator from Pennsylvania thinks it is humorous. I do not.

Mr. DORGAN. Parliamentary inquiry.

The PRESIDING OFFICER. The time belongs to the Senator from Pennsylvania.

Mr. SANTORUM. I thank the Chair. He has done an effective job in moving this debate along to a vote at 10:30, and I appreciate the opportunity to have this discourse.

I think it may indicate that there is a sensitivity of the members of the President's party about the President's lack of leadership. And I understand that sensitivity. I understand that there may be justifiably some embarrassment about the lack of leadership by this President and jumping into his defense on something other than the substance of what we are discussing here.

We are not discussing substance in this little interplay. We sort of got off the track. Let us talk about the substance. The substance is that I have to put—I did not get a chance to get to the floor yesterday, but I have to put now "22"—22 days with no proposal to balance the budget from the President.

I will show you the chart I had the other day that was in the Washington Times. And again I understand the embarrassment of the other side on this issue. I understand they are a little sensitive about this because I am sure it is something I would not be proud of if it was my President on the Republican side.

But here is what Michael McCurry in a dialog with the reporter from the Washington Times said about the balanced budget amendment and the President on Larry King earlier this week suggesting that he may have a balanced budget resolution. The question was:

> Where does President Clinton stand on writing his own budget now?

The answer from the press secretary:

> As he indicated last night in his television interview, he's prepared to contribute his ideas to the budget at the appropriate time.

Washington Times question:

> What does that mean?

Michael McCurry, White House Press Secretary:

> It means we're ducking the question for now.

"We're ducking the question for now." The President of the United States, who has the responsibility to lead this Nation, is ducking the question for now.

I understand the embarrassment. I understand the sensitivity that many Democrats in this Chamber have about a President who is ducking the question, who is ducking the issue, who is refusing to lead, who is taking a back seat to all domestic policy in this country as we work here in the Congress to get it done and work, as we see in this case, on a bipartisan basis to get it done, but again without the leadership of the White House. Here we are debating probably one of the most important pieces of legislation that we are going to get a chance to debate that is going to affect our economy for a long, long time. We have very important fiscal matters to be concerned with here in getting our budget in order and tax policy and other Government program policies like welfare. But when it comes to regulating the private sector, this bill is probably as important as ever and the President has not been offering his own telecommunications bill, not putting forward leadership on that area, basically standing back and sniping, saying, well, I do not like this or I do not like that.

But where is the leadership? Where is the leadership on welfare reform as he goes around the country talking about how the Republican plan is mean spirited and terrible, and yet he has offered no plan this year. The plan he offered last year was cast aside by his own Congress, the Democratic Congress, as a joke, as irrelevant, as a nonstarter, as not even meeting the straight-faced test of incremental reform.

And so we have a President on that major issue domestically, who has just taken a walk and now this week he trots out the veto pen, on what? On reducing the deficit. On reducing the deficit, on a bill that was bipartisan, that was signed. This bill was signed on by the ranking member of the Appropriations Committee on the Democratic side as well as on the Republican side and passed with over 60 votes in the Senate, and he vetoed it.

I have to quote the Senator from Oregon, Senator HATFIELD, who came to the floor during the debate and said in his tenure on the Appropriations Committee, which spans six Presidents—six Presidents—he has never been in a conference committee where the President of the United States did not send a representative to negotiate the conference report. Every President has always sent a member of his staff to sit in the conference committee when they are drafting the report, to negotiate the final deal so we could settle it. The President did not send anybody. He said that is the first time in his history on the Appropriations Committee.

Now, there is a complete abdication of leadership. And so after an honest bipartisan effort was put together in the conference report, voila, the President decides it is not good enough for him even though he had no input into the process. I think it just goes to show you that what we have is a President who has decided to start running for the 1996 election and forget about serving in the office of the President. The whole concept now is just simply to run for office, to run against the Congress, not to offer anything, because if you offer anything, then you can be held down to specifics and people can criticize you. If you just criticize the other side, well, then all you do is pander to the different groups that you have to get to get elected.

And that is what is going on here. There is no substance coming out of that White House whether it is telecommunications, whether it is welfare, whether it is rescissions, whether it is balancing the budget. It is a continuation of, as the majority leader so eloquently said, the a.w.o.l. strategy of the President, absence without leadership. I think we should demand better.

And so I have set myself on this mission of coming here. I try to get here every day, but sometimes because of the floor schedule and the business we have at hand, I have not had a chance to do it every day. But I get here just about every day and put up the chart and count. I have been informed by my staff that we have, I think it was, 135 days between the time——

Mr. DORGAN. Parliamentary inquiry, Mr. President. Is the morning business time requested 5 minutes?

The PRESIDING OFFICER (Mr. ABRAHAM). There was no limit placed on the morning business.

Mr. SANTORUM. Mr. President, so I will probably have to have another little doohickey over here so we can put the "1" here, because it will be 135 days where the President is not going to offer a bill.

Again, he made comments on the Larry King show earlier this week that he was going to come up with a plan. He had talked about a plan that was going to balance the budget. This was, I think, day 6. He talked about a plan that was going to balance the budget over 10 years. That was his mission; that he was going to come up with that.

I did a little homework and found out that the last plan that was around here to balance the budget in 10 years that was offered never actually came to the floor of the House, but it was put together. It was by the chairman of the Budget Committee at the time. The chairman of the Budget Committee at that time was Leon Panetta, now Chief of Staff at the White House. But at the time of putting this budget together in 1991, he was chairman of the Budget Committee. This was after the Bush budget battle of 1990, and he thought it would be responsible.

I give him credit for this, because I was on the Budget Committee at the time and worked very closely with then Chairman Panetta. I had the utmost respect for him and his ardor in putting forward plans to put this country back on sound fiscal footing. I was not always in agreement with how he did it, but I know then Chairman Panetta really had a strong motivation to deal with these problems, face up and to do it in a way that was honest, no gimmicks. This was a legitimate attempt by then Chairman Panetta to deal with these issues.

I found it ironic that when he actually put the document together—it was in late 1991—he not only did not even bring it up in the Budget Committee, but he was roundly criticized by those on his side of the aisle, so he pulled it down.

I must tell you, it was a budget to balance the budget over 10 years. There were some interesting points in it. What you find is that, very much like the Republican budget that was put forward and passed by the Senate and the House, it called for reductions in growth in entitlement spending. It called for reductions in growth in Medicare. It called for reductions in growth in Medicaid. It called for reductions in growth in Federal retirement programs. If you go on down the list on what the Republicans are now being roundly criticized for, the Panetta budget in 1991 was very similar in respect, maybe not to degree, but certainly similar in the programs that it went after, the recognition of where the problem was, and focused on entitlements as the biggest area for resolution of that problem.

The other interesting thing is that only two-thirds of the deficit reduction was achieved as a result of spending reductions. Two-thirds were achieved through spending reductions. The other one-third of deficit reduction was achieved through a tax increase. A little over $400 billion in new taxes, not specified, but new taxes that were going to be placed on the American public.

Maybe it goes back to the reason why the President has been so shy about offering this or bringing to light this 10-year budget. I am of the opinion that maybe what the Chief of Staff of the White House did was rummage through some of his old budget files when he was Budget chairman or have someone dig up his 1991 proposed budget and offered that to the President: "See, Mr. President, we can do it."

I know again how concerned the Chief of Staff is about the budget deficit and how honest he was in dealing with that. I believe he has been a voice in the White House saying, "Let's be responsible. Let's go out and show how we are going to do it, and let's bite the bullet like the Republicans have in the Congress, and lead this country into the future. Mr. President, here was my plan to get there. You should look at it."

So what the President probably did was read it and probably voiced he has a plan he is looking at, a 10-year plan, to balance the budget. But it, unfortunately, contains another big tax increase. This tax increase would actually pale by comparison to what the President and the last Congress passed in 1993. This was, as I said before, close to $½ trillion dollars in new taxes on the American public to solve this problem.

I think if you looked at the debate during consideration of the budget resolution, there certainly was not a fervor to go out and raise taxes. I know there were a couple of Members who voiced that concern, but frankly, that sentiment was roundly dismissed by both sides of the aisle as something that was not only not in the public's interest but certainly not in the interest of the economy.

If we look now at what is going on with the economy and the effect of the 1993 tax increase on the economy and the fact that we had the largest ever payment of taxes in April, the largest amount of money ever written to the Internal Revenue Service at tax time was this last April where they sent an enormous amount of money—I think the number is around $20 billion in tax payments paid over what the previous record was—some economists are suggesting that is one of the reasons we may be seeing the slowdown now, because that tax time and that tax increase drew so much money out of the economy that it had the dampening effect of reducing the rate of growth and possibly even spinning us into a recession.

So I think everyone realizes that tax increases are not the way to deal with the budget deficit. I think we saw from the debate just a few weeks ago—I do not remember an amendment that called for a tax increase—that in fact suggested we should solve the problem by instituting new taxes.

Mr. EXON. Will the Senator yield for a question?

Mr. SANTORUM. I will be happy to yield for a question.

Mr. EXON. My question of the Senator from Pennsylvania is simply that we have, as I understand it, very important business to transact. Can the Senator advise me as to how long he intends to hold the floor on the matter that we have heard from him on several occasions?

Mr. SANTORUM. I expect I will be talking for a few more minutes. I know the leader would like to get a vote and is seeking a unanimous consent agreement to get a vote on a——

Mr. EXON. If I might, I simply advise my colleague, as I understand it, the Republicans have a golf game this afternoon. I am sure that is a high-priority item. But this measure before us, which I would like to get to, is a very important piece of legislation for America.

Mr. SANTORUM. Mr. President, I reclaim the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania has the floor.

Mr. SANTORUM. I do not know anything about that. I have some very pressing business of my own which, hopefully, can wait. My wife is expecting our third child, and we are hoping that will come tomorrow. We are very anxious about that. Things are looking good. I would like to be home tomorrow. But if Senate business calls, Senate business calls, and I will be here if I need be.

I know what we would like to do is proceed on some of these amendments. I have these notes passed to me saying no one wants to agree to vote on anything; we want to stall and delay.

Mr. PRESSLER. If my friend will yield, I think what is going on, Senator DOLE is trying to get an agreement for a vote at 10:30 and has been unable to do so. But I say respectfully to everybody, when I was a lieutenant in the Army—a mere second lieutenant—LBJ was referred to affectionately, at least by my superiors, as "LBJ."

Also on this floor I heard the term "Reaganomics" used a great deal back at the point when it was thought not to be popular. I am very respectful, as I am sure my friend is, of the President of the United States.

Let me say, whether it is Ike, FDR, LBJ, Reaganomics, Bush-whack—I have heard all these terms around the Senate over the years. I just want to point that out because I am very respectful, as I am sure the Senator from Pennsylvania is.

Military service was mentioned. When I was a second lieutenant, we used to affectionately and supportively refer to LBJ as LBJ. Maybe we need a new form of rules because past Presidents have been referred to in a variety of ways on the Senate floor.

Mr. SANTORUM. I thank the Senator.

Mr. KERREY. Will the Senator yield for an explanation? I say to my colleague——

Mr. SANTORUM. I will not yield.

Mr. KERREY. The Senator brings an amendment to the floor and then stands up for a discussion. It should not be a surprise the amendment is being delayed.

The PRESIDING OFFICER. The Senator from Pennsylvania has the floor.

Mr. SANTORUM. Thank you, Mr. President. I will quickly wrap up my remarks, and, hopefully, we can move to the vote soon.

In response to some of the comments, I know this amendment was made available last night, and it is really a minor, technical amendment. I hope that is something we can agree to down the road.

I think it is important. I understand telecommunications is important, and if we can get agreements, we can move forward on it. But this is also important. The role of the President in this country over the next 18 months, and whether he is going to be a leader of this country in moving forward on the domestic agenda, whether it is telecommunications or balanced budget or welfare reform, or a whole host of other areas, is important.

The Presidency—an office I respect—is important to this country. In fact, that is the reason I am here, because I think it is important. I think it is necessary for the President to step forward and offer suggestions, to lead the country. If I did not think it was important, if I did not think the President had a role, if I did not think the President was in fact the leader of the free world, then I probably would not be here. He would be like any other American who did not have to participate in the process.

Well, he was elected to participate in the process; he was elected to lead this country; he was elected to change this country. What he has done is elected not to participate. I think we need to point that out. We need to continue to point that out until he elects to participate.

So I will be back and I will talk about the number of days with no proposal to balance the budget from President Clinton.

QUORUM CALL

Mr. SANTORUM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KERREY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. SANTORUM. Objection.

The PRESIDING OFFICER. Objection is heard.

The clerk will continue calling the roll.

The legislative clerk resumed the call of the roll and the following Senators entered the Chamber and answered to their names:

Abraham
Hollings
Kerrey
Pressler
Santorum

The PRESIDING OFFICER. A quorum is not present.

The clerk will call the names of the absent Senators.

Mr. SANTORUM. Mr. President, I move to instruct the Sergeant at Arms to request the attendance of absent Senators, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Pennsylvania. The yeas and nays were ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Missouri [Mr. ASHCROFT], the Senator from Georgia [Mr. COVERDELL], the Senator from Texas [Mr. GRAMM], the Senator from North Carolina [Mr. HELMS], the Senator from Alabama [Mr. SHELBY], the Senator from Wyoming [Mr. SIMPSON], the Senator from Pennsylvania [Mr. SPECTER], and the Senator from Alaska [Mr. STEVENS] are necessarily absent.

I further announce that, if present and voting, the Senator from Wyoming [Mr. SIMPSON] would vote "yea."

Mr. FORD. I announce that the Senator from California [Mrs. BOXER], the Senator from Massachusetts [Mr. KENNEDY], and the Senator from Georgia [Mr. NUNN] are necessarily absent.

I also announce that the Senator from Delaware [Mr. BIDEN] is absent because of a funeral.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 80, nays 8, as follows:

[Rollcall Vote No. 246 Leg.]

YEAS—80

Abraham
Akaka
Baucus
Bingaman
Bond
Bradley
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Craig
D'Amato
Daschle
DeWine
Dodd
Dole
Domenici
Dorgan
Exon
Faircloth
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnston
Kassebaum
Kerrey
Kerry
Kohl
Kyl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Packwood
Pell
Pressler
Pryor
Reid
Robb
Rockefeller
Roth
Santorum
Sarbanes
Simon
Snowe
Thomas
Thompson
Thurmond
Warner
Wellstone

NAYS—8

Bennett
Breaux
Grams
Kempthorne
Mack
McCain
Nickles
Smith

NOT VOTING—12

Ashcroft
Biden
Boxer
Coverdell
Gramm
Helms
Kennedy
Nunn
Shelby
Simpson
Specter
Stevens

So the motion was agreed to.

The PRESIDING OFFICER. With the addition of Senators voting who did not answer the quorum call, a quorum is now present.

The Senate will come to order.

The majority leader.

THE TELECOMMUNICATIONS COMPETITION AND DEREGULATION ACT

The Senate continued with the consideration of the bill.

Mr. DOLE. Mr. President, let me indicate this is the first time we have had a vote like this all year. I do not like these kinds of votes because it punishes people who are not here for no good reason, but we could not get an agreement to vote on an amendment and, as I understand it, we are not going to get any time agreement on any amendment.

The managers have been doing an excellent job, I want to indicate, both to Senator PRESSLER and Senator HOLLINGS. I would like to complete action on this bill. It is a very important bill. No one is trying to rush it, but if we cannot get an agreement on a technical vote, I do not know what other recourse there is but sometime today to file cloture, have a pro forma session tomorrow, and then have a cloture vote on Monday around 5 o'clock to see if we cannot speed up movement of this bill.

If there is a willingness to agree to vote on the very important amendment offered by Senator DORGAN and Senator THURMOND from South Carolina, even at 5 o'clock on Monday, if we could agree to vote at 5 o'clock on Monday, agree to vote on the Santorum amendment here in the next 30 minutes? Failing that, we will have no recourse. Under the order, as I understand it, the Senator from Pennsylvania will be recognized to offer his amendment. We can have a vote, move to table the amendment, vote against tabling, and we can have another vote and another vote. But we do not make any progress.

But if the Senator from Nebraska is determined, as I believe he is, that we will not have any agreements or any votes, then we will just have to have some procedural votes between now and 2 o'clock.

If there is any inclination on anybody's part to make any kind of agreement, certainly I am prepared as the leader to try to accommodate all of my colleagues, many of whom are not here today, and many of whom would like not to be here today.

But, having said that, I yield the floor.

Several Senators addressed the Chair.

Mr. KERREY. Mr. President, if I may respond, what transpired here this morning was we were debating the second-degree amendment offered by the Senator from South Carolina to the underlying amendment offered last night by the Senator from North Dakota. We had a short period of debate last night.

We came in here early this morning. We had just begun the debate and the Senator from Pennsylvania came to the floor, I understood with an amendment, and asked for unanimous consent to go into morning business.

I did not, in good conscience, in good faith to a colleague, ask for any time limitation.

Then the distinguished Senator from Pennsylvania came—and not for the purpose of talking for a short period of time and then going to his amendment—with a very provocative, very effective, but very provocative political appeal against the President of the United States, to which I responded; to which I was quite willing to respond at an even longer time and had no opportunity. I had a very short exchange with the Senator from Pennsylvania on that issue.

I laid his amendment aside, which I think is appropriate for me to do. He has provoked an argument not on his amendment but on another issue. I did not choose to do that. He chose to come to the floor and, instead of addressing his amendment, provoked a debate on another subject. I laid that amendment aside and began to prepare my remarks to address the subject that he chose.

That is what happened here this morning. As to the underlying amendment, it is not that I am unwilling to set a time. I am not trying to filibuster this, I truly am not. I believe the differences between, in particular, Senator DORGAN and Senator THURMOND and myself, are not very far and there might be possibility for an agreement here on this particular proposal.

I heard the Senator from Arizona earlier, when he got up and made his opening remarks on this bill. He and I are not that far apart as to what we think the regulatory structure ought to be. I truly am trying to improve this bill. I am not trying to stop it. I am not trying to kill it. I am not trying to filibuster it indefinitely.

I would agree here this morning, if the Senator from Pennsylvania wants to lay his amendment down and you want to table it, I would like a short period of time at least to describe how I view this particular amendment in the brief period of time I have had to look at it.

Mr. DOLE. I certainly have no objection. I am not indicating any disagreement with the Senator from Nebraska. He has every right he wants, and has exercised his right.

I wonder if we might agree that there would be—the Senator does not want a vote up or down on the amendment, right? Will the Senator from Nebraska let us vote up or down on the amendment after 30 minutes of debate equally divided?

Mr. KERREY. What I am asking for, they came over to me earlier and said that the distinguished majority leader was going to table, and what I had asked for as opposed to putting us into a quorum call was just a little bit of time to offer some comments on the amendment itself. I do not want to agree to an up-or-down vote on it. I really have not had time to look at the amendment that carefully, but I was just with respect asking for a small period of time to make some comments on the amendment.

Mr. DOLE. I am not managing the bill, but I just suggest that maybe we vote at 11:30, and the Senator from Nebraska have half that time and the other half would be divided——

Mr. KERREY. I say to the majority leader, I would agree not to a time limit for an up-or-down vote, but I would definitely—I am asking if the Senator would agree to a unanimous consent that would give me 10 minutes to comment prior to a tabling motion.

Mr. DOLE. And then if the motion to table is not successful, would the Senator let us adopt the amendment?

Mr. KERREY. The answer is no. I say to the majority leader, I came—the distinguished Senator from Pennsylvania gave me his amendment. I was reading it over, and he got up and he provoked me. There is no other way to say it. So I took his amendment and put it in a little square thing over here called the trash can and started to make notes to respond to what he was arguing. He was not arguing his amendment.

Mr. DOLE. I do not know anything about that. If I could suggest this, that the Senator from Pennsylvania offer his amendment and after 20 minutes of debate, or 30 minutes of debate —the Senator from Nebraska 10 minutes, the managers or someone in opposition to the amendment, the Senator from Pennsylvania 10 minutes—that the Senator from South Dakota then be recognized to move to table the Santorum amendment.

Would that be satisfactory?

Mr. KERREY. That would be satisfactory.

Mr. DOLE. Is there any objection?

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. SANTORUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

AMENDMENT NO. 1267

(Purpose: To permit the Bell operating companies to provide interLATA commercial mobile services)

Mr. SANTORUM. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Pennsylvania [Mr. SANTORUM] proposes an amendment numbered 1267.

Mr. SANTORUM. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 94, strike out line 24 and all that follows through page 97, line 22, and insert in lieu thereof the following:

"(C) providing a service that permits a customer that is located in one LATA to retrieve stored information from, or file information for storage in, information storage facilities of such company that are located in another LATA area, so long as the customer acts affirmatively to initiate the storage or retrieval of information, except that—

"(i) such service shall not cover any service that establishes a direct connection between end users or any real-time voice and data transmission,

"(ii) such service shall not include voice, data, or facsimile distribution services in which the Bell operating company or affiliate forwards customer-supplied information to customer- or carrier-selected recipients,

"(iii) such service shall not include any service in which the Bell operating company or affiliate searches for and connects with the intended recipient of information, or any service in which the Bell operating company or affiliate automatically forwards stored voicemail or other information to the intended recipient, and

"(iv) customers of such service shall not be billed a separate charge for the interLATA telecommunications furnished in conjunction with the provision of such service,

"(D) providing signaling information used in connection with the provision of telephone exchange service or exchange access service to another local exchange carrier; or

"(E) providing network control signaling information to, and receiving such signaling information from, interexchange carriers at any location within the area in which such company provides telephone exchange service or exchange access service.

"(2) LIMITATIONS.—The provisions of paragraph (1) are intended to be narrowly construed. The transmission facilities used by a Bell operating company or affiliate thereof to provide interLATA telecommunications under paragraph (1)(C) and subsection (f) shall be leased by that company from unaffiliated entities on terms and conditions (including price) no more favorable than those available to the competitors of that company until that Bell operating company receives authority to provide interLATA services under subsection (c). The interLATA services provided under paragraph (1)(A) are limited to those interLATA transmissions incidental to the provision by a Bell operating company or its affiliate of video, audio, and other programming services that the company or its affiliate is engaged in providing to the public. A Bell operating company may not provide telecommunications services not described in paragraph (1) without receiving the approvals required by subsection (c). The provision of services authorized under this subsection by a Bell operating company or its affiliate shall not adversely affect telephone exchange ratepayers or competition in any telecommunications market.

"(f) COMMERCIAL MOBILE SERVICE.—A Bell operating company may provide interLATA commercial mobile service except where such service is a replacement for land line telephone exchange service for a substantial portion of the land line telephone exchange service in a State in accordance with section 322(c) and with the regulations prescribed by the Commission.

"(g) DEFINITIONS.—As used in this section—

The PRESIDING OFFICER. The Senate will come to order. The Senator from Pennsylvania has the floor.

Mr. SANTORUM. I thank the Chair.

Mr. President, I rise today to offer an amendment which clarifies the intent of the current language in the bill regarding inter-LATA commercial mobile services. This amendment makes only a minor change to the bill, and my understanding is that the amendment is noncontroversial with respect to the managers of the bill. Both Senators PRESSLER and HOLLINGS see no problem with the amendment and we hope to get the support of the other Members of the Chamber.

Mr. President, as you know, the consent decree that broke up AT&T in 1984 divided up the territory served by the old Bell system into 160 LATA's, which are local access transport areas. The LATA boundaries were drawn based on the then existing wire-based telephone network. Since that time, these wireline LATA's have been applied to new wireless services offered by the Bell companies, services such as cellular telephone systems. This was done in spite of the fact that there is no particular relationship between the LATA's and the wireless area served.

As a result, the Bell operating companies have been placed at a competitive disadvantage vis-a-vis the other wireless communications services, because the other wireless providers are not required to adhere to these LATA boundary restrictions.

The current piece of legislation addresses this inequity in section 255, and I wish to commend the committee for doing so. Section 255 addresses when a Bell operating company may provide inter-LATA telecommunications services. Subsection (e) defines when a Bell operating company may provide inter-LATA services incidental to providing video and audio programming, storage and retrieval services, and commercial mobile services. The intent is to finally allow the Bell operating companies to provide these specific services free of inter-LATA restrictions.

However, Mr. President, I believe that with respect to commercial mobile services, the term "incidental" creates an unintended ambiguity. The non-Bell wireless providers that currently have advantage, as I said before, will argue down the road that the inter-LATA Bell services in any given case are not incidental to the commercial mobile services in question. As a result, the Bell operating companies are not guaranteed the full entry into the inter-LATA commercial mobile services that this bill intends to provide.

The problem is very simply in the processing of a cellular phone call, they use wire services, and so it is in fact integral to providing the wireless services that they use a wire communications network. So the term "incidental" can be used to say that they frankly cannot do it at all and then have to fall back into their LATA boundaries, which is not the intent of the bill.

My amendment clarifies the intent by doing two things. First, the amendment carves out commercial mobile services from the incidental services section.

Second, the amendment inserts this commercial mobile services paragraph into a new subsection, subsection (f), immediately following the incidental services section. By creating a new subsection, this amendment removes the ambiguity of the term "incidental" with respect to the commercial mobile services without affecting the other wireless service provisions in subsection (e). As a result, this amendment makes only a very slight change to current language, yet it guarantees a level playing field intended for the Bell operating companies' commercial mobile services and their competitors.

Wireless services are competitive today. There are two cellular carriers in every locale. The FCC has allotted additional spectrum for service providers which will compete with cellular carriers. Only Bell-affiliated wireless carriers are subject to the LATA constraints while all others can offer services in whatever way and configuration their customers want. The Bell companies' lack of a comparable freedom of flexibility puts them at this competitive disadvantage.

As I said before, the distinguished ranking member, the Senator from South Carolina, and the chairman of the Commerce Committee have agreed to this, and I commend their efforts in putting this provision in the bill in the first place. This is simply a technical correction to make the focus of the bill very clear and so it is not under litigation by competitors down the road.

I seek the support of the Senate on this amendment.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senators from South Dakota and Nebraska control 10 minutes.

Mr. SANTORUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I will be happy to yield to the Senator from South Dakota.

Mr. HOLLINGS. Mr. President, in just the minute yielded to me, we have reviewed the amendment and it is an incidental. The "incidental" amendment is incidental. It corrects a good part of it, and on this side we would approve the amendment.

Mr. SANTORUM. I thank the Senator from South Carolina.

The PRESIDING OFFICER. Who yields time?

Mr. PRESSLER. Mr. President, we also on this side of the aisle support this amendment, and we have no problem with it and look forward to working with the Senator from Pennsylvania.

The PRESIDING OFFICER. Who yields time? If nobody yields time, time will be subtracted equally from all three sides at this point.

Mr. PRESSLER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KERREY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERREY. Mr. President, I have no problem, as I understand it, with this amendment. As I see it, the Senator from Pennsylvania is bringing a request from the Bell operating companies to clear up this language so that the Bell operating companies will know with certainty that their companies can get into long distance cellular service.

The "Dear Colleague" sent out by the Senator from Pennsylvania explains it so far as it goes, talking about the difficulty that the Bell operating companies are having as a consequence of an unusual situation where the Federal Communications Commission has drawn up LATA's that determine what the local area is. Excuse me, the Justice Department. And the Federal Communications Commission, when they did the cellular lotteries, used MSA's, mobile service areas.

But let us be clear on this. The idea that the Bell operating companies that the amendment will protect have been somehow abused in this deal is stretching it a little far, in my judgment. They were given this cellular franchise in the local areas. They were given it. Everyone else had to go through a lottery process, so they were given this license to begin with. In my judgment, what the Bell operating companies are asking the Senator from Pennsylvania to do with this amendment is, it seems to me, quite reasonable and I will not oppose it.

Mr. HOLLINGS. Will the Senator from Nebraska yield?

Could it be then at the conclusion of the time that we could just have an up-or-down vote on the amendment?

Mr. KERREY. I do not object to that.

Mr. President, I am prepared to yield back the remainder of my time.

Mr. SANTORUM. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. FRIST). The Senator from Pennsylvania yields back the remainder of his time.

Does the Senator seek to modify the previous consent agreement?

Mr. PRESSLER. Mr. President, I believe there are no more speakers.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PRESSLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRESSLER. Mr. President, I ask for the yeas and nays on the amendment before the Senate.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Does the Senator wish to vitiate the motion to table?

Mr. PRESSLER. Yes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Missouri [Mr. ASHCROFT], the Senator from Georgia [Mr. COVERDELL], the Senator from Texas [Mr. GRAMM], the Senator from North Carolina [Mr. HELMS], the Senator from Alabama [Mr. SHELBY], the Senator from Wyoming [Mr. SIMPSON], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Alaska [Mr. STEVENS], and the Senator from Wyoming [Mr. THOMAS] are necessarily absent.

I further announce that, if present and voting, the Senator from Wyoming [Mr. SIMPSON] would vote "yea."

Mr. FORD. I announce that the Senator from California [Mrs. BOXER], the Senator from Massachusetts [Mr. KENNEDY], and the Senator from Georgia [Mr. NUNN] are necessarily absent.

I also announce that the Senator from Delaware [Mr. BIDEN] is absent because of a funeral.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 83, nays 4, as follows:

[Rollcall Vote No. 247 Leg.]

YEAS—83

Abraham
Akaka
Baucus
Bennett
Bingaman
Bond
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Craig
D'Amato
Daschle
DeWine
Dodd
Dole
Domenici
Dorgan
Exon
Faircloth
Feingold
Feinstein
Ford
Frist
Glenn
Graham
Grams
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kerrey
Kerry
Kohl
Kyl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Nickles
Packwood
Pell
Pressler
Pryor
Robb
Rockefeller
Roth
Santorum
Sarbanes
Simon
Smith
Snowe
Thompson
Thurmond
Warner
Wellstone

NAYS—4

Byrd
Gorton
Murray
Reid

NOT VOTING—13

Ashcroft
Biden
Boxer
Coverdell
Gramm
Helms
Kennedy
Nunn
Shelby
Simpson
Specter
Stevens
Thomas

So the amendment (No. 1267) was agreed to.

Mr. DOLE. Mr. President, I call for the regular order, thereby making the pending business amendment No. 1255.

The PRESIDING OFFICER. Regular order has been called.

AMENDMENT NO. 1255, AS MODIFIED

Mr. DOLE. I send a modification of my amendment to the desk. This has been agreed to by the Democratic leader and the managers.

The PRESIDING OFFICER. The Senator has the right to modify the amendment. The amendment will be so modified.

The amendment (No. 1255), as modified, is as follows:

On page 9, strike lines 4 through 12 and insert the following:

(c) Transfer of MFJ.—After the date of enactment of this Act, the Commission shall administer any provision of the Modification of Final Judgment not overridden or superseded by this Act. The District Court for the District of Columbia shall have no further jurisdiction over any provision of the Modification of Final Judgment administered by the Commission under this Act or the Communications Act of 1934. The Commission may, consistent with this Act (and the amendments made by this Act), modify any provision of the Modification of Final Judgment that it administers.

(d) GTE Consent Decree.—This Act shall supersede the provisions of the Final Judgment entered in United States v. GTE Corp., No. 83–1298 (D.C. D.C.), and such Final Judgment shall not be enforced after the effective date of this Act.

On page 40, line 9, strike "to enable them" and insert "which are determined by the Commission to be essential in order for Americans".

On page 40, beginning on line 11, strike "Nation. At a minimum, universal service shall include any telecommunications services that" and insert "Nation, and which".

On page 70, between lines 21 and 22, insert the following:

(b) Greater Deregulation for Smaller Cable Companies.—Section 623 (47 U.S.C. 543) is amended by adding at the end thereof the following:

"(m) Special Rules for Small Companies.—

"(1) In general.—Subsection 9a), (b), or (c) does not apply to a small cable operator with respect to—

"(A) cable programming services, or

"(B) a basic service tier that was the only service tier subject to regulation as of December 31, 1994,

in any franchise area in which that operator serves 35,000 or fewer subscribers.

"(2) Definition of small cable operator.—For purposes of this subsection, the term 'small cable operator' means a cable operator that, directly or through an affiliate, serves in the aggregate fewer than 1 percent of all subscribers in the United States and does not, directly or through an affiliate, own or control a daily newspaper or a tier 1 local exchange carrier.".

On page 70, line 22, strike "(b)" and inset "(c)".

On page 71, line 3, strike "(c)" and insert "(d)".

On page 79, strike lines 7 through 11 and insert the following:

(1) In general.—The Commission shall modify its rules for multiple ownership set forth in 47 CFR 73.3555 by—

(A) eliminating the restrictions on the number of television stations owned under subdivisions (e)(1)(ii) and (iii); and

(B) changing the percentage set forth in subdivision (e)(2)(ii) from 25 percent to 35 percent.

(2) Radio Ownership.—The Commission shall modify its rules set forth in 47 CFR 73.3555 by eliminating any provision limiting the number of AM or FM broadcast stations which may be owned or controlled by one entity either nationally or in a particular market. The Commission may refuse to approve the transfer or issuance of an AM or FM broadcast license to a particular entity if it finds that the entity would thereby obtain an undue concentration of control or would thereby harm competition. Nothing in this section shall require or prevent the Commission from modifying its rules contained in 47 CFR 73.3555(c) governing the ownership of both a radio and television broadcast stations in the same market.

On page 79, line 12, strike "(2)" and insert "(3)".

On page 79, line 18, strike "(3)" and insert "(4)".

On page 79, line 21, strike "(4)" and insert "(5)".

On page 79, line 22, strike "modification required by paragraph (1)" and insert "modifications required by paragraphs (1) and (2)".

On page 117, line 22, strike "**REGULATIONS..**" and insert "**REGULATIONS; ELIMINATION OF UNNECESSARY REGULATIONS AND FUNCTIONS.**".

On page 117, line 23, strike "(a) Biennial Review.—" before "Part".

On page 118, between lines 20 and 21, insert the following:

(b) Elimination of Unnecessary Commission Regulations and Functions.

(1) Repeal setting of depreciation rates.—The first sentence of section 220(b) (47 U.S.C. 220(b)) is amended by striking "shall prescribe for such carriers" and inserting "may prescribe, for such carriers as it determines to be appropriate,".

(2) Use of independent auditors.—Section 220(c) (47 U.S.C. 220(c)) is amended by adding at the end thereof the following: "The Commission may obtain the services of any person licensed to provide public accounting

services under the law of any State to assist with, or conduct, audits under this section. While so employed or engaged in conducting an audit for the Commission under this section, any such person shall have the powers granted the Commission under this subsection and shall be subject to subsection (f) in the same manner as if that person were an employee of the Commission.".

(3) SIMPLIFICATION OF FEDERAL-STATE COORDINATION PROCESS.—The Commission shall simplify and expedite the Federal-State coordination process under section 410 of the Communications Act of 1934.

(4) PRIVATIZATION OF SHIP RADIO INSPECTIONS.—Section 385 (47 U.S.C. 385) is amended by adding at the end thereof the following: "In accordance with such other provisions of law as apply to government contracts, the Commission may enter into contracts with any person for the purpose of carrying out such inspections and certifying compliance with those requirements, and may, as part of any such contract, allow any such person to accept reimbursement from the license holder for travel and expense costs of any employee conducting an inspection or certification.".

(5) MODIFICATION OF CONSTRUCTION PERMIT REQUIREMENT.—Section 319(d) (47 U.S.C. 319(d)) is amended by striking the third sentence and inserting the following: "The Commission may waive the requirement for a construction permit with respect to a broadcasting station in circumstances in which it deems prior approval to be unnecessary. In those circumstances, a broadcaster shall file any related license application within 10 days after completing construction.".

(6) LIMITATION ON SILENT STATION AUTHORIZATIONS.—Section 312 (47 U.S.C. 312) is amended by adding at the end the following:

"(g) If a broadcasting station fails to transmit broadcast signals for any consecutive 12-month period, then the station license granted for the operation of that broadcast station expires at the end of that period, notwithstanding any provision, term, or condition of the license to the contrary.".

(7) EXPEDITING INSTRUCTIONAL TELEVISION FIXED SERVICE PROCESSING.—The Commission shall delegate, under section 5(c) of the Communications Act of 1934, the conduct of routine instructional television fixed service cases to its staff for consideration and final action.

(8) DELEGATION OF EQUIPMENT TESTING AND CERTIFICATION TO PRIVATE LABORATORIES.—Section 302 (47 U.S.C. 302) is amended by adding at the end the following:

"(e) The Commission may—

"(1) authorize the use of private organizations for testing and certifying the compliance of devices or home electronic equipment and systems with regulations promulgated under this section;

"(2) accept as prima facie evidence of such compliance the certification by any such organization; and

"(3) establish such qualifications and standards as it deems appropriate for such private organizations, testing, and certification.".

(9) MAKING LICENSE MODIFICATION UNIFORM.—Section 303(f) (47 U.S.C. 303(f)) is amended by striking "unless, after a public hearing," and inserting "unless".

(10) PERMIT OPERATION OF DOMESTIC SHIP AND AIRCRAFT RADIOS WITHOUT LICENSE.—Section 307(e) (47 U.S.C. 307(e)) is amended by—

(A) striking "service and the citizens band radio service" in paragraph (1) and inserting "service, citizens band radio service, domestic ship radio service, domestic aircraft radio service, and personal radio service"; and

(B) striking "service' and 'citizens band radio service'" in paragraph (3) and inserting "service', 'citizens band radio service', 'domestic ship radio service', 'domestic aircraft radio service', and 'personal radio service'".

(11) EXPEDITED LICENSING FOR FIXED MICROWAVE SERVICE.—Section 309(b)(2) (47 U.S.C. 309(b)(2)) is amended by striking subparagraph (A) and redesignating subparagraphs (B) through (G) as (A) through (F), respectively.

(12) ELIMINATE FCC JURISDICTION OVER GOVERNMENT-OWNED SHIP RADIO STATIONS.—

(A) Section 305 (47 U.S.C. 305) is amended by striking subsection (b) and redesignating subsections (c) and (d) as (b) and (c), respectively.

(B) Section 382(2) (47 U.S.C. 382(2)) is amended by striking "except a vessel of the United States Maritime Administration, the Inland and Coastwise Waterways Service, or the Panama Canal Company,".

(13) MODIFICATION OF AMATEUR RADIO EXAMINATION PROCEDURES.—

(A) Section 4(f)(H)(N) (47 U.S.C. 4(f)(4)(B)) is amended by striking "transmissions, or in the preparation or distribution of any publication used in preparation for obtaining amateur station operator licenses," and inserting "transmission".

(B) The Commission shall modify its rules governing the amateur radio examination process by eliminating burdensome record maintenance and annual financial certification requirements.

(14) STREAMLINE NON-BROADCAST RADIO LICENSE RENEWALS.—The Commission shall modify its rules under section 309 of the Communications Act of 1934 (47 U.S.C. 309) relating to renewal of nonbroadcast radio licenses so as to streamline or eliminate comparative renewal hearings where such hearings are unnecessary or unduly burdensome.

On page 117, between lines 21 and 22, insert the following:

(d) REGULATORY RELIEF.—

(1) STREAMLINED PROCEDURES FOR CHANGES IN CHARGES, CLASSIFICATIONS, REGULATIONS, OR PRACTICES.—

(A) Section 204(a) (47 U.S.C. 204(a)) is amended—

(i) by striking "12 months" the first place it appears in paragraph (2)(A) and inserting "5 months";

(ii) by striking "effective," and all that follows in paragraph (2)(A) and inserting "effective."; and

(iii) by adding at the end thereof the following:

"(3) A local exchange carrier may file with the Commission a new or revised charge, classification, regulation, or practice on a streamlined basis. Any such charge, classification, regulation, or practice shall be deemed lawful and shall be effective 7 days (in the case of a reduction in rates) or 15 days (in the case of an increase in rates) after the date on which it is filed with the Commission unless the Commission takes action under paragraph (1) before the end of that 7-day or 15-day period, as is appropriate.".

(B) Section 208(b) (47 U.S.C. 208(b)) is amended—

(i) by striking "12 months" the first place it appears in paragraph (1) and inserting "5 months"; and

(ii) by striking "filed," and all that follows in paragraph (1) and inserting "filed.".

(2) EXTENSIONS OF LINES UNDER SECTION 214; ARMIS REPORTS.—Notwithstanding section 305, the Commission shall permit any local exchange carrier—

(A) to be exempt from the requirements of section 214 of the Communications Act of 1934 for the extension of any line; and

(B) to file cost allocation manuals and ARMIS reports annually, to the extent such carrier is required to file such manuals or reports.

(3) FOREBEARANCE AUTHORITY NOT LIMITED.—Nothing in this subsection shall be construed to limit the authority of the Commission or a State to waive, modify, or forebear from applying any of the requirements to which reference is made in paragraph (1) under any other provision of this Act other law.

On page 118, line 20, strike the closing quotation marks and the second period.

On page 118, between lines 20 and 21, insert the following:

"(c) CLASSIFICATION OF CARRIERS.—In classifying carriers according to 47 CFR 32.11 and in establishing reporting requirements pursuant to 47 CFR part 43 and 47 CFR 64.903, the Commission shall adjust the revenue requirements to account for inflation as of the release date of the Commission's Report and Order in CC Docket No. 91-141, and annually thereafter. This subsection shall take effect on the date of enactment of the Telecommunications Act of 1995.".

On page 119, line 4, strike "may" and insert "shall".

On page 120, between lines 3 and 4, insert the following:

"(c) END OF REGULATION PROCESS.—Any telecommunications carrier, or class of telecommunications carriers, may submit a petition to the Commission requesting that the Commission exercise the authority granted under this section with respect to that carrier or those carriers, or any service offered by that carrier or carriers. Any such petition shall be deemed granted if the Commission does not deny the petition for failure to meet the requirements for forebearance under subsection (a) within 90 days after the Commission receives it, unless the 90-day period is extended by the Commission. The Commission may extend the initial 90-day period by an additional 60 days if the Commission finds that an extension is necessary to meet the requirements of subsection (a). The Commission may grant or deny a petition in while or in part and shall explain its decision in writing.

On page 120, line 4, strike "(c) and insert "(d)".

On page 53, after line 25, insert the following:

SEC. 107. COORDINATION FOR TELECOMMUNICATIONS NETWORK-LEVEL INTEROPERABILITY.

(a) IN GENERAL.—To promote nondiscriminatory access to telecommunications networks by the broadest number of users and vendors of communications products and services through—

(1) coordinated telecommunications network planning and design by common carriers and other providers of telecommunications services, and

(2) interconnection of telecommunications networks, and of devices with such networks, to ensure the ability of users and information providers to seamlessly and transparently transmit and receive information between and across telecommunications networks,

the Commission may participate, in a manner consistent with its authority and practice prior to the date of enactment of this

Act, in the development by appropriate voluntary industry standards-setting organizations to promote telecommunications network-level interoperability.

(b) DEFINITION OF TELECOMMUNICATIONS NETWORK-LEVEL INTEROPERABILITY.—As used in this section, the term "telecommunications network-level interoperability" means the ability of 2 or more telecommunications networks to communicate and interact in concert with each other to exchange information without degeneration.

(c) COMMISSION'S AUTHORITY NOT LIMITED.—Nothing in this section shall be construed as limiting the existing authority of the Commission.

On page 66, line 13, strike the closing quotation marks and the second period.

On page 66, between lines 13 and 14, insert the following:

"(6) ACQUISITIONS; JOINT VENTURES; PARTNERSHIPS; JOINT USE OF FACILITIES.—

"(A) LOCAL EXCHANGE CARRIERS.—No local exchange carrier or any affiliate of such carrier owned by, operated by, controlled by, or under common control with such carrier may purchase or otherwise acquire more than a 10 percent financial interest, or any management interest, in any cable operator providing cable service within the local exchange carrier's telephone service area.

"(B) CABLE OPERATORS.—No cable operator or affiliate of a cable operator that is owned by, operated by, controlled by, or under common ownership with such cable operator may purchase or otherwise acquire, directly or indirectly, more than a 10 percent financial interest, or any management interest, in any local exchange carrier providing telephone exchange service within such cable operator's franchise area.

"(C) JOINT VENTURE.—A local exchange carrier and a cable operator whose telephone service area and cable franchise area, respectively, are in the same market may not enter into any joint venture or partnership to provide video programming directly to subscribers or to provide telecommunications services within such market.

"(D) EXCEPTION.—Notwithstanding subparagraphs (A), (B), and (C) of this paragraph, a local exchange carrier (with respect to a cable system located in its telephone service area) a cable operator (with respect to the facilities of a local exchange carrier used to provide telephone exchange service in its cable franchise area) may obtain a controlling interest in, management interest in, or enter into a joint venture or partnership with such system or facilities to the extent that such system or facilities only serve incorporated or unincorporated—

"(i) places or territories that have fewer than 50,000 inhabitants; and

"(ii) are outside an urbanized area, as defined by the Bureau of the Census.

"(E) WAIVER.—The Commission may waive the restrictions of subparagraph (A), (B), or (C) only if the Commission determines that, because of the nature of the market served by the affected cable system or facilities used to provide telephone exchange service—

"(i) the incumbent cable operator or local exchange carrier would be subjected to undue economic distress by the enforcement of such provisions,

"(ii) the system or facilities would not be economically viable if such provisions were enforced, or

"(iii) the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

"(F) JOINT USE.—Notwithstanding subparagraphs (A), (B), and (C), a telecommunications carrier may obtain within such carrier's telephone service area, with the concurrence of the cable operator on the rates, terms, and conditions, the use of that portion of the transmission facilities of such a cable system extending from the last multiuser terminal to the premises of the end user in excess of the capacity that the cable operator uses to provide its own cable services. A cable operator that provides access to such portion of its transmission facilities to one telecommunications carrier shall provide nondiscriminatory access to such portion of its transmission facilities to any other telecommunications carrier requesting such access.

"(G) SAVINGS CLAUSE.—Nothing in this paragraph affects: (i) the authority of a local franchising authority (in the case of the purchase or acquisition of a cable operator, or a joint venture to provide cable service) or a State Commission (in the case of the acquisition of a local exchange carrier, or a joint venture to provide telephone exchange service) to approve or disapprove a purchase, acquisition, or joint venture; or "(ii) the antitrust laws, as described in section 7(a) of the Telecommunications Competition and Deregulation Act of 1995.".

On page 70, line 7, strike "services." and insert "services provided by cable systems other than small cable systems, determined on a per-channel basis as of June 1, 1995, and redetermined, and adjusted if necessary, every 2 years thereafter.".

On page 70, line 21, strike "area." and insert "area, but only if the video programming services offered by the carrier in that area are comparable to the video programming services provided by the unaffiliated cable operator in that area.".

On page 79, before line 12, insert the following:

(3) LOCAL MARKETING AGREEMENT.—Nothing in this Act shall be construed to prohibit the continuation or renewal of any television local marketing agreement that is in effect on the date of enactment of this Act and that is in compliance with the Commission's regulations.

On page 88, line 4, strike "area," and insert "area or until 36 months have passed since the enactment of the Telecommunications Act of 1995, whichever is earlier,".

On page 88, line 5, after "carrier" insert "that serves greater than 5 percent of the nation's presubscribed access lines".

Mr. DASCHLE. Mr. President, Senator HOLLINGS and I have crafted a package of provisions designed to strike a better balance between consumer protections and market deregulation. These safeguards are designed to protect consumers by expanding services and keeping them affordable.

This is accomplished in four ways.

First, it improves the cable rate regulation provisions in the bill without compromising the important deregulatory changes that will spur competition and provide consumers with more choices.

Specifically, the amendment improves the cable rate regulation provision of the committee bill by strengthening the bad actor test. Rates for the upper tiers of cable service will be found unreasonable only if they significantly exceed the national average rate for comparable cable service for systems other than small cable systems determined on a per channel basis as of June 1, 1995, and adjusted every 2 years.

Additionally, the amendment will deregulate a cable company only after a telephone company begins to provide video programming service comparable to the video service provided by the cable company.

Second, this amendment places reasonable limitations on the ability of cable and telephone companies to eliminate each other as potential competitors through buyouts and mergers, except in rural areas where competition may not be viable. This is an important distinction to make. While the overall goal of this legislation is to increase competition, the universal service section and other pieces recognize the fact that competition will not work everywhere. This is especially true in rural areas like South Dakota.

The third important safeguard will allow small telephone companies to jointly market local exchange service with long distance service providers that carry less than 5 percent of the Nation's long distance business. This will allow consumers to realize the benefits of competition in the local telephone exchange, while preserving the competitive balance between the RBOC's and major long distance carriers. The amendment also will sunset the prohibition on joint marketing after 3 years.

Finally, a provision that was originally sponsored by Senator KERREY from Nebraska to promote network interoperability is a part of this package. Ensuring interoperability is an important part of building a seamless, national information infrastructure that will support education, business, and hospitals. This provision will not expand or limit the FCC's current authority over standards setting.

Mr. President, nothing in this agreement precludes existing local telephone marketing agreements from continuing. This amendment recognizes the need to help small broadcasters continue to diversify their broadcasts.

These steps are important not only to the successful passage of this legislation, but also the financial security of American consumers. It recognizes that companies need relief from burdensome Federal regulations, but also provides a mechanism that will protect consumers from unreasonable and unjustified rate hikes. Passage of S. 652 will require give and take on both sides. These measures are reasonable and prudent, and they ought to be adopted.

Mr. DOLE. I ask that the vote occur on this amendment at 12 noon and that the time be equally divided in the usual form.

Mr. KERREY. Reserving the right to object, Mr. President, I have not——

Mr. DOLE. This is Dole and Daschle combined.

Mr. HOLLINGS. It is the leadership amendment—Dole-Daschle amendment.

I am protecting the rights of Senator SIMON just for a minute. He wanted to be consulted on a particular section. If the Senator could withhold the request of time.

Mr. DASCHLE. For the information of all Senators, this is the combination of the legislation that the majority leader and I have been working on. He has a managers' amendment. I have been working with Senator HOLLINGS over the course of the last several days.

Instead of having two separate amendments, we have simply combined them. I think everyone is aware of the text of Senator HOLLINGS' and my amendment. We would be happy to share it with anybody. That is all we are doing, combining them into one vote, and limiting the time to about half an hour.

Mr. KERREY. Mr. President, I have to object until I have a chance to look at the amendment. I have looked at both amendments separately, but not together.

Mr. BUMPERS. Will this require a rollcall vote once we get consent?

Mr. DOLE. Not as far as I am concerned. The Senator from West Virginia would like a rollcall vote. That would be the last vote if we can work it out. If not, we will stay until we work it out.

Mr. DORGAN. Reserving the right to object, Mr. President.

Mr. DOLE. I withhold that request until the Senator from Nebraska has had an opportunity to look at the request.

The PRESIDING OFFICER. The request is withdrawn.

Mr. DORGAN. If I might be recognized, I would support the request and hope the Senator from Nebraska will, as well.

I would only say that I had intended to offer a second-degree amendment to this on the issue of the elimination of the restrictions on the number of television stations that can be owned.

My understanding, and I have agreed not to offer a second-degree here, with the understanding that my right will be protected to offer an amendment to the bill on this subject.

That also is an important issue and I want that issue debated. I will forego a second-degree amendment so we can move this ahead. I want to be protected on the right.

Mr. DOLE. The Senator is correct, he would have that right.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I understand that some negotiations were going on while we were in the quorum call.

I would like to note some of my feelings on this bill, because I will have a number of amendments and will be joining with others on amendments, including, for example, the amendment of the Senator from North Dakota, on VIII(c) and others.

Mr. President, the telecommunications bill that we are considering will have an enormous impact on multibillion-dollar cable, phone, and broadcast industries.

But beyond that, it also affects the pocketbooks of every one of our constituents, and of every single American. It will affect the array of telecommunications services available for each of us, and the choices that we as Americans and as consumers will have.

Most of us and certainly this is true in Vermont, have no choice who gives us cable TV service or our local phone service. Whether or not the service is good, we are stuck with our local phone or cable company. We do not have any choice in the matter.

And, if the price is too high, our only choice is to cut-back on service or to drop it altogether. When I look at the telecommunications bill, my first question is will this foster competition, because competition will give consumers lower prices and more choices than simply cutting back or dropping a service altogether.

I think Congress has been behind the curve in telecommunications. We need to update our laws to take account of the blurring of the formerly distinct separation of cable, telephone, computer, and broadcast services, and encourage new competitors in each of these markets.

The distinguished Senator from South Carolina [Senator HOLLINGS], I know, worked at trying to bring out a bill to that effect last year. Efforts have been made between the distinguished managers, the chairman, and the ranking member this year.

The key, in my view, is providing a legal framework that promotes competition and protects consumers.

The Government's role in the future of telecommunications must be carefully defined. There is no question that bad regulation can stifle the growth of industry. There are other times, however, when both the Federal and the State agencies can foster the competition we need. And, of course, that is particularly important if you are dealing with monopoly industries.

Senator THURMOND, the chairman of the Antitrust Subcommittee, and I held a hearing on this bill a few weeks ago. One witness pointed out there are only two things standing between a monopolist and the consumer's wallet: Competition or regulation. You need one or the other, because if you get rid of both, the consumer may as well just hand over his wallet.

Some of the efforts made in doing away with regulation give some of the telecommunications giants a license to print money. They certainly will not reduce prices—if all regulation is done away with, and there is no competition there. What is their incentive? To lower costs? Of course not. That is as apt to happen as a belief in the Easter bunny. The fact is, they will raise costs.

So I have a number of questions. I hope with some amendments we can address some concerns I have with the bill.

First, the bill would permit our local phone monopoly to buy out our local cable monopoly so the consumers have even less choice. If you have just one monopoly cable company and one monopoly telephone company, and that telephone company buys out the cable company, do you really think rates are going to go down for your cable service? Of course not. We have not found any cable companies by themselves that have been eager to lower rates, and they do not. Suddenly, if there is no regulation and no possibility of competition, one company owns both the telephone and the cable, it does not take a genius to know what happens. The price goes up. In fact it is a new version of Willie Sutton, go to that monopoly because "that is where the money is."

So, as we stand on a precipice between a new world of healthy competition between telephone and cable companies to serve all consumers, let us not go back to a one-wire world, where one monopoly company does both cable and phone service.

The bill unleashes the Bell operating companies, which have monopoly control over the phone wires going into our homes, and lets them into the long-distance market without a formal Department of Justice analysis. I think that is wrong and I will speak more on it a little later on.

Then the bill takes the lid off cable rates before there is any competition in cable service.

If we had a nationwide referendum on taking the lid off cable rates, how do you think the American public would vote? It would be the most resounding "no" vote you ever heard. Yet the special interests want us to give a "yes" vote here.

Does anybody think if you have a totally unrestricted cable system—unrestricted because there is no competition or unrestricted because there is no regulation—that they are going to lower their rates? If anybody believes that, I have a mountain in Vermont to sell you, a bridge in New York to sell you, and a place called the Grand Canyon, and I have the quit claim deeds all ready to go.

Cable rates are bound to go up. They are going to force consumers to make the hard choice of cutting back or turning off their cable service.

Fourth, the bill rolls back State efforts to promote competition. For instance, 10 States require "1-plus" dialing for in-State, short-haul toll calls so consumers do not have to dial cumbersome access codes for carriers other than the local exchange carrier. The bill would preempt these dialing parity requirements that would hurt competition in the in-State toll market, it would hurt the consumer, and again it removes choices of people.

Senators SIMPSON, KERREY, SIMON, and FEINGOLD are working with me on an amendment to restore State authority to require "1-plus" dialing. Other provisions in the bill that should be corrected would preempt State laws on judicial review of State regulatory commission decisions, and prohibit use of rate of return regulation.

Last, there are provisions in this bill that threaten to chill the flow of information and communications on the Internet. They undercut privacy of communications for on-line communications and the ability for the court to conduct court-authorized wiretaps for fighting crime. Users of the Internet are very concerned.

I saw on the Internet, as I was going through it—and I know the distinguished Presiding Officer is one who is familiar with that. I think he and I probably spend as much time using electronic communications as anybody here. I saw an electronic petition that was circulated on the Internet by a coalition of civil liberties groups, including Voters Telecommunications Watch and Center for Democracy and Technology, because I suggested I would offer an amendment which makes it very clear that every one of us are against kiddie porn and all those things, but would protect the integrity of the Internet.

In just a few days here is what happened. This. This. In just about 2 weeks: 25,000 electronic petitions from all over the country, every State in this Union, in support of my amendment. I hope Senators will consider what people have done. And I will speak more on that and we will have an amendment on that. But 25,000 people have already heard and expressed their concern.

This bill does contain provisions that I heartily endorse. I commend Senators PRESSLER and HOLLINGS, and the members of the Commerce Committee, for their attention to universal service and the special concerns that we share for rural customers and those in small towns. They have also attended to promoting access to networks and services by individuals with physical disabilities, and providing incremental rates for rural health clinics, schools and libraries. These are essential components of an effective national information policy. Like the Freedom of Information Act and public access channels, these concepts will help make increasing citizen participation a reality.

Telecommunications is critical to the economic health of our country, the education of our children, the delivery of health care services to our citizens and our overall quality of life. The explosion of new technologies in telecommunications has fueled many of our newest innovations and will continue to create new opportunities, some of them unimagined today.

Our challenge is to try to keep pace with changes in technology that are driving changes in the marketplace. With this legislation, we are making changes in the legal framework governing our telecommunications industries, and we must keep our eye on making our laws more procompetitive and proconsumer.

What I am saying is that our country has made enormous advances in telecommunications. But in those areas where we have not had real competition, we have stayed behind other parts of the world. With real competition we can not only catch up with the rest of the world, we can be in advance of the rest of the world. Let us make sure what we come up with here fosters real competition, gives consumers a choice, and does not allow a few monopolists to set the rates that all of us have to pay.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROCKEFELLER. Mr. President, I have a question to address to the majority leader or the minority leader.

Mr. President, I would be very pleased to ask my question to the Democratic leader, if that would be acceptable to him.

We are confronted with a situation here, the present posture, as I understand it, is that we are going to vote on a very complex series of aspects of this bill, and after we have voted time for debate.

What I think I have a real problem with is the fact that debate honestly changes people's minds, a good debate. I think as a result of the debate last night on one of our amendments a number of minds were changed. In this case, where we are dealing with cable rates, where there are less than 35,000 people within the system, and those would be completely regulated, that has enormous effect. And it may be that a lot of Senators do not know that this is in that legislation.

So the question I would have to the Democratic leader, is there anything inherently wrong in not trying to have the vote now but have the debate now, to try to debate this with our colleagues and then have the vote laid over until Monday? It just strikes me that in a democratic body having a debate after you have already cast your vote is not the way democracy usually works.

Mr. DASCHLE. If the Senator will yield, the managers as well as the two leaders have been working on this package for the better part of 3 or 4 days, and we have had a large number of consultations with Members on both sides of the aisle, in an effort to better accommodate concerns of Senators to address this managers' package as well as to address a number of schedules that are becoming increasingly jeopardized as a result of our delay.

We had hoped, after all of this consultation, to lay the amendment down and have a vote, but also ensure that everyone's rights are protected to amend the managers' package as they can amend the bill, just as we do with any other piece of legislation, so every Member is protected. And if there are provisions in this managers' amendment which would be part of the bill that they would not find in their interest, they are protected and would be encouraged to offer amendments to address those particular aspects.

But I must say a tremendous amount of effort has been put into accommodating everybody and to accomplish the point where we are now at legislatively. So I would hope that we could accommodate schedules as well as to accommodate those who have participated in this series of negotiations to get us to this point.

Mr. DOLE. If the Senator will yield, I would be prepared, and I think Senator DASCHLE, in any provision in our amendment to protect the rights of anyone. If it takes consent, I would give consent right now that the Senator would have the right to move to strike that section next week if the Senator wanted more debate at that time. I certainly do not want to take away anybody's rights, but I think what we are trying to do is get a lot of these things we have sort of agreed on into the package without any further delay. And then obviously I would be willing to agree right now if the Senator wanted to offer a motion to strike or whatever on Monday or Tuesday, we could debate it at that time.

Mr. ROCKEFELLER. That would be entirely satisfactory with this Senator. I thank the Chair.

Mr. DOLE. I think that would apply to Senator DASCHLE's provision, too.

Mr. KERREY addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. Mr. President, I say to my colleagues, I have had, particularly with the amendments separately, when I urged them to come over the last couple days, particularly originally Daschle-Hollings and then Dole separately, I had some difficulties but in combined form I have not, and I have no difficulty in moving to a vote in an expeditious fashion.

Mr. HOLLINGS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. What is the pending business?

The PRESIDING OFFICER. The pending business is the majority leader's amendment, as modified.

Mr. DOLE. Let me just indicate for everybody—then we will have a vote in a minute—this is the provision, so-called Dole provision and the so-called Daschle provision combined. I have taken out one objection. We have indicated to Senator ROCKEFELLER, I have also indicated to Senator DORGAN that I would consent if they wanted to move to strike or whatever if they had problem with a section. I thank Senator DASCHLE.

Mr. DASCHLE. Senator SIMON.

Mr. DOLE. Senators SIMON and LOTT have reached the same agreement. I think with the Daschle amendment, if somebody had not approved, they would have that same right?

Mr. DASCHLE. Yes.

Mr. DOLE. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. DOLE. This will be the last vote today.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MACK (when his name was called). Present.

Mr. LOTT. I announce that the Senator from Missouri [Mr. ASHCROFT], the Senator from Georgia [Mr. COVERDELL], the Senator from Texas [Mr. GRAMM], the Senator from North Carolina [Mr. HELMS], the Senator from Arizona [Mr. KYL], the Senator from Alabama [Mr. SHELBY], the Senator from Wyoming [Mr. SIMPSON], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Alaska [Mr. STEVENS], and the Senator from Wyoming [Mr. THOMAS] are necessarily absent.

I further announce that, if present and voting, the Senator from Wyoming [Mr. SIMPSON] would vote "yea."

Mr. FORD. I announce that the Senator from California [Mrs. BOXER], the Senator from Massachusetts [Mr. KENNEDY], and the Senator from Georgia [Mr. NUNN] are necessarily absent.

I also announce that the Senator from Delaware [Mr. BIDEN] is absent because of a funeral.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 77, nays 8, as follows:

[Rollcall Vote No. 248 Leg.]

YEAS—77

Abraham
Akaka
Baucus
Bennett
Bingaman
Bond
Breaux
Brown
Bryan
Bumpers
Burns
Campbell
Chafee
Coats
Cochran
Cohen
Craig
D'Amato
Daschle
DeWine
Dodd
Dole
Domenici
Exon
Faircloth
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Grams
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lott
Lugar
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murray
Nickles
Packwood
Pell
Pressler
Pryor
Reid
Robb
Roth
Santorum
Sarbanes
Smith
Snowe
Thompson
Thurmond
Warner
Wellstone

NAYS—8

Bradley
Byrd
Conrad
Dorgan
Lieberman
Murkowski
Rockefeller
Simon

ANSWERED "PRESENT"—1

Mack

NOT VOTING—14

Ashcroft
Biden
Boxer
Coverdell
Gramm
Helms
Kennedy
Kyl
Nunn
Shelby
Simpson
Specter
Stevens
Thomas

So the amendment (No. 1255), as modified, was agreed to.

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, I wanted to make a couple of comments on the amendment just adopted. I support the long-term goal of this legislation to deregulate the telecommunications industry in this country and to bring vigorous competition to these markets. We can all envision the intended results in the not-too-distant future. The Bell companies, cable companies, long distance companies, all competing at a local level offering a wide variety of services—video, telephone, cellular, personal communications. All of these services will be offered in a vigorously competitive atmosphere where the companies are bending over backward to give the best and most innovative service for the dollar.

In the coming competitive environment after the lifting of regulations and the modification of final judgment, a business, for example, could call up one company and arrange for that company to provide local telephone service as well as long distance service at one low price, with only one vendor to deal with. But the fact is, in some areas, including in parts of my State of Iowa, these combined services exist now. These services are provided by smaller companies who are able to provide all of a business' telephone services for one price.

How do these companies do that? Well, they buy the local telephone lines in bulk and resell them at retail, just like millions of other small businesses all over the country do. They package the local service along with long distance service and sell them for one price. What does the buyer get? The buyer gets the convenience and low cost of having only one company to deal with, and they pass these savings along to their customers.

The company fills a niche currently unfilled in the market and is able to build capital to allow them to build the infrastructure that they would need to break through into real competition with the local telephone company.

In my home State of Iowa, an innovative telecommunications pioneer, Clark McLeod, has been offering these services in Cedar Rapids and other locations for several years. In the process, he has created thousands of jobs and filled a need for service.

We all talk about the need for competition in the local market. But we have to think about who that competition will come from. Do we think that the only ones who will compete for local phone service will be the big companies already providing telecommunications services? Is the goal here just to allow the big cable and long distance companies to get in and sort of duke it out with Ma Bell? Or should we not provide a regulatory framework that will allow new companies to grow, to build capital, and to break out into full competition?

Mr. President, I was a Member of the House when the cable business just started getting big, when the cable industry was in its infancy. They used to build cable systems just for the purpose of taking in a good quality signal from over the air stations and then piping it into homes where they could get a clearer signal rather than just getting it over the air stations.

In other words, they took the programming from the broadcast stations and then resold it. When they collected sufficient capital, they started the many new cable channels. When MCI, for example, got started, it was renting long distance lines from Ma Bell and reselling them at discount prices.

In other words, the two large industry groups—cable and long distance—that are expected to provide much of the competition, arose from reselling of the services of existing large companies and doing it in a new form. These resellers are like the acorns from which a mighty oak might grow.

Unfortunately, one provision of this bill would have killed these fledgling services. In a supposed effort to be fair to the Bell companies, we would actually kill off companies that are currently providing these joint marketing services.

The joint marketing provision of the underlying bill would have prohibited companies from buying local service from a Bell company and then marketing it jointly with long distance service until the Bell company is allowed to offer long distance services.

This provision is anticompetitive and it is a job killer in my State. It ought to be fully stricken. I have been working with the managers of the bill to address this issue.

I am pleased to say that the leadership amendment that we just approved would take care of the most immediate part of this problem. It would make the ill-advised joint marketing provision apply to only those firms with more than 5 percent of the market nationally. It would sunset the prohibition for everyone in 3 years.

Mr. President, while I think we should strike the whole provision, the change in this amendment is a critically important first step. It would at least protect the many innovative smaller companies like Mr. McLeod and the others in my State, to continue their operations and continue to provide the services valued by so many Iowans.

Some will argue that this provision simply maintains fairness between the Bell companies and their potential competitors. They argue that it is unfair for the long distance companies to be able to offer a package to sell when the Bell companies cannot.

But the fact is, this is adding a new restriction that would kill thousands of jobs that already exist and thousands more that could be created in the interim. Worse yet, it would deprive those companies that want to get into the local market of their best opportunity to do so, impeding the competition that is supposed to be the whole point of this bill. This whole bill is about creating competition in the local market and allowing the power of competition to help the consumers and to expand the technology available to all. The Bell companies are unlikely to lose a significant portion of their business to resellers in the few years that it will take to open the local loop to competition.

So I am very pleased that first step has been taken through a component of the leadership amendment just adopted. I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PRESSLER. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRESSLER. Mr. President, I want to give a little legislative history on the majority leader and minority leader's package, if I may, and if any Senator has pending business that they want to interrupt me with, I will be glad to do so.

I want to praise both Senator DOLE and Senator DASCHLE for their leadership on the amendments we just passed which have been worked out and negotiated over a number of weeks and days and down to the last minute.

The package of amendments that is the Dole-Daschle package is intended to modify a number of areas in the bill and thus improve the bill's deregulatory nature. It ensures that certain provisional intents usually apply the way they were meant to and provides exceptions where necessary.

The amendments end all rate regulations on small and rural cable companies. These companies cannot economically exist under such rate controls and are unable to provide basic and upper-tier services.

It also eliminates restrictions on the number of TV stations, 12 twelve, owned nationwide while maintaining the 35-percent national audience reach. It eliminates all ownership restrictions on radio, and the FCC is granted the authority to deny additional licenses if it thinks an entity is getting undue concentration.

It gets rid of the GTE consent decree arising from GTE's purchase of Sprint. GTE has sold Sprint. Therefore, the consent decree is no longer necessary. It eliminates unnecessary regulations and functions at the FCC. These items are noncontroversial, suggested by the FCC. The FCC will also be required to forbear from regulating when competition develops.

Telecommunications carriers will gain a petition process to seek repeal of the FCC and State regulations. The amendment redefines universal service to narrow its definitions to essential services—not entertainment services and equipment.

Finally, the amendment will require the FCC to complete a proceeding within 270 days, determining whether or not AT&T should continue to be regulated as a dominance carrier in the long distance market.

Again, this amendment seeks to improve the bill's deregulatory nature by addressing overlooked items but maintaining the bill's fundamental structure.

Mr. President, those are some comments on the Dole-Daschle package of amendments that we have just adopted, for purposes of legislative history.

Mr. President, I would like to make some remarks about the upcoming Department of Justice amendment that is being offered by my colleague from North Dakota and, in general, the DOJ.

I will proceed with these points on the DOJ and why I feel it is not appropriate to expand this bill to include a DOJ review.

First, DOJ proposed the line-of-business restrictions on the BOC's, not the Court, AT&T or the Bell Companies.

Second, DOJ and the Court both recognized that the line-of-business restrictions are anticompetitive due to the restriction on entry which actually reduces competition.

Third, consequently, DOJ did not follow its own internal policy of proposing a 10-year sunset, but instead promised to conduct triennial reviews.

Fourth, AT&T and the district court accepted the line-of-business restrictions on the basis that DOJ would conduct these triennial reviews and the BOC's could obtain waivers from the MFJ under section VIII(c)—the standard proposed in the Dorgan amendment.

Fifth, DOJ has abandoned its promise to conduct triennial reviews.

Sixth, DOJ fails to deal with waiver requests in a timely manner.

Seventh, yet, nearly, all requests for waivers from the line-of-business restrictions are supported by DOJ and approved by the district court.

Eighth, DOJ has announced new principles which must be met before it will support relief from the MFJ, thereby signaling its rejection of the section VIII(c) test.

THE UNITED STATES DOJ HAS FAILED TO FULFILL ITS OBLIGATIONS UNDER THE MODIFICATIONS OF FINAL JUDGMENT

First, DOJ proposed the line-of-business restrictions on the BOC's, not the Court, AT&T or the Bell companies.

The DOJ was the principal proponent of the line-of-business restrictions.—*United States* v. *Western Electric Co.*, 552 F. Supp. 131, 186 n.227 (D.D.C. 1982).

AT&T did not want the line-of-business restrictions imposed upon the BOC's, but accepted them as part of the bargain to settle the antitrust case with DOJ.

> We do not want restrictions on those BOCs. That wasn't our idea. We understand the theory, we understand why that had to be part

> of the bargain, but it wasn't our idea. . . . The last thing in the world you want to do is to impose some further restrictions on their efficiencies, . . . [W]e should be getting rid of restrictions. . . . They weren't our idea.—Comments of Howard Trienens, AT&T General Counsel, FCC En Banc Meeting (March 24, 1982).
>
> I'm against restrictions. I'll be happy if nobody is restricted on anything. After this divestiture occurs, let [the BOCs] do what they want.—Comments of Howard Trienens, AT&T General Counsel, *United States* v. *Western Electric Co.*, Civil Action No. 82–0192, Hearing Transcript at 25210–25211 (June 29, 1982).

Second, DOJ and the Court both recognized that the line-of-business restrictions are anticompetitive due to the restrictions on entry which actually reduces competition.

The line-of-business restrictions "are generally anticompetitive and deserve the most careful scrutiny."—Response Of The United States To Public Comments On Proposed Modification Of Final Judgment at 56, *United States* v. *Western Electric Co.*, Civil Action No. 82–0192 (May 20, 1982).

> A number of comments also expressed concern regarding the absence of any time limit on the BOC line of business restrictions. Some have suggested that in the absence of limitations on the duration of the restrictions, as technology changes, the modification will have unintended anticompetitive consequences by needlessly restricting entry. The Department believes that these concerns are valid. Id. at 61–62.
>
> [S]uch restrictions deserve "the most careful scrutiny" to ensure both that they will have the desired effect and that they will not actually limit competition by unnecessarily barring a competitor from a market.—*United States* v. *Western Electric Co.*, 552 F. Supp. 131, 186 (D.D.C. 1982).
>
> [T]he restrictions are, at least in one sense, directly anticompetitive because they prevent a potential competitor from entering the market. Id.
>
> If the restrictions were to continue in effect, their sole effect would be to limit competition by preventing the entry of a viable competitor. Id. at 195 n.264.

Third, consequently, DOJ did not follow its own internal policy of proposing a 10-year sunset, but instead promised to conduct triennial reviews.

It has been DOJ Antitrust Division policy since 1979, and remains so today, that antitrust consent decrees should have an automatic sunset of 10 years or less. Most antitrust consent decrees contain this 10 year sunset language. The MFJ does not, and is one of the few exceptions to this Department policy.

The DOJ Antitrust Division Manual contains "standard language" to be contained in antitrust consent decrees, which states that the "final judgment will expire on the tenth anniversary of its date of entry or, with respect to any particular provision, on any earlier date specified."—U.S. Department of Justice, Antitrust Division Manual IV–76 (2d ed. 1987).

DOJ promised AT&T and the district court that it would examine the continuing need for the line-of-business restrictions on the third anniversary of its entry and every 3 years thereafter.

> [T]he Department intends to review carefully the continuing need for the restrictions. In order to ensure that the Court is fully apprised of development in this area, the Department will undertake to make a formal report to the Court on the continuing need for the restrictions on the third anniversary of the date of divestiture, and every third year thereafter so long as the restrictions remain in force.—Response Of The United States To Public Comments On Proposed Modification Of Final Judgment at 62, *United States* v. *Western Electric Co.*, Civil Action No. 82–0192 (May 20, 1982).
>
> The Department recognizes that as technology changes, the restrictions on the BOCs may outlive their usefulness, and indeed, become anticompetitive in effect. The Department has, therefore, committed to a regular review of the need for the restrictions with the intention of petitioning the Court for their removal at the earliest possible date consistent with technological and competitive conditions.—Brief Of The United States In Response To The Court's Memorandum of May 25, 1982, at 31, *United States* v. *Western Electric Co.*, Civil Action No. 82–0192 (June 14, 1982).

Fourth, AT&T and the district court accepted the line-of-business restrictions on the basis that DOJ would conduct these triennial reviews and the BOC's could obtain waivers from the MFJ under section VIII(C)—the standard in the Dorgan amendment.

> AT&T's acceptance of the restrictions is based upon the Department's commitment to a periodic review of their reasonableness . . ., and upon the BOC's ability—independent of the Department's periodic review—to seek the Court's removal of the restrictions (Decree, § VII).—AT&T Brief In Response To The Court's Memorandum of May 25, 1982, *United States* v. *Western Electric Co.*, Civil Action No. 82–0192 (June 14, 1982).

The district court required that DOJ and AT&T agree to Section VIII(C) as a condition of its approval of the MFJ.

> It is probable that, over time, the Operating Companies will lose the ability to leverage their monopoly power into the competitive markets from which they must now be barred. This change could occur as a result of technological developments which eliminate the Operating Companies' local exchange monopoly or from changes in the structures of competitive markets. . . . the decree should therefore contain a mechanism by which they may be removed.—*United States* v. *Western Electric Co.*, 552 F. Supp. 131, 194–195 (D.D.C. 1982).
>
> Recognizing this fact, the Department of Justice has undertaken to report to the Court every three years concerning the continuing need for the restrictions imposed by the decree. (Citation omitted.) In addition, both parties have agreed that the restrictions may be removed over the opposition of a party to the decree when the Court finds that "the rationale for [the restriction] is outmoded by technical developments." Id.
>
> Thus, a restriction will be removed upon a showing that there is no substantial possibility that an Operating Company could use its monopoly power to impede competition in the relevant market.
>
> [T]he Court will approve the proposed decree as in the public interest provided that the parties agree to the addition of the following new section: VIII Modifications. . . . Id. at 225.

Fifth, DOJ has abandoned its promise to conduct triennial reviews.

DOJ conducted the first triennial review in 1987 and recommended removal of the interexchange restriction on mobile services, the manufacturing restriction, the information services restriction, and the restriction against the provision of nontelecommunications products and services.—Report and recommendations of the United States concerning the line of business restrictions imposed on the bell operating companies by the modification of final judgment at 56–57 (February 2, 1987); and response of the United States to comments on its report and recommendations concerning the line of business restrictions imposed on the bell operating companies by the modification of final judgment at 24, 60, 95, and 135 (April 27, 1987).

In 1987, during the first triennial review, the district court only adopted DOJ's recommendation to remove the restriction against the provision of nontelecommunications products and services, and granted limited information services infrastructure components.—*United States* v. *Western Electric Co.*, 673 F. Supp. 525 (D.D.C. 1987).

The court of appeals reversed and remanded the decision of the district court to not remove the information services restriction.—*United States* v. *Western Electric Co.*, 900 F.2d 283 (D.C. Cir. 1990).

The district court removed the information services restriction on remand.—*United States* v. *Western Electric Co.*, slip op. (D.D.C. July 25, 1991).

In 1989, while the appeal from the first triennial review decision by the district court was pending, DOJ advised the Court that it "remains committed to a periodic review of the decree's line of business restrictions," but that it "plans to defer the second general review of the decree restrictions until after the court of appeals decides the pending appeals."—Memorandum of the United States Concerning the second review of the line-of-business restrictions at 3 (July 3, 1989).

DOJ advised the district court that "[f]ollowing the Court of Appeals' decision, the Department will suggest to this Court a schedule and procedures for the next general review consistent with that decision." Id. at 3–4.

SBC, Bell Atlantic, and NYNEX sought a scheduling order which would require DOJ to submit a second triennial review report to the district court within 90 days after the Court of Appeals decision.

In response to DOJ's announcement that it was going to postpone the second triennial review, the district court held that:

> [It] does not endorse the Department's recommendation that the triennial review be

> postponed until after the Court of Appeals decides on currently pending appeals.
>
> This Court has no intention of postponing any phases of its own responsibilities under the decree because appeals have been filed.
>
> [W]hile the Court does not affirmatively endorse the Department's plans, it does not impose any particular timing requirements of its own.
>
> [T]he Department has complete discretion on the question whether and when to file another report, and the Court will not attempt to interfere with the exercise of that discretion.—*United States* v. *Western Electric Co.*, slip op. at 4–5 (July 17, 1989).

DOJ has never conducted another triennial review.

Sixth, DOJ fails to deal with waiver requests in a timely manner.

Section VII of the MFJ contemplates that waivers may be filed directly with the District Court.

Section VII provides, in part, that:

> Jurisdiction is retained by this Court for the purpose of enabling. . . a BOC to apply to this Court at any time for such further orders or directions as may be necessary or appropriate for the construction or carrying out of this Modification of Final Judgment, for the modification of any of the provisions thereof, ...

However, in 1984, the district court announced that it would consider waiver requests for removal of the line-of-business restrictions only after review by DOJ.—*United States* v. *Western Electric Co.*, 592 F. Supp. 846, 873–874 (D.D.C. 1984).

This procedure of requiring the BOCs to obtain DOJ review of waiver requests before filing them with the district court has given DOJ the ability to, in effect, deny relief from the line-of-business restrictions through inordinate delays.

> In 1984, DOJ disposed of 23 waiver requests, with the average age of waivers pending at DOJ at the end of the year being approximately 2 months;
>
> In 1992, DOJ disposed of 9 waiver requests, with the average age of waivers pending at DOJ at the end of the year being approximately 30 months;
>
> In 1993, DOJ disposed of 7 waiver requests, with the average age of waivers pending at DOJ at the end of the year being approximately 36 months;
>
> In 1994, DOJ disposed of 10 waiver requests, with the average age of waivers pending at DOJ at the end of the year being approximately 30 months;

On average, DOJ now takes almost as much time to consider a single waiver request as was intended to elapse between the comprehensive triennial reviews it promised, but has failed, to conduct.

Seventh, yet, nearly all requests for waivers from the line-of-business restrictions are supported by DOJ and approved by the district court.

DOJ has acted on 266 waiver requests and opposed relief in only 6 cases. In all others, DOJ supported relief either in whole or in part.

Of the same 266 waiver requests, the district court has approved 249 in their entirety and 5 in part. Only 6 were denied and 6 were pending as of the end of 1993.—Affidavit of Paul H. Rubin at ¶¶8 and 10, submitted in support of the Motion of Bell Atlantic Corp., BellSouth Corp., NYNEX Corp., and Southwestern Bell Corp. to vacate the decree, *United States* v. *Western Electric Co.*, Civil Action No. 82–0192 (filed July 6, 1994).

The district court has approved the vast majority—96 percent—of the waiver requests submitted to it.

Eighth, DOJ has announced "new principles"—as part of the Ameritech agreement—which must be met before it will support relief from the MFJ, Thereby signaling its rejection of the section VIII(C) test.

Section VIII(C) of the MFJ provides that:

> the restrictions imposed upon the separated BOCs by virtue of section II(D) shall be removed upon a showing by the petitioning BOC that there is no substantial possibility that it could use its monopoly power to impede competition in the market it seeks to enter.

Section VIII(C) assumes that a local exchange monopoly will continue to exist, but nevertheless provides the BOC's with a basis for relief.

Under Section VIII(C), the only issue is whether there is a "substantial possibility" that a BOC can use its local exchange monopoly to "impede competition."

> [U]nless the entering BOC will have the ability to raise prices or restrict output in the market it seeks to enter, there can be no substantial possibility that it could use its monopoly power to "impede competition".—*United States* v. *Western Electric Co.*, 900 F.2d 283, 295–296 (D.C. Cir. 1990).

According to the court of appeals,

> . . . the importance of the word "substantial" should not be minimized. The ultimate burden under Section VIII(C) remains on the petitioning BOC, but the requirement that the possibility of using its monopoly power to impede competition be "substantial" relieves the BOC of the essentially impossible task of proving that there is absolutely no way for it to use its monopoly power to impede competition. Id. at 296.

According to the DOJ,

> a BOC cannot impede competition in a given market unless it has market power—the ability to restrict output and/or raise prices. Id.
>
> Whatever it means to "leverage" one's monopoly power, the DOJ is surely correct that no damage to competition—through "leverage" or otherwise—can occur unless the BOCs can exercise market power. Id.

Under Section VIII(C), the state of competition or lack thereof in the local exchange is irrelevant.

> And while there may be some complexities in defining precise boundaries of the relevant market, one thing that is clear from section VIII(C) is that it is the "market [the BOC] seeks to enter" that matters, and *not* the local exchange market. Id.

On February 28, 1995, Assistant Attorney General Anne K. Bingaman gave an address to The National Press Club entitled "Promoting Competition In Telecommunications" (Bingaman Address) wherein she set forth new principles that would establish a basis for DOJ support for removal of the line-of-business restrictions.

> Until Congress enacts reform legislation, we are prepared to recommend to Judge Greene that the Court move forward under the MFJ when three basic principles are satisfied:
>
> First, steps to foster the emergency of local competition must be taken.
>
> Second, the effectiveness of these steps must be tested by actual marketplace facts—by the state of competition.
>
> Third, RBOC participation in other markets initially must be accompanied by appropriate safeguards." Bingaman Address at 12–13.

On March 2, 1995, David Turetsky, Senior Counsel to AAG Bingaman, gave an interview to Charles Jayco of KMOX Radio in St. Louis, MO, wherein he indicated that DOJ would recommend relief from the long distance [interexchange] restriction in court if the states take steps to foster local competition and choice is really available to consumers.

> There is recognition that there is great need for competition, real competition in local telephone service and for that matter, cable television service, too. . . . The way we hope to get there, in the local market, is first of all, national legislation. . . . But this week we said that we have to do what we can with the tools we have in the Antitrust Division of the Department of Justice to try to foster local competition without national legislation. We can't wait. So really what we have done is announced that we're going to try to find a way to move forward. The first part of what we're trying to do is really up to the states. If they take steps to foster local competition and if we can test the steps they've taken to see that there are some actual marketplace facts that indicate that choice is really available for consumers, then what we'll do is we'll go to court, which we can do now, and recommend that local phone company be able to also compete in the long distance market, something they're not able to do today.—KMOX Newsmakers Broadcast Transcript at 2 (March 2, 1995).

DOJ's adoption of this new and different standard for removal of the line-of-business restrictions is inconsistent with the section VIII(C) test and inconsistent with the court of appeals' articulation of what the BOC's must demonstrate under section VIII(C) to obtain relief from the line-of-business restrictions.

In other words, DOJ has announced that it will not follow the law of the MFJ and apply the section VIII(C) test to BOC requests for relief from the line-of-business restrictions.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. INOUYE. I suggest the absence of a quorum, Mr. President.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PRESSLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRESSLER. Mr. President, last night we had what I thought was a very stimulating debate on what makes technology move. And I pointed out that sometimes Government regulation is appropriate but in the computer industry there were no standards and there was no Government regulation and the computer industry moved forward very quickly.

I am very stimulated by discussions of what makes technology move forward, what kind of research really results in things moving forward.

COMPETITION IN THE COMPUTER AND TELEPHONE INDUSTRIES: A COMPARISON

By the early 1980's, AT&T and IBM were two of the largest and most powerful companies in the world. Both had been embroiled in antitrust litigation with the Department of Justice for over a decade.

Both the AT&T and IBM suits had focused on interconnection and bundling practices. The Government's complaint against IBM charged the company with "[m]aintain[ing] pricing policies, including the quoting of a single price for hardware, software and related support," which "discriminated among customers" and "limited the development and scope of activities of an independent software and computer support industry * * *." IBM was charged with monopolizing both the general market for electronic digital computer systems, and the submarkets of peripherals and other computer add-ons. The company had allegedly "[e]ngaged in various pricing and marketing practices" in order "to restrain its competitors from entering, remaining or expanding" in the general computer market, and its submarkets. IBM had allegedly pursued policies that maintained a "lease-oriented environment so as to raise the barriers to entry or expansion." IBM, in short, was allegedly refusing access to its closed, proprietary hardware systems, to stymie competition.

The Government's initial complaint against AT&T alleged very similar practices, centering on discriminatory interconnection of other providers of equipment and services, policies that centered on leasing rather than outright sales, and obstruction of competitive equipment providers through maintenance of proprietary standards. AT&T, in short, was allegedly refusing access to its hardware and network, to stymie competition.

The Government at first proposed similar remedies in the two cases. IBM was to offer and price separately its computer systems, peripheral equipment, and software and support services. The Government suggested a possible need for structural reorganization as well: it invited the court to grant further relief "by way of divorcement, divestiture and reorganization with respect to the business and properties of the defendant [IBM] as the Court may consider necessary or appropriate * * *"

On January 8, 1982, the Federal Government resolved both cases—but in fundamentally different ways. The Government simply dismissed the case against IBM. It hoped to achieve its objectives in the computer industry through the consent decree that it signed with AT&T. AT&T was broken up, but was freed from the antitrust quarantines imposed upon it by a previous antitrust decree entered in 1956, and so permitted to enter the computer business to challenge IBM.

EMERGENCE OF COMPETITION: COMPUTERS

By the time the Government had decided not to pursue its case against IBM, Intel was already over a decade old. Apple was growing fast. And IBM had just introduced a brand-new machine, based on an Intel microprocessor. Big Blue's new machine—its "personal computer"—was small and beige. Three weeks after the break-up of AT&T was complete, in January 1984, Steve Jobs stepped out on the podium at the annual stockholders' meeting of Apple Computer and unveiled the new Macintosh.

The Government's decision to allow competition, not regulation to guide the computer market, paid off handsomely. As the Department of Commerce has noted, "[c]ontinuously declining computer prices, steadily rising performance, and increasingly sophisticated uses have all stimulated domestic sales and exports." The Electronic Industries Association has reached a similar conclusion:

> Pushed by intense competition among PC suppliers, greater use of commodity-based mass marketing channels, and increased focus on the more price-sensitive buyers in homes, schools and small businesses, vendors continued to slash list prices, cut dealer margins, and introduce low-cost lines aimed at the consumer and home markets.

The impact of this unfettered competition has had its effect on IBM. IBM's market share, measured against overall industry revenues, had fallen to 20 percent by 1993. It has, however, recovered from the initial shock and is now holding its own against other competitors. IBM's stock, which had dropped to $41 a share by mid-1993, is now back near $100. In an attempt to shift its focus from mainframes to the PC market, IBM has introduced its OS/2 Warp operating system, which is fighting against Microsoft's Windows operating system.

It is important to note that while the industry moved from virtual monopoly to full competition, domestic manufacturers maintained their dominant position in the world market where they continue to account for some 75 percent of all computer hardware sales. United States based firms also dominate the world market for software.

EMERGENCE OF COMPETITION: TELEPHONY

Long Distance: In contrast, the markets for products and services provided by the predivestiture AT&T have languished. After an initial postdivestiture drop, AT&T's share of the overall interexchange market is now holding steady at about 60 percent even though AT&T charges higher prices than its rivals for comparable service. The combined market share of AT&T, MCI, and Sprint remains at 94 percent, down only 5 percent since divestiture.

Price competition has also not maintained pace with the computer industry. MCI and Sprint have brought their prices up to AT&T's since divestiture, and the three major carriers' prices now move almost monolithically. Long-distance prices actually fell faster before divestiture, when access charges are considered.

Equipment: AT&T has lost significant share in the market for telecommunications equipment. In the market for central office switching equipment, all market share lost by AT&T since divestiture has been gained by Canada's Northern Telecom. Foreign producers accounted for about one-fifth of U.S. switch sales in 1982, but they had more than half of the market 10 years later. Between them AT&T and Northern Telecom still controlled some 87 percent of sales in 1992, precisely the same combined share they held in 1982.

In the market for CPE, the vacuum created by AT&T's breakup and the line-of-business restrictions was filled by large foreign manufacturers. The Commerce Department has determined that "[t]here is very little U.S. production of commodity-type [CPE] products, such as telephone sets, telephone answering machines and facsimile machines" and that the country's trade deficit in CPE was approximately $3 billion in 1992.

COMPARATIVE MARKET PERFORMANCE

Price: Nowhere is difference between the IBM and AT&T approaches more apparent than in improvements in price performance ratios. A $5,000 PC in 1990—featuring a 486 microprocessor running at 25 MHz—had the processing power of a $250,000 minicomputer in the mid 1980's, and a million-dollar mainframe of the 1970's. Five years later, that same $5,000 PC is two generations out of date—with a third new generation on the horizon. Systems with nearly twice the processing power of that 1990 system—using a 486DX2—66 chip—are available for under $1,500 and advertisements are run which encourage owners of these chips to upgrade to newer ones. Systems with more than twice the processing power of that system—featuring a 120 MHZ Pentium chip—are now available, most for under $5,000.

The upshot is that consumers can purchase systems with four times the power of 1980's mainframes at one-fiftieth of the price. Put another way, systems today have over 200 times the value of systems in 1984. By contrast, longdistance calls today represent only twice the value of long-distance calls in 1984. Had price-performance gains of the same magnitude occurred in the long-distance market since 1984, the results would have been equally stunning. For example, in 1984, a 10-minute call at day rates between New York and Los Angeles cost a little less than $7, in 1994 dollars. Today it costs $2.50. Had competition and technological advances developed in the long distance market as it did in the computer market, that same would cost less than 5 cents. Alternatively, a 10-minute call from New York to Japan cost roughly $25 in 1984, again in 1994 dollars, and $14 today. Had long-distance service advanced as rapidly as the personal computer industry, that call would cost less than 13 cents.

This same formula can be applied to all telecommunications markets. The price of a PBX, measured on a per-line basis and adjusted for inflation, has fallen by about half since 1984, from about $1,000 to a little over $500. Price and performance gains on par with the computer industry's would have brought that per-line price down to less than $4. Inflation adjusted per-line prices for central office switches went from $330 in 1984 to $165 today. Improvements in Central Office switch value comparable to that seen in PC's would have lowered that figure below $2. A typical telephone cost about $50 in 1985 and $25 today, but had CPE followed the trend in the PC industry, essentially the same functionality might cost under a dollar today.

Open Networks: Central to the Government's case against both companies was their attempts to maintain closed systems. Yet in scarcely a decade after the Government dismissed its suit against IBM, 99 percent of all computing power migrated out of the mainframe and on to dispersed, desktop machines. Driven entirely by market forces, IBM has since extensively unbundled its products and services. IBM has spun off its printer and keyboard division, Lexmark, and has entered into numerous joint ventures with former rivals. "The idea of open systems—that computers should easily share things and basically behave like friends—is what everyone is aiming for," IBM's advertising now declares. During that same time period, regulators and industry participants have been struggling to define the same types of interfaces.

Jobs: One measure of relative market health is growth in the number of employees. In 1980 there were a little more than 300,000 Americans employed in the computer industry while more than a million were engaged in the provision of telephone products and services. By 1993 computer products and services accounted for more than 1.2 million, a four-fold increase. At the same time, the number of telephone employees had dropped to less than 900,000.

CONCLUSION

In 1982, the Department of Justice was prosecuting two cases, one against AT&T and another against IBM. The theories of the two cases were virtually identical. The Government, however, chose to break up AT&T and prohibit its local companies from participating in the markets for long distance service and telecommunications equipment. At the same time, it chose to drop its suit against IBM and allow market forces to shape the computer industry. These two very different approaches have yielded very different results. Today AT&T remains dominant in the market for long distance services. In the market for telecommunications equipment, AT&T has seen erosion of its position, but almost all the new entry has been by foreign firms. IBM, by contrast, is now only the fourth largest personal computer manufacturer. The computer market is flourishing, domestic jobs are growing fast, and U.S. computers set the standard worldwide. These results confirm that in a rapidly developing market, competition will yield better results than will regulation and embargo.

Mr. President, I would like to summarize my statement by saying that I think all of us here have worked together on a bipartisan basis. We have some disagreements on some amendments to come, but I am sure we will work them out. I very much respect everyone's point of view, and I respect the need to debate these. And I welcome Senators to come to the floor to make their statements and to offer their amendments, for that matter.

It is my strongest feeling that the bill we worked out in the Commerce Committee—and we had input from a number of sources. Indeed, we have had meetings since January on this, and we invited other Senators who are not on the Commerce Committee to participate. I believe the very able staffer of my friend from Nebraska—and I wish to praise Carol Ann Bischoff. I had intended to praise her in my closing statement. It is not unusual to praise a staffer, but she did a great job. She was in many of the meetings, and we appreciate that very much.

So what I am saying is a number of people have worked on this legislation. I am not criticizing anyone for raising questions here. We will continue to work on it.

We did have meetings every night from about January on, including Saturdays and Sundays, for interested Senators, and we think that we have crafted a good bill. I want to praise Senator HOLLINGS and Senator INOUYE, all the Democrats and Republicans on the committee and off the committee who participated.

But we worked out this delicate balance on this bill, which provides for an FCC review. It provides for a checklist. It also has the public interest, convenience and necessity standard. We feel that going on to a Justice Department review would be duplicative.

But in any event, let me state the need to pass this bill. This bill will provide a road map for the next 15 years or 10 years or however long it takes to get into the wireless age. It will provide a basis for investment and for jobs, and it will be something like the Oklahoma land rush because right now our telecommunications sectors are an apartheid, an economic apartheid. They each have an economic sector. This bill is intended to get into everybody else's business, but also it takes off certain restrictions on our domestic companies that they spend their money in Europe.

So I hope we can pass it, and I wish to commend everybody for participating. We have tried to run as open a process as possible. Senator HOLLINGS and I have invited everybody to meetings. His staff has done an outstanding job and our staff on the Commerce Committee has done an outstanding job. We welcome amendments. We welcome digesting this further. I thank everybody for their participation.

I yield the floor.

Mr. KERREY addressed the Chair.

The PRESIDING OFFICER (Mr. GRAMS). The Senator from Nebraska is recognized.

Mr. KERREY. Mr. President, I would like to take a few minutes and describe what was in the Hollings-Daschle amendment that was adopted earlier and describe why we believe it is important to have these things included in the bill.

Before I do, I would like to once again compliment and respond to the comments just made by the distinguished chairman of the Commerce Committee, the Senator from South Dakota.

Mr. President, what we are about to do in this legislation is without precedent. There is no legislative precedent for taking this large a sector of the economy. It is true we have deregulated other sectors of the economy but nothing that touches nearly half of all the U.S. economy, either directly or indirectly. It is a mammoth part of the economy.

Make no mistake about it, while it may be true that some Americans do not fly, and some Americans do not use a truck, every single American will be touched by this piece of legislation. If you have a telephone line coming into your home, if you watch broadcast television, if you buy records, if you have cable service, if you use any consumer electronics, if you have a computer, if you have any contact at all with information industries or services, this bill will have an impact on you—a substantial impact on you.

I say this to my colleagues who are wondering why this is important. There will be precious little interest, I suspect, in this legislation, or a relatively small amount of interest in this legislation, while we are debating it as perhaps in the first 30 or 60 days after it is enacted.

For those who wonder what this bill will do, I urge you to go back and examine the 1984, 1985, 1986 period and try and reach back and test the waters to see what consumers and citizens were saying the last time we attempted to move from a monopoly to a competitive environment.

At that time, the Department of Justice managed that transition. That is why the role for the Department of Justice is so important. That is why the Dorgan amendment and the Thurmond amendment are so critical. The Department of Justice does have expertise in doing this. It is not duplicative. It is not additional bureaucracy, Mr. President.

Those who say that and who believe that is true should look at the long run. It requires a process to go forward simultaneously with the Department of Justice and with the FCC. In the Department of Justice, there is a 90-day time certain. That is not duplicative. That does not require people to go through a long, lengthy process. Indeed, I will predict with great confidence that if this bill is passed without—without—the DOJ language in there, what will happen is we will have extensive litigation, because the 14-part test that is required before a regional Bell operating company can get into long-distance service, before your local telephone company can do long-distance telephone service, has not been litigated. There is no precedent. There is no court history that can be referenced with clarity so that people understand what is going on. And it will be litigated.

I understand the delicate balance argument. I understand what the committee had to do. I understand what the committee had to try to balance in order to get this out. Indeed, it is the sole responsibility and credit of the senior Senator from Nebraska, Senator EXON, that the compromise that gives DOJ a consultative role was added by the committee prior to it being voted out.

Nonetheless, I say over and over and over, do not underestimate the difficulty this vote is going to produce for you unless the most experienced manager of taking a monopoly to a competitive environment has more involvement than just consultation. If you are uncomfortable with the bureaucracy argument, there are fewer than 900 employees over in antitrust at the Department of Justice. If the language troubles you in some fashion and you think we need to make certain that time certain is held to, that it is not delayed for a long period of time, come and argue for changes in that.

Second, the distinguished Senator from South Dakota lays out the differences in results with the Justice Department's action with IBM in the early 1980's—about 1982—and the action taken by the Justice Department in 1984.

I say to my colleagues, this makes the case for Justice involvement. They had a success in both cases. It is a completely different situation, however, when you are talking about a monopoly that has been created by law to perform a public service of providing telephone service to all American households.

The goal of the 1934 act says universal service and, indeed, as early as 20 years ago universal service had been attained, but it is a franchise, a monopoly franchise granted first to AT&T and second, after divestiture, to the regional Bell operating companies, and no one should suffer the belief that somehow these companies are not earning relatively high rates of return on equity. Their P&L's are quite impressive. Their performance has been quite impressive. We are not receiving complaints from citizens of this country who come back from Europe or Asia or South America or Australia or Africa saying, "Gosh, I wish I had as good a service as I got when I was outside the United States." We have exceptional service. We have high-quality service. We have high- and well-performing corporations that are providing that service.

So we are going to be asked by our people, the citizens who are not, in the main, asking for us to deregulate these industries, these companies, why we did this thing. It is fair to say, I think, this is a contract with America's corporations who are currently not allowed to do many things that this law will allow them to do. Corporations are saying to us, "Please let us do these things, because if you do, trust us, things are going to get better." But if they do not get better, Mr. President, it will be our vote and we, as Members of this body, will be responsible for it.

I hope the Senate will seriously consider next week when we vote on the Dorgan and the Thurmond amendments—my hope is we can bring the two amendments close enough together that we will have a vote on a single amendment—my hope is that my colleagues will look at this seriously and say this may be the only safety valve that I have on behalf of the consumers, the citizens, the voters of the State which I represent.

Mr. President, I was actually going to do this next week. I will start to do a little of this now.

This is the annual report of one of the companies. You hear people say—I heard it already in this debate—"Gee, the Government is sitting like a big animal in the middle of the road preventing this gold rush to occur, this stampede of innovation, this creation of new jobs."

Look at the job creation over the last 10 years created by the regional Bell operating companies, created by AT&T and other long-distance providers, created by the computer industry. The computer industry surprisingly has laid off 150,000 people over the last 9 years. Look at the existing industries that are coming and talking to us saying they need this change and you do not see much in the way of job creation. You do not see much in the way of job creation, indeed, with the exception of cellular and cable. The job growth has been going downward to the right.

So do not expect in your home States to be greeted by a round of applause that you are going to create jobs in the areas where you are currently being asked or lobbied to support one provision or another, with a few notable exceptions.

This is Southwestern Bell. The headline reads: "Southwestern Bell builds value, your $100 investment has grown to $173 in 10 years and we're ready for another decade of growth."

I have a whole stack of them. I suppose I will have a chance next week. I am sure somebody is going to come to the floor and talk about how we are blocking these companies; it is difficult for them to do well. Their P&L's are very impressive. They outperform most manufacturing businesses in America. They are doing quite well.

As I said, I do not object to many of the deregulatory efforts. I do not object to cutting the regulation. I am the only Member of Congress to have signed a deregulation bill. But I do not want the presumption that we need to deregulate be that these companies are really underperforming against other corporations in America or that somehow Congress has denied them a fair shake in the marketplace.

Mr. President, let me now go through the package of amendments that we took up earlier.

The Hollings-Daschle amendment was a package of provisions that attempted to strike a better balance between consumer protection and market deregulation. These were safeguards which were designed to protect consumers by expanding services and keeping them affordable.

The first amendment improved the cable rate regulation provision of the committee bill by strengthening what was known as the bad actor test. Rates for the upper tiers of cable service will now only be found unreasonable if they significantly exceed the national average rate for comparable cable service for systems other than small cable systems determined on a per channel basis as of June 1, 1995.

It sounds arcane. It was significant. By excluding the small cable system, we raised the bar a bit—and I think quite appropriately so—to protect American consumers.

In addition, the amendment will deregulate a cable company only after a telephone company begins to provide video programming service that is comparable; not just a single channel, but comparable to the video service provided by the cable company.

A second amendment also prohibited buyouts in joint ventures by telephone companies and cable companies, except in areas below 50,000 and in a nonurbanized areas or if the FCC waives the provision. This places reasonable limitations on the ability of cable and telephone companies to eliminate each other as potential competitors through buyouts and mergers, except in rural areas where competition may not be viable. This change improves the bill.

I must tell you that I am still very much concerned about the potential for a telephone company to buy out a local cable company. Again, you can imagine your own household, where you have a telephone line coming in, a cable line coming in, and those two pipes give you the potential for a competitive environment. That environment is going to be substantially reduced if you allow that kind of acquisition which will reduce you from two to one line.

The Hollings-Daschle amendment will also allow small competitors to the telephone companies to jointly market local and long distance service, but not AT&T, MCI, and Sprint. It amends the provision on joint marketing to allow carriers with under 5 percent of the Nation's prescribers to engage in joint marketing and to sunset the prohibition on joint marketing after 3 years. With the earlier provision, this is something I have taken a particular interest in, as many colleagues have as well. It is unquestionably a procompetitive action.

I urge, again, upon my colleagues the idea that if we are going to have a competitive environment, the competition is going to come from start-up companies who are going to end up like Intel, having a microprocessor 12 years ago and now with tremendous market value, and a tremendous market net worth as a consequence of them having an idea, actually spun off from IBM, that they developed over that period of time. That is where the jobs are going to be created. They are going to be created from new competitors, not from the established businesses. We do not want to be unfair to established businesses, but what this change allows is for the smaller entrepreneurial companies to jointly market and, as a consequence, have a better chance of surviving in that market.

The amendment will allow consumers to realize the benefits of competition in the local telephone exchange, while preserving the competitive balance between the regional Bell operating companies and the major long distance carriers. The provision also promotes network interoperability by all communications carriers. This is a provision I was also personally involved in, having introduced legislation to this effect some months ago. This is an important part of building a seamless national information infrastructure that will enhance education, business, and health care providers.

This amendment would not expand or limit the FCC's current authority over standards setting. I emphasize that last part because, as originally introduced—and this is one of the dangers of these kinds of law-making efforts—it did in fact establish what are called de jure standards, a legal standard thus preventing de facto standards.

What is happening across the board in networking, in transmission, in hardware, in information services, in content, in the market sitting out there, businesses are out there and individuals are out there saying: These are my needs, this is what I need to get done; here is point A and here is point B. This is the kind of network requirements that I have, and the engineers and the innovators are coming up with new solutions constantly.

Thus, though it is terribly important for us to have interoperability in this network, particularly the network-to-network, and the ability to come on line anyplace you are, it is terribly important to have that. This legislation, I think, strikes a very good balance between that need and the comparable need to avoid establishing a standard that would restrict and constrict the development of technology itself.

Nothing in this amendment, Mr. President, precludes existing local telephone marketing agreements from continuing in effects. Many small broadcasters like the programming to fill an entire broadcast day, and consequently they often lease their facilities to other programmers. These are called local marketing agreements. This amendment I referenced earlier recognizes this need and will help small broadcasters continue to diversify their products.

Mr. President, as with the amendment offered by the majority leader, the amendment that was agreed to earlier, that was approved earlier on a rollcall vote, and offered by the distinguished Democratic leader and the distinguished ranking Democratic member of the Commerce Committee, comes to this law and says we are concerned about consumers, we are concerned about those individual families living in households, we are concerned about that small entrepreneur, that start up company that nobody even knows about today. We want to make sure that we give them a full and fair opportunity.

Mr. President, we are probably at a point where it is not worthwhile to continue this exchange. It looks to me like it might be the Senator from South Dakota and I alone sitting here all afternoon talking to one another. That would not necessarily be very constructive. Thus, I look forward to continuing the debate next week on the Department of Justice amendment offered by the Senator from North Dakota and the second-degree amendment offered by the senior Senator from South Carolina.

I yield the floor.

Mr. PRESSLER addressed the Chair.

The PRESIDING OFFICER. The chair states that when the majority leader modified his amendment, that subsumed the underlying Daschle amendment. That is for the information of the Senate.

The Senator from South Dakota.

Mr. PRESSLER. I say to my friend, the Senator from Nebraska, that my mother is watching in Sioux Falls. She might appreciate it if we can just talk all afternoon, but I think other than her, there might be some boredom.

I did want to praise Senator INOUYE for his leadership and willingness on the GTE consent decree. I thank the Senator very much.

Mr. President, I will go a bit further to describe in more detail some of the things in the Dole package this morning. I think all this was worked out in Dole-Daschle and others, including myself as a cosponsor.

In that package, the current law does not recognize the uncertainty and disproportionate burdens rate regulation imposes on small cable companies. Without relief, many small cable companies will be unable to rebuild and upgrade their systems; moreover, they may be unable to survive or compete in the telecommunications marketplace.

Small cable companies must spread high fixed costs over a small subscriber base, making it difficult to rebuild and upgrade facilities, to obtain a return on investment, and to service debt. At the same time, small cable companies typically incur a higher cost of capital than the industry as a whole.

The current regulatory scheme has required small cable companies to devote a substantial amount of their operating budgets to legal and accounting expenses simply to understand and comply with the complex regulations spawned by the Cable Act of 1992.

Rate regulations imposed on these companies have depressed their revenues and caused uncertainty in the financial sector, exacerbating the difficulty such companies have in attracting financing. The uncertainty caused by the threat of regulation alone has discouraged the banking community from extending financing to small cable companies. Without such financing, small cable companies will be unable to position themselves to meet competition, or in many cases, to stay in the cable business.

At the same time, small cable companies have been particularly hard-hit by the competitive challenges of direct broadcast satellite [DBS], which has become one of the fastest introductions ever of a new consumer electronics product since its launch in 1994. DBS services, which are expected to serve 2.2 million subscribers by the end of this year, deliver virtually every program network offered on cable, including movies, sports, and dozens of channels of pay-per-view movies.

Small cable companies need immediate rate relief in order to access the capital necessary to compete and to continue to provide services to customers. Consequently, telecommunications reform legislation should exempt small cable companies from rate regulation.

RADIO OWNERSHIP

The financial health and competitive viability of the Nation's radio industry is in our hands.

We all agree that the telecommunications legislation we are considering today is about competition, and not picking winners and losers. And we also agree that this legislation goes a long way toward giving cable, satellite, and the phone companies the freedoms they need to compete, but we now need to agree to extend these same freedoms to the over 11,000 radio broadcasters in this country.

No other audio service provider, be they cable, satellites, or telcos, has the multiple ownership restrictions that radio has. The language we are offering today eliminates these outdated radio-only rules. It is imperative that we in the Congress end this discrimination against radio sooner by adopting this language, rather than wait for the bureaucracy to come around to it later, as this legislation as currently drafted, would have it.

Immediate action is critical because the FCC is on the verge of authorizing digital satellite radio service, whereby 60 new radio signals will broadcast in every market in the United States. This satellite service will be mobile and available in automobiles, homes, and businesses. Also, cable already provides 30 channels of digital radio broadcasting in markets across the United States under a single operator. Obviously, an incredible diversity of voices has been achieved, with even more competition to radio quickly making its way down the information superhighway.

Yet let us not lose sight of the fact that all of these welcome new voices are also aggressive competitors for radio's listeners and advertisers. And unlike radio, these competitors are not burdened with radio's multiple ownership restrictions, nor do they have the same public service obligations are radio broadcasters.

Our Nation's radio broadcasters have a strong tradition of providing the American people with universal and free information services. In a telecommunications environment increasingly dominated by subscription services and pay-per-view, it is essential that we not foreclose the future of free, over-the-air radio by restricting ownership options. For radio, serving the public interest and competing are not mutually exclusive, they are complementary. So it is left up to us to empower radio so it can grow strong well into the next century, and continue to serve our communities as it has done so well for the past 70 years.

The last is perhaps the most important, relief from ownership rules works. In the early and mid-1980's, the FCC issued hundreds of new radio licenses and the market became oversaturated with radio stations without sufficient advertising revenue to support the increase.

However, in 1992, the FCC granted limited relief in radio ownership restrictions. After many years of financial losses, suddenly radio became an attractive area for investment, and alarmingly, multiyear stations going off the air was arrested.

The economies of scale kicked in, stations gained financial strength in consolidation, and competing for advertising improved.

Allow me to cite some statistics. In 1993, a year after the new limits took effect, the dollar volume of FM-only transactions almost tripled, to $743.5 million, while group sales grew 44 percent.

In 1994, sale prices of single FM stations rose 12.7 percent from 1993's $743.5 million to $838 million.

From 1993 to 1994, the total volume of AM station sales shot up 84 percent, totaling $132 million.

There is every reason to believe that all of these positive trends will continue and flourish if we remove radio's outmoded multiple ownership restrictions.

Clearly, maintaining local and national radio ownership limits in the face of tomorrow's competitive environment is not only unfair but is a major step backward.

Mr. President, I might say a word about the GTF consent decree. The GTE consent decree arose from the 1982 acquisition of Southern Pacific Communications Co., the forerunner of Sprint, and Southern Pacific Satellite Company, Spacenet.

The Justice Department, as part of its statutory Hart-Scott-Rodino review of the proposed acquisition, negotiated a consent decree based on section 7 of the Clayton Act.

Unrelated to the acquisition, the suit also claimed GTE's provision of information services created a substantial profitability, monopolizing the market in violation of section 2 of the Sherman Act. This portion was removed in 1991.

GTE was not found to have violated any antitrust statute. They voluntarily accepted the consent decree in December 1994, allowing the company to proceed with acquisition.

The primary restrictions of the decree are: Structural separation between GTE's telephone operating companies and Sprint; and GTE's telephone operating companies are prohibited from providing or joint marketing interLATA long distance companies.

The GTE consent decree should be vacated through the pending telecommunications reform legislation for three reasons: First, GTE no longer owns the Sprint or Spacenet assets that gave rise to the original suit. The Sprint assets were disposed of completely in 1992. Spacenet assets were sold to General Electric in late 1994.

The GTE consent decree is not related to the modified final judgment. The 1982 court order that resolved the AT&T antitrust case and broke up the Bell system restricts the regional Bell operating companies from entering the long distance and manufacturing businesses.

GTE is the only non-Bell telephone company with such cumbersome proceedings. These procedures resulted in higher costs and hamper GTE's ability to compete.

GTE also filed a motion with Judge Harold Greene in the U.S. district court to have the court vacate the GTE consent decree.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRESSLER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is the telecommunications bill.

MORNING BUSINESS

Mr. DOLE. I ask unanimous consent that there now be a period for the transaction of morning business from now until 3 o'clock, with Members permitted to speak for 5 minutes therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, was leaders' time reserved?

The PRESIDING OFFICER. The leaders' time has been reserved.

EXERCISING GOOD CITIZENSHIP

Mr. DOLE. Mr. President, last week, I ventured out to Hollywood and called upon the executives of the entertainment industry to exercise some good citizenship and put an end to the steady flow of mindless violence and loveless sex they serve up each day to our young people. I said that a "line has been crossed—not just of taste, but of human dignity and decency. It is crossed every time sexual violence is given a catchy tune. When teen suicide is set to an appealing beat. When Hollywood's dream factories turn out nightmares of depravity."

Although I made it very clear that government censorship was not the answer, the response to my remarks has been predictable and predictably ferocious. All the usual suspects—Oliver Stone, Ed Asner, Norman Lear—have been out in force, rushing to Hollywood's defense and lashing out at anyone who would dare criticize the entertainment industry for its excesses.

I will continue to speak out because people like Bill Bennett, PAUL SIMON, PETE DOMENICI, BILL BRADLEY, and C. Delores Tucker all happen to be right: cultural messages can and do bore deep into the hearts and minds of our impressionable young. And when these messages are negative ones—repeated hour after hour, day after day, week after week—they can strip our children of that most precious gift of all: Their innocence.

Apparently, the American people share this concern, particularly when it comes to television, perhaps the most dominant cultural force in America today. A recent survey conducted by USA weekend magazine revealed that an astonishing 96 percent of the 65,000 readers surveyed are "very or somewhat concerned about sex on TV," 97 percent are "very or somewhat concerned" about the use of vulgar language on television shows, and another 97 percent are "very or somewhat concerned" about television violence. Jim Freese, the principal of Homestead High School in Fort Wayne, IN, put it this way: "I'm seeing more instances of inappropriate language around school. It is part of the vocabulary, and often they do not think about some of the words because they hear them so often on TV. It is a steady diet. Program after program has this inappropriate language."

According to a study commissioned by USA Weekend, 370 instances of "crude language or sexual situations" were recorded during a five-night period of prime-time programming, or one every 8.9 minutes. Two hundred and eight of these incidents occurred between 8 and 9 p.m., the so-called family hour.

Of course, we have more to lose than to gain by putting Washington in charge of our culture. Instead, it is my hope that the decision-makers within the entertainment industry will voluntarily accept a calling beyond the bottom line and help our Nation maintain the innocence of our children.

Mr. President, I ask unanimous consent that the cover article from the USA Weekend magazine be reprinted in the RECORD immediately after my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From USA Weekend, June 2-4, 1995]

TURNED OFF

(By Dan Olmsted and Gigi Anders)

It was, in its crude way, a perfect TV moment for our times: 9 p.m. ET on a Wednesday this spring on Grace Under Fire, the top-5 ABC sitcom. Divorced mom Grace is talking in the kitchen with 10-year-old Quentin, who has been visiting his dad. Let's listen in, along with the 28.3 million people watching the show on a typical night, 5.6 million of them under age:

Grace: How come your daddy didn't come in and say hey?

Kid: Aw, he was in a hurry. He had a date with some slut.

Grace: Quentin? I'm going to wash your mouth out with fabric softener. Where did you hear that word?

Kid: Dad's house. It was a cable.

These days, that episode neatly demonstrates, the raw stuff isn't on just cable anymore. Sex, and what your mother called "vulgar language," now play nightly on the four major networks—for laughs, shock value, sizzle and ratings, and because producers say viewers want verisimilitude, and this is how reality looks and sounds in 1990s America.

But such programming may turn off a sizeable number of viewers—including 97 percent, or 63,000, of the 65,142 readers who took part in USA Weekend's survey on TV violence and vulgarity. The key finding: Many viewers want to wash out TV's mouth with something stronger than fabric softeners. They're especially upset that much of the unclean stuff is coming out of the mouths of relative babes like Quentin and into the eyes and ears of kids.

The written survey, which ran in our March 3-5 issue, follows a similar one two years ago that drew 71,000 responses. The earlier survey came amid concern about TV violence and congressional hearings on the subject; is showed violence was readers' top concern, with sexual content a close second.

This year the figures are reversed (see chart, opposite page): Sexual content tops the list of "troublesome programming," with violence second.

The results are not scientific, but they're over-whelming—make for a comparison with two years ago. Viewers still find TV violence troubling but seem increasingly concerned about rawness, especially on the networks' prime-time shows.

Concern over violence remains high, to be sure: 88 percent of readers who responded to the write-in are "very concerned" about it, compared with 95 percent in 1993.

"We limit our kids' TV viewing because of the violence, and because too much TV of any kind turns their minds to jelly," says Sue Sherer, 40, of Rochester, N.Y., a mother of three (ages 11, 9 and 7) and PTA president who filled out the survey. "We rob kids of innocence when we expect them to grow up so fast and mirror kids like those on Roseanne. I don't want them to be naive, either, but I'd like them to be children. And TV is a great vandal of that."

Responding to the concern over vulgarity, USA Weekend monitored five evenings of prime-time network TV (8-11 p.m. ET). We enlisted journalism students from The American University School of Communication in Washington, DC., who videotaped each program and noted incidents of crude language or sexual situations (see chart below).

The result: 370 incidents over five nights—after giving the tube the benefit of the doubt on close calls. "I was surprised," said Alan Tatum, one of the AU students who helped us. Even on "family" shows, "it almost seems the producers feel they need to throw in bodily humor every so often."

Every 8.9 minutes, on average. And 208 incidents—well over half—occurred in "the family hour."

A cultural Rubicon of sorts was crossed in the past few weeks, when ABC moved Roseanne to 8 p.m. ET and two family-hour staples, Blossom and Full House, went off the air.

First sanctioned by the National Association of Broadcasters code in the early 1970s, the family hour (8-9 p.m. Eastern and Pacific time; 7-8 p.m. elsewhere) was long considered the proper time to appeal to kids. It meant Happy Days and Laverne & Shirley, The Cosby Show and Family Ties. But in more recent years, thanks largely to competition from cable and the emergence of the Fox network in 1986, programmers have been so eager to recapture a dwindling TV audience that the family hour has become inhabited by adult and young-adult hits such as Mad About You, Martin, Melrose Place and Beverly Hills, 90210. In fact, following the stunning success of NBC's Thursday night comedy blitz, ABC has been trying to create a solid block of its own on Wednesday by reshuffling two of its edgier sitcoms, Roseanne and Ellen, into the family hour.

For all the national discussion about values, even such family-hour shows as Fresh Prince of Bel-Air and The Nanny are laden with sexual innuendo and hot-blooded humor. And Martin has all the subtlety of a Friar's Club roast.

There's a sense that TV, which in the '50s and early '60s made happily married couples like Ricky and Lucy and Rob and Laura sleep in separate beds, is making up for lost time.

Programmers say it's not that simple. "TV is changing," says James Anderson, a vice president of Carsey-Werner, which produces Roseanne. "The show reflects the climate we're in. There's a big discussion going on over what should be shown during the family hour. It's necessary, I guess, but any show that pushes the envelope usually gets penalized in some way. And Roseanne does push it."

He cites the show's complex treatment this season of Roseanne's pregnancy—worrying whether there was something wrong with the baby she was carrying—as an example of provocative but responsible programming. "Parents who say they dislike the show and wouldn't let their kids watch are uncomfortable about having to discuss the issues raised on the show with the children."

But, he suggests, the genie isn't going back into the bottle. "The face of TV is going to be seriously redefined over the next couple of years. I mean, Melrose Place is on at 8, and they have way more T&A than Roseanne does." Fox and Melrose Place did not respond to requests for comment.

CBS senior vice-president Martin Franks defended his network's programming, while acknowledging some early-evening broadcast fare is inappropriate for kids. "I have a 13-year-old and an 11-year-old, and I don't let them watch The Simpsons [Fox, 8 p.m. ET Sundays]. I don't want my kids talking that way."

He compared the high level of dissatisfaction recorded by the USA Weekend survey to asking viewers if they dislike "attack ads" during political campaigns: "Of course the answer is going to be yes, yet people watch them and are being affected." Many people who complain about network programs also would complain "if we pre-empted them for a presidential press conference," Franks argues.

"Adults ought to be able to watch something. Someone at this point who is surprised by The Simpsons or Roseanne or Seinfeld is living under a rock."

All four networks have offices of standards and practices that monitor shows for taste and content. (The industrywide National Association of Broadcasters code is defunct.) "You can argue they miss something or their judgment is different from yours," Franks says of the censors, but they take the job seriously: "They make suggestions to change scripts before they're even shot."

The bigger question: Is it worth wondering whether course language and risqué fare have any social impact? Or is that like Dan Quayle attacking Murphy Brown, easy to dismiss as an overblown attack on a fictional character? Educators, for one group, don't think it's far-fetched.

"I've been a principal for 20 years, and I've seen significant changes. And one of the factors is TV," says Jim Freese of Homestead High School in Fort Wayne, Ind., where students filled out the survey. "I'm seeing more instances of inappropriate language around school. It's part of the vocabulary, and often they don't think about some of the words because they hear them so often on TV. It's a steady diet: Program after program has this violence and inappropriate language."

Last month, U.S. Sen. Kay Bailey Hutchison, R–Texas, proposed legislation giving parents access to a "report card" rating the violence in TV shows. Funded by the government and compiled quarterly by a neutral organization such as a university, the report would list the most violent shows and their sponsors; viewers could then pressure the sponsors to withdraw their ads.

The movies' rating system "has worked very well," Hutchison told USA Weekend, adding that the magazine's survey reinforces other studies, as well as comments from her constituents. "Parents are sitting with their children thinking a show will be all right, and all of a sudden there is something very inappropriate." The report card would offer parents a "comfort level," knowing certain programs would not contain violence or vulgar language.

Not surprisingly, the older our survey respondents, the greater the concern. For instance, 95 percent of those over 65 are "very concerned" about TV violence, vs. 70 percent of those under 36. Older readers worry that younger viewers aren't concerned. "Most of my students find the issues under question acceptable," says Nancy Movall of Newell, Iowa, whose high school visual communications class took the survey. "I wonder if it's because they have been raised in a world that sees violence far too often and thus have become more tolerant of it."

Also filling out the survey: 14 inmates at the South Dakota State Penitentiary, who marked "very concerned" about either sex, violence or vulgarity on TV a total of 20 times.

Some language in prime time is now so strong, we've chosen not to print it on our cover:

From The Wright Verdicts, 9 p.m. ET Friday on CBS: "You lousy bastard!"

From NYPD Blue, 10 p.m. ET Tuesday on ABC: "You're lucky I don't kick your ass."

From the CBS movie With Hostile Intent, 9–11 p.m. ET: ". . . kiss my butt a little harder . . . probably getting laid . . . Let's go get naked . . . Aw, hell, I'm stuck with a bitch tonight . . . Roberta's on the rag . . . "

From Fox's Melrose Place, 8–9 p.m. ET: ". . . I want you to go home with me . . . I want you to unbutton my blouse and pull up my skirt . . . I'll be up for hours unless I can find a way to relieve my tension."

From NBC's Friends, 9:30 p.m. ET: "Now we need the semen of a righteous man."

Of course, Friends is a smash: Melrose fans aren't likely to picket Aaron Spelling because of too-steamy plots; and Roseanne, in many critics' eyes, is quality TV.

"Thinking adults are hardly going to turn into a heaping pile of gelatin because they hear the word "ass' on the air," argues Los Angeles Daily News television critic Ray Richmond. "I don't see this 'vulgarity' as a loosening of standards, but rather as a reflection of the reality around us."

Plus, more than two-thirds of U.S. homes now have cable, he notes, and the government's "set of rules for network TV doesn't apply to cable or pay-per-view programs, and they're all on the same remote control in people's living rooms and bedrooms. People who believe TV's going to hell in a handbasket are overreacting."

But is there a middle ground between prudery and prurience? Beneath the comic coarseness of Grace's response to Quentin's use of "slut" is advice that's hard to disagree with. "You shouldn't use that word," she tells her son. "It's demeaning to women, and men who say it. And furthermore, if it weren't for women like them, I wouldn't know how to rat my hair real big and put on blue eyeshadow.

"So show a little respect."

COMMENDATION OF CAPT. SCOTT F. O'GRADY AND U.S. AND NATO FORCES

Mr. DOLE. Mr. President, I send a resolution to the desk and ask it be read on behalf of myself, Senator HELMS, Senator WARNER, and many others. I am not certain of all the cosponsors. This has been cleared, I understand, on both sides.

The PRESIDING OFFICER. The clerk will read the resolution.

The assistant legislative clerk read as follows:

A resolution (S. Res. 132) commending Captain O'Grady and U.S. and NATO forces:

Whereas on June 2, 1995, Bosnian Serb forces using sophisticated surface to air missiles shot down a United States Air Force F–16 aircraft piloted by Captain Scott F. O'Grady while on combat patrol as part of NATO-commanded Operation Deny Flight;

Whereas in late 1994, reports indicate the United Nations vetoed NATO proposed operations to attack Bosnian Serb surface to air missile sites;

Whereas effective measures to defend against Bosnian Serb air defenses did not occur during Captain O'Grady's mission on June 2, 1995;

Whereas thousands of United States Armed Forces and armed forces of NATO allies were involved in search operations to recover Captain O'Grady;

Whereas Captain O'Grady, in the finest tradition of American military service, survived for six days and nights through courage, ingenuity and skill in territory occupied by hostile Bosnian Serb forces;

Whereas on June 8, 1995 Captain O'Grady was rescued in a daring operation by United States Marines;

Whereas aircraft involved in the rescue operation were attacked by Serb forces but no casualties occurred;

Therefore be it resolved by the Senate that it is the sense of the Senate that—

(1) Captain O'Grady deserves the respect and admiration of all Americans for his heroic conduct under life-threatening circumstances;

(2) the relief and happiness felt by the family of Captain O'Grady is shared by the United States Senate;

(3) all members of the United States and NATO armed forces involved in the search and rescue operations, in particular the members of the United States Marine Corps involved in the extraction of Captain O'Grady, are to be commended for their brave efforts and devotion to duty;

(4) U.S. and NATO air crews should not be put at risk in future operations over Bosnia unless all necessary actions to address the threat posed by hostile Serbian air defenses are taken.

Mr. DOLE. Mr. President, this is a time for celebration—a brave American pilot, Capt. Scott O'Grady, has been rescued from Bosnian Serb-held territory. He is back at Aviano Air Base in Italy and will soon be on his way home to see his family.

I am pleased to submit this resolution on behalf of myself and many of my colleagues on both sides of the aisle commending Captain O'Grady, and the U.S. marines who rescued him, for their courage and professionalism.

In the interests of getting this resolution adopted today, I agreed to modify several provisions, although I have a hard time to understand why they are objectionable. But first it was objected to stating the obvious—that many missions prior to Captain O'Grady's were not accompanied by adequate action against hostile air defenses. And second, objection to urging appropriate responses to the attack on Captain O'Grady. The term "appropriate" covers a lot, but apparently some want no response at all to the attack on Captain O'Grady or the attack on the rescue aircraft. But having said that, those provisions have been removed to satisfy my colleagues on the other side of the aisle. I think we all want to make a statement and I believe this resolution makes an appropriate statement. The distinguished Senator from Massachusetts, one of the Senate's combat veterans, said yesterday that it would be appropriate to respond to this incident by bombing Serb missile sites.

Mr. President, events like this should make all Americans proud and appreciative of the sacrifices made by men and women in the U.S. military. They should also make us realize that courageous airmen like Captain O'Grady are the reason why our Armed Forces are second to none.

Captain O'Grady was shot down by Bosnian Serb Forces and remarkably survived for 6 days in the forest—in hostile territory—by eating grass, leaves, and bugs and drinking rainwater, and evaded capture by Bosnian Serb troops.

It was not only superb military training that enabled Scott O'Grady to survive, but his own personal intelligence and dogged determination.

This same combination of fine training and individual strength also characterizes the U.S. Marines and the other personnel aboard the U.S.S. *Kearsarge* who were involved in this dramatic rescue operation.

No doubt about it, these men and women are American heroes. In addition to giving them the respect and commendation they are due, we have a responsibility—a responsibility to ensure that they are not exposed to unnecessary risk.

Every man and woman in the military has signed up knowing that there are risks involved and that one day their lives may be on the line. However, this does not mean that we take steps that unnecessarily increase risks or fail to take steps to address risks.

Last fall, NATO commanders noted an increase in the deployment of surface-to-air missiles by Bosnian Serb forces. Under the dual-key procedure, NATO sought to take out these SAM sites, but the plans were vetoed by the UNPROFOR command. It is likely that had NATO gone ahead 6 months ago, Captain O'Grady never would have been shot down.

So in addition to retaliating for this hostile action—and we do not need the permission of the United Nations or NATO to retaliate—we must take action to suppress the threat posed by the remaining SAM sites. We cannot in good conscience continue to send our pilots to patrol the no-fly zone without taking such measures.

Furthermore, as this incident and recent developments underline, we must start a new approach in Bosnia. The bigger picture is that the United States and our Armed Forces are participating in a failure.

It is high time to end this U.N. farce—to withdraw the U.N. Forces and lift the arms embargo on Bosnia. Prime Minister Haris Silajdzic reiterated yesterday in his meetings with Members of the Congress that the Bosnians do not want our troops on the ground; they have their own. They only want weapons to defend themselves. That is their fundamental right.

I am encouraged by the overwhelming vote in the House to lift the arms embargo. It was a strong bipartisan vote on an amendment offered by a Democrat colleague in the House, Congressman STENY HOYER. Clearly the tide has turned. The White House needs to move with this tide rather than try to swim against it.

Mr. DOLE. I ask unanimous consent that Senator THURMOND and Senator MCCAIN be added as original cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I am particularly privileged to join the distinguished majority leader in sponsoring this resolution. The majority leader speaks with a voice of great experience when it comes to military matters, having experienced firsthand himself the tragedies of war and the courage and stamina it takes to carry the wounds of those wars through for these many years. He draws on a vast knowledge, corporate knowledge of the conflicts that have occurred in our lifetimes—World War II, Korea, Vietnam. In all of those conflicts he has taken a role, first as a soldier and then as a statesman.

We are particularly fortunate to have Senator DOLE as our leader at these perilous times. I heed his words and his messages very carefully.

Mr. President, I also had the distinct privilege this morning of speaking by telephone to the father. And in the course of that conversation, with a sense of humility, we talked about the message and the courage his son has sent to all America, a message in a sense that says through these many years, this Nation has put an enormous investment in the equipment and in the training of our fine men and women who proudly wear the uniform of our Nation and, most importantly, the investment in the individuals who wear the uniform, as well as their families.

This investment has paid off. This is a very clear example today of how our investment has paid off in the cause of freedom.

I hope this also provides a message to the U.S. Senate and, indeed, the Congress as a whole that we must continue to find the necessary funds to support these courageous men and women. We see this one example, but every day, whether it is in the Bosnian theater or a thousand other places at different times, these men and women take risks for which we should always express our gratitude.

In training at home and far away places across the world, they do it today with the same patriotism as generations of Americans have done it in years past. It is my hope that the Congress will give these individuals today the adequate funds that they need to carry their missions, the funds not only to provide for the training today, the equipment today, but for the generations of tomorrow.

I am deeply concerned about the current level of defense spending. We have had 10 consecutive years of real reduction in defense spending, and now is the time, in my judgment, for the Congress of the United States to stand firm with the men and women of the Armed Forces, for those who serve today and those who serve in the future.

I am thankful for the opportunity to have participated with my distinguished majority leader.

I yield the floor.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, let me commend the majority leader for his resolution and I ask unanimous consent to be listed as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. Mr. President, there is much to celebrate on a day like this, as the distinguished Senator from Virginia has just articulated so eloquently, to celebrate the fact that there are young men and women willing to commit their lives for the security interests of this country, whatever they may be. Young Scott O'Grady understood that when he took on the responsibilities of flying an F–16. He understood that when he climbed into his fighter plane on that day a week ago, completely aware of the enemy fire that he could be subjected to as he flew over those dangerous areas. He understood that as he ejected from his crippled plane, and he understood that during the dangerous period of time that he evaded those who were seeking to capture him, all the time wondering whether or not he would found.

There are men and women like him in the military in every branch of service who are willing to commit themselves, willing to commit their lives to the mission that is put before them in the interest of patriotism, in the interest of the defense and strength of this country.

So today we celebrate that heroism, that willingness to put patriotism ahead of self-interest. And certainly we have seen a clear demonstration of that in the heroic actions of Capt. Scott O'Grady. Patriotism and the life of a hero is something we can celebrate with great pride today as we consider the fact that Scott O'Grady is safely back with us.

Second, I think we can be very appreciative of the tremendous job done by the Marine rescue crew who saw fit to take extraordinarily hazardous risks to retrieve Captain O'Grady and to do all that they could to see that he was brought back safely.

As somebody who has had the opportunity on occasion to talk to rescue crews and to realize what danger they put themselves through to accomplish extraordinarily difficult missions, I can certainly appreciate the magnificent efforts of these brave marines.

So it is with immense pride and gratitude that I salute Captain O'Grady and the brave men who carried out his breathtaking rescue. We all share in the joy of their safe return.

They, too, ought to be recognized and certainly deserve the tremendous accolades they have been given for what has been an extremely dangerous rescue mission. So we thank them, as well.

Times like this bring out the best in many people. Yesterday, we had the opportunity to talk to the Prime Minister of Bosnia and Herzegovina and he, too, is rising to the occasion under what are extraordinarily precarious conditions. We, as Americans, watch with great interest and empathy as he tries in as many ways as possible to achieve a meaningful effort at resisting the extraordinary dangers that his people face day after day.

So whether it is the Prime Minister, a pilot, or a rescue mission, there is a lot to celebrate today. This resolution gives us an opportunity to say with some clarity how much we appreciate the patriotism, the determination, the extraordinary willingness to subject oneself to danger, as we have seen just in the last 6 days.

So, again, I rise in support of the resolution. I am proud to be a cosponsor. I certainly urge its approval.

I yield the floor.

The PRESIDING OFFICER (Mr. KEMPTHORNE). The majority leader.

Mr. DOLE. Mr. President, I ask unanimous consent that Senator DASCHLE's name appear immediately following mine on the leadership resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRESSLER. Mr. President, I also ask unanimous consent to be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FORD. Mr. President, will the majority leader yield?

Mr. DOLE. I will be happy to yield.

Mr. FORD. Mr. President, it may be wise, since not all Senators knew that this resolution was coming, and I think most, if not all, would support it, that we have a timeframe in which all Senators would have an opportunity to become cosponsors.

Would that be agreeable? I do not know what time would be right or sufficient, but I do think it is important that others not feel left out. I am sure the Senator does not want that, either. With that, Mr. President, I ask unanimous consent that I be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I also ask unanimous consent to add Senators MCCAIN and THURMOND and the Presiding Officer, Senator KEMPTHORNE, as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. I think we can take action on it and still give, say, to 5 o'clock for anybody else who wants to be added as a cosponsor. I ask unanimous consent that that be permissible.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the resolution.

So the resolution (S. Res. 132) was agreed to.

The preamble was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, I note we are in a period of morning business right now. We are trying to get some agreement on gift ban and lobbying reform. I am prepared, if we can get that agreement, to proceed to it. I need to be absent for 5 minutes from the Chamber.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Democratic leader is recognized.

IN MEMORY OF GRANT KOPPELMAN

Mr. DASCHLE. Mr. President, I was recently presented with tragic news regarding the death of a unique and talented young man. Grant Koppelman, a native of Rapid City, SD, who worked in my office in 1986, was killed while traveling overseas. He was 30 years old.

My heartfelt condolences go out to his family. Few individuals are blessed with the combination of intelligence, compassion, and personality that Grant possessed. With his disarming smile and quick wit, Grant could dissolve tension into humor, negating interpersonal conflict with great ease.

At the same time, his ability to instantaneously analyze situations and articulate brilliant responses earned him instant respect from those who challenged him. Those skills served Grant well through his years in high school debate, his time spent working for me, his years at Harvard Law School, and his successful private practice.

His professional life, however, was only a small part of this remarkable man's persona. Grant's love of knowledge and adventure continuously led him abroad. Members of my staff often would remark to me that they had heard from Grant while he was in Europe, or that Grant had written them about the political situation in Burma. Most recently he had sent out postcards from the Maldives Islands off the coast of India, with his usual promise that he would stay in contact.

Grant had always made good on that commitment to stay connected to his friends. That fact, in part, helps explain the devastating shock we felt over his death. The few details we know tell us that Grant was hitchhiking in Ethiopia and that someone tossed a grenade into the car in which he and a friend were riding.

Although a senseless act of violence took Grant from us at such a young age, he filled his life as completely as he was able, always looking for his next opportunity to learn, to challenge himself and to grow. His spirit greatly enriched those he touched, and we will miss him.

I yield the floor.

Mr. PRESSLER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I ask that I may use some additional leader time.

The PRESIDING OFFICER. The majority leader has that right.

MISPLACED SYMPATHIES

Mr. DOLE. Mr. President, last year, I spoke out against National Public Radio's stunningly misguided proposal to hire convicted cop-killer Mumia Abu-Jamal to provide a series of "Death-Row Commentaries." Fortunately, NPR had the good sense to cancel its contract with Mr. Abu-Jamal, who was convicted 13 years ago of murdering Daniel Faulkner, a 25-year-old member of the Philadelphia police force. Mr. Abu-Jamal remains on death row to this very day.

Despite a 4-week trial and despite a case that Assistant District Attorney

Arnold Gordon describes as "one of the strongest I have seen in 24 years as a prosecutor," there are still those who believe that Mr. Abu-Jamal is the victim of a political witchhunt. Some even go so far as to consider him a political prisoner. A bevy of left-leaning Hollywood celebrities have apparently rallied to Mr. Abu-Jamal's defense, raising money for a legal defense fund and helping to promote Mr. Abu-Jamal's new book, "Live From Death Row." According to news accounts, the Addison-Wesley Publishing Co. has paid an advance of nearly $30,000 for Mr. Abu-Jamal's latest creative venture.

Of course, most Americans are right to wonder why a person convicted and sentenced to death for viciously murdering a police officer more than 13 years ago is still sitting on death row. This only serves to underscore the wide gap between crime and punishment in America. Americans are also fed up with the tiresome criminal-as-a-victim-of-society philosophy, apparently embraced by Mr. Abu-Jamal's most ardent supporters. As Richard Costello, the president of the Philadelphia Fraternal Order of Police, recently explained:

> This pseudo-political garb Jamal has tried to wrap himself in is just a sleazy attempt to save his own hide. . . . This is not a political case; this is the case of the cold-blooded killing of a police officer doing his job. . . . It is well past time for the jury's sentence to be fulfilled.

Keep in mind it has been 13 years. The victim has been long forgotten, and the victim's family, but this man is still around.

Just last Friday, Pennsylvania's Governor Tom Ridge took a big step to ensure that the Jury's sentence is fulfilled by signing Mr. Abu-Jamal's death warrant. Governor Ridge could have taken the easy way out by avoiding this politically contentious issue, but instead he has stood his ground and confronted it head-on. He deserved our praise.

I also want to commend Governor Ridge for his efforts over the years to enact meaningful habeas corpus reform. On Wednesday, the Senate passed a series of reform proposals that, if enacted into law, will go a long way to end the endless appeals and delays that have done so much to weaken public confidence in our system of criminal justice. Although Governor Ridge is no longer in the House of Representatives, having gone on to bigger and better things as Governor of the Keystone State, his hard work in Congress on behalf of habeas reform may finally be paying off.

Mr. President, I ask unanimous consent that an article that recently appeared in The Washington Post be reprinted in the RECORD immediately after my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. DOLE. The article is all about his book, "Live From Death Row."

I also say that people wonder why some of us are frustrated with National Public Radio and the Corporation for Public Broadcasting, when they use taxpayer's funds. If it had not been for Members of Congress—in this case, probably taxpayers out there, citizens calling it to our attention—you would have been hearing this cop killer on National Public Radio with commentaries, and they were going to pay him, I think, $120 per commentary.

So when we talk about a waste of taxpayers' money and about National Public Radio—which could be an arm of the Democratic party as far as I am concerned—and the Corporation for Public Broadcasting, I hope the American people understand the kind of things they are willing to put on the air. This happened to be one of them that was stopped because of a firestorm that developed. But it seems to me that it is another indication that we can probably use that taxpayer money in some more useful way.

EXHIBIT 1

[From the Washington Post, May 18, 1995]

CONDEMNED TO SILENCE?

(By Megan Resenfeld)

There is an image from Mumia Abu-Jamal's trial that stays with Maureen Faulkner, even now, 13 years later. Abu-Jamal was charged with killing Faulkner's husband, Daniel, a 25-year-old Philadelphia policemen, by shooting him first in the back and then pumping four bullets into his prone body. When the ballistics expert held up her husband's bloody blue shirt to display the bullet holes, Abu-Jamal, seated at the defense table, turned around and looked at Maureen Faulkner.

"He smiled at me," she says.

Abu-Jamal, then a freelance radio journalist and part-time cab driver, was convicted of Daniel Faulkner's murder and sentenced to death. But today he has become a cause célebre among a segment of literary names, his case taken up by well-known civil liberties lawyer Leonard Weinglass, the NAACP Legal Defense Fund, Rep. Ron Dellums (D-Calif.) and actors Whoopi Goldberg, Ossie Davis, Ruby Dee and Ed Asner, among others. They claim Abu-Jamal was wrongly convicted and sentenced, despite what the prosecution, and a jury, believed was convincing testimony from eyewitnesses and unrefuted ballistics evidence. Two other groups, Amnesty International and PEN, a writers' free-speech advocacy association, take no position on Abu-Jamal's guilt or innocence, but question the fairness of his trial and sentencing.

But what really has Faulkner upset is that Abu-Jamal has just published a book, "Live From Death Row," for which an advance of about $30,000 was paid—although it is unclear to whom. Nether Weinglass not the publisher, Addision-Wesley would confirm the amount or say who got the money. A first printing of 32,500 copies has been shipped to bookstores around the country.

"A rare and courageous voice speaking from a place we fear to know: Mumia Abu-Jamal must be heard," writes prize-winning author Alice Walker in a book jacket blurb.

And: "Everyone interested in justice should read the words of this innocent man," declares lawyer William Kunstler.

"Does an innocent person turn and smile at the widow when the bloody shirt is held up?" Faulkner asks.

As far as Maureen Faulkner is concerned, the celebrities and human rights activists are remnants of the radical chic who have lined up like leftist lemmings and signed on to a bad deal. The claims that Abu-Jamal has a freedom-of-speech right to be heard, as expressed by his publisher and his supporters, strike her as lame. "He is a convicted murderer," she says. "Just as felons lose their right to vote, I think that by taking another man's life, he forfeits the right to freedom of speech."

A DELICATE BALANCE

It's an argument as old as crime. How, in a nation ruled by law, are the rights of the accused and the convicted protecteu without abusing the survivors and victims? Like a tipsy boat trying to right itself, we shift from one side to the other, focusing first on the perpetrators and then on the perpetrated upon. And when the death penalty is involved, the emotion of the argument is even more intense, and the cries of injustice from both sides increase in pitch. The battles are as often fought in the arena of public opinion as in the courtroom, and this is where Faulkner has taken up her battle station.

Abu-Jamal, now 41, will file his next appeal in June, said Weinglass. He has already been rebuffed twice by both the Pennsylvania Supreme Court and the U.S. Supreme Court. His death warrant has not been signed, but the new governor of Pennsylvania, Thomas J. Ridge, campaigned as a pro-death-penalty Republican.

Abu-Jamal's profile has never been higher. He has become a virtual folk hero. Even as the book reviews start coming in, benefits for his defense fund—at least three committees are raising money for him in different cities—are planned for this weekend in New York City. John Edgar Wideman, who wrote an introduction to the book; Melvin Van Peebles; two members of the MOVE group in Philadelphia with which Abu-Jamal was associated; Weinglass and others are giving a public reading from the book Saturday afternoon for $15 a ticket. Another reading, by actor Giancarlo Esposito, will be held that night for $250 a ticket. Spokesmen at two of Abu-Jamal's legal defense committees yesterday declined to say how much money has been raised. There have been rallies of support here and overseas. A typical pamphlet, published by the liberal-leaning Quixote Center in Hyattsville, is headlined: "A Saga of Shame."

So Faulkner has decided to raise her profile too. This week she was in Washington for the annual National Police Week, lobbying cops and their families to boycott the book. She is starting a nonprofit organization, with some help from Philadelphia's Fraternal Order of Police, to counter the attention give to Abu-Jamal's case. She is spending her weekends and Wednesdays writing to schools and school boards, urging them to boycott Addison-Wesley's large text-book operation.

And she's gone even further. Last week she hired a plane to fly over Addison-Wesley headquarters in Reading, Mass., trailing a 30-foot banner. It said: "Addison-Wesley Supports Convicted Cop Killer."

"I and all of us at Addison-Wesley feel great sympathy for Mrs. Faulkner and the terrible ordeal she suffered," said David

Goehring, head of the firm's trade publishing division. "But this is a book with an important message. I think this is a highly disturbing book, challenging our assumptions of the death penalty. Is that a reason to deny someone his freedom of speech?"

'LIFE GOES ON'

Maureen Faulkner is a small, blond, determined woman who has done as well as she could to cope with her young husband's murder. She was only 25 when he died, before they'd had a chance to finish their college degrees, buy a house, have children.

Both were the youngest of large families, born and raised in Philadelphia. She was aware of the dangers of her husband's career. They had a pact always to kiss good night, and kiss goodbuy, regardless of marital ups and downs, because life was so uncertain. And they had discussed the possibility of his death.

"He said, 'If anything happens to me, I died doing the work I love most. Life goes on. I want you to be happy,'" she says. And Faulkner has had a full life—no professional widowhood for her.

After the four-week trial, she left her job as an accountant for a Philadelphia corporation and worked for Trans World Airlines in New York, selling tickets. She backpacked around the world, trekked in Nepal, climbed the foothills of Everest. After she moved to Southern California about 10 years ago, she owned and operated a deli with one of her brothers. She earned a private pilot's license and started to raise show dogs—Hungarian Viszlas. For the past seven years she has worked as a medical assistant for an office of obstetricians. Although she has not remarried, she lives with a boyfriend.

She still is afraid to give out information about where she lives or works, because all during the trial she got nasty phone calls, which she attributes to supporters of Abu-Jamal. She changed her unlisted number more than a dozen times, but somehow they always got it.

Her anger, long dormant, was rekindled last year when she heard that Abu-Jamal had been hired by National Public Radio to do a series of commentaries from prison for $150 each. She protested, and then got a list of NPR's contributors and wrote to hundreds of them. In the ensuing storm of argument, NPR canceled the contract. The canceled commentaries form the bulk of "Live From Death Row."

Then, in March, her uncle sent her a clipping about the book. "I couldn't sleep all night," she says. "I screamed, I cried, I didn't know what to do." At 5 a.m. California time, she called Addison-Wesley in Massachusetts, and thus began her ongoing battle with the publisher—and with David Goehring personally.

"I think it is immoral to reward a convicted cop killer financially," she says. Even after 13 years away, her Philadelphia accent is strong. "And I think David Goehring is going to look at himself in the mirror one day and realize he made a mistake."

But the two are arguing from such differing perspectives that they will probably never agree. Faulkner operates from an unshakable belief in Abu-Jamal's guilt, while Goehring says the question of guilt or innocence is not relevant to what he sees as the power of Abu-Jamal's description of what it's like to be on death row. He does not see the book as part of Abu-Jamal's quest for vindication, or as part of a campaign against the death penalty. "We are making his voice available," he said. "Our role is not to take sides." Indeed, he said, the company has published a book arguing for victims' rights, "With Justice for Some," by law professor George Fletcher. Goehring declined to say how many copies were printed.

But for Faulkner, guilt is everything. Freedom of speech? Does every prisoner have the right to a book contract? "What does eloquence have to do with a convicted murderer?" she asks.

EAGER FOR JUSTICE

Daniel Faulkner was killed early one cold December morning, two weeks before Christmas, in 1981. His widow believes the evidence of Abu-Jamal's guilt can be pinned to two things: Five bullets were emptied into her husband, and five bullets of the same type were missing from Abu-Jamal's gun. They were high-velocity, +P-type bullets that fragmented so completely police could not match them to Abu-Jamal's gun, which was found on the sidewalk, next to Abu-Jamal. He too was wounded, shot in the stomach by Faulkner. Abu-Jamal had a license for the gun, and a store owner testified to selling him the bullets. Two people testified that he shouted in the emergency room, "I shot the [expletive]."

"From an evidentiary standpoint, the case against Mumia Abu-Jamal was . . . one of the strongest I have seen in 24 years as a prosecutor," wrote Assistant District Attorney Arnold H. Gordon to NPR chief Delano E. Lewis a year ago. "Abu-Jamal was identified . . . by three eyewitnesses who had never lost sight of him during the entire incident," he wrote.

But Weinglass, in his afterword to "Live From Death Row," claims there were witnesses who saw another man fleeing the scene, and that Abu-Jamal was denied the right to represent himself and given an unprepared court-assigned lawyer. His sentencing was tainted by prosecutorial misuse of information about Abu-Jamal's teenage involvement with the Black Panthers as well, Weinglass asserts.

Faulkner hopes her campaign will tap into public frustration with the criminal justice system. Daniel Faulkner, she says, would have fought just as hard in her memory. She supports the death penalty, and is eager for Abu-Jamal's death sentence to be imposed.

"I'd like to be there," she says.

COMMENDING CAPTAIN O'GRADY AND HIS RESCUERS

Mrs. KASSEBAUM. Mr. President, I was not present on the floor earlier today when the Senate adopted the resolution introduced by Senator DOLE to commend the heroic efforts of Capt. Scott O'Grady and the United States Armed Forces who were involved in his rescue in Bosnia. I strongly support this very appropriate resolution, and I understand that the resolution has been left open for cosponsors until 5 p.m. today. Therefore, I ask unanimous consent that I be added as a cosponsor to the Dole resolution commending Captain O'Grady and his rescuers.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO CHICK REYNOLDS

Mr. DOLE. Mr. President, I want to take a moment to pay tribute to Chick Reynolds, former Chief Reporter of the Office of the Official Reporters of debate, who I understand passed away early this morning. For over 45 years, Chick brought a keen eye and a quick mind to the world of stenographic reporting. From his first job at the Department of Defense to his official post in the Senate, Chick often found himself in the center of newsmaking headlines. Whether it was the Joseph McCarthy or Jimmy Hoffa hearings or the tragic day of President John Kennedy's assassination, Chick preserved many moments of history with speed and accuracy second to none.

I know I speak for my colleagues when I recognize Chick Reynolds who served the Senate with distinction and loyalty for the past 21 years. Our thoughts and prayers are with his wife, Lucille.

TRIBUTE TO CHICK REYNOLDS

Mr. DASCHLE. Mr. President, today the Senate lost a very valuable member of the family. Chick Reynolds, the Chief Reporter of Debates, passed away early this morning.

Mr. President, Chick's career in stenotype reporting began in 1949 at the Department of Defense. He was appointed an official reporter with the Senate Official Reporters in 1974 and became its chief reporter in 1988, where he served with distinction and loyalty.

As many Members are aware, Chick's career as a stenotype reporter put him in the center of the headlines of the day. He reported the McCarthy and Hoffa hearings on Capitol Hill, as well as covering the administrations of Presidents Kennedy, Johnson, and Nixon. In fact, Chick was in Berlin to cover the famous speech by President Kennedy.

Chick was slated to retire, after 21 distinguished years of service in the Senate, on July 7. I know all Members of the Senate join with me in extending our sympathies to his wife, Lucille, on her loss. Chick will be missed by all who knew him, admired his abilities and knew the quality of his work.

WAS CONGRESS IRRESPONSIBLE? THE VOTERS HAVE SAID YES

Mr. HELMS. Mr. President, as of the close of business yesterday, Thursday, June 8, the Federal debt stood at $4,898,195,057,095.85. On a per capita basis, every man, woman, and child in America owes $18,593.63 as his or her share of that debt.

TARGETING ESTATE TAX RELIEF TO FAMILY-OWNED BUSINESSES

Mr. DOLE. Mr. President, I am pleased to note that a Treasury official appearing before the Finance Committee this week testified in support of targeting estate tax relief to family-owned businesses.

Time and time again, family business owners across the country have told me about the unfairness of the current estate tax and its 55 percent rate. Too often heirs are forced to sell the family business or farm just to pay the estate tax. And too often the buyer of the family business is a large corporation that does not necessarily have the best interests of the community or the business employees at heart.

I will be introducing legislation in the coming weeks that will allow family-owned and other closely held businesses to remain in the family after the death of an owner. I intend to drastically reduce the estate tax rates for the value of a closely held business. For the smallest of businesses, the estate tax should be virtually eliminated.

Without the estate tax burden on the backs of American families, they can continue to prosper. And when families continue to operate their businesses we all benefit—the business employees keep their jobs, the Government receives income taxes on business profits, and the families retain their livelihood.

The estate tax is not a Democratic or a Republican problem, or one that affects only rural or urban families. That is why I am working with Members of both sides of the aisle to develop broad, bipartisan support for the legislation. There are farmers, ranchers, or family businesses in each State that would benefit from the legislation.

I welcome all Senators to join this effort. I am already working with Senators ROTH, BAUCUS, GRASSLEY, PRYOR, SIMPSON, BREAUX, PRESSLER, D'AMATO, NICKLES, BURNS, and others to design targeted estate tax relief for family-owned businesses.

The legislation will provide relief to those that need it most—families whose estates are made up primarily of a family business. It is these families who would otherwise be forced to sell their business to pay the estate tax. And in determining whether a family business is comprised primarily of an estate, I would like to exclude the family's principal residence. This would ensure that heirs won't have to sell their residence to keep their business.

Because this legislation is designed to help families that hold on to their businesses, if a family chooses to sell a substantial portion of the business within a period of time after the decedent dies, all or part of the reduced tax rate may be recaptured.

The legislation will allow families to leave their businesses in the hands of family members, or trusted, long-term employees of the business.

The bill will also extend the period of time available to compute the alternative valuation date for the family business. This will help resolve disputes with the Internal Revenue Service about the value of the business when the value is closely tied to the skills of the decedent.

Family-owned businesses are the job creators in this country. In the 1980's they accounted for an increase of more than 20 million private sector jobs. I look forward to working with the farm, ranch, and small business community, and Members of the House and Senate, to provide relief for out most precious resource—the family business entrepreneur.

KRESIMIR COSIC

Mr. HATCH. Mr. President, a beloved friend and adopted son of Utah, Kresimir Cosic, passed away May 25. At that time I paid a tribute to him on the floor of the Senate. Since then, others have also paid tribute in Utah newspaper articles. I ask unanimous consent that these comments be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the material ordered to be printed in the RECORD, as follows:

[From The Deseret News, June 3, 1995]

(By Lee Davidson)

COSIC WAS A TRUE MAN OF PRINCIPLE

WASHINGTON.—He skipped the chance to be a basketball-star millionaire and never looked back. Instead, he choose to sacrifice for his God, his country, his friends and his family.

But that made Kresimir Cosic, 46, who died last week, among the happiest people I've ever known, even when he suffered from cancer.

As Sen. Orrin Hatch, R-Utah, said—giving maybe the highest honor I've seen a politican offer at the death of another—"I never saw Kres without a smile."

That's hard to say about other sports stars and celebrities who spend millions or act outrageously thinking it will make them happy. Cosic found the type of joy through service that money cannot buy, nor can sickness or even death destroy.

My own story of Cosic begins where most others end—after his basketball career, mostly because I didn't meet him until he arrived in Washington as deputy ambassador for Croatia. That's when I wanted to find out how an athlete became an ambassador.

Of course, Cosic was among the greatest of all basketball stars at Brigham Young University and led the former Yugoslavia to many Olympic medals (including a gold in 1980) as a player and a coach.

But Cosic's power in politics (and religion) came because the 6-foot-11 center—who could dribble, pass and score from three-point range as well as a guard—turned down offers from the Los Angeles Lakers and others that would have made him a millionaire.

Cosic said riches weren't as important as his country and helping The Church of Jesus Christ of Latterday Saints.

He returned to Yugoslavia and almost single-handedly turned it into a basketball powerhouse with world and European championships. He found and developed players such as the Chicago Bulls' Toni Kukoc (a Croat) and the Lakers' Vlade Divac (a Serb).

They would become millionaires, unlike Cosic. That didn't bother him. During an interview at his middle-class home last year, Cosic would not dwell on unfound riches, but instead his eyes twinkled when he told how rewarding it was to coach such players from differing (and now warring) ethnic backgrounds.

He didn't return to Yugoslavia just to build a basketball team. He wanted to build principles of democracy and sought to reconcile ethnic groups of Yugoslavia. Such work would later win him the prestigious Freedom Award.

He also wanted to build up the LDS Church there and at age 23 became the country's presiding elder. He even translated and published The Book of Mormon in Serbo-Croatian and assumed all responsibility for it before the Communist hierarchy.

Cosic's politics and religion were an irritant to Communist leaders—but his popularity and talent on the basketball court made them withhold action against him.

His patriotism showed again when Yugoslavia dissolved into a multisided civil war at the end of communism. At the time, Cosic was coaching a professional team in Greece—and could easily have stayed far from the conflict.

But he contacted leaders of Croatia (whom he knew because he was a sports hero) to volunteer for whatever they needed. Because he has lived in the United States and had contacts with key members of Congress, they sent him to Washington as a deputy ambassador to tell their story.

After a year into his assignment, the cancer was discovered.

Even with it, Cosic looked—as always—for a bright spot. The energy-depleting treatments forced him to stay at home. Instead of complaining, he spoke with a smile about how nice it was to have more time with his wife and three children.

He said it also gave him a chance to work on his family history, which he said he had been too busy for too long to research well.

Even with illness, he seemed to be almost always at the LDS Church's Washington Temple. Some church assignments of my own often took me there, and I always ran into Cosic. I joked that the must live there. He smiled and said he enjoyed the peace he found there—and enjoyed being near a temple, which he lacked for most of his years as a member of the LDS Church.

That's how I will remember Cosic. Always finding a reason to be happy no matter what problems he faced or opportunities he had to skip—even though they were often not only big, but monumental.

[From the Deseret News, May 26, 1995]

(By Brad Rock)

COLORFUL COSIC BROUGHT JOY TO BYU BASKETBALL

Pete Witbeck can see him even now, dark hair tousled and untamed, laughing in the doorway of the coaches' office 25 years ago. Which is how he wants to remember Kresimir Cosic.

Cosic, one of the legendary basketball players in BYU history, died early Thursday in a Washington D.C. hospital at 46, after fighting cancer for over a year.

The loss cast a pall over the athletic department at BYU. It wasn't only that they lost a former player; it's that with the passing of Cosic, a little of the joy was lost from the game, too. Because nobody played for the joy of it all like Cosic.

He arrived on the BYU varsity basketball scene in 1970 like a cool wind off the Adriatic Sea, where he played as a child. He was a gangly summation of tendons and bones, loping down the court and driving everyone—the opposition, the coaches, the fans—a little crazy. He had an 18-foot skyhook and a baseline hook and a set shot beyond what is now the 3-point arc. His game ranged from unorthodox to unpredictable to flat-out weird.

"Everyone just fell in love with the guy and the way he played," says Witbeck.

When Witbeck, now BYU's associate athletic director, was an assistant basketball coach for the Cougars, he recruited Cosic from the former Yugoslavia. Since Cosic lived under a Communist regime, contact was limited.

Several years after first being contacted by BYU, when the Yugoslavian national team was in Naples, Cosic defected. He arrived in Salt Lake City in the still-dark hours of the early morning, where Cougar officials picked him up at the airport. "It was like an episode from 'Mission Impossible,'" says Witbeck. "Cloak-and-dagger."

Once in Provo, though, Cosic never turned back. As anyone who ever saw him lead a fast break can attest, Cosic wasn't one to turn back. "When you got Kres, you got 110 percent of him," says his friend, Bill Nixon.

Bursting to the forefront after a year on the freshman team, Cosic caught the fans, the opposition and even the coaches by surprise. He was a reedlike 195-pound, 6-11 center who loved bringing the ball up the court. The guards complained that centers shouldn't be leading the break, but to no avail. Cosic would smile engagingly and protest that he only brought the ball up because he was open.

Cosic's versatility was astounding for his era. In a time of mostly slow, post-up centers, Cosic ranged across the court. Before David Robinson, Hakeem Olajuwon or Sam Perkins, there was Cosic. He could make a wraparound pass, dribble between his legs, put up a finger roll or nail the perimeter shot with surprising adeptness. He was Pete Maravich with six more inches. Fans packed the Smith Fieldhouse and later the Marriott Center to see him cast his spell.

Witbeck's enduring memory is of a tight game for the conference championship against rival Utah. Cosic was bringing the ball down the middle on a fast break, when Utah guard Mike Newlin came over to check Cosic, expecting him to pass it to the wing. But Cosic unexpectedly lifted into the air near the free throw line, tucking his knees under his chin like a 737 folding up its landing gear, and laying the ball off the glass.

Cosic looped out from under the basket, trying hard not to smile. The coaches, who had been worrying about Cosic losing the ball out of bounds, exhaled. The Utah players gaped in astonishment. "The things he'd do were unbelievable," says Witbeck.

Cosic ignored overtures from the NBA in order to return to Yugoslavia, where he spent most of the rest of his life in church and civic work. When he died, he was serving as Croatia's deputy ambassador to the U.S.

But it's his career at BYU for which he will be most remembered. Of all the stars in the school's history, none could turn heads like Cosic. As fierce a competitor as was Danny Ainge, as dramatic as Michael Smith, as accurate as Devin Durrant, as spectacular as Jeff Congdon, as unstoppable as Mel Hutchins . . . nobody could bring the crowd to its feet like Cosic.

"Nobody who ever played for us was in his class," says Witbeck.

And none exuded the elation of basketball in quite that way. In a sport now dominated by trash talk and shattered backboards, navel rings and disrespect, there is something sweetly appealing in the long-ago memory of Cosic, racing exuberantly down the court, wondering what to do with the ball, once he got to the hoop. Wondering if there were anything in the world quite so much fun.

"I can see him now," says Witbeck.

Witbeck can still see Cosic, all elbows and knees, taking in a rebound and turning to start the break. He pictures the 18-foot hooks and the court-length passes. He envisions the angular shoulders filling up the frame of his office door. And when he does, for just for a moment, he too can feel the joy of the game.

Mr. HATCH. In these articles you find that Kresimir Cosic dazzled many with his grace on the basketball court at Brigham Young University and wherever he played or coached. He is also remembered as a devoted patriot who served his country, Croatia, and ours, as Croatia's Deputy Ambassador to the United States.

Although Cosic suffered later in his life from cancer, he still remained in service to his faith, family, and country.

I hope my colleagues will take the opportunity to read these articles, because they truly describe the great man Kresimir Cosic was.

PEOPLE'S REPUBLIC OF CHINA

Mr. THOMAS. Mr. President, if I had to come up with a title for the short statement I would like to make this morning, I would call it something along the lines of: "Look which pot is calling the kettle black." Anyone even fleetingly familiar with the People's Republic of China will recognize the Beijing Government's frequent admonitions to us about "interfering in China's internal affairs." We express concern about the PRC's deplorable treatment of hundreds of prodemocracy students at Tiananmen Square in 1989, and we are told not to interfere in China's internal affairs. We worry about how Chinese policies may affect our economic interests in Hong Kong, and we are told not to interfere in China's internal affairs. Myriad statements made just this month by the Foreign Ministry, the State-controlled press, party and government cadres are replete with these references.

For example, the PRC's Xinhua domestic service on May 11 carried the following statement in reaction to the Senate vote urging the administration to admit Taiwan's President Lee to this country for a private visit: "The U.S. Senate, in passing the resolution in disregard of the solemn position of the Chinese side, has constituted a gross interference in China's internal affairs." When our government last week protested the recent arrests of several members of China's prodemocracy movement for no apparent reason other than the approach of the June 4 anniversary of Tiananmen, the reaction of the Foreign Ministry's spokesman Shen Guofang was this:

> "A very evil shortcoming of the U.S. Government is that it always criticizes the internal affairs of other countries * * *. It would be advisable for the U.S. Government to mind its own affairs."

When the State Department urged the parties to the Spratly Island dispute to come to a peaceful solution thereto because of the serious effect any regional conflict might have on world trade, we were reminded that the PRC is opposed to "other countries' interference in the matter.

It is clear to me, though, that our Chinese friends are in no position to lecture this country on the topic of meddling; they are better at it than most. For example, in regards to the visit of President Lee, which individuals we admit to this country for private visits pursuant to our immigration laws is purely an internal affair of the United States in which China has no business meddling; yet the PRC has raised a furor over the decision and has sought to impose its will on us by dictating our internal policies to us. Similarly, the Chinese Foreign Ministry derided the administration's recent decision to impose a trade embargo on Iran because of the latter's penchant for sponsoring terrorism; yet that decision is inarguably a bilateral issue between us and Iran in which China has no license to interfere.

Related examples of China seeking to inject itself into the purely internal affairs of other countries are legion. For instance, China consistently denounces the government of Israel in that country's various dealings with its Arab neighbors; yet these issues are strictly bilateral ones between Israel and the country concerned and China has no place in concerning itself with them. The PRC has a long history of condemning the government of the Republic of Korea in its dealings with North Korea, but China has no business meddling in such a uniquely bilateral relationship.

Vice-Premier and PRC Foreign Minister Qian Qichen recently quoted a saying from the Confucian Analects: "What you do not want done to yourself, do not do to others." Yet, every day the PRC comments on issues which clearly, unambiguously do not concern it. So, Mr. President, the next time the PRC feels the urge to trot out the rather hackneyed phrase about us "interfering in their internal affairs" they should pause and remember a variation of another famous saying: "Governments that live in glass houses shouldn't throw stones."

PROTECTION OF CHILDREN FROM COMPUTER PORNOGRAPHY ACT

Mr. DOLE. Mr. President, at Senator GRASSLEY's request, I have cosponsored the Protection of Children from Computer Pornography Act, which he introduced earlier this week.

Since coming to Washington, Senator GRASSLEY has been a leader in the fight to protect our children from the evils of pornography and sexual abuse. In 1994, for example, Senator GRASSLEY was successful in passing a law that made it a Federal crime to produce child pornography in a foreign country with the intent to distribute it in the United States. And, in 1993, I joined with my colleague from Iowa in supporting a sense of the Senate resolution opposing the Clinton administration's attempt to weaken the Federal child pornography laws with its misguided legal brief in the Knox case.

Senator GRASSLEY's bill raises many technical issues that must be carefully examined before the Senate reaches any final conclusions. And, of course, whatever we do must be absolutely consistent with the first amendment.

I look forward to hearings on Senator GRASSLEY's bill and to a full exposition of the complicated issues involved here. But, in the meantime, I wanted to show my support for my colleague from Iowa, whose commitment to protecting our children has never waivered.

WELCOME TO KELLY JOHNSTON AND TRIBUTE TO SHEILA BURKE

Mr. DOLE. Mr. President, I join with all Senators in welcoming Kelly Johnston as secretary of the Senate.

For the past 3 years, Kelly has served as staff director of the Senate Republican Policy Committee, where he has won the respect of all Senators—Republican and Democrat—for his intelligence and integrity. Kelly has an impressive 14-year career working in the legislative and executive branch, and I am confident he will do an outstanding job in overseeing the legislative administration of the Senate.

Kelly will succeed Sheila Burke, who has served as secretary since the beginning of this Congress.

During that time, Sheila succeeded in creating a secretary's office that was both smaller and smarter.

Under her leadership, a 12.5-percent reduction in the secretary's budget was achieved, without cutting needed services to Members and the public.

Sheila also took the lead in bringing many advancements in technology to the secretary's office, including many that will result in long-term savings of tax dollars.

Under her guidance, improvements were made in the Senate page school—improvements that will ensure a quality education for the pages, and ones that saved the Senate close to $100,000.

Sheila was also the guiding force behind the family night, in the Senate dining room, allowing all of us to spend more time with our most important constituents—our families.

Sheila will continue to serve as my chief-of-staff, and I know all Senators join me in thanking this dedicated public servant for a job well done.

PROPOSED SIMON AMENDMENT TO S. 652

Mr. SIMON. Mr. President, today I submit an amendment that I plan to offer to S. 652, the telecommunications bill, next week. The amendment will ensure that when the Regional Bell Operating Companies enter the business of manufacturing, the consumer will be protected against possible price increases as a result of cross-subsidization and self-dealing. While some of us may disagree on the wisdom of allowing the Bell companies into manufacturing, no one should disagree on the need to ensure the consumer is protected against possible rate increases.

I applaud the authors of the legislation for including certain safeguards already in the legislation. My amendment would take these protections one step further by requiring an audit conducted at the direction of the State. The language, which is based on last year's telecommunications bill, is simple and straightforward.

I hope that my colleagues will agree and adopt this important amendment. I ask unanimous consent that my amendment be printed in the RECORD.

On page 31, between lines 18 and 19, insert the following:

"(d) BIENNIAL AUDIT.—

"(1) GENERAL REQUIREMENT.—A company required to operate a separate subsidiary under this section shall obtain and pay for an audit every 2 years conducted by an independent auditor selected by, and working at the direction of, the State commission of each State in which such company provides service, to determine whether such company has complied with this section and the regulations promulgated under this section, and particularly whether such company has complied with the separate accounting requirements under subsection (b).

"(2) RESULTS SUBMITTED TO COMMISSION; STATE COMMISSIONS.—The auditor described in paragraph (1) shall submit the results of the audit to the Commission and to the State commission of each State in which the company audited provides service, which shall make such results available for public inspection. Any party may submit comments on the final audit report.

"(3) REGULATIONS.—The audit required under paragraph (1) shall be conducted in accordance with procedures established by regulation by the State commission of the State in which such company provides service. The regulations shall include requirements that—

"(A) each audit submitted to the Commission and to the State commission is certified by the auditor responsible for conducting the audit; and

"(B) each audit shall be certified by the person who conducted the audit and shall identify with particularly any qualifications or limitations on such certification and any other information relevant to the enforcement of the requirements of this section.

"(4) COMMISSION REVIEW.—The Commission shall periodically review and analyze the audits submitted to it under this subsection.

"(5) ACCESS TO DOCUMENTS.—For purposes of conducting audits and reviews under this subsection—

"(A) the independent auditor, the Commission, and the State commission shall have access to the financial accounts and records of each company and of its subsidiaries necessary to verify transactions conducted with that company that are relevant to the specific activities permitted under this section and that are necessary for the regulation of rates;

"(B) the Commission and the State commission shall have access to the working papers and supporting materials of any auditor who performs an audit under this section; and

"(C) the State commission shall implement appropriate procedures to ensure the protection of any proprietary information submitted to it under this section.".

On page 31, line 19, strike out "(d)" and insert in lieu thereof "(e)".

On page 32, line 10, strike out "(e)" and insert in lieu thereof "(f)".

On page 33, line 12, strike out "(f)" and insert in lieu thereof "(g)".

On page 34, line 20, strike out "(g)" and insert in lieu thereof "(h)".

On page 34, line 25, strike out "(h)" and insert in lieu thereof "(i)".

On page 36, line 1, strike out "(i)" and insert in lieu thereof "(j)".

THE TELECOMMUNICATIONS COMPETITION AND DEREGULATION ACT

Mr. DOLE. Mr. President, we are still in a period for morning business. I wanted to indicate that the chairman of the Commerce Committee, Senator PRESSLER, is standing by. He is prepared to do business. He is sincere about finishing the telecommunications bill, and he is prepared to stay here for the rest of the afternoon and on into the night. But in order for him to do business, somebody has to offer an amendment.

Now, it is my hope that we can finish this bill by next Tuesday evening. Senators PRESSLER and HOLLINGS think that may be possible. I understand that there are some who wanted to debate and said they were not getting time to debate, and they are not here at the present time—Senator DORGAN and Senator KERREY. Senator PRESSLER is on the floor. If you want to debate your amendment, this is a good opportunity. We want to finish this bill and move on to either welfare reform or regulatory reform next week.

So, hopefully, we will finish the bill no later than Tuesday evening. We will not file cloture today. This is an important bill. We should have a lengthy debate. A lot of people have different ideas on this bill. Certainly, we should be able to complete action on the bill by Tuesday. That would give us the better part of about 4½ to 5 days, which seems to be a considerable length of time, considering the importance of the bill.

But I just say that Senator PRESSLER is here and ready to do business. If the Senator from Iowa has an amendment, we would be happy to engage in a debate.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. Mr. President, I thank the Chair.

(The remarks of Mr. CHAFEE pertaining to the introduction of S. 910 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. CHAFEE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, since I have to catch a flight back to Minnesota, and I understand the majority leader is going to be coming out in a moment, I just wanted to say to all who have been involved in these negotiations I am very pleased. I know that Senator LEVIN, Senator FEINGOLD, and Senator LAUTENBERG join me.

I thank Senator FORD from Kentucky and my colleagues on the other side of the aisle. It seems as if what we are going to have is an announcement that will make it clear that in July, and certainly no later than the end of the month, we will have an opportunity to have both lobby disclosure and the gift ban in this Chamber, and we will have the debate and we will have votes.

I think that is the way it should be. I am very pleased with what I understand is certainly going to be an agreement. The majority leader will go into this in more detail, and he will read the terms of the agreement, but this is what we have all been working for. It is what we have all been negotiating about. And from my own point of view, I think the most important thing is that this will be an opportunity for the Senate to go on record, this will be an opportunity for the Senate to, I think, really lead the way on a measure that has everything to do with openness in the political process, with accountability, with changing matters for the better.

People in the country really believe in public service, want to believe in public service. All of us do, Democrats and Republicans alike. I think this moment in July and this debate, this discussion and the final action by the Senate will be a very strong and positive reform.

So I am very pleased that finally these negotiations have borne fruit, and I am pleased that the majority leader will be out here to announce this. I thank the Chair.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. DOLE. Mr. President, we have had some ongoing negotiations the last several days on lobbying reform legislation and gift ban legislation as it affects the Senate or affects Congress, depending on which prevails.

We have a unanimous-consent agreement. It is fairly lengthy, but I can read it. In any event, I ask that it be printed in the RECORD.

I ask unanimous consent that not later than Friday, July 28, and after notification of the minority leader, that we proceed to S. 101, a lobbying gift ban bill, the bill having been discharged and placed on the calendar by this consent agreement; that the motion to proceed be agreed to and the bill then be automatically divided into two separate pieces of legislation; the first measure embodying the text of title I regarding lobbying reform, and the second measure embodying the text of title II regarding gift rules; that the clerk be authorized to make the necessary changes in the form of the measure or matter that are appropriate, so that each measure stands on its own; that the Senate then begin consideration of the measure embodying title I; that immediately upon the disposition of that measure, the Senate turn to the consideration of the measure embodying title II; and that the preceding all occur without any intervening action or debate.

That is the first part of the request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. And the second part.

I further ask unanimous consent that if, after third reading of the second bill, which is gift rules, that bill contains matter which only applies to the Senate, the Senate then immediately turn to the consideration of a Senate resolution that contains the text of that language; that a vote occur on the resolution, without any intervening action or debate; and that the Senate bill be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. I further ask unanimous consent that this agreement be null and void if a unanimous-consent agreement can be subsequently reached governing the Senate's consideration of legislation regarding the congressional gift rules and an original bill regarding lobbying reform, or a bill that encompasses both proposals.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Finally, I ask unanimous consent that no bill, resolution, or amendment regarding the congressional gift ban rule or lobbying reform bill be in order prior to the execution of this agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

The text of the agreement is as follows:

Ordered, That prior to the August recess, but not later than Friday, July 28, 1995, the Majority Leader, after notification of the Minority Leader, shall proceed to S. 101, a Lobbying Gift Ban Bill.

Ordered further, That the motion to proceed be agreed to and the bill then be automatically divided into two separate pieces of legislation: the first measure embodying the text of Title I regarding lobbying reform, and the second measure embodying the text of Title II regarding gift rules: *Provided*, That the Clerk be authorized to make the necessary changes in the form of the measure or matter that are appropriate, so that each measure stands on its own.

Ordered further, That the Senate then begin consideration of the measure embodying Title I, that immediately upon the disposition of that measure, the Senate turn to the consideration of the measure embodying Title II, and that the preceding all occur without any intervening action or debate.

Ordered further, That if after third reading of the second bill, that bill contains matter which only applies to the Senate, the Senate then immediately turn to the consideration of a Senate resolution that contains the text of that language, and that a vote occur on the resolution, without any intervening action or debate, and that the Senate bill be indefinitely postponed.

Ordered further, That this agreement be null and void if a unanimous consent agreement can be subsequently reached governing the Senate's consideration of legislation regarding the Congressional gift rules and an original bill regarding lobbying reform, or a bill that encompasses both proposals.

Ordered further, That no bill, resolution, or amendment regarding the Congressional gift ban rule or the lobbying reform bill be in order prior to the execution of this agreement.

Mr. DOLE. Mr. President, having gotten the consent agreement, let me indicate what it does.

We have been trying for some time to come together on a lobbying reform bill and gift rule changes. We are not there yet, but there is, I think it is fair to say, honest negotiation going on on both sides. This is not a partisan matter. I do not know of anybody here who does not want lobbying reform, depending on how you define "reform."

And I do not know of anybody who does not believe we can improve the gift rules that apply to Members of Congress. We have been working with the distinguished Senator from Kentucky, Senator FORD, and others on that side of the aisle. As I understand, there will be a number of us on each side of the aisle working together in the next few weeks to see if we can come up with a separate package, but, if not, then we will proceed to S. 101.

If we come up with a package and we agree on it, obviously, we have now consent to go to that. That is precisely what it is. I hope that we can do this. We will take it up no later than Friday, July 28, and if we have some agreement, or even without an agreement, it should not take more than 2 or 3 days of the Senate's time.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. FORD. Mr. President, I want to thank the majority leader for his patience, Senator LOTT'S patience, and others as we have tried to move through this, because it is complicated. If it is a resolution, it only applies to the Senate. If it is a bill, it applies to the House and Senate.

There are different views on lobbying reform and on gift ban. But this S. 101 is a bipartisan piece of legislation. It is COHEN, LEVIN, WELLSTONE, and others as it relates to bipartisanship. So there is an interest on both sides of the aisle to work something out. Senator LEVIN has worked very hard, as the majority leader knows, to put this together and to bring this bill to the attention of the Senate and to have a stand-alone vote. Also, Senator WELLSTONE, Senator FEINGOLD, Senator LAUTENBERG—very sincere and like-minded individuals—and others.

I hope we at some point, as the majority leader says, can come together with a bipartisan effort so we can agree on it. If we do, I think it will be a bellwether day. Let me thank him and others who have been so diligent in this. We all understand the give and take, and sometimes we have to walk off and let it cool a little and come back and go after it again. That is the system. That is the institution. As of today, I am proud I am here. I thank the Chair.

Mr. DOLE. I thank the Senator from Kentucky. I just hope this is something on which the leadership, including the Senator from Kentucky, obviously the Senator from Mississippi, Senator LOTT, myself, and Senator DASCHLE, will have some input.

It seems to me we have to take some responsibility for changes in the lobbying procedures and also gift rules. I am prepared to do that. I know the Senator from Kentucky and I assume the Senators from South Dakota and Mississippi are, too, working with other Senators, because different people have different ideas on what reform is and what rule changes ought to be made.

As far as I am concerned, they can go as far as they want. It does not make any difference to this Senator. But I think we can work out a reasonable approach to get it done and get it behind us either before or during the August recess, let us put it that way, because we are not certain when the August recess will begin.

Mr. FORD. Mr. President, will the Senator qualify during the recess? Work on it after we go or is he indicating we may not go out?

Mr. DOLE. In fact, I should say, in all candor, we are working this weekend—my staff has been directed to work with others to see how much we really believe we can finish by the date of the normal August recess, which is scheduled to begin on Friday, August 4, and scheduled to conclude on September 5.

Obviously, all Senators hope we can keep that entire period of time. It is my hope we can also do that. But I must say to my colleagues, we need to take a hard look at where we are. It is a question of how long we stay out in August or how long we stay here in November. So it will be one way or the other. We will try to give everybody some indication by the end of next week whether we will start the August recess on the 4th or the 11th or the 18th or thereafter.

ORDERS FOR MONDAY, JUNE 12, 1995

Mr. DOLE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 12 noon on Monday, June 12, 1995; that, following the prayer, the Journal of proceedings be deemed approved to date, the time for the two leaders be reserved for their use later in the day, and there be a period for the transaction of morning business not to extend beyond the hour of 1 p.m., with Senators permitted to speak for up to 5 minutes each.

Further, that at the hour of 1 p.m., the Senate resume consideration of S. 652, the telecommunications bill and the pending Thurmond second-degree amendment to the Dorgan amendment No. 1264.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DOLE. Mr. President, all Members should be aware that the Senate will resume consideration of the telecommunications bill at 1 o'clock on Monday. The chairman is here. He is ready to do business now. He will be ready to do business on Monday. Senator PRESSLER is available. Senators should, therefore, be aware that rollcall votes can be expected throughout Monday's session of the Senate, however, not before 5 p.m. on Monday.

Let me indicate to my colleagues who will say, "Well, we didn't have enough time for debate," we have time right now. It is 3:10. For 3, 4, 5 hours, the Senator from South Dakota is willing to stay on into the evening and will be here all day Monday. So I hope people do not come back at 5 and say, "We didn't have time to debate."

We have all day today and all day Monday starting at 1 o'clock. I just said if we cannot get an up-or-down vote on the pending amendment, then all the recourse the manager would have would be to make a motion to table sometime on Monday. I did not file cloture to shut off debate. It is a very important amendment. It is a very important bill. I am not trying to take time away from any Senators. You can see there is nobody here. So all those people who complain Monday about having time to debate, they could have been here today. Right?

Mr. PRESSLER. Right.

Mr. DOLE. And they can be here Monday. So I just hope if we are told we have not had time, we need more time to debate, that they will think about what they did not do on Friday and what they could have done on Monday.

ORDER FOR RECESS

Mr. DOLE. Mr. President, if there is nobody here to debate the telecommunications bill, I ask unanimous consent that the Senate stand in recess under the previous order, following the outstanding remarks about to be made by the Senator from Nebraska—I added that "outstanding"—Senator EXON.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Nebraska is recognized.

COMMUNICATIONS DECENCY ACT

Mr. EXON. Mr. President, I have delayed bringing up this matter until an appropriate time when I would not necessarily inconvenience all of my colleagues with the very important amendments that I have had a part in developing as a member of the committee of jurisdiction, the Commerce Committee.

I will be back on the floor on this matter, though, next week before the vote or votes are held on the matter on which I wish to address the Senate today. There has been a great amount of behind-the-scenes activity. There has been a great amount of activity on the Internet system, and I am here today to outline the measure that I will offer as a substitute to the measure that was reported unanimously out of the Commerce Committee, called the Exon decency bill with regard to the Internet.

I cannot think of a more appropriate means of bringing this to the attention of the Senate and the American people than in our debate and eventual enactment of the telecommunications legislation, which is the most far-reaching legislation dating back to 1934. Obviously, everyone knows of the dramatic developments in telecommunications since 1934. It is about time we do something.

But as we are doing this, and with the many important factors that we have considered and deliberated on for a long, long time, including last year when the Commerce Committee had extensive hearings on the whole matter and scope of telecommunications, what we should do and should not do, what we should try to do, and what we can do—unfortunately, the Senate adjourned before that bill was reported out of the Commerce Committee last year and was considered and enacted into law.

When Senator PRESSLER took over as the very distinguished chairman of the Commerce Committee this year, Senator PRESSLER, rightfully, in company with the Democratic leader on the Commerce Committee, Senator HOLLINGS, moved very aggressively on, once again, bringing forth a piece of legislation not distinctly different from the legislation that we reported after extensive hearings and deliberations and brought to the floor last year.

So here we are, Mr. President, making some very significant changes. One of the things this Senator feels we should properly address, and will address and, hopefully, act on in a fair and reasonable fashion, with full understanding, absent of outlandish claims and charges, is the matter of trying to clean up the Internet—or the information superhighway, as it is frequently called—to make that superhighway a safe place for our children and our families to travel on.

Mr. President, at this time, I send an amendment to the desk and ask unanimous consent that it be printed in the RECORD and held at the desk. I will formally call it up for consideration sometime next week.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator has that right.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. EXON. Mr. President, earlier this week, I circulated a "Dear Colleague" letter which explained the revisions in the communications decency provision. In title IV of the telecommunications reform bill, as my colleagues know, title IV includes legislation that I have worked on for about a year to make the Internet and other aspects of the information superhighway safer for our families and for our children to travel.

It seems an appropriate time to explain these revisions and file my amendment so that it may be printed in the RECORD, as I have just asked for and received consent for—primarily, for the convenience and review of my colleagues before we debate this matter further next week and eventually come to a vote.

Mr. President, some basic rules of the road need to be established. As the information superhighway rolls up to the front door of every household and school and library in America, this bill will bring exciting, revolutionary, and new information technologies within the reach of every American. There has not been anything that I think is more exciting that has ever been developed than the information superhighway and what it is going to do to make more information and more education readily accessible to any who seek it.

I have said on many occasions that I happen to believe the whole computer Internet system is the most important, the most revolutionary development since the printing press. Eventually, I predict, it will do as much good for circulation of information as the printing press. I support the development of this so very, very strongly.

I simply cite that there are some dangerous places, Mr. President, on the information superhighway. I think that while we are creating this as an important part of our new telecommunications bill, we who are charged with the responsibilities to pass laws that are reasonable and proper should emphasize a little in our thinking what is proper and what is not proper.

It is my intention to point out to the U.S. Senate some of what I think is highly improper, what I think is eroding the society and will continue to erode the society of America, unless we have the courage to stand up and do something about it, despite the minority of naysayers in the United States of America who do not want to change anything.

Mr. President, the Snowe-Rockefeller-Exon-Kerrey amendment that assures that schools and libraries will gain affordable access to the digital world, including the Library of Congress, the great universities, and the museums, will remain in place.

The Communications Decency Act is proposed in the context of this information revolution that is exploding in our society. Just as we modernize the rules which apply to the telecommunications industry, we need to modernize the rules which apply to the use of their products and their services that are going to be distributed in a form that we never even imagined previously.

Unfortunately, the current laws, which clearly protect young and old users from harassment and obscenity and indecency, are woefully out of date with this new challenge and this new opportunity. The current law is drafted in the technology, primarily, of the telephone, dating back to 1934. Our efforts today, and in the coming weeks, bring closer the day of technological convergence. Soon the concept of a telephone will be as relevant as today's concept of the telegraph.

The principles that I have proposed in the Communications Decency Act are simple and constitutional. Telecommunications devices should not be used to distribute obscenity, indecency to minors, or used to harass the innocent.

The revisions offered to the committee-reported bill are in response to concerns raised by the Justice Department, the profamily and antipornography groups, and the first amendment scholars. If anyone would take the time to look through them and study them, I think most, but not all, would conclude that they are reasonable and proper.

I have also had a great deal of cooperation from the online service providers. The online service providers, of course, are those entrepreneurs who have assisted us in providing services to the many outlets that are anxious to have their services in America. These service providers are key members of this new industry.

Certainly, what we are trying to do here is to only craft and put into law some of the provisions that have been in existence for a long, long time, way back to 1934, to make sure that the same restrictions that were necessary and have been placed into law, and have been held constitutional time and time again by the courts, have a role to play in the new Internet system and how that Internet system reacts, as best explained on this chart, which I will get to in a few moments.

So I have had good cooperation from many, many people who are truly experts in this area, including members of the telephone industry who have worked and operated without problems under very similar, if not identical, restraints in the law that everyone thought had been good.

The proposed revisions that I have submitted to the desk that passed unanimously out of the Commerce Committee, follow closely the confines of several Supreme Court cases. I am very confident that this legislation will withstand a constitutional challenge.

I am not interested, Mr. President, in passing a piece of legislation here, and then say, "Look what a good job we did," and then have that matter in the very near future declared unconstitutional by the Supreme Court. We would have to start all over again.

I assure all from the beginning, I have put out the hand of cooperation to all parties—even those most opposed to any action whatever in this area—and I find that there are a great number of well-intentioned people who shudder at the thought of passing any kind of legislation in this area.

They are not bad people. I just do not think they fully understand, as I think I do and as I think 9 out of 10 Americans do, when they find out what is going on, on the information superhighway today.

Mr. President, a few days ago I had a remarkable demonstration, in more detail than I had even fully known, of what is readily available to any child with the very basic Internet access. I want to repeat that, Mr. President: Of what is readily available to any child with the basic Internet access. It is not an exaggeration to say that the worst, most vile, most perverse pornography is only a few click-click-clicks away from any child on the Internet.

I have talked to so many people about this and had so many interviews and read so much material. There have been many experiences during these last few months, people have told me of the fact that they knew nothing about what was on the Internet with regard to what I was concerned about.

Only last week I had a journalist who was doing a story on this who conceded—this was a woman—when she started writing this story she was extremely skeptical of what my motives were and whether there truly was a problem. It just happened that very recently, though, during the process of writing the article that she was doing for a national publication, she put her computer at home on the Internet system and was sitting with her 8- or 9-year-old daughter one evening.

She said, "Senator, I got my eyes opened very wide, very quickly." She said, "I was astonished at what I came across accidentally. Even more astonished when I started doing even preliminary searches of what we were getting into. Finally, I recognized it was not something I wanted my daughter to see, let alone me sharing it with her."

I did a television show on this subject. Half the people that called in were very upset that I was not for free speech, I wanted to violate the Constitution.

The most rewarding of those who supported it was a call out of the blue from an obviously very young person who identified himself as a 12-year-old boy. He said, "Senator EXON, I want to salute you for doing this. I am a 12-year-old. I am completely literate on the computer. I have seen and observed the material that you are talking about. It is common talk among all of us my age and younger, and, of course, older, in school." He said, "I appreciate the fact you are trying to do something about it, because someone has to." That word from a 12-year-old really meant more to me, Mr. President, than all of the brickbats that have been thrown my way from, basically, people that I think are uninformed in what this Senator is trying to do.

The fundamental purpose of the Communications Decency Act is to provide much-needed protection for children. Throughout the process of refining this legislation, I have held out the hand of friendship and understanding and cooperation to those who have had different ideas, and I have made revisions in many instances that I think are very appropriate and help in our effort rather than hurt us.

I responded to the concerns raised over the last several months and those raised earlier today by my friend and colleague from the State of Vermont, Senator LEAHY. I have publicly and privately expressed support for Senator LEAHY's study. But not as a substitute for or at the expense of these critical provisions which are designed to allow children and families to share and enjoy the many wonderful benefits of the information revolution that are taking part on the Internet.

The reason that I am concerned is that I am afraid that there are some of my colleagues in the Senate on both sides of the aisle that might be tempted by Senator LEAHY's efforts, that have been primarily sponsored, as I understand it, by the Clinton administration people, primarily in the Justice Department.

What the Clinton administration and the Justice Department is trying to do is punt—punt like in football. We happen to know something about football in Nebraska. I would simply say that any time Nebraska has a fourth down and 37 yards on our own 3-yard line, they always punt. But this is not a time to punt on this important matter, if it concerns my colleagues as much as it does me.

I think if they will take time to study it, most of my colleagues would agree that we cannot punt. Even though it is third down or fourth down and 37, we better act.

In response to the concerns that have been raised by the Justice Department and others, the Exon revision drops the bill's definition of "knowing" and the so-called "predominant defense issue."

The remaining defenses are narrow and streamlined and limited to the new revised section 223. A new section is added to assure that no other Federal statute will be limited or affected by the Communications Decency Act.

I want to repeat that, Mr. President: The new section is added to assure that no other Federal statute will be limited or affected by the Communications Decency Act.

This is important to many Members and pro-family groups. The current dial-a-porn statute would be left untouched and unamended by the decency provisions. We have made that clear.

Furthermore, the bill's narrow, streamlined defenses would not apply to the current dial-a-porn law or any other Federal statute. We are leaving that measure that has been heavily debated, on which there have been court cases alone, to stand exactly like it is.

The Exon Decency Act does not touch it.

With these revisions, decency provisions pose no risk to any current or future dial-a-porn, obscenity, or indecency prosecution. The State preemption provision in the committee-reported bill is clarified, in that its application is limited to commercial activities and consistent with the interstate commerce clause. This provision will assure that businesses and nonprofit services and access providers know that State and Federal rules and obligations with respect to the Communications Decency Act are consistent and are predictable. This assurance is critical to any interstate enterprise.

In addition, new language is added to this provision to assure that the State preemption provision in no way limits State authority over activities not covered by the Communications Decency Act. In other words, State child endangerment or delinquency statutes will in no way be adversely affected by this legislation.

The heart and the soul of the Communications Decency Act are its protection for families and children. The distribution of obscenity and indecency to minors by means of telecommunications devices would be covered by new sections in the revised language. Unlike the current dial-a-porn statute, there would be no noncommercial loophole in the new provisions. I am saddened to report that there is a great deal of grossly obscene and indecent material on the Internet available to anyone free of charge. The decency revisions strengthen the committee-reported bill by providing clear, constitutional, and much-needed protections for users of the telecommunications services.

I look forward to discussing this critical piece of legislation as the Senate further considers the telecommunications reform bill, as I indicated earlier, next week.

Mr. President, given the floor debate will be a key part of the legislative history for these new provisions, I ask unanimous consent that a section-by-section analysis, as well as the text of my amendment, be printed in the RECORD following my remarks.

The Chair had previously given authority for those to be printed. I am asking that they be printed following the conclusion of my remarks today.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. EXON. I also ask that a copy of an Omaha World-Herald article, which appeared in the Seattle Times, entitled, "Police Cruise the Information Highway" appear in the RECORD, also following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. EXON. I send those to the desk for action, as has been agreed to.

Mr. President, let me, if I might at this juncture, go into a little further discussion as best I can, and as I think decency would allow me to proceed. This is the blue book. This is a sample of what is available today free of charge: Click, click, click on the computer, on the information superhighway. This will be available for any of my colleagues who are not familiar with what is going on on the Internet today, to have a firsthand look at the listings of materials that are available free of charge and pictures of what is being shown. To give an idea, let me read through some of the listings that appear on the bulletin boards.

The computer is a wonderful device for arranging, storing, and making it relatively easy for anyone to call up information or pictures on any subject they want. That is part of the beauty of the Internet system. This is on some of these bulletin boards, and there is such a long list it would take a big binder to cover all of them, but let me read through what is in the form of pictures that have been taken on computer screens on the Internet. I have several pages of them here. I am going to just go through some of them and tell you any child who can read—and of course anyone else, too—could click onto this kind of an index that tells them what to do to punch in very easily to any of these types of things.

Multimedia erotica; erotica fetish; nude celebrities; pictures black, erotic females; pictures boys; pictures celebrities; pictures children; pictures erotic children; pictures erotica; pictures erotica amateur; pictures erotica amateur females; pictures erotica amateur males; erotica animal; erotica auto; erotica bestiality; erotica bestiality, hamster, duct tape; bestiality, hamster, duct tape; [two of those] erotica black females; erotica black males; erotica blondes; erotica bondage; erotica breasts. Here is a good one: Erotica cartoons; erotica children; erotica female; erotica female, anal; erotica fetish; erotica fury; erotica gay men; erotica male; erotica male, anal; erotica Oriental; erotica porn star.

This goes on and on and on—so much repetition. But it is startling, page after page after page, on screen after screen after screen—free, free of charge, with a click, click, click.

The blue book will be available to any who want to see how bad this is. I hope if any of my colleagues are not familiar with it, they become familiar.

Mr. President, I draw the Senate's attention to the chart that I have before me. I have been here in the Senate for 17 years. I think this is the second time I have ever used charts. We never had charts in the Senate until we had television. But now we talk to our American citizens, many of whom watch us very religiously from their homes throughout the Nation, as much as we do to our colleagues on the floor.

To try to explain this as briefly as I can, and I certainly do not claim to be an expert at it, the Internet system here in the center is the information system and the information system explosion that I have been talking about. When we look at what is good about this system, it is the Internet, the information, and all the multitude of good that is coming out of this today and is going to be further exploding in the future.

Then we have people at home on the Internet and children at home on the Internet. Under the system that the Exon Decency Act would provide and protect is this kind of a system with those at home, the children, having direct and full access to the Internet. After they get on the Internet, there would be a degree of protection to keep them from going on to the pornography bulletin boards.

That is what I am talking about here. The child at home, the adult at home could get on the Internet and they could go to the Library of Congress, the museums or any of the other magnificent sources of information we have. But anyone who pollutes that system over here on the pornography bulletin board would be subjected to the restraints in the law that the Exon decency provision tries to put in place.

Let me describe this for just a moment, if I might, and emphasize once again that we have today laws against—and providing fines and jail terms—people who misuse the telephone system to promiscuously spread pornography.

We also have in like manner in that regard laws prohibiting the use of United States mail for pornography.

Obviously, Mr. President, under the present law we do not put the innocent mailman in jail for delivering pornography, which is prevented by the law, from one place into a home.

This is a way that I would like to see, and I think most people would like to see, the Internet operate. But that is not the way the system works today and is the reason for the Exon decency provisions.

This is the way it works, Mr. President. You will notice in the previous chart that there are lines connecting these entities. On this chart, I simply say to you this is the way it is today. This is the way it is today where either the child or the adult at home enters the Internet system and is automatically connected with an additional click to the pornography bulletin board which is the material in the blue book and everything that I connected with it that I call smut. They are all connected together.

I happen to feel, if we make law the Exon decency bill, the Exon decency bill would not prevent or eliminate people from seeking the pornography bulletin board, and if they are adults and if the material on that is designed for and dedicated to adults, whom I would basically describe perhaps for these purposes as someone 18 years of age or more, then they could seek out the pornography bulletin board, and any of the people on the Internet, who have been claiming that Senator Exon's bill wants to close them down, if they want to watch pornography on the Internet, should have that right. I agree. I do not like it but I agree. It would be unconstitutional I think if we tried to eliminate that totally.

What I am trying to do with the Exon Decency Act is make the Internet like this rather than the direct connection accidentally to this system.

Over here in the pornography bulletin board we have entrepreneurs, entrepreneurs who are seeking money, cash money-making opportunities. They have facilities to where you dial into these bulletin boards, and they will through a credit card system allow you to subscribe whenever you want to the whole galaxy of things that they have, some of which I read out of the blue book. And that would continue, that would be allowed for adults under the Exon Decency Act.

What would be prevented under the Exon Decency Act is that these people who make lots of money, hundreds of millions of dollars selling smut, people on this pornography bulletin board, not unlike the Library of Congress, if I dare use that example, have a complete library of anything and everything that you could possibly imagine that you might see in an adult bookstore. If it is pocketed over there where it is very difficult to reach and you have to pay for it, that is one thing. But that is not the way it is.

What do these entrepreneurs over here do, Mr. President? What they do is to use the free access, without charge advertising with the best of some of their pornographic, obscene material, and they put it over here on the Internet with their printing press. That is a printing press and everybody has one. They can enter their computer, and they can take off anything that is in the Internet and store it, if they have the proper equipment. And people do.

Let me emphasize once again what I am trying to do, Mr. President, is to stop these people over here essentially from using teasers, not unlike coming attractions that we see when we go to the movies—best of the coming shows that will be here 2 weeks from today. And obviously when you get into movies you see some of the most violent explosions on previews of things to come.

When they, the pornographers over here, the money-making pornographers enter the free system of advertising, you do not even have to pay the price of going in and sitting down in a seat at a movie theater. What they do is take the best and most enticing pictures of whatever they want to sell that particular day or that particular week and they enter it over here on the Internet. They are posted on the bulletin board. And those are the ones, those are the pictures, those are the articles that are freely, without charge, accessible to very young children and to anyone else who wants to see them.

Among other things, the Exon bill would prevent the money makers over here—and many of them are perverts but very smart perverts—from advertising free on the Internet system to pollute, in the view of this Senator, our children and our grandchildren.

Simply stated, Mr. President, I have tried to summarize this as best I can in the 20 or 30 minutes' time I have taken of the Senate today, and I will be talking more about it next week as we come to a vote on this matter. I hope that most of my colleagues would recognize and realize that this is not the time to punt. This is the timely way to take action with regard to the telecommunications measure before us. I say today, as I have said before to my colleagues and all others outside the Senate who have an interest in this, many of them legitimate, I invite once again, if there is any particular problem you have with the Exon language, come let us reason together. I am not an unreasonable individual as my colleagues on both sides of the aisle in the Senate recognize.

There has been nothing that has concerned me more in my 8 years as Governor of Nebraska and my 17 years of having the great opportunity to serve my State in the Senate, there is nothing that I feel more strongly about than this piece of legislation, because I think it is more than just a piece of legislation. It is a time I suggest to step up to the plate and not offer excuses, not go along with those who say I wish to do what I wish to do, when and in whatever form I want, and I do not care what it might do to others.

I am going to do everything I can to see that a constitutional remedy is offered. If it is offered exactly as I am recommending or will recommend in future, if changes are in order, will that stop all of this and end the problem? No, it will not. It is too big for that. We still have obviously pornography through the mails, yet we have laws against it. We have pornography on the telephone. I guess that we do not have, though, anywhere near the stalking that is going on with regard to children by deviants. The newspapers have been full of that material very recently. And there are many hundreds of cases that take place all of the time that never reach the press, for obvious reasons.

I simply say, Mr. President, that this Senator is very dedicated to this cause.

I have no ill will toward those who do not agree with me, but I hope that after studying this they would at least agree that there is a problem that we should do something about.

I thank the Chair, and I yield the floor.

EXHIBIT 1

AMENDMENT 1268

Beginning on page 137 line 12 through page 143 line 10, strike all therein and insert in lieu thereof:

(1) by striking subsection (a) and inserting in lieu thereof:

"(a) Whoever—

"(1) in the District of Columbia or in interstate or foreign communications

"(A) by means of telecommunications device knowingly—

"(i) makes, creates, or solicits, and

"(ii) initiates the transmission of,

any comment, request, suggestion, proposal, image, or other communication which is obscene, lewd, lascivious, filthy, or indecent, with intent to annoy, abuse, threaten, or harass another person;

"(B) makes a telephone call or utilizes a telecommunications device, whether or not conversation or communication ensues, without disclosing his identity and with intent to annoy, abuse, threaten, or harass any person at the called number or who receives the communication;

"(C) makes or causes the telephone of another repeatedly or continuously to ring, with intent to harass any person at the called number; or

"(D) makes repeated telephone calls or repeatedly initiates communication with a telecommunications device, during which conversation or communication ensues, solely to harass any person at the called number or who receives the communication; or

"(2) knowingly permits any telecommunications facility under his control to be used for any activity prohibited by paragraph (1) with the intent that it be used for such activity,

shall be fined not more than $100,000 or imprisoned not more than two years, or both."; and

(2) Section 223 (47 U.S.C. 223) is further amended by adding at the end the following new subsections:

"(d) Whoever—

"(1) knowingly within the United States or in foreign communications with the United States by means of telecommunications device—

"(A) makes, creates, or solicits, and

"(B) initiates the transmission of or purposefully makes available,

any comment, request, suggestion, proposal, image, or other communication which is obscene, regardless of whether the maker of such communication placed the call or initiated the communications; or

"(2) knowingly permits any telecommunications facility under such person's control to be used for an activity prohibited by subsection (d)(1) with the intent that it be used for such activity;

shall be fined not more than $100,000 or imprisoned not more than two years or both.

"(e) Whoever—

"(1) knowingly within the United States or in foreign communications with the United States by means of telecommunications device—

"(A) makes, creates, or solicits, and

"(B) initiates the transmission of, or purposefully makes available,

any indecent comment, request, suggestion, proposal, image, or other communication to any person under 18 years of age regardless of whether the maker of such communication placed the call or initiated the communication; or

"(2) knowingly permits any telecommunications facility under such person's control to be used for an activity prohibited by paragraph (1) with the intent that it be used for such activity,

shall be fined not more than $100,000 or imprisoned not more than two years or both.

"(f) Defenses to the subsections (a), (d), and (e), restrictions on access, judicial remedies respecting restrictions for persons providing information services and access to information services—

"(1) The provision of access by a person, to a person including transmission, downloading, storage, navigational tools, and related capabilities which are incidental to the transmission of communications, and not involving the creation or editing of the content of the communications, for another person's communications to or from a service, facility, system, or network not under the access provider's control shall by itself not be a violation of subsection (a), (d), or (e). This subsection shall not be applicable to an individual who is owned or controlled by, or a conspirator with, an entity actively involved in the creation, editing or knowing distribution of communications which violate this section.

"(2) It is a defense to prosecution under subsection (a)(2), (d)(2), or (e)(2) that a person did not have editorial control over the communication specified in this section. This defense shall not be available to an individual who ceded editorial control to an entity which the defendant knew or had reason to know intended to engage in conduct that was likely to violate this section.

"(3) It is a defense to prosecution under subsection (a), (d)(2), or (e) that a person has taken good faith, reasonable and appropriate steps, to restrict or prevent the transmission of, or access to, communications described in such provisions according to such procedures as the Commission may prescribe by regulation. Nothing in this subsection shall be construed to treat enhanced information services as common carriage.

"(4) No cause of action may be brought in any court or administrative agency against any person on account of any activity which is not in violation of any law punishable by criminal or civil penalty, which activity the person has taken in good faith to implement a defense authorized under this section or otherwise to restrict or prevent the transmission of, or access to, a communication specified in this section.

"(g) No State or local government may impose any liability for commercial activities or actions by commercial entities in connection with an activity or action which constitutes a violation described in subsection (a)(2), (b)(2), or (e)(2) that is inconsistent with the treatment of those activities or actions under this section provided, however, that nothing herein shall preclude any State or local government from enacting and enforcing complementary oversight, liability, and regulatory systems, procedures, and requirements, so long as such systems, procedures, and requirements govern only intrastate services and do not result in the imposition of inconsistent rights, duties or obligations on the provision of interstate services. Nothing in this subsection shall preclude an State or local government from governing conduct not covered by this section.

"(h) Nothing in subsection (a), (d), (e), or (f) or in the defenses to prosecution under (a), (d), or (e) shall be construed to affect or limit the application or enforcement of any other federal law.

"(i) The use of the term 'telecommunications device' in this section shall not impose new obligations on (one-way) broadcast radio or (one-way) broadcast television operators licensed by the Commission or (one-way) cable service registered with the Commission and covered by obscenity and indecency provisions elsewhere in this Act.".

On page 144, strike lines 1 through 17.

SECTION BY SECTION ANALYSIS—EXON REVISIONS TO THE COMMUNICATIONS DECENCY ACT

Section 223(a) of the Communications Act is amended to modernize its application to new technologies and to codify Court and FCC interpretations that this section applies to communications between non-consenting parties. This revision would make Section 223(a) Constitutional on its face. Section 223(a) would become the key Federal telecommunications anti-harassment provision.

Sections 223 (b) and (c), the current law "dial-a-porn" statute provisions are left untouched. The "dial-a-porn" statute remains drafted in the technology of the telephone. This "overlap" remains as an "insurance policy" against challenges to new sections.

A new Section 223(d) is added. Whoever knowingly by means of telecommunications device "makes, creates or solicits" and "initiates the transmission of or purposefully makes available" an obscene communication could be subject to penalty.

A new Section 223(e) is added. Whoever knowingly by means of telecommunications device "makes, creates or solicits" and "initiates the transmission of or purposefully makes available" an indecent communication to a minor could be subject to penalty.

The section (f) defenses of the Committee-reported bill are narrowed, and streamlined. Similar defenses exist in the current "dial-a-porn" statute. These new defenses are necessary because information service providers are not common carriers and the total absence of defenses would expose the statute to Constitutional invalidation.

Defense (f)(1) (the access defense) is narrowed from the Committee-reported bill. This defense can not be used by one owned, controlled or a conspirator with a violator of this section.

Defense (f)(2) (the editorial control defense) is narrowed and not available to one who cedes editorial control to another likely to use that control to violate this section.

Defense (f)(3) (the good faith defense) is narrowed and the illustrative list of options in the Committee-reported bill is dropped. The FCC would determine by regulation "good faith, reasonable and appropriate" steps to restrict access to prohibited communications.

Defense (f)(4) assures that service providers will not be prosecuted for implementing a defense which is not a violation of law.

The State pre-emption provision in Section (g) limited to "commercial" activities and savings language is added to assure that States retain full rights to prosecute activities not covered by this section.

A new section (h) is added to assure that the Communications Decency Act in no way adversely affects prosecutions under other federal laws.

And finally, a new section (i) is added to clarify that one-way broadcasters and cable operators already covered by other obscenity and indecency provisions in the Communications Act of 1934 as amended incur no new obligations under this section.

EXHIBIT 2

[From the Omaha World-Herald, June 8, 1995]

POLICE CRUISE INFORMATION HIGHWAY

Police in Fresno, Calif., have a quick and dirty way to show parents how easily their children find sexually explicit material over computers: They bring parents in for show and tell.

Surfing the Internet, police have unearthed sexually graphic conversations, photographs and X-rated movie clips, complete with audio.

"(Parents) come up and go, 'What? Computers can do that?'" said Ken Diliberto, a network-systems specialist who helps detectives in Fresno, one of few cities whose police departments are using sophisticated methods to catch computer-aided criminals.

A Maple Valley, Wash., youth's disappearance for 18 days after meeting a San Francisco teen in an America Online "chat room" for gays and lesbians startled parents and raised questions about just what can happen in cyberspace.

Just as pedophiles and stalkers exist in society, there are electronic predators, police and prosecutors say. Though parents warn children not to talk to strangers on the street, few are as vigilant with people their kids meet via computer.

"There's nothing from the message itself that tells you anything about the person," said Ivan Orton, a King County, Wash. senior deputy prosecutor who handles technology crimes.

"You've got nothing but the words, and lots of people adopt different personas when they go on-line," he said. "Men become women. Women become men. You don't know who you're dealing with."

The FBI has pursued charges against people who transmit pornography, including child pornography, on-line, or who entice children with e-mail messages to cross state lines for sexual purposes.

Diliberto and Fresno detectives suggest that parents be aware of their children's computer use.

ATTENTION SURPRISES ON-LINE RUNAWAY

MAPLE VALLEY, WA.—When Daniel Montgomery took a bus to San Francisco to meet a friend he had encountered on-line, he figured he might get some attention from his parents.

But Daniel, who turned 16 Monday, had no idea he'd draw the attention of the nation.

"I didn't think it was going to get this big" he said, clicking the mouse of a computer in his Maple Valley house Tuesday. "I don't know, maybe it was stupidity."

Nearly three weeks after he disappeared to meet a mystery person called Damien Starr, fueling speculation of abduction and pedophilia, Daniel explained publicly that his departure was neither a kidnapping nor a luring. Instead, he said, it was something closer to running away with the encouragement of an on-line friend.

Sitting at the computer where he first communicated with Starr in a gay-and-lesbian "chat room" on America Online, Daniel said his friend was not an older man looking to exploit him sexually but rather a teenager, 16 or 17, who had been kicked out of his own house because he was gay.

While he would not reveal Damien Starr's real name or say much about the three men in their 30s who live with Starr in a San Francisco apartment. Daniel did say none of them tried to harm him in any way.

Daniel, who described his adventure as an "uninformed" vacation, said he was never hurt or in danger.

"I want people to understand there was nothing but friendly contact," he said.

Mr. KERREY addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. Mr. President, I ask unanimous consent that I be allowed to speak for 15 additional minutes as in morning business.

The PRESIDING OFFICER (Mr. PRESSLER). Without objection, it is so ordered.

TELECOMMUNICATIONS BILL

Mr. KERREY. Mr. President, I thought we were finished earlier. I listened carefully to the senior Senator from Nebraska on this issue. I come to make final statements. I do not know if I will take the whole 15 minutes. I appreciate that the Presiding Officer and others were expecting to leave when the senior Senator was done.

I must say, as I have on a number of other occasions, I am not sure most Americans know what it is we are about to do. I expect this bill is going to be enacted sometime in the next 4, 5, 6 days. It is 146 or so pages long, I believe, and it is going to touch every single American. If you have a phone, if you have a cable, if you use broadcast, if you buy records, if you are connected at all to the information services industry, you will be affected by this law.

I have said, and I believe it to be the case, that it is not something that is occurring as a consequence of Americans saying we want to change our laws, we are unhappy with our phone service, we are unhappy with our cable service, we are unhappy with what we have. Typically, what we do around here is we try to make adjustments according to the agendas as we observe Americans saying that they have for themselves—the deficit, crime, education, all sorts of things that tend to dominate our debates.

This one is being driven by corporations who have a desire to do things they currently are prohibited from doing under our laws. So we are rewriting our laws. I do not object to that. In fact, I have been an advocate for a number of years of deregulating the telecommunications industry, and I am enthusiastic about doing so.

I just want to make it clear that the laws of this land will have ultimately an effect, and this law will have about as large an effect on the American people as anything that I have been a part of in the 7 years that I have been in the U.S. Senate. I do not want anybody to suffer under the illusion that we are just dealing with something relatively minor here.

I cannot, and I said it before, support this legislation in its current form. The debate that we were having earlier on the Department of Justice role—indeed, the compromise that was produced in this legislation was produced by the senior Senator from Nebraska in the committee to try to give DOJ, the Department of Justice, a role to consult as the application for permission to do long distance was being processed by a regional Bell operating company or local telephone company trying to get into long distance.

But I must say, of all the things that had provoked interest in and by the American people, the title IV provision, the Communications Decency Act, sponsored by the senior Senator from Nebraska, has received the most interest. I will say directly that my own first amendment tendencies to support the first amendment cause me to sort of immediately say there must be something wrong with this thing.

I am not familiar with the things that were available that the senior Senator showed earlier in the blue book, but I am a regular user of the Internet and I have used E-mail and the computer for last 12 or so years and consider myself to be relatively literate, though I will say I am not familiar with the items in question.

I am prepared to acknowledge, and I think we all should acknowledge, there is a serious problem here. I have noted with a considerable amount of concern, since the senior Senator from Nebraska was successful in getting this attached to this bill, that he has been subject to a considerable amount of abuse and a considerable amount of attacks and a considerable amount of criticism from all sorts of sources, I suspect many of whom are not terribly informed what is in his bill or what is available over the Internet.

Not surprisingly, the senior Senator from Nebraska has not withered under that fire and has not backed off from a legitimate concern, as I say, that may be one of the few real concerns that we are getting from the American people.

If you asked me today in the area of communications what is on people's minds, what sort of things are people bothered by, it may, in fact, be the violence, indecency in broadcasting that tops the list. It may be the only thing.

I ask my senior colleague, if you went to a townhall meeting, let us say in Broken Bow or Omaha, Lincoln, and you just raised the question of telecommunications and you define it as the media, telephone, so forth and ask them, "Of all the things about this, what's the problem for you," they may complain the rates are too high with cable, or they have some broadcast problems out in the western part of the State, like we had at Scottsbluff a couple years ago. But this one does come up in townhall meetings. This issue does get raised. Parents are concerned. Citizens at the local level are concerned about this particular subject.

I do not know exactly where the efforts to amend this legislation will go. I have not looked at the details of the changes the senior Senator has proposed, but I am not unmindful, at least in this particular area, of all the things we are debating, this is something regarded by citizens as something that needs to be addressed.

Earlier in the comments of Senator EXON, he used the word "punt" and brought up the Nebraska football team. After Nebraska won the national championship, Senator EXON just sort of clapped his hands and thunderously here comes the team to Washington, down to the White House.

It was a very moving moment for those of us who waited a long time for this to happen. In a conversation with Coach Osborne that I had that day at the White House, I asked Coach Osborne—he is the football coach for the University of Nebraska. He has been giving many speeches and expressed some real concern of what is going on with young people today, particularly in Nebraska but throughout the country, since he recruits throughout the country.

I do not know if the senior Senator had just introduced the bill at that time, but he said he did not know if this particular piece of legislation was good or not because he had not read the details of it, but it addressed a problem that he thought was real and present at the local community. It addressed a problem that he himself is personally terribly concerned about.

Mr. President, I hope that in the process starting Monday, Tuesday, Wednesday—whenever it is we reach a final vote—that we will begin to generate some enthusiasm amongst Americans to pay attention to these 146 pages that we are about to enact in some shape or form.

I personally hope, though I know it is going to be difficult to do, and I am here to put out an appeal to the Presiding Officer and the senior Senator from Nebraska who were very much a part of the committee's deliberation—I am not on the Commerce Committee; I was allowed to have a staffer sit in on much of the deliberation—I hope that we can get a good-faith effort to narrow the differences between the Dorgan amendment and the Thurmond amendment on this DOJ role.

It is a very serious matter. It is a very serious matter to me personally. I cannot support this legislation unless there is a role for the Department of Justice. I intend to oppose it strongly unless there is.

I am very much concerned about what is going to happen to the American consumer as we move from a regulated monopoly at the local level to competition at the local level—very much concerned about it.

As I paid attention, I must say, this has been my dominant concern right from the opening bell. I do not know if the senior Senator from Nebraska has any way to try to help us bring Senator THURMOND and Senator DORGAN together and maybe perhaps bring a majority around some increase in strength in the role for DOJ, but it seems to me we can do it in a fashion that addresses the concerns of the senior Senator from South Dakota.

The chairman of the committee has expressed over and over concerns for duplication, excess bureaucracy. We drafted at least that portion of the amendment that deals with bureaucracy, so there is a time period, a 90-day commitment.

The Senator from South Carolina, Senator THURMOND, has decreased some of the role for the FCC, not dramatically but enough.

It seems to me what we are trying to do is address the problems that some have, and I think they are legitimate concerns, for tying down and tying up companies too much as they try to get into long distance.

But, Mr. President, if the consumers of America, who are truly, in my judgment, likely to be unaware of what we are about to do, if they are really going to benefit from the corporations' new rights to get into long distance, if they are truly going to benefit from competition, then the benefits are going to have to come from entrepreneurs that do not exist today, businesses that will be startup businesses, that will be coming into households and offering services that will be packaged.

The only way, in my judgment, that we are going to get decreased prices and increased quality is if you get ferocious competition at the local level. As much as I am enthusiastic about the 14 points that are required, the 14 actions that are required by the Bell operating companies before they can make an application, I am troubled that we do not have any case law on it. I fear we are going to have lots of litigation on it. And I fear as well that rather than having immediate competition, you are going to have a slowing of entry into competition, and, as a consequence, we are going to find ourselves with consumers, citizens, voters, taxpayers, who are not terribly pleased with the net result.

Once again, I look forward next week to the continuation of this debate. I hope it is constructive and that it does, in the end, lead to a piece of legislation that I am able to enthusiastically support.

Mr. President, I yield the floor.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska [Mr. EXON] is recognized.

Mr. EXON. Mr. President, I am going to be very brief. I thank my friend and colleague from Nebraska for his remarks. I simply say that I did not use coach Tom Osborne's name. He has called me on the telephone and written me a letter. He does support this legislation. And for whatever that is worth, I think you and I have the highest respect for Tom Osborne, the man, as well as Tom Osborne, the football coach, and for what he has done for young people.

I want to ask my colleague from Nebraska a question with regard to the matter that he just brought up. We are going to vote next week on the amendments being offered by the Senator from North Dakota, and I think cosponsored by my colleague from Nebraska, with regard to the Justice Department.

I have been following this, and I am not quite sure I understand the Senator's objections. I had a great deal to do with this during the last 2 years—

the whole bill, in the Commerce Committee.

On page 8 of S. 652, there was specifically put in the legislation on line 20, section 7:

> Effect on other law. A, antitrust laws. Except as provided in subsection B and C, nothing in this act shall be construed to modify, impair, or supersede the actions of the antitrust laws.

I am sure that my colleague from Nebraska knows of that provision. I have always thought that was put in there specifically to make certain that the Justice Department of the United States would maintain their traditional role of enforcing the antitrust laws in America. Does that not satisfy the concerns of the Senator from Nebraska, or does he feel that that particular quote from the law impairs, in any way, the responsibility that the Justice Department has under the antitrust laws, that they will have the full right, as I understand it, to pursue in the future as they have in the past?

Mr. KERREY. That provision is very important. That language the Senator mentioned is a very important provision. It would make certain that the Department of Justice continues to have its historical antitrust role. That is very important.

The problem that I have with that being sufficient is that it does not go as far as 1822 did last year, in that it is after the fact.

In other words, let us pick the regional Bell operating company in our area, U.S. West. Let us say U.S. West now does all 14 of the things that are required in order to get into the interLATA, in order to do the long distance, and they come to the FCC and get permission to do long distance service. Well, the problem is, if the Department of Justice wants to take action, they have to take action after the fact, after permission is granted; after they are in long distance, then they have to come and take action. What I would feel more comfortable with is if we had DOJ involved, as 1822 did, in a parallel fashion, not in addition to. What I was most interested in was making sure that there was a parallel process with a time certain. And in the language of the Dorgan amendment, as amended, as well by the Senator from South Carolina, there is a 90-day time certain, and a parallel process occurs. You do not file to one and then go to the other.

The precedent that I am trying to use repeatedly—and I think it is a good one—is that in 1984 the Department of Justice was the one that managed the transition from a monopoly to a competitive environment in long distance.

Mr. PRESSLER. Mr. President, I would like to be able to enter into this colloquy. What is the parliamentary situation?

The PRESIDING OFFICER. At present, if I might state it, there is a previous order that we were to recess after the senior Senator from Nebraska completed his statement, which has been completed.

Mr. KERREY. Should I be asking unanimous consent to speak until the presiding officer has to leave?

Mr. PRESSLER. Mr. President, I would like to get into this colloquy.

Mr. KERREY. I ask unanimous consent that the earlier unanimous-consent order be revised and that we will go out at 4:30.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. PRESSLER. Will my friend yield so I can get a question in?

Mr. KERREY. Yes, if I can first finish the answer I was giving to Senator EXON.

I deeply hope that this colloquy can result in you helping me. I am not trying to get you to necessarily say, gee, yes, I am going to vote for this amendment. But I am trying to enlist your help in getting a larger role for DOJ to allay the concerns that I have that permission is going to be granted to get into the long distance service, and then the only opportunity that consumers would have to make sure that there is competition is to be for an action to be filed after the fact.

Again, what I am expressing is a concern that we may not have real local competition. What the committee did—and I think it was good work—was come up with this 14-part checklist and say this is going to replace the VIII(c) test we had in last year's legislation. This will be sort of in lieu of. It is quite good. It does not give me confidence. I know that the senior Senator understands this as well, that when it comes time to starting a business as an entrepreneur, typically, you do not have enough money to be able to hire your own lawyer. These larger companies have whole dump trucks full of lawyers that work for them.

When you are dealing in that kind of environment, I want to make sure that this entrepreneur that wants to come to Omaha, Grand Islands, or Hastings, or Scottsbluff, and come to the household and say I want to deliver a competitive information product, which the playing field allows them to do it, I want to make sure they have the Department of Justice signing off in a parallel process to do so.

Mr. PRESSLER. If my friend will yield for a question, is there another area of the Justice Department where they have a decisionmaking role? Earlier this year, we had this process that we went through, and both Senators from Nebraska had their staffs there and could have been their personally, night after night, and they both did a good job. They wrestled with this Justice Department thing over and over and could not find another area of American life where the Justice Department has a decisionmaking role, such as this amendment wants to add.

Mr. KERREY. You have asked me a question; let me answer. We have had this colloquy a couple of times before. My answer, with great respect—and I am not trying to argue—I am trying to, hopefully, get some change that enables me to support the legislation. What I said before I will say again—we had a role with the Department of Justice when we did this thing once before 10 years ago. The Department of Justice had the most important role in taking us from a monopoly in long distance to a competitive marketplace.

The answer to your question is that the Department of Justice had the principal role. We are not asking the—in this proposal we are not giving the Department of Justice the ability to manage this thing unnecessarily. We are simply saying that there is a review process and they have the authority to sign off on it, and they have to answer in a 90-day period.

Mr. PRESSLER. If my friend will yield, there is no other area of American economy—and it is true since Judge Greene's order, and he has 200 staff attorneys over there, basically. But there is no need to continue having that just for one sector of our economy in the Justice Department, a decisionmaking role.

Mr. KERREY. If there is a need for this law—the law is unprecedented. We are doing something extremely unprecedented. Ask the ratepayers, the taxpayers and citizens in the households. We are taking your comfortable telephone service, your comfortable cable service—you have it now and it is a monopoly, you know it is there—and subsidize rates and keep the rates down in residential. We are transitioning where those protections are not going to be there any longer. It is an unprecedented move from a monopoly to a competitive environment.

I am suggesting that because of that lack of precedent, it is reasonable to look for an unprecedented way to manage, as the bill itself describes—manage from that monopoly situation to a competitive situation. I believe that it is possible and perhaps, even desirable, to put some limitations, if you want to, on what the Department of justice can do.

There have been earlier suggestions on how to do that. But to give them only a consultative role, I just genuinely, sincerely believe that that risks this entire venture. It places this entire venture into the hands of corporations to say we know that you want to do the right thing, so we know you are going to allow competition. I think it is more than reasonable to expect of anybody. If I am a business—even a small business—I can talk all I want to about competition and how I favor it. But the truth of the matter is, given a choice, I would rather not have it.

Mr. PRESSLER. Under the consent decree that broke up AT&T, DOJ is not the decisionmaker; it was the court, Judge Greene. Now we are making DOJ the decisionmaker under the Dorgan proposed amendment.

Mr. KERREY. No.

Mr. PRESSLER. They will make the final decision.

Mr. KERREY. It does exactly what the consent decree did, as well.

It basically says, "You are going to have multiple consent decrees." What happens when, say U.S. West buys a long-distance company. What happens then? I tell you what happens. The Justice Department has to approve it. The Department of Justice would have to approve a merger of a local company acquiring a long-distance company.

The senior Senator from South Dakota would not object to that.

Mr. PRESSLER. But under the Clayton and Sherman Acts, as my distinguished friend pointed out, the language in the bill, they already have antitrust power.

We are setting up a permanent administrative bureaucracy in the Department of Justice that is supposed to be done over at the FCC, and we have it done in the FCC in two ways. One is the public interest convenience and necessity; and two is the checklist that Senator HOLLINGS and Senator EXON and Senator KERREY of Nebraska had there with staff.

This was all worked out. We spent night after night. Never has there been a more bipartisan effort in this Senate, preparing a bill, if I may say so. We invited everybody. I talked to all 100 Senators.

There is an implication by the Senator from Nebraska that all this was sprung upon him suddenly.

Mr. KERREY. I knew precisely what was in the bill. If I were in the committee, I would vote "no" entirely based on that provision.

Mr. PRESSLER. There is an implication that the bill is driven by corporate interests.

Mr. KERREY. It unquestionably is, Senator. That is very difficult not to deny.

I do not say that there is a dark and mysterious and evil aspect to that at all.

Mr. PRESSLER. From this Senator's point of view, the public interest is very much at heart throughout these considerations. I think all the Senators who worked on this bill have had the public interest. I do not accept that conclusion about the Senate of the United States.

Mr. KERREY. There is nothing wrong with the Senate of the United States considering and worrying about what corporate America wants. I am not saying that just because corporate America is asking for this that corporate America somehow is bad. I am not implying they are bad at all.

I am saying when I talk to people about this issue, when I get phone calls on this issue, it is rarely a citizen that is calling up and saying, "Senator, I really am concerned. I heard you talk about the Justice Department having a role in the application for interLATA freedom." Citizens do not ask about interLATA.

Mr. PRESSLER. Your staff was in the room where the bill was drafted.

Mr. KERREY. I am not a member of the committee and I did not vote on this. I am approaching a moment where I will have an opportunity to vote. I understand that my staff was involved in the deliberations. I appreciate that opportunity.

Mr. PRESSLER. I want to say how hard that staff and Senators involved worked through the weekends. A lot of Members have not had a day off since Christmas.

I find the suggestion that this bill is a result of corporate interests in the Senate of these United States, when we had a discussion this morning about assuming language, or whatever people are saying, and so forth, and maybe I misspoke. I do not know. I raised some points. I consider the Senator from Nebraska a good friend.

We have done everything we can to do what is right for the American people. If we do not pass this bill in this Congress, it will fall over to 1997 and we will lose 2 years of jobs and creativity.

This is not a perfect bill. I welcome the participation of the Senator from Nebraska.

Mr. KERREY. I think this bill will pass. It has a lot of steam behind it, and I think it is likely to pass. I am just saying it will not have my vote unless there is a strong Justice Department role.

I do not think what I am asking for is unreasonable.

Mr. PRESSLER. I find it unreasonable for the suggestion that this is a bill of corporate interests. I believe the Senators involved have acted in the public interest.

Mr. KERREY. I do not doubt they are acting in the public interest or that the senior Senator from Nebraska is acting in the public interest. I do not doubt that. That is not the point I am making.

I am saying, look out there for who it is that is asking for change. It is corporate America.

If I polled the people of Nebraska to rank this on their agenda, the only thing they would mention is probably the Communication Decency Act.

Mr. PRESSLER. There is a large part of corporate America for the Justice Department review which the Senator is supporting.

Mr. KERREY. That is true.

Mr. PRESSLER. But I am not accusing the Senator of responding to corporate America. I think we are asking, in the public interest.

Mr. KERREY. That is my point, Senator.

Corporate America has weighed in on this issue. Corporate America has contacted me on this particular issue, as they have contacted the Senator.

The point I am trying to make is that the dominant interest in this piece of legislation is a relatively small group of corporations that are currently regulated and that want to do something that the current law does not allow them to do. That is the point I have made before, that I will continue to make.

Mr. PRESSLER. Some of the biggest corporations in America want a Justice Department review.

Mr. KERREY. I agree, some of the biggest corporations in America do not want the Justice Department review.

That merely makes the point that this is largely the kind of an argument driven by concerns of corporations who either want to do something or do not want somebody else to do something in this area.

The PRESIDING OFFICER. I notify all Senators that it is now 4:30. Based on the previous agreement, all discussion was to cease at 4:30.

Mr. EXON. I ask unanimous consent I be allowed to continue for 5 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EXON. First, to be facetious, I would like to advise my colleague from Nebraska that unless he misspoke or unless I heard him wrong, he said something to the effect that he sees nothing wrong with the U.S. Senate. If somebody would take that out of context, it would be the end of his political career. It might be a good time to ask that be stricken from the record.

Seriously speaking, I had cited earlier the section on page 8. I would also like to cite an additional paragraph from page 89 of the same act which says "before making any determination under this subparagraph, the commission shall consult with the Attorney General regarding the application."

I would simply advise both of my colleagues that this Senator has had considerable experience over the years in dealing with the bureaucracy. We have dealt for a long time, and my colleague from Nebraska has been involved in many of the interstate commerce decisions.

In no case does the Justice Department have prior consideration with regard to the Interstate Commerce Commission. Therefore, I think the point the Senator from South Dakota is trying to make is that we are treating the various agencies of the Federal Government—either independent agencies or agencies under the direct control of the President—the same as we have treated them previously.

I think that my colleague from Nebraska makes a pretty good point. I think I understand his concern.

I just want to say, as one involved in S. 1822, the predecessor of this, and this piece of legislation, the original draft that came to the committee after our distinguished colleague from South Dakota became chairman, contained no information or statement whatever to help address the concerns that have been raised, and I think to some degree, legitimately raised by my colleague from Nebraska.

It had nothing in there at all. That proposal came that would have, for all practical purposes, ignored the Justice Department.

I have cited two instances where, during the cooperation, during the discussion, during the compromise that we worked very hard to maintain, we came up with something that I think would allow the Justice Department to play a key role.

One thing I would suggest might be wrong, to go back to the illustration used by my colleague from Nebraska, U.S. West, for example, wanted to go into some kind of a network they had not previously been allowed to do.

According to the feelings, unless they were spelled out in the law, they would have to act after the fact. Of course, that is the way they always do, act after the fact.

The problem that the company, in that particular situation, I am fearful, was that they would have two different agencies of the Federal Government to go to for clearance, the Justice Department on one hand and the Federal Communications Commission on the other.

I simply say that I happen to feel that the hard-driven compromise that was worked on this by members of the committee may not be perfect, but as both Senators know, I have never voted for a perfect law since I have been here.

I will study the matter over the weekend further. I appreciate the discussion I had with my good friend and colleague from Nebraska and my colleague from the State to the north, South Dakota, where I was born. Thank you both very much.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting treaties.

MESSAGES FROM THE HOUSE

At 9:48 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bills, without amendment:

S. 349. An act to reauthorize appropriations for the Navajo-Hopi Relocation Housing Program.

S. 441. An act to reauthorize appropriations for certain programs under the Indian Child Protection and Family Violence Prevention Act, and for other purposes.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-206. A concurrent resolution adopted by the Legislature of the State of Michigan; to the Committee on Agriculture, Nutrition, and Forestry.

"SENATE CONCURRENT RESOLUTION NO. 28

"Whereas, Michigan's farmers represent an important element of our state's increasingly diversified economy. American consumers purchase ever higher amounts of high quality fresh produce, and Michigan farmers continue to meet that demand. Fresh produce, by its nature, is also highly perishable with a relatively short shelf life compared to manufactured products. This characteristic of fresh fruits and vegetables imposes a burden on farmers unique to them. Specifically, the need to sell produce quickly means that fruits and vegetables may actually be consumed before the farmer can even receive payment. If farmers sell their goods to customers who are slow to pay or who fail to pay at all, farmers have few means to recoup their losses. Consumed goods can hardly be reclaimed, and the costs associated with pursuing a claim through the courts make this avenue futile in many cases; and

"Whereas, fortunately, our nation's farmers have been protected from such problems for sixty-five years by the Perishable Agricultural Commodities Act (PACA). Enacted in 1930, the PACA enforces fair trading practices in the marketing of fresh and frozen fruits and vegetables. It is administered by the Fruit and Vegetable Division of the Agricultural Marketing Service and allows farmers to ship their produce across our country in a timely fashion with confidence that they will be paid for their labor and goods. Should a contract dispute emerge, the PACA provides a means to resolve the problem without further burdening our court system; and

"Whereas, consumers benefit in many ways from this act. Not only can consumers purchase high quality produce fresh from the field because farmers may rapidly ship their goods confident that they will be paid, but other protections exist as well. For example, our schools, hospitals, and restaurants cannot be over-charged for produce because the PACA prohibits a produce dealer from hiding the true wholesale cost received by farmers for the fruits and vegetables; and

"Whereas, defenders of the PACA recognize that the act can be improved and have been willing to compromise in order to address the concerns of retailers. Unfortunately, legislation has been introduced into the United States House of Representatives that undermines efforts to preserve the PACA while improving it to correct certain shortcomings. HR 669 has been introduced into the 104th Congress to repeal the Perishable Agricultural Commodities Act. Rather than being a bill to eliminate unneeded regulations, this bill would impose a severe hardship on our state's farmers, and ultimately all people who purchase and enjoy high quality fruits and vegetables. HR 669, or any other bill that would repeal the PACA, must not be passed for the sake of our farmers and consumers: Now, therefore, be it

"*Resolved by the Senate (the House of Representatives concurring)*, That we memorialize the United States Congress to reject any efforts to repeal the Perishable Agricultural Commodities Act; and be it further

"*Resolved*, That a copy of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation."

POM-207. A resolution adopted by the Senate of the Legislature of the Commonwealth of Pennsylvania; to the Committee on Armed Services.

"RESOLUTION

"Whereas, Tobyhanna Army Depot in Monroe County provides employment for 3,500 Pennsylvanians; and

"Whereas, Tobyhanna Army Depot is the nation's most productive and cost efficient maintenance facility, having a highly skilled and technologically advanced mission of designing, building, repairing and overhauling a wide range of communications and electronics systems for the Department of Defense; and

"Whereas, the closure of Tobyhanna Army Depot could result in the termination of not only those jobs on the operating base, but also hundreds of base-related jobs and the loss of thousands of dollars in total income; and

"Whereas, this Commonwealth has lost 11.5% of all defense jobs eliminated in the United States as a result of the Defense Base Closure and Realignment Commission's 1991 and 1993 recommendations; therefore be it

"*Resolved*, That the Senate of the Commonwealth of Pennsylvania memorialize the President of the United States and Congress to oppose the closure of Tobyhanna Army Depot in Monroe County for the reasons stated in this resolution; and be it further

"*Resolved*, That copies of this resolution be transmitted to the President of the United States, to the presiding officers of each house of Congress, to each member of Congress from Pennsylvania and to the members of the Defense Base Closure and Realignment Commission."

POM-208. A resolution adopted by the Council of the Village of Silver Lake, Summit County, Ohio relative to telecommunications legislation; to the Committee on Commerce, Science, and Transportation.

POM-209. A resolution adopted by the Council of the City of Upper Arlington County, Ohio relative to public rights-of-way; to the Committee on Commerce, Science, and Transportation.

POM-210. A resolution adopted by the Council of the City of Garfield Heights, Ohio relative to public rights-of-way; to the Committee on Commerce, Science, and Transportation.

POM-211. A resolution adopted by the City Council of the City of Nassau Bay, Texas relative to NASA's Johnson Space Center; to the Committee on Commerce, Science, and Transportation.

POM-212. A resolution adopted by the Council of the City of Newton Fall, Ohio relative to telecommunications legislation; to the Committee on Commerce, Science, and Transportation.

POM–213. A concurrent resolution adopted by the Legislature of the State of Louisiana; to the Committee on Environment and Public Works.

"A CONCURRENT RESOLUTION

"Whereas, the mainline levee portion of the Mississippi River and Tributaries (MR&T) project has resulted in the loss of hundreds of thousands of acres of bottomland forests in Arkansas, Louisiana, Mississippi, Tennessee, Missouri, and Kentucky; and

"Whereas, the Corps, Vicksburg District, proposes to continue work on the mainline levee that would clear an additional 11,400 acres of forested wetlands in Arkansas, Louisiana, and Mississippi; and

"Whereas, this proposed work would destroy valuable fish and wildlife resources, including fish spawning habitat, in the batture lands along the Mississippi River without minimizing environmental impacts or without providing adequate compensation; and

"Whereas, the Corps maintains that they do not have to coordinate with the federal or state agencies as required by the Fish and Wildlife Coordination Act (FWCA) since greater than 60 percent of the project costs were obligated before the FWCA was enacted; and

"Whereas, the 1976 Environmental Impact Statement for this work is outdated and the last opportunity for public comment was in 1978; and

"Whereas, there are a number of significant issues which need to be addressed including a range of alternatives, mitigation loss of bottomland hardwoods, water quality, and potential impacts to the federally listed threatened Louisiana black bear: Therefore, be it

"*Resolved* That the Legislature of Louisiana memorializes the Congress of the United States to cause the Corps' MR&T Mainline Levee Construction Program to adequately mitigate for the loss of valuable forested wetlands and update its 1976 Environmental Impact Statement and open hearings for additional public comment; be it further

"*Resolved* That a duly attested copy of this Resolution be immediately transmitted to the president of the United States, to the secretary of the United States Senate, to the clerk of the United States House of Representatives, and to each member of the Louisiana delegation to the United States Congress."

POM–214. A concurrent resolution adopted by the Legislature of the State of Louisiana to the Committee on Environment and Public Works.

"A CONCURRENT RESOLUTION

"Whereas, the Nuclear Waste Policy Act established a federal program for managing and disposing of spent nuclear fuel and required that the program be fully funded by electric utility customers who benefit from the electricity generated at nuclear power plants; and

"Whereas, the United States Department of Energy is obligated under the Nuclear Waste Policy Act to begin storing spent nuclear fuel by January 31, 1998; and

"Whereas, the Department of Energy has not made significant progress in meeting its statutory obligation to take title to and remove spent nuclear fuel from nuclear power plants; and

"Whereas, the Nuclear Waste Policy Act requires customers who benefit from the electricity generated by nuclear power plants to pay a fee of one-tenth of a cent per kilowatt hour of electricity produced by nuclear power plants; and

"Whereas, this fee generates approximately $600 million per year and since its inception in 1983, has provided more than $10.5 billion, including interest, to the federal Nuclear Waste Fund; and

"Whereas, monies received by the Nuclear Waste Fund have not been committed to the Nuclear Waste Program, such that a significant portion of Nuclear Waste Fund receipts have been relied on the offset the federal budget deficit; and

"Whereas, approximately 25% of the electricity consumed by Louisiana is provided by nuclear power plants based located in the state of Louisiana; and

"Whereas, electric utility customers in the state of Louisiana have paid millions of dollars into the Nuclear Waste Fund; and

"Whereas, the Department of Energy's failure to begin accepting spent nuclear fuel may result in millions of Louisiana's electric utility customers having to pay for the additional costs of expanding on-site storage capacity, thereby causing customers to pay twice for the storage of spent nuclear fuel; and

"Whereas, the United States Congress should address the programmatic and budgetary shortfall that has plagued the Nuclear Waste Program: Therefore, be it

"*Resolved* That the Legislature of Louisiana does hereby memorialize the Congress of the United States to establish an integrated spent fuel management storage facility which includes the following:

"(1) A central, interim spent fuel storage facility capable of allowing the Department of Energy to begin accepting spent nuclear fuel in 1998;

"(2) A storage and shipping canister system which will minimize the costs of transportation spent nuclear fuel;

"(3) Removal of the Nuclear Waste Fund from the federal budget process in order for the department to have adequate access to the funds supplied by utility customers and to timely remove spent fuel from this state's nuclear power plants; and

"(4) Require that all nuclear waste shall be taken to the Yucca Mountain Nuclear Depository located in Nevada; be it further

"*Resolved* That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana congressional delegation.

POM–215. A concurrent resolution adopted by the Legislature of the State of Texas; to the Committee on Environment and Public Works.

"HOUSE CONCURRENT RESOLUTION

"Whereas, enacted by the United States Congress in 1973, the Endangered Species Act was designed to promote the laudable goal of protecting threatened and endangered plant and animal species; and

"Whereas, the act was widely viewed at the time as the most comprehensive environmental protection law in history but has evolved into a well-meaning but misguided federal policy; and

"Whereas, due for authorization by the Congress of the United States, the Endangered Species Act should strike a balance between environmental and resource protection and the social and economic consequences resulting from the listing of threatened or endangered species; and

"Whereas, the current Endangered Species Act does not adequately consider the role of states in species protection, nor does it consider the social and economic implications of critical habitat designation or recovery plan development and implementation; and

"Whereas, the Endangered Species Act has resulted in complete and partial takings of private property and has threatened the rights of Americans to own and control their own property; and

"Whereas, such intrusion by the federal government poses a real and substantial economic and social threat to Texans and all citizens of the United States; and

"Whereas, it is imperative that the Congress of the United States re-open the debate on the Endangered Species Act and apply a more balanced, common sense approach to habitat and species protection that does not jeopardize this nation's economic and social well-being or endanger the constitutional rights of property owners. Now, therefore, be it

"*Resolved*, That the 74th legislature of the State of Texas hereby strongly urge the Congress of the United States to amend the Endangered Species Act to require a stronger role for the states, consideration of private property rights, and consideration of the social and economic consequences in the listing and delisting of species, in the designation of critical habitats, and in the development and implementation of recovery programs for threatened or endangered species; and, be it further

"*Resolved*, That the Texas secretary of state forward official copies of this resolution to the Speaker of the House of Representatives and president of the Senate of the United States Congress and to all members of the Texas delegation to the congress with the request that it be officially entered in the Congressional Record as a memorial to the Congress of the United States of America."

POM–216. A resolution adopted by the Legislature of the State of Rhode Island; to the Committee on Finance.

"SENATE RESOLUTION

"Whereas, the proposed "Personal Responsibility Act" would impose new restrictions on virtually every program funded by federal, state and local governments. Legal immigrants, with only a few exceptions, would become ineligible for the five major federal programs: AFDC, Food Stamps, SSI, Medicaid and Social Services Block Grants; and

"Whereas, additionally, most legal immigrants would be denied all other needs-based benefits via a PRA provision that would impose a "deeming" requirement in all needs based programs other than housing programs. Under deeming, the income of the sponsor is counted as though available to the immigrant, regardless of actual availability to the immigrant, to determine if the immigrant meets the income and resource eligibility criteria of any given program. Deeming also disqualifies the immigrant if the immigrant's sponsor is unavailable or unwilling to cooperate by providing evidence of income and property; and

"Whereas, the deeming provision contains no exceptions for emergency services. Deeming would apply to almost all emergency services such as church meals provided with public funds, battered women's shelters and child protective services to rescue battered children; and

"Whereas, the deeming provision does not contain a time limit. Therefore, a legal immigrant who has lived in the United States and paid taxes for thirty or forty years would be disqualified from benefits solely because he or she is unable to locate their sponsor; and

"Whereas, the deeming provision does not contain an exception for battered spouses. Because women are frequently sponsored by their husbands, the PRA would create a situation where a battered woman would be unable to qualify for basic services to escape family violence because she cannot obtain the cooperation of the very husband she seeks to escape; and

"Whereas, because the deeming requirement applies to all needs-based programs at the state and local levels, any entity receiving government-funded assistance, including churches, schools, English as a Second Language classes, health care clinics, soup kitchens and shelters would be required to check immigrant status and to obtain financial assistance from immigrant sponsors. The time-consuming nature of this process and the difficulty of ascertaining much of the necessary information would create a tremendous administrative burden for these entities, many of which are already operating on a very limited budget; and

"Whereas, Congress recently passed legislation which would prohibit "Unfunded Mandates". One could argue that the Personal Responsibility Act is an unfunded mandate of enormous magnitude. Lawfully admitted immigrants in need of services to improve their futures will not suddenly disappear following enactment of the PRA, and it will fall to the states to pay the social and economic costs of relegating them to a new class of poor and downtrodden: Now, therefore, be it

"*Resolved*, That this Senate of the State of Rhode Island and Providence Plantations hereby respectfully requests that the United States Senate not pass the "Personal Responsibility Act" for the reasons stated previously; and be it further

"*Resolved*, That the Secretary of State be and he hereby is authorized and directed to transmit a duly certified copy of this resolution to the United States Senate."

—

POM-217. A resolution adopted by the City Council of the City of Pinole, California relative to the semi-automatic assault weapons ban; to the Committee on the Judiciary.

POM-218. A resolution adopted by the Senate of the Legislature of the State of Hawaii; to the Committee on Veterans' Affairs.

"SENATE CONCURRENT RESOLUTION

"Whereas, service-connected disability compensation for veterans from World War I, World War II, the Korean War, the Vietnam War, and the Persian Gulf War and any other conflicts, as designated by the President of the United States, is compensation for wounds or injuries, or both, sustained while on active duty; and

"Whereas, social security disability compensation for these same veterans injured while in the service of their country is vital to the health and welfare of disabled veterans and their families; and

"Whereas, the reduction, taxation, or elimination of veterans' disability compensation and social security disability compensation would, in effect, penalize the service-connected disabled, who by the grace of opportunity and the success of unusual determination, have overcome or lessened the economic loss associated with their disabilities; and

"Whereas, any taxation, reduction, or elimination of these benefits will guarantee that disabled veterans and their families can never enjoy the potential to rise above a governmentally-mandated economic status and station in life without being penalized; and

"Whereas, veterans are not responsible for the current federal deficit; and

"Whereas, these disabled veterans, in good faith, have served their country in support of those ideals upon which this country was founded and have answered the call to protect and defend the Constitution of the United States; and

"Whereas, this nation has a solemn contract with her veterans to provide health care and compensation for wounds or injuries sustained; Now, therefore, be it

"*Resolved by the Senate of the Eighteenth Legislature of the State of Hawaii, Regular Session of 1995, the House of Representatives concurring*, That the Legislature urges Congress to support legislation to safeguard veterans' disability compensation and social security disability compensation from elimination, reduction, or taxation; and be it further

"*Resolved* That certified copies of this Concurrent Resolution be transmitted to the President of the United States Senate, the Speaker of the House of the United States House of Representatives, the United States Secretary for Veterans' Affairs, the members of Hawaii's congressional delegation, and the Director of the State Office of Veterans' Services."

—

POM-219. A resolution adopted by the City Commission of the City of Lake Wales, Florida relative to tobacco; to the Committee on Environment and Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted.

By Mr. HELMS, from the Committee on Foreign Relations, without amendment:

S. 908. An original bill to authorize appropriations for the Department of State for fiscal years 1996 through 1999 and to abolish the United States Information Agency, the United States Arms Control and Disarmament Agency, and the Agency for International Development, and for other purposes. (Rept. No. 104-95).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BRYAN (for himself and Mr. REID):

S. 903. A bill to designate the Nellis Federal Hospital in Las Vegas, Nevada, as the "Mike O'Callaghan Military Hospital", and for other purposes; to the Committee on Armed Services.

By Mr. LUGAR:

S. 904. A bill to provide flexibility to States to administer, and control the cost of, the food stamp and child nutrition programs, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. AKAKA:

S. 905. A bill to provide for the management of the airplane over units of the National Park System, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BRADLEY:

S. 906. A bill to amend title 18, United States Code, to add multiple deaths as an aggravating factor in determining whether a sentence of deaths as an aggravating factor in determining whether a sentence of death is to be imposed on a defendant, and for other purposes; to the Committee on the Judiciary.

By Mr. MURKOWSKI (for himself, Mr. LEAHY, Mr. CAMPBELL, Mr. KYL, Mr. BROWN, Mr. GREGG, Mr. CRAIG, and Mr. DOMENICI):

S. 907. A bill to amend the National Forest Ski Area Permit Act of 1986 to clarify the authorities and duties of the Secretary of Agriculture in issuing ski area permits on National Forest System lands and to withdraw lands within ski area permit boundaries from the operation of the mining and mineral leasing laws; to the Committee on Energy and Natural Resources.

By Mr. HELMS:

S. 908. An original bill to authorize appropriations for the Department of State for fiscal years 1996 through 1999 and to abolish the United States Information Agency, the United States Arms Control and Disarmament Agency, and the Agency for International Development, and for other purposes; from the Committee on Foreign Relations; placed on the calendar.

By Mr. LIEBERMAN:

S. 909. A bill to amend part I of title 35, United States Code, to provide for the protection of inventors contracting for invention development services; to the Committee on the Judiciary.

By Mr. CHAFEE (for himself and Mr. BAUCUS):

S. 910. A bill to amend the Internal Revenue Code of 1986 to provide an election to exclude from the gross estate of a decedent the value of certain land subject to a qualified conservation easement, and to make technical changes to alternative valuation rules; to the Committee on Finance.

By Mr. ROBB:

S. 911. A bill to authorize the Secretary to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade of the United States for the vessel *Sea Mistress*; to the Committee on Commerce, Science, and Transportation.

By Mr. KOHL:

S. 912. A bill to amend the Internal Revenue Code of 1986 with respect to the eligibility of veterans for mortgage revenue bond financing, and for other purposes; to the Committee on Finance.

By Mr. HATCH (for himself, Mr. INOUYE, Mr. MCCAIN, and Mr. BENNETT):

S. 913. A bill to amend section 17 of the Act of August 27, 1954 (25 U.S.C. 677p), relating to the distribution and taxation of assets and earnings, to clarify that distributions of rents and royalties derived from assets held in continued trust by the Government, and paid to the mixed-blood members of the Ute Indian tribe, their Ute Indian heirs, or Ute Indian legatees, are not subject to Federal or State taxation at the time of distribution, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DOLE (for himself, Mr. DASCHLE, Mr. HELMS, Mr. WARNER, Mr. COVERDELL, Mr. THURMOND, Mr. MCCAIN, Mr. PRESSLER, Mr. ROBB, Mr. PELL, Mr. GRAHAM, Mrs. MURRAY, Mr. KEMPTHORNE, Mr. LEVIN, Mr. BRYAN, Mr. REID, Mr. KENNEDY, Mr. BRADLEY, Mr. COHEN, Mrs. KASSEBAUM, Mr. FORD, Mr. BINGAMAN, Mrs. BOXER, Mr. BUMPERS, Mrs. FEINSTEIN, Mr. GLENN, Mr. HARKIN, Mr. JOHNSTON, Mr. KOHL, Mr. LIEBERMAN, Mr. ROCKEFELLER, Mr. SARBANES, Mr. GRAMS, Mr. MURKOWSKI, and Mr. NICKLES):

S. Res. 132. A resolution commending Captain O'Grady and U.S. and NATO Forces; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BRYAN (for himself and Mr. REID):

S. 903. A bill to designate the Nellis Federal Hospital in Las Vegas, NV, as the "Mike O'Callaghan Military Hospital," and for other purposes; to the Committee on Armed Services.

THE MIKE O'CALLAGHAN MILITARY HOSPITAL DESIGNATION ACT OF 1995

Mr. BRYAN. Mr. President, it is my privilege today to introduce legislation to designate the Nellis Federal Hospital in Las Vegas, NV, as the "Mike O'Callaghan Military Hospital."

The Nellis Federal Hospital is a newly constructed joint venture hospital facility in Las Vegas, NV. The facility is operated jointly by the U.S. Department of Defense through the Nellis Air Force Base, and the U.S. Department of Veterans Affairs through the Las Vegas Veterans Affairs Outpatient Clinic.

This medical facility is the culmination of years of cooperative efforts between the Departments of Defense and Veterans Affairs to address the health care needs of both active duty military at Nellis Air Force Base and their families, and the rapidly increasing southern Nevada veterans population.

The Federal hospital, formally dedicated on July 8, 1994, was opened to patients on August 1, 1994. It was my pleasure to attend the July dedication of this remarkable joint facility. For Nellis Air Force Base, the Federal hospital provides base personnel access to a new medical facility to provide quality health care. For southern Nevada veterans, the Federal hospital represents their first permanent veterans inpatient hospital in the Las Vegas area. For many of these veterans, hospital care can now be provided in State, rather than in a different State hundreds of miles away from home.

This hospital will serve many Nevadans—those who, while serving at the Nellis Air Force Base, call Nevada their home temporarily, and those who, as retired veterans, call Nevada their home permanently.

It is, therefore, only appropriate to name this vital health care facility after a man who has served his country militarily with honor in three branches of the armed services; the Air Force, the Army, and the Marine Corps. A man who, as disabled veteran, is reminded every day of the sacrifice of that service. A man who has spent his entire career working tirelessly to make life a little bit better for all Nevadans

It is, therefore, truly a privilege for me to introduce this legislation today to name the Federal hospital for Mike O'Callaghan.

Mike O'Callaghan and I both have had the honor of serving the people of Nevada as their Governor. In fact, Governor O'Callaghan is one of only five two-term Governors in Nevada's history.

As Nevada's Governor, Mike O'Callaghan was a hands on worker. The lights in the Governor's office were always the first ones on, and the ones out when he was the occupant. He was always the man in charge, and he always got the job done for Nevadans.

Governor O'Callaghan is also a most compassionate, caring and sensitive human being, both in his instincts and in his actions. While Governor, he always worked for the underdog. For people who could not speak for themselves, Governor O'Callaghan was their voice. He made sure they were heard.

One of the highlights of his terms as Governor was passage of Nevada's fair housing law to ensure all Nevadans equal access to a home of their own. He understood how very important it is for people to have a place of their own to call home wherever they choose to live.

Governor O'Callaghan's military career began early. At 16 years of age, he enlisted in the U.S. Marine Corps to serve during the period ending in World War II.

During the Korean conflict, he served with both the Air Force and the Army. While in Korea, he was wounded in combat, forcing amputation of his left leg. His unflinching courage was recognized through the awarding of the Silver Star, the Bronze Star with Valor Device, and the Purple Heart.

Following his Army service in Korea, Governor O'Callaghan spent the next years as a teacher and journalist. He earned a master's degree at the University of Idaho. He then taught economics, government, and history in Henderson, NV, for several years. One of his students, my colleague, Senator HARRY REID, took those classes to heart.

In 1963, Governor O'Callaghan began his public service career when he became the first director of Nevada's Health and Welfare Department. He also served almost 2 years as a project manager for the Job Corps Conservation Centers.

His professional career continued in 1969 when Governor O'Callaghan founded a research-planning firm in Carson City, NV. He then started his political career entering the race for Nevada's Governor as a Democrat in 1970. He was reelected in 1974, winning by an overwhelming majority. He was also honored that year by Time Magazine as one of the Nation's top 200 promising young Americans. Instead of running for a third gubernatorial term, he retired from elected office in 1978.

Today, Governor O'Callaghan is currently the chairman and executive editor of the Las Vegas Sun. He continues to write provocative editorials on Nevada and national political issues, continuing always to speak for those without a voice.

He is also publisher of the Henderson Home News and the Boulder City News. He travels every year to Israel, where as a private citizen, he gives his time to help work on military tank maintenance.

His interest in the concerns of those currently serving in the military and in those who have already served their country has not waned. In recognition of that continued commitment, former Governor O'Callaghan was presented the Air Force Exceptional Service Award in 1982.

We in Nevada are proud to have the Nellis Federal Hospital in Las Vegas. To name the hospital after Mike O'Callaghan would commemorate not only his valuable personal contributions to Nevada, but would honor all those who answer the call of duty to their country.

By Mr. LUGAR:

S. 904. A bill to provide flexibility to States to administer and control the cost of the food stamp and child nutrition programs, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

THE NUTRITION ASSISTANCE REFORM ACT OF 1995

• Mr. LUGAR. Mr. President, most Americans now recognize the need to reform our welfare system. U.S. welfare policy has encouraged dependency, has failed to encourage work effort, and has contributed to runaway entitlement spending.

These failures do not mean that we have been wrong to assist needy Americans. A just society makes provision for its less fortunate members.

But what is the best way to do that? What policies offer the best prospect of helping the needy to become independent? What are the unintended consequences of the modern welfare state? What is the cost of the culture of dependency?

These are questions with which we must grapple. Most accounts of the welfare reform debate focus solely on the prospect that someone's benefits will be reduced.

That is the wrong question. The right question is: What will happen if we refuse to reform welfare because we are afraid of the political consequences? How many more generations of dependency will we foster? How many people will fail to break out of the welfare trap who otherwise might have gotten jobs, or started businesses, or sent children to college?

Is compassion always and everywhere defined by spending more money?

Our society's compassion must now be reflected in tough choices, not blank checks. It is easy to write repetitive stories about cuts in benefits. More understanding is required to note the effect of changing incentives, encouraging work effort, and insisting on independence.

I chair the Committee on Agriculture, Nutrition, and Forestry, which has jurisdiction over the Food Stamp program and child nutrition spending. We are not the primary committee of jurisdiction on welfare matters, but the programs we oversee are a vital part of the Nation's social safety net.

Today, I am introducing legislation that represents my best effort at a consensus bill that reflects the range of views on our committees. That range is a broad one, comprising Senators who favor block grants and those who do not. Some committee members on both sides of the aisle and prepared for sharp reductions in nutrition spending, while other are not.

I was prepared to act boldly. I agreed with many of our Nation's Governors that the States deserve the change to try new approaches to delivering nutrition assistance.

The legislation I introduce today will not convert the Food Stamp Program to block grants. I made this decision consciously because I believe committee consensus is preferable to contention if the latter would divert us from the real issues.

Welfare reform should not, at the end of the day, be measured by whether or not it converts all programs to block grants. Block grants are a means, not an end.

Instead, I ask my colleagues to measure welfare reform proposals by these tests: Do they give States more freedom to try new approaches? Do they encourage work and responsibility? And do they reduce the runaway expenditure of taxpayer funds?

I hope Senators will agree that the bill I introduce today does all these things. First, it gives the States wider latitude to reform the Food Stamp Program. The bill allows States to try a variety of approaches to delivering benefits, structuring incentives and encouraging independence. Many current Federal requirements are ended, and States are granted more authority to modify the program in light of their unique circumstances. Under this bill, States could restrict eligibility for benefits, create work supplementation initiatives where food stamp benefits would be used to leverage job incentives, and undertake other reforms.

Second, the bill promotes work and responsibility. The bill will enforce strict work requirements, allow States to crack down on food stamp recipients who fail to pay child support or cooperate with the child support enforcement system, and put real sanctions on recipients who violate work requirements or voluntarily quit a job.

Finally, this legislation will reduce Federal spending. It is designed to achieve approximately the level of savings in the budget resolution approved by the Senate. This legislation will pay food stamp benefits based on 100 percent of the low-cost thrifty food plan, instead of the present 103 percent. It will also modify income deductions and asset tests used in calculating eligibility and benefit levels. The bill achieves savings in other nutrition programs while retaining the Federal responsibility for these programs. For example, the legislation will reduce subsidies for meals served in day care homes in upper- and middle-income areas.

Mr. President, a just nation does not cast its poor out on the street. But neither does it absolve them of personal responsibility. As we reform welfare programs, we must count the cost to both society and welfare recipients of retaining the old, failed system. That cost is too high. Instead, we must try new approaches and provide new incentives. Some may fail. But the greater failure of the old order is manifest.

We owe it to every American to try new approaches and question old ways. We must enter the new century as a nation whose watchword is independence, not dependency.

Mr. President, I ask unanimous consent that the test of the bill I introduce, along with a summary of its provisions, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 904

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Nutrition Assistance Reform Act of 1995".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—FOOD STAMP PROGRAM

Sec. 101. Certification period.
Sec. 102. Treatment of minors.
Sec. 103. Optional additional criteria for separate household determinations.
Sec. 104. Adjustment of thrifty food plan.
Sec. 105. Definition of homeless individual.
Sec. 106. Earnings of students.
Sec. 107. Energy assistance.
Sec. 108. Deductions from income.
Sec. 109. Amount of vehicle asset limitation.
Sec. 110. Benefits for aliens.
Sec. 111. Disqualification.
Sec. 112. Caretaker exemption.
Sec. 113. Employment and training.
Sec. 114. Comparable treatment for disqualification.
Sec. 115. Cooperation with child support agencies.
Sec. 116. Disqualification for child support arrears.
Sec. 117. Permanent disqualification for participating in 2 or more States.
Sec. 118. Work requirement.
Sec. 119. Electronic benefit transfers.
Sec. 120. Minimum benefit.
Sec. 121. Benefits on recertification.
Sec. 122. Optional combined allotment for expedited households.
Sec. 123. Failure to comply with other welfare and public assistance programs.
Sec. 124. Allotments for households residing in institutions.
Sec. 125. Operation of food stamp offices.
Sec. 126. State employee and training standards.
Sec. 127. Expedited coupon service.
Sec. 128. Fair hearings.
Sec. 129. Income and eligibility verification system.
Sec. 130. Collection of overissuances.
Sec. 131. Termination of Federal match for optional information activities.
Sec. 132. Standards for administration.
Sec. 133. Work supplementation or support program.
Sec. 134. Waiver authority.
Sec. 135. Authorization of pilot projects.
Sec. 136. Response to waivers.
Sec. 137. Private sector employment initiatives.
Sec. 138. Reauthorization of appropriations.
Sec. 139. Reauthorization of Puerto Rico block grant.
Sec. 140. Simplified food stamp program.
Sec. 141. Effective date.

TITLE II—CHILD NUTRITION PROGRAMS

Subtitle A—Reimbursement Rates

Sec. 201. Termination of additional payment for lunches served in high free and reduced price participation schools.
Sec. 202. Value of food assistance.
Sec. 203. Lunches, breakfasts, and supplements.
Sec. 204. Summer food service program for children.
Sec. 205. Special milk program.
Sec. 206. Free and reduced price breakfasts.
Sec. 207. Conforming reimbursement for paid breakfasts and lunches.

Subtitle B—Grant Programs

Sec. 211. School breakfast startup grants.
Sec. 212. Nutrition education and training programs.
Sec. 213. Effective date.

Subtitle C—Other Amendments

Sec. 221. Free and reduced price policy statement.
Sec. 222. Summer food service program for children.
Sec. 223. Child and adult care food program.
Sec. 224. Reducing required reports to State agencies and schools.

TITLE III—REAUTHORIZATION

Sec. 301. Commodity distribution program; commodity supplemental food programs.
Sec. 302. Emergency food assistance program.
Sec. 303. Soup kitchens program.
Sec. 304. National commodity processing.

TITLE I—FOOD STAMP PROGRAM

SEC. 101. CERTIFICATION PERIOD.

Section 3(c) of the Food Stamp Act of 1977 (7 U.S.C. 2012(c)) is amended by striking "Except as provided" and all that follows and inserting the following: "The certification period shall not exceed 12 months, except that the certification period may be up to 24 months if all adult household members are elderly, disabled, or primarily self-employed. A State agency shall have at least 1 personal contact with each certified household every 12 months.".

SEC. 102. TREATMENT OF MINORS.

The second sentence of section 3(i) of the Food Stamp Act of 1977 (7 U.S.C. 2012(i)) is amended by striking "(who are not themselves parents living with their children or married and living with their spouses)".

SEC. 103. OPTIONAL ADDITIONAL CRITERIA FOR SEPARATE HOUSEHOLD DETERMINATIONS.

(a) IN GENERAL.—Section 3(i) of the Food Stamp Act of 1977 (7 U.S.C. 2012(i)) is amended by inserting after the second sentence the following: "Notwithstanding the preceding sentences, a State may establish criteria that prescribe when individuals who live together, and who would be allowed to participate as separate households under the preceding sentences, shall be considered a single household, without regard to the purchase of food and the preparation of meals.".

(b) CONFORMING AMENDMENT.—The second sentence of section 5(a) of the Act (7 U.S.C. 2014(a)) is amended by striking "the third sentence of section 3(i)" and inserting "the fourth sentence of section 3(i)".

SEC. 104. ADJUSTMENT OF THRIFTY FOOD PLAN.

The second sentence of section 3(o) of the Food Stamp Act of 1977 (7 U.S.C. 2012(o)) is amended—

(1) by striking "shall (1) make" and inserting the following: "shall—

"(1) make";

(2) by striking "scale, (2) make" and inserting "scale;

"(2) make";

(3) by striking "Alaska, (3) make" and inserting the following: "Alaska;

"(3) make"; and

(4) by striking "Columbia, (4) through" and all that follows through the end of the subsection and inserting the following: "Columbia; and

"(4) on October 1, 1995, and each October 1 thereafter, adjust the cost of the diet to reflect the cost of the diet, in the preceding June, and round the result to the nearest lower dollar increment for each household size, except that on October 1, 1995, the Secretary may not reduce the cost of the diet in effect on September 30, 1995.".

SEC. 105. DEFINITION OF HOMELESS INDIVIDUAL.

Section 3(s)(2)(C) of the Food Stamp Act of 1977 (7 U.S.C. 2012(s)(2)(C)) is amended by inserting "for not more than 90 days" after "temporary accommodation".

SEC. 106. EARNINGS OF STUDENTS.

Section 5(d)(7) of the Food Stamp Act of 1977 (7 U.S.C. 2014(d)(7)) is amended by striking "21" and inserting "19".

SEC. 107. ENERGY ASSISTANCE.

(a) IN GENERAL.—Section 5(d) of the Food Stamp Act of 1977 (7 U.S.C. 2014(d)) is amended—

(1) by striking paragraph (11); and

(2) by redesignating paragraphs (12) through (16) as paragraphs (11) through (15), respectively.

(b) CONFORMING AMENDMENTS.—

(1) Section 5 of the Act (7 U.S.C. 2014) is amended—

(A) in subsection (k)(1)(A), by striking "plan for aid to families with dependent children approved" and inserting "program funded"; and

(B) in subsection (m), by striking "(d)(13)" and inserting "(d)(12)".

(2) Section 2605(f) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8624(f)) is amended—

(A) by striking "(f)(1) Notwithstanding" and inserting "(f) Notwithstanding";

(B) in paragraph (1), by striking "food stamps,"; and

(C) by striking paragraph (2).

SEC. 108. DEDUCTIONS FROM INCOME.

(a) IN GENERAL.—Section 5 of the Food Stamp Act of 1977 (7 U.S.C. 2014) is amended by striking subsection (e) and inserting the following:

"(e) DEDUCTIONS FROM INCOME.—

"(1) STANDARD DEDUCTION.—

"(A) IN GENERAL.—The Secretary shall allow a standard deduction for each household in the 48 contiguous States and the District of Columbia, Alaska, Hawaii, Guam, and the Virgin Islands of the United States of—

"(i) for fiscal year 1995, $134, $229, $189, $269, and $118, respectively;

"(ii) for fiscal year 1996, $132, $225, $186, $265, and $116, respectively;

"(iii) for fiscal year 1997, $130, $222, $183, $261, and $114, respectively;

"(iv) for fiscal year 1998, $128, $218, $180, $257, and $112, respectively;

"(v) for fiscal year 1999, $126, $215, $177, $252, and $111, respectively; and

"(vi) for fiscal year 2000, $124, $211, $174, $248, and $109, respectively.

"(B) ADJUSTMENT FOR INFLATION.—On October 1, 2000, and each October 1 thereafter, the Secretary shall adjust the standard deduction to the nearest lower dollar increment to reflect changes in the Consumer Price Index for all urban consumers published by the Bureau of Labor Statistics, for items other than food, for the 12-month period ending the preceding June 30.

"(2) EARNED INCOME DEDUCTION.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), a household with earned income shall be allowed a deduction of 20 percent of all earned income (other than income excluded by subsection (d)), to compensate for taxes, other mandatory deductions from salary, and work expenses.

"(B) EXCEPTION.—The deduction described in subparagraph (A) shall not be allowed with respect to determining an overissuance due to the failure of a household to report earned income in a timely manner.

"(3) DEPENDENT CARE DEDUCTION.—

"(A) IN GENERAL.—A household shall be entitled, with respect to expenses (other than excluded expenses described in subparagraph (B)) for dependent care, to a dependent care deduction, the maximum allowable level of which shall be $200 per month for each dependent child under 2 years of age and $175 per month for each other dependent, for the actual cost of payments necessary for the care of a dependent if the care enables a household member to accept or continue employment, or training or education that is preparatory for employment.

"(B) EXCLUDED EXPENSES.—The excluded expenses referred to in subparagraph (A) are—

"(i) expenses paid on behalf of the household by a third party;

"(ii) amounts made available and excluded for the expenses referred to in subparagraph (A) under subsection (d)(3); and

"(iii) expenses that are paid under section 6(d)(4).

"(4) DEDUCTION FOR CHILD SUPPORT PAYMENTS.—

"(A) IN GENERAL.—A household shall be entitled to a deduction for child support payments made by a household member to or for an individual who is not a member of the household if the household member is legally obligated to make the payments.

"(B) METHODS FOR DETERMINING AMOUNT.—The Secretary may prescribe by regulation the methods, including calculation on a retrospective basis, that a State agency shall use to determine the amount of the deduction for child support payments.

"(5) HOMELESS SHELTER DEDUCTION.—A State agency may develop a standard homeless shelter deduction, which shall not exceed $139 per month, for such expenses as may reasonably be expected to be incurred by households in which all members are homeless individuals but are not receiving free shelter throughout the month. A State agency that develops the deduction may use the deduction in determining eligibility and allotments for the households, except that the State agency may prohibit the use of the deduction for households with extremely low shelter costs.

"(6) EXCESS MEDICAL EXPENSE DEDUCTION.—

"(A) IN GENERAL.—A household containing an elderly or disabled member shall be entitled, with respect to expenses other than expenses paid on behalf of the household by a third party, to an excess medical expense deduction for the portion of the actual costs of allowable medical expenses, incurred by the elderly or disabled member, exclusive of special diets, that exceeds $35 per month.

"(B) METHOD OF CLAIMING DEDUCTION.—

"(i) IN GENERAL.—A State agency shall offer an eligible household under subparagraph (A) a method of claiming a deduction for recurring medical expenses that are initially verified under the excess medical expense deduction in lieu of submitting information or verification on actual expenses on a monthly basis.

"(ii) METHOD.—The method described in clause (i) shall—

"(I) be designed to minimize the burden for the eligible elderly or disabled household member choosing to deduct the recurrent medical expenses of the member pursuant to the method;

"(II) rely on reasonable estimates of the expected medical expenses of the member for the certification period (including changes that can be reasonably anticipated based on available information about the medical condition of the member, public or private medical insurance coverage, and the current verified medical expenses incurred by the member); and

"(III) not require further reporting or verification of a change in medical expenses if such a change has been anticipated for the certification period.

"(7) EXCESS SHELTER EXPENSE DEDUCTION.—

"(A) IN GENERAL.—A household shall be entitled, with respect to expenses other than expenses paid on behalf of the household by a third party, to an excess shelter expense deduction to the extent that the monthly amount expended by a household for shelter exceeds an amount equal to 50 percent of monthly household income after all other applicable deductions have been allowed.

"(B) MAXIMUM AMOUNT OF DEDUCTION.—

"(i) PRIOR TO SEPTEMBER 30, 1995.—In the case of a household that does not contain an elderly or disabled individual, during the 15-month period ending September 30, 1995, the excess shelter expense deduction shall not exceed—

"(I) in the 48 contiguous States and the District of Columbia, $231 per month; and

"(II) in Alaska, Hawaii, Guam, and the Virgin Islands of the United States, $402, $330, $280, and $171 per month, respectively.

"(ii) AFTER SEPTEMBER 30, 1995.—In the case of a household that does not contain an elderly or disabled individual, during the 15-month period ending December 31, 1996, the excess shelter expense deduction shall not exceed—

"(I) in the 48 contiguous States and the District of Columbia, $247 per month; and

"(II) in Alaska, Hawaii, Guam, and the Virgin Islands of the United States, $429, $353, $300, and $182 per month, respectively.

"(C) STANDARD UTILITY ALLOWANCE.—

"(i) IN GENERAL.—In computing the excess shelter expense deduction, a State agency may use a standard utility allowance in accordance with regulations promulgated by the Secretary, except that a State agency may use an allowance that does not fluctuate within a year to reflect seasonal variations.

"(ii) RESTRICTIONS ON HEATING AND COOLING EXPENSES.—An allowance for a heating or cooling expense may not be used in the case of a household that—

"(I) does not incur a heating or cooling expense, as the case may be;

"(II) does incur a heating or cooling expense but is located in a public housing unit that has central utility meters and charges households, with regard to the expense, only for excess utility costs; or

"(III) shares the expense with, and lives with, another individual not participating in the food stamp program, another household participating in the food stamp program, or both, unless the allowance is prorated between the household and the other individual, household, or both.

"(iii) MANDATORY ALLOWANCE.—

"(I) IN GENERAL.—A State agency may make the use of a standard utility allowance mandatory for all households with qualifying utility costs if—

"(aa) the State agency has developed 1 or more standards that include the cost of heating and cooling and 1 or more standards that do not include the cost of heating and cooling; and

"(bb) the Secretary finds that the standards will not result in an increased cost to the Secretary.

"(II) HOUSEHOLD ELECTION.—A State agency that has not made the use of a standard utility allowance mandatory under subclause (I) shall allow a household to switch, at the end of a certification period, between the standard utility allowance and a deduction based on the actual utility costs of the household.

"(iv) AVAILABILITY OF ALLOWANCE TO RECIPIENTS OF ENERGY ASSISTANCE.—

"(I) IN GENERAL.—Subject to subclause (II), if a State agency elects to use a standard utility allowance that reflects heating or cooling costs, the standard utility allowance shall be made available to households receiving a payment, or on behalf of which a payment is made, under the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.) or other similar energy assistance program, if the household still incurs out-of-pocket heating or cooling expenses in excess of any assistance paid on behalf of the household to an energy provider.

"(II) SEPARATE ALLOWANCE.—A State agency may use a separate standard utility allowance for households on behalf of which a payment described in subclause (I) is made, but may not be required to do so.

"(III) STATES NOT ELECTING TO USE SEPARATE ALLOWANCE.—A State agency that does not elect to use a separate allowance but makes a single standard utility allowance available to households incurring heating or cooling expenses (other than a household described in subclause (I) or (II) of subparagraph (C)(ii)) may not be required to reduce the allowance due to the provision (directly or indirectly) of assistance under the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.).

"(IV) PRORATION OF ASSISTANCE.—For the purpose of the food stamp program, assistance provided under the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.) shall be considered to be prorated over the entire heating or cooling season for which the assistance was provided.".

(b) CONFORMING AMENDMENT.—Section 11(e)(3) of the Act (7 U.S.C. 2020(e)(3)) is amended by striking "Under rules prescribed" and all that follows through "verifies higher expenses".

SEC. 109. AMOUNT OF VEHICLE ASSET LIMITATION.

The first sentence of section 5(g)(2) of the Food Stamp Act of 1977 (7 U.S.C. 2014(g)(2)) is amended by striking "through September 30, 1995" and all that follows through "such date and on" and inserting "and shall be adjusted on October 1, 1996, and".

SEC. 110. BENEFITS FOR ALIENS.

Section 5(i) of the Food Stamp Act of 1977 (7 U.S.C. 2014(i)) is amended—

(1) in the first sentence of paragraph (1)—

(A) by inserting "or who executed such an affidavit or similar agreement to enable the individual to lawfully remain in the United States," after "respect to such individual,"; and

(B) by striking "for a period" and all that follows through the period at the end and inserting "until the end of the period ending on the later of the date agreed to in the affidavit or agreement or the date that is 5 years after the date on which the individual was first lawfully admitted into the United States following the execution of the affidavit or agreement."; and

(2) in paragraph (2)—

(A) in subparagraph (C)(i), by striking "of three years after entry into the United States" and inserting "determined under paragraph (1)"; and

(B) in subparagraph (D), by striking "of three years after such alien's entry into the United States" and inserting "determined under paragraph (1)".

SEC. 111. DISQUALIFICATION.

(a) IN GENERAL.—Section 6(d) of the Food Stamp Act of 1977 (7 U.S.C. 2015(d)) is amended by striking "(d)(1) Unless otherwise exempted by the provisions" and all that follows through the end of paragraph (1) and inserting the following:

"(d) CONDITIONS OF PARTICIPATION.—

"(1) WORK REQUIREMENTS.—

"(A) IN GENERAL.—No physically and mentally fit individual over the age of 15 and under the age of 60 shall be eligible to participate in the food stamp program if the individual—

"(i) refuses, at the time of application and every 12 months thereafter, to register for employment in a manner prescribed by the Secretary;

"(ii) refuses without good cause to participate in an employment and training program under paragraph (4), to the extent required by the State agency;

"(iii) refuses without good cause to accept an offer of employment, at a site or plant not subject to a strike or lockout at the time of the refusal, at a wage not less than the higher of—

"(I) the applicable Federal or State minimum wage; or

"(II) 80 percent of the wage that would have governed had the minimum hourly rate under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) been applicable to the offer of employment;

"(iv) refuses without good cause to provide a State agency with sufficient information to allow the State agency to determine the employment status or the job availability of the individual;

"(v) voluntarily and without good cause—

"(I) quits a job; or

"(II) reduces work effort and, after the reduction, the individual is working less than 30 hours per week; or

"(vi) fails to comply with section 20.

"(B) HOUSEHOLD INELIGIBILITY.—If an individual who is the head of a household becomes ineligible to participate in the food stamp program under subparagraph (A), the household shall, at the option of the State agency, become ineligible to participate in the food stamp program for a period, determined by the State agency, that does not exceed the lesser of—

"(i) the duration of the ineligibility of the individual determined under subparagraph (C); or

"(ii) 180 days.

"(C) DURATION OF INELIGIBILITY.—

"(i) FIRST VIOLATION.—The first time that an individual becomes ineligible to participate in the food stamp program under subparagraph (A), the individual shall remain ineligible until the later of—

"(I) the date the individual becomes eligible under subparagraph (A);

"(II) the date that is 1 month after the date the individual became ineligible; or

"(III) a date determined by the State agency that is not later than 3 months after the date the individual became ineligible.

"(ii) SECOND VIOLATION.—The second time that an individual becomes ineligible to participate in the food stamp program under subparagraph (A), the individual shall remain ineligible until the later of—

"(I) the date the individual becomes eligible under subparagraph (A);

"(II) the date that is 3 months after the date the individual became ineligible; or

"(III) a date determined by the State agency that is not later than 6 months after the date the individual became ineligible.

"(iii) THIRD OR SUBSEQUENT VIOLATION.—The third or subsequent time that an individual becomes ineligible to participate in the food stamp program under subparagraph (A), the individual shall remain ineligible until the later of—

"(I) the date the individual becomes eligible under subparagraph (A);

"(II) the date that is 6 months after the date the individual became ineligible;

"(III) a date determined by the State agency; or

"(IV) at the option of the State agency, permanently.

"(D) ADMINISTRATION.—

"(i) GOOD CAUSE.—

"(I) STANDARD.—The Secretary shall determine the meaning of good cause for the purpose of this paragraph.

"(II) PROCEDURE.—A State agency shall determine the procedure for determining whether an individual acted with good cause for the purpose of this paragraph.

"(III) ADEQUATE CHILD CARE.—In this paragraph, the term 'good cause' includes the lack of adequate child care for a dependent child under the age of 12.

"(ii) VOLUNTARY QUIT.—

"(I) STANDARD.—The Secretary shall determine the meaning of voluntarily quitting for the purpose of this paragraph.

"(II) PROCEDURE.—The Secretary shall determine the procedure for determining whether an individual voluntarily quit for the purpose of this paragraph.

"(iii) DETERMINATION BY STATE AGENCY.—Subject to clauses (i) and (ii), a State agency shall determine—

"(I) the meaning of any term in subparagraph (A);

"(II) the procedures for determining whether an individual is in compliance with a requirement under subparagraph (A); and

"(III) whether an individual is in compliance with a requirement under subparagraph (A).

"(iv) STRIKE AGAINST THE GOVERNMENT.—For the purpose of subparagraph (A)(v), an employee of the Federal Government, a State, or a political subdivision of a State, who is dismissed for participating in a strike against the Federal Government, the State, or the political subdivision of the State shall be considered to have voluntarily quit without good cause.

"(v) SELECTING A HEAD OF HOUSEHOLD.—

"(I) IN GENERAL.—For the purpose of this paragraph, the State agency shall allow the household to select any adult parent of a child in the household as the head of the household if all adult household members making application under the food stamp program agree to the selection.

"(II) TIME FOR MAKING DESIGNATION.—A household may designate the head of the household under subclause (I) each time the household is certified for participation in the food stamp program, but may not change the designation during a certification period unless there is a change in the composition of the household.

"(vi) CHANGE IN HEAD OF HOUSEHOLD.—If the head of a household leaves the household during a period in which the household is ineligible to participate in the food stamp program under subparagraph (B)—

"(I) the household shall, if otherwise eligible, become eligible to participate in the food stamp program; and

"(II) if the head of the household becomes the head of another household, the household that becomes headed by the individual shall become ineligible to participate in the food stamp program for the remaining period of ineligibility.".

(b) CONFORMING AMENDMENT.—

(1) The second sentence of section 17(b)(2) of the Act (7 U.S.C. 2026(b)(2)) is amended by striking "6(d)(1)(i)" and inserting "6(d)(1)(A)(i)".

(2) Section 20 of the Act (7 U.S.C. 2029) is amended by striking subsection (f) and inserting the following:

"(f) DISQUALIFICATION.—An individual or a household may become ineligible under section 6(d)(1) to participate in the food stamp program for failing to comply with this section.".

SEC. 112. CARETAKER EXEMPTION.

Section 6(d)(2) of the Food Stamp Act of 1977 (7 U.S.C. 2015(d)(2)) is amended by striking subparagraph (B) and inserting the following: "(B) a parent or other member of a household with responsibility for the care of (i) a dependent child under the age of 6 or any lower age designated by the State agency that is not under the age of 1, or (ii) an incapacitated person;".

SEC. 113. EMPLOYMENT AND TRAINING.

(a) IN GENERAL.—Section 6(d)(4) of the Food Stamp Act of 1977 (7 U.S.C. 2015(d)(4)) is amended—

(1) in subparagraph (A)—

(A) by striking "Not later than April 1, 1987, each" and inserting "Each";

(B) by striking "and approved by the Secretary"; and

(C) by striking "program in gaining skills, training, or experience" and inserting "program, but not a State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), in gaining skills, training, work, or experience";

(2) in subparagraph (B)—

(A) in the matter preceding clause (i)—

(i) by inserting "with terms and conditions set by a State agency" after "means a program"; and

(ii) by striking the colon at the end and inserting the following: ", except that the State agency shall retain the option to apply employment requirements prescribed under this subparagraph to a program applicant at the time of application:";

(B) in clause (i), by striking "with terms and conditions" and all that follows through "time of application";

(C) in clause (iv)—

(i) by striking subclauses (I) and (II); and

(ii) by redesignating subclauses (III) and (IV) as subclauses (I) and (II), respectively; and

(D) in clause (vii), by striking "As approved" and all that follows through "other employment" and inserting "Other employment";

(3) in subparagraph (D)—

(A) in clause (i), by striking "to which the application" and all that follows through "30 days or less";

(B) in clause (ii), by striking "but with respect" and all that follows through "child care"; and

(C) in clause (iii), by striking ", on the basis of" and all that follows through "clause (ii)" and inserting "the exemption continues to be valid";

(4) in subparagraph (E), by striking the third sentence;

(5) in subparagraph (G)—

(A) by striking "(G)(i) The State" and inserting "(G) The State"; and

(B) by striking clause (ii);

(6) in subparagraph (H), by striking "(H)(i) The Secretary" and all that follows through "(ii) Federal funds" and inserting "(H) Federal funds";

(7) in subparagraph (I)(i)—

(A) in the matter preceding subclause (I), by inserting "not" after "paragraph,"; and

(B) in subclause (II), by striking ", or was in operation," and all that follows through "Social Security Act" and inserting the following: "), except that no such payment or reimbursement shall exceed the applicable local market rate";

(8)(A) by striking subparagraphs (K) and (L); and

(B) by redesignating subparagraphs (M) and (N) as subparagraphs (K) and (L), respectively; and

(9) in subparagraph (K) (as redesignated by paragraph (8)(B))—

(A) by striking "(K)(i) The Secretary" and inserting "(K) The Secretary"; and

(B) by striking clause (ii).

(b) FUNDING.—Section 16(h) of the Act (7 U.S.C. 2025(h)) is amended by striking "(h)(1)(A) The Secretary" and all that follows through the end of paragraph (1) and inserting the following:

"(h) FUNDING OF EMPLOYMENT AND TRAINING PROGRAMS.—

"(1) IN GENERAL.—

"(A) AMOUNTS.—To carry out employment and training programs, the Secretary shall reserve for allocation to State agencies from funds made available for each fiscal year under section 18(a)(1) the amount of—

"(i) for fiscal year 1996, $77,000,000;

"(ii) for fiscal year 1997, $80,000,000;

"(iii) for fiscal year 1998, $83,000,000;

"(iv) for fiscal year 1999, $86,000,000; and

"(v) for fiscal year 2000, $89,000,000.

"(B) ALLOCATION.—The Secretary shall allocate the amounts reserved under subparagraph (A) among the State agencies using a reasonable formula (as determined by the Secretary) that gives consideration to the population in each State affected by section 6(n).

"(C) REALLOCATION.—

"(i) NOTIFICATION.—A State agency shall promptly notify the Secretary if the State agency determines that the State agency will not expend all of the funds allocated to the State agency under subparagraph (B).

"(ii) REALLOCATION.—On notification under clause (i), the Secretary shall reallocate the funds that the State agency will not expend as the Secretary considers appropriate and equitable.

"(D) MINIMUM ALLOCATION.—Notwithstanding subparagraphs (A) through (C), the Secretary shall ensure that each State agency operating an employment and training program shall receive not less than $50,000 in each fiscal year.".

(c) REPORTS.—Section 16(h) of the Act (7 U.S.C. 2025(h)) is amended—

(1) in paragraph (5)—

(A) by striking "(5)(A) The Secretary" and inserting "(5) The Secretary"; and

(B) by striking subparagraph (B); and

(2) by striking paragraph (6).

SEC. 114. COMPARABLE TREATMENT FOR DISQUALIFICATION.

(a) IN GENERAL.—Section 6 of the Food Stamp Act of 1977 (7 U.S.C. 2015) is amended by adding at the end the following:

"(i) COMPARABLE TREATMENT FOR DISQUALIFICATION.—

"(1) IN GENERAL.—If a disqualification is imposed on a member of a household for failure of that member to perform an action required under a Federal, State, or local law relating to welfare or a public assistance program, the State agency may impose the same disqualification on the member of the household under the food stamp program.

"(2) APPLICATION AFTER DISQUALIFICATION PERIOD.—A member of a household disqualified under paragraph (1) may, after the disqualification period has expired, apply for benefits under this Act and shall be treated as a new applicant.".

(b) STATE PLAN PROVISIONS.—Section 11(e) of the Act (7 U.S.C. 2020(e)) is amended—

(1) in paragraph (24), by striking "and" at the end;

(2) in paragraph (25), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(26) the guidelines the State agency uses in carrying out section 6(i).".

(c) CONFORMING AMENDMENT.—Section 6(d)(2)(A) of the Act (7 U.S.C. 2015(d)(2)(A)) is amended by striking "that is comparable to a requirement of paragraph (1)".

SEC. 115. COOPERATION WITH CHILD SUPPORT AGENCIES.

Section 6 of the Food Stamp Act of 1977 (7 U.S.C. 2015) (as amended by section 114) is further amended by adding at the end the following:

"(j) CUSTODIAL PARENT'S COOPERATION WITH CHILD SUPPORT AGENCIES.—

"(1) IN GENERAL.—At the option of a State agency, subject to paragraphs (2) and (3), no natural or adoptive parent or other individual (collectively referred to in this subsection as 'the individual') who is living with and exercising parental control over a child under the age of 18 who has an absent parent shall be eligible to participate in the food stamp program unless the individual cooperates with the State agency administering the program established under part D of title IV of the Social Security Act (42 U.S.C. 651 et seq.)—

"(A) in establishing the paternity of the child (if the child is born out of wedlock); and

"(B) in obtaining support for—

"(i) the child; or

"(ii) the individual and the child.

"(2) GOOD CAUSE FOR NON-COOPERATION.—Paragraph (1) shall not apply to the individual if good cause is found for refusing to cooperate, as determined by the State agency in accordance with standards prescribed by the Secretary in consultation with the Secretary of Health and Human Services. The standards shall take into consideration circumstances under which cooperation may be against the best interests of the child.

"(3) FEES.—Paragraph (1) shall not require the payment of a fee or other cost for services provided under part D of title IV of the Social Security Act (42 U.S.C. 651 et seq.).

"(k) NON-CUSTODIAL PARENTS' COOPERATION WITH CHILD SUPPORT AGENCIES.—

"(1) IN GENERAL.—At the option of a State agency, subject to paragraphs (2) and (3), a putative non-custodial parent of a child under the age of 18 (referred to in this subsection as 'the individual') shall not be eligible to participate in the food stamp program if the individual refuses to cooperate with the State agency administering the program established under part D of title IV of the Social Security Act (42 U.S.C. 651 et seq.)—

"(A) in establishing the paternity of the child (if the child is born out of wedlock); and

"(B) in providing support for the child.

"(2) REFUSAL TO COOPERATE.—

"(A) GUIDELINES.—The Secretary, in consultation with the Secretary of Health and Human Services, shall develop guidelines on what constitutes a refusal to cooperate under paragraph (1).

"(B) PROCEDURES.—The State agency shall develop procedures, using guidelines developed under subparagraph (A), for determining whether an individual is refusing to cooperate under paragraph (1).

"(3) FEES.—Paragraph (1) shall not require the payment of a fee or other cost for services provided under part D of title IV of the Social Security Act (42 U.S.C. 651 et seq.).

"(4) PRIVACY.—The State agency shall provide safeguards to restrict the use of information collected by a State agency administering the program established under part D of title IV of the Social Security Act (42 U.S.C. 651 et seq.) to purposes for which the information is collected.".

SEC. 116. DISQUALIFICATION FOR CHILD SUPPORT ARREARS.

Section 6 of the Food Stamp Act of 1977 (7 U.S.C. 2015) (as amended by section 115) is further amended by adding at the end the following:

"(l) DISQUALIFICATION FOR CHILD SUPPORT ARREARS.—

"(1) IN GENERAL.—At the option of a State agency, except as provided in paragraph (2), no individual shall be eligible to participate in the food stamp program as a member of any household during any month that the individual is delinquent in any payment due under a court order for the support of a child of the individual.

"(2) EXCEPTIONS.—Paragraph (1) shall not apply if—

"(A) a court is allowing the individual to delay payment; or

"(B) the individual is complying with a payment plan approved by a court or the State agency designated under part D of title IV of the Social Security Act (42 U.S.C. 651 et seq.) to provide support for the child of the individual.".

SEC. 117. PERMANENT DISQUALIFICATION FOR PARTICIPATING IN 2 OR MORE STATES.

Section 6 of the Food Stamp Act of 1977 (7 U.S.C. 2015) (as amended by section 116) is further amended by adding at the end the following:

"(m) PERMANENT DISQUALIFICATION FOR PARTICIPATING IN 2 OR MORE STATES.—An individual shall be permanently ineligible to participate in the food stamp program as a member of any household if the individual is found by a State agency to have made, or is convicted in Federal or State court of having made, a fraudulent statement or representation with respect to the place of residence of the individual in order to receive benefits simultaneously from 2 or more States under the food stamp program.".

SEC. 118. WORK REQUIREMENT.

(a) IN GENERAL.—Section 6 of the Food Stamp Act of 1977 (7 U.S.C. 2015) (as amended by section 117) is further amended by adding at the end the following:

"(n) WORK REQUIREMENT.—

"(1) DEFINITION OF WORK PROGRAM.—In this subsection, the term 'work program' means—

"(A) a program under the Job Training Partnership Act (29 U.S.C. 1501 et seq.);

"(B) a program under section 236 of the Trade Act of 1974 (19 U.S.C. 2296); or

"(C) a program of employment or training operated or supervised by a State or political subdivision of a State that meets standards approved by the Governor of the State, including a program under section 6(d)(4) other than a job search program or a job search training program under clause (i) or (ii) of section 6(d)(4)(B).

"(2) WORK REQUIREMENT.—No individual shall be eligible to participate in the food stamp program as a member of any household if, during the preceding 12 months, the individual received food stamp benefits for not less than 6 months during which the individual did not—

"(A) work 20 hours or more per week, averaged monthly; or

"(B) participate in and comply with the requirements of a work program for 20 hours or more per week, as determined by the State agency.

"(3) EXCEPTION.—Paragraph (2) shall not apply to an individual if the individual is—

"(A) under 18 or over 50 years of age;

"(B) medically certified as physically or mentally unfit for employment;

"(C) a parent or other member of a household with a dependent child; or

"(D) otherwise exempt under section 6(d)(2).

"(4) WAIVER.—

"(A) IN GENERAL.—On the request of a State agency, the Secretary may waive the applicability of paragraph (2) to any group of individuals in the State if the Secretary makes a determination that the area in which the individuals reside—

"(i) has an unemployment rate of over 8 percent; or

"(ii) does not have a sufficient number of jobs to provide employment for the individuals.

"(B) REPORT.—The Secretary shall report the basis for a waiver under subparagraph (A) to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall become effective on July 1, 1996.

SEC. 119. ELECTRONIC BENEFIT TRANSFERS.

Section 7 of the Food Stamp Act of 1977 (7 U.S.C. 2016) is amended by adding at the end the following:

"(j) ELECTRONIC BENEFIT TRANSFERS.—

"(1) APPLICABLE LAW.—

"(A) IN GENERAL.—Disclosures, protections, responsibilities, and remedies established by the Federal Reserve Board under section 904 of the Electronic Fund Transfer Act (15 U.S.C. 1693b) shall not apply to benefits under this Act delivered through any electronic benefit transfer system.

"(B) DEFINITION OF ELECTRONIC BENEFIT TRANSFER SYSTEM.—In this paragraph, the term 'electronic benefit transfer system' means a system under which a governmental entity distributes benefits under this Act or other benefits or payments by establishing accounts to be accessed by recipients of the benefits electronically, including through the use of an automated teller machine or an intelligent benefit card.

"(2) CHARGING FOR ELECTRONIC BENEFIT TRANSFER CARD REPLACEMENT.—

"(A) IN GENERAL.—A State agency may charge an individual for the cost of replacing a lost or stolen electronic benefit transfer card.

"(B) REDUCING ALLOTMENT.—A State agency may collect a charge imposed under subparagraph (A) by reducing the monthly allotment of the household of which the individual is a member.".

SEC. 120. MINIMUM BENEFIT.

The proviso in section 8(a) of the Food Stamp Act of 1977 (7 U.S.C. 2017(a)) is amended by striking ", and shall be adjusted" and all that follows through "$5".

SEC. 121. BENEFITS ON RECERTIFICATION.

Section 8(c)(2)(B) of the Food Stamp Act of 1977 (7 U.S.C. 2017(c)(2)(B)) is amended by striking "of more than one month".

SEC. 122. OPTIONAL COMBINED ALLOTMENT FOR EXPEDITED HOUSEHOLDS.

Section 8(c) of the Food Stamp Act of 1977 (7 U.S.C. 2017(c)) is amended by striking paragraph (3) and inserting the following:

"(3) OPTIONAL COMBINED ALLOTMENT FOR EXPEDITED HOUSEHOLDS.—A State agency may provide to an eligible household applying after the 15th day of a month, in lieu of the initial allotment of the household and the regular allotment of the household for the following month, an allotment that is the aggregate of the initial allotment and the first regular allotment, which shall be provided in accordance with section 11(e)(3) in the case of a household that is not entitled to expedited service or in accordance with paragraphs (3) and (9) of section 11(e) in the case of a household that is entitled to expedited service.".

SEC. 123. FAILURE TO COMPLY WITH OTHER WELFARE AND PUBLIC ASSISTANCE PROGRAMS.

Section 8 of the Food Stamp Act of 1977 (7 U.S.C. 2017) is amended by striking subsection (d) and inserting the following:

"(d) REDUCTION OF PUBLIC ASSISTANCE BENEFITS.—

"(1) IN GENERAL.—If the benefits of a household are reduced under a Federal, State, or local law relating to welfare or a public assistance program for the failure to perform an action required under the law or program, for the duration of the reduction—

"(A) the household may not receive an increased allotment as the result of a decrease in the income of the household to the extent that the decrease is the result of the reduction; and

"(B) the State agency may reduce the allotment of the household by not more than 25 percent.

"(2) OPTIONAL METHOD.—In carrying out paragraph (1), a State agency may consider, for the duration of a reduction referred to under paragraph (1), the benefits of the household before the reduction as income of the household after the reduction.".

SEC. 124. ALLOTMENTS FOR HOUSEHOLDS RESIDING IN INSTITUTIONS.

Section 8 of the Food Stamp Act of 1977 (7 U.S.C. 2017) is amended by adding at the end the following:

"(f) ALLOTMENTS FOR HOUSEHOLDS RESIDING IN INSTITUTIONS.—

"(1) IN GENERAL.—In the case of an individual who resides in a homeless shelter, or in an institution or center for the purpose of a drug or alcoholic treatment program, described in the last sentence of section 3(i), a State agency may provide an allotment for the individual to—

"(A) the institution as an authorized representative for the individual for a period that is less than 1 month; and

"(B) the individual, if the individual leaves the institution.

"(2) DIRECT PAYMENT.—A State agency may require an individual referred to in paragraph (1) to designate the shelter, institution, or center in which the individual resides as the authorized representative of the individual for the purpose of receiving an allotment.".

SEC. 125. OPERATION OF FOOD STAMP OFFICES.

Section 11 of the Food Stamp Act of 1977 (7 U.S.C. 2020) is amended—

(1) in subsection (e)—

(A) by striking paragraph (2) and inserting the following:

"(2)(A) that the State agency shall establish procedures governing the operation of food stamp offices that the State agency determines best serve households in the State, including households with special needs, such as households with elderly or disabled members, households in rural areas with low-income members, homeless individuals, households residing on reservations, and households in which a substantial number of members speak a language other than English.

"(B) In carrying out subparagraph (A), a State agency—

"(i) shall provide timely, accurate, and fair service to applicants for, and participants in, the food stamp program;

"(ii) shall permit an applicant household to apply to participate in the program on the same day that the household first contacts a food stamp office in person during office hours;

"(iii) shall consider an application filed on the date the applicant submits an application that contains the name, address, and signature of the applicant; and

"(iv) may establish operating procedures that vary for local food stamp offices to reflect regional and local differences within the State;";

(B) in paragraph (3)—

(i) by striking "shall—" and all that follows through "provide each" and inserting "shall provide each"; and

(ii) by striking "(B) assist" and all that follows through "representative of the State agency.";

(C) by striking paragraph (14) and inserting the following:

"(14) the standards and procedures used by the State agency under section 6(d)(1)(D) to determine whether an individual is eligible to participate under section 6(d)(1)(A);"; and

(D) by striking paragraph (25) and inserting the following:

"(25) a description of the work supplementation or support program, if any, carried out by the State agency under section 16(b)."; and

(2) in subsection (i)—

(A) by striking "(i) Notwithstanding" and all that follows through "(2)" and inserting the following:

"(i) APPLICATION AND DENIAL PROCEDURES.—

"(1) APPLICATION PROCEDURES.—Notwithstanding any other provision of law,"; and

(B) by striking "; (3) households" and all that follows through "title IV of the Social Security Act. No" and inserting a period and the following:

"(2) DENIAL AND TERMINATION.—Other than in a case of disqualification as a penalty for failure to comply with a public assistance program rule or regulation, no".

SEC. 126. STATE EMPLOYEE AND TRAINING STANDARDS.

Section 11(e)(6) of the Food Stamp Act of 1977 (7 U.S.C. 2020(e)(6)) is amended—

(1) by striking "(A)"; and

(2) by striking subparagraphs (B) through (E).

SEC. 127. EXPEDITED COUPON SERVICE.

Section 11(e)(9) of the Food Stamp Act of 1977 (7 U.S.C. 2020(e)(9)) is amended—

(1) in subparagraph (A)—

(A) by striking "five days" and inserting "7 business days"; and

(B) by inserting "and" at the end;

(2) by striking subparagraphs (B) and (C);

(3) by redesignating subparagraph (D) as subparagraph (B); and

(4) in subparagraph (B) (as redesignated by paragraph (3)), by striking ", (B), or (C)".

SEC. 128. FAIR HEARINGS.

Section 11 of the Food Stamp Act of 1977 (7 U.S.C. 2020) is amended by adding at the end the following:

"(p) WITHDRAWING FAIR HEARING REQUESTS.—A household may withdraw, orally or in writing, a request by the household for a fair hearing under subsection (e)(10). If the withdrawal request is an oral request, the State agency shall provide a written notice to the household confirming the request and providing the household with an opportunity to request a hearing.".

SEC. 129. INCOME AND ELIGIBILITY VERIFICATION SYSTEM.

Section 11 of the Food Stamp Act of 1977 (7 U.S.C. 2020) (as amended by section 128) is further amended by adding at the end the following:

"(q) STATE VERIFICATION OPTION.—Notwithstanding any other provision of law, a State agency shall not be required to use an income and eligibility verification system established under section 1137 of the Social Security Act (42 U.S.C. 1320b–7).".

SEC. 130. COLLECTION OF OVERISSUANCES.

(a) IN GENERAL.—Section 13 of the Food Stamp Act of 1977 (7 U.S.C. 2022) is amended—

(1) by striking subsection (b) and inserting the following:

"(b) COLLECTION OF OVERISSUANCES.—

"(1) IN GENERAL.—Except as otherwise provided in this subsection, a State agency shall collect any overissuance of coupons issued to a household by—

"(A) reducing the allotment of the household;

"(B) withholding unemployment compensation from a member of the household under subsection (c);

"(C) recovering from Federal pay or a Federal income tax refund under subsection (d); or

"(D) any other means.

"(2) COST EFFECTIVENESS.—Paragraph (1) shall not apply if the State agency demonstrates to the satisfaction of the Secretary that all of the means referred to in paragraph (1) are not cost effective.

"(3) HARDSHIPS.—A State agency may not use an allotment reduction under paragraph (1)(A) as a means collecting an overissuance from a household if the allotment reduction would cause a hardship on the household, as determined by the State agency.

"(4) MAXIMUM REDUCTION ABSENT FRAUD.—If a household received an overissuance of coupons without any member of the household being found ineligible to participate in the program under section 6(b)(1) and a State agency elects to reduce the allotment of the household under paragraph (1)(A), the State agency shall reduce the monthly allotment of the household under paragraph (1)(A) by the greater of—

"(A) 10 percent of the monthly allotment of the household; or

"(B) $10.

"(5) PROCEDURES.—A State agency shall collect an overissuance of coupons issued to a household under paragraph (1) in accordance with requirements established by the State agency for providing notice, electing a means of payment, and establishing a time schedule for payment."; and

(2) in subsection (d)—

(A) by striking "as determined under subsection (b) and except for claims arising from an error of the State agency," and inserting ", as determined under subsection (b)(1),"; and

(B) by inserting before the period at the end the following: "or a Federal income tax refund as authorized by section 3720A of title 31, United States Code".

(b) CONFORMING AMENDMENT.—Section 11(e)(8) of the Act (7 U.S.C. 2020(e)(8)) is amended—

(1) by striking "and excluding claims" and all that follows through "such section,"; and

(2) by inserting before the semicolon at the end the following: "or a Federal income tax refund as authorized by section 3720A of title 31, United States Code".

SEC. 131. TERMINATION OF FEDERAL MATCH FOR OPTIONAL INFORMATION ACTIVITIES.

(a) IN GENERAL.—Section 16(a) of the Food Stamp Act of 1977 (7 U.S.C. 2025(a)) is amended—

(1) by striking paragraph (4); and

(2) by redesignating paragraphs (5) through (8) as paragraphs (4) through (7), respectively.

(b) CONFORMING AMENDMENT.—Section 16(g) of the Act (7 U.S.C. 2025(g)) is amended by striking "an amount equal to" and all that follows through "1991, of" and inserting "the amount provided under subsection (a)(5) for".

SEC. 132. STANDARDS FOR ADMINISTRATION.

(a) IN GENERAL.—Section 16 of the Food Stamp Act of 1977 (7 U.S.C. 2025) is amended by striking subsection (b).

(b) CONFORMING AMENDMENTS.—

(1) The first sentence of section 11(g) of the Act (7 U.S.C. 2020(g)) is amended by striking "the Secretary's standards for the efficient and effective administration of the program established under section 16(b)(1) or".

(2) Section 16(c)(1)(B) of the Act (7 U.S.C. 2025(c)(1)(B)) is amended by striking "pursuant to subsection (b)".

SEC. 133. WORK SUPPLEMENTATION OR SUPPORT PROGRAM.

Section 16 of the Food Stamp Act of 1977 (7 U.S.C. 2025) (as amended by section 132(a)) is further amended by inserting after subsection (a) the following:

"(b) WORK SUPPLEMENTATION OR SUPPORT PROGRAM.—

"(1) DEFINITION.—In this subsection, the term 'work supplementation or support program' means a program in which, as determined by the Secretary, public assistance (including any benefits provided under a program established by the State and the food stamp program) is provided to an employer to be used for hiring and employing a new employee who is a public assistance recipient.

"(2) PROGRAM.—A State agency may elect to use amounts equal to the allotment that would otherwise be allotted to a household under the food stamp program, but for the operation of this subsection, for the purpose of subsidizing or supporting jobs under a work supplementation or support program established by the State.

"(3) PROCEDURE.—If a State agency makes an election under paragraph (2) and identifies each household that participates in the food stamp program that contains an individual who is participating in the work supplementation or support program—

"(A) the Secretary shall pay to the State agency an amount equal to the value of the allotment that the household would be eligible to receive but for the operation of this subsection;

"(B) the State agency shall expend the amount paid under subparagraph (A) in accordance with the work supplementation or support program in lieu of providing the allotment that the household would receive but for the operation of this subsection;

"(C) for purposes of—

"(i) sections 5 and 8(a), the amount received under this subsection shall be excluded from household income and resources; and

"(ii) section 8(b), the amount received under this subsection shall be considered to be the value of an allotment provided to the household; and

"(D) the household shall not receive an allotment from the State agency for the period during which the member continues to participate in the work supplementation or support program.

"(4) OTHER WORK REQUIREMENTS.—No individual shall be excused, by reason of the fact that a State has a work supplementation or support program, from any work requirement under section 6(d), except during the periods in which the individual is employed under the work supplementation or support program.

"(5) MAXIMUM LENGTH OF PARTICIPATION.—A work supplementation or support program may not allow the participation of any individual for longer than 6 months, unless the Secretary approves a longer period.".

SEC. 134. WAIVER AUTHORITY.

Section 17(b)(1)(A) of the Food Stamp Act of 1977 (7 U.S.C. 2026(b)(1)(A)) is amended—

(1) by striking "benefits to eligible households, including" and inserting the following: "benefits to eligible households. The Secretary may waive the requirements of this Act to the extent necessary to conduct a pilot or experimental project, including a project designed to test innovative welfare reform, promote work, and allow conformity with other Federal, State, and local government assistance programs, except that a project involving the payment of benefits in the form of cash shall maintain the average value of allotments for affected households as a group. Pilot or experimental projects may include"; and

(2) by striking "The Secretary may waive" and all that follows through "sections 5 and 8 of this Act.".

SEC. 135. AUTHORIZATION OF PILOT PROJECTS.

The last sentence of section 17(b)(1)(A) of the Food Stamp Act of 1977 (7 U.S.C. 2026(b)(1)(A)) is amended by striking "1995" and inserting "2000".

SEC. 136. RESPONSE TO WAIVERS.

Section 17(b)(1) of the Food Stamp Act of 1977 (7 U.S.C. 2026(b)(1)) is amended by adding at the end the following:

"(C) RESPONSE TO WAIVERS.—

"(i) RESPONSE.—Not later than 60 days after the date of receiving a request for a waiver under subparagraph (A), the Secretary shall provide a response that—

"(I) approves the waiver request;

"(II) denies the waiver request and explains any modification needed for approval of the waiver request;

"(III) denies the waiver request and explains the grounds for the denial; or

"(IV) requests clarification of the waiver request.

"(ii) FAILURE TO RESPOND.—If the Secretary does not provide a response under clause (i) not later than 60 days after receiving a request for a waiver, the waiver shall be considered approved.

"(iii) NOTICE OF DENIAL.—On denial of a waiver request under clause (i)(III), the Secretary shall provide a copy of the waiver request and the grounds for the denial to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.".

SEC. 137. PRIVATE SECTOR EMPLOYMENT INITIATIVES.

Section 17 of the Food Stamp Act of 1977 (7 U.S.C. 2026) is amended by adding at the end the following:

"(m) PRIVATE SECTOR EMPLOYMENT INITIATIVES.—

"(1) ELECTION TO PARTICIPATE.—

"(A) IN GENERAL.—Subject to the other provisions of this subsection, a State may elect to carry out a private sector employment initiative program under this subsection.

"(B) REQUIREMENT.—A State shall be eligible to carry out a private sector employment initiative under this subsection only if not less than 50 percent of the households that received food stamp benefits during the summer of 1993 also received benefits under a State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) during the summer of 1993.

"(2) PROCEDURE.—A State that has elected to carry out a private sector employment initiative under paragraph (1) may use amounts equal to the food stamp allotments that would otherwise be allotted to a household under the food stamp program, but for the operation of this subsection, to provide cash benefits in lieu of the food stamp allotments to the household if the household is eligible under paragraph (3).

"(3) ELIGIBILITY.—A household shall be eligible to receive cash benefits under paragraph (2) if an adult member of the household—

"(A) has worked in unsubsidized employment in the private sector for not less than the preceding 90 days;

"(B) has earned not less than $350 per month from the employer referred to in subparagraph (A) for not less than the preceding 90 days;

"(C)(i) is eligible to receive benefits under a State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.); or

"(ii) was eligible to receive benefits under a State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) at the time the member first received cash benefits under this subsection and is no longer eligible for the State program because of earned income;

"(D) is continuing to earn not less than $350 per month from the employment referred to in subparagraph (A); and

"(E) elects to receive cash benefits in lieu of food stamp benefits under this subsection.

"(4) EVALUATION.—A State that operates a program under this subsection for 2 years shall provide to the Secretary a written evaluation of the impact of cash assistance under this subsection. The State agency shall determine the content of the evaluation.".

SEC. 138. REAUTHORIZATION OF APPROPRIATIONS.

The first sentence of section 18(a)(1) of the Food Stamp Act of 1977 (7 U.S.C. 2027(a)(1)) is amended by striking "1995" and inserting "2000".

SEC. 139. REAUTHORIZATION OF PUERTO RICO BLOCK GRANT.

The first sentence of section 19(a)(1)(A) of the Food Stamp Act of 1977 (7 U.S.C. 2028(a)(1)(A)) is amended by striking "$974,000,000" and all that follows through "fiscal year 1995" and inserting the following: "$1,143,000,000 for each of fiscal years 1995 and 1996, $1,182,000,000 for fiscal year 1997, $1,223,000,000 for fiscal year 1998, $1,266,000,000 for fiscal year 1999, and $1,310,000,000 for fiscal year 2000"

SEC. 140. SIMPLIFIED FOOD STAMP PROGRAM.

(a) IN GENERAL.—The Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.) is amended by adding at the end the following:

"SEC. 24. SIMPLIFIED FOOD STAMP PROGRAM.

"(a) ELECTION.—Subject to subsection (c), a State agency may elect to carry out a Simplified Food Stamp Program (referred to in this section as a 'Program') under this section.

"(b) OPERATION OF PROGRAM.—

"(1) IN GENERAL.—If a State agency elects to carry out a Program, within the State or a political subdivision of the State—

"(A) a household in which all members receive assistance under a State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) shall automatically be eligible to participate in the Program; and

"(B) subject to subsection (e), benefits under the Program shall be determined under rules and procedures established by the State under—

"(i) a State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.);

"(ii) the food stamp program; or

"(iii) a combination of a State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) and the food stamp program.

"(2) SHELTER STANDARD.—The State agency may elect to apply 1 shelter standard to a household that receives a housing subsidy and another shelter standard to a household that does not receive the subsidy.

"(c) APPROVAL OF PROGRAM.—

"(1) STATE PLAN.—A State agency may not operate a Program unless the Secretary approves a State plan for the operation of the Program under paragraph (2).

"(2) APPROVAL OF PLAN.—

"(A) IN GENERAL.—The Secretary shall approve any State plan to carry out a Program if the Secretary determines that the plan—

"(i) complies with this section; and

"(ii) would not increase Federal costs incurred under this Act.

"(B) DEFINITION OF FEDERAL COSTS.—In this section, the term 'Federal costs' does not include any Federal costs incurred under section 17.

"(d) INCREASED FEDERAL COSTS.—

"(1) DETERMINATION.—

"(A) IN GENERAL.—The Secretary shall determine whether a Program being carried out by a State agency is increasing Federal costs under this Act.

"(B) NO EXCLUDED HOUSEHOLDS.—In making a determination under subparagraph (A), the Secretary shall not require the State agency to collect or report any information on households not included in the Program.

"(C) ALTERNATIVE ACCOUNTING PERIODS.—The Secretary may approve the request of a State agency to apply alternative accounting periods to determine if Federal costs do not exceed the Federal costs had the State agency not elected to carry out the Program.

"(2) NOTIFICATION.—If the Secretary determines that the Program has increased Federal costs under this Act for any fiscal year, the Secretary shall notify the State agency not later than January 1 of the immediately succeeding fiscal year.

"(3) RETURN OF FUNDS.—

"(A) IN GENERAL.—If the Secretary determines that the Program has increased Federal costs under this Act for a 2-year period, including a fiscal year for which notice was given under paragraph (2) and an immediately succeeding fiscal year, the State agency shall pay to the Treasury of the United States the amount of the increased costs.

"(B) ENFORCEMENT.—If the State agency does not pay an amount due under subparagraph (A) on a date that is not later than 90 days after the date of the determination, the Secretary shall reduce amounts otherwise due to the State agency for administrative costs under section 16(a).

"(e) RULES AND PROCEDURES.—

"(1) IN GENERAL.—Except as provided by paragraph (2), a State may apply—

"(A) the rules and procedures established by the State under—

"(i) the State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.); or

"(ii) the food stamp program; or

"(B) the rules and procedures of 1 of the programs to certain matters and the rules and procedures of the other program to all remaining matters.

"(2) STANDARDIZED DEDUCTIONS.—The State may standardize the deductions provided under section 5(e). In developing the standardized deduction, the State shall give consideration to the work expenses, dependent care costs, and shelter costs of participating households.

"(3) REQUIREMENTS.—In operating a Program, the State shall comply with—

"(A) subsections (a) through (g) of section 7;

"(B) section 8(a), except that the income of a household may be determined under a State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.);

"(C) subsections (b) and (d) of section 8;

"(D) subsections (a), (c), (d), and (n) of section 11;

"(E) paragraph (3) of section 11(e), to the extent that the paragraph requires that an eligible household be certified and receive an allotment for the period of application not later than 30 days after filing an application;

"(F) paragraphs (8), (9), (12), (17), (19), (21), and (27) of section 11(e);

"(G) section 11(e)(10) or a comparable requirement established by the State under a State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.); and

"(H) section 16.".

(b) STATE PLAN PROVISIONS.—Section 11(e) of the Act (7 U.S.C. 2020(e)) (as amended by section 114(b)) is further amended—

(1) in paragraph (25), by striking "and" at the end;

(2) in paragraph (26), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(27) the plans of the State agency for operating, at the election of the State, a program under section 24, including—

"(A) the rules and procedures to be followed by the State to determine food stamp benefits;

"(B) how the State will address the needs of households that experience high shelter costs in relation to the incomes of the households; and

"(C) a description of the method by which the State will carry out a quality control system under section 16(c).".

(c) CONFORMING AMENDMENTS.—

(1) Section 8 of the Act (7 U.S.C. 2017) (as amended by section 124) is further amended—

(A) by striking subsection (e); and

(B) by redesignating subsection (f) as subsection (e).

(2) Section 17 of the Act (7 U.S.C. 2026) (as amended by section 137) is further amended—

(A) by striking subsection (i); and

(B) by redesignating subsections (j) through (m) as subsections (i) through (l), respectively.

SEC. 141. EFFECTIVE DATE.

Except as otherwise provided in this title, this title and the amendments made by this title shall become effective on October 1, 1995.

TITLE II—CHILD NUTRITION PROGRAMS

Subtitle A—Reimbursement Rates

SEC. 201. TERMINATION OF ADDITIONAL PAYMENT FOR LUNCHES SERVED IN HIGH FREE AND REDUCED PRICE PARTICIPATION SCHOOLS.

(a) IN GENERAL.—Section 4(b)(2) of the National School Lunch Act (42 U.S.C. 1753(b)(2)) is amended by striking "except that" and all that follows through "2 cents more".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall become effective on July 1, 1996.

SEC. 202. VALUE OF FOOD ASSISTANCE.

(a) IN GENERAL.—Section 6(e)(1) of the National School Lunch Act (42 U.S.C. 1755(e)(1)) is amended by striking subparagraph (B) and inserting the following:

"(B) ADJUSTMENTS.—

"(i) IN GENERAL.—The value of food assistance for each meal shall be adjusted each July 1 by the annual percentage change in a 3-month average value of the Price Index for Foods Used in Schools and Institutions for March, April, and May each year.

"(ii) ADJUSTMENTS.—Except as otherwise provided in this subparagraph, in the case of each school year, the Secretary shall—

"(I) base the adjustment made under clause (i) on the amount of the unrounded adjustment for the preceding school year;

"(II) adjust the resulting amount in accordance with clause (i); and

"(III) round the result to the nearest lower cent increment.

"(iii) ADJUSTMENT ON JANUARY 1, 1996.—On January 1, 1996, the Secretary shall round the value of food assistance referred to in clause (i) to the nearest lower cent increment.

"(iv) ADJUSTMENT FOR 1996-97 SCHOOL YEAR.—In the case of the school year beginning July 1, 1996, the value of food assistance shall be the same as the value of food assistance for the school year beginning July 1, 1995, rounded to the nearest lower cent increment.

"(v) ADJUSTMENT FOR 1997-98 SCHOOL YEAR.—In the case of the school year beginning July 1, 1997, the Secretary shall—

"(I) base the adjustment made under clause (i) on the amount of the unrounded adjustment for the value of food assistance for the school year beginning July 1, 1995;

"(II) adjust the resulting amount to reflect the annual percentage change in a 3-month average value of the Price Index for Foods Used in Schools and Institutions for March, April, and May for the most recent 12-month period for which the data are available; and

"(III) round the result to the nearest lower cent increment.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall become effective on January 1, 1996.

SEC. 203. LUNCHES, BREAKFASTS, AND SUPPLEMENTS.

(a) IN GENERAL.—Section 11(a)(3)(B) of the National School Lunch Act (42 U.S.C. 1759a(a)(3)(B)) is amended—

(1) by designating the second and third sentences as subparagraphs (C) and (D), respectively; and

(2) by striking subparagraph (D) (as so designated) and inserting the following:

"(D) ROUNDING.—Except as otherwise provided in this paragraph, in the case of each 12-month period, the Secretary shall—

"(i) base the adjustment made under this paragraph on the amount of the unrounded adjustment for the preceding 12-month period;

"(ii) adjust the resulting amount in accordance with subparagraph (C); and

"(iii) round the result to the nearest lower cent increment.

"(E) ADJUSTMENT ON JANUARY 1, 1996.—On January 1, 1996, the Secretary shall round the rates and factor referred to in subparagraph (A) to the nearest lower cent increment.

"(F) ADJUSTMENT FOR 24-MONTH PERIOD BEGINNING JULY 1, 1996.—In the case of the 24-month period beginning July 1, 1996, the national average payment rates for paid lunches, paid breakfasts, and paid supplements shall be the same as the national average payment rate for paid lunches, paid breakfasts, and paid supplements, respectively, for the 12-month period beginning July 1, 1995, rounded to the nearest lower cent increment.

"(G) ADJUSTMENT FOR 12-MONTH PERIOD BEGINNING JULY 1, 1998.—In the case of the 12-month period beginning July 1, 1998, the Secretary shall—

"(i) base the adjustments made under this paragraph for—

"(I) paid lunches and paid breakfasts on the amount of the unrounded adjustment for paid lunches for the 12-month period beginning July 1, 1995; and

"(II) paid supplements on the amount of the unrounded adjustment for paid supplements for the 12-month period beginning July 1, 1995;

"(ii) adjust each resulting amount in accordance with subparagraph (C); and

"(iii) round each result to the nearest lower cent increment.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall become effective on January 1, 1996.

SEC. 204. SUMMER FOOD SERVICE PROGRAM FOR CHILDREN.

(a) IN GENERAL.—Section 13(b) of the National School Lunch Act (42 U.S.C. 1761(b)) is amended—

(1) by striking "(b)(1)" and all that follows through the end of paragraph (1) and inserting the following:

"(b) SERVICE INSTITUTIONS.—

"(1) PAYMENTS.—

"(A) IN GENERAL.—Except as otherwise provided in this paragraph, payments to service institutions shall equal the full cost of food service operations (which cost shall include the costs of obtaining, preparing, and serving food, but shall not include administrative costs).

"(B) MAXIMUM AMOUNTS.—Subject to subparagraph (C), payments to any institution under subparagraph (A) shall not exceed—

"(i) $2 for each lunch and supper served;

"(ii) $1.20 for each breakfast served; and

"(iii) 50 cents for each meal supplement served.

"(C) ADJUSTMENTS.—Amounts specified in subparagraph (B) shall be adjusted each January 1 to the nearest lower cent increment in accordance with the changes for the 12-month period ending the preceding November 30 in the series for food away from home of the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor. Each adjustment shall be based on the unrounded adjustment for the prior 12-month period."; and

(2) by striking paragraph (4).

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall become effective on January 1, 1996.

SEC. 205. SPECIAL MILK PROGRAM.

(a) IN GENERAL.—Section 3(a) of the Child Nutrition Act of 1966 (42 U.S.C. 1772(a)) is amended by striking paragraph (8) and inserting the following:

"(8) ADJUSTMENTS.—

"(A) IN GENERAL.—Except as otherwise provided in this paragraph, in the case of each school year, the Secretary shall—

"(i) base the adjustment made under paragraph (7) on the amount of the unrounded adjustment for the preceding school year;

"(ii) adjust the resulting amount in accordance with paragraph (7); and

"(iii) round the result to the nearest lower cent increment.

"(B) ADJUSTMENT ON JANUARY 1, 1996.—On January 1, 1996, the Secretary shall round the minimum rate referred to in paragraph (7) to the nearest lower cent increment.

"(C) ADJUSTMENT FOR 1996–97 SCHOOL YEAR.—In the case of the school year beginning July 1, 1996, the minimum rate shall be the same as the minimum rate for the school year beginning July 1, 1995, rounded to the nearest lower cent increment.

"(D) ADJUSTMENT FOR 1997–98 SCHOOL YEAR.—In the case of the school year beginning July 1, 1997, the Secretary shall—

"(i) base the adjustment made under paragraph (7) on the amount of the unrounded adjustment for the minimum rate for the school year beginning July 1, 1995;

"(ii) adjust the resulting amount to reflect changes in the Producer Price Index for Fresh Processed Milk published by the Bureau of Labor Statistics of the Department of Labor for the most recent 12-month period for which the data are available; and

"(iii) round the result to the nearest lower cent increment.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall become effective on January 1, 1996.

SEC. 206. FREE AND REDUCED PRICE BREAKFASTS.

(a) IN GENERAL.—Section 4(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1773(b)) is amended—

(1) in the second sentence of paragraph (1)(B), by striking ", adjusted to the nearest one-fourth cent" and inserting "(as adjusted pursuant to section 11(a) of the National School Lunch Act (42 U.S.C. 1759a(a))"; and

(2) in paragraph (2)(B)(ii)—

(A) by striking "nearest one-fourth cent" and inserting "nearest lower cent increment for the applicable school year"; and

(B) by inserting before the period at the end the following: ", and the adjustment required by this clause shall be based on the unrounded adjustment for the preceding school year".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall become effective on July 1, 1996.

SEC. 207. CONFORMING REIMBURSEMENT FOR PAID BREAKFASTS AND LUNCHES.

(a) IN GENERAL.—The last sentence of section 4(b)(1)(B) of the Child Nutrition Act of 1966 (42 U.S.C. 1773(b)(1)(B)) is amended by striking "8.25 cents" and all that follows through "Act)" and inserting "the same as the national average lunch payment established under section 4(b) of the National School Lunch Act (42 U.S.C. 1753(b))".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall become effective on January 1, 1996.

Subtitle B—Grant Programs

SEC. 211. SCHOOL BREAKFAST STARTUP GRANTS.

Section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773) is amended by striking subsection (g).

SEC. 212. NUTRITION EDUCATION AND TRAINING PROGRAMS.

Section 19(i)(2)(A) of the Child Nutrition Act of 1966 (42 U.S.C. 1788(i)(2)(A)) is amended by striking "$10,000,000" and inserting "$7,000,000".

SEC. 213. EFFECTIVE DATE.

The amendments made by this subtitle shall become effective on October 1, 1996.

Subtitle C—Other Amendments

SEC. 221. FREE AND REDUCED PRICE POLICY STATEMENT.

(a) SCHOOL LUNCH PROGRAM.—Section 9(b)(2) of the National School Lunch Act (42 U.S.C. 1758(b)(2)) is amended by adding at the end the following:

"(D) FREE AND REDUCED PRICE POLICY STATEMENT.—A school shall not be required to submit a free and reduced price policy statement to a State educational agency under this Act unless there is a substantive change in the free and reduced price policy of the school. A routine change in the policy of a school, such as an annual adjustment of the income eligibility guidelines for free and reduced price meals, shall not be sufficient cause for requiring the school to submit a policy statement.".

(b) SCHOOL BREAKFAST PROGRAM.—Section 4(b)(1) of the Child Nutrition Act of 1966 (42 U.S.C. 1773(b)(1)) is amended by adding at the end the following:

"(E) FREE AND REDUCED PRICE POLICY STATEMENT.—A school shall not be required to submit a free and reduced price policy statement to a State educational agency under this Act unless there is a substantive change in the free and reduced price policy of the school. A routine change in the policy of a school, such as an annual adjustment of the income eligibility guidelines for free and reduced price meals, shall not be sufficient cause for requiring the school to submit a policy statement.".

SEC. 222. SUMMER FOOD SERVICE PROGRAM FOR CHILDREN.

(a) PERMITTING OFFER VERSUS SERVE.—Section 13(f) of the National School Lunch Act (42 U.S.C. 1761(f)) is amended—

(1) by striking "(f) Service" and inserting the following:

"(f) NUTRITIONAL STANDARDS.—

"(1) IN GENERAL.—Service"; and

(2) by adding at the end the following:

"(2) OFFER VERSUS SERVE.—At the option of a local school food authority, a student in a school under the authority that participates in the program may be allowed to refuse not more than 1 item of a meal that the student does not intend to consume. A refusal of an offered food item shall not affect the amount of payments made under this section to a school for the meal.".

(b) REMOVING MANDATORY NOTICE TO INSTITUTIONS.—Section 13(n)(2) of the Act is amended by striking "and its plans and schedule" and inserting "except that the Secretary may not require a State to submit a plan or schedule".

SEC. 223. CHILD AND ADULT CARE FOOD PROGRAM.

(a) PAYMENTS TO SPONSOR EMPLOYEES.—Paragraph (2) of the last sentence of section 17(a) of the National School Lunch Act (42 U.S.C. 1766(a)) is amended—

(1) by striking "and" at the end of subparagraph (B);

(2) by striking the period at the end of subparagraph (C) and inserting "; and"; and

(3) by adding at the end the following:

"(D) in the case of a family or group day care home sponsoring organization that employs more than 1 employee, the organization does not base payments to an employee of the organization on the number of family or group day care homes recruited, managed, or monitored.".

(b) IMPROVED TARGETING OF DAY CARE HOME REIMBURSEMENTS.—

(1) RESTRUCTURED DAY CARE HOME REIMBURSEMENTS.—Section 17(f)(3) of the Act is amended by striking "(3)(A) Institutions" and all that follows through the end of subparagraph (A) and inserting the following:

"(3) REIMBURSEMENT OF FAMILY OR GROUP DAY CARE HOME SPONSORING ORGANIZATIONS.—

"(A) REIMBURSEMENT FACTOR.—

"(i) IN GENERAL.—An institution that participates in the program under this section as a family or group day care home sponsoring organization shall be provided, for payment to a home of the organization, reimbursement factors in accordance with this subparagraph for the cost of obtaining and preparing food and prescribed labor costs involved in providing meals under this section.

"(ii) TIER I FAMILY OR GROUP DAY CARE HOMES.—

"(I) DEFINITION.—In this paragraph, the term 'tier I family or group day care home' means—

"(aa) a family or group day care home that is located in a geographic area, as defined by the Secretary based on census data, in which at least 50 percent of the children residing in the area are members of households whose incomes meet the eligibility standards for free or reduced price meals under section 9;

"(bb) a family or group day care home that is located in an area served by a school enrolling elementary students in which at least 50 percent of the total number of children enrolled are certified eligible to receive free or reduced price school meals under this Act or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.); or

"(cc) a family or group day care home that is operated by a provider whose household meets the eligibility standards for free or reduced price meals under section 9 and whose income is verified by a sponsoring organization under regulations established by the Secretary.

"(II) REIMBURSEMENT.—Except as provided in subclause (III), a tier I family or group day care home shall be provided reimbursement factors under this clause without a requirement for documentation of the costs described in clause (i), except that reimbursement shall not be provided under this subclause for meals or supplements served to the children of a person acting as a family or group day care home provider unless the children meet the eligibility standards for free or reduced price meals under section 9.

"(III) FACTORS.—Except as provided in subclause (IV), the reimbursement factors applied to a home referred to in subclause (II) shall be the factors in effect on the date of enactment of this subclause.

"(IV) ADJUSTMENTS.—The reimbursement factors under this subparagraph shall be adjusted on August 1, 1996, July 1, 1997, and each July 1 thereafter, to reflect changes in the Consumer Price Index for food at home for the most recent 12-month period for which the data are available. The reimbursement factors under this subparagraph shall be rounded to the nearest lower cent increment and based on the unrounded adjustment for the preceding 12-month period.

"(iii) TIER II FAMILY OR GROUP DAY CARE HOMES.—

"(I) IN GENERAL.—

"(aa) FACTORS.—Except as provided in subclause (II), with respect to meals or supplements served under this clause by a family or group day care home that does not meet the criteria set forth in clause (ii)(I), the reimbursement factors shall be $1 for lunches and suppers, 30 cents for breakfasts, and 15 cents for supplements.

"(bb) ADJUSTMENTS.—The factors shall be adjusted on July 1, 1997, and each July 1 thereafter, to reflect changes in the Consumer Price Index for food at home for the most recent 12-month period for which the data are available. The reimbursement factors under this item shall be rounded down to the nearest lower cent increment and based on the unrounded adjustment for the preceding 12-month period.

"(cc) REIMBURSEMENT.—A family or group day care home shall be provided reimbursement factors under this subclause without a requirement for documentation of the costs described in clause (i), except that reimbursement shall not be provided under this subclause for meals or supplements served to the children of a person acting as a family or group day care home provider unless the children meet the eligibility standards for free or reduced price meals under section 9.

"(II) OTHER FACTORS.—A family or group day care home that does not meet the criteria set forth in clause (ii)(I) may elect to be provided reimbursement factors determined in accordance with the following requirements:

"(aa) CHILDREN ELIGIBLE FOR FREE OR REDUCED PRICE MEALS.—In the case of meals or supplements served under this subsection to children who are members of households whose incomes meet the eligibility standards for free or reduced price meals under section 9, the family or group day care home shall be provided reimbursement factors set by the Secretary in accordance with clause (ii)(III).

"(bb) INELIGIBLE CHILDREN.—In the case of meals or supplements served under this subsection to children who are members of households whose incomes do not meet the eligibility standards, the family or group day care home shall be provided reimbursement factors in accordance with subclause (I).

"(III) INFORMATION AND DETERMINATIONS.—

"(aa) IN GENERAL.—If a family or group day care home elects to claim the factors described in subclause (II), the family or group day care home sponsoring organization serving the home shall collect the necessary income information, as determined by the Secretary, from any parent or other caretaker to make the determinations specified in subclause (II) and shall make the determinations in accordance with rules prescribed by the Secretary.

"(bb) CATEGORICAL ELIGIBILITY.—In making a determination under item (aa), a family or group day care home sponsoring organization may consider a child participating in or subsidized under, or a child with a parent participating in or subsidized under, a federally or State supported child care or other benefit program with an income eligibility limit that does not exceed the eligibility standard for free or reduced price meals under section 9 to be a child who is a member of a household whose income meets the eligibility standards under section 9.

"(cc) FACTORS FOR CHILDREN ONLY.—A family or group day care home may elect to receive the reimbursement factors prescribed under clause (ii)(III) solely for the children participating in a program referred to in item (bb) if the home elects not to have income statements collected from parents or other caretakers.

"(IV) SIMPLIFIED MEAL COUNTING AND REPORTING PROCEDURES.—The Secretary shall prescribe simplified meal counting and reporting procedures for use by a family or group day care home that elects to claim the factors under subclause (II) and by a family or group day care home sponsoring organization that serves the home. The procedures the Secretary prescribes may include 1 or more of the following:

"(aa) Setting an annual percentage for each home of the number of meals served that are to be reimbursed in accordance with the reimbursement factors prescribed under clause (ii)(III) and an annual percentage of the number of meals served that are to be reimbursed in accordance with the reimbursement factors prescribed under clause (iii)(I), based on the family income of children enrolled in the home in a specified month or other period.

"(bb) Placing a home into 1 of 2 or more reimbursement categories annually based on the percentage of children in the home whose households have incomes that meet the eligibility standards under section 9, with each such reimbursement category carrying a set of reimbursement factors such as the factors prescribed under clause (ii)(II) or subclause (I) or factors established within the range of factors prescribed under clause (ii)(II) and subclause (I).

"(cc) Such other simplified procedures as the Secretary may prescribe.

"(V) MINIMUM VERIFICATION REQUIREMENTS.—The Secretary may establish any necessary minimum verification requirements.".

(2) GRANTS TO STATES TO PROVIDE ASSISTANCE TO FAMILY OR GROUP DAY CARE HOMES.—Section 17(f)(3) of the Act is amended by adding at the end the following:

"(D) GRANTS TO STATES TO PROVIDE ASSISTANCE TO FAMILY OR GROUP DAY CARE HOMES.—

"(i) IN GENERAL.—

"(I) RESERVATION.—From amounts made available to carry out this section, the Secretary shall reserve $5,000,000 of the amount made available for fiscal year 1996.

"(II) PURPOSE.—The Secretary shall use the funds made available under subclause (I) to provide grants to States for the purpose of providing—

"(aa) assistance, including grants, to family and day care home sponsoring organizations and other appropriate organizations, in securing and providing training, materials, automated data processing assistance, and other assistance for the staff of the sponsoring organizations; and

"(bb) training and other assistance to family and group day care homes in the implementation of the amendments to subparagraph (A) made by section 574(b)(1) of the Family Self-Sufficiency Act of 1995.

"(ii) ALLOCATION.—The Secretary shall allocate from the funds reserved under clause (i)(II)—

"(I) $30,000 in base funding to each State; and

"(II) any remaining amount among the States, based on the number of family day care homes participating in the program in a State in 1994 as a percentage of the number of all family day care homes participating in the program in 1994.

"(iii) RETENTION OF FUNDS.—Of the amount of funds made available to a State for a fiscal year under clause (i), the State may retain not to exceed 30 percent of the amount to carry out this subparagraph.

"(iv) ADDITIONAL PAYMENTS.—Any payments received under this subparagraph shall be in addition to payments that a State receives under subparagraph (A) (as amended by section 134(b)(1) of the Family Self-Sufficiency Act of 1995).".

(3) PROVISION OF DATA.—Section 17(f)(3) of the Act (as amended by paragraph (2)) is further amended by adding at the end the following:

"(E) PROVISION OF DATA TO FAMILY OR GROUP DAY CARE HOME SPONSORING ORGANIZATIONS.—

"(i) CENSUS DATA.—The Secretary shall provide to each State agency administering a child and adult care food program under this section data from the most recent decennial census survey or other appropriate census survey for which the data are available showing which areas in the State meet the requirements of subparagraph (A)(ii)(I)(aa). The State agency shall provide the data to family or group day care home sponsoring organizations located in the State.

"(ii) SCHOOL DATA.—

"(I) IN GENERAL.—A State agency administering the school lunch program under this Act or the school breakfast program under the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) shall provide data for each elementary school in the State, or shall direct each school within the State to provide data for the school, to approved family or group day care home sponsoring organizations that request the data, on the percentage of enrolled children who are eligible for free or reduced price meals.

"(II) USE OF DATA FROM PRECEDING SCHOOL YEAR.—In determining for a fiscal year or other annual period whether a home qualifies as a tier I family or group day care home under subparagraph (A)(ii)(I), the State agency administering the program under this section, and a family or group day care home sponsoring organization, shall use the most current available data at the time of the determination.

"(iii) DURATION OF DETERMINATION.—For purposes of this section, a determination that a family or group day care home is located in an area that qualifies the home as a tier I family or group day care home (as the term is defined in subparagraph (A)(ii)(I)), shall be in effect for 3 years (unless the determination is made on the basis of census data, in which case the determination shall remain in effect until more recent census data are available) unless the State agency determines that the area in which the home is located no longer qualifies the home as a tier I family or group day care home.".

(4) CONFORMING AMENDMENTS.—Section 17(c) of the Act is amended by inserting "except as provided in subsection (f)(3)," after "For purposes of this section," each place it appears in paragraphs (1), (2), and (3).

(c) DISALLOWING MEAL CLAIMS.—The fourth sentence of section 17(f)(4) of the Act is amended by inserting "(including institutions that are not family or group day care home sponsoring organizations)" after "institutions".

(d) ELIMINATION OF STATE PAPERWORK AND OUTREACH BURDEN.—Section 17 of the Act is amended by striking subsection (k) and inserting the following:

"(k) TRAINING AND TECHNICAL ASSISTANCE.—A State participating in the program established under this section shall provide sufficient training, technical assistance, and monitoring to facilitate effective operation of the program. The Secretary shall assist the State in developing plans to fulfill the requirements of this subsection.".

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall become effective on the date of enactment of this Act.

(2) IMPROVED TARGETING OF DAY CARE HOME REIMBURSEMENTS.—The amendments made by paragraphs (1), (3), and (4) of subsection (b) shall become effective on August 1, 1996.

SEC. 224. REDUCING REQUIRED REPORTS TO STATE AGENCIES AND SCHOOLS.

Section 19 of the National School Lunch Act (42 U.S.C. 1769a) is amended by striking subsection (c) and inserting the following:

"(c) REPORT.—Not later than 1 year after the date of enactment of the Family Self-Sufficiency Act of 1995, the Secretary shall—

"(1) review all reporting requirements under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) that are in effect, as of the date of enactment of the Family Self-Sufficiency Act of 1995, for agencies and schools referred to in subsection (a); and

"(2) provide a report to the Committee on Economic and Educational Opportunities of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate that—

"(A) describes the reporting requirements described in paragraph (1) that are required by law;

"(B) makes recommendations concerning the elimination of any requirement described in subparagraph (A) because the contribution of the requirement to program effectiveness is not sufficient to warrant the paperwork burden that is placed on agencies and schools referred to in subsection (a); and

"(C) provides a justification for reporting requirements described in paragraph (1) that are required solely by regulation.".

TITLE III—REAUTHORIZATION

SEC. 301. COMMODITY DISTRIBUTION PROGRAM; COMMODITY SUPPLEMENTAL FOOD PROGRAMS.

(a) REAUTHORIZATION.—The first sentence of section 4(a) of the Agriculture and Consumer Protection Act of 1973 (Public Law 93–86; 7 U.S.C. 612c note) is amended by striking "1995" and inserting "2000".

(b) ADMINISTRATIVE FUNDING.—Section 5(a)(2) of the Act (Public Law 93–86; 7 U.S.C. 612c note) is amended by striking "1995" and inserting "2000".

SEC. 302. EMERGENCY FOOD ASSISTANCE PROGRAM.

(a) REAUTHORIZATION.—The first sentence of section 204(a)(1) of the Emergency Food Assistance Act of 1983 (Public Law 98–8; 7 U.S.C. 612c note) is amended by striking "1995" and inserting "2000".

(b) PROGRAM TERMINATION.—Section 212 of the Act (Public Law 98–8; 7 U.S.C. 612c note) is amended by striking "1995" and inserting "2000".

(c) REQUIRED PURCHASES OF COMMODITIES.—Section 214 of the Act (Public Law 98–8; 7 U.S.C. 612c note) is amended—

(1) in the first sentence of subsection (a), by striking "1995" and inserting "2000"; and

(2) in subsection (e), by striking "1995" each place it appears and inserting "2000".

SEC. 303. SOUP KITCHENS PROGRAM.

Section 110 of the Hunger Prevention Act of 1988 (Public Law 100–435; 7 U.S.C. 612c note) is amended—

(1) in the first sentence of subsection (a), by striking "1995" and inserting "2000"; and

(2) in subsection (c)(2)—

(A) in the paragraph heading, by striking "1995" and inserting "2000"; and

(B) by striking "1995" each place it appears and inserting "2000".

SEC. 304. NATIONAL COMMODITY PROCESSING.

The first sentence of section 1775(2)(A) of the Agriculture and Food Act of 1981 (7 U.S.C. 1431e(2)(A)) is amended by striking "1995" and inserting "2000".

SENATE AGRICULTURE COMMITTEE WELFARE REFORM PROVISIONS

MORE AUTHORITY AND FLEXIBILITY FOR STATES

The bill gives states more freedom and choice in administering the Food Stamp program. The bill will:

Allow states to operate a simplified and state-designed Food Stamp program for cash welfare recipients, as long as federal costs do not increase.

Let states tighten the definition of a "household" so that people living under a single roof could be considered one household. For example, under current law, unmarried couples may qualify for more Food Stamp benefits than a married couple—in effect, a "marriage penalty."

Delete laws that micromanage state Food Stamp administration. Such laws now go so far as to specify when to use boldface type in Food Stamp applications and require USDA review of local office hours.

Allow states to recover over-issued Food Stamp benefits immediately.

PROMOTING WORK, RESPONSIBILITY AND STATE REFORM INITIATIVES

The bill encourages responsible behavior, empowers the states to pursue innovative welfare reforms, and reduces federal spending. The bill will:

Ensure Food Stamp benefits do not increase when a recipient's welfare benefits are reduced for violating welfare rules.

Allow states to operate work support programs in which the value of Food Stamp benefits is paid to an employer who hires a welfare recipient and passes on the benefit to the employee as part of wages. Such systems encourage movement from welfare to work.

Allow a limited number of states to offer Food Stamp benefits in cash to recipients who have been working at least three months.

Strengthen child support enforcement by allowing states to require that custodial parents cooperate with enforcement agencies, and to disqualify from benefits a parent who is in arrears on court-ordered child support. Also allow states to disqualify non-custodial parents who refuse to cooperate in child support and paternity proceedings.

Give states more ability to undertake welfare reform demonstration projects where they might restrict or reduce Food Stamp benefits. Impose a strict 60-day time limit for USDA to respond to state proposals for welfare reform. The state's request is automatically approved if USDA does not respond.

Sanction any adult who voluntarily quits a job while on Food Stamps. Require that individuals who violate Food Stamp work requirements be disqualified from benefits for mandatory minimum periods, with states able to disqualify for longer periods if they choose.

Exempt Food Stamp benefits delivered through Electronic Benefit Transfer from Regulation E, which limits cardholder liability if cards are lost or stolen.

Establish a new work requirement for non-elderly, able-bodied adults without dependents, generally requiring them to work or be in job training within six months, or lose Food Stamp eligibility.

Require that anyone age 21 or younger who lives with his or her parents must be considered part of the parents' household.

Reduce the rate of growth in Food Stamp spending by revising the way benefits are calculated. Currently, benefits are 103 percent of a "thrifty food plan" reflecting a low-cost diet. The bill would pay benefits at 100 percent of the thrifty food plan, the same formula used until 1989.

Reduce the "standard deduction," an amount automatically subtracted from applicants' income to determine eligibility and benefits.

Repeal scheduled increases in the maximum value of automobiles that may be owned by persons who wish to collect Food Stamp benefits. Count energy assistance as income when determining Food Stamp eligibility.

Discourage Food Stamp receipt by legal aliens. Extend the length of time for which a person who sponsors a legal alien must, in effect, be financially responsible for the alien.

IMPROVING CHILD NUTRITION PROGRAMS AND CONTAINING COSTS

The bill retains child nutrition programs at the federal level but reduces excessive federal regulation. The bill will:

Reduce statutory paperwork burdens on local school districts and states. The bill deletes several provisions that micromanage states' administration of the Child and Adult

Care Food Program and requires a survey to find more reporting requirements that can be eliminated.

Conform federal reimbursement rates for breakfasts served to non-poor children with those for lunches. Freeze for two years the reimbursement rate for meals and snacks served to non-poor children, and federal assistance in the form of commodities.

Reduce the subsidies for middle- and higher-income children in family day care homes.

End an extra and unsupported subsidy paid to schools which serve a high percentage of free and reduced-price meals. Bring summer food program reimbursements more into line with school reimbursement rates.•

By Mr. AKAKA:

S. 905. A bill to provide for the management of the airplane over units of the National Park System, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE NATIONAL PARKS AIRSPACE MANAGEMENT ACT OF 1995

• Mr. AKAKA. Mr. President, today I am reintroducing legislation I offered last year, but in simpler and improved form, that is designed to mitigate the impact of commercial air tour flights over units of the National Park System. The National Parks Airspace Management Act of 1995 would create a new statutory framework for minimizing the environmental effects of air tour activity on park units.

Briefly, my bill would: specify the respective authorities of the National Park Service and the Federal Aviation Administration [FAA] in developing and enforcing park overflight policy; establish a process for developing individualized airspace management plans at parks experiencing significant commercial air tour activity; provide for the designation of those parks which did not experience commercial air tour activity as of January 1, 1995 as flight-free parks; establish a new, single standard governing the certification and operation of all commercial air tour operators that conduct flights over national parks; require a variety of safety measures, such as improved aircraft markings, maintenance of accurate aeronautical charts, installation of flight monitoring equipment, and an air tour database; and, establish a National Park Overflight Advisory Council.

As my colleagues are aware, aircraft overflights of noise-sensitive areas such as national parks have been increasing in scope and intensity for a number of years, sparking significant public debate and controversy about the safety and environmental impact of such activity. The focus of much of the debate, and much of the controversy, has been the commercial air tour sightseeing industry, which has experienced explosive growth in some areas, most notably at the Grand Canyon and in my own State of Hawaii.

The air tour industry has become a $500 million business nationwide. Fully half of that revenue is generated by the 800,000 flightseers who annually view the Grand Canyon area by aircraft. In 1994, the Hawaii air tour industry, which is centered around tours of Haleakala and Hawaii Volcanoes National Parks, provided tours to more than 500,000 passengers, generating approximately $75 million in revenues.

Apart from parks in Arizona and Hawaii, significant commercial air tour activity has also been developing in such widely dispersed locations as Glacier National Park in Montana, the Utah national parks, Mount Rushmore in South Dakota, and the Statute of Liberty and Niagara Falls in New York. In fact, at Great Smoky Mountains National Park, commercial air tour overflights have fostered such opposition that the State of Tennessee has passed legislation to restrict such flights.

Thus, the problems that my bill attempts to address are national, not merely local, in scope and interest. I would venture to say that every Member of this body has, or will soon have, a park in his or her State that is impacted to a greater or lesser degree by commercial air tour operations.

Mr. President, the legislation I am offering is not the first attempt to deal with this issue through legislation. In 1987, Congress passed the National Parks Overflights Act, Public Law 100–91, which established certain flight restrictions at three parks which were experiencing heavy air traffic. Flights below-the-rim at Grand Canyon were permanently banned and Special Federal Aviation Regulation [SFAR] was established creating flight-free zones and air corridors. The act established less stringent temporary altitude restrictions for Yosemite in California and Haleakala in Hawaii.

The act also required that a comprehensive study be conducted by the Park Service, with FAA input, to determine appropriate minimum altitudes for aircraft overflying national parks. Completed and submitted to Congress in September 1994, the study evaluated the impact of aircraft noise on the safety of park system users and on park values and offered numerous recommendations to Congress and the administration on ways to mitigate the effects of aircraft noise, including incentives to encourage use of quiet aircraft technology, flight-free zones and flight corridors, altitude restrictions, noise budgets, and limits on times of air tour operations.

Unfortunately, the minimum altitude restrictions mandated by Public Law 100–91 have not fully addressed the noise and safety problems at Grand Canyon, Yosemite, and particularly Haleakala, given the explosive growth in air tour activity at these parks. And, of course, the act did not establish mitigation measures for other parks experiencing high levels of air traffic. And, to date, none of the noise and safety mitigation measures recommended by the Park Overflights Study have been implemented.

Since October 1, 1988, there have been 139 air tour accidents in the United States, resulting in 117 fatalities. It saddens me to report that my home State of Hawaii has experienced a disproportionately high number of these tragedies. During that period, 34 of those accidents occurred in Hawaii, resulting in 35 fatalities.

Concern over the high incidence of air tour accidents in Hawaii's skies compelled the FAA, in March 1994, to initiate a comprehensive review of the operations and maintenance practices of the Hawaii air tour industry. This review culminated in the implementation of an emergency regulation—SFAR–71—which imposed numerous safety measures upon Hawaii's commercial air tour operators, including a 1,500-foot above-ground-level minimum altitude restriction. To date, the FAA's emergency rulemaking actions generally appear to have been effective in providing short-term solutions to many of the safety problems associated with commercial air tour operations in Hawaii.

Similarly, in 1992, when the FAA implemented SFAR–50–2 governing airspace over Grand Canyon National Park, a significant improvement in air safety was effected there also. Unfortunately, however, short-term, emergency measures such as SFAR's 71 and 50–2 have not, and cannot be expected to, addressed the full range of safety problems that have attended the explosive growth of the commercial air tour industry in this country.

In addition to safety issues, the rapid growth of the air tour industry has fostered environmental concerns as well, largely centering on noise problems. The Clinton administration has made a good faith effort to address the noise and environmental impacts of commercial air tour overflights through existing regulatory authorities and mechanisms. The interagency working group formed in 1993 by Secretary Babbitt and Secretary Peña has demonstrated that limited cooperation between the FAA and Park Service is attainable in addressing this issue.

Nevertheless, while some progress has been made, the pace has been painfully slow and tangible results so far are not readily evident. In the meantime, the number of air tour flights has continued to grow, serving to exacerbate existing environmental and safety problems. This experience has shown us that only Congress, through legislation, can produce lasting, effective policy on this matter.

The simple truth is, the complex problems associated with park overflights cannot be fully resolved administratively. This is largely due to the fact that the FAA and the Park Service, the two agencies with the greater responsibility in this area, are governed by vastly different statutory mandates. On the one hand, the FAA is responsible for the safety and efficiency of air commerce; on the other, the Park Service is charged with protecting and preserving park resources. At some point—in this case the regulation of airspace over noise sensitive areas—their interests are mutually incompatible. Only by modifying or clarifying their statutory responsibilities with respect to the management of park airspace can the two Federal agencies be expected to work together to address the overflights problem.

Mr. President, the legislation I am proposing today would address this and other barriers to the development of a comprehensive park overflights policy. My bill deals with the commercial air tour overflights issue in a national context, since the safety and environmental concerns which are being debated so vociferously in Hawaii are being echoed at park units scattered throughout the National Park System.

At the outset, my bill establishes a finding that National Park Service policy recognizes the importance of natural quiet as a resource to be conserved and protected in certain park units. Toward that end, my bill creates a new statutory framework for minimizing the environmental effects of air tour activity on units throughout the National Park System.

The bill articulates a regulatory scheme under which the Park Service and the FAA are required to work in tandem to develop operational policies with respect to the overflights problem. It provides for joint administration in many areas while clearly denoting the FAA's primacy on matters related to safety and air efficiency and the Park Service's lead role in identifying the resources to be protected and the best means of protecting them.

The bill requires the development, with public involvement, of individually tailored park airspace management plans for units significantly affected by overflight activity, as determined by the director of the Park Service. It calls for good faith negotiations between commercial air tour operators and both the Park Service and the FAA to reach agreement on flights over park areas.

It provides for the Park Service to recommend to the FAA the designation of individual units as flight-free parks for those units which, as of January 1, 1995, experienced no overflights by commercial air tour operators and where air tour flights would be incompatible with or injurious to the purposes or values of those parks.

It also mandates the development by the FAA or a generic operational rule for commercial air tour operations at all units of the National Park System, subject to modification at individual park units based on negotiations among air tour operators, the FAA, and the Park Service.

My legislation requires the FAA to implement a single standard, through a new subpart of part 135, title 14, Code of Federal Regulations, for certifying commercial air tour operators. Such a uniform standard, which has been recommended by the National Transportation Safety Board [NTSB], will substantially enhance safety by providing essential consistency in such areas as pilot qualifications, training, and flight and duty time limitations.

It mandates commercial air tour safety initiatives recommended by the NTSB and others, including the installation of a flight monitoring system and the use of identification markings unique to a commercial air tour operator, the development of aeronautical charts which reflect airspace management provisions with respect to individual park units, and the development of a national data base on air tour operations.

Last but by no means least, the bill establishes a National Park Overflight Advisory Council which would provide advice and recommendations to the Park Service and the FAA on all issues related to commercial air tour flights over park units and serve as a national forum for interest groups—including representatives of the air tour industry and the environmental community—to constructively exchange views.

It is significant to note that my bill will not affect emergency flight operations, general aviation, military aviation, or scheduled commercial passenger flights that transit National Park System units. Furthermore, recognizing the special needs for air travel in Alaska, this bill will not affect the management of park units or aircraft operations over or within park units in the State of Alaska.

Mr. President, I believe that the legislation I am offering today will give us the tools to minimize the adverse effects of commercial air tour flights on park resources as well as on the ground visitor experience, while at the same time enhancing the safety of such flights. I believe it is a balanced measure that, through extensive opportunity for public involvement, attempts to accommodate the legitimate concerns of all park users, including air tour operators and passengers. Indeed, I strongly believe that under certain well-regulated conditions, air tourism provides an important service to millions of elderly, disabled, or other visitors who might otherwise never enjoy the wonders of our national parks.

Nevertheless, my bill's central premise is that the 367 park units of the National Park System were created because of their exceptional natural or cultural significance to the American people. All of the provisions of the National Parks Airspace Management Act are therefore designed with the protection of park resources as their essential, if not exclusive, goal. For it is self-evident that a park whose values have corrupted is a park ultimately not worth visiting, by air or land.

Thank you, Mr. President. I urge my colleagues to support this measure.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 905

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Parks Airspace Management Act of 1995".

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) Commercial air tour flights over units of the National Park System (referred to in this Act as "units") may have adverse effects on the units. The flights may degrade the experiences of visitors to the affected areas and may have adverse effects on wildlife and cultural resources in those areas. A significant number of complaints about commercial air tour flights over certain areas under the jurisdiction of the National Park Service have been registered.

(2) Whereas resource preservation is the primary responsibility of the National Park Service, the agency continues to struggle to develop a policy that would achieve an acceptable balance between flights over units by commercial air tour operators and the protection of resources in the units and the experiences of visitors to the units.

(3) Whereas the mission of the Federal Aviation Administration is to develop and maintain a safe and efficient system of air transportation while considering the impact of aircraft noise, the agency continues to have difficulty adequately controlling commercial air tour flights over units.

(4) Significant and continuing concerns exist regarding the safety of commercial air tour flights over some units, including concerns for the safety of occupants of the flights, visitors to those units, Federal employees at those units, and the general public. The concern of the Congress over the effects of low-level flights on units led to the enactment, on August 18, 1987, of the Act entitled "An Act to require the Secretary of the Interior to conduct a study to determine the appropriate minimum altitude for aircraft flying over national park system units" (Public Law 100-91; 101 Stat. 674; 16 U.S.C. 1a-1 note). The Act requires the Director to identify problems associated with flights by aircraft in the airspace over units.

(5) Pursuant to the Act referred to in paragraph (4), on September 12, 1994, the Director submitted a report to Congress entitled "Report On Effects Of Aircraft Overflights On

The National Park System''. The National Park Service report concluded that, because the details of national park overflights problems are park-specific, no single altitude can be identified for the entire National Park System. The National Park Service report presented a number of recommendations for resolution of the problem, including—

(A) the development of airspace and park use resolution processes;

(B) the development of a single operational rule to regulate air tour operations;

(C) seeking continued improvements in safety and interagency planning related to airspace management; and

(D) the development of a Federal Aviation Administration rule to facilitate preservation of natural quiet.

(6) The policy of the National Park Service recognizes the importance of natural quiet as a resource to be conserved and protected in certain units. The National Park Services defines natural quiet as "the natural ambient sound conditions found in certain units of the National Park Service'' and recognizes that visitors to certain units may reasonably expect quiet during their visits to those units established with the specific goal of providing visitors with an opportunity for solitude.

(7) The number of flights by aircraft over units has increased rapidly since the date of enactment of the Act referred to in paragraph (4) and, due to the high degree of satisfaction expressed by air tour passengers, as well as the economic impact of air tour operations on the tourist industry, the number of flights will likely continue to increase. A progression of aesthetic and safety concerns about low altitude flights have been associated with growth in commercial air tour traffic. As the number of flights continues to increase, the likelihood exists that there will be a concomitant increase in the number of conflicts regarding management of the airspace over the units.

(8) A need exists for a Federal policy to address the conflicts and problems associated with flights by commercial air tour aircraft in the airspace over units. A statutory process should be established to require the Secretary of Transportation and the Secretary of the Interior, acting through the Director, to work together to mitigate the impact of commercial air tour operations on units, or specific areas within units that are adversely affected by commercial air tour operations.

SEC. 2. DEFINITIONS.

For the purposes of this Act, the following definitions shall apply:

(1) ADMINISTRATOR.—The term "Administrator'' means the Administrator of the Federal Aviation Administration.

(2) AGREEMENT.—The term "agreement'' means an agreement entered into by a commercial air tour operator, the Director, and the Administrator under section 4(h) that provides for the application of relevant provisions of an airspace management plan for the unit concerned to the commercial air tour operator.

(3) AIR TOUR AIRCRAFT.—The term "air tour aircraft'' means an aircraft (including a fixed-wing aircraft or a rotorcraft) that makes air tour flights.

(4) AIR TOUR FLIGHT.—The term "air tour flight'' means a passenger flight conducted by air tour aircraft for the purpose of permitting a passenger to the flight to view an area over which the flight occurs.

(5) COMMERCIAL AIR TOUR AIRCRAFT.—The term "commercial air tour aircraft'' means any air tour aircraft used by a commercial air tour operator in providing air tour flights for hire to the public.

(6) COMMERCIAL AIR TOUR OPERATOR.—The term "commercial air tour operator'' means a company, corporation, partnership, individual, or other entity that provides air tour flights for hire to the public.

(7) COUNCIL.—The term "Council'' means the National Park Overflight Advisory Council established under section 9.

(8) DIRECTOR.—The term "Director'' means the Director of the National Park Service.

(9) FLIGHT-FREE PARK.—The term "flight-free park'' means a unit over which commercial air tour operations are prohibited.

(10) UNIT.—The term "unit'' means a unit of the National Park System.

SEC. 4. NATIONAL PARK AIRSPACE MANAGEMENT PLANS.

(a) IN GENERAL.—The Director and the Administrator shall, in accordance with this section, develop and establish a plan for the management of the airspace above each unit that is affected by commercial air tour flights to the extent that the Director considers the unit to be a unit requiring an airspace management plan.

(b) PLAN PURPOSE.—The purpose of each plan developed under subsection (a) is to minimize the adverse effects of commercial air tour flights on the resources of a unit.

(c) DEVELOPMENT OF AIRSPACE MANAGEMENT PLANS.—

(1) TREATMENT OF RELEVANT EXPERTISE.—In developing plans under subsection (a), the Administrator shall defer to the Director in matters relating to the identification and protection of park resources, and the Director shall defer to the Administrator in matters relating to the safe and efficient management of airspace.

(2) NEGOTIATED RULEMAKING.—In developing a plan for a unit, the Director and the Administrator shall consider utilizing negotiated rulemaking procedures as specified under subchapter III of chapter 5 of title 5, United States Code, if the Director and the Administrator determine that the utilization of those procedures is in the public interest.

(d) COMMENT ON PLANS.—In developing a plan for a unit, the Director and the Administrator shall—

(1) ensure that there is sufficient opportunity for public comment by air tour operators, environmental organizations, and other concerned parties; and

(2) give due consideration to the comments and recommendations of the Council and the Federal Interagency Airspace/Natural Resource Coordination Group, or any successor organization to that entity.

(e) RESOLUTION OF PLAN INADEQUACIES.—If the Director and the Administrator disagree with respect to any portion of a proposed plan under subsection (a), the Director and the Administrator shall refer the proposed plan to the Secretary of the Interior and the Secretary of Transportation, and the Secretaries shall jointly resolve the disagreement.

(f) ASSESSMENT OF EFFECTS OF OVERFLIGHTS.—The Director and the Administrator may jointly conduct studies to ascertain the effects of low-level flights of commercial air tour aircraft over units that the Director and the Administrator consider necessary for the development of plans under subsection (a).

(g) PERIODIC REVIEW.—Not less frequently than every 5 years after the date of establishment of a plan under subsection (a), the Director and the Administrator shall review the plan. The purpose of the review shall be to ensure that the plan continues to meet the purposes for the plan. The Director and the Administrator may revise a plan if they jointly determine, based on that review, that the revision is advisable.

(h) FLIGHTS OVER UNITS COVERED BY PLANS.—

(1) AGREEMENT.—A commercial air tour operator may not conduct commercial air tour flights in the airspace over a unit covered by an airspace management plan developed under subsection (a) unless the commercial air tour operator enters into an agreement with the Director and the Administrator that authorizes such flights.

(2) CONTENTS.—An agreement under paragraph (1) shall—

(A) provide for the application of relevant provisions of the airspace management plan for the unit concerned to the commercial air tour operator; and

(B) to the maximum extent practicable, provide for the conduct of air tour flights by the air tour operator in a manner that minimizes the adverse effects of the air tour flights on the environment of the unit.

SEC. 5. FLIGHT-FREE PARKS.

For units that, as of January 1, 1995, experienced no overflights by commercial air tour operators, the Director, in consultation with the Administrator, shall—

(1) prescribe criteria to identify units where air tour flights by commercial air tour aircraft would be incompatible with or injurious to the purposes and values for which the units were established;

(2) identify any units that meet those criteria; and

(3) designate those units as "flight-free park'' units.

SEC. 6. SINGLE OPERATIONAL RULE FOR COMMERCIAL AIR TOUR OPERATIONS.

(a) IN GENERAL.—Except as provided in subsection (b), the Administrator, after notice and hearing on the record, shall issue a regulation governing the operation of all air tour aircraft flights by commercial air tour operators over units.

(b) SEPARATE OPERATIONAL RULES.—

(1) IN GENERAL.—The Administrator may prescribe separate operational rules governing the conduct of flights by fixed-wing aircraft and by rotorcraft if the Administrator determines under subsection (a) that separate rules are warranted.

(2) DEVELOPMENT OF OPERATIONAL RULE.—In developing an operational rule under paragraph (1), the Administrator shall—

(A) consider whether differences in the characteristics and effects on the environment of fixed-wing aircraft and rotorcraft warrant the development of separate operational rules with respect to that craft;

(B) provide a mechanism for the Director to recommend individual units or geographically proximate groups of units to be designated as aerial sightseeing areas, as defined by section 92.01 of the Federal Aviation Administration Handbook, dated January 1992; and

(C) provide a mechanism for the Director to obtain immediate assistance from the Administrator in resolving issues relating to the use of airspace above units with respect to which the issues are of a critical, time-sensitive nature.

(d) EFFECT ON AGREEMENTS.—Nothing in this section is intended to preclude the Administrator, the Director, and a commercial air tour operator from entering into, under section 4(h), an agreement on the conduct of air tour flights by the air tour operator over a particular unit under different terms and conditions from those imposed by an operational rule promulgated under this subsection.

SEC. 7. AIRCRAFT SAFETY.

(a) DEVELOPMENT OF A SINGLE STANDARD FOR CERTIFYING COMMERCIAL AIR TOUR OPERATORS.—

(1) COMMENCEMENT OF RULEMAKING.—The Administrator shall initiate formal rulemaking proceedings (which shall include a hearing on the record) for the purpose of revising the regulations contained in part 135 of title 14, Code of Federal Regulations (relating to air taxi operators and commercial operators), to prescribe a new subpart to specifically cover all commercial air tour operators (as that term shall be defined by the Federal Aviation Administration under the subpart) that conduct commercial air tour flights over units.

(2) COVERED MATTERS.—The regulations prescribed under subsection (a) shall address safety and environmental issues with respect to commercial air tour flights over units. In prescribing the regulations, the Administrator shall attempt to minimize the financial and administrative burdens imposed on commercial air tour operators.

(b) AIRCRAFT MARKINGS.—

(1) REQUIREMENT.—Each operator of commercial air tour aircraft shall display on each air tour aircraft of the operator the identification marks described in paragraph (2).

(2) IDENTIFICATION MARKS.—The identification marks for the aircraft of a commercial air tour operator shall—

(A) be unique to the operator;

(B) be not less than 36 inches in length (or a size consistent with the natural configuration of the aircraft fuselage);

(C) appear on both sides of the air tour aircraft of the air tour operator and on the underside of the aircraft; and

(D) be applied to the air tour aircraft of the air tour operator in a highly visible color that contrasts sharply with the original base color paint scheme of the aircraft.

(c) AERONAUTICAL CHARTS.—The Administrator shall ensure that the boundaries of each unit and the provisions of the airspace management plan, operational rule, or Special Federal Aviation Regulation (SFAR), if any, with respect to each unit are accurately displayed on aeronautical charts.

(d) FLIGHT MONITORING SYSTEMS.—

(1) IN GENERAL.—The Administrator shall carry out a study of the feasibility and advisability of requiring that commercial air tour aircraft operating in the airspace over units have onboard an automatic flight tracking system capable of monitoring the altitude and ground position of the commercial air tour aircraft.

(2) DETERMINATION BY ADMINISTRATOR.—If the Administrator determines under the study required under paragraph (1) that the use of flight tracking systems in commercial air tour aircraft is feasible and advisable, the Administrator and the Director shall jointly develop a plan for implementing a program to monitor the altitude and position of commercial air tour aircraft over units.

(e) NATIONAL DATA BASE FOR COMMERCIAL AIR TOUR OPERATORS.—The Administrator shall—

(1) establish and maintain a data base concerning all commercial air tour aircraft operated by commercial air tour operators that shall be designed to provide data that shall be used in making—

(A) determinations of—

(i) the scope of commercial air tour flights; and

(ii) accident rates for commercial air tour flights; and

(B) assessments of the safety of commercial air tour flights; and

(2) on the basis of the information in the data base established under paragraph (1), ensure that each Flight Standards District Office of the Administration that serves a district in which commercial air tour operators conduct commercial air tour flights is adequately staffed to carry out the purposes of this Act.

SEC. 8. EXCEPTIONS.

(a) FLIGHT EMERGENCIES.—This Act shall not apply to any aircraft experiencing an in-flight emergency, participating in search and rescue, firefighting or police emergency operations, carrying out park administration or maintenance operations, or complying with air traffic control instructions.

(b) FLIGHTS BY MILITARY AIRCRAFT.—This Act shall not apply to flights by military aircraft, except that the Secretary of Defense is encouraged to work jointly with the Secretary of Transportation and the Secretary of Interior in pursuing means to mitigate the impact of military flights over units.

(c) FLIGHTS FOR COMMERCIAL AERIAL PHOTOGRAPHY.—The Director and the Administrator shall jointly develop restrictions and fee schedules for aircraft or rotorcraft engaged in commercial aerial photography over units at altitudes that the Director and the Administrator determine will impact adversely the resources and values of affected units.

SEC. 9. NATIONAL PARK OVERFLIGHT ADVISORY COUNCIL.

(a) ESTABLISHMENT.—There is established a commission to be known as the "National Park Overflight Advisory Council".

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Council shall be comprised of members from each of the following groups, appointed jointly by the Director and the Administrator:

(A) Environmental or conservation organizations, citizens' groups, and other groups with similar interests.

(B) The commercial air tour industry and organizations with similar interests.

(C) Representatives of departments or agencies of the Federal Government.

(D) Such other persons as the Administrator and the Director consider appropriate.

(c) DUTIES.—The Council shall—

(1) determine the effects of commercial air tour flights in the airspace over the units on the environment of the units;

(2) determine the economic effects of restrictions or prohibitions on the flights;

(3) solicit and receive comments from interested individuals and groups on the flights;

(4) develop recommendations for means of reducing the adverse effects of the flights on the units;

(5) explore financial and other incentives that could encourage manufacturers to advance the state-of-the-art in quiet aircraft and rotorcraft technology and encourage commercial air tour operators to implement the technology in flights over units;

(6) provide comments and recommendations to the Director and the Administrator under section 4;

(7) provide advice or recommendations to the Director, the Administrator, and other appropriate individuals and groups on matters relating to flights over units; and

(8) carry out such other activities as the Director and the Administrator jointly consider appropriate.

(d) MEETINGS.—The Council shall first meet not later than 180 days after the date of enactment of this Act, and shall meet thereafter at the call of a majority of the members of the Council.

(e) ADMINISTRATION.—

(1) COMPENSATION OF NON-FEDERAL MEMBERS.—Members of the Council who are not officers or employees of the Federal Government shall serve without compensation for their work on the Council, but shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service under section 5703(b) of title 5, United States Code, to the extent funds are available therefor.

(2) COMPENSATION OF FEDERAL MEMBERS.—Members of the Council who are officers or employees of the Federal Government shall serve without compensation for their work on the Council other than that compensation received in their regular public employment, but shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law, to the extent funds are available therefor.

(f) REPORTS.—The Council shall annually submit to Congress, the Administrator, and the Director a report that—

(1) describes the activities of the Council under this section during the preceding year; and

(2) sets forth the findings and recommendations of the Council on matters related to the mitigation of the effects on units of flights of commercial air tour operators over units.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.

SEC. 10. EXEMPTION FOR STATE OF ALASKA.

Nothing in this Act shall affect—

(1) the management of units in the State of Alaska; or

(2) any aircraft operations over or within units in the State of Alaska.•

By Mr. BRADLEY:

S. 906. A bill to amend title 18, United States Code, to add multiple deaths as an aggravating factor in determining whether a sentence of death is to be imposed on a defendant, and for other purposes; to the Committee on the Judiciary.

THE DEATH PENALTY ACT OF 1995

• Mr. BRADLEY. Mr. President, I introduce a bill that will make multiple murders an aggravating factor in determining whether a sentence of death is justified.

Mr. President, on March 21, 1995, Christopher Green murdered four people and critically injured another in the robbery of a postal substation in my hometown of Montclair, NJ. Two postal workers, Ernest Spruill and Scott Walensky, and two customers, Robert Leslie and George Lomaga, were forced into a back room and made to lie down on the floor. They were then shot in the back of their heads multiple times at point blank range, execution-style, with a 9-millimeter Taurus semiautomatic pistol containing a 15-round capacity magazine. The magazine contained deadly, flesh-ripping Black Talon bullets which expand upon impact with human tissue. A third customer, David Grossman, entered the post office as the robbery was in progress. He was shot in the face. By the grace of God, however, he survived the attack.

Yesterday, in Federal court Christopher Green admitted his guilt in intentionally murdering Ernest Spruill, Scott Walensky, Robert Leslie, and George Lomaga, and of attempting to kill David Grossman. He told the court that he had worked for the Montclair Post Office for parts of 1991, 1992, and 1993, and had dealings with the substation where the crime occurred. Mr. President, Christopher Green further admitted that he knew that the substation had minimal security measures in place, and that thousands of dollars in cash were kept at the substation. He also stated in court that he knew Ernest Spruill and Scott Walensky.

Mr. President, Christopher Green used a 9-millimeter Taurus semiautomatic pistol containing deadly Black Talon bullets. You may recall that Black Talon bullets produce razor-sharp, reinforced radial petals that expand upon impact into a mushroom or claw configuration, producing maximum tissue damage in the wake of the penetrating core. These bullets are designed for one purpose and that is to kill the intended target. Mr. President, Christopher Green admitted yesterday that he knew that the bullets that he possessed during the robbery—Black Talon bullets—had the propensity to inflict tremendous internal damage when he viciously murdered Ernest Spruill, Scott Walensky, Robert Leslie, and George Lomaga, and attempted to kill David Grossman.

Mr. President, for committing this horrible crime, Christopher Green will be sentenced to life in prison without the possibility of parole. While he will never walk the streets of America as a free citizen again, Mr. President, the U.S. attorney for the District of New Jersey expressed frustration that her ability to seek the death penalty in this case was limited because the death penalty statute does not list multiple murders as an aggravating factor.

Mr. President, the determination of whether the death penalty is to apply is made in a separate trial following conviction. A jury must unanimously find certain statutorily defined aggravating factors to justify the imposition of the death penalty. Where the commission of a homicide occurs, such factors include, among others: First, a previous conviction of a violent felony involving a firearm; second, two previous felony drug offense convictions; or third, the murder of high public officials, including the President, as noted by the U.S. attorney for the District of New Jersey, "[i]nexplicably, multiple murder—even execution style murder—is not listed in the law as an aggravating factor."

In order to fix this glaring limitation in Federal death penalty law, Mr. President, this bill would add multiple murders to the list of aggravating factors presently available to determine whether a sentence of death can be imposed on a defendant who commits homicide. When Christopher Green purchased the weapon used in this mass murder, police performed a background check and found that Green had no criminal record. Because he had no prior criminal record, the U.S. attorney was severely limited in her ability to seek the death penalty. This bill will therefore strengthen the death penalty law by providing that those who commit atrocious multiple murders will be prosecuted under the death penalty statute, irrespective of whether they have prior criminal records.

Mr. President, I believe that the death penalty should be available where an individual commits multiple murders. The senseless spiral of violence burns in many places. No one is immune. Indeed, the mass murders in Montclair occurred in a community that was described in the recent issue of New Jersey Monthly as "a desirable community where parents feel safe allowing young children to ride their bicycles around town." Because of this epidemic of violence, every tool in our legal arsenal, including the death penalty, must be employed to make our communities safe.

Mr. President, the horror and devastation of violence impacts our communities in immeasurable ways. I was in Montclair recently, and I met with the widow of one of the victims. As I spoke with her, I saw the pain and despair in her eyes. I felt her anger, hurt, and confusion. Mr. President, her expressions communicated to me her yearning to understand exactly why this horrible event could claim her husband and devastate her life in this great country of ours. As I departed Montclair, Mr. President, I promised her that I would continue to do everything in my power to return our communities to places where "parents feel safe allowing young children to ride their bicycles around town." This bill, Mr. President, is one more installment of that promise.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 906

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MULTIPLE DEATHS AS AGGRAVATING FACTOR.

Section 3592(c) of title 18, United States Code, is amended by adding at the end the following new paragraph:

"(16) MULTIPLE DEATHS.—The death, or injury resulting in death, of more than 1 person, occurred during the commission of the crime.".•

By Mr. MURKOWSKI (for himself, Mr. LEAHY, Mr. CAMPBELL, Mr. KYL, Mr. BROWN, Mr. GREGG, Mr. CRAIG, and Mr. DOMENICI):

S. 907. A bill to amend the National Forest Ski Area Permit Act of 1986 to clarify the authorities and duties of the Secretary of Agriculture in issuing ski area permits on National Forest System lands and to withdraw lands within ski area permit boundaries from the operation of the mining and mineral leasing laws; to the Committee on Energy and Natural Resources.

FOREST SERVICE LAND LEGISLATION

• Mr. MURKOWSKI. Mr. President, I am today introducing legislation to resolve a longstanding problem ski areas permittees on Forest Service land have encountered with the fee system the Forest Service developed to calculate their rental fees. This legislation creates a new and simplified ski area fee system to calculate rental fees for these ski areas for use of the national forest lands.

This same fee system legislation passed the Senate during the 102d Congress but time ran out before the legislation was considered in the House. This proposal was determined to be revenue neutral to the United States by the Congressional Budget Office. The ski area permittees support this proposal because it is revenue neutral and at the same time collects their fees utilizing a simplified formula that everyone can understand. The Forest Service manual and handbook currently contain over 40 pages of guidelines on the currently utilized fee system. Ski area permittees and the public have a significant difficulty understanding this system. The new fee system that will be created by this legislation is set out on one page and is easy for everyone to understand.

This legislation continues to receive bipartisan support and I hope that more Senators will join our effort to bring some common sense to how ski areas calculate their rental fees on the national forests. This legislation will reduce some of the management problems of the Forest Service. This simplification of the ski area fee system will eliminate the need for the Forest Service to apply and audit the complex rental fee system that they now have in their manual. The new fee system in this proposed legislation will reduce the fee system to a simple formula based on gross revenue of the ski area permittee and from clearly defined sources. Therefore, there will be a significant reduction in the bookkeeping and administrative tasks for both the Forest Service and the ski areas.

I hope that hearing can be held soon on this legislation so that the new ski area fee system can be put in place as soon as possible. Simplification of this fee system is consistent with reinvention and downsizing the Federal Government.•

By Mr. LIEBERMAN:

S. 909. A bill to amend part I of title 35, United States Code, to provide for the protection of inventors contracting for invention development services; to the Committee on the Judiciary.

THE INVENTOR PROTECTION ACT OF 1995

• Mr. LIEBERMAN. Mr. President, today, I am introducing the Inventor Protection Act of 1995, which is intended to plug a leak in the longrunning pipeline of American ingenuity, and to make sure that inventors are free to pursue their dreams, without losing their money to conartists.

As Americans, we live in the most inventive society on Earth. From Franklin to Edison to Henry Ford and to Steven Jobs, we have a long tradition of dreamers, tinkerers and creators, working in basements and garages, motivated by the pervasive quest to build a better mousetrap. The very symbol of a new idea, which is the light bulb, is, of course, an American invention.

The Founding Fathers even recognized, as we sometimes forget, the importance of protecting the inventive spirit. In article I, section 8 of the Constitution of the United States, they empowered Congress to create a Federal patent system to promote the progress of science and useful arts.

Now, more than two centuries later, in an era of intense global competition, that mission has become even more important. We must do all we can to make sure good ideas get to market. Unfortunately, though, for too many inventors today, the path to commercialization is strewn with hazards.

It has been said that a person seeking to build a better mousetrap today will probably run into capital and material shortages, patent infringement lawsuits, work stoppages, product liability suits, and the omnipresent burden of taxes. But there is another threat out there, one that is as resilient and longstanding as the American spirit of ingenuity, and that threat is the American scam artist.

Each year thousands of inventors lose tens of millions of dollars to deceptive invention marketing companies that take advantage of their ideas and their dreams. Last year, as then-chairman of the Subcommittee on Regulation and Governmental Affairs, I held a hearing on the problems presented by the invention marketing industry. Witness after witness testified how dozens of companies, under broad claims of helping inventors, have actually set up schemes in which inventors spend thousands of dollars for services to market their invention—a service that companies regularly fail to provide. State and Federal laws have been vague and ineffective in this area, leaving consumers virtually helpless and lacking the information they need to make truly informed decision about how to develop and sell their idea.

To understand the scope of the problem, let me describe how the fraud works: These companies attract inventors through ads that include a toll-free number that an inventor calls to request an invention evaluation form. The inventor returns the form, which includes a full description of their designs, with the expectation that it will be evaluated by qualified experts.

In fact, according to hearing testimony by the FTC and the Patent and Trademark Office [PTO], no expert evaluation occurs. Instead, the form is referred to a salesperson who calls the inventor and tries to convince the inventor to purchase a product research report, which the inventor is led to believe will evaluate the patentability and commercial potential of the idea. The price for the product research report is generally around $500. Instead of an informative, indepth study, the inventor receives a boilerplate report of little value which invariably concludes that the idea is patentable. That statement typically is deceiving since almost any idea may be patented. However, the patent may merely protect the design of the idea, not the function or usefulness. Such a design patent is typically worthless in attempting to commercialize the product.

The next step in the scheme involves convincing the inventor to purchase patent and marketing services. Again, the services are useless and quite expensive. The average charge is $7,000 and ranges as high as $10,000. For this sum, the inventor routinely receives a few generic press releases about the idea and a brief mention in catalogs exhibited at various trade shows. In almost every case, this marketing plan is essentially worthless.

While there are no official figures available on how many people annually contract with invention marketers, one person who works at a legitimate nonprofit center that helps inventors testified that he estimates the number to exceed 25,000. Given an average cost of $7,000 for services that companies charge, that would represent a total of $175 million in revenue for these companies, with virtually no benefit to inventors.

The legislation that I propose to crack down on these scam artists is simple, yet stringent. It uses a multifaceted approach to separate the legitimate companies from the fraudulent and guarantee real protection for America's inventors.

To start with, I propose requiring invention marketing companies to register with the U.S. Patent and Trademark Office. This registration requirement would be fully funded by fees paid by these companies, and would take advantage of the existing structure already set up for registering attorneys to administer it. As a result, no new Federal spending would be necessary, nor would any new bureaucracy need be created.

The companies would also be required to provide a complete list of their officers so shady characters could not hide behind ever-changing corporate names. One former salesperson for an invention marketing company said his company changed names three times in less than 6 years: "To evade consumer action, the MO was to frequently change company names * * * You forgot sometimes what company you are working for." Complaints against these companies will also be tracked.

In addition, my bill creates standards for contracts between inventors and invention developers to help inventors in making informed decisions about developers. One of these standards would require companies to attach a cover sheet to every contract that lists the number of applicants the company has rejected, which is usually very small, and the number of customers who have actually earned a profit from their inventions, which is also usually very small. If the invention marketing company fails to meet the guidelines set forth in the bill, customers can void these contracts, and even sue for damages in Federal court.

Mr. President, this legislation is just the type of law that Americans are clamoring for. It addresses a specific identified problem that can be best solved by the Federal Government and does so without creating a new bureaucracy. Although several States have passed legislation to address the problem, they have largely failed to wipe out this threat because the companies can simply move to States with weak laws and lax enforcement. Best of all, this legislation will not cost American taxpayers a cent; the entire burden will be covered by the registration fees called for in the bill.

I urge my colleagues to support this bill to ensure that inventors as well as their ideas are protected.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 909

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Inventor Protection Act of 1995".

SEC. 2. INVENTION DEVELOPMENT SERVICES.

Part I of title 35, United States Code, is amended by adding after chapter 4 the following new chapter:

"CHAPTER 5—INVENTION DEVELOPMENT SERVICES

"Sec.
"51. Definitions.
"52. Contracting requirements.
"53. Standard provisions for cover notice.
"54. Reports to customer required.
"55. Mandatory contract terms.
"56. Remedies.
"57. Enrollment of invention developers.
"58. Records of complaints.
"59. Enrollment fee.
"60. Suspension or exclusion from enrollment.
"61. Unenrolled representation as invention developer.
"62. Rule of construction.

"§ 51. Definitions

"For purposes of this chapter, the term—

"(1) 'contract for invention development services' means a contract by which an invention developer undertakes invention development services for a customer;

"(2) 'customer' means any person, firm, partnership, corporation, or other entity who enters into a contract for invention development services;

"(3) 'invention developer' means any person, firm, partnership or corporation, who offers to perform or performs for a customer any act described under paragraph (4), except—

"(A) any department or agency of the Federal, State, or local government;

"(B) any nonprofit, charitable, scientific, or educational organization, qualified under applicable State law or described under section 170(b)(1)(A) of the Internal Revenue Code of 1986; or

"(C) any person duly registered and in good standing before the United States Patent and Trademark Office acting within the scope of that person's registration to practice before the United States Patent and Trademark Office; and

"(4) 'invention development services' means, with respect to an invention submitted by a customer, any act involved in—

"(A) evaluating the invention to determine its protectability as some form of intellectual property;

"(B) evaluating the invention to determine its commercial potential; or

"(C) marketing, brokering, licensing, selling, or promoting the invention or a product or service in which the invention is incorporated or used.

"§ 52. Contracting requirements

"(a)(1) Every contract for invention development services shall be in writing and shall be subject to the provisions of this chapter. A copy of the signed written contract shall be given to the customer at the time the customer enters into the contract.

"(2) If a contract is entered into for the benefit of a third party, such party shall be considered a customer for the purposes of this chapter.

"(b) The invention developer shall—

"(1) state in a written document, at the time a customer enters into a contract for invention development services, whether the usual business practice of the invention developer is to—

"(A) seek more than 1 contract in connection with an invention; or

"(B) seek to perform services in connection with an invention in 1 or more phases, with the performance of each phase covered in 1 or more subsequent contracts; and

"(2) supply to the customer a copy of the written document together with a written summary of the usual business practices of the invention developer including—

"(A) the usual business terms of contracts; and

"(B) the approximate amount of the usual fees of the invention developer or other consideration, that may be required from the customer for each of the services provided by the developer.

"(c)(1) Notwithstanding any contractual provision to the contrary, no payment for invention development services shall be required, accepted, or received until the expiration of a period of 5 business days beginning on the date on which the customer receives a copy of the contract for invention development services signed by the invention developer and the customer.

"(2) Delivery of a promissory note, check, bill of exchange, or negotiable instrument of any kind to the invention developer or to a third party for the benefit of the invention developer, irrespective of the date or dates appearing in such instrument, shall be deemed payment received by the invention developer on the date received for the purpose of this section.

"(d)(1) Until 5 business days after the payment described under subsection (c) is made, the parties shall have the option to refuse to enter into the contract as provided under paragraphs (2) and (3).

"(2) The customer may exercise the option by—

"(A) refraining from making payment to the invention developer; or

"(B) providing written notice of the refusal to the invention developer.

"(3) The invention developer may exercise the option by giving to the customer a written notice of the exercise of the option. The written notice shall become effective upon receipt by the customer.

"§ 53. Standard provisions for cover notice

"(a) Every contract for invention development services shall have a conspicuous and legible cover sheet attached with the following notice imprinted thereon in boldface type of not less than 12-point size:

" 'YOU ARE NOT REQUIRED TO MAKE ANY PAYMENTS UNDER THIS CONTRACT UNTIL FIVE (5) BUSINESS DAYS AFTER YOU SIGN THIS CONTRACT AND RECEIVE A COMPLETED COPY OF IT.

" 'THE TOTAL NUMBER OF INVENTIONS EVALUATED BY THE INVENTION DEVELOPER FOR COMMERCIAL POTENTIAL IN THE PAST FIVE (5) YEARS IS ______ OF THAT NUMBER, ______ RECEIVED POSITIVE EVALUATIONS AND ______ RECEIVED NEGATIVE EVALUATIONS.

" 'IF YOU ASSIGN EVEN A PARTIAL INTEREST IN THE INVENTION TO THE INVENTION DEVELOPER, THE INVENTION DEVELOPER MAY HAVE THE RIGHT TO SELL OR DISPOSE OF THE INVENTION WITHOUT YOUR CONSENT AND MAY NOT HAVE TO SHARE THE PROFITS WITH YOU.

" 'THE TOTAL NUMBER OF CUSTOMERS WHO HAVE CONTRACTED WITH THE INVENTION DEVELOPER IN THE PAST FIVE (5) YEARS IS ______. THE TOTAL NUMBER OF CUSTOMERS KNOWN BY THIS INVENTION DEVELOPER TO HAVE RECEIVED, BY VIRTUE OF THIS INVENTION DEVELOPER'S PERFORMANCE, AN AMOUNT OF MONEY IN EXCESS OF THE AMOUNT PAID BY THE CUSTOMER TO THIS INVENTION DEVELOPER IS ______. THE NAMES AND ADDRESSES OF SUCH CUSTOMERS, IF ANY, SHALL BE PROVIDED TO ANY PERSON REQUESTING IT.

" 'THE OFFICERS OF THIS INVENTION DEVELOPER HAVE COLLECTIVELY OR INDIVIDUALLY BEEN AFFILIATED IN THE LAST TEN (10) YEARS WITH THE FOLLOWING INVENTION DEVELOPMENT COMPANIES: (LIST THE NAMES AND ADDRESSES OF ALL PREVIOUS INVENTION DEVELOPMENT COMPANIES WITH WHICH THE PRINCIPAL OFFICERS HAVE BEEN AFFILIATED AS OWNERS, AGENTS, OR EMPLOYEES). YOU ARE ENCOURAGED TO CHECK WITH THE UNITED STATES PATENT AND TRADEMARK OFFICE, THE FEDERAL TRADE COMMISSION, YOUR STATE ATTORNEY GENERAL'S OFFICE, AND THE BETTER BUSINESS BUREAU FOR ANY COMPLAINTS FILED AGAINST ANY OF THESE COMPANIES.

" 'YOU ARE ENCOURAGED TO CONSULT WITH AN ATTORNEY OF YOUR OWN CHOOSING BEFORE SIGNING THIS CONTRACT. BY PROCEEDING WITHOUT THE ADVICE OF A QUALIFIED ATTORNEY, YOU COULD LOSE ANY RIGHTS YOU MIGHT HAVE IN YOUR IDEA OR INVENTION.'.

"(b)(1) In addition to the requirements of subsection (a), every contract for invention development services shall contain the appropriate matter under paragraph (2) or (3).

"(2) For invention developers who are enrolled the contract shall contain the following:

" '(NAME OF INVENTION DEVELOPER) IS ENROLLED WITH THE COMMISSIONER OF PATENTS AND TRADEMARKS AND BEARS ENROLLMENT NUMBER ___. THE FACT THAT AN INVENTION DEVELOPER IS ENROLLED WITH THE COMMISSIONER OF PATENTS AND TRADEMARKS AS REQUIRED BY LAW IS NOT AN ENDORSEMENT OF THE INVENTION DEVELOPER NOR IS IT AN INDICATOR THAT THEY ARE AUTHORIZED BY THE COMMISSIONER TO REPRESENT APPLICANTS OR

OTHER PARTIES BEFORE THE PATENT AND TRADEMARK OFFICE IN PATENT, TRADEMARK, OR OTHER MATTERS.'.

"(3) For invention developers who are not enrolled the contract shall contain the following:

"'(NAME OF INVENTION DEVELOPER) IS NOT ENROLLED WITH THE COMMISSIONER OF PATENTS AND TRADEMARKS AS AN INVENTION DEVELOPER. BY NOT SO ENROLLING, (NAME OF INVENTION DEVELOPER) HAS INDICATED THAT IT WILL NOT OFFER TO PERFORM OR PERFORM FOR A CUSTOMER ANY ACT INVOLVED IN FILING FOR AND OBTAINING PATENT, TRADEMARK, OF DESIGN PROTECTION.'.

"(c) The cover notice shall contain the items required under subsections (a) and (b) and the name, primary office address, and local office address of the invention developer, and may contain no other matter.

"§ 54. Reports to customer required

"With respect to every contract for invention development services, the invention developer shall deliver to the customer at the address specified in the contract, at least at quarterly intervals throughout the term of the contract, a written report that identifies the contract and includes—

"(1) a full, clear, and concise description of the services performed to the date of the report and of the services yet to be performed and names of all persons who shall perform the services; and

"(2) the name and address of each person, firm, or corporation to whom the subject matter of the contract has been disclosed, the reason for each and every disclosure, the nature of the disclosure, and copies of all responses received as a result of those disclosures.

"§ 55. Mandatory contract terms

"(a) Each contract for invention development services shall include in boldface type of not less than 12-point size—

"(1) the terms and conditions of payment and contract termination rights required under section 52;

"(2) a statement that the customer may avoid entering into the contract by not making a payment to the invention developer;

"(3) a full, clear, and concise description of the specific acts or services that the invention developer undertakes to perform for the customer;

"(4) a statement as to whether the invention developer undertakes to construct, sell, or distribute one or more prototypes, models, or devices embodying the invention of the customer;

"(5) the full name and principal place of business of the invention developer and the name and principal place of business of any parent, subsidiary, agent, independent contractor, and any affiliated company or person that may perform any of the services or acts that the invention developer undertakes to perform for the customer;

"(6) if any oral or written representation of estimated or projected customer earnings is given by the invention developer (or any agent, employee, officer, director, partner, or independent contractor of such invention developer) a statement of that estimation or projection and a description of the data upon which such representation is based;

"(7)(A) the name and address of the custodian of all records and correspondence relating to the contracted for invention development services, and a statement that the invention developer is required to maintain all records and correspondence relating to performance of the invention development services for that customer for a period of not less than 2 years after expiration of the term of the contract for invention development services; and

"(B) a statement that before destruction or disposal of the records and correspondence, the invention developer is required to notify the customer and make such records and correspondence available to the customer at a reasonable cost; and

"(8) a statement setting forth a time schedule for performance of the invention development services, including an estimated date by which performance of the invention development services is expected to be completed.

"(b) To the extent that the description of the specific acts or services affords discretion to the invention developer as to what specific acts or services shall be performed, the invention developer shall be deemed a fiduciary.

"(c) Records and correspondence described under subsection (a)(7) shall be made available to the customer or the representative of the customer for review and copying at the customer's reasonable expense on the invention developer's premises during normal business hours upon 7 days written notice.

"§ 56. Remedies

"(a)(1) Any contract for invention development services that does not comply with the applicable provisions of this chapter shall be voidable at the option of the customer.

"(2) Any contract for invention development services entered into in reliance upon any false, fraudulent, or misleading information, representation, notice, or advertisement of the invention developer (or any agent, employee, officer, director, partner or independent contractor of such invention developer) shall be voidable at the option of the customer.

"(3) Any waiver by the customer of any provision of this chapter shall be deemed contrary to public policy and shall be void and unenforceable.

"(4) Any contract for invention development services made by an unenrolled invention developer, as provided under section 57, shall be voidable at the option of the customer.

"(b)(1) Any customer who is injured by a violation of this chapter by an invention developer or by any false or fraudulent statement, representation, or omission of material fact by an invention developer (or any agent, employee, director, officer, partner or independent contractor of such invention developer) or by failure of an invention developer to make all the disclosures required under this chapter, may recover in a civil action against the invention developer (or the officers, directors, or partners of such invention developer) in addition to reasonable costs and attorneys' fees, the greater of—

"(A) $5,000; or

"(B) the amount of actual damages sustained by the customer.

"(2) Notwithstanding paragraph (1), the court may increase damages up to 3 times the amount awarded.

"(c) For the purpose of this section, substantial violation of any provision of this chapter by an invention developer or execution by the customer of a contract for invention development services in reliance on any false or fraudulent statements, representations, or material omissions shall establish a rebuttable presumption of injury.

"§ 57. Enrollment of invention developers

"(a) The Commissioner of Patents and Trademarks shall require invention developers that offer to perform or perform for a customer any act involved in filing for and obtaining utility, design, or plant patent or trademark protection to enroll annually with the Patent and Trademark Office. Invention developers that offer to perform or perform such acts through an agent, employee, officer, partner, or independent contractor shall also enroll.

"(b) The enrollment required under subsection (a) shall include disclosure of—

"(1)(A) the names and addresses of all principal officers of the invention developer; and

"(B) the names and principal place of business of all invention developers with which the principal officers have been affiliated during the 10-year period before the date of enrollment; and

"(2) require disclosure of any administrative, civil, or criminal action taken against the invention developer (or any officer, director, or partner of such invention developer) by any agent of Federal, State, or local government.

"(c) Subject to the approval of the Secretary of Commerce, the Commissioner may prescribe regulations that—

"(1) govern the conduct of invention developers and may require an invention developer, before enrollment, to demonstrate good reputation and necessary qualifications to render to customers or other persons valuable service, advice, and assistance in the invention development process;

"(2) provide which agents, employees, officers, partners, independent contractors or other individuals of an invention developer are required to enroll under subsection (a); and

"(3) provide—

"(A) what information and records held or retained by the invention developer shall be required to be made available to the Commissioner; and

"(B) the conditions under which such information and records shall be made available.

"§ 58. Records of complaints

"(a) The Commissioner shall make all complaints received by the Patent and Trademark Office involving invention developers publicly available.

"(b) The Commissioner may request complaints relating to invention development services from any Federal or State agency and include such complaints in the records maintained under subsection (a).

"§ 59. Enrollment fee

"The Commissioner may establish reasonable fees to cover all costs and expenses to carry out the provisions of this chapter.

"§ 60. Suspension or exclusion from enrollment

"(a) The Commissioner may, after notice and opportunity for a hearing, suspend or exclude, either generally or in any particular case, from enrollment as an invention developer, any person, firm, partnership, or corporation—

"(1) demonstrated to be—

"(A) incompetent;

"(B) disreputable;

"(C) liable for gross misconduct; or

"(D) not in compliance with the regulations established under this chapter; or

"(2) who shall in any manner deceive, mislead, defraud, or threaten any customer.

"(b) The reasons for any such suspension or exclusion shall be duly recorded.

"(c) The United States District Court for the District of Columbia under such conditions and upon such proceedings as by rule determined by such court, may review the action of the Commissioner upon the petition of the invention developer so suspended or excluded.

"§61. Unenrolled representation as invention developer

"Whoever, not being enrolled as an invention developer with the Patent and Trademark Office, holds himself out or permits himself to be held out as so enrolled, or as being qualified to provide invention development services, or provides invention development services shall be guilty of a misdemeanor and fined not more than $10,000 for each offense.

"§62. Rule of construction

"Except as expressly provided in this chapter, no provision of this chapter shall be construed to affect any obligation, right, or remedy provided under any other Federal or State law.".

SEC. 3. TECHNICAL AND CONFORMING AMENDMENT.

The table of chapters for part I of title 35, United States Code, is amended by adding after the item relating to chapter 4 the following:

"5. Invention development services .... 51".

SEC. 4. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), this Act and the amendments made by this Act shall take effect 60 days after the date of the enactment of this Act.

(b) CERTAIN REQUIREMENTS.—The provisions of sections 53(b), 56(a)(4), 57, 59, 60, and 61 of title 35, United States Code (as added by section 2 of this Act) shall take effect 1 year after the date of the enactment of this Act.●

By Mr. CHAFEE (for himself, and Mr. BAUCUS):

S. 910. A bill to amend the Internal Revenue Code of 1986 to provide an election to exclude from the gross estate of a decedent the value of certain land subject to a qualified conservation easement, and to make technical changes to alternative valuation rules; to the Committee on Finance.

THE AMERICAN FARM AND RANCH PROTECTION ACT OF 1995

Mr. CHAFEE. Mr. President, a serious environmental problem facing the country today is the loss of open space to development. All across the country, farms, ranches, forests, and wetlands are forced to give way to the pressures for new office buildings, shopping malls, and housing developments.

America is losing over 4 square miles of land to development every day. In Rhode Island, over 11,000 acres of farmland have been lost to development since 1974. In many instances, this is simply the natural outgrowth of urbanization of our society. Other times it is the direct result of improper planning at the State and local levels.

But frequently, the pressure comes from the need to raise funds to pay estate taxes. For those families where undeveloped land represents a significant portion of the estate's total value, the need to pay the tax creates powerful pressure to develop or sell off part or all of the land or to liquidate the timber resources of the land. Because land is appraised by the Internal Revenue Service according to its highest and best use, and such use is often its development value, the effect of the tax is to make retention of undeveloped land difficult.

In addition, our current estate tax policy results in complicated valuation disputes between the donor's estate and the Internal Revenue Service. In many cases, the additional costs incurred as a result of these disagreements may cause a potential donor of a conservation easement to decide not to make the contribution.

These open spaces improve the quality of life for Americans throughout the great Nation and provide important habitat for fish and wildlife. The question is how do we conserve our most valuable resource during this time of significant budget constraints.

Mr. President, I think we need to restructure the Nation's estate tax laws to remove the disincentive for private property owners to conserve environmentally significant land. The American Farm and Ranch Protection Act, with I am introducing today along with Senator BAUCUS, will help to achieve this goal by providing an exemption from the estate tax for the value of land that is subject to a qualified, permanent conservation easement.

This bill is similar to legislation that we introduced last year. The principles involved in this bill have been endorsed by the Piedmont Envionmental Council, the National Audubon Society, the American Farm Bureau, the Land Trust Alliance, and the National Trust for Historic Preservation.

The bill excludes land subject to a conservation easement from the estate and gift taxes. Development rights retained by the family—most frequently the ability to use the property for a commercial purpose—remain subject to the estate tax.

In order to target the incentives under this bill to those areas that are truly at risk for development, the bill is limited to land that falls within a 50-mile radius of a metropolitan area, a national park or a national wilderness area.

Conservation easements, which are entirely voluntary, are agreements negotiated by landowners in which a restriction upon the future use of land is imposed in order to conserve those aspects of the land that are publicly significant. To qualify for the estate tax exemption under this bill, such easements must be perpetual and must be made to preserve open space, to protect the natural habitat of fish, wildlife or plants, to meet a governmental conservation policy, or to preserve an historical important land area.

I urge my colleagues to join me in this effort to save environmentally sensitive open spaces.

Mr. President, I ask unanimous consent that a copy of the bill and a brief explanation of the legislation be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 910

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "American Farm and Ranch Protection Act of 1995".

SEC. 2. TREATMENT OF LAND SUBJECT TO A QUALIFIED CONSERVATION EASEMENT.

(a) ESTATE TAX WITH RESPECT TO LAND SUBJECT TO A QUALIFIED CONSERVATION EASEMENT.—Section 2031 of the Internal Revenue Code of 1986 (relating to the definition of gross estate) is amended by redesignating subsection (c) as subsection (d) and by inserting after subsection (b) the following new subsection:

"(c) ESTATE TAX WITH RESPECT TO LAND SUBJECT TO A QUALIFIED CONSERVATION EASEMENT.—

"(1) IN GENERAL.—If the executor makes the election described in paragraph (4), then, except as otherwise provided in this subsection, there shall be excluded from the gross estate the value of land subject to a qualified conservation easement.

"(2) TREATMENT OF CERTAIN INDEBTEDNESS.—

"(A) IN GENERAL.—The exclusion provided in paragraph (1) shall not apply to the extent that the land is debt-financed property.

"(B) DEFINITIONS.—For purposes of this paragraph—

"(i) DEBT-FINANCED PROPERTY.—The term 'debt-financed property' means any property with respect to which there is an acquisition indebtedness (as defined in clause (ii)) on the date of the decedent's death.

"(ii) ACQUISITION INDEBTEDNESS.—The term 'acquisition indebtedness' means, with respect to debt-financed property, the unpaid amount of—

"(I) the indebtedness incurred by the donor in acquiring such property,

"(II) the indebtedness incurred before the acquisition of such property if such indebtedness would not have been incurred but for such acquisition,

"(III) the indebtedness incurred after the acquisition of such property if such indebtedness would not have been incurred but for such acquisition and the incurrence of such indebtedness was reasonably foreseeable at the time of such acquisition, except that indebtedness incurred after the acquisition of such property is not acquisition indebtedness if incurred to carry on activities directly related to farming, ranching, forestry, horticulture, or viticulture, and

"(IV) the extension, renewal, or refinancing of an acquisition indebtedness.

"(3) TREATMENT OF RETAINED DEVELOPMENT RIGHT.—

"(A) IN GENERAL.—Paragraph (1) shall not apply to the value of any development right retained by the donor in the conveyance of a qualified conservation easement.

"(B) TERMINATION OF RETAINED DEVELOPMENT RIGHT.—If every person in being who has an interest (whether or not in possession) in such land shall execute an agreement to extinguish permanently some or all of any development rights (as defined in subparagraph (D)) retained by the donor on or before the date for filing the return of the tax imposed by section 2001, then any tax imposed by section 2001 shall be reduced accordingly. Such agreement shall be filed with the return of the tax imposed by section 2001. The agreement shall be in such form as the Secretary shall prescribe.

"(C) ADDITIONAL TAX.—Failure to implement the agreement described in subparagraph (B) within 2 years of the decedent's death shall result in the imposition of an additional tax in the amount of the tax which would have been due on the retained development rights subject to such agreement. Such additional tax shall be due and payable on the last day of the 6th month following the end of the 2-year period.

"(D) DEVELOPMENT RIGHT DEFINED.—For purposes of this paragraph, the term 'development right' means the right to establish or use any structure and the land immediately surrounding it for sale (other than the sale of the structure as part of a sale of the entire tract of land subject to the qualified conservation easement), or other commercial purpose which is not subordinate to and directly supportive of the activity of farming, forestry, ranching, horticulture, or viticulture conducted on land subject to the qualified conservation easement in which such right is retained.

"(4) ELECTION.—The election under this subsection shall be made on the return of the tax imposed by section 2001. Such an election, once made, shall be irrevocable.

"(5) CALCULATION OF ESTATE TAX DUE.—An executor making the election described in paragraph (4) shall, for purposes of calculating the amount of tax imposed by section 2001, include the value of any development right (as defined in paragraph (3)) retained by the donor in the conveyance of such qualified conservation easement. The computation of tax on any retained development right prescribed in this paragraph shall be done in such manner and on such forms as the Secretary shall prescribe.

"(6) DEFINITIONS.—For purposes of this subsection—

"(A) LAND SUBJECT TO A QUALIFIED CONSERVATION EASEMENT.—The term 'land subject to a qualified conservation easement' means land—

"(i) which is located in or within 50 miles of an area which, on the date of the decedent's death, is—

"(I) a metropolitan area (as defined by the Office of Management and Budget), or

"(II) a national park or wilderness area designated as part of the National Wilderness Preservation System (unless it is determined by the Secretary that land in or within 50 miles of such a park or wilderness area is not under significant development pressure),

"(ii) which was owned by the decedent or a member of the decedent's family at all times during the 3-year period ending on the date of the decedent's death, and

"(iii) with respect to which a qualified conservation easement is or has been made by the decedent or a member of the decedent's family.

"(B) QUALIFIED CONSERVATION EASEMENT.—The term 'qualified conservation easement' means a qualified conservation contribution (as defined in section 170(h)(1)) of a qualified real property interest (as defined in section 170(h)(2)(C)), except that clause (iv) of section 170(h)(4)(A) shall not apply, and the restriction on the use of such interest described in section 170(h)(2)(C) shall include a prohibition on commercial recreational activity.

"(C) MEMBER OF FAMILY.—The term 'member of the decedent's family' means any member of the family (as defined in section 2032A(e)(2)) of the decedent.

"(7) APPLICATION OF THIS SECTION TO INTERESTS IN PARTNERSHIPS, CORPORATIONS, AND TRUSTS.—The Secretary shall prescribe regulations applying this section to an interest in a partnership, corporation, or trust which, with respect to the decedent, is an interest in a closely held business (within the meaning of paragraph (1) of section 6166(b))."

(b) CARRYOVER BASIS.—Section 1014(a) of such Code (relating to basis of property acquired from a decedent) is amended by striking the period at the end of paragraph (3) and inserting ", or" and by adding after paragraph (3) the following new paragraph:

"(4) to the extent of the applicability of the exclusion described in section 2031(c), the basis in the hands of the decedent."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to estates of decedents dying after December 31, 1995.

SEC. 3. GIFT TAX ON LAND SUBJECT TO A QUALIFIED CONSERVATION EASEMENT.

(a) GIFT TAX WITH RESPECT TO LAND SUBJECT TO A QUALIFIED CONSERVATION EASEMENT.—Section 2503 of the Internal Revenue Code of 1986 (relating to taxable gifts) is amended by adding at the end the following new subsection:

"(h) GIFT TAX WITH RESPECT TO LAND SUBJECT TO A QUALIFIED CONSERVATION EASEMENT.—The transfer by gift of land subject to a qualified conservation easement shall not be treated as a transfer of property by gift for purposes of this chapter. For purposes of this subsection, the term 'land subject to a qualified conservation easement' has the meaning given to such term by section 2031(c), except that references to the decedent shall be treated as references to the donor and references to the date of the decedent's death shall be treated as references to the date of the transfer by the donor."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to gifts made after December 31, 1995.

SEC. 4. QUALIFIED CONSERVATION CONTRIBUTION IS NOT A DISPOSITION.

(a) QUALIFIED CONSERVATION CONTRIBUTION IS NOT A DISPOSITION.—Subsection (c) of section 2032A of the Internal Revenue Code of 1986 (relating to alternative valuation method) is amended by adding at the end the following new paragraphs:

"(8) QUALIFIED CONSERVATION CONTRIBUTION IS NOT A DISPOSITION.—A qualified conservation contribution (as defined in section 170(h)) by gift or otherwise shall not be deemed a disposition under subsection (c)(1)(A).

"(9) EXCEPTION FOR REAL PROPERTY IS LAND SUBJECT TO A QUALIFIED CONSERVATION EASEMENT.—If qualified real property is land subject to a qualified conservation easement (as defined in section 2031(c)), the preceding paragraphs of this subsection shall not apply."

(b) LAND SUBJECT TO A QUALIFIED CONSERVATION EASEMENT IS NOT DISQUALIFIED.—Subsection (b) of section 2032A of such Code (relating to alternative valuation method) is amended by adding at the end the following subparagraph:

"(E) If property is otherwise qualified real property, the fact that it is land subject to a qualified conservation easement (as defined in section 2031(c)) shall not disqualify it under this section."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to contributions made, and easements granted, after December 31, 1995.

SEC. 5. QUALIFIED CONSERVATION CONTRIBUTION WHERE SURFACE AND MINERAL RIGHTS ARE SEPARATED.

(a) IN GENERAL.—Section 170(h)(5)(B)(ii) of the Internal Revenue Code of 1986 (relating to special rule) is amended to read as follows:

"(ii) SPECIAL RULE.—With respect to any contribution of property in which the ownership of the surface estate and mineral interests has been and remains separated, subparagraph (A) shall be treated as met if the probability of surface mining occurring on such property is so remote as to be negligible."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to contributions made after December 31, 1992, in taxable years ending after such date.

THE AMERICAN FARM AND RANCH PROTECTION ACT OF 1995

The American Farm and Ranch Protection Act protects family lands and encourages the voluntary conservation of farmland, ranches, forest land, wetlands, wildlife habitat, open space and other environmentally sensitive property. It enables farmers and ranchers to continue to own and work their land by eliminating the estate and gift tax burden that threatens the current generation of owners. The bill does this in the following ways:

By excluding from estate and gift taxes the value of land on which a qualified conservation easement has been granted if the land is located in or within a 50-mile radius of a metropolitan area, a National Park, or a wilderness area that is part of the National Wilderness Area System; and,

By clarifying that land subject to a qualified conservation easement can also qualify for special use valuation under Code section 2032A.

The bill also contains a number of safeguards to ensure that the benefits of the exclusion are not abused. These safeguards include the following:

The easement must be perpetual and meet the requirements of Code Section 170(h), governing deductions for charitable contributions of easements;

Easements retaining the right to develop the property for commercial recreational use would not be eligible, while other retained development rights would be taxed;

Land excluded from the estate tax would receive a carryover, rather than stepped-up, basis for purposes of calculating gain on a subsequent sale;

The land must have been owned by the decedent or a member of the decedent's family for at least 3 years immediately prior to the decedent's death; and,

The easement must have been donated by the decedent or a member of the decedent's family.

The bill would be effective for decedents dying after December 31, 1995.

By Mr. ROBB:

S. 911. A bill to authorize the Secretary to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade of the United States for the vessel *Sea Mistress*; to the Committee on Commerce, Science, and Transportation.

CERTIFICATION OF DOCUMENTATION LEGISLATION

• Mr. ROBB. Mr. President, I am introducing a bill today to authorize the Coast Guard to issue the appropriate endorsement for the vessel *Sea Mistress*—U.S. official number 696806—to engage in the coastwise trade. This legislation is necessary to resolve a lapse in the *Sea Mistress*'s chain of title.

The *Sea Mistress* was built in the United States in Louisville, KY, by Aluminum Cruisers, Inc. It is a 41-foot, high-speed houseboat, which is currently being refurbished in the United States for the excursion tourboat trade. In 1984, the Internal Revenue Service, seized the vessel to secure an unpaid tax debt incurred by the original owner of the vessel. This seizure has left a gap in the chain of title of the vessel. The Coast Guard has informed the owner of Occoquan Tours that if the gap is left unresolved, a coastwise endorsement cannot be issued for the vessel, even though the owner is a U.S. citizen and the vessel was built in the United States and is being refurbished locally.

The Congress passes a number of these technical bills every year. The *Sea Mistress* was part of a package of similar legislative waivers which passed the House of Representatives October of last year, but failed to be enacted prior to the end of the session. I'm introducing the bill today so that the Senate Commerce Committee may act upon it with the upcoming coastwise bill this session.•

By Mr. KOHL:

S. 912. A bill to amend the Internal Revenue Code of 1986 with respect to the eligibility of veterans for mortgage revenue bond financing, and for other purposes; to the Committee on Finance.

MORTGAGE REVENUE BOND FINANCING LEGISLATION

• Mr. KOHL. Mr. President, I introduce a modified version of legislation I introduced in February, S. 417, which will help Wisconsin and several other States, including Oregon, Texas, Alaska, and California, extend one of our most successful veterans programs to Persian Gulf war participants and others. This legislation will amend the eligibility requirements for mortgage revenue bond financing for State veterans housing programs.

Wisconsin uses this tax-exempt bond authority to assist veterans in purchasing their first home. Under rules adopted by Congress in 1984, this program excluded from eligibility veterans who served after 1977. This bill would remove that restriction.

Wisconsin and the other eligible States simply want to maintain a principle that we in the Senate have also strived to uphold—that veterans of the Persian Gulf war should not be treated less generously than those of past wars. This bill will make that possible.•

By Mr. HATCH (for himself, Mr. INOUYE, Mr. MCCAIN, and Mr. BENNETT):

S. 913. A bill to amend section 17 of the Act of August 27, 1954 (25 U.S.C. 677p), relating to the distribution and taxation of assets and earnings, to clarify that distributions of rents and royalties derived from assets held in continued trust by the Government, and paid to the mixed-blood members of the Ute Indian tribe, their Ute Indian heirs, or Ute Indian legatees, are not subject to Federal or State taxation at the time of distribution, and for other purposes; to the Committee on Finance.

THE MIXED BLOOD UTE INDIAN TAX STATUS ACT

Mr. HATCH. Mr. President, I am joined today by my colleagues, Senators INOUYE, MCCAIN, and BENNETT, to introduce a bill of great importance to the mixed-blood Utes, a native population of my home State of Utah.

This limited legislation will restore the tax status of the mixed blood Ute Indians with regard to proceeds received from a trust created by the Federal Government as agreed in a settlement between the Federal Government and the Ute Tribe in 1954.

Until recently, the Federal Government has respected the intent of Congress to exempt this income from Federal and State taxation. However, in a recent tenth circuit decision the court construed the intent of Congress as allowing the tax exemption on the settlement proceeds to lapse. This bill is necessary to clarify the legislative intent of Congress and reinstate the exemption.

In my view, it was the intent of Congress in the 1954 settlement to exempt from Federal and State taxation the income derived from the assets held in continued trust by the Federal Government for, and paid to, the mixed blood Ute Indians. This has been the law for nearly four decades and should remain the law.

Historically, with regard to all settlements between the Federal Government and numerous Indian nations, the proceeds from settlements have been exempt from Federal and State taxation. The mixed blood Ute Indians have been singled out and treated differently since the tenth circuit's decision. This bill clarifies the 1954 settlement and simply restores the tax status of the mixed blood Utes.

I believe all of my Senate colleagues will recognize this legislation as both fair and necessary. I am pleased to have the support of the chairman and ranking member of the Senate Indian Affairs Committee as well as my Utah colleague, Senator BENNETT. I urge all Senators to help us clarify this exemption.

ADDITIONAL COSPONSORS

S. 456

At the request of Mr. BRADLEY, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 456, a bill to improve and strengthen the child support collection system, and for other purposes.

S. 644

At the request of Mr. CAMPBELL, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 644, a bill to amend title 38, United States Code, to reauthorize the establishment of research corporations in the Veterans Health Administration, and for other purposes.

S. 770

At the request of Mr. DOLE, the name of the Senator from Georgia [Mr. COVERDELL] was added as a cosponsor of S. 770, a bill to provide for the relocation of the United States Embassy in Israel to Jerusalem, and for other purposes.

S. 798

At the request of Mr. CONRAD, the name of the Senator from Massachusetts [Mr. KENNEDY] was added as a cosponsor of S. 798, a bill to amend title XVI of the Social Security Act to improve the provision of supplemental security income benefits, and for the purposes.

SENATE JOINT RESOLUTION 34

At the request of Mr. SMITH, the name of the Senator from Maine [Ms. SNOWE] was added as a cosponsor of Senate Joint Resolution 34, a joint resolution prohibiting funds for diplomatic relations and most-favored-nation trading status with the Socialist Republic of Vietnam unless the President certifies to Congress that Vietnamese officials are being fully cooperative and forthcoming with efforts to account for the 2,205 Americans still missing and otherwise unaccounted for from the Vietnam war, as determined on the basis of all information available to the United States Government, and for other purposes.

SENATE RESOLUTION 132—COMMENDING CAPTAIN O'GRADY, AND U.S. AND NATO FORCES

Mr. DOLE (for himself, Mr. DASCHLE, Mr. HELMS, Mr. WARNER, Mr. COVERDELL, Mr. THURMOND, Mr. MCCAIN, Mr. PRESSLER, Mr. ROBB, Mr. PELL, Mr. GRAHAM, Mrs. MURRAY, Mr. KEMPTHORNE, Mr. LEVIN, Mr. BRYAN, Mr. REID, Mr. KENNEDY, Mr. BRADLEY, Mr. COHEN, Mrs. KASSEBAUM, Mr. FORD, Mr. BINGAMAN, Mrs. BOXER, Mr. BUMPERS, Mrs. FEINSTEIN, Mr. GLENN, Mr. HARKIN, Mr. JOHNSTON, Mr. KOHL, Mr. LIEBERMAN, Mr. ROCKEFELLER, Mr. SARBANES, Mr. GRAMS, Mr. MURKOWSKI, and Mr. NICKLES) submitted the following resolution; which was considered and agreed to:

S. RES. 132

Whereas on June 2, 1995, Bosnian Serb forces using sophisticated surface to air missiles shot down a United States Air Force F-16 aircraft piloted by Captain Scott F. O'Grady while on combat patrol as part of NATO-commanded Operation Deny Flight;

Whereas in late 1994, reports indicate the United Nations vetoed NATO proposed operations to attack Bosnian Serb surface to air missile sites;

Whereas effective measures to defend against Bosnian Serb air defenses did not occur during Captain O'Grady's mission on June 2, 1995;

Whereas thousands of United States Armed Forces and armed forces of NATO allies were involved in search operations to recover Captain O'Grady;

Whereas Captain O'Grady, in the finest tradition of American military service, survived for six days and nights through courage, ingenuity and skill in territory occupied by hostile Bosnian Serb forces;

Whereas on June 8, 1995 Captain O'Grady was rescued in a daring operation by United States Marines;

Whereas aircraft involved in the rescue operation were attacked by Serb forces but no casualties occurred;

Therefore be it resolved by the Senate that it is the sense of the Senate that—

(1) Captain O'Grady deserves the respect and admiration of all Americans for his heroic conduct under life-threatening circumstances;

(2) the relief and happiness felt by the family of Captain O'Grady is shared by the United States Senate;

(3) all members of the United States and NATO armed forces involved in the search and rescue operations, in particular the members of the United States Marine Corps involved in the extraction of Captain O'Grady, are to be commended for their brave efforts and devotion to duty;

(4) U.S. and NATO air crews should not be put at risk in future operations over Bosnia unless all necessary actions to address the threat posed by hostile Serbian air defenses are taken.

AMENDMENTS SUBMITTED

THE TELECOMMUNICATIONS COMPETITION AND DEREGULATION ACT OF 1995 COMMUNICATIONS DECENCY ACT OF 1995

SANTORUM AMENDMENT NO. 1267

Mr. SANTORUM proposed an amendment to the bill (S. 652) to provide for a procompetitive, deregulatory national policy framework designed to accelerate rapidly private sector deployment of advanced telecommunications and information technologies and services to all Americans by opening all telecommunications markets to competition, and for other purposes; as follows:

On page 94, strike out line 24 and all that follows through page 97, line 22, and insert in lieu thereof the following:

"(C) providing a service that permits a customer that is located in one LATA to retrieve stored information from, or file information for storage in, information storage facilities of such company that are located in another LATA area, so long as the customer acts affirmatively to initiate the storage or retrieval of information, except that—

"(i) such service shall not cover any service that establishes a direct connection between end users or any real-time voice and data transmission.

"(ii) such service shall not include voice, data, or facsimile distribution services in which the Bell operating company or affiliate forwards customer-supplied information to customer- or carrier-selected recipients,

"(iii) such service shall not include any service in which the Bell operating company or affiliate searches for and connects with the intended recipient of information, or any service in which the Bell operating company or affiliate automatically forwards stored voicemail or other information to the intended recipient, and

"(iv) customers of such service shall not be billed a separate charge for the interLATA telecommunications furnished in conjunction with the provision of such service,

"(D) providing signaling information used in connection with the provision of telephone exchange service or exchange access service to another local exchange carrier; or

"(E) providing network control signaling information to, and receiving such signaling information from, interchange carriers at any location within the area in which such company provides telephone exchange service or exchange access service.

"(2) LIMITATIONS.—The provisions of paragraph (1) are intended to be narrowly construed. The transmission facilities used by a Bell operating company or affiliate thereof to provide interLATA telecommunications under paragraph (1)(C) and subsection (f) shall be leased by that company from unaffiliated entities on terms and conditions (including price) no more favorable than those available to the competitors of that company until that Bell operating company receives authority to provide interLATA services under subsection (c). The interLATA services provided under paragraph (1)(A) are limited to those interLATA transmissions incidental to the provision by a Bell operating company or its affiliate of video, audio, and other programming services that the company or its affiliate is engaged in providing to the public. A Bell operating company may not provide telecommunications services not described in paragraph (1) without receiving the approvals required by subsection (c). The provision of services authorized under this subsection by a Bell operating company or its affiliate shall not adversely affect telephone exchange ratepayers or competition in any telecommunications market.

"(f) COMMERCIAL MOBILE SERVICE.—A Bell operating company may provide interLATA commercial mobile service except where such service is a replacement for land line telephone exchange service in a State in accordance with section 322(c) and with the regulations prescribed by the Commission.

"(g) DEFINITIONS.—As used in this section—.

EXON AMENDMENT NO. 1268

(Ordered to lie on the table.)

Mr. EXON submitted an amendment intended to be proposed by him to the bill S. 652, supra; as follows:

Beginning on page 137 line 12 through page 143 line 10, strike all therein and insert in lieu thereof:

(1) by striking subsection (a) and inserting in lieu thereof:

"(a) Whoever—

"(1) in the District of Columbia or in interstate or foreign communications

"(A) by means of telecommunications device knowingly—

"(i) makes, creates, or solicits, and

"(ii) initiates the transmission of,

any comment, request, suggestion, proposal, image, or other communication which is obscene, lewd, lascivious, filthy, or indecent, with intent to annoy, abuse, threaten, or harass another person;

"(B) makes a telephone call or utilizes a telecommunications device, whether or not conversation or communication ensues, without disclosing his identity and with intent to annoy, abuse, threaten, or harass any person at the called number or who receives the communication;

"(C) makes or causes the telephone of another repeatedly or continuously to ring, with intent to harass any person at the called number; or

"(D) makes repeated telephone calls or repeatedly initiates communication with a telecommunications device, during which conversation or communication ensues, solely to harass any person at the called number or who receives the communication; or

"(2) knowingly permits any telecommunications facility under his control to be used for any activity prohibited by paragraph (1) with the intent that it be used for such activity,

shall be fined not more than $100,000 or imprisoned not more than two years, or both."; and

(2) Section 223 (47 U.S.C. 223) is further amended by adding at the end the following new subsections:

"(d) Whoever—

"(1) knowingly within the United States or in foreign communications with the United States by means of telecommunications device—

"(A) makes, creates, or solicits, and

"(B) initiates the transmission of or purposefully makes available,

any comment, request, suggestion, proposal, image, or other communication which is obscene, regardless of whether the maker of such communication placed the call or initiated the communications; or

"(2) knowingly permits any telecommunications facility under such person's control to be used for an activity prohibited by subsection (d)(1) with the intent that it be used for such activity;

shall be fined not more than $100,000 or imprisoned not more than two years or both.

"(e) Whoever—

"(1) knowingly within the United States or in foreign communications with the United States by means of telecommunications device—

"(A) makes, creates, or solicits, and

"(B) initiates the transmission of, or purposefully makes available,

any indecent comment, request, suggestion, proposal, image, or other communication to any person under 18 years of age regardless of whether the maker of such communication placed the call or initiated the communication; or

"(2) knowingly permits any telecommunications facility under such person's control to be used for an activity prohibited by paragraph (1) with the intent that it be used for such activity, shall be fined not more than $100,000 or imprisoned not more than two years or both.

"(f) Defenses to the subsections (a), (d), and (e), restrictions on access, judicial remedies respecting restrictions for persons providing information services and access to information services—

"(1) The provision of access by a person, to a person including transmission, downloading, storage, navigational tools, and related capabilities which are incidental to the transmission of communications, and not involving the creation or editing of the content of the communications, for another person's communications to or from a service, facility, system, or network not under the access provider's control shall by itself not be a violation of subsection (a), (d), or (e). This subsection shall not be applicable to an individual who is owned or controlled by, or a conspirator with, an entity actively involved in the creation, editing or knowing distribution of communications which violate this section.

"(2) It is a defense to prosecution under subsection (a)(2), (d)(2), or (e)(2) that a person did not have editorial control over the communication specified in this section. This defense shall not be available to an individual who ceded editorial control to an entity which the defendant knew or had reason to know intended to engage in conduct that was likely to violate this section.

"(3) It is a defense to prosecution under subsection (a), (d)(2), or (e) that a person has taken good faith, reasonable and appropriate steps, to restrict or prevent the transmission of, or access to, communications described in such provisions according to such procedures as the Commission may prescribe by regulation. Nothing in this subsection shall be construed to treat enhanced information services as common carriage.

"(4) No cause of action may be brought in any court or administrative agency against any person on account of any activity which is not in violation of any law punishable by criminal or civil penalty, which activity the person has taken in good faith to implement a defense authorized under this section of otherwise to restrict or prevent the transmission of, or access to, a communication specified in this section.

"(g) No State or local government may impose any liability for commercial activities or actions by commercial entities in connection with an activity or action which constitutes a violation described in subsection (a)(2), (d)(2), or (e)(2) that is inconsistent with the treatment of those activities or actions under this section provided, however, that nothing herein shall preclude any State or local government from enacting and enforcing complementary oversight, liability, and regulatory systems, procedures, and requirements, so long as such systems, procedures, and requirements govern only intrastate services and do not result in the imposition of inconsistent rights, duties or obligations on the provision of interstate services. Nothing in this subsection shall preclude any State or local government from governing conduct not covered by this section.

"(h) Nothing in subsection (a), (d), (e), or (f) or in the defenses to prosecution under (a), (d), or (e) shall be construed to affect or limit the application or enforcement of any other Federal law.

"(i) The use of the term 'telecommunications device' in this section shall not impose new obligations on (one-way) broadcast radio or (one-way) broadcast television operators licensed by the Commission or (one-way) cable service registered with the Commission and covered by obscenity and indecency provisions elsewhere in this Act.".

On page 144, strike lines 1 through 17.

NOTICES OF HEARINGS

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will hold a full committee markup on welfare reform. The markup will be held on Wednesday, June 14, 1995, at 9 a.m. in SR–332.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the full Committee on Energy and Natural Resources to review existing oil production at Prudhoe Bay, AK, and opportunities for new production on the coastal plain of Arctic Alaska.

The hearing will take place on Tuesday, June 20, 1995, at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

Those wishing to testify or who wish to submit written statements, should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. For further information, please contact Andrew Lundquist at (202) 244–6170.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the public that a hearing has been scheduled before the full Committee on Energy and Natural Resources to review the Secretary of Energy's strategic alignment and downsizing proposal and other alternatives to the existing structure of the Department of Energy.

The hearing will take place Wednesday, June 21, 1995, at 9:30 a.m., in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

Those wishing to testify or who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. For further information, please call Karen Hunsicker, (202) 224–3543 or Betty Nevitt at (202) 224–0765.

SUBCOMMITTEE ON FORESTS AND PUBLIC LAND MANAGEMENT

Mr. CRAIG. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources Subcommittee on Forests and Public Land Management.

The hearing will take place Thursday, June 22, 1995, at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on S. 852, a bill to provide for uniform management of livestock grazing on Federal land, and for other purposes.

Those wishing to submit written statements should write to the Committee on Energy and Natural Resources Subcommittee on Forests and Public Land Management, U.S. Senate, Washington, DC 20510. For further information, please call Mike Poling at (202) 224–8276 or Jo Meuse at (202) 224–6730.

SUBCOMMITTEE ON PARKS, HISTORIC PRESERVATION AND RECREATION

Mr. CAMPBELL. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Parks, Historic Preservation and Recreation.

The hearing will take place Thursday, June 29, 1995, at 2 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to review S. 594, a bill to provide for the administration of certain Presidio properties at minimal cost to the Federal taxpayer.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on Parks, Historic Preservation and Recreation Committee on

Energy and Natural Resources, U.S. Senate, 364 Dirksen Senate Office Building, Washington, DC 20510–6150.

For further information, please contact Jim O'Toole of the subcommittee staff at (202) 224–5161.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. PRESSLER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Friday, June 9, 1995, at 10:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

JOHNSON SPACE CENTER

• Mrs. HUTCHISON. Mr. President, I wish to have printed in the RECORD a resolution of the 74th Legislature of the State of Texas regarding the mission of the Johnson Space Center [JSC] and the United States' leadership in space technology and exploration.

Recently, NASA undertook an extensive review to identify $5 billion in budget savings. I commend NASA for conducting this painstaking and conscientious review. However, I was alarmed when this review team preliminarily recommended moving the shuttle, orbiter, and space station engineering division out of JSC. NASA additionally proposed moving JSC's Shuttle Program Management Office and Orbiter Project Management Office. However, after thorough examination of these proposals, NASA concurred with many in the space community—including former astronauts—and found these transfers neither cost-effective nor in the best interests of NASA's space exploration mission.

The combination of engineering, operations, and flight personnel at JSC has proven its value. The crew of *Apollo 13* owes their lives to their own courage and skill—and to the team at JSC that was able to find a way out of a critical spacecraft failure and implement that life-saving solution in real-time. It was the synergies, efficiencies, and problem-solving abilities of this combination of capabilities that lead NASA to designate JSC as host center for the space station 2 years ago.

Maintaining the JSC model, with some budgetary streamlining, will yield necessary program savings while preserving much-needed stability in NASA's research and development mission. With essential human spacecraft engineering functions preserved in combination with mission operations, I am confident that NASA will be able to respond to the complexities—budgetary, scientific, and operational—that are inherent to human exploration of space in the next century.

The material follows:

HOUSE CONCURRENT RESOLUTION 188

Whereas, Texas is proud to be home to the National Aeronautics and Space Administration's (NASA) Johnson Space Center and is a state where thousands of Texans have taken part in NASA's goals, vision, missions, and accomplishments in furthering space exploration; and

Whereas, The approach of an integrated design and development team concept implemented at Johnson Space Center has a proven record of accomplishment in the Mercury, Gemini, Appolo, and Shuttle programs, and the International Space Station program was purposely located at Johnson Space Center to take advantage of the integrated product team concept that has been so successful in previous NASA programs; and

Whereas, The human space integration mission at Johnson Space Center, including spacecraft engineering, space shuttle operations program management, the shuttle orbiter project, and science programs, are vital to NASA's human space program; and

Whereas, A proposed plan developed by NASA to consolidate operations portends an action that would severely impact Johnson Space Center and the Texas economy; and

Whereas, If the proposal is implemented, Texas stands to lose thousands of primary and secondary jobs associated with the aerospace industry and Johnson Space Center, thousands of secondary, retail, and support jobs, and a significant share of investment opportunities and associated investment benefits; and

Whereas, Texas was affected negatively as a consequence of NASA's 1994 restructuring, downsizing, and space station redesign at Johnson Space Center; and

Whereas, Texas support the general goal of reducing government waste and jobs; how the goal is achieved in the case of NASA's proposed reorganization is a key point that needs clarification; now, therefore, be it

Resolved, That the 74th Legislature of the State of Texas respectfully urge the Congress of the United States to review fully NASA's proposed reorganization plan and to analyze the cost/benefit of the plan, including proposed mission transfers and relocations, with the purpose of preserving and protecting the United States' leadership in space technology and exploration; and, be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the administrator of the National Aeronautics and Space Administration, to the President of the United States, to the Speaker of the House of Representatives and President of the Senate of the United States Congress, and to all members of the Texas congressional delegation with the request that it be officially entered in the Congressional Record of the United States of America.•

CONGRATULATING NATHAN BERISH, JEFF KENDA, AND MIKE HUBERTY

• Mr. KOHL. Mr. President, I rise today to commend the success of three students from Mukwonago, WI, who recently won the national stock market game. The success of Nathan Berish, Jeff Kenda, and Mike Huberty, is impressive not only because they did better than almost 700,000 other student contestants, but because they set an all new record for the 19-year-old game.

For 10 weeks during the spring semester, teams from across the country participated in a mock stock-exchange project, each given a hypothetical $100,000 to invest as they chose. This winning team managed to turn that $100,000 into $1.5 million. An accomplishment about which most professional stockbrokers only dream. The previous record for the game was $920,000.

While we so often focus on the shortcomings of our schools, these students are a reminder of the quality of our Nation's young people and the positive potential of our school system. Anyone who worries that students are not being taught about the real world of work should take heart from the success of these young men who proved their adeptness in one of our most competitive industries.

Unfortunately, the Securities Industry Association [SIA] which administers the contest has turned its back on the students who should be its pride and joy. Worried about negative publicity pointing out imperfections in the game it designed, the SIA has tried to minimize the attention that the winners receive. This attitude is insulting. There is no evidence to suggest that these students did not play the game in exactly the same manner as the other contestants—they just made better investments.

I am extremely proud of these students. I do not want SIA's inconsiderate treatment to overshadow their accomplishment. I ask my colleagues to join me in congratulating these outstanding students.•

TRIBUTE TO MAURICE WOODS

• Mr. MCCONNELL. Mr. President, I rise today to recognize an outstanding Kentucky educator who retired just this last week as a teacher at an award-winning high school in Louisville. Through 32 years of dedicated service to Trinity High School, Maurice "Woody" Woods has impacted the lives of thousands of young men.

Now, a familiar face will be absent in the classrooms of this nationally recognized school of excellence. However, you can be sure that Mr. Woods will remain an important part of the Trinity family. As a teacher of U.S. and world history, government, and business classes, he has instilled in his students a sense of pride in the American governmental system. He has also taught his students the importance of being prepared to face the challenges of the business world.

"Woody is a true gentleman, in the purest sense of the word," says a fellow Trinity teacher. And indeed, Mr. Woods has served as a source of goodness and kindness for as long as most around Trinity can remember.

A former student said, "Mr. Woods epitomizes the ideal teacher. In fact, he is one of the few teachers who really knows, loves, and has experienced the lessons he passes on to his students. Woody is history."

Mr. Woods has also been very active outside the classroom as an author and a volunteer in his school and his community. He has always taught his students the value of serving the community. This is evident in the fact that several of his former students have gone on to themselves teach at Trinity and other institutions throughout Kentucky.

As an author, his book on Kentucky history was written only after visiting each and every county seat in the Commonwealth. Mr. Woods has shown a tremendous interest in sharing Kentucky's history with young and old alike. His book about Kentucky landmarks is also a favorite of scholars throughout my State.

As a volunteer, Mr. Woods has again sparked his students' interest in American Government, serving as moderator to both the Young Republicans, as well as the Young Democrats. His care for his students is certainly visible, as Mr. Woods is often found late in the day tutoring or just talking to his students about a wide variety of subjects.

So Mr. President, I rise today to recognize the career of this outstanding Kentucky teacher, Mr. Maurice Woods. He is a man that other teachers can look to as a model for caring, compassion, and dedication. And although he will no longer teach in the classroom, his years of service will most definitely live on through his students of the past 32 years.•

WHY STUDENT AID MATTERS

• Mr. SIMON. Mr. President. We are in the process of making basic decisions for the future of our country, and one of them is whether we encourage or discourage our young people to go to college.

And, I just said "young people;" I should change that to "citizens," because a great many who are beyond the traditional college age can benefit by higher education, also. I recently visited with a woman on welfare, a grandmother, who has enrolled in a community college program that she believes may take her off of welfare. I have every confidence she is correct.

To deny people the chance to develop themselves is to limit the future of our Nation.

A New York Times editorial titled "Why Student Aid Matters" appeared the other day, and I ask to put its editorial wisdom into the CONGRESSIONAL RECORD at this point.

The editorial follows:

WHY STUDENT AID MATTERS

Two years ago, Gregory McCall almost became a dropout when he failed to make the state championship basketball team at St. Anthony High School in Jersey City. As he told Neil MacFarquhar of The Times: "I had no hope of going to college because my family was so poor. I thought I would end up in Jersey City working at Kmart in a minimum-wage job."

Instead, with prodding from teachers and counselors, Mr. McCall graduated from St. Anthony this week, receiving an award for outstanding educational improvement and earning a full $20,000 scholarship to Monmouth University in New Jersey.

He is one of 47 St. Anthony seniors who have been admitted to 138 different colleges and universities, accumulating $1 million in financial aid. It is the third year in a row that St. Anthony, whose enrollment of 300 is drawn from impoverished neighborhoods, has had every graduating senior accepted in college.

But now the aspirations of future classes of such students are in jeopardy. The Congressional assault on student aid programs in general and minority scholarship programs in particular will put college out of reach for many minority and low-income youths.

Congress threatens to freeze the $6 billion appropriation for Pell grants, which are targeted to low-income students, for the next seven years. The current maximum award, $2,300, has already been reduced to about $1,500 as appropriations have failed to keep pace with increasing numbers of needy students or rising college costs. The freeze is likely to cut grants to poor students while proposed tax breaks for middle- and upper-income families would make it easier for them to pay tuition costs.

Mr. McCall and his fellow St. Anthony seniors, many of whom are first-generation college students from inner-city minority, ethnic blue-collar and immigrant families, still have hope. But without targeted scholarships and grants, the hopes of many who come after them will be dashed.

COMMENDING HOLLIS/BROOKLINE HIGH SCHOOL FOR THEIR PARTICIPATION IN THE "WE THE PEOPLE" PROGRAM

• Mr. SMITH. Mr. President. I would like to commend the students from Hollis/Brookline High School in Hollis, NH, who competed in the national finals of the "We the People" . . . The Citizen and the Constitution program from April 29 to May 1, 1995, in Washington, DC. These young scholars worked diligently to reach the national finals. They triumphed in local competitions in the Granite State, and were among more than 1,200 students from 49 States and the District of Columbia to participate in the program.

The distinguished members of the team representing New Hampshire are: Sarah Birch, Alisa Bowen, Brian Clardy, Ashley Dennis, Cerissa Desrosiers, Alicia DiGrezio, Katie Enright, Joe Gautheier, Lisl Hacker, Meredith Ham, Jessica Hannon, Alyssa Hemmerich, Andrea Higgins, Christine Hsu, Arwyn Jackson, Eric Jones, Zak Klimas, Rachel Lee, Cathy O'Sullivan, Reina Parker, Joshua Rattin, Mary Beth Rosamond, Justin Rydstrom, David Sawyer, Emilie Sommer, Rachel Spaulding, Stacey Stabile, Alan Stenzel, Heather Towne, Jessica Wild, and Holly Williams.

I would also like to recognize their outstanding teachers, Deb Christenson and Joel Mitchell, who both deserve a great deal of credit for the success of the team. The district coordinator, Raymond Kneeland, and the State coordinator, Patricia Barss, also contributed a significant amount of time and effort to help the team reach the national finals.

Administered by the Center for Civic Education, the "We the People" . . . program, now in its eighth academic year, is the most extensive educational program in the country developed specifically to educate young people about the Constitution and the Bill of Rights. The 3 day national competition simulates a congressional hearing in which students' oral presentations are judged on the basis of their knowledge of constitutional principles and their ability to apply them to historical and contemporary issues.

The We the People . . . program provides an excellent opportunity for students to gain an informed perspective about the history and principles of our Nation's constitutional government. I wish these young constitutional experts from Hollis and Brookline the best of luck and look forward to their future participation in politics and government.•

THE 25TH ANNUAL ITALIAN HERITAGE FESTIVAL

• Mr. BRADLEY. Mr. President, our country is a remarkable mosaic—a mixture of races, languages, ethnicities, and religions—that grows increasingly diverse with each passing year. Nowhere is this incredible diversity more evident than in the State of New Jersey. In New Jersey, schoolchildren come from families that speak 120 different languages at home. These different languages are used in over 1.4 million homes in my State. I have always believed that one of the United States greatest strengths is the diversity of the people that make up its citizenry and I am proud to call the attention of my colleagues to an event in New Jersey that celebrates the importance of the diversity that is a part of America's collective heritage.

On June 4, 1995 the Garden State Arts Center in Holmdel, NJ began its 1995 Spring Heritage Festival Series. This

Heritage Festival program salutes many of the different ethnic communities that contribute so greatly to New Jersey's diverse makeup. Highlighting old country customs and culture, the festival programs are an opportunity to express pride in the ethnic backgrounds that are a part of our collective heritage. Additionally, the Spring Heritage Festivals will contribute proceeds from their programs to the Garden State Arts Center's Cultural Center Fund which presents theater productions free-of-charge to New Jersey's school children, seniors, and other deserving residents. The Heritage Festival thus not only pays tribute to the cultural influences from our past, it also makes a significant contribution to our present day cultural activities.

On Saturday, June 10, 1995, the Heritage Festival Series will celebrate the 25th Annual Festa Italiana. Chaired by Eileen DiNizo, this year's event promise to be a grand celebration alive with colorful costumes, traditional foods, ethnic arts and crafts, and talented entertainers of Italian descent. The celebration will consist of both a day-long open air mall event, featuring piazza entertainment, food, crafts and a mass and an evening stage show highlighting renowned Italian entertainers. The Mall activities will kick-off with a traditional sing-a-long, dancing and comedy acts and will feature traditional food and crafts which will be available throughout the cultural exhibit area. Additionally, a liturgy will be concelebrated by the most Rev. Theodore E. McCarrick, Archbishop of Newark and clergy from throughout New Jersey. Immediately following the liturgy will be an evening stage show featuring many Italian artists including, comedian Freddie Travelena, singer Moreno Fruzzetti, and Anthony Rolando, two-time U.S. Accordion champion.

On behalf of all New Jerseyans of Italian descent, which at 1.1 million people is the largest ethnic group in my State, I offer my congratulations on the occasion of the 25th Annual Festa Italiana.•

"WHY ADOPTIVE PARENTS FIGHT FOR KIDS"

• Mr. SIMON. Mr. President, there are few things that have moved me as much in recent years as the tragic case of "Baby Richard," who was taken by the Illinois Supreme Court from his adoptive parents at the age of four and given to his natural parents who had abandoned him upon birth. As an adoptive parent myself, I cannot believe the pain with which this family has been afflicted and the emotional harm and scars that will be part of the life of Richard, unfortunately.

The other day, I happened to see in the New York Daily News an article by Michael Quinn, on the staff of Time magazine, who is also an adoptive parent.

His article is titled, "Why adoptive parents fight for kids."

It tells the story very simply but meaningfully.

I ask that his story be printed in the RECORD.

The article follows:

[From the New York Daily News, June 6, 1995]

WHY ADOPTIVE PARENTS FIGHT FOR KIDS

(By Michael Quinn)

Already it ranks as one of the most shameful images of our time: Chicago's 4-year-old "Baby Richard" being slowly pried from the arms of the family with whom he shared every memory of his tiny universe and whisked off by strangers with whom he shared nothing but DNA.

You didn't need much to join in a nation's sense of heartache—just two eyes and a soul.

Yet even now, some ask: Why didn't they just give up? When the biological father first pressed his case, why didn't the "Does" simply hand the child over and spare him and themselves a greatly amplified agony four years later?

For the answer, consider the story of two New Yorkers, Cameron and Brandon Baldanza—a local Baby Richard case with a vastly different ending.

Cameron, born in September 1989, and Brandon, born a year later, were abandoned at the hospital by their biological mother, Magaly Galindo. To be sure, Galindo did leave the boys something to remember her by—an addiction to the heroin she pumped into her system throughout the two pregnancies.

Fortunately, there was someone unwilling to walk away from Cameron and Brandon: Millie Baldanza, a first cousin to Galindo, who took the boys into her home and into her heart, knowing in advance they entered the world as junkies.

With her husband, Jimmie, Millie nursed the two kids through a nightmare no parent would want to imagine, let alone experience—the body-quaking ordeal of drug withdrawal. Brandon and Cameron survived—and thrived.

Meanwhile, Galindo and the boys' birth father, Jose Diaz, were working as hard at being strangers as the Baldanzas were at being parents. They had virtually no contact with the boys for two years, making their very first appearance in court six months after the Child Welfare Administration began proceedings to terminate their parental rights.

Millie and Jimmie could have given up then. It would have been hard to blame them, given Child Welfare's blatant bias for "family preservation"—social-workerese for the philosophy that nothing is worse for a child than adoption. Or they might have tossed in the towel last summer, when Brandon and Cameron were forced into extended stays with their now-you-see-them, now-you-don't birth parents.

But Millie and Jimmie did not give up. And early last month, less than a week after the taking of Baby Richard, Judge Marjory Fields of the Bronx Family Court ordered the return of Brandon and Cameron to the Baldanzas at the end of this month—a delay only so they can finish the school term.

Fields based her decision on testimony from expert witnesses who concluded "the children have suffered grievous harm from being removed from the [Baldanzas'] care."

The experts backed up that grim diagnosis with tales of caseworkers forcing the screaming children into taxis for visits with Diaz and Galindo, of Cameron cowering in his closet and complaining of chest pains and headaches when the visits were increased.

The prognosis for the boys if they were taken from the Baldanzas: "personality disorder, clinical depression"—perhaps even suicide.

That would have been the fate of Cameron and Brandon had Millie and Jimmie decided to let their kids be abandoned for a second time. And tragically, it may well be what lies ahead for Baby Richard.

But win or lose, there is an even simpler reason why adoptive families are willing to fight from the very first to the very last for their kids.

Because that is what they are: our kids. Not some stereo equipment we're ready to return if it doesn't work out. Not a sports car we are borrowing for a test drive. Our kids. The second they cross our door, we have made a commitment for life, more serious than most marriages—and as sacred as birth.

Thanks to the Baldanzas and the Does for declaring it to the world: They are our kids. •

TRIBUTE TO KING RAMA IX OF THAILAND

• Mr. BAUCUS. Mr. President, today, King Bhumibol Adulyadej of Thailand begins the 50th year of his reign. It is my great pleasure to join Montana's Thai community in offering him congratulations and best wishes.

THE NINTH REIGN

King Bhumibol took the name Rama IX and opened the Ninth Reign of the Chakri Dynasty on June 9, 1946, just a few months after the end of the Second World War.

At the time, like the rest of Southeast Asia, Thailand faced severe questions. They arose from the end of colonialism in neighboring countries; the rise of radical ideologies worldwide; and endemic poverty, illiteracy and illness.

Today, Thailand is one of the anchors of the modern, prosperous Southeast Asia. Bangkok has become one of the world's great cities and commercial centers. The Thai political system is evolving into a stable parliamentary democracy; in fact, a new political campaign opens today as candidates across Thailand file their papers to run for Parliament. And the Thai economy grows by 7 percent or more every year.

Much of this extraordinary success is due to the wise guidance of King Bhumibol.

The King has led by example. He has embodied the 10 traditional moral principles of Buddhist Kings: charity toward the poor; morality, sacrifice of personal interest; honesty; courtesy; self-restraint; tranquility of temperament; non-violence; patience; and impartiality in settling dispute.

And he has led by action. Together, King Bhumibol and Queen Sirikit have devoted decades to improving the lives of Thai people in rural and impoverished regions. They constantly travel the country's 73 provinces, meeting with villagers and staying close to the people. The results are obvious in improved public health, the spread of education to all Thai children and the renewal of traditional crafts and textiles.

KING RAMA IX AND THE UNITED STATES

King Bhumibol has also been a great friend of the United States. During his reign, the Thai-American relationship has grown from one largely based on American aid and political support, into a partnership for trade, prosperity, environmental protection and regional peace. And Thailand is about to fulfill the pledge he made in his 1967 Address to a joint session of Congress: to end reliance on American foreign aid.

The new maturity of Thai-American relations can be seen in our prospects for trade. American exports to Thailand more than tripled in the last 7 years. They grew to nearly $5 billion last year, and now support nearly 100,000 jobs in America.

Prospects are especially good for my State of Montana. Our farmers and ranchers can supply a generation of newly affluent Thai consumers with top-quality wheat, beef, and pork.

Montana environmental technology companies—in areas from mine waste reclamation to clean coal technology, sustainable forestry and low-impact agricultural fertilizer—can help Thailand address its fast-growing environmental problems. Firms like Mountain States Energy in Butte are already looking to the Kingdom for opportunity.

And people-to-people contracts between Thailand and Montana are growing fast. Thais like former Ambassador Birabhongse Kasemsri are helping to support the Montana economy, by coming as tourists to see our National Parks and visit our skiing areas. And in several cities, some of the newest members of the Montana family operate well-run small businesses like the Thai Deli in Missoula and the Thai Orchid Restaurant in Billings. They work hard, provide jobs and add a new touch of diversity to our State.

CONCLUSION

Mr. President, King Bhumibol is now the longest-reigning King of Thailand. And history is certain to rank his reign with those not only of the greatest Thai monarchs of the past—Ramkamhaeng, creator of the Thai alphabet; Naresuan and Phra Narai in the Ayutthaya era; Mongkut and Chulalongkorn in the last century—but the great constitutional monarchs of the world and the democratic leaders of modern times.

It is my great pleasure to join all the Thai Montanans in congratulating King Bhumibol as he begins the 50th year of his reign, and looking forward to many more to come.•

TAKE THE LEAD, MR. CLINTON

• Mr. SIMON. Mr. President, recently, Matthew Miller, a former senior adviser to the Office of Management and Budget, had an op-ed piece about the budget.

It says precisely what I believe: that the Administration should have provided Congress with a better budget, that the Republicans should be applauded for trying to achieve a balanced budget by the year 2002, but that the priorities in the Republican budget are all wrong, even though the goal is a proper one.

I know the budget has already passed the Senate and the House, and we will be facing it shortly in conference, but in the belief that telling the truth always has some virtue, I ask that the Matthew Miller piece be printed in the RECORD.

The article follows:

[From the New York Times, May 16, 1995]

TAKE THE LEAD, MR. CLINTON

(By Matthew Miller)

WASHINGTON.—I left the Clinton Administration in January when the White House issued a budget that I felt turned away from its previous commitment to deficit reduction and sensible public investment.

Today, while supporting President Clinton in opposing the cruel and counterproductive Republican budget resolutions in the House and Senate, I also wonder why the White House has let the Republicans seize this issue.

Though the Administration is right to criticize plans that would cut spending for the most vulnerable Americans to help finance tax breaks for the well-off, it will not rally much support by hypocritically attacking cutbacks in Medicare and Medicaid or by resisting the idea of balancing the budget altogether.

Last week, the White House chief of staff, Leon Panetta, said that the Republicans would "make Medicare a second-class health care system for our seniors." The Administration's 1993 economic plan, "A Vision of Change for America," struck a different note. In it, the Administration hoped to "control the growth of Medicare and Medicaid spending in the long term, and thereby supplement the deficit reduction in this economic program."

Assuming "health care controls," the plan estimated that the deficit would decline to $87 billion in the year 2003—from what otherwise would have been $399 billion. Bringing down the combined annual growth rate of Medicare and Medicaid was the single most important factor in the reduction.

This slower growth would have meant saving about $66 billion yearly on average over a 10-year period. The Republican Senate budget resolution, by contrast, calls for savings that average $65 billion yearly over seven years, while the House resolution calls for $69 billion yearly over the same period.

It's hard to understand how a goal the Administration considered reasonable only two years ago can seem unthinkably draconian today.

Nor is the Republicans' aim of balancing the budget by 2002 as dangerous for the economy as the Administration suggests. Mainstream economists generally agree that reducing the deficit by the equivalent of 0.5 percent of the gross domestic product per year can be reliably offset by the Federal Reserve (for example, by lowering interest rates). With the Congressional Budget Office forecasting the deficit at 2.5 percent of the gross domestic product in 1995, that would mean a five-year path to a balanced budget by 2000 would be reasonable.

In any event, it would be far better policy and better politics for Mr. Clinton to take the lead by offering his own plan to balance the budget rather than merely sniping at the Republicans.

The GOP resolutions would slash basic research, investment in infrastructure and in education, while leaving untouched most of the welfare for the well-off that permeates the budget. While families struggling on $35,000 a year would continue to bear a disproportionate tax burden, for example, $30 billion in health and pension benefits would still go every year to senior citizens who have incomes above $100,000—giving these retirees far more back than they paid into the system.

Yet all of the Administration's well-taken criticisms will be ignored if President Clinton does not renew his commitment to addressing the problem of the deficit. The Republicans' methods may be misguided, but the goal they have embraced is the right one. Mr. Clinton should waste no time in taking back an issue he claimed as his own from his first days in office.•

THE 23RD ANNUAL JEWISH HERITAGE FESTIVAL

• Mr. BRADLEY. Mr. President, our country is a remarkable mosaic—a mixture of races, languages, ethnicities, and religions—that grows increasingly diverse with each passing year. Nowhere is this incredible diversity more evident than in the State of New Jersey. In New Jersey, schoolchildren come from families that speak 120 different languages at home. These different languages are used in over 1.4 million homes in my State. I have always believed that one of the United States greatest strengths is the diversity of the people that make up its citizenry and I am proud to call the attention of my colleagues to an event in New Jersey that celebrates the importance of the diversity that is a part of America's collective heritage.

On June 4, 1995 the Garden State Arts Center in Holmdel, NJ began its 1995 Spring Heritage Festival Series. This heritage festival program salutes many of the different ethnic communities that contribute so greatly to New Jersey's diverse makeup. Highlighting old country customs and culture, the festival programs are an opportunity to express pride in the ethnic backgrounds that are a part of our collective heritage. Additionally, the spring heritage festivals will contribute proceeds from their problems to the Garden State Arts Center's Cultural Center Fund which presents theater productions free-of-charge to New Jersey's schoolchildren, seniors, and other deserving residents. The heritage festival thus not only pays tribute to the cultural influences from our past, it also makes a significant contribution to our present day cultural activities.

On Sunday, June 11, 1995, the Heritage Festival Series will celebrate the 23d Annual Jewish Festival of the Arts. Co-chaired by Amy Schwartz of Springfield, NJ and Martin Hacker of Metuchen, NJ, this year's event promises to be a grand show featuring many talented entertainers including: the Golden Land Klezmer Orchestra, singer Mike Burstyn, and comedian Freddie Roman.

On behalf of all Jewish New Jerseyans, I offer my congratulations on the occasion of the 23d Annual Jewish Festival of the Arts.•

EXPLANATION OF SELECTED VOTES TO THE SENATE BUDGET RESOLUTION

• Mr. ABRAHAM. Mr. President, just prior to the Memorial Day recess, the Senate considered a near-record number of amendments to the Senate budget resolution. Since many of these amendments were offered after time had expired and voted upon without debate, I want to take some time now to offer explanations for several of the more critical votes about which I was unable to comment at the time.

During the budget markup in committee the focus of many amendments was the so-called fiscal dividend reserve fund. This fund was established to incorporate the estimates of the Congressional Budget Office regarding the benefits of balancing the budget. According to the CBO, if Congress successfully balances the budget over the next 7 years, we will experience lower interest rates and lower costs to the Government—about $170 billion over the next 7 years. It was the position of the chairman—a position I strongly support—that any fiscal dividend resulting from balancing the budget should be given back to the taxpayers in the form of tax cuts.

One amendment offered on the Senate floor was the Feingold amendment to strike the budget surplus from the resolution. Instead of using the surplus for more spending—as previous amendments had—this amendment would have killed it outright, striking at the heart of efforts in the Senate to provide tax relief for American families. I opposed it for that reason. Over the next 7 years, the Federal Government will spend approximately $12 trillion. Much of this spending will take the form of transfer payments from those people who are working and paying taxes to those less fortunate. I believe it is important for a compassionate country to take care of the elderly and the poor, and I support many of these programs. However, I also support those families who are not receiving Federal assistance but rather are working hard and paying taxes. The fiscal dividend is about 1½ percent of total Government spending over the next 7 years. In my mind, this tiny surplus belongs to the taxpayers who make all the other Government programs possible.

One amendment I did support was the Hatfield amendment to restore $7 billion in spending reductions to the National Institutes of Health by cutting all other discretionary accounts across-the-board. As Senator HATFIELD made clear during the debate, the United States is suffering from epidemics of cancer, Alzheimer's, and AIDS. The research conducted by the NIH is instrumental in fighting these diseases, and it is important that their efforts be fully funded.

Another amendment I supported was the McConnell amendment to restore funding for the Appalachian Regional Commission. Under the Senate budget, all funding for ARC would have been eliminated over 5 years. Rather than eliminate the entire program, this amendment will reduce the program's funding by 35 percent in 1996 and 47 percent overall. I believe it strikes a careful balance between cutting spending and hurting economic development in specific regions of the country. In recent weeks, I have been working on a task force to determine the efficacy of Federal agencies. Should that effort conclude that the Appalachian Regional Commission is duplicative, wasteful, or has attained its objectives, then my position regarding funding for ARC may change.

One budget area where I have special concerns is education. As reported out by the committee, the budget reduces mandatory education spending by a considerable amount—and these reductions could affect student loan programs. Although I had previously supported restoring education funding through offsetting spending cuts, I did not support any amendment that attempted to increase education spending through tax increases. This opposition included both the Dodd and Kennedy amendments. These amendments would have restored $28 billion in education spending over the next 7 years by raising taxes. While the authors argued that the offsetting tax increases would only come from the elimination of certain tax preferences targeted at large corporations, their practical effect would be to instruct the Senate Finance Committee to raise tax revenues by $28 billion through any means, including the elimination of tax provisions which I support, such as the home mortgage interest deduction. As I have stated previously, while I am willing to establish education spending as a priority, I believe its enhancement should be achieved by reducing spending in other budget areas.

Similar reasoning was behind my vote against the Bradley amendment targeting so-called tax expenditures. The underlying premise of this amendment is that the Federal Government, not the taxpayer, has the first right of refusal to all income. In my judgment, the whole concept of tax expenditures is misguided, since the logical conclusion of the argument is that all income not taxed still belongs to the Government. I believe the real purpose behind the tax expenditure concept is to provide ammunition for those Members who wish to raise taxes. As I have said before, I support reviewing corporate tax loopholes within the context of overall tax reform. However, I do not support targeting these loopholes if their result is to increase spending elsewhere.

One of the more positive signals coming from the budget debate was the rejection, across-the-board, of numerous amendments to reduce our defense budget. It is important to note that the bipartisan rejection of these amendments represents the Senate's recognition that investment in our national security is as low as it can possibly go. In my opinion, it is already too low to ensure the continued security of the country and, for that reason, I oppose amendments to reduce it further and supported efforts by Senators THURMOND and MCCAIN to raise defense spending above the President's levels.

One extremely close vote took place on the Baucus sense of the Senate amendment to encourage the use of the highway trust fund to support Amtrak. While the issue of Federal subsidies for interstate passenger rail service is extremely contentious and involved, using the highway trust fund to support Amtrak clearly undermines the integrity of the fund and should be opposed. If Congress chooses to continue its support for Amtrak, it should be done through general revenues and subject to the same review process to which other discretionary spending is subject.

Two substitutes were offered during debate of the budget which I believe merit comment. First, Senator CONRAD offered his substitute to balance the budget over 10 years without assistance of the Social Security surplus. While I applaud Senator CONRAD's commitment to the Social Security system, his budget falls short of the standard established by the Republican budget. Under the guise of balancing the budget, this amendment is old-fashioned tax-and-spend politics.

The Conrad budget raises taxes by $228 billion over 10 years. We don't have a budget deficit because Americans are undertaxed. We have a deficit because the Federal Government spends too much. Yet, the Conrad budget ignores the history of overspending by concentrating on the revenue side of the ledger. At the same time, discretionary spending under the Conrad substitute will be $190 billion higher than under the Republican budget while mandatory spending will be allowed to grow at several times the rate of inflation. In other words, the Conrad substitute would allow Government spending to continue to grow unchecked by raising taxes on Americans—just the opposite of the limited Government message sent to Washington by last November's election.

The second substitute was offered by Senator BRADLEY. The Bradley amendment balances the budget over 7 years through a combination of spending freezes and tax increases. It raises taxes by $197 billion over the next 7 years while reducing discretionary spending by $25 billion. In other words, while the Bradley amendment reduces Government discretionary spending a little, it raises taxes a whole lot more. And we witnessed with the earlier education amendments, many Senators still find it easier to raise taxes than to cut spending.

Finally, Senator BRADLEY also offered a sense of the Senate amendment expressing support for eliminating tax loopholes and using the money to lower individual tax rates. While I agree with the premise that our current Tax Code is hopelessly complicated and that a major reform of the Code was in order, Senator BRADLEY's amendment would preclude certain deductions which I support. Efforts to target tax benefits at depressed or blighted areas through enterprise zones—or tax free Renaissance Zones recently announced by Governor Engler—would not conform with the Bradley amendment and it jeopardizes the home mortgage interest deduction that homeowners rely upon in order to make the payments on their homes. For those reasons, I opposed it.●

RECESS UNTIL MONDAY, JUNE 12, 1995

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until the hour of 12 noon, Monday, June 12, 1995.

Thereupon, the Senate, at 4:34, recessed until Monday, June 12, 1995, at 12 noon.

EXTENSIONS OF REMARKS

ON THE EXPATRIATION TAX ACT OF 1995

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 9, 1995

Mr. ARCHER. Mr. Speaker, in March when the Congress was working to restore a health insurance deduction for millions of self-employed persons prior to the time when tax returns were due, that urgent legislation, H.R. 831, was threatened with unnecessary delay by the desire of some to include without adequate deliberation a proposal by President Clinton to impose a tax on individuals who give up their U.S. citizenship or residence. As we learned during hearings in the Committee on Ways and Means and the Senate Finance Committee, the President's proposal raised a number of serious concerns including the scope of the proposal, human rights and constitutional issues, issues of administrability, the potential for double taxation, the application of the proposal to interests in trust, the impact of the proposal on the free flow of capital into the United States, and the impact on future U.S. tax treaty negotiations. In light of these concerns, and in light of the administration's failure to provide the Congress requested information justifying the legislation, the Conference Committee determined that the nonpartisan Joint Committee on Taxation should provide the Congress a complete report on the issues presented by proposals to modify the tax treatment of expatriation prior to our taking any action in this area.

Despite the incredible time constraints placed on the Joint Committee on Taxation, it was able to prepare what I believe is one of the most comprehensive studies of a tax issue the Congress has received in many years. The joint committee's study, delivered on June 1, revealed that the administration had greatly exaggerated the amount of tax-motivated expatriation, that the administration's estimate of the revenues that could be raised by its proposed was significantly overstated, that the administration's proposal to combat such expatriation was seriously flawed, and that the administration's proposal could encourage tax-motivated expatriation. The joint committee also found that other proposals based on the administration's proposal had similar flaws and would raise even less revenue. One such proposal, made by the House Minority leader, would lose revenue because its October 1, 1996 effective date would have provided an 18 month period during which wealthy individuals would be encouraged to give up their citizenship to avoid taxes.

In order to address the small and fairly level amount of tax-motivated expatriation that does exist, and to address certain other problems revealed by its study, the Joint Committee on Taxation made several recommendations for improvements to existing law. Today, I am introducing the Expatriation Tax Act of 1995 which is based on the recommendations made by the joint committee.

EXPLANATION OF LEGISLATION

1. INDIVIDUALS COVERED

For purposes of the present-law expatriation tax provisions (secs. 877, 2501(a)(3) and 2107), and U.S. citizen who relinquishes his or her citizenship would be deemed to have expatriated with a principal purpose of avoiding taxes if: (a) the individual's average annual U.S. Federal income tax liability for the 5 years preceding the year of expatriation was greater than $100,000, or (2) the individual's net assets (valued at their fair market value) were $500,000 or more on the date of expatriation. These dollar amounts would be indexed for inflation beginning after 1996.

However, an individual would not be subject to the expatriation tax provisions if such individual did not have a principal purpose of tax avoidance and is within one of the following categories: (a) the individual was born with dual citizenship and retains only the non-U.S. citizenship; (b) the individual becomes a citizen of the country in which the individual, the individual's spouse, or one of the individual's parents, was born; (c) the individual was present in the United States for no more than 30 days during any year in the 10-year period immediately preceding the date of expatriation; (d) the individual relinquishes his or her citizenship before reaching the age of 18½; or (e) any other category of individuals prescribed by Treasury regulations. To qualify for this exception, the individual must request a ruling from the Internal Revenue Service within one year from the date of expatriation. With respect to individuals who committed an expatriating act between February 6, 1994 and February 6, 1995 but had not applied for a certificate of loss of nationality ("CLN") as of February 6, 1995, the individual must request such a ruling within one year of the date of enactment.

2. ITEMS SUBJECT TO SECTION 877

The scope of the items subject to section 877 would be expanded to include property obtained in certain transactions that occur within 10 years of expatriation and on which gain or loss is not recognized. If an expatriate exchanges any property that would produce U.S. source income for property that would produce foreign source income, then such exchange shall be treated as a sale for the fair market value of the property. However, this rule would not apply if the individual enters into an agreement with the Secretary of the Treasury specifying that any income or gain derived from the property acquired in the exchange during the 10-year period after the expatriation shall be treated as U.S. source income. The Secretary of Treasury may provide through regulations for similar treatment for transfers that occur within 5 years immediately prior to the date of expatriation.

In addition, section 877 would be expanded to include certain income and gains derived from a foreign corporation that is more than 50 percent owned, directly or indirectly, by the expatriate on the date of expatriation or within 2 years prior to the expatriation date. Such inclusion would be limited to the amount of earnings and profits accrued prior to the date of expatriation while such ownership requirement is satisfied.

3. SPECIAL RULE FOR SHIFT IN RISKS OF OWNERSHIP

For purposes of determining the tax under section 877, the 10-year period is suspended with respect to an asset during any period in which the individual's risk of loss with respect to such asset is substantially diminished.

4. DOUBLE TAX RELIEF

In order to avoid double taxation, a credit against the U.S. tax imposed under the expatriation tax provisions would be provided for any foreign income, gift, estate or similar taxes paid with respect to the items subject to such taxation. This credit is available only against the tax imposed solely as a result of the expatriation tax provisions, and cannot be used to offset any other U.S. tax liability.

5. REQUIRED INFORMATION SHARING

The State Department would be required to collect relevant information from the expatriates, including the social security numbers, forwarding foreign addresses, new country of residence and citizenship and, in the case of individuals with a net worth of at least $500,000, a balance sheet, and provide such information routinely to the IRS. An expatriate's failure to provide such information would result in the imposition of a penalty for each year the failure continues equal to the great of (a) 5 percent of the individual's expatriation tax liability for such year, or (b) $1,000.

6. TREASURY REPORT

The Treasury Department would be directed to undertake a study of the compliance of U.S. citizens and green-card holders residing outside the United States with tax return responsibilities and shall make recommendations regarding the improvement of such compliance. The findings of such study and such recommendations should be reported to the House Committee on Ways and Means and the Senate Committee on Finance within 90 days of the date of enactment.

7. EFFECTIVE DATE

The provisions of the bill generally would apply to any individual who loses U.S. citizenship on or after February 6, 1995. The date of loss of citizenship would remain the same as under present law (i.e., it would be the date of the expatriating act). However, a special transition rule would apply to individual who had expatriated within one year prior to February 6, 1995 but had not applied for a CLN as of such date. Such individuals would be subject to the new expatriation tax provisions as of the date of application for the CLN, but would not be retroactively liable for U.S. incomes taxes of their worldwide income.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

TRIBUTE TO GEN. GORDON R. SULLIVAN

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, June 9, 1995

Mr. SKELTON. Mr. Speaker, today I wish to congratulate Gen. Gordon R. Sullivan, Chief of Staff of the U.S. Army, who will retire on June 20, 1995. General Sullivan's career spans 36 years in which he has given selfless and distinguished service as a soldier, leader, and visionary adviser to both the President and this Congress. Others have already entered a list of his accomplishments into the public record. I want to briefly tell you about the essence of the man, his commitment to people, and leader development.

Since June 1991, General Sullivan has served as the Chief of Staff of the Army directing the Army's transformation into a power projection force, ready to defend the national interest in any corner of the world, whenever the Nation called. Throughout this period of historic change, General Sullivan provided not only the vision and energy to make the necessary changes, but also the guiding principles to keep the Army firmly focused on its fundamental purpose—fight and win the Nation's wars. He has been the epitome of responsible leadership, accomplishing tasks consistent with our Nation's values.

He is a leader who is absolutely committed to people. His personal relationship with America's Army—soldiers, civilians, families, corporate America—provide the context for his actions. He was particularly in touch with the soldier, creating a climate that allowed his subordinates to act and grow to meet the challenges of a rapidly changing world environment.

Whenever and wherever soldiers deployed in support of the Nation's interests there would be Gen. Gordon R. Sullivan. He could be found at Army posts at home and abroad, in disaster relief operations in Florida and Hawaii, floods in the Midwest, fires in the Far West, and earthquakes in California, in humanitarian operations in Somalia, Rwanda, and Haiti, and greeting soldiers returning from overseas deployments.

General Sullivan himself will credit these recent successes directly to the Army's two-decade investment in leader development. The future will require no less of a commitment. The future will challenge the leaders of America's Army. They will have to operate in ambiguous, uncertain, and complex environments. The hallmark of future Army leaders will be their ability to adapt to rapidly changing situations. Through personal example and unswerving commitment, General Sullivan has touched a generation of Army leaders, influencing them to embrace leader development as one of the Army's fundamental imperatives.

General Sullivan's career has been the epitome of selfless service to our Nation and the quintessential example of all we could hope our military leaders to be. And through the decades of service and sacrifice he has been supported by a loving family. The Nation shares General Sullivan with his wife Gay, their children John, Mark, and Elizabeth, and a grandson Christopher. They, too, have served the Nation, supporting in countless ways the career of this dedicated soldier.

Throughout its great history, this country has been blessed with men and women willing to serve and sacrifice their lives for the freedoms we enjoy. One such manifestation of this spirit comes from a letter written to General Grant by General Sherman in March 1864 when General Grant took command of the Union Armies. In his letter, Sherman wrote:

> Throughout the war you were always in my mind. I always knew if I were in trouble, and you were still alive, that you would come to my assistance.

That, Mr. Speaker, is what Gordon Russell Sullivan represents, what he embodies—simple words, soldiers' words—courage and loyalty. Serving the Nation and the soldiers of America's Army.

Gen. Gordon R. Sullivan—a consummate professional, a loyal servant of the Constitution, a leader of demonstrated moral and physical courage—on behalf of the Congress of the United States and the people we represent, I offer our heartfelt gratitude for your service.

THE 50TH ANNIVERSARY OF THE AMVETS DEPARTMENT OF PENNSYLVANIA

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 9, 1995

Mr. GOODLING. Mr. Speaker, I wanted to congratulate the AMVETS Department of Pennsylvania on their 50th anniversary. The AMVETS charter in Pennsylvania was originally founded March 25, 1945, as a support group for returning World War II veterans. The National and State charters were later amended to include the veterans of the Korean and Vietnam wars, and also those enlisted in the National Guard.

The AMVETS organization is united for the purpose of helping veterans help themselves, promoting world peace, and preserving the American way of life. To this end, AMVETS works to achieve their mission by their service and volunteerism to other veterans in need. AMVETS Department of Pennsylvania has 13,000 members in 70 posts across the Commonwealth.

As a veteran, I understand the sacrifices many have made to preserve the freedom and democracy the rest of the world craves. President Lincoln described veterans' sacrifices best during the Gettysburg Address, "the brave men, living and dead, who struggled here, have consecrated it far above our poor power to add or detract. The world will little note what was said here, but it can never forget what they did here." The same corollary should be held for all veterans whose selfless acts have helped others in their respective communities.

Mr. Speaker, once again, I would like to congratulate AMVETS Department of Pennsylvania on their 50th anniversary and wish them many more years of continued service to the Commonwealth.

TRIBUTE TO LT. GEN. DANIEL R. SCHROEDER

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, June 9, 1995

Mr. SKELTON. Mr. Speaker today I wish to recognize a truly outstanding American, Lt. Gen. Daniel R. Schroeder, for service to his country in the Corps of Engineers of the U.S. Army. I would like to commend General Schroeder for 34 years of faithful and dedicated service to the United States.

A lifetime career in numerous Army engineer positions, his leadership has been shown throughout his career. He retires most recently serving as the deputy commander in chief of the U.S. Army Europe and Seventh Army.

General Schroeder is to be applauded for his fine work during the 1988 activation of the Army Engineer Center at Fort Leonard Wood, MO. During this time, he served as the commanding general of the U.S Army Engineer Center and Fort Leonard Wood Commandant. This center contributes and ensures the future growth and development of the Army engineer regiment.

General Schroeder's many U.S. decorations and badges include the Defense Distinguished Service Medal, Distinguished Service Medal (with Oak Leaf cluster), Legion of Merit (with Oak Leaf Cluster), Distinguished Flying Cross, Bronze Star Medal with V Device (with 4 Oak Leaf Clusters), Meritorious Service Award (with Oak Leaf Cluster), Air Medals with V Device, Joint Service Commendation Medal, Army Commendation Medal (with 4 Oak Leaf Clusters), Combat Infantryman Badge, and Master Parachutist Badge.

I know that the Members of this body join in sending congratulations to General Schroeder and best wishes for his retirement. The Army Corps of Engineers has been fortunate to have had General Schroeder as one of its leaders.

SENATE—*Monday, June 12, 1995*

(Legislative day of Monday, June 5, 1995)

The Senate met at 12 noon, on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, Lord of all life, we praise You for the advancements in computerized communications that we enjoy in our time. Sadly, however, there are those who are littering this information superhighway with obscene, indecent, and destructive pornography. Virtual but virtueless reality is projected in the most twisted, sick, misuse of sexuality. Violent people with sexual pathology are able to stalk and harass the innocent. Cyber solicitation of teenagers reveals the dark side of online victimization.

Lord, we are profoundly concerned about the impact of this on our children. We have learned from careful study how children can become addicted to pornography at an early age. Their understanding and appreciation of Your gift of sexuality can be denigrated and eventually debilitated. Pornography disallowed in print and the mail is now readily available to young children who learn how to use the computer.

Oh God, help us care for our children. Give us wisdom to create regulations that will protect the innocent. In times past, You have used the Senate to deal with problems of air and water pollution, and the misuse of our natural resources. Lord, give us courage to balance our reverence for freedom of speech with responsibility for what is said and depicted.

Now, guide the Senators as they consider ways of controlling the pollution of computer communications and how to preserve one of our greatest resources: the minds of our children and the future moral strength of our Nation. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. INHOFE. Mr. President, for the information of my colleagues, there will be a period for morning business until the hour of 1 p.m. today. Following morning business, the Senate will resume consideration of S. 652, the telecommunications bill. Pending is the Thurmond second-degree amendment to the Dorgan amendment regarding the Department of Justice. Senators should therefore expect rollcall votes. However, there will be none prior to 5 p.m. today.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. KYL). Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 1 p.m., with Senators permitted to speak therein for not to exceed 5 minutes.

Mr. INHOFE. Mr. President, I request 5 minutes in morning business.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

THE TELECOMMUNICATIONS BILL

Mr. INHOFE. Mr. President, I would like to use this time to rise in support of the telecommunications bill, the bill we have talked about last week and will continue on this week; hopefully to finish the bill early this week. I know we have talked about it a great deal. Last year there was considerable discussion.

It seems to me it comes along at a time when it is responding to what the American people said in 1994, and that is we ought to move away, have less Government, less regulation, and let the marketplace function. That is what this bill is designed to do. It seeks to remove some artificial governmental regulations, regulations that go beyond simply providing for fair competition. I think we want to move in that direction.

Times have changed a great deal. As some of my experience back with the Rural Electric Association showed, seeking to bring electricity to areas where there was relatively low density and where there were few people living, no one in the competitive business was really interested in serving those areas that were very low in revenue. Hence, the cooperative effort of the rural electrics.

I think cooperation is necessary and will be here in the area of universal coverage. We need to provide with certainty that there will be telephone communications, and that is part of this bill. At the same time, we need to open it to full access in competition. So many things are happening, so many things are changing, so many things that will bring to a State like mine the opportunity to have all kinds of communications, indeed to conduct the kinds of businesses in Wyoming that you could not conduct without entry to an information network, without the kinds of things that will be provided here.

This bill is designed to remove restrictions on competition. I think that is what it should be all about. It is designed to create opportunities for investment and growth, not only in the communications system in this country but certainly global communications.

I do not want to take a great deal of time but I do rise in support of that concept. I think this bill does the things it is designed to do. I know there are differences of view. That is as it should be. There are great debates in this place. They are designed to show there is more than one alternative, otherwise there would not be a great debate. I am one who thinks, if we can set forth here the conditions that ought to be met in the case of local telephones before they expand, and long distance into the local, that is the way we ought to do it, and keep the substantive judgments of the Department of Justice at a minimum. The authority lies there, of course, to move in when there are unfair trade practices. That is as it should be.

So the result we look for, of course, is lower prices. We look for expanded options. We look for 1.5 to 3 million high-technology jobs that will be developed, and more exports. So this is a good step.

I look forward to supporting the bill. I look forward to the Senate completing its work this week so we can move on, then, to some of the other features.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

THE TELECOMMUNICATIONS COMPETITION AND DEREGULATION ACT

Mr. PRESSLER. Mr. President, we will be back on the telecommunications bill at 1 o'clock. I urge Senators to bring their amendments to the floor so we can begin to see if we can work them out. We are determined to press forward on the telecommunications bill this afternoon, and we will be starting at 1 o'clock. We invite speeches by Members as well as amendments.

This is a vast bill that will affect every household in the United States. It also affects about one-third of our economy. We have been on this bill for 2 days and we will be going back to it at 1 o'clock. We invite amendments to be offered from that time onward.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I ask unanimous consent to speak for 10 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

NAFTA

Mr. DORGAN. Mr. President, this morning I was going through some mail in my office and I received a letter from a young woman in Fargo, ND. I shall not use her name because I have not asked her if it is appropriate to use her name. But she is a young woman who described a whole series of troubles. She was left with two children as a single parent, no training, not many skills, and jobless. She described her journey through the social services system to try to find a way to get trained and get a job. The letter is an inspiring letter from someone who is now working full time—thanks, she says, to the training programs, thanks to the help that she received from Medicaid and elsewhere. So this is a person for whom a job is a way out, a job is a way to take care of her children. A job is, for her, substantial self-worth and respect.

You forget, sometimes, how important jobs are until you read a letter from someone like this who did not have a job and now does, thanks to a lot of help from a lot of people, but especially thanks to her determination.

I mention this letter about jobs because jobs are very important to the American people, and we have 10 million people out there—give or take a few—who are looking for a job today and cannot find one. We do not have enough jobs. We do not have enough good jobs that pay good wages in our country.

About a year and a half ago we debated in the U.S. Senate what is called NAFTA, which many people will remember, the North American Free-Trade Agreement. The contention was, if we would link our economy to Mexico's economy—and Canada's, too, but especially NAFTA was about Mexico—somehow we would have tremendous new opportunities in our country, or so we were told by the prophets of the day. We were told that linking the American economy to the Mexican economy would produce a burst of new jobs and new opportunity in our country.

Some of us did not believe that to be the case. Some of us believed that if you linked an economy like ours with an average wage of $15 to $17 an hour to an economy like Mexico, which still pays in many areas 50 cents or $1 an hour—in other words, linking our economy to an economy whose wage base is a fraction of ours—we felt it would tip the table so that jobs in this country would move south to Mexico. The jobs would move south because big producers, big corporations want to produce where it is cheap, and sell back into our country.

I know it may be a sore spot with some to start keeping score on the actual results of NAFTA. But after 1 full year's experience of NAFTA and after part of this year with NAFTA, I felt it was important to come to the floor of the Senate and describe what has happened with the United States-Mexico trade situation.

A new study has just been released by Robert Scott of the Center for International Business Education and Research at the University of Maryland. Robert Scott used to work for the Joint Economic Committee here in Congress, of which I was a member. He did some analysis and some work while on that committee with respect to NAFTA and has now completed an evaluation of NAFTA with respect to the job impact in the United States.

I want to commend to the attention of the Senate this study by Mr. Scott. It is interesting, thoughtful, and I think it is the only study I have seen that really looks at this in an appropriate way. Mr. Scott takes out the transshipments between the two countries. In other words, if Mexico receives something that is actually produced in another nation—for example, computers from Asia—and does not use the computers but re-exports them to the United States instead, those computers are not really Mexican exports and so they should not be counted in our measurement. Or, if another nation produces something and ships it to the United States but we do not use and simply transport it to Mexico, then it should not be considered an export from the United States to Mexico. These kinds of transshipments do not have a job impact of any significant nature between our two countries.

So, Mr. Scott takes out the transshipments and takes a look at what is produced in the United States versus Mexico and what is consumed in each country. The question is, What has happened as a result of the United States-Mexico trade agreement as a result of NAFTA?

Let me show you two charts. First, the United States-Mexico trade surplus, again taking out transshipments, we had a very significant surplus in Mexico. In 1992, it was $5.7 billion. In 1993, when we had NAFTA passed, it was $1.6 billion. Last year it shrunk to $.5 billion. And, if the first 3 months of this year are any indication—and almost all economists say it is—we will have a $15 billion trade deficit this year with Mexico.

Take a look at that and see which direction we are headed. Are those prophets who predicted these wonderful things for America now looking at their chart and saying, "Gee, this is wonderful"? I do not think so. We went from a significant trade surplus with Mexico now to a very significant trade deficit.

What does that mean in terms of jobs? Mr. Scott's study shows what it means in terms of jobs.

What it shows is "The Promise." We have all kinds of studies ranging from 220,000 to 2.8 million new jobs if we would just pass NAFTA. That is "The Promise." The reality is last year we lost 17,000 net jobs in the United States as a result of NAFTA. This year we are going to lose about 220,000 jobs in the United States as a result of NAFTA.

If anyone has other figures and would like to debate these, I would love to do so on the Senate floor. I would be glad to take time to do it. These are the real numbers. Take all of the transshipments out, and take out all of the statistical nonsense and find out what the net effect of jobs is. The net effect of jobs is that in the United States we were promised massive new job creation. And what we have gotten is a massive loss of jobs as a result of the United States-Mexico trade agreement.

Mr. Scott's study also shows that the jobs that we have lost as a result of the imports coming into this country are good jobs, good-paying jobs.

What are we importing from Mexico? Is it items produced by unskilled workers? No. The top imports are electrical and electronic machinery, equipment and supplies, transportation equipment, automobiles, automobile supplies, and automobile parts. That is what is being shipped into this country from Mexico. Those kinds of products represent good, high-skill jobs. Those are the jobs this country is seeing displaced. Those are the jobs this country is losing.

We note that in Mexico there is an area along the border called maquiladora plants. The maquiladora plants are the creation of big companies, many of them United States companies, building manufacturing and processing plants just across the border to produce in Mexico and ship to the United States.

What have we seen along the border since NAFTA?

There were about 2,000 maquiladora plants in 1994, and recent news reports tell us that the Mexican authorities are approving applications for two to three new plants, new manufacturing plants, every single day. At this rate of approval, the number of factories in the maquiladora zone in Mexico will increase by 50 percent in 1995. These plants are not being built to produce for Mexico. These plants are being built to dramatically increase exports from Mexico to the United States and dramatically displace jobs in the United States.

Mr. President, I do not know how those who were paid for those elaborate NAFTA studies that predict massive numbers of new jobs for America can walk around holding their head up these days when they see what has happened with Mexico. Yes. Some of it is because Mexico devalued the peso. I understand that. But we should never have a trade agreement with anybody under any condition that does not have an adjustment for currency fluctuations anyway.

But the point is, this country got with NAFTA what it got with the Canadian trade agreement, which is what it got with GATT—we lost in the trade negotiations; we lost in a way that hurts American workers and costs our country desperately needed good-paying jobs for the American people.

I hope that in the coming weeks, as a result of Mr. Scott's study, we can have a real debate again now about NAFTA and maybe renegotiate NAFTA. Maybe this trade agreement was not such a good idea. If "The Promise" was nirvana, massive numbers of new jobs and a bright promise for America, but the reality is massive loss of jobs, big corporations taking advantage of the American people under trade rules they wanted and they pushed for, going across the border to produce in Mexico and to ship back into this country, maybe, understanding all of that, it is time for our country to decide these trade agreements do not make so much sense after all.

Maybe our trade agreements ought to be trade agreements that represent the interests of our country, not just the interests of multinational companies who want to produce, yes, in Mexico, but also in Indonesia, Malaysia, and all around the world where they can get people to work for 12 cents an hour, 12-year-olds working 12 hours a day, to produce a product they can ship to Pittsburgh, Denver, or Detroit. That is not fair trade. That is not trade that helps our country. That is not trade that produces a vibrant, strong American economy.

Every time we have these debates, those who support these trade agreements that, in my judgment, have irreparably injured our economy and have put Americans into a circumstance where they are looking for good jobs and cannot find them. They say, "Well, the issue is we have to have competition. We have to compete. If American workers and American business cannot compete, then we are doomed in the international economy."

My response is: Compete with what? Do you really want the American people to have to compete with people working for 25 cents an hour or working in factories that are unsafe, working in factories that dump chemicals into the streets and pollution into the air? If that is what we should compete against, as far as I am concerned, count me out. That is not fair competition. It is not what we fought 50 years for in this country on the issue of decent living wages, good environmental standards, good work, and safety laws. That is not what we fought 50 years for in this country, to surrender all of that, to give all of that up, because the largest enterprises in the world want to construct an economic circumstance where they can produce where it is cheap and sell into established marketplaces. Such a scheme consigns this country, in my judgment, to a future with fewer jobs, especially fewer good jobs and fewer good paying jobs.

I hope that soon we will see more aggressiveness and more activity on the issue of requiring fair trade.

Mickey Kantor and the President are confronting the Japanese on the trade issue, and it requires some strength and courage to do that. None of us want a trade war. We understand that. But this is the first time that an American President or a Trade Ambassador has stood up and said wait a second; there is a price to pay to trade with us and the price is fair trade. Our markets are open to you. You open your markets to us. That is what we call fairness in our country.

I support the President. I do not want a trade war. It will not serve anybody's interests. But I want all of our allies to understand this is no longer post-World War II economic aid we are talking about. That is what our trade policy was for 50 years. Our foreign competitors are now strong and tough. Now we want trade fairness, and we insist on it.

On the issue of NAFTA, let us keep score. I can understand missing the bull's-eye. I can even understand missing the target, we find a lot of folks do that around here, especially economists. But I cannot understand missing the bull's-eye, missing the target and shooting yourself in the leg instead and not have people in Congress decide maybe this was a bad decision. I hope all of us will rethink these issues and decide whether or not there is a different strategy or different approach that really supports good jobs in our country and does not give away our economic future with unfair trade strategies that do not work for the interests of America.

Mr. President, I intend to send to other Members of the Senate copies of Mr. Scott's work, which I think is original, interesting, and good work that ought to point us in a different direction on trade policy.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Does the Senator suggest the absence of a quorum?

Mr. DORGAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. EXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PAYMENT OF BENEFITS TO ILLEGAL ALIENS

Mr. EXON. Mr. President, I rise today to address the issue of payment of benefits to illegal aliens and how it relates to the welfare reform bill that the Senate will be considering very shortly. As other Senators may know—and I hope that they all know—I have long had an interest in curtailing Federal benefits to illegal aliens as a matter of both sound immigration policy and sound fiscal policy. I have introduced that measure as either a stand-alone bill or an amendment in every Congress since 1989, long before measures like California's proposition 187 arrived on the scene.

In 1993, when we debated the comprehensive crime bill, the Senate overwhelmingly accepted my amendment to restrict the benefits, but unfortunately those provisions were dropped in conference with the House of Represenatives. That happens all too often.

I need not remind the Senate of the growing concern for what the public considers a runaway immigration policy and porous borders. It is true that many Federal programs specifically exclude illegal aliens and their criteria for eligibility. But we now have the sorry condition of the money flowing out just the same due to expansive and misguided agency regulation and court interpretations.

We also now have large border States filing lawsuits against the Federal Government as a result of failures in our Federal immigration policy, with other States threatening to follow suit.

It should be noted that the long-awaited report from the U.S. Commission on Immigration Reform, headed by respected former Representative Barbara Jordan, has generally recommended that illegal aliens not—not—receive publicly funded services or assistance. I agree wholeheartedly with that recommendation.

I am hopeful that we will soon make significant progress in immigration reform and welfare reform. I am concerned, however, that meaningful measures to restrict Federal welfare benefits to only citizens and legal aliens will be lost in the shuffle.

I submit, that when we turn to welfare reform, we have a golden opportunity to create a new and more coherent policy and stop, once and for all, paying benefits to illegal aliens.

The Senate appears ready to give States more funding flexibility and responsibility to oversee our welfare programs. I think it is only fair that, in exchange for that high degree of flexibility, the Federal Government asks the States to stand with us in verifying immigrant status and identifying illegal aliens for speedy deportation. With the assistance of the States in the verification process, fewer illegal aliens will receive benefits and both Federal and State budgets will reflect those savings. It is a simple fact that a deported alien will not continue to collect welfare benefits for months and even years.

To this point, the Federal Government and the States have essentially been working at cross-purposes in enforcing the immigration law. The States have decried the inability of the Federal Government to police its borders. But when Congress considers dropping benefits to illegal aliens, the States complain that they will be saddled with the full cost of providing these services. But aside from just a few exceptions, the point remains, and the point is this: Neither the Federal Government nor the States should be paying for those benefits to those here illegally.

Illegal alien means just that, illegal. That is why I believe the State agencies must help us identify illegal aliens so that they may be deported before they sap either the State or Federal budgets.

It is time for a whole new way of thinking about this subject. We must initiate a joint new State-Federal resolve—a new compact, if you will—to put an end to these abuses.

Call it a fully funded mandate, and a cost saver as well. I think it is only reasonable to require States to verify the status of applicants, provided we help them give the resources that they need to do the job. It is my opinion that this change in the compact between the States and the Federal Government would yield benefits for both. And this principle should apply to whatever welfare reform compromise eventually passes.

Believe me, Mr. President, I feel that we also need to do more spadework on immigration reform itself. I feel strongly that deportation proceedings should be expedited. I also feel that there needs to be greater enforcement in those many cases where holders of temporary visas intentionally overstay their visas. And I feel that there needs to be stricter enforcement of the sponsor affidavits, aimed at ensuring that immigrants will not be a burden on the taxpayers.

Efforts to provide better border patrol and to attack asylum abuse are also needed. The President has made tough, new proposals in this regard, and I also applied the results of the Immigration and Naturalization Service's Operation Hold the Line at El Paso.

The passage of a welfare reform bill this year is the perfect opportunity to take a step back to look at what has gone wrong in the past and to stop the robbery of the American taxpayers by illegal aliens.

America has a rich history of diversity. Most of our forebears came from abroad, but I do not know how anyone can justify payment of Federal benefits to illegal aliens.

So I put my colleagues on notice. I intend to pursue this matter to the end beginning anew on this year's welfare reform bill. We need teeth to back up our laws, not watered-down compromises. The time for action is now.

I thank the Chair, and I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. EXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE TELECOMMUNICATIONS COMPETITION AND DEREGULATION ACT

Mr. EXON. Mr. President, today, and very probably tomorrow, almost definitely we will be back into debating a very important part, if not a critical part, of the rewrite of the telecommunications laws of our country. They obviously need rewriting because we have not done anything about it since 1934, and we all know what has happened to communications and the distribution of information since that time.

In the mind of this Senator from Nebraska, who has been involved in telecommunications and distributions of information for 17 years on the Commerce Committee, and before that in other pursuits, a very important part of that legislation, as reported out of the Commerce Committee, dealt directly with something that is sweeping this country, and that is pornography, directed at children primarily, on the information superhighway, generally called the Internet. Too many people are sweeping this aside and saying everything is constitutionally guaranteed, and there is nothing we can do without violating the Constitution. That is nonsense, Mr. President.

I am up this morning just briefly to address this matter and alert every Member of the U.S. Senate, all 100 Senators, to this growing peril in America that needs the direct attention and action, in a constitutional manner, by the U.S. Senate.

A measure cosponsored by Senator GORTON and myself was unanimously adopted in the committee and incorporated in the telecommunications bill before the body. At the time of that action, I said this was not a perfect piece of legislation. I felt it had to be very carefully drafted in great detail to make certain that we did not pass a piece of legislation that would almost immediately be ruled unconstitutional by the courts.

I had amendments to that measure that I was principal sponsor of, along with the Senator from Washington State, in the committee that will further clarify, further define, and further alleviate any legitimate concern for anyone about trampling on the Constitution.

I would simply recite once again the statement of presentation made at some point on this floor on Friday last. It is printed in the CONGRESSIONAL RECORD of Friday, June 9, 1995, starting on page S8089 and running through page S8092. I would like my colleagues that are not on the floor at this particular moment, or their staffs, to take a look at that presentation and bring themselves up to date on what is going on on this very important matter, and have an independent judgment made by every U.S. Senator as to what is right and what is wrong in this area.

I was especially taken, Mr. President, by the prayer of the Chaplain of the U.S. Senate that was offered this morning as we began our deliberations. The Chaplain prayed for guidance and prayed for action on this matter that he and others see as a very, very, serious threat, especially to our youngsters.

Therefore, I say, Mr. President, I hope that there will be some study given to this. I hope that my colleagues and their staffs will listen to this Senator and others, who try and make our case for doing something constructive about this menace that is engulfing the Internet; statements to the contrary by those who do not agree, notwithstanding.

I simply say, Mr. President, that this is something that needs our definite attention. It is something that needs some study. I would hope that my colleagues and their staffs would do some study and make certain individual judgments on this matter, because I am sure that whether they agree completely with this Senator or not, they cannot help but be concerned about this very real threat that is out there today that I happen to feel is the greatest polluter of the minds of our children and grandchildren, that must have some rules and regulations.

In short, Mr. President, what this Senator from Nebraska is attempting to do is to merely copy the legislation that we have had on the books for a long, long time with regard to the spread of pornography and obscenity, especially addressing the many court decisions that have said that the community standard rules, and basically rules in law have been recognized for a long time, that we have the right, and I think the responsibility, to make sure that our children do not have instant access to material on the Internet. That we prohibit them by law and constitutionally to see or read or view on our magazine stands, even in our motion pictures, certainly in our sex shops around the country.

The law that we have in place now that I am attempting to get into the legislation with regard to the Internet basically says that we should have the same laws in place with regard to pornography and obscenity that we have had for a long, long time, that everyone seems to generally agree with.

We have laws at the present time to prevent pornography and obscenity in our telephone system. We have laws on our books to prohibit the mailing, through the U.S. mails, of pornography and obscenity. I do not mean that those laws have eliminated any and all type of material, of the type that I am suggesting, of getting through.

I simply say, Mr. President, that without those laws, there would be much more of it, and particularly our children would be placed in harm's way from all of this sex sickness that is rampant on the Internet today.

I will have more to say about this in some more detail as the debate moves forward.

Once again, I would like to reference pages in last Friday's CONGRESSIONAL RECORD that I hope might be of interest to my colleagues and members of their staff. I thank the Chair. I yield the floor.

TRIBUTE TO BRIG. GEN. EDWARD M. FRIEND, JR.

Mr. HEFLIN. With the recent celebration of Memorial Day, we paused to remember all those who gave their lives in service to their county. This Memorial Day has been especially heartfelt because of the recent anniversary of the end of World War II. Brig. Gen. Edward M. Friend, Jr., gave his life in service to his country, not by losing his life on the battlefield, but by surviving the misery and horrors of war, and returning home to live a life aimed at improving, and bettering his community, State, and Nation. He devoted his time, efforts, and considerable energy to achieving these goals, living up to a longstanding commitment he had to serve others.

General Friend was a highly decorated World War II veteran, having fought in the Normandy and Sicily invasions and the Battle of the Bulge, the last attempt by the Third Reich to break through the Allied lines moving toward victory in Europe. Those with whom he served recognized his bravery and skill. He received the Legion of Merit with Cluster, the Croix de Guerre with Palm, the European Campaign Ribbon with seven battle stars and the bronze arrowhead for landing in the Normandy invasion, and the Outstanding Civilian Service Medal.

General Friend's many accomplishments did not end with his outstanding military service. After the war, he returned home to Birmingham, AL, to help found the successful law firm of Sirote and Permutt, having already graduated from the University of Alabama Law School prior to the war. Sirote and Permutt eventually became one of the largest and most prestigious law firms in Alabama.

For General Friend, service to the community meant serving as president of the Rotary Club, United Way, the Birmingham Area Council of the Boy Scouts of America, the Family Counseling Association, and the Metropolitan Arts Council. His organizational and leadership skills were recognized by the Young Men's Business Club of Birmingham, which named him citizen of the year in 1982 for his accomplishments as chair of the United Way Campaign. It is not in any way an exaggeration to say that he excelled at everything he undertook.

The many awards General Friend received during his long life are testaments to his hard work and achievements. He was the recipient of the Alabama Arthritis Foundation Humanitarian Award and received honorary doctor of laws degrees from Birmingham-Southern College and the University of Alabama. He was the Birmingham Bar Association Lawyer of the Year in 1980, received the Educational Advocate Award from the Birmingham Public School System, and was inducted into the Alabama Academy of Honor, and Who's Who in America.

While Ed Friend led a life defined by many varied interests and accomplishments, he had a true passion for the law. He was one of the Nation's great lawyers, specializing in the field of tax law. One of America's great trial lawyers, Frances H. Hare, Sr., once told me that Ed, who was his personal tax lawyer, was the best tax practitioner he knew.

E.M., as he was known to a great number of his friends, was vitally interested in legal education and the improvement of his profession. His service as president of the University of Alabama Law School Foundation sparked an awareness and the beginning of substantial financial assistance to the law school. His tenure as president of the Brimingham Bar Association likewise initiated many years of improvements in the legal profession. His leadership and participation in the judicial reform movement in Alabama during the 1970's resulted in a vastly improved State court system. His concern and achievements in providing legal assistance for the indigent resulted in his founding of the Birmingham Legal Aid Society and serving as its first president. He was also on the board of directors of the National Legal Aid and Defendant Association. At a relatively early stage of his career, Ed Friend joined the cause of improving race relations in Alabama, and throughout his life, did a great deal to better those relations.

He was a great family man. He and his delightful, beautiful wife Hermione were constantly sought out by friends for their company and companionship. Throughout Herme's period of prolonged illness, her husband proved to be a devoted companion. This devotion was true of the entire Friend family, as their children Eddie and Ellen at all times displayed great loyalty to their mother and father.

General Friend gave of himself tirelessly and selflessly in ways that are difficult to describe in words. The impact of his work has been felt by those who knew him, worked with him, served with him, and benefited from his generosity. He will long be remembered for the basic good he did—and the dignity with which he did it—as it continues to touch the lives of others in the Birmingham area and throughout the State. He once said during an interview, "Everyone should strive to make the world a better place. The purpose of life is not to be happy. The purpose of life is to matter, to be productive, to have it make some difference that you lived at all."

When I think of my great friend and how he described what life meant to him, I am reminded of the Ralph Waldo Emerson verse, "Success." It goes:

SUCCESS

To laugh often and much;
To win the respect of intelligent people and affection of children
To earn the appreciation of honest critics
. . . .
To appreciate beauty, to find the best in others;
To leave the world a bit better, whether by a healthy child,
a garden patch or a redeemed social condition;
To know even one life has breathed easier because you have lived;
This is to have succeeded.

If Emerson was correct about the definition of success, then Ed Friend, Jr., succeeded enough for many, many lifetimes. In knowing Ed, I was always struck by how his simple but eloquent family name—"Friend"—so defined who he was and how he lived. No other epitaph would be needed than simply his name—Friend. He was a friend to his community, State, country, profession, and to the many, many individuals fortunate enough to have known him over the years.

I extend my sincerest condolences to Ed's wife, Hermione, and to their children Frances Ellen and Edward M. III in the wake of this tremendous loss, and ask unanimous consent that a copy of the June 6, 1995, Birmingham News tribute to Ed be printed in the RECORD.

There being no objections, the material was ordered to be printed in the RECORD, as follows:

GENERAL FRIEND

"He left his imprint on all segments of our society. He was selfless."

Those two short lines from Birmingham-Southern College President Neal Berte sum up well the life of longtime civic activist Edward M. Friend Jr., was passed away Monday at the age of 83.

You'd be hard pressed to discover something Gen. Friend attempted that he did not excel in.

As a soldier, he received numerous battlefield decorations for his efforts in the Normandy invasion and in the Battle of the Bulge—including the Bronze Star with Cluster, the Croix de Guerre with Palm and the Legion of Merit. Later he was named a brigadier general in the U.S. Army Reserve. Over this past weekend Gov. Fob James appointed him a major general in the Alabama National Guard.

As an attorney, he came back to Birmingham after World War II to help form what would become one of the state's largest law firms.

But as a community leader, he was unbelievable. Among the civic organizations he served as chairman or president of at some point were: the Rotary Club, the Birmingham Bar Association, the United Way, the Birmingham Legal Aid Society, the Birmingham Area Council of the Boy Scouts of America, the Family Counseling Association, the Metropolitan Arts Council, the University of Alabama President's Cabinet and Temple Emanu-El.

In his spare time, he even occasionally penned a letter to the editor about some community problem or effort.

During the recent Memorial Day holiday an aging soldier interviewed about his war service responded that it changed his whole life. Thereafter, he said, he worked hard to always show that he was worthy to have been one of the survivors.

Who knows if that same sort of experience colored Gen. Friend's life?

To say that his was a worthy one for Birmingham is an understatement.

WAS CONGRESS IRRESPONSIBLE? THE VOTERS HAVE SAID YES

Mr. HELMS. Mr. President, more than 3 years ago I began these daily reports to the Senate to make a matter of record the exact Federal debt as of close of business the previous day. On Mondays, of course, my reports are always as of the previous Friday.

As of the close of business Friday, June 9, the Federal debt stood at exactly $4,899,367,488,389.95. On a per capita basis, every man, woman, and child in America owes $18,598.08 as his or her share of the Federal debt.

It is important to recall, Mr. President, that the Senate this year missed an opportunity to implement a balanced budget amendment to the U.S. Constitution. Regrettably, the Senate failed by one vote in that first attempt to bring the Federal debt under control.

There will be another opportunity in the months ahead to approve such a constitutional amendment.

UNION COLLEGE COMMENCEMENT

Mr. MOYNIHAN. Mr. President, yesterday at Union College in Schenectady, NY, I was privileged to deliver the commencement address on the occasion of the bicentennial anniversary of that institution's charter. The elements, however, did not cooperate. As the thunder began to rumble, I cut my address short. But as this morning's Albany Times Union noted, my parting promise to the gathered was: "I'll put the rest in the CONGRESSIONAL RECORD."

Mr. President, I ask unanimous consent that the full text of my address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

UNION COLLEGE COMMENCEMENT ADDRESS

(By Senator Daniel Patrick Moynihan)

In a world made up of some 192 nations, of which a scant 51 existed a half century ago, and of these only eight having existed for a whole century without having their form of government changed by violence, it is a rare experience to graduate from a college founded a full two centuries ago in a new and novel nation with tiny resources and doubtful prospects which not only endures to this day, but stands now pre-eminent among the nations of the world.

It is a matter worth reflection. And a setting designed for just that, by an architect trained at the court of Louis XVI. Union College was, of course, the first educational institution chartered by New York State. It promptly broke with the past creating, as Roger G. Kennedy has written, "a scientific, almost polytechnical course, in defiance of the classical curriculum then almost universal in America." This was so very much in the spirit of the new republic, evoked in The Federalist papers published up and down the Hudson Valley, not a dozen years earlier.

We do well to consult those incomparable essays from time to time, and not simply because the new Speaker of the House of Representatives admonishes that we ought. The first thing to note, or so it seems to me, is the conscious, proclaimed assertion of the Founders that they had discovered what Madison termed "a new science of politics" based upon principles—uniformities—in human behavior which made possible the reintroduction of republican government nearly two millennia after Caesar had ended the experiment. Given what Madison termed "the fugitive and turbulent existence of ancient republics," who could dare to suggest that a modern republic could fare better? Well, Madison could. And why? Because careful study had produced new knowledge. To cite Martin Diamond:

"This great new claim rested upon a new and aggressively more 'realistic' idea of human nature. Ancient and medieval thought and practice were said to have failed disastrously by clinging to illusions regarding how men ought to be. Instead, the new science would take man as he actually is, would accept as primary in his nature the self-interestedness and passion displayed by all men everywhere and, precisely on that basis, would work out decent political solutions."

Until that time, with but a few exceptions, the whole of political thought turned on ways to inculcate virtue in a small class that governed. But, wrote Madison, "if men were angels, no government would be necessary." We would have to work with the material at hand. Not pretty, but something far more important: predictable. Thus, men could be relied upon to be selfish; nay, rapacious. Very well. "Ambition must be made to counteract ambition." Whereupon we derive the central principle of the Constitution, the various devices which in Madison's formulation, offset "by opposite and rival interests, the defect of better motives." (See Daniel Patrick Moynihan, "Came The Revolution", Harcourt Brace Jovanovich, New York, 1988, pgs. 302–303.)

The American revolution and the new nation emerged from a crisis of legitimacy in the old European order. The Founders genius was to adapt to that order rather than seeking to abolish all traces of it. As, for example, the French revolutionaries did when they changed the names of the days of the week and declared 1792 to be L'annee Une. Year One.

There is a striking parallel between these political revolutions of the late 18th century and the economic revolutions of our time. In the course of the past half-century the United States essentially has learned to manage an industrial economy. This learning followed a crisis of legitimacy in the old economic order which unlike the Soviet Union, for example, we did not abolish but did, in fact, transform.

1945 was, of course, the 150th anniversary of the founding of Union College. It was also the year that World War II came to an end. V-J Day was September 2; Union celebrated its Sesquicentennial two weeks later. I was in the Navy then, (as was Joseph Hinchey) and remember those days. The great question here at home was whether the end of the war would mean the resumption of the Great Depression of the 1930s, and generally speaking, the crisis of capitalism which had brought on the war, or was widely held to have done.

Just what does it mean to speak of a "crisis in capitalism?" If the term seems puzzling today, it would not have been then. Then it meant going from 3.2 percent unemployment in 1929 to 24.9 percent in 1933, and averaging about 18 percent for the remainder of the decade. Stop and imagine for a moment searching for a job—let alone your first job—when one-fourth of the labor force is unemployed. This was the worst experience, worldwide, in the history of industrial economies. At the height of the Depression 13 million workers were unemployed in the United States.

It seemed, moreover, to be just the latest swing in a steadily amplifying cycle of boom and bust. We have almost lost this memory. The Panic of 1893. The Panic of 1908. The Crash of 1919, of 1929, of 1938. Already, at the beginning of this century, it was widely held that free enterprise capitalism just couldn't work. A great socialist movement began. George R. Lunn, the first socialist Mayor in New York, was elected here in Schenectady in 1911. Not untypically, he came out of the Midwest and was an ordained Presbyterian minister—having received his Doctor of Divinity degree from Union. In 1912, an ambitious Harvard graduate, Walter Lippmann, came here to be the Mayor's executive secretary. This seemingly was where the future lay. And, of course, there was soon a Communist Party in the United States, actively supported by "Moscow gold," as it was sometimes and not inaccurately termed. For Communists the end of the age of capitalism was assumed to be instantly at hand. There was thunder on the right, as well; and as the Depression settled in, a great crisis of confidence in the vital center.

Then knowledge appeared which changed everything. It began with measurement; just what were these business cycles that so often turned into disaster? Obviously, not the ancient rhythm of winter, spring, summer, and fall. But what? A nice place to start is the foundation of the National Bureau of Economic Research at Columbia University, the only institution of higher learning in New York older than Union. C. Wesley Mitchell, who was director of the Bureau for near to half a century (1920–45), put it nicely:

"Our best hope for the future lies in the extension to social organization of the methods that we already employ in our most progressive fields of effort. In science and in industry . . . we do not wait for catastrophe to force new ways upon us. . . . We rely, and with success, upon quantitative analysis to point the way; and we advance because we are constantly improving and applying such analysis."

Then theory. Principally by John Maynard Keynes in England refuting the assumption of classical economics that markets automatically return to an equilibrium, with all resources employed. An economy could settle in at high levels of unemployed people and underutilized capital.

Next practice. During World War II, here in the United States, the new economics performed surpassingly well, notably as regards inflation which actually declined during the war years.

Finally, there was law. In the Employment Act of 1946, Congress declared it to be:

"The continuing policy and responsibility of the Federal Government . . . to promote maximum employment, production and purchasing power."

Note the genius of that language. The by now century-old dispute over capitalism had been a dispute over ownership, with the left calling for public ownership as against private. Of a sudden, we changed the terms of the debate. Now we were talking about employment, production, purchasing power. And measuring progress in an Annual Economic Report of the President, prepared by the new Council of Economic Advisers.

Before 1929 the average business cycle contraction lasted nearly 21 months following an average expansion of slightly more than 25 months. About even. Over the past fifty years, however, the average recovery has lasted 50 months, with contractions shortened to an average of 11 months. A very different world. In all this half century, the largest decline in output was 2.2 percent, in 1982. Compare that with a drop of 9.9 percent in 1930; followed by 7.7 percent in 1931; followed by 14.8 percent in 1932. As of now, for example, we are in our 10th post-war expansion which reached its 50th month in May. During the half century period, the size of our economy has quadrupled, and real income per person has more than doubled.

Is our world transformed? Well, yes it is. And it would do us no harm to take note between bouts of self-abasement. The legitimacy of a free enterprise society, with free labor and free markets is acknowledged across the globe.

Now then, are our troubles behind us? Assuredly not; obviously not. My colleague and friend, Senator Bill Bradley, observes that "the fragile ecology of our social environment is as threatened as that of our natural environment." (I would say vastly more so.) He continues:

"The market is governed by the logic of economic self-interest, while government is the domain of laws with all their coercive authority. Civil society, on the other hand, is the sphere of our most basic humanity."

True enough. Marine Corps Major Stephen Ganyard recently called attention to the passage in The Theory of Moral Sentiments (1759) by Adam Smith, who had something to do with all this market business, in which he writes that in our actions we cannot "prefer ourselves so shamelessly and blindly to others," even if that is the natural inclination of our feelings. (As Madison would have thought.) In our time, Joseph Schumpeter has explained, in Eugene D. Genovese's words, "the ways in which capitalism relentlessly destroys the pre-capitalist institutions and values necessary for its social and political stability." Consider, if you will, the state of the American family. Or note that in Washington today the talk is less about how the economy can create jobs but how a dependent population can be induced to take them. But surely that only strengthens the case for a "science of politics" that seeks, however so often in vain, to understand the world which we inherit but which we also in some measure create.

And so, then, on to the Third Century.

CAPTURE OF GILBERTO RODRIGUEZ OREJUELA

Mr. MACK. Mr. President, I applaud last week's capture of Gilberto Rodriguez Orejuela, a notorious member of the Cali cartel responsible for smuggling an enormous volume of cocaine into the United States and the subject of criminal indictments in Florida and Louisiana. The arrest is a significant achievement by Colombia's antidrug forces, but the real test of Colombia's commitment to the struggle against narcotics traffickers lies ahead. Colombia's record regarding prosecution, conviction, and sentencing of narcotics traffickers is marred by corruption. Orejuela's arrest must be followed by a thorough judicial process that strictly adheres to the rule of law.

TRIBUTE TO ARMAND COCCO

Mr. BIDEN. Mr. President, with the death of Armand F. Cocco, Sr., I, and I might add Senator ROTH, have lost a good friend, and my State of Delaware has lost one of its most conscientious citizens. With his wife and constant teammate of 47 years, Anna Zebley Cocco, he devoted a lifetime to energetic service to others.

Mr. Cocco, a member of the Delaware Industrial Accident Board, was a 45-year member of the Plumbers & Pipe Fitters Union Local 74, acting as their political liaison for the union and testifying in court for workers who had been diagnosed with asbestosis. He had no formal education beyond high school, but he was a student of human nature and a skillful advocate who gained impressive achievements for his community without ever claiming any character other than that of an ordinary citizen. He was my friend for more than 25 years, but he could still surprise me with interests and talents of which I had been unaware. He never stopped.

I first met Armand Cocco when I was a young man, a member of the New Castle County Council and a candidate for the U.S. Senate. It was then that he and his wife asked whether I would meet with them, and they came charging full-blown into my office with their usual brisk enthusiasm about a plan that was going to widen a four-lane highway, an expressway through one of our oldest suburban communities. As they saw it, they were going to convert this modestly busy local road into an expressway that would divide and overshadow their community, literally divide their community right down the middle. And as Anna said, it would amount to a "Chinese wall" in this older, stable community. They were determined to stop it, with the determination they shared, confidently and persistently, with Delaware public officials of both major parties.

I know it will surprise no one in this body that energized citizens often change the outcome of a predetermined decision. A quarter of a century later, that expressway still stops literally at the threshold of the community they were so resolute in defending.

If Armand and Anna Cocco were a political force to be reckoned with—and they certainly were—they were also friends whose support could be counted on by public officials in both parties, as our Democratic Governor Tom Carper could tell you and my Republican colleague, Senator ROTH, as well as my Republican colleague, Congressman CASTLE could testify.

Armand Cocco was an adroit and accomplished political activist but no party could claim his exclusive allegiance. No party could claim a narrow partisan interest on his part, but he consistently worked for the public interest. He was a very demanding citizen, but he never asked more than he was willing to give. And shoulder to shoulder, along with his remarkable wife, Anna, he would work with whomever was willing to work for the public interest. Anna survives him, and I am confident she will continue to get things done, although she has lost a very, very potent partner.

Mr. President, no one, no community, can lose a friend like Armand Cocco without feeling sad, but the sadness attending his passing has an especially melancholy quality for me and many of his friends because we fear that in losing him we are also losing one of the last examples of American value and of an American personality that we can ill-afford to move on without—the public-spirited private citizen with a traditional sense of community responsibility that has historically enabled us to deal with a range of social problems that simply lie beyond the capacity of government alone to resolve. The balance between public interest and private interests, the tension between individualism and community responsibility, has been losing the equilibrium that de Tocqueville identified over 150 years ago as the secret to our American democracy.

That growing imbalance is perhaps our greatest national problem today, but it was never a problem for Armand Cocco. He was as strong a personality with a keen sense of the individual as anyone I have ever met. But he knew how to strike a proper balance between his personal aspirations and the needs of his community. He was and will always remain among all those who knew him a model of good citizenship in a democratic society, and an assurance that our democracy will survive if we take his lifelong example to heart.

Mr. President, a very personal note. He was also a loyal friend to my deceased wife. When she passed away, it was Armand Cocco who went to the citizens of that small community and asked that the park be dedicated in her name, the name of which it still carries.

And lastly, I was on my way down here to vote on Friday, but the funeral was Friday. I thought it was important to vote, but I decided—and I must say it publicly to my constituents—it was more important for me to go to the funeral because of a public man like him, who had contributed so much; so I did not come down. I went and expressed my sympathies to his wife, Anna, and to his daughter, and all of the family.

I thank the Chair for its indulgence and allowing me to speak.

THE TELECOMMUNICATIONS COMPETITION AND DEREGULATION ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 652, which the clerk will report.

The legislative clerk read as follows:

The bill (S. 652) to provide for a pro-competitive, de-regulatory national policy framework designed to accelerate rapidly private sector deployment of advanced telecommunications and information technologies and services to all Americans by opening all telecommunications markets to competition, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Dorgan modified amendment No. 1264, to require Department of Justice approval for regional Bell operating company entry into long distance services, based on the VIII(c) standard.

Thurmond modified amendment No. 1265 (to amendment No. 1264), to provide for the review by the Attorney General of the United States of the entry of the Bell operating companies into interexchange telecommunications and manufacturing markets.

Mr. PRESSLER. Mr. President, we are returning to the telecommunications bill. I urge all Senators to come to the floor with their statements and amendments.

We have made good progress on the bill. We have many challenges ahead to meet.

As I have said frequently, this bill will allow all parts of the telecommunications industry to get into each other's business and allow new small businesses to get into the telecommunications area. It will open up our local telephone markets for the first time to competition. It will allow our long distance companies to get into local and vice versa.

It will move toward the deregulation of cable by encouraging competition from DBS, direct broadcast satellite television, and by giving the regional Bells video dial opportunity. There will be three or four competitors in each market, which should and will make cable prices much lower. It will mean lower cost telephone services, lower telephone rates and lower long distance rates for the average American.

Many years ago, when I was in the House, we had some great debates over the deregulation of natural gas, and people said if we deregulate natural gas, prices will skyrocket. They did not. They have come down and there is competition and natural gas prices are lower than they have ever been.

We can do our senior citizens and others a favor by getting lower prices through competition. That is what this bill will do.

This bill will also lift some regulation in the broadcast area. It will allow some of our utilities to do things they have not done before in telecommunications. It covers a broad spectrum of American life.

It is a very important bill. It is a bill we need to pass. The bill we have before us is not perfect in anyone's eyes. It is a good bill, and each Senator would write it slightly differently. Indeed, every Senator has had the opportunity to participate in the writing of this bill. It has been a long process that we held before the markup in the Commerce, Science, and Transportation Committee.

We held meeting after meeting for probably 90 days as well as meeting on Saturdays and Sundays, with Senators and staffs being invited who wished to participate. We came to the Commerce Committee with this bill and received all except two votes. We are very proud of the bipartisan effort that we have made and that will remain bipartisan.

I want to pay tribute to my colleague, Senator HOLLINGS, who has done such an outstanding job, and to all the Republicans and Democrats who have worked hard on this bill.

This bill will provide a roadmap for us into the wireless age. It will provide a roadmap for investors to invest in creative and competitive enterprises. It will also help consumers because it will mean more services at lower prices. If we look at what has happened in the computer industry, every 18 months their equipment is virtually obsolete, there is so much competition and so much innovation. I would like to see the same thing in the telecommunications area, and I think we can see that in the next 10 years if we pass this bill.

We still have a long way to go. We have to pass the bill in the Senate and in the House, we have to have a conference, and the President has to be able to sign it. I hope the White House will help us out.

I began this process by going to the White House with a copy of the chairman's discussion draft and talking to AL GORE, trying to get his support. We hope the White House will be supportive of this process, because, if we can pass this bill, I frequently say, it will be like the Oklahoma land rush for the American consumers. Right now, many of our telecommunications areas are in economic apartheid; they are limited just to one group. If we could get them deregulated and competing, there would be an explosion of new investment, an explosion of new services, and an explosion of opportunities and employment.

Presently, many of our largest telecommunications companies have to invest abroad if they want to manufacture, for example, because the regional Bells are prohibited. Others invest abroad because they cannot get into other areas. This will let everybody into everybody else's business. It will allow competition, as it should.

In the future, whether it is 5 or 10 or 15 years from now, we will be in the wireless era. That may well be an opportunity for even more competition because presently you have to unbundle or interconnect with someone else's wires to get access to local telephone service, for example. But we hope that is changed and will be changed by this bill.

I know there are many amendments pending, and I hope Senators will bring their amendments to the floor this afternoon. I plead with Senators to allow us to have some time agreements at some point so we can debate these amendments on both sides. It is not my intention to discourage any Senator from offering an amendment. We are working with staff, trying to get time agreements on some of these amendments so we can move forward.

I have asked Senator DOLE and Senator DASCHLE for their cooperation in finishing this bill, and I think it is very, very important. As has been pointed out repeatedly, this bill will affect every household in America. If we fail to act this year, it will fall over to 1997 because next year, being a Presidential year, such a controversial bill probably will not be able to pass.

This is one of the most controversial and complicated bills to come to the Senate floor. I think we are on the way to passing it. But we will need the cooperation of all Senators. I have frequently said this is not the sort of bill that any one Senator can take credit for, or the lead. It takes every Senator. We all have to be involved. Because in the telecommunications field, any one group can checkmate, almost, the progress of a bill. We hope that does not happen.

It is very important. It will affect a third of our economy. It will create jobs. As we read in the newspapers about some of our mature, aging industries, as they lay people off, we need to have new, creative areas to create jobs. We have done that in the computer industry. We have done it in some of our other growth industries. This will make us competitive internationally also. It will affect our exports and our balance of payments.

This bill also includes reciprocity for investors from abroad so we treat them as they treat us. The public interest review by the FCC is preserved.

So, I urge Senators, come to the floor and offer amendments. I ask respectfully that we be able to get some time agreements on some of these controversial amendments that will be coming. It is not our intention to shut anybody off. We want people to have their vote. But we must proceed.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. FRIST). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1265, AS MODIFIED

Mr. DORGAN. Mr. President, the matter pending before the Senate is now a second-degree amendment by Senator STROM THURMOND to a first-degree amendment that I offered last week dealing with the issue of the role of the Justice Department in the telecommunications legislation.

I would like to describe where we are and how we reached this point, and why I think this set of amendments is an important discussion for the Senate.

First of all, the Senator from South Dakota, Senator PRESSLER, described a few moments ago the importance of this bill for virtually every American. There is no doubt about that. The issue of communications and telecommunications is one that will affect every single American. You cannot escape the impact of this legislation. We have seen an explosion of technology, an explosion in communications in this country in computers, telephones, cable, and broadcast, and we are seeing capabilities in this country today for every American, no matter where they live, that were only dreamed of several years ago.

The question before the Senate is what kind of rules shall exist for the competition between various types of communication in our country? The last set of rules was a set of rules in 1934 established to try to govern the circumstances of operations in the communications industry in which we had a regulated monopoly. Phone service was a monopoly. Of course, we did not have computers then, we did not have cable television then, but we had phone service. Communications back then was a regulated monopoly.

Now, in 1995, we are moving toward a deregulated set of circumstances in the telecommunications industry. The question is how do we structure the rules so that you get deregulation with fair competition and at the same time have the buildup of the infrastructure so that communications is not something that exists only where you have affluent neighborhoods or high concentrations of people.

Many of us believe that the issue of communications is universal. It does not matter how big a town you live in or where you live in this country. Your ability to use a telephone or use a computer or access any number of devices in the telecommunications industry and be a part of the information superhighway—your interest and your need for that—is just as intense and important if you come from a town of 300 people in southwestern North Dakota as it is if you live in downtown Manhattan in New York City.

So many of us feel as we deregulate we must make sure there are safeguards in this legislation so that the buildup of the infrastructure, so the building of the information superhighway, reaches, yes, even the rural areas of our country.

As we do that we understand that there is a fundamental tension between deregulation and the search for profits and opportunities by companies who will go to the densely populated areas of our country and the need to try to provide the same kind of service and the same capabilities in rural areas in our country. That is the purpose of this legislation, at least as far as I am concerned.

Some see this legislation simply as opening the door and unlocking the forces of competition. That is part of it. I understand that. I accept that. I think competition can provide enormous benefits for our country. I happen to think that the Bell operating companies are good companies. I met a couple of CEO's of Bell operating companies in recent months who have come to my office. I am most impressed. They are good companies with good growth and plans for the future that are interesting and stimulating.

I also happen to think that we have long-distance carriers in this country that are new, vibrant, and growing, and do a lot of interesting things. In the long-distance area, of course, we have had competition. As a result of that competition with hundreds of providers of long-distance services fighting for the consumer's dollar, we have seen a substantial decrease in the rates for long distance service.

We have not seen a similar circumstance in local service, and this bill will lead to a similar circumstance, some say, in local service, where we open local service to competition.

Well, when we do that, when we open local service exchanges to competition, then the Bell operating systems will want to go out and compete in the long distance market, and this piece of legislation sets the conditions under which that will be possible.

Now, Senator THURMOND and I introduced amendments which said the question of when real competition exists and when the baby Bells or the Bell operating companies shall be permitted to go off and compete in the long distance arena, that is a very critical area in this bill because if the Bells are free to go compete in long distance before there is true competition in the rural areas, you have the makings of a real mess and the makings not of deregulation and not of unleashing the forces of competition for the benefit of the consumer, but instead you have the prospect of once again establishing monopoly forces in the marketplace.

So it is very important to have the right kind of ingredient in this legislation that serves the interest of competition, when you are opening the door to have the Bell operating companies move into the long distance service.

Both Senator THURMOND and I have offered amendments that describe a role for the Justice Department in those determinations. The legislation that came out of the Commerce Committee had a role for the Justice Department that was simply consultative. In other words, the FCC, the Federal Communications Commission, would essentially make the determination of the public interest standards with their checklist about when certain conditions were met and when the Bells would be moving into long distance service and when there was real competition in the local exchanges. And the Justice Department was simply consultative.

We have had some experience on deregulation with respect to consulting the Justice Department. I remember that we deregulated the airline industry and what we had in the airline industry was with respect to mergers and acquisitions the Department of Transportation would provide its approval and the Justice Department would be consulted.

Well, what has happened since the deregulation of the airline industry is pretty clear. What is happening is we now have five or six very large airline carriers in this country that have bought up their competition and they are getting bigger. Why? Because that is the way the market system works if it is not checked with respect to competition and what we will have is competition among four or five or six behemoths in this country in the airline industry.

Now, the Department of Justice on a number of occasions said, well, we do not think this acquisition makes sense. That is our judgment. The Department of Transportation says it does not matter; we are going to allow it to proceed anyway.

So we have seen some experience with having the Department of Justice in a consultative state, and frankly I think it does not work in this area of deregulation. I want the Department of Justice to have a full role with respect to its antitrust activities and its ability to evaluate when these kinds of activities are in the public interest. I do not want the Department of Justice to become a set of human brake pads so that you have a bunch of lawyers down there who simply put their foot in the door and say we are not going to make any decisions; we are not going to let anything happen. I do not want the Department of Justice to be a brake, but I do want the Department of Justice to be a full participant and a full partner in this judgment about what is in the public interest: when does competition really exist? When do you potentially threaten a now competitive set of circumstances with the potential for concentration that diminishes competition?

So that was the point of my amendment. My amendment used a standard, the VIII(c) standard it is called, and would give the Justice Department a role in those circumstances with a time requirement by which they must act. And Senator THURMOND, feeling I think the same way, that the Justice Department should have a role, introduced an amendment but his amendment uses a different standard, the Clayton 7 standard.

We have worked over the weekend, and Senator THURMOND, I understand, will be coming to the floor in the next half-hour or hour. I believe he is at the White House for a meeting. But we have worked over the weekend with Senator THURMOND and have reached agreement on a modification of his amendment which provides some language that I have suggested and retains the core standard in his amendment, and that is an approach I think both of us support, both of us think advances the interests that we are attempting to advance with our amendments, and I hope when Senator THURMOND comes to the floor and modifies his amendment and discusses it, we would be able to move forward.

It will be a common amendment that both of us will support. We have been working since late last week and worked through the weekend on it, and I think it does advance the interests both of us attempted or wanted to advance with respect to the role of the Department of Justice.

When Senator THURMOND does come to the floor and offers such a modification, I know the managers want to proceed to set a vote on an amendment of this type, and I have no objection to that at all. I know the majority leader has indicated that we would not have record votes today before 5 o'clock. On the question of whether a vote is set on this evening or first thing tomorrow morning, I would be happy to work with Senator THURMOND and with the chairman of the Commerce Committee, the majority leader, the ranking member, and others. It seems to me that is something we can work out in the coming hours. I think there is really not much need to spend a great deal more time.

There are a number of others who want to discuss this subject this afternoon, and we certainly need to allow time for that. The Senator from Nebraska, Senator KERREY, who has been intensely interested in this subject and been active and involved in the discussions about it I know also will be interested in the conditions under which a vote is held.

I think this is one of the most important amendments we will be voting on dealing with this legislation. Frankly, there are not many people who even understand it very much. I understand that this is not a very sexy issue; it does not generate a lot of public interest. It is not something that is easily understood. It is not something, the impact of which will be readily known even as we vote on this legislation, but I am convinced that as we tackle the changing of the rules for an industry that is one of the largest industries in this country and as we talk about where we move in the future with that industry, if we do not provide for the public interest by establishing more than a consultative role for the Department of Justice to assure that the forces of competition exist, then I think we will not have done a service with this legislation.

I know this will likely be a close vote, but I do hope that those who study this issue and who really want to deregulate but to retain as we deregulate the safeguards of making certain that competition exists in real form and that the American people have the benefits and bear the fruit of that competition, I think they will want to vote with Senator THURMOND, myself, Senator KERREY, and many others who feel very strongly about the role of the Department of Justice in providing us those guarantees.

Mr. President, with that I yield the floor.

Mr. KERREY addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. Mr. President, I rise again to discuss this bill and to discuss the amendment offered by the Senator from North Dakota, as well as the amendment offered by the senior Senator from South Carolina, to give the Department of Justice a role in what is essentially an amendment of the 1934 Communications Act which will again move us in the direction, further in the direction of competition, further in the direction of deregulation than the modified consent decree which was filed in August 1982 has done over the past 13 years.

The central question I think for colleagues as they consider this amendment ought to be whether or not the Department of Justice can perform a role in promoting competition. Indeed, I believe that the Department of Justice is the only agency in Washington, DC, with any experience or any demonstrable success at moving us from a monopoly situation, in this case in the communications industry, to a competitive arena.

Let me point out, I appreciate very much what the chairman and the ranking member have done thus far. I believe there had been a number of significant victories that have occurred thus far in the debate important to identify because we have taken a bit more time than was originally anticipated, but I think it has been time well spent.

First, we were successful in defeating an effort to strike the language that the chairman and the ranking member made certain was in the bill that gives preferential rates to education, libraries, and to health care facilities. It is very important, particularly in the area of K–12 education, that we provide those preferential rates.

I know some will argue it runs at odds with what we are trying to do. Indeed, I must confess, it essentially does run, in many ways, at odds. The problem is our schools, particularly in the K–12 environment, are not market operations, they are government operations. If we do not carve out and provide a special opportunity for them to get access, it is highly unlikely they are going to be able to take advantage of the communications revolution that I think this legislation is apt to set off, at least accelerate. And if they do not take advantage of it, our test scores are not going to be affected by technology. The capacity of our students to do well and prepare themselves either for the work force or college will be significantly diminished. That was a big victory in beating back an effort to strike that language, essentially what would amount to the new section 264 under the 1934 Communications Act.

Second, there was an effort to strike what has been described as the public interest, necessity, and convenience test. This is a longstanding test that has been applied by the Federal Communications Commission to determine how it is that we regulate. It seems like it is a relatively small effort, but it is a very large victory for American consumers, and I appreciate my colleagues' support in keeping that language in here.

In the managers' amendment offered earlier, the managers changed the regulations as it affects in-area acquisition of cable, which I think is going to be terribly important to maintain a competitive environment. Personally, I believe strongly, at least in the short term, unless households have two lines coming in—a telephone line and a cable line—it is not likely that you are going to get that kind of competitive situation. This in-area acquisition amendment was an extremely important amendment to get attached.

There was a joint marketing provision for small companies that was added. I appreciate very much that being added. I believe that promotes competition and allows the smaller entities—I say again for emphasis, that is likely to be where the jobs are going to be created subsequent to this legislation—it allows smaller companies to do joint marketing. It is a very important procompetitive change that was made in the bill.

The legislation has very strong language making sure the system is interoperable, though it does not establish, as I think it should establish, the Government's role in setting de jure—that is, legal standards. The markets should be in a de facto way establishing those standards. Nonetheless, the legislation directs the FCC to put interoperability very high on the agenda and has a mechanism for making sure we have interoperability in the system. It is a very important procompetitive step and a very significant victory, in my judgment.

The bill already had very good rural provisions in there. The managers' amendment, as well as Senator DOLE's and Senator DASCHLE's amendment, strengthened the protection for rural communities, and we have thus far been successful at preserving the universal service fund.

The distinguished Senator from Alaska—I believe it was the first amendment placed on the bill—made certain there would not be any budget point of order by placing an amendment on here that provided the money that CBO says we are going to need to pay for this universal service fund. Even though the bill results in a $3 billion reduction in the cost of the universal fund, CBO, in their own mysterious ways, came up with the $7 billion mark, and the Senator from Alaska changed the bill to provide the money to get that done.

Mr. President, this is a very difficult piece of legislation because it is difficult to try to assess what the impact is going to be, what will it do for the households, the voters, the consumers in your district and your State. It is undoubtedly a question that more and more Members, I hope, are beginning to ask and attempt to answer. It is not an easy question to answer.

The chairman and the ranking member of the committee have attempted to draft legislation that would move us very carefully from a monopoly situation to a competitive situation. The question, though, is, Will competition produce something that makes my consumers happier? Will my taxpaying citizens 1 year, 2, 3, 4, 5 years from now say, as I believe they do in a number of other areas, including the watershed divestiture that occurred starting in 1982, This has been good for me. I have gotten a reduction in price, I have gotten an increase in quality coming as a consequence, Senator KERREY, of a piece of legislation you voted for way back there in 1995.

The bill is divided up into three sections. It attempts to describe in general terms what it is that we are trying to do. It is important, I think, for all of us to try to examine each one of these little words inside of 146 pages, now a bit longer as a consequence of amendments that have been attached, because each one of them could potentially be the tripwire that sets off an explosion at home. Each one of them could at the same time add unnecessary regulation, for all we know. We are attempting to balance the need to move to a competitive environment with the need to preserve some regulation in order to make certain that this transition is smooth.

The first section is one that will have an impact immediately. What will happen is you will see companies—I would guess mostly long distance companies, although it could be any number of other companies—coming into the local area asking permission to interconnect, asking permission from the local telephone company to interconnect and begin to provide local telephone service.

The company basically controls that. There is a checklist in there, but the company basically controls the flow of that decision. There is no Department of Justice role there. The FCC is involved in that decision. There are enforcement mechanisms in there. That is where the universal service description is maintained. There are separate subsidiary requirements to protect against cross-subsidization that might make it difficult for competition to occur. There is language in there—I do not know how you describe it—that allows foreign companies to come in and buy American telecommunications companies, but only if their nations reciprocate by changing their laws. It has a snap-back provision. If their countries do not change their laws, they would not be allowed to come in and make investments in local or any other telecommunications carriers.

There is language in there—very important language in there—for infrastructure sharing. But in that first section perhaps most important is a checklist that says here are the sorts of things that have to occur in order to provide that interconnection, in order to give that interconnection opportunity, for, as I said, it is either going to be a long distance company consumers are likely to see or it could be some company you never have seen before that tries to come in and provides local competition.

These requirements, in what would become section 251, are different than the interconnection requirements that you find in title II. Title I is called transition and competition. Title II is the removal of the barriers to competition. There are two subtitles there. The biggest one is a lengthy description of how we are going to try to remove the barriers to entry. There are lots of important detail in that particular section.

The new section 255 is the one that we are addressing with the Department of Justice role. That is where you have a checklist. If your local phone company wants to get into long distance, they then go to the Federal Communications Commission and present evidence that they are allowing local competition.

As I said, it is significantly different than the language in 251. I for one have not been able to determine whether 255 preempts 251, whether the checklist in 251 is preempted in short by the language of 255. I suspect it is an important question that I have not been able to answer to my own satisfaction.

Nonetheless, the company then comes and says, "I met the checklist required in the language." There is a consultative role for the Department of Justice, and the Federal Communications Commission has a prescribed period of time in which it has to make a decision about whether or not to let that company get into interLATA or basically get into long distance service.

Mr. President, the Department of Justice has a longstanding role in our lives in making sure, with its Antitrust Division, that we have competitive marketplaces, not just in telecommunications but in every other area of economic life. The larger a business gets and the more of the market a business controls, the more likely it is, the more chances and opportunities there are for that business to say, we are going to disregard what the consumer wants, we do not really care what the consumer wants because, frankly, we control so much now of the market that we do not really have to discover what the consumer is willing to pay. We will tell the consumer what they are going to go pay because we control such a large share of the marketplace. There really is no competitive choice.

Well, that is the way it is for most local telephone companies. There is some local competition but not significant local competition. It is also true for many cable companies. They have been given a monopoly franchise, and there is not much competitive choice. That is why we are suggesting with this language—whether it is the Thurmond language or the Dorgan language—a stronger role for the Department of Justice in making certain that we do have a competitive environment before that permission is granted to get into long-distance service.

That is the carrot that is being offered. We say to the local company you can either negotiate to provide interconnection, or you can provide the interconnection requirements that are in 251. Or if you want to present that you have done all of that, we have a separate section that says you come and present that to the FCC, but the Department of Justice is engaged in a consultative way. We are saying with this amendment—and again whether it is the VIII(c) test of Senator DORGAN or the Clayton test of Senator THURMOND, it is very important to describe the roles of both of these regulatory agencies and set a time certain for the approval so you do not get into the problem of unnecessary delay and duplication of bureaucratic oversight.

Mr. President, the Department of Justice was instrumental in shattering the Bell system's monopoly grip on long-distance and equipment manufacturing markets in bringing competition to those markets. Colleagues, again, are wondering why the Department of Justice should be given a role. The reason is that they are the ones with the most experience, the ones that have the capacity to make this thing happen. Competition has resulted as a consequence of the MFJ that was filed in August 1982, and that competition has made possible the communications revolution that is changing the lives of all Americans.

The telecommunications legislation should take advantage of the Department of Justice's profound expertise in telecommunications competition to ensure that deregulation leads to real competition, not unfettered monopoly. Again, the potential for monopoly is already there. Since we are beginning with a monopoly situation, the potential for a monopoly situation adverse to the consumer would produce a very unhappy consumer, taxpayer, and citizen out there. And we are, with our amendment, suggesting that the best way to ensure that that does not happen is to provide the Department of Justice with what fairly, I think, is described as a limited role in assisting the Federal Communications Commission in making a decision about whether or not to allow a local company to get into long-distance, and whether or not the company has, in short, provided a competitive opportunity at the local level—because that is the question.

The question is whether or not to grant long-distance competitive opportunity, and that question is answered by determining whether or not there is competition at the local level. The bill, as I said, has two sets of tests, one in section 251, that could occur almost immediately, and 255, which is the question at hand, when a company is trying to prove that they have local competition by providing the 14-point checklist, as required by this legislation to the FCC.

The Department of Justice has effectively enforced the antitrust laws in the telecommunications industry on a completely bipartisan and nonpartisan basis throughout this century. It sued the Bell system in 1913 and in 1949. Both times the Department of Justice succeeded in obtaining consent decrees and sought to protect competition. But that allowed AT&T to continue participating in local, long-distance, and equipment manufacturing markets.

In the mid-1960's, Mr. President, it filed comments with the FCC arguing that the Bell system should not be allowed to use its local telephone monopoly to force consumers to buy their telephone sets from it. Although the FCC agreed that customers had the right to choose among competitors, the Bell system succeeded in using its local monopoly bottleneck to impose such burdensome conditions on the interconnection of competitors' equipment to the local network that evidence of those conditions was an important part of the monopolization case that the Justice Department then presented in 1981. Open competition in so-called customer premises equipment did not become a reality until after the breakup of the Bell system in 1984.

The Department of Justice, Mr. President, initiated its third major investigation of the Bell system in 1969 during the Nixon administration. In 1974, during the Ford administration, the Department filed its historic suit against AT&T charging that the vertically integrated Bell system illegally used its monopoly control over local telephone service to thwart competition in long-distance and equipment manufacturing. Over the course of the next 7 years, through the end of the Ford administration and into the Carter administration, the Department litigated the case vigorously, filing and organizing the complex evidence that showed how the Bell system used the local monopoly to hurt competition in other markets. In January 1981, at the beginning of the Reagan administration, trial of the case began.

The Department of Justice offered in court almost 100 witnesses and thousands of documents as it systematically laid out the facts that demonstrated how the Bell system unlawfully used the local monopoly bottleneck to hurt competition in other markets.

In negotiations to settle the case, President Reagan's Assistant Attorney General, E. William Baxter, insisted that the only way to protect competition in the long-distance and equipment markets was to separate those markets structurally from the local telephone bottleneck. Unless the local monopolist was prevented from participating in other markets, it would always have the incentive and ability to hurt competition in those markets. At first, the Bell system refused even to consider such a settlement. After hearing the Government's case, and presenting about 90 percent of its own case, 250 witnesses, and tens of thousands of pages of documents, the Bell system relented and agreed to settle the case based on a consent decree that dismantled the vertical monopoly. After it was approved by Judge Harold Greene, the modification of final judgment—which is referred to often as the MFJ—required the Bell systems to split itself into AT&T and the seven regional Bell operating companies now called the Bell companies. AT&T retained the long-distance and manufacturing operations. The Bell companies, independent of each other and of AT&T, retained monopolies over local telephone service in vast geographic expanses, subject to the requirement that AT&T, along with competitors, have equal nondiscriminatory access to customers through the local networks.

The key point of the MFJ was that it removed the Bell companies' incentive to use the local monopoly to hurt competition in long-distance and equipment manufacturing by prohibiting them from entering these markets. By the same token, AT&T no longer had the ability to hurt its competitors in those markets because it no longer controlled the local monopoly. The restrictions on the Bell company grew directly out of the fact noted by Judge Greene that "the key to the Bell system's power to impede competition has been its control of local telephone markets."

Section VIII(c) of the MFJ—modified final judgment—the language that is in the Dorgan amendment provides that the line of business restrictions can be waived if a regional Bell operating company shows that there is no substantial possibility that it could use its monopoly power to impede competition in the market it seeks to enter.

Removing the restrictions under any other circumstances would give the local telephone company the incentive and ability to recreate the vertical monopoly that the Department of Justice and many others worked so long and hard to dismantle.

Since the entry of the MFJ in 1982, the Department has assisted Judge Greene in administering its terms—in Republican and Democratic administrations alike. It has been dedicated to ensuring that the line of business restrictions hinder the RBOC's only to the extent necessary for protecting competition in other markets.

The Department has supported waiver of the restrictions when it has concluded that Bell companies' entry into other markets presented no substantial possibility of impeding competition in those markets. The Department now has over 50 professionals—lawyers, economists, and paralegals—who are dedicated and experienced in telecommunications competition issues, and who understand the complex markets and technologies involved.

The Department, therefore, is uniquely positioned to assess what is actually happening in the market and whether there is a danger that entry by the Bell companies could impede competition. That is exactly the task that has been performed since the entry of the MFJ over a decade ago.

Mr. President, the competition long-distance and equipment manufacturing unleashed by the MFJ has benefited the United States of America and its citizens and consumers enormously. MCI, Sprint, and hundreds of smaller carriers buy from AT&T to provide long-distance service.

Prices have dropped and quality has improved, with the result that Americans are talking to each other via long-distance more than ever before. Americans have not been shy about exercising the right to choose that the MFJ guaranteed.

The New York Times reported that 25 million people changed their long-distance carrier in 1994. In an article, "No Holds Barred for Long Distance Call," Edmond Andrews, the New York Times, January 21, 1995, describes the competition that exists in long-distance, and describes who was benefiting from that competition.

Similarly, businesses and consumers enjoy lower prices, more choice, better quality, and communications equipment, as competition has eroded AT&T's power in that market and forced it to compete for customers.

Mr. President, that is at the heart of what this legislation is attempting to do: Force existing monopolies to compete for customers. If that competition occurs, the competition for your business—you as a customer—will force the company to pay more attention to quality, giving not just the quality that you want but give you competitive price, knowing that if either the quality or the price are not what you like, you will see a competitive alternative.

These benefits stem directly from the strict separation of the local monopoly from other markets. Although it now appears possible that the local markets can be opened up to competition, they are not natural monopolies any longer. Removing the separation between the local markets and other markets without ensuring that the Bell companies cannot use the local monopoly to hurt competition and long-distance could squander the gains of the past decade.

The expense of the Bell system in the years before the MFJ, when it frustrated consumer choice and actual competition, long after competition and long-distance service and communications equipment became technologically and economically feasible, counsels against allowing the Bell companies into other markets before determining, based on actual marketplace facts, the effect it will have on the market.

Again, there are two places in this legislation that I call to my colleagues' attention who are trying to figure out what to do with this legislation, whether to support this amendment. There are two sections in this legislation that talk about interconnection. The first will be the new section 255 of the 1934 Communications Act, and the second, the one we are talking about now, the interconnection requirements prior to getting into long-distance that are described in the new section 255.

The fundamental goal for all should be to allow the Bell companies into any market they choose to enter as soon as such entry does not threaten to impede competition in the other markets.

That is the success that we have had to date, Mr. President. By ensuring that there is competition, the consumer has benefited, and it has been the Justice Department that has managed that effort.

The simple fact, however, is that telecommunications networks are so complex that the RBOC's ability to frustrate viable competition exceeds the ability of legislators and regulators to specify the steps necessary for opening local markets.

As was the integrated Bell system before the MFJ, the Bell companies today are in a position to ensure that every step forward is accomplished by a step backward, preserving their local monopoly as they race into long-distance with the advantage of the monopoly still intact.

The way to overcome this ability of the RBOC to thwart the open local markets is to give them a positive incentive to cooperate in the development of competition. The RBOC's will have such incentives when the specified steps for opening the local markets are supplemented by a process that ensures analysis of actual marketplace facts before the RBOC's are allowed to enter long-distance. That is what both the Dorgan amendment and the Thurmond amendment attempt to do.

As I said, Mr. President, we have been through this bill a number of times, and there are places in this bill where I believe the Bell companies make a good case. We may have regulatory requirements that are unnecessary that may, in fact, impede the development of competition.

I am prepared to entertain discussion of regulation that is still required in this bill that may, in fact, impede competition, that may provide an unnecessary burden for the regional Bell operating companies unnecessarily, at least that they cannot be defended in what they provide for the American consumers.

Both the chairman and the ranking member of the committee, as they have said on many occasions on this floor, are attempting to create a structure where we can, first of all, begin the process of competition, initiate competition at the local level, then move to end many of the barriers that currently exist to entry into these markets and finally, in section 3, come to an era of substantial deregulation where price will be determined by competition, not by regulatory fiat.

The Department of Justice role in promoting competition has been historically not only bipartisan but also nonpartisan. As I indicated earlier, the antitrust investigation against the Bell system was initiated in the Nixon administration.

The antitrust case against the Bell system was filed in 1974 in the Ford administration. Litigation continued through the Carter administration, into the Reagan administration. The case was settled by requiring divestiture during the Reagan administration. The Department of Justice assisted Judge Greene administering the consent decree throughout the Bush and the Clinton administrations.

The decisionmaking process of the Department of Justice has not been a partisan issue. It was approved last year by the House, with over 420 votes. It was approved last year by the Senate Commerce Committee by an 18-to-2 vote and supported by President Reagan's Assistant Attorney General for antitrust, Prof. William Bater, Judge Robert Bork, a letter from a bipartisan group, and a former member of the House of Representatives, Vin Weber, in a piece he wrote in the Washington Times.

The role for the Department of Justice is not being suggested as a consequence of concern for one sector of the economy or the other. It is the suggestion—recommended change in this law—based both upon what politicians themselves have concluded in the past was necessary, as well, mostly based upon evidence at hand of the Justice Department's capacity to manage what will be an unprecedented transition from a regulated monopoly situation to a competitive environment.

It seems to me, Mr. President, quite appropriate to be calling upon the Justice Department to once again do more than be a consultant in this matter, much more than just in the end, during the 90-day period during which the FCC will make its determination.

It is better to have a parallel process going on with the Justice Department, where they will be making determinations as to whether or not competition exists; again, whether it is the VIII(c) test of no substantial standard possible, or the Clayton test, which I will get to later.

The Justice Department is the agency that understands the markets, that knows whether or not there is competition, and it is the agency that I believe we need to turn to if we are concerned about what kind of response it is going to be from our consumers, our taxpayers, and voters.

Procedures for the Bell operating company's entry into long-distance over the Dorgan or Thurmond amendment does not represent unnecessary duplication. The idea that we will get a lengthy process, in fact, is just the opposite of what will occur without this amendment.

What happens is the Bell operating company would file an application for entry into long-distance. The Justice Department and the FCC would review and proceed simultaneously. The Bell operating company would have an answer within 90 days after application, in accordance with a date certain, established by Congress. This procedure is fast. It takes 90 days.

The standard for the Justice Department review will be clear, again, whether it is Clayton or VIII(c). The test has been litigated many, many times in the past. It is not a difficult standard for the Justice Department to apply in either case, in either the Dorgan or the Thurmond case. The procedure will reduce litigation, will reduce the likelihood of subsequent antitrust suits.

Mr. President, I will get into that later, but one of the things, if Senators are concerned about what this will do after a person votes "aye," what final passage will do, what changing the law will do, one question to answer is, Is this process going to take a long time? Is it going to be slow? Can the existing companies in here sort of drag this thing out for a long period of time?

One of the reasons we need a Department of Justice role is to reduce the possibility of litigation, to reduce the opportunity to drag this thing out in the courts, and to increase the date when real competition will begin to produce benefits for the consumer.

Mr. President, the VIII(c) test is pretty well established. I want to talk now about what the language of the Thurmond amendment does. I believe that it is likely to be that test which we will be deliberating, that Members will have to decide whether or not they approve or want the Clayton standard.

First of all, the Clayton Act was passed in 1914 and it was passed to prevent mergers that may substantially lessen competition or create a monopoly. That standard has been applied to every industry, not just to telecommunications. It is applied to mergers with critical national importance such as defense industry mergers like Martin Marietta and Lockheed, applied to mergers in other high-technology industries, software industries, the recent case of Microsoft and Intuit, applied to mergers, long distance mergers in the telecommunications industry like AT&T-McCaw and British Telecom-MCI mergers.

The standard is a known quantity. It is a known quantity and it has been developed through 80 years of litigation under that standard.

If the Bell operating companies want to enter into long distance by buying a long distance company, this is the standard that would be applied. It is logical to apply the same standard if they want to enter long distance in other ways under the unique circumstances of this bill superseding an antitrust consent decree with the intention of creating competition.

The Thurmond amendment, the Clayton language, makes entry dependent on passing the Clayton Act test. This test is normally applied to mergers that would be applied to the RBOC's, even in the absence of this amendment, if they propose to acquire a long distance company. The Clayton Act test would apply to RBOC entry unless the effect of such entry may be substantially to lessen competition or to tend to create monopoly.

This is exactly what we want. We want an agency that is experienced with measuring that question engaged in the process of saying to the American people, if you pass that test, there is no substantial possibility to lessen competition or create a monopoly. We see a competitive marketplace there, and we give permission and a date certain, a time certain. That should remove any doubt about whether or not this thing is going to be dragged on for a long period of time.

Under such a standard, the Department of Justice would consider whether allowing an RBOC, that is a local telephone company, to provide long distance service would give it the ability and incentive to use its monopoly power in local exchange services substantially to lessen competition in the long distance market and raise prices for consumers.

At the end of the game, that is what we are talking about. If you have a monopoly, you have the possibility of raising prices regardless of what the consumers want. You can ignore the consumer if you control a large enough portion of the market share. What we want to make sure is you have competition. With that competition, whether it is coming from below or coming from above, regardless of where it is coming from, give that consumer choice in the household and the consumer will benefit as a consequence of lower prices and higher quality.

The RBOC's could meet such a test and be allowed to enter the long distance market in any one of three ways.

First, if competition has developed in local exchange services so there is no longer a local monopoly that could be used substantially to lessen competition in long distance, or second, if, even absent local competition, safeguards or other constraints would prevent the RBOC's from using their local monopoly to substantially lessen competition in long distance. A very important point, Mr. President. It may be that local competition does not develop immediately. We should not say to a RBOC, you cannot get into long distance under that circumstance. The Department of Justice has experience in making sure that the negative impacts of lack of competition do not occur at the local level, thus actually saying to a Bell operating company, here is a way for you to get into long distance interLATA businesses even faster than what might otherwise be possible.

Third, if some one combination of alternatives to the telephone company local exchange services, safeguards, and other factors should prevent the telephone company from substantially lessening competition in long distance service. More competition would require fewer safeguards, and obviously the opposite is the case as well. Fewer safeguards will be likely. As we get competition in these local markets, we are going to need less and less and less.

In several acts in the telecommunications industry, the Department of Justice has carefully considered the competitive risk of allowing firms that dominate a market to enter into a closely related market through mergers and joint ventures. Based on the facts of those particular cases, the Department of Justice concluded that under certain market conditions it is not necessary to prohibit entry by a provider of local exchange services into long distance services. But the Department of Justice has required structural separation and other safeguards in the anticompetitive areas to protect the public interest in competition, for example the GTE's 1983 acquisition of Sprint; again the AT&T-McCaw merger and the British Telecom-MCI joint venture.

Mr. President, I would like to now try to give Members—I see the distinguished Senator from Vermont is here.

Mr. LEAHY. Mr. President, I would like to speak on the amendment, but I do not want to interrupt the distinguished Senator from Nebraska. I enjoyed listening to him, but if he did want to take a break, I would be happy to express some views on this.

Mr. KERREY. Mr. President, let me shorten this by a couple of sections here and then regain the floor at a later time since this debate probably will be going on for some time before we actually vote.

One of the questions, again, I know I have asked myself that I think it is important to answer is whether or not giving the Department of Justice a decisionmaking role in this is going to cost the taxpayers more money. Many have argued against this and implied it is going to increase taxpayer requirements, it is going to result in more and more litigation. The ominous thought of more litigation and more taxpayer cost sort of hangs over the argument.

But a Department of Justice role would avoid complex and expensive antitrust suits in the future by making sure that competition is safeguarded in the first instance. These suits would consume resources better spent on competing to offer American businesses and consumers lower prices and higher quality. I can, and will at a later time, go through many examples where that in fact is the case.

If you go back and look at the situation prior to the filing of the MFJ by the Department of Justice, that is exactly what was happening. It has also happened since that time during the years that these suits would be litigated. The American economy would suffer from the effects of lessened competition and higher prices. Before the MFJ broke up the Bell system, there were dozens of private antitrust suits against the system ongoing in courts across the country at any given time. AT&T's 1977 annual report said that some 40-such private suits were then pending against it. Asking for more of those suits would be a giant step backward.

Mr. President, I say with respect that without either the Thurmond or Dorgan language here, that is precisely what we are doing. We are inviting suits in the absence of the Department of Justice moving at the same pace, the same 90-day period. It is not an additional 90 days, not an additional 180 days. During the same 90-day period during which the FCC is examining the merits of the application, determining whether or not the intersection requirements of section 25(a) have been satisfied, during that same 90-day period the Department of Justice would be doing an analysis of whether or not competition exists at the local level or whether or not the negative impacts of monopoly were not likely to risk higher prices for the consumer at the local level.

At the end of the 90-day period, just as would occur at the Federal Communications Commission, the Department of Justice would have to make its ruling. You have a simultaneous process.

I say to my colleagues, if you are trying to reduce bureaucracy, if you are trying to reduce the potential for lawsuit, then either the Dorgan or the Thurmond amendment is something you must be for.

The opponents of the Thurmond and Dorgan amendments argue that all we need to do is allow the Department of Justice to bring lawsuits after competition has been harmed. They never explain how an after-the-fact antitrust case will solve the problem. It took 10 years of litigation to resolve the Government's case against AT&T. Years of litigation is not a solution.

That is a problem we should avoid. Again, either the Dorgan or the Thurmond language—either the no substantial possibility language of VIII(c) or the well-litigated 80-year test of Clayton—would suffice, in my judgment, to make certain we avoid the kind of litigation that I believe both the chairman and ranking member and other advocates of not having the Department of Justice in here are trying to avoid.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I favor the Dorgan amendment, and I wish to commend Senator DORGAN and Senator THURMOND for what they have done. I believe, and I have stated before, here and in the Judiciary Committee, that we have to allow the Department of Justice, our most expert competition agency, to play a more significant role, not just consulting, in deciding whether a Bell company entry into long distance or manufacturing threatens competition in those markets.

Go back to the 1982 consent decree that broke up Ma Bell and separated the Bell companies from AT&T. That took 10 years to litigate and conclude. The decree, the modified final judgment, took all these years of antitrust litigation, required a restructuring of the market, and led to significant consumer confusion.

Rather than relegate the Justice Department to a consulting role, if we design a proper role for that expert agency up front, we can avoid this kind of costly and time-consuming litigation from happening again. Let us handle it right from the start and not come in after the fact when the cure can sometimes create a new set of problems.

What this bill does, unless amended, is say, "We hope the checklist of unbundling and interconnection requirements works to unlock the local loop to competition." We all hope that. But what if it does not work? What if the checklist is not long enough to ensure that the local monopoly power of the Bell companies is broken and competition can develop?

If the checklist does not work, under the bill the Justice Department has to clean up the mess. They have to clean it up after the fact, instead of having any say before the fact—after the Bell company has already gotten into long distance and used its monopoly power to stifle potential competitors who need the Bell companies' pipeline to our homes and businesses.

The cleanup after the fact could take years of litigation, just as the prior case that ended with the MFJ took years. The cleanup may require a restructuring of companies, just as the prior case against Ma Bell resulted in spinning off AT&T from the Bell companies. Then, of course, the cleanup could well confuse consumers. I well recall the press and the outrage in the public when they questioned the wisdom of what Judge Greene did in 1982 and whether the breakup would hurt the public and our telephone service.

We have the opportunity to avoid the mess.

As former appellate judge, Robert Bork, recently pointed out, without a Justice Department role in applying a "standard with teeth," allowing the Bell companies into long-distance service and equipment manufacturing, taking the course envisioned by this bill "would result in even more litigation and regulatory disputes than there were prior to the decree."

We are sometimes accused of passing a lawyers relief act in some of these pieces of legislation which we consider. This bill, if passed without the amendment, would certainly be a bonanza for lawyers and economists as regulatory disputes proliferated before State and Federal agencies and lawsuits were filed charging discrimination, theft of intellectual property and predation in violation of section 2 of the Sherman Act. I think Judge Bork is right on this.

We should minimize this litigation quagmire by having the Justice Department, with its 25 years of expertise, look at the competitive impact of Bell company entry into the long-distance and manufacturing markets.

The MFJ left the Bell companies with local exchange monopolies, which persist today. To protect consumers, those Bell company monopolies are regulated. Line-of-business restrictions were imposed on the Bell companies. This was to make sure they did not use their controlling monopoly over the local phone service and the pipeline to the home to harm consumers or to gain unfair advantage over the competitors in the long-distance, manufacturing, and information services markets. Any of those regulations could be removed upon a showing by the Bell company that there is no substantial possibility that it could use its monopoly power to impede competition in the particular market it is seeking to enter. This is the so-called VIII(c) test.

The test has been tried, and it actually works. The Bell companies, of course, have their own reasons to believe VIII(c) is overregulatory. But they have been able to satisfy the test in the past and get into information and other services, and do so without harming consumers.

The MFJ's VIII(c) test is not even as strong as another test to which one Bell company agreed in March of this year. Ameritech reached a landmark agreement with the Justice Department, and they agreed to an actual competition test. We ought to look at that. Ameritech thought this was an appropriate test for a temporary trial waiver of the long-distance restriction. We are not talking about anything temporary here in this bill, but legislation with a far greater degree of permanence.

In discussions in which I have been involved, our colleagues are working out the differences so the Thurmond-Dorgan amendment can protect competition. I think that is important because the amendment provides a certainty that the Bell companies claim they want.

Having the Justice Department apply the Clayton Act test that is going to be outlined in the amendment, I believe, would complement the competitive checklist in the bill. The Justice Department would make sure that, in addition to the checklist being met and the Bell companies having taken the basic steps necessary to permit local competition to develop, in fact, those steps are working.

The bottom line is that with the existing monopoly hold that the Bells still have on local exchanges, the Department of Justice should review the competitive impact of Bell company entry into long distance. Otherwise, the choices that consumers have in services provided over their phoneline may go down, but the prices they pay for those services may go up. We should make sure that this legislation does not produce that kind of result.

Let us have a competitive environment in telecommunications and take steps to deregulate.

Mr. President, we have had remarkable changes in telecommunications just in the years that I have been here in the Senate. I have seen changes from competition which has brought down prices of long distance.

We have witnessed competition that we did not use to see, which now allows anyone who wants to go and buy equipment off the shelf—equipment for everything from teleconferencing to video conferencing, that we were told by the telephone companies, when they had a complete monopoly, was not available—to do so. It was available in every other country. It just was not available in the United States. Once we started to get some real competition, all of a sudden it started showing up here.

We do conference calls from home. We have automatic dialing in our equipment. We have speaker phones. We own our equipment. We do not have to go to one telephone company to buy it or rent it month by month anymore. It was competition that did that.

Rather than encouraging monopolies, we should ensure the competition that will help all of us.

I use the Internet all the time. I will be speaking about an aspect of that a little later on. But I use the Internet all the time. I do town meetings on the Internet. I have a home page. My State uses it. I have one petition that involves legislation of mine which got 10,000 or 20,000 names and electronic letters from all over the country in a matter of days.

These are the things that we did not have just a few years ago. They are extremely important to all of us. I know the distinguished Presiding Officer uses the Internet. We have various services now that provide access to it. We should be encouraging that kind of thing.

Can you imagine, Mr. President, had the Internet, for example, been controlled by just one source, one company, one gatekeeper? Does anybody believe it would have advanced as far as it has, even with its problems? Some parts of it have worked very well, and some parts do not work very well. It would not have happened, had we not had openness and competition.

By the same token, do you think any one of us who have in-the-home telephones and can program numbers into it and have automatic dialing or speaker phones or call forwarding built into our phones would have them without competition? That is what this is all about.

I commend the Senator from North Dakota and the senior Senator from South Carolina and all others who have worked on this important amendment. I am glad I have had a chance to work with them. I think we are going to have a decent solution and a good compromise in the amendment.

With that, Mr. President, I do not know who else may be seeking the floor, so I am going to yield the floor in just a moment.

I see the Senator from Nebraska on his feet. I will yield the floor.

Mr. KERREY. Mr. President, again, the question for colleagues is whether or not the Department of Justice can perform a role that would be useful, that would enable us, 50 years from now, to say we have, as again the chairman and ranking member have attempted to do in this legislation, created a structure under which we will go from a monopoly situation at the local level to a competitive environment for all telecommunications services.

One of the statements that is very often made is that, well, there have been lengthy delays. You will hear people say there are a lot of delays over at the Department of Justice. A triennial review that was required has not been done, or, well, the SEC can do it just as well; they will just hire some more people over here in this area and they should be able to handle it very well.

Mr. President, what I would like to do is cite a couple of instances to give you an example, and they illustrate the kinds of things that are going to occur, the kinds of questions that are going to be raised when businesses try to do things that the current law prevents them from doing. Basically, that is what we are talking about here. Telecommunications corporations that are prevented from doing something will be allowed to do it with this legislation.

It is not just the common carriers, by the way. We are allowing cable companies to price differently. We are deregulating them substantially. We are changing the laws for broadcast ownership. There are lots of changes in this bill besides just having to do with common carriers, but it is the common carriers we are dealing with in this particular amendment.

The case of GTE is very instructive, Mr. President. In this case, what you had was a company, GTE, with a local exchange monopoly in markets that were scattered around the country, and Sprint, a long distance company, recently established. What the Department of Justice did was to write up and get both parties to agree to a consent decree that was filed in court that prevents further litigation requiring separate subsidiaries and equal access for other long distance companies to make sure that GTE customers would have the benefits of long distance competition. The Department of Justice ensured that there was competition. They promoted and allowed the businesses to merge, in this case GTE and Sprint.

One of the things this bill does is it sets aside that consent decree. I believe it was in one of Senator DOLE's amendments earlier. So now this original consent decree that was filed on behalf of a merger and on behalf of consumers to make sure that you still have competition at the local and at the long distance level.

An even more difficult one was the merger of AT&T and McCaw that my colleagues might recall happened, I guess, about a year ago now in 1994. AT&T, obviously, by far the largest of the long distance carriers, was attempting to acquire initially, I think, 50 percent, eventually 100 percent of the larger cellular provider, providing not just long distance but local telephone service as well. There was vertical integration involving two companies with substantial market power. AT&T was dominant in both long distance and manufacturing of cellular equipment used by McCaw's competitors. The question was whether or not by acquiring McCaw, AT&T was going to restrict competition from competitors who were buying equipment that AT&T was manufacturing. McCaw, on the other hand, has only one competitor in each of the markets it has been given by the Federal Communications Commission.

So what happened? The Department of Justice intervenes. They work with both companies. They negotiate between both companies. They declare what it is they are going to be filing, and they file a consent decree which required separation and nondiscrimination safeguards so that McCaw customers will have equal access to long distance carriers and cannot be required to buy long distance from AT&T, and cellular rivals to McCaw that want to use cellular equipment will continue to have access to necessary product and will be free from interference of AT&T should they wish to change suppliers. AT&T and McCaw will not misuse confidential information obtained from AT&T equipment customers or McCaw equipment suppliers.

Those are the kinds of questions, Mr. President, that will occur on an increasingly frequent basis. Who knows? There may be hundreds of these applications that are going to fall into the lap of the Federal Communications Commission solely unless, again, either the VIII(c) test of the Senator from North Dakota or the Clayton test of the Senator from South Carolina is adopted and the Department of Justice is given a parallel, simultaneous role; not a new role, a historic role; not an unprecedented role but a role consistent with the unprecedented nature of this legislation itself.

The third example that I would cite was a very complicated one involving a foreign company, British Telecom, that had proposed to acquire a 20-percent stake in MCI.

Here again the question was that you were dealing with a company with substantial vertical integration, with substantial market power, and once again the Department of Justice comes in and says, well, here is what we are going to do. We are going to put a consent decree together establishing separation together with nondiscrimination safeguards so that public disclosure of rates, public disclosure of terms and conditions under which MCI and the joint venture gain access to BT's network is required.

Second, British Telecom is barred from providing the joint venture with proprietary information about their American competitor.

Again, Mr. President, I do not expect my colleagues, I do expect myself, to understand exactly what all this means but what it establishes is that the Department of Justice has experience in making certain there is a competitive environment so that neither the providers nor the consumers who are out there trying either to sell or to buy are affected in an adverse way as a consequence of mergers, as a consequence of new lines of business that are developed as we lower the barriers to entry, as we decrease the regulatory burden and increase the extent to which competition is going to be used to determine our prices and quality of our goods.

Now, as to the question of whether or not the Department of Justice has failed to fulfill its obligation to review the need for continuing the MFJ's line of business restriction—that is a statement that is made relatively frequently—well, I think this criticism is not terribly valid. There was a triennial review that was done in 1987, 3 years after the breakup of the Bell system, but the suggestion that because there has been only one triennial review, there has not been a constant review, I think that suggestion does not stand up in the face of the evidence of what Judge Greene has been instructing the Department of Justice to do, it does not stand up in the face of the enormous volume of waiver applications that has been coming up and what has been effectively a de facto situation of constant reviewing of the line of business restrictions, and it does not stand up in the face of the current review leading to recommendations on line of business restrictions.

Experience demonstrated that triennial reviews by the Department of Justice were not necessary to achieve the intended goal of ensuring review of the need for the MFJ's line of business restrictions. Judge Greene himself explained why DOJ should have complete discretion as to whether or when to file additional triennial reviews. In his language:

> The Court and the Department envisioned a comprehensive review every 3 years interspersed with occasional waiver requests. What has occurred, however, is the process of almost continuous review generated by an incessant stream of regional company motions and requests dealing with all aspects of the line of business restrictions.

Let me read that again for emphasis, Mr. President, because those who very often criticize the Department of Justice for not doing a sufficient amount of review are the very companies that have created a constant review as a result of their application for waiver and the motions that they are filing in Judge Greene's court.

The original intent was for triennial review, Mr. President, because the court and the Department envisioned a comprehensive review every 3 years, kind of quiet period of time, interspersed with an occasional waiver request.

So when the consent decree was filed originally breaking up AT&T, the idea was, "Well, we will get a few waiver requests here and an occasional motion, but it will not be very often. Because there are not very many waivers or motions, we will do a triennial review."

The situation was just the opposite: Constant motions, constant waiver applications and, thus, no need for a triennial review and, thus, it does not stand up to criticize the Department of Justice and say, "See, don't give them a role in this matter because they didn't do what they were originally supposed to do."

They did not do what they were originally supposed to do because circumstances developed precisely the opposite of what both Judge Greene and the Department expected to have happen in 1981 and 1982 when this decree was being negotiated between AT&T and the U.S. people through the U.S. Department of Justice.

Judge Greene further explained why he did not require further triennial reviews. He said, with the stream of waiver requests, he "repeatedly considered broad issues regarding information services, manufacturing and even long distance."

Mr. President, basically he is saying that though this thing did not develop as was expected—long periods of quiet time interrupted by triennial reviews—the waivers and the motions have enabled us to constantly review the line of business restrictions and determine whether modifications need to be made.

The judge also explained that "as soon as there is a change, real or imaginary in the industry or other markets, motions are filed and all aspects of the issue are reviewed in dozens of briefs."

These observations are still valid. In the life of the MFJ, Bell companies have filed an average of one waiver every 2 weeks. In fact, what amounts to a triennial review is underway right now as the Justice Department investigates a motion to vacate the entire decree pursued by three Bell operating companies. This investigation will culminate with a report to Judge Greene in the next few months, and that report will be a comprehensive review of the need for continuing the line of business restrictions. It is likely the recommendations that are going to be made at that time will support most, if not all, of the changes that are being recommended in this legislation.

Let me talk about this purported delay. You hear, "Well, the Department of Justice takes a long time; this waiver process takes a long time." Typically what is done is a statistical analysis is used of the average age of pending MFJ waivers; that is to say, the request for waiver of the consent decree. There was a consent decree filed in the court. Judge Greene is administering that consent degree on behalf of American consumers who benefited enormously as a result of that Department of Justice action and what Judge Greene has done.

The statistical analysis, in my judgment, is a red herring. This argument that is used against DOJ decisionmaking is that you will see an unnecessary delay as a consequence of this statistical analysis, to back up the assertion this analysis purports to show that a Department of Justice role will cause a long period of time for decisions to be made.

Again, two things argue against that. One is what I will get to here in a minute. The other is in the language of the amendment, either as modified by the Senator from South Carolina or as originally contained in Senator DORGAN's amendment. It is a review process that takes place simultaneous in the Department of Justice and in the Federal Communications Commission. Both have a date certain of 90 days. Only with the Department of Justice role, in my judgment, are you going to limit it to 90 days. Without that Department of Justice role, I stand here and predict you are going to have substantial litigation and the very delay we all seek to avoid.

Congress can and should require the Department of Justice to make this determination by a date certain. It is as simple as that. That is what the amendment does. That is what either one of these amendments, in fact, would accomplish.

The amendments guarantee the Bell companies will get an answer on long distance entry by a date certain. The legislation will replace the waiver procedure with specific deadlines. You eliminate the waiver procedures included in the 214 waiver procedures that are in current law under the 1934 Communications Act. The Department of Justice review cannot possibly slow Bell company entry into long distance unless such entry would be harmful to competition and, thus, undesirable for American consumers and businesses.

Under that situation, you want the Department of Justice to slow it down if, in their reasoned judgment, based upon the experience that they have had, it is going to restrict competition. They are the ones with the experience. You do not want this process to end if the Department of Justice, before granting permission, interprets the proposal to mean less choice, less competition, because in a monopoly situation, with all the other things that we are doing with this legislation, you are unquestionably going to get increased prices and marginal, if any, improvement in quality.

Entry will be permitted to occur as quickly as possible, consistent with the appropriate entry tests that have been established by Congress in this legislation.

But there is a follow-on question, which is, does the MFJ waiver process show that the Department of Justice has been a barrier to greater competition by unnecessarily delaying waiver requests that are eventually approved? No, the users of that argument imply the Department of Justice review of waiver request has been worthless because the Department of Justice has supported and the district court has approved some 95 percent of those requests.

Mr. President, that examination, that figure of 95 percent does not tell all the story. A typical pattern is for one or more of the Bell companies to file an overbroad waiver request seeking relief that could not possibly be consistent with section VIII(c) of the MFJ. These unreasonable requests evoke extensive public concern and comment. The Department of Justice then has two choices: Recommend denial when the request is made, which would be relatively quick, or work with the Bell company or companies to fix the request so that it satisfies the requirements for approval.

Fixing the request is harder and takes much longer than just saying no. But the Department of Justice has committed itself to this harder course because it believes that the cause of competition is better served by taking the time to negotiate a reasonable request than by merely opposing an unreasonable request itself.

Of the waivers approved by the courts in 1993–1994 that were not mere copies of other waivers, fully 60 percent were the product of negotiations between the Department of Justice and the Bell companies that resulted in a modification of the original waiver request. That is the bottom line analysis, Mr. President: Fully 60 percent with the product negotiations between DOJ and the Bell companies that resulted in a modification of the original waiver request. Thus, the approval rate to which opponents refer is, in large part, a testament to DOJ success in preserving competition while working to minimize the burden of MFJ's line of business restrictions.

Another argument that is very often thrown up in this debate is that you are seeing an increase in the age of pending waiver applications. The timetables for waivers under the present court-administered consent decree is irrelevant. The Thurmond and Dorgan amendments require that the Department of Justice render its determination no later than 90 days after receiving an application for long distance entry.

So, to refer to the current delays and say, here is the problem and this is going to be perpetuated by either the Thurmond or the Dorgan amendment is wrong, Mr. President. These amendments specify 90 days of parallel processing during which both the FCC and the Department of Justice will consider an application by a local telephone company to get into long distance service.

Mr. President, there is, by the way, some reasons why these waiver requests are pending with the Department of Justice and why they have increased since the early years of the MFJ. I would like to go through one or two of them. But, again, I am actually offering some examples of why the Department of Justice is more competent than they might appear, if this is your only method of evaluation.

I am not offering these to try to persuade any colleagues that this is why you should trust that the process is not going to take very long. The amendment itself says 90 days. There is a date certain in the amendment. Do not worry about this dragging on forever, the law does not allow it.

Well, again, opponents have compared and taken to resolve waiver requests in the early years of the modified final judgment and the time taken more recently and asserted from the Department of Justice fails to deal with requests in a timely manner. But this comparison is simplistic and ignores fundamental changes in the character of waiver requests. It is worth noting that when you compare the age of waivers in 1984 to the age of waivers in 1994, it is not surprising that the average age of waivers in 1984 would be low, since they could not even be requested before that year. Why would they not be low then? A filed waiver application in 1984 is a year old. It is understandable and logical and indeed would be surprising if the opposite was the case if these waivers would not age the longer the consent decree is in place.

More recent waiver requests require more time, as well, to evaluate for several additional reasons. I think it needs to be understood. They are not illegitimate reasons. If they are not legitimate fines, that is fine. But do not come and say merely that we have one single statistic that shows in 1984 here is the age of the waiver application, and in 1994, here is the age of the waiver application and say, see, that justifies the conclusion that the Department of Justice should not be given a role.

Again, there are two reasons why that argument does not stand up. One is a fact I will isolate it in a minute. The other is that both the Thurmond and Dorgan amendment say a 90-day time certain. The recent waiver requests, however, deal almost entirely with lifting the MFJ's core business restrictions—that is, inter-exchange, information services, manufacturing—while early request waivers were primarily for the local company entry into the nontelecommunications business—a much easier waiver to grant. When you get into the core business application, the waivers are more difficult to grant and assess and thus take more time to either approve or to deny. They also evoke more public concern and comments. It is a tough deal when a person comes up and says, "A company has applied for a waiver, and I do not like it."

One of the reasons the Department of Justice has taken longer is that you have an increase in the numbers of public comments and expressions of concern. For example, of waivers filed with the Department of Justice in 1993 and 1994, the Department receives nearly six times as many comments per waiver as in the 1984 to 1992 period. So just in the last 2 years, you have had a substantial increase in the number of public concerns and comments which are made on the waiver applications that are put to the Department of Justice. The recent waiver applications present broader and more complex issues. A number of waivers still considered pending are actually subsumed within broader requests that have already been addressed by the Department of Justice.

Despite these challenges, the Department of Justice succeeded in speeding up the waiver review process. In 1994, DOJ disposed of 43 percent more waiver requests than in 1993, while the average age of pending waivers decreased by 17 percent. So if you are looking for how they are doing over there, the 900 or so employees in the Antitrust Division of the Department of Justice who have the responsibility for assessing concentration in the meat packing industry and concentration in all other industries—they have the responsibility for antitrust action in all sectors of the U.S. economy, these 900 employees—if you are looking for facts as to how well they are doing, I urge my colleagues to look at the progress they have made from 1993 to 1994. Look at the complexity of the cases, and look beyond merely an examination that says from 1984 to 1994 in the cases the age of the waiver applications has been lessened. For all kinds of reasons, it is understandable, and it does not indicate that the Department of Justice is incompetent or unqualified. If that does not persuade you, look at the language of the Dorgan amendment and the Thurmond amendment, because they remove all possibility of this thing being delayed for a long period of time by putting a 90-day time certain, a date certain in the law.

Mr. President, the Department of Justice is the agency with the expertise in the competition and telecommunications markets. The Department of Justice has had an unwavering focus on the protection and promotion of competition. All facts support that conclusion. No facts that I have heard support the conclusion that the Department of Justice does not have the capacity to assist the people of the United States of America, as we the Congress attempt to move this local monopoly into a competitive environment. They have promoted competition in telecommunications on a nonpartisan and bipartisan basis throughout this entire century.

The Department of Justice has deepened its expertise in telecommunications competition over the past quarter century by investigating the Bell system's monopoly, suing to break up the monopoly, and allow competition in long-distance and equipment markets to flourish, and in assisting the Federal district court in administering the modification of final judgment, the consent decree that dismantled AT&T. The benefits to the Nation from the Department's role in promoting competition have been more jobs, more exports, greater innovation, and more products available to businesses and consumers at lower prices than at any time in our history.

I see that the Senator from South Carolina is here.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

AMENDMENT NO. 1265, AS FURTHER MODIFIED

Mr. THURMOND. Mr. President, I have a modification at the desk.

The PRESIDING OFFICER. The Senator has the right to modify his amendment.

The amendment is so modified.

The amendment (No. 1265), as further modified, is as follows:

Strike all after the first word of the pending amendment and insert the following:

(2) Section 309(d) (47 U.S.C. 309(d)) is amended by inserting "(for subsection (k) in the case of renewal of any broadcast station license)" after "with subsection (a)" each place it appears.

SUBTITLE B—TERMINATION OF MODIFICATION OF FINAL JUDGMENT

SEC. 221. REMOVAL OF LONG DISTANCE RESTRICTIONS.

(a) IN GENERAL.—Part II of title II (47 U.S.C. 251 et seq.), as added by this Act, is amended by inserting after section 254 the following new section:

"SEC. 255. INTEREXCHANGE TELECOMMUNICATIONS SERVICES.

"(a) IN GENERAL.—Notwithstanding any restriction or obligation imposed before the date of enactment of the Telecommunications Act of 1995 under section II(D) of the Modification of Final Judgment, a Bell operating company, or any subsidiary or affiliate of a Bell operating company, that meets the requirements of this section may provide—

"(1) interLATA telecommunications services originating in any region in which it is the dominant provider of wireline telephone exchange service or exchange access service to the extent approved by the Commission and the Attorney General of the United States, in accordance with the provisions of subsection (c);

"(2) interLATA telecommunications services originating in any area where that company is not the dominant provider of wireless telephone exchange service or exchange access service in accordance with the provisions of subsection (d); and

"(3) interLATA services that are incidental services in accordance with the provisions of subsection (e).

"(b) SPECIFIC INTERLATA INTERCONNECTION REQUIREMENTS.—

"(1) IN GENERAL.—A Bell operating company may provide interLATA services in accordance with this section only if that company has reached an interconnection agreement under section 251 and that agreement provides, at a minimum, for interconnection that meets the competitive checklist requirements of paragraph (2).

"(2) COMPETITIVE CHECKLIST.—Interconnection provided by a Bell operating company to other telecommunications carriers under section 251 shall include:

"(A) Nondiscriminatory access on an unbundled basis to the network functions and services of the Bell operating company's telecommunications network that is at least equal in type, quality, and price to the access the Bell operating company affords to itself or any other entity.

"(B) The capability to exchange telecommunications between customers of the Bell operating company and the telecommunications carrier seeking interconnection.

"(C) Nondiscriminatory access to the poles, ducts, conduits, and rights-of-way owned or controlled by the Bell operating company at just and reasonable rates where it has the legal authority to permit such access.

"(D) Local loop transmission from the central office to the customer's premises, unbundled from local switching or other services.

"(E) Local transport from the trunk side of a wireline local exchange carrier switch unbundled from switching or other services.

"(F) Local switching unbundled from transport, local loop transmission, or other services.

"(G) Nondiscriminatory access to—

"(i) 911 and E911 services;

"(ii) directory assistance services to allow the other carrier's customers to obtain telephone numbers; and

"(iii) operator call completion services.

"(H) White pages directory listings for customers of the other carrier's telephone exchange service.

"(I) Until the date by which neutral telephone number administration guidelines, plan, or rules are established, nondiscriminatory access to telephone numbers for assignment to the other carrier's telephone exchange service customers. After that date, compliance with such guidelines, plan, or rules.

"(J) Nondiscriminatory access to databases and associated signaling, including signaling links, signaling service control points, and signaling service transfer points, necessary for call routing and completion.

"(K) Until the date by which the Commission determines that final telecommunications number portability is technically feasible and must be made available, interim telecommunications number portability through remote call forwarding, direct inward dialing trunks, or other comparable arrangements, with as little impairment of functioning, quality, reliability, and convenience as possible. After that date, full compliance with final telecommunications number portability.

"(L) Nondiscriminatory access to whatever services or information may be necessary to allow the requesting carrier to implement local dialing parity in a manner that permits consumers to be able to dial the same number of digits when using any telecommunications carrier providing telephone exchange service or exchange access service.

"(M) Reciprocal compensation arrangements on a nondiscriminatory basis for the origination and termination of telecommunications.

"(N) Telecommunications services and network functions provided on an unbundled basis without any conditions or restrictions on the resale or sharing of those services or functions, including both origination and termination of telecommunications services, other than reasonable conditions required by the Commission or a State. For purposes of this subparagraph, it is not an unreasonable condition for the Commission or a State to limit the resale—

"(i) of services included in the definition of universal service to a telecommunications carrier who intends to resell that service to a category of customers different from the category of customers being offered that universal service by such carrier if the Commission or State orders a carrier to provide the same service to different categories of customers at different prices necessary to promote universal service; or

"(ii) of subsidized universal service in a manner that allows companies to charge another carrier rates which reflect the actual cost of providing those services to that carrier, exclusive of any universal service support received for providing such services in accordance with section 214(d)(5).

"(3) JOINT MARKETING OF LOCAL AND LONG DISTANCE SERVICES.—Until a Bell operating company is authorized to provide interLATA services in a telephone exchange area where that company is the dominant provider of wireline telephone exchange service or exchange access service, a telecommunications carrier may not jointly market in such telephone exchange area telephone exchange service purchased from such company with interLATA services offered by that telecommunications carrier.

"(4) COMMISSION MAY NOT EXPAND COMPETITIVE CHECKLIST.—The Commission may not, by rule or otherwise, limit or extend the terms used in the competitive checklist.

"(c) IN-REGION SERVICES.—

"(1) APPLICATION.—Upon the enactment of the Telecommunications Act of 1995, a Bell operating company or its affiliate may apply to the Commission and the Attorney General for authorization notwithstanding the Modification of Final Judgment to provide interLATA telecommunications service originating in any area where such Bell operating company is the dominant provider of wireline telephone exchange service or exchange access service. The application shall describe with particularity the nature and scope of the activity and of each product market or service market, and each geographic market for which authorization is sought.

"(2) DETERMATION BY COMMISSION AND ATTORNEY GENERAL.—

"(A) DETERMINATION.—Not later than 90 days after receiving an application under paragraph (1), the Commission and the Attorney General shall each issue a written determination, on the record after a hearing and opportunity for comment, granting or denying the application in whole or in part.

"(B) APPROVAL BY COMMISSION.—The Commission may only approve the authorization requested in an application submitted under paragraph (1) if it—

"(i) finds that the petitioning Bell operating company has fully implemented the competitive checklist found in subsection (b)(2);

"(ii) finds that the requested authority will be carried out in accordance with the requirements of section 252; and

"(iii) determines that the requested authorization is consistent with the public interest, convenience, and necessity. In making its determination whether the requested authorization is consistent with the public interest, convenience, and necessity, the Commission shall not consider the antitrust effects of such authorization in any market for which authorization is sought. Nothing in this subsection shall limit the authority of the Commission under any other section.

If the Commission does not approve an application under this subparagraph, it shall state the basis for its denial of the application.

"(C) APPROVAL BY ATTORNEY GENERAL.—The Attorney General may only approve the authorization requested in an application submitted under paragraph (1) if the Attorney General finds that the effect of such authorization will not substantially lessen competition, or tend to create a monopoly in any line of commerce in any section of the country. The Attorney General may approve all or part of the request. If the Attorney General does not approve an application under this subparagraph, the Attorney General shall state the basis for the denial of the application.

"(3) PUBLICATION.—Not later than 10 days after issuing a determination under paragraph (2), the Commission and the Attorney General shall each publish in the Federal Register a brief description of the determination.

"(4) JUDICIAL REVIEW.—

"(A) COMMENMCEMENT OF ACTION.—Not later than 45 days after a determination by the Commission or the Attorney General is published under paragraph (3), the Bell operating company or its subsidiary or affiliate that applied to the Commission and the Attorney General under paragraph (1), or any person who would be threatened with loss or damage as a result of the determination regarding such company's engaging in the activity described in its application, may commence an action in any United States Court of Appeals against the Commission or the Attorney General for judicial review of the determination regarding the application.

"(B) JUDGMENT.—

"(i) The Court shall enter a judgment after reviewing the determination in accordance with section 706 of title 5 of the United States Code.

"(ii) A judgment—

"(I) affirming any part of the determination that approves granting all or part of the requested authorization, or

"(II) reversing any part of the determination that denies all or part of the requested authorization,

shall describe with particularity the nature and scope of the activity, and of each product market or service market, and each geographic market, to which the affirmance or reversal applies.

"(5) REQUIREMENTS RELATING TO SEPARATE AFFILIATE; SAFEGUARDS; AND INTRALATA TOLL DIALING PARITY.—

"(A) SEPARATE AFFILIATE; SAFEGUARDS.—Other than interLATA services au-".

Mr. THURMOND. Mr. President, I rise today in support of the Thurmond-D'Amato-DeWine-Inhofe amendment which will protect competition and consumers by providing that antitrust principles will be applied by the Department of Justice in determining when the Bell operating companies should be allowed to enter long distance.

I wish to explain a modification which I have made to this amendment. With this modification, which clarifies the separate roles of the FCC and the Department of Justice, Senator DORGAN has agreed to support my second degree amendment and not to seek a vote on the Dorgan first-degree amendment. I have appreciated working with Senator DORGAN, Senator LEAHY, and their staffs, and wish to thank them for their cooperation and assistance in this important matter.

The second degree amendment that I introduced last Thursday contained language to ensure that there is no duplication of functions between the Department of Justice and the FCC. This was accomplished in the amendment by limiting the public interest analysis of the FCC so that the Commission shall not consider the antitrust effects of entry. Analysis of the antitrust effects of Bell entry into long distance should only be conducted by the Department of Justice, the antitrust agency with great expertise and specialization in analyzing competition.

The modification that I have made today clarifies that this restriction of the FCC applies only to FCC's public interest analysis of Bell entry into long distance. This clarifies the FCC public interest in a way that is entirely consistent with the original goals and purposes of my amendment and ensures that there is no duplication of functions. Although the FCC may appropriately consider competition in other aspects of its analysis, this specialized antitrust analysis prior to Bell company entry is to be conducted solely by the Department of Justice.

Under my modified amendment, the antitrust standard applied by the Justice Department remains the Clayton section 7 standard. The standard is whether Bell company entry would substantially lessen competition or tend to create a monopoly. This is the standard applied to every merger and acquisition in order to determine whether companies can expand or move into new lines of business. That is the issue that requires analysis before Bell companies enter long distance markets.

One issue I wish to emphasize is that my amendment is necessary to reduce duplication in the telecommunications legislation. Currently, S. 652 provides that the FCC will conduct a public interest analysis of Bell entry into long distance, with consultation by the Department of Justice. This results in both agencies being involved in antitrust analysis, which is wasteful and inefficient. The Department of Justice—and not the FCC—has developed special expertise and specialization in antitrust analysis during the past 60 years.

I would also note that the language we are using from section 7 of the Clayton Act also appears in section 2 and section 3 of the Clayton Act. These sections deal with price discrimination and exclusive dealing arrangements which may harm consumers by inhibiting competition in the marketplace. Thus, not only is this standard familiar because of the experience and case law under section 7 of the Clayton Act, but also because of sections 2 and 3.

We all strongly support competition. We all support competition replacing regulation. The question is how to make sure competition exists, and whether competition is achieved by a fixed list of rules or by flexible antitrust analysis.

Mr. President, the bottom line is whether we believe the antitrust laws are the means by which we protect competition or not. It is that simple. If we believe in the antitrust laws—which have protected free enterprise for over 100 years—then we should pass the Thurmond - D'Amato - DeWine - Inhofe amendment.

For all of these reasons, I urge my colleagues to support this amendment.

Mr. President, I ask unanimous consent to add Senator DORGAN as a cosponsor of my second-degree amendment, as modified. Additionally, I ask unanimous consent to add Senator KOHL as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERREY. Mr. President, I ask unanimous consent that I be added as a cosponsor to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. HOLLINGS. Mr. President, I ask unanimous consent that Laura Philips, a fellow in the office of Senator LIEBERMAN, be permitted privilege of the floor during consideration of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRESSLER. Mr. President, I would like to respond to some of the remarks made here today, in part, to say that we already do have antitrust laws that will continue to exist.

We have the Sherman Antitrust, the Clayton Act, and the Hart-Scott-Rodino Act, which will remain in full application.

I would like to go through the regulatory safeguards that already exist in S. 652, to break up local Bell monopolies without a new Department of Justice bottleneck.

It is my strongest feeling that having the Department involved as a decisionmaker here is a mistake. The Department is already involved. The Department can be a party to any case on appeal from the FCC. Under the Hobbs Civil Appeals Act, it involved the Department as an independent party in all FCC appeals.

The point is, the Department has an antitrust role. It has a role as an independent party in all FCC appeals. It can use the Sherman antitrust standard or it can use the Clayton, or indeed the Hart-Scott-Rodino can be used when there is an application for a merger.

Now, we already have several safeguards in the process. We do not need bureaucracy. Having the Department do the same thing, basically, that the FCC is already doing is a mistake. I might say that even if they do it, it will take them a long time.

My friends have said we will put a time certain. The legislation already requires the Department to try to act within 30 days. That is a requirement that is already on them.

Presently, the appeals last up to 3 or 4 years. I have a chart. I will show how long the appeals last. They already have a 30-day requirement that they have not been meeting.

I want to go through some of the regulatory safeguards in this bill. First of all, the State certifies compliance with market requirements. The State has to act on this. That is a safeguard. That is a check.

Second, the FCC affirms public interest. That is also public interest, convenience, and necessity.

That means that the FCC can look at this from the traditional public interest, convenience, and necessity standpoint. We had a discussion about that here on the floor of the Senate. There was an effort to repeal that by some Members of the Senate who feel that the public interest gives the FCC too much latitude, too much power.

Next, the FCC certifies compliance and requests a 14-point checklist. The FCC has to go through a 14-point checklist to certify that the regional Bells have acted. I have the 14 points on another chart. I will go through that.

The Bell companies comply with separate subsidiary requirement. They must have a separate subsidiary in a certain period of time in many areas. Nondiscrimination requirement. They cannot give all the business to one long distance or one subsidiary. They have to act in a nondiscriminatory way.

There is a cross-subsidization ban.

Fifth, FCC allows the Department full participation in all its proceedings. The Department of Justice will be there as the FCC proceeds. Indeed, the bill, as written, gives the Justice Department a role.

Next, the Bells must comply with existing FCC rules in rigorous annual audits; elaborate cost accounting; computer-assisted reporting, and special pricing rules.

Seventh, there will remain the full application of the Sherman Antitrust, the Clayton Act, and the Hart-Scott-Rodino Act. This is very important.

It is not as though, if we defeat the Dorgan-Thurmond amendments, that the Justice Department will have no role. They will have a very active role as they have had in the past. I think that that is something to remember. Again, the Hobbs Civil Appeals Act lets the Department of Justice participate as an independent party in all FCC appeals.

Let me go over here to the competitive checklist, if I may. This is S. 652's measure to assure breakup of local Bell monopolies.

First, access to network functions and services. The interconnect requirement is on the checklist. I think everybody in the Chamber has been in on drawing up this checklist. It is a checklist that the FCC will have to go through before a Bell company is certified that it has met the requirements. This is a definite checklist. It is something that we have worked on around here since January in meetings every night and on Saturdays and Sundays.

Next, capability to exchange telecommunications between Bell customers and competitors' customers;

Third, access to poles, ducts, conduits, and rights of way;

Fourth, local loop transmission unbundled from switching;

Fifth, local transport from trunk side unbundled from switch;

Sixth, local switching unbundled. These are the so-called unbundling portions of it, whereby a company will have to open up and unbundle its codes so that competitors can come in. It is only once they form a small telephone company that there is interconnection and unbundling available.

Next, access to 911 and enhanced 911, directory assistance and operator call completion service;

Next is the white pages directory listing;

Next is access to telephone number assignment;

Tenth, access to data bases and network signaling;

Eleventh, interim number portability;

Twelfth, local dialing parity;

Thirteenth, reciprocal compensation;

Fourteenth, resale of local service to competitors.

Mr. President, this is the competitive checklist, the 14 points that must be met first of all to be certified by the FCC. Then we also have the so-called public interest requirement. We also have State certification.

What I am saying is, here we have a carefully crafted bill that already requires much review, and what is being proposed in the Thurmond and Dorgan amendments is that, when we finish all this with the State and the FCC, then we go over to the Justice Department and start all over again with another decisionmaker.

The Justice Department is not supposed to be a decisionmaker in this sense. The Justice Department is not a regulatory agency. It has become one under Judge Greene's rules, but those attorneys theoretically respond to Judge Greene from the district court. They have gotten in the habit over there of having several hundred lawyers who are basically regulators. As, for example, in the Ameritech case, they are even approving phone books and things of that sort over at the Department of Justice.

The Department of Justice is supposed to deal with antitrust issues and the Sherman Act and the Clayton Act and go act as an independent party under the Hobbs Appeals Act. They are supposed to be lawyers bringing cases and lawyers giving interpretations and antitrust rulings and so forth.

What the Justice Department, like so many departments in Washington, wants to do is become a regulator, to have a permanent staff of people who regulate and make decisions. That is supposed to be done over at the FCC.

So I say to my friends who propose this change that, if they want another standard of regulation, let us do it at the FCC where it is supposed to be. Why go over here to the Department of Justice—which has its role, which has its traditional role, and a good role, let me say.

We have read a lot in the paper about the Hart-Scott-Rodino rulings of this year and the Clayton Act standard, which is in the proposal of Senator THURMOND. And, of course, the Sherman Antitrust Act, which started all this, in Judge Greene's decision. The point is the Department of Justice already has a role and will have a role without adding another layer of bureaucracy.

The Dorgan-Thurmond amendment or variations thereof, is the opposite of proconsumer legislation. Consumers want wide open competition. They want lower costs. They want more and better services, and they want these without delay.

The Department of Justice, in carrying out the MFJ, is now averaging nearly 3 years. I believe I have here a list of small charts which show the average time, "Average Age Of Waivers Pending Before the District Court." In 1993 it is 1,600 days, is the average age of the waivers. That is how long it takes to get a decision out of the Department of Justice, 1,600 days.

The "Waivers Disposed Of Through the District Court," that is through the Justice Department, has declined in 1993. It reached a height in 1986 but they are doing less, even slower, even more slowly.

The average age of waivers pending before the Department of Justice year-end is 1,200 days. This is in a Department that in present law says it will endeavor to get these done within 30 days. They have completely ignored that.

Next we come to "Waivers Disposed Of By DOJ." It has dropped to an all-time low in 1993 for some reason.

The point I am making—requests filed with the DOJ hit an all time low in 1992, again in 1993—is people have given up. If they have to wait 3 years or more, it is too frustrating, too futile. I think that is something we should think about very carefully before we add another layer of bureaucracy.

I know my colleagues have the best intentions here, but I have a chart showing the "Average Age of Waivers Before the District Court Year-end." It started in 1985. They were supposed to get theirs, in the law, done within 30 days. They were supposed to get the work done within 30 days. In 1985 it took them an average of about 100 days to get the waivers issued. In 1986 it was up to about 200 days.

Anyway, to make a long story short, if you file a waiver before the Department of Justice today you will wait, on the average, nearly 1,500 days, about 4 years. That is why they dropped so much.

I say to my colleagues, do we want this extra layer of bureaucracy? Or do we really want to open up competition?

I would say it is a great mistake. We are doing all these checklists. We are doing public interest. We are having the States be involved. All this has to happen first. This is a formidable task. We are probably talking about delaying competition 3 years at least if this amendment passes in any form.

The way the bureaucracy works around this town—I have been around here awhile watching it—it will probably be more than that before we are through. We are probably talking about a 3- to 5-year delay.

Some of my colleagues have talked about a LeMans start—that is, just start right now, in terms of competition. We would let everybody compete. There are some problems of unbundling or interconnecting with that, but there are Members of this body, indeed we had two members in the Commerce Committee who voted against this bill who felt strongly about an immediate start. There is much merit to that.

But the bill we came up with is a balance between those two. The bill we came up with allows States to certify, then the FCC to go through a 14-point checklist, then the FCC to go through the public interest test, then competition would begin under our bill.

But under the proposal of my colleagues here today on the Senate floor, the Dorgan-Thurmond proposal, after we finished all that process and went through all those approvals and went through that checklist, then we would go over to the Justice Department and start all over again with some more regulators and they would go through yet more tests. It would take more time.

What we have here is a lawyer's dream, a lawyer's paradise.

Mr. KERREY. Will the Senator from South Dakota yield on that?

Mr. PRESSLER. I will, just as soon as I am finished. I am almost finished.

What we have here is a lawyer's paradise if this passes. It will mean the piece of regulation we have before us, which is deregulatory, will become in part regulatory. We are trying to simplify, to have less Government making approvals. This amendment would mean we would need a whole other layer of people making the same approvals. It is more regulation, in my judgment.

Let me also say that we had quite a debate in the Commerce Committee and here on the floor on this matter of public interest, convenience, and necessity. There are many in the think tanks in town who would be described as on the conservative side of things who think we should not have the standard of public interest, convenience, and necessity because, they said, that is more bureaucracy, it lets the FCC have too much power.

This Chamber and the Commerce Committee had votes on that and it was determined to leave it in, but a lot of people think that is too much regulation. These companies are going to have to go through all the checklists, the public interest test, State approval, they are going to have to go through all that. Then my friends want them to go on over to the Justice Department with their lawyers and start all over again. We should not allow that. That is my point.

Mr. KERREY. Will the Senator from South Dakota yield?

Mr. PRESSLER. Yes, I will yield.

Mr. KERREY. The Senator twice has said an applicant must go to the FCC, go through all that, and then they have to go to the Department of Justice. Will the Senator from South Dakota agree the language of the amendment calls for simultaneous application? It does not call for consecutive application, where you go to one and then have to go to another. You do not get approval at FCC and then get approval at the Department of Justice.

The Senator twice said that you get your approval at the FCC. Then you have to go to another agency. Does the Senator allow that the Thurmond-Dorgan amendment calls for a simultaneous process?

Mr. PRESSLER. If my friend will allow me, the Senators' amendment would require that they go to two places, first of all, for sure. There is no debate about that. You have to go to two places.

Mr. KERREY. The question I am asking——

Mr. PRESSLER. Let me answer the question.

Mr. KERREY. The question is, is there simultaneous application?

Mr. PRESSLER. I do not yield the floor.

The PRESIDING OFFICER (Mr. BROWN). The Senator from South Dakota has the floor.

Mr. PRESSLER. I would like to answer that question, if I may.

First of all, the amendment would require the applicant to go to two places;

actually more than that. You have to go to the State, to the FCC, and the Justice Department. It is true that the Senator says simultaneous. But, as a practical matter, most people are not going to hire some lawyers. They are going to see if they meet the public interest test and the checklist first before they go to the Justice Department, as a practical matter. But, even miraculously, if they could do both simultaneously——

Mr. KERREY. I do not give——

Mr. PRESSLER. I will not yield until I complete answering the question.

The point is, you clearly would have to go to two places. One, you have to go to the State and the FCC. Under this amendment, then, you would have to go to Justice. Even if you could miraculously get all of this done simultaneously, if you had three sets of lawyers, you go to the State. Before the FCC could really act, they would have to see the State thing. The fellows over at Justice, I guarantee you, would want to see what the guys at the State and the FCC did.

Let us say, if you had enough lawyers, they could miraculously do it all on the same day, and that each agency plus the Justice Department will not delay things for 3 years, you would still have the situation that you could need three sets of lawyers. As a practical matter, most people, if the State is not going to approve, they will not spend the money to go on to the FCC and go on to the Justice Department. The point is, if my friend will yield, he has to admit that there is one extra place you have to go. There is clearly one more place. You have to go to the Justice Department.

Mr. KERREY. I am pleased to yield. The Senator keeps saying miraculously, and three sets of lawyers. I just do not think the facts support that. I do not think the facts support that is what a company would do, have to hire a whole separate set of lawyers or, being a miracle, that there would be simultaneous application. The application process is different at the Department of Justice because the Department of Justice is the agency that has the experience of determining whether or not there is competition. They are the ones with the experience. The FCC does not have that experience. Indeed, the checklist the Senator is referring to is the placement for the VII(c) test. The Senator voted for an VII(c) test last year. Last year, the Senator from South Dakota was quite willing to have simultaneous application then because the Department of Justice had a ruling with an VII(c) test involved.

Mr. PRESSLER. I yielded for a question. What is the question?

The PRESIDING OFFICER. The Senator from South Dakota has the floor.

Mr. PRESSLER. I will be glad to yield for a question.

Mr. DORGAN. Mr. President, I would like to ask the Senator from South Dakota if he is almost finished. Senator THURMOND has offered a modification, which has been accepted as a second-degree amendment. I would like to describe the circumstances of the bipartisan support for that modification which is the second-degree amendment to my amendment. So when the Senator is finished, I would like to do that.

Mr. PRESSLER. I will quickly wrap up in deference to the Senator from North Dakota. I have a few more things. In fact, I am trying to keep things moving along. So I will yield the floor so the Senator can do it right now.

I hope other Senators who have amendments will bring them to the floor so we can get some amendments stacked up. We are trying to move this. I will demonstrate an eagerness to move things forward by yielding the floor right now.

Mr. DORGAN. Mr. President, it was not my intention to ask the Senator from South Dakota to discontinue if he was not finished. I appreciate very much his courtesy. Again, I think he and the Senator from South Carolina have done a real service in bringing this legislation to the floor, and while we disagree on parts of it, disagree strongly on this part of it, I, nonetheless, admire the work that both managers have done.

But let me describe where we are. We worked over the weekend with Senator THURMOND and his staff, and Senator KERREY and his staff were apprised. We now have an agreement. Senator THURMOND's second-degree amendment was modified a half hour or so ago. That modification includes some additional language that was agreed to this weekend so that we retain the standard proposed by Senator THURMOND in his second degree. We add some additional language that we wanted to be included, and it now represents in my judgment a satisfactory resolution on the question of the role of the Justice Department. I, therefore, will be supportive by voting yes on a motion that is offered in the second degree. It represents something that Senator THURMOND, myself, Senator KERREY, and others agree with and think will advance the interests of this bill.

Mr. President, while I am on my feet, I ask unanimous consent that Senator LEAHY be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I heard the description by the Senator from South Dakota. With all due respect, I disagree very strongly with the description. We are not attempting to establish new barriers. In fact, it is quite the opposite. Just exactly the opposite is happening here. We intended to, and with this amendment describe the different roles for the Federal Communications Commission and the Department of Justice. We have specifically created the circumstance where there is no overlap. That was the entire purpose of what we have done over the weekend with this amendment.

So there is no overlap. We are not talking about creating a level of complexity that will be a lawyers' relief act. In fact, the only relief the lawyers in this country will get is if this is not in the bill. If we do not include in the bill a role in the Justice Department, I guarantee you that we will have an ocean of litigation on this question forever.

So if one is interested in life and making lawyers happy, one would I suppose vote against this because it will result in an ocean of litigation. We have very carefully—and I think in a considered way with Republicans and Democrats—crafted something that says here is the role for the Federal Communications Commission, here is the role for the Department of Justice, and they do not overlap but they are both essential roles. And they are both important, in any judgment, in making sure that as we move this forward, we do in fact have competition.

I am probably the last one expected to stand here and extol the virtues of lawyers down at the Justice Department involved in the antitrust business. In the House of Representatives, I went to the floor I suppose half a dozen times over the decade of the 1980's, threatening to put the pictures of lawyers down at DOJ on the side of milk cartons, because my notion was we were paying 900 or some attorneys involved in antitrust activity who essentially had vanished. They were not doing anything. So my assumption was they disappeared and that we ought to find them someplace. That was under the old scheme of a Department of Justice that really could not find any activity that they felt threatened the free market system. Any merger was just fine. Any hostile takeover was terrific. They became more like cheerleaders for concentration in the marketplace than they were the guardians of public interest with respect to competition and those who were fighting against antitrust activities.

If you care about the marketplace, then you care about what is called a free market, and a free market in which competition is a robust, dynamic force that serves the interests of the consumers. A free market requires a little care and attention on our part.

You can have your pockets picked in an economy like ours if you do not have free markets. How do people pick your pockets? The influence that can pick your pockets in a marketplace like ours is when you have concentrations, so much so that enterprises can actually fix their prices, represent anticompetitive behavior, do things in a way to extract money from the consumers in a manner that protects themselves and protects the enterprises from the whims of competition.

Those things are not healthy. We have been through periods in our country where we had some trust busters that had to break up the cartels and trusts. Free market systems work only when there is a free market, only when there is competition.

Our whole point about this legislation is we want there to be competition. We believe competition is good. Ancillary to that, as I also believe in my home county where you do not have very many people, there is not going to be much competition. So I ought to make sure that we provide some basic protections for those areas of the country where competition is not going to be the allocator of resources and services. Notwithstanding that, in much of our country, you will have robust competition. But the potential exists in a very substantial way for some to use market advantage to restrict competition. That is why we want to find in this amendment a mechanism by which we provide guarantees, and we provide assurances for the consumers in our country. That is what we are attempting to do.

So I understand, if I were one participant in this battle for the consumers' dollar in the telecommunications industry, I might say, "Gee, it is a real inconvenience for you all to be suggesting that the Department of Justice ought to have any more of a role than a consultative role."

This is not about inconvenience. This is about protecting the public interest and protecting the market system to make sure we have a free market with competitive forces.

Mr. PRESSLER. Will my friend yield for a question?

Mr. DORGAN. I would be happy to yield.

Mr. PRESSLER. Indeed, I have enjoyed working with my friend on so many issues, and we do have occasional disagreement. This is one of them. Let me ask a question.

Would this amendment require the Administrative Procedures Act to be applied in Justice Department procedures? What I am getting at here is the procedures at the FCC would be under the Administrative Procedures Act so there is an open process. There are ex parte rules. The Justice Department has rules over there that are prosecutorial, and they do not have to be open; they do not have to meet all of the same requirements that an administrative agency does. What is the status of the Administrative Procedures Act regarding this amendment?

Mr. DORGAN. I do not know the specific answer to the Senator's question except to say that the amendment that we have now modified establishes a Clayton 7 test which is a test below the VIII(c) test that we had in my underlying amendment, which, I might say, the Senator from South Dakota and others voted for last year as it moved out of the Commerce Committee. To whatever extent the procedure followed last year with respect to VIII(c), which is a higher threshold which would have been required, I would suggest that same procedure is now required in the Justice Department except that we have agreed with a somewhat lower standard.

We do not agree, however, with a notion that the Justice Department ought to be dealt out of this altogether, reserving only a consultative role for the Justice Department.

I understand the question. I will try to get an answer with respect to the Administrative Procedures Act I believe the Senator asked about.

Mr. PRESSLER. Yes. We have to resolve the Administrative Procedures Act matter or clarify it to the Senate. The Justice Department, being a prosecutorial branch of our Government, can operate in secret or does not have to follow the administrative procedures rules. Therefore when you file a waiver—presently when a telephone company files for a waiver—they do not have the same rights to know what is going on or ex parte rules or rules of openness that one has with an agency such as the FCC.

And under the 14-point checklist that we have and under the public interest rules at FCC, they have to follow the administrative procedures. This provides openness and protects the rights of parties. But when they go over to the Justice Department—and it was one problem we had with the VIII(c) test very frankly—there is not that openness. The Justice Department does not have to have open meetings and hearings. It does not have to have ex parte rules. Your rights over there are less than they are when you are before an agency that has the Administrative Procedures Act.

I think this goes to the core of the debate here on the Senate floor. The Justice Department is a different sort of an agency. It is a cabinet agency that does not have to be under the Administrative Procedures Act. It can prosecute people. It interprets the antitrust laws. It interprets the Sherman Act and the Clayton Act and the Hart-Scott-Rodino Act, and it does a good job in those areas.

I might say that the present Assistant Attorney General, a fine woman, has done a great job, in my opinion, on Hart-Scott-Rodino, and she has done a great job in administering this huge group of lawyers over there who are regulators presently under the MFJ. And I suppose that somebody fears they are going to have to let all their lawyers go, somewhere between 200 and 900 lawyers, and I do not know where they are going to go. Maybe that is the problem.

Seriously, on a serious note, the Department of Justice wants to keep on being a regulator without being under the Administrative Procedures Act. And that is a problem. When you get over to the Justice Department—first of all, under the Dorgan amendment, you go to the FCC and you have openness. You can have an open hearing. If one of the commissioners talks to somebody even at a reception about this case, he has to file a report of it and give equal time to somebody else. But you go over here to the Justice Department, you are not under the Administrative Procedures Act. They can operate in secret if they want to. They are a prosecutorial agency. They can operate without the ex parte rules.

I think that is a very important thing. Constitutionally, I do not think you should be able to apply all of the aspects of the Administrative Procedures Act to the Justice Department. They have a different role in the nature of our Government. They have a different mission to carry out. Now, every agency would like to have several rooms full of lawyers who are regulators. And, indeed, if you look in the present Ameritech case, the Department of Justice had regulators checking on the validity of telephone books, to see whether they fit into the rules. They have regulators checking into the validity of Yellow Pages. This is in the Department of Justice, where we hold up the hand of the balance of justice.

This has nothing to do with the balance of justice. This belongs in the regulatory agency that we spend so much money on, the FCC. So that is I think a very core point here in the nature of this debate.

I am going to yield any further time. I will just conclude by saying, because we have to get this debate moving, I challenge my friend from North Dakota to name another area of commerce where the Department of Justice has a decisionmaking role. This is trying to give the Department of Justice a decisionmaking role.

And the answer to that question, which I will get, is none, not another single area—not transportation, not aviation, not financial services or any other area. Why telecom, which is an important area? Why are they putting them over in the Department of Justice? It is going to take a thousand regulators at least to carry out the Dorgan amendment. And we have this job done twice already, once at the State level and once at the FCC. I hope when we get into the wireless age I will still be around here offering a bill to eliminate the regulation that we have, but that may be 10 years down the road.

In any event, this is a bad concept, from the Administrative Procedures Act to the decisionmaking role.

I yield the floor.

Mr. DORGAN. Mr. President, I just disagree with the Senator from South Dakota. We are not talking about a regulatory role for the Department of Justice. We must be talking about a couple different pieces of legislation. We are not talking about putting Justice into a regulatory environment, the Justice Department, although I would admit that the term "justice" itself is a useful term for us to use as we discuss this because this is not about some mom and pop businesses having to confront the Justice Department. The real pawns in this debate are the American people, the consumers who are going to have to pay the bill for whatever communications services they purchase.

We would hope, all of us in this Chamber would hope they can go to a marketplace that is a free, open, competitive marketplace and purchase those services, even in the local exchanges. And the question for the Justice Department is the question of when is there competition and under what conditions this competition exists in the local exchanges, because then the regional Bell operating companies will be able to go out and compete in long distance service.

However, we are not suggesting the role of the Justice Department be a regulatory role. I think somehow the Senator and others are mistaken about that. I do think, though, that when one makes the point we have crafted an amendment that attempts to set up competing forces here that represent dual obstacles for an applicant is just wrong. It is not the way it is written. It is not what the amendment is about. And it is not what we are trying to do.

We are saying the absence of a substantive Justice role in this telecommunications bill we think has the potential of cheating the American people.

Mr. KERREY. Will the Senator from North Dakota yield?

Mr. DORGAN. Let me yield the floor.

Mr. KERREY. Just for a question.

Mr. DORGAN. I will be happy to yield.

Mr. KERREY. The Senator from South Dakota asked and then raised in the following series of arguments against, after having asserted that the Department of Justice has a different role and function, which it unquestionably does—it has been managing the movement from a monopoly to a competitive environment. Why should it not be different? Of course, it is different. As to the Yellow Pages case, it is a very important anticompetitive case, very important anticompetitive case.

Mr. DORGAN. Let me yield the floor to the Senator from Nebraska, if that is sufficient.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. KERREY. Mr. President, I thank the Senator. I am sorry for the long warmup to the question. I appreciate the yielding of the floor.

As to the question the Senator from South Dakota is asking, the language of 652 on page 89 appears to be—and I ask my colleague if he reads it the same way—on line 7, it says:

> The commission shall issue a written determination . . .

And here is the language that triggers the administrative procedures that the Senator was asking whether or not would exist. As I understand it, case law says this is the language that you need in order to trigger the very administrative review that the Senator is for. The language is:

> . . . on the record after a hearing and opportunity for comment.

I think it is a legitimate concern. I think the question that is being raised by the Senator from South Dakota is quite legitimate.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The senior Senator from Nebraska.

Mr. PRESSLER. Mr. President, if I could just answer that question.

The PRESIDING OFFICER. Will the Senator from Nebraska yield?

Mr. EXON. I yield.

Mr. PRESSLER. On page 89, "determination by the Commission," that is the Administrative Procedures Act applied to the Federal Communications Commission. My point is that it does not apply in Department of Justice proceedings.

The PRESIDING OFFICER. The Senator from Nebraska has the floor.

Mr. EXON. I thank the Chair.

Mr. President, I stand by the committee-reported bill's compromise on the role of the U.S. Department of Justice. As one of the architects of the Justice Department's advisory role compromise, I believe that this compromise delicately balances provisions that hold together very well under even the most dedicated scrutiny. The survival of the Federal Communications Commission public interest standard is a testament to that fact.

As a lesson in the art of compromise, the role of the Department of Justice is an example of how Congress should work together. Chairman PRESSLER presented a draft on behalf of his Republican colleagues which embraced a day certain for Bell entry into long distance, no role for the Department of Justice in the long distance decisionmaking, and no savings clause to preserve antitrust authority.

Our ranking member, Senator HOLLINGS, presented a draft on behalf of the Democrats which held equally firm to the position of no date certain, a separate decisionmaking role for the Department of Justice, and a full preservation of antitrust authority over the telecommunications issue.

What I am explaining is that a lot of thought and compromise and discussions and "-cussions" have taken place with regard to this very important matter. I happen to feel that the Commerce Committee, on which I have served for 17 years, since I have been here, has done itself proud on this particular issue. We have, I think, by compromise, by understanding, by persuasion convinced all that the Department of Justice, indeed, has a role to play.

What we are talking about and debating today—and I think the debate is very worthwhile—is how much authority, how far can the Justice Department go in this area. I happen to believe that while this, like most other bills and most other amendments that we adopt from time to time, is not perfect, we are not certain how it is going to work out. But we are certain in that this issue has been debated very, very thoroughly, and I believe that we have something that makes a great deal of sense. I hope we will hold to the committee position.

Following months of consultation, negotiations and bipartisan compromise, the committee recommended to the full Senate a bill which preserves an advisory role for the Department and certainly, without any question, preserves what I think was a necessary addition, making sure that the antitrust authority is maintained in the Department of Justice where I think it rightfully belongs.

The compromise did not include a day certain for Bell entry into long distance, but it did include a certain procedure for entry that I think is important. It is a compromise, and I think it will work. It is a compromise which is balanced. It is a compromise which presented a win-win proposition as best we could for both sides. I certainly think that Chairman PRESSLER and ranking Democratic member HOLLINGS should be complimented for reaching out to each other and the Democratic and Republican sides of the aisle to come up with something that I think is something that could be best described as providing a lot of wisdom.

I have been somewhat proud in the role of breaking the logjam between Democrats and Republicans on this particular critical issue, and certainly I appreciate the fact that there are others in this debate, including my friend and colleague from Nebraska, who have made some excellent points with regard to the debate that has taken place on this vital issue.

At the heart of this debate is the appropriate role for independent regulatory agencies, of which the Federal Communications Commission is an important one. It is often said that these agencies are a half-step among the legislative, judicial and executive branches of Government. We should keep it that way, I suggest. It has not been my experience that the Justice Department has always been the hallmark of cooperation or understanding of the needs of the public at large. The Senate Commerce Committee has a unique relationship with all of the entities involved in these decisions. I have found over the years that Congress has a much easier time working to implement policy with the independent regulatory agencies than it often does with the executive branch and, specifically, in many instances, with the judicial branch.

The central purpose of this telecommunications reform bill is for the Congress, the representatives of the people, to regain control of telecommunications policy. It is ironic that the Justice Department and Judge Greene removed telecommunications policy from the congressional domain, and now here is a move to shift that control back to the world of the unelected, which I think the suggested amendment would do.

Make no mistake, the Department of Justice will have a key role in telecommunications policy. Its expertise will not be wasted, and there is a great amount of expertise within the Justice Department on this and other things with regard to communications. Nothing in this legislation repeals the antitrust statutes, and I debated and cited instances of that on Friday last. This legislation specifically requires that the Department consult with the Federal Communications Commission.

The bottom line is there should be one rule book and one referee. The preservation of the public interest test assures that the Federal Communications Commission will give the Department's advice the most serious of consideration, as I think, by and large, history will prove they have done in the past.

At this time of reinventing Government, there is added merit to avoiding duplication from shopping around, looking to different agencies of Government to get relief.

To my colleagues who have expressed shock at the recent attacks on the Federal Communications Commission and the irresponsible suggestion that the Federal Communications Commission should be abolished, I suggest now is an appropriate time to stand up and show confidence in the independent judgment of that important agency.

Mr. President, I hope that the Senate will follow the well-thought-out and, I think, well-compromised and well-done effort on the measure that we have been debating now for some time.

Thank you, Mr. President. I yield the floor.

Mr. BREAUX. Mr. President, I congratulate the distinguished Senator from Nebraska for what I think has been a very articulate statement about his opposition to the pending amendment and why it is not necessary.

I wonder, as we have these debates on the floor, about how difficult it must be for all of our colleagues who have not sat through weeks and months and, in fact, years of hearings as a member of the Senate Commerce Committee discussing the very complicated telecommunications bills and language and amendments. I know that, as a member of that committee since I have been in the Senate, it is incredibly complicated to me. We use acronyms and talk about so many different agencies and about long distance versus RBOC's. It is very complicated for all of us, including those of us on the committee. I can just imagine how complicated it is for a Member not on the committee to come to the floor and be immersed in the telecommunications debate, trying to figure out what is right and wrong, and trying to understand a little bit about the history of this legislation, knowing that something happened several years back when we had the Department of Justice involved in breaking up the AT&T operations into separate operating companies known as the regional Bell companies. And we see that we are constantly being bombarded by all of the telecommunications suppliers in this country advertising about their services being better than somebody else's services; you will save a penny here or a penny there if you pick us over somebody else. All of this is truly very complicated. I guess there is no way to get around that, because what we are talking about is multibillion-dollar industries.

What I said at a hearing one time when we talked about one side wants to do this and the other side wants to do that, was, "Who is right?" I summarized by saying it is like all of these companies were coming before the committee and saying: I want in yours but you stay out of mine. Long distance companies were saying: I want to do local service but you cannot do long distance service. And the local Bell companies were saying: Well, I want to do long distance service, but I do not want you to come do local service. Hence, the summary of the situation being: I want in yours but stay out of mine.

I think the committee is to be congratulated for coming up with a scenario whereby we favor competition. We are going to say that the marketplace, when properly allowed to do so, can be the best regulator for the benefit of the consumer. The problem is, we have not had a telecommunications bill really since 1934. For all of our colleagues not on the committee, the reason why the judges have been involved in setting telecommunications policy in this country is because we in the Congress have really not substantially written a telecommunications bill for the 1990's. The telecommunications bill that we operate under was written in 1934. Does anyone doubt the technology increases we have had since 1934? We have had 60 years of technological developments, and we are still being guided by an act written in 1934. You wonder why we have problems in this industry and you wonder why the Department of Justice has had to use not a telecommunications statute but an antitrust statute to help set telecommunications policy for the 1990's.

The reason why it is not being handled very well in many cases is the fact that the law they are applying has nothing to do with telecommunications. It has to do with antitrust. The breakup of the Bell companies was not based on telecommunications policy set by this Congress. It was based on antitrust laws that were concerned about the size and monopolistic practices of companies in this country. Therefore, all of that was achieved in sort of a haphazard fashion. We have a Federal Judge, who, to his undying credit, has done a heroic job in trying to set policy for the telecommunications industry—Judge Greene here in Washington. He has had to do all of that because we have not done our jobs. We have never tried to come up with policy that makes sense for the nineties and the years thereafter.

I congratulate the chairman, Senator PRESSLER, and the ranking member, Senator HOLLINGS, for their long contribution in trying to come up with a bill that balances those interests, that says to the billion-dollar companies on this side and the billion-dollar companies on that side that we, for the first time, are going to create an atmosphere in this country that allows the marketplace to work and fashion what is good for the consumers and good for technology development and for the companies that provide telecommunications services. That is what this bill tries to do.

There are those who are going to argue that we cannot change the way we have been doing business because that is the way we have been doing business. We are not going to make any changes in the roles of the various agencies in Government because, well, that is what they have been doing since 1934.

I think we have to understand that, with this legislation, we are calling for fundamental changes in the telecommunications business. We are going back to allowing people to be able to compete, and there will be losers and there will be winners among the companies. But I think that the competition that we will provide will make sure that consumers are the ultimate winners in what we do with this legislation. I think it is very, very important. The role of the Department of Justice—and I have a great deal of respect for the junior Senator from Nebraska, Senator KERREY, for his comments. I understand the points they make, saying that the Department of Justice needs to be involved in order to protect consumers and make sure nobody does things to other people and other companies that they should not. I understand that. But that was appropriate when the old system existed. I suggest that that is not appropriate under the new system.

Let me give examples of why I think the Department of Justice —which is sort of the policeman or the cop when it comes to looking at various industries in this country—should not be, in this case, the policeman, cop, judge, jury, and everything rolled into one. It will still have a role under the chairman's legislation. Their role will be to enforce the antitrust laws of this country. Nothing changes in that. No one can say that this bill somehow guts the Department of Justice's role in enforcing antitrust laws, because it makes no changes in that. They will still look at the whole array of communications companies and apply the antitrust laws of this country to make sure that they are being held up to the standard that the Department of Justice says they should be held to.

But what is different is that they will not be the agency that regulates telecommunications in their day-to-day activity. They will enforce antitrust laws, yes, but they will not have to be an agency that sits back and says to all these industries, please come to us and ask if you can provide telecommunications service. Please come to the Department of Justice building and file some more applications which may take 2, 3 years to get filled out because fundamentally the system is being changed. That is the big point that I think needs to be understood by all of our colleagues who are not on the committee—that this legislation of Senator PRESSLER and Senator HOLLINGS and the majority of the committee fundamentally changes the way telecommunications policy is going to be carried out.

Therefore, under the old system when you needed the Department of Justice to enforce the law using antitrust laws, it is no longer necessary, because we have a new document, a new set of rules and regulations, as to how this industry is going to work in this country. The old way was defective. It was written in 1934. Like I said, you had to go back and find antitrust laws to come in and protect the interests of consumers because we did not have the plan, a bill, a document that made sense. This bill makes sense, and this is the new rule book. It says that the Department of Justice's role will be to make sure that antitrust laws are not violated.

Let me give some examples. When you have competition and when you have deregulation, then you do not have the same role for the Department of Justice, and that is what we are following in this legislation here today. I will give you an example with regard to the airline industry. The airline industry is regulated by the Federal Aviation Administration. They look at questions about safety and make sure that airlines are doing what they are supposed to do to make sure that they are economically sound before they come in and start servicing a particular area. When they do that, they do it in a manner that is safe to the consuming public. There is competition and there are prices, and what have you. When you want to start an airline, you do not have to go to the Department of Justice and ask, "Can I do it?" You do not go to them for a permit to run an airline in a particular area. Now, if they become involved in antitrust violations, then the Department of Justice can get in right away and say, "Shut this down; it is in violation of the antitrust laws of this country."

The airline industry, however, does not have to go and beg to the Department, "Please approve and give us a permit to serve a particular area." That has changed.

Why has it changed? Because they have been deregulated. Now competition is how they operate. As long as they do it within the boundaries of antitrust laws, DOJ is not involved in that endeavor, the FAA is, the Federal Aviation Administration.

Let me give another example; that is, the trucking industry. When I served in the other body for 14 years, I was on the Transportation Committee. We worked the Department of Transportation, dealing with the trucking industry. I was there during decontrol and deregulation of the trucking industry. A carrier today, when they want to operate, goes not to the Department of Justice to get approval. They go to the Interstate Commerce Commission and get a license to serve a particular area.

They look at the financial condition of the company. Can they operate? They look at the soundness of that company. In terms of its equipment, can they operate safely? Do they have enough equipment to do what they are supposed to do? And then they are granted permission to go out and serve areas—by the Interstate Commerce Commission.

They do not go to the Department to say "Please let us be a trucking company." The Department still has the enforcement rights of the Sherman Antitrust Act. Of course, if they violate that act, the Department of Justice can come in and shut them down.

Now, the two examples I gave, I think, are apropos to the situation we have with the telecommunications industry. We have fundamentally changed how, with this legislation, how they will operate.

We are going to allow long distance companies, which in the past have been prevented from providing local service, to provide local service. There will be more people providing local service. It just will not be the regional Bells. There can be MCI, Sprint, AT&T, and a whole array of new companies providing local service.

Guess what? In return, we will allow local companies, principally the regional Bells, to be able to provide long distance service. There is going to be competition both in long distance and there will be competition in local service.

Therefore, it is the committee's opinion, and I think, wisely reached, that we have a different set of procedures and rules that are going to work.

That is why the committee said there is a different role for some of the agencies in Government, that they are not needed to do what they used to do because there is a different setup in the competition of providing telecommunications service.

What some of the Federal agencies want, we have new players, a whole new system, but we still want to play by the old rules. We have sort of a paternalistic attitude by some of the Federal agencies that say, "Well we used do that. You mean you are going to change it? We can't do it anymore?"

Yes, because we have fundamentally changed how business is going to operate in the telecommunications business.

This committee, I think, has done a terrific job in trying to say to, for instance, the Bell companies, what they have to do to allow competition to come into the local market.

There are pages of this bill that spell it out. It is a very extensive, very detailed list of what all the Bell companies have to do to allow their competitors to be able to come in and compete.

This is extraordinary in the sense of telling private industry that this is what they have to do in order to let the competitors come in and try to beat your economic brains out. It is there on page 823, called a competitive checklist. It says a Bell company may provide long distance service if, first, they go through all of these things that they do, to allow the long distance companies to provide local service.

It is kind of almost a jump-start. You can get in my business when I can get into your business. But I will do everything I have to let you into my business, because we used to be a bottleneck; we used to be a monopoly; we used to control everything.

Now, this legislation says you will not control much of anything. You will have to allow for nondiscriminatory access on an unbundled basis to the network functions and services of the Bell operating companies network that is at least equal in type, quality, and price to the access Bell operating company affords to itself.

That is pretty long. It says we will let you do anything with our network that we do with our network that we built. It says, second, the capability to exchange telecommunications between customers of the Bell operating companies and the telecommunications carrier seeking interconnection. So they have to be able to exchange communications between the Bell's customers. That is, we are giving you our customers and you can talk to them. Go for it.

Next, nondiscriminatory access to poles, ducts, conduits, and right of ways owned or controlled by the Bell operating company. That is a very significant requirement that not only are we inviting you to come in and compete with us, but we will give you access to all of our equipment—telephone poles, the conduits, the right of ways.

You got it; you want it, come on in, you can use it, provide local service, talk to our customers, use our networks, because we want you to have access to our business. In addition, they say that local loop transmission from the central office to the customer's premises, unbundled from local switching or other services; and next, local transport from the trunk side of local exchange carrier switch, unbundled from switching or other services.

Finally, local switching unbundled from transport, local loop transmission, or other services.

All that is very complicated, but what it essentially says is that Bell operating company has to do all of these things, give permission to all your competitors to come in and use your equipment, use all of these things so you can compete for local customers, but in return for that we are going to start providing interLATA service or long distance services.

Legislation says the Commission shall consult with the Attorney General regarding that application. The Attorney General may apply any appropriate approval or any appropriate standard that they desire under their rules and regulations.

The Commission must find that the requested authorization is consistent with the public interest, convenience, and necessity.

Mr. President, I think that pretty well spells out what this bill is trying to do in terms of long distance versus local service. It spells out why I think the committee has crafted a very good proposition, one that protects the interests of the consumer.

The FCC deals with this issue like the ICC deals with transportation, and like the FAA deals with aviation. When we changed the rules in those industries by deregulation and bringing about greater competition, of course, the role of the Department was changed, as well. Like those other industries, those industries that do not have to go to DOJ to get approval or to let them say no to an application, that is not their role. Their role is to look at criminal violations, violations of the Sherman Antitrust Act. And all the other criminal rules that the Department has the authority to use when there are potential violations of the antitrust statutes are not affected at all.

What is affected is that we are putting into the FCC the proper role that it should have, like we have in these other areas.

If we look at the history of the Department in trying to approve all of these mergers, the time that they have taken to give a ruling has increased from an average pending application of 2 months in 1984 to 3 years in 1993.

No wonder we have problems making the bureaucracy work, and I suggest that that is a very good example.

In addition to having a Federal Communications Commission, we have public service commissions in all 50 States plus the District of Columbia which appropriately and properly will be involved in communication and telecommunication policies and issues, as they have been in the past.

Mr. President, I ask that all of our colleagues who are trying to figure out what is the proper answer to this very complicated process that we are involved in will just look at the history of where we have been, the fact that the committee has crafted a very balanced bill.

There were differing opinions in our committee as to what the proper role should be. I think after debate, we reported this bill out with a vote of 18 to 2. I think it is very clear that both Democrats and Republicans agree that this is by far the best approach. I would recommend it to my colleagues in the Congress.

Mr. PRESSLER. Mr. President, I received word that the leadership would like this matter to be voted on at about 6 o'clock, for the notification of all Senators. That would give Members 2 hours.

I shall have more remarks, but I will yield to other Senators. Those Senators wishing to speak on the Dorgan amendment should bring their speeches to the floor.

The PRESIDING OFFICER (Mr. GRAMS). The Senator from Nebraska is recognized.

Mr. KERREY. Mr. President, I inform the Senator from South Dakota, I object to the time of 6 o'clock. We should talk about it.

Mr. PRESSLER. Why would my friend object? We debated Friday afternoon and today. We are trying to move this process along.

Mr. KERREY. I understand we are trying to move the process along. It is not so much that I have an interest in debating this all night long. It is that there have been requests from a number of people who indicated they prefer to stack votes and vote tomorrow morning. I am obliged to tell you I think that is not an unreasonable request.

Mr. PRESSLER. I am a great admirer of my friend and I plead with the Senator, we must move forward. I received word that there are many who would like to vote at 6. We will have to resolve it, perhaps in a private conversation. But for purposes of other Senators in their offices, it is our intention to try to put this to a vote at 6 this evening.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. HOLLINGS. Mr. President, let me join in the desire of our chairman here to get a vote this evening. When we broke on Friday the understanding was we would vote at 5 o'clock, perhaps. Not specifically on this amendment. We would have votes. This is the amendment that is up. We discussed it some, actually, on Thursday; all day Friday. This has been a crucial amendment.

I guess the world is not going to end if we put it over to tomorrow morning for this particular Senator. But you could not call a vote at 6 o'clock, or 7 o'clock, or this evening at all, unreasonable. Because we have debated. We look for the Members to come and join in.

In fact, it has been debated on the telephone all weekend long. Because the pressure has been on. As a result, now, the Senator from North Dakota and the senior Senator from South Carolina have gotten together on the one amendment to get the best vote, I take it, possible on this particular issue.

With respect to the issue, Mr. President, I hearken back to the hearings we had over a year ago. We commenced with the Secretary of Commerce, Secretary Ron Brown. The reason I refer to this is we are constantly being admonished: Wait a minute, you voted for this last year. Wait a minute, you voted for this last year.

I wish I could be as charming as the distinguished Senator from Illinois, the former minority leader—momentarily I think he may have been majority leader but he was mostly minority leader, Senator Everett Dirksen. And he said—I think he was quoting Emerson, "Consistency is the hobgoblin of little minds."

So, yes, the Senator from South Carolina voted for this last year. However, the Senator from South Carolina, and referring to Secretary Brown's appearance in February of last year—I refer on page 40:

> Secretary BROWN. Well, I certainly respect that view, Senator Danforth, and the one expressed by the Chairman. It is our view that VIII(c), administered by the Department of Justice, which has a good deal of experience, as the Chairman points out, would achieve the purposes of the committee and achieve the purposes of S. 1822. That is the only difference we have. We have the same goal.

Mind you me, S. 1822 did not have the Department of Justice as a checkoff at all when I introduced S. 1822, after much discussion with many of the Members.

"The Chairman," as I was acting chairman at that particular time:

> You are suggesting that this be administered by the FCC and the Department of Justice?
>
> Secretary BROWN. That is correct, Senator.
>
> The CHAIRMAN. Well, that is the basic difference, then. You want two entities to start administering communications.

Going on over two or three pages at the bottom of page 43, because here we have at the present time the law with respect to telecommunications is unchanged, as respects the Department of Justice. Section 2 of the Sherman Antitrust Act is untouched, absolutely untouched.

Let me emphasize that. That is where the so-called Department of Justice got all of this wonderful experience that we keep hearing about. They have all of the experience over the years and they have the marketing expertise and what have you. So, on page 8 of the bill, if you follow now, on 8 of the bill down at the bottom on section 7,

> Effect On Other Law . . . nothing in this Act shall be construed to modify, impair, or supersede the applicability of any antitrust law.

Mr. President, you cannot say it more clearly than that. I elaborated on it in the committee report and I turn to page 43 wherein:

> The FCC is required to consult with the Attorney General regarding the application during that 90 day period. The Attorney General may analyze a Bell operating company application under any legal standard (including the Clayton Act, Sherman Act, other antitrust laws, section VIII(c) the [modified final judgment], the Robinson-Patman Act, or any other standard).

You see, that had not changed and is not changed by S. 652. So what we were trying to do, and as I pointed out as we started out on S. 1822, was to cut out the duplication, and certainly not give authority for regulation to the Department of Justice. The Department of Justice is a law enforcement department. In fact, under Sherman, Section 2 of the Sherman Antitrust Act, are civil and criminal penalties. I said when we started on this last week the telephone companies were not a bunch of criminals and there was not any reason to start getting them—yes, there is a difference. My distinguished colleague from Nebraska says get a different lawyer. You bet your boots you get a different set of lawyers. It is just like going to a doctor for a broken arm, on the one hand, and going to a doctor, on the other hand, for diabetes. They do not know anything in broken arms about diabetes, and diabetes cannot set any broken arms.

Similarly, in the legal profession, if you are going before antitrust, I can tell you now as I have had to face antitrust lawyers and this particular attorney was not expert, I had to go up to VanSeiss, in New York, for a solid week seminar, because we did not have any particular antitrust lawyers in Charleston, SC, at the time that were willing to take this case. I told the prospective client, I said, "Wait a minute I am not an antitrust lawyer. I am not steeped in that particular discipline."

I had met VanSeiss and he had a seminar, and we buddied off, my law partner and myself, for a week's seminar and came back and figured we learned enough not only to defend but to prevail. But that is another story.

But I can tell you from hard experience, the answer is "yes." You do not get the same lawyers before the FCC, necessarily, and the same lawyers before Justice and the Criminal Division of section 2 of the Sherman Antitrust Act.

The Clayton Act, in all fairness to the amendment of the Senator from South Carolina, Senator THURMOND, that deals strictly with civil penalties, with the matter of measuring whether there is excessive competition that could lead to extensive—not competition but monopolistic practices.

But in any event, let me refer back to page 43 of the hearing committee record so everybody who is interested about how we change—you are going to tell how change comes about. The chairman, which was Senator HOLLINGS, said, and I quote:

> Well, let me just comment on the matter about antitrust because I did discuss with Anne Bingaman this particular bill before it was introduced. And I made it known to her that, and she well knows I recommended her for the position of Assistant Attorney General in charge of the Antitrust Division. She is a breath of fresh air. I am the appropriations chairman of the Antitrust Division of the Justice Department. I have been dealing with the moneys for this Antitrust Division of the Justice Department for numerous years, and I can tell you categorically we are way behind the curve in this particular field. And she has got more . . . grace . . . the FCC has its responsibility. On that basis, trying to eliminate lawyering, trying to eliminate the delays, trying to simplify the procedure, we really do not need more of a role for the Department of Justice other than consultation. Well, there is an egregious situation of monopolization . . . they do consult, and we put that in there. But otherwise we did not want to get into Justice and get into the Judiciary Committee and get bogged down.

That is exactly where we had intended, as I said at the very beginning, the one-stop shopping. But the White House disagreed, and the Justice Department disagreed, and numerous Senators disagreed, and the task of a chairman of a committee is to get the best product you possibly can so long as you do not do injury to the overall goal of deregulation and fostering competition.

So I went on in the bill S. 1822. But those who continually say, "Well, you voted, you voted—last year. You should be admonished." Rather than admonishing me, my original intent as the chairman of the committee was to do just as Senator PRESSLER has provided in S. 652. So in S. 652 we provided the one-stop shopping at the Federal Communications Commission. The Department of Justice is totally unhindered and unaffected with respect to their antitrust responsibilities and authority. There is no question about that. No one has raised that question. They are seeking in the amendment additional authority and responsibility, which I think very positively confuses the situation and constitutes a bad amendment.

Why do I say that? I say that for this language here in the Thurmond-Dorgan amendment. It says the "FCC, in making its determination whether the requested authorization is consistent with the public interest, convenience and necessity, the Commission shall not consider"—listen to this—"the Commission shall not consider the antitrust effects of such authorization in any market for which authorization is sought."

I am your lawyer. You have a communications company. You come to the lawyer and say, "Lawyer, tell me. What about this thing?" I say, "Well, it says it should not have any authority at the FCC over any antitrust section of marketing, in any market for which authorization is sought. However, we know marketing forces and we know forces of competition. And we know measuring market competition. You have an affirmative action responsibility empowered in the FCC by S. 652." I say, "It is the present law," or the law as my client would come to me. And I say, "They have to do all of this unbundling, dialing parity, interconnection, number portability." And I list all of these particular things. "You have the public interest section in here about marketing. Yet, you have a section in there that says you cannot touch the marketing thing if they reflect antitrust. Well, marketing competition, antitrust marketing competition, could be, as we lawyers say, the mime shows, or the same thing."

I can tell you here and now you have a bad amendment where they are jockeying around to get Justice into this and mess it up. I can tell you, leave the Justice Department Antitrust Division, leave section 2 of Sherman antitrust, leave section 7 of the Clayton Act, leave all of those things as they are. S. 652 does. But do not come wandering down the road with dual committee jurisdiction, dual jurisdiction, two types of attorneys, and everything else. And about the time, if you were going at the same time and think you are making progress now with respect to the Federal Communications Commission, after, say, two or three hearings, some antitrust lawyer gives out a release, saying, "Well, we are concerned about the XYZ communications company getting into this section 2 of the Antitrust Division," it will stop. Boom. It goes right straight on down because you have the criminal department of the Justice Department, the law enforcement department, it is not regulatory, the public is confused, the market is confused, the Congress is confused. It is a bad, bad amendment. And let us not talk about where the expertise is.

I want to relate to the function now of the Federal Communications Commission. The Federal Communications Commission for year on end was to maintain a monopoly. They were there to protect AT&T and its monopolistic Bell companies. Today, we are supposed to protect the RBOC's in a general sense. That has been the primary function in the Federal Communications Commission. But getting in the 1960's, due to the pressure of Congress, the market and the evolving technology, in 1969 the Federal Communications Commission separated out the equipment from services somewhat as was later done with the modified final judgment in AT&T. We began to sort of measure competition and market forces.

Then in 1971, the Federal Communications Commission allowed competition for long distance services. Then in 1980, for the computer industry to get in, they provided competition for information services. That is the computer services and information. Then in 1990, the Federal Communications Commission approved video dial tone in competition for the cable companies, which, in short, allowed the telephone companies to get into the cable business.

Most recently, last week—I will get that decision because we have it all lined out here—I think this is powerfully interesting, the Federal Communications Commission was taken to the Circuit Court of Appeals for the District of Columbia in the case of the Warner Entertainment Co., petitioners, versus the Federal Communications Commission.

I wish you could read the lawyers. They are talking about lawyers. This is what we are trying to do. Look. They have three pages of lawyers in this thing; three, four pages, lawyers upon lawyers upon lawyers. I could interest the U.S. Senate no end about the lawyers for Warner Entertainment Co., for the Cable Television Association, Inc., for petitioners from the city of Austin and Dayton and King County, WA; Miami Valley Cable; Montgomery County, MD; St. Louis, MO, and the lawyers for the Cable Telecommunications Co.; Larry Tribe, and everybody else for Bell Atlantic, and on and on.

You talk about not getting lawyers in the Justice Department. There are lawyers coming out of my ears in one decision. Guess what the court said in this decision.

> With respect to rate regulation, Congress determined that local governments should be permitted to regulate only the basic service rates of those cable systems that are not subject to effective competition.

Yes. Measuring market forces, measuring market competition. You have heard all afternoon, "Wait a minute now. The Department of Justice is the expert on measuring market competition. The FCC over here is with megahertz, some kind of radio technicians and TV aerial boys. They do not know anything about marketing competition." That is absolute nonsense.

Here is the most recent decision on measuring market competition saying that they did an outstanding job. The Federal Communications Commission struck an appropriate balance between the competing interests of the cable companies and their subscribers in violation neither of the 1992 Cable Act nor of the Administrative Procedures Act. It is listed as one of the FCC's most significant legal victories because it is stated here—and it is the best wording I thought—that not only the Government—I will have to read that part. I wanted to refer to it. But they did an outstanding job in substance, take my word, and we will put the decision in the RECORD.

The Federal Communications Commission did an outstanding job in measuring competition—that is everybody in the world about measuring market competition.

I think it is highly significant that we do not start dividing the roles in your mind. The role of the Justice Department and the Antitrust Division is law enforcement, antitrust law enforcement, under 2 of Sherman, civil and criminal, civil and criminal penalties. I can tell you here and now that is the fundamental basis of the modified final judgment. That is untouched by S. 652.

What is suggested by the amendment is that we want to start superimposing a whole new series of hearings. About the time you think you can get through the FCC, here is the Congress that has come to town and said we are going to reregulate, we are going to let market forces operate but, oh, by the way, we are going to put the law enforcement into the regulatory and have two regulatory bodies. Here we are getting rid of the ICC because other than railroad mergers it has become deregulated—and the trucking industry. Here we have done away in a general sense with the Civil Aeronautics Board. Mergers, that is under the Justice Department, but under regular routes and approvals and gates and slots and safety we have the Department of Transportation and the Federal Aviation Administration. In communications, we have the Federal Communications Commission and they have talent coming out of their ears over there on measuring market competition.

So the section 7 of Clayton under the Thurmond amendment of trying to determine substantially lessening competition is another market measure that the FCC has to make. That is why we wrote this bill this way. We are trying to get market competition. And we certainly do not want another division of government coming in. At one time they had it written so you had the Federal Trade Commission because under section 7 of Clayton you have both the Federal Trade Commission and the Justice Department.

And for a while, reading this thing, they had the Federal Trade Commission, the Justice Department, and the Federal Communications Commission, and then refer it to Congress and let them have a hearing and the Congress will say let us get a commission and study like we have done with Medicare. Come on.

Let us kill this amendment here once and for all and do not act like it is anything other than what it is. We have not affected the fundamental responsibility and authority of the Department of Justice. The amendment is a jerry-built amendment of two interested Senators trying to get the Judiciary Committee on the Senate and House side with a say-so. They had a similar move over there. They have not reconciled it over on the House side. But it is bureaucracy at its worst. That is why you cannot come to the Government and you need a Senator to go through and lead you through here and lead you through there and everything else of that kind. Let us just get the one place, the one-stop shopping and say come in and here is what you have to prove and here is the entity that has the expertise and they will have it. And we will have the money for them. They made 7 billion bucks the other day in an auction so we have plenty of money at the Federal Communications Commission to do this unbundling, dial parity, nonportability, interconnection, public interest standard, measuring market forces and its competitive nature.

We have all that and let us put it in one place. Let the lawyers get this in one place. Let them get a formative decision. And if at any time the Justice Department finds, as they did against AT&T in the 1970's, and they started in and they went with the antitrust procedures and everything else of that kind on law enforcement enforcing the antitrust laws, fine business.

I admire the Justice Department, particularly the Antitrust Division, particularly Assistant Attorney General, Ms. Bingaman, who has been in charge. She has done wonderful things with Microsoft and many of the other cases, and she has plenty of work to do without adding more on now to have another regulatory commission or body resolved into the Antitrust Division of the Department of Justice and come in, walking down the same street, measuring market forces and everything else. There is no separation, as they say, where we have the technology and the technicians and the experts with respect to megahertz and TV towers and radio frequencies and all of these other things, whereas they measure the market.

On the contrary, the FCC has not only measured the market but measured it most successfully according to the circuit court of appeals just last week. I think we ought not to come in particularly with this phrase in here, where here we have the FCC with responsibility and they come in with the phrase that is devastating. It says here—people do not study these amendments that you have to read.

Look at that amendment. I hope they can get a picture of that thing. You need a civil engineer and a compass, not just a lawyer. But it says here:

> In making its determination whether the requested authorization is consistent with the public interest, convenience and necessity, the Federal Communications Commission shall not consider the antitrust effects of such authorization in any market for which authorization . . .

Well, the antitrust affects all within the marketing measurements that we have in here with the unbundling and the checklist and everything else, plus the public interest. So how in the world can they do half a haircut at one department and another half a haircut at another department and call this good law? It is a terrible amendment and it ought to be killed.

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. Mr. President, I rise in strong opposition to this amendment.

I recommend that my colleagues in the Senate carefully consider the implications of this effort to grant an unprecedented role to the Department of Justice. I happen to have the privilege of serving in the U.S. Senate now, but I once had the responsibility of being attorney general for the State of Missouri. I hope that my comments as an enforcement officer of an antitrust unit carry extra weight as we examine these very important issues.

We have heard the word "power" used often in this debate. On Thursday morning in summarizing this bill, S. 652, one Senator said, "It is about power, Mr. President, power to do what they want to do."

I see it differently, Mr. President. Let us make no mistake about it, this bill is about change. This is a bill which allows us to look at the future and embrace it. This bill will allow us to look at the technology and opportunity and creativity of the future and take advantage of it. This amendment is about power, and this amendment would layer bureaucracies in the face of change.

Those individuals who want to set another layer of bureaucracy on the communications industry and upon the technology, creativity and innovation, those who would sponsor this kind of an amendment that would place lawyer after lawyer of the Justice Department in this mix, are individuals who have gone to the precipice of the future. They have looked into the future, and they are running back in fear, running for the old ways of saying that we need Government to protect us from the system of competition.

The truth of the matter is, nothing could be further from the truth. For what we have seen not only in the cellular area, where we have had competition, but in the long distance area, where we have had increasing competition, is that we do not need protection from the competition. Certainly not multiple governmental bureaucracy protection. We need to let competition help us to have the lower rates in local telephones which we have found in the long distance area. We need competition to provide for us the benefits, as in the area of cellular phones, which competition has been very valuable to us in improving our opportunity for service. So competition is what will help us, and competition in the context of regulation under the Federal Communications Commission, but not with the needless layering of bureaucratic regulation by the Justice Department.

George Gilder is an individual whose name has already been mentioned in several of the conversations in the debate, particularly by the Senator from Alaska. Before publishing his more recent volumes about computers, microcosms, and telecosms, Mr. Gilder wrote:

> In every economy, there is one crucial and definitive conflict. This is not the split between capitalists and workers, technocrats and humanists, government and business, liberals and conservatives, or the rich and poor. All of these divisions are partial and distorted reflections of the deeper conflict: The struggle between past and future . . .

The truth of the matter is, we are confronted again by a struggle between the past and the future, between the existing configurations of industries and the industries that may someday replace them.

Gilder goes on to say:

> It is a conflict between established factories, technologies, formations of capital, and the ventures that may soon make them worthless—ventures that today may not even exist; that today may flicker only as ideas, or tiny companies, or obscure research projects, or fierce but penniless ambitions; that today are unidentifiable and incalculable from above, but which, in time, in a progressing economy, must rise up if growth is to occur.

I believe that is the division we see today. It is the division between those who want to protect us from the future and from those who want to capitalize on the future. It is a division that divides the people who want to embrace the past and those who want to accelerate the future to bring the benefits of the communication age to the American people and to protect the capacity of the American worker to continue to provide the very best, the foremost, the cutting edge of communications technology to the technology industry worldwide.

Mr. President, George Gilder wrote in 1981 about the division of the past and the future, but I believe we are unlikely to find any better explanation for the intense activities surrounding this bill. Both in Commerce Committee sessions and on the floor, one Senator after another has testified to the extraordinary attention given this single piece of legislation. Most Senators imply what the Senator from Arizona said in his opening remarks last week that never before has there been such intense and continued and high-priced lobbying. I imagine that the two managers must have felt the urge last Wednesday evening to stand up and say, "Mr. President, I rise to bring S. 652 kicking and screaming to the floor of the Senate."

These two Senators, along with other senior Senators on the Commerce Committee, have fought the telecommunications battles longer than I have even been aware of them, and the counsel of experience rings through their testimony. This is no ordinary bill. The stakes are higher than any of us can quantify. This bill is fundamentally about change. As Mr. Gilder told us 15 years ago, change is always the definitive conflict.

So, Mr. President, with these thoughts in mind, I want to focus on the amendment we are now considering, the compromise between Senator DORGAN of North Dakota and Senator THURMOND of South Carolina. Unlike the bill in general, this amendment is not about change in our world, but about power in our Government. It is about the power to choose the winners and the losers in our economy, to stand above the marketplace and to play gatekeeper.

I think it is important for us to resist that temptation, to resist the idea that Government should somehow choose the winners, choose the losers; that the pollution of politics would possibly infect those who would succeed and those who would fail. Let us have a level playing field, let us have a clear competition, let us let the marketplace make those decisions.

The purpose of this amendment is to stand between the marketplace and the people. It is to play gatekeeper. The purpose of the amendment is to hand to the U.S. Department of Justice unprecedented power in shaping the future of the telecommunications of America. This is not a light matter. This is not a matter of no consequence. This is an unprecedented power that Congress has never before granted to anyone.

Supporters of this amendment have been asked to give us a precedent for their proposal, but they have not provided one. As we have learned from the debate last week, the precedent is not to be found in the MFJ decree. Justice only has an advisory role in the court action of Judge Greene, the same role that is reserved and preserved in this bill in its current form.

It is not in our best interest to elevate or escalate that role. I will not get into the entire argument here; however, it is worth mentioning that a very insightful colloquy took place on this floor last Thursday night. I encourage all Senators to read the outstanding arguments presented by the two managers, the Senator from South Dakota and the Senator from South Carolina. This issue should have been put to rest that evening. But proponents of the amendment press ahead, ignoring the experience of those Senators most able to judge whether or not balance has been reached in this bill.

Senator HOLLINGS stood up and admitted he is a good witness to settle this case. I wish the other Senators would accept this.

I do wish to briefly comment on a specific argument that was suggested Thursday night that handing the Justice Department unprecedented authority is somehow justified because we are passing unprecedented legislation. Throughout this debate, that particular argument has been advanced by a Senator, and that Senator has advised this body to proceed with caution on such a monumental piece of legislation. We should instead have caution before putting the Justice Department and its lawyers into a historic role of replacing Congress as the Nation's policymaker.

The transition from monopoly to competition requires great care. Indeed, it requires clearly defined parameters. For this reason, we have developed a substantial checklist. It is in the legislation. It is here in specific detail. The checklist requires safeguards, so we put safeguards into the bill. Some have suggested that it requires experienced counsel, so we provide for an advisory role by the antitrust experts at the Department of Justice.

Let me emphasize this final point about the advisory role. We provide for an advisory role by antitrust experts, as the Department of Justice. Contrast this to what the others are saying. Some Senators believe that the lawyers at the Justice Department are the only experts in competition in this country. I quote from a statement made last Wednesday evening.

> Lawyers from the Justice Department understand competition. The Antitrust Division of DOJ understands where and when competition is, and they are about the only ones in this town that, at least by my measurement, are out there fighting to make sure the marketplace is in fact working.

That argument was made on the floor of this Senate. Mr. President, I find this statement hard to believe. If the Justice Department is the only entity in this town, or in America, that is fighting to make sure that the marketplace really works, why do we not hand over micromanagement of the entire economy to them? You could extend the logic of this amendment from the telecommunications industry—it is an important industry—if you have to have the Justice Department micromanaging that part of Government, why not apply it to all other commercial industries? Why not start with all of the other departments within the Antitrust Division—transportation, energy, agriculture, computers, finance, foreign commerce, professions, intellectual property—take the professions divisions. Do we hear the call from Congress to regulate lawyers from entering different types of practice? Can you imagine the uproar if Congress proposed to have the Department of Justice determine when each law firm could practice different types of law? Well, we do not have to imagine what they are proposing here. What they propose is to single out the most dynamic economic sector of the American economy, the sector undergoing the most rapid and dramatic change, the sector in which we have perhaps the most dramatic competitive advantage in a marketplace—a productive competitive marketplace, the world marketplace—and they want to add the ingredient of governmental cement to the process. We do not need to freeze and to repress the developments in our industry, we need to energize them, and having the Federal Communications Commission there is enough regulation, particularly when you have the Justice Department with its ability to be advice givers in antitrust.

Then we are told that we should not fear more governmental involvement in the private sector. This is not some "big bureaucracy," one Senator said. They only have 800 lawyers over there at the Antitrust Division. Imagine that, Mr. President. We are trying to convince the American people that a group of 800 Government attorneys are going to be helpful in providing productivity and competitiveness for our telecommunications industry. In fact, we tell the people that if these 800 lawyers do not help us by picking the economic winners and losers, then the fastest growing industry will fail and rain unknown harm on American consumers.

Well, let us consider, stop and take a look at some of the decisions we have made in this bill that were influenced by the present policies of those 800 lawyers at the Department of Justice. Let us see if their past performance leaves us with nothing to worry about. Take the GTE consent decree. In 1982, GTE purchased a company called Sprint. The Department thought that these two companies getting together providing local and long distance services could be dangerous to competition, so they said that GTE, before the acquisition of Sprint could take place, would have to agree to a consent decree, with which the company complied. With that consent decree, 10 years later, in place, GTE had disposed of all the Sprint assets, and had divested itself of the entire acquisition. But the Justice Department refused to lift the decree.

By 1992, GTE was essentially the same company that had existed before it had purchased Sprint when it had operated without the oversight of the Justice Department and its army of lawyers. But was the Justice Department willing to relinquish its control over a private business once the bureaucracy had worked its fingers into the situation? Obviously not.

The Justice Department would not lift the decree, and has not lifted the decree to this very day, in spite of the fact that the acquisition of Sprint was the reason for the decree, and the divestiture of Sprint happened years ago. And GTE has returned to the kind of company it was prior to the acquisition. This issue of Sprint was a high priority for me during the course of drafting this bill. If Justice was not prepared to act properly on this matter, then I felt Congress should not reassert the authority of the Justice Department. I am happy to say that having passed the majority leader's deregulation amendment last week, the Senate has finally removed GTE from the micromanaging influences of the Department of Justice.

Please note, Mr. President, that the GTE consent decree was lifted by Congress—or will be lifted by Congress, not by 800 of the so-called I-am-here-to-help-you friendly lawyers at the Justice Department.

In a case similar to the GTE case, a company called AirTouch has been relieved of its restrictions by this bill. This was a cellular carrier, once a subsidiary of PacTel. It has been an independent, publicly traded company since April 1994. Again, Justice would not remove the MFJ restrictions that were reserved for Bell companies. Again, Congress lifts the restrictions in this bill.

It might be interesting to add here that after AirTouch submitted an opinion at Justice stating its position that it was no longer bound by the MFJ, a competitor in the long distance market filed a letter opposing MFJ relief for the cellular carrier. We cannot say for certain whether pressure from a long distance carrier played any role in the inaction of Justice—their failure to relieve AirTouch of the restrictions. We can say for certain that this is the exact type of legal and political pressure that will be finding its way into an inhibition of the productivity and competitiveness of the telecommunications industry if we layer bureaucracy upon bureaucracy, intermeddling, and seeking to micromanage what the marketplace can properly regulate. We can say for certain that we do not want this type of legal and political pressure, which would be intensified to a degree beyond comprehension if Justice is put in the position of deciding MFJ relief for all Bell companies.

I am not saying, by any means, that 800 friendly lawyers at Justice do not know what they are doing. I am sure that they are experts in antitrust matters. Again, this amendment does not ask them to investigate antitrust. It authorizes them to implement congressional policy.

The question is whether this is the proper role of Justice. I think the answer is clear, and I think the answer is resounding. I think the answer is simple. I think it is time for the Congress to make that answer unmistakable. The answer is no. Let Justice continue its role as a prosecutor of the Sherman and Clayton Acts.

Let us consider another example in the cellular phone industry. As we all know, several years ago in every city and town, two licenses were granted for providers of cellular phone service. In each of the seven Bell service areas, the incumbent Bell company was granted one of the two licenses. But the playing field was not even. One of the great advantages of cellular is its independence of the traditional landline and wire infrastructure. Cellular operators are not subject to the limitation of the LATA boundaries. They are, by definition, mobile phone systems. This allows some cellular companies to offer creative price discounts to their customers. I say some companies are allowed to offer these creative price discounts, because others are not. In each service area, some carriers can offer customers one price for all calls, whether they are local or long distance. Some carriers cannot. The law says so.

The Department did not act to change this policy. A combination of court decisions and the Department's inaction has left Bell cellular affiliates unnecessarily restricted to its wireline boundaries, while non-Bell competitors enjoy the complete benefits and flexibility that the wireless world presents.

In fact, an interesting case developed that led to an incredible situation in Arizona. The non-Bell cellular carrier could offer the entire State in Arizona as a local call. The Bell affiliate could not, bound by the rules that govern wire transmissions. When the non-Bell operator sold its license to another Bell affiliate, that Bell affiliate, having purchased the cellular company, could no longer offer the entire State as a local call. Even though it was not even operating as a cellular carrier in its own landline region, the Bell affiliate operating in another part of the country had to respond to criterion that governed, according to the Department, its own operation in the area of the landline.

So on one day, the cellular customer in Flagstaff could call Tucson for the price of a local call. Because the company that he was using was bought by a Bell company, the next day they were charged long distance rates.

Now, the customers in Arizona were denied substantial savings because of the Department policy. It is that simple. That kind of officious intermeddling, micromanagement is counterproductive, distorting competition rather than promoting competition, and costs consumers benefits.

The Department did not move aggressively to end this disparity. It is still undecided now on how to proceed.

Making the decision is one of the tough things. The marketplace makes decisions efficiently and effectively. I believe competition also rewards those who make the right decision in the marketplace.

The Department is not the group which, in the words of one Senator "is out there fighting to make sure that the marketplace really works" in that sense. The Department in Arizona and other cases like we just mentioned really stood between the benefits and the marketplace and the consumer. The Department denied Americans the opportunity to benefit from competition that we all believe brings out the best in each of us and the best in industry.

Mr. President, once again, Congress must act to correct this senseless policy. Parity has to be reinstated, and Congress has a choice. Either we lift all restrictions on cellular carriers so that there be a level playing field, allowing cellular phone operators and proprietors of cellular companies, saying any call you make is like a local call. Or we could extend the artificial restrictions to all carriers.

Now, the bill that we have here lifts those restrictions. This bill lifts all restrictions on the cellular industry and allows the cellular provider to say: Go ahead, make a long distance call for the same price a local call.

Congress acts in its proper role, and the FCC is instructed to implement that policy.

Supporters of this bill have expected the delicate balance contained in the bill to be severely tested. The first test was on the definition of public interest. There are many who think that 14 criteria are enough, and that should do it.

There was a balance struck in the development of this bill. That balance was that we would protect the public interest by adding a definition including the public interest.

I must admit, Mr. President, I find merit with the arguments of the Senator from Arizona, [Mr. MCCAIN], among the cosponsors of the amendment that sought to take that public interest out of the bill.

I am uncomfortable with the breadth of the term "public interest," and I would otherwise prefer that we leave as little room for subjective analysis as possible; that the Congress, representatives of the people, actually specify the policy, and that policy be carried out by the FCC.

But the managers called for a balance and they vowed to defend the balance. They are to be commended for defending that balance. I cannot think of two Senators who would better understand this matter than the two Senators who bring this bill to the floor. They may have brought it here kicking and screaming. This has been a hard bill to put together. They deserve our support in maintaining this balance.

This amendment is one of the most serious assaults on the bill's balance. A vote in favor of this amendment would not only destroy the balance of the bill, it would destroy the reason for having the bill, and that is to promote more competition and to extricate from this arena the heavy hand of Government.

The idea that when we look into the face of the future, we are so gripped with fear, we not only have to have regulation, but we have to have layered regulation, is an idea that we need to reject.

Let me leave a few final observations. The committee has heard from over 30 entities with a direct involvement in this legislation. Senator HOLLINGS, to his credit, went through the entire list last week.

Sure, it involved some big companies engaged in big battles. We even have present monopolies battling against former monopolies. The Baby Bells are battling against AT&T, Mama Bell.

But the American people know who has the biggest monopoly of all. The biggest monopoly of all is the monopoly of Government. The biggest battle of this bill is not between the Baby Bells and Mama Bell, and the long distance companies and the local exchange carriers; the biggest battle is found right here in this amendment. It is between the Congress and the Department. It is a battle over who sets policy in this country.

I received a copy of a letter sent to Chairman PRESSLER by Henry Geller, former communications policy advisor under President Reagan, who also happened to testify at one of the committee hearings. If the chairman has not already done so, and if the Senator from South Dakota does not mind, I would like to submit the entire letter for the RECORD. I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HENRY GELLER, COMMUNICATIONS
FELLOW, THE MARKLE FOUNDATION,
Washington, DC, June 7, 1995.

Senator LARRY PRESSLER,
Chairman, Senate Commerce Committee, Russell Senate Office Bldg., Washington, DC.

MR. CHAIRMAN: We are disinterested parties who have participated in the legislative process leading to S. 652. We address here the question of the appropriate role for the Department of Justice on the issue of entry by the divested Bell Operating Companies (BOCs) into the interexchange (IX) long distance and manufacturing markets. We urge that it would be an inappropriate and seriously flawed process to give Justice a decisional role.

The Department and the antitrust court were necessary to effect the break-up of AT&T. But that court, using the Department as its "staff", is now engaged in essentially regulatory activity—namely, the terms and timing of full entry by the BOCs into all sectors of telecommunications. The FCC, as the expert agency with centralized authority in the telecom sphere, is engaged in the same area, but under an antiquated law.

A main thrust of the pending legislative effort is to remove the antitrust court from the regulatory policy making process and to have the important policy guidelines set by the Congress and implemented by the established Congressional delegatees in this field, the FCC and the State commissions (with the FCC steering and the States rowing). That is the sound approach of S. 652.

Justice, however, argues strongly that it should continue to have a decisional role on the two remaining MFJ issues—IX and manufacturing—and should apply an antitrust standard to these issues. But that makes no sense at all. If these matters are to be settled under antitrust law, there is no reason to remove the antitrust court or the appellate court—to, in effect, leave the "staff" as the decisional point in the antitrust field. The whole point of the legislative exercise is to end the antitrust chapter and in its place to substitute Congressional guidelines implemented by the traditional regulatory scheme. Stated differently, with the antitrust court removed, what is left is a regulatory scheme. Justice's role is to prosecute antitrust cases—not to be a regulatory agency duplicating the FCC, so that there will now be two regulatory agencies.

This is not a new position for us. In a 1989 Report to the Benton Foundation on the Federal regulatory structure for telecom, the same analysis and conclusion—that this is a "cockamamie policy arrangement"—are set out in the context of the then contentious issue of BOC entry into the information services. The pertinent discussion is attached as an appendix. We particularly recommend perusal of the 1988 statement of Assistant Attorney General Charles Rule, who was then in charge of the Antitrust Division in the Reagan Administration.

The Department asserts that it has developed considerable expertise on the issues involved. Of course it has. It can fully bring that expertise to bear in submissions to the FCC. As a party respondent in any appeal from an FCC decision, it can make known its position to the appellate court (and indeed it can appeal in its own right). It can participate fully in any oversight proceedings of the Congress. Finally, it continues to have broad authority under the antitrust laws to prosecute anti-competitive conduct that it regards as violative of those laws.

The Department's expertise is thus not lost at all. What is to be avoided is for the Congress to establish two regulatory agencies at the Federal level to deal with the regulatory problems of BOC entry into the IX manufacturing fields. Such duplication constitutes bureaucratic layering that the Congress and indeed, the Administration should avoid.

The Administration, perhaps unconsciously, may be motivated by what is a common phenomenon in this town—protection of "turf." There is no question as to what is motivating the opposition of private opponents of BOC entry. The more hoops the BOCs have to jump through—the more decisional hurdles for them, the more chance there is of delaying their entry and thus delaying having to face their competition. We do not blame the opponents for this effort: As the late Senator Magnuson wisely said, "All each industry seeks is a fair advantage over its rivals."

But if the Administration for reasons of "turf" has lost its way, it is all the more reason for Congress to adhere to sound process. We hope, therefore, that S. 652 follows the appropriate procedure now set forth in the bill.

Thank you for your consideration of our views on this important issue.

Sincerely yours,

HENRY GELLER
(For Barbara O'Connor).

Mr. ASHCROFT. I would like to share the key point expressed:

> A main thrust of the pending legislative effort is to remove the antitrust court from the regulatory policymaking process and to have important policy guidelines set by the Congress and implemented by the established congressional delegates in this field, the FCC and the State commissions. . . . That is the sound approach of S. 652.

In closing, what is the role of Congress, if not to set policy? Mr. Geller goes on to ask the same question I asked today. He put it this way:

> If these matters are to be settled under antitrust law, then why are we passing this legislation? One Senator keeps mentioning the length of this bill. Well, we could reduce these 140 pages down to one simple paragraph and let the Justice Department take over from there. But that is not what we want to do, nor is that what we ought to do. That is not to be the case because the role of Justice is to prosecute cases, not to manage or micromanage industry. Congress has the role of setting national policy. These two roles are fundamentally different, and I know which one I expect to fulfill on behalf of the people of Missouri. I will not vote to transfer policymaking to the Department of Justice, and I encourage the Senate to reject this amendment.

Mr. President, in closing, I offer an observation: We are debating fundamental differences in attitudes. Some Senators say the competition is not the best regulator. I say the American people are the best regulator. Some Senators have looked into the future and they recoil in fear. They argue that the American people are afraid of the future, that they are begging for Government to protect them from the unknown.

I have more faith in the American people. That faith springs from my belief that the enterprising spirit of our people will reap immeasurable benefits in our country, especially in this exciting industry.

We do not wait for a busload of citizens to march into our office and demand this bill. We should pass this bill because Congress must also let the people have the benefits of the 21st century. We should pass this bill because this bill will provide a basis for our competitiveness and productivity, and the growth of this industry is vital to our future, and the benefits will go to every citizen in America.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Mr. President, I have been discussing the situation with the Senator from Nebraska, Senator KERREY. As I understand it, he would be willing—I do not want to cut anybody off. This is an important amendment, as I said on Thursday and again on Friday. If we could agree that we could take up other amendments and then move to table the Kerrey amendment, say at noon tomorrow, would that be satisfactory to the Senator from Nebraska?

Mr. KERREY. That would be satisfactory. I have no objection to that. It is the Dorgan-Thurmond amendment.

Mr. DOLE. Dorgan-Thurmond, excuse me. I know the Senator from Nebraska has an interest in it. I would have to check with both Senator DORGAN and Senator THURMOND to see if we could get that agreement so at noon the Senator from South Dakota, Senator PRESSLER, could move to table. That would satisfy the Senator from Nebraska.

I think Senator BUMPERS is prepared to come to the floor to offer an amendment and maybe Senator LEAHY. I am advised that may be an amendment that would take a considerable amount of time.

As I look at the list of amendments, there are 24 amendments that are pending. Maybe there are some that will be accepted. I only see one here noted that would be accepted.

That would indicate we still have a number of amendments to deal with in addition to the major amendment offered by Senators DORGAN and THURMOND. I hope we could complete action on this bill tomorrow evening so we could start on welfare reform on Wednesday.

I know the managers are prepared. I have just been advised by the chairman of the committee he is prepared to stay here all night if necessary. So I urge my colleagues on both sides, I looked down the list. There are Democrats and Republicans who have amendments. We are open for business. We will have votes this evening. I think most everybody has been able to return from their States, and I hope we can dispose of some of these amendments tonight.

I notice an amendment by Senators EXON, LEAHY, and COATS, a bipartisan amendment. I do not know what it is; something on pay phones, foreign ownership, red lining, burglar alarm. Senator LEAHY has another amendment. Senator FEINSTEIN has three amendments.

So there are a number of amendments on each side. If I could just ask my colleagues to cooperate with both

Senator HOLLINGS and Senator PRESSLER.

As soon as we get clearance, then, I will ask consent that at noon tomorrow the Senator from South Dakota be recognized to table the Dorgan-Thurmond amendment.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. DEWINE). The Senator from Nebraska.

Mr. KERREY. I know the Senator from Montana is on the floor, and I will be here for a while longer. I just want to respond. There were actually three speakers previously who opposed this amendment and said many things. The distinguished Senator from Missouri did not cite me by name, but he quoted me generously during his own presentation, and every quote he opposed.

Let me begin. One of the strongest arguments the distinguished Senator from Missouri and others have made is that you cannot trust the Department of Justice. You should not involve them with this. They do not have a role.

I, last week, made a mistake in assessing the Department of Justice. I said they have approximately 800 lawyers because I was informed that in 1982, when the consent decree was filed, that is approximately how many people were down there. That is true, 860—about 800 actually, in 1982. But today there are 323 lawyers and 686 total employees, total staff at the Antitrust Division at the Department of Justice. It is a very small agency.

This bill is about power. I do not walk, as the Senator from Missouri implied, to the precipice of change and be afraid of change. I am not afraid of this bill other than what it might do if we do not have the agency that has not only current responsibility but experience in managing what this bill describes we are going to do. This bill says we are going to move from a monopoly to a competitive environment. That is what it attempts to do. We are going to move from a monopoly in local telephone service in a market—no free market down there, folks. This is not a little mom and pop shop that started in business 10 years ago now with local telephone service. They were given a monopoly franchise.

If the people of the United States of America are trying to figure out who do I trust in this deal, it was not the peoples' Congress in 1982 that busted up the monopoly, that gave them a competitive environment in long distance, that managed that transition from monopoly to competition that is cited over and over and over by people who come down here to the floor. It was not the U.S. Congress. It was the Justice Department. A Reagan appointee goes to the court and files a consent decree with AT&T, and that is what this is all about.

To set this thing up as "you are either for the devil or for the angels" sort of an argument does not, it seems to me, lead to a very constructive argument. The question really is how are we going to manage this? How are we going to manage this transition now? We have decided. There is very little argument. I do not think there is a single Member of this body, maybe there is, maybe there is somebody who believes we ought to preserve the monopoly at the local level. I do not. The Senator from Missouri acts like that is the argument here: Choose the market or choose a regulatory environment. Have the Government tell you what to do or let the market tell you. That is nonsense, baloney. That is not the argument here. That is not the question that needs to be answered.

If you believe you want to preserve the local monopoly and keep it the way it is, fine. I do not hear anybody or have not heard anybody yet argue that is what ought to occur. I caution Members that when we move from that monopoly to a competitive environment, there is going to be trauma, there is going to be real trauma, and we better make sure we get this thing right because it is not the demand for change we are talking about here and that I am an advocate for. The demand for change is not coming from townhall meetings. It is not coming from citizens in Missouri or citizens in Nebraska or citizens in Ohio who are saying, "I am unhappy with local telephone service, I am unhappy with my cable service, I am unhappy with broadcast, except for some of the things having been raised having to do with obscenity and violence and that sort of thing." That does come from town hall meetings. But as far as, "Do I want a monopoly or do I want to deregulate?" That is hardly a debate going on out there on Main Street.

We have made a reasoned judgment based upon input from a variety of different people that we can go to a competitive marketplace in local service. These arguments have a way of turning it around every now and then. In 1986, a couple of years after the consent decree was fully in place and the divestiture had occurred, I supported legislation in the Nebraska Legislature to deregulate the telephone companies on the question of pricing. I tried to get them to change the law. The legislature changed the law to allow competition at the local level and was told—indeed I was rolled at the time, not told—I was told and rolled we were not going to do that. Technology would not allow competition. That was the argument in 1986. So I lost that battle.

We deregulated on price but we did not deregulate to produce a competitive environment because we were told the technology would not allow it. And lest anybody think I have walked to the precipice and am fearful of embracing change, as was suggested earlier, in 1986 I asked and was given the authority to be the lead Governor for telecommunications for the National Governors' Association. We reached a conclusion—I had a little task force —that we ought to, in an expeditious fashion, eliminate the restrictions that were currently in place in the modified final judgment. I thought we had the votes. It was one of those deals where you were sure you had all the votes, did all the calling and everything. We had a meeting, annual meeting, in South Carolina in 1986. I was sure I had that thing won. That year I got rolled by AT&T. They came to that deal and said: Oh, no, if you loosen the restrictions and you have competition, all these things—they did, like many of the speakers have said—here are the horrible, terrible things that are going to happen. Here are all the bad. Jobs are going to go down the toilet, things are going to explode and be bad. And we lost. We got rolled in 1986 trying to change that policy.

So I understand that there is a lot of active interest in whether or not the Department of Justice should have a role. Earlier, the Senator from Missouri said, "I am a former Attorney General and I have experience doing this." And he said "I hope I am listened to."

Mr. President, I ask unanimous consent a letter from 24 State attorneys general be printed as part of the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

STATE OF WISCONSIN,
DEPARTMENT OF JUSTICE,
Madison, WI, June 2, 1995.

DEAR MEMBER OF CONGRESS/SENATE: The undersigned state attorneys general would like to address several telecommunications deregulation bills that are now pending in Congress. One of the objectives in any such legislation must be the promotion of deregulation that fosters competition while at the same time protecting consumers from anticompetitive practices.

In our opinion, our citizens will be able to look forward to an advanced, efficient, and innovative information network only if such legislation incorporates basic antitrust principles and recognizes the essential role of the states in ensuring that citizens have universal and affordable access to the telecommunications network. The antitrust laws ensure competition and promote efficiency, innovation, low prices, better management, and greater consumer choice. If telecommunications reform legislation includes a strong commitment to antitrust principles, then the legislation can help preserve existing competition and prevent parties from using market power to tilt the playing field to the detriment of competition and consumers.

Each of the bills pending in Congress would lift the court-ordered restrictions that are currently in place on the Regional Bell Operating Companies (RBOCs). After sufficient competition exists in their local service areas, the bills would allow RBOCs to enter the fields of long distance services and equipment manufacturing. These provisions raise a number of antitrust concerns. Therefore, telecommunications deregulation legislation should include the following features:

First, the United States Department of Justice should have a meaningful role in determining, in advance, whether competition at the local level is sufficient to allow an RBOC to enter the long distance services and equipment manufacturing markets for a particular region. The Department of Justice has unmatched experience and expertise in evaluating competition in the telecommunications field. Such a role is vital regardless of whether Congress adopts a "competitive checklist" or "modified final judgment safeguard" approach to evaluating competition in local markets.

Second, legislation should continue to prohibit mergers of cable and telephone companies in the same service area. Such a prohibition is essential because local cable companies are the likely competitors of telephone companies. Permitting such mergers raises the possibility of a "one-wire world," with only successful antitrust litigation to prevent it. Congress should narrowly draft any exceptions to this general prohibition.

Third, Congress should not preempt the states from ordering 1+intraLATA dialing parity in appropriate cases, including cases where the incumbent RBOC has yet to receive permission to enter the interLATA long distance market. With a mere flip of a switch, the RBOCs can immediately offer "one-stop shopping" (both local and long distance services). New entrants, however, may take some time before they can offer such services, and only after they incur significant capital expenses will they be able to develop such capabilities.

In conclusion, we urge you to support telecommunications reform legislation that incorporates provisions that would maintain an important decision-making role for the Department of Justice; preserve the existing prohibition against mergers of telephone companies and cable television companies located in the same service areas; and protect the states' ability to order 1+intraLATA dialing parity in appropriate cases.

Thank you for considering our views.

Very truly yours,

Tom Udall, Attorney General of New Mexico; Grant Woods, Attorney General of Arizona; James E. Doyle, Attorney General of Wisconsin; Winston Bryant, Attorney General of Arkansas; Richard Blumenthal, Attorney General of Connecticut; Garland Pinkston, Jr., Acting Corporation Counsel of the District of Columbia; Calvin E. Holloway, Sr., Attorney General of Guam; Tom Miller, Attorney General of Iowa; Chris Gorman, Attorney General of Kentucky; M. Jane Brady, Attorney General of Delaware; Robert A. Butterworth, Attorney General of Florida; Jim Ryan, Attorney General of Illinois; Carla J. Stovall, Attorney General of Kansas; Scott Harshbarger, Attorney General of Massachusetts; Hubert H. Humphrey III, Attorney General of Minnesota; Joseph P. Mazurek, Attorney General of Montana; Drew Edmondson, Attorney General of Oklahoma; Jan Graham, Attorney General of Utah; Christine O. Gregoire, Attorney General of Washington; Jeremiah W. Nixon, Attorney General of Missouri; Heidi Heitkamp, Attorney General of North Dakota; Charles W. Burson, Attorney General of Tennessee; Jeffrey L. Amestoy, Attorney General of Vermont; Darrell V. McGraw, Jr., Attorney General of West Virginia.

Mr. KERREY. Mr. President, with some assist from my drugstore eye glasses, let me read one paragraph from it. It says, "The United States Department of Justice should have a meaningful role in determining, in advance—not after the fact—whether competition at the local level is sufficient to allow an RBOC to enter the long distance services and equipment manufacturing markets for a particular region."

Understand we are not just talking about the interLATA long distance. We are also talking about removing the restrictions on manufacturing.

So the question is, "Do you have some competition at the local level?"

If you have it, it will allow you to get into previously restricted areas.

> The Department of Justice has unmatched experience and expertise in evaluating competition in the telecommunications field. Such a role is vital regardless of whether Congress adopts a "competitive checklist" or "modified final judgment safeguard" approach to evaluating competition in local markets.

Mr. President, I really do not believe this is one of those amendments that ought to be characterized as a choice between picking the "dreaded Government regulators who are going to micromanage everything in your life" or choosing the market. But what we are attempting to do in good faith is answer the question, "How do we manage this thing?" This is an unprecedented change, unprecedented that Congress is going to attempt to manage. We have reached the decision, I believe a majority of us have, that we should use competition in the local market, competition in manufacturing, competition in services, competition in switching, not to regulate but to determine what is the best service, what is the best piece of equipment, what is the best switching offered out there. Let competition determine that. We have been successful in long distance. We grow confidence based upon success. We can do it at the local level and in manufacturing. We are about at the edge of enacting legislation to do that.

The question before us is, "Should we give the Department of Justice more than a consultative role?"

I would like to offer a couple of things. Earlier the Senator from South Dakota I believe had a question having to do with administrative law with the Department of Justice, a very good question. I will try to restate the question—I do not know if I will get it right—the question was with the Federal Communications Commission, we have an open process. You have an administrative law that governs hearings and so forth. It has to be open. Then the Senator from South Dakota asked—at that time it was the Senator from North Dakota on the floor—would the Department of Justice have that same kind of law apply to it? The amendment specifically inserts on the page that the Senator from South Dakota referenced on page 89, and it refers to the determination by the Commission and the Attorney General. They would issue a written determination on the record—after hearings and the opportunity for a commitment. So the language that we discussed earlier, I say to the distinguished chairman of the committee, does not just refer to the Commission. It also refers to the Department of Justice.

Second, I say it again for emphasis, we are not talking lawyering or a new bureaucracy. It is a parallel process. You apply specifically what one does, and what the other one does. You ask the guy that has the experience. We are trying to figure out. Do we have the competitive market, perhaps in a perfect fashion? You are looking for the person that got the job done before this, the person you ought to call on in the agency, a very small agency I point out, again to attempt to manage this transition again.

Then one of the questions that comes up says, "Well, we did not do this with airlines, we did not do this with trucking, and we should not, therefore, do this with telecommunications." Telecommunications is by many people's estimate one-half of the U.S. economy directly or indirectly. It is a big part of the economy, probably two or three times the size of the entire health care industry which was of great concern to us during our debate in 1993–94. At least that is what has been represented to me. It leads directly to the manufacturing and the production of goods and services, or indirectly the information industry is now roughly half the U.S. economy. Not all of these are regulated. Many of these are unregulated businesses. We are talking about in any event managing a substantial amount of the U.S. economy; that is to say, not managing it. We are managing from a monopoly situation trying to transfer the control of the decisions away from regulators so that the marketplace is making those decisions. The reference earlier was that airline and trucking would be a good example to use and based upon the success of airline and trucking deregulation we should not have a DOJ role.

However, Mr. President, I look at a couple of incidents.

> From 1985 to 1989, during the transition from airline regulation to competition, the Department of Transportation (DOT) had the authority to approve airline mergers, subject to advice from DOJ. In 1986, DOT approved two mergers over DOJ's vigorous objections: Northwest Airlines' deal with its main rival in Minneapolis, Republic, and TWA's acquisition of its main competitor in St. Louis, Ozark. DOJ advised DOT that each transaction would sharply reduce competition for air travel into and out of the affected city. DOT rejected this advice, concluding that the deals would not result in a substantial reduction of competition in any market.
>
> Unfortunately, DOT—with little expertise in assessing competition—was wrong. Just as DOJ predicted, the transactions resulted in higher air fares and less choice for travelers at the Minneapolis and St. Louis hubs. In fact, a study by the General Accounting Office found that TWA's air fares at St. Louis

shot up at two to three times the rate of all other air fares in the wake of the merger.

The Department of Transportation now concedes that assigning the job of making competitive assessments to it, instead of DOJ, "was not a success."

Mr. President, we are not talking about an assignment of responsibility here that is heavily bureaucratized. We are talking about a question that we ought to be able to assess, particularly given the fact that I believe it is the case that an awful lot of us are going to be held accountable for this vote. Those of us who are advocates of deregulation are attempting to answer the question, "How do we do this in a fashion so that our consumers get the benefit of lower prices and higher quality that comes at a competitive environment?" We want to make sure that, as you move from a monopoly to a competitive environment, the consumers indeed benefit from that transition.

DOJ still has the role. It is not enough. DOJ has the role after the fact, not prior to the decision being made. The Antitrust Division is not doing the same thing as the FCC. It is not duplication, as has been alleged.

As to the delays, I can go through that argument. I have gone through it once before. If you examine the detail of why there has been delay, I think the presentation of the charts going up to the right, in fact, fall on their face.

The Department of Justice is not asking to be a regulator in this thing. I am not coming to the floor because I am concerned about the Department of Justice. I am not on the Judiciary Committee. I am on the Agriculture Committee, the Appropriations Committee, and the Intelligence Committee. I am not trying to figure out how to give some additional authority. They are not asking for regulatory authority. They are merely asking, and I think correctly so in this case, for some additional authority as we try to move from a regulated sector at the local level, at the local loop, and regulated sector in manufacturing as well to a competitive environment. If we get it right, we will end up being rewarded right along with the consumers with the praise as a consequence.

Mr. President, I believe again that the 146 pages that we are about to vote on, whatever it is, relatively soon, we will be voting on final passage, I presume, is one of the most important pieces of legislation that I have had the opportunity to be a part of in my entire political career.

I really want, as I have done before, to pay tribute to the Senator from South Dakota and the Senator from South Carolina both who have pushed on this thing. Leadership in the majority changed in November 1994. That change did not result in the stopping of this legislation. These two men have worked very, very closely together. They have worked to try to come up with a reasonable solution. I think they have made a good-faith effort.

I think this amendment improves the legislation. It does not repeal the legislation. It improves the legislation. The risk that we will be taking in giving the Department of Justice this role is relatively small given the risk of not giving them this role, in my opinion. If it turns out that things get slowed down and the wheels of progress start to grind, we can always reverse it. We are literally in uncharted waters. To my knowledge this has never been done before with a sector of the economy as large as this and which is growing. We are trying to figure out how to go where we have not gone before. This bill does not deregulate in a massive fashion. It is a structured for the movement from a monopoly situation to a competitive situation.

I hope that this amendment can continue to be argued in a straightforward fashion, as the ranking Democrat and the chairman of this committee have thus far. I hope, in fact, that it is adopted. I believe it will improve the legislation. I believe the compromise worked out between the distinguished Senator from North Dakota and the distinguished Senator from South Carolina, though it lowers the test, does not remove the strength from the amendment which is to keep the Department of Justice, the agency that has demonstrated its capacity to get the job done, involved in this process.

Mr. President, I yield the floor.

Mr. DOLE. Mr. President, I now ask unanimous consent that the pending Dorgan-Thurmond amendment be laid aside until 12 noon Tuesday and at 12 noon Senator PRESSLER be recognized to make a motion to table the amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. DOLE. I thank the Senator from Nebraska. I think this will work. He may want to reserve some of that time before noon for final argument, maybe from 11 to 12 to be equally divided between—so you would have 1 hour of debate before the motion to table. So from 11 to 12 noon, unless there is objection, will be an hour equally divided on that amendment.

Mr. HOLLINGS. Right.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. DOLE. The time will be allotted by the managers or their designees.

Mr. HOLLINGS. Right.

Mr. DOLE. So now we are down to real business if we can get some other amendments over here.

Mr. PRESSLER addressed the Chair.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. PRESSLER. Mr. President, I might review these checklists here.

Mr. President, earlier today, I pointed out the system that we have set up that really explains this bill, how you get into other people's business under this bill, how we really do not need a Justice Department review.

First of all, the first thing that happens under the bill that we worked out in the Commerce Committee between Senator HOLLINGS and myself and other members—with all the other Members of the Senate invited to participate—the first thing is that the State certifies compliance with market-opening requirements. So the States are involved first of all.

Next, the FCC affirms the public interest and convenience and necessity. That is another test. We debated that here on the Senate floor and in the Commerce Committee. Some of the conservative publications in town said we should eliminate public interest, but we decided not to. So that is another test.

The next step is that the FCC certifies compliance with the 14-point checklist. I have a chart of the checklist over here, to prove there is competition. This is in place of the VIII(c) test. This says the regional Bells have opened up their markets.

Next, the Bells must comply with a separate subsidiary requirement, that is, the Bell companies, to have a separate subsidiary, for at least a period of 5 years.

Next, they have to meet the nondiscrimination requirement. They cannot give all their business to one subsidiary or stack it so the subsidiary is not a subsidiary.

Next, there is a cross-subsidization ban which the Bells must comply with.

Now, during all the time that this is going on, the FCC allows the Department of Justice full participation in all its proceedings. In fact, under the Hobbs Civil Appeals Act, the Department of Justice is an independent party in all FCC appeals. That is, if something happens here that the company is not satisfied with the FCC, they can appeal and the Justice Department can be their partner. So the Justice Department is involved in our bill as an active participant.

Now, also the Bells must comply with existing FCC rules in rigorous annual audits, elaborate cost accounting, computer assisted reporting, and special pricing rules.

Meanwhile, when all this is going on, you still have the full application of the Sherman Antitrust Act, the Clayton Act, and the Hart-Scott-Rodino Act. So still the Justice Department is involved. There is sort of an implication here that if we do not give the Department of Justice an administrative decisionmaking role they are not involved. They are very much involved. They are very involved in antitrust laws, but they are still involved in full participation in all the proceedings, and they are involved in the Hobbs Civil Appeals Act. The Department of Justice can be an independent party in all FCC appeals.

In addition to all this, the FCC must confer with the Attorney General and the Attorney General can recommend an VIII(c) test or a Clayton standard or a public interest standard, those three things.

So I would like to point out that we already have a lot of conditions. By the time you go through all of this, it is going to cost a company and the taxpayers a lot of money, and it is going to require a lot of tests—14 tests—public interest test, the Justice Department, the separate subsidiaries. It goes on and on and on. So there is plenty of regulation and plenty of review in the proper regulatory agency.

Now, a part of this is the so-called competitive checklist. This is the heart of the compromise that was reached. Some of the conservative magazines and some of the Senators wanted a so-called LeMans start where you set a certain date and everybody competes. The problem in telecommunications is you cannot get on everybody's wire; you have to use the other guy's wires and interconnections and unbundling of his system before you can compete.

So we decided, after weeks of meetings—and all Senators were invited to these meetings, and their staffs—to develop the checklist. I must commend the Senator from Nebraska and his staff because they were present and helped write this bill. But so did several other Senators, Democrats and Republicans. This bill has been around a long time. It is the product of all 100 Senators' work.

But in any event, the competitive checklist was developed, and at the FCC the companies come before the FCC and the FCC goes through this checklist, hopefully very quickly, and this replaces the market test, the VIII(c) or replaces the Clayton 7 Act or it replaces some other types of tests. But this is the test.

First of all, access to network functions and services. That means interconnect. It means that the Bell company has to open up its wires. I went down to the big wire station of Bell Atlantic here in Washington to see all those wires. They have to open them up. That is what interconnect means. Let us say you and I wanted to form a local telephone company. We would be able to get into the wires of the regional Bell. That is interconnection.

The second checklist item that the FCC uses before certifying is capability to exchange telecommunications between Bell customers and competitors' customers.

Third, there has to be provided access to poles, ducts, conduits, and rights of way.

Fourth, local loop transmission unbundled from switching. These next three are unbundling. That is, again, the company has to open up its systems, unbundle so somebody else can get in. I guess this has been compared to if you are making pizza and somebody else delivers your pizza. It probably would not be in such good shape. But we are requiring in these unbundlings that the other person, the competitor with the Bells, is treated well. When he gets into the regional Bell's wires, he does not get a buzz tone or be told to wait 3 minutes or a tape recording saying his call will be handled when it becomes convenient. The competitors will be given quality treatment.

Unbundling. That is Nos. 5, 6, and 7. Local transport from trunk sites unbundled from switch. Local switching unbundled. And No. 4, the loop transmission unbundled from switching. These three are the so-called unbundling tests.

Then No. seven is access to 911 and enhanced 911. Enhanced 911 is where you just push one button for an emergency. Also access is required for directory assistance and operator call completion services. That is an important one in many cases. Next is white pages directory listing being available at a reasonable price.

The ninth test is access to telephone number assignment; tenth, access to databases and network signaling, important if you are going to compete and get into the market; eleventh, interim number portability; twelfth, local dialing parity; thirteenth, reciprocal compensation; and fourteenth, resale of local service to competitors.

What I am saying is we have a competitive checklist, which is the basis for getting into the local telephone business. So we are trying to get everybody into everybody else's business here. These are the portions of requirements that the FCC certifies.

What the Dorgan-Thurmond amendment suggests is that after we finish all this, we then go over to the Justice Department for yet another test, though it is not a regulatory agency. We then ask the Justice Department to give their approval under the Clayton 7 standard, which is another standard.

So if you survived in your State, if you met the competitive checklist, if you have met the public-interest test, if you have met the subsidiary test, and if you have met the nondiscrimination test and the cross-subsidization test, when you get through all of that, then you have to go over to the Justice Department.

We are told this will only take 90 days; we are going to put a 90-day requirement on it. Even taking 90 days is another delay. Some say you can do this simultaneously. As a practical matter, you cannot. You have to get through your State, you have to get through the FCC, and now we are over here at the Justice Department. We do not need this additional review. That is more regulation. That is what we are trying to avoid.

It is true, in the past, there have been suggestions for VIII(c), but we have come up with this checklist to replace it, which is quicker and covers all the subjects and has been agreed to by everybody. So we have a bill that finally has crafted a balance between the long distances and the Bells. We are now ready to go into business, but if the Dorgan-Thurmond amendment is adopted, no, wait a minute, we have another layer of bureaucracy.

What is wrong with giving the Justice Department this authority? There are a number of things wrong with it. First of all, the Justice Department's enabling statute does not say that it is a regulatory agency. The Antitrust Division's enabling statute does not say that it is a regulatory agency.

The Justice Department got into regulation the first time with Judge Greene's consent in 1982. They have several lawyers over there who carry out, administer the MFJ. That was unprecedented, but it came about. They are working for Judge Greene, not the Attorney General, and that is an important thing. They carry out Judge Greene's orders, a district court order.

But our friends would have us make the Justice Department for the first time in history by law a regulatory agency. There is no other area in commerce that this is true. It is not true in aviation, it is not true in transportation, it is not true in railroads. Originally, the ICC was created in about 1887. The FCC was patterned on it in 1934. Both agencies were intended to be the regulatory agencies. There is talk of abolishing the ICC. There is talk when we get into the wireless age of substantially reducing FCC, or that perhaps we will not need the FCC. I do not know about that. That is another debate for a later time.

But this bill will take us into transition from the wired age to the wireless. We are in the last stages of the wired communications age. I think it will last 10 years. Some people think 15; others think it will last about 5. But this bill will provide us with competition and deregulation in the last stages of the wired telecommunications era.

But to give the Justice Department a regulatory role at this time would be a step backward. That is regulation. That is another layer of regulation. Everybody here, even my good friend AL GORE, talks about deregulating and privatizing. Here it is. Here is our chance.

So I think that debating whether or not to have a Justice role on this particular part of this bill is very important.

Let me say that in all aspects of this bill, we are trying to deregulate, whether it is letting the utilities into telecommunications with safeguards, moving toward deregulation of cable with safeguards, getting the Bell companies manufacturing and letting them get into other areas, such as cable, letting the long distance people into the local market, deregulating the broadcasters—this is a vast bill. It deregulates almost everything.

But if we adopt this amendment, we are going back to a major layer of regulation regarding the Bell companies in long distance. I cannot conceive of why we would do that. Our consumers have an interest in deregulation and competition. They are protected by the FCC with the public interest necessity and convenience standard. They are also protected by the checklist and by other safeguards. If the FCC appeals, the Justice Department can join independently on that appeal. So there is already heavy Justice Department involvement.

So I say to my friends that we really need to decide if we are deregulating or if we are shuffling along with more regulation. If we allow the Dorgan-Thurmond amendment to be adopted, we would be delaying competition at least 2 or 3 years. My friends say, "Oh, it will only take the Justice Department 90 days to get this done." That is not true. They already have a 30-day requirement on them, and they are taking as much as 3 years to get something done over there.

I see some other Senators on the floor. If anybody else would like to speak, because I am going to be here all night, if necessary, I will yield the floor to anyone who wishes to speak.

Mr. KERREY. I would like to speak in response.

Mr. DOLE. Can I just change the consent?

The PRESIDING OFFICER. The majority leader.

MODIFICATION OF UNANIMOUS-CONSENT AGREEMENT

Mr. DOLE. Mr. President, earlier I asked that the Senator from South Dakota be recognized at 12 o'clock to move to table. I modify that part of the agreement and ask unanimous consent that he be recognized at 12:30 tomorrow to make a motion to table the Dorgan-Thurmond amendment, and that the hour for debate be from 11:30 to 12:30 instead of 11 to 12.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. DOLE. I might indicate, this is made to accommodate a number of Senators, Vietnam veterans, who have a special event that does not end until about 12:15, as I understand.

Before the Senator from Nebraska speaks, let me say that it is my understanding that there will be a vote fairly soon, as soon as Senator FEINSTEIN comes to the floor. She has an amendment with Senator LOTT. It should not take much debate.

So I tell my colleagues, or members of their staff, there probably will be a vote in the next 45 minutes.

I am now advised she cannot be here until about 6:30. Let me think about that, and I will say something after the Senator from Nebraska speaks.

Mr. KERREY addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. Mr. President, we have been debating this particular amendment, although in its current incarnation just about 4 or 5 hours, but we have been debating the overall role of the Justice Department for a couple of days now.

I am beginning to learn that in debate—I had not noticed it used quite so often—but one of the devices that one uses in debate is you set up a strawman and you say, "Do you want that strawman?" And you say, "No, I don't want that strawman," and then you knock it down with your argument.

The strawman in this argument is to say that this amendment would require the poor old phone company, little old mom-and-pop phone company, to go through all this burdensome procedure before the Federal Communications Commission and then go over to the Department of Justice and that we are setting up a whole new level of bureaucracy.

It is not true. That is not what is going on. It is a simultaneous process. The idea that somehow it is not going to occur simultaneously is an idea that is sold, but I do not believe is an effective sale. The question is not do you want the Department of Justice to regulate—we are not asking for regulatory authority—the question before the body is, do you want, as you proceed to a competitive environment—when you get right down to the application, the FCC will be making a judgment, just as the Department of Transportation did, as referenced earlier, when TWA tries to acquire Ozark, or when Republic is the target of Northwest Airlines. In the deregulation of the airline industry, we did not give the Department of Justice the authority to say we do not approve of it. We do not think there is competition. We do not think there will be competitive choice. We think this will decrease that.

That is the question before us is not do you want the Department of Justice, in an unprecedented fashion, to regulate, but do you want the Department of Justice to have a role more than "What do you think?" The Department of Justice, under this amendment, would have a role to say, "There is not competition at the local level, and we do not believe this application should be approved." That is the question before us.

We are going from a monopoly to a competitive environment. We are not citing enormous power in a conspiratorial fashion. With or without this amendment, I say to my colleagues, there is substantial deregulation. Without this amendment, if this fails, your cable company can still price its premium service without being regulated. With or without this amendment, Rupert Murdoch can still acquire 50 percent of the television stations in a local area. With or without this amendment, you have companies out there that will be doing things they were previously prevented from doing. This bill will deregulate without this amendment.

So this is not a question before the body that you have to answer, such as, "Do I want to deregulate, or do I want to continue the current regulatory structure?" We are going to deregulate either way.

The question before the body is, do you want the Department of Justice, with a date-certain requirement, involved not just, "Oh, what do you think about this proposed"—I almost said merger. But that is what it becomes. One of the ironies is, if a local telephone company acquires or merges with a local cable company, the Department of Justice has to approve it. Nobody suggests that is undue regulatory authority. Effectively, when you go from a monopoly with a local franchise into long distance, it is effectively the same thing. The question before us is: Do you want the Department of Justice to say we do not think there is competition?

Now, very instructive for Members, as you try to reach that decision, I think, would be to go through either one of the checklists. There are two, by the way. In section 251, there is a checklist that says here is what a local company has to do, if a long distance or another carrier—and my vision for competition, by the way, again, is that you get competitive choice not for the existing line of businesses, but you get it for a package of information services. So it is likely to come, this desire to compete at the local level, and the competition and the desire is just as likely to come from a medium-sized entrepreneur that wants to deliver information services to a resident in Cleveland, or Omaha, or wherever. That is apt to happen.

In section 251 there is a checklist, as well, that says here is what you have to do. It is a pretty tough checklist. In fact, it may be tougher than in 255. In 255, you have a checklist that says this is what you have to do if you want to do interLATA, or long distance service. If you are a local telephone company, this is what you have to do. Well, I do not doubt—and indeed I know—that the committee spent a long time putting this checklist together. There are 14 things. But read them. Read them and then ask yourself the question: Does this mean I have competition? Does this mean I have competitive choice at the local level? For the consumer a competitive choice means that if they do not like the business that is offering to sell them something, they can shop it someplace else. That is a competitive choice. Competitive choice means that business person that is selling you something has to make sure that the price and quality and all of the other terms and circumstances of the sale are what you want, or you take your business someplace else. That is what a competitive choice provides a consumer.

Well, I do not know if this 14-point checklist gets that job done. Maybe it does. Maybe it does. I do not know. Again, it is a very impressive checklist. Members ought to read it. Ask yourselves what does it mean if I have "nondiscriminatory access on an unbundled basis to the network functions and services of the Bell operating company's telecommunications network that is at least equal in type, quality, and price to the access the Bell operating company affords to itself or any other entity."

That would appear to mean that you have a competitive opportunity. I do not know. The real test of competition is going to occur when the consumer says, "I have competitive choice," and when that person in the neighborhood says, "I do not like my service. I do not like this. The price is too high. The quality is not what I want. I am going to take it someplace else." You do not have that today with local telephone and cable.

We are trying to move from that monopoly situation to a competitive situation, and we are merely saying with this amendment: Ask the Department of Justice—not giving them regulatory control in some sort of dark and mysterious fashion, but ask the agency that, on a regular, routine basis, is charged with a responsibility of assessing whether or not you have competition. If you do not think they can do it, look at their success in this industry.

Again, it was not Congress in 1982 that stood up to AT&T. Congress did not stand up to AT&T and say we have had enough of this monopoly, our consumers and citizens are complaining; we are going to pass legislation and divest you. Congress did not do that. The people's Congress did not respond to that and pass legislation. It was the Department of Justice that filed a suit against them originally, and eventually, as a consequence of AT&T believing they would win the suit, write up a consent decree and file it with the judge.

I hope that colleagues understand that this amendment is not offered as a consequence of our desire to continue regulation. As I said, we are deregulating telecommunications with or without this amendment. So the choice is not do I favor deregulation. With or without this amendment, you will have deregulation. I hope my colleagues do not fall into the illusion that this is a choice between, do I want another layer of bureaucracy, or do I want to prolong the process? If there is a specific objection to the language of this bill that implies there might be an unreasonable delay or might layer on bureaucracies, bring it. We have made modifications already in the amendment. I do not want to layer on excessive bureaucracy.

I urge my colleagues to go back and look at airline deregulation, in particular, not with the purpose of trying to revisit and reargue that thorny, old problem, but to look at what happened to the Department of Transportation, which was making the decisions, and the Department of Justice was merely in a consultative role. They merely said, "We advise against them," rather than being in a position where the companies understand that they do have the ability to say there is competition, thus, let us go forward, or say there is no competition, do not allow it to go forward.

I yield the floor.

Mr. GORTON. Mr. President, as one of the members of the Commerce Committee, who reached the decision to balance this legislation in the fashion that it appears here on the floor, and also as a Senator who has great respect for the views of the Senator from Nebraska, I must say that I find myself unpersuaded by his case—unpersuaded on a number of grounds.

First, it is not necessary to bandy about the word "bureaucracy" to understand that the fundamental nature of this amendment is to substitute a required approval on the part of two very distinct Federal agencies with two very distinct roles for a single such determination, before a regional Bell operating company can go in to the long distance business.

Now, Mr. President, there is no question but that the entry of a regional Bell operating company in the long distance business will be competitive in nature. The long distance business is highly competitive at the present time. Not just with that handful of large companies which constantly advertise in the newspapers and on television, but by dozens, if not hundreds, of smaller companies, as well.

Now, it is true that those companies presently in the long distance business, naturally enough, fear the entry of the Bell operating companies into their business. They make the case—not entirely persuasively, but not entirely unpersuasively, either—that allowing the Bell operating companies into that business may give those Bells an unfair competitive advantage.

It is in order to meet that argument, Mr. President—not the argument about local service, but the argument about long distance service—that this bill says to the Bell operating companies, "No, you cannot start competing in that very competitive business unless and until your own system is open to those who want to provide competition where competition in large measure does not exist right now, in the local exchange service."

It is to assure that companies now providing long distance service or cable television service or simply seeking to get into the long exchange business, are able to do so that the various conditions—some of which have been referred to by the Senator from Nebraska—are included in the bill.

The goal of the bill, Mr. President, is to create added competition in both telephone fields, in both long distance and in the local exchange.

Any additional requirement which slows down that process on both sides of the equations, seems, to this Senator, to be undesirable.

So what the bill does is to set up a set of 14 reasonably objective conditions that must be met by the regional Bell operating companies to open up their local exchange before they could get into the long distance business and provide competition and, one hopes, lower prices.

The committee was not absolutely satisfied any more than the Senator from Nebraska is absolutely satisfied that the simple mechanical meeting of those 14 conditions would, under all circumstances, be sufficient to open up the local exchange.

So it added the public interest convenience and necessity condition, requiring the Federal Communications Commission, which almost from time immemorial, has been the Government entity and agency with expertise in this field, to determine in the broadest possible sense that the requested authorization was consistent with the public interest, convenience, and necessity. A test which has been a test utilized by that Commission ever since or almost ever since its creation.

Mr. President, in adding the Department to this mix directly as a regulatory rather than as an advisory entity, the amendment, it seems to me, creates the worst situation, worse then abolishing the FCC and having this done only by the FCC, worse than leaving it the way it is in the bill at the present time.

Because, Mr. President, the Attorney General expressly has advisory authority to the Federal Communications Commission in this connection.

I suspect that in most cases, the Attorney General goes to the Commission and says, "This is a terrible idea, to let this Bell into the long distance business." We think it is going to, somehow or another, create a tremendous monopoly.

I strongly suspect that the FCC will listen to and abide by that advice unless, in its own greater expertise in the communications business, it feels that the Attorney General is flatout wrong, just does not know very much about this particular subject.

The sponsors of the amendment, in their desire to have two different entities involved in this business, have really created a most curious division of authority.

Where, in the bill as it stands without this amendment, the authority of the Federal Communications Commission in dealing with a determination of public interest, convenience, and necessity, is essentially unlimited, this amendment deprives the Commission of the ability to consider the effects of the authorization in any market for which the authorization is sought, with respect to antitrust matters.

Mr. President, it is very likely that may be the centerpiece of what the FCC would base its determination of public interest, convenience, and necessity on under normal circumstances.

This mention of public interest, convenience, and necessity is carved out in order to be given to the antitrust division of the Office of the Attorney General. In other words, the FCC is really going to no longer be able to consider all of the elements which go into a determination that authorization is in the public interest, convenience, and necessity.

Just last week, Mr. President, in balancing this bill, we turned down an amendment which would have stricken that authority. We did not feel, a majority of the Members did not feel, any more than a majority in the committee felt, that we could absolutely and under all circumstances rely on the 14 categories.

So now, in the interests of speaking out on antitrust matters, the sponsors of this amendment were normally thought to be on this side of the debate, while those who sponsored last week's amendment were on that side, and the committee in the middle, are doing much of the work that the sponsors of last week's amendment sought to do themselves and were rejected in that course of action by, I believe, all of the sponsors and most of the supporters of this amendment.

So, to recapitulate, this proposal deprives the Federal Communications Commission of authority it ought to have in order to give a new kind of authority to the Attorney General of the United States, a kind of authority that the Attorney General does not have at the present time.

I want to go back. The Attorney General in this bill is to be consulted by the Federal Communications Commission, and in this bill the Attorney General is not deprived of any of the authority of that office with respect to monopolization or the enforcement of the antitrust laws. Just as it can stop a merger, if it finds that the ultimate impact of such authority is to create a monopoly, it may bring the same kind of litigation that it brought that resulted in the breakup of the old AT&T. But one further matter, as that is brought up as something which took place through the Department of Justice, not through the Congress, the Department of Justice did not determine to sue AT&T to break up that monopoly in 90 days. And here in this bill the Attorney General is given only 90 days to make this determination, not of something that has happened in the past—which is fairly easy to determine—but something that might possibly happen in the future. I do not believe that the authority given the Attorney General in this bill can effectively be used in a period of time like that. It is clear that we now have two different Federal entities under this amendment having authority over the grant of this authorization based on two quite different sets of tests and that, apparently, they will not relate to one another.

Finally, it is clear to this Senator, at least, that it is more likely than not that this added authority, this two entities of the Federal Government rather than one, is likely to slow down the creation of competition, certainly in long distance, and very unlikely to speed it up in connection with the local telephone market.

So, I would summarize by saying I do not believe the committee on which I serve and on which this structure was worked out by the careful work of the chairman and the ranking Democratic member, and for that matter almost all the members of the committee, is some kind of jerry-built political compromise. It is the result of careful and sober thought as to what was the best system available for reaching two goals: one, the creation of competition in the most rapid possible fashion, both in long distance and in the local exchange; and at the same time the prevention of monopoly and the service of the public interest.

So, my own summary is that the bill, as it stands, is greatly superior, from the perspective of the public interest and competition and consumers, than it would have been had the McCain amendment been adopted last week striking the public interest section and, equally, than it will be if this amendment is adopted putting two different entities of the Federal Government into the same mix, artificially divorcing them from one another, frustrating the traditional role of the Federal Communications Commission and, in my view, frustrating the development of new technology and of competition.

For those reasons I trust when the distinguished chairman of the Commerce Committee moves to table this amendment tomorrow, that his motion will be successful.

Mr. PRESSLER. If my friend will yield for a question? Let me say, in the context of this, I hope the Senator from California will offer her amendment. The leader has asked that there be a vote—if that is agreeable to everybody—at about 6:30 on the Feinstein-Lott amendment. But I would like to, just in concluding, commend the Senator from Washington, a former State attorney general. There is one question, if he could make a response before, hopefully, the Senator from California will speak on the floor, and that is the extraordinary, unprecedented decisionmaking role for the Department of Justice that is proposed in the Dorgan-Thurmond amendment.

As a former State attorney general, has he ever seen a proposal where the Justice Department would become the decisionmaker, a regulatory decisionmaker? I guess this question goes to the heart of the division of powers in our Government.

Mr. GORTON. I do not believe I have. I would hate to make a totally generalized statement on that, but certainly I would say not in the memory of my experience as State attorney general nor did I find the Department of Justice have such authority.

I yield the floor.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I have actually two amendments, one involving the cities and a preemption clause in the bill, and the second is an amendment I would like to send to the desk right now.

AMENDMENT NO. 1269

(Purpose: To provide for the full scrambling on multichannel video services of sexually explicit adult programming)

Mrs. FEINSTEIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mrs. FEINSTEIN] for herself and Mr. LOTT, proposes an amendment numbered 1269.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 145, below line 23, add the following:

SEC. 407A. SCRAMBLING OF SEXUALLY EXPLICIT ADULT VIDEO SERVICE PROGRAMMING.

(a) REQUIREMENT.—Part IV of title VI (47 U.S.C. 551 et seq.), as amended by this Act, is further amended by adding at the end the following:

"SEC. 641. SCRAMBLING OF SEXUALLY EXPLICIT ADULT VIDEO SERVICE PROGRAMMING.

(a) REQUIREMENT.—In providing sexually explicit adult programming or other programming that is indecent and harmful to children on any channel of its service primarily dedicated to sexually-oriented programming, a multichannel video programming distributor shall fully scramble or otherwise fully block the video and audio portion of such channel so that one not a subscriber to such channel or programming does not receive it.

(b) IMPLEMENTATION.—Until a multichannel video programming distributor complies with the requirement set forth in subsection (a), the distributor shall limit the access of children to the programming referred to in that subsection by not providing such programming during the hours of the day (as determined by the Commission) when a significant number of children are likely to view it.

(c) DEFINITION.—As used in this section, the term "scramble" means to rearrange the content of the signal of the programming so that audio and video portion of the programming cannot be received by persons unauthorized to receive the programming."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 30 days after the date of the enactment of this Act.

Mr. PRESSLER. Will my friend yield?

Mrs. FEINSTEIN. I certainly will.

Mr. PRESSLER. Mr. President, I ask unanimous consent a vote occur on the Feinstein and Lott amendment at 6:30 this evening and the time between now and 6:30 be equally divided in the usual form.

I might say I am going to yield as much of my time to the Senator from California as she wishes. And I ask unanimous consent no second-degree amendments be in order to the amendment.

The PRESIDING OFFICER. Without objection, it so ordered.

The Senator from California.

Mrs. FEINSTEIN. I thank the Senator from South Dakota and I thank the Chair.

Mr. President, on behalf of myself and Senator LOTT I offer this amendment, which is a rather simple and direct amendment. It concerns the proliferation of adult video programming that is easily accessible for children to view. It is a commonsense amendment and it is simple. It would require multichannel video programmers, such as cable operators, to fully scramble or otherwise block sexually explicit adult programming unless a subscriber specifically requests such programming.

The full blocking requirement would apply to those channels primarily dedicated to adult sexually oriented programming, such as the Playboy and Spice channels. Until these channels are fully blocked, cable operators would have to restrict their broadcasts to certain times of the day when children are least likely to view it, such as at night.

Last year I learned that in many households across America, adult programming was being broadcast around-the-clock on certain primarily sexually orientated channels, with only partial audio and video scrambling.

This issue first came to my attention when a local city councilman in Poway, CA, a suburb of San Diego, wrote to me about the problem in his community. He said that in San Diego County, partially scrambled video pornography—replete with unscrambled and sexually explicit audio—was being automatically transmitted to more than 320,000 cable television subscribers.

Unfortunately, many subscribers and parents were unaware of these transmissions until they or their children accidentally discovered the programming. In San Diego County, for example, the partially scrambled pornography signal was broadcast only one channel away from a network broadcasting cartoons and was easily accessible for children to view.

Parents would come home after work only to find their children sitting in front of the television watching or listening to the adult's-only channel, a channel that many parents did not even know existed. In Poway, the city councilman's young son learned about the adult's-only channel at school, where the easily accessible programming was a hot topic among children.

This is not an isolated program. Until just a few months ago, the local cable company here in Washington also automatically transmitted partially scrambled video pornography—replete with unscrambled and sexually explicit audio—to all of its subscribers.

To their credit, some local cable companies are taking voluntary steps to address this problem. For example, in San Diego, one local cable company restricted the times when such programming was broadcast. In Washington, the local cable company eventually fully blocked the programming so both the video and audio portions of the signal are now undistinguishable.

However, numerous other cable services across the country are still transmitting similar adult video and audio programming that is not sufficiently scrambled, with many subscribers and parents unaware of its contents. And, with the emerging information superhighway and other forms of video programming now or soon to be available, such sexually elicit adult programming will be even more prevalent.

The problem is that there are no uniform laws or regulations that govern such sexually explicit adult programming on cable television. Currently, adult programming varies from community to community, as does the amount and effectiveness of scrambling on each local cable system. Right now, it is up to the local cable operator to regulate itself. This is like the fox guarding the hen house.

Following complaints from myself and other officials—and the threat of legislation—the National Cable Television Association recognized that this was indeed a problem and adopted voluntary guidelines that local cable operators can follow. The California Cable Television Association also adopted similar guidelines.

However, the voluntary guidelines simply recommend that local cable operators "block the audio and video portions of unwanted sexually-oriented premium channels at no cost to the customer, upon request." While this is a somewhat commendable effort on the part of industry, I do not believe that it goes far enough.

First, the guidelines are only voluntary and simply recommended that local cable operators take action. There is no guarantee that such blocking will be provided and no enforcement mechanism.

Second, the guidelines put the burden of action on the subscriber, not the cable company, by requiring a subscriber to specifically request the blocking of indecent programming. As I stated earlier, many subscribers do not even know that such programming exists, only to discover their children watching and listening to adults-only channels.

I do not believe that sexually explicit adult programming should automatically be broadcast into a program subscriber's home. On the contrary, I believe that sexually explicit adult programming should be automatically blocked, unless a program subscriber specifically requests the programming.

The amendment I am proposing today is similar to language approved by the Commerce Committee last year as part of S. 1822 and contained in Senator EXON's bill, the Communications Decency Act of 1995. It would require that all sexually explicit adult programming be fully scrambled unless requested by a subscriber.

This amendment does not prohibit or out-right block indecent or sexually explicit programming. Anyone requesting such programming is entitled to receive it, as long as it is not obscene, which is not protected by the first amendment. The amendment, however, protects children by prohibiting sexually explicit programming to those individuals who have not specifically requested such programming.

The cable television industry, in meetings over the past year or so with my staff, have expressed their opposition to this amendment, citing technological and fiscal concerns. The bottom line, however, is that fully scrambling both the audio and video portion of a cable program is technologically feasible. In fact, several cable operators have already instituted such blocking, such as here in Washington. With regard to their fiscal concerns, I have never been given any information from the industry to document what the actual costs to cable operators would be.

This amendment gives the industry flexibility in implementing the requirement to fully scramble all sexually explicit adult programming.

Until a cable operator or other multichannel video programming distributor is in full compliance, access to such programming will be limited to protect children from the sexually explicit material. The programming will be prohibited from those times of the day—to be determined by the FCC—when a significant number of children are likely to view it, such as during the mid and late morning, afternoon, and early evening.

So, the amendment leaves it up to the local cable operator on how and when to come into full compliance. Some cable operators, for example, are already in full compliance. For those operators that are not in full compliance, children will be still be protected until the adult programming can be fully scrambled or otherwise blocked.

This amendment also does not become effective until 30 days after enactment, so cable operators will have plenty of time to either fully block the programming, or restrict access to certain times of the day.

While I realize that some cable operators may incur costs in implementing this amendment, I believe that the price to protect children from sexually explicit programming is well worth it. In addition, as I stated above, the amendment gives the industry flexibility in coming into compliance; it lets individual cable operators decide what costs, if any, they will incur and when they will incur such costs.

It is unfortunate that this amendment is necessary. One would have hoped that cable operators and other multichannel video programming distributors would have automatically fully blocked or scrambled sexually explicit adult programming or, at a minimum, restricted the programming to certain times of the day.

But, industry has only taken baby steps to address this problem through voluntary policies that simply recommend action. The end result is that numerous cable operators across the country are still automatically broadcasting sexually explicit adult programming into households across America, regardless of whether parents want this or subscribers want it.

So I believe the provision is both necessary, timely, will be helpful, and will disadvantage no one. I urge my colleagues to support this commonsense amendment.

I ask unanimous consent that a CRS analysis of this amendment as it relates to the first amendment, which is in support of the amendment of Senator LOTT and myself, and some recent court decisions, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL RESEARCH SERVICE,
THE LIBRARY OF CONGRESS,
Washington, DC, June 9, 1995.

To: Hon. Dianne Feinstein, Attention: Robert Mestman.

From: American Law Division.

Subject: Indecent Programming on Cable Television.

This memorandum is furnished in response to your request for a brief analysis of the constitutionality of your proposal to limit "sexually explicit adult programming or other programming that is indecent and harmful to children on any channel . . . primarily dedicated to sexually-oriented programming." Subsection (a) of the proposal provides that "a multichannel video programming distributor shall fully scramble or otherwise fully block the video and audio portions of such channel so that one not a subscriber to such channel or programming does not receive [such programming]." Subsection (b) of the proposal states that, until a distributor complies with subsection (a), it shall not provide "such programming during the hours of the day (as determined by the [Federal Communications] Commission) when children are likely to view it."

The First Amendment prohibits Congress from abridging the freedom of speech, and the Supreme Court has held that speech on cable television has full First Amendment protection.[1] "The Government may, however, regulate the content of constitutionally protected speech in order to promote a compelling interest if it chooses the least restrictive means to further the articulated interest."[2] In the case in which this quotation appears, the Supreme Court struck down a federal statute that banned dial-a-porn "[b]ecause the statute's denial of adult access to telephone messages which are indecent but not obscene far exceeds that which is necessary to limit the access of minors to such messages . . . ."[3] The Court in this case also reiterated that "the government may not 'reduce the adult population . . . to . . . only what is fit for children.'"[4]

Subsection (a) of your proposal would apparently be constitutional, under the reasoning of this week's decision in *Alliance for Community Media* v. *Federal Communications Commission*.[5] The court of appeals in this case upheld the constitutionality of provisions of the Cable Television Consumer Protection and Competition Act of 1992, Public Law 102-385, including section 10(b), 47 U.S.C. §532(j), which requires the FCC to prescribe rules requiring cable operators who have not voluntarily prohibited indecent programming under §532(h) to place such programs on a separate channel and to block the channel until the subscriber, in writing, requests unblocking. This statute applies only to programming on leased access channels, but otherwise it does essentially the same thing your proposal would do. It requires a separate channel for indecent programming, and it requires blocking until the subscriber requests unblocking. Your proposal would apply to "any channel * * * primarily dedicated to sexually-oriented programming" (in effect, to a separate channel), and would require blocking to non-subscribers (in effect, until they request the channel).[6]

The reason that the court of appeals upheld §532(j) despite the First Amendment's prohibiting Congress from abridging the freedom of speech is that it found that the government has a compelling interest in protecting the physical and psychological wellbeing of minors, and that the method Congress chose in §532(j) was the least restrictive means available to meet this compelling interest. The same analysis apparently would find subsection (a) of your proposal constitutional.

Subsection (b) of your proposal would give distributors an alternative to the subsection (a): instead of blocking they could not provide "such programming during the hours of the day (as determined by the Commission) when children are likely to view it." To the extent that it is not technologically feasible for distributors to comply with subsection (a) immediately, they will be forced to comply with subsection (b) until they are able to comply with subsection (a). Therefore, subsection (b) should be viewed as a requirement that must be consistent with the First Amendment.

In *Federal Communications Commission* v. *Pacifica Foundation*, the FCC had taken action against a radio station for broadcasting a recording of George Carlin's "Filthy Words" monologue at 2 p.m., and the station had claimed First Amendment protection.[7] The Supreme Court upheld the power of the FCC under 18 U.S.C. §1464 "to regulate a radio broadcast that is indecent but not obscene."[8] However, the Court emphasized the narrowness of its holding:

> The Commission's decision rested entirely on a nuisance rationale under which context is all-important. The concept requires consideration of a host of variables. The time of day was emphasized by the Commission. . . .[9]

Furthermore, the Commission "never intended to place an absolute prohibition on the broadcast of this type of language, but rather sought to channel it to times of day when children most likely would not be exposed to it."[10]

In 1992, Congress enacted Public Law 102-356, section 16 of which required the FCC, within 180 days of enactment, to promulgate regulations that prohibit broadcasting of indecent programming on radio and television from 6 a.m. to midnight, except for *public* radio and television stations that go off the air at or before midnight, which may broadcast such material beginning at 10 p.m.[11] This statute was challenged, and, in *Action for Children's Television* v. *Federal Communications Commission (ACT III)*, a three-judge panel of the U.S. Court of Appeals declared it unconstitutional.[12] The full court of appeals agreed to decide the case, but a decision has not yet been issued.

Even with this uncertainty, it is clear from the Supreme Court's decision in *Pacifica*, *supra*, that the time in which indecent programming is proscribed must be limited. In *ACT III*, the three-judge panel held that the ban was "not narrowly tailored to meet constitutional standards."[13] It found "that the government did not properly weight viewers' and listeners' First Amendment rights when balancing the competing interests in determining the widest safe harbor period consistent with the protection of children."[14] Furthermore, the government did not demonstrate that its "interest in shielding children from indecent broadcasts automatically outweigh the child's own First Amendment rights . . . ."[15] The court directed the FCC to "redetermin[e], after a full and fair hearing, . . . the times at which indecent material may be broadcast . . . ."[16]

Similarly, in a previous decision by a three-judge panel on a 6 a.m. to midnight ban on indecent programming, the D.C. Circuit held "that the FCC failed to adduce evidence or cause, particularly in view of the first amendment interest involved, sufficient to support its hours restraint."[17] The court of appeals considered the evidence that the FCC had cited to justify its action against the nighttime broadcasters, and found it "insubstantial," and found the FCC's findings "more ritual than real."[18] The court of appeals concluded "that, in view of the curtailment of broadcaster freedom and adult listener choice that channeling entails, the Commission failed to consider fairly and fully what time lines should be drawn."[19]

Footnotes at end at article.

Assuming that the full court of appeals applies these principles, it appears that the phrase in subsection (b) of your proposal "during hours of the day (as determined by the Commission) when children are likely to view it" may be overboard. This is because some children seem likely to be watching television at all hours of the day (and night), and it would apparently be unconstitutional to ban indecent programming around the clock. To be constitutional, your proposal might have to be changed to prohibit such programming only during hours when the ratio of children to adults watching television is significantly high. This, again, is because "the government may not 'reduce the adult population . . . to . . . only what is fit for children.' "[20]

Please let us know if we may provide additional assistance.

HENRY COHEN,
Legislative Attorney.

FOOTNOTES

[1] Turner Broadcasting System, Inc v. Federal Communications Commission, 114 St. Ct. 2445 (1994).

[2] Sable Communications of California, Inc. v. Federal Communications Commission, 493 U.S. 115, 126 (1989).

[3] *Id.* at 131.

[4] *Id.* at 128.

[5] 1995 WL 331052 (D.C. Cir. June 6, 1995) (en banc). This decision overturned a November 23, 1993 decision of a three-judge panel that found the statute unconstitutional.

[6] As you indicated in our phone conversation, three channels are now often only partially blocked to non-subscribers.

[7] 438 U.S. 726 (1978).

[8] *Id.* at 729. The Court stated that, to be indecent, a broadcast need not have prurient appeal; "the normal definition of 'indecent' merely refers to nonconformance with accepted standards of morality." *Id.* at 740. The FCC holds that the concept "is intimately connected with the exposure of children to language that describes, in terms patently offensive as measured by contemporary community standards for the broadcast medium, sexual or excretory activities and organs, at times of the day when there is a reasonable risk that the children may be in the audience." *Id.* at 732.

[9] *Id.* at 750.

[10] *Id.* at 733 (quoting FCC).

[11] 47 U.S.C. §303 note; 138 Cong. Rec. S7308 (daily ed. June 2, 1992), S7423-7424 (daily ed. June 3, 1992).

[12] 11 F.3d 170 (D.C. Cir. 1993), *vacated and rehearing en banc granted*, 15 F.3d 186 (D.C. 1994). This was a companion case to the decision cited in note 5, *supra*.

[13] *Id.* at 177

[14] *Id.*

[15] *Id.* at 180.

[16] *Id.* at 183.

[17] Action for Children's Television v. Federal Communications Commission (ACT I), 852 F.2d 1332, 1335 (D.C. Cir 1988) (opinion by Judge, now Supreme Court Justice, Ruth Bader Ginsberg).

[18] *Id.* at 1341.

[19] *Id.*

[20] *Sable, supra* note 2, at 128.

Mrs. FEINSTEIN. I yield the floor. I thank the Chair.

Mr. LOTT. Mr. President, I am very pleased to join the distinguished Senator from California, Senator FEINSTEIN, in cosponsoring this amendment. It is an amendment that I think is needed. It is one that will complete the effort that is being made by a number of groups and a number of people that are very much concerned about sexually explicit programming on our televisions.

But I do not want to exaggerate what this amendment will do. It simply requires cable operators to fully scramble sexually explicit programming if someone has not subscribed for such programming.

Cable systems, in many cases, are not fully scrambling the audio and video of their adult programs. The pictures fades in and out. You can hear the audio. Clearly, that is not what should be done if the person purchasing these services has not subscribed to have that type of programming. It should be fully scrambled. I think we do need this amendment for many reasons. Today, the cable systems across the country are sending uninvited, sexually explicit and pornographic programming into the homes. I want to emphasize that not all cable operators are doing that, but there are too many that are doing it.

Children are being exposed to these obscene and harmful programs, and the Nation has been shocked to learn just in the last month of the rape of a 6-year-old by a 10-year-old and an 8-year-old.

Studies and exposes are showing young people, elementary-age children, are acting out the behavior they are seeing in this type of programming. Teachers and parents are becoming alarmed by the effect of such programming. It is time that we do something about it. We have expressed for over a year our concerns about this matter. We made calls to the industry. Yet in many instances, they have not adequately taken action to safeguard the children. It is an example in my opinion of where we need more corporate responsibility. But since we have not gotten that yet, we need this amendment.

In the amendment, the critical definition is this:

The term "scramble" means to rearrange the content of the signal, of the programming so that the audio and video portion of the programming cannot be received by persons unauthorized to received the programming.

I think that sums it up. I think it is a very simple amendment, but I do think it is one that should be added to this very important bill. And it will be well received by a lot of people who are concerned by what we have seen in the past months in the cable programming of this type of material.

So I yield the floor, Mr. President, at this time unless there are any other Senators wishing speak on this particular amendment.

Could I inquire, Mr. President, about the parliamentary procedure. Has there already been an agreed to vote at 6:30?

The PRESIDING OFFICER. The vote will occur at 6:30.

Who yields time?

Mr. HOLLINGS. Mr. President, I ask for the yeas and nays on the Feinstein amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. PRESSLER. Mr. President, I ask unanimous consent that tomorrow the second Feinstein amendment, which will be offered tonight, be voted on at 9:30—Mr. President, I think we better proceed with the vote. I withdraw my request.

The PRESIDING OFFICER. The request is withdrawn.

The question is on agreeing to amendment No. 1269, offered by the Senator from California [Mrs. FEINSTEIN]. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. MACK (when his name was called). Present.

Mr. LOTT. I announce that the Senator from Arizona [Mr. MCCAIN], the Senator from Pennsylvania [Mr. SANTORUM], the Senator from Pennsylvania [Mr. SPECTER], and the Senator from Virginia [Mr. WARNER], are necessarily absent.

Mr. FORD. I announce that the Senator from New Jersey [Mr. BRADLEY], the Senator from Iowa [Mr. HARKIN], the Senator from Massachusetts [Mr. KENNEDY], and the Senator from Georgia [Mr. NUNN], are necessarily absent.

[Rollcall Vote No. 249 Leg.]

YEAS—91

Abraham
Akaka
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Dole
Domenici
Dorgan
Exon
Faircloth
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hatch
Hatfield
Heflin
Helms
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kerrey
Kerry
Kohl
Kyl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Packwood
Pell
Pressler
Pryor
Reid
Robb
Rockefeller
Roth
Sarbanes
Shelby
Simon
Simpson
Smith
Snowe
Stevens
Thomas
Thompson
Thurmond
Wellstone

ANSWERED "PRESENT"—1

Mack

NOT VOTING—8

Bradley
Harkin
Kennedy
McCain
Nunn
Santorum
Specter
Warner

So the amendment (No. 1269) was agreed to.

Mr. PRESSLER. Mr. President, I urge those Senators who have amendments to bring them to the floor. We are trying to get a final list.

I have been asked by Senator DOLE, with the concurrence of Senator HOLLINGS, to file a cloture motion. I urge all Senators to come to the floor with amendments they might have, or Senators who wish to speak. We will be here as late tonight as any Member wants to speak on this bill or offer amendments.

We will try to stack the votes. I know there is an event tomorrow morning, and the Les Aspin ceremony. There is the one vote that has been ordered on the Dorgan-Thurmond amendment at 12:30, after 1 hour of debate. We will be taking other amendments in the morning. We want to move this bill forward.

Mr. HOLLINGS. Mr. President, on the adoption of the Feinstein amendment, I move to reconsider the vote.

Mrs. FEINSTEIN. Mr. President, I move to lay that motion on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. Let me join in the remarks of the distinguished Senator from South Dakota with respect to amendments. We killed the day looking for amendments. We started on this bill last Wednesday.

I have been in the vanguard of opposing cloture, but I would have to support it in this particular instance because we cannot get amendments drawn and presented and voted upon. So a day passes by and everybody talks about how they would like to get out early and do these other things.

This is the Senate's business. We hope that we can move along now expeditiously on this side of the aisle. If there are any amendments, we do appreciate the Senator from California, ready and willing and able to present the next amendment. Beyond that, I hope we can get some other amendments.

I yield the floor.

AMENDMENT NO. 1270

(Purpose: To strike the authority of the Federal Communications Commission to preempt State or local regulations that establish barriers to entry for interstate or intrastate telecommunications services)

Mrs. FEINSTEIN. Mr. President, on behalf of Senator KEMPTHORNE and myself, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from California [Mrs. FEINSTEIN], for herself and Mr. KEMPTHORNE, proposes an amendment numbered 1270.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that further reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 55, strike out line 4 and all that follows through page 55, line 12.

Mrs. FEINSTEIN. Mr. President, I come to the floor today joined by our colleague, Senator KEMPTHORNE, to offer this amendment on behalf of a broad coalition of State and local governments. Since announcing my intention to proceed with this amendment, I have received letters of support from hundreds of cities across the country, including the States of Arizona, Colorado, Florida, Illinois, Indiana, California, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, North Carolina, Oregon, Ohio, Texas, and Washington.

This amendment is supported by the National Governors' Association, the National Association of Counties, the National Conference of State Legislatures, the National League of Cities, and the U.S. Conference of Mayors, to name a few.

Mr. President, as a former mayor, I fully understand why Governors, mayors, city councils, and county boards of supervisors question allowing the Federal Communications Commission to second-guess decisions made at State and local government levels.

On one hand, the bill before the Senate gives cities and States the right to levy fair and reasonable fees and to control their rights of way; with the other hand, this bill, as it presently stands, takes these protections away.

The way in which it does so is found in section 201, which creates a new section 254(d) of the Cable Act, and provides sweeping preemption authority. The preemption gives any communications company the right, if they disagree with a law or regulation put forward by a State, county, or a city, to appeal that to the FCC.

That means that cities will have to send delegations of city attorneys to Washington to go before a panel of telecommunications specialist at the FCC, on what may be very broad question of State or local government rights.

In reality, this preemption provision is an unfunded mandate because it will create major new costs for cities and for States. I hope to explain why. I know my colleague, the Senator from Idaho, will do that as well.

A cable company would, and most likely will, appeal any local decision it does not like to the telecommunications experts at the Federal Communications Commission.

The city attorney of San Francisco advises that, in San Francisco, city laws provide that all street excavations must comply with local laws tailored to the specifics of the local communities, including the geography, the density of development, the age of public streets, their width, what other plumbing is under the street, the kind of surfacing the street has, et cetera.

The city attorney anticipates that whenever application of routine, local requirements interfere with the schedule or convenience of a telecommunications supplier, subsection (d), the provision we hope to strike, would authorize a cable company to seek FCC preemption. Any time they did not like the time and location of excavation to preserve effective traffic flow or to prevent hazardous road conditions, or minimize noise impacts, they could appeal to the FCC.

If they did not like an order to relocate facilities to accommodate a public improvement project, like the installation, repair, or replacement of water, sewer, our public transportation facilities, they would appeal.

If they did not like a requirement to utilize trenches owned by the city or another utility in order to avoid repeated excavation of heavily traveled streets, they would appeal.

If they did not like being required to place their facilities underground rather than overhead, consistent with the requirements imposed on other utilities, they could appeal.

If they were required to pay fees prior to installing any facility to cover the costs of reviewing plans and inspecting excavation work, they could appeal.

If they did not like being asked to pay fees to recover an appropriate share of increased street repair and paving costs that result from repeated excavation, they would appeal.

If they did not like the particular kinds of excavation equipment or techniques that a city mandate that they use, they could appeal.

If they did not like the indemnification, they could appeal.

The city attorney is right, that preemption would severely undermine local governments' ability to apply locally tailored requirements on a uniform basis.

Small cities are placed at risk and oppose the preemption because small cities are often financially strapped. As the city attorney of Redondo Beach, a suburb of Los Angeles writes, every time there is an appeal, they would have to find funds to come back to Washington to fight an appeal at the FCC.

Recently, the engineering design center at San Francisco State University, conducted an interesting study for San Francisco on the impact of street cuts on public roads. The expected life and value of public roads and streets directly correlates with the number of cuts into the road.

Although this is rather dull and esoteric to some, the study reveals that streets with three to nine utility cuts are expected to require resurfacing every 18 years, a 30-percent reduction in service life, relative to streets with less than three cuts. The more road cuts, the steeper the decline in value of the public's asset will be. Streets with more than nine cuts are expected to require resurfacing every 13 years, a 50-percent reduction in the service life of streets with less than three cuts.

An even more dramatic decline in a street's useful life is found on heavily traveled arterial streets with heavy wheel traffic. For those streets, the anticipated useful life declines even more rapidly, from 26 years for streets with fewer than three cuts to 17 years for streets with three to nine cuts, a 35-

percent reduction, to 12 years for streets with more than nine cuts, a 54-percent reduction.

What does this mean? It means that financially struggling cities and counties will undoubtedly be forced to include in franchise fees, charges to allow the recovery of the additional maintenance requirements that constantly cutting into streets requires. The exemption means that every time a cable operator does not like it, the Washington staff of the cable operator is going to file a complaint with the FCC and the city has to send a delegation back to fight that complaint. It should not be this way. Cities should have control over their streets. Counties should have control over their roads. States should have control over their highways.

The right-of-way is the most valuable real estate the public owns. State, city, and county investments in right-of-way infrastructure was $86 billion in 1993 alone. Of the $86 billion, more than $22 billion represents the cost of maintaining these existing roadways. These State and local governments are entitled to be able to protect the public's investment in infrastructure. Exempting communication providers from paying the full costs they impose on State and local governments for the use of public right-of-way creates a subsidy to be paid for by taxpayers and other businesses that have no exemptions.

I would also like to point out the preemption will change the outcome in some of the dispute between communication companies and cities and States. The FCC is the Nation's telecommunications experts. But they do not have the broad experience and concerns a mayor, a city council, a board of supervisors, or a Governor would have in negotiating and weighing a cable agreement and setting a cable fee.

If the preemption provision remains, a city would be forced to challenge the FCC ruling to gain a fair hearing in Federal court.

This is important because presently they can go directly to their local Federal court. Under the preemption, a city, State, or county government would have to come to the Federal court in Washington after an appeal to the FCC.

A city appealing an adverse ruling by the FCC would appear before the D.C. Federal Appeals Court rather than in the Federal district court of the locality involved. Further, the Federal court will evaluate a very different legal question—whether the FCC abused their discretion in reaching its determination. The preemption will force small cities to defend themselves in Washington, and many will be just unable to afford the cost.

By contrast, if no preemption exists, the cable company may challenge the city or State action directly to the Federal court in the locality and the court will review whether the city or State acted reasonably under the circumstances.

Edward Perez, assistant city attorney for Los Angeles, states this will be a very difficult standard to reverse, if they have to come to Washington. On matters involving communication issues, courts are likely to require a tough, heightened scrutiny standard for matters involving first amendment rights involving freedom of speech. Courts are likely to defer to the FCC judgment.

The FCC proceeding and its appeal in Washington will be very different from the Federal court action in a locality. Both the city and the communications company are more likely to be able to develop a more complete and thorough record if the proceeding is before the local Federal court rather than before a Government body in Washington.

We also believe the FCC lacks the expertise to address cities' concerns. As I said, if you have a city that is complicated in topography, that is very hilly, that is very old, that has very narrow streets, where the surfacing may be fragile, where there are earthquake problems, you are going to have different requirements on a cable entity constantly opening and recutting the streets. The fees should be able to reflect these regional and local distinctions.

Mr. President, this stack of letters opposing the preemption includes virtually every California city and virtually every major city in every State.

What the cities and the States tell us they want us to give local governments the opportunity for home rule on questions affecting their public rights-of-way. If the cable company does not like it, the cable company can go to court in that jurisdiction. By deleting the preemption, we can increase fairness, minimize cost to cities, counties, and States, and prevent an unfunded mandate.

If the preemption remains in this bill, it creates a major unfunded mandate for cities, for counties, and for States. I hope this body will sustain the cities and the counties and the States, and strike the preemption.

So I ask unanimous consent to have a number of letters printed in the RECORD.

There being no objections, the letters were ordered to be printed in the RECORD, as follows:

OFFICE OF THE CITY ATTORNEY,
Los Angeles, CA, June 12, 1995.

Re S. 652, Section 245(d) Preemption.

MR. KEVIN CRONIN,
Office of Senator Dianne Feinstein,
Senate Hart Office Building, Washington, DC.

DEAR MR. CRONIN: You asked for our thoughts regarding S. 652, Sec. 254(d), which would create broad preemption rights in the FCC with respect to actions taken by local governments. Specifically, you are interested as to how section 254(d) could frustrate the ability of local government to manage its rights of way as Congress believes Local Government should (See Sec. 254(c)) and how it could prevent Local Government from imposing competitively neutral requirements on telecommunications providers to preserve and advance Universal Service, protect the public safety and welfare and to ensure the continued quality of telecommunications services and safeguard the rights of consumers. (See Sec. 254(b)).

Section 254(d) would permit the Federal Communications Commission ("FCC") to preempt local government:

"(d) PREEMPTION.—If, after notice and an opportunity for public comment, the Commission determined that a State or local government has permitted or imposed any statute, regulation, or legal requirement that violates or is inconsistent with this section, the Commission shall immediately preempt the enforcement of such statute, regulation, or legal requirement to the extent necessary to correct such violation or inconsistency."

Section 254(d) reposes sweeping review powers in the FCC and in effect converts a federal administrative agency into a federal administrative Court. The FCC literally would have the power to review any local government action it wishes (either sua sponte or at the request of the industry.) The undesirable consequence of this result will be that a federal agency—with personnel who do not answer directly to public—will be dictating in fine detail what rules local government and their citizens in distant places shall have to follow. The FCC would be given plenary power to decide what actions of local government are "inconsistent with" the very broad provisions in the bill and, without further review, to decide to nullify or preempt such governmental actions. That is unprecedented and far reaching authority for a federal agency to have over local government.

The FCC does have an important role to play in the scheme of things. It has a professional staff with proven expertise in telecommunications matters such as technical requirements. Moreover, issues that transcend state borders need the FCC as the overseer in order to ensure consistency and fairness between the states. On the other hand, the FCC is not in the best position to know what is best for citizens at the local level regarding local issues. An example of a singularly local issue, historically recognized by Congress and the Courts, is the local government's right to manage the public right-of-way (See Section 254(c)). Federal officials do not have an adequate understanding of local issues nor do they have the staff, either in size or proficiency, to resolve local issues about every city in this country. Local Governments and the local courts (entities which are knowledgeable about local issues) should be the forum for resolution of local issues.

An important point that needs to be explicated to Congress is the procedural problems associated with the FCC resolving local issues in Washington. First is the obvious problem. Most citizens, community groups and cities do not have the financial wherewithal to litigate before a federal agency located in Washington. Even if an action of the FCC is reviewed by the Courts, that also would occur in the Washington D.C. Circuit miles away. Section 254(d) does contain due process language and such a provision may meet the technical requirements of the U.S. Constitution. However, the provision "If, after notice and an opportunity for public comments * * *" provides little solace for local governments and its citizens. The FCC all too often provides too little time to respond to its rules and rulemaking proceedings for anyone other than the expensive FCC Bar. It is impractical for local people to respond in a timely fashion and FCC preemption consequently precludes the voice of those most affected.

Second, as a general rule the courts pay great difference to administrative agencies that are created for specific purposes. There is no argument with that proposition because of the proven expertise of federal agencies in matters properly within their purview. However, a serious problem is created when a federal administrative agency is given power over issues where it has little expertise, such as the management of local rights-of-way. This is largely so because of the legal standards for review of administrative decisions. Generally, a decision will stand unless the agency has abused its discretion or has exceeded its authority.

Again, for matters properly within an agency's purview there is no quarrel. However, the sweeping review powers that Section 254(d) places in the FCC would in essence permit the FCC to preempt any statute, regulation, or legal requirement that it believes is inconsistent with the Section 254(a) of the Act. This awesome power clearly belongs with the Courts and not distant administrative staffers. As written, it will be extremely difficult for a court to find that the FCC has exceeded its authority. Consequently, with regard to this standard its decisions may in effect be unreviewable.

Equally troublesome is the abuse of discretion standard applied to federal agency actions. Practitioners in administrative law know all too well that the courts will uphold administrative decisions the vast majority of the time. A reversal occurs only when there is a clear abuse of discretion, a condition infrequently found by the Courts.

The bottom line becomes very clear to local governments, such as Los Angeles, and its citizens. Control regarding telecommunications and zoning issues will be exercised by federal officials three thousand miles away. Individuals who know little or nothing about local interests. the important everyday decisions that should be made by local officials and that should be reviewable by local courts, will be made by faceless names in Washington.

In addition, because if the procedural structure of the FCC, the normal right to cross-examine witnesses and their testimony is not present. The right to comment and reply to another interested party's comments theorically permits the FCC to make a fair and impartial judgment. However, the comments are not under oath and the testimony that is filed under penalty of perjury is never is reality tested for truth and accuracy. The practical effect is that anybody may say anything they wish with impunity. The decisionmakers, therefore, may be misled into believing erroneous "facts". This view is not intended to suggest that the courts are the answer for all issues. There exist some practical problems with the courts; they may be too slow and they may lack the technical expertise. However, Section 254(d) appears to effectively eliminate the courts because of the absence of any real or effective review of FCC decisions. Senate Bill 652 must be amended to leave local issues to local government and thereby permit local citizens, local governments and local courts to be active participants in the resolution of local issues.

Finally, the industry has clearly captured the decision making of officials at the FCC. In recent years the voice of local governments and its citizens have been routinely rejected by the FCC and the industry appears to have a lopsided influence.

We recommend that Section 254(d) be eliminated in its entirety. If that is accomplished, violations of S. 652 will be decided in the forum properly equipped to do so—the local Federal Courts.

As an additional note, we wish to comment that section (a) of S. 652 also represents a serious and significant invasion of local government authority over local interests. Most any action taken by local government in this area can be construed as having "the effect of prohibiting" an entity from providing telecommunications services. Surely more precise wording can be developed which would not so significantly erode the power of local government over local matters. Please advise if you would like further comment regarding this section.

If I can be of further assistance, please do not hesitate to call on me.

Very truly yours,

EDWARD J. PEREZ,
Assistant City Attorney.

OFFICE OF CITY ATTORNEY,
CITY AND COUNTY OF SAN FRANCISCO,
June 12, 1995.

Re Telecommunications Competition and Deregulation Act.

Hon. DIANNE FEINSTEIN,
U.S. Senate, Washington, DC.

DEAR SENATOR FEINSTEIN: I am writing to commend you for sponsoring an amendment to the telecommunications bill to preserve local control over the public rights of way. It is critical to local governments that subsection (d) of proposed 47 U.S.C. Section 254, which would authorize the FCC to preempt state and local authority, be deleted from the bill.

In San Francisco, as in other cities, we welcome the prospect of new telecommunications providers making expanded services available on a competitive basis. However, deregulation only increases the importance of local control over our streets because it brings many new companies seeking to install facilities in our streets.

City laws now require all street excavators—including telecommunications providers—to comply with nondiscriminatory local laws designed to preserve the public health and safety and minimize the costs to the public of repeated street excavation. Throughout the country, such local laws are tailored to the specific characteristics of each local community, including local geography, density of development and the age of public streets and facilities. The language of subsection (d) would severely undermine local government ability to apply such locally tailored requirements on a uniform basis.

Whenever application of routine local requirements interferes with the schedule or convenience of a telecommunications supplier, subsection (d) would authorize the company to seek FCC preemption. To identify just a few examples, my colleague city attorneys and I will have to send an attorney off to Washington every time a telecommunications company challenges our authority to:

(1) Regulate the time or location of excavation to preserve effective traffic flow, prevent hazardous road conditions, or minimize noise impacts;

(2) Require a company to relocate its facilities to accommodate a public improvement project, like the installation, repair or replacement of water, sewer or public transportation facilities;

(3) Require a company to place facilities in joint trenches owned by the City or another utility company in order to avoid repeated excavation of heavily traveled streets;

(4) Require a company to place its facilities underground, rather than overhead, consistent with the requirements imposed on other utility companies;

(5) Require a company to pay fees prior to installing any facilities to cover the costs of reviewing plans and inspecting excavation work;

(6) Require a company to pay fees to recover an appropriate share of the increased street repair and paving costs that result from repeated excavation;

(7) Require a company to use particular kinds of excavation equipment or techniques suited to local circumstances to minimize the risk of major public health and safety hazards;

(8) Enforce local zoning regulations; and

(9) Require a company to indemnify the City against any claims of injury arising from the company's excavation.

All of the requirements described above are routinely imposed by local governments in exercise of our responsibility to manage the public rights of way. Granting special favors to telecommunications suppliers, compared for example to other utility companies, will undermine the uniformity of local law and could dramatically increase the costs to local taxpayers of maintaining public streets.

In these times, when the federal government is asking state and local governments to take on many additional duties, the FCC should not be empowered to interfere in this area of classic local authority. This is especially true because, for many cities, the FCC is a remote, costly and burdensome arena in which to resolve disputes. The courts are well-suited to resolve any disputes that may arise from the "Removal of Barriers to Entry" language of Section 254 without placing heavy burdens on local governments.

I appreciate the leadership you have shown on this difficult issue. Please let me know if I can offer any further assistance with your efforts on behalf of cities.

Very truly yours,

LOUISE H. RENNE,
City Attorney.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, I am honored to join my friend from California, Senator FEINSTEIN, in this amendment. This is not the first time we have teamed up together. I think perhaps our background as both being former mayors has allowed us to bring to this position some perspective to help us realize, with regard to local and State governments, how this Federal-State-local partnership really ought to be ordered.

The Senator from California was very helpful when we brought forward the bill, the Unfunded Mandates Reform Act of 1995, which the majority leader had designated Senate bill 1, and which allowed me to team up with the Senator from Ohio, JOHN GLENN. In March of this year, as you know, Mr. President, that unfunded mandates legislation was signed into law.

Part of that new law in essence says that Federal agencies must develop a process to enable elected and other officials of State, local, and tribal units of government to provide input when Federal agencies are developing regulations.

The conference report of that legislation passed overwhelmingly. In the Senate it was 91 to 9. In the House it was 394 to 28.

An overwhelming majority said in essence enough is enough, that the Federal Government must reestablish a partnership with local government. It is very straightforward. This movement toward local empowerment has consistently been expressed in the legislative reform occurring in both Houses of Congress. But I feel, as I think the Senator from California feels, that this provision in this telecommunications bill is causing a slippage back to our old habits. What we have before us in section 254 of the bill before us is a reversal of the positive progress that we have been making.

As the Senator from California pointed out, in subsection (d) the committee has added broad and ambiguous FCC preemption language that states, if the FCC "determines that a State or local government has permitted or imposed any statute, regulation, or legal requirement that violates or is inconsistent with this section, the FCC shall immediately preempt the enforcement of such statute, regulation, or legal requirement to the extent necessary to correct such violation or inconsistency."

We are going to give this power to the FCC over the jurisdictions of the local communities and the State governments. This is a disturbing directive that instructs the Federal Commission to invalidate duly adopted State laws and local ordinances that the independent Commission may deem inappropriate. This preemption would be generated by a commission that in a majority of cases would be thousands of miles away from the local government jurisdiction that would be affected by their decision.

I know of no one in local government who objects to the language which ensures nondiscriminatory access to the public right of way. But what they do vigorously object to is that this proposed FCC preemption does not allow them the prerogative to manage their right of way in a manner that they deem to be appropriate and in the best interest of their community.

If I may, Mr. President, let me give you an example. When I was the mayor of Boise, ID, we had a particular project that on the main street, on Idaho Street, from store front to store front, we took everything out 3 feet below the surface and we put in brand new utilities. I think it was something like 11 different utilities all being coordinated, put in at the same time, then building it back up, new sidewalks, curbs, gutters, paving of the main street. I will tell you, Mr. President, that there is no way in the world that the FCC, 3,000 miles away, could have coordinated that.

I think one of the things that you hear so often if you are in local government or if you tune into the radio talk shows, is when a new street has been paved, within 6 months you see crews out there cutting into that new pavement, and they are putting in a new utility. That is expensive, and it is unnecessary if you can coordinate things. Surely, we do not think that an independent commission in Washington, DC, is going to be able to better coordinate that than the local government in San Francisco or the local government in Boise, ID. It just does not happen.

This proposed preemption is based on two assumptions. First, that it is the role of the Federal Government to tell others what to do; second, that local units of government are not capable or responsible enough to make the right decisions. I reject both of those presumptions.

Like the Senator from California, with the hands-on experience that she has had at the local government level, we realize that Federal solutions do not always meet local problems. You have to take into account the local conditions and the local innovations. These Federal solutions have not worked in the past. They are not working now. They will not work in the future.

So why would we step back with all of the progress that we have been making this congressional session in reordering the partnership between the Federal, the State and the local governments in a working partnership?

This language which introduces expanded FCC jurisdiction into the local decisionmaking process is ill-conceived, and it should not be included in the final language of this important legislation. Our amendment would strike the offending subsection in its entirety. This would leave control of local right of way matters with local elected officials, which is exactly where it belongs.

The goal of Congress in regulatory reform should be to remove existing Federal roadblocks that limit productivity and creativity and innovation. We should legislate in a manner that enhances Federal-local intergovernmental partnerships for mutually beneficial results. We should not be guilty of imposing new, unnecessary bureaucratic hurdles as has been done in this case.

So, again, I am so proud to join the Senator from California in this effort. We make a good team. This is a worthy effort to team up with because this present preemption needs to be removed from the telecommunications bill.

I yield the floor, Mr. President.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I would like to thank the Senator from Idaho for those excellent remarks. I think he hit the nail on the head with respect to the rights of local government, and the way in which this Congress is moving. This preemption sets all of our progress regarding the relationship between Federal and local government back, and hurts cities, counties, and States in the process.

So I want the Senator to know how much I enjoy working with him on this. I thank him very much.

Mr. PRESSLER addressed the Chair.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. PRESSLER. Mr. President, I reluctantly rise in opposition to this amendment from two of my most respected colleagues in the Senate. The issue addressed in this amendment goes to the very heart of S. 652, eliminating barriers to market entry.

In the case of section 254, which I have here in front of me, entitled "Removal of Barriers to Entry," we do preempt any State or local regulation or statute or State or local legal requirement that may prohibit or have the effect of prohibiting the ability of any entity to provide telecommunications services.

The actual authority granted to the FCC in subsection (d) is critical to ensuring that State and local authorities do not get in a way that precludes or has the effect of precluding new entry by firms providing new telecommunications services. At the same time, make no mistake about it, the authority granted in subsections (b) and (c) to the State and local authorities respectively in turn protect them. For example, in subsection (c) it says, "Nothing in this section affects the authority of local government to manage the public rights of way."

Mr. President, this is a particularly difficult problem because all of us want to leave authority with State and local government. But this is a deregulatory bill to allow companies to enter and to compete without barriers. If this section were allowed to fall, it could mean that certain requirements would be placed on companies, such as public service projects or certain types of payments of one sort or another for a local universal service, or whatever. We are trying to deregulate the telecommunications markets in the United States. I know it sounds great to say let every city and municipality have a virtual veto power over what is occurring in their area.

Now, it is my strongest feeling that sections (b) and (c) to the State and local authorities, respectively, are more than sufficient to deal in a fairhanded and balanced manner with legitimate concerns of State and local authority. Sections (b) and (c) take into account State and local government authority, (b) says:

> State Regulatory Authority. Nothing in this section shall affect the ability of a State to impose, on a competitively neutral basis and consistent with section 253, requirements necessary to preserve and advance universal service, protect the public safety and welfare, ensure the continued quality of telecommunications services and safeguard the rights of consumers.

Section (c):

> Local Government Authority. Nothing in this section affects the authority of a local government to manage the public rights of way or to require fair and reasonable compensation from telecommunications providers, on a competitively neutral and nondiscriminatory basis, for use of public rights of way on a nondiscriminatory basis if the compensation required is publicly disclosed by such Government.

Now, the preemption clause (d) reads as follows:

> If, after notice and an opportunity for public comment, the Commission determines that a State or local government has permitted or imposed any statute, regulation, or legal requirement that violates or is inconsistent with this section, the Commission shall immediately preempt the enforcement of such statute, regulation, or legal requirement to the extent necessary to correct such violation or inconsistency.

The intent therefore is to leave protected State regulatory authority, to leave protected local government authority, but there have to be some cases of preemption or a certain city could impose a requirement of some sort or another that would be very anticompetitive, and that is where we come out.

I have joined in a lot of efforts here to ensure that our State and local authority be preserved. And I understand there will possibly be a second-degree amendment. We have worked closely with Senator HUTCHISON and the city, county, and State officials to achieve this balance. That is where the committee came out.

I feel very strongly that it is a fair balance. It takes into account State regulatory authority, takes into account local government authority. But it also recognizes the need to open up markets, the removal of barriers to entry. In many cases these do become barriers to entry, barriers to competition.

So I rise in reluctant opposition to the amendment.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, you have to be sure of foot to be opposing two distinguished former mayors. The Senator from California is the former mayor of San Francisco, and the distinguished Senator from Idaho is a former mayor of Boise. Both had outstanding records.

But let me suggest that what they have read into the preemption section is a requirement and an idea that just does not exist at all. I will have to agree with them in a flash that the Federal Communications Commission has no idea of coordinating, as the Senator from Idaho has outlined, the digging up in front of all of the sidewalks and stores and everything else, putting in the regular necessary conduit, refirming the soil and the sidewalks again in front. We have no idea of the FCC doing it.

Let us tell you how this comes about. Section 254 is the removal of the barriers to entry, and that is exactly the intent of the Congress, and it says no Government in Washington should, well, vote against it. But I think the two distinguished Senators are not objecting to the removal of the barriers to entry. What we are trying to do is say, now, let the games begin, and we do not want the States and the local folks prohibiting or having any effect of prohibiting the ability of any entity to enter interstate or intrastate telecommunications services. When we provided that, the States necessarily came and said, wait a minute, that sounds good, but we have the responsibilities over the public safety and welfare. We have a responsibility along with you with respect to universal service.

So what about that? How are we going to do our job with that overencompassing general section (a) that you have there. So we said, well, right to the point: "Nothing in this section shall affect the ability of a State to impose on a competitively neutral basis"—those are the key words there, the States on a competitively neutral basis, consistent with opening it up—"requirements necessary."

We did not want and had no idea of taking away that basic responsibility for protecting the public safety and welfare and also providing and advancing universal service. So that was written in at the request of the States, and they like it. The mayors came, as you well indicate, and they said we have our rights of way and we have to control—and every mayor must control the rights of way.

So then we wrote in there:

> Nothing shall affect the authority of a local government to manage the public rights of way or to acquire fair and reasonable compensation . . . on a competitively neutral and nondiscriminatory basis.

"Competitively neutral and nondiscriminatory basis." Then we said finally, indeed, if they do not do it on a competitively neutral or nondiscriminatory basis, we want the FCC to come in there in an injunction. We do not want a district court here interpreting here and a district court in this hometown and a Federal court in that hometown and another Federal court with a plethora of interpretations and different rulings and everything else. We are trying to get uniformity, understanding, open competition in interstate telecommunications—and intrastate, of course, telecommunications.

Now, that was the intent and that is how it is written. And if our distinguished colleagues have a better way to write it, we would be glad and we are open for any suggestion. But somewhere, sometime in this law when you say categorically you are going to remove all the barriers to entry, we went, I say to the Senator, with the experience of the cable TV. I sat around this town—I was in an advantaged section up near the cathedral. I had the cable TV service, but two-thirds of the city of Washington here did not have it for years on end because we know how these councils work. We know how in many a city the cable folks took care of just a couple of influential councilmen, and they would not give service or could give service or run up the price and everything else of that kind.

We have had experience here with the mayors coming and asking us. And this is the response. That particular section (c) is in response to the request of the mayors. If they do not do that, if they put it, not in a competitively neutral basis or if they put it in a discriminatory basis, then who is to enjoin? And we say the FCC should start it. Let us not go through the Administrative Procedures Act. Let us not go through every individual.

Yes, we want those mayors and all to come here and everybody to understand rules are rules and we are going to play by the rules and the rules protect those mayors to develop, to administer, to coordinate. I agree 100 percent, I say to the Senator from Idaho, that the FCC has never performed the job of a city mayor. But they shall and must perform this job here of removing the barriers to entry. And if we do not have them doing it, then I will yield the floor and listen to what suggestion they have. But do not overread the preemption section to other than centralizing the authority and responsibility in the FCC to make sure, like they have in administering all the other rules relative to communications here and all the other entities involved in telecommunications, they have that authority to make sure while the cities got their rights of way, while the States have got their public welfare and public interest sections to administer, that it is done on a nondiscriminatory basis.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, I would like to respond to my two friends, the floor managers of this bill, and then I know the Senator from California would also like to respond.

They referenced, of course, section 254, which is removal of barriers to entry. That is the section and that is the key. They stated it:

> That no State, local statute or regulation or other State or local legal requirement may prohibit or have the effect of prohibiting the ability of any entity to provide any interstate or intrastate telecommunications services.

Period. Period. And nothing in this amendment alters that at all. We affirm that. It is my impression, Mr. President, that when it is referenced that section (b), State regulatory authority, yes, the States feel that that language is good; and section (c), local government authority, yes, mayors had something to do with the writing of that language. They feel good about that. But the problem is, then you go on to section (d) which, it is my understanding, came very late in the process. In section (d), there is this line that says: "The Commission shall immediately preempt * * *"

We see this so many times with Federal legislation: On the one hand, we give but, on the other hand, we take it away. In section (b) and section (c) we give, but, by golly, we have section (d) that then says that this Commission will immediately preempt. That is the problem. We are not saying that we should not be held accountable to this. That is why there is no language in this amendment to alter the opening statement of section 254. No problem. It is section (d) that then comes right along and, after everything has been said, preempts and pulls the plug, and that is wrong. We should not do this to our local and State partners. It is absolutely wrong.

I yield the floor.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, my colleague from Idaho took the words right out of my mouth. I think he is exactly right in his interpretation of this section. The barrier for entry is clearly done away with by this section. Nothing Senator KEMPTHORNE or I would do would change that. What we do change, however, is simply delete the ability of a remote technical commission to overturn a city decision and create an enormous hassle for cities all across this Nation.

I would like to just give you the exact wording of what the city attorney of Los Angeles said this section does. He says:

> It proposes sweeping review powers for the FCC and, in effect, converts a Federal administrative agency into a Federal administrative court. The FCC literally would have the power to review any local government action it wishes, either on its own or at the request of the industry.
>
> A Federal agency, with personnel who do not directly respond to the public, will be dictating in fine detail what rules local government and their citizens across the country shall have to follow. The FCC would be given plenary power to decide what actions of local government are "inconsistent with" the very broad provisions in the bill and, without further review, hold the authority to nullify or preempt state and local governmental actions. That is an unprecedented and far-reaching authority for a Federal agency to have over local government.

I could not agree more. Senator KEMPTHORNE and I were both mayors at one time and we both understand that every city has different needs when it comes to cable television.

I remember as the mayor of San Francisco when Viacom came into the city. It wired just the affluent sections of the city. It refused to wire the poorer areas of the city. Unless local government had the right to require that kind of wiring, it was not going to be done at all. That is just one small area with which I think everyone can identify.

But when it comes to the rights-of-way and what is under city streets, the city must be in the position to set rules and regulations by which its street can be cut. This preemption gives the FCC the right to simply waive any local rulemaking and say that is not going to be the case. It gives the FCC the right to waive any local fee and say, "That's not the way it is going to be."

That is why countless cities and counties across the country, not just one or two, but virtually all of the big organizations, including the League of Cities, the national Governors, local officials and others, say, "Don't do this." If a cable company has a problem with anything we in local government do, let them go to court. Let a court in our jurisdiction settle the issue. I think that is the right way to go. For the life of me, I have a hard time understanding why people would want to preempt these local decisions with the technical, far-removed FCC agency.

So I think Senator KEMPTHORNE has well outlined the situation. I think we have made our case.

I thank the Chair.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, the distinguished colleague from Idaho said "came so late in the process." I want to correct that thought. I am referring back over a year ago to a bill with 19 cosponsors, this same language:

> * * * the Commission determines that a State or local government has permitted or imposed any statute, regulation, or legal requirement that violates or is inconsistent with this subsection, the Commission shall immediately preempt the enforcement of such statute, regulation, or legal requirement to the extent necessary to correct such violation or inconsistency.

It did not come late in the process. We have been working with mayors and we have several former mayors who were cosponsors. That was S. 1822. So this is S. 652, which is, of course, over a year subsequent thereto.

Is it the language that is inconsistent with this subsection? Is that the bothersome part? It sort of bothers this Senator. I think if you are going to violate your authority with respect to being neutral and nondiscriminatory and you have to have somewhere this authority, in the entity of the FCC, to do it rather than the courts, each with a plethora of different interpretations and law, I would think if we could take that, maybe that would satisfy the distinguished Senator from California and the Senator from Idaho.

I yield the floor. I make that as a suggestion.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, I appreciate the good efforts of the Senator from South Carolina, because I have always found him to be a gentleman whom I can work with and we can find areas on which we can see some common ground.

With regard to my comment that it came late in the process, this may be a concept that had been discussed quite a bit, but the mayors that the Senator from South Carolina referenced, it was local officials who told me that this particular language of (d) was not in the draft bill's language, it was not part of the draft bill when it came out. And it was really after Senator HUTCHISON from Texas, who raised this issue, had section (c) added that (d) then came back.

I do not know, it may have been something that has been discussed for some months, but as far as putting it in the bill, it was not there.

The other point then about how do we deal with this, again, Senator FEINSTEIN and I are in absolute agreement that with respect to this whole issue of removal of barriers to entry, if there are problems, if a cable company is getting a bad deal and being put off by a local government, they can go to court, but they go to court in that area, they do not have to come to Washington, DC.

The avenue for remedy already exists, so why do we then say, again, everyone must come to Washington, DC?

That is expensive. I think it is unnecessary and these cable companies, if there had been particular problems and there is a trend, they can establish a precedence in the court, and I think the local communities are going to realize if there is something wrong, they will not do it again because they will lose in court. I think the spirit in which Senator FEINSTEIN and I have joined in this is on behalf of State and local governments, that they are going to own up to their responsibilities. Let us not make them come to Washington, DC, and not make every one of them subject to the FCC in Washington, DC.

I yield the floor.

Mr. PRESSLER addressed the Chair.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. PRESSLER. Mr. President, I wanted to speak very briefly on this. I know our whip is here with some business.

First of all, I think we have to put this in context. As Senator HOLLINGS has pointed out, this section has been the result of hours and days of negotiations with city officials. It was in S. 1822 last year, and it is here. I think we have to take a step back and look at some of the cable deals and problems that have occurred in our cities. The cities have granted exclusive franchises in some cases and are not allowing competition. They have required certain programming be put on and other requirements on those companies.

Our States have granted, in the telephone area, certain exclusive franchises, not allowing competition. And the point is, if we are having deregulation here, removal of barriers to entry, we have to take this step. I think that is very important for us to considerate this point.

Now, section 254 goes to the very heart of this bill, because removal of barriers to entry is what we are trying to accomplish with this bill. We preempt any State or local regulation or statute or State or local legal requirement that may prohibit or have the effect of prohibiting the ability of any entity to provide telecommunications services.

The authority granted to the FCC in subsection (d) is critical if we are going to open those markets, because a lot of States and cities and local governments may well engage in certain practices that encourage a monopoly or that demand certain things from the business trying to do business. That would not be in the public interest.

At the same time, make no mistake about it, Mr. President, the authority granted in subsection (b) and (c) to the State and local authorities, respectively, are more than sufficient to deal in a fairhanded and balanced manner with legitimate concerns of State and local authority. These were negotiated out with State and local authorities.

We have worked closely with Senator HUTCHISON and the city, county, and State officials to strike a balance. We have gone to great pains and length to deal with concerns of the cities, counties, and State governments that are legitimately raised. We dealt with the concerns in subsection (b) and (c), while at the same time setting up a procedure to preempt where local and State officials act in an anticompetitive way, by taking action which prohibits, or the effect of prohibiting, entry by new firms in providing telecommunications services.

Now, the real problem created by the amendment offered by my friends, Senators FEINSTEIN and KEMPTHORNE, is that the very certainty which we are trying to establish with this legislation is put at risk. Certainty. A company has to go out and wonder if that local city or State will put some requirement on it to provide some kind of programming, or even to do something in the city to provide some service, or if it will grant an exclusive monopoly. What we are trying to get are barriers to entry, and we are reserving to the State and local governments certain authorities. So the certainty we are looking for we have taken away—no guarantee that entry barriers will be toppled and no guarantee of uniformity across the country.

The committee has dealt with federalism concerns throughout this legislation. Let me say that this debate goes to the heart of a technical detail of federalism and the Federal Government's relationship to State and local government. It is one of the most complicated areas of this bill. Believe me, it is hard to strike a balance. But if we strike this out, it gives every city in the country the right to put up barriers to entry. It lets every State have the right to have a monopoly unless they can extract something for the State in one way or another. I would not blame cities and States. If we do that, it goes to the very heart of this bill.

Now, I take a back seat to no one in advocating federalism principles. I like much power in the State and local government. It must be balanced with our other goal—removing the anticompetitive restrictions at the local level which restrict competition. Exclusive franchising in the cable and telephone markets is the very way that established monopolies in the past.

So, to conclude my statements on this, I understand that there may be a possible second-degree amendment to this tomorrow that would deal with the language on line 8 on page 55, "preemption," which would deal with the words, or is consistent with. But I am not certain that that second degree will be offered.

In any event, to conclude, this particular section of the bill goes to the heart of dealing with the federalism issue. Are we going to allow the cities and the State to put up barriers of entry to telecommunications firms? In the past, we have done so, with cable television. We have allowed cities not only to add a franchise fee, but also to require certain programming, and sometimes the companies do something else for the city as an incentive.

In telephones, we have allowed our States to set up a monopoly in the State and sometimes to collect certain things or to put certain requirements on. In this bill, S. 652, we are trying to deregulate, open up markets, and we are trying to let that fresh air of competition come forward. If our companies and our investors have the uncertainty of not knowing what every city will do, of not knowing what every State will do and each State legislature and each city council may change, the companies will be in the position of having to endlessly lobby city officials and State officials on these issues—not only that, at any time certainty is taken out.

This bill, S. 652—if we pass it—will provide a clear roadmap with certainty for competition. It will create an explosion of a new investment in telecommunications and new jobs and new techniques. And it will help consumers with lower telephone rates and lower cable rates. It has been carefully crafted and worked out in close to 90 nights of meetings, and on Saturdays and Sundays, plus last year, a whole year, plus a lot of Senators' input. I know it sounds good to give the power to the city and the State, and I am usually for that. In this case, we reserve powers to the city and State, but we very firmly say that the barrier to entry must be removed.

Mr. President, I wish to point out that I think there may be a second-degree amendment to this tomorrow at some point. I want to give Senators notice of that. There may not be. But I rise in opposition to the amendment.

Mr. LOTT. Mr. President, I do have some business to conduct, including the closing statement. At this juncture, I would like to do a couple of things, and if the Senator from Nebraska wants to make a statement, I will withhold on the closing unanimous consent.

CLOTURE MOTION

Mr. LOTT. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on S. 652, the Telecommunications Competition and Deregulation Act:

Trent Lott, Larry Pressler, Judd Gregg, Don Nickles, Rod Grams, Rick Santorum, Craig Thomas, Spencer Abraham, J. James Exon, Bob Dole, Ted Stevens, Larry E. Craig, Mike DeWine, John Ashcroft, Robert F. Bennett, Hank Brown, Conrad R. Burns.

The PRESIDING OFFICER. The acting majority leader.

REMOVAL OF INJUNCTION OF SECRECY—EXTRADITION TREATY WITH BELGIUM (TREATY DOCUMENT NO. 104-7); SUPPLEMENTARY EXTRADITION TREATY WITH BELGIUM TO PROMOTE THE REPRESSION OF TERRORISM (TREATY DOCUMENT NO. 104-8); AND EXTRADITION TREATY WITH SWITZERLAND (TREATY DOCUMENT NO. 104-9)

Mr. LOTT. Mr. President on behalf of the leader, as in executive session. I ask unanimous consent that the injunction of secrecy be removed from the following three treaties transmitted to the Senate on June 9, 1995, by the President of the United States:

Extradition Treaty with Belgium (Treaty Document No. 104-7);

Supplementary Extradition Treaty with Belgium to Promote the Repression of Terrorism (Treaty Document No. 104-8); and

Extradition Treaty with Switzerland (Treaty Document No. 104-9).

I further ask that the treaties be considered as having been read the first time; that they be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's messages be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The messages of the President are as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Extradition Treaty Between the United States of America and the Kingdom of Belgium signed at Brussels on April 27, 1987. Also transmitted for the information of the Senate is the report of the Department of State with respect to the Treaty.

This Treaty is designed to update and standardize the conditions and procedures for extradition between the United States and Belgium. Most significantly, it substitutes a dual-criminality clause for the current list of extraditable offenses, thereby expanding the number of crimes for which extradition can be granted. The Treaty also provides a legal basis for temporarily surrendering prisoners to stand trial for crimes against the laws of the Requesting State.

The provisions in this Treaty follow generally the form and content of extradition treaties recently concluded by the United States. Upon entry into force, it will supersede the Treaty for the Mutual Extradition of Fugitives from Justice Between the United States and the Kingdom of Belgium, signed at Washington on October 26, 1901, and the Supplementary Extradition Conventions to the Extradition Convention of October 26, 1901, signed at Washington on June 20, 1935, and at Brussels on November 14, 1963.

This Treaty will make a significant contribution to international cooperation in law enforcement. I recommend that the Senate give early and favorable consideration to the Treaty and give its advice and consent to ratification.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *June 9, 1995.*

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Supplementary Treaty on Extradition Between the United States of America and the Kingdom of Belgium to Promote the Repression of Terrorism, signed at Brussels on April 27, 1987 (the "Supplementary Treaty"). Also transmitted for the information of the Senate is the report of the Department of State with respect to the Supplementary Treaty.

This Supplementary Treaty is designed to facilitate the extradition of terrorists, and is similar to the protocols to extradition treaties currently in force with other countries, including Australia, Canada, Spain, the Federal Republic of Germany, and the United Kingdom. Upon entry into force, the Supplementary Treaty will amend the Treaty for the Mutual Extradition of Fugitives from Justice, signed at Washington on October 26, 1901, as amended by the Supplementary Conventions, signed at Washington on June 20, 1935, at Brussels on November 14, 1963, if that Treaty is still in force, or the Extradition Treaty Between the United States and Belgium signed at Brussels on April 27, 1987.

I recommend that the Senate give early and favorable consideration to the Supplementary Treaty and give its advice and consent to ratification.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *June 9, 1995.*

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Extradition Treaty Between the Government of the United States of America and the Government of the Swiss Confederation, signed at Washington on November 14, 1990. Also transmitted for the information of the Senate is the report of the Department of State with respect to the Treaty.

The Treaty is designed to update and standardize the conditions and procedures for extradition between the United States and Switzerland. Most significantly, it substitutes a dual-criminality clause for a current list of extraditable offenses, so that the new Treaty will cover numerous offenses not now covered by our extradition treaty with Switzerland, including certain narcotics offenses, important forms of white collar crime, and parental child abduction. The Treaty also provides a legal basis for temporarily surrendering prisoners to stand trial for crimes against the laws of the Requesting State.

The Treaty further represents an important step in combatting terrorism by excluding from the scope of the political offense exception offenses typically committed by terrorists for which both the United States and Switzerland have an obligation under a multilateral international agreement to extradite or submit to their authorities for the purpose of prosecution. These offenses include aircraft hijacking, aircraft sabotage, crimes against internationally protected persons (including diplomats), and hostage-taking.

The provisions in this Treaty follow generally the form and content of extradition treaties recently concluded by the United States. Upon entry into force, it will supersede the Extradition Treaty of May 14, 1900, and the Supplementary Extradition Treaties of January 10, 1935, and January 31, 1940, Between the United States of America and the Swiss Confederation.

This Treaty will make a significant contribution to international cooperation in law enforcement. I recommend that the Senate give early and favorable consideration to the Treaty and give its advice and consent to ratification.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *June 9, 1995.*

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-955. A communication from the Secretary of Defense, transmitting, pursuant to law, the report on accounting for U.S. assistance under the Cooperative Threat Reduction Program; to the Committee on Armed Services.

EC-956. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report on the extent of compliance of the independent states of the former Soviet Union with the Biological Weapons Conventions; to the Committee on Armed Services.

EC-957. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the 1993 consolidated annual report on fair housing programs; to the Committee on Banking, Housing, and Urban Affairs.

EC-958. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, a report relative to intermarket coordination; to the Committee on Banking, Housing, and Urban Affairs.

EC-959. A communication from the Secretary of Housing, and Urban Development, transmitting, pursuant to law, a report relative to a collaboration between the National Science Foundation and the Department of Housing and Urban Development; to the Committee on Banking, Housing, and Urban Affairs.

EC–960. A communication from the General Counsel of the Department of Treasury and the General Counsel of the Department of Housing and Urban Development, transmitting a draft of proposed legislation entitled "Federal Home Loan Bank System Restructuring and Modernization Act of 1995"; to the Committee on Banking, Housing, and Urban Affairs.

EC–961. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, a report relative to the availability of housing close to places of employment; to the Committee on Banking, Housing, and Urban Affairs.

EC–962. A communication from the Secretary of Housing and Urban Development, transmitting a draft of proposed legislation entitled "American Community Partnerships Act"; to the Committee on Banking, Housing, and Urban Affairs.

EC–963. A communication from the Chairman of the Securities and Exchange Commission, transmitting, pursuant to law, the annual report of the Commission for fiscal year 1994; to the Committee on Banking, Housing, and Urban Affairs.

EC–964. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a report relative to the exchange stabilization fund; to the Committee on Banking, Housing, and Urban Affairs.

EC–965. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the annual report of the Board for calendar year 1994; to the Committee on Banking, Housing, and Urban Affairs.

EC–966. A communication from the President and Chairman of the Export-Import Bank, transmitting, pursuant to law, a report relative to U.S. transactions with the Philippines; to the Committee on Banking, Housing, and Urban Affairs.

EC–967. A communication from the Chairman of the Securities and Exchange Commission, transmitting, pursuant to law, a report relative to intermarket coordination; to the Committee on Banking, Housing, and Urban Affairs.

EC–968. A communication from the Executive Director of the Thrift Depositor Protection Oversight Board, transmitting, pursuant to law, a report relative to the number and condition of savings associations; to the Committee on Banking, Housing, and Urban Affairs.

REPORTS OF COMMITTEES

Under the authority of the order of the Senate of June 8, 1995, the following reports of committees were submitted on June 9, 1995:

By Mr. PACKWOOD, from the Committee on Finance, with an amendment in the nature of a substitute and an amendment to the title:

H.R. 4: A bill to restore the American family, reduce illegitimacy, control welfare spending and reduce welfare dependence (Rept. No. 104–96).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. HEFLIN (for himself and Mr. KYL):

S. 914. A bill to delineate acceptable drug testing methods, and for other purposes; to the Committee on the Judiciary.

By Mr. D'AMATO:

S. 915. A bill to govern relations between the United States and the Palestine Liberation Organization (PLO), to enforce compliance with standards of international conduct, and for other purposes; to the Committee on Foreign Relations.

By Mr. FRIST (for himself, Mrs. KASSEBAUM, Mr. JEFFORDS, Mr. COATS, Mr. DEWINE, Mr. KENNEDY, Mr. PELL, Mr. DODD, Mr. SIMON, and Mr. HARKIN):

S. 916. A bill to amend the Individuals with Disabilities Education Act to extend the Act, and for other purposes; to the Committee on Labor and Human Resources.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HEFLIN (for himself and Mr. KYL):

S. 914. A bill to delineate acceptable drug testing methods, and for other purposes; to the Committee on the Judiciary.

DRUG TESTING LEGISLATION

Mr. HEFLIN. Mr. President, I rise today to introduce a bill which will allow law enforcement to choose from a variety of drug testing processes. I believe that it is important to fight drug abuse and supply law enforcement agencies with all the available tools. By expanding the range of acceptable drug testing methods State and Federal agencies will be able to weigh the costs and benefits of the different processes to determine the one which best suits their needs. Congress should not enact legislation that limits drug testing alternatives but should let the agencies, with their expertise, make informed choices.

This bill will amend the recently passed Violent Crime Control and Law Enforcement Act of 1994 in three areas. The amendments would strike the references to urinalysis as the only drug testing method specifically listed pursuant to conditions of supervised release, conditions of parole, conditions of probation, and residential substance abuse treatment for prisoners. In its place it will include but not limit the choices of testing to: urine, hair, and blood testing. This will ensure that State and local agencies can make use of innovative technology.

When drug testing was first introduced, the methods available for testing provided only narrow windows of detection with limited accuracy. This bill will encourage law enforcement to incorporate new technology, such as hair analysis, into their current drug testing regimes.

Field studies conducted by the National Institute of Justice show that hair analysis is more effective than urine testing in detecting cocaine, PCP, and opiate users. Also, this innovative form of drug testing promises to be a less invasive, and potentially more revealing, alternative to urine screening. Finally the individual will probably find that snipping a lock of hair is far less offensive than asking for urine samples.

The bottom line is that drug use among prisoners on probation, parole, and early release is a constant concern of law enforcement. If there are means of testing which are reliable and detect abuse over greater time periods then those tests should be available and encouraged. The new drug testing technologies have such capability and this bill would simply add them to the list already set forth into law pursuant to enactment of the Violent Crime Control Act of 1994.

Mr. KYL. Mr. President, I am pleased to join Senator HEFLIN in introducing this bill on hair analysis. As noted in the January 1993, "Research in Brief," published by the National Institute of Justice, "Hair testing is relatively well established and * * * has several advantages over urine in testing for drugs."

First, hair greatly expands the time window for detection of an illicit drug. Generally, urine tests determine if drugs have been used in the past 2 to 4 days, but hair provides a 90-day history of information.

Second, brief periods of abstinence from drugs will not significantly alter the outcome of hair analysis. Additionally, hair analysis cannot be evaded as in urinalysis, where drug users can substitute clean samples or tamper with specimens. Drug residues remain permanently embedded in hair. They cannot be washed or bleached out.

Third, hair is easy to handle, and requires no special storage facilities or conditions. Compared with urine samples, it presents fewer risks of disease transmission.

Fourth, because hair records drug use chronologically and in amounts proportional to those consumed, the pattern and quantity of drug abuse is also provided.

Fifth, collecting comparable samples for repeat testing is easier with hair than with urine; a cosmetically undetectable snip of hair is easily collected under close supervision without causing the embarrassment of providing a urine sample.

Sixth, contaminating or altering a sample to distort or manipulate test results is much more difficult with hair than with urine. Furthermore, if the results of the first test are challenged, a second, newly collected sample can be analyzed as a safety net. This is not possible with urine because the original 3-day surveillance window will have passed and the subject can merely abstain from drug use in the few days prior to submitting a new sample.

In sum, the availability of hair analysis will give law enforcement another tool for drug testing.

By Mr. D'AMATO:

S. 915. A bill to govern relations between the United States and the Palestine Liberation Organization (PLO), to enforce compliance with standards of international conduct, and for other purposes.

MIDDLE EAST PEACE COMPLIANCE ACT OF 1995

Mr. D'AMATO. Mr. President, I rise today to introduce the Middle East Peace Compliance Act of 1995.

The fact of the matter is simple. The PLO is not complying with its responsibilities. It has failed to restrain the radicals in Gaza; it has failed to change the PLO Covenant; and it has failed to come clean with the amount of its assets. Most importantly, the PLO's overwhelming failure to restrain the radical elements within its areas of control is an insult to Israel and everyone who had placed hope in Yasir Arafat's ability to deliver the peace. In return for all of this is the fact that the United States will be sending $100 million to the PLO and Palestinian authorities over the next year, if the administration is allowed to have its way.

Mr. President, while it is plain to see that the PLO has not lived up to its commitments, despite the State Department's protests to the contrary, one need only to look at the facts to understand the situation. Between September 13, 1993, the signing of the Declaration of Principles, and May 4, 1994, the beginning of Gaza-Jericho self-rule, there were 373 attacks, with 110 Israelis killed, 70 of them civilians. There are said to be thousands of illegal weapons in the Gaza-Jericho area, at least 26,000, according to the Israeli newspaper Maariv.

Furthermore, reports by independent peace monitors, the Judge Advocate General of the Israel Defense Forces [IDF] and the Congressional Peace Accords Monitoring [PAM] Group point to an additional and consistently widening pattern of PLO non-compliance that include:

Failure to preempt terrorism;

Failure to control the flow of illegal weapons into and inside of Gaza;

Failure to apprehend, prosecute and adequately punish individuals accused of criminal or terrorist acts against Israelis;

Failure to prevent the illegal diversion of international assistance to PLO activities;

Failure to restrict the growth of the Palestinian police force in Gaza which now is conservatively estimated to be 17,000 instead of the 9,000 permitted by agreement with Israel; and

Failure to confine Palestinian administrative offices to Gaza, while allowing them to proliferate, illegally, in Jerusalem.

It is said that there are networks of terrorist training camps in Gaza, and there is even film of recruits drilling chanting anti-Israeli slogans. Despite sweeping arrests in which the Palestinian authorities round up hundreds of Palestinians for questioning in relation to various bombings, attacks, and other violations, these demonstrations of supposed compliance with Israeli complaints amount to just public relations, in the words of Prime Minister Rabin, himself. Soon after, most of these mass arrests, the suspects are let go. Some system of justice.

As far as the covenant is concerned, the PLO shows no interest in abrogating those sections calling for the destruction of Israel. Despite promises to do so, the PLO has not even convened the Palestine National Council in order to amend the covenant. All the State Department can say is that they "hope that Arafat will do so, and [we] have encouraged him to follow through with this," in reference to changing the Covenant. This does not exactly exude confidence or the ability to influence a change.

It is for this reason that I am introducing the Middle East Peace Compliance Act of 1995. This legislation places a series of requirements on the PLO before they can receive money from the United States. Briefly, the requirements are as follows:

Require that U.S. assistance may only be used for humanitarian projects for the benefit of Palestinians living under the Palestinian authority. All assistance must be channeled only through U.S. Government agencies or private voluntary organizations [PVO's];

Condition any U.S. assistance upon full financial and managerial accountability of the Palestinian authority;

Require the President to certify that no aid will go to individuals suspected of having harmed American citizens, while requiring that the PLO assist in the apprehension of and extradition to the United States of all such individuals now, or previously under its control;

Direct the President to provide specific counterterrorism technology and technical assistance to Israel; and

Require that the PLO pay compensation to U.S. victims of terrorism committed with PLO support and under its direction.

Mr. President, this bill is not the panacea. Nor is it the popular thing to do. It is however, the right thing to do. I want peace for Israel as much or more than anyone else does, but I don't want it on the wrong terms. Neville Chamberlain said that there would be peace "in our time" after Munich, and there wasn't. I want Israel to be safe and secure. I don't want Israel to become locked into an agreement with an organization that cannot deliver on its end of the bargain. I also do not want to have the U.S. taxpayers' money wasted. The issues are paramount.

This peace agreement is like a contract. When one side abides by the contract's terms and the other does not, then the deal has been broken. Now, I know that there will be some who will say that this aid should continue regardless, and that the violations are really not violations. Let me tell you, the violations of the PLO are real and they cannot be ignored or forgiven. They must be dealt with. If this is done, then there should be no problems. The terms for aid in this bill are not odious, they are not overreaching and they are not unreasonable. They are consistent with the requirements that our Government places upon all recipients of U.S. foreign assistance.

I urge my colleagues to support this important measure.

Mr. President, I ask unanimous consent that the text of the bill be included in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 915

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Middle East Peace Compliance Act of 1995".

SEC. 2. DEFINITIONS.

For the purposes of this Act—

(1) the term "Palestine Liberation Organization (PLO)" shall be defined as a membership organization encompassing all constituent groups that belong to the Palestine National Council and all individuals that have or continue to publicly demonstrate their allegiance to the Palestine Liberation Organization, or receive funds, directly or indirectly from sources controlled by the PLO. Its legal status is defined by U.S. law pursuant to Title X of Public Law 102–204 section 1002;

(2) for the purpose of this section, the term "foreign assistance" shall be the same as that used under section 634(b) of the Foreign Assistance Act of 1961 (P.L. 87–195); and

(3) the term "Palestinian Authority" shall be defined as the administrative entity established in the self-rule areas of Gaza and the West Bank in accordance with the Declaration of Principles signed in Washington, D.C. September 13, 1993, between Israel and the Palestine Liberation Organization (PLO).

SEC. 3. POLICY.

It is the policy and interest of the United States—

(1) to contribute to the advancement of peace and security in the Middle East by supporting efforts by Israel and the Palestine Liberation Organization (PLO) to reach a non-violent resolution of their conflict under the terms of the Declaration of Principles on Interim Self-Government Arrangement signed in Washington, D.C., September 13, 1993;

(2) to ensure that both Israel and the PLO fully and meaningfully comply with the terms and conditions of all agreements made between them;

(3) to demonstrate firm, consistent and unambiguous opposition to terrorism by insisting that Israel and the Palestine Liberation Organization take significant, material and timely steps to preempt terrorist attacks;

(4) to ensure that the Palestinian Authority fully accounts for basic human needs and infrastructure development funds expended by the United States in Gaza and Jericho in

accordance with standard commercial principles and practices;

(5) to ensure that Israel and the Palestine Liberation Organization cooperative fully with U.S. law enforcement agencies to apprehend, prosecute and convict all individuals involved in the criminal injury or death of United States citizens or the willful damaging of United States property;

(6) to hold the PLO and its administrative authority in Gaza and Jericho accountable for unlawful acts carried out within its jurisdiction or emanating from territory under its administrative control;

(7) to ensure that all recipients of U.S. foreign assistance evidence a clear commitment to democracy, justice and the rule of law and conform to established standards of financial management and accountability; and

(8) to contribute to the long-term security, stability and economic health of the State of Israel through the maintenance of close bilateral ties and, to the greatest extent possible, to provide such levels of assistance to Israel as are necessary and sufficient to achieve these objectives, irrespective of the success or failure of the agreements between Israel and the PLO.

SEC. 4. FINDINGS AND DETERMINATIONS.

(a) Pursuant to the commitments between Israel and the PLO described in section 6 of this Act, the Congress makes the following findings:

(1) After decades of conflict, Israel and the PLO have entered a new era which presents an historic opportunity for peaceful coexistence and a stable democratic future for themselves and the region;

(2) The basis for this new relationship between Israel and the PLO is the set of agreements to which both parties are signatories and which emanate from the Declaration of Principles of Interim Self-Government Arrangements, signed in Washington, D.C. on September 13, 1993;

(3) The United States agrees to serve as a partner in the effort to bring about a lasting reconciliation and understanding between Israel and the PLO;

(4) The United States recognizes all of the agreements referred to in section 6 of this Act are legally binding on Israel and the PLO, that they were entered into freely and in good faith and that Israel and the PLO are committed to their complete fulfillment;

(5) The United States is relying upon Israel and the PLO to honor their commitments to elected representatives and officials of the United States Government prior to and following the signing of the Declaration of Principles, including the promise of the PLO to halt terrorism emanating from areas under its control;

(6) The United States is committed to providing funding for infrastructure development and basic human needs in Gaza and Jericho, but not through any institution or entity of the PLO or the Palestinian Authority and only where Israel and the PLO have demonstrated that they have taken substantial, timely and meaningful steps toward full compliance under their respective agreements;

(7) The United States is resolute in its determination to ensure that in providing assistance to Palestinians living under the administrative control of the Palestinian Authority or elsewhere, the beneficiaries of such assistance shall be held to the same standard of financial accountability and management control as any other recipient of U.S. foreign assistance; and

(8) Since the signing of the Declaration of Principles, the United States has had sufficient time to evaluate the sincerity, commitment and effectiveness with which Israel and the PLO have complied with both the spirit and the letter of the joint agreements to which they are signatories.

(b) DETERMINATIONS.—Therefore, the Congress determines that:

(1) the PLO continues to demonstrate widespread and systematic disregard for both the spirit and the letter of the understandings reached in a succession of agreements between it and the State of Israel;

(2) information provided by the President on the compliance of the PLO with its agreements is often ambiguous, insufficient, at variance with the assessments of independent monitoring groups and falls short of the standards of accountability expected of other recipients of U.S. foreign assistance;

(3) the PLO specifically has failed to take substantial, timely and meaningful steps to fulfill its legal obligations in the following areas:

(A) AMENDING THE PLO COVENANT.—In violation of commitments made by the PLO in the letter of September 9, 1993 between the PLO leader and the Prime Minister of Israel, 1993, the PLO has failed to repeal the provisions of its Charter which declare Israel to be illegitimate and call for its elimination through armed struggle;

(B) PREVENTING TERRORISM.—In violation of the terms agreed to in the Gaza-Jericho Agreement, Annex III, article I, section 5 and the letters of September 9, 1993 between the PLO leader and the Prime Minister of Israel and between the PLO leader and the Foreign Minister of Norway, the PLO has not legally banned terrorist organizations such as Hamas and Islamic Jihad and has done little to discipline them. In the 19 months before the Declaration of Principles there were 318 casualties from terrorism in Israel and the territories (68 people were killed and 250 injured). This is in contrast to the 19 months following the signing of the Declaration of Principles, there were 651 casualties from terrorism in Israel and the territories (134 people were killed and 517 injured), an increase of nearly 100 percent;

(C) PROSECUTING TERRORISTS.—In violation of the terms agreed to in the Gaza-Jericho Agreement, Annex III, article I, section 5 and the letters of September 9, 1993 between the PLO leader and the Prime Minister of Israel and between the PLO leader and the Foreign Minister of Norway, the PLO has failed to investigate terrorist incidents, prosecute terrorists according to the rule of law, or ensure that the sentences imposed for terrorist acts are more than perfunctory. The PLO repeatedly has declared that it considers terrorist organizations such as Hamas and Islamic Jihad as legitimate opposition groups with whom they are prepared to conduct a dialog. The PLO has not legally banned extremist organizations and instead, employs Hamas sympathizers in its administration in Gaza;

(D) PREVENTING INCITEMENT TO VIOLENCE.—In violation of the terms agreed to in the Gaza-Jericho Agreement, Article XII, paragraph 1 and the letters of September 9, 1993 between the PLO leader and the Prime Minister of Israel and between the PLO leader and the Foreign Minister of Norway, PLO officials continue to advocate holy war (jihad) against Israel, glorify suicide bombers, lend support and comfort to terrorist groups and issue propaganda delegitimizing Israeli sovereignty even within its pre-1967 borders;

(E) BARRING UNAUTHORIZED FORCES.—In violation of the terms agreed to in the Gaza-Jericho Agreement, Article IX, section 2, the PLO continues to permit illegal military and paramilitary groups to conduct terrorist operations against Israel from administrative areas under its control;

(F) CONFISCATING UNAUTHORIZED WEAPONS.—In violation of the terms agreed to in the Gaza-Jericho Agreement, Annex I, article VIII, sec. 8, the PLO has failed to fulfill its commitment made to the United States Vice President on March 24, 1995, to take significant steps to disarm military and paramilitary groups under its administrative control, to license weapons or to substantially enforce, by judicial means, individual violations;

(G) EXCLUDING TERRORISTS FROM SECURITY SERVICES.—In violation of the terms agreed to in the Gaza-Jericho agreement, Annex I, article III, sec. 4(b), the PLO continues to employ policemen who have been convicted of serious crimes;

(H) EXTRADITING TERRORISTS.—In violation of the terms agreed to in annex III, article II, sec. 7, the PLO consistently refuses to extradite individuals suspected of terrorist crimes against Israeli citizens and has not complied with earlier demands of the U.S. Government to extradite individuals suspected of crimes against Americans to the United States;

(I) PROHIBITING THE LOCATION OF INSTITUTIONS OF THE PALESTINIAN AUTHORITY OUTSIDE OF GAZA AND JERICHO.—Under Article V of the Gaza-Jericho Agreement, the Palestinian Authority is limited but has attempted to extend its authority beyond the boundaries of Gaza and Jericho. It has failed to live up to its commitment not to operate offices in Jerusalem and has opened at least 7 institutions in and around the city;

(J) FACILITATING THE RELEASE OF ISRAELI POWS/MIAS.—The PLO has failed to provide Israel with information it possesses on the condition and possible whereabouts of at least one Israeli MIA;

(K) AVOIDING AND PUNISHING THE ILLEGAL TRANSFER OF FUNDS.—In violation of the spirit of the Gaza-Jericho agreement and standard international principles and practices of financial accountability, administrative authorities in Gaza have diverted substantial amounts of development assistance to activities of the PLO both inside and outside of Gaza and Jericho; and

(L) PREVENTING INFILTRATIONS.—In violation of the term agreed to in the Gaza-Jericho Agreement, Article IV(2)(c), the Palestinian Police authorities has failed to halt infiltrations from Egypt to Gaza and from Gaza to Israel.

SEC. 5. GENERAL RESTRICTIONS ON ASSISTANCE.

Notwithstanding any other provision of law, the following restrictions shall apply with regard to all assistance provided by the United States and intended to benefit Palestinians living in areas controlled by the PLO or the Palestinian Authority:

(1) All funds made available to areas under the administrative control of the Palestinian Authority shall be provided only through agencies or entities of the United States Government or private voluntary organizations designated by the Secretary of State and registered in the United States. *Provided*, That no funds shall be obligated or expended for any projects or activities of the Palestinian Authority in Jerusalem or that benefit Palestinians living in Jerusalem;

(2) Under no circumstances and notwithstanding any other provision of law, none of the funds authorized or appropriated under this or any other Act shall be made available, directly or indirectly, to benefit the Palestine Liberation Organization (PLO), its agents, entities, projects, programs, institutions or activities under its control, or directly or indirectly, to benefit the operation

of the Palestinian Authority in Gaza, Jericho or any other area it may control:

(3) Funds made authorized or appropriated under this or any other Act shall only be made available for humanitarian assistance, economic development and basic human needs infrastructure projects or activities which directly benefit Palestinians in areas under the administrative control of the Palestinian Authority;

(4) The total amount of United States Assistance benefitting the Palestinians resident in areas under the administrative control of the PLO and the Palestinian Authority for any single year shall not exceed the largest total contribution by a member of the Arab League to the Palestinian Authority in the previous full calendar year;

(5) None of the funds authorized or appropriated under this or any other Act shall be made available to benefit, directly or indirectly, Palestinians living under the administrative control of the Palestinian Authority until the PLO substantially, materially and in a timely fashion complies with the provisions of section 7 of this Act;

(6) No funds made available by this or any other Act and intended to benefit Palestinians living in areas controlled by the PLO or the Palestinian Authority shall be used for the purchase, lease, or acquisition by any means of lethal equipment, supplies or infrastructure to support that equipment or its use in military or paramilitary operations or training; and

(7) No funds shall be made available under this or any other Act to benefit Palestinians living in areas controlled by the PLO or the Palestinian Authority should be PLO conclude a formal or informal arrangement with Hamas, Islamic Jihad or any other group practicing or supporting terrorism under which the terrorist activities of these groups, either inside or outside of Gaza and Jericho, will be allowed to continue or be tolerated in any respect.

(8) As set forth in section 585 of the Foreign Operations, Export Financing, and Related Programs 1995 Appropriations and 1994 Supplemental Appropriations Act (Public Law 103-306):

(A) None of the funds made available under this or any other Act shall be obligated or expended to create in any part of Jerusalem a new office of any department or agency of the United States Government for the purpose of conducting official United States Government business with the Palestinian Authority over Gaza and Jericho or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles: *Provided*, That is restriction shall not apply to the acquisition of additional space for the existing Consulate General in Jerusalem.

(B) Meetings between officers and employees of the United States and officials of the Palestinian Authority, or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles, for the purpose of conducting official United States Government business with such authority should continue to take place in locations other than Jerusalem. As has been true in the past, officers and employees of the United States Government may continue to meet in Jerusalem on other subjects with Palestinians (including those who now occupy positions in the Palestinian Authority), have social contacts, and have incidental discussions.

(9) No funds made available under this or any other Act shall be used to benefit any individual who has directly participated in, or conspired in, or was an accessory to, the planning or execution of a terrorist activity which resulted in the death, injury or kidnapping of an American citizen.

SEC. 6. PLO-ISRAEL COMMITMENTS DESCRIBED.

The commitments referred to under this Act and recognized by the United States are the legally binding commitments made by the Palestine Liberation Organization and Israel in the following declarations:

(1) the PLO letter of September 9, 1993, to the Prime Minister of Israel;

(2) the PLO letter of September 9, 1993, to the Foreign Minister of Norway;

(3) the Declaration of Principles on Interim Self-Government Arrangements signed in Washington, D.C. on September 13, 1993;

(4) the Agreement between Israel and the PLO signed in Cairo on May 4, 1994; and

(5) the Joint Communiqûe between Israel and the PLO issued at Blair House; in Washington, D.C., February 12, 1995.

SEC. 7. REQUIREMENTS FOR THE TRANSFER OF FUNDS.

IN GENERAL.—Notwithstanding any other provision of law, none of the funds authorized or appropriated under this or any other Act shall be made available, directly or indirectly, to benefit Palestinians living under the administrative control of the PLO or the Palestinian Authority in Gaza, Jericho or any other area it may control, until the following requirements set forth in this section are fully met and certified to Congress by the President of the United States:

(1) SUBSTANTIAL, MATERIAL AND TIMELY COMPLIANCE.—That the PLO and the Palestinian Authority have made substantial, material and timely progress in meeting their legal obligations as set forth in the agreements between the PLO and Israel and as enumerated in section 6 of this Act. The President shall submit to the relevant congressional committees a quarterly report that:

(A) comprehensively evaluates the compliance record of the PLO according to each specific commitment set forth in its agreements with Israel and;

(B) establishes, as appropriate, both objective and subjective measures to assess PLO compliance; and

(C) measures PLO compliance against each previous quarterly assessment and demonstrates significant and continual improvement each quarter.

(2) FINANCIAL ACCOUNTABILITY.—Sixty days following the enactment of this Act and every 180 days thereafter, the President of the United States shall submit to the relevant congressional committees a financial audit carried out by the General Accounting Office (GAO), which provides a full accounting of all United States assistance which benefits, directly or indirectly, the projects, programs or activities of the Palestinian Authority in Gaza, Jericho or any other area it may control, since September 13, 1993, including, but not limited to, the following:

(A) the obligation and disbursal of all funds, by project, activity, and date, as well as by prime contractor, all subcontractors, and their countr(ies) of origin;

(B) the organization(s) or individual(s) responsible for the receipt and obligation of U.S. assistance;

(C) the amount of both private and international donor funds that benefit the PLO or the Palestinian Authority in Gaza, Jericho or any other area it may control, and to which the United States may be a contributor;

(D) the ultimate beneficiaries of the assistance; and

(3) REPORT ON THE POSSIBLE MISUSE OF FUNDS.—Pursuant to section 7(a), the President shall also provide the relevant congressional committees with a comprehensive accounting of all United States and International donor funds, credits, guarantees, insurance, in-kind assistance and other resource transfers to the PLO, the Palestinian Authority or other associated entities under their control which the General Accounting Office believes may have been misused, diverted or illegally converted for purposes other than those originally intended by the donors and shall include a decision of—

(A) the possible reasons for the diversion of resources and the likely uses toward which they were put;

(B) the manner and mechanism(s) by which the resources were misdirected;

(C) the person(s) and institution likely responsible for the misdirection of the resources; and

(D) the efforts being made by the Palestinian Authority, the President and the international community to account for and recover the misdirected resources.

(4) PENALTIES AND DEDUCTIONS.—Not less than thirty (60) days following the issuance to Congress of the findings set forth in section 7(2) the President shall deduct one dollar from the amount of funds or other resources appropriated to benefit Palestinians living in areas controlled by the Palestinian Authority for each dollar which the General Accounting Office is able to demonstrate may have been diverted by Palestinians for purposes other than what they were originally intended.

(5) ACCOUNTABILITY FOR PAST TERRORISM.—The President shall certify to the relevant congressional committees that the Palestine Liberation Organization has taken substantial, material and timely steps to provide information to United States law enforcement agencies leading to the arrest and extradition to the United States for prosecution of individuals connected directly or indirectly with the Palestine Liberation Organization and alleged to have been responsible for terrorist attacks on American citizens or property since 1964 to include, but not be limited to, the kidnapping, or murders of:

(A) David Berger, in Munich, Germany, September, 1972;

(B) Cleo A. Noel, Jr., United States Ambassador to the Sudan, and G. Curtis Moore, U.S. Diplomat, in Khartoum, March 2, 1973;

(C) Gail Rubin, in Israel, March 11, 1978;

(D) Leon Klinghoffer on the cruise ship Achille Lauro, October 8, 1985; and

(E) Gail Klein, in Jerusalem, October 15, 1986.

(6) REPORT TO THE CONGRESS.—Pursuant to subsection (B) of this section, the President shall report to the relevant congressional committees, in both classified and unclassified form, no later than September 1, 1995, and every 180 days thereafter, on:

(A) the name, date, location, and circumstance of all Americans alleged to have been killed or injured, directly or indirectly, by members, agents, supporters or surrogates of the Palestine Liberation Organization from 1964 to the present;

(B) the name, date, precise location, and circumstances of all violent incidents against Israelis or others by any terrorist group, organization, entity or individual operating in Israel or the territories controlled by Israel or the PLO and to indicate—

(i) where the violent incident was planned, organized and launched;

(ii) how and through what means the violent incident was funded;

(iii) the source and type of any lethal equipment used in any violent incident; and

(iv) whether the United States has been able to independently confirm information provided by either Israel or the PLO regarding violent incidents reported under this subsection.

(C) the status of all warrants issued by U.S. law enforcement agencies, Interpol, or other international police authorities, for the arrest of members of the Palestine Liberation Organization, to include, but not be limited to, the name of the individual, the date and nature of the crime alleged to have been committed, the statute under which prosecution is being sought, and the level and nature of the cooperation provided by the Palestine Liberation Organization in the apprehension, prosecution and conviction of this individual(s);

(D) the disposition of all past and current investigations into the criminal activities of the Palestine Liberation Organization as well as the warrants for the arrest of alleged members of the Palestine Liberation Organization that have been revoked or suspended by agencies of entities of the United States Government since 1964 and reason for the revocation or suspension; and

(E) the name of any individual who currently serves as an official or agent of the Palestine Liberation Organization or the Palestinian Authority who at any time has been subject to a United States or international arrest warrant or has been placed on a U.S. Government "watch list."

(7) MATTERS TO BE CONSIDERED.—In determining whether to make the certification required by subsection (4) of this section with respect to the PLO, the President shall also consider and report, in both classified and unclassified form, to the relevant congressional committees the following:

(A) Have the actions of the PLO resulted in the maximum reductions in terrorism carried out by members or affiliates of the PLO? Has the PLO leadership publicly, in Arabic, English and Hebrew, and using all major print and electric media outlets, strongly condemned acts of terrorism against Israel and the West when they occur?

(B) Has the PLO taken legal and law enforcement measures to enforce in areas under its administrative control, to the maximum extent possible, the elimination of terrorist acts and the suppression of criminal elements responsible for terrorism as evidenced by the seizure of illegal weapons, the closure of offices and training areas belonging to terrorist organizations and the arrest and prosecution of violators involved in the incitement, recruitment, training, planning, or conduct of terrorist operations affecting the United States, Israel or other countries?

(C) Has the PLO taken the legal and law enforcement steps necessary to eliminate, to the maximum extent possible, the laundering of profits derived from smuggling, narcotics trafficking, illegal weapons transactions or other criminal activity as evidenced by the enactment and enforcement by the PLO of laws prohibiting such conduct?

(D) Has the PLO taken the legal and law enforcement steps necessary to eliminate, to the maximum extent possible, bribery and other forms of public corruption which facilitate the execution of terrorist acts or which discourage the investigation and prosecution of such acts, as evidenced by the enactment and enforcement of laws prohibiting such conduct?

(E) Has the PLO, as a matter of policy or practice, encouraged or facilitated the continued sponsorship of terrorist acts?

(F) Does any senior official of the PLO engage in, encourage, or facilitate the incitement, recruitment, training, planning, or conduct of terrorist operations affecting the United States, Israel or other states or condone other internationally recognized criminal activity?

(G) Has the PLO investigated aggressively all cases in which any citizen of the United States or member of the United States Government has been the victim, since 1964, of acts or threats of violence, inflicted by or with the complicity of any agent of the PLO or any political subdivision or supporter thereof, and energetically sought to bring the perpetrators of such offense to justice?

(H) Having been requested to do so by the United States Government, does the PLO fail to provide reasonable cooperation to lawful activities of United States law enforcement agents, including the refusal of permission to such agents engaged in counter-terrorism to pursue suspected terrorists or other criminal elements that may support terrorist activities into areas or facilities it controls?

(I) Has the PLO or its administrative authority in Gaza and Jericho adopted legal codes in order to enable law enforcement officials to move more effectively against terrorists, the supporters of terrorism and other related criminal elements, such as effective conspiracy laws and asset seizure laws?

(J) Has the PLO expeditiously processed United States, Israeli, or other countries' extradition requests relating to terrorism, narcotics trafficking or other criminal offenses?

(K) Has the PLO refused to protect or given haven to any known terrorist, drug trafficker or other accused or convicted of a serious criminal offense, and has it expeditiously processed extradition requests relating to acts of terrorism or narcotics trafficking made by other countries?

(L) Has the PLO cooperated, both publicly and privately, with efforts undertaken by the President of the United States to end the Arab League boycott of Israel and if so, to what extent and to what practical effect?

(8) VICTIMS OF TERRORISM COMPENSATION.—Pursuant to section 5570 of P.L. 99-399 no funds shall be made available to benefit the PLO, the Palestinian Authority or any person or entity under its control until the President certifies to the relevant congressional committees that full and fair compensation is provided by the Palestine Liberation Organization to United States victims of PLO terrorism after adjudication in a United Court of law.

(9) PREEMPTION OF TERRORISM.—The President shall make available to Israel, equipment for the state-of-the-art security examination of cargo containers and vehicles: *Provided*, That this equipment shall include automated, non-intrusive inspection technology, or technologies, for the direct detection and chemical elemental identification of contraband: *Provided further*, That some of this equipment may be in the form of technology in the advanced stages of development and suitable for field testing and evaluation: *Provided further*, That not less than $40,000,000 is authorized to be appropriated in Fiscal Year 1996 for the purposes set forth in this section from the funds made available by the United States to support the agreements between Israel and the PLO: *Provided further*, That the President shall negotiate the transfer of this technology no later than September 30, 1995, and prior to the obligation of not more than $50,000,000 in United States funds to benefit Palestinians living in Gaza, Jericho or any additional territories which might be administered by the PLO: *Provided further*, That it is the purpose of this section to enable the United States to support efforts by both Israel and the PLO to meet their compliance obligations and—

(A) to assist them in combating terrorism;

(B) to assist them in combating narcotics smuggling and other contraband smuggling; and

(C) to assist them in ensuring proper manifesting and customs regulation compliance and revenue collection.

(10) REVIEW OF LEGISLATION.—Prior to the disbursement of any funds authorized under this or any other Act for the benefit of the PLO, the Palestinian Authority or any of its constituencies, activities or projects, the President shall carry out, and report to the relevant congressional committees, a thorough review of pertinent legislation affecting the status of the PLO to include, but not be limited to, Title X of Public Law 100-204 and shall recommend to Congress modifications consistent with U.S. policy toward countering terrorism and promoting peace in the Middle East.

(11) PRESIDENTIAL DISCLOSURE.—No later than 60 days following the enactment of this Act, the President shall disclose in a classified manner to the relevant congressional committees, the substance of any secret agreements, understandings, or promises, either formal or informal, between the United States and Israel, and the United States and the PLO, connected with the implementation of the Declaration of Principles, that—

(A) commits the United States to any course of action in its foreign, diplomatic or security policies;

(B) commits the United States to provide funds or other forms of assistance for particular projects or activities;

(C) provides assurances to particular individuals who may or may not be targets of a U.S. or international criminal investigation; and

(D) extends to particular individuals the promise of protection or safety should future circumstances warrant it.

(12) PROVISIONS THAT MAY BE SUSPENDED.—Subject to the requirements of section 7 and the prior approval of the Chairmen of the relevant committees of the Congress of the United States the President may suspend only the following provisions of law for a period not to extend beyond May 31, 1996—

(A) Section 307 of the Foreign Assistance Act of 1961 (22 U.S.C. 2227) as it applies with respect to the Palestine Liberation Organization or entities associated with it.

(B) Section 114 of the Department of State Authorization Act, Fiscal Years 1984 and 1985 (22 U.S.C. 287e note) as it applies with respect to the Palestine Liberation Organization or entities associated with it.

(C) Section 1003 of the Foreign Relations Authorization Act, fiscal years 1988 and 1989 (22 U.S.C. 5202).

(D) Section 37 of the Bretton Woods Agreement Act (22 U.S.C. 286w) as it applies to the granting to the Palestine Liberation Organization of observer status or other official status at any meeting sponsored by or associated with the International Monetary Fund. As used in this paragraph, the term "other official status" does not include membership in the International Monetary Fund.

SEC. 8. FINANCIAL DISCLOSURE.

(a) Within thirty (30) days of the enactment of this Act, the President shall request that both the Palestine Liberation Organization and the Palestine Authority provide to the United States, comprehensive financial statements of their assets and income for the prior year: *Provided*, That in addition to these statements, the President shall certify to the Congress that:

(1) the United States Government has no knowledge of information as to other further assets or income of the Palestine Liberation Organization or Palestinian Authority; and

(2) the Palestine Liberation Organization and Palestinian Authority are spending and investing substantially all of their respective assets and income for the welfare and benefit of the Palestinian people in the areas administered by the Palestinian Authority and for purposes related exclusively to the duties and functions of the Palestinian Authority as authorized under agreements between Israel and the PLO.

(b) No funds shall be obligated or expended for the benefit of the Palestinian people in areas administered by the Palestinian Authority until the President has delivered to the relevant congressional committees the information required in section 8(a).

(c) President shall report to the relevant congressional committees, in both classified and unclassified form, no later than September 1, 1995, and every 180 days thereafter, on all the assistance provided by the international community to the PLO and the Palestinian Authority, or any affiliated organization or entity, both directly and indirectly, to include:

(1) the amount of such assistance, by project, and whether the assistance is provided in cash or in kind;

(2) the organization or entity through which the international assistance is disbursed;

(3) the use(s), by project, to which the international assistance is being put; and

(4) the ultimate beneficiaries of the assistance.

SEC. 9. PROHIBITION ON FORMAL DIPLOMATIC REPRESENTATION.

Notwithstanding any other provision of law, the President of the United States shall make no commitments and shall provide no funds for the obligation or expenditure, for any activity leading to the establishment, on either a temporary or permanent basis, of any United States diplomatic post, to include an embassy, consulate or interest section in any territory under the administrative control of the PLO or the Palestinian Authority.

SEC. 10. RELEVANT CONGRESSIONAL COMMITTEES DEFINED.

As used in this Act, the term "relevant congressional committees" means—

(1) the Committee on International Relations, the Committee on Banking and Financial Services, and the Committee on Appropriations of the House of Representatives; and

(2) the Committee on Foreign Relations, the Committee on Appropriations, and the Committee on Banking, Housing, and Urban Affairs of the Senate.

SEC. 11. TERM OF THIS ACT.

This Act shall become effective upon the day of enactment and expire no earlier than May 31, 1996 unless amended.

By Mr. FRIST (for himself, Mrs. KASSEBAUM, Mr. JEFFORDS, Mr. COATS, Mr. DEWINE, Mr. KENNEDY, Mr. PELL, Mr. DODD, Mr. SIMON, and Mr. HARKIN):

S. 916. A bill to amend the Individuals With Disabilities Education Act to extend the act, and for other purposes; to the Committee on Labor and Human Resources.

INDIVIDUALS WITH DISABILITIES EDUCATION EXTENSION ACT

Mr. FRIST. Mr. President, as a strong supporter of appropriate education programs for individuals with disabilities, I am today, along with nine of my colleagues, introducing a bill that will amend the Individuals with Disabilities Education Act. The bill cited as the "Individuals With Disabilities Education Act Amendments of 1995," will extend 15 discretionary grant programs that support early intervention and special education research, demonstrations, technical assistance, and personal preparation through fiscal year 1996.

The IDEA is the principal Federal law that funds early intervention and special education programs for infants, toddlers, children, and youth with disabilities. Currently IDEA authorizes 3 formula grant programs and 15 discretionary grant programs. These discretionary grant programs expire September 30, 1995.

This legislation will send an important signal to family members of infants, toddlers, children, and youth with disabilities that Congress intends to continue supporting and funding these important programs. Part H of this legislation serves more than 76,000 infants and toddlers with disabilities. This extension also serves as a signal to States that part H and the other discretionary programs are important programs addressing the education needs of individuals with disabilities. Further, this bill lets our colleagues on the Senate Appropriations Committee know of our intent to reauthorize these programs, so that they will appropriate funds for these programs in fiscal year 1996.

This legislation extends the 15 discretionary programs under IDEA through September 30, 1996. This bill contains no substantive amendments to IDEA, and is a temporary measure allowing us additional time to develop a comprehensive reauthorization of IDEA. It is our intent to complete a comprehensive reauthorization bill in the early fall of 1995. When the comprehensive reauthorization is passed, it will repeal the extension.

The following colleagues from the Committee on Labor and Human Resources have joined me as cosponsors of this bill: Senator NANCY LANDON KASSEBAUM, Senator JAMES M. JEFFORDS, Senator DAN COATS, Senator MIKE DEWINE, Senator EDWARD M. KENNEDY, Senator CLAIBORNE PELL, Senator CHRISTOPHER J. DODD, Senator PAUL SIMON, and Senator TOM HARKIN.

ADDITIONAL COSPONSORS

S. 25

At the request of Mr. HELMS, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 25, a bill to stop the waste of taxpayer funds on activities by Government agencies to encourage its employees or officials to accept homosexuality as a legitimate or normal lifestyle.

S. 304

At the request of Mr. SANTORUM, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 304, a bill to amend the Internal Revenue Code of 1986 to repeal the transportation fuels tax applicable to commercial aviation.

S. 327

At the request of Mr. HATCH, the names of the Senator from Minnesota [Mr. GRAMS] and the Senator from New Hampshire [Mr. SMITH] were added as cosponsors of S. 327, a bill to amend the Internal Revenue Code of 1986 to provide clarification for the deductibility of expenses incurred by a taxpayer in connection with the business use of the home.

S. 539

At the request of Mr. COCHRAN, the name of the Senator from Louisiana [Mr. BREAUX] was added as a cosponsor of S. 539, a bill to amend the Internal Revenue Code of 1986 to provide a tax exemption for health risk pools.

S. 673

At the request of Mrs. KASSEBAUM, the names of the Senator from Indiana [Mr. COATS] and the Senator from Pennsylvania [Mr. SANTORUM] were added as cosponsors of S. 673, a bill to establish a youth development grant program, and for other purposes.

S. 684

At the request of Mr. HATFIELD, the name of the Senator from Tennessee [Mr. FRIST] was added as a cosponsor of S. 684, a bill to amend the Public Health Service Act to provide for programs of research regarding Parkinson's disease, and for other purposes.

S. 715

At the request of Mr. D'AMATO, the name of the Senator from Pennsylvania [Mr. SANTORUM] was added as a cosponsor of S. 715, a bill to provide for portability of health insurance, guaranteed renewability, high risk pools, medical care savings accounts, and for other purposes.

AMENDMENT NO. 1265

At the request of Mr. THURMOND the names of the Senator from North Dakota [Mr. DORGAN], the Senator from Wisconsin [Mr. KOHL], and the Senator from Nebraska [Mr. KERREY] were added as cosponsors of amendment No. 1265 proposed to S. 652, an original bill to provide for a pro-competitive, deregulatory national policy framework designed to accelerate rapidly private sector deployment of advanced telecommunications and information technologies and services to all Americans by opening all telecommunications markets to competition, and for other purposes.

At the request of Mr. LEAHY his name was added as a cosponsor of amendment No. 1265 proposed to S. 652, supra.

AMENDMENTS SUBMITTED

TELECOMMUNICATIONS COMPETITION AND DEREGULATION ACT OF 1995

FEINSTEIN (AND LOTT) AMENDMENT NO. 1269

Mrs. FEINSTEIN (for herself and Mr. LOTT) proposed an amendment to the bill (S. 652) to provide for a procompetitive, deregulatory national policy framework designed to accelerate rapidly private sector deployment of advanced telecommunications and information technologies and services to all Americans by opening all telecommunications markets to competition, and for other purposes; as follows:

On page 145, below line 23, add the following:

SEC. 407A. SCRAMBLING OF SEXUALLY EXPLICIT ADULT VIDEO SERVICE PROGRAMMING.

(a) REQUIREMENT.—Part IV of title VI (47 U.S.C. 551 et seq.), as amended by this Act, is further amended by adding at the end the following:

"SEC. 641. SCRAMBLING OF SEXUALLY EXPLICIT ADULT VIDEO SERVICE PROGRAMMING.

(a) REQUIREMENT.—In providing sexually explicit adult programming or other programming that is indecent and harmful to children on any channel of its service primarily dedicated to sexually-oriented programming, a multichannel video programming distributor shall fully scramble or otherwise fully block the video and audit portion of such channel so that one not a subscriber to such channel or programming does not receive it.

(b) IMPLEMENTATION.—Until a multichannel video programming distributor complies with the requirement set forth in subsection (a), the distributor shall limit the access of children to the programming referred to in that subsection by not providing such programming during the hours of the day (as determined by the Commission) when a significant number of children are likely to view it.

(c) DEFINITION.—As used is this section, the term "scramble" means to rearrange the content of the signal of the programming so that audio and video portion of the programming cannot be received by persons unauthorized to receive the programming."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 30 days after the date of the enactment of this Act.

FEINSTEIN (AND KEMPTHORNE) AMENDMENT NO. 1270

Mrs. FEINSTEIN (for herself and Mr. KEMPTHORNE) proposed an amendment to the bill, S. 652, supra; as follows:

On page 55, strike out line 4 and all that follows through page 55, line 12.

ROBB AMENDMENT NO. 1271

(Ordered to lie on the table.)

Mr. ROBB submitted an amendment intended to be proposed by him to the bill, S. 652, supra; as follows:

On page 146, below line 14, add the following:

SEC. 409. SENSE OF CONGRESS ON RESTRICTIONS ON ACCESS BY CHILDREN TO OBSCENE AND INDECENT MATERIAL ON ELECTRONIC INFORMATION NETWORKS OPEN TO THE PUBLIC.

(a) SENSE OF CONGRESS.—It is the sense of Congress—

(1) to encourage the voluntary use of tags in the names, addresses, or text of electronic files containing obscene, indecent, or mature text or graphics that are made available to the public through public information networks in order to ensure the ready identification of files containing such text or graphics;

(2) to encourage developers of computer software that provides access to or interface with a public information network to develop software that permits users of such software to block access to or interface with text or graphics identified by such tags; and

(3) to encourage the telecommunications industry and the providers and users of public information networks to take practical actions (including the establishment of a board consisting of appropriate members of such industry, providers, and users) to develop a highly effective means of preventing the access of children through public information networks to electronic files that contain such text or graphics.

(b) OUTREACH.—The Secretary of Commerce shall take appropriate steps to make information on the tags established and utilized in voluntary compliance with subsection (a) available to the public through public information networks.

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the tags established and utilized in voluntary compliance with this section. The report shall—

(1) describe the tags so established and utilized;

(2) assess the effectiveness of such tags in preventing the access of children to electronic files that contain obscene, indecent, or mature text or graphics through public information networks; and

(3) provide recommendations for additional means of preventing such access.

(d) DEFINITIONS.—In this section:

(1) The term "public information network" means the Internet, electronic bulletin boards, and other electronic information networks that are open to the public.

(2) The term "tag" means a part or segment of the name, address, or text of an electronic file.

ADDITIONAL STATEMENTS

SMALL BUSINESS TAX ISSUES

• Mr. BOND. Mr. President, a few weeks ago the Senate made good on its historic opportunity to balance our Nation's budget, and we voted to save our children and tomorrow's children from a burden that they did not cause and do not deserve. The American people made their position on this issue crystal clear—a balanced budget is their top priority.

Even many of those who have longstanding interests in tax relief, including the small business owners that I hear from as chairman of the Committee on Small Business, do not want tax cuts at the expense of a balanced budget. One poll conducted by a nationwide organization representing over 600,000 small businesses showed that 95 percent favored a constitutional amendment requiring the Federal Government to balance the budget and that 88 percent believed Congress should focus its attention primarily on deficit reduction.

The Senate listened to the American people on this issue. We worked hard, debated earnestly, made difficult decisions, and fulfilled our obligation by voting to bring the budget into balance by the year 2002. The result of that work is not only a better financial legacy for America, but the production of an economic dividend of approximately $170 billion over the next 7 years.

When the opportunity for tax cuts arrives as a result of our control over budget deficits, Congress should view the economic dividend as a young, growing business would view a small influx of cash. It should be invested very carefully. I strongly believe that some tax relief needs to go to families with children. I also believe, however, that we should use a portion of the dividend in a way that will create jobs and stimulate investment and growth in our economy by providing tax cuts for small businesses.

Year after year small businesses generate a significant number of new jobs, even while corporate America downsizes. In fact, according to the Small Business Administration, small businesses provided 100 percent of the net new jobs from 1987 to 1992. By targeting some of the tax cuts toward small business we will not be spending the dividend but rather reinvesting it in our economy. That way, all Americans will benefit through an improved standard of living. Small businesses need cash to meet payroll, pay their day-to-day bills and to invest in capital improvements. In a recent study, small business owners identified tax burdens as their No. 1 problem. The economic dividend provides us with an opportunity to rectify the single most important concern of that portion of our economy that can contribute to America's economic growth.

When the Committee on Finance is determining what tax cuts should be enacted as a result of the budget resolution and the economic dividend, I strongly encourage the members to include on the priority list at least the following four targeted tax cuts to promote economic growth and job creation by American small business.

First, increase the small business expensing provision. Allowing a current deduction for newly purchased assets improves the cash flow of a small business. It also would encourage a small business to invest in new equipment which in turn helps manufacturing and related industries. This is a formula for maintaining and enhancing job growth.

Second, provide a 100-percent deduction for the health insurance costs of the self-employed. With the passage of H.R. 831 earlier this year, we gave the self-employed a permanent but only a partial deduction for health insurance. Corporate employers already are able to deduct the full cost of health insurance. This disparity in treatment continues to put the entrepreneurs of America at a disadvantage—23 percent of the self-employed are uninsured today. About 4 million of the uninsured are in families headed by a self-employed worker. A 100-percent deduction will make their insurance more affordable and help these families purchase the health insurance coverage they need and deserve.

Third, estate tax relief targeted specifically for small business. Generally, this would be a tax deferral for a family owned and operated business that is passed to heirs who continue to own and operate the business. As you know, this is a vital change because some owners of a small family businesses find they cannot afford to pass the business on to their children simply because they cannot afford to pay the estate taxes. A recent survey of family businesses showed that a mere 57 percent of owners planned on keeping the business in the family; taxes were cited as one of the prime reasons for their plans to sell out. Unfortunately, our system of taxation is working against us here. Rather than promoting and stimulating business growth, the law is forcing people to make decisions to sell or close what otherwise could be a viable enterprise.

Fourth, cut the capital gains tax rate and index it for inflation. In order to unlock built up asset values. Entrepreneurs that have become successful might repeat their job-creating activities in a new company if it were not for the disincentive in the tax laws against realizing and reinvesting these gains. The effect of permitting all capital gains to be reinvested more freely would be to give our economy a boost that it otherwise would not enjoy, and much of this reinvestment likely will be directed at small business. Simply said, a reduction in the capital gains rate will expand economic activity so all Americans will be able to reap the benefit of that growth by additional jobs and an improved standard of living.

As chairman of the Committee on Small Business, I urge my colleagues to look at tax-cutting opportunities as a way to make an intelligent, long-term investment in our small business sector but will benefit the entire economy.•

HARRY ZIMMERMAN MEMORIAL AWARD TO LEONARD FLORENCE

• Mr. KERRY. Mr. Present, this is the 10th anniversary of the Mary and Harry Zimmerman Memorial Dinner to benefit the Muscular Dystrophy Association. The city of Nashville and the Service Merchandise Co. host this event and I am proud to say that this year the prestigious Harry Zimmerman Award, named for the founder of the company, is being presented to a constituent of mine, Leonard Florence, for his philanthropic efforts and dedication to the cause of the mentally challenged.

Mr. Florence has served on the board of trustees of the Cardinal Cushing School and Training Center for exceptional Children of All Faiths since 1967 and has been instrumental in raising over $10 million for the school. The Charlotte and Leonard Florence Dental Clinic and Auditorium at Tufts University Dental School and the Charlotte and Leonard Florence Courtyard in the nursery school at Temple Mishkan Tefila also testify to his generosity.

In 1993, Pope John Paul II appointed Mr. Florence a Knight of the Order of Saint Gregory the Great. This is the highest award granted by the Pope and is awarded to persons of conspicuous virtue and notable accomplishment on behalf of society regardless of their religious belief.

Leonard Florence is an outstanding citizen who has given freely of his time and talents to the Commonwealth of Massachusetts and the Nation. I congratulate him on this richly deserved award.•

NGA GROCERS CARE AWARDS

•Mr. NICKLES. Mr. President, I wish to bring to the attention of the Senate the community contribution of the American independent retail grocers and their wholesalers.

In the past years, through the celebration of National Grocers Week, the House and Senate have recognized the important role these businesses play in our economy. The week of June 11–17, 1995, commemorates the ninth year that National Grocers Week has been observed by the industry to encourage and recognize grocers' leadership in private sector initiatives. Across the Nation, community grocers, through environmental initiatives, political involvement, and charitable support, demonstrate and build on the cornerstone of this great country—the entrepreneurial spirit.

In this annual celebration, the National Grocers Association (N.G.A.) and the Nation honor outstanding independent retail and wholesale grocers, State associations and food industry manufacturers for their community leadership with N.G.A.'s Grocers Care initiatives.

Grocers Care recognizes the involvement of the entire food industry in community, civic, and environmental programs, including support for private charities, education, and the performing arts, and community efforts to shelter and feed the homeless.

GROCERS CARE AWARD NOMINEES

Representatives from companies, organizations, and associations around the United States will be honored. The honorees include:

Alabama: John M. Wilson, Super Foods Supermarkets, Luverne; Peter V. Gregerson, Jr., Gregerson's Foods, Inc., Gadsden.

Arkansas: Steve Edwards, GES, Inc. dba Food Giant, Marianna.

California: John D. Denney, Denney's Market, Inc., Bakersfield; Donald W. Dill, Certified Grocers of CA Ltd., Los Angeles.

Colorado: Harold J. Kelloff, Kelloff's Food Market, Alamosa; John M. Todd, Toddy's Supermarkets, Greeley.

Florida: Lorena Jaeb, Pick Kwik Food Stores, Mango; Donald M. Kolvenbach, Affiliated of Florida, Tampa.

Georgia: Fred A. Ligon, Sr., Ligon Enterprises, Columbia, Decatur.

Idaho: William D. Long, Waremart, Inc., Boise; Ronald B. McIntire, Ron's Thrift Stores, Inc., Hayden Lake; Jack J. Strahan, Super 1 Foods, Hayden Lake.

Illinois: John B. Sullivan, J.B. Sullivan, Inc., Savanna.

Indiana: Larry D. Contos, Pay Less Super Markets, Inc., Anderson; William G. Reitz, Scott's Food Stores, Fort Wayne.

Iowa: Scott Havens, Plaza Food Center, Norwalk.

Kentucky: William R. Gore, G & J Market, Inc., Paducah; Thomas H. Litzler, Remke's Markets, Inc., Covington.

Louisiana: Ray Fremin, Jr., Fremin's of Lydia, Inc., New Iberia; Joseph H. Campbell, Jr., Associated Grocers, Inc., Baton Rouge; Barry Breaux, Breaux Mart Supermarkets, Inc., Metairie.

Maine: Richard A. Goodwin, Dick's Market, Clinton.

Michigan: Robert D. DeYoung, Sr., Fulton Heights Foods, Grand Rapids; Patrick M. Quinn, Spartan Stores, Inc., Grand Rapids; Parker T. Feldpausch, Felpausch Food Centers, Hastings; Richard Glidden, R.P. Glidden, Inc., Kalamazoo; Mary Dechow, Spartan Stores, Inc., Grand Rapids; Richard DeYoung, Fulton Heights Foods, Grand Rapids.

Minnesota: Cheryl J. Wall, Soderquist's Newmarket, Soderville; Stephen B. Barlow, Miracle Mart, Inc., Prior Lake; Daniel G. Coborn, Coborn's, Inc., St. Cloud; Christopher Coborn, Coborn's, Inc., St. Cloud; Gordon B. Anderson, Gordy's, Inc., Worthington; Walter B. Sentyrz, Sentyrz Supermarket, Minneapolis, MN; William E. Farmer, Fairway Foods, Inc., Minneapolis; Alfred N. Flaten, Nash Finch Company, Minneapolis.

North Dakota: John N. Leevers, Leevers Supermarkets, Inc., Devils Lake; Dalles E. Krause, Krause, Inc., Hazen; William Pauling, Bill's Fairway, Dickinson; Wallace Joersz, Bill's Super Valu, Mandan; Richard Bronson, Bronson's Super Valu, Inc., Beulah.

Nebraska: John F. Hanson, Sixth Street Food Stores, North Platte.

New Hampshire: Charles P. Butson, Butson's Supermarkets, Woodsville; Martin Kashulines, The Cracker Barrel, Hopkinton.

New Jersey: William Noto, Wakefern Food Corporation, Edison; David Sylvester, Wakefern Food Corporation, Edison; Catherine Frank-White, Wakefern Food Corporation, Edison; Robert Gal, Wakefern Food Corporation, Elizabeth; William Sumas, Village Supermarkets, Inc., Springfield; Mark K. Laurenti, Shop-Rite of Pennington, Trenton;.

New Mexico: Glen Holt, Thriftway Super Market, Ruidoso; Martin G. Romine, California Super Market, Gallup.

New York: Jerome F. Pawlak, Bells Food Center, Albion.

Ohio: Walter A. Churchill, Sr., Churchill's Super Markets, Inc, Sylvania; Ronald C. Graff, Columbiana Foods, Inc., Boardman; James A. Stoll, Bag-N-Save Foods, Inc., Dover; Cynthia L. Stoll, Bag-N-Save Foods, Inc., Dover; Joseph J. McAndrew, Columbiana Foods, Inc., Boardman; Robert Graff, Columbiana Foods, Inc., Boardman; Joseph McAndrew, Jr., Columbiana Foods, Inc., Boardman.

Oklahoma: Jack V. Buchanan, Buchanan Food Mart, Inc., Oklahoma City; Bill G. Johnson, Johnson Foods, Inc., Muskogee; Gary Nichols, Nichols SuperThrift, Checotah; Maurice D. Box, Box Food Stores, Tahlequah; R.C. Pruett, Pruett's Food, Inc., Antlers; John Redwine II, John's IGA, Inc., Spiro; Darold Anderson, Affiliated Food Stores, Tulsa; Thomas D. Goodner, Goodner's Supermarket, Duncan; Donald M. Wigley, Valu-Foods, Inc., Oklahoma City.

Oregon: Ross Dwinell, United Grocers, Inc., Milwaukee.

Pennsylvania: David L. McCorkle, Pennsylvania Food Merchants, Camp Hill; Christy Spoa, Sr., Save-A-Lot, Ellwood City; Alfred L. Krout, Clemens Markets, Inc., Kulpsville.

South Dakota: John Clarke, County Fair Food Store, Mitchell.

Tennessee: H. Dean Dickey, Giant Foods, Inc., Columbia; Michael S. Dickey, Giant Foods, Inc., Columbia; D. Edward McMillan, K-VA-T Food Stores, Inc., Knoxville.

Texas: R.A. Brookshire, Brookshire Brothers, Inc., Lufkin; Tim Hale, Brookshire Brothers, Inc., Lufkin; Benny R. Cooper, Affiliated Foods, Inc., Amarillo; George Lankford, Affiliated Foods, Inc., Amarillo.

Utah: G. Steven Allen, Allen's Super Save Markets, Orem; Keith S. Barrett, Barrett's Foodtown, Inc., Salina; Richard A. Parkinson, Associated Food Stores, Salt Lake City.

Virginia: Gene Bayne, Gene's Super Market, Richmond; Eugene Walters, Farm Fresh, Inc., Norfolk; Steven C. Smith, K-VA-T Food Stores, Inc., Abingdon.

Vermont: Douglas A. Tschorn, The Wayside Country Store, Arlington;

Washington: Steve Herbison, U.R.M. Stores, Inc., Spokane; Craig Cole, Brown & Cole, Inc, Ferndale.

Wisconsin: Jerome Baryenbruch, Hometown Supermarket, Spring Green; Dean M. Erickson, Erickson's Diversified Corp., Hudson; Richard L. Lambrecht, Mega Foods, Eau Claire; Chip Courtney, Medford Co-Op, Medford; Robert D. Ranus, Roundy's, Inc., Milwaukee; Fred H. Lange, Lange's Sentry Foods, Madison.

West Virginia: David G. Milne, Morgan's Clover Farm Mkt., Inc., Kingwood.

The following State associations are instrumental in coordinating information relative to the community service activities of their members: California Grocers Association, Rocky Mountain Food Dealers, Connecticut Food Association, Georgia Food Industry Association, Retail Grocers Association of Kansas City, Kentucky Grocers Association, Louisiana Retailers Association, Maine Grocers Association, Michigan Grocers Association, Minnesota Grocers Association, Missouri Grocers Association, New Hampshire Retail Grocers Association, North Carolina Food Dealers, North Dakota Grocers Association, New Mexico Grocers Association, Food Industry Assn Executives, Ohio Grocers Association, Youngstown Area Grocers Association, Cleveland Food Dealers Association, Oklahoma Grocers Association, Tennessee Grocers Association, Utah Food Industry Association, Vermont Grocers Association, Wisconsin Grocers Association, West Virginia Association of Retail Grocers.

Manufacturers: American Forest & Paper Association; Berkel Inc. Borden, Inc.; Campbell Soup Co.; Discover Card/NOVUS Services; General Mills, Inc.; Georgia-Pacific Corp.; Gerber Products Co.; Kellogg USA Inc.; Kraft Foods; Lever Brothers Co.; Louisiana Lottery Corp.; McCormick & Co., Inc.; Nabisco, Inc.; Paramount Foods, Inc.; Procter & Gamble Co.; RJ Reynolds Tobacco Co.; Thomas J. Lipton Co.; and VISA U.S.A.•

RHODE ISLAND'S HOPE DAY

• Mr. PELL. Mr. President, on May 29 the State of Rhode Island and Providence Plantations observed not only Memorial Day but also Hope Day, commemorating the 205th anniversary of the State's ratification of the U.S. Constitution.

It was at 5:20 in the afternoon of May 29, 1790, we are told, that the final vote was taken at a convention of delegates from all parts of the State, giving Rhode Island's belated and somewhat grudging approval to the new Federal Constitution. The vote was 34 to 32, making the smallest of the Thirteen Original Colonies to join the new union of States which had come into being the previous year.

The word "Hope", which the State took as its motto in 1875, in recent years has become associated with the anniversary of the date of Rhode Island's ratification, signifying the high expectations of that occasion.

This year, the Hope Day commemoration, under the chairmanship of G. Brian Sullivan of Newport, included an invitation to all churches in the State and all vessels in Narragansett Bay to sound their bells and horns at 5:20 p.m. in a reenactment of the "Great Tintinnabulation" of May 29, 1790, when church bells throughout the State heralded the outcome of the vote on ratification.

Mr. President, I ask to have reprinted in the RECORD proclamations of Hope Day 1995 by Gov. Lincoln Almond and David F. Roderick, Jr., mayor of Newport.

The proclamation follows:

THE GOVERNOR OF THE STATE OF RHODE ISLAND—PROCLAMATION

Whereas, on May 29, 1790, Rhode Island became our country's thirteenth state, fulfilling the hope of our nation's forefathers who sought unity and upheld the motto "E Pluribus Unum"—"One Composed of Many"; and

Whereas, while Rhode Island led the thirteen original colonies in rebelling against the tyrannical rule of England with the destruction of the British revenue sloop "Liberty" in 1769 and the burning of the schooner "Gaspee" in 1772, it would not seek democracy and its status as an independent state until May 29, 1790; and

Whereas, while Rhode Island was the last of the original thirteen colonies to ratify the federal constitution, our founding fathers—Dr. John Clarke and Roger Williams—were instrumental in creating the Great Charter granted by King Charles II on July 8, 1663, assuring Rhode Island's complete religious freedom, an antecedent to the Bill of Rights; and

Whereas, on this fourteenth commemoration of "Hope Day," all of Rhode Island should stand proud in recognizing that on this great day back in 1790, federal unification became complete and the thirteen original colonies had become one nation;

Now, therefore, I Lincoln Almond, Governor of the State of Rhode Island and Providence Plantations, Do Hereby Proclaim, May 29, 1995 as Hope Day.

MAYOR OF THE CITY OF NEWPORT—PROCLAMATION

Whereas, in May of 1776, Rhode Island became the first of the thirteen original colonies to rebel against the tyranny of King George III, by declaring its independence from the Crown on May 4, 1776; and

Whereas, with the Revolutionary War won, it was not until fourteen years later, on May 29, 1790 that Rhode Island signed the Constitution, making it the official document of law in the land; and

Whereas, in recognition of the Ratification of the Constitution, church bells rang out through the State of Rhode Island and Providence Plantations; and

Whereas, in recognition of that day, the fourteenth annual commemoration of Hope Day and in celebration of USA Day in Newport, Now therefore be it

Resolved, That I, David F. Roderick, Jr., Mayor of the City of Newport in the State of Rhode Island and Providence Plantations, do hereby proclaim May 29, 1995, during the Memorial Day observance, to be Hope Day & U.S.A. Day in the City of Newport, and invite all cities and towns in the State of Rhode Island and Providence Plantations to join with us in celebrating the 205th birthday of the Constitution of the United States.•

CELEBRATING THE 1965 ALUMNI CLASS OF CHARLES SUMNER HIGH SCHOOL 30-YEAR CLASS REUNION

• Mr. BOND. Mr. President, I would like to take a few moments to recognize the 1965 alumni class of Charles Sumner High School on their 30-year class reunion. Charles Sumner High School, located in St. Louis, MO, is one of the oldest high schools west of the Mississippi River founded in 1875.

Sumner High has been one of the most prestigious schools in the Midwest, concentrating on educating students for a college curriculum. The alumni of Sumner High are very proud and distinguished people. It is with fond memories that the Class of 1965 recognize and remember their Alma Mater as "No Substitute for Excellence."

Mr. President, the 1965 alumni class of Charles Sumner High will be celebrating their 30-year class reunion on June 16–18. I would like to extend my sincere congratulations and best wishes to the Class of 1965, and hopes for continued success in the future.•

KID'S APPRECIATION DAY

• Mr. PRYOR. Mr. President, I rise today to speak on the importance of establishing a Kid's Appreciation Day to pay tribute to the children of this Nation. The question that is on the lips of children is "If there's a Mother's Day and a Father's Day, why isn't there a Kid's Day?" This is met with the standard response "Because every day is Kid's Day." Well, Mr. President, nothing could be further from the truth.

The children today deal with problems that were unfathomable when we were growing up. When I was young, one of my biggest worries was making it home to dinner on time. In many places today, kids worry more about dodging bullets, drug dealers, and whether they will live to see adulthood. Some children rarely see their parents who must hold two jobs in order to put food on the table.

There is nothing as valuable on this Earth than our children. We are handing these children the impossible task of dealing with problems that we have failed to solve. I know that having a Kid's Day won't solve these problems. But it would show our chidren that we appreciate them. I know the children of Arkansas want to be appreciated. A fine young lady named Vivian Rose has taken it upon herself to lead the children of my State toward this goal. She has presented this idea to Gov. Jim Guy Tucker who gives it his full support. I praise both of them for their efforts and commend them on their leadership in Kid's Appreciation Day.

Children are our most valuable asset and deserve to be valued on a special day. A Kid's Day would not only show our appreciation and gratitude but would instill in them a sense of comfort that they would hold dear. It would make children feel important and wanted instead of neglected. This holiday would give kids a chance to spend time with their parents. Time that they don't normally have. There could be free admission for museums and amusement parks. Local parks and swimming pools could be open to the public. It would be a day for parents to let their kids know that they care about them and this would help our children overcome the obstacles that they face to become the future leaders of tomorrow.

Mr. President, nations around the globe have Kid's Days. In fact, I'm told that the Kiwanis Club also sponsors a Kid's Day. They have parades, games, races, and give awards to celebrate children. I strongly recommend that we follow the lead of the Kiwanis Club, Governor Tucker, and Vivian Rose by making Kid's Day a reality nationwide. Children that feel wanted and appreciated are a strong defense against the violence these kids encounter in their neighborhoods. It is our responsibility as adults and role models to guide them toward the correct path of purpose. This holiday would place a smile on the faces of our kids and would put comfort in our hearts knowing that they are facing the world with added strength and resilience. Mr. President, Kid's Appreciation Day is a noble cause and I urge you to join me and my State in its support.•

Mr. LOTT. Mr. President, I do have some closing unanimous-consent requests, but I would withhold if the distinguished Senator from Nebraska has some comments he would like to make.

Mr. KERREY. I thank the Senator from Mississippi.

Mr. President, I rise but will withhold most of my comments. The Senator from South Dakota and I will have an opportunity to go round and round again on the DOJ rule amendment tomorrow.

I would point out for those few who are still remaining and listening to this, that this amendment illustrates why colleagues should be paying attention to this piece of legislation.

I, myself, support this particular section, this preemption by the Federal Government. But it is a significant preemption. Any time we see language that says, "We hereby preempt State and local laws" around here, you only get 90 votes against it.

Lately, the mood is shifting, and I think quite correctly so. The Supreme Court is shifting right along with it to an argument that cedes more and more power to the State government, whether it is welfare reform, health care, or whatever it is.

We are block granting after block granting after block granting more authority back to the State law. As I said, the Supreme Court is increasingly challenging our authority to intervene at all at the local level, the State level. Intervening with State laws at all gets to be a difficult business.

This piece of legislation preempts not just State laws but preempts local laws, I think quite repeatedly so. If we want a competitive environment, these airwaves, these cables, these lines, do not stop at a border.

It is, it seems to me, an interstate commerce issue. Nonetheless, it will feel very much local when we are dealing with local cable or local telephone. The citizens are not likely to think of it as an interstate issue as much as we are, who are trying to create some uniformity.

I think the Senator from South Dakota is quite right. This does get to the heart of the bill. It is an effort to preempt and create uniformity in the country and create certainty in the country so investment can be made and all the things that need to occur, if we are going to see this legislation produce the desired effect and benefits, for example, reduced prices for consumers, for cable.

My belief is that in short order, people are going to be buying video, dial tone, text, in a package form, but if they get a reduced price for that and they get improvement in quality and service, we have to take this action and come in and preempt the way the States can regulate.

This legislation, by this section here, not only removes the barrier, but it sets up the title 3 section which moves to pricing flexibility, not just allowing States, but requiring the States to end a rate-based rate of return system of regulation.

In this legislation, we are accelerating the number of States that have adopted alternative regulatory regimes. We are saying that we will not wait for State legislatures to take action or public service commissions to take action.

We will preempt their authority and say they will end rate-based pricing and go to a price cap system and try to give these companies that are selling telecommunications service more flexibility. I think that has merit, frankly.

This idea of preemption, I think, is a very important idea as part of this legislation, but I believe that it illustrates why colleagues need to be alert to the reaction that this will produce after this legislation is enacted. With the filing of cloture, that the distinguished Senator from Mississippi just did, this bill is coming to a vote relatively soon.

Unless I have this thing figured out wrong, it is likely there will be a majority of Senators voting for it. I hope my colleagues understand this is not likely to be the last situation but the first situation of many, many, where we need to understand where it is we are going in order to be able to answer a citizen that will say, "Wait a minute. This is big change." Yes, it is, American citizen. This legislation represents significant change in the way that we regulate and the way the Federal Government establishes its presence at the local level and at the State level.

I see ways to interpret the amendment that the Senators from California and Idaho have presented, striking this particular language. Part of this language does appear to be a bit vague to me, as well. No matter how we do it, if they want to strike the section, we are still left with significant preemption in the overall title.

I yield the floor.

Mr. HATFIELD. Mr. President, the legislation now before the Senate attempts to bring the 1934 Communications Act up to date with our Nation's current telecommunications needs. Telecommunications reform has been the subject of a great deal of debate in previous years and it is widely acknowledged that reform is necessary. However, as with any measure addressing such a broad segment of our national economy, there are many differing opinions regarding how best to proceed.

The telecommunications industry has expanded rapidly in recent years due to significant advances in technology and increasing consumer demands. A large portion of the evolution in this industry can be attributed to increased competition. Daily, millions of Americans at work, in school, and at home rely on telecommunications networks for communication, information, and entertainment. There is an enormous interest in the final outcome of this debate because enactment of a revised telecommunications law will affect virtually every American.

The underlying goal of telecommunications reform must be to do what is best for consumers. There may come a time in the future when the Federal Government can remove itself from any involvement in this industry, but we have not reached that point. I believe it is necessary for government to continue to play a role in telecommunications oversight to protect the American consumer.

The Telecommunications Competition and Deregulation Act of 1995 attempts to deregulate this industry and largely allow market forces to structure the industry. I support the free market ideals of this legislation. However, we must recognize that deregulation is not always synonymous with fair competition. Due to the fact that a small group of companies control most of our nation's telecommunication networks, there are many concerns about the potential abuse of this advantage. In order to ensure the American people are the ultimate beneficiary's of these services, we must provide adequate safeguards to accompany these deregulatory efforts.

There are presently a number of government entities with responsibility for the oversight and regulation of the telecommunications industry. Not only are many of these roles duplicative, but they are also extremely cumbersome for consumers and the companies providing the services.

One historical example of these overlapping functions is the break-up of the AT&T telephone monopoly. The Department of Justice initiated this action by determining that AT&T was in violation of Federal anti-trust laws. The courts followed by establishing the modified final judgement which created the seven Regional Bell Operating Companies. Currently, the Federal Communications Commission, the Department of Justice, State and local governments, and the courts each oversee segments of the long distance and local telephone services in this country. The break-up of AT&T was a necessary development, but the final results continue to confuse and alienate consumers to this day.

The legislation we are debating today addresses almost every aspect of the telecommunications industry in some capacity. Additionally, it allows Congress to re-establish its responsibility for setting policy in this area. For the past 6 years the Congress has attempted to address this issue. Though these efforts have largely been unsuccessful, we all recognize this area needs reform and that action is past due. The House and Senate have each crafted bills to revise current telecommunication laws this year and the congressional leadership has also made their strong commitment to passing a telecommunications reform bill very clear. This will not be an easy endeavor, but I remain hopeful that Congress will move forward on this important matter in this Congress.

During this important debate, we have heard a great deal about how this legislation will impact the telecommunications industry. However, Mr. President, it is also the Federal Government's rightful role to help our citizens receive access to advanced technologies and not just reserve this privilege to those who can afford it. The provision included in this bill by Senators SNOWE and ROCKEFELLER will allow rural health care facilities, public schools, and libraries to receive telecommunication services at a discounted rate. The Snowe-Rockefeller language, which I support, will provide telecommunications access to numerous needy institutions throughout our country. For example, the Portals Project in Oregon, which electronically links several learning institutions, will be a beneficiary of this amendment.

Mr. President the reform of this industry is a huge effort and I commend the chairman of the Senate Commerce Committee, Senator PRESSLER, and the panel's ranking minority member, Senator HOLLINGS, for their leadership on this important matter. They have both worked long and hard on this contentious issue to establish a foundation for the future of our telecommunications needs.

I continue to have several concerns with the Pressler-Hollings bill, which I hope will be addressed through the amendment process. However, I also believe they have crafted a bill that takes a comprehensive step toward addressing the needs of the American consumer and the telecommunications industry as we move further into the Information Age of the twenty-first century.

ORDERS FOR TUESDAY, JUNE 13, 1995

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 9:15 a.m., on Tuesday, June 13, 1995, that following the prayer, the Journal of proceedings be deemed approved to date, the time for the two leaders be reserved for their use later in the day, and there then be a period for the transaction of morning business not to extend beyond the hour of 9:45 a.m., with Senators to speak for up to 5 minutes each; further that at the house of 9:45, the Senate resume consideration of S. 652, the telecommunications bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. LOTT. Under a previous order debate will be equally divided from 11:30 to 12:30 on the pending Thurmond second degree amendment to the Dorgan amendment, with a vote to begin on the motion to table the Dorgan amendment at 12:30; I now ask unanimous consent that at the conclusion of vote the Senate stand in recess until the hour of 2:15 p.m. on Tuesday for the weekly policy luncheons to meet; and further that Members have until 1 p.m. to file first degree amendments to S. 652, under the provisions of rule XXII.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. For the information of all Senators there will be a rollcall vote on the Department of Justice amendment at 12:30 tomorrow. Additional votes are expected on the telecommunications bill following that vote, but not prior to 4 p.m., in order to accommodate Members attending the memorial service for former Secretary Less Aspin. Also Members should be on notice that a cloture motion was filed on the telecommunications bill tonight, but it is the hope of the managers that passage of the bill would occur prior to the vote on the cloture motion. Senators should be reminded that under the provisions of rule XXII, any Senator intending to offer an amendment to the bill must file any first-degree amendment with the desk by 1 p.m. on Tuesday.

ORDER FOR RECESS

Mr. LOTT. Mr. President, I understand that the distinguished Senator from South Dakota wishes to make one final statement.

I would like to go ahead and conclude now by saying that if there is no further business to come before the Senate after the statement by Senator PRESSLER, that we stand in recess under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE TELECOMMUNICATIONS COMPETITION AND DEREGULATION ACT

The Senate continued with the consideration of the bill.

Mr. PRESSLER. Mr. President, I would like to summarize where we are with this bill and take a look at tomorrow and finishing this bill, which I hope we will be able to do.

We have a very tough vote coming up tomorrow regarding adding the Department of Justice to the regulatory scheme. I would just like to point out that referral to the Department in the past precludes timely resolution, because the Department does not take timely action.

Now, the Department is filled with very brilliant lawyers and they have a reputation of moving very slowly on these waiver applications. I will show a couple of charts that illustrate how slow the Department has been.

In the original 1982 MFJ, it was suggested that the Department complete its work on each waiver request within 30 days. And, although the decree itself contemplates that waiver requests will be filed directly with the court, in July 1984 the court announced that it would consider application for waivers of the line of business restrictions only after review by the Department of Justice.

This procedure was imposed after only 7 months' experience with the waiver process and was not expected substantially to delay the processing of waiver requests. To the contrary, in establishing this procedure, the court noted the length of time that previously filed waiver requests have been pending and accordingly directed the Department to endeavor to return those requests to the court with its views within 30 days.

I am going to repeat that because I think it is very important. The court noted how slow the Justice Department was moving on these waivers and told them the length of time requests had been pending and accordingly directed the Department to endeavor to return these requests to the court with its views within 30 days.

So the framework for what I am saying is that the Justice Department was asked to do this within 30 days; not 90 days, as my friends have put into their bill. But what actually happened? Let us look at the facts. Let us go to the videotape, so to speak.

Contrary to the court's expectations, delays in administrative processing of waiver requests soon began to grow. In 1984 the Department disposed of 23 waivers. The average age of waivers pending before it was a little under 2 months. By 1988 the average age of pending waivers topped 1 year. Then, in 1993, when the Department disposed of only seven waivers, the average age of pending waivers at year end had increased to 3 years. More recently, in 1994, the Department disposed of only 10 waivers. This left over 30 waivers with an average of 2½ years still pending.

The Department now takes almost as long on the average to consider a single waiver request as the total time intended to elapse before comprehensive triennial reviews—which the Department has refused to conduct. This has occurred notwithstanding significant decreases in the number of waiver requests. While requests have decreased substantially since 1986, the Department had not even made a dent in the backlog. To the contrary, because the Department disposes of fewer and fewer waiver requests each year, the number of pending requests continues to grow. No matter how few waiver requests the BOC's file, the Department simply cannot keep up. In light of the multiyear delays in processing waiver requests, it is remarkable the court originally directed Department review within weeks, not months or years.

So the court directed the Department of Justice to act within a few weeks. And it has taken it years to act. So the point is, if we adopt the Dorgan-Thurmond amendment, we will be adding probably 2 or 3 years to this so-called deregulatory process, because that is what has happened in the past.

More significantly, the court ordered virtually immediate Department action because of prior delays that now seem comparatively minor. The eight waivers at issue since July of 1984 had been pending just an average of 5 months, with none more than 6 months old. Today, a waiver request rarely makes it through the Department in less than a year, and 2½ years is the mean.

Think about that; it takes 2½ years for the Department of Justice to approve or disapprove a waiver request that originally the district court thought could be done in 30 days. What is going on? Why is that?

As AT&T argued in 1986, and the court noted in 1988, the Department is clearly overwhelmed by its decree responsibilities. Aware of this, the Bell operating companies several years ago attempted to reform waiver procedures within the limits of the court's orders to eliminate the mounting backlog of pending requests. Following consultation with the Department, during 1991 the Bell operating companies agreed to consolidate the large number of pending waiver requests into a handful of generic requests and to limit their filings of new individual waiver requests. In exchange, the Department committed to acting promptly on generic waiver motions.

Once again the Department has not kept its part of the bargain. Four generic waiver requests have been filed. The first covered international communications. It was filed with the Department in December 1991 but did not receive departmental approval for 7 months, even though AT&T indicated within 3 months of the waiver request that it had no objection. Thus, we have a circumstance where the company, AT&T—a party to the consent decree—said, after 3 months, we have no objection. It still took them 7 months to issue it. And the amendment proposes to add this bureaucracy to the present FCC review. That would lead to costs and delays. It has in the past.

As I stated before, the court suggested 30 days and it has taken an average of 2½ years. In the example I just cited there was no controversy. After 3 months, AT&T said it had no objection. It still took the Department of Justice 7 months to issue that. It is tortuously slow, and businessmen waiting for that paperwork have been torturously treated, because they sit there with that investment ready to go, there is no objection, and they wait and wait. This huge bureaucracy with all these brilliant lawyers cannot produce the paper.

The second generic request, which consolidated 23 then-pending waivers, covered interLATA wire services such as cellular phones, two-way paging, and vehicle locators. It, too, was filed in December 1991. It then languished before the Department for 3 years before finally being submitted to this court. Now, 4 years after it was originally filed, the waiver is still pending; 4 years, a simple waiver in that Department of Justice—the same department that the Assistant Attorney General for Antitrust is asking this body to give an additional review—that would simply hold things up. I think that would be a very great mistake.

The period for public comment and investigation spent in connection with the generic wireless waiver request alone is more than three times as long as the period allowed by the court for public comment and review of the entire decree in 1982.

It is also eight times longer than it took for AT&T to get a factually and theoretically correct request processed. When AT&T sought relief in connection with the cellular properties in McCaw Communications, it was able to file its requests directly with the court and obtain a decision in just 7 months. During those 7 months, however, the BOC's motion for generic wireless relief continued to languish before the Department, just as it had for the 3 years before. This is 3 years waiting for one simple piece of paper.

Surely the referral procedures were not intended to bring about such disparate treatment of the BOC and AT&T when they made similar requests. The remaining BOC generic requests have followed the same path of delay upon delay.

The third request covering delivery of information services across LATA boundaries was submitted in June 1993 and, now, 20 months later, still awaits Department action.

So I will go on to a fourth. The fourth, covering interexchange services provided outside of SBC's region, was filed in July 1994 and was fully briefed before the Department by September 27, 1994. The blame for these delays simply cannot be laid at the BOC's feet. The number of requests filed with the Department held steady at roughly 20 to 30 per year from 1987 through 1991 and dropped sharply thereafter. More important, none of these requests have been frivolous and virtually every one of them has been granted.

I have identified 266 waiver applications that have been presented to the court either directly or in the form of a consolidated generic waiver. Of these, the court has approved 249 in their entirety and 5 in part. The court has denied only six, and another six remain pending.

So, while the record is clear about the failure of the Justice Department to act in a timely manner, the Department of Justice is here now, on the Hill, lobbying for still more power and authority and an unprecedented decisionmaking role. Whatever the excuses one may offer as to why delay has taken place, the facts are undeniable. Referral to the Department of Justice precludes timely resolution because the Department does not take timely action, even if ordered to do so.

Now my friends who are offering this amendment tomorrow, which will be voted on, and I think it is one of the key votes of this session, glibly say we have a requirement that everything has to be offered and dealt with within 90 days. Well, the district court had a requirement that they be dealt with within 30 days. This is notwithstanding all the efforts to speed them up.

I think Senator EXON of Nebraska has eloquently explained that Congress has passed many deregulation measures—for airlines, trucking, railroads, buses, natural gas, banking and finance. None of those measures, according to Senator EXON, give an executive branch department coequal status as regulators. What Justice is seeking here is essentially a front-line role with ad hoc veto power. Justice would be converting from a law enforcement to a regulatory agency. It would end up focusing chiefly on just this sector of the economy.

Why does Justice want to do this? They have their Assistant Attorney General for Antitrust lobbying, so I am told, calling Senators, and urging that this be so.

Why do they wish this? It is very unusual, because the Justice Department has the Sherman and the Clayton Acts oversight. They have the Hart-Scott-Rodino preapproval on antitrust. They have plenty to do. In fact, I have the statistics that they are way behind on a lot of their other work. The Justice Department is not supposed to be a regulatory agency. It is supposed to be a law enforcement, antitrust enforcement agency. But they have gotten into this habit because of the district court action in 1982. They have a bunch of lawyers and staff over there, who are regulators. That is what the FCC is for.

So we just do not need to create the equivalent of a whole new regulatory agency just for telecommunications. It is just not needed. The sort of extraordinary power is just not needed here.

Let us look. There are nearly two dozen existing safeguards that are already contemplated and required by this bill. There is a comprehensive, competitive checklist of 14 separate compliance points—unbundling, portability, the requirement for State regulator compliance, the requirement that the Federal Communications Commission make an affirmative public interest finding, the requirement that Bell companies comply with separate subsidiary requirements, the requirement that the FCC allow whole public comment and participation, including full participation by the antitrust division in all its various proceedings, the requirement that Bell companies comply with all the existing FCC rules and regulations that are already on the books, including an annual attestation, very rigorous audits, elaborate cost accounting manuals and procedures, computer assisted reporting and analysis systems such as the FCC's new automated regulatory and management information systems, and all the existing tariff and pricing rules, full application of the Sherman Antitrust and Clayton act, and full application of the Hart-Scott-Rodino Premerger Notification Act requiring Justice clearance in most acquisitions.

I think our present Attorney General, and the Assistant Attorney General for Antitrust, have done a good job in many of the Hart-Scott-Rodino areas that I have observed. That is what the Justice Department is supposed to do, and not worry about creating a bureaucracy and keeping several hundred lawyers employed over there.

There is also the full application of the Hobbs Civil Appeals Act, Section 402(a) of the Communications Act which makes the Antitrust Division automatically an independent party in every FCC common carrier and rulemaking appeal.

Finally, a consensus approach in this bill has been hammered out in the most bipartisan way possible. It has strong support on both sides of the aisle.

We are all aware that several States have moved in the direction of deregulating telecommunications. I know that Nebraska, Illinois, Tennessee, North Carolina, Florida, New Jersey, Pennsylvania, California, Wisconsin, Michigan—none of those States has given their Governors or attorneys general the kind of extraordinary new powers which this Dorgan-Thurmond amendment would create here at the Federal level for the U.S. Department of Justice.

There are plenty of safeguards in this bill and existing law already. If any competitive challenges arise because the Antitrust Division is not allowed to convert itself into a telecommunications regulatory agency, Congress can revisit the issue. Justice already has adequate statutory powers. This amendment represents the sort of undesirable approach toward regulation that the American public rejected last fall and which we as a country cannot afford. The Justice Department already has a big role in telecommunications regardless of whether this amendment is adopted. The Department enforces the Sherman and Clayton antimerger laws, and they certainly apply to telecommunications.

The Department has been an active participant in dozens of Federal Communications Commission proceedings over the years, and it will remain an active participant. Under section 402(a) of the 1934 Communications Act, moreover, the Antitrust Division has special status in every FCC common carrier and rulemaking appeal. They are what is called a statutory respondent, which means they are automatically an independent party in all of those appeals in court actions.

So what we are really talking about here is whether to give the Antitrust

Division even more of a role than they will have, and will continue to have. And, frankly, I would like to know why we need to have this enormous amount of overlapping and duplicative effort focused on telecommunications. I do not think the case has been made that existing law is inadequate. In fact, I think it would be almost impossible to do so because, it seems to me, Justice has all the enforcement tools it needs without additional surplus legislation.

I expect what all this boils down to is the Justice Department has about 50 people spending $2 or $3 million a year trying to operate like a telephone regulatory agency, a telephone regulatory agency, and they like their jobs. They are up here telling us, if we do not adopt this amendment, all sorts of bad things are going to happen.

They simply do not need this amendment if they want to stick to their traditional role of being an antitrust enforcement agency.

When this bill was introduced before the Commerce Committee, my distinguished colleague, the Senator from Arizona, noted that with more of the little provisions we added the more jobs we were creating for the Federal bureaucracy. That is exactly what we have here, the functional equivalent of a jobs bill for the bureaucracy which we just do not need.

The historic role of the Antitrust Division of the U.S. Department of Justice has been to operate as a law enforcement agency, not a regulator deciding which company can or cannot get into the market. That kind of market entry decisionmaking has not been one of the Justice's roles until very recently—indeed, not until they drafted the AT&T antitrust consent decree.

I do not agree that the Justice Department and the executive branch should be placed in this kind of industrial policymaking role. The Department should remain a law enforcement agency. I simply do not agree that it should transform itself into the functional equivalent of a regulatory agency.

I am also a bit concerned about what the long-run effect of this kind of institutional transformation might be. On April 2, the Associated Press reported that the total dollar volume of corporate mergers and acquisitions reached a record $135.2 billion worldwide during just the first quarter of 1995. Last year, there were an all-time record number of these megamergers totaling some $339.4 billion. That was up to 43 percent compared with 1992.

At the same time this tremendous number of mergers and acquisitions is taking place the Antitrust Division seems to be focusing upon becoming a telephone regulatory agency. I agree that telecommunications is critically important. But we have the Federal Communications Commission. We have the Public Service Commissions in all 50 States plus the District of Columbia. I do not think the taxpayers should be forced to pay to create and then support yet another telecommunications regulatory agency, namely the Antitrust Division. The Antitrust Division should concentrate on its traditional role of enforcing the antitrust laws. They should be examining all those massive mergers and acquisitions that are taking place. They should not be spending all of this time and effort focusing on duplicating what the FCC and the State commissions are perfectly capable of handling.

Mr. President, I have pointed out before how slow the Justice Department is. We all know that my friends in the long distance industry, some of them, are pushing for this amendment. They see it as another promising way to game the process. They want to game the process rather than deregulate, to use the Federal Government to block additional competition. And remember, delay in this area has genuine cash value.

I am very concerned that we take a look at some of the hopes of some of these companies. I consider them my friends, but I think that they are acting against consumers here. We really need to pass this bill. This bill sets up a system for competition.

So, Mr. President, this bill represents the work of a bipartisan group of Senators who started work in November. This telecommunications bill received a vote of 17 to 2 coming out of the Commerce Committee with all the Democrats on the committee. There is a wide range of ideological spectrum there among the 9 Democrats and 10 Republicans, but it happened to receive all the votes of the Democratic Senators. Now the White House is raising questions. My friend from Nebraska is raising questions. But we included them in our process. We did our best to get a bipartisan bill.

It is going to be tough to pass this bill because in telecommunications legislating, as we found last year and over the decades, each group can be a checkmate. Any one of the economic apartheid groups in telecommunications can checkmate at any point in the process. It is like playing chess with several people and anybody can checkmate.

What has happened since the 1934 Communications Act is an economic apartheid has sprung up and companies have done very well with this company doing local service, this area doing long distance service, this area doing cable TV, this area doing broadcasting, and utilities prohibited from participating in all of this. This is a massive bill that brings everybody into competition. It is procompetitive, deregulatory if we can keep it that way.

What is happening, however, is that each day and each month that this bill has moved forward, a lot of companies have said, wait a minute, when we said deregulation we meant deregulation of for me, not the other guy. When we presented them a fair playing field, they said, wait a minute, we want a fair playing field with just a slight advantage. And virtually every lobbyist in America has been working on this bill in one form or another.

We have held off granting certain special deals to certain groups in this Senate bill. For example, the newspaper publishers group sought special treatment for their electronic subsidiaries, and in the Senate we said, no, everybody has to compete. Now, they have obtained that special treatment in the House bill.

Who knows, I may well be outvoted on that. But that is an example of how we have tried to hold the line on competition. We have tried to make it a procompetitive bill.

Now, in our history, in terms of telecommunications, this bill will take us into the wireless age, which I think is about 10 or 15 years away. Some people think it is only 5 years away. But that will be an age when wires may be obsolete, and we are a ways away from that. But we need this bill as a road map to get everybody into everybody else's business.

Right now, regional Bells have to invest abroad if they want to manufacture because they are restricted from doing so here at home. Other companies have this line of business or that line of business restriction on them. This will let everybody into everybody else's business. It will allow a great deal of competition.

Now, some will say, that will just result in a group of monopolies. It will not, because we have the antitrust laws. But also let us look back to that day in 1982 when the Justice Department made two decisions on the same day. The Justice Department decided to allow IBM and the computer industry to go into the marketplace and to let there be winners and losers. It decided to place the MFJ ruling under Judge Greene on the telecommunications companies and break up into regional Bells under heavy government regulation.

Now, you can argue this forever. This will be argued forever in industrial history. But what happened in the computer area has been magnificent. We have new technology and product cycle every 18 months. The turnover is so great. There are not Government standards. There have been winners and losers, some big winners and some big losers, some have gone out of business, some have become the Bill Gateses of this world. It has been truly amazing to compare the two tracks: one a highly regulated area and the other deregulated. And we will have that sort of an industrial argument.

Now we have come to a point in our history when we need another industrial restructuring, and this one should be done by Congress. Congress should assert its responsibility for a change. The reason the courts acted regarding the telecommunications area was because Congress could not, because it is so politically sensitive. It is going to be tough to get through conference. It is going to be tough to get it through the House. It is going to be tough to get it signed because we have some indications that the President might not be willing to sign it. I hope he is because I think it is the best bipartisan bill that we will be able to get.

So I am going to step back to my charts once more and explain exactly what the bill is one final time.

The Telecommunications Competition and Deregulation Act of 1995 is designed to get everybody into everybody else's business in telecommunications. It is a massive bill. What does it do? First of all, in order to get into other businesses in telecommunications, they would first comply with State market opening requirements.

Second, they would go to the FCC where there are two tests. The first one is the standard of public interest, convenience and necessity test that has been going on for years and years.

Third of all is the FCC would certify compliance with the 14-point checklist. That is the checklist that I will explain here in just a minute.

The regional Bell telephone companies would have to comply with the separate subsidiary requirement, the nondiscrimination requirement, and cross-subsidization ban.

The fifth step would be the Federal Communications Commission would allow the DOJ full participation in all its proceedings.

Now, the Bells must comply with existing FCC rules in rigorous annual audits, elaborate cost accounting, computer-assisted reporting, and special pricing rules. So there are a lot of requirements here that will force the Bell operating companies to open up their businesses, to unbundle, and to interconnect so that people can form a local telephone service and be successful with it.

Meanwhile, the full application of the Sherman Antitrust Act would continue with the Justice Department, and the Clayton Act, and the Hart-Scott-Rodino Act. The Hobbs Civil Appeals Act involving DOJ as an independent party and all FCC appeals would continue, so the Justice Department is already involved. What we would create through the Dorgan-Thurmond amendment is just another layer of bureaucracy.

The competitive checklist has been distributed to all Senators. This checklist was developed as a compromise to the VIII(c) test to determine when companies should be deemed eligible to enter the market, when they have opened up their local markets.

The problem with competition in telecommunications is that you have to use somebody else's wires to get where you are going. There have to be some ground rules. So we came up with this checklist that the FCC would use, in addition to the public interest standard.

The first one is access to network functions and services. That is an interconnection. I went over to visit the Bell Atlantic facility here, and I've seen what interconnection and unbundling actually is.

Next is capability to exchange telecommunications between Bell customers and competitors' customers.

Next, access to poles, ducts, conduits, and rights of way.

Next, local loop transmission unbundled from switching. There are three points on unbundling the system so other people can get into it and market things through the Bell company's system and wires.

Next, local transport from trunk side unbundled from switch.

Next, local switching unbundled.

Next is access to 911 and enhanced 911—which for emergency you might push one button—directory assistance and operator call completion services.

Next, white pages directory listing available at a reasonable price.

Next, access to telephone number assignment.

Next, access to databases and network signaling.

Next, interim number portability.

Next, local dialing parity.

Next, reciprocal compensation.

And last, resale of local service to competitors.

So there we have the measures to assure the breakup of local Bell monopolies. Now the big question is, will the regional Bell companies let competition in? Well, if they do not, under S. 652 they will pay immense financial penalties.

This checklist was agreed to. We had night after night of meetings in January and February. We first wrestled with the VIII(c) test. Other Senators wanted a LeMans start. We came up with this checklist on a bipartisan basis, and I think it is the thing that will move us towards competition.

I have already talked a little bit about the problem with the amendment tomorrow. I wanted to just point out again the average length of time that some of these waivers require. This first chart shows the number of days from zero to 1,200, starting in 1984, how the length of time has expanded for the average age of waivers pending before the Department of Justice at year end.

What has happened is the Department of Justice has gotten slower and slower and slower. As the court has told it to go faster and faster, it has arrogantly gone slower and slower. What is going on? Can someone give me an explanation?

How can it be in 1993 it averaged nearly 1,200 days to get an answer, a piece of paper, out of the Department of Justice?

What the Dorgan-Thurmond amendment is suggesting is that we finish all the checklist, all the public interest requirements, all the other requirements and all the other safeguards, then we go to the Justice Department. My friends say, "That will only take 90 days," but look at the record, look at the videotape, as they say in reporting sports.

On this chart it illustrates the number of requests with the Department of Justice and how frustrated industry has become. They start out about at 86, shortly after that they were hopeful, up to 80. It dropped way down in 1992 and 1993. It is not because there are too many requests filed. People are just giving up. There is a lot of business not being done. That is what we mean by drying up enterprise, discouraging competition. Imagine how it is when a business faces 3 years of delays and 3 years of hiring lawyers and 3 years of having nothing but uncertainty to offer investors. Imagine asking your investment people to wait 3 years just for a decision. You do not get competition that way, and that is what the anticompetitive forces are looking to. They want to use Government to keep other people out of their business. They want to use Government regulation to stop competition.

I say let us deregulate, let us be procompetitive and not go on with practices such as waiting 1,200 days for a piece of paper that the district court thought could be issued in 30 days.

Mr. President, we have before us a procompetitive deregulatory bill. Everybody says they want to deregulate. AL GORE has a commission for privatizing and deregulating and cutting Government. This bill before us will reduce the size of Government, it will protect those people who are applying, but it will not allow this sort of thing—1,200 days waiting for a piece of paper.

This bill will also provide, for the first time, a number of market openings: Utilities will be able to get into telecommunications with safeguards, the subsidiary safeguard; the cable companies in this country will move towards deregulation and will be deregulated when 15 percent of their market has direct broadcast satellite or video dial competition. With the Dole, Pressler, Hollings, Daschle amendments there is further deregulation for small cable; the newspaper publishers will be in the electronics subdivision though there is a difference in the House and Senate versions; the broadcasters will get further deregulation because they are facing more competition, radio with satellites, so forth.

The giant regional Bell companies will be forced to open up their markets to competition. They will be allowed to manufacture in this country. A long distance company will be able to get into the local markets.

So this is a vast, vast bill. If we do not pass this bill this year, it will be 1997 before we can try it again. We tried it last year. Senator HOLLINGS did a terrific job, so did other Senators, Republicans and Democrats. But as I said, this sort of bill can be checkmated even at the last minute by any one of the interest groups.

I compare passing a telecommunications bill and some of the problems like being in a room with a giant buffet table stacked high with food and people gathering about it ready to eat, but no one starts to eat because they want to be guaranteed that no body else is going to be getting an extra carrot. The fact is, there is plenty for all.

I have never seen companies and groups so nervous, so anxious to get one final slight advantage. This bill affects the burglar alarm business because they have to go on to using other companies' wires. Tomorrow there is going to be an amendment offered to give the burglar alarm companies 6 years protection before they have to compete. In the bill as it stands the burglar alarm companies get 3 years protection. That is more than most others get. But now there is going to be an amendment to give them 6 years of protection.

So every group wants to delay their entry into competition 3 to 6 years. They are trying to figure out ways to get amendments. I say for the American consumer that that is not right. The American consumer wants all these companies to compete, they want new small businesses to be able to be formed to get into telecommunications. Today nobody but the monopolies can get into local telephone service in this country, but if this bill passes, two people can go out and form a local telephone company.

This bill was not drafted by industry, as some may suggest. There has seldom been more of a bipartisan effort in this Senate. When we finished the first draft, I walked a copy of this bill to every Democratic Senator on the Commerce Committee, of whom there are nine, and put it into the Senator's hand. I said I wanted their staffs there. We sent a memo around to everybody, saying, if you want to get involved in meetings at night and Saturdays and Sundays, come on around. I commend my friend from Nebraska, because he sent a very able staffer who helped write much of it. We are very glad for that assistance. We worked on this bill in a bipartisan way.

I said earlier this year that I felt if we did not get legislation out of the Senate by June, it is going to be tough going. I thank the leadership on both sides. My colleague Senator DASCHLE has been very helpful, Senator DOLE has been extraordinary, and Senator LOTT, too—all of the leadership. My colleague here, Senator HOLLINGS, has done a great job on the Democratic side. But if we do not get this bill through conference and to the President's desk and signed this year, it is not going to happen next year.

I say to all those legions of lobbyists and others who are calling in and doing their jobs—this is a democracy and people can petition their Government—I say to them that whatever their interest is, they have an interest in this bill passing because it is procompetitive and deregulatory.

People who want to work and compete will do well under this bill. I think we should all remember that, because this bill is, in my opinion, the most important bill in terms of creating jobs for the next 10 or 15 years. This bill will cause an explosion of new investment, it will cause an explosion of new jobs, the kind of jobs we want in this country.

Now, Mr. President, I have cited frequently that our regional Bell companies, and others, frequently are investing overseas. For example, England has deregulated its telecommunications. Many years ago, when I was a student there, they were a socialistic economy. Now they have privatized, deregulated, de-nationalized. England is, at last, coming out of its long recession as it deregulates. They have deregulated their telecommunications area, and our people can go there and build cable systems, as NYNEX and U.S. West, I believe, are doing. Our investors can go over there and participate. If they keep deregulating, they are going to have a booming economy. You can mark my word on that. They are on the way back. They figured it out that socialism was not beneficial.

We are doing somewhat the same thing in our telecommunications area. Our telecommunications industry has not moved forward as fast as our computer industry has. There are all these companies which want to keep regulation to keep others out. They want Government-set standards, so that the private standards cannot leap forward. They want another review at the Justice Department after they have gone through two reviews. This is inside-the-beltway thinking. The further west I get in this country the more agreement I find that we should deregulate and privatize wherever possible.

So in conclusion, Mr. President, I may have some more remarks later. But I think the Telecommunications Competition and Deregulation Act of 1995 will be a signal point in our Nation's history if we pass it. If we do not, we will remain locked up in economic apartheid—each sector protected from the other, kept from getting into the other's business. We will see more of our jobs going overseas and more and more of our manufacturing and innovation going overseas, American workers not getting the new kinds of jobs we need.

Many of our industries are aging industries, and we read in the paper about this many people being laid off here and that many being laid off there. This is one of the great jobs bills ever to come before Congress. I remember being in the House and we used to debate the Humphrey-Hawkins job creation bill—whether or not the Government could create jobs through the Federal Government paying people to do make-work types of things. I opposed it many years ago in the 1970's when I was in the House of Representatives.

But S. 652 is a jobs creation bill that does not cost the Government anything. In fact, the government costs will be reduced. There will be less in regulation than there is now, provided we do not adopt the Dorgan amendment tomorrow, which would add another layer of regulation.

Mr. President, I yield the floor. I may have some more remarks to make later.

Mr. KERREY. Mr. President, I do not know how long I am going to respond, but we will have time tomorrow to discuss this.

In my judgment, the Senator from South Dakota just misdescribed both our amendment and what the Department of Justice is doing and why the people of the United States of America should want this amendment adopted.

He repeatedly comes to the floor and says that this is "another layer of bureaucracy," and describes himself as being beleaguered with opponents who are trying to prevent something from happening, that we are deregulating, and we ought not interfere with this process.

I say again for emphasis, Mr. President, that nobody in my campaign in 1994 came to me and said, gee, I hope you deregulate the telephone companies. I am an advocate of doing this. But the Senator from South Dakota says, gee, this was not written by industry. It may not have been written specifically by industry, although I daresay you would have to struggle long and hard to find a Member of this Congress that could come up with that 14-point checklist. That is a technical checklist that does not look like it is in the language that at least I hear us using as we describe telecommunications.

It may not have been written by industry, but American industry is asking for this legislation. It allows them to do things they are currently prohibited from doing. I am an advocate of allowing them doing some things they are prohibited from doing. I favor deregulation. I am tired of hearing the straw man set up time after time that somehow you are either for deregulation and therefore against this amendment, or you are against deregulation and, therefore, you support the amendment. That is a nonsense straw man argument.

The questions for consumers, for citizens to ask is, what is this thing all about? What do you mean, Senator KERREY, that these companies want to do something they cannot currently do? The long distance companies want to come in and sell us local telephone service. So there is a section in here that tells them not only how they get in the business but how others can get in the business.

Section 251 is a pretty darn good section. Section 255 is the one that is in question now, which is the local companies saying we want to provide long distance service. We want to enter the long distance service market. By the way, I heard the Senator from South Dakota talking about the Humphrey-Hawkins Act and full employment. The companies that are arguing the loudest and strongest for this legislation have reduced their employment. They have reduced their employment in the decade of the 1980's, since divestiture occurred. Do we have more jobs in computers? No. We have 150,000 fewer. Do we have more jobs in local telephone companies? No, smaller employment. Do we have more jobs at AT&T long distance? No, smaller employment.

I would be, as a Member of this body, real careful not to promise that somehow when I deregulate and say to a company, you can start pricing at cost, that that is going to result in an increase in employment. I will bet you this results in additional downsizing of businesses. This promise of jobs is going to taste real bitter to the families who get laid off. You can say, well, Senator, but there are going to be jobs created in other sectors. I think that is likely to be the case. It is likely to be the case.

The Senator from South Dakota asks why would I want the Department of Justice role, and says, look at the lousy job they have done. Those charts misrepresent what the Department of Justice has done. They are the competition agency, not the Congress. This Congress did not have the guts to stand up to the AT&T monopoly in 1982. It did not have the guts to stand up to them. Who filed the consent decree? Who sued the AT&T monopoly? Who led to this competitive environment in long distance? Was it the people's Congress, out of concern for the citizens and the rates they were paying? No, siree, it was not. It was the Justice Department suing on our behalf.

Because we did not have the guts to take them on. That is what happened.

So citizens say, why do I want the Justice Department to be involved? The answer, plain and simple, is when it comes time to go after a monopoly who is preventing competition, they are the ones that have done it. They are the ones that have done it.

The second reason we want them involved, I would argue, is they are the ones, for a relatively small amount of money, that are likely tc make the tough calls.

I am not going to get into a great discussion about this here this evening, but there was a newspaper article this morning in the New York Times. It talked about whether or not the Federal Communications Commission, the agency that has all the responsibility here, is doing a very good job.

I have not up until now, and indeed even now I will not say as the Senator from South Dakota just said, "I suspect that the reason Senator KERREY wants a DOJ rule is there are a few lawyers that want to keep their job." What baloney. Leave that argument off the floor. That is baloney. That is not what is going on.

Go back to airline deregulation. When we passed deregulation for the airline industry, we said precisely what we are saying in this bill. We said we are not going to give the Department any role beyond consultation.

Guess what happened when TWA proposed to acquire Ozark, when Northwest Airlines proposed to acquire Republic? What happened? The Department opposed it, objected to it, offered strenuous objections, but they had no ability to say no. They had no legal authority.

We are trying to correct, based upon lessons of the past, mistakes of the past. That is what we are trying to do, on behalf of consumers. If we do not get a competitive environment, they will not get any advantages.

I bet, of the seven regional Bell operating companies, there is at least $1.5 billion cash flow average from these corporations. These are big corporations. These are big businesses. They are hungry to expand their business, and I want to allow them to expand their business.

Unless we get competition at the local level, we will end up having what we had with airline deregulation, when the Department, with only a consultative role, only could object to the mergers in question. And look what happened to St. Louis when TWA was allowed to come in and acquire Ozark. Look what happened in Minneapolis when Northwest proceeded without any obstacle being offered to the acquisition of Republic Airlines.

Mr. President, all the Dorgan-Thurmond amendment says is, do the citizens want the Department of Justice to be able to say yes or no? Do you want the Department to be able to say yes or no? All the presentations about the waiver requests that have been slowing up; the very people that filed the applications very often cause the cases to go slow because they make an overly broad application for waiver of the problems that the Department can say, we can, in an expeditious fashion, say no. Or we can sit with a company and try to work through this application that they know is too broad, that goes at the core of the restrictions under the modified final judgment.

I ask unanimous consent that the article that appeared in this morning's New York Times be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times]

HAS THE F.C.C. BECOME OBSOLETE?

(By Edmund L. Andrews)

WASHINGTON, June 11—David Margolese is a bit player on the information highway, barely a footnote in the $700 billion communications industry. But his experience over the last five years provides a textbook example of why the Federal Communications Commission is under attack as never before.

Mr. Margolese, head of a tiny company called CD-Radio Inc., has gambled $15 million since 1990 to develop a satellite service that beams 30 channels of music to radios nationwide. He thinks it would fill a big gap, reaching rural hamlets and lonely stretches of interstate highway that ordinary radio stations do not reach.

There is a problem, though: the F.C.C. will not let him do it. Traditional radio broadcasters have adamantly fought satellite radio, fearing it as a competitor. Agency officials are torn. Having repeatedly inched forward and back, the agency plans to inch forward again as early as Monday by proposing rules about what kind of service a satellite radio company will be allowed to provide.

Mr. Margolese is fuming. "All we want to do is give people a choice that they don't have now," he said. "That's all we want to do—give consumers a chance to choose whether our idea is a better idea."

Anti-government fever is a given in Newt Gingrich's Washington, and agencies ranging from the Food and Drug Administration to the Commerce Department are under sustained attack. But bureaucrat for bureaucrat, few agencies wield as much influence over industry and consumers as the F.C.C. Created during the Depression, when AM radio was king and government regulation was considered essential by many people, the F.C.C. was chartered as the guardian of the public airwaves, charged with insuring that they were used wisely.

"Do you or do you not want a consumer protection function in this arena?" asked Reed E. Hundt, the commission's chairman. "If you don't, where else would literally tens of thousands of complaints go?"

Today, the agency has an immense impact on almost every communications medium. It has opened the air-waves to cellular phones and direct-broadcast satellites. It parcels out billions of dollars worth of broadcast licenses, defining the terms of competition for television, radio, satellites and phone service.

But the word into which it was born has gone the way of Norman Rockwell, and critics abound. Conservatives argue that the commission does more harm than good, hindering competition and delaying valuable new services. Consumer advocates say it is often a captive of the industries it regulates. Little mentioned in all this is that the F.C.C.'s most-criticized restrictions have been initiated at the behest of business groups.

Mr. Gingrich has said he would like to abolish it entirely. Republicans on the House Commerce Committee, vowing to cut back its authority, held a series of closed-door meetings with industry executives and agency officials last week to explore ideas intended to curb the agency's powers.

Examples of gridlock are abundant. Nearly three years ago, the F.C.C. moved to promote competition in cable television by adopting rules to let telephone companies offer a rival service called video dial tone. But telephone companies saw their applications to offer the service languish as agency officials insisted on changes in many plans. Today, only a handful of tiny experiments exist, and many telephone companies have decided to ask cities for traditional cable TV franchises.

If the agency and its video dial tone rules had never existed, economists say, telephone companies might have offered cable service two decades ago and perhaps have prevented cable television monopolies in local markets.

In the meantime, the F.C.C.'s efforts to regulate cable prices have been plagued by policy shifts and the complexity of its pricing rules. The first set of such rules, intended to carry out a law passed in 1992, inadvertently sent rates up rather than down for many customers.

A second effort early in 1994 pushed cable rates down 17 percent. But after incurring a storm of criticism from the industry and from conservatives in Congress, the agency has in recent months adopted still another series of rules that give breaks to small cable systems and to companies that add programming.

Today, some critics of the cable industry say the price regulations are more trouble than they are worth. "The system is a brain-dead patient on life support," said Barry Orton, a professor of telecommunications at the University of Wisconsin and a consultant to many small towns that want to start regulating cable prices. "The smaller towns and cities that I work with say that they've had it. It's too complicated, and it's too full of holes."

But for all the complaints by businesses and their Congressional champions, it is business groups that typically have sought to have the agency umpire their disputes. Some of the most onerous and ridiculed F.C.C. rules are those resulting from intense industry lobbying.

For instance, Hollywood studios fought ferociously three years ago to keep television networks out of their business, until a Federal court overturned the F.C.C.'s rules. Local phone companies lobby fiercely to preserve universal service and to delay rules exposing them to new competition. Cable companies have filed more than 20,000 pages of briefs to block phone companies from providing TV programming.

But defenders of the commission, who argue that it is the crucial guardian of the public interest, note that it has consistently tried to promote market competition and move away from traditional regulation. And even the staunchest conservatives have praised one of the commission's initiatives—the auctioning of thousands of new licenses for wireless telephone and data services, a revolutionary departure that raised more than $9 billion in the last year and is expected to increase competition sharply in the cellular telephone market.

"Everybody agrees that you want competition," said Mr. Hundt, the F.C.C. chairman, who was appointed by President Clinton. "But you have to have rules of fair competition if you want to have competitors to enter the market." He conceded that the agency had in the past been guilty of micromanagement, but passionately defended its charter to protect the public interest.

A schoolmate and soulmate of Vice President Al Gore, Mr. Hundt promotes a vision of linking all schools to advanced computer networks, and he has proposed rules to expand educational television programs for children. He also vigorously defends the commission's duty to protect consumers from overpricing and to open traditional monopolies in telephone and cable television.

Republican lawmakers agree on that point. They are seeking to pass a sweeping bill deregulating the telecommunications industry, in part by knocking down barriers that prevent cable television and phone companies from attacking each other's markets. The same bill asks the F.C.C. to start dozens of new proceedings, some to find ways of insuring affordable prices for rural areas and for the poor.

In addition to the flak it takes from Capitol Hill, the agency has its own civil strife. It never seemed more at war with itself than in its attempt to let telephone companies offer video dial tone services. The goal of the rules, adopted in 1992, was to break the monopolies enjoyed by most cable companies.

Yet the phone companies became bogged down, and F.C.C. officials complained that the companies were reserving too many channels for themselves and leaving too few for independent programmers. They argued about how the phone companies were allocating for construction costs and sought volumes of technical information.

"It makes no sense," said Peter W. Huber, a senior fellow at the Manhattan Institute. "After 15 years of cable monopolies, almost anything would be an improvement. Even if the phone company keeps most of the channels for itself, you would at least have two competitors instead of only one."

F.C.C. officials say they are not entirely to blame for the delays, noting that many phone companies had voluntarily withdrawn applications, citing technological uncertainties.

"At a minimum, there has got to be dramatic reform," said Representative Jack Fields of Texas, chairman of the House Commerce telecommunications subcommittee.

Business interests may turn out to be the agency's white knight. With competition heating up among industries, cable, phone and even satellite companies will all be looking to the agency for help in attacking each other's market while defending their own turf.

Some consumer advocates add that the agency has often provided crucial support for competition. Though it stalled MCI's effort to enter long-distance service in the 1970's, the F.C.C. later adopted a wide variety of rules that helped it compete with AT&T.

"What many critics fail to see are the tremendous benefits," said Gene Kimmelman, a lobbyist for Consumers Union. "It's unlikely that MCI and Sprint would have been able to make it without regulatory protections designed to move the long-distance industry from monopoly to competition."

Mr. KERREY. Mr. President, it is an interesting article for citizens saying what is going on here.

Will the consumer get a fair shake? Let me call your attention to the amendment that actually is in front of the Senate, which is the amendment of the Senator from California and from Idaho, on behalf of cities saying, "Wait a minute."

In the midst of all this talk, is it not part of the Republican Contract With America to shift more authority back to the States? Those engines of innovation. What happened to the engines of innovation argument? Forget that.

Thirty-some States that have deregulated from rate-based rate of return, we are saying, that is enough. We will preempt all and go to price caps. States do not have authority any longer in this regard. They have authority under price caps, or pricing regulation, but no longer do they have a choice.

If you are a State legislature or citizen out there wrestling with the early stages of debate, the Federal Government will decide it for you. Rate-based rate of return is out the window, and we are going to price caps.

The Senators from California and from Idaho point out not only that, but anything that local government does, if it interferes with a competitive environment, can be prohibited under reducing and eliminating the barriers to competition. This is a substantial move, I think a correct move, in general.

By the way, I am not trying to come to the floor and say I think the FCC is a lousy organization or I think there is a bunch of lobbyists trying to influence my vote or anybody else's vote.

I am trying to say on behalf of consumers based upon the experience both that created the breakup of AT&T in the first place and the airline deregulation case where the Department of Transportation now says they made a mistake not asking for more than merely a consultative role from the Department.

Mr. President, the story in the New York Times this morning is headlined "Has the FCC Become Obsolete?" I understand the Senator from South Dakota is basically saying let the FCC do it all, with only a nominal Department of Justice role. We will run this whole thing through the Federal Communications Commission. We do not want duplication of the bureaucracy. We know how the bureaucracies get. They tie things up.

Let me read things in this article. This touches the tip of the proverbial iceberg. CD Radio, Inc, that says, with $15 million since 1990 to develop a satellite service that beams 30 channels of music to radios, they think they fill a big need.

The FCC will not let them do it. Why? Because traditional radio broadcasters have adamantly fought satellite radio, fearing it as a competitor. The FCC is blocking competition in this case, not allowing it, nervous about it. Why? Because they are the most vulnerable to political pressure, frankly, Mr. President, a lot more vulnerable than the Department of Justice.

That has been the competitive agency, the one that has promoted the most competition between the FCC and the Department of Justice. I get a lot more citizens questioning the existence of the FCC than I get citizens coming to me saying, "Why don't you abolish the Antitrust Division of the Department?"

I do not get people saying, "I think the Antitrust Division overstepped its bounds. Why not get rid of them?" But I am hearing complaints from people who question decisions of the Federal Communications Commission.

This agency, as I indicated, is an interesting agency. We will hear businesses complain about it an awful lot. "They are slowing me down," and all the arguments that the Senator from South Dakota makes, "Poor old businesses. They are making it difficult for me to get the approval, my waiver, granted," and all that.

It says for all the complaints by businesses and their congressional champions, it is business groups that typically have sought to have the agency umpire their disputes. Some of the most ridiculed FCC rules are those resulting from intense, industry lobbying.

For instance, Hollywood studios fought ferociously to keep television networks out of their business, until a Federal court overturned the FCC's rules. Local telephone companies lobby fiercely to preserve universal service and to delay rules exposing them to new competition. Cable companies have filed more than 20,000 pages of briefs to block phone companies from providing TV programs.

Mr. President, I do not believe that the FCC intentionally is creating bottlenecks so as to employ themselves. I do not come down here to the floor saying I know why they are doing this.

There is nothing devious going on. The fact of the matter is our problem is we have a tough time making political decisions. I have a business come and say, "I want to compete," and the next day someone says, "I don't want to compete." It is tough to say you have to compete. That is what this legislation purportedly attempts to do.

The Department needs a role, Mr. President. The Department can, on behalf of consumers, say, not that you have a 14-point checklist. You could have the 14-point checklist and a consumer not have any choice. How do I know I have a choice with a 14-point checklist? I would rather abolish the checklist and have the DOJ with a role in this deal, if that is what the Senator from South Dakota wants to do, wants to get rid of some of the things the FCC does under this legislation, I am willing to do it.

I am willing to deregulate the companies, so you have less regulation for them. I am not an advocate of the status quo, of maintaining the status quo. But I want the agency that has had, I think, the best success, being able to say to the monopoly we are not going to allow you to prevent competition. I want that agency on behalf of consumers to make sure I do have competition. I do not want a bunch of mumbo-jumbo rules and regulations that everybody can cook and game and hire lawyers to try to figure out how to come out on the winning side. That, it seems to me, is what happens if you set up all these little rules and regulations and hoops you have to jump through, down at the FCC. I would sooner have the Department of Justice sitting there saying: We want competition at the local level. If we see competition at the local level we are going to allow you to go into long distance. I would much sooner have the Department of Justice be that arbiter—not regulator, but an arbiter of the question: Do we have competition? Yes or no? Is it competitive down there at the local level? Do we have the kind of competition that allows us, now, to run the risk—and it is a risk—of allowing the telephone companies to get into long distance?

I hope this amendment is accepted. I hope the Thurmond amendment is accepted, because I believe it is one of the few proconsumer things in this legislation. I think consumers will benefit enormously the quicker we get to competition, where true competition exists at the local level and across the range of telecommunications industries.

This bill does not get us there immediately. It sets a structure in place to move from a monopoly to a competitive environment. That is what it does. No one denies that. The idea that somehow we are deregulating these companies automatically—it is not true. We allow them to keep their monopoly in place. We phase it out. We set timetables in place. We have tests they have to meet and all that sort of thing. They are allowed to stay in a monopoly situation. The sooner you get to a competitive environment where the consumers are deciding what they want and what is best for them the sooner we are going to get rapid decreases in prices and rapid increases in quality.

I believe the Senator from South Dakota is well-intended with this legislation, as I have indicated before. I support large portions of this. I do not come down here and say this bill is anticompetitive or anticonsumer. But I do believe strongly that if we want the consumer to benefit from competition then we have to make sure the Department of Justice has a role in telling us when competition exists.

The PRESIDING OFFICER (Mr. BROWN). The Senator from South Dakota is recognized.

Mr. PRESSLER. Mr. President, I would like to say that, first of all, in the drafting of this bill, it was done by Senators and staff. But Republican and Democratic staff sat down together. I do not know if that has ever been done before with a bill. This bill was not drafted by industry. It was drafted by Senators and staff here in the Senate. They negotiated and worked, and met with Senators with the product of their work, and invited the input from other Senators, and came up with the competitive checklist, which was not proposed by industry. It was proposed by staff as a compromise between the "actual and demonstrable" and VIII(c) tests that had been used last year and the concept of a date certain standard which was utilized by my initial chairman's draft—to find a way in this complex telecommunications arena to have a test of when markets are open.

This has not been easy. For instance, let us say you are in the spaghetti business and you have to have somebody else deliver your spaghetti for you. Can you imagine what shape it is going to be in when it is delivered? Especially when the person delivering it is your competitor.

But in this telecommunications area it is so complicated to get competition in because you have to depend frequently on your competitors' wires to get to where you are going. That is why we still need some level of regulation. That is why we still need an FCC at this point. Although I hope in the very near future we can see the FCC reduced a great deal and ultimately whither away.

This bill was drafted with the public interest in mind. This bill continues to have universal service, which will assure that those high cost areas and regions of the country will have telecommunications. Our antitrust laws continue under this bill. In fact, the Justice Department has a major role.

But assigning a decisionmaking role, as the Dorgan-Thurmond amendment does, to the Justice Department, is unprecedented. The Department is always required to initiate a lawsuit in the event it concludes the antitrust laws were violated. It has no power to disapprove transactions or issue orders on its own, generally speaking.

Indeed, Judge Greene's court kept the power to make the decisions through all these years. The people who work there really work for him, or for his court. This would be the first time we are giving the Justice Department this kind of regulatory power—a decisionmaking role.

If you look at history, the law, regulation and history of railroads closely mirrors that of telephony. The Telecommunications Act of 1934 was modeled on the Interstate Commerce Act of 1887. The Federal Communications Commission was modeled on the Interstate Commerce Commission. Both industries involved common carriage, and the establishment of networks. Both industries have been required to provide essential service to rural areas. Both industries have been regarded as monopolies. They share issues related to captive customers, competitive access, the desire to enter related lines of business, and the loss of traffic to alternative carriers.

Congress has delegated exclusive Federal authority to the Interstate Commerce Commission to decide whether a railroad should be permitted to enter into new lines of business. The Department of Justice may file comments in the proceeding but is given no specific statutory role. Even in proceedings involving mergers, acquisitions and other transactions between two class I railroads, Justice has no specific statutory role. Although the Department can and usually does submit its views on the excessive effects of a proposed transaction, the ICC can approve a merger over the objections of Justice.

Indeed, the potential adverse effect of competition is only one of five factors considered by the ICC in its determination whether to permit a proposed merger or acquisition between the Nation's largest railroads. Congress has given the ICC a broader mandate than simply competition. As the agency of expertise, Congress has directed it to balance transportation and employee interests, among others, with competitive concerns and to accord substantial weight—not to recommendations of Justice—but to any recommendation of the Secretary of Transportation. Justice is not even mentioned in the statutory mechanism.

I could go on through various other areas. But the point is, it is the intent of our structure that this be done at the FCC. What we in Congress want the FCC to do, if it is universal service or whatever it is, or if it is compensation or whatever is decided, the idea is that the representatives of the people are supposed to decide, not the courts. And if it is good or bad, Congress should be thrown out of office or held accountable for it.

Presently we have no one here who is accountable for what is happening in telecommunications because the courts have taken it over. And that is a major part of this bill, to put Congress back in charge of telecommunications and information policymaking and to let the people make judgments on us as they do in elections. That is the basis of democracy. That is what democracy is about.

So, the Federal Communications Commission regulates the communication industry. It should. The Department of Justice should enforce the antitrust laws. Or we can change the antitrust laws if we want. But to create a group of regulators over at the Department of Justice is not wise. Legislation pending before Congress supersedes the provisions of the modification of final judgment that governed Bell company entry into business now prohibited to them. Once legislation is signed into law, a continued Department of Justice role in telecommunications policy is no longer necessary except in the area of enforcing the law.

DOJ does not need an ongoing regulatory role as part of an update of our Nation's communications policy. Such a role would be duplicative of the FCC's authority. Actual regulatory oversight is not what DOJ is equipped to provide. DOJ's claim that it "alone among Government agencies understands marketplace issues as opposed to regulatory issues" is inaccurate. I agree with many of the objectives as my friend from Nebraska. Indeed, I think the Senator from Nebraska and I have the same objectives. But we have carefully crafted this bill over months of work, included universal service, included more competition, included more deregulation, included more freedom. It has been a very delicate balance.

Dual Department of Justice and FCC bureaucracies to regulate the communications industry delay the benefits competition brings consumers.

These benefits include lower prices, new services, and more choices for communications services. I have already gone through the length of time and the cost, and ultimately these costs are paid by consumers. You know you can do more for a senior citizen by helping them have lower gas prices to heat their home in the winter than you can by giving them a check, frequently. For example, when we deregulated natural gas in the late 1970's, early 1980's— I must say that it was a Democratic President who took the lead on that— and we followed through with a Republican President. But when that occurred I was over in the House and coming to the Senate. I heard all the speeches about how, if we deregulate natural gas prices will skyrocket, the companies will gouge the public, and senior citizens will need subsidies to pay their heating bills. Look at what has happened with natural gas prices. They collapsed. They have been low. They almost give the stuff away there is so much competition. Senior citizens have had cheaper gas bills, and farmers have had cheaper bills in drying corn.

Some people think you are compassionate if you give checks out to people, if the Federal Government gives a senior citizen a check every month. That is nice, if we can afford it, and it is needed in some cases. But I say that you do just as much for consumers in this country of providing competition for cheaper products and new innovations.

Let us take the computer industry. Forty percent of our homes have a personal computer. The price is dropping and dropping. There is new technology of every 18 months because there is not Government regulation, because there is competition. Some people would say the Government should set standards for computers or provide for regulation of the computer industry. Then it would take 10 years to get a new computer. Some people would say why not model the computer industry on the telecommunications model. But the fact is that prices are dropping, technological innovation flourishing and America's leading the world because of the fierce free market competition in the computer industry. So I say let us model the telecommunications sector on the computer model.

Let us look at cellular telephones, for example. That is one of the few parts of the information highway that we have. Everybody talks about the so-called information superhighway. What is it? It is cable TV, it is some cellular, and some computer Internet. But in reality we have not gotten much of it yet, whatever it is going to be. But it is going to be invented and sold when we have competition and deregulation. Cellular technology was invented in the late fifties. Then Government regulation took 30 years before it was approved for sale. Government regulation said it could only be sold in certain areas by certain people. It was not until the 1990's that we finally got full deregulation and competition in cellular phones. And within a few years, everybody is carrying a cellular phone. They are getting smaller and smaller. Government regulation is off. But it was delayed from the late 1950's until the late 1980's—30 years of delay because of Government regulation. We could have had this in the 1960's or the 1970's. It is estimated that that delay cost American consumers $89 billion. That stimulates our economy when people can communicate better, and do business deals faster. They can be safer. A senior citizen can push a button on an emergency communications device in their bathroom and have an emergency call placed. These things were not available. They were known since the 1950's but because of Government regulation they did not come into being until very recently.

So I could cite computers. I could cite cellular phones. I could go on and cite many other areas. But in this particular area of telecommunications we are going to see a boom of new devices, and a dropping of prices. We are going to see telephone prices drop substantially. We are going to see long distance rates drop. We are going to see cable television rates drop. Presently people are paying too much for telephone calls. As I have indicated in an earlier stage of this debate, based on the same ratio as how much computer prices have dropped and processing power increased, you should be paying only a few cents for most long distance calls and fewer cents for most local calls. That is the fact.

So we need competition and deregulation. This bill has it in it but it is being opposed. Talk about corporate interest, the companies who are supporting the DORGAN amendment have been running full-page ads in our newspapers. That is fine. They can do so.

But this idea that one side is all corporate interests and the other side is not is not true. There are large corporations on both sides of this amendment. But the people supporting the DORGAN amendment have been spending millions on lobbyists and full-page ads just like the opposition has been.

So those people who cry corporate interests, pick up yesterday's newspapers and read the full-page ads. Both sides have done it. But lately, all the spending has been done by people who supported the Department of Justice role because they want to slow competition down and game the process.

So there is corporate interests on both sides of this. I do not like pontificating by either side. I hope I am not pontificating. But the point is, look at the newspapers of last week and see who was buying the full-page ads.

So, Mr. President, I conclude by saying that I think we have a good bill. I hope that we hold it together. I am confident we will pass this bill with overwhelming bipartisan support. I yield the floor.

Mr. KERREY. Mr. President, one very quick response. One of the rules of debate is say something over and over and over and pretty soon people begin to believe it is true. This amendment does not give the Department of Justice a regulatory role. It gives them a responsibility to make a determination as to whether or not there is competition. That is what it does. It does not carve out some new area of the Department of Justice to regulate. Indeed, the legislation itself is as a consequence of our recognizing that there is too much confusion in current law; that there are too many bottlenecks in current law. That is what we are attempting to do about the underlying legislation, to come up with a simplified test in a simplified way for businesses to know what it is that they can do and try to remove the regulatory hurdles of entry into various markets. That is what we are trying to do.

This underlying amendment very simply says, first by Senator DORGAN and now by Senator THURMOND, merely that the Department of Justice should not just have a consultative role. "Oh, by the way. What do you think?" Instead, the Department would have a role based on section 7 of the Clayton Act in making a determination as to whether RBOC entry into interLATA services would substantially lessen competition or tend to create a monopoly. That is the idea.

I just appeal to the consumers out there trying to figure out which side to come down on. Look at that 14-point test. It all looks fine to me. They say, "Well, this was put together by staff or it was put together by us here in Congress." It took me a long time to figure out what all 14 mean, and I am still am not sure what each one means. I do not know if they will produce competition.

I can imagine a scenario under which you get no competition with those 14 items. Competition again means the consumers have real choices. The Senator from South Dakota talks about the cellular industry being restricted. It was restricted by the monopoly of AT&T. The monopoly kept the technology from coming online. It was not Congress. Congress did not say in the 1970's we have this great new technology, cellular. So what we are going to do is take on the monopoly, and we do not care what AT&T says. We are going to disregard this influence on Congress and we will come down here and pass legislation that will break them up. That did not happen, I say to consumers now who have benefited from reduced rates for long distance and increased quality in long distance. The increase in quality and deployment of fiber occurred as a consequence of this competition. That benefit did not come as a result of Congress having the courage to take on the monopoly. It came as a consequence of the Department of Justice suing on behalf of the American consumer.

So this amendment is simply something that says to consumers you are going to have the Department of Justice who brought you competition in the long-distance arena, who objected to mergers that were allowed to go forward in airline deregulation which reduced competitive choice and increased prices, we are going to give this agency not a consultative role but the opportunity to say that there is or there is not competition.

If there is competition, have at it. It may be that they say it is a heck of a lot faster. Judging from the evidence at hand, it is likely they come at least as quick to the conclusion as to whether or not there is competition as the FCC looking at this 14-part test.

So we are going to have a vote on this tomorrow at 12:30. We will have an opportunity to debate it a little bit in the morning. I look forward to it, and I hope it will be that the amendment passes because I believe on behalf of American consumers it is going to ensure competition and only by ensuring competition are we going to get the benefits that both the Senator from South Dakota and I wish to see happen in the United States.

I yield the floor.

Mr. PRESSLER. Mr. President, I would disagree with my colleague on cellular. I do not think it was AT&T. It was Government regulation. Maybe AT&T went to the Government. Maybe AT&T used Government regulations. But cellular phones were held up by Government regulation, by all accounts. But that is the point. A lot of companies use Government regulation to hold up competition and to hold up deregulation.

Also, I would be in disagreement with my friend that the computer industry has lost 150,000 jobs. Maybe they have lost 150,000 but overall they have gained. One measure of the relative market growth is the number of employees. In 1980, there were a little more than 300,000 Americans employed in the computer industry while more than 1 million were engaged in the provision of telephone products. And our statistics show there has been a steady increase. There have been some jobs lost but overall there has been a substantial gain, and I shall put that into the RECORD.

By 1993, computer products and services accounted for more than 1.2 million jobs, a fourfold increase. At the same time, the number of telephone employees had dropped to less than 900,000. So unless those numbers are incorrect, I think we have to say that the computer industry has been an expansive industry operating largely without Government standards and regulation where there has been fierce, free market competition.

Indeed, I also serve on the Senate Finance Committee, and every 18 months the computer industry wants to get depreciation; that is, they want their schedule to be 2 or 3 years or less because product cycles change so quickly because there is rigorous competition.

This chart tells what we are trying to do with S. 652—The Telecommunications Competition and Deregulation Act of 1995. This is the most comprehensive deregulation of the telecommunications industry in history and it will promote international competitiveness, job growth, productivity, and a better quality of life. It provides open access to full competition. Interconnection and unbundling will put new competitors including cable and long distance on the same footing with former monopolies. Consumers will use the same phone number and dial the same number of digits no matter what local telecommunications companies they choose, and the competitive checklist for compliance with open access will assure certainty and simultaneity.

Let me also say that universal service is preserved. All providers contribute. We make subsidies explicit. There have been some people who have said, well, this is like a new tax. In fact, it has been reduced from $10 to $7 billion. But all on a bipartisan basis felt strongly that universal service should be preserved.

Removal of restrictions to competition in all markets. Telephone and cable firms are free to compete in each other's markets. For the first time we end this economic apartheid. We let them go into each other's markets and compete and some of them do not like that. But they will have to do it. This is transition to the wireless age, but we have to make them compete.

Utility companies free to enter telecommunications markets. And there are some safeguards here, but we need to unleash our utility companies so they will come into the other markets with a burst of energy and will create new jobs, new products, new service offerings.

The removal of long distance and manufacturing restrictions for Bell companies. Presently, the Bell companies cannot manufacture in this country, so they go abroad to do it. This will unleash new investment in this country, create jobs in this country, instead of having them send their money overseas. And they will be able to get into the long distance business if they wish.

Let me say that some people are worried that the Bell companies are going to become monopolies. We still have Hart-Scott-Rodino. We can change the antitrust laws.

That is something I should say here. Everybody has been saying what the Justice Department should and should not do. If we do not like the antitrust laws, we should change the antitrust laws. We should not create a group of bureaucrats over there who are regulators. Let us change the antitrust laws if we wish to. And I would say that regarding the airlines if necessary.

Market pricing, not Federal price controls for cable. And I predict that the same thing will happen to television in cable rates as happened in natural gas. We will have video dial tone from regional Bell or some other telephone companies. We will have other cable and video providers coming into the market, plus we will have cable TV, plus we will have broadcast and more than one DBS operator—probably three or four. So you will be able to choose between seven or eight television services. When that happens, the prices are going to go down because there is real competition. But if we do not pass this bill, frequently the average consumer will only have one choice. And that is what competition and deregulation will do. The prices will drop, will just collapse when they have to compete, just as telephone prices will as well. When there are more providers, those telephone calls are only going to cost a few cents and long distance calls are only going to cost a few cents. That is all that they should be costing.

Next, rate of return regulations for large telcos eliminated.

New flexibilities for broadcasters who offer digital service.

End arbitrary limits on broadcast ownership because they are really out of date. And I know that we have increased to 35 percent the amount of the national audience one television broadcast group can have. I would like to raise it to 50 or 100 percent if I could do it. In my original chairman's mark, it did. There will be an effort tomorrow to lower it to 25 percent. I think the old line networks are trying to use Government regulation to avoid competition. They need to get in there and compete instead of coming to Washington to the FCC and to Congress for limits on what can be owned, and so forth, because it will take care of itself. Just as in computers we saw this immense resurgence and regurgitation and these bursts of energy from new companies, we will see the same thing in media and telecommunications.

Extend broadcast license term to 10 years with expedited renewal procedures. Most of the broadcast limitations, in my opinion, are obsolete and should be eliminated.

State and local barriers to market entry repealed. I hope we can hold on to that one tomorrow. We have another crucial vote tomorrow afternoon on preemption of local barriers to entry. Because we cannot allow States and cities to just grant monopoly franchises if we are going to have real competition.

Now, also we are working on investment and growth in the global markets.

We open U.S. telecommunications markets for more investment on a fair and reciprocal basis. A reciprocal basis. This is international law at its best. We will allow other countries to invest here on the same basis that they permit U.S. invest there.

U.S. comparative advantage in products, services, and software with no domestic content provision. That is a very significant change from last year.

Let me explain that. Some of our large unions want to have a domestic content provision but that is anticompetitive. Through GATT and these other international trade agreements we want international competition. We want deregulation and competition. And we did not put the domestic content provision in this year's bill. And that is what Mickey Kantor and members of the administration say they want—members of the administration should be supporting this bill. These are all things that, as I understood it, AL GORE and the administration are for. Mickey Kantor came up last fall and told us in the Commerce Committee that he did not like the bill last year because it had domestic content in it, and we took domestic content out this year. This is deregulatory. We are making some progress toward being an international competitor, and we cannot go on demanding domestic product content and say that we are for international trade.

Next we have sunset for regulation. Biennial review of all remaining Federal, State, and local rules, regulations and restrictions.

It is time we reduce the Federal bureaucracy. We are going to have systematic regulatory review and reform through S. 652. This means every 2 years after reviewing every regulation, we will do away with as many as we can. Inside the beltway, these agencies grow and grow, and they do not want to give up their turf. That is what we have, a turf battle. The Justice Department wants to do the same thing the FCC is doing, and some big companies say, "That is good, because that will slow down competition." They are running full-page ads supporting that concept.

Next we have regulatory forbearance authority ordered, then deregulatory parity for telecommunications providers offering similar services, so that we can get them all competing.

So there it is. That is what we are trying to do. That is what is in this bill. It is not a perfect bill, but it passed the Commerce Committee 17 to 2. We had two Republicans who had some concerns. They wanted it to be more deregulatory, and I sympathize with them. Every Democrat on the committee voted for it. Now the White House says it has concerns. I took this draft over to Al Gore in January. I gave it to him and asked for his help.

We need the administration's help when we get into conference on this bill. It really delivers on all the reform ideas we hear them talk about all the time. This is what the President says he is for. This is what the Vice President says he is for. Let us pass it.

Tomorrow we have two crucial votes. We have to defeat the Dorgan amendment, which would add another level of bureaucracy. We also have to beat back the effort to erect new State and local barriers when we are tearing down Federal barriers.

So, Mr. President, I will conclude by thanking the Members of the Senate for the debate today. I have tried to accelerate the pace of this bill.

I do not see any other Senators who wish to speak.

RECESS UNTIL TOMORROW AT 9:15 A.M.

Mr. PRESSLER. Mr. President, I ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 9:32 p.m., recessed until Tuesday, June 13, 1995, at 9:15 a.m.

EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, June 13, 1995, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 14

9:00 a.m.

Agriculture, Nutrition, and Forestry

Business meeting, to mark up S. 904, to provide flexibility to States to administer, and control the cost of, the food stamp and child nutrition programs.

SR–332

9:30 a.m.

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD–366

Judiciary

Immigration Subcommittee

Business meeting, to resume markup of S. 269, to increase control over immigration to the United States by increasing border patrol and investigator personnel, improving the verification system for employer sanctions, increasing penalties for alien smuggling and for document fraud, reforming asylum, exclusion, and deportation law and procedures, instituting a land border user fee, and to reduce the use of welfare by aliens.

SD–226

Labor and Human Resources

Business meeting, to consider the nominations of Edmundo A. Gonzales, of Colorado, to be Chief Financial Officer, Department of Labor, John D. Kemp, of the District of Columbia, to be a member of the National Council on Disability, and Clifford Gregory Stewart, of New Jersey, to be General Counsel of the Equal Employment Opportunity Commission, and to mark up S. 143, to consolidate Federal employment training programs and create a new process and structure for funding the programs, and proposed legislation relating to health centers consolidation, and child abuse prevention and treatment.

SD–430

10:00 a.m.

Armed Services

To hold hearings on the situation in Bosnia.

SD–106

Banking, Housing, and Urban Affairs

To hold hearings on S. 648, to clarify treatment of certain claims and defenses against an insured depository institution under receivership by the Federal Deposit Insurance Corporation.

SD–538

10:30 a.m.

Foreign Relations

Western Hemisphere and Peace Corps Affairs Subcommittee

To resume hearings on S. 381, to strengthen international sanctions against the Castro government in Cuba to develop a plan to support a transition government leading to a democratically elected government in Cuba.

SD–419

2:00 p.m.

Foreign Relations

Western Hemisphere and Peace Corps Affairs Subcommittee

To continue hearings on S. 381, to strengthen international sanctions against the Castro government in Cuba to develop a plan to support a transition government leading to a democratically elected government in Cuba.

SD–419

Select on Intelligence

To hold hearings on the nomination of George J. Tenet, of Maryland, to be Deputy Director of Central Intelligence.

SD–562

JUNE 15

9:00 a.m.

Agriculture, Nutrition, and Forestry

Production and Price Competitiveness Subcommittee

To hold hearings on proposed legislation to strengthen and improve United States agricultural programs, focusing on commodity policy.

SR–328A

9:30 a.m.

Banking, Housing, and Urban Affairs

Housing Opportunity and Community Development Subcommittee

To hold hearings on the Administration's proposal to restore Section 8 rents to market rates on multifamily properties insured by the Federal Housing Administration.

SD–538

Energy and Natural Resources

To hold hearings on S. 871, to provide for the management and disposition of the Hanford Reservation, and to provide for environmental management activities at the Reservation.

SD–366

Judiciary

Terrorism, Technology, and Government Information Subcommittee

To hold hearings to examine the militia movement in the United States.

SH–216

Rules and Administration

To hold hearings on proposed legislation authorizing funds for programs of the Federal Election Commission.

SR–301

10:00 a.m.

Armed Services

To hold hearings on the current situation and U.S. policy options in Bosnia.

SD–106

2:00 p.m.

Labor and Human Resources

To hold hearings to examine affirmative action in employment, focusing on Federal contractor requirements.

SD–430

JUNE 19

2:00 p.m.

Governmental Affairs

Post Office and Civil Service Subcommittee

To resume hearings on proposals to reform the Federal pension system.

SD–342

JUNE 20

9:30 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1996 for the Department of Defense, focusing on counternarcotic programs.

SD–192

Energy and Natural Resources

To hold oversight hearings to review existing oil production at Prudhoe Bay, Alaska and opportunities for new production on the coastal plain of Arctic Alaska.

SD–366

JUNE 21

9:30 a.m.

Energy and Natural Resources

To hold hearings on the Secretary of Energy's strategic alignment and downsizing proposal and other alternatives to the existing structure of the Department of Energy.

SD–366

Labor and Human Resources

To hold oversight hearings on the Occupational Safety and Health Administration (OSHA).

SD–430

JUNE 22

9:30 a.m.

Energy and Natural Resources

Forests and Public Land Management Subcommittee

To hold hearings on S. 852, to provide for uniform management of livestock grazing on Federal land.

SD–366

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Labor and Human Resources
To continue oversight hearings on the Occupational Safety and Health Administration (OSHA).
SD–430

Indian Affairs
To hold joint hearings with the House Committee on Resources Subcommittee on Native American and Insular Affairs on S. 487, to amend the Indian Gaming Regulatory Act.
SD–G50

JUNE 23

9:30 a.m.
Labor and Human Resources
To hold hearings to examine issues relating to the Legal Services Corporation.
SD–430

JUNE 27

9:30 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Department of Defense, focusing on ballistic missiles.
SD–192

JUNE 28

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD–430

Indian Affairs
To hold hearings on S. 814, to provide for the reorganization of the Bureau of Indian Affairs.
SR–485

JUNE 29

9:30 a.m.
Small Business
To hold hearings to examine the future of the Small Business Investment Company program.
Room to be announced

2:00 p.m.
Energy and Natural Resources
Parks, Historic Preservation and Recreation Subcommittee
To hold hearings on S. 594, to provide for the administration of certain Presidio properties at minimal cost to the Federal taxpayer.
SD–366

JULY 13

9:30 a.m.
Indian Affairs
To hold hearings on S. 479, to provide for administrative procedures to extend Federal recognition to certain Indian groups.
SR–485

SENATE—*Tuesday, June 13, 1995*

(Legislative day of Monday, June 5, 1995)

The Senate met at 9:15 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, we praise You that it is Your will to give good things to those who ask You. You give strength and power to Your people when we seek You above anything else. You guide the humble and teach them Your way. Help us to humble ourselves as we begin this day so that there will be no need for life to humiliate us because of any vestige of arrogance in us. We ask for the true humility of total dependence on You.

You know what we need before we ask You, and yet, encourage us to seek, knock, and ask in our prayers. When we truly seek You and really desire Your will, You do guide us in what to ask. We ask for Your indwelling Spirit to empower us.

Our day is filled with challenges and decisions beyond our own knowledge and experience. We dare not press ahead on our own resources. In the quiet of this magnificent moment of conversation with You we commit this day. We want to live it to Your glory. We ask for the wisdom of Your Holy Spirit for the decisions of this day.

Make us maximum by Your Spirit for the demanding responsibilities and relationships of this day. We say with the Psalmist, "Blessed be the Lord, who daily loads us with benefits, the God of our salvation!"—Psalm 68:19. Lord, anoint our minds with the benefits of vision and discernment. Thank You in advance for these blessings. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. LOTT. Mr. President, this morning the leader time has been reserved, and there will be a period for morning business until the hour of 9:45 a.m. At 9:45, the Senate will immediately resume consideration of S. 652, the telecommunications bill.

Under the order, the Senate will vote on the motion to table the Dorgan amendment at 12:30 today. Following that vote, the Senate will stand in recess until the hour of 2:15 for the weekly policy luncheons to meet. Also, Senators should be reminded that under the provisions of rule XXII, Members have until 1 p.m. today to file first-degree amendments.

I yield the floor.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 9:45 a.m. with Senators permitted to speak therein for 5 minutes each.

Mr. BYRD addressed the Chair.

The PRESIDENT pro tempore. The distinguished Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I only need about 10 minutes for my remarks. Would the distinguished Senator from Wyoming be using more than 5 minutes? If not, I will be glad to yield and let him proceed ahead of me.

Mr. THOMAS. I expect to use 5 minutes.

Mr. BYRD. Mr. President, I ask unanimous consent that I may follow the Senator from Wyoming and that I may proceed for 10 minutes.

Mrs. BOXER. Reserving the right to object, and I will not object. I wonder if we can amend that so that I can have 7 minutes following the Senator from West Virginia in morning business.

The PRESIDING OFFICER (Mr. CAMPBELL). Will the Senator from West Virginia amend his request?

Mr. THURMOND. Reserving the right to object. I would like 5 minutes following the Senator from California.

The PRESIDING OFFICER. Does the Senator from West Virginia amend his request?

Mr. BYRD. Yes, I so amend it.

The PRESIDING OFFICER. Without objection, it is so ordered.

SETTING PRIORITIES

Mr. THOMAS. Mr. President, let me move quickly into what I thought might be appropriate. I, of course, spent my time at home during the Memorial Day recess, and I returned again to Wyoming this weekend. I would just like to comment very briefly on my impression of what we are doing here, after having been here nearly 6 months, and the impression that I received from those at home.

First of all, let me say that I think there is an anxiousness in the electorate for the Congress to move forward. I wish, for example, and I want to just observe things as they occurred in 6 months from some previous experiences in the House.

It seems to me we have a difficulty in setting priorities. It is too bad. There are some things surely most Members would agree are more important than others. It would seem we really do not have a set of priorities. I wish we could do that. Priorities on issues are fairly well-defined in the country, not certainly so well-defined here.

It seems to me we ought to be able to manage time better than we do. Time, after all, is the resource that we have here, and certainly we consume too much doing many things. Time becomes sort of a political strategy, not particularly useful in debate, but rather being used to posture ourselves one way or the other.

The balanced budget debate, for example, and certainly the issues, were exhausted relatively early, but the decisions did not come until the Members were exhausted. Perhaps that is the way it works. It does not seem like a good use of time.

I suspect there is a great deal of posturing for the media. I have a hunch, and of course I was not here before the activities of the floor were shown on TV, but I suspect the conversations were somewhat shorter than they are now.

It is difficult, and this is an irony, I do not know what we do about it. We have a better opportunity to communicate much more quickly than we have had in the history. Captain O'Grady shows up, and everyone knows about it 10 minutes afterward. That is wonderful, and that is the kind of communication we have. Yet we still seem to communicate in sound bites, where people really do not know the facts. That is too bad.

I happened to see the Chief of Staff of the White House on "Meet the Press" the other day. It is almost as if a robot pushed a button and the same thing came forward time after time.

I think it is exciting that we have an opportunity. I think there are issues out there. People are still concerned about taxes and spending. They think this Government is too big and costs too much.

I think people sincerely want a balanced budget although there will be some pain. I think people are willing to undertake that pain, to be responsible in a financial area.

I think regulatory relief is something that almost everyone would agree with. Most anyone would say we are overregulated in this country and we

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

need to move more quickly to do something about that.

Real tort reform. We have played with that some. It is not true yet, but it is real tort reform on the edges. We need to do something. Our folks say we need to do something about that.

Welfare reform, I understand, will come next. I am pleased for that. It is something that surely needs to happen.

Health care has moved off of the highest level of visibility, but it does not mean we do not have to do something. It does not mean that health care does not need some restructuring. We ought to have a chance to do that.

States rights. Everyone understands that, if we can move Government a little closer to people, we will have better decisions, Mr. President.

Those are, I believe, clearly the agenda of people in this country. I think the agenda of this body and the agenda of the Congress ought to more properly reflect that.

I am a little discouraged. We have lots of efforts to block what is going on simply for the purpose of blocking. I am discouraged we do not have more leadership from the White House in terms of issues we are working on.

I am encouraged, on the other hand, that there is a willingness to change. There is a willingness to move forward, particularly, I think, on the part of new Members. I think there is a willingness to make fundamental changes in the way the Government works and, for the first time in a very long time, to analyze some of the programs and say, is there a better way? Can we do it? Indeed, does it need to be done by the Federal Government?

Mr. President, that is a quick, personal analysis of where we are. Obviously, it is thrilling and exciting to be here. I think this session has new opportunities to look at things.

I urge that we do set a priority. I urge we do move forward with full debate, but not skidding our feet and trying to stop things from happening. People expect more of Government than that. I think the real measure of good Government is responding to what the voters have said.

Mr. President, I look forward to the next 6 months. I hope it is at least as productive, and hopefully more productive, than the past. I yield the floor.

Mr. BYRD. Mr. President, under the order I was to be recognized at this point for 10 minutes. The distinguished President pro tempore has an appointment, and I ask unanimous consent that he may precede me, and I may then follow.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCERNING THE RESCUE OF CAPT. SCOTT O'GRADY

Mr. THURMOND. Mr. President, I wish to thank the able and distinguished Senator from West Virginia for his courtesy and kindness.

Mr. President, I do not think it is an exaggeration to say that each of us breathed a sigh of relief when we learned last Friday of the rescue of Air Force Capt. Scott O'Grady, whose F-16 was shot down over war-torn Bosnia earlier this month.

Probably no one was more relieved by the rescue of Captain O'Grady than the young pilot himself. After spending 6 days eluding hostile forces, enduring the wicked weather of the rugged Bosnian mountains, and surviving on bugs, rainwater, and vegetation, Captain O'Grady summed up his feelings when he yelled to his rescuers, "I'm ready to get the Hell out of here." I am confident that was a sentiment that would be shared by anyone else who went through the experience Captain O'Grady did.

Six days in the woods, hiding from enemy soldiers and surviving on things that you or I would rake up out of our garden or spray to exterminate is certainly an amazing feat. It is primarily thanks to the skills and knowledge that Captain O'Grady learned through Air Force escape and evasion training that he was able to come through this experience alive and unharmed.

At every step of Captain O'Grady's 6 day ordeal, training was key. It was training that allowed Captain O'Grady to beat the Serbs in a high-stakes match of hide and seek; it was training that taught Captain O'Grady how to survive the elements with only the clothes he wore when he ejected from his plane; and it was training in tactical operations that allowed the U.S. Marines to fly into hostile territory and pull Captain O'Grady out of the reach of the Bosnian Serbs. If nothing else, this ordeal has hammered home the maxim "train hard in peace to avoid mistakes in combat."

Mr. President, let me change tack just for a moment to praise the efforts of all the individuals involved in this rescue operation, especially those of the U.S. Marines. Though each of the services have their own special operations forces, each with their important and vital missions, the Marines have once again demonstrated their worth as a force capable of going anywhere at anytime. I have no doubt that Captain O'Grady now has a special understanding of just what exactly the phrase, "The Marines have landed," means.

In many ways, what has transpired over the last week is a testament to the investment the United States has made in its Armed Forces, beginning about 15 years ago. Captain O'Grady's survival efforts were aided by the fact that he wore clothing designed to help withstand the harshest elements and he carried sophisticated communications and homing equipment that aided those searching for the captain in finding him. Had O'Grady actually had to defend himself against the enemy, he was carrying a modern sidearm that packs more than a dozen rounds in its magazine, a far cry from the .38 pistol that pilots of just a generation ago relied on as a survival and defense tool. Perhaps most impressive is that with a minimal amount of preparation and planning time, a rescue operation was mounted that required the combined efforts of at least the Marines, Navy, and Air Force. Such interservice cooperation and efficiency was not in existence just 12 years ago when the United States intervened in Grenada.

Regrettably, all the things that we have worked so hard to achieve—a professional, well educated, well equipped military—that worked so well in Panama, Desert Storm, and now in Bosnia, are being threatened by those who would cut the defense budget. This is simply unacceptable, the United States needs a strong military that is ready and capable of meeting any enemy, anytime, anywhere.

Let us hope that there is one more happy circumstance to come out of Captain O'Grady's survival and rescue—that President Clinton realizes we must keep defense spending at a level which ensures we maintain the best military forces ever known to man. That is the only appropriate course of action for our Nation to pursue.

The PRESIDING OFFICER. The Senator from West Virginia.

THE LINE-ITEM VETO

Mr. BYRD. Mr. President, I noted with interest an article in the June 7th issue of the Washington Times entitled "GOP Puts Line-Item Veto on Slow Track."

The first paragraph of the article reads as follows:

> Republicans are waiting until fall to enact a line-item veto out of concern that President Clinton might try to use it as leverage to reshape the GOP's tax-cut and balanced budget legislation.

As Senators might expect, I was amazed to learn that apparently some Republicans, who have so often in the past urged the Senate to enact a line-item veto, have now decided to withhold its enactment until after Congress completes work on a tax cut and balanced-budget legislation. In other words, the Republican plan is apparently to hold off on final passage of the line-item veto until after completion of congressional action on this year's massive reconciliation bill, which will contain changes in entitlement spending, and on the 13 annual appropriation bills for fiscal year 1996, which will total around $540 billion; and, if the Republicans have their way, on a major tax cut for the Nation's wealthiest individuals and corporations.

The article then quotes two of the Senate's leading proponents of line-item veto as to why it is that Republicans want to deny this deficit-reducing tool to President Clinton.

"There is a great concern in the Senate. We see this as a once-in-a-generation opportunity to put forward a balanced budget. We would hate to have it threatened for political reasons," said one Republican Senator.

Lo, and behold, we have here a direct quote from a Republican Senator which tells us, in effect, that if President Clinton is given the authority to line out items in appropriation and tax bills, he might use that authority to threaten these Republican bills "for political reasons." Can you imagine that?

The quote goes on to tell us that,

> There is a concern that the veto might be used not for its intended purpose, which is to delete extraneous pork-barrel spending from appropriations bills, but used instead to redefine the meaning of tax cuts.

The Senator who has been quoted has put his finger on a problem which I have pointed out to the Senate on a number of occasions in the past; namely, that Presidents will invariably use the line-item veto to affect policy. They will line out items and language in bills which do not comport with their policies and, in so doing, will be able to delete such items from tax, appropriation, and other measures. Under both the House-passed enhanced rescissions bill and the Senate-passed separate enrollment bill, Congress will then have the burden of reenacting items which a President rejects, by a two-thirds vote of both Houses.

The fact that the quoted Senator believes that this authority should only be used for its intended purpose, which, in his words, "is to delete extraneous pork-barrel spending from appropriations bills" is of no consequence. Once we give any President—not just this President but including this President—such authority, it will be used by that President to its fullest extent in ways that will thwart the will of Congress and will enhance that President's agenda. This is precisely the reason why I have so strenuously opposed both enhanced rescissions and item veto bills, such as the Senate-passed separate enrollment bill.

The Washington Times article gives further support to my concerns by quoting another Senator as follows:

> Many don't want the line-item veto because it represents the biggest shift of power in this century.

Indeed it does, Mr. President. Precisely. And to give to any President—any President—such a massive increase in authority over spending bills would be a grave mistake. The system of checks and balances and the separation of powers set forth in the Constitution have proved over and over again the wisdom of our Founding Fathers. There is no compelling case to overturn their judgment by handing over to the Executive the power to excise items from appropriations bills, and, in so doing, require a two-thirds override vote of both Houses in order to secure spending decisions approved by Congress.

This is not to say that there are not improvements that could be made in the existing rescissions process. We could, for example, enact legislation that will ensure that Presidents get a vote on their proposed rescissions. We should also broaden the rescission process to include not only appropriations spending, but all spending, whether it is contained in tax bills, or in entitlement legislation. Surely all Senators know by now that the major cause of the deficits is not the appropriations bills. It is the growth in tax expenditures and in entitlement spending. That is what has to be cut if we are to have any real chance of balancing the Federal budget. And yet, nothing in any line-item veto or enhanced rescissions or expedited rescissions or separate enrollment bills would contain the growth in entitlements. Furthermore, and just as importantly, nothing in any of these quick fixes would cut one thin dime from the more than $450 billion in tax breaks that are already in the Tax Code—many of them have been there for decades—and which will continue to exist and to grow until we have the courage to reexamine each of them, and to cut back and eliminate those which no longer can be justified.

I can certainly understand why any President would want line-item veto authority. It gives a President a club which he can wield to beat Members of Congress into submission in support of administration policies. Therein lies the danger in the power shift that is talked about in the Washington Times article.

Be that as it may, developments in the line-item veto saga have certainly taken a strange turn in recent days. On May 8, 1995, President Clinton wrote to the Speaker of the House urging that Congress quickly complete work on the line-item veto legislation, and especially citing the need for the "* * * authority to eliminate special interest provisions, such as the tax benefits that were targeted to individual businesses earlier this year in H.R. 831." The President was apparently referring to a provision of that bill which enabled a very wealthy individual, Rupert Murdoch, to sell a television station to a minority-owned firm and to defer paying any capital gains taxes on that sale.

More recently in the debate on the budget resolution, we heard a lot of sound and fury from the White House about the unfairness of savaging Medicare and Medicaid while building in tax breaks for the rich in the name of deficit reduction.

Lo, and behold, just last week, I was provided with a copy of a letter dated June 7, 1995, wherein the President pledges to the Senate majority leader that he will not use the line-item veto authority on tax expenditures in this year's budget.

Apparently, suddenly those tax breaks for the wealthy, that we have heard so much about, are really not so unfair after all—at least not this year.

Mr. President, I am extremely dismayed with this sudden reversal by the White House.

A 180-degree turn of this sort by the White House on matters which are purported to be of utmost importance to the Democratic Party and to the American people in terms of fairness, good policy, and deficit reduction should leave all thinking Members of Congress and the public wondering just why this administration is willing to make such an outrageous pledge in order to get this new item veto authority in its House-passed form.

What is suddenly so sacrosanct about tax expenditures? Why in the world would this President make such an unwise and damaging pledge to the majority leader of the Senate?

This President campaigned on the need to beef up infrastructure. What is infrastructure? It comes from that portion of the budget which is called non-defense discretionary spending and it is contained in annual appropriations acts. It is that portion of the budget which funds not only roads, bridges, airports, sewer projects, water projects, and all the things that keep American commerce flowing, and promotes the well-being of communities and individuals.

It is also education. It is all the investments we make in our own people. Let us remember that this President just vetoed a rescissions bill because education funding, he said, was cut too much. Now we have this preposterous pledge by the White House, by the President, to use the line-item veto only to cut spending and not to eliminate tax giveaways to the rich. And one can only assume that the President is referring to domestic discretionary spending, since he has ruled Pentagon spending completely out of bounds, off limits and to be sacred from the budget knife. I see that the President has even referred to all congressional spending as "pork" in his unfortunate letter to the majority leader. Apparently there is not one single morsel of "pork" in the military budget, even though a Washington Post story of a few weeks ago reported gross waste, mismanagement, and extreme sloppiness at the Pentagon in handling the people's tax dollars.

Mr. President, over the past 15 years, with the exception of 3 years following the 1990 budget summit, the discretionary portion of the Federal budget has suffered drastic cuts. Yet, under the budget resolution which recently passed the Senate, non-defense discretionary spending will be further decimated. In fact, under the Senate-passed budget resolution, non-defense discretionary spending over the next 7 years will be cut $190 billion below a 1995 freeze; that is the equivalent of a $300 billion cut below the levels in the President's budget. By the year 2002, nondefense discretionary spending will have been cut by nearly one-third, declining to 2.5 percent of GDP, a record low. Surely the President understands that this will mean that we will have no option but to cut infrastructure spending in all areas and cut it to the bone. Whether it is education, child care, veterans benefits, environmental cleanup, transportation infrastructure, or any other infrastructure investments—they will all—all—suffer wholesale cuts. Certainly these vital investments in our own people cannot all be simply labeled as "pork" and put on the chopping block to protect tax goodies for the rich.

Tax expenditures can certainly be branded with the "pork" label as well. In many cases, tax loopholes are nothing more than "pork" for the rich. And to make matters worse, each tax break for the well-to-do means that other Americans must pay a little more in taxes to make up the lost revenue. Furthermore, every time we give the wealthy individuals or the big corporations a tax break, infrastructure investments that benefit us all have to be cut in order to meet deficit reduction targets.

How can the President capitulate on the matter of tax expenditures after a debate like the one we just had on the budget resolution which highlighted the unfairness of granting tax breaks at the expense of Medicare as a national policy? What could possibly be the motive behind such a direct flip-flop by this administration? I submit that it could only be a burning desire to get the line item veto authority, and especially the authority to cut, to use as a weapon to gain political advantage.

To all Members of Congress regardless of party, I say, read the tea leaves and know that we are about to make a fundamental, monumental mistake by giving this President, or any President, line-item veto in the form in which the House has passed it. It would be an evisceration of the people's power through their elected representatives. It would be a violation of our oath of office to support and defend this Constitution. It would be a world-class blunder and a colossal mistake.

Mr. President, it is not too late for the Senate to come to its senses and to realize the vastness of the mistake it will make should it agree to the enactment of any legislation to give a President the ability to veto spending items and, thereby, to require a two-thirds supermajority of both Houses to ensure that Congress' spending decisions are carried out. If we do so, I fear that we will have started down an inexorable path that will ultimately lead to the destruction of our Republican system of government which our forefathers so wisely and carefully crafted for this great Nation.

Mr. President, I ask unanimous consent that the Washington Post article be printed in the RECORD, and such other material as I will supply.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Times, June 7, 1995]

GOP PUTS LINE-ITEM VETO ON SLOW TRACK

(By Patrice Hill)

Republicans are waiting until fall to enact a line-item veto out of concern that President Clinton might try to use it as leverage to reshape the GOP's tax-cut and balanced-budget legislation.

"There is a great concern in the Senate. We see this as a once-in-a-generation opportunity to put forward a balanced budget. We would hate to have it threatened for political reasons," said Sen. Daniel R. Coats, Indiana Republican and co-author of the Senate version of the line-item veto bill.

"This year is unique," Mr. Coats said, because of the extraordinary number of major tax and spending overhaul bills going through Congress, including the House's $354 billion tax-cut bill, $540 billion in appropriation bills and about $650 billion in bills reforming Medicare, Medicaid, welfare and other entitlement programs.

"There is a concern that the veto might be used not for its intended purpose, which is to delete extraneous pork-barrel spending from appropriations bills, but used instead to redefine the meaning of tax cuts," he said.

Sen. John McCain, Arizona Republican and co-author of the line-item veto proposal, confirmed that Congress will put off the legislation until it completes work on this year's massive balanced-budget legislation.

"Many don't want the line-item veto because it represents the biggest shift of power in this century," he said.

Their comments were greeted with surprise and dismay at the White House and by some House Republicans, who in January listed the line-item veto as one of three top items in their "Contract With America" that they hoped to place on Mr. Clinton's desk by his State of the Union address.

The House passed its version of the line-item veto on Feb. 6, but it got stalled in the Senate, where it was substantially rewritten and did not pass until March 23. House and Senate leaders still have not appointed conferees to iron out the differences between the two versions.

Since then, Mr. Clinton has adopted a "veto strategy" against key GOP legislation, including Congress' $16.4 billion spending-cut bill, with veiled or explicit veto threats hanging over the House's tax-cut and welfare-reform bills as well.

"I don't agree" that line-item veto power should be withheld from President Clinton, said Rep. Gerald B.H. Solomon, New York Republican and a House sponsor of the legislation. "I think whoever the president is, we ought to give him this power."

But he agreed that the legislation should be delayed until fall, contending that time will not permit the House and Senate to resolve their differences now.

"Perhaps the best thing is to wait until fall when the budget is finished. There is no sense in going through it now," he said. "They don't have the votes in the Senate for the House bill, and we won't accept their watered-down version."

One White House official said Republican leaders are reneging on their promise to pass the bill.

"We have taken it on good faith that the congressional leadership wanted to pass line-item veto legislation so it could be used as soon as possible," the official said. "It's hard to believe that supporters of the line-item veto are saying it makes sense for every president but a Democratic president. . . . [The Republicans are] delaying the bill for partisan reasons."

"They must be planning a lot of tax loopholes," said Sen. Bill Bradley, New Jersey Democrat. He says he supports the line-item veto because "the one thing it does is allow the President to shine the light on something that's indefensible."

In a letter last month urging House and Senate leaders to move quickly on the legislation, Mr. Clinton cited tax breaks for minority-owned broadcasters as the kind of special-interest tax item he would target for a veto. "The job is not complete until a bill is sent to my desk," he wrote.

Mr. Clinton's emphasis on using the veto authority to eliminate tax preferences, and his enforcement of the House bill as "stronger and more workable" than the Senate bill, many have swayed some in favor of delaying the legislation.

Republicans on Capital Hill have been reeling from Democratic charges that they are cutting spending on welfare, Medicaid and other programs benefiting the poor and the middle class to pay for tax cuts that largely help the wealthy.

Tony Blankley, spokesman for House Speaker Newt Gingrich, Georgia Republican, denied that Republicans are thinking of delaying the line-item veto because of the differences between the parties on tax and spending priorities.

"We have been moving along on front-burner items. The budget has naturally had precedence," Mr. Blankley said, "My suspicion is we haven't focused on going to closure because we've been focusing on the balanced budget."

He wasn't surprised that some Senators were talking abut delay. "The natural instinct for the Senate is to delay," he said.

THE WHITE HOUSE,
Washington, May 8, 1995.

Hon. NEWT GINGRICH,
Speaker of the House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: I am writing to urge that Congress quickly complete work on line-item veto legislation so I can use it—this year—to curb wasteful tax and spending provisions.

We must not let another year go by without the President having authority to eliminate special interest provisions, such as the tax benefits that were targeted to individual businesses earlier this year in H.R. 831.

I am disappointed that six weeks after the Senate passed its version of line-item veto legislation, neither body has appointed conferees. As you may recall, I commended the House and the Senate last month for passing line-item veto legislation. However, the job is not complete until a bill is sent to my desk that provides strong line-item veto authority that can be used this year.

I have consistently urged the Congress to pass the strongest possible line-item veto. While both the House and Senate versions would provide authority to eliminate wasteful spending and tax provisions, the House-passed bill is much stronger—and more workable.

I appreciate your making passage of line-item veto legislation a priority. I look forward to working with the Congress to enact the line-item veto quickly.

Sincerely,

BILL CLINTON.

THE WHITE HOUSE,
Washington, June 7, 1995.

Hon. ROBERT DOLE,
Majority Leader, U.S. Senate, Washington, DC.

DEAR MR. LEADER: I am deeply alarmed by today's press report that some Republicans in the House and Senate want to continue to hold back the line-item veto so that I don't have it during this year's budget process. The line-item veto is a vital tool to cut pork from the budget. If this Congress is serious about deficit reduction, it must pass the strongest possible line-item veto immediately, and send it to my desk so I can sign it right away.

This is not a partisan issue. Presidents Reagans and Bush asked Congress for it time and again, and so have I. It was part of the Republican Contract with America. It has strong support from members of Congress in both parties and both houses. No matter what party the President belongs to or what party has a majority in Congress, the line-item veto would be good for America.

If Congress will send me the line-item veto immediately, I am willing to pledge that this year, I will use it only to cut spending, not on tax expenditures in this year's budget. I have already put you on notice that I will veto any budget that is loaded with excessive tax breaks for the wealthy. But I need the line-item veto now to hold the line against pork in every bill the Congress sends me.

The American people have waited long enough. Congress should give them and the Presidency the line-item veto without further delay.

Sincerely,

BILL CLINTON.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Senator from Washington be given 7 minutes.

The PRESIDING OFFICER. In addition to the Senator from California's 7 minutes?

Is there objection? Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from California is recognized for 7 minutes.

Mrs. BOXER. Thank you very much, Mr. President.

THE NOMINATION OF DR. HENRY FOSTER

Mrs. BOXER. Mr. President, as my mother always told me when I was growing up—as a matter of fact, until I was very grown up—if you have your health you have everything. She said you can face anything, whatever the problem, if you have your health. You can handle it, and you can give it your best. I do not think that anyone disagrees with that, and I think it applies to our country as well. Clearly, if we, as Americans, live longer with a better quality of life, if we have children who are born healthy, who are born wanted, who are born loved, if our work force is healthy, we are more productive and our people can truly enjoy the blessings of liberty.

I do not think there would be much argument with that, even in this Senate where we argue about everything. I really do believe people would agree with that. If America is healthier, America is stronger, more productive.

So let us for the sake of debate agree on that point and move on. And I would think if we were to agree on that point, we would agree that it is time to vote on the Surgeon General, that it would be a good idea to confirm the one person who really is charged with guarding the Nation's health. That person is Dr. Henry Foster, President Clinton's nominee for Surgeon General. Dr. Henry Foster was nominated by President Clinton on February 2. He sent the nomination formally to the Senate on February 28. On May 2 and May 3, the hearings on Dr. Foster's nomination were held in the Senate Labor and Human Resources Committee, and on May 26 the committee favorably reported out the nomination by a vote of 9 to 7. Now it is June 13. This man was sent forward in February. It is June 13. We do not have a Surgeon General. We do not have a No. 1 doctor looking out for the health of this the greatest Nation of all. It is time to bring the nomination forward.

I do wish the majority leader were on the floor now because I had planned to ask him what his plans are for bringing the nomination forward. There have been some confusing signals. Sometimes I think it is going to come forward, and sometimes I am not so sure.

Dr. Henry Foster deserves a vote. It is the American way. We believe in fairness in our Nation. The bar was set very high for Dr. Foster. Why? Because he is an OB-GYN, an obstetrician/gynecologist and, therefore, yes, he has treated his patients as a good doctor would in this country, respecting their right to choose, guaranteeing their health, bringing thousands of babies into the world. And, yes, a very small percent of his practice involved a woman's right to choose.

Are we going to punish him because he is an OB-GYN? Are we going to be afraid of a few in this country who have tried to destroy Dr. Foster? This is the time to stand up and be counted. Whether you are for a woman's right to choose or not, you do not punish a fine man like this who has brought thousands of babies into the world, who has helped countless people, many too poor to afford to pay.

Now, the majority leader sent out a proposed schedule from May to August. I have it here. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

PROPOSED SCHEDULE, MAY-AUGUST 4

MAY

Budget resolution.
Supplemental—Rescission conference report.
Anti-terrorism bill.

JUNE

Telecommunications.
Welfare reform.
Regulatory reform.
Defense authorization.
Foreign operations authorization.
State reorganization/reauthorization.
Gift ban.
Appropriations—as available.
[Term Limits?].

JULY

Reconciliation.
Farm bill.
Crime bill.
Securities litigation reform.
Highway bill/Davis-Bacon repeal.
Appropriations—as available.

Mrs. BOXER. We have many things that we have to do, and they are all very important. But, my goodness, May, June, July, and nothing here about a vote on Dr. Foster. Are things so wonderful in our Nation in terms of our health that we can afford to go without a Surgeon General? I think my friend from Washington, immediately following my remarks, is going to show the problems that we face in this Nation in terms of our health.

Have we solved the problem of teen pregnancy—the epidemic, I should say, of teen pregnancy? Clearly not. Have we solved the problem of the resurgence of tuberculosis? Clearly not. Have we solved the problem of the AIDS epidemic? Alzheimer's? Lung cancer? Breast cancer? Parkinson's? Ovarian cancer? Heart disease? I am just naming a few.

Clearly, we have not solved those problems. In many of those areas, they are getting worse. And we deserve a Surgeon General to look after those problems day after day and hour after hour.

We face thousands of issues, you and I, Mr. President, from parks and open space to flood control to crime to foreign policy. The Surgeon General will look after the health of America 24 hours a day. We have a man who is up to the job and has shown his courage and his leadership. Standing up to the harshest and most unfair attacks, he came out of the committee on a 9-to-7 vote.

Why are we not taking up this nomination? I will tell you why. It is politics. It is Presidential politics. And that is wrong. We have lots of time for that. We have terrific candidates, and we have a great President, and it is going to be a great campaign, but we should not bring it to this floor and hold up the nomination of the Surgeon General because everyone is going after some block of voters to prove that they can be more antichoice than the next candidate. That is wrong. A woman has a right to choose in this country.

The fact is we have a Surgeon General nominee who has the greatest record in stopping teen pregnancy.

Mr. President, there are those who say: What does the Surgeon General do anyway? I am going to go through a little of this, and if my time runs out, I will be back tomorrow. I am going to be back every day, every day, asking where is this nomination. It is not the American way to keep a kind and decent man waiting like this since February. We have had Surgeon Generals who have done some incredibly important things in terms of the fight against smoking, syphilis, AIDS—it goes on. I will save that for another time.

So in my remaining moments here, Mr. President, I will summarize in this way. There is no reason not to schedule this vote. This man passed out of the committee on a 9-to-7 vote. He is fully qualified. He has met every test. And, yes, he is an OB–GYN. And I say to my friends, it is about time we had someone with that kind of experience of bringing babies into the world and taking care of women's health in the position of Surgeon General.

I yield the floor.

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington, Mrs. MURRAY, is recognized for 7 minutes.

Mrs. MURRAY. I thank the Chair.

THE CLOCK IS TICKING

Mrs. MURRAY. Mr. President, I, too, today rise to urge the majority leader to bring the nomination of Dr. Henry Foster, Jr., for U.S. Surgeon General to the Senate floor for a vote.

I am very excited about the nomination of Dr. Foster to be U.S. Surgeon General. Dr. Foster is an OB-GYN, and I appreciate the importance of his practice area to families and children. For far too long in this Nation, women's health concerns have been neglected by our Government. One example tells a whole story.

A National Heart, Lung, and Blood Institute study of 22,000 physicians begun in 1981 found that men who took aspirin every other day reduced their incidence of heart attacks. The Institute claimed that women were not included in the study because to do so would have increased the cost. As a result, today we do not know whether this prevention strategy would help women, harm them, or have no effect.

Gender equity in medical research has received increased attention over the past few years. We no longer will tolerate a Government-funded heart disease study which includes 22,000 men and excludes women altogether. Given that heart disease is the No. 1 killer of women, we expect women to be included in clinical trials.

We still have a long way to go. Women are the fastest growing demographic group among those diagnosed with HIV. We suffer from clinical depression at rates twice that of men. And we frequently are the victims of domestic violence.

It is imperative that the leading public health official in our Nation be a forceful spokesperson on these issues.

Everyone agrees we need to reduce teen pregnancy because it is a national priority. We need a Surgeon General who understands the link between sexual abuse, adolescent pregnancy, and building self-esteem among at-risk youth.

Dr. Foster has experience in reducing teen pregnancy. His "I Have a Future" program was named a "Point of Light" by President Bush because of its pioneering work. Dr. Foster has successfully demonstrated his ideas about public health strategies that can greatly benefit our Nation. He has focused not only on preventing teen pregnancy but on preventing drug abuse, reducing infant mortality and ending smoking by children. He is a physician with vision, and he is a caring and honorable man.

When I first met with him a few months ago, he mentioned the opening lecture he gives to medical students. He spoke passionately about the importance of obstetrics and gynecology. He told me he reminds new OB-GYN's that without their work there would be no art or architecture; without healthy women and children there would be nothing.

Some politicians would have the Senate exclude Dr. Foster from consideration because he has performed abortions. I disagree. Abortion should not be the determining factor in the selection of a Surgeon General. Let us not tolerate the disqualification of this candidate because of his basic practice area. Dr. Foster has dedicated his life to women's health, the welfare of children, and the well-being of families.

Meanwhile, the clock is ticking. Dr. Joycelyn Elders resigned her post, as was stated, on December 9, 1994. This nomination was sent to the Senate on February 2, the nomination papers were filed February 28, and the committee voted this out on May 26, 1995. Our Nation has now gone 6 months without a Surgeon General, and the clock is ticking.

Every 15 seconds a woman is battered. And that is not all. Let me share with my colleagues that the clock is ticking and every 59 seconds a baby is born to a teen mother. Every year, alcohol causes the death of nearly 20,000 Americans. Every 17 minutes, AIDS takes another American life. Every year, over 144,000 Americans will suffer a stroke. We need a national public health spokesperson, and we need a Surgeon General.

This year alone, 95,400 men will die of lung cancer; 62,000 women will die of lung cancer; 51,000 Americans will die of AIDS; 46,000 women will die of breast cancer; 40,000 men will die of prostate cancer; and 14,500 women will die of ovarian cancer.

Mr. President, we need a national public health spokesperson. We need a Surgeon General, and we need a vote in the Chamber of the Senate on the nomination of Surgeon General.

I, too, will be back on this floor reminding my colleagues it has been 6 months and the clock keeps ticking. We want a vote.

I yield the floor.

TRIBUTE TO W.W. "SON" WEATHERFORD

Mr. HEFLIN. Mr. President, we were greatly saddened on May 24 by the death of W.W. Weatherford. At 81 years of age, "Son," as he was widely know, had lived a life in which he devoted much of his time and energy to his local community.

Son Weatherford served others just by carrying out the activities of his day-to-day life. He ran the family business—the Weatherford Store, in Vina, AL, and was a member of the First Baptist Church of Russellville, serving as both a deacon and a Sunday School teacher.

Son improved his community through the offices he held and the organizations to which he belonged. He was probate judge for Franklin County, eventually becoming president of the Alabama Probate Judges Association. He was the chairman of the Franklin County, Commission, president of the Alabama Association of County Commissioners, and served as State director of the State Mental Health Board. He fought for his country in World War II and became a member of the American Veterans Association and the Red Bay American Legion. Son was also a Mason and a charter member of the Bear Creek Watershed Association. He was president of the Russellville Chamber of Commerce and was once recognized by that community as its Outstanding Citizen of the Year.

W.W. "Son" Weatherford will be sorely missed by the people of the town to which he devoted so much of his energy, the family that he leaves behind, and all those fortunate enough to have known him over the years. I offer my condolences to his wife, Iva Jo, and their entire family in the wake of this tremendous loss.

TRIBUTE TO COMDR. ROBERT MEISSNER, USN

MR. BINGAMAN. Mr. President, I rise to recognize the dedication, public service, and patriotism of Comdr. Robert M. Meissner, U.S. Navy, on the occasion of his retirement after 20 years of faithful service to our Nation.

Today Commander Meissner, a 1975 graduate of the U.S. Naval Academy, is serving his last day of a 12-month assignment as the Director of Senate Affairs for the Secretary of Defense. During this and previous assignments over the past decade in the legislative affairs offices of the Department of the Navy and the Office of the Secretary of Defense [OSD] and in Senator GRAMM's office, many of us have come to know Bob Meissner well and he has earned the admiration and respect of Members on both sides of the aisle.

Legislative liaison is often a thankless job. Interpreting the Pentagon to the Congress and the Congress to the Pentagon is certainly no easy task. There is a well-known tendency in Washington to shoot messengers of bad tidings. Commander Meissner has had to convey bad news both to Members of Congress and to senior Department of Defense officials on many occasions. The fact that he has survived to his retirement, and not only survived, but thrived and continually advanced in responsibility, is testament to his grace, skill, honesty, and strong commitment to excellence in carrying out his duties.

Commander Meissner also brought a keen sense of humor to the job, which is probably an essential qualification for any legislative liaison officer. I am sure that many of my colleagues would join me in saying that Commander Bob Meissner represents the epitome of the Pentagon legislative liaison officer and we will miss his contributions to our joint effort with the Pentagon to advance our Nation's security.

Let me briefly now summarize Commander Meissner's career as a Naval officer.

Commander Meissner holds a master's degree in government with distinction, from Georgetown University, and is a graduate of Harvard's John F. Kennedy School of Government's Senior Officials in National Security Program. His military experience includes four operational carrier deployments, two with an air antisubmarine squadron and two as a strike operations officer with the ship's company, a staff assignment as aide and executive assistant, post graduate studies, and several joint duty staff assignments. He is an antisubmarine warfare mission commander in the S-3A aircraft and qualified as an underway command duty officer.

In October 1983, as the U.S. task force's only on-scene strike operations officer, Commander Meissner singularly scheduled and planned the weapons for all Navy tactical combat air missions during the first 5 days of the successful Grenada Operation Urgent Fury. Two months later he was cited for his extraordinary contribution in the successful execution of the December 1983 retaliatory air strike over Beirut and the Bekaa Valley. In March 1985, Commander Meissner reported to the Navy's Office of Legislative Affairs as a Senate liaison officer, where he assisted the Office of the Secretary of the Navy on political and legislative issues before the U.S. Senate. In early 1987, he was selected to serve on the Secretary of Defense's Legislative Affairs staff as an Assistant, responsible for weapon systems' procurement legislation.

After the U.S.S. *Stark* was attacked in the Persian Gulf in May 1987, Commander Meissner became Secretary of Defense Weinberger's legislative point of contact to Congress on the Kuwaiti reflagging and escort issue. Within 9 months, he coordinated over 50 congressional briefings and hearings, made 10 trips to the region with 28 Members of Congress, and was cited by Congressmen, U.S. State Department officials, and Middle East foreign leaders for his efforts in promoting the administration's successful Persian Gulf policy. He assisted in writing a section of the Persian Gulf chapter of former Secretary of Defense Weinberger's book, *Fighting for Peace*.

In March 1988, he was selected by the Secretary of Navy as the first naval officer to receive a LEGIS congressional fellowship. He was assigned to the personal staff of Senator PHIL GRAMM, then the ranking member on the Armed Services Defense Industry and Technology Subcommittee, and served as his senior defense advisor and National Security Affairs legislative assistant. Upon completion of his fellowship, Commander Meissner returned to OSD [Legislative Affairs], where he assumed the responsibilities of the assistant for research, development, test and evaluation.

In June 1990, he was promoted to Director for House Affairs, where he provided direct liaison between the Secretary of Defense and the U.S. House of Representatives. In early 1991, Commander Meissner left the OSD staff and reported to the President's General Advisory Committee on Arms Control and Disarmament as its Executive Director. Commander Meissner returned to OSD [Legislative Affairs] in January 1993 and assumed responsibility for the Research and Technology legislative portfolio with particular emphasis on representing the Advanced Research Projects Agency [ARPA] and the administration's dual-use and technology reinvestment programs.

In May 1994, Commander Meissner assumed his current position as the Director of Senate Affairs for the Department of Defense. Commander Meissner has lectured at the Naval Postgraduate School and the Defense System's Management College on civil-military affairs and congressional relations.

His military awards include the Defense Superior Service Medal, the Defense Meritorious Service Medal, the Navy Meritorious Service Medal, the Navy Commendation Medal [fourth award], and several unit commendations, expeditionary, and service ribbons. Bob is married and resides with his wife, Denise, in Falls Church, VA.

Our Nation, the U.S. Navy, the Department of Defense as a whole, and especially his wife, Denise, can truly be proud of Commander Meissner's many accomplishments. A man of his extraordinary talent and integrity is rare indeed. While his honorable service will be genuinely missed in the Department of Defense and here in the Senate, it gives me great pleasure to recognize Comdr. Bob Meissner before my colleagues and send him all of our best wishes in his new and exciting career.

WAS CONGRESS IRRESPONSIBLE? THE VOTERS HAVE SAID YES

Mr. HELMS. Mr. President, the skyrocketing Federal debt, which long ago soared into the stratosphere, is in a category like the weather—everybody talks about it but scarcely anybody had undertaken the responsibility of trying to do anything about it. That is, not until immediately following the elections last November.

When the 104th Congress convened in January, the U.S. House of Representatives approved a balanced budget amendment. In the Senate only one of the Senate's 54 Republicans opposed the balanced budget amendment; only 13 Democrats supported it. Thus, the balanced budget amendment failed by just one vote. There'll be another vote later this year or next year.

As of the close of business yesterday, Monday, June 13, the Federal debt stood—down to the penny—at exactly $4,901,416,297,287.27 or $18,605.86 for every man, woman, and child on a per capita basis.

COL. THOMAS W. SHUBERT

Mr. THURMOND. Mr. President, I rise today to recognize Col. Thomas W. Shubert, a man many of us know through his duties working in the Office of the Secretary of the Air Force, Legislative Liaison, Congressional Inquiry Division.

During his tour in the Congressional Inquiry Division, Colonel Shubert established a reputation for dependability and professionalism, and was firmly committed to helping us resolve issues involving our constituents and the Air Force. Additionally, Colonel Shubert lent support to many Members of both Houses on fact finding trips throughout the world.

Mr. President, Colonel Shubert is an individual who reflects the highest standards of the Air Force and I am confident that he will distinguish himself in his new post as the Senior Military Advisor and Air Attache to Denmark.

COL. MICHAEL V. HARPER

Mr. THURMOND. Mr. President, I rise to recognize the career and accomplishments of Col. Michael V. Harper, who is retiring after 26 years of distinguished service to the Army and the Nation.

Colonel Harper began his career as a Distinguished Military Graduate when he graduated from the Virginia Military Institute in 1969 and was commissioned a second lieutenant of infantry. In the months following his graduation from Infantry Officers Basic School, Lieutenant Harper earned two of the Army's most cherished qualification badges, airborne wings and a Ranger tab. After a tour with America's famed Honor Guard, the 82d Airborne Division, Colonel Harper was ordered to the Republic of Vietnam where he was assigned to the 1st Battalion (Airmobile), 327th Infantry, setting in motion a career that would bring him many commands and responsibilities.

Among his many assignments over the next two decades, the colonel served as: commander, A Company, 18th Infantry; Executive Officer, 1st Battalion (Mechanized) 36th Infantry at Friedberg, Federal Republic of Germany; and, he commanded the 2d Battalion (Mechanized), 16th Infantry at Fort Riley, KS. In addition to his troop leading time, Colonel Harper attended the Command and General Staff College and the Naval War College; served as a staff officer and Chief of the War Plans Division; and finally, as Director of the Chief of Staff of the Army's personal staff group. In his capacity as General Sullivan's staff director, Colonel Harper helped the Chief of Staff transform the Army from a Cold War, forward deployed force into a power projection force ready to defend the Nation anywhere. Colonel Harper's keen insight, sound judgment, and able intellect have made a lasting contribution to the future of the Army and the continued security of the Nation.

Mr. President, Colonel Harper has been a model soldier throughout his career. He embodies the traits that the military expects of those who choose to serve: integrity; loyalty, selfless service: and, concern for soldiers. He is a man who has served the Nation well and he has our appreciation for his dedication and sacrifices over the past 26 years. I join his friends and colleagues in wishing him good health and great success in the years to come.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

TELECOMMUNICATIONS COMPETITION AND DEREGULATION ACT

The PRESIDING OFFICER (Mr. DEWINE). Under the previous order, the Senate will now resume consideration of S. 652, the telecommunications bill, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 652) to provide for a procompetitive, deregulatory national policy framework designed to accelerate rapidly private sector deployment of advanced telecommunications and information technologies and services to all Americans by opening all telecommunications markets to competition, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

(1) Dorgan modified amendment No. 1264, to require Department of Justice approval for regional Bell operating company entry into long distance services, based on the VIII(c) standard.

(2) Thurmond modified amendment No. 1265 (to amendment No. 1264) to provide for the review by the Attorney General of the United States of the entry of the Bell operating companies into interexchange telecommunications and manufacturing markets.

Subsequently, the amendment was modified further.

(3) Feinstein-Kempthorne amendment No. 1270, to strike the authority of the Federal Communications Commission to preempt State or local regulations that establish barriers to entry for interstate or intrastate telecommunications services.

Mr. PRESSLER. Mr. President, I believe the Senator from Mississippi is waiting to speak, and I have some business to take care of, which we are going to make some corrections on. I urge all my colleagues to bring their amendments to the floor. We are trying to move this bill forward. We are trying to get agreement on a lot of the amendments, and we are working feverishly on several amendments that we hope we can get agreements on. Those Senators who wish to speak or offer amendments, I hope they will bring them to the floor.

We do have the vote on the underlying Dorgan amendment at 12:30 p.m. and we will be looking forward to having several stacked votes later in the afternoon.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

AMENDMENT NO. 1265, AS MODIFIED

Mr. LOTT. Mr. President, I rise to speak in opposition to the Dorgan-Thurmond amendment that would put the Department of Justice into the middle of this telecommunications entry question. This issue really is being pushed primarily by the Department of Justice but, of course, a number of long distance companies are very much interested in it, and they are asking that the Justice Department be given a decisionmaking role in the process of reviewing applications for the Bell company entry into the long distance telephone service.

A grant of that type of authority to the Justice Department, in my opinion, is unprecedented. It goes far beyond the historical responsibility of Justice. It is a significant expansion of the Department's current authority under the MFJ, and it raises constitutional questions of due process and separation of powers. In short, I think it is a bad idea.

Who among us thinks that after all the other things that we have put in this telecommunications bill that we should have one more extremely high hurdle, and that is the Antitrust Division of the Justice Department, which would clearly complicate and certainly delay the very delicately balanced entry arrangement that is included in this bill, and that is the purpose of the amendment. It is one more dilatory hurdle that should not be included.

The Antitrust Division of the Justice Department has one duty, and that is to enforce the antitrust laws, primarily the Sherman and Clayton Acts. It has never had a decisionmaking role in connection with regulated industries. The Department has always been required to initiate a lawsuit in the event it concluded that the antitrust laws had been violated. It has no power to disapprove transactions or issue orders on its own.

While the U.S. district court has used the Department of Justice to review requests for waivers of the MFJ, the Department has no independent decisionmaking authority. That authority remains with the courts. In transportation, in energy, in financial services and other regulated businesses, Congress has delegated decisionmaking authority for approval of transactions that could have competitive implications with the agency of expertise; in this case, the FCC.

The Congress has typically directed the agency to consider factors broader than simply the impact upon competition in making determinations. This approach has worked well. Why do we want to change it? It contrasts with the role Justice seeks with regard to telecommunications and the telephone entry. Telecommunications is not the only industrial sector to have a specific group at the Justice Department. It has antitrust activity in a transportation, energy and agriculture section, a computers and finance section, a foreign commerce section and a professions and intellectual property section.

The size of the staff devoted to some of these sections is roughly equivalent to that devoted to telecommunications and, I might add, it is too many in every case. If we want to do a favor to the American people, we should move half the lawyers in the Justice Department out of the city and put them out in the real world where they belong, working in the U.S. attorneys' offices fighting real crime. But, no, we have them piled up over in these various sections and, in many cases, in my opinion, not being helpful; in fact, being harmful.

If the Department has special expertise in telecommunications such that it should be given a decisionmaking role in the regulatory process, does it not also have a special expertise in other fields as well? Today's computer, financial services, transportation, energy and telecommunications industries are far too complex and too important to our Nation's economy to elevate antitrust policy above all other considerations in regulatory decisions.

The Justice Department, in requesting a decisionmaking role in reviewing Bell company applications, for entry into long distance telephone service, seeks to assume for itself the role currently performed by U.S. District Judge Harold Greene. It does so without defining by whom and under what standards its actions should be reviewed.

Typically, as a prosecutorial law enforcement agency, actions by the Department of Justice have largely been free of judicial review. In this case, the Department also seeks a decisionmaking role. As a decisionmaker, would the Antitrust Division's determinations be subject to the procedural protections and administrative due process safeguards of the Administrative Procedures Act? I do not know what the answer is to that question, but it is an important one.

What does this do to the Department's ability to function as a prosecutorial agency? Should one agency be both prosecutor and tribunal? That is what they are trying to do here. This is a power grab. We should not do this. Congress should reject the idea of giving the Justice Department a decisionmaking role in reviewing Bell company applications to enter the long distance telephone business. It is bad policy, bad procedure and clearly a bad precedent.

Mr. President, as Senator EXON of Nebraska very eloquently explained last Friday—I believe it was in the afternoon—Congress has passed many deregulation measures—airlines, trucking, railroads, buses, natural gas, banking, and finance. None of those measures was given executive department coequal status with regulators. What the Justice Department is seeking here is essentially a front-line role with ad hoc veto powers. Justice would be converted from a law enforcement to a regulatory agency, and it should not be. They would end up focusing chiefly on just this sector of the economy. We just do not need to create the equivalent of a whole new bureaucracy and regulatory agency just for telecommunications.

Let us look at the nearly two dozen existing safeguards that are already contemplated and required by this bill. Some people say, "Wait a minute, you were looking at some things like this last year," the VIII(c) test. That was a year ago, and it did not get through. It is a different world. The committee has continued to work with all parties involved, the experts in the field, and we have laboriously come up with what I think is an understandable and fair process to open up these telephone markets.

First of all, a comprehensive, competitive checklist with 14 separate compliance points, including interconnection, unbundling, number portability. That is the heart of what we would do in the entry test.

It also has the requirement that State regulators certify compliance. There is the requirement that the Federal Communications Commission make an affirmative public interest finding. We have already fought this battle. We had an amendment to knock out the public interest requirements and, quite frankly, that was a tough one for me. I really understand that there is some ambiguity and some concern about what is this public interest test. But we have the hurdle of the checklist, we have the State regulators and we also have the public interest test. So that is three hurdles already.

There is the requirement that the Bell companies comply with separate subsidiary requirements. We want some protections, some firewalls, if you will. So there would be this separate subsidiary requirement. There is the requirement that the FCC allow for full public comment and participation, including full participation by the Antitrust Division of the Justice Department and all of its various proceedings. They are not excluded, they have a consultative role. They will be involved, but they just are not going to be a regulator under this interest test.

There is the requirement that the Bell companies comply with all existing FCC rules and regulations that are already on the books, including annual attestation, which is very rigorous in its auditing procedures; second, an elaborate cost-accounting manual and procedure; computer assisted reporting and analysis systems; and all of the existing tariff and pricing rules. There is also still the full participation of the Sherman Antitrust Act and the Clayton Act regarding mergers.

There is the full application of the Hart-Scott-Rodino Prenotification Act, which requires Justice clearance of most acquisitions. So Justice will be involved under the Hart-Scott-Rodino Act. Also the full application of the Hobbs Civil Appeals Act of the Communications Act, which makes the Antitrust Division automatically an independent party in every FCC common carrier and rulemaking appeal.

The approach in this bill was hammered out in the most bipartisan possible way, with great effort by the distinguished chairman and the distinguished ranking member, and it involved give and take. It was not easy. I think the thing that makes me realize it is probably the best test we can probably have is that nobody is perfectly happy with it. Everybody is a little unhappy with it, showing to me that it is probably fair. After all, as I said in my opening speech on this subject, what we are dealing with here is an effort by everybody to get just a fair advantage. Everybody just wants a little edge on the other one. We have tried to say, no, we are going to have a clear understanding here. Here is the checklist, the public interest tests, and all these FCC and Justice Department involvements. This is fair to both sides. And now they want to add one more long jump to the process—to put the Justice Department in a regulatory role. Big mistake. This has strong support on both sides of the aisle. It is not partisan whatsoever.

Let us use our common sense here. You know, that is a unique thing. Let us try to apply some common sense to this law and what we are trying to accomplish. Let us go with the Commerce Committee experts who drafted this bipartisan legislation. There are more than enough safeguards already in this bill and in existing law. Congress is also going to move this slowly. These changes will not happen overnight. It will take a while. And we will find some points that probably need to be addressed later on. We can still do that.

If any competitive challenges arise because the Antitrust Division is not allowed to convert itself into a telecommunications regulatory agency, then Congress can come back and revisit the issue. We are not finishing this once and for all.

I just want to say that of all the bad ideas I have seen around here this year, the idea that we come in here and put the Justice Department in a regulatory role is the worst one I have seen. It attacks the core, the center of this bill. We have addressed the questions of broadcasting and cable and fairness in radio, television, as well as the Bells and the long distance companies. This is a broad, massive bill. But the core of it all is the entry test. If we pull that thread loose, this whole thing comes undone.

Also, I want to say that I am convinced that the leaders of this committee will continue to move it forward in good faith. If we find there are some problems, or if we find when we get into conference that the House has a better idea on some of these things, there will be give and take. But this is the critical amendment.

I urge my colleagues to vote against the Dorgan amendment, vote to table the Dorgan amendment, and do not be confused by the Thurmond second-degree amendment, because it is a smaller version of the Dorgan amendment. It is the old camel nose under the tent. We should not start down that trail at this point.

Mr. HOLLINGS. If the Senator will yield. The distinguished Senator from Mississippi is really analyzing in a most cogent fashion what discourages this Senator even further. I wondered if the Senator from Mississippi agrees that it will not only bring in the Department of Justice in a regulatory fashion and responsibility, but they actually eliminate the Federal Communications Commission measuring of market competition. Listening to the language: "In making its determination whether the requested authorization is consistent with the public interest, convenience, and necessity, the Commission shall not consider the antitrust effects of such authorization in any market for which authorization is sought."

So when they say antitrust, that means competitive effects. They lock out the word on competition, but that is the intent. You can see how it has been drawn. "* * * shall not consider the * * * effects of such authorization" on competition.

So they insert the word "antitrust" and do not put in "competition". But that is the intent. So where you have the most recent and leading decision here, the U.S. Court of Appeals in Warner versus Federal Communications Commission, where they stated right to the point, "The Commission struck an appropriate balance between the competing interests of the cable companies and their subscribers," giving the good government award to the FCC on measuring market competition.

You see, the thrust of this amendment, where they get this idea, is that somehow the expertise is over in the Department of Justice, and none whatever, no experience or track record whatever in the Federal Communications Commission, which is totally false. They have been doing it. I listed numerous competitive initiatives by the FCC in the past 10 years. And right to the point here, when we told them, look, in regulating the cable TV folks, find out whether or not effective competition has developed within the market. Once the market is permeated with effective competition, no longer is regulation necessary.

So my question is not just the matter of putting the nose of the camel under the tent, he is putting the whole blooming camel in and crowds out the FCC. It said, look, we do not want the FCC measuring competition and the market. "Shall not." Now, say I am a communications lawyer, so I read that and I say, the FCC is doing it, but the law says, by the Congress, you have this betwixt and between. It is really confusion. Do you not see it a danger to the fundamental authority and responsibility of the FCC?

Mr. LOTT. Absolutely, I think you put your finger right on it. In that amendment, they not only want to add Justice Department, they want to supplant the FCC role here. And that, to me, again, as I have said in my remarks, is unprecedented. I think that the FCC clearly is an agency where the expertise exists. We have tried to make this bill as deregulatory and competitive as possible. But as we move toward this more competitive arena, we must have some process to look and see that the requirements of the bill have been met. The FCC is the one that should do that, not the Justice Department. So I thank the former chairman for his comments in this regard.

Mr. PRESSLER. If my friend will yield for a question, my question is, does this go to the very nature of the role of the Justice Department?

It is my understanding that the enabling act that created the Department of Justice, and the enabling legislation that created the Antitrust Subdivision of the Department of Justice, has them as the enforcer of antitrust law, and the Justice Department is the enforcer of law. They have a prosecutorial capability. And under the Administrative Procedures Act, if you go before the FCC, you have certain rights. The FCC has to be open. The FCC gives certain ex parte rights. The Justice Department can operate in secret because it is a prosecutorial agency. The Administrative Procedures Act does not fully apply. So the nature of the two agencies is different.

But, for the first time, under the Dorgan amendment, we would be creating a regulatory role, permanently. Granted, the district court judge, Judge Greene, made a regulatory role for some Justice Department lawyers who actually worked for him, by his orders. But this would be the first time as far as our research can find, that the Justice Department has been given a permanent regulatory decisionmaking role. So does not this go to the very nature of the division of power to the very nature of the Justice Department?

Mr. LOTT. I think it clearly does. I think it clearly is unprecedented. It would give this regulatory authority to an agency that has not been and should not be a regulatory agency. I think there is clearly a conflict here.

For those who do feel like the Justice Department must be involved, for those on the Judiciary Committee that worry about this sort of thing—and I am not one of them, thank goodness, I want to emphasize—this does not take away the existing law.

The Justice Department will have a consultant role. They will have rights under the antitrust laws. The Sherman Act will still be in place, as the Clayton Act will be in place, the Administrative Procedures Act will be in place, the Hobbs will be applicable and the Hart-Scott-Rodino will be in place. All will be there.

The Justice Department will be able to perform its normal role that it performs in all other areas where we have moved toward deregulation. That is what their role should be. Not this new added power.

Just in conclusion, Mr. President, I urge, again, our colleagues to support the chairman's motion to table the Dorgan amendment. That will occur at 12:30.

Mr. PRESSLER. If I could ask a quick question of my colleague. The Justice Department, under the Hobbs Appeal Act, any time somebody goes to the FCC and they get a decision that they do not like and they appeal it, the Justice Department can be a party to that right now and under our legislation. So the Justice Department is a very active participant in every FCC case.

In fact, our legislation requires consultation between the FCC and the Attorney General. But aside from that, is it not true that they have an active, aggressive role in what they are supposed to be, the legal agency of the Government, under the Hobbs Act in appeals so they can be involved as an independent party in every appeal? And just the threat of that would be very great, would it not?

Mr. LOTT. Certainly that threat would be very great.

Here is my question beyond what the Senator is saying. How would the Antitrust Division of the Justice Department handle that Hobbs Civil Appeals Act appeal by the Antitrust Division?

They are automatically an independent party. However, under this amendment, they will have already ruled in a regulatory way. How will they do that? How can you rule in a regulatory decision and then be an independent party under the Hobbs Civil Appeals Act? Would they be acting against themselves? I do not see how we make that work.

I thank my colleague on the committee for the question. I yield the floor.

Mr. PRESSLER. Mr. President, I want to take a few minutes, and if other Senators wish to speak, I will yield immediately. If other Senators wish to come to the floor to offer amendments or to speak, I will eagerly yield. We are trying to move this bill forward.

I know there are some events this morning that have detained some Senators, and there is the Les Aspin memorial service this afternoon that will detain some of our Members.

We are trying to move the tortuous Senate process forward at a faster rate.

I want to take a few minutes to discuss yet another example of why the Justice Department should not be given the burden to carry out the intent of the amendment offered by Senator DORGAN.

I have previously established a clear, unequivocal record. DOJ does not act in a timely manner. Last night I had several charts here showing how the Department, although it was asked to do things within a 30-day period, has dragged things out over 3 years or more.

Additionally and importantly, the Department cannot be trusted to enforce the standard of review. Currently, the DOJ and the court, under the MFJ, are to apply an VIII(c) test. That is also the standard in the Dorgan amendment. The recent Ameritech plan changes the VIII(c) test.

Now, the Department has announced a plan to delay new competition in long distance until the Department's blueprint for local telephone markets has been implemented. The plan is styled as an agreement with Ameritech.

According to the New York Times, the announcement on Monday is clearly timed to coincide with events in Congress. Perhaps most important from a political standpoint, the Justice Department wants to preserve an important role in determining when the Bells should win freedom—this, according to an article by Edmund Andrews in the New York Times, April 2, 1995.

I think that goes to the heart of it. The Justice Department is trying to preserve a role here. For the first time in my years up here, I see a major Department seeking and demanding a role and lobbying for it. That troubles me a great deal.

Despite its length and complexity, many key details of the blueprint await further Department review and approval. This is the Ameritech agreement. The Department has rushed the announcement prior to the completion of the period for public comments on the plan in an effort to derail legislation pending in Congress that would limit the Department's role in regulating the telecommunications industry.

I see a colleague has arrived. I will yield to any Senator who has an amendment or a speech. We are trying to move this bill forward. I am delighted to yield the floor.

Mr. McCAIN. I will have an amendment in a minute to bring to the floor. I am very pleased that the Senator from South Dakota, the distinguished chairman of the committee, solicits a speech from me. It is not very often. It must be an ample indication of the boredom that has set in here on the floor.

While I am waiting to propose the amendment, I would like to reiterate my appreciation for the enormous effort expended by the chairman of the committee who has done just a superhuman job of trying to shepherd this extremely complex and difficult piece of legislation through this body.

Again, I want to thank him for all of the cooperation and courtesy that he has shown me and other Members of this body as we have gone through this effort. I hope that there is light at the end of the tunnel, to borrow an old Vietnam phrase, that we are nearing the end of the consideration of this very important legislation.

Mr. President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1276

(Purpose: To require a voucher system to provide for payment of universal service)

Mr. McCAIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona, [Mr. McCAIN], proposes an amendment numbered 1276.

Mr. McCAIN. Mr. President, I ask unanimous consent further reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 43, strike out line 2 and insert in lieu thereof the following: Act.

"(k) TRANSITION TO ALTERNATIVE SUPPORT SYSTEM.—Notwithstanding any other provision of this Act, beginning 2 years after the date of the enactment the Telecommunications Act of 1995, support payments for universal service under this Act shall occur in accordance with the provisions of subsection (l) rather than any other provisions of this Act.

"(l) VOUCHER SYSTEM.—

"(1) IN GENERAL.—Not later than 2 years after the date of the enactment of the Telecommunications Act of 1995, the Commission shall prescribe regulations to provide for the payment of support payments for universal service through a voucher system under this subsection.

"(2) INDIVIDUALS ELIGIBLE TO MAKE PAYMENTS BY VOUCHER.—Payment of support payments for universal service by voucher under this subsection may be made only by individuals—

"(A) who are customers of telecommunications carriers described in paragraph (3); and

"(B) whose income in the preceding year was an amount equal to or less than the amount equal to 200 percent of the poverty level for that year.

"(3) CARRIERS ELIGIBLE TO RECEIVE VOUCHERS.—Telecommunications carriers eligible to receive support payments for universal service by voucher under this subsection are telecommunications carriers designated as essential telecommunications carriers in accordance with subsection (f).

"(4) VOUCHERS.—

"(A) IN GENERAL.—The Commission shall provide in the regulations under this subsection for the distribution to individuals described in paragraph (2) of vouchers that may be used by such individuals as payment for telecommunications services received by such individuals from telecommunications carriers described in paragraph (3).

"(B) VALUE OF VOUCHERS.—The Commission shall determine the value of vouchers distributed under this paragraph.

"(C) USE OF VOUCHERS.—Individuals to whom vouchers are distributed under this paragraph may utilize such vouchers as payment for the charges for telecommunications services that are imposed on such persons by telecommunications carriers referred to in subparagraph (A).

"(D) ACCEPTANCE OF VOUCHERS.—Each telecommunications carrier referred to in subparagraph (A) shall accept vouchers under this paragraph as payment for charges for telecommunications services that are imposed by the telecommunications carrier on individuals described in paragraph (2).

"(E) REIMBURSEMENT.—The Commission shall, upon submittal of vouchers by a telecommunications carrier, reimburse the telecommunications carrier in an amount equal to the value of the vouchers submitted. Amounts necessary for reimbursements under this subparagraph shall be derived from contributions for universal support under subsection (c).".

Mr. McCAIN. Mr. President, at the outset, I have no illusions about the ability to adopt this amendment. I do not think it will be adopted. I do, however, think that it is a defining issue in how we view the role of Government and the role of our regulatory bodies.

In an attempt to deregulate telecommunications in America, and I think it is a defining issue very frankly, in whether we want to continue the complex, myriad, incomprehensible method that we are using today to try to attempt to provide access by all Americans to telecommunications facility.

Right now, I do not know of anyone who knows how we subsidize, exactly, people who are in need of the basic telecommunications services in this country. This amendment would make it very clear and very simple. It would be the provision of vouchers for those who need those services. It would replace the current telecommunications subsidy scheme.

Mr. President, both the current system and that envisioned by the pending legislation mandates subsidy flows from company to company. As one former council to the FCC stated, "From one rich person to another rich person."

This amendment would fundamentally change that system.

Sixty-one years ago, the Congress passed the Communications Act of 1934. The Act mandated that every American, regardless of where they lived, receive basic telephone service at approximately the same rate. Therefore, individuals whether they live in urban America or rural America would pay the same rate for telephone service, regardless of disparities in cost of supplying such service.

This concept of urban-rural equality known as "universal service" was predicated on the agrarian/rural based demographics of our Nation at that time. Poorer rural areas required urban subsidies to meet the goal of universal service. However, demographics have changed since 1934. Today, the majority of Americans now live in urban settings. Telecommunications subsidy schemes, however, have not changed and the urban poor are being unfairly forced to pay for telephone service for those who can much better afford it.

It is simply not fair for those living at the poverty level in the inner city to have to pay for telephone service to the ultra wealthy with second homes in places such as Telluride, Vail, Martha's Vineyard, and the Boulders Resort Area of Arizona.

It is time for a fresh look. As we debate communications law reform, we must step back and ask who is paying for what services. The answer is that those who live in urban areas, as envisioned in 1934, are subsidizing telephone services for those who live in rural areas.

The belief that a universal service subsidy mechanism designed in the 1930's is relevant today and must continue is preposterous. Not only does it unfairly punish lower income, inner city Americans, but it discourages future competition in the local loop.

Vigorous competition with its many benefits to the consumer will only flourish in a free market environment in which entrepreneurs believe they can enter a line of business and make a profit. However, since the current telephone subsidy scheme gives all benefits to the incumbent company, the question arises: What smart businessman or women would want to compete against the entrenched existing company? The answer is none. Thus, if we truly believe in competition for telephone services, we should advocate an end to subsidies.

We should consider a phase out of existing cross-subsidy mechanisms, including long-distance access charges, subsidization of residential rates by business rates, subsidization of rural rates by urban rates, and other rate averaging mechanisms in order to ensure that market prices accurately reflect the true cost of providing service. Eliminating these barriers to the free market will enhance competition and experience has proven that competition causes prices to fall and improves customer service. When as many subsidies as possible are eliminated, when free market economics has substantially replaced depression-era subsidies, the universal service goal that is contained in existing law could be achieved by instituting a means-tested voucher system to ensure that everyone has the ability to receive telephone service.

Under a voucher system, any household, regardless of where they live, who earns under 200 percent of the poverty level would be eligible for telephone vouchers. Recipients could use the vouchers to pay for any local telephone service they desired, including cellular or in the near future, satellite communications systems such as PCS. The States, not the Federal Government should administer the voucher system because they can best respond to local priorities and needs.

Vouchers could be reclaimed for dollars by local telephone companies chosen by the consumer to provide service. Therefore, the economic viability of companies who have benefits from the current subsidy scheme will only be in jeopardy if their customers decide they no longer like their current phone company and seek a new provider, in other words free-market economics at work.

Mr. President, I recognize that a voucher system may not be immediately embraced by small rural telephone companies. They are happy with the status quo that ensures them a steady revenue stream. A voucher system does not recognize incumbency, it recognizes merit.

Reality tells us that the elimination of subsidies and the creation of a voucher system would not only empower individuals but would encourage telephone companies to compete more for local business. A voucher system is still a subsidy, but it is a much more benign subsidy then the anticompetitive one which currently exists.

Although the food stamp program is not embraced by all, it is important to note that we do not send money directly to the local Safeway, telling them to bag a government proscribed list of groceries, and then to deliver them to everyone in a certain neighborhood, regardless of income. However, that is precisely what we do with local telephone service. There is simply no logic in today's society for continuation of the current subsidy mechanisms.

Last, it is important to note that while 99 percent of Americans have purchased televisions without the benefit of a subsidy, only 93 percent of all households have telephones. Perhaps due to the empowerment of individuals that a voucher system would perpetuate, as many American will have telephones as have televisions.

Mr. President, this amendment is a radical change from the status quo, and therefore I am under no allusion that it will pass today. I do believe it lays the groundwork for the future and should be supported by the Senate.

There have been a number of interesting articles written about the voucher system and the present system. One of them was in the Wall Street Journal last January 20. It is by Mr. Adam Thierer, who is an analyst with the Heritage Foundation in Washington.

I would like to quote from some of this article, because I think it frames the issue pretty well. It begins by saying:

> Republicans in Congress will soon introduce deregulatory legislation that could revolutionize the way America's telecommunications sector works. An outline of the proposed legislation in the Senate reveals that Republicans plan to eliminate remaining barriers to market entry * * * the Republican plan at least starts off on the right foot.
>
> Yet it is evident from the outline that Republicans are no different from Democrats when it comes to the Holy Grail of telecommunications—universal service. The GOP lawmaker's plan for universal service may place everything else they hope to accomplish at risk.
>
> The desire to create a ubiquitous telecommunications system is indeed noble. The problem is that, by mandating universal telephone service, policy makers effectively required that a monopolistic system be developed to deliver service to all. That meant devising a crazy-quilt of internal industry taxes that force low-cost providers to cross-subsidize high-cost providers. Hence, billions of dollars of subsidies now flow from long-distance to local providers, from businesses to residences, and from urban to rural users.
>
> But, despite these bountiful subsidies, roughly one American out of every 17 still does not have a telephone in his home.
>
> * * * * *
>
> Worse yet, by arbitrarily averaging rates across the nation, policy makers have unintentionally created a remarkably regressive tax. Hence, a poor single mother on welfare in the inner city is often paying artificially high rates to help subsidize service to wealthy families who live in nearby rural areas. There is nothing equitable about a system that arbitrarily assesses billions of dollars of internal industry taxes on consumers while failing to provide service to all.
>
> Yet policy makers continue to support the current cross-subsidy taxes in the mistaken belief that they encourage ever-increasing subscribership levels. Economists David Kaserman and John Mayo have appropriately labeled this belief a "fairy tale," since no causal relationship exists between subsidies and subscribership levels. In fact, the exact opposite is the case. The 1980s saw decreased subsidies and increased subscribership levels.
>
> * * * * *
>
> If a free-market approach is unpalatable, Republicans should consider means-tested telecom vouchers. State and local governments, not the feds, could simply offer poor residents a voucher to purchase service from a provider of their choice. Make no mistake, this is still a subsidy, but at least it is one that will not discourage competitive entry. It would be funded through general tax revenues, to encourage legislators to target the subsidy as narrowly as possible.
>
> One GOP staffer recently told me this approach is "ahead of its time." In fact, this idea is somewhat behind the times, but it is still the only solution that could co-exist with a competitive marketplace. Free markets, open access, and consumer choice are the better guarantors of innovative goods, lower prices, and true universal service. If policy makers instead continue to place faith in the fairy tale of mandated universal service, they will still be discussing how to create a competitive marketplace at the turn of the century.

I am afraid that Mr. Thierer's prediction is, unfortunately, all too true. On January 11, 1995, in the Investors Business Daily, there was an article that I think has some interesting facts in it.

> About 6% of all American homes are still without telephones. But the U.S. Census Bureau reports 99% own radios, 98% have televisions and 75% video cassette recorders—a technology barely 20 years old.
>
> Discounting the implied subsidies of free airwaves for broadcasters, radios and TVs haven't been bolstered by anything like the complex web of subsidies and regulations created over the years to foster universal telephone service.
>
> Several federal agencies manage about $1 billion in payments made by big phone companies and put in the pockets of small ones. But the phone companies themselves set aside and transfer funds, as required by federal rules, to subsidize service to the needy and rural communities.
>
> These subsidies, which total billions of dollars, come from three sources: business users, long distance calls and urban customers, including residential. They are used

to artificially reduce the cost of serving rural areas, and to provide below-cost service to poorer households.

But analysts say the administrators of universal service funds, whether at federal agencies or in phone companies, do little to assess the need for assistance. And rate averaging, used by large phone companies, often forces the poorest inner-city households to subsidize rural service for even the richest gentlemen farmers and jet-setting skiers.

"The telecommunications welfare state has been a disaster," asserted Heritage Foundation analyst Adam Thierer in a study published recently. "The regulatory model of the past six decades has failed."

In a study released Jan. 5, for instance, Wayne Leighton of the Center for Market Processes in Fairfax, Va., and Citizens for a Sound Economy in Washington, describes how the tiny resort community of Bretton Woods, N.H., received $22,153 in subsidies last year, because its remote location on the shoulders of the White Mountains makes it a "high-cost" area to serve. That equates to $82 for each of the community's 269 phone lines—many of which serve luxury hotels.

"High-cost is not the same as high need," Leighton said.

"Indeed," Leighton added, "poor inner-city residents rarely benefit from these programs, since their telephone companies spread costs over a great many users. . . . The result is subsidies often help middle- and upper-class subscribers lower their monthly phone bills."

The giant regional telephone monopolies, which want to be allowed to compete with long-distance and cable television companies in those markets, say universal service subsidies cost about $20 billion a year.

Leighton, citing a study by the Telecommunications Industries Analysis Project, estimates the net transfer from urban customers to rural at $9.3 billion a year.

WHO PAYS?

"A lot of money can be pulled from an urban area, without regarding who it's being pulled from," noted Heritage's Thierer.

To see the effects of subsidies, compare the annual average household cost for telephone service in rural and urban areas. According to a Federal Communications Commission study published in July 1994, the average "rural" household spent $549 in 1990, while in big cities like New York, Chicago and Los Angeles, the comparable figures were $770, $660 and $748, respectively.

Interestingly, a majority of the residents in all three of these major cities are either black or Hispanic. In other major cities with large minority populations, like Detroit, Atlanta, Washington and Houston, the pattern is similar—all had substantially higher average household phone bills than did rural households.

I do not understand how we defend a system that charges higher rates for some of the poorest people in America and minorities. We are having a great debate and we are going to continue to have a great debate over affirmative action. But it seems to me that at least we ought to cure what is clearly reverse affirmation actions.

Consider just the poorest Americans, who presumably would qualify for subsidized rates as low as $6 a month. The fact that only 73% of households with annual incomes of less than $5,000 had phones in 1993 again suggests that the subsidies do not reach their intended targets.

Let me point out again that 73 percent of households in America with annual incomes of less than $5,000 had phones in 1993.

* * * But by one government estimate, 91% of all "poor" households owned color televisions by 1990.

The FCC data also show that between 1984 and 1992, America's black households on average spent between 12% and 23% more on phone services each month than did white households.

And according to 1990 census data, 68% of all blacks lived in the nation's 75 largest urban areas—traditionally the source of most phone company revenues.

Broken down by race, 77% of white households in the poorest segment had phones, while just 65% of blacks did. In the next highest income group, from $5,000 to $7,499, the percentages rose to 86% of whites and 78% of blacks.

The sole reason telecommunications is not as competitive as these other high-technology sectors is that, unlike them, it is not governed primarily by consumer choice.

* * * * *

"There are other options," Thierer observed, "but we're just so scared about letting go of the past."

But so much has changed, critics of the current system point out that a wealth of new technologies makes the old ways completely obsolete. Today, cable television, electric power and wireless systems can all compete with telephone networks.

Free-market reformers could grow more optimistic, if they listen to House Speaker Newt Gingrich, R-Ga. In recent testimony to the House Ways and Means Committee, Gingrich suggested new policies should reflect thinking "beyond the norm."

Mr. President, I am first to admit that a system of vouchers would be clearly beyond the norm.

Mr. President, I received a study called "Local Competition and Universal Service, New Solutions and Old Myths."

The mechanism that they propose to address any such "market failure" would be:

. . . an explicit, market-compatible subsidy system with three primary components. (1) universal service subsidies should be provided directly to end users, (2) all subsidies must be clearly defined and designed to terminate over time, and (3) all funding must be raised explicitly as a telephone subsidy.

On the issue of furnishing the subsidy to end users:

There are numerous advantages to this approach. Combined with means testing, it would ensure that only those customers in need of a subsidy would receive money. Therefore, to minimize market interference, subsidies should be provided directly to the end users—in the form of telephone stamps—who are the intended beneficiaries of the subsidy. This is a three-step process: identify end users who cannot afford service; calculate the differential between what they can afford and the price of service; then provide an appropriate amount of subsidy directly to the consumer. Carefully tailored means testing should minimize any abuse of the program.

This approach reduces marketplace interference by permitting the customers to choose how they spend their "telephone stamps." For example, some urban customers might choose among competitively-priced alternatives such as cellular or PCS service rather than ordinary wireline service as better suiting their multiple-job lifestyles, while still being available for use at home. Rural residents individually might also prefer a wireless to a wired service, or might collectively for their region obtain bids from multiple providers of multiple technologies.

And this mechanism of distributing funds directly to end users also avoids the pre-selection of a particular provider. Since customers can spend their "telephone stamps" as they wish, they will choose the technology and provider who best matches their needs and budget. It may be that in some locations, only one provider makes service available; in that case that provider will receive all the subsidy money, but by operation of the marketplace rather than by regulatory fiat. But it may also be that the availability of the pool of money represented by the sum of all the "telephone stamps" acts as an incentive to draw alternative providers and alternative technologies into the area.

The most difficult problem facing direct user subsidization is the design of an appropriately tailored mechanism for distribution which will take many forms such as tax breaks, telephone stamps, or service credits. These credits should be awarded on a needs basis as determined through some more means testing, perhaps by tying it to other means-tested assistance programs in the State; that is, anyone who qualifies for any program on the State's list of means-tested programs also qualifies for a preset level of telephone assistance set to enable them to obtain basic telephone access.

There would be no need to create a separate bureaucracy. Similarly, the State agency that currently issues assistance, such as food stamps, can also issue the telephone stamps. The consumer could use the equivalent telephone stamps to purchase network service capability if they want by mailing in the stamps with their bill.

As competition drives down the price of technological alternatives, consumers could choose from an expanding array of network alternatives. This would allow customers to maximize the use of the network by placing at their disposal the technology best suited to their means, lifestyles, and location. The providers cash in telephone stamps just as grocery stores do with food stamps.

Mr. President, universal service historically has been the subject of more assumptions than studies and discussions of the issue and have generated more heat than light.

The presumptions of the past have governed the debate for far too long. Rethinking these assumptions clears the way and focuses the discussion on the issues that face telecommunications today. The issue today is not the creation of universal service but its preservation. Services are available today to most Americans. The remaining issue is service activation and affordability. Open competition among fully inoperative networks for local service priced at its true cost, combined with our proposed explicit and targeted approach to any necessary subsidies, is the best way to maintain universal service while bringing the benefits of a competitive marketplace to all telephone customers.

Mr. President, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second?

The yeas and nays have been requested. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. McCAIN. Mr. President, I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is the McCain amendment, which is No. 1276.

Mr. GORTON. Mr. President, I ask unanimous consent that we return to the Feinstein-Kempthorne amendment.

Mr. McCAIN. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. I just proposed an amendment. I had anticipated that we would debate the amendment and vote on it at an appropriate time.

Mr. GORTON. I hope that the Senator will not object. The Senate has almost completed its debate on a Feinstein-Kempthorne amendment which was proposed last night. I have a second-degree amendment for that which I would like to get in so that the body will understand exactly what it is going to be voting on on that issue.

Mr. McCAIN. Let me say to my friend, I was over in a hearing. The request was to come over and propose amendments because amendments were needed in the Chamber. I then left the hearing. I came over here with my amendment, asked that the pending amendment be set aside at the request of the distinguished chairman, proposed the amendment, and fully anticipated debate and a vote on that amendment.

Mr. PRESSLER. If my colleague will yield, we are going to accommodate. The problem, I am told this morning, is that one of our Members is at a Vietnam veterans ceremony. We are going to try to stack the votes, if we could have the vote at 4 o'clock. That is what the leadership tells me, they are going to try to stack votes; that we have votes after the Les Aspin memorial service this afternoon.

I did not create these things, but that is the situation we are in.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington has the floor.

Mr. McCAIN. Who has the floor, Mr. President?

The PRESIDING OFFICER. The Senator from Washington has the floor.

Mr. GORTON. I made a unanimous consent request and the Senator from Arizona objected.

Mr. McCAIN. I object.

Mr. GORTON. I would like to continue with the consideration of the amendment.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. Mr. President, I ask unanimous consent that we return to the Feinstein-Kempthorne amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 1277 TO THE LANGUAGE PROPOSED TO BE STRICKEN BY AMENDMENT NO. 1270

(Purpose: To limit, rather than strike, the preemption language)

Mr. GORTON. Mr. President, I send a second-degree amendment to the Feinstein-Kempthorne amendment to the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

> The Senator from Washington [Mr. GORTON] proposes an amendment numbered 1277 to the language proposed to be stricken by amendment No. amendment No. 1270.
>
> In the matter proposed to be stricken, strike "or is inconsistent with this section, the Commission shall promptly" and insert "subsection (a) or (b), the Commission shall".

Mr. GORTON. Mr. President, last night, our distinguished colleagues from California and Idaho proposed an amendment with respect to a section entitled "Removal of Barriers to Entry." That section in toto says that the States and local communities cannot impose State or local requirements that may prohibit or have the effect of prohibiting the ability of any entity to provide any interstate or intrastate telecommunications services.

Mr. President, that, of course, is a very, very broad prohibition against State and local activities. And so thereafter there follow two subsections that attempt to carve out reasonable exemptions to that State and local authority. One has to do specifically with telecommunications providers themselves and speaks in the general term of allowing States to preserve and advance universal service, protect the public safety and welfare, ensure the continued quality of telecommunications services, and safeguard the rights of consumers, which are, of course, the precise goals of this Federal statute itself.

However, the third exception is "Local Government Authority." That local government authority relates to the right of local governments to manage public rights-of-way, require fair and reasonable compensation to telecommunications providers, the use of public rights-of-way on a nondiscriminatory basis, and so on.

Then the final subsection is a preemptive subsection, Mr. President, and it reads:

> If, after notice and an opportunity for public comment, the Commission determines that a State or local government has permitted or imposed any statute, regulation, or legal requirement that violates or is inconsistent with this section, the Commission shall immediately preempt the enforcement of such statute, regulation, or legal requirement to the extent necessary to correct such violation or inconsistency.

Now, our two distinguished colleagues said that that preemption was much too broad, that its effect would be to say to a major telecommunications provider or utility all you have to do, if the city of San Francisco or the city of Boise attempts to tell you what hours you can dig in the city streets or how much noise you can make or how you have to reimburse the city for the damage to its public rights-of-way, that all that the utility would have to do would be to appeal to the Federal Communications Commission in Washington, DC, and thereby remove what is primarily a local question and make a Federal question out of it which had to be decided in Washington, DC, by the Federal Communications Commission. And so the Feinstein-Kempthorne amendment strikes this entire preemption section.

Now, the Senator from California I think very properly tells us what the impact of that will be. It does not impact the substance of the first three subsections of this section at all, but it does shift the forum in which a question about those three subsections is decided. Instead of being the Federal Communications Commission with an appeal to a Federal court here in the District of Columbia, those controversies will be decided by the various district courts of the United States from one part of this country across to every other single one.

Now, Mr. President, in the view of this Senator, there is real justification in the argument for both sides of this question. The argument in favor of the section as it has been reported by the Commerce Committee is that we are talking about the promotion of competition. We are talking about a nationwide telecommunications system.

There ought to be one center place where these questions are appropriately decided by one Federal entity which recognizes the impact of these rules from one part of the country to another and one Federal court of appeals.

On the other hand, the localism argument that cities, counties, local communities should control the use of their own streets and should not be required to come to Washington, DC, to defend a permit action for digging up a street, for improving or building a new utility also has great force and effect, Mr. President. I think it is a persuasive argument.

So in order to try to balance the general authority of a single Federal Communications Commission against the specific authority of local communities, I have offered a second-degree amendment to the Feinstein-Kempthorne amendment. I hope that the sponsors of the amendment will consider it to be a friendly one.

More often than not in this body, second-degree amendments are designed to totally subvert first-degree amendments to move in a completely different direction, sometimes to save Members from embarrassing votes. This is not such a case.

I have read the arguments that were made by the two Senators who sponsored the first-degree amendment. I agree with them, but almost without exception, their arguments speak about the control by cities and other local communities over their own rights of way, an area in which their authority should clearly be preserved, a field in which they should not be required to have to come to Washington, DC, in order to defend their local permitting or ordinance-setting actions.

I agree with those two Senators in that respect, but I do not agree that we should sweep away all of the preemption from an entire section, which is entitled "Removal of Barriers to Entry"; that fundamental removal to those barriers, an action by a State or a city which says only one telephone company can operate in a given field, for example, or only one cable system can operate in a given field, should not be exempted from a preemption and from a national policy set by the Federal Communications Commission.

So this amendment does two things, both significant. The first is that it narrows the preemption by striking the phrase "is inconsistent with" so that it now allows for a preemption only for a requirement that violates the section. And second, it changes it by limiting the preemption section to the first two subsections of new section 254; that is, the general statement and the State control over utilities.

There is no preemption, even if my second-degree amendment is adopted, Mr. President, for subsection (c) which is entitled, "Local Government Authority," and which is the subsection which preserves to local governments control over their public rights of way. It accepts the proposition from those two Senators that these local powers should be retained locally, that any challenge to them take place in the Federal district court in that locality and that the Federal Communications Commission not be able to preempt such actions.

So I hope that it is a way out of the dilemma in which we find ourselves, the preservation of that local authority without subverting what ought to be nationwide authority. It will be a while, I think, before this comes to a vote. I commend this middle ground to both the managers of the bill and the sponsors of the amendment. I hope that they will accept it.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER (Mr. FRIST). The Senator from North Dakota.

Mr. DORGAN. Mr. President, I ask unanimous consent that the pending amendment be set aside so that I may offer another amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1278

(Purpose: To provide for Federal Communications Commission review of television broadcast ownership restrictions)

Mr. DORGAN. Mr. President, I have an amendment at the desk. I offer a first-degree amendment on the issue of broadcast ownership restrictions.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for himself, Mr. HELMS and Mr. KERREY, proposes an amendment numbered 1278.

Mr. DORGAN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike paragraph (1) of subsection (b) of Section (207) and insert in lieu thereof the following:

"(b) REVIEW AND MODIFICATION OF BROADCAST RULES.—The Commission shall:

"(1) modify or remove such national and local ownership rules on radio and television broadcasters as are necessary to ensure that broadcasters are able to compete fairly with other media providers while ensuring that the public receives information from a diversity of media sources and localism and service in the public interest is protected, taking into consideration the economic dominance of providers in a market and

"(2) review the ownership restriction in section 613(a)(1)."

Mr. DORGAN. Mr. President, I am scheduled to testify before a base closing hearing in the Cannon Building in a matter of minutes, so I must leave the floor. I did want to offer this first-degree amendment. It would essentially eliminate two provisions, the provisions in the underlying bill that now abolish the current ownership restrictions on television stations.

We currently have a 12-station ownership limitation on television stations and a 25-percent-of-the-national-audience cap. I believe we ought to restore that and provide the authority to the FCC to make those determinations. I think it makes no sense to include in this bill a provision that simply withdraws those restrictions on ownership.

This bill talks about competition. If we allow this to continue in this bill, we will see a greater concentration of television ownership in this country, and we will end up with a half a dozen companies controlling virtually all the television stations in America. I do not think anybody can honestly disagree that that is the result of the provision in the underlying bill.

I think we ought to restore the 12-station limit and the 25-percent-national-audience cap and give the FCC the authority to make its own judgment and evaluate what kind of competition exists and what is in the public interest with respect to this competition. This provision makes no sense at all in the underlying bill.

I will ask for the yeas and nays at an appropriate point. I must leave to testify before the Base Closing Commission, and then I will return to debate this legislation. My understanding is the Senator from Nebraska, Senator KERREY, wants to speak on this. I am pleased he will do so while I am absent from the Chamber.

Mr. KERREY. Mr. President, I ask unanimous consent to be added as a cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERREY. Mr. President, before the Senator from North Dakota leaves, it is my intent, unless he objects now, after making my comments to ask for the yeas and nays on this amendment, unless the Senator will object to my asking at the end of my remarks.

Mr. DORGAN. I believe Senator HELMS wants to speak on it and probably Senator SIMON as well. The Senator can ask for the yeas and nays, sure.

Mr. KERREY. Mr. President, first, let me say that the central point of this whole legislation has been that we are trying to create a regulatory environment where competition can produce lower prices and higher quality service for the American consumer. The service that is being sold is information. Unlike many other commodities that we buy—natural gas, for example, transportation, and so forth—this is a very unusual commodity that we are buying, information, although maybe commodity is not exactly the precise words like you are buying hardware and other sorts of things.

It really is an issue of giving power to somebody to control to a very great extent the information that we get.

You say, "Well, I have community standards in place." That is true, the FCC does have control over community standards, and there are lots of other regulatory determinations that could be made by the FCC, but it is the power to broadcast, the power to publish, the power to transmit information. It is the word, Mr. President. Unlike other commodities, I have only 24 hours in the day in which I can process this information, in which I can either listen to the radio or watch television or read a newspaper, or go on-line, or call my kids, or listen to my kids, or engage in some manner, shape, or form in purchasing or using the information services or equipment that this $800 to $900 billion industry is out there manufacturing and producing and trying to get me to buy. So I have 24 hours a day. That is all anybody has.

What we have, over the years, understood is that the person who controls that information very often controls a great deal more than just the right to sell to you. The person who controls the right to own a station, radio or television, or who controls the newspaper, who controls some other information source, they are in control of much more than just the right to sell you some product. In fact, rarely—I am not sure I can even cite an owner that does not respect that they have more than just a fiduciary responsibility to shareholders. They understand that they have a responsibility that is larger than that.

This amendment, I believe, maintains what we have traditionally done, and that is to say you can get all the competition you want with 12 stations and all the competition you want with 25 percent—25 percent ownership in a service area. That has worked. Again, I have not heard consumers come to me on this one and say, gee, could you lift the ownership restrictions because we are not getting the kind of quality service we want, and we believe that if we have 35 percent ownership of our television and radio stations in a service area, that that will improve the quality of our product, and if we concentrate this industry even more, we are going to get improved quality of product.

I believe that the amendment before us illustrates this issue that I have been raising a time or two on the floor, which is that at stake here is the power of a business or an individual to do something—the power of an individual or a corporation, mostly, to do something that they are currently prohibited from doing. A corporation that owns radio or television stations currently has certain restrictions placed on them, and the bill, as currently described, would lift a number of those restrictions.

Mr. President, I ask unanimous consent that an article in this morning's Washington Post by Tom Shales be printed in the RECORD at this time.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, June 13, 1995]

FAT CAT BROADCAST BONANZA

(By Tom Shales)

It's happening again. Congress is going ever so slightly insane. The telecommunications deregulation bill now being debated in the Senate, with a vote expected today or tomorrow, is a monstrosity. In the guise of encouraging competition, it will help create huge new concentrations of media power.

There's something for everybody in the package, with the notable exception of you and me. Broadcasters, cablecasters, telephone companies and gigantic media conglomerates all get fabulous prizes. Congress is parceling out the future among the communications superpowers, which stand to get more super and more powerful, and certainly more profitable, as a result.

Limits on multiple ownership would be eased by the bill, so that any individual owner could control stations serving up to 35 percent of the country (50 percent in the even crazier House version), versus 25 percent now. There would be no limit on the number of radio stations owned. Cable and phone companies could merge in municipalities with populations up to 50,000.

Broadcast licenses of local TV stations would be extended from a five-year to a 10-year term and would be even more easily renewed than they are now. It would become nearly impossible for angry civic groups or individuals to challenge the licenses of even the most irresponsible broadcasters.

In addition, the rate controls that were imposed on the cable industry in 1992, and have saved consumers $3 billion in the years since, would be abolished, so that your local cable company could hike those rates right back up again.

Sen. Bob Dole (R-Kan.), majority leader and presidential candidate, is trying to ram the legislation through as quickly as possible. Tomorrow he wants to take up the issue of welfare reform, which is rather ironic considering that his deregulation efforts amount to a bounteous welfare program for the very, very, very rich.

Dole made news recently when he took Time Warner Co. to task for releasing violent movies and rap records with incendiary lyrics. His little tirade was a sham and a smoke screen. Measures Dole supports would enable corporate giants such as Time Warner to grow exponentially.

"Here's the hypocrisy," says media activist Andrew Jay Schwartzman. "Bob Dole sits there on 'Meet the Press' and says, yes, he got $23,000 from Time Warner in campaign contributions, and that just proves he can't be bought." He criticizes Time Warner's corporate responsibility and acts like he's being tough on them, but it's in a way that won't affect their bottom line at all.

"Meanwhile he is rushing to the floor with a bill that will deregulate cable rates and expedite the entry of cable into local telephone service, and no company is pressing harder for this bill than—guess who—Time Warner."

Schwartzman, executive director of the Media Access Project, says that the legislation does a lot of "awful things" but that the worst may be opening the doors to "a huge consolidation of broadcast ownership, so that four, five, six or seven companies could own virtually all the television stations in the United States."

Gene Kimmelman, co-director of Consumers Union, calls the legislation "deregulatory gobbledygook" and says it would remove virtually every obstacle to concentration of ownership in mass media. The deregulation of cable rates with no competition to cable firmly in place is "just a travesty," Kimmelman says, and allowing more joint ventures and mergers among media giants is "the most illogical policy decision you could make if you want a competitive marketplace."

The legislation would also hand over a new chunk of the broadcast spectrum to commercial broadcasters to do with, and profit from, as they please. Digital compression of broadcast signals will soon make more signal space available, space that Schwartzman refers to as "beachfront property." Before it even exists, Congress wants to give it away.

Broadcasters could use the additional channels for pay TV or home shopping channels or anything else that might fatten their bank accounts.

There's more. Those politicians who are always saying they want to get the government off our backs don't mind letting it into our homes. Senators have been rushing forth with amendments designed to censor content, whether on cable TV or in the cyberspace of the Internet. The provisions would probably be struck down by courts as antithetical to the First Amendment anyway, but legislators know how well it plays back home when they attack "indecency" on the House or Senate floor.

Late yesterday Sens. Dianne Feinstein (D-Calif.) and Trent Lott (R-Miss.) called for an amendment requiring cablecasters to "scramble" the signals of adults-only channels offering sexually explicit programming. The signals already are scrambled, and you have to request them and pay for them to get them. Not enough, Feinstein and Lott said; they must be scrambled more.

The amendment passed 91–0.

It's a mad, mad, mad, mad world.

An amendment expected to be introduced today would require that the infamous V-chip be installed in all new television sets, and that networks and stations be forced to encode their broadcasts in compliance. The V-chip would allow parents to prevent violent programs from being seen on their TV sets. Of course, they could turn them off, or switch to another channel, but that's so much trouble. Why not have Big Brother do it for you?

The telecommunications legislation is being sponsored in the Senate by Commerce Committee Chairman Larry Pressler (R-S.D.), whose initial proposal was that all limits on multiple ownership be dropped. Even his supporters laughed at that one.

Dole is the one who's ramrodding the legislation through, and it's apparently part of an overall Republican plan for American media, and most parts of the plan are bad. They include defunding and essentially destroying public television, one of the few wee alternatives to commercial broadcasting and its junkiness, and even, in the Newt Gingrich wing of the party, abolishing the Federal Communications Commission, put in place decades ago to safeguard the public's "interest, convenience and necessity."

It's the interest, convenience and necessity of media magnates that appears to be the sole priority now. "The big loser in all this, of course, is the public," wrote media expert Ken Auletta in a recent New Yorker piece about the lavishness of media contributions to politicians. The communications industry is the sixth-largest PAC giver, Auletta noted.

Viacom, a huge media conglomerate, had plans to sponsor a big fund-raising breakfast

> for Pressler this month, Auletta reported, but the plans were dropped once Auletta started making inquiries: "Asked through a spokeswoman about the propriety of a committee chairman's shopping for money from industries he regulated, Pressler declined to respond."
>
> The perfect future envisioned by the Republicans and some conservative Democrats seems to consist of media ownership in very few hands, but hands that hold tight rein over the political content of reporting and entertainment programming. Gingrich recently appeared before an assemblage of mass media CEOs at a dinner sponsored by the right-wing Heritage Foundation and reportedly got loud approval when he griped about the oh-so-rough treatment he and fellow conservatives allegedly get from the press.
>
> Reuven Frank, former president of NBC News, wrote about that meeting, and other troubling developments, in his column for the New Leader. "It is daily becoming more obvious that the biggest threat to a free press and the circulation of ideas," Frank wrote, "is the steady absorption of newspapers, television networks and other vehicles of information into enormous corporations that know how to turn knowledge into profit—but are not equally committed to inquiry or debate or to the First Amendment."
>
> The further to the right media magnates are, the more kindly Congress is likely to regard them. Most dramatic and, indeed, obnoxious case in point: Rupert Murdoch, the fox mogul whom Frank calls "today's most powerful international media baron." The Australian-born Murdoch has consistently received gentle, kid-glove, look-the-other-way treatment from Congress and even the regulatory agencies. When the FCC got brave not long ago and tried to sanction Murdoch for allegedly deceiving the commission about where he got the money to buy six TV stations in 1986, loud voices in Congress cried foul.
>
> These included Reps. Jack Fields (R-Tex.) and Mike Oxley (R-Ohio). Daily Variety's headline for the story: "GOP Lawmakers Stand by Murdoch." They always do. Indeed, Oxley was behind a movement to lift entirely the ban on foreign ownership of U.S. television and radio stations. He wanted that to be part of the House bill, but by some miracle, this is one cockamamie scheme that got quashed.
>
> Murdoch, of course, is the man who wanted to give Gingrich a $4.5 million advance to write a book called "To Renew America," until a public outcry forced the House speaker to turn it down. He is still writing the book for Murdoch's HarperCollins publishing company. The huge advance was announced last winter, not long after Murdoch had paid a very friendly visit to Gingrich on the Hill to whine about his foreign ownership problems, with the FCC.
>
> Everyone knows that America is on the edge of vast uncharted territory where telecommunications is concerned. We've all read about the 500-channel universe and the entry of telephone companies into the cable business and some sort of linking up between home computers and home entertainment centers. In Senate debate on the deregulation bill last week, senators invoked images of the Gold Rush and the Oklahoma land rush in their visions of this future.
>
> But this gold rush is apparently open only to those already rolling in gold, and the land is available only to those who are already big landowners—to a small private club whose members are all enormously wealthy and well connected and, by and large, politically conservative. It isn't very encouraging. In fact, it's enough to make you think that the future is already over. Ah, well. It was nice while it lasted.

Mr. KERREY. The headline of this article says, "Fat Cat Broadcast Bonanza."

I admit that is a useful headline for me to make my point, but listen to the argument here.

> Limits on multiple ownership would be eased by the bill, so that any individual owner could control stations serving up to 35 percent of the country . . .

The House, by the way, goes to 50 percent versus the 25 percent now.

> There would be no limit on the number of radio stations owned. Cable and phone companies could merge in municipalities with populations up to 50,000.
>
> Broadcast licenses of local TV stations would be extended from a 5-year to a 10-year term and would be even more easily renewed than they are now. It would become nearly impossible for angry civic groups or individuals to challenge the licenses of even the most irresponsible broadcasters.
>
> In addition, the rate controls that were imposed on the cable industry in 1992, and have saved consumers $3 billion in the years since, would be abolished, so that your local cable company could hike those rates right back up again.

Mr. President, I believe that those, like myself, who want a competitive environment in telecommunications, who want to support a bill that moves us from a monopoly at the local level to a competitive environment, who believe that you can get benefits from competition, that consumers, taxpayers, and citizens, will say, Senator, I am glad you voted for that bill. I believe we can get that kind of competition without changing the ownership rules for our broadcasters. I just do not see a compelling reason for it. I do not see, indeed, increased competition. I think an argument can be made, in fact, that it is moving in the wrong direction, much more toward a concentration and less competition, and thus I support the Dorgan amendment before us now.

I yield the floor.

Mr. PRESSLER addressed the Chair.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. PRESSLER. Mr. President, I wish to continue the speech that I began regarding the standard of review in the Justice Department. If other Senators wish to offer amendments—I see that my colleague from Missouri has arrived. If he wishes to speak, I will yield the floor.

Mr. ASHCROFT. Thank you. I would be pleased to speak, but I would like to gather my thoughts.

Mr. PRESSLER. I ask unanimous consent that the speech I am giving will continue at the point I broke off to yield to other Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1265, AS MODIFIED

Mr. PRESSLER. Mr. President, I am speaking about the role of the Department of Justice. The Department of Justice seems to be seeking a regulatory role, which is unnecessary in this bill—a role that the FCC plays. When we table the Dorgan-Thurmond amendment at 12:30, it will be because of some of the problems. I am citing the Ameritech experience, and I cited an article in the New York Times that said that it appears that the Justice Department is determined to win a permanent role in determining when the Bells should win freedom.

Ameritech may have thought that it had no choice but to accept the deal that was offered. But the Department's ability to force its will upon one company does not render the so-called Ameritech plan a model for the industry. Indeed the plan simply highlights that the 1982 AT&T consent decree has broken down. It is time to return regulation of telephone markets to Congress, the FCC, and the States.

The Ameritech plan, which was agreed to about 2 months ago, has been touted as opening markets, both local and long distance, to increased competition. What it is, in fact, is a sketchy proposal for a complete restructuring of how local telephone service is provided and billed. If it is ever implemented, it will bring about a massive shift of power from State and Federal regulators and the decreeing court to the Department of Justice. At the very least, the plan would compel local telephone companies to change to usage-sensitive billing of the kind that Ameritech has already implemented in Chicago. In other words, all residential subscribers would end up paying a flat up-front fee for every local call they make, plus additional measured charges for every minute of local usage. Ameritech has been filing tariffs since 1992 to move in this direction. Those tariffs have been accepted in Illinois but nowhere else.

Most States and most residential consumers will find this repudiation of price-averaging and universal service wholly unacceptable. What the Department hopes to do is to force these other States, against their better judgment, to go along with its sketchy proposal as the price of ensuring that their local telephone companies are able to provide a full range of services. While the plan may or may not be workable in parts of Ameritech's service area, it would upset the fundamental regulatory schemes of most States if applied more broadly, leading to dramatically higher prices for many residential customers.

Moreover, even after implementing the mandates of the Department, Ameritech will not get long distance relief until the Department of Justice, in its discretion, decides it should. Thus, the Department of Justice will become the Federal regulator, State regulator, and judge, all rolled into one.

For some reason, that seems to be what the Department of Justice wants. It wants to take on this regulating role, which is not in its enabling statute. Its enabling statute is that it is supposed to be an enforcer of law. It is no small wonder the Department favors the plan and strongly favors a similar role under the proposed amendment before us today. Yet, it is the Department itself that is the greatest obstacle to progress under the current decree, and the least capable of taking on such regulatory responsibilities. All requests for waivers of the decree must be processed by the Department before they are presented to the district court. The Department has proven completely incapable of performing that function. Delays of 3 to 5 years in the processing of even simple waivers are commonplace. Yet, the Department is now trying for greatly increased powers and vastly expanded responsibilities.

The Department's new plan, in fact, constitutes a repudiation of the basic tests for relief contained in the AT&T consent decree. Instead of simply demonstrating to the court that it cannot impede competition in the market it seeks to enter—which is all the decree requires—Ameritech must first implement a series of changes in its local telephone operations, all of which are outside of the scope of the decree.

This is a betrayal of the bargain reached in 1982.

The Department, in attempting to take on the roles of State public utility commission, FCC, and decree court, is guilty of gross overreaching. It is also playing into the hands of those who hope to kill the legislation and further delay the opening of telecommunications markets to genuine competition.

It also clearly demonstrates that debate over this amendment is not about the appropriate standard for review, but whether any DOJ role is appropriate given the poor track record at Justice.

Now, the proposed order is a blueprint for additional proposed orders. The order that the Department is proposing for Judge Greene's signature is a long, rambling, and almost impenetrable legal document. It is also not self-effectuating.

Even if Judge Greene signed the order today, nothing would happen. Ameritech would not be permitted to enter any interexchange market. There is no deadline for when it comes.

The order demands many further layers of review by the Department and permits the possibility of Bell having long distance at uncertain future dates at two areas that serve 1.2 percent of the population. The order is 39 pages long and contains 50 main paragraphs.

This decree, the Ameritech decree, is twice as long as the consent decree that broke up the old Bell system in 1984. That is a reflection of lawyers at work, I suppose.

The proposed order is being described as one that will permit a Bell company to enter the long distance market. The order contains no such permission. It does not grant Ameritech the right to provide interexchange services in the temporary waiver territory.

All the order itself achieves is a wholesale transfer of power from Judge Greene to the Department of Justice. If the order is entered, it will be up to the Department in the exercise of its discretion to determine when, if ever, Ameritech will be allowed to provide long distance service in any market.

The order has this effect because key conditions on Ameritech's entry are undefinable, indeed, so vague as to be undefinable, because the order asked the district court simply to let the Department declare when the conditions have been met.

Paragraph 9, for example, states that Ameritech shall not offer interexchange telecommunications pursuant to this order until the Department has approved the offering of such telecommunications pursuant to the standard set forth in paragraph 11.

Paragraph 11, however, simply describes an open-ended process of further review. Among other things, the order empowers the Department to hire experts to review Ameritech's future proposals and declares Ameritech must pay for them. The Department, it appears, expects to spend not only time but significant sums of money in evaluating Ameritech's proposals when they are finally put forward.

The order also allows the Department, in its sole discretion, to condition relief upon any other terms that may be appropriate. When and if some Ameritech plan is ultimately approved and put into effect, the Department retains authority to terminate at will by sending a letter to Ameritech telling them to stop. Ameritech will be permitted to petition Judge Greene for review, a right it already has today.

The proposed order is reflective of nothing so much as the Department's desire to micromanage all aspects of the telecommunications industry.

It seems inconceivable that Judge Greene will approve or could lawfully approve such a wholesale transfer of power from his courtroom to the Department's Assistant Attorney General for antitrust. Under both the standard provisions of district court jurisdiction and express jurisdictional terms, the divestiture decree, the Bell companies are entitled to timely district court review of motions for relief from the line-of-business restrictions.

A district court has a general duty under the Federal rules of civil procedure to entertain motions of parties and rule on them in an orderly and timely fashion. This is clearly a serious and important responsibility, particularly in a case such as this one that has remained under the district court's jurisdiction for 21 years. It is not a duty that can be delegated to anyone else.

I see my friend from Missouri is prepared to speak. I yield the floor.

Mr. ASHCROFT. Mr. President, I rise to oppose the amendment which would place the Department in the process of authorizing the entry by the Bell operating companies into the long distance markets.

Senate bill 652, which was the study result of much activity in committee and a long period of investigation, places the responsibility for making that judgment in the FCC. It is important to understand what the Federal Communication Commission is, how it is composed, why it is the appropriate agency to make those kinds of decisions.

The Federal Communications Commission is a quasi-judicial body not affected by politics. Appointees are appointed for an extended period. There are longer periods of appointments than the President's term is. It is designed to be insulated from politics, to make professional judgments that are technical and appropriate to the field that the Federal Communications Commission oversees, and is technically competent and expert in the area of communications.

The amendment which we are considering now and upon which the Senate of the United States will act at 12:30 today is an amendment which would have the Department come in and second-guess the judgment of the Federal Communications Commission by adding a Department-consent requirement before these companies could move on to compete and extend and enhance the competition in the long-distance market.

I do not believe that kind of layering of the bureaucracies, I do not believe that kind of additional Federal and governmental involvement, would promote competition.

As a matter of fact, that kind of bureaucratic involvement very frequently does the opposite of promoting competition. The more bureaucracy that is involved, frequently the more difficult it is for enterprises to have the kind of flexibility that we really want enterprise to have to be competitive in an international marketplace which demands higher and higher levels of productivity.

Now, the bill as presented to this body by the committee, S. 652, is very clear about the way it expects the decision to be made regarding the entry of these competitors into the long-distance marketplace. As a matter of fact, it says to the FCC that there is a list, a specific recipe of conditions, that have to be met. In addition to the 14 or so conditions that are listed in the bill, there is another interest that is charged to the FCC that they must consider. It is the public interest.

Here what we have in the bill is a governmental body, a quasi-judicial body, the regulatory commission called the FCC, the Federal Communications Commission. The Congress in this body is telling them specifically to make the decision based on these criteria and adds to the 14 criteria the public interest.

Now, that ought to be enough governmental involvement to assure that we make good decisions and the right decisions. However, the amendment which is now being considered would add the Department in a totally new and different and unprecedented role for the Department, one in which they have not been involved before. The Department would be asked to implement a supervisory authority here and to make a final decision about whether these companies could enter the long-distance competitive marketplace.

That final decision is something they have never exercised before. Even under the court orders relating to the divestiture from AT&T of the Bell companies and setting up the Bell operating companies around the country, the regional Bell companies, the Department did not have final authority. The Department went before a judicial decisionmaker and advocated a position.

Now, the Department should not be given a decisionmaking authority in this matter because the decisionmaking authority is given to the FCC. The Department should be given an advisory role just like it has an advisory or advocacy role in the current situation.

One important thing to remember is that Senate bill 652 does, in fact, provide for an advisory role for the Department. The FCC, in making its final determination about whether or not it will release the regional Bell operating companies to participate in the competition of the long-distance markets, the FCC is directed to consult with and to seek the advice of the Justice Department. But, it would be unprecedented for us to move beyond that traditional role of the Justice Department to ask the Justice Department to be making final decisions. Because, as a matter of fact, that has never been its role in any previous situation and should not be its role now. The FCC is that Commission that is a quasi-judicial body that can make those decisions, is trained to make them, is expert in the communications industry, and ought to be the final authority.

So it is pretty clear to me, and I believe it ought to be clear to the U.S. Senate, that the FCC should retain that final authority and that the Department of Justice be maintained in its advisory authority that the bill, S. 652, provides. The amendment which would enhance the advisory authority is unnecessary and would be counterproductive.

The PRESIDING OFFICER. The Senator should be advised that we have controlled debate beginning at the hour of 11:30.

Under the previous order, the hour of 11:30 having arrived, the Senate will now resume consideration of the Dorgan and Thurmond amendments, with 1 hour equally divided prior to a motion to table.

Mr. PRESSLER. Parliamentary inquiry, who controls the time?

The PRESIDING OFFICER. The time is controlled by the two managers of the bill.

Mr. ASHCROFT. Mr. President, I ask unanimous consent for an additional 5 minutes to speak as in morning business.

The PRESIDING OFFICER. Is there objection?

Mr. PRESSLER. Mr. President, I believe under the unanimous-consent agreement I will have to yield 5 minutes off the amendment's time, from what I understand of the parliamentary situation. I am prepared to yield 5 minutes, but I make it clear I will reserve the last 15 minutes for managers of the bill to speak. I believe we should reserve about 15 minutes for Senators DORGAN and THURMOND to speak, if they come to the floor.

So I yield 5 minutes to my friend from Missouri.

Mr. ASHCROFT. In that event, I withdraw my request for unanimous consent to speak as in morning business and ask the Chair to inform me when 5 minutes has expired.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. ASHCROFT. Mr. President, there has been quite a bit of debate on this issue. It has been suggested that those of us who oppose the Department of Justice having a special and unprecedented role of final decisionmaking in this arena do not trust the Department of Justice.

We trust the Department of Justice. But we trust it to maintain its traditional role. We trust it to be a law enforcement agency and an advisor as it relates to legality and propriety of measures that relate to the law. But we do not trust it to do something totally new, something different, nor do we trust it to second-guess an administrative agency that has expertise in this area, the Federal Communications Commission.

So, this is not a question about whether the Department of Justice will have a role. That question was laid to rest long ago. The FCC is required to consult, according to the language of the bill, with the Attorney General regarding the application during the 90-day period. The Attorney General may analyze a Bell operating company's application under any legal standard, including the Clayton Act, the Sherman Act, and other antitrust laws, and those standards of the Clayton Act and the Sherman Act are the kinds of standards that are suggested by the amendment.

The difference between the bill, this bill, and the amendment which is proposed, is whether or not the Justice Department would have final decisionmaking authority. All of its ability to advise and to argue and to participate by virtue of supplying its views are preserved and protected under this bill. But to say the Department of Justice has separate veto authority over the agency of expertise here would be to inject the Department of Justice at a policymaking level never before provided for the Department of Justice, not only in this arena but in other arenas as well.

I just suggest that we do not need to change the character of the Justice Department from an enforcement arena and prosecutorial arena to a policymaking arena. The policy should be judged by the Congress of the United States and the policy is set forth clearly here, in the kind of guidelines that we would seek to suggest for the Federal Communications Commission. This amendment will make a mandate of the advisory role of the Department of Justice, a mandated final decisionmaking role, and it will provide for confusion with two Federal agencies seeking to make final decisions instead of one.

The Federal Communications Commission is a professional, quasi-judicial organization with 5-year terms. The Department of Justice is an appointed position, appointed by the President of the United States. It has all the benefits of political involvement and has the drawbacks of political involvement. I do not believe we want political decisions to be made, the influence or contamination of politics to find their way into this particular set of decisions.

I believe it is important for us to reject this overlapping, doubling up of enforcement at the Federal level, the duplication of decisionmaking. The professional, trained, expert Federal Communications Commission can make this decision with the advice of the Department of Justice. For us to try to have redundant and duplicative Federal control here is for us to reject the promise of the future. Some look into the future and shrink back in fear. I think this is a great opportunity.

In closing, I would say I do not think the competitors of the United States, as they are working on a framework for operations for telecommunications, are going to be thinking about how many layers of regulation they can place on top of this industry. I do not think they are going to think about how much duplicative and redundant control, or whether they are going to convert what had otherwise been law enforcement agencies into policymaking agencies and to have a tug of war between two agencies of the Federal Government which would stymie expansion and development and growth in the industry.

I think our competitors around the world are going to try to seize and regain the advantage that America currently has in telecommunications. For us to add the Department of Justice, not as an adviser—that is already in the bill—but as a final decisionmaker to compete with another agency trained to get this job done would be unwise.

So I urge the rejection of the amendment which would make the Department of Justice a final decisionmaker in this matter.

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time?

Mr. HOLLINGS. Mr. President, as I understand it, time is divided between the two managers. I take it on this side we would manage the 30 minutes for the proponents. In no way do I propose this amendment. I hope to kill it. But I yield such time as the Senator wishes.

Mr. KERREY. I appreciate the kindness.

I can read the handwriting on the wall, Mr. President. The majority leader opposes this amendment, the Democratic leader opposes it, the Democratic whip, the Republican whip, the manager of the bill, the Republican chairman, the Democratic ranking member—all oppose this amendment.

So what I find interesting is the hyperbole that gets layered upon the argument against that the Department of Justice is overreaching, that they are incompetent. That is an argument that I just heard the Senator from South Dakota use against the Department to demonstrate that they are incompetent. It takes a long time, 1,500 days I heard from the Senator from South Dakota say.

Let me give my colleagues an example of the reason it takes a long time. Maybe the Senator from South Dakota thinks the Department of Justice should have this waiver. In 1994, Southwestern Bell and three other RBOC's filed a request to vacate the final modified judgment to simply completely eliminate its restrictions without replacing those restrictions with any consumer safeguard, with any requirement such as those contained in S. 652. That was the waiver application. The Senator from South Dakota and the Senator from Missouri talk about all this overreaching regulation. Perhaps they would like to have the Department of Justice approve this waiver, get it out of the way in a hurry.

Is that what the Senator from South Dakota has been arguing for when he talks about delays? Is this the sort of thing he wants them to approve? Let us not come to the floor and talk about 1,500-day delays. It is being delayed because of this kind of thing. Nobody, I do not believe anybody; maybe there is; maybe someone down here says what we should have had was the Department of Justice approving this kind of waiver. Then S. 652 would not be necessary. Maybe that is the feeling here, we do not want any consumer protection. We do not care if there is local competition. Forget the checklist. Forget the VIII(c) test, and all that nonsense. Let these guys go out and have at it, take their monopoly and run with it, and use the power in any fashion they want.

I do not think so. I think the structure of this bill implies that we are concerned about this monopoly power and that we want some restraint as we move to a competitive environment. And the Department of Justice has been attempting to measure that as they evaluate these waivers. My colleagues will come down and say, "Oh, no. Another layer of bureaucracy."

Let us not repeat the mistakes of the past. I call my colleagues' attention to the last major deregulation action in airlines when the Department of Justice again was given a consultative role. They basically had the opportunity to file a brief. They would just as well write their opinion on the wall of a bathroom for all the impact it has.

Now we have in this case the airlines being deregulated. Now comes TWA and a hub in St. Louis wanting to acquire Ozark Airlines. The Department of Transportation gets the application as the FCC would in this case. Now we have Northwest Airlines trying to acquire Republic Airlines in the hub serving Minneapolis. The Department of Justice said: In our opinion, you will get less competition. That is our opinion. That is all the law allows, just an expression of their opinion. They vigorously, in fact, said you are going to get less competition. The Department of Transportation says your opinion is as good as anybody else's. We ignore it. Guess what? There is less competition and higher prices in both of those hubs as a consequence of those actions.

We are not talking about another layer of regulation. The Department of Justice is not asking to intervene and get involved in something about which they know nothing.

We are asking with this amendment, which is obviously going to get defeated—the opponents of this deal are lined up, in effect. We have been working long and hard, and are likely to get 40 votes for this thing. But I will stand here and predict that the Department of Justice is going to issue an opinion on an action taken by a local telephone company that the consumers are going to get less competition, not more. They are going to get less competition. They are going to file an opinion. That opinion will be ignored by the FCC, and Members will be up here saying, "Gee, that was not quite what we had in mind."

So we are not asking for increased regulatory authority. Please do not talk about the delays unless you are prepared to identify a specific waiver that you think should be approved. Let us talk about the waiver. I alert my colleagues that we will have an opportunity on additional amendments to revisit this issue.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. PRESSLER. Mr. President, I yield 5 minutes to my friend from Montana.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, I thank the managers of the bill, and I also thank the chairman of the full Commerce Committee, who has really done a marvelous job, along with the ranking member and former chairman, Senator HOLLINGS.

We are not newcomers to this issue. I do not doubt for a minute the dedication that the Senator from Nebraska has in modernizing telecommunications, because we have been on panels together and we have been to different places together, and understand in his State, where distance learning and telemedicine is becoming very, very important, and also the new technology and the policy it is going to take to force that new technology into the rural areas. That is where our first love lies. I think the same could be said about South Carolina and the same could be said about South Dakota. But S. 652 already gives the Justice Department a role. It is spelled out clearly.

It says, before making any determination:

> The Commission shall consult the Attorney General regarding the application. In consulting with the Commission, the Attorney General may apply any appropriate standard.

That is the language that is in this bill. Do we start talking about those who have the expertise in regulating or do we talk about an organization that has the expertise in litigating? What is the primary purpose of the Department of Justice? I would say if the administration in their view thinks that some Federal law has been broken, they advise the Department of Justice to look into it. The same with the Congress. That is what the Department of Justice does. They are not in the process of rulemaking. I think that is left to the FCC and, of course, those of us who want to take the responsibility of setting policy where it should be set, here in this body, and not shirk our responsibilities or our duties in order to set that policy.

The Senator from Nebraska says that there should be a larger role. That is what he is advocating. All we have to do is look back at the modified final judgment. How is it being administered today? It is being administered by the court, by Judge Greene, who has done an admirable job? Nobody can criticize Judge Greene. But the U.S. district court retains jurisdiction over those companies that were party to the MFJ. The court then asked the Justice Department, the Antitrust Division, to assume postdecree duties—"post," after it is all over, it is asked to do those duties. The antitrust division provides Judge Harold Greene of the district court with the recommendations regarding waivers and other matters regarding the administration of MFJ.

Before we can do anything to deal with new technology, to force those new technologies and those tools out to the American people, yes, there have to be rules of entry. But we do not have to add layer upon layer of bureaucracy. If there is one thing that is being talked about around this town right now, it is the budget and spending. What do we spend our money for? It is my determination, after being here about 6 years, that if there is one thing that absolutely costs the taxpayers more money and the waste of money in Government, it is not that they are not doing a good job. It is called redundancy. Everybody wants to do the same thing. Everybody wants their finger in the same pie. Just look at the Department of the Interior. It is probably the greatest example. Every Department has a wildlife biologist. Wildlife biologists, by the way, are kind of like attorneys. If you get three of them together, you are not going to get an agreement. Everybody has a different approach.

So basically what my position and my opinion is is that this is just another layer, another hoop to jump through before we finally deregulate. We want to be regulatory in nature and not more regulation or redundancy.

Mr. President, I ask that this amendment be defeated. I thank the Chair.

The PRESIDING OFFICER. The Senator from South Dakota has 18 minutes.

Who yields time?

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the time for the proponents be managed by the distinguished Senator from North Dakota and the Senator from South Carolina, Senator THURMOND. They are the proponents.

The PRESIDING OFFICER. The Senator has the right to designate the manager.

Who yields time?

Mr. KERREY. Mr. President, will the Senator from North Dakota yield to me 15 seconds to correct a statement?

Mr. DORGAN. I am happy to yield.

Mr. KERREY. Earlier I said that the opponents of this included the Democratic leader. The Democratic leader is on our side. He is against the law in its current form, and is in support of the Dorgan-Thurmond amendment.

Mr. DORGAN. Mr. President, I yield myself such time as I may consume, and I might say that when Senator THURMOND comes, he will want to be able to speak. So I will speak for 5 minutes.

Mr. PRESSLER. Mr. President, how much time does each side have?

The PRESIDING OFFICER. The Senator from South Dakota has 18½ minutes. The Senator from North Dakota has 23 minutes.

Mr. DORGAN. Mr. President, a lot of statements have been made in this debate about the role of the Justice Department. Many of the statements that were made were surprising to me.

Let us back up just for a moment and ask ourselves who investigated and sued to break up the Bell system monopoly which resulted in the very competition that is extolled here on the floor of the Senate as driving down prices in the long distance market? Who did that? It was the Justice Department that did that. Yet, we are confronted with the debate today that says, "Gee, the Justice Department is a roadblock. The Justice Department is a problem. We are talking about layers of bureaucracy and layers of complexity."

If you stand here and extol the virtues of competition in long distance and talk about the fact there are now over 500 companies from which you can choose to get long distance service and therefore lower prices because there is such robust competition, you must, it seems to me, recognize we got to that point because of the Justice Department. And if you recognize we got there because of the Justice Department, you cannot stand on this amendment and say somehow the Justice Department is a roadblock. I am telling you it is interesting to me to hear people preach about competition but then not be willing to vote for the things that promote the very competition they preach about.

Competition works when you have many competitors in a competitive environment with the price as the mechanism for competition. Competition works in a free market when the market is free. But competition does not work when you have concentrations such that some can begin to control portions of the marketplace.

Now, all we are asking in this amendment that is now a second-degree amendment supported by Senator THURMOND, myself, Senator DEWINE, Senator KERREY, and others, is that the Justice Department have a role to play on the issue of antitrust, on the Clayton 7 standard, and we have delineated the difference between the FCC role and the Justice role.

Next time somebody stands up and says there is overlapping responsibilities, that is nonsense, total nonsense. There is not an overlap here. It is precisely the purpose of this amendment. So it just does not work to claim that this is overlap and complexity. It is not true. It is not the case. But you cannot preach about competition and then indicate that you support taking the agency out of this process that is the agency which evaluates competition and makes sure there is competition in the marketplace. It just does not square with good logic that if you are a friend of the free marketplace you would not support the things that are necessary and important to keep the marketplace free.

I offered an amendment earlier, and I was not benefited by hearing the Senator from Nebraska speak on it. I am sure he says it was wonderful and eloquent, and I am sure that may well have been the case, but I missed it, nonetheless. It is likely he will repeat it, I am sure, so I will probably have the benefit of hearing it in the future. But I offered the amendment on broadcast ownership, and it is exactly the same principle as the issue of the Justice Department. Those who say let us have robust competition in telecommunications and then say, by the way, we are going to eliminate the ownership restrictions—you can go out and buy 85 television stations if you like; it does not matter to us what kind of concentration exists—well, they are no friend of competition. That is not being a friend of the free marketplace.

I am just saying on these amendments, especially this Justice amendment but also, when that is done, the amendment on broadcast ownership, if you really believe—and I do—in the free marketplace, then you have to be a shepherd out here making sure that the marketplace remains free. There are all kinds of natural economic circumstances that move to attempt to impinge on the free marketplace. Concentration, concentration of assets and concentration of ownership is always, I repeat always, a circumstance where you see less competition and a marketplace that is less free. Concentration is, in my judgment, the kind of circumstance that tends to erode free markets and tends to undermine competition. The underlying amendment that we are going to discuss and vote on as the Justice Department amendment is simply an amendment that says when you are evaluating when there is competition in the local exchanges so then that the regional Bell operating companies are free to go compete in long distance, we want the Justice Department to have a role in that evaluation because they are the experts in antitrust. That is the issue here.

Now, one can vote against this amendment, I suppose, and claim, well, this bill is a free market bill that frees the free market forces; it stokes the juices of competition; it is going to be wonderful for the American people; it is nirvana in the future.

It is nonsense. It is all doubletalk if one does not support the basic tenets of keeping the free market free. And one of those basic tenets, in my judgment, is to make sure that the Justice Department has a role in this circumstance.

So I have been involved in these discussions before, as has the Senator from Nebraska, and others in this Chamber about deregulation. "Deregulation," they just chant that. They ought to wear robes and chant it around here—deregulation, deregulation.

So we deregulated airlines. Guess what, we deregulated the airlines. Wonderful. I said it before. If you are from Chicago, God bless you; you sure got the benefits from deregulation. If your cousin lives in Los Angeles, boy, you got a great deal. If you go out of O'Hare and fly to Los Angeles, you get dirt cheap prices. You have all kinds of carriers competing. That is competition. But go to Nebraska and see what you get from deregulation of airline service, or go to North Dakota and see what you get, or go to South Dakota and see what you get from deregulation of the airline service. It is not pretty. You do not have robust competition. You do not have prices, a competitive allocatur here. What you have is less service and higher costs.

And in the airline deregulation, it is interesting; we have, in my judgment, a parallel because in airline deregulation, when we talk about whether airlines should be allowed to merge and whether we should have these concentrations, the issue was should the Department of Transportation allow the merger to happen. And the Department of Justice was asked in a consultative role.

Well, what we see as a result of airline deregulation is that big airlines have gotten much, much bigger. How? They have gotten bigger by buying all of their regional competitors, and the Department of Justice in some of those cases said it is not in the public interest. And the Department of Transportation said tough luck; we are going to allow the merger anyway.

We have experience directly on this point, and if in the rush to deregulation we do not have the kind of care and patience to make certain that the free market is free and that robust competition exists, we will do the consumers of this country no favor, I guarantee you. We will have had a lot of dialog; we will have used a lot of slogans; and we will have waved our hankies around talking about competition and all the wonderful words that have been focus grouped and tested, and so on, but all of them will not be worth a pile of refuse if we do not do the right thing to make sure that competition exists.

You cannot preach competition and then be unwilling to practice it in terms of the safeguards that are necessary to assure that free markets are free, and that is the purpose of this amendment. I hope those who care about real competition and care about real free markets and those who are willing to make sure the guardians of free markets are able to have a role here, I hope they will come and vote yes on the Thurmond-Dorgan second-degree amendment. I understand the motion will be to table, so I guess in that case I will hope that they will come and oppose the motion to table so that we can pass our amendment.

Mr. President, I reserve the remainder of the time, and I understand Senator THURMOND will wish to access some of the time when he arrives in the Chamber.

The PRESIDING OFFICER. Who yields time?

Mr. PRESSLER. Mr. President, I ask unanimous consent that, notwithstanding the previous order, at 12:30 I be recognized to make a motion to table the Thurmond amendment 1265, as modified and, if the amendment is tabled, amendment 1264 be automatically withdrawn.

The PRESIDING OFFICER. Is there objection?

Mr. DORGAN. Mr. President, reserving the right to object, I did not understand the last portion of the unanimous consent request.

Mr. PRESSLER. Amendment 1264 be automatically withdrawn. That will be the Senator's underlying amendment.

Mr. DORGAN. The Senator is talking about if the motion to table prevails.

Mr. PRESSLER. That is correct. I ask unanimous consent that notwithstanding the previous order, at 12:30 I be recognized to make a motion to table the Thurmond amendment, as modified and, if the amendment is tabled, amendment 1264 be automatically withdrawn.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. PRESSLER. Mr. President, this has been a long debate and many speakers have come to the floor on each side. I strongly believe that we should vote to table the Thurmond amendment because it creates a new role, an unprecedented, unnecessary role for the Department of Justice.

Presently, there are many safeguards to consumers and to companies and to the public built into this legislation. This legislation was the result of meeting after meeting for over 3 months, every night and Saturday and Sunday among Republicans and Democrats, to come together to reach a bipartisan bill. We came up with a plan that the regulatory agency, the FCC, would be the decisionmaker while the Justice Department would still be involved.

In the first step, when a company is applying, the State certifies compliance with a market-opening requirement. So that is a safeguard. Second, the FCC affirms public interest, necessity, and convenience.

We had a vote here the other day on this floor preserving public interest, so the FCC can use the public interest standard.

Third of all, the FCC certifies compliance with a 14-point checklist. I have the 14 points listed here in another chart. The point is that in the bipartisan meetings and building on the legislation of last year and building on efforts of many Senators—indeed, all 100 Senators were consulted during this process leading up to the markup in the Senate Commerce Committee—there was a question: Shall we use the VIII(c) test, which is a complicated test, or shall we use the Clayton 7 test, and we decided to come up with a checklist, a competitive checklist.

Mr. DORGAN. Mr. President, will the Senator from South Dakota yield for one quick moment?

Mr. PRESSLER. Yes.

Mr. DORGAN. I shall not interrupt at length. I did want to point out the Senator from South Dakota is correct, an enormous amount of work went into the construct of the compromise. It is also true, is it not, that the Commerce Committee held this legislation up? The intent was to want to move this along quickly, and many of us were cooperative with that. But we at the committee hearing indicated that we were uncomfortable with several of these provisions and intended to deal with them on the floor of the Senate. So these issues, many of them, were raised in the markup of the Commerce Committee and only with the cooperation of Members who decided to raise the issues on the floor rather than in the committee was the bill able to be brought to the floor.

(Mr. ASHCROFT assumed the Chair.)

Mr. PRESSLER. That is correct. I welcome amendments. I welcome this amendment. I am giving a history of how we came to this checklist. I think the point I am making is that we have had a very bipartisan effort here, and we welcomed amendments there in the committee, and we welcome amendments here. Obviously, every member of every committee can bring something to the floor. But this checklist was worked out an a bipartisan basis. Before the local Bell company can be declared as having an open market, it has to interconnect. That is the first point. That is, they have to open up their wires so others can come in. They have to show the capability to exchange telecommunications between Bell customers and competitor's customers, access to poles, ducts, conduits and rights-of-way; the three unbundling standards, where they have to unbundle the system so other people can get in; access to 911 and enhanced 911; directory assistance and operator call completion services; white pages directory listing; access to telephone number assignment; access to data bases and network signaling; number portability; local dialing parity; reciprocal compensation, and the resale rules.

That is a checklist that the FCC must go through to determine if the Bell company has opened up its business so other competitors have a fair opportunity to compete in the local telephone business. I have not heard anyone criticize this checklist. It seems to be universally accepted. Also, the Bells have additional requirements on them to open their markets. This is done at the FCC level and not Justice, and the Bells must comply with a separate subsidiary requirement, nondiscrimination requirement and a cross-subsidization ban. The FCC must allow the Department of Justice full participation in all of its proceedings. So the Department of Justice is already present without the Thurmond amendment.

Now, the Bells must comply with existing FCC rules and rigorous annual audits, elaborate cost accounting, computer-assisted reporting, and special pricing rules. So there is much involvement. The Sherman Antitrust Act is in place. The Clayton Act is in place. The Hart-Scott-Rodino Act is in place. So the Justice Department has plenty to do. I find this debate very unusual because it implies we are going to get the Justice Department involved. They are involved at every stage. In addition, under the Hobbs Civil Appeals Act, the Department of Justice is involved as an independent party in all FCC appeals.

The Justice Department is involved every step of the way. If there is disagreement and there is an appeal, the Justice Department can be a party to that.

Mr. President, the Justice Department is meant to be, under its enabling legislation, an enforcer of law. It is trying to become a Government regulation agency. Now, it did become that to some extent under Judge Greene's 1982 order. That order arose because Congress failed to act. Congress failed to do what we are trying to do now. Congress failed to require that the local exchanges be opened up, as the checklist requires. But we are doing that now in this legislation. We are finally doing it. Meanwhile the Department of Justice is very much intent, it seems, upon becoming a regulatory agency.

I have pointed out the length of time it takes the Department of Justice to get these things done. Judge Greene suggested 30 days. They are up to almost 3 years. I know they have given this excuse or that excuse, but the point is that Judge Greene thought it could be done in 30 days, originally, in 1982. A bureaucracy such as that will take a long time to produce a piece of paper. That will slow down the process and hurt consumers.

It is my feeling that if we can pass this bill in a deregulatory fashion, it will cause an explosion of new investment in activities and devices. I frequently have compared it to the Oklahoma Land Rush—if we can pass it. Right now, our companies are investing overseas, and they are not investing here.

People are trying to say this is anticonsumer. That is nonsense. Look at what happened when competition opened up the market for cellular phones. The price has dropped. Look at what happened when we deregulated natural gas. Prices have dropped. It is my opinion that a long distance call should cost only a few cents. It is my opinion that cable television rates should drop when there is more competition from DBS and video dial tone. If we get yet another regulatory agency involved, we can delay this thing 2 or 3 years. In fact, based on the Justice Department's performance, it will delay this whole operation for 2 to 3 years before we have competition and deregulation.

This is a deregulatory, procompetitive bill. We are trying to put everybody into everybody else's business. Mr. President, there has been a lot of talk about corporate activity on these bills. There is an implication that the Commerce Committee bill has a lot of corporate input. But I say to you, read the newspapers of the last 3 weeks, and you will see all those full-page ads. They are paid for by corporations, and I admire them. They are fine corporations, members of the so-called Competitive Long Distance Coalition, which is headed by a person whom I respect very much, a former leader of this body, with whom I disagree on this matter. A vast amount of the corporate advertising in the last month has been by corporations opposed to my position. I point that out because there seems to be some suggestion that S. 652 simply represents corporate thinking. Well, all the ads I have seen in the papers—the full-page ads—have been run by corporations that oppose my position and want the extra Justice Department role. That is because some corporations want to use Government regulation against competition. That is what is going on here.

I think that we should defeat the Thurmond amendment because it is, as my colleague from South Carolina said, not only the camel's nose under the tent, it is the whole camel under the tent, so-to-speak, because once the Justice Department gets in, they will try to expand their regulatory role, as in the Ameritech case. I cited specifically the regulatory approach they have taken in that case. They want to have people over there writing telephone books—literally writing telephone books. They are supposed to be lawyers enforcing the antitrust laws in the Justice Department.

So I hope that we defeat this amendment. I reserve the remainder of my time.

Mr. THURMOND addressed the Chair.

Mr. THURMOND. Mr. President, how much time do the proponents have?

The PRESIDING OFFICER. The Senator from South Carolina has 13 minutes 10 seconds.

Mr. THURMOND. I yield 5 minutes to the distinguished Senator from Ohio, Senator DEWINE.

Mr. DEWINE. Mr. President, it has been argued on this floor time and time again that, under this bill, the Department of Justice could still enforce the antitrust laws. That is true. That is technically true.

But the facts are that under the bill, the Department could still enforce the antitrust laws after—after—the phone companies move into the new markets.

That is the problem. That is exactly the problem. It is like, Mr. President, enforcing the law after the fox has been allowed to guard the chicken coop. At that point, the damage is done. The fox has already eaten the chickens. We can stop the fox, but we cannot get the chickens back. It is too late.

In this particular case, we would be enforcing the law after competition has been driven out, after choices have been eliminated. So while the argument is technically true, it certainly falls short and does not disclose the full story.

Mr. President, we should enforce the law and ensure competition before competition is driven out.

I rise today, Mr. President, in support of the Thurmond second-degree amendment. The goal of the bill we are considering today is to promote competition in the telecommunications industry. The Thurmond amendment is an attempt to make sure that we use the most effective means toward this end.

Mr. President, the American people know when we have competition two good things happen: consumers have more choice, prices go down. This is as true in telecommunications as in any other sector of the economy.

What we are really debating today is how best to make competition take root in the telecommunications industry. The question is, what agency is best equipped to undertake the task of policing competition in these markets?

It is my belief, Mr. President, that the Thurmond amendment offers the most logical answer to that question.

Under this amendment, two agencies of Government play a role. Each of the agencies is to play an important role, a role for which it is extremely well suited and in which it has a great deal of relevant expertise. The Federal Communications Commission sets communications policy. That is what the FCC does best. That is what they know how to do.

Under the Thurmond amendment, that is what they will be doing. The Antitrust Division of the U.S. Department of Justice enforces competition.

That is what the Justice Department does. That is what they will do under the Thurmond amendment. The Thurmond amendment makes the best possible use of each of these agencies. We do not need the FCC to hire a new staff of antitrust lawyers, a new layer of bureaucracy, to do something the Justice Department is already equipped to do. We need to liberate the FCC to do what it does best. That is what the Thurmond amendment does.

Equally important, Mr. President, in my opinion, is what the Thurmond amendment does not do. It does not duplicate functions of Government. It is emphatically not a question of simply adding the Justice Department on top of the FCC. The FCC has a role. The Justice Department, under the Thurmond amendment, has another distinctive, different role, not duplicating.

The system envisioned under the Thurmond amendment, Mr. President, will not cause delays in the licensing process. We have heard that time and time again. From the moment an application is made under the Thurmond amendment, both the FCC and the Justice Department will have exactly 90 days, according to law, to make their ruling. These 90-day periods will run concurrently, not sequentially.

The Department has experience in this area. They do it for a period of time. The Clayton Act sets a 30-day limit. They hit that timeframe. Under this amendment, no layering of bureaucracies, no delays, just an intelligent division of labor in U.S. telecommunications policy.

In conclusion, Mr. President, that is what the Thurmond amendment will accomplish. I thank the Senator from South Carolina for his bold leadership in this area with this specific amendment. I urge the adoption of the amendment.

Mr. WELLSTONE. Mr. President, I wish to speak today in support of the Dorgan amendment, an amendment, I firmly believe, that is so key for the protection of consumers that frankly I must wonder how this bill got out of committee without its inclusion.

Now Mr. President, on the substance of the amendment, I could do no better than to defer to the comments already made on this issue by my two colleagues, the distinguished Senators from Nebraska and North Dakota, both of whom demonstrate a penetrating understanding of this very difficult topic. I would, however, like to take a moment to address this amendment from a perspective we've only occasionally heard in the debate on this bill—that of telephone and cable-TV rate-payers, both in my State of Minnesota and across this Nation.

I would hazard a guess that all of my colleagues would join with me in supporting the stated goal of this legislation: increasing competition in local phone service as well as cable TV. All of us likely agree that if competition is allowed to flourish, the biggest winners will be the consumers, the ratepayers, the millions of citizens who power the entire industry.

But, and here's where some of my colleagues and I part company, not all of us are ready simply to throw our trust to the companies that stand to profit from deregulation. Competition doesn't just happen, sometimes it must be nurtured to protect consumers against monopoly control. The Dorgan amendment, by providing a role for the Department of Justice, recognizes this economic fact: this amendment is nothing more than a circuit breaker which will trip only if—let me repeat, only if—it is found that it would not be in the consumer's interest for a local phone company to begin to expand its service. That's all that it is.

Mr. President, the need for the continuation of consumer protections and antitrust circuit breakers is clear. With every passing day, we see more integration in the telecommunications and information marketplace. On Sunday, Mr. President, we saw the Lotus Corp. agree to a friendly takeover by IBM. AT&T and McCaw Cellular will be joining forces, as will other companies, in preparing for this newly de-regulated telecommunications environment.

This integration at the top corporate level and the market position of many of these companies demands that consumers be given a voice—a trusted voice—to speak for them in the coming years. No more trusted voice could be found on this subject than that of the Department of Justice. It was through that Department's courageous leadership that the old AT&T Ma Bell monopoly of old was broken apart—it was a long, tough fight, but this experience gained by the DOJ has been invaluable in guiding the breakup of the Bell system, and the development of competition in long distance and other services. It only makes sense that we allow the DOJ to put this experience to use again as we move into an exciting, but potentially risky, new market.

The Dorgan amendment, as modified by the Thurmond second-degree amendment, prescribes how this experience will be put to use. The amendment uses the expertise of both the FCC and the DOJ to their best advantage. Under the amendment, the FCC will conduct a more focused public interest test to review whether the Bell companies face competition and adequately meet the checklist of services called for in this bill—topics the FCC is well accustomed to dealing with. The DOJ will conduct an analysis to ensure that a monopoly will not be created—again, a task that the DOJ is particularly qualified for. In this way, responsibilities are clarified and redundancies between the FCC and the DOJ are elminated, and the consumer is protected.

Now for those who say this is a partisan issue, or those who would charge that such protections are no longer needed, Mr. President I turn to the comments of Judge Robert Bork, a distinguished jurist and conservative commentator of the highest regard. Mr. President, Judge Bork writes:

> These restrictions [on the Bell companies] are still supported by antitrust law and economic theory and should be retained. The Bell companies' argument is that the decree's line-of-business restrictions are relics of the 1970's, the industry has changed dramatically, and the restrictions are the product of outmoded thinking. To the contrary, the basic facts of the industry that required the decree in the first place, basically the monopolies of local service held by the Bell companies, have not changed at all.

Without this amendment, Mr. President, this bill asks the Senate to announce the equivalent of unilateral disarmament—the disarmament of the consumer. As it stands right now, this bill says: Mr. and Ms. Consumer, you should give up the rate protections you've had over the years, you should give up any Department of Justice role in this process, you should give up the years of antitrust experience built by those who slew the multitentacled AT&T monopoly in the first place. And what are we going to replace them with? The promise made to consumers by all these unregulated, multinational, multibillion-dollar corporations, that they will do what's in your best interest. A promise that the monopolies of old will behave. A promise that consumers will be protected, that service will be good and that rates will be reasonable.

Mr. President, I don't buy it. Without this amendment, the public will be stripped of one of the key consumer protections they will ever have in the coming years—the voice of the Department of Justice.

Mr. FEINGOLD. Mr. President, I rise in support of the amendment offered by Senators THURMOND and DORGAN. I applaud them for their leadership in the effort to provide the Department of Justice with a strong decisionmaking role in the approval of regional bell operating company entry into long-distance telephony.

The importance of this amendment is underscored by the fact that S. 652 terminates the modified final judgment which settled an antitrust case against AT&T. The MFJ provided a framework by which the regional bell operating companies could enter alternative lines of business. The Department of Justice has had an integral role in protecting consumers by applying the 8(c) test to the RBOC application for a waiver to enter into restricted lines of business. The Department of Justice has ensured that the RBOC's could not use their monopoly power to impinge upon the competition that has developed in long distance. However, S. 652 vitiates the MFJ without providing any substantial safeguards for consumers.

Had it not been for the antitrust efforts of the Department of Justice, which have been consistent through both Republican and Democratic administrations over the last 25 years, we would not have the competitive environment which exists today in long distance. DOJ has been the watchdog for consumers in telecommunications and that is because antitrust laws are intended to be pro-competition and pro-consumer. I urge my colleagues to keep in mind that antitrust laws exist not for the benefit of the competitors but for the benefits which true competition yields to consumers.

Now, as Congress is working toward deregulating telecommunications markets we must keep in mind that true competition will not prevail if one group of players hold all the cards. The power of the local monopoly is without equal in telecommunications markets. The advantages provided to them over those with lesser market power, fewer resources, and limited opportunities to control entry by their competitors are without bounds. As we speak of competition, we must keep in mind that competition cannot exist in markets in which one player has a substantially better hand than his rivals—particularly when those trump cards have been provided by the Federal Government in the form of regulated monopolies.

The Department of Justice is the proper agency to make sure that the deck is not stacked against those attempting to compete fairly in the markets—that is to be sure that RBOC entry into long distance will not substantially lessen competition or tend to create a monopoly in any line of commerce in any section of the country. This test, as contained in section 7 of the Clayton Act, is one that has withstood the test of 80 years of antitrust law. While it is not as strong as the test currently used by the Department of Justice which I would have preferred, known as the 8(c) test, it is a sound test to determine the appropriateness of RBOC entry into long distance.

Mr. President, this compromise amendment offered by my colleagues addresses many of the concerns which have been raised by the opponents of a decisionmaking role for the Department of Justice. First, by requiring the Department of Justice to complete their review and make their recommendation in 90 days from receipt of the application, the RBOC's will be assured of an expeditious review of their request. That should alleviate the concerns of those who fear that DOJ will drag their feet and impede the advancement of competitive telecommunications markets. It will also provide the RBOC's with an incentive not to submit overly broad applications that would not likely be approved.

Second, by narrowing slightly the breadth of the public interest test to be conducted by the Federal Communications Commission, the amendment offered by Senators THURMOND and DORGAN should also assuage the concerns of the RBOC's who claim that a Department of Justice would only duplicate the efforts of FCC.

Mr. President, I also reject the notion that the Department of Justice should only become involved after the damage has been done. Some contend that the appropriate role of the Department of Justice is only to take antitrust actions against those engaging in anticompetitive behavior. That is, we should have more litigation tying up the resources of our Federal courts. I find that argument astonishing in a year in which so many of my colleagues are seeking legislation which attempt to reduce unnecessary litigation. Mr. President, if litigation resulting from inadequate preventative measures is not unnecessary litigation I don't know what types of lawsuits might be categorized unnecessary.

Mr. President, I continue to support the initial amendment offered by my colleagues from North Dakota which would have used a stronger test to ensure there is no possibility that a monopolists could use its power to impede competition in the market it seeks to enter. However, the compromise they have presented is a far more appealing than S. 652 in its current form which reverse the progress we have made toward greater competition in long distance over the last 25 years. The amendment before us employs a time-tested standard from the Clayton Act which should ensure that consumers are protected while RBOC's receive the expeditious review they seek without unnecessary duplication of the functions of the FCC.

I ask unanimous consent that a letter from the Wisconsin's attorney general, James Doyle, supporting a decisionmaking role for the Department of Justice be printed in the RECORD.

Mr. President, this is a sound compromise and I urge my colleagues to support it.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

STATE OF WISCONSIN,
DEPARTMENT OF JUSTICE,
Madison, WI, May 3, 1995.

Hon. RUSSELL D. FEINGOLD,
U.S. Senator, Hart Senate Office Building, Washington, DC.

DEAR SENATOR FEINGOLD: I understand that the antitrust subcommittee of the Senate Judiciary Committee today is considering S. 652, Senator Pressler's bill that would lift the court-ordered restrictions that are currently in place on the Regional Bell Operating Companies, allowing RBOC's to enter the fields of long distance services and equipment manufacturing at such time as sufficient local competition exists in their service areas.

Several antitrust issues loom large in S. 652. For one thing, despite (or, perhaps, because of) its unmatched skill and expertise in evaluating competition in the telecommunications field, the U.S. Department of Justice is given no role whatsoever under S. 652 in assessing in advance whether local competition exists in each region of the country sufficient to, in turn, give the go ahead to the relevant RBOC to enter the markets for long distance services and equipment manufacturing. Moreover, the Pressler bill repeals the current restriction on cross-ownership of cable and telephone companies in the same service area by permitting telephone companies to buy out local cable companies, their most likely competitor, thereby allowing movement to a "one-wire world" with only antitrust litigation to prevent it. In addition, the bill would preempt states from ordering 1+ intraLATA dialing parity until such time as an RBOC was permitted to enter the interLATA long distance market.

I am not alone in strongly opposing these features of the bill. For example, a letter dated April 5, 1995, from Congressman Henry Hyde, Chairman of the House Judiciary Committee, to Congressman Thomas Bliley, Jr., chairman of the House Committee on Commerce, stresses the need for a strong role for the Antitrust Division of the U.S. Department of Justice in any telecommunications legislation:

> "[L]egislation directed at changing or replacing an antitrust consent decree, needs to encompass an antitrust law, competition perspective as well as a communications law, regulatory perspective.
>
> "[T]here will * * * have to be an evaluation of marketplace conditions on a case-by-case basis. That is, the actual and potential state of competition—in individual states, metropolitan areas and rural areas—will have to be analyzed.
>
> "Using relevant factors as an administrative checklist [as proposed in S. 652] makes sense, but the key will be the decision-making mechanism regarding whether these conditions are actually present in a particular case. This review should be undertaken simultaneously by both the Justice Department and FCC, with DOJ applying an antitrust standard and FCC applying a communications law test. The statute should contain firm deadlines for review by both agencies.
>
> "DOJ is far less likely to challenge Bell entry if they are involved in the decision-making process leading up to Bell entry."

Significantly, on April 3, Ameritech, the U.S. Department of Justice, AT&T, MCI and the Consumer's Union announced that they had all agreed (subject, of course, to approval by Judge Greene) to a waiver of the Modified Final Judgment allowing two Ameritech local service areas—Chicago, Illinois, and Grand Rapids, Michigan, to be used as "test sites." At such time as the U.S. Department of Justice determines that actual competition exists in those areas, Ameritech may then enter the market for long distance services originating from those areas. Significantly, both of these developments—the Hyde letter and the Ameritech agreement—occurred in the few days immediately following the Senate Commerce Committee's March 31 action on S. 652.

The April 3 agreement demonstrates that the most forward-thinking of the RBOC's, Ameritech (branded a "traitor" by its fellow RBOC's, all adamantly opposed to a "gate keeper" role for the U.S. Department of Justice), appreciates the importance of a meaningful U.S. Department of Justice role in the decision-making process leading to the opening of new telecommunications markets.

In my opinion, S. 652 is flawed in certain other respects, not relating to competition law, and I will comment on those features of the bill in due course. Because, however, S. 652 is before your antitrust subcommittee today, I wish to be on record as opposing those features of the bill that offend sound antitrust principles: the elimination of any decision-making role for the U.S. Department of Justice; the repeal of the prohibition against mergers of telephone companies and cable television companies located in the same service areas, and preemption of the state's ability to order 1+ intraLATA dialing party in appropriate cases.

It is critical that federal law ensure a competitive environment in telecommunications for the good of the public. Responsibility for making determinations of sufficient competition should remain in the hands of the Antitrust Division of the U.S. Department of Justice.

Sincerely,

JAMES E. DOYLE,
Attorney General.

Mr. CRAIG. Mr. President, at a time when we are trying to address the deregulation of the telecommunications industry, to further enhance the role of the Department of Justice would be counterproductive.

The Federal Communications Commission [FCC] regulates the communications industry. The Department of Justice [DOJ] enforces antitrust laws.

The pending legislation, S. 652, supersedes the provisions of modification of final judgment [MFJ], that govern Bell Co. entry into businesses now prohibited to them. Once legislation is signed into law, a continued DOJ role in telecommunications policy is no longer necessary except in the area of enforcing the law.

The Department of Justice does not need an ongoing regulatory role as part of an update of our Nation's communications policy. Actual regulatory oversight is not what DOJ is equipped to provide.

DOJ's claim that "it alone among government agencies understands marketplace issues as opposed to regulatory issues," is inaccurate. The FCC has a long history of reviewing and analyzing communications markets. Besides, S. 652 already gives the Justice Department a role which is clearly defined in the language of the bill.

S. 652 states that:

> Before making any determination, the Commission shall consult with the Attorney General regarding the application. In consulting with the Commission, the Attorney General may apply any appropriate standard.

Dual DOJ and FCC bureaucracies to regulate the communications industry delays the benefits competition brings consumers. if we are going to strengthen the role of DOJ, why even bother trying to reform the 1934 act? After all, one of the main purposes for passing telecommunications reform legislation is to establish a national policy so that the MFJ can be phased out.

Mr. President, providing this authority to the Justice Department is unprecedented. The Antitrust Division of the Justice Department has never had decision-making authority over regulated industries—or any industry. In addition, assigning a decision-making role to the Department of Justice establishes a dangerous precedent that could be expanded to other industries.

Mr. President, more regulation is not what this bill needs. Again, dual roles for the DOJ and FCC will only delay competition. It will only delay the benefits of competition such as: Lower prices, new services, and more choice for communications services and new jobs. The only jobs that this amendment will provide is new jobs for lawyers at the Department of Justice.

For those who may consider this necessary, let's briefly take a look at the job the DOJ has done in administering the MFJ. It is important to note that the Antitrust Division at Justice does not currently have decision-making authority over the MFJ. That sole authority is held in the U.S. District Court, in the person of Judge Harold Greene. The Antitrust Division essentially serves to staff Judge Greene on the MFJ, providing him with recommendations on waivers and other matters under the administration of the MFJ.

In 1984, the average age of waiver requests pending at year end was a little under 2 months. By the end of 1993, the average age of pending waivers had grown to 3 years. Delays such as these are simply inconsistent with an evolving competitive market.

In addition, the Justice Department is responsible for conducting reviews every 3 years, known as the triennial review, at which recommendations to the court are made regarding the continued need for restrictions implemented under the MFJ.

These reviews were to provide the parties to the MFJ a benchmark by which they could gain relief.

Mr. President, since 1982, only one triennial review has been conducted.

In short, Mr. President, the Department of Justice's track record in fulfilling its obligations under the MFJ is poor. Therefore, I would question the advisability of giving the DOJ an unprecedented role, above and beyond what they currently have under the MFJ.

Mr. President, S. 652 contains clear congressional policy. There is no reason why two Federal entities should have independent authority over determining whether that policy has been met. Again, let us not lose sight of what we are trying to achieve here.

The ultimate goal of reforming the 1934 act should be to establish a national policy framework that will accelerate the private sector deployment of advanced telecommunications and information technologies and services to all Americans by opening all telecommunications markets to competition, which will create jobs, increase productivity, and provide better services at a lower cost to consumers.

Mr. THURMOND. Mr. President, I yield myself such time as may be required.

Mr. President, I rise today in opposition to the motion to table the Thurmond-D'Amato-DeWine-Inhofe second degree amendment.

Many things have been stated in this Chamber over the last several days about my amendment to protect competition and consumers by providing that antitrust principles will be applied by the Department of Justice in determining when Bell operating companies should be allowed to enter long distance. Now that we are about to vote on a motion to table, it is my belief that we must focus on just three basic points in deciding how to proceed on this pivotal issue.

First, the opponents of my amendment assert that I am trying to add a second agency into the antitrust analysis of Bell entry. In fact, just the opposite is true—my amendment removes an agency. S. 652 currently provides that the FCC shall determine the public interest in consultation with the Justice Department. FCC consideration of the public interest requires antitrust analysis, as indicated by the courts and reiterated by FCC Chairman Hundt in testimony last month before the Congress.

As drafted, therefore, S. 652 already requires antitrust analysis by both the FCC and Department of Justice. My amendment will reduce this redundancy, by prohibiting the FCC from conducting an antitrust analysis when determining the public interest. Instead, the antitrust analysis will be conducted exclusively by the Department of Justice, the antitrust agency with great expertise and specialization in analyzing competition.

Second, the antitrust role of the Justice Department in analyzing entry under my amendment is in no way unusual or inappropriate. It is the same analysis that the Justice Department conducts routinely in determining whether companies should be able to proceed into new lines of business through mergers and acquisitions. Even the standard—section 7 of the Clayton Act—is identical. Considering whether entry will "substantially reduce competition" prior to any harm occurring is equally important here as in other section 7 cases involving a merger or acquisition. This process protects competition and the American public from harm which can be avoided.

Mr. President, we all strongly support competition. The question we are resolving today is whether we will continue to rely on antitrust law administered by the expert agency to protect competition, as we have since the early part of this century. I fear that failure to support my amendment will harm competition, which ultimately harms our constituents.

These issues are critically important, and I believe that it is highly desirable to have an up or down vote on my modified second degree amendment. For all of these reasons, I urge my colleagues to vote against the motion to table.

I reserve the remainder of my time.

How much time is remaining?

The PRESIDING OFFICER. The Senator has 4 minutes 10 seconds remaining.

Mr. PRESSLER. How much time do I have remaining?

The PRESIDING OFFICER. The Senator from South Dakota has 6 minutes 32 seconds.

Mr. PRESSLER. I yield 3 minutes to the Senator from Texas.

Mrs. HUTCHISON. Thank you, Mr. President. I appreciate so much the Senator from South Carolina. I hate to differ with him, but on this issue I do.

The reason is because I sat on the committee and I saw how difficult it was to get to the goal of deregulation and to try to take the harassment off the businesses that we are trying to encourage to come into the marketplace rather than add yet another hurdle that they must jump before they can get into the marketplace to provide the competition that gives the consumers the best choices for the lowest prices.

This amendment is a gutting amendment. That is why I think it is so important that we stick with the FCC and not add one more layer of the Department. We have made the decision that the FCC is the one that must protect the diversity of voices in the market. We have said the FCC can be the one that knows when there is competition at the local level so that we can go into long distance. It is that agency that has the expertise, that we have given the expertise. There is no reason to come in and add another layer.

Antitrust will be taken care of if we increase competition. That is what this amendment will stop from happening.

The committee labored not hours, not days, not weeks; the committee has labored for years to try to level the playing field among all the competitors that want to be in the telecommunications business. What we have found are some very strong competitive companies that want to jump into local service, to long distance service.

We are trying to create that level playing field. We are trying to take the regulators out of the process so that our companies can compete and give consumers the best prices and the best service.

If we stick with the committee, that is what we will have: more competition, easier to get into the competition. We will not put up more hurdles in the process. This is a deregulation bill, not a reregulation bill.

That is why it is very important for my colleagues, as they look at these choices, to know that the committee has done the work, the committee has worked for years to try to create this level playing field.

I have voted for the long distance companies in some instances. I have voted for the Bells in some instances, to try to make sure that that balance is there.

The committee has struck the balance. I thank the Senators who have worked so hard, the distinguished chairman of the committee, the distinguished ranking member. On this one, I think we must stick with the committee that has done so much work.

Thank you, Mr. President.

Mr. THURMOND. Mr. President, I yield 3 minutes to the distinguished Senator from Nebraska.

Mr. KERREY. Mr. President, the choice before Members on the tabling motion will be: Trust the 14-point checklist, basically, that the committee has offered as an indication; or do we want, in a parallel process, the Department to make a determination as to whether or not competition exists at the local level. That is all we are discussing and debating. I believe we want the Department of Justice to make that determination. I do not have the confidence in the 14-point checklist that others do. It is as simple as that.

Many of the statements that have been made about what this amendment attempts to do have simply not been true. Many of the statements that have been made about what the Department of Justice is trying to accomplish here simply are not true. We are simply saying, with this amendment, to Members of Congress, the Department of Justice should have a determination role. They should say, "We have determined that there is competition," or "We have determined that there is not competition."

I will cite, in a repetitive example, two instances that ought to give, I think, Members of Congress a pause. The Senator from South Dakota gets up and says all these delays occur. I cited an application for a waiver of the MFJ that was made in 1994 by Southwestern Bell. I ask the Senator from South Dakota, did he wish that would have been approved in 30 days? That waiver application would strike all the MFJ requirements, strike all the restrictions with no determination of local competition whatsoever. Perhaps the Senator from South Dakota does not like that delay. Perhaps the Senator from South Dakota and other Members would like to have a situation where there is no determination being made by the Department of Justice. If that is the case, vote to table.

But if you want the Department of Justice to have the determination role rather than just "Here is our opinion about this proposal," then you have to vote for this amendment.

I believe if you do vote for this amendment, you will be happy you did. At the end of the day you do not want to just try to make sure these folks are happy who are outside the hallway out here, adding up votes trying to figure whether this amendment is going to pass or fail. You want the consumers and the citizens and the taxpayers and the voters of your State to be happy. And the only way they are going to be happy, the only way they are going to say this thing works, is if we get real competition at the local level. With real competition at the local level, there will be choice and there will be decreases in price and increases in quality. And that is the only way in my judgment that S. 652 is going to produce the benefits that have been promised.

Mr. PRESSLER. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from South Dakota controls 3½ minutes.

Mr. PRESSLER. Mr. President, I yield myself 2½ minutes. I yield the last minute to the Senator from Alaska.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. PRESSLER. I conclude this by saying I love my colleague from South Carolina, Senator THURMOND. This appears to be a difference over jurisdiction. I plead with my colleagues, do vote this amendment down. It is a gutting amendment. It will add more bureaucracy. It goes against the procompetitive, deregulatory nature of the bill.

I respect my colleague from South Carolina so much, but I see this as a jurisdictional difference. On this occasion I will have to vote to table the Thurmond amendment and continue to love the senior Senator from South Carolina.

I yield to the Senator from Alaska for the last word.

Mr. STEVENS. Mr. President, I believe this is a balanced bill we have here now. The Department of Justice has a statutory consultative role. If it has concerns, the FCC will hear those concerns. The basic thing about this bill is it gets the telecommunications policy out of the courts and out of the Department of Justice and back to the FCC to one area. We hope to transition sometime so we do not even have them involved.

I oppose striking the public interest section because it upsets the balance we have worked out. It upsets the balance in favor of the wrong parties.

I urge support of this motion of the chairman to table.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, how much time remains?

The PRESIDING OFFICER. The proponents of the amendment have a minute and 35 seconds. The opponents of the amendment have a minute and 58 seconds.

Mr. THURMOND. I will use 30 seconds. The Senator can take the rest.

Mr. DORGAN. Mr. President, if I might take just 1 minute and ask unanimous consent Senator FEINGOLD be added as a cosponsor to the Thurmond-Dorgan second-degree amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, let me again say, those who say this upsets the balance, this adds layers of bureaucracy, this adds complexity—in my judgment, respectful judgment, they are just wrong. They are just wrong.

This does not have balance unless it has balance in the public interest on behalf of the American consumer making certain the free market is free. Free market and competition are wonderful to talk about but you have to be stewards, it seems to me, to make sure the free market is free. The only way to do that is to vote for this amendment.

So vote against tabling the Thurmond-Dorgan amendment and give the Justice Department the role they should have to do what should be done for the consumers of this country.

Mr. President, I reserve the remainder of the time.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I want to say to the Senate this. This amendment protects consumers and enhances competition. It does not gut this bill. That is an error. It provides for the Department of Justice to carry out the antitrust analysis of Bell company applications to enter long distance. This is the special expertise of the Department of Justice. My amendment limits the FCC to reviewing other areas and not duplicating DOJ. I am confident that this will reduce bureaucracy and eliminate redundancy of Government between roles of the DOJ and FCC. In other words, it leaves with the FCC to determine issues in which they have expertise. It leaves to the Justice Department determinations in which they have expertise. And that is the way it ought to be.

The PRESIDING OFFICER. The Senator from South Dakota has 2 minutes—a minute and 58 seconds.

Mr. PRESSLER. Mr. President, I yield the remainder of my time.

Mr. THURMOND. Mr. President, I yield any time I have left.

Mr. PRESSLER. Mr. President, I make a motion to table the Thurmond amendment, No. 1265.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 57, nays 43, as follows:

[Rollcall Vote No. 250 Leg.]

YEAS—57

Abraham
Ashcroft
Baucus
Bennett
Biden
Breaux
Brown
Bryan
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Coverdell
Craig
Dole
Domenici
Exon
Faircloth
Ford
Frist
Gorton
Gramm
Grams
Gregg
Hatch
Hatfield
Heflin
Helms
Hollings
Hutchison
Jeffords
Johnston
Kassebaum
Kempthorne
Kerry
Kyl
Lott
Lugar
Mack
McCain
McConnell
Moynihan
Murkowski
Murray
Nickles
Nunn
Packwood
Pressler
Roth
Santorum
Simpson
Smith
Stevens
Thomas
Warner

NAYS—43

Akaka
Bingaman
Bond
Boxer
Bradley
Bumpers
Cohen
Conrad
D'Amato
Daschle
DeWine
Dodd
Dorgan
Feingold
Feinstein
Glenn
Graham
Grassley
Harkin
Inhofe
Inouye
Kennedy
Kerrey
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Pell
Pryor
Reid
Robb
Rockefeller
Sarbanes
Shelby
Simon
Snowe
Specter
Thompson
Thurmond
Wellstone

So the motion to lay on the table the amendment (No. 1265), as modified, was agreed to.

Mr. HOLLINGS. Mr. President, I move to reconsider the vote.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Although my amendment was tabled, we will be back. It is very important to have an up and down vote on this amendment. I have filed my amendment at the desk, and it will be in order after cloture. We will then get to the direct vote on this important amendment.

AMENDMENT NO. 1264 WITHDRAWN

The PRESIDING OFFICER. Under the previous order, the underlying amendment has been withdrawn.

RECESS UNTIL 2:15 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until 2:15 p.m.

Thereupon, at 12:55 p.m., the Senate recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. KYL).

Mr. CONRAD addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

AMENDMENT NO. 1275

(Purpose: To provide means of limiting the exposure of children to violent programming on television, and for other purposes)

Mr. CONRAD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. CONRAD] proposes an amendment numbered 1275.

Mr. CONRAD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 146, below line 14, add the following:

TITLE V—MISCELLANEOUS

SEC. 501. SHORT TITLE.

This title may be cited as the "Parental Choice in Television Act of 1995".

SEC. 502. FINDINGS.

Congress makes the following findings:

(1) On average, a child in the United States is exposed to 27 hours of television each week and some children are exposed to as much as 11 hours of television each day.

(2) The average American child watches 8,000 murders and 100,000 acts of other violence on television by the time the child completes elementary school.

(3) By the age of 18 years, the average American teenager has watched 200,000 acts of violence on television, including 40,000 murders.

(4) On several occasions since 1975, The Journal of the American Medical Association has alerted the medical community to the adverse effects of televised violence on child development, including an increase in the level of aggressive behavior and violent behavior among children who view it.

(5) The National Commission on Children recommended in 1991 that producers of television programs exercise greater restraint in the content of programming for children.

(6) A report of the Harry Frank Guggenheim Foundation, dated May 1993, indicates that there is an irrefutable connection between the amount of violence depicted in the television programs watched by children and increased aggressive behavior among children.

(7) It is a compelling National interest that parents be empowered with the technology to block the viewing by their children of television programs whose content is overly violent or objectionable for other reasons.

(8) Technology currently exists to permit the manufacture of television receivers that are capable of permitting parents to block television programs having violent or otherwise objectionable content.

SEC. 503. ESTABLISHMENT OF TELEVISION VIOLENCE RATING CODE.

(a) IN GENERAL.—Section 303 (47 U.S.C. 303) is amended by adding at the end the following:

"(v) Prescribe, in consultation with television broadcasters, cable operators, appropriate public interest groups, and interested individuals from the private sector, rules for rating the level of violence or other objectionable content in television programming, including rules for the transmission by television broadcast stations and cable systems of—

"(1) signals containing ratings of the level of violence or objectionable content in such programming; and

"(2) signals containing specifications for blocking such programming.".

(b) APPLICABILITY.—The amendment made by subsection (a) shall take effect 1 year after the date of the enactment of this Act, but only if the Commission determines, in consultation with appropriate public interest groups and interested individuals from the private sector, on that date that television broadcast stations and cable systems have not—

(1) established voluntarily rules for rating the level of violence or other objectionable content in television programming which rules are acceptable to the Commission; and

(2) agreed voluntarily to broadcast signals that contain ratings of the level of violence or objectionable content in such programming.

SEC. 504. REQUIREMENT FOR MANUFACTURE OF TELEVISIONS THAT BLOCK PROGRAMS.

(a) REQUIREMENT.—Section 303 (47 U.S.C. 303), as amended by this Act, is further amended by adding at the end the following:

"(w) Require, in the case of apparatus designed to receive television signals that are manufactured in the United States or imported for use in the United States and that have a picture screen 13 inches or greater in size (measured diagonally), that such apparatus—

"(1) be equipped with circuitry designed to enable viewers to block the display of channels during particular time slots; and

"(2) enable viewers to block display of all programs with a common rating.".

(b) IMPLEMENTATION.—In adopting the requirement set forth in section 303(w) of the Communications Act of 1934, as added by subsection (a), the Federal Communications Commission, in consultation with the television receiver manufacturing industry, shall determine a date for the applicability of the requirement to the apparatus covered by that section.

SEC. 505. SHIPPING OR IMPORTING OF TELEVISIONS THAT BLOCK PROGRAMS.

(a) REGULATIONS.—Section 330 (47 U.S.C. 330) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by adding after subsection (b) the following new subsection (c):

"(c)(1) Except as provided in paragraph (2), no person shall ship in interstate commerce, manufacture, assemble, or import from any foreign country into the United States any apparatus described in section 303(w) of this Act except in accordance with rules prescribed by the Commission pursuant to the authority granted by that section.

"(2) This subsection shall not apply to carriers transporting apparatus referred to in paragraph (1) without trading it.

"(3) The rules prescribed by the Commission under this subsection shall provide performance standards for blocking technology. Such rules shall require that all such apparatus be able to receive transmitted rating signals which conform to the signal and blocking specifications established by the Commission.

"(4) As new video technology is developed, the Commission shall take such action as the Commission determines appropriate to ensure that blocking service continues to be available to consumers.".

(b) CONFORMING AMENDMENT.—Section 330(d), as redesignated by subsection (a)(1), is amended by striking "section 303(s), and section 303(u)" and inserting in lieu thereof "and sections 303(s), 303(u), and 303(w)".

Mr. CONRAD. Mr. President, I rise today to offer an amendment to the telecommunications bill, which is a bill that is designed to do two things. One, it is designed to empower parents to help make the choices of what their children see on television coming into their homes.

Mr. President, several years ago, I became very involved in the issue of violence in the media, because I became convinced that violence in the media is contributing to violence in society; it is contributing to violence on the streets of America. So I worked to form a national organization, which is now some 37 national organizations, all involved in an attempt to reduce violence in the media. This is a national coalition that involves organizations like the American Medical Association, the PTA, the National Council of Churches, the sheriffs, police chiefs, the school psychologists, the school principals, the National Education Association—37 national organizations who are committed to reducing violence in the media.

It is for that reason that I offer what I call the Parental Choice and Television Act of 1995.

Mr. LIEBERMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

AMENDMENT NO. 1347 TO AMENDMENT NO. 1275

(Purpose: To revise the provisions relating to the establishment of a system for rating violence and other objectionable content on television)

Mr. LIEBERMAN. Mr. President, I send a second-degree amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Connecticut [Mr. LIEBERMAN] proposes an amendment numbered 1347 to amendment No. 1275.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 3, strike out line 12 and all that follows through page 4, line 16, and insert in lieu thereof the following:

SEC. 503. RATING CODE FOR VIOLENCE AND OTHER OBJECTIONABLE CONTENT ON TELEVISION.

(a) SENSE OF CONGRESS ON VOLUNTARY ESTABLISHMENT OF RATING CODE.—It is the sense of Congress—

(1) to encourage appropriate representatives of the broadcast television industry and the cable television industry to establish in a voluntary manner rules for rating the level of violence or other objectionable content in television programming, including rules for the transmission by television broadcast stations and cable systems of—

(A) signals containing ratings of the level of violence or objectionable content in such programming; and

(B) signals containing specifications for blocking such programming;

(2) to encourage such representatives to establish such rules in consultation with appropriate public interest groups and interested individuals from the private sector; and

(3) to encourage television broadcasters and cable operators to comply voluntarily with such rules upon the establishment of such rules.

(b) REQUIREMENT FOR ESTABLISHMENT OF RATING CODE.—

(1) IN GENERAL.—If the representatives of the broadcast television industry and the cable television industry do not establish the rules referred to in subsection (a)(1) by the end of the 1-year period beginning on the date of the enactment of this Act, there shall be established on the day following the end of that period a commission to be known as the Television Rating Commission (hereafter in this section referred to as the "Television Commission"). The Television Commission shall be an independent establishment in the executive branch as defined under section 104 of title 5, United States Code.

(2) MEMBERS.—

(A) IN GENERAL.—The Television Commission shall be composed of 5 members, of whom—

(i) three shall be appointed by the President, as representatives of the public by and with the advice and consent of the Senate; and

(ii) two shall be appointed by the President, as representatives of the broadcast television industry and the cable television industry, by and with the advice and consent of the Senate;

(B) NOMINATION.—Individuals shall be nominated for appointment under subparagraph (A)(i) not later than 60 days after the date of the establishment of the Television Commission.

(D) TERMS.—Each member of the Television Commission shall serve until the termination of the commission.

(E) VACANCIES.—A vacancy on the Television Commission shall be filled in the same manner as the original appointment.

(2) DUTIES OF TELEVISION COMMISSION.—The Television Commission shall establish rules for rating the level of violence or other objectionable content in television programming, including rules for the transmission by television broadcast stations and cable systems of—

(A) signals containing ratings of the level of violence or objectionable content in such programming; and

(B) signals containing specifications for blocking such programming.

(3) COMPENSATION OF MEMBERS.—

(A) CHAIRMAN.—The Chairman of the Television Commission shall be paid at a rate equal to the daily equivalent of the minimum annual rate of basic pay payable for level IV of the Executive Schedule under section 5314 of title 5, United States Code, for each day (including traveltime) during which the Chairman is engaged in the performance of duties vested in the commission.

(B) OTHER MEMBERS.—Except for the Chairman who shall be paid as provided under subparagraph (A), each member of the Television Commission shall be paid at a rate equal to the daily equivalent of the minimum annual rate of basic pay payable for level V of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including traveltime) during which the member is engaged in the performance of duties vested in the commission.

(4) STAFF.—

(A) IN GENERAL.—The Chairman of the Television Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the commission to perform its duties. The employment of an executive director shall be subject to confirmation by the commission.

(B) COMPENSATION.—The Chairman of the Television Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(5) CONSULTANTS.—The Television Commission may procure by contract, to the extent funds are available, the temporary or intermittent services of experts or consultants under section 3109 of title 5, United States Code. The commission shall give public notice of any such contract before entering into such contract.

(6) FUNDING.—Funds for the activities of the Television Commission shall be derived from fees imposed upon and collected from television broadcast stations and cable systems by the Federal Communications Commission. The Federal Communications Commission shall determine the amount of such fees in order to ensure that sufficient funds are available to the Television Commission to support the activities of the Television Commission under this subsection.

Mr. LIEBERMAN. Mr. President, at this point, I will yield the floor and look forward to hearing the remainder of the statement of my friend and colleague from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. I thank my friend. He has an amendment he is offering in the second degree to refine my amendment. We have worked closely together on the underlying amendment. I appreciate very much the second-degree amendment he is offering to make a further refinement that I think will improve the underlying amendment. I greatly appreciate the hard work the Senator from Connecticut has put forward on this issue.

As I was saying, several years ago, I became deeply involved in this subject. Frankly, I became involved because of an incident involving my wife when she was attacked outside of our home here in Washington, DC.

At that time, I concluded that I ought to do everything I can do to help reduce violence in society. There are many things that contribute to violence in this country—drugs, gangs, and a whole series of issues that relate to people that do not have an economic chance. Also, we have to get tough on crime in this country. We have to insist that those who commit crimes do their time. They have to be punished. They have to know they are going to be punished and that punishment ought to be swift and severe.

In addition to all of those things, I also am persuaded that violence in the media is contributing to violence in our society. That is not just my conclusion, that is the conclusion of the vast majority of people in this country. That is the conclusion of the American Medical Association, who, as I indicated earlier, is one of the charter members of the national coalition I have put together on this question of violence in the media.

Mr. President, what this amendment does is really two things. It provides that television manufacturers will include in new television sets, at a time that they, in consultation with the FCC, determine is the workable time, to require a choice chip in the televisions. Just as we have chips in the television now that provide for closed captioning, we would provide choice chips in new televisions, which would be able to empower parents to exclude programming that comes into their homes, programming that they find objectionable—not any Member of Congress, not the FCC, not anybody else, but what parents find objectionable or something they do not want to come into their homes. These choice chips that are now under development—in some cases, already well-developed—would enable parents to be involved in their children's viewing habits.

As we know, children are watching, in some cases, 27 hours of television a week—27 hours of television a week. And all too often they are seeing things that their parents find objectionable. They are watching things that their parents would like to prevent them from watching.

Mr. President, many of us believe that parents ought to have that right. They ought to be able to determine what comes into their homes. They ought to be able to determine what their kids are watching. They ought to be able to determine what they find objectionable, not any Government censor—what the parents find objectionable.

So this legislation would create that opportunity. I just point to this USA Weekend Poll that was done from June 2 through June 4. These survey results are very interesting. Ninety-six percent are very or somewhat concerned about sex on TV; 97 percent are very or somewhat concerned about violence on television. When it comes to the two issues included in this amendment, overwhelmingly, they say: Let us do it. Let us have a choice chip in the television set at a cost of less than $5 per television set. In fact, we have just been told that when it is in mass production, it may cost as little as 18 cents per television set.

Should V-chips or choice chips be installed in TV sets so parents could easily block violent programming? That was a question in the USA Today poll. The American people responded "yes" 90 percent. Mr. President, 90 percent want to have the opportunity to choose what comes into their homes.

On the second matter that is in this amendment, that is the creation of a rating system so that parents can have some idea before the programming airs what the programming includes, the question was asked: Do you favor a rating system similar to that used for movies? Yes, 83 percent; no, 17 percent.

Overwhelmingly, the American people want choice chips in television, and they want a rating system.

Mr. President, we heard objections from some that the rating system ought not to be something determined in the first instance by Government. The Government should not make this decision. We have heard that complaint. We have heard that criticism. We heard that suggestion.

In the amendment that I am offering, we give the industry, working with all interested parties, parent-teacher groups, school administers, other interested parties, churches, and others, a 1-year window of opportunity to make a decision on what that rating system ought to be. We give the industry, working with all interested parties, a chance, a 1-year chance. Let them decide what the rating system should look like.

I might just say, Mr. President, we gave another industry a chance to do that. We gave the recreational software industry a chance to create a rating system. They went out and did it.

Here is the rating system they came up with. On violence, their advisory has a thermometer with a 1, 2, 3, 4 scale. We can tell what is the level of violence in that program. We can tell on nudity/sex in the same way. That is the rating. And the same way with respect to language that is used.

In Canada, the industry, on a voluntary basis, established a rating system. They did it. It is in place. It is working. We should give our industry, working in cooperation and in conjunction with all other interested parties—with the parents, with the church leaders, with all others in the community who are interested—a chance to establish a rating system so that parents and other viewers have a chance to know just what is this program going to be like with respect to violence? What is it going to be like with respect to sexual activity? What is it going to be like with respect to language?

Then let the viewers decide what it is they want to watch. Let the parents decide what the children are going to be exposed to.

Mr. President, I believe this is an important question and an important issue. When I started on this in North Dakota, I called the first meeting, and I was expecting 10 or 15 people to show up. The place was packed. We had every kind of organization represented there in my hometown of Bismarck, ND.

One of the things they decided to do was have a national petition drive, to send to the leaders of the media a request that they tone down the violence that is in the media, that is in television, that is on the movies. Overwhelmingly at that meeting, individual after individual, stood up and said, "You know, I am absolutely persuaded that violence in the media is contributing to violence on our streets."

I remember very well a school principal standing up in that meeting. He had been a school principal for 20 years in North Dakota. He said, "Senator CONRAD, I have seen a dramatic change in what our children write about when we ask them to do an essay." He said, "It is so different now than when I started in schools 20 years ago. Twenty years ago people would write about their experiences on the farm; they would write about their experiences in a summer job; they would talk about going to camp in the summer. Today when you ask them to write an essay, they write about what they have seen on television. All too often, the images are images of violence and brutality." He said, "Senator, this is affecting our children. It is affecting the way they see life."

We, as adults, ought to do something about it. So the question comes before the Senate, what do we do? Do we have censors? Do we set up a censorship system? Not in America. That violates the first amendment. That is not in tune with American values.

What we can do, what we should do, what we must do, is empower parents, give them a chance to intercept this process, give them a chance to decide what their kids are going to be exposed to. We already know the children in this country, by the time they are 12 years old, have witnessed 8,000 murders, have witnessed 100,000 assaults. Everyone knows that has an effect on those children.

Mr. President, we have gone to great lengths to make sure that what we are offering here today is a voluntary system, voluntary in the sense that we give the industry a chance to establish that rating system, voluntary in the sense that the parents are the ones to decide what comes into their homes for viewing by their children.

Again, I ask unanimous consent to have printed for the RECORD a series of letters from organizations supporting this legislation: the National Foundation to Improve Television; the American Academy of Pediatrics, the American Medical Association Alliance, the National Alliance for Nonviolent Programming, the National Coalition on Television Violence, the National Association of Secondary School Principals, Parent Action, the National Association for the Education of Young Children, the National Association of Elementary School Principals, the American Academy of Child and Adolescent Psychiatry. All of these organizations are supporting this amendment.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL FOUNDATION
TO IMPROVE TELEVISION,
Boston, MA.

STATEMENT OF WILLIAM S. ABBOTT, PRESIDENT OF NATIONAL FOUNDATION TO IMPROVE TELEVISION, IN SUPPORT OF SENATOR CONRAD'S PARENTAL "CHOICE CHIP" AMENDMENT, JUNE 12, 1995

I am the president of the National Foundation to Improve Television—a nonprofit educational foundation with an exclusive focus on remedies to the problem of television violence. We have worked for 25 years to alleviate the impact that television violence has on young people. On behalf of the millions of children and parents who are desperately calling for help to rid their homes of brutalizing images of murder and mayhem, we applaud Senator Conrad's introduction of this amendment.

The introduction of this amendment is an important step in empowering parents with the help they need to protect their children from the scientifically proven harmful effects of television violence. This amendment does not signal that the government is becoming involved in dictating program content. This amendment does not tell the entertainment industry what kinds of stories they can and cannot tell nor does it trample on anyone's First Amendment rights or creative freedoms.

Senator Conrad's amendment requires the installation of a "choice chip" in all television sets. While its critics in the TV industry have labelled it a "blocking chip", it is important to remember that this chip merely identifies a program as containing harmful violence. It is the individual parent who must actually elect to block violent programs from coming into their home. The introduction of this "choice chip"—and the development of an accompanying "violent program ratings system" devised by the television industry—will be a big step forward for two reasons. First, it will give all parents—including those who must work long hours outside the home and, therefore, cannot constantly supervise their children's viewing—the assistance they need to shield their children from harmful programming, in effect a long-overdue right of self-defense. A concerned parent need only activate the "choice chip" and he or she can be certain that the television will no longer assault their children with images of "Dirty Harry", "The Terminator" and the like. Second, it will unquestionably result in many advertisers pulling their advertising budget from programs with glamorized or excessive violence. Few advertisers will spend their precious dollars running commercials on programs which millions of Americans will have elected to tune out of their homes.

The introduction of this new parental choice technology is not revolutionary. It is simply an extension of the current opportunities many parents and viewers have to use their television's cable converter to block out particular cable channels either completely or during a particular time of the day. With this new capability, parents would simply be further empowered to block out all programming which the industry has determined contain harmful depictions of violence. This violence-specific blocking capability, rather than channel-specific capability, is essential when we recognize that in a very short time parents will be confronted with 500 or more channels entering their homes.

The industry's response, in order to stave off this new form of parental empowerment which will cost it advertising dollars if they continue to program glamorized violence, will be that such a system is too rigid, that it will impact programs ranging from "Texas Chainsaw Massacre" to "Roots". This is, of course, not the case. This plan leaves it to the industry to determine which programs would be tagged with the violence signal. We would trust that the industry would exercise its good judgment in attaching such signal. "I Spit on Your Grave" will warrant the signal, which the "Civil War" documentary, for example, will not. The television industry is currently placing violence warnings on particular programs which it judges to contain excessive or otherwise harmful violence, so it is clear that it can exercise this kind of judgment if it so chooses.

It has been reported that this new technology would add as little as $5 to the price of a new television set. Thus, it is empowerment affordable by all. Properly publicized through an ongoing nationwide public service announcement and parental notification campaign, the technology will become increasingly popular over time. Since television has long contended that the "public interest" is simply what interests the public, and that the ultimate responsibility for children's viewing lies with the parents, it should have no quarrel with a mechanism which gives parents the unprecedented opportunity to supervise effectively their children's viewing.

For the last 30 years, the American public has told the television industry to lead, follow or get out of the way with regard to reducing the level of glamorized and excessive violence on television. To date, they have certainly not led the way toward resolving the problem. They clearly haven't followed either—as they continue to program high levels of violence despite growing public anger with the amount of violence on television. Through their overwhelming support for Senator Conrad's parental empowerment proposal, the American people are effectively telling the television industry "Get out of the way"—we're ready to address their problem ourselves. Give us the tools and, with the industry's cooperation, we'll do the job.

AMERICAN ACADEMY OF PEDIATRICS,
601 THIRTEENTH STREET, NW.,
Washington, DC, June 13, 1995.

Hon. KENT CONRAD,
U.S. Senate,
Washington, DC.

DEAR SENATOR CONRAD: On behalf of the American Academy of Pediatrics, whose 49,000 members are dedicated to promoting the health, safety, and well-being of infants, children, adolescents and young adults, I want to commend you for your strong leadership in the area of children's television. Pediatricians have long been concerned about the effects of television on children—from the lack of educational programs, to the high level of violence which we clearly believe has a role in aggression in children, as well as the continual bombardment of advertisements aimed at them. Children are fortunate to have you working so diligently on their behalf.

While we don't believe that television is solely responsible for all the violence in our society, we do believe that violent programs contribute to the violence in our society. In our practices, pediatricians observe firsthand that such programming tends to make children more aggressive and more apt to imitate the actions they view.

Parents should be responsible for monitoring what their children are viewing. However, over the past years a dramatic alteration of the American family portrait has taken place. To assist families in determining appropriate television programming, we strongly support installation of a micro-chip in all new televisions to allow parents to block violent programs. This provision will allow parents some degree of control of the programs their children watch—an important option for today's programming environment.

Thank you again for your staunch advocacy in creating a better television environment for America's children. We look forward to working with you on this important legislation.

Sincerely yours,

GEORGE D. COMERCI, M.D.,
President.

AMERICAN MEDICAL ASSOCIATION
ALLIANCE, INC.,
Chicago, IL, June 12, 1995.

The American Medical Association Alliance, Inc., is pleased to join the AMA and other members of the Citizens' Task Force Against TV Violence in wholeheartedly supporting the parental choice amendment to the Telecommunications Competition and De-regulation Act of 1995 (S. 652).

As a national organization of more than 60,000 physicians' spouses, the AMA Alliance fully supports v-chip technology allowing parents and other adults to block programs they deem objectionable, and arming them with a standard violence rating system by which they can make those choices.

As a member of the Citizens' Task Force Against TV Violence, the AMA Alliance is committed to curbing the effects of violence in the media as one dimension of its nationwide SAVE Program to Stop America's Violence Everywhere.

NATIONAL ALLIANCE FOR NON-VIOLENT PROGRAMMING SUPPORTS CONRAD AMENDMENT

The National Alliance for Non-Violent Programming, a network of national women's organizations comprising more than 2700 chapters and 400,000 women, works at the grassroots to counter the impact of media violence without invasion of First Amendment rights. The Alliance's approach, media literacy education as violence prevention, is collaborative and non-partisan. The Alliance lends strong support to the Parental "Choice Chip" Amendment to the Telecommunications Act S 652 to be introduced by Senator Kent Conrad of North Dakota.

Rapidly developing technologies are ensuring greater and greater access to all forms of electronic media. A non-censorial solution to the widely-acknowledged problem of the influence of television violence, Senator Conrad's amendment would provide parents and caregivers with the information to make responsible decisions about children's television viewing and the technology to block programming they consider objectionable.

The Conrad amendment calls on the FCC to act in conjunction with the networks, cable operators, consumer groups and parents to establish a system to rate the level of violence on television. The process itself is therefore inclusive and educational. As consumers informed about what is coming into their homes then utilize circuitry to block out the programs they consider objectionable, parents and caregivers will be able to exercise responsibility rather than feeling uninformed or powerless to bring about positive change.

NCTV SUPPORTS CONRAD AMENDMENT

WASHINGTON, DC.—The National Coalition on Television Violence [NCTV] strongly supports the Parental "Choice Chip" Amendment to the Telecommunications Act to be introduced by Senator Kent Conrad of North Dakota.

Dr. Robert Gould, psychiatrist and president of NCTV, commented about the amendment: "The technological explosion has made it impossible for parents to keep abreast of the media: music, movies and television."

With this in mind, Senator Conrad has taken the leadership in the question of Children's Television, especially the effect of violence on our young people. He has worked long and hard to seek reasonable solutions to this pressing problem. He has pulled together an impressive task force of national organizations from which he has sought information and input to a problem which lends itself to wild rhetoric but no action. The amendment that he proposes is both effective and in no way impinges on anyone's freedom of speech as protected by the First Amendment.

Senator Conrad's amendment effectively addresses two of the most pressing problems a parent faces, i.e. how to turn off objectional programming, and how to know what to turn off. A rating system established by the FCC in conjunction with the TV networks, cable operators, consumer groups and parents will give parents necessary information to make informed judgments as to what is appropriate for their children. The technological equipment will allow parents, in their homes, to choose what they wish their children to watch. Technology will finally allow parents to "If you don't like it, turn it off," as has been smugly suggested by the industry for years. The Parental "Choice Chip" will make this a real possibility.

In supporting this amendment, NCTV draws on years of experience monitoring television violence. While there has been, of late, recognition of the influences of television violence, there is still a serious attempt by the broadcast industry to exempt cartoon violence from the discussion. As a last line of defense, the happy violence of cartoons is still deemed by the broadcast industry as not affecting our children. Now, with the passage of this amendment, we do not have to wait for the broadcast industry to clean up their act in regard to cartoons. Parents who understand and see the effects of cartoon violence will be able to simply block out the offending programs.

Dr. Gould further states, "The rating system is a means of informing parents about what is coming into their homes and the Parental "Choice Chip" empowers them to fulfill their proper role as parents."

THE NATIONAL ASSOCIATION OF
SECONDARY SCHOOL PRINCIPALS,
Reston, VA, June 12, 1995.

Hon. KENT CONRAD,
U.S. Senate,
Washington, DC.

DEAR SENATOR CONRAD: The National Association of Secondary School Principals [NASSP] and its 42,000 members strongly supports your parental "choice chip" amendment to S. 652, the Telecommunications Competition and Deregulation Act of 1995. Your amendment would greatly enhance the national movement to monitor and ultimately decrease violence in television by:

Enabling parents to program their television sets to block out objectional or violent television shows; and

Calling on the Federal Communications Commission (FCC) to work with television networks, cable operators, consumer groups, parents, and others to establish a system to rate the level of violence.

Our nation is experiencing an unrivaled period of juvenile violent crime perpetrated by youths from all races, social classes, and lifestyles. Without question, the entertainment industry plays a role in fostering this anti-social behavior by promoting instant gratification, glorifying casual sex, and encouraging the use of profanity, nudity, violence, killing, and racial and sexual stereotyping.

NASSP urges Congress to support the parental "choice chip" amendment, and commends you, Senator Conrad, for your efforts to protect our children and youth from unnecessary exposure to violence in television and the media.

Sincerely,

DR. TIMOTHY J. DYER,
Executive Director.

PARENT ACTION,
Baltimore, MD, June 12, 1995.

Hon. KENT CONRAD,
U.S. Senator,
Washington, DC.

DEAR SENATOR CONRAD: Parent Action of Maryland, a statewide grassroots organization dedicated to helping parents raise families, endorses your Parental Choice and Television amendment to the Telecommunications Act (S. 652).

Our children are bombarded with negative and violent images giving them a disturbing view of the world in which we live. By the time a child leaves school, he or she will have witnessed more than 8,000 murders and 100,000 acts of violence on television. This unceasing and relentless barrage of violence serves only to inure our children to the results of violence, hinder their ability to learn and teach them that conflicts can be solved by violence.

Parents, concerned about the effects of television violence on their children, are looking for ways in which they can make good programming choices for their children. Your amendment makes important strides in that direction.

A rating system would provide parents with the information they need to make informed choices of whether a program is appropriate for their children. Installation of a "Choice Chip" in television sets then would allow parents block out the programming they find objectionable. The beauty of your amendment is that it protects the First Amendment and gives parents real power at the same time.

If we truly believe that our children are America's most valuable resource, then we must begin valuing them. We must treasure and respect their minds and development—not assault them with gratuitous violent images.

Sincerely,

K.C. BURTON,
Executive Director.

NATIONAL ASSOCIATION OF
ELEMENTARY SCHOOL PRINCIPALS,
Alexandria, VA, June 12, 1995.

Hon. KENT CONRAD,
U.S. Senate,
Washington, DC

DEAR SENATOR CONRAD: The National Association of Elementary School Principals, representing 26,000 elementary and middle school principals nationwide and overseas, is pleased to endorse your Parental Choice Amendment to the Senate telecommunications bill, S. 652.

NAESP supports the effort to create a procedure for establishing a ratings system that involves input from interested parties in the public and private sectors. The violence rating code will help parents to gauge the content of individual television programs and thus make informed decisions about which shows they allow their children to see.

The requirement that a "choice chip" be installed in most new televisions is also an excellent idea. This device will enable parents to have more control over their impressionable children's viewing habits when the parents are unable to monitor television watching directly.

Thank you for your ongoing efforts on this important matter.

Sincerely,

SALLY N. MCCONNELL,
Director of Government Relations.

NAEYC SUPPORTS CONRAD AMENDMENT TO PROMOTE PARENTAL CHOICE IN CHILDREN'S TELEVISION VIEWING

The National Association of Young Children [NAEYC] strongly supports Senator Kent Conrad's amendment to the telecommunications bill to reduce children's exposure to media violence. The amendment would require television sets to be equipped with technology (V-chip) that allows parents to block objectionable programming and establish a violence rating code. These steps are valuable tools that provide parents greater power in controlling the nature of television programs to which their children are exposed.

The negative impact of media violence on children's development and aggressive behavior is clear. Research consistently identifies three problems associated with repeated viewing of television violence:

1. Children are more likely to behave in aggressive or harmful ways towards others.
2. Children may become less sensitive to the pain and suffering of others.
3. Children may become more fearful of the world around them.

In addition, more subtle effects of overexposure to television violence can be seen. Repeated viewing of media violence reinforces antisocial behavior and limits children's imaginations. Violent programming typically presents limited models of language development that narrow the range and originality of children's verbal expression at a time when the development of language is critically important.

Of all of the sources and manifestations of violence in children's lives, media violence is perhaps the most easily corrected. NAEYC believes that the Conrad amendment is an important step—long overdue—to reduce children's exposure to media violence, and it does so by empowering parents. We strongly urge passage of this amendment.

AMERICAN ACADEMY OF CHILD
AND ADOLESCENT PSYCHIATRY,
Washington, DC, June 12, 1995.

Senator KENT CONRAD,
U.S. Senate,
Washington, DC.

DEAR SENATOR CONRAD: The American Academy of Child and Adolescent Psychiatry is pleased to endorse your telecommunications bill amendment providing for new television sets being required to contain a v-chip that would permit parents to block television programming that includes programming not suitable to their family. The harmful effects of media violence on children and adolescents have been established, and this amendment will empower parents, whether they are at home or not, to monitor and control access to programs. This is one amendment among many, but it is an important commitment by legislators to parents and to child advocates.

WILLIAM H. AYRES, M.D.,
President.

Mr. CONRAD. Mr. President, I would like to add Senator MIKULSKI as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. We will be happy to debate this issue and answer questions.

I want to summarize and say this amendment does two things: It provides for the parental choice chips to be in all new televisions, after the FCC and the industry consult on when is the appropriate time for that requirement to go into effect.

Second, we provide for the establishment of a rating system so that parents and other consumers have a chance to know what the programming contains before they watch it. Again, we do that on the basis of allowing the industry, in consultation with all other interested parties, to establish that rating system within 1 year. If they fail to do it within 1 year, we would ask the FCC to become involved in that process. We see no reason that the industry in 1 year could not arrive, on a voluntary basis, at an appropriate rating system.

Mr. President, I thank my colleagues, Senator MIKULSKI and Senator LIEBERMAN, who have worked with me on this issue.

Senator LIEBERMAN now would like to discuss his second-degree amendment.

Mr. LIEBERMAN. Mr. President, I thank the Chair.

Again, I want to thank my friend and colleague from North Dakota, Senator CONRAD, for his leadership on this matter and to tell him how pleased I am to join with him in this effort.

This is a complicated problem, to which there is not a clear, perfect solution. What we know is that the values of our society, of our children, are being threatened, and that the entertainment media too often have sent messages to our kids that are different than what we as parents are trying to send.

I think Senator CONRAD has taken a real leadership role here and stepped out, stepped forward, with a response that will force this Senate, I hope the television industry, and indeed the country, to face the reality of what we and our kids are watching over television and what we can do about it.

Mr. President, the growing public debate over the entertainment industry's contribution to the degradation of our culture could not have come at a more fortuitous time for the Senate Calendar. We are in the process here of considering the most comprehensive rewrite of the Nation's telecommunications law in 60 years. We are making some pivotal decisions about the future of a most powerful force in American culture. That is television.

Up to this point in the floor debate, we have heard mostly about the wonders of the new technology that will be at our disposal, who will control it, and how much it will cost. What has not been heard that much in all the talk about the wiring, however, is discussion of what exactly those wires are going to carry into our homes. Few questions have been asked about the substance of the programs that will be shown over the proverbial 500 channels we expect once the road map of American telecommunications has been digitized. Even fewer questions have been asked about the quality of programs, of products, to which we will be exposing our children.

Now, in many ways, that is understandable. We, as elected officials, are traditionally and understandably reluctant to set limits of any kind on broadcasters, out of deference to their first amendment freedoms we all are committed to.

That is as it should be. Legislators should make laws, not programming decisions. But we also must remember that we are leaders as well as lawmakers, and we must lead in dealing with America's problems. That is why, again, I commend my colleague, Senator CONRAD, for forcing this body to consider and weigh carefully the ramifications of this legislation for America's families and for our moral health.

Why is this so important now? Because at the very moment that new technologies are exploding through the roof, the standards of television programmers are heading for the floor dropping with the velocity of a safe dropped off a cliff in a vintage Road Runner cartoon. Except, instead of Wile E. Coyote, it is the values and sensibilities of our children that are put in peril.

More and more these days, the television aimed at our sons and daughters either numbs their minds or thumbs its nose at the values most parents are trying to instill in them. Turn on the TV at night, and it's hard to avoid the gratuitous sex and violence that has become the bread and butter of prime time television. The Wall Street Journal recently carried a report detailing how even the 8 p.m. timeslot, once the last bastion of family-oriented shows, has become a hotbed of sex and other spicy fare. That is all the more disturbing when you realize that 35 percent of all American children ages 2 to 11 are watching during that hour.

If you tune in after school, you have your pick of the parade of talk shows edging ever closer toward pornography, often dwelling on abnormality, perversion. On Saturday morning, you will be treated to a litany of glossy toy commercials masquerading as real programming. The industry's regard for children and families has grown so low that one network, it happened to be ABC, recently announced that it was adding a cartoon version of the movie "Dumb and Dumber" to its Saturday morning lineup. Television has now officially, with this act, crossed the threshold from covertly encouraging thoughtless behavior to openly celebrating it.

Given the direction television is heading, and given the overwhelming evidence showing that TV's affinity for violence is a real threat to the development of our children, I think we, as Members of the U.S. Senate, should be seriously concerned with where these new technologies will take us. Do we, as a nation, really want to invest billions into building an information superhighway only to turn it into a cybernetic garbage disposal? Are we making progress if we offer consumers 500 different talk shows rather than just a few dozen? Do we not owe our children and our country more than that?

These are questions we, as a society, must address as we try to make sense of the ongoing information revolution, and as we try to deal with the decline in values in our country and our culture. Technology is not a good in itself, but a tool. The information superhighway could potentially help speed the recovery of America's public education system. It could help elevate our culture and our values. But it also could help accelerate the moral breakdown of our society, and that is something I believe we need to talk about openly as we go about reforming of our telecommunications laws.

I recognize that the issue of content, especially as it relates to television, is a difficult one. In this case, we are faced with contradictory goals—protecting the right of the media to speak freely and independently, and allowing the community to influence them when they go too far. In the past, we have erred on the side of free speech, which is a testament to our commitment to the first amendment.

But in a great constitutional irony, our determination to avoid any hint of censorship has been so great that we have effectively chilled the discussion about how we might properly, hopefully working with the television industry, improve the quality of television programming. That neglect has come at a heavy cost to society, for we have opened the door to an anything-goes mentality that is contributing significantly to the crisis of values this country is experiencing.

There is no better—or worse, shall I say—example of this mentality than the proliferating legion of sensationalistic talk shows. They are on the air constantly—by my staff's count there were 23 separate hour-long offering on Washington-area stations in one 9-hour period.

You can see this for yourself, Mr. President, on this chart, with the boxes colored in with the yellow or orange, however it looks from your vantage point, being hour-long talk shows. For the most part, if you turn your TV on to these shows you are not going to find wholesome family fare that you would like your kids to watch.

I should point out, in an expression of appreciation of my staff, that "Regis & Kathie" Lee are not colored in on this chart. Many of these programs air in the afternoon, when many children are home alone because their parents are at work, or home with their parents but the parents may be doing something else.

But it is the quality—or lack thereof—that is more disturbing than the quantity. Many of these programs are simply debasing. Their growth has turned daytime television into a waste site of abnormality and amorality, as Ellen Goodman so aptly put it, which is on the its way toward stamping out any last semblance of standards, and shame when those standards are broken, in this country.

The greatest indictment of these shows, as well as the gamut of programming aimed directly or indirectly at children, comes from kids themselves. A recent poll conducted by the California-based advocacy group Children Now showed that a majority of youths between 10 and 16 said that television encourages them to lie, to be disrespectful to their parents, to engage in aggressive and violent behavior, and, perhaps most disturbing of all, to become sexually active too soon.

I am the father of a 7-year-old daughter. When I hear about these programs or see them, I can only wonder if those responsible for this junk appearing on television are parents themselves. Would they allow their children to watch the garbage that they are putting on display?

Mr. President, I have watched my daughter come home and watch one of the cable networks which has a lot of children's material in it. And suddenly you turn in the afternoon to adolescent fare, which may be OK for adolescents, but certainly is not for a 7-year-old. The same is true of some of the evening programming, whose content, even in early evening hours, is inappropriate for children.

I wonder the same thing about those responsible for deciding to target a version of "Dumb and Dumber" to young children. Especially the studio spokesperson who described the upcoming series by saying, "It's going to so dumb it's smart. Or so smart it's dumb. I don't know which"

The case of "Dumb and Dumber" is particularly distressing, because on the same day that ABC announced that it was adding "Dumb and Dumber" to its lineup, the network said it was canceling one of its few quality educational programs for kids. That move would be alarming in its own right. By all accounts the program ABC was abandoning—a science-oriented show called "Cro" that is produced by the same highly regarded group that gave us "Sesame Street"—was an inventive and thought-provoking series.

Like too many of the choices made in our entertainment industry these days, this one mocks the efforts of mothers and fathers who are struggling to create a healthy environment for their children to learn and grow. There is a place for fun, for laughter, for cartoons. But at the same time, there has to be a place about respecting values, intelligence, and good family fare.

Sadly, ABC's decision is typical of the priorities set by America's big four broadcast networks, and those carried out by their local affiliates. According to a congressional hearing held last June, ABC, NBC, CBS, and Fox combined to show a total of 8 hours of educational programming a week in 1993, whereas in 1980, 11 hours was the average for just one network. If that is not distressing enough, a study conducted by the Center for Media Education showed that the clear majority of children's educational shows are broadcast when kids were usually asleep. That raises real doubts about the commitment of the networks and the affiliates to these programs.

The ritual defense and industry uses to justify their growing irresponsibility is that they are providing what the market demands. In some ways it is a persuasive argument in this country, and in most cases I am willing to abide by the market and let it be. But when it is used to shield behavior that potentially puts America's children at risk, I think we have to figure out a reasonable way to set up some warning signs so parents can protect their own children. As Washington Post TV critic Tom Shales said, "Just because people are willing to come is no defense. There's an audience for bloody traffic accidents too."

Our colleague Senator BRADLEY spoke forcefully about this issue in an excellent speech he delivered earlier this year at the National Press Club. Yes, we must remain committed to upholding freedom, Senator BRADLEY said, but we must also guard against the corrosive effect of the liberties we afford the markets, especially the entertainment industry. "The answer is not censorship," he said, "but more citizenship."

The Senate majority leader spoke out just within the last week or 10 days on this subject forcefully, and I think appropriately. The Senator from Illinois [Mr. SIMON] has been a long-time critic of television programming, and has appealed to those involved to give better fare to our kids. What Senator BRADLEY and Senator DOLE said about this not being about censorship but citizenship is absolutely right. That is what H.L. Mencken was talking about when he said long ago that the cure to whatever ails democracy is more democracy. Parents must exercise their primary responsibility and hold television programmers accountable and remind them that profits accrued at the expense of our children are really fool's gold. That means speaking out—loudly—and acting as informed consumers. The networks and their local affiliates, the programmers and the syndicators need our help in hearing the call that we expect more in the way of citizenship. And advertisers should recognize their responsibility to the larger civil society that allows us all to exist and grow in this great democracy of ours.

But the question remains, though, what should the proper response of Congress and the law be? I have come to the conclusion myself that talk or jawboning is not enough. Talk is not only cheap, as the proliferation of talk shows has demonstrated. It also is apparently not sufficiently effective in changing the programming climate. Without adequate relief in sight, I believe we have an obligation to provide parents with the help they need to reduce their children's exposure to programs that the parents find offensive and harmful. And that is what Senator CONRAD's amendment puts at issue, confronts, and that is why I am pleased to be supporting his efforts to make the expanding communications technology family friendly and to empower parents to control the programs that enter their own homes. Rather than placing any restraints on content and encroaching on any first amendment freedoms, the Conrad amendment would simply give parents the ability to block programming they do not want their children to see.

This technology is readily available, and its addition as a standard feature in televisions sold today would come at a very small cost, by one estimate less than 5 additional dollars per television set. That is a small price to pay for gaining control over influences that a lot of American families do not want to commit to their home.

For this technology to work, network programming must come with some form of ratings. With his amendment, Senator CONRAD is calling on the television industry to do nothing more than the movie makers and the video game manufacturers have done, and that is to establish a voluntary rating system to evaluate programming for objectionable content.

This amendment, which I am pleased to support, will give the industry a year to develop such a system on their own. If the broadcasters and cable networks for some reason do not respond to this call, then under the proposal of the Senator from North Dakota the FCC would be required to promulgate ratings that would trigger the use of the blocking technology called for in the proposal.

While I share Senator CONRAD's commitment to ratings, I also recognize that some people have first amendment concerns regarding the FCC's direct involvement in developing ratings, and that those concerns may prevent them from supporting this amendment even though they may strongly support its goals.

So with that in mind, I have proposed the second-degree amendment that would limit the Government's role, the FCC's role, should the industry refuse to comply to the invitation to self-restraint that is at the heart of this amendment. Instead of the FCC stepping in, if the television industry fails to develop a voluntary set of standards after 1 year, this amendment would bring about the creation of an independent board, a joint independent ratings board, comprised of representatives of the public and representatives of the television industry to create the ratings necessary under the amendment.

The panel would be a mechanism of last resort, if you will, because I think Senator CONRAD and I both want to work cooperatively with the television industry to see that a truly voluntary system is put in place. That is the best way for this to happen. But if it does not happen, then this second-degree amendment will ensure that the ratings system that emerges will be born from a true public-private partnership, and will be the product of a broad-minded consensus. Based on my recent experience with the video game industry, I am optimistic that we can reach a constructive solution that would avoid any Government intervention.

As some of my colleagues may recall—and Senator CONRAD made reference to it—a little more than a year and a half ago, Senator KOHL and I held a series of hearings to call attention to the increasingly graphic violent, sometimes sexually abusive, nature of video games played by our kids. From the outset we appealed to the producers' sense of responsibility to give parents information necessary to make the right choice for their children. As an incentive, we gave them a choice between rating the games themselves or having an independent board do it.

To the credit of the video game makers, and the producers of recreational software that will enable games to be played on personal computers, the industry itself developed a voluntary system that actually was in place less than a year after Senator KOHL and I held our first hearing. Now I am pleased to say that almost 600 video game titles have been rated. By this year's Christmas shopping season, we hope and believe, based on conversations with the industry itself, that almost all of the video games in the stores will be rated, and, therefore, parents will know the content of the games that they are buying for their children.

Mr. President, finally, it is my hope that the television industry will respond similarly to this initiative by the Senator from North Dakota, by Senator MIKULSKI from Maryland, and by myself, and accept that it has not only obligations but opportunities as a very important member of the greater American community. I can assure the folks in the television and broadcast industry that we stand ready to work with them in a cooperative fashion to do what is best for America's families. Yes, but also ultimately what is best for the American television industry without infringing on any of the freedoms all of us rightly cherish and protect. This is not about censorship. It is about choices. We do not want to take away a network's choice to air offensive material if that is their choice. We just want to make sure that parents and citizens have the choice to prevent their kids or their families or, indeed, themselves from watching that material.

Mr. President, I thank the Chair. I yield the floor.

Mr. CONRAD addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I would like to just put into the RECORD a number of statements from prominent Americans involved in important national organizations who have been a part of supporting this legislation.

First, I would like to quote from Dr. Robert McAfee, the national president of the American Medical Association, who said with respect to the larger legislation from which this amendment is drawn, and I quote. This is Dr. McAfee speaking:

> It is estimated that by the time children leave elementary school, they have viewed 8,000 killings and more than 100,000 other violent acts. Children learn behavior by example. They have an instinctive desire to imitate actions they observe, without always possessing the intellect or maturity to determine if the actions are appropriate. This principle certainly applies to TV violence. Children's exposure to violence in the mass media can have lifelong consequences.
>
> We must take strong action now to curb TV violence if we are to have any chance of halting the violent behavior our children learn through watching television. If we fail to do so, it is a virtual certainly the situation will continue to worsen * * *.

That from the head of the American Medical Association.

Samuel Sava, executive director of the National Association of Elementary School Principals, said, and I quote:

> The effect of television on children is of great concern to school principals. The family room television is more a persuasive and

> pervasive educator than all the teachers in America's classrooms. There's no question that the overdose of media violence American children receive is linked to their increasingly violent behavior. But more troubling for parents and educators is the fact that the violence children see, hear, and are entertained by makes them insensitive to real violence.

From Timothy Dyer, executive director of the National Association of Secondary School Principals, said, and I quote:

> Our nation is experiencing an unrivaled period of juvenile violent crime perpetrated by youths from all races, social classes, and lifestyles. Without question, the entertainment industry plays a role in fostering this anti-social behavior by promoting instant gratification, glorifying casual sex, and encouraging the use of profanity, nudity, violence, killing, and racial and sexual sterotyping.

Mr. President, that is really at the heart of the amendment we are offering today. This amendment says parents—parents—ought to be able to choose what comes into their homes. Parents ought to be empowered to help decide what their children view. Parents ought to have a role in making these choices.

We can help parents have that choice by putting choice chips in the new television sets. The technology is available. It is very low cost. Let us give the parents of America what they say they want.

Again, I go back to this USA Today poll that was just published: Should these kinds of choice chips be installed in TV sets so parents could block violent programming? Yes, 90 percent. Ninety percent of the American people say we ought to do this.

We have done it in the least intrusive way imaginable. We have done it by saying, look, industry, get together with FCC. We are not going to tell you when to do it. We leave it up to your judgment. You work together, FCC and the industry. You get together on when you are technologically ready to have these available in the television sets.

And on a rating system, in the same way we have said, industry, you have a year to work with all interested parties to come up with a rating system that makes sense for the American people. And only if you fail to act does anything else happen. We give you a year to go forward in good faith and get this job done.

We think they will do it. Look at the answer to the question: Do you favor a rating system similar to that used for movies? Eighty three percent in the USA Today poll say, yes, we want a rating system—83 percent. And 90 percent said they wanted the new choice chip in their new television sets.

That is what this amendment offers. It does it in a way that is fully constitutional. It does it in a way that is the least intrusive as possible, and yet it responds to the real wants of the American public, to have parents be able to choose what comes into their homes, to have parents be able to decide what their children want.

Mr. President, I hope that my colleagues would respond favorably to this amendment. I would be happy to answer questions or engage in further debate.

Mr. PRESSLER. Mr. President, we are studying this amendment. We have just seen the Conrad amendment in the second degree to the Lieberman amendment for the first time. In the Commerce Committee, there have been many bills introduced on this subject, including one by the distinguished former chairman, Senator HOLLINGS.

It was the intention and is the hope that we could hold full committee hearings, in fairness to all those Senators. There are so many Senators who have introduced bills on this subject. And when we finish this telecommunications bill, we are in hopes of turning to hearings for a number of reasons to give those Senators who have introduced a bill and been waiting a chance to have their bills considered but also to allow industry and consumer groups to give an analysis of this.

We have just seen this amendment in the second degree to the Lieberman amendment, and I know there is great passion at the moment about this subject throughout our land. I feel very strongly about this subject matter, and we are struggling with trying to find a fair way to deal with this amendment, which Senators have just seen, and dealing with Senator Hollings' bill which was introduced earlier. He had already asked for hearings, and also several other Senators. Also, in fairness to industry groups and parents and children, it would seem that testimony at full committee hearings would be a good first step.

Mr. President, I would like to yield to anyone else who has comments at this time.

Mr. CONRAD addressed the Chair.

The PRESIDING OFFICER (Mr. GREGG). The Senator from North Dakota.

Mr. CONRAD. I thank the Chair.

We have had hearings for years around here on this subject. Everybody wants to have more hearings. Frankly, the American people want us to act. They want us to work together to achieve something. We have had all the hearings we need on this question.

I introduced a bill that contained these provisions on February 2 of this year. So it is not the first time anybody has seen this. This has been in this body since February 2.

I just say that these are the national organizations that say vote for this now, no more delay, no more talk. Let us do something. Let us do something that makes sense. Let us do something that is constitutional. Let us do something that empowers parents. Let us do something that gives a rating system that the industry, on a voluntary basis, is able to create along with all interested parties. We give them a year to get this job done on their own.

Let me just read into the RECORD the national organizations that support this amendment: the National Association for the Education of Young Children, Future Wave, the American Medical Association, the American Medical Association Alliance, the National Association of Elementary School Principals, the American Psychiatric Association, the National PTA, Parent Action, the National Foundation To Approve Television, the National Association of Secondary School Principals, the American Academy of Child and Adolescent Psychiatry, the National Coalition on Television Violence, the American Academy of Pediatrics, the National Association for Family and Community Education, the Alliance Against Violence in Entertainment for Children, the American Nurses Association, the National Council for Children's TV and Media, the National Alliance for Nonviolent Programming, the National Association of School Psychologists, the Orthodox Union, the National Education Association, and the United Church of Christ.

Now, in the broader coalition we also have the sheriffs, police chiefs, and many others.

These organizations have all studied this issue and studied it and studied it and participated in hearing after hearing after hearing. They say now is the time to act. They are not alone. Ninety percent of the American people say, let us have these choice chips in our television sets; 83 percent of them say that they favor a rating system. We have tried to do this in the least intrusive way possible. We have done it by saying, with respect to choice chips, we will not say by when it should be done. We leave it up to the industry in conjunction with the FCC to determine the time at which it is practical to have this requirement go into effect. We leave it up to the experts: When is the time to have it go into effect?

With respect to the question of a rating system, we give the industry a year to work in conjunction with all interested parties on a voluntary basis to determine a rating system. They have done it in Canada. As I indicated earlier, the software industry, we gave them the same chance and they responded. They did a good job. So we are saying we believe this industry can do the same thing.

I wish to applaud the television manufacturers. They have gone a long way toward developing this technology. But clearly, if it is going to be widely disseminated in this country, it is going to require us to do a little something, just do a little something. The American people want us to act.

I thank the Chair.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I feel like Frank Clement at the 1956 convention. How long, O, America, how long will we continue to debate and not act? I share the same frustration that the distinguished Senators from Connecticut and North Dakota share on this particular score.

Over 2 years ago, getting right to one of the main points about the least intrusive manner—and the Senator from North Dakota is right on target there relative to constitutionality because he has read the cases, and we have all studied them, and that is what you have to do in order to qualify constitutionally in this particular measure—the least intrusive measure is with respect to children.

Yes, the courts have held you could not regulate violence with respect to the distinguished Presiding Officer and this particular Senator as adults. It is unconstitutional to try to even attempt it. So we found that you could do it with children. So having found that it could be done with children, then the least intrusive measure is not as suggested in this particular amendment, plus its perfection by the Senator from Connecticut; the least intrusive is limited to that period of time during the day when children are a substantial or majority portion of the viewing audience. That does not get them all. I feel, as the Senator sponsoring this measure, that I would like to get it all. I would like to get it all the time, but constitutionally I cannot. I think there is too much violence for all of us.

But constitutionally, not being able to, that would be one particular defect, as I see it, in the approach that has been brought out in hearings heretofore, and hearings heretofore incidentally back in 1993 that we had the present Attorney General study S. 470, which is now before our committee, a bill by Senator INOUYE, myself, and others. And Attorney General Reno attested to the fact that she thought it would definitely pass constitutional muster.

There is another feature with respect to this—and I am not just nit-picking because, if they call the amendment and we vote it, I would still vote for the amendment, I say to the Senator. Do not worry about that.

But what happens is you have a fee in here, also. When we had a fee 2 years ago, Senator Bentsen—no, this was 4 years ago, because 2 years ago he was the Secretary of Treasury—but 4 years ago when we had a similar hearing, he said, "Wait a minute, the fee belongs in the Finance Committee," and someone later on would raise that point. I would still vote for it.

There are these kinds of misgivings. I remember the distinguished chairman of the Communications Subcommittee on the House side—the distinguished Presiding Officer would know and be familiar with the honorable Congressman ED MARKEY, of Massachusetts. He had what he called then the V-chip. They are calling this the choice chip. He ran into these similar problems. But it is not my argument.

So we have had problems. Like I said, how long, America, are we going to consider and do nothing because there is a problem for every solution?

I would prefer—it would be up to the sponsors of the bill; I am confident our distinguished chairman would prefer—to take these perfecting amendments, with a matter of a fee there, and otherwise, to have a hearing on this and guarantee we will bring out a bill of some kind that we think is constitutional.

I do not want them to think it is a putoff. I do know there is an inherent danger here that I immediately feel, having been in this particular discipline now for a long time. I started off last week in the opening statement I made that evening—I think it was last Wednesday evening—that any particular entity or discipline in communications has the power to block the bill.

I can see the broadcasters, when they see fees, running around trying to block this bill. That, again, is not necessarily a valid argument against the amendments of the Senators from North Dakota and Connecticut. But there are these inherent dangers that immediately arise. I can think of several others.

I have the opportunity to distinguish what we have pending before the committee. I implore the authors to go along with it, but if they want to vote, I am convinced the majority leader is ready to vote for them. Is it the desire of these Senators, irregardless, as my Congressman Rivers used to say down home, irregardless, you are going to want to vote one way or the other, period, because I do not know whether it is our duty to argue further, I say to the chairman.

I yield the floor.

Mr. CONRAD. Mr. President, I say to the distinguished managers of the bill, Senator HOLLINGS and Senator PRESSLER, that we do intend to get a vote on this matter. We have many national organizations that have waited years to have Congress speak on this question. We have gone through draft after draft to address the legitimate concerns of people to make this as reasonable and unintrusive as possible.

I just say to the Senator from South Carolina, there is no fee in the underlying Conrad amendment. None. There is no fee here. The second-degree amendment has a fee. But the Conrad amendment has no fee; none, zero.

As I say, we have done this in the least intrusive way possible. We are trying to respond to what is the legitimate concern voiced by the Senator from South Carolina. I might say, the Senator from South Carolina [Senator HOLLINGS] has been a great leader on this issue. He has been someone who is concerned and has repeatedly raised the issue of violence in the media. He has said we ought to do something about it, and he has been willing to do that.

The American people want something done, and the least intrusive way to do it is to have choice chips on the televisions. American people overwhelmingly want it. It costs less than $5 a television set, and industry representatives just told us this morning that when it is in mass production, they believe some of these chips will cost as little as 18 cents—18 cents—a television set, to provide parents the right to choose what their kids see.

In addition, we create a rating system so that parents have some idea of what the programming will contain before they see it. Eighty-three percent of the American people say they want such a rating system. Again, we have done it in the least intrusive way possible. We do not let the Government decide it. We say, "Industry, you meet with all industry parties, meet with the parents and teachers, meet with the school principals, meet with all the people who are concerned about this issue, meet with the church leaders and, on a voluntary basis, come up with a rating system and you have a year to do that without any Government interference or action."

Again, I say to the chairman, who has the difficult challenge of managing this bill, we would like a vote. I, at this point, ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. PRESSLER. I would like to reserve the right to table.

The PRESIDING OFFICER. There is not a sufficient second.

Is there a sufficient second? The Chair did not hear the Senator from South Dakota. The Chair is asking if there is a sufficient second.

There is a sufficient second.

The yeas and nays were ordered.

Mr. PRESSLER. Let me make a request here. I see the Senator from Vermont here. If we can lay this aside—the problem we have is the memorial service for Les Aspin. Some Members want to speak, particularly the Senator from Illinois has requested a chance to speak on this amendment before we made any decision about it. So we already made one decision about it. I am wondering if the Senator from Vermont could offer his amendment, if he will allow us to do that. We have been working under the tortuous process of having all these conflicts.

Mr. LEAHY. I had discussed with the distinguished Senator from South

Carolina the possibility of going with one of my major amendments. I understand we have some votes at 4 o'clock, or something to that effect. Mr. President, I advise my colleagues and friends that I would be perfectly willing to go forward with the so-called interLATA amendment, if that would be helpful, right after the vote. I have to speak with some of the other cosponsors, but I would be happy to enter into a relatively short time agreement and an agreed-upon time to vote on it.

As my colleagues know, I rarely bring up anything that is going to take very long. I do not want to hold up people, and I have another amendment. So I would be very happy, once I bring it up, to enter into a relatively short time agreement with a time certain for a vote.

Mr. PRESSLER. I am trying to help Senator SIMON.

Mr. LEAHY. I will do it right after the 4 o'clock vote.

Mr. PRESSLER. I do not think Senator SIMON is going to be able to speak until 4:15, when the bus gets back from the Les Aspin service. If my friends agree, I ask unanimous-consent that this amendment be laid aside until Senator SIMON can speak and we go to the Bumpers amendment.

Mr. CONRAD. Reserving the right to object, Mr. President.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. I say to the chairman and the ranking member, I will not object, but I just want to say that I ask for the opportunity to answer Senator SIMON if he makes a statement in opposition to the amendment.

Mr. PRESSLER. I am just trying to accommodate that side of the aisle. I do not know if he is for the amendment or against the amendment.

Mr. CONRAD. I do not either. I do not need a unanimous-consent agreement or anything of the kind. I just ask the chairman for his acknowledgment that we will have a chance to debate it.

Mr. PRESSLER. Yes, yes; absolutely. You shall always have a chance to speak on anything you want as far as I am concerned.

Mr. CONRAD. We will be happy to lay it aside.

Mr. LIEBERMAN addressed the Chair.

The PRESIDING OFFICER. The Senator is reserving the right to object.

Mr. LIEBERMAN. Reserving the right to object, and I will not object, I just want to take this moment to respond to the remarks of the Senator from South Dakota, to thank him for his support of the concept, to acknowledge that he has been on the frontier of this one and has been a pioneer for quite a while, and also to say, in the interim, while this amendment is being laid aside, I am going to pursue the suggestion that he made to modify the amendment to remove the fee provision from my second-degree amendment. It was put in there to make this ratings board self-financing. If the distinguished ranking member thinks that may complicate the future of the proposal, I will be happy to modify it. So I will not object.

The PRESIDING OFFICER. Without objection, the unanimous consent request of the Senator from South Dakota is agreed to.

AMENDMENT NO. 1348

(Purpose: To protect consumers of electric utility holding companies engaged in the provision of telecommunications services, and for other purposes)

Mr. BUMPERS. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS], for himself and Mr. DASCHLE, proposes an amendment numbered 1348.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 76, after line 10, insert the following new subsection: "AUTHORITY TO DISALLOW RECOVERY OF CERTAIN COSTS.—Section 318 of the Federal Power Act (16 U.S.C. 825q) is amended—

(A) by inserting "(a)" after "Sec. 318."; and

(B) by adding at the end of thereof the following:

"(b)(1) The Commission shall have the authority to disallow recovery in jurisdictional rates of any costs incurred by a public utility pursuant to a transaction that has been authorized under section 13(b) of the Public Utility Holding Company Act of 1935, including costs allocated to such public utility in accordance with paragraph (d), if the Commission determines that the recovery of such costs is unjust, unreasonable, or unduly preferential or discriminatory under sections 205 or 206 of this Act.

"(2) Nothing in the Public Utility Holding Company Act of 1935, or any actions taken thereunder, shall prevent a State Commission from exercising its jurisdiction to the extent otherwise authorized under applicable law with respect to the recovery by a public utility in its retail rates of costs incurred by such public utility pursuant to a transaction authorized by the Securities and Exchange Commission under section 13(b) between an associate company and such public utility, including costs allocated to such public utility in accordance with paragraph (d).

"(c) In any proceeding of the Commission to consider the recovery of costs described in subsection (b)(1), there shall be a rebuttable presumption that such costs are just, reasonable, and not unduly discriminatory or preferential within the meaning of this Act.

"(d)(1) In any proceeding of the Commission to consider the recovery of costs, the Commission shall give substantial deference to an allocation of charges for services, construction work, or goods among associate companies under section 13 of the Public Utility Holding Company Act of 1935, whether made by rule, regulation, or order of the Securities and Exchange Commission prior to or following the enactment of the Telecommunications Competition and Deregulation Act of 1995.

"(2) If the Commission pursuant to paragraph (1) establishes an allocation of charges that differs from an allocation established by the Securities and Exchange Commission with respect to the same charges, the allocation established by the Federal Energy Regulatory Commission shall be effective 12 months from the date of the order of the Federal Energy Regulatory Commission establishing such allocation, and binding on the Securities and Exchange Commission as of that date.

"(e) An allocation of charges for services, construction work, or goods among associate companies under section 13 of the Public Utility Holding Company Act of 1935, whether made by rule, regulation, or order of the Securities and Exchange Commission prior to or following enactment of the Telecommunications Competition and Deregulation Act of 1995, shall prevent a State Commission from using a different allocation with respect to the assignment of costs to any associate company.

"(f) Subsection (b) shall not apply—

"(1) to any cost incurred and recovered prior to July 15, 1994, whether or not subject to refund or adjustment;

"(2) to any uncontested settlement approved by the Commission or State Commission prior to the enactment of the Telecommunications Competition and Deregulation Act of 1995"; or

"(3) to any cost incurred and recovered prior to September 1, 1994 pursuant to a contract or other arrangement for the sale of fuel from Windsor Coal Company or Central Ohio Coal Company which has been the subject of a determination by the Securities and Exchange Commission prior to September 1, 1994, or any cost prudently incurred after that date pursuant to such a contract or other such arrangement before January 1, 2001.".

Mr. BUMPERS. Mr. President, this amendment is being offered by Senators DASCHLE and KERREY and myself. I hope that we might get the managers of this bill to accept this amendment. It is precisely the language that was in last year's telecommunications bill. I do not know what happened on the way to the forum this year.

Somehow or another it did not make it. Since it is the same language that was in last year's bill, perhaps by the time we get around to finishing the debate the floor managers might see fit to accept it.

Now, Mr. President, here is what this amendment is about: any company that owns 10 percent of a utility company is considered a utility holding company. In 1935, because some public utility holding companies were very big and very powerful, we passed the Public Utility Holding Company Act [PUHCA].

Holding companies that operate essentially on a multistate basis, 11 electric utility holding companies and three natural gas utility holding companies—are what we call registered public utility holding companies. They must act and conduct themselves in accordance with PUHCA.

In my State, Arkansas Power & Light is owned by Entergy, a registered utility holding company. Entergy also owns utility subsidiaries in Louisiana, Mississippi, and Texas.

The other public utility companies have a similar number of utility subsidiaries. These 14 registered public utility holding companies serve approximately 50 million households in the United States.

The chart I have here contains a map of the affected States. All the States in dark blue, are served by registered utility holding companies. The States in light blue, including North Dakota, South Dakota, Minnesota, and Wisconsin, will be served by registered holding companies following the completion of proposed mergers.

Under the telecommunications bill, PUHCA will be amended to permit these public utility holding companies to get into telecommunications activities. Unlike the baby Bells, they can enter into these businesses immediately after the President puts his signature on this bill. No questions asked.

Here is what I am trying to address with this amendment. In 1971, a utility subsidiary of a registered public utility holding company, American Electric Power, the Ohio Power Co., which is an electric utility company, entered into a contract with a sister affiliate, called Southern Ohio Coal Co.

In 1971, 24 years ago, Southern Ohio Coal Company agreed to sell coal to Ohio Power under a contract. They said, "We will sell you coal at our cost." Think about that. One sister company is saying to another sister company "We will sell you coal at our cost." The only agency with authority to scrutinize that contract as to whether it is a good contract or a bad contract for consumers is the Securities and Exchange Commission [SEC], as is required by PUHCA.

The SEC looked at the contract in 1971 and said "this is just hunky-dory. Fine contract. Off you go." The coal company sold its coal to its sister company—both of them owned by the same parent—Ohio Power, which generated electricity and obviously passed the cost of the coal as a part of its costs to the ratepayers in Ohio.

If you are sitting around at night in your house worrying about your electric bill and that air-conditioner is going full-time because it has been a hot day, you worry about the price of the power, but you assume that somebody, somewhere, is making sure what you are paying for that air-conditioning that day is a fair price.

Electric rate regulation in this country is conducted at both the Federal and State levels. The Federal Energy Regulatory Commission [FERC] is the only body that regulates the rates charged for power sold at the wholesale level. Everybody here knows what FERC is. FERC regulates wholesale sales of power.

What is a wholesale sale of power? That is the sale of power to a utility which in turn will sell it to the people who buy its power. Only FERC can set those rates.

Back to the guy sitting in his living room with the air-conditioning going. He does not realize that Southern Ohio Coal Company is selling coal to Ohio Power, who is generating electricity for his air-conditioner. He did not realize that the coal company was charging Ohio Power as much as twice as much as that coal could be bought for on the open market. That is right—100 percent more than their cost.

So, the municipalities that bought power from Ohio Power Company got to thinking, "We are getting ripped off." So they go to FERC and they say, "Listen, FERC, we are paying a utility rate for electricity that has been generated with coal from Southern Ohio Coal Co. and Ohio Power is giving them as much as 100 percent profit." That is right. Ohio Power is paying the coal company 100 percent more than they can buy from anybody else in southern Ohio.

They go to FERC and say, "how about giving us a break on our rates? Check this out and see if it is right." So FERC sends a bunch of investigators out to find out if this is a true story. What do we get? It is. It is true.

Ohio Power has been paying up to 100 percent more for coal than they could have bought it from anybody. And they have been putting it in their rates, and the poor guy sitting in his living room wondering how he will pay for his electricity bill that month suddenly realizes he has been taken.

So FERC says, "This is not right. This is not fair by any standard. Stop it. We are going to give you people a new rate. We will not sit by and tolerate something like this."

What do you think Ohio Power did? Why, they did what any big fat-cat corporation would do that has all the money in the world—they appealed the FERC decision. Who did they appeal it to? The U.S. Court of Appeals for the District of Columbia Circuit.

The court of appeals decided that FERC had no jurisdiction. They did not have a right to delve into this issue. The court said the only agency with authority to look at this issue is the Securities and Exchange Commission. They approved the original contract. They said, it was just fine. And 21 years have gone by and they never looked at it again.

Incidentally, the poor little municipalities were continuing to get ripped off. They filed a petition with the SEC in 1989. Guess what the SEC has done in the last 6 years with their petition? You guessed it, Mr. President, nothing. Nothing.

When they saw that SEC was not going to do anything, that is the reason they took it to FERC and said, "FERC, why don't you help us? You have the jurisdiction to do it."

FERC said, "We do, and we will."

The court of appeals said, "No dice."

Now, Mr. President, my amendment is simple, straightforward, and fair. There are a lot of people in this body who are apprehensive about this bill. Know why they are apprehensive? Because they are afraid that it will wind up being anticompetitive, instead of procompetitive.

There is one thing in this bill that everyone should understand. The bill addresses public utility holding companies. It talks about public utility holding companies. It talks about FERC.

And Senator D'AMATO, to his credit, put a little proconsumer language in this bill. But his language will not ensure that poor old Joe Lunchbucket sitting in his living room worrying about his air-conditioning bill will be protected. TOM DASCHLE, BOB KERREY and DALE BUMPERS, we care about what his electric bill will be this month.

We are offering this amendment to prohibit cross-subsidization between affiliates of a public utility holding company. We are saying, "We are not going to allow these people to charge 100 percent more than their cost and charge it to this poor guy sitting in his living room watching television."

This amendment is directly related to the telecommunications bill. These public utility holding companies, serving more than 50 million households, want to get involved in the telecommunications business. I am for them. I want them in the cable television business. I want competition in the cable television business.

As I said in my opening statement, if the President signs this bill the public utility holding companies can immediately go into the telecommunications business—telephone, cable television, you name it.

So what I am saying is I do not want one utility company that generates electricity ripping off their sister affiliates and charging it to poor old Joe Lunchbucket. I do not want sister affiliates inflating their costs from one company to another and passing it on to any ratepayers.

Let me give an illustration. This chart explains precisely what I am talking about. Here is the registered holding company—let us assume this is American Electric Power. Here is a subsidiary which sells both fuel and telecommunications services. This subsidiary, we will say, is Southern Ohio Coal Co. They are mining coal and selling it to these utilities. But let us assume they are also in the telecommunications business, all of a sudden. They start shifting their costs from telecommunications to their coal operations, so they can compete better in the telecommunications market. They shift their costs over to the coal company, knowing that nobody is guarding the store, and that they can charge it to these utility companies and put it right back on old Joe Lunchbucket again. Not only are they going to charge them this exorbitant rate for coal and make him pay for it through his electric bill, now they are going to go to the telecommunications business and shift the cost from the telecommunications to coal, so their telecommunications cost will be so much less nobody can compete with them here in Washington, DC, or in Little Rock, AR.

Here is another example. Here is the same registered utility holding company. They form a telecommunications subsidiary. In addition, the holding company already has a service company which performs certain functions for the utility subsidiaries.

Let us assume that the telecommunications company is going to provide telecommunications services to the service company. They are going to charge them just like the coal company did, a 100 percent profit. And then what is going to happen? They are going to pass it right down to the utility companies through the service company contracts and the utilities are going to pass it down to old Joe Lunchbucket again.

Mr. President, this gets a little complicated for people who have not dealt with it for the past 3 years, as I have. As I say, I am still a little nonplused about why my amendment was in the bill last year and is not in the bill this year. I guess somebody just felt they had a little more clout this year. They might not have liked it last year. I am not rocking the boat, but a lot of people, as I say, are worried about how the consumer comes out in all of this. If my amendment is not adopted, I can tell you exactly how the consumer is going to come out if he buys any services from a registered public utility holding company.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. HOLLINGS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KERREY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERREY. Mr. President, I have an amendment that is already at the desk that I have discussed with the managers of this bill. It is similar to an earlier amendment that was offered by the Senator from Pennsylvania and adopted, I believe 90-something to something, dealing with incidental interLATA relief.

Mr. President, I ask unanimous consent that the Bumpers amendment be laid aside temporarily so that we may consider this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERREY. Mr. President, on this chart I am going to show the problem. We also have an illustration of why this amendment is needed or why we need to change the current method of regulation.

We have in the United States of America, since the divestiture in AT&T, created these local access transport areas (LATA's) throughout the country defining what local telephone service is. In northeast Nebraska, we have two—644 and 630. The red line down the center separates one from the other.

We have established a method to get our K through 12 schools hooked up to the Internet that requires us to go through a central hub. There are a number of them called educational service units.

Unfortunately for schools up in the northeastern part of the State, they have to cross one of these artificial boundaries, these LATA boundaries, in order to get to this little red dot here which represents the Wakefield, NE, educational service unit. All of these school districts here—Jackson, South Sioux City, Dakota City, Homer, Hubbard, Winnebago, Walthill, Macy, Rosalie—all have to cross that LATA in order to be able to connect to the educational service unit in Wakefield. It is about 17 miles total, somewhere in that range, from one of these towns to this central hub.

This problem was identified to me originally by a principal, Chuck Squire, of Macy School, as he was trying to get his school hooked up to the Internet. The requirement was again, as I said, to go through Wakefield. Because it crosses that interLATA boundary, it is no longer a local call. You have to pay an access charge when you are going from here to any one of these schools over here. The cost for dedicated Internet service if the local Bell company could provide the service would be approximately $180 a month, with an $800 installation charge. But for a long distance company, it ends up being almost $1,100 a month with a $1,000 installation charge, because the traffic needs to be routed across the State boundary.

What happens is the schools end up with about $10,000 to $12,000 more per year in the monthly charge. These are very small school districts, most of them, and $12,000 ends up being a lot of money. They get nothing more for it.

And this amendment, as I said, that I have discussed both with the chairman of the committee and with the ranking member, would grant incidental LATA relief to the Bell Operating Companies to provide dedicated two-way video or Internet service for this dedicated purpose, in this case the K through 12 environment.

The hope is, of course, that the legislation itself will eventually obliterate the need to ask for this kind of incidental relief. The hope is that these kinds of restrictions that make it difficult for prices to come down—you can see in a competitive environment, if you had competition at play here, these prices would go down. This price was not high as a consequence of some cost. It is a consequence entirely of the current regulatory structure.

So again, I am finished describing what the amendment does. I hope that the amendment can be simply agreed to at this time.

Mr. HOLLINGS. Mr. President, if the distinguished Senator from Nebraska is waiting for a response from this side, there is an amendment on interLATA rates which I discussed with the distinguished Senator at the time. We wanted to make absolutely clear that we did not open up a big loophole. The distinguished Senator now has it limited. It is dedicated, and I think in good order. We are prepared to accept the amendment on this side.

The PRESIDING OFFICER. Will the Senator from South Carolina wait for a second?

We do not have the amendment of the Senator from Nebraska at the desk.

Mr. KERREY. I will send a copy that I have here to the desk.

AMENDMENT NO. 1335

(Purpose: To provide that the incidental services which Bell operating companies may provide shall include two-way interactive video services or Internet services to or for elementary and secondary schools)

Mr. KERREY. Mr. President, I send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nebraska [Mr. KERREY] proposes an amendment numbered 1335.

Mr. KERREY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 94, strike out line 16 and all that follows page 94, line 23, and insert in lieu thereof the following:

"(B) providing—

"(i) a telecommunications service, using the transmission facilities of a cable system that is an affiliate of such company, between LATAs within a cable system franchise area in which such company is not, on the date of enactment of the Telecommunications Act of 1995, a provider of wireline telephone exchange service, or

"(ii) two-way interactive video services or Internet services over dedicated facilities to or for elementary and secondary schools as defined in section 264(d),".

Mr. PRESSLER. Mr. President, we just saw this amendment about 30 minutes ago for the first time. We have been juggling six amendments. We would ask that the Senator withhold asking for a vote on it until we have a chance to study this amendment. I commend the Senator from Nebraska. It looks like something that I am taking a favorable look at. But we have not run it through all the hoops over here.

Mr. KERREY. I do not quite follow. I thought earlier we had discussed it.

Mr. PRESSLER. We discussed it last night, and had not agreed to accept it. But we just saw it for the first time 30 minutes ago. At that time, the Senator said he was going to supply us with a different copy. Do we have the final copy of the amendment?

Mr. KERREY. We just sent a copy to the desk.

Mr. PRESSLER. Do we have a final copy of the amendment?

Mr. KERREY. The Senator should have the final copy now.

Mr. PRESSLER. Will the Senator agree to set it aside and give us a chance to look at it? It will take us 15 minutes. We want to take a look at it.

Mr. KERREY. Sure. I would be pleased to.

The PRESIDING OFFICER. Without objection, the amendment is set aside.

Mr. PRESSLER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SIMON. Mr. President, I ask unanimous-consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRESSLER. Will my colleague yield? I have a unanimous-consent request. May I make this unanimous-consent request?

Mr. SIMON. I have no objection to that at all.

Mr. PRESSLER. By the way, we are looking forward very much to hearing the Senator's views on this. We have been holding the option open.

I ask unanimous consent that at 4 p.m. today, the Senate proceed to vote on the McCain amendment 1276, to be followed immediately by a vote on the motion to table the Feinstein amendment number 1270, and that the time between now and 4 p.m. which is 1 minute, be equally divided in the usual form for debate on either amendment. So there would be no further debate. I think we have debated both amendments.

Mr. HOLLINGS. Reserving the right to object, Mr. President, do I understand the Senator moved to table the McCain amendment?

Mr. PRESSLER. No; we are proceeding to vote on the McCain amendment.

Mr. HOLLINGS. I move to table the McCain amendment, and I ask for the yeas and nays.

Mr. DOMENICI. Reserving the right to object, the Chair has not ruled on that request, have you?

The PRESIDING OFFICER. No, I have not.

Mr. HOLLINGS. I object.

Mr. DOMENICI. Will the Senator yield me 1 minute?

Mr. PRESSLER. Sure.

Mr. HOLLINGS. Sure.

(The remarks of Mr. DOMENICI pertaining to the introduction of S. 917 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Several Senators addressed the Chair.

The PRESIDING OFFICER. The unanimous-consent request is pending. Is there objection? Without objection, it is so ordered.

Mr. SIMON. Mr. President, reserving the right to object, the request is that we vote at 4 o'clock; is that correct?

Mr. PRESSLER. Yes; I am trying to get two votes out of the way so we can get moving along, so to speak. We still have some Senators coming back from the Les Aspin function. Then we will have a full force, and we will then do some business.

Mr. SIMON. Will the manager agree that after that, I be recognized? I have no objection.

The PRESIDING OFFICER. If there is no objection, the unanimous-consent request is agreed to.

There is 1 minute of time divided equally between the manager of the bill and the ranking member.

Who yields time?

Mr. MURKOWSKI addressed the Chair.

Mr. PRESSLER. There must be no time.

The PRESIDING OFFICER. The manager has control of the time.

Mr. PRESSLER. I suggest that the hour of 4 p.m. has arrived and there would be no time to divide.

The PRESIDING OFFICER. The Senator is correct.

The Chair notes that the Senator from Alaska is seeking recognition. Does the manager wish to yield him his time?

Mr. MURKOWSKI. If I may. I simply want to speak very briefly, about 3 minutes, in opposition to the Ohio Power amendment.

Mr. PRESSLER. Then I ask unanimous consent that at the end of 3 minutes the Senate will vote on the two votes that have been requested.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The Senator from Alaska is recognized.

Mr. MURKOWSKI. I thank my friend, the floor manager.

Mr. President, I rise in opposition to the pending amendment to overturn the Ohio Power court case. I am opposed to it simply because it is bad policy, and I will explain briefly why.

In the Ohio Power case, the U.S. court of appeals held that the Congress gave a single Federal agency—the Securities and Exchange Commission—jurisdiction over the interaffiliate transactions of registered electric utility holding companies. Those utilities sell power to an estimated 50 million households in 30 States.

The court said that a second Federal agency, the Federal Energy Regulatory Commission, cannot also regulate the same matter. No dual regulation, the court said.

So, Mr. President, good public policy is that if something must be regulated, then one and only one agency should do it, not two, which is the provision in the amendment before us. Utilities should not be whipsawed between the conflicting decisions of two different regulatory agencies. Unfortunately, that is precisely what this amendment does.

Mr. President, the proponent of the amendment argues that the FERC is a better regulator than the SEC; that we ought to overturn Ohio Power so that the FERC can regulate these transactions. But rather than take jurisdiction away from the SEC and give it to the FERC, the pending amendment allows both agencies to regulate the same matter.

I question the claim that FERC has been a better regulator than the SEC. I am less concerned about which agency regulates than having only one agency regulate. If both agencies use the same statutory standard for making their decisions and if both made their decisions at the same time, then the problems created by dual regulation might be manageable. But that is not how it will work if the pending amendment is adopted.

First, the SEC will regulate pursuant to the Public Utility Holding Company Act, and the FERC will regulate pursuant to the Federal Power Act. These two laws have different statutory standards, and the result will be conflicting regulatory decisions.

Second, because of differences in the two statutes, the decisions made by the SEC and the FERC cannot take place at the same time. The Public Utility Holding Company Act requires preapproval by the SEC, whereas the Federal Power Act provides for post-transaction review by the FERC. In the Ohio Power case, for example, the FERC acted 11 years after the SEC made its regulatory decision.

In short, the two regulatory systems are incompatible. Neither is inherently better than the other, they are simply different. The Ohio Power court recognized that fact; the pending amendment ignores it.

Mr. President, I am also concerned that the pending amendment does not respect the sanctity of contracts. It is intended to allow the FERC to retroactively overturn longstanding, SEC-approved contracts. Some of these contracts have been in place for more than a decade, and the parties have invested many hundreds of millions of dollars. Those investments will be placed in jeopardy if the pending amendment is adopted.

Mr. President, the proponent of the amendment also claims that it is needed to restore State public utility commission jurisdiction to where it was prior to Ohio Power. However, in some respects, the amendment actually has the opposite effect. It specifically prohibits State public utility commissions from using a cost allocation method different from one the SEC uses. In short, the pending amendment will require State public utility commissions to do what the SEC tells them to do.

Perhaps the most troubling aspect of the amendment is its resurrection of the very cost trapping the Ohio Power court found unacceptable. This will happen when a utility incurs costs pursuant to an SEC-approved contract but the FERC subsequently denies the passthrough of those approved costs.

In summary, Mr. President, the amendment would create a complex, overlapping, and confusing regulatory maze. It would allow electric agencies to be squeezed between the conflicting agency decisions. That is bad public policy.

Mr. President, the amendment should be rejected, and I urge my colleagues to vote against it.

I thank the floor managers for the opportunity to speak in opposition to the Bumpers amendment.

I yield the floor.

The PRESIDING OFFICER (Mr. THOMPSON). The Senator's time has expired.

VOTE ON AMENDMENT NO. 1276

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1276. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 18, nays 82, as follows:

[Rollcall Vote No. 251 Leg.]

YEAS—18

Abraham
Ashcroft
Brown
Coats
DeWine
Dole
Gorton
Gramm
Helms
Hutchison
Kyl
Mack
McCain
Nickles
Packwood
Santorum
Specter
Thompson

NAYS—82

Akaka
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Bradley
Breaux
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Daschle
Dodd
Domenici
Dorgan
Exon
Faircloth
Feingold
Feinstein
Ford
Frist
Glenn
Graham
Grams
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Hollings
Inhofe
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nunn
Pell
Pressler
Pryor
Reid
Robb
Rockefeller
Roth
Sarbanes
Shelby
Simon
Simpson
Smith
Snowe
Stevens
Thomas
Thurmond
Warner
Wellstone

So the amendment (No. 1276) was rejected.

Mr. PRESSLER. I ask unanimous consent that the next vote be set aside temporarily.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRESSLER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PRESSLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRESSLER. Mr. President, I ask unanimous consent the Bumpers amendment be voted on in 10 minutes and the Senator from Mississippi have 10 minutes to speak on it—5 minutes each. At that point we will move to table the Bumpers amendment.

The PRESIDING OFFICER. Is there objection?

Mr. LOTT. Mr. President, reserving the right to object, and I do not intend to object, I would like to ask the distinguished chairman of the committee if he would add that, after the vote on the Bumpers amendment, Senator SIMON then be recognized for an amendment that he has been seeking recognition on.

Mr. PRESSLER. That is fine.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. LOTT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator is recognized for 5 minutes.

Mr. LOTT. Mr. President, under the unanimous consent agreement I believe we have 10 minutes, now.

Mr. DOMENICI. Could we have order, Mr. President?

The PRESIDING OFFICER. There will be order in the Chamber.

AMENDMENT NO. 1348

Mr. LOTT. I believe that we do have 10 minutes now of debate on the Bumpers amendment, and then we would go to a vote at that point. So I would like to be heard briefly in opposition to the Bumpers amendment.

First, before I do that, I thank the Senator from Arkansas. Although I cannot support his amendment, I appreciate his willingness to work with me and Senator D'AMATO in developing appropriate safeguards as registered utilities enter this telecommunications area. I also thank him for working last year to resolve these issues in the Energy Committee. Of course it involves the Banking Committee as well as the Energy Committee. He was very cooperative in that effort.

The amendment he raises today should be considered, but not on this legislation. The Energy Committee has rightfully asked that such amendment first go through the Energy Committee where it was considered last year in preparation for the telecommunications bill being voted on by the Commerce Committee. So I must honor Senator MURKOWSKI's request as chairman of the committee on that matter and oppose the amendment on that basis, if no other. Having said that, I want to point to the substantial safeguards that were included in the managers' amendment to address the concerns of Senators D'AMATO and BUMPERS.

I would also like to take just a moment to point out the critical importance of this provision to the legislation and in particular to our region of the country, because it is going to provide an opportunity for tremendous services through the utility companies in our area and really will go a long way to providing the smart homes we have been talking about in addition to the new smart information highways.

What this all involves is the now famous Ohio Power case, and it deals with a Supreme Court ruling that restricts a State's right to disallow certain costs between companies in a registered holding company system for the purposes of ratemaking. With respect to such transactions related to telecommunications activities, this matter has already been addressed with language that prevents cross-subsidization between the companies. To the extent there remain unresolved issues regarding the broader application of the Ohio Power case, they should be dealt with by the Congress as part of its overall review of the Public Utility Holding Company Act, PUHCA.

Senator D'AMATO has indicated he will hold hearings on it and consider comprehensive PUHCA legislation later this session. I feel very strongly that is needed.

For these reasons the Bumpers amendment is not necessary at this time and I urge my colleagues to vote against it.

The purpose of the telecommunications bill is to allow competition in the broadest sense possible in the provision of telecommunications services. Most utility companies are already able to participate in the market. However, current law prevents the 14 registered utility holding companies from fully participating in telecommunications markets. With appropriate consumer protections, this amendment allows registered utility holding companies to enter this important market on the same footing as other utilities and new market entrants. The amendment would allow a registered holding company to create a separate subsidiary company that would provide telecommunications and information services.

The amendment contains numerous consumer protection provisions—the bill itself—which would be substantially altered by what the distinguished Senator from Arkansas is trying to do here.

So the public utility company subsidiary of a registered holding company may not issue securities and assume obligations or pledge or mortgage utility assets on behalf of a telecommunications affiliate without approval by State regulators. Also, protections in the bill say a telecommunications subsidiary of a registered holding company must maintain separate books, records and accounts and must provide access to its books to the States. State regulators may order an independent audit and the public utility is required to pay for that audit. If ordered by State regulators, a public utility may file a quarterly report, if that is ordered by the State regulators. Also, the public utility company must notify State regulators within 10 days after the acquisition by its parent company of an interest in telecommunications.

So there are very strong protections here. I think what we are talking about is making sure these registered utility holding companies can provide these services. It greatly enhances the opportunity for information and for competition, and I do not believe we need this amendment for there to be adequate protections for the consumer. They are in the bill.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. LOTT. We took great precautions to make sure those protections were included in the bill. So for these reasons outlined, I urge defeat of the Bumpers amendment and I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 5 minutes.

Mr. BUMPERS. Mr. President, for the benefit of my colleagues who were not here for the earlier part of this debate, let me just say that my amendment is what I would call the do-right amendment. It was precipitated by an incorrect decision issued by the D.C. Circuit Court of Appeals in the Ohio Power case. In 1992, a bunch of cities who bought power from a utility subsidiary of a registered utility holding company, named Ohio Power. They were buying power from Ohio Power and Ohio Power was buying coal to generate that power from a sister company called Southern Ohio Coal.

The municipalities went to FERC, because FERC sets wholesale rates; that is power sold from a utility company to a city, for example. And they say, "We think Ohio Power's rates are too high and the reason they are too high is because this coal company is charging its sister company an exorbitant rate for coal." FERC sends their investigators out and what do they find? They found Ohio Power is charging 100 percent more for coal than that coal can be bought from anybody else in southern Ohio. What is happening is Ohio Power is paying twice as much for coal and what are they doing? They are passing it right on down to the municipalities who, in turn, have to pass it right on down to Joe Lunchbucket, who is worried about how he is going to pay his air-conditioning bill this month. It is just that simple. That is all there is to this.

Mr. JOHNSTON. Will the Senator yield for a question?

Mr. BUMPERS. I will be happy to yield.

Mr. JOHNSTON. Is this the identical amendment which was passed out of the Energy Committee after a great deal of hearings and work last year, I believe it was 14 to 5?

Mr. BUMPERS. Mr. President, this amendment is the precise language reported out of the Energy Committee, 14 to 5 last year. And it was incorporated in this bill precisely that way. There is nothing new about it.

Mr. JOHNSTON. I thank my colleague.

Mr. BUMPERS. The problem with the Court of Appeals' decision in Ohio Power is that the court said that the SEC is the only regulatory body with authority to protect consumers. And the problem is, the SEC will not, and possibly can not, do it.

They approved the original contract and for 24 years have refused to look at it. So what happens? The consumers are paying twice as much for coal as the coal can be bought from anyplace else.

I am just simply saying cross-subsidization of these affiliate companies held by public utility holding companies is wrong. There is not a person within earshot of my voice today who believes it is right. Why would you not vote to stop that? Why would you not give poor old Joe Lunchbucket a little bit of a break out of this? If you do not, these same holding companies are going to go into telecommunications, and unlike Pacific Bell, Bell South, Southwestern Bell, they go in the day the President puts his signature on this bill. They can be in the cable business. They can go into anything they want to. They do not have to go to the FCC and the Justice Department.

They can also orchestrate transactions between sister companies. Who is going to sell what to whom? One sister sells telecommunications products to another. And maybe that company also sells coal to a utility company. They pass it on. Even the telecommunications cost goes right down to the utility, right down to poor old Joe Lunchbucket. Nobody here believes that is right.

Do you know who favors my amendment? Every State public service commission. The Consumer Federation of America, the industrial energy consumers, including General Motors and Dow Chemical are even for it. The National Association of State Utility Consumer Advocates, the Ohio Wholesale Customers Group, and on and on. They all support the Bumpers amendment.

Mr. President, I do not know of anything further that I can say. This is an opportunity to protect consumers. If you want competition, you cannot have it unless you support this amendment because, if you do not, these anticompetitive practices will continue. It is just that simple.

I yield the floor.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. PRESSLER. I move to table, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from South Dakota to lay on the table the amendment of the Senator from Arkansas. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The result was announced—yeas 52, nays 48, as follows:

[Rollcall Vote No. 252 Leg.]

YEAS—52

Abraham
Ashcroft
Bennett
Bond
Brown
Burns
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
DeWine
Dole
Domenici
Faircloth
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hatch
Heflin
Helms
Hutchison
Inhofe
Kassebaum
Kempthorne
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Packwood
Pressler
Roth
Santorum
Shelby
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—48

Akaka
Baucus
Biden
Bingaman
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Conrad
Daschle
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham

Harkin
Hatfield
Hollings
Inouye
Jeffords
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Robb
Rockefeller
Sarbanes
Simon
Wellstone

So the motion to lay on the table the amendment (No. 1348) was agreed to.

Mr. PRESSLER addressed the Chair.

The PRESIDING OFFICER. The Senator from South Dakota.

ORDER OF PROCEDURE

Mr. PRESSLER. Mr. President, I ask unanimous consent that the Senate now return to the Dorgan amendment No. 1278 and that there be 20 minutes for debate to be equally divided in the usual form, with no amendments in order to the Dorgan amendment; that at the conclusion or yielding back of time I will be recognized to move to table the Dorgan amendment 1278, which deals with the 35 percent for national markets being lowered to 25 percent of the national media market, and this would move us forward. The Dorgan amendment is ready for voting. I would plead with everybody to let us vote on this and then proceed.

My motion would ask that we go to the Dorgan amendment 1278.

Mr. CONRAD. Reserving the right to object.

The PRESIDING OFFICER. Is there objection?

Mr. CONRAD. Mr. President, what is the pending business?

The PRESIDING OFFICER. The Lieberman amendment to the Conrad amendment.

Mr. CONRAD. The Lieberman amendment or the Dorgan amendment?

The PRESIDING OFFICER. The Lieberman amendment to the Conrad amendment.

Mr. CONRAD. Is the pending business?

The PRESIDING OFFICER. Is the pending business.

Mr. CONRAD. Mr. President and chairman of the committee, I would be reluctant to agree to this request if we cannot get some agreement on when our amendment would be handled. We are the pending business, the Lieberman second-degree amendment to the Conrad amendment. We would like to get this matter resolved. We have had a lengthy discussion, and I would hope that we could move to a vote on that. And so I would be constrained to object unless there was some meeting of the minds with respect to when we would get to our amendment.

Mr. PRESSLER. Let me say that the Dorgan amendment came up first, and we are struggling to move forward here. Several Senators are seeking agreements that I am not in a position to give. This is something we could get done and behind us in the next 30 to 35 minutes. It is a major amendment involving the percentage of national media that one company or group can control. It is now set at 35 percent in the bill. The Dorgan amendment, as I understand it, would strike that and bring it back to 25 percent.

There has been debate on it. I think there is only one more speaker. I ask that we lay aside the amendment of the Senator from North Dakota, Senator CONRAD, if he will be kind enough to let us do that, and go to the Dorgan amendment, get a vote on it, and keep on going from there.

Mr. CONRAD. I just say to the chairman, if I could, I have to register objection if there is not some agreement reached——

Mr. DOLE. Will the Senator yield?

Mr. CONRAD. I will be glad to yield.

Mr. DOLE. We can bring the Dorgan amendment back by regular order. We can do it that way. Senator SIMON has an amendment relating to violence. We would like to have debate on all three amendments—the CONRAD amendment, the second-degree amendment, and then an amendment I am offering with Senator SIMON, a sense-of-the-Senate amendment, that all relates to TV violence. I wonder if we might have the debate on all of those before we start voting. That is the only problem we have.

Mr. CONRAD. As I understand, the pending business before the Senate is——

Mr. DOLE. Regular order brings back the Dorgan amendment, so I call for the regular order.

The PRESIDING OFFICER. The regular order is amendment No. 1278.

Mr. PRESSLER. Mr. President, I ask unanimous consent that there be 20 minutes for debate equally divided on amendment No. 1278, and at the conclusion or yielding back of time, I be recognized to table the Dorgan amendment No. 1278.

The PRESIDING OFFICER. Is there objection?

Mr. CONRAD. Reserving the right to object. Again, can we not find some way of having a meeting of the minds on what the order will be? I will be happy to accommodate other Senators if there is some understanding of what the order is going to be.

Mr. DOLE. I think the order is, after this, we go back to the Senator from North Dakota. If you do not have any objection, the Senator from Illinois would like to at least be heard on his amendment.

Mr. CONRAD. Actually, the previous agreement was the Senator from Illinois would be recognized, and we certainly want to accommodate that. But could we have an understanding with respect to what the order is then after that? If we can have a unanimous consent agreement, we certainly would be open to entering into a time agreement, whatever else, so there is some understanding, given the fact there are many Senators who are interested in this matter.

Mr. DOLE. I will just say, what we are trying to do is finish the bill. All these amendments would fall if cloture is invoked. We could go out and have the cloture vote at 9:30 in the morning. I am not certain cloture would be invoked.

I think there has been some agreement. We heard the Conrad amendment, the Lieberman second-degree amendment, some agreement on the Simon amendment. As far as I am concerned, it is up to the managers. I think they are prepared to vote on all three. I do not know what order.

Mr. PRESSLER. I make a plea again to my friend from North Dakota, let us go to the Dorgan amendment for 20 minutes and vote on it, and meanwhile have intense discussions so we can cover everyone's needs. That would allow us to accomplish one more amendment. I think we are in a very friendly position trying to work this out.

Mr. FORD. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, could we have the unanimous consent request agreed to by the chairman of the committee, the manager of the bill, that we go to Conrad-Lieberman and then go to Simon without putting a time limit on it?

I ask unanimous consent that following the motion by the distinguished chairman, that the Conrad-Lieberman amendment be next in order and the Simon amendment follow that with any second-degree amendment in regard to it.

Mr. PRESSLER. Reserving the right to object. I appreciate what the Senator is doing. We also have to work in an agreement for debate on the Simon-Dole amendment, if that is to occur.

Mr. FORD. There is no agreement as far as time is concerned. I recognize the majority leader would have the right to second-degree the sense of the Senate, if that is what he wants to do. You are getting a pecking order here. A time agreement has not been worked out. The majority leader would not need much time.

Mr. DOLE. If the Senator will yield, we can have the vote on the Dorgan amendment and work this out during the vote.

Mr. FORD. I was trying to work it out so my colleagues on this side will be accommodated. I know the majority leader is trying to do that. We want to get the bill finished as much as he does. If my friends from North Dakota and Illinois are satisfied, I will be glad to yield the floor.

Mr. CONRAD addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, may I inquire, is there then before us a suggestion by the Senator from Kentucky that we hear from Senator Simon after the Dorgan amendment has been offered, and then we would vote on the Lieberman amendment, then we would vote on the Conrad amendment, then we would vote on whatever amendments will be offered by Senator Simon and Senator Dole?

Mr. PRESSLER. I do not know. We all need to have a little meeting about that and work that through. Is it possible to go to the Dorgan amendment for the 20 minutes, get that voted on, and during that time, when people are speaking on it, we will try to work all this out in good faith? And I will act in very good faith.

Mr. CONRAD. All right.

The PRESIDING OFFICER. Is there objection?

Mr. DORGAN. Reserving the right to object. I have not yet spoken on my amendment because I had to leave for another meeting. I am to speak for 10 minutes. I would like to reserve 5 minutes for Senator Helms as a cosponsor. He is not in the Chamber at the moment, but I think he would like some time.

The PRESIDING OFFICER. Is there objection?

Mr. PRESSLER. He is in the Cloakroom and ready to go.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Dakota.

Mr. DORGAN. My understanding is we have a unanimous-consent agreement for 20 minutes. My understanding is I will take 10 minutes and 5 minutes is reserved for the Senator from North Carolina, Mr. Helms.

AMENDMENT NO. 1278

Mr. DORGAN. Mr. President, my amendment is very simple. The legislation that comes to the floor of the Senate changes the ownership rules with respect to television stations. We now have a prohibition in this country for anyone to own more than 12 television stations comprising more than 25 percent of the national viewing audience.

My amendment restores the 12-television-station limit and the 25-percent-of-the-national-audience limit. Why do I do that? Because I think the proper place to make that decision is at the Federal Communications Commission. They are, in fact, studying those limits, and I have no objection to those studies. I think that they are useful to do because we ought to determine when is there effective competition or when would there be control or concentration such that it affects competition in a negative way.

But I do not believe that coming out here and talking about competition, competition being something that benefits the American people in this legislation on telecommunications, and then saying, "By the way, we will essentially restrict competition by allowing for great concentration in ownership of television stations," represents the public interest.

I can understand why some want to do it. I can understand that we will end this process with five, six, or eight behemoth corporations owning most of the television stations in our country. But, frankly, that will not serve the public interest.

Mr. President, I respectfully tell you the Senate is not now in order.

The PRESIDING OFFICER. Will the Senate please come to order? We will not continue until the Senate has come to order. The Senator from North Dakota will proceed.

Mr. DORGAN. Mr. President, the Senate is not yet in order. I do not intend to proceed until the Senate is in order.

The PRESIDING OFFICER. Those wishing to continue their conversations, please take them off the floor. The Senator from North Dakota.

Mr. DORGAN. Thank you, Mr. President.

Mr. President, raising the national ownership limits on television stations resulting in concentration of corporate ownership of television stations in this country will represent, in my judgment, a dramatic shift in power from the local affiliates in our television industry to the national networks. The provision in this bill threatens, in my judgment, local media control, both in terms of programming and in terms of news content, in favor of national control.

One of the amendments that will follow me will be an amendment on television violence. I will tell you how to make television more violent, especially in terms of the local markets, and that is have your local television station sold to the networks, and there will not be any local control or discussion about what they are going to show on that local television station, because it will not be a local station anymore. You will remove local control, you will remove local decisionmaking, you will concentrate ownership in the hands of a few and, in my judgment, that is simply not in the public interest.

These changes will result in a nationalization of television programming and the demise of localism and program decisions made at home in local areas.

The bill changes of broadcast ownership rules that now exist at the Federal Communications Commission will lead to greater concentration and less diversity. I, for the life of me, cannot understand being on the floor of the Senate for 5 or 6 days talking about competition and deregulation being the engine of competition in our country and then seeing a provision in a bill like this that says, "Oh, by the way, you know that limit that limits somebody to no more than 12 television stations, you can own no more than 12 television stations in the country; by the way, that limit is gone. You can own 25 television stations; in fact, buy 50 of them if you wish; just fine."

Well, it is not fine with me.

Concentration does not serve the public interest. Go read a little about Thomas Jefferson. Read a little about what he thought served the public interest in this country—broad economic ownership serves the public interest in America. Broad economic ownership serves the free market and serves the interests of competition. Not concentration. Not behemoth corporations buying up and accumulating power and centralizing power, especially not in this area.

I know outside of our doors are plenty of people who want this provision. It is big money and it is big business. I am telling Senators the country is moving in the wrong direction when it does this.

There are not many voices that cry out on issues of antitrust or issues of concentration. There are not many voices raised in the public interest on these issues. I just cannot for the life of me understand people who chant about competition and chant about free markets, who so blithely ignore the threats to the free market system that come from concentration of ownership. I feel very strongly that the provision in this bill that eliminates the restriction on ownership is a provision that is bad for this country.

Senator SIMON from Illinois, I know, has probably spoken on this, and is a cosponsor of this amendment; and Senator HELMS from North Carolina. Maybe we are appealing to the schizophrenics today. Somebody on that side of the aisle who has a vastly different political outlook on things than I do, but, frankly, my interest in this is not the economic interests of this conglomerate or that conglomerate or that group, it is the interest of the public.

The public interest is served in America when there is competition and broad-based ownership. The public interest, in my judgment, is threatened in this country, especially in this area, when we decide it does not matter how much you own or who owns it.

We have always served the interests of our country in this area by limiting ownership. I think we serve the interests again if we pass my amendment and restore those sensible provisions in communication law that restrict the ownership of television stations to no more than 12, reaching no more than 25 percent of the American populace.

Mr. President, I have agreed to a time limit. This is a piece of legislation that on its own should command a day's debate. It is that important to our country. Yet it is reduced to 20 minutes because we are in a hurry and we are busy.

My hope is that people who look at this will understand the consequences of what we are doing. I am delighted that the Senator from North Carolina and some others feel as I do, that there is a way to restore a public interest dimension to this bill by passing this amendment this afternoon.

I yield the floor.

I yield 5 minutes to the Senator from North Carolina.

The PRESIDING OFFICER. The Senator from North Carolina controls 5 minutes.

Mr. HELMS. Mr. President, as a former executive at a television station, I am an enthusiastic supporter of the Dorgan amendment which is now pending. This amendment would ensure that local television news and programming decisions remain in the hands of local broadcasters.

It is a worthy amendment. The Senate ought not to hasten to vote to table it. I will tell Senators why.

There is now a delicate balance of power between the network and their affiliates. I am concerned that if we allow the networks to acquire even more stations, the balance will be unwisely tilted. Media power should not be concentrated in the hands of network broadcasters. I say this as a former broadcaster who has been there.

The networks will kick the dickens out of an affiliate if the affiliates do not toe the line. On one occasion, my television station switched networks because of the dominance of an overbearing network. It was one of the smartest decisions we ever made. This bill increases what is known as the national audience cap from the current 25 percent to 35 percent. I oppose this increase, because it will allow the networks to acquire more stations. This, in turn, could very well increase domination by the networks and enhance their ability to exercise undue control of television coverage on local events and news reports.

Mr. President, I am also concerned about the negative impact of allowing cable companies to buy television stations. Consider, if you will, the possibility that Time Warner might buy up local cable station companies and local television stations.

The Dorgan amendment, which I cosponsor, restores, one, the 25 percent audience cap; and two, the restriction on cable broadcast cross-ownership.

If Congress increases the audience cap and thus the number of stations a network can acquire, it will be more difficult for a local affiliate to preempt a network program.

Mr. President, affiliates serve as a very good check against the indecent programs being proliferated these days by the networks. The "NYPD Blue" program is an example. Many affiliates consider this show to be too violent and otherwise unacceptable because of its content of offensive material. When the affiliates objected to the program, the network lowered the boom. There are too many indecent, sexually explicit programs on television already.

Some time back, Mr. President, I sponsored an amendment to restrict the level of indecent material on television. Guess who fought that amendment down to the ground and fought it in the courts? Of course, the networks. The networks resent being limited in the amount of indecent material they can pump out over the airwaves. Do we really want to give the networks more power? I say no, and the Dorgan amendment says no.

The children of America, have spoken out about indecent material. In a recent survey, 77 percent of the children polled said TV too often portrays extramarital sex, and 62 percent said sex on television influences children in that direction.

Mr. President, affiliate stations often preempt programming and carry instead regional college sports and such things as Billy Graham's Crusade. These are important programs, and they should not be inhibited by network power.

We should not concentrate too much power in the hands of four national networks. The current provision in S. 652 would make possible just that kind of concentration. If this ownership rule had not been in place 10 years ago, the Fox Network could never have been created.

Local stations must have the freedom in the future to create and select and control programming, other than programming provided by the networks.

I urge Senators to support this amendment to restore local control of broadcasting decisions. I reserve the balance of my time.

Mr. PRESSLER. Mr. President, I rise in opposition to this amendment.

I believe we have reached a point where, through competition, we can achieve more than by Government regulation to keep certain competitors down.

I rather doubt that any one competitor is going to get a huge dominance in the American television market, because we have so many competitors. We have an increasing number.

When we have dial video, cable, PBS, the networks, I have here listed before me, the percentage of national coverage now by the top TV groups, they will face increasing competition.

Frequently, business comes to Washington seeking regulation to avoid competition. To those people who want to put arbitrary limits on how much success one company can have, I would say that they should be prepared to compete.

Now, a 25-percent limitation may well force some groups or individuals or companies to operate regionally, or to seek a niche market.

I believe we have enough competition to give a variety of voices. That is particularly true if we pass this bill. There will be an explosion of new services and alternatives.

In fact, I would even raise the limit to 50 percent or higher if I were doing it myself. The Commerce Committee worked out a 35-percent compromise—the Democrats and Republicans—on the committee, as well as in consultation with many other Senators.

I think 35 percent is a good compromise for the Senate. I expect that the House will probably come with 50 percent. I look upon going back to 25 percent as a move away from competition.

Why not 20 percent? Why not 10 percent? Why not 15 percent? All these percentages are anticompetitive, because it is businessmen coming to Washington who are seeking regulation to keep their competitors out. What they need to do is to compete, and they will find that they will do well.

Mr. President, the broadcasters in cable are not the only means by which video programming, for example, is distributed to consumers. More than 2 million households receive programming utilizing backyard dishes, availing them of numerous free services.

SMATV services are utilized by another million subscribers, wireless cable has attracted over half a million subscribers.

Recently direct broadcast satellite systems began offering very high-quality services. It is estimated that these services will attract more than 1 million subscribers in 1995.

Looming large on the fringes of the market are the telephone companies. The telephone companies pose a very highly credible competitive threat because of their specific identities, the technology they are capable of deploying, the technological evolution their networks are undergoing for reasons apart from video distribution, and, last but by no means least, their financial strength and perceived staying power. In 1993, the seven regional Bell operating companies [RBOC's] and GTE had combined revenues in excess of $100 billion. All of the major telephone companies in the United States have plans to enter the video distribution business, and several are currently striving mightily to do so in the face of heavy cable industry opposition, opposition which speaks for itself in terms of the perceived strength of the competition telephone companies are expected to bring to bear.

Recently three of the RBOC's—Bell Atlantic, Nynex, and Pacific Telesis—announced the formation of a joint venture, capitalized initially to the tune of $300 million, for the express purpose of developing entertainment, information and interactive programming for new telco video distribution systems. This group has hired Howard Stringer, formerly of CBS, to head the venture and Michael Ovitz of Creative Artists Agency of Los Angeles to advise on programming and technology.

A key aspect of this effort is development of navigator software that eventually could replace VCR's and remote control units to help customers find programs and services. Three other RBOC's—BellSouth, Ameritech, and SBC Communications are forming a joint venture with Disney, with a combined investment of more than $500 million during the next 5 years. The goal of this venture is specifically to develop, market and deliver video programming.

On top of all this activity involving the creation of new distribution paths and delivery of new entertainment and information services to the home, there has been a simultaneous revolution in the sophistication of the communications equipment employed in the home. Today more than 84 million U.S. households have VCR's. In 1994, U.S. households spent as much money purchasing and renting videos, $14 billion, as the combined revenues of all basic cable, $4.6, and the three established broadcast networks, $9.4, in 1993. In 1994, 37 percent of U.S. households owned personal computers. In 1993, estimated retail sales of North American computer software sales were $6.8 billion.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. PRESSLER. Mr. President, I move to table the amendment.

The PRESIDING OFFICER. Time remains to the sponsors.

Mr. HELMS. Mr. President, all time has not been yielded back.

The PRESIDING OFFICER. The Senator from North Carolina is correct.

Mr. PRESSLER. I move to table the amendment.

Mr. HELMS. I wish to speak for 60 seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, I ask unanimous consent the aspect of the unanimous consent requiring a tabling motion be vitiated and that we have an up-or-down vote on this amendment.

The PRESIDING OFFICER. Is there objection?

Mr. PRESSLER. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from North Carolina does not control sufficient time to do that. All time must be yielded back at this point for a quorum call to be in order.

Mr. HELMS. Please repeat that.

Mr. PRESSLER. I move to table.

The PRESIDING OFFICER. The Senator from North Carolina does not control sufficient time to call for a quorum. All time would have to be yielded back in order for a quorum call.

Mr. HELMS. I did not use all of my time, that 60 seconds. I reserve that so I can suggest the absence of a quorum at that time.

The PRESIDING OFFICER. The Senator from North Dakota has 2 minutes 55 seconds remaining.

Mr. DORGAN. Mr. President, I yield 1 minute to the Senator from Illinois, Senator SIMON.

Mr. SIMON. Mr. President, I support the Dorgan amendment for the reason Senator DORGAN and Senator HELMS have outlined, but one other important reason. Economic diversity is important, but diversity in terms of news sources for the American people is extremely important.

I used to be in the newspaper business. Fewer and fewer people own the newspapers of this country. We are headed in the same direction in television. It is not a healthy thing for our country. I strongly support the Dorgan amendment and agree completely—it is not often I can stand up on the Senate floor and say I agree completely with Senator JESSE HELMS, but I certainly do here today.

Mr. HELMS. Right on.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Has all time been yielded back except for my time?

The PRESIDING OFFICER. The Senator has 14 seconds remaining.

Mr. HELMS. Is there any other time outstanding?

The PRESIDING OFFICER. The Senator from North Dakota has 2 minutes remaining.

The Senator from North Dakota.

Mr. DORGAN. Let me use just a minute of that. If the Senator from North Carolina needs another minute, I will be happy to yield to him. There is not much remaining to be said.

As I indicated earlier, this could be a discussion that should take a day and we are going to compress it into 20 minutes. If you look at the landscape of ownership of our television stations 10 years or 20 years from now, you will, in my judgment, if you vote against this amendment, regret the vote. Because I think what you will see is that at a time when we brought a bill to the floor talking about deregulation and competition, we included a provision in this bill that will lead to concentration of ownership in an enormously significant way in the television industry in this country, and I do not think it is in the public interest.

That is the position the Senator from Illinois took, the position the Senator from Nebraska discussed, and the Senator from North Carolina, too. I feel so strongly this is a mistake I just hope my colleagues will take a close, hard look at this and ask themselves, if they are talking about competition, if they are talking about local control, if they are talking about diversity, do they not believe it is in the public interest to have broad-based economic ownership of television stations spread around this country? Of course they do.

Do they want to see a future in which a half dozen companies in America own all the television stations and local control is gone, diversity is gone? I do not think so. And that is exactly what will happen if my amendment is not enacted.

So I very much hope my colleagues will understand the importance of this amendment despite the brevity of the debate.

Does the Senator from North Carolina need additional time?

Mr. PRESSLER. Mr. President, I ask unanimous consent the request to table this amendment be vitiated.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. HELMS. No, no. What was the unanimous consent request?

The PRESIDING OFFICER. To vitiate the motion to table.

Mr. PRESSLER. Mr. President, I ask unanimous consent—the Senator from Montana has just arrived. He wishes to speak on this. All of my time is used, but I ask unanimous consent Senator BURNS be given 5 minutes to speak on this.

I have made the request to vitiate the yeas and nays.

Mr. HELMS. I thank the Senator.

Mr. PRESSLER. The Senate will vote in 5 minutes, but I also ask unanimous consent Senator SIMON be recognized—following this upcoming vote, Senator SIMON be recognized to speak for up to 10 minutes.

Mr. DORGAN. Mr. President, reserving the right to object.

Mr. PRESSLER. I have more to it. I will go on. I was hoping to get that approved. Relax. It is coming.

I ask unanimous consent that following the remarks of Senator SIMON, the Senate resume consideration of the Conrad amendment No. 1275 and there be 20 minutes for debate to be equally divided in the usual form; and that following the conclusion or yielding time, I be recognized to make a motion to table the Conrad amendment.

Mr. DORGAN. Mr. President, reserving the right to object, may I inquire, is there additional time left on my original time allocation?

The PRESIDING OFFICER. The Senator from North Dakota still controls 15 seconds. The Senator from North Carolina has 14 seconds left.

Mr. DORGAN. Mr. President, if the Senator from Montana is going to be given by unanimous consent 5 minutes to address this subject in opposition to this amendment, then I ask we be added an additional 5 minutes.

Mr. PRESSLER. I point out as manager of the bill I cut my time down to about 4 minutes to speak against it, to try to keep things moving. But I think the Senator from Montana is so eloquent that his argument——

Mr. DORGAN. If the Senator from Montana wishes to speak in favor of my amendment, I would have no objection.

Mr. SIMON. Parliamentary inquiry. Have we disposed of the unanimous consent request of Senator PRESSLER?

Mr. PRESSLER. I further ask that Senator SIMON be recognized following the disposition of the Conrad amendment No. 1275. Does that take care of the Senator? Then we have all the problems taken care of.

Mr. LEAHY. Reserving the right to object, I note for Senators it is customary if at the time—it has been a long custom here—if all time has expired and somebody asks for additional time to speak on something that is about to be voted on, it is customary to ask for an equal amount of time for somebody on the other side. They may or may not use it, but that is the customary practice.

Mr. PRESSLER. Fine. I will point out I gave the opposition 15 minutes. I just took 5 to try to move this thing along. But, fine, we will give each side 5 more minutes.

I ask unanimous consent that occur.

The PRESIDING OFFICER. Without objection, it is so ordered. Is that to be added to the 14 seconds remaining of the Senator from North Carolina and the 15 seconds remaining to the Senator——

Mr. PRESSLER. To the 14 seconds and 15 seconds.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Montana.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Did we also grant the unanimous consent request for the rest of the sequencing that the Senator indicated? That was done also?

The PRESIDING OFFICER. Yes, it was.

Mr. BURNS. I ask the Senator from New Mexico, did he want to speak in opposition to this?

Mr. DOMENICI. No; I am afraid if I were to speak, I might not speak in opposition, so I do not choose to speak.

Mr. BURNS. That is fine.

The PRESIDING OFFICER. The Senator from Montana has 5 minutes.

Mr. BURNS. Mr. President, I shall not take 5 minutes. I would say the way the trend has been in radio and television station ownership in the last 5 or 10 years, this actually, I think, would stymie any development of further stations in the market.

I rather doubt that any one owner wants to own both radio stations or three television stations in the market of Billings, MT. I do not think they want to own all of them. We are not talking about just network stations; we are talking about independent stations. We are talking about stations that are not affiliated with any kind of a network on the limits of ownership that you can have in a specific market but across the Nation.

So, I am going to yield my time back. I am opposed to this amendment just for the simple reason of its effect on the sale of a station. When one retires or wants to sell a station, then you are going to have to go over and maybe you have a willing buyer that will give so much money for it and then that is closed out because he already owns too many stations? Maybe nobody else wants to get into the broadcast business. This also limits your ability to market a station, if you are lucky enough to own one.

This does not pertain just to television stations. This also pertains to radio stations, radio stations as well as television stations.

So I would oppose this amendment and I ask my colleagues to oppose it also.

I yield the floor and reserve the remainder of my time.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. PRESSLER. Mr. President, in executive session, I ask unanimous consent that the Senate immediately proceed to the consideration of the following Executive Calendar nominations:

Calendar No. 175, Robert F. Rider;
Calendar No. 176, John D. Hawke, and
Calendar No. 177, Linda Lee Robertson.

I further ask unanimous consent that the nominations be considered en bloc, the motions to reconsider be laid upon the table en bloc, that any statements relating to the nominations appear at the appropriate place in the RECORD, that the President be immediately notified of the Senate's action, and that the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations were considered and confirmed en bloc, as follows:

U.S. POSTAL SERVICE

Robert F. Rider, of Delaware, to be a Governor of the United States Postal Service for the term expiring December 8, 2004. (Reappointment)

DEPARTMENT OF THE TREASURY

John D. Hawke, Jr., of New York, to be Under Secretary of the Treasury.

Linda Lee Robertson, of Oklahoma, to be a Deputy Under Secretary of the Treasury.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

THE TELECOMMUNICATIONS COMPETITION AND DEREGULATION ACT

The Senate resumed with the consideration of the bill.

AMENDMENT NO. 1278

Mr. DORGAN. Mr. President, I yield 2 minutes to the Senator from Nebraska, Senator KERREY.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. Mr. President, thank you.

As I indicated earlier, this amendment simply conforms with the underlying theme of S. 652 which is that if we have competition the consumers will benefit. The current language of the bill moves us in the direction of less competition. You cannot go from 25 percent ownership of stations in a service area to 35 percent without decreasing the competition. Inescapably the consequence is decreasing the number of broadcast owners in a particular area.

So, in addition to the localism argument, which was very eloquently made by both the Senator from Illinois and the Senator from North Carolina, the important issue when you are dealing with news—I point out a very important issue—when you are dealing with the question of how does the electorate, how does the public, how do the citizens themselves acquire information, is the issue of concentration of ownership. That is a very important issue.

So in addition to the idea that this shifts us away from local control of stations, there is also the very important idea of concentration in the industry, and lack of competition. It is highly likely that companies that we currently see as networks, or companies that we currently see as broadcasters, will be coming in at the local level saying we would like to provide what we previously regarded as dial tone and vice versa. This whole thing is going to get jumbled up in a hurry. As the Senator from South Dakota said several times, we allow people to get into each other's business. That is basically what the bill does.

So I hope Members who want competition, who want the consumers to benefit from that competition, will support the Dorgan amendment.

Mr. DORGAN. Mr. President, I will not use all of the remaining time. I am going to send a modification to the desk.

If I might have the attention of the Senator from South Dakota, who I think is now looking at the modification, the modification is purely technical in order to conform the amendment to the manner in which the underlying bill is drafted.

The PRESIDING OFFICER. Is there objection?

Mr. DORGAN. I have a right to modify the amendment without consent.

Mr. PRESSLER. We have a problem with one portion, which is to modify or remove such national or local ownership of radio and television broadcasting.

Mr. DORGAN. Radio has never been a part of the amendment that we offered today. It was not intended to be a part. I described the amendment earlier today as only affecting television stations. That is the intent of the amendment.

Mr. PRESSLER. In the amendment we have national or local ownership of radio and television broadcasting.

Mr. DORGAN. It is not the intent of the amendment to include radio. It is the intent to only include television, and that is the way I described it earlier today just after the noon hour.

Mr. PRESSLER. As I understand it, every Senator can modify his amendment at any time. That changes the amendment based on my understanding. The amendment I have in my hand reads radio and television broadcasting.

Mr. DORGAN addressed the Chair.

Mr. PRESSLER. A Senator has a right to modify his amendment.

The PRESIDING OFFICER. The Senator from North Dakota needs to ask unanimous consent in order to modify his amendment.

Mr. PRESSLER. In view of the fact that the amendment I have in my hand is to modify or remove such national or local ownership of radio and television broadcasting, and just on the very moment of the vote to take out radio, and I want to consult with some of my colleagues, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. COVERDELL). Without objection, it is so ordered.

Mr. DORGAN. Mr. President, my understanding of the parliamentary situation is that once all time is yielded back, under the unanimous-consent request, I would then be allowed to modify my amendment, which I sought to do. Is that correct?

The PRESIDING OFFICER. It still would require unanimous consent to proceed under that scenario.

AMENDMENT NO. 1278, AS MODIFIED

Mr. DORGAN. Mr. President, I ask unanimous consent that I be allowed to modify my amendment, and I send the modification to the desk.

The PRESIDING OFFICER. Is there objection?

Mr. BURNS. Mr. President, I reserve the right to object.

I have 2 minutes remaining. In order to accommodate my friend from North Dakota, I would yield back the remainder of my time so that will put his request to modify in correct parliamentary procedure. Is that a correct assumption?

The PRESIDING OFFICER. It will not be necessary for the Senator to yield back time in order for the unanimous-consent modification of the amendment.

Mr. BURNS. Then I reserve the remainder of my time.

I thank the Chair.

The PRESIDING OFFICER. Is there objection to the request to modify the amendment? Without objection, it is so ordered.

The amendment (No. 1278), as modified, is as follows:

Strike paragraph (1) of subsection (b) of Section (207) and insert in lieu thereof the following:

"(1) REVIEW AND MODIFICATION OF BROADCAST RULES.—The Commission shall:

"(A) modify or remove such national and local ownership rules only applying to television broadcasters as are necessary to ensure that broadcasters are able to compete fairly with other media providers while ensuring that the public receives information from a diversity of media sources and localism and service in the public interest is protected taking into consideration the economic dominance of providers in a market and

"(B) review the ownership restriction in section 613(a)(1)."

Mr. DORGAN. Mr. President, I have 2 minutes remaining?

The PRESIDING OFFICER. The Senator has 2 minutes remaining.

Mr. DORGAN. Mr. President, I shall not use the entire 2 minutes. Let me just say that when I proposed this amendment earlier today, I indicated the amendment was about removing the provision in the bill that eliminates the restrictions on broadcast ownership on television stations. The bill is drafted that way. The first two sentences strike those provisions dealing with television stations and there was some ancillary language that relates to the rules that will have to be redrawn at the FCC. That referred to the set of rules in which they were dealing with both television and radio stations, so the word "radio" was there but it had nothing to do with the strike. So we have since corrected that so that no one can misunderstand what the discussion is.

The discussion is that we believe the elimination of the ownership rules, the ownership restrictions, 12 stations and 25 percent of the market, the elimination is not in the public interest, and we believe very much that the provision that strikes those prohibitions ought to be taken out of this bill, and the provisions of the 12 television stations and 25 percent of the market ought to remain. That is the purpose of it. I already described what I think is the importance of it, and in the interest of my friend from South Dakota, who has been very cooperative on this, in the interest of his moving this along, I would yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. BURNS addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Montana.

Mr. BURNS. When you start talking about, I guess, broadcast companies, I find it unlikely, coming out of that business, that any one company would come to buy all the broadcast stations, especially in television, in a specific market.

Now, we have limited it nationally to 25 percent by law under the cable rereg bill, 25 percent of the market to a specific company, but we did not say that you were limited to a certain amount of cable systems. In other words, you just do not own so many cable systems if that adds up to 25 percent.

What we are saying here is that you are limited not only as to the number of stations you can own but also a limit on the number of listeners or people who might be in that specific market nationally.

So I just think it is bad policy right now. We do not limit any other media on the amount of ownership nationally across this country.

The local station, if it is owned locally, does a much better job in competing against an absentee owner. And that question came up in the hearings. I said even though I might do business in Georgia—and there was a Georgia businessman who owned a station in my State of Montana—it is still tough to do business against a local owner of a local station whenever the investment is there and the money is spent there.

So again I would say that even the marketplace itself limits ownership in television and, of course, I am objecting to any kind of an ownership restriction on radio stations altogether.

I reserve the remainder of my time. I yield the floor.

Mr. PRESSLER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is all time yielded back?

Mr. BURNS. I yield the remainder of my time.

The PRESIDING OFFICER. Does the Senator from North Carolina yield back his time?

Mr. HELMS. I certainly do. Yes.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to amendment No. 1278, as modified. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MACK (when his name was called). Present.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 51, nays 48, as follows:

[Rollcall Vote No. 253 Leg.]

YEAS—51

Akaka
Baucus
Biden
Bingaman
Boxer
Bradley
Bumpers
Byrd
Campbell
Conrad
D'Amato
Daschle

DeWine
Dodd
Domenici
Dorgan
Exon
Faircloth
Feingold
Feinstein
Glenn
Gorton
Graham
Grams
Grassley
Harkin
Hatfield
Heflin
Helms
Johnston
Kassebaum
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
McConnell
Mikulski
Moseley-Braun
Murray
Pell
Pryor
Reid
Rockefeller
Sarbanes
Simon
Thomas
Wellstone

NAYS—48

Abraham
Ashcroft
Bennett
Bond
Breaux
Brown
Bryan
Burns
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
Dole
Ford
Frist
Gramm
Gregg
Hatch
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Kempthorne
Kyl
Lott
Lugar
McCain
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pressler
Robb
Roth
Santorum
Shelby
Simpson
Smith
Snowe
Specter
Stevens
Thompson
Thurmond
Warner

ANSWERED "PRESENT"—1

Mack

So the amendment (No. 1278), as modified, was agreed to.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. D'AMATO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. D'AMATO. Mr. President, I move to reconsider the vote by which the amendment, as modified, was agreed to.

Mr. DOLE. I ask for the yeas and nays on the motion to reconsider.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. DORGAN. Mr. President, I move to table the motion, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

VOTE ON MOTION TO TABLE THE MOTION TO RECONSIDER

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the motion to reconsider. On this question, the yeas and nays were ordered, and the clerk will call the roll.

The bill clerk called the roll.

The PRESIDING OFFICER (Ms. SNOWE). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 48, nays 52, as follows:

[Rollcall Vote No. 254 Leg.]

YEAS—48

Akaka
Baucus
Biden
Bingaman
Boxer
Bradley
Bumpers
Byrd
Campbell
Conrad
Daschle
DeWine
Dodd
Dorgan
Exon
Faircloth
Feingold
Feinstein
Ford
Glenn
Gorton
Graham
Grassley
Harkin
Heflin
Helms
Inouye
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
McConnell
Mikulski
Moseley-Braun
Murray
Pell
Pryor
Reid
Robb
Rockefeller
Sarbanes
Simon
Wellstone

NAYS—52

Abraham
Ashcroft
Bennett
Bond
Breaux
Brown
Bryan
Burns
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
Dole
Domenici
Frist
Gramm
Grams
Gregg
Hatch
Hatfield
Hollings
Hutchison
Inhofe
Jeffords
Kassebaum
Kempthorne
Kyl
Lott
Lugar
Mack
McCain
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pressler
Roth
Santorum
Shelby
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

So, the motion to lay on the table was rejected.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Madam President, I ask unanimous consent that the yeas and nays be vitiated on the motion to reconsider.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. So then the vote will be, again, on the issue. We can adopt the motion to reconsider by voice vote.

VOTE ON MOTION TO RECONSIDER

The PRESIDING OFFICER. The question now is on agreeing to the motion to reconsider the vote by which the Dorgan amendment was agreed to.

So the motion was agreed to.

VOTE ON AMENDMENT NO. 1278, AS MODIFIED, UPON RECONSIDERATION

The PRESIDING OFFICER. The question is on agreeing to the Dorgan amendment No. 1278, as modified, upon reconsideration.

Mr. DORGAN. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have already been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MACK (when his name was called). Present.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 47, nays 52, as follows:

[Rollcall Vote No. 255 Leg.]

YEAS—47

Akaka
Baucus
Biden
Bingaman
Boxer
Bradley

Bumpers
Byrd
Campbell
Conrad
Daschle
DeWine
Dodd
Domenici
Dorgan
Exon
Faircloth
Feingold
Feinstein
Glenn
Gorton
Graham
Grassley
Harkin
Heflin
Helms
Inouye
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
McConnell
Mikulski
Moseley-Braun
Murray
Pell
Pryor
Reid
Rockefeller
Sarbanes
Simon
Wellstone

NAYS—52

Abraham
Ashcroft
Bennett
Bond
Breaux
Brown
Bryan
Burns
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
Dole
Ford
Frist
Gramm
Grams
Gregg
Hatch
Hatfield
Hollings
Hutchison
Inhofe
Jeffords
Kassebaum
Kempthorne
Kyl
Lott
Lugar
McCain
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pressler
Robb
Roth
Santorum
Shelby
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

ANSWERED "PRESENT"—1

Mack

So the amendment (No. 1278), as modified, was rejected.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. PRESSLER. Madam President, I thank my colleagues. I think we are holding the committee bill together and moving forward.

There is now, under the unanimous consent as I understand it, to be a speech from Senator SIMON, which he has been waiting to give. He is prepared to go.

The PRESIDING OFFICER. May we have order in the Chamber, please?

The Senator from Illinois.

AMENDMENT NO. 1347 TO AMENDMENT NO. 1275

Mr. SIMON. Madam President, I rise in opposition to the amendment offered by my friend and colleague from North Dakota and the Senator from Connecticut, Senator LIEBERMAN. I do this reluctantly, in part because I agree with them in terms that we have a real problem and we have to confront that problem. The question is how we confront it.

Let me commend him, Senator CONRAD, Senator DORGAN, also from North Dakota, and Senator LIEBERMAN, in terms of video games and what he has been able to do there. Senator HOLLINGS has been a leader in this. Senator HUTCHISON has shown leadership. The problem is real and there are those in the industry, just like there are those in the cigarette industry, who deny there is a real problem. But the research is just overwhelming. There is no question that a cause—not the cause, because there are many causes—but a cause of violence in our society is the violence people see on entertainment television.

I stress entertainment television because on news television —sometimes it is more violent than I would like—but on news television when you see that scene from Bosnia, you see relatives crying, you see violence in its grimness. In entertainment television, there is a tendency to glorify violence.

When even the President of the United States uses a phrase like "make my day," using it against Saddam Hussein, what he is saying is violence is a way of solving problems and violence is fun. Those are precisely the wrong messages.

We have been working on this for some time. This body, I am pleased to say, unanimously passed a bill saying the industry can get together without violating the antitrust laws to deal with the problem of violence. Since that has happened, there have been steps—major steps, frankly, by the broadcast industry; very small steps by the cable industry—in moving in a more positive direction. That ultimately is going to have an effect on our society.

If you look back at the old television series and movies, you will see our heroes and heroines smoking a great deal, drinking very heavily. That just quietly changed. The same thing is happening on broadcast television, but it is not happening, frankly, in the cable field as much as we would like. I applaud the steps that have been taken, but we need to do more.

I am also very reluctant to see Government get excessively into this problem. I spoke in Los Angeles in August 1993 to a unique gathering of 800 television and movie producers and talked about this issue of violence in our films. It was received about as favorably out there as Senator Bob DOLE's recent comments. Let me just add that I agree with the general thrust of Senator DOLE's comments.

But one of the things I said in August 1993 was, if the industry was willing to set up monitoring where we could find out what is happening, independent monitoring that is recognized as solid, I would oppose any legislative answers. At first we got a very negative response from the industry. Finally, both the broadcast and cable industries have established—or have contracted with respected entities, UCLA and Mediascope, to do this. The first report on broadcast will come in September. The report on cable will come in January. And tentatively we will have that for 3 years.

I think it is important that we let the industry try to correct its problems on its own, that we applaud the steps that have been taken, that we say more steps are needed. I have a sense-of-the-Senate resolution which will be voted upon immediately after we vote on the Conrad-Lieberman amendment—it is cosponsored by Senator DOLE and Senator PRESSLER—which urges the industry to do more in this area but does not get the Federal Government involved directly. When you start moving in the direction of getting the Federal Government involved—for example this deals with "the level of violence or objectionable content." When you talk about "objectionable content," you are talking about something that is not very precise. When you talk about content, I think the Federal Government has to be very, very careful.

If the industry on its own gets into this V-chip field, I applaud that. I welcome that. I am reluctant to have the Federal Government start moving into this field of content.

Let me add, it is not a substitute for the industry policing itself and having good programming, positive programming. Even if this is agreed to, we will still face the reality, for example, that in the high crime areas of our country young people watch a great deal more television than they do in the suburbs and rural areas of our country. And they are going to continue to see much too much violence and programs that I think are objectionable.

So my hope is that, frankly, we will defeat the Conrad-Lieberman amendment because we do not want the Federal Government getting its fist in there too heavily. I think we have to be careful. But let us pass the sense-of-the-Senate resolution, which will send a signal, a very clear signal, a sense-of-the-Senate resolution that I assume will pass unanimously, that sends a signal to the industry: Let us do better. We have serious concerns.

Madam President, I reserve the remainder of my time.

Mr. PRESSLER. Will the Senator yield?

The PRESIDING OFFICER. The Chair recognizes the distinguished Senate majority leader.

Mr. DOLE. Madam President, I will just take a few minutes, I say to Senator SIMON.

First, I ask unanimous consent the vote on the motion to table the Conrad amendment occur at 8:10 p.m. to be followed immediately by a vote on the Simon amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I support the goals of the amendments offered by my distinguished colleagues, Senator CONARD and Senator LIEBERMAN.

Both Senators are absolutely right to criticize the television industry for programming that too often glorifies mindless violence and casual sex. One recent study commissioned by USA Weekend magazine recorded 370 instances of "crude language or sexual situations" during a 5-night period of prime-time programming, or 1 every 8.9 minutes; 208 of these incidents occurred between 8 and 9 p.m., the so-called family hour.

According to one study, children will have been exposed to nearly 18,000 televised murders and 800 televised suicides by the time they reach the ripe old age of 18.

Clearly, on the issue of violent and sexually oriented programming, the television industry has much, much to explain to concerned parents throughout the country.

So, Mr. President, Senator CONARD, Senator LIEBERMAN, and I are in total agreement when it comes to identifying the problem that his amendment seeks to address. We part ways, however, when it comes to how best to resolve this problem in a way that is both effective and consistent with our free-speech traditions.

Senator CONRAD's amendment, as modified by the Lieberman second-degree, may not amount to censorship, but by establishing a 5-member Presidential Commission to create a "violence rating system," it takes us one step closer to government control over what we see and hear on television. As I have said on numerous occasions, we have more to lose than to gain from putting Washington in charge of our culture.

I am also concerned about the provisions in Senator CONRAD's amendment that would direct TV stations to transmit the ratings developed by the Presidentially appointed Commission as well as require that all TV sets be equipped with chip technology in order to block out programming found objectionable under the government-rating system.

These provisions are inconsistent with the general deregulatory approach of this bill—that less government control, less government regulations are what is needed most for a strong, competitive, consumer-oriented telecommunications industry.

The real solution to the problem of television's corrosive impact on our culture lies with concerned parents, informed consumers who have the good sense to turn off the trash, and corporate executives within the entertainment industry who are willing to put common decency above corporate profits.

That is why I have cosponsored the sense of the Senate amendment offered by my distinguished colleague from Illinois, Senator SIMON. This amendment is right-on-target: It states that "self-regulation by the private sector is * * * preferable to direct regulation by the Federal Government." And it urges the entertainment industry "to do everything possible" to limit the amount of violent and aggressive programming, particularly during the hours when children are most likely to be watching.

In other words: No regulation. No government involvement. No censorship. Just focusing the moral spotlight where it is needed most.

Mr. President, the television industry has tremendous power. In fact, television is perhaps the most dominant cultural force in America today. But with this power comes responsibility. It is my hope, and it is the hope of millions of Americans across this great country, that the television industry will finally get the message and preform a much-needed and urgent house-cleaning.

Let me also add that when I made a statement about the entertainment industry a couple of weeks ago it did get the attention of a lot of people. But I notice in all the surveys that followed that speech there were about as many people concerned about Government censorship as there were about the violence, the mindless violence, and casual sex in movies and TV.

I have been criticized, maybe with some justification, by some who say, "BOB DOLE, Senator DOLE, wants censorship." I never suggested censorship. I did not suggest the Government do anything. I suggested that shame is a powerful weapon, and that it ought to be used.

I also suggested that, while the entertainment industry has its first amendment rights, we have our first amendment rights to express outrage, as the Senator from Illinois has done, the Senator from New Jersey, Senator BRADLEY, and many others, in this Senate.

So I would hope that we would not let the Government take one inch, make one effort that would indicate that we are headed towards Government regulation, Government involvement, censorship, if you will, and give the industry a chance to clean up its act. The last thing we want is more Government, particularly in a bill. As I have suggested, we are trying to deregulate and be more competitive.

I hope that the Conrad amendment and the underlying amendment will be tabled, and that the amendment of the Senator from Illinois would then be adopted.

The PRESIDING OFFICER. Does the Senator from Illinois wish to use his final minutes?

Mr. SIMON. Madam President, I would like to reserve the 2 minutes for later, if I could.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. I ask that Senator LIEBERMAN, Senator EXON, Senator BYRD, Senator NUNN, and Senator FEINSTEIN be shown as cosponsors of my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. I thank the Chair.

Madam President, the amendment that I am offering is not governmental choice in television. It is parental choice in television. There is a world of difference, and it is an important difference.

The amendment that I am offering provides for choice chips in new television sets so that parents can decide what comes into their homes—not the Government; parents. That is what the American people want, and that is what this amendment provides. It says when we start building new television sets let us include the new technology that will permit parents to decide what their children see—no Government bureaucrat, no Government agency; parents. That is precisely where the choice ought to lie.

Madam President, we do not dictate when the industry should provide the choice chip. We provide that there should be consultation between the industry and the FCC to determine the appropriate time for the choice chip to be included in new television sets. But we did say those chips ought to be available, and ought to be included in new sets, whether they are manufactured abroad or in this country for use in America. The American people want to be able to make these decisions.

I would direct my colleagues' attention to a USA Today poll that was taken on June 2 through the 4th. They asked the question:

> Should "V-chips" be installed in TV sets so parents could easily block violent programming?

Yes, 90 percent; 90 percent said yes. They want to have the ability to choose. They want to have the ability to make the determination about what their kids see—not Government, parents.

This amendment empowers parents. Let parents decide. It leaves the decision where it belongs, with American families—not some Government agency, not some Government authority, but the American parents.

Second it provides for a rating system.

Mr. BREAUX. Will the Senator yield?

Mr. CONRAD. I would prefer not to. I would like to conclude my statement because I have very limited time.

Consumers would like to know the content of programming. So we provide for a rating system. In my amendment, it is not determined by any Government board. It is determined by industry getting together with all interested parties. They are given 1 year on a voluntary basis to determine a rating system—not some Government fiat, not some Government dictate, but the industry working together with all interested parties on a voluntary basis for 1 year to establish a rating system.

Do you know? I believe they could do it without any Government interference, without any Government involvement. But if they fail after 1 year, then, yes. We provide that the FCC step in and oversee the creation of the rating system.

Do you know what? We have seen this done in other industries. We asked the industry that is involved with recreational software to develop on a voluntary basis a rating system. They did it. They did an excellent job. This is what they came up with—a thermometer that shows levels of violence, shows sexual activity, shows language so that people can make a judgment for themselves. That is what we are calling for here—parental choice, not governmental choice.

Madam President, I ask my colleague, Senator LIEBERMAN, for his comments.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. PRESSLER. Madam President, how much time remains, and who is it allocated to?

The PRESIDING OFFICER. The Senator from South Dakota has 9 minutes, and the Senator from North Dakota has 4 minutes and 40 seconds.

Mr. CONRAD. I give 3 minutes to my colleague from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut.

AMENDMENT NO. 1347, AS MODIFIED, TO AMENDMENT NO. 1275

Mr. LIEBERMAN. I thank the Chair. Madam President, I first want to exercise my ability to send a modification of my second-degree amendment to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. I thank the Chair.

The PRESIDING OFFICER. The amendment is so modified.

Mr. LIEBERMAN. This is a technical amendment which in part——

Mr. PRESSLER. Reserving the right to object——

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. LIEBERMAN. Madam President, I exercised, I say to the chairman of the committee, my right to modify my second-degree amendment. It is a technical modification which in part responds to the suggestion of the ranking member of the committee to remove the section of the original amendment that would have established a system of fees to finance the grading board.

Mr. PRESSLER. What is the parliamentary situation? Does this take unanimous consent?

The PRESIDING OFFICER. It does require unanimous consent.

Does the Senator object?

Mr. PRESSLER. I must reserve the right to object.

Mr. LIEBERMAN. I am happy to proceed with my statement.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. I thank the Chair.

Mr. PRESSLER. I withdraw my objection.

The PRESIDING OFFICER. The amendment is so modified.

The amendment (No. 1347), as modified, is as follows:

On page 3, strike out line 12 and all that follows through page 4, line 16, and insert in lieu thereof the following:

SEC. 503. RATING CODE FOR VIOLENCE AND OTHER OBJECTIONABLE CONTENT ON TELEVISION.

(a) SENSE OF CONGRESS ON VOLUNTARY ESTABLISHMENT OF RATING CODE.—It is the sense of Congress—

(1) to encourage appropriate representatives of the broadcast television industry and the cable television industry to establish in a voluntary manner rules for rating the level of violence or other objectionable content in television programming, including rules for the transmission by television broadcast stations and cable systems of—

(A) signals containing ratings of the level of violence or objectionable content in such programming; and

(B) signals containing specifications for blocking such programming;

(2) to encourage such representatives to establish such rules in consultation with appropriate public interest groups and interested individuals from the private sector; and

(3) to encourage television broadcasters and cable operators to comply voluntarily with such rules upon the establishment of such rules.

(b) REQUIREMENT FOR ESTABLISHMENT OF RATING CODE.—

(1) IN GENERAL.—If the representatives of the broadcast television industry and the cable television industry do not establish the rules referred to in subsection (a)(1) by the end of the 1-year period beginning on the date of the enactment of this Act, there shall be established on the day following the end of that period a commission to be known as the Television Rating Commission (hereafter in this section referred to as the "Television Commission"). The Television Commission shall be an independent establishment in the executive branch as defined under section 104 of title 5, United States Code.

(2) MEMBERS.—

(A) IN GENERAL.—The Television Commission shall be composed of 5 members appointed by the President, by and with the advice and consent of the Senate, of whom—

(i) three shall be individuals who are members of appropriate public interest groups or are interested individuals from the private sector; and

(ii) two shall be representatives of the broadcast television industry and the cable television industry.

(B) NOMINATION.—Individuals shall be nominated for appointment under subparagraph (A) not later than 60 days after the date of the establishment of the Television Commission.

(D) TERMS.—Each member of the Television Commission shall serve until the termination of the commission.

(E) VACANCIES.—A vacancy on the Television Commission shall be filled in the same manner as the original appointment.

(2) DUTIES OF TELEVISION COMMISSION.—The Television Commission shall establish rules for rating the level of violence or other objectionable content in television programming, including rules for the transmission by television broadcast stations and cable systems of—

(A) signals containing ratings of the level of violence or objectionable content in such programming; and

(B) signals containing specifications for blocking such programming.

(3) COMPENSATION OF MEMBERS.—

(A) CHAIRMAN.—The Chairman of the Television Commission shall be paid at a rate equal to the daily equivalent of the minimum annual rate of basic pay payable for level IV of the Executive Schedule under section 5314 of title 5, United States Code, for each day (including traveltime) during which the Chairman is engaged in the performance of duties vested in the commission.

(B) OTHER MEMBERS.—Except for the Chairman who shall be paid as provided under subparagraph (A), each member of the Television Commission shall be paid at a rate equal to the daily equivalent of the minimum annual rate of basic pay payable for level V of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including traveltime) during which the member is engaged in the performance of duties vested in the commission.

(4) STAFF.—

(A) IN GENERAL.—The Chairman of the Television Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the commission to perform its duties. The employment of an executive director shall be subject to confirmation by the commission.

(B) COMPENSATION.—The Chairman of the Television Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed te rate payable for level V of the Executive Schedule under section 5316 of such title.

(5) CONSULTANTS.—The Television Commission may procure by contract, to the extent funds are available, the temporary or intermittent services of experts or consultants under section 3109 of title 5, United States Code. The commission shall give public notice of any such contract before entering into such contract.

(6) FUNDING.—There is authorized to be appropriated to the Commission such sums as are necessary to enable the Commission to carry out its duties under this Act.

Mr. LIEBERMAN. I thank the chairman of the committee.

Madam President, again, I am privileged to join with my colleague from North Dakota in this amendment. The fact is that every study we have seen shows the extraordinary unacceptable amount of violence on television. It affects our children. It makes them more violent. The fact is that it is hard to believe that amount of inappropriate, objectionable material that the majority leader has referred to as casual sex on television which affects the violence of our kids.

One survey I quoted in an earlier statement here said the kids themselves admitted that what they saw on television encouraged them to be involved in sexual activity earlier than they should have.

It is time finally in our society that we focus on some of the major forces that affect our values and our children's values. We are confronting the difficult question of the impact of the entertainment media which is so powerful on our values and on our lives in our society.

This amendment gives the Members of this Chamber the opportunity to do more than talk about this problem. This is an opportunity to do something about it—not to create censorship, far from it—but under the terms of this amendment to basically get the attention of the television industry.

Senator SIMON, our colleague, has been a leader in this. But the fact is, as I understand it, that it is because of his understanding of the television industry that he has offered his sense of the Senate. The fact is that the industry has not gotten the message.

The programs that our kids are seeing are giving them the wrong message, and it is affecting their behavior and challenging the ability of parents in this country to raise their kids the way they want to raise them. This amendment, modified by my second-degree amendment, simply gives the industry a year to create its own standards; if they do not, then sets up a rating board, two members from the industry, three from the public, to do the job.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. LIEBERMAN. I thank the Chair. This Senate ought to act on this problem.

I yield the floor.

Mr. PRESSLER addressed the Chair.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. PRESSLER. Madam President, it is the intention of the Commerce Committee to hold hearings on this subject in the near future. Indeed, Senator HOLLINGS and many others have bills that they have filed, and they have been patiently waiting to have hearings so that we can start a legislative process.

For example, this amendment, before it was amended, said we would have had to look at the impact of assessing fees on broadcasters for funding a national commission on TV.

Now, that has been modified, but there still are many questions that I have about this. And I would inform Members that a Simon-Dole-Pressler amendment will be coming calling for renewed efforts by the broadcast industry to regulate violent programming. It is my strongest feeling that we should vote down the first amendment and adopt the sense-of-the-Senate amendment so that we can clearly state our views on this matter and proceed with legislation in a proper way with hearings and a markup.

I thought the Senator from Louisiana wished to speak. I would like to yield as much time as the Senator from Louisiana would consume.

Mr. BREAUX. I thank the chairman. I would just like to ask a question of the Senator who is the sponsor of the amendment. He spoke of the—what was it, the choice chip? It would seem to me that the TV sets already have choice chips. It is called the off and on switch, and when the parent thinks that the program is not proper for a small child in their home, they just go turn it off. And that is a choice chip by a different name. But they have the right to control what their children see right now.

I am not sure why we have to order companies to build some other kind of switch to regulate what children see. It is a parental responsibility, I think, to say this is a program that is suitable for my child or it is not. And if it is not, you take the little off-on switch and you go "flick" or you can take the remote control and go "push" and the program is gone—poof, it is gone, like we already have a choice chip on the TV right now.

I would like to ask, what is the problem with the existing chip?

Mr. CONRAD. The Senator asks a very good question, and the problem is very often the parents are not home to help participate in that choice. Millions of American families have both parents working. Millions of American families are so busy that they do not have a chance to monitor every minute of what their children are watching. And so what we are providing is when the parent is absent, they are able to program that television to exclude programming they find objectionable. Why not? Why should not parents have an ability to say that not just anyone can come into their home, uninvited, and give any message to their kid that they want to give without the parents being able to stop it?

Mr. BREAUX. I thank the Senator.

Mr. CONRAD. I think the American people want the chance to say no.

Mr. BREAUX. I think it is a valid response.

I thank the Senator for yielding. I thank the Chair. I yield the floor.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER (Mr. ASHCROFT). The Senator from Illinois.

AMENDMENT NO. 1349

Mr. SIMON. Mr. President, I would like to take my remaining time. I have an amendment at the desk I would offer.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Illinois [Mr. SIMON], for himself, Mr. DOLE, and Mr. PRESSLER, proposes an amendment numbered 1349.

Mr. SIMON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place add the following.

SEC. : FINDINGS.

The Senate finds that—

Violence is a pervasive and persistent feature of the entertainment industry. According to the Carnegie Council on Adolescent Development, by the age of 18, children will have been exposed to nearly 18,000 televised murders and 800 suicides.

Violence on television is likely to have a serious and harmful effect on the emotional development of young children. The American Psychological Association has reported that children who watch "a large number of aggressive programs tend to hold attitudes and values that favor the use of aggression to solve conflicts." The National Institute of Mental Health has stated similarly that "violence on television does lead to aggressive behavior by children and teenagers."

The Senate recognizes that television violence is not the sole cause of violence in society.

There is a broad recognition in the U.S. Congress that the television industry has an obligation to police the content of its own broadcasts to children. That understanding was reflected in the Television Violence Act of 1990, which was specifically designed to permit industry participants to work together to create a self-monitoring system.

After years of denying that television violence has any detrimental effect, the entertainment industry has begun to address the problem of television violence. In the Spring of 1994, for example, the network and cable industries announced the appointment of an independent monitoring group to assess the amount of violence on television. These reports are due out in the Fall of 1995 and Winter of 1996, respectively.

The Senate recognizes that self-regulation by the private sector is generally preferable to direct regulation by the federal government.

SEC. : SENSE OF THE SENATE.

It is the Sense of the Senate that the entertainment industry should do everything possible to limit the amount of violent and aggressive programming, particularly during the hours when children are most likely to be watching.

Mr. SIMON. Mr. President, in closing the argument, let me say if the industry on its own moves in this direction, I will applaud the industry for doing it. But let us not make any mistake, we are moving beyond anything Government has ever done before. We are saying, if the industry in 1 year does not get this resolved, then a Government commission is going to determine violence and objectionable content. That is an intrusion that I hope we can avoid. And my reason for hoping we can avoid it is that, frankly, we are making some progress in the television industry. On the broadcast side, we are clearly making progress. No one denies that. On the cable side, frankly, very little progress has been made. And there I hope the industry can move ahead. But we are going to have monitoring. We are going to have our first report come in September of this year on broadcast, January of next year on cable. Let us let the industry try to resolve this matter on their own. It is a genuine problem. I agree with Senator CONRAD and Senator LIEBERMAN on that. But I think we have to be careful how far the Federal Government goes.

Mr. CONRAD addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 1 minute 29 seconds.

Mr. CONRAD. Mr. President, I just have to correct the record with respect to the statement Senator SIMON made. My amendment does not have any Government agency determining what is objectionable content. It is not a governmental decision. It is parental choice. Parents have a right to decide. The only involvement of Government is if the industry does not move forward with putting in chips, the choice chips that will allow parents to make these decisions, it will be required on new television sets.

Second, with respect to a rating system so that parents can determine what is coming into their homes, if the industry, together with all interested parties, does not reach a determination within 1 year, then a commission will determine a rating system. They will not determine that something is objectionable and should be blocked from people's homes. Not at all. People can produce anything they want, but parents will have a right to choose what comes into their homes.

Under the Dole-Simon amendment, they are saying that the networks can come into your home, talk to your children, say anything they want, and you cannot stop them. We say that is wrong. We say that parents ought to be able to choose what their children see.

I hope my colleagues will support this commonsense amendment that gives parents the right to decide what comes into their homes.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. PRESSLER addressed the Chair.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. PRESSLER. How much time do I have remaining?

The PRESIDING OFFICER. The Senator from South Dakota has 3 minutes 50 seconds.

Mr. PRESSLER. I will use my time to urge Members to vote to table the Conrad amendment. And I urge Members to express their concern on this subject by voting for the Dole-Simon-Pressler amendment, which will be a sense-of-the-Senate, so Members will have an opportunity for a followup vote.

I urge all Members of the Senate to vote to table the Conrad amendment No. 1275.

Mr. BRADLEY. Will the Senator yield?

Mr. PRESSLER. The Senator from New Jersey wants 1 minute. Even though he is not on my side, I will give him 1 minute but then I want the floor to make my motion.

Mr. BRADLEY. I thank the distinguished Senator.

Mr. President, this is the opening round of a very important debate. Nobody disputes that too much violence is coming into the home. It is coming into the home because it sells, because the market works, because people buy it.

So the question is, how do you stop it from coming into the home? My first preference would be to shame those who are making money out of selling trash. But if that fails, Mr. President, then clearly there has to be another way to try to prevent the trash from coming into the home. The amendment offered by the distinguished Senators from South Dakota and Connecticut is the beginning of saying, well, what if the market will not be subject to shame? What if it will continue to put forth trash?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BRADLEY. Therefore, Mr. President, I think this is a very important Senate decision.

Mr. PRESSLER. Mr. President, I must now move to table the Conrad amendment. The hour of 8:10 has arrived. I know the Senator from Florida wanted 1 minute. I do not know that that can be worked out, but I do now move to table the Conrad amendment No. 1275, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. GRAHAM. Mr. President, I would like to ask if the Senator from South Dakota will yield 1 minute of his time to me.

Mr. PRESSLER. I do yield 1 minute.

The PRESIDING OFFICER. Without objection, the Senator from Florida is recognized for 1 minute.

Mr. GRAHAM. Mr. President, I ask unanimous consent to be listed as a cosponsor of the Conrad-Lieberman amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM. Mr. President, this is not an issue of censorship or excessive Government intrusion. This is essentially an issue of empowerment. We are empowering the parents of children to make an intelligent choice, which the children by their immaturity often are unable to make. Who better to ask in our society to be responsible for what comes into the minds of young people than those who love them the most and have the responsibility for their nurturing and upbringing?

I believe that we ought to be encouraging responsibility beyond just the pure dictates of the marketplace from many aspects of our society. I am very pleased that three Federal agencies —the Department of Defense, Amtrak, and the Postal Service—have joined together to establish some standards that will not place Federal advertising into programs that are excessively violent.

I hope that would be a standard of social responsibility that other sponsors would look to and that we would allow parents to exercise that responsibility by empowering them to control what their children see.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. PRESSLER. I yield back all my time. This will be a vote on a motion to table.

VOTE ON MOTION TO TABLE AMENDMENT NO. 1275

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table amendment No. 1275 offered by the Senator from North Dakota [Mr. CONRAD]. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MACK (when his name was called). Present.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 26, nays 73, as follows:

[Rollcall Vote No. 256 Leg.]

YEAS—26

Ashcroft
Burns
Craig
D'Amato
Dodd
Dole
Faircloth
Feingold
Frist
Glenn
Grassley
Jeffords
Kempthorne
Kyl
Leahy
Lott
Moseley-Braun
Moynihan
Packwood
Pell
Pressler
Robb
Santorum
Simon
Specter
Thomas

NAYS—73

Abraham
Akaka
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Daschle
DeWine
Domenici
Dorgan
Exon
Feinstein
Ford
Gorton
Graham
Gramm
Grams
Gregg
Harkin
Hatch
Hatfield
Heflin
Helms
Hollings
Hutchison
Inhofe
Inouye
Johnston
Kassebaum
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Levin
Lieberman
Lugar
McCain
McConnell
Mikulski
Murkowski
Murray
Nickles
Nunn
Pryor
Reid
Rockefeller
Roth
Sarbanes
Shelby
Simpson
Smith
Snowe
Stevens
Thompson
Thurmond
Warner
Wellstone

ANSWERED "PRESENT"—1

Mack

So the motion to lay on the table the amendment (No. 1275) was rejected.

VOTE ON AMENDMENT NO. 1347, AS MODIFIED, TO AMENDMENT NO. 1275

Mr. PRESSLER. Mr. President, I ask unanimous consent that the yeas and nays be vitiated on amendment No. 1347.

The PRESIDING OFFICER. Without objection, it is so ordered.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The question occurs on the second-degree amendment No. 1347 offered by the Senator from Connecticut.

If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 1347), as modified, was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

Mr. PRESSLER. I ask for the yeas and nays on amendment No. 1349.

VOTE ON AMENDMENT NO. 1275, AS AMENDED

The PRESIDING OFFICER. The question occurs on amendment No. 1275 as amended.

The amendment (No. 1275), as amended, was agreed to.

Mr. LIEBERMAN. Mr. President, I move to reconsider the vote.

Mr. GRAHAM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PRESSLER adressed the Chair.

The PRESIDING OFFICER. The Senator from South Dakota.

VOTE ON AMENDMENT NO. 1349

Mr. PRESSLER. Mr. President, I ask for the yeas and nays on amendment No. 1349.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question occurs on amendment No. 1349, offered by the Senator from Illinois [Mr. SIMON].

The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

The result was announced, yeas 100, nays 0, as follows:

[Rollcall Vote No. 257 Leg.]

YEAS—100

Abraham
Akaka
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Dole
Domenici
Dorgan
Exon
Faircloth
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Helms
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Robb
Rockefeller
Roth
Santorum
Sarbanes
Shelby
Simon
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner
Wellstone

So, the amendment (No. 1349) was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote.

Mr. HOLLINGS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PRESSLER addressed the Chair.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. PRESSLER. Mr. President, I have 2 or 3 unanimous consent requests.

AMENDMENT NO. 1335

Mr. President, I ask unanimous consent that the Senate now resume consideration of amendment 1335—it is the Kerrey of Nebraska amendment—the amendment be agreed to and the motion to reconsider be laid upon the table, all without any intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the amendment (No. 1335) was agreed to.

AMENDMENT NO. 1350

(Purpose: To assure that the national security is protected when considering grants of common carrier license to foreign entities and other persons)

Mr. PRESSLER. I ask that the pending amendments be laid aside, and I send an amendment to the desk on behalf of Senator EXON.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from South Dakota [Mr. PRESSLER], for Mr. EXON, for himself, Mr. DORGAN, and Mr. BYRD, proposes an amendment numbered 1350.

Mr. PRESSLER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 49, line 15 after "Government (or its representative)" add the following: "provided that the President does not object within 15 days of such determination"

On page 50 between line 14 and 15 insert the following:

"(c) THE APPLICATION OF THE EXON-FLORIO LAW.—Nothing in this section (47 U.S.C. 310) shall limit in any way the application of 50 U.S.C. App. 2170 (the Exon-Florio law) to any transaction."

Mr. EXON. Mr. President, I rise to offer an amendment related to the foreign ownership provisions of the telecommunications bill.

S. 652, the pending bill, adds new procedures to permit foreign ownership of common carrier licenses if the Federal Communications Commission [FCC] determines that the home country of the proposed foreign owner offers reciprocal and equivalent market opportunities to Americans.

The Exon-Dorgan-Byrd amendment clarifies that nothing in the new section limits or affects the application of the Exon-Florio law (50 App. 2170) which gives the President the power to investigate and if necessary prohibit or suspend a merger, takeover or acquisition of an American company by a foreign entity when the national security may be affected by such transaction.

Where the proposed FCC procedure would permit the foreign acquisition of a U.S. telecommunications company and its common carrier licenses, it is important to make clear that the new FCC procedure does not pre-empt existing law affecting foreign mergers, acquisitions and takeovers.

Most importantly, our proposed amendment would give the President 15 days to review actions of the FCC. Under this provision, the license could be granted only if the President does not object within 15 days. As Commander in Chief, and the conductor of foreign policy, there may be information available to a President which would not or should not be available to the FCC in making its findings under the proposed procedure in S. 652. The Exon-Dorgan-Byrd amendment assures that the President gets the final say if a common carrier license is granted to a foreign entity.

This amendment should be non-controversial and in no way undermines the foreign investment and ownership reforms of S. 652. It preserves important national security, foreign policy and law enforcement powers of the President.

I urge my colleagues to support this short but critically important amendment.

Mr. BYRD. Mr. President, I strongly support the amendment offered by the distinguished senior Senator from Nebraska [Mr. EXON], and am a co-sponsor of it along with the distinguished Senator from North Dakota [Mr. DORGAN]. The international marketplace in telecommunications equipment and service is a very robust, lucrative one, and the opportunities for U.S. companies abroad are vast. However, this marketplace is subject to many of the same kind of barriers to entry as has been the case for other American business sectors. Currently, the US Trade representative, Ambassador Kantor, has initiated a 301 case against the Japanese in the area of automobile parts, after years of frustration in trying to gain fair entry into the Japanese market. The Senate has strongly endorsed this action by a vote of 88–8 on a resolution offered by myself, the two leaders, and other Senators on both sides of the aisle.

Similar problems of access to foreign markets exist in the telecommunications sector, and the bill as reported from the Commerce Committee includes a provision to protect our country and our companies from unfair competition. The bill as reported by the Committee supports an incentives-based strategy for foreign countries to open their telecommunications markets to U.S. companies. It does this by conditioning new access to the American market upon a showing of reciprocity in the markets of the petitioning foreign companies. Current law, that is section 310 of the Communications Act of 1934, provides that a foreign entity may not obtain a common carrier license itself, and may not own more than 25 percent of any corporation which owns or controls a common carrier license. This foreign ownership limitation has not been very effective and has not prevented foreign carriers from entering the U.S. market. The FCC has had the discretion of waiving this limitation, if it finds that such action does not adversely affect the public interest.

Nevertheless, maintaining restrictions on foreign ownership is generally considered by U.S. industry to be useful as one way to raise the issue of unfair foreign competition and to maintain leverage abroad. Therefore, the bill established a reciprocal market access standard as a condition for the waiver of Section 310(b). It states that the FCC may grant to an alien, foreign corporation or foreign government a common carrier license that would otherwise violate the restriction in Section 310(b) if the FCC finds that there are equivalent market opportunities for U.S. companies and citizens in the foreign country of origin of the corporation or government.

Even though Section 310 has not prevented access into our market, the existence of the section has been used by foreign countries as an excuse to deny U.S. companies access to their markets. The provision in S. 652, applying a reciprocity rule, makes it clear that our market will be open to others to the same extent that theirs are open to our investment. This is as it should be.

The amendment offered by the distinguished Senator from Nebraska ensures that important factors of national security and the overall best interest of the U.S. from the perspective of law enforcement, foreign policy, the interpretation of international agreements, and national economic security are protected. The FBI has indicated to me its grave concerns over foreign penetration of our telecommunications market. Foreign governments whose interests are adverse to the U.S., foreign drug cartels, international criminal syndicates, terrorist organizations, and others who would like to own, operate, or penetrate our telecommunications market should be prohibited from doing so. Therefore, the Exon-Dorgan-Byrd amendment gives the president the authority to overturn an FCC decision to grant a waiver of the restrictions of Section 310. This is based, of course, on the superior information available to the President by virtue of the resources available to him across the board in the Executive branch. The president must have a veto in this field, and he should not hesitate to exercise this authority.

Mr. President, my second degree amendment provides that, in the event that the President should reject a recommendation by the FCC to grant a license to a foreign entity to operate in our market, the President shall provide a report to the Congress on the findings he has made in the particular case and the factors that he took into account in arriving at his determination. The Congress needs to be kept in the loop on the evolution of our telecommunications market. The reports can be provided in classified and/or unclassified form, as appropriate, since many of the national security factors that might pertain in a particular case are sensitive and should be protected.

In addition, Mr. President, my amendment has a second section which deals with the issue of the actual nature of the foreign telecommunications market place. Given the highly lucrative nature of the telecommunications marketplace, the stakes of gaining access to foreign markets are high. It should be no surprise that securing effective market access to many foreign markets, including those of our allies, such as France, Germany and Japan, has been very difficult. Those markets remain essentially closed to our companies, dominated as they are by large monopolies favored by those governments. In fact, most European markets highly restrict competition in basic voice services and infrastructure. A study by the Economic Strategy Institute, in December 1994, found that "While the U.S. has encouraged competition in all telecommunication sectors except the local exchange, the overwhelming majority of nations have discouraged competition and maintained a public monopoly that has no incentive to become more efficient. U.S. firms, as a result of intense competition here in the U.S., provide the most advanced and efficient telecommunications services in the world, and could certainly compete effectively in other markets if given the chance of an open playing field." The same study found that "U.S. firms are blocked from the majority of lucrative international opportunities by foreign government regulations prohibiting or restricting U.S. participation and international regulations which intrinsically discriminate and overcharge U.S. firms and consumers." This study found that the total loss in revenues to U.S. firms, as a result of foreign barriers, is estimated to be close to $100 billion per year between 1992 and the end of the century.

As my colleagues are aware, the negotiations which led to the historic revision of the GATT agreement, and which created the World Trade Organization, were unable to conclude an agreement on telecommunications services. Thus, separate negotiations are underway in Geneva today to secure such an agreement, in the context of the Negotiating Group on Basic Telecommunications. In the absence of such an agreement, we must rely on our own laws to protect our companies and to provide leverage over foreign nations to open their markets. To forego our own national leverage would do a great disservice to American business and would be shortsighted—the result of which would be not only a setback to our strategy to open those markets, but to pull the rug out from under our negotiators in Geneva seeking to secure a favorable international agreement for open telecommunications markets. Indeed, tough U.S. reciprocity laws are clearly needed by our negotiators to gain an acceptable, effective, market-opening agreement in Geneva in these so-called GATT (General Agreement on Trade in Services) negotiations.

The standard for access into the American market in the reported bill requires that the FCC find that market opportunities in the home market of the applicant be equivalent to those desired in the U.S. in the specific telecommunications market segment involved. Thus, if an applicant wants to get into the American mobile telephone market, the mobile telephone market of the applicant must be open. I expect that the FCC will be very tough, and the President will be very tough, as provided for in the underlying amendment pending here, in making a determination that the home market of the applicant is really open for our investment and/or operations. My second degree amendment would also require the FCC and the President to look beyond that specific telecommunications market segment, and make an evaluation of the accessibility of the whole range of telecommunications market segments for American investment and/or operations. This is because the telecommunications market between the U.S. and our trading partners is often very asymmetrical. For instance, if a German company wants to get into the U.S. mobile phone market, we might find, and indeed we would find, that the German mobile phone market is open to U.S. business access. But the rest of the German market is mainly closed up tighter than a dry drum to U.S. investment or entry. So we at least need to inform ourselves of the real nature of the international marketplace, and I would expect that these evaluations would be made available to the public, in detail and in a timely way. Over the long run, if we determine a persistent pattern of imbalance and unfairness, as a whole, exists in telecommunications markets, further action to force foreign markets open will have to be considered.

Mr. President, this is an effort to advance our understanding of the nature of the evolving international marketplace for the range of exploding technologies in the telecommunications field, and to ensure that America is treated fairly and in a reciprocal manner. I congratulate the committee for the reciprocity provision and I hope that the modest contribution that Senators EXON, DORGAN, and I make with this amendment will add something of value to that provision.

AMENDMENT NO. 1351 TO AMENDMENT NO. 1350

(Purpose: To require a report on objections to determinations of the Federal Communications Commission for purposes of termination of foreign ownership restrictions and to revise the determinations of market opportunities for such purposes)

Mr. PRESSLER. I send a second-degree amendment to the desk on behalf of Senator BYRD.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from South Dakota [Mr. PRESSLER], for Mr. BYRD, for himself and Mr. EXON, proposes an amendment numbered 1351.

Mr. PRESSLER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 1 of the amendment, line 4, strike out "determination." and insert in lieu thereof the following: "determination. If the President objects to a determination, the President shall, immediately upon such objection, submit to Congress a written report (in unclassified form, but with a classified annex if necessary) that sets forth a detailed explanation of the findings made and factors considered in objecting to the determination."

On page 49, line 17, insert after the period the following: "While determining whether such opportunities are equivalent on that basis, the Commission shall also conduct an evaluation of opportunities for access to all segments of the telecommunications market of the applicant."

Mr. EXON. Mr. President, I am pleased to support and cosponsor Senator BYRD's amendment to the Exon-Dorgan-Byrd foreign investment amendment. This friendly amendment would require the President to report to the Congress in a classified and unclassified form.

This report mirrors the reporting provisions of the 1993 Exon-Byrd amendment to the Exon-Florio law. I am pleased to lend my full support to my friend and colleague from West Virginia.

Mr. PRESSLER. I ask unanimous consent that the amendment be agreed to and the motion to reconsider be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the amendment (No. 1351) was agreed to.

Mr. PRESSLER. Mr. President, I ask unanimous consent that the Exon amendment be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the amendment (No. 1350), as amended, was agreed to.

Mr. PRESSLER. Mr. President, I believe that that brings our activities on the telecommunications bill to a close today. I think we have made good progress, and I think the committee bill has held together. I know there are Senators present with speeches, but I wish to thank all Senators.

The PRESIDING OFFICER. The Senator from Mississippi.

CLOTURE MOTION

Mr. COCHRAN. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Calendar No. 45, S. 652, the telecommunications bill:

Trent Lott, Larry Pressler, Judd Gregg, Don Nickles, Rod Grams, Rick Santorum, Craig Thomas, Spencer Abraham, Bob Dole, Ted Stevens, Larry Craig, Mike DeWine, John Ashcroft, Robert Bennett, Hank Brown, and Conrad Burns.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT OF THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR CALENDAR YEARS 1993—MESSAGE FROM THE PRESIDENT—PM 55

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

Pursuant to the requirements of 42 U.S.C. 3536, I transmit herewith the 29th Annual Report of the Department of Housing and Urban Development, which covers calendar year 1993.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *June 13, 1995.*

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–969. A communication from the Director of the Institute of Museum Services, transmitting, pursuant to law, the report under the Federal Managers' Financial Integrity Act; to the Committee on Governmental Affairs.

EC–970. A communication from the Comptroller General of the United States, transmitting, pursuant to law, notice of the reports and testimony for April 1995; to the Committee on Governmental Affairs.

EC–971. A communication from the Executive Director of the Federal Retirement Thrift Investment Board, transmitting, a draft of proposed legislation to amend Title 5, United States Code, to provide additional investment funds for the thrift savings plan; to the Committee on Governmental Affairs.

EC–972. A communication from the Director of the Office of Personnel Management, transmitting, a draft of proposed legislation entitled "The Federal Employees Emergency Leave Transfer Act of 1995"; to the Committee on Governmental Affairs.

EC–973. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, the report under the Chief Financial Officers Act of 1990; to the Committee on Governmental Affairs.

EC–974. A communication from the Chief Operating Officer/President of the Resolution Funding Corporation, transmitting, pursuant to law, a report relative to internal controls for 1993 and 1994; to the Committee on Governmental Affairs.

EC–975. A communication from the Chair of the Federal Energy Regulatory Commission, transmitting, pursuant to law, the 1994 annual report under the Government in the Sunshine Act; to the Committee on Governmental Affairs.

EC–976. A communication from the Executive Director of the Neighborhood Reinvestment Corporation, transmitting, pursuant to law, the 1994 annual report under the Government in the Sunshine Act; to the Committee on Governmental Affairs.

EC 977. A communication from the chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–51, adopted by the Council on May 2, 1995; to the Committee on Governmental Affairs.

EC 978. A communication from the chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–52, adopted by the Council on May 2, 1995; to the Committee on Governmental Affairs.

EC 979. A communication from the chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–53, adopted by the Council on May 2, 1995; to the Committee on Governmental Affairs.

EC 980. A communication from the chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–54, adopted by the Council on May 2, 1995; to the Committee on Governmental Affairs.

EC 981. A communication from the chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–55, adopted by the Council on May 2, 1995; to the Committee on Governmental Affairs.

EC 982. A communication from the chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–56, adopted by the Council on May 2, 1995; to the Committee on Governmental Affairs.

EC 983. A communication from the chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–59, adopted by the Council on May 2, 1995; to the Committee on Governmental Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. DOMENICI (for himself and Mr. BOND):

S. 917. A bill to facilitate small business involvement in the regulatory development processes of the Environmental Protection Agency and the Occupational Safety and Health Administration, and for other purposes; to the Committee on Small Business.

By Mr. EXON:

S. 918. A bill to prohibit the payment of certain Federal benefits to any person not lawfully present within the United States, and for other purposes; to the Committee on Finance.

By Mr. COATS (for himself and Mrs. KASSEBAUM):

S. 919. A bill to modify and reauthorize the Child Abuse Prevention and Treatment Act, and for other purposes; to the Committee on Labor and Human Resources.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DOMENICI (for himself and Mr. BOND):

S. 917. A bill to facilitate small business involvement in the regulatory development processes of the Environmental Protection Agency and the Occupational Safety and Health Administration, and for other purposes; to the Committee on Small Business.

THE SMALL BUSINESS ADVOCACY ACT OF 1995

Mr. DOMENICI. Essentially, Mr. President, this bill will establish the process whereby small business in each of our respective States will be involved in the process of writing the rules and regulations for both OSHA and EPA. I think it is an exciting idea that came right from small business.

I note that the chairman of the Small Business Committee, Senator BOND, is a cosponsor. I thank him for his assistance. Mr. President, on behalf of the small business women and men in America, I am pleased to offer a bill to create a Small Business Advocacy Review Panel. This bill has been developed because of the suggestions of a committed group of New Mexican small business people. I am also pleased that the distinguished chairman of the Senate Committee on Small Business is joining me as an original cosponsor of this measure. I am also pleased to say that the National Federation of Independent Business supports this bill.

This week, the White House Conference on Small Business is convening here in Washington. This is an event I am particularly interested in since I introduced the legislation that authorizes these national conferences with small business men and women. I would like to welcome all the delegates from New Mexico and ask unanimous consent to place a list of their names in the RECORD at the conclusion of my remarks.

In early 1994, I formed a Small Business Advocacy Council in New Mexico. I asked this group to advise me about the problems of small businesses and how Congress might address some of their concerns. This council held 7 meetings in 6 locations throughout the State of New Mexico with more than 400 businesses participating. The consistent theme at all of these meetings was the appearance of an adversarial relationship between the Federal Government and business, and the lack of accountability of regulatory agencies in their dealings with business.

A few months ago the Senate Small Business Committee kicked off a series of field hearings entitled "Entrepreneurship in America," with the first hearing in Albuquerque. These hearings focused on 7 issues affecting American small businesses: the Federal tax burden, cost of employment, environmental compliance, OSHA compliance, government intrusion on the family farm, banking system restrictions, and unreasonable legal exposure costs. Many members of the Small Business Advocacy Council testified at the Albuquerque field hearing of the Senate Small Business Committee chaired by my good friend and distinguished colleague, KIT BOND.

The concerns vetted in this field hearing were not unique to New Mexico. In fact, the Washington Post insert of June 6, ran a very illustrative story on the Small Business White House Conference. This story focused on Sal Risalvato, a White House Conference delegate from New Jersey. Mr. Risalvato runs a gasoline service station in Morristown, NJ, and he relates a familiar tale of struggling to cope with a continuous stream of new EPA regulations. He cites that these regulations are difficult to understand and require the constant expenditure of capital—capital that could have been otherwise used to expand the business and create more jobs. I ask unanimous consent that a copy of this article be inserted in the RECORD at the conclusion of my remarks.

In June 1994, the General Accounting Office delivered a report to the House Committee on Education and Labor entitled "Workplace Regulation—Information on Selected Employer and Union Experiences."

I recently discussed this report with the GAO because I found its results so strikingly similar to the findings of the New Mexico Small Business Advocacy Council and the gentleman from New Jersey cited in the Post article. The objective of the GAO report was to: First, identify and analyze the characteristics of the major statutes comprising the framework of workplace regulation and, second, describe the actual experiences of a wide range of employer and employee representatives with workplace regulation.

The GAO identified 26 statutes and one Executive order on workplace regulation and sought comments, on a confidential basis, from a broad range of 36 employers and union representatives. Those interviewed generally accepted the importance of workplace regulations. There were frequently voiced concerns, however, with the operation of the overall regulatory process of many agencies and about whether the agencies' regulatory goals were being achieved. Last year there were over 8,000 rules and regulations that were promulgated. Obviously, not every rule can, or needs to be, reviewed. However, there are currently approximately 46 rulemakings pending at EPA that are termed significant, with an economic impact exceeding $100 million.

The small business men and women of America aren't asking to abolish regulations, they are asking for an opportunity to work with agencies to establish an effective mechanism for drafting regulations. The New Mexico Small Business Council members, as well as Sal Risalvato from New Jersey, have said they agree regulation is necessary and everyone benefits from reasonable regulations on health and safety. The small business men and women are pleading for a vehicle of cooperation to act in an advisory capacity to the government on regulatory impacts and costs.

So, at their suggestion, I am pleased to introduce the Small Business Advocacy Act of 1995. This act will establish a small business review panel to facilitate small business involvement in the regulatory development process within the EPA and OSHA. These panels will be responsible for providing technical guidance for issues impacting small businesses, such as applicability, compliance, consistency, redundancy, readability, and any other related concerns that may affect them. This panel will then provide recommendations to the appropriate agency personnel responsible for developing and drafting the relevant regulations. Why EPA and OSHA? They were repeatedly cited as the most onerous and costly agencies to small business.

The panel will be chaired by a senior official of the agency and will include staff responsible for development and drafting of the regulation, a representative from OIRA, a member of the SBA advocate office, and up to three representatives from small businesses especially affected. This will allow the actual small business owners, or their representative associations, to have a voice in the massive regulatory process that affects them so much. The panel has a total of 45 days to meet and develop its recommendations before a rule is promulgated or a final rule is issue. This panel's recommendations, both the majority and minority views, will be reported to the appropriate agency personnel before the rulemaking and the agency will ensure that the panel's recommendations, and the agency's response to them, are included in any notice of final rulemaking.

Finally, this act will also provide for a peer review survey to be conducted on regulations. This idea is analogous to what the private sector routinely practices. A customer survey, contracted and conducted with a private sector firm, will sample a cross-section of the affected small business community responsible for complying with the sampled regulation. This valuable input on regulatory issues impacting small businesses will be made available to the Small Business Advocacy Review Board to assist in their review processes and will also be made available to interested parties and organizations upon request.

I believe that this panel, working together so all viewpoints are represented, will be the crux of reasonable, consistent and understandable rulemaking. I am very concerned about the adversarial manner in which our small businesses perceive their government. Much of this adversarial relationship has grown from years of misunderstanding of impacts and effects and a lack of communication. I want to improve our rulemaking and regulatory process through cooperation and collaboration and I urge my colleagues to support this act.

Mr. President, I ask that unanimous consent that additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, June 6, 1995]

A TALE OF PUMPING GAS WITH ONE HAND, HOLDING OFF GOVERNMENT WITH THE OTHER

(By Sal Risalvato)

I wonder if my small business can survive another onslaught of excessive federal regulations. And if it can't, what will happen to my livelihood and that of my employees who depend on me for jobs?

I have learned through firsthand experience how the burden created by federal regulations can hurt a small business.

Since 1987, when I bought Riverdale Texaco, a gasoline service station in Morris County, N.J., costly regulations have touched every aspect of my small business, from the sale of petroleum products to the repair service my employees provide.

My first experience with federal regulations occurred even before I bought the station. Because of the government's response to rising environmental concerns, I had to assemble additional financing in order to make sure that the station I bought had underground storage tanks that were in good shape. The tanks in my new station, for which I did pay a premium, had been installed just a year earlier.

However, within five years, the Environmental Protection Agency (EPA) altered the regulations for underground storage tanks, requiring me to spend another $95,000.

Although it wasn't the government's fault, this $95,000 was especially difficult for me to come by. I had been left virtually broke after losing my first service station in 1986 when my landlord wouldn't renew my lease because he believed he could put his rapidly-appreciating property to more profitable use than as a service station.

In fact, while operating my new station, I was still paying debts from the station I had lost to its landlord. So, coming up with an additional $95,000 to meet new and unexpected governmental regulations meant borrowing from family members. My father borrowed the money he lent me, using his home as collateral.

Fortunately, Texaco also provided me with funds in exchange for a supply contract.

To me, this was government extortion because I would have been forced out of business if I hadn't met the EPA's new requirements. Many service station owners without the money to meet the new requirements have gone out of business or have stopped selling gasoline and are trying to get by on the income from other products and services.

I had thought the EPA had inflicted enough pain and torture on my business, but the federal government now is attempting to blackmail me, my governor, the motorists of my state, and my fellow service station owners in New Jersey.

New Jersey probably has one of the best motor vehicle inspection systems in the country. Under current law, motorists must have their car emissions systems and safety items such as brakes inspected annually, either at a state inspection site or a licensed private repair facility such as mine.

In order to meet EPA requirements, the State of New Jersey will have to invest millions of dollars for new equipment at the state inspection sites. And I, along with other private businesses that want to continue performing inspections, will each have to spend $40,000 to $100,000 for new equipment.

Since many service stations, including mine, can't afford to buy the new, mandated equipment, we small business owners will be forced to give up an important profit center.

I am running out of family members who have money to lend, and those family members who do have money are running out because they always have been lending it to me.

N.J. Gov. Christine Todd Whitman has been negotiating with the EPA to lessen the burden on our state. But ultimately, if the state refuses to adopt an inspection system suitable to the EPA, the Department of Transportation will withhold $217 million in federal highway funds.

This would hurt the whole state.

There's no doubt that if these regulations were less stringent or if they were eliminated altogether, I would have more money to expand my business and to create jobs.

When I bought my business, my dream was to add on three or four service bays, a sales room, an employee room, and storage and office space to meet what I hoped would be my growing business' needs.

Now, to make the best use of space inside the main building, our offices are housed in a trailer on the side of my building. Twice in the past seven years, the local board of adjustment has granted us temporary permission to keep our office. Each time, I explained to the board that costly government regulations are slowing down my expansion plans. And that once I'm able to expand, I'll hire at least seven more people.

Anyone can see how federal regulations are stifling my small business. Some people say small-business owners don't care about health and safety or that we are anti-environment. Nothing could be further from the truth.

The small-business community agrees that some regulation is necessary. We, too, benefit from reasonable regulations, and I care about employee safety and environmental protection. I drink the same water and breathe the same air as everyone else. I have no desire to see the quality of either jeopardized.

But federal bureaucrats need to step back and re-evaluate the damage their actions inflict on the free enterprise system.

Congress must make sure that no new requirements are put on the books unless the benefits outweigh the costs, and there should be a clear understanding of what the nation is getting in return.

The regulatory situation for small business is approaching crisis proportions.

Each year, I spend many hours and dollars completing government paperwork and trying to comply with all the regulations. Besides the time I spend actually filling out the forms, there's the time spent trying to understand the paperwork and identify the information needed.

These requirements take valuable time away from running a small business and deplete limited resources that could better be used to expand the business.

Among other changes, my fellow small-business owners want paperwork reduction, a review process for regulations and the right to challenge excessive or unnecessary regulations in court.

If the burdens of excessive regulations are lifted from our backs, we can do even better what we already are the best at—creating jobs.

LIST OF NEW MEXICO DELEGATES TO THE WHITE HOUSE CONFERENCE ON SMALL BUSINESS, JUNE 12–14

1. Angela Atterbury, Atterbury and Associates, Inc.
2. Lynne K. Behnfield, Lynfield Consulting, Inc.
3. Diane D. Denish, The Target Group.
4. Maria Estela de Rios, ORION Int'l. Technologies, Inc.
5. Joyce Freiwald, F2 Associates, Inc.
6. Scott Garrett, New Mexico Sports and Wellness.
7. Jim Greenwood, Greenwood Consulting Group.
8. Janet Kerley, Monteverde, Inc.
9. Chet Lytle, Communications Diversified, Inc.
10. Annique Malm, Healthcare Business Solutions, Inc.
11. Ioana McNamara, Permacharge Corp.
12. James M. Parker, Modrall Law Firm.
13. George Shaffer, Insurance Center.
14. Carolyn Sigstedt, Tewa Enterprises.
15. Larry Scheffield.
16. John Lorentzen, Southwest Realty Investment.

By Mr. EXON:

S. 918. A bill to prohibit the payment of certain Federal benefits to any person not lawfully present within the United States, and for other purposes; to the Committee on Finance.

THE ILLEGAL ALIEN BENEFITS PROHIBITION ACT OF 1995

Mr. EXON. Mr. President, I introduce a bill intended to eliminate the payment of Federal benefits to illegal aliens. I spoke on this issue in detail yesterday and I rise to formally introduce the bill today.

I believe that as we begin to debate the welfare reform bill, we have a golden opportunity to stop, once and for all, paying benefits to illegal aliens. I also believe that we can forge a new compact between the States and the Federal Government. If the States can stand with us and help to identify and verify alien status, we will provide them the necessary funds. We can also allow States to deny benefits to illegal aliens.

I intend to pursue this matter to the end, and I urge my colleagues to support this measure.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 918

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Illegal Alien Benefits Prohibition Act of 1995".

SEC. 2. PROHIBITION ON PAYMENT OF FEDERAL BENEFITS TO CERTAIN PERSONS.

(a) IN GENERAL.—Notwithstanding any other provision of law and except as provided in subsection (b), Federal benefits shall not be paid or provided to any person who is not a person lawfully present within the United States.

(b) EXCEPTIONS.—Subsection (a) shall not apply with respect to the following benefits:

(1) Emergency medical services under title XIX of the Social Security Act.

(2) Short-term emergency disaster relief.

(3) Assistance or benefits under the National School Lunch Act.

(4) Assistance or benefits under the Child Nutrition Act of 1966.

(5) Public health assistance for immunizations with respect to immunizable diseases and for testing and treatment for communicable diseases.

(c) DEFINITIONS.—For purposes of this Act—

(1) FEDERAL BENEFITS.—The term "Federal benefit" means—

(A) the issuance of any grant, contract, loan, professional license, or commercial license provided by an agency of the United States or by appropriated funds of the United States; and

(B) any retirement, welfare, Social Security, health, disability, veterans benefit, public housing, education, food stamps, unemployment benefit, or any other similar benefit for which payments or assistance are provided by an agency of the United States or by appropriated funds of the United States.

(2) VETERANS BENEFIT.—The term "veterans benefit" means all benefits provided to veterans, their families, or survivors by virtue of the service of a veteran in the Armed Forces of the United States.

(3) PERSON LAWFULLY PRESENT WITHIN THE UNITED STATES.—The term "person lawfully present within the United States" means a person who, at the time the person applies for, receives, or attempts to receive a Federal benefit, is a United States citizen, a permanent resident alien, an asylee, a refugee, a parolee, a national, or a national of the United States for purposes of the immigration laws of the United States (as defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17)).

SEC. 3. STATE OBLIGATION.

Notwithstanding any other provision of law, a State that administers a program that provides a Federal benefit (described in section 2(c)(1)) or provides State benefits pursuant to such a program shall not be required to provide such benefit to a person who is not a person lawfully present within the United States through a State agency or with appropriated funds of such State.

SEC. 4. VERIFICATION OF ELIGIBILITY.

(a) IN GENERAL.—Not later than 18 months after the date of the enactment of this Act, the Attorney General of the United States, after consultation with the Secretary of Health and Human Services, shall promulgate regulations requiring verification that a person applying for a Federal benefit, including a benefit described in section 2(b), is a person lawfully present within the United States and is eligible to receive such benefit. Such regulations shall, to the extent feasible, require that information requested and exchanged be similar in form and manner to information requested and exchanged under section 1137 of the Social Security Act.

(b) STATE COMPLIANCE.—Not later than 24 months after the date the regulations described in subsection (a) are adopted, a State that administers a program that provides a Federal benefit described in such subsection shall have in effect a verification system that complies with the regulations.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the purpose of this section.

By Mr. COATS (for himself and Mrs. KASSEBAUM):

S. 919. A bill to modify and reauthorize the Child Abuse Prevention and Treatment Act, and for other purposes; to the Committee on Labor and Human Resources.

THE CHILD ABUSE PREVENTION AND TREATMENT ACT AMENDMENTS OF 1995

• Mr. COATS. Mr. President: I introduce the Child Abuse Prevention and Treatment Act Amendments of 1995.

Child abuse is an issue which provokes our anger and anguish, and which demands our attention as legislators. Our Nation's outrage on this Topic was renewed with the murder of Susan Smith's children. It is impossible to comprehend how those who are entrusted with protecting children can hurt them, maim them, and even take their lives. In fact, it was cases just like this—involving the severe abuse and death of children—which led to Senate hearings in 1973, and eventually to the development of the Child Abuse Prevention and Treatment Act.

CAPTA was first authorized in 1974 and is the only Federal program specifically aimed at child abuse prevention and treatment. CAPTA has served as a catalyst, encouraging States to do some important things: Develop programs of prevention and treatment; educate law enforcement and judicial personnel; and to develop crisis hotlines, self-help groups, volunteer training, and public awareness campaigns.

In 1993, the National Committee for the Prevention of Child Abuse and neglect reported that there were 2,898,000 child maltreatment reports. This represents a twentyfold increase from 1963, when there were about 150,000 reports. Federal and State expenditures for child protection programs and associated foster care programs now exceed $6 billion a year. The heightened awareness in the public regarding the issue of child abuse, and the corresponding increase in Federal and State dollars, is partially due to the passage of mandatory reporting laws—required by CAPTA—and the media campaigns that have accompanied them. Certainly, many thousands of children have been saved from serious injury, and even death, during the last 20 years.

Unfortunately, a byproduct of this heightened public awareness has been an explosion in the number of unfounded reports of child abuse and neglect. The staggering number of reports that are determined to be unfounded tell a disturbing tale. According to the annual 50-State survey of the National Committee To Prevent Child Abuse, only 34 percent of the reports received by child protective services were substaintiated. This means that two-thirds of all abuse and neglect reports are unsubstantiated. When you take into account the number of families involved and the numbers duplicate reports, we know that each year as many as 700,000 families are being unnecessarily investigated—their children are being questioned and family life disrupted.

This is a concern, but the most important problem is this: unnecessary investigations are overwhelming the child protection system, and thereby preventing caseworkers from getting to those children who are truly in need of help.

It is important to note that few of the unfounded reports are made maliciously. The reporter is usually well-intentioned, but unclear as to what constitutes maltreatment. A vague suspicion that something may be wrong sets in motion a legal obligation on the part of child protective services to investigate.

This burden of empty accusations helps explain why between 25 to 50 percent of child abuse deaths involve children previously known to the authorities. With caseworkers spending significant amounts of time investigating every allegation of child maltreatment, no matter how tenuous, it is understandable that children who are truly in need of help are missed or ignored.

Mr. President, the legislation that I am introducing today addresses some of the failings in the current system, and addresses ways that we can better target attention to those children in desperate need of protection. The legislation proposes to encourage the States through the development of risk assessment protocols, improved training of child protection workers, and enhanced community awareness and public education.

The legislation was drafted following a fruitful hearing that examined some of the critical child protection issues facing our Nation today and particularly their impact on the families and children who come in contact with the child protective system.

A great deal is at stake in these matters. The protection of children from abuse is a demand of our conscience and a demand of our laws. Our concern and compassion should be broad. But the system charged with protecting children must be focused to be effective. And that is the only measure of our success—when a child is effectively shielded from abuse and neglect.

This requires a serious revision of our current approach—not its goal, but some of its methods. And I hope that with this legislation we can begin that process in earnest.

For the information of my colleagues, I will summarize some of the provisions of the bill.

Title I reauthorizes State grants and demonstration grants, makes reporting and data collection requirements more effective, and eliminates certain bureaucratic bodies.

The bill repeals the current mandates for a National Center on Child Abuse and Neglect, for the U.S. Advisory Board on Child Abuse and Neglect, and the Inter-Agency Task Force on Child Abuse and Neglect. Instead the Secretary has discretion to establish an Office on Child Abuse and Neglect to coordinate the functions of this Act, and to appoint an advisory board to report on specific issues.

The data collection function for the National Clearinghouse would be expanded. In addition, the research activities function, coordinated by the Secretary of HHS, is restructured to require a continuing program of research aimed at better protecting children from abuse and neglect.

The bill authorizes demonstration grants to encourages State and local innovation in training professionals, families, service providers, and communities and providing information and assistance to individuals, agencies, and organizations through child abuse resource centers; parent mutual support and self help programs; and other innovative programs, such as establishing a triage system which would allow and encourage community participation in the prevention and response to child abuse and neglect.

The basic State grant program will continue to support State child protective services by assisting States with: First the intake, screening and investigation of reports of child abuse or neglect; second, case management and delivery of services provided to children and their families; third, improving risk and safety assessment tools, fourth, expanding training opportunities for service providers and mandated reporters; and fifth; provide for education and training addressing "Baby Doe" situations of medical neglect.

In order to be eligible to receive funds under this section, a State must submit a State plan and annual data reports.

The bill continues the current immunity from prosecution for individuals who report a suspicion or incident of child abuse and neglect, but adds a requirement that the reports must be made in good faith.

This bill clarifies the issue of medical neglect as well, providing that parents are free to make decisions regarding the medical treatment of their children, and that States may not find a family using spiritual or non-medical means as being neglectful, solely on the basis of a religious practice, absent an affirmative finding of abuse or neglect on a case-by-case basis. Further, the bill makes clear that nothing in this act precludes a State from intervening on behalf of the child where failure or refusal to provide a medical service or treatment will lead to imminent risk of severe harm to the child.

Finally, to give better direction to the States, the definition of child abuse and neglect is clarified.

Title II consolidates the former community-based family resource programs grant with the Temporary Child Care for Children With Disabilities and Crisis Nurseries Act and Title VII(F)—family support services—of the Stewart B. McKinney Homeless Assistance Act to create a comprehensive community-based family resource program. The new program provides for broad-based networks of child abuse and prevention programs and other family resource and support programs.

Title III reauthorizes the Family Violence Prevention and Services Act, which provides grants to States to assist in supporting programs and projects to prevent incidents or family violence and provide immediate shelter for victims of family violence.

Title IV reauthorizes the Adoption Opportunities Act, with a few technical changes and a new requirement that the Secretary report on the efficacy of the current system of recruitment for prospective foster care and/or adoptive parents.

Title V reauthorizes the Abandoned Infants Assistance Act, which provides discretionary grants to States to prevent abandonment of children and to provide for the needs of children who are abandoned, especially those with AIDS.

And finally, Title VI provides a 2-year, straight reauthorization of the Missing Children's Assistance Act and section 214B of the Victims of Child Abuse Act.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 919

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Child Abuse Prevention and Treatment Act Amendments of 1995".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—GENERAL PROGRAM

Sec. 101. Reference.
Sec. 102. Findings.
Sec. 103. Office of Child Abuse and Neglect.
Sec. 104. Advisory Board on Child Abuse and Neglect.
Sec. 105. Repeal of Interagency Task Force.
Sec. 106. National Clearinghouse for Information Relating to Child Abuse.
Sec. 107. Research and assistance activities.
Sec. 108. Grants for demonstration programs.
Sec. 109. State grants for prevention and treatment programs.
Sec. 110. Repeal.
Sec. 111. Definitions.
Sec. 112. Authorization of appropriations.
Sec. 113. Rule of construction.

TITLE II—COMMUNITY-BASED CHILD ABUSE AND NEGLECT PREVENTION GRANTS

Sec. 201. Establishment of program.
Sec. 202. Repeals.

TITLE III—FAMILY VIOLENCE PREVENTION AND SERVICES

Sec. 301. Reference.
Sec. 302. State demonstration grants.
Sec. 303. Allotments.
Sec. 304. Authorization of appropriations.

TITLE IV—ADOPTION OPPORTUNITIES

Sec. 401. Reference.
Sec. 402. Findings and purpose.
Sec. 403. Information and services.
Sec. 404. Authorization of appropriations.

TITLE V—ABANDONED INFANTS ASSISTANCE ACT OF 1986

Sec. 501. Reauthorization.

TITLE VI—REAUTHORIZATION OF VARIOUS PROGRAMS

Sec. 601. Missing Children's Assistance Act.
Sec. 602. Victims of Child Abuse Act of 1990.

TITLE I—GENERAL PROGRAM

SEC. 101. REFERENCE.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 et seq.).

SEC. 102. FINDINGS.

Section 2 (42 U.S.C. 5101 note) is amended—

(1) in paragraph (1), to read as follows:

"(1) each year, close to 1,000,000 American children are victims of abuse and neglect;";

(2) in paragraph (3)(C), by inserting "assessment," after "prevention,";

(3) in paragraph (4)—

(A) by striking "tens of"; and

(B) by striking "direct" and all that follows through the semicolon and inserting "tangible expenditures, as well as significant intangible costs;";

(4) in paragraph (7), by striking "remedy the causes of" and inserting "prevent";

(5) in paragraph (8), by inserting "safety," after "fosters the health,";

(6) in paragraph (10)—

(A) by striking "ensure that every community in the United States has" and inserting "assist States and communities with"; and

(B) by inserting "and family" after "comprehensive child"; and

(7) in paragraph (11)—

(A) by striking "child protection" each place that such appears and inserting "child and family protection"; and

(B) in subparagraph (D), by striking "sufficient".

SEC. 103. OFFICE OF CHILD ABUSE AND NEGLECT.

Section 101 (42 U.S.C. 5101) is amended to read as follows:

"SEC. 101. OFFICE OF CHILD ABUSE AND NEGLECT.

"(a) ESTABLISHMENT.—The Secretary of Health and Human Services may establish an office to be known as the Office on Child Abuse and Neglect.

"(b) PURPOSE.—The purpose of the Office established under subsection (a) shall be to execute and coordinate the functions and activities of this Act. In the event that such functions and activities are performed by another entity or entities within the Department of Health and Human Services, the Secretary shall ensure that such functions and activities are executed with the necessary expertise and in a fully coordinated manner involving regular intradepartmental and interdepartmental consultation with all agencies involved in child abuse and neglect activities.".

SEC. 104. ADVISORY BOARD ON CHILD ABUSE AND NEGLECT.

Section 102 (42 U.S.C. 5102) is amended to read as follows:

"SEC. 102. ADVISORY BOARD ON CHILD ABUSE AND NEGLECT.

"(a) APPOINTMENT.—The Secretary may appoint an advisory board to make recommendations to the Secretary and to the appropriate committees of Congress concerning specific issues relating to child abuse and neglect.

"(b) SOLICITATION OF NOMINATIONS.—The Secretary shall publish a notice in the Federal Register soliciting nominations for the appointment of members of the advisory board under subsection (a).

"(c) COMPOSITION.—In establishing the board under subsection (a), the Secretary shall appoint members from the general public who are individuals knowledgeable in child abuse and neglect prevention, intervention, treatment, or research, and with due consideration to representation of ethnic or racial minorities and diverse geographic areas, and who represent—

"(1) law (including the judiciary);

"(2) psychology (including child development);

"(3) social services (including child protective services);

"(4) medicine (including pediatrics);

"(5) State and local government;

"(6) organizations providing services to disabled persons;

"(7) organizations providing services to adolescents;

"(8) teachers;

"(9) parent self-help organizations;

"(10) parents' groups;

"(11) voluntary groups; and

"(12) family rights groups.

"(d) VACANCIES.—Any vacancy in the membership of the board shall be filled in the same manner in which the original appointment was made.

"(e) ELECTION OF OFFICERS.—The board shall elect a chairperson and vice-chairperson at its first meeting from among the members of the board.

"(f) DUTIES.—Not later than 1 year after the establishment of the board under subsection (a), the board shall submit to the Secretary and the appropriate committees of Congress a report, or interim report, containing—

"(1) recommendations on coordinating Federal, State, and local child abuse and neglect activities with similar activities at the Federal, State, and local level pertaining to family violence prevention;

"(2) specific modifications needed in Federal and State laws and programs to reduce the number of unfounded or unsubstantiated reports of child abuse or neglect while enhancing a more focused attention to legitimate cases of abuse or neglect which place a child in danger; and

"(3) recommendations for modifications needed to facilitate coordinated national data collection with respect to child protection and child welfare.".

SEC. 105. REPEAL OF INTERAGENCY TASK FORCE.

Section 103 (42 U.S.C. 5103) is repealed.

SEC. 106. NATIONAL CLEARINGHOUSE FOR INFORMATION RELATING TO CHILD ABUSE.

Section 104 (42 U.S.C. 5104) is amended—

(1) in subsection (a), to read as follows:

"(a) ESTABLISHMENT.—The Secretary shall through the Department, or by one or more contract of not less than 3 years duration let through a competition, establish a national clearinghouse for information relating to child abuse.";

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking "Director" and inserting "Secretary";

(B) in paragraph (1)—

(i) by inserting "assessment," after "prevention,"; and

(ii) by striking ", including" and all that follows through "105(b)" and inserting "and";

(C) in paragraph (2)—

(i) in subparagraph (A), by striking "general population" and inserting "United States";

(ii) in subparagraph (B), by adding "and" at the end thereof;

(iii) in subparagraph (C), by striking "; and" at the end thereof and inserting a period; and

(iv) by striking subparagraph (D); and

(D) by striking paragraph (3); and

(3) in subsection (c)—

(A) in the matter preceding paragraph (1), by striking "Director" and inserting "Secretary";

(B) in paragraph (2), by striking "that is represented on the task force" and inserting "involved with child abuse and neglect and mechanisms for the sharing of such information among other Federal agencies and clearinghouses";

(C) in paragraph (3), by striking "State, regional" and all that follows and inserting the following: "Federal, State, regional, and local child welfare data systems which shall include:

"(A) standardized data on false, unfounded, unsubstantiated, or substantiated reports; and

"(B) information on the number of deaths due to child abuse and neglect;";

(D) by redesignating paragraph (4) as paragraph (6); and

(E) by inserting after paragraph (3), the following new paragraphs:

"(4) through a national data collection and analysis program and in consultation with appropriate State and local agencies and experts in the field, collect, compile, and make available, State child abuse and neglect reporting information which, to the extent practical, shall be universal and case specific, and integrated with other case-based foster care and adoption data collected by the Secretary;

"(5) compile, analyze, and publish a summary of the research conducted under section 105(a); and".

SEC. 107. RESEARCH, EVALUATION AND ASSISTANCE ACTIVITIES.

(a) RESEARCH.—Section 105(a) (42 (42 U.S.C. 5105(a)) is amended—

(1) in the section heading, by striking "OF THE NATIONAL CENTER ON CHILD ABUSE AND NEGLECT";

(2) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking ", through the Center, conduct research on" and inserting "carry out a continuing interdisciplinary program of research that is designed to provide information needed to better protect children from abuse or neglect and to improve the well-being of abused or neglected children, with at least a portion of such research being field initiated. Such research program may focus on";

(B) by redesignating subparagraphs (A) through (C) as subparagraph (B) through (D), respectively;

(C) by inserting before subparagraph (B) (as so redesignated) the following new subparagraph:

"(A) the nature and scope of child abuse and neglect;";

(D) in subparagraph (B) (as so redesignated), "by striking "identification,, treatment and cultural" and inserting "causes, prevention, assessment, identification, treatment, cultural and socio-economic distinctions, and the consequences of child abuse and neglect";

(E) in subparagraph (D) (as so redesignated)—

(i) by striking clause (ii); and

(ii) in clause (iii), to read as follows:

"(ii) the incidence of substantiated and unsubstantiated reported child abuse cases;

"(iii) the number of substantiated cases that result in a legal finding of child abuse or neglect or related criminal court convictions;

"(iv) the extent to which the number of unsubstantiated, unfounded and false reported cases of child abuse or neglect have contributed to the inability of a State to respond effectively to serious cases of child abuse or neglect;

"(v) the number of unsubstantiated, false, or unfounded reports that have resulted in a child being placed on substitute care, and the duration of such placement;

"(vi) the extent to which unsubstantiated reports return as more serious cases of child abuse or neglect;

"(vii) the incidence and prevalence of physical, sexual, and emotional abuse and physical and emotional neglect in substitute care; and

"(viii) the incidence and outcomes of abuse allegations reported within the context of divorce, custody, or other family court proceedings, and the interaction between this venue and the child protective services system."; and

(3) in paragraph (2)—

(A) in subparagraph (A)—

(i) by striking "and demonstrations"; and

(ii) by striking "paragraph (1)(A) and activities under section 106" and inserting "paragraph (1)"; and

(B) in subparagraph (B), by striking "and demonstration".

(b) REPEAL.—Subsection (b) of section 105 (42 U.S.C. 5105(b)) is repealed.

(c) TECHNICAL ASSISTANCE.—Section 105(c) (42 U.S.C. 5105(c)) is amended—

(1) by striking "The Secretary" and inserting:

"(1) IN GENERAL.—The Secretary";

(2) by striking ", through the Center,";

(3) by inserting "State and local" before "public and nonprofit";

(4) by inserting "assessment," before "identification"; and

(5) by adding at the end thereof the following new paragraphs:

"(2) EVALUATION.—Such technical assistance may include an evaluation or identification of—

"(A) various methods and procedures for the investigation, assessment, and prosecution of child physical and sexual abuse cases;

"(B) resultant ways to mitigate psychological trauma to the child victim; and

"(C) effective programs carried out by the States under titles I and III.

"(3) DISSEMINATION.—The Secretary may provide for and disseminate information relating to various training resources available at the State and local level to—

"(A) individuals who are engaged, or who intend to engage, in the prevention, identification, and treatment of child abuse and neglect; and

"(B) to appropriate State and local officials to assist in training law enforcement, legal, judicial, medical, mental health, education, and child welfare personnel in appropriate methods of interacting during investigative, administrative, and judicial proceedings with children who have been subjected to abuse.".

(d) GRANTS AND CONTRACTS.—Section 105(d)(2) (42 U.S.C. 5105(d)(2)) is amended by striking the second sentence.

(e) PEER REVIEW.—Section 105(e) (42 U.S.C. 5105(e)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking "and contracts"; and

(B) in subparagraph (B)—

(i) by striking "shall" and inserting "may"; and

(ii) by striking "Office of Human Development" and inserting "Administration on Children and Families"; and

(2) in paragraph (2), by striking ", contract, or other financial assistance".

SEC. 108. GRANTS FOR DEMONSTRATION PROGRAMS.

Section 106 (42 U.S.C. 5106) is amended—

(1) in the section heading, by striking "OR SERVICE";

(2) in subsection (a), by striking paragraph (1) and inserting the following new paragraph:

“(1) DEMONSTRATION PROGRAMS AND PROJECTS.—The Secretary may make grants to, and enter into contracts with, public agencies or nonprofit private agencies or organizations (or combinations of such agencies or organizations) for time limited, research based demonstration programs and projects for the following purposes:

“(A) TRAINING PROGRAMS.—The Secretary may award grants to public or private nonprofit organizations under this section—

“(i) for the training of professional and paraprofessional personnel in the fields of medicine, law, education, social work, and other relevant fields who are engaged in, or intend to work in, the field of prevention, identification, and treatment of child abuse and neglect;

“(ii) to provide culturally specific instruction in methods of protecting children from child abuse and neglect to children and to persons responsible for the welfare of children, including parents of and persons who work with children with disabilities;

“(iii) to improve the recruitment, selection, and training of volunteers serving in private and public nonprofit children, youth and family service organizations in order to prevent child abuse and neglect through collaborative analysis of current recruitment, selection, and training programs and development of model programs for dissemination and replication nationally; and

“(iv) for the establishment of resource centers for the purpose of providing information and training to professionals working in the field of child abuse and neglect.

“(B) MUTUAL SUPPORT PROGRAMS.—The Secretary may award grants to private nonprofit organizations (such as Parents Anonymous) to establish or maintain a national network of mutual support and self-help programs as a means of strengthening families in partnership with their communities.

“(C) OTHER INNOVATIVE PROGRAMS AND PROJECTS.—

“(i) IN GENERAL.—The Secretary may award grants to public agencies that demonstrate innovation in responding to reports of child abuse and neglect including programs of collaborative partnerships between the State child protective service agency, community social service agencies and family support programs, schools, churches and synagogues, and other community agencies to allow for the establishment of a triage system that—

“(I) accepts, screens and assesses reports received to determine which such reports require an intensive intervention and which require voluntary referral to another agency, program or project;

“(II) provides, either directly or through referral, a variety of community-linked services to assist families in preventing child abuse and neglect; and

“(III) provides further investigation and intensive intervention where the child's safety is in jeopardy.

“(ii) PREFERRED PLACEMENT.—The Secretary may award grants to public entities to assist such entities in developing or implementing procedures protecting the rights of families, using adult relatives as the preferred placement for children removed from their home, where such relatives are determined to be capable of providing a safe environment for the child or where such relatives comply with the State child protection standards.”; and

(3) by adding at the end thereof the following new subsection:

“(d) EVALUATION.—In making grants for demonstration projects under this section, the Secretary shall require all such projects to be evaluated for their effectiveness. Funding for such evaluations shall be provided either as a stated percentage of a demonstration grant or as a separate grant entered into by the Secretary for the purpose of evaluating a particular demonstration project or group of projects.”.

SEC. 109. STATE GRANTS FOR PREVENTION AND TREATMENT PROGRAMS.

Section 107 (42 U.S.C. 5107) is amended to read as follows:

“SEC. 107. GRANTS TO STATES FOR CHILD ABUSE AND NEGLECT PREVENTION AND TREATMENT PROGRAMS.

“(a) DEVELOPMENT AND OPERATION GRANTS.—The Secretary shall make grants to the States, based on the population of children under the age of 18 in each State that applies for a grant under this section, for purposes of assisting the States in improving the child protective service system of each such State in—

“(1) the intake, assessment, screening, and investigation of reports of abuse and neglect;

“(2)(A) creating and improving the use of multidisciplinary teams and interagency protocols to enhance investigations; and

“(B) improving legal preparation and representation, including—

“(i) procedures for appealing and responding to appeals of substantiated reports of abuse and neglect; and

“(ii) provisions for the appointment of a guardian ad litem.

“(3) case management and delivery of services provided to children and their families;

“(4) enhancing the general child protective system by improving risk and safety assessment tools and protocols, automation systems that support the program and track reports of child abuse and neglect from intake through final disposition and information referral systems;

“(5) developing, strengthening, and facilitating training opportunities and requirements for individuals overseeing and providing services to children and their families through the child protection system;

“(6) developing and facilitating training protocols for individuals mandated to report child abuse or neglect;

“(7) developing, strengthening, and supporting child abuse and neglect prevention, treatment, and research programs in the public and private sectors; or

“(8) developing, implementing, or operating—

“(A) information and education programs or training programs designed to improve the provision of services to disabled infants with life-threatening conditions for—

“(i) professional and paraprofessional personnel concerned with the welfare of disabled infants with life-threatening conditions, including personnel employed in child protective services programs and health-care facilities; and

“(ii) the parents of such infants;

“(B) programs to enhance the capacity of community-based programs to integrate shared leadership strategies between parents and professionals to prevent and treat child abuse and neglect at the neighborhood level; and

“(C) programs to assist in obtaining or coordinating necessary services for families of disabled infants with life-threatening conditions, including—

“(i) existing social and health services;

“(ii) financial assistance; and

“(iii) services necessary to facilitate adoptive placement of any such infants who have been relinquished for adoption.

“(b) COMPLIANCE AND EDUCATION GRANTS.—The Secretary is authorized to make grants to the States for purposes of developing, implementing, or operating—

“(1) the procedures or programs required under subsection (b)(2);

“(2) procedures or programs designed to improve the provision of services to disabled infants with life-threatening conditions for—

“(A) professional and paraprofessional personnel concerned with the welfare of disabled infants with life-threatening conditions, including personnel employed in child protective services programs and health-care facilities; and

“(B) the parents of such infants; and

“(3) programs to assist in obtaining or coordinating necessary services for families of disabled infants with life-threatening conditions, including—

“(A) existing social and health services;

“(B) financial assistance; and

“(C) services necessary to facilitate adoptive placement of any such infants who have been relinquished for adoption.

“(c) ELIGIBILITY REQUIREMENTS.—In order for a State to qualify for a grant under subsection (a), such State shall provide an assurance or certification, signed by the chief executive officer of the State, that the State—

“(1) has in effect and operation a State law or Statewide program relating to child abuse and neglect which ensures—

“(A) provisions or procedures for the reporting of known and suspected instances of child abuse and neglect; and

“(B) procedures for the immediate screening, safety assessment, and prompt investigation of such reports;

“(C) procedures for immediate steps to be taken to ensure and protect the safety of the abused or neglected child and of any other child under the same care who may also be in danger of physical abuse or neglect;

“(D) provisions for immunity from prosecution under State and local laws and regulations for individuals making good faith reports of suspected or known instances of child abuse or neglect;

“(E) methods to preserve the confidentiality of all records in order to protect the rights of the child and of the child's parents or guardians, including methods to ensure that disclosure (and redisclosure) of information concerning child abuse or neglect involving specific individuals is made only to persons or entities that the State determines have a need for such information directly related to the purposes of this Act;

“(F) requirements for the prompt disclosure of all relevant information to any Federal, State, or local governmental entity, or any agent of such entity, with a need for such information in order to carry out its responsibilities under law to protect children from abuse and neglect;

“(G) the cooperation of law enforcement officials, court of competent jurisdiction, and appropriate State agencies providing human services;

“(H) provisions requiring, and procedures in place that facilitate the prompt expungement of any records that are accessible to the general public or are used for purposes of employment or other background checks in cases determined to be unsubstantiated or false, except that nothing in this section shall prevent State child protective service agencies from keeping information on unsubstantiated reports in their casework files to assist in future risk assessment; and

"(I) provisions and procedures requiring that in every case involving an abused or neglected child which results in a judicial proceeding, a guardian ad litem shall be appointed to represent the child in such proceedings; and

"(2) has in place procedures for responding to the reporting of medical neglect (including instances of withholding of medically indicated treatment from disabled infants with life-threatening conditions), procedures or programs, or both (within the State child protective services system), to provide for—

"(A) coordination and consultation with individuals designated by and within appropriate health-care facilities;

"(B) prompt notification by individuals designated by and within appropriate health-care facilities of cases of suspected medical neglect (including instances of withholding of medically indicated treatment from disabled infants with life-threatening conditions); and

"(C) authority, under State law, for the State child protective service system to pursue any legal remedies, including the authority to initiate legal proceedings in a court of competent jurisdiction, as may be necessary to prevent the withholding of medically indicated treatment from disabled infants with life threatening conditions.

"(d) ADDITIONAL REQUIREMENT.—Not later than 2 years after the date of enactment of this section, the State shall provide an assurance or certification that the State has in place provisions, procedures, and mechanisms by which individuals who disagree with an official finding of abuse or neglect can appeal such finding.

"(e) STATE PROGRAM PLAN.—To be eligible to receive a grant under this section, a State shall submit every 5 years a plan to the Secretary that specifies the child protective service system area or areas described in subsection (a) that the State intends to address with funds received under the grant. Such plan shall be coordinated with the plan of the State for child welfare services and family preservation and family support services under part B of title IV of the Social Security Act. and shall contain an outline of the activities that the State intends to carry out using amounts provided under the grant to achieve the purposes of this Act, including the procedures to be used for—

"(1) receiving and assessing reports of child abuse or neglect;

"(2) investigating such reports;

"(3) protecting children by removing them from dangerous settings and ensuring their placement in a safe environment;

"(4) providing services or referral for services for families and children where the child is not in danger of harm;

"(5) providing services to individuals, families, or communities, either directly or through referral, aimed at preventing the occurrence of child abuse and neglect;

"(6) providing training to support direct line and supervisory personnel in report-taking, screening, assessment, decision-making, and referral for investigation; and

"(7) providing training for individuals mandated to report suspected cases of child abuse or neglect.

"(f) RESTRICTIONS RELATING TO CHILD WELFARE SERVICES.—Programs or projects relating to child abuse and neglect assisted under part B of title IV of the Social Security Act shall comply with the requirements set forth in paragraphs (1)(A) and (B), (2), (3), (4), (5), and (6) of subsection (c).

"(g) ANNUAL STATE DATA REPORTS.—Each State to which a grant is made under this part shall annually submit to the Secretary a report that includes the following:

"(1) The number of children who were reported to the State during the year as abused or neglected.

"(2) Of the number of children described in paragraph (1), the number with respect to whom such reports were—

"(A) substantiated;

"(B) unsubstantiated; and

"(C) determined to be false.

"(3) Of the number of children described in paragraph (2)—

"(A) the number that did not receive services during the year under the State program funded under this part or an equivalent State program;

"(B) the number that received services during the year under the State program funded under this part or an equivalent State program; and

"(C) the number that were removed from their families during the year by disposition of the case.

"(4) The number of families that received preventive services from the State during the year.

"(5) The number of deaths in the State during the year resulting from child abuse or neglect.

"(6) Of the number of children described in paragraph (5), the number of such children who were in foster care.

"(7) The number of child protective service workers responsible for the intake and screening of reports filed in the previous year.

"(8) The agency response time with respect to each such report with respect to initial investigation of reports of child abuse or neglect.

"(9) The response time with respect to the provision of services to families and children where an allegation of abuse or neglect has been made.

"(10) The number of child protective service workers responsible for intake, assessment, and investigation of child abuse and neglect reports relative to the number of reports investigated in the previous year.".

SEC. 110. REPEAL.

Section 108 (42 U.S.C. 5106b) is repealed.

SEC. 111. DEFINITIONS.

Section 113 (42 U.S.C.5106h) is amended—

(1) by striking paragraphs (1) and (2);

(2) by redesignating paragraphs (3) through (10) as paragraphs (1) through (8), respectively; and

(3) in paragraph (2) (as so redesignated), to read as follows:

"(2) the term 'child abuse and neglect' means, at a minimum, any recent act or failure to act on the part of a parent or caretaker, which results in death or serious physical, sexual, or emotional harm, or presents an imminent risk of serious harm. Such term does not include a child who has suffered harm where the harm results primarily from the parent or caretaker's lack of financial resources or from causes linked to such lack of resources;".

SEC. 112. AUTHORIZATION OF APPROPRIATIONS.

Section 114(a) (42 U.S.C. 5106h(a)) is amended to read as follows:

"(a) IN GENERAL.—

"(1) GENERAL AUTHORIZATION.—There are authorized to be appropriated to carry out this title, $100,000,000 for fiscal year 1996, and such sums as may be necessary for each of the fiscal years 1997 through 2000.

"(2) DISCRETIONARY ACTIVITIES.—

"(A) IN GENERAL.—Of the amounts appropriated for a fiscal year under paragraph (1), the Secretary shall make available 33⅓ percent of such amounts to fund discretionary activities under this title.

"(B) DEMONSTRATION PROJECTS.—Of the amounts made available for a fiscal year under subparagraph (A), the Secretary make available not more than 40 percent of such amounts to carry out section 106.".

SEC. 113. RULE OF CONSTRUCTION.

Title I (42 U.S.C. 5101 et seq.) is amended by adding at the end thereof the following new section:

"SEC. 115. RULE OF CONSTRUCTION.

"(a) IN GENERAL.—Nothing in this Act shall be construed to require that a parent or legal guardian provide a child any medical service or treatment, nor require a State to find abuse or neglect in cases in which a parent or legal guardian treats a child's health condition solely or partially by spiritual or non-medical means.

"(b) STATE INTERVENTION.—Notwithstanding subsection (a), nothing in this Act shall be construed as precluding a State from intervening to protect a child or find abuse or neglect in a case involving the failure or refusal to provide a medical service or treatment where such failure or refusal will lead to imminent risk of severe harm to the child.".

TITLE II—COMMUNITY-BASED CHILD ABUSE AND NEGLECT PREVENTION GRANTS

SEC. 201. ESTABLISHMENT OF PROGRAM.

Title II of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116 et seq) is amended to read as follows:

"TITLE II—COMMUNITY-BASED CHILD ABUSE AND NEGLECT PREVENTION GRANTS

"SEC. 201. PURPOSE AND AUTHORITY.

"(a) PURPOSE.—It is the purpose of this Act to support State efforts to develop, operate, expand and enhance a network of community-based, prevention-focused, family resource and support programs that are culturally competent and that coordinate resources among existing education, vocational rehabilitation, disability, respite, health, mental health, job readiness, self-sufficiency, child and family development, community action, Head Start, child care, child abuse and neglect prevention, juvenile justice, domestic violence prevention and intervention, housing, and other human service organizations within the State.

"(b) AUTHORITY.—The Secretary shall make grants under this title on a formula basis to the entity designated by the State as the lead entity (hereafter referred to in this title as the 'lead entity') for the purpose of—

"(1) developing, operating, expanding and enhancing Statewide networks of community-based, prevention-focused, family resource and support programs that—

"(A) offer sustained assistance to families;

"(B) provide early, comprehensive, and holistic support for all parents;

"(C) promote the development of parental competencies and capacities, especially in young parents and parents with very young children;

"(D) increase family stability;

"(E) improve family access to other formal and informal resources and opportunities for assistance available within communities; and

"(F) support the additional needs of families with children with disabilities;

"(2) fostering the development of a continuum of preventive services for children and families through State and community-based collaborations and partnerships both public and private;

"(3) financing the start-up, maintenance, expansion, or redesign of specific family resource and support program services (such as respite services, child abuse and neglect prevention activities, disability services, mental health services, housing services, transportation, adult education, home visiting and other similar services) identified by the inventory and description of current services required under section 205(a)(3) as an unmet need, and integrated with the network of community-based family resource and support program;

"(4) maximizing funding for the financing, planning, community mobilization, collaboration, assessment, information and referral, startup, training and technical assistance, information management, reporting and evaluation costs for establishing, operating, or expanding a Statewide network of community-based, prevention-focused, family resource and support program; and

"(5) financing public information activities that focus on the healthy and positive development of parents and children and the promotion of child abuse and neglect prevention activities.

"SEC. 202. ELIGIBILITY.

"A State shall be eligible for a grant under this title for a fiscal year if—

"(1)(A) the chief executive officer of the State has designated an entity to administer funds under this title for the purposes identified under the authority of this title, including to develop, implement, operate, enhance or expand a Statewide network of community-based, prevention-focused, family resource and support programs, child abuse and neglect prevention activities and access to respite services integrated with the Statewide network;

"(B) in determining which entity to designate under subparagraph (A), the chief executive officer should give priority consideration to the trust fund advisory board of the State or an existing entity that leverages Federal, State, and private funds for a broad range of child abuse and neglect prevention activities and family resource programs, and that is directed by an interdisciplinary, public-private structure, including participants from communities; and

"(C) such lead entity is an existing public, quasi-public, or nonprofit private entity with a demonstrated ability to work with other State and community-based agencies to provide training and technical assistance, and that has the capacity and commitment to ensure the meaningful involvement of parents who are consumers and who can provide leadership in the planning, implementation, and evaluation of programs and policy decisions of the applicant agency in accomplishing the desired outcomes for such efforts;

"(2) the chief executive officer of the State provides assurances that the lead entity will provide or will be responsible for providing—

"(A) a network of community-based family resource and support programs composed of local, collaborative, public-private partnerships directed by interdisciplinary structures with balanced representation from private and public sector members, parents, and public and private nonprofit service providers and individuals and organizations experienced in working in partnership with families with children with disabilities;

"(B) direction to the network through an interdisciplinary, collaborative, public-private structure with balanced representation from private and public sector members, parents, and public sector and private nonprofit sector service providers; and

"(C) direction and oversight to the network through identified goals and objectives, clear lines of communication and accountability, the provision of leveraged or combined funding from Federal, State and private sources, centralized assessment and planning activities, the provision of training and technical assistance, and reporting and evaluation functions; and

"(3) the chief executive officer of the State provides assurances that the lead entity—

"(A) has a demonstrated commitment to parental participation in the development, operation, and oversight of the Statewide network of community-based, prevention-focused, family resource and support programs;

"(B) has a demonstrated ability to work with State and community-based public and private nonprofit organizations to develop a continuum of preventive, family centered, holistic services for children and families through the Statewide network of community-based, prevention-focused, family resource and support programs;

"(C) has the capacity to provide operational support (both financial and programmatic) and training and technical assistance, to the Statewide network of community-based, prevention-focused, family resource and support programs, through innovative, interagency funding and interdisciplinary service delivery mechanisms; and

"(D) will integrate its efforts with individuals and organizations experienced in working in partnership with families with children with disabilities and with the child abuse and neglect prevention activities of the State, and demonstrate a financial commitment to those activities.

"SEC. 203. AMOUNT OF GRANT.

"(a) RESERVATION.—The Secretary shall reserve 1 percent of the amount appropriated under section 210 for a fiscal year to make allotments to Indian tribes and tribal organizations and migrant programs.

"(b) IN GENERAL.—Of the amounts appropriated for a fiscal year under section 210 and remaining after the reservation under subsection (a), the Secretary shall allot to each State lead entity an amount so that—

"(1) 50 percent of the total amount allotted to the State under this section is based on the number of children under 18 residing in the State as compared to the number of such children residing in all States, except that no State shall receive less than $250,000; and

"(2) each State receives, from the amounts remaining from the total amount appropriated, an amount equal to 50 percent of the amount that each such State has directed through the lead agency to the purposes identified under the authority of this title, including foundation, corporate, and other private funding, State revenues, and Federal funds.

"(c) ALLOCATION.—Funds allotted to a State under this section shall be awarded on a formula basis for a 3-year period. Payment under such allotments shall be made by the Secretary annually on the basis described in subsection (a).

"SEC. 204. EXISTING AND CONTINUATION GRANTS.

"(a) EXISTING GRANTS.—Notwithstanding the enactment of this title, a State or entity that has a grant, contract, or cooperative agreement in effect, on the date of enactment of this title, under the Family Resource and Support Program, the Community-Based Family Resource Program, the Emergency Child Abuse Prevention Grant Program, or the Temporary Child Care for Children with Disabilities and Crisis Nurseries Programs shall continue to receive funds under such programs, subject to the original terms under which such funds were granted, through the end of the applicable grant cycle.

"(b) CONTINUATION GRANTS.—The Secretary may continue grants for Family Resource and Support Program grantees, and those programs otherwise funded under this Act, on a noncompetitive basis, subject to the availability of appropriations, satisfactory performance by the grantee, and receipt of reports required under this Act, until such time as the grantee no longer meets the original purposes of this Act.

"SEC. 205. APPLICATION.

"(a) IN GENERAL.—A grant may not be made to a State under this title unless an application therefore is submitted by the State to the Secretary and such application contains the types of information specified by the Secretary as essential to carrying out the provisions of section 202, including—

"(1) a description of the lead entity that will be responsible for the administration of funds provided under this title and the oversight of programs funded through the Statewide network of community-based, prevention-focused, family resource and support programs which meets the requirements of section 202;

"(2) a description of how the network of community-based, prevention-focused, family resource and support programs will operate and how family resource and support services provided by public and private, nonprofit organizations, including those funded by programs consolidated under this Act, will be integrated into a developing continuum of family centered, holistic, preventive services for children and families;

"(3) an assurance that an inventory of current family resource programs, respite, child abuse and neglect prevention activities, and other family resource services operating in the State, and a description of current unmet needs, will be provided;

"(4) a budget for the development, operation and expansion of the State's network of community-based, prevention-focused, family resource and support programs that verifies that the State will expend an amount equal to not less than 20 percent of the amount received under this title (in cash, not in-kind) for activities under this title;

"(5) an assurance that funds received under this title will supplement, not supplant, other State and local public funds designated for the Statewide network of community-based, prevention-focused, family resource and support programs;

"(6) an assurance that the State network of community-based, prevention-focused, family resource and support programs will maintain cultural diversity, and be culturally competent and socially sensitive and responsive to the needs of families with children with disabilities;

"(7) an assurance that the State has the capacity to ensure the meaningful involvement of parents who are consumers and who can provide leadership in the planning, implementation, and evaluation of the programs and policy decisions of the applicant agency in accomplishing the desired outcomes for such efforts;

"(8) a description of the criteria that the entity will use to develop, or select and fund, individual community-based, prevention-focused, family resource and support programs as part of network development, expansion or enhancement;

"(9) a description of outreach activities that the entity and the community-based, prevention-focused, family resource and support programs will undertake to maximize the participation of racial and ethnic minorities, new immigrant populations, children and adults with disabilities, and members of other underserved or underrepresented groups;

"(10) a plan for providing operational support, training and technical assistance to community-based, prevention-focused, family resource and support programs for development, operation, expansion and enhancement activities;

"(11) a description of how the applicant entity's activities and those of the network and its members will be evaluated;

"(12) a description of that actions that the applicant entity will take to advocate changes in State policies, practices, procedures and regulations to improve the delivery of prevention-focused, family resource and support program services to all children and families; and

"(13) an assurance that the applicant entity will provide the Secretary with reports at such time and containing such information as the Secretary may require.

"SEC. 206. LOCAL PROGRAM REQUIREMENTS.

"(a) IN GENERAL.—Grants made under this title shall be used to develop, implement, operate, expand and enhance community-based, prevention-focused, family resource and support programs that—

"(1) assess community assets and needs through a planning process that involves parents and local public agencies, local nonprofit organizations, and private sector representatives;

"(2) develop a strategy to provide, over time, a continuum of preventive, holistic, family centered services to children and families, especially to young parents and parents with young children, through public-private partnerships;

"(3) provide—

"(A) core family resource and support services such as—

"(i) parent education, mutual support and self help, and leadership services;

"(ii) early developmental screening of children;

"(iii) outreach services;

"(iv) community and social service referrals; and

"(v) follow-up services;

"(B) other core services, which must be provided or arranged for through contracts or agreements with other local agencies, including all forms of respite services; and

"(C) access to optional services, including—

"(i) child care, early childhood development and intervention services;

"(ii) services and supports to meet the additional needs of families with children with disabilities;

"(iii) job readiness services;

"(iv) educational services, such as scholastic tutoring, literacy training, and General Educational Degree services;

"(v) self-sufficiency and life management skills training;

"(vi) community referral services; and

"(vii) peer counseling;

"(4) develop leadership roles for the meaningful involvement of parents in the development, operation, evaluation, and oversight of the programs and services;

"(5) provide leadership in mobilizing local public and private resources to support the provision of needed family resource and support program services; and

"(6) participate with other community-based, prevention-focused, family resource and support program grantees in the development, operation and expansion of the Statewide network.

"(b) PRIORITY.—In awarding local grants under this title, a lead entity shall give priority to community-based programs serving low income communities and those serving young parents or parents with young children, and to community-based family resource and support programs previously funded under the programs consolidated under the Child Abuse Prevention and Treatment Act Amendments of 1995, so long as such programs meet local program requirements.

"SEC. 207. PERFORMANCE MEASURES.

"A State receiving a grant under this title, through reports provided to the Secretary, shall—

"(1) demonstrate the effective development, operation and expansion of a Statewide network of community-based, prevention-focused, family resource and support programs that meets the requirements of this title;

"(2) supply an inventory and description of the services provided to families by local programs that meet identified community needs, including core and optional services as described in section 202;

"(3) demonstrate the establishment of new respite and other specific new family resources services to address unmet needs identified by the inventory and description of current services required under section 201(b)(6);

"(4) describe the number of families served, including families with children with disabilities, and the involvement of a diverse representation of families in the design, operation, and evaluation of the Statewide network of community-based, prevention-focused, family resource and support programs, and in the design, operation and evaluation of the individual community-based family resource and support programs that are part of the Statewide network funded under this title;

"(4) demonstrate a high level of satisfaction among families who have used the services of the community-based, prevention-focused, family resource and support programs;

"(5) demonstrate the establishment or maintenance of innovative funding mechanisms, at the State or community level, that blend Federal, State, local and private funds, and innovative, interdisciplinary service delivery mechanisms, for the development, operation, expansion and enhancement of the Statewide network of community-based, prevention-focused, family resource and support programs;

"(6) describe the results of a peer review process conducted under the State program; and

"(7) demonstrate an implementation plan to ensure the continued leadership of parents in the on-going planning, implementation, and evaluation of such community based, prevention-focused, family resource and support programs.

"SEC. 208. NATIONAL NETWORK FOR COMMUNITY-BASED FAMILY RESOURCE PROGRAMS.

"The Secretary may allocate such sums as may be necessary from the amount provided under the State allotment to support the activities of the State network—

"(1) to create, operate and maintain a peer review process;

"(2) to create, operate and maintain an information clearinghouse;

"(3) to fund a yearly symposium on State system change efforts that result from the operation of the Statewide networks of community-based, prevention-focused, family resource and support programs;

"(4) to create, operate and maintain a computerized communication system between lead entities; and

"(5) to fund State-to-State technical assistance through bi-annual conferences.

"SEC. 209. DEFINITIONS.

"(1) CHILDREN WITH DISABILITIES.—The term 'children with disabilities' has the same meaning given such term in section 602(a)(2) of the Individuals with Disabilities Education Act.

"(2) COMMUNITY REFERRAL SERVICES.—The term 'community referral services' means services provided under contract or through interagency agreements to assist families in obtaining needed information, mutual support and community resources, including respite services, health and mental health services, employability development and job training, and other social services through help lines or other methods.

"(3) CULTURALLY COMPETENT.—The term 'culturally competent' means services, support, or other assistance that is conducted or provided in a manner that—

"(A) is responsive to the beliefs, interpersonal styles, attitudes, languages, and behaviors of those individuals and families receiving services; and

"(B) has the greatest likelihood of ensuring maximum participation of such individuals and families.

"(4) FAMILY RESOURCE AND SUPPORT PROGRAM.—The term 'family resource and support program' means a community-based, prevention-focused entity that—

"(A) provides, through direct service, the core services required under this title, including—

"(i) parent education, support and leadership services, together with services characterized by relationships between parents and professionals that are based on equality and respect, and designed to assist parents in acquiring parenting skills, learning about child development, and responding appropriately to the behavior of their children;

"(ii) services to facilitate the ability of parents to serve as resources to one another other (such as through mutual support and parent self-help groups);

"(iii) early developmental screening of children to assess any needs of children, and to identify types of support that may be provided;

"(iv) outreach services provided through voluntary home visits and other methods to assist parents in becoming aware of and able to participate in family resources and support program activities;

"(v) community and social services to assist families in obtaining community resources; and

"(vi) follow-up services;

"(B) provides, or arranges for the provision of, other core services through contracts or agreements with other local agencies, including all forms of respite services; and

"(C) provides access to optional services, directly or by contract, purchase of service, or interagency agreement, including—

"(i) child care, early childhood development and early intervention services;

"(ii) self-sufficiency and life management skills training;

"(iii) education services, such as scholastic tutoring, literacy training, and General Educational Degree services;

"(iv) job readiness skills;

"(v) child abuse and neglect prevention activities;

"(vi) services that families with children with disabilities or special needs may require;

"(vii) community and social service referral;

"(viii) peer counseling;

"(ix) referral for substance abuse counseling and treatment; and

"(x) help line services.

"(5) NATIONAL NETWORK FOR COMMUNITY-BASED FAMILY RESOURCE PROGRAMS.—The term 'network for community-based family resource program' means the organization of State designated entities who receive grants under this title, and includes the entire membership of the Children's Trust Fund Alliance and the National Respite Network.

"(6) OUTREACH SERVICES.—The term 'outreach services' means services provided to assist consumers, through voluntary home visits or other methods, in accessing and participating in family resource and support program activities.

"(7) RESPITE SERVICES.—The term 'respite services' means short term care services provided in the temporary absence of the regular caregiver (parent, other relative, foster parent, adoptive parent, or guardian) to children who—

"(A) are in danger of abuse or neglect;

"(B) have experienced abuse or neglect; or

"(C) have disabilities, chronic, or terminal illnesses.

Such services shall be provided within or outside the home of the child, be short-term care (ranging from a few hours to a few weeks of time, per year), and be intended to enable the family to stay together and to keep the child living in the home and community of the child.

"SEC. 210. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this title, $108,000,000 for each of the fiscal years 1996, 1997, and 1998.".

SEC. 202. REPEALS.

(a) TEMPORARY CHILD CARE FOR CHILDREN WITH DISABILITIES AND CRISIS NURSERIES ACT.—The Temporary Child Care for Children with Disabilities and Crisis Nurseries Act of 1986 (42 U.S.C. 5117 et seq.) is repealed.

(b) FAMILY SUPPORT CENTERS.—Subtitle F of title VII of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11481 et seq.) is repealed.

TITLE III—FAMILY VIOLENCE PREVENTION AND SERVICES

SEC. 301. REFERENCE.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Family Violence Prevention and Services Act (42 U.S.C. 10401 et seq.).

SEC. 302. STATE DEMONSTRATION GRANTS.

Section 303(e) (42 U.S.C. 10420(e)) is amended—

(1) by striking "following local share" and inserting "following non-Federal matching local share"; and

(2) by striking "20 percent" and all that follows through "private sources." and inserting "with respect to an entity operating an existing program under this title, not less than 20 percent, and with respect to an entity intending to operate a new program under this title, not less than 35 percent.".

SEC. 303. ALLOTMENTS.

Section 304(a)(1) (42 U.S.C. 10403(a)(1)) is amended by striking "$200,000" and inserting "$400,000".

SEC. 304. AUTHORIZATION OF APPROPRIATIONS.

Section 310 (42 U.S.C. 10409) is amended—

(1) in subsection (b), by striking "80" and inserting "70"; and

(2) by adding at the end thereof the following new subsections:

"(d) GRANTS FOR STATE COALITIONS.—Of the amounts appropriated under subsection (a) for each fiscal year, not less than 10 percent of such amounts shall be used by the Secretary for making grants under section 311.

"(e) NON-SUPPLANTING REQUIREMENT.—Federal funds made available to a State under this title shall be used to supplement and not supplant other Federal, State, and local public funds expended to provide services and activities that promote the purposes of this title.".

TITLE IV—ADOPTION OPPORTUNITIES

SEC. 401. REFERENCE.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5111 et seq.).

SEC. 402. FINDINGS AND PURPOSE.

Section 201 (42 U.S.C. 5111) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking "50 percent between 1985 and 1990" and inserting "61 percent between 1986 and 1994"; and

(ii) by striking "400,000 children at the end of June, 1990" and inserting "452,000 as of June, 1994"; and

(B) in paragraph (5), by striking "local" and inserting "legal"; and

(C) in paragraph (7), to read as follows:

"(7)(A) currently, 40,000 children are free for adoption and awaiting placement;

"(B) such children are typically school aged, in sibling groups, have experienced neglect or abuse, or have a physical, mental, or emotional disability; and

"(C) while the children are of all races, children of color and older children (over the age of 10) are over represented in such group;"; and

(2) in subsection (b)—

(A) by striking "conditions, by—" and all that follows through "providing a mechanism" and inserting "conditions, by providing a mechanism"; and

(B) by redesignating subparagraphs (A) through (C), as paragraphs (1) through (3), respectively and by realigning the margins of such paragraphs accordingly.

SEC. 403. INFORMATION AND SERVICES.

Section 203 (42 U.S.C. 5113) is amended—

(1) in subsection (a), by striking the last sentence;

(2) in subsection (b)—

(A) in paragraph (6), to read as follows:

"(6) study the nature, scope, and effects of the placement of children in kinship care arrangements, pre-adoptive, or adoptive homes;";

(B) by redesignating paragraphs (7) through (9) as paragraphs (8) through (10), respectively; and

(C) by inserting after paragraph (6), the following new paragraph:

"(7) study the efficacy of States contracting with public or private nonprofit agencies (including community-based organizations), organizations, or sectarian institutions for the recruitment of potential adoptive and foster families and to provide assistance in the placement of children for adoption;"; and

(3) in subsection (d)—

(A) in paragraph (2)—

(i) by striking "Each" and inserting "(A) Each";

(ii) by striking "for each fiscal year" and inserting "that describes the manner in which the State will use funds during the 3-fiscal years subsequent to the date of the application to accomplish the purposes of this section. Such application shall be"; and

(iii) by adding at the end thereof the following new subparagraph:

"(B) The Secretary shall provide, directly or by grant to or contract with public or private nonprofit agencies or organizations—

"(i) technical assistance and resource and referral information to assist State or local governments with termination of parental rights issues, in recruiting and retaining adoptive families, in the successful placement of children with special needs, and in the provision of pre- and post-placement services, including post-legal adoption services; and

"(ii) other assistance to help State and local governments replicate successful adoption-related projects from other areas in the United States.".

SEC. 404. AUTHORIZATION OF APPROPRIATIONS.

Section 205 (42 U.S.C. 5115) is amended—

(1) in subsection (a)—

(A) by striking "$10,000,000," and all that follows through "1992, and"; and

(B) by inserting "$20,000,000 for fiscal year 1996, and such sums as may be necessary for fiscal year 1997" after "1995,";

(2) by striking subsection (b); and

(3) by redesignating subsection (c) as subsection (b).

TITLE V—ABANDONED INFANTS ASSISTANCE ACT OF 1986

SEC. 501. REAUTHORIZATION.

Section 104(a)(1) of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended by striking "$20,000,000" and all that follows through the end thereof and inserting "$35,000,000 for each of the fiscal years 1995 and 1996, and such sums as may be necessary for each of the fiscal years 1997 through 2000".

TITLE VI—REAUTHORIZATION OF VARIOUS PROGRAMS

SEC. 601. MISSING CHILDREN'S ASSISTANCE ACT.

Section 408 of the Missing Children's Assistance Act (42 U.S.C. 5777) is amended—

(1) by striking "To" and inserting "(a) IN GENERAL.—"

(2) by striking "and 1996" and inserting "1996, and 1997"; and

(3) by adding at the end thereof the following new subsection:

"(b) EVALUATION.—The Administrator shall use not more than 5 percent of the amount appropriated for a fiscal year under subsection (a) to conduct an evaluation of the effectiveness of the programs and activities established and operated under this title.".

SEC. 602. VICTIMS OF CHILD ABUSE ACT OF 1990.

Section 214B of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13004) is amended—

(1) in subsection (a)(2), by striking "and 1996" and inserting "1996, and 1997"; and

(2) in subsection (b)(2), by striking "and 1996" and inserting "1996, and 1997".●

● Mrs. KASSEBAUM. Mr. President, I am pleased to join with Senator COATS today in introducing the Child Abuse Prevention and Treatment Act Amendments of 1995. This important legislation reauthorizes the Child Abuse and Prevention Treatment Act (CAPTA) and makes several important changes to the legislation. CAPTA is the only Federal program specifically aimed at the prevention and treatment of child abuse.

Federal involvement in child welfare began with the passage of CAPTA in 1974. This act has provided critical leadership to help States identify child abuse and neglect, improve State child protective systems, and prevent and treat child abuse and neglect. CAPTA has assisted States in establishing mandatory reporting systems of child abuse and neglect. In addition, the act provided immunity from prosecution for mandated reporters who act in good faith to report suspected cases of child abuse and neglect. This has dramatically improved States' ability to intervene in situations where abuse has occurred. The legislation Senator COATS and I are introducing today will make significant improvements to state reporting systems by placing a stronger emphasis on training of mandated reporters and case workers and by building in an assessment component in the reporting and investigation process.

CAPTA has also provided funding for research in the field of child abuse and neglect. Research is critical to understanding this issue and to providing professionals with the necessary tools to assist children and families who may be at risk of child abuse and neglect. In addition, CAPTA has established a national clearinghouse to collect data on child abuse and neglect. Amendments to CAPTA have been made to strengthen research efforts and to expand the clearinghouse's data collection function to include information on substantiated, unsubstantiated, and false reports of child abuse and neglect.

This legislation also seeks to encourage State and local innovation through demonstration grants in the areas of training and education, reporting and investigation of abuse and neglect, and encouraging parent mutual support and self-help programs.

The reauthorization of CAPTA also includes a prevention component that involves networks of local community-based organizations whose primary purpose is to assist families at risk of child abuse and neglect. Title II of this legislation consolidates several programs, the Temporary Child Care for Children with Disabilities and Crisis Nurseries Act and the Family Support Centers under the Stewart B. McKinney Homeless Assistance Act, into the Community-Based Family Resource Grants program. The programs being consolidated provide a range of services to families, from respite care and support services to families with disabled children to assisting families in finding affordable housing. The grants are awarded to States that demonstrate a commitment to establishing a network of resources designed to assist families and prevent child abuse and neglect and to providing leadership in coordinating various programs and activities at the State and local levels.

The Child Abuse and Prevention Treatment Act Amendments of 1995 has been reauthorized at $100 million for fiscal year 1996 and such sums as necessary through fiscal year 2000.

The legislation also includes several minor technical amendments to the Family Violence Prevention and Services Act to reconcile differences between this and the Victims of Crime Act. In addition, Title IV and Title V reauthorize the Adoption Opportunities Act and the Abandoned Infants Assistance Act. Several technical changes have been made to the Adoption Opportunities Act to improve this program. Also, a provision has been included to require the Secretary of Health and Human Services to study and report on the efficacy of requiring States to contract with public, private nonprofit, and sectarian institutions for recruitment of prospective foster care and adoptive parents and for assistance with the placement of children with special needs. The Adoption Opportunities Act has been reauthorized at $20 million for fiscal year 1996 and such sums as may be necessary through fiscal year 2000. The Abandoned Infants Assistance Act has been reauthorized at $35 million for fiscal year 1996 and such sums as may be necessary through fiscal year 2000.

Finally, in conjunction with Senator HATCH, several programs under the Senate Committee on the Judiciary's jurisdiction that were included in Title II of the House welfare reform proposal, have been reauthorized under Title VI of CAPTA. They are the Missing Children's Assistance Act and the Victims of Child Abuse Act of 1990. Both programs have been reauthorized through 1997.

I believe this legislation will make significant improvements to the reporting, prevention, and treatment of child abuse and neglect. I would like to thank Senator COATS for his strong commitment to children and his leadership on this very important issue. I hope that this legislation will receive bipartisan support from my colleagues in the Senate and that many of you will join with Senator COATS and me in ensuring its passage on the Senate floor.●

ADDITIONAL COSPONSORS

S. 256

At the request of Mr. SPECTER, his name was added as a cosponsor of S. 256, a bill to amend title 10, United States Code, to establish procedures for determining the status of certain missing members of the Armed Forces and certain civilians, and for other purposes.

S. 304

At the request of Mr. SANTORUM, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 304, a bill to amend the Internal Revenue Code of 1986 to repeal the transportation fuels tax applicable to commercial aviation.

S. 472

At the request of Mr. DODD, the names of the Senator from Maryland [Ms. MIKULSKI] and the Senator from Minnesota [Mr. WELLSTONE] were added as cosponsors of S. 472, a bill to consolidate and expand Federal child care services to promote self sufficiency and support working families, and for other purposes.

S. 692

At the request of Mr. GREGG, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 692, a bill to amend the Internal Revenue Code of 1986 to preserve family-held forest lands, and for other purposes.

S. 758

At the request of Mr. HATCH, the name of the Senator from Oregon [Mr. HATFIELD] was added as a cosponsor of S. 758, a bill to amend the Internal Revenue Code of 1986 to provide for S corporation reform, and for other purposes.

S. 770

At the request of Mr. DOLE, the name of the Senator from Texas [Mrs. HUTCHISON] was added as a cosponsor of S. 770, a bill to provide for the relocation of the United States Embassy in Israel to Jerusalem, and for other purposes.

S. 771

At the request of Mr. PRYOR, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of S. 771, a bill to provide that certain Federal property shall be made available to States for State use before being made available to other entities, and for other purposes.

S. 830

At the request of Mr. SPECTER, the name of the Senator from Maine [Mr. COHEN] was added as a cosponsor of S. 830, a bill to amend title 18, United States Code, with respect to fraud and false statements.

S. 867

At the request of Mr. COCHRAN, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 867, a bill to amend the Internal Revenue Code of 1986 to revise the estate and gift tax in order to preserve American family enterprises, and for other purposes.

S. 915

At the request of Mr. D'AMATO, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of S. 915, a bill to govern relations between the United States and the Palestine Liberation Organization [PLO], to enforce compliance with standards of international conduct, and for other purposes.

SENATE RESOLUTION 103

At the request of Mr. DOMENICI, the names of the Senator from Missouri [Mr. BOND] the Senator from Texas [Mrs. HUTCHISON], and the Senator from Florida [Mr. MACK] were added as cosponsors of Senate Resolution 103, a resolution to proclaim the week of October 15 through October 21, 1995, as National Character Counts Week, and for other purposes.

AMENDMENT NO. 1265

At the request of Mr. DORGAN, the name of the Senator from Wisconsin [Mr. FEINGOLD] was added as a cosponsor of Amendment No. 1265 proposed to S. 652, an original bill to provide for a procompetitive, de-regulatory national policy framework designed to accelerate rapidly private sector deployment of advanced telecommunications and information technologies and services to all Americans by opening all telecommunications markets to competition, and for other purposes.

AMENDMENTS SUBMITTED

THE TELECOMMUNICATIONS COMPETITION AND DEREGULATION ACT OF 1995 COMMUNICATIONS DECENCY ACT OF 1995

DORGAN AMENDMENTS NOS. 1272–1273

(Ordered to lie on the table.)

Mr. DORGAN submitted two amendments intended to be proposed by him to the bill (S. 652) to provide for a procompetitive, deregulatory national policy framework designed to accelerate rapidly private sector deployment of advanced telecommunications and information technologies and services to all Americans by opening all telecommunications markets to competition, and for other purposes; as follows:

AMENDMENT NO. 1272

On page 82, between lines 4 and 5, insert the following:

(3) This section shall operate only if the Commission shall amend its "Application for renewal of License for AM, FM, TV, Translator or LPTV Station" (FCC Form 303–S) to require that, for commercial TV applicants only, the applicant attach as an exhibit to the application a summary of written comments and suggestions received from the public and maintained by the licensee in accordance with 47 C.F.R. sec. 73.1202 that comment on the applicant's programming, if any, characterized by the commentor as constituting violent programming.

AMENDMENT NO. 1273

On page 77, line 2, strike the word "and" and all that follows through line 4 on the same page and insert the following:

(B) it shall apply similar rules to use of existing television spectrum; and

(C) it shall adopt regulations that would require broadcast stations to transmit, by way of line 21 of the vertical blanking interval, signals which enable viewers to block the display of programs with common ratings based on violent content determined by such stations.

DORGAN (AND HELMS) AMENDMENT NO. 1274

(Ordered to lie on the table.)

Mr. DORGAN (for himself and Mr. HELMS) submitted an amendment intended to be proposed by them to the bill S. 652, supra; as follows:

Strike paragraph (1) of subsection (b) of Section (207) and insert in lieu thereof the following:

"(b) REVIEW AND MODIFICATION OF BROADCAST RULES.—The Commission shall:

"(1) modify or remove such national and local ownership rules on radio and television broadcasters as are necessary to ensure that broadcasters are able to compete fairly with other media providers while ensuring that the public receives information from a diversity of media sources and localism and service in the public interest in protected, taking into consideration the economic dominance of providers in a market and

"(2) review the ownership restriction in section 613(a)(1)."

CONRAD (AND OTHERS) AMENDMENT NO. 1275

Mr. CONRAD (for himself, Ms. MIKULSKI, and Mr. GRAHAM) proposed an amendment to the bill, S. 652, supra; as follows:

On page 146, below line 14, add the following:

TITLE V—MISCELLANEOUS

SEC. 501. SHORT TITLE.

This title may be cited as the "Parental Choice in Television Act of 1995".

SEC. 502. FINDINGS.

Congress makes the following findings:

(1) On average, a child in the United States is exposed to 27 hours of television each week and some children are exposed to as much as 11 hours of television each day.

(2) The average American child watches 8,000 murders and 100,000 acts of other violence on television by the time the child completes elementary school.

(3) By the age of 18 years, the average American teenager has watched 200,000 acts of violence on television, including 40,000 murders.

(4) On several occasions since 1975, The Journal of the American Medical Association has alerted the medical community to the adverse effects of televised violence on child development, including an increase in the level of aggressive behavior and violent behavior among children who view it.

(5) The National Commission on Children recommended in 1991 that producers of television programs exercise greater restraint in the content of programming for children.

(6) A report of the Harry Frank Guggenheim Foundation, dated May 1993, indicates that there is an irrefutable connection between the amount of violence depicted in the television programs watched by children and increased aggressive behavior among children.

(7) It is a compelling National interest that parents be empowered with the technology to block the viewing by their children of television programs whose content is overly violent or objectionable for other reasons.

(8) Technology currently exists to permit the manufacture of television receivers that are capable of permitting parents to block television programs having violent or otherwise objectionable content.

SEC. 503. ESTABLISHMENT OF TELEVISION VIOLENCE RATING CODE.

(a) IN GENERAL.—Section 303 (47 U.S.C. 303) is amended by adding at the end the following:

"(v) Prescribe, in consultation with television broadcasters, cable operators, appropriate public interest groups, and interested individuals from the private sector, rules for rating the level of violence or other objectionable content in television programming, including rules for the transmission by television broadcast stations and cable systems of—

"(1) signals containing ratings of the level of violence or objectionable content in such programming; and

"(2) signals containing specifications for blocking such programming.".

(b) APPLICABILITY.—The amendment made by subsection (a) shall take effect 1 year after the date of the enactment of this Act, but only if the Commission determines, in consultation with appropriate public interest groups and interested individuals from the private sector, on that date that television broadcast stations and cable systems have not—

(1) established voluntarily rules for rating the level of violence or other objectionable content in television programming which rules are acceptable to the Commission; and

(2) agreed voluntarily to broadcast signals that contain ratings of the level of violence or objectionable content in such programming.

SEC. 504. REQUIREMENT FOR MANUFACTURE OF TELEVISIONS THAT BLOCK PROGRAMS.

(a) REQUIREMENT.—Section 303 (47 U.S.C. 303), as amended by this Act, is further amended by adding at the end the following:

"(w) Require, in the case of apparatus designed to receive television signals that are manufactured in the United States or imported for use in the United States and that have a picture screen 13 inches or greater in size (measured diagonally), that such apparatus—

"(1) be equipped with circuitry designed to enable viewers to block the display of channels during particular time slots; and

"(2) enable viewers to block display of all programs with a common rating.".

(b) IMPLEMENTATION.—In adopting the requirement set forth in section 303(w) of the Communications Act of 1934, as added by subsection (a), the Federal Communications Commission, in consultation with the television receiver manufacturing industry, shall determine a date for the applicability of the requirement to the apparatus covered by that section.

SEC. 505. SHIPPING OR IMPORTING OF TELEVISIONS THAT BLOCK PROGRAMS.

(a) REGULATIONS.—Section 330 (47 U.S.C. 330) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by adding after subsection (b) the following new subsection (c):

"(c)(1) Except as provided in paragraph (2), no person shall ship in interstate commerce, manufacture, assemble, or import from any foreign country into the United States any apparatus described in section 303(w) of this Act except in accordance with rules prescribed by the Commission pursuant to the authority granted by that section.

"(2) This subsection shall not apply to carriers transporting apparatus referred to in paragraph (1) without trading it.

"(3) The rules prescribed by the Commission under this subsection shall provide performance standards for blocking technology. Such rules shall require that all such apparatus be able to receive transmitted rating signals which conform to the signal and blocking specifications established by the Commission.

"(4) As new video technology is developed, the Commission shall take such action as the Commission determines appropriate to ensure that blocking service continues to be available to consumers.".

(b) CONFORMING AMENDMENT.—Section 330(d), as redesignated by subsection (a)(1), is amended by striking "section 303(s), and section 303(u)" and inserting in lieu thereof "and sections 303(s), 303(u), and 303(w)".

MCCAIN AMENDMENT NO. 1276

Mr. MCCAIN proposed an amendment to the bill S. 652, supra; as follows:

On page 43, strike out line 2 and insert in lieu thereof the following:

Act.

"(k) TRANSITION TO ALTERNATIVE SUPPORT SYSTEM.—Notwithstanding any other provision of this Act, beginning 2 years after the date of the enactment the Telecommunications Act of 1995, support payments for universal service under this Act shall occur in accordance with the provisions of subsection (l) rather than any other provisions of this Act.

"(l) VOUCHER SYSTEM.—

"(1) IN GENERAL.—Not later than 2 years after the date of the enactment of the Telecommunications Act of 1995, the Commission shall prescribe regulations to provide for the payment of support payments for universal service through a voucher system under this subsection.

"(2) INDIVIDUALS ELIGIBLE TO MAKE PAYMENTS BY VOUCHER.—Payment of support payments for universal service by voucher under this subsection may be made only by individuals—

"(A) who are customers of telecommunications carriers described in paragraph (3); and

"(B) whose income in the preceding year was an amount equal to or less than the amount equal to 200 percent of the poverty level for that year.

"(3) CARRIERS ELIGIBLE TO RECEIVE VOUCHERS.—Telecommunications carriers eligible to receive support payments for universal service by voucher under this subsection are telecommunications carriers designated as essential telecommunications carriers in accordance with subsection (f).

"(4) VOUCHERS.—

"(A) IN GENERAL.—The Commission shall provide in the regulations under this subsection for the distribution to individuals described in paragraph (2) of vouchers that may be used by such individuals as payment for telecommunications services received by such individuals from telecommunications carriers described in paragraph (3).

"(B) VALUE OF VOUCHERS.—The Commission shall determine the value of vouchers distributed under this paragraph.

"(C) USE OF VOUCHERS.—Individuals to whom vouchers are distributed under this paragraph may utilize such vouchers as payment for the charges for telecommunications services that are imposed on such persons by telecommunications carriers referred to in subparagraph (A).

"(D) ACCEPTANCE OF VOUCHERS.—Each telecommunications carrier referred to in subparagraph (A) shall accept vouchers under this paragraph as payment for charges for telecommunications services that are imposed by the telecommunications carrier on individuals described in paragraph (2).

"(E) REIMBURSEMENT.—The Commission shall, upon submittal of vouchers by a telecommunications carrier, reimburse the telecommunications carrier in an amount equal to the value of the vouchers submitted. Amounts necessary for reimbursements under this subparagraph shall be derived from contributions for universal support under subsection (c)."

GORTON AMENDMENT NO. 1277

Mr. GORTON proposed an amendment to amendment No. 1270 proposed by Mrs. FEINSTEIN to the bill, S. 652, supra; as follows:

In the matter proposed to be stricken, strike "or is inconsistent with this section, the Commission shall promptly" and insert "subsection (a) or (b), the Commission shall".

DORGAN (AND OTHERS) AMENDMENT NO. 1278

Mr. DORGAN (for himself, Mr. HELMS, and Mr. KERREY) proposed an amendment to the bill, S. 652, supra; as follows:

Strike paragraph (1) of subsection (b) of Section (207) and insert in lieu thereof the following:

"(b) REVIEW AND MODIFICATION OF BROADCAST RULES.—The Commission shall:

"(1) modify or remove such national and local ownership rules on radio and television broadcasters as are necessary to ensure that broadcasters are able to compete fairly with other media providers while ensuring that the public receives information from a diversity of media sources and localism and service in the public interest is protected, taking into consideration the economic dominance of providers in a market and

"(2) review the ownership restriction in section 613(a)(1)."

THURMOND AMENDMENT NO. 1279

(Ordered to lie on the table.)

Mr. THURMOND submitted an amendment intended to be proposed by him to the bill S. 652, supra; as follows:

On page 82, line 23, strike all after the word "service" through page 91, line 2, and insert the following:

"to the extent approved by the Commission and the Attorney General of the United States in accordance with the provisions of subsection (c);

"(2) interLATA telecommunications services originating in any area where that company is not the dominant provider of wireline telephone exchange service or exchange access service in accordance with the provisions of subsection (d); and

"(3) interLATA services that are incidental services in accordance with the provisions of subsection (e).

"(b) SPECIFIC INTERLATA INTERCONNECTION REQUIREMENTS.—

"(1) IN GENERAL.—A Bell operating company may provide interLATA services in accordance with this section only if that company has reached an interconnection agreement under section 251 and that agreement provides, at a minimum, for interconnection that meets the competitive checklist requirements of paragraph (2).

"(2) COMPETITIVE CHECKLIST.—Interconnection provided by a Bell operating company to other telecommunications carriers under section 251 shall include:

"(A) Nondiscriminatory access on an unbundled basis to the network functions and services of the Bell operating company's telecommunications network that is at least equal in type, quality, and price to the access the Bell operating company affords to itself or any other entity.

"(B) The capability to exchange telecommunications between customers of the Bell operating company and the telecommunications carrier seeking interconnection.

"(C) Nondiscriminatory access to the poles, ducts, conduits, and rights-of-way owned or controlled by the Bell operating company at just and reasonable rates where it has the legal authority to permit such access.

"(D) Local loop transmission from the central office to the customer's premises, unbundled from local switching or other services.

"(E) Local transport from the trunk side of a wireline local exchange carrier switch unbundled from switching or other services.

"(F) Local switching unbundled from transport, local loop transmission, or other services.

"(G) Nondiscriminatory access to—

"(i) 911 and E911 services;

"(ii) directory assistance services to allow the other carrier's customers to obtain telephone numbers; and

"(iii) operator call completion services.

"(H) White pages directory listings for customers of the other carrier's telephone exchange service.

"(I) Until the date by which neutral telephone number administration guidelines, plan, or rules are established, nondiscriminatory access to telephone numbers for assignment to the other carrier's telephone exchange service customers. After that date, compliance with such guidelines, plan, or rules.

"(J) Nondiscriminatory access to databases and associated signaling, including signaling links, signaling service control points, and signaling service transfer points, necessary for call routing and completion.

"(K) Until the date by which the Commission determines that final telecommunications number portability is technically feasible and must be made available, interim telecommunications number portability through remote call forwarding, direct inward dialing trunks, or other comparable arrangements, with as little impairment of functioning, quality, reliability, and convenience as possible. After that date, full compliance with final telecommunications number portability.

"(L) Nondiscriminatory access to whatever services or information may be necessary to allow the requesting carrier to implement local dialing parity in a manner that permits consumers to be able to dial the same number of digits when using any telecommunications carrier providing telephone exchange service or exchange access service.

"(M) Reciprocal compensation arrangements on a nondiscriminatory basis for the origination and termination of telecommunications.

"(N) Telecommunications services and network functions provided on an unbundled basis without any conditions or restrictions on the resale or sharing of those services or functions, including both origination and termination of telecommunications services, other than reasonable conditions required by the Commission or a State. For purposes of this subparagraph, it is not an unreasonable condition for the Commission or a State to limit the resale—

"(i) of services included in the definition of universal service to a telecommunications carrier who intends to resell that service to a category of customers different from the category of customers being offered that universal service by such carrier if the Commission or State orders a carrier to provide the same service to different categories of customers at different prices necessary to promote universal service; or

"(ii) of subsidized universal service in a manner that allows companies to charge another carrier rates which reflect the actual cost of providing those services to that carrier, exclusive of any universal service support received for providing such services in accordance with section 214(d)(5).

"(3) JOINT MARKETING OF LOCAL AND LONG DISTANCE SERVICES.—Until a Bell operating company is authorized to provide interLATA services in a telephone exchange where that company is the dominant provider of wireline telephone exchange service or exchange access service, a telecommunications carrier may not jointly market in such telephone exchange area telephone exchange service purchased from such company with interLATA services offered by that telecommunications carrier.

"(4) COMMISSION MAY NOT EXPAND COMPETITIVE CHECKLIST.—The Commission may not, by rule or otherwise, limit or extend the terms used in the competitive checklist.

"(c) IN-REGION SERVICES.—

"(1) APPLICATION.—Upon the enactment of the Telecommunications Act of 1995, a Bell operating company or its affiliate may apply to the Commission and the Attorney General for authorization notwithstanding the Modification of Final Judgment to provide interLATA telecommunications service originating in any area where such Bell operating company is the dominant provider of wireline telephone exchange service or exchange access service. The application shall describe with particularity the nature and scope of the activity and of each product market or service market, and each geographic market for which authorization is sought.

"(2) DETERMINATION BY COMMISSION AND ATTORNEY GENERAL.—

"(A) DETERMINATION.—Not later than 90 days after receiving an application under paragraph (1), the Commission and the Attorney General shall each issue a written determination, on the record after a hearing and opportunity for comment, granting or denying the application in whole or in part.

"(B) APPROVAL BY COMMISSION.—The Commission may only approve the authorization requested in an application submitted under paragraph (1) if it—

"(i) finds that the petitioning Bell operating company has fully implemented the competitive checklist found in subsection (b)(2);

"(ii) finds that the requested authority will be carried out in accordance with the requirements of section 252; and

"(iii) determines that the requested authorization is consistent with the public interest, convenience, and necessity, in making its determination whether the requested authorization is consistent with the public interest convenience, and necessity, the Commission shall not consider the antitrust effects of such authorization in any market for which authorization is sought. Nothing in this subsection shall limit the authority of the Commission under any other section. If the Commission does not approve an application under this subparagraph it shall state the basis for its denial of the application.

(C) APPROVAL BY ATTORNEY GENERAL.—The Attorney General may only approve the authorization requested in an application submitted under paragraph (1) if the Attorney General finds that the effect of such authorization will not substantially lessen competition, or tend the create a monopoly in any line of commerce in any section of the country. The Attorney General may approve all or part of the request. If the Attorney General does not approve an application under this subparagraph, the Attorney General shall state the basis for the denial of the application. These provisions shall become effective one day after date of enactment.

"(3) PUBLICATION.—Not later than 10 days after issuing a determination under paragraph (2), the Commission and the Attorney General shall each publish in the Federal Register a brief description of the determination.

"(4) JUDICIAL REVIEW.—

"(A) COMMENCEMENT OF ACTION.—Not later than 45 days after a determination by the Commission or the Attorney General is published under paragraph (3), the Bell operating company or its subsidiary or affiliate that applied to the Commission and the Attorney General under paragraph (1), or any person who would be threatened with loss or damage as a result of the determination regarding such company's engaging in the activity described in its application, may commence an action in any United States Court of Appeals against the Commission or the Attorney General for judicial review of the determination regarding the application."

ROBB AMENDMENT NO. 1280

(Ordered to lie on the table.)

Mr. ROBB submitted an amendment intended to be proposed by him to the bill, S. 652, supra; as follows:

On page 146, below line 14, add the following:

SEC. 409. RESTRICTIONS ON ACCESS BY CHILDREN TO OBSCENE AND INDECENT MATERIAL ON ELECTRONIC INFORMATION NETWORKS OPEN TO THE PUBLIC.

In order.

(1) to encourage the voluntary use of tags in the names, addresses, or text of electronic files containing obscene, indecent, or mature text or graphics that are made available to the public through public information networks in order to ensure the ready identification of files containing such text or graphics;

(2) to encourage developers of computer software that provides access to or interface with a public information network to develop software that permits users of such software to block access to or interface with text or graphics identified by such tags; and

(3) to encourage the telecommunications industry and the providers and users of public information networks to take practical actions (including the establishment of a board consisting of appropriate members of such industry, providers, and users) to develop a highly effective means of preventing the access of children through public information networks to electronic files that contain such text or graphics,

The Secretary of Commerce shall take appropriate steps to make information on the tags established and utilized in voluntary compliance with subsection (a) available to the public through public information networks.

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the tags established and utilized in voluntary compliance with this section. The report shall—

(1) describe the tags so established and utilized;

(2) assess the effectiveness of such tags in preventing the access of children to electronic files that contain obscene, indecent, or mature text or graphics through public information networks; and

(3) provide recommendations for additional means of preventing such access.

(d) DEFINITIONS.—In this section:

(2) The term "public information network" means the Internet, electronic bulletin boards, and other electronic information networks that are open to the public.

(2) The term "tag" means a part or segment of the name, address, or text of an electronic file.

EXON (AND COATS) AMENDMENT NO. 1281

(Ordered to lie on the table.)

Mr. EXON (for himself and Mr. COATS) submitted an amendment intended to be proposed by them to the bill S. 652, supra; as follows:

On page 137 beginning with line 12 strike through line 10 on page 143 and insert the following:

(1) by striking subsection (a) and inserting in lieu thereof:

"(a) Whoever—

"(1) in the District of Columbia or in interstate or foreign communications—

"(A) by means of telecommunications device knowingly—

"(i) makes, creates, or solicits, and

"(ii) initiates the transmission of, any comment, request, suggestion, proposal, image, or other communication which is obscene, lewd, lascivious, filthy, or indecent, with intent to annoy, abuse, threaten, or harass another person;

"(B) makes a telephone call or utilizes a telecommunications device, whether or not conversation or communication ensues, without disclosing his identity and with intent to annoy, abuse, threaten, or harass any person at the called number or who receives the communication;

"(C) makes or causes the telephone of another repeatedly or continuously to ring, with intent to harass any person at the called number; or

"(D) makes repeated telephone calls or repeatedly initiates communication with a telecommunications device, during which conversation or communication ensues, solely to harass any person at the called number or who receives the communication; or

"(2) knowingly permits any telecommunications facility under his control to be used for any activity prohibited by paragraph (1) with the intent that it be used for such activity,

shall be fined not more than $100,000 or imprisoned not more than two years, or both.''; and

(2) by adding at the end the following new subsections:

"(d) Whoever—

"(1) knowingly within the United States or in foreign communications with the United States by means of telecommunications device makes or makes available any obscene communications in any form including any comment, request, suggestion, proposal, or image regardless of whether the maker of such communication placed the call or initiated the communications; or

"(2) knowingly permits any telecommunications facility under such person's control to be used for an activity prohibited by subsection (d)(1) with the intent that it be used for such activity;

shall be fined not more than $100,000 or imprisoned not more than two years or both.

"(e) Whoever—

"(1) knowingly within the United States or in foreign communications with the United States by means of telecommunications device makes or makes available any indecent communications in any form including any comment, request, suggestion, proposal, or image to any person under 18 years of age regardless of whether the maker of such communication placed the call or initiated the communications; or

"(2) knowingly permits any telecommunications facility under such person's control to be used for an activity prohibited by subsection (1) with the intent that it be used for such activity;

shall be fined not more than $100,000 or imprisoned not more than two years or both.

"(f) Defenses to the subsections (a), (d), and (e), restrictions on access, judicial remedies respecting restrictions for persons providing information services and access to information services—

"(1) No person shall be held to have violated subsections (a), (d), or (e) solely for providing access or connection to or from a facility, system, or network over which that person has no control, including related capabilities which are incidental to providing access or connection. This subsection shall not be applicable to an individual who is owned or controlled by, or a conspirator with, an entity actively involved in the creation, editing or knowing distribution of communications which violate this section.

"(2) No employer shall be held liable under this section for the actions of an employee or agent unless the employee's or agent's conduct is within the scope of his employment or agency and the employer has knowledge of, authorizes, or ratifies the employee's or agent's conduct.

"(3) It is a defense to prosecution under subsection (a), (d)(2), or (e) that a person has taken reasonable, effective and appropriate actions in good faith to restrict or prevent the transmission of, or access to a communication specified in such subsections, or complied with procedures as the Commission may prescribe in furtherance of this section. Until such regulations become effective, it is a defense to prosecution that the person has complied with the procedures prescribed by regulation pursuant to subsection (b)(3). Nothing in this subsection shall be construed to treat enhanced information services as common carriage.

"(4) No cause of action may be brought in any court or administrative agency against any person on account of any activity which is not in violation of any law punishable by criminal or civil penalty, which activity the person has taken in good faith to implement a defense authorized under this section or otherwise to restrict or prevent the transmission of, or access to, a communication specified in this section.

"(g) No State or local government may impose any liability for commercial activities or actions by commercial entities in connection with an activity or action which constitutes a violation described in subsection (a)(2), (d)(2), or (e)(2) that is inconsistent with the treatment of those activities or actions under this section provided, however, that nothing herein shall preclude any State or local government from enacting and enforcing complementary oversight, liability, and regulatory systems, procedures, and requirements, so long as such systems, procedures, and requirements govern only intrastate services and do not result in the imposition of inconsistent rights, duties or obligations on the provision of interstate services. Nothing in this subsection shall preclude any State or local government from governing conduct not covered by this section.

"(h) Nothing in subsection (a), (d), (e), or (f) or in the defenses to prosecution under (a), (d), or (e) shall be construed to affect or limit the application or enforcement of any other Federal law.

"(i) The use of the term 'telecommunications device' in this section shall not impose new obligations on (one-way) broadcast radio or (one-way) broadcast television operators licensed by the Commission or (one-way) cable service registered with the Federal Communications Commission and covered by obscenity and indecency provisions elsewhere in this Act.

"(j) Within two years from the date of enactment and every two years thereafter, the Commission shall report on the effectiveness of this section."

On page 144, strike lines 1 through 17, and in lieu thereof insert the following:

SEC. 405. DISSEMINATION OF INDECENT MATERIAL ON CABLE TELEVISION SERVICE.

(a) IN GENERAL.—Chapter 71 of title 18, United States Code, is amended by inserting after section 1464 the following:

"§ 1464A. Dissemination of indecent material on cable television

"(a) Whoever knowingly disseminates any indecent material on any channel provided to all subscribers as part of a basic cable television package shall be imprisoned not more than two years or fined under this title, or both.

"(b) As used in this section, the term 'basic cable television package' means those channels provided by any means for a basic cable subscription fee to all cable subscribers, including 'basic cable service' and 'other programming service' as those terms are defined in section 602 of the Communications Act of 1934 but does not include separate channels that are provided to subscribers upon specific request, whether or not a separate or additional fee is charged.".

"(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 71 of title 18, United States Code, is amended by inserting after the item relating to section 1464 the following new item:

"1464A. Dissemination of indecent material on cable television.".

At the end of bill add:

SEC. 409. SEPARABILITY.

If any provision of this title, including amendments to this title or the application thereof to any person or circumstance is held invalid, the remainder of this title and the application of such provision to other persons or circumstances shall not be affected thereby.

MOSELEY-BRAUN AMENDMENT NO. 1282

(Ordered to lie on the table)

Ms. MOSELEY-BRAUN submitted an amendment intended to be proposed by her to the bill S. 652, supra; as follows:

At the end of the bill, insert the following:

TITLE —NATIONAL EDUCATION TECHNOLOGY FUNDING CORPORATION

SEC. 01. SHORT TITLE.

This title may be cited as the "National Education Technology Funding Corporation Act of 1995".

SEC. 02. FINDINGS; PURPOSE.

(a) FINDINGS.—The Congress finds as follows:

(1) CORPORATION.—There has been established in the District of Columbia a private, nonprofit corporation known as the National Education Technology Funding Corporation which is not an agency or independent establishment of the Federal Government.

(2) BOARD OF DIRECTORS.—The Corporation is governed by a Board of Directors, as prescribed in the Corporation's articles of incorporation, consisting of 15 members, of which—

(A) five members are representative of public agencies representative of schools and public libraries;

(B) five members are representative of State government, including persons knowledgeable about State finance, technology and education; and

(C) five members are representative of the private sector, with expertise in network technology, finance and management.

(3) CORPORATE PURPOSES.—The purposes of the Corporation, as set forth in its articles of incorporation, are—

(A) to leverage resources and stimulate private investment in education technology infrastructure;

(B) to designate State education technology agencies to receive loans, grants or other forms of assistance from the Corporation;

(C) to establish criteria for encouraging States to—

(i) create, maintain, utilize and upgrade interactive high capacity networks capable of providing audio, visual and data communications for elementary schools, secondary schools and public libraries;

(ii) distribute resources to assure equitable aid to all elementary schools and secondary schools in the State and achieve universal access to network technology; and

(iii) upgrade the delivery and development of learning through innovative technology-based instructional tools and applications;

(D) to provide loans, grants and other forms of assistance to State education technology agencies, with due regard for providing a fair balance among types of school districts and public libraries assisted and the disparate needs of such districts and libraries;

(E) to leverage resources to provide maximum aid to elementary schools, secondary schools and public libraries; and

(F) to encourage the development of education telecommunications and information technologies through public-private ventures, by serving as a clearinghouse for information on new education technologies, and by providing technical assistance, including assistance to States, if needed, to establish State education technology agencies.

(b) PURPOSE.—The purpose of this title is to recognize the Corporation as a nonprofit corporation operating under the laws of the District of Columbia, and to provide authority for Federal departments and agencies to provide assistance to the Corporation.

SEC. 03. DEFINITIONS.

For the purpose of this title—

(1) the term "Corporation" means the National Education Technology Funding Corporation described in section 02(a)(1);

(2) the terms "elementary school" and "secondary school" have the same meanings given such terms in section 14101 of the Elementary and Secondary Education Act of 1965; and

(3) the term "public library" has the same meaning given such term in section 3 of the Library Services and Construction Act.

SEC. 04. ASSISTANCE FOR EDUCATION TECHNOLOGY PURPOSES.

(a) AUTHORIZATION OF ASSISTANCE.—Each Federal department or agency is authorized to award grants or contracts, or provide gifts, contributions, or technical assistance, to the Corporation to enable the Corporation to carry out the corporate purposes described in section 02(a)(3).

(b) AGREEMENT.—In order to receive any assistance described in subsection (a) the Corporation shall enter into an agreement with the Federal department or agency providing such assistance, under which the Corporation agrees—

(1) to use such assistance to provide funding and technical assistance only for activities which the Board of Directors of the Corporation determines are consistent with the corporate purposes described in section 02(a)(3);

(2) to review the activities of State education technology agencies and other entities receiving assistance from the Corporation to assure that the corporate purposes described in section 02(a)(3) are carried out;

(3) that no part of the assets of the Corporation shall accrue to the benefit of any member of the Board of Directors of the Corporation, any officer or employee of the Corporation, or any other individual, except as salary or reasonable compensation for services;

(4) that the Board of Directors of the Corporation will adopt policies and procedures to prevent conflicts of interest;

(5) to maintain a Board of Directors of the Corporation consistent with section 02(a)(2);

(6) that the Corporation, and any entity receiving the assistance from the Corporation, are subject to the appropriate oversight procedures of the Congress; and

(7) to comply with—

(A) the audit requirements described in section 05; and

(B) the reporting and testimony requirements described in section 06.

(c) CONSTRUCTION.—Nothing in this title shall be construed to establish the Corporation as an agency or independent establishment of the Federal Government, or to establish the members of the Board of Directors of the Corporation, or the officers and employees of the Corporation, as officers or employees of the Federal Government.

SEC. 05. AUDITS

(a) AUDITS BY INDEPENDENT CERTIFIED PUBLIC ACCOUNTANTS.—

(1) IN GENERAL.—The Corporation's financial statements shall be audited annual in accordance with generally accepted auditing standards by independent certified public accountants who are members of a nationally recognized accounting firm and who are certified by a regulatory authority of a State or other political subdivision of the United States. The audits shall be conducted at the place or places where the accounts of the Corporation are normally kept. All books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the Corporation and necessary to facilitate the audit shall be made available to the person or persons conducting the audits, and full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians shall be afforded to such person or persons.

(2) REPORTING REQUIREMENTS.—The report of each annual audit described in paragraph (1) shall be included in the annual report required by section 06(a).

(b) AUDITS BY THE COMPTROLLER GENERAL OF THE UNITED STATES.—

(1) AUDITS.—The programs, activities and financial transactions of the Corporation shall be subject to audit by the Comptroller General of the United States under such rules and regulations as may be prescribed by the Comptroller General. The representatives of the Comptroller General shall have access to such books, accounts, financial records, reports, files and such other papers, things, or property belonging to or in use by the Corporation and necessary to facilitate the audit, and the representatives shall be afforded full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians. The representatives of the Comptroller General shall have access, upon request to the Corporation or any auditor for an audit of the Corporation under this section, to any books, financial records, reports, files or other papers, things, or property belonging to or in use by the Corporation and used in any such audit and to papers, records, files, and reports of the auditor used in such an audit.

(2) REPORT.—A report on each audit described in paragraph (1) shall be made by the Comptroller General to the Congress. The report to the Congress shall contain such comments and information as the Comptroller General may deem necessary to inform the Congress of the financial operations and condition of the Corporation, together with such recommendations as the Comptroller General may deem advisable. The report shall also show specifically any program, expenditure, or other financial transaction or undertaking observed or reviewed in the course of the audit, which, in the opinion of the Comptroller General, has been carried on or made contrary to the requirements of this title. A copy of each such report shall be furnished to the President and to the Corporation at the time such report is submitted to the Congress.

(c) AUDIT BY INSPECTOR GENERAL OF THE DEPARTMENT OF COMMERCE.—The financial transactions of the Corporation may also be audited by the Inspector General of the Department of Commerce under the same conditions set forth in subsection (b) for audits by the Comptroller General of the United States.

(d) RECORDKEEPING REQUIREMENTS; AUDIT AND EXAMINATION OF BOOKS.—

(1) RECORDKEEPING REQUIREMENTS.—The Corporation shall ensure that each recipient of assistance from the Corporation keeps—

(A) separate accounts with respect to such assistance;

(B) such records as may be reasonably necessary to fully disclose—

(i) the amount and the disposition by such recipient of the proceeds of such assistance;

(ii) the total cost of the project or undertaking in connection with which such assistance is given or used; and

(iii) the amount and nature of that portion of the cost of the project or undertaking supplied by other sources; and

(C) such other records as will facilitate an effective audit.

(2) AUDIT AND EXAMINATION OF BOOKS.—The Corporation shall ensure that the Corporation, or any of the Corporation's duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of any recipient of assistance from the Corporation that are pertinent to such assistance. Representatives of the Comptroller General shall also have such access for such purpose.

SEC. 06. ANNUAL REPORT; TESTIMONY TO THE CONGRESS.

(a) ANNUAL REPORT.—Not later than April 30 of each year, the Corporation shall publish an annual report for the preceding fiscal year and submit that report to the President and the Congress. The report shall include a comprehensive and detailed evaluation of the Corporation's operations, activities, financial condition, and accomplishments under this title and may include such recommendations as the Corporation deems appropriate.

(b) TESTIMONY BEFORE CONGRESS.—The members of the Board of Directors, and officers, of the Corporation shall be available to testify before appropriate committees of the Congress with respect to the report described in subsection (a), the report of any audit made by the Comptroller General pursuant to this title, or any other matter which any such committee may determine appropriate.

SIMON AMENDMENTS NOS. 1283–1284

(Ordered to lie on the table.)

Mr. SIMON submitted an amendment intended to be proposed by him to the bill S. 652, supra; as follows:

AMENDMENT NO. 1283

On page 82, between lines 4 and 5, insert the following:

(e) SUPERSEDING RULE ON RADIO OWNERSHIP.—In lieu of making the modification required by the first sentence of subsection (b)(2), the Commission shall modify its rules set forth in 47 CFR 73,3555 by limiting to 50 AM or 50 FM broadcast stations the number of such stations which may be owned or controlled by one entity nationally.

AMENDMENT NO. 1284

On page 31, insert at the appropriate place the following:

"(d) BIENNIAL AUDIT.—

"(1) GENERAL REQUIREMENT.—A company required to operate a separate subsidiary under this section shall obtain and pay for an audit every 2 years conducted by an independent auditor selected by, and working at the direction of, the State commission of each State in which such company provides service, to determine whether such company has complied with this section and the regulations promulgated under this section, and particularly whether such company has complied with the separate accounting requirements under subsection (b).

"(2) RESULTS SUBMITTED TO COMMISSION; STATE COMMISSIONS.—The auditor described in paragraph (1) shall submit the results of the audit to the Commission and to the State commission of each State in which the company audited provides service, which shall make such results available for public inspection. Any party may submit comments on the final audit report.

"(3) REGULATIONS.—The audit required under paragraph (1) shall be conducted in accordance with procedures established by regulation by the State commission of the State in which such company provides service. The regulations shall include requirements that—

"(A) each audit submitted to the Commission and to the State commission is certified by the auditor responsible for conducting the audit; and

"(B) each audit shall be certified by the person who conducted the audit and shall identify with particularity any qualifications or limitations on such certification and any other information relevant to the enforcement of the requirements of this section.

"(4) COMMISSION REVIEW.—The Commission shall periodically review and analyze the audits submitted to it under this subsection.

"(5) ACCESS TO DOCUMENTS.—For purposes of conducting audits and reviews under this subsection—

"(A) the independent auditor, the Commission, and the State commission shall have access to the financial accounts and records of each company and of its subsidiaries necessary to verify transactions conducted with that company that are relevant to the specific activities permitted under this section and that are necessary for the regulation of rates;

"(B) the Commission and the State commission shall have access to the working papers and supporting materials of any auditor who performs an audit under this section; and

"(C) the State commission shall implement appropriate procedures to ensure the protection of any proprietary information submitted to it under this section.

McCAIN (AND OTHERS) AMENDMENT NO. 1285

(Ordered to lie on the table.)

Mr. McCAIN (for himself, Ms. SNOWE, Mr. ROCKEFELLER, Mr. EXON, Mr. KERREY, and Mr. CRAIG) submitted an amendment intended to be proposed by him to the bill, S. 652, supra; as follows:

At the end of section 310 of the Act, add the following:

( ) No entity listed in this section shall be entitled for preferential rates or treatment as required by this section, if such entity operates as a for-profit business, is a school as defined in sec. 264(d)(1) with an endowment of more than $50 million dollars, or is a library not eligible for participation in state-based plane for Library Services and Construction Act Title III funds.

SIMON AMENDMENT NO. 1286

(Ordered to lie on the table.)

Mr. SIMON submitted an amendment intended to be proposed by him to the bill, S. 652, supra; as follows:

On page 79, line 11, in the language added by the Dole amendment #1255 (as modified), insert the following:

(3) SUPERSEDING RULE ON RADIO OWNERSHIP.—In lieu of making the modification required by the first sentence of subsection (b)(2), the Commission shall modify its rules set forth in 47 CFR 73,3555 by limiting to 50 AM or 50 FM broadcast stations the number of such stations which may be owned or controlled by one entity nationally.

BUMPERS AMENDMENT NO. 1287

(Ordered to lie on the table.)

Mr. BUMPERS submitted an amendment intended to be proposed by him to the bill, S. 652, supra; as follows:

In section 206(b) of the bill, strike "described in subsection (a)(1)".

LEAHY (AND OTHERS) AMENDMENT NO. 1288

(Ordered to lie on the table.)

Mr. LEAHY (for himself, Ms. MOSELEY-BRAUN, Mr. FEINGOLD, and Mr. KERREY) submitted an amendment intended to be proposed by him to the bill, S. 652, supra; as follows:

On page 137, strike out line 7 and all that follows through page 144, line 19, and insert in lieu thereof the following:

SEC. 402. OBSCENE PROGRAMMING ON CABLE TELEVISION.

Section 639 (47 U.S.C. 559) is amended by striking "$10,000" and inserting "$100,000".

SEC. 403. BROADCASTING OBSCENE LANGUAGE ON RADIO.

Section 1464 of title 18, United States Code, is amended by striking out "$10,000" and inserting "$100,000".

SEC. 404. REPORT ON MEANS OF RESTRICTING ACCESS TO UNWANTED MATERIAL IN INTERACTIVE TELECOMMUNICATIONS SYSTEMS.

(a) REPORT.—Not later than 150 days after the date of the enactment of this Act, the Attorney General shall submit to the Committees on the Judiciary of the Senate and the House of Representatives a report containing—

(1) an evaluation of the enforceability with respect to interactive media of current criminal laws governing the distribution of obscenity over computer networks and the creation and distribution of child pornography by means of computers;

(2) an assessment of the Federal, State, and local law enforcement resources that are currently available to enforce such laws;

(3) an evaluation of the technical means available—

(A) to enable parents to exercise control over the information that their children receive by interactive telecommunications systems so that children may avoid violent, sexually explicit, harassing, offensive, and other unwanted material on such systems;

(B) to enable other users of such systems to exercise control over the commercial and noncommercial information that they receive by such systems so that such users may avoid violent, sexually explicit, harassing, offensive, and other unwanted material on such systems; and

(C) to promote the free flow of information, consistent with the values expressed in the Constitution, in interactive media; and

(4) recommendations on means of encouraging the development and deployment of technology, including computer hardware and software, to enable parents and other users of interactive telecommunications systems to exercise the control described in subparagraphs (A) and (B) of paragraph (3).

(b) CONSULTATION.—In preparing the report under subsection (a), the Attorney General shall consult with the Assistant Secretary of Commerce for Communications and Information.

SEC. 405. ADDITIONAL PROHIBITION ON BILLING FOR TOLL-FREE TELEPHONE CALLS.

LEAHY (AND OTHERS) AMENDMENT NO. 1289

(Ordered to lie on the table.)

Mr. LEAHY (for himself, Mr. FEINGOLD, Mr. SIMPSON, Mr. SIMON, and Mr. KERREY) submitted an amendment intended to be proposed by them to the bill, S. 652, supra; as follows:

On page 93, strike out line 7 and all that follows through line 12 and insert in lieu thereof the following:

"(ii) Nothing in this subsection shall prevent a State from ordering the implementation of toll dialing parity in an intraLATA area by a Bell operating company before the Bill operating company has been granted authority under this subsection to provide interLATA services in that area.".

LEAHY AMENDMENTS NOS. 1290–1291

(Ordered by lie on the table.)

Mr. LEAHY submitted two amendments intended to be proposed by him to the bill, S. 652, supra; as follows:

AMENDMENT NO. 1290

On page 116, between lines 2 and e, insert the following:

"(D) Notwithstanding any other provision this Act, the Commission and the States may, in establishing any such alternative form of regulation, take into account the earnings of a telecommunications carrier in order to ensure that the rates for the services of such carrier which are not subject to effective competition are just, reasonable, and affordable.".

AMENDMENT NO. 1291

On page 24, beginning on line 20, strike out "no State court" and all that follows through "under this section".

ROCKEFELLER AMENDMENT NO. 1292

(Ordered to lie on the table.)

Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill, S. 652, supra; as follows:

In section 264 of the Communications Act of 1934, as added by section 310 of the bill beginning on page 132, strike subsections (a) and (b) and insert the following:

"(a) IN GENERAL.—

"(1) HEALTH CARE PROVIDERS FOR RURAL AREAS.—A telecommunications carrier shall, upon receiving a bona fide request, provide telecommunications services which are necessary for the provision of health care services, including instruction relating to such services, at rates that are reasonably comparable to rates charged for similar services in urban areas to any public or nonprofit health care provider that serves persons who reside in rural areas. A telecommunications carrier providing service pursuant to this paragraph shall be entitled to have an amount equal to the difference, if any, between the price for services provided to health care providers for rural areas and the price for similar services provided to other customers in comparable urban areas treated as a service obligation as a part of its obligation to participate in the mechanisms to preserve and advance universal service under section 253(c).

"(2) EDUCATIONAL PROVIDERS AND LIBRARIES.—All telecommunications carriers serving a geographic area shall, upon a bona fide request, provide to elementary schools, secondary schools, and libraries universal services (as defined in section 253) that permit such schools and libraries to provide or receive telecommunications services for educational purposes at rates less than the amounts charged for similar services to other parties. The discount shall be an amount that the Commission and the States determine is appropriate and necessary to ensure affordable access to and use of such telecommunications by such entities. A telecommunications carrier providing service pursuant to this paragraph shall be entitled to have an amount equal to the amount of the discount treated as a service obligation as part of its obligation to participate in the mechanisms to preserve and advance universal service under section 253(c).

"(b) Universal Service Mechanisms.—The Commission shall include consideration of the universal service provided to public institutional telecommunications users in any universal service mechanism it may establish under section 253.

McCAIN (AND OTHERS) AMENDMENT NO. 1293

(Ordered to lie on the table.)

Mr. McCAIN (for himself, Mr. Packwood, and Mr. Craig) submitted an amendment intended to be proposed by them to the bill, S. 652, supra; as follows:

On page 119, strike out line 3 and all that follows through page 120, line 4, and insert in lieu thereof the following:

"(a) Regulatory Forbearance.—The Commission shall forbear from applying any regulation or any provision of this Act to a telecommunications carrier or service, or class of carriers or services, in any or some of its or their geographic markets, if the Commission determines that—

"(1) enforcement of such regulation or provision is not necessary for the protection of consumers; and

"(2) the absence of such regulation or provision will not constitute a barrier to competition.

"(b) Elimination of Regulation of Common Carriers Other Than Local Exchange Carriers.—The Commission shall not apply any provision of part I of title II (except sections 201, 202, 208, and 223 through 229) to any carrier other than a local exchange carrier in any market.

"(c) Elimination of Regulation of Local Exchange Carriers.—The Commission shall not apply any provision of part I of title II (except sections 201, 202, 208, and 223 through 229) to any service of a local exchange carrier in any market that is open for competition as a result of—

"(1) the elimination of the barriers to entry pursuant to section 254;

"(2) compliance by the carrier providing such service with section 251; and

"(3) compliance by a Bell operating company with section 252, except to the extent granted an exception from such compliance pursuant to subsection (g) of that section.

"(d) Determinations.—A carrier may apply to the Commission for a determination that the provisions of subsection (a) or (c) apply to the carrier. The Commission shall determine whether or not such provisions apply to the carrier not later than 180 days after the date of its submission. If the Commission does not make a determination on an application within the time required for the determination in the preceding sentence, such provisions shall be deemed to apply to the carrier.

"(e) Rates.—A carrier to which section 203 does not apply by reason of subsection (b) or (c) shall, upon request, make available for public inspection the rates such carrier charges for telecommunications services.

"(f) Limitation.—Except as provided in section

SPECTER AMENDMENT NO. 1294

(Ordered to lie on the table.)

Mr. SPECTER submitted an amendment intended to be proposed by him to the bill, S. 652, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. . TELECOMMUTING PUBLIC INFORMATION PROGRAM.

(a) Findings.—Congress makes the following findings—

(1) Telecommuting is the practice of allowing people to work either at home or in nearby centers located closer to home during their normal working hours, substituting telecommunications services, either partially or completely, for transportation to a more traditional workplace;

(2) Telecommuting is now practiced by an estimated two to seven million Americans, including individuals with impaired mobility, who are taking advantage of computer and telecommunications advances in recent years;

(3) Telecommuting has the potential to dramatically reduce fuel consumption, mobile source air pollution, vehicle miles traveled, and time spent commuting, thus contributing to an improvement in the quality of life for millions of Americans; and

(4) It is in the public interest for the Federal Government to collect and disseminate information encouraging the increased use of telecommuting and identifying the potential benefits and costs of telecommuting.

(b) Telecommuting Research and Public Information Dissemination Program.—The Secretary of Transportation, in consultation with the Secretary of Labor and the Administrator of the Environmental Protection Agency, shall, in accordance with this section and within three months of the date of enactment of this Act, establish a comprehensive program to—

(1) Carry out research to identify successful telecommuting programs in the public and private sectors; and

(2) Provide for the dissemination of information described in paragraph (b)(1) to the public.

(c) Report.—Within one year of the establishment of the program described in subsection (b), the Secretary of Transportation shall report to Congress the findings and conclusions reached under this program.

(d) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary of Transportation such sums as may be necessary to carry out the program established by this section.

LIEBERMAN AMENDMENTS NOS. 1295–1298

(Ordered to lie on the table.)

Mr. LIEBERMAN submitted four amendments intended to be proposed by him to the bill, S. 652, supra; as follows:

Amendment No. 1295

At the appropriate place, insert the following new section:

SEC. . DETERMINATION OF REASONABLENESS OF CABLE RATES.

(a) Commission Consideration.—Notwithstanding any other provision of this Act or section 623(c), as amended by this Act, for purposes of section 623(c), the Commission may only consider a rate for cable programming services to be unreasonable if it substantially exceeds the average rate for comparable programming services in cable systems subject to effective competition.

(b) Rates of Small Cable Companies.—

(1) In general.—Notwithstanding any other provision of this Act or the amendments made by this Act, the regulations prescribed under section 623(c) shall not apply to the rates charged by small cable companies for the cable programming services provided by such companies.

(2) Definition.—As used in this subsection, the term 'small cable company' means the following:

(A) A cable operator whose number of subscribers is less than 35,000.

(B) A cable operator that operates multiple cable systems, but only if the total number of subscribers of such operator is less than 400,000 and only with respect to each system of the operator that has less than 35,000 subscribers.

Amendment No. 1296

At the appropriate place, insert the following new section:

SEC. . DETERMINATION OF REASONABLENESS OF CABLE RATES.

(a) Commission Consideration.—Notwithstanding any other provision of this Act or section 623(c), as amended by this Act, for purposes of section 623(c), the Commission may only consider a rate for cable programming services to be unreasonable if it exceeds the national average rate for comparable programming services in cable systems subject to effective competition.

(b) Rates of Small Cable Companies.—

(1) In general.—Notwithstanding any other provision of this Act or the amendments made by this Act, the regulations prescribed under section 623(c) shall not apply to the rates charged by small cable companies for the cable programming services provided by such companies.

(2) Definition.—As used in this subsection, the term 'small cable company' means the following:

(A) A cable operator whose number of subscribers is less than 35,000.

(B) A cable operator that operates multiple cable systems, but only if the total number of subscribers of such operator is less than 400,000 and only with respect to each system of the operator that has less than 35,000 subscribers.

Amendment No. 1297

On page 71, between lines 5 and 6, insert the following:

(d) Limitation on Increase in Cable Rates.—(1) Notwithstanding any other provision of this Act, the rate charged by a cable system for cable programming services in a calendar year may not exceed the rate charged by the system for such services in the calendar year preceding such calendar year by an amount whose percentage of the rate charged in such preceding calendar year is greater than the percentage by which—

(A) the Consumer Price Index (all items, United States city average) for the 12-month period ending on January 1 of the year concerned, exceeds

(B) such Consumer Price Index for the 12-month period preceding the 12-month period referred to in subparagraph (A).

(2) For purposes of this subsection:

(A) The term "cable programming services" has the meaning given such term in section 634(1)(2) of the Communications Act of 1934 (47 U.S.C. 543(1)(2)).

(B) The term "cable system" has the meaning given such term in section 602(7) of such Act (47 U.S.C. 522(7)).

Amendment No. 1298

At the appropriate place, insert the following new section:

SEC. . DETERMINATION OF REASONABLENESS OF CABLE RATES.

(a) COMMISSION CONSIDERATION.—Notwithstanding any other provision of this Act or section 623(c), as amended by this Act, for purposes of section 623(c), the Commission may only consider a rate for cable programming services to be unreasonable if it substantially exceeds the national average rate for comparable programming services in cable systems subject to effective competition.

(b) RATES OF SMALL CABLE COMPANIES.—

(1) IN GENERAL.—Notwithstanding any other provision of this Act or the amendments made by this Act, the regulations prescribed under section 623(c) shall not apply to the rates charged by small cable companies for the cable programming services provided by such companies.

(2) DEFINITION.—As used in this subsection, the term 'small cable company' means the following:

(A) A cable operator whose number of subscribers is less than 35,000.

(B) A cable operator that operates multiple cable systems, but only if the total number of subscribers of such operator is less than 400,000 and only with respect to each system of the operator that has less than 35,000 subscribers.

BREAUX AMENDMENT NO. 1299

(Ordered to lie on the table.)

Mr. BREAUX submitted an amendment intended to be proposed by him to the bill, S. 652, supra; as follows:

On page 123, line 10, add the following new sentence:

"This section shall take effect upon a determination by the United States Coast Guard that at least 80% of vessels required to implement the Global Maritime Distress and Safety System have the equipment required by such System installed and operating in good working condition."

STEVENS AMENDMENTS NOS. 1300–1302

(Ordered to lie on the table.)

Mr. STEVENS submitted three amendments intended to be proposed by him to the bill, S. 652, supra; as follows:

AMENDMENT NO. 1300

On page 36, between lines 23 and 24, insert the following new subsection and renumber the remaining subsections accordingly:

(a) FINDINGS.—The Congress finds that—

(1) the existing system of universal service has evolved since 1930 through an ongoing dialogue between industry, various Federal-State Joint Boards, the Commission, and the courts;

(2) this system has been predicated on rates established by the Commission and the States that require implicit cost shifting by monopoly providers of telephone exchange service through both local rates and access charges to interexchange carriers;

(3) the advent of competition for the provision of telephone exchange service has led to industry requests that the existing system be modified to make support for universal service explicit and to require that all telecommunications carriers participate in the modified system on a competitively neutral basis; and

(4) modification of the existing system is necessary to promote competition in the provision of telecommunications services and to allow competition and new technologies to reduce the need for universal service support mechanisms.

On page 38, beginning on line 15, strike all through page 43, line 2, and insert the following:

"SEC. 253. UNIVERSAL SERVICE.

"(a) UNIVERSAL SERVICE PRINCIPLES.—The Joint Board and the Commission shall base policies for the preservation and advancement of universal service on the following principles:

"(1) Quality services are to be provided at just, reasonable, and affordable rates.

"(2) Access to advanced telecommunications and information services should be provided in all regions of the Nation.

"(3) Consumers in rural and high cost areas should have access to telecommunications and information services, including interexchange services, that are reasonably comparable to those services provided in urban areas.

"(4) Consumers in rural and high cost areas should have access to telecommunications and information services at rates that are reasonably comparable to rates charged for similar services in urban areas.

"(5) Consumers in rural and high cost areas should have access to the benefits of advanced telecommunications and information services for health care, education, economic development, and other public purposes.

"(6) There should be a coordinated Federal-State universal service system to preserve and advance universal service using specific and predictable Federal and State mechanisms administered by an independent, nongovernmental entity or entities.

"(7) Elementary and secondary schools and classrooms should have access to advanced telecommunications services.

"(b) DEFINITION.—

"(1) IN GENERAL.—Universal service is an evolving level of intrastate and interstate telecommunications services that the Commission, based on recommendations from the public, Congress, and the Federal-State Joint Board periodically convened under section 103 of the Telecommunications Act of 1995, and taking into account advances in telecommunications and information technologies and services, determines—

"(A) should be provided at just, reasonable, and affordable rates to all Americans, including those in rural and high cost areas and those with disabilities;

"(B) are essential in order for Americans to participate effectively in the economic, academic, medical, and democratic processes of the Nation; and

"(C) are, through the operation of market choices, subscribed to by a substantial majority of residential customers.

"(2) DIFFERENT DEFINITION FOR CERTAIN PURPOSES.—The Commission may establish a different definition of universal service for schools, libraries, and health care providers for the purposes of section 264.

"(c) ALL TELECOMMUNICATIONS CARRIERS MUST PARTICIPATE.—Every telecommunications carrier engaged in instrastate, interstate, or foreign communication shall participate, on an equitable and nondiscriminatory basis, in the specific and predictable mechanisms established by the Commission and the States to preserve and advance universal service. Such participation shall be in the manner determined by the Commission and the States to be reasonably necessary to preserve and advance universal service. Any other provider of telecommunications may be required to participate in the preservation and advancement of universal service, if the public interest so requires.

"(d) STATE AUTHORITY.—A State may adopt regulations to carry out its responsibilities under this section, or to provide for additional definitions, mechanisms, and standards to preserve and advance universal service within that State, to the extent that such regulations do not conflict with the Commission's rules to implement this section. A State may only enforce additional definitions or standards to the extent that it adopts additional specific and predictable mechanisms to support such definitions or standards.

"(e) ELIGIBILITY FOR UNIVERSAL SERVICE SUPPORT.—To the extent necessary to provide for specific and predictable mechanisms to achieve the purposes of this section, the Commission shall modify its existing rules for the preservation and advancement of universal service. Only essential telecommunications carriers designated under section 214(d) shall be eligible to receive support for the provision of universal service. Such support, if any, shall accurately reflect what is necessary to preserve and advance universal service in accordance with this section and the other requirements of this Act.

"(f) UNIVERSAL SERVICE SUPPORT.—The Commission and the States shall have as their goal the need to make any support for universal service explicit, and to target that support to those essential telecommunications carriers that serve areas for which such support is necessary. The specific and predictable mechanisms adopted by the Commission and the States shall ensure that essential telecommunications carriers are able to provide universal service at just, reasonable, and affordable rates. A carrier that receives universal service support shall use that support only for the provision, maintenance, and upgrading of facilities and services for which the support is intended.

"(g) INTEREXCHANGE SERVICE.—The rates charged by any provider of interexchange telecommunications service to customers in rural and high cost areas shall be no higher than those charged by such provider to its customers in urban areas.

"(h) SUBSIDY OF COMPETITIVE SERVICES PROHIBITED.—A telecommunications carrier may not use services that are not competitive to subsidize competitive services. The Commission, with respect to interstate services, and the States, with respect to intrastate services, shall establish any necessary cost allocation rules, accounting safeguards, and guidelines to ensure that services included in the definition of universal service bear no more than a reasonable share of the joint and common costs of facilities used to provide those services.

"(i) CONGRESSIONAL NOTIFICATION REQUIRED.—

"(1) IN GENERAL.—The Commission may not take action to require participation by telecommunications carriers or other providers of telecommunications under subsection (c), or to modify its rules to increase support for the preservation and advancement of universal service, until—

"(A) the Commission submits to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Commerce of the House of Representatives a report on the participation required, or the increase in support proposed, as appropriate; and

"(B) a period of 120 days has elapsed since the date the report required under paragraph (1) was submitted.

"(2) NOT APPLICABLE TO REDUCTIONS.—This subsection shall not apply to any action taken to reduce costs to carriers or consumers.

"(j) EFFECT ON COMMISSION'S AUTHORITY.—Nothing in this section shall be construed to expand or limit the authority of the Commission to preserve and advance universal service under this Act. Further, nothing in this section shall be construed to require or prohibit the adoption of any specific type of mechanism for the preservation and advancement of universal service.

"(k) EFFECTIVE DATE.—This section takes effect on the date of enactment of the Telecommunications Act of 1995, except for subsections (c), (d), (e), (f), and (i) which take effect one year after the date of enactment of that Act.".

The language on page 43, beginning with "receive" on line 25, through "253." on page 44, line 1, is deemed to read "receive universal service support under section 253.".

In section 264 of the Communications Act of 1934, as added by section 310 of the bill beginning on page 132, strike subsections (a) and (b) and insert the following:

"(a) IN GENERAL.—

"(1) HEALTH CARE PROVIDERS FOR RURAL AREAS.—A telecommunications carrier shall, upon receiving a bona fide request, provide telecommunications services which are necessary for the provision of health care services, including instruction relating to such services, at rates that are reasonably comparable to rates charged for similar services in urban areas to any public or non-profit health care provider that serves persons who reside in rural areas. A telecommunications carrier providing service pursuant to this paragraph shall be entitled to have an amount equal to the difference, if any, between the price for services provided to health care providers for rural areas and the price for similar services provided to other customers in comparable urban areas treated as a service obligation as a part of its obligation to participate in the mechanisms to preserve and advance universal service under section 253(c).

"(2) EDUCATIONAL PROVIDERS AND LIBRARIES—All telecommunications carriers serving a geographic area shall, upon a bona fide request, provide to elementary schools, secondary schools, and libraries universal services (as defined in section 253) that permit such schools and libraries to provide or receive telecommunications services for educational purposes at rates less than the amounts charged for similar services to other parties. The discount shall be an amount that the Commission and the States determine is appropriate and necessary to ensure affordable access to and use of such telecommunications by such entities. A telecommunications carrier providing service pursuant to this paragraph shall be entitled to have an amount equal to the amount of the discount treated as a service obligation as part of its obligation to participate in the mechanisms to preserve and advance universal service under section 253(c).

"(b) UNIVERSAL SERVICE MECHANISMS.—The Commission shall include consideration of the universal service provided to public institutional telecommunications users in any universal service mechanism it may establish under section 253.

AMENDMENT NO. 1301

At the appropriate place insert the following:

In section 3(tt) of the Communications Act of 1934, as added by section 8(b) of the bill on page 14, strike "services." and insert the following: "provided, however, that in the case of a Bell operating company affiliate, such geographic area shall be no smaller than the LATA area for such affiliate on the date of enactment of the Telecommunications Act of 1995."

AMENDMENT NO. 1302

On page 28 before line 6 insert the following:

"(m) COMMERCIAL MOBILE SERVICE PROVIDERS.—The requirements of this section shall not apply to commercial mobile services provided by a wireline local exchange carrier unless the Commission determines under subsection (a)(3) that such carrier has market power in the provision of commercial mobile service."

STEVENS (AND OTHERS) AMENDMENT NO. 1303

(Ordered to lie on the table.)

Mr. STEVENS (for himself and Mr. INOUYE) submitted an amendment intended to be proposed by them to the bill, S. 652, supra; as follows:

Page 86, line 25, after "basis" insert a comma and "reflecting the actual cost of providing those services or functions to another carrier."

STEVENS AMENDMENT NO. 1304

(Ordered to lie on the table.)

Mr. STEVENS submitted an amendment intended to be proposed by him to the bill, S. 652, supra; as follows:

In subsection (d) of the section captioned "SPECTRUM AUCTIONS" added to the bill by amendment, strike "three frequency bands (225–400 megahertz, 3625–3650 megahertz," and insert "two frequency bands (3625–3650 megahertz"

DASCHLE AMENDMENT NO. 1305

(Ordered to lie on the table.)

Mr. DASCHLE submitted an amendment intended to be proposed by them to the bill, S. 652, supra; as follows:

On page 93 strike line 7 and all that follows through line 12, and insert in lieu thereof the following:

"(ii) During the period beginning on the date of enactment of this Act, and ending 36 months after such date, a State may not require a Bell operating company to implement toll dialing parity in an intraLATA area before a Bell operating company has been granted authority under this subsection to provide interLATA services in that area, except that a State may order the implementation of toll dialing parity in an intraLATA area during such period if the state issued an order by June 1, 1995 requiring a Bell operating company to implement toll dialing parity.".

KERREY AMENDMENTS NOS. 1306–1316

Mr. KERREY submitted 11 amendments intended to be proposed by him to the bill, S. 652, supra; as follows:

AMENDMENT NO. 1306

On page 107, after line 23, insert the following:

"(d) PAYMENT OF CIVIL PENALTIES.—No civil penalties assessed against a local exchange carrier as a result of a violation of this section will be charged directly or indirectly to that company's rate payers."

AMENDMENT NO. 1307

On page 83, strike out line 12 and all that follows through line 20 and insert in lieu thereof the following:

"(b) SPECIFIC INTERLATA INTERCONNECTION REQUIREMENTS.—

"(1) IN GENERAL.—A Bell operating company may provide interLATA services in accordance with this section only if that company has reached interconnection agreements under section 251 with telecommunications carriers that have requested interconnection for the purpose of providing telephone exchange service or exchange access service, including telecommunications carriers capable of providing a substantial number of business and residential customers with telephone exchange or exchange access service. Those agreements shall provide, at a minimum, for interconnection that meets the competitive checklist requirements of paragraph (2).

AMENDMENT NO. 1308

Strike Section 204.

AMENDMENT NO. 1309.

Strike subsection (b) of Section (207).

AMENDMENT NO. 1310

On page 112, at the end of line 17, insert the following sentence: "Pricing flexibility implemented pursuant to this section shall be for the purpose of allowing a regulated telecommunications provider to respond fairly to competition by repricing services subject to competition but shall not have the effect of shifting revenues from competitive services to non-competitive services."

AMENDMENT NO. 1311

On page 36, strike line 23 and insert in lieu thereof the following:

SEC. 103. NATIONAL POLICY GOALS.

Section 1 (47 U.S.C. 151) is amended by inserting "(a)" before "For the purpose of" and by adding at the end the following new subsection:

"(b) The primary objective of United States national and international communications policy shall be to protect the public interest. The public interest shall include the following:

"(1) To ensure that every person has access to reasonably evolving telecommunications services at just, reasonable, and affordable rates taking into account advances in telecommunications and information technology.

"(2) To promote the development and widespread availability of new technologies and advanced telecommunications and information services to all persons regardless of location or disability.

"(3) To ensure that consumers have access to diverse sources of information.

"(4) To promote learning, education, and knowledge.

"(5) To ensure reasonably comparable services at reasonably comparable rates for consumers in urban and rural areas.

"(6) To allow each individual the opportunity to contribute to the free flow of ideas and information through telecommunications and information services.

"(7) To maximize the contribution of communications and information technologies and services to economic development and quality of life.

"(8) To protect each individual's right to control the use of information concerning his or her use of telecommunications services.

"(9) To provide secure and reliable services for Federal, State, and local government emergency response.

"(10) To make available so far as possible, to all the people of the United States, regardless of race, color, national origin, income, residence in a rural or urban area, or disability, high capacity two-way communications networks capable of enabling users to originate and receive affordable and accessible high quality voice, data, graphics, video, and other types of telecommunications services.".

SEC. 103. UNIVERSAL SERVICE PROTECTION AND ADVANCEMENT.

(a) IN GENERAL.—Title II (47 U.S.C. 201 et seq.) is amended by inserting after section 201 the following new section:

"SEC. 201A. UNIVERSAL SERVICE PROTECTION AND ADVANCEMENT.

"(a) UNIVERSAL SERVICE PRINCIPLES.—The Joint Board and the Commission shall base policies for the preservation and advancement of universal service on the following principles:

"(1) Quality services are to be provided at just, reasonable, and affordable rates.

"(2) Access to advanced telecommunications and information services should be provided in all regions of the Nation.

"(3) Consumers in rural and high cost areas should have access to telecommunications and information services, including interexchange services, reasonably comparable to those services provided in urban areas.

"(4) Consumers in rural and high cost areas should have access to telecommunications and information services at rates that are reasonably comparable to rates charged for similar services in urban areas.

"(5) Citizens in rural and high cost areas should have access to the benefits of advanced telecommunications and information services for health care, education, economic development, and other public purposes.

"(6) There should be a coordinated Federal-State universal service system to preserve and advance universal service administered by an independent, non-governmental entity or person using specific and predictable Federal and State mechanisms.

"(7) Consumers should be permitted to exercise choice among telecommunications carriers offering universal service.

"(8) Consumers of universal service should have the right to control the use of information concerning their individual use of such service.

AMENDMENT NO. 1312

Beginning on line 1 of page 117, add the following new paragraphs:

"(c) DETERMINATION OF AVERAGE UNIVERSAL SERVICE RATE.—As part of the Federal-State Joint Board proceeding required under section 103(a)(1), the Commission and the Joint Board shall determine the average rate charged to consumers nationwide for the provision of those services included in the definition of universal service. The Commission and the Joint Board may periodically revise such determination as part of any Federal-State Joint Board proceeding periodically convened under section 103(a)(2).

"(d) SUPPORT PAYMENTS FOR COSTS ABOVE AVERAGE RATE.—If the Commission adopts rules for the distribution of interstate support payments to essential telecommunications carriers for the preservation and advancement of universal service under section 253 of the Communications Act of 1934, such rules shall provide that a carrier may only receive such interstate support payments to the extent that the reasonable cost to that carrier of providing the services included in the definition of universal service exceed the amount such carrier may recover from consumers at the average rate determined under subsection (c), or the rate such carrier is allowed to charge the consumer, if such rate is higher than the average rate, whichever results in the lower amount of support payments being made to the carrier."

AMENDMENT NO. 1313

On page 116, between lines 2 and 3 insert the following:

(D) Nothing in this section shall prohibit the Commission, for interstate services, and the States, for interstate services, from considering the profitability of telecommunications carriers when using alternative forms of regulation other than rate of return regulation (including price regulation and incentive regulation) to ensure that regulated rates are just and reasonable.

AMENDMENT NO. 1314

Strike Section 5 and insert in lieu thereof the following:

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) Congress has not passed comprehensive changes to the Communications Act of 1934 since that Act was originally passed.

(2) Congress must pass comprehensive communications legislation to promote the development and growth of the national information superhighway.

(3) Changes in the telecommunications marketplace have made some of the provisions of the Communications Act of 1934 obsolete, unnecessary, or inimical to advances in communications technologies and services.

(4) Competition has emerged in many services that were previously thought to be natural monopolies, but the Communications Act of 1934 requires all carriers to be regulated as if they were monopolies.

(5) As communications markets change, government must ensure that the public interest, convenience, and necessity are preserved.

(6) The public interest requires that universal service is protected and advanced, that new telecommunications technologies are deployed rapidly and equitably, and that access by schools, hospitals, public broadcasters, libraries, and museums to advanced telecommunications services is assisted.

(7) Access to telecommunications services is fundamental to safety of life and participation in a democratic society.

(8) Telecommunications networks make substantial use of public rights of way in real property and in spectrum frequencies, and carriers that make use of such public rights of way have an obligation to provide preferential rates to entities that provide significant public benefits.

(9) Advanced telecommunications services can enhance the quality of life and promote economic development and international competitiveness.

(10) Telecommunications infrastructure development is particularly crucial to the continued economic development of rural areas that may lack an adequate industrial or service base for continued development.

(11) Advancements in the Nation's telecommunications infrastructure will enhance the public welfare by helping to speed the delivery of new services, such as distance learning, remote medical sensing, and distribution of health information.

(12) Infrastructure advancement can be assisted by joint planning and infrastructure sharing by carriers and other providers of network facilities and services providing communications services.

(13) Increased competition in telecommunications services can, if subject to appropriate safeguards, encourage infrastructure development and have beneficial effects on the price, universal availability, variety, and quality of telecommunications services.

(14) The emergence of competition in telecommunications services has already contributed, and can be expected to continue contributing, to the modernization of the infrastructure.

(15) Competition in the long distance industry and the communications equipment market has brought about lower prices and higher quality services.

(16) Competition for local communications services has already begun to benefit the public; competitive access providers have deployed thousands of miles of optical fiber in their local networks; local exchange carriers have been prompted by competition to accelerate the installation of optical fiber in their own networks.

(17) Electric utilities, satellite carriers, and others are prepared to enter the local telephone market over the next few years.

(18) A diversity of telecommunications carriers enhances network reliability by providing redundant capacity, thereby lessening the impact of any network failure.

(19) Competition must proceed under rules that protect consumers and are fair to all telecommunications carriers.

(20) All telecommunications carriers, including competitors to the telephone companies, should contribute to universal service and should make their networks available for interconnection by others.

(21) Removal of all State and local barriers to entry into the telecommunications services market and provision of interconnection are warranted after mechanisms to protect universal service and rules are established to ensure that competition develops.

(22) Increasing the availability of interconnection and interoperability among the facilities of telecommunications carriers will help stimulate the development of fair competition among providers.

(23) The portability of telecommunications numbers will eliminate a significant advantage held by traditional telephone companies over competitors in the provision of telecommunications services.

(24) Unreasonable restrictions on resale and sharing of telecommunications networks retard the growth of competition and restrict the diversity of services available to the public.

(25) Additional regulatory measures are needed to allow consumers in rural markets and noncompetitive markets the opportunity to benefit from high-quality telecommunications capabilities.

(26) Regulatory flexibility for existing providers of telephone exchange service is necessary to allow them to respond to competition.

(27) The Federal Communications Commission (referred to elsewhere in this Act as the "Commission") and the States must have the flexibility to ad just their regulations of each provider of telecommunications services to serve the public interest.

(28) If the efforts of the private sector fail, the Commission should take steps to ensure network reliability and the development of network standards.

(29) Access to switched, digital telecommunications service for all segments of the population promotes the core First

Amendment goal of diverse information sources by enabling individuals and organizations alike to publish and otherwise make information available in electronic form.

(30) The national welfare will be enhanced if community newspapers are provided ease of entry into the operation of information services disseminated through electronic means primarily to customers in the localities served by such newspapers at rates that are not higher, on a per-unit basis, than the rates charged for such services to any other electronic publisher.

(31) A clear national mandate is needed for full participation in access to telecommunications networks and services by individuals with disabilities.

(32) The obligations of telecommunications carriers include the duty to furnish telecommunications services which are designed to be fully accessible to individuals with disabilities in accordance with such standards as the Commission may prescribe.

(33) Permitting the Bell operating companies to enter the manufacturing market will stimulate greater research and development, create more jobs, and enhance our international competitiveness.

(34) The Bell operating companies should not be permitted to enter the market for other long distance services until they have eliminated the barriers to competition and interconnection.

(35) Safeguards are necessary to ensure that the Bell operating companies do not abuse their market power over local telephone service to discriminate against competitors in the markets for electronic publishing, alarm services, and other information services.

(36) Amending the legal barriers to the provision of video programming by telephone companies in their service areas will encourage telephone companies to upgrade their telecommunications facilities to enable them to deliver video programming, as long as telephone companies and cable companies are prohibited from buying or joint venturing with each other in their service areas (except for certain rural areas).

(37) As communications technologies and services proliferate, consumers must be given the right to control information concerning their use of those technologies and services.

(38) As competition in the media increases, the Commission should re-examine the need for national and local ownership limits on broadcast stations, consistent with the need to maintain diversity of information sources.

Amendment No. 1315

On page 82, beginning with "Sec. 255" on line 11, strike all that follows through line 2, page 99.

On page 82, after line 10, add the attached paragraphs, except on page 136, line 7, of attachment strike the word "there", and all that follows through line 13, and add "the effect of such authorization will not substantially lessen competition, or tend to create a monopoly in any line of commerce in any section of the country."

"SEC. 255. INTERLATA TELECOMMUNICATIONS SERVICES.

"(a) Authority.—Notwithstanding any restriction or obligation imposed before the date of enactment of the Communications Act of 1994 pursuant to section II(D) of the Modification of Final Judgment, a Bell operating company may engage in the provision of interLATA telecommunications services subject to the requirements of this section and any regulations prescribed thereunder. No Bell operating company or affiliate of a Bell operating company shall engage in the provision of interLATA telecommunications services, except as authorized under this section.

"(b) Currently Authorized Activities.—Subsection (a) shall not prohibit a Bell operating company from engaging, at any time after the date of enactment of the Communications Act of 1994, in any activity as authorized by an order entered by the United States District Court for the District of Columbia pursuant to the Modification of Final Judgment if such order was entered on or before such date of enactment.

"(c) Petition for Authority for InterLATA Telecommunication Services.—

"(1) Application—

"(A) In region.—On or after the date of enactment of the Communications Act of 1994, a Bell operating company or affiliate may apply to the Attorney General and the Commission for authorization notwithstanding the Modification of Final Judgment to provide interLATA telecommunications service originating in any area where such Bell operating company is the dominant provider of wireline telephone exchange service. The application shall describe with particularity the nature and scope of the activity and of each product market or service market, and each geographic market for which authorization is sought.

"(B) Out of region.—On or after the date of enactment of the Communications Act of 1994, a Bell operating company or affiliate may apply to the Attorney General and the Commission for authorization, notwithstanding the Modification of Final Judgment, to provide interLATA telecommunications services not described in subparagraph (A). The application shall describe with particularity the nature and scope of the activity and of each product market or service market, and each geographic market for which authorization is sought.

"(2) Determination by Attorney General and Commission.—

"(A) Determination.—Not later than 180 days after receiving an application made under paragraph (1), the Attorney General and the Commission each shall issue a written determination, on the record after an opportunity for a hearing, with respect to the authorization for which a Bell operating company or affiliate has applied. In making such determinations, the Attorney General and the Commission shall review the whole record.

"(B) Approval.—

"(i) The Attorney General shall approve the authorization requested in any application submitted under paragraph (1) only to the extent that the Attorney General finds that there is no substantial possibility that such company or its affiliates could use monopoly power in a telephone exchange or exchange access service market to impede competition in the inteLATA telecommunications services market such company or affiliate seeks to enter. The Attorney General shall deny the remainder of the requested authorization.

(ii) The Commission shall approve the requested authorization only to the extent that the Commission finds that the requested authorization is consistent with the public interest, convenience and necessity. The Commission shall deny the remainder of the requested authorization. For applications submitted under paragraph (1)(A), the Commission shall only find that the requested authorization is consistent with the public interest, convenience, and necessity if the requirements of clause (iii) are satisfied, and shall take into account—

"(I) the extent to which granting the requested authorization would benefit consumers;

"(II) the likely effect that granting the requested authorization would have on the rates for, and availability of, telephone exchange, interchange, and other telecommunications services;

"(III) the availability of alternative providers of telephone exchange service throughout the geographic area in which the Bell operating company or its affiliate seeks to provide service;

"(IV) the extent to which there exist barriers to entering the telephone exchange services market, including the extent to which consumers have an opportunity to select their presubscribed telephone exchange service providers by means of a balloting process; and

"(V) the potential for cross-subsidization or anticompetitive activity by the Bell operating company. For applications submitted under paragraph (1)(B), the Commission shall take into account subclauses (I), (II), and (V).

"(iii) The Commission shall approve a requested authorization for applications submitted under paragraph (1)(A) only if—

"(I) the Commission finds that, as prescribed by section 230(a), no State or local statute, regulations, or other State or local requirement in effect in the area in which the petitioning Bell operating company or affiliate seeks to originate interLATA telecommunications, prohibits or has the effect of prohibiting the ability of any entity to provide interstate or intrastate telecommunications services in the State and local area where the Bell operating company seeks to originate interLATA services;

"(II) either the Commission has adopted and made effective regulations to implement and enforce the requirements of section 201A, or 21 months after the date of enactment of the Communications Act of 1994, whichever is earlier; and

"(III) the Commission finds that the Bell operating company has fully implemented the requirements of subparagraphs (A) through (G) of section 230(c)(1), and finds that, at the time of consideration of its application, the Bell operating company is in full compliance with the Commission's regulations to implement and enforce the requirements of section 230(e) and (f), and any State regulations under 230(c)(2), where the Bell operating company seeks to originate interLATA services.

"(iv) Any Bell operating company granted authority under paragraph (1)(A) shall provide intraLATA toll dialing parity throughout the market coincident with its exercise of that authority. If the Commission finds that such a Bell operating company has provided interLATA service authorized under this clause before its implementation of intraLATA toll dialing parity throughout that market, or fails to maintain intraLATA toll dialing parity throughout that market, the Commission, except in cases of inadvertent interruptions or other events beyond the control of the Bell operating company, shall suspend the authority to provide interLATA service for that market until the Commission determines that intra LATA toll dialing parity is implemented or reinstated.

"(C) Description.—A determination that approves any part of a requested authorization shall describe with particularity the nature and scope of the activity, and of each product market or service market, and each geographic market, to which approval applies.

"(3) PUBLICATION.—Not later than 10 days after issuing a determination under paragraph (2), the Attorney General and the Federal Communications Commission each shall publish in the Federal Register a brief description of the determination.

"(4) AUTHORIZATION GRANTED.—A requested authorization is granted only to the extent that—

"(A) both the Attorney General and the Federal Communications Commission approve the authorization under paragraph (2), unless either of their approvals is vacated, reversed, or remanded as a result of judicial review, or

"(B) as a result of such judicial review of either or both determinations, both the Attorney General and the Federal Communications Commission approve the requested authorization.

"(d) JUDICIAL REVIEW—

"(1) COMMENCEMENT OF ACTION.—Not later than 45 days after a determination by the Attorney General or the Federal Communications Commission is published under subsection (c)(3), the Bell operating company or affiliate that applied to the Attorney General and the Federal Communications Commission under subsection (c)(1), or any person who would be threatened with loss or damage as a result of the determination regarding such company's engaging in the activity described in such company's application, may commence an action in any United States Court of Appeals against the Attorney General or the Federal Communications Commission, as the case may be, for judicial review of the determination regarding the application.

"(2) JUDGMENT.—

"(A) The Court shall enter a judgment after reviewing the determination in accordance with section 706 of title 5 of the United States State Code.

"(B) A JUDGMENT—

"(i) affirming any part of the determination that approves granting all or part of the requested authorization, or

"(ii) reversing any part of the determination that denies all or part of the requested authorization, shall describe with particularity the nature and scope of the activity, and of each product market or service market, and each geographic market, to which the affirmance of reversal applies.

"(e) ENFORCEMENT.—

"(1) PRIVATE RIGHT OF ACTION.—Any person who is injured in its business or property by reason of a violation of this section—

"(A) may bring a civil action in any district court of the United States in the district in which the defendant resides or is found or has an agent, without respect to the amount in controversy, and

"(B) shall recover threefold the damages sustained, and the costs of suit (including a reasonable attorney's fee). The court may award under this section, pursuant to a motion by such person promptly made, simple interest on actual damages for the period beginning on the date of service of such person's pleading setting forth a claim under this title and ending on the date of judgment, or for any shorter period therein, if the court finds that the award of such interest for such period is just in the circumstances.

"(2) PRIVATE INJUNCTIVE RELIEF.—Any person shall be entitled to sue for and have injunctive relief, in any court of the United States having jurisdiction over the parties, against threatened loss or damage by a violation of this section, when and under the same conditions and principles as injunctive relief is available under section 16 of the Clayton Act (15 U.S.C. 26). In any action under this subsection in which the plaintiff substantially prevails, the court shall award the cost of suit, including a reasonable attorney's fee, to such plaintiff.

"(f) INTERLATA TELECOMMUNICATIONS SERVICE SAFEGUARDS.—

"(1) SEPARATE SUBSIDIARY.—Other than interLATA services authorized by an order entered by the United States District Court for the District of Columbia pursuant to the Modification of Final Judgment before the date of the enactment of the Communications Act of 1994, a Bell operating company providing interLATA services authorized under subsection (c) shall provide such interLATA services in that market only through a subsidiary that is separate from any Bell operating company entity that provides regulated local telephone exchange service. The subsidiary required by this section need not be separate from affiliates required in sections 231, 233, and 613 of this Act or any other affiliate that does not provide regulated local telephone exchange service.

"(2) NONDISCRIMINATION SAFEGUARDS.—The Bell operating company shall—

"(A) fulfill any requests from an unaffiliated entity for exchange access service within a period no longer than that in which it provides such exchange access service to itself or to its affiliates;

"(B) fulfill any such requests with exchange access service of a quality that meets or exceeds the quality of exchange access services provided by the Bell operating company or it affiliates to itself or its affiliate;

"(C) provide exchange access to all carriers at rates that are not unreasonably discriminatory and are based on costs and any explicit subsidy;

"(D) in any transaction with the subsidiary required by this section, not prefer or discriminate in favor of such subsidiary;

"(E) not provide any facilities, services, or information concerning its provision of exchange access service to the subsidiary required by this section unless such facilities, services, or information are made available to other providers of interLATA services in that market on the same terms and conditions;

"(F) not enter into any joint venture or partnership with the subsidiary required by this section; and

'(G) charge the subsidiary required by this section, and impute to itself or any intraLATA toll affiliate, the same rates for access to its local exchange and exchange access services that it charges other, unaffiliated, toll carriers for such services.

"(3) SEPARATE SUBSIDIARY SAFEGUARDS.—The separate subsidiary required by this section shall—

"(A) carry out its marketing and sales directly and separate from its affiliate Bell operating company or any affiliates of such company;

"(B) maintain books, records, and accounts in the manner prescribed by the Commission which shall be separate from the books, records, and accounts maintained by its affiliated Bell operating company or any affiliates of such company;

"(C) charge rates to consumers, and any intraLATA toll affiliate shall charge rates to consumers, for intraLATA service and interLATA toll service that are no less than rates the Bell operating company charges other interLATA carriers for its local exchange and exchange access services plus the other costs to the subsidiary of providing such services.

"(D) be permitted to use interLATA facilities and services provided by its affiliated Bell operating company, so long as it costs are appropriately allocated and such facilities and services are provided to its subsidiaries and other carriers on nondiscriminatory rates, terms and conditions;

"(E) comply with Commission regulations to ensure that the economic risks associated with the provision of interLATA services by such subsidiary are not borne by customers of the company's telephone exchange services; and

"(F) shall not obtain credit under any arrangement that would permit a creditor, upon default, to have recourse to the assets of the local exchange carrier.

"(4) TRIENNIAL AUDIT.—

"(A) GENERAL REQUIREMENT.—A Bell operating company that engages in interLATA services shall obtain and pay for an audit every 3 years conducted by an independent auditor selected by, and working at the direction of, the State commission of each State in which such Bell operating company provides local exchange service, to determine whether such Bell operating company has complied with this section and the regulations promulgated under this section, and particularly whether such Bell operating company has complied with the separate accounting requirements under subsection (c).

"(B) RESULTS SUBMITTED TO COMMISSION; STATE COMMISSIONS.—The auditor described in clause (i) shall submit the results of the audit to the Commission and to the State commission of each State in which the Bell operating company audited provides telephone exchange service, which shall make such results available for public inspection. Any party may submit comments on the final audit report.

"(C) REGULATIONS.—The audit required under paragraph (1) shall be conducted in accordance with procedures established by regulation by the State commission of the State in which such Bell operating company provides local exchange service. The regulations shall include requirements that—

"(i) each audit submitted to the Commission and to the State commission is certified by the auditor responsible for conducting the audit; and

"(ii) each audit shall be certified by the person who conducted the audit and shall identify with particularity any qualifications or limitations on such certification and any other information relevant to the enforcement of the requirements of this section.

"(D) COMMISSION REVIEW.—The Commission shall periodically review and analyze the audits submitted to it under this subsection.

"(E) ACCESS TO DOCUMENTS.—For purposes of conducting audits and reviews under this subsection—

"(i) the independent auditor, the Commission, and the State commission shall have access to the financial accounts and records of each Bell operating company and of its subsidiaries necessary to verify transactions conducted with that Bell operating company that are relevant to the specific activities permitted under this section and that are necessary for the regulation of rates for telephone exchange and exchange access;

"(ii) the Commission and the State Commission shall have access to the working papers and supporting materials of any auditor who performs an audit under this section; and

"(iii) the State commission shall implement appropriate procedures to ensure the protection of any proprietary information submitted to it under this section.

"(F) COMMISSION ACTION ON COMPLAINTS.—With respect to any complaint brought under section 208 alleging a violation of this section or the regulations implementing it, the Commission shall issue a final order within 1 year after such complaint if filed.

"(g) ADDITIONAL AUTHORITY TO PROVIDE INTERLATA SERVICES RELATING TO COMMERCIAL MOBILE RADIO SERVICES.—Notwithstanding any restriction or obligation imposed pursuant to the Modification of Final Judgment before the date of enactment of the Communications Act of 1994, the Commission shall prescribe uniform equal access and long distance presubscription requirements for providers of all cellular and two-way wireless services.

"(h) Exceptions for Incidental Services.—

"(1) Subsection (a) shall not prohibit a Bell operating company at any time after the date of enactment of the Communications Act of 1994 from providing interLATA telecommunications services incidental to the purpose of—

"(A)(i) providing audio programming, video programming, or other programming services to subscribers of such company,

"(ii) providing the capability for interaction by such subscribers to select or respond to such audio programming, video programming, or other programming services, to order, or control transmission of the programming, polling or balloting, and ordering other goods or services, or

"(iii) providing to distributors audio programming or video programming that such company owns, controls, or is licensed by the copyright owner of such programming, or by an assignee of such owner, to distribute,

"(B) providing a telecommunications service, using the transmission facilities of a cable system that is an affiliate of such company, between LATAs within a cable system franchise area in which such company is not, on the date of the enactment of the Communications Act of 1994, a provider of wireline telephone exchange service,

"(C) providing a commercial mobile service except where such service is a replacement for land line telephone exchange service for a substantial portion of the telephone land line exchange service in a State in accordance with section 332(c) of the Communications Act of 1934 (47 U.S.C. 332(c)) and with the regulations prescribed by the Commission,

"(D) providing a service that permits a customer that is located in one LATA to retrieve stored information from, or file information for storage in, information storage facilities of such company that are located in another LATA area, so long as the customer acts affirmatively to initiate the storage or retrieval of information, except that—

"(i) such service shall not cover any service that establishes a direct connection between end users or any real-time voice and data transmission,

"(ii) such service shall not include voice, data, or facsimile distribution services in which the Bell operating company or affiliate forwards customer-supplied information to customer- or carrier-selected recipients,

"(iii) such service shall not include any service in which the Bell operating company or affiliate searches for and connects with the intended recipient of information, or any service in which the Bell operating company or affiliate automatically forwards stored voicemail or other information to the intended recipient; and

"(iv) customers of such service shall not be billed a separate charge for the interLATA telecommunications furnished in conjunction with the provision of such service;

"(E) providing signaling information used in connection with the provision or exchange or exchange access services to a local exchange carrier that, together with any affiliated local exchange carriers, has aggregate annual revenues of less than $100,000,000; or

"(F) providing network control signaling information to, and receiving such signaling information from, interexchange carriers at any location within the area in which such company provides exchange services or exchange access.

"(2) The provisions of paragraph (1) are intended to be narrowly construed. Nothing in this subsection permits a Bell operating company or any affiliate of such a company to provide interLATA telecommunications services not described in paragraph (1) without receiving the approval of the Commission and the Attorney General under subsection (c). The transmission facilities used by a Bell operating company or affiliate thereof to provide interLATA telecommunications under subparagraphs (C) and (D) of paragraph (1) shall be leased by that company from unaffiliated entities on terms and conditions (including price) no more favorable than those available to the competitors of that company until approval is obtained from the Commission and the Attorney General under subsection (c). The interLATA services provided under paragraph (1)(A) are limited to those interLATA transmissions incidental to the provision by a Bell operating company or its affiliate of video, audio, and other programming services that the company or its affiliate is engaged in providing to the public and, except as provided in paragraph (1)(A)(iii), does not include the interLATA transmission of audio, video, or other programming services provided by others.

"(3)(A) The Commission, in consultation with the Attorney General, shall prescribe regulations for the provision by a Bell operating company or any of its affiliates of the interLATA services authorized under this subsection. The regulations shall ensure that the provision of such service by a Bell operating company or its affiliate does not—

"(i) permit that company to provide telecommunications services not described in paragraph (1) without receiving the approvals required by subsection (c), or

"(ii) adversely affect telephone exchange ratepayers or competition in any telecommunications services market.

"(B) Nothing in this paragraph shall delay the ability of a Bell operating company to provide the interLATA services described in paragraph (1) immediately upon enactment of the Communications Act of 1994.

"(4) As used in this subsection—

"(A) 'audio programming services' means programming provided by, or generally considered to be comparable to programming provided by, a radio broadcast station, and

"(B) 'video programming service' and 'other programming services' have the same meanings as such terms have under section 602 of this Act.

"(i) DEFINITIONS.—As used in this section:

"(1) The term 'LATA' means the local access and transport area as defined in United States v. Western Electric Co., 569 F.Supp. 990 (United States District Court, District of Columbia) and subsequent judicial orders relating thereto.

"(2) The term 'cable service' has the meaning given that term under section 602.".

SEC. 442. JURISDICTION.

Section 2(b) of the Communications Act of 1934 (47 U.S.C. 153) is amended by striking "section 332" and inserting in lieu thereof "sections 229, 230, 234, 235, 237, and 332".

On page 82, beginning with "Sec. 255 on line 11, strike all that follows through line 2, page 99.

On page 82, after line 10, add the attached paragraphs:

"SEC. 255. INTERLATA TELECOMMUNICATIONS SERVICES.

"(a) AUTHORITY.—Notwithstanding any restriction or obligation imposed before the date of enactment of the Communications Act of 1994 pursuant to section II(D) of the Modification of Final Judgment, a Bell operating company may engage in the provision of interLATA telecommunications services subject to the requirements of this section and any regulations prescribed thereunder. No Bell operating company or affiliate of a Bell operating company shall engage in the provision of interLATA telecommunications services, except as authorized under this section.

"(b) CURRENTLY AUTHORIZED ACTIVITIES.—Subsection (a) shall not prohibit a Bell operating company from engaging, at any time after the date of enactment of the Communications Act of 1994, in any activity as authorized by an order entered by the United States District Court for the District of Columbia pursuant to the Modification of Final Judgment if such order was entered on or before such date of enactment.

"(c) PETITION FOR AUTHORITY FOR INTERLATA TELECOMMUNICATION SERVICES—

"(1) APPLICATION—

"(A) IN REGION.—On or after the date of enactment of the Communications Act of 1994, a Bell operating company or affiliate may apply to the Attorney General and the Commission for authorization notwithstanding the Modification of Final Judgment to provide interLATA telecommunications service originating in any area where such Bell operating company is the dominant provider of wireline telephone exchange service. The application shall describe with particularity the nature and scope of the activity and of each product market or service market, and each geographic market for which authorization is sought.

"(B) OUT OF REGION.—On or after the date of enactment of the Communications Act of 1994, a Bell operating company or affiliate may apply to the Attorney General and the Commission for authorization, notwithstanding the Modification of Final Judgment, to provide interLATA telecommunications services not described in subparagraph (A). The application shall describe with particularity the nature and scope of the activity and of each product market or service market, and each geographic market for which authorization is sought.

"(2) DETERMINATION BY ATTORNEY GENERAL AND COMMISSION.—

"(A) DETERMINATION.—Not later than 180 days after receiving an application made under paragraph (1), the Attorney General and the Commission each shall issue a written determination, on the record after an opportunity for a hearing, with respect to the authorization for which a Bell operating company or affiliate has applied. In making such determinations, the Attorney General and the Commission shall review the whole record.

"(B) APPROVAL.—

"(i) The Attorney General shall approve the authorization requested in any application submitted under paragraph (1) only to the extent that the Attorney General finds that there is no substantial possibility that such company or its affiliates could use monopoly power in a telephone exchange or exchange access service market to impede competition in the interLATA telecommunications services market such company or affiliate seeks to enter. The Attorney General shall deny the remainder of the requested authorization.

"(ii) The Commission shall approve the requested authorization only to the extent that the Commission finds that the requested authorization is consistent with the public interest, convenience and necessity. The Commission shall deny the remainder of the requested authorization. For applications submitted under paragraph (1)(A), the Commission shall only find that the requested authorization is consistent with the public interest, convenience, and necessity if the requirements of clause (iii) are satisfied, and shall take into account—

"(I) the extent to which granting the requested authorization would benefit consumers;

"(II) the likely effect that granting the requested authorization would have on the rates for, and availability of, telephone exchange, interexchange, and other telecommunications services;

"(III) the availability of alternative providers of telephone exchange service throughout the geographic area in which the Bell operating company or its affiliate seeks to provide service;

"(IV) the extent to which there exist barriers to entering the telephone exchange services market, including the extent to which consumers have an opportunity to select their presubscribed telephone exchange service providers by means of a balloting process; and

"(V) the potential for cross-subsidization or anticompetitive activity by the Bell operating company.

For applications submitted under paragraph (1)(B), the Commission shall take into account subclauses (I), (II), and (V).

"(iii) The Commission shall approve a requested authorization for applications submitted under paragraph (1)(A) only if—

"(I) the Commission finds that, as prescribed by section 230(a), no State or local statute, regulations, or other State or local requirement in effect in the area in which the petitioning Bell operating company or affiliate seeks to originate interLATA telecommunications, prohibits or has the effect of prohibiting the ability of any entity to provide interstate or intrastate telecommunications services in the State and local area where the Bell operating company seeks to originate interLATA services;

"(II) either the Commission has adopted and made effective regulations to implement and enforce the requirements of section 201A, or 21 months after the date of enactment of the Communications Act of 1994, whichever is earlier; and

"(III) the Commission finds that the Bell operating company has fully implemented the requirements of subparagraphs (A) through (G) of section 230(c)(1), and finds that, at the time of consideration of its application, the Bell operating company is in full compliance with the Commission's regulations to implement and enforce the requirements of section 230 (e) and (f), and any State regulations under 230(c)(2), where the Bell operating company seeks to originate interLATA services.

"(iv) Any Bell operating company granted authority under paragraph (1)(A) shall provide intraLATA toll dialing parity throughout that market coincident with its exercise of that authority. If the Commission finds that such a Bell operating company has provided interLATA service authorized under this clause before its implementation of intraLATA toll dialing parity throughout that market, or fails to maintain intraLATA toll dialing parity throughout that market, the Commission, except in cases of inadvertent interruptions or other events beyond the control of the Bell operating company, shall suspend the authority to provide interLATA service for that market until the Commission determines that intraLATA toll dialing parity is implemented or reinstated.

"(C) DESCRIPTION.—A determination that approves any part of a requested authorization shall describe with particularity the nature and scope of the activity, and of each product market or service market, and each geographic market, to which approval applies.

"(3) PUBLICATION.—Not later than 10 days after issuing a determination under paragraph (2), the Attorney General and the Federal Communications Commission each shall publish in the Federal Register a brief description of the determination.

"(4) AUTHORIZATION GRANTED.—A requested authorization is granted only to the extent that—

"(A) both the Attorney General and the Federal Communications Commission approve the authorization under paragraph (2), unless either of their approvals is vacated, reversed, or remanded as a result of judicial review, or

"(B) as a result of such judicial review of either or both determinations, both the Attorney General and the Federal Communications Commission approved the requested authorization.

"(d) JUDICIAL REVIEW—

"(1) COMMENCEMENT OF ACTION.—Not later than 45 days after a determination by the Attorney General or the Federal Communications Commission is published under subsection (c)(3), the Bell operating company or affiliate that applied to the Attorney General and the Federal Communications Commission under subsection (c)(1), or any person who would be threatened with loss or damage as a result of the determination regarding such company's engaging in the activity described in such company's application, may commence an action in any United States Court of Appeals against the Attorney General or the Federal Communications Commission, as the case may be, for judicial review of the determination regarding the application.

"(2) JUDGMENT.—

"(A) The Court shall enter a judgment after reviewing the determination in accordance with section 706 of title 5 of the United State Code.

"(B) A JUDGMENT.—

"(i) affirming any part of the determination that approves granting all or part of the requested authorization, or

"(ii) reversing any part of the determination that denies all or part of the requested authorization, shall describe with particularity the nature and scope of the activity, and of each product market or service market, and each geographic market, to which the affirmance or reversal applies.

"(e) ENFORCEMENT.—

"(1) PRIVATE RIGHT OF ACTION.—Any person who is injured in its business or property by reason of a violation of this section—

"(A) may bring a civil action in any district court of the United States in the district in which the defendant resides or is found or has an agent, without respect to the amount in controversy, and

"(B) shall recover threefold the damages sustained, and the costs of suit (including a reasonable attorney's fee). The court may award under this action, pursuant to a motion by such person promptly made, simple interest on actual damages for the period beginning on the date of service of such person's pleading setting forth a claim under this title and ending on the date of judgment, or for any shorter period therein, if the court finds that the award of such interest for such period is just in the circumstances.

"(2) PRIVATE INJUNCTIVE RELIEF.—Any person shall be entitled to sue for and have injunctive relief, in any court of the United States having jurisdiction over the parties, against threatened loss or damage by a violation of this section, when and under the same conditions and principles as injunctive relief is available under section 16 of the Clayton Act (15 U.S.C. 26). In any action under this subsection in which the plaintiff substantially prevails, the court shall award the cost of suit, including a reasonable attorney's fee, to such plaintiff.

"(f) INTERLATA TELECOMMUNICATIONS SERVICE SAFEGUARDS.—

"(1) SEPARATE SUBSIDIARY.—Other than interLATA services authorized by an order entered by the United States District Court for the District of Columbia pursuant to the Modification of Final Judgment before the date of the enactment of the Communications Act of 1994, a Bell operating company providing interLATA services authorized under subsection (c) shall provide such interLATA services in that market only through a subsidiary that is separate from any Bell operating company entity that provides regulated local telephone exchange service. The subsidiary required by this section need not be separate from affiliates requires in sections 231, 233, and 613 of this Act or any other affiliate that does not provide regulated local telephone exchange service.

"(2) NONDISCRIMINATION SAFEGUARDS.—The Bell operating company shall—

"(A) fulfill any requests from an unaffiliated entity for exchange access service within a period no longer than that in which it provides such exchange access service to itself or to its affiliates;

"(B) fulfill any such requests with exchange access service of a quality that meets or exceeds the quality of exchange access services provided by the Bell operating company or its affiliates to itself or its affiliate;

"(C) provide exchange access to all carriers at rates that are not unreasonably discriminatory and are based on costs and any explicit subsidy;

"(D) in any transaction with the subsidiary required by this section, not prefer or discriminate in favor of such subsidiary;

"(E) not provide any facilities, services, or information concerning its provision of exchange access service to the subsidiary required by this section unless such facilities, services, or information are made available to other providers of interLATA services in that market on the same terms and conditions;

"(F) not enter into any joint venture or partnership with the subsidiary required by this section; and

"(G) charge the subsidiary required by this section, and impute to itself or any intraLATA toll affiliate, the same rates for access to its local exchange and exchange access services that it charges other, unaffiliated, toll carriers for such services.

"(3) SEPARATE SUBSIDIARY SAFEGUARDS.—The separate subsidiary required by this section shall—

"(A) carry out its marketing and sales directly and separate from its affiliated Bell operating company or any affiliates of such company;

"(B) maintain books, records, and accounts in the manner prescribed by the Commission which shall be separate from the books, records, and accounts maintained by its affiliated Bell operating company or any affiliates of such company;

"(C) charge rates to consumers, and any intraLATA toll affiliate shall charge rates to consumers, for interLATA service and intraLATA toll service that are no less than the rates the Bell operating company charges other interLATA carriers for its local exchange and exchange access services plus the other costs to the subsidiary of providing such services;

"(D) be permitted to use interLATA facilities and services provided by its affiliated Bell operating company, so long as its costs are appropriately allocated and such facilities and services are provided to its subsidiaries and other carriers on nondiscriminatory rates, terms and conditions;

"(E) comply with Commission regulations to ensure that the economic risks associated with the provision of interLATA services by such subsidiary are not borne by customers of the company's telephone exchange services; and

"(F) shall not obtain credit under any arrangement that would permit a creditor, upon default, to have recourse to the assets of the local exchange carrier.

"(4) TRIENNIAL AUDIT.—

"(A) GENERAL REQUIREMENT.—A Bell operating company that engages in interLATA services shall obtain and pay for an audit every 3 years conducted by an independent auditor selected by, and working at the direction of, the State commission of each State in which such Bell operating company provides local exchange service, to determine whether such Bell operating company has complied with this section and the regulations promulgated under this section, and particularly whether such Bell operating company has complied with the separate accounting requirements under subsection (c).

"(B) RESULTS SUBMITTED TO COMMISSION; STATE COMMISSIONS.—The auditor described in clause (i) shall submit the results of the audit to the Commission and to the State commission of each State in which the Bell operating company audited provides telephone exchange service, which shall make such results available for public inspection. Any party may submit comments on the final audit report.

"(C) REGULATIONS.—The audit required under paragraph (1) shall be conducted in accordance with procedures established by regulation by the State commission of the State in which such Bell operating company provides local exchange service. The regulations shall include requirements that—

"(i) each audit submitted to the Commissions and to the State commission is certified by the auditor responsible for conducting the audit; and

"(ii) each audit shall be certified by the person who conducted the audit and shall identify with particularity any qualifications or limitations on such certification and any other information relevant to the enforcement of the requirements of this section.

"(D) COMMISSION REVIEW.—The Commission shall periodically review and analyze the audits submitted to it under this subsection.

"(E) ACCESS TO DOCUMENTS.—For purposes of conducting audits and reviews under this subsection—

"(i) the independent auditor, the Commission, and the State commission shall have access to the financial accounts and records of each Bell operating company and of its subsidiaries necessary to verify transactions conducted with that Bell operating company that are relevant to the specific activities permitted under this section and that are necessary for the regulation of rates for telephone exchange and exchange access;

"(ii) the Commission and the State Commission shall have access to the working papers and supporting materials of any auditor who performs an audit under this section; and

"(iii) the State commission shall implement appropriate procedures to ensure the protection of any proprietary information submitted to it under this section.

"(F) COMMISSION ACTION ON COMPLAINTS.—With respect to any complaint brought under section 208 alleging a violation of this section or the regulations implementing it, the Commission shall issue a final order within 1 year after such complaint is filed.

"(g) ADDITIONAL AUTHORITY TO PROVIDE INTERLATA SERVICES RELATING TO COMMERCIAL MOBILE RADIO SERVICES.—Notwithstanding any restriction or obligation imposed pursuant to the Modification of Final Judgment before the date of enactment of the Communications Act of 1994, the Commission shall prescribe uniform equal access and long distance presubscription requirements for providers of all cellular and two-way wireless services.

"(h) EXCEPTIONS FOR INCIDENTAL SERVICES.—

"(1) Subsection (a) shall not prohibit a Bell operating company at any time after the date of enactment of the Communications Act of 1994 from providing interLATA telecommunications services incidental to the purpose of—

"(A)(i) providing audio programming, video programming, or other programming services to subscribers of such company,

"(ii) providing the capability for interaction by such subscribers to select or respond to such audio programming, video programming, or other programming services, to order, or control transmission of the programming, polling or balloting, and ordering other goods or services, or

"(iii) providing to distributors audio programming or video programming that such company owns, controls, or is licensed by the copyright owner of such programming, or by an assignee of such owner, to distribute.

"(B) providing a telecommunications service, using the transmission facilities of a cable system that is an affiliate of such company, between LATAs within a cable system franchise area in which such company is not, on the date of the enactment of the Communications Act of 1994, a provider of wireline telephone exchange service,

"(C) providing a commercial mobile service except where such service is a replacement for land line telephone exchange service for a substantial portion of the telephone land line exchange service in a State in accordance with section 332(c) of the Communications Act of 1934 (47 U.S.C. 332(c)) and with the regulations prescribed by the Commission,

"(D) providing a service that permits a customer that is located in one LATA to retrieve stored information from, or file information for storage in, information storage facilities of such company that are located in another LATA area, so long as the customer acts affirmatively to initiate the storage or retrieval of information, except that—

"(i) such service shall not cover any service that establishes a direct connection between end users or any real-time voice and data transmission,

"(ii) such service shall not include voice, data, or facsimile distribution services in which the Bell operating company or affiliate forwards customer-supplied information to customer- or carrier-selected recipients,

"(iii) such service shall not include any service in which the Bell operating company or affiliate searches for and connects with the intended recipient of information, or any service in which the Bell operating company or affiliate automatically forwards stored voicemail or other information to the intended recipient; and

"(iv) customers of such service shall not be billed a separate charge for the interLATA telecommunications furnished in conjunction with the provision of such service;

"(E) providing signaling information used in connection with the provision or exchange access services to a local exchange carrier that, together with any affiliated local exchange carriers, has aggregate annual revenues of less than $100,000,000; or

"(F) providing network control signaling information to, and receiving such signaling information from, interexchange carriers at any location within the area which such company provides exchange services or exchange access.

"(2) The provisions of paragraph (1) are intended to be narrowly construed. Nothing in this subsection permits a Bell operating company or any affiliate of such a company to provide interLATA telecommunications services not described in paragraph (1) without receiving the approval of the Commission and the Attorney General under subsection (c). The transmission facilities used by a Bell operating company or affiliate thereof to provide interLATA telecommunications under subparagraphs (C) and (D) of paragraph (1) shall be leased by that company from unaffiliated entities on terms and conditions (including price) no more favorable than those available to the competitors of that company until approval is obtained from the Commission and the Attorney General under subsection (c). The interLATA services provided under paragraph (1)(A) are limited to this interLATA transmissions incidental to the provision by a Bell operating company or its affiliate of video, audio, and other programming services that the company or its affiliate is engaged in providing to the public and, except as provided in paragraph (1)(A)(iii), does not include the interLATA transmission of audio, video, or other programming services provided by others.

"(3)(A) The Commission, in consultation with the Attorney General, shall prescribe regulations for the provision by a Bell operating company or any of its affiliates of the interLATA services authorized under this subsection. The regulations shall ensure that the provision of such service by a Bell operating company or its affiliate does not—

"(i) permit that company to provide telecommunications services not described in paragraph (1) without receiving the approvals required by subsection (c), or

"(ii) adversely affect telephone exchange ratepayers or competition in any telecommunications services market.

"(B) Nothing in this paragraph shall delay the ability of a Bell operating company to provide the interLATA services described in paragraph (1) immediately upon enactment of the Communications Act of 1994.

"(4) As used in this subsection—

"(A) 'audio programming services' means programming provided by, or generally considered to be comparable to programming provided by, a radio broadcast station, and

"(B) 'video programming service' and 'other programming services' have the same meanings as such terms have under section 602 of this Act.

"(i) DEFINITIONS.—As used in this section:

"(1) The term 'LATA' means the local access and transport area as defined in United States v. Western Electric Co., 569 F.Supp. 990 (United States District Court, District of Columbia) and subsequent judicial orders relating thereto.

"(2) The term 'cable service' has the meaning given that term under section 602.".

SEC. 442. JURISDICTION.

Section 2(b) of the Communications Act of 1934 (47 U.S.C. 153) is amended by striking "section 332" and inserting in lieu thereof "sections 229, 230, 234, 235, 237, and 332".

BROWN AMENDMENTS NOS. 1317–1320

(Ordered to lie on the table.)

Mr. BROWN submitted four amendments intended to be proposed by him to the bill S. 652, supra; as follows:

AMENDMENT NO. 1317

In managers' amendment, on page 13, line 20, after "programming" insert: "by any means".

AMENDMENT NO. 1318

On page 12, line 10 insert after "services" "or its affiliate".

AMENDMENT NO. 1319

At the appropriate point in the bill, insert the following:

( ) DIGITAL VIDEO STANDARDS.—Section 624 of the Communications Act of 1934 (47 U.S.C. 544) is amended by adding at the end the following new subsection:

"(j) DIGITAL VIDEO STANDARDS.—The Commission may participate, in a manner consistent with its authority and practice prior to the date of enactment of this subsection, in the development by appropriate voluntary industry standards-setting organizations of technical standards for the digital transmission and reception of the signals of video programming. The Commission shall have no authority to prescribe such standards, except with respect to the over-the-air transmission and reception of the signals of broadcast television stations between such stations and members of the public directly receiving such signals.".

AMENDMENT NO. 1320

In managers' amendment, on page 15, line 1, insert the following: "(1) by inserting after 'organized' in subsection (a)(1) the following: 'any person who was a nondominant telecommunications carrier on January 1, 1995.'."

BYRD (AND EXON) AMENDMENT NO. 1321

(Ordered to lie on the table.)

Mr. BYRD (for himself and Mr. EXON) submitted an amendment intended to be proposed by them to the bill S. 652, supra; as follows:

On page 1 of the amendment, line 4, strike out "determination," and insert in lieu thereof the following: "determination. If the President objects to a determination, the President shall, immediately upon such objection, submit to Congress a written report (in unclassified form, but with a classified annex if necessary) that sets forth a detailed explanation of the findings made and factors considered in objecting to the determination."

On page 49, line 17, insert after the period the following: "While determining whether such opportunities are equivalent on that basis, the Commission shall also conduct an evaluation of opportunities for access to all segments of the telecommunications market of the applicant."

HARKIN AMENDMENTS NOS. 1322–1324

(Ordered to lie on the table.)

Mr. HARKIN submitted three amendments intended to be proposed by him to the bill S. 652, supra; as follows:

AMENDMENT NO. 1322

On page 146, below line 14, add the following:

SEC. 409. PREVENTION OF UNFAIR BILLING PRACTICES FOR INFORMATION OR SERVICES PROVIDED OVER TOLL-FREE TELEPHONE CALLS.

(a) FINDINGS.—Congress makes the following findings:

(1) Reforms required by the Telephone Disclosure and Dispute Resolution Act of 1992 have improved the reputation of the pay-per-call industry and resulted in regulations that have reduced the incidence of misleading practices that are harmful to the public interest.

(2) Among the successful reforms is a restriction on charges being assessed for calls to 800 telephone numbers or other telephone numbers advertised or widely understood to be toll free.

(3) Nevertheless, certain interstate pay-per-call businesses are taking advantage of an exception in the restriction on charging for information conveyed during a call to a "toll-free" number to continue to engage in misleading practices. These practices are not in compliance with the intent of Congress in passing the Telephone Disclosure and Dispute Resolution Act.

(4) It is necessary for Congress to clarify that its intent is that charges for information provided during a call to an 800 number or other number widely advertised and understood to be toll free shall not be assessed to the calling party unless the calling party agrees to be billed according to the terms of a written subscription agreement or by other appropriate means.

(b) PREVENTION OF UNFAIR BILLING PRACTICES.—

(1) IN GENERAL.—Section 228(c) (47 U.S.C. 228(c)) is amended—

(A) by striking out subparagraph (C) of paragraph (7) and inserting in lieu thereof the following:

"(C) the calling party being charged for information conveyed during the call unless—

"(i) the calling party has a written agreement (including an agreement transmitted through electronic medium) that meets the requirements of paragraph (8); or

"(ii) the calling party is charged for the information in accordance with paragraph (9); or"; and

(B) by adding at the end the following new paragraphs:

"(8) SUBSCRIPTION AGREEMENTS FOR BILLING FOR INFORMATION PROVIDED VIA TOLL-FREE CALLS.—

"(A) IN GENERAL.—For purposes of paragraph (7)(C), a written subscription does not meet the requirements of this paragraph unless the agreement specifies the material terms and conditions under which the information is offered and includes—

"(i) the rate at which charges are assessed for the information;

"(ii) the information provider's name;

"(iii) the information provider's business address;

"(iv) the information provider's regular business telephone number;

"(v) the information provider's agreement to notify the subscriber of all future changes in the rates charged for the information; and

"(vi) the subscriber's choice of payment method, which may be by direct remit, debit, prepaid account, phone bill or credit or calling card.

"(B) BILLING ARRANGEMENTS.—If a subscriber elects, pursuant to subparagraph (A)(vi), to pay by means of a phone bill—

"(i) the agreement shall clearly explain that charges for the service will appear on the subscriber's phone bill;

"(ii) the phone bill shall include, in prominent type, the following disclaimer:

'Common carriers may not disconnect local or long distance telephone service for failure to pay disputed charges for information services.'; and

"(iii) the phone bill shall clearly list the 800 number dialed.

"(C) USE OF PINS TO PREVENT UNAUTHORIZED USE.—A written agreement does not meet the requirements of this paragraph unless it requires the subscriber to use a personal identification number to obtain access to the information provided, and includes instructions on its use.

"(D) EXCEPTIONS.—Notwithstanding paragraph (7)(C), a written agreement that meets the requirements of this paragraph is not required—

"(i) for calls utilizing telecommunications devices for the deaf;

"(ii) for services provided pursuant to a tariff that has been approved or permitted to take effect by the Commission or a State commission; or

"(iii) for any purchase of goods or of services that are not information services.

"(E) TERMINATION OF SERVICE.—On receipt by a common carrier of a complaint by any person that an information provider is in violation of the provisions of this section, a carrier shall—

"(i) promptly investigate the complaint; and

"(ii) if the carrier reasonably determines that the complaint is valid, it may terminate the provision of service to an information provider unless the provider supplies evidence of a written agreement that meets the requirements of this section.

"(F) TREATMENT OF REMEDIES.—The remedies provided in this paragraph are in addition to any other remedies that are available under title V of this Act.

"(9) CHARGES IN ABSENCE OF AGREEMENT.—A calling party is charged for a call in accordance with this paragraph if the provider of the information conveyed during the call—

"(A) clearly states to the calling party the total cost per minute of the information provided during the call and for any other information or service provided by the provider to which the calling party requests connection during the call; and

"(B) receives from the calling party—

"(i) an agreement to accept the charges for any information or services provided by the provider during the call; and

"(ii) a credit, calling, or charge card number or verification of a prepaid account to which such charges are to be billed.

"(10) DEFINITION.—As used in paragraphs (8) and (9), the term 'calling card' means an identifying number or code unique to the individual, that is issued to the individual by a common carrier and enables the individual to be charged by means of a phone bill for charges incurred independent of where the call originates."

(2) REGULATIONS.—The Federal Communications Commission shall revise its regulations to comply with the amendment made by paragraph (1) not later than 180 days after the date of the enactment of this Act.

(3) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on the date of the enactment of this Act.

(c) CLARIFICATION OF "PAY-PER-CALL SERVICES" UNDER TELEPHONE DISCLOSURE AND DISPUTE RESOLUTION ACT.—Section 204(1) of the Telephone Disclosure and Dispute Resolution Act (15 U.S.C. 5714(1)) is amended to read as follows:

"(1) The term 'pay-per-call services' has the meaning provided in section 228(j)(1) of the Communications Act of 1934, except that the Commission by rule may, notwithstanding subparagraphs (B) and (C) of such section, extend such definition to other similar services providing audio information or audio entertainment if the Commission determines that such services are susceptible to the unfair and deceptive practices that are prohibited by the rules prescribed pursuant to section 201(a).".

AMENDMENT NO. 1323

On page 109, line 4, strike out "3 years" and insert in lieu thereof "6 years".

AMENDMENT NO. 1324

On page 146, below line 14, add the following:

SEC. 409. DISCLOSURE OF CERTAIN RECORDS FOR INVESTIGATIONS OF TELEMARKETING FRAUD.

Section 2703(c)(1)(B) of title 18, United States Code, is amended—

(1) by striking out "or" at the end of clause (ii);

(2) by striking out the period at the end of clause (iii) and inserting in lieu thereof "; or"; and

(3) by adding at the end the following:

"(iv) submits a formal written request for information relevant to a legitimate law enforcement investigation of the governmental entity for the name, address, and place of business of a subscriber or customer of such provider, which subscriber or customer is engaged in telemarketing (as such term is in section 2325 of this title).".

WARNER AMENDMENT NO. 1325

(Ordered to lie on the table.)

Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 652, supra; as follows:

At the end of section 222 of the bill, insert the following:

(c) ADDITIONAL REQUIREMENTS RELATING TO RESEARCH AND DESIGN ACTIVITIES WITH RESPECT TO MANUFACTURING.—(1) In addition to the rules required under section 256(a)(2) of the Communications Act of 1934, as added by subsection (a), a Bell operating company may not engage in the activities or enter into the agreements referred to in such section 256(a)(2) until the Commission adopts the rules required under paragraph (2).

(2) The Commission shall adopt rules that—

(A) provide for the full, ongoing disclosure by the Bell operating companies of all protocols and technical specifications required for connection with and to the telephone exchange networks of such companies, and of any proposed research and design activities or other planned revisions to the networks that might require a revision of such protocols or specifications;

(B) prevent discrimination and cross-subsidization by the Bell operating companies in their transactions [regarding what?] with third parties and with the affiliates of such companies; and

(C) ensure that the research and design activities [by the Bell operating companies?] [with respect to what?] are clearly delineated and kept separate from other manufacturing activities [of the Bell operating companies?].

GORTON AMENDMENT NO. 1326

(Ordered to lie on the table.)

Mr. GORTON submitted an amendment intended to be proposed by him to the bill S. 652, supra; as follows:

On page 144, strike out lines 13 through 17, and insert the following in lieu thereof:

(2) In paragraph (2)(a)(1)—

(A) by striking "wire or electronic communication" each place it appears and inserting "wire, electronic, or digital communication" for the first occurrence and "such communication" for the second and third occurrence;

(B) by inserting a comma after "activity"; and

(C) by adding thereafter "including the investigation of fraudulent or unlawful use of wire, electronic, or digital communication services by any person,".

EXON AMENDMENT NO. 1327–1329

(Ordered to lie on the table.)

Mr. EXON submitted three amendments intended to be proposed by him to the bill S. 652, supra; as follows:

AMENDMENT NO. 1327

On page 144, strike lines 1 through 17, and in lieu thereof insert the following:

SEC. 405. DISSEMINATION OF INDECENT MATERIAL ON CABLE TELEVISION SERVICE.

(a) IN GENERAL.—Chapter 71 of title 18, United States Code, is amended by inserting after section 1464 the following:

"§ 1464A. Dissemination of indecent material on cable television

"(a) Whoever knowingly disseminates any indecent material on any channel provided to all subscribers as part of a basic cable television package shall be imprisoned not more than two years or fined under this title, or both.

"(b) As used in this section, the term 'basic cable television package' means those channels provided by any means for a basic cable subscription fee to all cable subscribers, including 'basic cable service' and 'other programming service' as those terms are defined in section 602 of the Communications Act of 1939 but does not include separate channels that are provided to subscribers upon specific request, whether or not a separate or additional fee is charged.".

"(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 71 of title 18, United States Code, is amended by inserting after the item relating to section 1464 the following new item:

"1464A. Dissemination of indecent material on cable television.".

AMENDMENT NO. 1328

On page 144, strike lines 1 through 17.

AMENDMENT NO. 1329

On page 137 beginning with line 12 strike through line 10 on page 143 and insert the following:

(1) by striking subsection (a) and inserting in lieu thereof:

"(a) Whoever—

"(1) in the District of Columbia or in interstate or foreign communications

"(A) by means of telecommunications device knowingly—

"(i) makes, creates, or solicits, and

"(ii) initiates the transmission of,

any comment, request, suggestion, proposal, image, or other communication which is obscene, lewd, lascivious, filthy, or indecent, with intent to annoy, abuse, threaten, or harass another person;

"(B) makes a telephone call or utilizes a telecommunications device, whether or not conversation or communication ensures, without disclosing his identify and with intent to annoy, abuse, threaten, or harass any person at the called number or who receives the communication;

"(C) makes or causes the telephone of another repeatedly or continuously to ring, with intent to harass any person at the called number; or

"(D) makes repeated telephone calls or repeatedly initiates communication with a telecommunications device, during which conversation or communication ensues, solely to harass any person at the called number or who receives the communication; or

"(2) knowingly permits any telecommunications facility under his control to be used for any activity prohibited by paragraph (1) with the intent that it be used for such activity,

shall be fined not more than $100,000 or imprisoned not more than two years, or both."; and

(2) by adding at the end the following new subsections:

"(d) Whoever—

"(1) knowingly within the United States or in foreign communications with the United States by means of telecommunications device makes or makes available any obscene communication in any form including any comment, request, suggestion, proposal, or image regardless of whether the maker of such communication placed the call or initiated the communications; or

"(2) knowingly permits any telecommunications facility under such person's control to be used for an activity prohibited by subsection (d)(1) with the intent that it be used for such activity;

shall be fined not more than $100,000 or imprisoned nor more than two years or both.

"(e) Whoever—

"(1) knowingly within the United States or in foreign communications with the United States by means of telecommunications device makes or makes available any indecent communication in any form including any comment, request, suggestion, proposal, image, to any person under 18 years of age regardless of whether the maker of such communication placed the call or initiated the communication; or

"(2) knowingly permits any telecommunications facility under such person's control to be used for activity prohibited by paragraph (1) with the intent that it be used for such activity,

shall be fined not more than $100,000 or imprisoned not more than two years or both.

"(f) Defense to the subsections (a), (d), and (e), restrictions on access, judicial remedies respecting restrictions for persons providing information services and access to information services—

"(1) No person shall be held to have violated subsections (a), (d), or (e) solely for providing access or connection to or from a facility, system, or network over which that person has no control, including related capabilities which are incidental to providing access or connection. This subsection shall not be applicable to an individual who is owned or controlled by, or a conspirator with, an entity actively involved in the creation, editing or knowing distribution of communications which violate this section.

"(2) No employer shall be held liable under this section for the actions of an employee or agent unless the employee's or agent's conduct is within the scope of his employment or agency and the employer has knowledge of, authorizes, or ratifies the employee's or agent's conduct.

"(3) It is a defense to prosecution under subsection (a), (d)(2), or (e) that a person has taken reasonable, effective and appropriate actions in good faith to restrict or prevent the transmission of, or access to a communication specified in such subsections, or complied with procedures as the Commission may prescribe in furtherance of this section. Until such regulations become effective, it is a defense to prosecution that the person has complied with the procedures prescribed by regulation pursuant to subsection (b)(3). Nothing in this subsection shall be construed to treat enhanced information services as common carriage.

"(4) No cause of action may be brought in any court or administrative agency against any person on account of any activity which is not in violation of any law punishable by criminal or civil penalty, which activity the person has taken in good faith to implement a defense authorized under this section or otherwise to restrict or prevent the transmission of, or access to, a communication specified in this section.

"(g) No State or local government may impose any liability for commercial activities or actions by commercial entities in connection with an activity or action which constitutes a violation described in subsection (a)(2), (d)(2), or (e)(2) that is inconsistent with the treatment of those activities or actions under this section provided, however, that nothing herein shall preclude any State or local government from enacting and enforcing complementary oversight, liability, and regulatory systems, procedures, and requirements, so long as such systems, procedures, and requirements govern only intrastate services and do not result in the imposition of inconsistent rights, duties or obligations on the provision of interstate services. Nothing in this subsection shall preclude any State or local government from governing conduct not covered by this section.

"(h) Nothing in subsection (a), (d), (e), or (f) or in the defenses to prosecution under (a), (d), or (e) shall be construed to affect or limit the application or enforcement of any other Federal law.

"(i) The use of the term 'telecommunications device' in this section shall not impose new obligations on (one-way) broadcast radio or (one-way) broadcast television operators licensed by the Commission or (one-way) cable service registered with the Federal Communications Commission and covered by obscenity and indecency provisions elsewhere in this Act."

"(j) Within two years from the date of enactment and every two years thereafter, the Commission shall report on the effectiveness of this section.".

EXON (AND OTHERS) AMENDMENT NO. 1330

(Ordered to lie on the table.)

Mr. EXON (for himself, Mr. DORGAN, and Mr. BYRD) submitted an amendment intended to be proposed by them to the bill S. 652, supra; as follows:

On page 49, line 15 after "Government (or its representative)" add the following: "provided that the President does not object within 15 days of such determination" and on page 50 between lines 14 and 15 insert the following:

"(c) THE APPLICATION OF THE EXON-FLORIO LAW.—Nothing in this section (47 U.S.C. 310) shall limit in any way the application of 50 U.S.C. App. 2170 (the Exon-Florio law) to any transaction."

KERRY AMENDMENTS NOS. 1331–1334

(Ordered to lie on the table.)

Mr. KERRY submitted four amendments intended to be proposed by him to the bill S. 652, supra; as follows:

AMENDMENT NO. 1331

Strike Section 311 (Kerry payphone amendment) in its entirety and insert the following:

SEC. 311. PROVISION OF PAYPHONE SERVICES AND TELEMESSAGING SERVICES.

Part II of title II (47 U.S.C. 251 et seq.), as amended by this Act, is amended by adding after section 264 the following new section:

"SEC. 265. PROVISION OF PAYPHONE SERVICES AND TELEMESSAGING SERVICES.

"(a) NONDISCRIMINATION SAFEGUARDS.—Any Bell operating company that provides payphone services or telemessaging services—

"(1) shall not subsidize its payphone services or telemessaging services directly or indirectly with revenue from its telephone exchange services or its exchange access services; and

"(2) shall not prefer or discriminate in favor of its payphone services or telemessaging services.

"(b) REGULATIONS.—

"(1) In order to promote competition among payphone service providers and promote the widespread deployment of payphone services to the benefit of the general public, not later than six months after the date of enactment of the Act the Commission shall adopt rules, with such rules to take effect concurrently no later than nine months after the date of enactment of the Act, that:

"(A) Establish a per call compensation plan to ensure that all payphone services providers are fairly compensated for each and every completed intrastate and interstate call using their payphone, except that emergency calls and telecommunications relay services calls for hearing disabled individuals shall not be subject to such compensation;

"(B) Discontinue the current intrastate carrier access charge payphone service elements and payments, and all intrastate and interstate payphone subsidies from basic exchange and exchange access revenues, in favor of a compensation plan as specified in subparagraph (A) above;

"(C) Prescribe a set of nonstructural safeguards for Bell operating company payphone service to implement the provisions of paragraphs (1) and (2) of subsection (a), which safeguards shall, at a minimum, include the nonstructural safeguards equal to those adopted in the Computer Inquiry-III, CC Docket No. 90–623 proceeding; and

"(D) Provide for Bell operating company payphone service providers to have the same right that independent payphone providers have to negotiate with the location provider on selecting and contracting with, and, subject to the terms of any agreement with the location provider, to select and contract with the carriers that carry interLATA calls from their payphones, and provide for all payphone service providers to have the right to negotiate with the location provider on selecting and contracting with, and, subject to the terms of any agreement with the location provider, to select and contract with the carriers that carry intraLATA calls from their payphones. Nothing in this section shall affect any existing contracts between location providers and payphone service providers or interLATA or intraLATA carriers that are in force and effect as of the date of enactment.

"(2) PUBLIC INTEREST TELEPHONES.—In the rulemaking conducted pursuant to Paragraph (1), the Commission shall determine whether public interest payphones, which are provided in the interest of public health, safety, and welfare, in locations where there would otherwise not be payphone, should be maintained, and if so, ensure that such public interest payphones are supported fairly and equitably.

"(c) STATE PREEMPTION.—To the extent that any State requirements are inconsistent with the Commission's regulations, the Commission's regulations on such matters shall preempt such State requirements.

"(d) RULEMAKING FOR TELEMESSAGING.—In a separate proceeding, the Commission shall determine whether, to enforce the requirements of this section, it is appropriate to require the Bell operating companies to provide telemessaging services through a separate subsidiary that meets the requirements of Section 252.

"(e) MODIFICATION OF FINAL JUDGMENT.—Notwithstanding any other provision of law, or any prior prohibition or limitation established pursuant to the Modification of Final Judgment, the Commission is directed and authorized to implement this section.

"(f) DEFINITIONS.—As used in the Act:

"(1) The term 'payphone service' means the provision of public or semi-public pay telephones, the provision of inmate telephone in correctional institutions, and any ancillary services;"

"(2) the term 'telemessaging services' means voice mail and voice storage and retrieval services provided over telephone lines, any live operator services used to record, transcribe, or relay messages (other than telecommunication relay services), and any ancillary services offered in combination with these services.".

AMENDMENT NO. 1332

Strike Section 311 (Kerry payphone amendment) in its entirety and insert the following:

"SEC. 311. PROVISION OF PAYPHONE SERVICES AND TELEMESSAGING SERVICES.

Part II of title II (47 U.S.C. 251 et seq.), as amended by this Act, is amended by adding after section 264 the follow new section:

"SEC 265. PROVISION OF PAYPHONE SERVICES AND TELEMESSAGING SERVICES.

"(a) NONDISCRIMINATION SAFEGUARDS.—Any Bell operating company that provides payphone services or telemessaging services—

"(1) shall not subsidize its payphone services or telemessaging services directly or indirectly with revenue from its telephone exchange services or its exchange access services; and

"(2) shall not prefer or discriminate in favor of its payphone services or telemessaging services.

"(b) Regulations.—

"(1) In order to promote competition among payphone service providers and promote the widespread deployment of payphone services to the benefit of the general public, not later than six months after the date of enactment of the Act the Commission shall——

"(A) adopt rules, with such rules to take effect concurrently no later than nine months after the date of enactment of the Act, that——

"(i) Establish a per call compensation plan to ensure that all payphone services providers are fairly compensated for each and every completed intrastate and interstate call using their payphone, except that emergency calls and telecommunications relay service calls for hearing disabled individuals shall not be subject to such compensation;

"(ii) Discontinue the current intrastate and interstate carrier access charge payphone service elements and payments, and all intrastate and interstate payphone subsidies from basic exchange and exchange access revenues, in favor of a compensation plan as specified in subparagraph (A) above;

"(iii) Prescribe a set of nonstructural safeguards for Bell operating company payphone service to implement the provisions of paragraphs (1) and (2) of subsection (a), which safeguards shall, at a minimum, include the nonstructural safeguards equal to those adopted in the Computer Inquiry-III, CC Docket No. 90-623 proceeding; and

"(B) In the rulemaking conducted pursuant to subparagraph (A), determine whether to provide for Bell operating company payphone service providers to have the same right that independent payphone providers have to negotiate with the location provider on selecting and contracting with, and, subject to the terms of any agreement with the location provider, to select and contract with the carriers that carry interLATA calls from their payphones, and provide for all payphone service providers to have the right to negotiate with the location provider on selecting and contracting with, and, subject to the terms of any agreement with the location provider, to select and contract with the carriers that carry intraLATA calls from their payphones, provided that nothing in this section or in any regulations adopted by the Commission shall affect any existing contracts between location providers and payphone service providers or interLATA or intraLATA carriers that are in force and effect as of the date of enactment.

"(2) Public Interest Payphones.—In the rulemaking conducted pursuant to Paragraph (1), the Commission shall determine whether public interest payphones, which are provided in the interest of public health, safety, and welfare, in locations where there would otherwise not be a payphone, should be maintained, and if so, ensure that such public interest payphones are supported fairly and equitably.

"(c) State Preemption.—To the extent that any State requirements are inconsistent with the Commission's regulations, adopted in the rulemaking conducted pursuant to subsection (b) the Commission's regulations on such matters shall preempt such State requirements.

"(d) Rulemaking for Telemessaging.—In a separate proceeding, the Commission shall determine whether, to enforce the requirements of this section, it is appropriate to require the Bell operating companies to provide telemessaging services through a separate subsidiary that meets the requirements of Section 252.

"(e) Modification of Final Judgment.—Notwithstanding any other provision of law, or any prior prohibition or limitation established pursuant to the Modification of Final Judgment, the Commission is directed and authorized to implement this section.

"(f) Definitions.—As used in the Act:

"(1) the term 'payphone service' means the provision of public or semi-public pay telephones, the provision of inmate telephone in correctional institutions, and any ancillary services;

"(2) the term 'telemessaging services' means voice mail and voice storage and retrieval services provided over telephone lines, any live operator services used to record, transcribe, or relay messages (other than telecommunication relay services), and any ancillary services offered in combination with these services."

Amendment No. 1333

Strike Section 311 (Kerry payphone amendment) in its entirety and insert the following:

SEC. 311. PROVISION OF PAYPHONE SERVICES AND TELEMESSAGING SERVICES.

Part II of title 11 (47 U.S.C. 251 et seq.), as amended by this Act, is amended by adding after section 264 the following new section:

"SEC. 265. PROVISION OF PAYPHONE SERVICES AND TELEMESSAGING SERVICES

"(a) Nondiscrimination Safeguards.—On the date that the regulations issued pursuant to subsection (b) take effect, any Bell operating company that provides payphone services or telemessaging services——

"(1) shall not subsidize its payphone services or telemessaging services directly or indirectly with revenue from its telephone exchange services or its exchange access services; and

"(2) shall not prefer or discriminate in favor of its payphone services or 13 telemessaging services.

"(b) Regulations.—

(1) In order to promote competition among payphone service providers and promote the widespread deployment of payphone services to the benefit of the general public, the Commission shall conduct a rulemaking, with such rulemaking to be concluded not later than six months after the date of enactment of the Act and with such rules as the Commission may adopt in such rulemaking to take effect concurrently no later than nine months after the date of enactment of the Act, in which the Commission shall determine whether:

"(A) To establish a compensation plan to ensure that all payphone services providers are fairly compensated for each and every completed intrastate and interstate call using their payphone, which plan shall take into consideration the payphone provider's demonstrated costs or some other means of determining the value of providing payphone access service, except that emergency calls and telecommunications relay service calls for hearing disabled individuals shall not be subject to such compensation;

"(B) To discontinue the current intrastate and interstate carrier access charge payphone service elements and payments, and all intrastate and interstate payphone subsidies from basic exchange and exchange access revenues;

"(C) To prescribe a set of nonstructural safeguards for Bell operating company payphone service to implement the provisions of paragraphs (1) and (2) of subsection (a), which safeguards shall, at a minimum, include the nonstructural safeguards equal to those adopted in the *Computer Iizquiry-III, CC* Docket No. 90-623 proceeding; and

"(D) To provide for Bell operating company payphone service providers to have the same right that independent payphone providers have to negotiate with the location provider on selecting and contracting with, and, subject to the terms of any agreement with the location provider, to select and contract with the carriers that carry interLATA calls from their payphones, and provide for all payphone service providers to have the right to negotiate with the location provider on selecting and contracting with, and, subject to the terms of any agreement with the location provider, to select and contract with the carriers that carry intraLATA calls from their payphones, provided that nothing in this section or in any regulation adopted by the Commission shall affect any existing contracts between location providers and payphone service providers or interLATA or intraLATA carriers that are in force and effect as of the date of enactment

"(2) Public Interest Telephones.—In the rulemaking conducted pursuant to Paragraph (1), the Commission shall determine whether public interest payphones, which are provided in the interest of public health, safety, and welfare, in locations where there would otherwise not be a payphone, should be maintained, and if so, ensure that such public interest payphones are supported fairly and equitably.

"(c) State Preemption.—To the extent that any State requirements are inconsistent with the Commission's regulations adopted in the rulemaking conducted pursuant to subsection (b), the Commission's regulations on such matters shall preempt such State requirements.

"(d) Rulemaking for Telemessaging.—In a separate proceeding, the Commission shall determine whether, to enforce the requirements of this section, it is appropriate to require the Bell operating companies to provide telemessaging services through a separate subsidiary that meets the requirements of Section 252.

"(e) Modification of Final Judgment.—Notwithstanding any other provision of law, or any prior prohibition or limitation established pursuant to the Modification of Final Judgment, the Commission is directed and authorized to implement this section.

"(f) DEFINITIONS.—As used in the Act:

"(1) the term 'payphone service' means the provision of public or semi-public pay telephones, the provision of inmate telephone in correctional institutions, and ancillary services;

"(2) the term 'telemessaging services' means voice mail and voice storage retrieval services provided over telephone lines, any live operator services used to record, transcribe, or relay messages (other than telecommunication relay services), and ancillary services offered in combination with these services."

AMENDMENT NO. 1334

SEC. 311. PROVISION OF PAYPHONE SERVICE AND TELEMESSAGING SERVICE

Part II of title II (47 U.S.C. 251 et seq.), as added by this Act, is amended by adding after section 264 the following new section:

"SEC. 265. PROVISION OF PAYPHONE SERVICE AND TELEMESSAGING SERVICE.

"(a) NONDISCRIMINATION SAFEGUARDS.—Any Bell operating company that provides payphone service or telemessaging service—

"(1) shall not subsidize its payphone service or telemessaging service directly or indirectly with revenue from its telephone exchange service or its exchange access service; and

"(2) shall not prefer or discriminate in favor of its payphone service or telemessaging service.

"(b) DEFINITIONS.—As used in this section—

"(1) The term 'payphone service' means the provision of telecommunications service through public or semi-public pay telephones, and includes the provision of service to inmates in correctional institutions.

"(2) The term 'telemessaging service' means voice mail and voice storage and retrieval services, any live operator services used to record, transcribe, or relay messages (other than telecommunications relay services), and any ancillary services offered in combination with these services.

"(c) REGULATIONS.—Not later than 9 months after the date of enactment of the Telecommunications Act of 1995, the Commission shall complete a rulemaking proceeding to prescribe regulations to carry out this section and [determine whether to] adopt a per call compensation system to provide fair compensation for all payphone providers that applies to local exchange carriers once payphone service is removed from the regulated accounts of local exchange carriers. In that rulemaking proceeding, the Commission shall determine whether, in order to enforce the requirements of this section, it is appropriate to adopt regulations to require the Bell operating companies to provide payphone service or telemessaging service through a separate subsidiary that meets the requirements of section 252, allow the Bell operating companies to choose the interLATA carrier from Bell operating company payphones, and adopt other regulations to carry out the purposes of this Section. The rules adopted pursuant to this subsection shall take effect concurrently.".

KERREY AMENDMENT NO. 1335

Mr. KERREY proposed an amendment to the bill S. 652, supra; as follows:

On page 94, strike out line 16 and all that follows page 94, line 23, and insert in lieu thereof the following:

"(B) providing—

"(i) a telecommunications service, using the transmission facilities of a cable system that is an affiliate of such company, between LATAs within a cable system franchise area in which such company is not, on the date of enactment of the Telecommunications Act of 1995, a provider of wireline telephone exchange service, or

"(ii) two-way interactive video services or Internet services over dedicated facilities to or for elementary and secondary schools as defined in section 264(d),"

FEINSTEIN AMENDMENT NO. 1336

(Ordered to lie on the table.)

Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 652, supra; as follows:

On page 136, below line 21, add the following:

SEC. 312. CABLE EQUIPMENT COMPATIBILITY.

(a) FINDINGS.—Subsection (a) of section 624A (47 U.S.C. 544A) is amended—

(1) by striking "and" at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following:

"(4) compatibility among televisions, video cassette recorders, and cable systems can be assured with narrow technical standards that mandate a minimum degree of common design and operation, leaving all features, functions, protocols, and other product and service options for selection through open competition in the market.".

(b) RULEMAKING REQUIREMENTS.—Subsection (c) of such section is amended—

(1) in paragraph (1)—

(A) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively; and

(B) by inserting before subparagraph (B), as so redesignated, the following new subparagraph (A):

"(A) the need to maximize open competition in the market for all features, functions, protocols, and other products and service options of converter boxes and other cable converters unrelated to the descrambling or decryption of cable television signals;"; and

(2) in paragraph (2)—

(A) by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively; and

(B) by inserting after subparagraph (C) the following new subparagraph (D):

"(D) to ensure that any standards or regulations developed under the authority of this section to ensure compatibility between television, video cassette recorders, and cable systems do not affect features, functions, protocols, and other product and service options (including telecommunications interface equipment, home automation communications, and computer network services) other than those specified in paragraph (1)(B);".

LIEBERMAN AMENDMENT NO. 1337

(Ordered to lie on the table.)

Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill S. 652, supra; as follows:

On page 3, strike out line 12 and all that follows through page 4, line 16, and insert in lieu thereof the following:

SEC. 503. RATING CODE FOR VIOLENCE AND OTHER OBJECTIONABLE CONTENT ON TELEVISION.

(a) SENSE OF CONGRESS ON VOLUNTARY ESTABLISHMENT OF RATING CODE.—It is the sense of Congress—

(1) to encourage appropriate representatives of the broadcast television industry and the cable television industry to establish in a voluntary manner rules for rating the level of violence or other objectionable content in television programming, including rules for the transmission by television broadcast stations and cable systems of—

(A) signals containing ratings of the level of violence or objectionable content in such programming; and

(B) signals containing specifications for blocking such programming;

(2) to encourage such representatives to establish such rules in consultation with appropriate public interest groups and interested individuals from the private sector; and

(3) to encourage television broadcasters and cable operators to comply voluntarily with such rules upon the establishment of such rules.

(b) REQUIREMENT FOR ESTABLISHMENT OF RATING CODE.—

(1) IN GENERAL.—If the representatives of the broadcast television industry and the cable television industry do not establish the rules referred to in subsection (a)(1) by the end of the 1-year period beginning on the date of the enactment of this Act, there shall be established on the day following the end of that period a commission to be known as the Television Rating Commission (hereafter in this section referred to as the "Television Commission"). The Television Commission shall be an independent establishment in the executive branch as defined under section 104 of title 5, United States Code.

(2) MEMBERS.—

(A) IN GENERAL.—The Television Commission shall be composed of 5 members, of whom—

(i) three shall be appointed by the President, by and with the advice and consent of the Senate; and

(ii) two shall be representatives of the broadcast television industry and the cable television industry.

(B) NOMINATION.—Individuals shall be nominated for appointment under subparagraph (A)(i) not later than 60 days after the date of the establishment of the Television Commission.

(D) TERMS.—Each member of the Television Commission shall serve until the termination of the commission.

(E) VACANCIES.—A vacancy on the Television Commission shall be filled in the same manner as the original appointment.

(2) DUTIES OF TELEVISION COMMISSION.—The Television Commission shall establish rules for rating the level of violence or other objectionable content in television programming, including rules for the transmission by television broadcast stations and cable systems of—

(A) signals containing ratings of the level of violence or objectionable content in such programming; and

(B) signals containing specifications for blocking such programming.

(3) COMPENSATION OF MEMBERS.—

(A) CHAIRMAN.—The Chairman of the Television Commission shall be paid at a rate equal to the daily equivalent of the minimum annual rate of basic pay payable for level IV of the Executive Schedule under section 5314 of title 5, United States Code, for each day (including traveltime) during which the Chairman is engaged in the performance of duties vested in the commission.

(B) OTHER MEMBERS.—Except for the Chairman who shall be paid as provided under subparagraph (A), each member of the Television Commission shall be paid at a rate equal to the daily equivalent of the minimum annual rate of basic pay payable for level V of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including traveltime) during which the member is engaged in the performance of duties vested in the commission.

(4) STAFF.—

(A) IN GENERAL.—The Chairman of the Television Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the commission to perform its duties. The employment of an executive director shall be subject to confirmation by the commission.

(B) COMPENSATION.—The Chairman of the Television Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(5) CONSULTANTS.—The Television Commission may procure by contract, to the extent funds are available, the temporary or intermittent services of experts or consultants under section 3109 of title 5, United States Code. The commission shall give public notice of any such contract before entering into such contract.

(6) FUNDING.—Funds for the activities of the Television Commission shall be derived from fees imposed upon and collected from television broadcast stations and cable systems by the Federal Communications Commission. The Federal Communications Commission shall determine the amount of such fees in order to ensure that sufficient funds are available to the Television Commission to support the activities of the Television Commission under this subsection.

BROWN AMENDMENT NO. 1338

(Ordered to lie on the table.)

Mr. BROWN submitted an amendment intended to be proposed by him to the bill S. 652, supra; as follows:

On page 82, line 23, beginning with the word "after", delete all that follows through the word "services" on line 2, page 83 and insert therein the following: "to the extent approved by the Commission and the Attorney General".

On page 88, line 17, after the word "Commission", add the words "and Attorney General".

On page 89, beginning with the word "before" on line 9, strike all that follows through line 15.

On page 90, line 10, replace "(3)" with "(C)"; after the word "Commission" on line 17, add the words "or Attorney General"; and after the word "Commission" on line 19, add the words "and Attorney General". On page 90, after line 13, add the following paragraphs:

"(4) DETERMINATION BY ATTORNEY GENERAL.—

(A) REVISED STANDARD.—Notwithstanding the standard of approval set forth in subparagraph (C) of section 255(c)(2) of the Communications Act of 1934, as added by section 221(a) of this Act, the Attorney General shall approve an authorization requested in an application referred to in that subparagraph unless the Attorney General finds that there is a dangerous probability that the Bell operating company covered by the application or its affiliates would successfully use market power to impede competition in the market such company seeks to enter.

(B) DEADLINE FOR APPROVAL.—Notwithstanding any provision of section 225(c) of the Communications Act of 1934, as so added, if the Attorney General does not approve or deny an application referred to in paragraph (1) of that section within 90 days of its submittal to the Attorney General, the application shall be deemed approved by the Attorney General.

"(C) PUBLICATION.—Not later than 10 days after issuing a determination under paragraph (4), the Attorney General shall publish the determination in the Federal Register."

On page 91, line 1, after the word "Commission" add the words "or the Attorney General".

GRAMM AMENDMENT NO. 1339

(Ordered to lie on the table.)

Mr. GRAMM submitted an amendment intended to be proposed by him to the bill S. 652, supra; as follows:

Strike section 206(f)(3), and insert in lieu thereof the following:

"(3) AVAILABILITY OF AUDITOR'S REPORT.—The auditor's report shall be provided to the State commission within 180 days after the selection of the auditor, and provided to the public utility company 60 days thereafter."

BOXER (AND LEVIN) AMENDMENT NO. 1340

(Ordered to lie on the table.)

Mrs. BOXER (for herself and Mr. LEVIN) submitted an amendment intended to be proposed by them to the bill S. 652, supra; as follows:

On page 71, between lines 2 and 3, insert the following:

(d) PRESERVATION OF BASIC TIER SERVICE.—Section 623 (47 U.S.C. 543) is further amended by adding at the end the following:

"(n) PRESERVATION OF BASIC TIER SERVICE.—A cable operator may not cease to furnish as part of its basic service tier any programming that is part of such basic service tier on January 1, 1995, unless the franchising authority for the franchise area concerned approves the action.".

DOLE AMENDMENT NO. 1341

(Ordered to lie on the table.)

Mr. DOLE submitted an amendment intended to be proposed by him to the bill S. 652, supra; as follows:

On page 70, beginning with line 22, strike through line 2 on page 71.

KERRY AMENDMENT NO. 1342

(Ordered to lie on the table.)

Mr. KERRY submitted an amendment intended to be proposed by him to the bill S. 652, supra; as follows:

On page 146, strike line 14 and insert in lieu the following: "cency, or nudity".

This section shall not become effective unless the Commission shall prohibit any telecommunications carrier from excluding from any of such carrier's services any high-cost area, or any area on the basis of the rural location or the income of the residents of such area; provided that a carrier may exclude an area in which the carrier can demonstrate that—

(1) providing a service to such area will be less profitable for the carrier than providing the service in areas to which the carrier is already providing or has proposed to provide the service; and—

(2) there will be insufficient consumer demand for the carrier to earn some return over the long term on the capital invested to provide such service to such area.

The Commission shall provide for public comment on the adequacy of the carrier's proposed service area on the basis of the requirements of this section.

DORGAN AMENDMENT NO. 1343

(Ordered to lie on the table.)

Mr. DORGAN submitted an amendment intended to be proposed by him to the bill S. 652, supra; as follows:

On page 93, after line 12, insert the following:

"(6) NOTIFICATION OF ATTORNEY GENERAL.—

"(A) NOTIFICATION.—The Commission shall immediately notify the Attorney General of any approval of an application under paragraph (1).

"(B) ACTION BY ATTORNEY GENERAL.—Upon notification of an approval of an application under paragraph (1), the Attorney may commence an action in any United States District Court if—

"(i) the Attorney General determines that the authorization granted by the Commission may substantially lessen competition or tend to create a monopoly; or

"(ii) the Attorney General determines that the authorization granted by the Commission is inconsistent with any recommendation of the Attorney General provided to the Commission pursuant to paragraph (2) of this section.

"The commencement of such an action shall stay the effectiveness of the Commission's approval unless the court shall otherwise specifically order.

"(C) STANDARD OF REVIEW.—In any such action, the court shall review de novo the issues presented. The court may only uphold the Commission's authorization if the court finds that the effect of such authorization will not be substantially to lessen competition or to tend to create a monopoly in any line of commerce in any section of the country. The court may uphold all or part of the authorization."

KERREY AMENDMENTS NOS. 1344–1345

(Ordered to lie on the table.)

Mr. KERREY submitted two amendments intended to be proposed by him to the bill S. 652, supra; as follows:

AMENDMENT NO. 1344

On page 37, line 7, insert after "service." the following: "In addition to the members of the Joint Board required under such section 410(c), one member of the Joint Board shall be an appointed utility consumer advocate of a State who is nominated by a national organization of State utility consumer advocates.".

AMENDMENT NO. 1345

On page 37, on line 7, after "service.", insert: "In addition to the members required under section 410(c) of the Communications Act of 1934, one member of the Joint Board shall be a State-appointed utility consumer advocate nominated by a national organization of State utility consumer advocates."

HEFLIN AMENDMENT NO. 1346

(Ordered to lie on the table.)

Mr. HEFLIN submitted an amendment intended to be proposed by him to the bill S. 652, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. . AUTHORITY TO ACQUIRE CABLE SYSTEMS.

(a) IN GENERAL.—Notwithstanding the provisions of section 613(b)(b)(6) of the Communications Act of 1934, as added by section 213(a) of this Act, or any other provision of law, a local exchange carrier (or any affiliate of such carrier owned by, operated by, controlled by, or under common control with such carrier) may obtain a controlling interest in, management interest in, or enter into a joint venture or partnership with any cable system described in subsection (b).

(b) COVERED CABLE SYSTEMS.—Subsection (a) applies to any cable system that serves incorporated or unincorporated places or territories having fewer than 50,000 inhabitants if more than——percent the subscriber base of such system serves individuals living outside an urbanized area, as defined by the Bureau of the Census.

(c) DEFINITION.—For purposes of this section, the term "local exchange carrier" has the meaning given such term in section 3(kk) of the Communications Act of 1934, as added by section 8(b) of this Act.

LIEBERMAN AMENDMENT NO. 1347

Mr. LIEBERMAN proposed an amendment to amendment No. 1275 proposed by Mr. CONRAD to the bill S. 652, supra; as follows:

On page 3, strike out line 12 and all that follows through page 4, line 16, and insert in lieu thereof the following:

SEC. 503. RATING CODE FOR VIOLENCE AND OTHER OBJECTIONABLE CONTENT ON TELEVISION.

(a) SENSE OF CONGRESS ON VOLUNTARY ESTABLISHMENT OF RATING CODE.—It is the sense of Congress—

(1) to encourage appropriate representatives of the broadcast television industry and the cable television industry to establish in a voluntary manner rules for rating the level of violence or other objectionable content in television programming, including rules for the transmission by television broadcast stations and cable systems of—

(A) signals containing ratings of the level of violence or objectionable content in such programming; and

(B) signals containing specifications for blocking such programming;

(2) to encourage such representatives to establish such rules in consultation with appropriate public interest groups and interested individuals from the private sector; and

(3) to encourage television broadcasters and cable operators to comply voluntarily with such rules upon the establishment of such rules.

(b) REQUIREMENT FOR ESTABLISHMENT OF RATING CODE.—

(1) IN GENERAL.—If the representatives of the broadcast television industry and the cable television industry do not establish the rules referred to in subsection (a)(1) by the end of the 1-year period beginning on the date of the enactment of this Act, there shall be established on the day following the end of that period a commission to be known as the Television Rating Commission (hereafter in this section referred to as the "Television Commission"). The Television Commission shall be an independent establishment in the executive branch as defined under section 104 of title 5, United States Code.

(2) MEMBERS.—

(A) IN GENERAL.—The Television Commission shall be composed of 5 members, of whom—

(i) three shall be appointed by the President, as representatives of the public by and with the advice and consent of the Senate; and

(ii) two shall be appointed by the President, as representatives of the broadcast television industry and the cable television industry, by and with the advice and consent of the Senate;

(B) NOMINATION.—Individuals shall be nominated for appointment under subparagraph (A)(i) not later than 60 days after the date of the establishment of the Television Commission.

(D) TERMS.—Each member of the Television Commission shall serve until the termination of the commission.

(E) VACANCIES.—A vacancy on the Television Commission shall be filled in the same manner as the original appointment.

(2) DUTIES OF TELEVISION COMMISSION.—The Television Commission shall establish rules for rating the level of violence or other objectionable content in television programming, including rules for the transmission by television broadcast stations and cable systems of—

(A) signals containing ratings of the level of violence or objectionable content in such programming; and

(B) signals containing specifications for blocking such programming.

(3) COMPENSATION OF MEMBERS.—

(A) CHAIRMAN.—The Chairman of the Television Commission shall be paid at a rate equal to the daily equivalent of the minimum annual rate of basic pay payable for level IV of the Executive Schedule under section 5314 of title 5, United States Code, for each day (including traveltime) during which the Chairman is engaged in the performance of duties vested in the commission.

(B) OTHER MEMBERS.—Except for the Chairman who shall be paid as provided under subparagraph (A), each member of the Television Commission shall be paid at a rate equal to the daily equivalent of the minimum annual rate of basic pay payable for level V of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including traveltime) during which the member is engaged in the performance of duties vested in the commission.

(4) STAFF.—

(A) IN GENERAL.—The Chairman of the Television Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the commission to perform its duties. The employment of an executive director shall be subject to confirmation by the commission.

(B) COMPENSATION.—The Chairman of the Television Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(5) CONSULTANTS.—The Television Commission may procure by contract, to the extent funds are available, the temporary or intermittent services of experts or consultants under section 3109 of title 5, United States Code. The commission shall give public notice of any such contract before entering into such contract.

(6) FUNDING.—Funds for the activities of the Television Commission shall be derived from fees imposed upon and collected from television broadcast stations and cable systems by the Federal Communications Commission. The Federal Communications Commission shall determine the amount of such fees in order to ensure that sufficient funds are available to the Television Commission to support the activities of the Television Commission under this subsection.

BUMPERS (AND DASCHLE) AMENDMENT NO. 1348

Mr. BUMPERS (for himself and Mr. DASCHLE) proposed an amendment to the bill S. 652, supra as follows:

On page 76 after line 10, insert the following new subsection: "AUTHORITY TO DISALLOW RECOVERY OF CERTAIN COSTS.—Section 318 of the Federal Power Act (16 U.S.C. 825q) is amended—

(A) by inserting "(a)" after "Sec. 318."; and

(B) by adding at the end of thereof the following:

"(b)(1) The Commission shall have the authority to disallow recovery in jurisdictional rates of any costs incurred by a public utility pursuant to a transaction that has been authorized under section 13(b) of the Public Utility Holding Company Act of 1935, including costs allocated to such public utility in accordance with paragraph (d), if the Commission determines that the recovery of such costs is unjust, unreasonable, or unduly preferential or discriminatory under sections 205 or 206 of this Act.

"(2) Nothing in the Public Utility Holding Company Act of 1935, or any actions taken thereunder, shall prevent a State Commission from exercising its jurisdiction to the extent otherwise authorized under applicable law with respect to the recovery of a public utility in its retail rates of costs incurred by such public utility pursuant to a transaction authorized by the Securities and Exchange Commission under section 13(b) between an associate company and such public utility, including costs allocated to such public utility in accordance with paragraph (d).

"(c) In any proceeding of the Commission to consider the recovery of costs described in subsection (b)(1), there shall be a rebuttable presumption that such costs are just, reasonable, and not unduly discriminatory or preferential within the meaning of this Act.

"(d)(1) In any proceeding of the Commission to consider the recovery of costs, the Commission shall give substantial deference to an allocation of charges for services, construction work, or goods among associate companies under section 13 of the Public Utility Holding Company Act of 1935, whether made by rule, regulation, or order of the Securities Exchange Commission prior to or following the enactment of the Telecommunications Competition and Deregulation Act of 1995.

"(2) If the Commission pursuant to paragraph (1) establishes an allocation of charges that differ from an allocation established by the Securities and Exchange Commission with respect to the same charges, the allocation established by the Federal Energy Regulatory Commission shall be effective 12 months from the date of the order of the Federal Energy Regulatory Commission establishing such allocation, and binding on the Securities and Exchange Commission as of that date.

"(e) An allocation of charges for services, construction work, or goods among associate companies under section 13 of the Public Utility Holding Company Act of 1935, whether made by rule, regulation, or order of the Securities and Exchange Commission prior to or following enactment of the Telecommunications Competition and Deregulation Act of 1995, shall prevent a State Commission from using a different allocation with respect to the assignment of costs to any associate company.

"(f) Subsection (b) shall not apply—

"(1) to any cost incurred and recovered prior to July 15, 1994, whether or not subject to refund or adjustment;

"(2) to any uncontested settlement approved by the Commission or State Commission prior to the enactment of the Telecommunications Competition and Deregulation Act of 1995"; or

"(3) to any cost incurred and recovered prior to September 1, 1994 pursuant to a contract or other arrangement for the sale of fuel from Windsor Coal Company or Central Ohio Coal Company which has been the subject of a determination by the Securities and Exchange Commission prior to September 1, 1994, or any cost prudently incurred after that date pursuant to such a contract or other such arrangement before January 1, 2001.".

SIMON (AND OTHERS) AMENDMENT NO. 1349

Mr. SIMON (for himself, Mr. DOLE, and Mr. PRESSLER) proposed an amendment to the bill S. 652, supra, as follows:

At the appropriate place add the following:

SEC. . FINDINGS.

The Senate finds that—

Violence is a pervasive and persistent feature of the entertainment industry. According to the Carnegie Council on Adolescent Development, by the age of 18, children will have been exposed to nearly 18,000 televised murders and 800 suicides.

Violence on television is likely to have a serious and harmful effect on the emotional development of young children. The American Psychological Association has reported that children who watch "a large number of aggressive programs tend to hold attitudes and values that favor the use of aggression to solve conflicts." The National Institute of Mental health has stated similarly that "violence on television does lead to aggressive behavior by children and teenagers."

The Senate recognizes that television violence is not the sole cause of violence in society.

There is a broad recognition in the U.S. Congress that the television industry has an obligation to police the content of its own broadcasts to children. That understanding was reflected in the Television Violence Act of 1990, which was specifically designed to permit industry participants to work together to create a self-monitoring system.

After years of denying that television violence has any detrimental effect, the entertainment industry has begun to address the problem of television violence. In the Spring of 1994, for example, the network and cable industries announced the appointment of an independent monitoring group to assess the amount of violence on television. These reports are due out in the Fall of 1995 and Winter of 1996, respectively.

The Senate recognizes that self-regulation by the private sector is generally preferable to direct regulation by the federal government.

SEC. . SENSE OF THE SENATE.

It is the Sense of the Senate that the entertainment industry should do everything possible to limit the amount of violent and aggressive entertainment programming, particularly during the hours when children are most likely to be watching.

EXON (AND OTHERS) AMENDMENT NO. 1350

Mr. PRESSLER (for Mr. EXON, for himself, Mr. DORGAN, and Mr. BYRD) proposed an amendment to the bill, S. 652, supra; as follows:

On page 49, line 15 after "Government (or its representative)" add the following: "provided that the President does not object within 15 days of such determination"

On page 50 between line 14 and 15 insert the following:

"(c) THE APPLICATION OF THE EXON-FLORIO LAW.—Nothing in this section (47 U.S.C. 310) shall limit in any way the application of 50 U.S.C. App. 2170 (the Exon-Florio law) to any transaction."

BYRD (AND EXON) AMENDMENT NO. 1351

Mr. PRESSLER (for Mr. BYRD, for himself and Mr. EXON) proposed an amendment to the bill S. 652, supra; as follows:

On page 1 of the amendment, line 4, strike out "determination." and insert in lieu thereof the following: "determination. If the President objects to a determination, the President shall, immediately upon such objection, submit to Congress a written report (in unclassified form, but with a classified annex if necessary) that sets forth a detailed explanation of the findings made and factors considered in objecting to the determination."

On page 49, line 17, insert after the period the following: "While determining whether such opportunities are equivalent on that basis, the Commission shall also conduct an evaluation of opportunities for access to all segments of the telecommunications market of the applicant."

LIEBERMAN AMENDMENTS NOS. 1352–1353

(Ordered to lie on the table.)

Mr. LIEBERMAN submitted two amendments intended to be proposed by him to an amendment to the bill, S. 652, supra, as follows:

AMENDMENT NO. 1352

Strike all after the first word in the pending amendment and insert the following:

At the appropriate place, insert the following new section:

SEC. . DETERMINATION OF REASONABLENESS OF CABLE RATES.

(a) COMMISSION CONSIDERATION.—Notwithstanding any other provision of this Act or section 623(c), as amended by this Act, for purposes of section 623(c), the Commission may only consider a rate for cable programming services to be unreasonable if it substantially exceeds the national average rate for comparable programming services in cable systems subject to effective competition.

(b) RATES OF SMALL CABLE COMPANIES.—

(1) IN GENERAL.—Notwithstanding any other provision of this Act or the amendments made by this Act, the regulations prescribed under section 623(c) shall not apply to the rates charged by small cable companies for the cable programming services provided by such companies.

(2) DEFINITION.—As used in this subsection, the term 'small cable company' means the following:

(A) A cable operator whose number of subscribers is less than 35,000.

(B) A cable operator that operates multiple cable systems, but only if the total number of subscribers of such operator is less than 400,000 and only with respect to each system of the operator that has less than 35,000 subscribers.

AMENDMENT NO. 1353

At the end of the amendment, add the following:

At the appropriate place, insert the following new section:

SEC. . DETERMINATION OF REASONABLENESS OF CABLE RATES.

(a) COMMISSION CONSIDERATION.—Notwithstanding any other provision of this Act or section 623(c), as amended by this Act, for purposes of section 623(c), the Commission may only consider a rate for cable programming services to be unreasonable if it substantially exceeds the national average rate for comparable programming services in cable systems subject to effective competition.

(b) RATES OF SMALL CABLE COMPANIES.—

(1) IN GENERAL.—Notwithstanding any other provision of this Act or the amendments made by this Act, the regulations prescribed under section 623(c) shall not apply to the rates charged by small cable companies for the cable programming services provided by such companies.

(2) DEFINITION.—As used in this subsection, the term 'small cable company' means the following:

(A) A cable operator whose number of subscribers is less than 35,000.

(B) A cable operator that operates multiple cable systems, but only if the total number of subscribers of such operator is less than 400,000 and only with respect to each system of the operator that has less than 35,000 subscribers.

BOXER (AND LEVIN) AMENDMENTS NOS. 1354–1355

(Ordered to lie on the table.)

Mrs. BOXER (for herself and Mr. LEVIN) submitted two amendments intended to be proposed by them to an amendment to the bill, S. 652, supra; as follows:

AMENDMENT NO. 1354

Strike all after "(d)" in the pending amendment and insert the following:

PRESERVATION OF BASIC TIER SERVICE.—Section 623 (47 U.S.C. 543) is further amended by adding at the end the following:

"(n) PRESERVATION OF BASIC TIER SERVICE.—A cable operator may not cease to furnish as part of its basic service tier any programming that is part of such basic service tier on January 1, 1995, unless the franchising authority for the franchise area concerned approves the action. This provision shall expire three (3) years after the date of enactment."

AMENDMENT NO. 1355

At the end of the amendment, add the following; "This provision shall expire three (3) years after the date of enactment."

LEAHY AMENDMENTS NOS. 1356–1358

(Ordered to lie on the table.)

Mr. LEAHY submitted three amendments intended to be proposed by him to an amendment to the bill, S. 652, supra; as follows:

AMENDMENT NO. 1356

On page 1, strike line 7 and all that follows through the end of the amendment and insert the following: "amended by section 204 of this Act, for purposes of section 623(c), the Commission may only consider a rate for cable programming services to be unreasonable if it substantially exceeds the national average rate for comparable programming services in cable systems subject to effective competition.

"(b) RATES OF SMALL CABLE COMPANIES.—

"(1) IN GENERAL.—Notwithstanding any other provision of this Act or the amendments made by this Act, the regulations prescribed under section 623(c) shall not apply to the rates charged by small cable companies for the cable programming services provided by such companies.

"(2) DEFINITION.—As used in this subsection, the term 'small cable company' means the following:

"(A) A cable operator whose number of subscribers in less than 35,000.

"(B) A cable operator that operates multiple cable systems, but only if the total number of subscribers of such operator is less than 400,000 and only with respect to each system of the operator that has less than 35,000 subscribers.".

AMENDMENT NO. 1357

On page 1, strike line 7 and all that follows through the end of the amendment and insert the following: "amended by section 204 of this Act, for purposes of section 623(c), the Commission may only consider a rate for cable programming services to be unreasonable if it substantially exceeds the national average rate for comparable programming services in cable systems subject to effective competition.

"(b) RATES OF SMALL CABLE COMPANIES.—

"(1) IN GENERAL.—Notwithstanding any other provision of this Act or the amendments made by this Act, the regulations prescribed under section 623(c) shall not apply to the rates charged by small cable companies for the cable programming services provided by such companies.

"(2) DEFINITION.—As used in this subsection, the term 'small cable company' means the following:

"(A) A cable operator whose number of subscribers in less than 35,000.

"(B) A cable operator that operates multiple cable systems, but only if the total number of subscribers of such operator is less than 400,000 and only with respect to each system of the operator that has less than 35,000 subscribers.".

AMENDMENT NO. 1358

On page 2, strike out line 3 and all that follows through page 2, line 19, and insert in lieu thereof the following:

(b) RATES OF SMALL CABLE COMPANIES.—Notwithstanding any other provision of this Act or the amendments made by this Act, the regulations prescribed under section 623(c) of the Communications Act of 1934 shall not apply to the rates charged by small cable companies for the cable programming services provided by such companies.

BREAUX AMENDMENTS NOS. 1359–1361

(Ordered to lie on the table.)

Mr. BREAUX submitted three amendments intended to be proposed by him to an amendment to the bill, S. 652, supra; as follows:

AMENDMENT NO. 1359

At the appropriate place add the following:

"Notwithstanding any other provisions of this act.

"(ii) Except for single-LATA States, a State may not require a Bell operating company to implement toll dialing parity in an intra-LATA area before a Bell operating company has been granted authority under this subsection to provide inter-LATA services in that area or before three years after the date of enactment of the Telecommunications Act, whichever is earlier. Nothing in this clause precludes a State from issuing an order requiring toll dialing parity in an intra-LATA area prior to either such date so long as such order does not take effect until after the earlier of either such dates."

AMENDMENT NO. 1360

In the amendment, strike all after the first word and insert the following:

"Notwithstanding any other provisions of this act.

"(ii) Except for single-LATA States, a State may not require a Bell operating company to implement toll dialing parity in an intra-LATA area before a Bell operating company has been granted authority under this subsection to provide inter-LATA services in that area or before three years after the date of enactment of the Telecommunications Act, whichever is earlier. Nothing in this clause precludes a State from issuing an order requiring toll dialing parity in an intra-LATA area prior to either such date so long as such order does not take effect until after the earlier of either such dates."

AMENDMENT NO. 1361

In lieu of the matter proposed to be inserted, insert the following:

"(ii) Except for single-LATA States, a State may not require a Bell operating company to implement toll dialing parity in an intra-LATA area before a Bell operating company has been granted authority under this subsection to provide inter-LATA services in that area or before three years after the date of enactment of the Telecommunications Act, whichever is earlier. Nothing in this clause precludes a State from issuing an order requiring toll dialing parity in an intra-LATA area prior to either such date so long as such order does not take effect until after the earlier of either such dates."

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES AND COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. MURKOWSKI. Mr. President, along with Senator CHAFEE, I would like to announce for the information of the Senate and the public that a hearing has been jointly scheduled before the Committee on Energy and Natural Resources and the Committee on Environment and Public Works.

The hearing will take place Thursday, June 29, 1995 at 10 a.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this oversight hearing is to receive testimony on the energy and environmental implications of the Komi oil spills in the former Soviet Union.

Those wishing to submit written statements should write to the Committed on Energy and Natural Resources or the Committee on Environment and Public Works, U.S. Senate, Washington, DC 20510. For further information please call Ms. Linda Jordan (Committee on Environment and Public Works) at 202–224–6176 or Mr. Howard Useem (Committee on Energy and Natural Resources) at 202–224–6567.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION AND FORESTRY

Mr. PRESSLER. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Tuesday, June 13, 1995, at 9:30 a.m., in SR–332, to discuss commodity policy.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. PRESSLER. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet at 10 a.m. on Tuesday, June 13, 1995, in open session, to hold a hearing to consider the nomination of John White to be Deputy Secretary of Defense.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE AND TRANSPORTATION

Mr. PRESSLER. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be allowed to meet during the Tuesday, June 13, 1995 session of the Senate for the purpose of conducting a hearing on the nomination of Roberta Gross to be Inspector General of NASA and an oversight hearing on NASA's Mission to Planet Earth program.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. PRESSLER. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Tuesday, June 13, 1995, for purposes of conducting a Full Committee hearing which is scheduled to begin at 9:30 a.m. The purpose of this hearing is to receive testimony on S. 755, a bill to amend the Atomic Energy Act of 1954 to provide for the privatization of the United States Enrichment Corporation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. PRESSLER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, June 13, 1995, at 10:00 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EAST ASIAN AND PACIFIC AFFAIRS

Mr. PRESSLER. Mr. President, I ask unanimous consent that the Subcommittee on East Asian and Pacific Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, June 13, at 2:00 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SOCIAL SECURITY AND FAMILY POLICY

Mr. PRESSLER. Mr. President, I ask unanimous consent that the Subcommittee on Social Security and Family Policy of the Committee on Finance be permitted to meet on Tuesday, June 13, 1995 beginning at 10:00 a.m. in room SD–215, to conduct a hearing on the business and financial practices of the American Association of Retired Persons.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

THE AGREEMENT BY GREAT BRITAIN AND CHINA ON THE ESTABLISHMENT OF HONG KONG'S COURT OF FINAL APPEAL

• Mr. MACK. Mr. President, the agreement reached last week by British and Chinese negotiators for a new Court of Final Appeal in Hong Kong is a grave setback to the rule of law in the territory. The deal violates the 1984 Sino-British Joint Declaration and its guarantees for Hong Kong's legal system by building on the 1991 secret deal on the Court, and using the 1990 Basic Law to make end runs around the Joint Declaration. In reaching this deal, the British side also conceded on the important matter of an early establishment of the court to prevent a gap in appellate jurisdiction in the colony during the transition from London's Privy Council to the new high court. Governor Patten claims that it was worth waiting until July 1, 1997, for the court to begin its work in exchange for an agreement. But this is really just postponement of a bad deal.

Under the Joint Declaration, Hong Kong's courts are vested with the judicial power, including the power of final adjudication. Also, under the Joint Declaration, judicial independence is explicitly guaranteed, and the elected legislature must confirm appointments to the Court of Final Appeal. Each of these explicit promises made in the Joint Declaration, signed in 1984 by Margaret Thatcher and Zhao Ziyang, is expressly violated in last week's deal.

I would like to address one aspect of the deal specifically—the provision under which Hong Kong's courts will, after 1997, be prevented from hearing and adjudicating matters known as "acts of state." I specifically wish to address this because British and Hong Kong government officials are quietly advising that the act of state doctrine is extremely complicated and arcane. In effect, they are saying: "Don't try and understand it." That is offensive.

The "acts of state" doctrine is not difficult to understand. In the common law, it is a well-known and narrow category involving actions by one sovereign vis-à-vis another, such as a declaration of war, or a treaty. The last such case arose in Hong Kong in 1947.

Under the terms of the agreement, Hong Kong's courts will be restricted from adjudicating "acts of state" as defined in the Basic Law of the Hong Kong Special Administrative Region. Beijing passed the Basic Law, often referred to as the colony's post-1997 constitution in 1990. The Basic Law contains numerous and substantial violations of the Joint Declaration, yet the uncritical acceptance of the document by Great Britain has allowed the Basic Law to play an insidious role in the transition to PRC rule.

Great Britain and the PRC have now agreed that Article 19 of the Basic Law will define the jurisdiction of Hong Kong courts. Article 19 provides that "acts of state such as defence and foreign affairs" will be outside the courts' jurisdiction. The deliberate ambiguity of this formulation leaves the matter up to Beijing which has already assigned the power of interpreting the Basic Law to the Standing Committee of the National People's Congress rather than Hong Kong's courts. The Basic Law's definition of acts of state now endorsed by the British government of Hong Kong is vague and will, without a doubt, be used by the People's Republic of China to deny Hong Kong's courts the ability to hear and adjudicate challenges to the Beijing-appointed government after 1997.

Both Britain and the People's Republic of China made specific and detailed commitments to preserving Hong Kong's legal system after 1997. In recent years, China has made its intentions regarding those commitments crystal clear: it will not honor them. Britain has been more subtle, styling itself as a defender of Hong Kong while engaging in diplomatic backsliding.

Great Britain's failure to meet its commitments regarding the rule of law will irreparably damage its historical legacy in the colony. I hope that in light of the strong criticism and concern that have been expressed at the announcement of this deal, Great Britain will revise its legislation on the Court of Final Appeal to make it consistent with the Joint Declaration. Furthermore, Great Britain and the Hong Kong government should move with speed and conviction to repeal colonial laws and establish an official human rights commission.•

ORDERS FOR WEDNESDAY, JUNE 14, 1995

Mr. COCHRAN. Mr. President, at the request of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 9 a.m. on Wednesday, June 14, 1995; that following the prayer the Journal of proceedings be deemed approved to date, the time for the two leaders be reserved for their use later in the day, and there then be a period for morning business until the hour of 9:30 a.m., with the 30 minutes equally divided between Senators MACK and BRADLEY; further, that at the hour of 9:30 a.m. the Senate resume consideration of S. 652, the telecommunications bill, and there be 20 minutes for debate on the Feinstein amendment to be equally divided in the usual form, to be followed immediately by a vote on or in relation to the Feinstein amendment No. 1270, to be followed by a vote on or in relation to the Gorton amendment No. 1277, to be followed by a vote on the motion to invoke cloture on S. 652, with the mandatory live quorum waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER TO FILE SECOND-DEGREE AMENDMENTS

Mr. COCHRAN. I now ask unanimous consent that notwithstanding the provisions of rule XXII, all Members have until the hour of 9:30 a.m. in order to file second-degree amendments to S. 652.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. COCHRAN. For the information of my colleagues, there will be three consecutive rollcall votes beginning at 9:50 tomorrow morning. The third vote in the order is the motion to invoke cloture. If cloture is invoked, it is the intention of the majority leader to stay in session late into the evening on Wednesday with votes in order to complete action on the bill.

ORDER FOR RECESS

Mr. COCHRAN. If there be no further business to come before the Senate, I now ask unanimous consent that the Senate stand in recess under the previous order following the remarks of Senator SANTORUM.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SANTORUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. I thank the Chair. I appreciate the Senator from Mississippi providing this time for me.

THE PRESIDENT'S BALANCED BUDGET

Mr. SANTORUM. I rise to keep vigil with the President on his plans to introduce a balanced budget under the same circumstances that we had to in the Senate, with precise cuts, precise reductions in the rate of growth in some programs, changes in the tax law that would get us to a balanced budget.

Just a few minutes ago, the President concluded what he termed —this is from the White House press release— The President's Economic Plan: A Balanced Budget That Puts People First.

He just concluded a minute or two ago. Obviously, I was here on the Senate floor. I was not able to see the actual address, but I have before me—I feel like Johnny Carson—I have before me the actual press release that outlines how he is going to get to a balanced budget over 10 years. Now, it is interesting that he is going to take it over a 10-year period. You would think that balancing the budget over a 10-year period would make it easier to balance the budget in the longer time to do it. That is not the case, however. Because of the demographic trends in our society and the entitlement nature of a lot of Government programs we have, spending actually kicks up higher and goes up faster in the years 2003, 2004, and 2005, those last 3 years of the 10-year budget, and therefore it is actually harder to get to a balanced budget over a 10-year period. In fact, while it takes under our proposal here that passed the Senate roughly $1.2 trillion in spending cuts and interest savings to get to a balanced budget in 7 years, it takes about $1.6 trillion in spending cuts and interest savings to get to a balanced budget over 10 years. So of this $1.6 trillion, what does the President come up with? Well, here are the specifics.

And before I put this number up, we have had 25 days, counting yesterday, 25 days with no proposal to balance the budget from President Clinton. Now, we are waiting to see whether I have to put 26 up or whether the proposal put forward by the President tonight meets the straight-face test, whether the President actually has put forward a budget that accomplishes balance. This is the operative word—balance the budget, not plan for economic future, not Putting People First but balance the budget in 10 years.

So we are going to withhold judgment for now as to whether the President with the specifics he has offered tonight balances the budget. That is not to say that once he releases his document, which I am sure they are working on feverishly over at the White House, once they release this document and have all the specifics down that we will not give the President credit, but all we have is the information presented to us at this time, and since the Senate is recessing we have to go only by the information that the President provided us. So we will hold 26 here for a minute.

Here is what the President has provided in his plan. First steps toward health care reform while strengthening the Medicare trust fund—strengthening, not solving the problems with the Medicare trust fund. The President's plan calls for half the Medicare savings of the Republican plans ($130 billion).

For those of you who do not have calculators at home, do not worry. I will in fact be keeping track of the savings here, and I will make sure we add them up and we do get the numbers the President needs to balance the budget.

So it is $130 billion in savings for the President for Medicare cuts, but there would be no beneficiary cuts. He does not explain how he does that, but he suggests that he can do it without cutting beneficiaries. Fine, $130 billion in deficit reduction.

Second is $55 billion in Medicaid cuts. Again, that is a third of the level of what the Republicans proposed in our budgets. That is $55 billion plus $130 billion for the President.

Then he goes on and talks about protecting investment in education and training. That is paragraph 2 here in his press release. And he says, "The President's plan puts people first by preserving investments in education and training, with significant increases in Head Start, Goals 2000, AmeriCorps, student aid, a new GI bill of rights for workers that increases training through skill grants, and a $10,000 education tax deduction."

Now, there is nothing in here that reduces the deficit. In fact, everything in here increases the deficit and increases spending. We do not know how much, though. He does not tell us exactly how much. All we know is that there are increases in spending in the President's budget that look to be, with a $10,000 education tax deduction, potentially a significant amount of money, but again we do not know, we do not know whether any of these are new entitlements and how they will grow in the next 10 years. But we do see, I suggest, significant increases here, but we cannot account for those.

Next is a tax cut targeted only to working families. Again, no deficit reduction here. We are talking about the President's middle-income tax cut which he has proposed, which is the education deduction, tax credit for children and expanded IRA's.

Under the President's original proposal when he proposed his budget in February, that plan cost about $65 billion over 5 years. Over 10 years, that number, you would think, would be double that but, in fact, because of the way it is back-end loaded—he back-end loads that tax cut—it is actually dramatically more. We do not have a score in on that, but I suspect it is at least $150 billion, or more, in costs.

So on the one side you have $130 billion—try to keep this in your mind—on Medicare, $55 billion on Medicaid, and on the other side you have a questionable amount of money on education and about $150 billion plus in tax cuts. OK? This is not exactly the straight road to a balanced budget, but we are not done yet.

No. 3, components of savings for the balanced budget. Here is where we really get down to the brass tacks and get serious about balancing the budget. He restates his Medicare and Medicaid savings. I hope he does not count them twice because they appear twice in this document, but they are here for repetition sake. Welfare reform has savings of $35 billion—$35 billion. That now goes on the cut side, and we add that to the $130 billion and $55 billion. By the way, that is half of what the Republicans have proposed in the budget resolution that passed the Senate.

Corporate contributions of $25 billion over 7 years through a bipartisan effort to close corporate loopholes, special interest tax breaks and unwarranted corporate subsidies. OK, that is another $25 billion on the tax-increase side, but deficit reduction side.

Now we go to the last page of these three pages. Other than education, research and selected investments in the environment and other areas, domestic discretionary spending is cut by over 20 percent in real terms near the end of the plan—near the end of the plan.

So what he is suggesting is that over 10 years, we will take the number of about, I think it is, $270 billion today is what we spend on discretionary spending overall. Obviously, a chunk of that is education and other things he says is taken off the sheet and says we are not going to cut that. I do not know how much that is. I am working off the back of an envelope here. You might not be able to tell that.

We have a number less than $270 billion that he is going to reduce by 20 percent over 10 years. So we are going to get from $270 billion roughly down to $215 billion over 10 years.

The Republicans, in their budget, I think, get down to over 7 years about $225 billion. So they only take it down a little more than where the Republicans already had it, which is not a substantial savings. I do not know how they do that. I would suspect you are going to see savings generally in the area of around $75 billion overall. So we will give him that amount of money roughly, although we do not know the specifics. I think that is a generous allocation.

Finally, defense outlays in the President's plan are above both the House and Senate levels. Let me repeat that. Defense outlays in the President's plan are above both the House and Senate levels in fiscal year 2002. So he is talking about higher defense spending than what we passed here. Yet, savings are achieved by keeping budget authority constant from 2002 to 2005. In other words, we are going to spend more money the first 7 years but less money the last 3 years, and that will offset the spending here.

What it sounds like is defense is a wash. In other words, we are not going to spend any more or less; there is no real reduction in spending in defense. So how do these numbers add up, because that is it, there are no more specifics on how the President gets to a balanced budget.

I remind you, going back to the beginning of this talk, the President, in order to balance the budget, has to come up with spending cuts and interest savings that total $1.6 trillion over 10 years, and they have to be scored by someone other than someone who is working for the Democratic National Committee, someone who is independent, like the Congressional Budget Office, to look at this and score it as to whether these are real: $1.6 trillion, specified cuts in the Clinton bill—specified—$245 billion out of $1.6 trillion, $245 billion are specified.

Another $75 billion, I figured out, in discretionary spending could be cut. That is a rough estimate. So we will give the President the benefit of the doubt of $315 billion in spending cuts and offset that with at least $150 billion in increases because of his tax cut, which gives you a net of about $165 billion.

Tonight, the President of the United States went on national television for 5 minutes with a plan that he submitted—here—to all of us and gave us a little cheat sheet on what he was going to talk about that cuts 10 percent of what he needs to get to a balanced budget over 10 years—10 percent. He puts forward 10 percent of the cuts he needs to balance the budget over 10 years.

I do not know if that meets the straight-face test. I do not think it does. I think when the President of the United States comes and says he is going to present an economic plan to balance the budget over 10 years, then comes before the American public on national TV, which the Vice President was able to ascertain for him, and then comes up with only 10 percent of the cuts necessary to get to a balanced budget, I am not too sure that this number "6" does not belong up on that board. I am not too sure that the President has come to the table yet with a serious plan that scores as a balanced budget.

Certainly, the details that he has offered and the notes that have been haphazardly slipped to me by my staff as he listened to his speech certainly do not give me any further indication, any further specifics about how the President accomplishes this goal. But to come forward on national television—on national television—saying he is going to balance the budget and come forward with 10 percent, that is an insult. It is an insult. It is an insult to all of us who sit there and work hard to try to make this happen, and it does not do much to elevate the stature of the President's office.

If you are going to come to the American public, if you are going to say you will play straight, if you are going to be specific on how to do it, do not try to finesse them again. Someone is watching. Someone is going to pay attention to the details, and you are not going to be able to keep fudging the fact that you are not coming forward with the tough decisions. And stretching it out over 10 years, you will find, does not make it any easier.

So tonight I have to put up number "6." Five-minute speeches on national television do not count. Facts, specifics, documents, vision, plans count. All of those were in the Senate-passed budget resolution, every one of them. They changed the dynamics of Government. They provided vision of how we are going to challenge the problems, to take those challenges on in the future. We solve the Medicare trust fund problem. The President does not do any of those things. He felt the pressure.

I do not know whether he started off his speech saying, "Here I am," in response to my talks on the Senate floor, but if he did, he came up short. He, in fact, is not found yet. We still do not know where the President is when it comes to putting forth measures to balance this budget.

And so while there are many other things I would like to do at 9:20 in the evening than come and talk about the President and his inability to lead this country, I will continue to come back until I get the specifics of how the President is going to put forward a plan to lead this country into the future. And to date, day 26, the President is still absent without leadership, and has still refused to come to the table.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Under a previous order, the Senate would have stood in recess until 9 a.m. on June 14. Does the Senator from Connecticut rise to ask unanimous consent to speak?

Mr. DODD. Mr. President, I do. I ask unanimous consent that I may be able to proceed for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUCCESSFUL EFFORTS AT DEFICIT REDUCTION

Mr. DODD. Mr. President, I did not intend to come on over to the floor, but I wanted to respond to some of the comments I heard being made about the President's brief remarks this evening on national television and the majority leader's remarks which followed the President's comments, the distinguished Senator from Kansas, Senator DOLE.

I know it is not typical at this kind of a moment to want to commend, I suppose, the leadership, but I want to do so. I thought the President gave a very fine speech this evening, and I want to commend the majority leader for his remarks.

One thing that is clear to me is that people in this country would like to see the people in this town put aside the partisan bickering and try to come up with some answers to a problem that has been growing over the last 15 or 16 years.

This President arrived in this town 30 months ago, having served as the Governor of a State, not unlike the Presiding Officer tonight in the Senate, and was not a party to the events which unfolded beginning in early 1980.

I noted earlier that this President for 30 months now has made a significant effort, and a successful one, in deficit reduction. For the first time in many, many years, going back to the Truman administration, we have now had 3 years of significant deficit reduction, $600 billion. We still have a long way to go to achieve that goal.

I looked at the candidates running for the Presidency, the announced candidates, and I am looking at 100 years collectively of experience in this town. Some go back to 1960; many go back to the 1970's. They were here as this mountain of debt was accumulated. So to point an accusing finger at this President as if somehow it was his fault for what has happened over the last 15 or 16 years I think is unfair.

Mr. President, the point is this: We can go through this process over the next 7 or 8 weeks or months and score our political points one on the other, and maybe one party or the other will prevail in the elections of November 1996, but if at the end of all of that we have not really done what the American public has asked us to do, then one party or one candidate or another may be successful, but the country will be that much worse off 9 or 10 months from tonight.

So I rise to commend the President for offering a proposal, laying one on the table which is different than what was passed in the House and the Senate, but does lay out some options for us to consider; hopefully, for some common ground to come around the issue of how we reduce this deficit and do so in a balanced and fair way so that the country moves forward.

Deficit reduction is a critically important issue. But the wealth of this Nation is not merely tied to just deficit reduction. It is also the investments we make. It is also the pace at which we achieve that deficit reduction.

Who pays in the process for trying to achieve that goal? The President this evening laid out a 10-year proposal rather than a 7-year proposal. He offers to cut Medicare by one-third the cuts that have been proposed by the budget that was adopted in this body and the other. He does so by suggesting that those cuts could come not from the beneficiaries but from providers and others.

I have my concerns about it, but I see it as a more moderate proposal as we try and beef up and shore up the Medicare trust fund.

The President has offered a tax cut. I, frankly, would not have any tax cuts over the next several years. I think, frankly, deficit reduction is a far more important goal. Incorporating the tax cuts in that mix, I think, is unwise.

But the President's tax cut proposal is some $66 billion over 7 years, rather than something between $250 and $300 billion over the same period. His tax cuts go toward middle-income people in this country, particularly those with children and those who have children of college age, to try and defer, or at least lessen some of those costs.

The President also suggests that we can do this, achieve this balanced budget, in 10 years, by cutting some 20 percent out of the existing programs. That, I am sure, will be a tremendous battle here over the coming months.

However, he has put a proposal on the table. He has extended the hand. He is not a Member of Congress. He is not the head of the political party. He is not a Governor. He is the President of our country. He will be so until January 20, 1997, if he is not reelected.

The President is leading. He is offering all—Republicans and Democrats in this body—an opportunity to put aside that bickering, to put aside that name-calling, and to come to the table and deal with America's problems.

People in this country do not wake up in the morning thinking of themselves as Democrats or Republicans, conservatives or liberals. They get up in the morning and think of themselves in terms of the problems they face—their jobs, their kids' education, their health care. Those are things that most Americans worry about—not the process in Washington.

They would like to see those Members elected to office to try and put aside some of that political campaign rhetoric, at least for a time, and wrestle with their problem.

The President has put an offer on the table, and BOB DOLE, to his credit, I think, has extended up to that offer, and has suggested that we might come together here and work out these differences.

I think the country was well served by both comments tonight, by the President's speech and by the majority leader's response.

I think all in this body have an opportunity now to reach that judgment of history and to step forward and try to solve this problem.

Stop pointing the fingers. Stop the accusing and name calling. Let Members go to work on the problems that we will all be judged, historically, as to whether or not we have the courage to meet the challenge.

I thank Members for the opportunity to share these few short comments.

Mr. SANTORUM. Mr. President, I ask unanimous consent we vitiate the previous order for the Senate to be in recess.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—AMENDMENT NO. 1351

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Pressler amendment numbered 1351 be in order.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 9 A.M. TOMORROW

Mr. SANTORUM. Mr. President, I now ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 9:28 p.m., recessed until Wednesday, June 14, 1995, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate June 13, 1995:

DEPARTMENT OF JUSTICE

EDWARD SCOTT BLAIR, OF TENNESSEE, TO BE U.S. MARSHAL FOR THE MIDDLE DISTRICT OF TENNESSEE FOR THE TERM OF 4 YEARS, VICE CHARLES F. GOGGIN III.

DEPARTMENT OF STATE

MICHAEL WILLIAM COTTER, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF TURKMENISTAN.

JAMES E. GOODBY, OF THE DISTRICT OF COLUMBIA, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS PRINCIPAL NEGOTIATOR AND SPECIAL REPRESENTATIVE OF THE PRESIDENT FOR NUCLEAR SAFETY AND DISMANTLEMENT.

VICTOR JACKOVICH, OF IOWA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SLOVENIA.

A. ELIZABETH JONES, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF KAZAKHSTAN.

JOHN RAYMOND MALOTT, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO MALAYSIA.

JOHN K. MENZIES, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF BOSNIA AND HERZEGOVINA.

KENNETH MICHAEL QUINN, OF IOWA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF CAMBODIA.

JOHN TODD STEWART, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MOLDOVA.

IN THE NAVY

THE FOLLOWING-NAMED NAVY OFFICERS TO BE APPOINTED PERMANENT LIEUTENANT IN THE JUDGE ADVOCATE GENERAL CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

LAWRENCE D. HILL, JR [redacted]
BARBARA S. HUNDLEY [redacted]
KRISTIN E. KEIDEL [redacted]
BRIAN H. SULLIVAN [redacted]

THE FOLLOWING-NAMED DISTINGUISHED NAVAL GRADUATES TO BE APPOINTED PERMANENT ENSIGN IN THE LINE OR STAFF CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

STEWART L. BATESHANSKY [redacted]
BRIAN C. BLUE [redacted]
JAMES H. BOLIN [redacted]
MATTHEW S. BURTON [redacted]
MICHAEL S. FABEL [redacted]
CHRISTOPHER HEWLETT [redacted]
CHARLES T. HUBBARD [redacted]
CHARLES B. JOHNSTON [redacted]
TREVOR L. MILLWARD [redacted]
PATRICK L. PFANZ [redacted]
LAWRENCE E. SHAFFIELD [redacted]
AMY M. WINTHEISER [redacted]

THE FOLLOWING-NAMED U.S. NAVY OFFICER TO BE APPOINTED CAPTAIN IN THE MEDICAL CORPS OF THE U.S. NAVAL RESERVE, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 12203.

JAMES D. TALLEY [redacted]

THE FOLLOWING-NAMED U.S. NAVY OFFICERS TO BE APPOINTED COMMANDER IN THE MEDICAL CORPS OF THE U.S. NAVAL RESERVE, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 12203:

JOHN H. EDMUNDS [redacted]
OLEH HALUSZKA [redacted]
DAVID L. WILKEY [redacted]

THE FOLLOWING-NAMED U.S. NAVY OFFICER TO BE APPOINTED COMMANDER IN THE LINE OF THE U.S. NAVAL RESERVE, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 12203:

JOSEPH M. MARLOWE [redacted]

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR PROMOTION IN THE RESERVE OF THE AIR FORCE UNDER THE PROVISIONS OF SECTIONS 12203 AND 8379, TITLE 10 OF THE UNITED STATES CODE. PROMOTIONS MADE UNDER SECTION 8379 AND CONFIRMED BY THE SENATE UNDER SECTION 12203 SHALL BEAR AN EFFECTIVE DATE ESTABLISHED IN ACCORDANCE WITH SECTION 8374, TITLE 10 OF THE UNITED STATES CODE.

LINE

To be lieutenant colonel

MAJ. GAYLE W. BOTLEY [redacted]
MAJ. STEPHEN D. COTTER [redacted]
MAJ. NINA S. GREELEY [redacted]
MAJ. KENNETH M. HATCHER [redacted]
MAJ. GARY T. MAGONIGLE [redacted]
MAJ. CHARLES W. MANLEY I [redacted]
MAJ. MICHAEL J. MCDONALD [redacted]
MAJ. PETER W. PALFREYMAN [redacted]
MAJ. RONNIE W. PERRY [redacted]
MAJ. JAMES V. QUEEN [redacted]
MAJ. JUSTE R. SANCHEZ [redacted]
MAJ. SAM E. THOMAS, JR [redacted]
MAJ. VICTOR L. THREATT [redacted]
MAJ. CHARLES C. VADEN, JR [redacted]
MAJ. NORMA E. WELSH [redacted]
MAJ. WOODIE P. WHITE, JR [redacted]

CHAPLAIN CORPS

To be lietenant colonel

MAJ. ROBERT C. NORTON [redacted]
MAJ. STEPHEN R. SUTTON [redacted]
MAJ. LARRY E. WRIGHT [redacted]

NURSE CORPS

To be lieutenant colonel

MAJ. CHERIE L. FITZPATRICK [redacted]
MAJ. STEPHEN S. FLOWERS [redacted]
MAJ. JON E. ROGERS [redacted]

CONFIRMATIONS

Executive nominations confirmed by the Senate June 13, 1995:

DEPARTMENT OF THE TREASURY

JOHN D. HAWKE, JR., OF NEW YORK, TO BE UNDER SECRETARY OF THE TREASURY.

LINDA LEE ROBERTSON, OF OKLAHOMA, TO BE A DEPUTY UNDER SECRETARY OF THE TREASURY.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

U.S. POSTAL SERVICE

ROBERT F. RIDER, OF DELAWARE, TO BE A GOVERNOR OF THE U.S. POSTAL SERVICE FOR THE TERM EXPIRING DECEMBER 8, 2004.

HOUSE OF REPRESENTATIVES—*Tuesday, June 13, 1995*

The House met at 10:30 a.m. and was called to order by the Speaker pro tempore [Mr. FRISA].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 13, 1995.

I hereby designate the Honorable DAN FRISA to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

MORNING BUSINESS

The SPEAKER pro tempore. Pursuant to the order of the House of May 12, 1995, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority and minority leader limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Florida [Mr. GOSS] for 5 minutes.

A LONG, LONG WAY TO GO

Mr. GOSS. Mr. Speaker, in the past 2 weeks Haiti has paid host to an impressive list of high-level visitors. The OAS journeyed there for its 25th annual meeting. A U.S. Presidential delegation traveled there for a look around. And, Secretary of State Warren Christopher joined the celebration for the first 370 graduates from the Civilian Police Training Center the United States created last December. These groups saw highway refurbishment projects, met with an optimistic electoral council, and some even stayed in the newly refurbished Club Med. If you read the few articles regarding these visits, you get the impression that the elections are on line for June 25, and that come February 1996, there is no question that Haiti will be a self-sustaining, self-policing democracy under the direction of a new Haitian President.

I think we all hope that that will be the case. Especially since much of all this activity has been paid for by U.S. taxpayers. However, I want to urge my colleagues to take a closer look—to understand that, although some progress has been made, there is still a long, long way to go. Foremost on my long list of concerns is the question of whether or not the upcoming parliamentary elections will be fully free and fair and held in a stable environment where Haitian voters and candidates alike feel free to exercise their political prerogatives. Judging from the reports I have received, there are some serious problems. With elections less than 3 weeks away, the candidates list has yet to be finalized. This means that not only are voters and candidates confused about who will be on the ballot, but also that the ballots cannot go to print. The California printing company doing them has said they need 3.5 weeks to do that job—as it stands today they will be scrambling to get them printed in time for distribution to the 9,000 voting stations in Haiti before the June 25 election. Of course, because so many of the facilities used for voter registration have been damaged by frustrated crowds, the question of where these 9,000 voting stations will be remains open.

There are also signs of some serious problems with the voter registration process. A recent inventory found that nearly 1 million voter registration cards were missing. To date, the electoral council has only been able to locate 60,000 of them. In addition, despite the reopening of several registration centers in Port-au-Prince for a few days the week before last—a cynic might say for the benefit of those high level delegations—we found that most stations closed in April due to lack of materials. This has left many Haitian voters unregistered, disgruntled, and disenchanted with the electoral process.

It should surprise no one that the single most important issue for most Haitians of all types is security. Anyone who has followed elections in Haiti knows that potential Haitian voters carry the memory of 1987 when voters were massacred as they went to the polls. For candidates across the spectrum from left to right, campaigning is done mostly by posters, rather than in person. Why? According to most of the candidates we have been in contact with, they are worried about personal security. The problem is that the combined impact of the dissolution of the Haitian military and the inability of the interim public security force to command the respect and trust of the Haitian people has left an authority vacuum. In fact, the IPSF continues to be afraid to patrol alone.

Despite the presence of the United Nations missions in towns and villages in all nine departments, if you ask them, most Haitians will tell you that having the troops there has made little difference in their security situation. Whether they are actually safer or not, they do not feel as if they are and that the new Haitian police force of 6,000 will not be ready to take over until early next year at the earliest. It also bears remembering that the parliamentary elections are only the first step—they will set the tenor for the Presidential elections later this year.

Mr. Speaker, it is way too soon to declare a victory in Haiti. In fact, I will not be ready to do that until Haiti has a new President, a new parliament, a working jurisprudence system, and an investment climate that invites investment, and is no longer a country under United Nations control with a national budget largely financed by the international community and especially the American taxpayers. We are far from a Haiti that is once again a Haitian responsibility.

American taxpayers may wonder why this matters to them. It is an important country, a country that is struggling with democracy. It is nearby to us. We want them to succeed. It is also important because it is costing us somewhere between $1, $2 to $3 million every day to support our activities there.

AFFIRMATIVE ACTION

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from New Mexico [Mr. RICHARDSON] is recognized during morning business for 5 minutes.

Mr. RICHARDSON. Mr. Speaker, the Supreme Court is wrong on affirmative action and has now created another national wedge issue, alongside crime, welfare, and immigration. With this ruling, the Court has undercut and may kill many affirmative action programs. The Court read the polls and raised its finger to test the political wind and found a sudden chill on doing the right thing—ensuring that minorities have a seat at the table and access to economic opportunity.

I have supported affirmative action since its inception years ago. I believe it is still necessary, and I am deeply concerned that we may abandon it out of misplaced frustration and political expediency.

Let us take a look at our work force to determine whether equality and fairness have overcome past discrimination. In the private sector, only 10

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

percent of all managers are minorities, and only 30 percent are women. In government offices, management positions follow the same trend: 9 percent are minorities, 87 percent are men, and only 13 percent are women.

These numbers do not come close to reflecting our population. In fact, women and people of color currently account for 53 percent of the labor force, yet they represent less than one-third of our management positions. Can we honestly say that these figures exhibit equality and fairness in hiring, education, and promotion practices?

Let us look at wages—the true test of what we choose to value. In 1992, African-American men earned only 72 cents for every dollar earned by white men. As a group, women earned only 75 cents for every dollar earned by men, and minority women fell below that to just 65 percent of salaries earned by men. And these figures do not compare apples to oranges—they compare salaries in the same occupations.

These disparities exist among those with college degrees as well as those who are high school graduates: college-educated women earn 29 percent less than college-educated men, and make just $2,000 more per year than white men with high school diplomas.

Hispanic women with college degrees actually earn less than white males with only high school diplomas, and earn less than 65 percent of what college-educated white males earn.

In my State of New Mexico, a professional woman can expect to make $12,000 less per year than a professional male, in sales, men earn more than twice the salaries of their female counterparts and 30 percent more in certain clerical positions.

What can we conclude from these facts? I think it is plain to see that the effects of past discrimination persist, and that the practice of discrimination continues. Affirmative action is still necessary.

There are many misconceptions about what affirmative action is. First of all, affirmative action applies only to qualified applicants. We have all heard the disturbing cases where positions are given to a woman or minority who lacks all experience and education required for a slot, while scores of capable white males are turned away. These cases are rare, and they are not legal.

Legal affirmative action plans must set goals, not quotas, they must provide reasonable timetables for reaching those goals, and they cannot trample the rights of others. These are rational, constrained guidelines that lawful affirmative plans must meet.

Another misconception about affirmative action is that it is bad for business and the economy. In fact, the opposite is true. Most employers surveyed indicate that productivity has not suffered, and in many cases improved, where affirmative action plans were used.

Many business leaders who trade in international markets believe that affirmative action is necessary for them to complete domestically and internationally. It gives them a work force that reflects the diversity of their customers and the markets they serve.

Finally, many have the misperception that affirmative action is a partisan issue developed by a small group of liberals. This is not true—affirmative action has always enjoyed bipartisan support. It has been sustained and strengthened by eight successive Presidents, and the Reagan administration successfully worked with bipartisan support to defeat the efforts of a few to dismantle our policy on affirmative action.

Bipartisan action will again be necessary to preserve the progress we have made, and to ensure a successful future for women and people of color.

I understand that affirmative action was never intended to be permanent. But our goals set some 30 years ago for a color-blind, gender-blind work force have not been met. The disadvantaged must have access to earning power in order to create the sort of economy we all desire. Let us work together to preserve affirmative action and make that happen.

AMTRAK

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Colorado [Mr. HEFLEY] is recognized during morning business for 5 minutes.

Mr. HEFLEY. Mr. Speaker, Congress is a master at creating Federal programs based on good intentions rather than sound economic sense and for which the tax becomes their lifeline for survival.

Amtrak—the idea—was a good one. Amtrak was created in 1970 with a one-time grant of $40 million. It was a 2-year, Government-assisted program that would become an independent and self-sufficient operation.

The reality, however, tells a different story. Amtrak has cost taxpayers over $15 billion since 1970. Although Amtrak carries only 0.3 percent of all intercity travelers, it is the most highly subsidized form of intercity transportation. GAO figures indicate Amtrak could need as much as $10 billion over the next 5 years to maintain its current level of service.

Since 1990 the Amtrak situation has gotten even worse. Between 1989 and 1993 Amtrak lost an average of $706 million per year, and it's not going to get any better.

Revenues have fallen well short of estimates for the last 4 years. In 1994, Amtrak forecast revenues of $1.1 billion, while actual revenues were only $880 million, a difference of over $200 million.

Since 1990, passenger revenues have fallen by 14 percent in real terms. The gap between revenues and expenses continue to grow.

Why have the 1990's been so bad for Amtrak?

Deterioration of tracks and trains—23 percent of Amtrak's cars are over 40 years old, and 70 percent of the cars are almost 20 years old. With shoddy track and old cars, Amtrak is not a comfortable way to travel. Increased accidents are causing people to question the safety of Amtrak, and rightfully so.

Amtrak's labor structure is costing them a fortune. Their labor structure makes it darn near impossible for Amtrak to make a profit. Amtrak is required, by law, to have a 6-year severance package for displaced employees.

This benefit gives them 6 years of pay equal to the rate they received while working. This constitutes a liability of over $2 billion.

In the cuts announced in December, Amtrak will be required to pay hundreds of millions of dollars to pay labor protections nobody else gets. Amtrak is renegotiating their contract with labor this year. Amtrak's wages paid could increase by about $200 million over a 5-year period.

Increased competition with other modes of transportation. Most intercity trips are made by private vehicle. Cars account for about 80 percent of total passenger miles. Falling gasoline prices encourage people to drive.

Since 1990, the real price of unleaded gasoline has dropped by 10 percent. With the increased fuel efficiency of today's cars, driving continues to be an inexpensive way to travel. Airline tickets and bus fare prices are falling as well.

Increased dissatisfaction among Amtrak passengers. Volume of complaints has risen from 30,000 in 1989 to 70,000 in 1994. It is not totally uncommon for an Amtrak train to break down, and the passengers must walk to the nearest stop to catch the next train. It's no wonder people don't want to ride Amtrak.

What's the answer? I've proposed legislation to privatize Amtrak by phasing out its taxpayer subsidies over a 4-year period and relieving it of its burdensome labor regulations and route requirements. My legislation would enable Amtrak's management to make decisions as in any private corporation.

Slowly phases out subsidy. This year Amtrak will receive $972 million from the Federal Government. H.R. 259 will reduce the taxpayer subsidy to Amtrak by 25 percent each year for 4 years. This will phase out the Federal subsidies.

Immediately eliminates congressional micromanagement. Amtrak is told by Congress how to operate and where to operate. H.R. 259 eliminates this meddling and allows Amtrak to focus its resources on its most promising routes, not the ones that Congress tells them to focus on.

Immediately reduces excessive severance packages. Amends the Rail Labor Protection Act to reduce the current 6 year severance package to 6 months. By freeing Amtrak from these excessive costs, they will be able to make the tough business decisions other managers are free to make.

We face a critical decision this year. We can continue to increase our annual subsidies while ignoring Amtrak's fundamental problems, or we can enact necessary reforms to save Amtrak.

THE CONTINUING CRISIS IN BOSNIA

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Maryland [Mr. HOYER] is recognized during morning business for 5 minutes.

Mr. HOYER. Mr. Speaker, I rise today to once again focus my colleagues' attention on the continuing crisis in Bosnia.

Last week this House voted overwhelmingly to unilaterally lift the arms embargo against Bosnia and allow the Bosnian people to pursue their fundamental right to defend themselves.

A front page article in Sunday's New York Times crystallizes for us—indeed, if at this time we need any further clarification—the compelling reasons for lifting the embargo. The article can only lead one to conclude that the embargo is wrong and that it will never contribute to the cessation of hostilities, only the continued perpetration of aggression and genocide.

The article quotes statements, from both American and European officials with access to intelligence reports, which confirm that the Federal Yugoslav Army is not only paying the salaries of many Bosnian-Serb officers, but is also supplying their forces with fuel, spare parts, training, and ammunition.

There are credible reports that the cross-border traffic is increasing as the combat resumes in Bosnia after a winter ceasefire.

Moreover, several American analysts, according to the New York Times article, have stated that the Yugoslav Army provided the parts and technicians for maintaining the Bosnian-Serb air defenses that shot down an F-16 jet fighter on a NATO monitoring mission. Even if this were not so, the fact remains that the Bosnian-Serb air defense system continues to be electronically linked to the Yugoslav Army's computers and radar.

American officials say they have evidence of regular conversations and consultations between the Yugoslav Army's general staff in Belgrade and the officers directing operations in Bosnia and that Bosnian-Serbs wounded in battle are flown by helicopter to Yugoslav military hospitals. This would certainly make sense in view of the fact that General Ratko Mladic, the commander of the Bosnian-Serb forces, was a career officer in the Yugoslav Army and was selected to lead the Bosnian Serbs by Mr. Milosevic shortly before the conflict began. In addition the recently appointed commander of Serbian forces in Croatia, Lt. Gen. Mile Mrksic until a few weeks ago was serving on the general staff of the Yugoslav Army in Belgrade.

Mr. Speaker, let me remind my colleagues that last year Serbian leader Slobodan Milosevic pledged to close the border between Bosnia and Serbia in exchange for an easing of economic sanctions against the former Yugoslavia. Despite reports to the contrary, he continues to insist that only nonlethal aid is being provided by Serbia to the Bosnian-Serb militants.

Meanwhile, the West, headed by the contact group, and most recently by United States negotiator Robert Frasure, continues to negotiate with Mr. Milosevic toward the complete lifting of sanctions against the former Yugoslavia in exchange for Milosevic's recognition of Bosnia and Herzegovina. Milosevic continues to rebuff these overtures unless he can guarantee that once lifted, the sanctions cannot be reimposed under any circumstances.

I ask my colleagues, should the West lift economic sanctions against a government that is sustaining the Bosnian-Serbs war effort, even as it pledges to do the opposite?

Mr. Speaker, I contend that it is preposterous that the international community has even reached such a juncture. Last year the contact group—the United States, Britain, France, Germany, and Russia—offered its final, take-it-or-leave-it peace plan with severe consequences for those who refused. The contact group assured Bosnia that if the Serbs plan, international sanctions against Serbia, would be tightened, more efforts would be made to afford greater protection of safe areas by the United Nations, and ultimately, the arms embargo would be lifted. The Government of Bosnia accepted, on time and without condition. The Bosnian Serbs, as we all know, effectively rejected the plan and continued to posture for more concessions which the international community has provided.

The international community's arms embargo against the former Yugoslavia has been a de facto embargo only against Bosnia. The Serbian aggressors, from the beginning, have had all the firepower and material they needed from the Yugoslav Army.

Mr. Speaker, we must redouble our efforts to ensure that the people of Bosnia have, at a minimum, the right to defend themselves. Building on the momentum of last week's vote, I urge swift consideration of H.R. 1172, legislation I have cosponsored with Mr. SMITH, which would lift the arms embargo against Bosnia.

The Serbian aggressors are perpetrating genocide while the international community watches, indeed does more than watch. It facilitates the genocide by imposing and enforcing an arms embargo against the victims of the war—denying them their fundamental right recognized under international law—the right of self-defense. Not only do we refuse to assist, but we actively deny to the Bosnians the means by which they can defend themselves. I have no doubt that history will judge our European allies and ourselves critically.

THE ADARAND DECISION

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Florida [Mr. CANADY] is recognized during morning business for 5 minutes.

Mr. CANADY of Florida. Mr. Speaker, the Supreme Court yesterday struck an important blow in defense of the fundamental moral and constitutional principle of nondiscrimination. In Adarand Constructors versus Pena, the Court held that racial classifications by any level of government are constitutionally suspect and will be permitted only in the most extraordinary circumstances.

The Court has thus stated unequivocally that the Constitution permits governmental racial classifications—including ones enacted by Congress—only when they are narrowly tailored to further a compelling government interest.

In so holding, the Court has provided an important and timely impetus to congressional action designed to dismantle the pervasive regime of race and gender preferences that has been established by the Federal Government over the last 25 years.

Until recently, I do not think anyone truly recognized how widespread these Federal preferences really are. But in February of this year, at the request of Senator DOLE, the Congressional Research Service prepared a report collecting the Federal statutes and regulations that establish preferences based on race and gender

CRS compiled a list of approximately 160 such Federal laws, some of which are statutory, but the large majority of which are buried in agency regulations relating to Federal contracting and employment and the administration of Federal programs.

Simply stated, the Federal Government is a major player in the business of granting preferences and imposing burdens on its citizens on the basis of race and gender.

Some of us find troubling the Congress' cavalier acceptance of this unjust situation, and I, as well as other

Congressmen and Senators, have announced an intention to end the injustice through legislation prohibiting the use of race and gender preferences by the Federal Government.

I think the Court's decision in Adarand is a very significant step in the right direction. Most importantly, the Court's holding is driven by a recognition of the principle that must form the basis of any systematic review of Federal racial and gender preferences.

As Justice O'Connor explained for the majority, the equal protection clause "protect[s] persons, not groups."

This principle motivates my commitment to making sure that Congress picks up where the Court has left us. It is, as the Court emphasized, a matter of simple justice that the Government should not favor or disfavor any citizen on account of morally irrelevant characteristics like race and gender.

But this issue is about more than reverse discrimination. It is, at bottom, about the kind of society we want to live in. And on this point, I think defenders and opponents of racial preferences probably agree: We, as a society, are far too conscious of race. But we disagree on how best to cure this immoral focus on race. Ultimately, of course, we will only become a truly colorblind society when each of us commits to combating discrimination in our own actions and in the actions of those with whom we come into contact.

But insofar as Congress' role is concerned, there are two major things we can and must do. First, we must ensure that the Federal antidiscrimination laws are adequate to the task of prohibiting such discrimination, and that the enforcement agencies are vigorous and judicious in their enforcement efforts.

Second—and this is where I think we really need to make some changes—we should make sure that neither Congress nor the Federal Government do anything to require or encourage citizens to engage in the sort of race- and gender-conscious policies we purport to abhor.

On the point, I quite agree with the Court majority in Abarand when they wrote that program like racial set-asides "can only exacerbate rather than reduce racial prejudice," and indeed "will delay the time when race will become a truly irrelevant * * * factor."

It was Justice Blackmun, of course, who wrote in the Bakke case that, "To get beyond racism, we must first take race into account." But the very notion that you cure an evil by engaging in that same evil is nonsense. Two wrongs do not make a right. Instead, we should pursue a firm commitment to the principle embodied in the Court's holding yesterday, and perhaps best captured by Justice Thomas' concurring opinion. He wrote:

> I believe that there is a moral and constitutional equivalence between laws designed to subjugate a race and those that distribute benefits on the basis of race in order to foster some current notion of equality. Government cannot make us equal; it can only recognize, respect, and protect us as equal before the law.

I believe that a candid observer must conclude that Congress has participated in the creation of a pervasive system of discriminatory preferences and has thus failed to abide by the fundamental obligation imposed by the equal protection clause.

And so I welcome the Court's decision in Adarand. I hope and trust that my colleagues in the House and the Senate will follow the Court's lead and do what we can to restore to our Federal laws the principle of nondiscrimination. We would do well to rededicate ourselves to the simple truth pointed out yesterday in Justice Scalia's characteristically poignant concurring opinion: "In the eyes of government, we are just one race here. It is American."

CAPITAL BUDGETING

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from West Virginia [Mr. WISE] is recognized during morning business for 5 minutes.

Mr. WISE. Mr. Speaker, what I want to do today is to announce that yesterday 36 of my colleagues and I sent to the President of the United States this letter. In this letter, what we do is to ask the President to consider capital budgeting as one approach to whatever budget eventually emerges from this Congress and in negotiations with Congress and the White House.

What is capital budgeting? Capital budgeting is very simple. It is what every family in this country does, it is what every business in this country does, it is what every State and local government does. There is only one group that does not do it, and that is the Federal Government.

Capital budgeting simply says that you show your long-term investments, those things that bring you back more than you actually spend on them over time, separately from your operating expenses.

What we do in the Federal Government is a dollar spent for welfare is considered exactly the same as a dollar spent for bridges and infrastructure and research and development, for those things that are so important to make us grow.

That makes no sense. What we do is to ask that for the first time, the Federal Government operate on a capital budget that deals with physical infrastructure, the roads, the bridges, the airports, the water and sewer systems, the telecommunications networks, those things that are physical and have tangible value.

The reality is this country, for instance, spends far less in proportion to its budget than many of our industrial competitors. Japan, with half the population and about 60 percent of the economy that the United States has, spends more in real dollars on its infrastructure than the United States does. Then we wonder sometimes why we are having trouble competing.

What we ask is that we have capital budgeting. This Congress has a precedent with that. Both 2 years ago and again just a few months ago on the floor of this House when the constitutional amendment to balance the budget was up, last time 139 Members of the House voted for my amendment that would have permitted capital budgeting. We had a large vote before and a significant number of Republican Members as well as Democrat Members supported it 2 years earlier.

This offers to Republican leaders and to Democrat leaders a way to meet the balanced budget requirements, to introduce some appropriate accounting methods to bring the Federal Government into line with everyone else, and to encourage investment. Where do you get a win-win-win-win situation like this? Capital budgeting, I think, is crucial to this.

There is no doubt that our Nation's infrastructure is in need of replacement. I notice that one of the growth industries as I drive around the country seems to be orange barrels. Sometimes those orange barrels mean that construction is taking place. Other times those orange barrels mean there is simply a problem and we do not have the money to deal with it.

Almost half the Nation's bridges are in some way substandard. Two hundred twenty some thousand miles of highway needs some kind of immediate work. Clearly our infrastructure needs work, needs rebuilding and needs building. Capital budgeting permits that to happen.

There are going to have to be a lot of painful cuts in the balanced budget proposal. Everyone understands that. There is going to be a legitimate debate about whether it takes 7 years to get to that goal or 8 years or 10 years. We all understand that.

There is going to be a lot of partisanship on this floor. That is a given. But it does seem to me that where we can find bipartisan solutions to meet this challenge of balancing the budget, we ought to be about that business.

Capital budgeting has been advanced very ably by Republican leaders such as the chairman of the Committee on Government Reform and Oversight, the gentleman from Pennsylvania [Mr. CLINGER], the chairman of the Committee on Transportation and Infrastructure, the gentleman from Pennsylvania

[Mr. SHUSTER], the ranking member, the gentleman from California [Mr. MINETA], myself, and others. Capital budgeting is truly a bipartisan solution to many of the problems that face this Federal Government and its budgeting concerns.

Once again, Mr. Speaker, and the reason we have written the President is where else can you bring the Federal Government in line with every other accounting entity, bring the Federal Government in line with every business, with every family, with every State and local government? Where else can you get the Federal Government on an accounting system that is entirely appropriate? Where else can you get the Federal Government on a system that encourages investment, not discourages growth? Where else can you get the Federal Government actually moving faster toward a balanced budget and at the same time encouraging the growth that we think is so important?

The reality is we are going to have to encourage growth in any balanced budget proposal. You cannot simply cut your way to fiscal nirvana. Capital budgeting offers that. It is appropriate. Every CPA can tell you that. I hope that the President will follow up on this suggestion.

U.S. FOREIGN POLICY

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Arizona [Mr. HAYWORTH] is recognized during morning business for 5 minutes.

Mr. HAYWORTH. Mr. Speaker, like so many other Americans, I listened with great interest Sunday afternoon to the dialog between the President of the United States and the Speaker of the House of Representatives in New Hampshire. I believe that for the most part, it reaffirmed an observation that I have made on this floor many times, that good people can disagree.

I think there are candidly some profound points of disagreement. But there was one characterization from the President with which I take issue and I thought I would share with you today. During the course of his remarks, the President characterized the new majority in this House as isolationists. Let me humbly suggest that there is nothing isolationist about putting legitimate American interests first on the world stage. Indeed, our foreign policy should be one that operates under the principle of enlightened self-interest, working together with the international community, through the United Nations, not to place some international creed in a position of preeminence to American policy but to work in concert with other nations, understanding full well our role in the world community as indeed perhaps the world's lone remaining superpower.

I thought the Speaker was very gracious in characterizing the President's efforts in many ways. I think quite frankly, Mr. Speaker, it is a tribute to our fighting men and women that they can take on missions of great difficulty, such as the one in Haiti, when in essence our fighting men and women were called upon to be social workers in olive drab. They were placed in harm's way not to defend the legitimate interest of the United States but to try and referee a potentially explosive situation.

I thought the Speaker put it succinctly when he described the difficulty in the Bosnian theater confronting the U.N. peacekeeping force. As the Speaker pointed out, military troops are not introduced into a theater to become hostages. They are there to free hostages. They should be there to liberate, not to find themselves enslaved. Indeed, I believe it was that great internationalist President and that great war leader Dwight David Eisenhower who recognized the reality of operating in an international setting within the international community but also said, and it was reflected in his actions in the White House, that we should define our legitimate self-interests.

I applaud the fact that a young pilot, Captain O'Grady, is back out of harm's way. I applaud the efforts once again of our Armed Forces to free him. But again putting Americans in harm's way is not the answer to the problem.

Mr. Speaker, lest there are some who think this is a partisan harangue, let me pause at this juncture to welcome what I believe to be the bipartisan initiative of one of my preceding speakers this morning, the gentleman from Maryland, who once again renewed his call for a lifting of the arms embargo in Bosnia. For in the final analysis, it is the oppressed who must rise against the oppressor to fight for freedom. In the final analysis, it is the legitimate national self-interests of others that help define their place in the world. Again, I take issue with the notion that it is somehow isolationist or xenophobic to always insist that the United States should execute its foreign policy with its legitimate national interests preeminent in the formulation of same.

HOUSE DEFENSE BILL SEEKS TO ADD FAT TO DOD BUDGET

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentlewoman from Colorado [Mrs. SCHROEDER] is recognized during morning business for 5 minutes.

Mrs. SCHROEDER. Mr. Speaker, I wanted to take the floor to talk about the great debate that is going to be beginning today on the defense bill. We are going to start today on the defense bill, but the real problem is we are not going to be able to do much about the defense bill.

I find this a remarkable situation that we are in really for the first time since I have been here. You see, the President asked for a number, the Pentagon asked for a number, the Senate came up with about the same number. But in the House, they have added $9.5 billion to that number. We are going to force-feed the Pentagon with all sorts of things they do not even want. The problem is, we are going to get exactly 1 hour to debate on this and this is going to be during the rule, because the rule does not allow any amendments to take that fat out. Seventy-three percent of the amendments offered to the Committee on Rules were denied. Seventy-three percent.

I had an amendment that brought the number back down to the Pentagon number, the President's number, the Senate's number, and that was denied. When this rule is passed today, it is going to hermetically seal the fat in this DOD budget.

I suppose you can say, if you want to, there should be different criteria for the Pentagon than there are other places. But the Pentagon is not even asking for this different criteria. They are saying they can do very well on $9.5 billion. I think from the example of the last few days with the celebration of O'Grady coming home and being so generous in showing how well trained he was as well as the Marines that picked him up, the Pentagon knows what it is doing, and so why are we insisting we have to add all these pet rocks to the budget at a time when funding is so dear around here?

You have seen all of the pain that has gone on with this cutting in many other areas. If you look at the budget and look at where we are really cutting, we are cutting the things that affect real people, real people, like my family, people who need educational loans, people who need housing, people who need health care, people who want school lunches. Those are the kinds of things we are cutting. Then we are giving the Pentagon things they do not even ask for. Go figure. It does not make any sense at all.

I was looking at some of the things we could do if we had this $9.5 billion. One of the first things that jumped up is $9.5 billion would double the amount of biomedical research at the National Institutes of Health. Double it.

Think. What does the average American fear the most? Are they more afraid of coming down with cancer? Are they more afraid of heart disease? Are they more afraid of many of the other illnesses that we still have not conquered yet? Or are they sleeping with a night light thinking that some enemy is going to overrun America and that if we do not insist the Pentagon get even more money than they have asked for, it is all over for us?

The average American I know is much more frightened about the progress we have not made on many diseases, and I think they might want this $9.5 billion to go to deficit reduction. But if it did not go to deficit reduction, I would certainly think if we insisted it had to be spent some way, many people I know would much prefer it be spent trying to find some answers to diseases that their families have suffered from that have been suffering from cutbacks in funding rather than insisting that we give a bunch of weapons systems that people do not want and do not even know where we would use them.

This money could be used to clean up 380 Superfund sites. We have been cutting the funding for cleaning up environmental Superfund sites. Again, I think many Americans would much prefer to see Superfund sites cleaned up because they are much more frightened of what we have done to the environment and the fact that we are playing so fast and loose and pretending like this planet is really just in a chapter 11 closeout sale. A lot of people would prefer we spent it that way if you are going to insist we spend it. There are need-based causes over there.

When we look at what you could do for breast cancer. Ninety-five million mammograms could be bought for that. You want to know how many mammograms that is? More than we could ever want. But that is a way we could go if you wanted to do that.

It would cover child care costs totally for every young children at the highest quality, for 2.5 million children in America. We all know that we are way short on child care slots.

Mr. Speaker, many things are there and I must say, we ought to do what is need based and not protect it the way this rule is going to protect this added fat to the budget.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12, rule I, the House will stand in recess until 12 noon.

Accordingly (at 11 o'clock and 14 minutes a.m.) the House stood in recess until 12 noon.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. WICKER) at 12 noon.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We recall the words of the Psalmist of old who wrote: "How wonderful it is, how pleasant, for God's people to live together in harmony!" O gracious God, from whom all good gifts do come, we pray that we will represent in our daily lives the unity that You gave to us at creation and the solidarity we share as Your people. Though we differ in our manifestations of our knowledge, yet may we testify also to the shared values that are the legacy of our land and the faithful heritage of faith and hope and love that is Your gift to every person. Bless us this day and every day, we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Georgia [Mr. NORWOOD] come forward and lead the House in the Pledge of Allegiance.

Mr. NORWOOD led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

PERMISSION FOR SUNDRY COMMITTEES AND THEIR SUBCOMMITTEES TO SIT TODAY DURING 5-MINUTE RULE

Mr. NORWOOD. Mr. Speaker, I ask unanimous consent that the following committees and their subcommittees be permitted to sit today while the House is meeting in the Committee of the Whole under the 5-minute rule: Committee on Agriculture; Committee on Banking and Financial Services; Committee on Commerce; Committee on Economic and Educational Opportunities; Committee on Government Reform and Oversight; Committee on International Relations; Committee on the Judiciary; Committee on Resources; and Committee on Transportation and Infrastructure.

It is my understanding that the minority has been consulted and that there is no objection to these requests.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

Mrs. SCHROEDER. Reserving the right to object, Mr. Speaker, I rise not to object but only to convey that what the gentleman from Georgia said is correct, that the minority has been consulted and there are no objections to these requests.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Edwin Thomas, one of his secretaries.

PROVIDING FOR CONSIDERATION OF H.R. 1530, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1996

Mr. SOLOMON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 164 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 164

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1530) to authorize appropriations for fiscal year 1996 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1996, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and the amendments made in order by this resolution and shall not exceed two hours equally divided and controlled by the chairman and ranking minority member of the Committee on National Security. After general debate the bill shall be considered for amendment under the five-minute rule.

SEC. 2. (a) It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on National Security now printed in the bill. The committee amendment in the nature of a substitute, as modified by striking section 807, and by an amendment printed in part 3 of the report of the Committee on Rules accompanying this resolution, shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived.

(b) No amendment to the committee amendment in the nature of a substitute, as modified, shall be in order except the amendments printed in the report of the Committee on Rules accompanying this resolution, amendments en bloc described in section 3 of this resolution, and the amendments described in section 4 of this resolution.

(c) Except as specified in section 5 of this resolution, each amendment printed in the report shall be considered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. Unless otherwise specified in the report, each amendment printed in the report shall be debatable for ten minutes equally divided and controlled by the proponent and an opponent and shall not be subject to amendment (except that the chairman or ranking minority member of the Committee on National Security each may offer one pro forma amendment for the purpose of further debate on any pending amendment).

(d) All points of order against amendments printed in the report, amendments en bloc described in section 3 of this resolution, and amendments described in section 4 of this resolution, are waived.

(e)(1) Consideration of amendments printed in subpart A of part 1 of the report of the Committee on Rules accompanying this resolution shall begin with an additional period of general debate, which shall be confined to the subject of cooperative threat reduction with the states of the former Soviet Union and shall not exceed thirty minutes equally divided and controlled by the chairman and ranking minority member of the Committee on National Security.

(2) Consideration of amendments printed in subpart D of part 1 of the report of the Committee on Rules accompanying this resolution shall begin with an additional period of general debate, which shall be confined to the subject of ballistic missile defense and shall not exceed sixty minutes equally divided and controlled by the chairman and ranking minority member of the Committee on National Security.

SEC. 3. It shall be in order at any time for the chairman of the Committee on National Security or his designee to offer amendments en bloc consisting of amendments printed in part 2 of the report of the Committee on Rules accompanying this resolution not earlier disposed of or germane modifications of any such amendment. Amendments en bloc offered pursuant to this section shall be considered as read (except that modifications shall be reported), shall be debatable for twenty minutes equally divided and controlled by the chairman and ranking minority member of the Committee on National Security or their designees, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. For the purpose of inclusion in such amendments en bloc, an amendment printed in the form of a motion to strike may be modified to the form of a germane perfecting amendment to the text originally proposed to be stricken. The original proponent of an amendment included in such amendments en bloc may insert a statement in the Congressional Record immediately before the disposition of the amendments en bloc.

SEC. 4. (a) It shall be in order for Representative Clinger of Pennsylvania, with the concurrence of Representatives Collins of Illinois, to offer the amendment numbered 1 in subpart C of part 1 of the report of the Committee on Rules in a modified form that is germane to the form printed in the report.

(b) After disposition of all other amendments, it shall be in order at any time for the chairman of the Committee on National Security or his designee to offer an amendment not printed in the report of the Committee on Rules accompanying this resolution to reconcile spending levels reflected in the bill with the corresponding level reflected in a conference report to accompany a concurrent resolution on the budget for fiscal year 1996. The amendment shall be considered as read, shall be debatable for ten minutes equally divided and controlled by the chairman and ranking minority member of the Committee on National Security or their designees, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

SEC. 5. (a) The chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment made in order by this resolution.

(b) The chairman of the Committee of the Whole may reduce to not less than five minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall be not less than fifteen minutes.

(c) The chairman of the Committee of the Whole may recognize for consideration of any amendment made in order by this resolution out of the order printed but not sooner than one hour after the chairman of the Committee on National Security or a designee announces from the floor a request to that effect.

SEC. 6. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute, as modified. The previous question shall be considered as ordered on the bill and amendments there to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from New York [Mr. SOLOMON] is recognized for 1 hour.

Mr. SOLOMON. Mr. Speaker, for the purposes of debate only, I yield 30 minutes to the gentleman from Massachusetts [Mr. MOAKLEY], pending which I yield myself such time as I might consume. During consideration of this resolution all time yielded is for the purposes of debate only.

Mr. Speaker, House Resolution 164 is a complicated structured rule that will permit the House to consider H.R. 1530, the national defense authorization bill for fiscal year 1996. The rule waives all points of order against the bill and against its consideration, and provides for 2 hours of general debate divided equally between the chairman and ranking minority members of the Committee on National Security.

The rule makes in order the Committee on National Security amendment in the nature of a substitute as original text for amendment purposes. That text is modified by striking section 807, which deals with recoupment of research and development costs, and by an amendment printed in part 3 of the report on the rule which deals with the Elk Hills Naval Petroleum Reserve in California, about which I will have a colloquy with the gentleman from California [Mr. THOMAS] in a few minutes.

All points of order against the substitute are waived.

Unless otherwise specified in the rule, the rule makes in order only those amendments that are printed in the report of the Committee on Rules, certain amendments en bloc, and pro forma amendments offered by the chairman and ranking minority members of the Committee on National Security.

Except as otherwise specified in the rule, the amendments shall be considered in the order and the manner specified in the report.

The rule provides that amendments printed in part 2 of the report shall be debatable for 10 minutes each, equally divided and controlled by a proponent and an opponent.

The amendments shall be considered as read and are not subject to amendment unless otherwise specified in the report, and they are not subject to a demand for a division of the question in the House or in the Committee of the Whole. The rule waives all points or order against the amendments printed in the report.

□ 1215

The rule also provides for an extra 30 minutes of general debate on cooperative threat reduction with the former Soviet Union in part 1 of the report, and an extra 60 minutes of general debate on ballistic missile defense, also in part 1.

The rule provides that the gentleman from Pennsylvania [Mr. CLINGER] may offer a germane modification to his amendment on acquisition reform, with the concurrence of the gentlewoman from Illinois [Mrs. COLLINS]. And I repeat, with the concurrence of the gentlewoman from Illinois [Mrs. COLLINS].

The chairman of the Committee on National Security or his designee is authorized to offer amendments en bloc consisting of amendments in part 2 of the report or germane modifications thereto. Amendments en bloc shall be considered as read except that modifications shall be reported. Amendments en bloc shall not be subject to amendments en bloc shall be subject to amendment or a division of the question in the House or the Committee of the Whole, and they shall be debatable for 20 minutes.

The rule waives all points of order against the amendment en bloc.

The rule authorizes the chairman of the Committee of the Whole to postpone consideration of a request for a recorded vote on any amendment and to reduce to 5 minutes the time for voting after the first of a series of votes.

The Chairman of the Committee of the Whole is also authorized to recognize for consideration of any amendment printed in the report out of the order in which it is printed, but not sooner than, and this is important for Members listening, not sooner than 1 hour after the chairman of the Committee on National Security or his designee announces from the floor a request to that effect. That is so Members will be properly alerted.

The rule authorizes the chairman of the Committee on National Security to offer an amendment not printed in the report to reconcile spending levels in the bill with the final defense spending level contained in the conference report on the budget resolution.

This amendment, if offered, shall be considered as read and shall not be subject to amendment or to demand for a division of the question. This amendment, if offered, shall be debatable for 10 minutes, equally divided between the chairman and ranking minority member of the committee of jurisdiction.

And, finally, Mr. Speaker, the rule provides for one motion to recommit with or without instructions.

This, then, is the rule which will permit the House to work its will on H.R. 1530.

Mr. Speaker, the national defense authorization bill is the most important piece of legislation that comes before this body in any given year, and especially this year. I say that because of my conviction that protecting the territory and the vital security interests of the United States of America, what the Constitution calls providing for the "common defense," is the preeminent constitutional obligation of the Federal Government. It is, in fact, the one true entitlement program.

This bill represents the one thing that every American in this country, regardless of race, creed, age, sex or any other distinction, can expect to receive from the Federal Government. That is why we formed this Republic of States.

Mr. Speaker, what a difference an election makes. Anyone who believes that elections do not make a difference should just study this bill.

When we compare this bill with the administration's request, we find procurement is up 11 percent. Research and development are up 5 percent. Operations and maintenance are up 3 percent. Military construction and family housing are up 5 percent. And how terribly important that is when we have an all-volunteer military, with families living in deplorable conditions in our military today. And instead of a ceiling limiting the number of military personnel, ladies and gentlemen, we find a floor below which the number of uniformed personnel on active duty will not go.

We are going to maintain a strong military preparedness in this country. To provide for all of these vital increases, yet only increasing this overall defense bill by a mere 3.8 percent, we make substantial cutbacks in nondefense expenditures.

These have been clogging the defense authorization bill in recent years, creating the appearance that defense spending is much higher than it really is. We find such things as non-defense Department of Energy activities charged to the defense budget. They are substantially reduced and will be reduced further in years to come. Nondefense funding for environmental restoration is down 12 percent. So-called peacekeeping is zeroed out altogether, at least as far as this defense budget is concerned.

And, Mr. Speaker, we will not permit our active-duty personnel to be hollowed out, and their readiness impaired, all in the pursuit of so-called peacekeeping. That does not belong in this budget. If there are funds needed, fund it out of the foreign affairs bill or some place else, not out of the military budget.

In short, Mr. Speaker, this bill stops and even reverses the 10-year decline in the national defense budget of this country.

For the first time since fiscal year 1985, this House will pass a national defense authorization bill that increases our commitment to providing for the common defense over the previous year.

Mr. Speaker, I will conclude this portion of the debate by citing a most significant remark made shortly after the Persian Gulf war by the Saudi Arabian general who served as his country's chief liaison officer at General Schwarzkopf's headquarters. The Saudi Arabian general said, "If the world is to have only one superpower, thank God it is the United States of America." Believe you me, Mr. Speaker, he was speaking for more than his own people in Saudi Arabia. He was speaking for the entire free world.

Mr. Speaker, our country is by destiny rather than choice the one remaining superpower in this world. This year we will pass a defense budget that is equal to that obligation.

"If the world is to have only one superpower, thank God it is the United States of America."

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, no matter what my Republican colleagues may say—this rule is not fair.

The bill gives the Pentagon $9.5 billion more than they asked for and the rule will keep anyone from changing that.

As far as I am concerned, $9.5 billion is a lot of money; $9.5 billion could send 1.6 million children to Head Start. It could put 268,818 new police officers on the street. It could even go so far as to clean up the Boston Harbor.

I wonder why Republicans are insisting on giving the Pentagon more money than it needs when we are having trouble paying for the things we do need?

If my colleagues are truly interested in cutting spending, especially unnecessary spending, why do they refuse to allow people to cut some of the wasteful spending out of this bill?

A number of Members have some very good ideas on how to save a lot of money and cut out a lot of unnecessary military spending. But under this rule, their amendments are not going to be allowed to see the light of day.

I suspect these amendments are being kept from the floor because, despite the Republican majority, despite the cohesion of their party, these amendments just might pass.

Meanwhile, to add insult to injury, just when you thought we had gotten over the most ridiculous fantasy of all, star wars, here it is again, and this rule will protect it to the bitter end.

What Republicans are saying is that it is OK to cut spending, as long as it is not spending for something they like, no matter what the Pentagon says, no matter what our defense needs, even the Pentagon says they do not need this much money to defend the country.

I urge my colleagues to defeat the previous question to allow a vote on amendments to redirect military spending toward readiness and away from star wars and to cut unnecessary waste. I reserve the balance of my time.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from California [Ms. HARMAN].

PERSONAL EXPLANATION

Ms. HARMAN. Mr. Speaker, because of my son's graduation from college, I was necessarily absent for votes on Thursday, June 8.

Had I been present, I would have voted "yes" on rollcall 362, directing the President to lift the arms embargo against Bosnia, and I would have voted "no" on rollcall 366, final passage of the American Overseas Interests Act.

Mr. MOAKLEY. Mr. Speaker, what the gentlewoman neglected to say was that her son graduated magna cum laude from Harvard, so I mean, nobody from Massachusetts could deny a request like that.

Mr. Speaker, I reserve the balance of my time.

Mr. SOLOMON. Mr. Speaker, I yield such time as he may consume to my good friend, the gentleman from California [Mr. THOMAS], a classmate of mine. We came here together 17 years ago, and he is a very valuable member of the Committee on Ways and Means and a member of the California delegation; I yield this time to him for a colloquy.

Mr. THOMAS. Mr. Speaker, I thank the chairman for entering into a colloquy over section 2 of the rule affecting the sale of the naval petroleum reserve at Elk Hills.

Is it the chairman's understanding the new language in the amendment incorporated in the bill through this rule regarding settlement regarding the so-called school lands issue and California's interest in the naval petroleum reserve permits California to be fully compensated for its interest in Elk Hills?

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. THOMAS. I yield to the gentleman from New York.

Mr. SOLOMON. I will say to the gentleman based on my interpretation of that language, it certainly does.

Mr. THOMAS. Is the chairman aware of the State's concern about the amendment's possible effect on getting fair market value for its interest by giving Federal agencies power to force the State to take less than, in their opinion, fair value for those claims?

Mr. SOLOMON. I would say to that, yes. Again, there is no question for the amendment to preclude or limit the State of California from pursuing judicial remedies should an agreement or settlement with the Federal Government not be arrived at in this matter. And as the gentleman knows, Mr. Dan Lundgren is another former classmate of ours who came here with us, and in his position in the California government, I think you can be assured there will be a reasonable settlement out of this. Do you not think so?

Mr. THOMAS. I believe the attorney general of California feels comforted by the chairman's statement that there is no intention to preclude a judicial remedy if we cannot reach agreement. I am perfectly satisfied we will reach agreement.

But it is a comfort for the chairman to indicate that is his interpretation of the rule.

I thank the chairman for the colloquy.

Mr. SOLOMON. Again, the people of the State of California ought to be proud of the gentleman for standing up for their interests.

Mr. Speaker, I yield 2½ minutes to the gentleman from Sanibel, FL [Mr. GOSS], a very distinguished member of the Committee on Rules.

Mr. GOSS. Mr. Speaker, I thank my distinguished friend from Glens Falls, NY, the distinguished chairman of the Committee on Rules.

Mr. Speaker, like the chairman I believe it is imperative, absolutely imperative, that we maintain the strongest, best equipped, most professional military in the world.

The world is counting on us to do it.

I am pleased this rule makes in order a defense authorization bill that will help to strengthen our national security by restoring funding in several vital areas and focusing on our true priorities in others.

This rule makes in order some 56 amendments from both sides of the aisle, 56 amendments. I am confident that there will be full and open debate on such important issues as to whether or not to fund more B-2 bombers, the status of aid to Russia, missile defense strategy, procurement reform, things we are talking about in America.

While the minority may find fault with a specific amendment made in order or lack thereof, perhaps, Members should be aware this Committee on Rules has continued the tradition of reviewing and allowing numerous amendments to the DOD bill on a bipartisan basis. National security is not partisan matter.

One tradition we have not followed, however, in the Committee on Rules is the practice of granting multiple rules for the consideration of this bill. Last year we needed two rules. The year before, it took four rules to complete the DOD bill.

So this single rule is welcome progress toward efficiency as well as fairness.

Mr. Speaker, the cold war is over. As we have witnessed in the Middle East, Bosnia, and Korea, there are still many actual and potential regional conflicts that could easily threaten the United States and individual members of our military forces. Our readiness must not be allowed to deteriorate to the minimum acceptable level.

In this uncertain world, we still need deterrence and we still need to be able to handle any threat to our security. Our military, for now, I think, has distinguished itself once again in a great way. We certainly have proven that we give the best training and the best equipment to our troops, and that it is justified. It is also true, I might add, we have an obligation not to misuse our military for nonmilitary purposes. Haiti comes to mind in that vein.

Having said that, it is evident the administration, sadly, has been cutting back our Armed Forces too quickly and not enough thought given to the impact that specific cuts would have on our security. Once again, I commend the Committee on National Security for bringing forward this bill, and I urge passage of this rule for its fair consideration of the bill.

□ 1230

Thinking of the remarkable exploits and successful saga of Scott O'Grady and his rescuers, can any Member do less than support this bill?

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Speaker, I thank the gentleman for yielding this time to me, and I must say I stand in absolute opposition to this rule. I find this rule very, very offensive. Three quarters of the cutting amendments that we wanted to offer have not been allowed.

Now, for someone to say, "Oh, yeah, but we're giving you one rule rather than multiple rules," hey, I will take multiple any day if it allows a real debate on these issues, and the reason that this is so distracting is what we are doing in this rule, if this rule passes, is we are hermetically sealing in $9.5 billion that the Pentagon does not want, that the President does not want and that the Senate does not think is needed. But somehow, because the House committee thinks it is needed, we are going to seal it in so the people like myself, senior members of the committee, cannot even offer an amendment to take it back down to the level every other reasonable group seems to think is adequate.

Now this is not what the Pentagon wants. What we are doing is force feeding the Pentagon money they have not asked for. It seems to me that at a time when we are trying to balance the budget we ought to be looking at need-based concerns. The Pentagon came up with a need-based budget based on two major wars. It was 92 cents for every dollar that was spent by the Pentagon during the cold war. I would have guessed that was too high. But we cannot even get to that because of this add-on of $9.5 billion.

I have got to say what are we doing here as we are standing here cutting school lunches, student loans, all these other things and saying for every other Department of Government we are looking at the fat, we are trimming what is in there, but for the Defense Department it is going to be different. Not only are we not going to look at what they requested, we are going to give them even more than they requested. It used to be we gave them everything they wanted. Now we are giving them all sorts of things they do not even want.

Now figure that out at a time when we are spending more money for defense than the rest of the world. This makes no sense. Defeat this rule.

Mr. Speaker, the chairman of the House National Security Committee, in his statement in the May 18 CONGRESSIONAL RECORD, said that while other departments are expected to put their fiscal houses in order, the Department of Defense does not because "Defense is different."

Defense has been deemed so different by the House National Security Committee that not only does it not have to face painful cuts, they get an unrequested increase of $9.5 billion, an increase that largely pays for unrequested weapons systems. It takes us off the so-called procurement holiday and puts on a procurement splurge. This bill adds $553 million for two unrequested B-2 bombers, $550 million in unrequested funds for the *Seawolf* submarine, $160 million for eight unrequested AV-8B Harriers, an unrequested sum of $974 million for an amphibious transport dock ship. This is just the beginning. I could keep going, but I would run out of time before I ran out of adds.

I had hoped to offer an amendment eliminating the $9.5 billion increase to return the spending level to the level requested by the Pentagon. I assume the generals over at the Pentagon know what they need. However, my amendment was denied.

This unrequested increase is a lot of money, $9.5 billion can buy a lot in the civilian world. It can buy things that make a real difference in peoples lives. It could clean up 380 Superfund sites, pay for Pell grants for 4 million needy students, cover prenatal and postpartum care for 2.4 million uninsured pregnant women. It could pay for 95 million mammograms and double biomedical research at NIH. It could cover child care costs for 2.5 million children under 5 for a year, and feed 11.6 million hungry people in the United States one nutritious meal a day for 1 year. If you don't think those are wise investments, then it could be block granted to the States at a level of $190 million for each of the 50 States, or returned to the Treasury for deficit reduction.

In light of the budget cuts domestic programs will be taking to balance the budget, it is impossible to justify this $9.5 billion increase. We are still spending 92 cents for every dollar we spent during the cold war, and the threats we face loom nowhere as large. In fact, we are spending more on our defense than our NATO allies, Russia, and Japan combined. I find it blatantly inconsistent that the majority, who is so strongly dedicated to balancing the budget, has carved out the defense budget as their sacred cow, and has refused to allow it to be questioned. The Democratic process is based on questions and challenges. In this case the process has been subverted. The $9.5 billion increase in this bill is unjustifiable. This is not the Pentagon's increase; it is the committee's. Cuts to the funding level of H.R. 1530 are substantive amendments and should have been allowed. I urge my colleagues to oppose the rule.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, I oppose this rule, and I oppose it because it makes it impossible for the House even to consider reversing a serious mistake made by the Committee on Natural Security. That mistake was to reduce the authorization for the Energy Department's environmental management programs by almost three quarters of a billion dollars and to add that money into missile defenses, the Star Wars Programs. Those priorities are exactly wrong.

Mr. Speaker, as we might say to our kids, "We need to clean up our room before we use our allowance to buy new toys."

Through its environmental management programs, the Department of Energy carries out the work of cleaning up places like Rocky Flats site, in my district, and other sites around the country, facilities where America developed and built the nuclear weapons that helped us win the cold war. Those cleanup costs are part of the cost of that victory. They have to be paid. And while the possible benefits of increased spending beyond what the Defense Department has asked for on star wars are highly speculative, there is absolutely nothing speculative about the benefits in health and safety that we will gain by expending these necessary funds for cleaning up Rocky Flats and the other weapon sites.

The gentleman from Illinois [Mr. EVANS] and myself each offered an amendment that we asked to be made in order under this rule; neither was. Mine would have restored all the money; his would have restored a major part of it. But neither was made in order. So, this House will have no opportunity to decide whether or not cleaning up this mess created over 3½ decades ought not to come first.

As a result, with this restrictive rule we will be denied the opportunity to debate and have the will of the House done on this issue. I have no choice under these circumstances but to oppose this unfair, unwise, and restrictive rule, and I urge my colleagues, as well, to vote "no."

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon [Mr. DEFAZIO].

Mr. DEFAZIO. Mr. Speaker, in bringing forward the largest budget of the Federal Government, the largest general fund discretionary expenditure of the Federal Government, under a restrictive rule we have got to ask what is the majority afraid of, why is it that they do not want to have the free interplay of the legislative process here on the floor of the House of Representatives? What is it they are trying to protect?

Well, Mr. Speaker, I say to my colleagues, you heard earlier from Mrs. SCHROEDER from Colorado, and you'll hear later from others, there are a number of things they want to protect. They want to protect the procurement process at the Pentagon. You know, it came out that they lost $15 billion in the procurement process over the last 10 years which they can't account for—simple bookkeeping errors. Do you think there is any other segment of the Federal Government where, if there was a $15 billion scandal, that we wouldn't be in full cry on the floor of the House, amendment after amendment, hearings, special investigations, special committees? But hey, the Pentagon just lost $15 billion. So they can't account for it—minor clerical error—and there will be no substantive amendments to overhaul the procurement process at the Pentagon in this bill. They will not be allowed for under this rule.

Then there is the little item of the Office of Support Aircraft. In a GAO report that Senator GRASSLEY and I obtained it says that we are probably 50 to 75 percent overbuilt for administrative support aircraft; that is, we are at such a point where every one-star general at the Pentagon, every deputy junior assistant secretary, is taking a helicopter to go to Andrews Air Force base to get on their private jet planes and fly off to routine meetings at extraordinary costs to the Federal taxpayers. The estimates of GAO say we could save $200 million a year from this account and meet the legitimate defense and military requirements of this country. We spent $275,000 to send the Air Force Cadets to Hawaii. That is a scandal.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have heard the last two speakers talk about toys that we are going to give to our military, and there is nothing, I guess, that aggravates me more.

As my colleagues know, back in 1979, when we had allowed our military to go to hell, soldiers were on food stamps with their families. It was a disgrace in this Nation what we had done to them. This Congress had allowed the military preparedness of this country to disintegrate. And we had hostages being held in a place called Iran, and we tried to rescue those hostages. At that time our equipment was in such bad condition we had to cannibalize 14 helicopter gunships just to get 5 that would, perhaps, work. Three of the five failed, and so did the mission, and we never did bring those hostages out with a rescue attempt.

My colleagues know to look now at what has happened. We look at Desert Storm, where we had the fewest casualties possible. Why? It is because we had the highest technology, the state-of-the-art equipment, equipment that allowed us to see the enemy—they could not see us.

Mr. Speaker, if we are going to put other men and women into combat and into harm's way, we better give them the very best. We have an all-volunteer military. One of the proudest, proudest jobs one could have in America today is serving in our military, and then we hear these things called toys? Stinger aircraft missiles, multiples launch rocket systems, Hellfire antitank missiles, AV–8 Harriers—excuse me for getting so excited, but, as my colleagues know, when I hear advanced technology called toys I just get burned up.

We are going to provide an adequate military for our military personnel, and that is exactly what this bill does.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from Utah [Mrs. WALDHOLTZ], a very valuable member of the Committee on Rules.

Mrs. WALDHOLTZ. Mr. Speaker, I rise in strong support of the rule. This is a critical issue for us to consider. As defense spending has steadily declined over the last decade, we were able to maintain the world's premiere fighting force by spending our defense dollars more wisely. However, in the last couple of years we have seen numerous indicators that our military readiness is dangerously on the decline and our military personnel are suffering in pay, in housing, in training. This bill is a step toward reversing that troubling trend.

This rule provides for fair consideration of a critical issue. Because of the scope and importance of this issue, we could debate the defense bill until the end of the year, and there are undoubtedly some who would like to. Our rule allows amendments on a wide variety of important issues that are of interest to members.

This rule is a fair attempt to allow members to air their differences and at the same time allow us to move forward in determining the future of our national defense.

Mr. Speaker, I urge my colleagues to support this rule.

Mr. MOAKLEY. Mr. Speaker, I yield 4 minutes to the gentlewoman from Oregon [Ms. FURSE].

Ms. FURSE. Mr. Speaker, it is time to stop behaving like a herd of ostriches. Let us get our heads out of the sand.

I had a simple amendment. It would mean that we would stop buying C–17's until the Pentagon had come forth with its report in November and until that report has been analyzed. That is a very commonsense amendment, but my amendment was denied. Congress cannot even get to discuss this issue.

Now I believe that the C–17 is a goldplated turkey whose wings are broken. I believe that it is a lemon, and I believe that we could look at its history and learn something.

In 1985 we were told that this plane would carry 86 tons 2,400 miles with no refueling. Well, that payload has been reduced four times. We were told it would be ready by September 1992. But in fact there will not be flight testing completed until 1995, this year. We were promised no significant recalls, yet in 1991, Mr. Speaker, it went back to the shop to fix fuel leaks. In 1992, went back because the wings had problems. The slats melted, the wings buckled. In 1993, went back because the main landing gear collapsed.

If this was an automobile, the C–17 would be a lemon no one would waste their money on, and yet the taxpayers are being asked to pony up another $2.6 billion this year.

And although the C–17 has had all these problems, what happened to the price sticker? Well, in 1989 we were told it would cost $199 million each, but in 1995 the price is $563 million each. If this were an automobile, consumers would be filing complaints with the Federal Trade Commission.

□ 1245

Yet, we are not even allowed to discuss this issue on the floor of the House of Representatives, the people's House.

I wanted to remind Members, it is not they who are paying for the C–17, it is the U.S. taxpayer, and they deserve to know what it is they are buying.

Why is there this congressional wall of silence? Four independent reports have shown we get a better airlift if we mix C–17's and 747's or C–5's. That mix, we are told by four independent reports, would save $15 billion of the taxpayers' money.

No one would buy a car without reading the Consumer Reports. No one would buy a car where the features get axed and the price goes up. Members of Congress should be as thrifty as their constituents are. Why aren't they? What is the deal here?

It is time to stop wasting defense dollars. It is time the taxpayer gets an accounting. No more expensive lemons. Let us get the airlift we need at the price we can afford. Let us defeat this rule. Let us give the American taxpayer their money's worth.

Mr. MOAKLEY. Mr. Speaker, I yield 7 minutes to the gentleman from California [Mr. DELLUMS], the ranking member of the Committee on National Security.

Mr. DELLUMS. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, as I have said on more than one occasion here, I both understand and respect the fact that all of us come here with different perspectives, different points of view, different philosophies, different values, and different politics at the end of the day, and that we engage in a relevant and significant debate on the critical issues of our time.

But it seems to me this is the one place where we all should always come together, without difference, and that is that the process by which we engage in these substantive discussions and substantive debates be characterized as a process that embraces the principles of fairness, openness, dignity, and integrity.

I am chagrined at the fact that I must rise this afternoon, Mr. Speaker, suggesting to you that the rule that governs the DOD authorization bill for fiscal year 1996 does not meet that test. For those reasons, I must rise in opposition to the rule proposed to govern debate on H.R. 1530. It is not fair. It does not serve well the legislative process. That is why we are here, to engage in a deliberative process to arrive at substantive policy conclusions that affect the lives of millions of Americans and people throughout the world.

It excludes important issues from the debate, and it makes in order an amendment that addresses major issues which need to be worked on by several committees, but instead they were not worked on by several committees. It ignores a lengthy history of allowing for significant debate on this important annual legislation, and it does not return the fair play that I believe this gentleman brought when I sat as chair in the last Congress to the debate of national security policy.

Previous rules have successfully permitted expedited and fair consideration of the defense authorization bill, one of the most important and expensive elements of our national undertakings, Mr. Speaker. Few enough amendments were filed this year in this gentleman's opinion to allow the Committee on Rules to make additional relevant, important amendments in order. This would provide for a better debate, one well within the time-frame envisioned by the majority leadership.

We should not, Mr. Speaker, become captives of time. We have time to debate these matters. What more important issue could we ever discuss than the national security of this Nation? We should provide adequate, ample time to engage in that process substantively.

Mr. Speaker, whether in personal matters, weapons procurement, research and development, foreign policy initiatives, or acquisition reform, the failure to initiate full-fledged even-handed inquires and the public solicitation of the views of outside experts constitutes, in this gentleman's humble opinion, a real legislative shortcoming.

Acquisition reform is just one major area in which such procedural shortcoming initiate substantive programs, in the bill or by amendment, with significant potential unintended consequences, and all without meaningful legislative deliberations. I testified at some length on this matter before the Committee on Rules. I was prepared to answer every question dealing with this extraordinary shortcoming to the members of the Committee on Rules. Yet, in spite of that testimony, we find this matter coming before the Congress in this bill without hearings, without markup, and without the involvement of other committees of relevant jurisdiction.

Mr. Speaker, that is why we are being paid. That is why we were elected. That is why this process was set up. To short circuit it in the interests of time or for some reason to exploit an opportunity, denying the Members their responsibility to carry out their fiduciary responsibilities with respect to their duties as Members of Congress, it seems to me is incredibly shortsighted.

Many Members who felt compelled to remedy the deficiencies that are in the acquisition reform bill by virtue of the fact that the process was short-circuited have been denied that opportunity to attempt to refine and address the misgivings and shortcomings that they perceived because the Committee on Rules chose not to provide them that opportunity. So they lost on both counts. The process did not allow them to be involved and the rule that we are debating and discussing at this moment does not give them the opportunity to engage the process a second time.

Efforts to restore environmental management funds to the Department of Energy, to provide impact aid, to provide educational funds to local communities, were not made in order, because the Committee on Rules considered them as amendments to cut funds from the ballistic missile defense program.

Mr. Speaker, this Catch-22 requires Members to provide offsets for amendments that have dollar costs associated with them. That is the rule. That is the name of the game. Yet when they provided such offsets, their amendments were, in this gentleman's opinion, unfairly considered to be interchangeable with amendments that sought as a matter of policy to reduce ballistic missile defense funding.

I also testified specifically on this matter. I urged the members of the Committee on Rules to place those two amendments in the policy context that they were attempting to raise, that these were not ballistic missile defense amendments that should indeed be played off against each other. Yet my admonishment, my cautiousness and my thought processes were laid on the table as these amendments were denied the opportunity to be debated in the full light of day. Other important policy amendments were also not made in order.

Finally, Mr. Speaker, amendments were offered that sought to reduce the authorization level proposed in the Committee on National Security report, H.R. 1530. As you know, the committee placed roughly $10 billion in budget authority above what the President requested. The budget resolution allowed that ceiling. But I would argue that the House should have the right in the context of this debate to reduce total authorizations in the light of the types of programs the Committee on National Security bought with the budget resolution's increased funding. That is all right. We are the authorization committee. It is one thing in the context of the budget resolution. But it seems to me it is only proper, only fair, only intellectually honest and politically appropriate to allow a Member of Congress to come to this floor and say now that you have engaged in consideration and deliberation on this bill, I have the right or someone would have the right to offer an amendment to reduce that level, now that they know the purposes to which you put the funds. But the Committee on Rules chose not to provide that. I do not understand the principle upon which that decision rests, Mr. Speaker.

In conclusion, an informed and thorough debate should assure the American people that all of the issues that affect our national security might fully be considered and decided in the full light of day. I do not believe that the proposed rule, as I said earlier, achieves that goal. For that reason, Mr. Speaker, I urge my colleagues to reject this rule.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, if I can have the attention of the ranking member just briefly, I was so surprised to hear my friend, and he is my friend, rise in opposition to the rule. At the gentleman's request, I specifically declined to write into this rule a time limit on the bill which might preclude Members from having time to offer their amendments. Every single amendment made in order is going to be debated on this floor. There is no king-of-the-hill provision giving the majority an edge, which other parties have had in years past as the gentleman knows. This Committee on Rules under Republican leadership will not have a king-of-the-hill provision. That is a provision whereby an amendment can pass with 240 votes, yet be knocked out by one that has only 218 votes. No more of that. Everything is a fair fight.

Last, amendments are made in order on every single major issue, whether it is the Nunn-Lugar cooperative threat reduction, whether it is the ballistic missile defense, whether it is burden sharing, whether it is the tritium issue, whether it is abortion, all of these issues are singled out. The B-2 bomber, that is in there.

So I just call that to the Member's attention. This is truly a fair rule. I just wanted to let the gentleman know we are still trying to be fair.

Mr. Speaker, I yield 1½ minutes to the gentleman from Claremont, CA [Mr. DREIER], the vice chairman of the Committee on Rules, and a very valuable Member of this body.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding me this time.

Mr. Speaker, I rise in strong support of this rule. Fairness, openness, dignity, and integrity are exactly what this rule offers, as was raised by my friend from Oakland, the distinguished ranking minority member of the Committee on National Security. It seems to me as the gentleman from New York, [Mr. SOLOMON] just enumerated, virtually every single proposal is being considered in this legislation. With nearly 200 amendments submit to the Committee on Rules, some decisions had to be made. I believe that using those guides of fairness and openness, we have successfully done that with this rule. I would like to say I believe we are clearly on track here.

I think as we look at our challenge of trying to deal with the national security of this country, as we have faced as the gentleman from New York [Mr. SOLOMON] has raised on several occasions the fact that Captain Scott O'Grady was shot down and the challenges that we look at there, and, of course, nuclear expansion throughout the world, this bill is a measure which is very positive in addressing it.

It seems to me that as we look at one of the very important items that directly impacts my State, the Federal Government is making a right decision in selling off the naval petroleum reserve at Elk Hills, and also recognizing that for nearly a century and a half, the State of California has had a very modest claim on part of that, and I hope that we will be able to work out a satisfactory compromise on that with the amendment that has been brought forward.

I thank my friend for yielding and strongly support this rule.

Mr. MOAKLEY. Mr. Speaker, I yield 2½ minutes to the gentleman from Alabama [Mr. BROWDER].

Mr. BROWDER. Mr. Speaker, I appreciate the gentleman yielding.

Mr. Speaker, I would like to engage my friend, the distinguished gentleman from New York [Mr. SOLOMON], in a colloquy.

Mr. Chairman, I had a relatively minor amendment which attempted to delete $17 million for the Army to build a 49th museum in the monument corridor here in Washington, DC, and direct that to family housing. The gentleman talked about the family housing, and it has been testified before our committee, on which I sit, that this is a crisis. I wanted to redirect this $17 million to family housing. I thought that was a pretty good idea. I spoke in subcommittee and full committee asking for the right that I place my amendment on the floor, and both subcommittee and committee chairman expressed an understanding to that.

□ 1300

I think that is normal procedure for reserving your right to bring an amendment to the floor.

What I would like to ask you is, could you explain to me why, and I think other Members of Congress may have this same question, for a member who follows normal procedure in reserving the right to bring it to the floor, why this amendment was not considered in the rule?

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. BROWDER. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, let me say to my good friend, I would like to make every amendment in order that is not duplicative so that every Member can work their will.

As the gentleman knows, we are limited with a window of opportunity. We could only make so many amendments in order. I will say this for the gentleman: His Democrat leadership did include his amendment on a second tier of amendments they would like to have had made in order. We made almost all of the first tier amendments in order. There is no more time to add more amendments to it.

It is not just the gentleman. I have a Member, the gentleman from Wisconsin, Mr. KLUG, who will not even speak to me now from our side of the aisle because his amendment was not made in order. We tried to be as fair as we could.

Mr. BROWDER. Mr. Speaker, I thank the gentleman for his efforts but this is, I think, an important amendment. We have people in military housing, family housing that is falling apart. I think we should have done it. The Army, I think, has gagged this amendment from coming forward. I think this is an insult to the American taxpayer, and it is an insult to the American military families who are in this housing.

Mr. SOLOMON. Mr. Speaker, just to answer the gentleman, we are providing for an additional 5 percent, that is a huge increase, in construction and housing for our military. It is something that is so badly needed. We are taking care of it in this bill.

Mr. Speaker, [Mr. LINDER], another valuable member of the Committee on Rules.

Mr. LINDER. Mr. Speaker, it was not very long ago, 1981, when Ronald Reagan became President of the United States and inherited a military where one-third of our planes could not fly for lack of spare parts, one-third of our ships were in dry dock.

Our soldiers were practicing with pretend bullets, as the chairman of the Committee on rules stated. Troops were on food stamps. Over the next 8 years of buildup and fleshing out, we won the cold war. But the fact of the matter is, our military has been declining in real terms since 1985. Though adjusted for inflation, we are not much further ahead in spending than we were in 1941, and it is time to build back up again. It is time to get our troops off food stamps, to get them into good housing.

This bill is an effort to do that. The rule under which it will be debated is a fair rule. We will have opportunities to debate most of the substantive issues that come before us. There will be plenty of time to have the discussions heard.

Sure, some amendments did not make it. That happens in virtually every bill that comes to the floor. Even under some open rules, if there is a time frame, they do not make it.

This is a fair rule, it deserves to be supported by the entire body, and I strongly support the rule and urge my colleagues to do also.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts, [Mr. FRANK], a very vocal member of the Massachusetts delegation.

Mr. FRANK of Massachusetts. Mr. Speaker, I thank the former chairman of the Committee on Rules for whose regime I have become increasingly nostalgic. It is hard to be vocal when one is gagged.

This rule will provide for the least adequate discussion of a defense authorization bill in the 15 years I have been in Congress. There has not, in my time here, been a rule which so severely limited Members' ability to discuss things.

Efforts by Members on our side to reduce the overall authorization to the President's number were simply arbitrarily canceled. They were ruled out of order. The chairman said, We tried hard. They tried hard, having first made it clear that they could not succeed.

We are in session 3 days this week. Apparently, under the Republican calendar, we only have this week for the defense bill. We did nothing on Monday. We will do nothing on Friday.

To cram the entire defense authorization bill, $270 billion, the biggest single discretionary item, into 3 days, with general debate, with the rule, when you then have 2 days in which we do nothing, why were we not meeting on Monday or Friday? Why under this new, hard-working Republican regime would we not be dealing with this bill? We have a Tuesday, Wednesday, Thursday setting.

The *Seawolf* issue will not be coming up. Burden sharing is up. But burden sharing in the past has had three or four different versions that Members could choose among. The gentleman from Texas, Mr. BRYANT, had a much more forceful one that I was prepared to support in addition to my own. It is not allowed. The Committee on rules simply has restricted discussion of these issues more than they have ever been.

We will not be talking about the single biggest item in the discretionary budget. We will not be talking about *Seawolf*. We will have one version to choose from. In some cases, important issues will be debated for 20 minutes; in some cases, 40 minutes. But we will be indeed extremely restricted.

The Republican party has decided to begin increasing military spending at the expense of health research and Medicare and Head Start and other programs, and we will not allow a serious discussion. This is not a rule brought forward by Members who want a lot of attention to what they are doing. This is a rule that says, We are going to increase military spending significantly, far more than it seems to me needed, and we will have very restricted debate.

The notion that efforts to bring the authorization level down to what the President proposed will not be allowed is outrageous. The chairman of the Committee on rules said, Well, we did not do this and we did not do that. I suppose if you were on trial and you were going to be sentenced for some crime, you could plead all the crimes you did not commit. I do not think that would be very persuasive.

Frankly, I would rather have some of these issues up, whether it was king of the hill or king of the mountain or queen of the May. We could vote on them. The gentleman said, We will not vote on them at all. We have got nothing. The gentleman has made a mountain into a molehill. A hill would look pretty good to us right now. The single most important issue we have got, and it is the most restricted rule I can imagine.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Let me just say to the gentleman who just spoke, who said that we will not be doing anything on Friday. On Friday we will be taking up the military construction appropriations bill. That is a very, very important piece of legislation. In trying to be family friendly with so many requests from your side of the aisle, we are going to try to get out of here by 2 p.m. on Friday.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Speaker, in this case I would put being taxpayer friendly ahead of being family friendly. I think our families would not mind if we debated some serious issues about defense and you let us talk about cutting $9 billion back to the President's level.

Mr. SOLOMON. Mr. Speaker, I was just going to look up the gentleman's rating by the National Taxpayers Union as being one of the big spenders.

Mr. FRANK of Massachusetts. Mr. Speaker, if the gentleman will continue to yield, that is because they never counted military spending.

Mr. SOLOMON. Mr. Speaker, I will submit that for the RECORD in due time.

Let me comment briefly on the statement about the overall funding for this bill. Yes, it is funded at $267 billion. And no, the Schroeder amendment was not allowed because we all know that we are in very, very delicate negotiations with the Senate right now over the total budget for this Government.

We have already voted on the level of spending in the budget that passed this House and consequently, we do not want to do anything that is going to interrupt those negotiations with the Senate.

I think it is extremely important that we keep this bill at that level of spending.

Mr. Speaker, I yield 3 minutes to my good friend, the gentleman from Evans, GA [Mr. NORWOOD]. He is a new Member of this body, and we sure are glad to have him here.

Mr. NORWOOD. Mr. Speaker, I particularly thank the chairman because he knows, as I know, I am not on the Committee on Rules nor am I on the Committee on National Security, but I am also interested in defense. I do not think you have to be a rocket scientist to know that over the last few years this country has weakened our defenses considerably, and I would like to see us strengthen them.

In addition to strengthening them, I wanted to make sure that we do so and keep ourselves out of war. I have participated in one war, and a strong national defense is the certain way to make certain that my children and grandchildren do not have to participate in that.

Now, Mr. Speaker, this rule is more than fair to all sides. With the scope and breadth of this bill, I think it would be impossible for us to move forward in shoring up our weakened defenses and the low level of readiness without such a structured rule and debate.

In reviewing the rule, it is obvious that all points of view from hawk to dove will be represented and will be given ample time and opportunity to be heard.

And once they are heard we will vote, and then we are going to move forward.

This bill is too important to bog down in petty disagreements. We need this bill to better protect our soldiers in the field and to keep our technological edge in a very dangerous world.

Yes, we have won the cold war. Now, because we have won that war, we are given a much more unstable world, which requires us to be just as vigilant, just as prepared, and just as willing to be the world's leader.

Later in debate on this bill, I will outline the importance of resuming tritium production to our Nation's defense and the upkeep of our nuclear arsenal that has helped keep the world in peace over the last 50 years.

This defense authorization is a step in the right direction that takes into account our more than $5 trillion worth of debt. Do I wish we could go further? Yes, I do. Do I wish we could go further? Indeed, I certainly do. Do I think this rule is fair? Yes, I do. Am I going to vote for this rule? Yes, I am. And I do encourage my colleagues to do the same.

Mr. MOAKLEY. Mr. Speaker, I yield such time as he may consume to the gentleman from Missouri [Mr. VOLKMER].

Mr. VOLKMER. Mr. Speaker, I rise in strong opposition to this very dastardly gag rule.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. EDWARDS].

Mr. EDWARDS. Mr. Speaker, this rule is unfair to the children of military families. Let me repeat that: This rule is unfair to the children of military families. For some reason, the Republican leadership decided to prohibit an amendment that I had authored that would fully fund the impact aid program. The impact aid program is that program that provides education funds for the children of our military families living off bases all throughout the United States.

The action of the Republican leadership in this case is to ensure at least a 50 percent cut in impact aid programs for military families all over this country. I think that is cruel. I think it is unfair. And it will hurt our military morale and readiness.

Lest anyone think impact aid is not important, let me quote from the gentleman from Georgia, Speaker NEWT GINGRICH, in a letter of May 18 where he said, "We must preserve, protect, and improve the impact aid program so that it adequately serves those it was intended to serve."

The impact aid program should have been preserved. It has been cut by this rule.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Ohio [Mr. BROWN].

Mr. BROWN of Ohio. Mr. Speaker, I oppose this very restrictive rule. Yesterday in Elyria, OH, I stood in front of 20 mostly elderly Lorain Countians to talk about Medicare cuts. They do not understand how we can spend $9½ billion more on military spending while we cut Medicare, and while we cut student loans, while we cut school lunches. They can also not understand how amendment after amendment can be denied, amendments that would cut further; 37 percent of the amendments that cut spending were denied, were not allowed under this rule.

One particular amendment that was not allowed and that was especially important was to be offered by the gentlewoman from Oregon [Ms. FURSE], to just further study the C–17, so we did not spend the kind of money that this Congress seems to want to spend. The majority wants to spend another $15 to $19 billion on the C–17 when we have alternatives. The C–17 flies half as far, carries half as much and costs twice as much as a 747 and the alternative that we could put together. Yet Republicans on the House floor will not allow us to debate this.

Mr. Speaker, I oppose this restrictive rule.

□ 1315

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume. Mr. Speaker, as everyone knows, there is a memorial service for our departed colleague, Les Aspin. We are trying to hold down our time here. I will be summing up for the majority, and we will not have any further speakers, but in order for the buses to leave on time, and we have 2 votes coming, we are going to try to expedite it. I just wanted that side to know that.

Mr. MOAKLEY. Mr. Speaker, if the gentleman will yield, I would ask the gentleman, are we going to have the votes before we leave?

Mr. SOLOMON. That is up to you, sir.

Mr. MOAKLEY. I am glad I have some decision around here.

The SPEAKER pro tempore (Mr. WICKER). The gentleman from Massachusetts [Mr. MOAKLEY] has 2 minutes remaining.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Illinois [Mr. EVANS].

Mr. EVANS. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, this week I plan to offer an amendment to restore $282 million of the $744 million deleted from the Chairman's mark from DOE's environmental restoration and waste management budget request. Unfortunately, my amendment was not made in order by the Committee on Rules.

As a member of the committee, I had offered a germane amendment that I had offered in the full committee, and for good reason. The committee canceled a hearing dedicated to the DOE's nuclear weapons cleanup program. In effect, Congress will be making an uninformed decision about the funding priorities in the program that will run into the hundreds of billions of dollars, and which will affect the health and safety of Americans around the DOE weapons complex.

Why did this process fail? Many of the same Members who decided to rob DOE's environmental funding to build B–2 bombers and other cold war weapons systems also have DOE facilities in their districts. They do not want to have to go on the record as voting against this funding, and the majority's rules ensures that they will not have to. I urge my colleagues to oppose the rule.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from New Mexico [Mr. RICHARDSON] who is also part-time Ambassador to Korea.

Mr. RICHARDSON. Mr. Speaker, in the past the Pentagon asked for money and the Congress always delivered. Now the Pentagon does not ask for money, and the Congress gives them more.

Mr. Speaker, I believe that the overall spending in this bill is much higher than needed for an adequate national defense posture. Unfortunately, the rule we are considering does not allow many of us to express this concern.

To raise defense spending for questionable reasons, when no such spending increases are necessary, is not the right thing to do. It is simply inconsistent to ask Americans to set priorities, then increase military spending, despite lower requests from the administration and the Pentagon. The Clinton administration is not cutting defense. Instead, it is meeting requests of the Pentagon.

Mr. Speaker, the Department of Defense has done some good things, very good things, in the last year: our peacekeeping operations in Rwanda and Haiti; its excellent work at Guantanamo Bay with the refugee situation; training programs, as evidenced by Captain O'Grady and many others.

Mr. Speaker, I include for the RECORD a letter from William J. Perry to the Honorable Alan J. Dixon.

The letter referred to is as follows:

THE SECRETARY OF DEFENSE,
Washington, DC, June 9, 1995.

Hon. ALAN J. DIXON,
Chairman, Defense Base Closure and Realignment Commission, Arlington, VA.

DEAR MR. CHAIRMAN: Since I forwarded my recommendations to you on February 28, 1995, I have appreciated the excellent manner in which the Commission has conducted its demanding work under your leadership. I write today to maintain the open exchange of information that has been a hallmark of this Commission's relationship with the Department of Defense.

As a normal part of its process, the Air Force has been conducting site surveys to refine the financial analysis of recommendations affecting Air Force bases. During this process, the financial picture on Kirtland Air Force Base, New Mexico, has changed considerably. As you know, the recommendation concerning Kirtland AFB was designed to retain the Phillips Laboratory and other largely civilian operations, while relocating most of the active duty military operations, and closing related support functions.

In its site survey process, the Air Force discovered that many of the original cost estimates significantly understated the costs of relocating the active duty units. The final estimate of the one-time cost to implement the recommended realignment is $538 million. I understand this figure and the supporting COBRA analysis have been provided previously to your staff. Although some options to reduce these costs were examined, I understand that none of the options provided the same benefits as estimated for the recommended realignment. Significantly, the Department of Energy also asserted that they received support far in excess of that currently reimbursed to the Department of the Air Force for DOE activities on Kirtland AFB. As a result, the total costs to the United States Government were not captured in the original estimates.

After reviewing the results of the site survey, it is my judgment that the recommendation for the realignment of Kirtland AFB no longer represents a financially or operationally sound scenario. I ask that you take these matters into consideration as the Commission conducts its review of my recommendations.

Sincerely,

WILLIAM J. PERRY.

Mr. MOAKLEY. Mr. Speaker, I urge Members to defeat the previous question.

Mr. Speaker, I include for the RECORD the amendments I would offer if the previous question is defeated.

The amendments referred to are as follows:

Amendment to House Resolution 164: On page 6, after line 6 add the following:

"(c) Before consideration of any other amendment, it shall be in order to consider the following amendment as if printed in the report to be offered by Representative Schroeder of Colorado or her designee, debatable for 40 minutes equally divided and controlled by the proponent and an opponent:

An amendment to be offered by Representative Schroeder of Colorado or a designee, debatable for 40 minutes: Page 16, after line 8, insert the following new section:

SEC. 4. LIMIT ON TOTAL AUTHORIZATION.

In order to provide a total authorization of appropriations in this Act of $257,602,636,000 (as proposed in the budget of the President for fiscal year 1996), each amount in this Act providing an authorization of appropriations is hereby reduced by 4.0 percent.

(d) After disposition of the amendment numbered 2 printed in subpart D of part 1 of the report, it shall be in order to consider the following amendment as if it were numbered 3 in that subpart to be offered by Representative Edwards of Texas or his designee, debatable for 20 minutes equally divided and controlled by the proponent and an opponent:

An amendment to be offered by Representative Edwards of Texas or a designee, debatable for 20 minutes: At the end of title III (page 153, after line 25), insert the following new section:

SEC. 396. DEPARTMENT OF DEFENSE DEPENDENT EDUCATION ASSISTANCE (IMPACT AID) FOR SCHOOL-AGED DEPENDENTS OF CERTAIN MILITARY PERSONNEL.

(a) PROVISION OF DEPENDENT EDUCATION ASSISTANCE (IMPACT AID)—(1) In the case of students described in section 8003(a)(1)(D) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(a)(1)(D)), the Secretary of Defense shall provide funds to local educational agencies that received payments for these students from the Department of Education in fiscal year 1994 or 1995 under the Act of September 30, 1950 (Public Law 874, 81st Congress) or title VIII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7701 et seq.).

(2) Subject to the availability of appropriations for this purpose, funds shall be paid under this section in fiscal years 1996, 1997, 1998, and 1999. However, the Secretary of Defense may use the authority provided by this section only in the event that payments under section 8003 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703) for a fiscal year on behalf of students described in subsection (a)(1)(D) of such section are not made in a total amount equal to at least the level of funding for fiscal year 1995 under such section for such students.

(b) COMPUTATION OF BASIC PAYMENT.—Each local educational agency described in subsection (a) shall be eligible for basic payments, which shall be computed for each year by multiplying—

(1) the amount determined by dividing—

(A) the amount of funds received by the local educational agency in the second preceding fiscal year under this subsection, section 3(b)(3) of the Act of September 30, 1950 (Public Law 874, 81st Congress), or section 8003(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)); by

(B) the number of students described in section 8003(a)(1)(D) of such Act in average daily attendance in the second preceding fiscal year; and

(2) the number of such students in average daily attendance of the local educational agency in the fiscal year preceding the fiscal year in which the payment is being made.

(c) COMPUTATION OF DISABILITY PAYMENT.—Each local educational agency described in subsection (a) shall also be eligible for disability payments for students described in section 8003(d)(1)(B) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(d)(1)(B)). The payment required by this subsection shall be computed for each year by multiplying—

(1) the amount determined by dividing—

(A) the amount of funds received by the local educational agency during the second preceding fiscal year under this subsection, section 3(d)(2)(C) of the Act of September 30, 1950 (Public Law 874, 81st Congress), or section 8003(d) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(d)); by

(B) the number of students described in section 8003(d)(1)(B) of such Act in average daily attendance in the second preceding fiscal year; and

(2) the number of such students in average daily attendance of each local educational agency in the fiscal year preceding the fiscal year in which the payment is being made.

(d) HEAVILY IMPACTED ASSISTANCE.—(1) Each local educational agency described in subsection (a) shall also be eligible for heavily impacted assistance if—

(A) the local educational agency—

(i) had an enrollment of students described in subparagraphs (B) and (D) of section 8003(a)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7003(a)(1)) during the previous fiscal year, the number of which constituted at least 40 percent of the total student enrollment of such agency; and

(ii) has a tax rate for general fund purposes which is at least 95 percent of the average tax rate for general fund purposes of comparable education agencies in the State; or

(B) the local educational agency—

(i) had an enrollment of students described in subparagraphs (B) and (D) of section 8003(a)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(a)(1)) during the previous fiscal year, the number of which constituted at least 35 percent of the total student enrollment of such agency; and

(ii) has a tax rate for general fund purposes which is at least 125 percent of the average tax rate for general fund purposes of comparable educational agencies in the State.

(2)(A) For each local educational agency described in paragraph (1), payments for each year shall be computed by first determining the greater of—

(i) the average per-pupil expenditure of the State in which the agency is located; or

(ii) the average per-pupil expenditure of all the States.

(B) The Secretary shall next subtract from the amount determined under subparagraph (A) the average amount of State aid per pupil received for that year by each local educational agency described in paragraph (1).

(C) For each local educational agency described in paragraph (1), the Secretary shall multiply the amount determined under subparagraph (B) by the total number of students described in subparagraphs (B) and (D) of section 8003(a)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(a)(1)) in average daily attendance for that year.

(D) Finally, the Secretary shall reduce the amount determined under subparagraph (C) for a local educational agency for a fiscal year by the total amount of—

(i) all payments the local educational agency receives under subsections (b) and (c) for that year; and

(ii) any payments actually received under section 8003 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703) for that year.

(3) Notwithstanding any other provision of this section, a local educational agency that actually receives funds under section 8003(f) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(f)) for a fiscal year shall be eligible to receive funds under this subsection only after the full amount computed under paragraph (2) has been paid to all local educational agencies described in paragraph (1) that do not receive funds under such section for that fiscal year.

(4) For purposes of providing assistance under this subsection, the Secretary shall use student and revenue data from the local educational agency for the fiscal year for which the agency is applying for assistance.

(5) For purposes of this subsection, the Secretary shall determine the current year State average per-pupil expenditure data for the second preceding fiscal year by the same percentage increase or decrease reflected between the per-pupil expenditure data for the fourth preceding fiscal year and the per-pupil expenditure data for the second preceding fiscal year.

(6) For purposes of this subsection, the term "average per-pupil expenditure" means the aggregate current expenditures of all local educational agencies in the State, divided by the total number of children in average daily attendance for whom such agencies provided free public education.

(e) PROHIBITION ON MULTIPLE PAYMENTS.—(1) Amounts received by a local educational agency under subsection (d) in a fiscal year, when added to amounts actually received under section 8003(f) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(f)) for that year, may not exceed the amount the agency would have received under such section had assistance under such section been fully funded.

(2) Amounts received by a local educational agency under subsection (c) in a fiscal year, when added to amounts actually received under section 8003(d) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(d)) for that year, may not exceed the amount the agency would have received under such section had assistance under such section been fully funded.

(3) Amounts received by a local educational agency under subsection (b) in a fiscal year, when added to amounts actually received under section 8003(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)) for that year, may not exceed the amount the agency would have received under such section had assistance under such section been fully funded.

(f) PRORATION OF AMOUNTS.—If necessary due to insufficient funds to carry out this section, the Secretary shall ratably reduce payments under subsections (b, (c), and (d).

(g) COOPERATION.—The Secretary of Education shall assist the Secretary of Defense in gathering such information from the local educational agencies and State educational agencies as may be needed in order to carry out this section.

(h) FUNDS FOR FISCAL YEAR 1996.—The amount provided in section 301(5) for operation and maintenance for Defense-wide activities is hereby increased by $100,000,000. Of the funds corresponding to such increase—

(1) $50,000,000 shall be available for payments under subsection (b) in fiscal year 1996;

(2) $10,000,000 shall be available for payments under subsection (c) in fiscal year 1996; and

(3) $40,000,000 shall be available for payments under subsection (d) in fiscal year 1996.

(i) AUTHORIZATION OF APPROPRIATIONS FOR SUBSEQUENT YEARS.—There are authorized to be appropriated for payments under this section such sums as may be necessary for fiscal years 1997, 1998, and 1999.

(j) CORRESPONDING REDUCTION.—The amount provided in section 201(5) for research, development, test, and evaluation for Defense-wide activities, and the amount provided in section 241 for the National Missile Defense, are both reduced by $100,000,000.

(e) It shall be in order to consider the following three amendments as if the amendments were numbered 47, 48 and 49 and printed in part 2 of the report:

47. An amendment to be offered by Representative Browder of Alabama or a designee, debatable for 10 minutes: In the table relating to authorized Army construction projects inside the United States in section 2101(a), strike out the item relating to Fort Myer, Virginia.

In section 2104(a), reduce the amount specified in paragraph (1) by $17,000,000 and increase the amount specified in paragraphs (5)(A) by $17,000,000.

48. An amendment to be offered by Representative Evans of Illinois or a designee, debatable for 10 minutes: At the end of title XXXI (page 532, after line 5), insert the following new section:

SEC. 3145. ADDITIONAL FUNDING FOR CERTAIN ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT PROGRAMS.

(a) ADDITIONAL FUNDING.—(1) Amounts authorized by section 3102(c) for waste management are hereby increased by $150,000,000.

(2) Amounts authorized by section 3102(f) for nuclear materials and facilities stabilization are hereby increased by $81,000,000.

(3) Amounts authorized by section 3102(g) for compliance and program coordination are hereby increased by $51,000,000.

(b) OFFSET.—Amounts authorized by section 241 are hereby reduced by $282,000,000. Affairs shall return such portion to the administrative jurisdiction of the Secretary of the Army.

(d) LEGAL DESCRIPTION.—The exact acreage and legal description of the real property to be transferred under this section shall be determined by surveys that are satisfactory to the Secretary of the Army. The cost of such surveys shall be borne by the Secretary of Veterans Affairs.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Army may require such additional terms and conditions in connection with the transfer under this section as the Secretary of the Army considers appropriate to protect the interests of the United States.

49. An amendment to be offered by Representative Coleman of Texas or a designee, debatable for 10 minutes: At the end of subtitle C of title XXVIII (page 490, after line 2), insert the following new section:

SEC. 2834. TRANSFER OF JURISDICTION, FORT BLISS, TEXAS.

(a) TRANSFER OF LAND AND NATIONAL CEMETERY.—The Secretary of the Army may transfer, without reimbursement, to the administrative jurisdiction of the Secretary of Veterans Affairs a parcel of real property (including any improvements thereon) consisting of approximately 22 acres and comprising a portion of Fort Bliss, Texas.

(b) USE OF LAND.—The Secretary of Veterans Affairs shall use the real property transferred under subsection (a) as an addition to the Fort Bliss National Cemetery and administer such real property pursuant to chapter 24 of title 38, United States Code.

(c) RETURN OF UNUSED LAND.—If the Secretary of Veterans Affairs determines that any portion of the real property transferred under subsection (a) is not needed for use as a national cemetery, the Secretary of Veterans * * *.

Strike subsection (a) of section 4 and redesignate accordingly.

At the end of the resolution, add the following:

"Notwithstanding any other provision of this resolution, it shall not be in order to consider the amendments numbered 1 and 2 in subpart C of the report."

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would try to expedite this matter, again for the services for Les Aspin.

Mr. Speaker, I have heard the last couple of speakers speak. One in particular said he was talking to a group of senior citizens, and they vehemently objected to the amount of money being spent on this defense budget. I do not know about where he comes from in Ohio, but I come from Glens Falls, Queensbury, NY, up in the Adirondack Mountains. It is a funny thing, I go home every weekend, and I have for 17 years. It is a really beautiful place in this world. I never moved my family here to Washington and have commuted back and forth.

Every weekend I see senior citizens. I saw a group this past weekend. I have an opportunity to tell them what was in this defense budget we are going to pass here this week. We talked about the need for it. So often Captain O'Grady's name came up. Captain O'Grady's name came up, and we have to ask ourselves, how was he rescued? How were we able to do that, when we have failed so miserably before, in years past, when we did not have a strong military preparedness? How was it that he was able to avoid his captors? How was it that he was able to have the equipment with him that was going to be able to communicate back to our troops?

Then, how was it that we were able to jam their radars? How was it that we were able to go in there with our helicopter gunships and bring him out without even a casualty? It is because of what we are reinstating in this budget today. It is so terribly, terribly important.

We must never, never, in the future of this country, ask men and women in All-Volunteer military to volunteer, and then to put them in harm's way without giving them the very best that we can do. I do not know of any senior citizen in my whole congressional district who resents the fact that we are going to spend a mere $8 billion more. I do not know of any that would.

Therefore, Mr. Speaker, I would just say to Members today, this is a fair rule. I would ask them to vote for the rule, and I would ask them to give their wholehearted support to this very, very vital piece of legislation which is going to protect the strategic interests of this country around the world, but more than that, it is going to protect the men and women who serve in the Armed Forces of the United States of America.

AMENDMENT OFFERED BY MR. SOLOMON

Mr. SOLOMON. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SOLOMON: Page 3, line 23, strike "A" and insert in lieu thereof "B".

Mr. SOLOMON. Mr. Speaker, the minority is aware of this amendment. It simply corrects a clerical error by changing the letter A to the letter B. This clarifies what the rule already specifies, and that the extra 30 minutes of debate applies to the Nunn-Lugar topic, and not to the subject of the B-2 bomber.

Mr. Speaker, I move the previous question on the amendment and on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question on the amendment and on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MOAKLEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 5(b) 1 of rule XV, the Chair may reduce to not less than 5 minutes the time for electronic voting, if ordered, on the amendment.

This will be a 15-minute vote.

The vote was taken by electronic device, and there were—yeas 225, nays 191, not voting 18, as follows:

[Roll No. 367]

YEAS—225

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Ewing
Fawell
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gejdenson
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Greenwood
Gunderson
Gutknecht
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kennedy (RI)
Kim
King
Kingston
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Miller (FL)
Molinari
Moorhead
Morella
Myers
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Torricelli
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff

NAYS—191

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Borski
Boucher
Brewster
Browder
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Condit
Conyers
Costello
Coyne
Cramer
Danner
de la Garza
DeFazio
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Geren
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hayes
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennelly
Kildee
Klink
Klug
LaFalce
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reed
Reynolds
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Shays
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Traficant
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wise
Woolsey
Wyden
Wynn
Zimmer

NOT VOTING—18

Brown (CA)
Collins (MI)
DeLauro
Everett
Fields (TX)
Gephardt
Graham
Johnston
Kleczka
Lantos
Largent
Mica
Myrick
Peterson (MN)
Ros-Lehtinen
Towns
Wilson
Yates

□ 1342

Messrs. PICKETT, SPRATT, SKELTON, and GORDON changed their vote from "yea" to "nay."

Messrs. GANSKE, LINDER, PORTER, KIM, GUNDERSON, COX of California, and FOLEY changed their vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. GRAHAM. Mr. Speaker, on rollcall No. 367, I was with a constituent and inadvertently missed the vote. Had I been present, I would have voted "yes."

The SPEAKER pro tempore (Mr. WICKER). The question is on the amendment offered by the gentleman from New York [Mr. SOLOMON].

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the resolution, as amended.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. SOLOMON. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 233, noes 183, not voting 18, as follows:

[Roll No. 368]

AYES—233

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Flanagan
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Gejdenson
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gutknecht
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook

Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kennedy (RI)
Kim
King
Kingston
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
McNulty
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Petri
Pickett
Pombo
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Scott
Seastrand
Sensenbrenner
Shadegg
Shaw
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Traficant
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff

NOES—183

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Borski
Boucher
Brewster
Browder
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Condit
Conyers
Costello
Coyne
Danner
de la Garza
DeFazio
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Ganske
Geren
Gibbons
Gonzalez
Gordon
Green
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hayes
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E.B.
Kanjorski
Kaptur
Kennedy (MA)
Kennelly
Kildee
Klink
Klug
LaFalce
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Matsui
McCarthy
McDermott
McHale
McKinney
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pomeroy
Porter
Portman
Poshard
Rahall
Rangel
Reed
Reynolds
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Serrano
Shays
Skaggs
Slaughter
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wise
Woolsey
Wyden
Wynn
Zimmer

NOT VOTING—18

Brown (CA)
Collins (MI)
DeLauro
Doyle
Fields (TX)
Foley
Gephardt
Johnston
Kleczka
Lantos
Largent
Mascara
Myrick
Peterson (MN)
Ros-Lehtinen
Towns
Wilson
Yates

☐ 1352

Mr. FARR and Mr. TORRES changed their vote from "aye" to "no."

So the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. MASCARA. Mr. Speaker, at the time of rollcall vote No. 368, passage of the rule on consideration of H.R. 1530, the 1996 national defense authorization bill, I was unavoidably detained while testifying before the Base Realignment and Closure Commission in the Senate Hart Building. I was testifying in strong support of the 911th Air Reserve Station at Pittsburgh International Airport and the Charles E. Kelley Support Facility in Oakdale, both facilities which are in my district. Had I been present, I would have voted "no" on rollcall No. 368.

PERSONAL EXPLANATION

Mr. DOYLE. Mr. Speaker, during rollcall vote No. 368 I was unavoidably detained—testifying before the Base Realignment and Closure Commission and could not return in time to record my vote. Had I been here for the vote, I would have voted "no" on the rule.

ANNOUNCEMENT OF AMENDMENT PROCESS FOR APPROPRIATIONS BILLS

(Mr. SOLOMON asked and was given permission to address the House for 1 minute.)

Mr. SOLOMON. Mr. Speaker, I rise for the purpose of making announcements and also to tell Members there will not be another vote around here until about 6:30 this evening in case they want to leave the floor now.

Mr. Speaker, I wish to inform Members that when the Rules Committee is requested to grant open rules on any of the 13 regular appropriations bills for fiscal year 1996, the rules may include a provision giving the Chair authority to grant priority in recognition to those Members who have caused their amendments to be printed in the CONGRESSIONAL RECORD prior to their consideration.

Members should use the Office of Legislative Counsel to ensure that their amendments are properly drafted. Amendments should be titled, "Submitted for printing under clause 6 of rule 23," signed by the Member, and submitted at the Speaker's table.

Mr. Speaker, it has been our experience so far this year that the preprinting option has worked to the benefit of the sponsoring Members, the committees of jurisdiction, and the general membership alike. It has helped to ensure a more informed and deliberative amendment process on the House floor.

The new House rule requiring the Clerk to assign a numerical designation to each amendment filed in the RECORD has also made it easier for all concerned to identify amendments for reference purposes. We encourage Members to continue to take advantage of this preprinting option.

We also ask Members to score any offset amendments with the CBO in advance since offsetting budget authority numbers will not necessarily achieve an offset in outlays.

PERMISSION TO FILE SUPPLEMENTAL REPORT TO HOUSE REPORT 104–127 ON H.R. 1062, ENHANCING COMPETITION IN FINANCIAL SERVICES INDUSTRY

Mr. LEACH. Mr. Speaker, by direction of the Committee on Banking and Financial Services, I ask unanimous consent to file a supplemental report to House Report 104–127 which accompanied H.R. 1062 and that such report be printed. The supplemental report incorporates, as required by rule XI of the Rules of the House of Representatives, a cost estimate prepared by the Congressional Budget Office of H.R. 1062, as reported and amended by the Committee on Banking and Financial Services.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON SMALL BUSINESS

The SPEAKER pro tempore laid before the House the following resignation from the Committee on Small Business:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
June 13, 1995.

Hon. NEWT GINGRICH,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: I hereby submit my resignation from the Committee on Small Business effective June 13, 1995.

Warm regards,

KAREN MCCARTHY,
Member of Congress.

The SPEAKER pro tempore. Without objection the resignation is accepted.

There was no objection.

ELECTION OF MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Mrs. KENNELLY. Mr. Speaker, I offer a privileged resolution (H. Res. 166) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 166

Resolved, That the following named Members be and they are hereby elected to the following standing committees of the House of Representatives:

Committee on Government Reform and Oversight: Mr. Brewster of Oklahoma.

Committee on Resources: Mr. Pickett of Virginia and Mr. Pallone of New Jersey, both of whom will rank in order after Mr. Ortiz of Texas.

Committee on Small Business: Mr. Skelton of Missouri, who will rank after Mr. LaFalce of New York, and Mr. Baldacci of Maine.

Committee on Transportation and Infrastructure: Ms. McCarthy of Missouri.

Mrs. KENNELLY (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Connecticut?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 94

Ms. DANNER. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 94.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Missouri?

There was no objection.

1993 ANNUAL REPORT OF DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Banking and Financial Services:

To the Congress of the United States:

Pursuant to the requirements of 42 U.S.C. 3536, I transmit herewith the 29th Annual Report of the Department of Housing and Urban Development, which covers calendar year 1993.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *June 13, 1995.*

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain twenty 1-minute speeches on each side.

WE WILL BALANCE THE BUDGET

(Mr. NORWOOD asked and was given permission to address the House for 1 minute and to include extraneous material.)

Mr. NORWOOD. Mr. Speaker, I hold in my hand a petition signed by 137 hard-working men and women from the R&R Manufacturing Co. in Auburn, GA. They signed their names to this paper asking me to vote for a balanced budget. They understand the cost of not balancing our budget. They understand why we must make a shared sacrifice in order to save our children's future. Republicans in the House and Senate understand—we voted to balance the budget. Even the President said he would finally submit a balanced budget—of course he then changed his mind. Maybe he just doesn't understand. But to my friends and neighbors back home like Mr. Jean Withers at R&R Manufacturing, I say this—we listened to what you said in November—we are making the hard choices, and we will balance the budget. It's all about keeping your word. And to my 137 friends back in Auburn, GA, I am keeping my word to you.

INDEPENDENT COUNSEL NEEDED TO INVESTIGATE THE SPEAKER

(Mr. VOLKMER asked and was given permission to address the House for 1 minute.)

Mr. VOLKMER. Mr. Speaker, the winter snows have come and gone, the cherry blossoms have blown away, and a tulip cannot be found around the Capitol. Yet stonewalling by the Ethics Committee has failed to bring an independent counsel to investigate the Speaker. I would like to tell my colleagues that there is one issue that I agree on 100 percent with the Speaker. I believe that we should give him just what he asked for when he raised questions concerning then-Speaker Wright. A 1988 press release stated "The rules normally applied by the Ethics Committee to an investigation of a typical Member are insufficient in an investigation of the Speaker of the House * * *".

Mr. Speaker, it is time that we removed these sinister dark clouds that hang over these Chambers: We need an independent counsel. I can not say it better than you did in 1988, "It is vital that the Ethics Committee hire outside counsel and pursue these questions thoroughly. The trust of the public and the integrity of the House will accept no lower standard."

□ 1400

REPUBLICANS COMMITTED TO SAVING MEDICARE

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, Medicare's trustees warn that the Medicare system will be bankrupt in just 7 years in 2002.

That means that if you are 58 today—there might be no Medicare for you when you turn 65.

If the system goes bankrupt, Medicare does not have the authority to pay the hospital bills of any one senior citizen, let alone the 37 million senior citizens and disabled who will depend upon it.

That is the challenge all Americans face.

Republicans are committed to preserving, protecting, and saving Medicare.

We urge the President to join us in this effort.

HOLLYWOOD AND TV ARE NOT THE CAUSE OF OUR PROBLEMS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, more American children can name all the Teenage Mutant Ninja Turtles. Most of them cannot name the last three Presidents. More Americans watch Rush Limbaugh, Donahue, and Equal Time each week than watch C-SPAN all year. No doubt America is addicted to TV and Hollywood, which causes some experts to believe that the TV and Hollywood are the problems of the violence in America. I disagree, folks. I think TV and Hollywood are nothing more than a mirror image of our society, and, in fact, I think the Congress, instead of investigating Hollywood and television, should look at our policies about jobs. It is about jobs, Congress. Mom and dad with jobs, mom and dad will change America, not Capitol Hill nor Hollywood.

I would like to say this: Americans with jobs are not hanging out on the street corner. Jobs create family strength, and community pride. Investigate jobs and loss of jobs, Congress.

Let Hollywood and TV take care of themselves.

CLINTON EDUCATION CUTS

(Mr. KNOLLENBERG asked and was given permission to revise and extend his remarks.)

Mr. KNOLLENBERG. Mr. Speaker, our Democratic colleagues continue to distort our plan to balance the budget.

Specifically, they have—in demagogic fashion—argued that our budget plan will devastate education in our country.

In reality, our budget plan will protect important programs and consolidate and eliminate those that are duplicative and inefficient.

Before attacking our efforts to balance the budget and lower taxes on working families, I ask that my Democratic colleagues review the administration's 1996 budget request for the Department of Education.

The President proposes cutting the Department's budget by 9.8 percent and eliminating 30 percent of its programs.

Contrary to his rhetoric of late, the President's budget seems to acknowledge that we should streamline Federal education programs.

Mr. Speaker, I urge the President and my Democratic colleagues to quit playing politics-as-usual and begin working with us to balance the budget.

It is time to quit playing games and get down to the real business at hand.

WE DO NOT NEED MORE B-2'S

(Mr. JOHNSON of South Dakota asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JOHNSON of South Dakota. Mr. Speaker, the 1996 defense authorization bill before this House today repeals current law that limits the number of B-2 Stealth bombers that may be produced at 20 planes and lifting the current $44 billion spending limit.

Mr. Speaker, witnesses on behalf of the Air Force, both civilians and uniformed service, have repeatedly indicated to us that they do not want these bombers, that the Joint Chiefs of Staff repeatedly have testified that they do not want to purchase more B-2's.

There is no money programmed in anyone's budget plan to pay for the out-year costs that will be forced by the bill's provisions to build more B-2's. This will cost $38.2 billion over 20 years, and the highly regarded Institute for Defense Analyses has indicated that that money would be better spent on precision guided munitions and conventional munitions upgrades to the B-1 Bomber.

Mr. Speaker, what could that same amount of money be better used for, if not for deficit reduction? Then, alternatively, that same amount of money would immunize every child in the United States, fully fund Public Broadcasting for 10 years, restore all education funds and be better used for the people of this country.

WHERE ARE THE PRESIDENT'S IDEAS?

(Mr. HAYWORTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYWORTH. Mr. Speaker, it was nice to see the President sit beside the Speaker of the House and agree that the Medicare trust fund has serious problems that need to be fixed before it goes broke by the year 2002. It was encouraging to see the President agree that Medicare cannot survive under the status quo—that changes are necessary to preserve, protect, and save Medicare.

But Mr. Speaker, where are the President's ideas? Where are his solutions? Where are the ideas of my liberal Democrat colleagues in the House? It is easy to stand around and talk about a problem, but it takes real leadership to actually work to solve a problem.

Mr. Speaker, Republicans are showing leadership by producing real solutions to the real problems facing Medicare today. If the Clinton Democrats want to be relevant, I say it is time to put up or shut up. It is time to act responsibly and offer solutions, not criticisms.

OFFERING SOME SOLUTIONS

The SPEAKER pro tempore. For what purpose does the gentleman from Massachusetts rise?

Mr. FRANK of Massachusetts. I ask unanimous consent to offer some solutions, for 1 minute.

The SPEAKER pro tempore. The gentleman is recognized for 1 minute.

Mr. FRANK of Massachusetts. Mr. Speaker, well, one solution to the problem would be not to build more B-2 bombers that we do not need, not to build more Sea Wolf submarines, not to add billions to the President's budget for defense, and instead put that into Medicare.

Medicare does need some help, and if the Republicans would stop increasing military spending beyond what we need and instead use it for Medicare, that would help, in particular.

We heard the most astounding thing today. The chairman of the Committee on Rules said that an amendment offered by the second ranking Democrat on the Committee on Armed Services could not be debated, and it would have allowed the House to vote on whether or not we should add $9 billion over the President's request for the military.

They want to raise the budget by $9 billion in that regard, and the chairman of the Committee on Rules said, "Oh, no, it is too delicate. We are negotiating now with the Senate, so we cannot let you vote on it." In other words, to preserve their negotiating position with the Senate, apparently knowing that it is a weak one, they will muffle this House, they will stifle this House.

And so you want to help Medicare? Do not waste that $9 billion. Use it where it is needed.

INTRODUCTION OF H.R. 1764, AN ACT TO END PREFERENTIAL TREATMENT

(Mr. FUNDERBURK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FUNDERBURK. Mr. Speaker, of all of the ideas invented by the American left, none has been more destructive to the American notion of fair play and equal justice than affirmative action. It has changed America from a country grounded in individual rights to one where justice is determined by what is done for and to one's racial or ethnic group.

Discrimination is wrong, period, and affirmative action is nothing more than discrimination with the Federal seal of approval. That is why on June 7, I introduced H.R. 1764, an act to end preferential treatment. Based on the California Civil Rights Initiative and introduced in the other body by Senators HELMS and SMITH, H.R. 1764 eliminates all Federal affirmative action programs in public employment, public contracting, and programs providing race-based benefits in education. H.R. 1764, puts America on the colorblind path envisioned by true believers in civil rights. It puts us on the road where skill and initiative determines an American's future, rather than skin color or where his parents came from.

Mr. Speaker, it really is long past time to end affirmative action. Support H.R. 1764, and put America back where it belongs.

HEALTH CARE REDUCTIONS, TAX BREAKS FOR SPECIAL INTERESTS

(Ms. WOOLSEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Speaker, Republicans continue to talk about the tough choices they have had to make in crafting their budget. I agree. Choosing to take health care away from our seniors in order to pay for special interest tax breaks is certainly a tough choice, and I cannot understand why they made it.

Why did they choose lower payments to hospitals in order to give tax breaks to large corporations? Why did they choose higher premiums and higher copayments for seniors of all income levels, in order to lower taxes for the most affluent? Why are they giving seniors fewer choices of doctors so that gas and oil companies get away with paying no taxes?

Mr. Speaker, only in Republican Washington is this reckless attack on our seniors called a reduction in the rate of increase.

PRIORITIES OF FEDERAL ASSISTANCE IN OKLAHOMA CITY

(Mr. McINNIS asked and was given permission to address the House for 1 minute.)

Mr. McINNIS. Mr. Speaker, as we know, there was a horrible tragedy in Oklahoma City, and our Federal Government has responded accordingly, as they do to other natural emergencies or manmade emergencies. They go down and offer assistance to help the affected area rebuild, and that is exactly what they have done in Oklahoma City.

First of all, keep in mind what is above the Speaker. It says, "In God we trust." The Federal Government went down there and said to the businesses in Oklahoma City, "Whether you own a saloon, whether you own a moviehouse that shows X-rated films," not exactly regardless, but almost regardless, "we will help you rebuild. There is one exception. The only people trust will not help rebuild in Oklahoma City are churches. Churches, don't you come to the Government and ask for one penny. Forget the fact that you were the temporary mortuary. Forget the fact the FBI used you as a headquarters. Forget the fact you suffered damage like every other business in Oklahoma City. We are the Federal Government. We will help the local saloon. We are not going to help the local church."

What do you call this? In God trust? What a great thing to hear about the Federal Government: Not one penny for a local church.

RESUMPTION OF NUCLEAR TESTING BY FRANCE IN THE SOUTH PACIFIC WOULD RAISE DEEP CONCERNS

(Mr. UNDERWOOD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. UNDERWOOD. Mr. Speaker, I rise today to express my deep concern about the possible resumption of nuclear testing by the Government of France in the South Pacific.

Not only does the resumption of testing raise serious environmental concerns for the people of the Pacific who have unfortunately gained a firsthand appreciation of the hazards of nuclear weapons over the past 50 years, but this issue has a larger international dynamic.

Only a few weeks ago, some 170 nations agreed to extend the Non-Proliferation Treaty indefinitely. Central to that decision was the expectation that the nuclear weapons states would complete a comprehensive nuclear test ban on all nuclear testing no later than 1996 and that they will refrain from testing until that time.

A resumption of French testing will destroy this historic opportunity and seriously undermine international efforts to curb the proliferation of nuclear weapons. With the recent Chinese nuclear test, this is the time to stand our ground and affirm our leadership on the nuclear test ban issue.

Today, I am initiating a letter to President Clinton urging him to receive assurances from French President Jacques Chirac in their meeting tomorrow that France will continue its current testing moratorium. I encourage my colleagues to join me in signing this important letter. Let us say bon jour to the President, but au revoir to French testing.

LIBERALS OFFER NO IDEAS, ONLY FEAR

(Mr. BAKER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BAKER of California. Mr. Speaker, President Franklin Roosevelt said "We have nothing to fear but fear itself."

Winston Churchill told the British people, "I have nothing to offer but blood, toil, tears and sweat."

The liberals in this chamber have decided to put those two bold and spirited quotes together to come up with their new motto, "We have nothing to offer but fear itself."

Everyday we see a parade of liberals come down to the well, not to shed light and clarify, but to distort and sow fear.

They tell seniors we are slashing Medicare, when the truth is that we are increasing spending on Medicare by 33 percent per senior over the next 7 years.

They tell children we are going to take their lunches away, when the truth is we will spend more on them, 4.5 percent more each year.

They tell students we are going to cut student loans, when the truth is we are strengthening the student loan program.

All the liberals offer is fear. No ideas. No plans of their own. No leadership.

What would Franklin Roosevelt think.

AFFIRMATIVE ACTION

(Mr. LEWIS of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Georgia. Mr. Speaker, I rise today to express my concern over Monday's Supreme Court decision on affirmative action. I believe this ruling sends the wrong message.

I believe there is no justification in diminishing the power of the Federal Government in building a diverse workplace and ensuring opportunity for all Americans.

Mr. Speaker, the American people should know that affirmative action does not promote unqualified people and firms into jobs and institutions. Instead, it has provided minorities and women equal access to education, jobs, and contracts.

Affirmative action is an important tool to address the persistent dilemma of racial and gender inequality and discrimination. Now more than ever before, we need affirmative action because the scars and stains of racism and bigotry are still deeply embedded in the American society. We cannot go back and we must not go back.

MEDICARE IS IN DANGER

(Mr. WELDON of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELDON of Florida. Mr. Speaker, Medicare is in danger. President Clinton's own trustees say Medicare will be broke in 7 years. Seven years. That means that if your parents, or grandparents, are 58 years old, there will be no Medicare for them when they become eligible at age 65.

Mr. Speaker, our senior citizens depend on Medicare for their day-to-day medical needs. Republicans are determined to ensure that they can continue to depend on it by strengthening and protecting the current Medicare system.

We will cut the waste and fraud from Medicare and increase the amount we spend on each recipient. We will create a series of new choices within the current system so seniors are not forced into a system they do not want.

Mr. Speaker, the bottom line is, seniors want a Medicare system that offers the best care at the lowest cost and gives them maximum control over their own health care. Republicans will give them that system.

NATIONAL LABORATORIES

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, the Republican budget plan makes drastic cuts in high-tech energy research at our National Laboratories. It cuts the fossil energy and energy conservation research and development by more than half. This is shortsighted and wasteful.

These cuts will come at a time when Labs such as those at Las Alamos and Sandia in my home State of New Mexico are making critical breakthroughs in the civilian applications of research in areas such as energy production and conservation, pollution control, and pharmaceutical design.

In addition to their important work in technologies which provide for our national security, these research developments will make American industry more efficient and safer for the environment, as well as more competitive in the global market.

Competitive American industry means more jobs for Americans, Mr. Speaker. Our National Labs are essential to this goal.

EVEN THE PRESIDENT SAYS THERE HAVE TO BE SOME CHANGES

(Mr. HOKE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOKE. Good news, America. We are finally going to get to the point in the Medicare debate where we are going to actually talk about the facts.

As you know, back in March the Medicare trustees said the fund is projected to be exhausted in 2001, and yet we have heard repeatedly the big lie, that Republicans are slashing Medicare. In fact, finally the President has said just yesterday—well, it was on Sunday that he said, "No one seriously believes that the budget can be balanced unless we can reduce the rate of increase in Medicare costs," and then he went on to say, "As you know, I believe—well, let me say there are going to have to be some changes. We cannot leave the system the way it is. There have to be some changes."

Thank goodness. Finally we are going to be able to talk rationally about this, come up with solutions, work together in a bipartisan way and stop throwing stones, as we have seen in the well here for the past several months on Medicare. It is not a political issue; it is a policy problem for the senior citizens of this country and for the next generation as well.

WHY I OPPOSE THE KASICH AMENDMENT

(Mr. DICKS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DICKS. Mr. Speaker, I rise today in very strong support of the funding provided in the House Committee on Armed Services bill for long-lead funding for three additional B–2 bombers. I served on the Defense Subcommittee for 17 years and remember well when President Carter and Secretary Brown made the decision to go ahead with the stealth bomber.

I am convinced that in the Gulf War one of the reasons that we were able to win the war quickly and convincingly is the effective work of the F–117, the stealth attack aircraft. It was able to go into the most heavily defended areas and with 2,000 pound precision-guided munitions take out enemy surface-to-air missiles. That is an amazing capability.

The B–2 has 8 times the carrying capacity of the F–117. It can go 6 times as far. I am convinced that in the future it presents us with the potential of a conventional deterrent. If we load it up with smart conventional weapons, we can stop an enemy division from invading in the future into Kuwait.

So, Mr. Speaker, I hope we will support the committee and oppose the Kasich amendment.

REPUBLICANS PLEDGED TO SAVE MEDICARE

(Mr. DAVIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAVIS. Mr. Speaker, here is a quote from the Medicare trustees report: "Under all sets of assumptions, the trust fund is predicted to become exhausted even before the major demographic shift begins."

In other words, the trustees have considered the impending bankruptcy of Medicare from many different angles and have concluded that, no matter what calculations are used, Medicare is going broke. Not only is Medicare going broke, it will go broke even before the baby boomers begin to retire. In fact, it will be bankrupt in about 7 years, if nothing is done.

Mr. Speaker, saving Medicare is not about calculus. It is not about numbers. It is about people who are 58 years old today who will not have the benefit of Medicare when they retire in 2002. It is about our parents and grandparents whose health care needs are met today because of Medicare.

Republicans will not let Medicare go broke. We are acting to protect, preserve, and save Medicare. And, we will not break faith with the generation that guided America through the Depression, a world war, and the cold war.

CHANGING THE DIET THAT IS POISONING THE MINDS OF OUR CHILDREN

(Mr. MORAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORAN. Mr. Speaker, Americans have been reading much about the violence, the sex, the vulgarity that is on the media today. It is a constant diet, and it is children that are consuming that diet.

We will offer legislation to the telecommunications bill when it reaches the floor, and I would hope that my colleagues would support that legislation because what it does is to empower parents to block out programs that contain explicit violence, gratuitous sex and vulgarity, even when those parents are not able to be home looking over the shoulders of their children to see what they are watching.

We require that a V chip be inserted in all new manufactured television sets. This is not a burdensome requirement when produced in quantity. It is only about $5 per television set, but it is the kind of technology we ought to use to change the diet that is poisoning the minds of our children day in and day out.

Mr. Speaker, I would appreciate my colleagues' support for this measure.

INCREASES IN MEDICARE AND MEDICAID WHILE REDUCING THE RATE OF GROWTH

(Mr. CUNNINGHAM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CUNNINGHAM. Mr. Speaker, I would like to read the words of President Bill Clinton:

> Today Medicaid and Medicare are going up at three times the rate of inflation. We propose to let it go up at two times the rate of inflation.

That is about 6 percent. The House bill is 5 percent, the Senate is 6 percent, the same exact thing as Bill Clinton said.

> That is not a Medicare or Medicaid cut. So, when you hear all this business about cuts, let me caution you that that is not what is going on. We are going to have increases in Medicare and Medicaid and reduction in the rate of growth.

And the President said, "Well, I tied that to a health care bill." Well, remember the President's health care bill got zero votes from any Democrats or Republicans?

We need to save the health care system, revise insurance and tort reform and others but, yes, we are going to increase the amount of Medicare spending from $4,800 to $6,400 per person, and they said, "Well, is there pain?"

Think about the pain of a senior citizen on a fixed income having to increase their Medicare premiums by 300 percent. They cannot do it. We need to protect the system.

WHITE HOUSE WEATHER VANE HAS SHIFTED AGAIN

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, meanwhile, back at the White House, the weather vane has shifted again. After months of silence, inaction and a game of where is Bill, the President has decided to enter the balanced budget debate.

I ask, "Well, isn't that a risky thing to do? The House has already passed its balanced budget, the Senate has already passed its balanced budget. Why not go ahead and place a bet on the Houston versus Orlando game while you're at it, Mr. President?"

But, as my colleagues know, it is going to be typical, a 5-minute speech to balance the budget, no words, no chart, no math, no particular plans, just words, words from this administration.

Well, that is reassuring. But I welcome his reemergence. We need to have a debate, and, even if it is after the fact, let us get on with it.

RESTORE AMERICAN PATENT RIGHTS TO THE AMERICAN PEOPLE

(Mr. ROHRABACHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROHRABACHER. Mr. Speaker, unbeknownst to most Americans and many of my colleagues, a provision was snuck into last year's GATT implementing legislation that dramatically reduces the certain patent protection enjoyed by Americans, American investors and American inventors for over 100 years. It was a rip-off of the control and benefit of technology that was created by our own people and by the technology that was created by the investors who helped finance that technology.

I have a bill, H.R. 359, with 168 cosponsors, to restore America's patent rights before the damage is done. Well, while my bill is being held hostage and prisoner by the subcommittee, and no one has been able to hold a hearing on my bill with 168 cosponsors, adding insult to injury, another bill has been heard, and what does this bill do?

This new piece of patent legislation, and get this, Mr. and Mrs. America, said, "If our inventors file for a patent, 18 months after they file, whether they are issued or not, the patent, the patent is published, meaning the whole world is going to get to see what our inventors and investors have come up with even before the patent is issued." It is a come in here and steal our technology bill.

That piece of legislation has to stop. Restore American patent rights to the American people.

OUR PILOTS ARE WORTH IT

(Mr. HUNTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUNTER. Mr. Speaker, my colleagues, today we are going to be voting on a very important measure, the measure offered by the gentleman from California [Mr. DELLUMS] and the gentleman from Ohio [Mr. KASICH] to cut the B-2 bomber, and that vote, I think, is very much related to an incident that happened just a few days ago, and that was the shooting down of the F-16 aircraft that was carrying our pilot, Scott O'Grady, over the skies of Bosnia.

During Vietnam, Mr. Speaker, we lost 2,300 aircraft, shot down, most of them picked up on SAM radar, surface-to-air missile radar, made in the Soviet Union, and hit by SAM missiles. So we developed a new technology, an ability to evade radar. That is a stealth technology that is embodied in the B-2 bomber.

If we deny the B-2 bomber to our pilots, we are going to be doing something we never did in the history of American aviation, and that is tell our pilots and the crews that we had a system that could have protected them, but we did not do it. We did not buy it because we thought it was too expensive and they were not worth it.

THAT IS THE REST OF THE STORY

(Mr. WISE asked and was given permission to address the House for 1 minute.)

Mr. WISE. Mr. Speaker, I have waited and heard a lot about Medicare, people saying there are distortions coming from this side of the aisle and so on. As noted radio commentator Paul Harvey says, "Let's hear the rest of the story."

For those who say the President's remarks the other day with the Speaker said there must be Medicare cuts, the President has always said that Medicare must be restructured, but in the context of total health care and bringing total health care costs down.

To those who keep holding up the bloody shirt of the trustees' report, but let me say that that trustees' report, and indeed one of the trustees, has said, "You can solve Medicare's problems by cutting far less than what the Republican balanced budget proposal does."

For those who say that it is really we who are talking about increases in Medicare, not cuts, what about the senior citizen who will pay $3,500 more out of pocket over the next 7 years, pay more deductibles and copayments?

The rest of the story is very clear. All these reductions in Medicare go not to balancing the budget, but to paying for a tax cut for the wealthiest individuals, mostly the wealthiest individuals in this country. One and a half percent of the people get 51 percent of the tax cut benefits, and yet a hundred percent of senior citizens end up paying up to $3,500 more.

Now that is the rest of the story.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. WICKER). As 1-minute speeches have almost concluded, the Chair will again remind Members to refrain from references and debate on matters pending before the Committee on Standards of Official Conduct.

☐ 1430

DEEP CUTS NEEDED IN AID

(Mr. BURTON of Indiana asked and was given permission to address the House for 2 minutes and to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, last week I offered an amendment to the foreign aid bill to cut the Agency for International Development's operating expenses by $69 million from the Committee on International Relations recommendation of $465 million. The committee cut the administration's request by just 10 percent. My amendment would have cut the administration's request by 23 percent from what AID received in 1995.

Unbelievably, that amendment was defeated. Those who opposed it said AID would not be able to economize and prioritize under such a reduced budget and would have to close down.

That is just hogwash, Mr. Speaker. If congressional committees can reduce their staffs by 30 percent and the General Accounting Office can reduce its staff by 15 percent, then AID, the most notorious abuser of taxpayers' dollars, can cut its operating expenses by 23 percent.

Since 1985, AID's program costs have gone down by 23 percent, yet their operating expenses, even though they have had their program costs go down, their operating expenses have increased by 41 percent.

AID should have to tighten its belt just like everybody else in this country and Government. Listen to what Sally Shelton, a senior staffer at AID, said in a message she sent to the AID's field offices:

> Larry Byrne, the Assistant Director of AID, announced that AID was 62 percent through this fiscal year, and we have only spent 38 percent of the dollar volume of procurement actions completed. We need to do $1.9 billion in additional spending in the next five months. There are large pockets of money in the field, so let's get moving.

In essence what they are saying is they want to blow $1.9 billion as quickly as possible because they are two-thirds of the way through the year and they have only spent one-third of the money.

AID is on a spending orgy. It needs to be stopped and I call on my colleagues on the Appropriations Committee to do the right thing and make deeper cuts in AID.

RESTRICT AID UNTIL RUSSIA ENDS WORK ON BIOLOGICAL WEAPONS

(Mr. DORNAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORNAN. Mr. Speaker, I guess all of the people who track our proceedings electronically before they pour over the written CONGRESSIONAL RECORD the next day, Mr. Speaker, are aware we have taken a break to pay homage to a beloved Member of this Chamber for 20 years, Les Aspin, the former Secretary of Defense, and who was heading up an important intelligence reform committee when God took him.

He is now in heaven, because he was a good man, talking to all those Rangers and Delta Special Forces guys in the 160th Special Ops Aviation Regiment at Fort Campbell, the world's very, very best helicopter air crews, he is talking to all those guys and working out what went wrong, that our men did not have their gunships overhead, their Spectre Hercules AC–130 gunships and did not have tanks. I guess Les has found out by now what laws were violated that we had two Bradley fighting vehicles and two M–1 Abrams tanks at Waco, four armored vehicles, against U.S. law, posse comitatus, no military equipment to ever be used against civilians. Why did not they have a F–16 fighter roll in and strafe Waco, just outside, to scare them, and make them all run out choking with tear gas, which, of course, 22 children could not do.

So there are a lot of things that went wrong under Les in the end. But you have to take a man's whole life, and Les's whole life was one of great activity and work and dedication to his country.

I wish this defense bill was not so critical, I am glad I am a chairman, one of FLOYD SPENCE'S five subcommittee chairmen, but I have got to say here and prepare for the debate, and that is what I want to talk about.

We will have an amendment coming up, Mr. Speaker, and all colleagues listening in their offices and all staffers listening and 1.5 million people watching on C–SPAN, on the Soviet continuing ongoing effort to develop weapons of mass destruction in the ugly area of biological warfare. So here is my "Dear Colleague." It saves some of you who will miss reading it.

Dear Colleague: I will be offering an amendment today, not this week, with the support of the leadership of the National Security Committee, that would restrict cooperative threat reduction aid, a good idea, to the former Soviet Union. Restrict it, unless and until President Clinton certifies to Congress that Russia has terminated all work on offensive biological weapons. No such thing as defensive biological warfare. Senator SAM NUNN and Senator RICHARD LUGAR, both parties, their funding is designed to reduce the threat of weapons of mass destruction being used against our country or our allies by assisting our former enemy, the Russians, in dismantling their systems.

Unfortunately, the record of Russian compliance with the intent of this aid is very poor indeed. In the area of biological weapons, that is hot zone stuff, weapons that can be cheaply, cheaply manufactured and easily proliferated to potential U.S. adversaries, their record is dreadful. Consider the following regarding continued Russian work under Yeltsin on offensive biological weapons, sometimes known as the poor man's atomic bomb.

Russia continues to invest in biological weapons. In 1993, according to press reports, defecting Russian scientists, quoting from the Washington Post, Vladimir Pasechnik, revealed that the Soviet Union and Russia had violated the 1972 Biological Weapons Convention, we are signatories, that outlaws the development or production of bacteriological weapons by continuing to produce such weapons. Pasechnik had recently served in an organization known as Biopreparat, with about 400 other scientists working on genetic engineering of germ weapons.

This is sick in the sense of civilization, it is diabolically evil. Four hundred scientists working on it.

This defector claims Russia has developed a super plague, this means beyond the Ebola virus, beyond the AIDS virus, a super plague, that could kill half of the population of a major city in 1 week. Former CIA Director Robert Gates testified in 1993 that the CIA believes the Russian military is continuing to work clandestinely on illegal biological weapons without the knowledge of Russian civilian leaders.

End of Post story, not know as an organ of the dispensing of conservative information.

I close, Mr. Speaker, by saying we are spending hundreds of millions of taxpayer dollars on a program to reduce the Russian nuclear threat, yet they continue to work on offensive biological weapons.

This amendment of mine does not stop or reduce the aid, the Nunn-Lugar aid. Now that we are in the majority, you can call it Lugar-Nunn. It only conditions it on certification that such work on biological weapons has been terminated. I urge a yes vote on the Dornan language on this biological weapons program.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the House stands in recess until 3:30 p.m.

Accordingly (at 2 o'clock and 39 minutes p.m.), the House stood in recess until 3:30 p.m.

AFTER RECESS

□ 1533

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. TALENT) at 3'o'clock and 30 minutes p.m.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1996

The SPEAKER pro tempore. Pursuant to House Resolution 164 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1530.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1530) to authorize appropriations for fiscal year 1996 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1996, and for other purposes with Mr. EMERSON in the Chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from South Carolina [Mr. SPENCE] and the gentleman from California [Mr. DELLUMS] will each be recognized for 1 hour.

The Chair recognizes the gentleman from South Carolina [Mr. SPENCE].

Mr. SPENCE. Mr. Chairman, pursuant to section 5(c) of House Resolution 164, I request that during the consideration of H.R. 1530, amendments number 1 and 2 printed in subpart B of part 1 of House Report 104–136 be considered before amendment number 1 printed in subpart A of part 1 of that report.

The CHAIRMAN. The gentleman's request is noted.

Mr. SPENCE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 1530, the National Defense Authorization Act for fiscal year 1996.

This bill is the first since the end of the cold war to truly look to the future while not ignoring the present. Much has changed since the fall of the Berlin Wall and the collapse of Soviet communism, but much remains the same.

First and foremost, the United States is still a superpower with global, political, economic, and moral interests. Yet none of these can be protected, nor promoted, without a strong military. We still live in a violent world: from ethnic conflicts to regional wars, the United States has faced and will face a host of challenges to its national interests.

Nor have all the changes we have seen in the post-cold-war world been benign. The crumbling of communism has rekindled rivalries and hatreds frozen in place for decades. In Asia, Africa, Europe, and even here in the Americas, armed force remains the ultimate arbiter of political disputes.

The Clinton administration has responded to this growing chaos with an ambitious but ill-defined strategy of engagement and enlargement. The President has resolved to be able to fight and win two nearly simultaneous major regional wars in the decisive fashion Americans demand. Moreover, this administration has taken on an increased number of commitments in the form of a wide range of U.N.-led peace operations.

While asking more of our soldiers, sailors, airmen, and marines, the administration is simultaneously giving them fewer tools to work with: fewer troops, fewer new weapons, fewer training opportunities. What was once a cautious and disciplined reduction in American forces has plunged into a decade of defense decline—a decline that has created a dangerous $250 billion gap between strategy and resources. The administration can neither honor its present strategic commitments nor prepare for future challenges.

For the first time in a decade, the defense authorization bill says—STOP. Stop the slide in defense spending. Stop the dissipation of our military power on futile missions. Stop the postponing of proper training. Stop the decline of our defense industrial base. Stop the erosion of servicemembers' quality of life. Stop frittering away defense resources on nondefense research. Stop the shell game that is mortgaging long-term modernization needs in order to plug holes in underfunded near-term readiness and quality of life accounts.

This bill also starts the process of revitalizing America's defenses. Be sure that American soldiers are under American command. Set a clear course for stable and predictable defense spending. Provide the men and women who wear an American uniform with adequate training. Preserve the technological edge that is a force multiplier and saves lives. Guarantee a decent standard of living for them and their families. Protect our troops abroad and Americans here at home from the threat of ballistic missiles.

This bill's efforts to bridge the growing inconsistencies between strategy and resource, and therefore begin a meaningful revitalization of our defenses, rests on four pillars:

First, it improves the quality of service life by raising pay, enhancing housing benefits, increasing construction of family housing and prohibiting deeper cuts in manpower levels.

Second, It preserves near and far-term military readiness by more robustly funding core readiness accounts and by creating a mechanism for funding the growing number of unbudgeted contingency operations from non-readiness accounts.

Third, it dramatically increases weapons modernization funding in response to the administration's having mortgaged these programs to address near-term shortfalls. Modernization will help to ensure cutting edge technology on the battlefield in the future, as well as a viable industrial base to provide this technology.

Fourth, it begins to aggressively reform the bloated and unresponsive Pentagon bureaucracy by reducing a growing civilian Secretariat as well as the acquisition work force, streamlining the procurement process, and eliminating nondefense research and encouraging privatization initiatives. This last pillar, in particular, is essential for generating longterm savings needed to maintain American military might over time as well as creating a more agile Defense Department able to respond in a timely manner to new challenges. Our men and women in uniform, and certainly the taxpayers, deserve no less.

These four pillars are central to a sound defense program, one that can begin to bridge the gap between strategy and resources. This bill protects the peace we have won in the cold war and prepares us to prevail quickly and decisively in the future. I urge my colleagues to support H.R. 1530. It is a bipartisan bill on an important set of bipartisan issues.

Mr. Chairman, I reserve the balance of my time.

Mr. DELLUMS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to the recommendation of the Committee on National Security on the bill before the body at this time, H.R. 1530, as amended.

Mr. Chairman, the overall level of expenditures contained within the bill is too high, even though within the budget resolution limits. The bill's spending returns us to cold war priorities, and numerous provisions promote extreme agendas on major social issues.

Deliberation on the bill has been so frustrated that the committee's well-developed and well-earned legacy of bipartisanship has tattered because of the unwillingness sincerely to solicit administration and alternative views.

H.R. 1530 contains numerous and sweeping provisions that have been developed without, Mr. Chairman, and I underscore for emphasis without, the benefit of full consultation with the administration and others, and have not been illuminated properly even by the subcommittee's and full committee's hearing process. These include initiatives and personnel matters, weapons procurement, research and development, foreign policy initiatives, and acquisition reform.

The committee, Mr. Chairman, would embark upon an extraordinary costly program to purchase new B-2 bombers, even after all of the testimony the committee received by the Department of Defense and the services concluded that additional B-2's were not needed, and that their purchase would crowd out other higher priority programs.

Yes, we will later today debate more fully this issue, but the inclusion of funding for additional B-2's is sufficient reason alone to reject this committee report.

Parenthetically, Mr. Chairman, this bill contains $553 million to begin long-lead items for two additional B-2 bombers that ultimately results in an effort to build 20 additional B-2 bombers. At a time when we just came through a budget process that will visit pain and human misery by virtue of the draconian cuts in that budget upon the children of this country, mothers in this country, senior citizens in this country, veterans, and farmers, and others in America, this bill calls for beginning to go down the road toward the expenditure of $31.5 billion to build 20 planes, $19.7 billion to build them and to equip them, $11.8 billion to operate and maintain them throughout the life cycle of that plane. At a time when we are in community meetings saying we must visit pain upon all of America in order to balance the budget, $31.5 billion, the Secretary of Defense said no, we do not want them, we do not need them. The chair of the Joint Chiefs of Staff and the vice-chair know we do not want them, know we do not need them.

□ 1545

An independent study by the Institute for Defense Analysis: "No, we don't need them, we don't want them, we can't afford them, and there are cost-effective alternatives." An independent role and missions study said, "No, we don't want them, no, we don't need them."

But this bill, we start down the road toward a $31.5 billion expenditure to the American taxpayer. Mr. Chairman, the bill places more resources towards weapons acquisition, despite clear testimony by Secretary Perry that the Department has a procurement strategy that will secure the timely modernization of the weapons inventory and guarantee future readiness.

Rushing to replace weapons that are fairly young both wastes taxpayers' dollars and could, indeed, spark a new arms race.

The majority made several assurances that it was not their intention to now develop theater missile defense nor national missile defense systems that would not comply with the ABM Treaty nor to cause a breakout from the treaty through the Missile Defense Act rewrite. Yet in spite of those assertions, Mr. Chairman, all attempts to have the committee bill conform to the ABM Treaty or to limit development activities that would violate the treaty were successfully resisted by the majority.

I would submit to you, Mr. Chairman, that anytime we proceed to move beyond significant treaties, we ought to do so thoughtfully and cautiously and carefully. And if my colleagues are saying they do not wish at this time to violate the ABM Treaty, why not a simple inclusion of propositions that maintain the integrity of the ABM

Treaty? That was not done. I leave that for your consideration and to draw whatever conclusions you choose to draw.

Mr. Chairman, part of the bill payers for the acquisition surge were vitally important environmental cleanup programs that the Departments of Energy and Defense are required by law or by litigation to complete and for which it is our obligation to provide them the funding. None of the amendments that would restore these funds were made in order.

Mr. Chairman, at a time when bases are closing throughout America, at a time when there is need to clean up those bases that we dirtied, in order to allow communities to take that land and property and go forward with community and commercial higher and better use, we are saying we are cutting environmental programs designed to clean up those facilities, rendering some communities in this country impotent in their capacity to take that land and build schools and playgrounds and develop commercial activities throughout America in order to allow us to move beyond the politics of the cold war. In order to develop a vibrant economy that speaks to the post-cold war, we cut funds. That logic of that defies understanding, and it escapes this gentleman.

Part came from dual-use programs that are being used to position the industrial base to be able to support fully the emerging defense industrial challenges of the century to come. Such shortsightedness, Mr. Chairman, in cutting these funds in order to pay in part for lower-priority cold war-era weapons should be rejected by the House.

We must begin to embrace the concept of conversion. How do we move from a cold war military-reliant economy to a post-cold war economy? I would suggest to you, Mr. Chairman, it means embracing the principles of conversion. How do you move from building B-2 bombers to building efficient, effective mass transit systems? How do you move from building weapons of mass destruction that rain terror and pain and human misery on people to enhancing the quality of human life? That is our challenge. That requires the highest and the best in our intellectual and political capability and understanding.

The dual-use technology program was one of those specific efforts to move toward conversion, to go from swords to plowshares in very specific terms. Yet we challenge these programs. The logic of that defies understanding.

Further, not all of the programs with the bill are money spending programs, Mr. Chairman: abortion, HIV status, El Salvador medals to people when we told people we in America were not waging war in El Salvador. Suddenly now we want to give medals. We are saying we really were involved in the war in El Salvador? That is in this bill.

Other contentious items were placed in the bill without benefit of committee inquiry. Mr. Chairman, I know I have my politics. We all have different politics. That is the nature of the political system is to engage each others' different perspectives and different points of view, derive a consensus and move forward, but because we are legislators, we have designed a specific legislative process that allows us to engage these issues substantively at the subcommittee and full committee level prior to consideration on the floor of Congress.

Many of these issues were never dealt with significantly at the subcommittee or full committee level. The process is flawed.

The committee squeezed $171 million from the Nunn-Lugar nuclear weapons dismantlement program to finance projects and weapons systems of less effective value to the Nation's security, despite Secretary Perry's statement that this program was one of his highest priorities.

Mr. Chairman, this program is designed to dismantle nuclear weapons developed by the former Soviet Union. We were spending, in the decade of the 1980's, in excess of $300 billion per annum in order to prepare to potentially wage war, even the insanity of nuclear war, with the Soviet Union.

Now, for a measly few dollars in a multibillion-dollar budget, we cut $160 million that would dismantle these weapons.

What could be more in the interests of the children of this country than to dismantle nuclear weapons from the former Soviet Union? The economics of that defies logic, but we take this money to purchase more weapons.

And I will argue in the context of the B-2 that is not about national security. It is about where the weapons are built, where the weapons take off and where they land. It is about parochialism. It is not about national security. It is about billions and billions of taxpayers' dollars going in the wrong place when we are denying our children better educations or people in this country better health care and other things. We are purchasing weapons systems that we do not need, that speak to yesterday, not to tomorrow.

Mr. Chairman, the bill directly and adversely affects our long-term national security interests by erecting impediments to participate effectively in U.N. peacekeeping. Clearly, this is a case in which the American people are way ahead of the committee in comprehending the enduring moral value, financial benefit and the advantage generated by having the United States participate fully in peacekeeping efforts in order to control the outbreak of war and violence. What better contribution to the world than, as the major, last-standing supervisor, that we participate with the family of nations in peacekeeping, stopping the slaughter and the violence, ending our capacity to wage war? But, no, we render ourselves impotent in this bill. We impede ourselves in this bill, not through logic and rational thought, but because of political expediency and lack of careful thinking, we deny our capacity to engage in peacekeeping. That is the wave of the future. That is America's role in the future, not conducting war and savagery on other human beings, but because of our rationality and our sanity, learning how to keep the peace in the world. That is a profound role that we have to play. This bill does not get us there.

Mr. Chairman, section 3133 would fund a multipurpose reactor tritium production program that will breach the fire wall between civilian nuclear power and defense nuclear weapons programs with major implications for U.S. nonproliferation efforts and would prematurely anticipate the Secretary of Energy's decisionmaking process to identify the best source of tritium production.

Let me now try to explain briefly the implications of that. This is a multipurpose tritium reactor. We have embraced a principle in the context of our international relations that says that we would not cross the line where commercial use of development of nuclear-capable material could be used for military purposes. That is an important principle in our international understandings with people. That is why we wreaked havoc on North Korea, on Iran and on Iraq.

Mr. Chairman, query: How can we maintain the integrity of the moral high ground with these countries when we question their development of commercial-use reactors that could also be used to develop nuclear weapons capability materials?

If we cross the line, why not the rest of the world? We lose the moral high ground.

Second, this is the mother, this is the mother of all earmarks. This reactor is going to one place to one contractor, when last year on this floor we took the principled position that earmarking compromised the credibility and the integrity of the deliberative process. Yet in this bill, we have an earmark. It flies in the face of what we are ostensibly about here, and we need to reject this, and we should have a significant, and hopefully will have, a serious debate on this matter.

Mr. Chairman, in the past 2 years the defense authorization bills have put the United States on a path toward beyond cold war thinking and began to move us toward a post-cold-war national security strategy. When the Berlin Wall came down, the Soviet Union dissipated and the Warsaw Pact vanished, it ended the cold war. And I have said on more than one occasion that with the ending of the cold war it ushered in a new era, the post-cold-war era, that requires us to take off old labels of who is left wing and right wing, take off old labels of who is the peacenik and who is the hawk, take off old labels and move beyond old paradigms to challenge ourselves, to think brilliantly and competently about how we move toward the 21st century in the context of the post-cold-war; great challenges, but also great opportunities. This is a moment in a period of transition.

And the great tragic reality is the American people are looking to Washington and saying, "We don't know what to do in the context of the post-cold-war. What should we do?" And many politicians, because they do not like to get too far out in front of public opinion, because you can lose your job doing that, are turning around saying, "Don't ask me. What do you think we ought to do?" So the American people are asking the political leaders what should they do. The political leaders are asking the American people what to do. In the meantime we are blowing this incredible opportunity to take the world boldly in a different place with the United States as a major superpower out in front in a courageous way.

No, we are walking backward toward the cold war. We want to build B-2 bombers that were cold war weapons. We want to go back to a national missile defense in cold war era times. We want to buy weapons systems that have nothing to do with moving forward. We want to retard our capacity on peacekeeping initiatives and other things that would move us rationally and logically into the 21st century. We are going backward, and this bill underscores that.

This bill reverses the course. It buys more weapons whose design, function, and purposes were rooted in cold war strategy and doctrine. It pushes away from an aggressive arms control strategy and potentially back toward global brinksmanship.

The last couple of weeks we talked about not saddling the children with a budget deficit. Why saddle the children with the danger of brinksmanship? Why saddle the children with the danger of weapons systems we do not need? Why challenge the children of this country with cold war strategies that make no sense?

If we are going to be consistent about embracing the future and caring about our children, then all of our policies, not just the rhetoric of the budget resolution, but the reality of the military budget and our strategy on national security, should speak eloquently and powerfully to that.

It seeks to impede effective efforts by the Department of Defense to ready itself for the challenges of the current time and the next generation, all in the name of keeping it ready for the types of challenges which arose in the past.

This bill represents not just a lost opportunity to adjust the changes of our time, but carries with it the tone and substance that has been the basis of so many destabilizing arms and ideological competitions of the past.

My final comment, I leave you with this, Mr. Chairman, I believe that this new era has ushered in for us an incredible new opportunity, this generation as represented by those of us on this floor. We have been given an enormous gift. We have been given the gift of an opportunity to radically alter the world, to make it a safer and sane and stable place for ourselves and our children and our children's children.

We can paint bold strokes across the canvas of time, leaving our legacy to the next generation of one of peace and security, or we can tinker around at the margins of change because of our caution, because of our insecurity, because of our fear, and because of our insecurity and blow this moment.

□ 1600

I hope that our grandchildren and our great-grandchildren do not look back at this moment and say, "My God, that generation had a chance to make the world a better place, and they blew the opportunity." I believe this bill goes down that tragic and sad road. I urge defeat of the bill, and I reserve the balance of my time.

Mr. SPENCE. Mr. Chairman, I yield 3 minutes to the gentleman from Virginia [Mr. BATEMAN].

Mr. BATEMAN. Mr. Chairman, I thank the chairman of the Committee on National Security, the gentleman from South Carolina [Mr. SPENCE] for yielding this time to me.

Let me also, while I am on my feet, commend him for the excellence of the leadership that he has provided to the Committee on National Security in bringing H.R. 1530 to the floor and also commend him, notwithstanding the vast differences in the point of view and perspective between my chairman and the ranking member, the gentleman from California [Mr. DELLUMS], for his excellent cooperation and assistance in seeing that the committee's business was fairly transacted.

Let me also speak my appreciation to the ranking member of the Readiness Subcommittee, the gentleman from Virginia [Mr. SISISKY] for his unfailing cooperation and assistance in seeing that our portion of the bill was dealt with, and dealt with very responsibly and effectively.

H.R. 1530 fully funds the military services' operation and training accounts and adds significant resources to other important readiness activities, including real property maintenance, to address health, safety, and mission-critical deficiencies, depot maintenance to reduce backlogs, and base operations support to address shortfalls in programs which sustain mission capability, quality of life, and work force productivity.

Second, H.R. 1530 undertakes a number of initiatives to reengineer and reform defense business operations and functions performed by the Department of Defense, its agencies, and the military services to create efficiencies and maximize the value of our defense dollars. These initiatives are in areas such as inventory management, computers, financial management, transportation, audit, and inspector general oversight and fuel management, and include a number of pilot programs for outsourcing functions not core to the Department of Defense warfighting mission.

Third, H.R. 1530 fixes a critical problem which contributed greatly to the readiness shortfalls experienced in the late fiscal year 1994. Specifically, the bill takes action to protect the key trading and readiness accounts from having funds diverted to pay for unbudgeted contingency operations. It does so by establishing short-term financing mechanisms to cover the initial costs of such operations requiring the administration to submit timely supplemental appropriation requests and requiring the adminstration to seek funds in advance for planned, but unbudgeted, operations if they are expected to continue into the next fiscal year.

Mr. Chairman, at the end of the day, H.R. 1530 achieves the goals we all share: providing the necessary resources to ensure force readiness, improving quality of life for our service people, and instituting defense support structure reforms to enable resources to be made available for other short- and long-term readiness needs.

I urge my colleagues to support the bill.

Mr. DELLUMS. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Mississippi [Mr. MONTGOMERY].

Mr. MONTGOMERY. Mr. Chairman, I want to thank the ranking member for giving me this time, and, Mr. Chairman, I rise in strong support of H.R. 1530 and, given the tight budget situation we faced this year, the defense authorization bill represents compromise. While the legislation does not contain all the provisions I would have liked, it is balanced and a step in the right direction to provide for the defense needs of our country.

I am particularly pleased with the emphasis on operation and maintenance needs in order to improve readiness of our forces.

Mr. Chairman, I am also pleased and would like to note one provision. It is a joint VA/DOD housing program. This is in the bill. This is a needed program, will apply to enlisted personnel and officers 0-3 and below. They could apply for a VA guaranteed loan to purchase off-base housing with the Department of Defense buying down the interest payments for the first 3 years. This program will help to relieve the problems we are having on our bases of housing shortage.

I also want to point out that the bill contains $770 million for procurement of equipment for the National Guard and Reserve and my colleagues know it pleases me very much when the Guard and Reserve are able to get the proper equipment.

I am disappointed, though, Mr. Chairman, that the bill effectively kills the civil military programs conducted by the Reserve components in so many communities throughout the Nation. This program has been really important. It has a lot of merit to it, and it looks like we are not going to be able to use our National Guard and Reserve units to help out individuals that need help, and I am very worried about that, and that was what was left out of the bill.

Mrs. SCHROEDER. Mr. Chairman, will the gentleman yield?

Mr. MONTGOMERY. I yield to the gentlewomen from Colorado.

Mrs. SCHROEDER. Mr. Chairman, I want to thank the gentleman from Mississippi [Mr. MONTGOMERY] for speaking up so eloquently about that because really being able to use the National Guard and Reserve to go in and serve communities, whether it is medically, whether it is helping our youth, whether it is—I find it really shocking that we are just severing that tie to the communities and that service, and I say to the gentleman, "Thank you for the leadership you gave. How sad it is to see it all rolled back."

Mr. MONTGOMERY. Mr. Chairman, I thank the gentlewoman.

There are some wonderful programs, and I think probably the people around the country will speak up, and will be able to someday get these funded. We will not talk about the money. It was peoples programs, helping underprivileged, not in Central and South America, but right here in the United States of America.

So, Mr. Chairman, I reemphasize my support for this bill and urge its adoption in the House.

Mr. SPENCE. Mr. Chairman, I yield 4 minutes to the gentleman from California [Mr. HUNTER], the chairman of our Subcommittee on Military Procurement of the Committee on National Security.

Mr. HUNTER. Mr. Chairman, I want to start out by thanking our great chairman of the Committee on National Security for his wonderful leadership through the hearings that we held, the many briefings, discussions, the inner workings from both sides of the aisle, Democrats and Republicans working to do what is best for America, and I want to compliment the gentleman from California [Mr. DELLUMS], ranking member of the full committee, for his hard work, and my counterpart, the gentleman from Missouri [Mr. SKELTON], who did so much to put together a good package that will give national security to this country.

My colleagues, we lived through the 1980's and rebuilt American defense because we believed in a policy of peace through strength, and at times that policy was very heavily criticized. When the Russians were ringing our allies in Europe with SS-20 missiles, and many people here at home, particularly members of the leadership, some leadership in the Democrat Party, many leaders in the media, urged that we appease the then-Soviet Union, urged that we cut back on weapon systems, urged that we terminate our ICBM systems and our bomber development, thankfully, the leadership in the House and many Members of Congress did not go along with that policy. We believed in a policy of peace through strength, and we stood up to the Russians in Europe.

We put where we start moving forward with our plan to put Pershings and ground-launched cruise missiles in. In Central America, where we moved to deny the Soviets and their proxies a foothold on our own continent, in Africa, in the deep water, with the rebuilding of our American Navy, we challenged the growing Soviet fleet, and interestingly, because we stood up to the Russians, we brought about peace through strength, and the Berlin Wall came down, and then we had a conflict in the Middle East. No Russians involved, purely a conventional conflict, and all of the systems that the Members of this Congress and the Reagan and Bush administrations had put into the pipeline that were heavily criticized by the media in this country, the M-1 tank that ran out of gas too soon, the Apache helicopter that needed too many spare parts, the Patriot missile system that took too long to develop; all those systems, when deployed on the sands of the Persian Gulf, proved to be very excellent systems. They saved American lives, they brought home the great majority of those body bags that we sent to the Middle East empty.

Well, we have moved to continue that rebuilding of national security, and let me tell you, Mr. Chairman, On our subcommittee, at your direction, we have rebuilt ammunition accounts, we have rebuilt precision guided munitions accounts. Those were those precision guided systems where you do not drop a hundred bombs on a target. You send one in at a bridge or that particular radar site and knock it out. We rebuilt American sealift. We started to add ships to our sealift accounts. We put in extra fighters this year. Last year we bought fewer fighter aircraft than Switzerland, that great warmaking power. We kept that industrial base alive. We tried to keep our sealift going. We put in basic things like trucks so that the army can be mobile, so it can move its logistics corps to the area of operation quickly.

So we have started, Mr. Chairman, in the procurement subcommittee, moving ahead with the resumption of that policy that has not failed this country of peace through strength, and let me just say to my colleague, the gentleman from California [Mr. DELLUMS], the ranking member of the full Committee on National Security, it is true that there is a State earmarking of this reactor that will build tritium. On the other hand, my observation is not too many States have been asking for the reactor and, as a matter of politics, probably would not. But I think it is clear that the Clinton administration itself has said that continued tritium production is an important thing, and it is important that we move forward with the way to do that, and I personally think that the reactor is the way to go, not the accelerator that has been proposed by the administration.

So, my colleagues, I think we put forth a good package for the United States to resume this policy of peace through strength, and I would urge all members to support it.

Mr. DELLUMS. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Texas [Mr. ORTIZ].

Mr. ORTIZ. Mr. Chairman, I rise in support of H.R. 1530, our national defense authorization for fiscal year 1996.

I am pleased to join my colleagues in supporting what I believe to be a comprehensive and forward thinking bill to address the defense concerns of the United States into the next century.

I would like to commend the gentleman from Colorado [Mr. HEFLEY] for his work at the subcommittee level, and both Chairman SPENCE and the full committee ranking minority member, RON DELLUMS, for working to forge a bipartisan bill.

Military construction is significantly important to our Nation's ability to have a ready and capable force.

Mission support, quality of life projects, living spaces, work places, infrastructure revitalization, and environmental compliance are key factors in ensuring that our forces are able to meet the many challenges facing our military today.

I have long been interested in reforming the way the armed services provide housing for our men and women in uniform.

Three years ago, there was some concern about the future needs of military housing for our servicemen in south Texas—and the community responded by proposing a Naval Housing Investment Board that would combine servicemember and civilian housing through a public-private investment board.

The bill before us contains a major new initiative to form public/private partnerships in an effort to improve military housing.

The program provides a series of new authorities to encourage the investment of private capital to assist in the development of military family housing.

Since we began our efforts to combine our limited Federal resources with private investment in last year's DOD bill through the Navy Housing Investment Board—the program concept proved so successful that it is being extended to the other service branches with the wholehearted endorsement of Secretary of Defense William Perry.

Mr. Chairman, I encourage my colleagues to vote for this bill. It is a good bill, and specifically it addresses the housing needs for men in uniform.

□ 1615

Mr. SPENCE. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania [Mr. WELDON], the chairman of the Subcommittee on Military Research and Development of the Committee on National Security.

Mr. WELDON of Pennsylvania. Mr. Chairman, first of all, I rise to applaud our chairman, who has done an outstanding job in leading us through this first bill that we have had the chance to put together, and also acknowledge the cooperation and support of our ranking member, who as always, is gracious and cooperative, even if we may disagree on some substantive issues.

I think this is a good bill, Mr. Chairman. This is a good bill that passed out of our full committee with a vote of 48 to 3, meaning only three members of the full Committee on National Security saw fit to oppose this legislation being reported to the House floor.

This bill, for the first time in the last 9 years that I have been here, reverses the hemorrhaging that has been occurring within our national defense and national security. We all heard the rhetoric of 5 years ago about the peace dividend. Well, I can tell you where the peace dividend is. It is in my UAW workers who are now looking for fast food jobs in Delaware County and Southeastern Pennsylvania because they have been laid off by Boeing Corporation, by Martin Marietta, by Lockheed. Norm Augustine, the new CEO of the new Martin Lockheed was in my office 2 weeks ago and said his company has laid off 107,000 people in the last 3 years alone, and the layoffs continue. That is what we have got even with our peace dividend.

Where has been the defense conversion? There is no defense conversion, Mr. Chairman. But we stop that with this bill, and we do not do it as a jobs program. In fact, I will talk about how we have stopped that process as well, the pork barreling in the bill. We do it because we support what is important based upon the national threat.

We started off this year's process with a net threat briefing where we looked at the hot spots of the world and came back to deal with our leadership in the Pentagon about where our priorities should be. Then in our subcommittees we marked up our funding levels in line with what the Joint Chiefs told us were their priorities.

We also, Mr. Chairman, and I am very proud of this in the R&D area, we removed the tremendous amount of earmarking that has occurred in previous bills. There was one estimate that in last year's defense bill there was $4.7 billion of unauthorized appropriations, some of those having nothing to do with defense, many of them stuck in by the appropriators, some of them put in by the authorizers, but many of which were not requested by the military and had nothing to do with our national security.

In the R&D portion of this bill this year, we have no earmarks. We have no direct programs put into that portion of the bill for individual Member requests. We in fact keep the bill clean.

We do fund our priorities, Mr. Chairman. We do take a look in the R&D area at where we should be putting our priorities in terms of dollars. We fully fund missile defense.

Now, how do we determine where the priorities should be? Unlike the previous 2 years, Mr. Chairman, when we had no hearings on ballistic missile defense, we in this year held three full hearings for members of the full committee, the subcommittees of Procurement and Research and Development, on where we are with ballistic missile defense.

We had a hearing on the threat, both a closed briefing for the Members and an open briefing, a full day of hearings on what is the threat out there. We heard the horror stories of 77 nations today having cruise missiles that could be used against us. We heard the horror stories of 20 countries who today are building cruise missiles and the threat that poses to us. We had a hearing on what we have gotten for our money.

What have we been able to produce with the billions of dollars we spent on missile defense over the past decade? We had a show and tell where General O'Neill brought in the technologies we developed with our missile defense funding. Finally, we had General O'Neill himself present to us what his vision of missile defense for this country would be like.

Mr. Chairman, when we get to the missile defense section, every dollar that we put in this bill is in line with what General O'Neill said we should be spending on missile defense. In fact, it is less. General O'Neill told us we could add on up to $1.2 billion in the missile defense accounts for theater missile, national missile, cruise missile and Brilliant Eyes.

We could not give him that full amount, but we gave him about $800 million. We have plussed up those areas where General O'Neill, acting as President Clinton's representative, told us we should put our dollars in terms of protecting our people from the threat of a missile coming into our mainland or hurting our troops when they are being deployed overseas.

This is a good bill as it relates to missile defense. Yet you will hear later on our colleagues attempt to say we are trying to undermine the ABM Treaty. Nothing could be further from the truth. But I will say this, Mr. Chairman: We are silent on the treaty. It is a treaty that we will abide by. But there are some who want to distort this bill and politicize it to have it be supportive of additional use of the ABM treaty, and we think that is a mistake, and we are going to oppose it when that amendment comes to the floor.

This is a good bill, and I encourage our colleagues to support it with a large vote, and give our chairman the endorsement of an excellent job in leading us on the security of this country.

Mr. DELLUMS. Mr. Chairman, I yield myself 3 minutes.

Mr. SPENCE. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. DELLUMS].

The CHAIRMAN. The gentleman from California [Mr. DELLUMS] is recognized for 4 minutes.

Mr. DELLUMS. Mr. Chairman, I would like to respond to one of the comments that my distinguished colleague from Pennsylvania made, because he raised a very significant point, and that is the issue of job loss in the context of downsizing.

I find it interesting that when you talk with the corporate CEO's about a great percentage of this downsizing in the quiet, they will agree that a great part of their job loss had nothing to do with the downsizing of the military budget, but the fact that during the years of the eighties, they developed such huge overheads, they got fat and sassy, they were no longer competitive, particularly in the international arena, so they had to cut back, they had to start getting streamlined, they had to become competitive. So a portion of those jobs were as a result of that.

But I think the gentleman raises an important point. When we are downsizing, there is economic dislocation. And my response to that is that the long-term answer, the near-term answer to that, is an aggressive economic conversion strategy, not buying weapons that are expensive and unnecessary. That is not the real answer to that.

Mr. WELDON of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. DELLUMS. I yield to the gentleman from Pennsylvania.

Mr. WELDON of Pennsylvania. I appreciate my friend and colleague yielding. I appreciate the willingness to engage in a dialog. What I would say is 2 years ago as we saw the defense numbers being projected by President Clinton, we went to the Office of Technology Assessment and the Congressional Budget Office. Each of them did studies that said if we implement the budget numbers proposed by President Clinton, we would see 1.5 million men and women lose their jobs in the defense industry.

That is exactly what is happening, and that is happening directly because of the most massive cuts in the acquisition accounts that we have seen since before World War II. So it has had a direct impact on real jobs all across America.

Mr. DELLUMS. Mr. Chairman, reclaiming my time, in downsizing the military budget, economic dislocation is indeed going to be a reality. The point that I am simply suggesting is that we are bright enough and competent enough to engage in a policy discussion that leads us toward the policies of economic conversion.

The tragedy is that many of my colleagues, because we do not have a national jobs bill in this country, because we have not embraced economic, monetary, and budgetary policies designed to expand employment, we look at the military budget as a jobs bill.

The last time I was chair of the committee, last year, my colleagues sent in requests to my office to add $10 billion to the military budget. Now, you do not have to be too bright to understand what that was about. I understand. It was about jobs. People do not like to see people unemployed. Neither do I. But the tragedy is that we are beginning to use the military budget on a more expansive basis as a jobs bill, when it should be a bill that addresses the national security needs of this country, and we need to have a much broader strategy to handle the dislocation, and I think that is economic conversion.

Mr. WELDON of Pennsylvania. If the gentleman will yield further, I would just say I agree with the gentleman. That is why in this bill, in the R&D accounts, we keep the dual use funding levels at the same level they were in previous years, for exactly that reason. We keep the dual use of funding level at exactly the level that they were funded at over the previous 2 years. So we support that notion, when it has defense as a top priority.

Mr. DELLUMS. Mr. Chairman, I yield 4 minutes to the distinguished gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I must say as a mother of yuppies, I rise in strong disagreement with this bill, because my children would call this bill retro. "Retro" is a negative word in the yuppie sense, and part of the reason is while we just heard about they are saying that there were $4 billion last year that they thought was fat, in this bill this debate is really nothing but kabuki theater. After we passed that rule, this has nothing to do with reality from here on.

There is $9.5 billion more in this bill than the Pentagon said they needed to fight two full-time wars, and I think the Pentagon's judgment has been confirmed pretty well this last week with how well they performed. it is $9.5 billion more than the commander-in-chief wanted, and $9.5 billion more than the Senate wanted. In fact, when we were debating the rule and tried to get this opened up so we could offer some of these amendments, we were told we could not, because it might distort the negotiations with the Senate on the budget, the overall budget negotiations going on.

So really we are just standing here throwing words back and forth at each other, and it really does not mean a thing, because three-fourths of the cutting amendments have been denied. They have been denied. Again, as everybody here is saying this is a better bill than before, oh, really? You thought $4 billion was a lot of fat last year, try $9.5 billion in this year's that we cannot get to.

Furthermore, there is a real threat I think to the ABM Treaty. If there was not, why not say there is not? How can you say there is no threat, but we will not accept an amendment saying we do not plan to change it?

If you really think the women who put their lives on the line should be considered second class citizens, which I do not, then you will love this bill. This is great. If you think we should have a line item and direct where we are going to go with tritium production, without anybody having a debate or really deciding these things, then you will love this.

You are going to hear a lot of debate about industrial base. Well, let me tell you, this is, again, a retro industrial base that we are supporting in this bill. The gentleman from California and I worked very hard with many Members trying to find a competitive way to take this expensive research and development that the taxpayer had invested in and apply it to the future, apply it to other things we needed, to upgrade our industrial base and have new products we can sell to the world, in such areas as law enforcement, medical technology, all those types of things, because that is clearly where it is going.

Instead, what do we have in there? We are going to have a big move to bring back the B-2 bomber. Even Secretary Cheney did not think we needed this thing. He signed off on 20 of these. You can buy these for about $1.1 billion. That is a lot of school lunches. That is a lot of student loans. During the cold war, if Secretary Cheney was convinced 20 of these was enough, I would think that that would be enough for us today in the post-cold-war era.

So what I am trying to say is things like this are being kept alive in the name of keeping the industrial base up. Well, let me tell you we have a doggone good aviation industrial base. Just look at the Boeing 777. We are just doing this to keep some defense contractors who put out big political donations, I think, alive. And we have got all sorts of other things in here we cannot even offer an amendment to. This one at least we get to offer the amendment to. I guess they figured they have got it wired in so they cannot lose this one, and the other ones, I guess people are afraid they should be losing.

But I think Mr. Chairman, this is a very sad day, and I hope Members will join me in voting no on this retro bill.

The CHAIRMAN. The Chair will advise that the gentleman from South Carolina [Mr. SPENCE] has 42½ minutes remaining, and the gentleman from California [Mr. DELLUMS] has 29 minutes remaining.

Mr. SPENCE. Mr. Chairman, I yield 3½ minutes to the gentleman from Colorado [Mr. HEFLEY], the chairman of our Subcommittee on Military Installations and Facilities.

□ 1630

Mr. HEFLEY. Mr. Chairman, I rise in support of H.R. 1530, the National Defense Authorization Act for fiscal year 1996. I would like to say, this is my first time to be a cochairman of this committee or any committee in Congress for that matter. And it was an experience, and I could not have asked for a more cooperative or helpful ranking member than the gentleman from Texas, SOLOMON ORTIZ, who I thought did a super job.

This was truly, at least our part of it and I think most of the bill, was truly a nonpartisan or bipartisan product. As chairman of the Subcommittee on Military Installations and Facilities, I can assure the House that this bill squarely addresses one of the most serious problems confronting the Department of Defense and the people who serve in our Nation's military services.

That problem is the quality and availability of adequate troop housing and military family housing. There is no question that there is a crisis in military housing. Over 600,000 single enlisted personnel are assigned to on-base troop housing facilities. The average age of barracks and dormitories is over 40 years. One-fourth of these facilities is considered substandard. At current levels of funding, improving on-base housing for single enlisted personnel cannot be accomplished, depending on the military service, for years or, in some cases, for decades. The situation in family housing is not much better. Approximately 218,000 or two-thirds of the homes in the housing inventory of the Department of Defense are classified as inadequate.

One-quarter of the homes in the DOD inventory are over 40 years old and two-thirds are over 30 years old. This aging military family stock has extremely high maintenance and repair needs. If nothing changes, fixing the military family housing problem will take over 30 years.

The present military housing situation is unacceptable and the Committee on National Security is determined to put us on the path toward fixing the problem. H.R. 1530 contains critically important short-term and long-term remedies to this problem.

Working with the military services, we have identified a number of unfunded and badly needed quality-of-life improvements in housing, child care, health care facility that can be executed next year.

We have funded solely those projects where the need is the greatest and the dollars can immediately be put to use. Equally of importance, we coordinated these recommendations thoroughly with our colleagues on the Committee on Appropriations so that we are singing from the same page of music. And we have agreed, both of us, to a strong quality of life package.

This bill funds over $630 million in new construction improvements for barracks and dormitories at 63 installations, including projects at 25 installations which the committee identified as priority requirements for military services which were unfunded in the department's budget request.

The bill also provides approximately $900 million in military family housing construction and improvements. These funds will provide quality housing for about 9,400 military families, over 2,000 more than the Department's request, and will ensure that other badly needed neighborhood improvements are undertaken.

I want to stress again that this bill funds only those projects which can be executed in fiscal year 1996. This is not a hollow program. But beyond the important quality of life improvements we are recommending to the House, the committee has also taken a longer term view of the problem of fixing the military construction problem. We are providing for an opportunity for private sector involvement in this and have set up a structure that gives the possibility for that to take place at bases around the country. We are going to develop pilot programs this year, and I think this is the only way you can get there from here in terms of actually solving this problem.

So in conclusion, let me say, I strongly support this piece of legislation. I think not only in this particular area that I have talked about but throughout the bill, we make giant strides.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. McHUGH], who is the chairman of our moral, welfare, and recreation panel.

Mr. McHUGH. Mr. Chairman, let me add my words of admiration and appreciation to the full committee chairman, the gentleman from South Carolina [Mr. SPENCE], and really all the members of the Committee on National Security, including, or course, the ranking minority member, the gentleman from California [Mr. DELLUMS], who have worked hard to make this, I think, a very credible and a very well-balanced piece of legislation.

We have heard today, Mr. Chairman, and we will continue to hear how difficult and how different these times are. I think this legislation reflects those realities in a very direct and a very palpable way. Indeed, while these times are different, they are at least as dangerous, if not more dangerous than any circumstances that we as a nation have encountered across this globe in perhaps the last half century or more.

There, too, this legislation is, I think, a very able attempt to try to react to those very dangerous circumstances.

In that regard, those of us, myself included, who had the opportunity and the honor to serve on the committee special oversight panel on moral, welfare and recreation have worked to include in this legislation a number of measures that will provide for an acceptable quality of life for men and women in uniform.

We all know, Mr. Chairman, that under any circumstances, these programs are so vitally important. But as our military men and women are being asked to deploy more and more, and not just by a Republican president, not just by a Democrat president, but by chiefs of the military from both sides of the aisle, to places like Haiti and Somalia, providing comfort in northern and southern Iraq and the skies of Bosnia, we have to maintain programs and let our men and women know that, as they leave, their families are being adequately taken care of, being provided for. This program and this legislation fully funds those kinds of programs, fully funds them, I might add, at a level that President Clinton requested.

This is a well-balanced, well-reasoned piece of legislation that, Mr. Chairman, I respectfully urge all my colleagues on both sides of the aisle to defend and to support.

Mr. SPENCE. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey [Mr. SAXTON], a very valuable member of our committee.

Mr. SAXTON. Mr. Chairman, I thank the gentleman for yielding time to me.

Once again, we stand on this floor and debate the merits of a defense authorization bill. But unlike previous debates, consideration of the 1996 Defense Authorization Act is different. Before us is legislation which stops the backsliding of previous defense bills and takes a critical first step toward matching resources with the ever-growing number of military commitments.

This bill doesn't solve all the problems which plague our Armed Forces. Ten years of declining defense budgets cannot be overturned in a single defense budget. Yet this bill makes significant, concrete improvements. Among the many initiatives, this bill:

Adds a third Aegis destroyer—a ship which was stricken from the Navy's original budget proposal but identified by the Navy's top admiral as his highest priority.

Takes a more prudent and robust approach to missile defense by adding $763 million for ballistic missile defense program and directing the Secretary of Defense to develop and deploy theater and national defenses "at the earliest practical date;"

Fully funds the purchase of eight C-17's, a mission-essential platform which every top Pentagon official has testified as a gotta have program.

In addition this bill sends a message to our military personnel and their families that we understand the hardships they endure. We show our appreciation by fully funding a 2.4 percent pay raise and by adding $425 million for the construction and improvements to military family housing and troop housing.

Finally, this bill provides money to keep the B-2 industrial base in tact, giving us the option of procuring additional stealth bombers should we decide to do so. To those of my colleagues who think that the B-2 is too expensive, I simply point out that waging a war which a fleet of B-2 bombers could have deterred is far more costly both in terms of lives and money.

Is this a perfect bill? No, but it does what the administration has failed to do in three previous defense proposals. It honestly identifies our defense needs and takes appropriate action to address them.

My colleagues, last fall as part of our Contract With America we made a commitment to the American public that we would strengthen our military forces. In February, we passed H.R. 7 which demonstrated our commitment and our resolve. This bill continues that process by putting real deeds behind those words and promises.

I urge Members to support our troops by supporting this bill.

I urge my colleagues to support the bill and to avoid destructive amendments.

Mr. SPENCE. Mr. Chairman, I yield 4 minutes to the gentleman from Ohio [Mr. HOKE] for the purposes of engaging in a colloquy.

Mr. HOKE. Mr. Chairman, I rise for the purpose of a colloquy with the gentleman from South Carolina.

As you know, last week I submitted to the Committee on Rules an amendment that would require the President to withdraw the United States from the Anti-Ballistic Missile Treaty as permitted under article XV of that treaty.

I sponsored that amendment because along with you, I believe that the ABM treaty adopts a national strategy of intentional defenselessness which is completely inconsistent and incompatible with our obligation to provide for the common defense of the people of the United States.

Not only does the ABM treaty depend on a misguided strategy of mutually assured destruction, but the Government of the United States has adopted an unspoken policy of nondisclosure of that strategy to the American people.

While this strategy of defenselessness may possibly have been arguable in 1972 when we had only one ICBM-capable enemy, it is utterly without merit today when many nations have gained or are gaining access to ballistic missile technology as well as to the weapons of mass destruction.

All of which is to say that in my view this policy is insane and will be viewed in the long sweep of history as a particularly dumb idea which held sway under peculiar circumstances for a very brief period of time.

But what is truly unconscionable is that the public has been kept out of the loop. Defrauded of its right to know and intentionally not told that all of America and particularly her largest cities are now the beta sites for a massive experiment in foreign relations, that this experiment in foreign and defense policy places the lives and fortunes of a quarter of a billion Americans at risk without their knowledge is unethical, immoral, and just plain wrong.

After consulting with you and Messrs. YOUNG, WELDON, and LIVINGSTON last week, I withdrew my amendment as a result of your stated intention to hold hearings on the validity of the ABM treaty and on a bill to repeal that treaty which will be offered later this week. I deeply appreciate that offer on your part.

I view as a tremendous opportunity to this, these hearings as a tremendous opportunity to inform the American people of the policy that we are under now that leaves them defenseless.

I also want to note that the gentleman form South Carolina [Mr. SPRATT] has offered an amendment that amounts to an endorsement of the ABM treaty.

Could the chairman share with me the view of the Committee on National Security on the Spratt amendment?

Mr. SPENCE. Mr. Chairman, will the gentleman yield?

Mr. HOKE. I yield to the gentleman from South Carolina.

Mr. SPENCE. Mr. Chairman, let me say to the distinguished gentleman from Ohio that the committee overwhelmingly rejected a nearly identical amendment when it was offered during the committee markup of H.R. 1530. It was a bipartisan vote of 18 to 33. The Spratt amendment places too much credence in a treaty that was signed over 20 years ago with a nation that no longer exists and in strategic circumstances that no longer pertain. Therefore, I strongly urge a no vote on the Spratt amendment.

Let me also say to the gentleman from Ohio that it is this gentleman's intention to hold hearings in the Committee on National Security later this year on the viability of the ABM treaty. Such a review of that treaty is clearly warranted. I would certainly welcome the gentleman's active participation.

Mr. HOKE. Mr. Chairman, I applaud your commitment to hold those hearings, and I look forward to working with the gentleman and the committee. Let me also say to the gentleman that I am confident that they will demonstrate that the proper course for the United States is to state its intention to withdraw from this treaty.

Likewise, Mr. Chairman, I strongly oppose the Spratt amendment that seeks to endorse this outmoded ABM Treaty that prevents us from deploying a highly effective defense for the American people. I urge my colleagues to vote no on the Spratt amendment, and I thank the gentleman for engaging in this colloquy with me.

Mr. SPENCE. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. THORNBERRY].

Mr. THORNBERRY. Mr. Chairman, there are many issues in this bill, and I want to make just two brief points.

No. 1, it is quite a well-balanced bill. Defense spending has been cut every year for the past decade, and there is a lot of ground to make up for. But in the areas of modernization, in getting and keeping good people, in readiness and in reforming the Pentagon, this bill makes substantial progress. It does not do as much as I would like in all the areas, but it makes substantial progress in each of them and deserves my colleagues' support.

The other issue is dealing with getting and keeping good people. For me that includes how we treat our veterans and military retirees. More and more in the future, I believe, that will be determined on, or one of the key parts of that will be health care.

□ 1645

This bill, again, does not solve all the problems with regard to access to health care for military retirees, but the report it requires, as well as some of the other studies, will move us toward solving that problem. The bottom line is the Government must keep its word to those people who have served their country.

Mr. Chairman, the first function of this Government is to provide for the defense of its citizens. This bill deserves the support of my colleagues.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from Tennessee [Mr. HILLEARY].

Mr. HILLEARY. Mr. Chairman, I rise in support of H.R. 1530, the DOD authorization bill. The time has come to halt the significant reductions that have taken place in defense spending and to add some measure of stability to the defense budget. Our civilian and military defense leaders have to be able to effectively train our military personnel and maintain our force structure at a high state of readiness for all foreseeable threats to our Nation. I believe H.R. 1530 will do that in an efficient and effective way.

The power granted to us by the Constitution to raise and support the armed forces is indeed one of the most important rolls we exercise in the Congress. Mistakes and misjudgments on this bill can translate not only into dollars wasted or dollars saved, but into lives lost or lives saved; into military defeats or military victories.

George Washington, in his first annual address to Congress, stated that, "To be prepared for war is one of the most effectual means of preserving peace." That is what this bill is all about: being prepared for war, so we can preserve the peace.

One of the favorite refrains from the liberals, no matter what the question, is to cut defense a little bit more. Over the past 10 years defense budgets, in real terms, have steadily declined. The Department of Defense will spend nearly 35 percent less this year than it did in 1985. As a percentage of GDP, defense spending is at a 45 year low.

This year, with this bill, the massive decline in military spending will stop. And with this bill, we will stop the potentially disastrous decline of our military readiness.

I strongly urge my colleagues to support H.R. 1530—a peace preservation bill—and with it support the present and future security of our great Nation.

Mr. SPENCE. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Kansas [Mr. TIAHRT], a member of our committee.

Mr. TIAHRT. Mr. Chairman, I rise in strong support of the National Defense Authorization Act, which seeks to keep our military strong and our troops ready. In particular, I would like to state my strong support for the B-2 bomber. I can still feel the pride that swelled up inside me on a windy day in Kansas just a month ago when Senator BOB DOLE and I were on hand to christen to new B-2, called the Spirit of Kansas. That was a great moment of personal satisfaction for me.

Over 10 years ago I worked on the B-2 in Wichita. Although I worked on a great many aircraft, I can think of no aircraft which makes me more proud of Kansas ingenuity and the technical expertise of the American people. When I think about the B-2, I think about America's long nightmare during World War II. Unfortunately, 60 years ago Congress did not do its job in preparing this Nation for the possibility of war. We did not have the latest technology at our disposal. We were not ready. We wanted peace, but we did not have strength. In doing so, we unintentionally encouraged evil men to take advantage of our weakness. Let us resolve to never let this happen again.

When we ask a young American to guard our liberty, through service to the military, they make a self-sacrificing commitment to each and every one of us. In return, we should keep our commitment to them by providing them with the latest technology which will ensure their safety.

I strongly oppose the Kasich-Dellums amendment, which would shut down the B-2 program. That could cost us billions to start up the production line. The B-2's long range makes it less dependent on the overseas bases.

On the initial days of Desert Storm, a chart that I have here shows that the B-2's could have done the same job, 32 B-2's could have done the same job of 1,263 aircraft, putting fewer people in harm's way. It is a highly leverageable aircraft.

As a new Member of Congress, I urge my colleagues to come to the floor and vote to keep America's military strong and this Nation safe. We need to adopt funding for the B-2. We should support the bill reported out by the Committee on National Security and reject the amendment.

Mr. DELLUMS. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I would just like to respond to my distinguished colleague, the previous speaker who took the well eloquently, and point out to the gentleman that it was not the Dellums-Kasich amendment that stopped the B-2, as a student of history knows; it was George Bush, former President of the United States, that stopped the B-2 program at 20. At that point the Secretary of Defense was Secretary Cheney. While I agreed with that, I did not think that we needed 20. I just wanted to set the program record straight, that it was President Bush who set the level at 20.

Mr. Chairman, I yield 5 minutes to my distinguished colleague, the gentlewoman from California [Ms. HARMAN].

Ms. HARMAN. Mr. Chairman, I just returned from a moving memorial tribute to our friend and former Armed Services Committee chairman, Les Aspin. I am not certain Les Aspin would have approved everything in this bill, but his thinking has helped shaped this Democrat's views in strong support.

Les Aspin knew that while the tensions of the cold war have ended, it is clear from recent reports in Bosnia, in Central and East Africa, on the Korean Peninsula, and Southeast Asia that the need for well-equipped and well-prepared armed forces has not lessened. The bill before us will substantially improve the Nation's military and economic security.

Admittedly, the Committee on National Security has made difficult recommendations, balancing our military force's needs with budgetary constraints. Yet, the bill maintains important defense systems, such as the F/A-18 tactical fighter, space-based military satellites, the C-17 strategic airlift plane, and the B-2 bomber.

In addition, it continues in modified form a critical program that encourages the utilization of commercial technologies for defense applications, while maintaining the industrial base needed to meet future national security requirements.

Among the provisions in the 1996 defense bill important to our Nation's defense are the funds for long-lead procurement items for two more B-2 bombers. The B-2, in my view, is critical to our future war-fighting abilities. Its stealth capabilities, payload capacity, and long range allow it to respond to short-notice contingencies anywhere in the world.

Most importantly, one B-2 bomber can deliver a bomb payload equivalent to what it took 75 bombers and support aircraft to drop in Desert Storm. Thus, fewer service men and women are placed in harm's way.

The bill also includes funds for additional F/A-18C/D's, a fighter designed for the Air Force needs of the 21st century. And it also funds continued development of the enhanced E/F version which will meet the Navy's future needs.

The bill continues funding for the space-based communications and observation satellites, including $693 million for development of the MILSTAR satellite system. MILSTAR 2 is scheduled for launch in August.

Several changes have been included in the bill in dual use research technology partnerships by which the Pentagon leverages commercial technology for defense use. I listened carefully to the colloquy earlier between my colleague and esteemed former chairman, the gentleman from California [Mr. DELLUMS], and the chairman of the subcommittee on R&D, the gentleman from Pennsylvania [Mr. WELDON], on this subject. They are both right. The $1.235 billion provided in the bill for these partnerships can support a robust program, helped by language I offered to strengthen DOD flexibility to manage it.

Funds are authorized in the bill to continue critical research and development of ballistic missile defense systems being designed to protect against missile attacks on U.S. troops and allies in war theaters and, at the earliest practical date, against potential attacks on the continental U.S. These are good investments.

Another provision establishes a defense export loan guarantee program at no cost to the taxpayer. The guarantee will allow U.S. defense companies to compete on an equal footing with foreign businesses that sell defense products to U.S. allies.

I want to underscore that the program in no way promotes weapons proliferation, as some will contend later in this debate. The program does not alter, nor would I support altering, the stringent arms control export process by which all weapons must be approved prior to export.

With these points made, Mr. Chairman, let me say that I regret the committee has sought to reverse two Pentagon policies which I believe the Congress has no business micromanaging. Inclusion of these issues is divisive and a distraction from the important national security issues addressed by the rest of the bill.

The first is the committee's recommended ban on privately funded abortions in military hospitals overseas. The second is a provision to require the immediate discharge of all HIV-positive service members. Neither provision was the subject of hearings this year, and both are unnecessary departures from current policy.

The bill repeals current policy and bans all privately-funded abortions performed in military hospitals overseas. Under current policy, no Federal Funds are used and health care professionals who do not want to perform abortions are not required to do so.

This issue is a matter of fairness. Servicewomen and military dependents stationed overseas don't expect special treatment, only the right to receive the same choices guaranteed to women by Roe versus Wade. Prohibiting women from using their own funds to obtain abortion services at overseas military facilities endangers their health. Women will be forced to seek illegal or unsafe procedures, or be forced to delay the procedure until they can return to the States.

With respect to the bill's ban on HIV-positive service members, in my view, it is punitive and discriminatory. Current policy prescribes that so long as these individuals are deemed fit for duty by the service in which they serve, they may continue to serve. Neither the Department of Defense nor any of the four services sees a reason to change the policy that works. Neither do I, unless it is to discriminate against a class of individuals who have served their country honorably.

Mr. Chairman, I will work hard to change these two provisions, but the bill, in nearly all other respects, is worthy of my colleagues' strong support, and I urge a "yes" vote on final passage.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia [Mr. CHAMBLISS], a new member of our committee.

Mr. CHAMBLISS. Mr. Chairman, amid the revolution of change brought about by the collective voice of the American people last November, today we come together to consider the defense authorization bill. One of the very few absolute responsibilities of the Federal Government, as outlined by the Framers of our Constitution is to fully provide for the defense of our great Nation and this defense bill does it for the first time in several years.

I would like to recognize the untiring efforts of the distinguished chairman of the National Security Committee to put together a defense bill that addresses the critical needs of our Armed Services. By realistically assessing needs and deficiencies, this bill strikes the necessary balance between readiness, quality of life procurement, and R&D. Concerns about a hollow military will soon fade, and the people of this Nation can once again feel secure that their brave men and women in uniform are the best trained, most modernly equipped, and ready force in the world.

I would like to specifically commend Chairman SPENCE, together with R&D subcommittee Chairman WELDON, for including in the bill a needed provision that will begin the replacement of the recently cancelled TSSAM program. The bill contains $75 million dollars for the Air Force and Navy to continue working together to develop a mission-essential air to ground standoff weapon, to be known as JASSM.

Other programs of critical importance to our national defense include full funding of the F–22 fighter program that will carry our air superiority well into the 21st century.

For airlift, full funding of the C–17 program will mean that when situations arise overseas, this country will be capable of projecting its awesome force to every corner of the world.

For these reasons, and for many other good decisions represented in this bill, I urge the Members' support of the defense bill. It is the right thing for the Nation. Our priorities are once again in place, and our military and our country will be the better for it.

Mr. DELLUMS. Mr. Chairman, I yield 3 minutes to my distinguished colleague, the gentleman from Virginia [Mr. PICKETT].

Mr. PICKETT. Mr. Chairman, the provisions in the military personnel title of H.R. 1530 are comprehensive and far reaching. They reflect a continuing effort to meet our commitments to our military members and to enhance the quality of life for the men and women, and their families, who so faithfully serve our country. The bill includes the full pay raise set forth by law, as provided for in the President's budget, as well as a substantial—5.2 percent—increase in the basic allowance for quarters which will significantly reduce out-of-pocket housing costs to service members. To help our military members acquire adequate housing in high-cost areas, the bill authorizes the Secretary of Defense to establish a minimum variable housing allowance—VHA—and includes a no loss provision so that the VHA amount paid to an individual in a given location will not be diminished as long as the member's housing costs have not been reduced.

Additionally, there are a number of provisions designed to improve the military medical system and to ensure that active duty and retired service members and their families receive the quality health care they deserve. Although there has been a great deal of interest in the issue of Medicare subvention, the reimbursement by Medicare to the Department of Defense for care provided to Medicare-eligible beneficiaries, we were unable to include this provision in the bill. The primary reason for this is that it falls outside the jurisdiction of the National Security Committee, but another limiting factor is that the Congressional Budget Office scores it as having a substantial direct spending impact. However, the bill does direct the Department to study alternatives to Medicare subvention so that Medicare-eligible military retirees and their dependents wishing to receive their health care in military treatment facilities can more readily be accommodated.

There are also provisions that deal with the uniformed services treatment facilities, or USTF's. These provisions, which I fully support, will move this program in a direction where full consideration will be given to integrating the USTF's into the tricare managed care system. These efforts will provide cost effective alternatives to assure continued quality care for the military beneficiaries who participate in the USTF Program.

While I strongly support the majority of the military personnel provisions, there are some issues I am disappointed to see included in this report, such as eliminating the National Guard Youth Opportunities Program, mandating an Armed Forces Expeditionary Medal for service in El Salvador, and denying military women in foreign countries access to military treatment facilities, without cost to the Government, for medical procedures related to abortion. I intend to support amendments offered which seek to change these provisions.

On the whole, Mr. Chairman, the military personnel titles of this bill represent a fair and comprehensive approach to military personnel program issues that should result in an improved quality of life for our service members. It is consistent with the desire and commitment of the Members of the House of Representatives to take care of the men and women who serve our country.

□ 1700

Mr. STUMP. Mr. Chairman, I yield 2 minutes to the gentlewoman from Florida [Mrs. FOWLER].

Mrs. FOWLER. Mr. Chairman, I rise to strongly support H.R. 1530, the Defense authorization bill. This legislation is a major step forward in restoring America's strength and ability to defend her vital interests.

Most importantly, this bill takes on deficiencies in the President's defense plans by highlighting four major areas for action: Quality of life issues; readiness improvements; modernization; and Pentagon reform.

The bill addresses challenges in these areas through the thoughtful application of some $9.4 billion in additional budget authority above the President's request. This increase, which is consistent with the House-passed budget resolution, provides $267.3 billion in B.A. and sets outlays at roughly $270 billion. It will give our defense establishment a respite from the severe battering it has taken over the last decade.

With the demise of the Warsaw Pact and the U.S.S.R., it was appropriate to draw down defense. But the level to which this administration has downsized has raised serious questions about our ability to meet vital needs. Under the administration's bottom-up review, defense spending as a percentage of GDP would decline to levels not seen since the days of Pearl Harbor.

The bill before us today would halt this trend. It would provide an additional $4.4 billion for the procurement of modern military equipment, in order to update our capabilities and minimize the risk to the U.S. personnel we so often call upon to go in harm's way. As the recent case of Capt. Scott O'Grady showed, we cannot afford to scrimp when the lives of our military personnel are at stake. Among other things, this funding will go to purchase additional ships, aircraft, missiles and ordnance, as well as helping to meet our strategic lift needs.

I am also pleased that the bill increases spending for quality-of-life issues, including the desperate shortage of military family housing. At Naval Station Mayport, in my district, there are some 1,300 military families on the waiting list for military housing. H.R. 1530 takes much-needed action to support military families like these.

Finally, the bill takes important steps to avoid repetition of the problems we had last year when operations and maintenance accounts were raided to fund unbudgeted contingencies. And it requires much-needed reforms at the

Pentagon—reforms that will reduce personnel assigned to the Secretary of Defense by 25 percent and require cuts of some 30,000 acquisition personnel in fiscal year 1996, streamlining the acquisition process.

Mr. Chairman, this bill merits the House's strong support. I encourage its passage.

Mr. DELLUMS. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, later this evening we will address an important and significant proposition. The bill as reported to the floor contains a provision that provides $553 million for long-lead items to purchase two additional B–2 bombers. In addition to that, it breaks the cap that was established in previous years, that set the cap at 20 B–2 bombers and the cost at $44.5 billion, I believe.

I would like to take a few minutes to talk about the implications of that, and I walk my way into that discussion this way:

At a time, Mr. Chairman, when, as I said earlier, we are visiting tremendous human misery upon millions of American people in this country, from children to veterans and farmers to senior citizens, because of the draconian cuts that we anticipate in this year's budget and in the out years for the purposes of reducing the deficit to ultimately balance the budget, the obvious question is this: Why then are we embarking upon a journey where the down payment is $553 million, on a journey the taxpayers must go on to the tune of $31.5 billion?

Question: Is it because the Pentagon wants these additional 20 B–2's? Because anyone that would argue that this is simply to buy B–2's is giving you a very disingenuous argument. What makes you more potent with 22 than 20? This is a down payment on 20 additional B–2's.

A, is it because the Pentagon wants it?

Answer: The Secretary of Defense said, "No, we don't want it. No, we don't need it. Yes, there are alternatives." The chair of the Joint Chiefs of Staff and the vice chair of the Joint Chiefs of Staff said, "No, we don't want it. No, we don't need it. Yes, there are alternatives."

An independent study carried out by the Institute for Defense Analysis, a very prestigious and sophisticated analytical capability, came to the conclusion, "No, we don't need it. No, we can't afford it. Yes, there are alternatives." The Roles and Mission Commission established by legislative mandate came to the exact same conclusion.

Mr. Chairman, perhaps one could rationalize the inclusion of this money to embrace 20 B–2's if the Pentagon wanted it. The Pentagon does not want it, they say they do not need it, and they say there are alternatives.

Second question: Is it for the safety of our personnel? We just experienced an F–16 fighter plane being knocked down, and some Member said if we had had B–2's, it would have made a difference.

Mr. Chairman, if anyone would take the time to read the independent study by the Institute for Defense Analysis, they came to a very interesting and potent conclusion: that if you increased the precision-guided munitions, that is, the smart bombs that people saw on C–SPAN in the context of the Persian Gulf, you know, the ones that go down Broadway, turn left, and drop? Precision-guided munitions. The study said if you increased the inventory of precision-guided munitions by 200 percent, you would reduce the aircraft loss by 40 percent.

Interesting next point: If you spent the money to buy B–2 bombers, the 20 B–2's bombers, you would reduce the aircraft loss by 8 percent. If it is about safety, precision-guided munitions, 40 percent increase in bomber safety; 8 percent over here with B–2 bombers.

The study went further and said with precision-guided munitions you get 3 things: more ammunition, more ordnance on the target, more accurately, with less risk, because you are not flying a plane over anything. You are standing back, with standoff capability, firing in precision-guided munitions.

Finally, they said it is more cost effective. Everybody is running around here talking about balancing the budget, reducing the deficit, saving money, not endangering and mortgaging the future of our children. Yet here is an independent, cogent, coherent, relevant study that says you get more bang for the buck, less risk, and much more cost-effective than building 20 additional B–2's.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. DELLUMS. I will yield when I make my comment. Then we will have this fight, my friend, and bring your best, because it will be a nice fight.

The second point, Mr. Chairman, is, is this for national security and strategic value? Remember, colleagues, the B–2 bomber was designed in the context of the cold war. It had one mission: fly one time over the Soviet Union and drop nuclear weapons.

A, there is no more Soviet Union. B, I hope that rational minds have moved beyond the notion of the sanity, of the reasoning behind a global strategic nuclear war. I hope that is behind us.

Why, then, build 20 more B–2 bombers that were designed in a world that no longer exists? So you refurbish it? But it only flies one time and it goes out.

Several of my colleagues argue that if we had more B–2's, the world would be a safer place. Let's talk about that. We have got already 20 B–2's now. They are only relevant for the first day or two. They cannot fly around forever. That is not their mission. That is not their capability. You already have 20 of them.

After the first couple of days, you do not need these things. You have got F–117's, stealth fighters, that have the capacity to find and knock out air defenses, radar. You have the Wild Weasel that has the capacity to search out and find air defenses, radar, knock them out.

Where on this earth are you going to need 20 more B–2's? The newspaper with the contractor says, "B–2's, when you don't have 14 days." Colleagues, it will take you 14 years to build 20 more B–2's. This is bizarre in the extreme.

Third point. Is it about industrial base? Some kind of way if we don't build 20 more B–2's, our industrial base will fall apart and we won't have the capacity to build bombers.

My point. The contractor that built the B–2 did not build the B–1. The contractor that built the B–1 did not build the B–2. The contractor that built the B–52 did not build the previous bomber.

My point is, no contractor has built successive bombers. You have got an aircraft capability out here in America that would jump through that window to get B–3.

You don't have an industrial base problem. Let's confront what this really is. This is protecting the industrial base to build B–2 bombers, not to build some new bomber.

If you were going to have another bomber, why have a bomber contemplated and fashioned in the context of the cold war when every one of us in this room understands that the world has radically altered and the need and condition for other aircraft has radically changed?

Mr. Chairman, what is this about? I will give you my opinion. I will put myself on the line. This is about money. This is about dollars. This is about billions of dollars. Where it is built, where it is made, where it takes off and where it lands. It is not about safety. I have dealt with that argument. It is not about national security. I have dealt with that argument. It is not about the realities of the post-cold-war. Who are you going to fly B–2 bombers against? Haiti, Somalia, Rwanda? Against Bosnia? This is ludicrous in the extreme. It is about money. It is about building it. It is about contractors saying, "Let me build 20 more."

It staggers the imagination, Mr. Chairman, what we could do in this room with $31.5 billion, and that is what it is going to cost, to revitalize the education for our children, or address the health needs of our senior citizens, or to move toward a national program on employment.

That $31.5 billion is no small change, Mr. Chairman. That is a lot of money. It seems to me that Members ought to make the decision because we need it, it is in our national best interest.

I would conclude by saying, "No, we don't need it; no, we can't afford it; and, yes, there are alternatives." That is a conclusion acquiesced in by the Secretary of Defense, the Chair of the Joint Chiefs of Staff, two independent studies, and a whole lot of other people in this country. I believe at the end of the day, the American people know we don't need to build 20 more B-2 bombers.

Mr. STUMP. Mr. Chairman, I yield 4 minutes to the gentleman from California [Mr. DORNAN], chairman of the Subcommittee on Military Personnel.

PARLIAMENTARY INQUIRY

Mr. DORNAN. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DORNAN. Mr. Chairman, how much time do we have on both sides, sir?

The CHAIRMAN. The gentleman from Arizona [Mr. STUMP] has 21 minutes remaining, and the gentleman from California [Mr. DELLUMS] has 10 minutes remaining.

Mr. DORNAN. I thank the Chair.

May I say to my friend from California, you promulgated your esoteric cogitations and articulated your sentimentalities profoundly and sagaciously.

Mr. DELLUMS. There was nothing esoteric about what I said.

Mr. DORNAN. I would not even yield for that great a comment on yourself. However, I just flew the B-2 on May 1, and you are wrong at every count, wonderfully wrong, but as NORM DICKS and I will participate in this debate further, we will walk you down that path of error slowly, painfully but we will turn you around. They are looking forward to flying you in a B-2.

□ 1715

I want to dedicate this bill to all of the veterans of World War II and Korea, particularly Vietnam and all of the little killing fields in between.

In today's paper, listen to this on World War II, it says the favorite songs were Sentimental Journey and Bell Bottom Trousers, Eyes of Baby Blue. Now we all know our great World War II veteran, BOB STUMP, is on the floor. I think that was his theme song then and probably is now, is it not?

In a serious note to the body: The Battle of Okinawa, the bloodiest in all of the Pacific campaign, started on Easter Sunday, April 1. Today was the 74th day of that battle; 13 to go. On this day, June 13, hard fighting continued on Okinawa, as flame-throwing tanks—you do not want to be on the opposite side of that weapon—knock out Japanese caves and redoubts near the bottom of a 100-foot bluff. Soldiers of the U.S. 7th Infantry Division, Army, swarm up ropes to the top of the bluff.

I think I will remember that when we have hearings next month or the month after or the month after on subjecting women in America to the violence of combat. No matter how wonderfully patriotic and gung ho they may be, I cannot see women rappelling up ropes to the top of a bluff to engage in hand-to-hand combat, slitting throats and bashing other young people's heads in with gun butts.

Similar tactics also wipe out Japanese holdouts on Mounts Yuza-dake, Yaeju-dake and two nearby hills. Meanwhile down in Brunei, in one of the most beautiful capitals in the world, the richest city in the world person per person anywhere, the Australians' 9th Division, with heavy casualties, takes that city in north Borneo and a nearby airfield.

President Truman announces final plans for a summit conference with a killer, Joseph Stalin, mass killer, worse than Hitler, and Winston Churchill in Potsdam, a Berlin suburb. The Big Three will decide details of Europe's postwar future and continues the ghastly slavery for years, a lot of Christian nations.

The Polish government-in-exile in London refuses to participate in a Moscow meeting intended to install a Communist-evil empire dominated unity administration.

Sad ending to the conflict, and here we are in a dangerous world, profoundly different as the gentleman from California [Mr. DELLUMS] said, but still profoundly evil and profoundly bloody. The dinosaur of the evil empire is gone, the big Tyrannosaurus Rex, and now we have thousands of poisonous snakes and know we would not use the B-2 in Somalia, Rwanda, Uganda, on Haiti, but yes, we might use it in Bosnia to stop the genocidal killing there, to take out all of the bridges along the Danube and tell Milosevic to stop his genocidal killing cousins from sniping with expensive scope rifles little 8-year-old children in the street or hitting their mothers in the head as they hold their child's hand. Yes, the B-2 can be a great deterrent there.

On my piece of the action, personnel, manpower, we have established permanent end strengths to each service at the bottom-up-review levels, although I consider those levels inadequate with 7,500 slots.

I will put in my statement at this point on manpower, compensation, medical reserve components, POW-MIA action, and all the good things we did on personnel. It was great stuff, and I want to thank the gentleman from Virginia, [Mr. PICKETT], and the gentleman from Missouri, [Mr. SKELTON], and the gentleman from Mississippi, [SONNY MONTGOMERY], and all of my great Democrats. What a great personal contribution to the proud FLOYD SPENCE'S great bill. Vote for it and kill those dangerous amendments.

Mr. Chairman, the Committee on National Security has reported a bill, H.R. 1530, that protects force levels from further reduction and gives the Department of Defense the tools it needs to preserve a "quality" fighting force. The provisions are focused on four key themes that I would like to highlight.

MANPOWER

H.R. 1530 halts the precipitous military manpower drawdown by establishing permanent end strength floors for each service at Bottom Up Review [BUR] levels. Although I consider the BUR manning levels inadequate, legislated end strength floors are absolutely essential to protect a core manpower capability.

In addition, based on evidence that portions of each service are being stressed by high operations tempo, the bill provides the Secretary of Defense additional funding to enable him to add up to 7,500 personnel to missions he considers most in need.

COMPENSATION

Adequate pay remains critical to recruiting and retaining a quality force. H.R. 1530 provides a 2.4 percent pay raise—the largest permitted by current law, as well as a range of housing initiatives over and above those contained in the President's budget. Foremost among the housing initiatives was a 5.2 percent increase in the basic allowance for quarters. This measure—is nearly a 2 percent larger than that requested by the President—reduces the out-of-pocket housing costs to 19.5 percent for military personnel who live off-base.

We protect the value of military retirement from erosion and restores the equity between military and Federal civilian retirement COLAs. By allocating $403 million from non-readiness operations and maintenance [O&M] accounts, the bill moves the military COLA payment date to April 1996, in line with the Federal civilian payment date.

H.R. 1530 also requires military personnel convicted by court-martial to forfeit pay and allowances during their period of confinement. This measure ends a travesty that permitted people convicted of horrendous crimes to benefit from uninterrupted military pay.

MEDICAL

Reflecting committee concerns about the medical readiness of the reserve components. We provide a first-ever Department of Defense voluntary dental readiness insurance program (for members of the Selected Reserve.)

The bill also directs studies on two major concerns: (1) alternatives to Medicare reimbursement to the Department of Defense for care provided to beneficiaries over age 65, and (2) the effectiveness of the TRICARE plan in providing military beneficiaries access to quality health care at lower cost.

RESERVE COMPONENTS

Because military technicians are a key to reserve component readiness, the bill increases the numbers of military technicians approximately 1,400 above the level requested by the President's budget.

Paying for the increased numbers of technicians—a 5-year cost of $750 million—required some tough choices. The President's budget request contained more than $75 million for "civil-military" programs. Although some of these programs were successful, the committee bill terminates the programs in favor of the direct readiness contribution expected from the additional technician manning.

H.R. 1530 provides another major contribution to the readiness of the reserve forces by including a mobilization income insurance plan. This plan will prevent a repeat of the financial hardships experienced by many reservists involuntarily called to active duty during the Persian Gulf War.

OTHER ISSUES

Finally, as an advocate for a full accounting for the POWs and MIAs of this Nation's wars, it gives me great satisfaction that H.R. 1530 includes a provision that will establish a rigorous process to account for persons missing in action.

These excellent results were achieved through a bi-partisan effort within the subcommittee. I would like to thank my colleagues, especially the ranking member, Mr. PICKETT, and congratulate them for a very productive year.

I fully support H.R. 1530 and would urge my colleagues to support it too.

Mr. DELLUMS. Mr. Chairman, I yield 3½ minutes to the distinguished gentleman from Virginia [Mr. SISISKY].

Mr. SISISKY. Mr. Chairman, I am honored to serve with Chairman BATEMAN as the ranking member of the House National Security Readiness Subcommittee.

I want to take this opportunity to briefly discuss some of the steps the subcommittee took to enhance our military readiness.

By any standard, it was apparent throughout our deliberations that the military readiness of our armed forces—today and tomorrow—is serious business. It should be our highest defense priority. There should be no doubt in anyone's mind: this Nation has the best trained, best equipped, best led military forces anywhere in the world.

We can take pride in those who defend our Nation's interests in so many different parts of the world.

They often make great personal sacrifices to do their jobs.

Our task is to ensure that we provide these great men and women with the resources they require and the right kind of oversight.

The subcommittee recommendations contained in H.R. 1530, provide ample evidence of our support for the great people who serve in the U.S. military.

What we have done will support our personnel and sustain readiness, today and tomorrow.

Witnesses appearing before the committee seemed unanimous about one major issue:

The most difficult challenge to readiness involved taking dollars from operations and maintenance [O&M] accounts in order to pay for unfunded contingency operations.

They also pointed to the delay in providing for timely reimbursement.

They expressed concern about the detrimental impact on unit training, depot maintenance, and mission critical spare parts purchases.

This was particularly troublesome when the diversion of funds occurred late in the fiscal year.

This accounted for many genuine problems, as well as misperceptions, we encountered late last year.

While some thought this problem was too difficult to solve, I'm pleased to report that this bill contains a solution.

We developed an interim funding mechanism to cover the initial expense of unforeseen contingency operations.

But we also require a supplemental appropriations request to cover the anticipated costs in a timely manner.

With the passage of this bill, the services and "CINCS" can look forward to stability in the readiness accounts.

And Congress can plan on execution of the budget as it was enacted.

Other readiness initiatives included in H.R. 1530 will significantly enhance our ability to do oversight without micro-managing the Defense Department.

This bill provides the resources and guidance necessary to meet readiness challenges today and in the future.

It is a sound measure and deserves your support.

Mr. STUMP. Mr. Chairman, I yield 3 minutes to the gentleman from Utah [Mr. HANSEN].

Mr. HANSEN. Mr. Chairman, I appreciate the gentleman's yielding time to me.

Mr. Chairman, I rise in strong support of this bill. H.R. 1530 represents for me a new contract—a contract with our American servicemen and women.

In this bill we place our highest priority on ensuring a fair quality of life for our soldiers, sailors, airmen and marines by fully funding a 2.4 percent annual pay raise to help close the gap between military pay and pay in comparable private sector jobs. We also provide for over $4 billion in construction of family housing, dormitories, and child development centers.

We also keep our word with these young men and women by fully funding operations and readiness accounts, that help ensure they remain the best trained and most ready fighting forces in the world. The bill also includes provisions to stop the dangerous practice of raiding of these accounts to pay for unbudgeted contingencies and ongoing peacekeeping operations around the world. If the President feels these missions are in our national interest, he ought to come before Congress and ask for the required funding.

H.R. 1530 also makes a good downpayment on future readiness by adding over $6 billion in much needed modernization and procurement over the President's request. These accounts have been woefully neglected over the past 10 years. Without the additions provided in this bill, we would have procured no fighter aircraft, no small arms, insufficient ammunition, and only two naval combatants in fiscal year 1996. These levels would not have even covered our losses due to retirement and attrition. This bill takes a small step towards reducing the modernization bow-wave we face in the next decade.

H.R. 1530 is as just important for what it does not do, as for what it does.

This bill does not break the budget or increase the deficit. H.R. 1530, and every project within it, provides for a strong and stable national defense budget within the confines of the approved budget resolution. And this Republican budget resolution sets us on the glide path required to balance the budget by 2002, a first since I have been here.

H.R. 1530 does not cannibalize scarce defense dollars to fritter away on nondefense spending and pork-barrel projects.

H.R. 1530 does not waste money on bloated bureaucracy. On the contrary, we recognize the significant downsizing in our Armed Forces and enact important provisions to see these decreases reflected in the Pentagon bureaucracy. The bill directs a 25 percent decrease in the Office of the Secretary of Defense and the senior civilian levels, and another 25 percent reduction in the bloated acquisition force over the same period.

H.R. 1530 does not sit idly by and allow the President to underfund even his own bottom up by $50 billion over 5 years. I believe this bill authorizes a responsible and sustainable budget capable of meeting all of our vital national security needs.

Finally, and I believe most importantly, H.R. 1530 does not leave our country and the American people defenseless against attack from ballistic missiles. The bill supports a wise and robust program to develop and deploy theater, and national, missile defense systems as soon as practicable. We live in an increasingly dangerous world. One where ballistic missile technology and weapons of mass destruction, to include nuclear, chemical and biological weapons, are in the hands, or soon will be, of well over a dozen countries. Some of my colleagues continue to rant about how the cold war is over. I agree. That is precisely why we have to move forward and protect our own people against the multilateral threats we will certainly face in its wake.

Mr. Chairman, I fully support H.R. 1530 and urge all of my colleagues, on both sides of the aisle, to vote for this important bill and support the contract with the American service men and women it represents.

Mr. DELLUMS. Mr. Chairman, I yield 3 minutes to my distinguished colleague, the gentleman from Washington [Mr. DICKS]. I would first say to the gentleman, I apologize, I thought I was alone on the floor and I have just taken the time; I wanted to make my statement. I had hoped that he and I could engage each other.

Mr. DICKS. Mr. Chairman, I appreciate the former chairman, the distinguished ranking member, yielding time to me.

I want to say to my good friend from California, I have always supported programs in this House of Representatives based on the merits of the arguments and for no other reason, and I think we run a great risk when we start looking at motives or trying to suggest motives.

I support this program, and I want to make it clear why I support it. I believe the B–2 bomber with conventional submunitions offers a potential to stop enemy divisions from being able to go into Kuwait or South Korea. The Rand study shows that the B–2 with the sensor fused weapon, about 1,200 bomblets per airplane, three of them, could have stopped Saddam's division before it got into Kuwait. This is a revolutionary conventional war-fighting capability.

I believe that if we had enough B–2's, and every study that has been done, reputable study, says we need between 40 and 60 of these planes. I asked Colin Powell at the White House just a few weeks ago, "What did you recommend to Dick Cheney?" He said, "I recommended 50 B–2's." I would point out that Dick Cheney now regrets his decision. He is one of eight Secretaries of Defense who has written President Clinton and said do not stop the industrial base, keep those planes coming, we need more B–2's.

Why do I feel so strongly about this? Because stealth technology proved itself in the gulf war. The F–117's were able to go in, take out the most heavily defended targets. They can knock out the surface-to-air missiles, and it allowed us to win the air war quickly, saving American lives, saving American treasure.

I can see a day in the future, if we had the 40 to 60 B–2's that I would like to see, if we could put 15 to 20 at Diego Garcia, 15 to 20 at Guam, 15 to 20 at Whiteman Air Force Base, where we could have a conventional deterrent. If that in fact was a reality and we did not have to fight the war in the gulf, then we would not have had to spend the $10 billion to move our forces to the gulf and the $60 billion to fight the war. That is why I think this is important. There are so many things we are paying for in the defense budget that do not have the value of the stealth bomber. This is an incredible revolutionary capability.

I am not talking about the Soviet Union, by the way. I am talking about Iraq, Iran, and North Korea. Having the potential to stop those divisions before they move into the country is something that I think is of high military value.

And I would say to all of the Americans who are watching Captain O'Grady, Captain O'Grady did not have to be shot down. If he was in a stealth aircraft, an F–117, he would not have been shot down. When he was shot down, then we had to sent these kids in to rescue him, putting them in harm's way.

The value of stealth is that it allows you to go into the most heavily defended areas, get the job done, and save Americans lives. This is worth thinking about and fighting for.

Mr. STUMP. Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina [Mr. GRAHAM].

Mr. GRAHAM. Mr. Chairman, there has been a lot of talk. We have gone from George Washington I have heard mentioned, World War II, we fought it again, very eloquently, I thought, and the gentleman who just spoke I think made very, very good comments. I am not going to stand up here and predict the future, but I am certain about certain things about the future. When the 21st century gets here there will be a war, and American troops will be involved.

□ 1730

When that does happen, and I know it will happen, I want to make sure that, as the gentleman who just spoke, that we have the best technology available to fight that war.

If you do not compete technologically in business, you lose your profit or market share. If you are not technologically advanced in war, you lost your life.

There are a lot of Captain O'Grady's out there who will fly whatever we tell them to fly. I want them to fly the best technologically available, to have the least risk possible, but there will always be risk, no matter what technology we choose.

But let it be said that the 21st century has to be planned for today. Here are some facts. In the year 2002, I want a balanced budget, and I will vote for a balanced budget, for the Neumann bill that balances the budget quicker than Kasich. I want a deterrent force of bombers that will protect this country.

Not only do I want a balanced budget for our children, I want a free and safe America for our children. The facts are this: In the year 2002, the B–52, which has been a great aircraft, will be over 40 years of age. The B–1 is a 1980's-vintage aircraft without Stealth technology.

If we start today and plan today and spend some money, not only will we save lives in the future, we will have a bomber that will deter war and will give our children a secure future.

That is why I am going to vote for the B–2. Does it cost a lot? Yes, it does. Will it save a lot of lives? Yes, it will because we will be in a war and what we do in the 21st century in war is determined by what we do here in 1995.

I am going to vote proudly for this bill, all of its components, the B–2 included, because I want to make sure in the 21st century that we have not only a balanced budget by setting our priorities today but that we have a military that can fight and win on two fronts. And to my gentleman friend from California, 20 aircraft is one squadron. I want two squadrons to fight wherever we need to fight.

Mr. STUMP. Mr. Chairman, I yield 1 minute to the gentleman from Delaware [Mr. CASTLE].

Mr. CASTLE. Mr. Chairman, I rise in support of the fiscal year 1996 National Defense Authorization Act and applaud the committee's efforts on four major themes: maintenance and quality of life for military families and troops, operational readiness, equipment modernization and financial operations, including structural reform. I think this bill makes significant progress in each of these areas.

However, I rise in support of the Kasich amendment to delete the Committee on National Security proposal to include an additional $553 million in advanced procurement for long-lead funding for additional B–2 bombers.

I do not think the debate should be about whether it is these are good airplanes or not, but whether or not we can afford it. You are looking at a relatively small sum of money now, but as the gentleman from California [Mr. DELLUMS] has appointed out consistently today, it grows to a large sum of money. It is in the tens, twenties, even the $31.5 billion which has been referenced here. Cost is a major issue as we try to balance the budget by 2002. This is a significant factor.

I would also say I have seen no real agreement among the military whether or not we really need this. Admittedly, there are those who say we do. Just as admittedly, there are those who say we do not. There is even some question about the concurrent war strategy, two concurrent war strategies. So, for all of these reasons, I would suggest at this time we delete that provision.

Mr. Chairman, I rise in support of fiscal year 1996's National Defense Authorization Act, and applaud the committee's efforts to focus on four major themes: maintenance and quality of life for military families and troops; operational readiness; equipment modernization; and financial operations, including structural reform. This bill makes significant progress in each of these areas.

I wanted to briefly comment on the Kasich amendment to delete the National Security Committee proposal to include an additional $553 million in advance procurement for long-lead funding for additional B–2 bombers.

To be sure, the B–2 bomber is an awesome aircraft, and I wish we could afford to build another 20, or even more. But there are two facts to consider: one, that buying more B–2's means that you agree that we face such a sufficient threat that warrants having the bomber capability to fight two simultaneous regional conflicts, and two, that we can afford additional B–2's.

I agree we would need closer to forty B–2's for such a military strategy, but disagree with this dubious strategy, and believe the likelihood of facing such a scenario is extremely low. We no longer face an immediate or imminent global challenge from a competing superpower, let alone a likely scenario under which we would have to fight two major concurrent wars.

Furthermore, two 1995 studies commissioned by the Department of Defense at the direction of the Congress have found that there are other, more cost-effective options for improving U.S. military capabilities than buying more B–2's. According to the reports, the currently planned bomber force can meet military requirements for fighting two major regional conflicts through a mix of B–52's, B–1's, and B–2's. It would be more cost-effective to buy additional precision-guided munitions for the bomber force and to upgrade B–1 bombers than to build more than 20 B–2's.

While we might be able to afford the additional funds the committee has forwarded now, as we move down the road to the year 2002 and toward a balanced budget, agreeing to further funds to procure 20 more B–2's—at a total cost of almost $40 billion—will most certainly be a budget buster, and could lead us unwillingly toward procurement of further B–2's in Defense budgets that might offer little prospect of buying more B–2's.

While I am a strong supporter of a robust and fully well-rounded defense posture, at this juncture in our budgetary debates, and at this time of fiscal constraint, I find it hard to justify such an expenditure. The billions of dollars that would be needed to sustain such an effort are not affordable, nor is the very real possibility, according to the General Accounting Office, of cost overruns.

I urge passage of this bill, and of the Kasich amendment.

Mr. STUMP. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. DREIER].

Mr. DREIER. Mr. Chairman, I thank my friend for yielding me this time.

I rise in strong support of this bill, and I would like to take just a moment to focus on the fact that over the past several weeks we have been talking about this great hero, Captain O'Grady, and the Marines who rescued him, and there has not been a lot of attention focused on, quite frankly, the vulnerability of the F-16's and other aircraft that we have in our arsenal.

It seems to me that as we proceed with this very important measure, that we need to realize that we are in a very precarious situation in Bosnia, and the problem that the F-16's face is that they were not accompanied by the EF-111's or the EA-6B's, which are essential, absolutely essential, to jam enemy radar.

As we look now at this prospect of not proceeding with the B-2, it strikes me that it would be for the first time, the first time in the history of our country, that we would have taken a retrograde step on a new and advanced technology. Arguments have been made throughout this debate about the very serious national security threats that exist worldwide, and there was an interesting piece in yesterday's USA Today by Tony Snow, talking about the continued nuclear threat that remains on the horizon, and the challenge that we have is a very serious one.

I come from California. Yes, the B-2 is very important for our State, but, quite frankly, job creation in California is nothing more than an ancillary benefit, as far as I am concerned.

It is essential that we move ahead with this very important technology, and I hope that in a bipartisan way we can proceed with this.

Mr. STUMP. Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. SCARBOROUGH].

Mr. SCARBOROUGH. Mr. Chairman, a little while ago, the gentlewoman from Colorado got on the floor and attacked this budget as being a retro budget, and yuppie-speak, that we were somehow going back towards the Cold War.

Well, the fact of the matter is our program for defense in the 21st century looks forward to the challenges facing us in the 21st century. If you want to talk about retro, let us talk about what has happened five times in this century when we have unilaterally disarmed, with disastrous results.

We need to make sure, as we put together our plans for a military force in the 21st century, that we do not end this century with a sixth unilateral disarmament.

We have cut military forces enough over the past 5 years. We need to move forward with a strong, bold defense agenda that will protect our country in the years to come and put first things first.

I would ask the gentlewoman from Colorado to be reminded of the words of John Kennedy on Inauguration Day in 1961 when he said, "We dare not tempt our enemies with weakness, for only when our arms are sufficient beyond doubt can we be certain beyond doubt that they will never be employed." Good advice for us as we look to the 21st century.

Mr. STUMP. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. MCKEON].

Mr. MCKEON. Mr. Chairman, I rise today in support of the Defense Authorization Act, as reported by the Committee on National Security.

As a new member of the committee, I believe that this legislation makes major strides in advancing a strong U.S. defense policy.

Mr. Chairman, there is a particular issue that will be addressed today that I wish to talk about in the brief time I have. It concerns funding for the B-2 bomber.

I believe it is critical we vote to maintain the funding contained in the National Security Committee bill. We will hear a lot of talk today that the cold war is over and we do not need to spend taxpayer money on defense needs.

However, let us take a moment to look at what has happened to our defense structure since the end of the cold war. First, we have closed more bases at home and overseas than at any other time in our Nation's history. Second, we are retiring more aircraft and submarines than are currently being built. Third, we have drawn down our military to numbers which have not been seen in a generation.

Mr. Chairman, while it is true the cold war may be over, we cannot expect our future military leaders to engage the Saddam Husseins of the 21st century with 50-year-old B-52's and 30-year-old B-1 bombers.

Seven former Secretaries of Defense, the former commander of air operation during Desert Storm, and President Bush's former Secretary of the Air Force, all recognize this fact. It is time that Congress recognize it as well. Vote "no" on the Dellums-Kasich amendment.

Mr. STUMP. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio [Mr. GILLMOR].

Mr. GILLMOR. Mr. Chairman, I rise in support of the bill.

Mr. Chairman, few other programs in the Federal budget have received more scrutiny than the Civilian Marksmanship Program. Much of this scrutiny has demonstrated a clear lack of knowledge about the program. To set the record straight, I raise three points.

First, although the Civilian Marksmanship Program was created by Congress in 1916 to promote marksmanship among able-bodied citizens, the 102d Congress restructured the program by statute, downsizing it. The program currently focuses on marksmanship training for American youth, aged 10–17. This training includes, in part, 450 Boy Scouts of America summer training camps which benefit approximately 450,000 scouts. The cost to the taxpayers for the Boy Scout camps was roughly 50 cents per participant.

Second, while the program has never been intended as a recruiting tool, the junior participating in the program have frequently been exposed to role model service men and women on marksmanship teams. The result of this positive exposure has resulted in conservative estimates that nearly 2,400 past participants annually volunteer for the armed forces.

Moreover, the positive exposure is not limited to active duty personnel. Adult trainers also include parents, law enforcement officers, national guardsmen and reservists, and volunteer active in Boys Scouts, Future Farmers of America, the American Legion, the Jaycees, 4–H, and others.

Values instilled in youth participants through these volunteers in this program include self-discipline, responsibility, safety discipline, self-esteem, and character development. Any link opponents try to draw between this programs and urban violence is comparable to linking Olympic boxing competition with hoodlum street fighting.

In the wake of the Oklahoma City bombing, some of the long standing opponents of the Civilian Marksmanship Program have called for its abolition based on the remote possibility that terrorists might have participated in Civilian Marksmanship Program activities. Under this reasoning, we would outlaw all intercity youth programming based on the possibility that a gang member may have participated. Mr. Chairman, obviously the reasoning in both circumstances is absurd.

Third, the cost of the program per participant is cost-effective when compared to similar federally funded youth programs. The National Youth Sports Program, funded through the Department of Health and Human Services, reached 70,000 youth in 1993 at a cost of $9.4 million of $134 per participant. Like the civilian marksmanship program, the stated goals of this program are to motivate youth to earn and learn self-respect through a program of sports instruction and competition.

If the Civilian Marksmanship Program only reached the 36,000 junior club members whose organizations participated in the national matches last year, the cost per participant would be under $70 per youth. The Civilian Marksmanship Program, however, positively impacts many more youth, including nearly one-half million Boy Scouts.

Mr. Chairman, while I believe that the cost effectiveness of the Civilian Marksmanship Program is noteworthy, I am also mindful of our commitment to balance the Federal budget by 2002. Given these budgetary pressures, I have been working for several months to draft a proposal that would preserve the Civilian Marksmanship Program without the need of any further appropriations.

The Edwards-Gillmor amendment is the result of good faith efforts by Members of both sides of the aisle. The product is a rational solution which achieves the dual goals of preservation and privatization. The amendment has three major components.

First, the amendment replaces the current National Board for the Promotion of Rifle Practice and the Army's Director of Civilian Marksmanship with a independent nonprofit federal corporation. Second, the amendment allows the new corporation to solicit funds from nonfederal sources, eliminating the need for direct appropriations. By comparing FY 95 and FY 96, this approach saves the taxpayers $2.5 million. Third, the amendment preserves the basic components of the current civilian marksmanship program.

I have fully consulted Army Under Secretary Joe Reeder about the provisions of this amendment and he has told me that the Army is comfortable with them.

Mr. Chairman, the civilian marksmanship program has a history of being one of the most cost-effective youth programs funded by the Federal Government. But given current budget necessities, the time has come for this program to wean itself from appropriated funds. This amendment does that.

I would like to thank Rules Committee Chairman JERRY SOLOMON for his past support and hands-on leadership on this issue. I would like to thank Congressman DUKE CUNNINGHAM for his very active and supportive role on behalf of our privatization efforts in both the Subcommittee on Military Readiness and the Committee on National Security.

I also want to thank Congressman CHET EDWARDS, Subcommittee Chairman HERB BATEMAN and Congresswoman MARCY KAPTUR for their help on this amendment. Finally, I would also like to recognize and thank Congressman JOHN DINGELL and Congressman JACK MURTHA for their past support of the Civilian Marksmanship Program.

I urge my colleagues to support this bi-partisan amendment.

Mr. STUMP. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland [Mr. BARTLETT].

Mr. BARTLETT of Maryland. Mr. Chairman, I rise today in strong support of H.R. 1530, the FY 96 Defense Authorization Act. While this bill contains many items which will greatly strengthen our national security, I believe none are as crucial as the item which we will vote on first.

H.R. 1530 includes authorization of $553 million for long-lead procurement of the B-2 bomber; as far as I know there is no B-2 production in our District. This money does not commit the United States to buying any specific amount of aircraft, it simply keeps the production base alive until we can come to a decision on how many aircraft are needed to maintain a strong national defense.

The Kasich-Dellums amendment would terminate any future production of the B-2 bomber. I believe this amendment is penny wise and pound foolish. Terminating production of the B-2 industrial base will signify that the United States has no future requirement for heavy bomber production. The only heavy bombers currently in our inventory are the B-52's which by the year 2005 will be nearly 40 years old and ready for retirement, leaving the United States with only 20 heavy bombers from the last B-2 purchase. This amendment would leave the United States unable of penetrating strong opponents, jeopardizing our national security.

I know JOHN KASICH strongly supports our military. And I am as much a deficit hawk as any Member of Congress. I strongly supported Mr. KASICH's budget, I supported the Penny-Kasich amendment and I believe Mr. KASICH has the vision to guide the budget process through the next century. But I repeat, this amendment is Penny Wise and Pound Foolish. Let's not tie our hands behind our back when national security is involved.

Support a strong Defense. Oppose the Dellums-Kasich B-2 amendment.

Mr. DELLUMS. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California [Ms. ESHOO].

Ms. ESHOO. Mr. Chairman, I rise today in strong opposition to this defense authorization bill.

It's indefensible to disregard the Pentagon's request for $258 billion in funding and throw an additional $9.7 billion at it. The Pentagon is not known for low-balling its fiscal needs. Yet the present budget covers funding for two full-scale Persian Gulf wars to be fought simultaneously.

The cold war is indeed over, and it is necessary to secure readiness during a cold peace, yet this almost $10 billion additional funding not requested but built into the bill is indefensible.

It is indefensible to eliminate the Technology Reinvestment Program, which has successfully helped develop technologies important to both our military and our commercial industries.

It is indefensible to deny women service members and women dependents the ability to privately pay for and obtain abortion services at U.S. military facilities abroad, especially when such services are legal in the United States but may be unavailable in other countries.

And it is indefensible to discriminate against those women and men who would lay down their lives for this country, yet would be immediately discharged from service for contacting HIV.

Mr. Chairman, this Defense Authorization bill is a dangerous hodge-podge of runaway spending and Government intrusion into the private lives of our military personnel. I strongly urge my colleagues to reject this indefensible legislation.

Mr. DELLUMS. Mr. Chairman, I yield 1½ minutes to my distinguished colleague, the gentleman from Pennsylvania [Mr. FATTAH].

Mr. FATTAH. Mr. Chairman, let me thank the ranking member for yielding this time to me.

Our requirement is to protect this country from foreign and domestic threats to our security.

I rise in opposition to this bill. But for those who are so eager to spend billions more on defense, while in any comparative analysis we now know that we already spend more than most of the other nations combined in this world, combined on defense, I would remind us there are other threats to our security. For our veterans who participated in the Persian Gulf war who are now homeless in our streets, they are not as secure as they ought to be.

For children, millions of whom are not getting the kind of nutrition they need to grow and develop, they are not as secure and our future is not as secure because of their condition.

For senior citizens who in our colder weather States will bear the brunt of a winter and some would have us, the new majority, without the aid of fuel assistance for them, some of them who will freeze to death, they are not as secure as they ought to be.

It is interesting to see these people who want to cut the budget so much now, and want to spend more than even the Pentagon has requested, and have us again throw additional dollars into the development of a B-2 bomber.

I am sure many are sincere in their objectives, but it just seems to be unwise at this point in our country, given our fiscal circumstances and given the responsibility and the concerns about threats, both foreign and domestic, that we should reconsider perhaps what our priorities as a House ought to be.

Mr. DELLUMS. Mr. Chairman, I yield the remainder of my time to my distinguished colleague, the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Chairman, we will do some strange things this year, as legislative bodies often do, but I believe this is the looniest tune that will be sung here.

We are simply going to buy 20 new B-2 bombers for a mission that did not exist when the bomber existed. It is truly a plane in search of a mission. We have a rule which insulates more nuclear submarines from even being debated here. People should understand, yes, there are dangerous countries in the world today other than the Soviet Union. There were 10 years ago.

The biggest single threat has been defeated, and to have people come and tell us, now the Soviet Union has collapsed, that the world is a more dangerous place simply illustrates how desperately people will flail around for arguments to justify things they must have some other reason for wanting to do.

But understand the consequences. We are in a zero-sum situation. Build more nuclear submarines, and you must cut Medicare; build more B-2 bombers and it comes out of college student aid; give the Pentagon $9 billion more than the President asked for and prevent the House from voting to reduce it to the President's number, and you will cut the National Institutes of Health.

Members on the other side have said to the American people, "Gee, we would like to do more about cancer research. We do not want to make your students pay more in college. We are sorry we are cutting back on Medicare. We wish we could do more about education. We would like to have more help to cities trying to combat water pollution, but we cannot afford it."

Why can we not afford it?

□ 1745

Because we have brought forward a bill today which lavishes money on the Pentagon and restricts amendments that would try to cut it, and understand that we are not simply talking about a dangerous world. We are talking about a world in which people on the other side want the United States disproportionately to bear the burden.

They will cut foreign assistance for Africa, hundreds of millions that will go to keep poor children from starving, but then having cut the hundreds of millions from the poorest of the poor in Africa, they will give tens of billions to the Europeans and the wealthy East Asians so they do not have to have military budgets of their own. This is a continued blank check from the United States to the wealthy nations of the world.

We do too little to alleviate poverty. We do far too much to support luxury in parts of the world which do not have to spend money because we do.

I say to my colleagues, "Vote for this bill as it is, and you guarantee the kind of painful cuts in education and health and elsewhere that we could avoid."

Mr. STUMP. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. STEARNS].

Mr. STEARNS. Mr. Chairman, I, in the short time I have, cannot read and provide my complete statement, but there are portions of it I would like to present.

Obviously I rise today in strong support of the National Defense Authorization Act. This legislation represents a major step toward revitalizing our Nation's armed forces which have been grievously weakened in recent years by the administration's defense cuts. This bill will at long last halt this dangerous decline in defense spending. Finally we have a chance to vote on a forward-looking defense authorization bill, one that concentrates on readiness, military capability, not just for today, but for tomorrow.

Mr. Chairman, what I would like to do just briefly is talk about two programs, and I know this is going to be the most contentious issue on the House floor, and perhaps both sides of the aisle will have major contribution to this debate, but I rise in strong support for the committee's recommendation to include funding for the B-2 bomber program.

I am a fiscal conservative. I am well aware that we are trying to balance the budget, and I have much admiration for the Committee on the Budget and what they are trying to do.

As we are all aware, however, the Nation's long-range bomber force consists primarily of just two aircraft, the antiquated B-52 and the B-1. Making the B-2 a necessary addition is important, but the B-2 is not only necessary, it is practical. Without question it is the most cost effective and common sense means of long-range force projection.

Finally, funding the B-2 now makes sense. If we do not fund them this year, the production line will close and the cost of restarting it later will prove prohibitively costly. Let us not let this happen. The B-2 may well be the single most critical asset in our Nation's Air Force structure, and I urge my colleagues to accept the committee's language on the B-2 bomber.

Mr. Chairman, I rise today in strong support of the National Defense Authorization Act.

This legislation represents a major step toward revitalizing our Nation's Armed Forces, which have been grievously weakened in recent years by steep Clinton administration defense cuts.

H.R. 1530 will, at long last, halt this dangerous decline in defense spending. Finally, we have a chance to vote on a forward-looking defense authorization bill, one that concentrates on readiness and military capability not just for today, but for tomorrow.

The key components of this legislation bring much needed improvements to our Nation's Armed Forces. They include enhancing the quality of life for America's servicemen and women by raising their pay and rehabilitating their housing, thus preserving the standard of living needed for readiness and troop morale. They also include undertaking the long-overdue task of military modernization by providing for the development and deployment of national and theater missile defense systems.

H.R. 1530 also addresses the role of America's military in the world, including our involvement in NATO and the United Nations. This bill would correct the gross funding inequities that have plagued our involvement in international peacekeeping missions. In addition, I strongly support the provisions of H.R. 1530 requiring the President to certify to Congress that vital American interests are at stake before ever placing U.S. troops under U.N. command. It is the least we can do for our troops to bring some common sense and accountability to our foreign operations.

Furthermore, I wish to proclaim my strong support for the committee's recommendation to include funding for the B-2 Bomber Program. As we all are aware, the Nation's long-range bomber force consists primarily of just two aircraft: the antiquated B-52 and the B-1, making the B-2 a necessary addition. But the B-2 is not only necessary, it is practical. Without question it is the most cost-effective and common-sense means of long-range force projection. Financially, funding the B-2's now makes sense. If we don't fund them this year, the production line will close, and the cost of restarting it later will prove prohibitively costly. Let's not let this happen. The B-2 may well be the single most critical asset in our Nation's Air Force structure. I urge my colleagues to support the committee's language regarding the B-2 Program.

Mr. Chairman, H.R. 1530 makes sense. This legislation offers a sound approach to Defense funding. I commend the committee and the chairman of the committee for their work on this bill, which is fully deserving of our support. As such, I urge all my colleagues to vote for the committee bill and to oppose any weakening amendments.

Mr. SPENCE. Mr. Chairman, I yield the balance of my time to the gentleman from California [Mr. CUNNINGHAM].

The CHAIRMAN. The gentleman from California [Mr. CUNNINGHAM] is recognized for 2 minutes.

Mr. CUNNINGHAM. Mr. Chairman, I would ask my colleagues to think about what a flak suppression mission is. On the May 10, 1972, it is a mission in which one precedes their actual bomber forces of their F-15's, F-16's, F-18's, and they knock out the SAM sites like shot down our young Air Force friend, and on May 10, 1972, we lost four Phantoms. My airplane was one of those knocking out those SAM sites. A B-2 bomber can go in anywhere and knock out those SAM sites.

And is there a dangerous world, in this gentleman's opinion? Yes, there is. I would ask my colleagues:

Look at the lives we would have saved in World War II going into Ploesti with a single B-2, and not just our lives, but Allied lives, and now today we have got SA-6's and SA-2's and even SA-12's. In Vietnam we had a one-to-one kill ratio against the Mig's. We shot down—for every MIG we shot down we lost a fighter.

We established the Navy Fighter Weapons School, and our kill ration went from 12 to 1, but yet this year we lost all of the F-16's from Top Gun in our adversaries squadron because we do not have the dollars to pay for it. We have post-Korean aircraft, A-4's and A-5's, to train our pilots against potential enemy pilots. The Air Force has not bought a single plane in 2 years. The Navy bought 28 airplanes last year. Finland has bought more fighter aircraft than all our services combined in our last two procurements.

And we are asking does it take food out of childen's mouths and so on? I want our men and women to come back, not in body bags, and I do not want to mourn them during Memorial Day. But I would like them to come back alive with the best equipment.

I talked to drill sergeants and chiefs, master chiefs in the services, and they tell me they are telling their children, their daughters and their sons, not to come into our services because of base closures and the defense cuts that we have had, the uncertainty of their futures. We are way below the bottom-up review, and I would ask my colleagues to think seriously about the level in defense of this country, and I would ask my colleagues to support this bill, and I ask it humbly.

Mr. GEJDENSON. Mr. Chairman, I rise today to express my concerns about the National Security Committee's decision to alter the Navy's submarine plan. While I appreciate the committee's recognition of the military need to maintain the Electric Boat shipyard, the world's preeminent submarine designer and builder. I am very concerned about the decision not to authorize the third *Seawolf* (SSN-23). In addition to support from our party leaders, President Clinton, Speaker GINGRICH and Senator DOLE, the plan has also been endorsed by the Secretary of the Navy, the Secretary of Defense, the Joint Chiefs of Staff and several other independent agencies.

Many of you have been briefed by the intelligence community on the new threats confronting American military forces in the post-cold-war era. Currently, the Russians have six submarines at sea that are quieter than our most advanced submarines. Even as their economic and political struggles persist, they continue to invest in their submarine force, sacrificing investments in strategic bomber, land-based and surface ship forces. All told, more than 40 nations are operating over 600 submarines today. And many other adversarial nations continue to import and develop advanced submarine designs, technologies and components.

Clearly, submarines are now recognized worldwide as the critical element of a country's national security strategy. If Congress wants the U.S. Navy to protect our maritime trade interests and maintain our nation's dominance at sea, then we must authorize completion of what will be the world's most capable submarine, SSN-23. The military capabilities of SSN-23 will be unmatched!

I know that many of my colleagues are concerned about the cost of completing the third *Seawolf,* and I want to address this issue. First, the Navy has already invested $920 million in the third *Seawolf,* and this year, requested $1.5 billion to complete the ship. The cost to the Government to not build the boat will be an additional $1 billion in added overhead and liability costs to existing contracts, as well as program cancellation costs. Further, if we fail to move forward with the Navy's plan to build the third *Seawolf,* our nation will lose the unique capabilities of the hundreds of submarine vendors across the U.S. who build the submarine components.

During the 1980's, Congress authorized construction of 38 submarines. So far in the 1990s, Congress has authorized only 4, an 89 percent reduction. While the reduction in procurement rates is a result of the end of the cold war, unsettled areas and unknown threats still require our American military forces to have the most capable intelligence gathering, warfighting platform at sea. This military requirement will be met with the third *Seawolf.*

I am hopeful that Congress will approve the Navy's plan when the Defense Authorization bill goes to a conference committee. If we don't, we will waste close to $2 billion and our Navy will get nothing in return. Try to explain that one to your constituents back home.

Mr. BOEHLERT. Mr. Chairman, I come to the People's House today to tell my colleagues that I am outraged that some military personnel who commit serious crimes—murder, rape, child molestation—continue to receive active duty pay during their confinement.

Last year, just in the month of June alone, more than $700,000 was paid to military convicts. In effect, we're saying that if you serve in the military and you commit a crime, you can still receive a government paycheck while you serve your prison sentence. That's just plain wrong. Not only is it burdensome on American taxpayers, costing millions of their hard-earned dollars annually, it is a slap in the face to the victims and their families. This gives a whole new meaning to the phrase "crime pays," and we in Congress have a special obligation to say, "No, it doesn't."

To correct this intolerable situation, section 542 of the National Defense Authorization Act requires the forfeiture of pay and allowances during a period of confinement resulting from the sentence of a court-martial, effective immediately. The percentage of pay and allowances forfeited is the maximum percentage that the court-martial could have directed as part of the sentence—that's 100 percent in a general court-martial.

I support this section of the National Defense Authorization Act, and strongly urge my colleagues to do the same.

Mr. HAMILTON. Mr. Chairman, I rise in opposition to sections 1201 and 1202 of H.R. 1530, the National Defense Authorization Act. These provisions impose unacceptable restrictions on the President's ability to conduct foreign policy, and on his authority as Commander-in-Chief.

Section 1201 concerns U.S. military command and control structures. It reflects a policy position most of us, Democrats and Republicans alike, agree with. We don't like the idea of U.S. soldiers serving under anyone except U.S. commanders.

But this provision, in its radical attempt to legislate every area of U.S. military policy, goes too far.

This provision repeats the debate we had just a few months ago on H.R. 7.

I would like to remind my colleagues what is wrong with this provision.

It tries to rewrite the Constitution on the President's authority as Commander-in-Chief, and then includes language stating that this rewrite of the Constitution does not in fact rewrite the Constitution on these points.

It insults the U.S. military by micro-managing in statute how the military establishes sensitive and complicated command and control arrangements.

It prohibits any U.S. troops from serving under U.N. command, even if the U.N. commander is a U.S. military officer, without prior Congressional approval, unless the President certifies 15 days in advance.

The U.S. would be required to pull troops out of Korea, the Western Sahara, Georgia, Kuwait, and Jerusalem because there are foreign military officers in the chain of command of those U.N. peacekeeping operations and no Presidential certification has been made.

Had this provision been law in 1990, U.S. troops could not have participated in Desert Storm (elements of the 82nd Airborne Brigade served under French command).

When the Department of Defense was asked during the International Relations Committee markup of H.R. 7 about these precise command requirements, they replied that even a U.S. commander of U.S. troops in the United States would not always have the authority over his troops required by this provision, such as the authority to "dismiss" subordinates unilaterally.

The President's policy on peacekeeping, PDD-25, already states that the United States will not put large numbers of U.S. troops under foreign or U.N. command unless we are comfortable with the command and control arrangements. That policy answers our concerns about foreign command and control. We do not need section 1201 to protect our interests, or dictate to our military. A recent Wall Street Journal editorial said "diminishing the legitimate powers of the presidency, even in this particular way, is poor precedent".

Section 1202 poses a different set of problems. I believe the intent of the provision is to prohibit using Department of Defense funds to pay the U.S. peacekeeping assessment to the United Nations. As written, however, I believe it may do much more. It states that funds available to the Defense Department may not be used "for the costs of a U.N. peacekeeping activity". It further states that this prohibition applies to voluntary contributions, as well as the assessed contributions.

I am concerned that this language could be interpreted to prohibit the use of Defense Department funds to enforce the no-fly zones in Iraq and the former Yugoslavia, prohibit last year's United States assistance in the withdrawal of UNOSOM II from Somalia, or prohibit last year's humanitarian operation in Rwanda. That may not have been the intention of this section, but that may be its result. We simply do not know the impact of this provision.

I do not believe it is in the U.S. interest to prohibit the Defense Department from making voluntary contributions in support of U.N. peacekeeping if it sees fit. There was no time to debate this provision when it was considered as part of H.R. 7, and there will be no time to debate it on this bill.

I believe we need to consider these important matters with more time and care than has been allowed thus far. I urge my colleagues to oppose sections 1201 and 1202 of this bill.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill, as modified by striking section 807, and by an amendment printed in part 3 of House Report 104–136, is considered as an original bill for the purpose of amendment and is considered as having been read.

The text of the committee amendment in the nature of a substitute, as modified, is as follows:

H.R. 1530

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Defense Authorization Act for Fiscal Year 1996".

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into three divisions as follows:

(1) Division A—Department of Defense Authorizations.

(2) Division B—Military Construction Authorizations.

(3) Division C—Department of Energy National Security Authorizations and Other Authorizations.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Organization of Act into divisions; table of contents.
Sec. 3. Congressional defense committees defined.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Sec. 101. Army.
Sec. 102. Navy and Marine Corps.
Sec. 103. Air force.
Sec. 104. Defense-wide activities.
Sec. 105. Reserve components.
Sec. 106. Chemical demilitarization program.

Subtitle B—Army Programs

Sec. 111. Procurement of helicopters.

Subtitle C—Navy Programs

Sec. 131. Repeal of prohibition on backfit of Trident submarines.
Sec. 132. Repeal of limitation on total cost for SSN–21 and SSN–22 Seawolf submarines.
Sec. 133. Competition required for selection of shipyards for construction of vessels for next generation attack submarine program.

Subtitle D—Air Force Programs

Sec. 141. Repeal of limitations.

Subtitle E—Chemical Demilitarization Program

Sec. 151. Repeal of requirement to proceed expeditiously with development of chemical demilitarization cryofracture facility at Tooele Army Depot, Utah.
Sec. 152. Sense of Congress regarding cost growth in program for destruction of the existing stockpile of lethal chemical agents and munitions.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

Sec. 201. Authorization of appropriations.
Sec. 202. Amount for basic research and exploratory development.
Sec. 203. Modifications to Strategic Environmental Research and Development Program.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. Space launch modernization.
Sec. 212. Maneuver variant unmanned aerial vehicle.
Sec. 213. Tactical manned reconnaissance.
Sec. 214. Advanced lithography program.
Sec. 215. Enhanced fiber optic guided missile system.
Sec. 216. Joint Advanced Strike Technology (JAST) program.

Subtitle C—Ballistic Missile Defense Act of 1995

Sec. 231. Short title.
Sec. 232. Ballistic missile defense policy of the United States.
Sec. 233. Implementation of policy.
Sec. 234. Follow-on technologies research and development.
Sec. 235. Policy on compliance with the ABM Treaty.
Sec. 236. Ballistic Missile Defense program accountability.
Sec. 237. ABM Treaty defined.
Sec. 238. Repeal of Missile Defense Act of 1991.

Subtitle D—Other Ballistic Missile Defense Provisions

Sec. 241. Ballistic missile defense funding for fiscal year 1996.
Sec. 242. Policy concerning ballistic missile defense.
Sec. 243. Testing of theater missile defense interceptors.
Sec. 244. Repeal of missile defense provisions.

Subtitle E—Other Matters

Sec. 251. Allocation of funds for medical countermeasures against biowarfare threats.
Sec. 252. Analysis of consolidation of basic research accounts of military departments.
Sec. 253. Change in reporting period from calendar year to fiscal year for annual report on certain contracts to colleges and universities.
Sec. 254. Modification to University Research Initiative Support Program.
Sec. 255. Advanced Field Artillery System (Crusader).
Sec. 256. Review of C^{4}I by National Research Council.
Sec. 257. Five-year plan for federally funded research and development centers (FFRDCs).
Sec. 258. Manufacturing technology program.
Sec. 259. Five-year plan for consolidation of defense laboratories and test and evaluation centers.
Sec. 260. Aeronautical research and test capabilities assessment.
Sec. 261. Limitation on T–38 Avionics Upgrade program.
Sec. 262. Cross reference to congressional defense policy concerning national technology and industrial base, reinvestment, and conversion in operation of defense research and development programs.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

Sec. 301. Operation and maintenance funding.
Sec. 302. Working capital funds.
Sec. 303. Armed Forces Retirement Home.

Subtitle B—Defense Business Operations Fund

Sec. 311. Codification of Defense Business Operations Fund.
Sec. 312. Retention of centralized management of Defense Business Operations Fund and prohibition on further expansion of Fund.
Sec. 313. Charges for goods and services provided through Defense Business Operations Fund and termination of advance billing practices.
Sec. 314. Annual proposed budget for operation of Defense Business Operations Fund.
Sec. 315. Reduction in requests for transportation funded through Defense Business Operations Fund.

Subtitle C—Environmental Provisions

Sec. 321. Clarification of services and property that may be exchanged to benefit the historical collection of the Armed Forces.
Sec. 322. Addition of amounts creditable to defense environmental restoration account.
Sec. 323. Repeal of certain environmental education programs.
Sec. 324. Repeal of limitation on obligation of amounts transferred from environmental restoration transfer account.
Sec. 325. Elimination of authority to transfer amounts for toxicological profiles.
Sec. 326. Sense of Congress on use of Defense Environmental Restoration Account.

Subtitle D—Civilian Employees and Nonappropriated Fund Instrumentality Employees

Sec. 331. Management of Department of Defense civilian personnel.
Sec. 332. Management of depot employees.
Sec. 333. Conversion to performance by civilian employees of active-duty positions.
Sec. 334. Personnel actions involving employees of nonappropriated fund instrumentalities.
Sec. 335. Termination of overseas living quarters allowances for nonappropriated fund instrumentality employees.
Sec. 336. Overtime exemption for nonappropriated fund employees.
Sec. 337. Continued health insurance coverage.
Sec. 338. Creditability of certain NAFI service under the Federal Employees' Retirement System.

Subtitle E—Commissaries and Nonappropriated Fund Instrumentalities

Sec. 341. Operation of commissary store system.
Sec. 342. Pricing policies for commissary store merchandise.
Sec. 343. Limited release of commissary stores sales information to manufacturers, distributors, and other vendors doing business with Defense Commissary Agency.

Sec. 344. Economical distribution of distilled spirits by nonappropriated fund instrumentalities.
Sec. 345. Transportation by commissaries and exchanges to overseas locations.
Sec. 346. Demonstration program for uniform funding of morale, welfare, and recreation activities at certain military installations.
Sec. 347. Continued operation of base exchange mart at Fort Worth Naval Air Station and authority to expand base exchange mart program.
Sec. 348. Uniform deferred payments program for military exchanges.
Sec. 349. Availability of funds to offset expenses incurred by Army and Air Force Exchange Service on account of troop reductions in Europe.
Sec. 350. Study regarding improving efficiencies in operation of military exchanges and other morale, welfare, and recreation activities and commissary stores.
Sec. 351. Extension of deadline for conversion of Navy ships' stores to operation as nonappropriated fund instrumentalities.

Subtitle F—Contracting Out

Sec. 357. Procurement of electricity from most economical source.
Sec. 358. Procurement of certain commodities from most economical source.
Sec. 359. Increase in commercial procurement of printing and duplication services.
Sec. 360. Direct delivery of assorted consumable inventory items of Department of Defense.
Sec. 361. Operations of Defense Reutilization and Marketing Service.
Sec. 362. Private operation of payroll functions of Department of Defense for payment of civilian employees.
Sec. 363. Demonstration program to identify underdeductions and overpayments made to vendors.
Sec. 364. Pilot program to evaluate potential for private operation of overseas dependents' schools.
Sec. 365. Pilot program for evaluation of improved defense travel processing prototypes.
Sec. 366. Pilot program for private operation of consolidated information technology functions of Department of Defense.
Sec. 367. Report on efforts to contract out certain functions of Department of Defense.
Sec. 368. Pilot program for private operation of payroll and accounting functions of nonappropriated fund instrumentalities.

Subtitle G—Miscellaneous Reviews, Studies, and Reports

Sec. 371. Quarterly readiness reports.
Sec. 372. Reports required regarding expenditures for emergency and extraordinary expenses.
Sec. 373. Restatement of requirement for semiannual reports to Congress on transfers from high-priority readiness appropriations.
Sec. 374. Modification of notification requirement regarding use of core logistics functions waiver.
Sec. 375. Limitation on development or modernization of automated information systems of Department of Defense pending report.
Sec. 376. Report regarding reduction of costs associated with contract management oversight.

Subtitle H—Other Matters

Sec. 381. Prohibition on capital lease for Defense Business Management University.
Sec. 382. Authority of Inspector General over investigations of procurement fraud.
Sec. 383. Provision of equipment and facilities to assist in emergency response actions.
Sec. 384. Conversion of Civilian Marksmanship Program to nonappropriated fund instrumentality and activities under program.
Sec. 385. Personnel services and logistical support for certain activities held on military installations.
Sec. 386. Retention of monetary awards.
Sec. 387. Civil Reserve Air Fleet.
Sec. 388. Permanent authority regarding use of proceeds from sale of lost, abandoned, and unclaimed personal property at certain installations.
Sec. 389. Transfer of excess personal property to support law enforcement activities.
Sec. 390. Development and implementation of innovative processes to improve operation and maintenance.
Sec. 391. Review of use of Defense Logistics Agency to manage inventory control points.
Sec. 392. Sale of 50 percent of current war reserve fuel stocks.
Sec. 393. Military clothing sales stores, replacement sales.
Sec. 394. Assistance to local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.
Sec. 395. Core logistics capabilities of the Department of Defense.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

Sec. 401. End strengths for active forces.
Sec. 402. Temporary variations in DOPMA authorized end strength limitations for active duty Navy and Air Force officers in certain grades.

Subtitle B—Reserve Forces

Sec. 411. End strengths for Selected Reserve.
Sec. 412. End strengths for Reserves on active duty in support of the Reserves.
Sec. 413. Counting of certain active component personnel assigned in support of Reserve component training.

Subtitle C—Military Training Student Loads

Sec. 421. Authorization of training student loads.

Subtitle D—Authorization of Appropriations

Sec. 431. Authorization of appropriations for military personnel.
Sec. 432. Authorization for increase in active-duty end strengths.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

Sec. 501. Authority to extend transition period for officers selected for early retirement.

Subtitle B—Matters Relating to Reserve Components

Sec. 511. Military technician full-time support program for Army and Air Force reserve components.
Sec. 512. Military leave for military reserve technicians for certain duty overseas.
Sec. 513. Revisions to Army Guard combat reform initiative to include Army reserve under certain provisions and make certain revisions.
Sec. 514. ROTC scholarships for the National Guard.
Sec. 515. Report on feasibility of providing education benefits protection insurance for service academy and ROTC scholarship students who become medically unable to serve.
Sec. 516. Active duty officers detailed to ROTC duty at senior military colleges to serve as Commandant and Assistant Commandant of Cadets and as tactical officers.
Sec. 517. Mobilization income insurance program for members of Ready Reserve.
Sec. 518. Delay in reorganization of Army ROTC regional headquarters structure.

Subtitle C—Matters Relating to Force Levels

Sec. 521. Floor on end strengths.
Sec. 522. Army officer manning levels.
Sec. 523. Comptroller General review of proposed Army end strength allocations.
Sec. 524. Manning status of highly deployable support units.
Sec. 525. Sense of Congress concerning personnel tempo rates.

Subtitle D—Amendments to the Uniform Code of Military Justice

Sec. 541. References to Uniform Code of Military Justice.
Sec. 542. Forfeiture of pay and allowances during confinement by sentence of court-martial.
Sec. 543. Refusal to testify before court-martial.
Sec. 544. Flight from apprehension.
Sec. 545. Carnal knowledge.
Sec. 546. Time after accession for initial instruction in the Uniform Code of Military Justice.
Sec. 547. Persons who may appear before the United States Court of Appeals for the Armed Forces.
Sec. 548. Discretionary representation by Government appellate defense counsel in petitioning Supreme Court for writ of certiorari.
Sec. 549. Repeal of termination of authority for Chief Justice of United States to designate Article III judges for temporary service on Court of Appeals for the Armed Forces.
Sec. 550. Technical amendment.

Subtitle E—Other Matters

Sec. 551. Equalization of accrual of service credit for officers and enlisted members.
Sec. 552. Extension of expiring personnel authorities.
Sec. 553. Increase in educational assistance allowance with respect to skills or specialties for which there is a critical shortage of personnel.
Sec. 554. Amendments to education loan repayment programs.
Sec. 555. Recognition by States of living wills of members, certain former members, and their dependents.
Sec. 556. Transitional compensation for dependents of members of the Armed Forces separated for dependent abuse.
Sec. 557. Army ranger training.
Sec. 558. Repeal of certain civil-military programs.
Sec. 559. Eligibility for Armed Forces expeditionary medal based upon service in El Salvador.
Sec. 560. Revision and codification of Military Family Act and Military Child Care Act.
Sec. 561. Discharge of members of the Armed Forces who have the HIV–1 virus.

Sec. 562. Authority to appoint Brigadier General Charles E. Yeager, United States Air Forces (retired) to the grade of major general on the retired list.
Sec. 563. Determination of whereabouts and status of missing persons.
Sec. 564. Nominations to service academies from Commonwealth of the Northern Marianas Islands.
Sec. 565. Report on the consistency of reporting of fingerprint cards and final disposition forms to the Federal Bureau of Investigation.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

Sec. 601. Military pay raise for fiscal year 1996.
Sec. 602. Limitation on basic allowance for subsistence for members without dependents residing in Government quarters.
Sec. 603. Authorization of payment of basic allowance for quarters to additional members assigned to sea duty.
Sec. 604. Establishment of minimum amounts of variable housing allowance for high housing cost areas and additional limitation on reduction of allowance for certain members.
Sec. 605. Clarification of limitation on receipt of family separation allowance.

Subtitle B—Bonuses and Special and Incentive Pays

Sec. 611. Extension of certain bonuses for reserve forces.
Sec. 612. Extension of certain bonuses and special pay for nurse officer candidates, registered nurses, and nurse anesthetists.
Sec. 613. Extension of authority relating to payment of other bonuses and special pays.
Sec. 614. Codification and extension of special pay for critically short wartime health specialists in the Selected Reserves.
Sec. 615. Change in eligibility requirements for continuous monthly aviation incentive pay.
Sec. 616. Continuous entitlement to career sea pay for crewmembers of ships designated as tenders.
Sec. 617. Increase in maximum rate of special duty assignment pay for enlisted members serving as recruiters.

Subtitle C—Travel and Transportation Allowances

Sec. 621. Authorization of return to United States of formerly dependent children of members.
Sec. 622. Authorization of dislocation allowance for moves in connection with base realignments and closures.

Subtitle D—Other Matters

Sec. 631. Elimination of unnecessary annual reporting requirements regarding compensation matters.
Sec. 632. Study regarding joint process for determining location of recruiting stations.
Sec. 633. Elimination of disparity between effective dates for military and civilian retiree cost-of-living adjustments for fiscal year 1996.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—Health Care Services

Sec. 701. Modification of requirements regarding routine physical examinations and immunizations under CHAMPUS.
Sec. 702. Correction of inequities in medical and dental care and death and disability benefits for certain Reservists.
Sec. 703. Medical and dental care for members of the Selected Reserve.

Subtitle B—TRICARE Program

Sec. 711. Priority use of military treatment facilities for persons enrolled in managed care initiatives.
Sec. 712. Staggered payment of enrollment fees for TRICARE.
Sec. 713. Requirement of budget neutrality for TRICARE to be based on entire program.
Sec. 714. Training in health care management and administration for TRICARE lead agents.
Sec. 715. Evaluation and report on TRICARE effectiveness.

Subtitle C—Uniformed Services Treatment Facilities

Sec. 721. Limitation on expenditures to support Uniformed Services Treatment Facilities and limitation on number of participants in USTF managed care plans.
Sec. 722. Application of Federal acquisition regulation to participation agreements with uniformed services treatment facilities.
Sec. 723. Development of plan for integrating Uniformed Services Treatment Facilities in managed care programs of Department of Defense.
Sec. 724. Equitable implementation of uniform cost sharing requirements for Uniformed Services Treatment Facilities.

Subtitle D—Other Changes to Existing Laws Regarding Health Care Management

Sec. 731. Maximum allowable payments to individual health-care providers under CHAMPUS.
Sec. 732. Expansion of existing restriction on use of defense funds for abortions.
Sec. 733. Identification of third-party payer situations.
Sec. 734. Redesignation of Military Health Care Account as Defense Health Program Account and two-year availability of certain Account funds.
Sec. 735. Expansion of financial assistance program for health-care professionals in reserve components to include dental specialties.
Sec. 736. Elimination of unnecessary annual reporting requirements regarding military health care.

Subtitle E—Other Matters

Sec. 741. Termination of program to train and utilize military psychologists to prescribe psychotropic medications.
Sec. 742. Waiver of collection of payments due from certain persons unaware of loss of CHAMPUS eligibility.
Sec. 743. Notification of certain CHAMPUS covered beneficiaries of loss of CHAMPUS eligibility.
Sec. 744. Demonstration program to train military medical personnel in civilian shock trauma units.
Sec. 745. Study regarding Department of Defense efforts to determine appropriate force levels of wartime medical personnel.
Sec. 746. Study regarding expanded mental health services for certain covered beneficiaries.
Sec. 747. Report on improved access to military health care for covered beneficiaries entitled to Medicare.
Sec. 748. Sense of Congress on continuity of health care services for covered beneficiaries adversely affected by closures of military medical treatment facilities.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Sec. 801. Repeals of certain procurement provisions.
Sec. 802. Fees for certain testing services.
Sec. 803. Testing of defense acquisition programs.
Sec. 804. Coordination and communication of defense research activities.
Sec. 805. Addition of certain items to domestic source limitation.
Sec. 806. Revisions to procurement notice provisions.
Sec. 807. International competitiveness.
Sec. 808. Encouragement of use of leasing authority.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Sec. 901. Reorganization of Office of the Secretary of Defense.
Sec. 902. Restructuring of Department of Defense acquisition organization and workforce.
Sec. 903. Plan for incorporation of Department of Energy national security functions in Department of Defense.
Sec. 904. Change in titles of certain Marine Corps general officer billets resulting from reorganization of the Headquarters, Marine Corps.
Sec. 905. Inclusion of Information Resources Management College in the National Defense University.
Sec. 906. Employment of civilians at the Asia-Pacific Center for Security Studies.
Sec. 907. Continued operation of Uniformed Services University of the Health Sciences.
Sec. 908. Redesignation of Advanced Research Projects Agency.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

Sec. 1001. Transfer authority.
Sec. 1002. Incorporation of classified annex.
Sec. 1003. Improved funding mechanisms for unbudgeted operations.
Sec. 1004. Designation and liability of disbursing and certifying officials.
Sec. 1005. Authority for obligation of certain unauthorized fiscal year 1995 defense appropriations.
Sec. 1006. Authorization of prior emergency supplemental appropriations for fiscal year 1995.
Sec. 1007. Prohibition of incremental funding of procurement items.

Subtitle B—Naval Vessels and Shipyards

Sec. 1021. Contract options for LMSR vessels.
Sec. 1022. Vessels subject to repair under phased maintenance contracts.
Sec. 1023. Clarification of requirements relating to repairs of vessels.
Sec. 1024. Naming of naval vessel.
Sec. 1025. Transfer of riverine patrol craft.

Subtitle C—Other Matters

Sec. 1031. Termination and modification of authorities regarding national defense technology and industrial base, defense reinvestment, and defense conversion programs.
Sec. 1032. Repeal of miscellaneous provisions of law.

TITLE XI—COOPERATIVE THREAT REDUCTION WITH STATES OF FORMER SOVIET UNION

Sec. 1101. Specification of Cooperative Threat Reduction programs.

Sec. 1102. Fiscal year 1996 authorization.
Sec. 1103. Repeal of demilitarization enterprise fund authority.
Sec. 1104. Prohibition on use of funds for peacekeeping exercises and related activities with Russia.
Sec. 1105. Revision to authority for assistance for weapons destruction.
Sec. 1106. Prior notice to Congress of obligation of funds.
Sec. 1107. Report on accounting for United States assistance.

TITLE XII—MATTERS RELATING TO OTHER NATIONS

Subtitle A—Peacekeeping Provisions

Sec. 1201. Limitation on expenditure of Department of Defense funds for United States forces placed under United Nations command or control.
Sec. 1202. Limitation on use of Department of Defense funds for United States share of costs of United Nations peacekeeping activities.

Subtitle B—Humanitarian Assistance Programs

Sec. 1211. Overseas Humanitarian, Disaster, and Civic Aid programs.
Sec. 1212. Humanitarian assistance.
Sec. 1213. Landmine clearance program.

Subtitle C—Other Matters

Sec. 1221. Revision of definition of landmine for purposes of landmine export moratorium.
Sec. 1222. Extension and amendment of counterproliferation authorities.
Sec. 1223. Prohibition on use of funds for activities associated with the United States-People's Republic of China Joint Defense Conversion Commission.
Sec. 1224. Defense export loan guarantees.
Sec. 1225. Accounting for burdensharing contributions.
Sec. 1226. Authority to accept contributions for expenses of relocation within host nation of United States Armed Forces overseas.
Sec. 1227. Sense of Congress on ABM treaty violations.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

Sec. 2001. Short title.

TITLE XXI—ARMY

Sec. 2101. Authorized Army construction and land acquisition projects.
Sec. 2102. Family housing.
Sec. 2103. Improvements to military family housing units.
Sec. 2104. Authorization of appropriations, Army.

TITLE XXII—NAVY

Sec. 2201. Authorized Navy construction and land acquisition projects.
Sec. 2202. Family housing.
Sec. 2203. Improvements to military family housing units.
Sec. 2204. Authorization of appropriations, Navy.

TITLE XXIII—AIR FORCE

Sec. 2301. Authorized Air Force construction and land acquisition projects.
Sec. 2302. Family housing.
Sec. 2303. Improvements to military family housing units.
Sec. 2304. Authorization of appropriations, Air Force.
Sec. 2305. Retention of accrued interest on funds deposited for construction of family housing, Scott Air Force Base, Illinois.

TITLE XXIV—DEFENSE AGENCIES

Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.
Sec. 2402. Family housing private investment.
Sec. 2403. Improvements to military family housing units.
Sec. 2404. Energy conservation projects.
Sec. 2405. Authorization of appropriations, Defense Agencies.
Sec. 2406. Modification of authority to carry out fiscal year 1995 projects.
Sec. 2407. Limitation on expenditures for construction project at Umatilla Army Depot, Oregon.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION INFRASTRUCTURE

Sec. 2501. Authorized NATO construction and land acquisition projects.
Sec. 2502. Authorization of appropriations, NATO.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

Sec. 2601. Authorized Guard and Reserve construction and land acquisition projects.
Sec. 2602. Correction in authorized uses of funds for Army National Guard projects in Mississippi.

TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS

Sec. 2701. Expiration of authorizations and amounts required to be specified by law.
Sec. 2702. Extension of authorizations of certain fiscal year 1993 projects.
Sec. 2703. Extension of authorizations of certain fiscal year 1992 projects.
Sec. 2704. Effective date.

TITLE XXVIII—GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

Sec. 2801. Alternative means of acquiring and improving military family housing and supporting facilities for the Armed Forces.
Sec. 2802. Inclusion of other Armed Forces in Navy program of limited partnerships with private developers for military housing.
Sec. 2803. Special unspecified minor construction thresholds for projects to correct life, health, and safety deficiencies and clarification of unspecified minor construction authority.
Sec. 2804. Disposition of amounts recovered as a result of damage to real property.
Sec. 2805. Rental of family housing in foreign countries.
Sec. 2806. Pilot program to provide interest rate buy down authority on loans for housing within housing shortage areas at military installations.

Subtitle B—Base Closure and Realignment

Sec. 2811. Authority to transfer property at military installations to be closed to persons who construct or provide military family housing.
Sec. 2812. Deposit of proceeds from leases of property located at installations being closed or realigned.
Sec. 2813. Agreements for certain services at installations being closed.

Subtitle C—Land Conveyances Generally

Sec. 2821. Transfer of jurisdiction, Fort Sam Houston, Texas.
Sec. 2822. Land acquisition or exchange, Shaw Air Force Base, Sumter, South Carolina.
Sec. 2823. Transfer of certain real property at Naval Weapons Industrial Reserve Plant, Calverton, New York, for use as national cemetery.
Sec. 2824. Land conveyance, Fort Ord, California.
Sec. 2825. Land conveyance, Indiana Army Ammunition Plant, Charlestown, Indiana.
Sec. 2826. Land conveyance, Naval Air Station, Pensacola, Florida.
Sec. 2827. Land conveyance, Avon Park Air Force Range, Sebring, Florida.
Sec. 2828. Land conveyance, Parks Reserve Forces Training Area, Dublin, California.
Sec. 2829. Land conveyance, Holston Army Ammunition Plant, Mount Carmel, Tennessee.
Sec. 2830. Land conveyance, Naval Weapons Industrial Reserve Plant, McGregor, Texas.
Sec. 2831. Transfer of jurisdiction and land conveyance, Fort Devens Military Reservation, Massachusetts.
Sec. 2832. Land conveyance, Elmendorf Air Force Base, Alaska.
Sec. 2833. Land conveyance alternative to existing lease authority, Naval Supply Center, Oakland, California.

Subtitle D—Land Conveyances Involving Utilities

Sec. 2841. Conveyance of resource recovery facility, Fort Dix, New Jersey.
Sec. 2842. Conveyance of water and wastewater treatment plants, Fort Gordon, Georgia.
Sec. 2843. Conveyance of electrical distribution system, Fort Irwin, California.

Subtitle E—Other Matters

Sec. 2851. Expansion of authority to sell electricity.
Sec. 2852. Authority for Mississippi State Port Authority to use Navy property at Naval Construction Battalion Center, Gulfport, Mississippi.
Sec. 2853. Prohibition on joint civil aviation use of Naval Air Station Miramar, California.
Sec. 2854. Report regarding Army water craft support facilities and activities.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATION AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

Sec. 3101. Weapons activities.
Sec. 3102. Environmental restoration and waste management.
Sec. 3103. Payment of penalties.
Sec. 3104. Other defense activities.
Sec. 3105. Defense nuclear waste disposal.

Subtitle B—Recurring General Provisions

Sec. 3121. Reprogramming.
Sec. 3122. Limits on general plant projects.
Sec. 3123. Limits on construction projects.
Sec. 3124. Fund transfer authority.
Sec. 3125. Authority for conceptual and construction design.
Sec. 3126. Authority for emergency planning, design, and construction activities.
Sec. 3127. Funds available for all national security programs of the Department of Energy.
Sec. 3128. Availability of funds.

Subtitle C—Program Authorizations, Restrictions, and Limitations

Sec. 3131. Authority to conduct program relating to fissile materials.

Sec. 3132. National Ignition Facility.
Sec. 3133. Tritium production.

Subtitle D—Other Matters

Sec. 3141. Report on foreign tritium purchases.
Sec. 3142. Study on nuclear test readiness postures.
Sec. 3143. Master plan on warheads in the enduring stockpile.
Sec. 3144. Prohibition on international inspections of Department of Energy facilities unless protection of restricted data is certified.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Sec. 3201. Authorization.

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

Sec. 3301. Fiscal year 1996 authorized uses of stockpile funds.
Sec. 3302. Preference for domestic upgraders in disposal of chromite and manganese ores and chromium ferro and manganese metal electrolytic.
Sec. 3303. Restrictions on disposal of manganese ferro.
Sec. 3304. Titanium initiative to support battle tank upgrade program.

TITLE XXXIV—NAVAL PETROLEUM RESERVES

Sec. 3401. Authorization of appropriations.
Sec. 3402. Price requirement on sale of certain petroleum during fiscal year 1996.
Sec. 3403. Sale of Naval Petroleum Reserve Numbered 1 (Elk Hills).
Sec. 3404. Study regarding future of naval petroleum reserves (other than Naval Petroleum Reserve Numbered 1).

TITLE XXXV—PANAMA CANAL COMMISSION

Subtitle A—Authorization of Appropriations

Sec. 3501. Short title.
Sec. 3502. Authorization of expenditures.
Sec. 3503. Expenditures in accordance with other laws.

Subtitle B—Reconstitution of Commission as Government Corporation

Sec. 3521. Short title.
Sec. 3522. Reconstitution of commission as government corporation.
Sec. 3523. Supervisory board.
Sec. 3524. International advisors.
Sec. 3525. General and specific powers of commission.
Sec. 3526. Congressional review of budget.
Sec. 3527. Audits.
Sec. 3528. Prescription of measurement rules and rates of tolls.
Sec. 3529. Procedures for changes in rules of measurement and rates of tolls
Sec. 3530. Miscellaneous technical amendments.
Sec. 3531. Conforming amendment to title 31, United States Code.

SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES DEFINED.

For purposes of this Act, the term "congressional defense committees" means—

(1) the Committee on Armed Services and the Committee on Appropriations of the Senate; and

(2) the Committee on National Security and the Committee on Appropriations of the House of Representatives.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

SEC. 101. ARMY.

Funds are hereby authorized to be appropriated for fiscal year 1996 for procurement for the Army as follows:

(1) For aircraft, $1,423,067,000.

(2) For missiles, $862,830,000.

(3) For weapons and tracked combat vehicles, $1,359,664,000.

(4) For ammunition, $1,062,715,000.

(5) For other procurement, $2,545,587,000.

SEC. 102. NAVY AND MARINE CORPS.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 1996 for procurement for the Navy as follows:

(1) For aircraft, $4,106,488,000.

(2) For weapons, including missiles and torpedoes, $1,626,411,000.

(3) For shipbuilding and conversion, $6,227,958,000.

(4) For other procurement, $2,461,472,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 1996 for procurement for the Marine Corps in the amount of $399,247,000.

(c) NAVY AND MARINE CORPS AMMUNITION.—Funds are hereby authorized to be appropriated for procurement of ammunition for Navy and the Marine Corps in the amount of $461,779,000.

SEC. 103. AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal year 1996 for procurement for the Air Force as follows:

(1) For aircraft, $7,031,952,000.

(2) For missiles, $3,430,083,000.

(3) For ammunition, $321,328,000.

(4) For other procurement, $6,784,801,000.

SEC. 104. DEFENSE-WIDE ACTIVITIES.

Funds are hereby authorized to be appropriated for fiscal year 1996 for Defense-wide procurement in the amount of $2,205,917,000.

SEC. 105. RESERVE COMPONENTS.

Funds are hereby authorized to be appropriated for fiscal year 1996 for procurement of aircraft, vehicles, communications equipment, and other equipment for the reserve components of the Armed Forces as follows:

(1) For the Army National Guard, $150,000,000.

(2) For the Air National Guard, $227,800,000.

(3) For the Army Reserve, $84,300,000.

(4) For the Naval Reserve, $86,000,000.

(5) For the Air Force Reserve, $171,200,000.

(6) For the Marine Corps Reserve, $50,700,000.

SEC. 106. CHEMICAL DEMILITARIZATION PROGRAM.

(a) AUTHORIZATION.—There is hereby authorized to be appropriated for fiscal year 1996 the amount of $746,698,000 for—

(1) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521); and

(2) the destruction of chemical warfare materiel of the United States that is not covered by section 1412 of such Act.

(b) ALLOCATION.—Of the funds specified in subsection (a)—

(1) $393,850,000 is for operations and maintenance;

(2) $299,448,000 is for procurement; and

(3) $53,400,000 is for research and development.

Subtitle B—Army Programs

SEC. 111. PROCUREMENT OF HELICOPTERS.

The prohibition in section 133(a)(2) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 103 Stat. 1383) does not apply to the obligation of funds in amounts not to exceed $125,000,000 for the procurement of not more than 20 OH–58D AHIP Scout aircraft from funds appropriated for fiscal year 1996 pursuant to section 101.

Subtitle C—Navy Programs

SEC. 131. REPEAL OF PROHIBITION ON BACKFIT OF TRIDENT SUBMARINES.

Section 124 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2683) is repealed.

SEC. 132. REPEAL OF LIMITATION ON TOTAL COST FOR SSN–21 AND SSN–22 SEAWOLF SUBMARINES.

Section 122 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2682) is repealed.

SEC. 133. COMPETITION REQUIRED FOR SELECTION OF SHIPYARDS FOR CONSTRUCTION OF VESSELS FOR NEXT GENERATION ATTACK SUBMARINE PROGRAM.

(a) COMPETITION REQUIRED.—The Secretary of the Navy shall select on a competitive basis the shipyard for construction of each vessel for the next generation attack submarine program.

(b) PROGRAM IDENTIFIED.—The next generation attack submarine program shall begin with the first submarine for which the Secretary of the Navy enters into a contract for construction after the submarine that is programmed to be constructed using funds appropriated for fiscal year 1998.

Subtitle D—Air Force Programs

SEC. 141. REPEAL OF LIMITATIONS.

The following provisions of law are repealed:

(1) Section 112 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 103 Stat. 1373).

(2) Section 151(c) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2339).

(3) Sections 131(c) and 131(d) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1569).

(4) Section 133(e) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2688).

Subtitle E—Chemical Demilitarization Program

SEC. 151. REPEAL OF REQUIREMENT TO PROCEED EXPEDITIOUSLY WITH DEVELOPMENT OF CHEMICAL DEMILITARIZATION CRYOFRACTURE FACILITY AT TOOELE ARMY DEPOT, UTAH.

Subsection (a) of section 173 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 103 Stat. 1393) is repealed.

SEC. 152. SENSE OF CONGRESS REGARDING COST GROWTH IN PROGRAM FOR DESTRUCTION OF THE EXISTING STOCKPILE OF LETHAL CHEMICAL AGENTS AND MUNITIONS.

The Congress is concerned that growth in the estimated cost of the program to demilitarize the United States' stockpile of lethal chemical agents and munitions raises serious questions regarding that program. Accordingly, it is the sense of Congress that the Secretary of Defense should consider measures to reduce the overall cost of the chemical stockpile demilitarization program, while minimizing total risk and ensuring the maximum protection for the environment, the general public, and the personnel involved in the destruction of lethal chemical agents and munitions.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 1996 for the use of the Department of Defense for research, development, test, and evaluation as follows:

(1) For the Army, $4,774,947,000.

(2) For the Navy, $8,516,509,000.

(3) For the Air Force, $13,184,102,000.

(4) For Defense-wide activities, $9,548,986,000, of which $239,341,000 is authorized for the activities of the Director, Test and Evaluation.

SEC. 202. AMOUNT FOR BASIC RESEARCH AND EXPLORATORY DEVELOPMENT.

(a) FISCAL YEAR 1996.—Of the amounts authorized to be appropriated by section 201,

$4,181,076,000 shall be available for basic research and exploratory development projects.

(b) BASIC RESEARCH AND EXPLORATORY DEVELOPMENT DEFINED.—For purposes of this section, the term "basic research and exploratory development" means work funded in program elements for defense research and development under Department of Defense category 6.1 or 6.2.

SEC. 203. MODIFICATIONS TO STRATEGIC ENVIRONMENTAL RESEARCH AND DEVELOPMENT PROGRAM.

(a) PURPOSES OF PROGRAM.—Section 2901(b) of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking out "and the Department of Energy"; and

(B) by striking out "their" and inserting in lieu thereof "its";

(2) by striking out paragraph (3); and

(3) by redesignating paragraph (4) as paragraph (3).

(b) COUNCIL.—Section 2902 of such title is amended—

(1) in subsection (b)—

(A) by striking out "thirteen" and inserting in lieu thereof "12";

(B) by striking out paragraph (3);

(C) by redesignating paragraphs (4), (5), (6), (7), (8), (9), and (10) as paragraphs (3), (4), (5), (6), (7), (8), and (9), respectively; and

(D) in paragraph (8), as redesignated, by striking out ", who shall be nonvoting members";

(2) in subsection (d)—

(A) by striking out paragraph (3);

(B) by redesignating paragraph (4) as paragraph (3) and in that paragraph by striking out "Federal Coordinating Council on Science, Engineering, and Technology" and inserting in lieu thereof "National Science and Technology Council"; and

(C) by redesignating paragraphs (5) and (6) as paragraphs (4) and (5), respectively;

(3) in subsection (e)—

(A) by striking out paragraphs (1), (2), and (3);

(B) by redesignating paragraphs (4), (5), (6), (7), (8), (9), and (10) as paragraphs (1), (2), (3), (4), (5), (6), and (7) respectively;

(C) in paragraph (2), as redesignated, by striking out "such national and international environmental problems as climate change and ozone depletion" and inserting in lieu thereof "national and international environmental problems"; and

(D) in paragraph (4), as redesignated, by striking out "clauses (2) through (6)" and inserting in lieu thereof "paragraphs (1) through (3)";

(4) by striking out subsections (f) and (h); and

(5) by redesignating subsection (g) as subsection (f).

(c) COMPETITIVE PROCEDURES.—Section 2903(c) of such title is amended—

(1) by striking out "or" after "contracts" and inserting in lieu thereof "using competitive procedures. The Executive Director may enter into"; and

(2) by striking out "law, except that" and inserting in lieu thereof "law. In either case,".

(d) SCIENTIFIC ADVISORY BOARD.—Section 2904 of such title is amended—

(1) in subsection (a)—

(A) by striking out "and the Secretary of Energy"; and

(B) by inserting after "in consultation with" the following: "the Secretary of Energy and";

(2) in subsection (b)—

(A) by striking out paragraph (3); and

(B) by redesignating paragraph (4) as paragraph (3) and in that paragraph by striking out "three" and inserting in lieu thereof "not less than two years and not more than six";

(3) by striking out subsections (g) and (h); and

(4) by redesignating subsection (i) as subsection (g).

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 211. SPACE LAUNCH MODERNIZATION.

(a) ALLOCATION OF FUNDS.—Of the amount appropriated pursuant to the authorization in section 201(3)—

(1) $100,000,000 shall be available for a competitive reusable rocket technology program (PE 63401F); and

(2) $7,500,000 shall be available for evaluation of prototype hardware of low-cost expendable launch vehicles (PE 63401F).

(b) LIMITATION.—Funds made available pursuant to subsection (a)(1) may be obligated only to the extent that the fiscal year 1996 current operating plan of the National Aeronautics and Space Administration allocates at least an equal amount for its Reusable Space Launch program.

SEC. 212. MANEUVER VARIANT UNMANNED AERIAL VEHICLE.

None of the amounts appropriated or otherwise made available pursuant to the authorizations in section 201 may be obligated for the Maneuver Variant Unmanned Aerial Vehicle.

SEC. 213. TACTICAL MANNED RECONNAISSANCE.

None of the amounts appropriated or otherwise made available pursuant to an authorization in this Act may be used by the Secretary of the Air Force to conduct research, development, test, or evaluation for a replacement aircraft, pod, or sensor payload for the tactical manned reconnaissance mission.

SEC. 214. ADVANCED LITHOGRAPHY PROGRAM.

Section 216 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2693) is amended—

(1) in subsection (a), by striking out "to help achieve" and all that follows through the end of the subsection and inserting in lieu thereof "to ensure that lithographic processes being developed by American-owned manufacturers operating in the United States will lead to superior performance electronics systems for the Department of Defense. For purposes of the preceding sentence, the term 'American-owned manufacturers' means a manufacturing company or other business entity the majority ownership or control of which is by United States citizens."; and

(2) in subsection (b), by adding at the end the following new paragraph:

"(3) The Director of the Defense Advanced Research Projects Agency may set priorities and funding levels for various technologies being developed for the ALP and shall consider funding recommendations by the SIA as advisory.".

SEC. 215. ENHANCED FIBER OPTIC GUIDED MISSILE SYSTEM.

(a) CERTIFICATION.—Not later than December 1, 1995, the Secretary of the Army shall certify to the congressional defense committees whether there is a requirement for the enhanced fiber optic guided missile (EFOG-M) system and whether there is a cost and effectiveness analysis supporting such requirement.

(b) LIMITATIONS.—(1) The Secretary of the Army may not obligate more than $280,000,000 (based on fiscal year 1995 constant dollars) to develop and deliver for test and evaluation by the Army the following items:

(A) 44 EFOG-M test missiles.

(B) 256 fully operational EFOG-M missiles.

(C) 12 fully operational fire units.

(2) The Secretary of the Army may not spend funds for the EFOG-M system after September 30, 1998, if the items described in paragraph (1) have not been delivered to the Army by that date at the cost estimated for such system as of the date of the enactment of this Act.

(c) GOVERNMENT-FURNISHED EQUIPMENT.—The Secretary of the Army shall assure that all Government-furnished equipment that the Army agrees to provide under the contract for the EFOG-M system is provided to the prime contractor in accordance with the terms of the contract.

SEC. 216. JOINT ADVANCED STRIKE TECHNOLOGY (JAST) PROGRAM.

(a) ALLOCATION OF FUNDS.—Of the amount appropriated pursuant to the authorizations in section 201, $280,156,000 shall be available for the Joint Advanced Strike Technology (JAST) program. Of that amount—

(1) $123,795,000 shall be available for PE 63800N;

(2) $125,686,000 shall be available for PE 63800F; and

(3) $30,675,000 shall be available for PE 63800E.

(b) LIMITATION.—Not more than 75 percent of the amount appropriated for such program pursuant to the authorizations in section 201 may be obligated until a period of 30 days has expired after the report specified in subsection (c) is submitted to the congressional defense committees.

(c) REPORT.—The Secretary of Defense shall submit to the congressional defense committees a report, in unclassified and classified form, not later than March 1, 1996, that sets forth in detail the following information for the period 1997 through 2005:

(1) What the total joint requirement, under two major regional contingency (MRC) assumptions, is for the following:

(A) Numbers of tactical combat aircraft and the characteristics required of those aircraft in terms of capabilities, range, and observability-stealthiness.

(B) Surface- and air-launched standoff precision guided munitions.

(C) Cruise missiles.

(D) Ground-based systems, such as Extended Range-Multiple Launch Rocket System and the Army Tactical Missile System (ATACMS), for joint warfighting capability.

(2) What the major regional contingency warning time assumptions are, and what the effect on future tactical fighter/attack aircraft requirements are using other warning time assumptions.

(3) What requirements exist for the Joint Advanced Strike Technology program that cannot be met by existing aircraft or by those in development.

Subtitle C—Ballistic Missile Defense Act of 1995

SEC. 231. SHORT TITLE.

This subtitle may be cited as the "Ballistic Missile Defense Act of 1995".

SEC. 232. BALLISTIC MISSILE DEFENSE POLICY OF THE UNITED STATES.

It is the policy of the United States—

(1) to deploy at the earliest practical date highly effective theater missile defenses (TMDs) to protect forward-deployed and expeditionary elements of the Armed Forces of the United States and to complement and support the missile defense capabilities of friendly forces and of allies of the United States; and

(2) to deploy at the earliest practical date a national missile defense (NMD) system that is capable of providing a highly effective defense of the United States against limited ballistic missile attacks.

SEC. 233. IMPLEMENTATION OF POLICY.

(a) TMD DEPLOYMENT.—To implement the policy established in section 232(1), the Secretary of Defense shall develop and deploy at the earliest practical date advanced theater missile defense (TMD) systems.

(b) NMD SYSTEM ARCHITECTURE.—To implement the policy established in section 232(2), the Secretary of Defense shall develop for deployment at the earliest practical date an affordable, *operationally-effective National Missile Defense (NMD) system designed to protect the United States against limited ballistic missile attacks. The system to be developed for deployment shall include the following:*

(1) Up to 100 ground-based interceptors at a single site or a greater number of interceptors at a number of sites, as determined necessary by the Secretary.

(2) Fixed, ground-based radars.

(3) Space-based sensors, including, within the type of space-based sensors known as ABM-adjunct sensors (such sensors not being prohibited by the ABM Treaty), those sensor systems (such as the Space and Missile Tracking System) that are capable of cuing ground-based anti-ballistic missile interceptors and of providing initial targeting vectors.

(4) Battle management, command, control, and communications.

(c) REPORT ON PLAN FOR DEPLOYMENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth the Secretary's plan for—

(1) the deployment of advanced theater missile defense (TMD) systems pursuant to subsection (a); and

(2) the deployment of a national missile defense system which meets the requirements specified in subsection (b).

SEC. 234. FOLLOW-ON TECHNOLOGIES RESEARCH AND DEVELOPMENT.

(a) FOLLOW-ON NATIONAL AND THEATER MISSILE DEFENSE TECHNOLOGY.—The Secretary shall pursue research and development of technologies and systems related to national missile defense and theater missile defense in order to provide future options for—

(1) protecting the United States against limited ballistic missile attacks; and

(2) defending forward-deployed and expeditionary elements of the Armed Forces of the United States and complementing and supporting the missile defense capabilities of friendly forces and allies of the United States.

(b) EXCLUSION OF CERTAIN SYSTEMS FROM INITIAL DEPLOYMENT.—The initial National Missile Defense system architecture developed for deployment pursuant to section 233(b) may not include—

(1) ground-based or space-based directed energy weapons; or

(2) space-based interceptors.

SEC. 235. POLICY ON COMPLIANCE WITH THE ABM TREATY.

(a) POLICY CONCERNING SYSTEMS SUBJECT TO ABM TREATY.—Congress finds that, unless and until a missile defense system, system upgrade, or system component is flight tested in an ABM-qualifying flight test (as defined in subsection (c)), such system, system upgrade, or system component—

(1) has not, for purposes of the ABM Treaty, been tested in an ABM mode nor been given capabilities to counter strategic ballistic missiles; and

(2) therefore is not subject to any application, limitation, or obligation under the ABM Treaty.

(b) PROHIBITIONS.—(1) Funds appropriated to the Department of Defense may not be obligated or expended for the purpose of—

(A) prescribing, enforcing, or implementing any Executive order, regulation, or policy that would apply the ABM Treaty (or any limitation or obligation under such Treaty) to research, development, testing, or deployment of a theater missile defense system, a theater missile defense system upgrade, or a theater missile defense system component; or

(B) taking any other action to provide for the ABM Treaty (or any limitation or obligation under such Treaty) to be applied to research, development, testing, or deployment of a theater missile defense system, a theater missile defense system upgrade, or a theater missile defense system component.

(2) This subsection applies with respect to each missile defense system, missile defense system upgrade, or missile defense system component that is capable of countering modern theater ballistic missiles.

(3) This subsection shall cease to apply with respect to a missile defense system, missile defense system upgrade, or missile defense system component when that system, system upgrade, or system component has been flight tested in an ABM-qualifying flight test.

(c) ABM-QUALIFYING FLIGHT TEST DEFINED.—For purposes of this section, an ABM-qualifying flight test is a flight test against a ballistic missile which, in that flight test, exceeds (1) a range of 3,500 kilometers, or (2) a velocity of 5 kilometers per second.

SEC. 236. BALLISTIC MISSILE DEFENSE PROGRAM ACCOUNTABILITY.

(a) ANNUAL BMD PROGRAMS REPORT.—The Secretary of Defense shall submit to the congressional defense committees an annual report describing the technical milestones, schedule, and cost of each ballistic missile defense program specified in subsection (c).

(b) MATTERS TO BE INCLUDED.—Each report under subsection (a) shall list all technical milestones, program schedule milestones, and costs of each phase of development and acquisition, together with total estimated program costs, covering the entire life of each program specified in subsection (c).

(c) COVERED PROGRAMS.—The reports under this section shall cover the following programs:

(1) Theater High Altitude Area Defense (THAAD).

(2) Patriot Advanced Capability-3.

(3) Navy Lower Tier.

(4) Navy Upper Tier.

(5) Corps Surface-to-Air Missile.

(6) Hawk.

(7) Boost Phase Intercept.

(8) National Missile Defense.

(9) Arrow.

(10) Medium Extended Air Defense.

(11) Any theater missile defense program or national missile defense program which the Department of Defense initiates after the date of the enactment of this Act.

(d) VARIANCE REPORTING REQUIREMENTS.—(1) In the annual report under this section, the Secretary shall describe, with respect to each program covered in the report, any difference in the technical milestones, program schedule milestones, and costs for that program—

(A) compared with the information relating to that program in the report submitted in the previous year; and

(B) compared with the information relating to that program in the first report submitted under this section in which that program is covered.

(2) Paragraph (1)(A) shall not apply to the first report submitted under this section.

(e) DATE OF SUBMISSION.—The report required by this section for any year shall be submitted not later than 30 days after the date on which the President's budget for the next fiscal year is submitted, except that the first report shall be submitted not later than 90 days after the date of the enactment of this Act.

SEC. 237. ABM TREATY DEFINED.

For purposes of this subtitle and subtitle D, the term "ABM Treaty" means the Treaty Between the United States and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems, and signed at Moscow on May 26, 1972, and includes Protocols to that Treaty, signed at Moscow on July 3, 1974.

SEC. 238. REPEAL OF MISSILE DEFENSE ACT OF 1991.

The Missile Defense Act of 1991 is repealed.

Subtitle D—Other Ballistic Missile Defense Provisions

SEC. 241. BALLISTIC MISSILE DEFENSE FUNDING FOR FISCAL YEAR 1996.

Of the amounts authorized to be appropriated pursuant to section 201 for fiscal year 1996 or otherwise made available to the Department of Defense for fiscal year 1996, not more than $3,070,199,000 may be obligated for Ballistic Missile Defense programs.

SEC. 242. POLICY CONCERNING BALLISTIC MISSILE DEFENSE.

(a) BALLISTIC MISSILE DEFENSE AND OTHER COUNTERPROLIFERATION EFFORTS.—The Congress views the deployment of ballistic missile defenses as a necessary, but not sufficient, element of a broader strategy to discourage both the proliferation of weapons of mass destruction and the proliferation of means of their delivery and to defend against the consequences of such proliferation. The Congress, therefore, endorses and supports measures designed to slow or halt the proliferation of advanced technologies that pose a threat to the safety and security of the United States and to international stability.

(b) BALLISTIC MISSILE DEFENSE AND STRATEGIC STABILITY.—(1) The Congress views the deployment of ballistic missile defenses as a strategically stabilizing measure.

(2) The deployment of Theater Missile Defense systems at the earliest practical date pursuant to section 232(a)(1) will deny potential adversaries the option of escalating a conflict by threatening or attacking United States forces, coalition partners of the United States, or allies of the United States with ballistic missiles armed with weapons of mass destruction to offset the operational and technical advantages of the United States and its coalition partners and allies.

(3) The deployment of a National Missile Defense system at the earliest practical date pursuant to section 232(a)(2) against the threat of limited ballistic missile attacks—

(A) will strengthen deterrence at the levels of forces agreed to by the United States and Russia under the Strategic Arms Reduction Talks Treaties (START-I and START-II); and

(B) would further strengthen deterrence if reductions below the levels permitted under START-II should be agreed to in the future.

(c) PRESIDENTIAL DISCUSSIONS WITH OTHER NATIONS.—(1) The Congress—

(A) notes that on the basis of section 235 it is no longer necessary for the United States to continue discussions with Russia to clarify the distinction between ABM and TMD systems and, therefore, urges the President to discontinue any such discussions;

(B) notes that the ABM Treaty prohibits deployment of ground-based interceptors in a number that would be sufficient to assure that the entire continental United States, Alaska, and Hawaii are defended against limited ballistic missile attacks; and

(C) notes that past discussions with Russia, based on Russian President Yeltsin's proposal for a Global Protection System, held promise of an agreement to amend the ABM Treaty to allow defense against a limited ballistic missile attack that would have included (among other measures) permitted deployment of as many as four ground-based interceptor sites in addition to the one site currently permitted under the ABM Treaty and unrestricted exploitation of ground-based and space-based sensors.

(2) In light of the findings in paragraph (1), Congress urges the President to pursue high-level discussions with Russia to amend the ABM Treaty to permit—

(A) deployment of the number of ground-based ABM sites necessary to provide effective defense of the entire territory of the United States against limited ballistic missile attack; and

(B) the unrestricted exploitation of sensors based within the atmosphere and in space.

(3) It is in the interest of the United States to develop its own missile defense capabilities in a manner that will permit the United States to complement and support the missile defense capabilities developed and deployed by its allies and possible coalition partners. Therefore, the Congress urges the President—

(A) to pursue high-level discussions with allies and selected other states on the means and methods by which the parties on a bilateral basis can cooperate in the development, deployment, and operation of ballistic missile defenses;

(B) to take the initiative within the North Atlantic Treaty Organization to develop consensus in the Alliance for a timely deployment of effective ballistic missile defenses by the Alliance; and

(C) in the interim, to seek agreement with allies and selected other states on steps the parties should take, consistent with their national interests, to reduce the risks posed by the threat of limited ballistic missile attacks, such steps to include—

(i) the sharing of early warning information derived from sensors deployed by the United States and other states;

(ii) the exchange on a reciprocal basis of technical data and technology to support both joint development programs and the sale and purchase of missile defense systems and components; and

(iii) operational level planning to exploit current missile defense capabilities and to help define future requirements.

SEC. 243. TESTING OF THEATER MISSILE DEFENSE INTERCEPTORS.

Subsection (a) of section 237 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1600) is amended to read as follows:

"(a) TESTING OF THEATER MISSILE DEFENSE INTERCEPTORS.—(1) The Secretary of Defense may not approve a theater missile defense interceptor program proceeding beyond the low-rate initial production acquisition stage until the Secretary certifies to the congressional defense committees that such program has successfully completed initial operational test and evaluation.

"(2) In order to be certified under paragraph (1) as having been successfully completed, the initial operational test and evaluation conducted with respect to an interceptors program must have included flight tests—

"(A) that were conducted with multiple interceptors and multiple targets in the presence of realistic countermeasures; and

"(B) the results of which demonstrate the achievement by the interceptors of the baseline performance thresholds.

"(3) For purposes of this subsection, the baseline performance thresholds with respect to a program are the weapons systems performance thresholds specified in the baseline description for the system established (pursuant to section 2435(a)(1) of title 10, United States Code) before the program entered the engineering and manufacturing development stage.

"(4) The number of flight tests described in paragraph (2) that are required in order to make the certification under paragraph (1) shall be a number determined by the Secretary of Defense to be sufficient for the purposes of this section.

"(5) The Secretary may augment live-fire testing to demonstrate weapons system performance goals for purposes of the certification under paragraph (1) through the use of modeling and simulation that is validated by ground and flight testing.".

SEC. 244. REPEAL OF MISSILE DEFENSE PROVISIONS.

The following provisions of law are repealed:

(1) Section 222 of the Department of Defense Authorization Act, 1986 (Public Law 99–145; 99 Stat. 613; 10 U.S.C. 2431 note).

(2) Section 225 of the Department of Defense Authorization Act, 1986 (Public Law 99–145; 99 Stat. 614).

(3) Section 226 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100–180; 101 Stat. 1057; 10 U.S.C. 2431 note).

(4) Section 8123 of the Department of Defense Appropriations Act, 1989 (Public Law 100–463; 102 Stat. 2270–40).

(5) Section 8133 of the Department of Defense Appropriations Act, 1992 (Public Law 102–172; 105 Stat. 1211).

(6) Section 234 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1595; 10 U.S.C. 2431 note).

Subtitle E—Other Matters

SEC. 251. ALLOCATION OF FUNDS FOR MEDICAL COUNTERMEASURES AGAINST BIOWARFARE THREATS.

Section 2370a of title 10, United States Code, is amended—

(1) in subsection (a), by striking out "Department of Defense—" and all that follows through "not more than 20 percent" and inserting in lieu thereof "Department of Defense, not more than 50 percent"; and

(2) in subsection (b), by striking out paragraph (2) and redesignating paragraphs (3), (4), and (5) as paragraphs (2), (3), and (4), respectively.

SEC. 252. ANALYSIS OF CONSOLIDATION OF BASIC RESEARCH ACCOUNTS OF MILITARY DEPARTMENTS.

(a) ANALYSIS REQUIRED.—The Secretary of Defense shall conduct an analysis of the cost and effectiveness of consolidating the basic research accounts of the military departments. The analysis shall determine potential infrastructure savings and other benefits of co-locating and consolidating the management of basic research.

(b) DEADLINE.—On or before March 1, 1996, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the analysis conducted under subsection (a).

SEC. 253. CHANGE IN REPORTING PERIOD FROM CALENDAR YEAR TO FISCAL YEAR FOR ANNUAL REPORT ON CERTAIN CONTRACTS TO COLLEGES AND UNIVERSITIES.

Section 2361(c)(2) of title 10, United States Code, is amended—

(1) by striking out "calendar year" and inserting in lieu thereof "fiscal year"; and

(2) by striking out "after the year" and inserting in lieu thereof "after the fiscal year".

SEC. 254. MODIFICATION TO UNIVERSITY RESEARCH INITIATIVE SUPPORT PROGRAM.

Section 802 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1701) is amended—

(1) in subsections (a) and (b), by striking out "shall" both places it appears and inserting in lieu thereof "may"; and

(2) in subsection (e), by striking out the sentence beginning with "Such selection process".

SEC. 255. ADVANCED FIELD ARTILLERY SYSTEM (CRUSADER).

(a) AUTHORITY TO USE FUNDS FOR ALTERNATIVE PROPELLANT TECHNOLOGIES.—During fiscal year 1996, the Secretary of the Army may use funds appropriated for the liquid propellant portion of the Advanced Field Artillery System (Crusader) program for fiscal year 1996 for alternative propellant technologies and integration of those technologies into the design of the Crusader system if—

(1) the Secretary determines that the technical risk associated with liquid propellant will increase costs and delay the initial operational capability of the Crusader system; and

(2) the Secretary notifies the congressional defense committees of the proposed use of the funds and the reasons for the proposed use of the funds.

(b) LIMITATION.—The Secretary of the Army may not spend funds for the liquid propellant portion of the Crusader system after August 1, 1996, unless significant progress has been made toward meeting the objectives set forth in subsection (c) and the statement described in subsection (d) has been submitted to the congressional defense committees.

(c) OBJECTIVES.—The objectives referred to in subsection (b) are the following:

(1) Breech and ignition design criteria for rate of fire for the cannon of the Crusader system have been met.

(2) The final ignition concept has been designed and successfully bench tested for the next prototype of the cannon of the Crusader system.

(3) Designs to prevent chamber piston reversals have been tested in a fixed weapons test stand.

(4) The chemistry and physics of propellant burn resulting from the firing of liquid propellant into any target zone are fully understood, and predictable firings have been demonstrated.

(5) An analysis of the management of heat dissipation has been made for the full range of performance requirements for the cannon, and concept designs supported by that analysis are completed and proposed for engineering.

(6) Engineering designs to control pressure oscillations in the chamber during firing are proven and planned for integration into the next prototype of the cannon.

(7) Fill designs for the cannon chamber that focus on preventing future chamber explosions have been electronically simulated and bench tested.

(8) An assessment of the sensitivity of liquid propellant to contamination by various materials to which it may be exposed throughout the handling and operation of the cannon is completed.

(d) STATEMENT.—The statement referred to in subsection (b) is a statement submitted to the congressional defense committees not later than March 30, 1996, that contains the following:

(1) An assertion that all the hazards associated with liquid propellent have been identified and are controllable to acceptable levels.

(2) An assessment of the technology for each component of the Crusader system (the cannon, vehicle, and crew module). The technology assessment shall include, for each performance goal of the Crusader system (including total system weight), information about the maturity of the technology to achieve that goal, the maturity of the design of the technology, and the manner in which the design has been proven (for example, through simulation, bench testing, or weapon firing).

(3) An assessment of the cost of continued development of the Crusader system after August 1, 1996, the cost of each unit of the Crusader system in the year the Crusader system will be completed, and the cost of each unit of the Future Armored Resupply Vehicle (FARV) in the year that vehicle will be completed.

SEC. 256. REVIEW OF C^4I BY NATIONAL RESEARCH COUNCIL.

(a) REVIEW BY NATIONAL RESEARCH COUNCIL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall enter into a contract with the National Research Council of the National Academy of Sciences to conduct a comprehensive review of current and planned service and defense-wide programs for command, control, communications, computers, and intelligence (C^4I)

with a special focus on cross-service and interservice issues.

(b) MATTERS TO BE ASSESSED IN REVIEW.—The review shall address the following:

(1) The match between the capabilities provided by current service and defense-wide C^4I programs and the actual needs of users of these programs.

(2) The interoperability of service and defense-wide C^4I systems that are planned to be operational in the future.

(3) The need for an overall defense-wide architecture for C^4I.

(4) Proposed strategies for ensuring that future C^4I acquisitions are compatible and interoperable with an overall architecture.

(5) Technological and administrative aspects of the C^4I modernization effort to determine the soundness of the underlying plan and the extent to which it is consistent with concepts for joint military operations in the future.

(c) TWO-YEAR PERIOD FOR CONDUCTING REVIEW.—The National Research Council shall conduct the review over the two-year period beginning upon completion of the performance of the contract described in subsection (a).

(d) REPORTS.—(1) The National Research Council shall submit to the Department of Defense and Congress interim reports and progress updates on a regular basis as the review proceeds. A final report on the review shall set forth the findings, conclusions, and recommendations of the Council for defense-wide and service C^4I programs and shall be submitted to the Committee on Armed Services of the Senate, the Committee on National Security of the House of Representatives, and the Secretary of Defense.

(2) To the maximum degree possible, the final report shall be submitted in unclassified form with classified annexes as necessary.

(e) INTERAGENCY COOPERATION WITH STUDY.—All military departments, defense agencies, and other components of the Department of Defense shall cooperate fully with the National Research Council in its activities in carrying out the review under this section.

(f) EXPEDITED PROCESSING OF SECURITY CLEARANCES FOR STUDY.—For the purpose of facilitating the commencement of the study under this section, the Secretary of Defense shall expedite to the fullest degree possible the processing of security clearances that are necessary for the National Research Council to conduct the study.

(g) FUNDING.—Of the amount authorized to be appropriated in section 201 for defense-wide activities, $900,000 shall be available for the study under this section.

SEC. 257. FIVE-YEAR PLAN FOR FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTERS (FFRDCS).

(a) FIVE-YEAR PLAN.—The Secretary of Defense, in consultation with the Secretaries of the military departments, shall develop a five-year plan to reduce and consolidate the activities performed by federally funded research and development centers (FFRDCs) and establish a framework for the future workload of such centers.

(b) OBJECTIVES.—The plan shall set forth the manner in which the Secretary of Defense could achieve by October 1, 2000, the following:

(1) Implementation by federally funded research and development centers of only those core activities, as defined by the Secretary, that require the unique capabilities and arrangements afforded by such centers.

(2) Consolidation of such core level activities into as few federally funded research and development centers as is practical and possible.

(3) Acquisition of systems engineering and systems integration activities currently performed by federally funded research and development centers through the use of competitive procedures.

(4) Transfer of the management of the Software Engineering Initiative activities to the Defense Information Systems Agency for purposes of supporting command, control, communications, computing, and intelligence (C^4I) programs.

(5) Transfer of the management of the core activities of Lincoln Laboratory to the Office of the Secretary of Defense.

(6) Acquisition of services provided to the Department of Defense by university-affiliated research centers (that operate like federally funded research and development centers) through the use of competitive procedures.

(c) OTHER MATTERS.—The plan also shall include the following:

(1) An assessment of the number of staff needed in each federally funded research and development center during each year over the five years covered by the plan.

(2) A specific timetable for phasing in the objectives set forth in subsection (b).

(d) REPORT.—Not later than February 1, 1996, the Secretary of Defense shall submit to the congressional defense committees a report on the plan.

(e) UNDISTRIBUTED REDUCTION.—The total amount authorized to be appropriated for research, development, test, and evaluation in section 201 is hereby reduced by $90,097,000.

SEC. 258. MANUFACTURING TECHNOLOGY PROGRAM.

(a) IN GENERAL.—Section 2525 of title 10, United States Code, is amended as follows:

(1) The heading is amended by striking out the second and third words.

(2) Subsection (a) is amended by striking out "Science and".

(3) Subsection (d) is amended—

(A) in paragraph (2)—

(i) by striking out "or" at the end of subparagraph (A);

(ii) by striking out the period at the end of subparagraph (B) and inserting in lieu thereof "; or"; and

(iii) by adding at the end the following new subparagraph:

"(C) will be carried out by an institution of higher education."; and

(B) by adding at the end the following new paragraph:

"(3) At least 25 percent of the funds available for the program each fiscal year shall be used for awarding grants and entering into contracts, cooperative agreements, and other transactions on a cost-share basis under which the ratio of recipient costs to Government costs is two to one.".

(b) CLERICAL AMENDMENT.—The item relating to section 2525 in the table of sections at the beginning of chapter 148 of title 10, United States Code, is amended to read as follows:

"2525. Manufacturing technology program.".

SEC. 259. FIVE-YEAR PLAN FOR CONSOLIDATION OF DEFENSE LABORATORIES AND TEST AND EVALUATION CENTERS.

(a) FIVE-YEAR PLAN.—The Secretary of Defense shall develop a five-year plan to consolidate and restructure the laboratories and test and evaluation centers of the Department of Defense.

(b) OBJECTIVE.—The plan shall set forth the specific actions needed to consolidate the laboratories and test and evaluation centers into as few laboratories and centers as is practical and possible, in the judgment of the Secretary, by October 1, 2005.

(c) MATTERS TO BE CONSIDERED.—In developing the plan, the Secretary shall consider the following:

(1) Consolidation of common support functions, including the following:

(A) Aircraft (fixed wing and rotary).

(B) Weapons.

(C) Space systems.

(D) Command, control, communications, computers, and intelligence.

(2) The extent to which any military construction is planned at the laboratories and centers.

(3) The encroachment on the laboratories and centers by residential and industrial expansion.

(4) The cost of operations and maintenance at the laboratories and centers.

(5) The cost of environmental remediation at the laboratories and centers.

(d) REPORT.—Not later than May 1, 1996, the Secretary of Defense shall submit to the congressional defense committees a report on the plan.

(e) LIMITATION.—Of the amounts appropriated or otherwise made available pursuant to an authorization in section 201 for the central test and evaluation investment development program, not more than 40 percent may be obligated before the report required by subsection (d) is submitted to Congress.

SEC. 260. AERONAUTICAL RESEARCH AND TEST CAPABILITIES ASSESSMENT.

(a) POLICY.—(1) It is in the Nation's long-term national security interests to maintain preeminence in the area of aeronautical research and test capabilities.

(2) Continued advances in aeronautical science and engineering are critical to sustaining the strategic and tactical air superiority of the United States and coalition forces, as well as United States economic security and international aerospace leadership.

(3) Encouragement of active Department of Defense partnership with other Government agencies, academic institutions, and private industry to develop, maintain, and enhance aeronautical research and test capabilities is in the national security and economic interest of the Department and the United States.

(b) REVIEW.—(1) In pursuit of the aeronautical research and test capabilities policy set forth in subsection (a), the Secretary of Defense shall conduct a comprehensive review of the aeronautical research and test facilities and capabilities of the United States in order to assess the current condition of such facilities and capabilities.

(2) The review shall identify options for providing affordable, operable, reliable, and responsive long-term aeronautical research and test capabilities for military and civilian purposes and for the organization and conduct of such capabilities within the Department or through shared operations with other Government agencies, academic institutions, and private industry. The review also shall set forth in detail the projected costs of such options, including costs of acquisition and technical and financial arrangements (including the use of Government facilities for reimbursable private use).

(c) REPORT.—Not later than March 1, 1996, the Secretary of Defense shall submit to the congressional defense committees a report setting forth in detail the findings of the review required by subsection (b). The report shall include recommendations on the most efficient and economic means of developing, maintaining, and continually modernizing aeronautical research and test capabilities to meet current, planned, and prospective military and civilian needs.

SEC. 261. LIMITATION ON T–38 AVIONICS UPGRADE PROGRAM.

(a) REQUIREMENT.—The Secretary of Defense shall ensure that, in evaluating proposals submitted in response to a solicitation issued for a contract for the T–38 Avionics Upgrade Program, the proposal of an entity may not be considered unless—

(1) in the case of an entity that conducts substantially all of its business in a foreign country, the foreign country provides equal access to

similar contract solicitations in that country to United States entities; and

(2) in the case of an entity that conducts business in the United States but that is owned or controlled by a foreign government or by an entity incorporated in a foreign country, the foreign government or foreign country of incorporation provides equal access to similar contract solicitations in that country to United States entities.

(b) DEFINITION.—In this section, the term "United States entity" means an entity that is owned or controlled by persons a majority of whom are United States citizens.

SEC. 262. CROSS REFERENCE TO CONGRESSIONAL DEFENSE POLICY CONCERNING NATIONAL TECHNOLOGY AND INDUSTRIAL BASE, REINVESTMENT, AND CONVERSION IN OPERATION OF DEFENSE RESEARCH AND DEVELOPMENT PROGRAMS.

(a) SECTION 2358 PROJECTS.—Section 2358(a)(2)(B) of title 10, United States Code, is amended by inserting before the period the following: "and advance the defense policies and objectives specified in section 2501 of this title".

(b) SECTION 2371 PROJECTS.—Section 2371(a) of such title is amended by inserting before the period in the first sentence the following: "for the purpose of advancing the defense policies and objectives specified in section 2501 of this title".

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

Funds are hereby authorized to be appropriated for fiscal year 1996 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance in amounts as follows:

(1) For the Army, $19,339,936,000.

(2) For the Navy, $21,677,510,000.

(3) For the Marine Corps, $2,603,622,000.

(4) For the Air Force, $18,984,162,000.

(5) For Defense-wide activities, $10,680,371,000.

(6) For the Army Reserve, $1,139,591,000.

(7) For the Naval Reserve, $838,042,000.

(8) For the Marine Corps Reserve, $91,783,000.

(9) For the Air Force Reserve, $1,507,447,000.

(10) For the Army National Guard, $2,394,108,000.

(11) For the Air National Guard, $2,734,221,000.

(12) For the Defense Inspector General, $177,226,000.

(13) For the United States Court of Appeals for the Armed Forces, $6,521,000.

(14) For Environmental Restoration, Defense, $1,422,200,000.

(15) For Drug Interdiction and Counter-drug Activities, Defense-wide, $680,432,000.

(16) For Medical Programs, Defense, $9,876,525,000.

(17) For Summer Olympics, $15,000,000.

(18) For Cooperative Threat Reduction programs, $200,000,000.

(19) For Overseas Humanitarian, Disaster, and Civic Aid programs, $50,000,000.

SEC. 302. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 1996 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds in amounts as follows:

(1) For the Defense Business Operations Fund, $878,700,000.

(2) For the National Defense Sealift Fund, $1,574,220,000.

SEC. 303. ARMED FORCES RETIREMENT HOME.

There is hereby authorized to be appropriated for fiscal year 1996 from the Armed Forces Retirement Home Trust Fund the sum of $59,120,000 for the operation of the Armed Forces Retirement Home, including the United States Soldiers' and Airmen's Home and the Naval Home.

Subtitle B—Defense Business Operations Fund

SEC. 311. CODIFICATION OF DEFENSE BUSINESS OPERATIONS FUND.

(a) MANAGEMENT OF WORKING-CAPITAL FUNDS.—(1) Chapter 131 of title 10, United States Code, is amended by inserting after section 2215 the following new section:

"§2216. Defense Business Operations Fund

"(a) MANAGEMENT OF WORKING-CAPITAL FUNDS AND CERTAIN ACTIVITIES.—The Secretary of Defense may manage the performance of the working-capital funds and industrial, commercial, and support type activities described in subsection (b) through the fund known as the Defense Business Operations Fund, which is established on the books of the Treasury. Except for the funds and activities specified in subsection (b), no other functions, activities, funds, or accounts of the Department of Defense may be managed through the Fund.

"(b) FUNDS AND ACTIVITIES INCLUDED.—The funds and activities referred to in subsection (a) are the following:

"(1) Working-capital funds established under section 2208 of this title and in existence on December 5, 1991.

"(2) Those activities that, on December 5, 1991, were funded through the use of a working-capital fund established under that section.

"(3) The Defense Finance and Accounting Service.

"(4) The Defense Industrial Plant Equipment Center.

"(5) The Defense Commissary Agency.

"(6) The Defense Technical Information Service.

"(7) The Defense Reutilization and Marketing Service.

"(c) SEPARATE ACCOUNTING, REPORTING, AND AUDITING OF FUNDS AND ACTIVITIES.—(1) The Secretary of Defense shall provide in accordance with this subsection for separate accounting, reporting, and auditing of funds and activities managed through the Fund.

"(2) The Secretary shall maintain the separate identity of each fund and activity managed through the Fund that (before the establishment of the Fund) was managed as a separate fund or activity.

"(3) The Secretary shall maintain separate records for each function for which payment is made through the Fund and which (before the establishment of the Fund) was paid directly through appropriations, including the separate identity of the appropriation account used to pay for the performance of the function.

"(d) CHARGES FOR GOODS AND SERVICES PROVIDED THROUGH THE FUND.—(1) Charges for goods and services provided through the Fund shall include the following amounts:

"(A) Amounts necessary to recover the full costs of—

"(i) the development, implementation, operation, and maintenance of systems supporting the wholesale supply and maintenance activities of the Department of Defense; and

"(ii) the use of members of the armed forces in the provision of the goods and services, computed by calculating, to the maximum extent practicable, such costs as if employees of the Department of Defense were used in the provision of the goods and services.

"(B) Amounts for depreciation of capital assets, set in accordance with generally accepted accounting principles.

"(C) Amounts necessary to recover the full cost of the operation of the Defense Finance Accounting Service.

"(2) Charges for goods and services provided through the Fund may not include the following amounts:

"(A) Amounts necessary to recover the costs of a military construction project (as defined in section 2801(b) of this title), other than a minor construction project financed by the Fund pursuant to section 2805(c)(1) of this title.

"(B) Amounts necessary to cover costs incurred in connection with the closure or realignment of a military installation.

"(e) CAPITAL ASSET SUBACCOUNT.—(1) Amounts charged for depreciation of capital assets pursuant to subsection (d)(1)(B) shall be credited to a separate capital asset subaccount established within the Fund.

"(2) The Secretary of Defense may award contracts for capital assets of the Fund in advance of the availability of funds in the subaccount.

"(f) PROCEDURES FOR ACCUMULATION OF FUNDS.—The Secretary of Defense shall establish billing procedures to ensure that the balance in the Fund does not exceed the amount necessary to provide for the working capital requirements of the Fund, as determined by the Secretary.

"(g) PURCHASE FROM OTHER SOURCES.—The Secretary of Defense or the Secretary of a military department may purchase goods and services that are available for purchase from the Fund from a source other than the Fund if the Secretary determines that such source offers a more competitive rate for the goods and services than the Fund offers.

"(h) ANNUAL REPORTS AND BUDGET.—The Secretary of Defense shall annually submit to Congress, at the same time that the President submits the budget under section 1105 of title 31, the following:

"(1) A detailed report that contains a statement of all receipts and disbursements of the Fund (including such a statement for each subaccount of the Fund) for the year for which the report is submitted.

"(2) A detailed proposed budget for the operation of the Fund for the fiscal year for which the budget is submitted.

"(3) A comparison of the amounts actually expended for the operation of the Fund for the previous fiscal year with the amount proposed for the operation of the Fund for that fiscal year in the President's budget.

"(4) A report on the capital asset subaccount of the Fund that contains the following information:

"(A) The opening balance of the subaccount as of the beginning of the fiscal year in which the report is submitted.

"(B) The estimated amounts to be credited to the subaccount in the fiscal year in which the report is submitted.

"(C) The estimated amounts of outlays to be paid out of the subaccount in the fiscal year in which the report is submitted.

"(D) The estimated balance of the subaccount at the end of the fiscal year in which the report is submitted.

"(E) A statement of how much of the estimated balance at the end of the fiscal year in which the report is submitted will be needed to pay outlays in the immediately following fiscal year that are in excess of the amount to be credited to the subaccount in the immediately following fiscal year.

"(i) DEFINITIONS.—In this section:

"(1) The term 'capital assets' means the following capital assets that have a development or acquisition cost of not less than $15,000:

"(A) Minor construction projects financed by the Fund pursuant to section 2805(c)(1) of this title.

"(B) Automatic data processing equipment, software, other equipment, and other capital improvements.

"(2) The term 'Fund' means the Defense Business Operations Fund.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2215 the following new item:

"2216. Defense Business Operations Fund.".

(b) CONFORMING REPEALS.—The following provisions of law are hereby repealed:

(1) Subsections (b), (c), (d), and (e) of section 311 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 10 U.S.C. 2208 note).

(2) Subsections (a) and (b) of section 333 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 10 U.S.C. 2208 note).

(3) Section 342 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 10 U.S.C. 2208 note).

(4) Section 316 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 10 U.S.C. 2208 note).

(5) Section 8121 of the Department of Defense Appropriations Act, 1992 (Public Law 102–172; 10 U.S.C. 2208 note).

SEC. 312. RETENTION OF CENTRALIZED MANAGEMENT OF DEFENSE BUSINESS OPERATIONS FUND AND PROHIBITION ON FURTHER EXPANSION OF FUND.

(a) CENTRALIZED MANAGEMENT.—Subsection (a) of section 2216 of title 10, United States Code, as added by section 311(a), is amended—

(1) by inserting "(1)" before "The Secretary of Defense"; and

(2) by adding at the end the following new paragraph:

"(2) Management of the Fund, including management of cash balances in the Fund, shall be exercised in the Office of the Secretary of Defense under the immediate authority of the Under Secretary of Defense (Comptroller). The Fund shall be treated as a single account for purposes of subchapter III of chapter 13 and subchapter II of chapter 15 of title 31.".

(b) EXPANSION OF FUND.—Such subsection is further amended by adding at the end of paragraph (1) the following new sentence: "The Secretary may not convert to management through the Fund any function, activity, fund, or account of the Department of Defense that is not managed through the Fund as of the date of the enactment of the National Defense Authorization Act for Fiscal Year 1996.".

SEC. 313. CHARGES FOR GOODS AND SERVICES PROVIDED THROUGH DEFENSE BUSINESS OPERATIONS FUND AND TERMINATION OF ADVANCE BILLING PRACTICES.

(a) CHARGES INCLUDED.—Paragraph (1)(A)(ii) of subsection (d) of section 2216 of title 10, United States Code, as added by section 311(a), is amended by striking out "as if employees of the Department of Defense were used in the provision of the goods and services" and inserting in lieu thereof "using the pay and allowances of the members".

(b) CHARGES EXCLUDED.—Paragraph (2) of such subsection is amended by adding at the end the following new subparagraph:

"(C) Amounts necessary to recover the costs of functions designated by the Secretary of Defense as mission critical, such as ammunition handling safety, and amounts for ancillary tasks not directly related to the mission of the function or activity managed through the Fund.".

(c) TERMINATION OF ADVANCE BILLING PRACTICES.—Such subsection is further amended by adding at the end the following new paragraph:

"(3) After September 30, 1996, functions and activities managed through the Fund may not use advance billing in the provision of goods and services to customers.".

SEC. 314. ANNUAL PROPOSED BUDGET FOR OPERATION OF DEFENSE BUSINESS OPERATIONS FUND.

Subsection (h)(2) of section 2216 of title 10, United States Code, as added by section 311(a), is amended by adding at the end the following new sentence: "The proposed budget shall include the amount necessary to cover the operating losses, if any, of the Fund for the previous fiscal year.".

SEC. 315. REDUCTION IN REQUESTS FOR TRANSPORTATION FUNDED THROUGH DEFENSE BUSINESS OPERATIONS FUND.

(a) REDUCTION.—The Secretary of Defense shall direct the heads of Defense-wide activities and the Secretaries of the military departments to reduce requests during fiscal year 1996 for purchasing transportation from the transportation accounts of the Defense Business Operations Fund by $70,000,000 below the level of such requests during fiscal year 1995. The rates charged for transportation funded through the Defense Business Operations Fund shall be reduced to reflect the effect of the reduced requests on overhead costs.

(b) REPORT REQUIRED.—Not later than March 1, 1996, the Secretary of Defense shall submit to Congress a report regarding—

(1) the effect on the Defense transportation organization of implementing certain consolidation proposals, such as the elimination of duplication in the component command structure; and

(2) the extent that transportation overhead, the cost of which is passed on to customers, can be significantly reduced without adversely affecting mobilization requirements.

Subtitle C—Environmental Provisions

SEC. 321. CLARIFICATION OF SERVICES AND PROPERTY THAT MAY BE EXCHANGED TO BENEFIT THE HISTORICAL COLLECTION OF THE ARMED FORCES.

Section 2572(b) of title 10, United States Code, is amended in paragraph (1) by striking out "not needed by the armed forces" and all that follows through the end of the paragraph and inserting in lieu thereof the following: "not needed by the armed forces for any of the following items or services if they directly benefit the historical collection of the armed forces:

"(A) Similar items held by any individual, organization, institution, agency, or nation.

"(B) Conservation supplies, equipment, facilities, or systems.

"(C) Search, salvage, or transportation services.

"(D) Restoration, conservation, or preservation services.

"(E) Educational programs.".

SEC. 322. ADDITION OF AMOUNTS CREDITABLE TO DEFENSE ENVIRONMENTAL RESTORATION ACCOUNT.

Section 2703(e) of title 10, United States Code is amended to read as follows:

"(e) AMOUNTS RECOVERED.—The following amounts shall be credited to the transfer account:

"(1) Amounts recovered under section 107 of CERCLA for response actions of the Secretary.

"(2) Any other amounts recovered by the Secretary or the Secretary of the military department concerned from a contractor, insurer, surety, or other person to reimburse the Department of Defense for any expenditure for environmental response activities.".

SEC. 323. REPEAL OF CERTAIN ENVIRONMENTAL EDUCATION PROGRAMS.

Sections 1333 and 1334 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 10 U.S.C. 2701 note) are repealed.

SEC. 324. REPEAL OF LIMITATION ON OBLIGATION OF AMOUNTS TRANSFERRED FROM ENVIRONMENTAL RESTORATION TRANSFER ACCOUNT.

(a) REPEAL OF LIMITATION.—Section 2703 of title 10, United States Code, is further amended—

(1) by striking out subsection (c); and

(2) by redesignating subsection (d), subsection (e) (as amended by section 322), and subsection (f) as subsections (c), (d), and (e), respectively.

(b) EFFECT ON CONTRACTS.—Nothing in the amendment made by subsection (a) shall be considered to negate or invalidate any legal protection or legal defense available to the Department of Defense under "force majeure" clauses in environmental restoration contracts or agreements existing on the date of the enactment of this Act.

SEC. 325. ELIMINATION OF AUTHORITY TO TRANSFER AMOUNTS FOR TOXICOLOGICAL PROFILES.

Section 2704 of title 10, United States Code, is amended in subsections (c) and (d)(3)—

(1) by striking out ", such sums from amounts appropriated to the Department of Defense,"; and

(2) by striking out ", including the manner for transferring funds and personnel and for coordination of activities under this section".

SEC. 326. SENSE OF CONGRESS ON USE OF DEFENSE ENVIRONMENTAL RESTORATION ACCOUNT.

It is the sense of Congress that the Secretary of Defense should make every effort to limit, by the end of fiscal year 1997, spending for administration, support, studies, and investigations associated with the Defense Environmental Restoration Account to 20 percent of the total funding for that account.

Subtitle D—Civilian Employees and Nonappropriated Fund Instrumentality Employees

SEC. 331. MANAGEMENT OF DEPARTMENT OF DEFENSE CIVILIAN PERSONNEL.

Section 129 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by inserting "(including any limitation on full-time equivalent positions)" before the period at the end of the second sentence; and

(B) by adding at the end the following new sentence: "The Secretary shall not be required to make a reduction in the number of full-time equivalent positions in the Department of Defense unless such reduction is necessary due to a reduction in funds available to the Department or is required under a law that is enacted after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1996 and that refers specifically to this subsection."; and

(2) by adding at the end the following new subsection:

"(d) With respect to each budget activity within an appropriation for any fiscal year for operations and maintenance, the Secretary of Defense shall ensure that there are employed during that fiscal year employees in the number, and of the type and with the skill mix, that are necessary to carry out the functions within that budget activity for which funds are provided for that fiscal year.".

SEC. 332. MANAGEMENT OF DEPOT EMPLOYEES.

(a) DEPOT EMPLOYEES.—Chapter 146 of title 10, United States Code, is amended by adding at the end the following new section:

"§2472. Management of depot employees

"(a) PROHIBITION ON MANAGEMENT BY END STRENGTH.—The civilian employees of the Department of Defense involved in the depot-level maintenance and repair of materiel may not be managed on the basis of any end-strength constraint or limitation on the number of such employees who may be employed on the last day of a fiscal year. Such employees shall be managed solely on the basis of the available workload and the funds made available for such depot-level maintenance and repair.

"(b) Annual Report.—Not later than 60 days after the beginning of each fiscal year, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the number of employees employed and expected to be employed by the Department of Defense during that fiscal year to perform depot-level maintenance and repair of materiel. The report shall indicate whether that number is sufficient to perform the depot-level maintenance and repair functions for which funds have been appropriated for that fiscal year for performance by Department of Defense employees.".

(b) Clerical Amendment.—The table of sections at the beginning of chapter 146 of such title is amended by adding at the end the following new item:

"2472. Management of depot employees.".

SEC. 333. CONVERSION TO PERFORMANCE BY CIVILIAN EMPLOYEES OF ACTIVE-DUTY POSITIONS.

(a) Conversion to Civilian Performance.—During fiscal year 1996, the Secretary of Defense shall change to performance by employees of the Department of Defense the performance of not less than 10,000 positions in the Department of Defense that, as of September 30, 1995, were designated to be performed by members of the Armed Forces on active duty.

(b) Implementation Plan.—Not later than March 31, 1996, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a plan for the implementation of subsection (a).

SEC. 334. PERSONNEL ACTIONS INVOLVING EMPLOYEES OF NONAPPROPRIATED FUND INSTRUMENTALITIES.

(a) Clarification of Definition of Nonappropriated Fund Instrumentality Employee.—Subsection (a)(1) of section 1587 of title 10, United States Code, is amended by adding at the end the following new sentence: "Such term includes a civilian employee of a support organization within the Department of Defense or a military department, such as the Defense Finance and Accounting Service, who is paid from nonappropriated funds on account of the nature of the employee's duties.".

(b) Direct Reporting of Violations.—Subsection (e) of such section is amended in the second sentence by inserting before the period the following: "and to permit the direct reporting of alleged violations of subsection (b) to the Inspector General of the Department of Defense".

(c) Technical Amendment.—Subsection (a)(1) of such section is further amended by striking out "Navy Resale and Services Support Office" and inserting in lieu thereof "Navy Exchange Service Command".

(d) Clerical Amendments.—(1) The heading of such section is amended to read as follows:

"§1587. Employees of nonappropriated fund instrumentalities: personnel actions".

(2) The item relating to section 1587 in the table of sections at the beginning of chapter 81 of such title is amended to read as follows:

"1587. Employees of nonappropriated fund instrumentalities: personnel actions.".

SEC. 335. TERMINATION OF OVERSEAS LIVING QUARTERS ALLOWANCES FOR NONAPPROPRIATED FUND INSTRUMENTALITY EMPLOYEES.

(a) Prohibition of Allowance for New Employees.—A nonappropriated fund instrumentality employee hired after the date of the enactment of this Act may not be paid an overseas living quarters allowance from nonappropriated funds of the nonappropriated fund instrumentality that employs the employee.

(b) Termination of Allowance for Current Employees.—A nonappropriated fund instrumentality employee who is eligible for an overseas living quarters allowance on the date of the enactment of this Act shall cease to be eligible for such an allowance after the earlier of—

(1) September 30, 1998; or

(2) the date on which the employee otherwise ceases to be eligible for such an allowance.

(c) Nonappropriated Fund Instrumentality Employee Defined.—For purposes of this section, the term "nonappropriated fund instrumentality employee" has the meaning given such term in section 1587(a)(1) of title 10, United States Code.

SEC. 336. OVERTIME EXEMPTION FOR NONAPPROPRIATED FUND EMPLOYEES.

Section 6121(2) of title 5, United States Code, is amended to read as follows:

"(2) 'employee' has the meaning given it by section 2105(a) and also includes those paid from nonappropriated funds of the Army and Air Force Exchange Service, Navy Ship's Stores Ashore, Navy exchanges, Marine Corps exchanges, Coast Guard exchanges, and other instrumentalities of the United States under the jurisdiction of the armed forces conducted for the comfort, pleasure, contentment, and mental and physical improvement of personnel of the armed forces;".

SEC. 337. CONTINUED HEALTH INSURANCE COVERAGE.

Section 8905a(d)(4) of title 5, United States Code, is amended—

(1) in subparagraph (A), by inserting ", or a voluntary separation from a surplus position," after "an involuntary separation from a position"; and

(2) by adding at the end the following new subparagraph:

"(C) For the purpose of this paragraph, 'surplus position' means a position which is identified in pre-reduction in force planning as no longer required, and which is expected to be eliminated under formal reduction-in-force procedures.".

SEC. 338. CREDITABILITY OF CERTAIN NAFI SERVICE UNDER THE FEDERAL EMPLOYEES' RETIREMENT SYSTEM.

(a) In General.—Subject to subsections (b) and (c), upon application to the Office of Personnel Management, any individual who, on the date of making such application, is an employee within the Department of Defense or the legislative branch of the Government shall be allowed credit under chapter 84 of title 5, United States Code (for purposes of benefits payable out of the Fund) for any service if—

(1) such service was performed by such individual as an employee of a nonappropriated fund instrumentality of the Department of Defense or the Coast Guard, described in section 2105(c) of such title; and

(2) such individual has served continuously, since moving (after December 31, 1986, and without a break in service of more than 3 days) from a nonappropriated fund instrumentality referred to in paragraph (1), in—

(A) the Department of Defense; or

(B) the legislative branch of the Government.

(b) Conditions.—An individual may not be allowed credit for service under this section unless—

(1) an application is filed before the deadline under subsection (c);

(2) such individual has been subject to chapter 84 of title 5, United States Code, since moving in the manner described in subsection (a)(2); and

(3) such individual deposits to the credit of the Fund an amount equal to 1.3 percent of the basic pay paid to such individual for such service, with interest (computed in accordance with paragraphs (2) and (3) of section 8334(e) of title 5, United States Code).

(c) Deadline.—An application under this section may not be filed after—

(1) the end of the 6-month period beginning on the date of the enactment of this Act; or

(2) if earlier, the date on which a written determination is made by the Office of Personnel Management that the actuarial present value of all benefits payable as a result of the enactment of this section has reached $50,000,000.

(d) Regulations.—The Office of Personnel Management shall prescribe any regulations necessary to carry out this section.

(e) Definition.—For purposes of this section, the term "Fund" means the Civil Service Retirement and Disability Fund under section 8348 of title 5, United States Code.

Subtitle E—Commissaries and Nonappropriated Fund Instrumentalities

SEC. 341. OPERATION OF COMMISSARY STORE SYSTEM.

(a) Cooperation With Other Entities.—Section 2482 of title 10, United States Code, is amended—

(1) in the section heading, by striking out "**private**";

(2) by inserting "(a) Private Operation.—" before "Private persons"; and

(3) by adding at the end the following new subsection:

"(b) Contracts With Other Agencies and Instrumentalities.—(1) The Defense Commissary Agency, and other agencies of the Department of Defense that support the operation of the commissary store system, may enter into contracts or other agreements with other appropriated fund or nonappropriated fund instrumentalities of the Department of Defense or other departments or agencies of the United States to facilitate efficiency in the management and operation of the commissary store system.

"(2) A commissary store operated by a nonappropriated fund instrumentality shall be operated in accordance with section 2484 of this title. Subject to such section, the Secretary of Defense may authorize a transfer of goods, supplies, and facilities of, and funds appropriated for, the Defense Commissary Agency to a nonappropriated fund instrumentality operating a commissary store.".

(b) Authorization for Distributors to Serve as Vendor Agents.—Such section is further amended by adding after subsection (b), as added by subsection (a), the following new subsection:

"(c) Payments to Vendor Agents.—If a distributor for a vendor of resale products under contract to the Defense Commissary Agency is designated as an agent by and for the vendor, the distributor may invoice the agency and accept payments from the agency under the vendor's contract. A distributor designated as a agent for purposes of this subsection may request payment for more than one product of the vendor on the same invoice. All payments made by the agency to a distributor designated by a vendor as the vendor's agent shall be considered payments under the vendor's contract, and the payments shall fulfill the payment obligations of the United States in the same manner as if the payments had been made directly to the vendor.".

(c) Clerical Amendment.—The item relating to such section in the table of sections at the beginning of chapter 147 of such title is amended to read as follows:

"2482. Commissary stores: operation.".

SEC. 342. PRICING POLICIES FOR COMMISSARY STORE MERCHANDISE.

Section 2486(d)(1) of title 10, United States Code, is amended—

(1) by striking out "each item" and inserting in lieu thereof "items"; and

(2) by striking out "actual product cost of the item" and inserting in lieu thereof "total average product cost of merchandise sold".

SEC. 343. LIMITED RELEASE OF COMMISSARY STORES SALES INFORMATION TO MANUFACTURERS, DISTRIBUTORS, AND OTHER VENDORS DOING BUSINESS WITH DEFENSE COMMISSARY AGENCY.

Section 2487(b) of title 10, United States Code, is amended in the second sentence by inserting before the period the following: "unless the agreement is between the Defense Commissary Agency and a manufacturer, distributor, or other vendor doing business with the Agency and is restricted to information directly related to merchandise provided by that manufacturer, distributor, or vendor".

SEC. 344. ECONOMICAL DISTRIBUTION OF DISTILLED SPIRITS BY NONAPPROPRIATED FUND INSTRUMENTALITIES.

(a) Economical Distribution.—Subsection (a)(1) of section 2488 of title 10, United States Code, is amended by inserting after "most competitive source" the following: "and distributed in the most economical manner".

(b) Determination of Most Economical Distribution Method.—Such section is further amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection:

"(c)(1) In the case of covered alcoholic beverage purchases of distilled spirits, to determine whether a nonappropriated fund instrumentality of the Department of Defense represents the most economical method of distribution to package stores, the Secretary of Defense shall consider all components of the distribution costs incurred by the nonappropriated fund instrumentality, such as overhead costs (including management, logistics, administration, depreciation, and utilities), the costs of carrying inventory, and handling and distribution costs.

"(2) If the use of a private distributor would subject covered alcoholic beverage purchases of distilled spirits to direct or indirect State taxation, a nonappropriated fund instrumentality shall be considered to be the most economical method of distribution regardless the results of the determination under paragraph (1).

"(3) The Secretary shall use the agencies performing audit functions on behalf of the armed forces and the Inspector General of the Department of Defense to make determinations under this subsection.".

SEC. 345. TRANSPORTATION BY COMMISSARIES AND EXCHANGES TO OVERSEAS LOCATIONS.

(a) In General.—Chapter 157 of title 10, United States Code, is amended by adding at the end the following new section:

"§2643. Commissary and exchange services: transportation overseas

"The Secretary of Defense shall give the officials responsible for operation of commissaries and military exchanges the authority to negotiate directly with private carriers for the most cost-effective transportation of commissary and exchange supplies by sea without relying on the Military Sealift Command or the Military Traffic Management Command. Section 2631 of this title, regarding the preference for vessels of the United States or belonging to the United States in the transportation of supplies by sea, shall apply to the negotiation of transportation contracts under the authority of this section.".

(b) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2643. Commissary and exchange services: transportation overseas.".

SEC. 346. DEMONSTRATION PROGRAM FOR UNIFORM FUNDING OF MORALE, WELFARE, AND RECREATION ACTIVITIES AT CERTAIN MILITARY INSTALLATIONS.

(a) Demonstration Program Required.—The Secretary of Defense shall conduct a demonstration program at six military installations, under which funds appropriated for the support of morale, welfare, and recreation programs at the installations are combined with nonappropriated funds available for such programs and treated as nonappropriated funds. Under this demonstration program, the combined appropriated funds shall be expended pursuant to the laws and regulations that apply to nonappropriated funds.

(b) Covered Military Installations.—The Secretary of Defense shall select two military installations from each military department to participate in the demonstration program.

(c) Effect on Civilian Employees.—Civilian employees of the Department of Defense who are normally paid using the appropriated funds that are combined under subsection (a) shall be considered to be nonappropriated fund instrumentality employees unless they continue to be paid using other appropriated funds. Any converted employee shall automatically revert to the employee's former status at the end of the program or upon any action by management to terminate the employee, whichever occurs first. Any converted employee shall retain retirement and medical benefits under the employee's former status.

(d) Period of Demonstration Program.—The demonstration program shall terminate at the end of the first full fiscal year beginning on or after the date of the enactment of this Act.

(e) Report.—Not later than 90 days after the end of the demonstration program, the Secretary of Defense shall submit to Congress a report describing the results of the demonstration program.

SEC. 347. CONTINUED OPERATION OF BASE EXCHANGE MART AT FORT WORTH NAVAL AIR STATION AND AUTHORITY TO EXPAND BASE EXCHANGE MART PROGRAM.

(a) Continued Operation of Base Exchange Mart.—Section 375 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2736) is amended by striking out ", until December 31, 1995,".

(b) Expansion of Base Exchange Mart Program.—(1) Subject to paragraph (2), the Secretary of Defense may provide for the operation by a nonappropriated fund instrumentality of not more than ten combined exchange and commissary stores, in which groceries are sold at five percent above cost and other items are sold at the typical military exchange markup.

(2) The Secretary may select a military installation as the location for a combined exchange and commissary store only if—

(A) the installation has been or is selected for closure or realignment; or

(B) the continued operation of a separate military exchange and commissary store at the installation is not economically feasible.

(3) If a nonappropriated fund instrumentality incurs a loss in operating a commissary store as a result of the pricing requirements specified in paragraph (1), the Secretary may authorize a transfer of funds appropriated for the Defense Commissary Agency to the nonappropriated fund instrumentality to offset the loss. However, the total amount of appropriated funds transferred during a fiscal year to support the operation of a commissary store may not exceed an amount equal to 25 percent of the appropriated funds provided during the last full year of operation of the commissary store by the Defense Commissary Agency.

(4) The combined military exchange and commissary stores authorized under this subsection shall include the combined military exchange and commissary store operated at the Naval Air Station Fort Worth, Joint Reserve Center, Carswell Field, Texas.

(5) For purposes of this section, the term "nonappropriated fund instrumentality" means the Army and Air Force Exchange Service, Navy Exchange Service Command, Marine Corps exchanges, or any other instrumentality of the United States under the jurisdiction of the Armed Forces which is conducted for the comfort, pleasure, contentment, or physical or mental improvement of members of the Armed Forces.

SEC. 348. UNIFORM DEFERRED PAYMENTS PROGRAM FOR MILITARY EXCHANGES.

(a) Use of Commercial Banking Institutions.—As soon as possible after the date of the enactment of this Act, the Secretary of Defense shall endeavor to enter into an agreement with a commercial banking institution under which the commercial banking institution will fund and operate the deferred payment programs of the Army and Air Force Exchange Service and Navy Exchange Service Command. To ease the transition to commercial operation, the Secretary may initially limit the agreement to one of the two military exchange services.

(b) Uniform Exchange Credit Program.—Not later than January 1, 1997, the Secretary shall establish a uniform deferred payment program for use in all military exchanges to replace the separate deferred payment programs currently operated by the Army and Air Force Exchange Service and Navy Exchange Service Command.

(c) Report.—Not later than December 31, 1995, the Secretary of Defense shall submit to Congress a report describing the implementation of this section.

SEC. 349. AVAILABILITY OF FUNDS TO OFFSET EXPENSES INCURRED BY ARMY AND AIR FORCE EXCHANGE SERVICE ON ACCOUNT OF TROOP REDUCTIONS IN EUROPE.

Of funds authorized to be appropriated under section 301(5), not more than $70,000,000 shall be available to the Secretary of Defense for transfer to the Army and Air Force Exchange Service to offset expenses incurred by the Army and Air Force Exchange Service on account of reductions in the number of members of the United States Armed Forces assigned to permanent duty ashore in Europe.

SEC. 350. STUDY REGARDING IMPROVING EFFICIENCIES IN OPERATION OF MILITARY EXCHANGES AND OTHER MORALE, WELFARE, AND RECREATION ACTIVITIES AND COMMISSARY STORES.

(a) Study Required.—The Secretary of Defense shall conduct a study regarding the manner in which greater efficiencies can be achieved in the operation of—

(1) military exchanges;

(2) other instrumentalities of the United States under the jurisdiction of the Armed Forces which are conducted for the comfort, pleasure, contentment, or physical or mental improvement of members of the Armed Forces; and

(3) commissary stores.

(b) Report of Study.—Not later than March 1, 1996, the Secretary of Defense shall submit to Congress a report describing the results of the study and containing such recommendations as the Secretary considers appropriate to implement efficiency-building options identified in the study.

SEC. 351. EXTENSION OF DEADLINE FOR CONVERSION OF NAVY SHIPS' STORES TO OPERATION AS NONAPPROPRIATED FUND INSTRUMENTALITIES.

(a) Extension.—Section 371(a) of the National Defense Authorization Act for Fiscal

Year 1994 (Public Law 103–160; 10 U.S.C. 7604 note) is amended by striking out "December 31, 1995" and inserting in lieu thereof "December 31, 1996".

(b) INSPECTOR GENERAL REVIEW.—Not later than April 1, 1996, the Inspector General of the Department of Defense shall submit to Congress a report—

(1) evaluating the costs and benefits of converting the operation of all Navy ships' stores to operation by the Navy Exchange Service Command, as required by section 371(a) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 10 U.S.C. 7604 note); and

(2) reviewing the Navy Audit Agency report regarding such conversion prepared pursuant to section 374 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2736).

Subtitle F—Contracting Out

SEC. 357. PROCUREMENT OF ELECTRICITY FROM MOST ECONOMICAL SOURCE.

(a) PROCUREMENT OF ELECTRICITY.—(1) Chapter 147 of title 10, United States Code, is amended by inserting after section 2483 the following new section:

"§2483a. Procurement of electricity from most economical source

"The Secretary of Defense shall procure electricity for use on military installations and by other activities and functions of the Department of Defense from the most economical source, as determined by the Secretary. The Secretary shall make the determination required by this section in the manner provided in section 2462 of this title.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2483 the following new item:

"2483a. Procurement of electricity from most economical source.".

(b) EFFECTIVE DATE; RULE OF CONSTRUCTION.—The amendment made by subsection (a) shall take effect on March 1, 1996, except that the amendment shall not be construed to require the termination of any contract for the purchase of electricity for the Department of Defense entered into before that date.

SEC. 358. PROCUREMENT OF CERTAIN COMMODITIES FROM MOST ECONOMICAL SOURCE.

(a) PROCUREMENT OF SUPPLIES.—In the case of supplies for the Department of Defense procured through the General Services Administration as of the date of the enactment of this Act, the Secretary of Defense shall procure such supplies from another source if the Secretary determines that the source can provide the supplies at a lower cost. The Secretary shall make the determinations required by this section in the manner provided in section 2462 of title 10, United States Code.

(b) EFFECTIVE DATE; RULE OF CONSTRUCTION.—The amendment made by subsection (a) shall take effect on March 1, 1996, except that the amendment shall not be construed to require the termination of any contract between the Secretary of Defense and the General Services Administration entered into before that date.

SEC. 359. INCREASE IN COMMERCIAL PROCUREMENT OF PRINTING AND DUPLICATION SERVICES.

Notwithstanding any other provision of law, during fiscal year 1996, the Defense Printing Service may use private printing sources for up to 70 percent of its printing and duplication services.

SEC. 360. DIRECT DELIVERY OF ASSORTED CONSUMABLE INVENTORY ITEMS OF DEPARTMENT OF DEFENSE.

To reduce the expense and necessity of maintaining extensive warehouses for consumable inventory items of the Department of Defense, the Secretary of Defense shall arrange for direct vendor delivery of food, clothing, medical and pharmaceutical supplies, automotive, electrical, fuel, and construction supplies, and other consumable inventory items for military installations throughout the United States. The Secretary shall complete implementation of this direct vendor delivery system not later than September 30, 1996.

SEC. 361. OPERATIONS OF DEFENSE REUTILIZATION AND MARKETING SERVICE.

The Secretary of Defense shall enter into a contract, not later than July 1, 1996, for the performance by a commercial entity of all of the operations of the unit of the Defense Logistics Agency known as the Defense Reutilization and Marketing Service.

SEC. 362. PRIVATE OPERATION OF PAYROLL FUNCTIONS OF DEPARTMENT OF DEFENSE FOR PAYMENT OF CIVILIAN EMPLOYEES.

(a) PLAN ON CONTRACTING OUT.—Not later than March 1, 1996, the Secretary of Defense shall submit to Congress a plan regarding private operation of payroll functions for civilian employees of the Department of Defense.

(b) IMPLEMENTATION.—Not later than October 1, 1996, the Secretary shall implement the plan developed under subsection (a).

SEC. 363. DEMONSTRATION PROGRAM TO IDENTIFY UNDERDEDUCTIONS AND OVERPAYMENTS MADE TO VENDORS.

(a) DEMONSTRATION PROGRAM REQUIRED.—The Secretary of Defense shall conduct a demonstration program at the Defense Personnel Support Center, Philadelphia, Pennsylvania, to evaluate the feasibility of using private contractors to audit accounting and procurement records of the Department of Defense to identify moneys due the United States because of underdeductions and overpayments made to vendors. Pursuant to an agreement between the Secretary and one or more private contractors selected by the Secretary, the contractors shall perform an audit of accounting and procurement records of the Department for at least fiscal years 1993, 1994, and 1995 using commercial sector data processing techniques, which would compare purchase documents and agreements with vendor invoices to discover discrepancies in allowances, pricing, discounts, billback allowances, backhaul allowances, and freight routing instructions. The audit shall also attempt to identify duplicate payments and unauthorized invoice charges.

(b) BONUS PAYMENT.—From amounts made available to conduct the demonstration program, the Secretary may pay the contractors a negotiated amount not to exceed 25 percent of all amounts recovered as a result of the audit.

(c) AVAILABILITY OF FUNDS.—From amounts authorized to be appropriated pursuant to section 301(5), not more than $5,000,000 shall be available to cover the costs of the demonstration program, including the cost of any bonus payment under subsection (b).

SEC. 364. PILOT PROGRAM TO EVALUATE POTENTIAL FOR PRIVATE OPERATION OF OVERSEAS DEPENDENTS' SCHOOLS.

(a) PILOT PROGRAM.—The Secretary of Defense may conduct a pilot program to assess the feasibility of using private contractors to operate schools of the defense dependents' education system established under section 1402(a) of the Defense Dependents' Education Act of 1978 (20 U.S.C. 921(a)).

(b) SELECTION OF SCHOOL FOR PROGRAM.—If the Secretary of Defense conducts the pilot program, the Secretary shall select one school of the defense dependents' education system for participation in the program. Under the pilot program, the Secretary shall provide for the operation of the school by an appropriate private contractor for not less than one complete school year.

(c) REPORT.—Not later than 30 days after the end of the first school year in which the pilot program is conducted, the Secretary of Defense shall submit to Congress a report on the results of the program. The report shall include the recommendation of the Secretary with respect to the extent to which other schools of the defense dependents' education system should be operated by private contractors.

SEC. 365. PILOT PROGRAM FOR EVALUATION OF IMPROVED DEFENSE TRAVEL PROCESSING PROTOTYPES.

(a) PILOT PROGRAM REQUIRED; LOCATION.—(1) The Secretary of Defense, acting through the Under Secretary of Defense (Comptroller), shall conduct a pilot program regarding two prototype tests of commercial travel applications to determine the best approach for the Department of Defense Travel System.

(2) The Secretary shall conduct the pilot program at six military installations containing approximately equal numbers of members of the Armed Forces. Two installations shall be selected from each military department.

(b) DESCRIPTION OF PROTOTYPE TESTS.—The two respective tests shall be as follows:

(1) In this test, three installations (one for each military department), with the Department of Defense acting as its own integrator, will implement the travel processes proposed by the task force on travel management chartered by the Secretary of Defense in July 1994, and will offer specific business opportunities in the services areas currently utilized, namely reservations and credit card technologies.

(2) In this test, three installations (one for each military department), will contract out their entire travel process, reserving only essential elements, such as travel authorization, for performance by employees of the Department of Defense. Particular attention will be focused on the ability of the vendor to integrate all processes into a responsive, reasonably priced, uniform travel system.

(c) CONDUCT OF TESTS.—The two prototype tests shall be conducted as follows:

(1) Each test must accommodate the guidelines for travel management issued by the Under Secretary of Defense (Comptroller).

(2) The tests must take no more than 60 days to set up and be operational for one year.

(d) EVALUATION CRITERIA.—The Secretary of Defense shall establish evaluation criteria that include, at a minimum—

(1) aligning travel policy and cost estimates with mission at the point of reservation;

(2) using fully integrated solutions envisioned by the Department of Defense travel reengineering report of January 1995;

(3) matching credit card data and reservation data with cost estimate data;

(4) matching data with a trip pro forma plan to eliminate the need for further approvals; and

(5) a responsive and flexible management information system for managers at all levels to monitor travel expenses throughout the year, budget accurately for any future year, and assess cost and value relationship regarding temporary duty travel for each mission.

(e) PLAN FOR PROGRAM.—Before conducting the pilot program, the Secretary of Defense shall develop a plan for the program that addresses the following:

(1) The purposes of the prototype test, including the objective of reducing the total costs of managing travel by at least one-half.

(2) The methodology, duration, and anticipated costs, including an arrangement whereby the contractor would receive its agreed upon contract payment plus an additional negotiated amount not to exceed 50 percent of the dollar savings achieved in excess of the objective specified in paragraph (1).

(3) A specific citation to any provision or law, rule, or regulation that, if not waived, would prohibit the conduct of the program or any part of the program.

(4) The evaluation mechanism required by subsection (d).

(5) A provision for implementing the most successful prototype Department-wide, based upon final assessment of results.

SEC. 366. PILOT PROGRAM FOR PRIVATE OPERATION OF CONSOLIDATED INFORMATION TECHNOLOGY FUNCTIONS OF DEPARTMENT OF DEFENSE.

(a) PILOT PROGRAM REQUIRED.—(1) The Secretary of Defense shall enter into discussions with private sector entities for the purpose of issuing a request for proposal to establish a pilot program to test and evaluate the cost savings and efficiencies of private operation of all information technology services for the Department of Defense currently being consolidated in Defense MegaCenters. The negotiations shall be conducted so that the request for proposal may be issued within 60 days after the date of the enactment of this Act.

(2) The minimum workload to be contracted out in the pilot program shall be equivalent to the workload of at least three Defense MegaCenters.

(b) ESTABLISHMENT AND DURATION.—The Secretary of Defense shall implement private operations under the pilot program within one year after the date of the enactment of this Act. The pilot program shall operate for not more than a three-year period after implementation.

(c) GOAL OF PROGRAM.—The goal of the pilot program is to receive proposals from private sector entities that, if implemented, would reduce operating costs to the Department of Defense for information technology functions by at least 35 percent in comparison to annual operating cost as of the date of the enactment of this Act.

(d) PLAN OF PROGRAM.—Before conducting the pilot program, the Secretary of Defense shall develop a plan for the program that addresses the following:

(1) The purposes of the program.

(2) The methodology, duration, and anticipated costs of the program, including the cost of an arrangement whereby the private contractor would receive the agreed upon contract payment plus an additional negotiated amount not to exceed 50 percent of the dollar savings achieved in excess of the goal specified in subsection (c).

(3) A specific citation to any provisions of law, rule, or regulation that, if not waived, would prohibit the conduct of the program or any part of the program.

(4) An evaluation mechanism for the program.

(5) A provision for expanding the program to all information technology functions of the Department of Defense, based upon final assessment of the results of the program.

(e) SUSPENSION OF FURTHER CONSOLIDATION.—Until the completion of the pilot program and submission of the final report required under subsection (f)(2), none of the funds appropriated to the Department of Defense for a fiscal year after fiscal year 1995 may be used to reduce the number of data centers of the Department of Defense to fewer than the 16 Defense MegaCenters identified as of the date of the enactment of this Act.

(f) REPORTING REQUIREMENTS.—(1) Not later than six months after commencing contracting out activities under the pilot program, the Secretary of Defense shall submit to Congress an initial assessment report regarding the implementation of the pilot program.

(2) The Secretary shall submit to Congress a final assessment report, including a recommendation for expanding the program as appropriate, not later than one year after commencing contracting out activities under the pilot program.

SEC. 367. REPORT ON EFFORTS TO CONTRACT OUT CERTAIN FUNCTIONS OF DEPARTMENT OF DEFENSE.

Not later than March 1, 1996, the Secretary of Defense shall submit to Congress a report describing the advantages and disadvantages of using contractor personnel, rather than civilian employees of the Department of Defense, to perform functions of the Department that are not essential to the warfighting mission of the Armed Forces. The report shall specify all legislative and regulatory impediments to contracting those functions for private performance.

SEC. 368. PILOT PROGRAM FOR PRIVATE OPERATION OF PAYROLL AND ACCOUNTING FUNCTIONS OF NONAPPROPRIATED FUND INSTRUMENTALITIES.

(a) PILOT PROGRAM REQUIRED; LOCATION.—(1) The Secretary of Defense, acting through the Under Secretary of Defense (Comptroller), shall enter into discussions with private sector entities for the purpose of issuing a request for proposal to establish a pilot program to test and evaluate the cost savings and efficiencies of private operation of accounting and payroll function of nonappropriated fund instrumentalities of the Department of Defense. The negotiations shall be conducted so that the request for proposal may be issued within 60 days after the date of the enactment of this Act.

(2) The pilot program shall consist of a major Department of Defense Nonappropriated Fund Accounting and Payroll function.

(b) GOAL OF PROGRAM.—The goal of the pilot program is to receive proposals from private sector entities that, if implemented, would reduce by at least 25 percent the total costs to the Government for each pay event.

(c) PLAN OF PROGRAM.—Before conducting the pilot program, the Secretary of Defense shall develop a plan for the program that addresses the following:

(1) The purposes of the program.

(2) The methodology, duration, and anticipated costs of the program, including the cost of an arrangement whereby the private contractor would receive the agreed upon contract payment plus an additional negotiated amount not to exceed 50 percent of the dollar savings achieved in excess of the goal specified in subsection (b).

(3) A specific citation to any provisions of law, rule, or regulation that, if not waived, would prohibit the conduct of the program or any part of the program.

(4) An evaluation mechanism for the program.

(5) A provision for expanding the program to all accounting and payroll functions of nonappropriated fund instrumentalities of the Department of Defense, based upon final assessment of the results of the program.

Subtitle G—Miscellaneous Reviews, Studies, and Reports

SEC. 371. QUARTERLY READINESS REPORTS.

(a) IN GENERAL.—(1) Chapter 22 of title 10, United States Code, is amended by adding at the end the following new section:

"§452. Quarterly readiness reports

"(a) REQUIREMENT.—Not later than 30 days after the end of each calendar-year quarter, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on military readiness. The report for any quarter shall be based on assessments that are provided during that quarter—

"(1) to any council, committee, or other body of the Department of Defense (A) that has responsibility for readiness oversight, and (B) the membership of which includes at least one civilian officer in the Office of the Secretary of Defense at the level of Assistant Secretary of Defense or higher;

"(2) by senior civilian and military officers of the military departments and the commanders of the unified and specified commands; and

"(3) as part of any regularly established process of periodic readiness reviews for the Department of Defense as a whole.

"(b) MATTERS TO BE INCLUDED.—Each such report—

"(1) shall specifically describe identified readiness problems or deficiencies and planned remedial actions; and

"(2) shall include the key indicators and other relevant data related to the identified problem area or deficiency.

"(c) CLASSIFICATION OF REPORTS.—Reports under this section shall be submitted in unclassified form and may, as the Secretary determines necessary, also be submitted in classified form.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"452. Quarterly readiness reports.".

(b) EFFECTIVE DATE.—Section 452 of title 10, United States Code, as added by subsection (a), shall take effect with the calendar-year quarter during which this Act is enacted.

SEC. 372. REPORTS REQUIRED REGARDING EXPENDITURES FOR EMERGENCY AND EXTRAORDINARY EXPENSES.

Subsection (c) of section 127 of title 10, United States Code, is amended to read as follows:

"(c)(1) In any fiscal year in which funds are expended under the authority of this section, the Secretary of Defense shall submit a report of such expenditures on a quarterly basis to the committees specified in paragraph (3).

"(2) An obligation or expenditure in an amount of $1,000,000 or more may not be made under the authority of this section for any single transaction until the Secretary of Defense has notified the committees specified in paragraph (3).

"(3) The committees referred to in paragraphs (1) and (2) are—

"(A) the Committee on Armed Services and the Committee on Appropriations of the Senate; and

"(B) the Committee on National Security and the Committee on Appropriations of the House of Representatives.".

SEC. 373. RESTATEMENT OF REQUIREMENT FOR SEMIANNUAL REPORTS TO CONGRESS ON TRANSFERS FROM HIGH-PRIORITY READINESS APPROPRIATIONS.

Section 361 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2732) is amended to read as follows:

"SEC. 361. SEMIANNUAL REPORTS TO CONGRESS ON TRANSFERS FROM HIGH-PRIORITY READINESS APPROPRIATIONS.

"(a) ANNUAL REPORTS.—(1) During 1996 and 1997, the Secretary of Defense shall submit to the congressional defense committees a report on transfers during the preceding fiscal year from funds available for the budget activities specified in subsection (d) (hereinafter in this section referred to as 'covered budget activities'). The report each year shall be submitted not later than the date in that year on which the President submits the budget for the next fiscal year to Congress pursuant to section 1105 of title 31, United States Code.

"(2) Each such report shall include—

"(A) specific identification of each transfer during the preceding fiscal year of funds available for any covered budget activity, showing the amount of the transfer, the covered budget activity from which the transfer was made, and the budget activity to which the transfer was made; and

"(B) with respect to each such transfer, a statement of whether that transfer was made to a budget activity within a different appropriation than the appropriation containing the covered budget activity from which the transfer

was made or to a budget activity within the same appropriation.

"(b) MIDYEAR REPORTS.—On May 1 of each year specified in subsection (a), the Secretary of Defense shall submit to the congressional defense committees a report providing the same information, with respect to the first six months of the fiscal year in which the report is submitted, that is provided in reports under subsection (a) with respect to the preceding fiscal year.

"(c) MATTERS TO BE INCLUDED.—In each report under this section, the Secretary shall include the following:

"(1) With respect to each transfer of funds identified in the report, a statement of the specific reason for the transfer.

"(2) For each covered budget activity—

"(A) a statement, for the period covered by the report, of—

"(i) the total amount of transfers into funds available for that activity;

"(ii) the total amount of transfers from funds available for that activity; and

"(iii) the net amount of transfers into, or out of, funds available for that activity; and

"(B) a detailed explanation of the transfers into, and out of, funds available for that activity during the period covered by the report.

"(d) COVERED BUDGET ACTIVITIES.—The budget activities to which this section applies are the following:

"(1) The budget activity groups (known as 'subactivities') within the Operating Forces budget activity of the annual Operation and Maintenance, Army, appropriation that are designated as follows:

"(A) Combat Units.

"(B) Tactical Support.

"(C) Force-Related Training/Special Activities.

"(D) Depot Maintenance.

"(E) JCS Exercises.

"(2) The budget activity groups (known as 'subactivities') within the Operating Forces budget activity of the annual Operation and Maintenance, Navy, appropriation that are designated as follows:

"(A) Mission and Other Flight Operations.

"(B) Mission and Other Ship Operations.

"(C) Fleet Air Training.

"(D) Ship Operational Support and Training.

"(E) Aircraft Depot Maintenance.

"(F) Ship Depot Maintenance.

"(3) The budget activity groups (known as 'subactivities'), or other activity, within the Operating Forces budget activity of the annual Operation and Maintenance, Air Force, appropriation that are designated or otherwise identified as follows:

"(A) Primary Combat Forces.

"(B) Primary Combat Weapons.

"(C) Global and Early Warning.

"(D) Air Operations Training.

"(E) Depot Maintenance.

"(F) JCS Exercises.".

SEC. 374. MODIFICATION OF NOTIFICATION REQUIREMENT REGARDING USE OF CORE LOGISTICS FUNCTIONS WAIVER.

Section 2464(b) of title 10, United States Code, is amended by striking out paragraphs (3) and (4) and inserting in lieu thereof the following new paragraph:

"(3) A waiver under paragraph (2) may not take effect until the end of the 30-day period beginning on the date on which the Secretary submits a report on the waiver to the Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on National Security and the Committee on Appropriations of the House of Representatives.".

SEC. 375. LIMITATION ON DEVELOPMENT OR MODERNIZATION OF AUTOMATED INFORMATION SYSTEMS OF DEPARTMENT OF DEFENSE PENDING REPORT.

(a) OBLIGATIONS AND EXPENDITURES SUBJECT TO REPORT.—Of the amounts appropriated pursuant to the authorization of appropriations in section 301, the Secretary of Defense may not obligate or expend amounts in excess of $2,411,947,000 for the development and modernization of automated data processing programs of the Department of Defense until after the end of the 30-day period beginning on the date on which the Inspector General of the Department of Defense submits to Congress a report that—

(1) addresses the ongoing concerns about performance measures and management controls regarding automated information systems;

(2) certifies that the Inspector General has completed review of the Base Level System Modernization and the Sustaining Base Information System;

(3) certifies that the Inspector General has completed the tasks identified in the review of Standard Installation/Division Personnel System-3;

(4) provides complete functional economic analyses for Automated System for Transportation Data, Electronic Data Interchange, Flexible Computer Integrated Manufacturing, Navy Tactical Command Support System, and Defense Information System Network;

(5) contains the resolution of the existing problems with the Defense Information System Network, Continuous Acquisition and Life-Cycle Support, and the Joint Computer-Aided Acquisition and Logistics Support;

(6) provides the necessary waivers regarding compelling military value, or provides complete functional economic analyses, regarding Air Force Wargaming Center Air Force Command Exercise System, Cheyenne Mountain Upgrade, Transportation Coordinator Automated Command and Control Information Systems, and Wing Command and Control System; and

(7) certifies the termination of the Personnel Electronic Record Management System or provides justification for the continued need for the program.

(b) AUTOMATED INFORMATION SYSTEM DEFINED.—For purposes of this section, the term "automated information system" means an automated information system of the Department of Defense subject to section 381 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337; 108 Stat. 2738; 10 U.S.C. 113 note).

SEC. 376. REPORT REGARDING REDUCTION OF COSTS ASSOCIATED WITH CONTRACT MANAGEMENT OVERSIGHT.

(a) REPORT REQUIRED.—Not later than April 1, 1996, the Comptroller General of the United States shall submit to Congress a report identifying methods to reduce the cost to the Department of Defense of management oversight of contracts in connection with major defense acquisition programs.

(b) MAJOR DEFENSE ACQUISITION PROGRAMS DEFINED.—For purposes of this section, the term "major defense acquisition programs" has the meaning given that term in section 2430(a) of title 10, United States Code.

Subtitle H—Other Matters

SEC. 381. PROHIBITION ON CAPITAL LEASE FOR DEFENSE BUSINESS MANAGEMENT UNIVERSITY.

None of the funds appropriated to the Department of Defense for fiscal year 1996 may be used to enter into any lease with respect to the Center for Financial Management Education and Training of the Defense Business Management University if the lease would be treated as a capital lease for budgetary purposes.

SEC. 382. AUTHORITY OF INSPECTOR GENERAL OVER INVESTIGATIONS OF PROCUREMENT FRAUD.

(a) AUTHORITY.—Section 141 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(c) The Inspector General shall be responsible for and shall oversee all investigations of procurement fraud within the Department of Defense.".

(b) IMPLEMENTATION.—The Secretary of Defense shall take such action as may be necessary to implement the amendment made by subsection (a).

SEC. 383. PROVISION OF EQUIPMENT AND FACILITIES TO ASSIST IN EMERGENCY RESPONSE ACTIONS.

Section 372 of title 10, United States Code, is amended by adding at the end the following new sentence: "Assistance provided under this section may include training facilities, sensors, protective clothing, antidotes, and other materials and expertise of the Department of Defense appropriate for use by a Federal, State, or local law enforcement agency in preparing for or responding to an emergency involving chemical or biological agents if the Secretary determines that the materials or services to be provided are not reasonably available from another source.".

SEC. 384. CONVERSION OF CIVILIAN MARKSMANSHIP PROGRAM TO NONAPPROPRIATED FUND INSTRUMENTALITY AND ACTIVITIES UNDER PROGRAM.

(a) CONVERSION.—Section 4307 of title 10, United States Code, is amended to read as follows:

"§4307. Promotion of rifle practice and firearms safety: administration

"(a) NONAPPROPRIATED FUND INSTRUMENTALITY.—On and after October 1, 1995, the Civilian Marksmanship Program shall be operated as a nonappropriated fund instrumentality of the United States within the Department of Defense for the benefit of members of the armed forces and for the promotion of rifle practice and firearms safety among civilians.

"(b) NATIONAL BOARD.—(1) The Civilian Marksmanship Program shall be under the general supervision of a National Board for the Promotion of Rifle Practice and Firearms Safety, which shall replace the National Board for the Promotion of Rifle Practice. The National Board shall consist of nine members who are appointed by the Secretary of the Army.

"(2) The term of office of a member of the National Board shall be two years. However, in the case of the initial National Board, the Secretary shall appoint four members who will have a one-year term.

"(3) Members of the National Board shall serve without compensation, except that members shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, while away from their homes or regular places of business in the performance of services for the National Board.

"(c) DIRECTOR AND STAFF.—The National Board shall appoint a person to serve as director of the Civilian Marksmanship Program. The compensation and benefits of the director and all other civilian employees of the Department of Defense used by the Civilian Marksmanship Program shall be paid from nonappropriated funds available to the Civilian Marksmanship Program.

"(d) FUNDING.—(1) Except as provided in section 4310 of this title, funds appropriated or otherwise made available to the Department of Defense in appropriation Acts may not be obligated or expended to benefit the Civilian Marksmanship Program or activities conducted by the Civilian Marksmanship Program.

"(2) The National Board and the director may solicit, accept, hold, use, and dispose of, in furtherance of the activities of the Civilian Marksmanship Program, donations of money, property, and services received by gift, devise, bequest, or otherwise. Donations may be accepted from munitions and firearms manufacturers notwithstanding any legal restrictions otherwise *arising from their procurement relationships with the United States.*

"(3) Amounts collected under the Civilian Marksmanship Program, including the proceeds from the sale of arms, ammunition, targets, and other supplies and appliances under section 4308 of this title, shall be credited to the Civilian Marksmanship Program and shall be available to carry out the Civilian Marksmanship Program. Amounts collected by, and available to, the National Board for the Promotion of Rifle Practice before the date of the enactment of this section from rifle sales programs and from fees in connection with competitions sponsored by that Board shall be transferred to the National Board to be available to carry out the Civilian Marksmanship Program.

"(4) Funds held on behalf of the Civilian Marksmanship Program shall not be construed to be Government or public funds or appropriated funds and shall not be available to support other nonappropriated fund instrumentalities of the Department of Defense. Funds held on behalf of other nonappropriated fund instrumentalities of the Department of Defense shall not be available to support the Civilian Marksmanship Program. Expenditures on behalf of the Civilian Marksmanship Program, including compensation and benefits for civilian employees, may not exceed $5,000,000 during any fiscal year. The approval of the National Board shall be required for any expenditure in excess of $50,000. Notwithstanding any other provision of law, funds held on behalf of the Civilian Marksmanship Program shall remain available until expended.

"(e) DEFINITIONS.—In this section and sections 4308 through 4313 of this title:

"(1) The term 'Civilian Marksmanship Program' means the rifle practice and firearms safety program carried out by the National Board under section 4308 and includes the National Matches and small-arms firing schools referred to in section 4312 of this title.

"(2) The term 'National Board' means the National Board for the Promotion of Rifle Practice and Firearms Safety.".

(b) ACTIVITIES.—Section 4308 of such title is amended to read as follows:

"§4308. Promotion of rifle practice and firearms safety: activities

"(a) INSTRUCTION, SAFETY, AND COMPETITION PROGRAMS.—(1) The Civilian Marksmanship Program shall provide for—

"(A) the operation and maintenance of indoor and outdoor rifle ranges and their accessories and appliances;

"(B) the instruction of citizens of the United States in marksmanship, and the employment of necessary instructors for that purpose;

"(C) the promotion of practice in the use of rifled arms and the maintenance and management of matches or competitions in the use of those arms; and

"(D) the award to competitors of trophies, prizes, badges, and other insignia.

"(2) In carrying out this subsection, the Civilian Marksmanship Program shall give priority to activities that benefit firearms safety training and competition for youth and reach as many youth participants as possible.

"(3) Before a person may participate in any activity sponsored or supported by the Civilian Marksmanship Program under this subsection, the person shall be required to certify that the person has not violated any Federal or State firearms laws.

"(b) SALE AND ISSUANCE OF ARMS AND AMMUNITION.—(1) The Civilian Marksmanship Program may issue, without cost, the arms, ammunition (including caliber .22 and caliber .30 ammunition), targets, and other supplies and appliances necessary for activities conducted under subsection (a). Issuance shall be made only to gun clubs under the direction of the National Board that provide training in the use of rifled arms to youth, the Boy Scouts of America, 4–H Clubs, Future Farmers of America, and other youth-oriented organizations for training and competition.

"(2) The Civilian Marksmanship Program may sell at fair market value caliber .30 rifles, caliber .22 rifles, and air rifles, and ammunition for such rifles, to gun clubs that are under the direction of the National Board and provide training in the use of rifled arms. In lieu of sales, the Civilian Marksmanship Program may loan such rifles to such gun clubs.

"(3) The Civilian Marksmanship Program may sell at fair market value small arms, ammunition, targets, and other supplies and appliances necessary for target practice to citizens of the United States over 18 years of age who are members of a gun club under the direction of the National Board.

"(4) Before conveying any weapon or ammunition to a person, whether by sale or lease, the National Board shall provide for a criminal records check of the person with appropriate Federal and State law enforcement agencies.

"(c) OTHER AUTHORITIES.—The National Board shall provide for—

"(1) the procurement of necessary supplies, appliances, trophies, prizes, badges, and other insignia, clerical and other services, and labor to carry out the Civilian Marksmanship Program; and

"(2) the transportation of employees, instructors, and civilians to give or to receive instruction or to assist or engage in practice in the use of rifled arms, and the transportation and subsistence, or an allowance instead of subsistence, of members of teams authorized by the National Board to participate in matches or competitions in the use of rifled arms.

"(d) FEES.—The National Board may impose reasonable fees for persons and gun clubs participating in any program or competition conducted under the Civilian Marksmanship Program for the promotion of rifle practice and firearms safety among civilians.

"(e) RECEIPT OF EXCESS ARMS AND AMMUNITION.—(1) The Secretary of the Army shall reserve for the Civilian Marksmanship Program all remaining M–1 Garand rifles, and ammunition for such rifles, still held by the Army. After the date of the enactment of this section, the Secretary of the Army shall cease demilitarization of remaining M–1 Garand rifles in the Army inventory unless such rifles are determined to be irreparable by the Defense Logistics Agency.

"(2) Transfers under this subsection shall be made without cost to the Civilian Marksmanship Program, except that the National Board shall assume the costs of transportation for the transferred small arms and ammunition.

"(f) PARTICIPATION CONDITIONS.—(1) All participants in the Civilian Marksmanship Program and activities sponsored or supported by the National Board shall be required, as a condition of participation, to sign affidavits stating that—

"(A) they have never been convicted of a firearms violation under State or Federal law; and

"(B) they are not members of any organization which advocates the violent overthrow of the United States Government.

"(2) Any person found to have violated this subsection shall be ineligible to participate in the Civilian Marksmanship Program and future activities sponsored or supported by the National Board.".

(c) PARTICIPATION OF MEMBERS OF THE ARMED FORCES IN INSTRUCTION AND COMPETITION.—Section 4310 of such title is amended to read as follows:

"§4310. Rifle instruction and competitions: participation of members

"(a) PARTICIPATION AUTHORIZED.—The commander of a major command of the armed forces may detail regular or reserve officers and noncommissioned officers under the authority of the commander to duty as instructors at rifle ranges for training civilians in the safe use of military arms. The commander of a major command may detail enlisted members under the authority of the commander as temporary instructors in the safe use of the rifle to organized rifle clubs requesting that instruction. The commander of a major command may detail members under the authority of the commander to provide other logistical and administrative support for competitions and other activities conducted by the Civilian Marksmanship Program. Members of a reserve component may be detailed only if the service to be provided meets a legitimate training need of the members involved.

"(b) COSTS OF PARTICIPATION.—The commander of a major command of the armed forces may pay the personnel costs and travel and per diem expenses of members of an active or reserve component of the armed forces who participate in a competition sponsored by the Civilian Marksmanship Program or who provide instruction or other services in support of the Civilian Marksmanship Program.".

(d) CONFORMING AMENDMENTS.—(1) Section 4312(a) of such title is amended by striking out "as prescribed by the Secretary of the Army" and inserting in lieu thereof "as part of the Civilian Marksmanship Program".

(2) Section 4313 of such title is amended—

(A) in subsection (a), by striking out "Secretary of the Army" both places it appears and inserting in lieu thereof "National Board"; and

(B) in subsection (b), by striking out "Appropriated funds available for the Civilian Marksmanship Program (as defined in section 4308(e) of this title) may" and inserting in lieu thereof "Nonappropriated funds available to the Civilian Marksmanship Program shall".

(e) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 401 of such title is amended by striking out the items relating to sections 4307, 4308, and 4310 and inserting in lieu thereof the following new items:

"4307. Promotion of rifle practice and firearms safety: administration.
"4308. Promotion of rifle practice and firearms safety: activities.
"4310. Rifle instruction and competitions: participation of members.".

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1995.

SEC. 385. PERSONNEL SERVICES AND LOGISTICAL SUPPORT FOR CERTAIN ACTIVITIES HELD ON MILITARY INSTALLATIONS.

Section 2544 of title 10, United States Code, is amended—

(1) by redesignating subsection (g) as subsection (h); and

(2) by inserting after subsection (f) the following new subsection:

"(g) In the case of a Boy Scout Jamboree held on a United States military installation, the Secretary of Defense may provide personnel services and logistical support at the military installation in addition to the support authorized under subsections (a) and (d).".

SEC. 386. RETENTION OF MONETARY AWARDS.

(a) MONETARY AWARDS.—Chapter 155 of title 10, United States Code, is amended by adding at the end the following new section:

"§2610. Acceptance of monetary awards from competition for excellence

"(a) ACCEPTANCE AUTHORIZED.—The Secretary of Defense may accept any monetary award given to the Department of Defense by a nongovernmental entity as an award in competition recognizing excellence or innovation in providing services or administering programs.

"(b) DISPOSITION OF AWARDS.—(1) Subject to paragraph (2), a monetary award accepted

under subsection (a) shall be credited to the appropriation supporting the operation of the command, installation, or other activity that is recognized for the award and, in such amount as is provided in advance in appropriation Acts, shall be available for the same purposes as the underlying appropriation.

"(2) Subject to such limitations as may be provided in appropriation Acts, the Secretary of Defense may disburse an amount not to exceed 50 percent of the monetary award to persons who are responsible for the excellence or innovation recognized by the award. A person may not receive more than $10,000 under the authority of this paragraph from any monetary reward.

"(c) Incidental Expenses.—Subject to such limitations as may be provided in appropriation Acts, appropriations available to the Department of Defense may be used to pay incidental expenses incurred to compete in a competition described in subsection (a) or to accept a monetary award under this section.

"(d) Regulations and Reporting.—(1) The Secretary of Defense shall prescribe regulations to determine the disposition of any monetary awards accepted under this section and the payment of incidental expenses under subsection (c).

"(2) The Secretary of Defense shall submit to Congress an annual report describing the disposition of any monetary awards accepted under this section and the payment of any incidental expenses under this subsection (c).".

(b) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2610. Acceptance of monetary awards from competition for excellence.".

SEC. 387. CIVIL RESERVE AIR FLEET.

Section 9512 of title 10, United States Code, is amended by striking out "full" before "Civil Reserve Air Fleet" in subsections (b)(2) and (e).

SEC. 388. PERMANENT AUTHORITY REGARDING USE OF PROCEEDS FROM SALE OF LOST, ABANDONED, AND UNCLAIMED PERSONAL PROPERTY AT CERTAIN INSTALLATIONS.

(a) Conversion of Existing Demonstration Project.—Section 343 the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1343) is amended by striking out subsections (d) and (e) and inserting in lieu thereof the following new subsection:

"(d) Application of Special Rule.—The special rule provided by subsection (a) shall apply with respect to the disposal under section 2575 of title 10, United States Code, of property found on the military installations referred to in subsection (b).".

(b) Conforming Amendments.—Subsection (a) of such section is amended—

(1) by striking out "Demonstration Project" in the subsection heading and inserting in lieu thereof "Special Rule Regarding Proceeds"; and

(2) by striking out "demonstration project" and inserting in lieu thereof "permanent program".

SEC. 389. TRANSFER OF EXCESS PERSONAL PROPERTY TO SUPPORT LAW ENFORCEMENT ACTIVITIES.

Section 1208(a)(1)(A) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (P.L. 101–189; 10 U.S.C. 372 note) is amended by striking out "counter-drug activities" and inserting in lieu thereof "law enforcement activities, including counter-drug activities".

SEC. 390. DEVELOPMENT AND IMPLEMENTATION OF INNOVATIVE PROCESSES TO IMPROVE OPERATION AND MAINTENANCE.

Of the amounts authorized to be appropriated under section 301(5), $350,000,000 shall be available to the Secretary of Defense for the development or acquisition of information technologies and reengineered functional processes, such as in the areas of personnel management, finance, and depot-level maintenance, for implementation within the Department of Defense. Before obligating or expending funds under this section for an information technology or reengineered functional process, the Secretary shall certify to Congress that the information technology or reengineered functional process—

(1) demonstrates a rate of return, within three years, of 300 percent compared to the investment made under this section; or

(2) would have a measurable effect upon the effectiveness of the readiness of the Armed Forces or the operation and management of the Department of Defense.

SEC. 391. REVIEW OF USE OF DEFENSE LOGISTICS AGENCY TO MANAGE INVENTORY CONTROL POINTS.

(a) Review of Consolidation of Inventory Control Points.—The Secretary of Defense shall conduct a review regarding the consolidation under the Defense Logistics Agency of all inventory control points, including the inventory management and acquisition of depot-level repairables.

(b) Submission of Results.—Not later than March 31, 1996, the Secretary shall complete the review and submit a report to the congressional defense committees describing the results of the review.

(c) Limitation on Implementation of Materiel Management Standard System.—Pending the submission of the report, the Secretary of Defense may not proceed with the implementation of the automated data processing program of the Department of Defense known as the Materiel Management Standard System.

SEC. 392. SALE OF 50 PERCENT OF CURRENT WAR RESERVE FUEL STOCKS.

(a) Sale Required.—Notwithstanding section 2390(a) of title 10, United States Code, the Secretary of Defense shall reduce war reserve fuel stocks of the Department of Defense to a level equal to 50 percent of the level of such stocks on January 1, 1995. The Secretary shall achieve the reduction through consumption of fuel in the Department of Defense and, if necessary, sales of fuel outside the Department to the highest qualified bidders.

(b) Subsequent Fuel Purchases.—After the date of the enactment of this Act, fuel purchases for the Department of Defense shall be made on the basis of the actual fuel needs of the Department.

(c) Report.—Not later than March 1, 1996, the Secretary of Defense shall submit to Congress a report describing the manner in which the reduction of war reserve fuel stocks is to be made and the time period within which the reduction is to be achieved.

(d) Suspension of Reduction; Increases.—The Secretary of Defense may suspend the reduction of war reserve fuel stocks, and in fact increase such stocks as otherwise authorized by law, in the event of a national emergency or to advance the national security interests of the United States.

SEC. 393. MILITARY CLOTHING SALES STORES, REPLACEMENT SALES.

(a) In General.—(1) Chapter 651 of title 10, United States Code, is amended by adding at the end the following new section:

"§7606. Subsistence and other supplies: members of armed forces; veterans; executive or military departments and employees; prices

"(a) The branch, office, or officer designated by the Secretary of the Navy shall procure and sell, for cash or credit—

"(1) articles specified by the Secretary of the Navy or a person designated by the Secretary, to members of the Navy and Marine Corps; and

"(2) items of individual clothing and equipment to members of the Navy and Marine Corps, under such restrictions as the Secretary may prescribe.

An account of sales on credit shall be kept and the amount due reported to any branch office, or officer designated by the Secretary. Except for articles and items acquired through the use of working capital funds under section 2208 of this title, sales of articles shall be at cost, and sales of individual clothing and equipment shall be at average current prices, including overhead, as determined by the Secretary.

"(b) The branch, office, or officer designated by the Secretary shall sell subsistence supplies to members of other armed forces at the prices at which like property is sold to members of the Navy and Marine Corps.

"(c) The branch, office, or officer designated by the Secretary may sell serviceable supplies, other than subsistence supplies, to members of other armed forces at the prices at which like property is sold to members of the Navy and Marine Corps.

"(d) A person who has been discharged honorably or under honorable conditions from the Army, Navy, Air Force, or Marine Corps and who is receiving care and medical treatment from the Public Health Service or the Department of Veterans Affairs may buy subsistence supplies and other supplies, except articles of uniform, at the prices at which like property is sold to members of the Navy and Marine Corps.

"(e) Under such conditions as the Secretary may prescribe, exterior articles of uniform may be sold to a person who has been discharged from the Navy or Marine Corps honorably or under honorable conditions at the prices at which like articles are sold to members of the Navy or Marine Corps. This subsection does not modify section 772 or 773 of this title.

"(f) Under regulations prescribed by the Secretary, payment for subsistence supplies shall be made in cash or by commercial credit.

"(g) The Secretary may provide for the procurement and sale of stores designated by him to such civilian officers and employees of the United States, and such other persons, as he considers proper—

"(1) at military installations outside the United States (provided such sales conform with host nation support agreements); and

"(2) at military installations inside the United States where the Secretary determines that it is impracticable for those civilian officers, employees, and persons to obtain those stores from commercial enterprises without impairing the efficient operation of military activities.

However, sales to such civilian officers and employees inside the United States may be only to those who reside within military installations.

"(h) Appropriations for subsistence of the Navy or Marine Corps may be applied to the purchase of subsistence supplies for sale to members of the Navy and Marine Corps on active duty for the use of themselves and their families.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"7606. Subsistence and other supplies: members of armed forces; veterans; executive or military departments and employees; prices.".

(b) Conforming Amendments for Other Armed Forces.—(1) Section 4621(f) of such title is amended by inserting before the period at the end the following: "or by commercial credit".

(2) Section 9621(f) of such title is amended by inserting before the period at the end the following: "or by commercial credit".

SEC. 394. ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

(a) CONTINUATION OF DEPARTMENT OF DEFENSE PROGRAM.—Of the amounts authorized to be appropriated in section 301(5)—

(1) $50,000,000 shall be available for providing educational agencies assistance (as defined in subsection (d)(1)) to local educational agencies; and

(2) $8,000,000 shall be available for making educational agencies payments (as defined in subsection (d)(2)) to local educational agencies.

(b) NOTIFICATION OF AVAILABILITY OF FUNDS.—Not later than June 30, 1996—

(1) the Secretary of Defense shall notify each local educational agency that is eligible for educational agencies assistance for fiscal year 1996 of that agency's eligibility for such assistance and the amount of such assistance for which that agency is eligible; and

(2) the Secretary of Education shall notify each local educational agency that is eligible for an educational agencies payment for fiscal year 1996 of that agency's eligibility for such payment and the amount of the payment for which that agency is eligible.

(c) DISBURSEMENT.—The Secretary of Defense (with respect to funds made available under subsection (a)(1)) and the Secretary of Education (with respect to funds made available under subsection (a)(2)) shall disburse such funds not later than 30 days after the date on which notification to the eligible local education agencies is provided pursuant to subsection (b).

(d) DEFINITIONS.—For purposes of this section:

(1) The term "educational agencies assistance" means assistance authorized under subsection (b) of section 386 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 20 U.S.C. 238 note).

(2) The term "educational agencies payments" means payments authorized under subsection (d) of that section.

(e) REDUCTION IN IMPACT THRESHOLD.—Subsection (c)(1) of section 386 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 20 U.S.C. 238 note) is amended—

(1) by striking out "30 percent" and inserting in lieu thereof "20 percent"; and

(2) by striking out "counted under subsection (a) or (b) of section 3 of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress; 20 U.S.C. 238)".

(f) EXTENSION OF REPORTING REQUIREMENT.—Subsection (e)(1) of section 386 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 20 U.S.C. 238 note) is amended by striking out "and 1995" and inserting in lieu thereof "1995, and 1996".

(g) TECHNICAL AMENDMENTS TO CORRECT REFERENCES TO REPEALED LAW.—Section 386 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 20 U.S.C. 238 note) is amended—

(1) in subsection (d), by striking out "under section 3" and all that follows through "of such subsection that result from" and inserting in lieu thereof "payments under section 8003(e) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(e)) as a result of";

(2) in subsection (e)(2)(C), by inserting after "et seq.)," the following: "title VIII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7701 et seq.),";

(3) in subsection (e)(2)(D), by striking out "under subsections (a) and (b) of section 3 of such Act (20 U.S.C. 238)"; and

(4) in subsection (h)—

(A) in paragraph (1), by striking out "section 1471(12) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(12))" and inserting in lieu thereof "section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9))"; and

(B) by striking out paragraph (3) and inserting in lieu thereof the following new paragraph:

"(3) The term 'State' does not include Puerto Rico, Wake Island, Guam, American Samoa, the Northern Mariana Islands, or the Virgin Islands.".

SEC. 395. CORE LOGISTICS CAPABILITIES OF THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Chapter 146 of title 10, United States Code, is amended by adding at the end the following new section:

"§2473. Depot-level maintenance and repair workload

"(a) IMPORTANCE OF DEPOT-LEVEL MAINTENANCE AND REPAIR CORE CAPABILITIES.—It is essential for the national defense that the United States maintain a core depot-level maintenance and repair capability (including skilled personnel, equipment, and facilities) within facilities owned and operated by the Department of Defense that—

"(1) is of the proper size (A) to ensure a ready and controlled source of technical competence and repair and maintenance capability necessary to meet the requirements of the National Military Strategy and other requirements for responding to military contingencies, and (B) to provide for rapid augmentation in time of emergency; and

"(2) is assigned sufficient workload to ensure cost efficiency and proficiency in time of peace.

"(b) DETERMINATION OF CORE DEPOT MAINTENANCE ACTIVITIES.—(1) The Secretary of each military department shall identify those depot-level maintenance and repair activities under that Secretary's jurisdiction that are necessary to ensure for that military department the depot-level maintenance and repair capability described in subsection (a) and as required by section 2464 of this title.

"(2) The Secretary of each military department shall prescribe the procedures to be used to quantify the requirements necessary to support the capability described in subsection (a).

"(c) PERFORMANCE OF WORKLOAD THAT SUPPORTS DEPOT-LEVEL MAINTENANCE AND REPAIR CORE CAPABILITIES.—The Secretary of each military department shall require the performance of depot-level maintenance and repair of activities identified under subsection (b) at organic Department of Defense maintenance depots at levels sufficient to ensure that the Department of Defense maintains the core depot-level maintenance and repair capability described in subsection (a).

"(d) INTERSERVICING OF WORKLOAD.—The Secretary of Defense, after consultation with the Secretaries of the military departments, may transfer workload that supports the core capability described in subsection (a) from one military department to another. The Secretary of Defense shall use merit-based criteria in evaluating such transfers.

"(e) SOURCE OF REPAIR FOR OTHER DEPOT-LEVEL WORKLOADS.—In the case of depot-level maintenance and repair workloads in excess of the workload required pursuant to subsection (c) to be performed at organic Department of Defense depots, the Secretary of Defense, after consultation with the Secretaries of the military departments, may provide for the performance of those workloads through sources selected by competition. The Secretary of Defense shall use competition between private firms and organic Department of Defense depots for any such workload when the Secretary determines there are less than two qualified sources of supply among private firms for the performance of that specific depot-level maintenance workload.

"(f) DEPOT-LEVEL WORKLOAD COMPETITIONS.—In any competition under this section for a depot-level workload (whether among private firms or between Department of Defense activities and private firms), bids from any entity participating in the competition shall accurately disclose all costs properly and consistently derived from accounting systems and practices that comply with laws, policies, and standards applicable to that entity. In any competition between Department of Defense activities and private firms, the Government calculation for the cost of performance of the function by Department of Defense civilian employees shall be based on an estimate using the most efficient and cost effective manner for performance of such function by Department of Defense civilian employees.

"(g) ANNUAL REPORT.—Not later than March 1 of each year, the Secretary of Defense shall submit to Congress a report specifying depot maintenance core capability requirements determined in accordance with the procedures established to comply with subsection (b)(2) and the planned amount of workload to be accomplished in the organic depots of each military department in support of those requirements for the following fiscal year. The report shall identify the planned amount of workload measured by direct labor hours and by amounts expended and shall be shown separately for each commodity group.".

(b) REPEAL OF 60/40 REQUIREMENT AND REQUIREMENT RELATING TO COMPETITION.—Effective December 31, 1996—

(1) section 2466 of title 10, United States Code, is repealed unless Congress takes further action regarding such repeal; and

(2) section 2469 of title 10, United States Code, is repealed unless Congress takes further action regarding such repeal.

(c) INTERIM EXCLUSION OF LARGE MAINTENANCE AND REPAIR PROJECTS FROM 60/40 REQUIREMENT.—Effective on the date of the enactment of this Act, section 2466(d) of title 10, United States Code, is amended—

(1) by striking out "EXCEPTION.—" and inserting in lieu thereof "EXCEPTIONS.—(1)"; and

(2) by adding at the end the following new paragraph:

"(2) If a maintenance or repair project for a single item that is contracted for performance by non-Federal Government personnel accounts for 5 percent or more of the funds made available in a fiscal year to a military department or a Defense Agency for depot-level maintenance and repair workload, the project and the funds necessary for the project shall not be considered when applying the percentage limitation specified in subsection (a) to that military department or Defense Agency.".

(d) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 146 of such title is amended—

(1) effective December 31, 1996, by striking out the items relating to sections 2466 and 2469; and

(2) by adding at the end the following new item:

"2473. Depot-level maintenance and repair workload.".

(e) REPORT ON DEPOT-LEVEL MAINTENANCE AND REPAIR WORKLOAD.—Not later than March 1, 1996, the Secretary of Defense shall submit to Congress a report on the depot-level maintenance and repair workload of the Department of Defense. The report shall include the following:

(1) The analysis required by subsection (f) of the effect on that workload of the so-called 60/40 requirement.

(2) The analysis required by subsection (g) of the projected effect on that workload using a definition of core capability consistent with the description in section 2473(a) of title 10, United States Code, as added by subsection (a).

(3) The comparison of those analyses required by subsection (h).

(4) Identification and analysis of significant issues that arise if organic Department of Defense depots are allowed to participate in a full and open competition with private firms for repair workloads in excess of work that supports core capabilities.

(f) 60/40 REQUIREMENT.—(1) The report under subsection (e) shall include an analysis of the requirement under section 2466 of title 10, United States Code, that no more than 40 percent of the depot-level maintenance and repair work of the Department of Defense be contracted for performance by non-Government personnel. That analysis shall include the following:

(A) A description of the effect on military readiness and the national security resulting from that requirement, including a description of any specific difficulties experienced by the Department of Defense as a result of that requirement.

(B) A determination of the depot-level maintenance and repair workload of the Department of Defense allocated for performance by organic Department of Defense depots for any fiscal year during which the requirement has been in effect, the percentage of funds for that workload that were obligated to private sector entities, shown for each such fiscal year and for the entire period during which the requirement has been in effect.

(2) That analysis shall be made with respect to—

(A) the distribution during the five fiscal years ending with fiscal year 1995 of the depot-level maintenance and repair workload of the Department of Defense between organic Department of Defense depots and non-Government personnel, measured by direct labor hours and by amounts expended, and displayed, for that five-year period and for each year of that period, so as to show (for each military department (and separately for the Navy and Marine Corps)) such distribution for each commodity group (such as naval vessels, aircraft, tracked combat vehicles); and

(B) the projected distribution during the five fiscal years beginning with fiscal year 1996 of the depot-level maintenance and repair workload of the Department of Defense between organic Department of Defense depots and non-Government personnel, set forth in the same manner as described in subparagraph (A).

(g) CORE WORKLOAD ANALYSIS.—The report under subsection (e) shall include an analysis of the depot-level maintenance and repair workload of the Department of Defense in which the Secretary uses the capability described in section 2473(a) of title 10, United States Code, as added by subsection (a), as the standard for determining that portion of such workload that is required to be performed in organic Department of Defense facilities. That analysis shall be made with respect to—

(1) the distribution that would (using that standard) have been made during the five fiscal years ending with fiscal year 1995 of the depot-level maintenance and repair workload of the Department of Defense between organic Department of Defense depots and non-Government personnel, measured by direct labor hours and by amounts expended, and displayed, for that five-year period and for each year of that period, so as to show (for each military department (and separately for the Navy and Marine Corps)) such distribution for each commodity group (such as naval vessels, aircraft, tracked combat vehicles); and

(2) the projected distribution (using that standard) during the five fiscal years beginning with fiscal year 1996 of the depot-level maintenance and repair workload of the Department of Defense between organic Department of Defense depots and non-Government personnel, set forth in the same manner as described in paragraph (1).

(h) COMPARISON.—The report under subsection (e) shall include a comparison of the results of the analysis of the depot-level maintenance and repair workload of the Department of Defense under subsection (f) with the results of the analysis of that workload under subsection (g). The comparison shall include a comparison of the two analyses by service and commodity group with respect to each of the following:

(1) Identification, based on each analysis, of core workloads and of the capabilities and equipment needed to perform depot-level maintenance and repair for those core workloads.

(2) Identification, based on each analysis, of depot-level maintenance and repair work performed (or that would be performed) at organic Department of Defense depots and of depot-level maintenance and repair work performed (or that would be performed) by non-Government personnel.

(3) Readiness.

(4) The Department of Defense budget.

(5) The depot-level maintenance and repair workload distribution, under each analysis, by direct labor hours performed and by dollars expended.

(6) Projected level, for each analysis, of Government capital investment in public and private depot-level maintenance and repair facilities.

(i) REVIEW BY GAO.—(1) The Comptroller General of the United States shall conduct an independent audit of the findings of the Secretary of Defense in the report under subsection (e). The Secretary of Defense shall provide to the Comptroller General for such purpose all information used by the Secretary in preparing such report.

(2) Not later than April 1, 1996, the Comptroller General shall submit to the congressional defense committees a report on the analysis by the Comptroller General of the report submitted by the Secretary of Defense under this section.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

The Armed Forces are authorized strengths for active duty personnel as of September 30, 1996 , as follows:

(1) The Army, 495,000.

(2) The Navy, 428,000.

(3) The Marine Corps, 174,000.

(4) The Air Force, 388,200.

SEC. 402. TEMPORARY VARIATIONS IN DOPMA AUTHORIZED END STRENGTH LIMITATIONS FOR ACTIVE DUTY NAVY AND AIR FORCE OFFICERS IN CERTAIN GRADES.

(a) AIR FORCE OFFICERS IN GRADE OF MAJOR.—Notwithstanding section 523(a)(1) of title 10, United States Code, and except as provided in section 523(c) of such title, of the total number of commissioned officers serving on active duty in the Air Force at the end of any fiscal year through fiscal year 1997 (excluding officers in categories specified in section 523(b) of title 10, United States Code), the number of officers who may be serving on active duty in the grade of major may not, as of the end of such fiscal year, exceed the number determined in accordance with the following table:

Total number of Air Force commissioned officers (excluding officers in categories specified in section 523(b) of title 10, United States Code) on active duty	Number of officers who may be serving on active duty in grade of major
70,000	14,612
75,000	15,407
80,000	16,202
85,000	16,997
90,000	17,792
95,000	18,587
100,000	19,382
105,000	20,177
110,000	20,971
115,000	21,766
120,000	22,561
125,000	23,356

(b) NAVY OFFICERS IN GRADES OF LIEUTENANT COMMANDER, COMMANDER, AND CAPTAIN.—Notwithstanding section 523(a)(2) of title 10, United States Code, and except as provided in section 523(c) of such title, of the total number of commissioned officers serving on active duty in the Navy at the end of any fiscal year through fiscal year 1997 (excluding officers in categories specified in section 523(b) of title 10, United States Code), the number of officers who may be serving on active duty in each of the grades of lieutenant commander, commander, and captain may not, as of the end of such fiscal year, exceed a number determined in accordance with the following table:

Total number of Navy commissioned officers (excluding officers in categories specified in section 523(b) of title 10, United States Code) on active duty	Number of officers who may be serving on active duty in grade of		
	Lieutenant Commander	Commander	Captain
45,000	10,034	6,498	2,801
48,000	10,475	6,706	2,902
51,000	10,916	6,912	3,002
54,000	11,357	7,120	3,103
57,000	11,798	7,328	3,204
60,000	12,239	7,535	3,305
63,000	12,680	7,742	3,406
66,000	13,121	7,949	3,506
70,000	13,709	8,226	3,641
90,000	16,649	9,608	4,313

Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

(a) IN GENERAL.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 1996, as follows:

(1) The Army National Guard of the United States, 373,000.

(2) The Army Reserve, 230,000.

(3) The Naval Reserve, 98,608.

(4) The Marine Corps Reserve, 42,000.

(5) The Air National Guard of the United States, 109,458.

(6) The Air Force Reserve, 73,969.

(7) The Coast Guard Reserve, 8,000.

(b) WAIVER AUTHORITY.—The Secretary of Defense may vary the end strength authorized by subsection (a) by not more than 2 percent.

(c) ADJUSTMENTS.—The end strengths prescribed by subsection (a) for the Selected Reserve of any reserve component shall be proportionately reduced by—

(1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year, and

(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

Whenever such units or such individual members are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be proportionately increased by the total authorized strengths of such units and by the total number of such individual members.

SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 1996 , the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 23,390.

(2) The Army Reserve, 11,575.

(3) The Naval Reserve, 17,490.

(4) The Marine Corps Reserve, 2,285.

(5) The Air National Guard of the United States, 9,817.

(6) The Air Force Reserve, 628.

SEC. 413. COUNTING OF CERTAIN ACTIVE COMPONENT PERSONNEL ASSIGNED IN SUPPORT OF RESERVE COMPONENT TRAINING.

Section 414(c) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 10 U.S.C. 12001 note) is amended—

(1) by inserting "(1)" before "The Secretary"; and

(2) by adding at the end the following new paragraph:

"(2) The Secretary of Defense may count toward the number of active component personnel required under paragraph (1) to be assigned to serve as advisers under the program under this section any active component personnel who are assigned to an active component unit (A) that was established principally for the purpose of providing dedicated training support to reserve component units, and (B) the primary mission of which is to provide such dedicated training support.".

Subtitle C—Military Training Student Loads

SEC. 421. AUTHORIZATION OF TRAINING STUDENT LOADS.

(a) In General.—For fiscal year 1996, the components of the Armed Forces are authorized average military training loads as follows:

(1) The Army, 75,013.

(2) The Navy, 44,238.

(3) The Marine Corps, 26,095.

(4) The Air Force, 33,232.

(b) Scope.—The average military training student loads authorized for an armed force under subsection (a) apply to the active and reserve components of that armed force.

(c) Adjustments.—The average military student loads authorized in subsection (a) shall be adjusted consistent with the end strengths authorized in subtitles A and B. The Secretary of Defense shall prescribe the manner in which such adjustments shall be apportioned.

Subtitle D—Authorization of Appropriations

SEC. 431. AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PERSONNEL.

There is hereby authorized to be appropriated to the Department of Defense for military personnel for fiscal year 1996 a total of $68,951,663,000. The authorization in the preceding sentence supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 1996.

SEC. 432. AUTHORIZATION FOR INCREASE IN ACTIVE-DUTY END STRENGTHS.

(a) Authorization.—There is hereby authorized to be appropriated to the Department of Defense for fiscal year 1996 for military personnel the sum of $112,000,000. Any amount appropriated pursuant to this section shall be allocated, in such manner as the Secretary of Defense prescribes, among appropriations for active-component military personnel for that fiscal year and shall be available only to increase the number of members of the Armed Forces on active duty during that fiscal year (compared to the number of members that would be on active duty but for such appropriation).

(b) Effect on End Strengths.—The end-strength authorizations in section 401 shall each be deemed to be increased by such number as necessary to take account of additional members of the Armed Forces authorized by the Secretary of Defense pursuant to subsection (a).

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

SEC. 501. AUTHORITY TO EXTEND TRANSITION PERIOD FOR OFFICERS SELECTED FOR EARLY RETIREMENT.

(a) Selective Retirement of Warrant Officers.—Section 581 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(e) The Secretary concerned may defer for not more than 90 days the retirement of an officer otherwise approved for early retirement under this section in order to prevent a personal hardship to the officer or for other humanitarian reasons.".

(b) Selective Early Retirement of Active-Duty Officers.—Section 638(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(3) The Secretary concerned may defer for not more than 90 days the retirement of an officer otherwise approved for early retirement under this section or section 638a of this title in order to prevent a personal hardship to the officer or for other humanitarian reasons.".

Subtitle B—Matters Relating to Reserve Components

SEC. 511. MILITARY TECHNICIAN FULL-TIME SUPPORT PROGRAM FOR ARMY AND AIR FORCE RESERVE COMPONENTS.

(a) Requirement of Annual Authorization of End Strength.—(1) Section 115 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(g) Congress shall authorize for each fiscal year the end strength for military technicians for each reserve component of the Army and Air Force. Funds available to the Department of Defense for any fiscal year may not be used for the pay of a military technician during that fiscal year unless the technician fills a position that is within the number of such positions authorized by law for that fiscal year for the reserve component of that technician. This subsection applies without regard to section 129 of this title.".

(2) The amendment made by paragraph (1) does not apply with respect to fiscal year 1995.

(b) Authorization for Fiscal Years 1996 and 1997.—For each of fiscal years 1996 and 1997, the number of military technicians, as of the last day of that fiscal year, for the Army and the Air Force (notwithstanding section 129 of title 10, United States Code) may not exceed the following:

(1) Army National Guard, 25,500.

(2) Army Reserve, 6,630.

(3) Air National Guard, 22,906.

(4) Air Force Reserve, 9,802.

(c) Administration of Military Technician Program.—(1) Chapter 1007 of title 10, United States Code, is amended by adding at the end the following new section:

"§10216. Military technicians

"(a) Priority for Management of Military Technicians.—(1) As a basis for making the annual request to Congress pursuant to section 115 of this title for authorization of end strengths for military technicians of the Army and Air Force reserve components, the Secretary of Defense shall give priority to supporting authorizations for dual status military technicians in the following high-priority units and organizations:

"(A) Units of the Selected Reserve that are scheduled to deploy no later than 90 days after mobilization.

"(B) Units of the Selected Reserve that are or will deploy to relieve active duty peacetime operations tempo.

"(C) Those organizations with the primary mission of providing direct support surface and aviation maintenance for the reserve components of the Army and Air Force, to the extent that the military technicians in such units would mobilize and deploy in a skill that is compatible with their civilian position skill.

"(2) For each fiscal year, the Secretary of Defense shall, for the high-priority units and organizations referred to in paragraph (1), achieve a programmed manning level for military technicians that is not less than 90 percent of the programmed manpower structure for those units and organizations for military technicians for that fiscal year.

"(3) For each fiscal year, the Secretary of Defense shall, for reserve component management headquarters organizations (including national and State-level National Guard headquarters, in United States Property and Fiscal Offices, and in similar management-level headquarters in the Army and Air Force Reserve), achieve a programmed manning level for military technicians that is not more than 70 percent of the programmed manpower structure for those organizations for military technicians for that fiscal year.

"(4) Military technician authorizations and personnel in high-priority units and organizations specified in paragraph (1) shall be exempt from any requirement (imposed by law or otherwise) for reductions in Department of Defense civilian personnel and shall only be reduced as part of military force structure reductions. Planned reductions in Department of Defense civilian personnel that would apply to such technician authorizations and personnel but for this paragraph shall be reallocated by the Secretary of Defense on a proportional basis throughout the Department of Defense, with an emphasis on reducing headquarters personnel.

"(b) Dual-Status Requirement.—The Secretary of Defense shall require the Secretary of the Army and the Secretary of the Air Force to establish as a condition of employment for each individual who is hired after the date of the enactment of this section as a military technician that the individual maintain membership in the Selected Reserve (so as to be a so-called 'dual-status' technician) and shall require that the civilian and military position skill requirements of dual-status military technicians be compatible. No Department of Defense funds may be spent for compensation for any military technician hired after the date of the enactment of this section who is not a member of the Selected Reserve, except that compensation may be paid for up to six months following loss of membership in the selected reserve if such loss of membership was not due to the failure to meet military standards.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"10216. Military technicians.".

(d) Review of Reserve Component Management Headquarters.—(1) The Secretary of Defense shall, within six months after the date of the enactment of this Act, undertake steps to reduce, consolidate, and streamline management headquarters operations of the reserve components. As part of those steps, the Secretary shall

identify those military technicians positions in such headquarters operations that are excess to the requirements of those headquarters.

(2) Of the military technicians positions that are identified under paragraph (1), the Secretary shall reallocate up to 95 percent of those positions to the high-priority units and activities specified in section 10216(a) of title 10, United States Code, as added by subsection (c).

(e) ANNUAL DEFENSE MANPOWER REQUIREMENTS REPORT.—Section 115a of title 10, United States Code, is amended by adding at the end the following new subsection:

"(h) In each such report, the Secretary shall include a separate report on the Army and Air Force military technician programs. The report shall include a presentation, shown by reserve component and shown both as of the end of the preceding fiscal year and for the next fiscal year, of the following:

"(1) The number of military technicians required to be employed (as specified in accordance with Department of Defense procedures), the number authorized to be employed under Department of Defense personnel procedures, and the number actually employed.

"(2) Within each of the numbers under paragraph (1)—

"(A) the number applicable to a reserve component management headquarter organization; and

"(B) the number applicable to high-priority units and organizations (as specified in section 10216(a) of this title).

"(3) Within each of the numbers under paragraph (1), the numbers of military technicians who are not themselves members of a reserve component (so-called 'single-status' technicians), with a further display of such numbers as specified in paragraph (2).".

SEC. 512. MILITARY LEAVE FOR MILITARY RESERVE TECHNICIANS FOR CERTAIN DUTY OVERSEAS.

Section 6323 of title 5, United States Code is amended by adding at the end the following new subsection:

"(d)(1) A military reserve technician described in section 8401(30) is entitled at such person's request to leave without loss of, or reduction in, pay, leave to which such person is otherwise entitled, credit for time or service, or performance or efficiency rating for each day, not to exceed 44 workdays in a calendar year, in which such person is on active duty without pay, as authorized pursuant to section 12315 of title 10, under section 12301(b) or 12301(d) of title 10 (other than active duty during a war or national emergency declared by the President or Congress) for participation in noncombat operations outside the United States, its territories and possessions.

"(2) An employee who requests annual leave or compensatory time to which the employee is otherwise entitled, for a period during which the employee would have been entitled upon request to leave under this subsection, may be granted such annual leave or compensatory time without regard to this section or section 5519.".

SEC. 513. REVISIONS TO ARMY GUARD COMBAT REFORM INITIATIVE TO INCLUDE ARMY RESERVE UNDER CERTAIN PROVISIONS AND MAKE CERTAIN REVISIONS.

(a) PRIOR ACTIVE DUTY PERSONNEL.—Section 1111 of the Army National Guard Combat Readiness Reform Act of 1992 (title XI of Public Law 102–484) is amended—

(1) in the section heading, by striking out the first three words;

(2) by striking out subsections (a) and (b) and inserting in lieu thereof the following:

"(a) ADDITIONAL PRIOR ACTIVE DUTY OFFICERS.—The Secretary of the Army shall increase the number of qualified prior active-duty officers in the Army National Guard by providing a program that permits the separation of officers on active duty with at least two, but less than three, years of active service upon condition that the officer is accepted for appointment in the Army National Guard. The Secretary shall have a goal of having not fewer than 150 officers become members of the Army National Guard each year under this section.

"(b) ADDITIONAL PRIOR ACTIVE DUTY ENLISTED MEMBERS.—The Secretary of the Army shall increase the number of qualified prior active-duty enlisted members in the Army National Guard through the use of enlistments as described in section 8020 of the Department of Defense Appropriations Act, 1994 (Public Law 103–139). The Secretary shall enlist not fewer than 1,000 new enlisted members each year under enlistments described in that section."; and

(3) by striking out subsections (d) and (e).

(b) SERVICE IN THE SELECTED RESERVE IN LIEU OF ACTIVE DUTY SERVICE FOR ROTC GRADUATES.—Section 1112(b) of such Act (106 Stat. 2537) is amended by striking out "National Guard" before the period at the end and inserting in lieu thereof "Selected Reserve".

(c) REVIEW OF OFFICER PROMOTIONS.—Section 1113 of such Act (106 Stat. 2537) is amended—

(1) in subsection (a), by striking out "National Guard" both places it appears and inserting in lieu thereof "Selected Reserve";

(2) by striking out subsection (b) and inserting in lieu thereof the following:

"(b) COVERAGE OF SELECTED RESERVE COMBAT AND EARLY DEPLOYING UNITS.—(1) Subsection (a) applies to officers in all units of the Selected Reserve that are designated as combat units or that are designated for deployment within 75 days of mobilization.

"(2) Subsection (a) shall take effect with respect to officers of the Army Reserve, and with respect to officers of the Army National Guard in units not subject to subsection (a) as of the date of the enactment of the National Defense Authorization Act for Fiscal Year 1996, at the end of the 90-day period beginning on such date of enactment.".

(d) INITIAL ENTRY TRAINING AND NONDEPLOYABLE PERSONNEL.—Section 1115 of such Act (106 Stat. 2538) is amended—

(1) in subsections (a) and (b), by striking out "National Guard" each place it appears and inserting in lieu thereof "Selected Reserve"; and

(2) in subsection (c)—

(A) by striking out "a member of the Army National Guard enters the National Guard" and inserting in lieu thereof "a member of the Army Selected Reserve enters the Army Selected Reserve"; and

(B) by striking out "from the Army National Guard".

(e) ACCOUNTING OF MEMBERS WHO FAIL PHYSICAL DEPLOYABILITY STANDARDS.—Section 1116 of such Act (106 Stat. 2539) is amended by striking out "National Guard" each place it appears and inserting in lieu thereof "Selected Reserve".

(f) USE OF COMBAT SIMULATORS.—Section 1120 of such Act (106 Stat. 2539) is amended by inserting "and the Army Reserve" before the period at the end.

SEC. 514. ROTC SCHOLARSHIPS FOR THE NATIONAL GUARD.

(a) CLARIFICATION OF RESTRICTION ON ACTIVE DUTY.—Paragraph (2) of section 2107(h) of title 10, United States Code, is amended by inserting "full-time" before "active duty" in the second sentence.

(b) REDESIGNATION OF ROTC SCHOLARSHIPS.—Such paragraph is further amended by inserting after the first sentence the following new sentence: "A cadet designated under this paragraph who, having initially contracted for service as provided in subsection (b)(5)(A) and having received financial assistance for two years under an award providing for four years of financial assistance under this section, modifies such contract with the consent of the Secretary of the Army to provide for service as described in subsection (b)(5)(B), may be counted, for the year in which the contract is modified, toward the number of appointments required under the preceding sentence for financial assistance awarded for a period of four years.".

SEC. 515. REPORT ON FEASIBILITY OF PROVIDING EDUCATION BENEFITS PROTECTION INSURANCE FOR SERVICE ACADEMY AND ROTC SCHOLARSHIP STUDENTS WHO BECOME MEDICALLY UNABLE TO SERVE.

Not later than June 30, 1996, the Secretary of Defense shall submit to Congress a report on the desirability and the feasibility of the establishment of an insurance program, to operate at no cost to the Government, to insure individuals who are cadets or midshipmen at one of the service academies or who hold Reserve Officer Training Corps scholarships under section 2107 or 2107a of title 10, United States Code, against the loss of the value of attendance at such service academy (in terms of the cost of education at another institution), or the value of the scholarship, in cases in which such attendance or such scholarship is terminated by the Secretary of the military department concerned because the individual has become, through no fault of the individual, medically disqualified from military service.

SEC. 516. ACTIVE DUTY OFFICERS DETAILED TO ROTC DUTY AT SENIOR MILITARY COLLEGES TO SERVE AS COMMANDANT AND ASSISTANT COMMANDANT OF CADETS AND AS TACTICAL OFFICERS.

(a) IN GENERAL.—Chapter 103 of title 10, United States Code, is amended by adding at the end the following new section:

"§2111a. Detail of officers to senior military colleges

"(a) DETAIL OF OFFICERS TO SERVE AS COMMANDANT OR ASSISTANT COMMANDANT OF CADETS.—(1) Upon the request of a senior military college, the Secretary of Defense shall detail an officer on the active-duty list to serve as Commandant of Cadets at that college or (in the case of a college with an Assistant Commandant of Cadets) detail an officer on the active-duty list to serve as Assistant Commandant of Cadets at that college (but not both).

"(2) In the case of an officer detailed as Commandant of Cadets, the officer may, upon the request of the college, be assigned from among the Professor of Military Science, the Professor of Naval Science (if any), and the Professor of Aerospace Science (if any) at that college or may be in addition to any other officer detailed to that college in support of the program.

"(3) In the case of an officer detailed as Assistant Commandant of Cadets, the officer may, upon the request of the college, be assigned from among officers otherwise detailed to duty at that college in support of the program or may be in addition to any other officer detailed to that college in support of the program.

"(b) DESIGNATION OF OFFICERS AS TACTICAL OFFICERS.—Upon the request of a senior military college, the Secretary of Defense shall authorize officers (other than officers covered by subsection (a)) who are detailed to duty as instructors at that college to act simultaneously as tactical officers (with or without compensation) for the Corps of Cadets at that college.

"(c) DETAIL OF OFFICERS.—The Secretary of a military department shall designate officers for detail to the program at a senior military college in accordance with criteria provided by the college. An officer may not be detailed to a senior military college without the approval of that college.

"(d) SENIOR MILITARY COLLEGES.—The senior military colleges are the following:

"(1) Texas A&M University.

''(2) Norwich College.

''(3) The Virginia Military Institute.

''(4) The Citadel.

''(5) Virginia Polytechnic Institute and State University.

''(6) North Georgia College.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''2111a. Detail of officers to senior military colleges.''.

SEC. 517. MOBILIZATION INCOME INSURANCE PROGRAM FOR MEMBERS OF READY RESERVE.

(a) ESTABLISHMENT OF PROGRAM.—(1) Subtitle E of title 10, United States Code, is amended by inserting after chapter 1213 the following new chapter:

''CHAPTER 1214—READY RESERVE INCOME INSURANCE

''Sec.

''12521. Definitions.

''12522. Establishment and purpose of program.

''12523. Program administration.

''12524. Eligible insurance companies.

''12525. Persons insured; amount.

''12526. Deductions; payment.

''12527. Payment of insurance; beneficiaries.

''12528. Premiums; accounting to the Secretary.

''12529. Forfeiture.

''§12521. Definitions

''In this chapter:

''(1) The term 'covered service' means active duty in the armed forces performed by a member of a reserve component under orders for more than 30 days which specify that the member's service is in support of an operational mission for which members of the reserve components have been ordered to active duty without their consent or in support of forces activated during a period of war or during a period of national emergency as declared by the President or Congress.

''(2) The term 'covered member' means a member of the Ready Reserve who is eligible for and who has not declined coverage under this chapter.

''(3) The term 'Secretary' means the Secretary of Defense.

''(4) The term 'Department' means the Department of Defense.

''(5) The term 'Board' means the Board of Actuaries established under section 2006(e)(1) of this title.

''(6) The term 'Fund' means the Department of Defense Ready Reserve Income Insurance Fund.

''§12522. Establishment and purpose of program

''(a) ESTABLISHMENT.—There is established an insurance program for members of the Ready Reserve to be known as the Department of Defense Ready Reserve Income Insurance Program which shall be administered by the Secretary. There is also established on the books of the Treasury a fund to be known as the Department of Defense Ready Reserve Income Insurance Fund, which shall be administered by the Secretary of the Treasury. The Fund shall be used for the accumulation of funds in order to finance on an actuarially sound basis liabilities of the Program.

''(b) ASSETS OF FUND.—There shall be deposited into the Fund the following, which shall constitute the assets of the Fund:

''(1) Amounts paid into the Fund under sections 12526 and 12528 of this title.

''(2) Any amount appropriated to the Fund.

''(3) Any return on investment of the assets of the Fund.

''(c) BOARD OF ACTUARIES.—The Department of Defense Education Benefits Fund Board of Actuaries shall have the actuarial responsibility for the Program.

''(d) DETERMINATION OF CONTRIBUTIONS TO THE FUND.—(1) Not later than six months after the Program is established, the Board shall determine (project) the premium rate for the coverage to be offered.

''(2) If at the time of any such valuation there has been a change in benefits under the Program that has been made since the last such valuation and such change in benefits increases or decreases the present value of amounts payable from the Fund, the Board shall determine a premium rate methodology and schedule for the liquidation of any liability (or actuarial gain to the Fund) created by such change and any previous such changes so that the present value of the sum of the scheduled premium payments (or reduction in payments that would otherwise be made) equals the cumulative increase (or decrease) in the present value of such benefits.

''(3) If at the time of any such valuation the Board determines that, based upon changes in actuarial assumptions since the last valuation, there has been an actuarial gain or loss to the Fund, the Board shall recommend a premium rate schedule for the amortization of the cumulative gain or loss to the Fund created by such change in assumptions and any previous such changes in assumptions through an increase or decrease in the payments that would otherwise be made to the Fund.

''(4) If at any time liabilities exceed assets of the Fund as a result of a call up, and funds are unavailable to pay benefits, the Secretary shall seek a special appropriation to cover the unfunded liability. If appropriations are not made, in any fiscal year, the Secretary shall limit the value of any benefits conferred by this program to an amount that does not exceed assets of the Fund expected to accrue at the end of such fiscal year. Benefits that cannot be paid because of such limitation of funds shall be deferred and paid only after funds become available.

''(e) PAYMENTS INTO THE FUND.—(1) Payment into the Fund under this subsection shall accumulate in accordance with the provisions of section 12526 of this title.

''(2) At the beginning of each fiscal year, the Secretary shall determine the sum of the following:

''(A) The projected amount of the premiums to be collected, investment earnings, and any special appropriations received for that fiscal year.

''(B) The amount for that year of any cumulative unfunded liability (including any negative amount or any gain to the Fund) resulting from payments of benefits.

''(C) The amount for that year (including any negative amount) of any cumulative actuarial gain or loss to the Fund.

''(f) INVESTMENT OF ASSETS OF FUND.—The Secretary of the Treasury shall invest such portion of the Fund as is not in the judgment of the Secretary of Defense required to meet current liabilities. Such investments shall be in public debt securities with maturities suitable to the needs of the Fund, as determined by the Secretary of Defense, and bearing interest at rates determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturities. The income on such investments shall be credited to and form a part of the Fund.

''§12523. Program administration

''The insurance program provided for in this chapter shall be administered by the Secretary, who is authorized to adopt such rules, procedures, and policies as in the Secretary's judgment may be necessary or appropriate to carry out the purposes of this chapter.

''§12524. Eligible insurance companies

''(a) The Secretary may, without regard to section 3709 of the Revised Statutes (41 U.S.C. 5), purchase from one or more insurance companies a policy or policies of group insurance to offer benefits to all members. Each such insurance company shall (1) be licensed to issue insurance in each of the 50 States and in the District of Columbia, and (2) as of the most recent December 31 for which information is available to the Secretary, have in effect at least 1 percent of the total amount of insurance which all such insurance companies have in effect in the United States.

''(b) Any insurance company which issues a policy under subsection (a) shall establish an administrative office at a place and under a name designated by the Secretary.

''(c) The Secretary may use the facilities and services of any insurance company issuing any policy under this chapter and may designate one such company as the representative of the other companies and contract to pay a reasonable fee to the designated company for its services.

''(d) The Secretary shall arrange with the insurance company issuing any policy under this chapter to reinsure, under conditions approved by the Secretary, portions of the total amount of insurance under such policy or policies with such other insurance companies (which meet qualifying criteria set forth by the Secretary) as may elect to participate in such reinsurance.

''(e) The Secretary may at any time discontinue any policy purchased under this section.

''§12525. Persons insured; amount

''(a)(1) Any policy of insurance provided under this chapter shall insure each covered member of the Ready Reserve against covered service. Any covered member ordered into covered service shall be entitled to payment of a basic benefit of $1,000 for each month of covered service which is in excess of the initial 30 days of covered service, unless the member has elected in writing (A) not to be insured under this chapter, (B) to be insured for a lower benefit of half the basic benefit, or (C) to be insured in a greater amount, in increments of $500, above the basic benefit not to exceed $5,000 per month of covered service (adjusted pursuant to paragraph (2)), following the initial 30 days of covered service, except that no member may be paid under this chapter for more than 12 months of covered service served during any period of 18 months. Payment for any period of covered service less than one month shall be at the rate of one-thirtieth of the monthly rate for each day served. Payment shall be based solely on insured status and on the period of covered service served; no proof of lost income or expenses incurred as a result of covered service shall be required.

''(2) The Secretary shall determine annually the effect of inflation on the benefits and establish an adjustment rate which ensures that there is no loss of value in the benefits payable to a member. Adjustments shall apply to benefits for members with existing coverage and for newly eligible members. Such adjustments for inflation will be rounded to the nearest $10 increment.

''(3) Members of the Ready Reserve who, under regulations prescribed by the Secretary of Defense in coordination with the Secretary of Transportation, are serving on active duty (or full-time National Guard duty) shall not be eligible to purchase insurance under this chapter. Additional categories of members of the Ready Reserve, in the discretion of the Secretary of Defense, may also be excluded from eligibility to purchase insurance under this chapter.

''(b) Promptly following the effective date of this chapter, the Secretary shall make a one-time offer of insurance coverage under this chapter to all persons who were members of the Ready Reserve of an armed force on that date

and who remain members of the Ready Reserve. Members of the Ready Reserve, first becoming eligible for coverage after the effective date of this chapter, shall be automatically enrolled for the basic benefit unless declined, or another amount is elected under subsection (a)(1).

"(c) Members shall be given a written explanation of the insurance and be advised that they have the right (1) to decline coverage altogether, (2) to select half the basic benefit, or (3) to select increased benefits. The right of a member of the Ready Reserve to decline, increase, or decrease coverage shall be exercised within 30 days of first being eligible for coverage.

"§12526. Deductions; payment

"(a)(1) During any period in which a member insured under this chapter is participating in paid reserve training or other duty, there shall be deducted each month from the member's basic pay or compensation for inactive duty training an amount determined by the Secretary to be the same for all members of the Ready Reserve who subscribe to the same amount of insurance as the share of the cost attributable to insuring such member. As provided in section 12525 of this title, the Secretary may establish graduated monthly premiums for an amount of insurance less than the basic amount of coverage or in excess of the basic coverage amount.

"(2) Any member insured under this chapter who is not in a pay status in which the member receives pay on a monthly basis shall pay the cost attributable to insuring such member in accordance with regulations to be adopted by the Secretary.

"(b) An amount equal to the first amount due on insurance under this chapter may be advanced from current appropriations for military pay to any such member, which amount shall constitute a lien upon the pay for military service accruing to the person to whom such advance was made, and shall be collected therefrom if not otherwise paid. No disbursing or certifying officer shall be responsible for any loss by reason of such advance.

"(c) The sums withheld from the basic or other pay of insured members or deposited by insured members, together with the income derived from any dividends or premium rate adjustments, shall be deposited to the credit of the Fund. All premium payments for insurance issued under this chapter shall be deposited into the Fund.

"§12527. Payment of insurance; beneficiaries

"(a) A member insured under this chapter who serves in excess of 30 days of covered service shall be paid the amount to which such member is entitled on a monthly basis, with the first payment due no later than one month following the 30th day of covered service. The Secretary shall adopt regulations prescribing the manner in which payments shall be made, either to the member or, in accordance with subsection (d), to a designated person or entity.

"(b) A member may designate in writing another person (including a spouse, parent, or other person with an insurable interest as determined by the Secretary by regulation) to whom the insurance payments to which such member is entitled are to be paid. Such designation may be made to a bank or other financial institution, to the credit of a designated person. In the latter event, insurance payments to which a member becomes entitled shall be paid to the designated person, bank or financial institution.

"(c) Any amount of insurance payable under this chapter on account of a deceased member's period of covered service shall be paid, upon the establishment of a valid claim therefor, to the beneficiary or beneficiaries which the former member had designated in writing. If no such designation has been made, the amount shall be payable in accordance with the laws of the State of the member's domicile.

"§12528. Premiums; accounting to the Secretary

"(a) Each policy of insurance provided by the Secretary under this chapter shall include for the first policy years a fixed monetary premium per $1,000 of insurance, based, in consultation with the Board, on the best available estimate of risk and financial exposure, levels of subscription by members, and other relevant factors. Different premium levels may be established for different amounts of coverage, provided that the premium rate established for the basic benefit shall not be at a premium rate higher than the premium rate set for increased coverages.

"(b) Each policy shall include provisions whereby the premium rate for the first policy year shall be continued for subsequent policy years (but the premium amount may be increased to account or inflation-adjusted benefit increases). The rate may be readjusted for any subsequent year with the consent of the Secretary based on prior consultation with the Board of Actuaries.

"§12529. Forfeiture

"Any person found guilty of mutiny, treason, spying, or desertion, or who refuses to perform service in the armed forces or refuses to wear the uniform of any of the armed forces, shall forfeit all rights to insurance under this chapter.".

(2) The tables of chapters at the beginning of subtitle E, and at the beginning of part II of subtitle E, of title 10, United States Code, are amended by inserting after the item relating to chapter 1213 the following new item:

"1214. Ready Reserve Income Insurance .... 12521".

(b) EFFECTIVE DATE.—The insurance program provided for in chapter 1218 of title 10, United States Code, as added by subsection (a), and the deductions and contributions for that program shall take effect on a date designated by the Secretary. Such date may not be later than September 30, 1996. The Secretary shall publish in the Federal Register notice of such effective date.

SEC. 518. DELAY IN REORGANIZATION OF ARMY ROTC REGIONAL HEADQUARTERS STRUCTURE.

(a) DELAY.—The Secretary of the Army may not take any action to reorganize the regional headquarters and basic camp structure of the Reserve Officers Training Corps program of the Army until six months after the date on which the report required by subsection (d) is submitted.

(b) COST-BENEFIT ANALYSIS.—The Secretary of the Army shall conduct a comparative cost-benefit analysis of various options for the reorganization of the regional headquarters and basic camp structure of the Army ROTC program. As part of such analysis, the Secretary shall measure each reorganization option considered against a common set of criteria.

(c) SELECTION OF REORGANIZATION OPTION FOR IMPLEMENTATION.—Based on the findings resulting from the cost-benefit analysis under subsection (b) and such other factors as the Secretary considers appropriate, the Secretary shall select one reorganization option for implementation. The Secretary may select an option for implementation only if the Secretary finds that the cost-benefit analysis and other factors considered clearly demonstrate that such option, better than any other option considered—

(1) provides the structure to meet projected mission requirements;

(2) achieves the most significant personnel and cost savings;

(3) uses existing basic and advanced camp facilities to the maximum extent possible;

(4) minimizes additional military construction costs; and

(5) makes maximum use of the reserve components to support basic and advanced camp operations, thereby minimizing the effect of those operations on active duty units.

(d) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report describing the reorganization option selected under subsection (c). The report shall include the results of the cost-benefit analysis under subsection (b) and a detailed rationale for the reorganization option selected.

Subtitle C—Matters Relating to Force Levels

SEC. 521. FLOOR ON END STRENGTHS.

(a) IN GENERAL.—Chapter 39 of title 10, United States Code, is amended by adding at the end the following new section:

"§691. Permanent end strength levels to support two major regional contingencies

"(a) The end strengths specified in subsection (b) are the minimum strengths necessary to enable the armed forces to fulfill a national defense strategy calling for the United States to be able to successfully conduct two nearly simultaneous major regional contingencies.

"(b) Unless otherwise provided by law, the number of members of the armed forces (other than the Coast Guard) on active duty at the end of any fiscal year shall be not less than the following:

"(1) For the Army, 495,000.

"(2) For the Navy, 395,000.

"(3) For the Marine Corps, 174,000.

"(4) For the Air Force, 381,000.

"(c) No funds appropriated to the Department of Defense may be used to reduce the active duty end strengths for the armed forces below the levels specified in subsection (b) unless the Secretary of Defense submits to Congress notice of the proposed lower end strength levels and a justification for those levels. No action may then be taken to reduce such end strengths below the levels specified in subsection (b) until the end of the six-month period beginning on the date of the submission of such notification to Congress.

"(d) The number of members of the armed forces on active duty shall be counted for purposes of this section in the same manner as applies under section 115(a)(1) of this title.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"691. Permanent end strength levels to support two major regional contingencies.".

SEC. 522. ARMY OFFICER MANNING LEVELS.

(a) IN GENERAL.—(1) Chapter 331 of title 10, United States Code, is amended by inserting after the table of sections the following new section:

"§3201. Officers on active duty: minimum strength based on requirements

"(a) The Secretary of the Army shall ensure that (beginning with fiscal year 1999) the strength at the end of each fiscal year of officers on active duty is sufficient to enable the Army to meet at least 90 percent of the programmed manpower structure for the active component of the Army.

"(b) The number of officers on active duty shall be counted for purposes of this section in the same manner as applies under section 115(a)(1) of this title.

"(c) In this section:

"(1) The term 'programmed manpower structure' means the aggregation of billets describing the full manpower requirements for units and organizations in the programmed force structure.

"(2) The term 'programmed force structure' means the set of units and organizations that *exist in the current year and that is planned to exist in each future year under the then-current Future-Years Defense Program.".*

(2) The table of sections at the beginning of such chapter is amended by inserting after "Sec." the following new item:

"3201. Officers on active duty: minimum strength based on requirements.".

(b) ASSISTANCE IN ACCOMPLISHING REQUIREMENT.—The Secretary of Defense shall provide to the Army sufficient personnel and financial resources (including resources from outside Army accounts) to enable the Army to meet the requirement specified in section 3201 of title 10, United States Code, as added by subsection (a).

SEC. 523. COMPTROLLER GENERAL REVIEW OF PROPOSED ARMY END STRENGTH ALLOCATIONS.

(a) IN GENERAL.—During fiscal years 1996 through 2001, the Comptroller General of the United States shall analyze the plans of the Secretary of the Army for the allocation of assigned active component end strengths for the Army through the requirements process known as Total Army Analysis 2003 and through any subsequent similar requirements process of the Army that is conducted before 2002. The Comptroller General's analysis shall consider whether the proposed active component end strengths and planned allocation of forces for that period will be sufficient to implement the national military strategy. In monitoring those plans, the Comptroller General shall determine the extent to which the Army will be able during that period—

(1) to man fully the combat force based on the projected active component Army end strength for each of fiscal years 1996 through 2001;

(2) to meet the support requirements for the force and strategy specified in the report of the Bottom-Up Review, including requirements for operations other than war; and

(3) to streamline further Army infrastructure in order to eliminate duplication and inefficiencies and replace active duty personnel in overhead positions, whenever practicable, with civilian or reserve personnel.

(b) ACCESS TO DOCUMENTS, ETC.—The Secretary of the Army shall ensure that the Comptroller General is provided access, on a timely basis and in accordance with the needs of the Comptroller General, to all analyses, models, memoranda, reports, and other documents prepared or used in connection with the requirements process of the Army known as Total Army Analysis 2003 and any subsequent similar requirements process of the Army that is conducted before 2002.

(c) ANNUAL REPORT.—Not later than March 1 of each year through 2002, the Comptroller General shall submit to Congress a report on the findings and conclusions of the Comptroller General under this section.

SEC. 524. MANNING STATUS OF HIGHLY DEPLOYABLE SUPPORT UNITS.

Not later than September 30, 1996, the Secretary of each military department shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the units under that Secretary's jurisdiction that (as determined by the Secretary) are high-priority support units that would deploy early in a contingency operation or other crisis and that are, as a matter of policy, managed at less than 100 percent of their authorized strengths. The Secretary shall include in the report the number of such high-priority support units (shown by type of unit), the level of manning within such high-priority support units, and either the justification for manning of less than 100 percent or the status of corrective action.

SEC. 525. SENSE OF CONGRESS CONCERNING PERSONNEL TEMPO RATES.

(a) FINDINGS.—Congress makes the following findings:

(1) Excessively high personnel tempo rates for members of the Armed Forces resulting from high-tempo unit operations degrades unit readiness and morale and eventually can be expected to adversely affect unit retention.

(2) The Armed Forces have begun to develop methods to measure and manage personnel tempo rates.

(3) The Armed Forces have attempted to reduce operations and personnel tempo for heavily tasked units by employing alternative capabilities and reducing tasking requirements.

(b) SENSE OF CONGRESS.—The Secretary of Defense should continue to enhance the knowledge within the Armed Forces of personnel tempo and to improve the techniques by which personnel tempo is managed with a view toward establishing and achieving reasonable personnel tempo standards for all personnel, regardless of unit or assignment.

Subtitle D—Amendments to the Uniform Code of Military Justice

SEC. 541. REFERENCES TO UNIFORM CODE OF MILITARY JUSTICE.

Except as otherwise expressly provided, whenever in this subtitle an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of chapter 47 of title 10, United States Code (the Uniform Code of Military Justice).

SEC. 542. FORFEITURE OF PAY AND ALLOWANCES DURING CONFINEMENT BY SENTENCE OF COURT-MARTIAL.

(a) FORFEITURE.—(1) Subchapter VIII is amended by inserting after section 857 (article 57) the following new section (article):

"§857a. Art. 57a. Sentences: forfeiture of pay and allowances during confinement by sentence of court-martial

"(a) A court-martial sentence, as announced by the sentencing authority, that includes confinement shall result in the forfeiture of pay and allowances due that member during the period of the confinement or while on parole. The forfeiture shall be effective on the date on which the sentence is announced. The percentage of pay and allowances forfeited shall be the maximum percentage that the court-martial could have directed as part of the sentence.

"(b) If the sentence of a member who forfeits pay and allowances under subsection (a) is set aside or disapproved or, as finally approved, does not provide for confinement, the member shall be paid the pay and allowances which the member would have been paid, but for the forfeiture, for the period during which the forfeiture was in effect.".

(2) The table of sections at the beginning of subchapter VIII is amended by inserting after the item relating to section 857 (article 57) the following new item:

"857a. 57a. Sentences: forfeiture of pay and allowances during confinement by sentence of court-martial.".

(b) ACTION BY THE CONVENING AUTHORITY.—Section 860 (article 60) is amended—

(1) by redesignating subsections (d) and (e) as subsections (e) and (f) respectively; and

(2) by inserting after subsection (c) the following new subsection:

"(d) In a case involving an accused who has dependents and in which the sentence, as approved, includes confinement, the convening authority or other person taking action under this section may waive some or all of the forfeiture of pay and allowances otherwise required by section 857a of this title (article 57a). Any amount of pay and allowances payable only by reason of such a waiver shall be paid, as the convening authority or other person taking action under this section directs, to the dependents of the accused."

(c) CONFORMING AMENDMENT.—(1) Section 804 of title 37, United States Code, is repealed.

(2) The table of sections at the beginning of chapter 15 of such title is amended by striking out the item relating to section 804.

SEC. 543. REFUSAL TO TESTIFY BEFORE COURT-MARTIAL.

Section 847(b) (article 47(b)) is amended by striking out "shall be" in the second sentence and all that follows inserting in lieu thereof "shall be fined or imprisoned, or both, at the court's discretion.".

SEC. 544. FLIGHT FROM APPREHENSION.

(a) IN GENERAL.—Section 895 (article 95) is amended to read as follows:

"§895. Art. 95. Resistance, flight, breach of arrest, and escape

"Any person subject to this chapter who—

"(1) resists apprehension;

"(2) flees from apprehension;

"(3) breaks arrest; or

"(4) escapes from custody or confinement;

shall be punished as a court-martial may direct.".

(b) CLERICAL AMENDMENT.—The item relating to section 895 (article 95) in the table of sections at the beginning of subchapter X is amended to read as follows:

"895. 95. Resistance, flight, breach of arrest, and escape.".

SEC. 545. CARNAL KNOWLEDGE.

(a) GENDER NEUTRALITY.—Subsection (b) of section 920 (article 120) is amended to read as follows:

"(b) Any person subject to this chapter who, under circumstances not amounting to rape, commits an act of sexual intercourse with a person—

"(1) who is not that person's spouse; and

"(2) who has not attained the age of sixteen years;

is guilty of carnal knowledge and shall be punished as a court-martial may direct.".

(b) MISTAKE OF FACT.—Such section (article) is further amended by adding at the end the following new subsection:

"(d) In a prosecution under subsection (b), it is a defense that—

"(1) the person with whom the accused committed the act of sexual intercourse had at the time of the alleged offense attained the age of twelve years; and

"(2) the accused reasonably believed that that person had at the time of the alleged offense attained the age of sixteen years.".

SEC. 546. TIME AFTER ACCESSION FOR INITIAL INSTRUCTION IN THE UNIFORM CODE OF MILITARY JUSTICE.

Section 937(a)(1) (article 137(a)(1)) is amended by striking out "within six days" and inserting in lieu thereof "within fourteen days".

SEC. 547. PERSONS WHO MAY APPEAR BEFORE THE UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES.

Section 944 (article 144) is amended by adding at the end the following new sentence: "However, no person may appear before the court (whether on a brief or in person) other than an attorney who is admitted to practice before the court or who is authorized to appear by the court in a particular case (except that the court may permit a third-year law student certified under a State rule for practical training of law students to appear as an amicus curiae).".

SEC. 548. DISCRETIONARY REPRESENTATION BY GOVERNMENT APPELLATE DEFENSE COUNSEL IN PETITIONING SUPREME COURT FOR WRIT OF CERTIORARI.

Section 870 (article 70) is amended—

(1) in subsection (c), by inserting "(except as provided in subsection (f))" before "the Supreme Court"; and

(2) by adding at the end the following new subsection:

"(f) Representation of the accused by appellate defense counsel in preparation of a petition to the Supreme Court for a writ of certiorari shall be at the discretion of the appellate defense counsel.".

SEC. 549. REPEAL OF TERMINATION OF AUTHORITY FOR CHIEF JUSTICE OF UNITED STATES TO DESIGNATE ARTICLE III JUDGES FOR TEMPORARY SERVICE ON COURT OF APPEALS FOR THE ARMED FORCES.

Subsection (i) of section 1301 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 10 U.S.C. 942 note) is repealed.

SEC. 550. TECHNICAL AMENDMENT.

Section 866(f) (article 66(f)) is amended by striking out "Courts of Military Review" both places it appears and inserting in lieu thereof "Courts of Criminal Appeals".

Subtitle E—Other Matters

SEC. 551. EQUALIZATION OF ACCRUAL OF SERVICE CREDIT FOR OFFICERS AND ENLISTED MEMBERS.

(a) Enlisted Service Credit.—Section 972 of title 10, United States Code, is amended—

(1) by inserting "(a) Enlisted Members Required To Make Up Time Lost.—" before "An enlisted member";

(2) by striking out paragraphs (3) and (4) and inserting in lieu thereof the following:

"(3) is confined by military or civilian authorities for more than one day before, during, or after trial; or"; and

(3) by redesignating paragraph (5) as paragraph (4).

(b) Officer Service Credit.—Such section is further amended by adding at the end the following:

"(b) Officers Not Allowed Service Credit for Time Lost.—In the case of an officer of an armed force who after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1996—

"(1) deserts;

"(2) is absent from his organization, station, or duty for more than one day without proper authority, as determined by competent authority;

"(3) is confined by military or civilian authorities for more than one day before, during, or after trial; or

"(4) is unable for more than one day, as determined by competent authority, to perform his duties because of intemperate use of drugs or alcoholic liquor, or because of disease or injury resulting from his misconduct;

the period of such desertion, absence, confinement, or inability to perform duties may not be counted in computing, for any purpose other than basic pay under section 205 of title 37, the officer's length of service.".

(c) Clerical Amendments.—(1) The heading of such section is amended to read as follows:

"§972. Members: effect of time lost

(2) The item relating to section 972 in the table of sections at the beginning of chapter 49 of such title is amended to read as follows:

"972. Members: effect of time lost.".

(d) Conforming Amendments.—(1) Section 1405(c) is amended—

(A) by striking out "Made Up.—Time" and inserting in lieu thereof "Made Up or Excluded.—(1) Time";

(B) by striking out "section 972" and inserting in lieu thereof "section 972(a)";

(C) by inserting after "of this title" the following: ", or required to be made up by an enlisted member of the Navy, Marine Corps, or Coast Guard under that section with respect to a period of time after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1995,"; and

(D) by adding at the end the following:

"(2) Section 972(b) of this title excludes from computation of an officer's years of service for purposes of this section any time identified with respect to that officer under that section.".

(2) Chapter 367 of such title is amended—

(A) in section 3925(b), by striking out "section 972" and inserting in lieu thereof "section 972(a)"; and

(B) by adding at the end of section 3926 the following new subsection:

"(e) Section 972(b) of this title excludes from computation of an officer's years of service for purposes of this section any time identified with respect to that officer under that section.".

(3)(A) Chapter 571 of such title is amended by inserting after section 6327 the following new section:

"§6328. Computation of years of service: voluntary retirement

"(a) Enlisted Members.—Time required to be made up under section 972(a) of this title after the date of the enactment of this section may not be counted in computing years of service under this chapter.

"(b) Officers.—Section 972(b) of this title excludes from computation of an officer's years of service for purposes of this chapter any time identified with respect to that officer under that section.".

(B) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 6327 the following new item:

"6328. Computation of years of service: voluntary retirement.".

(4) Chapter 867 of such title is amended—

(A) in section 8925(b), by striking out "section 972" and inserting in lieu thereof "section 972(a)"; and

(B) by adding at the end of section 8926 the following new subsection:

"(d) Section 972(b) of this title excludes from computation of an officer's years of service for purposes of this section any time identified with respect to that officer under that section.".

(e) Effective Date and Applicability.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to any period of time covered by section 972 of title 10, United States Code, that occurs after that date.

SEC. 552. EXTENSION OF EXPIRING PERSONNEL AUTHORITIES.

(a) Grade Determination Authority for Certain Reserve Medical Officers.—Sections 3359(b) and 8359(b) of title 10, United States Code, are amended by striking out "September 30, 1995" and inserting in lieu thereof "September 30, 1996".

(n) Promotion Authority for Certain Reserve Officers Serving on Active Duty.—Sections 3380(d) and 8380(d) of such title are amended by striking out "September 30, 1995" and inserting in lieu thereof "September 30, 1996".

(c) Years of Service for Mandatory Transfer to the Retired Reserve.—Section 1016(d) of the Department of Defense Authorization Act, 1984 (10 U.S.C. 3360 note), is amended by striking out "September 30, 1995" and inserting in lieu thereof "September 30, 1996".

(d) Authority for Temporary Promotions of Certain Navy Lieutenants.—Section 5721 of title 10, United States Code, is amended by striking out "September 30, 1995" and inserting in lieu thereof "September 30, 1998".

SEC. 553. INCREASE IN EDUCATIONAL ASSISTANCE ALLOWANCE WITH RESPECT TO SKILLS OR SPECIALTIES FOR WHICH THERE IS A CRITICAL SHORTAGE OF PERSONNEL.

Section 16131 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(j)(1) In the case of a person who has a skill or specialty designated by the Secretary concerned as a skill or specialty in which there is a critical shortage of personnel or for which it is difficult to recruit or, in the case of critical units, retain personnel, the Secretary concerned may increase the rate of the educational assistance allowance applicable to that person to such rate in excess of the rate prescribed under subparagraphs (A) through (D) of subsection (b)(1) as the Secretary of Defense considers appropriate, but the amount of any such increase may not exceed $350 per month.

"(2) The authority provided by paragraph (1) shall be exercised by the Secretaries of the military departments under regulations prescribed by the Secretary of Defense.".

SEC. 554. AMENDMENTS TO EDUCATION LOAN REPAYMENT PROGRAMS.

(a) General Education Loan Repayment Program.—Section 2171(a)(1) of title 10, United States Code, is amended—

(1) by striking out "or" at the end of subparagraph (A);

(2) by redesignating subparagraph (B) as subparagraph (C); and

(3) by inserting after subparagraph (A) the following new subparagraph (B):

"(B) any loan made under part D of such title (the William D. Ford Federal Direct Loan Program, 20 U.S.C. 1087a et seq.); or".

(b) Education Loan Repayment Program for Enlisted Members of Selected Reserve With Critical Specialties.—Section 16301(a)(1) of such title is amended—

(1) by striking out "or" at the end of subparagraph (A);

(2) by redesignating subparagraph (B) as subparagraph (C); and

(3) by inserting after subparagraph (A) the following new subparagraph (B):

"(B) any loan made under part D of such title (the William D. Ford Federal Direct Loan Program, 20 U.S.C. 1087a et seq.); or".

(c) Education Loan Repayment Program for Health Professions Officers Serving in Selected Reserve With Wartime Critical Medical Skill Shortages.—Section 16302(a) of such title is amended—

(1) by redesignating paragraphs (2) through (4) as paragraphs (3) through (5) respectively; and

(2) by inserting after paragraph (1) the following new paragraph (2):

"(2) any loan made under part D of such title (the William D. Ford Federal Direct Loan Program, 20 U.S.C. 1087a et seq.); or".

SEC. 555. RECOGNITION BY STATES OF LIVING WILLS OF MEMBERS, CERTAIN FORMER MEMBERS, AND THEIR DEPENDENTS.

(a) Recognition by States Required.—(1) Chapter 53 of title 10, United States Code, is amended by inserting after section 1044b the following new section:

"§1044c. Military advance medical directives: requirement for recognition by States

"(a) Instruments To Be Given Legal Effect Without Regard to State Law.—A military advance medical directive—

"(1) is exempt from any requirement of form, substance, formality, or recording that is provided for advance medical directives under the laws of a State; and

"(2) shall be given the same legal effect as an advance medical directive prepared and executed in accordance with the laws of the State concerned.

"(b) MILITARY ADVANCE MEDICAL DIRECTIVES.—For the purposes of this section, a military advance medical directive is any written declaration regarding future medical treatment that—

"(1) is executed by a person eligible for legal assistance under section 1044(a) of this title or regulations of the Secretary concerned; and

"(2) is intended—

"(A) to provide, withdraw, or withhold life-prolonging procedures, including hydration and sustenance, in the event of a terminal condition or persistent vegetative state of the declarant; or

"(B) to appoint another person to make health care decisions for the declarant under circumstances stated in the declaration if the declarant is determined to be incapable of making informed health care decisions.

"(c) STATEMENT TO BE INCLUDED.—Under regulations prescribed by the Secretary concerned, a written declaration described in subsection (b) shall contain a statement that clearly indicates the purpose of the declaration to serve as the military advance medical directive of the declarant. However, the failure of a military advance medical directive to include such a statement shall not be construed to negate the legal effect of the directive under subsection (a).

"(d) STATE DEFINED.—In this section, the term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, and a possession of the United States.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1044b the following new item:

"1044c. Military advance medical directives: requirement for recognition by States.".

(b) EFFECTIVE DATE.—Section 1044c of title 10, United States Code, as added by subsection (a), shall apply with respect to any military advance medical directive described in such section declared before, on, or after the date of the enactment of this Act.

SEC. 556. TRANSITIONAL COMPENSATION FOR DEPENDENTS OF MEMBERS OF THE ARMED FORCES SEPARATED FOR DEPENDENT ABUSE.

(a) MANDATORY PROGRAM.—Subsection (a) of section 1059 of title 10, United States Code, is amended by striking out "may each establish a program" and inserting in lieu thereof "shall each establish a program".

(b) PAYMENT TO DEPENDENTS OF MEMBERS NOT DISCHARGED.—Subsection (d) of such section is amended by striking out "of a separation from active duty as" in the first sentence.

SEC. 557. ARMY RANGER TRAINING.

(a) IN GENERAL.—(1) Chapter 401 of title 10, United States Code, is amended by inserting after section 4302 the following new section:

"§4303. Army Ranger Training: instructor staffing; safety

"(a) LEVELS OF PERSONNEL ASSIGNED TO BE NOT LESS THAN NUMBER REQUIRED.—(1) The Secretary of the Army shall ensure that at all times the number of officers, and the number of enlisted members, permanently assigned to the Army Ranger Training Brigade (or other organizational element of the Army primarily responsible for ranger student training) are not less than the required manning spaces for that brigade.

"(2) If at any time the number of officers, or the number of enlisted members, permanently assigned to the Ranger Training Brigade is less than the required manning spaces for officers, or for enlisted members, as the case may be, for the Brigade, the Secretary of the Army shall submit to Congress a notice of such shortage, together with a statement of the reasons for the shortage and of the expected date when the number assigned will be not less than the required manning spaces, in accordance with paragraph (1).

"(b) REQUIRED MANNING SPACES.—(1) The Secretary of the Army may not (except as provided in paragraph (3)) reduce the required manning spaces for the Ranger Training Brigade below the baseline required manning spaces.

"(2) In this section:

"(A) The term 'required manning spaces' means the number of personnel spaces for officers, and the number of personnel spaces for enlisted members, that are designated in Army authorization documents as the number required to accomplish the missions of a particular unit or organization.

"(B) The term 'baseline required manning spaces' means the required manning spaces for the Army Ranger Training Brigade as of February 10, 1995, of 94 officers and 658 enlisted members.

"(3) The Secretary may (subject to paragraph (4)) make reductions in required manning spaces for the Army Ranger Training Brigade from the baseline required manning spaces if—

"(A) reductions in ranger student training loads result in decreased instructor workload; and

"(B) one or more of the three major phases of the Ranger Course (conducted at Fort Benning, Georgia, at the Mountain Ranger Camp, and in Florida) is eliminated.

"(4) Before making a reduction authorized by paragraph (3) in required manning spaces, the Secretary of the Army shall submit to Congress a report on the proposed reduction. Such a reduction may not be made unless the report includes a certification by the Secretary that the reduction will not reduce the ability of the commander of the Ranger Training Brigade to conduct training safely. The report shall include a description of the reduction (including specification of the number of officers and the number of enlisted members that will be considered to be required to carry out the missions of the Army Ranger Training Brigade after the reduction) and shall set forth the rationale of the Secretary for the reduction.

"(c) TRAINING SAFETY CELLS.—(1) The Secretary of the Army shall establish and maintain an organizational entity known as a 'safety cell' as part of the organizational elements of the Army responsible for conducting each of the three major phases of the Ranger Course. The safety cell in each different geographic area of Ranger Course training shall be comprised of personnel who have sufficient continuity and experience in that geographic area of such training to be knowledgeable of the local conditions year-round, including conditions of terrain, weather, water, and climate and other conditions and the potential effect on those conditions on Ranger student training and safety.

"(2) Members of each safety cell shall be assigned in sufficient numbers to serve as advisers to the officers in charge of the major phase of Ranger training and shall assist those officers in making informed daily 'go' and 'no-go' decisions regarding training in light of all relevant conditions, including conditions of terrain, weather, water, and climate and other conditions.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 4302 the following new item:

"4303. Army Ranger Training: instructor staffing; safety.".

(b) ACCOMPLISHMENT OF REQUIRED MANNING LEVELS.—(1) If, as of the date of the enactment of this Act, the number of officers, or the number of enlisted members, permanently assigned to the Ranger Training Brigade is not 100 percent (or more) of the requirement specified in subsection (b) of section 4303 of title 10, United States Code, as added by subsection (a), the Secretary of the Army—

(A) shall take such steps as necessary to accomplish that requirement within 12 months after such date of enactment; and

(B) not later than 90 days after such date of enactment, shall submit to Congress a plan to achieve and maintain that requirement.

(2) If the Secretary does not accomplish the requirement referred to in paragraph (1) with respect to both officers and enlisted members within 12 months after the date of the enactment of this Act (as required by paragraph (1)(A)), the Secretary shall halt all training activities of the Ranger Training Brigade until the requirement is met.

SEC. 558. REPEAL OF CERTAIN CIVIL-MILITARY PROGRAMS.

(a) REPEAL OF CIVIL-MILITARY COOPERATIVE ACTION PROGRAM.—(1) Section 410 of title 10, United States Code, and section 1081(a) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 10 U.S.C. 410 note) are repealed.

(2) The table of sections at the beginning of chapter 20 of title 10, United States Code, is amended by striking out the item relating to section 410.

(b) REPEAL OF RELATED PROVISIONS.—The following sections of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484) are repealed.

(1) Section 1045 (10 U.S.C. 410 note), relating to a pilot outreach program to reduce demand for illegal drugs.

(2) Section 1091 (32 U.S.C. 501 note), relating to the National Guard Civilian Youth Opportunities Program.

(c) TERMINATION OF SUPPORT OF CIVILIAN COMMUNITY CORPS.—(1) The Secretary of Defense may not provide support to, or participate in, the Civilian Community Corps Demonstration Program established under subtitle E of title I of the National and Community Service Act of 1990 (42 U.S.C. 12611–12626) or the Civilian Community Corps required as part of that demonstration program.

(2) Section 1093 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 42 U.S.C. 12612 note), relating to coordination between the National Guard Civilian Youth Opportunities Pilot Program and the Civilian Community Corps Demonstration Program, is repealed.

SEC. 559. ELIGIBILITY FOR ARMED FORCES EXPEDITIONARY MEDAL BASED UPON SERVICE IN EL SALVADOR.

(a) IN GENERAL.—For the purpose of determining eligibility of members and former members of the Armed Forces for the Armed Forces Expeditionary Medal, the country of El Salvador during the period beginning on January 1, 1981 and ending on February 1, 1992, shall be treated as having been designated as an area and a period of time in which members of the Armed Forces participated in operations in significant numbers and otherwise met the general requirements for the award of that medal.

(b) INDIVIDUAL DETERMINATION.—The Secretary of the military department concerned shall determine whether individual members or former members of the Armed Forces who served in El Salvador during the period beginning on January 1, 1981 and ending on February 1, 1992 meet the individual service requirements for award of the Armed Forces Expeditionary Medal as established in applicable regulations. Such determinations shall be made as expeditiously as possible after the date of the enactment of this Act.

SEC. 560. REVISION AND CODIFICATION OF MILITARY FAMILY ACT AND MILITARY CHILD CARE ACT.

(a) IN GENERAL.—(1) Subtitle A of title 10, United States Code, is amended by inserting after chapter 87 the following new chapter:

"CHAPTER 88—MILITARY FAMILY PROGRAMS AND MILITARY CHILD CARE

"Subchapter .... Sec.
"I. Military Family Programs 1781
"II. Military Child Care 1791

"SUBCHAPTER I—MILITARY FAMILY PROGRAMS

"Sec.
"1781. Office of Family Policy.
"1782. Surveys of military families.
"1783. Family members serving on advisory committees.
"1784. Employment opportunities for military spouses.
"1785. Youth sponsorship program.
"1786. Dependent student travel within the United States.
"1787. Reporting of child abuse.

"§1781. Office of Family Policy

"(a) ESTABLISHMENT.—There is in the Office of the Secretary of Defense an Office of Family Policy (hereinafter in this section referred to as the 'Office'). The Office shall be under the Assistant Secretary of Defense for Force Management and Personnel.

"(b) DUTIES.—The Office—

"(1) shall coordinate programs and activities of the military departments to the extent that they relate to military families; and

"(2) shall make recommendations to the Secretaries of the military departments with respect to programs and policies regarding military families.

"(c) STAFF.—The Office shall have not less than five professional staff members.

"§1782. Surveys of military families

"(a) AUTHORITY.—The Secretary of Defense may conduct surveys of members of the armed forces on active duty or in an active status, members of the families of such members, and retired members of the armed forces to determine the effectiveness of Federal programs relating to military families and the need for new programs.

"(b) RESPONSES TO BE VOLUNTARY.—Responses to surveys conducted under this section shall be voluntary.

"(c) FEDERAL RECORDKEEPING REQUIREMENTS.—With respect to such surveys, family members of members of the armed forces and reserve and retired members of the armed forces shall be considered to be employees of the United States for purposes of section 3502(4)(A) of title 44.

"§1783. Family members serving on advisory committees

"A committee within the Department of Defense which advises or assists the Department in the performance of any function which affects members of military families and which includes members of military families in its membership shall not be considered an advisory committee under section 3(2) of the Federal Advisory Committee Act (5 U.S.C. App.) solely because of such membership.

"§1784. Employment opportunities for military spouses

"(a) AUTHORITY.—The President shall order such measures as the President considers necessary to increase employment opportunities for spouses of members of the armed forces. Such measures may include—

"(1) excepting, pursuant to section 3302 of title 5, from the competitive service positions in the Department of Defense located outside of the United States to provide employment opportunities for qualified spouses of members of the armed forces in the same geographical area as the permanent duty station of the members; and

"(2) providing preference in hiring for positions in nonappropriated fund activities to qualified spouses of members of the armed forces stationed in the same geographical area as the nonappropriated fund activity for positions in wage grade UA–8 and below and equivalent positions and for positions paid at hourly rates.

"(b) REGULATIONS.—The Secretary of Defense shall prescribe regulations—

"(1) to implement such measures as the President orders under subsection (a);

"(2) to provide preference to qualified spouses of members of the armed forces in hiring for any civilian position in the Department of Defense if the spouse is among persons determined to be best qualified for the position and if the position is located in the same geographical area as the permanent duty station of the member;

"(3) to ensure that notice of any vacant position in the Department of Defense is provided in a manner reasonably designed to reach spouses of members of the armed forces whose permanent duty stations are in the same geographic area as the area in which the position is located; and

"(4) to ensure that the spouse of a member of the armed forces who applies for a vacant position in the Department of Defense shall, to the extent practicable, be considered for any such position located in the same geographic area as the permanent duty station of the member.

"(c) STATUS OF PREFERENCE ELIGIBLES.—Nothing in this section shall be construed to provide a spouse of a member of the armed forces with preference in hiring over an individual who is a preference eligible.

"§1785. Youth sponsorship program

"(a) REQUIREMENT.—The Secretary of Defense shall require that there be at each military installation a youth sponsorship program to facilitate the integration of dependent children of members of the armed forces into new surroundings when moving to that military installation as a result of a parent's permanent change of station.

"(b) DESCRIPTION OF PROGRAMS.—The program at each installation shall provide for involvement of dependent children of members presently stationed at the military installation and shall be directed primarily toward children in their preteen and teenage years.

"§1786. Dependent student travel within the United States

"Funds available to the Department of Defense for the travel and transportation of dependent students of members of the armed forces stationed overseas may be obligated for transportation allowances for travel within or between the contiguous States.

"§1787. Reporting of child abuse

"(a) IN GENERAL.—The Secretary of Defense shall request each State to provide for the reporting to the Secretary of any report the State receives of known or suspected instances of child abuse and neglect in which the person having care of the child is a member of the armed forces (or the spouse of the member).

"(b) DEFINITION.—In this section, the term 'child abuse and neglect' has the meaning provided in section 3(1) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5102).

"SUBCHAPTER II—MILITARY CHILD CARE

"Sec.
"1791. Funding for military child care.
"1792. Child care employees.
"1793. Parent fees.
"1794. Child abuse prevention and safety at facilities.
"1795. Parent partnerships with child development centers.
"1796. Subsidies for family home day care.
"1797. Early childhood education program.
"1798. Definitions.

"§1791. Funding for military child care

"It is the policy of Congress that the amount of appropriated funds available during a fiscal year for operating expenses for military child development centers and programs shall be not less than the amount of child care fee receipts that are estimated to be received by the Department of Defense during that fiscal year.

"§1792. Child care employees

"(a) REQUIRED TRAINING.—(1) The Secretary of Defense shall prescribe regulations implementing, a training program for child care employees. Those regulations shall apply uniformly among the military departments. Subject to paragraph (2), satisfactory completion of the training program shall be a condition of employment of any person as a child care employee.

"(2) Under those regulations, the Secretary shall require that each child care employee complete the training program not later than six months after the date on which the employee is employed as a child care employee.

"(3) The training program established under this subsection shall cover, at a minimum, training in the following:

"(A) Early childhood development.

"(B) Activities and disciplinary techniques appropriate to children of different ages.

"(C) Child abuse prevention and detection.

"(D) Cardiopulmonary resuscitation and other emergency medical procedures.

"(b) TRAINING AND CURRICULUM SPECIALISTS.—(1) The Secretary of Defense shall require that at least one employee at each military child development center be a specialist in training and curriculum development. The Secretary shall ensure that such employees have appropriate credentials and experience.

"(2) The duties of such employees shall include the following:

"(A) Special teaching activities at the center.

"(B) Daily oversight and instruction of other child care employees at the center.

"(C) Daily assistance in the preparation of lesson plans.

"(D) Assistance in the center's child abuse prevention and detection program.

"(E) Advising the director of the center on the performance of other child care employees.

"(3) Each employee referred to in paragraph (1) shall be an employee in a competitive service position.

"(c) COMPETITIVE RATES OF PAY.—For the purpose of providing military child development centers with a qualified and stable civilian workforce, employees at a military installation who are directly involved in providing child care and are paid from nonappropriated funds—

"(1) in the case of entry-level employees, shall be paid at rates of pay competitive with the rates of pay paid to other entry-level employees at that installation who are drawn from the same labor pool; and

"(2) in the case of other employees, shall be paid at rates of pay substantially equivalent to the rates of pay paid to other employees at that installation with similar training, seniority, and experience.

"(d) EMPLOYMENT PREFERENCE PROGRAM FOR MILITARY SPOUSES.—(1) The Secretary of Defense shall conduct a program under which qualified spouses of members of the armed forces shall be given a preference in hiring for the position of child care employee in a position paid from nonappropriated funds if the spouse is among persons determined to be best qualified for the position.

"(2) A spouse who is provided a preference under this subsection at a military child development center may not be precluded from obtaining another preference, in accordance with *section 1794 of this title, in the same geographic area as the military child development center.*

"(e) COMPETITIVE SERVICE POSITION DEFINED.—In this section, the term 'competitive service position' means a position in the competitive service, as defined in section 2102(a)(1) of title 5.

"§1793. Parent fees

"(a) IN GENERAL.—The Secretary of Defense shall prescribe regulations establishing fees to be charged parents for the attendance of children at military child development centers. Those regulations shall be uniform for the military departments and shall require that, in the case of children who attend the centers on a regular basis, the fees shall be based on family income.

"(b) LOCAL WAIVER AUTHORITY.—The Secretary of Defense may provide authority to installation commanders, on a case-by-case basis, to establish fees for attendance of children at child development centers at rates lower than those prescribed under subsection (a) if the rates prescribed under subsection (a) are not competitive with rates at local non-military child development centers.

"§1794. Child abuse prevention and safety at facilities

"(a) CHILD ABUSE TASK FORCE.—The Secretary of Defense shall maintain a special task force to respond to allegations of widespread child abuse at a military installation. The task force shall be composed of personnel from appropriate disciplines, including, where appropriate, medicine, psychology, and childhood development. In the case of such allegations, the task force shall provide assistance to the commander of the installation, and to parents at the installation, in helping them to deal with such allegations.

"(b) NATIONAL HOTLINE.—(1) The Secretary of Defense shall maintain a national telephone number for persons to use to report suspected child abuse or safety violations at a military child development center or family home day care site. The Secretary shall ensure that such reports may be made anonymously if so desired by the person making the report. The Secretary shall establish procedures for following up on complaints and information received over that number.

"(2) The Secretary shall publicize the existence of the number.

"(c) ASSISTANCE FROM LOCAL AUTHORITIES.—The Secretary of Defense shall prescribe regulations requiring that, in a case of allegations of child abuse at a military child development center or family home day care site, the commander of the military installation or the head of the task force established under subsection (a) shall seek the assistance of local child protective authorities if such assistance is available.

"(d) SAFETY REGULATIONS.—The Secretary of Defense shall prescribe regulations on safety and operating procedures at military child development centers. Those regulations shall apply uniformly among the military departments.

"(e) INSPECTIONS.—The Secretary of Defense shall require that each military child development center be inspected not less often than four times a year. Each such inspection shall be unannounced. At least one inspection a year shall be carried out by a representative of the installation served by the center, and one inspection a year shall be carried out by a representative of the major command under which that installation operates.

"(f) REMEDIES FOR VIOLATIONS.—(1) Except as provided in paragraph (2), any violation of a safety, health, or child welfare law or regulation (discovered at an inspection or otherwise) at a military child development center shall be remedied immediately.

"(2) In the case of a violation that is not life threatening, the commander of the major command under which the installation concerned operates may waive the requirement that the violation be remedied immediately for a period of up to 90 days beginning on the date of the discovery of the violation. If the violation is not remedied as of the end of that 90-day period, the military child development center shall be closed until the violation is remedied. The Secretary of the military department concerned may waive the preceding sentence and authorize the center to remain open in a case in which the violation cannot reasonably be remedied within that 90-day period or in which major facility reconstruction is required.

"(3) If a military child development center is closed under paragraph (2), the Secretary of the military department concerned shall promptly submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report notifying those committees of the closing. The report shall include—

"(A) notice of the violation that resulted in the closing and the cost of remedying the violation; and

"(B) a statement of the reasons why the violation has not been remedied as of the time of the report.

"§1795. Parent partnerships with child development centers

"(a) PARENT BOARDS.—The Secretary of Defense shall require that there be established at each military child development center a board of parents, to be composed of parents of children attending the center. The board shall meet periodically with staff of the center and the commander of the installation served by the center for the purpose of discussing problems and concerns. The board, together with the staff of the center, shall be responsible for coordinating the parent participation program described in subsection (b).

"(b) PARENT PARTICIPATION PROGRAMS.—The Secretary of Defense shall require the establishment of a parent participation program at each military child development center. As part of such program, the Secretary of Defense may establish fees for attendance of children at such a center, in the case of parents who participate in the parent participation program at that center, at rates lower than the rates that otherwise apply.

"§1796. Subsidies for family home day care

"The Secretary of Defense may use appropriated funds available for military child care purposes to provide assistance to family home day care providers so that family home day care services can be provided to members of the armed forces at a cost comparable to the cost of services provided by military child development centers. The Secretary shall prescribe regulations for the provision of such assistance.

"§1797. Early childhood education program

"The Secretary of Defense shall require that all military child development centers meet standards of operation necessary for accreditation by an appropriate national early childhood programs accrediting body.

"§1798. Definitions

"In this subchapter:

"(1) The term 'military child development center' means a facility on a military installation (or on property under the jurisdiction of the commander of a military installation) at which child care services are provided for members of the armed forces or any other facility at which such child care services are provided that is operated by the Secretary of a military department.

"(2) The term 'family home day care' means home-based child care services that are provided for members of the armed forces by an individual who (A) is certified by the Secretary of the military department concerned as qualified to provide those services, and (B) provides those services on a regular basis for compensation.

"(3) The term 'child care employee' means a civilian employee of the Department of Defense who is employed to work in a military child development center (regardless of whether the employee is paid from appropriated funds or nonappropriated funds).

"(4) The term 'child care fee receipts' means those nonappropriated funds that are derived from fees paid by members of the armed forces for child care services provided at military child development centers.".

(2) The tables of chapters at the beginning of subtitle A, and at the beginning of part II of subtitle A, of title 10, United States Code, are amended by inserting after the item relating to chapter 87 the following new item:

"88. Military Family Programs and Military Child Care .... 1781".

(b) REPORT ON FIVE-YEAR DEMAND FOR CHILD CARE.—(1) Not later than the date of the submission of the budget for fiscal year 1997 pursuant to section 1105 of title 31, United States Code, the Secretary of Defense shall submit to Congress a report on the expected demand for child care by military and civilian personnel of the Department of Defense during fiscal years 1997 through 2001.

(2) The report shall include—

(A) a plan for meeting the expected child care demand identified in the report; and

(B) an estimate of the cost of implementing that plan.

(3) The report shall also include a description of methods for monitoring family home day care programs of the military departments.

(c) PLAN FOR IMPLEMENTATION OF ACCREDITATION REQUIREMENT.—The Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a plan for carrying out the requirements of section 1787 of title 10, United States Code, as added by subsection (a). The plan shall be submitted not later than April 1, 1997.

(d) CONTINUATION OF DELEGATION OF AUTHORITY WITH RESPECT TO HIRING PREFERENCE FOR QUALIFIED MILITARY SPOUSES.—The provisions of Executive Order No. 12568, issued October 2, 1986 (10 U.S.C. 113 note), shall apply as if the reference in that Executive order to section 806(a)(2) of the Department of Defense Authorization Act of 1986 refers to section 1784 of title 10, United States Code, as added by subsection (a).

(e) CONFORMING AMENDMENT.—Effective October 1, 1995, section 1782(c) of title 10, United States Code, as added by subsection (a), is amended by striking out "section 3502(4)(A) of title 44" and inserting in lieu thereof "section 3502(3)(A)(i) of title 44".

(f) REPEALER.—The following provisions of law are repealed:

(1) The Military Family Act of 1985 (title VIII of Public Law 99–145; 10 U.S.C. 113 note).

(2) The Military Child Care Act of 1989 (title XV of Public Law 101–189; 10 U.S.C. 113 note).

SEC. 561. DISCHARGE OF MEMBERS OF THE ARMED FORCES WHO HAVE THE HIV-1 VIRUS.

(a) IN GENERAL.—(1) Section 1177 of title 10, United States Code, is amended to read as follows:

"§1177. Members infected with HIV-1 virus: mandatory discharge or retirement

"(a) MANDATORY SEPARATION.—A member of the armed forces who is HIV-positive shall be separated. Such separation shall be made on a date determined by the Secretary concerned, which shall be as soon as practicable after the

date on which the determination is made that the member is HIV-positive and not later than the last day of the sixth month beginning after such date.

"(b) FORM OF SEPARATION.—If a member to be separated under this section is eligible to retire under any provision of law or to be transferred to the Fleet Reserve or Fleet Marine Corps Reserve, the member shall be so retired or so transferred. Otherwise, the member shall be discharged. The characterization of the service of the member shall be determined without regard to the determination that the member is HIV-positive.

"(c) DEFERRAL OF SEPARATION FOR MEMBERS IN 18-YEAR RETIREMENT SANCTUARY.—In the case of a member to be discharged under this section who on the date on which the member is to be discharged is within two years of qualifying for retirement under any provision of law, or of qualifying for transfer to the Fleet Reserve or Fleet Marine Corps Reserve under section 6330 of this title, the member may, as determined by the Secretary concerned, be retained on active duty until the member is qualified for retirement or transfer to the Fleet Reserve or Fleet Marine Corps Reserve, as the case may be, and then be so retired or transferred, unless the member is sooner retired or discharged under any other provision of law.

"(d) SEPARATION TO BE CONSIDERED INVOLUNTARY.—A separation under this section shall be considered to be an involuntary separation for purposes of any other provision of law.

"(e) COUNSELING ABOUT AVAILABLE MEDICAL CARE.—A member to be separated under this section shall be provided information, in writing, before such separation of the available medical care (through the Department of Veterans Affairs and otherwise) to treat the member's condition. Such information shall include identification of specific medical locations near the member's home of record or point of discharge at which the member may seek necessary medical care.

"(f) HIV-POSITIVE MEMBERS.—A member shall be considered to be HIV-positive for purposes of this section if there is serologic evidence that the member is infected with the virus known as Human Immunodeficiency Virus-1 (HIV-1), the virus most commonly associated with the acquired immune deficiency syndrome (AIDS) in the United States. Such serologic evidence shall be considered to exist if there is a reactive result given by an enzyme-linked immunosorbent assay (ELISA) serologic test that is confirmed by a reactive and diagnostic immunoelectrophoresis test (Western blot) on two separate samples. Any such serologic test must be one that is approved by the Food and Drug Administration.".

(2) The item relating to such section in the table of sections at the beginning of chapter 59 of such title is amended to read as follows:

"1177. Members infected with HIV-1 virus: mandatory discharge or retirement.".

(b) EFFECTIVE DATE.—Section 1177 of title 10, United States Code, as amended by subsection (a), applies with respect to members of the Armed Forces determined to be HIV-positive before, on, or after the date of the enactment of this Act. In the case of a member of the Armed Forces determined to be HIV-positive before such date, the deadline for separation of the member under subsection (a) of such section, as so amended, shall be determined from the date of the enactment of this Act (rather than from the date of such determination).

SEC. 562. AUTHORITY TO APPOINT BRIGADIER GENERAL CHARLES E. YEAGER, UNITED STATES AIR FORCES (RETIRED) TO THE GRADE OF MAJOR GENERAL ON THE RETIRED LIST.

The President is authorized to appoint, by and with the advice and consent of the Senate, Brigadier General Charles E. Yeager, United States Air Force (retired), to the grade of major general on the retired list of the Air Force. Any such appointment shall not affect the retired pay or other benefits of Charles E. Yeager or any benefits to which any other person is or may become entitled based upon his service.

SEC. 563. DETERMINATION OF WHEREABOUTS AND STATUS OF MISSING PERSONS.

(a) PURPOSE.—The purpose of this section is to ensure that any member of the Armed Forces and any civilian employee of the Department of Defense or contractor of the Department of Defense who serves with or accompanies the Armed Forces in the field under orders is accounted for by the United States (by the return of such person alive, by the return of the remains of such person, or by the decision that credible evidence exists to support another determination of the status of such person) and, as a general rule, is not declared dead solely because of the passage of time.

(b) IN GENERAL.—(1) Part II of subtitle A of title 10, United States Code, is amended by inserting after chapter 75 the following new chapter:

"CHAPTER 76—MISSING PERSONS

"Sec.
"1501. System for accounting for missing persons.
"1502. Missing persons: initial report.
"1503. Initial inquiry.
"1504. Subsequent inquiry.
"1505. Further review.
"1506. Personnel files.
"1507. Recommendation of status of death.
"1508. Persons previously declared dead.
"1509. Return alive of person declared missing or dead.
"1510. Effect on State law.
"1511. Definitions.

"§1501. System for accounting for missing persons

"(a) OFFICE FOR MISSING PERSONS.—The Secretary of Defense shall establish within the Office of the Secretary of Defense an office to be responsible for the policy, control, and oversight of the entire process for investigation and recovery related to persons covered by subsection (c). In carrying out the responsibilities of that office, the head of the office shall coordinate the efforts of the office with those of other departments and agencies of the Government and other elements of the Department of Defense for such purposes and shall be responsible for the coordination for such purposes within the Department of Defense among the military departments, the Joint Staff, and the commanders of the combatant commands.

"(b) UNIFORM DOD PROCEDURES.—(1) The Secretary of Defense shall prescribe procedures, to apply uniformly through the Department of Defense, for—

"(A) the determination of the status of persons described in subsection (c); and

"(B) for the systematic, comprehensive, and timely collection, analysis, review, dissemination, and periodic update of information related to such persons.

"(2) Such procedures shall be prescribed in a single directive applicable to all elements of the Department of Defense.

"(c) COVERED PERSONS.—This chapter applies to the following persons:

"(1) Any member of the Army, Navy, Air Force, or Marine Corps on active duty who, during a period of war or national emergency or any other period of hostilities specified by the Secretary of Defense for the purposes of this section, disappears in the theater of such hostilities (except under circumstances suggesting that the disappearance is voluntary).

"(2) Any civilian employee of the Department of Defense (including an employee of a contractor of the Department of Defense) who, during a period described in paragraph (1), disappears in the theater of such hostilities (except under circumstances suggesting that the disappearance is voluntary) while serving with or accompanying the Army, Navy, Air Force, or Marine Corps in the field during such period.

"(d) PRIMARY NEXT OF KIN.—The individual who is primary next of kin of any person described in subsection (c) may for purposes of this chapter designate another individual to act on behalf of that individual as primary next of kin. The Secretary of Defense shall treat an individual so designated as if the individual designated were the primary next of kin for purposes of this chapter. A designation under this subsection may be revoked at any time by the person who made the designation.

"§1502. Missing persons: initial report

"(a) PRELIMINARY ASSESSMENT AND RECOMMENDATION BY COMMANDER.—After receiving information that the whereabouts or status of a person covered by this chapter is uncertain and that the absence of the person may be involuntary, the commander of the unit, facility, or area to or in which the person is assigned shall make a preliminary assessment of the circumstances. If, as a result of that assessment, the commander concludes that the person is missing, the commander shall—

"(1) recommend that the person be placed in a missing status; and

"(2) submit that recommendation to the commander of the unified command for that area in accordance with procedures prescribed under section 1501(b) of this title.

"(b) FORWARDING OF RECORDS.—The commander making the initial assessment shall (in accordance with procedures prescribed under section 1501(b) of this title) safeguard and forward for official use any information relating to the whereabouts or status of the person that result from the preliminary assessment or from actions taken to locate the person.

"§1503. Initial inquiry

"(a) APPOINTMENT OF BOARD.—Not later than ten days after receiving notification under section 1502(a)(2) of this title that a person has been recommended for placement in a missing status, the commander of the unified command having responsibility for the area in which the disappearance occurred shall appoint a board to conduct an inquiry into the whereabouts and status of the person.

"(b) INQUIRIES INVOLVING MORE THAN ONE MISSING PERSON.—If it appears to the commander who appoints a board under this section that the absence or missing status of two or more persons is factually related, the commander may appoint a single board under this section to conduct the inquiry into the whereabouts or status of all such persons.

"(c) COMPOSITION.—(1) A board appointed under this section shall consist of at least one individual described in paragraph (2) who has experience with and understanding of military operations or activities similar to the operation or activity in which the person disappeared.

"(2) An individual referred to in paragraph (1) is the following:

"(A) A military officer, in the case of an inquiry with respect to a member of the armed forces.

"(B) A civilian, in the case of an inquiry with respect to a civilian employee of the United States or of a contractor of the Department of Defense.

"(3) An individual may be appointed as a member of a board under this section only if the individual has a security clearance that affords the member access to all information relating to the whereabouts and status of the missing persons covered by the inquiry.

"(d) DUTIES OF BOARD.—A board appointed to conduct an inquiry into the whereabouts or status of a missing person under this section shall—

"(1) collect, develop, and investigate all facts and evidence relating to the disappearance, whereabouts, or status of that person;

"(2) collect appropriate documentation of the facts and evidence covered by the investigation;

"(3) analyze the facts and evidence, make findings based on that analysis, and draw conclusions as to the current whereabouts and status of the person; and

"(4) with respect to each person covered by the inquiry, recommend to the commander who appointed the board that—

"(A) the person be placed in a missing status; or

"(B) the person be declared to have deserted, to be absent without leave, or to be dead.

"(e) INQUIRY PROCEEDINGS.—During the proceedings of an inquiry under this section, a board shall—

"(1) collect, record, and safeguard all facts, documents, statements, photographs, tapes, messages, maps, sketches, reports, and other information (whether classified or unclassified) relating to the whereabouts or status of each person covered by the inquiry;

"(2) gather information relating to actions taken to find the person, including any evidence of the whereabouts or status of the person arising from such actions; and

"(3) maintain a record of its proceedings.

"(f) COUNSEL FOR MISSING PERSON.—(1) The commander appointing a board to conduct an inquiry under this section shall appoint counsel to represent each person covered by the inquiry, or, in the case described by 1503(c) of this title, one counsel to represent all persons covered by the inquiry. Counsel appointed under this paragraph may be referred to as 'missing person's counsel'.

"(2) To be appointed as a missing person's counsel, a person must—

"(A) have the qualifications specified in section 827(b) of this title (article 27(b) of the Uniform Code of Military Justice) for trial counsel or defense counsel detailed for a general court-martial; and

"(B) have a security clearance that affords the counsel access to all information relating to the whereabouts or status of the person or persons covered by the inquiry.

"(3) A missing person's counsel—

"(A) shall have access to all facts and evidence considered by the board during the proceedings under the inquiry for which the counsel is appointed;

"(B) shall observe all official activities of the board during such proceedings;

"(C) may question witnesses before the board; and

"(D) shall monitor the deliberations of the board; and

"(4) A missing person's counsel shall review the report of the board under subsection (i) and submit to the commander who appointed the board an independent review of that report. That review shall be made an official part of the record of the board.

"(g) ACCESS TO PROCEEDINGS.—The proceedings of a board during an inquiry under this section shall be closed to the public (including, with respect to any missing person covered by the inquiry, the primary next of kin, other members of the immediate family, and any other previously designated person designated under section 655 of this title).

"(h) RECOMMENDATION ON STATUS OF MISSING PERSONS.—(1) Upon completion of its inquiry, a board appointed under this section shall make a recommendation to the commander who appointed the board as to the appropriate determination of the current whereabouts or status of each person whose whereabouts were covered by the inquiry.

"(2)(A) A board may not recommend under paragraph (1) that a person be declared dead unless the board determines that the evidence before it established conclusive proof of the death of the person.

"(B) In this paragraph, the term 'conclusive proof of death' means evidence establishing that death is the only credible explanation for the absence of the person.

"(i) REPORT.—(1) A board appointed under this section shall submit to the commander who appointed it a report on the inquiry carried out by the board. The report shall include—

"(A) a discussion of the facts and evidence considered by the board in the inquiry;

"(B) the recommendation of the board under subsection (h) with respect to each person covered by the report; and

"(C) disclosure of whether classified documents and information were reviewed by the board or were otherwise used by the board in forming recommendations under subparagraph (B).

"(2) A report submitted under this subsection may not be made public until one year after the date on which the report is submitted.

"(j) ACTIONS BY REGIONAL COMMANDER.—(1) Not later than 15 days after the date of the receipt of a report under subsection (i), the commander who appointed the board shall review—

"(A) the report; and

"(B) the review of that report submitted under subsection (f)(4) by the missing person's counsel.

"(2) In reviewing a report under paragraph (1), the commander receiving the report shall determine whether or not the report is complete and free of administrative error. If the commander determines that the report is incomplete, or that the report is not free of administrative error, the commander may return the report to the board for further action on the report by the board.

"(3) Upon a determination by the commander concerned that a report reviewed under this subsection is complete and free of administrative error, the commander shall make a recommendation concerning the status of each person covered by the report.

"(4) The report, together with the recommendations under paragraph (3), shall be forwarded to the Secretary of Defense in accordance with procedures prescribed under section 1501(b) of this title.

"(k) DETERMINATION BY SECRETARY.—The Secretary of Defense (or the Secretary of the military department concerned acting under delegation of authority from the Secretary of Defense) shall review the recommendations of a report forwarded under subsection (j)(4). After conducting such review, the Secretary shall make a determination, with respect to each person whose status is covered by the report, whether such person shall (1) continue to have a missing status, (2) be declared to have deserted, (3) be declared to be absent without leave, or (4) be declared to be dead. In making such determination, the Secretary may convene a board in accordance with section 1504 of this title.

"(l) REPORT TO FAMILY MEMBERS AND OTHER INTERESTED PERSONS.—Not later than 30 days after the date on which the Secretary makes a determination under subsection (k), the Secretary of Defense, acting through the head of the office established under section 1501(a) of this title, shall—

"(1) provide an unclassified summary of the report of the board (including the name of the missing person's counsel for the inquiry, the names of the members of the board, and the name of the commander who convened the board) to the primary next of kin, to the other members of the immediate family, and to any other previously designated person of the missing person; and

"(2) inform each individual referred to in paragraph (1) that the United States will conduct a subsequent inquiry into the whereabouts or status of the person not earlier than one year after the date of the first official notice of the disappearance of the person, unless information becomes available sooner that would result in a substantial change in the official status of the person.

"§1504. Subsequent inquiry

"(a) ADDITIONAL BOARD.—If information on the whereabouts or status of a person covered by an inquiry under section 1503 of this title becomes available within one year after the date of the submission of the report submitted under section 1502 of this title, the Secretary of Defense, acting through the head of the office established under section 1501(a) of this title, shall appoint a board under this section to conduct an inquiry into the information.

"(b) AUTHORITY FOR INQUIRY.—The Secretary of Defense may delegate authority over such subsequent inquiry to the Secretary concerned.

"(c) SECRETARY CONCERNED.—In this section, the term 'Secretary concerned' includes, in the case of a civilian employee of the Department of Defense or contractor of the Department of Defense, the Secretary of the military department or head of the agency employing the employee or contracting with the contractor, as the case may be.

"(d) DATE OF APPOINTMENT.—The Secretary shall appoint a board under this section to conduct an inquiry into the whereabouts and status of a missing person on or about one year after the date of the report concerning that person submitted under section 1502 of this title.

"(e) COMBINED INQUIRIES.—If it appears to the Secretary that the absence or status of two or more persons is factually related, the Secretary may appoint one board under this section to conduct the inquiry into the whereabouts or status of all such persons.

"(f) COMPOSITION.—(1) Subject to paragraphs (2) and (3), a board appointed under this section shall consist of the following:

"(A) In the case of a board appointed to inquire into the whereabouts or status of a member of the armed forces, not less than three officers having the grade of major or lieutenant commander or above.

"(B) In the case of a board appointed to inquire into the whereabouts or status of a civilian employee of the Department of Defense or contractor of the Department of Defense—

"(i) not less than three employees of the Department of Defense whose rate of annual pay is equal to or greater than the rate of annual pay payable for grade GS–13 of the General Schedule under section 5332 of title 5; and

"(ii) such members of the armed forces as the Secretary of Defense considers advisable.

"(2) The Secretary shall designate one member of a board appointed under this section as president of the board. The president of the board shall have a security clearance that affords the president access to all information relating to the whereabouts and status of each person covered by the inquiry.

"(3)(A) One member of each board appointed under this subsection shall be an attorney or judge advocate who has expertise in the public law relating to missing persons, the determination of death of such persons, and the rights of family members and dependents of such persons.

"(B) One member of each board appointed under this subsection shall be an individual who—

"(i) has an occupational specialty similar to that of one or more of the persons covered by the inquiry; and

''(ii) has an understanding of and expertise in the official activities of one or more such persons at the time such person or persons disappeared.

''(g) Duties of Board.—A board appointed under this section to conduct an inquiry into the whereabouts or status of a person shall—

''(1) review the report under subsection (i) of section 1503 of this title of the board appointed to conduct the inquiry into the status or whereabouts of the person under section 1503 of this title and the recommendation under subsection (j)(3) of that section of the commander who appointed the board under that subsection as to the status of the person;

''(2) collect and evaluate any document, fact, or other evidence with respect to the whereabouts or status of the person that has become available since the completion of the inquiry under section 1503 of this title;

''(3) draw conclusions as to the whereabouts or status of the person;

''(4) determine on the basis of the activities under paragraphs (1) and (2) whether the status of the person should be continued or changed; and

''(5) submit to the Secretary of Defense a report describing the findings and conclusions of the board, together with a recommendation for a determination by the Secretary concerning the whereabouts or status of the person.

''(h) Counsel for Missing Persons.—(1) When the Secretary appoints a board to conduct an inquiry under this section, the Secretary shall appoint counsel to represent each person covered by the inquiry.

''(2) A person appointed as counsel under this subsection shall meet the qualifications and have the duties set forth in section 1503(f) of this title for a missing person's counsel appointed under that section.

''(3) The review of the report of a board on an inquiry that is submitted by such counsel shall be made an official part of the record of the board with respect to the inquiry.

''(i) Attendance of Family Members and Certain Other Interested Persons at Proceedings.—(1) With respect to any person covered by an inquiry under this section, the primary next of kin, other members of the immediate family, and any other previously designated persons of the missing person may attend the proceedings of the board during the inquiry in accordance with this section.

''(2) The Secretary shall notify each individual referred to in paragraph (1) of the opportunity to attend the proceedings of a board. Such notice shall be provided not less than 60 days before the first meeting of the board.

''(3) An individual who receives a notice under paragraph (2) shall notify the Secretary of the intent, if any, of that individual to attend the proceedings of the board not less than 21 days after the date on which the individual receives the notice.

''(4) Each individual who notifies the Secretary under paragraph (3) of the individual's intent to attend the proceedings of the board—

''(A) in the case of an individual who is the primary next of kin or another member of the immediate family of a missing person whose status is a subject of the inquiry and whose receipt of the pay or allowances (including allotments) of the missing person could be reduced or terminated as a result of a revision in the status of the missing person, may attend the proceedings of the board with private counsel;

''(B) shall have access to the personnel file of the missing person, to unclassified reports (if any) of the board appointed under section 1503 of this title to conduct the inquiry into the whereabouts and status of the person, and to any other unclassified information or documents relating to the whereabouts and status of the person;

''(C) shall be afforded the opportunity to present information at the proceedings of the board that such individual considers to be relevant to those proceedings; and

''(D) subject to paragraph (5), shall be given the opportunity to submit in writing objection to any recommendation of the board under subsection (k) as to the status of the missing person.

''(5) Objections under paragraph (4)(D) to any recommendation of the board shall be submitted to the president of the board not later than 24 hours after the date on which the recommendations are made. The president shall include any such objections in the report of the board under subsection (k).

''(6) An individual referred to in paragraph (1) who attends the proceedings of a board under this subsection shall not be entitled to reimbursement by the United States for any costs (including travel, lodging, meals, local transportation, legal fees, transcription costs, witness expenses, and other expenses) incurred by that individual in attending such proceedings.

''(j) Availability of Information to Boards.—(1) In conducting proceedings in an inquiry under this section, a board may secure directly from any department or agency of the United States any information that the board considers necessary in order to conduct the proceedings.

''(2) Upon written request from the president of a board, the head of a department or agency of the United States shall release information covered by the request to the board. In releasing such information, the head of the department or agency shall—

''(A) declassify to an appropriate degree classified information; or

''(B) release the information in a manner not requiring the removal of markings indicating the classified nature of the information.

''(3)(A) If a request for information under paragraph (2) covers classified information that cannot be declassified, cannot be removed before release from the information covered by the request, or cannot be summarized in a manner that prevents the release of classified information, the classified information shall be made available only to president of the board making the request and the counsel for the missing person appointed under subsection (f).

''(B) The president of a board shall close to persons who do not have appropriate security clearances the proceeding of the board at which classified information is discussed. Participants at a proceeding of a board at which classified information is discussed shall comply with all applicable laws and regulations relating to the disclosure of classified information. The Secretary concerned shall assist the president of a board in ensuring that classified information is not compromised through board proceedings.

''(k) Recommendation on Status.—(1) Upon completion of an inquiry under this subsection, a board shall make a recommendation as to the current whereabouts or status of each missing person covered by the inquiry.

''(2) A board may not recommend under paragraph (1) that a person be declared dead unless—

''(A) proof of death is established by the board; and

''(B) in making the recommendation, the board complies with section 1507 of this title.

''(l) Report.—A board appointed under this section shall submit to the Secretary of Defense a report on the inquiry carried out by the board, together with the evidence considered by the board during the inquiry. The report may include a classified annex.

''(m) Actions by Secretary.—(1) Not later than 30 days after the receipt of a report from a board under subsection (k), the Secretary shall review—

''(A) the report;

''(B) the review of the report submitted to the Secretary under subsection (f)(3) by the counsel for each person covered by the report; and

''(C) the objections, if any, to the report submitted to the president of the board under subsection (g)(6).

''(2) In reviewing a report under paragraph (1) (including the review and objections described in subparagraphs (A) and (B) of that paragraph), the Secretary shall determine whether or not the report is complete and free of administrative error. If the Secretary determines that the report is incomplete, or that the report is not free of administrative error, the Secretary may return the report to the board for further action on the report by the board.

''(3) Upon a determination by the Secretary that a report reviewed under this subsection is complete and free of administrative error, the Secretary shall make a determination concerning the status of each person covered by the report.

''(n) Report to Family Members and Other Interested Persons.—Not later than 90 days after the date on which a board submits a report on a person under subsection (l), the Secretary of Defense shall—

''(1) with respect to each missing person whose status or whereabouts are covered by the report, provide an unclassified summary of the report to the primary next of kin, the other members of the immediate family, and any other previously designated person; and

''(2) in the case of a person who continues to be in a missing status, inform each individual referred to in paragraph (1) that the United States will conduct a further investigation into the whereabouts or status of the person not later than three years after the date of the official notice of the disappearance of the person, unless information becomes available within that time that would result in a substantial change in the official status of the person.

“§1505. Further review

''(a) Subsequent Review.—(1) The Secretary shall conduct subsequent inquiries into the whereabouts or status of any person determined by the Secretary under section 1504 of this title to be in a missing status.

''(2) Subject to paragraph (4), the Secretary shall appoint a board to conduct an inquiry with respect to a person under this subsection—

''(A) on or about three years after the date of the official notice of the disappearance of the person; and

''(B) not later than every three years thereafter.

''(3) In addition to appointment of boards under paragraph (2), the Secretary shall appoint a board to conduct an inquiry with respect to a person under this subsection upon receipt of information that could result in a change or revision of status of a missing person. Whenever the Secretary appoints a board under this paragraph, the time for subsequent appointments of a board under paragraph (2)(B) shall be determined from the date of the receipt of such information.

''(4) The Secretary is not required to appoint a board under paragraph (2) with respect to the disappearance of any person—

''(A) more than 20 years after the initial report under section 1502 of this title of the disappearance of that person; or

''(B) if, before the end of such 20-year period, the missing person is accounted for.

''(b) Conduct of Proceedings.—The appointment of, and activities before, a board appointed under this section shall be governed by the provisions of section 1504 of this title with respect to a board appointed under that section.

"§1506. Personnel files

"(a) INFORMATION IN FILES.—Except as provided in subsection (b), the Secretary of the department having jurisdiction over a missing person at the time of the person's disappearance shall, to the maximum extent practicable, ensure that the personnel file of the person contains all information in the possession of the United States relating to the disappearance and whereabouts or status of the person.

"(b) CLASSIFIED INFORMATION.—(1) The Secretary concerned may withhold classified information from a personnel file under this section.

"(2) If the Secretary concerned withholds classified information from the personnel file of a person, the Secretary shall ensure that the file contains the following:

"(A) A notice that the withheld information exists.

"(B) A notice of the date of the most recent review of the classification of the withheld information.

"(c) WRONGFUL WITHHOLDING.—Any person who knowingly and willfully withholds from the personnel file of a missing person any information (other than classified information) relating to the disappearance or whereabouts or status of a missing person shall be fined as provided in title 18 or imprisoned not more than one year, or both.

"(d) AVAILABILITY OF INFORMATION.—The Secretary concerned shall, upon request, make available the contents of the personnel file of a missing person to the missing person's primary next of kin, the other members of the missing person's immediate family, or any other previously designated person of the missing person.

"§1507. Recommendation of status of death

"(a) REQUIREMENTS RELATING TO RECOMMENDATION.—A board appointed under section 1504 or 1505 of this title may not recommend that a person be declared dead unless—

"(1) credible evidence exists to suggest that the person is dead;

"(2) the United States possesses no credible evidence that suggests that the person is alive;

"(3) representatives of the United States have made a complete search of the area where the person was last seen (unless, after making a good faith effort to obtain access to such area, such representatives are not granted such access); and

"(4) representatives of the United States have examined the records of the government or entity having control over the area where the person was last seen (unless, after making a good faith effort to obtain access to such records, such representatives are not granted such access).

"(b) SUBMITTAL OF INFORMATION ON DEATH.—If a board appointed under section 1504 or 1505 of this title makes a recommendation that a missing person be declared dead, the board shall include in the report of the board with respect to the person under such section the following:

"(1) A detailed description of the location where the death occurred.

"(2) A statement of the date on which the death occurred.

"(3) A description of the location of the body, if recovered.

"(4) If the body has been recovered and is not identifiable through visual means, a certification by a practitioner of an appropriate forensic science that the body recovered is that of the missing person.

"§1508. Persons previously declared dead

"(a) REVIEW OF STATUS.—(1) Not later than three years after the date of the enactment of this chapter, a person referred to in paragraph (2) may submit to the Secretary of Defense a request for appointment by the Secretary of a board to review the status of a person previously declared dead, in a case in which the death is declared to have occurred on or after January 1, 1950.

"(2) A board shall be appointed under this section with respect to the death of any person based on the request of any of the following persons:

"(A) An adult member of the immediate family of the person previously declared dead.

"(B) An adult dependent of such person.

"(C) The primary next of kin of such person.

"(D) A person previously designated by such person.

"(3) A request under this paragraph shall be submitted to the Secretary of the department of the United States that had jurisdiction over the person covered by the request at the time of the person's disappearance.

"(b) APPOINTMENT OF BOARD.—Upon request of a person under subsection (a), the Secretary of Defense shall appoint a board to review the status of the person covered by the request.

"(c) DUTIES OF BOARD.—A board appointed under this section to review the status of a person shall—

"(1) conduct an investigation to determine the status of the person; and

"(2) issue a report describing the findings of the board under the investigation and the recommendations of the board as to the status of the person.

"(d) EFFECT OF CHANGE IN STATUS.—If a board appointed under this section recommends placing in a missing status a person previously declared dead, such person shall accrue no pay or allowances as a result of the placement of the person in such status.

"§1509. Return alive of person declared missing or dead

"(a) PAY AND ALLOWANCES.—Any person in a missing status or declared dead under the Missing Persons Act of 1942 (56 Stat. 143) or by a board appointed under this chapter who is found alive and returned to the control of the United States shall be paid for the full time of the absence of the person while given that status or declared dead under the law and regulations relating to the pay and allowances of persons returning from a missing status.

"(b) EFFECT ON GRATUITIES PAID AS A RESULT OF STATUS.—Subsection (a) shall not be interpreted to invalidate or otherwise affect the receipt by any person of a death gratuity or other payment from the United States on behalf of a person referred to in subsection (a) before the date of the enactment of this chapter.

"§1510. Effect on State law

"Nothing in this chapter shall be construed to invalidate or limit the power of any State court or administrative entity, or the power of any court or administrative entity of any political subdivision thereof, to find or declare a person dead for purposes of such State or political subdivision.

"§1511. Definitions

"In this chapter:

"(1) The term 'missing person' means—

"(A) a member of the armed forces on active duty who is missing; or

"(B) a civilian employee of the Department of Defense or of a contractor of the Department of Defense who is serving with or accompanying an armed force under orders and who is missing.

"(2) The term 'missing status' means the status of a missing person who is determined to be absent in a status of—

"(A) missing;

"(B) missing in action;

"(C) interned in a foreign country;

"(D) captured, beleaguered, or besieged by a hostile force; or

"(E) detained in a foreign country against that person's will.

"(3) The term 'accounted for', with respect to a person in a missing status, means that the person is returned to United States control alive, that the remains of the person are returned to the United States, or that credible evidence exists to support another determination of the person's status.

"(4) The term 'primary next of kin', in the case of a missing person, means—

"(A) the principal individual who, but for the status of the person, would receive financial support from the person; or

"(B) in the case of a missing person for whom there is no individual described in subparagraph (A), the family member or other individual designated by the missing person to receive a death gratuity.

"(5) The term 'member of the immediate family', in the case of a missing person, means the spouse or a child, parent, or sibling of the person.

"(6) The term 'previously designated person', in the case of a missing person, means an individual (other than an individual who is a member of the immediate family of the missing person) designated by the missing person under section 655 of this title for purposes of this chapter.

"(7) The term 'classified information' means any information the unauthorized disclosure of which (as determined under applicable law and regulations) could reasonably be expected to damage the national security.

"(8) The term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.".

(2) The tables of chapters at the beginning of subtitle A, and at the beginning of part II of subtitle A, of title 10, United States Code, are amended by inserting after the item relating to chapter 75 the following new item:

"76. Missing Persons .... 1501".

(c) CONFORMING AMENDMENTS.—Chapter 10 of title 37, United States Code, is amended as follows:

(1)(A) Section 555 is repealed.

(B) The table of sections at the beginning of such chapter is amended by striking out the item relating to section 555.

(2) Section 552 is amended—

(A) in subsection (a), by striking out "for all purposes," in the second sentence of the flush matter following paragraph (2) and all that follows through the end of the sentence and inserting in lieu thereof "for all purposes.";

(B) in subsection (b), by striking out paragraph (2) and inserting in lieu thereof the following:

"(2) that his death is determined under chapter 76 title 10."; and

(C) in subsection (e), by striking out "section 555 of this title" and inserting in lieu thereof "chapter 76 of title 10".

(3) Section 553 is amended—

(A) in subsection (f), by inserting "under chapter 76 of title 10" after "When the Secretary concerned";

(B) in subsection (f), by striking out "the Secretary concerned receives evidence" and inserting in lieu thereof "a board convened under chapter 76 of title 10 reports"; and

(C) in subsection (g), by striking out "section 555 of this title" and inserting "chapter 76 of title 10".

(4) Section 556 is amended—

(A) in subsection (a)—

(i) by striking paragraphs (1), (5), (6), and (7) and redesignating paragraphs (2), (3), and (4) as paragraphs (1), (2), and (3), respectively;

(ii) by inserting "and" at the end of paragraph (2), as so redesignated; and

(iii) by striking out the semicolon at the end of paragraph (3), as so redesignated, and inserting in lieu thereof a period;

(B) by striking out subsection (b) and redesignating subsections (c), (d), (e), (f), (g), and (h) as subsections (b), (c), (d), (e), (f), and (g), respectively; and

(C) in subsection (g), as so redesignated—

(i) by striking out the second sentence; and

(ii) by striking out "status" and inserting in lieu thereof "pay".

(5) Section 557(a)(1) is amended by striking out ", 553, and 555" and inserting in lieu thereof "and 553".

(6) Section 559(b)(4)(B) is amended by striking out "section 556(f)" and inserting in lieu thereof "section 556(e)".

(d) DESIGNATION OF INDIVIDUALS HAVING INTEREST IN STATUS OF SERVICE MEMBERS.—(1) Chapter 37 of title 10, United States Code, is amended by adding at the end the following new section:

"§655. Designation of persons having interest in status of missing persons

"(a) The Secretary concerned shall, upon the enlistment or appointment of a person in the Army, Navy, Air Force, or Marine Corps, require that the person specify in writing the person or persons, if any, to whom information on the whereabouts or status of the member shall be provided if such whereabouts or status are investigated under chapter 76 of this title. The Secretary shall periodically, and whenever the member is deployed as part of a contingency operation or in other circumstances specified by the Secretary, require that such designation be reconfirmed, or modified, by the member.

"(b) The Secretary concerned shall, upon the request of a member, permit the member to revise the person or persons specified by the member under subsection (a) at any time. Any such revision shall be in writing.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"655. Designation of persons having interest in status of missing persons.".

SEC. 564. NOMINATIONS TO SERVICE ACADEMIES FROM COMMONWEALTH OF THE NORTHERN MARIANAS ISLANDS.

(a) MILITARY ACADEMY.—Section 4342(a) of title 10, United States Code, is amended by inserting after paragraph (9) the following new paragraph:

"(10) One cadet from the Commonwealth of the Northern Marianas Islands, nominated by the resident representative from the commonwealth.".

(b) NAVAL ACADEMY.—Section 6954(a) of title 10, United States Code, is amended by inserting after paragraph (9) the following new paragraph:

"(10) One from the Commonwealth of the Northern Marianas Islands, nominated by the resident representative from the commonwealth.".

(c) AIR FORCE ACADEMY.—Section 9342(a) of title 10, United States Code, is amended by inserting after paragraph (9) the following new paragraph:

"(10) One cadet from the Commonwealth of the Northern Marianas Islands, nominated by the resident representative from the commonwealth.".

SEC. 565. REPORT ON THE CONSISTENCY OF REPORTING OF FINGERPRINT CARDS AND FINAL DISPOSITION FORMS TO THE FEDERAL BUREAU OF INVESTIGATION.

(a) REPORT.—The Secretary of Defense shall submit to Congress a report on the consistency with which fingerprint cards and final disposition forms, as described in Criminal Investigations Policy Memorandum 10 issued by the Defense Inspector General on March 25, 1987, are reported by the Defense Criminal Investigative Organizations to the Federal Bureau of Investigation for inclusion in the Bureau's criminal history identification files.

(b) MATTERS TO BE INCLUDED.—In the report, the Secretary shall—

(1) survey fingerprint cards and final disposition forms filled out in the past 24 months by each investigative organization;

(2) compare the fingerprint cards and final disposition forms filled out to all judicial and nonjudicial procedures initiated as a result of actions taken by each investigative service in the past 24 months;

(3) account for any discrepancies between the forms filled out and the judicial and nonjudicial procedures initiated;

(4) compare the fingerprint cards and final disposition forms filled out with the information held by the Federal Bureau of Investigation criminal history identification files;

(5) identify any weaknesses in the collection of fingerprint cards and final disposition forms and in the reporting of that information to the Federal Bureau of Investigation; and

(6) determine whether or not other law enforcement activities of the military services collect and report such information or, if not, should collect and report such information.

(c) SUBMISSION OF REPORT.—The report shall be submitted not later than 180 days after the date of the enactment of this Act.

(d) DEFINITION.—For the purposes of this section, the term "criminal history identification files", with respect to the Federal Bureau of Investigation, means the criminal history record system maintained by the Federal Bureau of Investigation based on fingerprint identification and any other method of positive identification.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

SEC. 601. MILITARY PAY RAISE FOR FISCAL YEAR 1996.

(a) WAIVER OF SECTION 1009 ADJUSTMENT.—Any adjustment required by section 1009 of title 37, United States Code, in elements of compensation of members of the uniformed services to become effective during fiscal year 1996 shall not be made.

(b) INCREASE IN BASIC PAY AND BAS.—Effective on January 1, 1996, the rates of basic pay and basic allowance for subsistence of members of the uniformed services are increased by 2.4 percent.

(c) INCREASE IN BAQ.—Effective on January 1, 1996, the rates of basic allowance for quarters of members of the uniformed services are increased by 5.2 percent.

(d) UNIFORMED SERVICES DEFINED.—For purposes of this section, the term "uniformed services" does not include the National Oceanic and Atmospheric Administration.

SEC. 602. LIMITATION ON BASIC ALLOWANCE FOR SUBSISTENCE FOR MEMBERS WITHOUT DEPENDENTS RESIDING IN GOVERNMENT QUARTERS.

(a) PERCENTAGE LIMITATION.—Subsection (b) of section 402 of title 37, United States Code, is amended by adding after the last sentence the following new paragraph:

"(4) In the case of members of the Army, Navy, Air Force, or Marine Corps who, when present at their permanent duty station, reside without dependents in Government quarters, the Secretary concerned may not provide a basic allowance for subsistence to more than 12 percent of such members under the jurisdiction of the Secretary concerned. The Secretary concerned may exceed such percentage during a fiscal year if the Secretary determines that compliance would increase costs to the Government, would impose financial hardships on members otherwise entitled to a basic allowance for subsistence, or would reduce the quality of life for such members. This paragraph shall not apply to members described in the first sentence when the members are not residing at their permanent duty station. The percentage limitation specified in this paragraph shall be achieved as soon as possible after the date of the enactment of this paragraph, but in no case later than September 30, 1996.".

(b) STYLISTIC AMENDMENTS.—Such subsection is further amended—

(1) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C);

(2) by inserting "(1)" after "(b)";

(3) by designating the second sentence as paragraph (2); and

(4) by designating the fifth sentence as paragraph (3).

(c) CONFORMING AMENDMENTS.—(1) Subsection (e) of such section is amended—

(A) in paragraph (1), by striking out "the third sentence of subsection (b)" and inserting in lieu thereof "subsection (b)(2)"; and

(B) in paragraph (2), by striking out "subsection (b)" and inserting in lieu thereof "subsection (b)(2)".

(2) Section 1012 of title 37, United States Code, is amended by striking out "the last sentence of section 402(b)" and inserting in lieu thereof "section 402(b)(3)".

(d) REPORT REQUIRED.—Not later than March 31, 1996, the Secretary of Defense shall submit to Congress a report identifying, for the Army, Navy, Air Force, and the Marine Corps—

(1) the number of members without dependents who reside in Government quarters at their permanent duty stations and receive a basic allowance for subsistence under section 402 of title 37, United States Code;

(2) such number as a percentage of the total number of members without dependents who reside in Government quarters;

(3) a recommended maximum percentage of members without dependents who reside in Government quarters at their permanent duty station and should receive a basic allowance for subsistence; and

(4) the reasons such maximum percentage was selected.

SEC. 603. AUTHORIZATION OF PAYMENT OF BASIC ALLOWANCE FOR QUARTERS TO ADDITIONAL MEMBERS ASSIGNED TO SEA DUTY.

(a) EXPANSION OF ELIGIBLE MEMBERS.—Section 403(c)(2) of title 37, United States Code, is amended—

(1) in the first sentence, by striking out "E–7" and inserting in lieu thereof "E–6"; and

(2) in the second sentence, by striking out "E–6" and inserting in lieu thereof "E–5".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on July 1, 1996.

SEC. 604. ESTABLISHMENT OF MINIMUM AMOUNTS OF VARIABLE HOUSING ALLOWANCE FOR HIGH HOUSING COST AREAS AND ADDITIONAL LIMITATION ON REDUCTION OF ALLOWANCE FOR CERTAIN MEMBERS.

(a) MINIMUM AMOUNTS OF VHA.—Subsection (c) of section 403a of title 37, United States Code, is amended by striking out paragraph (1) and inserting in lieu thereof the following new paragraph:

"(1) The monthly amount of a variable housing allowance under this section for a member of a uniformed service with respect to an area is equal to the greater of the following:

"(A) An amount equal to the difference between—

"(i) the median monthly cost of housing in that area for members of the uniformed services serving in the same pay grade and with the same dependency status as that member; and

"(ii) 80 percent of the median monthly cost of housing in the United States for members of the uniformed services serving in the same pay grade and with the same dependency status as that member.

"(B) An amount determined by the Secretary of Defense as the minimum necessary to meet the cost of adequate housing in that area, as determined by the Secretary, for all residents in that area with an appropriate income level selected by the Secretary.".

(b) Limitation on Reduction in VHA.—Paragraph (3) of such subsection is amended by adding at the end the following new sentence: "However, on and after January 1, 1996, the monthly amount of a variable housing allowance under this section for a member of a uniformed service with respect to an area may not be reduced so long as the member retains uninterrupted eligibility to receive a variable housing allowance within that area and the member's certified housing costs are not reduced, as indicated by certifications provided by the member under subsection (b)(4).".

(c) Effect on Total Amount Available for VHA.—Subsection (d)(3) of such section is amended by inserting after the first sentence the following new sentence: "In addition, the total amount determined under paragraph (1) shall be adjusted to ensure that sufficient amounts are available to allow payment of any additional variable housing allowance necessary as a result of paragraph (1)(B) and the requirements of the second sentence of paragraph (3)."

(d) Conforming Amendments.—Subsection (c) of such section is further amended—

(1) in paragraph (3), as amended by subsection (b), by striking out "this subsection" and inserting in lieu thereof "paragraph (1)(A) or minimum levels of variable housing allowances under paragraph (1)(B)"; and

(2) in paragraph (5), by inserting "or minimum levels of variable housing allowances" after "costs of housing".

(e) Delayed Implementation of Minimum Amounts of VHA.—Subsection (c)(1)(B) of section 403a of title 37, United States Code, as added by subsection (a), shall be used to determine the monthly amount of a variable housing allowance under such section for members of the uniformed services only for months beginning after June 30, 1996.

(f) Report on Implementation.—Not later than June 1, 1996, the Secretary of Defense shall submit to Congress a report describing the procedures to be used to implement the amendments made by this section and the costs of such amendments.

SEC. 605. CLARIFICATION OF LIMITATION ON RECEIPT OF FAMILY SEPARATION ALLOWANCE.

Section 427(b)(4) of title 37, United States Code, is amended by inserting before the period at the end of the first sentence the following: "unless such entitlement is based on paragraph (1)(B)".

Subtitle B—Bonuses and Special and Incentive Pays

SEC. 611. EXTENSION OF CERTAIN BONUSES FOR RESERVE FORCES.

(a) Selected Reserve Reenlistment Bonus.—Section 308b(f) of title 37, United States Code, is amended by striking out "September 30, 1996" and inserting in lieu thereof "September 30, 1998".

(b) Selected Reserve Enlistment Bonus.—Section 308c(e) of such title is amended by striking out "September 30, 1996" and inserting in lieu thereof "September 30, 1998".

(c) Selected Reserve Affiliation Bonus.—Section 308e(e) of such title is amended by striking out "September 30, 1996" and inserting in lieu thereof "September 30, 1998".

(d) Ready Reserve Enlistment and Reenlistment Bonus.—Section 308h(g) of such title is amended by striking out "September 30, 1996" and inserting in lieu thereof "September 30, 1998".

(e) Prior Service Enlistment Bonus.—Section 308i(i) of such title is amended by striking out "September 30, 1996" and inserting in lieu thereof "September 30, 1998".

SEC. 612. EXTENSION OF CERTAIN BONUSES AND SPECIAL PAY FOR NURSE OFFICER CANDIDATES, REGISTERED NURSES, AND NURSE ANESTHETISTS.

(a) Nurse Officer Candidate Accession Program.—Section 2130a(a)(1) of title 10, United States Code, is amended by striking out "September 30, 1996" and inserting in lieu thereof "September 30, 1998".

(b) Accession Bonus for Registered Nurses.—Section 302d(a)(1) of title 37, United States Code, is amended by striking out "September 30, 1996" and inserting in lieu thereof "September 30, 1998".

(c) Incentive Special Pay for Nurse Anesthetists.—Section 302e(a)(1) of title 37, United States Code, is amended by striking out "September 30, 1996" and inserting in lieu thereof "September 30, 1998".

SEC. 613. EXTENSION OF AUTHORITY RELATING TO PAYMENT OF OTHER BONUSES AND SPECIAL PAYS.

(a) Aviation Officer Retention Bonus.—Section 301b(a) of title 37, United States Code, is amended by striking out "September 30, 1995" and inserting in lieu thereof "September 30, 1998".

(b) Reenlistment Bonus for Active Members.—Section 308(g) of such title is amended by striking out "September 30, 1996" and inserting in lieu thereof "September 30, 1998".

(c) Enlistment Bonuses for Critical Skills.—Sections 308a(c) and 308f(c) of such title are each amended by striking out "September 30, 1996" and inserting in lieu thereof "September 30, 1998".

(d) Special Pay for Enlisted Members of the Selected Reserve Assigned to Certain High Priority Units.—Section 308d(c) of such title is amended by striking out "September 30, 1996" and inserting in lieu thereof "September 30, 1998".

(e) Special Pay for Nuclear-Qualified Officers Extending Period of Active Service.—Section 312(e) of such title is amended by striking out "September 30, 1996" and inserting in lieu thereof "September 30, 1998".

(f) Nuclear Career Accession Bonus.—Section 312b(c) of such title is amended by striking out "September 30, 1996" and inserting in lieu thereof "September 30, 1998".

(g) Nuclear Career Annual Incentive Bonus.—Section 312c(d) of such title is amended by striking out "October 1, 1996' and inserting in lieu thereof "October 1, 1998".

(h) Repayment of Education Loans for Certain Health Professionals Who Serve in the Selected Reserve.—Section 16302(d) of title 10, United States Code, is amended by striking out "October 1, 1996" and inserting in lieu thereof "October 1, 1998".

SEC. 614. CODIFICATION AND EXTENSION OF SPECIAL PAY FOR CRITICALLY SHORT WARTIME HEALTH SPECIALISTS IN THE SELECTED RESERVES.

(a) Special Pay Authorized.—(1) Chapter 5 of title 37, United States Code, is amended by inserting after section 302f the following new section:

"§302g. Special pay: Selected Reserve health care professionals in critically short wartime specialties

"(a) Special Pay Authorized.—An officer of a reserve component of the armed forces described in subsection (b) who executes a written agreement under which the officer agrees to serve in the Selected Reserve of an armed force for a period of not less than one year nor more than three years, beginning on the date the officer accepts the award of special pay under this section, may be paid special pay at an annual rate not to exceed $10,000.

"(b) Eligible Officers.—An officer referred to in subsection (a) is an officer in a health care profession who is qualified in a specialty designated by regulations as a critically short wartime specialty.

"(c) Time for Payment.—Special pay under this section shall be paid annually at the beginning of each twelve-month period for which the officer has agreed to serve.

"(d) Refund Requirement.—An officer who voluntarily terminates service in the Selected Reserve of an armed force before the end of the period for which a payment was made to such officer under this section shall refund to the United States the full amount of the payment made for the period on which the payment was based.

"(e) Inapplicability of Discharge in Bankruptcy.—A discharge in bankruptcy under title 11 that is entered less than five years after the termination of an agreement under this section does not discharge the person receiving special pay under the agreement from the debt arising under the agreement.

"(f) Termination of Agreement Authority.—No agreement under this section may be entered into after September 30, 1998.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 302f the following new item:

"302g. Special pay: Selected Reserve health care professionals in critically short wartime specialties.".

(b) Conforming Amendment.—Section 303a of title 37, United States Code is amended by striking out "302, 302a, 302b, 302c, 302d, 302e," each place it appears and inserting in lieu thereof "302 through 302g,".

(c) Conforming Repeal.—(1) Section 613 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100–456; 37 U.S.C. 302 note) is repealed.

(2) The repeal of section 613 of the National Defense Authorization Act, Fiscal Year 1989, by paragraph (1) shall not affect the validity or terms of any agreement entered into under such section before the date of the enactment of this Act.

SEC. 615. CHANGE IN ELIGIBILITY REQUIREMENTS FOR CONTINUOUS MONTHLY AVIATION INCENTIVE PAY.

(a) Lower Incentive Pay Gate.—Section 301a(a)(4) of title 37, United States Code, is amended by striking out "9" in the first sentence and inserting in lieu thereof "8".

(b) Effective Date.—The amendment made by subsection (a) shall take effect on October 1, 1995.

SEC. 616. CONTINUOUS ENTITLEMENT TO CAREER SEA PAY FOR CREWMEMBERS OF SHIPS DESIGNATED AS TENDERS.

(a) Continuous Entitlement.—Section 305a(d)(1)(A) of title 37, United States Code, is amended—

(1) by striking out "or" after "under way" and inserting in lieu thereof a comma; and

(2) by inserting before the semicolon at the end the following: ", or while serving as a member of a tender-class ship (with the hull classification of submarine or destroyer)".

(b) Effective Date.—The amendments made by subsection (a) shall take effect on October 1, 1995.

SEC. 617. INCREASE IN MAXIMUM RATE OF SPECIAL DUTY ASSIGNMENT PAY FOR ENLISTED MEMBERS SERVING AS RECRUITERS.

(a) Special Maximum Rate for Recruiters.—Section 307(a) of title 37, United States Code, is amended by adding at the end the following new sentence: "In the case of a member *who is serving as a military recruiter and is eligible for special duty assignment pay under this subsection on account of such duty, the Secretary concerned may increase the monthly rate of special duty assignment pay for the member to not more than $375.".*

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on January 1, 1996.

Subtitle C—Travel and Transportation Allowances

SEC. 621. AUTHORIZATION OF RETURN TO UNITED STATES OF FORMERLY DEPENDENT CHILDREN OF MEMBERS.

(a) RETURN AT GOVERNMENT EXPENSE.—Section 406(h)(1) of title 37, United States Code, is amended in the last sentence—

(1) by striking out "who became 21 years of age" and inserting in lieu thereof "who, by reason of age or graduation from (or cessation of enrollment in) an institution of higher education, would otherwise cease to be a dependent of the member"; and

(2) by inserting "still" after "shall".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1995.

SEC. 622. AUTHORIZATION OF DISLOCATION ALLOWANCE FOR MOVES IN CONNECTION WITH BASE REALIGNMENTS AND CLOSURES.

(a) DISLOCATION ALLOWANCE AUTHORIZED.—Subsection (a) of section 407 of title 37, United States Code, is amended—

(1) by striking out "or" at the end of paragraph (3);

(2) by striking out the period at the end of paragraph (4)(B) and inserting in lieu thereof "; or"; and

(3) by inserting after paragraph (4)(B) the following new paragraph:

"(5) the member's dependents actually make an authorized move in connection with the member's directed order to move as a result of the closure or realignment of a military installation.".

(b) CONFORMING AMENDMENTS.—Such section is further amended—

(1) in the sentence following subsection (a)(4)—

(A) by striking out "clause (3) or (4)(B)" and inserting in lieu thereof "paragraph (3) or (4)(B)"; and

(B) by striking out "clause (1)" and inserting in lieu thereof "paragraph (1) or (5)";

(2) in subsection (b)—

(A) by striking out "subsection (a)(3) or (a)(4)(B)" and inserting in lieu thereof "paragraph (3) or (4)(B) of subsection (a)"; and

(B) by striking out "subsection (a)(1)" and inserting in lieu thereof "paragraph (1) or (5) of subsection (a)".

Subtitle D—Other Matters

SEC. 631. ELIMINATION OF UNNECESSARY ANNUAL REPORTING REQUIREMENTS REGARDING COMPENSATION MATTERS.

(a) REPORT ON TRAVEL AND TRANSPORTATION ALLOWANCES FOR DEPENDENTS.—(1) Section 406 of title 37, United States Code, is amended—

(A) by striking out subsection (i); and

(B) by redesignating subsections (j), (k), (l), (m), and (n) as subsections (i), (j), (k), (l), and (m), respectively.

(2) Section 2634(d) of title 10, United States Code, is amended by striking out "section 406(l) of title 37" and inserting in lieu thereof "section 406(k) of title 37".

(b) ANNUAL REVIEW OF PAY AND ALLOWANCES.—Subsection (a) of section 1008 of title 37, United States Code, is amended to read as follows:

"(a) Not later than March 31 of each year, the President shall submit to Congress such recommendations (if any) as the President considers appropriate for adjustments in the rates of pay and allowances authorized by this title for members of the uniformed services.".

SEC. 632. STUDY REGARDING JOINT PROCESS FOR DETERMINING LOCATION OF RECRUITING STATIONS.

(a) STUDY REQUIRED.—The Secretary of Defense shall conduct a study regarding the feasibility of—

(1) using a joint process among the Armed Forces for determining the location of recruiting stations and the number of military personnel required to operate such stations; and

(2) basing such determinations on market research and analysis conducted jointly by the Armed Forces.

(b) REPORT.—Not later than March 31, 1996, the Secretary of Defense shall submit to Congress a report describing the results of the study. The report shall include a recommended method for measuring the efficiency of individual recruiting stations, such as cost per accession or other efficiency standard, as determined by the Secretary.

SEC. 633. ELIMINATION OF DISPARITY BETWEEN EFFECTIVE DATES FOR MILITARY AND CIVILIAN RETIREE COST-OF-LIVING ADJUSTMENTS FOR FISCAL YEAR 1996.

(a) IN GENERAL.—The fiscal year 1996 increase in military retired pay shall (notwithstanding subparagraph (B) of section 1401a(b)(2) of title 10, United States Code) first be payable as part of such retired pay for the month of March 1996.

(b) DEFINITIONS.—For the purposes of subsection (a):

(1) The term "fiscal year 1996 increase in military retired pay" means the increase in retired pay that, pursuant to paragraph (1) of section 1401a(b) of title 10, United States Code, becomes effective on December 1, 1995.

(2) The term "retired pay" includes retainer pay.

(c) LIMITATION.—Subsection (a) shall be effective only if there is appropriated to the Department of Defense Military Retirement Fund (in an Act making appropriations for the Department of Defense for fiscal year 1996 that is enacted before March 1, 1996) such amount as is necessary to offset increased outlays to be made from that fund during fiscal year 1996 by reason of the provisions of subsection (a).

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for fiscal year 1996 to the Department of Defense Military Retirement Fund the sum of $403,000,000 to offset increased outlays to be made from that fund during fiscal year 1996 by reason of the provisions of subsection (a).

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—Health Care Services

SEC. 701. MODIFICATION OF REQUIREMENTS REGARDING ROUTINE PHYSICAL EXAMINATIONS AND IMMUNIZATIONS UNDER CHAMPUS.

Section 1079(a) of title 10, United States Code, is amended by striking out paragraph (2) and inserting in lieu thereof the following new paragraph:

"(2) consistent with such regulations as the Secretary of Defense may prescribe regarding the content of health promotion and disease prevention visits, the schedule of pap smears and mammograms, and the types and schedule of immunizations—

"(A) for dependents under six years of age, both health promotion and disease prevention visits and immunizations may be provided; and

"(B) for dependents six years of age or older, health promotion and disease prevention visits may be provided in connection with immunizations or with diagnostic or preventive pap smears and mammograms;".

SEC. 702. CORRECTION OF INEQUITIES IN MEDICAL AND DENTAL CARE AND DEATH AND DISABILITY BENEFITS FOR CERTAIN RESERVISTS.

(a) MEDICAL AND DENTAL CARE.—Section 1074a(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(3) Each member of the armed forces who incurs or aggravates an injury, illness, or disease in the line of duty while remaining overnight, between successive periods of inactive-duty training, at or in the vicinity of the site of the inactive-duty training, and the site is outside reasonable commuting distance from the member's residence.".

(b) RECOVERY, CARE, AND DISPOSITION OF REMAINS.—Section 1481(a)(2) of title 10, United States Code, is amended—

(1) in subparagraph (C), by striking out "or" at the end of the subparagraph;

(2) by redesignating subparagraph (D) as subparagraph (E); and

(3) by inserting after subparagraph (C) the following new subparagraph:

"(D) remaining overnight, between successive periods of inactive-duty training, at or in the vicinity of the site of the inactive-duty training, and the site is outside reasonable commuting distance from the member's residence; or".

(c) ENTITLEMENT TO BASIC PAY.—(1) Subsection (g)(1) of section 204 of title 37, United States Code, is amended—

(A) in subparagraph (B), by striking out "or" at the end of the subparagraph;

(B) in subparagraph (C), by striking out the period at the end of the subparagraph and inserting in lieu thereof "; or"; and

(C) by inserting after subparagraph (C) the following new subparagraph:

"(D) in line of duty while remaining overnight, between successive periods of inactive-duty training, at or in the vicinity of the site of the inactive-duty training, and the site is outside reasonable commuting distance from the member's residence.".

(2) Subsection (h)(1) of such section is amended—

(A) in subparagraph (B), by striking out "or" at the end of the subparagraph;

(B) in subparagraph (C), by striking out the period at the end of the subparagraph and inserting in lieu thereof "; or"; and

(C) by inserting after subparagraph (C) the following new subparagraph:

"(D) in line of duty while remaining overnight, between successive periods of inactive-duty training, at or in the vicinity of the site of the inactive-duty training, and the site is outside reasonable commuting distance from the member's residence.".

(d) COMPENSATION FOR INACTIVE-DUTY TRAINING.—Section 206(a)(3) of title 37, United States Code, is amended—

(1) in subparagraph (A), by striking out "or" at the end of clause (ii);

(2) in subparagraph (B), by striking out the period at the end of the subparagraph and inserting in lieu thereof "; or"; and

(3) by inserting after subparagraph (B) the following new subparagraph:

"(C) in line of duty while remaining overnight, between successive periods of inactive-duty training, at or in the vicinity of the site of the inactive-duty training, and the site is outside reasonable commuting distance from the member's residence.".

SEC. 703. MEDICAL AND DENTAL CARE FOR MEMBERS OF THE SELECTED RESERVE.

(a) MEMBERS OF EARLY DEPLOYING UNITS OF THE ARMY SELECTED RESERVE.—Section 1074a of title 10, United States Code, is amended—

(1) in subsection (c), by striking out "this section" and inserting in lieu thereof "subsection (b)"; and

(2) by adding at the end the following new subsection:

"(d)(1) The Secretary of the Army shall provide to members of the Selected Reserve of the Army who are assigned to units scheduled for deployment within 75 days after mobilization the following medical and dental services:

"(A) An annual medical screening.

"(B) For members who are over 40 years of age, a full physical examination not less often than once every two years.

"(C) An annual dental screening.

"(D) The dental care identified in an annual dental screening as required to ensure that a member meets the dental standards required for deployment in the event of mobilization.

"(2) The services provided under this subsection shall be provided at no cost to the member.".

(b) VOLUNTARY DEMONSTRATION PROGRAM TO IMPROVE DENTAL READINESS OF SELECTED RESERVE.—(1) For members of the Selected Reserve who are not covered by subsection (a), the Secretary of Defense shall conduct a demonstration program to offer such members affordable dental care for the purpose of ensuring that such members meet the dental standards required for deployment in the event of mobilization. The Secretary shall determine the geographical scope of the demonstration program and the number of members of the Selected Reserve who will be invited to participate in the program. However, participation in the demonstration program shall be offered to the members of at least one ground combat maneuver unit of the Selected Reserve of the Army scheduled for deployment within 90 days after mobilization.

(2) The Secretary may model the dental demonstration program after the dependents' dental program authorized under section 1076a of title 10, United States Code, except that participants in the demonstration program shall be responsible for all costs incurred to provide dental care under the program. The Secretary shall provide for allotment or deduction from the military pay of participants as a means to pay any premiums required under the demonstration program.

(3) The authority to carry out the dental demonstration program under this subsection shall expire on September 30, 1997.

(c) EVALUATION OF DEMONSTRATION PROGRAM.—Not later than March 1, 1997, the Secretary shall submit to Congress a report evaluating the success of the dental demonstration program conducted under subsection (b) in improving the dental readiness of the Selected Reserve. The Secretary shall submit a revised report under this subsection not later than 30 days after the expiration of the demonstration program.

(d) CONFORMING REPEALS.—Sections 1117 and 1118 of the Army National Guard Combat Readiness Reform Act of 1992 (title XI of Public Law 102–484; 10 U.S.C. 3077 note) are repealed.

Subtitle B—TRICARE Program

SEC. 711. PRIORITY USE OF MILITARY TREATMENT FACILITIES FOR PERSONS ENROLLED IN MANAGED CARE INITIATIVES.

Section 1097(c) of title 10, United States Code, is amended in the third sentence by striking out "However, the Secretary may" and inserting in lieu thereof "Notwithstanding the preferences established by sections 1074(b) and 1076 of this title, the Secretary shall".

SEC. 712. STAGGERED PAYMENT OF ENROLLMENT FEES FOR TRICARE.

Section 1097(e) of title 10, United States Code, is amended by adding at the end the following new sentence: "Without imposing additional costs on covered beneficiaries who participate in contracts for health care services under this section or health care plans offered under section 1099 of this title, the Secretary shall permit such covered beneficiaries to pay, on a monthly or quarterly basis, any enrollment fee required for such participation.".

SEC. 713. REQUIREMENT OF BUDGET NEUTRALITY FOR TRICARE TO BE BASED ON ENTIRE PROGRAM.

(a) CHANGE IN BUDGET NEUTRALITY REQUIREMENTS.—Subsection (c) of section 731 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 10 U.S.C. 1073 note) is amended—

(1) by striking out "each managed health care initiative that includes the option" and inserting in lieu thereof "the TRICARE program"; and

(2) by striking out "covered beneficiaries who enroll in the option" and inserting in lieu thereof "members of the uniformed services and covered beneficiaries who participate in the TRICARE program".

(b) ADDITION OF DEFINITION OF TRICARE PROGRAM.—Subsection (d) of such section is amended to read as follows:

"(d) DEFINITIONS.—For purposes of this section:

"(1) The term 'covered beneficiary' means a beneficiary under chapter 55 of title 10, United States Code, other than a beneficiary under section 1074(a) of such title.

"(2) The term 'TRICARE program' means the managed health care program that is established by the Secretary of Defense under the authority of chapter 55 of title 10, United States Code, principally section 1097 of such title, and includes the competitive selection of contractors to financially underwrite the delivery of health care services under the Civilian Health and Medical Program of the Uniformed Services.".

SEC. 714. TRAINING IN HEALTH CARE MANAGEMENT AND ADMINISTRATION FOR TRICARE LEAD AGENTS.

(a) PROVISION OF TRAINING.—Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall implement a professional educational program to provide appropriate training in health care management and administration to each commander of a military medical treatment facility of the Department of Defense who is selected to serve as a lead agent to coordinate the delivery of health care by military and civilian providers under the TRICARE program.

(b) TRICARE PROGRAM DEFINED.—For purposes of this section, the term "TRICARE program" means the managed health care program that is established by the Secretary of Defense under the authority of chapter 55 of title 10, United States Code, principally section 1097 of such title, and includes the competitive selection of contractors to financially underwrite the delivery of health care services under the Civilian Health and Medical Program of the Uniformed Services.

(c) REPORT ON IMPLEMENTATION.—Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report describing the professional educational program implemented pursuant to this section.

SEC. 715. EVALUATION AND REPORT ON TRICARE EFFECTIVENESS.

(a) EVALUATION REQUIRED.—The Secretary of Defense shall arrange for an on-going evaluation of the effectiveness of the TRICARE program in meeting the goals of increasing the access of covered beneficiaries under chapter 55 of title 10, United States Code, to health care and improving the quality of health care provided to covered beneficiaries, without increasing the costs incurred by the Government or covered beneficiaries. The evaluation shall specifically address the impact of the TRICARE program on military retirees with regard to access, costs, and quality of health care services and identify noncatchment areas in which the HMO option of the TRICARE program will be available. The Secretary shall use a federally funded research and development center to conduct the evaluation required by this section.

(b) ANNUAL REPORT.—Not later than March 1 of each year, the center conducting the evaluation under subsection (a) shall submit to Congress a report describing the results of the evaluation during the preceding year.

(c) TRICARE PROGRAM DEFINED.—For purposes of this section, the term "TRICARE program" means the managed health care program that is established by the Secretary of Defense under the authority of chapter 55 of title 10, United States Code, principally section 1097 of such title, and includes the competitive selection of contractors to financially underwrite the delivery of health care services under the Civilian Health and Medical Program of the Uniformed Services.

Subtitle C—Uniformed Services Treatment Facilities

SEC. 721. LIMITATION ON EXPENDITURES TO SUPPORT UNIFORMED SERVICES TREATMENT FACILITIES AND LIMITATION ON NUMBER OF PARTICIPANTS IN USTF MANAGED CARE PLANS.

Subsection (f) of section 1252 of the Department of Defense Authorization Act, 1984 (42 U.S.C. 248d), is amended to read as follows:

"(f) LIMITATION ON EXPENDITURES AND PARTICIPANTS.—(1) The total amount of expenditures by the Secretary of Defense to carry out this section and section 911 of the Military Construction Authorization Act, 1982 (42 U.S.C. 248c), for fiscal year 1996 may not exceed $300,000,000, adjusted by the Secretary to reflect the inflation factor used by the Department of Defense for such year.

"(2) During fiscal year 1996, the number of covered beneficiaries under chapter 55 of title 10, United States Code (including covered beneficiaries described in section 1086(d)(1) of such title), who are enrolled in managed care plans offered by facilities described in subsection (a) and designated under subsection (c) may not exceed the number of such covered beneficiaries so enrolled as of September 30, 1995.".

SEC. 722. APPLICATION OF FEDERAL ACQUISITION REGULATION TO PARTICIPATION AGREEMENTS WITH UNIFORMED SERVICES TREATMENT FACILITIES.

Section 718(c) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1587) is amended—

(1) in the second sentence of paragraph (1), by striking out "A participation agreement" and inserting in lieu thereof "Except as provided in paragraph (4), a participation agreement";

(2) by redesignating paragraph (4) as paragraph (6); and

(3) by inserting after paragraph (3) the following new paragraph:

"(4) APPLICATION OF FEDERAL ACQUISITION REGULATION.—On and after the date of the enactment of this paragraph, Uniformed Services Treatment Facilities and any participation agreement between Uniformed Services Treatment Facilities and the Secretary of Defense shall be subject to the Federal Acquisition Regulation issued pursuant to section 25(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 421(c)) notwithstanding any provision to the contrary in such a participation agreement. The requirements regarding competition in the Federal Acquisition Regulation shall apply with regard to the negotiation of any new participation agreement between the Uniformed Services Treatment Facilities and the Secretary of Defense under this subsection or any other provision of law.".

SEC. 723. DEVELOPMENT OF PLAN FOR INTEGRATING UNIFORMED SERVICES TREATMENT FACILITIES IN MANAGED CARE PROGRAMS OF DEPARTMENT OF DEFENSE.

Section 718(c) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1587) is amended by inserting after paragraph (4), as added by section 722, the following new paragraph:

"(5) PLAN FOR INTEGRATING FACILITIES.—(A) Not later than March 1, 1996, the Secretary of Defense shall submit to Congress a plan under which Uniformed Services Treatment Facilities, on or before September 30, 1997, shall be included in the exclusive health care provider networks established by the Secretary for the geographic regions in which the facilities are located. The Secretary shall address in the plan the feasibility of implementing the managed care plan of the Uniformed Services Treatment Facilities, known as Option II, on a mandatory basis for all USTF Medicare-eligible beneficiaries and the potential cost savings to the Military Health Care Program that could be achieved under such option.

"(B) The plan developed under this paragraph shall be consistent with the requirements specified in paragraph (4). If the plan is not submitted to Congress by the expiration date of the participation agreements entered into under this section, the participation agreements shall remain in effect, at the option of the Uniformed Services Treatment Facilities, until the end of the 180-day period beginning on the date the plan is finally submitted.

"(C) For purposes of this paragraph, the term 'USTF Medicare-eligible beneficiaries' means covered beneficiaries under chapter 55 of title 10, United States Code, who are enrolled in a managed health plan offered by the Uniformed Services Treatment Facilities and entitled to hospital insurance benefits under part A of title XVIII of the Social Security Act (42 U.S.C. 1395c et seq.).".

SEC. 724. EQUITABLE IMPLEMENTATION OF UNIFORM COST SHARING REQUIREMENTS FOR UNIFORMED SERVICES TREATMENT FACILITIES.

The uniform managed care benefit fee and copayment schedule developed by the Secretary of Defense for use in all managed care initiatives of the military health service system, including the managed care program of the Uniformed Services Treatment Facilities, shall be extended to the managed care program of a Uniformed Services Treatment Facility only upon the implementation of the TRICARE regional program covering the service area of the Uniformed Services Treatment Facility.

Subtitle D—Other Changes to Existing Laws Regarding Health Care Management

SEC. 731. MAXIMUM ALLOWABLE PAYMENTS TO INDIVIDUAL HEALTH-CARE PROVIDERS UNDER CHAMPUS.

(a) MAXIMUM PAYMENT.—Subsection (h) of section 1079 of title 10, United States Code, is amended by striking out paragraph (1) and inserting in lieu thereof the following new paragraph:

"(1) Payment for a charge for services by an individual health care professional (or other noninstitutional health care provider) for which a claim is submitted under a plan contracted for under subsection (a) may not exceed the lesser of—

"(A) an amount equivalent to the 80th percentile of billed charges made for similar services in the same locality during a 12-month base period; or

"(B) an amount determined to be appropriate, to the extent practicable, in accordance with the same reimbursement rules as apply to payments for similar services under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).".

(b) COMPARISON TO MEDICARE PAYMENTS.—Such subsection is further amended by adding at the end the following new paragraph:

"(3) For the purposes of paragraph (1)(B), the appropriate payment amount shall be determined by the Secretary of Defense, in consultation with the other administering Secretaries.".

(c) EXCEPTIONS AND LIMITATIONS.—Such subsection is further amended by inserting after paragraph (3), as added by subsection (b), the following new paragraphs:

"(4) The Secretary of Defense, in consultation with the other administering Secretaries, shall prescribe regulations to provide for such exceptions to the payment limitations under paragraph (1) as the administering Secretaries determine to be necessary to assure that covered beneficiaries retain adequate access to health care services. Such exceptions may include the payment of amounts greater than the amount allowed under paragraph (1) when enrollees in managed care programs obtain covered emergency services from nonparticipating providers. To transition from the payment methods in effect before the date of the enactment of this paragraph to the methodology required by paragraph (1), the amount allowable for any service may not be reduced by more than 15 percent from the amount allowed for the same service during the immediately preceding 12-month period (or other period as established by the Secretary of Defense).

"(5) The Secretary of Defense, in consultation with the other administering Secretaries, shall prescribe regulations to establish limitations (similar to those limitations established under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.)) on beneficiary liability for charges of an individual health care professional (or other noninstitutional health care provider).".

(d) CONFORMING AMENDMENT.—Paragraph (2) of such subsection is amended by striking out "paragraph (1)" and inserting in lieu thereof "paragraph (1)(A)".

(e) REPORT ON EFFECT OF AMENDMENTS.—Not later than March 1, 1996, the Secretary of Defense shall submit to Congress a report analyzing the effect of the amendments made by this section on the ability or willingness of individual health care professionals and other noninstitutional health care providers to participate in the Civilian Health and Medical Program of the Uniformed Services.

SEC. 732. EXPANSION OF EXISTING RESTRICTION ON USE OF DEFENSE FUNDS FOR ABORTIONS.

(a) INCLUSION OF DEFENSE FACILITIES.—Section 1093 of title 10, United States Code, is amended by inserting after "Department of Defense" the following: ", and medical treatment facilities or other facilities of the Department of Defense,".

(b) CLERICAL AMENDMENTS.—(1) The heading of such section is amended by inserting "**or facilities**" after "**funds**".

(2) The item relating to such section in the table of sections at the beginning of chapter 55 of such title is amended to read as follows:

"1093. Restriction on use of funds or facilities for abortions.".

SEC. 733. IDENTIFICATION OF THIRD-PARTY PAYER SITUATIONS.

Section 1095 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(k)(1) To improve the administration of this section and sections 1079(j)(1) and 1086(d) of this title, the Secretary of Defense, in consultation with the other administering Secretaries, may prescribe regulations to collect information regarding insurance, medical service, or health plans of third-party payers held by covered beneficiaries.

"(2) The collection of information under regulations issued under paragraph (1) shall be conducted in the same manner as provided in section 1862(b)(5) of the Social Security Act (42 U.S.C. 1395y(b)(5)). The Secretary may provide for obtaining from the Commissioner of Social Security employment information comparable to the information provided to the Administrator of the Health Care Financing Administration pursuant to such section. Such regulations may require the mandatory disclosure of social security account numbers for all covered beneficiaries.

"(3) The Secretary of Defense may disclosure relevant employment information collected under this subsection to fiscal intermediaries or other designated contractors.

"(4) The Secretary of Defense may provide for contacting employers of covered beneficiaries to obtain group health plan information comparable to the information authorized to be obtained under section 1862(b)(5)(C) of the Social Security Act (42 U.S.C. 1395y(b)(5)(C)). Clause (ii) of such section regarding the imposition of civil money penalties shall apply to the collection of information under this paragraph.

"(5) Information obtained under this subsection may not be disclosed for any purpose other than to carry out the purpose of this section and sections 1079(j)(1) and 1086(d) of this title.".

SEC. 734. REDESIGNATION OF MILITARY HEALTH CARE ACCOUNT AS DEFENSE HEALTH PROGRAM ACCOUNT AND TWO-YEAR AVAILABILITY OF CERTAIN ACCOUNT FUNDS.

(a) REDESIGNATION.—Section 1100 of title 10, United States Code, is amended—

(1) in subsection (a)(1)—

(A) by striking out "Military Health Care Account" and inserting in lieu thereof "Defense Health Program Account"; and

(B) by striking out "the Civilian Health and Medical Program of the Uniformed Services" and inserting in lieu thereof "medical and health care programs of the Department of Defense"; and

(2) in subsection (b)—

(A) by striking out "entering into a contract" and inserting in lieu thereof "conducting programs and activities under this chapter, including contracts entered into"; and

(B) by inserting a comma after "title".

(b) TWO YEAR AVAILABILITY OF CERTAIN APPROPRIATIONS.—Subsection (a)(2) of such section is amended to read as follows:

"(2) Three percent of the funds appropriated annually for the operation and maintenance of the programs and activities authorized by this chapter shall remain available for obligation until the end of the fiscal year following the fiscal year for which the funds were appropriated. This paragraph shall not apply for a fiscal year to the extent that a provision of law specifically refers to this paragraph and specifies that this paragraph shall not apply for that fiscal year.".

(c) CONFORMING AMENDMENTS.—Such section is further amended—

(1) by striking out subsections (c), (d), and (f); and

(2) by redesignating subsection (e) as subsection (c).

(d) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

"§1100. Defense Health Program Account".

(2) The item relating to such section in the table of sections at the beginning of chapter 55 of such title is amended to read as follows:

"1100. Defense Health Program Account.".

SEC. 735. EXPANSION OF FINANCIAL ASSISTANCE PROGRAM FOR HEALTH-CARE PROFESSIONALS IN RESERVE COMPONENTS TO INCLUDE DENTAL SPECIALTIES.

Section 16201(b) of title 10, United States Code, is amended—

(1) in the subsection heading, by inserting "AND DENTISTS" after "PHYSICIANS";

(2) in paragraph (1)(A), by inserting "or dental school" after "medical school";

(3) in paragraphs (1)(B) and (2)(B), by inserting "or dental officer" after "medical officer"; and

(4) in paragraph (1)(C), by striking out "physicians in a medical specialty" and inserting in lieu thereof "physicians or dentists in a medical or dental specialty".

SEC. 736. ELIMINATION OF UNNECESSARY ANNUAL REPORTING REQUIREMENTS REGARDING MILITARY HEALTH CARE.

Section 1252 of the Department of Defense Authorization Act, 1984 (42 U.S.C. 248d), is amended by striking out subsection (d).

Subtitle E—Other Matters

SEC. 741. TERMINATION OF PROGRAM TO TRAIN AND UTILIZE MILITARY PSYCHOLOGISTS TO PRESCRIBE PSYCHOTROPIC MEDICATIONS.

(a) TERMINATION.—Immediately after the date of the enactment of this Act, the Secretary of Defense shall terminate the demonstration pilot program for training and utilizing military psychologists in the prescription of psychotropic medications, which is referred to in section 8097 of the Department of Defense Appropriations Act, 1991 (Public Law 101-511; 104 Stat. 1897). None of the funds appropriated to the Department of Defense for a fiscal year after fiscal year 1995 may be used to train psychologists to be able to prescribe psychotropic medications.

(b) EFFECT ON AUTHORITY TO PRESCRIBE PSYCHOTROPIC MEDICATIONS.—Psychologists who participated in the demonstration pilot training program regarding the prescription of psychotropic medications shall not be authorized to prescribe such medications despite the completion of training under the program.

SEC. 742. WAIVER OF COLLECTION OF PAYMENTS DUE FROM CERTAIN PERSONS UNAWARE OF LOSS OF CHAMPUS ELIGIBILITY.

(a) AUTHORITY TO WAIVE COLLECTION.—The administering Secretaries may waive the collection of payments otherwise due from a person described in subsection (b) as a result of the receipt by the person of health benefits under section 1086 of title 10, United States Code, after the termination of the person's eligibility for such benefits.

(b) PERSONS ELIGIBLE FOR WAIVER.—A person shall be eligible for relief under subsection (a) if the person—

(1) is a person described in paragraph (1) of subsection (d) of section 1086 of title 10, United States Code;

(2) in the absence of such paragraph, would have been eligible for health benefits under such section; and

(3) at the time of the receipt of such benefits, satisfied the criteria specified in subparagraphs (A) and (B) of paragraph (2) of such subsection.

(c) EXTENT OF WAIVER AUTHORITY.—The authority to waive the collection of payments pursuant to this section shall apply with regard to health benefits provided under section 1086 of title 10, United States Code, to persons described in subsection (b) during the period beginning on January 1, 1967, and ending on the later of—

(1) the termination date of any special enrollment period provided under title XVIII of the Social Security Act (42 U.S.C. 1395c et seq.) specifically for such persons; and

(2) July 1, 1996.

(d) DEFINITIONS.—For purposes of this section, the term "administering Secretaries" has the meaning given such term in section 1072(3) of title 10, United States Code.

SEC. 743. NOTIFICATION OF CERTAIN CHAMPUS COVERED BENEFICIARIES OF LOSS OF CHAMPUS ELIGIBILITY.

Section 1086(d) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(4) The administering Secretaries shall develop a mechanism by which persons described in paragraph (1) who satisfy only the criteria specified in subparagraphs (A) and (B) of paragraph (2), but not subparagraph (C) of such paragraph, are promptly notified of their ineligibility for health benefits under this section. The administering Secretaries shall consult with the Secretary of Health and Human Services and the Health Care Financing Administration regarding a method to promptly identify persons requiring notice under this subsection.".

SEC. 744. DEMONSTRATION PROGRAM TO TRAIN MILITARY MEDICAL PERSONNEL IN CIVILIAN SHOCK TRAUMA UNITS.

(a) DEMONSTRATION PROGRAM.—Not later than April 1, 1996, the Secretary of Defense shall implement a demonstration program to evaluate the feasibility of providing shock trauma training for military medical personnel through the use of civilian hospitals. Pursuant to an agreement between the Secretary and one or more public or nonprofit hospitals, the Secretary shall assign military medical personnel participating in the demonstration program to temporary duty in shock trauma units operated by the hospitals that are parties to the agreement. As consideration for the services provided by military medical personnel under the agreement, the agreement shall require the hospitals to provide appropriate care to members of the Armed Forces and to other persons whose care in the hospital would otherwise require reimbursement by the Secretary. The value of the services provided by the hospitals shall be at least equal to the value of the services provided by military medical personnel under the agreement.

(b) TERMINATION OF PROGRAM.—The authority of the Secretary of Defense to conduct the demonstration program under this section, and any agreement entered into under the demonstration program, shall expire on March 31, 1998.

(c) REPORT AND EVALUATION OF PROGRAM.—(1) Not later than March 1 of each year in which the demonstration program is conducted under this section, the Secretary of Defense shall submit to Congress a report describing the scope and activities of the demonstration program during the preceding year.

(2) Not later than May 1, 1998, the Comptroller General of the United States shall submit to Congress a report evaluating the effectiveness of the demonstration program in providing shock trauma training for military medical personnel.

SEC. 745. STUDY REGARDING DEPARTMENT OF DEFENSE EFFORTS TO DETERMINE APPROPRIATE FORCE LEVELS OF WARTIME MEDICAL PERSONNEL.

(a) STUDY REQUIRED.—The Comptroller General of the United States shall conduct a study to evaluate the reasonableness of the models used by each military department for determining the appropriate wartime force level for medical personnel in the department. The study shall include the following:

(1) An assessment of the modeling techniques used by each department.

(2) An analysis of the data used in the models to identify medical personnel requirements.

(3) An identification of the ability of the models to integrate personnel of reserve components to meet department requirements.

(4) An evaluation of the ability of the Secretary of Defense to integrate the various modeling efforts into a comprehensive, coordinated plan for obtaining the optimum force level for wartime medical personnel.

(b) REPORT OF STUDY.—Not later than June 30, 1996, the Comptroller General shall report to Congress on the results of the study conducted under subsection (a).

SEC. 746. STUDY REGARDING EXPANDED MENTAL HEALTH SERVICES FOR CERTAIN COVERED BENEFICIARIES.

(a) STUDY REQUIRED.—In connection with the mental health services already available for covered beneficiaries under chapter 55 of title 10, United States Code, who are children and require residential treatment, the Secretary of Defense shall conduct a study regarding the feasibility of expanding such services to include a program of individualized continued care following completion of the residential treatment to compliment the residential treatment and prevent recidivism.

(b) REPORT OF STUDY.—Not later than March 1, 1996, the Secretary of Defense shall submit to Congress a report describing the results of the study conducted under subsection (a).

SEC. 747. REPORT ON IMPROVED ACCESS TO MILITARY HEALTH CARE FOR COVERED BENEFICIARIES ENTITLED TO MEDICARE.

Not later than March 1, 1996, the Secretary of Defense shall submit to Congress a report evaluating the feasibility, costs, and consequences for the military health care system of improving access to the system for covered beneficiaries under chapter 55 of title 10, United States Code, who have limited access to military medical treatment facilities and are ineligible for the Civilian Health and Medical Program of the Uniformed Services under section 1086(d)(1) of such title. The alternatives the Secretary shall consider to improve access for such covered beneficiaries shall include—

(1) whether CHAMPUS should serve as a second payer for covered beneficiaries who are entitled to hospital insurance benefits under part A of title XVIII of the Social Security Act (42 U.S.C. 1395c et seq.); and

(2) whether such covered beneficiaries should be offered enrollment in the Federal Employees Health Benefits program under chapter 89 of title 5, United States Code.

SEC. 748. SENSE OF CONGRESS ON CONTINUITY OF HEALTH CARE SERVICES FOR COVERED BENEFICIARIES ADVERSELY AFFECTED BY CLOSURES OF MILITARY MEDICAL TREATMENT FACILITIES.

(a) FINDING.—Congress finds the following:

(1) Military installations selected for closure in the 1991 and 1993 rounds of the base closure process are approaching their closing dates.

(2) Additional military installations are being selected for closure in the 1995 round of the base closure process.

(3) As a result of these base closures, tens of thousands of covered beneficiaries under chapter 55 of title 10, United States Code, who reside in the vicinity of affected installations will be left without immediate access to military medical treatment facilities.

(b) SENSE OF CONGRESS.—In light of the findings specified in subsection (a), it is the sense of Congress that the Secretary of Defense should take all appropriate steps necessary to ensure the continuation of medical and pharmaceutical benefits to covered beneficiaries adversely affected by the closure of military installations.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

SEC. 801. REPEALS OF CERTAIN PROCUREMENT PROVISIONS.

(a) POST-EMPLOYMENT RESTRICTIONS.—Sections 2397, 2397a, 2397b, and 2397c of title 10, United States Code, are repealed.

(b) LIMITATION ON EXPENDITURE OF APPROPRIATIONS.—Section 2207 of such title is repealed.

(c) CERTAIN DELEGATION AUTHORITY.—Section 2356 of such title is repealed.

(d) SPARE PARTS CONTROL.—Section 2383 of such title is repealed.

(e) CLERICAL AMENDMENTS.—(1) The table of sections at the beginning of chapter 131 of title 10, United States Code, is amended by striking out the item relating to section 2207.

(2) The table of sections at the beginning of chapter 139 of such title is amended by striking out the item relating to section 2356.

(3) The table of sections at the beginning of chapter 141 of title 10, United States Code, is amended by striking out the items relating to sections 2383, 2397, 2397a, 2397b, and 2397c.

SEC. 802. FEES FOR CERTAIN TESTING SERVICES.

Section 2539b(c) of title 10, United States Code, is amended by inserting "and indirect" after "recoup the direct".

SEC. 803. TESTING OF DEFENSE ACQUISITION PROGRAMS.

(a) IN GENERAL.—Section 2366 to title 10, United States Code, is amended—

(1) by striking out "survivability" each place it appears (including in the section heading) and inserting in lieu thereof "vulnerability"; and

(2) in subsection (b)—

(A) by striking out "Survivability" and inserting in lieu thereof "Vulnerability"; and

(B) by inserting after paragraph (2) the following new paragraph:

"(3) Testing should begin at the component, subsystem, and subassembly level, culminating with tests of the complete system configured for combat.".

(b) CLERICAL AMENDMENT.—The item relating to such section in the table of sections at the beginning of chapter 139 of such title is amended to read as follows:

"2366. Major systems and munitions programs: vulnerability testing and lethality testing required before full-scale production.".

SEC. 804. COORDINATION AND COMMUNICATION OF DEFENSE RESEARCH ACTIVITIES.

Section 2364 of title 10, United States Code, is amended—

(1) in subsection (b)(5), by striking out "milestone O, milestone I, and milestone II" and inserting in lieu thereof "acquisition program"; and

(2) in subsection (c), by striking out paragraphs (2), (3), and (4) and inserting in lieu thereof the following:

"(2) The term 'acquisition program decisions' has the meaning prescribed by the Secretary of Defense in regulations.".

SEC. 805. ADDITION OF CERTAIN ITEMS TO DOMESTIC SOURCE LIMITATION.

(a) LIMITATION.—Paragraph (3) of section 2534(a) of title 10, United States Code, is amended to read as follows:

"(3) VESSEL COMPONENTS.—(A) The following components of vessels:

"(i) Air circuit breakers.

"(ii) Vessel propellers with a diameter of six feet or more, if the propellers incorporate only castings poured and finished in the United States.

"(iii) Welded shipboard anchor and mooring chain with a diameter of four inches or less.

"(B) The following components of vessels, to the extent they are unique to marine applications: ship and marine cable assemblies, hose assemblies, hydraulics and pumps for steering, gyrocompasses, marine autopilots, electronic navigation chart systems, attitude and heading reference units, power supplies, and steering controls.".

(b) EXTENSION OF LIMITATION RELATING TO BALL BEARINGS AND ROLLER BEARINGS.—Section 2534(c)(3) of such title is amended by striking out "October 1, 1995" and inserting in lieu thereof "October 1, 2000".

(c) INAPPLICABILITY OF SIMPLIFIED ACQUISITION LIMITATION TO CONTRACTS FOR BALL BEARINGS AND ROLLER BEARINGS.—Section 2534(g) of title 10, United States Code, is amended—

(1) by inserting "(1)" before "This section"; and

(2) by adding at the end the following new paragraph:

"(2) Paragraph (1) does not apply to contracts for items described in subsection (a)(5) (relating to ball bearings and roller bearings).".

SEC. 806. REVISIONS TO PROCUREMENT NOTICE PROVISIONS.

Section 18(a) of the Office of Federal Procurement Policy Act (41 U.S.C. 416(a)) is amended—

(1) in subparagraph (B) of paragraph (1)—

(A) by striking out "subsection (f)—" and all that follows through the end of the subparagraph and inserting in lieu thereof "subsection (b); and"; and

(B) by inserting after "property or services" the following: "for a price expected to exceed $10,000 but not to exceed $25,000";

(2) by striking out paragraph (4); and

(3) by redesignating paragraphs (5) and (6) as paragraphs (4) and (5), respectively.

SEC. 808. ENCOURAGEMENT OF USE OF LEASING AUTHORITY.

(a) IN GENERAL.—(1) Chapter 137 of title 10, United States Code, is amended by inserting after section 2316 the following new section:

"§2317. Equipment leasing

"The Secretary of Defense shall authorize and encourage the use of leasing in the acquisition of equipment whenever such leasing is practicable and otherwise authorized by law.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2317. Equipment leasing.".

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report setting forth changes in legislation that would be required in order to facilitate the use of leases by the Department of Defense in the acquisition of equipment.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

SEC. 901. REORGANIZATION OF OFFICE OF THE SECRETARY OF DEFENSE.

(a) REORGANIZATION.—The Secretary of Defense shall carry out in accordance with this section a reorganization of the Office of the Secretary of Defense. The reorganization shall include a substantial streamlining and reduction in size of that office, as provided in this section.

(b) PLAN FOR REORGANIZATION.—The Secretary shall submit to Congress a report setting forth a comprehensive plan by which the Secretary will carry out the reorganization of the Office of the Department of Defense required by this section. The Secretary shall include in the report identification of all provisions of law (or other congressional directives) that preclude or inhibit any proposed reorganization or streamlining of the Office of the Secretary of Defense set forth in the plan. The report shall be submitted when the budget of the President for fiscal year 1997 is submitted to Congress.

(c) CONTENT OF PLAN.—The plan required by subsection (b) shall enable the Secretary to accomplish the following:

(1) Reduce the number of military and civilian personnel assigned to, or employed in, the Office of the Secretary of Defense by 25 percent over a period of four years, as required by subsection (e).

(2) Increase organizational efficiency and civilian control.

(3) Eliminate (or substantially reduce) duplication of functions between the Office of the Secretary of Defense and the military departments.

(4) Eliminate (or substantially reduce) duplication of functions between the Office of the Secretary of Defense and the Joint Chiefs of Staff.

(d) DEVELOPMENT OF PLAN.—In developing the plan required by subsection (b), the Secretary shall—

(1) reassess the appropriate function and mission of the Office of the Secretary of Defense;

(2) reassess whether the current organization of the Office of the Secretary of Defense provides the most efficient and effective organization to support the Secretary in carrying out the Secretary's responsibilities;

(3) examine alternative organizational structures for that office and alternative allocations of functional responsibilities within that office, including—

(A) a reduction in the number of Under Secretaries of Defense;

(B) a reduction in the number of Deputy Assistant Secretaries of Defense and Deputy Under Secretaries of Defense; and

(C) decentralizing functions of the Office of the Secretary of Defense; and

(4) reassess the size, number, and functional allocation of the Defense Agencies and other Department of Defense support organizations.

(e) PERSONNEL REDUCTION.—(1) The number of military and civilian personnel of the Department of Defense who as of October 1, 1998, are assigned to, or employed in, functions in the Office of the Secretary of Defense (including Direct Support Activities of that Office and the Washington Headquarters Services of the Department of Defense) may not exceed 75 percent of the number of such personnel as of October 1, 1994.

(2) In carrying out reductions under paragraph (1), the Secretary may not reassign functions solely in order to evade the requirement contained in that paragraph.

(f) REDUCTION IN NUMBER AND SPECIFICATION OF ASSISTANT SECRETARY OF DEFENSE POSITIONS.—(1) Section 138 of title 10, United States Code, is amended—

(A) in subsection (a), by striking out "eleven" and inserting in lieu thereof "nine"; and

(B) by striking out subsection (b) and inserting in lieu thereof the following:

"(b) The Assistant Secretaries shall perform such duties and exercise such powers as the Secretary of Defense may prescribe.".

(2) Section 5315 of title 5, United States Code, is amended by striking out "(11)" after "Assistant Secretaries of Defense" and inserting in lieu thereof "(9)".

(g) REPEAL OF STATUTORY ESTABLISHMENT OF VARIOUS OSD POSITIONS.—(1)(A) The following sections of chapter 4 of title 10, United States Code, are repealed: sections 133a, 134a, 137, 139, and 142.

(B) The table of sections at the beginning of such chapter is amended by striking out the items relating to the sections specified in paragraph (1).

(2) Section 1056 is amended by striking out subsection (d).

(h) SENIOR STAFF FLOOR FOR SPECIFIED ASSISTANT SECRETARY OF DEFENSE.—Section 355 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1540) is repealed.

(i) CONFORMING AMENDMENTS TO TITLE 10, UNITED STATES CODE.—Title 10, United States Code, is amended as follows:

(1) Section 131(b) is amended—

(A) by striking out paragraphs (6) and (8); and

(B) by redesignating paragraphs (7), (9), (10), and (11), as paragraphs (6), (7), (8), and (9), respectively.

(2) Section 138(d) is amended by striking out "the Under Secretaries of Defense, and the Director of Defense Research and Engineering" and inserting in lieu thereof "and the Under Secretaries of Defense".

(3) Section 176(a)(3) is amended—

(A) by striking out "Assistant Secretary of Defense for Health Affairs" and inserting in lieu thereof "official in the Department of Defense with principal responsibility for health affairs"; and

(B) by striking out "Chief Medical Director of the Department of Veterans Affairs" and inserting in lieu thereof "Under Secretary for Health of the Department of Veterans Affairs".

(4) Section 1216(d) is amended by striking out "Assistant Secretary of Defense for Health Affairs" and inserting in lieu thereof "official in the Department of Defense with principal responsibility for health affairs".

(5) Section 1587(d) is amended by striking out "Assistant Secretary of Defense for Manpower and Logistics" and inserting in lieu thereof "official in the Department of Defense with principal responsibility for personnel and readiness".

(6) The text of section 10201 is amended to read as follows:

"The official in the Department of Defense with responsibility for overall supervision of reserve component affairs of the Department of Defense is the official designated by the Secretary of Defense to have that responsibility.".

(j) Conforming Amendments Relating to Operational Test and Evaluation Authority.—Section 2399 of such title is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) by inserting "a conventional weapons system that" after "means" in the matter preceding subparagraph (A); and

(ii) in subparagraph (A), by striking out "a conventional weapons system that"; and

(B) by adding at the end the following new paragraph:

"(3) The Secretary of Defense shall designate an official of the Department of Defense to perform the duties of the position referred to in this section as the 'designated OT&E official'.";

(2) in subsection (b)—

(A) by striking out "Director of Operational Test and Evaluation of the Department of Defense" in paragraph (1) and inserting in lieu thereof "designated OT&E official"; and

(B) by striking out "Director" each place it appears in paragraphs (2) and (3) and inserting in lieu thereof "designated OT&E official";

(3) in subsection (c), by striking out "Director of Operational Test and Evaluation of the Department of Defense" and inserting in lieu thereof "designated OT&E official";

(4) in subsection (e), by striking out "Director" each place it appears and inserting in lieu thereof "designated OT&E official";

(5) by striking out subsection (g); and

(6) by redesignating subsection (h) as subsection (g).

(k) Other Conforming Amendment.—Section 1211(b)(2) of the National Defense Authorization Act for Fiscal Year 1988 and 1989 (P.L. 100–180; 101 Stat 1155; 10 U.S.C. 167 note) is amended by striking out "the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict" and inserting in lieu thereof "the official designated by the Secretary of Defense to have principal responsibility for matters relating to special operations and low intensity conflict".

SEC. 902. RESTRUCTURING OF DEPARTMENT OF DEFENSE ACQUISITION ORGANIZATION AND WORKFORCE.

(a) Restructuring Report.—Not later than March 1, 1996, the Secretary of Defense shall submit to Congress a report on the acquisition organization and workforce of the Department of Defense. The report shall include—

(1) the plan described in subsection (b); and

(2) the assessment of streamlining and restructuring options described in subsection (c).

(b) Plan for Restructuring.—(1) The Secretary shall include in the report under subsection (a) a plan on how to restructure the current acquisition organization of the Department of Defense in a manner that would enable the Secretary to accomplish the following:

(A) Reduce the number of military and civilian personnel assigned to, or employed in, acquisition organizations of the Department of Defense by 25 percent over a period of four years, as required by subsection (d).

(B) Eliminate duplication of functions among existing acquisition organizations of the Department of Defense.

(C) Maximize opportunity for consolidation among acquisition organizations of the Department of Defense to reduce management overhead.

(2) In the report, the Secretary shall also identify any statutory requirement or congressional directive that inhibits any proposed restructuring plan or reduction in the size of the defense acquisition organization.

(3) In designing the plan under paragraph (1), the Secretary shall give full consideration to the process efficiencies expected to be achieved through the implementation of the Federal Acquisition Streamlining Act of 1994 (Public Law 103–355) and other ongoing initiatives to increase the use of commercial practices and reduce contract overhead in the defense procurement system.

(c) Assessment of Specified Restructuring Options.—The Secretary shall include in the report under subsection (a) a detailed assessment of each of the following options for streamlining and restructuring the existing defense acquisition organization, together with a specific recommendation as to whether each such option should be implemented:

(1) Consolidation of certain functions of the Defense Contract Audit Agency and the Defense Contract Management Command.

(2) Contracting for performance of a significant portion of the workload of the Defense Contract Audit Agency and other Defense Agencies that perform acquisition functions.

(3) Consolidation or selected elimination of Department of Defense acquisition organizations.

(4) Any other defense acquisition infrastructure streamlining or restructuring option the Secretary may determine.

(d) Reduction of Acquisition Workforce.—(1) Effective as of October 1, 1998, the total number of defense acquisition personnel may not exceed 75 percent of the total number of defense acquisition personnel as of October 1, 1994.

(2) In carrying out paragraph (1), the Secretary of Defense shall exempt personnel who possess technical competence in trade-skill maintenance and repair positions involved in performing depot maintenance functions for the Department of Defense.

(3) In carrying out paragraph (1), the Secretary of Defense shall accomplish reductions in defense acquisition personnel positions during fiscal year 1996 so that the total number of such personnel as of October 1, 1996, is less than the total number of such personnel as of October 1, 1995, by at least 30,000.

(4) For purposes of this section, the term "defense acquisition personnel" means military and civilian personnel of the Department of Defense assigned to, or employed in, acquisition organizations of the Department of Defense.

(e) Acquisition Organization Defined.—For purposes of this section, acquisition organizations of the Department of Defense are those organizations specified in Department of Defense Instruction Numbered 5000.58, dated January 14, 1992.

SEC. 903. PLAN FOR INCORPORATION OF DEPARTMENT OF ENERGY NATIONAL SECURITY FUNCTIONS IN DEPARTMENT OF DEFENSE.

(a) Report Required.—The Secretary of Defense shall submit to Congress a report setting forth the Secretary's plan for the incorporation into the Department of Defense of the national security programs of the Department of Energy. The plan submitted shall be one which could be implemented if the Department of Energy is abolished and the national security programs of that department are transferred to the Department of Defense and consolidated with programs of the Department of Defense.

(b) Matters To Be Included.—The plan submitted in the report under subsection (a) shall include the following:

(1) A detailed plan for the integration into the Department of Defense of the offices and laboratories of the Department of Energy which could be anticipated to be transferred to the Department of Defense as part of such a transfer of functions.

(2) An assessment of the personnel end-strength reductions estimated to be achieved as a result of such a transfer of functions.

(3) An assessment of costs, or savings, associated with the various transfer of function options.

(4) An identification of all applicable provisions of law that may inhibit or preclude such a transfer of functions.

(c) Preservation of Integrity of DOE National Security Programs.—In developing the plan under subsection (a), the Secretary shall make every effort to ensure that the mission and functioning of the national security programs of the Department of Energy are not unduly affected adversely during the transfer of those functions to the Department of Defense and the consolidation of those functions into activities of the Department.

(d) Submission Of Report.—The report required under subsection (a) shall be submitted not later than February 1, 1996.

SEC. 904. CHANGE IN TITLES OF CERTAIN MARINE CORPS GENERAL OFFICER BILLETS RESULTING FROM REORGANIZATION OF THE HEADQUARTERS, MARINE CORPS.

(a) Headquarters, Marine Corps, Function; Composition.—Subsection (b) of section 5041 of title 10, United States Code, is amended by striking out paragraphs (2) through (5) and inserting in lieu thereof the following:

"(2) The Vice Commandant of the Marine Corps.

"(3) The Director of the Marine Corps Staff.

"(4) The Deputy Commandants of the Marine Corps.

"(5) The Assistant Commandants of the Marine Corps.".

(b) Vice Commandant.—(1) Section 5044 of such title is amended by striking out "Assistant Commandant" each place it appears and inserting in lieu thereof "Vice Commandant".

(2) The heading of such section is amended to read as follows:

"§5044. Vice Commandant of the Marine Corps".

(c) Director of the Marine Corps Staff; Deputy and Assistant Commandants.—Section 5045 of such title is amended to read as follows:

"§5045. Director of the Marine Corps Staff; Deputy and Assistant Commandants

"(a) There are in the Headquarters, Marine Corps, the following:

"(1) A Director of the Marine Corps Staff.

"(2) Not more than five Deputy Commandants of the Marine Corps.

"(3) Not more than three Assistant Commandants of the Marine Corps.

"(b) The officers specified in subsection (a) shall be detailed by the Secretary of the Navy

from officers on the active-duty list of the Marine Corps.".

(d) CLERICAL AMENDMENT.—The items relating to sections 5044 and 5045 in the table of sections at the beginning of chapter 506 of such title are amended to read as follows:

"5044. Vice Commandant of the Marine Corps.
"5045. Director of the Marine Corps Staff; Deputy and Assistant Commandants.".

SEC. 905. INCLUSION OF INFORMATION RESOURCES MANAGEMENT COLLEGE IN THE NATIONAL DEFENSE UNIVERSITY.

(a) TECHNICAL AMENDMENT AND ADDITION OF INFORMATION RESOURCES MANAGEMENT COLLEGE TO THE DEFINITION OF THE NATIONAL DEFENSE UNIVERSITY.—Section 1595(d)(2) of title 10, United States Code, is amended by striking out "the Institute for National Strategic Study," and inserting in lieu thereof "the Institute for National Strategic Studies, the Information Resources Management College,".

(b) CONFORMING AMENDMENT.—Section 2162(d)(2) of such title is amended by inserting "the Institute for National Strategic Studies, the Information Resources Management College," after "the Armed Forces Staff College,".

SEC. 906. EMPLOYMENT OF CIVILIANS AT THE ASIA-PACIFIC CENTER FOR SECURITY STUDIES.

Section 1595 of title 10, United States Code, is amended—

(1) in subsection (c), by adding at the end the following new paragraph:

"(4) The Asia-Pacific Center for Security Studies."; and

(2) by adding at the end the following new subsection:

"(f) APPLICATION TO DIRECTOR AND DEPUTY DIRECTOR AT ASIA-PACIFIC CENTER FOR SECURITY STUDIES.—In the case of the Asia-Pacific Center for Security Studies, this section also applies with respect to the Director and the Deputy Director.".

SEC. 907. CONTINUED OPERATION OF UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES.

(a) CLOSURE PROHIBITED.—In light of the important role of the Uniformed Services University of the Health Sciences in providing trained health care providers for the uniformed services, Congress reaffirms the requirement contained in section 922 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat 2829) that the Uniformed Services University of the Health Sciences may not be closed.

(b) BUDGETARY COMMITMENT TO CONTINUATION.—It is the sense of Congress that the Secretary of Defense should budget for the operation of the Uniformed Services University of the Health Sciences during fiscal year 1997 at a level at least equal to the level of operations conducted at the University during fiscal year 1995.

SEC. 908. REDESIGNATION OF ADVANCED RESEARCH PROJECTS AGENCY.

(a) REDESIGNATION.—The agency in the Department of Defense known as the Advanced Research Projects Agency shall after the date of the enactment of this Act be designated as the Defense Advanced Research Projects Agency.

(b) REFERENCES.—Any reference in any law, regulation, document, record, or other paper of the United States to the Advanced Research Projects Agency shall be considered to be a reference to the Defense Advanced Research Projects Agency.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

SEC. 1001. TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—(1) Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 1996 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) The total amount of authorizations that the Secretary of Defense may transfer under the authority of this section may not exceed $2,000,000,000.

(b) LIMITATIONS.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

SEC. 1002. INCORPORATION OF CLASSIFIED ANNEX.

(a) STATUS OF CLASSIFIED ANNEX.—The Classified Annex prepared by the Committee on National Security of the House of Representatives to accompany the bill H.R. 1530 of the One Hundred Fourth Congress and transmitted to the President is hereby incorporated into this Act.

(b) CONSTRUCTION WITH OTHER PROVISIONS OF ACT.—The amounts specified in the Classified Annex are not in addition to amounts authorized to be appropriated by other provisions of this Act.

(c) LIMITATION ON USE OF FUNDS.—Funds appropriated pursuant to an authorization contained in this Act that are made available for a program, project, or activity referred to in the Classified Annex may only be expended for such program, project, or activity in accordance with such terms, conditions, limitations, restrictions, and requirements as are set out for that program, project, or activity in the Classified Annex.

(d) DISTRIBUTION OF CLASSIFIED ANNEX.—The President shall provide for appropriate distribution of the Classified Annex, or of appropriate portions of the annex, within the executive branch of the Government.

SEC. 1003. IMPROVED FUNDING MECHANISMS FOR UNBUDGETED OPERATIONS.

(a) REVISION OF FUNDING MECHANISM.—(1) Chapter 3 of title 10, United States Code, is amended by striking out section 127a and inserting in lieu thereof the following:

"§127a. Operations for which funds are not provided in advance: funding mechanisms

"(a) IN GENERAL.—(1) The Secretary of Defense shall use the procedures prescribed by this section with respect to any operation of the Department of Defense—

"(A) that involves the deployment (other than for a training exercise) of elements of the armed forces for a purpose other than a purpose for which funds have been specifically provided in advance; or

"(B) that involves humanitarian assistance, disaster relief, or support for law enforcement (including immigration control) for which funds have not been specifically provided in advance.

"(2) Whenever any operation described in paragraph (1) is commenced, the Secretary of Defense shall designate and identify that operation for the purposes of this section and shall promptly notify Congress of that designation (and of the identification of the operation).

"(3) This section does not provide authority for the President or the Secretary of Defense to carry out any operation, but establishes mechanisms for the Department of Defense by which funds are provided for operations that the armed forces are required to carry out under some other authority.

"(b) WAIVER OF REQUIREMENT TO REIMBURSE SUPPORT UNITS.—(1) The Secretary of Defense shall direct that, when a unit of the armed forces participating in an operation described in subsection (a) receives services from an element of the Department of Defense that operates through the Defense Business Operations Fund (or a successor fund), such unit of the armed forces may not be required to reimburse that element for the incremental costs incurred by that element in providing such services, notwithstanding any other provision of law or any Government accounting practice.

"(2) The amounts which but for paragraph (1) would be required to be reimbursed to an element of the Department of Defense (or a fund) shall be recorded as an expense attributable to the operation and shall be accounted for separately.

"(c) TRANSFER AUTHORITY.—(1) Whenever there is an operation of the Department of Defense described in subsection (a), the Secretary of Defense may, subject to the provisions of appropriations Acts, transfer amounts described in paragraph (3) to accounts from which incremental expenses for that operation were incurred in order to reimburse those accounts for those incremental expenses. Amounts so transferred shall be merged with and be available for the same purposes as the accounts to which transferred.

"(2) The total amount that the Secretary of Defense may transfer under the authority of this section in any fiscal year is $200,000,000.

"(3) Transfers under this subsection may only be made from amounts appropriated to the Department of Defense for any fiscal year that remain available for obligation from any of the following accounts:

"(A) Environmental Restoration, Defense.

"(B) Cooperative Threat Reduction programs.

"(C) Overseas Humanitarian, Disaster, and Civic Aid (OHDACA) programs.

"(D) Operations and Maintenance, Defense-Wide (but only from funds available for administration and service-wide activities).

"(4) The authority provided by this subsection is in addition to any other authority provided by law authorizing the transfer of amounts available to the Department of Defense. However, the Secretary may not use any such authority under another provision of law for a purpose described in paragraph (1) if there is authority available under this subsection for that purpose.

"(5) The authority provided by this subsection to transfer amounts may not be used to provide authority for an activity that has been denied authorization by Congress.

"(6) A transfer made from one account to another under the authority of this subsection shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

"(d) FINANCIAL PLAN.—(1) Within 30 days after the beginning of an operation described in subsection (a), the Secretary of Defense shall submit to Congress a financial plan for the operation that sets forth the manner by which the Secretary proposes to obtain funds for the cost to the United States of the operation. The plan shall specify in detail how the Secretary proposes to restore balances in the Defense Business Operations Fund (or a successor fund) to the levels that would have been anticipated but for the provisions of subsection (b). The Secretary may not include in such a plan a means to restore such balances that is prohibited by paragraph (2) or (4).

"(2) The Secretary may not restore (or propose in a plan under paragraph (1) to restore) balances in the Defense Business Operations Fund through increases in rates charged by that fund in order to compensate for costs incurred and not reimbursed due to subsection (b).

"(3) If the Secretary of Defense transfers funds under subsection (c), the Secretary shall submit to Congress, within 30 days of such transfer, a plan for the restoration of the balance in the each account from which the transfer was made to the level that would have been the case but for the transfer.

"(4) The Secretary may not restore (or propose in a plan under paragraph (1) or (3) to restore) balances in any the Defense Business Operations Fund or any other fund or account through the use of unobligated amounts in an appropriation made for operation and maintenance that are available within that appropriation for an account (known as a budget activity 1 account) that is specified as being for operating forces.

"(e) SUBMISSION OF REQUESTS FOR SUPPLEMENTAL APPROPRIATIONS.—(1) Whenever there is an operation described in subsection (a), the President shall submit to Congress a request for the enactment of supplemental appropriations for the then-current fiscal year, to be designated as an emergency supplemental appropriations, in order to provide funds to replenish the Defense Business Operations Fund or any other fund or account of the Department of Defense from which funds for the incremental expenses of that operation were derived under this section.

"(2) A request under paragraph (1) shall be submitted not later than the earlier of (A) the time at which incremental expenses for the operation exceed $10,000,000, or (B) 90 days after the date on which the operation begins. The request shall be submitted as a separate request from any other legislative proposal.

"(f) INCREMENTAL COSTS.—For purposes of this section, incremental costs of the Department of Defense with respect to an operation are the costs of the Department that are directly attributable to the operation (and would not have been incurred but for the operation).

"(g) RELATIONSHIP TO WAR POWERS RESOLUTION.—This section may not be construed as altering or superseding the War Powers Resolution. This section does not provide authority to conduct any military operation.

"(h) GAO COMPLIANCE REVIEWS.—The Comptroller General of the United States shall from time to time, and when requested by a committee of Congress, conduct a review of the defense funding structure under this section to determine whether the Department of Defense is complying with the requirements and limitations of this section.

"§127b. Budgeting for ongoing operations

"(a) REQUIREMENT FOR INCLUSION IN BUDGET.—In the case of an operation of the Department of Defense described in subsection (c), the President shall include with the budget submitted to Congress pursuant to section 1105 of title 31 for the next fiscal year a specific request for enactment of legislation to provide for the provision of funds for such operation for that fiscal year in a manner that will result in there not being a lower amount of funds available to the Department of Defense for that fiscal year than would be the case if that operation were not carried out during that year. Such a request shall include one or more of the following:

"(1) A request for enactment of appropriation of funds for the incremental costs for that operation that are expected to be incurred by the Department of Defense during the fiscal year for which the budget is submitted, with such funds to be provided in, and charged to, a budget function other than the national defense budget function (function 050).

"(2) A request for enactment of appropriation of funds for the incremental costs for that operation that are expected to be incurred by the Department of Defense during the fiscal year for which the budget is submitted, with such designations or waivers as may be necessary to ensure that (if enacted) such appropriations are not counted against the total amount of funds for the Department of Defense, or for the national defense budget function, for purpose of any statutory limitation or restriction.

"(3) A request for enactment of rescissions.

"(b) LIMITATION.—In the case of any operation to which the requirement of subsection (a) applies, no funds may be obligated or expended for that operation after the beginning of the fiscal year for which the budget is submitted if the requirement in subsection (a) is not complied with.

"(c) COVERED OPERATIONS.—This section applies with respect to any operation of the Department of Defense involving the use of the Armed Forces that—

"(1) is ongoing in the first quarter of a fiscal year;

"(2) is not expected to end during the current fiscal year;

"(3) for which appropriations were not specifically provided in advance for the current fiscal year.

"(d) WAIVER AUTHORITY.—The President may waive the provisions of this section for any fiscal year—

"(1) during which there is in effect a declaration of war; or

"(2) during which authority is in effect pursuant to section 12302 of this title to order units and members of the Ready Reserve to active duty without the consent of the persons concerned.".

(2) The table of sections at the beginning of such chapter is amended by striking out the item relating to section 127a and inserting in lieu thereof the following:

"127a. Operations for which funds are not provided in advance: funding mechanisms.
"127b. Budgeting for ongoing operations.".

(b) EFFECTIVE DATE.—The amendment to section 127a of title 10, United States Code, made by subsection (a) shall take effect on October 1, 1995, and shall apply to any operation of the Department of Defense, whether begun before, on, or after such date. In the case of any operation begun before such date, any reference in such section to the date of the beginning of such operation shall be treated as referring to the effective date under the preceding sentence.

SEC. 1004. DESIGNATION AND LIABILITY OF DISBURSING AND CERTIFYING OFFICIALS.

(a) DISBURSING OFFICIALS.—(1) Section 3321(c) of title 31, United States Code, is amended by striking out paragraph (2) and inserting in lieu thereof the following:

"(2) The Department of Defense.

"(3) The Coast Guard (when not operating as a service in the Navy).".

(2) Section 2773 of title 10, United States Code, is amended—

(A) in subsection (a)—

(i) by striking out "With the approval of the Secretary of a military department when the Secretary considers it necessary, a disbursing official of the military department" and inserting in lieu thereof "Subject to paragraph (3), a disbursing official of the Department of Defense"; and

(ii) by adding at the end the following new paragraph:

"(3) A disbursing official may make a designation under paragraph (1) only with the approval of the Secretary of Defense or, in the case of a disbursing official of a military department, the Secretary of that military department."; and

(B) in subsection (b)(1)—

(i) by striking out "any military department" and inserting in lieu thereof "the Department of Defense"; and

(ii) by striking out "2d month" and inserting in lieu thereof "second month".

(b) DESIGNATION OF MEMBERS OF THE ARMED FORCES TO HAVE AUTHORITY TO CERTIFY VOUCHERS.—(1) Section 3325(b) of title 31, United States Code, is amended to read as follows:

"(b) In addition to officers and employees referred to in subsection (a)(1)(B) of this section as having authorization to certify vouchers, the Secretary of Defense and the Secretary of Transportation (with respect to the Coast Guard when it is not operating as a service in the Navy) may authorize, in writing, members of the armed forces under their jurisdiction to certify vouchers.".

(2) Section 3528(d) of title 31, United States Code, is repealed.

(c) RELIEF OF ACCOUNTABLE OFFICIALS AND AGENTS FROM LIABILITY.—Section 3527(b)(1) of title 31, United States Code, is amended—

(1) by striking out "armed forces" in the matter preceding subparagraph (A) and inserting in lieu thereof "Department of Defense or the Coast Guard"; and

(2) in subparagraph (A), by striking out "appropriate Secretary of the military department of the Department of Defense" and inserting in lieu thereof "Secretary of Transportation (with respect to the Coast Guard when it is not operating as a service in the Navy)".

(d) CONFORMING AMENDMENTS.—(1) Section 1012 of title 37, United States Code, is amended by striking out "Secretary concerned" both places it appears and inserting in lieu thereof "Secretary of Defense".

(2)(A) Section 7863 of title 10, United States Code, is amended—

(i) in the first sentence, by striking out "disbursements of public moneys or" and "the money was paid or"; and

(ii) in the second sentence, by striking out "disbursement or".

(B)(i) The heading of such section is amended to read as follows:

"§7863. Disposal of public stores by order of commanding officer".

(ii) The item relating to such section in the table of sections at the beginning of chapter 661 of such title is amended to read as follows:

"7863. Disposal of public stores by order of commanding officer.".

SEC. 1005. AUTHORITY FOR OBLIGATION OF CERTAIN UNAUTHORIZED FISCAL YEAR 1995 DEFENSE APPROPRIATIONS.

(a) AUTHORITY.—The amounts described in subsection (b) may be obligated and expended for programs, projects, and activities of the Department of Defense in accordance with fiscal year 1995 defense appropriations.

(b) COVERED AMOUNTS.—The amounts referred to in subsection (a) are the amounts provided for programs, projects, and activities of the Department of Defense in fiscal year 1995 defense appropriations that are in excess of the amounts provided for such programs, projects, and activities in fiscal year 1995 defense authorizations.

(c) DEFINITIONS.—For the purposes of this section:

(1) FISCAL YEAR 1995 DEFENSE APPROPRIATIONS.—The term "fiscal year 1995 defense appropriations" means amounts appropriated or otherwise made available to the Department of Defense for fiscal year 1995 in the Department of Defense Appropriations Act, 1995 (Public Law 103–335).

(2) FISCAL YEAR 1995 DEFENSE AUTHORIZATIONS.—The term "fiscal year 1995 defense authorizations" means amounts authorized to be appropriated for the Department of Defense for

fiscal year 1995 in the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337).

SEC. 1006. AUTHORIZATION OF PRIOR EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 1995.

(a) ADJUSTMENT TO PREVIOUS AUTHORIZATIONS.—Amounts authorized to be appropriated to the Department of Defense for fiscal year 1995 in the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337) are hereby adjusted, with respect to any such authorized amount, by the amount by which appropriations pursuant to such authorization were increased (by a supplemental appropriation) or decreased (by a rescission), or both, in title I of the Emergency Supplemental Appropriations and Rescissions for the Department of Defense to Preserve and Enhance Military Readiness Act of 1995 (Public Law 104–6).

(b) NEW AUTHORIZATION.—The appropriation provided in section 104 of such Act is hereby authorized.

SEC. 1007. PROHIBITION OF INCREMENTAL FUNDING OF PROCUREMENT ITEMS.

Section 114 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(f)(1) No funds may be appropriated, or authorized to be appropriated, for any fiscal year for a purpose named in paragraph (1), (3), (4), or (5) of subsection (a) using incremental funding.

"(2) In the budget submitted by the President for any fiscal year, the President may not request appropriations, or authorization of appropriations, on the basis of incremental funding for a purpose specified in paragraph (1).

"(3) In this subsection, the term 'incremental funding' means the provision of funds for a fiscal year for a procurement in less than the full amount required for procurement of a complete and usable product, with the expectation (or plan) for additional funding to be made for subsequent fiscal years to complete the procurement of a complete and usable product.

"(4) This subsection does not apply with respect to funding classified as advance procurement funding.".

Subtitle B—Naval Vessels and Shipyards

SEC. 1021. CONTRACT OPTIONS FOR LMSR VESSELS.

(a) FINDINGS.—Congress makes the following findings:

(1) A requirement for the Department of the Navy to acquire 19 large, medium-speed, roll-on/roll-off (LMSR) vessels was established by the Secretary of Defense in the Mobility Requirements Study conducted after the Persian Gulf War pursuant to section 909 of the National Defense Authorization Act for Fiscal Year 1991 (Public law 101–510; 104 Stat. 1623) and was revalidated by the Secretary of Defense in the report entitled "Mobility Requirements Study Bottom-Up Review Update", submitted to Congress in April 1995.

(2) The Strategic Sealift Program is a vital element of the national military strategy calling for the Nation to be able to fight and win two nearly simultaneous major regional contingencies.

(3) The Secretary of the Navy has entered into contracts with shipyards covering acquisition of a total of 17 such LMSR vessels, of which five are vessel conversions and 12 are new construction vessels. Under those contracts, the Secretary has placed orders for the acquisition of 11 vessels and has options for the acquisition of six more, all of which would be new construction vessels. The options allow the Secretary to place orders for one vessel to be constructed at each of two shipyards for award before December 31, 1995, December 31, 1996, and December 31, 1997, respectively.

(4) Acquisition of an additional two such LMSR vessels, for a total of 19 vessels (the requirement described in paragraph (1)) would contribute to preservation of the industrial base of United States shipyards capable of building auxiliary and sealift vessels.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of the Navy should plan for, and budget to provide for, the acquisition as soon as possible of a total of 19 large, medium-speed, roll-on/roll-off (LMSR) vessels (the number determined to be required in the Mobility Requirements Study referred to in subsection (a)(1)), rather than only 17 such vessels (the number of vessels under contract as of May 1995).

(c) ADDITIONAL NEW CONSTRUCTION CONTRACT OPTION.—The Secretary of the Navy should negotiate with each of the two shipyards holding new construction contracts referred to in subsection (a)(3) (Department of the Navy contracts numbered N00024–93–C–2203 and N00024–93–C–2205) for an option under each such contract for construction of one additional such LMSR vessel, with such option to be available to the Secretary for exercise during 1995, 1996, or 1997.

(d) REPORT.—The Secretary of the Navy shall submit to the congressional defense committees, by March 31, 1996, a report stating the intentions of the Secretary regarding the acquisition of options for the construction of two additional LMSR vessels as described in subsection (c).

SEC. 1022. VESSELS SUBJECT TO REPAIR UNDER PHASED MAINTENANCE CONTRACTS.

(a) IN GENERAL.—(1) Chapter 633 of title 10, United States Code, is amended by adding at the end the following new section:

"§7315. Phased maintenance contracts: vessels covered

"In any case in which the Secretary of the Navy enters into a contract for the phased maintenance of a class of vessels or vessels of an identified type, the Secretary shall ensure that—

"(1) any vessel that is covered by the contract when it is entered into remains covered by the contract, regardless of operating command to which the vessel is subsequently assigned, unless the vessel is taken out of service for the Department of the Navy; and

"(2) any vessel of a class or type covered by the contract that is delivered to the Navy while the contract is in effect is covered by the contract.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"7315. Phased maintenance contracts: vessels covered.".

(b) EFFECTIVE DATE.—Section 7315 of title 10, United States Code, as added by subsection (a), shall apply with respect to contracts entered into after the date of the enactment of this Act.

SEC. 1023. CLARIFICATION OF REQUIREMENTS RELATING TO REPAIRS OF VESSELS.

Section 7310(a) of title 10, United States Code, is amended by inserting "or Guam" after "the United States" the second place it appears.

SEC. 1024. NAMING OF NAVAL VESSEL.

It is the sense of Congress that the Secretary of the Navy should name an appropriate ship of the United States Navy the U.S.S. Joseph Vittori, in honor of Marine Corporal Joseph Vittori (1929–1951) of Beverly, Massachusetts, who was posthumously awarded the Medal of Honor for actions against the enemy in Korea on September 15–16, 1951.

SEC. 1025. TRANSFER OF RIVERINE PATROL CRAFT.

(a) AUTHORITY TO TRANSFER VESSEL.—Notwithstanding subsections (a) and (d) of section 7306 of title 10, United States Code, but subject to subsections (b) and (c) of that section, the Secretary of the Navy may transfer a vessel described in subsection (b) to Tidewater Community College, Portsmouth, Virginia, for scientific and educational purposes.

(b) VESSEL.—The authority under subsection (a) applies in the case of a riverine patrol craft of the U.S.S. Swift class.

(c) LIMITATION.—The transfer authorized by subsection (a) may be made only if the Secretary determines that the vessel to be transferred is of no further use to the United States for national security purposes.

(d) TERMS AND CONDITIONS.—The Secretary may require such terms and conditions in connection with the transfer authorized by this section as the Secretary considers appropriate.

Subtitle C—Other Matters

SEC. 1031. TERMINATION AND MODIFICATION OF AUTHORITIES REGARDING NATIONAL DEFENSE TECHNOLOGY AND INDUSTRIAL BASE, DEFENSE REINVESTMENT, AND DEFENSE CONVERSION PROGRAMS.

(a) CONGRESSIONAL DEFENSE POLICY.—Section 2501 of title 10, United States Code, is amended—

(1) in subsection (a), by striking out paragraph (5); and

(2) in subsection (b)—

(A) by striking out "DEFENSE REINVESTMENT, DIVERSIFICATION, AND CONVERSION" in the subsection heading and inserting in lieu thereof "TECHNOLOGY DEVELOPMENT FOR NATIONAL SECURITY";

(B) by striking out ", during a period of reduction in defense expenditures," in the matter preceding paragraph (1);

(C) by striking out "of reinvestment, diversification, and conversion of defense resources" in the matter preceding paragraph (1); and

(D) in paragraph (5), by striking out "defense economic reinvestment" and inserting in lieu thereof "economic investment".

(b) NATIONAL DEFENSE TECHNOLOGY AND INDUSTRIAL BASE COUNCIL.—Section 2502(c) of such title is amended—

(1) in paragraph (1)(B), by striking out ", during a period of reduction in defense expenditures, the defense reinvestment, diversification, and conversion objectives" and inserting in lieu thereof "the objectives";

(2) by striking out paragraph (2); and

(3) by redesignating paragraph (3) as paragraph (2).

(c) MODIFICATION OF DEFENSE DUAL-USE CRITICAL TECHNOLOGY PARTNERSHIPS PROGRAM.—(1) Subsection (a) of section 2511 of such title is amended—

(A) by striking out "PARTNERSHIPS" in the subsection heading and inserting in lieu thereof "PROGRAM";

(B) in the first sentence, by striking out ", by providing for the establishment" and all that follows through "encourage and provide" and inserting in lieu thereof "by encouraging and providing";

(C) in the second sentence, by striking out "in order to establish the partnerships" and inserting in lieu thereof "in furtherance of the program"; and

(D) by adding at the end the following new sentence: "The Secretary shall identify projects to be conducted as part of the program.".

(2) Such section is further amended by striking out subsections (b), (c), and (d) and inserting in lieu thereof the following new subsection:

"(b) ASSISTANCE AUTHORIZED.—The Secretary of Defense may provide technical and other assistance to facilitate the achievement of the purposes of projects conducted under the program. In providing such assistance, the Secretary may make available, as appropriate for the work to be performed, equipment and facilities of Department of Defense laboratories (including the

scientists and engineers at those laboratories) for purposes of projects selected by the Secretary.".

(3) Such section is further amended—

(A) by redesignating subsections (e), (f), and (g), as subsections (c), (d), and (e), respectively;

(B) in subsection (c), as so redesignated, by striking out "establishment of partnerships" and inserting in lieu thereof "conduct of the program"; and

(C) in subsection (d), as so redesignated—

(i) by striking out "proposed partnerships for establishment under this section" in the matter preceding paragraph (1) and inserting in lieu thereof "projects under the program";

(ii) in paragraphs (1) and (2), by striking out "program proposed to be conducted by the partnership" both places it appears and inserting in lieu thereof "proposed project";

(iii) in paragraph (3), by striking out "partnership's" and inserting in lieu thereof "proposed project's"; and

(iv) in paragraphs (4) through (7), by striking out "partnership" each place it appears and inserting in lieu thereof "project".

(d) REPEAL OF COMMERCIAL-MILITARY INTEGRATION PARTNERSHIPS PROGRAM.—Section 2512 of such title is repealed.

(e) REPEAL OF REGIONAL TECHNOLOGY ALLIANCES ASSISTANCE PROGRAM.—Section 2513 of such title is repealed.

(f) MILITARY-CIVILIAN INTEGRATION AND TECHNOLOGY TRANSFER ADVISORY BOARD.—Section 2516(b) of such title is amended—

(1) by inserting "and" at the end of paragraph (2);

(2) by striking out "; and" at the end of paragraph (3) and inserting in lieu thereof a period; and

(3) by striking out paragraph (4).

(g) FEDERAL DEFENSE LABORATORY DIVERSIFICATION PROGRAM.—Section 2519 of such title is amended—

(1) in subsection (b), by striking out "referred to in section 2511(b) of this title";

(2) in subsection (d)—

(A) by striking out "(1)" before "The Secretary shall"; and

(B) by striking out paragraph (2); and

(3) in subsection (f), by striking out "section 2511(f)" and inserting in lieu thereof "section 2511(d)".

(h) REPEAL OF NAVY REINVESTMENT PROGRAM.—Section 2520 of such title is repealed.

(i) REPEAL OF NATIONAL DEFENSE MANUFACTURING TECHNOLOGY PROGRAM.—Section 2521 of such title is repealed.

(j) REPEAL OF DEFENSE ADVANCED MANUFACTURING TECHNOLOGY PARTNERSHIPS PROGRAM.—Section 2522 of such title is repealed.

(k) REPEAL OF MANUFACTURING EXTENSION PROGRAM.—Section 2523 of such title is repealed.

(l) REPEAL OF DEFENSE DUAL-USE ASSISTANCE EXTENSION PROGRAM.—Section 2524 of such title is repealed.

(m) CLERICAL AMENDMENTS.—(1) The heading of section 2511 of such title is amended to read as follows:

"§2511. Defense dual-use critical technology program".

(2) The table of sections at the beginning of subchapter III of chapter 148 of such title is amended—

(A) by striking out the item relating to section 2511 and inserting in lieu thereof the following new item:

"2511. Defense dual-use critical technology program."; and

(B) by striking out the items relating to sections 2512, 2513, and 2520.

(3) The table of sections at the beginning of subchapter IV of such chapter is amended by striking out the items relating to sections 2521, 2522, 2523, and 2524.

SEC. 1032. REPEAL OF MISCELLANEOUS PROVISIONS OF LAW.

(a) VOLUNTEERS INVESTING IN PEACE AND SECURITY PROGRAM.—(1) Chapter 89 of title 10, United States Code, is repealed.

(2) The tables of chapters at the beginning of subtitle A, and at the beginning of part II of subtitle A, of such title are amended by striking out the item relating to chapter 89.

(b) SECURITY AND CONTROL OF SUPPLIES.—(1) Chapter 171 of such title is repealed.

(2) The tables of sections at the beginning of subtitle A, and at the beginning of part IV of subtitle A, of such title are each amended by striking out the item relating to chapter 171.

(c) ANNUAL AUTHORIZATION OF MILITARY TRAINING STUDENT LOADS.—Section 115 of such title is amended—

(1) in subsection (a), by striking out paragraph (3);

(2) in subsection (b)—

(A) by inserting "or" at the end of paragraph (1);

(B) by striking out "; or" at the end of paragraph (2) and inserting in lieu thereof a period; and

(C) by striking out paragraph (3); and

(3) by striking out subsection (f).

(d) PORTIONS OF ANNUAL MANPOWER REQUIREMENTS REPORT.—Section 115a of such title is amended—

(1) in subsection (b)(2), by striking out subparagraph (C);

(2) by striking out subsection (d);

(3) by redesignating subsection (e) as subsection (d) and striking out paragraphs (4) and (5) thereof;

(4) by striking out subsection (f); and

(5) by redesignating subsection (g) as subsection (e).

(e) OBSOLETE AUTHORITY FOR PAYMENT OF STIPENDS FOR MEMBERS OF CERTAIN ADVISORY COMMITTEES AND BOARDS OF VISITORS OF SERVICE ACADEMIES.—(1) The second sentence of each of sections 173(b) and 174(b) of such title is amended to read as follows: "Other members and part-time advisers shall (except as otherwise specifically authorized by law) serve without compensation for such service.".

(2) Sections 4355(h), 6968(h), and 9355(h) of such title are amended by striking out "is entitled to not more than $5 a day and".

(f) ANNUAL BUDGET INFORMATION CONCERNING RECRUITING COSTS.—(1) Section 227 of such title is repealed.

(2) The table of sections at the beginning of chapter 9 of such title is amended by striking out the item relating to section 227.

(g) EXPIRED AUTHORITY RELATING TO PEACEKEEPING ACTIVITIES.—(1) Section 403 of such title is repealed.

(2) The table of sections at the beginning of subchapter I of chapter 20 of such title is amended by striking out the item relating to section 403.

(h) MANAGEMENT TRAINING PROGRAM IN JAPANESE LANGUAGE AND CULTURE.—(1) Section 2198 of such title is repealed.

(2) The table of sections at the beginning of chapter 111 of such title is amended by striking out the item relating to section 2198.

(i) PROCUREMENT OF GASOHOL FOR DEPARTMENT OF DEFENSE MOTOR VEHICLES.—(1) Subsection (a) of section 2398 of such title is repealed.

(2) Such section is further amended—

(A) by redesignating subsections (b) and (c) as subsections (a) and (b), respectively; and

(B) in subsection (b), as so redesignated, by striking out "subsection (b)" and inserting in lieu thereof "subsection (a)".

(j) REQUIREMENT OF NOTICE OF CERTAIN DISPOSALS AND GIFTS BY SECRETARY OF NAVY.—Section 7545 of such title is amended by striking out subsection (c).

(k) ANNUAL REPORT ON BIOLOGICAL DEFENSE RESEARCH PROGRAM.—(1) Section 2370 of such title is repealed.

(2) The table of sections at the beginning of chapter 139 of such title is amended by striking out the item relating to such section.

(l) REPORTS AND NOTIFICATIONS RELATING TO CHEMICAL AND BIOLOGICAL AGENTS.—(1) Subsection (a) of section 409 of Public Law 91-121 (50 U.S.C. 1511) is repealed.

(2) Subsection (b) of such section (50 U.S.C. 1512) is amended—

(A) by inserting "and" at the end of paragraph (2);

(B) by striking out "; and" at the end of paragraph (3) and inserting in lieu thereof a period; and

(C) by striking out paragraph (4).

(3) Subsection (c) of such section (50 U.S.C. 1513) is amended by striking out the second sentence of paragraph (1).

(m) PROVISION GIVING PERMANENT STATUS TO EXECUTIVE ORDER RELATING TO NAVAL NUCLEAR PROPULSION PROGRAM.—Section 1634 of the Department of Defense Authorization, 1985 (Public Law 98-525; 98 Stat. 2649; 42 U.S.C. 7158 note), is repealed.

(n) ANNUAL REPORT ON BALANCED TECHNOLOGY INITIATIVE.—Subsection (e) of section 211 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 103 Stat. 1394) is repealed.

(o) OBSOLETE AUTHORITY REGARDING ANNISTON ARMY DEPOT, ALABAMA.—Section 352 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1539) is repealed.

(p) REPORT ON ENVIRONMENTAL RESTORATION COSTS FOR INSTALLATIONS TO BE CLOSED UNDER 1990 BASE CLOSURE LAW.—Section 2827 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 10 U.S.C. 2687 note) is amended by striking out subsection (b).

(q) LIMITATION ON AMERICAN DIPLOMATIC FACILITIES IN GERMANY.—Section 1432 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1833) is repealed.

(r) REQUIREMENT RELATING TO ATHLETIC DIRECTOR OF NAVAL ACADEMY.—Section 556(b) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2774) (including the section of title 10, United States Code, added by that section effective January 1, 1996, and the table of sections item added by that section) is repealed.

TITLE XI—COOPERATIVE THREAT REDUCTION WITH STATES OF FORMER SOVIET UNION

SEC. 1101. SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS.

(a) IN GENERAL.—For purposes of section 301 and other provisions of this Act, Cooperative Threat Reduction programs are the programs specified in subsection (b).

(b) SPECIFIED PROGRAMS.—The programs referred to in subsection (a) are the following:

(1) Programs to facilitate the elimination, and the safe and secure transportation and storage, of nuclear, chemical, and other weapons and their delivery vehicles.

(2) Programs to facilitate the safe and secure storage of fissile materials derived from the elimination of nuclear weapons.

(3) Programs to prevent the proliferation of weapons, weapons components, and weapons-related technology and expertise.

(4) Programs to expand military-to-military and defense contacts.

SEC. 1102. FISCAL YEAR 1996 AUTHORIZATION.

Of the amount authorized in section 301 for Cooperative Threat Reduction programs, not more than the following amounts shall be available for the purposes specified:

(1) $50,000,000 for elimination of Russian strategic offensive weapons.

(2) $20,000,000 for elimination of Ukraine strategic nuclear weapons.

(3) $15,000,000 for elimination of Kazakhstan strategic nuclear weapons.

(4) $5,000,000 for elimination of Belarus strategic nuclear weapons.

(5) $6,000,000 for design of a storage facility for Russian fissile material.

(6) $42,500,000 for weapons security in Russia.

(7) $35,000,000 for nuclear infrastructure elimination in Ukraine, Belarus, and Kazakhstan.

(8) $10,000,000 for activities designated as Defense and Military Contacts/General Support/Training in Russia, Ukraine, Belarus, and Kazakhstan.

(9) $16,500,000 for activities designated as Other Assessments/Support.

SEC. 1103. REPEAL OF DEMILITARIZATION ENTERPRISE FUND AUTHORITY.

Section 1204 of the Cooperative Threat Reduction Act of 1993 (title XII of Public Law 103–160; 22 U.S.C. 5953) is repealed.

SEC. 1104. PROHIBITION ON USE OF FUNDS FOR PEACEKEEPING EXERCISES AND RELATED ACTIVITIES WITH RUSSIA.

None of the funds appropriated pursuant to the authorization in section 301 for Cooperative Threat Reduction programs may be obligated or expended for the purpose of conducting with Russia any peacekeeping exercise or other peacekeeping-related activity.

SEC. 1105. REVISION TO AUTHORITY FOR ASSISTANCE FOR WEAPONS DESTRUCTION.

Section 211(b) of Public Law 102–228 (105 Stat. 1694) is amended by striking out "committed to" in the matter preceding paragraph (1).

SEC. 1106. PRIOR NOTICE TO CONGRESS OF OBLIGATION OF FUNDS.

(a) Annual Requirement.—(1) Not less than 15 days before any obligation of any funds appropriated for any fiscal year for a program specified under section 1101 as a Cooperative Threat Reduction program, the Secretary of Defense shall submit to the congressional committees specified in paragraph (2) a report on that proposed obligation for that program for that fiscal year.

(2) The congressional committees referred to in paragraph (1) are the following:

(A) The Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate.

(B) The Committee on National Security, the Committee on International Relations, and the Committee on Appropriations of the House of Representatives.

(b) Matters To Be Specified in Reports.—Each such report shall specify—

(1) the activities and forms of assistance for which the Secretary of Defense plans to obligate funds;

(2) the amount of the proposed obligation; and

(3) the projected involvement (if any) of any department or agency of the United States (in addition to the Department of Defense) and of the private sector of the United States in the activities and forms of assistance for which the Secretary of Defense plans to obligate such funds.

SEC. 1107. REPORT ON ACCOUNTING FOR UNITED STATES ASSISTANCE.

(a) Report.—(1) The Secretary of Defense shall submit to Congress an annual report on the efforts made by the United States (including efforts through the use of audits, examinations, and on-site inspections) to ensure that assistance provided under Cooperative Threat Reduction programs is fully accounted for and that such assistance is being used for its intended purposes.

(2) A report shall be submitted under this section not later than January 31 of each year until the Cooperative Threat Reduction programs are completed.

(b) Information To Be Included.—Each report under this section shall include the following:

(1) A list of cooperative threat reduction assistance that has been provided before the date of the report.

(2) A description of the current location of the assistance provided and the current condition of such assistance.

(3) A determination of whether the assistance has been used for its intended purpose.

(4) A description of the activities planned to be carried out during the next fiscal year to ensure that cooperative threat reduction assistance provided during that fiscal year is fully accounted for and is used for its intended purpose.

(c) Comptroller General Assessment.—Not later than 30 days after the date on which a report of the Secretary under subsection (a) is submitted to Congress, the Comptroller General of the United States shall submit to Congress a report giving the Comptroller General's assessment of the report and making any recommendations that the Comptroller General considers appropriate.

TITLE XII—MATTERS RELATING TO OTHER NATIONS

Subtitle A—Peacekeeping Provisions

SEC. 1201. LIMITATION ON EXPENDITURE OF DEPARTMENT OF DEFENSE FUNDS FOR UNITED STATES FORCES PLACED UNDER UNITED NATIONS COMMAND OR CONTROL.

(a) In General.—(1) Chapter 20 of title 10, United States Code, is amended by inserting after section 404 the following new section:

"§405. Placement of United States forces under United Nations command or control: limitation

"(a) Limitation.—Except as provided in subsections (b) and (c), funds appropriated or otherwise made available for the Department of Defense may not be obligated or expended for activities of any element of the Armed Forces that after the date of the enactment of this section is placed under United Nations command or control, as defined in subsection (f).

"(b) Exception for Presidential Certification.—(1) Subsection (a) shall not apply in the case of a proposed placement of an element of the Armed Forces under United Nations command or control if the President, not less than 15 days before the date on which such United Nations command or control is to become effective (or as provided in paragraph (2)), meets the requirements of subsection (d).

"(2) If the President certifies to Congress that an emergency exists that precludes the President from meeting the requirements of subsection (d) 15 days before placing an element of the Armed Forces under United Nations command or control, the President may place such forces under such command or control and meet the requirements of subsection (d) in a timely manner, but in no event later than 48 hours after such command or control becomes effective.

"(c) Additional Exceptions.—

"(1) Exception for Authorization by Law.—Subsection (a) shall not apply in the case of a proposed placement of any element of the Armed Forces under United Nations command or control if the Congress specifically authorizes by law that particular placement of United States forces under United Nations command or control.

"(2) Exception for NATO Operations.—Subsection (a) shall not apply in the case of a proposed placement of any element of the armed forces in an operation conducted by the North Atlantic Treaty Organization.

"(d) Presidential Certifications.—The requirements referred to in subsection (b)(1) are that the President submit to Congress the following:

"(1) Certification by the President that—

"(A) such a United Nations command or control arrangement is necessary to protect national security interests of the United States;

"(B) the commander of any unit of the Armed Forces proposed for placement under United Nations command or control will at all times retain the right—

"(i) to report independently to superior United States military authorities; and

"(ii) to decline to comply with orders judged by the commander to be illegal, militarily imprudent, or beyond the mandate of the mission to which the United States agreed with the United Nations, until such time as that commander receives direction from superior United States military authorities with respect to the orders that the commander has declined to comply with;

"(C) any element of the Armed Forces proposed for placement under United Nations command or control will at all times remain under United States administrative command for such purposes as discipline and evaluation; and

"(D) the United States will retain the authority to withdraw any element of the Armed Forces from the proposed operation at any time and to take any action it considers necessary to protect those forces if they are engaged.

"(2) A report setting forth the following:

"(A) A description of the national security interests that require the placement of United States forces under United Nations command or control.

"(B) The mission of the United States forces involved.

"(C) The expected size and composition of the United States forces involved.

"(D) The incremental cost to the United States of participation in the United Nations operation by the United States forces which are proposed to be placed under United Nations command or control.

"(E) The precise command and control relationship between the United States forces involved and the United Nations command structure.

"(F) The precise command and control relationship between the United States forces involved and the commander of the United States unified command for the region in which those United States forces are to operate.

"(G) The extent to which the United States forces involved will rely on non-United States forces for security and self-defense and an assessment on the ability of those non-United States forces to provide adequate security to the United States forces involved.

"(H) The timetable for complete withdrawal of the United States forces involved.

"(e) Classification of Report.—A report under subsection (d) shall be submitted in unclassified form and, if necessary, in classified form.

"(f) United Nations Command or Control.—For purposes of this section, an element of the Armed Forces shall be considered to be placed under United Nations command or control if—

"(1) that element is under the command or operational control of an individual acting on behalf of the United Nations for the purpose of international peacekeeping, peacemaking, peace-enforcing, or similar activity that is authorized by the Security Council under chapter VI or VII of the Charter of the United Nations; and

"(2) the senior military commander of the United Nations force or operation—

"(A) is a foreign national or is a citizen of the United States who is not a United States military officer serving on active duty; or

"(B) is a United States military officer serving on active duty but—

"(i) that element of the armed forces is under the command or operational control of a subordinate commander who is a foreign national or a citizen of the United States who is not a United States military officer serving on active duty; and

"(ii) that senior military commander does not have the authority—

"(I) to dismiss any subordinate officer in the chain of command who is exercising command or operational control over United States forces and who is a foreign national or a citizen of the United States who is not a United States military officer serving on active duty;

"(II) to establish rules of engagement for United States forces involved; and

"(III) to establish criteria governing the operational employment of United States forces involved.

"(g) INTERPRETATION.—Nothing in this section may be construed—

"(1) as authority for the President to use any element of the armed forces in any operation;

"(2) as authority for the President to place any element of the armed forces under the command or operational control of a foreign national; or

"(3) as an unconstitutional infringement on the authority of the President as commander-in-chief.".

(2) The table of sections at the beginning of subchapter I of such chapter is amended by adding at the end the following new item:

"405. Placement of United States forces under United Nations command or control: limitation.".

(b) REPORT RELATING TO CONSTITUTIONALITY.—No certification may be submitted by the President under section 405(d)(1) of title 10, United States Code, as added by subsection (a), until the President has submitted to the Congress (after the date of the enactment of this Act) a memorandum of legal points and authorities explaining why the placement of elements of United States Armed Forces under the command or operational control of a foreign national acting on behalf of the United Nations does not violate the Constitution.

(c) EXCEPTION FOR ONGOING OPERATIONS IN MACEDONIA AND CROATIA.—Section 405 of title 10, United States Code, as added by subsection (a), does not apply in the case of activities of the Armed Forces as part of the United Nations force designated as the United Nations Protection Force (UNPROFOR) that are carried out—

(1) in Macedonia pursuant to United Nations Security Council Resolution 795, adopted December 11, 1992, and subsequent reauthorization Resolutions; or

(2) in Croatia pursuant to United Nations Security Council Resolution 743, adopted February 21, 1992, and subsequent reauthorization Resolutions.

SEC. 1202. LIMITATION ON USE OF DEPARTMENT OF DEFENSE FUNDS FOR UNITED STATES SHARE OF COSTS OF UNITED NATIONS PEACEKEEPING ACTIVITIES.

(a) IN GENERAL.—(1) Chapter 20 of title 10, United States Code, is amended by inserting after section 405, as added by section 1201, the following new section:

"§406. Use of Department of Defense funds for United States share of costs of United Nations peacekeeping activities: limitation

"(a) PROHIBITION ON USE OF FUNDS.—Funds available to the Department of Defense may not be used to make a financial contribution (directly or through another department or agency of the United States) to the United Nations—

"(1) for the costs of a United Nations peacekeeping activity; or

"(2) for any United States arrearage to the United Nations.

"(b) APPLICATION OF PROHIBITION.—The prohibition in subsection (a) applies to voluntary contributions, as well as to contributions pursuant to assessment by the United Nations for the United States share of the costs of a peacekeeping activity.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 405, as added by section 1201, the following new item:

"406. Use of Department of Defense funds for United States share of costs of United Nations peacekeeping activities: limitation.".

(b) EFFECTIVE DATE.—Section 406 of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 1995.

Subtitle B—Humanitarian Assistance Programs

SEC. 1211. OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID PROGRAMS.

For purposes of section 301 and other provisions of this Act, programs of the Department of Defense designated as Overseas Humanitarian, Disaster, and Civic Aid (OHDACA) programs are the programs provided by sections 401, 402, 404, 2547, and 2551 of title 10, United States Code.

SEC. 1212. HUMANITARIAN ASSISTANCE.

Section 2551 of title 10, United States Code is amended—

(1) by striking out subsections (b) and (c);

(2) by redesignating subsection (d) as subsection (b);

(3) by striking out subsection (e) and inserting in lieu thereof the following:

"(c) STATUS REPORTS.—(1) The Secretary of Defense shall submit to the congressional committees specified in subsection (f) an annual report on the provision of humanitarian assistance pursuant to this section for the prior fiscal year. The report shall be submitted each year at the time of the budget submission by the President for the next fiscal year.

"(2) Each report required by paragraph (1) shall cover all provisions of law that authorize appropriations for humanitarian assistance to be available from the Department of Defense for the purposes of this section.

"(3) Each report under this subsection shall set forth the following information regarding activities during the previous fiscal year:

"(A) The total amount of funds obligated for humanitarian relief under this section.

"(B) The number of scheduled and completed transportation missions for purposes of providing humanitarian assistance under this section.

"(C) A description of any transfer of excess nonlethal supplies of the Department of Defense made available for humanitarian relief purposes under section 2547 of this title. The description shall include the date of the transfer, the entity to whom the transfer is made, and the quantity of items transferred.";

(4) by redesignating subsection (f) as subsection (d) and in that subsection striking out "the Committees on" and all that follows through "House of Representatives of the" and inserting in lieu thereof "the congressional committees specified in subsection (f) and the Committees on Appropriations of the Senate and House of Representatives of the";

(5) by redesignating subsection (g) as subsection (e); and

(6) by adding at the end the following new subsection:

"(f) CONGRESSIONAL COMMITTEES.—The congressional committees referred to in subsections (c)(1) and (d) are the following:

"(1) The Committee on Armed Services and the Committee on Foreign Relations of the Senate.

"(2) The Committee on National Security and the Committee on International Relations of the House of Representatives.".

SEC. 1213. LANDMINE CLEARANCE PROGRAM.

(a) INCLUSION IN GENERAL HUMANITARIAN ASSISTANCE PROGRAM.—Subsection (e) of section 401 of title 10, United States Code, is amended—

(1) by striking out "means—" and inserting in lieu thereof "means:";

(2) by revising the first word in each of paragraphs (1) through (4) so that the first letter of such word is upper case;

(3) by striking out the semicolon at the end of paragraphs (1) and (2) and inserting in lieu thereof a period;

(4) by striking out "; and" at the end of paragraph (3) and inserting in lieu thereof a period; and

(5) by adding at the end the following new paragraph:

"(5) Detection and clearance of landmines, including activities relating to the furnishing of education, training, and technical assistance with respect to the detection and clearance of landmines.".

(b) LIMITATION ON LANDMINE ASSISTANCE BY MEMBERS OF ARMED FORCES.—Subsection (a) of such section is amended by adding at the end the following new paragraph:

"(4) The Secretary of Defense shall ensure that no member of the armed forces, while providing assistance under this section that is described in subsection (e)(5)—

"(A) engages in the physical detection, lifting, or destroying of landmines (unless the member does so for the concurrent purpose of supporting a United States military operation); or

"(B) provides such assistance as part of a military operation that does not involve the armed forces.".

(c) REPEAL.—Section 1413 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337; 108 Stat. 2913; 10 U.S.C. 401 note) is repealed.

Subtitle C—Other Matters

SEC. 1221. REVISION OF DEFINITION OF LANDMINE FOR PURPOSES OF LANDMINE EXPORT MORATORIUM.

Section 1423(d)(3) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1831) is amended by striking out "by remote control or".

SEC. 1222. EXTENSION AND AMENDMENT OF COUNTERPROLIFERATION AUTHORITIES.

(a) ONE-YEAR EXTENSION OF PROGRAM.—Section 1505 of the Weapons of Mass Destruction Control Act of 1992 (title XV of Public Law 102–484; 22 U.S.C. 5859a) is amended—

(1) in subsection (a), by striking out "during fiscal years 1994 and 1995";

(2) in subsection (e)(1), by striking out "fiscal years 1994 and 1995" and inserting in lieu thereof "a fiscal year during which the authority of the Secretary of Defense to provide assistance under this section is in effect"; and

(3) by adding at the end the following new subsection:

"(f) TERMINATION OF AUTHORITY.—The authority of the Secretary of Defense to provide assistance under this section terminates at the close of fiscal year 1996.".

(b) PROGRAM AUTHORITIES.—(1) Subsections (b)(2) and (d)(3) of such section are amended by striking out "the On-Site Inspection Agency" and inserting in lieu thereof "the Department of Defense".

(2) Subsection (c)(3) of such section is amended by striking out "will be counted" and all that follows and inserting in lieu thereof "will be counted as discretionary spending in the national defense budget function (function 050).".

(c) AMOUNT OF ASSISTANCE.—Subsection (d) of such section is amended—

(1) in paragraph (1)—

(A) by striking out "for fiscal year 1994" the first place it appears and all that follows through the period at the end of the second sentence and inserting in lieu thereof "for any fiscal year shall be derived from amounts made available to the Department of Defense for that fiscal year."; and

(B) by striking out "referred to in this paragraph"; and

(2) in paragraph (3)—

(A) by striking out "may not exceed" and all that follows through "1995"; and

(B) by inserting before the period at the end the following: ", may not exceed $25,000,000 for fiscal year 1994, $20,000,000 for fiscal year 1995, or $15,000,000 for fiscal year 1996".

SEC. 1223. PROHIBITION ON USE OF FUNDS FOR ACTIVITIES ASSOCIATED WITH THE UNITED STATES-PEOPLE'S REPUBLIC OF CHINA JOINT DEFENSE CONVERSION COMMISSION.

Funds appropriated to the Department of Defense for fiscal year 1996 may not be obligated or expended for any activity associated with the United States-People's Republic of China Joint Defense Conversion Commission.

SEC. 1224. DEFENSE EXPORT LOAN GUARANTEES.

(a) ESTABLISHMENT OF PROGRAM.—(1) Chapter 148 of title 10, United States Code, is amended by adding at the end the following new subchapter:

"SUBCHAPTER VI—DEFENSE EXPORT LOAN GUARANTEES

"Sec.
"2540. Establishment of loan guarantee program.
"2540a. Transferability.
"2540b. Limitations.
"2540c. Fees charged and collected.
"2540d. Definitions.

"§2540. Establishment of loan guarantee program

"(a) ESTABLISHMENT.—In order to meet the national security objectives in section 2501(a) of this title, the Secretary of Defense shall establish a program under which the Secretary may issue guarantees assuring a lender against losses of principal or interest, or both principal and interest, arising out of the financing of the sale or long-term lease of defense articles, defense services, or design and construction services to a country referred to in subsection (b).

"(b) COVERED COUNTRIES.—The authority under subsection (a) applies with respect to the following countries:

"(1) A member nation of the North Atlantic Treaty Organization (NATO).

"(2) A country designated as of March 31, 1995, as a major non-NATO ally pursuant to section 2350a(i)(3) of this title.

"(3) A country that was a member nation of the Asia Pacific Economic Cooperation (APEC) as of March 31, 1995.

"(c) AUTHORITY SUBJECT TO PROVISIONS OF APPROPRIATION ACTS.—The Secretary may guarantee a loan under this subchapter only to such extent or in such amounts as may be provided in advance in appropriations Acts.

"§2540a. Transferability

"A guarantee issued under this subchapter shall be fully and freely transferable.

"§2540b. Limitations

"(a) TERMS AND CONDITIONS OF LOAN GUARANTEES.—In issuing a guarantee under this subchapter for a medium-term or long-term loan, the Secretary may not offer terms and conditions more beneficial than those that would be provided to the recipient by the Export-Import Bank of the United States under similar circumstances in conjunction with the provision of guarantees for nondefense articles and services.

"(b) LOSSES ARISING FROM FRAUD OR MISREPRESENTATION.—No payment may be made under a guarantee issued under this subchapter for a loss arising out of fraud or misrepresentation for which the party seeking payment is responsible.

"(c) NO RIGHT OF ACCELERATION.—The Secretary of Defense may not accelerate any guaranteed loan or increment, and may not pay any amount, in respect of a guarantee issued under this subchapter, other than in accordance with the original payment terms of the loan.

"§2540c. Fees charged and collected

"(a) IN GENERAL.—The Secretary of Defense shall charge a fee (known as 'exposure fee') for each guarantee issued under this subchapter.

"(b) AMOUNT.—To the extent that the cost of the loan guarantees under this subchapter is not otherwise provided for in appropriations Acts, the fee imposed under this section with respect to a loan guarantee shall be fixed in an amount sufficient to meet potential liabilities of the United States under the loan guarantee.

"(c) PAYMENT TERMS.—The fee for each guarantee shall become due as the guarantee is issued. In the case of a guarantee for a loan which is disbursed incrementally, and for which the guarantee is correspondingly issued incrementally as portions of the loan are disbursed, the fee shall be paid incrementally in proportion to the amount of the guarantee that is issued.

"§2540d. Definitions

"In this subchapter:

"(1) The terms 'defense article', 'defense services', and 'design and construction services' have the meanings given those terms in section 47 of the Arms Export Control Act (22 U.S.C. 2794).

"(2) The term 'cost', with respect to a loan guarantee, has the meaning given that term in section 502 of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 661a).".

(2) The table of subchapters at the beginning of such chapter is amended by adding at the end the following new item:

"VI. Defense Export Loan Guarantees .. 2540".

(b) REPORT.—Not later than two years after the date of the enactment of this Act, the President shall submit to Congress a report on the loan guarantee program established pursuant to section 2540 of title 10, United States Code, as added by subsection (a). The report shall include—

(1) an analysis of the costs and benefits of the loan guarantee program; and

(2) any recommendations for modification of the program that the President considers appropriate, including—

(A) any recommended addition to the list of countries for which a guarantee may be issued under the program; and

(B) any proposed legislation necessary to authorize a recommended modification.

SEC. 1225. ACCOUNTING FOR BURDENSHARING CONTRIBUTIONS.

(a) AUTHORITY TO MANAGE CONTRIBUTIONS IN LOCAL CURRENCY, ETC.—Subsection (b) of section 2350j of title 10, United States Code, is amended to read as follows:

"(b) ACCOUNTING.—Contributions accepted under subsection (a) which are not related to security assistance may be accepted, managed, and expended in dollars or in the currency of the host nation (or, in the case of a contribution from a regional organization, in the currency in which the contribution was provided). Any such contribution shall be placed in an account established for such purpose and shall remain available until expended for the purposes specified in subsection (c). The Secretary of Defense shall establish a separate account for such purpose for each country or regional organization from which such contributions are accepted under subsection (a).".

(b) CONFORMING AMENDMENT.—Subsection (d) of such section is amended by striking out "credited under subsection (b) to an appropriation account of the Department of Defense" and inserting in lieu thereof "placed in an account established under subsection (b)".

(c) TECHNICAL AMENDMENT.—Such section is further amended—

(1) in subsection (e)(1), by striking out "a report to the congressional defense committees" and inserting in lieu thereof "to the congressional committees specified in subsection (g) a report"; and

(2) by adding at the end the following new subsection:

"(g) CONGRESSIONAL COMMITTEES.—The congressional committees referred to in subsection (e)(1) are—

"(1) the Committee on Armed Services and the Committee on Appropriations of the Senate; and

"(2) the Committee on National Security and the Committee on Appropriations of the House of Representatives.".

SEC. 1226. AUTHORITY TO ACCEPT CONTRIBUTIONS FOR EXPENSES OF RELOCATION WITHIN HOST NATION OF UNITED STATES ARMED FORCES OVERSEAS.

(a) IN GENERAL.—(1) Subchapter II of chapter 138 of title 10, United States Code, is amended by adding at the end the following new section:

"§2350k. Relocation within host nation of elements of armed forces overseas

"(a) AUTHORITY TO ACCEPT CONTRIBUTIONS.—The Secretary of Defense may accept contributions from any nation because of or in support of the relocation of elements of the armed forces from or to any location within that nation. Such contributions may be accepted in dollars or in the currency of the host nation. Any such contribution shall be placed in an account established for such purpose and shall remain available until expended for the purposes specified in subsection (b). The Secretary shall establish a separate account for such purpose for each country from which such contributions are accepted.

"(b) USE OF CONTRIBUTIONS.—The Secretary may use a contribution accepted under subsection (a) only for payment of costs incurred in connection with the relocation concerning which the contribution was made. Those costs include the following:

"(1) Design and construction services, including development and review of statements of work, master plans and designs, acquisition of construction, and supervision and administration of contracts relating thereto.

"(2) Transportation and movement services, including packing, unpacking, storage, and transportation.

"(3) Communications services, including installation and deinstallation of communications equipment, transmission of messages and data, and rental of transmission capability.

"(4) Supply and administration, including acquisition of expendable office supplies, rental of office space, budgeting and accounting services, auditing services, secretarial services, and translation services.

"(5) Personnel costs, including salary, allowances and overhead of employees whether full-time or part-time, temporary or permanent (except for military personnel), and travel and temporary duty costs.

"(6) All other clearly identifiable expenses directly related to relocation.

"(c) METHOD OF CONTRIBUTION.—Contributions may be accepted in any of the following forms:

"(1) Irrevocable letter of credit issued by a financial institution acceptable to the Treasurer of the United States.

"(2) Drawing rights on a commercial bank account established and funded by the host nation, which account is blocked such that funds deposited cannot be withdrawn except by or with the approval of the United States.

"(3) Cash, which shall be deposited in a separate trust fund in the United States Treasury pending expenditure and which shall accrue interest in accordance with section 9702 of title 31.

"(d) ANNUAL REPORT TO CONGRESS.—Not later than 30 days after the end of each fiscal year, the Secretary shall submit to Congress a report specifying—

"(1) the amount of the contributions accepted by the Secretary during the preceding fiscal year under subsection (a) and the purposes for which the contributions were made; and

"(2) the amount of the contributions expended by the Secretary during the preceding fiscal year and the purposes for which the contributions were expended.".

(2) The table of sections at the beginning of subchapter II of chapter 138 of such title is amended by adding at the end the following new item:

"2350k. Relocation within host nation of elements of armed forces overseas.".

(b) EFFECTIVE DATE.—Section 2350k of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 1995, and shall apply to contributions for relocation of elements of the Armed Forces in or to any nation received on or after such date.

SEC. 1227. SENSE OF CONGRESS ON ABM TREATY VIOLATIONS.

(a) FINDINGS.—The Congress finds the following:

(1) The 1972 Anti-Ballistic Missile Treaty prohibits either party from deploying ballistic missile early warning radars except at locations along the periphery of its national territory and oriented outward.

(2) The 1972 Anti-Ballistic Missile Treaty prohibits either party from deploying an ABM system to defend its national territory and from providing a base for any such nationwide defense.

(3) Large phased-array radars were recognized during negotiation of the Anti-Ballistic Missile Treaty as the critical long lead-time element of a nationwide defense against ballistic missiles.

(4) In 1983 the United States discovered the construction, in the interior of the Soviet Union near the town of Krasnoyarsk, of a large phased-array radar that was judged to be for ballistic missile early warning and tracking.

(5) The Krasnoyarsk radar was certified by the Reagan Administration and previous sessions of Congress as an unequivocal violation by the Soviet Union of the Anti-Ballistic Missile Treaty.

(6) Retired Soviet General Y.V. Votintsev, Director of the Soviet National Air Defense Forces from 1967 to 1985, has publicly stated that he was directed by the Chief of the Soviet General staff to locate the large phased-array radar at Krasnoyarsk despite the recognition that its location would be a clear violation of the ABM Treaty.

(7) General Votintsev has publicly stated that Marshal D.F. Ustinov, Soviet Minister of Defense, threatened to relieve from duty any Soviet officer who continued to object to the construction of a large-phased array radar at Krasnoyarsk.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the government of the Soviet Union intentionally violated its legal obligations under the 1972 Anti-Ballistic Missile Treaty in order to advance its national security interests; and

(2) the United States should remain vigilant in ensuring compliance by Russia with its arms control obligations and should, when pursuing future arms control agreements with Russia, bear in mind violations of arms control obligations by the Soviet Union.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the "Military Construction Authorization Act for Fiscal Year 1996".

TITLE XXI—ARMY

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Army: Inside the United States

State	Installation or location	Amount
Alabama	Fort Rucker	$5,900,000
	Redstone Arsenal	$5,000,000
Arizona	Fort Huachuca	$18,550,000
California	Fort Irwin	$25,500,000
	Presidio of San Francisco	$3,000,000
Colorado	Fort Carson	$30,850,000
District of Columbia	Fort McNair	$13,500,000
Georgia	Fort Benning	$37,900,000
	Fort Gordon	$5,750,000
	Fort Stewart	$8,400,000
Hawaii	Schofield Barracks	$15,000,000
Kentucky	Fort Knox	$5,600,000
Missouri	Fort Leonard Wood	$3,900,000
New Jersey	Picatinny Arsenal	$5,500,000
New Mexico	White Sands Missile Range	$2,050,000
New York	Fort Drum	$11,450,000
	United States Military Academy	$8,300,000
	Watervliet Arsenal	$680,000
North Carolina	Fort Bragg	$29,700,000
Oklahoma	Fort Sill	$14,300,000
South Carolina	Naval Weapons Station, Charleston	$25,700,000
	Fort Jackson	$32,000,000
Texas	Fort Hood	$32,500,000
	Fort Bliss	$56,900,000
	Fort Sam Houston	$7,000,000
Virginia	Fort Eustis	$16,400,000
	Fort Myer	$17,000,000
Washington	Fort Lewis	$32,100,000
CONUS Classified	Classified Location	$1,900,000
	Total:	$472,330,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(2), the Secretary of the Army may acquire real property and carry out military construction projects for the locations outside the United States, and in the amounts, set forth in the following table:

Army: Outside the United States

Country	Installation or location	Amount
Korea	Camp Casey	$4,150,000
	Camp Hovey	$13,500,000
	Camp Pelham	$5,600,000
	Camp Stanley	$6,800,000
	Yongsan	$1,450,000
Overseas Classified	Classified Location	$48,000,000
	Total:	$79,500,000

SEC. 2102. FAMILY HOUSING.

(a) Construction and Acquisition.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

Army: Family Housing

State	Installation	Purpose	Amount
Alabama ..	Redstone Arsenal	118 units	$12,000,000
Kentucky	Fort Knox	262 units	$19,000,000
New York	United States Military Academy, West Point	119 units	$16,500,000
Virginia ..	Fort Lee	135 units	$19,500,000
Washington.	Fort Lewis	84 units	$10,800,000
		Total:	$77,800,000

(b) Planning and Design.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $2,000,000.

SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may improve existing military family housing in an amount not to exceed $46,600,000.

SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) In General.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1995, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $2,167,190,000 as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), $472,330,000.

(2) For military construction projects outside the United States authorized by section 2101(b), $79,500,000.

(3) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $9,000,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $70,778,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvements of military family housing and facilities, $126,400,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $1,333,596,000.

(6) For the Homeowners Assistance Program, as authorized by section 2832 of title 10, United States Code, $75,586,000, to remain available until expended.

(b) Limitation on Total Cost of Construction Projects.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2101 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

TITLE XXII—NAVY

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) Inside the United States.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(1), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Navy: Inside the United States

State	Installation or location	Amount
California	Marine Corps Air-Ground Combat Center, Twentynine Palms	$2,490,000
	Marine Corps Base, Camp Pendleton	$27,584,000
	Nav Com Control & Ocean Sur Cen RDT&E Div, San Diego	$3,170,000
	Naval Air Station, Lemoore	$7,600,000
	Naval Air Station, North Island	$99,150,000
	Naval Air Warfare Center Weapons Division, China Lake	$3,700,000
	Naval Air Warfare Center Weapons Division, Point Mugu	$1,300,000
	Naval Construction Batallion Center, Port Hueneme	$16,700,000
	Naval Station, San Diego	$19,960,000
Florida	Naval School Explosive Ordinance Disposal, Eglin Air Force Base	$16,150,000
	Naval Technical Training Center, Corry Station, Pensacola	$2,565,000
Georgia	Strategic Weapons Facility, Atlantic, Kings Bay	$2,450,000
	Marine Corps Logistics Base, Albany	$1,300,000
Hawaii	Intelligence Center Pacific, Pearl Harbor	$2,200,000
	Naval Com & Telecoms Area MASTSTA EASTPAC, Honolulu	$1,980,000
	Naval Submarine Base, Pearl Harbor	$22,500,000
Illinois	Naval Training Center, Great Lakes	$12,440,000
Indiana	Crane Naval Surface Warfare Center	$3,300,000
Maryland	Naval Academy, Annapolis	$3,600,000
	Various Maryland Locations	$1,200,000
New Jersey	Naval Air Warfare Center Aircraft Division, Lakehurst	$1,700,000
North Carolina	Marine Corps Air Station, Cherry Point	$11,430,000
	Marine Corps Air Station, New River	$14,650,000
	Marine Corps Base, Camp LeJeune	$59,300,000
Pennsylvania ...	Philadelphia Naval Shipyard	$6,000,000
South Carolina	Marine Corps Air Station, Beaufort	$15,000,000
Texas	Naval Air Station, Corpus Christi	$4,400,000
	Naval Air Station, Kingsville	$2,710,000
	Naval Station, Ingleside	$2,640,000
Virginia	Fleet and Industrial Supply Center, Williamsburg	$8,390,000
	Marine Corps Combat Development Command, Quantico	$3,500,000
	Naval Hospital, Portsmouth	$9,500,000
	Naval Station, Norfolk	$28,580,000
	Naval Weapons Station, Yorktown	$1,300,000
Washington	Naval Undersea Warfare Center Division, Keyport	$5,300,000
	Puget Sound Naval Shipyard, Bremerton	$19,870,000
	Total:	$445,609,000

(b) Outside the United States.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

Navy: Outside the United States

Country	Installation or location	Amount
Guam	Naval Com & Telecoms Area MASTSTA WESTPAC	$2,250,000
	Navy Public Works Center, Guam	$16,180,000
Italy	Naval Air Station, Sigonella	$12,170,000
	Naval Support Activity, Naples	$24,950,000
Puerto Rico.	Naval Security Group Activity, Sabana Seca	$2,200,000
	Naval Station, Roosevelt Roads	$11,500,000
	Total	$69,250,000

SEC. 2202. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

Navy: Family Housing

State	Installation	Purpose	Amount
California	Marine Corps Base, Camp Pendleton	205 units	$30,080,000
	Marine Corps Base, Camp Pendleton	Community Center	$1,438,000
	Marine Corps Base, Camp Pendleton	Housing Office	$707,000
	Naval Air Station, Lemoore	240 units	$34,900,000
	Pacific Missile Test Center, Point Mugu	Housing Office	$1,020,000
	Public Works Center, San Diego	346 units	$49,310,000
Hawaii	Naval Complex, Oahu	252 units	$48,400,000
Maryland	Naval Air Test Center, Patuxent River	Warehouse	$890,000
	US Naval Academy, Annapolis	Housing Office	$800,000
North Carolina.	Marine Corps Air Station, Cherry Point	Community Center	$1,003,000
Pennsylvania	Navy Ships Parts Control Center, Mechanicsburg	Housing Office	$300,000
Puerto Rico	Naval Station, Roosevelt Roads	Housing Office	$710,000
Virginia	Naval Surface Warfare Center, Dahlgren	Housing Office	$520,000
	Public Works Center, Norfolk	320 units	$42,500,000
	Public Works Center, Norfolk	Housing Office	$1,390,000
		Total:	$230,752,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $24,390,000.

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may improve existing military family housing units in an amount not to exceed $292,931,000.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1994, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $2,164,861,000 as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), $445,609,000.

(2) For military construction projects outside the United States authorized by section 2201(b), $69,250,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $7,200,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $66,184,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $531,289,000.

(B) For support of military housing (including functions described in section 2833 of title 10, United States Code), $1,045,329,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

TITLE XXIII—AIR FORCE

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(1), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Air Force: Inside the United States

State	Installation or location	Amount
Alabama	Maxwell Air Force Base	$3,700,000
Alaska	Eielson Air Force Base	$3,850,000
	Elmendorf Air Force Base	$9,100,000
	Tin City Long Range RADAR Site	$2,500,000
Arizona	Davis-Monthan Air Force Base	$4,800,000
	Luke Air Force Base	$5,200,000
Arkansas	Little Rock Air Force Base	$2,500,000
California	Beale Air Force Base	$7,500,000
	Edwards Air Force Base	$33,800,000
	Travis Air Force Base	$26,700,000
	Vandenberg Air Force Base	$6,000,000
Colorado	Buckley Air National Guard Base	$5,500,000
	Peterson Air Force Base	$4,390,000
	US Air Force Academy	$12,874,000
Delaware	Dover Air Force Base	$5,500,000
District of Columbia	Bolling Air Force Base	$12,100,000
Florida	Cape Canaveral Air Force Station	$1,600,000
	Eglin Air Force Base	$13,500,000
	Tyndall Air Force Base	$1,200,000
Georgia	Moody Air Force Base	$19,190,000
	Robins Air Force Base	$6,900,000
Hawaii	Hickam Air Force Base	$10,700,000
Idaho	Mountain Home Air Force Base	$18,650,000
Illinois	Scott Air Force Base	$12,700,000
Kansas	McConnell Air Force Base	$15,950,000

Air Force: Inside the United States—Continued

State	Installation or location	Amount
Louisiana	Barksdale Air Force Base	$2,500,000
Maryland	Andrews Air Force Base	$12,886,000
Mississippi	Columbus Air Force Base	$1,150,000
	Keesler Air Force Base	$14,800,000
Missouri	Whiteman Air Force Base	$24,600,000
Nevada	Nellis Air Force Base	$10,500,000
New Jersey	McGuire Air Force Base	$21,500,000
New Mexico	Cannon Air Force Base	$13,420,000
	Kirtland Air Force Base	$9,156,000
North Carolina	Pope Air Force Base	$8,250,000
	Seymour Johnson Air Force Base	$7,530,000
North Dakota	Grand Forks Air Force Base	$14,800,000
	Minot Air Force Base	$1,550,000
Ohio	Wright Patterson Air Force Base	$4,100,000
Oklahoma	Altus Air Force Base	$5,200,000
	Tinker Air Force Base	$5,100,000
South Carolina	Charleston Air Force Base	$12,500,000
	Shaw Air Force Base	$1,300,000
Tennessee	Arnold Air Force Base	$5,000,000
Texas	Dyess Air Force Base	$5,400,000
	Goodfellow Air Force Base	$1,000,000
	Kelly Air Force Base	$3,244,000
	Laughlin Air Force Base	$1,400,000
	Randolph Air Force Base	$3,100,000
	Reese Air Force Base	$1,200,000
	Sheppard Air Force Base	$1,500,000
Virginia	Langley Air Force Base	$1,000,000
Washington	Fairchild Air Force Base	$15,700,000
	McChord Air Force Base	$9,900,000
Wyoming	F.E. Warren Air Force Base	$13,000,000
CONUS Classified	Classified Location	$700,000
	Total:	$479,390,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(2), the Secretary of the Air Force may acquire real property and may carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

Air Force: Outside the United States

Country	Installation or location	Amount
Germany	Spangdahlem Air Base	$8,380,000
	Vogelweh Annex	2,600,000
Greece	Araxos Radio Relay Site	1,950,000
Italy	Aviano Air Base	2,350,000
	Ghedi Radio Relay Site	1,450,000
Turkey	Ankara Air Station	7,000,000
	Incirlik Air Base	4,500,000
United Kingdom	Lakenheath Royal Air Force Base	1,820,000
	Mildenhall Royal Air Force Base	2,250,000
Overseas Classified	Classified Location	17,100,000
	Total:	$49,400,000

SEC. 2302. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(5)(A), the Secretary of the Air Force may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

Air Force: Family Housing

State/Country	Installation	Purpose	Amount
Alaska	Elmendorf Air Force Base	Housing Office/Maintenance Facility	$3,000,000
Arizona	Davis-Monthan Air Force Base	80 units	9,498,000
Arkansas	Little Rock Air Force Base	Replace 1 General Officer Quarters	210,000
California	Beale Air Force Base	Family Housing Office	842,000
	Edwards Air Force Base	127 units	20,750,000
	Vandenberg Air Force Base	Family Housing Office	900,000
	Vandenberg Air Force Base	143 units	20,200,000
Colorado	Peterson Air Force Base	Family Housing Office	570,000
District of Columbia	Bolling Air Force Base	32 units	4,100,000
Florida	Eglin Air Force Base	Family Housing Office	500,000
	Eglin Auxiliary Field 9	Family Housing Office	880,000
	MacDill Air Force Base	Family Housing Office	646,000
	Patrick Air Force Base	70 units	7,947,000
	Tyndall Air Force Base	82 units	9,800,000
Georgia	Moody Air Force Base	1 Officer & 1 General Officer Quarter	513,000
Guam	Andersen Air Force Base	Housing Maintenance Facility	1,700,000
Idaho	Mountain Home Air Force Base	Housing Management Facility	844,000
Kansas	McConnell Air Force Base	39 units	5,193,000
Louisiana	Barksdale Air Force Base	62 units	10,299,000
Massachusetts	Hanscom Air Force Base	32 units	4,900,000
Mississippi	Keesler Air Force Base	98 units	9,300,000
Missouri	Whiteman Air Force Base	72 units	9,948,000
Nevada	Nellis Air Force Base	143 Units	22,357,000
New Mexico	Holloman Air Force Base	1 General Officer Quarters	225,000
	Kirtland Air Force Base	105 units	11,000,000
North Carolina	Pope Air Force Base	104 units	9,984,000
	Seymour Johnson Air Force Base	1 General Officer Quarters	204,000
South Carolina	Shaw Air Force Base	Housing Maintenance Facility	715,000

Air Force: Family Housing—Continued

State/Country	Installation	Purpose	Amount
Texas	Dyess Air Force Base	Housing Maintenance Facility	580,000
	Lackland Air Force Base	67 units	6,200,000
	Sheppard Air Force Base	Management Office	500,000
	Sheppard Air Force Base	Housing Maintenance Facility	600,000
Turkey	Incirlik Air Base	150 units	10,146,000
Washington	McChord Air Force Base	50 units	9,504,000
		Total:	$194,555,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(5)(A), the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $8,989,000.

SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(5)(A), the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed $90,959,000.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1995, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $1,727,557,000 as follows:

(1) For military construction projects inside the United States authorized by section 2301(a), $479,390,000.

(2) For military construction projects outside the United States authorized by section 2301(b), $49,400,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $9,030,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $49,021,000.

(5) For military housing functions:

(A) For construction and acquisition, planning and design and improvement of military family housing and facilities, $294,503,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $846,213,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2301 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

SEC. 2305. RETENTION OF ACCRUED INTEREST ON FUNDS DEPOSITED FOR CONSTRUCTION OF FAMILY HOUSING, SCOTT AIR FORCE BASE, ILLINOIS.

(a) RETENTION OF INTEREST.—Section 2310 of the Military Construction Authorization Act for Fiscal Year 1994 (division B of Public Law 103–160; 107 Stat. 1874) is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following new subsection:

"(b) RETENTION OF INTEREST.—Interest accrued on the funds transferred to the County pursuant to subsection (a) shall be retained in the same account as the transferred funds and shall be available to the County for the same purpose as the transferred funds.".

(b) LIMITATION ON UNITS CONSTRUCTED.—Subsection (c) of such section, as redesignated by subsection (a)(1), is amended by adding at the end the following new sentence: "The number of units constructed using the transferred funds (and interest accrued on these funds) may not exceed the number of units of military family housing authorized for Scott Air Force Base, Illinois, in section 2302(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2595).".

(c) EFFECT OF COMPLETION OF CONSTRUCTION.—Such section is further amended by adding at the end the following new subsection:

"(d) COMPLETION OF CONSTRUCTION.—Upon the completion of the construction authorized by this section, all funds remaining from the funds transferred pursuant to subsection (a) and the interest accrued on these funds shall be deposited in the general fund of the Treasury of the United States.".

TITLE XXIV—DEFENSE AGENCIES

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(1), and, in the case of the project described in section 2405(b)(2), other amounts appropriated pursuant to authorizations enacted after this Act for that project, the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Inside the United States

Agency/State	Installation or location	Amount
Ballistic Missile Defense Organization		
Texas	Fort Bliss	$13,600,000
Defense Finance & Accounting Service		
Ohio	Columbus Center	$72,403,000
Defense Intelligence Agency		
District of Columbia	Bolling Air Force Base	$1,743,000
Defense Logistics Agency		
Alabama	Defense Distribution Anniston	$3,550,000
California	Defense Distribution Stockton	$15,000,000
	DFSC, Point Mugu	$750,000
Delaware	DFSC, Dover Air Force Base	$15,554,000
Florida	DFSC, Eglin Air Force Base	$2,400,000
Louisiana	DFSC, Barksdale Air Force Base	$13,100,000
New Jersey	DFSC, McGuire Air Force Base	$12,000,000
Pennsylvania	Def Distribution New Cumberland—DDSP	$4,600,000
Virginia	Defense Distribution Depot—DDNV	$10,400,0000
Defense Mapping Agency		
Missouri	Defense Mapping Agency Aerospace Center..	$40,300,000
Defense Medical Facility Office		
Arizona	Luke Air Force Base	$8,100,000
California	Fort Irwin	$6,900,000
	Marine Corps Base, Camp Pendleton	$1,700,000
	Vandenberg Air Force Base	$5,700,000
Delaware	Dover Air Force Base	$4,400,000
Georgia	Fort Benning	$5,600,000
Louisiana	Barksdale Air Force Base	$4,100,000
Maryland	Bethesda Naval Hospital	$1,300,000
	Walter Reed Army Institute of Research	$1,550,000
Texas	Fort Hood	$5,500,000
	Lackland Air Force Base	$6,100,000
	Reese Air Force Base	$1,000,000
Virginia	Northwest Naval Security Group Activity	$4,300,000
National Security Agency		
Maryland	Fort Meade	$18,733,000
Office of the Secretary of Defense		

Defense Agencies: Inside the United States—Continued

Agency/State	Installation or location	Amount
Inside the United States	Classified location	$11,500,000
Department of Defense Dependents Schools		
Alabama	Maxwell Air Force Base	$5,479,000
Georgia	Fort Benning	$1,116,000
South Carolina	Fort Jackson	$576,000
Special Operations Command		
California	Naval Air Station, Miramar	$5,200,000
Florida	Duke Field	$2,400,000
	Eglin Auxiliary Field 9	$14,150,000
Louisiana	Naval Support Activity, New Orleans	$730,000
North Carolina	Fort Bragg	$23,800,000
Pennsylvania	Olmstead Field, Harrisburg IAP	$1,643,000
Virginia	Dam Neck	$6,100,000
	Naval Amphibious Base, Little Creek	$4,500,000
	Total:	$357,577,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(2), the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Outside the United States

Agency/Country	Installation Name	Amount
Defense Logistics Agency		
Puerto Rico	Defense Fuel Support Point, Roosevelt Roads	$6,200,000
Spain	DFSC Rota	$7,400,000
Defense Medical Facility Office		
Italy	Naval Support Activity, Naples	$5,000,000
Department of Defense Dependents Schools		
Germany	Ramstein Air Force Base	$19,205,000
Italy	Naval Air Station, Sigonella	$7,595,000
National Security Agency		
United Kingdom	Menwith Hill Station	$677,000
Special Operations Command		
Guam	Naval Station, Guam	$8,800,000
	Total:	$54,877,000

SEC. 2402. FAMILY HOUSING PRIVATE INVESTMENT.

Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(13)(A), the Secretary of Defense may enter into agreements to construct, acquire, and improve family housing units (including land acquisition) at or near military installations, for the purpose of encouraging private investments, in the amount of $22,000,000. Amounts appropriated pursuant to such section may be transferred from the Department of Defense Family Housing Improvement Fund established under section 2873 of title 10, United States Code, to the family housing accounts of the military departments for the purpose of encouraging private investments.

SEC. 2403. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(13)(A), the Secretary of Defense may improve existing military family housing units in an amount not to exceed $3,772,000.

SEC. 2404. ENERGY CONSERVATION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(11), the Secretary of Defense may carry out energy conservation projects under section 2865 of title 10, United States Code.

SEC. 2405. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1995, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments), in the total amount of $4,692,463,000 as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), $322,574,000.

(2) For military construction projects outside the United States authorized by section 2401(b), $54,877,000.

(3) For military construction projects at Portsmouth Naval Hospital, Virginia, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (division B of Public Law 101–189; 103 Stat. 1640), $47,900,000.

(4) For military construction projects at Elmendorf Air Force Base, Alaska, hospital replacement, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2599), $28,100,000.

(5) For military construction projects at Walter Reed Army Institute of Research, Maryland, hospital replacement, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2599), $27,000,000.

(6) For military construction projects at Pine Bluff Arsenal, Arkansas, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103–337; 108 Stat. 3040), $40,000,000.

(7) For military construction projects at Umatilla Army Depot, Oregon, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103–337; 108 Stat. 3040), $55,000,000.

(8) For unspecified minor construction projects under section 2805 of title 10, United States Code, $23,007,000.

(9) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, $11,037,000.

(10) For architectural and engineering services and construction design under section 2807 of title 10, United State Code, $68,837,000.

(11) For energy conservation projects authorized by section 2404, $50,000,000.

(12) For base closure and realignment activities as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), $3,897,892,000.

(13) For military family housing functions:

(A) For construction and acquisition and improvement of military family housing and facilities, $25,772,000.

(B) For support of military housing (including functions described in section 2833 of title 10, United States Code), $40,467,000, of which not more than $24,874,000 may be obligated or expended for the leasing of military family housing units worldwide.

(b) LIMITATION OF TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variation authorized by section 2853 of title 10, United States Code, and any other cost variations authorized by law, the total cost of all projects carried out under section 2401 of this Act may not exceed—

(1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a); and

(2) $35,003,000 (the balance of the amount authorized under section 2401(a) for the construction of a center of the Defense Finance and Accounting Service at Columbus, Ohio).

SEC. 2406. MODIFICATION OF AUTHORITY TO CARRY OUT FISCAL YEAR 1995 PROJECTS.

The table in section 2401 of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103–337; 108 Stat. 3040), under the agency heading relating to Chemical Weapons and Munitions Destruction, is amended—

(1) in the item relating to Pine Bluff Arsenal, Arkansas, by striking out "$3,000,000" in the amount column and inserting in lieu thereof "$115,000,000"; and

(2) in the item relating to Umatilla Army Depot, Oregon, by striking out "$12,000,000" in the amount column and inserting in lieu thereof "$186,000,000".

SEC. 2407. LIMITATION ON EXPENDITURES FOR CONSTRUCTION PROJECT AT UMATILLA ARMY DEPOT, OREGON.

None of the funds appropriated to the Department of Defense for fiscal year 1996 for the construction of a chemical munitions incinerator *facility at Umatilla Army Depot may be obligated or expended before March 1, 1996.*

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION INFRASTRUCTURE

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Infrastructure program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1995, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Infrastructure program, as authorized by section 2501, in the amount of $161,000,000.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

There are authorized to be appropriated for fiscal years beginning after September 30, 1995, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 133 of title 10, United States Code (including the cost of acquisition of land for those facilities), the following amounts:

(1) For the Department of the Army—

(A) for the Army National Guard of the United States, $72,537,000; and

(B) for the Army Reserve, $42,963,000.

(2) For the Department of the Navy, for the Naval and Marine Corps Reserve, $19,655,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, $118,267,000; and

(B) for the Air Force Reserve, $31,502,000.

SEC. 2602. CORRECTION IN AUTHORIZED USES OF FUNDS FOR ARMY NATIONAL GUARD PROJECTS IN MISSISSIPPI.

Amounts appropriated pursuant to the authorization of appropriations in section 2601(1)(A) of the Military Construction Authorization Act for Fiscal Year 1994 (division B of Public Law 103–160; 107 Stat. 1878) for the addition or alteration of Army National Guard Armories at various locations in the State of Mississippi shall be available for the addition, alteration, or new construction of armory facilities and an operation and maintenance shop facility (including the acquisition of land for such facilities) at various locations in the State of Mississippi.

TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS

SEC. 2701. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) Expiration of Authorizations After Three Years.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVI for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Infrastructure program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 1998; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 1999.

(b) Exception.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Infrastructure program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before the later of—

(1) October 1, 1998; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 1999 for military construction projects, land acquisition, family housing projects and facilities, or contributions to the North Atlantic Treaty Organization Infrastructure program.

SEC. 2702. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 1993 PROJECTS.

(a) Extensions.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2602), authorizations for the projects set forth in the tables in subsection (b), as provided in section 2101, 2102, 2201, 2301, or 2601 of that Act, shall remain in effect until October 1, 1996, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1997, whichever is later.

(b) Tables.—The tables referred to in subsection (a) are as follows:

Army: Extension of 1993 Project Authorizations

State	Installation or location	Project	Amount
Arkansas	Pine Bluff Arsenal	Ammunition Demilitarization Support Facility	$15,000,000
Hawaii	Schofield Barracks	Additions and Alterations Sewage Treatment Plant	$17,500,000
Virginia	Fort Pickett	Sewage Treatment Plant	$5,800,000
		Family Housing (26 Units)	$2,300,000

Navy: Extension of 1993 Project Authorizations

State	Installation or location	Project	Amount
California.	Camp Pendleton Marine Corps Base	Sewage Treatment Plant	$19,740,000
Maryland.	Patuxent River Naval Warfare Center	Advanced Systems Integration Facility	$60,990,000
Mississippi.	Meridian Naval Air Station	Child Development Center	$1,100,000
Virginia	Dam Neck Fleet Combat Training Center	Land Acquisition	$4,500,000

Air Force: Extension of 1993 Project Authorization

State or country	Installation or location	Project	Amount
District of Columbia	Bolling Air Force Base	Base Engineer Complex	$1,300,000
North Carolina.	Pope Air Force Base	Munitions Storage Complex	$4,300,000
Virginia	Langley Air Force Base	Civil Engineer Complex	$5,300,000
Guam	Andersen Air Force Base	Solid Waste Complex	$10,000,000
Portugal	Lajes Field	Water Wells	$865,000
		Fire Training Facility	$1,300,000

Army Reserve: Extension of 1993 Project Authorizations

State	Location	Project	Amount
West Virginia.	Bluefield	Additions and Alterations Reserve Center	$1,921,000
	Clarksburg	Additions and Alterations AMSA	$1,156,000
	Grantville	Reserve Center/OMS	$2,785,000
	Jane Lew	Reserve Center	$1,566,000
	Lewisburg	Reserve Center/OMS	$1,631,000
	Weirton	Reserve Center/OMS	$3,481,000

Army National Guard: Extension of 1993 Project Authorizations

State	Location	Project	Amount
New Jersey.	Fort Dix	Additions and Alterations Armory	$4,750,000
Oregon	La Grande	OMS	$995,000
		Armory Addition	$3,049,000

SEC. 2703. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 1992 PROJECTS.

(a) Extensions.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102–190; 105 Stat. 1535), authorizations for the projects set forth in the tables in subsection (b), as provided in section 2101 or 2601 of that Act and extended by section 2702(a) of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103–337; 108 Stat. 3047), shall remain in effect until October 1, 1996, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1997, whichever is later.

(b) Tables.—The tables referred to in subsection (a) are as follows:

Army: Extension of 1992 Project Authorizations

State	Installation or location	Project	Amount
Oregon	Umatilla Army Depot	Ammunition Demilitarization Support Facility	$3,600,000
		Ammunition Demilitarization Utilities	$7,500,000

Army Reserve: Extension of 1992 Project Authorization

State	Location	Project	Amount
Tennessee	Jackson	Joint Training Facility	$1,537,000

SEC. 2704. EFFECTIVE DATE.

Titles XXI, XXII, XXIII, XXIV, XXV, and XXVI shall take effect on the later of—

(1) October 1, 1995; or

(2) the date of the enactment of this Act.

TITLE XXVIII—GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

SEC. 2801. ALTERNATIVE MEANS OF ACQUIRING AND IMPROVING MILITARY FAMILY HOUSING AND SUPPORTING FACILITIES FOR THE ARMED FORCES.

(a) Findings and Purpose.—(1) Congress finds the following:

(A) Adequate military family housing is essential to the retention of well-trained and professional members of the Armed Forces.

(B) Current military family housing is in many circumstances substandard, inadequately maintained, or obsolete. Of the more than 375,000 military families living on military installations, two-thirds of such families reside in unsuitable quarters.

(C) Traditional military construction techniques are frequently lengthy and more expensive than commercial methods. At current appropriation levels, modernization of military family housing located on military installations could require more than 30 years to accomplish.

(D) A combination of private housing capital and commercial construction techniques could help to alleviate the shortage of suitable military family housing in a far more timely and cost effective manner.

(2) It is the purpose of this section to obtain new and improved military family housing and ancillary supporting facilities for the Armed Forces using private capital and expertise.

(b) Alternative Provision of Housing and Facilities.—(1) Chapter 169 of title 10, United States Code, is amended by adding at the end the following new subchapter:

"SUBCHAPTER IV—ALTERNATIVE PROVISION OF MILITARY FAMILY HOUSING

"Sec.

"2871. Definitions.

"2872. General limitations and authorities.

"2873. Department of Defense Family Housing Improvement Fund.

"2875. Housing finance and acquisition authorities.

"2876. Expiration of authority.

"§2871. Definitions

"In this subchapter:

"(1) The term 'construction' means the construction of additional units of military family housing and ancillary supporting facilities or the replacement or renovation of existing units or ancillary supporting facilities.

"(2) The term 'ancillary supporting facilities' means facilities related to military family housing, such as day care centers, community centers, housing offices, maintenance complexes, tot lots, and parks. Such term does not include commercial facilities that could not otherwise be constructed using funds appropriated to the Department of Defense.

"(3) The term 'contract' includes any contract, lease, or other agreement entered into under the authority of this subchapter.

"(4) The term 'Fund' means the Department of Defense Family Housing Improvement Fund established under section 2873(a) of this title.

"§2872. General limitations and authorities

"(a) Use of Authorities.—The Secretary concerned may use the authorities provided by this subchapter, singly or in conjunction with other authorities provided under this chapter, to help meet the military family housing needs of members of the armed forces and the dependents of such members at military installations at which there is a shortage of suitable housing for members and their dependents.

"(b) Term.—Subject to section 2873(d)(2) of this title, a contract entered into under this subchapter may be for such term as the Secretary concerned considers to be in the best interests of the United States.

"(c) Phased Occupancy.—A contract under this subchapter may provide for phased occupancy of completed family housing units under one or more interim leases during the period of the construction or renovation of the housing units. In no case shall any such interim lease extend beyond the construction or renovation period.

"(d) Unit Size and Type.—Section 2826 of this title shall not apply to military family housing units acquired or constructed under this subchapter, except that room and floor area size of such housing units should generally be comparable to private sector housing available in the same locality. When acquiring existing family housing in lieu of construction under section 2824 of this title, the Secretary concerned may vary the number of types of units to be acquired as long as the total number of units is substantially the same as authorized by law.

"(e) Location.—The Secretary concerned may use the authorities provided under this subchapter to acquire or construct military family housing units and ancillary supporting facilities in the United States, the Commonwealth of Puerto Rico, and in any territory or possession of the United States.

"(f) Notification Required for Contracts.—The Secretary concerned may not enter into a contract under this subchapter until after the end of the 21-day period beginning on the date the Secretary concerned submits to the appropriate committees of Congress written notice of the nature and terms of the contract.

"(g) Assignments.—The Secretary concerned may assign members of the armed forces to any military family housing obtained using the authorities provided in this subchapter in accordance with section 403(b) of title 37.

"(h) Allotments.—The Secretary concerned may require a member of the armed forces to pay rent by allotment as a condition of occupying military family housing obtained using the authorities provided in this subchapter.

"(i) Supporting Facilities.—Any contract entered into under this subchapter may include provisions for the construction or acquisition of ancillary supporting facilities.

"(j) Authority To Lease or Sell Land, Housing, and Supporting Facilities.—(1) The Secretary concerned may lease or sell land, housing, and ancillary supporting facilities under the jurisdiction of the Secretary for the purpose of providing additional military family housing or improving existing military family housing under this subchapter, except that the authority to lease or sell real property under this subchapter shall not extend to property located at a military installation approved for closure.

"(2) A sale or lease under this subsection may be made for such consideration and upon such terms and conditions as the Secretary concerned shall determine to be consistent with the purposes of this subchapter and the public interest. The acreage and legal description of any property leased or conveyed under this subsection shall be determined by a survey satisfactory to the Secretary concerned.

"(3) Section 2667 of this title, the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471), section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411), and section 321 of the Act of June 30, 1932 (47 Stat. 412) shall not apply to leases and sales under this subsection.

"(4) As part or all of the consideration for the sale or lease of property under this subsection,

the Secretary concerned shall require an ancillary agreement under which the person receiving the property agrees to give priority to military members and their dependents in the leasing of existing or new housing units under the control or provided by the person. Such agreements may provide for the payment by the Secretary concerned of security or damage deposits.

“§2873. Department of Defense Family Housing Improvement Fund

“(a) ESTABLISHMENT.—There is hereby established on the books of the Treasury an account to be known as the Department of Defense Family Housing Improvement Fund, which shall be administered by the Secretary of Defense as a single account. Amounts in the Fund shall be available without fiscal year limitation.

“(b) DEPOSITS.—There shall be deposited into the Fund the following:

“(1) Amounts authorized for and appropriated into the Fund.

“(2) Subject to subsection (c), any amounts that the Secretary of Defense may transfer to the Fund from amounts appropriated to the Department of Defense for construction of military family housing.

“(3) Proceeds received from the conveyance or lease of real property under section 2872(j) of this title, income from operations conducted under this subchapter, including refunds of deposits, and any return of capital or return on investments entered into under this subchapter.

“(c) NOTIFICATION REQUIRED FOR TRANSFERS.—A transfer of appropriated amounts to the Fund under subsection (b)(2) may be made only after the end of the 30-day period beginning on the date the Secretary of Defense submits written notice of, and justification for, the transfer to the appropriate committees of Congress.

“(d) USE OF FUNDS.—(1) In such total amount as is provided in advance in appropriation Acts, the Secretary of Defense may use amounts in the Fund for alternative means of financing military family housing and ancillary supporting facilities as authorized in this subchapter.

“(2) The Secretary may not enter into a contract under this subchapter unless the Fund contains sufficient amounts, as of the time the contract is entered into, to satisfy the total obligations to be incurred by the United States under the contract.

“(3) The total value in budget authority of all contracts and investments undertaken using the authorities provided in the subchapter shall not exceed $1,000,000,000.

“(e) LOANS AND LOAN GUARANTEES.—Loans and loan guarantees may be entered into under this subchapter only to the extent that appropriations of budget authority to cover their costs (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5))) are made in advance, or authority is otherwise provided in appropriations Acts.

“(f) ANNUAL REPORT.—The Secretary of Defense shall submit to the appropriate committees of Congress an annual report detailing the expenditures from and deposits into the Fund during the preceding year and the utilization and effectiveness of the authorities provided by this subchapter. The Secretary shall submit the report at the same time that the President submits the budget to Congress under section 1105 of title 31.

“§2875. Housing finance and acquisition authorities

“(a) GUARANTEES.—(1) The Secretary concerned may enter into contracts that provide for guarantees, insurance, or other contingent payments to owners, mortgagors, or assignees of housing units and ancillary supporting facilities that are made available for use by members of the armed forces.

“(2) Contingencies under which payments may be made under such a contract include the following:

“(A) A failure to pay interest or principal on mortgages, generally or as a result of a base closure or realignment, a reduction in force, an extended deployment of assigned forces, or similar contingencies.

“(B) A failure to achieve specified occupancy levels of, or rental income from, housing units covered by a contract.

“(3) Such contracts may be on such terms and conditions as the Secretary concerned considers necessary or desirable to induce the provision of housing and ancillary supporting facilities, whether by acquisition or construction, for use by members of the armed forces, and to protect the financial interests of the United States.

“(b) LEASES.—The Secretary concerned may enter into a contract for the lease of housing units to be acquired or constructed on or near a military installation. Such a contract may provide for the owner of the property to operate and maintain the facilities.

“(c) DIFFERENTIAL PAYMENTS.—In entering into contracts under this subchapter, the Secretary concerned may make a differential payment in addition to rental payments made by individual members.

“(d) INVESTMENTS.—(1) The Secretary concerned may make investments in nongovernmental entities involved in the acquisition or construction of housing and ancillary supporting facilities on or near a military installation for such consideration and upon such terms and conditions as the Secretary concerned determines to be consistent with the purposes of this subchapter and the public interest.

“(2) Such investments may take the form of limited partnership interests, stock, debt instruments, or a combination thereof.

“(3) The investment made by the Secretary concerned in an acquisition or construction project under this subsection, whether the investment is in the form of cash, land or buildings under section 2872(j) of this title, or other form, may not exceed 35 percent of the capital costs of the acquisition or construction project.

“(e) COLLATERAL INCENTIVE AGREEMENTS.—The Secretary concerned may also enter into collateral incentive agreements in connection with investments made under subsection (d) to ensure that a suitable preference will be afforded members of the armed forces to lease or purchase, at affordable rates, a reasonable number of the housing units covered by the investment contract.

“§2876. Expiration of authority

“The authority of the Secretaries concerned to enter into contracts and partnerships and to make investments under this subchapter shall expire on September 30, 2000.”.

(2) The table of subchapters at the beginning of chapter 169 of title 10, United States Code, is amended by inserting after the item relating to subchapter III the following new item:

IV. Alternative Provision of Military Family Housing .... 2871.

SEC. 2802. INCLUSION OF OTHER ARMED FORCES IN NAVY PROGRAM OF LIMITED PARTNERSHIPS WITH PRIVATE DEVELOPERS FOR MILITARY HOUSING.

(a) EXPANDED AUTHORITY FOR HOUSING PARTNERSHIPS.—(1) Subchapter IV of chapter 169 of title 10, United States Code, as added by section 2801, is amended by inserting after section 2873 the following new section:

§“2874. Limited partnerships with private developers of housing

“(a) LIMITED PARTNERSHIPS.—In order to meet the housing requirements of members of the armed forces, and the dependents of such members, at a military installation described in section 2872(a) of this title, the Secretary concerned may enter into a limited partnership with one or more private developers to encourage the construction of housing and ancillary supporting facilities within commuting distance of the installation. Section 2875(d) of this title shall apply with respect to the investments the Secretary concerned may make toward development costs under a limited partnership.

“(b) COLLATERAL INCENTIVE AGREEMENTS.—The Secretary concerned may also enter into collateral incentive agreements with private developers who enter into a limited partnership under subsection (a) to ensure that, where appropriate—

“(1) a suitable preference will be afforded members of the armed forces in the lease or purchase, as the case may be, of a reasonable number of the housing units covered by the limited partnership; or

“(2) the rental rates or sale prices, as the case may be, for some or all of such units will be affordable for such members.

“(c) SELECTION OF INVESTMENT OPPORTUNITIES.—(1) The Secretary concerned shall use publicly advertised, competitively bid or competitively negotiated, contracting procedures, as provided in chapter 137 of this title, to enter into limited partnerships under subsection (a).

“(2) When a decision is made by the Secretary concerned to enter into a limited partnership under subsection (a), the Secretary shall submit a report in writing to the appropriate committees of Congress on that decision. Each such report shall include the justification for the limited partnership, the terms and conditions of the limited partnership, a description of the development costs for projects under the limited partnership, and a description of the share of such costs to be incurred by the Secretary concerned. The Secretary concerned may then enter into the limited partnership only after the end of the 21-day period beginning on the date the report is received by such committees.

“(d) HOUSING INVESTMENT BOARDS.—(1) Each Secretary concerned shall establish a housing investment board, which shall have the duties—

“(A) of advising the Secretary concerned regarding those proposed limited partnerships under subsection (a), if any, that are financially and otherwise sound investments for meeting the objectives of this section;

“(B) of administering amounts in the Account established under section 2873 of this title that are made available to the Secretary concerned to carry out this section; and

“(C) of performing such other tasks as the Secretary concerned determines to be necessary and appropriate to assist the Secretary to carry out the duties of the Secretary under this section.

“(2) A housing investment board shall be composed of seven members appointed for a two-year term by the Secretary concerned. Among such members, the Secretary concerned may appoint two persons from the private sector who have knowledge and experience in the financing and the construction of housing. The Secretary concerned shall designate one of the members as chairperson.

“(3) Members of a housing investment board, other than those members regularly employed by the Federal Government, may be paid while attending meetings of the board or otherwise serving at the request of the Secretary concerned, compensation at a rate equal to the daily equivalent of the minimum annual rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5 for each day (including travel time) during which the member is engaged in the actual performance of duties vested in the board. Members shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5.

"(4) The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the housing investment boards.

"(5) The housing investment boards shall terminate on September 30, 2000.".

(2) The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 2873 the following new item:

"2874. Limited partnerships with private developers of housing.".

(b) PROCEEDS FROM PARTICIPATION IN PARTNERSHIPS.—Section 2873(b) of title 10, United States Code, as added by section 2801, is amended by adding at the end the following new paragraph:

"(4) Proceeds received by the Secretary concerned from the repayment of investments or profits on investments of the Secretary under section 2874(a) of this title.".

(c) CONFORMING REPEAL.—(1) Section 2837 of title 10, United States Code, is repealed. The repeal of such section shall not be construed to affect the validity or terms of any limited partnership or collateral incentive agreement entered into by the Secretary of the Navy under such section before the date of the enactment of this Act. Amounts in the Navy Housing Investment Account shall be transferred to the Department of Defense Family Housing Improvement Fund established under section 2873 of such title, as added by section 2801.

(2) The table of sections at the beginning of subchapter II of chapter 169 of title 10, United States Code, is amended by striking out the item relating to section 2837.

SEC. 2803. SPECIAL UNSPECIFIED MINOR CONSTRUCTION THRESHOLDS FOR PROJECTS TO CORRECT LIFE, HEALTH, AND SAFETY DEFICIENCIES AND CLARIFICATION OF UNSPECIFIED MINOR CONSTRUCTION AUTHORITY.

(a) SPECIAL THRESHOLDS.—Section 2805 of title 10, United States Code, is amended—

(1) in subsection (a)(1), by adding at the end the following new sentence: "However, if the military construction project is intended solely to correct a life, health, or safety deficiency, a minor military construction project may have an approved cost equal to or less than $3,000,000."; and

(2) in subsection (c)(1), by striking out "not more than $300,000." and inserting in lieu thereof the following: "not more than—

"(A) $1,000,000, in the case of an unspecified military construction project intended solely to correct a life, health, or safety deficiency; or

"(B) $300,000, in the case of other unspecified military construction projects.".

(b) DESCRIPTION OF MINOR CONSTRUCTION.—Subsection (a)(1) of such section is further amended by striking out "(1) that is for a single undertaking at a military installation, and (2)".

SEC. 2804. DISPOSITION OF AMOUNTS RECOVERED AS A RESULT OF DAMAGE TO REAL PROPERTY.

(a) IN GENERAL.—Chapter 165 of title 10, United States Code, is amended by inserting after section 2781 the following new section:

"§2782. Damage to real property: disposition of amounts recovered

"Except as provided in section 2775 of this title, amounts recovered for damage caused to real property under the jurisdiction of the Secretary of a military department or, with respect to the Defense Agencies, under the jurisdiction of the Secretary of Defense shall be credited to the account available for the repair or replacement of the real property at the time of recovery. In such amounts as are provided in advance in appropriation Acts, amounts so credited shall be available for use for the same purposes and under the same circumstances as other funds in the account.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2781 the following new item:

"2782. Damage to real property: disposition of amounts recovered.".

SEC. 2805. RENTAL OF FAMILY HOUSING IN FOREIGN COUNTRIES.

Section 2828(e) of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking out "300 units" in the first sentence and inserting in lieu thereof "450 units"; and

(B) by striking out "220 such units" in the second sentence and inserting in lieu thereof "350 such units"; and

(2) in paragraph (2), by striking out "300 units" and inserting in lieu thereof "450 units".

SEC. 2806. PILOT PROGRAM TO PROVIDE INTEREST RATE BUY DOWN AUTHORITY ON LOANS FOR HOUSING WITHIN HOUSING SHORTAGE AREAS AT MILITARY INSTALLATIONS.

(a) SHORT TITLE.—This section may be cited as the "Military Housing Assistance Act of 1995".

(b) MORTGAGE ASSISTANCE PAYMENT AUTHORITY OF THE SECRETARY OF VETERANS AFFAIRS.—(1) Chapter 37 of title 38, United States Code, is amended by inserting after section 3707 the following:

"§3708. Authority to buy down interest rates: pilot program

"(a) In order to enable the purchase of housing in areas where the supply of suitable military housing is inadequate, the Secretary may conduct a pilot program under which the Secretary may make periodic or lump sum assistance payments on behalf of an eligible veteran for the purpose of buying down the interest rate on a loan to that veteran that is guaranteed under this chapter for a purpose described in paragraph (1), (2), (3), (6), or (10) of section 3710(a).

"(b) An individual is an eligible veteran for the purposes of this section if—

"(1) the individual is a veteran, as defined in section 3701(b)(4) of this title, or is on active Guard and Reserve duty, as defined by section 101(d) of title 10;

"(2) the individual submits an application for a loan guaranteed under this chapter within one year of an assignment of the individual to duty at a military installation in the United States designated by the Secretary of Defense as a housing shortage area;

"(3) at the time the loan referred to in subsection (a) is made, the individual is an enlisted member, warrant officer, or an officer (other than a warrant officer) at a pay grade of O-3 or below;

"(4) the individual has not previously used any of the individual's entitlement to housing loan benefits under this chapter; and

"(5) the individual receives comprehensive prepurchase counseling from the Secretary (or the designee of the Secretary) before making application for a loan guaranteed under this chapter.

"(c) Loans with respect to which the Secretary may exercise the buy down authority under subsection (a) shall—

"(1) provide for a buy down period of not more than three years in duration;

"(2) specify the maximum and likely amounts of increases in mortgage payments that the loans would require; and

"(3) be subject to such other terms and conditions as the Secretary may prescribe by regulation.

"(d) The Secretary shall promulgate underwriting standards for loans for which the interest rate assistance payments may be made under subsection (a). Such standards shall be based on the interest rate for the second year of the loan.

"(e) The Secretary or lender shall provide comprehensive prepurchase counseling to eligible veterans explaining the features of interest rate buy downs under subsection (a), including a hypothetical payment schedule that displays the increases in monthly payments to the mortgagor over the first five years of the mortgage term. For the purposes of this subsection, the Secretary may assign personnel to military installations referred to in subsection (b)(2).

"(f) There is authorized to be appropriated $3,000,000 annually to carry out this section.

"(g) The Secretary may not guarantee a loan under this chapter after September 30, 1998, on which the Secretary is obligated to make payments under this section.".

(2) The table of sections at the beginning of chapter 37 of title 38, United States Code, is amended by inserting after the item relating to section 3707 to following new item:

"3708. Authority to buy down interest rates: pilot program.".

(c) AUTHORITY OF SECRETARY OF DEFENSE.—

(1) REIMBURSEMENT FOR BUY DOWN COSTS.—The Secretary of Defense shall reimburse the Secretary of Veterans Affairs for amounts paid by the Secretary of Veterans Affairs to mortgagees under section 3708 of title 38, United States Code.

(2) DESIGNATION OF HOUSING SHORTAGE AREAS.—For purposes of section 3708 of title 38, United States Code, the Secretary of Defense may designate as a housing shortage area a military installation in the United States at which the Secretary determines there is a shortage of suitable housing to meet the military family needs of members of the Armed Forces and the dependents of such members.

(3) REPORT.—Not later than six months after September 30, 1998, the Secretary shall submit a report to Congress regarding the effectiveness in providing housing to members of the Armed Forces and their dependents through the provisions of this subsection and section 3708 of title 38, United States Code.

(4) EARMARK.—Of the amount provided in section 2405(a)(13)(B), $10,000,000 for fiscal year 1996 shall be available to carry out this subsection.

(5) SUNSET.—This subsection shall not apply with respect to housing loans guaranteed after September 30, 1998, for which assistance payments are paid under section 3708 of title 38, United States Code.

Subtitle B—Base Closure and Realignment

SEC. 2811. AUTHORITY TO TRANSFER PROPERTY AT MILITARY INSTALLATIONS TO BE CLOSED TO PERSONS WHO CONSTRUCT OR PROVIDE MILITARY FAMILY HOUSING.

(a) BASE CLOSURES UNDER 1988 ACT.—Section 204 of the Defense Authorization Amendments and Base Closure and Realignment Act (title II of Public Law 100-526; 10 U.S.C. 2687 note) is amended by adding at the end the following new subsection:

"(e) TRANSFER AUTHORITY IN CONNECTION WITH CONSTRUCTION OR PROVISION OF MILITARY FAMILY HOUSING.—(1) Subject to paragraph (2), the Secretary may enter into an agreement to transfer by deed real property or facilities located at an installation closed or to be closed under this title with any person who agrees, in exchange for the real property or facilities, to transfer to the Secretary housing units that are constructed or provided by the person and located at or near a military installation at which there is a shortage of suitable housing to meet the requirements of members of the Armed Forces and their dependents. The Secretary may not select real property for transfer under this paragraph if the property is identified in the redevelopment plan for the installation as items

essential to the reuse or redevelopment of the installation.

"(2) A transfer of real property or facilities may be made under paragraph (1) only if—

"(A) the fair market value of the housing units to be received by the Secretary in exchange for the property or facilities to be transferred is equal to or greater than the fair market value of such property or facilities, as determined by the Secretary; or

"(B) the recipient of the property or facilities agrees to pay to the Secretary the difference between the fair market values if the fair market value of the housing units is lower than the fair market value of the property or facilities to be transferred.

"(3) Notwithstanding section 207(a)(7), the Secretary shall deposit funds received under paragraph (2)(B) in the Department of Defense Family Housing Improvement Fund established under section 2873(a) of title 10, United States Code.

"(4) The Secretary shall submit to the appropriate committees of Congress a report describing each agreement proposed to be entered into under paragraph (1), including the consideration to be received by the United States under the agreement. The Secretary may not enter into the agreement until the end of the 21-day period beginning on the date the appropriate committees of Congress receive the report regarding the agreement.

"(5) The Secretary may require any additional terms and conditions in connection with an agreement authorized by this subsection as the Secretary considers appropriate to protect the interests of the United States.".

(b) Base Closures Under 1990 Act.—Section 2905 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended by adding at the end the following new subsection:

"(f) Transfer Authority in Connection With Construction or Provision of Military Family Housing.—(1) Subject to paragraph (2), the Secretary may enter into an agreement to transfer by deed real property or facilities located at an installation closed or to be closed under this part with any person who agrees, in exchange for the real property or facilities, to transfer to the Secretary housing units that are constructed or provided by the person and located at or near a military installation at which there is a shortage of suitable housing to meet the requirements of members of the Armed Forces and their dependents. The Secretary may not select real property for transfer under this paragraph if the property is identified in the redevelopment plan for the installation as items essential to the reuse or redevelopment of the installation.

"(2) A transfer of real property or facilities may be made under paragraph (1) only if—

"(A) the fair market value of the housing units to be received by the Secretary in exchange for the property or facilities to be transferred is equal to or greater than the fair market value of such property or facilities, as determined by the Secretary; or

"(B) the recipient of the property or facilities agrees to pay to the Secretary the difference between the fair market values if the fair market value of the housing units is lower than the fair market value of the property or facilities to be transferred.

"(3) Notwithstanding section 2906(a)(2), the Secretary shall deposit funds received under paragraph (2)(B) in the Department of Defense Family Housing Improvement Fund established under section 2873(a) of title 10, United States Code.

"(4) The Secretary shall submit to the appropriate committees of Congress a report describing each agreement proposed to be entered into under paragraph (1), including the consideration to be received by the United States under the agreement. The Secretary may not enter into the agreement until the end of the 30-day period beginning on the date the appropriate committees of Congress receive the report regarding the agreement.

"(5) The Secretary may require any additional terms and conditions in connection with an agreement authorized by this subsection as the Secretary considers appropriate to protect the interests of the United States.".

(c) Regulations.—Not later than nine months after the date of the enactment of this Act, the Secretary of Defense shall prescribe any regulations necessary to carry out subsection (e) of section 204 of the Defense Authorization Amendments and Base Closure and Realignment Act (title II of Public Law 100–526; 10 U.S.C. 2687 note), as added by subsection (a), and subsection (f) of section 2905 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), as added by subsection (b).

SEC. 2812. DEPOSIT OF PROCEEDS FROM LEASES OF PROPERTY LOCATED AT INSTALLATIONS BEING CLOSED OR REALIGNED.

(a) Exception to Existing Requirements.—Section 2667(d) of title 10, United States Code, is amended—

(1) in paragraph (1)(A)(ii), by inserting "or (5)" after "paragraph (4)"; and

(2) by adding at the end the following new paragraph:

"(5) Money rentals received by the United States from a lease under subsection (f) shall be deposited into the relevant account established under section 207(a) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note) or section 2906(a) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).".

(b) Corresponding Amendments to Base Closure Laws.—(1) Section 207(a) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note) is amended—

(A) in paragraph (2)—

(i) by striking out "and" at the end of subparagraph (B);

(ii) by striking out the period at the end of subparagraph (C) and inserting in lieu thereof "; and"; and

(iii) by adding at the end the following new subparagraph:

"(D) proceeds from leases of property under section 2667(f) of title 10, United States Code, at a military installation to be closed or realigned under this title."; and

(B) in paragraph (7), by striking out "transfer or disposal" and inserting in lieu thereof "lease, transfer, or disposal".

(2) Section 2906(a)(2) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2867 note) is amended—

(A) in subparagraph (C), by striking out "transfer or disposal" and inserting in lieu thereof "lease, transfer, or disposal"; and

(B) in subparagraph (D), by striking out "transfer or disposal" and inserting in lieu thereof "lease, transfer, or disposal".

SEC. 2813. AGREEMENTS FOR CERTAIN SERVICES AT INSTALLATIONS BEING CLOSED.

(a) Closures Under 1988 Act.—Section 204(b)(8) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note) is amended by striking out subparagraph (A) and inserting in lieu thereof the following new subparagraph:

"(A) Subject to subparagraph (C), the Secretary may enter into agreements (including contracts, cooperative agreements, or other arrangements for reimbursement) with local governments for the provision of police or security services, fire protection services, airfield operation services, or other community services by such governments at military installations to be closed under this title if the Secretary determines that the provision of such services under such an agreement is in the best interests of the Department of Defense.".

(b) Closures Under 1990 Act.—Section 2905(b)(8) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2867 note) is amended by striking out subparagraph (A) and inserting in lieu thereof the following new subparagraph:

"(A) Subject to subparagraph (C), the Secretary may enter into agreements (including contracts, cooperative agreements, or other arrangements for reimbursement) with local governments for the provision of police or security services, fire protection services, airfield operation services, or other community services by such governments at military installations to be closed under this part if the Secretary determines that the provision of such services under such an agreement is in the best interests of the Department of Defense.".

Subtitle C—Land Conveyances Generally

SEC. 2821. TRANSFER OF JURISDICTION, FORT SAM HOUSTON, TEXAS.

(a) Transfer of Land for National Cemetery.—The Secretary of the Army may transfer, without reimbursement, to the administrative jurisdiction of the Secretary of Veterans Affairs a parcel of real property (including any improvements thereon) consisting of approximately 53 acres and comprising a portion of Fort Sam Houston, Texas.

(b) Use of Land.—The Secretary of Veterans Affairs shall use the real property transferred under subsection (a) as a national cemetery under chapter 24 of title 38, United States Code.

(c) Return of Unused Land.—If the Secretary of Veterans Affairs determines that any portion of the real property transferred under subsection (a) is not needed for use as a national cemetery, the Secretary of Veterans Affairs shall return such portion to the administrative jurisdiction of the Secretary of the Army.

(d) Legal Description.—The exact acreage and legal description of the real property to be transferred under this section shall be determined by surveys that are satisfactory to the Secretary of the Army. The cost of such surveys shall be borne by the Secretary of Veterans Affairs.

(e) Additional Terms and Conditions.—The Secretary of the Army may require such additional terms and conditions in connection with the transfer under this section as the Secretary of the Army considers appropriate to protect the interests of the United States.

SEC. 2822. LAND ACQUISITION OR EXCHANGE, SHAW AIR FORCE BASE, SUMTER, SOUTH CAROLINA.

(a) Land Acquisition.—By means of an exchange of property, acceptance as a gift, or other means that does not require the use of appropriated funds, the Secretary of the Air Force may acquire all right, title, and interest in and to a parcel of real property (together with any improvements thereon) consisting of approximately 1,100 acres and located adjacent to the eastern end of Shaw Air Force Base, South Carolina, and extending to Stamey Livestock Road in Sumter County, South Carolina.

(b) Land Exchange Authorized.—For purposes of acquiring the real property described in subsection (a), the Secretary may participate in a land exchange and convey all right, title, and

interest of the United States in and to a parcel of real property in the possession of the Air Force if—

(1) the Secretary determines that the land exchange is in the best interests of the Air Force; and

(2) the fair market value of the Air Force parcel to be conveyed does not exceed the fair market value of the parcel to be acquired.

(c) DETERMINATIONS OF FAIR MARKET VALUE.—The Secretary shall determine the fair market value of the parcels of real property to be conveyed pursuant to subsections (a) and (b). Such determinations shall be final.

(d) DESCRIPTIONS OF PROPERTY.—The exact acreage and legal descriptions of the parcels of real property to be conveyed pursuant to subsections (a) and (b) shall be determined by surveys that are satisfactory to the Secretary.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the acquisition under subsection (a) or conveyance under subsection (b) as the Secretary considers appropriate to protect the interests of the United States.

(f) REVERSION OF GIFT CONVEYANCE.—If the Secretary acquires the real property described in subsection (a) by way of gift, the Secretary may accept in the deed of conveyance terms or conditions that require that the land be reconveyed to the donor, or the heirs of the donor, if Shaw Air Force Base ceases operations and is closed.

SEC. 2823. TRANSFER OF CERTAIN REAL PROPERTY AT NAVAL WEAPONS INDUSTRIAL RESERVE PLANT, CALVERTON, NEW YORK, FOR USE AS NATIONAL CEMETERY.

(a) TRANSFER AUTHORIZED.—Notwithstanding section 2854 of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2626), the Secretary of the Navy may transfer, without reimbursement, to the Secretary of Veterans Affairs a parcel of real property consisting of approximately 150 acres located adjacent to the Calverton National Cemetery, Calverton, New York, and comprising a portion of the buffer zone of the Naval Weapons Industrial Reserve Plant, Calverton.

(b) USE OF PROPERTY.—The Secretary of Veterans Affairs shall use the real property transferred under subsection (a) as an addition to the Calverton National Cemetery and administer such real property pursuant to chapter 24 of title 38, United States Code.

(c) SURVEYS.—The cost of any surveys necessary for the transfer of jurisdiction of the real property described in subsection (a) from the Secretary of the Navy to the Secretary of Veterans Affairs shall be borne by the Secretary of Veterans Affairs.

SEC. 2824. LAND CONVEYANCE, FORT ORD, CALIFORNIA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey to the City of Seaside, California (in this section referred to as the "City"), all right, title, and interest of the United States in and to a parcel of real property (including improvements thereon) consisting of approximately 477 acres located in Monterey County, California, and comprising a portion of the former Fort Ord Military Complex. The real property to be conveyed to the City includes the two Fort Ord Golf Courses, Black Horse and Bayonet, and the Hayes Housing Facilities.

(b) CONSIDERATION.—As consideration for the conveyance of the real property and improvements under subsection (a), the City shall pay to the United States an amount equal to the fair market value of the property to be conveyed, as determined by the Secretary under such terms and conditions as are determined to be fair and equitable to both parties.

(c) USE AND DEPOSIT OF PROCEEDS.—(1) From the funds paid by the City under subsection (b), the Secretary shall deposit in the Morale, Welfare, and Recreation Fund Account of the Department of the Army an amount equal to the portion of such funds corresponding to the fair market value of the two Fort Ord Golf Courses conveyed under subsection (a), as established under subsection (b).

(2) The Secretary shall deposit the balance of the funds paid by the City under subsection (b), after deducting the amount deposited under paragraph (1), in the Department of Defense Base Closure Account 1990.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property (including improvements thereon) to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary and the City. The cost of the survey shall be borne by the City.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2825. LAND CONVEYANCE, INDIANA ARMY AMMUNITION PLANT, CHARLESTOWN, INDIANA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the State of Indiana (in this section referred to as the "State"), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, that consists of approximately 1125 acres at the inactivated Indiana Army Ammunition Plant in Charlestown, Indiana, and is the subject of a 25-year lease between the Secretary and the State.

(b) CONDITION OF CONVEYANCE.—The conveyance authorized under subsection (a) shall be subject to the condition that the State use the conveyed property for recreational purposes.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of such survey shall be borne by the State.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2826. LAND CONVEYANCE, NAVAL AIR STATION, PENSACOLA, FLORIDA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey to West Florida Developers, Inc. (in this section referred to as "WFD"), all right, title, and interest of the United States in and to a parcel of unimproved real property consisting of approximately 135 acres at Naval Air Station, Pensacola, Florida.

(b) CONSIDERATION.—(1) As consideration for the conveyance under subsection (a), WFD shall agree to restrict the use of all lands located within the Air Installation Compatible Use Zones of Naval Air Station Pensacola and owned by WFD at the time of the conveyance under subsection (a) in such manner as specified by the Secretary. The lands subject to such restriction shall total at least 300 acres.

(2) If the fair market value of the property conveyed under subsection (a) is more than the fair market value of the restriction on usage under paragraph (1), WFD shall pay to the United States an amount equal to the difference between the fair market values.

(c) DETERMINATION OF FAIR MARKET VALUE.—The Secretary shall determine the fair market value of the property to be conveyed under subsection (a) and the fair market value of the restriction on usage under subsection (b)(1). Such determination shall be final.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of such survey shall be borne by WFD.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance authorized by subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2827. LAND CONVEYANCE, AVON PARK AIR FORCE RANGE, SEBRING, FLORIDA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey, without consideration, to Highlands County, Florida (in this section referred to as the "County"), all right, title, and interest of the United States in and to a parcel of real property (including any improvements thereon) located within the boundaries of the Avon Park Air Force Range near Sebring, Florida, which has previously served as the location of a support complex and recreational facilities for the Avon Park Air Force Range.

(b) CONDITIONS OF CONVEYANCE.—The conveyance authorized under subsection (a) shall be subject to the conditions that the County—

(1) directly or through an agreement with an appropriate public or private entity, use the conveyed property, including the support complex and recreational facilities, for operation of a juvenile or other correctional facility; and

(2) enter into an agreement with the Secretary to reconvey the property to the United States if the Secretary determines that the conveyed property is necessary to accomplish the military mission of the Avon Park Air Force Range.

(c) REVERSIONARY INTEREST.—If the Secretary determines at any time that the property conveyed under subsection (a) is not being used in accordance with subsection (b), all right, title, and interest in the property shall revert to the United States, and the United States shall have the right of immediate entry onto the property.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of such survey shall be borne by the County.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2828. LAND CONVEYANCE, PARKS RESERVE FORCES TRAINING AREA, DUBLIN, CALIFORNIA.

(a) CONVEYANCE AUTHORIZED.—(1) Except as provided in paragraph (2), the Secretary of the Army may convey to the County of Alameda, California (in this section referred to as the "County"), all right, title, and interest of the United States in and to a parcel of real property consisting of approximately 31 acres, together with improvements thereon, located at Parks Reserve Forces Training Area, Dublin, California.

(2) The conveyance authorized by this section shall not include any oil, gas, or mineral interest of the United States in the real property to be conveyed.

(b) CONSIDERATION.—(1) As consideration for the conveyance under subsection (a)(1), the County shall provide the Army with services at the portion of Parks Reserve Forces Training Area retained by the Army—

(A) to relocate the main gate of the retained Army Training Area from Dougherty Road to Dublin Boulevard across from the Bay Area Rapid Transit District East Dublin station, including the closure of the existing main gate on

Dougherty Road, construction of a security facility, and construction of a roadway from the new entrance to Fifth Street;

(B) to fence and landscape the southern boundary of the retained Army Training Area installation located northerly of Dublin Boulevard;

(C) to fence and landscape the eastern boundary of the retained Army Training Area from Dublin Boulevard to Gleason Drive;

(D) to resurface roadways within the retained Army Training Area;

(E) to provide such other services in connection with the retained Army Training Area, including relocation or reconstruction of water lines, relocation or reconstruction of sewer lines, construction of drainage improvements, and construction of buildings, as the Secretary and the County may determine to be appropriate; and

(F) to provide for and fund any environmental mitigation that is necessary as a result of a change in use of the conveyed property by the County.

(2) The detailed specifications for the services to be provided under paragraph (1) may be determined and approved on behalf of the Secretary by the Commander of Parks Reserve Forces Training Area. The preparation costs of such specifications shall be borne by the County.

(3) The value of improvements and services received by the United States from the County under paragraph (1) must be equal to or exceed the appraised value of the real property to be conveyed under subsection (a)(1). The appraisal of the value of the property shall be subject to Government review and approval.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a)(1) shall be determined by a survey satisfactory to the Secretary. The cost of such survey shall be borne by the County.

(d) TIME FOR TRANSFER OF TITLE.—The transfer of title to the County under subsection (a)(1) may be executed by the Secretary only upon the satisfactory guarantee by the County of completion of the services to be provided under subsection (b).

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a)(1) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2829. LAND CONVEYANCE, HOLSTON ARMY AMMUNITION PLANT, MOUNT CARMEL, TENNESSEE.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without reimbursement, to the City of Mount Carmel, Tennessee (in this section referred to as the "City"), all right, title, and interest of the United States in and to a parcel of real property consisting of approximately 6.5 acres, together with any improvements thereon, located at Holston Army Ammunition Plant, Tennessee. The property is located adjacent to the Mount Carmel Cemetery and is intended for expansion of the cemetery.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of such survey shall be borne by the City.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2830. LAND CONVEYANCE, NAVAL WEAPONS INDUSTRIAL RESERVE PLANT, MCGREGOR, TEXAS.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey, without consideration, to the City of McGregor, Texas (in this section referred to as the "City"), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, containing the Naval Weapons Industrial Reserve Plant in McGregor, Texas. After screening the facilities, equipment, and fixtures (including special tooling and special test equipment) located on the parcel for other uses within the Department of the Navy, the Secretary may include in the conveyance remaining facilities, equipment, and fixtures if the Secretary determines that manufacturing activities requiring the use of such facilities, equipment, and fixtures are likely to continue or be reinstated on the parcel after conveyance.

(b) LEASE AUTHORITY.—Until such time as the real property described in subsection (a) is conveyed by deed, the Secretary may lease the property, along with improvements thereon, to the City in exchange for security services, fire protection, and maintenance provided by the City for the property.

(c) CONDITION OF CONVEYANCE.—The conveyance authorized under subsection (a) shall be subject to the condition that the City, directly or through an agreement with a public or private entity, use the conveyed property (or offer the conveyed property for use) for economic redevelopment to replace all or a part of the economic activity being lost at the parcel.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of such survey shall be borne by the City.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) or a lease under subsection (b) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2831. TRANSFER OF JURISDICTION AND LAND CONVEYANCE, FORT DEVENS MILITARY RESERVATION, MASSACHUSETTS.

(a) TRANSFER OF LAND FOR WILDLIFE REFUGE.—Subject to subsection (b), the Secretary of the Army shall transfer, without reimbursement, to the administrative jurisdiction of the Secretary of the Interior that portion of Fort Devens Military Reservation in the State of Massachusetts that is situated south of Massachusetts State Route 2, for inclusion in the Oxbow National Wildlife Refuge. The transfer shall be made as soon as possible after the date on which the property is determined to be excess to the needs of the Department of Defense.

(b) LAND CONVEYANCE AUTHORIZED.—The Secretary of the Army shall convey to the Town of Lancaster, Massachusetts (in this section referred to as the "Town"), all right, title, and interest of the United States in and to a parcel of real property consisting of approximately 100 acres of the parcel available for transfer under subsection (a) and located adjacent to Massachusetts State Highway 70.

(c) LEGAL DESCRIPTION.—(1) The exact acreage and legal description of the real property to be transferred under subsection (a) shall be determined by surveys that are mutually satisfactory to the Secretary of the Army and the Secretary of the Interior. The cost of such surveys shall be borne by the Secretary of the Interior.

(2) The exact acreage and legal description of the real property to be conveyed under subsection (b) shall be determined by surveys that are mutually satisfactory to the Secretary of the Army, the Secretary of the Interior, and the Board of Selectman of the Town. The cost of such surveys shall be borne by the Town.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Army may require such additional terms and conditions in connection with the transfer and conveyance under this section as the Secretary of the Army considers appropriate to protect the interests of the United States.

SEC. 2832. LAND CONVEYANCE, ELMENDORF AIR FORCE BASE, ALASKA.

(a) SALE TO PRIVATE PERSON AUTHORIZED.—(1) The Secretary of the Air Force may sell to a private person all right, title, and interest of the United States in and to a parcel of real property consisting of approximately 31.69 acres that is located at Elmendorf Air Force Base, Anchorage, Alaska, and identified in land lease W–95–507–ENG–58.

(2) The Secretary may select as purchaser of the real property such private person as the Secretary, in the sole exercise of the Secretary's discretion, considers appropriate. The conveyance shall be subject to the condition that the purchaser agree to provide appropriate maintenance for the apartment complex located on the property to be conveyed and used by members of the Armed Forces stationed at Elmendorf Air Force Base and their dependents.

(b) CONSIDERATION.—In consideration for the conveyance under subsection (a), the purchaser shall pay to the United States an amount equal to the fair market value of the real property to be conveyed, as determined by an appraisal satisfactory to the Secretary. In determining the fair market value of the real property, the Secretary shall consider the property as encumbered by land lease W–95–507–ENG–58, with an expiration date of June 13, 2024.

(c) DEPOSIT OF PROCEEDS.—The Secretary shall deposit the amount received from the purchaser under subsection (b) in the special account established under section 204(h)(2) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 585(h)(2)).

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of such survey shall be borne by the purchaser.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2833. LAND CONVEYANCE ALTERNATIVE TO EXISTING LEASE AUTHORITY, NAVAL SUPPLY CENTER, OAKLAND, CALIFORNIA.

Section 2834(b) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2614), as amended by section 2833 of the Military Construction Authorization Act for Fiscal Year 1994 (division B of Public Law 103–160) and section 2821 of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103–337), is further amended by adding at the end the following new paragraphs:

"(4) In lieu of entering into a lease under paragraph (1), or in place of an existing lease under such paragraph, the Secretary may convey, without consideration, the property described in such paragraph to the City of Oakland, California, the Port of Oakland, California, or the City of Alameda, California, under such terms and conditions as the Secretary considers appropriate.

"(5) The exact acreage and legal description of any property conveyed under paragraph (4) shall be determined by a survey satisfactory to

the Secretary. The cost of each survey shall be borne by the recipient of the property.''.

Subtitle D—Land Conveyances Involving Utilities

SEC. 2841. CONVEYANCE OF RESOURCE RECOVERY FACILITY, FORT DIX, NEW JERSEY.

(a) AUTHORITY TO CONVEY.—The Secretary of the Army may convey to Burlington County, New Jersey (in this section referred to as the "County"), all right, title, and interest of the United States in and to a parcel of real property at Fort Dix, New Jersey, consisting of approximately two acres and containing a resource recovery facility, known as the Fort Dix resource recovery facility.

(b) RELATED EASEMENTS.—The Secretary may grant to the County any easement that is necessary for access to and operation of the resource recovery facility conveyed under subsection (a).

(c) CONDITIONS ON CONVEYANCE.—The conveyance of the resource recovery facility authorized by subsection (a) is subject to the following conditions:

(1) That the County accept the resource recovery facility in its existing condition at the time of conveyance.

(2) That the County provide refuse and steam service to Fort Dix, New Jersey, at the rate established by the appropriate Federal or State regulatory authority.

(3) That the County comply with all applicable environmental laws and regulations relating to the resource recovery facility, including any permit or license requirements.

(4) That the County assume full responsibility for ownership, operation, maintenance, repair, and all regulatory compliance requirements for the resource recovery facility.

(d) CONDITION ON EXPANSION.—The conveyance of the resource recovery facility under subsection (a) shall also be subject to the condition that the County may not expand the resource recovery facility without prior approval by the Secretary.

(e) ENVIRONMENTAL COMPLIANCE.—The County shall be responsible for owning, operating, and upgrading the resource recovery facility in accordance with all applicable Federal, State, and municipal laws and regulations promulgated thereunder.

(f) DESCRIPTION OF THE PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a), and of any easements to be granted under subsection (b), shall be determined by a survey satisfactory to the Secretary. The cost of such survey shall be borne by the County.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) and the grant of any easement under subsection (b) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2842. CONVEYANCE OF WATER AND WASTEWATER TREATMENT PLANTS, FORT GORDON, GEORGIA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey to the city of Augusta, Georgia (in this section referred to as the "City"), all right, title, and interest of the United States to several parcels of real property located at Fort Gordon, Georgia, and consisting of approximately seven acres each. The parcels are improved with a water filtration plant, water distribution system with storage tanks, sewage treatment plant, and sewage collection system.

(b) RELATED EASEMENTS.—The Secretary may grant to the City any easement that is necessary for access to the real property conveyed under subsection (a) and operation of the conveyed facilities.

(c) CONDITIONS ON CONVEYANCE.—The conveyance authorized by subsection (a) is subject to the following conditions:

(1) That the City accept the water and wastewater treatment plants and distribution and collection systems in their existing condition at the time of conveyance.

(2) That the City provide water and sewer service to Fort Gordon, Georgia, at a rate established by the appropriate Federal or State regulatory authority.

(3) That the City comply with all applicable environmental laws and regulations regarding the real property conveyed under subsection (a), including any permit or license requirements.

(4) That the City assume full responsibility for ownership, operation, maintenance, repair, and all regulatory compliance requirements for the water and wastewater treatment plants and distribution and collection systems.

(d) CONDITION ON EXPANSION.—The conveyance under subsection (a) shall also be subject to the condition that the City may not expand the water and wastewater treatment plants and distribution and collection systems without prior approval by the Secretary.

(e) ENVIRONMENTAL COMPLIANCE.—The City shall be responsible for owning, operating, and upgrading the water and wastewater treatment plants and distribution and collection systems in accordance with all applicable Federal, State, and municipal laws and regulations promulgated thereunder.

(f) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a), and of any easements granted under subsection (b), shall be determined by a survey satisfactory to the Secretary. The cost of such survey shall be borne by the City.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) and the grant of any easement under subsection (b) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2843. CONVEYANCE OF ELECTRICAL DISTRIBUTION SYSTEM, FORT IRWIN, CALIFORNIA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey to the Southern California Edison Company, California (in this section referred to as the "Company"), all right, title, and interest of the United States in and to the electrical distribution system located at Fort Irwin, California.

(b) DESCRIPTION OF SYSTEM AND CONVEYANCE.—The electrical distribution system authorized to be conveyed under subsection (a) consists of approximately 115 miles of electrical distribution lines, including poles, switches, reclosers, transformers, regulators, switchgears, and service lines. The conveyance includes the equipment, fixtures, structures, and other improvements the Federal Government utilizes to provide electrical services at Fort Irwin. The conveyance shall not include any real property.

(c) RELATED EASEMENTS.—The Secretary may grant to the Company any easement that is necessary for access to and operation of the electrical distribution system conveyed under subsection (a).

(d) CONDITIONS ON CONVEYANCE.—The conveyance authorized by subsection (a) is subject to the following conditions:

(1) That the Company accept the electrical distribution system in its existing condition at the time of conveyance.

(2) That the Company provide electrical service to Fort Irwin, California, at a rate established by the appropriate Federal or State regulatory authority.

(3) That the Company comply with all applicable environmental laws and regulations regarding the electrical distribution system, including any permit or license requirements.

(4) That the Company assume full responsibility for ownership, operation, maintenance, repair, and all regulatory compliance requirements for the electrical distribution system.

(e) CONDITION ON EXPANSION.—The conveyance under subsection (a) shall also be subject to the condition that the Company may not expand the electrical distribution system without prior approval by the Secretary.

(f) ENVIRONMENTAL COMPLIANCE.—The Company shall be responsible for owning, operating, and upgrading the electrical distribution system in accordance with all applicable Federal, State, and municipal laws and regulations promulgated thereunder.

(g) DESCRIPTION OF EASEMENT.—The exact acreage and legal description of any easement granted under subsection (c) shall be determined by a survey satisfactory to the Secretary. The cost of such survey shall be borne by the Company.

(h) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) and the grant of any easement under subsection (c) as the Secretary considers appropriate to protect the interests of the United States.

Subtitle E—Other Matters

SEC. 2851. EXPANSION OF AUTHORITY TO SELL ELECTRICITY.

(a) INCLUSION OF ADDITIONAL ENERGY PRODUCTION FACILITIES.—Subsection (a) of section 2483 of title 10, United States Code, is amended by striking out "alternate energy and cogeneration type production facilities" in the first sentence and inserting in lieu thereof "energy production facilities".

(b) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

"§2483. Special sale authority regarding electricity".

(2) The table of sections at the beginning of chapter 147 of title 10, United States Code, is amended by striking out the item relating to section 2483 and inserting in lieu thereof the following new item:

"2483. Special sale authority regarding electricity.".

SEC. 2852. AUTHORITY FOR MISSISSIPPI STATE PORT AUTHORITY TO USE NAVY PROPERTY AT NAVAL CONSTRUCTION BATTALION CENTER, GULFPORT, MISSISSIPPI.

(a) JOINT USE AGREEMENT AUTHORIZED.—The Secretary of the Navy may enter into an agreement with the Port Authority of the State of Mississippi (in this section referred to as the "Port Authority"), under which the Port Authority may use real property comprising up to 50 acres located at the Naval Construction Battalion Center, Gulfport, Mississippi (in this section referred to as the "Center").

(b) TERM OF AGREEMENT.—The agreement authorized under subsection (a) may be for an initial period of not more than 15 years. Under the agreement, the Secretary shall provide the Port Authority with an option to extend the agreement for at least three additional periods of five years each.

(c) CONDITIONS ON USE.—The agreement authorized under subsection (a) shall require the Port Authority—

(1) to suspend operations under the agreement in the event Navy contingency operations are conducted at the Center; and

(2) to use the property covered by the agreement in a manner consistent with Navy operations conducted at the Center.

(d) CONSIDERATION.—(1) As consideration for the use of the property covered by the agreement

under subsection (a), the Port Authority shall pay to the Navy an amount equal to the fair market rental value of the property, as determined by the Secretary taking into consideration the Port Authority's use of the property.

(2) The Secretary may include a provision in the agreement requiring the Port Authority—

(A) to pay the Navy an amount (as determined by the Secretary) to cover the costs of replacing at the Center any facilities vacated by the Navy on account of the agreement or to construct suitable replacement facilities for the Navy; and

(B) to pay the Navy an amount (as determined by the Secretary) for the costs of relocating Navy operations from the vacated facilities to the replacement facilities.

(e) CONGRESSIONAL NOTIFICATION.—The Secretary may not enter into the agreement authorized by subsection (a) until the end of the 21-day period beginning on the date on which the Secretary submits to Congress a report containing an explanation of the terms of the proposed agreement and a description of the consideration that the Secretary expects to receive under the agreement.

(f) USE OF PAYMENT.—(1) In such amounts as are provided in advance in appropriation Acts, the Secretary may use amounts paid under subsection (d)(1) to pay for general supervision, administration, and overhead expenses and for improvement, maintenance, repair, construction, or restoration of the roads, railways, and facilities serving the Center.

(2) In such amounts as are provided in advance in appropriation Acts, the Secretary may use amounts paid under subsection (d)(2) to pay for constructing new facilities, or making modifications to existing facilities, that are necessary to replace facilities vacated by the Navy on account of the agreement under subsection (a) and for relocating operations of the Navy from the vacated facilities to replacement facilities.

(g) CONSTRUCTION BY PORT AUTHORITY.—The Secretary may authorize the Port Authority to demolish existing facilities located on the property covered by the agreement under subsection (a) and, consistent with the restriction specified in subsection (c)(2), construct new facilities on the property for joint use by the Port Authority and the Navy.

(h) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the agreement authorized under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2853. PROHIBITION ON JOINT CIVIL AVIATION USE OF NAVAL AIR STATION MIRAMAR, CALIFORNIA.

The Secretary of the Navy may not enter into any agreement that would provide for or permit civil aircraft to regularly use Naval Air Station Miramar, California.

SEC. 2854. REPORT REGARDING ARMY WATER CRAFT SUPPORT FACILITIES AND ACTIVITIES.

Not later than February 15, 1996, the Secretary of the Army shall submit to Congress a report describing—

(1) the location, assets, and mission of each Army facility, active or reserve component, that supports water transportation operations;

(2) an infrastructure inventory and utilization rate of each Army facility supporting water transportation operations;

(3) options for consolidating these operations to reduce overhead; and

(4) actions that can be taken to affirmatively respond to requests from the residents of Marcus Hook, Pennsylvania, to close the Army Reserve facility located in Marcus Hook and make the facility available for use by the community.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

SEC. 3101. WEAPONS ACTIVITIES.

(a) STOCKPILE STEWARDSHIP.—Subject to subsection (d), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1996 for stockpile stewardship in carrying out weapons activities necessary for national security programs in the amount of $3,610,914,000, to be allocated as follows:

(1) For core stockpile stewardship, $1,189,708,000 for fiscal year 1996, to be allocated as follows:

(A) For operation and maintenance, $1,098,403,000.

(B) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $96,305,000, to be allocated as follows:

Project 96–D–102, stockpile stewardship facilities revitalization, Phase VI, various locations, $2,520,000.

Project 96–D–103, ATLAS, Los Alamos National Laboratory, Los Alamos, New Mexico, $8,400,000.

Project 96–D–104, processing and environmental technology laboratory (PETL), Sandia National Laboratories, Albuquerque, New Mexico, $1,800,000.

Project 96–D–105, contained firing facility addition, Lawrence Livermore National Laboratory, Livermore, California, $6,600,000.

Project 95–D–102, Chemical and Metallurgy Research Building upgrades project, Los Alamos National Laboratory, Los Alamos, New Mexico, $9,940,000.

Project 94–D–102, nuclear weapons research, development, and testing facilities revitalization, Phase V, various locations, $12,200,000.

Project 93–D–102, Nevada support facility, North Las Vegas, Nevada, $15,650,000.

Project 90–D–102, nuclear weapons research, development, and testing facilities revitalization, Phase III, various locations, $6,200,000.

Project 88–D–106, nuclear weapons research, development, and testing facilities revitalization, Phase II, various locations, $27,995,000.

(2) For inertial fusion, $240,667,000, to be allocated as follows:

(A) For operation and maintenance, $203,267,000.

(B) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $37,400,000 to be allocated as follows:

Project 96–D–111, national ignition facility, TBD, $37,400,000.

(3) For technology transfer, $25,000,000.

(4) For Marshall Islands, $6,800,000.

(b) STOCKPILE MANAGEMENT.—Subject to subsection (d), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1996 for stockpile management in carrying out weapons activities necessary for national security programs in the amount of $2,142,083,000, to be allocated as follows:

(1) For operation and maintenance, $2,028,458,000.

(2) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $113,625,000, to be allocated as follows:

Project 96–D–122, sewage treatment quality upgrade (STQU), Pantex Plant, Amarillo, Texas, $600,000.

Project 96–D–123, retrofit HVAC and chillers for ozone protection, Y–12 Plant, Oak Ridge, Tennessee, $3,100,000.

Project 96–D–125, Washington measurements operations facility, Andrews Air Force Base, Camp Springs, Maryland, $900,000.

Project 96–D–126, tritium loading line modifications, Savannah River Site, South Carolina, $12,200,000.

Project 95–D–122, sanitary sewer upgrade, Y–12 Plant, Oak Ridge, Tennessee, $6,300,000.

Project 94–D–124, hydrogen fluoride supply system, Y–12 Plant, Oak Ridge, Tennessee, $8,700,000.

Project 94–D–125, upgrade life safety, Kansas City Plant, Kansas City, Missouri, $5,500,000.

Project 94–D–127, emergency notification system, Pantex Plant, Amarillo, Texas, $2,000,000.

Project 94–D–128, environmental safety and health analytical laboratory, Pantex Plant, Amarillo, Texas, $4,000,000.

Project 93–D–122, life safety upgrades, Y–12 Plant, Oak Ridge, Tennessee, $7,200,000.

Project 93–D–123, complex-21, various locations, $41,065,000.

Project 88–D–122, facilities capability assurance program, various locations, $8,660,000.

Project 88–D–123, security enhancement, Pantex Plant, Amarillo, Texas, $13,400,000.

(c) PROGRAM DIRECTION.—Subject to subsection (d), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1996 for program direction in carrying out weapons activities necessary for national security programs in the amount of $118,000,000.

(d) ADJUSTMENTS.—The total amount authorized to be appropriated pursuant to this section is the sum of the amounts authorized to be appropriated in subsections (a) through (c) reduced by the sum of—

(1) $25,000,000, for savings resulting from procurement reform; and

(2) $86,344,000, for use in prior year balances.

SEC. 3102. ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT.

(a) CORRECTIVE ACTIVITIES.—Subject to subsection (i), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1996 for corrective activities in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $3,406,000, all of which shall be available for the following plant project (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and land acquisition related thereto):

Project 90–D–103, environment, safety and health improvements, weapons research and development complex, Los Alamos National Laboratory, Los Alamos, New Mexico.

(b) ENVIRONMENTAL RESTORATION.—Subject to subsection (i), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1996 for environmental restoration in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $1,575,973,000.

(c) WASTE MANAGEMENT.—Subject to subsection (i), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1996 for waste management in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $2,351,596,000, to be allocated as follows:

(1) For operation and maintenance, $2,168,994,000.

(2) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land

acquisition related thereto), $182,602,000, to be allocated as follows:

Project 96–D–406, K-Basin operations program, Richland, Washington, $26,000,000.

Project 96–D–407, mixed waste low level waste treatment projects, Rocky Flats, Golden, Colorado, $2,900,000.

Project 96–D–408, waste management upgrades, various locations, $5,615,000.

Project 95–D–402, install permanent electrical service for the Waste Isolation Pilot Plant, Carlsbad, New Mexico, $4,314,000.

Project 95–D–405, industrial landfill V and construction/demolition landfill VII, Phase III, Y–12 Plant, Oak Ridge, Tennessee, $4,600,000.

Project 95–D–406, road 5–01 reconstruction, area 5, Nevada Test Site, Nevada, $1,023,000.

Project 94–D–400, high explosive wastewater treatment system, Los Alamos National Laboratory, Los Alamos, New Mexico, $4,445,000.

Project 94–D–402, liquid waste treatment system, Nevada Test Site, Nevada, $282,000.

Project 94–D–404, Melton Valley storage tanks capacity increase, Oak Ridge National Laboratory, Oak Ridge, Tennessee, $11,000,000.

Project 94–D–407, initial tank retrieval systems, Richland, Washington, $9,400,000.

Project 94–D–411, solid waste operations complex project, Richland, Washington, $5,500,000.

Project 94–D–417, intermediate level and low activity waste vaults, Savannah River Site, Aiken, South Carolina, $2,704,000.

Project 93–D–178, building 374 liquid waste treatment facility, Rocky Flats Environmental Technology Site, Golden, Colorado, $3,900,000.

Project 93–D–182, replacement of cross-site transfer system, Richland, Washington, $19,795,000.

Project 93–D–183, multi-function waste remediation facility, Richland, Washington, $31,000,000.

Project 93–D–187, high-level waste removal from filled waste tanks, Savannah River Site, Aiken, South Carolina, $19,700,000.

Project 92–D–171, mixed waste receiving and storage facility, Los Alamos National Laboratory, Los Alamos, New Mexico, $1,105,000.

Project 92–D–188, waste management environmental, safety and health (ES&H) and compliance activities, various locations, $1,100,000.

Project 90–D–172, aging waste transfer lines, Richland, Washington, $2,000,000.

Project 90–D–177, RWMC transuranic (TRU) waste characterization and storage facility, Idaho National Engineering Laboratory, Idaho, $1,428,000.

Project 90–D–178, TSA retrieval enclosure, Idaho National Engineering Laboratory, Idaho, $2,606,000.

Project 89–D–173, tank farm ventilation upgrade, Richland, Washington, $800,000.

Project 89–D–174, replacement high-level waste evaporator, Savannah River Site, Aiken, South Carolina, $11,500,000.

Project 86–D–103, decontamination and waste treatment facility, Lawrence Livermore National Laboratory, Livermore, California, $8,885,000.

Project 83–D–148, nonradioactive hazardous waste management, Savannah River Site, Aiken, South Carolina, $1,000,000.

(d) TECHNOLOGY DEVELOPMENT.—Subject to subsection (i), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1996 for technology development in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $390,510,000.

(e) TRANSPORTATION MANAGEMENT.—Subject to subsection (i), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1996 for transportation management in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $10,158,000.

(f) NUCLEAR MATERIALS AND FACILITIES STABILIZATION.—Subject to subsection (i), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1996 for nuclear materials and facilities stabilization in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $1,514,504,000 to be allocated as follows:

(1) For operation and maintenance, $1,427,108,000.

(2) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $87,396,000, to be allocated as follows:

Project 96–D–458, site drainage control, Mound Plant, Miamisburg, Ohio, $885,000.

Project 96–D–461, Idaho National Engineering Laboratory electrical distribution upgrade, Idaho National Engineering Laboratory, Idaho, $1,539,000.

Project 96–D–462, health physics instrument laboratory, Idaho National Engineering Laboratory, Idaho, $1,126,000.

Project 96–D–464, electrical and utility systems upgrade, Idaho Chemical Processing Plant, Idaho National Engineering Laboratory, Idaho, $4,952,000.

Project 96–D–470, environmental monitoring laboratory, Savannah River Site, Aiken, South Carolina, $3,500,000.

Project 96–D–471, CFC HVAC/chiller retrofit, Savannah River Site, Aiken, South Carolina, $1,500,000.

Project 96–D–473, health physics site support facility, Savannah River Site, Aiken, South Carolina, $2,000,000.

Project 95–D–155, upgrade site road infrastructure, Savannah River site, Aiken, South Carolina, $2,900,000.

Project 95–D–156, radio trunking system, Savannah River site, Aiken, South Carolina, $6,000,000.

Project 95–D–454, 324 facility compliance/renovation, Richland, Washington, $3,500,000.

Project 95–D–456, security facilities consolidation, Idaho Chemical Processing Plant, Idaho National Engineering Laboratory, Idaho, $8,382,000.

Project 94–D–122, underground storage tanks, Rocky Flats Plant, Golden, Colorado, $5,000,000.

Project 94–D–401, emergency response facility, Idaho National Engineering Laboratory, Idaho, $5,074,000.

Project 94–D–412, 300 area process sewer piping system upgrade, Richland, Washington, $1,000,000.

Project 94–D–415, Idaho National Engineering Laboratory medical facilities, Idaho National Engineering Laboratory, Idaho, $3,601,000.

Project 94–D–451, infrastructure replacement, Rocky Flats Plant, Golden, Colorado, $2,940,000.

Project 93–D–147, domestic water system upgrade, Phase I and II, Savannah River Site, Aiken, South Carolina, $7,130,000.

Project 93–D–172, Idaho National Engineering Laboratory electrical upgrade, Idaho National Engineering Laboratory, Idaho, $124,000.

Project 92–D–123, plant fire/security alarm system replacement, Rocky Flats Plant, Golden, Colorado, $9,560,000.

Project 92–D–125, master safeguards and security agreement/materials surveillance task force security upgrades, Rocky Flats Plant, Golden, Colorado, $7,000,000.

Project 92–D–181, Idaho National Engineering Laboratory fire and life safety improvements, Idaho National Engineering Laboratory, Idaho, $6,883,000.

Project 91–D–127, criticality alarm and plant annunciation utility replacement, Rocky Flats Plant, Golden, Colorado, $2,800,000.

(g) COMPLIANCE AND PROGRAM COORDINATION.—Subject to subsection (i), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1996 for compliance and program coordination in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $31,251,000, to be allocated as follows:

(1) For operation and maintenance, $16,251,000.

(2) For the following plant project (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto):

Project 95–E–600, hazardous materials management and emergency response training center, Richland, Washington, $15,000,000.

(h) ANALYSIS, EDUCATION, AND RISK MANAGEMENT.—Subject to subsection (i), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1996 analysis, education, and risk management in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $77,022,000.

(i) ADJUSTMENTS.—The total amount authorized to be appropriated pursuant to this section is the sum of the amounts specified in subsections (a) through (h) reduced by the sum of—

(1) $651,942,000, for use of prior year balances; and

(2) $37,000,000 for Savannah River Pension Refund.

SEC. 3103. PAYMENT OF PENALTIES.

The Secretary of Energy may pay to the Hazardous Substance Superfund established under section 9507 of the Internal Revenue Code of 1986 (26 U.S.C. 9507), from funds appropriated to the Department of Energy for environmental restoration and waste management activities pursuant to section 3102, stipulated civil penalties assessed under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) in the amount of $350,000 assessed against the Rocky Flats site, Colorado, under such Act.

SEC. 3104. OTHER DEFENSE ACTIVITIES.

(a) OTHER DEFENSE ACTIVITIES.—Subject to subsection (b), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1996 for other defense activities in carrying out programs necessary for national security in the amount of $1,328,841,000, to be allocated as follows:

(1) For verification and control technology, $353,200,000, to be allocated as follows:

(A) For nonproliferation and verification research and development, $163,500,000.

(B) For arms control, $147,364,000.

(C) For intelligence, $42,336,000.

(2) For nuclear safeguards and security, $83,395,000.

(3) For security investigations, $25,000,000.

(4) For security evaluations, $14,707,000.

(5) For the Office of Nuclear Safety, $15,050,000.

(6) For worker and community transition assistance, $75,000,000.

(7) For fissile materials disposition, $70,000,000.

(8) For emergency management, $23,321,000.

(9) For naval reactors development, $682,168,000, to be allocated as follows:

(A) For operation and infrastructure, $659,168,000.

(B) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $23,000,000, to be allocated as follows:

Project 95–D–200, laboratory systems and hot cell upgrades, various locations, $11,300,000.

Project 95–D–201, advanced test reactor radioactive waste system upgrades, Idaho National Engineering Laboratory, Idaho, $4,800,000.

Project 93–D–200, engineering services facilities, Knolls Atomic Power Laboratory, Niskayuna, New York, $3,900,000.

Project 90–N–102, expended core facility dry cell project, Naval Reactors facility, Idaho, $3,000,000.

(b) ADJUSTMENT.—The total amount that may be appropriated pursuant to this section is the amount authorized to be appropriated in subsection (a) reduced by the sum of $13,000,000, for use of prior year balances.

SEC. 3105. DEFENSE NUCLEAR WASTE DISPOSAL.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1996 for payment to the Nuclear Waste Fund established in section 302(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)) in the amount of $198,400,000.

Subtitle B—Recurring General Provisions

SEC. 3121. REPROGRAMMING.

(a) IN GENERAL.—Until the Secretary of Energy submits to the congressional defense committees the report referred to in subsection (b) and a period of 30 days has elapsed after the date on which such committees receive the report, the Secretary may not use amounts appropriated pursuant to this title for any program—

(1) in amounts that exceed, in a fiscal year—

(A) 110 percent of the amount authorized for that program by this title; or

(B) $1,000,000 more than the amount authorized for that program by this title; or

(2) which has not been presented to, or requested of, Congress.

(b) REPORT.—(1) The report referred to in subsection (a) is a report containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action.

(2) In the computation of the 30-day period under subsection (a), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain.

(c) LIMITATIONS.—(1) In no event may the total amount of funds obligated pursuant to this title exceed the total amount authorized to be appropriated by this title.

(2) Funds appropriated pursuant to this title may not be used for an item for which Congress has specifically denied funds.

SEC. 3122. LIMITS ON GENERAL PLANT PROJECTS.

(a) IN GENERAL.—The Secretary of Energy may carry out any construction project under the general plant projects authorized by this title if the total estimated cost of the construction project does not exceed $2,000,000.

(b) REPORT TO CONGRESS.—If, at any time during the construction of any general plant project authorized by this title, the estimated cost of the project is revised because of unforeseen cost variations and the revised cost of the project exceeds $2,000,000, the Secretary shall immediately furnish a complete report to the congressional defense committees explaining the reasons for the cost variation.

SEC. 3123. LIMITS ON CONSTRUCTION PROJECTS.

(a) IN GENERAL.—(1) Except as provided in paragraph (2), construction on a construction project may not be started or additional obligations incurred in connection with the project above the total estimated cost, whenever the current estimated cost of the construction project, which is authorized by sections 3101, 3102, and 3104, or which is in support of national security programs of the Department of Energy and was authorized by any previous Act, exceeds by more than 25 percent the higher of—

(A) the amount authorized for the project; or

(B) the amount of the total estimated cost for the project as shown in the most recent budget justification data submitted to Congress.

(2) An action described in paragraph (1) may be taken if—

(A) the Secretary of Energy has submitted to the congressional defense committees a report on the actions and the circumstances making such action necessary; and

(B) a period of 30 days has elapsed after the date on which the report is received by the committees.

(3) In the computation of the 30-day period under paragraph (2), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain.

(b) EXCEPTION.—Subsection (a) shall not apply to any construction project which has a current estimated cost of less than $5,000,000.

SEC. 3124. FUND TRANSFER AUTHORITY.

(a) TRANSFER TO OTHER FEDERAL AGENCIES.—The Secretary of Energy may transfer funds authorized to be appropriated to the Department of Energy pursuant to this title to other Federal agencies for the performance of work for which the funds were authorized. Funds so transferred may be merged with and be available for the same purposes and for the same time period as the authorizations of the Federal agency to which the amounts are transferred.

(b) TRANSFER WITHIN DEPARTMENT OF ENERGY; LIMITATIONS.—(1) Subject to paragraph (2), the Secretary of Energy may transfer funds authorized to be appropriated to the Department of Energy pursuant to this title between any such authorizations. Amounts of authorizations so transferred may be merged with and be available for the same purposes and for the same time period as the authorization to which the amounts are transferred.

(2) Not more than 5 percent of any such authorization may be transferred between authorizations under paragraph (1). No such authorization may be increased or decreased by more than 5 percent by a transfer under such paragraph.

(3) The authority provided by this section to transfer authorizations—

(A) may only be used to provide funds for items that have a higher priority than the items from which the funds are transferred; and

(B) may not be used to provide authority for an item that has been denied funds by Congress.

(c) NOTICE TO CONGRESS.—The Secretary of Energy shall promptly notify the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives of any transfer of funds to or from authorizations under this title.

SEC. 3125. AUTHORITY FOR CONCEPTUAL AND CONSTRUCTION DESIGN.

(a) REQUIREMENT FOR CONCEPTUAL DESIGN.—(1) Subject to paragraph (2) and except as provided in paragraph (3), before submitting to Congress a request for funds for a construction project that is in support of a national security program of the Department of Energy, the Secretary of Energy shall complete a conceptual design for that project.

(2) If the estimated cost of completing a conceptual design for a construction project exceeds $3,000,000, the Secretary shall submit to Congress a request for funds for the conceptual design before submitting a request for funds for the construction project.

(3) The requirement in paragraph (1) does not apply to a request for funds—

(A) for a construction project the total estimated cost of which is less than $2,000,000, or

(B) for emergency planning, design, and construction activities under section 3126.

(b) AUTHORITY FOR CONSTRUCTION DESIGN.—(1) Within the amounts authorized by this title, the Secretary of Energy may carry out construction design services (including architectural and engineering services) in connection with any proposed construction project if the total estimated cost for such design does not exceed $600,000.

(2) If the total estimated cost for construction design in connection with any construction project exceeds $600,000, funds for such design must be specifically authorized by law.

SEC. 3126. AUTHORITY FOR EMERGENCY PLANNING, DESIGN, AND CONSTRUCTION ACTIVITIES.

(a) AUTHORITY.—The Secretary of Energy may use any funds available to the Department of Energy pursuant to an authorization in this title, including those funds authorized to be appropriated for advance planning and construction design under sections 3101, 3102, and 3104, to perform planning, design, and construction activities for any Department of Energy defense activity construction project that, as determined by the Secretary, must proceed expeditiously in order to protect public health and safety, meet the needs of national defense, or to protect property.

(b) LIMITATION.—The Secretary may not exercise the authority under subsection (a) in the case of any construction project until the Secretary has submitted to the congressional defense committees a report on the activities that the Secretary intends to carry out under this section and the circumstances making such activities necessary.

(c) SPECIFIC AUTHORITY.—The requirement of section 3125(b)(2) does not apply to emergency planning, design, and construction activities conducted under this section.

(d) REPORT.—The Secretary of Energy shall report to the congressional defense committees any exercise of authority under this section.

SEC. 3127. FUNDS AVAILABLE FOR ALL NATIONAL SECURITY PROGRAMS OF THE DEPARTMENT OF ENERGY.

Subject to the provisions of appropriations Acts and section 3121 of this title, amounts appropriated pursuant to this title for management and support activities and for general plant projects are available for use, when necessary, in connection with all national security programs of the Department of Energy.

SEC. 3128. AVAILABILITY OF FUNDS.

When so specified in an appropriation Act, amounts appropriated for operating expenses or for plant and capital equipment may remain available until expended.

Subtitle C—Program Authorizations, Restrictions, and Limitations

SEC. 3131. AUTHORITY TO CONDUCT PROGRAM RELATING TO FISSILE MATERIALS.

(a) AUTHORITY.—The Secretary of Energy may conduct programs designed to improve the protection, control, and accountability of fissile materials in Russia.

(b) PRIOR NOTICE TO CONGRESS OF OBLIGATION OF FUNDS.—

(1) ANNUAL REQUIREMENT.—(A) Not less than 15 days before any obligation of any funds appropriated for any fiscal year for a program described in subsection (a), the Secretary of Energy shall submit to the congressional committees specified in subparagraph (B) a report on that proposed obligation for that program for that fiscal year.

(B) The congressional committees referred to in subparagraph (A) are the following:

(i) The Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate.

(ii) The Committee on National Security, the Committee on International Relations, and the Committee on Appropriations of the House of Representatives.

(2) MATTERS TO BE SPECIFIED IN REPORTS.—Each such report shall specify—

(A) the activities and forms of assistance for which the Secretary of Energy plans to obligate funds;

(B) the amount of the proposed obligation; and

(C) the projected involvement (if any) of any department or agency of the United States (in addition to the Department of Energy) and of the private sector of the United States in the activities and forms of assistance for which the Secretary of Energy plans to obligate such funds.

SEC. 3132. NATIONAL IGNITION FACILITY.

None of the funds appropriated pursuant to this title for the National Ignition Facility may be obligated until—

(1) the Secretary of Energy concludes that the construction of the National Ignition Facility will not impede the nuclear nonproliferation objectives of the United States; and

(2) the Secretary of Energy notifies the congressional defense committees of that conclusion.

SEC. 3133. TRITIUM PRODUCTION.

(a) NEW TRITIUM PRODUCTION ACTIVITIES.—Funds authorized to be appropriated for fiscal year 1996 for new tritium production activities shall be available only for the following purposes and in the following amounts:

(1) For implementation of multipurpose water reactor technology, $60,000,000, of which—

(A) $14,000,000 shall be made available to private industry to begin implementation of the privatized multipurpose reactor program plan submitted to the Department of Energy on March 31, 1994; and

(B) $20,000,000 shall be made available to the Idaho National Engineering Laboratory for the test and development of both the Light Water Reactor Tritium Target Program and Mixed Oxide Fuels.

(2) For research and development of accelerator technology, $40,000,000.

(b) FISSILE MATERIALS CONTROL AND DISPOSITION.—Funds authorized to be appropriated for fiscal year 1996 for fissile materials storage and disposition activities shall be available only for completing the evaluation and beginning the implementation of the plutonium storage and disposition option, including the multipurpose advanced light water reactor, in the amount of $70,000,000, of which—

(1) $5,000,000 shall be made available to the Idaho National Engineering Laboratory for evaluation of plutonium conversion to oxide fuel material in the multipurpose advanced light water reactor; and

(2) sufficient funds shall be made available for a complete consideration of the multipurpose advanced light water reactor in the Department of Energy programmatic environmental impact statement.

(c) ACCELERATOR RESEARCH AND DEVELOPMENT.—(1) Subject to paragraph (2), funds authorized in subsection (a)(2) shall be used to continue research and development of the accelerator technologies in defense areas, including its potential use as a backup technology to the advanced light-water reactor technology for tritium production.

(2) Funds authorized in subsection (a)(2) may be expended only after the Secretary begins implementation of the program described in subsection (a)(1)(A).

Subtitle D—Other Matters

SEC. 3141. REPORT ON FOREIGN TRITIUM PURCHASES.

Not later than February 1, 1996, the President shall submit to Congress a report on the feasibility of, the cost of, and the political, legal, and other issues associated with purchasing tritium from various foreign suppliers in order to ensure an adequate supply of tritium in the United States for nuclear weapons.

SEC. 3142. STUDY ON NUCLEAR TEST READINESS POSTURES.

Not later than February 15, 1996, the Secretary of Energy shall submit to Congress a report on the cost of, and the programmatic and other issues associated with, sustaining an ability to conduct an underground nuclear test in 6, 18, and 36 months from the date on which the President determines that such a test is necessary to ensure the national security of the United States.

SEC. 3143. MASTER PLAN ON WARHEADS IN THE ENDURING STOCKPILE.

(a) MASTER PLAN.—Not later than March 15, 1996, the President shall submit to Congress a master plan that describes in detail how the Government plans to demonstrate, by 2002—

(1) the capability to refabricate and certify warheads in the enduring stockpile; and

(2) the capability to design, fabricate, and certify new warheads.

(b) FORM OF PLAN.—The plan should be submitted in classified and unclassified forms.

SEC. 3144. PROHIBITION ON INTERNATIONAL INSPECTIONS OF DEPARTMENT OF ENERGY FACILITIES UNLESS PROTECTION OF RESTRICTED DATA IS CERTIFIED.

(a) PROHIBITION ON INSPECTIONS.—The Secretary of Energy may not allow an inspection of a nuclear weapons facility by the International Atomic Energy Agency until—

(1) the Secretary certifies to Congress that no restricted data or classified information will be revealed during such inspection; and

(2) a period of 30 days has passed since the date on which such certification was made.

(b) RESTRICTED DATA DEFINED.—In this section, the term "restricted data" has the meaning provided by section 11 y. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(y)).

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SEC. 3201. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 1996 $17,000,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.)

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

SEC. 3301. FISCAL YEAR 1996 AUTHORIZED USES OF STOCKPILE FUNDS.

(a) OBLIGATION OF STOCKPILE FUNDS.—During fiscal year 1996, the National Defense Stockpile Manager may obligate up to $77,100,000 of the funds in the National Defense Stockpile Transaction Fund established under subsection (a) of section 9 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h) for the authorized uses of such funds under subsection (b)(2) of such section.

(b) ADDITIONAL OBLIGATIONS.—The National Defense Stockpile Manager may obligate amounts in excess of the amount specified in subsection (a) if the National Defense Stockpile Manager notifies Congress that extraordinary or emergency conditions necessitate the additional obligations. The National Defense Stockpile Manager may make the additional obligations described in the notification after the end of the 45-day period beginning on the date Congress receives the notification.

(c) LIMITATIONS.—The authorities provided by this section shall be subject to such limitations as may be provided in appropriations Acts.

SEC. 3302. PREFERENCE FOR DOMESTIC UPGRADERS IN DISPOSAL OF CHROMITE AND MANGANESE ORES AND CHROMIUM FERRO AND MANGANESE METAL ELECTROLYTIC.

(a) PREFERENCE FOR DOMESTIC UPGRADING.—In offering to enter into agreements pursuant to any provision of law for the disposal from the National Defense Stockpile of chromite and manganese ores of metallurgical grade or chromium ferro and manganese metal electrolytic, the President shall give a right of first refusal on all such offers to domestic ferroalloy upgraders.

(b) DOMESTIC FERROALLOY UPGRADER DEFINED.—For purposes of this section, the term "domestic ferroalloy upgrader" means a company or other business entity that, as determined by the President—

(1) is engaged in (or is capable of engaging in) operations to upgrade chromite or manganese ores of metallurgical grade or chromium ferro and manganese metal electrolytic; and

(2) conducts a significant level of its research, development, engineering, and upgrading operations in the United States.

(c) NATIONAL DEFENSE STOCKPILE DEFINED.—For purposes of this section, the term "National Defense Stockpile" means the stockpile provided for in section 4 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98c).

SEC. 3303. RESTRICTIONS ON DISPOSAL OF MANGANESE FERRO.

(a) DISPOSAL OF LOWER GRADE MATERIAL FIRST.—The President may not dispose of high carbon manganese ferro in the National Defense Stockpile that meets the National Defense Stockpile classification of Grade One, Specification 30(a), as revised on May 22, 1992, until completing the disposal of all manganese ferro in the National Defense Stockpile that does not meet such classification. The President may not reclassify manganese ferro in the National Defense Stockpile after the date of the enactment of this Act.

(b) REQUIREMENT FOR DOMESTIC UPGRADING.—Manganese ferro in the National Defense Stockpile that does not meet the classification specified in subsection (a) shall only be sold for domestic remelting in a submerged arc ferromanganese furnace.

(c) NATIONAL DEFENSE STOCKPILE DEFINED.—For purposes of this section, the term "National Defense Stockpile" means the stockpile provided for in section 4 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98c).

SEC. 3304. TITANIUM INITIATIVE TO SUPPORT BATTLE TANK UPGRADE PROGRAM.

(a) TRANSFER OF TITANIUM.—During each of the fiscal years 1996 through 2003, the Secretary of Defense shall transfer from stocks of the National Defense Stockpile up to 250 short tons of titanium sponge to the Secretary of the Army for use in the weight reduction portion of the main battle tank upgrade program. Transfers under this section shall be without charge to the Army, except that the Secretary of the Army shall pay all transportation and related costs incurred in connection with the transfer.

(b) NATIONAL DEFENSE STOCKPILE DEFINED.—For purposes of this section, the term "National Defense Stockpile" means the stockpile provided for in section 4 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98c).

TITLE XXXIV—NAVAL PETROLEUM RESERVES

SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.

There is hereby authorized to be appropriated to the Secretary of Energy $101,028,000 for fiscal year 1996 for the purpose of carrying out activities under chapter 641 of title 10, United States Code, relating to the naval petroleum reserves (as defined in section 7420(2) of such title). Funds appropriated pursuant to such authorization shall remain available until expended.

SEC. 3402. PRICE REQUIREMENT ON SALE OF CERTAIN PETROLEUM DURING FISCAL YEAR 1996.

Notwithstanding section 7430(b)(2) of title 10, United States Code, during fiscal year 1996, any sale of any part of the United States share of petroleum produced from Naval Petroleum Reserves Numbered 1, 2, and 3 shall be made at a *price not less than 90 percent of the current sales price, as estimated by the Secretary of Energy, of comparable petroleum in the same area.*

SEC. 3403. SALE OF NAVAL PETROLEUM RESERVE NUMBERED 1 (ELK HILLS).

(a) SALE OF ELK HILLS UNIT REQUIRED.—Chapter 641 of title 10, United States Code, is amended by inserting after section 7421 the following new section:

"§7421a. Sale of Naval Petroleum Reserve Numbered 1 (Elk Hills)

"(a) SALE REQUIRED.—(1) Notwithstanding any other provision of this chapter, the Secretary shall sell all right, title, and interest of the United States in and to lands owned or controlled by the United States inside Naval Petroleum Reserve Numbered 1, commonly referred to as the Elk Hills Unit, located in Kern County, California, and established by Executive order of the President, dated September 2, 1912. Within one year after the effective date, the Secretary shall enter into one or more contracts for the sale of all of the interest of the United States in the reserve.

"(2) In this section:

"(A) The term 'reserve' means Naval Petroleum Reserve Numbered 1.

"(B) The term 'unit plan contract' means the unit plan contract between equity owners of the lands within the boundaries of Naval Petroleum Reserve Numbered 1 entered into on June 19, 1944.

"(C) The term 'effective date' means the date of the enactment of the National Defense Authorization Act for Fiscal Year 1996.

"(b) EQUITY FINALIZATION.—(1) Not later than five months after the effective date, the Secretary shall finalize equity interests of the known oil and gas zones in Naval Petroleum Reserve Numbered 1 in the manner provided by this subsection.

"(2) The Secretary shall retain the services of an independent petroleum engineer, mutually acceptable to the equity owners, who shall prepare a recommendation on final equity figures. The Secretary may accept the recommendation of the independent petroleum engineer for final equity in each known oil and gas zone and establish final equity interest in the Naval Petroleum Reserve Numbered 1 in accordance with such recommendation, or the Secretary may use such other method to establish final equity interest in the reserve as the Secretary considers appropriate.

"(3) If, on the effective date, there is an ongoing equity redetermination dispute between the equity owners under section 9(b) of the unit plan contract, such dispute shall be resolved in the manner provided in the unit plan contract within five months after the effective date. Such resolution shall be considered final for all purposes under this section.

"(c) TIMING AND ADMINISTRATION OF SALE.—(1) Not later than two months after the effective date, the Secretary shall retain the services of five independent experts in the valuation of oil and gas fields to conduct separate assessments, in a manner consistent with commercial practices, of the fair market value of the interest of the United States in Naval Petroleum Reserve Numbered 1. In making their assessments, the independent experts shall consider (among other factors) all equipment and facilities to be included in the sale, the net present value of the reserve, and the net present value of the anticipated revenue stream that the Secretary determines the Treasury would receive from the reserve if the reserve were not sold, adjusted for any anticipated increases in tax revenues that would result if the reserve were sold. The independent experts shall complete their assessments within five months after the effective date. In setting the minimum acceptable price for the reserve, the Secretary shall consider the average of the five assessments or, if more advantageous to the Government, the average of three assessments after excluding the high and low assessments.

"(2) Not later than two months after the effective date, the Secretary shall retain the services of an investment banker to independently administer, in a manner consistent with commercial practices and in a manner that maximizes sale proceeds to the Government, the sale of Naval Petroleum Reserve Numbered 1 under this section.

"(3) Not later than five months after the effective date, the sales administrator selected under paragraph (2) shall complete a draft contract for the sale of Naval Petroleum Reserve Numbered 1, which shall accompany the invitation for bids and describe the terms and provisions of the sale of the interest of the United States in the reserve. The draft contract shall identify all equipment and facilities to be included in the sale. The draft contract, including the terms and provisions of the sale of the interest of the United States in the reserve, shall be subject to review and approval by the Secretary, the Secretary of the Treasury, and the Director of the Office of Management and Budget.

"(4) Not later than six months after the effective date, the Secretary shall publish an invitation for bids for the purchase of the reserve.

"(5) Not later than nine months after the effective date, the Secretary shall accept the highest responsible offer for purchase of the interest of the United States in Naval Petroleum Reserve Numbered 1 that meets or exceeds the minimum acceptable price determined under paragraph (1).

"(d) FUTURE LIABILITIES.—The United States shall hold harmless and fully indemnify the purchaser of the interest of the United States in Naval Petroleum Reserve Numbered 1 from and against any claim or liability as a result of ownership in the reserve by the United States.

"(e) TREATMENT OF STATE OF CALIFORNIA CLAIM.—(1) All claims against the United States by the State of California or the Teachers' Retirement Fund of the State of California with respect to land within the Naval Petroleum Reserve Numbered 1 or production or proceeds of sale from the reserve shall be resolved only as follows:

"(A) A payment from funds provided for this purpose in advance in appropriation Acts.

"(B) A grant of nonrevenue generating land in lieu of such a payment pursuant to sections 2275 and 2276 of the Revised Statutes of the United States (43 U.S.C. 851 and 852).

"(C) Any other means that would not be inconsistent with the Congressional Budget Act of 1974 (2 U.S.C. 621 et seq.).

"(D) Any combination of subparagraphs (A), (B), and (C).

"(2) The value of any payment, grant, or means (or combination thereof) under paragraph (1) may not exceed an amount equal to seven percent of the proceeds from the sale of the reserve, after deducting the costs incurred to conduct the sale.

"(f) PRODUCTION ALLOCATION FOR SALE.—(1) As part of the contract for purchase of Naval Petroleum Reserve Numbered 1, the purchaser of the interest of the United States in the reserve shall agree to make up to 25 percent of the purchaser's share of annual petroleum production from the purchased lands available for sale to small refiners, which do not have their own adequate sources of supply of petroleum, for processing or use only in their own refineries. None of the reserved production sold to small refiners may be resold in kind. The purchaser of the reserve may reduce the quantity of petroleum reserved under this subsection in the event of an insufficient number of qualified bids. The seller of this petroleum production has the right to refuse bids that are less than the prevailing market price of comparable oil.

"(2) The purchaser of the reserve shall also agree to ensure that the terms of every sale of the purchaser's share of annual petroleum production from the purchased lands shall be so structured as to give full and equal opportunity for the acquisition of petroleum by all interested persons, including major and independent oil producers and refiners alike.

"(g) MAINTAINING ELK HILLS UNIT PRODUCTION.—Until the sale of Naval Petroleum Reserve Numbered 1 is completed under this section, the Secretary shall continue to produce the reserve at the maximum daily oil or gas rate from a reservoir, which will permit maximum economic development of the reservoir consistent with sound oil field engineering practices in accordance with section 3 of the unit plan contract. The definition of maximum efficient rate in section 7420(6) of this title shall not apply to the reserve.

"(h) EFFECT ON EXISTING CONTRACTS.—(1) In the case of any contract, in effect on the effective date, for the purchase of production from any part of the United States' share of Naval Petroleum Reserve Numbered 1, the sale of the interest of the United States in the reserve shall be subject to the contract for a period of three months after the closing date of the sale or until termination of the contract, whichever occurs first. The term of any contract entered into after the effective date for the purchase of such production shall not exceed the anticipated closing date for the sale of the reserve.

"(2) The Secretary shall exercise the termination procedures provided in the contract between the United States and Bechtel Petroleum Operation, Inc., Contract Number DE–AC01–85FE60520 so that the contract terminates not later than the date of closing of the sale of Naval Petroleum Reserve Numbered 1 under subsection (c).

"(3) The Secretary shall exercise the termination procedures provided in the unit plan contract so that the unit plan contract terminates not later than the date of closing of the sale of reserve under subsection (c).

"(i) EFFECT ON ANTITRUST LAWS.—Nothing in this section shall be construed to alter the application of the antitrust laws of the United States to the purchaser of Naval Petroleum Reserve Numbered 1 or to the lands in the reserve subject to sale under this section upon the completion of the sale.

"(j) PRESERVATION OF PRIVATE RIGHT, TITLE, AND INTEREST.—Nothing in this section shall be construed to adversely affect the ownership interest of any other entity having any right, title, and interest in and to lands within the boundaries of Naval Petroleum Reserve Numbered 1 and which are subject to the unit plan contract.

"(k) CONGRESSIONAL NOTIFICATION.—Section 7431 of this title shall not apply to the sale of Naval Petroleum Reserve Numbered 1 under this section. However, the Secretary may not enter into a contract for the sale of the reserve until the end of the 31-day period beginning on the date on which the Secretary notifies the Committee on Armed Services of the Senate and the Committee on National Security and the Committee on Commerce of the House of Representatives of the proposed sale.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 7421 the following new item:

"7421a. Sale of Naval Petroleum Reserve Numbered 1 (Elk Hills).".

SEC. 3404. STUDY REGARDING FUTURE OF NAVAL PETROLEUM RESERVES (OTHER THAN NAVAL PETROLEUM RESERVE NUMBERED 1).

(a) STUDY REQUIRED.—The Secretary of Energy shall conduct a study to determine which

of the following options regarding the naval petroleum reserves represents the most cost-effective option for the United States:

(1) Retention and operation of the naval petroleum reserves by the Secretary under chapter 641 of title 10, United States Code.

(2) Transfer of all or a part of the naval petroleum reserves to the jurisdiction of another Federal agency.

(3) Lease of the naval petroleum reserves.

(4) Sale of the interest of the United States in the naval petroleum reserves.

(b) CONDUCT OF STUDY.—The Secretary shall retain an independent petroleum consultant to conduct the study.

(c) CONSIDERATIONS UNDER STUDY.—An examination of the benefits to be derived by the United States from the sale of the naval petroleum reserves shall include an assessment and estimate, in a manner consistent with commercial practices, of the fair market value of the interest of the United States in the naval petroleum reserves. An examination of the benefits to be derived by the United States from the lease of the naval petroleum reserves shall consider full exploration, development, and production of petroleum products in the naval petroleum reserves, with a royalty payment to the United States.

(d) REPORT REGARDING STUDY.—Not later than December 31, 1995, the Secretary shall submit to Congress a report describing the results of the study and containing such recommendations as the Secretary considers necessary to implement the most cost-effective option identified in the study.

(e) NAVAL PETROLEUM RESERVES DEFINED.—For purposes of this section, the term "naval petroleum reserves" has the meaning given that term in section 7420(2) of title 10, United States Code, except that such term does not include Naval Petroleum Reserve Numbered 1.

TITLE XXXV—PANAMA CANAL COMMISSION

Subtitle A—Authorization of Appropriations

SEC. 3501. SHORT TITLE.

This subtitle may be cited as the "Panama Canal Commission Authorization Act for Fiscal Year 1996".

SEC. 3502. AUTHORIZATION OF EXPENDITURES.

(a) IN GENERAL.—Subject to subsection (b), the Panama Canal Commission is authorized to make such expenditures within the limits of funds and borrowing authority available to it in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations, as may be necessary under the Panama Canal Act of 1979 (22 U.S.C. 3601 et seq.) for the operation, maintenance, and improvement of the Panama Canal for fiscal year 1996.

(b) LIMITATIONS.—For fiscal year 1996, the Panama Canal Commission may expend from funds in the Panama Canal Revolving Fund not more than $50,741,000 for administrative expenses, of which not more than—

(1) $11,000 may be used for official reception and representation expenses of the Supervisory Board of the Commission;

(2) $5,000 may be used for official reception and representation expenses of the Secretary of the Commission; and

(3) $30,000 may be used for official reception and representation expenses of the Administrator of the Commission.

(c) REPLACEMENT VEHICLES.—Funds available to the Panama Canal Commission shall be available for the purchase of not to exceed 38 passenger motor vehicles built in the United States (including large heavy-duty vehicles to be used to transport Commission personnel across the isthmus of Panama). A vehicle may be purchased with such funds only as necessary to replace another passenger motor vehicle of the Commission.

SEC. 3503. EXPENDITURES IN ACCORDANCE WITH OTHER LAWS.

Expenditures authorized under this subtitle may be made only in accordance with the Panama Canal Treaties of 1977 and any law of the United States implementing those treaties.

Subtitle B—Reconstitution of Commission as Government Corporation

SEC. 3521. SHORT TITLE.

This subtitle may be cited as the "Panama Canal Amendments Act of 1995".

SEC. 3522. RECONSTITUTION OF COMMISSION AS GOVERNMENT CORPORATION.

Section 1101 of the Panama Canal Act of 1979 (22 U.S.C. 3611) is amended to read as follows:

"ESTABLISHMENT, PURPOSES, OFFICES, AND RESIDENCE OF THE COMMISSION

"SEC. 1101. (a) For the purposes of managing, operating, and maintaining the Panama Canal and its complementary works, installations and equipment, and of conducting operations incident thereto, in accordance with the Panama Canal Treaty of 1977 and related agreements, the Panama Canal Commission (hereinafter in this Act referred to as the 'Commission') is established as a wholly owned government corporation (as that term is used in chapter 91 of title 31, United States Code) within the executive branch of the Government of the United States. The authority of the President with respect to the Commission shall be exercised through the Secretary of Defense.

"(b) The principal office of the Commission shall be located in the Republic of Panama in one of the areas made available for use of the United States under the Panama Canal Treaty of 1977 and related agreements, but the Commission may establish branch offices in such other places as it deems necessary or appropriate for the conduct of its business. Within the meaning of the laws of the United States relating to venue in civil actions, the Commission is an inhabitant and resident of the District of Columbia and the eastern judicial district of Louisiana.".

SEC. 3523. SUPERVISORY BOARD.

Section 1102 of the Panama Canal Act of 1979 (22 U.S.C. 3612) is amended by striking so much as precedes subsection (b) and inserting the following:

"SUPERVISORY BOARD

"SEC. 1102. (a) The Commission shall be supervised by a Board composed of nine members, one of whom shall be the Secretary of Defense or an officer of the Department of Defense designated by the Secretary. Not less than five members of the Board shall be nationals of the United States and the remaining members of the Board shall be nationals of the Republic of Panama. Three members of the Board who are nationals of the United States shall hold no other office in, and shall not be employed by, the Government of the United States, and shall be chosen for the independent perspective they can bring to the Commission's affairs. Members of the Board who are nationals of the United States shall cast their votes as directed by the Secretary of Defense or a designee of the Secretary of Defense.".

SEC. 3524. INTERNATIONAL ADVISORS.

Section 1102 of the Panama Canal Act of 1979 (22 U.S.C. 3612) is amended by adding at the end the following new subsection:

"(d)(1) In order to enhance the prestige of the Commission in the world shipping community and allow for the exchange of varied perspectives between the Board and distinguished international guests in the important deliberations of the Commission, the Government of the United States and the Republic of Panama may each invite to attend meetings of the Board, as a designated international advisor to the Board, one individual chosen for the independent perspective that individual can bring to the Commission's affairs, and who—

"(A) is not a citizen of Panama;

"(B) does not represent any user or customer of the Panama Canal, or any particular interest group or nation; and

"(C) does not have any financial interest which could constitute an actual or apparent conflict with regard to the relationship of the individual with the Board of the Commission.

"(2) Such designated international advisors may be compensated by the Commission in the same manner and under the same circumstances as apply under subsection (b) with regard to members of the Board. Such designated international advisors shall have no vote on matters pending before the Board.".

SEC. 3525. GENERAL AND SPECIFIC POWERS OF COMMISSION.

The Panama Canal Act of 1979 (22 U.S.C. 3601 et seq.) is amended by inserting after section 1102 the following new sections:

"GENERAL POWERS OF THE COMMISSION

"SEC. 1102a. (a) The Commission, subject to the Panama Canal Treaty of 1977 and related agreements, and to chapter 91 of title 31, United States Code, popularly known as the Government Corporation Control Act—

"(1) may adopt, alter, and use a corporate seal, which shall be judicially noticed;

"(2) may by action of the Board of Directors adopt, amend, and repeal bylaws governing the conduct of its general business and the performance of the powers and duties granted to or imposed upon it by law;

"(3) may sue and be sued in its corporate name, except that—

"(A) its amenability to suit is limited by Article VIII of the Panama Canal Treaty of 1977, section 1401 of this Act, and otherwise by law;

"(B) an attachment, garnishment, or similar process may not be issued against salaries or other moneys owed by the Commission to its employees except as provided by section 5520a of title 5, United States Code, and section 459, 461, and 462 of the Social Security Act (42 U.S.C. 659, 661, 662), or as otherwise specifically authorized by the laws of the United States; and

"(C) it is exempt from the payment of interest on claims and judgments;

"(4) may enter into contracts, leases, agreements, or other transactions; and

"(5) may determine the character of, and necessity for, its obligations and expenditures and the manner in which they shall be incurred, allowed, and paid, and may incur, allow, and pay them, subject to pertinent provisions of law generally applicable to Government corporations.

"(b) The Commission shall have the priority of the Government of the United States in the payment of debts out of bankrupt estates.

"SPECIFIC POWERS OF COMMISSION

"SEC. 1102b. (a) Subject to the Panama Canal Treaty of 1977 and related agreements, and to chapter 91 of title 31, United States Code, popularly known as the Government Corporation Control Act, the Commission may—

"(1) manage, operate, and maintain the Panama Canal;

"(2) construct or acquire, establish, maintain, and operate docks, wharves, piers, shoreline facilities, shops, yards, marine railways, salvage and towing facilities, fuel-handling facilities, motor transportation facilities, power systems, water systems, a telephone system, construction facilities, living quarters and other buildings, warehouses, storehouses, a printing plant, and manufacturing, processing, or service facilities in connection therewith, recreational facilities, and other activities, facilities, and appurtenances necessary and appropriate for the accomplishment of the purposes of this Act;

"(3) use the United States mails in the same manner and under the same conditions as the executive departments of the Federal Government; and

"(4) take such actions as are necessary or appropriate to carry out the powers specifically conferred upon it.".

SEC. 3526. CONGRESSIONAL REVIEW OF BUDGET.

Section 1302 of the Panama Canal Act of 1979 (22 U.S.C. 3712) is amended—

(1) in subsection (c)(1) by striking "and subject to paragraph (2)";

(2) by striking paragraph (2);

(3) by redesignating paragraph (3) as paragraph (2); and

(4) by amending subsection (e) to read as follows:

"(e) In accordance with section 9104 of title 31, United States Code, the Congress shall review the annual budget of the Commission.".

SEC. 3527. AUDITS.

Section 1313 of the Panama Canal Act of 1979 (22 U.S.C. 3723) is amended—

(1) by striking the heading for the section and inserting the following:

"AUDITS";

(2) in subsection (a) by striking "Financial transactions" and inserting "Subject to subsection (d), financial transactions";

(3) in subsection (b) in the first sentence by striking "The Comptroller General" and inserting "Subject to subsection (d), the Comptroller General"; and

(4) by adding at the end the following new subsections:

"(d) At the discretion of the Board provided for in section 1102, the Commission may hire independent auditors to perform, in lieu of the Comptroller General, the audit and reporting functions prescribed in subsections (a) and (b).

"(e) In addition to auditing the financial statements of the Commission, the independent auditor shall, in accordance with standards for an examination of a financial forecast established by the American Institute of Certified Public Accountants, examine and report on the Commission's financial forecast that it will be in a position to meet its financial liabilities on December 31, 1999.".

SEC. 3528. PRESCRIPTION OF MEASUREMENT RULES AND RATES OF TOLLS.

Section 1601 of the Panama Canal Act of 1979 (22 U.S.C. 3791) is amended to read as follows:

"PRESCRIPTION OF MEASUREMENT RULES AND RATES OF TOLLS

"SEC. 1601. The Commission may, subject to the provisions of this Act, prescribe and from time to time change—

"(1) the rules for the measurement of vessels for the Panama Canal; and

"(2) the tolls that shall be levied for use of the Panama Canal.".

SEC. 3529. PROCEDURES FOR CHANGES IN RULES OF MEASUREMENT AND RATES OF TOLLS.

Section 1604 of the Panama Canal Act of 1979 (22 U.S.C. 3794) is amended—

(1) in subsection (a) in the first sentence by striking "1601(a)" and inserting "1601";

(2) by amending subsection (c) to read as follows:

"(c) After the proceedings have been conducted pursuant to subsections (a) and (b) of this section, the Commission may change the rules of measurement or rates of tolls, as the case may be. The Commission shall, however, publish notice of such change in the Federal Register not less than 30 days before the effective date of the change."; and

(3) by striking subsections (d) and (e) and redesignating subsection (f) as subsection (d).

SEC. 3530. MISCELLANEOUS TECHNICAL AMENDMENTS.

The Panama Canal Act of 1979 is amended—

(1) in section 1205 (22 U.S.C. 3645) in the last sentence by striking "appropriation" and inserting "fund";

(2) in section 1303 (22 U.S.C. 3713) by striking "The authority of this section may not be used for administrative expenses.";

(3) in section 1321(d) (22 U.S.C. 3731(d)) in the second sentence by striking "appropriations or";

(4) in section 1401(c) (22 U.S.C. 3761(c)) by striking "appropriated for or";

(5) in section 1415 (22 U.S.C. 3775) by striking "appropriated or"; and

(6) in section 1416 (22 U.S.C. 3776) in the third sentence by striking "appropriated or".

SEC. 3531. CONFORMING AMENDMENT TO TITLE 31, UNITED STATES CODE.

Section 9101(3) of title 31, United States Code, is amended by adding at the end the following:

"(P) the Panama Canal Commission.".

The CHAIRMAN. No amendments to the Committee amendment in the nature of a substitute, as modified, are in order except amendments printed in House Report 104–136, amendments en bloc described in section 3 of House Resolution 164, and amendments described in section 4 of the resolution.

Except as specified in section 5 of the resolution or unless otherwise specified in the report, the amendments shall be considered in the order printed, may be offered only by a Member designated in the report, shall be considered as read, shall not be subject to amendment or to a demand for a division of the question, and shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent of the amendment, except that the Chairman and Ranking Minority Member of the Committee on National Security each may offer one pro forma amendment for the purpose of further debate on any pending amendment.

Consideration of amendments printed in subpart B of part 1 of the report shall begin with an additional period of general debate confined to the subject of cooperative threat reduction with the former Soviet Union. That period of debate shall not exceed 30 minutes, equally divided and controlled by the Chairman and Ranking Minority Member.

Consideration of amendments printed in subpart D of part 1 of the report shall begin with an additional period of general debate which shall be confined to the subject of ballistic missile defense. That period of debate shall not exceed 60 minutes, equally divided and controlled by the Chairman and Ranking Minority Member.

It shall be in order at any time for the Chairman of the Committee on National Security or his designee to offer amendments en bloc consisting of amendments printed in part 2 of the report or germane modifications of any such amendment.

Amendments en bloc shall be considered as read (except that modifications shall be reported) shall be debatable for 20 minutes equally divided and controlled by the Chairman and Ranking Minority Member, shall not be subject to amendment, and shall not be subject to a demand for a division of the question.

The original proponent of an amendment included in amendments en bloc may insert a statement in the CONGRESSIONAL RECORD immediately before disposition of the amendments en bloc.

It shall be in order for the gentleman from Pennsylvania [Mr. CLINGER], with the concurrence of the gentlewoman from Illinois [Mrs. COLLINS], to offer amendment No. 1 printed in subpart C of part 1 of the report in a modified form that is germane to the form printed in the report.

After disposition of all other amendments, it shall be in order at any time for the chairman of the Committee on National Security or his designee to offer an amendment not printed in the report to reconcile spending levels reflected in the bill with the corresponding level reflected in a conference report to accompany a concurrent resolution on the budget for fiscal year 1996.

That amendment shall be considered as read, shall be debatable for 10 minutes, equally divided and controlled by the chairman and ranking minority member or their designees, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

The Chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment made in order by the resolution.

The Chairman of the Committee of the Whole may reduce to not less than 5 minutes the time for voting by electronic device on any postponed question that immeditely follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall not be less than 15 minutes.

The Chairman of the Committee of the Whole may recognize for consideration of amendments made in order by the resolution out of the order in which they are printed, but not sooner than 1 hour after the chairman or a designee announces from the floor a request to that effect.

The request to consider amendments Nos. 1 and 2 printed in subpart B of part 1 of House Report 104–136 prior to amendment No. 1 in subpart A of part 1 was made at the beginning of general debate.

Therefore, it is now in order to debate the subject matter of cooperative threat reduction with the former Soviet Union. The gentleman from South Carolina [Mr. SPENCE] and the gentleman from California [Mr. DELLUMS] will each be recognized for 15 minutes. The Chair will then recognize the gentleman from California [Mr. DORNAN] to offer amendment No. 1 in subpart B of part 1.

The chair now recognizes the gentleman from South Carolina.

Mr. SPENCE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the National Security Committee was driven by two objectives in its review of the Cooperative Threat Reduction (or "Nunn-Lugar") program. First, the committee sought to promote and fully fund the core objectives and activities of the program—the accelerated dismantlement and destruction of strategic forces of the former Soviet Union and the nonproliferation of weapons of mass destruction.

The committee-reported bill approved the budget request for these types of projects, with two exceptions. First, the Committee denied funds for construction of a multi-billion dollar chemical weapons destruction facility and a fissile material storage facility, because, as noted in a recent General Accounting Office [GAO] report, these projects are ill-defined and involve outstanding issues that ought to be resolved prior to the obligation of scarce defense dollars and perhaps more fundamentally, the taxpayers' money.

And second, the Committee did not fund the $40 million requested by the Administration to support defense conversion in Russia and elsewhere. Even if conversion in Russia is feasible, which is a debateable proposition, such activities more appropriately fall into the category of either foreign aid or economic assistance and should not be the funding responsibility of the Defense Department.

Furthermore, the GAO report raised concerns that Nunn-Lugar conversion activities may be hindering privatization in the former Soviet Union by subsidizing state-run military enterprises. If so, this result would be in direct contradiction to the defense Department's assertions that Nunn-Lugar defense conversion activities have enhanced Russia's prospects for longer-term economic reform.

The Committee's second objective was to enhance Congressional oversight of DoD's progress in carrying out these projects. H.R. 1530 calls for an annual accounting of U.S. Nunn-Lugar aid delivered to the former Soviet Union, and requires prior notification of the obligation of such funds. Certainly it is not unreasonable to expect to know where and how these funds, once approved, will be spent.

In all, I believe the Committee's recommended authorization of $200 million for Cooperative Threat Reduction accomplishes the twin objectives of aggressively promoting "core" dismantlement activities and simultaneously improving Congressional oversight of Nunn-Lugar programs.

However, the Committee has serious concerns about certain-on-going Russian activities that would seem to be inconsistent with an improved political relationship. Mr. Dornan plans to offer an amendment that would prohibit obligation of Nunn-Lugar funds, not cut them, until the President certifies that the Russian offensive biological weapons program has been terminated. I support the Dornan amendment as an important expression of concern about on-going Russian programs involving weapons of mass destruction. I urge a strong "yes" vote.

By contrast, the Hamilton amendment would substantially weaken the standards that proposed recipient countries must meet in order to be eligible to receive Nunn-Lugar assistance. H.R. 1530 sought to tighten those standards to ensure that Russia and other recipient countries are meeting certain minimum eligibility standards, such as complying with arms control agreements and respecting the rights of minorities. Therefore, I urge a "no" vote on the Hamilton amendment.

□ 1800

Mr. Chairman, I reserve the balance of my time.

Mr. DELLUMS. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Mr. Chairman, I rise today to urge my colleagues to continue to support the Nunn-Lugar program that is helping to dismantle Russian nuclear weapons.

While I have had concerns about how some of the funds were spent in this program, I believe that the National Security Committee bill has more properly constrained the program to those areas most directly connected to dismantling weapons. Money would not be spent on programs that I believe are extraneous to the central mission of Nunn-Lugar—which is to destroy and end the threat of Russian nuclear weapons.

This amendment that we will consider that would prevent this program from going forward is not in the best interest of our national security. Secretary Perry has made this program one of his highest priorities—precisely because it literally removes the threat posed by these Russian nuclear weapons. The Nunn-Lugar program are a small price to pay to protect the U.S. and our NATO allies from the threat posed by these weapons of mass destruction.

We should not cut off our nose to spite our face. Let the President continue to help the Russians live up to their pledge to end their biological and chemical weapons programs.

I urge my colleagues to support the committee position on Nunn-Lugar and to reject any killer amendment that will stop us from dismantling Russian nuclear weapons.

Mr. SPENCE. Mr. Chairman, I yield the remainder of my time to the gentleman from Pennsylvania [Mr. WELDON], and I ask unanimous consent that he be allowed to control that time.

The CHAIRMAN pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. WELDON of Pennsylvania. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Chairman, I want to thank the gentleman from Pennsylvania [Mr. WELDON] for giving me some time.

Mr. Chairman, this is a very ticklish subject and a very ticklish issue that requires a lot of balance. This is the money that we send to the Soviet Union and the aid we send to the Soviet Union for the purpose that rises in this Congress of helping the Soviet Union to dismantle and basically move the loaded guns that they have aimed at America's cities and America's military installations away from the target, and ultimately to unload those guns and take the bullets apart; that is, do away with the intercontinental ballistic missiles aimed at the United States and dismantle those missiles.

Now, this is tough and it requires a lot of balancing, and I think it requires some very close scrutiny. The reason it requires close scrutiny in balancing is because the Soviet Union, at the same time that they are dismantling a number of their weapons as a result of their arms accord with us, with the United States, they are also pursuing modernization programs for new nuclear weapons. The last thing the United States wants to be involved in doing is inadvertently giving money to the Soviet Union not to get rid of the old stuff, but to build new stuff, new weapons aimed at the United States.

We know at least in theory, that for every dollar you give the Soviet Union, if they have a requirement under their treaties to dismantle a certain number of weapons, which they in fact have under the arms control treaties negotiated over the last 10 years, and they do not have to use that dollar in dismantling the weapons, those dollars, which are very dear and scarce in the Soviet Union, can then be turned toward modernizing and building new weapons.

Because of that, the committee thought it was prudent to cut about $171 million out of the President's request. I think we have done the right thing, and I think the message to the administration is you had better give us more oversight or we are going to cut more next year.

Mr. DELLUMS. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I rise in support of the robust operation of the Nunn-Lugar program that dismantles Russian nuclear weapons and in strong opposition to the Dornan amendment. That amendment, in this gentleman's opinion, is a killer amendment to the Nunn-Lugar Program. It would provide that no Nunn-Lugar funds could be obligated or expended for programs or activities with Russia unless and until the United States President certifies that Russia has terminated its offensive biological weapons program. The administration strongly opposes the amendment, and I believe so should this House.

Proponents argue that the Russians may be continuing to implement their offensive biological weapons programs. This will compel the Russians to abandon this work. Proponents argue that if they do not abandon this work, they should not be engaged in the cooperative threat reduction program.

The cooperative threat reduction program is a central element of U.S. national security policy, Mr. Chairman. The effort to secure the destruction of Russian nuclear warheads should not be halted because of a more exotic and much less threat posed by a biological weapons program, much less the possibility of such a program. This would be very much a case of cutting off our nose to spite our face.

The point here is very obvious: The dismantling of nuclear weapons is an imperative unto itself, and it should not be coupled with biological weapons which should also be cut. President Yeltsin has pledged to end the program and is taking steps to do so. Because of the uncertainties of his success in achieving that goal immediately, the President would not be able to issue a certification that the Russians indeed have terminated the program, despite the fact they are at least in the process of terminating the program. The Dornan amendment is an additional element that will kill the program of dismantling nuclear weapons because of the President's inability to certify that the Russian Government's efforts are immediately successfully.

The original certification language in the Nunn-Lugar program was bipartisan in nature. It recognized how complex the enterprise would be, and its importance warranted a degree of flexibility in the certification process. The committee bill already further constrains that process. We do not need to kill the program under the guise of improvement. I urge a no vote on the Dornan amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. WELDON of Pennsylvania. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. DORNAN], the distinguished chairman of the Subcommittee on Military Personnel.

Mr. DORNAN. Mr. Chairman, I will return, of course, to discuss this in greater department when my own amendment comes up after general debate here, but I did want to point out that in addition to a 45 minute briefing on the rescue of Captain Scott O'Grady, and wait until America finds out what a close run thing that was, according to my sources, who are the key people that directed the rescue, but before the last time I spoke on this floor, I spent an hour upstairs in the Permanent Select Committee on Intelligence's secret cleared rooms getting a briefing from intelligence community people on the Soviets' serious efforts in chemical warfare.

New report just out a week ago, available to all Members: Their work on biological warfare, super plagues, using the Marburg and Ebola viruses, anthrax, smallpox, bubonic plague, active programs. Any Member can have a team of intelligence community people come to their office, without sweeping their office, and get a secret briefing on this. A lot of Members have been here 10 or 20 years and are not aware of that. I learned that when I was a freshman, before I was in the Permanent Select Committee on Intelligence.

Get briefed. I am not engaging in one-upmanship here, saying you must trust me and those of us on the Permanent Select Committee on Intelligence. Here is a book, non-secret, open to any American, the Chemical and Biological Warfare Threat. It is a comprehensive, powerfully written body of work here. I only have three copies, first come first served. I would love to give them to somebody if I though they would study it over the next hour and it would change their vote.

Look at this article that is going to be on the back of the pass-out that I will circulate around. I have hundreds of them over here. This is 21 days ago on a GAO report, March 18: Russia uses Pentagon funds in constructing nuclear weapons with our money. They have only spent $177 million out of a billion and a quarter. The State Department is going to add 90 million to this.

This is real money. This is real money we are talking about here. This is money carved out of modernization weapons programs under Mr. HUNTER, research and development under Mr. WELDON, installations under Mr. HEFLEY, personnel raises that are not there this year under my chairmanship of the Subcommittee on Military Personnel, and under readiness, under Mr. BATEMAN, money that we could use to keep our men and women battle ready.

This is serious money we are talking about here, and these things should be certified before your tax dollars are spent in what remains of the Evil Empire. Deception, and more deception.

Mr. DELLUMS. Mr. Chairman, I yield 5 minutes to my distinguished colleague, the gentleman from South Carolina [Mr. SPRATT].

Mr. SPRATT. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I oppose the Dornan amendment because the Dornan amendment would in effect wipe out what is a very good program, a bipartisan program, Nunn-Lugar. I would be the first to admit that Nunn-Lugar can be improved, but this amendment before us just goes too far. It throws out every baby with the bath water.

Nunn-Lugar has three major objectives: First, to destroy weapons of mass destruction, nuclear, chemical, biological, that belong to the Soviet Union; second, to prevent the proliferation of the components of these weapons, nuclear materials and missile guidance devices after they have been dismantled and before they are destroyed; and, three, to prevent the diversion of scientists and engineers who made these weapons to other countries where they could make them again and use them against us.

Nobody can dispute those objectives. Nobody can claim that those are not worthy objectives. And this must be made clear, Nunn-Lugar is not a handout for the benefit of Russia, Belarus or Kazakhstan. This is a program which is in our best interests as well as theirs. Has it worked? That is a key question.

I have a report card from the Pentagon, and this is how they would grade it. First of all, Nunn-Lugar has helped remove more than 2,800 warheads from missiles in the former Soviet Union, 2,800 warheads have been removed from missiles in the former Soviet Union. About 1,800 of these warheads were on missiles in the Ukraine, Belarus and Kazakhstan. All of the Kazakhstan warheads have been removed and returned to Russia. Ukrainian and Belarusian warheads will be returned by the end of next summer. That is significant process: 2,800 warheads, 1,800 of these have been removed.

Nunn-Lugar has also helped destroy 630 strategic launchers and bombers, deactivated another 1,000 bombers in the Ukraine and Kazakhstan, all of this in our interests.

Third, Nunn-Lugar partly funded the transportation of 600 kilograms of highly enriched uranium, enough to make at least 20 weapons, from Kazakhstan to safe storage in this country at Oak Ridge, TN.

Fourth, Nunn-Lugar is constructing a plutonium storage facility in Tomsk, Siberia. That has been one of the earliest objectives of it. From the outset we said we want to not only dismantle these weapons and remove them from the silos, we want to get them under tight control where they can be accounted for in a facility built specifically for that purpose.

□ 1815

It has taken some time to get off the ground. A facility built to store plutonium components, the pits, that comes out of warheads, critically important components that we do not want to escape the Soviet Union. That facility is finally under way in Tomsk, Siberia.

For goodness sake, we do not want to stop that.

Fifth, Nunn-Lugar has helped employ 8,200 weapons scientists and engineers in civilian research projects. Instead of going somewhere else, bending their talents to the use of some other country which might have policies that are intense and hostile to us, instead of using them to build weapons against us in the former Soviet Union, 8,200 weapons scientists are employed in civilian research at a very favorable exchange rate for our money.

Personally, I would give Nunn-Lugar, based on that report card, a solid B plus. Maybe because it was slow to get out of the starting blocks, a little bit slow to pick up speed, momentum, we would give it a solid B, but no less than that. And on certain important tests, it has literally aced out. It has achieved its intended purposes.

For example, it has denuclearized Kazakhstan, and Ukraine and Belarus will be denuclearized. There will be no weapons, nuclear weapons in those three countries by the end of next summer, which is an extraordinary achievement by any yardstick. If we do not stop this program, three of the four nuclear weapons states of the former Soviet Union will have no nuclear weapons by the end of next summer. Do we want to stop that kind of progress?

This program may not grade well on chemical and biological weapons. I understand and share the frustration of the gentleman from California [Mr. DORNAN] in that respect. I do not blame him there in the least. The former Soviet Union is not doing nearly enough. But his amendment, if I can continue the metaphor, would expel, if you will, the whole Nunn-Lugar program for poor grades in this particular area on biological and chemical weapons, and this is shortsighted for the reasons just mentioned.

Why slow down the efforts to get nuclear warheads out of Ukraine and Belarus because of the sins of Russia? Why stop what is a fundamentally extraordinary program in those two countries because of disagreement with Russia on chemical and biological weapons? Second, why stop dismantling nuclear weapons in Russia because progress on other weapons is not all yet that it can be?

I have here some photographs that I would invite everyone to take note of, photographic evidence of what is taking place. It just gives a little graphic emphasis.

Here is a missile, an SS–19 being removed from a silo with Nunn-Lugar money. Here is a bomber being cut up with a chain saw, the equivalent of it, Nunn-Lugar money. Here is another. And here is Secretary Perry standing with a Russian officer looking at a silo where a weapon has been removed, about to be dismantled and destroyed.

Let us not stop this program because of our disagreement with the Russians over their chemical and biological program. Let us vote against this Dornan amendment.

Mr. WELDON of Pennsylvania. Mr. Chairman, I yield 2 minutes to the gentleman from Kansas, [Mr. TIAHRT], one of the coauthors of an amendment that will be coming up in a few moments.

Mr. TIAHRT. Mr. Chairman, I think what Nunn-Lugar does is an admirable idea. I approach it with cautious support.

We do want to make sure that we have a safe environment, that we have a safe world, that we have a reduction in the threat over in Russia. But we also have an obligation to the American people, even though we have an admirable goal, we have to make sure that we get a dollar's worth of threat reduction for a dollar's worth of tax.

We have this article that the gentleman from California [Mr. DORNAN] referred to that mentioned, it was in the Washington Times, it mentions that the Pentagon funds possibly are going for the construction of new nukes. There was a GAO audit that it was based on. I have that audit, GAO audit, here with me. That is why I am a little cautious because we are spending money, $200 million, to make sure that our world is more safe. And they do need our help. But are they taking this money and are they doing away with their environmental waste or are they doing away with actual weapons of mass destruction?

Is there something going to help clean up their environment, or are we actually cutting up weapons as we just saw in the pictures before?

I am a coauthor of the Dornan-Tiahrt amendment because I think we need to have some verification. Are they in fact doing what they say they are? Right now, according to the GAO, we cannot go in and audit them. We do not know if we are getting a dollar's worth of threat reduction for a dollar's worth of tax. Can you imagine how mad, how angry U.S. taxpayers are going to be, sitting at their kitchen table if, in fact, the Russian government is creating weapons of mass destruction instead of reducing them with this money that we are sending them. We need a commonsense approach to this, and that is why I am cosponsoring the Dornan-Tiahrt amendment so that we can go in and verify that we are in fact reducing this threat.

Mr. SPRATT. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana [Mr. HAMILTON].

Mr. HAMILTON. Mr. Chairman, I thank the gentleman for yielding time to me.

I speak in opposition to the Dornan amendment. I am well aware, of course, that it is well-intentioned, but I do believe it harms U.S. national security.

I think we have to be very clear about the impact of the Dornan amendment. It ends the Nunn-Lugar program to destroy Russian missiles and silos. All of us agree that the Russians could give us better performance and information about the biological weapons program. But the Dornan amendment will stop U.S. support for nuclear weapons destruction and the fissile material safety programs in Russia. We should not let the best outcome, which is perfect information from the Russians on all weapon programs, shut down a very good program. And Nunn-Lugar is a very good program.

It has helped remove 2,825 warheads from missiles, removed 1,785 warheads from Ukraine, Belarus and Kazakhstan, removed 70 missiles from launchers, returned 75 missiles to Russia, deactivated 1,000 strategic bombers, destroyed 630 missiles, denuclearized Kazakhstan, and it will denuclearize Ukraine and Belarus by mid-1996. So Nunn-Lugar reduces the threat to the United States. It provides cheap and effective missile defense. It helps the United States monitor Russian intentions and capabilities, and it is very cheap, costing less than 1/10ths of 1 percent of the defense budget.

So Nunn-Lugar keeps us engaged in working with the Russians in support of U.S. national security goals, and I believe that the Dornan amendment stops a program that helps dismantle Russian nuclear missiles and warheads.

The Dornan amendment, in my judgment, harms U.S. national security. I urge a no vote on it.

Mr. WELDON of Pennsylvania. Mr. Chairman, may I inquire as to the time remaining?

The CHAIRMAN. The gentleman from Pennsylvania, [Mr. WELDON] has 4½ minutes remaining, and the gentleman from South Carolina [Mr. SPRATT] has 4 minutes remaining.

Mr. WELDON of Pennsylvania. I yield 1 minute to the distinguished gentleman from Wisconsin [Mr. NEUMANN].

Mr. NEUMANN. Mr. Chairman, I rise to support the Dornan amendment as I would support virtually any amendment that stops or slows the flow of United States tax dollars to Russia. The defense authorization bill that we are currently considering allows the expenditure of $6 million to continue the design of a facility for storage of fissile material in Russia. Let me translate that to English for the American taxpayer. We are authorizing funds to design a storage facility for parts, components of nuclear warheads that are going to be stored in Russia on a long-term basis.

To me it makes no sense whatsoever that we should take tax dollars from America and spend it in Russia to design a storage facility to house fissile materials or components for future nuclear warheads. I strongly support the Dornan amendment because it will slow the flow of United States tax dollars to Russia.

Mr. SPRATT. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. MEEHAN].

Mr. MEEHAN. Mr. Chairman, I rise in support of the Cooperative Threat Reduction Program. This bi-partisan inspired initiative has leveraged our defense spending by reducing a variety of threats that eminate from the States of the former Soviet Union. Throughout the cold war the United States expended a great deal of resources to confront the Soviet Union in central Europe, and across the world. We now have the unique opportunity to work with our former adversary to reduce the threat posed by weapons created during this period.

The United States in cooperation with the government's of Russia, the Ukraine, Kazakstan, and Belarus have already made progress in moving to a more secure future through arms reductions and the safeguarding of nuclear materials.

This program is a pragmatic response to developments in Russia. It allows the United States to work with the Russians in areas of mutual benefit, while hedging against any reversal in the reforms now underway.

The mere pledge of this funding was a motivating factoring in the Ukraine's decision to return their nuclear weapons to Russia for safeguarding and destruction. In a similar vain, funds have been used to provide equipment and training necessary for the destruction of strategic nuclear delivery vehicles and facilities. A prime example of the result of this program has been the destruction of Russian Bear bombers.

The treat of the dispersal of nuclear materials is at the top of most everyones list of concerns. We know of several arrests in Europe that have allegedly involved the attempted sale of nuclear materials from the former Soviet Union. Currently, materials control, accountability and physical protection practices in Russia are rudimentary at best. The Cooperative Threat Reduction Program includes efforts to rectify this situation.

There is plenty of work left to be done. This program is in the forefront of our post-cold-war defense strategy and should receive the support of each of my colleagues.

Mr. WELDON of Pennsylvania. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. WELDON], is recognized for 3½ minutes.

Mr. WELDON of Pennsylvania. Mr. Chairman, let us recap this debate. First of all, this is not about ending the Nunn-Lugar program.

Second of all, let me explain from my perspective, as someone who for the past 20 years has focused on Soviet-American issues, who currently cochairs two caucuses in this Congress working to enhance business opportunities in the area of energy and oil and gas as well as the environmental issues, working with Nikoli Vorontsov, a member of Russian Duma on environmental concern and working with the gentleman from Texas, [Mr. LAUGHLIN], and Members of this Congress on helping projects like the Sakhalin project, a $10 billion investment of western money in Siberia, we are not about ending help in the case of the Russians dismantling their nuclear weapons.

In fact, I have been personally involved in supporting two specific programs, $10 million of money being used in Murmansk to help the Russians put together a process to dispose of their spent nuclear fuel and their nuclear waste. A terrible problem that we are working with them on. It is working, and our investment I think is a wise one.

A second project is helping to convert the Baltic shipyard where the Kirov class of ships were built into an environmental mediation center.

Mr. Chairman, what this amendment does is it says that, before we put one more dime of money in, the Russians should meet us halfway. We are talking, Mr. Chairman, about biological weapons. It seems to me in the past 9 years I have heard Member after Member on the other side of the aisle say we have got to stop the proliferation of biological weapons. And certainly if we are putting money in, we should be doing that.

That is what this amendment does. Now, one of our colleagues on the other side, from South Carolina, said that we have done so many positive things, and he said that we have removed warheads. But what he did not say is that we have destroyed warheads. Because my colleague knows full well that we do not have one ounce of documentation that even one warhead has been destroyed, not one ounce of documentation, because the Russians will not allow us to observe the destruction of any warheads.

So, Mr. Chairman, let us be realistic about what is going on. Sure, there have been positive strides made, and sure we should continue the effort of dismantling launchers and other support material in line with the photographs we saw here.

□ 1830

However, let us not put a cloud over the eyes of the American people. We are saying that we will continue to fund the Russians in their effort to dismantle their nuclear arsenal. We will continue to help clean up Ukraine and Uzbekistan, Kazakhstan, Belarus, "but we will do it when you certify to us that you were not building biological weapons that threaten the security of peace-loving people around the world."

Also, we are fencing the money, which means the President can certify to us that that in fact is no longer taking place. Mr. Chairman, I think the average taxpayer back in our districts would support this kind of amendment. I, as one, who supports business ventures in Russia, who speaks the language and travels over there frequently, want to see us continue to support a stabilized Russia. However, we have to do it with our eyes open. I think the Dornan-Tiahrt amendment allows us to do that. I would encourage our colleagues, when the amendment comes up, to vote "aye."

Mr. SPRATT. Mr. Chairman, could the Chair advise me how much time remains on our side?

The CHAIRMAN. The gentleman from South Carolina [Mr. SPRATT] has 2 minutes remaining.

Mr. SPRATT. Mr. Chairman, I yield myself the balance of our time.

Mr. Chairman, this amendment begins with a legitimate grievance, as the gentleman has just stated. We are not satisfied with all the Russians are doing and should be doing to end and get rid of their chemical and biological weapons program.

However, having begun with that premise, it moves to the wrong conclusion. It, in effect, says we should punish ourselves and the Russians at the same time. Why is that? Because if we stop the Nunn-Lugar program, due to the fact that we are dissatisfied with their progress in stopping their chemical-biological program, then we will stop ourselves from achieving a highly significant goal, the removal of all nuclear weapons from Kazakhstan and Belarus by next summer.

I think the gentleman who just spoke, the gentleman from Pennsylvania [Mr. WELDON], my good friend, would agree that is a worthy objective. That is an objective that serves our national security interests. Why do we want to cut off our noses to spite our face? Can we actually say that the weapons are being dismantled, that the warheads are being dismantled? We will take a step closer to being satisfied of that fact.

Once we have completed the facility in Tomsk that we have finally begun to fund, finally broken ground upon, using Nunn-Lugar money, and if we stop the money now, we put that facility, which is a critical component, towards certification and verification in jeopardy. I simply say, in trying to punish the Russians, we are punishing the Kazakhstanis, we are functioning the Belarusans, and we are punishing ourselves, and that does not make sense.

The CHAIRMAN. It is now in order to consider amendment No. 1 printed in subpart B of part 1 of the report.

AMENDMENT OFFERED BY MR. DORNAN

Mr. DORNAN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by DORNAN:

At the end of title XI (page 383, after line 9), insert the following new section:

SEC. 1108. LIMITATION ON COOPERATIVE THREAT REDUCTION PROGRAM RELATING TO OFFENSIVE BIOLOGICAL WEAPONS PROGRAM IN RUSSIA.

None of the funds appropriated pursuant to the authorization in section 301 for Cooperative Threat Reduction programs may be obligated or expended for programs or activities with Russia unless and until the President submits to Congress a certification in writing that Russia has terminated its offensive biological weapons program.

The CHAIRMAN. Pursuant to the rule, the gentleman from California [Mr. DORNAN] will be recognized for 5 minutes, and the gentleman from South Carolina [Mr. SPRATT], will be recognized for 5 minutes for the minority.

The Chair recognizes the gentleman from California [Mr. DORNAN].

Mr. DORNAN. Mr. Chairman, I rise to defend the Dornan-Tiahrt amendment. I will be working one of the doors, as we say in the colloquial expression around here, with my confederates on all 3, 4, 5 doors, to pass this out during the vote. Here is the essence of my "Dear Colleague." This is from excellent reporting by reporter Bill Gertz just a few weeks ago in the Washington Times. It was also heavily covered around the world.

A defector who is now public, Vladimir Pasechnik, on Soviet active offensive biological weapons programs, says this: "Russia continues to invest in biological weapons." I said earlier what they are, the Marburg Ebola virus, the plain Ebola virus, bubonic plague, anthrax. During the worst days of the evil empire, there were some open press stories of putting it maybe into ICBMs, aerosoled, to be used as city-killers.

In 1993, according to this scientist, he revealed that the Soviet Union and Russia had violated the 1972 biological weapons convention, and by the way, after 20 years they admitted that they violated all of that for 20 years, thanks to an honest statement on the part of President Yeltsin. That convention outlawed the development or production of bacteriological weapons by continuing to produce them.

"Pasechnik had recently served in an organization known as biopreparat, with about 400 other scientists working on genetic engineering of germ weaponry. He claimed Russia had developed a super plague that would kill half the population of a city in a week," as in the beginning of Hot Zone, which I have confirmed from scientists is accurate, turned into the bestseller "Outbreak,", slowly painfully retching up all of your innards.

Former CIA Director Robert Gates testified in 1993 that the agency believes the Russian military is continuing to work clandestinely on illegal biological weapons without the knowledge of Russian civilian leaders.

Mr. Chairman, I want to reserve the rest of my time to let some of my other colleagues, starting with the gentleman from Kansas [Mr. TIAHRT], speak. We are not ending the program, Lugar-Nunn. We are not taking away funds. We are fencing the money, a word learned in this Chamber during the Nicaraguan debate, where the good guys won, we are fencing it to get certification that this utter diabolical madness is coming to an end.

Mr. Chairman, I reserve the balance of my time.

Mr. SPRATT. Mr. Chairman, I yield 2 minutes to the gentlewoman from California [Ms. HARMAN].

Ms. HARMAN. Mr. Chairman, I rise in strong opposition to the amendment offered by the gentleman from California [Mr. DORNAN] to condition the expenditure of funds for the Nunn-Lugar program.

Mr. Chairman, it is one thing to reduce offensive chemical and biological weapons in the Russian arsenal. I agree with the gentleman from California that we need to do that, and would be pleased to work with him on that goal.

However, it seems to me to be the height of folly to condition the progress of another successful program that protects American citizens from Russian missiles on our ability to achieve the goal the gentleman sets forth.

To cut off your nose to spite your face is the phrase my friend and colleague, the gentleman from South Carolina [Mr. SPRATT] has just used. He is right. As he also described earlier, Nunn-Lugar has reduced the threat of Russian missiles, missiles formerly targeted at the United States and our Western allies.

We need to remember that the greatest beneficiary of the Nunn-Lugar program is the United States, not Russia, but the United States. To halt progress, by means of this amendment, on reducing the threat represented by the remaining missiles and warheads is to put our citizens, American citizens, at risk.

Mr. Chairman, both Nunn-Lugar and the gentleman from California [Mr. DORNAN], the author of this amendment, set laudable goals. However, to condition one of the other is to risk both, to risk reducing the nuclear threat and to risk overcoming the threat of chemical and biological weapons. Reject the Dornan amendment.

Mr. DORNAN. Mr. Chairman, I yield 30 seconds to the gentleman from Kansas [Mr. TIAHRT], the cosponsor of the amendment.

Mr. TIAHRT. Mr. Chairman, I rise in support of the Dornan-Tiahrt amendment for very obvious reasons. I am really surprised that Members would oppose such an amendment. What we are doing is verifying that Russia is getting rid of their biological weapons. We just want verification. We just want to know that when we spend a dollar's worth of tax, that we get a dollar's worth of threat reduction.

I do not see how they could betray the U.S. taxpayers and oppose this, because what we are doing is verifying that their hard-earned money is going to reduce the threat, to make a safer world for them, and if we do not do that, then we are just wasting this money. It could have been wasted, according to the GAO report. I think it is time we put some common sense into Nunn-Lugar.

Mr. Chairman, I rise today in strong support of the Dornan-Tiahrt amendment to the Cooperative Threat Reduction Program.

The Cooperative Threat Reduction Program, or CTR, is funded through the Pentagon in an attempt to help finance the dismantling of the former Soviet Union's nuclear arsenal. However a recent General Accounting Office report [GAO] shows that this money is being used to fund the work of Russian scientists who are spending at least part of their time developing new and more menacing Russian missiles and nuclear and chemical arms.

After reading the GAO report and recent press accounts, I requested that the House National Security Committee hold oversight hearings on the Cooperative Threat Reduction Program, also known as the Nunn-Lugar program. We must be absolutely sure that this money is being used properly, and I look forward to these hearings.

I strongly urge my colleagues to support this amendment, the Dornan-Tiahrt amendment, which requires the President to certify that the Russian offensive biological weapons program has been terminated.

The CTR was cut drastically in the National Security Committee. $171 million was cut from a $371 million administration request. Our amendment does not cut CTR funding below the Committee recommendation of $200 million, it just makes a simple request which we think addresses a world-wide humanitarian concern.

This amendment puts a restriction on any additional CTR money going to the former Soviet Union, unless Russia terminates her offensive biological weapons program. It's a simple and fair request. Actually, it doesn't matter how fair it is. Russia should end its biological weapons program now, and we should use the CTR money in a way that makes this happen.

The GAO report included many potential problems with the CTR program.

Moscow is refusing to permit audits of U.S. funds paid under the program.

The purpose of the program, to reduce the threat of nuclear weapons proliferation, and improve control over nuclear materials, is not being realized.

In fact the report says that CTR money might even be going to enhance Russian nuclear and chemical arms capabilities.

The National Defense Authorization Act as reported out by committee made a responsible cut in the administration's request for the Cooperative Threat Reduction Program, and I support that reduction, and applaud the chairman's work. This amendment simply ensures that Russia's offensive biological weapons program will be terminated.

Some might argue, like the administration does, that CTR money only goes to dismantle the former Soviet Union's nuclear arsenal. If that is true, they should have no problem with this amendment. It's time for Russia to terminate this program in good faith, and for the President to certify its termination, in order to ensure that CTR funds are used for their intended purpose; to control weapons of mass destruction, not proliferate them.

Mr. DORNAN. Mr. Chairman, I yield 30 seconds to the fighting freshman, the gentleman from Jonesville, WI, Mr. MARK NEUMANN.

Mr. NEUMANN. Mr. Chairman, I have a big concern that the American taxpayers would not want to spend their money in Russia for this purpose, period. However, if we do decide to spend United States taxpayer money in Russia for this purpose, at the very least we want verification that the money is being spent in a manner that we expect it to be spent, and accomplish the purpose that we are expecting to be accomplished.

At this point in time, the United States has no guarantee and no verification that it is getting the job done that we are spending the money on. I rise in support of this amendment, so we can at least receive verification as to what is happening.

PARLIAMENTARY INQUIRY

Mr. DORNAN. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DORNAN. Am I allowed, as the author of this great amendment, to go last, Mr. Chairman?

The CHAIRMAN. No, the gentleman from South Carolina [Mr. SPRATT] has the right to close.

Mr. DORNAN. That is all right, Mr. Chairman, because I am going to close with 60 percent of the five chairmen under the gentleman from South Carolina [Mr. SPENCE] who is also for this bill.

Mr. Chairman, I yield 30 seconds to the gentleman from Pennsylvania [Mr. WELDON], chairman of the Subcommittee on Military Research and Development of the Committee on National Security.

Mr. WELDON of Pennsylvania. Mr. Chairman, in summary, I would say once again, we are talking about a General Accounting Office report in assessing how successful this program has been. I am not one standing here saying we should do away with the program. To the contrary, I have been supportive of elements of Nunn-Lugar, and have spoken in favor of it.

What we are saying to the taxpayers is that "If we are going to send more of your dollars into Russia, we certainly do not want any of that money to be used to build more biological weapons that can be used against us or our troops."

Mr. Chairman, who could oppose that?

Mr. Chairman, I include for the RECORD a document which is an update on reducing the threat from the Former Soviet Union, and an article by Bill Gertz.

The document and article referred to are as follows:

SUMMARY OF GAO'S RESPONSES TO DEPARTMENT OF DEFENSE COMMENTS IN OUR RECENT REPORT, WEAPONS OF MASS DESTRUCTION: REDUCING THE THREAT FROM THE FORMER SOVIET UNION; AN UPDATE (GAO/NSIAD-95-165)

Point 1. The Department of Defense objected to our finding that the material impact of the CTR program has been limited to date. DOD stated that we overlooked the program's political impact and leverage in insuring that former Soviet states undertake weapons elimination programs and in obtaining agreements from Belarus, Kazakhstan, and Ukraine to become non-nuclear states.

Response. We believe that the Department's comments stem from a misunderstanding of the purpose of our report. Our report focused on the material impact of CTR projects over the past year in addressing the threats posed by former Soviet weapons of mass destruction and on the prospects for such effects in the future.

Point 2. DOD stated that we had underestimated the role of the material assistance provided and stated examples to support its comment. Specifically, DOD asserted that we failed to acknowledge the benefits of delivered CTR assistance including support equipment to Ukraine and armored protective blankets to Russia. DOD further stated that Russia is "today" using U.S.-supplied guillotine shears to cut up heavy bombers.

Response. We stated in our report that without CTR assistance Ukraine could not dismantle its nuclear weapons and that Russian officials told us that Russia has used the armored blankets to protect warheads being withdrawn from Ukraine. The guillotine shears have not yet been used and are not expected to be used until July 1995.

Point 3. DOD stated that numerous tangible reductions in the threat to the United States have been achieved "through a combination of leverage provided by the CTR program and direct material assistance." For example, DOD states that missiles containing 2.825 warheads have been deactivated and that approximately 630 strategic launchers and bombers have been eliminated since the Soviet collapse.

Response. The examples that DOD provides in support of this statement do not distinguish between reductions that may be attributed to political impacts since the Soviet Union's collapse in December 1991 and those that have resulted from the delivery of CTR aid. Although claiming that 2.825 warheads had been deactivated, DOD does not indicate how many of these were deactivated through the direct use of CTR assistance—assistance that only began arriving in mid-1993. DOD claims that 630 strategic launchers and bombers have been eliminated since the Soviet collapse, yet Russia had eliminated more than 400 of these by July 1994—before receiving CTR delivery vehicle elimination assistance.

Point 4. DOD's comments imply that every missile and every warhead deactivated in the former Soviet Union since December 1991 can be attributed to the CTR program.

Response. While making such claims, DOD does not provide a clear accounting as to how and to what extent CTR hardware had been used by the FSU states to eliminate a specific number of systems. Although we asked DOD officials to provide support for the material impact of CTR assistance in dismantling specific numbers of systems, they have not done so. Officials recently informed us that it may be impossible to determine this impact in terms of specific numbers of systems.

Point 5. The Department of Defense objected to our matter for congressional consideration that Congress may wish to consider reducing the CTR program's fiscal year 1996 request for $104 million for support to Russian chemical weapons destruction efforts by about $34 million because of uncertainties regarding the expenditure. DOD also asserted that we were incorrect in stating that the United States and Russia had not yet agreed upon a technology for destroying chemical weapons.

Response. However, as DOD indicates in its comments, Russia has selected a technology that the United States would not have recommended—an unproven technology the United States is now attempting to validate. Unlike the U.S. preferred incineration process, the Russian technology has no record of performance outside the laboratory, and the Russians have not provided sufficient data to allay U.S. concerns about the technology's technical and cost uncertainties.

Point 6. DOD cites that progress has been made in CTR projects that are improving protection of nuclear material that presents a proliferation risk, including the lab-to-lab program for improving material protection in Russia.

Response. This comment overstates the impact of fiscal year 1995 CTR funds on the lab-to-lab program. This Department of Energy (DOE) program has successfully completed a project to upgrade physical protection of approximately 100 kilograms of highly enriched uranium at the Kurchatov Institute in Moscow. However, the project was completed in February 1995 using DOE funds as fiscal year 1995 CTR funds for the lab-to-lab program were not transferred to DOE until April 1995.

Point 7. DOD points to Project Sapphire (the removal of HEU from Kazakhstan) as a CTR project.

Response. Project Sapphire was not a CTR project. It was an executive branch project funded by the Departments of State, Energy, and Defense. Some CTR funds were used to pay for DOD's portion of the project.

Point 8. DOD claims that the CTR defense conversion program should receive high marks from GAO for accelerating from start-up to 15 active projects in a little more than a year.

Response. Although DOD has accelerated the start-up of 15 projects, we believe that it is too early to judge the success of these projects.

Point 9. DOD claims that its defense conversion efforts reduce the threat from weapons of mass destruction.

Response. We found that most of the defense conversion efforts are converting dormant facilities that produced weapons related items.

Point 10. Although there have been some inconsistencies in references in DOD documents, DOD generally describes the recipients of International Science and Technology Center (ISTC) grants as "former Soviet" weapons scientists.

Response. DOD's assertion that the recipients are "former Soviet" weapons scientists is incorrect. DOD often—in testimony, budget submissions, and briefing documents—used the terminology "former" weapons scientists or scientists formerly involved in a weapons program.

[From the Washington Times]

RUSSIA USES PENTAGON FUNDS IN CONSTRUCTING NEW NUKES

(By Bill Gertz)

Pentagon funds aimed at reducing the threat of nuclear war are instead being used to pay Russian scientists still at work on nuclear and chemical arms, according to a draft report by Congress' General Accounting Office (GAO).

The GAO report also states that Moscow is refusing to permit audits of U.S. funds paid under the so-called Nunn-Lugar threat-reduction program, named after sponsoring Sens. Sam Nunn, Georgia Democrat, and Richard G. Lugar, Indiana Republican.

The report concludes that the U.S. aid program, currently funded at about $1.25 billion, has produced little in the way of reducing the threat of weapons proliferation or improving control over nuclear materials.

Instead, it indicates U.S. funds may be enhancing some Russian nuclear and chemical arms capabilities.

Most funds for converting defense plants to civilian production are being used by Moscow to reactivate dormant weapons facilities, according to the May 18 report.

Activities of the International Science and Technology Center in Moscow, funded with $21 million of Pentagon money, raised the most concerns among the GAO investigators, who studied the program from January to May.

Despite Pentagon claims that only "former" nuclear weapons scientists are receiving U.S. money to discourage them from emigrating, "we found that scientists receiving center funds may continue to be employed by institutes engaged in weapons work," the report states.

"Recipients of two center grants at three different institutes told us that they had been involved in nuclear weapons testing and nerve agent research," the report stated.

The GAO auditors also discovered that scientists paid by the center are not employed full time and "may spend part of their time working on Russian weapons of mass destruction," the report stated.

Scientists are allowed to work at Russian weapons laboratories while receiving U.S. funds, and in some cases only 10 percent of their time is spent at the center, "raising the prospect that they could spend the remainder of their time on their institutes' work on weapons of mass destruction," the report said.

The GAO study follows a report that Russia is continuing to build newer nuclear arms. Russian Nuclear Energy Minister Viktor Mikhailov said last year that a new generation of nuclear weapons could be developed by the year 2000 unless military nuclear research was stopped.

Moscow also unveiled its new strategic missile in December called the RS-12M "Topol," a follow-on version of the SS-25 mobile ICBM.

U.S. officials told the GAO that the center "is intended to help prevent proliferation . . . rather than preclude scientists from working on Russian weapons of mass destruction," the report stated, noting that the center prohibits the use of its funds for weapons-related work.

Another problem with the center, according to the GAO, is that it is "creating dual-use items" with both civilian and military applications. For example, a special commercial camera under development by the center can be used in nuclear testing and could be exported, according to the GAO.

Officials in charge of the center told the GAO they could monitor its projects "only intermittently" instead of quarterly, as they would prefer.

Next year the State Department will take over funding the center from the Pentagon and plans to spend $90 million more over the next seven years.

Congress has approved the use of $1.25 billion for the Nunn-Lugar program for fiscal 1992 through 1995. In addition, $735 million has been requested for the next two years.

Republicans in Congress, however, plan to cut the program substantially and limit the funds to weapons dismantling, congressional sources said. The House National Security Committee will complete work on its version of the fiscal 1996 defense authorization bill tomorrow.

Out of about $1.2 billion the Pentagon has notified Congress it will spend in the former Soviet nuclear states, only $177 million has been spent, mostly on weapons being dismantled under the START treaty, the Moscow center and nuclear railcar security, according to the GAO.

Despite agreements that permit audits of how U.S. funds are spent, "none have been conducted in Russia and Ukraine" because of government objections there, the report stated. One was conducted in Belarus, it said.

A report to Congress required by law on the accounting of U.S. aid is four months late. Pentagon officials could not be reached for comment on the GAO report.

Mr. DORNAN. Mr. Speaker, may I inquire of my worthy colleague, the gentleman from South Carolina, [Mr. SPRATT], if he has more than one speaker left?

Mr. SPRATT. I would tell the gentleman I am it, Mr. Chairman.

Mr. DORNAN. Mr. Chairman, this fighter pilot will take over for that paratrooper, the gentleman from California, Mr. DUNCAN HUNTER.

Mr. Chairman, I yield myself my remaining time.

Mr. Chairman, the gentleman from South Carolina [Mr. SPENCE], and all 5 chairmen of the committee support the Dornan-Tiahrt amendment. Mr. Chairman, I will be passing out the GAO report at the doors during the debate. This is consistent with the committee position requiring presidential certification of all the Russian arms control.

We will be back next year to do this on chemical warfare. We just want to make sure that biological weapons programs have been terminated. The good Russian people, the reformers, want this type of tough legislation, and it does not, repeat, not, cut Nunn-Lugar funding below the committee recommendation. The gentleman from Arizona [Mr. STUMP] wants a yes, and so does the gentleman from South Carolina [Mr. SPENCE].

Mr. SPRATT. Mr. Chairman, I would ask, do I have 2 minutes remaining?

The CHAIRMAN. The gentleman from South Carolina [Mr. SPRATT] has 3 minutes remaining.

Mr. SPRATT. Mr. Chairman, I would like to state once again that the gentleman begins with a premise that I do not contest. I do not know to what extent we give validity to it, but we will stipulate for purposes of this argument that Russia is not doing all they should be doing in terminating, bringing to an end, their CBW, chemical-biological weapons program. No contest there. The issue here is, Mr. Chairman, what do we do about it.

The proposal before us in the Dornan amendment would say "Let us take the Nunn-Lugar money," a program that has been slow to start, but now gathering momentum and showing real results, "Let us take it and stop it," as a punitive measure towards the Russians until we can get certification from the President that they are doing everything they can and should be doing to terminate this program." Here is what is wrong with that.

This program, the Nunn-Lugar program, sometimes called the Cooperative Threat Reduction Program, has taken thus far all nuclear weapons out of the State of Kazakhstan, as of the end of April. By the end of next summer, 1996, it will have removed, deactivated and removed, all nuclear weapons out of Ukraine and Belarus. When the FSU, the former Soviet Union, or the Soviet Union dissolved, there suddenly appeared on the world stage 4 new nuclear powers, or 3 nuclear powers, in place of or in addition to the one former Soviet Union. Now we will go back to having just one. 2,800 missiles have been removed so far. 750 have been removed from their launchers.

□ 1845

We are building a storage facility in Tomsk, Siberia, using the money for the Nunn-Lugar program. It has taken 3 to 4 years to get this building off the ground. We have finally broken ground for it.

What does it provide? An opportunity to properly store plutonium pits, critical components in any nuclear weapon, and once they are stored there, they have strict verification and accountability of those.

Finally, and this is not the least significant by any means, we have used Nunn-Lugar money to create an international science and technology center where former weapons scientists, nuclear scientists, and conventional weapons scientists are able to work in non-military programs. If we stop the money, those scientists will now divert their attention and their efforts in Russia and elsewhere, becoming potential proliferators themselves.

Why would we want to stop all of these things which are in our interest? Why do we want to hurt ourselves, undercut our own national security in order to strike back at the Russians?

Why do we want to punish the Kazakhstani, the Ukrainians, and the Belarussians for something the Russians may be doing wrong with respect to their CBW program?

I share the gentleman's concern about their CBW program, but he is going about the punitive reaction to it in the wrong way.

Vote to keep Nunn-Lugar intact. Vote against the Dornan amendment.

Mr. BEREUTER. Mr. Chairman, this Member cannot understand the reason why my colleagues and good friends, the gentleman from California [Mr. DORNAN] and the gentleman from Kansas [Mr. TIAHRT] would offer an amendment to fiscally fence off the Nunn-Lugar funds which are used to reduce the Russian nuclear weapons threat against the United States. It is in our national interest that these nuclear weapons be reduced. There certainly are reasons for the United States and the world to be concerned about Russian chemical and biological weapons programs and stockpiles, and we must use every productive means to reduce and eliminate them. But linking these American efforts to the Nunn-Lugar program is indeed the absolutely wrong and harmful linkage—harmful to the United States.

Mr. Chairman, adopting the Dornan-Tiahrt amendment is indeed cutting off our nose to spite our face. The motive and concerns of our two colleagues offering the amendment are very appropriate, but their amendment couldn't be more dangerously wrong. There are several other United States funding programs for aiding Russia which could be used as leverage or linkage to show our very legitimate concerns about Russian biological and chemical programs and stockpiles.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. DORNAN].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SPRATT. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 244, noes 180, not voting 10, as follows:

[Roll No. 369]

AYES—244

Allard
Andrews
Archer
Armey
Bachus
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Browder
Brownback
Bryant (TN)
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
de la Garza
Deal
DeFazio
DeLay
Deutsch
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
McNulty
Menendez
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Montgomery
Moorhead
Myers
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Stupak
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thurman
Tiahrt
Torkildsen
Traficant
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—180

Abercrombie
Ackerman
Baesler
Baldacci
Barrett (WI)
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bonior
Borski
Brewster
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Bunn
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
DeLauro
Dellums
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gejdenson
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Houghton
Hoyer
Jackson-Lee
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
Meehan
Meek
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Moran
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pomeroy
Poshard
Rangel
Reed
Reynolds
Richardson
Rivers
Rose
Roth
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Shays
Sisisky
Skaggs
Slaughter
Spratt
Stark
Stenholm
Stokes
Studds
Tanner
Tejeda
Thompson
Thornton
Torres
Torricelli
Towns
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Wise
Woolsey
Wyden
Wynn

NOT VOTING—10

Baker (CA)
Boucher
Davis
Gephardt
Kleczka
Myrick
White
Williams
Wilson
Yates

□ 1905

Mr. SHAYS changed his vote from "aye" to "no."

Mr. KING, Mrs. THURMAN, and Mr. CRAMER changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Chair has been made aware that the gentleman from Indiana [Mr. HAMILTON] will not offer his amendment. Therefore, it is now in order to consider amendment No. 1, printed in subpart A of part 1 of the report.

AMENDMENT OFFERED BY MR. KASICH

Mr. KASICH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. KASICH: Strike out section 141 (page 21, lines 2 through 15) and insert in lieu thereof the following:

SEC. 141. LIMITATION ON AIRCRAFT PROCUREMENT FUNDING.

The amount provided in section 103 for procurement of aircraft for the Air Force is hereby reduced by $553,000,000. None of the amount appropriated pursuant to authorization of appropriations in section 103 may be obligated for procurement of long-lead items for procurement of B–2 aircraft beyond the 20 deployable aircraft and one test aircraft authorized by law before the date of the enactment of this Act.

The CHAIRMAN. Pursuant to the rule, the gentleman from Ohio [Mr. KASICH] and a Member opposed, the gentleman from South Carolina [Mr. SPENCE], will each be recognized for 30 minutes.

The Chair recognizes the gentleman form Ohio [Mr. KASICH].

Mr. KASICH. Mr. Chairman, I ask unanimous consent that my time be divided equally with my cosponsor, the gentleman from California [Mr. DELLUMS], and that he be permitted to control that time.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The CHAIRMAN. The gentleman from California [Mr. DELLUMS] will be recognized for 15 minutes and the gentleman from Ohio [Mr. KASICH] will be recognized for 15 minutes.

Mr. SPENCE. Mr. Chairman, I yield for the purposes of debate 15 minutes to the gentleman from Missouri [Mr. SKELTON], and I ask unanimous consent he be permitted to control that time.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The CHAIRMAN. The gentleman from Missouri [Mr. SKELTON] will be recognized for 15 minutes, and the gentleman from South Carolina [Mr. SPENCE] will be recognized for 15 minutes.

Mr. DELLUMS. Mr. Chairman, in order to begin this debate, I yield myself 5 minutes.

Mr. Chairman, this is an important debate.

□ 1915

The bill that comes to us contains $553 million to begin a journey that will ultimately cost the taxpayers $31.5 billion.

The question is why, why do we need to put in excess of $500 million in this bill to begin long lead for 2 additional B-2 bombers that ultimately is a program for 20 additional? Question one: Is it because the Pentagon wants it? The answer is "no." The Secretary of Defense, the Chair of the Joint Chiefs of Staff, and an independent study done by the Institute for Defense Analysis and the Role and Mission Commission study all said the following: "No, we don't need it. No, we don't want it, and, yes, there are alternatives."

Second question: Do we need this bomber for the purposes of safety? Interesting. The study done by the Institute for Defense Analysis drew the following conclusion: that if we took precision guided munitions, those smart weapons that the American people saw on C-SPAN when we were engaged in the war in the Persian Gulf, that if we expanded that inventory by 200 percent, that we would reduce the aircraft lost in our inventory by 40 percent. They went further and said, "And if you spend the money to build 20 more B-2's, you reduce the aircraft loss by 8 percent."

So if it is a question of safety, you do not spend $31.5 billion building a cold war relic, Mr. Chairman, because the precision guided munitions put more munitions on the target at less risk because you are not flying over the target, you are standing off, and at cheaper cost.

I would remind my colleagues that all of them have been debating budget balance and deficit reduction.

The third argument, Mr. Chairman, is this: Is this for national security needs? Remember, colleagues, the B-2 bomber was designed in the context of the cold war. It was designed to do one thing: fly over the Soviet Union and drop nuclear weapons one time and get the hell out.

This is not the cold war. I hope we have moved beyond the insanity of contemplating nuclear war so we want to fix this weapons system up for a conventional approach, but we already have 20 of them.

This is a subsonic plane. You may not see it on radar because it is stealthy, but no one said it was not vulnerable. You can see this weapon in the daytime. It probably only will fly at night.

Secondly, if you fly it, it only has one purpose: to be there for the first few hours, the first couple days. It is not designed to fly around a theater forever. It flies in and gets out after it suppresses air defenses. We have F-117's that also have that capability. We have wild weasel missiles that can also search out and destroy.

Mr. Chairman, we do not need to go down a $31.5 billion road, because the Pentagon does not want it, because it is not there for safety, it is an expensive weapon, it is not necessary for national security.

So why do we have it? Because we are going to generate employment? We can generate thousands of jobs with $31.5 billion. We can enhance the quality of our lives with $31.5 billion.

Why is it that distinguished and learned people have said we do not need to go down this road? The gentleman from Ohio and this gentleman are simply saying, in conclusion, save the American taxpayers the $19.7 billion it costs to buy and equip this plane, the $11.8 billion it costs to operate and maintain this plane.

Let us take the $550 million, take it out of this budget where it is wasteful, unnecessary and dangerous, and place it to reduce the deficit.

For those of you who have been arguing pain and human misery across the panorama of American interest in the country, you ought to be willing to join us on the basis of integrity, on the basis of dignity and on the basis of honest analysis. You do not need this plane, but we certainly do need the money.

Mr. Chairman, I reserve the balance of my time.

Mr. SPENCE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I ask the House if I might apologize for making a personal comment at this time.

But I would not be able to take part in these discussions, indeed I would not be alive if it were not for the fact, as many of your know, I received a double lung transplant a few years ago, and the mother of the young man whose lungs I have is presently in my office visiting with me for the first time, and I just wanted to pay respect to her.

Mr. Chairman, I rise in support of the committee-recommended position on the B-2 stealth bomber and in opposition to the amendment offered by my colleagues, Mr. KASICH and Mr. DELLUMS.

The committee arrived at its position endorsing the option of additional B-2's after receiving testimony from senior military officials regarding U.S. bomber capabilities and long-term plans. First, we were told that the current bomber force structure of approximately 100 aircraft is well below the number required to carry out the national military strategy.

Second, we learned that the Department's plan to "swing" bombers between regional conflicts is untested and risky. Frankly, it is unworkable.

And, third, due to the on-going closure of the B-2 production line, we learned that we must act now if we wish to preserve the option to build more B-2's beyond the 20 combat-capable aircraft already approved by the Congress.

Halting production of the B-2 now, after spending billions to develop this revolutionary aircraft, makes neither military nor economic sense. Procuring additional B-2 bombers is admittedly an expensive proposition. Maintaining America's technological cutting-edge superiority is never cheap. However, as seven former Secretaries of Defense stated in their January 4, 1995 letter to the President, "The B-2 * * * remains the most cost-effective means of rapidly projecting force over great distances. Its range will enable it to reach any point on earth within hours after launch. * * * Its payload and array of munitions will permit it to destroy numerous time-sensitive targets in a single sortie. And perhaps most importantly, its low-observable characteristics will allow it to reach intended targets without fear of interception."

The administration's opposition to additional B-2's, which has manifested itself in the recent "bomber study," is inconsistent with real world operational requirements. We ought to heed the advice of seven distinguished and bipartisan Secretaries of Defense and continue low-rate production of the B-2. It is not an inexpensive proposition—but it may cost us more in the long run if we do not seize this opportunity today.

Mr. Chairman, I reserve the balance of my time.

Mr. SKELTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this body through the years has made many important decisions. It has sent signals throughout the world by its vote.

In 1939, this Chamber voted against a $5 million appropriation for the harbor in Guam. The empire of Japan took that as a signal that we would not defend the Pacific.

What kind of a message would we send if we do not produce and continue producing at least 2 B-2 bombers which are the state-of-the-art weapons systems?

This is a very significant decision. It is one that we must take very seriously and one that we must understand will make a great deal of difference in deterrence and in conflict, heaven forbid, should that come.

Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. FAZIO].

Mr. FAZIO of California. Mr. Chairman, I rise in opposition to the Dellums-Kasich amendment to the defense authorization bill, and I urge my colleagues to support continued funding for the B-2 Stealth bomber.

We live in uncertain times. Although we cannot predict the course of international events, we can ensure that we have, at our disposal, the resources to protect our vital, national security interests.

Recent events in Bosnia provide just one example of our continued need to maintain a flexible, advanced fighting force.

The B-2 Stealth bomber is an integral component of the fighting force of the future—the tactical component of our commitment to military "readiness."

But it is more than that.

With the aid of a revolutionary design, the B-2 is ready to strike for freedom at a moments notice, across vast distances, with deadly accuracy.

And, as we bring our troops home from forward bases overseas, we are compelled to consider our ability to initiate military operations from American soil. The B-2's long-range capabilities make this necessity a reality.

From a technical standpoint, the B-2 represents an unparalleled achievement.

In the past, we augmented our fighting forces with an entire battalion of escorts, radar jammers, and suppressors.

"The B-2," noted Air Force Chief of Staff General Merrill A. McPeak, "offers a much more satisfying and elegant solution: avoid detection, and tip the scales back in favor of flexibility and offensive punch."

In light of our renewed commitment to fiscal responsibility and deficit reduction, some have questioned our ability to continue investing in this program. We are right to re-assess our priorities, and subject the defense budget to the same careful scrutiny we bring to other segments of the federal budget.

But, for the sake of short-term fiscal expediency, we should not sacrifice our long-term national security interests. The B-2 program is the capstone of a $45 billion dollar investment.

If we back track now, we will undercut this nation's advanced technology base and risk tying our hands in the event of future conflict.

The fair-minded Commission on Roles and Missions—assessing the need for continued investment in the B-2 program in a preliminary report—warned against just such a short-sighted approach.

The Report states: ". . . the B-2 will likely be in service for 40 to 50 years. It is not possible to predict what requirements will exist that far in the future and we are concerned that tomorrow's commanders should not be deprived of adequate numbers of bombers because of a decision made today without the most careful deliberation."

Finally, Mr. Chairman, I would like to point out that the B-2 represents a way for us to leverage our resources. Just one B-2 bomber, at a cost of $1.1 billion can pack the same punch as a much larger current conventional force—some estimates suggest a force as large as 75 aircraft.

We need to benefit from the investment already made in the B-2. Defeat the Dellums-Kasich amendment.

Mr. KASICH. Mr. Chairman, I yield 3 minutes to the gentleman from Iowa [Mr. GANSKE].

Mr. GANSKE. Mr. Chairman, the House Committee on National Security leadership added $553 million for the long lead procurement of 2 new B-2 bombers, piercing the cap of 20 B-2's in current law. These 2 planes would be purchased at a cost and a rate that is part of a 20-plane proposal which would lead to a total of 40 B-2's.

While there will be, no doubt, a certain amount of debate of how much this investment strategy will cost, the only figure that is truly relevant is how much money this decision is going to cost the U.S. taxpayer. According to conservative U.S. Air Force estimates, 20 more B-2's would cost an additional $19.7 billion, and $11.8 billion in a 20-year operational cost. This adds up to $31.5 billion total.

There is no money planned in anyone's budget to pay for the out-year costs that will be forced by this decision. The only way we will be able to afford the planes will be either by taking a major step backwards in deficit reduction or by squeezing out programs that have been given a higher priority by the military, such as the F-22, destroyers, tilt rotor aircraft and precision guided munitions and so forth.

Witnesses on behalf of the Air Force, both in civilian leadership and members of the uniformed operational ranks, have repeatedly testified that they do not want to purchase any more B-2's.

An independent cost-effectiveness analysis by Air Force bomber programs, conducted by the Institute for Defense Analysis, concluded that money would be better spent on precision guided munitions and conventional mission upgrades of B-1 bombers.

Let me address this issue of this study. Paul Kaminsky, undersecretary of defense for acquisition and technology, said the results of the 6-month-long IDA study do not make the case for buying more B-2's. Instead, they point to a much greater cost effectiveness that can be derived from advanced and accurate weapons to leverage not only the bombers but the rest of our tactical forces.

Computer modeling and simulation has shown doubling the current inventory of precision accurate weapons at a cost of $13 billion would result in a 60 percent decrease in aircraft losses in comparison to 8 percent fewer losses with the B-2.

Clearly, additional investment in precision weapons is exponentially more effective and significantly less costly than B-2's.

These studies show additional B-2's result in a big cost increase for bomber forces and a tiny performance increase. The IDA study was not flawed. It did address a no warning scenario, and the Roles and Missions Commission independently reviewed and agreed with the study.

Mr. Chairman, I strongly advise my colleagues to vote for the Kasich amendment.

□ 1930

Mr. STUMP. Mr. Chairman, I yield 2 minutes to the gentlewoman from Washington [Ms. DUNN].

Ms. DUNN of Washington. Mr. Chairman, I rise this evening to discuss with my colleagues the importance of long-range bombers to our Nation's security now and in the future. For 40 years the United States relied on forward deployment, the placement of large forces on bases around the world, outposts, if my colleagues will, for the defense of freedom.

With the decline in defense spending and the withdrawal of our forces from overseas bases, the United States now must rely on smaller military forces operating principally from North America, in effect a home-based military force.

For example, in the last 6 years alone the United States Air Force has reduced its major overseas bases from 38 to 15, Mr. Chairman, a 61-percent decrease. Let me repeat, a 61 percent decrease. Unfortunately, our global responsibilities have not decreased 61 percent. In fact, our need for global presence is growing. We are the world's one and only superpower in a world full of conflict and uncertainty.

In addition to regional conflicts we know that more and more irresponsible nations are acquiring weapons of mass destruction, a real and significant threat to United States security. Now, as the only superpower, our current strategy calls for American power to be projected abroad rather than based abroad.

Therefore, we simply must be able to project increased conventional power from a smaller number of systems. The only answer is the B-2 stealth bomber, the only way we can quickly and secretly project real power around the globe.

Listen to Air Force General Mike Loh:

> The role of the bomber has been elevated, not diminished, by the end of the Cold War. Nothing else has the range and payload of the bomber or the sense of immediacy able to strike in 10 to 12 hours anywhere in the world.

Remember, the B-2 only requires two pilots and it costs less to operate than any other means of significant power projection such as aircraft carriers or Army divisions.

Mr. Chairman, let us support more B-2s for our Nation's security. Vote against the Kasich amendment.

Mr. ABERCROMBIE. Mr. Chairman, I yield 3 minutes to the gentleman from Massachusetts [Mr. MARKEY].

Mr. MARKEY. Mr. Chairman:

B-2's or not B-2: Once again, that is the question.
Whether 'tis nobler in the mind to suffer
the slings and arrows of outrageous expense,
Or to take arms against a sea of deficits,
And by opposing end them. To cut; to spend;
No more; and by a cut to say we end
the heartache and a thousand cost overruns
That B-2 is heir to. 'Tis a consummation
Devoutly to be wished. To cut; to spend;
To spend? Perchance add-on! Ay, there's the rub;
For in those 20 add-ons what new costs may come,
when we have shuffled off the cap,
Must give us pause. There's the respect
that makes calamity of continuing.
For would Stealth bear the whips and scorns of time,
the lack of mission, the inevitable delays,
The available alternatives, and the cuts
That must be made for Budget Target's sake.
When we ourselves might today Stealth's termination make
With a bare majority. Who would new tax burdens bear,
to pay its 31 billion dollar pricetag,
when the dread of a corporate welfare program,
A flying Bat-winged bomber whose cost per pound,
Is that of gold, puzzles the mind
And makes us rather keep those bombers that we now have
Than fly to others we want not of?
Thus conscience should make cautious legislators of us all;
And thus the hue of B-2 boosterism
Must be replaced with the sober case of thought,
And this enterprise of great pith and moment,
Be halted now before it further proceeds,
A handsome bomber, yes, but better
No more to be.

Mr. KASICH. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. DORNAN].

Mr. DORNAN. Mr. Chairman, having flown the B-2 May 1, of course I rise in support of the great spirit aircraft that I myself named.

Mr. KASICH. Mr. Chairman, I yield 1 minute to the gentleman from Kansas [Mr. BROWNBACK].

Mr. BROWNBACK. Mr. Chairman, this is daunting to follow the gentleman from California [Mr. DORNAN]. I just rise in support of this amendment and simply state this:

I support a strong defense. I have military establishments in my district. I think it is critical; I think it is the reason we created the Federal Government. It is to provide for a common defense amongst several other items as well, but clearly one of the key roles and missions we created for a federal government was to provide for a common defense. We need to do that. But this one does not make sense to me.

First of all, it is when the military itself says, "We don't need this aircraft, and we can put it, and should put it, for other uses," and that is what it seems to me we ought to do.

That is why I am supportive of Mr. KASICH's amendment in that regard. I think this is a wonderful airplane. It just costs too much, and it is not in the priority system of what we need in this country today.

Mr. SKELTON. Mr. Chairman, in all of this paraphrasing of Shakespeare I can only say, "Me thinkest thou protesteth too much."

With that, I yield 3 minutes to the gentlewoman from California [Ms. HARMAN].

Ms. HARMAN. Mr. Chairman, it is tough to differ with friends, aspiring playwrights, and the Pentagon, but I am strongly opposed to the amendment offered by Messrs. KASICH and DELLUMS. To my passionate and effective friend, the gentleman from California [Mr. DELLUMS], I say, "You move me every time you speak." But I believe that the Californians I represent believe that the B-2 bomber is the right weapon for the expected war fighting contingencies of the next century.

Mr. Chairman, its utility has already been demonstrated. The number of any aircraft required to deliver an equivalent bomb load is 75 times greater than what a single B-2 can do. Fewer pilots, crew, and aircraft are put at risk with the B-2.

Its stealth capability ensures that it will strike its target. Its superior range and bomb load make it clear that the B-2 is better than a stand-off missile which still needs a platform that can deliver it within range—usually over enemy territory.

Last, it is critical to understand the problems posed by the current mix of our bomber fleet which, by the year 2010, may include B-52H's that are more than 50 years old, and B-1B's that will be 23 years old. The B-2 will bridge the retirement of those aircraft and provide the deterrence necessary in the first few decades of the 21st century.

Any successor bomber to the B-2, and I predict we will want one in several years if this program goes down today, will have to incorporate the stealth technology that is the heart of the B-2. As such, it is critical to protect the industrial and intellectual base which designed and manufactured the processes and materials central to the future stealth breakthroughs.

I have visited the B-2 factory in California, seen the B-2, climbed on its extraordinary wing, sat in the cockpit and met with representatives of literally hundreds of firms that designed and built it. The talented and highly skilled work force for this aircraft talks in great praise of what it has done, and that praise is well-deserved. It would be tragic to lose those individuals and the skills they represent.

Mr. Chairman, the bill's modest level of authorized funding will protect a unique capability that would be difficult to recreate if it were lost as a result of this amendment.

I urge my colleagues to reject the Kasich-Dellums amendment.

Mr. DELLUMS. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Minnesota [Mr. LUTHER].

Mr. LUTHER. Mr. Chairman, I rise in support of the Kasich amendment to stop the production of additional B-2 bombers.

As I listened to this debate as a new Member of this body, what comes to my mind is that this is exactly how our country got to the point of being nearly $5 trillion in debt. Every spending program has its merits, and a case can be made for this proposal like any other proposal. But the fact is that we, as a nation, cannot afford this expenditure, and we who serve here have to have the judgment and common sense to make cuts wherever we can in the military budget, along with other budgets, in order to make certain that we balance the overall Federal budget.

The military spending bill before us contains over $500 million beyond what the administration requested for continued B-2 bomber production, and it repeals the current limits on the number and cost of B-2 bombers. With the budget problems we face, we cannot justify approving funding that our own military experts believe is unnecessary. By eliminating additional B-2's, is Kasich amendment has the potential to make an enormous reduction in the deficit without compromising military readiness or support for our troops.

Mr. Chairman, we can save billions of dollars over the years ahead by maintaining 20 B-2's, but not expanding the production of B-2 bombers. The time has come for us to vote for fiscal responsibility and support the Kasich amendment.

Mr. STUMP. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Texas, Mr. SAM JOHNSON.

Mr. SAM JOHNSON of Texas. Mr. Chairman, I rise in strong opposition to the Dellums amendment.

First, the funding for the B-2 falls well within the spending cap imposed by the Committee on the Budget. It does not break the budget.

Second, the B-2 is a necessity. I have experienced firsthand the dangers of flying into a helpfully defended area, being tracked by radar and shot down. As a matter of fact, I was shot down in Vietnam because our Government, this body, refused to supply us with the right airplanes or munitions. In fact, we did not have munitions most of the time. I flew an airplane that the gun sight was really just a piece of chewing gum that did not move, the gun did not fire, a product of the McNamara era which he has admitted to.

The B–2 gives us an ability to fly a strategic bomber into a defended area undetected by radar without fighter escort. This is a state-of-the-art technology that no other country can match.

Third, those who oppose the B–2 have said we can use old B–52's and B–1 bombers instead of B–2's. As my colleagues know, the cost of flying those old airplanes is $6.4 billion more.

More importantly, relying on the older airplanes through the year 2030, as opponents have planned, is risky. By that time the B–52 will be nearly 70 years old, and, if we apply that same 70-year timeframe, a 1918 World War I biplane would have been a front line plane in Desert Storm.

□ 1945

Support our Nation's Armed Forces. Vote against the Dellums amendment.

Mr. KASICH. Mr. Chairman, I yield 2 minutes to the gentleman from New Hampshire [Mr. BASS].

Mr. BASS. Mr. Chairman, I rise in support of the Kasich amendment. A few weeks ago we passed a resolution, an historic resolution, and I stood before you and said we are now going to have a balanced budget by the year 2002. Yet a few short weeks later, on the second major authorization that this Congress takes up, we now stand here to consider a dramatic expansion in an existing weapons procurement program. Indeed, we are standing here on the threshold of authorizing an additional $553 million to pay for a bomber program that has not been in the existing budget.

This budget-busting program has the potential to add over $30 billion to the defense budget. Now, we are going to be dealing over the next 7 years, if we stick with our budget resolution, with a $270 billion defense spending cap, and we are going to have to make some pretty hard choices. I for one have stood forth and made hard choices across the board, and this is a hard choice to make as well. I believe like everyone else we need a strong defense. But if we vote to double the size of the B–2 bomber program today, and this occurs, and we spend an additional $30 billion, we are going to make the process of making choices between the other programs, the F–22, the V–22, the DDG, much, much more difficult.

My friends, we ought to establish our strategic priorities now and not vote for $553 million to keep a line warm while we try to decide what our country is going to do in the future. The Committee on National Security should decide what our long-term strategic objectives should be within the $270 billion fixed budget that we have for defense spending, and then make the tough choices now, and not put the long tail off until next year or the year after.

I rise in strong support of the Kasich amendment, as a strong proponent of defense spending, responsible defense spending, and a balanced budget by the year 2002.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. FROST].

Mr. FROST. Mr. Chairman, I rise in opposition to the amendment being offered by the gentleman from Ohio [Mr. KASICH].

I was disappointed when Congress voted to cap the B–2 bomber program at 20 planes. I did not agree with that decision then, and I'm delighted that the National Security Committee has brought a defense authorization bill to the floor of this House that repeals the cap, and authorizes funds to continue production of this important strategic bomber.

The B–2 is an essential component of our overall national defense capability. In fact, with each passing day, the need for the B–2 increases as our bomber fleet ages.

By 2010, any surviving B–52s will be over 50 years old and will likely be retired. The B–1 fleet will be 23 years old and declining in number due to attrition. It's clear that augmenting the bomber fleet with additional B–2s will be necessary in order to maintain a credible bomber capability.

Some have questioned whether a significant bomber capability is even needed in the post-cold-war era. Yet, this implies that the post-cold war world is somehow a less dangerous world.

The events of the last few years since the wall came down in Berlin and the Soviet empire began crumbling have vividly demonstrated that the world continues to be one where hazards abound. The Persian Gulf War certainly emphasized the point that the U.S. can never let down her guard, and that threats to our security interests may pop up at any time throughout the world.

It's imperative that we maintain all aspects of our military readiness in order to respond to threats. And maintaining readiness requires that we continue to modernize our bomber fleet with the best, most up-to-date equipment we can. The B–2 is a quality aircraft that provides stealthiness, long-range flying capability, and the ability to deliver large payloads, on target.

Mr. Chairman, the B–2 provides our nation with important security. We should, we must, move forward and adopt the position taken in this defense authorization bill. I urge my colleagues to reject the Kasich amendment, and support the B–2 bomber.

Mr. STUMP. Mr. Chairman, I yield such time as he may consume to the gentleman from Maryland [Mr. GILCHREST].

Mr. GILCHREST. Mr. Chairman, I rise in opposition to the amendment.

Mr. DELLUMS. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan [Mr. CONYERS].

Mr. CONYERS. Mr. Chairman, it is with great pleasure I rise in support of this amendment, admiring the arguments put forth by the gentleman from California [Mr. DELLUMS] in support of his amendment.

Mr. STUMP. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. MCKEON].

Mr. MCKEON. Mr. Chairman, I rise in strong opposition to the amendment.

Mr. STUMP. Mr. Chairman, I yield 2 minutes to the gentleman from Louisiana [Mr. LIVINGSTON], the chairman of the Committee on Appropriations.

Mr. LIVINGSTON. Mr. Chairman, I rise in opposition to the Kasich-Dellums amendment to lift the cap on B–2 bomber production and delete funds in this bill for the B–2. The first responsibility of Congress under the Constitution of the United States is indeed to provide for adequate defense of this Nation.

We are in this position today because some years ago a decision was made to cap production on the B–2 at 20 bombers. That decision was based wholly on the judgment of the then political leaders in the prior Congress that additional production lacked political support in the Congress. It certainly had no, and I emphasize "no," relation to the military needs of this Nation. That is what we have come here today to rectify.

Political decisions made, whether it by vote counters or bean counters, do not hide the fact that today the United States lacks a capable bomber force to protect this country. This decision forced military planners to walk away from the most effective weapon in our arsenal to project force at the most effective cost. This decision does not hide the fact that should we accept the Kasich-Dellums amendment, that if we do, that we could fight the next Desert Storm with a 70-year-old bomber. Does anyone in this House want to run that risk? Does anyone in this House wish to rely on such weapons to protect our troops? Does anyone here want to protect this country with 70-year-old tanks or ships or planes? I do not think so.

We are retiring the F–117's that served us so admirably in Desert Storm. The B–1 was of no use in the last war. Why would anyone think in the next one we will be any more likely to require the service of the B–1? Finally, how much could we rely on the old B–52, the 70-year-old granddaddy of bomber fleet? We cannot.

I urge this House to proceed with the development and procurement of what will be one of the most critical assets we have to take with us into the next century. We have no other weapon that combines the precision of the stealth and the firepower of the B–2.

Mr. Chairman, I urge this body to reject this amendment and make a decision not based on political calculation, but on the necessity for the national security.

Mr. Chairman, earlier this year, seven of our former secretaries of defense carefully crafted and delivered a letter to President Clinton. That letter was in support of continued production of the B–2 stealth bomber.

The letter said:

> We are writing you to express our concern about the impending termination of the B–2 bomber production line. After spending over $20 billion to develop this revolutionary aircraft, current plans call for closing out the program with a purchase of only twenty bombers. We believe this plan does not adequately consider the challenges to U.S. security that may arise it the next century, and the central role that the B–2 may play in meeting those challenges.

The letter goes on to discuss the nation's long-range bomber force: 95 B–52's that are all over 30 years old, and 96 B–1's that were procured as an interim bomber until B–2's were available. This, the secretaries said, "is not enough to meet future requirements, particularly in view of the attrition that would occur in a conflict and the eventual need to retire the B–52's."

Former secretaries—Melvin Laird, Donald Rumsfeld, Caspar Weinberger, James Schlesinger, Harold Brown, Frank Carlucci, and Dick Cheney—end the letter by saying:

> The logic of continuing low-rate production of the B–2 thus is both fiscal; and operational. It is already apparent that the end of the Cold War was neither the end of history nor the end of danger. We hope it also will not be the end of the B–2. We urge you to consider the purchase of more such aircraft while the option still exists.

My esteemed colleagues, I concur with this well thought-out letter and the conclusions voiced by these gentlemen.

Please join me in supporting continued production of the B–2 stealth bomber.

Mr. SKELTON. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Chairman, on 10 May, flying a flack suppression mission just south of Hanoi, 35 aircraft went in to strike with cluster bombs to knock out SAM's and AAA's. We lost four F–4 *Phantoms* on that strike. Two of those air crews did not come back. Our B–52's over Hanoi, we lost hundreds of air crew, and what price do we put on that?"

Not one single Member that has fought in combat in the air has supported this amendment because they know the value and the expense of human life. And, yes, there is life at risk. Remember when we hit Qadhafi and we had to rely on Margaret Thatcher to launch out of England? We even had to fly around our allied bases. We would not have to do that.

Remeber when Saddam Hussein in his last foray came across and the President had to deploy three carrier air battle groups? Do you know what that cost was? Billions of dollars. You have the threat of a B–2, you will not need those forces to strike there. It will prevent it, and it will save times.

Mr. DELLUMS. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, first, I would like to say in response to my distinguished colleague from California, that is precisely the argument that this gentleman is making, an argument that was made in the independent bomber study. Precision guided munitions in the stand-off mode does not allow the plane or the pilot to be vulnerable. That is exactly the point.

The gentleman waxed eloquently in support of the argument that this gentleman makes, and that was eloquently argued by the Institute for Defense Analysis.

If you are talking about saving lives, it is not about building the B–2, it is about expanding the inventory of the precision guided munitions.

Mr. SKELTON. Mr. Chairman, I yield 3 minutes to the gentleman from Washington [Mr. DICKS].

Mr. DICKS. Mr. Chairman, first of all, everybody, I believe the Cominsky study was fatally flawed when it said we are going to have 14 days of warning. We did not have 14 days at Pearl Harbor. We did not have 14 days in Korea. We did not have 14 days in Desert Storm and Desert Shield. What we are talking about tonight is real value. The stealth bomber, with smart conventional weapons, can be enormously effective.

Look at this comparison. On that side of the chart we have bombers with unguided munitions versus what we can do with the B–2. And this package over here, 76 air crew at risk, 37 aircraft, could not get the job done, because they were nonstealthy. The F–117's in the gulf war could go into the targets, knock out the most heavily defended targets, and our kids came back alive.

When we are talking about stealth technology, it means with a bomber like the B–2 you can go a third of the way around the world and attack Saddam's division coming in. The Rand study showed that with the B–2 and the centrifuged weapon, three B–2 companies could have knocked out 46 percent of Saddam's mechanized vehicles before they got into Kuwait. Now, that is enormous, revolutionary capability.

The gentleman talks about stand-off weapons, but he does not tell you that those stand-off weapons cost $1.2 million apiece. The weapons on the B–2 JDAM cost $25,000. A precision guided munition, 40 times as expensive. That is why it makes sense to buy the B–2, and now is the time to buy it. The line is open. If we shut the line down and come back to it, it is going to cost $10 billion just to reopen the line. That does not make any sense.

Then you have got the cost of these expensive stand-off weapons. You have got to think about it, who are we sending out there? We are sending our own kids. Wouldn't you rather have the kids in a B–2 or in the F–117 or a stealth aircraft, rather than having them go in with a B–1 or B–52 that is going to get shot down? They are nonstealthy. They cannot penetrate. And that is why it is an ineffective bomber force. Eight secretaries of defense, including Dick Cheney, who made the decision to take it to 20, wrote President Clinton not to shut down this line.

This is the most important defense vote we are going to make. If you want to reorganize priorities in the defense budget, let us do it. Let us get rid of some of these things over here that cannot get the job done, and buy the new weapon with the new technology that can get it done. That is what we are talking about here. We are talking about advanced technology that will save American lives, and actually will save dollars too. Because if we do not do it, we are going to pay a terrible price in life and in loss of bombers because they are not stealthy.

Mr. STUMP. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. HUNTER], the chairman of the Subcommittee on Military Procurement.

Mr. HUNTER. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I think it is important for us to recognize why we should spend 1 percent of the defense budget each year on B–2's.

Mr. Chairman, we are back where we started. We look at last week's Time Magazine and we see Scott O'Grady on the front of it. This is why we started this program. Because in Vietnam we lost 2,300 Scott O'Gradys, and we lost them to the most important revolutionary technology development in this century in war fighting, the radar.

□ 2000

That radar, when coupled with surface-to-air missiles, took down thousands of American planes in Vietnam. But we are the Americans. We say we are creative. We are innovative. And we got together, Democrats and Republicans, on the political side, our best scientists throughout this country, and we built an aircraft that could evade the SAM missiles and could be invisible to the radar. And that is what the B–2 is. And because of that, as the gentleman from Washington has said, one

B-2 bomber can knock out the same 16 targets that it takes 75 conventional aircraft to knock out.

We have got one question to ask ourselves tonight, in fact, in a couple of minutes you will make a very important vote. Because there are young men and women out there now training to be bomber pilots. You are going to make a decision as to whether or not they are flying a 40-year old aircraft, the B-52, or whether they are flying an aircraft that will protect them. If you say no, for the first time in this century we are telling our young people, we invented a technology that would protect you in wartime but we are not going to give it to you because it is too expensive.

Vote for peace through strength. Vote for an affordable program. Vote for the B-2.

The CHAIRMAN. The Chairman will advise that the gentleman from Ohio [Mr. KASICH] has 9 minutes remaining, the gentleman from California [Mr. DELLUMS] has 5 minutes remaining, the gentleman from Arizona [Mr. STUMP] has 4 minutes remaining, and the gentleman from Missouri [Mr. SKELTON] 3½ minutes remaining.

The order for closing will be, first, the gentleman from California [Mr. DELLUMS], then the gentleman from Missouri [Mr. SKELTON], then the gentleman from Ohio [Mr. KASICH], and the gentleman from Arizona [Mr. STUMP] has the right to close.

Mr. KASICH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let us tell the story of the B-2 bomber. First of all, in regard to Scott O'Grady, we would not be flying B-2 bombers over Bosnia now in place of an F-16. That is just flat out never the kind of procedure we would use.

But let me go on and talk about the history, the story of the plane. Five years ago I went to a briefing to try to figure out what the B-2 bomber was all about. It was a tremendously shrouded program, and we did not find out about it until we invested a ton of money. I was in the top secret briefing, and I found out what the purpose of B-2 was. The B-2 was to be used to fly around in the Soviet Union in the middle of a nuclear war looking for things to bomb. Now, you have to hear that. We were going to fly the B-2 into the Soviet Union in the middle of a nuclear war to bomb things. That was the purpose of the B-2.

At the time, I said, first of all, I could not conceive of flying the plane around in the middle of a nuclear war. But, second, I said, if you need to hit targets, hit them with standoff weapons. You are familiar with them. You saw them in the war against Saddam. We did not put our pilots at risk. We stood outside danger, and we used smart weapons to fire in. That is precisely the option that the Pentagon is seeking right now. They do not want to put pilots at risk. They want to have pilots out of danger, using precision guided munitions at much cheaper prices.

So I said, why do we need to have the B-2? And we started this fight. And they went from about 165 of them down to about 130. I was down at about 13 with a bipartisan coalition of Republicans and Democrats. Three years ago, Dick Cheney calls me up. And he says, JOHN, I cannot use 13. I would like to have 20. Frankly, I do not even want the plane. That is what he told me on the telephone. He said, But I want to go to 20, because that will give me a force that I can use and a force that I need, and we can wrap up the program.

And I said, Why do you not wrap it up at 13? He says, Well, I mean, I just think we ought to do 20.

I came back here. I talked to the gentleman from California [Mr. DELLUMS]. He said no; I said yes. We ended up reaching a deal on 20 B-2 bombers.

Now, last Congress, we come back. In the Committee on Armed Services, they say, We need to build more B-2s. I said in the conference committee. Wait a minute, a deal is a deal. Cheney said he wanted 20. Why would we build any more?

And they said to me, that was then and this is now. And this is a new Congress. So we got this big fight.

So guess what the agreement was? The agreement was to have the Pentagon commission an independent bomber study. The independent bomber study was to assess whether we had enough bombers in order to carry out our mission. That was its purpose, to find out whether we would have the strongest and most efficient national defense.

I opposed the bomber study. Do you know why? Because I thought it was a fait accompli that they would come back and tell us to build more bombers. Mr. DELLUMS said, no, we ought to go with it. We changed the language. And I said, fine, let us do a bomber study, we will see how it will come out.

So we trusted the last group in the Pentagon over the last 2 years to do this bomber study. And that was to define what we should do today. So guess what? We did a bomber study, commissioned independently by a very well-respected group. I have got the study right here.

Do you know what they say? We do not want any more B-2s. We want to fix the B-1. We think it is a good plane. We want to buy more smart weapons. And we think there is more effective and efficient ways to manage the building and provide for the strongest national defense. The independent bomber study that was commissioned to tell us what to do says, do not buy any more.

Then I get a letter from the vice chairman of the Joint Chiefs of Staff, Admiral Owens, nobody's lackey. In fact he has been profiled as perhaps the best 21st century thinker. And Admiral Owens came to see me and he said, we do not want any more B-2s.

So we have got the vice chairman of the Joint Chiefs of Staff who says, We do not want the B-2. Then we find out that the chairman of the Joint Chiefs of Staff, the chief military officer of the services says, I do not want the B-2. I can have more effective use of resources.

And then we heard from people who I consider to be absolutely critical, the CINCs. The CINCs are the commanders in the field. They are the ones that fight the wars. And the CINCs are in unanimous agreement with the bomber study and in unanimous agreement with the chairman of the Joint Chiefs of Staff and the vice chairman of the Joint Chiefs of Staff. And do you know what they say? We do not want any more B-2s. We have better ways to do it.

Then we had the Secretary of Defense who came to see me and he said, do not put these white elephants in my budget, because if you do, you keep me from buying the things I need such as, the C-17 for transport, the F-22 advanced fighter program, the helicopters, and the issue that everybody has been so worried about, readiness. What he said to me is, do not force me to spend money on a program I do not want. I have better ways to secure national security and have efficiency in the way I do things. Do not handcuff me. And, of course, we have the heavy bomber study that says, we do not need this.

Now, we have seen a chart that talks about what the two B-2s deliver you. Let me show you the chart. What is left off of the chart is the fact that it is not just two B-2s that you have to do, but you have to have all this support aircraft. And you see all these weapons up here. They are already paid for. The gentleman from Washington [Mr. DICKS] said we should get rid of all these weapons.

First of all, I do not agree with that. Second, we are not going to do it. So if we build the 2 B-2s, we have to provide all the support, including more people, more costs, more air refuelers, and it costs us an additional $2.4 billion.

Now look, this is not my view alone. I did not come up with this idea that we should get rid of it. It is just that I cannot find anybody in a uniform who is at any kind of ranking level in the building that says they want the plane.

Now, I can remember when the Republicans used to criticize the Democrats for buying weapons systems that the Pentagon did not want. And the Pentagon is saying, let us fix the B-1. Let us use precision guided munitions, do the 20 B-2s, and the B-52s are fine in a standoff role. In fact, they are going to be used until about the year 2015. But what we have done is we have added a $38 billion program.

Now, this is the heavy bomber study. Do you know what it says? The planned force can meet the national security requirements of two simultaneous regional conflicts without the B–2, the current force with the 20. Additional quantities of accurate guided munitions are more cost-effective than procuring 20 additional B–2s. It says, let us buy the standoff precision-guided weapons. It will be better for us than buying B–2s. Frankly, it will save us a ton of money. In fact, it will allow us to not have to put other systems at risk.

I am going to tell you in the House that if you are for C–17 and you are for F–22 and you are for helicopters and you are for readiness, at the end of the day when you add this big chunk of money in there, you have got a problem.

Now, finally, the other point is, we are going to be making a lot of hard choices in this House. We have already made a lot of hard choices in this House. And I have got this very high rating in national security, about 100 percent. But I consider myself to be a cheap hawk.

I deeply respect the Members of this House who feel passionately on the other side. That is what debates are all about. But my sense is, when I am faced at looking at the chairman of the Joint Chiefs, the vice chairman of the Joint Chiefs, the commanders in the field, the Secretary of Defense, the independent bomber study, all of which says, do not spend the money, how the heck can I come out here on the floor and vote to spend the money when I have got to balance the budget by 2002 and guarantee that we have a defense that is ready, a defense that is efficient?

And I would maintain that by lobbying this big chunk of money in there, we undercut our ability to do the things, the building blocks of defense that will guarantee the security of our forces.

Support the Kasich-Dellums amendment. Save money, balance the budget. Provide for a strong national defense.

Mr. DELLUMS. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Hawaii [Mr. ABERCROMBIE].

Mr. ABERCROMBIE. Mr. Chairman, I seldom disagree with the ranking member of the Committee on National Security, the gentleman from California [Mr. DELLUMS], but he said that this is one of the most important votes. And I would like to say that this is the most important vote that is going to be made on not just this budget but the whole budget proposal.

The gentleman from Ohio [Mr. KASICH] has made it very clear, and I am in a good position to talk about this, because Mr. KASICH knows that I told him early on in this process, JOHN, one of the reasons I respect you, and I say this to the whole House, is that you are not only honest and sincere, but you bring forward what you really believe in and you back it up. I said, what is going to happen is, everybody is going to stand up and cheer, which is what has happened, everybody is going to give you the accolades. And then they are going to stiff-arm you. As soon as it comes to spending the bucks to make the money, they are going to come right in and they are going to give it to you. And where they are going to do it is in defense, and they are going to do it right with the B–2 bomber.

I tell you this: If you do not pass the Kasich-Dellums amendment, if you oppose this amendment, you are sticking a knife in the heart of the fiscal budget proposal that Mr. KASICH put forward and that everybody, so many Members, Democrats and Republicans, have applauded. It is one thing to stand up and cheer for the gentleman from Ohio [Mr. KASICH] and tell him, you did the job, buddy. I am going to be there for you, unless, of course, I have to disappear, which is what is happening now.

This is a test of integrity in budgeting. This is a glide path, not to a balanced budget, this is a glide path to balanced budget oblivion. That is what you are heading for. You can put up charts until you choke. And what is going to happen in the end, if Kasich-Dellums fails. That means that you are not going to have a balanced budget. You will be doing ballet with the books is what you are going to do. You are going to have to spend, as Mr. KASICH will tell you and any honest person will tell you, you are going to have to spend 40 percent of your defense outlays in the next budget cycle as it comes up in order to take care of this B–2.

□ 2015

If Members listen to people tonight, they would think there were not any B–2's. We are going to have to have a dozen and a half. We are going to be building B–2's and we are going to be putting people to work into the next century, right now. They said 20 that are coming up. We have not even taken delivery on half a dozen. We still have to get up to the number 20.

It is not $553 million we are voting on. Members know very well that it is $31 billion we are talking about, that we are not going to be able to find in defense. We are going to have to take it out of readiness, we are going to have to take it out of quality of life, out of operations and maintenance.

We have been told over and over again we have to make tough choices, tough choices within every category. We are telling kids they have to make tough choices, elderly people they have to make tough choices. We have to make tough choices in defense, as well.

The gentleman from Washington [Mr. DICKS] says we need to make those tough choices, so everyone is saying that. There is nothing tough about this. If Members do not back the gentleman from Ohio [Mr. KASICH], and Members do not back the gentleman from California [Mr. DELLUMS], they are not backing the basic budget proposal that has been put forward about balancing the budget, and they are giving the gentleman from Ohio, JOHN KASICH, all the accolades, and giving him the shaft on the actual budget.

Mr. STUMP. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. LEWIS].

Mr. LEWIS of California. Mr. Chairman, I appreciate the work of my Chairman. I very much want to rise in support of the B–2 long lead.

Mr. Chairman, I rise today to draw my colleagues' attention to an important issue which will shortly be decided by this House: namely continue acquisition of the B–2 stealth bomber.

My friends, we are witnessing a revolution in air warfare. The advent of stealth has changed the way we think about this important facet of our Nation's defense. In the 1940's, the introduction of radar saved a beleaguered England from a numerically superior German air onslaught. That single technology gave the Royal Air Force the edge that made all the difference.

We are there again, only this time the need is to foil the radar and protect our aircraft. Stealth is that new technology. The value of this new stealth capability was evident in the gulf war with the F–117. The F–117 production line is already closed. The B–2 bomber takes this technology one major step further.

With its large payload, long range and precision weapons, the B–2 can fly farther, carry more, and destroy targets with greater accuracy than any other aircraft. For example, a force of 32 B–2's, loaded with modern weapons, could have engaged as many targets on the first day of the Persian Gulf war as the 1,263 aircraft that were used. This is an amazing fact.

The B–2 will save lives. It will conserve resources in the long run, and it will create a capability that resides only in support of U.S. military forces.

This body has always followed the philosophy that U.S. soldiers, sailors and airmen must be sent in harm's way fully prepared and equipped for victory. Now is not the time to reverse that philosophy.

As a member of the Intelligence Committee and the Appropriations subcommittee that handles Defense, I could never in good conscience vote to close the only bomber production line in this country, especially one as advanced as the B–2.

Proponents of this amendment state that we can't afford to keep the only bomber production line in this Nation open. Let me assure you, for our sons and daughters, our grandchildren and great-grandchildren, for pilots like Scott O'Grady, we can't afford not to. Vote no on the Dellums-Kasich amendment.

Mr. STUMP. Mr. Chairman, I yield 2 minutes to the gentleman from Oklahoma [Mr. WATTS], a member of the committee.

Mr. WATTS of Oklahoma. Mr. Chairman, the chairman and members of the Committee on National Security have clearly set sights on supporting the B-2 in the fiscal year 1996 defense authorization bill. We have worked within the Committee on the Budget's target and come up with a bill that gives this Congress its first opportunity to deliver on the promise of revitalizing our national defense.

A critical part of this bill is its call for long lead funding needed to probably acquire an additional 2 B-2's. The amendment we have before us asks to strike that funding. Mr. Chairman, under normal circumstances I would be more than willing to take the Defense Department's word on a military force structuring decision. In the case of the B-2, there is an overwhelming amount of contradictory evidence.

Originally I planned to base my B-2 decision on the results of the heavy bomber force study, but after seeing assumptions and methodology, something is wrong. Assumptions like 14 days of buildup time, does anyone really believe an aggressor would just sit back, give us 14 days to deploy our fighters, then attack? I do not think so. To wait would be suicide. We know it and they know it.

I believe it was Under Secretary Kaminsky who said that B-1's and B-2's need fighter escorts to do the job. When I heard this, I was baffled. The B-2 is the first fighter weapon of choice that can be counted on in the war we are most likely to fight.

I challenge each of the Members to think about the direction the world is going, the disorder around us. The notion that we are safe or war is less likely should be dismissed. The reality is the enemies' names may have changed, but they are still there.

Mr. Chairman, chemical weapons, nuclear weapons, are available, and we must have the ability to counter that threat. The B-2 and its technology must be acquired while it is within our economic grasp. This is our only chance to harness the B-2's revolutionary capabilities, capabilities that because of who we are and what we stand for, will benefit the entire world.

Proponents of this amendment state that we cannot afford to keep the only bomber production line in this Nation open. Let me assure the Members, we need the B-2. Let us not drop the ball on this one. I urge a no vote on this amendment.

Mr. DELLUMS. Mr. Chairman, would the chair remind this gentleman as to the remaining amount of time?

The CHAIRMAN. The gentleman from California [Mr. DELLUMS] has 2 minutes remaining. The gentleman from Missouri [Mr. SKELTON] has 3½ minutes remaining. The time of the gentleman from Ohio [Mr. KASICH] has expired, and the gentleman from Arizona [Mr. STUMP] has 2 minutes remaining, and is entitled to close.

Mr. DELLUMS. Mr. Chairman, I yield myself the remaining 2 minutes to close on this side.

Mr. Chairman, I would like to make several quick observations as I have tried to listen to my distinguished colleague. I would say to my friend, the gentleman from Oklahoma, the newspaper says 14 days. It will take 14 years to build the next 20 B-2s.

The second point, the argument from the gentleman from Louisiana regarding these 50-some-year-old weapon systems, we are building 20 B-2s at this point. Work is still out there. We have B-1 bombers that we are equipping. That is one of the stealthiest weapons in the world. We spent $24.5 building the B-1 and nobody has seen it since. It is a weapons system that we cannot deal with.

My next argument is this question of preserving the industrial base, as if in some way we do not build anymore B-2s, the bombers' industrial base will go away. The people that build the B-2 did not build the B-1. The people that built the B-1 did not build the B-52. The people that built the B-52 did not build the B-29 and the B-17. There has been no contractor that built the successive bomber. This is about preserving the industrial base of the B-2 bomber, not the bomber.

Mr. Chairman, we have the aircraft industry out there that would run through this wall to get B-3 contracts. It is not about the industrial base, it is about the B-2. It is a plane that we do not need, nobody wants, except people that will benefit from it. It is not a plane that we need for our national security. It does not speak to the health and safety of our troops. It is a $31.5 billion walk down a road, when we are wreaking havoc on the American people. It is a weapons system we can reject.

I urge Members to support the amendment. I am proud of the gentleman from Ohio [Mr. KASICH] for his eloquence and his articulate presentation that would warrant all of us to oppose this B-2 bomber.

Mr. SKELTON. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, my friend and colleague, the gentleman from California [Mr. DELLUMS], says that the only people who want this will be the people who benefit from it. I say to each of the Members that every American benefits from national defense. Every American benefits from the strongest national defense our country can provide. Those who say that they are for a strong national defense, but are against the most sophisticated, highly-technical weapons system that no one else can produce except us, causes me to wonder.

Then my good friend, the gentleman from Ohio [Mr. KASICH], said who is for it. He overlooked the most important airplane pilot, recently retired, but while he was on active duty, General Mike Lowe. He said "My assessment says we need 30 or 40 more bombers to make things work out about right, so we don't have to stretch the bomber force in 2 major regional contingency scenarios."

We should think of this with reason. We should not let emotion make this decision. This discussion is based upon a flawed study, and I compliment the gentleman from Oklahoma [Mr. WATTS] who pointed that out. The study, the bomber study, assumes we have a 14-day waiting period, warning period, time in which we can get ready and put our entire 60-some-odd aircraft in the theater.

I will remind Members that Poland was invaded in 1939 without warning. I will remind Members that Pearl Harbor was attacked on December 7, 1941, without warning. South Korea was invaded in June, 1950, without warning. The Berlin wall went up in 1961, without warning. More recently, in Kuwait, Saddam Hussein came into their country without warning.

Mr. Chairman, we have a weapons system that can make air power something necessary, something that can make America extend its defensive systems without warning. The B-2 can be deployed across the globe within hours. Under the cloak of stealth, the B-2 can deter and repel an armored attack better than any other defense system, while putting only 2 American servicemen at risk. I ask my colleagues what our response would have been in Kuwait in absence of time to position our forces?

Mr. Chairman, a bipartisan group of 7 former Defense secretaries, including Harold Brown and Dick Cheney, made the case in a letter to President Clinton in January: "The B-2 remains the most cost-effective means of rapidly protecting our force over great distances. Its range will enable it to reach any point on the earth within hours after launch while being deployed at only 3 secure bases around the world. Its payload, an array of munitions, will permit it to destroy numerous time-sensitive targets in a single sortie."

Mr. Chairman, I oppose the Kasich amendment, and I hope people will vote against it.

Mr. STUMP. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Chairman, former House Member and conference Chairman Dick Cheney wants a "no" vote on this amendment, and so do I. Members are playing into the hands of those that want to gut our defense. Vote "no."

Mr. STUMP. Mr. Chairman, I am happy to yield the balance of my time to the gentleman from Texas [Mr. ARMEY], the distingished majority leader, to close debate on this side.

The CHAIRMAN. The gentleman from Texas [Mr. ARMEY] is recognized for 2 minutes.

Mr. ARMEY. Mr. Chairman, let me preface my remarks by expressing my deep appreciation for the framers of this amendment. I have always found the gentleman from California [Mr. DELLUMS] to be one of the finest and most honorable men in this Chamber, and I continue to do so, and my cap, as always, is off to him.

The gentleman from Ohio, JOHN KASICH, is a ball of energy and a commitment that is always heartfelt and a sincerity that is always obvious. We saw that most recently on the budget, and the gentleman from Ohio, JOHN KASICH, saw us through on the budget.

However, Mr. Chairman, this is not about the budget. This armed services bill conforms to the requirements of the budget we passed just a few short weeks before. This is about the defense of our Nation and the safety and the security of our children for years to come.

I have to tell the Members, I have only one basis by which I would judge any acquisition of any military equipment in this country now and ever, and that is does it keep my children safe in a hostile world. While we ensure the safety of our children and the security of our Nation, can we do so in such a way as to put the minimal number of people at the minimal risk while they have a maximum chance to fulfill a diversity of missions successfully, at a minimal cost.

That is what I have found in the B-2. The B-2 does, for me and for my children's future, and for my Nation, and for my Nation's Treasury, everything I can ask of a weapons system. This is truly, Mr. Chairman, a flying miracle for the future. It is something we ought to be very, very serious about.

We think too many times in terms of the high drama and the glamour of the Stealth, but I would submit, it is the range of the B-2 and it is the diversity of mission capability, bolstered by that stealth, that makes the successes more obvious, more readily apparent, and the safety of the men and women that would man this piece of equipment more secure. That is what we must treasure and find precious here.

Mr. Chairman, finally let me say, yes, cost is important, but we cannot look at the initial acquisition cost of this or any other weapon. One must look at the lifetime deployment cost, and over the lifetime of this weapon, we get a greater diversity of mission, opportunities to be deployed to save this Nation, at a lower cost and with a minimal amount of men and women at risk, and a minimal amount of support to the mission than we can get from anything else available.

□ 2030

We must vote "no" on the Kasich-Dellums amendment, irrespective of how much affection we have for both gentleman, how much appreciation for the sincerity of their purpose. We must cast this vote for one purpose and one purpose alone, the safety of our children and the security of people who keep them safe. That is our only basis.

Finally, let me close with this observation. I do not care and I implore Members, do not care where jobs will be found. Jobs will pass; a nation's security must be forever.

I thank the gentlemen who have participated in this debate and allowing me to close.

Mr. EMERSON. Mr. Chairman, I rise in strong opposition to the amendment offered by my colleagues, Mr. KASICH and Mr. DELLUMS, for fear that it will compromise the ability of this Nation to mount an effective bombing strike in the case of war. This amendment threatens our security and stability because it would deprive our armed forces of the necessary tools they need to ensure a quick and sure victory.

The end of the cold war did not mark the end of aggression in the world. Recent events only seem to underscore the necessity for our country to maintain a sense of readiness to defend our interests abroad and to preserve democracy throughout the world. The war in the gulf proved to be an excellent example of the effectiveness and precision of stealth aircraft, and it demonstrated that American technology remains unmatched in the world. To deprive us of this capability now would send a signal to other countries that America is no longer willing to go to war to fight for what we believe in. This amendment in effect will reduce our deterrent throughout the world.

The spread of nuclear weapons has become a source of much speculation and fear. Unless America has the capability to unilaterally strike a terrorist nation that may have a nuclear weapon, we are inviting the proliferation of those weapons. The stealth bomber gives us that capability. Considering the aging fleet that we currently have, the B-2 may soon be the only real long-range bomber in our arsenal. If we choose to close the only bomber production line currently open, the costs to reopen that assembly later on would be high. It makes no sense to close an assembly line producing our only long-range bomber when we know we will eventually have to open it again down the road.

The B-2 is not a high-priced techno-gadget; in fact, one pair of B-2 bombers can actually do the work of 75 other aircraft. Buying more of the stealth bomber makes a lot of economic sense, because it does the job with more bang for the buck!!! In a time of military downsizing, nothing illustrates the idea of a smaller, more efficient military that retains its muscle than this aircraft. It is imperative that we keep it.

More importantly, the B-2 keeps Americans out of harm's way. The recent events in Bosnia must have convinced us that our pilots should be protected as much as possible. Since the B-2 is a long-range bomber, it can be launched from distances far from the threats of the enemy. Also, the stealth capabilities of this bomber ensure that the crew will remain safe. Finally, only two people are required to fly this magnificant aircraft, which minimizes the number of American pilots required to go into combat.

Mr. Speaker, when one looks at the benefits of this aircraft and the military needs of our country, it is an easy decision to support the continued production of the B-2 bomber. I hope that my colleagues on both sides of the aisle will realize that in this point in history, America cannot afford to ignore the need for a strong national defense. The United States must maintain her superiority in weaponry to ensure peace into the 21st century. With that in mind, I stand in firm opposition to the amendment.

Mr. CONYERS. Mr. Chairman, I rise in strong support of the amendment being offered by my distinguished colleagues, Mr. DELLUMS and Mr. KASICH, and I ask permission to revise and extend my remarks. I never cease to be amazed how this Congress has been obsessed with cutting government yet it refuses to confront government's most obvious excesses. The B-2 bomber is a perfect example of this absurd double standard.

The B-2 is a cold war relic designed to fight a now nonexistent Soviet Union. The General Accounting Office conducted a comprehensive study of the B-2 program over 2 years and found that the Soviet air defense threat that the B-2 was supposed to circumvent was never even deployed.

Why are we fighting this ghost of an enemy? Because we can't quit our irrational addiction to military spending. The 20 additional B-2's that are proposed will cost an astounding $31 billion according to the Air Force. I will add, as if it were of little consequence, that the Air Force does not even want this plane. So who does? Perhaps it's the Northrop Grumman Corporation that has told America that it will cost one-third of the Air Force's estimates.

The Chairman of the Joint Chiefs of Staff has said this plane is unnecessary. The Secretary of the Air Force, Sheila Widnall, said last fall "Every program we have in the budget is a higher priority" than the B-2. The Department of Defense hasn't asked for them. Two independent studies have concluded that our military needs are better met through other means. So why are we funding it?

Many people think its worth voting for just because it will create jobs. But we all know that $31 billion spent in education, transportation, or construction creates far more jobs, as the Congressional Research Service found in a study it conducted. Not only does nondefense investment create more jobs, it creates better jobs through a lasting investment in our children and for our country. We'll never have a secure Nation until we stop using national security so loosely, and begin talking about real national security that includes real economic security. The GAO concluded in its study that buying more B-2's would be "complex, time consuming and extremely costly." Well, I maintain that it's not just costly because it's money spent, it's extravagant because that money should be better spent.

I think we're calling this the long-range bomber because it's going to cost an arm and a leg in the long range. Let's leave the "bat plane" for the movies, and calculate our investments according to our real economic and military needs.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Ohio [Mr. KASICH].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. KASICH. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 203, noes 219, not voting 12, as follows:

[Roll No. 370]

AYES—203

Abercrombie
Andrews
Bachus
Baldacci
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Barton
Bass
Becerra
Beilenson
Bereuter
Bilbray
Blute
Bonior
Brown (OH)
Brownback
Bryant (TN)
Bunn
Burr
Camp
Cardin
Castle
Chabot
Christensen
Clay
Clayton
Clement
Coble
Coburn
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Costello
Coyne
Cremeans
Danner
DeFazio
DeLauro
Dellums
Deutsch
Dickey
Dingell
Doggett
Doyle
Duncan
Durbin
Ehlers
Engel
English
Eshoo
Evans
Farr
Fattah
Flake
Flanagan
Foglietta
Foley
Ford
Frank (MA)
Franks (NJ)
Furse
Ganske
Gejdenson
Gibbons
Goodlatte
Goodling
Gordon
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hamilton
Heineman
Hoekstra
Hutchinson
Jacobs
Johnson (SD)
Johnston
Kanjorski
Kaptur
Kasich
Kennedy (MA)
Kennelly
Kildee
Kingston
Klink
Klug
Kolbe
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (GA)
Lincoln
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney
Markey
Martini
Mascara
McDermott
McHale
McInnis
McKinney
McNulty
Meehan
Menendez
Mfume
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Morella
Nadler
Neal
Ney
Nussle
Oberstar
Obey
Olver
Orton
Owens
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Peterson (MN)
Petri
Porter
Portman
Poshard
Pryce
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Reynolds
Riggs
Rivers
Roemer
Ros-Lehtinen
Roth
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sanford
Sawyer
Schroeder
Schumer
Sensenbrenner
Serrano
Shadegg
Shays
Shuster
Sisisky
Skaggs
Slaughter
Smith (MI)
Smith (WA)
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Torkildsen
Towns
Upton
Velazquez
Vento
Waldholtz
Wamp
Watt (NC)
Waxman
Weldon (PA)
White
Wise
Woolsey
Wyden
Wynn
Zeliff
Zimmer

NOES—219

Ackerman
Allard
Armey
Baesler
Baker (CA)
Baker (LA)
Barr
Bartlett
Bateman
Bentsen
Berman
Bevill
Bilirakis
Bishop
Bliley
Boehlert
Boehner
Bonilla
Bono
Borski
Brewster
Browder
Brown (CA)
Brown (FL)
Bryant (TX)
Bunning
Burton
Buyer
Callahan
Calvert
Canady
Chambliss
Chapman
Chenoweth
Chrysler
Clinger
Clyburn
Coleman
Collins (GA)
Cooley
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Davis
de la Garza
Deal
DeLay
Diaz-Balart
Dicks
Dixon
Dooley
Doolittle
Dornan
Dreier
Dunn
Edwards
Ehrlich
Emerson
Ensign
Everett
Ewing
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Forbes
Fowler
Fox
Franks (CT)
Frelinghuysen
Frisa
Frost
Funderburk
Gallegly
Gekas
Geren
Gilchrest
Gillmor
Gilman
Gonzalez
Goss
Graham
Green
Hall (TX)
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hyde
Inglis
Istook
Jackson-Lee
Jefferson
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones
Kelly
Kennedy (RI)
Kim
King
Knollenberg
LaHood
Laughlin
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
Longley
Lucas
Manton
Manzullo
Matsui
McCarthy
McCollum
McCrery
McDade
McHugh
McIntosh
McKeon
Meek
Metcalf
Meyers
Mica
Mollohan
Montgomery
Moorhead
Moran
Murtha
Myers
Nethercutt
Neumann
Norwood
Ortiz
Oxley
Packard
Peterson (FL)
Pickett
Pombo
Pomeroy
Quillen
Richardson
Roberts
Rogers
Rohrabacher
Rose
Royce
Salmon
Saxton
Scarborough
Schaefer
Schiff
Scott
Seastrand
Shaw
Skeen
Skelton
Smith (NJ)
Solomon
Souder
Spence
Spratt
Stearns
Stockman
Stump
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torres
Torricelli
Traficant
Tucker
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Ward
Waters
Watts (OK)
Weldon (FL)
Weller
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOT VOTING—12

Archer
Boucher
Gephardt
Kleczka
LaFalce
Martinez
Myrick
Pelosi
Smith (TX)
Williams
Wilson
Yates

□ 2050

Mr. TAYLOR of North Carolina and Mr. ALLARD changed their vote from "aye" to "no."

Messrs. CHRISTENSEN, COBLE, and GORDON changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. WILLIAMS. Mr. Speaker, family difficulties kept me from being here for the vote on the Kasich-Dellums amendment on deleting money from the authorization for additional B–2's.

Had I been in attendance I would have voted "aye".

AMENDMENTS EN BLOC, AS MODIFIED, OFFERED BY MR. SPENCE

Mr. SPENCE. Mr. Chairman, I offer amendments en bloc, as modified.

The CHAIRMAN. The Clerk will designate the amendments en bloc and report the modifications.

The Clerk designated the amendments en bloc and proceeded to read the modifications.

Mr. SPENCE (during the reading). Mr. Chairman, I ask unanimous consent that the modifications be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The text of the amendments, as modified, is as follows:

Amendments en bloc, as modified, offered by Mr. SPENCE:

AMENDMENT OFFERED BY MR. MICA

At the end of subtitle C of title I (page 20, after line 25), insert the following new section:

SEC. 134. SONOBUOY PROGRAMS.

Of the amount provided in section 102(a)(4)—

(1) none of such amount shall be available for the AN/SSQ–53 (DIFAR) program; and

(2) $8,902,000 shall be available for the AN/SSQ–110 (EER) program.

AMENDMENT, AS MODIFIED, OFFERED BY MR. HANSEN

At the end of subtitle E of title I (page 22, after line 14), insert the following new section:

SEC. 153. ASSISTANCE FOR CHEMICAL WEAPONS STOCKPILE COMMUNITIES AFFECTED BY BASE CLOSURE.

The Secretary of Defense shall review and evaluate issues associated with closure and reutilization of Department of Defense facilities co-located with continuing chemical stockpile and chemical demilitarization operations. The review shall include analysis of the economic impacts on these communities and the unique reuse problems facing local communities associated with ongoing chemical weapons programs. The review should also include recommendations from the Secretary on methods for expeditious and cost-effective transfer of these facilities to local communities for base reuse or privatization. The Secretary shall submit to Congress a report on the review and evaluation not later than 90 days after the date of the enactment of this Act.

AMENDMENT OFFERED BY MR. HANSEN

At the end of title II (page 61, after line 2), insert the following new section:

SEC. 263. DEMILITARIZATION OF CONVENTIONAL MUNITIONS, ROCKETS, AND EXPLOSIVES.

Of the amount appropriated pursuant to the authorization in section 201 for the joint Department of Defense-Department of Energy munitions technology development program (PE 63225D), $15,000,000 shall be available for cooperative development and demonstration of processes that comply with applicable environmental laws for the demilitarization and disposal of unserviceable, obsolete, or nontreaty compliant munitions, rocket motors, and explosives. In carrying out such development and demonstration, the Secretary of Defense and the Secretary of Energy should consider a number of potential technologies, including super-critical water oxidation, molten metal pyrolisis, plasma arc, catalytic fluidized-bed oxidation, molten salt oxidation, incineration, critical fluid extraction and ingredient recovery, and underground contained burning.

AMENDMENT OFFERED BY MR. BATEMAN

Page 80, strike out line 21 and all that follows through line 17 on page 81, relating to section 335 of the bill (termination of overseas living quarters allowances for nonappropriated fund instrumentality employees), and insert the following new section:

SEC. 335. LIMITATION ON PROVISION OF OVERSEAS LIVING QUARTERS ALLOWANCES FOR NONAPPROPRIATED FUND INSTRUMENTALITY EMPLOYEES.

(a) CONFORMING ALLOWANCE TO ALLOWANCES FOR OTHER CIVILIAN EMPLOYEES.—Subject to subsection (b), any overseas living quarters allowance paid from nonappropriated funds and provided to a nonappropriated fund instrumentality employee after the date of the enactment of this Act may not exceed the amount of a quarters allowance provided under subchapter III of chapter 59 of title 5 to a similarly situated civilian employee of the Department of Defense paid from appropriated funds.

(b) APPLICATION TO CERTAIN CURRENT EMPLOYEES.—In the case of a nonappropriated fund instrumentality employee who, as of the date of the enactment of this Act, receives an overseas living quarters allowance under any other authority, subsection (a) shall apply to such employee only after the earlier of—

(1) September 30, 1998; or

(2) the date on which the employee otherwise ceases to be eligible for such an allowance under such other authority.

(c) NONAPPROPRIATED FUND INSTRUMENTALITY EMPLOYEE DEFINED.—For purposes of this section, the term "nonappropriated fund instrumentality employee" has the meaning given such term in section 1587(a)(1) of title 10, United States Code.

AMENDMENT, AS MODIFIED OFFERED BY MS. DUNN OF WASHINGTON

Page 98, strike out lines 3 through 8, relating to section 359 of the bill (increase in commercial procurement of printing and duplication services), and insert the following new section:

SEC. 359. COMMERCIAL PROCUREMENT OF PRINTING AND DUPLICATION SERVICES.

Consistent with the requirements of title 44, United States Code, during fiscal year 1996, the Defense Printing Service shall competitively procure a minimum of 70 percent of its printing and duplication services.

MODIFICATION TO THE AMENDMENT, AS MODIFIED, OFFERED BY MR. SMITH OF MICHIGAN

Page 98, strike out line 22 and all that follows through line 3 on page 99, relating to section 361 of the bill (operations of Defense Reutilization and Marketing Service), and insert the following new section:

SEC. 361. PRIVATE OPERATION OF FUNCTIONS OF DEFENSE REUTILIZATION AND MARKETING SERVICE.

(a) SOLICITATION OF PROPOSALS.—(1) Not later than March 15, 1996, the Secretary of Defense shall solicit for the selected performance by commercial entities of those functions of the Defense Reutilization and Marketing Service, a unit of the Defense Logistics Agency, for which the Secretary determines that privatization would result in cost savings for the United States and the generation of additional revenues for the United States.

(b) REPORT ON RETENTION OF FUNCTIONS.—Not later than January 15, 1996, the Secretary shall submit a report to the Congress describing those functions of the Defense Reutilization and Marketing Service that the Secretary believes should be currently retained for exclusive performance by civilian employees of the Department of Defense or military personnel and the reasons why such functions should be so retained.

AMENDMENT OFFERED BY MR. EDWARDS OR MR. GILLMOR

Page 121, strike out line 3 and all that follows through line 23 on page 130, relating to section 384 of the bill (conversion of civilian marksmanship program to nonappropriated fund instrumentality), and insert in lieu thereof the following new section:

SEC. 384. CONVERSION OF THE CIVILIAN MARKSMANSHIP PROGRAM TO A FEDERALLY CHARTERED NONPROFIT CORPORATION.

(A) CORPORATION.—

(1) ESTABLISHMENT.—There is hereby established a private nonprofit corporation, to be known as the Corporation for the Promotion of Rifle Practice and Firearms Safety (in this section referred to as the "Corporation"), for the promotion of rifle practice and firearms safety.

(2) DUTIES.—The Corporation shall be responsible for the supervision, oversight, and control of the Civilian Marksmanship Program.

(3) MEMBERSHIP.—The Corporation shall have a board of directors consisting of nine members. Each member shall serve for a two-year term, except for four members of the initial board of directors, who shall serve a one-year term, and shall be eligible for reappointment. The private members of the National Board for the Promotion of Rifle Practice, as in existence on the day before the date of the enactment of this Act, shall forward nominations for membership on the initial board of directors of the Corporation to the governing body designated by the United States Olympic Committee for international rifle and pistol competition (in this section referred to as the "USOC designee") not later than 10 days after the date of the enactment of this Act. Unless the nomination is rejected by the USOC designee by written notification to the existing members of the National Board within 30 days of the nomination, the nominee shall be seated as a member of the board of directors of the Corporation. Members of the board of directors shall nominate individuals to fill subsequent vacancies within 10 days of the vacancy, with a right of rejection reserved to the USOC designee by written notification to the Corporation within 30 days of each nomination.

(4) DIRECTOR OF CIVILIAN MARKSMANSHIP AND STAFF.—The Corporation shall appoint a person to serve as the Director of Civilian Marksmanship, who shall be responsible for the day to day operations of the Corporation and the Civilian Marksmanship Program. Subject to the approval of the Corporation, the Director and civilian employees of the Corporation may enroll or remain enrolled without penalty or loss of credit in all pension and benefits programs available to civilian employees of the Department of Defense, the employer's contribution to be paid by the Corporation.

(b) SOLICITATION AND RECEIPT OF FUNDS.—

(1) IN GENERAL.—The Corporation and the Director may solicit, accept, hold, use, and dispose of, in furtherance of the activities of the Civilian Marksmanship Program, donations of money, property, and services received by gift, devise, bequest, or otherwise.

(2) USE OF PROCEEDS.—Amounts collected by the Civilian Marksmanship Program, including the proceeds from the sale of arms, ammunition, targets and other supplies and appliances, shall be used to carry out the Civilian Marksmanship Program.

(3) TRANSFER OF FUNDS.—Amounts available to the National Board for the Promotion of Rifle Practice as of the date of enactment of this Act from rifle sales programs and from fees in connection with competitions sponsored by that board shall be transferred to the Corporation to carry out the Civilian Marksmanship Program.

(4) FEES CHARGED.—The Corporation may impose such reasonable fees as are necessary to cover the direct and indirect costs to the Corporation, for persons and gun clubs participating in any program or competition conducted under the Civilian Marksmanship Program for the promotion of rifle practice and firearms safety among civilians.

(c) RESPONSIBILITIES.—The Corporation, through the Civilian Marksmanship Program, shall provide for—

(1) the operation and maintenance of indoor and outdoor rifle ranges and their accessories and appliances;

(2) the instruction of citizens of the United States in marksmanship, and the employment of trained instructors for the purpose;

(3) the promotion of practice in the use of rifled arms and the maintenance and management of matches and competitions in the use of those arms; and

(4) the award to competitors of trophies, prizes, badges, and other insignia.

(d) YOUTH ACTIVITIES.—The Corporation, through the Civilian Marksmanship Program, shall give priority to activities that benefit firearms safety training and competition for youth and reach as many youth participants as possible.

(e) ELIGIBILITY.—

(1) AFFIDAVIT.—Before a person may participate in any activity sponsored or supported by the Civilian Marksmanship Program, the person shall be required to certify by affidavit the following:

(A) The person has not been convicted of any violation of section 922 of title 18, United States Code. The Director may require any person to attach certification from the appropriate State or Federal law enforcement agency to the person's affidavit.

(B) The person is not a member of any organization that advocates the violent overthrow of the United States Government.

(2) EFFECT OF CONVICTION.—A person who has been convicted of a violation of section 922 of title 18, United States Code, shall not be eligible to participate in any activity sponsored or supported by the Corporation through the Civilian Marksmanship Program.

(3) FURTHER LIMITATIONS ON PARTICIPATION.—The Director may limit participation as necessary to ensure quality instruction in the rifled arms, participant safety, and firearms security.

(f) ARMS AND AMMUNITION.—

(1) ISSUANCE.—The Corporation may issue, without cost, the arms, ammunition (including caliber .22 and caliber .30 ammunition), targets, and other supplies and appliances necessary for activities related to the Civilian Marksmanship Program. Issuance shall be made only to gun clubs under the direction of the Corporation that provide training

in the use of rifled arms to youth, the Boy Scouts of America, 4-H Clubs, Future Farmers of America, and other youth-oriented organizations for training and competition. The Corporation shall be responsible for ensuring adequate oversight and accountability for these arms and ammunition.

(2) SALE TO CLUBS.—The Corporation may sell at fair market value caliber .30 rifles and ammunition for caliber .30 rifles, .22 rifles, and air rifles to gun clubs that are under the direction of the Corporation and provide training in the use of rifled arms. In lieu of sales, the Civilian Marksmanship Program may loan caliber .30 rifles, .22 rifles, and air rifles to such clubs, but the Corporation is responsible for ensuring the oversight and accountability of such rifles.

(3) SALE TO INDIVIDUALS.—The Corporation may sell at fair market value caliber .30 rifles, ammunition, targets, and other supplies and appliances necessary for target practice to citizens of the United States over 18 years of age who are members of a gun club under the direction of the Corporation. Such sales are subject to applicable Federal, State, and local laws. In addition to any other requirement, the Corporation shall provide for a criminal records check of the person with appropriate Federal and State law enforcement agencies, and the Corporation shall not sell weapons or ammunition to a person who has been convicted of a felony or Federal or State firearms violation.

(g) OTHER DUTIES.—The Corporation shall provide for or assist in providing for—

(1) the procurement of necessary supplies, appliances, trophies, prizes, badges, and other insignia, clerical and other services, and labor to carry out the Civilian Marksmanship Program; and

(2) transportation of employees, instructors, and civilians to give or receive instruction or to assist or engage in practice in the use of rifled arms, and the transportation and subsistence, or an allowance in lieu of subsistence, of members of teams authorized by the Corporation to participate in matches or competitions in the use of rifled arms.

(h) AUTHORITY OF SECRETARY OF DEFENSE TO SELL SURPLUS ARMS AND AMMUNITION.—Subject to section 1208 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101-189; 10 U.S.C. 372 note), relating to the transfer of excess small arms and ammunition to support Government counter drug activities, the Secretary of the Army shall reserve for the Civilian Marksmanship Program all remaining M-1 Garand rifles, and ammunition for such rifles, held by the Army on the date of the enactment of this Act. After such date, the Secretary of the Army shall cease demilitarization of remaining M-1 Garand rifles in the Army inventory unless such rifles are determined to be irreparable by the Defense Logistics Agency. Any transfers of arms and ammunition to the Corporation under this section shall be made without cost to the Civilian Marksmanship Program, except that the Corporation shall assume the cost of preparation and transportation of the transferred rifles.

(i) LOGISTICAL SUPPORT TO CIVILIAN MARKSMANSHIP PROGRAM.—The Secretary of Defense, under such regulations as the Secretary may prescribe, may provide logistical support to the Civilian Marksmanship Program, for competitions and other activities conducted by the Corporation. The Secretary shall recoup only the incremental cost for this support from the Corporation. The National Matches may continue to be held at the current Department of Defense facilities as part of the support authorized under this section.

(j) REPEAL.—(1) Sections 4307, 4308, 4310, and 4311 of title 10, United States Code, are repealed.

(2) The table of sections at the beginning of chapter 401 of such title is amended by striking out the items relating to sections 4307, 4308, 4310, and 4311.

AMENDMENT OFFERED BY MR. GILMAN

Strike out section 563 (page 238, line 1, through page 271, line 19) and insert in lieu thereof the following:

SEC. 563. DETERMINATION OF WHEREABOUTS AND STATUS OF MISSING PERSONS.

(a) PURPOSE.—The purpose of this section is to ensure that any member of the Armed Forces, and any civilian employee of the United States or contractor of the United States who serves with or accompanies the Armed Forces in the field under orders, is accounted for by the United States (by the return of such person alive, by the return of the remains of such person, or by the decision that credible evidence exists to support another determination of the status of such person) and, as a general rule, is not declared dead solely because of the passage of time.

(b) IN GENERAL.—(1) Part II of subtitle A of title 10, United States Code, is amended by inserting after chapter 75 the following new chapter:

"CHAPTER 76—MISSING PERSONS

"Sec.
"1501. System for accounting for missing persons.
"1502. Missing persons: initial report.
"1503. Initial board inquiry; actions of theater component commander and head of the agency.
"1504. Subsequent board inquiry; actions of head of the agency.
"1505. Further review.
"1506. Personnel files.
"1507. Recommendation of status of death.
"1508. Judicial review.
"1509. Persons previously declared dead.
"1510. Procedures applicable in case of civilians.
"1511. Return alive of person declared missing or dead.
"1512. Effect on State law.
"1513. Definitions.

"§ 1501. System for accounting for missing persons

"(a) OFFICE FOR MISSING PERSONNEL.—(1) The Secretary of Defense shall establish within the Office of the Secretary of Defense an office to have responsibility for Department of Defense policy relating to missing persons. Subject to the authority, direction, and control of the Secretary of Defense, the responsibilities of the office shall include—

"(A) policy, control, and oversight within the Department of Defense of the entire process for investigation and recovery (including search and rescue) related to missing persons; and

"(B) coordination for the Department of Defense with other departments and agencies of the United States on all matters concerning missing persons.

"(2) In carrying out the responsibilities of the office established under this subsection, the head of the office shall coordinate the efforts of that office with those of other departments and agencies and other elements of the Department of Defense for such purposes and shall be responsible for the coordination for such purposes within the Department of Defense among the military departments, the Joint Staff, and the commanders of the combatant commands.

"(3) The office shall establish policies, which shall apply uniformly through the Department of Defense, for personnel recovery (including search and rescue).

"(4) The office shall establish procedures to be followed by Department of Defense boards of inquiry, and by officers reviewing the reports of such boards, under this chapter.

"(b) OTHER DEPARTMENTS AND AGENCIES.—(1) The Secretary of State shall designate an officer of the Department of State to have responsibility within that Department for matters relating to missing persons.

"(2) The Secretary of Transportation shall designate an officer of the Department of Transportation to have responsibility within that Department for matters relating to missing persons.

"(3) The Director of Central Intelligence shall designate an officer of the Central Intelligence Agency to have responsibility within that Agency for matters relating to missing persons.

"(4) The President shall direct the heads of such other departments and agencies as the President considers appropriate to make a similar designation for their respective departments and agencies.

"(c) UNIFORM DOD PROCEDURES.—(1) The Secretary of Defense shall prescribe procedures, to apply uniformly through the Department of Defense, for—

"(A) the determination of the status of persons described in subsection (d); and

"(B) for the systematic, comprehensive, and timely collection, analysis, review, dissemination, and periodic update of information related to such persons.

"(2) Such procedures shall be prescribed in a single directive applicable to all elements of the Department of Defense.

"(3) As part of such procedures, the Secretary may provide for the extension, on a case-by-case basis, of any time limit specified in section 1502, 1503, or 1504 of this title. Any such extension may not be for a period in excess of one-half of the period with respect to which the extension is provided. Subsequent extensions may be provided on the same basis.

"(d) COVERED PERSONS.—Section 1502 of this title applies in the case of the following persons:

"(1) Any member of the armed forces on active duty who disappears as a result of a hostile action, or under circumstances suggesting that the disappearance is a result of a hostile action, and whose status is undetermined or who is unaccounted for (except under circumstances suggesting that the disappearance is voluntary).

"(2) Any civilian employee of the United States or employee of a contractor of the United States who, while serving with or accompanying the armed forces in the field, disappears under circumstances described in paragraph (1) and whose status is undetermined or who is unaccounted for (except under circumstances suggesting that the disappearance is voluntary).

"(e) PRIMARY NEXT OF KIN.—The individual who is primary next of kin of a person described in subsection (d) may for purposes of this chapter designate another individual to act on behalf of that individual as primary next of kin. The Secretary of Defense shall treat an individual so designated as if the individual designated were the primary next of kin for purposes of this chapter. A designation under this subsection may be revoked at any time by the person who made the designation.

"(f) TERMINATION OF APPLICABILITY OF PROCEDURES WHEN MISSING PERSON IS ACCOUNTED FOR.—The provisions of this chapter relating to boards of inquiry and to actions by the Secretary concerned on the reports of those boards shall cease to apply in the case of a missing person upon that person becoming accounted for or otherwise being determined to be in a status other than the status of missing or missing in action.

"§ 1502. Missing persons: initial report by unit commander

"(a) PRELIMINARY ASSESSMENT AND RECOMMENDATION BY COMMANDER.—After receiving information that the whereabouts or status of a person described in section 1501(d) of this title is uncertain and that the absence of the person may be involuntary, the commander of the unit, facility, or area to or in which the person is assigned shall make a preliminary assessment of the circumstances. If, as a result of that assessment, the commander concludes that the person is missing, the commander shall—

"(1) recommend that the person be placed in a missing status; and

"(2) not later than 48 hours after receiving such information, transmit that recommendation to the theater component commander with jurisdiction over the missing person in accordance with procedures prescribed under section 1501(c) of this title.

"(b) FORWARDING OF RECORDS.—The commander making the initial assessment shall (in accordance with procedures prescribed under section 1501(c) of this title) safeguard and forward for official use any information relating to the whereabouts or status of the person that result from the preliminary assessment or from actions taken to locate the person.

"§ 1503. Initial board inquiry; actions of theater component commander and head of the agency

"(a) APPOINTMENT OF BOARD.—Not later than ten days after receiving notification under section 1502(a)(2) of this title that a person has been recommended for placement in a missing status, the theater component commander to whom the notification is transmitted shall appoint a board to conduct an inquiry into the whereabouts and status of the person.

"(b) INQUIRIES INVOLVING MORE THAN ONE MISSING PERSON.—If it appears to the commander who appoints a board under this section that the absence or missing status of two or more persons is factually related, the commander may appoint a single board under this section to conduct the inquiry into the whereabouts or status of all such persons.

"(c) COMPOSITION.—(1) A board appointed under this section shall consist of at least one individual described in paragraph (2) who has experience with and understanding of military operations or activities similar to the operation or activity in which the person disappeared.

"(2) An individual referred to in paragraph (1) is the following:

"(A) A military officer, in the case of an inquiry with respect to a member of the armed forces.

"(B) A civilian, in the case of an inquiry with respect to a civilian employee of the United States or of a contractor of the United States.

"(3) An individual may be appointed as a member of a board under this section only if the individual has a security clearance that affords the member access to all information relating to the whereabouts and status of the missing persons covered by the inquiry.

"(d) DUTIES OF BOARD.—A board appointed to conduct an inquiry into the whereabouts or status of a missing person under this section shall—

"(1) collect, develop, and investigate all facts and evidence relating to the disappearance, whereabouts, or status of that person;

"(2) collect appropriate documentation of the facts and evidence covered by the investigation;

"(3) analyze the facts and evidence, make findings based on that analysis, and draw conclusions as to the current whereabouts and status of the person; and

"(4) with respect to each person covered by the inquiry, recommend to the commander who appointed the board that—

"(A) the person be placed in a missing status; or

"(B) the person be declared to have deserted, to be absent without leave, or to be dead.

"(e) INQUIRY PROCEEDINGS.—(1) During the proceedings of an inquiry under this section, a board shall—

"(A) collect, record, and safeguard all facts, documents, statements, photographs, tapes, messages, maps, sketches, reports, and other information (whether classified or unclassified) relating to the whereabouts or status of each person covered by the inquiry;

"(B) gather information relating to actions taken to find the person, including any evidence of the whereabouts or status of the person arising from such actions; and

"(C) maintain a record of its proceedings.

"(2) The commander who appoints a board under this section may request the commander of the combatant command to provide such assistance as the board or the commander may require for purposes of this section.

"(f) COUNSEL FOR MISSING PERSON.—(1) The commander appointing a board to conduct an inquiry under this section shall appoint counsel to represent each person covered by the inquiry, or, in the case described by 1503(c) of this title, one counsel to represent all persons covered by the inquiry. Counsel appointed under this paragraph may be referred to as 'missing person's counsel'.

"(2) To be appointed as a missing person's counsel, a person must—

"(A) have the qualifications specified in section 827(b) of this title (article 27(b) of the Uniform Code of Military Justice) for trial counsel or defense counsel detailed for a general court-martial; and

"(B) have a security clearance that affords the counsel access to all information relating to the whereabouts or status of the person or persons covered by the inquiry.

"(3) A missing person's counsel—

"(A) shall have access to all facts and evidence considered by the board during the proceedings under the inquiry for which the counsel is appointed;

"(B) shall observe all official activities of the board during such proceedings;

"(C) may question witnesses before the board; and

"(D) shall monitor the deliberations of the board; and

"(4) A missing person's counsel shall review the report of the board under subsection (i) and submit to the commander who appointed the board an independent review of that report. That review shall be made an official part of the record of the board.

"(g) ACCESS TO PROCEEDINGS.—The proceedings of a board during an inquiry under this section shall be closed to the public (including, with respect to any missing person covered by the inquiry, the primary next of kin, other members of the immediate family, and any other previously designated person designated under section 655 of this title).

"(h) RECOMMENDATION ON STATUS OF MISSING PERSONS.—(1) Upon completion of its inquiry, a board appointed under this section shall make a recommendation to the commander who appointed the board as to the appropriate determination of the current whereabouts or status of each person whose whereabouts were covered by the inquiry.

"(2)(A) A board may not recommend under paragraph (1) that a person be declared dead unless the board determines that the evidence before it established conclusive proof of the death of the person.

"(B) In this paragraph, the term 'conclusive proof of death' means evidence establishing that death is the only credible explanation for the absence of the person.

"(i) REPORT.—(1) A board appointed under this section shall submit to the commander who appointed it a report on the inquiry carried out by the board. The report shall include—

"(A) a discussion of the facts and evidence considered by the board in the inquiry;

"(B) the recommendation of the board under subsection (h) with respect to each person covered by the report; and

"(C) disclosure of whether classified documents and information were reviewed by the board or were otherwise used by the board in forming recommendations under subparagraph (B).

"(2) A report under this subsection with respect to a missing person shall be submitted not later than 45 days after the date on which that person is first reported missing.

"(3) A report submitted under this subsection may not be made public until one year after the date on which the report is submitted.

"(j) REVIEW AND DETERMINATION OF STATUS BY COMPONENT COMMANDER.—(1) Not later than 15 days after the date of the receipt of a report under subsection (i), the commander who appointed the board shall review—

"(A) the report; and

"(B) the review of that report submitted under subsection (f)(4) by the missing person's counsel.

"(2) In reviewing a report under paragraph (1), the commander receiving the report shall determine whether or not the report is complete and free of administrative error. If the commander determines that the report is incomplete, or that the report is not free of administrative error, the commander may return the report to the board for further action on the report by the board.

"(3) Upon a determination by the commander reviewing a report under this subsection that the report is complete and free of administrative error, the commander shall make a determination of the status of each person covered by the report.

"(4) The report, together with the determination under paragraph (3), shall be promptly forwarded to the commander of the combatant command for the geographic area in which the missing person disappeared.

"(k) REVIEW BY CINC.—(1) The commander of the combatant command shall review a report received under subsection (j)(4). Not later than 30 days after receiving such report, that commander shall forward that report to the Secretary concerned. In the case of a missing person who is a member of the Army, Navy, Air Force, or Marine Corps, the report shall be forwarded to or through the Secretary of Defense in accordance with procedures prescribed under section 1501(c) of this title.

"(2) The review under paragraph (1) shall be conducted in accordance with procedures prescribed under section 1501(a)(3) of this title.

"(l) DETERMINATION BY SECRETARY.—(1) The Secretary of Defense (or the Secretary of the military department concerned acting under delegation of authority from the Secretary of Defense) shall review the determinations of a theater component commander in a report forwarded under this section.

"(2) After conducting such review, the Secretary shall make a determination, with respect to each person whose status is covered by the report, whether to leave unchanged the status of such person as determined by the theater component commander under subsection (j)(3) or whether to change that status to another appropriate status, as determined by the Secretary.

"(3) In making such determination, the Secretary may convene a board in accordance with section 1504 of this title.

"(m) REPORT TO FAMILY MEMBERS AND OTHER INTERESTED PERSONS.—Not later than 30 days after the date on which the Secretary makes a determination under subsection (k), the Secretary of Defense, acting through the head of the office established under section 1501(a) of this title, shall—

"(1) provide an unclassified summary of the report of the board (including the name of the missing person's counsel for the inquiry, the names of the members of the board, and the name of the commander who convened the board) to the primary next of kin, to the other members of the immediate family, and to any other previously designated person of the missing person; and

"(2) inform each individual to whom such summary is provided that the United States will conduct a subsequent inquiry into the whereabouts or status of the person not earlier than one year after the date of the first official notice of the disappearance of the missing person, unless information becomes available sooner that would result in a substantial change in the determination of the status of the person.

"§ 1504. Subsequent board inquiry; actions of head of the agency

"(a) ADDITIONAL BOARD.—If information on the whereabouts or status of a person covered by an inquiry under section 1503 of this title becomes available within one year after the date of the submission of the report submitted under section 1502 of this title, the Secretary of Defense, acting through the head of the office established under section 1501(a) of this title, shall appoint a board under this section to conduct an inquiry into the information

"(b) AUTHORITY FOR INQUIRY.—The Secretary of Defense may delegate authority over such subsequent inquiry to the Secretary concerned.

"(c) SECRETARY CONCERNED.—In this chapter, the term 'Secretary concerned', in the case of a civilian employee of the United States or contractor of the United States, means the Secretary of the executive department or head of the agency employing the employee or contracting with the contractor, as the case may be.

"(d) DATE OF APPOINTMENT.—The Secretary shall appoint a board under this section to conduct an inquiry into the whereabouts and status of a missing person on or about one year after the date of the report concerning that person submitted under section 1502 of this title.

"(e) COMBINED INQUIRIES.—If it appears to the Secretary that the absence or status of two or more persons is factually related, the Secretary may appoint one board under this section to conduct the inquiry into the whereabouts or status of all such persons.

"(f) COMPOSITION.—(1) Subject to paragraphs (2) and (3), a board appointed under this section shall consist of the following:

"(A) In the case of a board appointed to inquire into the whereabouts or status of a member of the armed forces, not less than three officers having the grade of major or lieutenant commander or above.

"(B) In the case of a board appointed to inquire into the whereabouts or status of a civilian employee of the United States or an employee of a contractor of the United States—

"(i) not less than three employees of the Department of Defense whose rate of annual pay is equal to or greater than the rate of annual pay payable for grade GS-13 of the General Schedule under section 5332 of title 5; and

"(ii) such members of the armed forces as the Secretary of Defense considers advisable.

"(2) The Secretary shall designate one member of a board appointed under this section as president of the board. The president of the board shall have a security clearance that affords the president access to all information relating to the whereabouts and status of each person covered by the inquiry.

"(3)(A) One member of each board appointed under this subsection shall be an attorney or judge advocate who has expertise in the public law relating to missing persons, the determination of death of such persons, and the rights of family members and dependents of such persons.

"(B) One member of each board appointed under this subsection shall be an individual who—

"(i) has an occupational specialty similar to that of one or more of the persons covered by the inquiry; and

"(ii) has an understanding of and expertise in the official activities of one or more such persons at the time such person or persons disappeared.

"(g) DUTIES OF BOARD.—A board appointed under this section to conduct an inquiry into the whereabouts or status of a person shall—

"(1) review the report under subsection (i) of section 1503 of this title of the board appointed to conduct the inquiry into the status or whereabouts of the person under section 1503 of this title and the recommendation under subsection (j)(3) of that section of the commander who appointed the board under that subsection as to the status of the person;

"(2) collect and evaluate any document, fact, or other evidence with respect to the whereabouts or status of the person that has become available since the completion of the inquiry under section 1503 of this title;

"(3) draw conclusions as to the whereabouts or status of the person;

"(4) determine on the basis of the activities under paragraphs (1) and (2) whether the status of the person should be continued or changed; and

"(5) submit to the Secretary of Defense a report describing the findings and conclusions of the board, together with a recommendation for a determination by the Secretary concerning the whereabouts or status of the person.

"(h) COUNSEL FOR MISSING PERSONS.—(1) When the Secretary appoints a board to conduct an inquiry under this section, the Secretary shall appoint counsel to represent each person covered by the inquiry.

"(2) A person appointed as counsel under this subsection shall meet the qualifications and have the duties set forth in section 1503(f) of this title for a missing person's counsel appointed under that section.

"(3) The review of the report of a board on an inquiry that is submitted by such counsel shall be made an official part of the record of the board with respect to the inquiry.

"(i) ATTENDANCE OF FAMILY MEMBERS AND CERTAIN OTHER INTERESTED PERSONS AT PROCEEDINGS.—(1) With respect to any person covered by an inquiry under this section, the primary next of kin, other members of the immediate family, and any other previously designated person of the missing person may attend the proceedings of the board during the inquiry in accordance with this section.

"(2) The Secretary shall notify each individual referred to in paragraph (1) of the opportunity to attend the proceedings of a board. Such notice shall be provided not less than 60 days before the first meeting of the board.

"(3) An individual who receives a notice under paragraph (2) shall notify the Secretary of the intent, if any, of that individual to attend the proceedings of the board not less than 21 days after the date on which the individual receives the notice.

"(4) Each individual who notifies the Secretary under paragraph (3) of the individual's intent to attend the proceedings of the board—

"(A) in the case of an individual who is the primary next of kin or the previously designated person, may attend the proceedings of the board with private counsel;

"(B) shall have access to the personnel file of the missing person, to unclassified reports (if any) of the board appointed under section 1503 of this title to conduct the inquiry into the whereabouts and status of the person, and to any other unclassified information or documents relating to the whereabouts and status of the person;

"(C) shall be afforded the opportunity to present information at the proceedings of the board that such individual considers to be relevant to those proceedings; and

"(D) subject to paragraph (5), shall be given the opportunity to submit in writing objection to any recommendation of the board under subsection (k) as to the status of the missing person.

"(5) Objections under paragraph (4)(D) to any recommendation of the board shall be submitted to the president of the board not later than 30 days after the date on which the recommendations are made. The president shall include any such objections in the report of the board under subsection (k).

"(6) An individual referred to in paragraph (1) who attends the proceedings of a board under this subsection shall not be entitled to reimbursement by the United States for any costs (including travel, lodging, meals, local transportation, legal fees, transcription costs, witness expenses, and other expenses) incurred by that individual in attending such proceedings.

"(j) AVAILABILITY OF INFORMATION TO BOARDS.—(1) In conducting proceedings in an inquiry under this section, a board may secure directly from any department or agency of the United States any information that the board considers necessary in order to conduct the proceedings.

"(2) Upon written request from the president of a board, the head of a department or agency of the United States shall release information covered by the request to the board. In releasing such information, the head of the department or agency shall—

"(A) declassify to an appropriate degree classified information; or

"(B) release the information in a manner not requiring the removal of markings indicating the classified nature of the information.

"(3)(A) If a request for information under paragraph (2) covers classified information that cannot be declassified, cannot be removed before release from the information covered by the request, or cannot be summarized in a manner that prevents the release of classified information, the classified information shall be made available only to president of the board making the request and the counsel for the missing person appointed under subsection (f).

"(B) The president of a board shall close to persons who do not have appropriate security clearances those portions of the proceeding of the Board during which classified information is discussed. Participants at a proceeding of a board at which classified information is discussed shall comply with all applicable laws and regulations relating to the disclosure of classified information. The Secretary concerned shall assist the president of a board in ensuring that classified information is not compromised through board proceedings.

"(k) RECOMMENDATION ON STATUS.—(1) Upon completion of an inquiry under this subsection, a board shall make a recommendation as to the current whereabouts or status of each missing person covered by the inquiry.

"(2) A board may not recommend under paragraph (1) that a person be declared dead unless—

"(A) proof of death is established by the board; and

"(B) in making the recommendation, the board complies with section 1507 of this title.

"(l) REPORT.—A board appointed under this section shall submit to the Secretary of Defense a report on the inquiry carried out by the board, together with the evidence considered by the board during the inquiry. The report may include a classified annex.

"(m) ACTIONS BY SECRETARY.—(1) Not later than 30 days after the receipt of a report from a board under subsection (k), the Secretary shall review—

"(A) the report;

"(B) the review of the report submitted to the Secretary under subsection (f)(3) by the counsel for each person covered by the report; and

"(C) the objections, if any, to the report submitted to the president of the board under subsection (g)(6).

"(2) In reviewing a report under paragraph (1) (including the review and objections described in subparagraphs (A) and (B) of that paragraph), the Secretary shall determine whether or not the report is complete and free of administrative error. If the Secretary determines that the report is incomplete, or that the report is not free of administrative error, the Secretary may return the report to the board for further action on the report by the board.

"(3) Upon a determination by the Secretary that a report reviewed under this subsection is complete and free of administrative error, the Secretary shall make a determination concerning the status of each person covered by the report.

"(n) REPORT TO FAMILY MEMBERS AND OTHER INTERESTED PERSONS.—Not later than 90 days after the date on which a board submits a report on a person under subsection (l), the Secretary of Defense shall—

"(1) with respect to each missing person whose status or whereabouts are covered by the report, provide an unclassified summary of the report to the primary next of kin, the other members of the immediate family, and any other previously designated person; and

"(2) in the case of a person who continues to be in a missing status, inform each individual referred to in paragraph (1) that the United States will conduct a further investigation into the whereabouts or status of the person not later than three years after the date of the official notice of the disappearance of the person, unless information becomes available within that time that would result in a substantial change in the official status of the person.

"§ 1505. Further review

"(a) SUBSEQUENT REVIEW.—The Secretary shall conduct subsequent inquiries into the whereabouts or status of any person determined by the Secretary under section 1504 of this title to be in a missing status.

"(b) FREQUENCY OF SUBSEQUENT REVIEWS.—(1) Subject to paragraph (3), the Secretary shall appoint a board to conduct an inquiry with respect to a person under this subsection—

"(A) on or about three years after the date of the official notice of the disappearance of the person; and

"(B) not later than every three years thereafter.

"(2) In addition to appointment of boards under paragraph (1), the Secretary shall appoint a board to conduct an inquiry with respect to a person under this subsection upon receipt of information that could result in a change or revision of status of a missing person. Whenever the Secretary appoints a board under this paragraph, the time for subsequent appointments of a board under paragraph (1)(B) shall be determined from the date of the receipt of such information.

"(3) The Secretary is not required to appoint a board under paragraph (1) with respect to the disappearance of any person—

"(A) more than 30 years after the first notice of the disappearance of the missing person; or

"(B) if, before the end of such 30-year period, the missing person is accounted for.

"(c) CONDUCT OF PROCEEDINGS.—The appointment of, and activities before, a board appointed under this section shall be governed by the provisions of section 1504 of this title with respect to a board appointed under that section.

"§ 1506. Personnel files

"(a) INFORMATION IN FILES.—Except as provided in subsection (b), the Secretary of the department having jurisdiction over a missing person at the time of the person's disappearance shall, to the maximum extent practicable, ensure that the personnel file of the person contains all information in the possession of the United States relating to the disappearance and whereabouts or status of the person.

"(b) CLASSIFIED INFORMATION.—(1) The Secretary concerned may withhold classified information from a personnel file under this section.

"(2) If the Secretary concerned withholds classified information from the personnel file of a person, the Secretary shall ensure that the file contains the following:

"(A) A notice that the withheld information exists.

"(B) A notice of the date of the most recent review of the classification of the withheld information.

"(c) WRONGFUL WITHHOLDING.—Any person who knowingly and willfully withholds from the personnel file of a missing person any information (other than classified information) relating to the disappearance or whereabouts or status of a missing person shall be fined as provided in title 18 or imprisoned not more than one year, or both.

"(d) AVAILABILITY OF INFORMATION.—The Secretary concerned shall, upon request, make available the contents of the personnel file of a missing person to the missing person's primary next of kin, the other members of the missing person's immediate family, or any other previously designated person of the missing person.

"§ 1507. Recommendation of status of death

"(a) REQUIREMENTS RELATING TO RECOMMENDATION.—A board appointed under section 1504 or 1505 of this title may not recommend that a person be declared dead unless—

"(1) credible evidence exists to suggest that the person is dead;

"(2) the United States possesses no credible evidence that suggests that the person is alive;

"(3) representatives of the United States have made a complete search of the area where the person was last seen (unless, after making a good faith effort to obtain access to such area, such representatives are not granted such access); and

"(4) representatives of the United States have examined the records of the government or entity having control over the area where the person was last seen (unless, after making a good faith effort to obtain access to such records, such representatives are not granted such access).

"(b) SUBMITTAL OF INFORMATION ON DEATH.—If a board appointed under section 1504 or 1505 of this title makes a recommendation that a missing person be declared dead, the board shall include in the report of the board with respect to the person under such section the following:

"(1) A detailed description of the location where the death occurred.

"(2) A statement of the date on which the death occurred.

"(3) A description of the location of the body, if recovered.

"(4) If the body has been recovered and is not identifiable through visual means, a certification by a practitioner of an appropriate forensic science that the body recovered is that of the missing person.

"§ 1508. Judicial review

"(a) IN GENERAL.—(1) A person referred to in paragraph (2) may obtain review of a finding described in paragraph (3) by the court of appeals of the United States for the circuit in which the person resides or in which the finding was made. Judicial review under this section shall be as provided in section 706 of title 5.

"(2) Paragraph (1) applies to any of the following persons with respect to a missing person subject to a finding described in paragraph (3):

"(A) The primary next of kin of the person.

"(B) A member of the immediate family of the person.

"(C) A dependent of the person.

"(D) A person previously designated by the person.

"(3) Paragraph (1) applies to the following findings:

"(A) A finding by a board appointed under section 1504 or 1505 of this title that a missing person is dead.

"(B) A finding by a board appointed under section 1509 of this title that confirms that a missing person formerly declared dead is in fact dead.

"(4) A person referred to in paragraph (2) shall request review of a finding under this subsection by filing with the appropriate court a written petition requesting that the finding be set aside.

"(b) FINALITY.—The decision of the court of appeals on a petition for review under subsection (a) is final, except that such decision is subject to review by the Supreme Court upon certiorari, as provided in section 1254 of title 28.

"(c) ADDITIONAL REVIEW.—(1) Subject to paragraph (2), upon request by a person referred to in subsection (a)(2), the Secretary concerned shall appoint a board to review the status of a person covered by a finding described in subsection (a)(3) if the court of appeals sets aside the finding and—

"(A) the time allowed for filing a petition for certiorari has expired and no such petition has been duly filed;

"(B) the petition for certiorari has been denied; or

"(C) the decision of the court of appeals has been affirmed by the Supreme Court.

"(2) A person referred to in paragraph (1) shall make a request referred to in that paragraph not later than three years after the date of the event under that paragraph that entitles the person to request the appointment of a board.

"§ 1509. Persons previously declared dead

"(a) REVIEW OF STATUS.—(1) Not later than three years after the date of the enactment of this chapter, a person referred to in paragraph (2) may submit a request for appointment of a board to review the status of a person previously declared dead while in a missing status, in a case in which the death is declared to have occurred on or after December 7, 1941.

"(2) A board shall be appointed under this section with respect to the death of any person based on the request of any of the following persons:

"(A) The primary next of kin of such person.

"(B) An adult member of the immediate family of the person previously declared dead.

"(C) An adult dependent of such person.

"(D) A person previously designated by such person.

"(3) A request under this section shall be submitted to the Secretary of the executive department or head of the agency of the United States that had jurisdiction over the person covered by the request at the time of the person's disappearance.

"(b) APPOINTMENT OF BOARD.—Upon receiving a request under subsection (a), the official to whom the request is submitted shall appoint a board to review the status of the person covered by the request.

"(c) DUTIES OF BOARD.—A board appointed under this section to review the status of a person previously declared dead shall—

"(1) conduct an investigation to determine the status of the person; and

"(2) issue a report describing the findings of the board under the investigation and the recommendations of the board as to the status of the person.

"(d) EFFECT OF CHANGE IN STATUS.—If a board appointed under this section recommends placing in a missing status a person previously declared dead, such person shall accrue no pay or allowances as a result of the placement of the person in such status.

"(e) CONDUCT OF PROCEEDINGS.—The appointment of, and activities before, a board appointed under this section shall, to the extent practicable, be governed by the provisions of section 1504 of this title with respect to a board appointed under that section.

"§ 1510. Procedures applicable in case of civilians

"(a) IN GENERAL.—In applying the procedures specified in this chapter in the case of a person described in section 1501(d)(2) of this title—

"(1) any reference to the commander of the unit, facility, or area to which the missing person is assigned shall be treated as referring to the local authority or supervisor of the department or agency of the United States under whom the missing person was directly operating or to whom the missing person was responsible;

"(2) any reference to the theater component commander shall be treated as referring to the senior official in the region in which the missing person disappeared of the department or agency of the United States with jurisdiction over the missing person (or, if there is no such official, such other person (including the appropriate theater component commander) as may be designated by the head of that department of agency);

"(3) any reference to the Secretary concerned shall be treated as referring to the head of the department or agency of the United States with jurisdiction over the missing person.

"(b) CINC REVIEW NOT TO APPLY.—The provisions of section 1503(k) shall not apply in the case of a person described in section 1501(d)(2) of this title. In such a case, the report under section 1503(j)(4) of this title shall be submitted directly to the head of the department or agency of the United States with jurisdiction over the missing person.

"(c) RULE FOR DEPARTMENT OF DEFENSE CIVILIANS.—In the case of a person described in section 1501(d)(2) of this title who is an employee of the Department of Defense, or an employee of a contractor of the Department of Defense, the head of the department or agency of the United States with jurisdiction over that person—

"(1) if the person is an employee of, or an employee of a contractor of, a military department, shall be considered to be the Secretary of that military department; and

"(2) otherwise shall be considered to be the Secretary of Defense.

"§ 1511. Return alive of person declared missing or dead

"(a) PAY AND ALLOWANCES.—Any person in a missing status or declared dead under the Missing Persons Act of 1942 (56 Stat. 143) or chapter 10 of title 37 or by a board appointed under this chapter who is found alive and returned to the control of the United States shall be paid for the full time of the absence of the person while given that status or declared dead under the law and regulations relating to the pay and allowances of persons returning from a missing status.

"(b) EFFECT ON GRATUITIES PAID AS A RESULT OF STATUS.—Subsection (a) shall not be interpreted to invalidate or otherwise affect the receipt by any person of a death gratuity or other payment from the United States on behalf of a person referred to in subsection (a) before the date of the enactment of this chapter.

"§ 1512. Effect on State law

"(a) NONPREEMPTION OF STATE AUTHORITY.—Nothing in this chapter shall be construed to invalidate or limit the power of any State court or administrative entity, or the power of any court or administrative entity of any political subdivision thereof, to find or declare a person dead for purposes of the laws of such State or political subdivision.

"(b) STATE DEFINED.—In this section, the term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

"§ 1513. Definitions

"In this chapter:

"(1) The term 'missing person' means—

"(A) a member of the armed forces on active duty who is in a missing status; or

"(B) a civilian employee of the United States or of a contractor of the United States who is serving with or accompanying the armed forces under orders and who is in a missing status.

"(2) The term 'missing status' means the status of a missing person who is determined to be absent in a status of—

"(A) missing;

"(B) missing in action;

"(C) interned in a foreign country;

"(D) captured, beleaguered, or besieged by a hostile force; or

"(E) detained in a foreign country against that person's will.

"(3) The term 'accounted for', with respect to a person in a missing status, means that—

"(A) the person is returned to United States control alive;

"(B) the remains of the person are returned to the United States; or

"(C) credible evidence exists to support another determination of the person's status.

"(4) The term 'member of the immediate family', in the case of a missing person, means the spouse or a child, parent, or sibling of the person.

"(5) The term 'previously designated person', in the case of a missing person, means an individual designated by the missing person under section 655 of this title for purposes of this chapter.

"(6) The term 'classified information' means any information the unauthorized disclosure of which (as determined under applicable law and regulations) could reasonably be expected to damage the national security.

"(7) The term 'theater component commander' means, with respect to any of the combatant commands, an officer of any of the armed forces who (A) is commander of all forces of that armed force assigned to that combatant command, and (B) is directly subordinate to the commander of the combatant command.".

(2) The tables of chapters at the beginning of subtitle A, and at the beginning of part II of subtitle A, of title 10, United States Code, are amended by inserting after the item relating to chapter 75 the following new item:

"76. Missing Persons .... 1501".

(c) CONFORMING AMENDMENTS.—Chapter 10 of title 37, United States Code, is amended as follows:

(1) Section 555 is amended—

(A) in subsection (a), by striking out "When a member" and inserting in lieu thereof "Except as provided in subsection (d), when a member"; and

(B) by adding at the end the following new subsection:

"(d) This section does not apply in a case to which section 1502 of title 10 applies.".

(2) Section 552 is amended—

(A) in subsection (a), by striking out "for all purposes," in the second sentence of the matter following paragraph (2) and all that follows through the end of the sentence and inserting in lieu thereof "for all purposes.";

(B) in subsection (b), by inserting "or is determined under chapter 76 title 10" before the period at the end; and

(C) in subsection (e), by inserting "or under chapter 76 of title 10" after "section 555 of this title".

(3) Section 553 is amended—

(A) in subsection (f), by striking out "the date the Secretary concerned receives evidence that" and inserting in lieu thereof "the date on which, in a case covered by section 555 of this title, the Secretary concerned receives evidence, or, in a case covered by chapter 76 of title 10 the Secretary concerned determines pursuant to that chapter, that"; and

(C) in subsection (g), by inserting "or under chapter 76 of title 10" after "section 555 of this title".

(4) Section 556 is amended—

(A) in subsection (a), by inserting after paragraph (7) the following:

"Paragraphs (1), (5), (6), and (7) shall only apply with respect to a case to which section 555 of this title applies.";

(B) in subsection (b), by inserting ", in a case to which section 555 of this title applies," after "When the Secretary concerned"; and

(C) in subsection (h)—

(i) in the first sentence, by striking out "status" and inserting in lieu thereof "pay"; and

(ii) in the second sentence, by inserting "in a case to which section 555 of this title applies" after "under this section".

(d) DESIGNATION OF INDIVIDUALS HAVING INTEREST IN STATUS OF SERVICE MEMBERS.—(1) Chapter 37 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 655. Designation of persons having interest in status of member as a missing person

"(a) The Secretary concerned shall, upon the enlistment or appointment of a person in the armed forces, require that the person specify in writing the person (if any), other than that person's primary next of kin, to whom information on the whereabouts or status of the member shall be provided if such whereabouts or status are investigated under chapter 76 of this title. The Secretary shall periodically, and whenever the member is deployed as part of a contingency operation or in other circumstances specified by the Secretary, require that such designation be reconfirmed, or modified, by the member.

"(b) The Secretary concerned shall, upon the request of a member, permit the member to change the person or persons specified by the member under subsection (a) at any time. Any such change shall be in writing.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"655. Designation of persons having interest in status of member as a missing person.".

AMENDMENT OFFERED BY MR. YOUNG OF ALASKA

At the end of title V (page 274, after line 11), insert the following new section:

SEC. 566. SEPARATION BENEFITS DURING FORCE REDUCTION FOR OFFICERS OF COMMISSIONED CORPS OF NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.

(a) SEPARATION BENEFITS.—Subsection (a) of section 3 of the Act of August 10, 1956 (33 U.S.C. 857a), is amended by adding at the end the following new paragraph:

"(15) Section 1174a, special separation benefits (except that benefits under subsection (b)(2)(B) of such section are subject to the availability of appropriations for such purpose and are provided at the discretion of the Secretary of Commerce).".

(b) TECHNICAL CORRECTIONS.—Such section is further amended—

(1) by striking out "Coast and Geodetic Survey" in subsections (a) and (b) and inserting in lieu thereof "commissioned officer corps of the National Oceanic and Atmospheric Administration"; and

(2) in subsection (a), by striking out "including changes in those rules made after the effective date of this Act" in the matter preceding paragraph (1) and inserting in lieu thereof "as those provisions are in effect from time to time".

(c) TEMPORARY EARLY RETIREMENT AUTHORITY.—Section 4403 (other than subsection (f)) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2702; 10 U.S.C. 1293 note) shall apply to the commissioned officer corps of the National Oceanic and Atmospheric Administration in the same manner and to the same extent as that section applies to the Department of Defense. The Secretary of Commerce shall implement the provisions of that section with respect to such commissioned officer corps and shall apply the provisions of that section to the provisions of the Coast and Geodetic Survey Commissioned Officers' Act of 1948 relating to the retirement of members of such commissioned officer corps.

(d) EFFECTIVE DATE.—This section shall apply only to members of the commissioned officer corps of the National Oceanic and Atmospheric Administration who are separated after September 30, 1995.

AMENDMENT OFFERED BY MR. BATEMAN

At the end of subtitle C of title VI (page 289, after line 23), insert the following new section:

SEC. 623. REPEAL OF PROHIBITION ON PAYMENT OF LODGING EXPENSES WHEN ADEQUATE GOVERNMENT QUARTERS ARE AVAILABLE.

(a) REPEAL.—Section 1589 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 81 of such title is amended by striking out the items relating to section 1589.

AMENDMENT, AS MODIFIED, OFFERED BY MR. MCNULTY

At the end of title X (page 377, after line 19), insert the following new section:

SEC. 1033. POLICY CONCERNING EXCESS DEFENSE INDUSTRIAL CAPACITY.

(a) FINDINGS.—Congress finds as follows:

(1) The Base Closure and Realignment Commissions have recommended that certain Government-owned defense industrial facilities which produce goods and services that were required during the Cold War, but which are no longer required for the national security, be closed.

(2) The Secretary of Defense has determined that the maintenance of certain other Government-owned defense industrial facilities is necessary to support the research, development, and manufacture of goods and services that are still required to protect the security of the United States.

(3) These Government-owned defense industrial facilities are critical to the security of the Nation and should remain under Government control.

(4) Current work requirements at some of these Government-owned defense industrial facilities have fallen below a reasonably economic level of operation, increasing the cost of producing required goods and services.

(5) Existing law and policy have failed to address adequately the supplemental requirements necessary to operate these Government-owned defense industrial facilities in a cost-efficient manner and, thereby, to maintain appropriate readiness for future national security needs.

(6) The security interests of the United States would be served by the establishment under law of a policy that requires the best-value operation of Government-owned defense industrial facilities.

(7) Such a policy should include, but not necessarily be limited to, requirements that—

(A) the required capability and capacity not being fully used at such Government-owned facilities be maintained with separate funding so as to stabilize operational costs; and

(B) those facilities not be limited by workyear/end strength hiring constraints.

(b) PROHIBITION.—No funds appropriated pursuant to an authorization of appropriations in this Act may be used for capital investment in, or the development and construction of, a Government-owned, Government-operated defense industrial facility unless the Secretary of Defense certifies to the Congress that no similar capability or minimally used capacity exists in any other Government-owned, Government-operated defense industrial facility.

AMENDMENT OFFERED BY MR. EVERETT

Page 439, strike out the table relating to the Army National Guard and insert in lieu thereof the following new table:

ARMY NATIONAL GUARD: EXTENSION OF 1993 PROJECT AUTHORIZATIONS

State	Location	Project	Amount
Alabama	Tuscaloosa	Additions and Alternations Armory.	$800,000
	Union Springs	Additions and Alternations Armory.	300,000
New Jersey	Fort Dix	Additions and Alternations Armory.	4,750,000
Oregon	La Grande	OMS	995,000
		Armory Addition	3,049,000

AMENDMENT OFFERED BY MS. KAPTUR

Page 440, after the table relating to the Army Reserve, insert the following new table:

ARMY NATIONAL GUARD: EXTENSION OF 1992 PROJECT AUTHORIZATION

State	Location	Project	Amount
Ohio	Toledo	Armory	$3,183,000

AMENDMENT OFFERED BY MR. TRAFICANT

At the end of subtitle C of title XXVIII (page 490, after line 2), insert the following new section:

SEC. 2834. LAND CONVEYANCE, ARMY RESERVE CENTER, YOUNGSTOWN, OHIO.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the City of Youngstown, Ohio, all right, title, and interest of the United States in and to a parcel of excess real property, including improvements thereon, that is located at 399 Miller Street in Youngstown, Ohio, and contains the Kefurt Army Reserve Center.

(b) CONDITION OF CONVEYANCE.—The conveyance authorized under subsection (a) shall be subject to the condition that the City of Youngstown retain the conveyed property for the use and benefit of the Youngstown Fire Department.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of such survey shall be borne by the City of Youngstown.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

AMENDMENT OFFERED BY MR. FORBES

At the end of subtitle C of title XXVIII (page 490, after line 2), insert the following new section:

SEC. 2834. MODIFICATION OF LAND CONVEYANCE, NAVAL WEAPONS INDUSTRIAL RESERVE PLANT, CALVERTON, NEW YORK

(a) CONDITION ON CONVEYANCE.—Subsection (b) of section 2833 of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103–337; 108 Stat. 3061) is amended by striking out "to replace all or a part of the economic activity lost at the Naval Weapons Industrial Reserve Plant".

(b) REMOVAL OF REVERSIONARY INTEREST; ADDITION OF LEASE AUTHORITY.—Subsection (c) of such section is amended to read as follows:

"(c) LEASE AUTHORITY.—Until such time as the real property described in subsection (a) is conveyed by deed, the Secretary may lease the property, along with improvements thereon, to the Community Development Agency in exchange for security services, fire protection, and maintenance provided by the Community Development Agency for the property.".

(c) CONFORMING AMENDMENTS.—Subsection (e) of such section is amended by striking out "subsection (a)" and inserting in lieu thereof "subsection (a) or a lease under subsection (c)".

AMENDMENT OFFERED BY MR. HASTINGS OF WASHINGTON

At the end of subtitle C of title XXVIII, (page 490, after line 2), insert the following new section:

SEC. 2834. LAND EXCHANGE, FORT LEWIS, WASHINGTON.

(A) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey to Weyerhaeuser Real Estate Company, Tacoma, Washington (in this section referred to as "WRECO"), all right, title, and interest of the United States in and to a parcel of real property at Fort Lewis, Washington, known as an unimproved portion of Tract 1000 (formerly being in the DuPont Steilacoom Road, consisting of approximately 1.23 acres), and Tract 25E, 0.03 acre,

(b) CONSIDERATION.—As consideration for the conveyance authorized by subsection (a), WRECO shall convey or cause to be conveyed to the United States by warranty deed all right, title, and interest in and to a 0.39 acre parcel of real property located within the boundaries of Fort Lewis, Washington, together with other consideration acceptable to the Secretary. The total consideration conveyed to the United States shall not be less than the fair market value of land conveyed under subsection (a).

(c) DETERMINATION OF FAIR MARKET VALUE.—The determinations of the Secretary of the Army regarding the fair market values of the parcels of real property and improvements to be conveyed pursuant to subsections (a) and (b) shall be final.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the parcels of real property to be conveyed pursuant to subsections (a) and (b) shall be determined by surveys that are satisfactory to the Secretary of the Army. The cost of such surveys shall be borne by WRECO.

(e) EFFECT ON EXISTING REVERSIONARY INTEREST.—The Secretary may enter into an agreement with the appropriate officials of Pierce County, Washington, under which—

(1) the existing reversionary interest of Pierce County in the lands to be conveyed by the United States under subsection (a) is extinguished; and

(2) the conveyance to the United States under subsection (b) is made subject to a similar reversionary interest in favor of Pierce County in the lands conveyed under such subsection.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyances under this section as the Secretary considers appropriate to protect the interests of the United States.

AMENDMENT AS MODIFIED OFFERED BY MR. SOLOMON

At the end of title IX (page 345, after line 17), insert the following new section:

SEC. 909. NAVAL NUCLEAR PROPULSION PROGRAM.

No department or agency may regulate or direct any change in function for facilities under the Naval Nuclear Propulsion Program unless otherwise permitted or specified by law.

AMENDMENT OFFERED BY MR. DELLUMS

In title III (page 63, after line 6), insert the following new section:

SEC. 304. OFFICE OF ECONOMIC ADJUSTMENT.

Of the amount authorized in section 301(5) for Defense-wide activities, $60,578,000 is for the Office of Economic Adjustment of the Department of Defense.

The CHAIRMAN. Under the rule, the gentleman from South Carolina [Mr. SPENCE] will be recognized for 10 minutes, and the gentleman from California [Mr. DELLUMS] will be recognized for 10 minutes.

The Chair recognizes the gentleman from South Carolina [Mr. SPENCE].

Mr. SPENCE. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Chairman, I strongly support the en bloc amendment offered by the distinguished National Security Committee Chairman, Mr. SPENCE, and appreciate all of his hard work in bringing H.R. 1530 the National Security Authorization Act of 1995, to the floor.

Included in Mr. SPENCE's en bloc amendment is an amendment I have drafted, in consultation with my colleague, the gentleman from California [Mr. DORNAN] to amend title V, chapter 76, entitled "Missing Personnel."

Currently, H.R. 1530 includes language which would require the Secretary of Defense to centralize the responsibility for missing persons, and would instruct the Secretary to establish procedures for dealing with the families of missing persons by protecting the interests of the families and providing a medium for the families to express their concerns and questions about the missing family member.

I applaud my colleague, Representative DORNAN, chairman of the Military Personnel Subcommittee for his diligence on this issue and for including this important section to H.R. 1530. I know that all servicemen and their families appreciate the hard work of Representative DORNAN concerning this important issue.

The amendment I am offering today, as part of the en block amendments with the support of Representative DORNAN, would among other things strengthen the military personnel section of H.R. 1530, by including both non-DOD personnel involved in DOD operations and World War II MIA's; and would provide a judicial review provision to afford family members of those missing in action the ability to utilize the U.S. court of appeals.

My amendment, as well as the committee language, is based on provisions of H.R. 945, the Missing Service Personnel Act of 1995, which I introduced at the beginning of the 104th Congress. This bill currently has over 100 cosponsor's and is strongly supported by the leading POW/MIA family organizations. The strong support that H.R. 945 has received shows, the understanding and concern that Congress has towards the families of our men and women who chose to defend and serve our country. Moreover, with the inclusion of the missing personnel section in H.R. 1530, I am confident that Congress has finally begun to recognize the need to coordinate and specify our Nation's policy with regard to POW/MIA's.

Accordingly, I urge my colleagues' strong support for the chairman's en bloc amendment and again thank Representative DORNAN and Chairman SPENCE for their hard work on this important matter.

Mr. DELLUMS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the minority has been consulted, and we have no objection to the en bloc amendments being accepted.

The gentleman from South Carolina [Mr. SPENCE], the chairman, and I and the staff have worked on these matters, and I would urge my colleagues to support them.

Mr. Chairman, I reserve the balance of my time.

Mr. SPENCE. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Chairman, I commend the chairman of the committee on his diligent work on this bill, and I rise in support of the en bloc amendments.

Mr. Chairman, I rise in strong support of this amendment, which I was pleased to cosponsor with my good friend and neighbor from New York, Representative MCNULTY.

Mr. Chairman, the maintenance of an adequate defense industrial base is an issue that is finally starting to receive the attention it deserves.

If a facility that produces critically needed goods and services is closed or is permitted to fall into disuse and if the skills of the labor base are permitted to decay, we may well find—to our considerable detriment—that such a facility cannot be readily revived or replaced in the event of an emergency.

The base closure and realignment process has taken 402 actions since 1988—with another 146 recommended for this year—that eliminate excess defense industrial infrastructure.

Defense work from these facilities has already moved or will eventually move to other installations. Given the unique capabilities of certain of these other facilities that do remain open, they should continue to be government-owned and government-operated.

However, some of these remaining installations are already at dangerously low operational levels, which impairs their capability to serve critical defense needs.

Mr. Chairman, I will get right to the point of the McNulty/Solomon amendment. This amendment would probably never have been offered if the Army had followed the intent of a provision that Representative McNULTY succeeded in enacting into law in 1990.

That previous McNulty amendment—which is now the law—enables the Watervliet Arsenal—a government-owned and government-operated defense industrial plant—in Watervliet, New York to enter into commercial contracts with private industry under certain circumstances.

Such contracts are critical to the continued operation of Watervliet Arsenal in a cost-efficient manner, especially given the $300 million investment that was made in the 1980's to upgrade Watervliet's unique metal-working capability—a capability that has no commercial counterpart.

But the Army took four years to give the permission and promulgate the necessary implementing instructions for Watervliet to begin operating under the terms of the original McNulty amendment.

And now, after four years of run-arounds from the Army, we find out that the Navy intends to spend at least $100 million in the development of an entirely new facility at the Norfolk Naval Station which is slated to have some but not all of the same manufacturing capabilities as the under-used Watervliet Arsenal already possesses.

Mr. Chairman, this kind of scheming adds to the cost of military procurement and does violence to the spirit and the intent of the base closure and realignment process.

Accordingly, Representative McNULTY and I have been compelled to seek a legislative remedy.

Our amendment simply requires that no funds appropriated under authority of this act be used for capital investment in, or the development and construction of, a government-owned, Government-operated defense industrial facility unless the Secretary of Defense certifies to Congress that no similar capability or minimally-used capacity already exists in any other government-owned, government-operated defense industrial facility.

It is my earnest hope that this amendment will send the proper message to the proper people.

That message to the Defense Department is simply this:

Look at the remaining defense industrial facilities as resources that must be used economically, and

Do not invest in any installation to receive work while other available resources exist that require little or no investment.

Ms. DUNN. Mr. Chairman, I want to thank the chairman of the House National Security Committee, Mr. SPENCE, for agreeing to incorporate my amendment into the Chairman's en bloc amendment. His leadership in bringing a superb bill before the full House of Representatives is appreciated.

The Defense Authorization bill as reported by the House National Security Committee included a section which allowed the Defense Printing Service [DPS] to use printing sources without guaranteeing competition—in effect, to by-pass the Government Printing Office [GPO]—for up to 70 percent of its printing and duplicating services. This would have codified unprecedented authority for the DPS—action I believe is counter to the interests of the U.S. taxpayer.

The Department of Defense is mandated by law to use GPO. In fact, all Federal departments are to follow this mandate, in accordance with Section 501, Title 44 of the U.S. Code, and Section 207(a) of Public Law 102–392, as amended. GPO has been shown to procure work at the cheapest price. Current law states that unless the Joint Committee on Printing [JCP] approves an exception, all Government printing at the Federal level shall be done at the Government Printing Office. There are only 23 JCP approved waivers to that law. Defense Printing Services does not hold such a waiver. This section unamended would have the effect of waiving Title 44 in the interests of a single executive department, without requiring the customary application for the exception.

I share the same philosophy as the Member responsible for inserting this section into HR 1530. Namely, to get as much Government printing into the private sector as possible. However, without clarification that work must be competitively bid, it opens up the system to fraud and abuse, and to the possibility of sweetheart deals. Absent competitive bidding, DPS' printing and duplicating could become a high-cost option to the taxpayer. Chairman KASICH included the concept of HR 1024, which I sponsored, into his budget resolution because procuring Government printing through a competitive process can save as much as $1.5 billion over 5 years. If the original language of section 359 had been enacted, there would have been far less in savings to the taxpayer.

To my knowledge, this issue received no discussion during committee consideration. I do know that the staff of the Joint Committee on Printing, a committee with oversight over Government printing, knew nothing about this language until after the bill was reported out of committee.

The amendment I proposed treats the issue thoughtfully and thoroughly. It is consistent with the 104th Congress' aim to reduce the deficit and cut wasteful spending. This original section gave DPS unconditional authority to act without regard to current law or the guarantee of competitive procurement. This language avoided the proper channels for granting the waiver authority and codified that authority. That would have been contrary to the intent of Title 44.

Section 359, as modified by my amendment, assures that, consistent with Title 44 of the US Code, Department of Defense printing shall be procured in the private sector using open competition. By using the competitive bidding process so efficiently managed by the Government Printing Office, only the very lowest possible cost of printing Defense documents will be charged to the American taxpayer.

Mr. SOLOMON. Mr. Chairman, this amendment is really quite straightforward. It simply tries to clarify an ambiguity that might be perceived in the present text of the bill.

Specifically, the purpose of this amendment is to make clear that any change to the status quo in the Naval Nuclear Propulsion Program is to be made only by law—by act of Congress.

The effect of this amendment is to reinforce the February 1, 1982, Executive order by President Reagan that placed the Naval Nuclear Propulsion Program under the exclusive oversight jurisdiction of the Navy.

My intention in offering this amendment is to make clear that the elimination of redundant and extraneous provisions in law—the scraping away of barnacles, if you will—that H.R. 1530 accomplishes is not to be interpreted as changing in any way the present status of the Naval Nuclear Propulsion Program.

That status has not changed—and it will not be changed unless Congress changes it, period.

Mrs. MALONEY. Mr. Chairman, I rise to briefly discuss the amendment—included in the en bloc amendment—of the gentleman from Ohio [Mr. GILLMOR] and the gentleman from Texas [Mr. EDWARDS].

Mr. Speaker, although the Civilian Marksmanship Program is but a minuscule piece of the Federal Government, I think this is a historic occasion.

It is noteworthy because as the leading opponent of the Civilian Marksmanship Program in Congress over the past 3 years, I now support much of what the leading proponents are trying to do—change and reform this long outdated program.

My colleagues, it has taken 92 years to begin to do the right thing.

Founded in 1903 after the Spanish-American War, the program was intended to teach our new recruits how to shoot straight.

We won that War. And it is long past time to declare victory and get rid of this program.

But for nearly a century, U.S. taxpayers were called upon to spend their money—last year it was $2.5 million—on a program which the Department of Defense said serves absolutely no military purpose.

Instead, the program gives away 40 million rounds of free ammunition, along with cut-rate guns to rifle clubs to use in target practice competitions.

It simply make no fiscal or military sense.

And lately, the Civilian Marksmanship Program took on a more sinister appearance, which the gentleman's amendment acknowledges. Investigative reporting uncovered clear links between participants in this program and extremist militias.

I am pleased that Mr. GILLMOR'S proposal moves us in the right direction on a number of these issues.

First and foremost, the annual $2.5 million giveaway of taxpayer money is gone.

The program will cease to be an instrument of the military—where it serves absolutely no purpose—and instead will become a private nonprofit corporation associated with the U.S. Olympic Committee.

I have always stated that I have no problem with teaching rifle safety and sharpshooting. But I consistently objected to the taxpayers footing the bill under the guise of military preparedness.

Mr. Speaker, I do have some very serious concerns about the amendment.

I am not at all comfortable with its provision to turn over an inventory of 70,000 M–1 rifles to the new corporation, and to allow a new type of weapon—.22 caliber rifles—to be sold as well.

It seems to me that we need less, not more, excess Government weaponry spread around our country. I will be watching this program very closely over the coming months to ensure that these weapons are not being abused.

As troubled as I am by this provision, it is clear that the gentleman from Ohio has the votes, and he and my friend from Texas, CHET EDWARDS, have made a good faith effort to reform this pork-ridden boondoggle.

The amendment, while not perfect, is a vast improvement over current law.

Mr. KIM. Mr. Chairman, I rise in support of the Gilman amendment which modifies section 563 of the pending bill regarding the determination of whereabouts and status of missing persons.

First, though, I want to take a moment to recognize the unselfish support and dedication our colleague BEN GILMAN, the chairman of the International Relations Committee, has given to trying to help realize the fullest possible accounting of American POW/MIA's. Since coming to Congress in 1973, BEN GILMAN has been a responsible voice in protecting the rights of the families and trying to find answers to the questions about the fates of their missing loved ones. I think we all owe a debt of gratitude to Chairman GILMAN for his never-ending service and commitment to this most complex and frustrating of issues.

Section 563 of the National Defense Authorization Act would require the Secretary of Defense to centralize the oversight and policy responsibility for accounting for missing personnel. It also codifies and standardizes the procedures for accounting for members of the Armed Forces or civilian employees of the Defense Department who become missing as a result of military operations.

The Gilman amendment further refines and improves these new procedures:

First, it requires that the State Department, the Transportation Department, and the Central Intelligence Agency and other relevant agencies appoint an officer responsible for handling missing person issues. Among the 2,204 Americans still missing and unaccounted for from the Vietnam war are civilians associated with the State Department and Coast Guard personnel.

Second, it directs the Defense Department office to coordinate with these other agencies thereby ensuring a common, focused approach to achieving the fullest possible accounting of missing Americans.

Third, it changes from 24 hours to 30 days the time allotted to a family member in responding to the Defense Department board of inquiry.

Fourth, it extends the time after which the Defense Department can terminate the board after first notice of a disappearance from 20 to 30 years. Many of the still unresolved POW/MIA cases from the Vietnam war date back to a loss over 20 years ago.

Fifth, it provides the family of the missing American the right of judicial review for any finding of death made by the board.

I support this effort to improve the system of determining the status of missing Americans. While some may claim the system does not need fixing, the last 22 years of very frustrating experiences by the families of missing Americans underscores to me the need for statutory reforms. I think this measure goes a long way in implementing the kinds of changes these trying experiences have identified.

However, that is not to say that section 536, even with the improvements offered by the Gilman amendment, is perfect. I have reviewed the concerns raised by the Defense Department about these proposed changes and I believe further refinements are in order to address some of these issues.

Furthermore, I am concerned about the lack of definitive language regarding the rights of the primary next of kin, especially with regard to other family members. While I understand the interest in expanding the decision-making process to include other family members, I am aware of the complications this can present to both the Government and the families themselves. The present set of rights and responsibilities accorded to the primary next of kin should be maintained. This relationship in its current form appears to have worked well. In fact, I believe that some of the overall concerns raised by the Defense Department could be mitigated by clearing defining the principal role of the primary next of kin.

I am sure that these further improvements can be made during consideration of this issue by the other body or during the House-Senate conference on the fiscal year 1996 National Defense Authorization Act.

Hopefully, with more comprehensive accounting from Vietnam and these new procedures for determining the whereabouts and status of missing personnel, we will be able to bring a close to this final chapter of the Vietnam war.

Mr. McNULTY. Mr. Chairman, I appreciate the support of my friend and fellow New Yorker, Representative JERRY SOLOMON in cosponsoring this amendment.

In 1990 I was successful in amending the Department of Defense authorization bill to allow the Watervliet Arsenal, a Government owned and Government operated facility located in my congressional district, to enter into commercial contracts with private industry under certain circumstances.

I have spent almost 6 years in constant frustration trying to work with the Army to implement the McNulty amendment. Meanwhile, the workforce at this facility has been reduced to what I consider to be dangerously low levels—over a 50 percent reduction in the last 10 years, and 30 percent in the last 2 years alone.

During the 1980's the Watervliet Arsenal was completely modernized with an investment of $350 million under the Project Rearm Program. If that same modernization occurred today, it would cost half a billion dollars.

The Watervliet Arsenal is a unique facility that has no domestic counterpart to fill the void in the event of a national emergency. By allowing this highly trained workforce, with their unique skills, to be decimated is a waste of a significant investment in this Nation's defense infrastructure. It also diminishes our long-term military capabilities, and could make the United States dependent on foreign sources for some of our most vital defense requirements.

Mr. Chairman, we are closing defense related facilities all across the country. We are trying to utilize every defense dollar in the most efficient and effective way possible. For this reason I am compelled to offer my new amendment.

This amendment will prevent wasteful expenditures for new installations if existing facilities can accept the project at little or no additional investment. In addition, positions at facilities such as the Watervliet Arsenal will be allowed to fluctuate, if the demand is there. Finally, there will be a disincentive for the Department of Defense to ignore under-utilized capacity, as defined by independent audit.

If we are to maintain our defense infrastructure, taking into consideration cost containment and efficiencies, and maintain our capability and readiness, we should not be building new facilities while assets like the Watervliet Arsenal are under-utilized.

During the gulf war the different branches of the U.S. military cooperated to an extent greater than ever before. Fiscal considerations are now forcing the services to reappraise their remaining resources and more efficiently utilize them.

BRAC 1995 has provided an opportunity for the Department of Defense to provide the best value for its resources. Ours is a simple message to the Pentagon. This amendment is a tool you can use to achieve the savings that are expected. Use it wisely.

Mr. SPENCE. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. DELLUMS. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. The question is on the amendments en bloc, as modified, offered by the gentleman from South Carolina [Mr. SPENCE].

The amendments en bloc, as modified, were agreed to.

Mr. SPENCE. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

□ 2100

Accordingly the Committee rose; and the Speaker pro tempore [Mr. BARR] having assumed the chair, Mr. EMERSON, Chairman of the Committee of the

Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1530) to authorize appropriations for fiscal year 1996 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1996, and for other purposes, had come to no resolution thereon.

REPORT ON H.R. 1817, MILITARY CONSTRUCTION APPROPRIATIONS, FISCAL YEAR 1996

Mrs. VUCANOVICH, from the Committee on Appropriations, submitted a privileged report (Rept. No. 104–137) on the bill (H.R. 1817) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1996, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. All points of order are reserved on the bill.

PERSONAL EXPLANATION

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that the name of the gentleman from Wisconsin [Mr. KLECZKA] be removed as a cosponsor of H.R. 1299. His name was added in error to that bill.

The Speaker pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

ANNOUNCEMENT BY THE CHAIRMAN OF THE COMMITTEE ON APPROPRIATIONS

(Mr. LIVINGSTON asked and was given permission to address the House for 1 minute.)

Mr. LIVINGSTON. Mr. Speaker, I would just like to point out that the gentlewoman from Nevada [Mrs. VUCANOVICH] is chairman of the Subcommittee on Military Construction and has just presented the first appropriations bill in a typical appropriations cycle for a fiscal year, the very first one in 40 years.

I might add that she is probably the second lady in history to make such a presentation, and she is assisted by the first Clerk, the first female Clerk in history.

So, I just want to commend her and look forward to her presentation of the bill in a more formal fashion for adoption by the House on Friday.

Mrs. VUCANOVICH. I thank the gentleman from Louisiana.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members are recognized for 5 minutes each.

THE NATIONAL FOUNDATION FOR TEACHING ENTREPRENEURSHIP AND ITS YOUNG ENTREPRENEURS PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas [Mr. TIAHRT] is recognized for 5 minutes.

Mr. TIAHRT. Mr. Speaker, I rise today to talk about solving our problems. So many times on the floor of the House Members will come down and complain about the collapse of civil society, and pressing social concerns.

America does indeed have serious problems, and its time we came together and addressed them. Let's not avoid the tough talk or the tough decisions.

However, something great occurred last November. New people were elected to Congress. People who think that the answers to our problems don't come from the floor of the House but from the hearts and minds of the people who sent us here.

And one of the truly unique ideas which is underway to solve, some of our problems, is the National Foundation for Teaching Entrepreneurship, or NFTE [''Nifty''], Its Young Entrepreneurs Program which is now located in 13 cities. This program teaches urban youth how to create their own business, but NFTE is not just about how to do things. NFTE is about actually doing things. Thousands of urban youth have been shown how to write a business plan, get funding, and create new and needed products.

Tonight, I salute Charles and Liz Koch, who are residents of Wichita, Kansas, and we are proud of these native Kansans. They are individuals who refuse to throw their hands up, and walk away from inner-city problems. It would be easy for them to simply turn their heads. Instead they have used their resources, to bring the NFTE program to Wichita. Choosing Wichita for an entrepreneurship program makes great sense to those familiar with the city. It is the birthplace of many entrepreneurial success stories including, Beech, Cessna, Learjet, Coleman, Pizza Hut, Rent-a-Center, and Koch Industries.

Recently, David Koch, Executive Vice President of Koch Industries and chairman of the David H. Koch Charitable Foundation, brought the spirit of entrepreneurialism to a place where it is needed, more than any other place in America: the District of Columbia. The Young Entrepreneurs of Washington, DC program is in 10 of the District's public schools. Mr. Koch's philosophy is predicated on the strong belief that everyone, has the ability to prosper and succeed in a market based system, with proper training and support.

The mission of the Young Entrepreneurs is to enable, urban youth to break free of the cycle of poverty, by providing them with entrepreneurial literacy, academic training, hands on experience, and a means of wealth creation. This program is not a welfare project. This program relies on the youth's mental toughness, willingness to accept risk, resiliency and their desire to succeed in life. And here's the punch line: this program relies entirely on private funding from individuals like David Koch and not on the Federal Government.

This program is exactly the type of solution we need for our current problems.

Mr. Koch addressed 300 community members including 110 graduating students of the Young Entrepreneurs of Washington, DC, program. I commend David Koch for his contribution and continued enthusiasm to help urban youth.

I ask unanimous consent that Mr. Koch's remarks at this graduation and a recent article from the Washington Times, which describes NFTE's mission, be printed in the CONGRESSIONAL RECORD.

NFTE COMMENCEMENT ADDRESS, MAY 25, 1995

[By David Koch]

Today is a special day not only for the graduates of the young entrepreneurs of Washington, D.C. program and their families, but for all of the District of Columbia. As you young people continue to use the skills you have acquired as young entrepreneurs, you will begin generating wealth in your lives and in your communities. Making all our futures brighter.

Graduates, I understand the demands of the NFTE curriculum and the effort it has required from each of you. You have persevered to meet those demands. Through your hard work, you have demonstrated your commitment to the idea that you can control your destiny, that you can be the source of your own success.

Success, I have come to understand, is determined by how well we learn and use knowledge. But, success does not come easy. As you strive towards your goals, there will be many obstacles, some failures. In my own experience, I have found three values to be particularly useful in overcoming barriers to personal and business success. These values are—humility, intellectual honesty, and passion.

Humility is the foundation for the search for development and use of knowledge. To be humble we must seek and remain open to new ideas and to constructive criticism. As entrepreneurs, you must always be open to new ideas and to the risk of venturing into unfamiliar territory. A humble person is not timid, but is confident in their ability without being boastful or defensive. When people are arrogant, thinking they know all there is to know, they stop learning. Without humility, people often fail to recognize those areas in which they can improve themselves, therefore missing out on making their greatest contribution to society.

Equally important is to be intellectually honest. Intellectually honest people are truthful, trustworthy, forthright; they do not, and cannot, fool themselves or others.

An intellectually honest person searches for evidence that contradicts their position with as much vigor as they search for evidence that confirms their position. An intellectually honest person admits what they do not know and acknowledges when they make mistakes. They see a situation for what it really is, not what they wish it would be.

Regina Jackson, a NFTE alumnus, exemplifies the values of humility and intellectual honesty. Regina has a satisfaction guaranteed policy for her jewelry business. If her product breaks or is flawed in any way, she encourages her customers to bring the item back for replacement. Regina says this is important, because it is the only way she will know that something is wrong, and that she cannot correct a problem unless she knows about it. Because Regina is open to constructive criticism, and is willing to learn from others, her customers trust her and there is a high demand for her jewelry.

Finally, passion and commitment for work will result in a greater enthusiasm for all aspects of life. To be passionate we must be enthusiastic about our ultimate goals, and eager for their accomplishment. A passionate person courageously takes risks, pursues opportunities, and is persistent when faced with obstacles.

For example Greg Blair another NFTE alumnus, has collected sports cards since he was 10 years old. He is an avid fan, and is most proud of his Michael Jordan retirement card. It was natural and fun for Greg to turn his hobby into a business; he will be a better businessman due to his passion and commitment for work. Any businessman would search hard for good deals on great sports cards simply because of their potential retail value. But, Greg will be more successful at such a search, because of his enthusiasm for, and knowledge of the game.

Graduates, remember this: You are the driving force behind your destiny and when you embrace the values of humility, intellectual honesty, and passion, you can, and will, advance your success.

Take pride in your achievements and take satisfaction in your ability to affect the course of your life.

I am proud of all of you and wish you the best of luck. Thank you.

IDEAS FROM CREATIVE YOUNG MINDS NURTURED INTO FLEDGLING BUSINESSES

[By Jacqueline Gaulin]

The only male role models Dwayne Prince recalls as a child were in jail. Today, the 18-year-old entrepreneur considers himself a role model for younger people.

Now a senior at Washington's Roosevelt High School, Mr. Prince turned his artistic talents into a small business with help from the National Foundation for Teaching Entrepreneurship (NFTE).

He was one of the top 12 D.C. students awarded venture capital grants last week from NFTE's Young Entrepreneurs of Washington program.

He said he wants to tell other kids that if they "continue to put in the effort to reach their dreams, anything can happen." He added: "All the odds were against me, too."

NFTE (pronounced "nifty") is the vision of Steve Mariotti, a former New York businessman who said he decided to teach young people to run a business after he was mugged in 1981 by five armed youths.

Formed in 1987 in New York, NFTE is now in 13 U.S. cities. The project expanded to Washington in February 1994 through a partnership with the David H. Koch Charitable Foundation.

The Koch Foundation provided a two-year, $1 million grant for the D.C. program, which held an awards dinner last week to bestow its third group of venture capital grants to 12 young entrepreneurs.

The grants range from $300 to $1,000 and are intended to get the businesses up and running.

Local businesspeople evaluated the business plans submitted by D.C. student finalists, who were selected by their teachers to compete for the grants.

So far, nearly 300 have completed the intensive, 80-hour "mini-MBA" program here.

"And more importantly, they have taken charge of their own lives and their own destinies," said David H. Koch, executive vice president of Koch Industries Inc., a Wichita, Kan., energy company.

However, most students don't know anything about business, said Marilynn Hollis, a D.C. teacher who handles the NFTE course at Roosevelt High School. She said the program gives young people an option they didn't know they could have.

"I feel good about myself," gushed Alicia Rodney, a soft-spoken junior at Roosevelt and a graduate of NFTE's second session in Washington.

Looking proudly at her handmade pillows and T-shirts, which she sells as "Alicia's Creations," Miss Rodney said the NFTE program helped her get goals, manage money and accept responsibility for the choices she makes in life.

And while some critics may call NFTE's vision unrealistic or idealistic, students like Dwayne Prince attest to the program's benefits.

"Da World in Mine" is the slogan for his graphic design and T-shirt company, "Image the World Tee's," which won top honors and a $1,000 grant.

But the name represents more than a business idea for a young man who said he lived in seven different households before he was 14. He said the slogan represents his positive outlook on life.

"Teachers used to say I had a bad attitude," he explained. "I didn't even want to do the classroom part of NFTE," he recalled. "But after I started the program, I found it interesting and realized I could actually set the T-shirts I designed," he said.

He is the founder of "East-Side Kutz," a mobile hair cuttery. He exudes the savvy business style of a fortune 500 executive and extends a firm and confident hand. It's hard to believe he's only 16 years old.

"The business keeps my head straight and I have learned how to be financially stable," he said. He is already planning to further his business education at Babson College in Wellesley, Mass.

Other graduates continue to hone their business skills through NFTE's follow-up program in the participating schools, which sponsor an entrepreneurs club and a school store.

Students can also call NFTE for legal, accounting or other business advice.

The follow-up program has helped Regina Jackson, 13, find the best way to keep her costs low. The 13-year-old jewelry designer said she can double her profits by buying wholesale beads and materials for her original pieces.

Her grandmother, Mary Jackson, said NFTE taught her granddaughter independence and how to handle money. "She even helped her uncle write a business plan for his car wash," Mrs. Jackson said.

FIXING MEDICARE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. KNOLLENBERG] is recognized for 5 minutes.

Mr. KNOLLENBERG. Mr. Speaker, the American people are way ahead of Congress in knowing what is wrong and right with the Medicare system. I appreciate this opportunity to share with the body just one example of the disturbing waste that occurs in our Medicare bureaucracy. I first heard this story last week when it aired on WJBK-TV2 in Detroit during a segment called the "Hall of Shame."

Mrs. Jean English, while going through the mail of her recently deceased brother, found a bill for his last hospital stay. Her brother, suffering from a terminal illness, died only a few days after being admitted.

The bill for the 4-day period came to $368,511.09. All of it had been forwarded to Medicare for payment. Shocked by the outrageous expense, Mrs. English called the hospital for an explanation. What she got was a 14-page itemized statement. And the greatest expense? $342,982.01 for emergency room supplies for a 7-hour stay in the ER.

Well, after much hemming and hawing, the hospital admitted that it had made a mistake.

Oops. Instead of $347,982.01, the actual charge should have been $61.30. That is right $61.30. An overcharge of $347,920.71! The problem was found.

End of story? Hardly. The errant bill had been sent to Medicare and paid by Medicare. That is right—they paid the bill. Now Jean found the mistake—a bill for $350,000 seemed a little excessive to her. Didn't the people at Medicare notice that supplies for the ER had become a little expensive?

Well, in all fairness, Medicare's computer noticed the problem—sort of. The bill total seemed large so Medicare cut it by 70 percent paying the hospital $67,000. But the actual cost of care was only $25,000. Medicare found the problem and still overpaid by $50,000. And Medicare claims this system works?

And when this was brought to the attention of the folks over at Medicare they said, and I quote, "This case shows . . . that the Medicare system worked as expected." If the system is expected to work like this no wonder it will be bankrupt in 7 years.

When Medicare determined the bill was in error why didn't they look at the items to find the mistake? After all, $350,000 for supplies seemed unreasonable to Jean. Don't the people working for Medicare notice a charge of $350,000 for supplies? Or is this happening all the time? "Close enough for government work" is an old adage that seems to be true here.

And why, Mr. Speaker, does Medicare arbitrarily cut 70 percent off if the bill seems in error? According to its own statement this is how the problem was fixed. "When the bill was received from the hospital, the system automatically reduced it by more than 70 percent." It may sound like a solution but the example here shows why this kind of logic is helping to bankrupt the Medicare system.

The actual charge for the supplies should have been $61.30. That's only .0002 percent of what Medicare was charged. And Medicare paid 30 percent of the full charge—$67,000—resulting in a huge overpayment. How hard is it to look at a bill that has already set off the alarms as being incorrect and find exactly what isn't right?

I am disturbed that Medicare seems to believe that just cutting the total amount paid addressed the problem. Now maybe I am too naive but I believe the system should fix its mistakes not just automatically cut a bill by 70 percent. Shouldn't the details of the bill be looked at? Are all bills automatically cut by 70 percent?

□ 2130

This system makes no sense. If we are to save Medicare from bankruptcy we must find the solutions to problems like this. I stand here today because I know this story is not unique. Jean English found the mistake and brought it to our attention. But how many errant bills go unnoticed? And at what cost to the system and our seniors.

Let us work together with the American people to stop waste in the system. Let us fix the problem and save Medicare before it gets too late.

THE ADARAND DECISION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas [Ms. JACKSON-LEE] is recognized for 5 minutes.

Ms. JACKSON-LEE. Mr. Speaker, I am responding, I believe, to what has been over the last 24 hours for many of us a deadening silence.

The good news is that let me welcome those who have come to the White House Council on Small Business, the first time since 1960, having the opportunity to interact with many of those delegates and seeing the enthusiasm they now express in terms of the many issues of small business in this Nation. They have come to emphasize the importance of their contribution to the economic life of this country. They have likewise made a very strong point of how diverse the small business community is, including women and Hispanics, African-Americans, Asians, and others who have found the American dream through small business.

Particularly the delegation from Texas cited their concern and their desire for a bipartisan effort in treating some of the many concerns that small businesses have, whether or not it has to do with a one-stop facility to engage or facilitate their access to Government agencies, which I support and welcome the first U.S. general store that will be sited in the city of Houston to be in the 18th Congressional District. Certainly they have talked about Government regulation.

But one of the things that caused the deadening silence and what also brought me a great deal of joy to hear a bipartisan approach from the small business owners, was the decision by the Supreme Court on Adarand that was rendered yesterday, on June 12, 1995. If one would take a look at the headlines of national newspapers across this Nation, it seemed that there was further joy from editors and writers to claim affirmative action dead. How positive it was, however, to her from these small business owners and to realize the energy that was fostered at their sessions today when they came together and resoundingly supported opportunity for all.

Contrary to the spin that is being put on this ruling of Adarand, this particular decision does not dismantle Federal affirmative action programs. In fact, what it does is it throws us back to Crowson, a case that was rendered a number of years ago, and many local and State governments have already proceeded under, which requires a disparity study on affirming the fact frankly that racism still exists in this Nation. It does require a strict scrutiny test, one that causes one to look more closely at the kind of program that might be offered. In fact, I think the precise language might read that it requires a more searching examination.

Then, of course, it talks about the equal protection clause. But the real danger that we face as the Adarand decision continues to be editorialized and spoken about is those that would raise it up as a new day in America. I thought that we were a Nation of equals and those who would offer to help individuals who have yet to face and receive equal opportunity and the American dream. And yet we find those who are poised for the election in 1996, we find my Republican colleagues, all claiming in the name of Dr. Martin Luther King and the dream that they too believe in equal opportunity.

I would ask a simple question, even though these are private sector preferences, where are they when universities prefer those with athletic talents and give athletic scholarships? Where are they when the ivy league schools select the children of alumni to be admitted into their institution? Where are they when schools are out looking for musicians or people who can stand on their head and balance balls three times? Those are preferences.

But let me share with you, there are no quotas and preferences. They were made illegal some years ago. There are goals, of which we aspire to, and someone had the gall, if you will, to suggest the 10-percent set-aside locks in the Federal Government and discriminates against those who cannot comply under those particular set-asides.

I am here to tell you that the set-asides may be 10 percent, but the actuality may be barely 1 percent in terms of minority businesses and women businesses who are receiving contracts under several programs under the Federal Government.

I, too, stand here welcoming the diversity of this Nation, but as well the equality of this Nation. I would simply say that it is time now, Mr. Speaker, not to run away from this issue of equality and diversity. Look at the Adarand decision as it has been presented to us simply as a hurdle to cross, and not a death knell, an elimination for opportunity for all of our citizens.

COMMUNICATION FROM THE CHAIRMAN OF THE COMMITTEE ON THE BUDGET REGARDING CURRENT LEVELS OF SPENDING AND REVENUES FOR FISCAL YEARS 1995–1999

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. KASICH] is recognized for 5 minutes.

Mr. KASICH. Mr. Speaker, on behalf of the Committee on the Budget and pursuant to sections 302 and 311 of the Congressional Budget Act, I am submitting for printing in the CONGRESSIONAL RECORD an updated report on the current levels of on-budget spending and revenues for fiscal year 1995 and for the 5-year fiscal year 1995 through fiscal year 1999.

This report is to be used in applying the fiscal year 1995 budget resolution (H. Con. Res. 218), for legislation having spending or revenue effects in fiscal year 1995 through 1999:

COMMITTEE ON THE BUDGET
Washington, DC, June 8, 1995.

Hon. NEWT GINGRICH,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: To facilitate application of sections 302 and 311 of the Congressional Budget Act, I am transmitting a status report on the current levels of on-budget spending and revenues for fiscal year 1995 and for the 5-year period fiscal year 1995 through fiscal year 1999.

The term "current level" refers to the amounts of spending and revenues estimated for each fiscal year based on laws enacted or awaiting the President's signature as of June 7, 1995.

The first table in the report compares the current level of total budget authority, outlays, and revenues with the aggregate levels set by H. Con. Res. 218, the concurrent resolution on the budget for fiscal year 1995. This comparison is needed to implement section 311(a) of the Budget Act, which creates a point of order against measures that would breach the budget resolution's aggregate levels. The table does not show budget authority and outlays for years after fiscal year 1995 because appropriations for those Years have not yet been considered.

The second table compares the current levels of budget authority, outlays, and new entitlement authority of each direct spending committee with the "section 602(a)" allocations for discretionary action made under H. Con. Res. 218 for fiscal year 1995 and for fiscal years 1995 through 1999. "Discretionary action" refers to legislation enacted after adoption of the budget resolution. This comparison is needed to implement section 302(f) of the Budget Act, which creates a point of order against measures that would breach the section 602(a) discretionary action allocation of new budget authority or entitlement authority for the committee that reported the measure. It is also needed to implement section 311(b), which exempts committees that comply with their allocations from the point of order under section 311(a). The section 602(a) allocations printed in the conference report on H. Con. Res. 218 (H. Rept. 103-490) were revised to reflect the changes in committee jurisdiction as specified in the Rules of the House of Representatives adopted on January 4, 1995.

The third table compares the current levels of discretionary appropriations for fiscal year 1995 with the revised "section 602(b)" suballocations of discretionary budget authority and outlays among Appropriations subcommittees. This comparison is also needed to implement section 302(f) of the Budget Act, since the point of order under that section also applies to measures that would breach the applicable section 602(b) suballocation. The revised section 602(b) suballocations were filed by the Appropriations Committee on September 21, 1994.

The aggregate appropriate levels and allocations reflect the adjustments required by section 25 of H. Con. Res. 218 relating to additional funding for the Internal Revenue Service compliance initiative.

Sincerely,

JOHN R. KASICH, *Chairman*.

Enclosures.

REPORT TO THE SPEAKER FROM THE COMMITTEE ON THE BUDGET

STATUS OF THE FISCAL YEAR 1995 CONGRESSIONAL BUDGET ADOPTED IN H. CON. RES. 218—REFLECTING ACTION Completed as of June 7, 1995

[On-budget amounts, in millions of dollars]

	Fiscal year	
	1995	1995–1999
Appropriate Level (as set by H. Con. Res. 218):		
Budget authority	$1,238,705	$6,892,705
Outlays	1,217,605	6,676,805
Revenues	977,700	5,415,200
Current Level:		
Budget authority	1,233,103	(1)
Outlays	1,216,173	(1)
Revenues	978,218	(1)
Current Level over (+)/under (−) Appropriate Level:		
Budget authority	−5,602	(1)
Outlays	−1,432	(1)
Revenues	518	−31,643

[1] Not applicable because annual appropriations Acts for Fiscal Years 1997 through 1999 will not be considered until future sessions of Congress.

BUDGET AUTHORITY

Enactment of measures providing more than $5.602 billion in new budget authority for FY 1995 (if not already included in the current level estimate) would cause FY 1995 budget authority to exceed the appropriate level set by H. Con. Res. 218.

OUTLAYS

Enactment of measures providing new budget or entitlement authority that would increase FY 1995 outlays by more than $1.432 billion (if not already included in the current level estimate) would cause FY 1995 outlays to exceed the appropriate level set by H. Con. Res. 218.

REVENUES

Enactment of any measures producing any net revenue loss of more than $518 million in FY 1995 (if not already included in the current level estimate) would cause FY 1995 revenues to fall below the appropriate level set by H. Con. Res. 218.

Enactment of any measure producing any net revenue loss for the period FY 1995 through FY 1999 (if not already included in the current level estimate) would cause revenues for that period to fall further below the appropriate level set by H. Con. Res. 218.

DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH COMMITTEE ALLOCATIONS PURSUANT TO BUDGET ACT SECTION 602(a)

[Fiscal years, in millions of dollars]

	1995			1995–1999		
	BA	Outlays	NEA	BA	Outlays	NEA
HOUSE COMMITTEE						
Agriculture:						
Allocation	0	0	0	0	0	4,861
Current level	499	−155	0	497	−152	0
Difference	499	−155	0	497	−152	−4,861
National Security:						
Allocation	0	0	0	0	0	0
Current level	42	37	0	221	210	82
Difference	42	37	0	221	210	82
Banking, Finance and Urban Affairs:						
Allocation	0	0	0	0	0	0
Current level	−25	−25	0	−75	−75	0
Difference	−25	−25	0	−75	−75	0
Economic and Educational Opportunities:						
Allocation	0	0	309	0	0	5,943
Current level	8	−13	297	104	81	1,674
Difference	8	−13	−12	104	81	−4,269
Commerce:						
Allocation	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
International Relations:						
Allocation	0	0	0	0	0	0
Current level	5	4	0	11	11	0
Difference	5	4	0	11	11	0
Government Reform & Oversight:						
Allocation	0	0	0	0	0	0
Current level	0	0	0	4	4	−3
Difference	0	0	0	4	4	−3
House Oversight:						
Allocation	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Resources:						
Allocation	0	0	0	0	0	0
Current level	−8	−8	4	0	−2	4
Difference	−8	−8	4	0	−2	4
Judiciary:						
Allocation	0	0	0	0	0	0
Current level	−58	−58	0	−6	−6	0
Difference	−58	−58	0	−6	−6	0
Transportation & Infrastructure:						
Allocation	2,161	0	0	64,741	0	0
Current level	2,161	0	0	4,375	0	0
Difference	0	0	0	−60,366	0	0
Science:						
Allocation	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Small Business:						
Allocation	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Veterans' Affairs:						
Allocation	0	0	340	0	0	5,743
Current level	2	2	334	3	3	1,888
Difference	2	2	−6	3	3	−3,855
Ways and Means:						
Allocation	0	0	0	0	0	214
Current level	44	−37	98	−3,674	−5,711	−3,655

DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH COMMITTEE ALLOCATIONS PURSUANT TO BUDGET ACT SECTION 602(a)—Continued

[Fiscal years, in millions of dollars]

	1995			1995–1999		
	BA	Outlays	NEA	BA	Outlays	NEA
Difference	44	−37	98	−3,674	−5,711	−3,869
Total Authorized:						
Allocation	2,161	0	649	64,741	0	16,761
Current level	2,670	−253	733	1,460	−5,637	−10
Difference	509	−253	84	−63,281	−5,637	−16,771

DISCRETIONARY APPROPRIATIONS FOR FISCAL YEAR 1995—COMPARISON OF CURRENT LEVEL WITH SUBALLOCATIONS PURSUANT TO BUDGET ACT SECTION 602(b)

[In millions of dollars]

	Revised 602(b) suballocations (September 21, 1994)				Current Level				Difference			
	General purpose		Violent crime		General purpose		Violent crime		General purpose		Violent crime	
	BA	O	BA	O	BA	O	BA	O	BA	O	BA	O
Agriculture, Rural Development	13,397	13,945	0	0	13,396	13,945	0	0	−1	−0	0	0
Commerce, Justice, State	24,031	24,247	2,345	667	23,821	24,205	2,345	667	−210	−42	0	0
Defense	243,432	250,515	0	0	241,405	249,636	0	0	−2,027	−879	0	0
District of Columbia	720	722	0	0	712	714	0	0	−8	−8	0	0
Energy and Water Development	20,493	20,888	0	0	20,293	20,784	0	0	−200	−104	0	0
Foreign Operations	13,785	13,735	0	0	13,492	13,717	0	0	−293	−18	0	0
Interior	13,521	13,916	0	0	13,516	13,915	0	0	−6	−2	0	0
Labor, HHS and Education	69,978	69,819	38	8	69,678	69,807	38	7	−300	−12	0	−1
Legislative Branch	2,368	2,380	0	0	2,367	2,380	0	0	−1	0	0	0
Military Construction	8,837	8,553	0	0	8,735	8,519	0	0	−102	−34	0	0
Transportation	13,704	36,513	0	0	13,622	36,511	0	0	−82	−2	0	0
Treasury-Postal Service	11,741	12,256	40	28	11,575	12,220	39	28	−166	−36	−1	0
VA–HUD-Independent Agencies	70,418	72,781	0	0	70,052	72,780	0	0	−366	−1	0	0
Reserve	2,311	6	0	0	0	0	0	0	−2,311	−6	0	0
Grand total	508,736	540,276	2,423	703	502,664	539,133	2,422	702	−6,072	−1,143	−1	−1

U.S. CONGRESS
CONGRESSIONAL BUDGET OFFICE,
Washington, DC June, 1995.

Hon. JOHN KASICH,
Chairman, Committee on the Budget,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended, this letter and supporting detail provide an up-to-date tabulation of the on-budget current levels of new budget authority, estimated outlays, and estimated revenues for fiscal year 1995. These estimates are compared to the appropriate levels for those items contained in the 1995 Concurrent Resolution on the Budget (H.Con.Res. 218), and are current through June 7, 1995. A summary of this tabulation follows:

[In Millions of dollars]

	House current level	Budget resolution (H. Con. Res. 218)	Current level +/− resolution
Budget authority	1,233,103	1,238,705	−5,602
Outlays	1,216,173	1,217,605	−1,432
Revenues:			
1995	978,218	977,700	518
1995–99	5,383,577	5,415,200	−31,643

Since my last report, dated February 22, 1995, the Congress has cleared, and the President has signed, the 1995 Emergency Supplementals and Rescissions Act (P.L. 104–6) and the Self-Employed Health Insurance Act (P.L. 104–7). These actions have affected the current level of budget authority, outlays, and revenues. Congress also cleared for the President's signature the 1995 Emergency Supplementals and Rescissions bill (H.R. 1158), which was vetoed by the President.

Sincerely,

JUNE E. O'NEILL.

PARLIAMENTARIAN STATUS REPORT 104TH CONGRESS, 1ST SESSION HOUSE ON-BUDGET SUPPORTING DETAIL FOR FISCAL YEAR 1995 AS OF CLOSE OF BUSINESS JUNE 7, 1995

[In millions of dollars]

	Budget authority	Outlays	Revenues
ENACTED IN PREVIOUS SESSIONS			
Revenues			978,466
Permanents and other spending legislation	750,343	706,271	
Appropriation legislation	738,096	757,783	
Offsetting receipts	−250,027	−250,027	
Total previously enacted	1,238,412	1,214,027	978,466
ENACTED THIS SESSION			
1995 Emergency Supplementals and Rescissions Act (P.L. 104–6)	−3,386	−1,008	
Self-Employed Health Insurance Act (P.L. 104–7)			−248
Total enacted this session	−3,386	−1,008	−248
ENTITLEMENTS AND MANDATORIES			
Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted	−1,923	3,154	
Total current level[1]	1,233,103	1,216,173	978,218
Total budget resolution	1,238,705	1,217,605	977,700
Amount remaining:			
Under budget resolution	5,602	1,432	
Over budget resolution			518

[1] In accordance with the Budget Enforcement Act, the total does not include $3,905 million in budget authority and $7,442 million in outlays for funding of emergencies that have been designated as such by the President and the Congress, and $841 million in budget authority and $917 million in outlays for emergencies that would be available only upon an official budget request from the President designating the entire amount requested as an emergency requirement.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina [Mr. JONES] is recognized for 5 minutes.

Mr. JONES. Mr. Speaker, on June 2, 1995, a United States Air Force F–16 Fighting Falcon was shot down over Bosnia.

The pilot's fate was unknown.

What was known was that if he had survived, he had gone down in a hostile, war-torn land where Bosnian Serbs were using captured United Nations peacekeepers as human shields.

While the Nation waited for answers, a Navy ship steamed into the Adriatic Sea.

Aboard the ship was the 24th Marine unit, commanded by Col. Martin R. Berndt.

On June 8, at 3 a.m. Bosnian time, Colonel Berndt was notified that the downed pilot had been located. The marines moved quickly.

They hastily assembled a TRAP team, for Tactical Recovery of Aircraft Personnel, under the command of Lt. Col. Chris Gunther.

By 5 a.m., Colonel Berndt, Lieutenant Colonel Gunther, and their Marines were aboard helicopters en route to the Bosnian coast.

Forty-five minutes later, before crossing into Bosnian air space, the Marines were joined by EA–6B Prowlers from the USS Roosevelt, F/A 18 Hornets from Marine Fighter Attack Squadron 533, and two Air Force A–10 Thunderbolts.

AWACS airborne warning and control system aircraft, which had been in radio contact with the downed pilot, circled overhead and directed the Marines to his approximate location.

The Marines hit the objective at 6:40 a.m. The Cobra gunships went in first, flying fast and low over the trees to identify and destroy any potential threat from the ground.

Seconds later, the first Super Stallion landed. Marines leapt from the aircraft and deployed to secure the area.

As the second CH-53 touched down, 29-year-old Captain Scott O'Grady, the F-16 pilot who for 6 days had evaded capture and lived off the land, sprang from a tree line and ran toward the Marines.

Colonel Berndt reached out, grabbed O'Grady, and pulled him safely aboard the chopper.

"I'm okay," O'Grady said. "Get me out of here."

Colonel Berndt obliged.

From the time they landed to the time they lifted off, the Marines spent less than 2 minutes on the ground.

During the flight back to the ship they were fired on by surface to air missiles and small arms.

At least one round hit the helicopter that carried Captain O'Grady.

But it was not enough to stop the U.S. Marines, and today Captain Scott O'Grady is safely home.

This operation demonstrates many things.

It demonstrates the superior capabilities of our equipment, and the effectiveness of our tactics.

It demonstrates our military's exceptional capability for inter-service communications and cooperation.

But above all, it demonstrates the unequaled skill, valor, of American troops.

Courage saved Captain O'Grady—his own courage, and the courage of the Marines who pierced the Bosnian dawn to pull him from harm's way.

The TRAP team that rescued Captain O'Grady included two Sea Cobra helicopter gunships; four Harrier attack jets; and 41 Marines from an 81 mortar platoon from the 3rd Battalion, 8th Marines.

These elements are home based at Camp Lejeune, NC.

Much of Camp Lejeune is in the third congressional district, and I am here tonight as their Representative in Congress, to commend their actions over Bosnia.

These Marines are daring. They are intrepid. They are dauntless.

They represent the very best America has to offer, and their actions reflect great credit upon each individual Marine, the 3rd Battalion, the 8th Marines, the 24th MEU, and Camp Lejeune.

I am proud to represent them.

The Marines of Camp Lejeune demonstrate the spirit and meaning of the Corp's proud motto: "Semper Fi"—"Always faithful".

I say thank you Captain O'Grady and thank you to the U.S. Marine Corps.

COL. MARTIN BERNDT—A TRUE AMERICAN HERO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. FOX] is recognized for 5 minutes.

Mr. FOX of Pennsylvania. Mr. Speaker, I rise with pride tonight to address my colleagues and a salute an American hero, Marine Col. Martin Berndt. Just a few days ago Richard and Muriel Berndt were not aware of the danger their son faced until it was over. The Springfield Township, Montgomery County, PA, couple knew he was overseas, but did not know that Col. Martin Berndt led the marine unit that rescued Air Force Capt. Scott O'Grady. O'Grady's F-16C was downed Friday, June 2, by a Serbian SA-6 missile in Bosnia-Herzegovina. He commands 2,000 Marines that belong to a Marine amphibious unit.

But the couple were awakened from a peaceful night's rest in their Oreland, PA, home where they have lived for 34 years. They had heard about the successful mission around 2 a.m., but at 6 a.m., his daughter-in-law called Mr. Berndt, Sr., to tell him that his son was in charge of the entire operation which was so successful.

Their son had been involved with military operations in Vietnam, Haiti, Panama, and the Persian Gulf, and after a successful mission, Colonel Berndt said, "Well, tomorrow it is back to work."

Colonel Berndt's courageous actions in the former Yugoslavia were right in line with his character. He always told his parents he would not ask his men to do anything he would not do himself.

His decorations since he has joined the Marines in 1969 include the Defense Superior Service Medal, the Defense Meritorious Service Medal, the Navy Achievement Medal, the Meritorious Service Medal with two stars, the Combat Action Ribbon with one gold star, and the Joint Service Commendation Medal with a bronze oak leaf cluster.

After graduating from Springfield High School in 1965 and West Chester University in 1969, Colonel Berndt was commissioned a second lieutenant in the Marine Corps. He just came home one day and told his parents, "I have joined the Marines." His father said he was always very decisive, even as a child; quiet, active, and very decisive.

Throughout his brilliant 26-year military career, Berndt has served as a weapons platoon commander, a rifle platoon commander, a political military planner with the Office of the Joint Chiefs of Staff, Middle East/Africa planner, the U.S. liaison to the West Africa Peacekeeping Force, as well as the Assistant Chief of Staff of Headquarters, commanding officer of the Third Battalion, Fourth Marines, and commanding officer of the First Battalion, Sixth Marines.

Berndt and his wife, Diana, have been married for 26 years and have three children, Danielle, Martin, and Dennis, and they live on the U.S. Marine Corps Base in Camp Lejeune. Quite appropriately, Colonel Berndt is in line for promotion to brigadier general.

We salute tonight, Mr. Speaker, Col. Martin Berndt—a first class American leader, an outstanding patriot, and a genuine military hero of the United States. God bless our men and women who fight for us every day in the Armed Forces of the United States to make sure that America is free. Semper Fi.

IMPORTANCE OF A BALANCED BUDGET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. SMITH] is recognized for 5 minutes.

Mr. SMITH of Michigan. Mr. Speaker, a few minutes ago, roughly 28 minutes ago, the President of the United States made a nationally televised address indicating that he was now convinced that we should have a balanced budget. I wanted to give this 5 minutes tonight because I am delighted to welcome the President aboard, because he now realizes, or the pollsters realize, that a balanced budget is going to be very important if we are going to spur the economic and job development of this country, if we are going to end up not giving our kids and our grandkids a mortgaged future. Let me just make a couple of comments on how serious the overspending of this Congress is and what is happening to the obligation of future generations.

□ 2130

We now have a debt of approximately $4.9 trillion. That means that the interest on that debt this year is going to be $339 billion, the largest expense item of anything else on our budget. But the problem is of jobs and economic development. If we are not able to balance that budget, then we continue to obligate a greater and greater portion of our budget to the interest. But more than that, here is the Federal Government today going out and demanding that they have 42 percent of all of the money lent out in the Untied States this year. That means that extra demand for money is driving up interest rates.

Our top banker of this Nation, Chairman Greenspan of the Federal Reserve, estimates that if we are able to balance the budget, we can see interest rates drop between 1½ and 2 percent. What is that going to do for business? What is that going to do for people that want to go out and buy a new home or a new car or business to expand their operation and to hire more people? It is going to do a great deal.

The other problem, or course, is the United States needs to have the kind of tax policy that is going to spur economic development.

The President tonight said nothing to stimulate the economy through taxes, but he was for those good political things of a middle class tax cut. And so I am concerned that whether or not this was political rhetoric on the part of the President tonight is going to be shown really in his details as he presents those details to the United States Congress.

It is good news that we are all going to talk from the same goal of eventually achieving a balanced budget. The President suggests we should wait for 10 years to get that balanced budget. But this is a problem technically, because the problem of compounding interest, the longer we wait to cut some of those expenses, the more drastic those cuts are going to have to be. That is why it is important that we start early, that we try to get this balanced budget in 5 years. The House and the Senate have said, let us take 7 years to do it, but let us do it at least in 7 years and then start paying off the actual debt that we have incurred for future generations.

Mr. Speaker, I thank you for this opportunity.

Mr. President, welcome aboard in the legitimate budget discussions of having a true balanced budget and saving our future for our kids.

BALANCING THE BUDGET

The SPEAKER pro tempore (Mr. BARR). Under a previous order of the House, the gentleman from Georgia [Mr. KINGSTON] is recognized for 5 minutes.

Mr. KINGSTON. Mr. Speaker, I wanted to follow up on the comments of the gentleman from Michigan about the President making a speech tonight concerning balancing the budget.

I, too, welcome the President in this discussion. We have had a game, I guess since January, of where is Bill, and I am glad to see that he has emerged. I regret that it is after the House has passed its balanced budget. I regret that it is after the Senate has passed its balanced budget. But there is still time, and this is going to be many, many years and a very long process. So I am glad to see he has decided to go ahead and jump in the game at this point.

But I am concerned that now, after fighting against a middle-class tax cut, he has come out for one.

Mr. Speaker, I yield to the gentleman from Arizona [Mr. HAYWORTH] on this matter because that is what I understand that he did notice; is that correct?

Mr. HAYWORTH. Mr. Speaker, I thank the gentleman from Georgia, my good friend, for yielding to me.

I think it is very important, in the wake of the Presidential address, to go on the record as the new majority party at a historic moment in our history to say that we welcome the President, albeit better later than never, finally owning up to the task of leadership and perhaps reading the polls and seeing that the American public does, indeed, want its politicians, no matter their party affiliation, to work toward a balanced budget.

But even as we welcome the President's constructive move, I know my friend from Georgia will be surprised when he hears that the harshest criticism, according to the wires of the Associated Press, Mr. Speaker, the harshest criticism comes from the ranking House Democrat on appropriations. Let me quote what our friend, Mr. OBEY, the Democrat of Wisconsin says about the President and tonight's exercise.

> I think most of us learned some time ago that if you don't like the President's position on a particular issue, you simply need to wait a few weeks.

Now, let me hasten, Mr. Speaker, and my good friend from Georgia, Mr. KINGSTON, to again reinforce the fact that the words are not ours. They come from the President's own side of the aisle. Indeed, those who bemoan the rise in partisanship and who continually talk of gridlock would do well to remember tonight that the harshest criticisms, again, come from the President's own party, those defenders of the status quo who have yet to meet a Government program they do not like, who have yet to meet a tax increase they do not like. And even as the President talks of tax cuts, again, he always qualifies those comments by talking of the middle class or the working class.

I know the gentleman from Georgia remembers the State of the Union Message where the President stood here behind us at the podium just in front of the Speaker's rostrum and offered a very curious type of family tax cut for families making only $75,000 a year, so a family making $76,000 a year I guess did not qualify as a working family, but also perhaps the gentleman from Georgia remembers the curious provision of what the President talked about at that time. Do you remember what that was? It was this, that the tax cut would only apply to children before the age of 13.

So, in short, the President's idea back in January was to penalize anyone who succeeded who made over $75,000 a year and not only to penalize people who succeed but to penalize their children for growing up.

Mr. KINGSTON. I think maybe the President's idea was to put them all in the national service league so they could get paid for volunteer work. When they are 14, they do not need the money anymore. It was typical of this administration to come up with a complicated middle-class tax relief plan. It looked a little bit to me like Mrs. Clinton's health care revision last year, just a chart of dots and arrows and boxes and squares going this way and all over the page and that is their idea, I guess, of simplification and so forth. That is, I think, why the American people are getting a little leery of it.

My 2-year-old, actually 3-year-old, sings a song, did you ever see a laddie go this way and that way and this way and that way. That is what we have got going on. We all know that. One day you are for tax cuts; the next day you are against them. One day you cannot balance the budget; the next day you can.

MORE ON THE PRESIDENT'S STATEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona [Mr. HAYWORTH] is recognized for 5 minutes.

Mr. HAYWORTH. Mr. Speaker, we will continue the colloquy, as I enjoy the comments of the gentleman from Georgia and appreciate the enlightening nature of the same.

It is curious tonight, again, to see this sea change from the White House. And again, reminiscent of that children's song——

Mr. KINGSTON. Mr. Speaker, if the gentleman will yield, does the gentleman think that maybe since the marriage of James Carville and Mary Matalin there will be cross winds going on at the White House weather vane?

Mr. HAYWORTH. I would not care to speculate on the society status or where one might go on in terms of policy formulation at the White House, but I do find it curious that those members of the former majority, those guardians of the old order who would accuse the new majority of governance by polls find themselves tonight foisted upon a new pole, the Chief Executive finding now that the American public does want to see a semblance of fiscal responsibility. The reason I use the term "semblance" is because, once again, the President says, well, it would be nice to have a balanced budget but let us not do it in 7 years, no, no, let us stretch it out over a decade, over 10 years.

Now, by my calendar, as I check it, and the gentleman from Georgia perhaps can bear me out on this, that would be the year 2005. In the interim, according to the Medicare trustees report, which three of the President's own cabinet officers signed, Secretaries Reich and Rubin and Shalala, the Medicare trust fund goes broke in 6 years.

The fear I have, even as I welcome the President, albeit late to the table and to the recognition of the necessity of reducing the growth of the size of government, is, again, an inability to own up to the stark reality we face. And I cannot fathom why that is.

Mr. KINGSTON. Mr. Speaker, one of the interesting things that I find, and I am sure you do in Arizona when you go home, is that people are saying, stay the course, cut the budget, and I am sick and tired of it. Get the Government out of my life. Reduce the regulations, reduce my taxes, make it work and stay out of Washington as much as possible.

With that in mind, what has happened here, suddenly somebody over at the administration has figured, wait, they did not tick off people when they actually carried through with their campaign promise of balancing the budget. Let us get in on this bandwagon. So now they are going to join the fray. But to do something a little differently, they have to say, let us do it in 10 years.

If you look back at the Grace commission, the Gramm-Rudman, the balanced budget amendment, every time we do something, it is always far off, it is not this year, not this budget. We did pass a budget that puts us having a balanced budget in 7 years, but even that is a long time.

And I think what the American people want is yesterday, not 10 years. And they are not even real happy with 7.

Mr. HAYWORTH. Reclaiming my time, Mr. Speaker, what I believe the American people want is not only civility in political discourse but straight answers. It is borne out in the frustration of an unrepentent liberal, the ranking member on the minority side of appropriations, who says of his party's own standard-bearer, and again this bears repeating, for those who have just joined us, according to the Associated Press, the gentleman from Wisconsin, DAVE OBEY, "I think most of us learned some time ago that if you don't like the President's position on a particular issue, you simply need to wait a few weeks."

That is reflective of a frustration born of a failure of this administration to rest comfortably with the mantle of leadership upon its shoulders.

Now, good people can change their minds from time to time on the issues. But I believe my friend from Georgia will bear me out, as he visits his district there along the beautiful Georgia coast, the fact is that people are highly suspicious when public policy is predicated on the prevailing winds akin to a weather vane.

Mr. KINGSTON. However, if the President of the United States is serious and wants to balance the budget, as we can only hope that he is, the Republican Party welcomes him and his administration, open arms, let us get in the arena, let us figure it out together and let us work for the good of America.

Mr. HAYWORTH. Reclaiming my time, we can say this tonight in the wake of the President's speech. He says now he wants a balanced budget. Let him work with us to achieve it in 7 years instead of a decade hence.

GATT

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from California [Mr. ROHRABACHER] is recognized for 60 minutes as the designee of the majority leader.

Mr. ROHRABACHER. Mr. Speaker, the passage of the GATT implementation legislation late last year was supposed to put into place the legal framework for trade policy that was required by a trade agreement that had been hammered out among the various nations of the world. That was what it was supposed to be. The only problem being a major change in the U.S. law was snuck into the implementation legislation, even though it was not required by the GATT treaty.

So what I am talking about tonight is something that was snuck into law late last year and is just now being implemented as the law of the United States of America.

What was this mysterious provision that magically appeared in the GATT implementation legislation? Oh, it was nothing more than just a little old change in the patent law, just a little change in the patent law that if allowed to stand will cost American inventors and American investors billions of dollars, if not corrected.

□ 2145

Something may be happening that is very sinister here in Washington, DC, or it might be very innocent. Whatever it is is going to result in the transfer of billions of dollars from one set of pockets to the other set of pockets. Why was this change, this change that actually redirects the money flow, why was it accomplished through the GATT implementation legislation?

This Congressman, along with a majority of my colleagues, voted for the GATT fast-track authority. What that did, it gave the administration the right to negotiate this trade agreement, which would then be voted on as a single vote. It would be all or nothing. The implementation legislation would be presented to us, it would be one vote, all or nothing, and we could not vote to amend what was presented to us.

This arrangement was made to ensure that the trade agreement would not be amended to death, and that our negotiators could actually go and negotiate with our foreign trade potential partners, and that, basically, was a good idea, as long as everyone kept their word. The understanding, of course, was that the only changes that would be made part of the GATT implementation process would be changes that were required by the treaties that had been negotiated with our potential trading partners. There would not be anything else in the GATT implementation legislation, so we could vote on it up-or-down.

Congress and the American people were lied to, and we were betrayed. I personally feel betrayed, because I voted for fast-track authority for GATT. GATT did not require our country to diminish the patent protection enjoyed by our citizens. Yet, it was placed in this bill in hopes of passing this major change in patent law without full debate, without full scrutiny.

This Congressman was even denied the right to even see the language of the proposed legislative change until shortly before the vote was scheduled. I am an elected representative of the people. I asked for weeks to see the legislative language. I was denied the right to see that until it was sent to Congress itself.

Adding insult to injury, under fast track, Congress was supposed to have 60 days to examine the proposal and then to vote on it. This administration submitted GATT to Congress only a few days before a scheduled recess, which put us in the position of voting for all of it or none of it, with little time to consider the detail. This was either smart or it was sneaky or it was sinister, depending on one's perspective. Luckily, the administrator was forced to stand off, which gave us some more time. We had to come back to vote on the GATT later on.

What is the major change that was in GATT which eventually was voted on and made into law? What is this change that I'm talking about that was snuck into GATT, but not required by our trade negotiations?

Americans traditionally have been blessed with patent laws which protected our inventors and our investors. This protection of patent rights ensured that our country was in a position, over our country's history, in the forefront of technological change. Patent protection was considered so vital to our country's well-being that it is put right into our Constitution. Very few countries can say that their Founding Fathers were so committed to technological change in the advancement and well-being of the common man that patent protection, patent laws, the actual insistence that there be a Patent Office, was put into the Constitution of our country at our country's founding.

This could explain why the Americans were in the forefront of things like the reaper, which helped us bring in crops so well that we fed our people better than any other country in the world; the telegraph; telephones; steam engines; trains, and the list goes on and on. The secret, perhaps, is that we had the protection of those inventors and investors who were behind them, we had that protection in law, up until it was secretly changed by the GATT implementing legislation.

If an American inventor applied for a patent, no matter how long it took the Government to issue that patent, once it was issued to the inventor, it might take 10 years, it might take 5 years, it might take 15 years, but once it was issued, the inventor and the investor owned that invention for 17 years, so there was a profit motive, and they had control of the technology they had developed for 17 years.

That is the secret behind the genius of our people. We have built it into our country's laws. We have protected their rights to own what they have created. However, the GATT laws changed that.

The GATT law changes that dramatically. The change is designed, incidentally, to appear to be of little consequence. In fact, it appears to elongate the time of patent protection. Now, after the GATT changes are in effect, when an inventor files, if his patent is issued immediately, he will have 20, not 17 years but 20 years, of full protection. However, as the law now reads, after 20 years he is done. He does not have patent protection. Remember, before it was only 17 years.

That would be really great if patents were issued immediately, but they are not issued immediately. In fact, almost every technological breakthrough that has changed the lives of mankind that have been based on patents issued to Americans have taken years and years, sometimes more than a decade, sometimes more than 15 years, to issue.

Thus, the patent holder, under those laws, under the old laws, still had 17 years worth of protection. Under the new law, his or her patent rights would be virtually destroyed and meaningless. Under the new provisions, the real patent time is dramatically, dramatically reduced for people who are inventing important technology.

What does that mean? Again, it means billions of dollars that should be going into the bank accounts of American inventors and American investors will now end up in the bank accounts of multinational and foreign corporations. It also means that technology Americans have invested in and that Americans have created will not end up being used against us by our competitors, because the length of real patent protection has been drastically reduced.

It is, in short, one of the greatest ripoffs in history. That is what just happened in slow motion and quietly and part of the GATT implementation legislation, and something that, unless we act, the perpetrators of this crime will get away with.

Why was it done? What was the excuse? Certainly, it could not have been the excuse that we are going to put this into the law, and it is going to rip off the American people. No one would have agreed to that.

We have to admit that some of the people who voted for this and supported it probably do honestly believe that it will have a positive effect, and the positive effect that has been heralded by those who believe it and those who do not believe it, who are just using it as a cover, the positive effect is called harmonization of patent law.

Yes, the United States, Japan, and Europe have different kinds of patent law. We have different laws to protect other rights as well: freedom of speech, freedom of religion, freedom of press. There are different laws protecting rights in the United States, and we pride ourselves in having stronger protection of our rights in the United States than do other countries.

However, Bruce Lehman, head of our Patent Office in the United States, has decided that harmonization of patent law is really an important thing in and of itself, it will be something that is very good. In doing so, because he believes this, he agreed to put this change into our patent law, a change which eliminates the time certain of protection of American patent holders.

He did this in agreement with the Japanese, who were insisting upon this, and it was part of a verbal agreement, and yes, an agreement that was made in writing which has to be passed into law by Congress, but instead of going to Congress openly, he decided "Oh, well, I will fulfill my part of the bargain," which he had no right to make for the American people. Without the passage of Congress, he decided just to slip it into the GATT implementation legislation, so we would either have to accept that or we would have to vote down all of the changes in trade law that were encompassed in the trade negotiations, and we would have to suffer the consequences of a major disruption of trade in the United States.

What did Bruce Lehman, our negotiator, get in return for basically eliminating the rights that Americans have enjoyed for over 100 years in terms of their patent—their for sure time of patent protection? In exchange for it, we got the right to file in Japan, to file for a patent in Japan in English. We got that right.

We also got an agreement from the Japanese who, in good faith, promised our negotiator that "We will indeed improve our patent system so that the average patent in Japan, if you agree to make your changes, so that you no longer have this 17 years of protection, we agree that you will have a patent system in Japan to work with in which the average patent will be issued within 3 years."

This deal reflects an almost criminal naivete. To cover up this absurd acquiescence to the Japanese interests, we have seen underhanded tactics being used to pass this legislation, and we have seen representatives from our government lying to the American people about what this is all about.

Mr. Lehman himself has been claiming that the average time to issue an American patent is only 19 months. Thus, if the average patent is issued in 19 months, and you have said it is 20 years, you have 20 years, after all, of patent protection from the time of filing, then actually the average person has more time, more patent protection, than he would have had we kept the law the same.

Mr. Speaker, this is not true here, what Mr. Lehman is saying about 19 months, the average time, and it will not be true in Japan. The American people are in the process of having their patent rights ripped off. Yes, 19 months is an average for something in our Patent Office. It is the average Patent Office action, although American businessmen all over this country are repeating the phrase that it only take 19 months for a patent, average patent, to be issued. That is, pardon the pun, a patent lie.

The fact is that it is not 19 months for a patent to be issued in the United States, it is the 19 months that is an average patent action, meaning an action by the Patent Office. This includes the action on totally inconsequential patents, things that make no difference to anyone's lives, that are applied for in the hundreds, if not thousands, by businessmen, like the stripe on the bottom of a toothpaste tube.

There is a lot difference between talking about patenting the stripe on the bottom of a toothpaste tube and getting it approved in months, as compared to patenting a laser, which might take decades.

There is also another factor. Not only are they inconsequential patents that he is putting into the mix, but Mr. Lehman has been including patent rejections, meaning it is not 19 months for the average patent to issue. It is 19 months for the average action to take place, and those actions include inconsequential patents and rejections of patent requests, which also can be made in a very short order.

This type of absurdity with averages, Mr. Speaker, as they say, statistics can lie, and liers can use statistics. After altering my fellow Member's opinion on what they were being told, as to what the effect of this law would be, I moved forward to try to move forward with a provision and changing of our law that will bring back and restore the patent rights of the American people that were ripped off as part of the GATT implementation legislation.

☐ 2200

My fellow members, we were sometimes unaware of what was going on in GATT, and some of them that were aware, when they talked to the so-called experts, were given these phony statistics and had no idea of the details which we are talking about tonight.

Well I authored the legislation, H.R. 359, to restore the American patent rights of the American people, and my colleagues from both parties, I have substantial support from both parties, rallied to the cause. One hundred seventy members from both parties have cosponsored H.R. 359 to restore American patent rights. A sister bill to the one that I am talking about was introduced by Senator DOLE in the Senate.

Thus we are poised, ready to take back the rights that were stolen from the American people. Yet there has been no action.

Here we are in June, no action has been taken on H.R. 359, which has had more cosponsors than almost any bill like it in history. Now, why is it? Why is it just sitting here? Why has not it been acted upon?

Well, it is because of the opposition of one Member of this body, one Member, the gentleman from California [Mr. MOORHEAD], the chairman of the Subcommittee on Courts and Intellectual Properties, to which this bill was assigned. He has refused even to hold a hearing on this piece of legislation. "Not enough time to hold a hearing."

Well, some of those opposing my bill, they, and maybe the gentleman from California [Mr. MOORHEAD], is in the situation, maybe he is not, but there are some people who opposed this piece of legislation because they believed there is a bigger problem in the United States than simply protecting the patent rights of our people. There is an issue called the submarine patent issue, which has to be dealt with, and perhaps the gentleman from California [Mr. MOORHEAD] is more concerned about dealing with that problem than in dealing specifically with my bill that deals with patent protection for the American people.

Just to give you a short background on the submarine patent issue, the idea is, and there are some indications that some inventors have manipulated the system over at the Patent Office to elongate the time that it takes for their own patent to be issued.

Now, almost every patent or inventor that I know does everything that he or she can possibly do to get that patent issued immediately because change in our society is so rapid that if you have an invention now, you want to get it issued to you so you can start making a profit on it, and nobody, nobody is going to invest in your new technology on a patent pending. They are waiting until after you have been issued the patent. But some inventors, it is claimed, and it is possibly true, that there are some inventors who have been ripping off other corporations by basically playing the system, and so that they are not issued the patent and they elongate the time so when they are issued the patent, they have 17 years from that moment, which is longer than they would have otherwise.

Mr. Lehman claims there are hundreds of such cases. Unfortunately, he has not been able to prove that. There are some cases like that. Many of the examples he and other people in the Patent Office have given, in fact, are not cases of submarine patents, but are cases where the Government has, in fact, delayed the issuance of the patent, and sometimes for national security reasons, and not the patent applicant himself.

But I have been bent over backwards because I am concerned only about maintaining the 17 years of protection that is traditional for American patent applicants. So I have stated time and time again in meeting after meeting with the gentleman from California [Mr. MOORHEAD] and others, Mr. Lehman and others, people representing industry, I have said I will put into my legislation anything that we can put in that legislation that will solve the submarine patent issue as long as it does not diminish the 17 years of guaranteed protection that our American inventors have enjoyed, and, you know, no one has ever come back to me with any suggestions, which means that in my way of thinking that perhaps that issue is being used as a cover, as an excuse to diminish the time of patent rights and enrich multinational and foreign corporations by billions of dollars that they would not have otherwise.

The submarine patent issue is based on the idea that someone is playing the system at the Patent Office, which means the correction could be made simply by reforming the way the system works at the Patent Office, the way decisions are made at the Patent Office, the way the structure is set up by the Patent Office, which can be done by administrative reform and in no way does it mandate the diminishing of the intellectual property rights enjoyed by the American people.

I happen to believe that most people using the submarine patent argument are honest. They truly believe that this is the reason why that we have to bring down the number of years of patent protection, but again there are many people who are using this as a front to take away patent rights and take away property rights when the real solution could be done administratively without diminishing people's property rights at all.

So there my bill sits. There sits my patent bill, H.R. 359. The gentleman from California [Mr. MOORHEAD] claims there is no time for a hearing. Yet my bill has 170 cosponsors.

And last week, the gentleman from California [Mr. MOORHEAD] had a hearing in his subcommittee on another patent bill that was quickly put together that has two cosponsors, two. And what did that bill do? H.R. 1733, what did it do? What did the bill that is moving through the system accomplish? I will tell you what it does. It mandates that once an American files an application for a patent, that 18 months after that application is filed, whether or not the patent is issued within that 18 months, that patent application will be published for the world to see. This is before a patent has been issued, American inventors will see their creations published for the world.

It does not take a rocket scientist to understand the result of that will be the stealing of American technology by foreign interests and also by large corporations here. This, by the way, interestingly enough, why would anybody, why would anybody be stupid enough to come up with an idea about letting the world know all of our secrets of our technological creativity of our people even before the patents are issued to protect them? Why would they do this?

Well, this was another one of the demands that the Japanese had made to Bruce Lehman, and, you know, if we are going to have a harmonization and a goodwill between our countries, we have got to make sure that we have an understanding with Japan because, after all, it is our best trading partner, our biggest trading partner.

What we are talking about is a sign that says when a patent application is put into place, a sign that will be raised, a huge neon sign 18 months later that says, "Come and steal me. Anybody in the world, here is something of value, come and copy it."

There is something sinister happening here in Washington, or there is just something stupid happening here in Washington. The American people are about to become victimized in one of history's greatest ripoffs and they do not know what is coming down. They cannot see it happening. It is complicated; and it is a very complicated issue, and that is what all of these experts have been relying on.

But the Japanese and the Chinese, they are going to know; they know exactly what is happening. I will tell you that if the bill that the gentleman from California [Mr. MOORHEAD] is pushing through his subcommittee now passes and that every American inventor who applies after spending years trying to create new technology, if immediately after 18 months that this is published for the world, even before the patents are issued, before any kind of semblance of protection is granted, I can tell you that our Japanese and Chinese friends will have many people stationed here in Washington, DC. They will have offices right near the Patent Office because they will go there, and when it is published, the Japanese and Chinese runners will run to their offices, and the copy machines and the Xerox machines will be running, and the fax machines with overseas transmission lines to fax this material over to these other countries who are our competitors and trying to destroy us economically will be waiting for the good news of what new things, what new things, what new creations have Americans come up with today?

Does that not make you feel good? Something is happening. Something is happening. Something sinister or something stupid.

We are entering into a new technological age, and our government is destroying our greatest asset, the creative genius of our people. We are giving it away for some feather-headed notion that we are going to have global harmonization of patent rights and that is going to make us all love each other and we can operate in goodwill.

If we told the American people at any time that we wanted to have harmonization of the individual rights of our citizens to pray and to speak and to assemble and the other constitutional rights that we have, and we had some feather-brained government official making a deal with the government of Singapore or some other country, whether Japan or any other country, say, "By the way, the American people are just going to have to give up these rights that they have been talking about for so much. They are too individualistic. We need a new global concept of human rights to make sure wherever you go, people have the same human rights, so from now on the American people are going to have to accept the same human rights level and the same rights, political and social rights, that they would have if they lived in Singapore."

Do you think the American people would stand for that? Do you think anybody but a lamebrain would even think about offering that to the American people?

Well, somebody might offer it to them, but they might have some other motives in mind. Maybe they do not like the American people. Maybe they do not want the American people to have the rights that they have had fundamentally, both economically and politically, because they do not like America because of what America stands for.

Well, that is that what is happening here today. We are entering into a technological age, and our creative people are losing the fundamental rights that they have had as Americans. The investor who invest in new technology are finding that their investment, they will lose control of that investment of the product, of that investment, just like the inventor, and that their competitors, after a much shorter period of time, will end up using that technology against them and, in fact, their competitors will learn every detail of what they have created with their investment and their time and their energies even before it is granted a patent.

How can we look into the future and say that in this new technological era we are going to change the rules in a way that diminishes the incentive of our people to invest in technology?

Our biotech industry has invested tens of billions of dollars. Yet we are now going to tell our biotech industry whatever they come up with they are not going to have; if it takes them 10 years to get through the system, and sometimes it takes 15 years for them to get issued a patent, "Oh, I am just sorry, that means you are only going to have 5 years' or 3 years' worth of protection, even though you have invested billions and billions of dollars." What kind of effect will that have on America's future and our ability to lead the way, to keep and remain the technological leaders?

The biotech people will get ripped off, they know that, just like every other American inventor will get ripped off, and thus they will not invent, and thus they will not invest, because the system has changed fundamentally. Well, will these people, whoever they are, whether they are stupid or whether they are sinister, will they get away with this? Well, I do not know. But I can assure you this, the American people are going to hear about this. I am going to talk about it.

We have got 170 of my colleagues who have joined with me, and Senator DOLE who has joined with me in the Senate, to correct this horrible legislation, to restore American patent rights to what they were. We will not permit the gentleman from California [Mr. MOORHEAD], one man, to make the decision for this whole body on an issue of this magnitude. I call the system that would permit one man to make that decision for all of us a system that does not function for the people. I would call it an abuse of power if one individual tried to prevent the entire body from having a chance to vote on and to discuss this issue on the floor.

We Americans are respected because of our courage, our strength, but also one word that always comes to mind when people talk about the United States of America is creativity and ingenuity.

You know, Thomas Jefferson himself was an inventor. Visit Monticello. See those things that Jefferson did. What did he do? He thought of new ways to save labor and to make life better without having gone to spend as much time and effort.

What about Benjamin Franklin? We know about Benjamin Franklin. Benjamin Franklin was one of the premier inventors of his time in the world. He was also there at the Declaration of Independence, and he was there when our Founding Fathers put together that fundamental document of law that has served us so well, the Constitution of the United States.

It is no coincidence that technologists, that people who look to the future, were the people who wrote the Constitution of the United States of America.

□ 2215

It is up to us to carry on that tradition. Those people talked about individual rights. They talked about freedom. They talked about the dignity of the common man and that we would be a society that would be so prosperous that even the common man could own the product of his labor, could live in peace and harmony with his family. Unlike the other societies in Europe and in the vast stretches of Asia, tyranny would not reign in America because we believed in freedom and individual rights. Part of freedom and individual rights is the right of people to control their own creations, at least for a period of time in which they own that which they created. It is a precious right and as important to our society as any of the other rights Americans have enjoyed over these two hundred years, and now we have an unelected official, Bruce Lehman, making a secret deal with the Japanese, a deal that means that patent rights forever will be diminished for the American people, and we are supposed to accept that this will just be slipped through the system on a piece of legislation, the GATT implementation legislation in which it had no right to be in in the first place, and we had to vote yes on everything unless we wanted to say no in order to get that one little piece out.

This is a crime in progress. It is a rip-off of historic magnitude, and I can swear to you tonight they will not get away with it. We will alert the American people. This Congress is alerted to it already, and one man will not stand in the way.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. MYRICK (at the request of Mr. ARMEY), for today, on account of family illness.

Mr. LAFALCE (at the request of Mr. GEPHARDT), for today after 8 p.m., and tomorrow, June 14, on account of attending my son's graduation ceremonies.

Mr. YATES (at the request of Mr. GEPHARDT), for today, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. GONZALEZ) to revise and extend their remarks and include extraneous material:)

Mrs. COLLINS of Illinois, for 5 minutes, today.

Mr. LIPINSKI, for 5 minutes, today.

Ms. JACKSON-LEE for 5 minutes, today.

(The following Members (at the request of Mr. KNOLLENBERG) to revise and extend their remarks and include extraneous material:)

Mrs. SEASTRAND, for 5 minutes, on June 14.

Mr. KNOLLENBERG, for 5 minutes, today.

Mr. GRAHAM, for 5 minutes, today.

Mr. KASICH, for 5 minutes, today.

Mr. JONES, for 5 minutes, today.

Mr. FOX of Pennsylvania, for 5 minutes, today.

Mr. SMITH of Michigan, for 5 minutes each day, today and June 14.

Mr. KINGSTON, for 5 minutes, today.

Mr. HAYWORTH, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. GONZALEZ) and to include extraneous matter:)

Mr. MONTGOMERY.

Mr. STOKES.

Mr. ACKERMAN.

Mr. FRANK of Massachusetts.

Ms. LOFGREN.

Mr. PALLONE.

Mr. HILLIARD in two instances.

Mr. MOAKLEY.

Mr. FAZIO of California.

Mr. PETERSON of Minnesota.

Mr. SCHUMER.

Mr. DEUTSCH.

Mr. SANDERS.

Mr. HAMILTON.

Mr. DOOLEY.

Mr. VISCLOSKY.

Mr. DELLUMS.

Mr. FARR.

Mr. CONDIT.

Mr. HAYES.

Mr. BROWN of California.

Mrs. SCHROEDER.

Mr. RICHARDSON.

Mr. MINETA.

Ms. ESHOO.

Mr. WYDEN.

Mr. FILNER.

Mr. PASTOR.

Mr. TEJEDA.

(The following Members (at the request of Mr. KNOLLENBERG) and to include extraneous matter:)

Mr. BAKER of California, in two instances.

Mr. COBLE, in two instances.

Mr. SOLOMON, in two instances.

Mr. FORBES, in two instances.

Mr. WELDON of Pennsylvania, in two instances.

Mr. GEKAS, in two instances.

Mr. SHAW, in two instances.

Mr. ZIMMER, in two instances.

Mr. GILMAN.

Mr. RADANOVICH, in two instances.

Mr. HANSEN, in two instances.

Mrs. KELLY.

Mr. PACKARD.

Mr. GILMOOR, in two instances.

Mr. ARCHER, in two instances.

(The following Members (at the request of Mr. ROHRABACHER) and to include extraneous matter:)

Mr. TEJEDA.

Mr. BENTSEN.

ADJOURNMENT

Mr. ROHRABACHER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 19 minutes p.m.), the House adjourned until tomorrow, Wednesday, June 14, 1995, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1015. A letter from the Director, the Office of Management and Budget, transmitting the cumulative report on rescissions and deferrals of budget authority as of June 1, 1995, pursuant to U.S.C. 685(e) (H. Doc. No. 104–84); to the Committee on Appropriations and ordered to be printed.

1016. A letter from the Secretary of the Navy, transmitting a copy of the Department's determination that it is in the public interest to use other than competitive procedures for awarding a proposed contract, pursuant to 10 U.S.C. 2304(c)(7); to the Committee on National Security.

1017. A letter from the Chief Executive Officer, Resolution Trust Corporation, transmitting the Corporation's semiannual comprehensive litigation report, pursuant to Public Law 103–204, section 3(a) (107 Stat. 2374); to the Committee on Banking and Financial Services.

1018. A letter from the Chairman, Federal Trade Commission, transmitting the 22d report concerning the impact on competition and small business of the development and implementation of voluntary agreements and plans of action to carry out provisions of the International Energy Program, pursuant to 42 U.S.C. 6272(i); to the Committee on Commerce.

1019. A letter from the Acting Director, Defense Security Assistance Agency, transmitting the Department of the Air Force's proposed lease of defense articles to Australia (Transmittal No. 23–95), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

1020. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance [LOA] to the Netherlands for defense articles and services (Transmittal No. 95–27), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

1021. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's report on nuclear nonproliferation in South Asia for the period October 1, 1994, through April 1, 1995, pursuant to 22 U.S.C. 2376(c); to the Committee on International Relations.

1022. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the original report of political contributions by William J. Hughes, of New Jersey, to be Ambassador Extraordinary and Plenipotentiary of the United States to the Republic of Panama, and members of his family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on International Relations.

1023. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification that the Department has authorized danger pay for employees assigned to the Sindh Province of Pakistan, including the city of Karachi, pursuant to 5 U.S.C. 5928; to the Committee on International Relations.

1024. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the original report of political contributions by David L. Hobbs, of California, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States to the Co-operative Republic of Guyana, and members of his family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on International Relations.

1025. A letter from the Director, Office of Personnel Management, transmitting OPM's fiscal year 1994 annual report to Congress on the Federal Equal Opportunity Recruitment Program [FEORP], pursuant to 5 U.S.C. 7201(e); to the Committee on Government Reform and Oversight.

1026. A letter from the Inspector General, Railroad Retirement Board, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 1994, through March 31, 1995, pursuant to 5 U.S.C. app. (Insp. Gen. Act) Sec. 5(b); to the Committee on Government Reform and Oversight.

1027. A letter from the Secretary of Labor, transmitting the semiannual report on activities of the inspector general of the Pension Benefit Guaranty Corporation for the period October 1, 1994, through March 31, 1995, and the semiannual management report for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) Sec. 5(b); to the Committee on Government Reform and Oversight.

1028. A letter from the Chairman General, U.S. Consumer Product Safety Commission, transmitting the semiannual report on activities of the inspector general for the period October 1, 1994, through March 31, 1995, pursuant to 5 U.S.C. app. (Insp. Gen. Act) Sec. 5(b); to the Committee on Government Reform and Oversight.

1029. A letter from the Chairman, Federal Election Commission, transmitting proposed regulations governing the public financing of Presidential primary and general election candidates, pursuant to 2 U.S.C. 438(d); to the Committee on House Oversight.

1030. A letter from the Executive Director, U.S. Olympic Committee, transmitting the annual audit and activities report for calendar year 1994, pursuant to 36 U.S.C. 382a(a); to the Committee on the Judiciary.

1031. A letter from the Administrator, General Services Administration, transmitting an interim report on the operation of four Washington area telecommuting centers funded by fiscal year 1993 and 1994 appropriations; jointly, to the Committee on Government Reform and Oversight and Appropriations.

1032. A letter from the Secretary of Commerce, transmitting the annual report of the Secretary of Commerce to the Congress for the fiscal year ending September 30, 1994, pursuant to 15 U.S.C. 1519; jointly, to the Committees on Commerce, Ways and Means, Government Reform and Oversight, the Judiciary, Science, International Relations, Transportation and Infrastructure, and Banking and Financial Services.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. LEACH: Committee on Banking and Financial Services. Supplemental report on H.R. 1062. A bill to enhance competition in the financial services industry by providing a prudential framework for the affiliation of banks, securities firms, and other financial service providers (Rept. 104–127, Pt. 2).

Mrs. VUCANOVICH: Committee on Appropriations. H.R. 1817. A bill making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1996, and for other purposes (Rept. 104–137). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ROHRABACHER (for himself and Mr. Hayes):

H.R. 1814. A bill to authorize appropriations for environmental research, development, and demonstration activities of the Environmental Protection Agency for fiscal year 1996, and for other purposes; to the Committee on Science.

H.R. 1815. A bill to authorize appropriations for the National Oceanic and Atmospheric Administration for fiscal year 1996, and for other purposes; to the Committee on Science, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

H.R. 1816. A bill to authorize appropriations for civilian research, development, demonstration, and commercial application activities of the Department of Energy for fiscal year 1996, and for other purposes; to the Committee on Science.

By Mrs. VUCANOVICH:

H.R. 1817. A bill making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1996, and for other purposes; which was committed to the Committee of the Whole House on the State of the Union, and ordered to be printed.

By Mr. ARCHER (for himself, Mr. Jacobs, Mr. Thomas, Mr. DeLay, Mr. Crane, Mr. Shaw, Mr. Bunning of Kentucky, Mr. Houghton, Mr. Herger, Mr. McCrery, Mr. Hancock, Mr. Camp, Mr. Ramstad, Mr. Zimmer, Mr. Nussle, Mr. Sam Johnson, Ms. Dunn of Washington, Mr. Collins of Georgia, Mr. Portman, Mr. English of Pennsylvania, Mr. Ensign, Mr. Christensen, Mr. Solomon, Mr. Young of Alaska, Mr. Myers of Indiana, Mr. Dornan, Mr. Smith of Texas, Mr. Rohrabacher, Mr. Frost, Mr. Hall of Texas, Mr. Burton of Indiana, Mr. Lipinski, Mr. Torricelli, Mrs. Vucanovich, Mr. Saxton, Mr. Callahan, Mr. Gallegly, Mr. Pickett, Mr. Upton, Mr. Poshard, Mr. Stearns, Mr. Bartlett of Maryland, Mr. Brewster, Mr. Crapo, Mr. Hilleary, Mr. Inglis of South Carolina, Mr. Knollenberg, Mr. Manzullo, Mr. Royce, Mr. Talent, Mr. Chambliss, Mr. Chrysler, Mr. Ganske, Mr. Jones, Mr. Largent, Mr. Thornberry, Mr. Watts of Oklahoma, Mr. Weller, Mr. White, Mr. Wicker, Mr. Hoke, and Mrs. Johnson of Connecticut):

H.R. 1818. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for contributions to a medical savings account by any individual who is covered under a catastrophic coverage health plan; to the Committee on Ways and Means.

By Mr. BARRETT of Wisconsin:

H.R. 1819. A bill to amend the Internal Revenue Code of 1986 to allow individuals a refundable credit for adoptions expenses with a larger credit for the adoption of a foster child; to the Committee on Ways and Means.

By Mr. CONDIT:

H.R. 1820. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for the purchase and installation of agricultural water conservation systems; to the Committee on Ways and Means.

By Mr. FARR (for himself, Mr. Bliley, Mr. Studds, Mr. Gilchrest, Mr. Pallone, Ms. Pelosi, Mr. Gejdenson, Mr. Ackerman, Mr. Bentsen, Mr. Saxton, Mr. Moran, Mr. Tauzin, Mr. Peterson of Florida, Ms. Lofgren, and Mr. Martinez):

H.R. 1821. A bill to amend the Internal Revenue Code of 1986 to provide that the diesel fuel tax on recreational boats shall be imposed only at the retail level; to the Committee on Ways and Means.

By Mr. FRANK of Massachusetts:

H.R. 1822. A bill to provide that Federal and State courts and agencies may not require that legal citations in which copyright subsists be the only acceptable submission to such courts and agencies where alternatives exist; to the Committee on the Judiciary.

By Mr. HANSEN (for himself, Mr. Orton, and Mrs. Waldholtz):

H.R. 1823. A bill to amend the Central Utah Project Completion Act to direct the Secretary of the Interior to allow for prepayment of repayment contracts between the United States and the Central Utah Water Conservancy District dated December 28, 1965, and November 26, 1985, and for other purposes; to the Committee on Resources.

By Mr. HAYES (for himself and Mr. Baker of Louisiana):

H.R. 1824. A bill to authorize the Secretary of Labor to establish volunteer programs for the protection of employees of occupational hazards; to the Committee on Economic and Educational Opportunities.

By Mr. JOHNSON of South Dakota:

H.R. 1825. A bill to amend the Wild and Scenic Rivers Act to limit acquisition of land on the 39-mile headwaters segment of the Missouri River, Nebraska and South Dakota, designated as a recreational river, to acquisition from willing sellers; to the Committee on Resources.

By Mr. McHUGH:

H.R. 1826. A bill to repeal the authorization of transitional appropriations for the U.S. Postal Service, and for other purposes; to the Committee on Government Reform and Oversight.

By Mr. MINETA:

H.R. 1827. A bill to amend title 49, United States Code, to eliminate the requirement for preemployment alcohol testing in the mass transit, railroad, motor carrier, and aviation industries, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. SCARBOROUGH:

H.R. 1828. A bill to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the U.S. Navy Blue Angels; to the Committee on Banking and Financial Services.

By Mr. WYDEN:

H.R. 1829. A bill to evaluate the effectiveness of the juvenile justice system and report on certain information; to the Committee on the Judiciary.

By Mr. WELDON of Pennsylvania (for himself and Ms. DeLauro):

H. Con. Res. 74. Concurrent resolution authorizing the use of the Capitol Grounds for the exhibition of the RAH–66 Comanche helicopter; to the Committee on Transportation and Infrastructure.

By Mrs. KENNELLY:

H. Res. 166. Resolution designating minority membership on certain standing committees of the House of Representatives; considered and agreed to.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

110. By the SPEAKER: Memorial of the House of Representatives of the State of New Hampshire, relative to the Clean Air Act amendments; to the Committee on Commerce.

111. Also, memorial of the Senate of the State of Colorado, relative to protection of the fourth amendment; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. SCARBOROUGH:

H.R. 1830. A bill for the relief of Maj. Ralph Edwards; to the Committee on the Judiciary.

H.R. 1831. A bill for the relief of Harold David Strother, Jr.; to the Committee on the Judiciary.

By Mr. WISE:

H.R. 1832. A bill for the relief of Bruce L. Holland; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 38: Mr. Ballenger and Mr. Bereuter.

H.R. 60: Mr. Lipinski, Mr. Baker of Louisiana, Mr. Royce, Mr. Hilleary, Mr. Weller, Mr. McCrery, Mr. Herger, and Mr. Hefley.

H.R. 65: Mr. Scarborough, Mr. Traficant, and Ms. Rivers.

H.R. 103: Mr. Evans.

H.R. 218: Mr. Funderburk and Mr. Petri.

H.R. 303: Mr. Scarborough, Mr. Weldon of Pennsylvania, Mr. Sisisky, Mr. Traficant, and Ms. Rivers.

H.R. 310: Mr. Martini.

H.R. 311: Mrs. Morella and Mrs. Meyers of Kansas.

H.R. 312: Mr. Martini and Mrs. Waldholtz.

H.R. 313: Mr. Martini.

H.R. 354: Mr. Ehlers.

H.R. 357: Mr. Martinez.

H.R. 438: Mr. Martini.

H.R. 468: Mr. Hastings of Florida.

H.R. 481: Mr. Miller of Florida and Mr. Stearns.

H.R. 491: Mr. LaHood, Mr. Burr, and Mr. Weller.

H.R. 528: Mr. McDermott and Mr. Matsui.

H.R. 563: Mr. Doolittle.

H.R. 580: Mr. Fields of Louisiana, Mr. LaTourette, Mr. Brewster, Mr. Torres, Mr. Torkildsen, Mr. Edwards, Mr. Serrano, Mr. LaFalce, Mr. Graham, Mr. Crapo, Mr.

KILDEE, Mr. ORTIZ, Mr. GALLEGLY, Mr. BONO, Mr. CLEMENT, Mr. DICKS, Mr. TAUZIN, Mr. ENGLISH of Pennsylvania, Ms. LOFGREN, and Mr. ROEMER.

H.R. 587: Mr. REED.

H.R. 598: Mr. NUSSLE, Mr. ROBERTS, Mr. LAHOOD, Mr. SOLOMON, Mr. GOSS, Mr. MARTINI, Mr. BURR, Mr. RADANOVICH, and Mr. BROWDER.

H.R. 670: Mr. BRYANT of Texas.

H.R. 704: Mrs. MEYERS of Kansas and Mr. JOHNSON of South Dakota.

H.R. 709: Mr. MATSUI.

H.R. 713: Mr. BRYANT of Texas, Mr. JOHNSON of South Dakota, and Mr. REYNOLDS.

H.R. 714: Mr. POSHARD.

H.R. 721: Mr. MINETA.

H.R. 784: Mr. ROYCE, Mr. CALVERT, Mr. CRAPO, Mr. STUMP, and Mr. MONTGOMERY.

H.R. 820: Mr. HEFLEY, Mr. PICKETT, Mr. MCINNIS, Mr. FOX, and Mr. FOGLIETTA.

H.R. 833: Mr. BENTSEN.

H.R. 866: Mr. PICKETT and Mrs. MORELLA.

H.R. 868: Mr. BAESLER, Mr. MILLER of Florida, and Mr. MCCOLLUM.

H.R. 873: Mr. BOEHNER, Mr. SMITH of New Jersey, Mr. GALLEGLY, Mr. FRELINGHUYSEN, Mr. EMERSON, and Mr. HUNTER.

H.R. 904: Mr. LEVIN.

H.R. 911: Ms. DUNN of Washington, Mr. GALLEGLY, Mrs. FOWLER, and Mr. MOAKLEY.

H.R. 952: Mr. HAYES and Mr. PETRI.

H.R. 972: Mrs. THURMAN.

H.R. 973: Mrs. THURMAN and Mr. EMERSON.

H.R. 991: Mr. WILLIAMS.

H.R. 997: Mr. FOLEY, Mr. HEFNER, Mr. PASTOR, Mr. PICKETT, and Mr. POSHARD.

H.R. 1023: Mr. TORRICELLI, Mr. GILMAN, Mr. GALLEGLY, Mr. SHAW, Mr. WYNN, and Mr. JOHNSON of South Dakota.

H.R. 1024: Mr. BASS.

H.R. 1043: Mr. FRAZER.

H.R. 1090: Mr. HASTINGS of Florida, Mr. SISISKY, and Mr. FORBES.

H.R. 1100: Mr. BENTSEN.

H.R. 1114: Mr. WATTS of Oklahoma, Mr. KANJORSKI, and Mr. LATHAM.

H.R. 1118: Mr. STUPAK and Mr. LINDER.

H.R. 1124; Mrs. MEYERS of Kansas.

H.R. 1138: Mrs. MEYERS of Kansas and Mr. SMITH of Michigan.

H.R. 1140: Mr. OWENS, Mr. MCDERMOTT, Mr. COLEMAN, and Mr. SERRANO.

H.R. 1169: Mr. FRANK of Massachusetts.

H.R. 1210: Mr. TATE.

H.R. 1279: Mr. FUNDERBURK, Mr. HAYWORTH, Mr. HANCOCK, Mr. SHADEGG, and Mr. MILLER of Florida.

H.R. 1298: Mr. HERGER.

H.R. 1299: Mr. ENGLISH of Pennsylvania.

H.R. 1317: Mr. MARKEY and Mr. PALLONE.

H.R. 1339: Mr. COLEMAN, Mr. SMITH of New Jersey, Ms. SLAUGHTER, and Mr. CARDIN.

H.R. 1431: Mr. LIPINSKI and Mr. ENGLISH of Pennsylvania.

H.R. 1444: Mr. WAXMAN.

H.R. 1493: Mr. EVANS, Mr. SERRANO, Mr. MCDERMOTT, Mr. TOWNS, Mr. STUPAK, Mr. MORAN, and Mr. ENGLISH of Pennsylvania.

H.R. 1496: Ms. RIVERS.

H.R. 1501: Mr. DELAY and Mr. BURTON of Indiana.

H.R. 1515: Mr. MATSUI.

H.R. 1532: Mr. STUPAK, Mr. PASTOR, and Mr. BAKER of Louisiana.

H.R. 1594: Mr. HOSTETTLER, Mr. ZELIFF, Mr. BONILLA, Mr. WELDON of Florida, Mr. METCALF, MR. PACKARD, and Mr. WELLER.

H.R. 1610: Mr. ROGERS and Mr. FATTAH.

H.R. 1617: Mr. GOODLATTE.

H.R. 1631: Mr. BONO.

H.R. 1649: Ms. LOWEY, Mr. DAVIS, Mr. ENGEL, and Mr. DELLUMS.

H.R. 1680: Mr. MINGE, Mr. EWING, and Mr. PETERSON of Minnesota.

H.R. 1708: Mrs. SEASTRAND, Mr. HOBSON, Mr. ORTON, and Mr. SCHIFF.

H.R. 1713: Mr. PETERSON of Minnesota, Mr. MCINNIS, and Mr. ORTON.

H.R. 1735: Mr. POMEROY and Mr. HALL of Ohio.

H.R. 1739: Mr. DIAZ-BALART, Mr. CHAMBLISS, Mr. WOLF, Mr. MARTINEZ, Mr. ROHRABACHER, Mr. TOWNS, Mr. PACKARD, and Mr. MONTGOMERY.

H.R. 1744: Mr. TOWNS, Mr. ENGLISH of Pennsylvania, Mr. DAVIS, Ms. LOFGREN, Mr. LUTHER, and Mr. DOYLE.

H.R. 1791: Ms. RIVERS.

H.R. 1802: Mr. SCHIFF.

H.R. 1807: Mr. FRAZER, Mr. BEILENSON, Mr. SMITH of Texas, Ms. JACKSON-LEE, and Mr. FATTAH.

H. Con Res. 21: Mr. SANDERS and Mr. TORRICELLI.

H. Con Res. 50: Mr. BAKER of California.

H. Res. 160: Mr. BRYANT of Texas, Mr. GONZALEZ, Mr. GORDON, Ms. KAPTUR, Mr. MCHALE, and Ms. VELAZQUEZ.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 94: Ms. DANNER.

H.R. 1299: Mr. KLECZKA.

AMENDMENTS

Under clause 6 of rule XXII, proposed amendments were submitted as follows:

H.R. 1530

OFFERED BY: MRS. COLLINS OF ILLINOIS

(Amendment to the Amendment Offered by Mr. Clinger)

AMENDMENT NO. 2: Strike out sections 801, 802, 803, and 806 in the matter proposed to be inserted, and insert in lieu of section 801 the following:

SEC. 801. COMPETITION PROVISIONS.

(a) CONFERENCE BEFORE SUBMISSION OF BIDS OR PROPOSALS.—(1) Section 2305(a) of title 10, United State Code, is amended by adding at the end the following paragraph:

"(6) To the extent practicable, for each procurement of property or services by an agency, the head of the agency shall provide for a conference on the procurement to be held for anyone interested in submitting a bid or proposal in response to the solicitation for the procurement. The purpose of the conference shall be to inform potential bidders and offerors of the needs of the agency and the qualifications considered necessary by the agency to compete successfully in the procurement.".

(2) Section 303A of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253a) is amended by adding at the end the following new subsection:

"(f) To the extent practicable, for each procurement of property or services by an agency, an executive agency shall provide for a conference on the procurement to be held for anyone interested in submitting a bid or proposal in response to the solicitation for the procurement. The purpose of the conference shall be to inform potential bidders and offerors of the needs of the executive agency and the qualifications considered necessary by the executive agency to compete successfully in the procurement.".

(b) DESCRIPTION OF SOURCE SELECTION PLAN IN SOLICITATION.—(1) Section 2305(a) of title 10, United States Code, is further amended in paragraph (2)—

(A) by striking out "and" after the semicolon at the end of subparagraph (A);

(B) by striking out the period at the end of subparagraph (B) and inserting in lieu thereof "; and"; and

(C) by adding at the end the following new subparagraph:

"(C) a description, in as much detail as is practicable, of the source selection plan of the agency, or a notice that such plan is available upon request.".

(2) Section 303A of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253a) is further amended in subsection (b)—

(A) by striking out "and" after the semicolon at the end of paragraph (1);

(B) by striking out the period at the end of paragraph (2) and inserting in lieu thereof "; and"; and

(C) by adding at the end the following new paragraph:

"(3) a description, in as much detail as is practicable, of the source selection plan of the executive agency, or a notice that such plan is available upon request.".

(c) DISCUSSIONS NOT NECESSARY WITH EVERY OFFEROR.—(1) Section 2305(b)(4)(A)(i) of title 10, United States Code, is amended by inserting before the semicolon the following: "and provided that discussions need not be conducted with an offeror merely to permit that offeror to submit a technically acceptable revised proposal".

(2) Section 303B(d)(1)(A) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253b) is amended by inserting before the semicolon the following: "and provided that discussions need not be conducted with an offeror merely to permit that offeror to submit a technically acceptable revised proposal".

(d) PRELIMINARY ASSESSMENTS OF COMPETITIVE PROPOSALS.—(1) Section 2305(b)(2) of title 10, United States Code, is amended by adding at the end the following: "With respect to competitive proposals, the head of the agency may make a preliminary assessment of a proposal received, rather than a complete evaluation of the proposal received, rather than a complete evaluation of the proposal received, rather than a complete evaluation of the proposal and may eliminate the proposal from further consideration if the head of the agency determines the proposal has no change for contract award.".

(2) Section 303B of the Federal Property and Administrative Services Act of 1949 (41 (U.S.C. 253b) is amended by adding at the end the following: "With respect to competitive proposals, the head of the agency may make a preliminary assessment of a proposal, and may eliminate the proposal from further consideration if the head of the agency determines the proposal has no chance for contract award.".

(e) FEDERAL ACQUISITION REGULATION.—The Federal Acquisition Regulation shall be revised to reflect the amendments made by subsections (a), (b), (c), and (d).

EXTENSIONS OF REMARKS

TRIBUTE TO DANIEL D. CANTOR

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1995

Mr. DEUTSCH. Mr. Speaker, I rise today to honor Daniel D. Cantor, who is being honored June 14, 1995 by the Joint Commission on the American promenade in Israel for his outstanding contributions in fostering and sustaining favorable relations between the State of Israel and the United States.

Mr. Cantor was chosen for this honor because of his appointment as the founding father from Florida to the State of Israel of the American-Israel Promenade. The American Promenade in Israel is a further tribute to the continuing friendship between our two countries. To be built at the gateway to Jerusalem, the Promenade will consist of 50 marble, 20-foot-high monuments bearing the flags of and the official seals of the 50 States as well as the United States-Israel Friendship Botanical Garden featuring Biblical and State trees, flowers and wildflowers. Mr. Cantor provided the leadership to bring about this significant gesture.

Mr. Cantor served in the U.S. Navy in 1942 immediately following graduation from New York Law School. Following his service in the Navy, Mr. Cantor went on to become a successful builder and developer and operator of shopping centers and homes for the aged in Florida and New York.

In addition to the American Promenade, Mr. Cantor has remained active in Jewish organizations in south Florida. He is the president and chairman of Israeli Bonds of Greater Fort Lauderdale and a life vice president and past campaign chairman of the Jewish Federation of Fort Lauderdale. He is also the president and founder of the Daniel D. Cantor Senior Center in Sunrise, FL, and chairman of the Daniel D. Cantor Charitable Foundation.

Again, I salute Daniel D. Cantor for his lifetime dedication to his community. He is eminently worthy of the honor being bestowed upon him.

FREEHOLD FIRE COMPANY CELEBRATES 50 YEARS OF FIGHTING FIRES

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1995

Mr. SOLOMON. Mr. Speaker, anyone who visits my office can't help but notice the display of fire helmets that dominates my reception area. They're there for two reasons. First, I had the privilege of being a volunteer fireman in my hometown of Queensbury for more than 20 years, which helps explain the second reason, the tremendous respect that experience gave me for those who provide fire protection in our rural areas.

Mr. Speaker, in a rural area like the 22d district of New York, fire protection is often solely in the hands of these volunteer companies. In New York State alone they save countless lives and billions of dollars worth of property. This is why the efforts of people like those fire fighters in Freehold, NY, is so critical.

This fire company was established in 1945 by a group of people concerned with the safety of their neighbors in Freehold. Originally, the village was under the jurisdiction of the East Durham volunteer fire company, however, it became apparent that their territory was too large to adequately service Freehold. Therefore, a group of concerned residents took it upon themselves to form their own fire company to protect local citizens. This, Mr. Speaker, is the true spirit of volunteerism which made our Nation what it is today. It is tribute to this uniquely American concept that the Freehold Fire Company has continued to ensure the safety of their neighbors for 50 years now.

Aside from providing fire protection, the Freehold Fire Company and its members have become an integral part of the community over the years. They have steadily been able to improve their facilities in order to host various dinners and activities. By renovating their meeting hall, the Freehold Fire Company cohosted the 86th annual Greene County Volunteer Firemen's Convention in 1974. Furthermore, the grounds have been the site of the Freehold little league baseball field since 1975, providing countless youngsters the invaluable experience of being part of a team and representing their community. Finally, in 1986, the fire company built a new equipment building which effectively doubled their equipment and office space.

For all their extraordinary service and growth, it is clear we owe the members of the Freehold Volunteer Fire Company an extreme debt of gratitude. This Saturday, June 17th, the community will have the opportunity to express their gratitude at an open house. Now, Mr. Speaker, I ask you and all Members to rise with me and pay tribute to the efforts of those who comprise the history of the Freehold Volunteer Fire Department. May they continue to serve the Freehold community for another 50 years and beyond.

CONGRATULATIONS TO THE BRIDGEHAMPTON FIRE DEPARTMENT

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1995

Mr. FORBES. Mr. Speaker, I rise today to congratulate the Bridgehampton Fire Department for 100 years of excellent service to the people of the town of Southampton and particularly the people of Bridgehampton. The residents of Southampton are very fortunate to have such a well trained and dedicated Fire Department. The Bridgehampton Fire Department has established itself as one of the best departments in New York and has achieved an impeccable record.

If one examines the Bridgehampton Fire Department, it comes as no surprise that they have been successfully fighting fires for 100 years. With the leadership of Commissioner Howell H. Topping, this fire department has played a very active role in the life of the Southampton community. Commissioner Topping possesses all of the traits that a town could possibly desire in its fire commissioner, such as superb leadership and concern for the community and its citizens. The Bridgehampton Fire Department consists of more than 100 volunteer firefighters and no career firefighters, offering further evidence of their dedication and commitment to the community of Southampton.

On Saturday, June 17, 1995, the Bridgehampton Fire Department will celebrate its 100th anniversary, and Mr. Speaker I ask that you and the rest of the House join me in congratulating the fire department on achieving this momentous feat. This is a much deserved celebration and I wish them all the best on their day of glory. These men and women truly are the heroes of our day. They give of themselves to the community because of the love and pride they all share for their town.

I hope that each resident of Southampton would, if they are able, to express the debt of gratitude that they owe the Bridgehampton Fire Department. They have certainly earned it.

TRIBUTE TO HENRY T. NACRELLI

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1995

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise today to commend and pay tribute to Henry T. Nacrelli, superintendent of schools in the Rose Tree Media School District and a constituent from Broomall, PA.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

When Hank Nacrelli retires on June 30, 1995, he will come to the close of a highly distinguished career in the field of education. Hank began his life-long teaching career in 1961 at Media High School, my alma mater, where he also served as head football coach and athletic director, inspiring students in and out of the classroom. He later served as the school district's Federal program director and wrote its first chapter I program. He then went on to serve as a guidance counselor, principal of both Media and Springton Lake Junior High Schools, and assistant superintendent. In 1981, Hank was appointed to his current position as superintendent of schools.

Under his careful guidance as superintendent, Rose Tree Media schools have been recognized for excellence on both State and national levels. The Pennsylvania Department of Education has also commended the school district for maintaining consistently high student achievement on statewide assessment tests.

These honors bestowed upon the Rose Tree Media School District stem from Hank's ingenuity and dedication to the school system. To enhance the education of the entire community, Hank developed the "RTM Challenge," a program to promote recreational reading for not only students, but for staff and parents, as well.

Throughout his long and admirable career, Hank Nacrelli has brought an extraordinary level of commitment to the positions he has held. He has helped mold the lives of thousands of young people, providing students with a positive educational experience as a community leader. Under his leadership, the Rose Tree Media School District has met the multitude of challenges facing education today. As a result, he has earned the utmost respect of students, staff, parents, and the rest of the community.

As a former teacher, I have great respect for men and women who dedicate their lives to the education of America's children. Mr. Speaker, please join me in congratulating Henry T. Nacrelli for his leadership and dedication to education, and in wishing him much happiness in his retirement. His guidance will certainly be missed, but his legacy will long endure.

TRIBUTE TO WILLIAM M. COUCH

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1995

Mr. GILLMOR. Mr. Speaker, I would like to take this opportunity to recognize an exceptional young man from my district who has recently accepted his appointment as a member of the class of 1999 at the U.S. Naval Academy.

William M. Couch graduated Margaretta High School in 1992 and joined the Navy. In the service, he has won numerous awards and commendations. While in high school, William distinguished himself as a leader among his peers. He is an outstanding citizen and patriot.

Mr. Speaker, one of the most important responsibilities of Members of Congress is to identify outstanding young men and women and to nominate them for admission to the U.S. service academies. While at the Academy, they will be the beneficiaries of one of the finest educations available, so that in the future, they might be entrusted with the very security of our Nation.

I am confident that William M. Couch has both the ability and the desire to meet this challenge. I ask my colleagues to join me in congratulating him for his accomplishments to date and to wish him the best of luck as he continues his career in service to our country.

TRIBUTE TO DAVID McINTOSH

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1995

Mr. SHAW. Mr. Speaker, I rise today to bring to the attention of this body a very distinguished Floridian, Mr. David McIntosh, of West Palm Beach, FL. Mr. McIntosh was inducted into the University of Florida Athletic Hall of Fame on April 7, 1995, as a distinguished letterman. Mr. McIntosh was a quarterback for the Gators from 1964 through 1967.

According to the Hall of Fame Criteria, a distinguished letterman is a letter-winner honored for major contributions to the university athletic programs through the investment of personal time, effort, and interest for many years, for distinguished service to and achievement in local, State, and national civic and charitable causes and for distinguished career achievements.

Mr. McIntosh has served in many capacities at the University of Florida. He is in his 5th year as a member of the board of directors of the University Athletic Association, its vice president, a member of its finance committee, and the chair of its audit committee. Mr. McIntosh is a past president of the University of Florida National Alumni Association. He has been a member of the board of directors of the University of Florida Foundation for many years, serving as chair for four of its committees: investments, budget, audit, and strategic planning. He is a past member of the board of directors of Gator boosters. He serves on the College of Business executive advisory board and previously served on the advisory board to the School of Accounting and on the College's Real Estate Advisory Board. He also served as the cochair of the major gifts committee for the College of Business during the University's Campaign for Excellence.

Mr. McIntosh has been very active in other capacities as well. He has served Palm Beach County as president of the United Way, the YMCA, the science museum, the Forum Club, and other organizations, as well as taking an active role in many other civic, charitable, and governmental causes on the local, State, and national level.

Mr. McIntosh has served as the chief executive officer of the 100-lawyer south Florida law firm of Gunster, Yoakley, Valdez-Pauli & Stewart, P.A., for the past 11 years. Prior to that time, he practiced as a CPA with Coopers & Lybrand in West Palm Beach for 15 years. He has earned many forms of professional recognition in each of those capacities.

Mr. McIntosh lives in West Palm Beach, FL, with his wife Leslie M. Ritch, and their 18-month old daughter, Madison Marie. He is indeed a source of pride for all graduates of the University of Florida.

CENTRAL UTAH PROJECT PREPAYMENT AMENDMENT OF 1995

HON. JAMES V. HANSEN

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1995

Mr. HANSEN. Mr. Speaker, I rise today to introduce the Central Utah Water Project Prepayment Amendment of 1995.

Under this legislation, the Secretary of the Interior will be extended the authority to allow the Central Utah Water Conservancy District to prepay municipal and industrial water delivery facilities under the same terms and conditions as negotiated by the Department of the Interior for the prepayment of the Jordan Aqueduct system as previously authorized in section 210 of the Central Utah Project Completion Act.

The bill does not call for any new Federal spending. The title to the facilities will remain with the United States of America. I am informed by the district's bond counsel that the prepayment of these Federal contracts could in fact result in as much as a $200 million payment to the Federal Treasury.

The successful implementation of this amendment will be beneficial financially to both the Federal Government and the local water district.

U.S. CONGRESSIONAL SUPPORT FOR THE LAO AND HMONG VETERANS COMMEMORATION CEREMONY IN FRESNO, CA, MARKING THE 20TH ANNIVERSARY OF THE FALL OF SOUTHEAST ASIA TO COMMUNISM

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1995

Mr. RADANOVICH. Mr. Speaker, on May 6 in my congressional district in Fresno an important air show and dinner conference was held by the Lao Veterans of America organization to mark the 20th anniversary of the fall of South Vietnam and other Indochina nations to Communist aggression.

Present at the air show from the Fresno area and from across the United States were thousands of Hmong and Lao combat veterans of the Vietnam war as well as their families. Also in attendance were many important individuals and officials including: Maj. Gen. Vang Pao, former commander of Military Region II in the Royal Lao Army; Gen. Thonglit Chokhbenbol, former commander in the Royal Lao Army; Gen. Nguyen Khanh, former President of the Republic of South Vietnam and army commander; Mike Johns, former White

House speech writer for President George Bush; Phillip Smith, director of the Center for Public Policy Analysis in Washington, DC; Col. Douglas R. Moore, commander of the 144th Fighter Wing, Air National Guard; Lt. Col. James Arthur, wing executive officer, 144th Fighter Wing, Air National Guard; Jim Patterson, mayor of Fresno; Madame Nguyen, Vietnamese community leader and human rights activist; Joe Scheimer, representative of the Ravens, one of the organizations of United States pilots who flew covert military operations during America's secret war in Laos; Christopher Robbins, journalist and author of the important book, "The Ravens: The Men Who Flew in America's Secret War in Laos"; and Robert Lung, a Fresno city councilman.

CAPITALISM AFTER THE COLD WAR

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1995

Mr. GEKAS. Mr. Speaker, I rise today to recognize the efforts of the Denver and Ephrata Telephone & Telegraph Co. [D&E], a proven leader in the telecommunications industry. Along with three other firms, D&E is spearheading the development of a communications network in Hungary.

Since the end of the cold war, we have seen how the opening of new markets in Eastern Europe has affected the political and economic climate across the globe. The strength of our free-market system gave us victory in the cold war, and that same strength will help us to forge new friendships with developing nations by stimulating economic growth both here and abroad.

D&E is the 34th largest telephone company in the United States and serves more than 48,000 customers in northern Lancaster County, PA. It is recognized as a leader in the telecommunications industry due to its use of advanced technology.

D&E has joined three midwestern firms to create a consortium known as the Monor Communications Group [MCG]. The goal of this consortium is to provide modern telecommunications service to the people of Hungary. In May 1994, Hungary's Ministry of Telecommunications signed a concession contract allowing MCG to form a Hungarian-American telephone company named Monor Telefon Tarasag [MTT].

Monor, a suburb of Budapest, was selected as the location for MTT. The Monor region consists of 43 towns with a total population of 225,000 people. Then are approximately 78,000 private residences and 5,000 businesses.

MTT is steadily constructing a sophisticated, fiber optic linked, digital telecommunications network. Upon obtaining the MTT territory, there were 12,000 existing telephone lines. By the end of 1995, MTT plans to have 42,000 digital lines in service. A total of 70,000 lines should be in service by the end of 1996. In addition, MTT will provide cable TV as well as other value-added communications services. MTT looks to offer sophisticated technology along with the commitment to quality service that has been a trademark of D&E for more than 83 years.

This type of American ingenuity and forward-thinking should be an example to other American businesses in all industries. The decline of communism has provided a golden opportunity for economic investment, as well as the development of a mutual understanding between our cultures. Mr. Speaker, I invite my colleagues to join with me in saluting the efforts of the Denver and Ephrata Telephone & Telegraph Co.

THE OMNIBUS TRANSPORTATION EMPLOYEE TESTING ACT AMENDMENTS OF 1995

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1995

Mr. MINETA. Mr. Speaker, today, I am introducing the Omnibus Transportation Employee Testing Act Amendments of 1995. This bill, if enacted, will allow both the Department of Transportation and transportation employers to focus their efforts and resources on activities that truly enhance safety.

In 1991, Congress enacted legislation that imposed significant new drug and alcohol testing requirements on the transportation sector. The required testing included all modes—mass transit, railroad, trucking, and aviation—and many kinds of testing—preemployment, reasonable suspicion, random, and postaccident. The purpose of the legislation was to improve transportation safety, and the bill contributed to that goal.

However, one part of this bill has been mired in legal problems, and, as a result, simply does not contribute to transportation safety. That is the part of the bill having to do with preemployment testing for alcohol.

The core of the problem is that alcohol consumption by someone not yet employed in the transportation sector is not illegal. The bill attempted to deal with this problem by requiring preemployment testing for alcohol use, in violation of law or Federal regulation. However, this creates an unworkable situation where we require employers to test applicants, knowing that in virtually all instances, the results cannot be put to any purpose.

A recent decision by the court of appeals found that the Department of Transportation's regulations to implement preemployment testing for alcohol were inappropriate and the court vacated those regulations. The Department of Transportation suspended the regulations for preemployment alcohol testing to comply with the court's decision. But, we still have on the books statutory requirement to do something that everyone now acknowledges makes no sense, that is preemployment testing of all applicants for illegal consumption of alcohol.

We need to clean up this absurd situation and get both industry and the Department of Transportation focused on the testing that improves transportation safety. DOT estimates that preemployment alcohol testing of transportation applicants would cost around $30 million per year. This represents resources and attention that would be far more effective if focused on the testing that does produce safety benefits. We need to focus on the requirements for reasonable suspicion, random, and postaccident testing with respect to alcohol. In the case of illegal drugs, we need to focus on all types of testing, including preemployment.

The bill I am introducing today would rescind the invalidated requirement for preemployment alcohol testing of transportation employees, while making it clear that employers have the option of conducting such tests, if they wish. All other requirements for drug and alcohol testing are retained.

Thus, this bill eliminates a requirement that has proven to be unworkable, in favor of those requirements that have been effective in our ongoing efforts to improve transportation safety. We need to focus both our resources and our regulatory attention on those areas where we can achieve the greatest public safety benefit.

OMNIBUS TRANSPORTATION EMPLOYEE TESTING ACT AMENDMENTS OF 1995—SECTION-BY-SECTION ANALYSIS

Section 1: Section 1 establishes a short title for the bill—the "Omnibus Transportation Employee Testing Act Amendments of 1995."

Section 2: Section 2 amends existing language of the Omnibus Transportation Employee Testing Act of 1991 concerning drug and alcohol testing in the mass transit industry. It does not change the current provision of the Act that the regulations requiring testing in that industry provide for preemployment, reasonable suspicion, random, and post-accident drug testing. However, it provides that only three kinds of alcohol testing—reasonable suspicion, random, and post-accident—are required. The bill would eliminate the statutory mandate for preemployment alcohol testing, on the basis that this form of alcohol testing is less necessary than the others in order to have an effective program for deterrence and detection of alcohol misuse. Because alcohol is a legal substance that dissipates from the bloodstream relatively quickly, testing for its presence is most valuable at the time when safety-sensitive functions are performed. By contrast, the drugs for which testing is required are illegal, and their detection even during preemployment testing is important. Preemployment alcohol testing under the Act currently is estimated to cover more than seven million employees and cost about $30 million annually.

However, many employers may find that conducting preemployment alcohol testing can serve a useful purpose as a way of emphasizing, from the outset of an employee's connection with an employer, the employer's commitment to a substance abuse-free transportation workplace. Employers may also find preemployment alcohol testing helpful to screen out applicants whose use of alcohol is chronic. Such employers may wish to have preemployment alcohol testing as part of their substance abuse prevention programs. For this reason, the amendment provides that employers who choose to require preemployment alcohol testing may do so as part of their program that responds to the Act and Department of Transportation regulations.

Section 3: This section makes parallel changes to the railroad industry testing requirements under the Omnibus Transportation Employee Testing Act of 1991.

Section 4: This section makes parallel changes to the motor carrier industry testing requirements under the Omnibus Transportation Employee Testing Act of 1991.

Section 5: This section makes parallel changes to the aviation industry testing requirements under the Omnibus Transportation Employee Testing Act of 1991, including testing for Federal Aviation Administration employees performing safety-sensitive functions.

Section 6: This section establishes an effective date for the amendments made by the Act.

HONORING DON SCHIRRICK AS MINNESOTA KNIGHT OF THE YEAR

HON. COLLIN C. PETERSON

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1995

Mr. PETERSON of Minnesota. Mr. Speaker, I would like to congratulate a good friend of mine, Don Schirrick, for being honored as Minnesota's Knight of the Year. It is an honor that is well deserved.

Don joined the Knights of Columbus 7 years ago in Thief River Falls, MN, and 4 years ago, he helped start a council in Red Lake Falls. That council has now grown to 100 members.

Don has always been one of those people who thinks of others before thinking of himself. He has spent much of his time during the past 4 years raising money for the community. Just last year, he worked on an annual marathon, which raised $7,000 for St. Joseph's School and a Tootsie Roll drive, which raised about $600 for Northwood Home.

Don was named local Knight of the Year last year, which entitled him to enter the State competition against 20,000 others. A panel of seven knights from across the State picked Don as Minnesota Knight of the Year.

Again, Mr. Speaker, I would like to ask my colleagues to join me in congratulating Don Schirrick on his honor, and thanking him for his tireless work on behalf of the Knights of Columbus and the community of Red Lake Falls.

DRUG LEGISLATION

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1995

Mr. SOLOMON. Mr. Speaker, I would like to share with you some excerpts from an excellent speech recently given by former HEW Secretary Joseph Califano. Mr. Califano explores a subject that, unfortunately, is only seldom discussed—the enormous costs to taxpayers resulting from substance abuse. He also makes it clear that drug legalization would have disastrous consequences, especially on inner city communities.

Let me give just one example of how little most Americans understand about the wages of substance abuse. Do you ever see newspapers or television news report the amount that Federal entitlement programs pay out because of substance abuse? The answer is a colossal $77.6 billion this year—an amount equivalent to 40 percent of the Federal deficit.

Legalization of drugs in the United States is a policy of despair, one that would write off millions of our citizens, a disproportionate number of them black and Hispanic. It has not worked anywhere it has been tried. The claim that drug legalization in some European nation stands as a success story, especially when measured against the alleged failure of American drug policy, is specious.

Legalizers often cite marijuana as a harmless drug. Nonsense. Smoking pot savages short-term memory and ability to concentrate. And smoking pot can lead to use of other drugs for thousands of individuals. 12- to 17-year-olds who smoke pot are 85 times more likely to use cocaine than those who don't.

Secretary Califano understands that drug legalization would have one sure effect: Vulnerable inner city communities would become even more enslaved to drug pushers.

CONGRATULATIONS TO MR. AND MRS. KIRYLO ON THEIR 50TH WEDDING ANNIVERSARY

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1995

Mr. FORBES. Mr. Speaker, I rise today to congratulate Walter and Maria Kirylo on 50 glorious years of marriage. This fine couple is certainly a testament to the "American Dream." They have shown us all that dedication and love can be a great blessing and bring great blessings, leading to a happy and successful life and family.

Walter John Kirylo was born on April 14, 1918 in Cambridge, MA. As a member of the U.S. Infantry, Walter served honorably in World War II, securing the blessings of liberty and the fruits of freedom for generations to come. Shortly after the liberation of Holland in 1944, he met Maria Christina Callemeyn. One year later, they were married in Maastricht.

Walter and Maria now live in Ogden, UT, where they enjoy gardening and traveling. The pride of their lives are their 8 children and 10 grandchildren whom they love dearly.

Like so many others, the life that Walter and Maria have shared has been marked by moments of great happiness and great struggle. Ultimately, however, their love story has been a beacon of joy and love in a world sometimes darkened by loneliness and isolation. I'm sure that the entire House of Representatives joins me in expressing our gratitude and congratulations to Walter and Maria Kirylo.

TRIBUTE TO HARRY O'NEIL

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1995

Mr. WELDON of Pennsylvania. Mr. Speaker, I would like to take a brief moment to recognize Mr. Harry O'Neil, a constituent from my district who is this year's recipient of the Sourin Memorial Award. This great honor was bestowed upon him by the Catholic Philopatrian Literary Institute, and it represents society's appreciation for an individual who has made noteworthy contributions and achievements in a lifetime of adopting Catholic ideals, morality, and good citizenship.

Mr. O'Neil is currently a partner in the Philadelphia law firm of Stradely, Ronan, Stevens, and Young and practices banking and real estate law. As an employer in his banking practice he is well respected and liked by all, and is affectionately seen by his employees and colleagues as a tough but fair boss. In addition to his achievements here, he has served as counsel for the Dioceses of Philadelphia's Cemetery Division. He attended undergraduate and law school at Villanova University and received his B.S. in 1957 and his J.D. in 1977. Remarkably, he did not attend law school until he was 38, after having 4 children, and he graduated in the top 5 percent of his class. Most importantly, he is, I am advised by one of his children, an understanding father who has raised his children to respect and love the Lord, but who has never forced religion upon them.

Mr. O'Neil is the kind of citizen who both practices and teaches values that make our society a hard working and ethical one. As an employer, as an active member of his community, and as a loving father, he has achieved much in his lifetime. I would like to add that this is one of the first years that the Sourin Award has been given to a member of the laity rather than to a member of the clergy, and he clearly deserves it.

TRIBUTE TO JERROD E. HAWK

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1995

Mr. GILLMOR. Mr. Speaker, I would like to take this opportunity to recognize an exceptional young man from my district who has recently accepted his appointment as a member of the Class of 1999 at the U.S. Military Academy.

Jerrod E. Hawk graduated Paulding High School in 1994 and enrolled in Marion Military Institute. At the institute he has worked hard to prepare himself for a career in the military. While in high school, Jerrod distinguished himself as a leader among his peers. He is an outstanding citizen and patriot.

Mr. Speaker, one of the most important responsibilities of Members of Congress is to identify outstanding young men and women and to nominate them for admission to the United States service academies. While at the academy, they will be the beneficiaries of one of the finest educations available, so that in the future, they might be entrusted with the very security of our Nation.

I am confident that Jerrod Hawk has both the ability and the desire to meet this challenge. I ask my colleagues to join me in congratulating him for his accomplishments to date and to wish him the best of luck as he begins his career in service to our country.

MR. HUU DINH NGUYEN RECOGNIZED ON THE OCCASION OF HIS RETIREMENT

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1995

Ms. LOFGREN. Mr. Speaker, I rise today to acknowledge and extend my heartfelt congratulations to Huu Dinh Nguyen, on the occasion of his retirement from the Santa Clara County Social Services Agency. Mr. Nguyen's commitment to social work has improved the quality of life of many people. I commend his tireless dedication and relentless self-sacrifice in the name of public service.

Mr. Nguyen was born in Vietnam and earned a master's degree in literature from the University of Saigon. He later went to U.S. Army military schools in Georgia and Okinawa. A colonel in the South Vietnam Army, Mr. Nguyen came to the United States when North Vietnam overtook South Vietnam in 1975.

Following a brief stay in Alabama, Mr. Nguyen moved to California and began working for the Santa Clara County Social Services Agency. He was assigned to the Child Welfare Service Unit where he managed children in foster and adoptive programs. He has recently been recognized with the Daniel E. Koshland Award for outstanding social worker of the year for the State of California. Mr. Nguyen's 15 years of service is commendable.

Further, in his spare time, Huu Dinh Nguyen established Aid to Refugee Children Without Parents [ARCWP]. ARCWP is a nonprofit, volunteer organization which helps children in Southeast Asian refugee camps. Mr. Nguyen has served on several boards and commissions committed to helping children in need.

Mr. Dinh Nguyen is a shining example of what the United States of America is all about. This Nation was built on certain ideals including community, self-sacrifice, and caring. Mr. Nguyen has demonstrated, through his career as a social worker and by his voluntarism, that he is committed to those ideals that Americans value.

Mr. Speaker, I would like to express my own congratulations and gratitude to Mr. Huu Dinh Nguyen on behalf of my constituents in the 16th District of California and the U.S. House of Representatives.

PORT WASHINGTON YOUTH ACTIVITIES HONORS RUDY HOTAREK, TOM ROBERTSON, AND TOM BROWN

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1995

Mr. ACKERMAN. Mr. Speaker, I rise today to join with my constituents in the 5th Congressional District of New York, and the citizens of the Village of Port Washington, in Nassau County, in recognizing the Port Washington Youth Activities [PYA] as it celebrates its Fifth Hall of Fame Dinner Dance.

This year, the PYA will honor three individuals, Rudy Hotarek, Tom Robertson, and Tom Brown, for their dedication and support of youth activities in the community. These individuals will be inducted into the Port Washington Youth Activities Hall of Fame.

Rudy Hotarek was a significant force in the developmental days of PYA; he served as coach, officer, and member of the board for more than 10 years.

Tom Robertson was a distinguished and involved coach of young people for more than 12 years. He lent his exceptional efforts to PYA's football, basketball, and lacrosse programs.

Finally, Tom Brown is being honored for athletic achievements in basketball and football at the collegiate level in the 1970's. Much of the PYA's reputation for skillful competition and dedication to excellence was developed during Tom Brown's participation as a young man in PYA football, basketball, and baseball programs.

All three of these gentlemen are being recognized for their individual and collective contributions to youth sports. Their achievements are an excellent reflection upon themselves, their families, and their community, and represent the true American spirit of dedication and volunteerism embodied by the PYA. These three men are most deserving of this honor, and merit the special appreciation of their neighbors and friends.

Mr. Speaker, I ask all my colleagues in the House of Representatives to join me now in honoring Rudy Hotarek, Tom Robertson, and Tom Brown, and in congratulating the Port Washington Youth Activities for its generous contributions and dedicated service to the community.

HONORING ALISON GAVRELL

HON. BILL BAKER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1995

Mr. BAKER of California. Mr. Speaker, in June, a very talented young woman from my district in California will be traveling to Washington to receive a major literary award. Alison Gavrell will receive the Silver Award at the Scholastic Art and Writing Awards national exhibition at the Corcoran Gallery of Art for her short story, "Don't Believe Everything You Read."

This prestigious program, which honors talented young writers and artists from across the Nation, is designed to encourage some of America's finest and most gifted students in the pursuit of excellence. Alison plans to read from her story at the Library of Congress Saturday, June 17, and will be part of the ceremony and reception for all national award winning students at the Corcoran the following day.

Alison, a student at the Dorris-Eaton School in Walnut Creek, deserves high praise for her diligence, self-discipline, and creativity. My congratulations also go to her parents, George and Elaine Gavrell, and her teacher, Ms. Deeni Schoenfeld for their contributions to Alison's signal achievement. It is a pleasure for me to recognize Alison in the CONGRESSIONAL RECORD.

HONORING PHILIP BILGRAY, RAMP SERVICEMAN AT WASHINGTON DULLES INTERNATIONAL AIRPORT

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1995

Mrs. SCHROEDER. Mr. Speaker, I would like to bring to your attention the following story published in Hemispheres about Philip Bilgray, a United Airlines employee. Mr. Bilgray is the first hearing-impaired employee to work on the ramp at Washington Dulles International Airport. I have had the pleasure of meeting Mr. Bilgray and can tell you that he is a very special individual. He is proud of the work he does and of the fact that he has helped other employees learn sign language so that they can communicate better in situations where oral communication is impossible. As a frequent traveler, I feel good knowing that Philip Bilgray is working to keep everything running smoothly.

UNITED VOICES

(By Philip Bilgray)

My name is Philip Bilgray, and I am a Ramp Serviceman. You could say that I broke new ground as the first hearing-impaired employee on the ramp at Washington Dulles International Airport, where I've worked since 1986.

Some people may think it's difficult for me to do my job because I interact a lot with other employees and customers. But my disability doesn't get in the way of my work. Much of the time, aircraft noise on the ramp makes it very difficult for anyone to hear, and ramp employees often use hand signals to communicate as they work. In fact, I've expanded that practice by teaching my coworkers some simple sign language, and now we can communicate even better without speaking.

Also, driving a tug in the ramp area isn't much different for me than driving a car. In both cases, I take special precautions to make sure that I see nearby vehicles because I can't hear them approaching. With aircraft and other vehicles everywhere, making the extra effort to constantly look around ensures that I'm upholding our corporate value: Safety is all times, in all things.

As a United employee, I am proud to take care of your luggage whether you're traveling for business or pleasure. I try to help you if you have luggage problems. When delays occur, each of us knows that being a team is more important than ever, and by working together, we can minimize the impact of a delayed or cancelled flight.

Although I've taken my career at United seriously and I've worked hard, my parents get the credit for my successful entry into the workplace. They encouraged me to speak and sent me to a special private school for the speech impaired to make sure I could communicate with other people, like my coworker, supervisors, and manager. My parents gave me the confidence to go for what I wanted, and what I've always wanted is to work for the best airline in the world. And the really great thing is, I don't just work at United anymore, I'm one of the owners!

I've found that sometimes the best way to learn about a job you're interested in is to take a straightforward approach. Although I'm very open about my deafness, I know some people don't like the word "handicapped," so I say that people like me who are deaf or hard of hearing are exceptional people, who can do anything if they put their mind to it.

There are many examples of hearing-impaired people achieving a lot of success. Many people saw the Miss America Pageant on TV this past year and witnessed the crowning of the first hearing-impaired winner. Also, millions of people have seen Marleee Matlin, a deaf actress, in Children of a Lesser God and on television.

Those are only two examples. I truly believe that it makes no difference whether a person is deaf or hard of hearing. There are many fine people who work for airlines or as lawyers, doctors, dentists, etc. And, happily, there also are many hearing people throughout the world who either know sign language or would like to learn it. If you are one of them, I would encourage you to learn sign language—it can open up a whole new world for you!

NOTE: Philip Bilgray has received commendations for administering first aid to a passenger on a United flight and for participating in Dulles' annual Christmas Fantasy Flight for critically ill children.

LEAH McCANDLESS TRIBUTE

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1995

Mr. RICHARDSON. Mr. Speaker, one of our Nation's unsung heros is celebrating yet another milestone. Mrs. Leah McCandless is turning 95 years old this week.

While many of my colleagues may not know Mrs. McCandless, House and Senate Members who have had to run for office representing Hobart, OK, know Mrs. McCandless very well. It has become a sort of ritual for candidates to stop by her home for some pie and coffee and a nice chat. Every politician stops by the McCandless home hoping to receive her blessing.

Her word goes a long way back in Hobart. She is the matriarch of the community—a real force back home. She counsels her fellow citizens and offers longtime wisdom on everything from marriage to divorce.

But it is her lifelong devotion to her children that makes her most proud. She raised five sons—three of whom served in World War II—and she is proud and delighted to tell you about them.

Her oldest son, Bill, was a successful businessman before his death. He also served in the Johnson administration working as co-chair of Ozarks Regional Development. Jack is retired vice president of Gates Corporation of Denver. Earl is a retired Army Colonel who served as social aide to President Kennedy and is an accomplished musician. John is a successful attorney in Oklahoma City and served in the Army's Counter Intelligence Corps. Bob worked for Senator Robert S. Kerr, directed Senator Humphrey's 1968 presidential bid and is now a prominent attorney in our Nation's Capital.

Mrs. McCandless also has worked tirelessly on behalf of her Presbyterian Church. She has been active for some 80 years and has served many roles at the Church.

It is with great pleasure that I urge my colleagues to join me in paying special tribute to this outstanding woman, mother, neighbor, community leader, political advisor, and unsung hero. Mrs. McCandless has helped make this country great and we owe her our thanks and admiration.

A TRIBUTE TO THOMAS J. LAVIN

HON. DICK ZIMMER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1995

Mr. ZIMMER. Mr. Speaker, I rise today in order to recognize a remarkable individual, Thomas Lavin, who has been highly instrumental in promoting Irish-American awareness in New Jersey. Tom is now recovering from a near-fatal car accident, but even this has not dampened his spirit or his energy.

Tom almost single-handedly created the Irish American Public Action Committee, Inc., an organization dedicated to promoting the Irish culture and heritage. This organization also collects, through contributions and purchases, Irish books and tapes and donates them to libraries. In addition, IAPAC organizes lectures on Irish matters of interest and arranges traditional Irish entertainment for colleges and universities. The son of Irish immigrants from County Mayo, Tom was IAPAC's first president and serves as a director today.

I would like to join IAPAC in honoring Tom for all that he has done for Irish-Americans in New Jersey. Although still confined to a wheelchair, Tom has enjoyed a phenomenal recovery and looks forward to many more years of sharing his Irish heritage.

TRIBUTE TO THE RED DEVILS TENNIS TEAM

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1995

Mr. COBLE. Mr. Speaker, the old saying that it is sometimes better to be lucky than good was turned on its head recently by a high school in the Sixth District of North Carolina. The Graham High School doubles tennis team proved that sometimes it is better to be good than lucky.

The Red Devils tennis duo proved this by losing the draw for team seedings but then going on to capture the North Carolina high school boys doubles tennis championship. Graham tennis coach Jim Melvin told the Burlington, NC, Times-News that he tried to get the No. 2 seed for his team. "They did it the hard way," Melvin told the newspaper. "I tried to get them seeded second, but they wound up getting the third seed. A coin flip put them with the No. 1 seeds. Obviously, it wasn't a perfect draw. But they beat the No. 1 and No. 2 seeds. They did not back into it."

Stuart Melvin and Jeremy Wyrick defeated doubles teams from Mt. Airy and Elkin to capture Graham's first tennis title. What made the duo even more special for Coach Melvin was that one of its members was his son, Stuart. "It's Graham's first-ever tennis championship of any kind, and your son being part of it made it even more special."

I am sure that the championship was special for everyone at Graham High School. Congratulations to principal Brad Evans, athletic director Mike Williams, the faculty, staff, students, and parents of Graham High School. The entire Sixth District of North Carolina is proud of your first-ever tennis championship.

MEMORIAL DAY 1995

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1995

Mr. MONTGOMERY. Mr. Speaker, on May 9, 1995, an extension of remarks that appeared in the CONGRESSIONAL RECORD on page E980 was accidently attributed to my dear colleague, BOB STUMP. I regret this confusion and here follows the correct text of my Memorial Day message for 1995.

MEMORIAL DAY 1995

Sacrifice. It's a word we all know. All of us have made some sacrifices in our lives. We make sacrifices for our family, for our close friends, even for our neighbors and coworkers. Persons in the Armed Forces make many sacrifices, and over one million Americans have given their lives, the ultimate sacrifice, while serving in our Nation's armed forces. Throughout history, members of the Armed Forces have risked their lives not merely for their family or their coworkers, but for a cause represented by the American flag, and the freedom to choose and the liberty to succeed which it embodies.

Some Americans are too young to remember; others have too quickly forgotten. How important, therefore, that we honor our veterans, that we learn from them, and that we teach others about history, about war, about sacrifice. We are still reminded about Korea, Vietnam, and more recent encounters. We should not, however, allow the memory, the lessons, and the sacrifices of our terrible world wars to fade. Proud veterans of those wars are among us today. Their presence bears witness to sacrifice.

Fifty years ago this month, our Nation was beginning to absorb the meaning of victory in Europe, to realize what the final tally was in terms of lives lost or shattered as the result of the awful conflict in Europe and North Africa. In April of 1945, President Roosevelt had died of a cerebral hemorrhage at Warm Springs, Georgia. The battle in the Pacific still raged as scientists neared completion of the first atomic bomb. The sacrifices would continue for four more months, and then the bloodiest of all wars would be over.

Veterans of World War I saw staggering losses in bitter trench warfare and history's first use of such horrible tactics as gas warfare. Fewer than 20,000 veterans of that brutal conflict are still alive today.

Cemeteries in two small towns in northwest Maryland contain the dead from the battle of Antietam, where more casualties occurred in a single day than on any other day of the Civil War.

The United States and the world learned of the awful toll of war when two of Mathew Brady's assistants photographed the dead of Antietam. The pictures brought home the shocking toll of war and its accompanying sacrifice when they were first displayed in 1862, and they are no less shocking today. It is fitting that each Memorial Day, the 2,100 graves of the Union dead are decorated with small American flags, a scene which stirs the conscience, but which only hints at the sacrifices which took place on the day of the battle. In a nearby cemetery, there are no decorations for the graves of 2,400 Confederate soldiers. We hope that these graves will be decorated on Memorial Day.

Battlefields and cemeteries remind us of the terrible sacrifices and loss of life in war. But many of us or our family members remember all too directly the experience of war. The first half of this century saw two world wars. These were the "wars to end all wars". How wrong we were to think the experience of war was behind us! Consider Korea. Vietnam. Lebanon. Grenada. Panama. The Persian Gulf. Somalia. Haiti. We have asked much of our fighting men and women.

Although many members of our Armed Forces are buried on foreign soils, there are cemeteries throughout this country which contain the remains of the very best that America had to offer. Remembering is what Memorial Day is for, and what gives it meaning is how each one of us remembers the great sacrifices which have made possible the blessings we share as Americans today.

HONORING THE ST. JOSEPH HONOR CHOIR

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1995

Mr. GILLMOR. Mr. Speaker, it gives me great pleasure to rise today and pay tribute to an outstanding organization located in Ohio's 5th Congressional District. The St. Joseph Honor Choir of Fremont, OH has been selected as one of only two choirs to represent the United States at the Pueri Cantores International Congress in Quebec, Canada from June 28 to July 9, 1995.

This is an honor for the choir to be Goodwill Ambassadors of the United States to an International Congress of this magnitude. St. Joseph Honor Choir is a proud member of Pueri Cantores. This international organization of children choirs, the name means little singers, has a world wide membership of over 25,000 children and encompasses such internationally renowned choirs as the Sistine Chapel Choir, the Vienna Boys Choir, and the Golden State Boys Choir and Bellringers of San Francisco, who hold the honor of also representing the United States at the Congress.

The St. Joseph Honor Choir consists of 43 children and 16 men. The Choir's repertoire is classical, religious, and secular music. Established in 1993, the Choir has quickly made a name for itself. The 1994–95 year has been and will be a very active and exciting year for the Choir. It began in November when the Choir hosted La Maitrise De Cap De La Madeline, which is recognized as one of the top children choirs in Canada. In December 1994, the St. Joseph Honor Choir went on its first mini-tour to Pittsburgh, PA. Also during the holiday season, the Choir performed for many church and civic organizations throughout the Fremont area. The Choir performed at numerous choir festivals, churches, and organizations throughout Northwest Ohio during the Spring season.

Mr. Speaker, it is obvious that the community and the members of the Choir have greatly benefited from the effort that was started in 1993. I ask my colleagues to join me today in recognizing the achievements of the St. Joseph Honor Choir and encourage them to continue to uphold what has become a standard for excellence.

THE PRESIDENT IS CORRECT REGARDING JAPAN

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1995

Mr. FRANK of Massachusetts. Mr. Speaker, President Clinton deserves great credit for his insistence that the Japanese stop being so restrictive regarding products from overseas. The great imbalance in trade between the United States and Japan is significantly exacerbated by restrictive Japanese practices, and President Clinton is to be congratulated for his unwillingness to simply allow business as usual—which for us in Japan has meant very little business.

For most of the post war period, the United States has put our geostrategic interests ahead of our own legitimate economic needs in dealing with our wealthy allies. That was appropriate when these allies where struggling to emerge from the doldrums of the post war period, and when we all confronted a powerful Soviet Union. Today, it is entirely legitimate for the President of the United States to be assertive about legitimate American economic interests vis-a-vis these wealthy nations. The response for many in the foreign policy establishment has been critical of the President for this legitimate defense of America's interest, and many economists have also—reflexively in my judgment—criticized the President for insisting that Japan follow rules which allow free competition within that country from overseas products.

In the New York Times on June 10, Lawrence Chimerine and James Fallows made a very strong case for the kind of action the President has taken. These two distinguished scholars know a great deal about American/Japanese economic relations, and think their strong support for the President's position should be printed here because of the great light it sheds on this controversy.

JAPAN DESERVES A TARIFF

(By Lawrence Chimerine and James Fallows)

WASHINGTON.—Although European and Asian governments have complained about the Clinton Administration's regrettable but justified proposal to place tariffs of 100 percent on 13 Japanese-made cars, most agree that Japanese trade barriers threaten the world trading system.

Debate in America on the issue has been more primitive. Many free-market economists, some pundits and lobbyists for Japanese and for some European interests question whether there is even a problem to be solved.

Mercifully, most have spared us the old argument that simply driving down the value of the dollar will eliminate trade imbalances. The dollar has lost two-thirds of its value against the yen in the last decade, yet trade between Japan and the United States has been remarkably unchanged, even though American products are much cheaper.

But we are hearing equally tired assertions, which rest on a misleading appearance of economic sophistication. The principal claim is that Americans import too much and save too little and that the Japanese do the reverse. But this supposed insight into the trade imbalance does not tell us which is the cause and which is the effect.

Most economists take it for granted that our low savings rate causes chronic, large trade deficits, because when we spend too heavily, we inevitably buy huge quantities of foreign goods. Yet it is just as proper to argue the reverse—that the large trade deficits caused by artificial barriers to American exports help create the low savings rate. This happens because reduced exports to, say, Japan mean smaller payrolls and profits at home. With less money earned, less is saved. And less is paid in taxes, driving up the Federal deficit and further depressing savings (because the Government borrows to finance the deficit).

The existence of formidable Japanese trade barriers is indisputable. Studies by the Economic Strategy Institute and other research groups estimate that if Japan's markets behaved like those of other industrialized countries, Japan would import up to $200 billion more in goods each year than it now does; of this, almost $50 billion would come from the United States.

The United States should raise its savings rate to limit reliance on foreign capital and to encourage productive investment—the key to vigorous long-term growth. But even if we do, we are likely to have a trade problem with Japan unless Japan changes. South Korea and Singapore, whose savings rates are even higher than Japan's also have large trade deficits with Japan.

Another faulty assertion in the debate over imposing a punitive tariff on Japan is that we're only hurting ourselves. Some claim we should keep our markets open regardless of what anyone else does because any other course would hurt American consumers.

They ask, Why should we punish ourselves by paying more for a Lexus or an Infiniti? And they say, if the Japanese or other Asians want to penalize their own people by running a closed economy, that's their problem. We'll enjoy the benefit of bargain-priced goods.

But Americans need jobs and income to buy even bargain-priced goods. Countries that combine closed markets with aggressive exporting to the United States effectively cut the number of good American jobs and thus consumer income. Closed foreign markets also inhibit our producers from investing, supporting research and development and creating new jobs.

A third argument against the tariff on Japanese luxury cars is that American car companies brought their problems on themselves by being lazy and greedy and not making cars suitable for Japan's left-side driving. This is the oldest red herring of all. Our auto producers make millions of right-hand-drive models for other left-side markets like Britain's.

The real issue is the cartel-like structure that ties Japanese parts makers, auto companies and dealers together in networks that are hard for outsiders to penetrate, no matter how attractive their products are.

In the auto parts business, there is no question of "wrong side" spark plugs, microcontrollers or piston rings. At current exchange rates, many American-made auto parts sell for one-third the price of Japanese-made items. American-made parts are of such high quality that the nation has an auto-parts trade surplus with Europe, where they are heavily used by BMW, Mercedes and other demanding manufacturers.

Nonetheless, American parts have captured only 2 percent of the Japanese market. And Japanese-owned auto assembly plants in the United States use at most only 50 to 60 percent American-made parts.

Finally, the silliest assertion is that the Administration's tariff might lead countriesto embrace managed trade—government manipulation of international commerce for national advantage. In raising this warning, the Europeans and Japanese are being hypocritical—and they know it.

The Europeans know it because their trade with Japan has long been managed in a Draconian way. Ever wonder why there are virtually no Japanese cars in France or Italy? It isn't because the Japanese are not trying hard enough or have the wrong steering wheels. It is because Europeans sharply limit the number of Japanese cars they will let in each year.

The Japanese know it because their own diplomats and foreign aid specialists advise the Thais, Russians, Indonesians and anyone else who will listen that careful controls on trade and capital are the best way to preserve an industrial base.

America's economy has its own mass of trade regulations and subsidies. But its markets are the most open of all the big industrialized countries. Japan's are the least open.

Ever freer trade over the last four decades has helped much of the world prosper. If there is a threat to the continued progress of this movement, it comes from those who pretend that problems with free trade—especially those created by the chronic American-Japanese trade imbalance—do not exist.

The Administration is at least trying to deal with this problem, which, if unaddressed, will destroy American support for free trade in general. If those who are most concerned about saving the world trade system don't like the Clinton solution, let them come up with a better and more realistic approach.

CHEER LEADER

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1995

Mr. SANDERS. Mr. Speaker, I am submitting a copy of an article which appeared in the Brattleboro Reformer, Brattleboro, VT today. I think that it will be of interest to many and request that it be included in the RECORD.

[From the Brattleboro (VT) Reformer, June 13, 1995]

CHEER LEADER

Of all the fishermen, in all the rivers, in all the states of the union, why did it have to be Tim Kipp in the Androscoggin River in Milan, N.H., when Speaker of the House Newt Gingrich stopped Sunday to chat?

Kipp, a history teacher at BUHS, is Brattleboro point man for Vermont's independent Congressman Bernard Sanders. Well to the left, his presence in the middle of a river was probably the first time in years Kipp has been in the mainstream. He was waist deep in water and up to here in indignation when Gingrich, in New Hampshire testing the political waters, paused for a photo op. It didn't help that the very waters Kipp was fishing are imperiled by an anti-environment initiative championed by the conservative speaker.

Gingrich, a pawn of Murphy's Law, did not know whom he was greeting when he waved hello.

Kipp seethed back: "Your politics are some of the meanest politics I have ever heard. You make Calvin Coolidge look like a liberal."

Gingrich dismissed Kipp's testy greeting with an intriguing summary: "The guy is from Vermont and he didn't have that cheerful New Hampshire conservatism." The key word here is "cheerful."

To be cheerful in the face of assaults on the environment and cruel cuts to veterans, children, the elderly, the poor and the sick is evidence of either viciousness or delusion. We trust it is delusion that is behind "cheerful New Hampshire conservatism." Certainly, delusion—plus smoke and mirrors—are the main underpinnings of the Republican congressional agenda. Thus would tax breaks for the wealthy help reduce the budget. Thus would denying the needy simultaneously empower them.

Lately, Gingrich has been hustling a picturesque, even uplifting, vision of an alternative to a national social welfare system he regards as crushingly expensive and lacking a moral soul. In Gingrich's America, private charities would shelter the homeless, feed the hungry and lend a hand to the lame and halt. The welfare state would be dismantled. Government employees would be replaced by volunteers sustained only by their sense of mission.

According to the leaders of the charities that would be called upon to fill the breach left by an obliterated welfare system, however, Gingrich is, well deluded.

Officials of numerous national charitable institutions—Catholic Charities USA, the Salvation Army, the American Red Cross, among others—say private donations to their agencies have dropped off in recent years. Both tax laws and a precarious economy discourage giving, and volunteerism is down in an economy where there are too few non-working Americans with extra time on their hands.

It's hard to be cheerful in the face of the truth, but somebody has to balance the happy horsefeathers offered by the speaker. Maybe Kipp should go on a speaking tour of New Hampshire and Newt "Don't Worry, Be Happy" Gingrich should go fishing.

A SPECIAL SALUTE 1995 ARTISTIC DISCOVERY PARTICIPANTS

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1995

Mr. STOKES. Mr. Speaker, I rise today to announce the successful completion of the annual Artistic Discovery competition in the 11th Congressional District. Over the years, Members of Congress have utilized the Artistic Discovery competition to both recognize and encourage the artistic talents of high school students. Throughout the spring, art competitions are held in congressional districts throughout the United States. The winning artwork from the various districts will be on display later this month when the Artistic Discovery national exhibition is unveiled here on Capitol Hill.

I am proud to note that the Artistic Discovery competition has enjoyed great success in my congressional district. This year's competition generated 350 art entries from high school students in 13 area high schools. The student artwork represented some of the best ever. Mr. Gary Thomas, a talented artist who is responsible for preparing the portraits of inductees into the Pro Football Hall of Fame, judged the entries and selected the winning artwork.

Mr. Speaker, the 1995 Artistic Discovery winner from the 11th Congressional District of Ohio is Jermaine Powell of Warrensville Heights. The son of Salley Powell, Jermaine is an 11th grade student at Warrensville Heights High School. His winning artwork is a painting entitled, "A Mirror Can Dream." His artwork makes a strong statement about the need for unity and for people of our Nation to join together—regardless of color.

I am proud to report that Jermaine Powell is not only a talented artist, but he is an outstanding student at Warrensville Heights High School. He was recently inducted into the school's National Honor Society, maintaining a 3.5 grade point average. I extend my personal congratulations to Jermaine; his art instructor at Warrensville Heights, James Evans; and the school principal, Alex Murphy.

Mr. Speaker, it is important that the U.S. Congress recognize the importance of the arts, and take advantage of the opportunity to demonstrate our support for the Nation's youngest artists. I am extremely proud of each of the students who participated in the 11th District Artistic Discovery competition. They are very talented and all are winners.

I would also like to express my appreciation to the Cleveland community for its continued support of this important effort. In particular, I would like to thank officials and staff at the Cleveland Heights City Hall; Dick Bogomolny and Finast stores; Ted Sherron and the Cleveland Institute of Art; and the many others who helped to make our 1995 Artistic Discovery competition a great success. I ask that my colleagues join me in this special salute to the 1995 Artistic Discovery participants.

BEAUMONT SCHOOL

Alyssa Adams, Susan Ancheta, Amy Balbierz, Alithma Bell, Ann Bartek, Crystal Bell, Jennifer Blum, Anne Coburn, Molly Cook, Kelly Costello, Terry DePompei, Susan Dernyer, Julie Engstrom, Jessica Eppich, Katherine Fitzgerald, Sarah Fitzsimons, Elizabeth Havach, Alicia Hernandez, Lori Indriolo, Keisha Jones, Molly Keefe, Lucy Kirchner, Karola Kirsanow, Terre Kraus, Natalie Lanese, Maria Lind, Diane Lloyd, Josephine Lombardi, Brandyn-Marie Manocchio, Sara McCormack, Katie McCullough, Elise McDonough, Katheryn McFadden, Ann McKeever, Bridget Meredith, Nicole Patitucci, Carrie Paul, Sherry Petersen, Eileen Ryan, Micaela Redmond, Maura Schmidt, Kate Schuster, Jean Smith, Kate

Sopko, Maureen Standing, Vember Stuart-Lilley, Paola Tartakoff, Tracie Tegel, Jennifer Trausch, Mary Trevathan, Christiana Updegraff, Amelia Vlah, Katy Walter, Aisha White, Vassimo White, Andrea Williams, Allison Wooley.

Art Teachers: Ellen Carreras, Sister M. Lucia, O.S.U.

BEDFORD HIGH SCHOOL

Erik Acevedo, Shannon Bakker, Wendy Bascombe, Betsey Beveridge, Jashin Bey, Paul Biltz, Bryan Braund, Brian Brown, Lutoni Carter, Eboni Davis, Melanie Dusek, Rashaun Elias, Nicole Fenick, Shawna-Nova Foley, Becky Frank, Monica Grevious, Angela Gschwind, Brenna Hallaran, Nicole Hanusek, Aaron Hulin, Phil Jacobs, Robert Kendrick, Jason Koharik, Jon Koharik, Jay Kozar, Josh Kusek, Diamond Lewis, Michael Lovano, Aurora Mallin, Charles Minute, Steve Miracle, Samantha Nechar, Monica Oden, Lisa Pacanovsky, Melissa Petro, Cheryl Ress, Andrea Richardson, Susan Schmidt, Kareem Sharif, Farryn Shy, Larry Stepp, Heather Takacs, Jennifer Taylor, Jonelle Thomas, Laura Thome, Cameron Tullos, Jason Wainwright, Keytsa Warren, Shakhir Warren-Bey.

Art Teachers: Bob Bush, Dagmar Clements, Lou Panutsos, Andrew Rabatin.

BELLEFAIRE SCHOOL

Margaret Perkel.

Art Teacher: Kelly Gutowitz.

CLEVELAND SCHOOL OF THE ARTS

Monique Boyd, Tanya Gonzalez, Alan McClendon, Tonia Thomas, Cleveland Tolliver, Sahara Williamson.

Art Teacher: Andrew Hamlett.

COLLINWOOD HIGH SCHOOL

Tammy Beam, Tiffaney Beasley, Deryck Cleveland, Shawn Powers, Cornell Vernon.

Art Teacher: Jerry Dunningan.

GARFIELD HEIGHTS HIGH SCHOOL

Christine Boozer, Shawn Brady, Cassandra Cox, Michelle D'Angelo, Erik Drotleff, Cheryl Jones, Bernice Kane, Jennifer Langman, Valerie Lubinski, Kelly Markiewicz, Erin Michaels, Leigh Michaels, Erik Miller, Bianca Roberts, Lori Suihlik, Kristen Todaro, Erick Wessel, Chris Wintrich.

Art Teacher: Christine French.

JOHN ADAMS HIGH SCHOOL

Betty Burgett, Morris Terry.

Art Teacher: Harry Petaway.

JOHN HAY HIGH SCHOOL

Tasha Burnett, Nedra Carter, Anthony Glass, Terrence Graves, Nura Hakim, Shamerra Kuykendall, David Moraco, Jr., Wendy Mullins, Latanya Porter, Luis Rodriguez, Andrew Straka, Tyrone Sykes, Rachael Weisenseel.

Art Teachers: Kathleen Yates, Richard Chappini, Harriet Goldner.

MAPLE HEIGHTS HIGH SCHOOL

William Abram, Andre Allen, Christian Allen, Amanda Bates, Emily Bryant, Richard Cannon, John Cary, Jacob Filarski, Elizabeth Fisher, Dan Fulop, Greg Gadowski, Jennifer Gedeon, Traci Lynn Helmick, Charlene Koblinski, Michele Lakatos, Melissa Lenzo, Calvin Little, Alex Mismas, Brent Peters, Carla Ruffo, Charles Rupp, Stefeny Sega, Mike Sindelar, Otis Thomas, Eric Turk, Raheem Tyus, Mike Ulatowski, Jonathan Watts, Kevin Workman.

Art Teacher: Karen Mehling-DeMauro.

SHAKER HEIGHTS HIGH SCHOOL

Becky Beamer, Jessica Bilsky, Jeffrey Brigden, Sean Chang, Paul Daniels, Josh Greenspan, Holly Hukill, Rebecca Littman, Norman Paris, Donald Renner, Kristan Shenk, Alyson Tynes.

Art Teachers: Malcolm Brown, James Hoffman, Susan Weiner, Jody Wohl.

SHAW HIGH SCHOOL

Oscar Alexander, Clifford Allen III, Walter Caldwell, Thames Davis, Mario Gibson, DeAndre Hodges, Travis Rock, Emanuel Silmon, Alicia Stephens.

Art Teachers: Susan Lochar, Rena Reynolds.

SOUTH HIGH SCHOOL

Raysean Arnold, Tikisha Bailey, Tunisia Currie, Yavetta Doster, Erik Klepacki, Vernell Maddox, Dion Mills, Crystal Murray, Carmella Peterson, Kristina Rawls, Lartanna Remmer, Scott Rimar, Tenna Smith, Maria Stewart, Maurice Stubbs, Crystal Weatherspoon, Dante Williams.

Art Teacher: Roman Rakowsky.

WARRENSVILLE HEIGHTS HIGH SCHOOL

Raushanah El-Amin, Todd Moore, Jermaine Powell.

Art Teacher: James Evans.

TRIBUTE TO WOODLAND HIGH SCHOOL AT 100 YEARS

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1995

Mr. FAZIO of California. Mr. Speaker, I rise today to pay tribute to a century of excellence at Woodland High School in Woodland, CA. This month we celebrate the commencement of the 100th graduating class from Woodland High School.

The history and highlights of the past 100 years at Woodland High School are well documented in the commemorative publication "100 Years of Excellence," which was compiled by current students, teachers, staff and alumni. I am pleased to have the opportunity to share a number of these stories with you today.

Over the past 100 years, Woodland High School has been located at a number of sites throughout the city of Woodland. August 1895 marked the first official meeting of classes with 78 students led by three faculty members at Walnut Street Grammar School. The following year the student body was able to occupy the old Hesperian College.

In 1913, students and faculty occupied the newly constructed 80 acre high school located at the current site of Douglass Junior High School. Enrollment at the high school continued to increase steadily during that decade until the United States entered World War I. One hundred fifty students and alumni served their country in Europe during the war.

On the last day of 1923, the main building of the high school was destroyed by fire and had to be rebuilt.

During World War II, Woodland High School played its part in the war effort through War Bond and Stamp drives which raised over $200,000. The superintendent and some members of the faculty left the school to enlist and serve their country. A number of students also enlisted upon graduation. By April 1945, 41 alumni were listed as dead, missing, or prisoners of war.

During the next two decades enrollment continued to grow and in 1971 classes began at the West Street campus' current location. Today, Woodland High School has grown to an enrollment of over 1,700 students.

Many things have changed at Woodland High School over the past 100 years. Academic offerings have changed. The school paper has been renamed twice from "The Omega" to "The Orange and White" to "The Orange Peal." Clubs and sports teams such as the Costume Actors Club, Civil Air Patrol, archery and croquet have come and gone. Others including the Future Farmer's of America and football have thrived and continue to have a strong presence on the campus today. But with all these changes one thing has remained constant: enthusiasm, spirit, and pride for the school.

Mr. Speaker, I ask my colleagues in the House of Representatives to join me today in celebrating the Centennial of Woodland High School. I offer my congratulations to all of the 100 graduating classes of Woodland High School and to the many more who will follow.

DISTINGUISHED JOURNEYMEN SHEET METAL WORKERS

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1995

Mr. VISCLOSKY. Mr. Speaker, over the course of my years as a private citizen and public official, I have witnessed a great, unfolding story. This story is one of pride and principle, enterprise and excellence. It is the story of American workers given the chance to contribute to society, with the labor movement's guiding hand.

Today, I would like to call attention to 16 young men who completed the sheet metal workers' apprenticeship program. On June 12, 1995, Sheet Metal Workers International Association Local Union No. 20 in Gary, IN, initiated these men as journeymen sheet metal workers. The new members are: John Babe, John Bodish, Erik Burkhart, Shane Byers, Andy Cleland, Kevin Frazier, Sam Glover, Phil Grede, Christopher Jenness, Eugene L. Klimazewski, J. Patrick Knox, Duke Popa, Jerry Porter, Richard Sells, Christopher Shaffer, and Matthew Vanbuskirk.

According to Mr. G. Russell Basset, who has almost 20 years of celebrated service as an elected official with Local No. 20, the apprentice program offers a broad overview of the sheet metal craft. Over a 5-year span, each apprentice must attend school once a week in Gary, IN. Moreover, the apprentice spends another 4 days a week working on sites and learning the various skills needed to make a successful and prosperous journeyman. These marketable skills include applied math, metal fabricating, welding, and architectural design as well as many others.

Mr. Speaker, I ask you and my other colleagues to join me in congratulating these fine individuals as they began their distinguished careers as journeymen sheet metal workers. Their futures promise to be successful as they use their intangible and tangible experiences from the apprentice program in their careers as well as their personal lives. May their careers be long and fruitful.

INCREASE COMPETITION AMONG CREDIT CARD ISSUERS

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1995

Mr. SCHUMER. Mr. Speaker, I have long been an advocate of increasing competition among credit care issuers, so that consumers may be offered the widest possible choice and pay the lowest possible fees and interest rates. I have also spoken before about a particular case of anticompetitive, anticonsumer behavior by VISA, the dominant issuer of credit cards in the United States. Unfortunately, this case remains alive because the 10th Circuit Court of Appeals overturned a jury verdict in the lower courts that found VISA guilty of violating Federal antitrust law when it prevented Dean Witter from offering VISA cards to customers of a bank it owns. Dean Witter has appealed the case to the Supreme Court, where a petition for certiorari is currently pending.

I would like to read into the RECORD an article on this case by Prof. Lee Richardson, past president of the Consumer Federation of America and former acting director of the U.S. Office of Consumer Affairs during the Carter administration. It was published in the Wall Street Journal on May 23, and in it Professor Richardson clearly lays out the stakes in this case for "a market that affects the financial opportunities of tens of millions of American consumers." I fully concur with his view that "the Supreme Court should be willing to listen to both sides," and that a writ of certiorari should be granted accordingly.

[From the Wall Street Journal, May 23, 1995]

LET A THOUSAND CREDIT CARDS BLOOM

(By Lee Richardson)

"VISA—It's everywhere you want to be."

At least that's what VISA's marketers want us to believe. But unless the Supreme Court decides to overrule a recent appellate court decision about who can and cannot offer VISA cards, America's most prominent credit card will only be everywhere VISA wants it to be, to the detriment of consumers.

VISA's presence at some 3 million merchants (and in 180 million wallets and purses) allows it to dominate the domestic credit card market. But because VISA—an association of banks—determines who and under what conditions an organization may issue its card, the company maintains a tight grip on what options are actually available to consumers.

Since 1991, VISA has barred MountainWest Financial Corp. from issuing its card, ostensibly because MountainWest is owned by Dean Witter, which also issues the rival Discover Card. That seems strange because Citicorp, one of VISA's largest members, has long offered its own competing Carte Blanche and Diners Club cards. Indeed, almost all of VISA's members also offer MasterCard, VISA's chief competitor.

Thus, facing what it viewed as baldly anticompetitive practices, in 1991 Dean Witter went to U.S. District Court in Salt Lake City. Although a jury unanimously determined that VISA was significantly inhibiting competition, the 10th Circuit Court of Appeals reversed the jury's decision last September.

Now Dean Witter has asked the Supreme Court to review the case. Should it be accepted by the court before the end of this term, the case will undoubtedly become a critical test case in antitrust law.

More important, it could potentially establish a landmark ruling for the tens of millions of American consumers who want a more competitive and less costly credit card market—a market in which American consumers' credit card debt stood at more than $280 billion early last year, outstripping their auto loan debt. Consumer credit card charges totaled $474 billion in 1993 and are projected to nearly triple to $1.2 trillion by the year 2000.

So, until the Supreme Court renders a decision, the facts of the case provide us with a window into the rigid world of the charge card giant, revealing how far VISA is willing to go to maintain the high cost of credit.

Most consumers probably wonder why VISA should want to prevent a legitimate organization from issuing its cards. After all, VISA is a relatively open organization whose 6,000 members issue the card, charge annual fees, collect payments, and charge interest. All those members compete against each other for customers. The idea that adding one more member to the VISA family would pose a threat seems illogical.

An explanation may be found on the way that Dean Witter has chosen to compete in the lucrative credit card market. It successfully shookup that market with the Discover Card in the late 1980's, and it was prepared to do so again with its VISA program in the 1990s—by offering a card with no annual fee, a generous $3,500 credit line, and an initial interest rate of just 12.9% on each new purchase. VISA's 10 largest bank card issuers at the time—who collectively controlled a majority of all bank card business—were almost uniformly charging a sizable annual fee and a 19.8% interest rate. What Dean Witter was doing, in effect, was introducing a very unwelcome spirit of price competition into a credit card organization whose members were comfortably enjoying over 70% of the volume of the entire American market for general-purpose charge cards. So it is no wonder that the prospect of a Dean Witter VISA card sent tremors through VISA.

VISA had good reason to believe that Dean Witter's lowest-cost card could prove a threat to profits. By one estimate, every 1% decline in credit card interest rates translates into roughly $1.7 billion that consumers won't have to pay. Similarly, The Wall Street Journal estimated that the elimination of credit card annual fees could reduce issuer's profits by up to 40%.

To VISA, these numbers are no theoretical accounting exercise. In 1991, when VISA learned that Dean Witter, through its MountainWest bank, intended to launch a VISA card, VISA invoked a bylaw prohibiting membership to any institution that offers other cards deemed competitive by VISA's board. It is hard to believe that VISA's suddenly invoked bylaw is anything other than a transparent maneuver intended to limit the effectiveness of Dean Witter and other aggressive new competitors.

What is really going on in the legal dispute between Dean Witter and VISA is a battle over how competitive the future market in credit cards will be. The truth is, the market is not nearly competitive enough, and most consumers know this. In the early 1990s, the U.S. Senate, in response to public outcry, passed a bill that, had it become law, would have arbitrarily capped the interest rates on credit cards.

Fortunately, there is probably a better way than heavy handed federal regulation to meet consumer demands. Today, most of the top 10 issuers of bank credit cards still charge an annual fee, and one charges interest rates of as high as 21.9% a year. Surely consumers would benefit from opening this credit card market to new and more aggressive competitors.

VISA's strategy, as Dean Witter proved at trial, is two-pronged: First, it wants to head off a major increase in the level of competition within VISA from new competitors like Dean Witter. Second, it hopes to scare off other financial institutions that might want to follow Dean Witter by introducing their own proprietary card, and thus increase competition against VISA.

The strategy is working. No new competitor has entered the market with a proprietary card since 1985. And, if the Supreme Court allows the lower court decision to stand, it will be a major setback for a more competitive and dynamic market in credit cards. Little wonder that several of the established banking associations are lining up behind VISA on this issue.

But what is at stake here is not the future well-being of the banking industry, but of a market that affects the financial opportunities of tens of millions of American consumers. The Supreme Court should be willing to listen to both sides.

STUDENT LOANS

HON. EARL F. HILLIARD

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1995

Mr. HILLIARD. Mr. Speaker, I rise today to protest yet another one of the Republican plans to kill the American dream. I am speaking of the budget that was rammed through last week. This budget gutted the student loan program, taking away the dreams and hopes of young people everywhere who will not be able to go to college if the plan is adopted.

The budget plan is BAD. The Republicans have betrayed the future of America, for 30 pieces of silver, by getting rid of student loans and by cutting taxes for their rich friends. In order to finance this despicable debt, they have sold out the young people of America.

When I think of how hard some of these kids have worked, studying and saving to get a college education, it makes me want to cry. And it makes me mad, too.

There are some wonderful kids in Alabama who now may not ever reach their full potential. We have enticed them with dreams of a bright future, and the Republicans have made that dream a nightmare. Wake up Alabama! Wake up America!

LITTLE LEAGUE AMBASSADORS

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1995

Mr. PALLONE. Mr. Speaker, 149 years ago, this June 19, the New York Nine played the Knickerbockers at Elysian Fields in Hoboken, planting the seeds that led to organized baseball in the United States. The rules which were established by Alexander J. Cartwright, who umpired the game, preceded the game between the Knickerbockers and New York 8 months later in Abner Doubleday's Cooperstown, NY.

America's favorite pastime has been a part of the scene in every State across the United States ever since, bringing together people of all backgrounds, races, beliefs, and economic strata in a fun-filled afternoon or evening of recreation, friendly competition, festivity, and vitality.

When Carl Stotz created the Little League in Williamsport, PA, in 1939, and encouraged baseball competition among youths between 9 and 12 years of age in the Keystone State and New Jersey, a competition that has grown to include the entire country, he did it with full knowledge that, as the Newark Evening News had said earlier, "An American boy can no more be separated from baseball than he can from the dinner table when he's hungry."

For many, the American pastime, baseball, is the American dream.

For 20 youths in the Sandy Hook Little League, bringing the great American pastime to the shores of the land their ancestors left, is the American dream of 1995.

The youths, accompanied by eight of their coaches, and attired in identical jackets, sweaters, and parkas depicting them as American ambassadors of friendship, will visit seven countries of Europe, beginning June 21,playing baseball and cricket against competing teams from each of the countries. When they return to their native United States on July 4, the 219th anniversary of the signing of the Declaration of Independence, they will be carrying the message of thousands of European youth who believe, like themselves, that competition on the ballfield as a child will wipe out conflict on the battlefield as an adult.

These youths of the Sandy Hook Little League are astute scholars, all achieving their academics to the best of their abilities. They are dedicated ball players, hard playing and energetic. They represent more than award-winning, unscored against, record-breaking Little Leaguers who can outclass the best that has ever appeared on a baseball diamond.

They are, simply put, good, decent, wholesome American boys, the kind of kid the country can be proud of, the kind of kid who will be the leader of the Nation in the 21st century. They're the youngster with a fishing pole, sitting on the side of the river; the youngster with peanut butter on his nose and a smile across a freckled face; they're the imp who chews on a pencil before finishing that last question on a history quiz, or the big brother who hugs a baby sister, wondering why she cries.

They are the ones who can carry the message of friendship; the message that, while an ocean may separate us from the lands of our ancestors, a common interest in sportsmanship, fun, and friendly competition that can narrow the gap that divides people of different cultures, ethnic backgrounds, or religious beliefs.

While the United States enjoys lazy, languid days of summer, beginning June 21, our ambassadors of friendship will be visiting their contemporaries in England, the Netherlands, Belgium, Luxembourg, Germany, Switzerland, and France, competing with them on the baseball diamond, and learning their backgrounds and beliefs across the dinner table, in the park, or on the slopes of the Alps. While the United States resorts to the shore or mountains for summertime recreation, our youthful ambassadors will be touring the historic sites, enjoying the recreational facilities, learning the cultural highlights of the various nationalities they will meet on their historic journey back to their roots. In short, the Sandy Hook Little League representatives will be representing each and every one of us, using the laces of the baseball glove to tie together friendships and the sparkle of a baseball diamond to demonstrate to our European neighbors the jewels of America.

I ask you to join me in congratulating special ambassadors: Sean Andrews, Howard Paronto, Shane Kochon, Brian Wolcott, John Bellavance, Louis Collins, Ryan Collins, Chris Springsteen, James Murray, Donnie Hinchman, Lee Murchie, Brian Burton, Matt Smock, Brian Martin, Nick Riker, Chris Kaasmann, Sean Alvator, Scott Strohmenger, Matt Morin and Jason VanDeventer. I ask you to join me in wishing a safe journey to these ambassadors and their coaches: Thomas Andrews, Director, Herb Kochon, Substinence specialist, Rich Martin, security and first aid, Art Post, communications officer, Tom Barry, quartermaster, Lou Collins, field marshal, Herb "Cappy" Kaasmann, aquatics director, and Howard Paronto, navigator.

I invite you to join me in asking our special ambassadors to carry the message of peace and friendship, of healthy athletic competition and international camaraderie to our friends across the Atlantic Ocean in seven nations of Europe where many of us have roots, memories, or familial ties.

I urge you to applaud the efforts of these special ambassadors to spread their message of sportsmanship, friendship, and international peace as they travel through the nations of Great Britain, The Netherlands, Belgium, Luxembourg, Germany, Switzerland and France.

I call on you to recognize these special ambassadors as they travel by plane, bus, boat, train, and on foot spreading the word of an America that is young enough to enjoy the baseball field yet mature enough to recognize that it is the leaders of tomorrow who will forge the future of a nation still considered a youngster in the eyes of its European friends.

I welcome your wishes for a safe journey, a successful ambassadorial experience and a lifetime memory for these young ambassadors, our hope for the future, the leaders of the greatest Nation in the world during the 21st century.

TRIBUTE TO THE FIRST ARMENIAN PRESBYTERIAN CHURCH OF FRESNO

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1995

Ms. ESHOO. Mr. Speaker, I rise today to honor the First Armenian Presbyterian Church of Fresno, CA, which is celebrating its 98th anniversary this year. As the only Member of Congress of Armenian descent, it is a privilege for me to bring this vibrant church to the attention of the House of Representatives.

On July 25, 1897, 34 women and men gathered in a hall on "F" Street in Fresno and formally organized the First Armenian Presbyterian Church, the first Armenian Church in the State of California. The congregation was duly received and enrolled in the fellowship of Presbyterian Churches a few months later. It has been providing spiritual guidance and support to the Armenian community ever since.

Over the years, the First Armenian Presbyterian Church has been a source of strength for the Armenian faithful. It has brought our people closer to God through prayer and study. It has encouraged our people to celebrate the joys of life and the wonders of creation. And it has helped our people through times of turbulence, such as the Turkish genocide and the Great Depression.

Ninety-eight years after it began, this church has grown to nearly 400 members, and it is still meeting the religious needs of believers of every age, married couples, single followers, and the Armenian speaking.

Mr. Speaker, the First Armenian Presbyterian Church has been a blessing to the Armenian people, the city of Fresno, and the State of California. I ask my colleagues to join me in saluting this remarkable congregation and extending to it our warmest congratulations on its 98th anniversary.

A TRIBUTE TO DANISH CREAMERY ASSOCIATION ON THE OCCASION OF THEIR CENTENNIAL CELEBRATION

HON. CALVIN M. DOOLEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1995

Mr. DOOLEY. Mr. Speaker, I rise today to pay tribute to Danish Creamery Association, the Nation's oldest continually operated, farmer-owned dairy cooperative. Danish Creamery is celebrating its 100th anniversary.

In the tradition of all agricultural cooperatives, Danish Creamery has a long history of bolstering the economy of the cities and counties of California. Since 1895, the association has helped valley dairy farmers provide markets for their milk and has supplied the entire State with quality butter and dairy products.

The creamery and the member dairy farms are also important employers in the region.

Over the years, the Danish Creamery Association has led the way in the advancement of dairy technology and in interstate and international marketing. It has also been an important voice in the development of national programs for the betterment of the entire dairy industry.

Mr. Speaker, I commend Danish Creamery for reaching its 100th anniversary and wish the association continuing success in providing its members with this valuable service.

TRIBUTE TO ATTORNEY BILL TAMAYO

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1995

Mr. DELLUMS. Mr. Speaker, today I rise to share with you and my colleagues that after 16 years, attorney Bill Tamayo, leaves the Asian Law Caucus [ALC] where he directed the immigrant rights project working on behalf of low-income immigrants and refugees, to join the Equal Employment Opportunity Commission. A 1978 graduate of the Martin Luther King, Jr., School of Law, University of California at Davis, attorney Tamayo has set a standard of commitment, dedication and community activism as an attorney, advocate and as a human being concerned with the quality of life of his fellow citizens.

Bill served as cocounsel on civil and human rights issues including immigration raids—International Molders and Allied Workers Union, Local 164 versus Nelson—and succeeded in legal challenges of Immigration and Naturalization Service [INS] regulations on the exclusion of Asian elderly who received public benefits, deportation of foreign-trained Filipino nurses, restriction on legalization and the building of INS detention centers in Oakland and Vallejo, CA. He was cocounsel in Equal Employment Opportunity Commission versus Tortilleria La Mejor, a landmark 1991 decision holding that undocumented workers are protected by the employment discrimination provision of Title VII of the Civil Rights Act of 1964.

Bill understood the importance of legal challenges; however, what makes him distinct from others in the legal profession is that also became legislative advocate. He worked and spoke out against various proposals to cut back on legal immigration, due process rights of immigrants and for the battered immigrant spouse provisions of the violence Against Women Act. He has published several articles on immigration rights, and on Asian Americans and public policy on immigration matters and on Asian American political.

Bill has served on the Boards of the Coalition for Immigrant and Refugee Rights and Services, Asian and Pacific Islander American Health Forum, and the Poverty and Race Research Action Council. He served as the chair of the National Network for Immigrant and Refugee Rights. From 1986–88, he was a National vice-president of the National Lawyers Guild.

In the 16 years with the Asian Law Caucus, Bill's accomplishments and achievements are indeed remarkable. It is an indication of the role Bill Tamayo has played and will continue as a leader and participant in the struggle for peace, justice, and social equality. I join with countless other civil rights and community leaders in honoring this dedicated public servant, Attorney Bill Tamayo.

INTRODUCTION OF LEGISLATION TO CORRECT THE IMPLEMENTATION OF THE MARINE DIESEL FUEL TAX

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1995

Mr. FARR. Mr. Speaker, I rise today to call attention to an issue of great importance to the boating community nationwide; the problems caused by the marine diesel fuel tax provisions imposed under the Omnibus Reconciliation Act of 1993.

Under this provision, two types of marine diesel fuel are available to boaters. Clear, taxable fuel is offered for sale to recreational boaters, while blue-dyed non-taxable diesel fuel is offered for sale to commercial boaters. In effect, this provision forces commercial vendors of marine diesel fuel to either dispense two types of diesel fuel which must be stored in separate tanks, often at the unnecessary and excessively burdensome cost of building an additional tank, or to offer only one type of diesel fuel, usually the dyed, which is not readily available for sale to pleasure boaters.

While this tax provision was meant to ensure that recreational boaters pay their fair share of marine diesel fuel taxes, it has instead created a disastrous situation where many recreational boaters cannot find clear, non-dyed taxable fuel for their use. This provision often forces boaters to travel long, often perilous distances at sea, in the search for diesel fuel.

I am offering a practical solution to this problem. My bill would amend the marine diesel fuel tax provision to all boaters, both commercial and recreational, to purchases dyed diesel fuel and pay applicable taxes at the pump. The bill would make it easier for fuel vendors to offer taxable fuel for sale while making it easier and safer for recreational boaters to purchase this fuel. The greater availability of dyed diesel fuel could even lead to an increase in current revenues to the United States Treasury. Commercial boaters would remain exempted from this tax.

Mr. Speaker, this problem is not specific to one particular district or State. Boaters nationwide are suffering from the unavailability of diesel fuel at local marinas. I urge my colleagues in the House to act on this legislation as soon as possible to ensure safe and fair access to diesel fuel for all boaters.

DR. HENRY FOSTER

HON. EARL F. HILLIARD

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1995

Mr. HILLIARD. Mr. Speaker, I rise today to address my colleagues of the House and speak out in support of Dr. Henry Foster. I believe strongly that Dr. Foster is an ideal candidate for this position.

Dr. Foster has devoted his entire career to ministering to impoverished and underprivileged citizens, especially teenagers.

He focused his efforts on addressing the problems of drug abuse and unplanned pregnancy among teenagers. Dr. Foster has recognized that the crisis of teen pregnancy is the root of many problems we face as a nation today. His work focused on motivating underprivileged teens to stay in school and graduate, and to concentrate on their futures.

The program he developed, called I Have a Future, was nationally recognized for its novel and innovative approach to the prevention of teen pregnancy. In 1992, he was honored by President George Bush as one of America's Thousand Points of Light.

In the late 1960's, Dr. Foster resided in Tuskegee, AL, where he was the only obstetrician in the area.

THE INTRODUCTION OF THE VOLUNTARY PROTECTION AUTHORIZATION ACT OF 1995

HON. JAMES A. HAYES

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1995

Mr. HAYES. Mr. Speaker, at a time when our economy demands that American businesses become more efficient to remain competitive, the relationship between management and labor, employer, and employee can no longer afford to be the confrontational one of the past. Improving health and safety in the workplace should not be divisive, but must instead be intuitive and one of our top objectives in facilitating greater productivity.

It is with this in mind that I join today with my fellow Louisiana colleague Congressman RICHARD BAKER to introduce the Voluntary Protection Authorization Act of 1995.

Our bill is intended to codify the highly successful Voluntary Protection Program [VPP] administered by the Occupational Safety and Health Administration. Under the current loose regulatory structure, VPP promotes effective health and safety program management that requires the participation and cooperation of both management and nonmanagement employees. Our legislation establishes framework that maintains the integrity of the existing program by providing the appropriate incentives to businesses to develop and implement high quality health and safety plans.

Authorizing VPP will level the playing field and allow the program the opportunity to compete for scarce dollars with other training and compliance assistance programs which have traditionally received insufficient resources. By doing so, we will endeavor to enhance the commitment to health and safety in the workplace that can never be fully realized through enforcement alone.

There are approximately 155,000 employees and 200 worksites, including two in my southwest Louisiana district, presently participating in VPP. Labor and management have come together to improve among other important things, employee motivation, lower lost workdays, and workers compensation costs and claims. These are just a few examples of the benefits and accomplishments of VPP.

Health and safety is an issue that should not be volatile. Labor, management, and Government must work cooperatively toward the common goal of sustainable economic progress. Our bill represents such an effort. The proposal enjoys the support of representatives of the small businesses community, large industry, the VPP Participants Association, and rank-and-file labor of participating firms. I welcome my colleagues to join us in moving this consensus, bipartisan bill forward.

THE COMPREHENSIVE SURVEY OF YOUNG OFFENDERS ACT

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1995

Mr. WYDEN. Mr. Speaker, today I am introducing the Comprehensive Survey of Young Offenders Act. While Congress has spent much time and effort, and is about to spend vast sums on measures to address crime committed by adults, it is juvenile crime that is increasing exponentially. Particularly ominous, experts in the field report that while one can collect voluminous information on the national patterns and problems of adult crime and the adult criminal justice system, basic statistical data on the juvenile justice system is sketchy at best. Congress, States and localities have little or no comprehensive data on what the career record of a young offender looks like or how juvenile offenders flow through our country's juvenile justice systems.

A 1994 FBI study on major crimes reported that while the number of murders committed by adults 25 or older dropped 20 percent, the number of homicides committed by 18–24-year-olds increased 65 percent, and those by 14–17-year-olds increased 165 percent. However, according to several experts who study juvenile crime, by the year 2005 the number of teenagers in this county will increase 23 percent, and youth crimes will increase dramatically as well.

To effectively address youth crime, the Federal Government and the States need clear, straightforward data on how the current juvenile system functions. I have worked closely with Dr. James Q. Wilson, the noted UCLA criminologist, to meet this need through the legislation I introduce today. Dr. Wilson correctly pointed out that instead of fighting youth crime with grandiose rhetorical statements like harsh treatment and mollycoddling, it is time to address the issue with a commonsense look at the facts.

There is a substantial amount of anecdotal evidence that indicates the juvenile system is in trouble. For example:

In Portland, my hometown, the Oregonian, described a case where a child committed 50 crimes, 32 of which were felonies, before the juvenile justice system took action to protect the community.

According to New York magazine, in New York State, 30,000 juveniles picked up for misdemeanors in 1993 were issued youth division cards and then released—essentially the paperwork was filed and the child walked out.

In Chicago, in the case of Yummy Sandifer, Newsweek reported that he averaged a felony a month for the last year and a half of his life (23 felonies and 5 misdemeanors in all). He was actually convicted of two felonies in juvenile court and nothing ever happened to him. Finally, he killed someone and was killed himself.

A system like this neither serves the children who commit crimes nor the community it is supposed to protect. Nationally, only 50 percent of juvenile cases even go to juvenile court. Most cases are handled by some form of social services division. The majority of juveniles who do go to court are given probation.

While this information indicates a system that is overwhelmed with violent offenders and doesn't have the legal remedies necessary to deal with such an influx, a broad overview of the problem is missing. The Comprehensive Survey of Young Offenders Act, would help Congress, States, and localities fill the holes in our knowledge of juvenile crime and our country's juvenile services. Right now there is little or no comprehensive data on the patterns of crime for young offenders, how many times a young offender goes through the juvenile justice system or which punishments or programs effectively protect the community and reduce recidivism.

This legislation would require the Bureau of Justice Statistics [BJS] to look into these issues—to survey available data on the crimes juveniles commit, to examine how young offenders flow through the juvenile justice system, and to report the outcomes of juvenile cases that are both petitioned to juvenile court and those that are handled informally.

Additionally, my legislation would require the BJS to design and estimate costs of a program that will improve data collection on young offenders in the States. While many States are moving in the direction of juvenile reform, few systematically evaluate the outcomes in their juvenile justice programs.

It is obvious that the rate of juvenile crime is climbing. What Congress now needs to do is take a comprehensive look at how our country's juvenile systems are handling that increase in crime and then evaluate where our national policy needs to go to address this enormous challenge.

AGRICULTURE WATER CONSERVATION ACT

HON. GARY A. CONDIT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1995

Mr. CONDIT. Mr. Speaker, I rise today to introduce the Agriculture Water Conservation Act.

During 1992, nearly 1.5 million acres of cropland in the United States irrigated by surface/gravity methods, either was converted to more efficient irrigation systems or was removed from production. At the same time, low-flow irrigation acreage increased by 15 percent and sprinkler acreage grew at a pace of 3 percent. An increasing demand on a limited water supply has created a demand in the agriculture community for water conservation.

Over the last several years I have read countless articles in different publications on the need to conserve water, and the role Federal Government has with this mission. While discussing water conservation methods with farmers in my district, I found cost was their overriding concern. The outlays required to implement water conservation systems—i.e., drip irrigation, sprinkler systems, ditch lining—are a tremendous burden on the agriculture industry. While I firmly believe most agriculture interest are genuinely concerned about conserving water, cost has crippled by the ability to implement conservation methods on farms.

My bill is not a mandate for expensive water conservation systems, it is a tool and an option for the farmer. Specifically, it will allow farmers to receive up to a 30 percent tax credit for the cost of developing and implementing water conservation plans on their farm land. The tax credit could be used primarily for the cost of materials and equipment. This legislation would not require them to change their irrigation practices. However, it would allow those farmers who want to move toward a more conservation approach of irrigation but cannot afford to do it during these tough economic times.

I am currently focusing a great amount of effort on reducing the threats to viable agriculture in the United States. The Agriculture Water Conservation Act, which is similar to legislation I introduced in the last two Congresses, is the kind of incentive we need in order to establish conservation measures which enable farmers to assist in solving water shortage problems. I believe providing for the long term water supply needs of environmental, urban, and agricultural users is a critical part of the solution.

The Agriculture Water Conservation Act is not the end all solution. Since I have introduced this bill in 1992 I have consulted with farmers, local irrigation districts, the Department of Interior's Bureau of Reclamation and the Department of Agriculture's Natural Resources Conservation Service. All these groups have given me helpful and beneficial advice on how to improve on this legislation. I believe farmers will contribute to solving water supply problems when given the opportunity, as they already have through conservation transfers and crop changes. This bill will provide yet another vehicle for farmers to contribute toward a solution while offering a modest credit to share the cost with the true beneficiaries—the public.

USDA INSPECTOR GENERAL'S JANUARY 1995 REPORT "APHIS ENFORCEMENT OF THE ANIMAL WELFARE ACT"

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1995

Mr. BROWN of California. Mr. Speaker, as a long-time supporter of animal welfare legislation and as one of the Members of Congress intimately involved in the 1985 amendments to the Animal Welfare Act [AWA], I have a keen interest in promoting the humane treatment of animals as well as ensuring the strength and enforceability of the Animal Welare Act.

After an initial review of the USDA inspector general's January, 1995, report, "Animal and Plant Health Inspector Service (APHIS) Enforcement of the Animal Welfare Act," I am deeply concerned with the Agency's ability and willingness to adequately monitor and reasonably ensure the humane care and treatment of animals. The inspector general stated, "APHIS does not have the authority . . . to effectively enforce the requirements of the Animal Welfare Act." While I am pleased to see this unambiguous statement, I am greatly troubled by the USDA's seemingly willful neglect of the law. It took APHIS over 6 years to promulgate regulations based on the amendments to the act that were enacted in 1985. While this delay in responding to the requirements of the amendments was in my view unacceptable, I find it even more disconcerting that the problems associated with the enforcement of this act have not abated.

Lack of adequate resources is part of the problem associated with APHIS's ability to adequately monitor and inspect animals and facilities. In the past I have testified before the Appropriations Committee in favor of increased funding for enforcement of the AWA. I realize that Congress shares the burden of responsibility for not allocating the appropriate resources needed to fully implement this law.

More importantly, however, the inspector general's report indicates that APHIS has been neglecting its statutory obligations and has renewed facility licenses even when cited violations—past and present—had not yet been corrected. Additionally, APHIS is not inspecting research facilities before issuing the initial registrations, therefore noncompliance with the act may go unnoticed until APHIS' first inspection up to a year later.

It was clearly the intent of Congress that facilities should come into compliance before being issued the initial registrations, and that license renewals should be withheld where licenses have been suspended or revoked or in instances where facilities are not in compliance with the provisions of the act. Section 2.3 of the Animal Welfare Act, among others, implicitly gives APHIS the authority to conduct inspections and to deny renewals. The provision reads:

> Each applicant must demonstrate that his or her premises and any animals, facilities, vehicles, equipment, or other premises used or intended for use in the business comply with the regulations and standards set forth in parts 2 and 3 of this subchapter. Each applicant for an initial license or license renewal must make his or her animals, premises . . . available for inspection . . . to ascertain the applicant's compliance with the standards and regulations.

While APHIS maintains that it does not have the authority to withhold licenses for failure to comply with AWA requirements once an original license is issued, the agency does in fact have the authority to suspend and revoke the license of any facility that violates the act. I am hopeful that this misunderstanding within the agency can be corrected. If APHIS does not have the authority, under current legislation, to enforce the requirements of the act, then it should seek the authority from Congress or initiate legislation, as the inspector general has recommended, amending the act to provide APHIS with the proper authority:

The report surely provides plenty of ammunition for concerned groups and citizens who have asserted for years that APHIS is not willing to enforce the AWA. I am hopeful that we can move forward from here and begin to provide a more meaningful level of protection for the thousands of animals under the current jurisdiction of APHIS. I look forward to seeing APHIS move forward with a progressive approach toward rectifying the egregious problems associated with the enforcement of the act and its concomitant regulations.

NATIONAL ENDOWMENT FOR DEMOCRACY PROGRAMS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1995

Mr. HAMILTON. Mr. Speaker, I would like to call to the attention of my colleagues a letter I have received from Mr. John Brademas, chairman of the board of directors of the National Endowment for Democracy. The letter is in response to an article in Harper's Magazine criticizing a meeting sponsored by NED in Zagreb.

I agree with Mr. Brandemas that the Harper's article was filled with distortions that do not accurately reflect the purpose or the results of the Zagreb meeting. Those distortions and inaccuracies need to be addressed.

The National Endowment for Democracy has been in the forefront of supporting and promoting democratic values and the democratic system around the world for many years. The contributions made by the work of the Endowment, particularly in the emerging democracies of Central and Eastern Europe and in the former Soviet Union, have gone a long way to consolidating the movement toward democracy in those countries.

NEW YORK, NY,
June 2, 1995.

Mr. LEWIS H. LAPHAM,
Editor, Harper's Magazine,
New York, NY.

DEAR MR. LAPHAM: Your reporter's cynical account of the meeting the National Endowment for Democracy (NED) recently sponsored in Zagreb, Croatia ("At Play in the Fields of Oppression," May, 1995) betrays an almost willful ignorance of the meeting, its results—which were considerable—and the larger work of NED.

As Chairman of the Endowment's Board of Directors, I would like to set the record straight.

The purpose of the Zagreb meeting was to bring together democratic activists from Southeastern Europe to meet with one another and with Western groups interested in supporting free government and human rights, but seeking more knowledge of the region and its non-governmental organizations (NGOs). Since fighting began in the former Yugoslavia four years ago, like-minded activists living in different republics have found it nearly impossible to communicate with one another. Their respective societies have virtually no contact; for example, the telephone lines between Zagreb and Belgrade have been cut for over three years.

The Zagreb meeting, attended by representatives of 67 NGOs from the region and 34 Western aid organizations, was not the idle talk portrayed in the article, but a rare opportunity for friends of democracy in the war-torn Balkans to share ideas and establish contacts that will lead to practical assistance.

A few facts will give the lie to the charge that NED's programming is centered around meaningless conferences. The Endowment, which has been active in the former Yugoslavia since 1988, has provided computers, printing equipment, and vital supplies to independent newspapers and radio stations in Bosnia and Serbia-Montenegro. Without this timely aid, these free media outlets would have had to shut down. Acting through the Free Trade Union Institute, NED assists a multiethnic trade-union confederation in Serbia that openly challenges the anti-democratic policies of the Milosevic regime. Endowment funds also help underwrite the cost of the Balkan Media Network, an electronic bulletin board that links the region's media outlets through E-mail. These are but a few of the tangible forms of assistance that characterize NED-supported programs in every former Yugoslav republic.

Among the substantive results of the meeting in Zagreb are the many proposals the Endowment has received from participants inspired by the informal discussions and workshops they attended. Although the article identifies the director of an independent Bosnian radio station as a leading critic of Western donors, this same man felt the meeting of sufficient value to offer afterwards a project for the Endowment's consideration.

From the beginning, the Zagreb meeting was conceived as a way speedily to provide practical help to worthy groups that were poorly known (or completely unknown) to Western organizations, and to urge more Western groups to work in the region. Fortunately, Western groups never before active in the region have decided to get involved. A good example is NED's sister institution in Great Britain, the Westminster Foundation for Democracy, which will be working in Kosovo as a direct result of contacts made in Zagreb.

Your reporter falsely interprets the activists' general (and understandable) complains about the larger Western failure in the Balkans as an attack on NED, and focuses attention on some stray inanities uttered by a handful of the Western participants. He seems to have missed hearing any of the dozens of serious exchanges that took place informally. Yet those exchanges represented the real work of the meeting as participants developed plans for building independent media organs, human rights groups and civic organizations throughout the region.

Nowhere in the article is there acknowledgement that the meeting in Zagreb was an indigenous effort organized by the Erasmus Guild, a well-respected Croatian NGO. The Endowment-supported guild has worked effectively to promote civil society and ethnic harmony in a region that desperately needs both. For example, the Guild has successfully convened roundtable sessions that have brought together Croat, Serb and Muslim democrats to discuss inter-ethnic relations and the building of viable voluntary associations.

As Dr. Vesna Pusic, the Guild's Director has pointed out, "It is absolutely essential to avoid replicating in the NGO sector a monopoly similar to the one that has been created by the ruling parties in most of the countries on the territory of the former Yugoslavia. That can be secured only by providing multiple sources of financing for different non-government organizations." This sentiment has been echoed by the Open Society Fund in Serbia, financed by the philanthropist George Soros, which has appealed for other funders to become involved.

The article is too loaded with inaccuracies and distortions to point them all out. Let me cite only the most blatant ones:

(1) None of the Eastern European participants had to pay their way to the meeting. Conversely, Western groups did.

(2) The reference to criticism of the Endowment by government accountants is based on a 1991 General Accounting Office report. Its recommendations for managerial improvements have long since been implemented.

(3) The description of two grants (neither accurately described) made by NED in 1984, the very first year of operations, continue to be trotted out by Endowment critics as proof that it "meddles" in the internal affairs of other countries. Yet the issues raised by these grants were addressed long ago: the Endowment has strict internal prohibitions against involvement in political campaigns (distinguished from electoral processes), and NED has a policy against working in established democracies. To put these two grants into perspective, I note that NED has funded over two thousand projects during its existence.

(4) The allegation that the International Republican Institute (IRI) expended funds to help finance the 1990 Republican National Convention is false. Funds raised privately were used to bring democratic activists from abroad to experience a particular aspect of American democracy and to be briefed by experts on campaigns, polling and elections.

(5) The IRI did use business class travel for its pro bono participants in overseas programs at a time when doing so was well within government regulations. Since 1992 (before the change in government regulations), IRI has permitted its volunteers and staff to travel in coach class only.

Let me close with a personal observation: After 22 years in Congress and 11 as President of New York University, I agreed to serve as Chairman of the National Endowment for Democracy, an obligation I did not assume lightly. To me, democracy is serious business and, in my case, a matter of lifelong commitment. I wish that Harper's would have been more discerning in publishing an article about a critical issue—encouraging free and democratic political institutions in countries that do not enjoy them—rather than accepting such a cynical, indeed arrogant, misrepresentation of fact.

Sincerely,

JOHN BRADEMAS.

APACHE LANGUAGE KEY TO CULTURE'S SURVIVAL

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1995

Mr. PASTOR. Mr. Speaker, there are fewer eloquent leaders in Arizona, or the Nation, than Chairman Ronnie Lupe of the WhiteMountain Apache Tribe. Time and again Chairman Lupe has seized the attention of a large crowd in a busy meeting with his passion and spirit as he speaks of his Apache people and their heritage.

Mr. Speaker, Chairman Lupe's eloquence is not confined to the English language. He is as eloquent and as forceful in his sacred Apache language as well.

In a recent article published in the newspaper "Indian Country Today", Chairman Lupe writes of the threats posed by today's cultural influences on native America languages.

I would call the attention of all my colleagues to this excellent and forceful article:

[From the Indian Country Today]

APACHE LANGUAGE KEY TO CULTURE'S SURVIVAL

(By Ron Lupe)

A recent article in the Arizona Republic rekindled my deep concern about the preservation of our Apache language.

This article, which reported on a meeting of linguists, said that in the opinion of the experts, half of all spoken languages will become extinct in the next century. It further stated that there are currently 6,000 languages spoken in the world, but in the next 100 years half of them will become extinct.

The thought of the possibility that our sacred Apache language could be among those that become extinct was truly upsetting. To me, that is thinking the impossible. Not only would it mean an end to our spoken language, but it would be the demise of the cultural richness we reflect in our Apache language and express in our prayers.

Who would we be without our language?

Yet, as I go around our reservation, I hear fewer and fewer of our younger children speaking Apache. I see less emphasis on the speaking of our language in our homes. And while the recent efforts of the school district to incorporate the teaching of the Apache language in the lower grades is commendable, I'm afraid that alone will not be enough to reverse these trends.

According to the newspaper report, the culprits in the extinction of Native languages are no longer official government policies, as it was back in the boarding school and early reservation days.

Rather, it's the pervasive influence of the electronic media. The ever-present television, the videos, the music tapes and CDs and all of the other media influences that come to us in the dominant English language are having a destructive effect on the survival of Native languages.

The trend is true not only for the White Mountain Apache but for people all around the world. The influence of the modern electronic media is powerful and we see it operating on our own lives, as well as the lives of our children and our grandchildren.

It will take an extraordinary effort to counteract the dominating influences that are undermining the preservation of our Apache language.

It's interesting that the federal government will go to great lengths to protect endangered species like the loach minnow or small plants and insects, and yet it does very little to preserve the Native languages that exist within the United States.

It's a sad commentary on federal policies that plant and insect life have a higher priority with our government than the Native languages, which are capable of capturing and reflecting so much cultural beauty and diversity.

The same newspaper article reported on an 80-year-old Promo woman from California who recently died. She was the last Native speaker of her tribe's language.

What a tragedy! We must work hard to see that similar tragedies never happen to our people and our Apache language, which reflects so much of the beauty and richness of our culture and traditions.

Another article on the same page reported on recent research findings showing that languages are best learned when an individual is young. Research has shown that as we get older, we lose the ability to learn languages. Experts feel that the best time to learn languages is between the ages of two and 12.

It's clear that we must concentrate on instilling the Apache language in our very young. That means there has to be a concerted effort in the home, at Head Start and the lower grades. And, it is in the home where the greatest influence on the acquiring of the Apache language will take place.

If the ability to speak Apache is important to the parent, it is likely that it will be important to their children. Apache parents need to know that they have a responsibility to pass on our rich cultural heritage to their children, and that the future of the Apache language truly depends on them.

Likewise, it should be the role of our tribal government to try to reinforce and emphasize—to our youngsters and other tribal members—the importance of learning our Apache language.

Such efforts can only supplement what the child is exposed to at home and with his friends. Despite the formidable obstacles, we must continue our efforts to keep our Apache language as a vibrant and vital part of our everyday life. That's why the recently adopted constitution included provisions requiring tribal council members to be fluent in our language. This was done to insure that our special Apache way of looking at the world, as reflected in our Apache language, is maintained in our governmental decision-making processes.

There were times when we were discriminated against by government agencies and schools for speaking our own Apache language. We were considered second-class citizens if we chose to speak our Apache language, rather than English. To a great extent, this cruel psychological attack from the government and others was successful.

Even today, there is legislation in Arizona and other states designed to embarrass other nationalities who speak their own language and to establish English as the only "official" language of the United States. Such discrimination will undermine our bi-lingual education efforts.

While we still have a majority of our tribal members speaking our Apache language, we must do all that we can to insure that our language is preserved and transmitted to future generations of the White Mountain Apache.

TRIBUTE TO SAN ANTONIO POLICE OFFICERS

HON. FRANK TEJEDA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1995

Mr. TEJEDA. Mr. Speaker, we do not often enough have the opportunity to say "thanks" to the many hardworking men and women in our local police forces who risk their lives day in and day out to protect our towns and cities. I recently received a letter describing the successful efforts of San Antonio police officers to apprehend the perpetrators of a foiled assault and robbery. The crime victim eloquently describes the incident and her gratitude to the assisting officers. I echo her sentiments and offer my thanks to the police officers for their professionalism and teamwork. The letter is set forth below:

APRIL 25, 1995.

Hon. FRANK TEJEDA,
Cannon House Office Bldg., Washington, DC.

DEAR FRANK TEJEDA: On February 21, 1995 at 4:00 p.m. I was at Ed's Car Wash on Military Drive. While washing my car I noticed six teenagers standing on the side of the stall I was occupying. I thought they were waiting for their after school bus.

As I was washing my car a teenager, who later turned out to be the perpetrator, asked me for the time. I replied that it was 4:00 p.m. I felt uneasy because something in the way he was acting did not seem right. At this time I noticed that two of the teens were watching me. At first I was going to just leave but I thought I was in a public place and there were plenty of people around, I felt I was safe.

As I was putting the wash wand up, I heard running behind me. Just as I turned around there were two more teens coming at me. At this time the first teen that asked for the time started attacking me. He grabbed me from behind the neck and started choking me. I could feel myself starting to black out. At this point, he started to hit me in the mouth with his fist, causing an open injury inside my mouth and I could feel myself start choking on my own blood. He placed a gun at the back of my head and then hit me on the side of my face with the gun. He kept ordering me to give him my car keys and telling me to get into the car. I could do neither as he was still choking me until I was nearly passing out and I could not talk at this time. He had my arms and legs pinned against the car. My keys were locked in the car. He finally loosened his grip on my throat and I was able to tell him my keys were locked in the car and I had a car code. Then I screamed "God help me." He looked frightened and they all started running. I also started running in the other direction. I yelled for someone to help me and call the police that some teens had tried to kill me and one of them at least had a gun. Everyone got into their cars and left me standing there. But someone did call the police and they were there within minutes. The police had caught all of the teens within minutes.

The following officers from the West Side Sub-station were involved in the arrest of the teens:

1. Officer Sid McDonald—#282.
2. Officer Daniel Zamora—#1198.
3. Officer Kevin Wreser—#1022.

Officers assisting in the arrest were:

1. Officer Joe Esquibel—#129.
2. Officer Mavin Cannon—#966.
3. Officer Steven Martinez—#547.
4. Officer Randy Geary—#1141.
5. Officer Royce Basquez—#1194.
6. Officer Ruben Ramon—#775.
7. Officer Steven Howard—#932.
8. Officer Michael Kubena—#2002.
9. Officer William Biesenbach—#2381.

Investigating Officer—1. Sgt. Greg Young.

These fine officers showed concern for me and professional teamwork in the apprehension of these teenage juveniles. Within minutes the teens were caught. It was later I learned that every one of them had prior arrest records.

Please thank these officers.

I have always stated and I will state again we have the finest police department in the United States. Please tell them to keep up the good work and God Bless All of the Police for making me feel safer because they are there.

I will always Back the Blue.

Sincerely Yours,

RUTH MAHL,
Executive Director, Helping Hands Lifeline Foundation.

LEGISLATIVE BRANCH FUNDING BILL

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1995

Mr. PACKARD. Mr. Speaker, last week the Legislative Branch Subcommittee, which I chair, slashed $155 million in an unopposed bill. And that is just the beginning. If every other Government agency cut themselves back like we did, we would be three-quarters down, $133 billion, the road toward a balanced budget in 1 year—never mind the year 2002. We have set the standard and now it's up to the other branches of Government to do their part.

We must make Congress work better and at less cost to the taxpayer. To that end, we have defunded certain items, looking toward privatizing them, eliminated others which were redundant, reduced those which were bloated and recommended innovative ways to move Congress into the 21st century. The bill is structured to allow for privatizing many of the constituent related services including congressionally flown flags, historical calendars, and some mailing operations. We also eliminated redundant agencies and services. Among them, the Office of Technology Assessment [OTA], the Joint Committee on Printing, one House parking lot, funding for the barber and beauty shops and the House restaurants. And remaining agencies have all been held at fiscal year 1995 levels or have been reduced greatly.

This bill does what we said we would do last November. We are downsizing Government, making it work better for less. I ask that my colleagues support this effort.

WHEN INSURANCE TAX BACKFIRED, CONGRESS PASSED THE BUCK

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1995

Mr. FILNER. Mr. Speaker, newspapers across the country last week reported a story that this Congress and the Clinton administration have known for several years—the Federal Government is losing almost $2 billion annually because of a flaw in the tax policy. The analysis, prepared by a team of investigative reporters from the Associated Press [AP], concluded that a powerful political lobby has succeeded in blocking all attempts to close this unintended loophole. I ask unanimous consent to reproduce this report in the CONGRESSIONAL RECORD.

The political lobby cited by the AP story is the mutual life insurance industry. The industry says they have been assured by Ways and Means Chairman Bill Archer, according to AP, that Congress isn't "looking to advance anything."

At a time when Congress is supposedly examining every program for possible cutbacks and savings, we should not put any spending item—including unintended tax loopholes—off limits from scrutiny. My colleagues should be aware that Senator BOB DOLE recently stated on "Meet the Press" that closing loopholes is not considered a tax increase—but merely a correction.

The unintended loophole in Federal tax policy identified by the AP story in section 809, a provision included in 1984 amendments to the U.S. Tax Code. The Ways and Means Committee acknowledged in 1989 that section 809 had backfired and tried to fix the problem. As reported by AP, "After months of hearings and debate, lawmakers caved to the insurance lobby, with—the committee—asking the industry to devise its own tax plan." No industry recommendations have been forthcoming.

My own investigations suggest the yearly loss of revenues from section 809 is nearly $2 billion, a staggering amount of money. Rather than cut food programs for school children and hungry families, Congress should use these funds to reduce the Federal deficit.

Representative HELEN CHENOWETH and I have introduced legislation, H.R. 1497, to repeal section 809, a bill to restore tax fairness and close an unintended loophole. The Congress is proposing to ask every American to share in the effort to control spending, and to share the pain from downsizing the Federal Government. Everyone should be expected to contribute to this effort, including mutual life insurance companies which now escape their fair share of the tax burden.

Mr. Speaker, the independent voice of the Associated Press has revealed in this article that this $2 billion loophole exists and is being used by a handful of the country's largest mutual insurance companies. I hope the Ways and Means Committee will hold hearings on this situation and approve the legislation Congresswoman CHENOWETH and I have proposed to correct it.

Because no other major media outlet has delved into this national scandal, the AP story is reprinted below:

WHEN INSURANCE TAX BACKFIRED, CONGRESS PASSED BUCK

(By David Morris and John Solomon)

WASHINGTON.—Congressman BOB FILNER wants to put billions of extra dollars in the U.S. Treasury, but he is having trouble finding people to take up his cause.

The California Democrat has introduced legislation designed to close a loophole in federal tax law that allows mutual life insurance companies to avoid paying at least $1 billion in additional taxes each year. The legislation, similar to his bill that stalled in the last session of Congress, appears likely to be blocked again by the politically savvy insurance lobby.

The problem is not new. For six years, top officials in Congress and at the White House have known that an earlier law intended to increase taxes on the mutual companies backfired. Instead of raising additional tax dollars, documents obtained by The Associated Press show the 1984 law unwittingly gave mutual companies a new deduction that wiped out most of the intended increase.

"We compromised away too much," said Rep. Pete Stark, D-Calif., a frequent critic of the insurance industry and an architect of the 1984 plan. Accounting studies show the mutual insurance companies which include such insurance giants as Prudential and Metropolitan Life, pay taxes at half the rate of stockholder-owned insurers 10.8 percent versus 22 percent. The disparity was supposed to be corrected through an additional tax on the mutuals, which are owned by their policyholders. The catch came in a provision of the 1984 formula that allowed the mutuals to deduct capital gains.

Congress expected the deduction to be minimal, since mutuals had reported less than $100 million in capital gains between 1979 and 1984. But the mutuals changed their accounting, declaring nearly $15 billion in capital gains over the next five years. With encouragement from the Bush administration, Congress tried to fix the problem in 1989. But after months of hearings and debate, lawmakers caved to the insurance lobby, with then-House Ways and Means Committee Chairman Dan Rostenkowski asking the industry to devise its own tax plan.

That, Stark scolded, "was like putting them on a steak and ice cream diet and telling them to get their cholesterol and fat down." The industry convened a study group, but eventually abandoned the effort.

Filner's bill also appears unlikely to solve the problem. He has only one co-sponsor, while the mutual industry apparently has locked up a powerful commitment to keep the bill back. Carroll Campbell, a former South Carolina governor who now heads the American Council of life Insurance, said he recently received assurances from Republican Ways and Means Chairman Bill Archer that bills to raise taxes were "non-starters."

Archer declined an interview. Ted Groom, a spokesman for the mutual side of the industry, said the system is already unfair. He contends that changing the law to collect more taxes would drive mutual companies out of business. "We are currently overtaxed,' he said in an interview.

Still, study after study by independent agencies has shown that the 1984 law backfired, and that giant mutual companies were benefiting the most. One 1989 Treasury Department study said the law was supposed to generate $5.2 billion from the mutual insurance industry from 1984 to 1986, but had fallen $2.4 billion short. Other estimates put the shortfall as high as $2 billion a year.

Most large mutual companies have entirely offset the amount of new taxes they were supposed to pay. Some even claim the formula left them with a negative tax bill, and one company has sued to get the money back from the government. The government's expert witness in that case estimates that if the company wins, mutual companies could get refunds of up to $5 billion.

For years, the mutual companies have argued that the official figures indicating they were paying a low tax rate were erroneous. But they have failed to offer proof. This year, the industry apparently changed its tack, acknowledging the 809 section worked in its favor in the early years. But mutual companies also point to a 1995 analysis by Moody's Investors Service, which predicts the industry will see a sharp increase in taxes this year because a poor year gave them fewer capital gains to deduct.

Girding for a new fight in Congress, insurers donated an estimated $25 million to the national parties and congressional candidates in the past two elections. They also have hired some of the most powerful lobbyists in Washington, including Thomas J. Downey, a former member of the House Ways and Means Committee.

As the lobbyists lined up in opposition, Filner tried to get help from the Clinton administration, which has declared war on "corporate welfare." But the administration has refused to take a position on the tax measure.

ARCHER-JACOBS FAMILY MEDICAL SAVINGS AND INVESTMENT ACT OF 1995

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1995

Mr. ARCHER. Mr. Speaker, I am introducing H.R. 1818, the Family Medical Savings and Investment Act of 1995. The American people want health care reform—but not health care reform that relies on one-size-fits-all big Government solutions. Medical savings accounts will allow Americans to find affordable health care tailored to their personal needs. By allowing businesses and individuals to set up tax-free accounts to use for their health care expenses, this bill accomplishes three things. It makes health care more affordable and more accessible, and it promotes savings.

One of the reasons health care costs have skyrocketed is overuse and abuse of the system. By giving patients incentives to purchase health care more carefully, medical savings accounts will reduce the pressures that cause costs to rise.

Medical savings accounts also increase access to health care. If you have your own account, you won't lose your health care if you change jobs or lose your job.

Finally, MSA's promote personal savings. Nearly all of the economists who have come before the Ways and Means Committee agree on one thing: we badly need more savings. MSA's provide a savings-based answer to the health care dilemma.

Last year, the American people were denied meaningful health care reform because the administration took an all-or-nothing big Government approach that left them with nothing. Our incremental approach looks to be just what the doctor—and the American people—ordered.

Medical savings accounts legislation has long been a goal of mine. And now, this is an idea whose time has come. I hope that my colleagues, on both sides of the aisle, will join me in supporting this legislation which will allow Americans to find better quality, more affordable health care.

FAMILY MEDICAL SAVINGS AND INVESTMENT ACT OF 1995

TECHNICAL DESCRIPTION OF THE BILL

IN GENERAL

The bill would permit individuals who are covered by a catastrophic health plan to maintain a medical savings account (MSA) to assist in saving for expenses not covered by the health plan. Within limits, contributions would be excludable from gross income if made by the employer and deductible if made by the individual. In general, the aggregate amount of individual and employer contributions that could be deducted or excluded for a taxable year would be the lesser of (1) the deductible under the catastrophic health plan, or (2) $2,500 if the MSA covers only the individual or $5,000 if the MSA covers the individual and the spouse or a dependent of the individual. Withdrawals from an MSA would be excludable from income if used for medical expenses for the individual and his or her spouse or dependents.

DEDUCTIBLE CONTRIBUTIONS TO MSAS

A deductible contribution could be made to an MSA for any month in which the individual is an eligible individual. In general, a person would be an eligible individual for a month if, at any time during the month, he or she is covered under a catastrophic health plan and (at the same time) is not covered under a health plan other than a plan that provides certain permitted coverage.[1] No deduction would be allowed for a year if employer contributions (including transfers from flexible spending arrangements) are made to an MSA for the individual. (As discussed below, such employer contributions would be excludable from income.)

A catastrophic health plan would be defined as a health plan that has a deductible amount of at least $1,800 (or $3,600 if the plan provides coverage for more than one individual). These dollar limits would be indexed annually for inflation (rounded to the nearest multiple of $50).

The maximum deductible contribution to an MSA would be determined separately for each month based on the individual's status for each month, including whether the individual is an eligible individual, whether or not the MSA covers more than one eligible individual, and the amount of the deductible under the catastrophic health plan.

In general, the maximum annual deductible contribution would be the sum of the following amounts determined separately for each month. 1/12 of the lesser of $2,500 or the deductible under the catastrophic health plan for each month[2] in which the individual is an eligible individual and the MSA covers only the individual, and 1/12 of the lesser of $5,000 or the deductible under the catastrophic health plan for each month in which the individual is an eligible individual and the MSA covers the individual and another eligible individual who is the spouse or dependent of the individual. The maximum annual deduction limit would be reduced by any employer contribution to an MSA and any amounts transferred to an MSA from a flexible spending arrangement (FSA). After 1995, the dollar limits would be indexed for increases in the medical care component of the consumer price index. Such increases would be rounded to the nearest multiple of $50.

The deduction limit generally would be determined separately for each spouse of a married couple. If both spouses are covered under the same catastrophic health plan, then the deduction limit generally would be divided equally between the spouses unless they agree on a different division in the time and manner prescribed by the Secretary of the Treasury.

Example: Individual A, who has compensation of $50,000 a year, is covered by a catastrophic health plan with a deductible of $2,400 for individual coverage and $4,800 in the case of family coverage (and no other health plan) for all of 1996. Individual A is single at the beginning of 1996, but marries in July 1996. A's spouse is also covered by the same catastrophic health plan as A (and no other health plan). The maximum deduction limit for A is calculated as follows. For each of the months January through June of 1996, the contribution limit is $200 and for each of the months July through December of 1996, the contribution limit is $400. Thus, the maximum limit for the entire year is $3,800.

The deduction for contributions to an MSA would be taken in arriving at adjusted gross income (i.e., "above the line"). No deduction would be allowed to an individual if any other individual is entitled to a personal exemption for such individual.

Contributions to an MSA for a taxable year could be made until the due date for filing the individual's tax return for the year (determined without regard to extensions).

EMPLOYER CONTRIBUTIONS TO AN MSA

Employe contributions to an MSA on behalf of an eligible individual would be excludable from gross income and wages for employment tax purposes. The amount excludable could not exceed the deduction limit applicable to the individual (determined without regard to the employer contributions).

DEFINITION AND TAX TREATMENT OF MEDICAL SAVINGS ACCOUNTS

In general, an MSA would be a trust created exclusively for the purpose of paying the qualified medical expenses of the MSA holder (or his or her spouse or dependents) that meets requirements similar to those applicable to individual retirement arrangements (IRAs) The trustee of an MSA could be a bank, insurance company, or other person that demonstrates to the satisfaction of the Secretary that the manner in which such person will administer the trust will be consistent with applicable requirements.

MSAs generally would be taxable under the rules relating to grantor trusts. Any capital loss for a taxable year from an asset held in an MSA would be allowed only to the extent of capital gains from such assets for the taxable year.

An MSA trustee would be required to make such reports as may be required by the Secretary.

TAX TREATMENT OF DISTRIBUTIONS

Distributions used to pay the qualified medical expenses (not reimbursed by insurance or otherwise) of the individual or the individual's spouse or dependents would be excludable from gross income. Qualified medical expenses would be defined as under the rules relating to the itemized deduction for medical expenses (sec. 213), except that for this purpose medical expenses would not include insurance premiums other than premiums for a catastrophic health plan and would include premiums for long-term care insurance.

Distributions from an MSA that are excludable from gross income could not be taken into account for purposes of the itemized deduction for medical expenses.

Amounts not used for qualified medical expenses would be included in gross income to the extent such distributions do not exceed the excess of (1) the aggregate contributions to such account which were deductible or excludable from gross income, over (2) the aggregate prior payments from such account which were includable in gross income. An additional tax of 10 percent of the amount includable in income would also apply unless the distribution is made after the individual dies or becomes disabled.

FLEXIBLE SPENDING ARRANGEMENTS

The bill would provide that amounts in a health FSA could be transferred to an MSA for an eligible individual. A health FSA would not fail to be such merely because it permits such transfers. Such transfers would be excludable from gross income and would reduce the otherwise applicable contribution limit to an MSA.

An FSA generally would be defined as a benefit program which provides employees with coverage under which specified incurred medical expenses may be reimbursed (subject to reimbursement maximums and other reasonable conditions) and the maximum amount of reimbursement which is reasonably available to a participant for such coverage is less than 500 percent of the cost of such coverage. In the case of an insured plan, the maximum amount reasonably available would be determined on the basis of the underlying coverage.

EFFECTIVE DATE

The bill would be effective with respect to taxable years beginning after December 31, 1995.

FOOTNOTES

[1] The following types of coverage would be permitted coverage and therefore would not preclude an individual from being eligible to contribute to an MSA: (1) coverage only for accidents, dental care, vision care, disability income, or long-term care; (2) Medicare supplemental health insurance; (3) coverage issued as a supplement to liability insurance; (4) liability insurance, including general liability insurance and automobile liability insurance; (5) worker's compensation or similar insurance; (6) automobile medical-payment insurance; (7) coverage for a specified disease or illness; and (8) a hospital or fixed indemnity policy. Other types of coverage, e.g., a flexible spending arrangement, would not be permitted coverage.

[2] If the individual is covered under different catastrophic plans at different times during the month, the limit would be the lowest deductible under such plans.

CONGRATULATIONS TO DR. DIXIE MELILLO

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1995

Mr. BENTSEN. Mr. Speaker, I want to highlight the accomplishments of Dr. Dixie Melillo, a distinguished physician who has selflessly helped women with breast cancer in southeast Texas. In fact. Dr. Melillo is a wonderful healer for both the families and the patients with breast cancer. Dr. Melillo provides the latest medical treatments as well as emotional support for her patients. Every patient receives her home phone number so they can contact her at any time and discuss their case. Dr. Melillo is a good example of an extraordinary woman and professional who gives her time and effort to her community.

Dr. Melillo founded The Rose, a nonprofit organization for breast cancer screening. The Rose provides mammograms below cost or at no cost to women who otherwise would not receive these screenings. With these screenings, women have a much better chance of survival and receive appropriate medical treatment before their tumors have spread. As of December 1994, The Rose has provided low-cost mammograms to over 45,000 women, including 4,700 sponsored patients. In addition, The Rose is located in three locations so it is convenient for women to schedule their appointments.

Dr. Melillo is a tireless volunteer for The Rose, and serves as its medical director. In her capacity as medical director, Dr. Melillo has organized five different breast cancer support groups, and regularly attends each of these meetings. Her most recent accomplishment was to organize a metastatic support group for patients with a recurrence. Patients, spouses, and families all join in these important gatherings. Last year, Dr. Melillo consulted with more than 300 women.

In many cases, she will treat patients who cannot afford followup care, at no cost. She has never turned down an opportunity to help her fellow woman. Roughly 20 percent of her practice has been dedicated to charity care.

Dr. Melillo is a well recognized and dedicated physician. Dr. Melillo completed her medical studies at the University of Texas Medical Branch in Galveston, TX. A general surgeon in private practice in Pasadena, Dr. Melillo currently serves as the chairperson of the Southeast Harris County Task Force of the American Cancer Society. In 1986 she served as the Chairman of The Department of Surgery at Bayshore Medical Center.

Dr. Melillo works hard for her community. She currently serves on the board of directors at Texas Commerce Bank, Pasadena Branch. Since 1993, Dr. Melillo has served on the board of directors at Bayshore Medical Center, where she still practices. From 1986 to 1990, Dr. Melillo served as the chairman of the Pasadena Chamber of Commerce, Medical Services Committee. In addition, Dr. Melillo has served as the alternative delegate for the Texas Medical Association. In 1988, Dr. Melillo received the Mayor's Volunteer of the Year Award in the health category for her dedicated service to the Houston community.

IN RECOGNITION OF COL. PIERCE ALBERT RUSHTON, JR., DIRECTOR OF ADMISSIONS AT THE U.S. MILITARY ACADEMY IN WEST POINT, NY

HON. SUE W. KELLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1995

Mrs. KELLY. Mr. Speaker, Col. Pierce Albert Rushton, Jr., Director of Admissions at the U.S. Military Academy which is located in my District in West Point, New York, is retiring this year. He has a long and distinguished career of service to his country and the continued development of its future leaders.

At this point Mr. Speaker, I would ask that the attached statement be inserted into the RECORD for my colleagues review:

Colonel Rushton will retire from active military service in September 1995. Colonel Rushton's long and distinguished career as a soldier began in 1959 with his graduation from West Point and has spanned over 36 years. Colonel Rushton has made immeasurable contributions to the U.S. Army and to the U.S. Military Academy. Throughout his career he has distinguished himself as an exceptional leader, who fostered and upheld the timeless and honorable traditions of the U.S. Army.

As a soldier, Colonel Rushton served the nation in Germany, Vietnam, Korea, and the United States. He commanded a battalion and four different companies. Among these were command of the Command Operations Company of the 1st Infantry Division during the height of the Vietnam conflict, and command of the 142d Signal Battalion, 2d Armored Division, Fort Hood, TX, during the era of vital division testing. He served as battalion executive officer of the largest signal battalion in the Army in Korea, on the Department of the Army Staff in Washington, DC, and with TRADOC Combined Arms Test Agency at Fort Hood. He is a graduate of the Air War College, Montgomery, AL and the U.S. Army Command and General Staff College, Fort Leavenworth, KS.

Colonel Rushton holds a master of science degree in management from the University of Alabama and was elected to Beta Gamma Sigma academic fraternity. His first assignment to the West Point staff and faculty was from 1972–1975 as Associate Director of Admissions. In 1979, Colonel Rushton returned to West Point as the Deputy Director of Admissions. In 1985 he was appointed by President Reagan as the U.S. Military Academy Director of Admissions. During his tenure in admissions, Colonel Rushton developed and implemented a number of impressive initiatives. Some of the more important and far-reaching actions for West Point have been the development of comprehensive admissions tracking and trend analysis; the first use of student search programs for the Military Academy; the development of a state-of-the-art training and assessment program for newly assigned admissions officers; the opening of field offices in California and Texas, and the establishment of the West Point Spotlight School Program and Annual USMA Admissions Distinguished Service Award. During Colonel Rushton's admissions service, the U.S. Military Academy has enrolled 87 percent of the women and 77 percent of the African-American graduates in its history.

Colonel Rushton serves as a member and secretary of the U.S.M.A. Academic Board and as a member of the superintendent's policy board. He has been directly involved in enrolling 20 West Point classes or approximately 34 percent of the total graduates of West Point. As a result of Colonel Rushton's dedicated leadership in attracting and admitting the best young people our Nation has to offer, West Point has retained its position as one of the country's finest institutions of higher learning and the premier leader development institution in the world.

Colonel Rushton and his wife, Charlene have two children, Stephanie Patelli of Fort Irwin, CA and Cheryl Neuburger of Katonah, NY.

Colonel Rushton's many friends, fellow soldiers, and the Corps of Cadets join together on this day, to wish him the best of health and happiness and continued success.

HOUSE OF REPRESENTATIVES—*Wednesday, June 14, 1995*

The House met at 10 a.m.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Remind us always, O gracious God, that Your blessings and redemptive power are showered on all the people from every background and every nation. While we attempt to serve with enthusiasm and zeal in our place and time, may we never act with undue pride about our responsibility, but rather go about our work with humility and diligence. Encourage us to focus on the goals of justice with an attitude of mercy for in so doing we will truly be Your people. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Ohio [Mr. TRAFICANT] come forward and lead the House in the Pledge of Allegiance.

Mr. TRAFICANT led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will recognize Members for twenty 1-minute speeches on each side.

SAFETY AND HEALTH IMPROVEMENT AND REGULATORY REFORM ACT OF 1995

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, today, along with 55 of my colleagues, I am introducing the Safety and Health Improvement and Regulatory Reform Act of 1995. The legislation will comprehensively change the Federal Occupational Safety and Health Act [OSHA]. Few Federal programs are in need of change as much as this one.

I believe that OSHA has become fundamentally misdirected, and instead of promoting and encouraging workplace safety and health, OSHA has become known for issuing silly regulations and is preoccupied with collecting fines from unsuspecting employers. It is time to add some common sense to OSHA's regulations and focus on promoting safety in the workplace.

Legislation that I am introducing today targets 50 percent of OSHA's funding toward consultation, training, education, and compliance assistance programs. Other important changes include adopting the regulatory reform measures already approved by the House, and giving employers the opportunity to fix alleged safety and health violations prior to the issuance of a citation. Finally, to save taxpayer dollars, this bill proposes the merger of the Occupational Safety and Health Administration with the Mine Safety and Health Administration—without compromising workplace safety.

I welcome your cosponsorship of this much needed legislation.

NEW YORK BAR ASSOCIATION OPPOSES CHANGING BURDEN OF PROOF IN TAX CASE

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the New York State Bar Association has come out against H.R. 390. They are against changing the burden of proof in a tax case. The New York State Bar Association says taxpayers should remain guilty and prove themselves innocent.

That is really no surprise. Bar associations oppose it. IRS commissioners oppose it. IRS agents oppose it. Many lawyers oppose it. The only real support my bill has is 95 percent of the American people, the most widely supported bill in the country.

Mr. Speaker, I think it is time that we tell the bar associations and the IRS to shove their opinions up their cash cows. It is time to change the burden of proof in a tax case. They can in fact document those admissions they make on our tax form in the administrative process, but when it gets into court, the foundation of our Constitution is you are innocent until proven guilty and, damn it, a taxpayer should be treated like everybody else.

THE PRESIDENT JOINS THE BUDGET DEBATE

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Mr. Speaker, let me just say that the President's speech last night was fabulous. Bill Clinton was his usual polished self. He was convincing, sincere, and articulate. I would argue that Bill Clinton has a rare gift for making speeches.

But let us not forget one crucial thing. With Bill Clinton, there is always a huge difference between reality and his speeches.

Let me illustrate. During his campaign for the Presidency, Bill Clinton argued passionately for deficit reduction and the need to balance the budget. In fact, in June 1992, Bill Clinton told Larry King that he would present a plan to balance the budget in 5 years. This never happened.

For the last 3 years, the President has introduced budgets that called for more deficit spending, not less.

His last budget, the one he just rejected last night, calls for $200 billion deficits well into the next century.

Mr. Speaker, we are glad he wants to get into the debate, but I urge everyone to keep in mind the difference between Mr. Clinton's speeches and his actions.

PRESIDENT COMMENDED FOR TOUGH STAND AGAINST JAPANESE AUTOMAKERS

(Mr. VOLKMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VOLKMER. Mr. Speaker, I rise to congratulate President Bill Clinton for the very tough and long awaited stand he has taken against Japanese automakers. I applaud his decision to place a 100-percent tariff on Japanese luxury automobiles until they allow American cars and parts to be imported without unfair barriers. For years and years I have watched President after President threaten and warn Japan about their unfair trade practices, but finally President Clinton has ended the threats and has taken the decisive action that has been needed for many years. Cars and car parts account for most of the huge United States trade deficit we have with Japan, yet despite negotiations in good faith Japan has refused to remove the barriers that prevent United States automakers to compete. President Clinton

□This symbol represents the time of day during the House proceedings, e.g., □1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

has a record that clearly shows he is open to free trade, but now at the same time he shows he is willing to take forceful action against foreign unfairness. I applaud the President for this decisive action, and ask my colleagues to support him in this bold and appropriate action.

THE CHANGING PRESIDENTIAL WINDS

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, we all should welcome the President to the budget debate—and hope that this time, the shift in Presidential winds will be a lasting one. In announcing that "It's time to clean up this mess," the President made big news. It is not hard to see why such a proclamation, coming from the President of the United States, makes headline news.

Four months ago, when the President submitted his official budget to Congress with no plan for bringing about fiscal balance, he clearly did not think the time had arrived to clean up the mess. Even more interesting is that, after signing into law the largest tax increase in history in 1993, the President declared that he had taken the necessary steps to clean up the mess.

The President's changing view on this subject has been somewhat of a whirlwind. But today, even though the President's plan is 3 years later and a half trillion dollars shorter than the Republican plan to balance the budget, we welcome him to the debate.

MEDICARE

(Mr. BARCIA asked and was given permission to address the House for 1 minute.)

Mr. BARCIA. Mr. Speaker, I am deeply concerned about the proposed changes to the Medicare Program. Taking away funding from Medicare, which benefits 35 million aged and disabled Americans, is an unacceptable act of Congress.

I have heard from hundreds of senior citizens from my district urging me to maintain and preserve their Medicare benefits. Our elderly Americans have worked too hard for their future. To dismantle the program they depend on for their health care needs would be devastating.

Medicare provides an invaluable and irreplaceable security for seniors. With the population of older Americans growing every year, Medicare must be strengthened and decisions must be made to support the program not break it down. The future of Medicare is critical not only for seniors but for all Americans who will someday need it.

Although Congress must strive toward a balanced budget and address the solvency of Medicare, let us turn to other programs for cuts, not our seniors.

Older Americans deserve our support. Balancing the budget is no easy task and it will require tough decisions that I am willing to make. But making our senior citizens struggle to pay for health insurance is not a choice I am willing to make.

DETAILS OF PRESIDENT'S BUDGET YET TO COME

(Mr. JONES asked and was given permission to address the House for 1 minute.)

Mr. JONES. Mr. Speaker, remember the first budget that the President sent to Congress this year. It came up for a vote on the Senate floor and was defeated 99 to 0—yes, 99 to 0. Not one Democrat supported his budget.

Now, the President tells us that he has seen the light. He has realized that the American people really do want to balance the budget. So, at the end of the process, he has finally jumped on board—we hope.

Where are the details? Where is the fine print?

It is easy to stand up and talk the talk, but it takes real leadership to walk the walk. Republicans have shown that leadership through our balanced budget plan.

Mr. Speaker, we hope the President will soon show us the details of his plan.

CAMPAIGN FINANCE

(Mrs. MALONEY asked and was given permission to address the House for 1 minute.)

Mrs. MALONEY. Mr. Speaker, last weekend in New Hampshire, a shake of hands promised to shake up a system in dire need of shaking up.

With a handshake, the President and the Speaker implicitly endorsed a bill that Representatives JOHNSON, MEEHAN, and I introduced earlier this year to reform campaign finance laws.

For 20 years, Congress has failed miserably in its efforts to reform Federal elections, to level the playing field between challengers and incumbents.

Americans want elections instead of auctions.

Our bill is modeled closely after the law which created the military base closing commission.

The commission would be mandated to examine all key principles of campaign finance reform.

The commission would present Congress with a bill for a straight up-or-down vote.

Mr. Speaker, it is time to turn the promise of a handshake into the reality of law.

AFFIRMATIVE ACTION

(Mr. FRANKS of Connecticut asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FRANKS of Connecticut. Mr. Speaker, I have been opposed to racial and gender based set-asides and preferential treatment throughout my career, but I believe that we must maintain and/or strengthen three aspects of our equal opportunity laws:

First, we must ensure that opportunities are made known and are accessible to all Americans, followed by fair competition.

Second, we must continue to have a mechanism to determine whether an entity has violated antidiscrimination laws.

Third, we must strengthen the enforcement aspect of our equal opportunity laws. Enforcement should be swift and severe.

However, Mr. Speaker, if set-asides and preferential treatment are not removed from the authorization and appropriation bills, I will attempt to offer amendments on the House floor to eliminate them all. I do so not to fuel the debate on affirmative action but to help ensure closure on this potentially divisive and emotional issue.

FLAG DAY

(Mr. FORBES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FORBES. Mr. Speaker, today on this June 14, this Flag Day, we not only celebrate our history but mark a point in our lives where we as a people must continue to preserve our great gift of freedom.

The symbol of this freedom is our own American flag. Symbolized is the land, the people, government, and ideals of the United States of America. Since its creation on June 14, 1777, it has been the hallmark of this great democracy in which we live. In our flag we see the struggles of our forefathers in times of war, political upheaval, and natural disaster.

As we move here in the House to consider a constitutional amendment to protect that flag, I urge all my colleagues to think of the ideals, to think of our need to preserve freedom and the symbolism of this great American flag. I urge its adoption.

OPPOSING RESUMPTION OF FRENCH NUCLEAR TESTS IN THE PACIFIC

(Mr. UNDERWOOD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. UNDERWOOD. Mr. Speaker, I join my colleague from American Samoa in expressing my outrage over France's decision to resume testing.

Mr. Speaker, yesterday, I, along with 20 colleagues, sent a letter to the President asking him to seek assurances from French President Chirac in their meeting today that France would not go forward in its intended resumption of nuclear tests in the Pacific.

All Pacific communities, including Guam, have a strong interest in stopping the insanity of nuclear testing in our region. Over the years, more than 100 nuclear devices have been tested in our region—that is 100 too many.

Yesterday, President Chirac announced that France would conduct eight tests and then sign the Comprehensive Test Ban Treaty. By its latest announcement to resume tests, France has launched a pre-emptive strike on Pacific peoples. Hopefully, the talks today will change the course France is on.

If it is so safe, why not test these warheads in Paris?

TODAY IS FLAG DAY

(Mr. BAKER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BAKER of California. Today, June 14, is Flag Day, a day we honor the symbol of freedom, the symbol of individual liberties, the symbol of limited government.

Our Founding Fathers prayed daily for guidance to create the most perfect form of self-government. A woman asked Benjamin Franklin after they had written this document, the Constitution, "What have you given us?" He replied, "A republic, if you can keep it."

The Contract With America will restore the luster of this great republic: A strong national defense, a balanced budget and living within our means, limits on onerous regulations, an open and independent Congress.

The flag is a symbol of our liberty. It is not to be burned, spit upon, or defiled.

Happy birthday, flag, and may God continue to bless America.

AGAINST BALANCING BUDGET AT EXPENSE OF MEDICARE

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, last night President Clinton turned up the pressure to reach a balanced budget.

I am sympathetic to that idea and to creating pressure for a more bipartisan effort, but I must say that I profoundly disagree with the President's proposal for $130 billion of Medicare cuts. Like the Republican proposal, when you slash Medicare in the context of a budget where you are cutting taxes, the Medicare cuts are no more than a piggy bank for another purpose, and I think that that is wrong.

I have said all along that the only way to move toward a balanced budget is to make everyone contribute to that effort, and that includes cuts in corporate subsidies. We should move toward a balanced budget, but if we do that, everyone should be asked to contribute. We need to move toward that balanced budget, but not with a disproportionate cut to the seniors of this country.

MIKE TYSON IS NO HERO

(Mr. MCINNIS asked and was given permission to address the House for 1 minute.)

Mr. MCINNIS. Mr. Speaker, to my colleagues, as we know from our history, this country was built into the best country in the whole world, built on character, based on character, based on honesty, and based on integrity.

With that in mind, I want you to note a very important date, that is this next Tuesday, June 20 when in New York a welcoming committee will give a hero's welcome to a convicted rapist, Mike Tyson. This is what the Wall Street Journal says.

Enough is enough. Mr. Tyson has expressed no remorse for his unfortunate encounter with Ms. Washington, the young black woman he was convicted of raping. He has been quoted as saying, "I like to hurt women when I make love to them. It gives me pleasure."

And now this country is going to give him a hero's welcome. I wonder if that welcoming committee is going to show up to welcome Captain O'Grady. I wonder if that welcoming committee could find time to honor the best teacher in New York State or the best teacher in Colorado or some of the highest graduates from our colleges across the country?

Mike Tyson is a disgrace to this country, and in this American's opinion, he is no hero.

□ 1020

PROGRAMS AMERICANS NEED

(Mr. SANDERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SANDERS. Mr. Speaker, this country has a $4.6 trillion national debt, and the leadership in Congress is proposing major cuts in Medicare, Medicaid, veterans' programs, student loans, Head Start, nutrition programs, and millions of dollars in cuts in programs that Americans all over this country desperately need.

Within that context, how in God's name could the Congress last night vote to expand the B-2 bomber program and spend another $1.5 billion per airplane for another 20 planes? This despite the fact that the Pentagon has said they do not need the planes, they do not want the planes.

Would it not be a good thing if the elderly and the young and the sick had friends in this Congress to the degree that the B-2 bomber does?

BAN DESECRATION OF THE FLAG

(Mr. SOLOMON asked and was given permission to address the House for 1 minute.)

Mr. SOLOMON. Mr. Speaker, as I come to the well today, I can hardly contain my excitement, because today is Flag Day. It is the day we honor Old Glory, and what a day, because you know on June 28 I will bring on this floor the constitutional amendment that will ban the physical desecration of the American flag, and you know what? We have 282 cosponsors and we only need 290 to pass it on this floor, and we are going to do it. What a day for you to come to this well today and get on as one of the original cosponsors, because it will go down in the history of this country as the fastest ratified amendment ever presented to the American people. Let's go, guys, come on down here and cosponsor it.

COMMENDING THE PRESIDENT'S BUDGET PLAN

(Mr. PAYNE of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAYNE of Virginia. Mr. Speaker, I rise to commend the President of the United States for the plan he put forth last night to balance the Federal budget by the year 2005. I further commend him for proposing that our health care and education programs be protected for the long-term strength of this Nation.

We now, for the first time in a very long time, have the House and the Senate and the President working toward the important goal of balancing our Federal budget.

We are proud that we have reduced our deficit for each of the last 3 years, the first time since Harry Truman was President that we have been able to say that. And now let the debate begin about how we can continue to stay on this path to a balanced budget.

WHAT ARE THE PRESIDENT'S BUDGET SPECIFICS?

(Mr. WICKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WICKER. Mr. Speaker, the freshmen Republicans sent President Clinton a letter 1 month ago encouraging him to submit a balanced budget. Up until now President Clinton had sided with his pollsters and spin-masters and made a conscious decision not to submit a balanced budget. Welcome to the arena, Mr. President. We hope your decision is a permanent one and that you do not change your mind and fall back when the going gets tough.

But if you noticed, the President was not very specific about how to accomplish his stated goal. Where are the details, Mr. President? Where are the specifics on how to achieve your balanced budget?

Republicans accepted Mr. Clinton's challenge back in January to be specific about our plan. Mr. President, give us your specifics. I will be glad to make copies and distribute them to the rest of my colleagues.

JOIN WITH THE PRESIDENT TO SOLVE THE BUDGET PROBLEM

(Mr. WARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WARD. Mr. Speaker, I rise this morning in strong support of what President Clinton is beginning to work on with the Congress.

I heard just as President Clinton heard on Sunday, and I think that the American people can be confident that we all get the message. The message is, we need to work together. We need to come together to find a way to deal with our long-term deficit problem.

Now, for people to argue that 7 or 10 years is a big difference, I think misses the point. The point is, we need to decide how we can do it without providing a huge tax break for the most wealthy, without slashing the programs that help those in our society who need help, but with a glidepath to a balanced budget. If it is in 10 years, that is fine. That is what we need to do. But we need to do it together, and I reach out to my colleagues on the other side of the aisle. Please, join with the President, try to find a constructive solution to this problem.

FLAG BURNING

(Mr. LoBIONDO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LoBIONDO. Mr. Speaker, this Wednesday is Flag Day.

Throughtout the Nation, Americans will unfurl the Stars and Stripes, flying our flag proudly as citizens of the greatest Nation on Earth.

Our flag reminds us of our heritage. It reminds us of everything that is good about this Nation, and it reminds us of all those who have served America in the Armed Forces who make it all possible.

Our flag is more than just a piece of cloth. It embodies us as a nation—our values and our beliefs. And especially, the memories of all those who gave their lives to make the United States of America the great country it is today.

That is why we cannot tolerate any deliberate desecration of the American flag.

I for one look forward to June 28 when we will vote on a constitutional amendment banning flag desecration. I will be proud to cast my vote for that amendment because I believe our flag is part of the very fabric of America, and the symbol that our veterans fought for and died for and deserves this protection.

MARRIAGE PENALTY

(Mrs. KENNELLY asked and was given permission to address the House for 1 minute.)

Mrs. KENNELLY. Mr. Speaker, the American Heritage Dictionary defines the word "simplify" as "to render less complex." When it comes to the marriage penalty provision in the Tax Code, the Republican contract defines "simplify" as 20 additional pages of tax tables and more confusion and headaches.

Do not get me wrong—I oppose the marriage penalty and have tried for years to reduce it. The Republicans tried to make it better—and I applauded them for the effort. But the results do not live up to the promise.

I have with me an analysis from the Treasury Department that says the Republican contract's marriage penalty provision is an administrative nightmare. It would add dozens of pages of tax tables, all for very little benefit to the taxpayer. Treasury also estimated that taxpayers with interest from savings accounts or who itemize deductions would have to do four sets of calculations under the new marriage penalty provision. That is the exact opposite of tax simplification.

I urge my colleagues to rethink this provision. Anything worth doing is worth doing right. And things should not get more complex when we try to simplify.

PUBLIC BROADCASTING

(Mr. LEWIS of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of California. Mr. Speaker, like millions of Americans, I am a supporter of the Public Broadcasting System. And, like millions of Americans, I am also a supporter of reducing the size of government and balancing our budget. Preserving PBS and balancing the budget are worthy, and not totally inconsistent, goals. I have come to the conclusion that we can do both.

At first glance, some might suggest that my conclusion is far fetched. After all, Federal dollars are becoming harder and harder to come by. The priorities are many and the dollars are few. But I believe we are overlooking a tremendous opportunity for both Congress and public broadcasting. It is called the free marketplace.

In this age of exploding technology and the revolution in the telecommunications industry, the marketplace is where the action—and the future—is. Public broadcasting's greatest asset—its educational mission—is a marketing dream and provides an attractive incentive for investment.

Interest remains high in the marketplace—and in living rooms across America—for quality programming. I believe innovative public-private partnerships hold the key, providing public broadcasting the opportunity to seek ways of lessening its dependence on Federal dollars while exploring a long-term funding strategy.

It is time for a bold, imaginative, and decisive action plan to guide the future of public broadcasting. That course can best be determined by joining together the leadership of Congress, public broadcasting, and the business community. Acting together, we can secure long term viability. But we must act now. Time is running out.

Rather than pointing fingers, Republicans and Democrats should join together in building a bridge between business and public broadcasting. Short of a private/public partnership, partisan politics will prevail. Lacking a truly bipartisan solution, Congress will lose more than Big Bird and the Civil War. We will lose the trust of the American people who look to us for leadership and creative solutions to guide the future of this treasured national resource.

SUPREME COURT DECISION TURNS BACK THE CLOCK

(Mr. HILLIARD asked and was given permission to address the House for 1 minute and to revise and extent his remarks.)

Mr. HILLIARD. Mr. Speaker, I rise today to express my displeasure over the Supreme Court ruling on affirmative action programs. These programs have been in place to assist struggling minority and women-owned businesses all over the country, people who have been denied opportunities in the past by law and who are still being denied opportunities in fact. They have been denied the opportunities to participate in this great country. We must not let the Republican angry-white-male syndrome keep others from full participation in the American dream.

We must continue to reach out to the disadvantaged, not only to blacks, but to women and also to those who have physical disabilities.

The current Supreme Court decision has turned back the clock of time. We must reverse this in order to continue the few decades of progress this country has made in the area of diversity, equality, and justice for all.

Mr. Speaker, this Nation cannot afford to go back down the road to discrimination.

WHAT ARE DETAILS OF PRESIDENT'S BUDGET PLANS?

(Mr. CHRYSLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHRYSLER. Mr. Speaker, I would like to welcome Mr. Clinton to the balanced budget battle. You know, we are looking forward to the details of his plans. All we know at this time is that 90 percent of its cuts, $190 billion, occur in the last year of its 10-year plan. The freshmen sent a letter to the leadership and said that we would not vote for any budget that did not put this country on the glidepath to a balanced budget by the year 2002. The leadership then sent a letter to the President and asked him if he would give us his vision, where he would like the money spent, and give us a budget that would balance. We asked for that to be done before he went to Russia, and in fact we received only the budget that gave us $200 billion deficits for as far as the eye could see.

Well I guess at this point he has wet his finger and seen which way the political winds are blowing, and can we really take him seriously when in fact it was him and his people that worked in the Senate to kill the balanced budget amendment by getting six Democrats that had always voted for a balanced budget in the Senate to vote against the balanced budget amendment.

PRESIDENT'S BUDGET EFFORTS ARE LATE

(Mr. HAYWORTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYWORTH. Mr. Speaker, this morning the silence is deafening. Only 2 members of the new minority, with over 200 members in their ranks, only 2 members of the new minority stood here in the well of the House to champion the President's effort to balance the budget. Let me again repeat what the ranking Democrat on the House Committee on Appropriations told both the Associated Press and ABC News:

> I think most of us learned some time ago that if you don't like the President's position on a particular issue, you simply need to wait a few weeks . . . If you can follow this White House on the budget, you're a whole lot smarter than I am.

So spoke the gentleman from Wisconsin [Mr. OBEY]. Small wonder then that I refer to my friends on this side of the aisle as guardians of the old order. We welcome the President's efforts, but as our own leadership said, this train left the station, and he is making a vain attempt now to latch on to the caboose.

PERMISSION FOR SUNDRY COMMITTEES AND THEIR SUBCOMMITTEES TO SIT TODAY DURING 5-MINUTE RULE

Mr. HAYWORTH. Mr. Speaker, I ask unanimous consent that the following committees and their subcommittees be permitted to sit today while the House is meeting in the Committee of the Whole House under the 5-minute rule.

Committee on Agriculture; Committee on Banking and Financial Services; Committee on Commerce; Committee on Economic and Educational Opportunities; Committee on Government Reform and Oversight; Committee on House Oversight; Committee on Resources; Committee on Science; and Committee on Transportation and Infrastructure.

It is my understanding that the minority has been consulted and that there is no objection to these requests.

The SPEAKER pro tempore (Mr. BUNNING). Is there objection to the request of the gentleman from Arizona?

Mr. MCNULTY. Mr. Speaker, reserving the right to object, the gentleman is correct, the minority has been consulted. There is no objection.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

MODIFICATION TO DELLUMS AMENDMENT NUMBER 2 TO H.R. 1530, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1996

Mr. DELLUMS. Mr. Speaker, I ask unanimous consent that during further consideration of the bill, H.R. 1530, pursuant to House Resolution 164, my amendment at the desk which corrects a drafting error be substituted for and considered in lieu of my amendment No. 2 now printed in subpart D of part 1 of House Report 104–136.

The SPEAKER pro tempore. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment number 2 in subpart D of part 1 of House Report 104–136 offered by Mr. DELLUMS:

Page 38, line 18, insert "(a) IN GENERAL.—" before "Of the amounts".

Page 38, after line 22, insert the following:

(b) REDUCTION.—The amounts provided in subsection (a) and in section 201(4) are each hereby reduced by $628,000,000.

(c) NATIONAL MISSILE DEFENSE AMOUNT.—Of the amount provided in subsection (a) (as reduced by subsection (b)), $371,000,000 is for the National Missile Defense program.

At the end of title IV (page 161, after line 3), insert the following new section:

SEC. 433. ADDITIONAL MILITARY PERSONNEL AUTHORIZATION.

There is hereby authorized to be appropriated to the Department of Defense for fiscal year 1996 for military personnel the sum of $628,000,000. Of the amount appropriated pursuant to such authorization—

(1) $150,000,000 (or the full amount appropriated, whichever is less) shall be for increased payments for the Variable Housing Allowance program under section 403a of title 37, United States Code, by reason of the amendments made by section 604; and

(2) any remaining amount shall be allocated, in such manner as the Secretary of Defense prescribes, for payments for the Variable Housing Allowance, the Basic Allowance for Quarters, and the Basic Allowance for Subsistence in such a manner as to minimize the need for enlisted personnel to apply for food stamps.

Page 280, beginning on line 19, strike out "beginning after June 30, 1996" and inserting in lieu thereof "after September 1995".

Mr. DELLUMS (during the reading). Mr. Speaker, I ask unanimous consent that the modification be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from California?

There was no objection.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1996

The SPEAKER pro tempore. Pursuant to House Resolution 164 and rule XXIII the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 1530.

☐ 1035

IN THE COMMITTEE OF THE WHOLE

The CHAIRMAN. Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 1530) to authorize appropriations for fiscal year 1996 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1996, and for other purposes, with Mr. EMERSON in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole House rose on Tuesday, June 13, 1995, the amendments en bloc offered by the gentleman from South Carolina [Mr. SPENCE] had been disposed of.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair takes this opportunity to remind all staff who now enjoy the privilege of the floor that they are to desist from audible conversations and are not to manifest any approval or disapproval of proceedings.

It is now in order to consider the amendment printed in subpart (c) of part 1 of the report.

AMENDMENT, AS MODIFIED, OFFERED BY MR. CLINGER

Mr. CLINGER. Mr. Chairman, pursuant to section 4(a) of House Resolution

164, I offer an amendment in modified form.

The CHAIRMAN. The Clerk will designate the amendment, as modified.

The text of the amendment, as modified is as follows:

Amendment, as modified, offered by Mr. CLINGER:

After the heading for title VIII (page 323, after line 15), insert the following (and conform the table of contents accordingly):

Subtitle A—Competition

SEC. 801. IMPROVEMENT OF COMPETITION REQUIREMENTS.

(a) ARMED SERVICES ACQUISITIONS.—(1) Section 2304 of title 10, United States Code, is amended to read as follows:

"§ 2304. Contracts: competition requirements

"(a) MAXIMUM PRACTICABLE COMPETITION.—Except as provided in subsections (b), (c), and (e) and except in the case of procurement procedures otherwise expressly authorized by statute, the head of an agency in conducting a procurement for property or services—

"(1) shall obtain maximum practicable competition through the use of competitive procedures consistent with the need to efficiently fulfill the Government's requirements in accordance with this chapter and the Federal Acquisition Regulation; and

"(2) shall use the competitive procedure or combination of competitive procedures that is best suited under the circumstances of the procurement.

"(b) EXCLUSION OF PARTICULAR SOURCE.—The head of an agency may provide for the procurement of property or services covered by this chapter using competitive procedures but excluding a particular source in order to establish or maintain an alternative source or sources of supply for that property or service. The Federal Acquisition Regulation shall set forth the circumstances under which a particular source may be excluded pursuant to this subsection.

"(c) EXCLUSION OF CONCERNS OTHER THAN SMALL BUSINESS CONCERNS AND CERTAIN OTHER ENTITIES.—The head of an agency may provide for the procurement of property or services covered by this section using competitive procedures, but excluding concerns other than small business concerns in furtherance of sections 9 and 15 of the Small Business Act (15 U.S.C. 638, 644) and concerns other than small business concerns, historically Black colleges and universities, and minority institutions in furtherance of section 2323 of this title.

"(d) PROCEDURES OTHER THAN COMPETITIVE PROCEDURES.—Procedures other than competitive procedures may be used for purchasing property and services only when the use of competitive procedures is not feasible or appropriate. Each procurement using procedures other than competitive procedures (other than a procurement for commercial items or a procurement in an amount not greater than the simplified acquisition threshold) shall be justified in writing and approved in accordance with the Federal Acquisition Regulation.

"(e) SIMPLIFIED PROCEDURES.—(1) In order to promote efficiency and economy in contracting and to avoid unnecessary burdens for agencies and contractors, the Federal Acquisition Regulation shall provide for special simplified procedures for purchases of property and services for amounts not greater than the simplified acquisition threshold.

"(2) A proposed purchase or contract for an amount above the simplified acquisition threshold may not be divided into several purchases or contracts for lesser amounts in order to use the simplified procedures required by paragraph (1).

"(3) In using simplified procedures, the head of an agency shall ensure that competition is obtained to the extent practicable consistent with the particular Government requirement.

"(f) CERTAIN CONTRACTS.—For the purposes of the following laws, purchases or contracts awarded after using procedures other than sealed-bid procedures shall be treated as if they were made with sealed-bid procedures:

"(1) The Walsh-Healey Act (41 U.S.C. 35-45).

"(2) The Act entitled "An Act relating to the rate of wages for laborers and mechanics employed on public buildings of the United States and the District of Columbia by contractors and subcontractors, and for other purposes", approved March 3, 1931 (commonly referred to as the "Davis-Bacon Act") (40 U.S.C. 276a-276a-5).".

(2) Chapter 137 of title 10, United States Code, is amended by inserting before section 2305 a new section—

(A) the designation and heading for which is as follows:

"§ 2304f. Merit-based selection"; and

(B) the text of which consists of subsection (j) of section 2304 of such title, as in effect on the day before the date of the enactment of this Act, modified—

(i) by striking out the subsection designation and the subsection heading;

(ii) in paragraphs (2)(A), (3), and (4), by striking out "subsection" and inserting in lieu thereof "section" each place it appears;

(iii) in paragraph (2)(C), by striking out "paragraph (1)" and inserting in lieu thereof "subsection (a)";

(iv) by redesignating paragraphs (1), (2), (3), and (4) as subsections (a), (b), (c), and (d), respectively; and

(v) in subsection (b) (as so redesignated), by redesignating subparagraphs (A), (B), and (C) as paragraphs (1), (2), and (3), respectively.

(3) The table of sections at the beginning of such chapter is amended by inserting before the item relating section 2305 the following new item:

"2304f. Merit-based selection.".

(b) CIVILIAN AGENCY ACQUISITIONS.—(1) Section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253) is amended to read as follows:

"SEC. 303. CONTRACTS: COMPETITION REQUIREMENTS.

"(a) MAXIMUM PRACTICABLE COMPETITION.—Except as provided in subsections (b), (c), and (e) and except in the case of procurement procedures otherwise expressly authorized by statute, an executive agency in conducting a procurement for property or services—

"(1) shall obtain maximum practicable competition through the use of competitive procedures consistent with the need to efficiently fulfill the Government's requirements in accordance with this chapter and the Federal Acquisition Regulation; and

"(2) shall use the competitive procedure or combination of competitive procedures that is best suited under the circumstances of the procurement.

"(b) EXCLUSION OF PARTICULAR SOURCE.—An executive agency may provide for the procurement of property or services covered by this chapter using competitive procedures but excluding a particular source in order to establish or maintain an alternative source or sources of supply for that property or service. The Federal Acquisition Regulation shall set forth the circumstances under which a particular source may be excluded pursuant to this subsection.

"(c) EXCLUSION OF CONCERNS OTHER THAN SMALL BUSINESS CONCERNS AND CERTAIN OTHER ENTITIES.—An executive agency may provide for the procurement of property or services covered by this section using competitive procedures, but excluding concerns other than small business concerns in furtherance of sections 9 and 15 of the Small Business Act (15 U.S.C. 638, 644) and concerns other than small business concerns, historically Black colleges and universities, and minority institutions in furtherance of section 7102 of the Federal Acquisition Streamlining Act of 1994 (15 U.S.C. 644 note).

"(d) PROCEDURES OTHER THAN COMPETITIVE PROCEDURES.—Procedures other than competitive procedures may be used for purchasing property and services only when the use of competitive procedures is not feasible or appropriate. Each procurement using procedures other than competitive procedures (other than a procurement for commercial items or a procurement in an amount not greater than the simplified acquisition threshold) shall be justified in writing and approved in accordance with the Federal Acquisition Regulation.

"(e) SIMPLIFIED PROCEDURES.—(1) In order to promote efficiency and economy in contracting and to avoid unnecessary burdens for agencies and contractors, the Federal Acquisition Regulation shall provide for special simplified procedures for purchases of property and services for amounts not greater than the simplified acquisition threshold.

"(2)(A) The Administrator of General Services shall prescribe regulations that provide special simplified procedures for acquisitions of leasehold interests in real property at rental rates that do not exceed the simplified acquisition threshold.

"(B) For purposes of subparagraph (A), the rental rate or rates under a multiyear lease do not exceed the simplified acquisition threshold if the average annual amount of the rent payable for the period of the lease does not exceed the simplified acquisition threshold.

"(3) A proposed purchase or contract or for an amount above the simplified acquisition threshold may not be divided into several purchases or contracts for lesser amounts in order to use the simplified procedures required by paragraph (1).

"(4) In using simplified procedures, an executive agency shall ensure that competition is obtained to the extent practicable consistent with the particular Government requirement.".

(2) Title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.) is amended by inserting after section 303L a new section—

(A) the designation and heading for which is as follows:

"SEC. 303M. MERIT-BASED SELECTION."; and

(B) the text of which consists of subsection (h) of section 303 of such Act, as in effect on the day before the date of the enactment of this Act, modified—

(i) by striking out the subsection designation and the subsection heading;

(ii) in paragraphs (2)(A), (3), and (4), by striking out "subsection" and inserting in lieu thereof "section" each place it appears;

(iii) in paragraph (2)(C), by striking out "paragraph (1)" and inserting in lieu thereof "subsection (a)";

(iv) by redesignating paragraphs (1), (2), (3), and (4) as subsections (a), (b), (c), and (d), respectively; and

(v) in subsection (b) (as so redesignated), by redesignating subparagraphs (A), (B), and

(C) as paragraphs (1), (2), and (3), respectively.

(3) The table of contents for the Federal Property and Administrative Services Act of 1949 (contained in section 1(b)) is amended—

(A) by striking out the item relating to section 303 and inserting in lieu thereof the following:

"Sec. 303. Contracts: competition requirements."; and

(B) by inserting after the item relating to section 303L the following new item:

"Sec. 303M. Merit-based selection.".

(c) REVISIONS TO PROCUREMENT NOTICE PROVISIONS.—Section 18 of the Office of Federal Procurement Policy Act (41 U.S.C. 416) is amended in subsection (b)(4)—

(1) by striking out "all"; and

(2) by striking out "(as appropriate) which shall be considered by the agency".

(d) REPEAL OF DUPLICATIVE PROVISIONS.—Section 8 of the Small Business Act (15 U.S.C. 637) is amended—

(1) by striking out subsections (e), (f), (g), (h), and (i); and

(2) by redesignating subsection (j) as subsection (e).

(e) EXECUTIVE AGENCY RESPONSIBILITIES.—(1) Section 16 of the Office of Federal Procurement Policy Act (41 U.S.C. 414) is amended—

(A) by striking out "achieve" in the matter preceding paragraph (1) and inserting in lieu thereof "promote"; and

(B) by amending paragraph (1) to read as follows:

"(1) to implement maximum practicable competition in the procurement of property or services by the executive agency by establishing policies, procedures, and practices that are consistent with the need to efficiently fulfill the Government's requirements;".

(2) Section 20 of such Act (41 U.S.C. 418) is amended in subsection (a)(2)(A) by striking out "serving in a position authorized for such executive agency on the date of enactment of the Competition in Contracting Act of 1984".

SEC. 802. DEFINITION RELATING TO COMPETITION REQUIREMENTS.

(a) DEFINITION.—Paragraph (6) of section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403) is amended to read as follows:

"(6) The term 'maximum practicable competition', when used with respect to a procurement, means that the maximum number of responsible or verified sources, consistent with the particular Government requirement, are permitted to submit sealed bids or competitive proposals on the procurement.".

(b) CONFORMING AMENDMENTS.—

(1) OFFICE OF FEDERAL PROCUREMENT POLICY ACT.—The Office of Federal Procurement Policy Act is further amended—

(A) in section 4(5), by striking out "full and open" and inserting "maximum practicable"; and

(B) in section 20, by striking out "full and open" and inserting in lieu thereof "maximum practicable" each place it appears in subsection (b)(1), subsection (b)(3)(A), subsection (b)(4)(C), and subsection (c);

(2) TITLE 10.—Title 10, United States Code, is amended—

(A) in section 2302(2), by striking out "pursuant to full and open competition" and inserting in lieu thereof "using maximum practicable competition";

(B) in section 2323(e)(3), by striking out "less than full and open" and inserting in lieu thereof "procedures other than"; and

(C) in each of the following sections, by striking out "full and open" and inserting in lieu thereof "maximum practicable":

(i) Section 2302(3).

(ii) Section 2305(a)(1)(A)(i).

(iii) Section 2305(a)(1)(A)(iii).

(iv) Section 2323(i)(3)(A).

(3) FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT.—Title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.) is amended—

(A) in section 309(b), by striking out "pursuant to full and open competition" and inserting in lieu thereof "using maximum practicable competition"; and

(B) in each of the following sections, by striking out "full and open" and inserting in lieu thereof "maximum practicable":

(i) Section 303A(a)(1)(A).

(ii) Section 303A(a)(1)(C).

(iii) Section 304B(a)(2)(B).

(iv) Section 309(c)(4).

(4) OTHER LAWS.—(A) Section 7102 of the Federal Acquisition Streamlining Act of 1994 (108 Stat. 3367; 15 U.S.C. 644 note) is amended in subsection (a)(1)(A) by striking out "less than full and open competition" and inserting in lieu thereof "procedures other than competitive procedures".

(B) Section 15(l) of the Small Business Act (15 U.S.C. 644(l)) is amended in paragraph (1) and in paragraph (2)(A) by striking out "full and open" and inserting in lieu thereof "maximum practicable" each place it appears.

SEC. 803. CONTRACT SOLICITATION AMENDMENTS.

(a) ARMED SERVICES ACQUISITIONS.—Section 2305 of title 10, United States Code, is amended—

(1) in subsection (a)(1)—

(A) by striking out subparagraph (B); and

(B) by redesignating subparagraph (C) as subparagraph (B) and in that subparagraph by striking out "subparagraphs (A) and (B)" and inserting in lieu thereof "subparagraph (A)"; and

(2) in subsection (b)(4)(A)(i), by striking out "all" and inserting in lieu thereof "the".

(b) CIVILIAN AGENCY ACQUISITIONS.—(1) Section 303A of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253a) is amended—

(A) by striking out paragraph (2); and

(B) by redesignating paragraph (3) as paragraph (2) and in that paragraph by striking out "paragraphs (1) and (2)" and inserting in lieu there of "paragraph (1)".

(2) Section 303B(d)(1)(A) of such Act (41 U.S.C. 253b) is amended by striking out "all" and inserting in lieu thereof "the".

SEC. 804. PREAWARD DEBRIEFINGS.

(a) ARMED SERVICES ACQUISITIONS.—Section 2305(b) of title 10, United States Code, is amended—

(1) by striking out subparagraph (F) of paragraph (5);

(2) by redesignating paragraph (6) as paragraph (8); and

(3) by inserting after paragraph (5) the following new paragraphs:

"(6)(A) When the contracting officer excludes an offeror submitting a competitive proposal from the competitive range (or otherwise excludes such an offeror from further consideration prior to the final source selection decision), the excluded offeror may request in writing, within three days after the date on which the excluded offeror receives notice of its exclusion, a debriefing prior to award. The contracting officer shall make every effort to debrief the unsuccessful offeror as soon as practicable and may refuse the request for a debriefing if it is not in the best interests of the Government to conduct a debriefing at that time.

"(B) The contracting officer is required to debrief an excluded offeror in accordance with paragraph (5) of this section only if that offeror requested and was refused a preaward debriefing under subparagraph (A) of this paragraph.

"(C) The debriefing conducted under this subsection shall include—

"(i) the executive agency's evaluation of the significant elements in the offeror's offer;

"(ii) a summary of the rationale for the offeror's exclusion; and

"(iii) reasonable responses to relevant questions posed by the debriefed offeror as to whether source selection procedures set forth in the solicitation, applicable regulations, and other applicable authorities were followed by the executive agency.

"(D) The debriefing conducted pursuant to this subsection may not disclose the number or identity of other offerors and shall not disclose information about the content, ranking, or evaluation of other offerors' proposals.

"(7) The contracting officer shall include a summary of any debriefing conducted under paragraph (5) or (6) in the contract file.".

(b) CIVILIAN AGENCY ACQUISITIONS.—Section 303B of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253b) is amended—

(1) by striking out paragraph (6) of subsection (e);

(2) by redesignating subsections (f), (g), (h), and (i) as subsections (h), (i), (j), and (k), respectively; and

(3) by inserting after subsection (e) the following new subsections:

"(f)(1) When the contracting officer excludes an offeror submitting a competitive proposal from the competitive range (or otherwise excludes such an offeror from further consideration prior to the final source selection decision), the excluded offeror may request in writing, within 3 days after the date on which the excluded offeror receives notice of its exclusion, a debriefing prior to award. The contracting officer shall make every effort to debrief the unsuccessful offeror as soon as practicable and may refuse the request for a debriefing if it is not in the best interests of the Government to conduct a debriefing at that time.

"(2) The contracting officer is required to debrief an excluded offeror in accordance with subsection (e) of this section only if that offeror requested and was refused a preaward debriefing under paragraph (1) of this subsection.

"(3) The debriefing conducted under this subsection shall include—

"(A) the executive agency's evaluation of the significant elements in the offeror's offer;

"(B) a summary of the rationale for the offeror's exclusion; and

"(C) reasonable responses to relevant questions posed by the debriefed offeror as to whether source selection procedures set forth in the solicitation, applicable regulations, and other applicable authorities were followed by the executive agency.

"(4) The debriefing conducted pursuant to this subsection may not disclose the number or identity of other offerors and shall not disclose information about the content, ranking, or evaluation of other offerors' proposals.

"(g) The contracting officer shall include a summary of the any debriefing conducted under subsection (e) or (f) in the contract file.".

SEC. 805. CONTRACT TYPES.

(a) Armed Services Acquisitions.—(1) Section 2306 of title 10, United States Code, is amended—

(A) by inserting before the period at the end of subsection (a) the following: ", based on market conditions, established commercial practice (if any) for the product or service being acquired, and sound business judgment";

(B) by striking out subsections (b), (d), (e), (f), and (h); and

(C) by redesignating subsection (g) as subsection (b).

(2) The heading of such section is amended to read as follows:

"§ 2306. Contract types".

(b) Civilian Agency Acquisitions.—(1) Section 304 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254) is amended—

(A) by inserting before the period at the end of the first sentence of subsection (a) the following: ", based on market conditions, established commercial practice (if any) for the product or service being acquired, and sound business judgment"; and

(B) by striking out "Every contract award" in the second sentence of subsection (a) and all that follows through the end of the section.

(2) The heading of such section is amended to read as follows:

"SEC. 304. CONTRACT TYPES.".

(c) Conforming Repeals.—(1) Sections 4540, 7212, and 9540 of title 10, United States Code, are repealed.

(2) The table of sections at the beginning of chapter 433 of such title is amended by striking out the item relating to section 4540.

(3) The table of sections at the beginning of chapter 631 of such title is amended by striking out the item relating to section 7212.

(4) The table of sections at the beginning of chapter 933 of such title is amended by striking out the item relating to section 9540.

(d) Civil Works Authority.—(1) Chapter 137 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2332. Contracts for architectural and engineering services and construction design

"The Secretary of Defense and the Secretaries of the military departments may enter into contracts for architectural and engineering services in connection with a military construction or family housing project or for other Department of Defense or military department purposes. Such contracts shall be awarded in accordance with the Brooks Architect-Engineers Act (40 U.S.C. 541 et seq.).".

(2) The table of sections at the beginning of chapter 137 of such title is amended by adding at the end the following new item:

"2332. Contracts for architectural and engineering services and construction design.".

(3) Section 2855 of such title is repealed. The table of sections at the beginning of chapter 169 of such title is amended by striking out the item relating to such section.

SEC. 806. CONTRACTOR PERFORMANCE.

(a) Requirement for System.—The Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.) is amended by adding at the end the following new section:

"SEC. 35. CONTRACTOR PERFORMANCE.

"(a) Verification Authorized.—The Federal Acquisition Regulation shall provide a contractor verification system for the procurement of particular property or services that are procured by executive agencies on a repetitive basis. Under the system, the head of an executive agency—

"(1) shall use competitive procedures to verify contractors as eligible for contracts to furnish such property or services; and

"(2) shall award verifications on the basis of the relative efficiency and effectiveness of the business practices, level of quality, and demonstrated contract performance of the responding contractors with regard to the particular property or services.

"(b) Procurement From Verified Contractors.—The Federal Acquisition Regulation shall provide procedures under which the head of an executive agency may enter into a contract for a procurement of property or services referred to in subsection (a) on the basis of a competition among contractors verified with respect to such property or services pursuant to that subsection.

"(c) Termination of Verification.—The Federal Acquisition Regulation shall provide procedures under which the head of an executive agency—

"(1) may provide for the termination of a verification awarded a contractor under this section upon the expiration of a period specified by the head of an executive agency; and

"(2) may revoke a verification awarded a contractor under this section upon a determination that the quality of performance of the contractor does not meet standards applied by the head of the executive agency as of the time of the revocation decision.".

(b) Repeals.—Section 2319 of title 10, United States Code, is repealed. Section 303C of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253c) is repealed.

(c) Clerical Amendments.—(1) The table of contents for the Office of Federal Procurement Policy Act (contained in section 1(b)) is amended by adding at the end the following new item:

"Sec. 35. Contractor performance.".

(2) The table of sections at the beginning of chapter 137 of title 10, United States Code, is amended by striking out the item relating to section 2319.

(3) The table of contents for the Federal Property and Administrative Services Act of 1949 (contained in section 1(b)) is amended by striking out the item relating to section 303C.

Subtitle B—Commercial Items

SEC. 811. COMMERCIAL ITEM EXCEPTION TO REQUIREMENT FOR COST OR PRICING DATA AND INFORMATION LIMITATIONS.

(a) Armed Services Acquisitions.—(1) Subsections (b), (c), and (d) of section 2306a of title 10, United States Code, are amended to read as follows:

"(b) Exceptions.—

"(1) In general.—Submission of cost or pricing data shall not be required under subsection (a) in the case of a contract, a subcontract, or modification of a contract or subcontract—

"(A) for which the price agreed upon is based on—

"(i) adequate price competition; or

"(ii) prices set by law or regulation;

"(B) for the acquisition of a commercial item; or

"(C) in an exceptional case when the head of the procuring activity, without delegation, determines that the requirements of this section may be waived and justifies in writing the reasons for such determination.

"(2) Modifications of contracts and subcontracts for commercial items.—In the case of a modification of a contract or subcontract for a commercial item that is not covered by the exception on the submission of cost or pricing data in paragraph (1)(A) or (1)(B), submission of cost or pricing data shall not be required under subsection (a) if—

"(A) the contract or subcontract being modified is a contract or subcontract for which submission of cost or pricing data may not be required by reason of paragraph (1)(A) or (1)(B); and

"(B) the modification would not change the contract or subcontract, as the case may be, from a contract or subcontract for the acquisition of a commercial item to a contract or subcontract for the acquisition of an item other than a commercial item.

"(c) Authority To Require Cost or Pricing Data on Below-Threshold Contracts.—(1) Subject to paragraph (2), when certified cost or pricing data are not required to be submitted by subsection (a) for a contract, subcontract, or modification of a contract or subcontract, such data may nevertheless be required to be submitted by the head of the procuring activity, but only if the head of the procuring activity determines that such data are necessary for the evaluation by the agency of the reasonableness of the price of the contract, subcontract, or modification of a contract or subcontract. In any case in which the head of the procuring activity requires such data to be submitted under this subsection, the head of the procuring activity shall justify in writing the reason for such requirement.

"(2) The head of the procuring activity may not require certified cost or pricing data to be submitted under this paragraph for any contract or subcontract, or modification of a contract or subcontract, covered by the exceptions in subparagraph (A) or (B) of subsection (b)(1).

"(3) The head of a procuring activity may not delegate functions under this paragraph.

"(d) Limitations on Other Information.—The Federal Acquisition Regulation shall include the following:

"(1) Provisions concerning the types of information that contracting officers may consider in determining whether the price of a procurement to the Government is fair and reasonable when certified cost or pricing data are not required to be submitted under this section, including appropriate information on the prices at which the same item or similar items have previously been sold that is adequate for evaluating the reasonableness of the price of the proposed contract or subcontract for the procurement.

"(2) Reasonable limitations on requests for sales data relating to commercial items.

"(3) A requirement that a contracting officer shall, to the maximum extent practicable, limit the scope of any request for information relating to commercial items from an offeror to only that information that is in the form regularly maintained by the offeror in commercial operations.

"(4) A statement that any information received relating to commercial items that is exempt from disclosure under section 552(b) of title 5 shall not be disclosed by the Federal Government.".

(2) Section 2306a of such title is further amended—

(A) by striking out subsection (h); and

(B) by redesignating subsection (i) as subsection (h).

(3) Section 2375 of title 10, United States Code, is amended by striking out subsection (c).

(b) Civilian Agency Acquisitions.—(1) Subsections (b), (c) and (d) of section 304A of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254b) are amended to read as follows:

"(b) EXCEPTIONS.—

"(1) IN GENERAL.—Submission of cost or pricing data shall not be required under subsection (a) in the case of a contract, a subcontract, or a modification of a contract or subcontract—

"(A) for which the price agreed upon is based on—

"(i) adequate price competition; or

"(ii) prices set by law or regulation;

"(B) for the acquisition of a commercial item; or

"(C) in an exceptional case when the head of the procuring activity, without delegation, determines that the requirements of this section may be waived and justifies in writing the reasons for such determination.

"(2) MODIFICATIONS OF CONTRACTS AND SUBCONTRACTS FOR COMMERCIAL ITEMS.—In the case of a modification of a contract or subcontract for a commercial item that is not covered by the exception on the submission of cost or pricing data in paragraph (1)(A) or (1)(B), submission of cost or pricing data shall not be required under subsection (a) if—

"(A) the contract or subcontract being modified is a contract or subcontract for which submission of cost or pricing data may not be required by reason of paragraph (1)(A) or (1)(B); and

"(B) the modification would not change the contract or subcontract, as the case may be, from a contract or subcontract for the acquisition of a commercial item to a contract or subcontract for the acquisition of an item other than a commercial item.

"(c) AUTHORITY TO REQUIRE COST OR PRICING DATA ON BELOW-THRESHOLD CONTRACTS.—(1) Subject to paragraph (2), when certified cost or pricing data are not required to be submitted by subsection (a) for a contract, subcontract, or modification of a contract or subcontract, such data may nevertheless be required to be submitted by the head of the procuring activity, but only if the head of the procuring activity determines that such data are necessary for the evaluation by the agency of the reasonableness of the price of the contract, subcontract, or modification of a contract or subcontract. In any case in which the head of the procuring activity requires such data to be submitted under this subsection, the head of the procuring activity shall justify in writing the reason for such requirement.

"(2) The head of the procuring activity may not require certified cost or pricing data to be submitted under this paragraph for any contract or subcontract, or modification of a contract or subcontract, covered by the exceptions in subparagraph (A) or (B) of subsection (b)(1).

"(3) The head of a procuring activity may not delegate the functions under this paragraph.

"(d) LIMITATIONS ON OTHER INFORMATION.—The Federal Acquisition Regulation shall include the following:

"(1) Provisions concerning the types of information that contracting officers may consider in determining whether the price of a procurement to the Government is fair and reasonable when certified cost or pricing data are not required to be submitted under this section, including appropriate information on the prices at which the same item or similar items have previously been sold that is adequate for evaluating the reasonableness of the price of the proposed contract or subcontract for the procurement.

"(2) Reasonable limitations on requests for sales data relating to commercial items.

"(3) A requirement that a contracting officer shall, to the maximum extent practicable, limit the scope of any request for information relating to commercial items from an offeror to only that information that is in the form regularly maintained by the offeror in commercial operations.

"(4) A statement that any information received relating to commercial items that is exempt from disclosure under section 552(b) of title 5 shall not be disclosed by the Federal Government.".

(2) Section 304A of such Act is further amended—

(A) by striking out subsection (h); and

(B) by redesignating subsection (i) as subsection (h).

SEC. 812. APPLICATION OF SIMPLIFIED PROCEDURES TO COMMERCIAL ITEMS.

(a) ARMED SERVICES ACQUISITIONS.—Section 2304(e) of title 10, United States Code, as added by section 801(a), is amended—

(1) in paragraph (1), by inserting after "special simplified procedures" the following: "for purchases of commercial items and"; and

(2) by adding at the end the following new paragraph:

"(4) The Federal Acquisition Regulation shall provide that, in the case of a purchase of commercial items in an amount greater than the simplified acquisition threshold, the head of an agency may not conduct the purchase on a sole source basis unless the need to do so is justified in writing and approved in accordance with the Federal Acquisition Regulation.

(b) CIVILIAN AGENCY ACQUISITIONS.—Section 303(e) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253), as added by section 801(b), is amended—

(1) in paragraph (1), by inserting after "special simplified procedures" the following: "for purchases of commercial items and"; and

(2) by adding at the end the following new paragraph:

"(5) The Federal Acquisition Regulation shall provide that, in the case of a purchase of commercial items in an amount greater than the simplified acquisition threshold, an executive agency may not conduct the purchase on a sole source basis unless the need to do so is justified in writing and approved in accordance with the Federal Acquisition Regulation.".

(c) SIMPLIFIED NOTICE.—Section 18 of the Office of Federal Procurement Policy Act (41 U.S.C. 416) is amended in subsection (a)(5) (as redesignated by section 801(d))—

(1) by striking out "limited"; and

(2) by inserting before "submission" the following: "issuance of solicitations and the".

SEC. 813. AMENDMENT TO DEFINITION OF COMMERCIAL ITEMS.

Section 4(12)(F) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12)(F)) is amended by striking out "catalog".

SEC. 814. INAPPLICABILITY OF COST ACCOUNTING STANDARDS TO CONTRACTS AND SUBCONTRACTS FOR COMMERCIAL ITEMS.

Subparagraph (B) of section 26(f)(2) of the Office of Federal Procurement Policy Act (41 U.S.C. 422(f)(2)) is amended—

(1) by striking out clause (i) and inserting in lieu thereof the following:

"(i) Contracts or subcontracts for the acquisition of commercial items."; and

(2) by striking out clause (iii).

Subtitle C—Additional Reform Provisions

Redesignate sections 801, 802, 803, 804, 805, 806, 807, and 808 as sections 821, 822, 823, 824, 825, 826, 827, and 828, respectively (and conform the table of contents accordingly).

Add at the end of title VIII (page 329, after line 13) the following (and conform the table of contents accordingly):

SEC. 829. GOVERNMENT RELIANCE ON THE PRIVATE SECTOR.

(a) GOVERNMENT RELIANCE ON THE PRIVATE SECTOR.—The Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.) is amended by inserting after section 16 the following new section:

"SEC. 17. GOVERNMENT RELIANCE ON THE PRIVATE SECTOR.

"It is the policy of the Federal Government to rely on the private sector to supply the products and services the Federal Government needs.".

(b) CLERICAL AMENDMENT.—The table of contents for the Office of Federal Procurement Policy Act (contained in section 1(b)) is amended by inserting after the item relating to section 16 the following new item:

"Sec. 17. Government reliance on the private sector.".

SEC. 830. ELIMINATION OF CERTAIN CERTIFICATION REQUIREMENTS.

(a) ELIMINATION OF CERTAIN STATUTORY CERTIFICATION REQUIREMENTS.—(1)(A) Section 2410 of title 10, United States Code, is amended—

(i) in the heading, by striking out "**: certification**"; and

(ii) in subsection (a)—

(I) in the heading, by striking out "CERTIFICATION";

(II) by striking out "unless" and all that follows through "that—" and inserting in lieu thereof "unless—"; and

(III) in paragraph (2), by striking out "to the best of that person's knowledge and belief".

(B) The item relating to section 2410 in the table of sections at the beginning of chapter 141 of such title is amended to read as follows:

"Sec. 2410. Requests for equitable adjustment or other relief.".

(2) Section 2410b of title 10, United States Code, is amended in paragraph (2) by striking out "certification and".

(3) Section 1352(b)(2) of title 31, United States Code, is amended—

(A) by striking out subparagraph (C); and

(B) by inserting "and" after the semicolon at the end of subparagraph (A).

(4) Section 5152 of the Drug-Free Workplace Act of 1988 (41 U.S.C. 701) is amended—

(A) in subsection (a)(1), by striking out "has certified to the contracting agency that it will" and inserting in lieu thereof "agrees to";

(B) in subsection (a)(2), by striking out "contract includes a certification by the individual" and inserting in lieu thereof "individual agrees"; and

(C) in subsection (b)(1)—

(i) by striking out subparagraph (A);

(ii) by redesignating subparagraph (B) as subparagraph (A) and in that subparagraph by striking out "such certification by failing to carry out"; and

(iii) by redesignating subparagraph (C) as subparagraph (B).

(b) ELIMINATION OF CERTAIN REGULATORY CERTIFICATION REQUIREMENTS.—

(1) CURRENT CERTIFICATION REQUIREMENTS.—Not later than 210 days after the date of the enactment of this Act, any certification required of contractors or offerors

by the Federal Acquisition Regulation or an executive agency procurement regulation that is not specifically imposed by statute shall be removed by the Administrator for Federal Procurement Policy from the Federal Acquisition Regulation or such agency regulation unless—

(A) written justification for such certification is provided to the Administrator (i) by the Federal Acquisition Regulatory Council (in the case of a certification in the Federal Acquisition Regulation), or (ii) by the head of an executive agency (in the case of a certification in an executive agency procurement regulation); and

(B) the Administrator approves in writing the retention of such certification.

(2) FUTURE CERTIFICATION REQUIREMENTS.—(A) Section 29 of the Office of Federal Procurement Policy Act (41 U.S.C. 425) is amended—

(i) by amending the heading to read as follows:

"SEC. 22. CONTRACT CLAUSES AND CERTIFICATIONS.";

(ii) by inserting "(a) NONSTANDARD CONTRACT CLAUSES.—" before "The Federal Acquisition"; and

(iii) by adding at the end the following new subsection:

"(b) PROHIBITION ON CERTIFICATION REQUIREMENTS.—A requirement for a certification by a contractor or offeror may not be included in the Federal Acquisition Regulation or an executive agency procurement regulation unless—

"(1) the certification is specifically imposed by statute; or

"(2) written justification for such certification is provided to the Administrator for Federal Procurement Policy (A) by the Federal Acquisition Regulatory Council (in the case of a certification in the Federal Acquisition Regulation), or (B) the head of an executive agency (in the case of a certification in an executive agency procurement regulation), and the Administrator approves in writing the inclusion of such certification.".

(B) The item relating to section 29 in the table of contents for the Office of Federal Procurement Policy Act (contained in section 1(b)) (41 U.S.C. 401 note) is amended to read as follows:

"Sec. 29. Contract clauses and certifications.".

SEC. 831. AMENDMENT TO COMMENCEMENT AND EXPIRATION OF AUTHORITY TO CONDUCT CERTAIN TESTS OF PROCUREMENT PROCEDURES.

Subsection (j) of section 5061 of the Federal Acquisition Streamlining Act of 1994 (41 U.S.C. 413 note) is amended to read as follows:

"(j) COMMENCEMENT AND EXPIRATION OF AUTHORITY.—The authority to conduct a test under subsection (a) in an agency and to award contracts under such a test shall take effect on August 1, 1995, and shall expire on August 1, 2000. Contracts entered into before such authority expires in an agency pursuant to a test shall remain in effect, notwithstanding the expiration of the authority to conduct the test under this section.".

SEC. 832. PROCUREMENT INTEGRITY.

(a) AMENDMENT OF PROCUREMENT INTEGRITY PROVISION.—Section 27 of the Office of Federal Procurement Policy Act (41 U.S.C. 423) is amended to read as follows:

"SEC. 27. RESTRICTIONS ON DISCLOSING AND OBTAINING CONTRACTOR BID OR PROPOSAL INFORMATION OR SOURCE SELECTION INFORMATION.

"(a) PROHIBITION ON DISCLOSING PROCUREMENT INFORMATION.—(1) A person described in paragraph (2) shall not, other than as provided by law, knowingly disclose contractor bid or proposal information or source selection information before the award of a Federal agency procurement contract to which the information relates.

"(2) Paragraph (1) applies to any person who—

"(A) is a present or former officer or employee of the United States, or a person who is acting or has acted for or on behalf of, or who is advising or has advised the United States with respect to, a Federal agency procurement; and

"(B) by virtue of that office, employment, or relationship has or had access to contractor bid or proposal information or source selection information.

"(b) PROHIBITION ON OBTAINING PROCUREMENT INFORMATION.—A person shall not, other than as provided by law, knowingly obtain contractor bid or proposal information or source selection information before the award of a Federal agency procurement contract to which the information relates.

"(c) PROHIBITION ON DISCLOSING OR OBTAINING PROCUREMENT INFORMATION IN CONNECTION WITH A PROTEST.—(1) A person shall not, other than as provided by law, knowingly violate the terms of a protective order described in paragraph (2) by disclosing or obtaining contractor bid or proposal information or source selection information related to the procurement contract concerned.

"(2) Paragraph (1) applies to any protective order issued by the the United States Board of Contract Appeals in connection with a protest against the award or proposed award of a Federal agency procurement contract.

"(d) PENALTIES AND ADMINISTRATIVE ACTIONS.—

"(1) CRIMINAL PENALTIES.—

"(A) Whoever engages in conduct constituting an offense under subsection (a), (b), or (c) shall be imprisoned for not more than one year or fined as provided under title 18, United States Code, or both.

"(B) Whoever engages in conduct constituting an offense under subsection (a), (b), or (c) for the purpose of either—

"(i) exchanging the information covered by such subsection for anything of value, or

"(ii) obtaining or giving anyone a competitive advantage in the award of a Federal agency procurement contract,

shall be imprisoned for not more than 15 years or fined as provided under title 18, United States Code, or both.

"(2) CIVIL PENALTIES.—The Attorney General may bring a civil action in the appropriate United States district court against any person who engages in conduct constituting an offense under subsection (a), (b), or (c). Upon proof of such conduct by a preponderance of the evidence, the person is subject to a civil penalty. An individual who engages in such conduct is subject to a civil penalty of not more than $50,000 for each violation plus twice the amount of compensation which the individual received or offered for the prohibited conduct. An organization that engages in such conduct is subject to a civil penalty of not more than $500,000 for each violation plus twice the amount of compensation which the organization received or offered for the prohibited conduct.

"(3) ADMINISTRATIVE ACTIONS.—(A) If a Federal agency receives information that a contractor or a person has engaged in conduct constituting an offense under subsection (a), (b), or (c), the Federal agency shall consider taking one or more of the following actions, as appropriate:

"(i) Cancellation of the Federal agency procurement, if a contract has not yet been awarded.

"(ii) Rescission of a contract with respect to which—

"(I) the contractor or someone acting for the contractor has been convicted for an offense under subsection (a), (b), or (c), or

"(II) the head of the agency that awarded the contract has determined, based upon a preponderance of the evidence, that the contractor or someone acting for the contractor has engaged in conduct constituting such an offense.

"(iii) Initiation of suspension or debarment proceedings for the protection of the Government in accordance with procedures in the Federal Acquisition Regulation.

"(iv) Initiation of adverse personnel action, pursuant to the procedures in chapter 75 of title 5, United States Code, or other applicable law or regulation.

"(B) If a Federal agency rescinds a contract pursuant to subparagraph (A)(ii), the United States is entitled to recover, in addition to any penalty prescribed by law, the amount expended under the contract.

"(C) For purposes of any suspension or debarment proceedings initiated pursuant to subparagraph (A)(iii), engaging in conduct constituting an offense under subsection (a), (b), or (c) affects the present responsibility of a Government contractor or subcontractor.

"(e) DEFINITIONS.—As used in this section:

"(1) The term 'contractor bid or proposal information' means any of the following information submitted to a Federal agency as part of or in connection with a bid or proposal to enter into a Federal agency procurement contract, if that information has not been previously made available to the public or disclosed publicly:

"(A) Cost or pricing data (as defined by section 2306a(h) of title 10, United States Code, with respect to procurements subject to that section, and section 304A(h) of Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254b(h), with respect to procurements subject to that section).

"(B) Indirect costs and direct labor rates.

"(C) Proprietary information about manufacturing processes, operations, or techniques marked by the contractor in accordance with applicable law or regulation.

"(D) Information marked by the contractor as 'contractor bid or proposal information', in accordance with applicable law or regulation.

"(2) The term 'source selection information' means any of the following information prepared for use by a Federal agency for the purpose of evaluating a bid or proposal to enter into a Federal agency procurement contract, if that information has not been previously made available to the public or disclosed publicly:

"(A) Bid prices submitted in response to a Federal agency solicitation for sealed bids, or lists of those bid prices before public bid opening.

"(B) Proposed costs or prices submitted in response to a Federal agency solicitation, or lists of those proposed costs or prices.

"(C) Source selection plans.

"(D) Technical evaluation plans.

"(E) Technical evaluations of proposals.

"(F) Cost or price evaluations of proposals.

"(G) Competitive range determinations that identify proposals that have a reasonable chance of being selected for award of a contract.

"(H) Rankings of bids, proposals, or competitors.

"(I) The reports and evaluations of source selection panels, boards, or advisory councils.

"(J) Other information marked as 'source selection information' based on a case-by-case determination by the head of the agency, his designee, or the contracting officer that its disclosure would jeopardize the integrity or successful completion of the Federal agency procurement to which the information relates.

"(3) The term 'Federal agency' has the meaning provided such term in section 3 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 472).

"(4) The term 'Federal agency procurement' means the acquisition (by using competitive procedures and awarding a contract) of goods or services (including construction) from non-Federal sources by a Federal agency using appropriated funds.

"(5) The term 'contracting officer' means a person who, by appointment in accordance with applicable regulations, has the authority to enter into a Federal agency procurement contract on behalf of the Government and to make determinations and findings with respect to such a contract.

"(6) The term 'protest' means a written objection by an interested party to the award or proposed award of a Federal agency procurement contract, pursuant to title IV of the Federal Acquisition Reform Act of 1995.

"(f) LIMITATION ON PROTESTS.—No person may file a protest against the award or proposed award of a Federal agency procurement contract alleging an offense under subsection (a), (b), or (c), of this section, nor may the United States Board of Contract Appeals consider such an allegation in deciding a protest, unless that person reported to the Federal agency responsible for the procurement information that the person believed constituted evidence of the offense no later than 14 days after the person first discovered the possible offense.

"(g) SAVINGS PROVISIONS.—This section does not—

"(1) restrict the disclosure of information to, or its receipt by, any person or class of persons authorized, in accordance with applicable agency regulations or procedures, to receive that information;

"(2) restrict a contractor from disclosing its own bid or proposal information or the recipient from receiving that information;

"(3) restrict the disclosure or receipt of information relating to a Federal agency procurement after it has been canceled by the Federal agency before contract award unless the Federal agency plans to resume the procurement;

"(4) prohibit individual meetings between a Federal agency employee and an offeror or potential offeror for, or a recipient of, a contract or subcontract under a Federal agency procurement, provided that unauthorized disclosure or receipt of contractor bid or proposal information or source selection information does not occur;

"(5) authorize the withholding of information from, nor restrict its receipt by, Congress, a committee or subcommittee of Congress, the Comptroller General, a Federal agency, or an inspector general of a Federal agency;

"(6) authorize the withholding of information from, nor restrict its receipt by, any board of contract appeals of a Federal agency or the Comptroller General in the course of a protest against the award or proposed award of a Federal agency procurement contract; or

"(7) limit the applicability of any requirements, sanctions, contract penalties, and remedies established under any other law or regulation.".

(b) REPEALS.—The following provisions of law are repealed:

(1) Sections 2397, 2397a, 2397b, and 2397c of title 10, United States Code.

(2) Section 33 of the Federal Energy Administration Act of 1974 (15 U.S.C. 789).

(3) Section 281 of title 18, United States Code.

(4) Subsection (c) of section 32 of the Office of Federal Procurement Policy Act (41 U.S.C. 428).

(5) The first section 19 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5918).

(c) CLERICAL AMENDMENTS.—

(1) The table of sections at the beginning of chapter 141 of title 10, United States Code, is amended by striking out the items relating to sections 2397, 2397a, 2397b, and 2397c.

(2) The table of sections at the beginning of chapter 15 of title 18, United States Code, is amended by striking out the item relating to section 281.

(3) Section 32 of the Office of Federal Procurement Policy Act (41 U.S.C. 428) is amended by redesignating subsections (d), (e), (f), and (g) as subsections (c), (d), (e), and (f), respectively.

SEC. 833. FURTHER ACQUISITION STREAMLINING PROVISIONS.

(a) PURPOSE OF OFFICE OF FEDERAL PROCUREMENT POLICY.—(1) Section 5(a) of the Office of Federal Procurement Policy Act (41 U.S.C. 404) is amended to read as follows:

"(a) To promote economy, efficiency, and effectiveness in the procurement of property and services by the executive branch of the Federal Government, there shall be an Office of Federal Procurement Policy (hereinafter referred to as the 'Office') in the Office of Management and Budget to provide overall direction of Government-wide procurement policies, regulations, procedures, and forms for executive agencies.".

(2) Sections 2 and 3 of such Act (41 U.S.C. 401 and 402) are repealed.

(b) REPEAL OF REPORT REQUIREMENT.—Section 8 of the Office of Federal Procurement Policy Act (41 U.S.C. 407) is repealed.

(c) REPEAL OF OBSOLETE PROVISIONS.—(1) Sections 10 and 11 of the Office of Federal Procurement Policy Act (41 U.S.C. 409 and 410) are repealed.

(d) CLERICAL AMENDMENTS.—The table of contents for the Office of Federal Procurement Policy Act (contained in section 1(b)) is amended by striking out the items relating to sections 2, 3, 8, 10, and 11.

SEC. 834. JUSTIFICATION OF MAJOR DEFENSE ACQUISITION PROGRAMS NOT MEETING GOALS.

Section 2220(b) of title 10, United States Code, is amended by adding at the end the following: "In addition, the Secretary shall include in such annual report a justification for the continuation of any program that—

"(1) is more than 50 percent over the cost goal established for the development, procurement, or operational phase of the program;

"(2) fails to achieve at least 50 percent of the performance capability goals established for the development, procurement, or operational phase of the program; or

"(3) is more than 50 percent behind schedule, as determined in accordance with the schedule goal established for the development, procurement, or operational phase of the program.".

SEC. 835. ENHANCED PERFORMANCE INCENTIVES FOR ACQUISITION WORKFORCE.

(a) ARMED SERVICES ACQUISITIONS.—Subsection (b) of section 5001 of the Federal Acquisition Streamlining Act of 1994 (Public Law 103-355; 108 Stat. 3350; 10 U.S.C. 2220 note) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) by designating the second sentence as paragraph (2);

(3) by inserting "(1)" after "(b) ENHANCED SYSTEM OF PERFORMANCE INCENTIVES.—"; and

(4) by adding at the end the following:

"(3) The Secretary shall include in the enhanced system of incentives the following:

"(A) Pay bands.

"(B) Significant and material pay and promotion incentives to be awarded, and significant and material unfavorable personnel actions to be imposed, under the system exclusively, or primarily, on the basis of the contributions of personnel to the performance of the acquisition program in relation to cost goals, performance goals, and schedule goals.

"(C) Provisions for pay incentives and promotion incentives to be awarded under the system.".

(b) CIVILIAN AGENCY ACQUISITIONS.—Subsection (c) of section 5051 of the Federal Acquisition Streamlining Act of 1994 (Public Law 103-355; 108 Stat. 3351; 41 U.S.C. 263 note) is amended—

(1) by redesignating subparagraphs (A) and (B) of paragraph (2) as clauses (i) and (ii); respectively;

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(3) by inserting "(1)" after "(c) ENHANCED SYSTEM OF PERFORMANCE INCENTIVES.—"; and

(4) by adding at the end the following:

"(2) The Deputy Director shall include in the enhanced system of incentives under paragraph (1)(B) the following:

"(A) Pay bands.

"(B) Significant and material pay and promotion incentives to be awarded, and significant and material unfavorable personnel actions to be imposed, under the system exclusively, or primarily, on the basis of the contributions of personnel to the performance of the acquisition program in relation to cost goals, performance goals, and schedule goals.

"(C) Provisions for pay incentives and promotion incentives to be awarded under the system.".

SEC. 836. RESULTS ORIENTED ACQUISITION PROGRAM CYCLE.

Section 5002(a) of the Federal Acquisition Streamlining Act of 1994 (Public Law 103-355; 108 Stat. 3350) is amended—

(1) by inserting "(1)" before "to ensure"; and

(2) by striking out the period at the end and inserting in lieu thereof the following: "; (2) to ensure that the regulations compress the time periods associated with developing, procuring, and making operational new systems; and (3) to ensure that Department of Defense directives relating to development and procurement of information systems (numbered in the 8000 series) and the Department of Defense directives numbered in the 5000 series are consolidated into one series of directives that is consistent with such compressed time periods.".

SEC. 837. RAPID CONTRACTING GOAL.

(a) GOAL.—The Office of Federal Procurement Policy Act is amended by adding at the end the following new section:

"SEC. 35. RAPID CONTRACTING GOAL.

The Administrator for Federal Procurement Policy shall establish a goal of reducing by 50 percent the time necessary for executive agencies to acquire an item for the user of that item.".

(b) CLERICAL AMENDMENT.—The table of contents for such Act, contained in section

1(b), is amended by adding at the end the following new item:

"Sec. 35. Rapid contracting goal.".

SEC. 838. ENCOURAGEMENT OF MULTIYEAR CONTRACTING.

(a) ARMED SERVICES ACQUISITIONS.—Section 2306b(a) of title 10, United States Code, is amended in the matter preceding paragraph (1) by striking out "may" and inserting in lieu thereof "shall, to the maximum extent possible,".

(b) CIVILIAN AGENCY ACQUISITIONS.—Section 304B(a) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254c(a)) is amended in the matter preceding paragraph (1) by striking out "may" and inserting in lieu thereof "shall, to the maximum extent possible,".

SEC. 839. CONTRACTOR SHARE OF GAINS AND LOSSES FROM COST, SCHEDULE, AND PERFORMANCE EXPERIENCE.

(a) ARMED SERVICES ACQUISITIONS.—(1) Chapter 137 of title 10, United States Code, is amended by inserting after section 2306b the following new section:

"§ 2306c. Contractor share of gains and losses from cost, schedule, and performance experience

"The Federal Acquisition Regulation shall contain provisions to ensure that, for any cost-type contract or incentive-type contract, the contractor may be rewarded for contract performance exceeding the contract cost, schedule, or performance parameters to the benefit of the United States and may be penalized for failing to adhere to cost, schedule, or performance parameters to the detriment of the United States.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2306b the following new item:

"2306c. Contractor share of gains and losses from cost, schedule, and performance experience.".

(b) CIVILIAN AGENCY ACQUISITIONS.—(1) Title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.) is amended by inserting after section 304C the following new section:

"SEC. 304D. CONTRACTOR SHARE OF GAINS AND LOSSES FROM COST, SCHEDULE, AND PERFORMANCE EXPERIENCE.

"The Federal Acquisition Regulation shall contain provisions to ensure that, for any cost-type contract or incentive-type contract, the contractor may be rewarded for contract performance exceeding the contract cost, schedule, or performance parameters to the benefit of the United States and may be penalized for failing to adhere to cost, schedule, or performance parameters to the detriment of the United States.".

(2) The table of contents for such Act, contained in section 1(b), is amended by inserting after the item relating to section 304C the following new item:

"Sec. 304D. Contractor share of gains and losses from cost, schedule, and performance experience.".

SEC. 840. PHASE FUNDING OF DEFENSE ACQUISITION PROGRAMS.

Chapter 131 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2221. Funding for results oriented acquisition program cycle

"Before initial funding is made available for the development, procurement, or operational phase of an acquisition program for which an authorization of appropriations is required by section 114 of this title, the Secretary of Defense shall submit to Congress information about the objectives and plans for the conduct of that phase and the funding requirements for the entire phase. The information shall identify the intended user of the system to be acquired under the program and shall include objective, quantifiable criteria for assessing the extent to which the objectives and goals determined pursuant to section 2435 of this title are achieved.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2221. Funding for results oriented acquisition program cycle.".

SEC. 841. IMPROVED DEPARTMENT OF DEFENSE CONTRACT PAYMENT PROCEDURES.

(a) REVIEW AND IMPROVEMENT OF PROCEDURES.—The Comptroller General of the United States shall review commercial practices regarding accounts payable and, considering the results of the review, develop standards for the Secretary of Defense to consider using for improving the contract payment procedures and financial management systems of the Department of Defense.

(b) GAO REPORT.—Not later than September 30, 1996, the Comptroller General shall submit to Congress a report containing the following matters:

(1) The weaknesses in the financial management processes of the Department of Defense.

(2) Deviations of the Department of Defense payment procedures and financial management systems from the standards developed pursuant to subsection (a), expressed quantitatively.

(3) The officials of the Department of Defense who are responsible for resolving the deviations.

SEC. 842. CONSIDERATION OF PAST PERFORMANCE IN ASSIGNMENT TO ACQUISITION POSITIONS.

(a) REQUIREMENT.—Section 1701(a) of title 10, United States Code, is amended by adding at the end the following: "The policies and procedures shall provide that education and training in acquisition matters, and past performance of acquisition responsibilities, are major factors in the selection of personnel for assignment to acquisition positions in the Department of Defense.".

(b) PERFORMANCE REQUIREMENTS FOR ASSIGNMENT.—(1) Section 1723(a) of title 10, United States Code, is amended by inserting ", including requirements relating to demonstrated past performance of acquisition duties," in the first sentence after "experience requirements".

(2) Section 1724(a)(2) of such title is amended by inserting before the semicolon at the end the following: "and have demonstrated proficiency in the performance of acquisition duties in the contracting position or positions previously held".

(3) Section 1735 of such title is amended—

(A) in subsection (b)—

(i) by striking out "and" at the end of paragraph (2);

(ii) by striking out the period at the end of paragraph (3) and inserting in lieu thereof "; and"; and

(iii) by adding at the end the following:

"(4) must have demonstrated proficiency in the performance of acquisition duties.";

(B) in subsection (c)—

(i) by striking out "and" at the end of paragraph (2);

(ii) by striking out the period at the end of paragraph (3) and inserting in lieu thereof "; and"; and

(iii) by adding at the end the following:

"(4) must have demonstrated proficiency in the performance of acquisition duties.";

(C) in subsection (d), by inserting before the period at the end the following: ", and have demonstrated proficiency in the performance of acquisition duties"; and

(D) in subsection (e), by inserting before the period at the end the following: ", and have demonstrated proficiency in the performance of acquisition duties".

SEC. 843. VALUE ENGINEERING FOR FEDERAL AGENCIES.

(a) USE OF VALUE ENGINEERING.—The Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.), as amended by section 837, is further amended by adding at the end the following new section:

"SEC. 37. VALUE ENGINEERING.

"(a) IN GENERAL.—Each executive agency shall establish and maintain effective value engineering procedures and processes.

"(b) THRESHOLD.—The procedures and processes established pursuant to subsection (a) shall be applied to those programs, projects, systems, and products of an executive agency that, in a ranking of all programs, projects, systems, and products of the agency according to greatest dollar value, are within the highest 20th percentile.

"(c) DEFINITION.—As used in this section, the term 'value engineering' means a team effort, performed by qualified agency or contractor personnel, directed at analyzing the functions of a program, project, system, product, item of equipment, building, facility, service, or supply for the purpose of achieving the essential functions at the lowest life-cycle cost that is consistent with required or improved performance, reliability, quality, and safety.".

(b) CLERICAL AMENDMENT.—The table of contents for such Act, contained in section 1(b), is amended by adding at the end the following new item:

"Sec. 37. Value engineering.".

SEC. 844. ACQUISITION WORKFORCE.

(a) ACQUISITION WORKFORCE.—(1) The Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.), as amended by section 843, is further amended by adding at the end the following new section:

"SEC. 38. ACQUISITION WORKFORCE.

"(a) APPLICABILITY.—This section does not apply to an executive agency that is subject to chapter 87 of title 10, United States Code.

"(b) MANAGEMENT POLICIES.—

"(1) POLICIES AND PROCEDURES.—The head of each executive agency, after consultation with the Administrator for Federal Procurement Policy, shall establish policies and procedures for the effective management (including accession, education, training, career development, and performance incentives) of the acquisition workforce of the agency. The development of acquisition workforce policies under this section shall be carried out consistent with the merit system principles set forth in paragraphs (1) and (2) of section 2301(b) of title 5, United States Code.

"(2) UNIFORM IMPLEMENTATION.—The head of each executive agency shall ensure that, to the maximum extent practicable, acquisition workforce policies and procedures established are uniform in their implementation throughout the agency.

"(3) GOVERNMENTWIDE POLICIES AND EVALUATION.—The Administrator shall issue policies to promote uniform implementation of this section by executive agencies, with due regard for differences in program requirements among agencies that may be appropriate and warranted in view of the agency mission. The Administrator shall coordinate with the Deputy Director for Management of the Office of Management and Budget to ensure that such policies are consistent with the policies and procedures established and enhanced system of incentives provided pursuant to section 5051(c) of the Federal Acquisition Streamlining Act of 1994 (41 U.S.C. 263 note). The Administrator shall evaluate the implementation of the provisions of this section by executive agencies.

"(c) SENIOR PROCUREMENT EXECUTIVE AUTHORITIES AND RESPONSIBILITIES.—Subject to the authority, direction, and control of the head of an executive agency, the senior procurement executive of the agency shall carry out all powers, functions, and duties of the head of the agency with respect to implementation of this section. The senior procurement executive shall ensure that the policies of the head of the executive agency established in accordance with this section are implemented throughout the agency.

"(d) MANAGEMENT INFORMATION SYSTEMS.—The Administrator shall ensure that the heads of executive agencies collect and maintain standardized information on the acquisition workforce related to implementation of this section. To the maximum extent practicable, such data requirements shall conform to standards established by the Office of Personnel Management for the Central Personnel Data File.

"(e) ACQUISITION WORKFORCE.—The programs established by this section shall apply to all employees in the General Schedule Contracting series (GS–1102) and the General Schedule Purchasing series (GS–1105), and to any employees regardless of series who have been appointed as contracting officers whose authority exceeds the micro-purchase threshold, as that term is defined in section 32(g). The head of each executive agency may include employees in other series who perform acquisition or acquisition-related functions.

"(f) CAREER DEVELOPMENT.—

"(1) CAREER PATHS.—The head of each executive agency shall ensure that appropriate career paths for personnel who desire to pursue careers in acquisition are identified in terms of the education, training, experience, and assignments necessary for career progression to the most senior acquisition positions. The head of each executive agency shall make information available on such career paths.

"(2) CRITICAL DUTIES AND TASKS.—For each career path, the head of each executive agency shall identify the critical acquisition-related duties and tasks in which, at minimum, employees of the agency in the career path shall be competent to perform at full performance grade levels. For this purpose, the head of the executive agency shall provide appropriate coverage of the critical duties and tasks identified by the Director of the Federal Acquisition Institute.

"(3) MANDATORY TRAINING AND EDUCATION.—For each career path, the head of each executive agency shall establish requirements for the completion of course work and related on-the-job training in the critical acquisition-related duties and tasks of the career path. The head of each executive agency shall also encourage employees to maintain the currency of their acquisition knowledge and generally enhance their knowledge of related acquisition management disciplines through academic programs and other self-developmental activities.

"(4) PERFORMANCE INCENTIVES.—The head of each executive agency, acting through the senior procurement executive for the agency, shall provide for an enhanced system of incentives for the encouragement of excellence in the acquisition workforce which rewards performance of employees that contribute to achieving the agency's performance goals. The system of incentives shall include provisions that—

"(A) relate pay to performance;

"(B) provide for consideration, in personnel evaluations and promotion decisions, of the extent to which the performance of personnel contributed to achieving the agency's performance goals; and

"(C) provide pay and promotion incentives to be awarded, and unfavorable personnel actions to be imposed, under the system on the basis of the contributions of personnel to achieving the agency's performance goals.

"(g) QUALIFICATION REQUIREMENTS.—

"(1) GENERAL SCHEDULE CONTRACTING SERIES (GS–1102).—

"(A) ENTRY LEVEL QUALIFICATIONS.—The Director of the Office of Personnel Management shall require that, after October 1, 1996, a person may not be appointed to a position in the GS–1102 occupational series unless the person—

"(i) has received a baccalaureate degree from an accredited educational institution authorized to grant baccalaureate degrees,

"(ii) has completed at least 24 semester credit hours (or the equivalent) of study from an accredited institution of higher education in any of the following disciplines: accounting, business finance, law, contracts, purchasing, economics, industrial management, marketing, quantitative methods, or organization and management, or

"(iii) has passed a written test determined by the Administrator for Federal Procurement Policy, after consultation with the Director of the Office of Personnel Management, to demonstrate the judgmental skills necessary for positions in this series.

"(B) QUALIFICATIONS FOR SENIOR CONTRACTING POSITIONS.—The Director of the Office of Personnel Management shall require that, after October 1, 1996, persons may be appointed to positions at and above full performance grade levels in the GS–1102 occupational series only if those persons—

"(i) have satisfied the educational requirement either of subsection (g)(1)(A)(i) or subsection (g)(1)(A)(ii),

"(ii) have successfully completed all training required for the position under subsection (f)(3), and

"(iii) have satisfied experience and other requirements established by the Director for such positions.

However, this requirement shall apply to persons employed on October 1, 1996, in GS–1102 positions at those grade levels only as a prerequisite for promotion to a GS–1102 position at a higher grade.

"(2) GENERAL SCHEDULE PURCHASING SERIES (GS–1105).—The Director of the Office of Personnel Management shall require that, after October 1, 1996, a person may not be appointed to a position in the GS–1105 occupational series unless the person—

"(A) has successfully completed 2 years of course work from an accredited educational institution authorized to grant degrees, or

"(B) has passed a written test determined by the Administrator for Federal Procurement Policy, after consultation with the Director of the Office of Personnel Management, to demonstrate the judgmental skills necessary for positions in this series.

"(3) CONTRACTING OFFICERS.—The head of each executive agency shall require that, beginning after October 1, 1996, a person may be appointed as a contracting officer with authority to award or administer contracts for amounts above the micro-purchase threshold, as that term is defined in section 32(g), only if the person—

"(A) has successfully completed all mandatory training required of an employee in an equivalent GS–1102 or 1105 position under subsection (f)(3); and

"(B) meets experience and other requirements established by the head of the agency, based on the dollar value and complexity of the contracts that the employee will be authorized to award or administer under the appointment as a contracting officer.

"(4) EXCEPTIONS.—(A) The requirements set forth in subsection (g)(1) and (2), as applicable, shall not apply to any person employed in the GS–1101 or GS–1105 series on October 1, 1996.

"(B) Employees of an executive agency who do not satisfy the full qualification requirements for appointment as a contracting officer under subsection (g)(3) may be appointed as a contracting officer for a temporary period of time under procedures established by the agency head. The procedures shall—

"(i) require that the person have completed a significant portion of the required training,

"(ii) require a plan be established for the balance of the required training,

"(iii) specify a period of time for completion of the training, and

"(iv) include provisions for withdrawing or terminating the appointment prior to the scheduled expiration date, where appropriate.

"(5) WAIVER.—The senior procurement executive for an executive agency may waive any or all of the qualification requirements of subsections (g)(1) and (2) for a person if the person possesses significant potential for advancement to levels of greater responsibility and authority, based on demonstrated job performance and qualifying experience. This authority may not be redelegated by the senior procurement executive. With respect to each waiver granted under this subsection, the senior procurement executive shall set forth in writing the rationale for the decision to waive such requirements.

"(h) PROGRAM ESTABLISHMENT AND IMPLEMENTATION.—

"(1) FUNDING LEVELS.—(A) The head of an executive agency shall request in the budget for a fiscal year for the agency—

"(i) for education and training under this section, an amount equal to no less than 2.5 percent of the base aggregate salary cost of the acquisition workforce subject to this section for that fiscal year; and

"(ii) for salaries of the acquisition workforce, an amount equal to no more than 97.5 percent of such base aggregate salary cost.

"(B) The head of the executive agency shall set forth separately the funding levels requested in the budget justification documents submitted in support of the President's budget submitted to Congress under section 1105 of title 31, United States Code.

"(C) Funds appropriated for education and training under this section may not be obligated or used for any other purpose.

"(2) INTERAGENCY AGREEMENTS.—The head of an executive agency may enter into a written agreement with another agency to participate in programs established under this section on a reimbursable basis.

"(3) TUITION ASSISTANCE.—Notwithstanding the prohibition in section 4107(b) of title 5, United States Code, the head of each executive agency may provide for tuition reimbursement and education (including a full-time course of study leading to a degree) for acquisition personnel in the agency related to the purposes of this section.

"(4) INTERN PROGRAMS.—The head of each executive agency may establish intern programs in order to recruit highly qualified and talented individuals and provide them with opportunities for accelerated promotions, career broadening assignments, and specified training for advancement to senior acquisition positions. For such programs, the head of an executive agency, without regard to the provisions of title 5, United States Code, may appoint individuals to competitive GS–5, GS–7, or GS–9 positions in the General Schedule Contracting series (GS–1102) who have graduated from baccalaureate or master's programs in purchasing or contracting from accredited educational institutions authorized to grant baccalaureate and master's degrees.

"(5) COOPERATIVE EDUCATION PROGRAM.—The head of each executive agency may establish an agencywide cooperative education credit program for acquisition positions. Under the program, the head of the executive agency may enter into cooperative arrangements with one or more accredited institutions of higher education which provide for such institutions to grant undergraduate credit for work performed in such position.

"(6) SCHOLARSHIP PROGRAM.—

"(A) ESTABLISHMENT.—Where deemed appropriate, the head of each executive agency may establish a scholarship program for the purpose of qualifying individuals for acquisition positions in the agency.

"(B) ELIGIBILITY.—To be eligible to participate in a scholarship program established under this paragraph by an executive agency, an individual must—

"(i) be accepted for enrollment or be currently enrolled as a full-time student at an accredited educational institution authorized to grant baccalaureate or graduate degrees (as appropriate);

"(ii) be pursuing a course of education that leads toward completion of a bachelor's, master's, or doctor's degree (as appropriate) in a qualifying field of study, as determined by the head of the agency;

"(iii) sign an agreement described in subparagraph (C) under which the participant agrees to serve a period of obligated service in the agency in an acquisition position in return for payment of educational assistance as provided in the agreement; and

"(iv) meet such other requirements as the head of the agency prescribes.

"(C) AGREEMENT.—An agreement between the head of an executive agency and a participant in a scholarship program established under this paragraph shall be in writing, shall be signed by the participant, and shall include the following provisions:

"(i) The agreement of the head of the agency to provide the participant with educational assistance for a specified number of school years, not to exceed 4, during which the participant is pursuing a course of education in a qualifying field of study. The assistance may include payment of tuition, fees, books, laboratory expenses, and a stipend.

"(ii) The participant's agreement—

"(I) to accept such educational assistance,

"(II) to maintain enrollment and attendance in the course of education until completed,

"(III) while enrolled in such course, to maintain an acceptable level of academic standing (as prescribed by the head of the agency), and

"(IV) after completion of the course of education, to serve as a full-time employee in an acquisition position in the agency for a period of time of one calendar year for each school year or part thereof for which the participant was provided a scholarship under the program.

"(D) REPAYMENT.—(i) Any person participating in a program established under this paragraph shall agree to pay to the United States the total amount of educational assistance provided to the person under the program if the person is voluntarily separated from the agency or involuntarily separated for cause from the agency before the end of the period for which the person has agreed to continue in the service of the agency in an acquisition position.

"(ii) If an employee fails to fulfill the agreement to pay to the Government the total amount of educational assistance provided to the person under the program, a sum equal to the amount of the educational assistance may be recovered by the Government from the employee (or the estate of the employee) by setoff against accrued pay, compensation, amount of retirement credit, or other amount due the employee from the Government; and by such other method as is provided by law for the recovery of amounts owing to the Government.

"(iii) The head of an executive agency may waive in whole or in part a repayment required under this paragraph if the head of the agency determines the recovery would be against equity and good conscience or would be contrary to the best interests of the United States.

"(E) TERMINATION OF AGREEMENT.—There shall be no requirement that a position be offered to a person after such person successfully completes a course of education required by an agreement under this paragraph. If no position is offered, the agreement shall be considered terminated.".

(2) The table of contents for such Act, contained in section 1(b), is amended by adding at the end the following new item:

"Sec. 38. Acquisition workforce.".

(b) FEDERAL ACQUISITION INSTITUTE.—Section 6 of the Office of Federal Procurement Policy Act (41 U.S.C. 405), is amended—

(1) in subsection (d) by amending paragraph (5) to read as follows:

"(5) providing for and directing the activities of the Federal Acquisition Institute (including recommending to the Administrator of General Services a sufficient budget for such activities), which shall be located in the General Services Administration;"; and

(2) by adding at the end the following new subsection:

"(l) The Federal Acquisition Institute shall—

"(1) recommend policies, procedures, and guidelines to the Administrator, for—

"(A) fostering and promoting the development of a professional acquisition workforce governmentwide, and

"(B) administering the provisions of section 35;

"(2) collect data and analyze acquisition workforce data from the Office of Personnel Management, the heads of executive agencies, and, through periodic surveys, from individual employees;

"(3) periodically analyze acquisition career fields to identify critical competencies, duties, tasks, and related academic prerequisites, skills, and knowledge;

"(4) coordinate and assist agencies in identifying and recruiting highly qualified candidates for acquisition fields;

"(5) develop instructional materials for acquisition personnel in coordination with private and public acquisition colleges and training facilities;

"(6) evaluate the effectiveness of training and career development programs for acquisition personnel;

"(7) promote the establishment and utilization of academic programs by colleges and universities in acquisition fields;

"(8) promote, coordinate, or conduct governmentwide research and studies to improve the acquisition process and the laws, policies, methods, regulations, procedures, and forms relating to acquisition by the executive agencies;

"(9) facilitate, to the extent requested by agencies, interagency intern and training programs; and

"(10) perform other career management or research functions as directed by the Administrator.".

(c) REPEAL OF SUPERSEDED PROVISION.—Section 502 of the Small Business and Federal Procurement Competition Enhancement Act of 1984 (41 U.S.C. 414a) is repealed.

Subtitle D—Streamlining of Dispute Resolution

PART I—GENERAL PROVISIONS

SEC. 850. DEFINITIONS.

In this subtitle:

(1) The term "Board" means the United States Board of Contract Appeals.

(2) The term "Board judge" means a member of the United States Board of Contract Appeals.

(3) The term "Chairman" means the Chairman of the United States Board of Contract Appeals.

(4) The term "executive agency" has the meaning given by section 2(2) of the Contract Disputes Act of 1978 (41 U.S.C. 601(2)).

(5) The term "alternative means of dispute resolution" has the meaning given by section 571(3) of title 5, United States Code.

(6) The term "protest" means a written objection by an interested party to any of the following:

(A) A solicitation or other request by an executive agency for offers for a contract for the procurement of property or services.

(B) The cancellation of such a solicitation or other request.

(C) An award or proposed award of such a contract.

(D) A termination or cancellation of an award of such a contract, if the written objection contains an allegation that the termination or cancellation is based in whole or in part on improprieties concerning the award of the contract.

(7) The term "interested party", with respect to a contract or a solicitation or other request for offers, means an actual or prospective bidder or offeror whose direct economic interest would be affected by the award of the contract or by failure to award the contract.

(8) The term "prevailing party", with respect to a determination of the Board under section 864(b) that a decision of a contracting officer violates a statute or regulation, means a party that demonstrated such violation.

PART II—ESTABLISHMENT OF THE UNITED STATES BOARD OF CONTRACT APPEALS

SEC. 851. ESTABLISHMENT.

There is established in the executive branch of the Government an independent establishment to be known as the United States Board of Contract Appeals.

SEC. 852. MEMBERSHIP.

(a) APPOINTMENT.—(1) The Board shall consist of Board judges appointed by the Chairman, without regard to political affiliation and solely on the basis of the professional qualifications required to perform the duties and responsibilities of a Board judge, from a register of applicants maintained by the Board.

(2) The members of the Board shall be selected and appointed to serve in the same manner as administrative law judges appointed pursuant to section 3105 of title 5, United States Code, with an additional requirement that such members shall have had not fewer than five years' experience in public contract law.

(3) Notwithstanding paragraph (2) and subject to subsection (b), the following persons shall serve as Board judges:

(A) Any full-time member of an agency board of contract appeals serving as such on the day before the effective date of this subtitle.

(B) Any person serving on the day before the date of the enactment of this Act in a position at a level of assistant general counsel or higher with authority delegated from the Comptroller General to decide bid protests under subchapter V of chapter 35 of title 31, United States Code.

(b) Removal.—Members of the Board shall be subject to removal in the same manner as administrative law judges, as provided in section 7521 of title 5, United States Code.

(c) Compensation.—Compensation for the Chairman and all other members of the Board shall be determined under section 5273a of title 5, United States Code.

SEC. 853. CHAIRMAN.

(a) Designation.—(1) The Chairman shall be designated by the President to serve for a term of five years. The President shall select the Chairman from among sitting Board judges each of whom has had at least five years of service—

(A) as a member of an agency board of contract appeals; or

(B) in a position at a level of assistant general counsel or higher with authority delegated from the Comptroller General to decide bid protests under subchapter V of chapter 35 of title 31, United States Code (as in effect on the day before the effective date of this subtitle).

(2) A Chairman may continue to serve after the expiration of the Chairman's term until a successor has taken office. A Chairman may be reappointed any number of times.

(b) Responsibilities.—The Chairman shall be responsible on behalf of the Board for the executive and administrative operation of the Board, including functions of the Board with respect to the following:

(1) The selection, appointment, and fixing of the compensation of such personnel, pursuant to part III of title 5, United States Code, as the Chairman considers necessary or appropriate, including a Clerk of the Board, a General Counsel, and clerical and legal assistance for Board judges.

(2) The supervision of personnel employed by or assigned to the Board, and the distribution of work among such personnel.

(3) The response to any request that may be made by Congress or the Office of Management and Budget.

(4) The allocation of funds among the various functions of the Board.

(5) The entering into and performance of such contracts, leases, cooperative agreements, or other similar transactions with public agencies and private organizations and persons, and the making of such payments, as the Chairman considers necessary or appropriate to carry out functions vested in the Board.

(6) The operation of an Office of the Clerk of the Board, including the receipt of all filings made with the Board, the assignment of cases, and the maintenance of all records of the Board.

(7) The acquisition, operation, and maintenance of such automatic data processing resources as may be needed by the Board.

(8) The prescription of such rules and regulations as the Chairman considers necessary or appropriate for the administration and management of the Board.

(c) Vice Chairmen.—The Chairman may designate up to four other Board judges as Vice Chairmen. The Chairman may divide the Board into two or more divisions, and, if such division is made, shall assign a Vice Chairman to head each division. The Vice Chairmen, in the order designated by the Chairman, shall act in the place and stead of the Chairman during the absence of the Chairman.

SEC. 854. RULEMAKING AUTHORITY.

(a) In General.—The Board may establish—

(1) such procedural rules and regulations as are necessary to the exercise of its functions, including internal rules for the assignment of cases; and

(2) statements of policy of general applicability with respect to its functions.

(b) Prohibition on Review by Other Agency or Person.—Rules and regulations established by the Board (including forms which are a part thereof) shall not be subject to review by any other agency or person (including the Administrator of Information and Regulatory Affairs, pursuant to chapter 35 of title 44, United States Code) in advance of publication.

SEC. 855. LITIGATION AUTHORITY.

Except as provided in section 518 of title 28, United States Code, relating to litigation before the Supreme Court, attorneys designated by the Chairman may appear for, and represent the Board in, any civil action brought in connection with any function carried out by the Board.

SEC. 856. SEAL OF BOARD.

The Chairman shall cause a seal of office to be made for the Board of such design as the Board shall approve. Judicial notice shall be taken of such seal.

SEC. 857. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for fiscal year 1997 and each succeeding fiscal year such sums as may be necessary to carry out the provisions of this subtitle and to enable the Board to perform its functions. Funds appropriate pursuant to this section shall remain available until expended.

PART III—FUNCTIONS OF UNITED STATES BOARD OF CONTRACT APPEALS

SEC. 861. ALTERNATIVE DISPUTE RESOLUTION SERVICES.

(a) Requirement To Provide Services Upon Request.—The Board shall provide alternative means of dispute resolution for any disagreement regarding a contract or prospective contract of an executive agency upon the request of all parties to the disagreement.

(b) Personnel Qualified To Act.—Each Board judge and each attorney employed by the Board shall be considered to be qualified to act for the purpose of conducting alternative means of dispute resolution under this section.

(c) Services To Be Provided Without Charge.—Any services provided by the Board or any Board judge or employee pursuant to this section shall be provided without charge.

(d) Recusal of Certain Personnel Upon Request.—In the event that a matter which is presented to the Board for alternative means of dispute resolution, pursuant to this section, later becomes the subject of formal proceedings before the Board, any Board judge or employee who was involved in the alternative means shall, if requested by any party to the formal proceeding, take no part in that proceeding.

SEC. 862. ALTERNATIVE DISPUTE RESOLUTION OF DISPUTES AND PROTESTS SUBMITTED TO BOARD.

With reasonable promptness after the submission to the Board of a contract dispute under section 863 or a bid protest under section 864, a Board judge to whom the contract dispute or protest is assigned shall request the parties to meet with a Board judge, or an attorney employed by the Board, for the purpose of attempting to resolve the dispute or protest through alternative means of dispute resolution. Formal proceedings in the appeal shall then be suspended until such time as any party or a Board judge to whom the dispute or protest is assigned determines that alternative means of dispute resolution are not appropriate for resolution of the dispute or protest.

SEC. 863. CONTRACT DISPUTES.

The Board shall have jurisdiction as provided by section 8(a) of the Contract Disputes Act of 1978 (41 U.S.C. 601–613).

SEC. 864. PROTESTS.

(a) Review Required Upon Request.—Upon request of an interested party in connection with any procurement conducted by any executive agency, the Board shall review, as provided in this section, any decision by a contracting officer alleged to violate a statute or regulation. The authority of the Board to conduct such review shall include the authority to review regulations to determine their consistency with applicable statutes. A decision or order of the Board pursuant to this section shall not be subject to interlocutory appeal or review.

(b) Standard of Review.—In deciding a protest, the Board may consider all evidence that is relevant to the decision under protest. It shall accord a presumption of correctness to all facts found and determinations made by the contracting officer whose decision is being protested. The protester may rebut this presumption by showing, by a preponderance of the evidence, that a finding or determination was incorrect. The Board may find that a decision by a contracting officer violates a statute or regulation for any of the reasons stated in section 706(2) of title 5, United States Code.

(c) Determination of Whether To Suspend Authority To Conduct Procurement in Protest Filed Before Contract Award.—(1) When a protest under this section is filed before the award of a contract in a protested procurement, the Board, at the request of an interested party and within 10 days after the submission of the protest, shall hold a hearing to determine whether the Board should suspend the authority of the executive agency involved (or its head) to conduct such procurement until the Board can decide the protest.

(2) The Board shall suspend the authority of the executive agency (or its head) unless the agency concerned establishes that—

(A) absent action by the Board, contract award is likely to occur within 30 days after the hearing; and

(B) urgent and compelling circumstances which significantly affect interests of the United States will not permit waiting for the decision of the Board.

(3) A suspension under paragraph (2) shall not preclude the executive agency concerned

from continuing the procurement process up to but not including award of the contract unless the Board determines such action is not in the best interests of the United States.

(d) Determination of Whether To Suspend Authority To Conduct Procurement in Protest Filed After Contract Award.—(1) If, with respect to an award of a contract, the Board receives notice of a protest under this section within the period described in paragraph (2), the Board shall, at the request of an interested party, hold a hearing to determine whether the Board should suspend the authority of the executive agency involved (or its head) to conduct such procurement until the Board can decide the protest.

(2) The period referred to in paragraph (1) is the period beginning on the date on which the contract is awarded and ending at the end of the later of—

(A) the tenth day after the date of contract award; or

(B) the fifth day after the debriefing date offered to an unsuccessful offeror for any debriefing that is requested and, when requested, is required.

(3) The Board shall hold the requested hearing within 5 days after the date of the filing of the protest or, in the case of a request for debriefing, within 5 days after the later of the date of the filing of the protest or the date of the debriefing.

(4) The Board shall suspend the procurement authority of the executive agency involved (or its head) to acquire any goods or services under the contract which are not previously delivered and accepted unless such agency establishes that urgent and compelling circumstances which significantly affect interests of the United States will not permit waiting for the decision of the Board.

(e) Procedures.—

(1) Proceedings and discovery.—The Board shall conduct proceedings and allow such discovery as may be required for the expeditious, fair, and reasonable resolution of the protest. The Board shall limit discovery to material which is relevant to the grounds of protest or to such affirmative defenses as the executive agency involved, or any intervenor supporting the agency, may raise.

(2) Priority.—The Board shall give priority to protests filed under this section over contract disputes and alternative dispute services. Except as provided in paragraph (3), the Board shall issue its final decision within 65 days after the date of the filing of the protest, unless the Chairman determines that the specific and unique circumstances of the protest require a longer period, in which case the Board shall issue such decision within the longer period determined by the Chairman. An amendment that adds a new ground of protest should be resolved, to the maximum extent practicable, within the time limits established for resolution of the initial protest.

(3) Threshold.—Any protest in which the anticipated value of the contract award that will result from the protested procurement, as estimated by the executive agency involved, is less than $1,000,000 shall be considered under simplified rules of procedure. These rules shall provide that discovery in such protests shall be in writing only. Such protests shall be decided by a single Board judge, whose decision shall be final and conclusive and shall not be set aside except in cases of fraud. The Board shall issue its final decision in each such protest within 35 days after the date of the filing of the protest.

(4) Calculation of time for ADR.—In calculating time for purposes of paragraph (2) or (3) of this subsection, any days during which proceedings are suspended for the purpose of attempting to resolve the protest by alternative means of dispute resolution, up to a maximum of 20 days, shall not be counted.

(5) Dismissal of frivolous protests.—The Board may dismiss a protest that the Board determines is frivolous or which, on its face, does not state a valid basis for protest.

(6) Payment of costs for frivolous protests.—(A) If the Board expressly finds that a protest or a portion of a protest is frivolous or does not state on its face a valid basis for protest, the Board shall declare that the protester or other interested party who joins the protest is liable to the United States for payment of the costs described in subparagraph (B) unless—

(i) special circumstances would make such payment unjust; or

(ii) the protester obtains documents or other information after the protest is filed with the Board that establishes that the protest or a portion of the protest is frivolous or does not state on its face a valid basis for protest, and the protester then promptly withdraws the protest or portion of the protest.

(B) The costs referred to in subparagraph (A) are all of the costs incurred by the United States of reviewing the protest, or of reviewing that portion of the protest for which the finding is made, including the fees and other expenses (as defined in section 2412(d)(2)(A) of title 28, United States Code) incurred by the United States in defending the protest.

(f) Decisions and Corrective Actions on Protests.—(1) In making a decision on protests filed under this section, the Board shall accord due weight to the goals of economic and efficient procurement, and shall take due account of the rule of prejudicial error.

(2) If the Board determines that a decision of a contracting officer violates a statute or regulation, the Board may order the agency (or its head) to take such corrective action as the Board considers appropriate. Corrective action includes requiring that the Federal agency—

(A) refrain from exercising any of its options under the contract;

(B) recompete the contract immediately;

(C) issue a new solicitation;

(D) terminate the contract;

(E) award a contract consistent with the requirements of such statute and regulation;

(F) implement any combination of requirements under subparagraphs (A), (B), (C), (D), and (E); or

(G) implement such other actions as the Board determines necessary.

(3) If the Board orders corrective action after the contract award, the affected contract shall be presumed valid as to all goods or services delivered and accepted under the contract before the corrective action was ordered.

(4) Any agreement that provides for the dismissal of a protest and involves a direct or indirect expenditure of appropriated funds shall be submitted to the Board and shall be made a part of the public record (subject to any protective order considered appropriate by the Board) before dismissal of the protest.

(g) Authority To Declare Entitlement to Costs.—(1)(A) Whenever the Board determines that a decision of a contracting officer violates a statute or regulation, it may, in accordance with section 1304 of title 31, United States Code, further declare an appropriate prevailing party to be entitled to the costs of—

(i) filing and pursuing the protest, including reasonable attorneys' fees and consultant and expert witness fees, and

(ii) bid and proposal preparation.

(B) No party (other than a small business concern (within the meaning of section 3(a) of the Small Business Act)) may be declared entitled under this paragraph to costs for—

(i) consultants and expert witness fees that exceed the highest rate of compensation for expert witnesses paid by the Federal Government, or

(ii) attorneys' fees that exceed $150 per hour unless the Board, on a case by case basis, determines that an increase in the cost of living or a special factor, such as the limited availability of qualified attorneys for the proceedings involved, justifies a higher fee.

(2) Payment of amounts due from an agency under paragraph (1) or under the terms of a settlement agreement under subsection (e)(4) shall be made from the appropriation made by section 1304 of title 31, United States Code, for the payment of judgments. The executive agency concerned shall reimburse that appropriation account out of funds available for the procurement.

(h) Appeals.—Except as provided in subsection (e)(3), a final decision of the Board may be appealed as set forth in section 8(d)(1) of the Contract Disputes Act of 1978 by the head of the executive agency concerned and by any interested party, including interested parties who intervene in any protest filed under this section.

(i) Additional Relief.—Nothing contained in this section shall affect the power of the Board to order any additional relief which it is authorized to provide under any statute or regulation.

(j) Nonexclusivity of Remedies.—Nothing contained in this section shall affect the right of any interested party to file a protest with the contracting agency or to file an action in the United States Court of Federal Claims or in a United States district court.

SEC. 865. APPLICABILITY TO CONTRACTS FOR COMMERCIAL ITEMS.

Notwithstanding section 34 of the Office of Federal Procurement Policy Act (41 U.S.C. 430), the authority conferred on the Board by this subtitle is applicable to contracts for the procurement of commercial items.

PART IV—REPEAL OF OTHER STATUTES AUTHORIZING ADMINISTRATIVE PROTESTS

SEC. 871. REPEALS.

(a) GSBCA Provisions.—Subsection (f) of the Brooks Automatic Data Processing Act (section 111 of the Federal Property and Administrative Services Act of 1949; 40 U.S.C. 759) is repealed.

(b) GAO Provisions.—Subchapter V of chapter 35 of title 31, United States Code (31 U.S.C. 3551-3556) is repealed.

PART V—TRANSFERS AND TRANSITIONAL, SAVINGS, AND CONFORMING PROVISIONS

SEC. 881. TRANSFER AND ALLOCATION OF APPROPRIATIONS AND PERSONNEL.

(a) Transfer.—The personnel employed in connection with, and the assets, liabilities, contracts, property, records, and unexpended balance of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available to, or to be made available in connection with the functions vested by law in the Comptroller General pursuant to subchapter V of chapter 35 of title 31, United States Code, and in the boards of contract appeals established pursuant to section 8 of the Contract Disputes Act of 1978 (41 U.S.C. 607) (as in effect on the day before the effective date of this Act), shall be transferred to the Board for appropriate allocation by the Chairman.

(b) Effect on Personnel.—Personnel transferred pursuant to this subtitle shall not be separated or reduced in compensation for one year after such transfer, except for cause.

(c) Regulations.—(1) The Board shall prescribe regulations for the release of competing employees in a reduction in force that gives due effect to—

(A) efficiency or performance ratings;

(B) military preference; and

(C) tenure of employment.

(2) In prescribing the regulations, the Board shall provide for military preference in the same manner as set forth in subchapter I of chapter 35 of title 5, United States Code.

SEC. 882. TERMINATIONS AND SAVINGS PROVISIONS.

(a) Termination of Boards of Contract Appeals.—On the effective date of this subtitle, the boards of contract appeals established pursuant to section 8 of the Contract Disputes Act of 1978 (41 U.S.C. 607) (as in effect on the day before the effective date of this Act) shall terminate.

(b) Savings Provision for Contract Dispute Matters Pending Before Boards.—The provisions of this subtitle shall not affect any proceedings (other than bid protests pending before the board of contract appeals of the General Services Administration) pending on the effective date of this Act before any board of contract appeals described in subsection (a). Such proceedings shall be continued by the Board, and orders which were issued in any such proceeding by any board of contract appeals shall continue in effect until modified, terminated, superseded, or revoked by the Board, by a court of competent jurisdiction, or by operation of law.

(c) Bid Protest Transition Provisions.—(1) No protest may be submitted to the Comptroller General pursuant to section 3553(a) of title 31, United States Code, or to the board of contract appeals for the General Services Administration pursuant to the Brooks Automatic Data Processing Act (40 U.S.C. 759) on or after the effective date of this Act.

(2) The provisions repealed by section 871 shall continue to apply to proceedings pending on the effective date of this subtitle before the board of contract appeals of the General Services Administration and the Comptroller General pursuant to those provisions, until the board or the Comptroller General determines such proceedings have been completed.

SEC. 883. CONTRACT DISPUTE AUTHORITY OF BOARD.

(a) Section 2 of the Contract Disputes Act of 1978 (41 U.S.C. 601) is amended by striking out paragraph (6) and inserting in lieu thereof the following:

"(6) the term 'Board' means the United States Board of Contract Appeals; and".

(b) Section 6(c) of the Contract Disputes Act of 1978 (41 U.S.C. 605(c)) is amended—

(1) in paragraph (4)—

(A) by striking out "the agency board of contract appeals" and inserting in lieu thereof "the United States Board of Contract Appeals"; and

(B) by striking out "the board" and inserting in lieu thereof "the Board"; and

(2) in paragraph (6)—

(A) by striking out "an agency board of contract appeals" and inserting in lieu thereof "the United States Board of Contract Appeals"; and

(B) by striking out "agency board" and inserting in lieu thereof "the Board".

(c) Section 7 of the Contract Disputes Act of 1978 (41 U.S.C. 606) is amended by striking out "an agency board of contract appeals" and inserting in lieu thereof "the United States Board of Contract Appeals".

(d) Section 8 of the Contract Disputes Act of 1978 (41 U.S.C. 607) is amended—

(1) by amending the heading to read as follows:

"UNITED STATES BOARD OF CONTRACT APPEALS";

(2) by striking out subsections (a), (b), and (c);

(3) in subsection (d)—

(A) by striking out the first sentence and inserting in lieu thereof the following:

"The United States Board of Contract Appeals shall have jurisdiction to decide any appeal from a decision of a contracting officer of any executive agency relative to a contract made by that agency."; and

(B) in the second sentence, by striking out "the agency board" and inserting in lieu thereof "the Board";

(4) in subsection (e), by striking out "An agency board" and inserting in lieu thereof "The United States Board of Contract Appeals";

(5) in subsection (f), by striking out "each agency board" and inserting in lieu thereof "the United States Board of Contract Appeals";

(6) in subsection (g)—

(A) in the first sentence of paragraph (1), by striking out "an agency board of contract appeals" and inserting in lieu thereof "the United States Board of Contract Appeals";

(B) by striking out paragraph (2); and

(C) by redesignating paragraph (3) as paragraph (2);

(7) by striking out subsections (h) and (i); and

(8) by redesignating subsections (d), (e), (f), and (g) (as amended) as subsections (a), (b), (c), and (d), respectively.

(e) Section 9 of the Contract Disputes Act of 1978 (41 U.S.C. 608) is amended—

(1) in subsection (a), by striking out "each agency board" and inserting in lieu thereof "the United States Board of Contract Appeals"; and

(2) in subsection (b), by striking out "the agency board" and inserting in lieu thereof "the Board".

(f) Section 10 of the Contract Disputes Act of 1978 (41 U.S.C. 609) is amended—

(1) in subsection (a)—

(A) in the first sentence of paragraph (1)—

(i) by striking out "Except as provided in paragraph (2), and in" and inserting in lieu thereof "In"; and

(ii) by striking out "an agency board" and inserting in lieu thereof "the United States Board of Contract Appeals";

(B) by striking out paragraph (2); and

(C) by redesignating paragraph (3) as paragraph (2), and in that paragraph, by striking out "or (2)";

(2) in subsection (b), by striking out "any agency board" and "the agency board" and inserting in lieu of each "the Board";

(3) in subsection (c), by striking out "an agency board" and "the agency board" and inserting in lieu of each "the Board"; and

(4) in subsection (d), by striking out "one or more agency boards" and "or among the agency boards involved" and inserting in lieu of each "the Board".

(g) Section 11 of the Contract Disputes Act of 1978 (41 U.S.C. 610) is amended—

(1) in the first sentence, by striking out "an agency board of contract appeals" and inserting in lieu thereof "the United States Board of Contract Appeals"; and

(2) in the second sentence, by striking out "the agency board through the Attorney General; or upon application by the board of contract appeals of the Tennessee Valley Authority" and inserting in lieu thereof "the Board".

(h) Section 13 of the Contract Disputes Act of 1978 (41 U.S.C. 612) is amended—

(1) in subsection (b), by striking out "an agency board of contract appeals" and inserting in lieu thereof "the United States Board of Contract Appeals"; and

(2) in subsection (d)(2), by striking out "by the board of contract appeals for" and inserting in lieu thereof "by the Board from".

SEC. 884. REFERENCES TO AGENCY BOARDS OF CONTRACT APPEALS.

Any reference to an agency board of contract appeals in any provision of law or in any rule, regulation, or other paper of the United States shall be treated as referring to the United States Board of Contract Appeals.

SEC. 885. CONFORMING AMENDMENTS.

(a) Title 5.—Section 5372a of title 5, United States Code, is amended—

(1) in subsection (a)(1), by striking out "an agency board of contract appeals appointed under section 8 of the Contract Disputes Act of 1978" and inserting in lieu thereof "the United States Board of Contract Appeals";

(2) in subsection (a)(2), by striking out "an agency board of contract appeals established pursuant to section 8 of the Contract Disputes Act of 1978" and inserting in lieu thereof "the United States Board of Contract Appeals"; and

(3) in subsection (b), by striking out "an appeals board" each place it appears and inserting in lieu thereof "the appeals board".

(b) Title 10.—(1) Section 2305(e) of title 10, United States Code, is amended—

(A) in paragraph (1), by striking out "subchapter V of chapter 35 of title 31" and inserting in lieu thereof "title IV of the Federal Acquisition Reform Act of 1995"; and

(B) by striking out paragraph (3).

(2) Section 2305(f) of such title is amended—

(A) in paragraph (1), by striking out "in subparagraphs (A) through (F) of subsection (b)(1) of section 3554 of title 31" and inserting in lieu thereof "section 424(f)(2) of the Federal Acquisition Reform Act of 1995"; and

(B) in paragraph (2), by striking out "paragraph (1) of section 3554(c) of title 31" and inserting in lieu thereof "section 424(g)(1)(A) of the Federal Acquisition Reform Act of 1995".

(c) Federal Property and Administrative Services Act of 1949.—(1) Section 303B(h) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253b(h)) is amended—

(A) in paragraph (1), by striking out "subchapter V of chapter 35 of title 31" and inserting in lieu thereof "title IV of the Federal Acquisition Reform Act of 1995"; and

(B) by striking out paragraph (3).

(2) Section 303B(i) of such Act (41 U.S.C. 253b(i)) is amended—

(A) in paragraph (1), by striking out "in subparagraphs (A) through (F) of subsection (b)(1) of section 3554 of title 31" and inserting in lieu thereof "section 424(f)(2) of the Federal Acquisition Reform Act of 1995"; and

(B) in paragraph (2), by striking out "paragraph (1) of section 3554(c) of title 31" and inserting in lieu thereof "section 424(g)(1)(A) of the Federal Acquisition Reform Act of 1995".

PART VI—EFFECTIVE DATE; INTERIM APPOINTMENT AND RULES

SEC. 891. EFFECTIVE DATE.

This subtitle shall take effect on October 1, 1996.

SEC. 892. INTERIM APPOINTMENT.

The Board judge serving as chairman of the board of contract appeals of the General Services Administration on the date of the enactment of this Act shall serve as Chairman during the two-year period beginning on the effective date of this subtitle, unless such individual resigns such position or the position otherwise becomes vacant before the expiration of such period. The authority vested in the President by section 853 shall take effect upon the expiration of such two-year period or on the date such position is vacated, whichever occurs earlier.

SEC. 893. INTERIM RULES.

(a) RULES OF PROCEDURE.—Until such date as the Board promulgates rules of procedure, the rules of procedure of the board of contract appeals of the General Services Administration, as in effect on the effective date of this Act, shall be the rules of procedure of the Board.

(b) RULES REGARDING BOARD JUDGES.—Until such date as the Board promulgates rules governing the establishment and maintenance of a register of eligible applicants and the selection of Board judges, the rules of the Armed Services Board of Contract Appeals governing the establishment and maintenance of a register of eligible applicants and the selection of board members shall be the rules of the Board governing the establishment and maintenance of a register of eligible applicants and the selection of Board judges, except that any provisions of the rules of the Armed Services Board of Contract Appeals that authorize any individual other than the chairman of such board to select a Board judge shall have no effect.

Subtitle E—Effective Dates and Implementation

SEC. 895. EFFECTIVE DATE AND APPLICABILITY.

(a) EFFECTIVE DATE.—Except as otherwise provided in this title, this title and the amendments made by this title shall take effect on the date of the enactment of this Act.

(b) APPLICABILITY OF AMENDMENTS.—(1) An amendment made by this title shall apply, in the manner prescribed in the final regulations promulgated pursuant to section 896 to implement such amendment, with respect to any solicitation that is issued, any unsolicited proposal that is received, and any contract entered into pursuant to such a solicitation or proposal, on or after the date described in paragraph (3).

(2) An amendment made by this title shall also apply, to the extent and in the manner prescribed in the final regulations promulgated pursuant to section 896 to implement such amendment, with respect to any matter related to—

(A) a contract that is in effect on the date described in paragraph (3);

(B) an offer under consideration on the date described in paragraph (3); or

(C) any other proceeding or action that is ongoing on the date described in paragraph (3).

(3) The date referred to in paragraphs (1) and (2) is the date specified in such final regulations. The date so specified shall be October 1, 1996, or any earlier date that is not within 30 days after the date on which such final regulations are published.

SEC. 896. IMPLEMENTING REGULATIONS.

(a) PROPOSED REVISIONS.—Proposed revisions to the Federal Acquisition Regulation and such other proposed regulations (or revisions to existing regulations) as may be necessary to implement this title shall be published in the Federal Register not later than 210 days after the date of the enactment of this Act.

(b) PUBLIC COMMENT.—The proposed regulations described in subsection (a) shall be made available for public comment for a period of not less than 60 days.

(c) FINAL REGULATIONS.—Final regulations shall be published in the Federal Register not later than 330 days after the date of enactment of this Act.

(d) MODIFICATIONS.—Final regulations promulgated pursuant to this section to implement an amendment made by this title may provide for modification of an existing contract without consideration upon the request of the contractor.

(e) SAVINGS PROVISIONS.—(1) Nothing in this title shall be construed to affect the validity of any action taken or any contract entered into before the date specified in the regulations pursuant to section 895(b)(3) except to the extent and in the manner prescribed in such regulations.

(2) Except as specifically provided in this title, nothing in this title shall be construed to require the renegotiation or modification of contracts in existence on the date of the enactment of this Act.

(3) Except as otherwise provided in this title, a law amended by this title shall continue to be applied according to the provisions thereof as such law was in effect on the day before the date of the enactment of this Act until—

(A) the date specified in final regulations implementing the amendment of that law (as promulgated pursuant to this section); or

(B) if no such date is specified in regulations, October 1, 1996.

The CHAIRMAN. Pursuant to the rule, the gentleman from Pennsylvania [Mr. CLINGER] and a Member opposed will each be recognized for 20 minutes. Is the gentlewoman from Illinois [Mrs. COLLINS] opposed to the amendment?

Mrs. COLLINS of Illinois. Yes, I am, Mr. Chairman.

The CHAIRMAN. The gentlewoman from Illinois [Mrs. COLLINS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. CLINGER].

Mr. CLINGER. I yield myself such time as I may consume.

Mr. Chairman, I rise to offer the Clinger-Spence-Kasich acquisition reform amendment to the National Defense Authorization Act for fiscal year 1996. This amendment would modernize and streamline the procurement procedures of the Department of Defense and the civilian agencies. It builds upon legislation enacted last year and represents a significant shift in the operation of our Federal procurement system to meet the needs of the American taxpayer.

This amendment has been developed from H.R. 1670, the Federal Acquisition Reform Act of 1995, a bill Mr. SPENCE and I, along with other members of our committees, have introduced. You have heard and may hear again that we are rushing through legislation that has had no hearings. This is simply not true. We held a hearing in February to solicit proposals for simplifying and streamlining the Federal procurement process. This was a followup to last year's Federal Acquisition Streamlining Act of 1994 [FASA], the bipartisan effort to reform the complex Federal procurement system.

During this hearing we were exposed to various proposals for reform—ranging from minor technical corrections to a complete overhaul of the system. During the last few months, Chairman SPENCE and I, in conjunction with other committee members, have poured over and carefully considered this wealth of ideas. This effort culminated in the introduction of H.R. 1670, which is a synthesis of all of those ideas, which I think distills those ideas and takes the best and in corporates it into this bill. Subsequent to the introduction of H.R. 1670, the Committee on Government Reform and Oversight and the Committee of National Security held an unprecedented joint hearing to solicit comments specifically on this legislation from many senior industry executives and government officials.

Further, I have been working with my ranking minority member, Mrs. COLLINS, to refine the Clinger-Spence-Kasich amendment to include, for the most part, five of the six amendments she and Mrs. MALONEY offered at the Rules Committee. I think these have substantially improved the bill. The amendment which we are offering today includes that language which came about as a result of those discussions and negotiations.

While we will continue to pursue H.R. 1670 through the traditional course, and I want to emphasize that we will continue to pursue this bill through the traditional course, and along those lines we have scheduled a markup in the Government Reform and Oversight Committee for June 21, next week, we are similarly committed however to pursuing this matter as part of the National Defense Authorization Act for fiscal year 1996.

This approach is not intended to short circuit the process or to preclude anybody from having their input into the ultimate process but it is intended simply to maximize our opportunities for enactment of a significant piece of Government reform by the end of this year. And I might say that the administration is supportive of these efforts to enhance and improve the procurement reforms we made last year.

□ 1040

Each year, our Government spends about $200 billion on goods and services, and that is a substantial amount of money, ranging from weapons systems to computer systems to everyday commodities. The current system costs too much, involves way too much redtape, and ill-serves both the taxpayer and industry.

In December 1994, a report prepared for the Secretary of Defense found that, on average, the Government pays an additional 18 percent on what it buys solely because of the requirements it imposes on its contractors.

We have the most unbelievably heavy burden on our contractors. This confirmed the average estimate by major contractors surveyed by GAO that the additional costs incurred in selling to the Government are about 19 percent. While some of the Government's unique requirements certainly are needed, we do not dispute that we clearly are paying an enormous premium for them—billions of dollars annually, that we need not be spending.

And this is only part of the Government's inflated cost of doing business—for it includes only what is paid to contractors, not the cost of the Government's own administrative system. The Government's contracting officials are confronted with numerous mandates of their own, often amounting to step-by-step prescriptions that increase staff and equipment needs, and leave little room for the exercise of business judgment, initiative, and creativity. The Clinger-Spence-Kasich acquisition reform amendment focuses on these restrictions which hamstring the Government buyer and ultimately increase costs to the taxpayer.

In addition, as a complement to the work we started last year with FASA, our amendment moves the Federal procurement system closer to a commercial-type process.

Why should the Government be doing procurement in a wildly different way than happens in the private sector?

As 10 senior industry executives stated in a letter to Chairman SPENCE and me, our approach "will significantly lower the costs to the government—and industry—by replacing bureaucratic procedures that long ago outlived their usefulness with the type of streamlined approaches that continue to work so well in the commercial sector."

In fashioning our amendment, we were guided by a number of considerations: How to provide meaningful competition, obtain quality goods at reasonable prices, and ensure accountability of public officials for public transactions. At the same time, we are under enormous budgetary constraints that drive us to look at ways to meet our goals, yet do so in a way that is affordable and uses common sense.

The Clinger-Spence-Kasich amendment would:

Maximize competition by permitting the Government to provide for meaningful competition—not competition for competition's sake—which would allow firms to concentrate their energies and resources on Government business that they can realistically meet;

Provide a preference for expanded use of commercial products and services through simplified procedures, and the elimination of costly, time-consuming regulations designed primarily for the noncommercial environment;

Create a single, understandable reasonable approach to procurement ethics and also eliminate a cumbersome certification process that has had little value and contributed significant costs to both Government and industry;

Establish a results-oriented acquisition system which provides performance incentives—both positive and negative—for Government buyers and industry tied to cost and performance goals; and

This amendment would eliminate the guesswork from the current bid protest and dispute resolution maze by creating a single administrative entity to handle such matters with a single set of efficient procedures.

Some may say, in fact, have said, we should rest on our laurels, and let the system absorb the changes made last year by FASA. But we must continue to push for reforms which will make the Federal procurement system work better and cost less. The Clinger/Spence/Kasich amendment provides the fundamental changes necessary to promote affordable and commonsense approaches to meet our budgetary goals and move the Federal procurement system into the 21st century.

If there has been one hallmark of this Congress, it has been to take away the regulatory overkill that we have imposed both on our Government procurement officials and also on the private sector. This amendment moves us dramatically in that direction.

Mr. Chairman, I urge my colleagues to support the Clinger-Spence-Kasich amendment.

Mr. Chairman, I reserve the balance of my time.

Mrs. COLLINS of Illinois. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, while I have been working cooperatively with Chairman CLINGER over the past several days on his Governmentwide procurement amendment, I have serious concerns about the process that brings us here today. In the first place, a Governmentwide procurement bill should not be considered on the national defense authorization bill. Second, this amendment is being considered on the floor without benefit of debate within the Government Reform and Oversight Committee.

In previous Congresses, Republicans vigorously opposed nongermane amendments. Such amendments clearly undermine the integrity of our committee process. They deprive the majority and minority Members of the House, with the most expertise on a given subject, of the opportunity to carefully consider and fully debate complicated and difficult issues before House consideration. It also takes up valuable floor time on issues which might have been and should have been resolved by the committee.

However, the rule has made Chairman CLINGER's amendment in order, so I, along with the ranking Democratic member of the Government Information and Technology Subcommittee, Representative MALONEY, have attempted to work with the chairman to improve his amendment. As a result, the modified Clinger amendment is a substantial improvement over the original amendment.

With one important exception, Chairman CLINGER has incorporated all of the proposed amendments which we offered to the Rules Committee. That one exception regards the Clinger amendment's elimination of full and open competition, which I believe will cripple the ability of small businesses to compete for Federal contracts. I will offer an amendment shortly to retain the current practice allowing all businesses to compete for Government contracts under full and open competition.

In brief, our amendments represent significant reform and enhancement of Federal procurement policy. They allow for the increasing decentralization of procurement authority, and elicit greater cost-effectiveness for the Federal Government and the taxpayer. Chairman CLINGER and I share the same goals of modernizing and streamlining Federal acquisition procedures, and I applaud his recent efforts to reach a consensus with Democratic members of the Government Reform and Oversight Committee on procurement reform legislation.

Let me briefly describe portions of my bill, H.R. 1795, that will be essentially incorporated into Chairman CLINGER'S modified amendment.

First, the modified Clinger amendment now includes my amendment to improve Government procurement management practices by requiring Federal agencies to make more effective use of the cost-management tools and procedures known generally as value engineering.

Value engineering is a long-standing and widely accepted technique in both the public and private sectors that, despite its proven capabilities, remains underutilized in the Federal acquisition process.

Numerous GAO and IG reports, independent studies, and even the Presidentially appointed Grace Commission have demonstrated that Federal agencies' underutilization of value engineering has resulted in billions of dollars in lost opportunities to reduce costs to the Federal Government.

This provision will ensure better implementation of value engineering procedures, and will thereby reduce capital and operation costs, and improve and maintain optimum quality of construction, administrative, program, acquisition, and grant projects.

Second, Chairman CLINGER has accepted my amendment to retain the knowing standard for criminal violations of our procurement integrity laws, and increase the maximum criminal penalty from 5 to 15 years. This change will facilitate the Justice Department's ability to prosecute criminal and civil procurement fraud cases.

Third, Chairman CLINGER has accepted our amendment to limit sole-source contracting for commercial products. While I believe that the complete elimination of the simplified acquisition threshold contained in the Clinger amendment will raise problems, our amendment will place limits on its use and will help to ensure that an adequate level of competition is maintained with the expanded use of commercial items.

Finally, Chairman CLINGER has accepted an amendment by Representative MALONEY that improves the performance capability of the frontline contracting personnel. The amendment requires civilian agency heads to adopt education, training, and incentive features that raise the level of excellence and professionalism of the acquisition work force.

Mr. Chairman, the inclusion of these provisions in the Clinger amendment substantially improve the amendment. I commend the chairman for approaching this matter in the bipartisan spirit with which any acquisition reform effort should be undertaken.

Mr. Chairman, I reserve the balance of my time.

Mr. CLINGER. Mr. Chairman, I yield 5 minutes to my good friend, the gentleman from South Carolina [Mr. SPENCE], the coauthor of this amendment and the chairman of the Committee on National Security.

Mr. SPENCE. Mr. Chairman, I rise in strong support of the Clinger-Spence-Kasich amendment.

This legislation represents an important leap forward in reforming today's antiquated and inefficient Federal procurement system.

Last year, Congress enacted comprehensive acquisition reform legislation that is just now beginning to work itself through the regulatory process. The Federal Acquisition Streamlining Act was a good start in making needed incremental changes to the system.

I realize that some may wonder why we are launching another round of acquisition reform while the last one is still going through the implementation process. The answer is simple—we cannot afford to wait for last year's modest reforms to go into effect before fixing the fundamental problems ailing the current system.

Mr. Chairman, what is required today is fundamental reform, not incremental reform. The American taxpayer pays too much for the goods and services bought by the Federal Government. The current system results in products that are too costly, many times outdated, and of questionable quality.

This issue is of critical importance because, how the Federal Government buys goods and services affects the budgets and programs under the jurisdiction of every single committee of the House. As we all contemplate the difficult fiscal reality of moving toward a balanced budget in 7 years, we must fix today's inefficient procurement system in order to maximize return on every single Federal tax dollar.

As the Federal Government's largest single buyer, nowhere do these problems apply more than in the Department of Defense. While the bill before the House does increase spending relative to the President's budget request, even this spending level will not adequately cover the many critical military capability-, readiness-, and quality-of-life shortfalls facing the military in the years ahead.

I supported this budget as it struck a prudent balance between halting the 10-year slide in defense spending and putting us on a track toward a balanced Federal budget. But I also realize that the shortfalls created by the drastic reductions in spending of the past few years will require that we aggressively find additional findings from within the defense program.

H.R. 1530 begins this process by cutting nondefense spending, initiating a series of structural and organizational reforms and, through the Clinger-Spence-Kasich amendment, making important process reforms that will streamline acquisition procedures, reduce the costly overhead associated with Federal procurements and allow the Government to buy commercially more often.

Mr. Chairman, I recognize that some in the House are concerned about moving governmentwide legislation of this importance on the defense bill. Let me briefly address this point. For the reasons I have mentioned, both Mr. CLINGER and I are committed to having Congress pass comprehensive and fundamental acquisition reform legislation this year. To increase the likelihood of this objective, we have determined that a two-track process is in order. Putting this legislation on this bill represents one track. This approach provides the House with the option of pursuing acquisition reform legislation as part of the conference on the defense authorization bill.

The second track—and the one that both Mr. CLINGER and I prefer and are committed to vigorously pursue—is to move this legislation as a separate bill through the normal committee process. The Government Reform and Oversight Committee, which Mr. CLINGER chairs, has already scheduled a markup on H.R. 1670 as the first step in a process designed to allow the House to work its will on this important topic through the normal deliberative process. Other committees, including the National Security Committee which I chair, will subsequently have an opportunity to consider and improve upon this legislation in the normal course of events.

While the separate-bill track remains the approach of choice and I am confident that the House will allow such a separate bill to be brought to the House floor in an expeditious fashion, there is no assurance that the other body is similarly interested in quick action on this urgent priority. Therefore, we must retain all procedural options by having this second track. Regardless of which track ultimately gets used. BILL CLINGER and I are committed to bringing to the conference and defending the substance of this legislation as it continues to be refined and improved through the normal legislative process.

Mr. Chairman, while I strongly support and urge all my colleagues to support this amendment, it must also be said that it still requires further refinement in certain areas, particularly the provisions establishing a single bid protest forum. It is my intention to continue working this and other issues with BILL CLINGER and other committees of interest and jurisdiction to improve upon the remaining problem areas.

However, while we still have some fine points to work through, I am in full agreement with BILL CLINGER and JOHN KASICH that comprehensive, fundamental reform of the Federal acquisition system is needed as quickly as possible if we are to begin reducing the size and expense of the Federal Government. The Chinger-Spence-Kasich amendment is the proper vehicle to move us toward that objective.

The gentlelady from Illinois [Mrs. COLLINS] will be offering a perfecting amendment that will walk back many of the important provisions of the Clinger-Spence-Kasich amendment. The Collins amendment, while well intentioned, would revert back to the same timid and ineffective reforms that we have engaged in for the past 10 years. What is needed is fundamental reform. Clinger-Spence-Kasich is that fundamental reform.

In closing, I urge my colleagues to defeat the Collins amendment to water down the critical provisions of the Clinger-Spence-Kasich amendment and strongly support the Clinger-Spence-Kasich amendment as an important step toward a more efficient and cost-effective Federal acquisition system.

Mrs. COLLINS of Illinois. Mr. Chairman, I yield 7 minutes to the gentlewoman from New York [Mrs. MALONEY], the ranking member of the subcommittee.

Mrs. MALONEY. Mr. Chairman, I share the chairman's commitment to modernize and streamline the procurement process, and I share his desire to dramatically improve the way the Federal Government spends more than $200 billion of the taxpayers' dollars in private contracts.

But there are at least two fundamental problems with the substance of this amendment. First, it would weaken the requirement for full and open competition for Federal contracts, which has been Federal law since 1984. These requirements are the taxpayers' best protection against waste, fraud, and abuse.

That the Clinger amendment weakens these taxpayer protections is extremely disturbing. The inspector general of the Department of Defense agrees with my objections and so stated in a letter to the chairman dated yesterday, and I am including that letter at this point in the RECORD, as follows:

INSPECTOR GENERAL,
DEPARTMENT OF DEFENSE,
Arlington, VA, June 13, 1995.

Hon. WILLIAM F. CLINGER, Jr.,
Chairman, Committee on Government Reform and Oversight, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Although we recently provided the Department our views on H.R. 1670, "Federal Acquisition Reform Act of 1995," the enclosed comments on sections we support or find troublesome are forwarded for your consideration. We were especially troubled by proposals in Sections 201 and 203 to reduce the number of contracts subject to the Truth In Negotiations Act. The proposals reduce the ability of contracting officers to ensure the Government receives a fair price for items purchased on noncompetitive contracts.

I hope the information is helpful as the Congress continues consideration of this important issue. If we can be of further assistance, please contact me or Mr. John R. Crane, Office of Congressional Liaison, at (703) 604–8324.

Sincerely,

ELEANOR HILL,
Inspector General.

INSPECTOR GENERAL, DEPARTMENT OF DEFENSE, COMMENTS ON H.R. 1670, FEDERAL ACQUISITION REFORM ACT OF 1995

Section 101, Improvement of Competition Requirements. Subsections (a) and (b) would amend 10 U.S.C. 2304 and 41 U.S.C. 253, respectively, to establish a statutory preference for the use of "maximum practicable competition" rather than "full and open competition." The proposed amendments would eliminate the statutory exceptions to competition and authorize DoD and civilian agencies to exclude a particular source in order to establish or maintain an alternative source of supply for a particular item or service. The proposed amendments further provide that when noncompetitive procedures are used to procure an item or service, the procurement shall be justified in writing and approved in accordance with the Federal Acquisition Regulation. We disagree with the proposed amendments. Contracting officers have flexibility to exercise sound business judgment under the current statute in determining the appropriate acquisition strategy for a procurement. There is no preference for sealed bids. Further, there are legitimate reasons, which the current statutes identify, that preclude the use of competition for some contracts. The exceptions were included in the statutes because in some agencies, there was an institutional bias against competition or a proclivity for sole-source contracting. We believe that the exceptions to competition should be retained in the statute to avoid abuse of sole-source contracting.

Subsection (c) would amend 41 U.S.C. 416 to eliminate differences in requirements for publicizing procurements between DoD and civilian agencies and the requirement that contracting officers consider each responsive offer that is received. We support amending the statute to establish uniform procurement notice requirements for DoD and civilian agencies. We do not support deleting the requirement that contracting officers consider all responsive offers. The purpose of the preaward notice is to open competition to all offerers who can meet an agency's needs.

Subsection (d) would amend 15 U.S.C. 637 to delete provisions that duplicate 41 U.S.C. 416. We support the amendment.

Subsection (e) would amend 41 U.S.C. 414 to incorporate the proposed statutory preference for "maximum practicable competition" in the executive agency responsibilities. It would also amend 41 U.S.C. 418 to delete the reference to the date of enactment of the Competition in Contracting Act. We do not support the amendment of 41 U.S.C. 414 for the reasons discussed above in Subsections (a) and (b). Also, competition is not a procurement procedure, but an objective that a procedure is designed to attain. Therefore, the word "achieve" is preferable to "promote." We do not object to the proposed amendment of 41 U.S.C. 418.

As an alternative, we like the words in Section 1012 of S. 669, "Federal Acquisition Improvement Act" that amend 10 U.S.C. 2305(b) and allow the contracting officer to limit competition to the top 3 contractors' bids. The provision allows all contractors to compete initially and then narrows the field.

Section 102, Definition Relating to Competition Requirements. The section would amend 41 U.S.C. 403 to replace the definition of "full and open competition" with "maximum practicable competition" and make similar substitutions in sections of Titles 10 and 41. We do not support the amendment. The current statutory preference for "full and open competition" requires contracting officers to use competitive procedures to the maximum extent practical. Also, see previous comments on Section 101.

Section 103, Contract Solicitation Amendments. The section would amend 10 U.S.C. 2305 to delete the provision stating that specifications included in contracts shall permit full and open competition and will include restrictive provisions only to the extent necessary to satisfy the needs of the agency or as authorized by law. Specifications express agency needs and serve as the baseline for the evaluation of offers. The current language was included in the statute because agencies used specifications to restrict competition by unnecessarily defining their needs too narrowly. Thus, we do not support the change.

Section 104, Preaward Debriefings. We agree with the proposed amendment to 10 U.S.C. 2305(b) to clarify the policy for debriefing unsuccessful offerers prior to the award of a contract. The change may also eliminate some needless protests. The contracting officer should have discretion whether a debriefing is required, particularly, for actions that do not involve significant judgments about factors other than price.

Section 105, Contract Types. The section would amend 10 U.S.C. 2306 to delete the prohibition on payment of contingency fees to obtain contracts; the 15 percent fee limit on performing cost-plus-a-fixed-fee (CPFF) contract for experimental, developmental, research work; the 10 percent fee limit for any other CPFF contract; the 6 percent fee limit for performing a CPFF contract for architectural or engineering (A&E) services; the requirement under cost reimbursable contracts for the prime contractor to provide notice of certain subcontract awards; and references to Truth In Negotiations Act (TINA) provisions and multiyear contracting authority.

We do not support deleting the prohibition on payment of contingency fees or the elimination of the limits on fees on CPFF and architectural or engineering contracts. As a matter of public policy, contractors should not pay contingency fees to someone for soliciting or brokering for them to obtain Federal contracts.

We disagree with deletion of the 6 percent fee limitation for a CPFF contract for architectural or engineering services. The statute serves its intended purpose because it limits how much the DoD can spend designing projects and prevents overspending on design efforts to the detriment of actual construction. The statute also helps to limit the Government's risk of investing in an expensive design for a project. We have audited hundreds of military construction projects and have never seen a lack of competition for the design work or higher construction prices due to the fee limits.

We also disagree with the proposed elimination of the 15 percent and 10 percent fee limits. The fee limitations provide a reasonable framework for the contracting officer to use in negotiating CPFF contracts and still allow the contracting officer flexibility to reward contractors according to different risk situations. Contractors have less financial risk on level-of-effort and completion type CPFF contracts than any of the other contract types. Eliminating the statutory limitations on fees for CPFF contracts would likely result in varying interpretations by contracting officers and higher fees on some CPFF contracts. Also, contracting officers often apply the 10 and 15 percent limitations to maximum fees on cost-plus-incentive-fee (CPIF) and cost-plus-award-fee (CPAF) contracts. In 1993, there were $112 billion in contracts by the DoD and $47.7 billion (42 percent) were cost-type contracts, of which $16.6 billion (14 percent) were CPFF contracts. Thus, a lot of contracts will be affected. The Section 800 Panel recommended eliminating the 6 percent limitation for architectural and engineering contracts but did not recommend eliminating the other fee limitations.

We have no objection to deleting the references to the TINA provisions or multiyear contracting authority since the provisions are in other statutes.

Section 106, Contractor Performance. The section would add a new Section 35 to 41 U.S.C. 401, et seq., that provides for a contractor verification system for the procurement of particular property or services that are procured by executive agencies on a repetitive basis. Procedures for the system would be defined in the Federal Acquisition Regulation (FAR). The section would also repeal 10 U.S.C. 2319, which provides policies on encouragement of new contractors and qualification requirements. We do not support the proposed change to eliminate the qualification requirements. Allowing new contractors to qualify helps competition in contracting, reduces costs, enhances industry responsiveness, and maintains integrity in the expenditure of public funds by ensuring that contracts are awarded on the basis of merit rather than favoritism. Under the current statute, contracting officers should also consider quality of product and contractor performance in addition to price before awarding a contract. This proposal goes away from trying to add new vendors to DoD supplier lists and appears to limit suppliers to the past DoD contractors.

Section 201. Commercial Item Exception to Requirement for Cost or Pricing Data and Information Limits. We disagree with the proposed change to the TINA, 10 U.S.C. 2306a (b)(1)(A), which deletes the section that allows the use of established catalog or market prices of commercial items that are sold in substantial quantities to the general public as an exception to the requirement for cost or pricing data. The proposed change allows the exception under (B), which is for acquisition of a commercial item. Placing the exception under commercial items allows the exception without first determining whether enough information is available to determine whether the item is actually commercial and the fairness and reasonableness of the contractor's proposed price for the exempted commercial item.

Section 1204 of the Federal Acquisition Streamlining Act (FASA) recently amended 10 U.S.C. 2306a (d)(2)(B) to allow a commercial item exemption when contracting officers are able to obtain information on prices for which the same or similar items were sold in the commercial marketplace to determine price reasonableness. We disagree with the proposed rule that would allow an exemption simply because the definition of commercial item is met. Without restrictions to only allow the exemption after the fairness of the proposed price has been determined, there are no control mechanisms to prevent the Government from being overcharged.

The proposed change in this Bill to Section 2306(c) of 10 U.S.C. would eliminate the right of the head of the procuring activity to request cost or pricing data because the item is now called commercial. The proposed change to Section 2306a(d) of 10 U.S.C. would eliminate the right for contracting officer to request limited data for commercial items and for auditors to have 2 years after award of the contract to audit the data. The proposed change also eliminates 10 U.S.C. 2306a(h), which states the FAR will contain provisions on the types of information a contracting officer can request to be submitted to determine if a price is reasonable when the procurement is under $500,000.

We disagree with the changes, which create intolerable loopholes to the TINA. The FASA changes enacted last year to allow the current 10 U.S.C. 2306a exemption for commercial items has not yet been implemented and its effect cannot be judged. Also, the ability to request limited data for commercial items and allow 2-year audit rights was placed in the FASA as a compromise last year to allow for limited tests or reviews, without penalties to contractors, to determine whether fair prices were being received under the commercial item exemption. Without this audit provision, there is no way to evaluate properly the FASA change related to commercial items. We believe that changing the provision of a law designed to streamline the purchase of commercial items before the law has been implemented is premature.

The Defense Contract Audit Agency and this office identified $2,017 million in FY 1994 in direct monetary benefits related to the TINA. Those benefits were from identified contract over-pricing that resulted in price reductions or administrative and criminal collections for overpricing. The Coopers and Lybrand/TASC study on contract cost drivers stated that TINA adds about 1.3 percent to contract costs. If this cost driver estimate is near accurate, then TINA added about $660 million in costs to DoD contracts in FY 1994, but there were $2 billion in benefits. This is a benefit to cost ration of 3 to 1. However, the greatest benefits from TINA are intangible, and we cannot estimate the intangible but positive effect of the TINA on keeping contract prices fair for the Government. Just the fact that the law exists and there are audit and investigative agencies creates an atmosphere of voluntary contract compliance.

Section 202. Application of Simplified Procedures to Commercial Items. The proposed change to 10 U.S.C. 2304(e)(1) would amend Sections 101 (a) and (b) of this Bill to specify that simplified acquisition procedures may be used for purchases of commercial items regardless of dollar value. The section would also amend 41 U.S.C. 416, as amended by Section 101(c), to conform notice requirements for commercial items to the use of simplified procedures. We strongly support the concept of making the purchase of commercial items easier. The Deputy Inspector General, DoD, testified last year that because of the restrictive acquisition laws, the Department purchased very limited quantities of common commercial items, such as clothing and textiles, wood products, meat and seafoods from the top 10 commercial producers. The Department purchased these commercial items from smaller companies that specialized in satisfying the Department's acquisition rules and selling to the Department. To really reduce costs, you need to exempt commercial item purchases from all Buy-American, small business and other socioeconomic statutes.

Section 203. Amendment to Definition of Commercial Items. We disagree with the proposed change. As written in Part (F) of the FASA (41 U.S.C. 422(f)(2)), the procurement of commercial services is limited to established catalog prices for the services. At present, the statute Part (E) provides for acquisition of installation, maintenance, repair and training services as commercial services. The proposed change in Part (F) allows a definition of commercial services as services based on established prices. There is no definition of "established prices," and the terms are much broader than the current terms "established catalog prices." The new terms could result in almost any service fitting that description and, thus, being considered a commercial product. Established prices may merely represent prices traditionally offered the Government and may not reflect lower prices offered affiliates and commercial customers for sales of like quantities under similar terms and conditions. Unless the prices for the specific tasks are published in a catalog, the Government would be unable to determine whether standard commercial terms, conditions and prices are offered.

According to a March 1993 OMB report, service contract costs were $103 billion for the Government and $61 billion in the DoD for 1993. The proposed change would permit the acquisition of all professional and technical services as a commercial service and exempt $100 billion of service contracts from contracting officer and auditor requests for a contractor's catalog, pricing data or cost data to perform pricing or cost analyses. Without any restrictions or exclusions, the language is too broad and is very likely to result in increased prices and a reduction in competition. The DoD has not yet implemented the (D) and (F) provisions of the FASA to judge their effect. We believe it is too early to change a provision of law designed to streamline the purchase of services before the law has been implemented.

Section 204. Inapplicability of Cost Accounting Standards to Contracts and Subcontracts for Commercial Items. We disagree with excluding the requirement to comply with Cost Accounting Standards (CAS) if the contract for commercial items provides for Government financing through progress payments or public vouchers. In order to receive financing, the contractor must demonstrate that his accounting practices adequately assign costs to contracts. Therefore, any contract for commercial items that provides for Government financing should include the provisions of the CAS.

Section 301. Government Reliance on the Private Sector. The section would add a Section 17 to the Office of Federal Procurement Policy Act that states it is the policy of the Government to rely on commercial sources to supply its needs. We have no objection to the amendment. The policy is already stated in Executive Order and administrative regulations (Office of Management and Budget Circular No. A-76).

Section 302. Elimination of Certain Certification Requirements. We do not agree with the proposed amendment to 10 U.S.C. 2410 to delete the certification requirement for contractor requests for equitable adjustment and relief under Public Law 85-804. The claims are subject to audit and inaccurate, incomplete or misleading data could be a basis for denial of the claim and other sanctions. We also do not agree with the proposed amendment to 10 U.S.C. 2410b to delete the certification for contractor inventory accounting systems. Contractor representations are one of the basis that help DoD personnel decide whether to reduce the need for systems audits to establish whether the systems meet standards. We do not object to the amendment of 31 U.S.C. 1352(b)(2) to delete the certification requirement regarding the prohibition on use of appropriated funds for lobbying (Byrd Amendment) and 41 U.S.C. 701 to delete the certification requirement from the Drug-Free Workplace Act. We do not support the proposed requirement in subsection (b) that not later than 210 days after the date of the enactment of the Act, any certification required of contractors or offerers by the FAR that is not specifically imposed by statute would be removed from the FAR or such agency regulation unless written justification for such certification is provided to the Administrator, Office of Federal Procurement Policy (OFPP) by the FAR Council and the Administrator approves in writing the retention of the certification. Instead, we support a provision that would vest agency heads with nondelegatable authority to decide when agencies may impose such certifications. We believe there is a need for certifications from contractors where funds or safety are involved because they enhance the efficiency and trust in the contracting process.

Section 303. Amendment to Commencement and Expiration of Authority to conduct Certain Tests of Procurement Procedures. The change is to subsection (j) of Section 5061 of the FASA. Section 5061 covers the OFPP Test Program for Executive Agencies. The OFPP test programs were limited by the FASA to under $100 million in procurements, allowed OFPP to test innovative procurement polices, and waive any nonstatutory rule in the FAR and 13 statutes. Subsection (j) does not allow use of the test programs in any agency until the agency certifies to Congress full Federal Acquisition computer Network (FACNET) capability. We agree with the change because it allows use of the test programs prior to full Facnet capability. The DoD does not project obtaining full FACNET capability until late 1997.

Section 304, International Competitiveness. The proposed change deletes the requirement for recoupment of a proportionate amount of nonrecurring costs for research, development and production of major defense equipment. The premise is that doing so will facilitate the transfer of technology between Government and commercial markets; aid integration of contractor's Government and commercial operations; increase U.S. competitiveness in worldwide markets; and enhance national security by preserving the industrial base. We disagree with the change and offer an alternative. The current law and regulations allow the change to be waived if the charge is an impediment to the sale. Requests for waivers are invariably granted. Some personnel refer to the charge as a tax when, in fact, it is a refund to the U.S. Treasury of a proportionate amount of research and development funds provided to the contractor to develop the item. The nonrecurring cost collections added about $181 million to the U.S. Treasury in FY 1994 and the Defense Security Assistance Agency projects that an additional $1 billion will be collected during FYs 1995 to 2000. If the provision of noncollection applies to only new sales, then $148 million ($25 million in 1998, $48 million in 1999 and $70 million in 2000) of the $1 billion will not be collected during these years. However, between 2001 and 2005, nothing will be collected. If recoupments are stopped, another source of revenue will be needed to offset the noncollection. It has also been stated that repeal is needed to improve the competitiveness of U.S. companies selling military hardware. Recent sales figures show that in 1993 the U.S. accounted for 53 percent of all military hardware sold to other nations. During the 1991 to 1993 period, the U.S. supplied about $34 billion of military equipment to foreign countries and all other nations combined provided $34 billion. Since the U.S. sales of military hardware exceed all other countries combined, there is no need for additional across-the-aboard help when it can be done through waivers, on a case-by-case basis, to help competitiveness.

Section 305, Procurement Integrity. We agree with the proposed repeal of 10 U.S.C. 2397, Employees or former employees of defense contractors: reports; 10 U.S.C. 2397a, Requirements relating to private employment contacts between certain Department of Defense procurement officials and Defense contractors; 10 U.S.C. 2397b, certain former Department of Defense procurement officials: limitations on employment by contractors; 10 U.S.C. 2397c, Defense contractors: requirements concerning former Department of Defense officials; and 18 U.S.C. 281, Restrictions on retired military officers regarding certain matters affecting the Government. The provisions of Title 10 relate solely to the Department of Defense and impose various post-employment restrictions and reporting requirements. The provision of Title 18 imposes criminal penalties for violations of post-employment restrictions by retired military officers. It is currently suspended. The complexity of the current restrictions have frustrated the ability of the contracting work force—in Government and industry—to abide by them The current statutory certification requirements are unlikely to deter conduct to be proscribed. Moreover, the certifications create considerable administrative burden.

Section 306, Further Acquisition Streamlining Provisions. We do not support amending 41 U.S.C. 404 to define the purpose of the OFPP and repealing 41 U.S.C. 401 and 402, which currently define the purpose and responsibilities of the OFPP. The change replaces specific language with vague, general language and we see no benefit to the change. We also disagree with the repeal of the reporting requirement in 41 U.S.C. 407(a), which requires the Administrator of OFPP submit an annual report to the Congress on the major activities of his office. We believe this requirement should be retained because it assists the Congress in carrying out its oversight responsibilities. We agree with the repeal 41 U.S.C. 407(b), which requires the Administrator to transmit a report to the Congress on proposed policies and regulations. Repeal would reduce the administrative burden created by this reporting requirement. We agree with repeal of the obsolete provisions in 41 U.S.C. 409 and 410, which cover the 1983 appropriations and rules for the OFPP.

Section 401–452, Establishment of the United States Board of Contract Appeals. The new consolidated Board will be established in the executive branch and be composed by judges from all the Boards of Contract Appeal (BCAs) and assistant general counsels from the General Accounting Office (GAO) that now hear bid protests. The proposed change terminates all of the existing BCAs in the different departments.

Functions of the new Board include the following:

1. Required to provide alternative disputes resolution services for contract disputes.
2. Adjudicate contract disputes under the Contract Disputes Act (CDA).
3. Resolve bid protests through use of the following procedures: may consider all relevant evidence; preponderance of the evidence standard; has authority to suspend procurement pending protest; costs can be paid to U.S. on frivolous protests; successful protestor can be awarded costs; and nonexclusivity of remedies. A contractor can still protest to an agency, a District Court or a Court of Federal Claims. However, it repeals authority of the General Services Administration Board of Contract Appeals (GSBCA) and the GAO to hear protests.

We have no opinion on these sections since it is unclear if efficiency or costs savings will result from this proposed legislation, and we have no basis to make such a determination.

Second, the Clinger amendment allows a simplified acquisition procedure for the purchase of these so-called commercial products no matter what the dollar value. Last year we passed a landmark bill with bipartisan support that raised the threshold for simplified procedures to $100,000, thus allowing officials to purchase basic goods like salad dressing or paperclips without undue red tape.

This amendment would eliminate the threshold altogether, and while I might, in fact, support raising the threshold, I cannot in good conscience support eliminating the threshold and thereby depriving the taxpayers of the assurance that when it buys a multimillion-dollar product the American people are still getting the best possible product at the best possible price.

The Department of Defense's inspector general has strong reservations concerning the Clinger amendment's definitions of commercial items because there is no definition for established prices for commercial services afforded other customers, a determination of lower prices cannot be made and, therefore, may end up costing more for the Government. The IG's concern underscores mine that waiver of full and open competition is available for products and services within the broad spectrum of the term commercial items.

The term simplified procedures only tells procurement agents that they need to have competition to the maximum extent practicable. This is a far cry from a requirement for full and open competition when buying a multimillion-dollar item. Waiving a requirement of full and open competition may be fine for small purchases, but I believe that allowing contracting officials to spend as much taxpayer money as they want with limited competition may lead to serious problems.

Also of major importance is the process under which we are considering the Clinger amendment on the floor today without a markup or even a committee report explaining the provisions of this legislation. In fact, Mr. Chairman, when a bill of this magnitude and complexity is brought directly to the floor, it can only raise the suspicion in the minds of the public that we might be trying to push something through that cannot stand the scrutiny of public debate.

I am certainly confident that everyone concerned has the best interests of the Nation at heart, but strange procedures like this will lead to questions however unjustified, when the subject is how $200 billion will be spent.

Let me be clear that there are many provisions of this amendment that I do support, including those that I drafted to improve the acquisition work force. I thank the chairman, the gentleman from Pennsylvania [Mr. CLINGER], and his staff for working closely with the gentlewoman from Illinois [Mrs. COLLINS] and myself and for accepting many of our amendments.

□ 1100

The acquisition work force, a major thrust, is needed because a major thrust of almost all recent procurement reform is placing more responsibility and decisionmaking power with the front-line procurement official, the contracting officer. But at the same time we are giving more responsibility to those officials, we are also witnessing a significant downsizing of the work force. Therefore, these reform initiatives will be successful only if we have a highly trained and motivated corps of professionals.

Currently, there are no professional requirements for contracting officers; in fact, one need not have a college education even though they are making decisions about how to spend millions of taxpayer dollars. For the first time, we will have mandatory qualifications that include a requirement that contracting officers, at a minimum, possess a college degree. But while these changes will make this a better amendment than before, the fact that the Clinger amendment weakens full and open competition for Federal contracts makes it impossible for me to give my support.

As I said earlier, the simple fact is that the best protection that the taxpayers have against the danger of waste and corruption in procurement is the requirement that contracts be awarded using competitive procedures. This ensures that the American people get the best product for the lowest price, but by removing the requirement for competition and replacing it with some nebulous definition of "maximum extent practicable," we are only inviting lawsuits and other trouble for the American taxpayer.

I will discuss some of these issues further in supporting the amendment which the gentlewoman from Illinois [Mrs. COLLINS] will offer to the Clinger amendment to remedy some of these flaws. Under different circumstances and with a few fundamental changes, the Clinger amendment could represent an excellent second step to follow the changes made last year by Congress and those made by Vice President GORE, but until those changes are made, I must oppose the amendment.

Mr. CLINGER. Mr. Chairman, I yield 4 minutes to the gentleman from New Hampshire [Mr. ZELIFF], a very valued member of the committee and supporter of this amendment.

Mr. ZELIFF. Mr. Chairman, I rise in support of this amendment to the defense authorization bill to cut redtape and simplify the Federal acquisition system. For too long, Federal procurement has meant costly, time-consuming regulations that waste millions of taxpayers' dollars. This amendment takes a much-needed giant step toward reinjecting both common and economic sense into the Federal acquisition process.

I am proud to join as a cosponsor of this amendment with the distinguished chairman of the Government Reform and Oversight, National Security, and Budget Committees, respectively, as well as my distinguished colleague from New Hampshire, Congressman CHARLIE BASS. Chairmen CLINGER, SPENCE, and KASICH—and their staffs—deserve tremendous credit for forging this consensus amendment.

It is important to note that this amendment has the support of the committee chairs charged with reforming and cutting the size of Government, with authorizing our military with the means to secure our Nation, and with cutting our Federal budget.

In short, this amendment cuts Government waste, enhances national security, and makes financial sense. Clearly, the time is now to pass this amendment.

When it comes to acquisition reform, we appropriately should focus on the Department of Defense. DOD spends nearly 80 percent of the roughly $200 billion per year spent by the Federal Government on good and services. That is nearly $160 billion a year.

Under the current acquisition rules, DOD pays an additional 18 to 19 percent in costs generated by existing redtape. That is an added $28 to $30 billion in unnecessary costs per year—that leaves a lot of room for improvement.

This amendment goes a long way toward cutting those unnecessary costs by building on the reforms passed last year in the Federal Acquisition Streamlining Act [FASA] of 1994.

Chairman BILL CLINGER led the fight to pass those reforms last year—the first in nearly a decade—as he is leading the fight this year to continue the job.

Today's amendment will give the taxpayer more bang for the buck. It requires more efficient competition, expanded use of off-the-shelf commercial products, results-oriented performance incentives, and streamlining of the dispute resolution and bid protest process.

When you have a system as bloated and inefficient as the Federal acquisition system, even today's reforms may not be enough. While scuttling the system all together may be tempting, I would urge my colleagues to support this amendment. It recognizes the need for major reform by requiring dramatic yet prudent change.

I share Chairman JOHN KASICH's concern that the culture surrounding the Federal procurement process, especially within DOD, must be reassessed and fundamentally changed.

As a small businessman, I have learned that at the end of each day, you need to balance your books if you want to stay in business. Our Government and the Federal acquisition process need to be reintroduced to these basic business practices. We need to incorporate these lessons from the private sector. This amendment pushes us in that direction.

Finally, as a subcommittee chairman charged with overseeing the economy and efficiency of DOD, I share Chairman SPENCE's desire to achieve greater efficiency without sacrificing one ounce of security. This amendment cuts costs without cutting military readiness.

Mr. Chairman, today's amendment calls for fundamental change that is long overdue in the Federal acquisition system. Many among us, Republicans and Democrats, have been working to improve the way our Government does business. We are blessed with a wealth of ideas and energy in this Congress.

My fellow colleagues, let us seize this moment and channel our energy into a positive, constructive force. Let us pass this amendment and improve the Federal acquisition system. That is what the American people expect—and I am confident that is what we will deliver.

Mrs. COLLINS of Illinois. I yield 4 minutes to the gentlewoman from Kansas [Mrs. MEYERS], the chair of the Committee on Small Business.

Mrs. MEYERS of Kansas. Mr. Chairman, I rise reluctantly to oppose the Clinger amendment and enthusiastically in support of the Collins amendment. The Clinger amendment does several things. First, it repeals the requirement for full and open competition. Next, the Clinger amendment would permit the use of so-called simplified procedures for the procurement of commercial products without any dollar limitation. Currently, these simplified procedures can be used only for small purchases, those less than $25,000. After implementing regulations are issued on the Federal Acquisition Streamlining Act [FASA] from last year, authority to use simplified procedures will increase to $100,000. Let me repeat, the Clinger amendment would permit the use of simplified procedures for the purchase of commercial products, without dollar limitation.

Mr. Chairman, I am also concerned about the Clinger amendment for procedural reasons. This sweeping procurement legislation should not be considered at the last minute as a floor amendment to the DOD authorization bill. It has had one hearing. It has not had a markup. The sponsor urges that the text of the amendment being considered is merely a placeholder, subject to future revision. I remain concerned, given the changes that this legislation makes and how those changes would affect small business.

In its present form, this legislation, the Federal Acquisition Reform Act of 1995, is a disaster for small business. This legislative alert is now being circulated at the 1995 White House Conference on Small Business, which is taking place this week. I am informed that it is being distributed by the Small Business Working Group on Procurement Reform, which includes NFIB, National Small Business United, the Small Business Legislative Council, and other groups. It expresses great concern about the this legislation and this process. It says that this legislation, now being considered in the form of the Clinger amendment, would take away small businesses' right to bid on contracting opportunities being offered by the government by repealing the full and open competition standard of the 1984 Competition in Contracting Act.

When I was elected in 1984, all during that long, hot summer and fall, all I heard about was the $435 hammers and the $7,600 coffee pots. The full and open competition standard was put in legislation to do away with those and similar sole-source procurement excesses.

Now we are considering legislation to repeal it.

Small business sees this effort as a mechanism to again deprive them of the opportunity to bid. The legislative alert specifically highlights that the legislation before us as the Clinger amendment would repeal current protections requiring a contracting officer to justify the proposed award of a contract through less than full and open competition. The Clinger amendment would repeal statutory protections for the prequalification of contractors. It would repeal the provisions of the Small Business Act that require notice of contracting opportunities in the Commerce Business Daily—or local posting for small purchases—and assure adequate time to submit an offer.

The legislation contained in the Clinger amendment would authorize awards of contracts for commercial items without dollar limitation through simplified procedures currently used for only small purchases. I approve of the use of simplified procedures for commercial items under $25,000 or even under $100,000, but not without any dollar limitation. Under simplified procedures, a person sitting in the Pentagon could make a telephone solicitation of three firms of the contracting officer's choosing, and that would be recognized as competitive.

Mr. Chairman, as a result of last year's Federal Acquisition Streamlining Act, commercial items are broadly defined to include not only items sold in the marketplace, but even unbuilt items that are, "intended to be offered in the future." The Clinger amendment legislation would also broaden the definition of commercial items to cover a broad range of services.

Mr. Chairman, I think that the Clinger amendment locks out small business. The Collins amendment strikes the most egregious provisions of the Clinger amendment. I would urge my colleagues to vote for the Collins amendment and against the Clinger amendment.

Mr. CLINGER. Mr. Chairman, I yield myself 30 seconds to respond.

Mr. Chairman, the task force alert which was referred to by the gentlewoman from Kansas [Mrs. MEYERS] unfortunately, I regret to say, is full of misinformation and disinformation, and I think that may be partially our fault for not have been—but I think we will have an opportunity before we go to markup next week to correct some of the misinformation that is included in that markup, and we will certainly do that. I stress again we are going to markup next week. If there are these problems that are alluded to, we can address those at that time.

Mr. Chairman, I yield 2 minutes to the gentleman from Oklahoma [Mr. WATTS], a member of the Committee on National Security.

Mr. WATTS of Oklahoma. Mr. Chairman, I believe Congress is finally doing something positive for small business. The Clinger-Spence-Kasich amendment to H.R. 1530 slashes bureaucracy and creates an accomodating marketplace environment. It does this by increasing the use of commercial practices, streamlining the lengthy dispute process, and enhancing competition.

It will be easier for the Federal Government to contract with the private sector, easier for the private sector to carry out its responsibilities, and easier for the user—our soldiers, sailors, airmen, and marines—to receive the goods and services necessary to fight and win the battles that lie before them.

Last month, the National Security and Government Oversight Committees held a joint hearing. In that session, a senior official of a minority-owned information technology firm testified that Congress needs to streamline the currently cumbersome and costly acquisition process. This amendment moves us in that direction by eliminating administrative burdens normally associated with the contracting process. For example, the use of cost accounting standards on commercial items would become a thing of the past. Cost accounting standards are complex rules for collecting and reporting costs. How much will this save? Hundreds of thousands of dollars in costs will no longer be paid to company employees and watchdogs whose primary role is to collect, organize, and report costs to government buyers.

We can no longer tolerate the archaic approach at work within the Federal acquisition process. We have before us the opportunity to lower the cost of doing business and expedite deliveries to the military consumer. This chance should not be overlooked. I ask my colleagues to please join me in supporting this amendment.

□ 1115

AMENDMENT OFFERED BY MRS. COLLINS OF ILLINOIS TO THE AMENDMENT OFFERED BY MR. CLINGER, AS MODIFIED

Mrs. COLLINS of Illinois. Mr. Chairman, I offer an amendment to the amendment, as modified.

The CHAIRMAN. The Clerk will designate the amendment to the amendment.

The text of the amendment to the amendment is as follows:

Amendment offered by Mrs. COLLINS of Illinois to the amendment offered by Mr. CLINGER, as modified: Strike out sections 801, 802, 803, and 806 in the matter proposed to be inserted, and insert in lieu of section 801 the following:

SEC. 801. COMPETITION PROVISIONS.

(a) CONFERENCE BEFORE SUBMISSION OF BIDS OR PROPOSALS.—(1) Section 2305(a) of title 10, United State Code, is amended by adding at the end the following paragraph:

"(6) To the extent practicable, for each procurement of property or services by an agency, the head of the agency shall provide for a conference on the procurement to be held for anyone interested in submitting a bid or proposal in response to the solicitation for the procurement. The purpose of the conference shall be to inform potential bidders and offerors of the needs of the agency and the qualifications considered necessary by the agency to compete successfully in the procurement.".

(2) Section 303A of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253a) is amended by adding at the end the following new subsection:

"(f) To the extent practicable, for each procurement of property or services by an agency, an executive agency shall provide for a conference on the procurement to be held for anyone interested in submitting a bid or proposal in response to the solicitation for the procurement. The purpose of the conference shall be to inform potential bidders and offerors of the needs of the executive agency and the qualifications considered necessary by the executive agency to compete successfully in the procurement."

(b) DESCRIPTION OF SOURCE SELECTION PLAN IN SOLICITATION.—(1) Section 2305(a) of title 10, United States Code, is further amended in paragraph (2)—

(A) by striking out "and" after the semicolon at the end of subparagraph (A);

(B) by striking out the period at the end of subparagraph (B) and inserting in lieu thereof "; and"; and

(C) by adding at the end the following new subparagraph:

"(C) a description, in as much detail as is practicable, of the source selection plan of the agency, or a notice that such plan is available upon request.".

(2) Section 303A of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253a) is further amended in subsection (b)—

(A) by striking out "and" after the semicolon at the end of paragraph (1);

(B) by striking out the period at the end of paragraph (2) and inserting in lieu thereof "; and"; and

(C) by adding at the end the following new paragraph:

"(3) a description, in as much detail as is practicable, of the source selection plan of the executive agency, or a notice that such plan is available upon request.".

(c) DISCUSSIONS NOT NECESSARY WITH EVERY OFFEROR.—(1) Section 2305(b)(4)(A)(i) of title 10, United States Code, is amended by inserting before the semicolon the following: "and provided that discussions need not be conducted with an offeror merely to permit that offeror to submit a technically acceptable revised proposal".

(2) Section 303B(d)(1)(A) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253b) is amended by inserting before the semicolon the following: "and provided that discussions need not be conducted with an offeror merely to permit that offeror to submit a technically acceptable revised proposal".

(d) PRELIMINARY ASSESSMENTS OF COMPETITIVE PROPOSALS.—(1) Section 2305(b)(2) of title 10, United States Code, is amended by adding at the end the following: "With respect to competitive proposals, the head of the agency may make a preliminary assessment of a proposal received, rather than a complete evaluation of the proposal received, rather than a complete evaluation of the proposal and may eliminate the proposal from further consideration if the head of the agency determines the proposal has no chance for contract award.".

(2) Section 303B of the Federal Property and Administrative Services Act of 1949 (41

U.S.C. 253b) is amended by adding at the end the following: "With respect to competitive proposals, the head of the agency may make a preliminary assessment of a proposal, and may eliminate the proposal from further consideration if the head of the agency determines the proposal has no chance for contract award."

(e) FEDERAL ACQUISITION REGULATION.—The Federal Acquisition Regulation shall be revised to reflect the amendments made by subsections (a) (b), (c), and (d).

The CHAIRMAN. Under the rule, the gentlewoman from Illinois [Mrs. COLLINS] is recognized for 20 minutes, and a Member in opposition will be recognized for 20 minutes.

PARLIAMENTARY INQUIRY

Mrs. COLLINS of Illinois. Mr. Chairman, I understood that we had 4 remaining minutes on the other discussion. Do I now have 24 minutes remaining?

The CHAIRMAN. The gentlewoman has 20 minutes, in addition to her remaining time.

Mrs. COLLINS of Illinois. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my amendment does three things: First it strikes from Chairman CLINGER's amendment his repeal of full and open competition for Federal contracts. Second, it strikes an unnecessary system of Federal agency verification, whereby agency bureaucrats determine which firms are allowed to bid for Federal contracts. Third, it moves us closer to commercial buying practices, by empowering agency officials to have more open communication with the private sector. My position is supported by the Small Business Administration and the National Federation of Independent Businesses.

The cornerstone of our free enterprise system is full and open competition. The competitive market ensures fair prices to the Government. If a vendor's product costs too much it will not survive. At the same time full and open competition provides the opportunity for all vendors, particularly small businesses, to participate in the Federal marketplace, to be judged on merit. This creates incentives for the development of new and innovative products. Clearly these market forces are essential if we are to position our country for economic leadership into the next century.

Chairman CLINGER's amendment detours from the well-lighted road of full and open competition, and into the uncharted wilderness of maximum practicable competition. While it is unclear from the bill exactly what is meant by this new standard, I am concerned that we will be changing the playing field to significantly limit the ability of small businesses to compete for Federal contracts.

Prior to 1984 Federal agencies used maximum practicable competition to award sole source contracts because agency bureaucrats complained that full and open competition would be too complicated and time consuming. They said it was less risky and more manageable to do business with a few selected vendors, instead of encouraging new and innovative qualified companies to enter the Federal marketplace.

That lack of competition resulted in widespread waste and abuse in every Federal agency. As a result, in 1984, Congress passed the Competition in Contracting Act, which established the current standard of full and open competition which has saved the Federal Government billions of dollars. Now, the same old tired, fallacious arguments which were used to limit competition before we passed the Competition in Contracting Act, have resurfaced with the Clinger amendment.

Now, I can understand why agency bureaucrats would only want competition to the maximum extent practicable. It is certainly much easier and less time consuming to do business with only a few selected well-known big companies. Agency officials get to know the people in these companies, and yes, the old boy network does have its advantages. The question is: Do we really want our country to go backwards as we move into the more enlightened information age? I do not think so; I certainly hope not.

Over the past 5 years many of the major innovative and technological advances that our country has made have come from small businesses. For example, one need only to look at the remarkable rise of companies like Microsoft and Apple computers. Just a few years ago they were new, small companies; today they successfully compete with computer giants like IBM.

Over the next 10 years, 85 percent of all new jobs in the United States will come from small businesses. Such business are in every district of every Member in this House. By returning to Chairman CLINGER's standard of "maximum practicable competition," we will establish procurement policy which locks small businesses out of the Federal marketplace and significantly undermines our Nation's competitiveness.

Joshua Smith, who chaired President Bush's Commission on Minority Business, testified several years ago before the Government Operations Committee that emphasizing subjectivity in awarding contracts creates a "breeding ground for prejudice," because contracting officers, if given the choice, will usually go with a well-established, large firm instead of a small business offering a lower price.

Much of the stated justification for this change in standard is to give agency employees more power to exclude noncompetitive companies; but under the current full and open competition standard most of that authority already exists. For example, under existing law, companies can be excluded: First, if they lack sufficient capital to perform the contract; second, if they lack a satisfactory performance record; third, if they lack sufficient technical skill or experience; fourth, if they are not able to meet the delivery or performance schedule. In addition, Federal agencies have the authority to limit competition under special circumstances.

Giving agencies the further authority to limit competition in noncommercial items is bad public policy. Suppose, for example that a contracting officer decides to cut off competition after receiving three competitive bids and bids four, five, and six were all technically better than any of the first three and offered at a lower price. The Clinger amendment could mean that Federal taxpayers will get stuck with paying higher prices for inferior products. That is not what I call procurement reform.

Several years ago the Federal Aviation Administration ran a noncompetitive procurement known as corn. At the insistence of the Government Operations Committee, the FAA was forced to run a real competitive procurement procedure that actually resulted in a savings of $1 billion to the taxpayers. Under the proposed maximum practicable competition standard, such savings would have been lost.

Now, I agree with Chairman CLINGER that there does appear to be a problem of many companies having technical weaknesses which are evident to the agencies early in the process. However when agency procurement officers fail to so advise these companies of their little chance of winning, in a timely fashion, a lot of their money is wasted in a futile effort to win a contract.

This point was made by Sterling Philips, chief operating officer for TRICOR Industries, who testified at our hearing that:

> Our interests, and those of the taxpayer, would have been served much better by telling us early in the cycle that our solution, or our company, was simply not qualified to win.

There also seems to be a problem with the lack of dialog between agencies and businesses prior to bidding. In the private sector, buyers and sellers talk to each other all the time. In the Federal Government we limit that discussion.

Mr. Edward Cypert, vice president of TRW clarified this problem when he testified:

> It seems like when we have an opportunity to sit down and discuss the requirements and to find what the requirement base is going to be where, we understand it on both sides. Both what is going to be imposed and what is going to be built leads us into a position where not only is the process shortened, but the response is better, it is more on target, you can get to the price and the performance that you want.

I agree with these two industry concerns. Therefore, my amendment provides for prebid or preproposal conferences which should disclose as much information as possible regarding the qualifications necessary to successfully win a contract.

In order to give companies a better understanding of how agencies will evaluate bids, my amendment would require that solicitation describe the agency source selection plan in as much detail as practicable. If companies are better informed about how bids will be evaluated, they will be better able to give the Federal Government exactly what it needs and at the best price.

Finally, my amendment empowers Federal agencies by giving them the authority to eliminate from cost and technical discussions and evaluations any proposal that clearly has no chance for award. In this way companies should be informed early in the process that they have no chance to win a bid. This will cut down on time and significantly reduce costs.

Mr. Chairman, full and open competition is the key to efficiency and fairness in Federal procurement. it creates a level playing field upon which all qualified vendors, particularly small businesses, have a fair chance to compete for a share of the hundreds of billions of dollars spent by the Federal Government in procurement each year. In return, the Government receives the maximum benefit from the innovations and expertise offered by companies large and small. We should maintain this standard, and make the targeted changes contained in my amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. CLINGER. Mr. Chairman, I claim the time in opposition to the amendment.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. CLINGER] is recognized for 20 minutes.

Mr. CLINGER. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. FOX].

Mr. FOX of Pennsylvania. Mr. Chairman, I rise in opposition to the amendment being offered by the gentlewoman from Illinois. Her amendment, although well intended, is misdirected in that it seeks to address in piecemeal fashion, and with process-oriented requirements, the restrictions that have been imposed upon the acquisition system by the current rigid competition standard.

Unfortunately, the amendment misses the point. There is simply no need for any of the patchwork provisions in this amendment if the source of the problems—the current competition standard—is addressed as it is in the Clinger-Spence-Kasich amendment.

Once again, Congress is striving to make the system work better and cost less, not impose more inflexibility upon a system already filled with too many exceptions to its rules. If we provide the needed flexibility as proposed by the Clinger-Spence-Kasich amendment, there will be little need for more legislative fixes.

I respectfully urge my colleagues to vote "no" on the Collins amendment.

Mrs. COLLINS of Illinois. Mr. Chairman, I yield 6 minutes to the gentleman from South Carolina [Mr. SPRATT].

Mr. SPRATT. Mr. Chairman, I spent 2 years of my life in defense procurement and what I learned mostly is how little I know. But I do know this: I would tread lightly when departing from the standard of full and open competition. So I rise to raise a caution flag as to the language in the bill before us and to commend the gentlewoman from Illinois [Mrs. COLLINS] our ranking member, for the amendment she is now offering, which I support.

For those Members of this body who do not remember the passage of CICA, who were not here, CICA is the Competition in Contracting Act, I think it is important to recall some of its successes.

CICA was a landmark piece of legislation which originated in the Congress, and originated in response to widely perceived abuses in the defense procurement arena which I need not enumerate here. CICA said in effect if we can have full and open competition, that we do not have to have post-award audits, because we can tell the public this has been vigorously competed and awarded in that manner. So it narrowed the exceptions to the use of full and open competition from 17 to 7. It required competition advocates to be established at each procurement activity as a way of checking routine use or abuse of any one of the exceptions to full and open competition. In effect, these advocates also served the role of breaking the code on how to do business with the Defense Department for firms that have not been bidders in the past. It required that notices of intent to procure be published daily in the Commerce Business Daily so that industry as a whole, the whole spectrum, would know of upcoming procurements, not just some selected groups. It reformed the protest procedure so that losing bidders could self-police the system, make it more competitive.

What are the results after about 10 years?

□ 1130

As a result of CICA, the Competition in Contracting Act, the Navy more than doubled the annual value of its competitive awards going from $9 billion in fiscal 1982 to $21 billion in fiscal 1994. The Army increased the percentage of its competitive actions from 40 percent in 1982 to 88 percent in fiscal year 1994. At a time when the investment accounts, procurement and R&D were declining, those are significant results, Mr. Chairman. I would not like to see us make the mistake today of turning back from this vigorous competition which we have been able to build into our system.

Yet we have here before us an act which uses a new term, maximum practicable competition. I am told it was used in prior law. But when the gentlewoman from Illinois [Mrs. COLLINS], as the ranking member, was going through this legislation in the process of the first hearing on it and she simply asked a question for starters to the board of industry people who were testifying, what does it mean, not one of them could articulate a definition that was usable in practice.

Then it provides, in addition to narrowing down competition from free and open to maximum practicable, it provides for a verification system so that certain contractors will become select contractors, and an elite set, a club of contractors. That is a very important and potentially dangerous step. It is potentially a move away from free and open competition all the way to cartelization. This is not streamlining potentially. It is potentially setting up a cartelized club of competitors, the established defense contractors.

So I ask the question: What is the definition? What are the criteria for getting in this select club, being a verified contractor? Once again, we could not get from the witnesses before us an elaboration of what this meant. It is all left to the discretion of the procurement agencies.

Let me tell you, we have found in the past that these procuring officers and these procuring activities and these procurement agencies do indeed wanted to streamline what they do. They would like to simplify. Vigorous competition comes down as a burden on their back to bear. They like to make it as simple and direct as possible.

But we have to be careful here that, as we move to streamline, before just willy-nilly putting provisions like these in the code and turning back on something that has worked well, we will move, I fear, from competition to cartelization.

There are other things in here: commercial exceptions for commercial buying which I support but we need better definition. We are moving away from using GAO and the dispute resolution process to a new appellate procedure. I have not any idea whether that is a good idea or not. I will say to the chairman I was there until midday with the hearing, I could not stay for the rest of the hearing. It may well have been worked out then. I am not criticizing him or the committee. I am simply raising a caution flag saying, let us be diligent, let us be careful, let us do the right thing here.

Our objective in this bill and in the years ahead is to defend the country for about $250 to $260 billion. That is a lot less money than it used to be, but it is still a lot of money. If we are not—we simply cannot do what we need to do, fund four military services, if we spend the money the way we spent it in the 1980's. We have to spend it smarter than we did in the 1980's. We should take care here that we do not build into title 10 of the code a bias toward high cost contractors who bid without the fear or discipline of rigorous competition and charge us more than we have to pay, or we will undo the whole quest that lies before us in this bill.

So the gentlewoman and I are saying is that, when we go into the markup, I support the gentlewoman's amendment, I think it is a substantially positive improvement to this bill and hope everybody will vote for it. But as we go into the markup of this bill, I think it still needs a thorough scrubbing.

Mr. CLINGER. Mr. Chairman, I yield 1 minute to the gentleman from Georgia [Mr. CHAMBLISS], a very excellent freshman member of the Committee on National Security.

Mr. CHAMBLISS. Mr. Chairman, I rise in opposition to the Collins amendment.

Mr. Chairman, the Clinger-Spence acquisition reform amendment will finish the job begun by the Congress last year. Consider the changes proposed by the amendment:

Changing competition requirements so that they are reasonable, establishing commercial-like procedures for Government procurement, reforming procurement integrity so that it no longer stifles the process—making American companies more competitive on the international market—streamlining the burdensome certification process, and consolidating the many dispute resolution mechanisms into a single review board.

These are all commonsense answers to the very real problem of red tape and an overly bureaucratic procurement process. This Congress is finally applying real-world family and business practices to our budgets and our administration of Federal programs. Why not apply these standards to Federal purchasers?

I commend Chairmen SPENCE and CLINGER for working so hard to bring this needed change to Government. Support the Clinger-Spence amendment.

Mrs. COLLINS of Illinois. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York [Mrs. MALONEY], the ranking member of the subcommittee.

Mrs. MALONEY. Mr. Chairman, I thank the gentlewoman for yielding time to me.

Mr. Chairman, I rise in strong support of the Collins amendment.

This amendment preserves the standard of full and open competition in Federal procurement, but it does so while adding needed reforms to the process, which bring Government acquisition closer to commercial buying practices.

Full and open competition is at the heart of the free-market system. In the Federal procurement process, it guarantees that the Government gets the best value for the goods and services that it purchases. The full and open competition standard has been law for over a decade. It was enacted as part of the Competition in Contracting Act of 1984. That bill was a response to the fraud and abuse which characterized Federal procurement at the time.

We all are familiar with the scandals of the late 1970's, the $1,000 hammers, the $500 scarves. Chairman CLINGER's amendment would replace the full and open competition standard with something called maximum practicable competition. What is that? In fact, not one witness at the only hearing held on the legislation could define what maximum practicable competition meant.

I find this lack of definition extremely troubling. How can we debate something when we do not even know what it means?

Mr. Edward Black at our hearing on this amendment called this lack of definition, and I quote, "a breeding ground for litigation."

Which is hardly simplified procedure.

Doing business with only a few well-known firms is certainly easier than considering all responsible sources, but such a system would certainly cost the American taxpayer money in the form of higher prices. Adopting the proposed standard of maximum practicable competition would also make it much harder for small businesses to compete for Government contracts.

Small businesses make up the heart of our economy, generating 85 percent of all new jobs. Putting small businesses at a disadvantage in the Federal procurement system is not only unfair, it makes no economic sense.

Mr. CLINGER. Mr. Chairman, I yield 2 minutes to the gentleman from New Hampshire [Mr. BASS], another valued freshman member of our committee and a strong supporter of the Clinger amendment.

Mr. BASS. Mr. Chairman, I rise in opposition to the amendment offered by the gentlewoman from Illinois and in favor of the Clinger-Spence-Kasich amendment as it has been originally offered.

The Collins amendment strikes three of the four sections in the Clinger-Spence-Kasich amendment and waters down the remaining section, section 801. The provisions of the original amendment that we are considering here today are not new. They have been around essentially in their present form since the mid-1980's. As it is, we have debated now the concept of trying to make it possible not only to have competition in procurement but to allow for normal business people like me or anybody else to be involved in the process. The fact is, that the Clinger-Spence-Kasich amendment provides flexibility for vendors and buyers. It eliminates delays in procurement, and it reduces the overall cost of a $200 billion procurement system that we have in place today.

What the Collins amendment would do would go back 90 or 98 percent of the way to the present system that we have today. I would submit to my colleagues that the arguments that we hear about increased competition are really the results of micromanaging. What happens is that we cannot compete unless we have experts and professionals who know how to deal with the cumbersome and difficult process. Although it may seem like we are loosening up the rules, what we are in effect doing is providing this needed flexibility so that more people can become involved in the process.

The fact is that we, the sponsors of the Clinger-Spence-Kasich amendment, believe that individuals should have more flexibility to set the rules so that more individuals can compete in the process and that we can reduce the costs and get more vendors involved in the process in the first place.

So it is for this reason that I rise in opposition to the Collins amendment and in strong support of the Clinger-Spence-Kasich amendment.

The CHAIRMAN. The gentlewoman from Illinois [Mrs. COLLINS] has 2½ minutes remaining, and the gentleman from Pennsylvania [Mr. CLINGER] has 16 minutes remaining. The gentlewoman from Illinois [Mrs. COLLINS] has the right to close.

Mr. CLINGER. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. HUNTER], a leader on the Committee on National Security.

Mr. HUNTER. Mr. Chairman, I thank the gentleman for yielding.

My colleagues, for those who have complained about the $600 hammer, you are buying the $600 hammer today. You are paying for it. The difference is you are paying for part of it from the vendor and you are paying for the rest of it in the 300,000-person army that is the Pentagon bureaucracy that oversees this so-called competition.

We are only spending about $40 billion a year in major weapons procurement. We are spending $30 billion a year, almost as much, in this army of personnel who are needed to oversee this very complex, heavily-regulated paperwork heavy system that we have created. So you are buying a $600 hammer, do not fool yourself. You are buying it right now.

That means when you buy an aircraft that cost $200 million, you pay the Pentagon $100 million for the service of purchasing the aircraft. We are not going to be able to cut down this army, which is incidentally twice the size of the U.S. Marine Corps, if we do not cut the corresponding amount of paperwork at the same time.

Please defeat the Collins amendment.

Mr. CLINGER. Mr. Chairman, I yield 3 minutes to the gentleman from Virginia [Mr. DAVIS], chairman of the Subcommittee on the District of Columbia and a very valued member of the full committee.

Mr. DAVIS. Mr. Chairman, I thank the gentleman for yielding time to me.

I rise to speak today to oppose the Collins amendment. I do not think I have heard so much misunderstanding or misinformation about any amendment in my brief tenure here in the House as I heard today.

I was a procurement lawyer for 15 years for both small businesses and large businesses, general counsel for each. And this has nothing to do with the $7,000 toilet seats or the $600 hammer. Some of these came well after the 1984 CCA Act and Procurement Integrity Act to try to get at those later. I am happy to see both sides are going to agree that those ought to be repealed here today.

The rhetoric here today has been that this legislation hurts small business and that the Collins amendment somehow fixes this by restoring us back to the status quo.

Actually, I think the opposite is the case. Proponents of the amendment will argue that it leads to more sole sourcing. We have got plenty of sole sourcing right now. Nothing in the Clinger amendment also allows or permits, let alone mandates, that a company be excluded from competition because of its size.

You can be eliminated because of your capability, but that is in the current law as well. That happens under current law and the Collins amendment as well. So if a company is not in the competitive range, the key here is that this defines that competitive range a little earlier. But any small business who wants to bid has ample access to the competition under this bill.

Nothing here states or allows or mandates that big companies, well-known big companies bid on these projects and not small companies. That is just rhetoric. There is nothing here that states that or indicates that at all.

□ 1145

The current code has seven justifications or exceptions to allow sole source, but you can still have it, and we do very often. Under the Clinger amendment, we still have approvals and justifications for the sole source here, but what we have done, instead of pages of statute going through this, we give the contracting officer more discretion, and that contracting officer's discretion is then subject to review as well. So there are plenty of protections for businesses who think they are in the competitive range but are found otherwise by the contracting officer.

The standard of the Clinger amendment is a dynamic one, not a statutory, static-driven one. We talk about reinventing Government and empowering the employee at the window or at the customer service desk to make the decisions. That is what the Clinger amendment is all about. That is what the Collins amendment eliminates.

The issue, really, is, one, who is better equipped to handle complex, diverse, and specialized procurements, a one-size-fits-all Federal statute, or the Government buyer who is responsible for procuring a specialized service with a dwindling agency budget and procuring it within that budget?

Small businesses and large businesses waste millions annually chasing rainbows, going after procurements that they cannot perform or that they cannot possibly win due to misinformation and by opening up the process to an extent early on that forces them to spend money, where if they knew more, they probably would not get into it. They are going after contracts they do not have a chance to win.

Getting that word earlier in the process is good public policy, and it is good for business, all business, large business, minority businesses, small businesses. Passing the Collins amendment is a return to a longer procurement process, a more costly procurement process, for Government and for business, and more bid protests and delays in final awards. That is a step backward at this time, when we are tightening our belts at the agency level, the Federal level, and it is also a step backward for businesses who want to go after meaningful competition and go after contracts that they can afford to compete in and win.

I think this is an outstanding acquisition reform amendment of the gentleman from Pennsylvania [Mr. CLINGER] and the gentleman from South Carolina [Mr. SPENCE], and I am happy to support it as it is, and I oppose the Collins amendment.

Mr. CLINGER. Mr. Chairman, may I inquire of the gentlewoman from Illinois if she has additional speakers?

Mrs. COLLINS of Illinois. I would say to the gentleman from Pennsylvania, I have one additional speaker, and I would like to close after the gentleman has finished.

Mr. CLINGER. The gentlewoman has one additional speaker and then she will close?

Mrs. COLLINS of Illinois. I have one additional speaker that will close.

Mr. CLINGER. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Massachusetts [Mr. BLUTE], a member of the committee.

Mr. BLUTE. Mr. Chairman, I rise today in opposition to the Collins amendment, and urge my colleagues to vote against it. The amendment furthers the notion that Congress is in the business of micromanaging the operations of the executive branch and dilutes the fundamental reforms included in the Clinger-Spence-Kasich amendment. The Clinger-Spence-Kasich amendment would provide the much-needed flexibility to Government buyers to seek meaningful competition among sources who meet or exceed the government's requirements. To do this, we are eliminating much of the current maze of statutory requirements and restrictions which, over the years, have been imposed on our government purchasers.

To some, this is alarming—we are moving away from a well-known system to one that requires thought and creativity. We expect our Government buyers to make rational business judgments instead of blindly following arcane procedures when making purchasing decisions.

Unfortunately, Mrs. COLLINS' amendment would counter our drive to streamline and simplify the system. Instead, her amendment adds more requirements and more direction and more micromanaging.

Mr. Chairman, I urge my colleagues to vote "no" on the Collins amendment and to support the Clinger amendment.

Mr. CLINGER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I must reluctantly rise in opposition to the amendment of my ranking minority member, the gentlewoman from Illinois [Mrs. COLLINS]. I certainly am very grateful and appreciate her willingness to address the problem. She has made a very good faith and a very instructive effort to address the problem within the procurement system, and I also commend her for her sensitivity to issues which were raised at the hearings. However, I cannot support the approach. I think this does represent a fundamental difference in dealing with this question of acquisition reform.

The Clinger-Spence-Kasich amendment would provide, I think, very much needed flexibility to Government buyers to maximize competition in a way that is consistent with their particular and unique requirements. To do this, we would eliminate much of the current underbrush, thicket if you will, of statutory requirements and restrictions which over the years have been placed on government purchasers.

To some, I can understand, this is alarming. We are moving away from a very well-known system to one that requires perhaps more thought, more creativity, would eliminate sort of the knee-jerk reaction to look at the regulations and say "This is what we have to do." We will now be expecting our Government buyers to use their heads, their heads, instead of a rule book while making purchasing decisions. I think the Clinton administration would call this empowering of the Government work force to do their jobs.

This is what we have tried to do in this amendment, stop micromanaging, stop trying to predict everything that a purchaser might have to deal with, give them some flexibility to ensure that the Government gets its money's worth.

Unfortunately, the amendment of the gentlewoman from Illinois would strike from our amendment all the provisions which eliminate the statutory underbrush and drive the fundamental changes. Instead, her amendment really adds more of the same, more requirements and direction to the government purchaser. The objective, I think, is meritorious. The objective is one we are both trying to achieve. My only objection is that we are adding additional requirements on the purchaser, things they have to comply with, levels they have to meet before they can make that decision.

Some have raised the issue that our amendment may unfairly exclude small businesses from the Government marketplace. That, Mr. Chairman, is simply wrong. As I have alluded to in the handout from the Small Business Task Force, it is really full of misinformation, and I am hopeful that we can address their concerns and the misinformation which they are promulgating here during the time we have before markup next week.

This will not exclude small businesses from the marketplace. It really is wrong. This amendment does not in any way inhibit small businesses from participating in the Federal marketplace. It does not amend or change any small business, small disadvantaged business, or woman-owned business program. Some would have liked to have addressed those issues, and we did not deliberately, we stayed away from getting into that whole thicket.

It does not eliminate notification of Federal contracting opportunities, and it does not, I would stress again, it does not encourage sole source contracting. Again, while I do commend the gentlewoman from Illinois for her effort, and we have been working in a very cooperative effort on this whole question of procurement reform, both in the last Congress and in this Congress, and I have been very grateful for the cooperative effort that we have seen, I have to oppose her amendment. It is one that we both feel strongly on our sides of it, because it does treat, in my view, symptoms of the problem, instead of attacking its source.

There is simply no need for any of the patchwork provisions that I think are in the Collins amendment if the source of the problem, which is the current competition standard, is refined by the Clinger-Spence-Kasich amendment.

I would just say, Mr. Chairman, that it has been suggested that this is some attempt to sort of backdoor the process, to jam the circuits, to ramrod something through here without due consideration. Respectfully, with regard to some in the full committee's concern about the process, I respect that, but I would just assure all those that have been concerned about that, that is not this gentleman's intention.

My intention is to assure that we will have action on procurement reform in this Congress. I can only absolutely assure myself and the other Members that we will have action on it, if it is included in this bill. If it goes as a freestanding bill, I cannot be assured that the other body will deal with this in that fashion, so the purpose of this is really to establish the fact that we will have action on procurement reform, which I think we all want, that we are all desirous of moving beyond what we did last year.

What I have always committed to, however, is that as we move through this process, and as we go next week to a markup in the committee, that we will have an opportunity to consider these matters further. I have also pledged that if there are amendments as we go through the process, either at the committee, and then the bill will be back here on the floor, I have requested the majority leader to provide time for us to consider this measure as a freestanding bill in this session.

When we have completed the process here, all of the amendments that may be adopted in that exercise will be included, and I would pledge this, and the chairman agrees to that, will be included in any conference report that comes out of the DOD authorization.

I will just reiterate again, this is not an attempt to short-circuit the process, it is not an attempt to defeat the good intentions that people have, it is merely an attempt to ensure that all of us get what we all want, which is procurement reform.

Mrs. COLLINS of Illinois. Mr. Chairman, will the gentleman yield?

Mr. CLINGER. I am happy to yield to the gentlewoman from Illinois.

Mrs. COLLINS of Illinois. Mr. Chairman, I still must express my concern, because the gentleman has said repeatedly today that we are going to take this procurement bill up in committee on the 21st day of June, which is next week. We are talking about procurement now. As far as I am concerned, it is a backdoor procedure, because we have not had a markup on the procurement bill. We have not had a markup on this section of the bill that the gentleman wants to be put into the defense authorization bill.

It seems to me that without having had any kind of markup at all, or when we do go to markup, as the gentleman has said, we will inherit whatever amendments that will have been passed today on procurement as an integral part of the bill which we will be remarking up on June 21 of next week, which is backward. It is not the legislative process that we have always worked on in this House of Representatives. We have put the cart before the horse, and the cart is running away with it.

Mr. CLINGER. If I may reclaim my time, Mr. Chairman, I would just again reiterate that if in fact we are going to make changes, and they may well happen, that I would pledge to the gentlewoman and to all the Members that those changes will be incorporated in the ultimate product that comes out of this process.

Mr. Chairman, I would at this time urge the defeat of the Collins amendment, well-intentioned as it may be, and urge the support of the Clinger-Spence-Kasich amendment.

Mr. Chairman, I yield back the balance of my time.

Mrs. COLLINS of Illinois. Mr. Chairman, I would ask the Chair how much time I have remaining.

The CHAIRMAN. The gentlewoman from Illinois [Mrs. COLLINS] has 2½ minutes remaining.

Mrs. COLLINS of Illinois. Mr. Chairman, I yield 2 minutes to close to the gentlewoman from Kansas [Mrs. MEYERS], chairman of the Committee on Small Business.

Mrs. MEYERS of Kansas. Mr. Chairman, there has been a good debate today, and a lot of comments about $435 hammers, but the fact is that the Clinger amendment does away with full and open competition. And, the Clinger amendment would permit the use of simplified procedures, three phone calls, for commercial items, without any dollar limitation.

The gentleman from Pennsylvania [Mr. CLINGER] said that he will go to markup next week, but he will go to markup if his amendment passes with these provisions already in the DOD authorization bill, provisions which small business opposes. By adopting the Collins amendment, the bill will go to markup, but the House will preserve full and open competition, and eliminate other changes approved by small business.

The Small Business Working Group on Procurement Reform opposes the Clinger amendment. The Small Business Working Group includes NFIB, National Small Business United, the Small Business Legislative Council, the National Association of Women Business Owners, and several other groups.

The Associated General Contractors have written a letter in opposition to the Clinger amendment.

Listen to what they say: "The Clinger amendment as a freestanding bill was introduced May 18 and was the subject of one hearing, which did not include testimony from the construction industry, and has not moved through the markup process. Changing the competition standard away from full and open competition to something less invites potential for subjectivity, favoritism, and abuse. Please, vote "no" on the Clinger amendment. I am sure they would support the Collins amendment, which preserves full and open competition, and would want the Federal Acquisition Reform Act to go to markup with the changes reflected in the Collins amendment.

The landmark Competition in Contracting Act of 1984, CICA, which established the full and open competition standard, and prescribed deterrents to noncompetitive contracting, has increased competition in the award of Government contracts. Prior to CICA 60 percent of Government contracts were sole sourced. Today, more than 70 percent are competitive.

Now the Clinger amendment wants to go back to the pre-CICA standard. Competition increases quality and checks cost growth. Work by the GAO, the Department of Defense IG, and the major DOD buying activities all demonstrate savings averaging 25 percent when a buy is competitive, rather than sole-source.

Evidence of excessive competition has never been established by anything more than isolated anecdotal examples. In contrast, the Advisory Panel on Codifying and Streamlining Defense Acquisition Laws, this is a group comprised of recognized procurement experts from Government and the private sector, which made an 18-month study and an 1,800-page report, that provided the analytical foundation for last year's Federal Acquisition Streamlining Act, specifically reviewed and rejected the idea of abandoning the full and open competition standard.

□ 1200

Mr. Chairman, I would urge my colleagues to vote for the Collins amendment and oppose the Clinger amendment.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. It is the Chair's understanding that the original amendment offered by the gentleman from Pennsylvania [Mr. CLINGER] was in a modified form which was at the desk with the concurrence of the gentlewoman from Illinois [Mrs. COLLINS] pursuant to section 4(a) of House Resolution 164.

The question is on the amendment offered by the gentlewoman from Illinois [Mrs. COLLINS] to the amendment, as modified, offered by the gentleman from Pennsylvania [Mr. CLINGER].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mrs. COLLINS of Illinois. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 213, noes 207, not voting 14, as follows:

[Roll No. 371]

AYES—213

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Barton
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilirakis
Boehlert
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Bunn
Cardin
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Ehlers
Ehrlich
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Forbes
Ford
Frank (MA)
Franks (NJ)
Frost
Furse
Gejdenson

Gephardt
Gibbons
Gilchrest
Gilman
Gonzalez
Gordon
Green
Gunderson
Gutierrez
Hall (OH)
Hamilton
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Houghton
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Jones
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Klink
LaHood
Lantos
Leach
Levin
Lewis (GA)
Lightfoot
Lincoln
Lipinski
LoBiondo
Lofgren
Longley
Lowey
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Miller (CA)
Minge
Mink
Moakley
Mollohan
Montgomery
Morella

Nadler
Neal
Ney
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pomeroy
Porter
Poshard
Rahall
Reed
Reynolds
Richardson
Riggs
Rivers
Roberts
Roemer
Rose
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Skaggs
Slaughter
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Upton
Velazquez
Vento
Volkmer
Vucanovich
Ward
Waters
Watt (NC)
Waxman
Whitfield
Wise
Woolsey
Wyden
Wynn
Zimmer

NOES—207

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Bass
Bateman
Bilbray
Bliley
Blute
Boehner
Bonilla
Bono
Brownback

Bryant (TN)
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn

Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Dickey
Dicks
Doolittle
Dornan
Dreier
Duncan
Dunn

Emerson
English
Ensign
Everett
Ewing
Fawell
Flanagan
Foley
Fowler
Fox
Franks (CT)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gillmor
Goodlatte
Goodling
Goss
Graham
Greenwood
Gutknecht
Hall (TX)
Hancock
Hansen
Harman
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Kasich
Kim
King

Kingston
Klug
Knollenberg
Kolbe
Largent
Latham
LaTourette
Laughlin
Lazio
Lewis (CA)
Lewis (KY)
Linder
Livingston
Lucas
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Molinari
Moorhead
Moran
Murtha
Myers
Nethercutt
Neumann
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Petri
Pickett
Pombo
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Rogers
Rohrabacher
Ros-Lehtinen

Roth
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Visclosky
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Wicker
Williams
Wolf
Young (AK)
Young (FL)
Zeliff

NOT VOTING—14

Bishop
Diaz-Balart
Fields (TX)
Geren
Hastert

Kleczka
LaFalce
Mineta
Myrick
Rangel

Sisisky
Smith (TX)
Wilson
Yates

□ 1223

The Clerk announced the following pair:

On this vote:

Mr. Mineta for, with Mrs. Myrick against.

Messrs. HALL of Texas, YOUNG of Alaska, DUNCAN, ALLARD, and SCARBOROUGH changed their vote from "aye" to "no."

Messrs. BEVILL, ROBERTS, MARTINI, BUNN, GENE GREEN of Texas, RIGGS, and LONGLEY changed their vote from "no" to "aye."

So, the amendment to the amendment, as modified, was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. HASTERT. Mr. Chairman, on rollcall No. 371, I was unavoidably detained.

Had I been present, I would have voted "no."

The CHAIRMAN. The Chair will allocate the remaining time.

The gentlewoman from Illinois [Mrs. COLLINS] has 4 minutes remaining, the gentleman from Pennsylvania [Mr.

CLINGER] has 30 seconds remaining, and the gentleman from Pennsylvania has the right to close.

Mrs. COLLINS of Illinois. Mr. Chairman, inasmuch as my amendment has passed, I have no comments at this point in time and will vote for the Clinger amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. CLINGER. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. CLINGER], as modified, as amended.

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. CLINGER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 420, noes 1, not voting 13, as follows:

[Roll No. 372]

AYES—420

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Klink
Klug
Knollenberg
Kolbe
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Myers
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Reynolds
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Waldholtz
Walsh
Wamp
Ward
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wise
Wolf
Woolsey
Wyden
Wynn
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—1

Martinez

NOT VOTING—13

Bishop
Fields (TX)
Hastert
Kleczka
LaFalce
Murtha
Myrick
Parker
Smith (TX)
Walker
Waters
Wilson
Yates

☐ 1245

So the amendment, as modified, as amended, was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. HASTERT. Mr. Chairman, on rollcall No. 372, I was unavoidably detained.

Had I been present, I would have voted "aye."

The CHAIRMAN. It is now in order to debate the subject matter of ballistic missile defense.

The gentleman from South Carolina [Mr. SPENCE], and the gentleman from California [Mr. DELLUMS] will each be recognized for 30 minutes.

The Chair recognizes the gentleman from South Carolina.

Mr. SPENCE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, H.R. 1530, the National Defense Authorization Act for fiscal year 1996, includes several important recommendations concerning ballistic missile defense. These actions are consistent with the committee's effort to bolster the modernization accounts that have been dramatically underfunded by the Clinton administration after a decade of decline.

First, the bill provides increased funding for theater and national missile defense systems—those designed to protect our troops deployed overseas as well as Americans at home. These additional funds are necessary to accelerate critical BMD programs that have been delayed as a result of significant cuts in the missile defense budget implemented by the Clinton administration over the past 3 years.

Programs that received increased funds include the Navy's theater missile defense systems, the Army's theater high altitude area defense system, and ground-based weapons and sensors that would comprise an initial national missile defense system.

Second, the bill recommends that "affordable" defenses be deployed "at the earliest practical date"—thus, making deployment of defenses a top priority while simultaneously taking into account cost and technological maturity considerations.

Third, the bill calls upon the President to halt the administration's apparent efforts to turn the 1972 Anti-Ballistic Missile Treaty into an ABM-TMD Treaty that would impose limitations on advanced U.S. theater missile defense systems. It also establishes policy to ensure that the ABM Treaty is not used to constrain U.S. theater missile defense programs.

For these reasons, Mr. Chairman, H.R. 1530 represents an aggressive yet responsible response to the growing threat posed by the proliferation of missiles and weapons of mass destruction. It has staked out a supportable and sustainable position.

The Spratt amendment to H.R. 1530, on the other hand, would represent a significant step backward from the committee's bipartisan position. The Spratt amendment would undermine the policy priorities established in H.R. 1530 by elevating compliance with the ABM Treaty to an equal status with the deployment of a highly-effective defense of the United States. In essence it would hold the effective defense of our territory hostage to Moscow's concurrence. A similar amendment was offered in full Committee, and it was defeated on a bipartisan vote of 18 to 33. Therefore, I urge my colleagues to vote "no" on the Spratt amendment.

A second amendment, this one to cut BMD funding, will be offered by Mr. DELLUMS or Mr. DEFAZIO. This amendment would eliminate the carefully crafted funding increases for both theater and national missile defense programs contained in the bill—investments which are specifically targeted toward programs that would provide highly effective defenses.

I strongly urge my colleagues to support the bipartisan committee position and vote "no" on the Spratt and Dellums-DeFazio amendments.

Mr. DELLUMS. Mr. Chairman, I ask unanimous consent to allow my distinguished colleague, the gentleman from South Carolina [Mr. SPRATT], to control 15 minutes of the 30 minutes that have been allocated to me.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from South Carolina [Mr. SPRATT] for 15 minutes.

Mr. SPRATT. Mr. Chairman, I thank the gentleman for yielding this time to me, and, Mr. Chairman, I would like to speak just briefly now, and more detail later, about the amendment I will offer when the time comes. I would like to highlight three reasons why my amendment ought to be supported.

First of all, the language in this bill is ambiguous about full compliance with the ABM Treaty, and I think that is the wrong signal to send to the Russians at this particular time. In the next 3, 4, 5 months the Russian Duma will decide whether or not it will ratify the START II Treaty and take the number of nuclear warheads in its arsenal from around 8,500 down to around 3,500.

Now reduction in 5,000 warheads will have a significant effect on the security of this country and the security of the whole world. There will be reciprocal reductions on all sides. That is a critical development, and we dare not do anything that would jeopardize it. If we rattle the cage, the ABM Treaty, if we suggest that we may be breaking out of it, not now, but in the future, sort of an anticipatory breach, if we send that signal to the Russians, then we will put an even greater risk than it already stands now, the ratification of START II, and that is not a good decision.

Second, by keeping START II on track not only do we improve our national security, we save money. Without START II we will have to keep in place our arsenal of 8 to 10,000 nuclear warheads on the sea, under the sea, on land. We will have to maintain a much larger arsenal, 8,500 warheads instead of 3,500 warheads, and obviously an arsenal with 3,500 warheads is much cheaper to maintain. So, if we are forced by the nonratification of START II to maintain an arsenal that really exceeds our needs, then in order to have strategic symmetry with the Russians we will have to pay substantial money that will come out of readiness, and modernization, and quality of life.

So, a vote for my amendment removes the ambiguity in the bill, does not signal the wrong signals to the Russians, and it means we can maintain a smaller arsenal and have more money to spend on things we need for conventional defense.

Third, by voting for my amendment, which simply calls for compliance with the IBM Treaty, we will not leave this country defenseless as some of the opponents to my amendment have claimed. We can put in a ground-based interceptor that will protect the continental United States. Right now the treaty allows it, and we can amend the treaty in the future to allow for more sites if we feel they are needed for the full coverage of the United States, Alaska, and Hawaii.

I have a letter from Sid Greybill, Nixon's top negotiator on the ABM Treaty, and I will leave it here in the House for any Member who wishes to see it. It has been sent out by "Dear Colleague." Mr. Greybill supports my amendment, and he agrees that we can say fairly the ABM Treaty does not leave us defenseless. By its faults we can deploy a ground-based system which will give us ample defense.

The authors of the ballistic missile provisions in the markup asserted that it was not their intention to break out of the treaty, and I commend them for that. My amendment simply takes them at their word and puts provisions in black and white in this bill which simply say comply with the treaty, and to the extent that we do not find compliance in our national self-interest, then stay within the processes of the treaty and seek amendments, agreed statements and other modifications or changes to it. There is too much at stake to allow ambiguous language to stay in this bill.

I say to my colleagues, "I urge you to support this amendment when it is offered."

Mr. Chairman, I reserve the balance of my time.

Mr. HUNTER. Mr. Chairman, I yield 2 minutes to the gentleman from Colorado [Mr. HEFLEY].

Mr. HEFLEY. Mr. Chairman, many Members may ask themselves, why should I support a defense against ballistic missiles when the cold war is over now? The answer, I think, lies somewhere both in the past and in the future. If we had a better defense against ballistic missiles, American servicemen would not have died in the barracks in Saudi Arabia. If we had pursued more strongly ballistic missile defense, perhaps Israel would not have sat in terror night after night waiting for Scuds as they rained down on them. Make no mistake. We should have learned our lesson in the Persian Gulf war about missile attacks.

Many Members will try to tell us that the threat is gone, that there are no bad guys anymore. There are approximately 30 countries with ballistic missile capabilities. Some of these nations are our allies. Many are unfriendly: China, Iraq, Syria, Iran, Libya, North Korea. Of the 30 nations which have ballistic missile capability, 8 are in the Middle East, and there are hot spots around the world where our troops could be deployed and are being deployed which are in the range of ballistic missiles from hostile countries. There are currently two nations which have the ability, and sometime in the future might even have the will, to launch an attack on the United States. Both Russia and China have this kind of ability.

I used to chuckle out of seeing a bumper sticker that the old nuclear-freeze crowd used to paste on their car. It said, "One nuclear weapon can ruin your whole day." That is the only thing probably that I agreed with them on, but is it not interesting now that the Soviet threat is reduced these naysayers maintain that we do not need defense against that nuclear weapon that could ruin our day.

Rest assured, in the future an enemy can strike either U.S. troops or the U.S. mainland. It has happened before; it will happen again. Be assured that our conscience, those of use that have fought for ballistic missiles defense, should be clear. I hope my colleagues' is, too. Vote against the Dellums-Spratt amendment. Vote for a strong ballistic missile defense program.

Mr. DELLUMS. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. FOGLIETTA].

Mr. FOGLIETTA. Mr. Chairman, I rise in support of the Dellums-DeFazio amendment, which would reduce research and development funding for ballistic missile defense, and redirect these savings to improve the quality of life for our men and women in uniform.

In these tight-budget times, we must prioritize our defense needs, just as we are being forced to prioritize funding for child nutrition programs and education. The Clinton administration budget request is more than adequate to meet our missile defense needs. However, for more than a decade, the housing needs of our men and women in uniform have been neglected. Furthermore, over the years, we have seen an alarming number of American military personnel and their families living in hovels and forced to apply for food stamps.

As a member of the Military Construction Appropriations Subcommittee, I have been proud of the work of Chairman VUCANOVICH and ranking member BILL HEFNER to improve the quality of life for our men and women in uniform. This should be our No. 1 priority.

I urge my colleagues to fund our troops and their families' earthly needs before we spend more money in the heavens.

Mr. SAXTON. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio [Mr. HOKE].

Mr. HOKE. Mr. Chairman, up until quite recently we have never in our history intentionally rendered ourselves defenseless to devastating attacks as a matter of national defense policy, yet that is precisely what we did when we signed the ABM treaty in 1972 which made it illegal for the United States to defend itself against ballistic missile attack. Since that time we have also engaged in an unspoken national policy of not disclosing that strategy plainly to the American people.

Now, while that strategy of defenselessness as defense may possibly have been arguable in 1972, when we had only one, or perhaps two, ICBM nuclear-capable enemies, it is utterly without merit today when missile strikes can come now or will soon be capable of coming from any number of nations, 25-plus at last count. In the not-so-distant future it is not only conceivable, but frankly predictable and probable that self-appointed warlords from all over the world will be so armed and will be able to deliver warheads from mobile launchers in remote locations or from sea-based platforms, leaving no calling card to positively identify or verify the attackers.

□ 1300

Even if you can actually convince yourself of the validity of mutually assured destruction as a legitimate destruction strategy, it goes all to hell if you cannot identify the aggressor and do not know against whom to retaliate and whom to destroy. But suppose we did know who to destroy. Do we really want to depend on a strategy that trades New York or Los Angeles for Pyongyang, Damascus, Baghdad or Tehran? Would the American people really support such a policy?

All of which is to say that the policy of mutually assured destruction, or MAD, is just exactly that, and will be viewed in the long sweep of history as a particularly dumb idea which held sway under peculiar circumstances for a very brief period of time.

What is unconscionable is that the public has intentinally been kept in the dark, indeed defrauded of its right to know, that all of America, particularly her largest cities, are now the beta site for a bizarre experiment in national defense strategy that is right out of Dr. Strangelove.

Which brings me to the crux of the ethical issue, namely that it is just plain wrong to put the lives of a quarter billion Americans at risk to satisfy an outdated and outmoded treaty that most Americans know nothing about. The fact is that a substantial majority of U.S. citizens believe we have a complete and effective national defense against ballistic missiles and actually find it hard to believe that that is not the case when they are told otherwise. Who can blame them? Even the title of the ABM gives the false impression it is a treaty limiting ballistic missiles, when in fact it only forbids us to defend against them.

The question we should be asking is knowing the circumstances that exist in the world today, would we, de novo, without an ABM treaty, enact the ABM treaty that is on the books?

Mr. SPRATT. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. KENNEDY].

Mr. DELLUMS. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts.

The CHAIRMAN. The gentleman from Massachusetts [Mr. KENNEDY] is recognized for 3 minutes.

Mr. KENNEDY of Massachusetts. Mr. Chairman, sometimes I wonder why we get ourselves into a partisan debate on an issue that seems to be so clear. The fact of the matter is that I am sure Democrats and Republicans alike, if in fact there was a real threat to this country through an all-out attack by other countries that we could realistically stop, both Democrats and Republicans would provide the funding that is necessary to stop it.

The reality is, that is not the situation. Certainly you can make out countries like Iran and Iraq and Syria and others to have the capability of launching a nuclear attack against the United States. All of our intelligence agencies suggest that that day is a long, long way off. You can spend billions of dollars of U.S. taxpayer money to prevent a threat that currently does not exist, or you can think about where you should spend your money effectively and use those dollars to deal with the real threat that this country has.

There is the capability before us today to sign a treaty that will eliminate by the stroke of a pen 5,000 nuclear warheads aimed at the United States of America. Why not do it? You say that you are tantamount to agreeing with the Spratt amendment that we are going to stay within the ABM treaty. But then speaker after speaker comes up here and argues why we should not stay in compliance with the ABM treaty, and it is President Bush, not President Clinton, that recognizes the direct linkage between ABM and START.

If you want to reduce the nuclear threat to the United States, stay within the ABM treaty. It makes sense. If in fact we get to a point where we need to look at increased threats from other countries, from rogue nations and the like, this process that has been put in place by this bill allows us, down the road, to deal with those threats. But let us not create monsters on paper or in the minds of the American people that simply do not exist according to our own intelligence data. Let us come up with the kind of defense that we need.

Mr. Chairman, I also want to suggest that in this bill, we have the capability of dealing with another issue that once again deals with the perceived threat versus the real threat. We are increasing over and above the request from the administration by over $1 billion the money that goes into national missile defense systems. This is a threat that again is not borne out by the reality of what our intelligence networks indicate.

We have a real problem with troops from this country that are having to go on food stamps and live at below-standard housing because we do not simply give them enough money to live on. Let us adhere to what the gentleman from California [Mr. DELLUMS] has attempted to do with the gentleman from Oregon [Mr. DEFAZIO], and take a few of the dollars that are going into a threat that does not exist and put them into the real needs of our troops so that we can have a strong military threat when it comes to the real indications that our intelligence networks tell us are our threats today. That is what I think we should do.

Mr. HUNTER. Mr. Chairman, I yield myself 1½ minutes to respond to my friend from Massachusetts.

Mr. Chairman, let me just tell my friend it was Mr. Woolsey, who was the director of CIA for this President, a Democrat President, who said that within 10 years there would be a number of nations that had the ability to deliver intercontinental ballistic missiles to the United States. As the gentleman knows, who watched the Patriot missile being developed in his own State, it was started in 1962, I believe, and delivered for the battlefield shortly before Desert Storm, it takes about 10 years to develop a missile system, and especially a complex antimissile system. So the first question I would ask the gentleman is, Does it not make sense to start developing systems now, if in fact you think the threat will be there in 10 years?

Mr. KENNEDY of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from Massachusetts.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I do not think it makes sense for us to be developing the system. I think it certainly makes sense for us to research the system. But why buy a system off the shelf today?

Mr. HUNTER. Mr. Chairman, reclaiming my time, let me just complete my point. My point is it does not take 10 years to just research a system. It takes 10 years to research and build a defensive system. So if you do not start now, if you are going to have the threat in 10 years, you cannot just have bare research at the end of 10 years. You have to have something in place when that missile is launched. That is the point that I am making. That means it is logical to start building a defensive system at this point.

The last thing I would say is in 1987 a number of Republicans on the committee wrote the Nation of Israel, we wrote their defense minister. We said in a short period of time, at some point you are going to have Russian-made ballistic missiles from an Arab neighboring country coming into your country. We could not get any Democrat Members to sign it. We wanted it to be a bipartisan letter. They said the same thing you said, it is unrealistic. It was realistic, and a few years later it happened.

So I think the tradition in this body has been to underestimate the speed of technology and technology implementation by our adversaries. That is my point.

Mr. Chairman, I reserve the balance of my time.

Mr. DELLUMS. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY of Massachusetts. Mr. Chairman, I appreciate the gentleman from California yielding.

Mr. Chairman, my point is that, as I understand the intelligence networks' estimates, they say it would be a minimum of 10 years. Not in 10 years, they say a minimum of 10 years. The fact of the matter is that we are making great strides in our research programs that indicate that we will be able to put together a much more sophisticated system down the road apiece, maybe 2 or 3 years from now.

In the interim, as the gentleman from South Carolina [Mr. SPRATT] has indicated, it is very possible to deal with the short-term threat that is being posed by these renegade nations. None of them have the capability at this time of directly threatening the United States. The only one, as I understand it, would be China with a very small arsenal, which we could defend with less than 100 missiles.

So it seems to me that if you are going to deal with the real threat, you have a very clear path as to what you should do. If you are going to try to make a monster and then throw defense dollars at it, we can do as the gentleman from California is suggesting. I would deal with the real threat rather than the perceived threat.

Mr. HUNTER. Mr. Chairman, I yield 30 seconds to the gentleman from Pennsylvania [Mr. WELDON] for a response.

Mr. WELDON of Pennsylvania. Mr. Chairman, we are going to have to respond to these points as they are made on the floor. I have here articles in color, produced by the Russians in color, showing the missiles they are currently offering for sale. On the open market at the Abu Dhabi show, they offered the SS–25.

Mr. Chairman, for those who do not know what the SS–25 is, it is the 11,500-kilometer range missile that is the primary carrier of their nuclear weapons. They do not offer the nuclear weapons, but the architecture. The Israelis have already tried to launch a satellite using the SS–25. Any country that gets the SS–25 can hit any city in America with a chemical, biological, or conventional weapon. That is the threat, and it is real and it is today.

The CHAIRMAN. The gentleman from California [Mr. HUNTER] has 19 minutes remaining, the gentleman from California [Mr. DELLUMS] has 11½ minutes remaining, and the gentleman from South Carolina [Mr. SPRATT] has 9 minutes remaining.

Mr. DELLUMS. Mr. Chairman, I yield myself 5½ minutes.

First, I appreciate the comment by my colleague from Pennsylvania, Mr. WELDON. The gentleman and I have worked very closely together. I would simply say to the gentleman that when you lay out these arguments, it is precisely that side of the aisle that reduced funding for Nunn-Lugar that is designed to dismantle these nuclear weapons. So it is not, it seems to me, the height of responsibility to continue to attempt to frighten American people without dealing with the reality. Let's establish some reality here.

We have already spent, Mr. Chairman, in excess of $30 billion, not million, we have already spent in excess of $30 billion pursuing strategic defense initiative technology, ballistic missile defense technology. For the past few years, we have spent approximately $2.5 billion each year for theater missile defense. For the last few years we have been spending approximately $400 million per year, above and beyond the $30 billion that we just kept pouring down this rat hole, to develop a national missile defense system. Fact. If you take the time to understand the architecture, whether you agree with it or not, at least take the time to understand the architecture of the administration's present program, $2.5 billion for theater missile defense, the last time I looked. That was no insignificant amount of money. Four hundred million dollars for national missile defense.

There is a contingency plan, Mr. Chairman, that in the event that a threat out there materialized that we needed to worry about in the near term, that we could move from where we are right now, research and development, to the deployment of an interim system within 18 to 24 months at somewhere at the level of about $5 billion. My colleagues were in the room, they all received the briefing, and all heard that testimony. We then could move beyond that. The administration's program does that as well.

So to stand here in some way to say to the American people we have not spent money, we spent over $30 billion in pursuit of a very difficult technology. In terms of theater missile defense, we have a robust, aggressive, an extraordinary program in theater missile defense, and there is now a program in national missile defense. But for the first time in a long time, this program now looks like a program.

For years, I would say to my colleague from California, we poured billions and billions and billions of dollars into star wars, and we did not get a lot back from it. Finally the Congress got up enough courage, enough intelligence, and enough discipline to force a program. Now it looks like, smells like, acts like a program.

So what happens once we get that discipline? Now we want to start pouring some more money in.

My final comment is this: I would hope that we never experience a nuclear explosion in this country. But I am prepared to debate with you that there is a greater likelihood that if a nuclear device exploded in this country, there is a much less likelihood that it would explode from some intercontinental ballistic missile.

□ 1315

Incidentally, we all know that some of these so-called rogue countries have that capability. But do you know now it would exhibit employed, by a terrorist act. The safest place to put a nuclear weapon is in a bale of marijuana. We cannot find it. You can fly it in here. You can backpack it in here. You can bring it in here on a commercial ship. You can reassemble it, bringing it in piece by piece, reassemble it in some tall building in this country and ignite the weapon.

We are spending billions of dollars going down the wrong road to solve the wrong problem. At the end of the day it is about nonproliferation. At the end of the day it is about ratification of START II. At the end of the day it is about Nunn-Lugar, dismantling of these nuclear weapons. It is not about some pie-in-the-sky notion that we can knock down a whole bunch of missiles, spending billions of dollars. There is already a program designed to take us there intelligently, responsibly, and effectively. And we ought to stay within the confines of that.

Mr. Chairman, I yield to the gentleman from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY of Massachusetts. Mr. Chairman, I want to respond to the issue laid out by the gentleman from Pennsylvania [Mr. WELDON] that somehow or other these rogue states are going to be able to purchase these missiles that the Russians have on the open market.

First of all, not a single SS–25 has been sold. Second, there is no indication by anyone, I have never heard of any estimate that suggests any of these countries would have the capability of designing a reentry vehicle. There are only three countries in the world that have them: the United States as well as China and Russia.

I do not think that at this time any of these countries have the nuclear warheads. So you have got the potential of one of the three components that is necessary in order to do the damage that you suggested.

Mr. WELDON of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. DELLUMS. I yield to the gentleman from Pennsylvania.

Mr. WELDON of Pennsylvania. Mr. Chairman, we are not talking about the warheads. We are talking about an architecture, a system that gives a rogue country from a mobile launch system, the SS–25 is a mobile system. They have 400 launchers. They take that system to a rouge nation and fire a missile at any city in our country. That capability is there.

Mr. KENNEDY of Massachusetts. Mr. Chairman, if the gentleman will continue to yield, the fact of the matter is that again you are blowing smoke. What we are talking about is whether or not they have the three components that are necessary to actually hurt the United States. They only have one in theory.

Mr. HUNTER. Mr. Chairman, I yield 1 minute to my colleague, the gentleman from California [Mr. DORNAN].

Mr. DORNAN. A fascinating debate.

When we last visited this discussion, this compelling debate 2 years ago, I made a very brief statement on the House floor. I am proud to tell my colleagues it is framed on the wall in small letter picture frames at the ballistic missile defense office.

Here is what it says, I doubt they are going to frame anything from the other side once more, it says,

> Right now we cannot defend against one single nuclear missile coming at our beloved country, not one. There is no reaction time, as we had with Hurricane Emily, no time for battening down the hatches or stockpiling food. If one single rogue nuclear missile hits our country, citizens will be marching on this capital as though it were Doctor Victor Frankenstein's castle, with the intent to burn us down.

I repeat what I said then: We would deserve that rough treatment because 72 percent of our fellow citizens do not know at this moment that we cannot stop a single missile from radiating one of our cities into ash.

Mr. SPRATT. Mr. Chairman, I yield myself 2 minutes. I would like to respond to several points that have been raised by various speakers in this debate.

First of all, Mr. Chairman, one of the speakers opened by saying if we had had this program in place and had been moving ahead of it, as though he were speaking in opposition to my amendment, we would not have suffered the casualties we suffered in the Persian Gulf. My amendment, first step says, our first priority is to deploy, and I quote,

> At the earliest practical date highly effective theater missile defenses to protect forward-deployed and expeditionary elements of the Armed Forces of the United States and to complement the missile defense capabilities of our allies and forces friendly to the United States.

This calls for the deployment at the fastest possible rate of the THAAD, the theater high altitude intercept system and the ERINT. I might say here, Mr. Chairman, that we are talking as if we did not have a program. The gentleman from California [Mr. DELLUMS], our ranking member, just reminded everyone, if you were here in the 1980's, we spent $35 billion on strategic missile defense in the 1980's. And now, today, we have 10 systems in development by my count, a PAC–2 upgrade, a Patriot 2 upgrade, a Patriot 3, the extended range interceptor, the theater high altitude interceptor, so-called the THAAD, an upper tier system which the Navy is developing, it is plussed up by $170 to $200 billion in this bill before, a lower tier system to protect the fleet, a CORSAM system to protect the Army land-based forces, a so-called MEADS system, which would be an interoperable adaptation of that that would be used throughout NATO, a Hawk upgrade for better air defense, a boost phase intercept system which is not yet developed but will be developed to a down select among three contractors in a few years, and the Arrow missile which we are helping the Israelis with.

In addition to that, on the strategic or national missile defense side provided for in this bill, we have a ground based interceptor, double the administration's request. And my amendment leaves that in place. We have lasers funded, chemical lasers, and we are fully funding and plussing up the request for Brilliant Eyes. That is a robust program, a step up of $800 million to $3.8 billion in this bill.

Mr. HUNTER. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Maine [Mr. LONGLEY].

Mr. LONGLEY. Mr. Chairman, my opposition to the Spratt amendment is founded on the fact that it would make the deployment of any highly effective workable national missile defense system contingent on gaining Russia's agreement to amend the treaty.

It is significant that this is a treaty, we need to remind ourselves, that was signed over 20 years ago with a party that no longer exists, the former Soviet Empire, by mandating that any necessary United States actions inconsistent with that treaty must first be negotiated with the Russians. It gives the Russians an effective veto over United States defensive deployments. But more importantly, it not only mandates a narrow view of the ABM treaty, a very specific interpretation that is contrary to American interests. It also takes a very narrow view of the threats that we face, not only from the missile development and technologies coming out of Russia and being exported to China but also to Iran, Iraq, North Korea, Libya, and any other rogue state that may come into being.

Furthermore, it also mandates a very narrow view of technology. I would submit with reference to the prior gentleman's remarks that 2 and 3 years is the blink of an eye in terms of technology.

The language that we adopt in this bill could very well be operative within the next 5 or 10 years. My only experience is that there are three fundamental principles to destruction of missiles or to an antimissile defense system. First is the ability to detect the launch; second to track it; third to destroy it.

We not only have demonstrated conclusively our ability to do that, but we are rapidly expanding that skill to the point where we potentially within a very near term could be able to intercept and destroy any missile targeted at this country.

I might add that this has a particular interest to me in my district. We produce the Aegis destroyer for the U.S. Navy, one of most sophisticated antimissile tracking systems known to man. I believe that by limiting and taking a narrow view of what we are able to do in our antimissile defense systems, that we will effectively be limiting the employment of the valuable dollars that we have invested in this program and I think we would unalterably be weakening our defense. I urge a "no" vote on both amendments.

Mr. DELLUMS. Mr. Chairman, I yield myself 1 minute.

Let me interject another level of reality into this debate. I would ask my colleagues to recall, at the height of the cold war, when there was the greatest tension between the United States and the Soviet Union, when our nuclear warheads exceeded 10,000, when theirs exceeded 8,000, there was no nuclear war because everyone understood the nuclear deterrent capability of the United States.

And the gentleman is not giving credit to one startling reality: We still have that capacity. We still have thousands of nuclear weapons that brought us through the greatest tension in the face of this earth with nuclear deterrence, and we still have that deterrence.

Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from New York [Ms. VELÁZQUEZ].

Ms. VELÁZQUEZ. Mr. Chairman, I oppose many of the spending priorities contained in H.R. 1530. One of the most foolish of those initiatives is the $3.5 billion authorized for the Ballistic Missile Defense Organization.

The Ballistic Missile Defense Organization was created by President Reagan during the cold war. Since that time, the Berlin Wall has crumbled and the evil empire no longer exists. There is no significant, long-range ballistic missile threat to the United States now or in the near future.

This afternoon we'll have an opportunity to salvage some of these wasteful star wars dollars. The Dellums-DeFazio amendment will channel $150 million more for needy military personnel.

Many men and women who serve in the military do not receive salaries high enough to maintain an adequate living standard. This amendment will provide funds to help military personnel who receive food stamps and off base housing.

Instead of wasting an exorbitant amount of money on star wars, we could reduce ballistic missile defense funding to the administration request of $2.9 billion and allocate the savings toward increases in pay for needy military families. If we can not meet the critical needs of our Nation's most vulnerable citizens, we should at least provide funds for the men and women who serve our country.

We as a nation can not afford to squander funding. It is unconscionable to throw away funding on the Ballistic Missile Defense Organization while neglecting the basic needs of our military personnel. I urge my colleagues to vote "yes" on the Dellums-DeFazio amendment this afternoon.

Mr. HUNTER. Mr. Chairman, I yield myself 2½ minutes to enjoin my colleague, the gentleman from California [Mr. DELLUMS], on a point that he just made.

Let me recast this debate and focus on the issue. The ABM treaty is an agreement by this country to hold our citizens defenseless to missile attack. My colleague says that that worked with the Soviet Union because both sides were afraid to cast the first stone. But we are not just dealing with the Soviet Union anymore. We have an agreement between two nations. One of those nations has now been split up into a number of nations.

Yet there are literally dozens of other nonsignatories which are developing missile systems. And that is the reason that we think that this system needs to be modified.

Lastly, I would say to my colleague, we are the arbiters, in a way, of what the ABM treaty means. There is not a world court that is going to judge what the ABM treaty means.

We have put in language that gives what we think is a reasonable interpretation. We have interpreted the ABM treaty in a way that we think is reasonable, that is justified by the facts that surrounded the original writing of this treaty. We have resisted the constraints that would have been placed on our theater ballistic missile systems that protect our troops in theater because we do not think it is wise and we do not want the administration to do that. But I think the problem with the gentleman's argument is it is no longer just the United States and Russia. it is a number of nations, and none of them signed that treaty.

□ 1330

Mr. DELLUMS. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from California.

Mr. DELLUMS. Mr. Chairman, I deeply appreciate the gentleman yielding.

Mr. Chairman, I would simply respond by saying first, if the people in the Soviet Union were intelligent enough to understand the incredible, enormous capacity that we had to destroy life, what makes the gentleman think that the other nations would not have exactly the same competence to understand that? That is No. 1.

Mr. HUNTER. Reclaiming my time, I would not impute that same rationality to people like Saddam Hussein and Mu'ammar Qadhafi.

Mr. DELLUMS. If the gentleman will continue to yield, the point is that at this point they do not have that capability.

Mr. HUNTER. Mr. Chairman, I yield 15 seconds to my colleague, the gentleman from California [Mr. DORNAN].

Mr. DORNAN. Mr. Chairman, I have the answer for the gentleman from California. The terrorist bomber at the marine barracks in Beirut, 220 dead marines, 17 sailors, 4 Army guys, and the marine guard who said he could not get his magazine into his M-16, lousy rules of engagement, he said that bastard killer was smiling before he booted himself to Allah and kingdom come. That is what a rogue missile is. It has nothing to do with rational killers in the Kremlin.

Mr. SPRATT. Mr. Chairman, I yield 3 minutes to the gentlewoman from California [Ms. HARMAN].

Ms. HARMAN. Mr. Chairman, as a member of the Subcommittee on Military Research and Development of the Committee on National Security, I support its bipartisan recommendation to plus up the BMD budget. I would particularly like to salute the gentleman from Pennsylvania [Mr. WELDON], our chairman, for his leadership on this issue.

I also support the subcommittee and the full committee's allocation of the additional funds, which I understand comports with the recommendations of Gen. Malcolm O'Neill, who ably heads the BMDO office at the Pentagon.

Theater missile defense threats are real. One only has to visit Israel to understand that it would take 1 minute for a missile from Syria to penetrate Israel's continental boundaries, and 5 minutes for a missile launched from Iran or Iraq. Therefore, I strongly support full funding, as we have, of the United States-Israel BMD collaborative programs, including the Arrow.

It is also the case that there are medium-term threats to CONUS, the continental United States, from missile proliferation. Therefore, I support the work we are now funding on national missile defense. It is important and I agree that we must undertake it.

However, let me conclude by stressing how crucial it is to reach a common ground on this issue. Let us stop the partisanship. Let us move together. I agree with the gentleman from California [Mr. DELLUMS] that we have wasted money in the past because there has not been focus and leadership on this program. We are now in a position to supply that focus and leadership, both in the Congress and in the Pentagon. Let us do it.

Let us also continue to exercise oversight in the Congress. We are planning to spend a lot more money. Let us spend it wisely. Let us be sure we are getting our money's worth. Let us consider burden-sharing with our allies, because over time it will be clear that these threats are to our allies all over the world, some of whom are fully capable of sharing the costs.

Finally, Mr. Chairman, let me say that we should consider modifying the ABM Treaty. I support modifications. However, let us do this in a rational and reasonable way. Let us not proceed by adopting a rogue amendment on the House floor. Let us act with reflection, and let us act effectively for the future.

I want to make clear that I would oppose, and it is not being offered as we consider this bill, but I would oppose any effort to unilaterally abrogate our commitment to the ABM Treaty.

Finally, let me salute the women and men who have worked so ably on the BMD program in California's South Bay. My constituents have really supplied the intellectual base that has designed and built so many of these systems. With stronger focus, leadership and funding, I am hopeful that, finally, we will have a BMD system that protects our allies and protects us for the future.

Mr. HUNTER. Mr. Chairman, I yield 1½ minutes to the gentleman from Maryland [Mr. BARTLETT].

Mr. BARTLETT of Maryland. Mr. Chairman, the average American is both surprised and shocked to learn that we have no defense, let me say it again, no defense against even one ballistic missile attack. Some say that we do not need one because we are in the post-cold-war period. I think Robert Gates said it very well when he said it is as if you went into the jungle and slew the dragon, only to observe that you are now surrounded by poisonous vipers, 25 poisonous vipers in the form of 25 nations that are acquiring weapons of mass destruction and rapidly acquiring the ability to deliver them.

However, the original dragon, like the Sphinx, is capable of resurrection. Chernovsky, arguably the most popular politician in Russia has 2 goals: one, to have a child in each province; and two, to take back Alaska when he controls Russia. Are Members content that we do not need a ballistic missile defense system? Vote "no" on these amendments. That would strip us of our chance to protect our people and our service men and women.

The CHAIRMAN. The gentleman yields back 30 seconds.

Mr. HUNTER. Mr. Chairman, I yield 1 minute to the gentleman from Louisiana [Mr. MCCRERY].

Mr. MCCRERY. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I no longer have the privilege of serving on the Committee on National Security, but I did for several years, and watched carefully the construction of our defense bills as they came to the floor. In my opinion, this bill speaks more intelligently and forthrightly to the issue of anti-ballistic missile defense than any defense bill that has come to the floor since I have come to Congress.

The amendments, however, that are to be offered today would put this bill right back in the same framework that it has come to the floor here for the last several years, which restricts our ability to defend ourselves against ballistic missile attacks. That would be a mistake.

This bill does not go as far as I would like to go, frankly. I think we ought to abrogate the ABM Treaty. It was signed with a nation that no longer exists. It was designed to deter a threat that has been defused. We need to build missile defenses in this country. The first obligation of any central government is to defend its people.

Mr. HUNTER. Mr. Chairman, I yield 1 minute to the distinguished gentleman from New Jersey [Mr. SAXTON].

Mr. SAXTON. Mr. Chairman, I would just like to address one point that has been made here over and over. As Members of Congress, our most important single duty is to provide for the common defense of our country against both foreign and domestic threats. As the gentleman on the other side of the aisle have pointed out continuously, or have tried to this afternoon, that we do not have a threat that we need to defend against with regard to this missile debate.

I would remind them, as I did a month or so ago, and let me just quote here, this is a quote by Adm. William Studeman, who was the Acting Director of the Central Intelligence Agency under this administration, I might add, he said "On January 18, 1995, the Admiral said and testified that 'The proliferation of technology will lead to missiles that can reach the United States toward the end of this decade, or the beginning of the next decade.'" That is a fairly immediate threat, and it is someone who should know. That is someone who I believe has a great deal of credibility. It points to the necessity of us passing this provision as it is today.

Mr. SPRATT. Mr. Chairman, I yield 3 minutes to the gentleman from Florida [Mr. PETERSON].

Mr. PETERSON of Florida. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, this debate contains a huge disconnect between defense systems and the threat. On the one hand, we have put massive amounts of money in national missile defense without concern about the threat of a cruise missile or any kind of terrorist activity that might take place. We cannot build a bubble over the United States. This is really the bottom line.

At the same time, what we are doing in the language of this bill, we are saying it is okay to abrogate unilaterally the ABM Treaty. Not smart. Why do this in the face of Russia and what they are trying to do to us and with us cooperatively?

At the same time, just yesterday, we killed, essentially gutted, Nunn-Lugar. In that process we cut the opportunity to reduce the threat by the destruction of these weapons systems that are currently ongoing. Yes, in the bill, the committee wrote that it is not important to do civil defense anymore. Essentially they have a statement that FEMA, forget the civil defense. Where is the disconnection here?

Mr. Chairman, we are in the process of making a terrible mistake. We need to focus on the real threat to our country, and the real threat, while potentially, in a small way, from a strategic missile, the big threat comes from terrorism and it comes from cruise missiles off the back of a little freighter coming through the St. Lawrence Seaway. It comes from a Ryder truck.

If we unilaterally abrogate the ABM, we are essentially telling the Russians that START II is not important to us, either. We need to use our diplomatic negotiating process to reduce our threat, not raise our threat. By doing what we are doing today, by sending the message to Russia that they do not count, we are actually increasing the threat to the United States from any kind of strategic missile, because in the process of our action on Nunn-Lugar, they are going to have all those systems to sell to other people, if you will. Of course, they are not going to be a potted plant. They are not going to say to us "It is okay, America, do whatever you want to to us." They are a proud people, and we need to work with them, not fly in their face in the process of doing what we want to do here.

The final outcome of this huge disconnect is going to cost this government billions of dollars in working on readiness and the process of what we are trying to do. The Spratt amendment is not the final solution, but it is a first step.

Mr. HUNTER. Mr. Chairman, I yield 30 seconds to the gentleman from Pennsylvania [Mr. WELDON] to set the record straight.

Mr. WELDON of Pennsylvania. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I have to correct three statements that were just made by our good friend and colleague of the committee. First, we plussed up the cruise missile accounts by $75 million for exactly the reasons the gentleman stated. We saw the need to support General O'Neill in that request, and we did it.

Second, this bill does nothing, nothing to violate the ABM Treaty. That is in writing from General O'Neil, who is the administration's representative on missile defense.

Third, it was General O'Neill himself on March 23 who said "If you give me extra money, I would put $600 million into national missile defense;" General O'Neill, representing President Bill Clinton.

Mr. HUNTER. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from Georgia [Mr. CHAMBLISS].

Mr. CHAMBLISS. Mr. Chairman, I am deeply concerned that the American people mistakenly believe its Government can protect its people and soldiers from missile attack. Recent reports indicate that a significant majority of the American people believe that if ballistic missiles are used to attack the United States, the U.S. military can intercept them before they fall.

Footage of our Patriot missile batteries shooting Iraqi scuds out of the sky during the gulf war have left the American people with a very false sense of their own security.

As advanced as our theater and national missile defense capabilities have become over the years, the fact still remains that we are vulnerable.

Since the end of the cold war and the demise of our No. 1 enemy, the number of rogue states that have acquired nuclear capability has increased dramatically. Additionally, the very fact that the former Soviet Union is embroiled in ethnic strife adds to our concerns about their existing nuclear stockpile.

Mr. Chairman, H.R. 1530 represents the proper approach to missile defense. It provides the emphasis necessary on missile defense, and it strikes the proper balance between national and theater missile defensive systems.

In 1983, the great communicator Ronald Reagan called this Nation's science community to arms and challenged them to provide the ultimate defensive system. Through the years, tremendous strides have been made, and though the sacrifices are great, the consequences of failure are even greater.

Mr. Chairman, the American people deserve no less than the very best defensive technology, and H.R. 1530 achieves that goal.

Unfortunately, the Spratt amendment would chain this Nation to the outdated terms and assumptions contained in the ABM treaty we signed with a country that no longer exists. Furthermore, it rejects the necessary emphasis on national missile defense.

I urge my colleagues to support the provisions of H.R. 1530 and reject the Spratt amendment.

□ 1345

Mr. SPRATT. Mr. Chairman, I yield my last minute to the gentleman from Missouri [Mr. SKELTON].

Mr. SKELTON. Mr. Chairman, I will not take the full time, but I do wish to ask two points of clarification if the gentleman does not mind.

Does this apply only to national missile defense?

The second is, what if this amendment does not pass? What would be the force and effect, particularly in light of the comments made by the gentleman from Pennsylvania?

Mr. SPRATT. If the gentleman will yield, this amendment calls, first of all, as a first priority, for full speed ahead, theater missile defense development. Second, for the development and deployment of a national missile defense system. And, third, for compliance of that system, a national missile defense system—it only applies to that—with the ABM treaty as it stands today or as we may amend it. It simply says stay within the processes of the ABM treaty in developing that system.

The CHAIRMAN pro tempore (Mr. COMBEST). All time of the gentleman from South Carolina [Mr. SPRATT] has expired.

Mr. HUNTER. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Texas [Mr. THORNBERRY].

Mr. THORNBERRY. Mr. Chairman, I am a new Member of this body. I have not been a part of the debates that have gone on on this issue for the past years. I have tried to look at it from the ground up and maybe from a fresh perspective.

It seems to me when you get down to the basics, the question is whether we are willing to defend our people. The fact is that we have absolutely no way to stop a missile that is fired at the United States. The fact is that there are other countries who have missiles that can reach the United States.

The fact is that there is instability and uncertainty in Russia. And the fact is that just 2 weeks ago, China fired a new mobile missile that can reach the United States. The fact is there are a number of other countries that are working as hard and as fast as they can to put our people at risk by acquiring missile technology.

The fact is today we are vulnerable to accidental launch, to a rogue general acting on his own, or to some outlaw state such as Hussein or Qadhafi buying missiles, and we can do absolutely nothing to defend our people against a missile attack. I think that is wrong strategically, and I think that is wrong morally.

We cannot, of course, build a bubble and protect ourselves from all threats, but we can do what we can do. We have technology to make us safer than we are today, and it is silly to tie our hands and not make available for ourselves the possibilities which exist.

I think we have to be particularly careful of those who say, "Yeah, I'm for a missile defense, except" or "under these circumstances." There should be no conditions on whether we protect the United States or its people.

This bill does not alter existing treaties, but it does allow us to be free to look at all the possibilities. The Spratt amendment would handicap us by only looking at certain possibilities that apply to certain treaties.

We ought to see what works the best, then go about developing that technology, change the treaty as ought to be appropriate and get something there that will protect our people. Frankly, I would push harder and quicker toward deploying a defense than is in this bill, but I think this bill is a minimum of what we can do to protect our people and fulfill our oath.

Mr. HUNTER. Mr. Chairman, I understand I have 7 minutes left. I yield myself 3 minutes.

The CHAIRMAN pro tempore. The gentleman is correct. The Chair recognizes the gentleman from California [Mr. HUNTER] for 3 minutes.

Mr. HUNTER. Mr. Chairman, to all of our colleagues in the Committee of the Whole, I just wanted to let folks know that if you look this bill over, you will see a lot of Republicans and Democrats working together on a number of issues. I have great respect for the gentleman from South Carolina [Mr. SPRATT], for the gentleman from California [Mr. DELLUMS], for all of our colleagues on the Democrat side of the aisle, and for all the Republicans who have worked hard to make this bill go, and the chairman, who I think has put together a very thoughtful package.

Mr. Chairman, we did plus up all of the theater missile defense systems. We put in the amount of money that our experts told us we needed to put in to advance those systems as rapidly as possible.

The sad thing is that when we asked General O'Neill, at the end of one of our hearings, the question as to whether or not these theater systems would stop any fast missiles, that is, stop, for example, the North Korean Taepo Dong-2 missile that is being developed now, his answer was no. They will stop basically the Model T's of ballistic missiles, the Scuds. But we have not been building missiles to stop high-performance ballistic missiles.

The Spratt amendment goes to ABM. That is going to be a key amendment. The difference between what the committee did and what the gentleman from South Carolina [Mr. SPRATT] wants to do this: The gentleman from South Carolina [Mr. SPRATT] elevates and, I think, liberalizes the ABM Treaty.

For Members of the House, it is important that you understand the ABM treaty. The ABM treaty is extraordinary. It is unique. It is an agreement by the Government of the United States to hold its citizens defenseless against missile attack. If you read it, and you are an average citizens, you are shocked, because it says that you cannot have a defense against nuclear systems.

The gentleman from California [Mr. DELLUMS] has explained how we incorporated that agreement, as extraordinary as it is, in this standoff between the United States and the Soviet Union, where we figured that because both sides had enormous arsenals and some degree of stability, neither side would want to throw the rock. Therefore, we held our own citizens defenseless. We held our own citizens up to nuclear attack without any defense being offered.

I would say that is an extraordinary measure. It is a measure that should be exercised very conservatively because it is an enormous imposition on your citizens, on your constituents.

When you vote on this thing as a Member of Congress, you are telling your own 575,000 constituents in your district that your are going along with an agreement that leaves them exposed deliberately to missile attack.

I do not think we should interpret or enforce that type of an agreement in a liberal way. I do not think we should use our creative juices to try to figure out new ways to hold ourselves at risk. I think we should exercise and follow that treaty very conservatively.

Lastly, the problem is, we made that treaty with one other nation in this world. Today there are dozens of nations who never signed it who are developing missiles. that is the difference between the committee bill and the amendments.

Mr. DELLUMS. Mr. Chairman, I yield myself the balance of the time.

The CHAIRMAN pro tempore. The gentleman from California [Mr. DELLUMS] is recognized for 3 minutes.

Mr. DELLUMS. Mr. Chairman, let me say to my colleague that whether we viewed it as moral or immoral, this gentleman's position was that we should not have gone down the road toward the development of more heinous nuclear weapons. But the fact of the matter remains that mutual assured destruction did indeed work.

The logic of the gentleman's argument, it is difficult for me to get my brain around the gentleman's argument because at the end of the day, the test of a policy's effectiveness is whether it worked. We did not have a nuclear war, so that that standoff was not keeping American people defenseless. That expensive, dangerous, insane nuclear triad kept everyone from waging war. That is No. 1.

Second, let's put reality into this debate. We keep saying to the American people, did you know we didn't have this? America, $35 billion of your dollars went down a rat hole developing the technology of star wars. The last time this gentleman looked, you look at my bank book, $35 billion is one hell of a lot of taxpayers' money to be spent.

Third, as we speak, America needs to know that we have been spending for the last few years approximately $3 billion per annum, part on theater missile defense, part on Brilliant Eyes, a space-based central system, and part on a national missile defense system.

We are spending money developing this. To, in some way, communicate to the American people that we have not spent billions of their dollars, now way over $40 billion, is to take a flight into fantasy. It is to engage in a disingenuous argument. That money is out there. The only debate between us at this point is whether you ought to be spending more money and go so fast that you violate ABM.

Why is ABM significant? It is significant at this moment, Mr. Chairman, because the ABM treaty is linked by the administration, by the Bush administration and others, to SALT II. SALT II allows us, with the stroke of a pen, to take the Russian nuclear arsenal from 8,500 down to 3,500. We can knock down 5,000 missiles by compliance with ABM, ratification of START II, and you cannot find the dollars, my friend, to build a system effective enough to destroy 5,000 warheads. So you are arguing against yourselves when making that statement.

The gentleman from Pennsylvania [Mr. WELDON], I believe this gentleman is in no way desirous of stepping outside the ABM treaty. He is a man of integrity, and I know that his word is real in that regard. But I am suggesting here that the gentleman from Pennsylvania [Mr. WELDON] does not speak for everybody on your side, and I know that there are a number of them who want to break out of the ABM treaty, with all the adverse impacts to America and stability in the world.

Mr. HUNTER. Mr. Chairman, I yield myself 15 seconds for one point, to make one point for my colleague.

I just want to say to my friend, I did not state that we have not spent billions and billions of dollars. I agree we have spent billions and billions of dollars, but the American people are interested in the real state of play and in results. Right now we do not have defenses against missiles. Many of them think we have them. I think the work this committee is doing will bring about defenses, but we do not have them at this time.

Mr. Chairman, I yield the balance of our time to the gentleman from Pennsylvania [Mr. WELDON], the distinguished chairman of the Subcommittee on Military Research and Development.

The CHAIRMAN pro tempore. The gentleman from Pennsylvania [Mr. WELDON] is recognized for 3 minutes 45 seconds.

Mr. WELDON of Pennsylvania. Mr. Chairman, this has been a long debate and I think a very insightful debate from both sides. Let me say as we looked at the defense bill for this year, we looked at what I think will be the two biggest threats this country faces as we approach the 21st century. The first is missile proliferation and deployment, and the second is terrorism.

In our mark we plus up both accounts, to deal with the terrorism we heard about and to deal with the missile proliferation. We plussed up each. We held three full hearings. In the last few years, we did not hold any hearings on missile defense.

This year we have held three full hearings for Members to get classified and unclassified information on what the threat is. We heard there are 77 nations in the world that have cruise missiles, 20 more are building them. We heard about the Russians offering for sale the SS–25. Even the Clinton administration acknowledged just a month ago that the sale of the SS–25 is a violation of the START agreement. Even the Clinton administration acknowledges that. That architecture can be used to hit any city in America by a rogue nation, a mobile launch system.

□ 1400

We heard that the North Koreans have a system that they are testing now that can reach Hawaii and Guam. And we just heard the Chinese, 2 weeks ago, tested a system that can hit the western United States and Guam as well.

Mr. Chairman, these are real threats. Our bill responds to those. But let me say, Mr. Chairman, our bill is totally consistent with General O'Neill. We don't micromanage General O'Neill. We accept the recommendation of the Clinton administration's expert on missile defense.

In fact we did not even give him all the money he would like to have had. Our mark is totally in line with him and in no way does it violate any part of the ABM treaty.

Mr. Chairman, I will enter in the RECORD a letter from General O'Neill to me dated yesterday stating that no part of this bill in any way violates any part of the ABM treaty.

The Spratt amendment is a political amendment being offered, I think, in the wrong-headed sense of the word. And let me say why. Our side, the conservative side, wanted to offer an amendment to take on the ABM treaty in this bill and I said, If you do, I will come to the floor and I will lead the fight against it. And that amendment was not offered. It was withdrawn.

Now, we are going to be asked to vote on an amendment that takes this bill over the line and says not only do we want it to comply with ABM, but all future modifications of ABM. So, we want to limit the ability of our defense experts to look at how we can best defend America.

This bill is not about the ABM treaty. We have agreed to a separate vote on the ABM treaty; a separate debate. This bill is about defending America.

We want to give our defense experts the chance to tell us, based on the threats that are there, how we can best defend the country. If we want to have a vote on ABM, let that occur at some other time and some other place. But it should not be on this bill. And I resent the fact that that amendment is being offered.

Mr. Chairman, I would encourage our Members and our colleagues to do what members of the committee did in a bipartisan manner. We rejected the Spratt amendment in a bipartisan vote of 33 to 18 saying this is not the place to discuss the merits of the ABM treaty.

I repeat again, General O'Neill, on the record in writing, has stated that nothing in this bill, nothing in any way, shape, or form, violates the terms or the conditions of the ABM treaty. That debate can occur at the appropriate time.

I would also ask our colleagues to support the leadership, Speaker GINGRICH and our entire House leadership, in opposing the Dellums amendment which would also gut this effort. And I thank our colleagues for their cooperation in the spirit of debate.

The letter previously referred to follows:

DEPARTMENT OF DEFENSE, BALLISTIC MISSILE DEFENSE ORGANIZATION,
Washington, DC, June 14, 1995.

Hon. CURT WELDON,
Chairman, Subcommittee on Military Research and Development, Committee on National Security, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: There has recently been a great deal of debate concerning whether or not the programs planned by the Ballistic Missile Defense Organization for fiscal year 1996 are compliant with the Anti-Ballistic Missile (ABM) Treaty. I can tell you that every activity under my control complies with the ABM Treaty, and that we will not develop, test or deploy systems that violate the Treaty. I take my stewardship of the Nation's ballistic missile defense programs very seriously and strive to ensure that the program complies with all our legal and international obligations.

I want to assure you that every program in the acquisition process that raises Treaty issues is subjected to a stringent compliance review process managed by the Under Secretary of Defense for Acquisition & Technology (A&T). Additionally, tests, experiments, and programs that are sufficiently developed, but that are not yet in the acquisition process, are also scrutinized by the Under Secretary of Defense (A&T) Treaty Compliance Review Group to ensure that they do not violate Treaty obligations.

I hope this clarifies any ambiguity that may exist. I stand ready to answer any further questions you may have.

Sincerely,
MALCOLM R. O'NEILL,
Lieutenant General, USA,
Director.

Mrs. FOWLER. Mr. Chairman, I rise in support of the committee's treatment of ballistic missile defense issues in this bill.

Most Americans are unaware that this Nation currently has no ability to defend itself against an accident missile launch or an attack by a terrorist nation or rogue military commander. That, however, is indeed the case.

With the continuing proliferation of weapons of mass destruction and missile technologies, we cannot accept this shortcoming. There are too many nations—Iran, North Korea, and Iraq, among them—pursuing these capabilities. Meanwhile, the confiscation of highly enriched uranium on the black market indicates the deterioration of internal security controls over nuclear materials in the former U.S.S.R. Under the circumstances, we cannot remain complacent about our lack of defensive options.

H.R. 1530 increases the President's request for ballistic missile defense funding from $3.1 to $3.8 billion. This funding will step up efforts on both theater missile defenses, which are desperately needed to protect our service people in the field, and on national missile defenses, which we must pursue now, before renegade nations can threaten us.

Mr. Chairman, I urge my colleagues to support the committee's bill and oppose weakening amendments.

The CHAIRMAN. It is now in order to consider the amendments printed in subpart D, part 1 of the report relating to ballistic missile defense, which shall be considered in the following order:

By Representative SPRATT and by Representative DELLUMS.

It is now in order to consider amendment number 1 printed in subpart D of part 1 of the report.

AMENDMENT OFFERED BY MR. SPRATT

Mr. SPRATT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SPRATT:

Strike out section 232 (page 31, line 17 through page 32, line 4), and insert in lieu thereof the following new section:

SEC. 232. BALLISTIC MISSILE DEFENSE POLICY OF THE UNITED STATES.

It is the policy of the United States—

(1) to deploy at the earliest practical date highly effective theater missile defenses (TMD) to protect forward-deployed and expeditionary elements of the Armed Forces of the United States and to complement the missile defense capabilities of our allies and forces friendly to the United States; and

(2) to develop, test, and deploy, at the earliest practical dates, a national missile defense system (NMD) that complies with the ABM Treaty and is capable of providing a highly effective defense of the United States against limited ballistic missile attacks.

Page 32, strike out line 17 and all that follows through line 5 on page 33 and insert in lieu thereof the following:

(1) Up to 100 ground-based interceptors at the site now designated by the ABM Treaty or additional ground-based interceptors at such other site or sites as the Secretary of Defense may recommend if deployment of ground-based interceptors at more than one site is allowed by amendment to the ABM Treaty.

(2) Fixed, ground-based radars.

(3) Space-based sensors that are capable of acquiring and tracking incoming reentry vehicles as an adjunct to ground-based radars.

(4) Battle management, communication, and control systems integrated with ground-based radars and space-based sensors.

Page 38, line 5, strike out "DEFINED".

Page 38, line 6, insert "(a) DEFINITION.—" before "For purposes of".

Page 38, at the end of line 11, strike out the period and insert the following:

and all Agreed Statements and amendments to such Treaty in effect as of the date of the enactment of this Act or made after such date.

Page 38, after line 11, insert the following:

(b) INTERPRETATION.—Nothing in this subtitle shall be interpreted to violate, or to authorize the violation by the United States of, the ABM Treaty. Any provision of this subtitle that authorizes or requires the United States to deviate from the ABM Treaty is premised on the assumption that before any such action is taken amendments will be made to the Treaty to make such provision compliant with the Treaty.

The CHAIRMAN. Pursuant to the rule, the gentleman from South Carolina [Mr. SPRATT] and a Member opposed will each be recognized for 10 minutes.

Is the gentleman from California opposed?

Mr. HUNTER. Yes, Mr. Chairman.

The CHAIRMAN. The gentleman from California [Mr. HUNTER] will control the 10 minutes in opposition.

The Chair recognizes the gentleman from South Carolina [Mr. SPRATT].

Mr. SPRATT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my good friend, the gentleman from Pennsylvania [Mr. WELDON], chairman of the subcommittee, has just said in the well of the House to those who want to abrogate or violate the ABM treaty, he is opposed. It is not timely. And I agree with him.

I will come to the reason I agree with him in fuller detail in a minute, but basically it boils down to this. It is not an opportune time to talk about that because the ratification of START II hangs in balance right now.

The authors of this bill, therefore, say they don't support violation; they seek abrogation, right now, of the ABM treaty All my amendment does is call for clarity, for the removal of any ambiguity, for spelling out their intention which they have stated here in the well of the House so that there is no mistake about it.

Section 233 of this bill, however, calls on the Secretary of Defense to deploy at the earliest practicable dates a national missile defense, NMD, system designed to protect the United States against limited ballistic missile attacks.

This NMD system, according to the bill, shall include up to 100 ground-based interceptors at a single site or at a greater number of sites as determined necessary by the Secretary.

Mr. Chairman, the ABM treaty as it is now written limits the United States and Russia to 100 interceptors at 1 site. By requiring in this bill that any national missile defense system protect the entire United States at more than one site, if necessary, we are going beyond the boundaries of the existing treaty. We may need to, and I anticipate that in the very language of my amendment when I say, "Stay within the ABM treaty or the processes of it and seek amendments where necessary."

But as I read the bill, the Secretary has no leeway and, in effect, it requires a multisite system and this is a violation of the treaty as now written.

As I said, my amendment deals with it by saying any such language would be interpreted to mean that we would seek an amendment to permit it before we went ahead to do it.

Now, section 233 also refers to direct queuing of interceptors, that is having an interceptor on the ground queued by the so-called Brilliant Eye, or low-Earth orbit satellite, which will be put into place some time around the turn of the century if we ever deploy a missile defense system.

This language is, too, a technical violation of the treaty. Now, I think we probably ought to clarify the amendment and permit it, but my amendment would say simply that if you are going to do it, then go seek a clarification or an agreed statement, or something that will permit it if you want to use that language.

My amendment anticipates, calls for, the deployment of a national missle defense system which would include 100 interceptors at 1 or more sites if the additional sites were approved by amendment. A ground-based radar system and space-based sensors plus BMCCC, Battle Management Command, Control, and Communications software.

Now, why is all of this so important? It is important because in the next 4 or 5 months the Russian Duma will either take up or not take up, and will either ratify or not ratify, START II. If START II is ratified, we will reduce Russian warheads, a real threat, which can be launched against us by 5,000, which is a significant diminution of the threat to the security of the United States today. It would reduce those by 5,000 down to 3,500 warheads.

We cannot build a missile defense system that will effectively shoot down so many Russian missiles, so much ballistic missile threat against us, so cheaply as the ratification of START II. Why put it in jeopardy by leaving any ambiguity in this bill?

Ratification by the Duma is shaky at best. It is by no means assured. And any signal this Congress sends that we may be breaking out or reaching beyond the terms of the ABM treaty could doom START II. And now is not the time to send such a signal.

START II serves our national security interests, as I said, by reducing the number of warheads that can be launched against us by 5,000 warheads; an enormous number. But it also does something else for our national security.

By lowering the number of warheads that we will have to maintain in our arsenal, the launchers, the platforms from which they would be launched, it also frees up resources for other national defense needs which are really more pressing right now. It would save us the cost of maintaining a huge nuclear arsenal with more than 8,000 warheads in it.

If START II is not ratified, then Secretary Perry warned in an address at Georgetown more than a year ago that we, the United States, will have no other choice. We will not go below START I levels. And there is no money currently in the DOD budget or the DOE budget to support this higher level of maintaining an arsenal of 8,500 warheads.

We will have to cut into funding for conventional forces, for quality of life, for modernization, for readiness, in order to pay to maintain the arsenal at this higher level. I would rather pay to maintain a stronger conventional force. I would rather get rid of those 5,000 warheads potentially aimed at us.

This amendment simply seeks to take the authors of the bill before us at their word and say, deploy a national missile system, but stay within the confines of the ABM treaty. If you need to amend it to go to multiple sites, then do so. Amend it.

But it sends a signal to the Russians at a critical time here on the eve of ratification of START II that we are not about to break out of the ABM treaty.

Mr. Chairman, I reserve the balance of my time.

Mr. SPENCE. Mr. Chairman, I yield 1 minute to the gentleman from Ohio [Mr. HOKE].

Mr. HOKE. I thank the chairman for yielding me this time.

The reason that we should not pass this amendment, and the reason that we should not be concerned about the ABM treaty, notwithstanding whether or not what happens with respect to this bill does or does not violate the ABM treaty, and as you know we have got a letter that says it does not, but the reason that we ought not to be so concerned about that is that the former Soviet Union and Russia is not the only nation that has the capacity, the ability to lob a ballistic missile with a nuclear warhead at the United States.

What we have done is we have taken this policy, this national strategy that is based on mutually assured destruction that may have had validity in 1972, and we have extended it 25 years into a point in time when Russia is joined by as many as 25 or more other nations that have the same capability to blow up cities in the United States.

It is just a bad policy that I believe in the broad sweep of history is going to be seen as something that was peculiar and bizarre and should be completely abrogated.

Mr. SPRATT. Mr. Chairman, I yield 1 minute to the gentleman from Alabama [Mr. CRAMER].

Mr. CRAMER. Mr. Chairman, I thank the gentleman from South Carolina for yielding me this time.

Mr. Chairman, I am a strong supporter of our Nation's defense and a strong supporter of a robust national missile defense program. My community is strongly involved in that defense program. And I support the missile defense program outlined in this bill.

I strongly support the Spratt amendment. This amendment is frankly a very simple one, and I cannot imagine why anybody would oppose it. It simply reaffirms our Nation's commitment to a reduction of nuclear weapons.

This amendment in no way changes the missile defense program outlined in this authorization bill. The Spratt amendment would simply require that we develop, test, and deploy a national missile defense system that complies with the ABM treaty. It would allow for any future amendment if we determined that we need a missile defense system that might not need to comply with the ABM treaty.

I believe this amendment is crucial, this amendment today is crucial to our efforts to ratify the START II treaty. This amendment does not affect the theater ballistic missile programs, and only affects our national missile defense programs. I urge my colleagues to support the Spratt amendment.

Mr. SPENCE. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I rise in strong opposition to the Spratt amendment.

Mr. Chairman, a nearly identical amendment was considered in the Committee on National Security's markup of H.R. 1530. That amendment was rejected on a bipartisan vote of 18 to 33. This amendment should be defeated. It is designed to obviously cloud the issue and for that purpose, only.

The Spratt amendment is unnecessary. There are no activities planned for fiscal year 1996 that would conflict with the ABM treaty, as noted in the letter from General O'Neill referred to previously, who is the director of the Ballistic Missile Defense Organization.

More importantly this amendment sends the wrong signal. The Clinton administration in its zeal to "strengthen the ABM treaty" is seeking to turn the ABM treaty into a theater missile defense treaty, and constraining our theater missile defense systems.

The President continues on this course despite repeated appeals from the Republican congressional leadership and others.

A "yes" vote on the Spratt amendment is an endorsement of the President's approach to all missile defense.

The amendment would also essentially grant Russia an effective veto over our missile defense deployments in the future. All of us ought to find this unacceptable and resent it. The United States ought to be able to take whatever actions are necessary to defend our territory, its troops, and our interests. This amendment is not in our national security interest, and people who vote for it are not acting in the best interests of this country.

I strongly urge my colleagues to vote "no" on the Spratt amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. SPRATT. Mr. Chairman, may I ask how much time is remaining on each side?

The CHAIRMAN. The gentleman from South Carolina [Mr. SPRATT] has 3 minutes remaining, and the gentleman from South Carolina [Mr. SPENCE] has 7 minutes remaining.

Mr. SPRATT. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. EDWARDS].

Mr. EDWARDS. Mr. Chairman, I am a hawk on defense. I support increased funding to ensure a strong national defense, and yesterday I voted for increased funding for the B-2 bomber.

□ 1415

However, there is a huge difference between being a hawk on defense and possibly jeopardizing the elimination of 5,000 Russian nuclear warheads. No national defense system can stop that many warheads.

By insuring compliance with the ABM Treaty, the Spratt amendment will contribute to the elimination of 5,000 nuclear warheads that someday could be aimed at America's citizens, at America's children. To do anything, to do anything at this time, this crucial time, that might jeopardize reduction of those 5,000 Russian nuclear warheads would not be being strong on defense. It would be sheer insanity.

If the authors of this bill say the bill does not violate the ABM Treaty, they should have nothing to fear from this amendment. On the other hand, despite the authors' intentions, if anyone someday might interpret this bill as being in violation of the ABM Treaty, then our grandchildren's future depends on the passage of this amendment.

Mr. SPENCE. Mr. Chairman, I yield 1½ minutes to the gentleman from Virginia [Mr. BATEMAN].

Mr. BATEMAN. Mr. Chairman, I think the chairman of the full committee has it exactly right. This amendment is really a red herring.

The debate need not and should not focus on any expectation or any claim that we are in jeopardy of violating a solemn treaty obligation of the United States of America.

What is involved here is allowing our technicians, our scientists to explore that technology which works best and most cost effectively to provide us with theater and national ballistic missile defense systems. If the best answer to those scientific equations is that we need to go back and renegotiate the ABM Treaty, that is exactly what the Constitution and the law will require, and what will be done.

If any messages are being sent here, it is a garbled and misinformed message to the Russian Duma that somehow or another we are concerned with and intend to violate a solemn treaty obligation. That is not what this provision is about.

Common sense would dictate if the best technology for our ballistic missile defense system nationally or for the theater is something that violates that treaty, then all common sense says we should go to the Russians, to anyone else, and renegotiate it. We also must bear in mind that under the very terms of the treaty itself, by giving appropriate notice, we are freed of any obligations under that treaty, and clearly should do so if violating it would be putting in jeopardy our ability to effectively defend this Nation either as a nation or its forces in the theater from missile attacks.

The common sense of this is to reject this amendment. We are sending the wrong message.

Mr. SPRATT. Mr. Chairman, I yield the balance of my time, 2 minutes, to the gentleman from Indiana [Mr. HAMILTON].

Mr. HAMILTON. Mr. Chairman, I thank the gentleman for yielding me this time.

I commend him for his amendment, and I strongly support it.

I think what this debate really is about is an abrogation of the Anti-Ballistic Missile Defense Treaty. The Spratt amendment assures that however the United States proceeds on missile defense, it stays within the terms of the ABM Treaty. That treaty is 23 years old. It has been the foundation for all of our arms control agreements with Russia.

Today we certainly may want some clarifications of that treaty or even revisions of it, but those changes ought to be worked out with the Russians. Those changes should not be imposed on the Russians.

There are provisions in this bill which clearly bring about the abrogation of the ABM Treaty. I think that is a bad precedent. Abrogation of that treaty will harm the national security interests of the United States in a number of ways.

If we break the ABM Treaty unilaterally, we will poison our relations with Russia. United States-Russian relationships are still the cornerstone of world peace. If we poison the well, every issue we have with Russia—arms control, European security, the Middle East peace process, Bosnia, nonproliferation—becomes more difficult, and we then would bank on little or no cooperation with the Russians if we walk away from our obligations under this treaty.

If we break the ABM Treaty, Russia will not ratify the START-II Treaty, a treaty that I should remind us all was negotiated by President Bush.

Russia then is likely to stop dismantling its nuclear weapons. No military planner in Russia will advocate further dismantling of nuclear missiles if a missile defense race begins. Breaking the ABM Treaty then risks a cold peace, a possible return to the cold war.

If START-II is ratified and implemented, and it would not be if the Spratt amendment is defeated, 5,000 warheads aimed at the United States would be dismantled.

I urge a "yes" vote on the Spratt amendment.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. WELDON], chairman of the Subcommittee on Research and Development.

Mr. WELDON of Pennsylvania. Mr. Chairman, I cannot believe some of the debate here.

If this were a debate on the ABM Treaty or treaties themselves, perhaps we could bring out the four sanctions we waived against the Russians in violation of the missile control technology regime. Perhaps we would bring up the Krasnoyarsk radar violation which the Politburo deliberately ordered in terms of the ABM Treaty. Perhaps we would bring up the numerous accounts of deliberate proliferation activities by the Russians to other countries. But this is not a debate on any treaty.

This is a national defense bill. We have agreed to have a full debate on the ABM Treaty in a separate, freestanding bill. We have taken the extraordinary effort of making sure that our side did not offer an amendment to tilt the bill so that it in fact would attack the treaty.

But our colleagues on the other side—not all of them, because we have bipartisan opposition—but some of our colleagues on the other side want to tilt this treaty to the extreme of supporting and furthering the ABM Treaty beyond where it currently stands.

Even General Shalikashvili, in a memo to the administration earlier this year, made the point that our negotiations with the Russians were in danger of undermining our defense posture, and only when we threatened the nomination of Secretary Deutsch did the administration back off of that interpretation and that negotiation.

Mr. Chairman, this is not the time to be discussing the ABM treaty.

I will again enter at this point in the RECORD this letter, dated June 14, from General Mal O'Neill, the administration's point person on missile defense, and I would close with his statement:

> I can tell you that every activity under my control complies with the ABM Treaty and that we will not develop, test, or deploy systems that violate the treaty.

Mr. Chairman, we have that in writing from General O'Neill. That, more than anything else, speaks to the intent of this amendment. This is not about this bill violating the ABM Treaty, because even the administration's own leader says that is not the case.

This is about a political attempt to score some points for the Clinton administration and expanding the ABM Treaty, and that should be a separate debate at a separate time.

The letter referred to follows:

DEPARTMENT OF DEFENSE,
BALLISTIC MISSILE
DEFENSE ORGANIZATION,
Washington, DC, June 14, 1995.

Hon. CURT WELDON,
Chairman, Subcommittee on Military Research and Development, Committee on National Security, House of Representatives, Washington, DC.

DEAR SIR: There has recently been a great deal of debate concerning whether or not the programs planned by the Ballistic Missile Defense Organization for fiscal year 1996 are compliant with the Anti-Ballistic Missile (ABM) Treaty. I can tell you that every activity under my control complies with the ABM Treaty, and that we will not develop, test or deploy systems that violate the Treaty. I take my stewardship of the Nation's ballistic missile defense programs very seriously and strive to ensure that the program complies with all our legal and international obligations.

I want to assure you that every program in the acquisition process that raises Treaty issues is subjected to a stringent compliance review process managed by the Under Secretary of Defense for Acquisition & Technology (A&T). Additionally, tests, experiments, and programs that are sufficiently developed, but that are not yet in the acquisition process, are also scrutinized by the Under Secretary of Defense (A&T) Treaty Compliance Review Group to ensure that they do not violate Treaty obligations.

I hope this clarifies any ambiguity that may exist. I stand ready to answer any further questions you may have.

Sincerely,

MALCOLM R. O'NEILL,
Lieutenant General, USA,
Director.

Mr. SPENCE. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. HUNTER], chairman of our Procurement Subcommittee.

Mr. HUNTER. Mr. Chairman, let me first say to my colleagues who have spoken about the reduction and the pending reduction in the Soviet arms arsenal, that was brought about by the Reagan and Bush administrations, which pushed forward with missile defense. So missile defense has not stifled arms reduction. It has produced arms reduction.

Second, the Russians are as worried as we are about the fact that we have this treaty between the two of us, and now you have dozens of missile makers around the world that never signed the treaty, and we both agreed to hold ourselves open, as open targets, for missile massacres on the basis that mutually assured destruction would deter war between Russia and the United States, but it says nothing about missile attacks by North Korea, by China, and by other adversaries.

My colleagues, it is very important that we do not hold our constituents hostage to an agreement between two countries when you have many, many adversaries that have the capability of using that opportunity to hit the United States.

Vote "no" on the Spratt amendment.

Mr. SPENCE. Mr. Chairman, to close out debate on our side, I yield the balance of our time to the gentleman from Louisiana [Mr. LIVINGSTON], the chairman of the Committee on Appropriations.

Mr. LIVINGSTON. Mr. Chairman, I rise in vigorous opposition to the Spratt amendment.

When we address the issue of the defense of our citizens against attack by some malevolent power, it matters not whether we speak of conventional, strategic, theater, national, or space based defense. What does matter is we are mandated by the Constitution to provide an adequate defense for our people. When it comes to protecting against incoming missiles, Mr. SPRATT and the Clinton administration accept the half-a-loaf theory and say, "Yes we need a defense, but not that defense."

I say you are wrong. To retain unbridled adherence to the cold war relic ABM Treaty, which was confected to restrain a one-time enemy no longer existent in the world, is to voluntarily reject certain options of defense against a grave and terrible threat of a brand new kind. It would leave the U.S. population virtually naked and defenseless against a nuclear, chemical or biological attack by way of incoming new technologies.

As Henry Kissinger has said, "There is no virtue in being defenseless!"

Why in God's name would America wish to abide by the tenants of the ABM Treaty, when the leaders of such rogue and hostile powers as Iran, Iraq, North Korea, Libya, and Syria are not parties to it and would never dream of being bound by it?

Or when the Chinese are conducting nuclear tests and have recently developed a road-mobile ICBM which can hit California and Europe?

Or when the Russians and the North Koreans are selling missile technology to the highest bidder?

Or when Iran and even Brazil are buying up all the missiles they can get their hands on?

Why would we ever think of abiding by a document which limits our ability to respond to threats from any hostile power?

If the ABM Treaty did not exist today, do we really think any rationale person would stand up and propose to the American people that they invent a way not to defend themselves? Yet that is exactly what Mr. SPRATT and the Clinton administration would ask us to do with this amendment.

Mr. Chairman, I ask the Members to defeat the Spratt amendment and fulfill our responsibility to defend America.

The CHAIRMAN. All time has expired.

Mr. DELLUMS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, it is my intention to yield to my distinguished colleague, the gentleman from South Carolina, in order to rebut a number of reports being made.

Mr. Chairman, I would like to point out to my colleagues and those who are observing this debate the gentleman from South Carolina [Mr. SPRATT] seeks to do a very simple thing. He said we want this bill to conform to the ABM Treaty.

The gentleman from Pennsylvania [Mr. WELDON], and I believe him, has said nothing in this bill is designed to violate the ABM Treaty; that is not our intention. Yet if you listen, as I have listened to the most recent speaker and who only reflected the remarks of a number of other speakers who walked into the well, who then specifically stated several different reasons why we should not comply with ABM. The point that I am making is very simple, that there is an incredible disconnect on this side of the aisle with one group saying, with one person saying, "I do not want to violate," with a number of other Members saying, "This is why we should violate." So there is tremendous contradiction here.

There is ambiguity here that is extraordinary. You do not have to be a PhD watching this debate to understand that. You do not have to be. It glares out at you.

So my point simply is, if indeed there is no desire on the part of my colleagues on this side of the aisle, and that is a genuine assertion, that you do not want to be in violation of the ABM Treaty, let the amendment process take care of itself on that matter down the road; then why not a simple commitment to a set of propositions that keep us within the framework of the ABM Treaty?

To do less than that is to fly in the face of the integrity of your own comments.

Mr. Chairman, I yield to the gentleman from South Carolina [Mr. SPRATT].

Mr. SPRATT. Mr. Chairman, in a debate like this we sometimes lose sight of the ball. This is my amendment.

The very first paragraph in it calls for deployment at the earliest practical date of a highly effective theater missile defense. If you listened to the debate, you would think we were opposed to that. I am not.

This bill pluses up ballistic missile defense of $3 billion requested by the administration to $3.8 billion. This amendment leaves the funding in place.

☐ 1430

Second, my amendment says it is a policy of the United States to develop tests and deploy at the earliest practical dates a national missile defense system that complies with the ABM treaty, and there is the rub, that complies with the ABM treaty. What does that mean? It means, and we specify, 100 ground-based interceptors at the site now designated or at such other sites if it is allowed by amendment to the ABM treaty. It amends the language of this amendment so that we can make unmistakable what everyone has asserted here on the floor, it is not our intention to violate it, go beyond the ABM treaty. It says the ABM treaty means a treaty in effect as of this date or with such amendments adopted after that date.

It goes on to say nothing in this subtitle shall be interpreted to violate or to authorize a violation by the U.S. of the ABM treaty. Any provision that authorizes or requires the U.S. to deviate from the treaty is premised on the assumption that before any such action is taken amendments will be made to the treaty.

Why is this necessary, desirable? Again for reasons that are purely consistent with ballistic missile defense. We want to get rid of 5,000 warheads by the ratification of START II, and that will make ballistic missile defense of this country feasible.

Mr. DELLUMS. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. WELDON].

Mr. WELDON of Pennsylvania. Mr. Chairman, I thank the gentleman from California [Mr. DELLUMS] for yielding this time to me.

I would just say, as my colleague pointed out, that we have Members on this side who would like to abrogate the treaty. I have acknowledged that publicly, and I fought against offering that amendment on this bill.

Just as the Member would acknowledge that he has Members on his side who would like to take the ABM treaty and interpret it very narrowly as we saw happening to the point when General Shalikashvili earlier this year said, "Whoa, your negotiations are threatening our defense; don't go any further," this is not the place for that to be.

Let me read again the letter from General O'Neil. He says everything in here complies with ABM, and he says additionally, and I quote, "Tests, experiments, programs that are sufficiently developed, but not yet in the acquisition process, are also scrutinized and do not violate treaty obligations."

I ask, "What more can you want unless you have a hidden agenda?"

Mr. DELLUMS. Reclaiming my time, I thank the gentleman.

The gentleman made an assertion that our distinguished colleague and all of us in these chambers respect. The gentleman from South Carolina [Mr. SPRATT] has said on more than one occasion it is not the intent of this amendment to go beyond the ABM, but simply to comply——

Mr. WELDON of Pennsylvania. But it does.

Mr. DELLUMS. Now I would like to yield to the gentleman from South Carolina because his word, his credibility, and his integrity and his intelligence on this issue have been called into question. I would like the gentleman to have an opportunity to respond specifically to that assertion.

Mr. SPRATT. Mr. Chairman, will the gentleman yield?

Mr. DELLUMS. I yield to the gentleman from South Carolina.

Mr. SPRATT. Would the gentleman in the well explain to me what he meant when he said I wanted to liberalize the amendment when all the plain language of this calls for is compliance with the terms of the amendment as it may be amended and modified——

Mr. WELDON of Pennsylvania. Mr. Chairman, will the gentleman yield to me?

Mr. DELLUMS. I yield to the gentleman from Pennsylvania.

Mr. WELDON of Pennsylvania. This bill, according to General O'Neill of our administration, maintains there is no violation of the ABM Treaty.

Mr. DELLUMS. That is not the question.

The CHAIRMAN. The time of the gentleman from California [Mr. DELLUMS] has expired.

Mr. SPENCE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have said it before. Others have said it. This amendment is a red herring. It clouds the issue. It is not in the best interests of this country, and those who would vote in support of this amendment are not laboring in the best interests of this country if they support it.

Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. WELDON].

Mr. WELDON of Pennsylvania. Mr. Chairman, let me again clarify what we are doing here.

During the process of the markup of this bill we were very clear as to not have this become a showdown on the ABM treaty. We took the steps to prevent an amendment from being offered that would have abrogated the treaty.

What the gentleman from South Carolina wants to do, because already General O'Neill certified on the record in this letter, which I will provide to every Member as they walk in the door, that what we are doing here does not violate the treaty; what he wants to do is to go a step beyond that and say, "Now wait a minute. Our defense leaders in the Pentagon can't even tell us what we may be able to do that would violate the ABM treaty."

This is not a bill about the ABM treaty. This is a bill about how we defend the American people. We want our chief of staff, we want the Joint Chiefs, to come back and tell us how we best defend the American people. Maybe they will say we need five sites for national missile systems, maybe they will say we should use Navy effort here. But the gentleman from South Carolina does not want to have that option. He does not want to even give us the chance to look at and allow—does not even want to give us the chance to explore those options that can better protect and defend the American people.

Mr. Chairman, this amendment is very simple. It would take and put a political spin on this bill that is not necessary, and I will cite for the record again the representative of the Clinton administration on missile defense is Gen. Malcolm O'Neill. On June 14, and if the gentleman from South Carolina does not have a copy of the letter, I will provide one to him, General O'Neill states in this letter to us as Members of the Congress that in no way does this bill in any way, shape or form violate the ABM treaty, any portion of the ABM treaty, or any of the testing and evaluation violate the ABM treaty. This amendment is not necessary according to Gen. Malcolm O'Neill's letter to us which states on the record that we are in full compliance.

Mr. SPENCE. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. My colleagues, the ABM treaty is a promise, a treaty promise, that we will hold our citizens helpless and defenseless to a missile attack. In that sense it is an extraordinary treaty. There is no treaty that says we will hold our citizens defenseless to a tank attack, to a naval attack, to an aircraft attack, but we have a treaty that says we will hold our citizens defenseless to a missile attack.

Now the gentleman from South Carolina [Mr. SPRATT] wants to elevate the ABM treaty to a Holy Grail, to an endorsement that is going to send a message, and the problem is it is going to send a message to one country, and there are now dozens of countries which are making missiles, unlike the situation that existed when we put the ABM treaty into its initial phase.

So, we have a bill, and I would just say to the gentleman from South Carolina: If you were worried about the ABM treaty, you should have written General O'Neill. You should have said: Look at this bill, and, if you had any problems at all with the bill, if you had a response from General O'Neill saying this violates the ABM treaty, you could have carted it to Mr. WELDON, and he would have taken care of it.

This bill does not violate the ABM treaty.

Mr. SPENCE. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from South Carolina is recognized for 1 minute.

Mr. SPENCE. Mr. Chairman, I want to say this: People, of course, in this world can look at the same set of facts and arrive at a different conclusion. Our Maker has allowed us to do that. I have said it on other occasions, but the American people right now are defenseless against foreign powers firing missiles at us, defenseless, and our country is responsible for us being defenseless against these missiles because of just what we have heard here from the other side today.

Now, I will say this to my colleagues and everybody else that will want to listen to me, If and when, and I pray to God we don't ever have to face this critical decision of a missile coming in from somewhere and we have no defense against it, the people who are trying to delay us in our effort to provide this defense will be held accountable to the American people and their own conscience.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from South Carolina [Mr. SPRATT].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. SPRATT. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 185, noes 242, not voting 8, as follows:

[Roll No. 373]

AYES—185

Abercrombie
Ackerman
Baldacci
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
Cramer
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons

Gonzalez
Goodling
Gordon
Green
Greenwood
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Klink
Lantos
Laughlin
Leach
Levin
Lewis (GA)
Lincoln
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Moran
Morella
Nadler
Neal
Oberstar
Obey

Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pomeroy
Porter
Poshard
Rahall
Rangel
Reed
Reynolds
Richardson
Rivers
Roemer
Rose
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Shays
Skaggs
Skelton
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wise
Woolsey
Wyden
Wynn

NOES—242

Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger

Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray

Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brownback
Bryant (TN)

Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goss
Graham
Gunderson
Gutknecht
Hall (TX)
Hancock

Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
McNulty
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Mollohan
Montgomery
Moorhead
Murtha
Myers
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard

Parker
Paxon
Peterson (MN)
Petri
Pickett
Pombo
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shuster
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stump
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Traficant
Tucker
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—8

Fields (TX)
Kleczka
LaFalce

Myrick
Slaughter
Stockman

Wilson
Yates

□ 1458

Mr. GOSS changed his vote from "aye" to "no."

Mr. LAUGHLIN changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Ms. SLAUGHTER. Mr. Chairman, I was unable to be present for rollcall vote No. 373 earlier today. Had I been present, I would have voted "aye."

□ 1500

REQUEST TO ALTER ORDER OF CONSIDERATION OF AMENDMENTS

Mr. SPENCE. Mr. Chairman, pursuant to section 5(c) of House Resolution 164, I request that during the consideration of H.R. 1530, amendments numbered 30, 1, 3, 33, and 37 printed in part 2 of House Report 104–136 be considered immediately following consideration of the amendments printed in subsection E of part 1 of that report and that the aforementioned amendments printed in part 2 of the report be considered in the order recited above.

The CHAIRMAN. The gentleman's request is noted.

It is now in order to consider amendment No. 2, as modified, printed in subpart D of part 1 in House Report 104–136.

AMENDMENT, AS MODIFIED, OFFERED BY MR. DEFAZIO

Mr. DEFAZIO. Mr. Chairman, I offer an amendment, as modified.

The CHAIRMAN. The Clerk will designate the amendment.

Amendment, as modified, offered by Mr. DEFAZIO: Page 38, line 18, insert "(a) IN GENERAL.—" before "Of the amounts".

Page 38, after line 22, insert the following:

(b) REDUCTION.—The amounts provided in subsection (a) and in section 201(4) are each hereby reduced by $628,000,000.

(c) NATIONAL MISSILE DEFENSE AMOUNT.—Of the amount provided in subsection (a) (as reduced by subsection (b)), $371,000,000 is for the National Missile Defense program.

At the end of title IV (page 161, after line 3), insert the following new section:

SEC. 433. ADDITIONAL MILITARY PERSONNEL AUTHORIZATION.

There is hereby authorized to be appropriated to the Department of Defense for fiscal year 1996 for military personnel the sum of $628,000,000. Of the amount appropriated pursuant to such authorization—

(1) $150,000,000 (or the full amount appropriated, whichever is less) shall be for increased payments for the Variable Housing Allowance program under section 403a of title 37, United States Code, by reason of the amendments made by section 604; and

(2) any remaining amount shall be allocated, in such manner as the Secretary of Defense prescribes, for payments for the Variable Housing Allowance, the Basic Allowance for Quarters, and the Basic Allowance for Subsistence in such a manner as to minimize the need for enlisted personnel to apply for food stamps.

Page 280, beginning on line 19, strike out "beginning after June 30, 1996" and inserting in lieu thereof "after September 1995".

The CHAIRMAN. Under the rule, the gentleman from Oregon [Mr. DEFAZIO] will be recognized for 10 minutes, and a Member opposed will be recognized for 10 minutes.

Does the gentleman from South Carolina [Mr. SPENCE] seek the time in opposition?

Mr. SPENCE. Mr. Chairman, I do.

The CHAIRMAN. The gentleman from South Carolina [Mr. SPENCE] will be recognized for 10 minutes.

The Chair recognizes the gentleman from Oregon [Mr. DEFAZIO].

Mr. DEFAZIO. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, there has been a lot of arcane debate in the last hour and a half over BMD and TMD and compliance with treaties.

Let us bring the debate back down to Earth for a few minutes. Let us bring the debate back to Earth for a few minutes here and confront some bitter realities.

Yesterday during the debate on the rule, the esteemed gentleman from New York, Mr. SOLOMON, said how it used to be a scandal, referred to the bad old days of equipment shortages and days even when members of the military were forced to be on food stamps. Well, unfortunately we have not banished those bad old days. There are an estimated 8,000 to 15,000 families, no one really knows, currently receiving food stamps who are active duty, full-time members of the military.

Now, the committee recognized this was a problem, but the committee only put up one-quarter of the money that was estimated that was needed to take care of this problem. And what I am saying is, we need to get our priorities straight. Do we need a further increase in ballistic missile defense beyond that asked for by the president? The president asked for a 1-year increase, inflation adjusted, of more than 1 percent in ballistic missile defense and fully funded all the requests of the Pentagon for theater missile defense. The committee has gone in and micromanaged the theater missile defense, added more money to ballistic missile defense. And yet after they add $628 million there, they can only find one-quarter of the funds they need to get our young men and women and their families, people serving today full time, enlisted in the military, off of food stamps. That is a scandal.

Let me read briefly from the National Military Family Association, a letter they sent to me.

"The system has become unfair to all military families but to those at the lower end of the income scale it can be devastating. The National Military Family Association is fully aware that the costs of creating a VHA minimum floor," that is a housing allowance, "are not inconsequential. What price, however, do we put on a family's safety? How can we ask young service members to deploy at a moment's notice when they know their family will be left to fend for themselves in a rundown trailer park with a history of break-ins and robberies?"

The Pentagon itself, officials are deeply troubled by an increasing number of military families turning to food stamps.

Mr. SPENCE. Mr. Chairman, I yield myself such time as I may consume.

Mr. SPENCE. Mr. Chairman, I rise in strong opposition to the Dellums-DeFazio amendment to cut funding for ballistic missile defense programs.

Mr. Chairman, the proliferation of ballistic missiles, brought home so vividly by Iraq's use of Scud missiles during Operation Desert Storm, warrants an aggressive response to this growing threat. Accordingly, H.R. 1530 adds funds to the most promising theater missile defense [TMD] systems, including for example, the Navy's lower and upper tier systems and the Army's theater high altitude area defense system.

This amendment would cut funds for these programs and delay the date by which advanced theater missile defenses for our troops could be deployed. I don't believe that we should delay adequately defending our troops any longer.

Likewise, the amendment would dramatically cut funding for national missile defense research and development. The practical effect of this would be to ensure that Americans here at home remain unprotected against missile attack for the indefinite future.

Given the on-going strategic modernization efforts of Russia and China, and the likelihood that "rogue regimes" will acquire or develop a capability to attack the United States homeland, I oppose this amemdment.

Therefore, I strongly urge a "no" vote on the Dellums-DeFazio amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. DEFAZIO. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. MARKEY].

Mr. MARKEY. Mr. Chairman, during the debate over the budget resolution, Member after Member came to the House floor to talk about the tough choices we would need to make in order to balance the budget. Now, as I listened to the debate here this afternoon, I wondered just what sort of tough choices the advocates of increased star wars spending had in mind. Did they mean sacrificing SSI for the elderly for SDI for a pork barrel in the sky for the defense contractors in our country? Is that the tough decision?

Did they mean the elderly and those struggling to make ends meet should tighten their belts so that the Government should spend billions of additional dollars on a discredited defense program? Is that what they really mean by tough choices?

Or did they mean sacrificing students loans and cutting back student loans which is what the Republican budget does for the sake of star wars? Is that the tough choice they made, swapping educational grants for working-class kids to go to college so that we can have a star-wars-in-the-sky project that does not work? Or do they mean the tough choice of cutting back hot lunch programs for kids so that we can finance a program like this that has no mission, does not work, has never been put in place and we know is only a drain on our economy?

Let me tell you something, a lot of things have changed in the last 15 years, the music, the fashion in this country, but one thing has not changed, SDI still stands for "same dumb idea" that it did in 1983, when it was introduced. And you are going to change it now to BMD, ballistic missile defense, but BMD really stands for "big money drain," out of programs for the elderly, out of programs for the kids in this country.

Let us just keep a few simple facts in mind. The cold war is over. The Russians are having a hard time controlling the Chechens, much less attacking the United States or launching a brand new missile program. It is time for us to support the DeFazio-Dellums amendment and its proper prioritization of money in this country.

Mr. SPENCE. Mr. Chairman, I yield 1½ minutes to the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Mr. Chairman, it seems that some Members in this body are still living in the period of 15 years ago, and they are using the SDR rhetoric, that is the "same dumb rhetoric."

The fact is that times have changed. We can no longer depend on mutually assured destruction to prevent a holocaust of our citizenry if a nuclear missile lands in a city in the United States of America.

When we had one enemy or two enemies, yes, mutually assured destruction worked. Today missile proliferation and nuclear proliferation means that in a few years we could face the scenario where a missile would be launched by an Iran or a Libya or some other country, maybe Afghanistan. Some people in Afghanistan will get their hands on a surplus Soviet missile and we could do nothing but sit back and listen to the same dumb rhetoric about hot school lunches and tell our people, well, I am sorry, we gave in to people who are more concerned about school lunches at the moment than we were about protecting our country against a holocaust that would cost millions of American lives.

SDI is not what it was 15 years ago. Now, for just a few billion dollars, we could actually implement a system that will protect us with the *Aegis* cruiser system from a missile attack from Iran. We should do that. That is what we should do. It is not time to defend SDI; it is time to implement it.

Mr. DEFAZIO. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, in response to the previous speaker, it certainly is not what it was 15 years ago. We have spent $36 billion and the result is one faked missile test over the Pacific. They did not even shoot down that one incoming warhead. They had to blow it up with detonators that were on board. No, it is not what is was 15 years ago. It has wasted $36 billion and now they want to waste more.

☐ 1515

Mr. SPENCE. Mr. Chairman, I yield 1½ minutes to the gentleman from Indiana [Mr. HOSTETTLER].

Mr. HOSTETTLER. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise today to voice my opposition to the Dellums-DeFazio amendment to this defense bill. The Constitution makes clear that it is the responsibility of Congress to provide for the defense of this Nation. Indeed, 6 of the 18 powers granted to Congress by article I, section 8, deal with the Congress' role in providing for national security. This, my friends, is the first and most important role of government. To me then, the question concerning ballistic missile defenses must be, "Are such defenses necessary for the protection of our people?" The hearings I have participated in the past 5 months allow me to state, with no reservation, that the answer is yes.

According to the March 9, 1995, testimony of Gen. Malcolm O'Neill, the director of the Ballistic Missile Defense Organization, more than 25 countries possess or may be developing nuclear, chemical, or biological weapons. Today, more than 15 nations have ballistic missiles. By the year 2000, perhaps 20 nations will have them. Given our inability to guarantee that these missiles and weapons of mass destruction will be in safe, sane, hands, we have no choice but to deploy defenses against them.

And the question that ultimately arises is this—"But Congressman, what does it cost?" My answer is, what is it worth to protect us from global blackmail, terrorism, or a missile accident? What can we say to the next generation when they are held hostage by a foreign nation who claims to have a missile aimed at New York City or Evansville, IN? How can we live with ourselves if Oakland, CA, or Sumter, SC, are blown away by the accidental launch of an ICBM?

We have no choice. Our consciences and our constitutional duty demand that we defend America from missile threats as soon as is practical. Folks, the technology is there, it is up to us to use it. I urge the defeat of the Dellums amendment.

Mr. DEFAZIO. Mr. Chairman, I yield myself 30 seconds.

Remember, Mr. Chairman, the Pentagon asked for $2.9 billion. They asked for full funding plus an increase of 1 percent over inflation for BMD. They got it. They have gotten an increase from $1.65 billion to $2.18 billion in theater missile defense and a 65-percent increase for other TMD programs. They have gotten all they ask for and more. Now the committee wants to add on top of that.

This is not needed, according to the Pentagon. We say it is needed to feed the troops and their families. We can prove that by the 15,000 families receiving food stamps. That is a scandal. That is a readiness problem. We should be dealing with that and get our priorities straight.

Mr. SPENCE. Mr. Chairman, I yield 1½ minutes to the gentleman from New Jersey [Mr. SAXTON], a member of our committee.

Mr. SAXTON. Mr. Chairman, I rise in opposition to the Dellums amendment. I would say to the gentleman from Oregon, Mr. Chairman, that this is a time when we have to make tough choices. I would say that we are here in part, at least, because we have collectively cut the defense budget every year for the last 9 years.

I appreciate and understand the gentleman's willingness to want to build houses for military families with this money. It is important. However, those who would cut the funding of the ballistic missile defense see the world a far safer, friendlier place than the events in Korea, Iraq, China, or Russia could ever justify.

Currently, 12 developing countries have Scud-class or better missile systems. North Korea has successfully flight-tested a ballistic missile with a range of 620 miles, and recent reports have cited the Koreans as possessing a missile with a possible range of as much as 5,600 miles. I would once again point out that on January 18 of this year, the acting director of the Central Intelligence Agency, Adm. William Studeman, said these words. He said that, "The missiles will be able to reach us," in his opinion, "toward the end of this decade or the beginning of the next." This is not a choice that we like to make, this is a choice that we must make. This is an amendment which must be defeated in order to propel us in the correct direction.

Mr. DEFAZIO. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, how many times is this Congress going to substitute its judgment for the judgment of the professionals at the Pentagon? Yes, there are problems at the Pentagon, but one problem they do not have at the Pentagon is not asking for enough money to accomplish the needed goals to defend this country.

We have had scandal after scandal where we have overexpended funds, where we have had cost overruns. This is a case where we have fully funded the request of the Pentagon in the President's budget, $2.9 billion. That is an increase in ballistic missile defense, and we are up to $2.18 billion for theater missile defense. That is up by, that is almost $600 million in a mere 2 fiscal years. The funding is more than adequate.

What we are doing here, Mr. Chairman, is adding money into the budget the Pentagon did not ask for, and micromanaging the theater missile defense program, one of the most successful programs in the Pentagon. Do not mess with it.

Mr. SPENCE. Mr. Chairman, I yield 1 minute to the gentleman from Maine [Mr. LONGLEY].

Mr. LONGLEY. Mr. Chairman, it is amazing to listen to the rhetoric. It has not changed in 20 years, and refuses to acknowledge the tremendous progress that we have made in the area of antimissile defenses.

I would call the attention of this chamber to the article recently published by former Assistant Secretary of Defense Frank Gaffney, and specifically where he points to the progress that we have made with the Aegis Destroyer missile program. In fact, he suggests that many of our missile programs have resulted in costing more than they need to, and being deliberately made less effective than they could be.

We have spent nearly $50 billion in an infrastructure that can be rapidly adapted to kill ballistic missiles; namely, the Aegis anti-air missile defense system. We have scores of cruisers, thousands of vertical launching tubes, tremendously sophisticated radars, all of which are capable of potentially knocking down incoming ballistic missiles, and these ships could be equipped as early as 2 and 3 years ahead of time.

I think it is imperative that we continue to make the progress and build on the progress that we have made, because we are closer than ever to being able to implement an effective, workable, antimissile defense program, and the Aegis Destroyer is at the heart of it.

Mr. DEFAZIO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we are hearing a lot about the increase of $600 million over what the Pentagon asked for, but I do not hear the other side responding to the fact that they did not fund the problem we have with 15,000 GI families on food stamps, living below the poverty level, living in unsafe conditions. They are not addressing that problem.

The committee dealt with it in a cursory manner. They recognized the problem. They said it should be dealt with. Then they said they could only afford 25 percent of the funds. With this amendment, we could afford more than 100 percent of the funds to bring our GI's and their families up above the poverty level.

It is a scandal, when the greatest Nation on Earth has members of its military and their families dependent upon food stamps, and living in unsafe and unwholesome conditions, and then we are going to ask those young men and women to go overseas and forget about the suffering of their families back home, forget about the food stamps, forget about the crummy place they are living.

Mr. SPENCE. Mr. Chairman, I yield 30 seconds to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Chairman, let me respond to my friend and first say that the Republican budget, and that is this defense budget, adds money to housing, so I hope the gentleman is dissatisfied with President Clinton's budget, because that is the budget that we increased with respect to housing.

Second, Mr. Chairman, Israel has housing shortages, but Israel devotes far more money to missile defense per capita than the United States does. That is because they live in a real world in which they have been threatened by missiles, they have been impacted by incoming missiles. It is that reality that is pressing us and compelling us to put forth the mark that we have. Missile defense is very important to our people in uniform.

Mr. DEFAZIO. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, they still have not responded to the fact that yesterday the esteemed chairman of the Committee on Rules stood on the floor and said it would be a scandal to go back to the days when Members of the military and their families were on food stamps. Those days never went away. They are still here. We cannot ignore that reality.

Yes, I have been critical of the President on a number of things. Yes, his budget was not adequate to lift those families above the poverty level. Does that mean we should stay in the past? The committee only put up 25 percent of the money it estimates, which I believe is a lowball number, is necessary to get those families off food stamps. Which one-quarter of those people are we going to take off food stamps and which three-quarters are we going to leave on food stamps?

Mr. SPENCE. Mr. Chairman, I would ask, we have the right to close?

The CHAIRMAN. The gentleman from South Carolina is correct.

Mr. SPENCE. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. WELDON].

Mr. WELDON of Pennsylvania. Mr. Chairman, first of all, in terms of why we put 25 percent of the funding in, if the gentleman would have checked with DOD, it is because it is going to take them the first three-quarters of the next fiscal year to come up with the guidelines to implement the program. Why throw money when it cannot even be spent wisely, according to the gentleman's own administration's DOD leadership? Look at the facts.

Where was the gentleman when we fought 2 years ago to put a pay raise in for the military that the gentleman's President and his side did not want? We put it in at the committee level because we care about the troops.

In terms of BMD requests, it was General O'Neill who works at the Pentagon who said he would like to have $1.2 billion. We gave him $800 million, so it was not some number we came up with, it was the gentleman's administration's leader on missile defense that we sought to assist and help. Let us get our facts straight in this debate. Oppose this ridiculous amendment.

Mr. DEFAZIO. Mr. Chairman, it is sad the gentleman thinks it is ridiculous that there are 15,000 G.I. families today on food stamps, and tens of thousands of others living in dangerous and unsafe conditions in proximity to our military bases, while at the same time we are asking them to deploy overseas into dangerous situations, and forget about their families back home. I do not think that that is a ridiculous amendment.

For the gentleman to say it would take 9 months to figure out a program to help lift those 15,000 families and tens of thousands of others above the poverty level and the near poverty level, I believe that the Pentagon that could deploy a rescue mission within 4 hours to Bosnia can figure out a way to compensate our GI's, men and women serving today, to compensate them adequately, so their families are lifted above the poverty level, and they are no longer eligible and dependent upon food stamps and living in substandard conditions. That cannot take 9 months, Mr. Chairman. I do not believe that could take 9 months. It is a specious argument.

The priorities on the Republican side were to throw more money at ballistic missile defense, despite the $36 billion spent so far, which has yielded nothing except for one faked successful test over the Pacific Ocean, and to ignore the needs of those tens of thousands of GI's and their families. That is not a proper set of priorities.

What is it that is the military might of America, the enlisted men and women, or pie-in-the-sky? I say food on their tables and adequate housing for their families come before pie-in-the-sky.

The CHAIRMAN. The time of the gentleman from Oregon [Mr. DEFAZIO] has expired.

Mr. DELLUMS. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from California is recognized for 5 minutes.

Mr. DELLUMS. Mr. Chairman, I take this opportunity to address my colleagues in the context of this amendment. I would preface my remarks by saying that I take some issue with my colleague who characterized this amendment as a ridiculous amendment.

I am prepared to intellectually and politically address any Member of this Congress on the wide range of issues with as much dignity and as much respect that I can accord another human being. If Members disagree with the amendment, that is one thing, but to characterize it, it seems to me, does not speak to the highest and the best in any of us here.

Having said that, Mr. Chairman, let us come back to the reality of what we are talking about. The American people need to know that over the past several years we have spent over $35 billion, billion, of their taxpayers' dollars. The amendment before us simply says this. The administration requested, the Pentagon requested, $2.9 billion.

☐ 1530

This amendment funds the administration request of $2.9 billion, roughly $2.5 billion for theater missile defense, so we fund theater missile defense at the level the military asked.

Then there is $400 million for national missile defense funded in this amendment, what the administration asked.

What my colleagues on the other side of the aisle in the context of the markup did was to add $628 million to that. So the issue is not that one side wants to do something that the other side did not want to do. The issue is, do you want to do it at that level?

So now we are at $3.5 plus billion. What the gentleman and this gentleman are attempting to do in this amendment is not to cut theater missile defense whatever, but to take the $628 million that was added over and above the request.

What do we want to do with this? I am having some difficulty understanding the debate here. We say that missile defense is important. We give the administration request.

We then say that our troops are important, the quality of their lives, their dignity as people is important. If it is, then you should embrace this amendment, because what we do in this amendment is take that plus-up of $628 million and we take our young people off food stamps.

My colleagues, you know why American military people are serving this country and they are on food stamps? Because the housing that is available to them off base is too expensive for junior enlisted people, so they end up on food stamps. So not only are they serving our country but they have to pay out of their pocket to serve our country. They are on food stamps, the very same young people that we walk into the well of the House in support of day in and day out.

Yet when it comes to their human dignity, when it comes to the quality of their lives, it is more important, it seems to me, to put $628 million into a technology that we have already spent $35 billion for, and nearly $3 billion per year for the last few years for this function. It is disingenuous to communicate that we are not doing that, but we are simply taking this $628 million, $150 million of it for veritable housing allowances.

You ought to be for that proposition. You pat these young people on the back when you visit them. Put the rest of the money into getting these young people off of food stamps. You go out there and visit them. You talk about how wonderful they are. You give them the old salute. You pat them on the back. You tell them how great they are.

But when it comes down to putting the rubber to the road, Mr. Chairman, it is more important to put something in space than it is to deal with these young people suffering on the ground, on food stamps, do not have adequate housing.

If your question to me is, am I pleased that you put a few more dollars in housing, you are right. My vote was with you, but that is not enough. You still have got thousands of young families here on food stamps, thousands of kids who cannot afford to live off base, but they are wearing the uniform, and we keep patting them on the back. We trot them out there in harm's way.

This is quality of life. Put your money where your mouth is. You keep talking about quality of life. This amendment is for the troops. Get out of space and get back here on the ground where our kids are living and dying.

Mr. SPENCE. Mr. Chairman, how much time do I have left?

The CHAIRMAN. The gentleman has 1 minute remaining.

Mr. SPENCE. Mr. Chairman, I also have the right to strike the last word?

The CHAIRMAN. That is correct.

Mr. SPENCE. But I hesitate to do that. Unless the gentleman would like some more time, I will yield to him.

Mr. DELLUMS. I appreciate my colleague's generosity. I have made my statement, and I cannot amplify further. I thank the gentleman.

Mr. SPENCE. Therefore, Mr. Chairman, I will not ask for my additional 5 minutes, but I would like to close in the 1 minute I have.

The CHAIRMAN. The gentleman from South Carolina [Mr. SPENCE] is recognized for 1 minute.

Mr. SPENCE. Mr. Chairman, sometimes I think we go far afield and miss the point of just how serious this business of missile defense is. You do not have to be a superpower in this new world that we are living in to wage the horrors of mass destruction warfare on the rest of the world.

Indeed, a Third World country or a rogue nation can in a low-technology, inexpensive way produce weapons of mass destruction, biological and chemical warfare weapons. Witness Oklahoma City and the subways of Tokyo.

These warheads can be affixed to cruise missiles with the proliferation of cruise missiles in the world today. They can be put on merchant ships, on airplanes, on submarines, and hit anywhere in this world. It is not just theater missiles that we are worried about anymore, because they can, in this way, reach any place in the world and bring the horrors of warfare to everyone. We are trying to defend against this threat in this bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon [Mr. DEFAZIO].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. DEFAZIO. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 178, noes 250, not voting 6, as follows:

[Roll No. 374]

AYES—178

Abercrombie
Ackerman
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bishop
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Danner
DeFazio
DeLauro
Dellums
Deutsch
Dingell
Dixon
Doggett
Dooley
Doyle
Duncan
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Hastings (FL)
Hefner
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Klink
Klug
Lantos
Latham
Leach
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Mascara
Matsui
McCarthy
McDermott
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Montgomery
Moran
Morella
Nadler
Neal
Oberstar
Obey
Olver
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Pelosi
Peterson (MN)
Pomeroy
Poshard
Rahall
Ramstad
Rangel
Reed
Reynolds
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Shays
Skaggs
Slaughter
Stark
Stenholm
Stokes
Studds
Stupak
Taylor (MS)
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Velazquez
Vento
Volkmer
Ward
Waters
Watt (NC)
Waxman
Whitfield
Williams
Wise
Woolsey
Wyden
Wynn

NOES—250

Allard
Andrews
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
de la Garza
Deal
DeLay
Diaz-Balart
Dickey
Dicks
Doolittle
Dornan
Dreier
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hilliard
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Knollenberg
Kolbe
LaHood
Largent
LaTourette
Laughlin
Lazio
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martinez
Martini
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Mollohan
Moorhead
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Oxley
Packard
Paxon
Payne (VA)
Peterson (FL)
Petri
Pickett
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Regula
Richardson
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (NC)
Tejeda
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Visclosky
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—6

Durbin
Fields (TX)
Kleczka
LaFalce
Wilson
Yates

□ 1553

Mr. GUTKNECHT changed his vote from "aye" to "no."

Mr. HALL of Ohio and Mr. LEACH changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. It is now in order to consider amendment number 1 printed in subpart E of part 1 of the report.

AMENDMENT OFFERED BY MR. SHAYS

Mr. SHAYS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SHAYS:

At the end of title XII (page 409, after line 18), insert the following new section:

SEC. 1228. REDUCTION OF UNITED STATES MILITARY FORCES IN EUROPE

(a) END STRENGTH REDUCTIONS FOR MILITARY PERSONNEL IN EUROPE.—Notwithstanding section 1002(c)(1) of the National Defense Authorization Act, 1985 (22 U.S.C. 1928 note), but subject to subsection (d), for each of fiscal years 1996, 1997, 1998, and 1999, the Secretary of Defense shall reduce the end strength level of members of the Armed Forces of the United States assigned to permanent duty ashore in European member nations of the North Atlantic Treaty Organization (NATO) in accordance with subsection (b).

(b) REDUCTION FORMULA.—

(1) APPLICATION OF FORMULA.—For each percentage point by which, as of the end of a fiscal year, the allied contribution level determined under paragraph (2) is less than the allied contribution goal specified in subsection (c), the Secretary of Defense shall reduce the end strength level of members of the Armed Forces of the United States assigned to permanent duty ashore in European member nations of NATO by 1,000 for the next fiscal year. The reduction shall be made from the end strength level in effect, pursuant to section 1002(c)(1) of the National Defense Authorization Act, 1985 (22 U.S.C. 1928 note), and subsection (a) of this section (if applicable), for the fiscal year in which the allied contribution level is less than the goal specified in subsection (c).

(2) DETERMINATION OF ALLIED CONTRIBUTION LEVEL.—To determine the allied contribution level with respect to a fiscal year, the Secretary of Defense shall calculate the aggregate amount of nonpersonnel costs for United States military installations in European member nations of NATO that are assumed during that fiscal year by such nations, except that the Secretary may consider only those cash and in-kind contributions by such nations that replace expenditures that would otherwise be made by the Secretary using funds appropriated or otherwise made available in defense appropriations Acts.

(c) ANNUAL ALLIED CONTRIBUTION GOALS.—

(1) GOALS.—In continuing efforts to enter into revised host-nation agreements as described in the provisions of law specified in paragraph (2), the President is urged to seek to have European member nations of NATO assume an increased share of the nonpersonnel costs of United States military installations in those nations in accordance with the following timetable:

(A) By September 30, 1996, 18.75 percent of such costs should be assumed by those nations.

(B) By September 30, 1997, 37.5 percent of such costs should be assumed by those nations.

(C) By September 30, 1998, 56.25 percent of such costs should be assumed by those nations.

(D) By September 30, 1999, 75 percent of such costs should be assumed by those nations.

(2) SPECIFIED LAWS.—The provisions of law referred to in paragraph (1) are—

(A) section 1301(e) of National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2545);

(B) section 1401(c) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1824); and

(C) section 1304 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2890).

(d) EXCEPTIONS.—

(1) MINIMUM END STRENGTH AUTHORITY.—Notwithstanding reductions required pursuant to subsection (a), the Secretary of Defense may maintain an end strength of at least 25,000 members of the Armed Forces of the United States assigned to permanent duty ashore in European member nations of NATO.

(2) WAIVER AUTHORITY.—The President may waive operation of this section if the President declares an emergency. The President shall immediately inform Congress of any such waiver and the reasons for the waiver.

(e) ALLOCATION OF FORCE REDUCTIONS.—To the extent that there is a reduction in end strength level for any of the Armed Forces in European member nations of NATO in a fiscal year pursuant to subsection (a)—

(1) half of the reduction shall be used to make a corresponding reduction in the authorized end strength level for active duty personnel for such Armed Forces for that fiscal year; and

(2) half of the reduction shall be used to make a corresponding increase in permanent assignments or deployment of forces in the United States or other nations (other than European member nations of NATO) for each such Armed Force for that fiscal year, as determined by the Secretary of Defense.

(f) NONPERSONNEL COSTS DEFINED.—For purposes of this section, the term "nonpersonnel costs", with respect to United States military installations in European member nations of NATO, means costs for those installation other than costs paid from military personnel accounts.

The CHAIRMAN. Pursuant to the rule, the gentleman from Connecticut [Mr. SHAYS] and a Member opposed will each be recognized for 20 minutes.

The gentleman from South Carolina [Mr. SPENCE] is opposed to the amendment and will be recognized to control the 20 minutes in opposition.

The Chair recognizes the gentleman from Connecticut [Mr. SHAYS].

Mr. SHAYS. Mr. Chairman, I yield 10 minutes of my time to the gentleman from Massachusetts [Mr. FRANK] and I ask unanimous consent that he be permitted to control that time.

The CHAIRMAN. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. SHAYS. Mr. Chairman, I yield myself 1 minute to explain the amendment.

Mr. Chairman, this amendment passed last year, and on behalf of the gentleman from Massachusetts [Mr. FRANK], the gentleman from Michigan [Mr. UPTON], the gentlewoman from Oregon [Ms. FURSE], and the gentleman from New Jersey [Mr. MARTINI], we offer this amendment.

It is the burdensharing amendment requiring that Europe contribute 75 percent of the cost of our troops by paying 75 percent of the nonsalaried cost of our troops in Europe.

The amendment would ultimately save $9.5 billion in 5 years, if Europeans pay 75 percent, and it would have a $4 billion savings if they choose to not and we bring some of our troops home.

Mr. Chairman, this amendment would require an increase of 18 percent more each year to the alternate 75 percent by the year September 30th, 1999.

Mr. Chairman, the bottom line to this amendment is that we are asking the Europeans to do what we asked the Koreans and the Japanese to do, and that is to help pay for the cost of our troops overseas by paying 75 percent of the nonsalaried cost.

Mr. SPENCE. Mr. Chairman, I yield myself such time as I might consume.

Mr. Chairman, I rise in opposition to the Shays amendment linking burden sharing to the forward deployment of U.S. forces in Europe.

This amendment would appear to make good fiscal sense and to be in the interest of the taxpayer, but that is not the case. In truth, its passage would prove penny-wise but, pound-foolish. The interests and concerns of our European allies are but a small element of a greater issue of responsibility-sharing that we consider here today. As we move to pass this defense authorization bill, we are obligated to re-evaluate America's national defense needs, but we must avoid the isolationist temptation to over-simplify our important role in Europe, and in the world. The United States is a global superpower whose well-being is tightly linked to international peace and stability. It is in our primary interest to preserve these conditions, as we have done in Europe with NATO for over 45 years. To do so, we must maintain a forward presence to deter and, when necessary, to quickly defeat aggression that challenges our interests. A decision to link American military presence in Europe to our allies' willingness or ability to pay ignores this basic fact.

Despite the end of the cold war, no one can argue with certainty that the threat from the former Soviet Union is gone. Russia must still be regarded as a potential threat to American interests in Europe, and elsewhere. Amidst a period of transition, other potential threats to U.S. interests are likely to emerge in Europe. Ethnic or civil conflicts will continue, as in the former Yugoslavia. Unless defused or contained early on, they can escalate, spilling over into areas of direct interest to the people of the United States.

Threats and challenges to American interests can emerge suddenly and unexpectedly. Certainly, the Persian Gulf war taught us and our adversaries that the United States won't likely have the luxury of time of prepare for such conflicts in the future. This requires us to maintain a forward-deployed defense posture.

The Shays amendment to link the presence of U.S. forward-deployed forces to host nation support, is unsound and dangerous during this period of uncertainty. While U.S. armed forces in Europe commonly serve mutual interests of our friends and allies, they are there to, first and foremost, defend the vital national security interests of this country and the American people.

While I support U.S. forces being stationed in Europe as established by this body last year, I also support continued negotiations to increase host nation support. However, I feel that legislating diplomacy as proposed by the Shays amendment is bad policy and not in the best national security interest of this Nation.

I urge my colleagues to vote no on the Shays-Frank burdensharing amendment.

☐ 1600

Mr. Chairman, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

First, I would note every negative thing you will hear about burdensharing with Europe today, you heard from exactly the same institutional leaders against burdensharing with Japan 5 years ago. The House overrode that, insisted on burdensharing with Japan, and we are several billion dollars less poor and no less safe.

Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. BRYANT].

Mr. BRYANT of Texas. Mr. Chairman, I thank the gentleman for yielding me this time.

I would remind the Members of the House that it has now been 50 years since World War II and yet we are still spending billion of dollars subsidizing the defense of Europe.

I had hoped to offer an amendment, which the Committee on Rules did not allow me to offer, to require them to contribute 100 percent of the cost. This amendment makes them contribute 75 percent of the cost.

It is a wise idea. These are not war-torn, war-shattered countries. These are First World countries with first-rate economies and compete vigorously with us in every area of commercial life, and they have been able to provide their people with better health care, better education and better protection from crime, due to the fact that we subsidize a principal part of their budget.

In fact, while we are spending about $1,153 per capita on defense in this country, a significant portion of which defends them, they are only spending $419 per capita on defense in their countries.

I also point out to you that is ironic that while we are subsidizing our allies' defense, our government borrows money to pay for a deficit, a large portion of which ends up being borrowed from the very nationals whose defense we are subsidizing, thereby saving them money. Surely, 50 years after World War II, it is time to tell our European allies, "We love you, we are with you, but you pay your share of your own defense."

Mr. SPENCE. Mr. Chairman, I yield 2½ minutes to the gentleman from Colorado [Mr. HEFLEY], the chairman of our Military Construction Subcommittee.

Mr. HEFLEY. Mr. Chairman, I rise in strong opposition to the amendment offered by Mr. SHAYS and Mr. FRANK. In my judgment, this debate is not about burden-sharing—every Member is for burdensharing. This debate is about the integrity of our forward-deployed presence in Europe. This amendment is little more than a thinly disguised attempt to reduce force structure.

The amendment ignores the current statutory framework for burdensharing. To listen to the proponents of the amendment tell the story you would get the impression that the allies are doing virtually nothing to share the burden. These are the facts:

The 1995 defense authorization bill contained a target for our European NATO allies to contribute to our stationing costs in Europe. The Department of Defense expects to meet, and exceed, the 37.5 percent target by the statutory deadline of September 30, 1996. In fact, by fiscal year 1997 DOD expects the allies to pick up over 40 percent of those costs.

The Shays-Frank amendment mandates that for every 1,000 ground troops required to be withdrawn from Europe, half will be discharged. The amendment could result in thousands of involuntary separations.

Adoption of the Shays-Frank amendment would negate the permanent authorized end strengths contained in the bill before the House.

This amendment would harm the ability of the United States to respond to crises in Europe, the Middle East, and Sub-Saharan Africa. The sharp reductions in force structure contemplated by the Shays-Frank amendment would not have permitted us to prosecute Operation Desert Shield/Storm in the manner we did. The fig leaf of Presidential waiver authority in the event of an emergency cannot hide the fact that our forward-deployed presence in Europe serves an American national purpose. Our forces are not some form of European welfare.

The amendment ignores the careful, prudent, and fiscally responsible drawdown we have already undertaken in Europe. As the chairman of the Subcommittee on Military Installations and Facilities, I have monitored the drawdown in Europe. Since 1990, we have closed 878 installations—a 63-percent cut—and reduced our troop presence by over 200,000—a 69-percent cut.

The Secretary of Defense, the Chairman of the Joint Chiefs of Staff, Gen. George Joulwan, Supreme Allied Commander in Europe, and Gen. Gordon Sullivan, the Army Chief of Staff all oppose this amendment.

I urge my colleagues to reject this relic of the past.

Mr. SHAYS. Mr. Chairman, I yield myself 30 seconds to just point out to the Members here that the Europeans in 1993 paid 14 percent of our costs, $2.1 billion total, but in cash only $301 million. That number dropped down to $2.2 billion, and only $252 million, and then it dropped down to $60 million. The Europeans are only providing $60 million of cash, and only $1.1 billion.

Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Chairman, I reluctantly oppose the position of my chairman on the Committee on National Security.

I have served overseas myself, in the Philippines, Japan, and Korea, and I know that the economy is supplemented by every military troop that we have in station. Those countries' economies are supplemented by our military pay.

Secondly, those countries need us in place. Japan supports 77 percent, Korea 60 percent, but yet Europe supports only 20 percent of the cost—20 percent.

It has been said that Bosnia is a European problem, but yet who do you see there paying the majority and the lion's share? They need us there for their freedom, and freedom comes at a great cost, great sacrifice to our families, a lot of dollars that we have to borrow and also, yes, it does cost American lives.

It is about time, and I do not think it is asking too much, that we ask the nations, in which we provide that freedom to pay a fair share of that freedom.

We take a look across at other countries, and I wish we did the same. We are giving great amounts of dollars to South Africa, and yet the only place we can get titanium is in South Africa and the Ukraine. Why can we not get something back from a lot of countries, not just Europe?

So I think this amendment actually falls short in a lot of areas in which we invest that we should be getting something back, and in this case we are willing to sacrifice in some cases for freedom for American lives. I think the Europeans should pay their fair share in lives, in dollars, and in sacrifice.

Mr. HEFLEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would just say briefly that the comptroller of the Department of Defense disagrees with every single figure the gentleman from Connecticut [Mr. SHAYS] gave just a moment ago.

Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Chairman, each year during debate on this amendment I have said—and it bears repeating once again—that at the heart of this debate, pure and simple, is the issue of defining and maintaining our country's ability to sustain its strategic interests abroad. It should be clear that to each and every Member that our allied security arrangements in Europe, Japan, Korea, and the South Pacific serve as the underpinning of our larger vital interests throughout the world. Those vital interests cannot be protected without a substantial U.S.-forward deployed presence. That presence, and the associated leadership and prestige it brings, is at risk if the House takes action to force untenable reductions in our forces in Europe.

This so-called "burdensharing" amendment actually calls for the withdrawal of U.S. Forces from Europe. It would be folly to take rash action now that could speed a return to the kind of confrontation that compelled us to station over 300,000 troops in Europe for several decades during the cold war.

Given the present uncertainty in Russia and elsewhere in central and eastern Europe, this is no time to precipitously withdraw our forces in that region.

This is not to say that the United States should not continue to vigorously pursue arrangements with our allies that would be more beneficial to the United States. Indeed, the American people deserve no less. But the American people must also know what is at stake in Europe if U.S. forces are cut too far and too fast.

Accordingly, I urge my colleagues to vote against the Shays-Frank-Upton amendment.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 1 minute to the gentlewoman from Oregon [Ms. FURSE], a coauthor of the amendment.

Ms. FURSE. Mr. Chairman, why do the Concord Coalition, the National Taxpayers Union, and the Citizens Against Government Waste support this amendment? Well, for the same reason that so many Americans do. They all think it is only fair that Europe pick up a fair share of its own defense costs.

While the Europeans enjoy universal health care and a fine education system, we pick up their defense costs, and we have to cut education to our own citizens.

We begin to give our own constituents a break when we bring the money home from Europe. My constituents and all Americans deserve nothing less.

I urge support of this amendment.

Mr. HEFLEY. Mr. Chairman, I yield 2 minutes to the gentleman from Missouri [Mr. SKELTON].

Mr. SKELTON. Mr. Chairman, I oppose this amendment.

This amendment attacks stability. It attacks all that we have stood for in Europe since the Second World War.

We do not have to do much history reading to see that twice we have been back to Europe to save them from tyranny. Harry Truman helped establish NATO. This is a direct attack on NATO. This is a direct attack on stability.

I urge my colleagues to take the time to read this amendment. Look at the language, and you see it is not a burdensharing amendment. It is one to actually cut the troop strength in Europe and, in truth, in fact, we are cutting down and down, and we will have, and have, only two army divisions with two brigades left in Europe.

☐ 1615

We have cut our troop strength down there by 63 percent, down to a hundred thousand force level. As a result of previous congressional action, there it should stay. We cannot allow our stability, our presence, most of all our leadership in Europe, to come unglued.

This amendment does away with American forward presence in Europe, it does away with our leadership, it does not give us the voice that we should have, and the passage for our military and our ability to work with our allies in the field because we will not have adequate forces there.

We should turn this down, see this amendment for what it is. Though it is called a burdensharing amendment, in truth and fact it is an amendment to cause us to lose our leadership in NATO. We cannot allow that.

Mr. SHAYS. Mr. Chairman, I yield myself 30 seconds just to comment to two comments.

First off, our statistics come from the 1996–97 budget estimates of the Department of Defense host nation support, May 1995. This is where we are taking our statistics, so if the Department of Defense disagrees with their statistics, they are disagreeing with their own statistics.

I would just like to point out to our colleagues that Europeans today only pay $60 million in cash. The Japanese pay $3.4 billion in cash contributions to the United States. The Europeans are not stepping up to the plate, and they need to.

Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. UPTON].

Mr. UPTON. Mr. Chairman, the premise of our amendment is very simple, and it is also fair. If our European allies do not begin paying their fair share of nonpersonnel costs for maintaining U.S. troops in Europe, then we are going to gradually reduce our troops.

A few years ago we had the same argument on this floor with regard to Japan. In fact, we heard exactly the same arguments against what we are doing today back then, but guess what? We passed that bill that day, and, when we begin talking about burden sharing, let us emphasize the word "sharing." It should be understood that our regional interests are the shared interests of the nations in which we house our troops, and guess what? Because of what we passed several years ago, the Japanese contribute today 76 percent of the nonsalaried costs of U.S. troops. What is that figure? It is $4 billion. What are the Europeans doing today? Not 76 percent, where we are with the Japanese, not 50 percent, not 40 percent, not 30. It is a puny 20 percent.

As we have to work in this body towards a balanced budget, we have heard over and over that we have got to make some tough choices. Well, how on earth can we continue to spend billions and billions of dollars for the defense of wealthy European nations like the United Kingdom and others when it is time for them to begin to share their responsibility? This is a year when Members in this Congress are asking taxpayers to tighten their belts. It is only fair that we ask the Europeans to do the same.

Some have suggested to me today that perhaps, if this amendment passes, we would lose the authority to control our troops overseas. Nothing could be further from the case. U.S. control exists, and I urge all of my colleagues to support this amendment that we passed on this House floor last year by a two to one margin.

Mr. HEFLEY. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. TORKILDSEN].

Mr. TORKILDSEN. Mr. Chairman, I rise in strong opposition to the amendment offered by Mr. SHAYS and Mr. FRANK and others which would seriously impede the ability of the United States to defend its own national security interests.

Clearly, it is in our interest to require foreign nations who benefit from mutual security arrangements to pay their fair share. I support continued negotiations to achieve that. My colleagues may remember that a compromise was reached last year that provided for our European allies to pay 37.5 percent, an increase from 25 percent in 1990. However, our European allies will actually contribute in excess of 40 percent of such costs.

More importantly, in the area of force structure, this amendment would cut off our nose to spite our face. This amendment not only calls for the removal of our forces, but requires the United States to reduce personnel by half of all troops removed from Europe. This reduction would come on the heels of the most significant drawdown in U.S. end strength levels in over 50 years. Since 1990, the United States has reduced troop levels in Europe by 69 percent—from 330,000 to approximately 100,000. Earlier, U.S. troop strength was actually 500,000. This amendment, in the name of burdensharing, would reduce that force structure even more.

These mandated force structure cuts would compromise our national security interests around the globe.

Our forward based troops in Europe today are not a vestige of the cold war. In Operation Desert Shield/Storm, 95 percent of the strategic airlift, 90 percent of combat aircraft, and 85 percent of the naval vessels used in the conflict were either staged in or passed through Europe. Indeed much of our reasons for keeping troops in Europe are designed to protect U.S. interests in the Middle East, and elsewhere. Yet the sponsors of this amendment make no pretense at charging the beneficiaries in the Middle East, or elsewhere for this benefit.

And our forces in Europe have been deployed to conduct military or humanitarian operations in northern Iraq, Rwanda, the former Soviet Union, and in the former Yugoslavia. It would be foolhardly to attempt any of these missions with the base level of 25,000 troops specified in this amendment.

I urge all my colleagues to vote "no" on this well-intentioned, but seriously misguided amendment.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I yield myself such time to say, "I'm grateful to all of those who have risen today to say you don't need this because of the great amendment we had last year. I would note that every single one of them that said that voted against it last year, so they voted against it last year and fought it. When we got it done over their objection, they watered it down some. They now welcome it, and that's been the pattern. They said no when we tried to do it to Japan. It's worked well. They said no last year. They are always going to be against it when we try to do it, and then they'll use it only when they can to stop something better from happening."

Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota [Mr. LUTHER].

Mr. LUTHER. Mr. Chairman, I rise in strong support of the burden sharing amendment to the military budget bill. This amendment wisely requires our allies to bear a greater share of the financial burden of maintaining U.S. troops in Europe. We simply can no longer afford to pay more than half of the nonpersonnel costs of maintaining our troops while European NATO nations contribute less than 25 percent. With this amendment we have the potential here today to save up to $9.5 billion over the next 4 years.

I can, frankly, understand how during the cold war the current financial arrangements came about. But this is a classic case of where changed times require changed policy in this country. In these days of budgetary constraint here at home and yet multiple commitments abroad, we must ask our allies who compete against us for business and jobs in this world, we must ask them to share in the cost of our international military operations.

With the cold war over, it is time for us in this country to enter a new era, an era of tough decisions and new priorities. I urge my colleagues to join with me in supporting this amendment.

Mr. HEFLEY. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia [Mr. SISISKY].

Mr. SISISKY. Mr. Chairman, I rise in strong opposition to the Shays burdensharing amendment. If passed, this amendment would seriously disrupt NATO relations imperiling the most effective and singularly important military alliance in which the United States participates. Maintaining security in Europe requires building a new European security architecture that takes advantage of the Western alliances' victory in the cold war. The United States has a vital national security interest in building that stability and in seeing that another major war does not engulf Europe. We cannot do so without being on the ground with sufficient presence in Europe. The CINC for Europe and the Department of Defense all believe that the approximately 100,000 troops that remain after nearly a 70-percent cut of cold war levels are the minimum sufficient for maintaining that presence and for undertaking the many missions upon which they are called to perform.

This amendment, and I will tell the gentleman from Massachusetts, ignores last year's legislation and the DOD's success in moving toward a 2-year goal that was secure 37 and a half——

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. SISISKY. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. The gentleman voted against last year's legislation and is ill-suited to invoke it now.

Mr. SISISKY. Reclaiming my time, the amendment that passed last year was not the amendment that we are working on right now. It is the amendment that we have right now, but not the one that came out of conference.

More than that, we should not attempt now, especially since the comparison to the Japan-United States contribution agreement are wrong on the facts. Europeans spend a good deal in forces and operations that support U.S. vital national interests. We had our troops in Europe because they are in the United States' vital national interests. Our troops are not there for the Europeans' convenience. They are there for our convenience.

Please do not destroy NATO, do not reduce our forces. Vote "no" on Shays.

Mr. SHAYS. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. MARTINI] to speak on the exact same amendment as introduced last year except for the change in the dates.

Mr. MARTINI. Mr. Chairman, I rise in support of the burdensharing amendment.

Like most of my colleagues, I am committed to ensuring that the U.S. military is the finest fighting force in the world. We certainly owe this to the brave young men and women who serve their country in uniform.

I am, however, also very concerned about the fiscal crisis facing America. With a $4.5 trillion public debt and annual budget deficits of $200 billion we must look to reduce Federal spending everywhere we can.

During the cold war, the forward presence of United States troops on the European continent was necessary to neutralize the impending Soviet threat, but the time has come for our European allies to contribute to the cost of freedom in Europe.

Both Japan and Korea assume over 70 percent of the nonpersonnel costs for United States deployed in these countries.

Yet, astonishingly, our European friends contribute less than 25 percent of the nonpersonnel costs. This in my opinion is just plain wrong. Our European allies must step up to the plate. This amendment will simply require our friends to contribute 75 percent of the nonpersonnel costs of U.S. troops stationed in Europe by the year 2000.

If our allies choose to ignore the gradual payment scale outlined in this amendment, the Secretary of Defense will be required to reduce U.S. troop levels in Europe by 1,000 soldiers for each percentage point that the Europeans fall below the established targets.

Mr. Chairman, we will—and we have—hear from some today about how this amendment will severely jeopardize U.S. national security interests. This simply is not true. All of the arguments alleging disruption of our deployment are conditioned upon and apply directly on the willingness of our European allies to share in these costs.

Our amendment would also allow the Secretary of Defense to retain up to 25,000 troops, U.S. troops, even if these nations fail to comply with our proposal. Furthermore, the President may waive these requirements of our amendment if he believes our national security would be threatened.

Mr. Chairman, we have asked, and we will continue to ask throughout this summer, the American people to make reasonable sacrifices to reach a balanced budget. We should expect nothing less from our European allies. I urge support of this amendment.

□ 1630

Mr. HEFLEY. Mr. Chairman, I yield 1½ minutes to the gentleman from Indiana [Mr. BUYER].

Mr. BUYER. Mr. Chairman, I thank the gentleman for yielding time to me. To my colleague, the gentleman from New Jersey, who I would say I am in opposition to his statements, but to say my opposition is a position that would not be true in his eyes would, I think, be a misstatement.

Mr. Chairman, I rise in opposition to the amendment. Burdensharing is a vital component of our national security strategy. Requiring our allies to pay their fair share for their own defense is a prudent and commonsense policy.

However, I object to this amendment directly linking mandatory troop withdrawals from Europe if NATO nations do not meet burdensharing goals by a date certain.

The United States has fought two hot and one cold war in Europe during this century. In the case of the two World Wars, the rush to withdraw U.S. troops from Europe created a vacuum that necessitated our return to that continent at a later date with a greater cost in lives and treasure. We must not repeat this mistake.

Our presence in Europe is a commitment too valuable to the vital national security of the United States to jeopardize lightly. This amendment ties the hands of the Commander in Chief and could force our withdrawal from NATO at a dangerous and difficult time for the alliance.

I urge my colleagues to vote to maintain our flexibility in NATO and reject this amendment.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would just say that being for burdensharing in principle while you promise to keep the troops there is a very unpersuasive way to get the Europeans to put up any money. As long as they can have the troops for free, they will not contribute.

Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. BONIOR] who began our successful effort to compel burdensharing by offering an amendment to require burdensharing from Japan, which drew every single negative argument we have heard today back then.

Mr. BONIOR. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, indeed, it does seem like deja vu. We have heard these arguments over the over again. But I think it is important for those who have not been here to recap what actually happened back in 1990.

We were debating the defense bill late into the evening. I walked into the well and I offered an amendment requiring that the Japanese pay their fair share. Here we are, having a huge trade deficit with the Japanese, we have got 50,000 troops over there, they are paying about 20 percent of the cost. The amendment passed overwhelmingly with about 350 votes.

Now, what is interesting about this amendment, it occurred at the time we are negotiating with the Japanese in Tokyo over a large contribution from them for our efforts in the gulf war. We wanted $4 billion from them, they offered us $1 billion. Two nights later, after the amendment was offered here that passed back in 1990, I get a call at 11 o'clock at night from the Japanese Ambassador, who told me they had met in a special session in Tokyo and that they were going to up the increase in their contributions in the gulf war from $1 to $4 billion. They eventually doubled it from there.

The upshot of this is it has saved not only in contributions in fighting the war in the gulf but certainly in burdensharing and supporting our troops over there, tens of billions of dollars. We have an opportunity today to do the same things with our friends and allies in Europe. Requiring our European allies to pay their fair share will save us nearly $10 billion over the next 5 years.

I seems to me that if we are going to target seniors and target kids to cut this deficit, the least that we can do is ask our allies to pay their fair share. This amendment says that the days of the free ride are over. I hope my colleagues will support the amendment that is being offered on this floor.

Mr. HEFLEY. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia [Mr. BATEMAN].

Mr. BATEMAN. Mr. Chairman, I rise in opposition to this amendment and would certainly compliment the colleagues who preceded me in opposition to it for the cogency of their remarks.

Quite frankly, I find the amendment not only something that I disagree with, its fundamental premise is something that I think is offensive to the people who wear the uniform of the United States of America and who happen to be deployed under direction of their commanders to various places throughout the world, especially if it happens to be in Europe.

The premise of this amendment is that our troops are in some sense mercenaries there defending someone else for which we must receive an offsetting payment. They are not there in that role. They are there defending the interest and the security of the United States of America. I hope we are not going to forget that.

If we care about the NATO alliance, we cannot add but so much stress to it here on the floor of this House, where we have taken a position of unilateral lifting of the arms embargo against the Bosnian Moslems. We are at great points of difference in the pace in which we admit new states to the NATO alliance. There are differences that are running throughout that alliance, and it is not without some capacity of breaking that alliance.

Where then is the security interests of the United States served by this sort of thing, which has great political superficial appeal, but which has little more than that to offer in terms of national security policy for the United States of America?

Do not treat our forces as if they were mercenaries serving someone else's security needs. They are there, they are deployed in response to our security needs, and I hope we will not forget that when we vote on this amendment.

Mr. HEFLEY. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. GEREN].

Mr. PETE GEREN of Texas. Mr. Chairman, I rise in opposition to this amendment. It has been noted over and over that the Concord Coalition, the Citizens against Government Waste, and the National Taxpayers Union support this amendment. This amendment is penny wise and pound foolish. I commend those organizations for the great work they do in many other areas. They totally miss the point on this issue.

The premise of this amendment, as pointed out by my colleague from Virginia, Mr. BATEMAN, is that somehow we are over in Europe out of the goodness of our hearts. We are in Europe to protect vital American interests.

I would like to share with my colleagues a letter we received today from General Shalikashvili and Secretary Perry.

> Because half the forces withdrawn from Europe would be eliminated, this amendment would lead to unilateral U.S. force reductions and compromise the President's ability to protect U.S. interests, not only in Europe but throughout the world. We request your support in defeating this amendment. Sincerely, John M. Shalikasvili and William Perry, Secretary of Defense.

I urge my colleagues to vote no on this amendment.

Mr. SHAYS. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I would like to use my 2 minutes to just briefly describe in clearer terms hopefully what is happening presently and what happened in the past.

In the past, the Europeans contributed, in 1993, $2.1 billion in in-kind and in cash payment. In 1994 they went to $2.2 billion. Then it dropped to $1.1 billion in 1995. In cash, they went from $301 million to $252 million, and now down to $60 million. So I hear people say we need to continue this dialog in negotiations, at this rate we are going to have no contribution. We are going in the wrong direction. They are contributing less.

Now, that is one point I just feel needs to be on the table. The other point that needs to be on the table is we have made a gigantic assumption the Europeans do not value our troops in Europe. I think that is a fallacious argument. The Europeans must know that our troops are serving the world interests in Europe, our interests as well as theirs.

We are simply asking them to do what the Japanese and the Koreans do. If the argument worked and was logical for the Japanese and the Koreans, why is it not logical for the Europeans? It is. We have a difficult task. We have a defense budget that is not going to basically increase for the next 5 years. That means we have to find other ways to save money.

I care about national defense. We need to help get more money from others to help this incredible task that we have, and I urge passage and adoption of this amendment.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself the balance of my time, 3 minutes.

Mr. Chairman, the gentleman from Connecticut has made a very important point. This will lead to American troop withdrawal only if you believe that the Europeans are unprepared to pay anything at all. I think that is wrong. I think the Europeans would be getting the great bargain of the world, because contrary to the suggestion that these would be mercenary troops, America will still pay the salaries of these troops. What we will be asking the Europeans for are the basing costs, part of the basing costs.

Every single argument advanced against this amendment today has been made against every burden-sharing argument ever put forward. In fact, we have this great paradox: Members who voted against burden sharing a couple of years ago when the House passed it now want to take credit for what the House did and use that as an argument for not doing it anymore. But the day we stop passing the amendments is the day they will stop helping.

We are in a terrible budget crisis. We all acknowledge that. We have differences about how to deal with it. But all of them are painful. The question is, should we tell our European allies that they alone in the world will get a free ride. Because we do this with Japan. We are cutting foreign aid elsewhere. The wealthiest nations in the world, those in Western Europe, will do this.

Members have said well, you know, we started this in 1949. It was necessary in 1949. In 1949 they were poor and Stalin was strong. But have they not outgrown that position of dependence on us? It is not time for the Europeans to have a turn to make a contribution?

Again, the argument is that if we ask them to contribute, they will somehow break off this alliance. Apparently the notion is that America has nothing to offer if we do not heavily subsidize them. Apparently the notion is that they have no interest in being our allies. Apparently America is the baby that is so ugly that if you do not put a lamb chop around its neck, the dog will not play with it. You know what? The troops in Europe we pay for, that is the lamb chop.

We have to approach the Europeans and say, "Please let us protect you and we will pay for it." You know what the most popular book from Europe is? Tom Sawyer, because they have figured out not only how to get America to paint the fence, but to get us to pay for it. As far as using that for the Middle East, yes, we were able to use it in the gulf war. But when Ronald Reagan wanted to bomb Libya, Europe was off limits. The Europeans have in fact been obstreperous and objected sometimes when we wanted to use our troops there for the Middle East.

We recognize that there is a partnership. These arrangements that now exist date from the time when we were all powerful and all wealthy and they were devastated by World War II and the communists were very powerful. We are prepared to cooperate now. But you have got the most one-sided arrangement around. The wealthiest nations in the world, the Europeans, pay very little for their defense. None of them has a defense budget that remotely approaches ours. Most of them have percentages much less than ours. The only way this will cause us to withdraw troops is if they say "Take it and get out." In fact, I will predict to my colleagues they will cause a troop withdrawal if they do not get some support from the Europeans for keeping them there.

Mr. HEFLEY. Mr. Chairman, I yield the balance of my time to the gentleman from Pennsylvania [Mr. Weldon].

The CHAIRMAN. The gentleman from Pennsylvania is recognized for 2 minutes.

Mr. WELDON of Pennsylvania. Mr. Chairman, this is a feel good amendment. It is a feel good amendment because who back home could be against you wanting to bring our troops back home? Let us bring them all back home. Let us bring everybody back to America. Let us not just stop here. Let us bring them all home.

Let us about burden sharing around the world. Where were the colleagues on the floor here when we wanted to bring the troops home from Haiti, which costs the taxpayers $1.5 billion? Where was the burden sharing there? Where were our colleagues when we had the Somalia vote and we said bring our troops home from Somalia. Where were the burden sharing concerns then? How about our colleagues on Israel? And I support the Arrow program. Should we have Israel fund 75 percent of the costs of the Arrow program to defend their country, like we are paying?

Mr. Chairman, the ability for us to deter aggression around the world is directly dependent upon our ability to stop regional conflicts.

□ 1645

We are there not just to defend our allies. We are there to protect our troops from being involved in war. All of us in this body are for burdensharing. Let us get it clear, all of us on both sides.

The question here today is how fast and how much. It is a simple question on this amendment, I submit to my colleagues.

Do you trust the judgment of General Shalikashvili and General Sullivan, who have both gone on record and are against this amendment, or do you trust the judgment in this case of my colleague from Massachusetts and my colleague from Connecticut?

I will tell you where my judgment is. My judgment is for the support of General Shalikashvili and General Sullivan who are charged with the responsibility of the lives of our young military personnel, not because they want to pass some feel-good bill in the Chamber of this body.

I say oppose the Frank-Shays amendment.

Mr. BENTSEN. Mr. Chairman. I want to express my strong support for Representatives Shays, Frank, Upton, and Furse burdensharing amendment. I believe that our allies should contribute to help cover the cost of U.S. troops stationed in those countries.

This amendment requires NATO nations to cover specified percentages of these nonpersonal costs—beginning with 18.75 percent by September 30, 1996 with a modest increase in the following years reaching 75 percent by September 30, 1998. Such nations which do not comply would see a reduction in U.S. troop strength. This is in accordance with recent agreements with the Japanese Government. Furthermore, the amendment allows the President to waive the requirement if he determines an emergency.

Fifty years after World War II, we still spend tens of billions of dollars to defend Europe and Japan. While American taxpayers have been subsidizing the defense of our allies, our allies have been able to provide more resources for health care for their citizens, education for their children, and better crime protection for their neighborhoods.

In 1994, our trade deficit with Germany alone was over $12 billion. In many cases, our allies have been subsidizing their industries and products to compete, sometimes unfairly, with American products. As a result, we have lost jobs.

Ironically, American taxpayers have been subsidizing our allies defense, while our Government borrows money to finance deficit spending.

I believe that at a time when we are closing bases and laying off approximately 81,000 soldiers and civilians, it is wrong for American taxpayers to continue paying billions of dollars to subsidize the defense of our allies who have adequate wealth of their own.

It is time to end America's biggest welfare program—the subsidization of the defense our European allies. We must demand that our NATO allies begin paying their share of the bills, bills that the American taxpayer have paid for far too long.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Connecticut [Mr. SHAYS].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. SHAYS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 273, noes 156, not voting 5, as follows:

[Roll No 375]

AYES—273

Abercrombie
Ackerman
Allard
Andrews
Archer
Baldacci
Barcia
Barrett (WI)
Barton
Bass
Becerra
Beilenson
Bentsen
Bilirakis
Bishop
Blute
Boehlert
Bonior
Bono
Borski
Boucher
Brewster
Brown (CA)
Brown (OH)
Bryant (TN)
Bryant (TX)
Camp
Cardin
Chabot
Chapman
Chenoweth
Chrysler
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Crane
Cremeans
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
Dellums
Deutsch
Dickey
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Durbin
Ehlers
Ehrlich
Engel
English
Ensign
Eshoo
Evans
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Ganske
Gejdenson
Gephardt
Gilchrest
Gillmor
Gonzalez
Goodlatte
Goodling
Gordon
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Harman
Hastings (FL)
Hayes
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hyde
Istook
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Jones
Kanjorski
Kaptur
Kasich
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
Kingston
Klink
Klug
LaHood
Lantos
Leach
Lewis (CA)
Lewis (GA)
Lightfoot
Lincoln
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McDade
McDermott
McInnis
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Moran
Morella
Nadler
Neal
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Pelosi
Peterson (MN)
Petri
Pomeroy
Portman
Poshard
Pryce
Rahall
Ramstad
Rangel
Reed
Regula
Reynolds
Riggs
Rivers
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sanford
Sawyer
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Shaw
Shays
Skeen
Slaughter
Smith (MI)
Smith (NJ)
Smith (WA)
Souder
Spratt
Stark
Stockman
Stokes
Studds
Stupak
Tate
Thomas
Thompson
Thornton
Thurman
Torricelli
Towns
Traficant
Tucker
Upton
Velazquez
Vento
Visclosky
Volkmer
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weller
Whitfield
Williams
Wise
Wolf
Woolsey
Wyden
Wynn
Young (AK)
Zimmer

NOES—156

Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Bateman
Bereuter
Berman
Bevill
Bilbray
Bliley
Boehner
Bonilla
Browder
Brown (FL)
Brownback
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Canady
Castle
Chambliss
Christensen
Clinger
Collins (GA)
Combest
Cooley
Cox
Cramer
Crapo
Cubin
DeLay
Diaz-Balart
Dicks
Dornan
Dunn
Edwards
Emerson
Everett
Fowler
Fox
Frelinghuysen
Frisa
Funderburk
Gekas
Geren
Gibbons
Gilman
Goss
Graham
Gunderson
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Inglis
Johnson, Sam
Johnston
Kelly
King
Knollenberg
Kolbe
Largent
Latham
LaTourette
Laughlin
Lazio
Levin
Lewis (KY)
Linder
Livingston
Longley
Lucas
Manzullo
McCollum
McCrery
McHale
McHugh
McIntosh
McKeon
Mica
Miller (FL)
Molinari
Mollohan
Montgomery
Moorhead
Murtha
Myers
Myrick
Nethercutt
Ortiz
Oxley
Packard
Paxon
Payne (VA)
Peterson (FL)
Pickett
Pombo
Porter
Quillen
Quinn
Radanovich
Richardson
Roberts
Rose
Salmon
Saxton
Seastrand
Shadegg
Shuster
Sisisky
Skaggs
Skelton
Smith (TX)
Solomon
Spence
Stearns
Stenholm
Stump
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thornberry
Tiahrt
Torkildsen
Torres
Vucanovich
Waldholtz
Walker
Walsh
Weldon (FL)
Weldon (PA)
White
Wicker
Young (FL)
Zeliff

NOT VOTING—5

Fields (TX)
Kleczka
LaFalce
Wilson
Yates

□ 1707

Messrs. MOORHEAD, GRAHAM, BEVILL, Mrs. KELLY, and Mr. PORTER changed their vote from "aye" to "no".

Messers. BARTON, TATE, STOCKMAN, HERGER, SKEEN, BOEHLERT, WATTS of Oklahoma, and Mrs. CHENOWETH changed their vote from "no" to "aye".

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. Pursuant to the notice given earlier today, it is now in order to consider amendment No. 30 printed in part 2 of the report.

AMENDMENT OFFERED BY MR. POMBO

Mr. POMBO. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. POMBO: At the end of title X (page 377, after line 19), insert the following new section:

SEC. 1033. ROTC ACCESS TO CAMPUSES.

"(a) IN GENERAL.—Chapter 49 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 983. Institutions of higher education that prohibit Senior ROTC units: denial of Department of Defense grants and contracts

"(a) DENIAL OF DEPARTMENT OF DEFENSE GRANTS AND CONTRACTS.—(1) No funds appropriated or otherwise available to the Department of Defense may be made obligated by contract or by grant (including a grant of funds to be available for student aid) to any institution of higher education that, as determined by the Secretary of Defense, has an anti-ROTC policy and at which, as determined by the Secretary, the Secretary would otherwise maintain or seek to establish a unit of the Senior Reserve Officer Training Corps or at which the Secretary would otherwise enroll or seek to enroll students for participation in a unit of the Senior Reserve Officer Training Corps at another nearby institution of higher education.

"(2) In the case of an institution of higher education that is ineligible for Department of Defense grants and contracts by reason of paragraph (1), the prohibition under that paragraph shall cease to apply to that institution upon a determination by the Secretary that the institution no longer has an anti-ROTC policy.

"(b) NOTICE OF DETERMINATION.—Whenever the Secretary makes a determination under subsection (a) that an institution has an anti-ROTC policy, or that an institution previously determined to have an anti-ROTC policy no longer has such a policy, the Secretary—

"(1) shall transmit notice of that determination to the Secretary of Education and to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives; and

"(2) shall publish in the Federal Register notice of that determination and of the effect of that determination under subsection (a)(1) on the eligibility of that institution for Department of Defense grants and contracts.

"(c) SEMIANNUAL NOTICE IN FEDERAL REGISTER.—The Secretary shall publish in the Federal Register once every six months a list of each institution of higher education that is currently ineligible for Department of Defense grants and contracts by reason of a determination of the Secretary under subsection (a).

"(d) ANTI-ROTC POLICY.—In this section, the term 'anti-ROTC policy' means a policy or practice of an institution of higher education that—

"(1) prohibits, or in effect prevents, the Secretary of Defense from maintaining or establishing a unit of the Senior Reserve Officer Training Corps at that institution, or

"(2) prohibits, or in effect prevents, a student at that institution from enrolling in a unit of the Senior Reserve Officer Training Corps at another institution of higher education.".

"(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"983. Institutions of higher education that prohibit Senior ROTC units: denial of Department of Defense grants and contracts.".

The CHAIRMAN. Pursuant to the rule, the gentleman from California [Mr. POMBO] will be recognized for 5 minutes, and the gentleman from California [Mr. DELLUMS] will be recognized for 5 minutes.

The Chair recognizes the gentleman from California [Mr. POMBO].

Mr. POMBO. Mr. Chairman, I yield myself 1½ minutes.

Mr. Chairman, I, along with my good friend, the gentleman from New York, GERRY SOLOMON, am offering this amendment today because I believe some of our institutions of higher education need to be put on notice that their policies of ambivalence or hostility toward our Nation's armed services do not go unnoticed by this House.

I believe that when a college vents its policy protests by denying its students the opportunity to participate in ROTC, then that school should be denied Department of Defense dollars. It is just that simple. If a college feels that funding from the Department of Defense is important, then they should not attack ROTC, which trains those who will defend the liberties and freedoms of all Americans.

Colleges and universities need to know that starry-eyed idealism comes with a price. If they are too good or too self-righteous to treat our Nation's military with the respect it deserves, then they may also be too good to receive the current generous level of DOD dollars. With the passage of this amendment, we will end this ungrateful double standard.

The bottom line is an issue of fairness. The House, representing the American people, needs to stand behind our young men and women in ROTC programs, our constituents across this country. We should not allow some institutions to accept generous amounts of DOD dollars while slamming the door on our future military leaders.

For our young men and women who train to defend the freedoms of all Americans, and for those who have proudly worn the uniform of this country, I urge my colleagues to support the Pombo-Solomon amendment, and send a message over the wall of the academic ivory tower.

Mr. DELLUMS. Mr. Chairman, I rise in opposition to the amendment offered before the body at this moment. Mr. Chairman, this is not the first time that this amendment has come before us. I rise in opposition for the same reasons that I rose in opposition last year.

Mr. Chairman, there are several reasons why this amendment should be voted down. Not the least of these reasons is that it prevents the Secretary of Defense from utilizing, to the advantage of the United States, all of the academic and research institutions that the Secretary should have at his or her disposal.

Second, it micromanages the policy decisions of our U.S. universities. Who are we from these Chambers to dictate the policies of American universitites? There are a variety of reasons why a university may determine that it is not interested in allowing senior ROTC units on the campus. That is not to say that the Department of Defense still cannot benefit on behalf of all of our men and women in uniform by the academic research skills of an institution that chose not to have a program on their campus.

It strikes this gentleman that we are, again, cutting off our noses to spite our faces. Let us also be aware that this is about compelling universities to respect the Department of Defense position that does not allow gay men and lesbians to serve openly in the service. This is also one of the targets of this amendment. In that regard, Mr. Chairman, it could have a chilling impact on the free speech rights of university campuses, the prerogatives of academic centers, and administrations around the country.

Mr. Chairman, my distinguished colleague, the gentleman from California, used the phrase, and I jotted it down, "Starry-eyed idealism will have to pay a price." This is America, Mr. Chairman, or did I fall asleep and awaken in some other country? This is a Nation where we feel proud of the fact that people may engage in their first amendment rights, where we have differences of opinion, Republicans and Democrats, liberals, moderates, and conservatives, people on the left and the right. That is what makes this Nation strong and powerful.

Are we saying here because some institution, by virtue of their decisions, engage in what we determine is starry-eyed idealism, I hope all the children of this country are starry-eyed idealists. It is not pessimists who bring change or who bring the best out in us, it is the dreamers, the hopers, the idealists, and the optimists. That is no reason for us to punish universities.

Mr. Chairman, this is an amendment that takes us backward into the 19th century. It does not catapult us forward as a beacon of light and freedom and commitment to democratic principles, and the right of people to have different perspectives and different points of view.

□ 1715

Mr. Chairman, I believe that we should preserve that precious freedom, that precious dignity that comes from people expressing their points of view under the first amendment to the Constitution.

I ask my colleagues to preserve our national security establishment's access to the best minds in this country, to not allow us to be blocked by some narrow perspective to attempt to punish and to micromanage because we happen to disagree with some other group of people or institution's judgments about decisions we make.

That is not how democracy operates. I hope that my colleagues will rise today to their highest and their best and reject this amendment. It is not in the best interests of our national security. I have laid that out. It is not in the best interests of the Constitution of the United States. I have laid that out. I do not think that it speaks to the highest and best in us as we function on this floor in this institution.

With those remarks, Mr. Chairman, I urge a no vote on the Pombo-Solomon amendment. I urge my colleagues to follow me in that.

Mr. POMBO. Mr. Chairman, I yield 30 seconds to the gentleman from Indiana [Mr. BUYER].

Mr. BUYER. Mr. Chairman, I would say to my good friend from California, you did not fall asleep and wake up in a different country. We woke up to a new majority, I guess, here in the Congress.

What I would also say to my colleague, the gentleman from California (Mr. DELLUMS), is that I am going to rise in support of this because to me young men and women must not be denied the opportunity to prepare for careers of serving our Nation in the military while attending college. Some of our students and young minds, which we both have a great deal of respect for, are being denied that opportunity.

Mr. POMBO. Mr. Chairman, I yield 1 minute to the gentleman from Georgia [Mr. KINGSTON].

Mr. KINGSTON. Mr. Chairman, a constituent of mine, Paul Anderson, sent me an April 28 article from Human Events magazine about a young man at Yale University named Flagg Youngblood. Flagg Youngblood is a hard-working student. In addition to taking a full academic load, he is taking ROTC.

However, at Yale in order to take ROTC he has to travel 65 miles twice a week during his junior and senior year to get to an ROTC room, because Yale University will not let them teach it on campus. Although if he wants to take a course called "The Story of Incest," he can take that on campus.

While Yale is making that judgment, they are greedily taking on the other hand a $5 million contract from the U.S. Army. We are not micromanaging Yale University. If they want to have "The Story of Incest" as one of their main academic majors, let them, but do not come back to us with the other hand, while you are kicking Flagg Youngblood and the other young men and women who want to join ROTC off campus, and then take a $5 million grant. I urge an "aye" vote for the Pombo amendment.

Mr. POMBO. Mr. Chairman, I have 1 additional speaker. I would inquire if they have any additional speakers on the other side.

The CHAIRMAN pro tempore (Mr. MCINNIS). The time of the gentleman from California [Mr. DELLUMS] has expired. He has no time remaining.

Mr. DELLUMS. Mr. Chairman, I would say to my colleague that at the appropriate point in my role as ranking minority member, I do have the right to strike the requisite number of words, and I shall use that opportunity. I will not be locked out at the end of this debate.

The CHAIRMAN pro tempore. The gentleman from California is correct. He does have the right to strike the last word and proceed for 5 minutes, but his current time has expired.

The gentleman from California [Mr. POMBO] may proceed.

Mr. POMBO. Mr. Chairman, I yield the balance of my time to the gentleman from New York [Mr. SOLOMON].

The CHAIRMAN pro tempore. The gentleman from New York [Mr. SOLOMON], the chairman of the Committee on Rules, is recognized for 2 minutes.

Mr. SOLOMON. Mr. Chairman, this Pombo-Solomon amendment, this important amendment, would put an end to the hypocrisy that is running rampant on our Nation's college campuses. It happens all the time. Currently dozens of colleges and universities across this country, including the prestigious ones such as Harvard and Yale, blatantly discriminate against students willing to serve their country, and it is so aggravating to this Member.

Last year the Congress overwhelmingly approved a similar amendment prohibiting any Department of Defense funds to colleges which deny access to our military recruiters. They would not let our military recruiters on their campuses until we made them do it. That Solomon amendment is now the law of the land, and it strengthens our All-Volunteer Forces. It tells young people that serving in our armed services is an honorable career, it is an honorable profession, and it is.

We are not going to take this nonsense from academia. They are going to let these ROTC students on their campuses or they are not going to get a nickel from this Federal Government.

Read the Constitution. The United States Constitution mandates that we must provide for a common defense to take care of the strategic interests of this country at home and around the world. Please vote for the Pombo-Solomon amendment. You have done it year in and year out on other issues similar to this. Speak up again for America.

Mr. DELLUMS. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN pro tempore. The gentleman from California [Mr. DELLUMS] is recognized for 5 minutes.

Mr. DELLUMS. Mr. Chairman, let me reiterate the arguments that this gentleman is trying to propound.

No. 1, I say to my colleague, it seems to me that w2e as policymakers here have a responsibility to step back and take the longer view. My first argument is that we should do nothing that would stand in the way of our U.S. military establishment having access to the best minds in this country, irrespective of whether we agree with their policies or not. That is No. 1.

We all come here saying we are committed to national security. We should have access to the best thinking, the clearest minds, the most cogent ideas that are possible. So whatever our misgivings are, they should not deny us the opportunity to go straight there, to have access to the best minds in the country. That is the first argument that I would make.

The second argument that I would make is that irrespective of whether we agree or disagree with the policies taken by a university, by its academic senate or by its faculty, that that should not stand in the way of that first point.

No. 2, because it seems to me that there are moments, Mr. Chairman, when we should be large people. We should be big people. We should be committed to democratic freedoms and principles.

As I was saying to some of the young people behind the aisle earlier today, we should never be so frightened of an idea that we turn our backs from it. The day that I am no longer willing to expose myself to a different point of view and a different perspective is the day that I die intellectually and I die spiritually.

It seems to me that if we do not agree with a university because they choose, for whatever reason, and that is the beauty of America, that they choose to have or not have an ROTC, we should not engage in policies that are punitive in that regard. We should be a big beacon of light to the world, Mr. Chairman, about how strongly we believe in the fundamental principles of freedom, freedom and the right of people to make choices, even choices that they disagree with.

I would say to my distinguished colleague who mentioned that I did not wake up in a foreign country, I awakened to a new reality, I understand that. That is why I simply stepped up out of the chair of the chairman and moved over to the chair of the ranking minority member, and kept on doing business and kept on fighting back, because I respect that. That is the nature of this process. That is the beauty and the power of it, the right of people to make a decision, and you move on.

I am saying that that should be the same thing in the context of academic freedom. Those are the two points that I was choosing to make.

I yield briefly to my distinguished colleague, the gentleman from California.

Mr. DORNAN. I thank my friend for yielding.

I was listening very carefully what you said. I understand that, your opening words about standing tall and trying to understand this.

However, I think that you are looking at it from the top down, at the university's prerogative to say "We are going to do thus and such." But I have had in my office fine young men and women, just what you were describing, the best young minds in our country, that have said to me, "Congressman, can you not make this university where my dad graduated, my grandfather, my mother, they have the major that I want to participate in, but I want ROTC available to me."

If you look at it from the standpoint of the students who are saying, why am I being denied this opportunity, I think quite honestly it cancels out the two-way fiduciary relationship that teachers and students have.

Mr. DELLUMS. Reclaiming my time, because I understand the point you are making, you make your point very well, I think.

Query: Should it be the role of the United States Congress to force a university? The beauty of our higher educational system is that we have public and private institutions. When we start dictating, you change the nature of our role in people's lives.

It should not be to make them. It should not be to punish them. Maybe we encourage, maybe we offer benefits, but it seems to me that it is not about being punitive because we disagree with a policy decision they make. That is not the highest and the best of what I think America is all about.

I yield happily to my colleague.

Mr. BUYER. I thank the gentleman from California [Mr. DELLUMS].

Your No. 1 argument is in fact my argument, also, when you said that you want the military to have access to the greatest minds in this country by way of research. You see, I would like for the military to also have equal access and opportunity to great minds who can be great leaders, whether they are noncommissioned officers or officers. We are denied that opportunity from a high quality recruiting pool. We share the very same argument, perhaps on different policy grounds.

Mr. DELLUMS. I simply say, you and I, a world ago when we were young people, we shopped around for universities. We were not military people. They can do the same thing.

Mr. SPENCE. Mr. Chairman, I move to strike the last word.

The CHAIRMAN pro tempore. The gentleman is recognized for 5 minutes.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia [Mr. BATEMAN].

Mr. BATEMAN. I thank the chairman for yielding me the time.

Mr. Chairman, it just seems to me it is appropriate for us to pause and reflect on whether or not there is any implication in this bill for interfering with academic freedom, the right of any college or university to make whatever choice it chooses to make with reference to participation in a ROTC Program.

But is it not certainly a part of life, even in academia, that decisions have consequences? I do not think it is an unreasonable consequence to say, as a matter of public policy of this Congress, that a college or university that chooses to disdain participation in a program that is important to the security of the United States of America is a college that should not expect to receive the largesse of the Treasury of the United States of America.

This is not a denial of freedom. It is no infringement on the first amendment. It is a simple matter of accountability and making your decisions have consequences which logically and properly follow the decisions that you make.

Mr. SPENCE. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. POMBO].

Mr. POMBO. Mr. Chairman, my colleague from California very eloquently stated the problem that we have with trying to implement ideas and disagreements that exist between people.

What we are faced with right now is universities that may have a disagreement with Federal policy and Federal law. Their response to that is to kick off the young men and women who belong to ROTC, to kick them off campus because they may share a differing point of view or they may represent an agency of the Federal Government that has a differing point of view than the leaders of that university do.

Their response to that is to put them out of sight and out of mind and say, "We are not going to deal with that." But at the same time they require that the Federal funding continue to come to that university, and they continue to request that the Federal Government continue to fund their programs at their university.

Mr. SPENCE. Mr. Chairman, I yield 1 minute to the gentleman from Georgia [Mr. KINGSTON].

Mr. KINGSTON. Mr. Chairman, my father is a college professor, Ph.D. My sister is a college professor. My mama has a master's degree; my other sister does, too. I come from an academic background and strongly believe in the academic freedom.

I think it is very important for universities and professors and faculty to be idealistic. Yet at the same time, when they come to Congress or to any other source asking for a resource or money, then they have to yield some of that freedom away.

All we are saying is, "We are not going to micromanage you. Go ahead and kick ROTC off the campus, but don't come to the same Department of Defense and ask for a grant if you are not going to let ROTC on the campus. You can have your academic freedom, but what you cannot do is have it both ways."

I think in that context we are not micromanaging Harvard or Brown or Stanford or Yale or any of these other offending universities.

□ 1730

Mr. SPENCE. Mr. Chairman, I yield 45 seconds to the gentleman from California [Mr. DELLUMS].

Mr. DELLUMS. Mr. Chairman, I appreciate the gentleman for yielding me this time.

Mr. Chairman, I first want to say, my friend, one of the gentleman's colleagues, used the term "largesse" and you said "grants." These are not just grants, they are also contracts. And the gentleman and I both understand the definition of contract. It means that you enter into an arrangement where a product is returned to the Federal Government.

That is exactly the point that I was making; that we have access to those brilliant minds, research and development that give us that product back so we are not simply talking about a gift.

Finally, in checking the data, I learned, and the gentleman can tell me if I am wrong, there has been no student that has been forced off a campus. As a matter of fact, whenever these ROTC problems have arisen there have been specific plans laid out to allow that student to finish their education within the framework of what they chose to do.

Mr. SPENCE. Mr. Chairman, I yield 45 seconds to the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Chairman, we have in this country the finest young men and women in the entire world serving in our military; and they are a cross-section of America.

But if we go and talk to any of the recruiters where we have district offices back home, we find that recruitment is falling off because we have had such severe cutbacks in our military today.

We depend on our all-volunteer military. We want that cross-section of America. And our young men and women are entitled to serve their country. But when we have limitations on the numbers that are in the military budget today, all we are asking is that young men and women have a right to serve their country.

When we passed the law several years ago that said military recruiters will be allowed on the campuses or else they do not get any defense grants, do my colleagues know what they did? The colleges threw open their doors again. These recruiters are now on campuses. That is what this amendment does, the same thing; vote yes on the amendment offered by the gentleman from California [Mr. POMBO].

Ms. PELOSI. Mr. Chairman, I rise in opposition to the Pombo amendment because it would restrict the flexibility of the Secretary of Defense in making the best decisions possible about the making of defense contracts. As you all know, the funds we make available for any Federal program are precious. Each dollar needs to be spent to maximum advantage. We should not insist that political ideology interfere with decisions which should be made on merit.

Defense contracts should not be made as a reward for having ROTC programs but should be awarded based on a finding that the institution has the best ability to deliver the needed product at the lowest cost and highest possible advancement of the goal of the contract. To start making these decisions based on perceived support or opposition to ROTC programs is a disservice to the Department of Defense and the American people.

I urge a no vote on the Pombo amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. POMBO].

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. DELLUMS. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to the rule, the Chair announces that the Chair will postpone requests for recorded votes on any of the next five amendments until after debate has been concluded on amendment number 37. So the gentleman from California [Mr. DELLUMS] will have that opportunity after number 37.

The point of no quorum is considered withdrawn.

The gentlewoman from Colorado [Mrs. SCHROEDER] not being on the floor, it is now in order to consider amendment number 3 printed in part 2 of House Report 104–136.

AMENDMENT OFFERED BY MR. BERMAN

Mr. BERMAN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment number 3 offered by Mr. BERMAN: Strike out section 1224 (page 398, line 22 through page 402, line 22).

The CHAIRMAN. Pursuant to the rule, the gentleman from California [Mr. BERMAN] will be recognized for 5 minutes and a Member opposed, the gentleman from South Carolina [Mr. SPENCE], will be recognized for 5 minutes.

The Chair recognizes the gentleman from California [Mr. BERMAN].

Mr. BERMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the bill before us installs at the end of the cold war, in the context of having watched what happened when countries around the world sold arms into the Middle East, what happened with Desert Shield and Desert Storm where frequently American troops had to face western weaponry and western technology that was used against them, this bill creates, I think, quite unbelievingly an entire new loan guarantee program for arms exports uncapped in a fashion that allows the U.S. Government, and the taxpayers of this country, should that government fail to pay the obligations it has for the arms that it is purchasing, to pick up the costs and pay off the defense contractor, the arms exporter who is making the sale.

I think it is a terrible mistake. The administration thinks it is wrong. A coalition yesterday of both conservative and progressive organizations ranging from the Cato Institute to the Progressive Policy Institute specifically called for the eliminating of military export sales subsidies and indirect subsidies to foreign purchases of U.S. defense firm products.

This is the perfect and classic example of a corporate subsidy, of a form of corporate welfare, but in a very dangerous and reckless arena. It is seeking to promote, and I understand the pressures on the defense budget, and I understand the desires of the defense contractors to look for new markets for their weapons systems, but to put the full faith and credit of the U.S. Government and the American taxpayer behind the question of whether or not a particular government will make the payments on those sales is a terrible, terrible mistake.

How many of my colleagues remember when we passed through this House a bill forgiving $7 billion or $8 billion in Egyptian loan payments which were already very delinquent and which CBO thought we would only collect $200 million on if we never forgave a penny?

We are right now dealing with a question of Jordan debt relief this bills makes, not simply to NATO members, which by the way includes countries that are credit risky like Greece and Turkey but APEC members in the Far East including China, including Thailand, a whole series of other countries, as eligible to receive these export loan guarantees.

I suggest this is an unnecessary program to try and subsidize a particular industry which already dominates the world market. Seventy percent of arms exports in 1993 were sold by U.S. defense contractorings. Well over 50 percent of arms exports this past year were by U.S. arms exporters.

We make the best weapons. We can sell those weapons on the merits. We do not need to be subsidizing these corporations in their effort to find markets which in many cases can lead to problems of regional instability and flows of technology and reexports that we are not able to control.

I would urge the Members to vote for my amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. SPENCE. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I yield myself such time as I may consume, and I rise in opposition to the amendment.

Mr. Chairman, the Berman amendment seeks to strike a provision in the committee bill that establishes a defense export loan guarantee program designed to help keep the U.S. defense industrial base competitive and to keep thousands of high-wage, high-tech jobs from going overseas.

The global defense export market is shrinking, and foreign competition to U.S. military sales is growing more intense every year. European foreign military sales are increasing and assuming a greater share of the share of the global market.

Our friends and allies realize the importance of government-industry cooperation in this area and have chosen to preserve their defense industrial bases by attracting foreign military sales contracts with government subsidies. This has hampered the ability of American defense contractors to compete in a market where government subsidies have tilted the playing field in the favor of foreign defense firms.

Unless countered, this trend will increasingly threaten the defense industrial base of the United States.

H.R. 1530 addresses this problem, not by resorting to Government subsidies to help U.S. industry, but by an innovative program to allow the seller and buyer of U.S. defense products to cover the associated financing costs.

Mr. BERMAN's amendment would kill this program to make American-made weapons systems and defense technologies more affordable to approved purchasers without Government subsidies, and at no cost to the American taxpayer.

Just as importantly, contrary to the claims you will hear in support of the Berman amendment, the loan guarantee program in the bill will not lead to any increases in arms sales. Whatever arms sales will occur in the future, will happen whether this program goes forward or not. The only difference will be whether the products sold are American or foreign made.

In summary, Mr. Chairman, if the Berman amendment passes, it will damage the competitiveness of the U.S. defense industry, erode the Nation's defense industrial base and ultimately threaten our long-term national security interests. In light of these facts, I strongly urge my colleagues to vote "no" on the Berman amendment and help maintain one of the most important sectors of our economic strength.

Mr. BERMAN. Mr. Chairman, I yield 1 minute to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Chairman, I thank the gentleman for yielding time to me.

I rise in strong support of the gentleman's amendment, which is to amend the amendment offered by the gentlewoman from California [Ms. HARMAN]. I wanted to put on the record once again that the administration opposes the loan program and believes that it is unnecessary given the availability of existing authority for transactions of this type and the substantial American presence in international markets for military equipment.

I think it is very important that we remember that Congress already has the tools to make grants and loans for the purchase of military weapons when it is in our national interest to do so.

I rise as a member of the Subcommittee on Foreign Operations, Export Financing and Related Programs of the Committee on Appropriations which funds the FMF. It is called the Foreign Military Financing Program. We appropriated $3.15 billion in grants in fiscal years 1995 and 1996. Under the FMF program Congress can assume additional credit risks when it is in our national interest to do so.

Mr. SPENCE. Mr. Chairman, I yield 1 minute to the gentlewoman from California [Ms. HARMAN].

Ms. HARMAN. Mr. Chairman, I oppose the Berman amendment and support the language in the bipartisan committee bill.

Let me just make several points quickly. The gentleman from California [Mr. BERMAN] is fighting a different fight. This is not the Export Administration Act reauthorization, and the bill does not change the existing export rules. Anything exported pursuant to this loan guarantee proposal must comply with the existing protections under the Arms Export Control Act and all the rest of our export controls.

It does not cost money. It has no CBO score because the fund that is generated is paid into by the purchasers and by the exporting companies, and it is based on the creditworthiness of the purchaser. Its pluses were stated by the gentleman from South Carolina [Mr. SPENCE]; its minuses do not exist.

I urge support of the committee text and defeat of the Berman amendment.

Mr. DELLUMS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from California [Ms. PELOSI] to complete her statement.

Ms. PELOSI. Mr. Chairman, I thank the distinguished ranking member of the committee for yielding time to me.

As I was saying before my time expired, Mr. Chairman, under the FMF program Congress can assume additional credit risk when it is in our national interest to make the loan.

For fiscal year 1995, Congress appropriated $47.9 million to underwrite 619 million dollars' worth of loans for Turkey and Greece. This new loan program skirts the congressional oversight inherent in the FMF program, and that is one additional reason why I support the Berman amendment.

For good reason, Congress has not permitted the Export-Import Bank to finance arms exports except for certain counternarcotics purposes or in specific situations for nonlethal military loans and services, if the primary end use is for nonmilitary activities.

I repeat, Mr. Chairman, the administration opposes the loan program and believes that it is unnecessary, given the availability of existing authority for transactions of this type and the substantial American presence in international markets for military equipment.

I thank the gentleman from California [Mr. BERMAN] for this very, very important amendment. We know that the administration supports his position. The President already has the authority to make loan guarantees. This new program simply moves more jurisdiction for making such guarantees away from the Committee on Foreign Affairs and recreates a program that has remained unused for the last 10 years because it has been proven to be too costly.

For these and other reasons, Mr. Chairman, I believe that the amendment of the gentleman from California [Mr. BERMAN] is the appropriate course of action for us to take. I believe that it will make the world a safer place, and I thank him very much for making the motion and the ranking member of the committee for yielding time to me. I urge an "aye" vote for the Berman amendment.

Mr. DELLUMS. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. BERMAN].

Mr. BERMAN. Mr. Chairman, I just want to make a couple of points in response to my friend, the gentlewoman from California [Ms. HARMAN], who has led the effort for the program. Rarely do we disagree. But the notion that it has no cost, CBO says, because some of the countries eligible for guarantees under the program are high-credit risks, the subsidy costs could be significant.

□ 1745

We are in the process of practically dismantling all of our public-private partnerships on defense conversion, on technology transfers, on providing commercial outlets for our defense industry. As we do that, do we really want to provide again the full faith and credit of the United States and its taxpayers behind the question of whether or not a China or a Turkey or some other country will repay its obligations?

We have a history; we have billions of dollars of outstanding loans that have not been repaid at this point. I would suggest this is not a wise move.

Mr. DELLUMS. Mr. Chairman, I yield myself the balance of the time.

In that time I would make simply three points. First, I rise in support of the amendment offered by the gentleman from California [Mr. BERMAN] because, first of all, I believe that this is a new subsidy program for arms sales. That is No. 1.

No. 2, it has been stated before, and I simply underscore for emphasis, that the U.S. weapons manufacturers already have an unprecedented dominance in the international arms market. Everyone knows that. It would seem to me that this program is not necessary, because they already have a dominant role to play.

Finally, and this is just what brought this gentleman to this Congress and what I think the post-cold war should be all about, and that is that we should not be making it easier to make weapons sales. We have an enormous opportunity here, Mr. Chairman, to slow down the proliferation of conventional weapons, and we should take that opportunity.

How many times on this floor have some of us seen our young people find themselves dodging bullets from weapons that we sold?

In the context of the post-cold-war world, where it seems to me our challenge is to bring greater stability and less danger to the world, because we are paranoid about where we sell all of these weapons, because we are downsizing the military, it seems to me that the inappropriate course is to set up a subsidy for arms sales that engage in proliferation of conventional weapons in the world when we should be going in just the reverse direction.

So for those three arguments, I would ask my colleagues to support Berman. It is a subsidy program. Our manufacturers do not need this additional advantage. They already have an unprecedented dominance in the world of arms sales.

And, finally, it seems to me as a matter of principle we ought to be about slowing down the proliferation of conventional arms weaponry in the world, not speeding it up.

Mr. SPENCE. Mr. Chairman, I yield 3 minutes to the gentleman from Connecticut [Mr. GEJDENSON].

Mr. GEJDENSON. Mr. Chairman, it is difficult for me to rise in opposition to the gentleman from California [Mr. BERMAN] and his amendment, but I think he mischaracterizes what the legislation actually does.

It does not increase proliferation. What it does is make sure that when a country is deemed worthy and acceptable to have a sale made to it and there is competition between a product made by American workers and French or other foreign nationals, that the American workers and the company that employs them has a fair shot in the battle.

If every other country on the face of this Earth pulled their financial support for export sales, either commercial or defense, I would be with the gentleman from California [Mr. BERMAN].

But the reality is every time we come up against the French and many others, the subsidies they provide are far greater than any subsidy we provide here in this country. The decision we have to make on proliferation is a decision that gets made in the normal course. This amendment does not change it.

The President has to send the sale to Congress. Congress has to act on the sale. Only if those two conditions are met do we then, if necessary, have this additional support for a sale.

And there is a last reason why we need this provision. If we believe in downsizing because the threat is reduced, then we have to find some way to maintain the capabilities that a great power like the United States has at this moment. We can do it one of two ways, one of probably two or three ways: We can find commercial application. That is not always available, but sometimes that helps maintain the technology base. We obviously buy some for our own needs, and in some instances we actually have to provide funds simply to keep that readiness available.

One of the things that can bring the costs down to the taxpayers of this country is where countries are deemed worthy of the sale, that the United States can then sell some of those systems to other countries and thereby reduce the need for our subsidy to keep technologies and skills alive.

Mr. BERMAN. Mr. Chairman, will the gentleman yield?

Mr. GEJDENSON. I yield to the gentleman from California.

Mr. BERMAN. I thank the gentleman for yielding.

The gentleman talks about French programs and other countries' programs. The United States has well over half the world market. It should only be that in any other area we have this percentage of the world market.

Mr. GEJDENSON. Reclaiming my time, that is the mistake we made with the Japanese. We sat back and said, "We are dominant in all of these fields." We sat and watched them pick area and area apart until we have a massive trade deficit with them.

I am not for proliferation. I am not for increasing arms sales. This provision does not increase arms sales. It provides the financing that may be necessary to keep American products competitive.

Mr. SPENCE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Chairman, I have been waiting for over 10 years to hear

SAM GEJDENSON make some sense on this floor, and he just did.

You know, let me say right at the outset that the world is a better place because America is in it.

We need to remind ourselves of that because the rest of the world already believes that.

We also need to remind ourselves that America is the only remaining superpower, because the rest of the world already believes that too.

As much as some people seem to want for our country simply to be some kind of enlarged Switzerland or Sweden, this world is no Garden of Eden. Let us grow up. America sells arms abroad because America has vital interests. We have treaty obligations. We have other commitments for over 50 nations.

All this export loan guarantee program would do is permit U.S. industry to compete in a limited number of sales to allied countries which have already made a determination to buy. That is all this does. There is nothing in this section of the bill that bypasses or repeals the Arms Export Control Act.

Vote against this amendment.

Mr. SPENCE. Mr. Chairman, I yield 1½ minutes to the gentleman from Texas [Mr. THORNBERRY].

Mr. THORNBERRY. Mr. Chairman, I rise in opposition to the Berman amendment.

The defense export loan guarantee program is good public policy for several reasons. No. 1, it does not require an appropriation of public funds.

Second, it does not affect our national nonproliferation policy at all.

What it does is provide American firms with a modest competitive tool to use against foreign defense exporting companies. Defense exports are a major source of employment and a key to sustaining our industrial base. Yet we are losing about 20,000 jobs every month in the defense industry now.

Participating in the defense global market is a key way to stabilize employment and protect our national technology and manufacturing resources.

I think more than anything, though, this program provides a way to keep our production lines warm and preserve our ability to protect ourselves in the future.

What we are talking about in much of this bill is the expense of letting a production line go cold and then having to come in with a large investment to get it going again. It will ultimately, I believe, save the taxpayers dollars if we can draw on some of these foreign countries to keep our production lines warm and, therefore, the taxpayers will have lower unit costs, and it will save us money in the long run.

I think this defense loan guarantee program is a good economic policy. It is a good trade policy. It is a good military policy. And it is a good foreign policy.

The Berman amendment should be rejected.

Mr. SPENCE. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY. Mr. Chairman, I rise in opposition to the Berman amendment. H.R. 1530 establishes the Defense Export Loan Guarantee program to improve export opportunities for U.S. defense companies without threat to this Nation's security, without financial risk to U.S. taxpayers, and without deviation from our Nation's export policy.

This program was specifically constructed to be self-financing in order to prevent any financial risk to American taxpayers. It simply creates more favorable rates of financing for export of U.S. defense items once they are approved for transfer.

Created with the support of DOD, this program would provide American firms with a competitive tool against foreign companies that already have access to loans, loan guarantees, and subsidies from their own governments.

The Defense Export Loan Guarantee Program will not lead to greater proliferation nor will it expand the list of approved transfers as my colleague suggests. Our defense companies can already bid on foreign contracts. Rather, this program promotes greater opportunity and leverage for our defense companies to compete in foreign markets.

I urge my colleagues to vote against the Berman amendment and support the defense Export Loan Guarantee Program established in H.R. 1530.

Mr. SPENCE. Mr. Chairman, I yield 1 minute to the gentlewoman from California [Ms. HARMAN].

Ms. HARMAN. Mr. Chairman, you have heard from a bipartisan group in support of the committee language and against the Berman amendment.

There is not one arms proliferator among us. We are not for arms proliferation. We are only for an equal playing field for American firms to compete in the international marketplace.

I would point out that if exports increase for U.S. firms, the per-unit cost of their goods goes down and the cost, therefore, to the Defense Department goes down as well. So we are saving money for the U.S. taxpayer.

This bill has no score. The CBO scores it as zero because the fees paid in are paid in either by the exporter or the purchaser, and they are calibrated based on the creditworthiness of the purchaser. The language of the bill makes that absolutely clear.

In conclusion, I would like to quote from the U.S. Department of Defense, which does support this bill. In testimony earlier this year, Josh Gotbaum, Assistant Secretary of Defense for Economic Security, said, "U.S. defense sales are legitimate exports and should enjoy the same access to official export assistance as other U.S. exports. DOD supports the establishment of a defense export loan guarantee program."

I urge opposition to the Berman amendment.

Mr. KIM. Mr. Chairman, I rise in opposition to the Berman amendment which would eliminate section 1224 of the pending bill.

Section 1224 would create a defense export loan guarantee program which, at no cost to the taxpayer, would provide American defense firms the ability to offer competitive financial packages for arms sales to certain specified countries that are friendly to the United States. Under this provision, the Secretary of Defense would be permitted to issue U.S. Government guarantees to a lender against losses of principal or interest, or both, arising out of the financing of the sale or long-term lease of defense articles, defense services, or design and construction services. These guarantees would be available only to certain exports to America's key allies, namely our NATO partners, major non-NATO allies like Japan and Australia, and countries that belong to the Association of Southeast Asian Nations [ASEAN] as of March 31, 1995. Those countries are limited to: Thailand, Indonesia, Singapore, Malaysia, Brunei, and the Philippines.

While American defense products are some of the best in the world, they nonetheless face credible competition from European and other international producers. For example, consider the high-performance jet fighter market. From the U.S. side, McDonnell Douglas produces the F–15 Eagle and the F/A–18 Hornet. Lockheed manufactures the F–16 Fighting Falcon. Billions of dollars in revenue and tens of thousands of American jobs have resulted from the export of these aircraft. But, almost every final sale has been realized only after a hard-fought battle against the French Mirage, the British Tornado ADV, the European Tornado IDS, the Russian Sukhois and Migs, the Swedish Gripen, and the South African Cheetah—to cite just a sample of the competition.

However, an important part of any bid is the accompanying financial package. The new defense export loan guarantee provision in H.R. 1530 helps ensure that the American defense industry will remain able to offer competitive financing for its exports. This is particularly important in light of the unfair advantages European and other international competitors have because of the loan guarantees and direct financial subsidies they receive from their governments making their products economically more attractive.

This defense export loan guarantee will not result in any foreseeable costs to the American taxpayer. For each guarantee issued, the Secretary of Defense must charge a fee, known as an exposure fee. This fee shall be fixed in an amount sufficient to meet potential liabilities of the U.S. Government under the loan guarantee. And, the countries to which exports could be covered by this loan guarantee program are not financial risks. They are wealthy nations that can afford to pay back their loans. They are countries like Japan, Singapore, and Germany.

So why is this program needed? These loan guarantees are important because they reduce the risk of the lender, therefore allowing the lender to offer better financial terms making American products more affordable. Lower interest rates or easier repayment schedules do help make the difference in whether or not the American product is chosen. While countries like Japan may be wealthy, they are like any other responsible consumer and are always looking for the best value. Without the defense export loan guarantee program, many American products may no longer be the best value.

I strongly oppose the Berman amendment because it would eliminate this proposed loan guarantee program. As a result, I believe American defense exports would diminish and American defense-industry jobs would be lost.

As we continue to downsize our own military and, therefore, procure fewer defense items, increasing defense industry exports are vital to sustaining tens of thousands of jobs in the United States—many of them in my State of California. Hence, it is in our best interests to help promote responsible arms sales to our allies who can afford them. That's exactly what this defense export loan guarantee program does. By eliminating this program, as the Berman amendment proposes to do, we are giving our European and other international competitors a significant advantage in arms sales at the expense of American workers.

I urge my colleagues to join me in opposing the flawed Berman amendment.

The CHAIRMAN pro tempore (Mr. MCINNIS). All time having expired, the question is on the amendment offered by the gentleman from California [Mr. BERMAN].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. BERMAN. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to the rule, the Chair will postpone a demand for a recorded vote on any of the next two amendments until after the debate has been concluded on amendment No. 37. The gentleman will have an opportunity, but it has been temporarily delayed.

AMENDMENT OFFERED BY MR. KOLBE

Mr. KOLBE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. KOLBE: At the end of title X (page 377, after line 19), insert the following new section:

SEC. 1033. USE OF INMATE LABOR AT MILITARY INSTALLATIONS.

(a) USE OF INMATE LABOR AUTHORIZED.—(1) Chapter 155 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2610. State and local correctional institutions: use of inmate labor

"(a) USE OF INMATE LABOR.—The Secretary of a military department may enter into an agreement with a State or local government under which nonviolent offenders incarcerated in a correctional facility under the jurisdiction of that government may be made available to the Secretary to perform the services described in subsection (c) at a military installation under the jurisdiction of the Secretary.

"(b) EXPENSES.—(1) Except as provide in paragraph (2), in order to enter into an agreement pursuant to subsection (a), a State or local government shall agree to provide inmates to the Secretary of the military department concerned without charge to the Federal Government. The Secretary shall not provide compensation to an inmate who performs services pursuant to the agreement.

"(2) The Secretary may agree to reimburse the State or local government for administrative and other costs incurred by the government as a direct result of providing and overseeing inmate labor at a military installation. The Secretary may pay a nominal fee to support alcohol and drug abuse treatment programs for the inmates who perform services under the agreement. The Secretary may also furnish equipment, supplies, and other materials to be used by the inmates in performing services under the agreement and provide meals to the inmates while they are present at the installation.

"(c) AUTHORIZED SERVICES.—Subject to subsection (d), inmates provided to a military installation pursuant to an agreement under subsection (a) may be used to perform the following services:

"(1) Construction, maintenance, or repair of roads at the installation.

"(2) Clearing, maintaining, or reforesting of public lands.

"(3) Construction of levees or other flood prevention structures.

"(4) Custodial services.

"(5) Construction, maintenance, or repair of any other public ways or works.

"(d) CONDITIONS ON ACCEPTANCE OF SERVICES.—The Secretary of the military department concerned shall ensure that the use of inmate labor at a military installation under this section does not—

"(1) displace Government employees or defense contractor employees at the installation;

"(2) impair a contract for the provision of services at the installation; or

"(3) involve the performance of services in skills, crafts, or trades in which there is a surplus of available gainful labor in the locality of the installation.

"(e) ACCEPTANCE OF SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the Secretary may accept the services provided by inmates made available to a military installation pursuant to an agreement entered into under subsection (a).

"(f) APPLICATION OF OTHER LAWS.—The Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.), section 1 of the Act of March 3, 1931 (Chapter 411; 40 U.S.C. 276a; commonly known as the Davis-Bacon Act), section 1 of the Act of June 30, 1936 (Chapter 881; 41 U.S.C. 35; commonly known as the Walsh-Healey Act), and section 2 of the Service Contract Act of 1965 (41 U.S.C. 351) shall not apply with respect to the use of inmate labor at a military installation pursuant to an agreement entered into under subsection (a).".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2610. State and local correctional institutions: use of inmate labor.".

(b) EFFECTIVE DATE.—Section 2610 of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 1995.

The CHAIRMAN pro tempore. Pursuant to the rule, the gentleman from Arizona [Mr. KOLBE] and a Member opposed will each be recognized for a period of 5 minutes.

The Chair recognizes the gentleman from Arizona [Mr. KOLBE].

Mr. KOLBE. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I have spoken extensively with the commanding officers of the several major military installations in my congressional district, I know that operations and maintenance dollars are tight and that many necessary repairs and facility improvements are difficult to make. I applaud the authorizing committee for recognizing this and providing a substantial increase in O&M funding.

But more can be done. My amendment would allow DOD to utilize the State/local prison labor pool to do routine maintenance. Currently, there is no Federal statute permitting use of civilian inmate labor from State/local correctional facilities by agencies of the Federal Government. DOD civilian inmate labor utilization is limited to the Federal Bureau of Prisons under title 18 U.S.C. section 4125.

My amendment protects law-abiding citizens from the threat of job loss resulting from prison labor. My amendment would deny the use of inmate labor if it displaces Government employees or defense contractor employees at the installation, impairs a contract for services at the installation, or involves services in skills, crafts, or trades in which there is a surplus of labor available locally.

The use of prison labor provides opportunities to preserve facilities and prevent deterioration where current funding is inadequate or wholly unavailable. These photographs demonstrate the effects of inadequate O&M dollars at Ft. Huachuca, one of the installations in my district. This lack of maintenance has a detrimental effect on the entire installation and the people that must live and work in these conditions.

This program has a second primary benefit—it serves as a tool for correctional facilities to rehabilitate and train its prisoners at no cost—and in fact, at great savings—to the taxpayer.

I urge my colleagues to support my amendment.

□ 1800

Mr. Chairman, I reserve the balance of my time.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Arizona [Mr. KOLBE].

Mr. Chairman, I am compelled to rise against the Kolbe amendment authorizing the use of civilian inmate prison or convict labor at our military installations. This amendment has arrived on the floor of this body without the benefit of deliberation in the committee process or the blessing of the Department of Defense. There must be some specific reason for the absence of an official request from the Department on this program.

Last year this same provision was considered in conference, and it was rejected. The primary reason for that rejection was the potential conflict with the ongoing contracts with Government workers. Nothing has happened since then to change that concern. This amendment would leave the implementation arrangements up to the State and local governments to determine the final details of the arrangement in some form of a memorandum of understanding with the installation. That includes who will participate, the nature of the task to be performed, and the conditions under which the tasks would be performed.

Additionally, Mr. Chairman, the amendment purports not to involve services in skills for which there is a local surplus of available labor. It is inconceivable that unskilled or low skilled workers would not be found in the immediate area to perform these tasks. That, Mr. Chairman, is the reason the Department of Labor has continued to express concern over this program.

It seems to me that while the objectives of this program might be laudable, there remains too much ambiguity with its implementation. We do not know enough about the program at this time to make an informed decision, and for that reason I ask that we allow the Department to assess the utility of this program prior to giving its approval.

Let me just add this notion that prison labor is somehow a good break for the taxpayers is hogwash. In my State of Rhode Island, in the northwestern woolen mills up in Woonsocket, it is the prison labor authority that is stealing the jobs out of my workers in Woonsocket. Now this can be said for, I am sure, the military installation in my district in Newport, as well as it can be said for the woolen mills that manufacture those emergency blankets by which our service men and women keep themselves warm or by which our American Red Cross use in the humanitarian relief efforts. These are now being underbid, and they are not underbid because they are subsidized. Remember we pay the prison authority to incarcerate these people, so when they are doing the work and undercutting our labor market, it is not a good break for the taxpayers. In fact, if the taxpayers were to find out that what we were really doing was subsidizing convicted criminals, people who have transgressed the law, and subsidizing them to take good jobs away from American workers, why there is nothing more that could be said about the Chinese and their slave labor problems over there. We will be no better than them if we go down the direction that this amendment is asking us to go down.

Mr. Chairman, I have seen it before in my State. I do not want to see it repeat itself anywhere else in my district because it does not make sense for the hard-working families of my district, and I might add the State of Rhode Island can make these contracts with the local installations, and you know what? They will underbid because they will be using this prison labor, and I do not think that is fair to the working class people who depend on an income and the civilian work that goes on in these bases, and for that reason I ask my colleagues to defeat the Kolbe amendment.

Mr. KOLBE. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Texas [Mr. PETE GEREN].

Mr. PETE GEREN of Texas. Mr. Chairman, I want to take issue with my colleague, the gentleman from Rhode Island [Mr. KENNEDY], on his claim that this is an issue that has not been adequately studied, adequately reviewed. In fact, all we are talking about doing is taking the program that has worked very well with Federal prison inmates and expanding it to the State prison system. It has worked well. I have seen it at military bases around this country. They are able to stretch O&M dollars, make the most out of very limited budgets, and we, we are shrinking our defense budget, we are asking our military to do more with less. This will help us do that.

And it is a two-fer, Mr. Chairman. My constituents do not want to see prisoners sitting in air-conditioned rooms watching television all day. This puts them to work. That is good for the system, that is good for the prisoners. It helps them rehabilitate them.

So, we have a double win here. We got a win for the military. They get some of these tasks done that could not be done through the labor pool, and it forces prisoners to go to work and earn their keep.

I urge support of the Kolbe amendment.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I yield 30 seconds to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Chairman, I reluctantly rise against the gentleman's amendment. One of us has served on military bases, and we have men, women, and children on those bases, and the last thing that I would like is for guards looking over. As my colleagues know, if there is an attempt to escape, there is going to be a shooting, and, when we have people at our commissaries, in our exchanges, plus a lot of these bases are very highly restricted in the areas as far as security, and I would hate to see that, and I reluctantly rise on the amendment and ask my colleagues to defeat it.

Mr. KOLBE. Mr. Chairman, I yield myself 1 minute.

First of all, Mr. Chairman, let me respond to a couple things that were said by the gentleman, and I hope the gentleman from California will stay around here for a moment because the gentleman from Rhode Island said, that first of all he said it is inconceivable we cannot find local labor. That is not the issue. They are out of O&M money. It is not that labor is not available. There is not a dime, not a dollar, to do this kind of work. Apparently it is less important that we be able to fix the hot water heaters, fix the roofs, than it is to try and find money when we do not even have the money.

The second thing that the gentleman said, and I would like to; he talked about the problem of taking jobs away from his people in Woonsocket. If the State of Rhode Island does not want to do this, do not do it. Do not enter into a contract with the military installation, but in 7 years, and this is directed to the gentleman from California, 7 years of military installations doing this with the Federal Bureau of Prisons there has not been one complaint about losing a job and not one complaint about problems.

My particulate installation, nearby we have a very large DUI, a drug—not drug, but alcohol, for those who went in there. Those are in there for alcohol offenses, and I would say that they have not had—they can use those people. These are not violent offenders. We are not talking about taking criminals. In fact the legislation, they do not now take anybody that is a principal organized crime figure who is anybody of significant public interest who has committed a sex offense, who is an escape risk, who poses a threat to the general public, who is convicted of arson, who is convicted of any violent crime. We are talking about nonviolent criminals to do work that keeps the quality of life for the service men and women that we have living on these facilities, to fix the roof, fix the hot water heaters, do the general work on the streets They are there and out. They have Federal prisoners doing this work at installations all over the country.

Now why should they not be allowed to contract for State facilities at places where they do not have the Federal prisons nearby? That is all we are asking to do, is to try and do that.

Mr. Chairman, I reserve the balance of my time.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I just want to echo the eloquent comments of my colleague, the gentleman from California [Mr. CUNNINGHAM], who pointed out a very important concern, and that is the security of our military base, allowing convicted prison labor on those bases where there may be some very sensitive things going on on those bases, and we are allowing those prisoners to be on the base.

Second, in terms of the money we plussed up by a figure of nearly $10 billion the operation and maintenance account in this year's authorization on the committee that I serve on so there will be money.

Last, again we do not want prison labor taking away jobs from our local people in our districts, and for that reason I ask the defeat of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona [Mr. KOLBE].

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Again, pursuant to the rule, further proceedings on the amendment offered by the gentleman from Arizona [Mr. KOLBE] will be postponed.

It is now in order to consider amendment No. 37 printed in part 2 of the report.

AMENDMENT OFFERED BY MS. MOLINARI

Ms. MOLINARI. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. MOLINARI: At the end of subtitle B of title XXVIII (page 470, after line 21), insert the following new section:

SEC. 2814. REMOVAL OF BASE CLOSURE PROPERTIES FROM APPLICATION OF SECTION 501 OF THE STEWART B. MCKINNEY HOMELESS ASSISTANCE ACT.

(a) CLOSURES UNDER 1988 ACT.—(1) Section 204(b) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note) is amended by striking out paragraph (6) and inserting in lieu thereof the following new paragraph:

"(6) Section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411) shall not apply with respect to the transfer or disposal of real property located at military installations closed or realigned under this title.".

(b) CLOSURES UNDER 1990 ACT.—(1) Section 2905(b) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended by striking out paragraphs (6) and (7) and inserting in lieu thereof the following new paragraph:

"(7) Section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411) shall not apply with respect to the transfer or disposal of real property located at military installations closed or realigned under this part.".

The CHAIRMAN. Under the rule, the gentlewoman from New York [Ms. MOLINARI] will be recognized for 5 minutes, and the gentleman from California [Mr. DELLUMS] will be recognized for 5 minutes.

The Chair recognizes the gentlewoman from New York [Ms. MOLINARI].

Ms. MOLINARI. Mr. Chairman, I would like to begin by thanking the gentleman from New York [Mr. SOLOMON] for making my amendment in order and thanking the committee chair for allowing me to offer it this evening.

My colleagues, this amendment seeks to speed up the base reuse process by eliminating the Federal requirement that homeless providers must be accommodated with regard to closing military bases. Ever since the 1988 round of base closures, there has been a general consensus that the reuse process has taken too long. One of the reasons for this, particularly, for bases closed in 1991 and 1993, is the need to comply with the McKinney Homeless Act.

Last year, Congress passed an act which technically exempts closing bases from compliance with the McKinney Act. However, communities with bases being closed would still have to accommodate requests of homeless groups of property on bases. Ultimately, the reuse planning process can still be delayed for many, many months, perhaps many years, by the steps still required to accommodate homeless requests.

Listen: I strongly believe that when a base is closed, local communities have a tough enough challenge in planning economic redevelopment without having to respond to Federal mandates about accommodating the homeless. Therefore, this amendment would exempt closing military bases from the McKinney Act, fully and completely, once and for all. This would remove all of the uncertainty about homeless concerns and allow local communities to get on with their own reuse planning. According to alleged counsel this amendment would not affect bases where the property has already been transferred.

Let me also add that there is nothing in this amendment would prevent homeless providers from requesting facilities on closing military bases. But under my amendment, there would be no Federal requirement that such requests be accommodated. Where the needs of the homeless represent a legitimate local concern, local base redevelopment authorities would be able to respond to such needs in whatever manner they see fit.

Mr. Chairman, the Molinari-Bilbray amendment would simply stop the Federal Government from telling local authorities that they must respond at a certain point in the criteria to the concerns of homeless groups.

Mr. Chairman, I reserve the balance of my time.

Mr. DELLUMS. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from Illinois [Mrs. COLLINS].

Mrs. COLLINS of Illinois. Mr. Chairman, I rise to oppose the amendment because it would remove assistance to the homeless as a proper public purpose for which base-closure lands may be provided

Let me say right now that homeless assistance providers do not, repeat do not, have a priority to obtain base closure lands. Last year Congress, by voice votes in both Houses, approved the Base Closure Redevelopment and Homeless Assistance Act of 1994.

The act established a new collaborative process among government, community, the local redevelopment authority, and local homeless representatives in the redevelopment planning. It made these parties partners in the process leading to a redevelopment plan.

The new process they worked out is both fair and flexible. It remains in line with the basic goal in title V of the Stewart B. McKinney Homeless Assistance Act; namely, to make assistance to the homeless one of the several public purposes for which surplus land is available for no-cost transfer.

To approve the pending amendment would be to disavow the principle of title V of the McKinney Act. The thought is particularly painful to me. Title V and the related land disposal provisions of the base closure statutes were matters within the jurisdiction of the Committee on Government Operations when I served as a subcommittee chair and later as vice chair of the full committee.

Today, dozens of communities are already benefiting or will soon benefit from the new procedures, bringing housing, food, job training, and job search assistance to thousands of homeless men, women, and children.

Only recently in my own district, the city of Chicago and the Chicago Coalition for the Homeless, working with some surplus land at the Navy Pier, showed us a splendid example of how the Federal Government, the community, and the homeless advocates can successfully work together.

In fact, the November 20, 1994, Chicago Tribune article that I'm including with my remarks reported that the "'Navy Pier' agreement * * * could serve as a model for resolving similar disputes elsewhere. * * *".

Like a speeding train braked to a sudden stop, this amendment would throw past, present, and prospective activities into chaos and consternation. Base-closure land disposal arrangements made under present and prior law would stagnate in uncertainty and lead to a whole array of litigation.

To make a sudden and profound change like this without full hearings by the appropriate jurisdictional committees would be reckless and reprehensible procedure.

I urge my colleagues to reject this ill-considered and dangerous amendment.

[From the Chicago Tribune, November 20, 1994]

NAVY PIER LAND SWAP WORTH COPYING

There have been so many ugly confrontations between city authorities and the homeless that it is cause for celebration when the two sides strike a mutually beneficial deal.

Indeed, the proposed "Navy Pier" agreement between the Daley administration and the Chicago Coalition for the Homeless could serve as a model for resolving similar disputes elsewhere, beginning with Lake County.

But first the particulars of the Chicago deal:

The seeds were planted four years ago when a small parcel of land west of Navy Pier—land once used by the U.S. Coast Guard—popped up on a list of surplus federal land eligible for purchase by homeless groups. The Chicago Coalition fired off an application to the U.S. Department of Housing and Urban Development, which approved the sale, putting the city over the proverbial barrel.

The city needs the land as part of a planned Gateway Park across from the entrance to the redeveloping pier. Planners also argued, justifiably, that the doorstep of a major tourist attraction, especially one isolated east of Lake Shore Drive, is no place for the homeless.

But the Coalition persisted, forcing City Hall to offer a swap in which the city gets the pier land in return for helping the homeless coalition start a highly innovative employment project. The city proposes to give the coalition $50,000 and enough vacant land on the Near West Side to accommodate several greenhouses for the production of flowers, herbs and vegetables.

Homeless job trainees from West Side shelters will tend the crop. Their produce would be sold to wholesalers at the nearby South Water Market, at city-sponsored farmers' markets, and at a permanent stall on Navy Pier. Coalition trainees also will get first crack at temporary labor on Navy Pier and at McCormick Place, where they will help set up and tear down trade shows.

Why is Lake County ripe for such an arrangement?

Because homeless groups there have staked similar claims on portions of old Fort Sheridan, greatly complicating the plans of three Lake County suburbs to convert the surplus army base into a mixed-use residential community.

The suburbs' plan ought to include some housing for low-income families. But as a site for homeless shelters, Fort Sheridan, which is a long drive from Lake County employment centers, isn't much better than Navy Pier.

The suburban Fort Sheridan Joint Planning Commission needs to sit down with the three homeless groups that have made bids and work out something similar to the Navy Pier settlement. Recently passed amendments to the McKinney Act, the law that gives the homeless a claim on surplus federal land, should abet the process.

So will the spirit of compromise, rather than confrontation, that greased the innovative Chicago deal.

□ 1815

Ms. MOLINARI. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. BILBRAY].

Mr. BILBRAY. Mr. Chairman, we are talking about removing a process that may be well intentioned, but let me tell you as somebody who had to work at the local level at trying to make the process work and seeing the difficulties that happened in the last year, it was a good intention that is just not penciled out.

I think we need to remind all of us here that these facilities, these bases, were not just purchased by a willing seller. The great majority of the military installations in this country were taken under war powers acts and under emergency powers. So the concept of how they were taken and where they belong in the long run is something we can talk about at length. But let me tell you, as somebody who has tried to work with the homeless issue, that this act has not worked to the level that it could work if we were tapping into the greatest resource we have of providing homeless resources in our country, and that is the local government and local cooperation. This process, Mr. Chairman, is counterproductive to its stated intent.

I would like to point out that I will be introducing as one item, possibly in Corrections Day, as something that can really help the homeless programs. I have St. Vincent de Paul Housing Center in San Diego County paying over $30,000 a year in interest payments that are really inappropriate. I would hope my colleague would work with me on this. This act does not do what we want to do with the homeless programs.

I would like to point out also the way this thing is being interpreted right now, the California Coastal Commission is being preempted by HUD Federal mandate. I do not think anybody means to repreempt the California Coastal Act with this act. These are the kind of details we could avoid if we would go into a cooperative mode with the local authorities, and give them the right to implement these programs appropriately.

I would say to my chairman, HUD is not the best agency to make the determination of how best to provide homeless services in San Diego County or in New York or in Florida or in Washington. I think that local communities have proven over the last half a decade that when they are allowed to do the right thing, they not only do the right thing, but they do the best thing.

Mr. DELLUMS. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Chairman, with great reluctance I oppose the amendment offered by the gentlewoman from New York [Ms. MOLINARI]. I urge my colleagues to vote "no."

Mr. Chairman, I rise in opposition to the amendment. This amendment would throw into turmoil collaborative planning processes for base reuse throughout the country.

Last year the Congress modified existing the application of the McKinney Act to base closures to ensure balance in the planning process. Last year's amendment gave local reuse authorities substantially more authority over base property than before, and ensured that homeless providers were partners, rather than organizations receiving priority over local reuse authorities.

This amendment would undermine the collaborative process in San Francisco, where homeless providers have worked with the citizens' reuse committee on all planning issues with respect to Treasure Island.

This amendment would eliminate the ability of San Francisco to effectively incorporate homeless services into its reuse plan by terminating the no-cost McKinney conveyance powers. Now, for San Francisco to consider inclusion of homeless services in its reuse plan, it would be forced to pay market value for any buildings contemplated for homeless reuse.

I know that if the author of this amendment truly respected the needs and desires of local communities with respect to reuse, therefore they should either extend the application of the amended McKinney provisions to all bases not yet closed; or, they could give local reuse authorities approval power over all McKinney applications.

Mr. Chairman, this amendment, in its current form, goes too far, and I urge all Members to vote against the amendment.

Mr. DELLUMS. Mr. Chairman, I yield 1 minute to the distinguished gentleman from California [Mr. FARR].

Mr. FARR. Mr. Chairman, I thank the gentleman, the ranking member, for yielding and stand in strong opposition to this amendment.

Mr. Chairman, it is not broken. It does not need fixing. You have excess Federal housing which is allowed under present law to be given to community nonprofits with independent funding and without requiring the Federal Government to make appropriations.

We have in the largest base closing in the United States 26 community foundations, organizations, that are providing for the homeless at Fort Ord. This is a very successful program. If you take this away, you are going to require those agencies to go to the Federal Government to have housing for the homeless. Homelessness is a problem which our society has to deal with.

Why take away the very one element of Federal law when you have excess land that allows them to get in and have that excess land where there is local approval? It is working at Fort Ord, Philadelphia, New York, Maine, Washington, and throughout a number of States in the United States.

Ms. MOLINARI. Mr. Chairman, I yield the balance of my time, 1 minute, to the gentleman from Guam [Mr. UNDERWOOD].

Mr. UNDERWOOD. Mr. Chairman, I rise in strong support of the Molinari-Bilbray amendment. As a Member that usually is supportive and sympathetic to the efforts to address the homeless problem, I nonetheless do not support applying the McKinney Act to bases which are closing, and our experience in Guam demonstrates why an across-the-board application makes absolutely no sense.

In Guam's case, after the naval air station was closed under BRAC, an Oklahoma-based nonprofit organization wanted to come some 10,000 miles to Guam, acquire our bases, and import their homeless to our island. This decision not only makes no sense, it helped curtail the authority and complicated the plans of the local reuse committee.

This amendment helps restore the authority to localities who are in the best position to determine how to grow economically. When a base closes, a reuse committee needs to decide what is the best way to revitalize the local community. Facing an increase of unemployment is the last thing a community needs. There is a wave of homelessness. Local communities need these facilities to revitalize their job base and economies. Please support this amendment.

Mr. DELLUMS. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Ohio [Mr. HALL].

Mr. HALL of Ohio. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise today to oppose this amendment. In my opinion, this amendment would be a setback for several existing projects and future plans to address one of America's biggest failures, of course, which I think is homelessness.

The amendment's proponents mistakenly take the position that the current law gives homeless advocates top priority in obtaining base closure property, and this is not true. The act that we passed last year completely addresses the pecking order problem feared by the authors. BRAC-CA passed a reasonable compromise this past fall, gives local communities control in prioritizing use for base closure property. It requires that the local redevelopment authority for each installation only consider homeless uses in developing base closure plans.

Mr. Chairman, homelessness is a national disgrace, and it is possibly the single most embarrassing condition in America today. We should not make it harder to solve homelessness. Even the Pentagon opposes this amendment because they are proud of the role they have recently played in solving the national disgrace of homelessness.

In fact, over 7,000 homeless people have been assisted since the new law was passed last year in Monterey and Philadelphia and Plattsburg and Seattle, just a few of the communities that have stepped up to the problem of homelessness and have worked as partners with the Pentagon. So, Mr. Chairman, I would hope that the Members would be against this amendment. It threatens to disrupt this and other plans that have worked very well, I think, for the homeless.

Mr. DELLUMS. Mr. Chairman, I yield such time as he may consume to the gentleman from Washington [Mr. McDERMOTT].

Mr. McDERMOTT. Mr. Speaker, I rise in opposition to this amendment.

Mr. Speaker, I want to thank Chairman DELLUMS for this opportunity to speak against this amendment which I strongly oppose.

Current law, which this amendment proposes to change, allows the Federal Government to transfer portions of former military bases to local communities, at no cost, who wish to provide housing and job training for the homeless.

Many local communities across the country, including my hometown of Seattle, WA, have successfully integrated homeless assistance plans into base reuse proposals in ways that will benefit the entire community.

The Sand Point Community Liaison Committee has worked extensively with the city of Seattle, the Seattle-King County Coalition for the homeless and many other groups to successfully address the problem of homelessness.

It seems odd that the Republican authors of this amendment would want to take away base closure property from local communities who have demonstrated willingness to use the property to assist the homeless.

Republicans are always declaring that they want to increase local flexibility but the Molinari-Bilbray amendment will only decrease the flexibility of local communities wishing to solve local problems.

If this amendment passes, an important option will be eliminated and local communities will be left with the problem of homelessness and in turn will need to rely on Federal and State appropriated money to address the problem.

By prohibiting local communities from finding innovative techniques, such as using closed military facilities, to address the serious problem of homelessness, this amendment will further increase the costs to local governments. Another unfunded mandate from the Republicans.

But the Republicans will continue to say, "no, this is not an unfunded mandate. We are not mandating that you assist the homeless in any way in your local community." Of course you're not, but these communities are the ones that are dealing with the homeless in their backyards and in their alleys and streets.

Let's not inhibit local communities from doing their job. We should not cut the options for communities who want to deal with their homeless population to do so in a safe, agreeable, and fiscally responsible fashion.

I urge my colleagues to vote against this irresponsible amendment.

Mr. DELLUMS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, with some difficulty I have tried to focus on the debate, and I would like to address my remarks to the two principals of this amendment. There are at least three assertions that were made here that I would like to challenge.

With respect to your assertion, Mr. BILBRAY, I would assert to you, and this is acquiesced in by the Department of Defense interpretation of your amendment, that you do indeed eliminate the ability of local communities and nonprofit groups to use a base closure property to assist the homeless. So it is quite the reverse. You take away the local decisionmaking capability.

No. 2, Mr. Chairman, I do not know if anybody read the fact that last year the Congress modified the McKinney Act, or if they read it, they certainly misinterpreted it. Last year the Congress modified the McKinney Act to give communities greater say as to how assistance would be given to the homeless and to what extent.

Mr. Chairman, communities have found that the new process can be both balanced and workable. This gentleman knows because we are dealing with it on the ground. This is not theoretical. Current legislation requires that the local reuse authority for each installation only consider, homeless assistance as one of its uses. It is not mandatory for the installation to be used in that manner.

Mr. Chairman, I would assert that as I listened carefully to my two colleagues, they either do not know that the McKinney Act was modified, or certainly grossly misinterpreted it. It has now been radically changed. So if you are going to debate the issue, let us debate the issue in the present time frame, not in yesterday's time frame, not in yesterday's provisions.

Third, the revised McKinney Act and the Base Closure Committee Redevelopment and Homeless Assistance Act of 1994 allows nonprofits with independent funding to use portions of former military bases to provide housing and job training to the homeless.

The next point: The elimination of the legislation would eliminate local control, just what the gentleman from California said he did not want to eliminate. Passage of the amendment would prohibit transfer of property even when the local communities decide to provide services to the homeless.

What could be more bizarre than that? The local communities and nonprofits are now seeking to use the legislation. This amendment puts programs in serious jeopardy. Its retroactive effects will destroy effective arrangements that are already in place. In some cities planning will come to a halt, awaiting a final decision on this amendment.

I would like to, to the gentlewoman from New York, make this assertion on her comment: The amendment will eliminate DOD's authority to implement locally devised programs by stripping DOD of the authority to transfer surplus military property. That is not just this gentleman's point of view.

You said that the legislative counsel suggested that was not the case. The Department of Defense's analysis of its prerogatives within the framework of this amendment arrived at the position that they believe that they are stripped of their capacity to transfer surplus military property. I know the gentlewoman and I do not think that is an intended consequence, but that is indeed an effect of the amendment.

This amendment neither serves local communities nor speeds up the base disposal process. I know that the gentlewoman is positively motivated. I think the gentlewoman believes that her amendment, given base closure problems in New York, would expedite the process. But I would think that the gentlewoman would live to rue the day that this amendment becomes reality, because I do not believe that it is going to speed up the process. I believe that it is going to be just the reverse. It is going to slow it down.

Last year we revise the McKinney act to deal with these kinds of problems. Communities are now warming up to this. They know that it is workable. Things are moving forward. I think that while perhaps well intended, I believe that at the end of the day, this is a mischievous, nonproductive amendment. I would hope that either my colleagues withdrew it based on reconsideration, or if it is laid out there, I hope that my colleagues will resoundingly defeat it. This is not time to make this mistake.

The CHAIRMAN pro tempore (Mr. McINNIS). All time having expired, the question is on the amendment offered by the gentlewoman from New York [Ms. MOLINARI].

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. DELLUMS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN pro tempore. Pursuant to the rule, further proceedings on this amendment offered by the gentlewoman from New York [Ms. MOLINARI] will be postponed.

ANNOUNCEMENT BY THE CHAIRMAN P.T.

The CHAIRMAN pro tempore. Pursuant to the rule, proceedings will now resume on those amendments on which further proceedings were postponed. They will be considered in the following order:

Amendment No. 30 offered by the gentleman from California [Mr. POMBO]; Amendment No. 3 offered by the gentleman from California [Mr. BERMAN]; Amendment No. 33 offered by the gentleman from Arizona [Mr. KOLBE]; and Amendment No. 37 offered by the gentlewoman from New York [Ms. MOLINARI].

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series of votes.

AMENDMENT OFFERED BY MR. POMBO

The CHAIRMAN pro tempore. The pending business is the vote on the amendment offered by the gentleman from California [Mr. POMBO] on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This is a 15-minute vote, to be followed by a series of 5-minute votes.

The vote was taken by electronic device, and there were—ayes 302, noes 125, not voting 7, as follows:

[Roll No. 376]

AYES—302

Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Borski
Boucher
Brewster
Browder
Brown (FL)
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clement
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeLay
Deutsch
Diaz-Balart
Dickey
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kim
King
Kingston
Klink
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Manton
Manzullo
Martini
Mascara
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
McNulty
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Paxon
Payne (VA)
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Richardson
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Schumer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Thurman
Tiahrt
Torkildsen
Torricelli
Traficant
Upton
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wise
Wolf
Wynn
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—125

Abercrombie
Ackerman
Baldacci
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bonior
Brown (CA)
Brown (OH)
Bryant (TX)
Clay
Clayton
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
DeFazio
DeLauro
Dellums
Dicks
Dingell
Dixon
Durbin
Ehlers
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Gutierrez
Hall (OH)
Hastings (FL)
Hilliard
Hinchey
Hoyer
Jackson-Lee
Johnson (SD)
Johnson, E. B.
Johnston
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Lantos
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney
Markey
Martinez
Matsui
McCarthy
McDermott
McKinney
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pastor
Payne (NJ)
Pelosi
Poshard
Rahall
Reed
Reynolds
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Scott
Serrano
Skaggs
Slaughter
Stark
Stokes
Studds
Thompson
Torres
Towns
Tucker
Velazquez
Vento
Ward
Waters
Watt (NC)
Waxman
Williams
Woolsey
Wyden

NOT VOTING—7

Fields (TX)
Kleczka
LaFalce
Rangel
Thornton
Wilson
Yates

☐ 1848

Mr. BROWN of California and Mr. FOGLIETTA changed their vote from "aye" to "no."

Messrs. RICHARDSON, SMITH of Texas, KLINK, and MARTINI changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. BERMAN

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California [Mr. BERMAN], on which further proceedings were postponed, and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from California [Mr. BERMAN], for a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 152, noes 276, not voting 6, as follows:

[Roll No. 377]

AYES—152

Abercrombie
Andrews
Baesler
Baldacci
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bishop
Blute
Bonior
Boucher
Brown (FL)
Brown (OH)
Brownback
Bryant (TX)
Bunn
Chenoweth
Clay
Clayton
Clyburn
Coble
Coburn
Collins (IL)
Collins (MI)
Conyers
Deal
DeFazio
Dellums
Deutsch
Dixon
Doggett
Dooley
Doyle
Duncan
Durbin
Engel
English
Eshoo
Evans
Farr
Fields (LA)
Filner
Foglietta
Franks (NJ)
Furse
Ganske
Gibbons
Gonzalez
Gutierrez
Hastings (FL)
Hinchey
Hoekstra
Holden
Horn
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnston
Kanjorski
Kaptur
Kasich
Kennedy (MA)
Kildee
Klug
Lantos
Latham
Leach
Lewis (GA)
Lincoln
LoBiondo
Lowey
Luther
Maloney
Markey
Martinez
Matsui
McCarthy
McDermott
McHale
McKinney
Meehan
Meek
Menendez
Metcalf
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Moran
Morella
Nadler
Neumann
Ney
Nussle
Oberstar
Obey
Olver
Owens
Pallone
Paxon
Payne (NJ)
Pelosi
Petri
Pomeroy
Poshard
Rahall
Ramstad
Rangel
Reynolds
Richardson
Rivers
Rohrabacher
Rose
Roukema
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sanford
Sawyer
Schroeder
Schumer
Sensenbrenner
Shays
Skaggs
Slaughter
Stark
Stokes
Studds
Torres
Torricelli
Towns
Traficant
Tucker
Upton
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Whitfield
Williams
Woolsey
Wyden
Zimmer

NOES—276

Ackerman
Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Bonilla
Bono
Borski
Brewster
Browder
Brown (CA)
Bryant (TN)
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Christensen
Chrysler
Clement
Clinger
Coleman
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
DeLauro
DeLay
Diaz-Balart
Dickey
Dicks
Dingell
Doolittle
Dornan
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Ensign
Everett
Ewing
Fattah
Fawell
Fazio
Flake
Flanagan
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Frelinghuysen
Frisa
Frost
Funderburk
Gallegly
Gejdenson
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hobson
Hoke
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones
Kelly
Kennedy (RI)
Kennelly
Kim
King
Kingston
Klink
Knollenberg
Kolbe
LaHood
Largent
LaTourette
Laughlin
Lazio
Levin
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
Lofgren
Longley
Lucas
Manton
Manzullo
Martini
Mascara
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
McNulty
Meyers
Mica
Miller (FL)
Molinari
Mollohan
Montgomery
Moorhead
Murtha
Myers
Myrick
Neal
Nethercutt
Norwood
Ortiz
Orton
Oxley
Packard
Parker
Pastor
Payne (VA)
Peterson (FL)
Peterson (MN)
Pickett
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Reed
Regula
Riggs
Roberts
Roemer
Rogers
Ros-Lehtinen
Roth
Salmon
Saxton
Scarborough
Schaefer
Schiff
Scott
Seastrand
Serrano
Shadegg
Shaw
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thurman
Tiahrt
Torkildsen
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Wicker
Wise
Wolf
Wynn
Young (AK)
Young (FL)
Zeliff

NOT VOTING—6

Fields (TX)
Kleczka
LaFalce
Thornton
Wilson
Yates

☐ 1900

Messrs. HOYER, ZELIFF, COSTELLO, FATTAH, NEAL of Massachusetts, and MEEHAN changed their votes from "aye" to "no."

Messrs. WHITFIELD, MINGE, MARKEY, NEY, KASICH, BLUTE, SHAYS, UPTON, KENNEDY of Massachusetts, and MOAKLEY changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above.

☐ 1900

AMENDMENT OFFERED BY MR. KOLBE

The CHAIRMAN. The pending business is the demand of the gentleman from Arizona [Mr. KOLBE] for a recorded vote on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 214, noes 214, not voting 6, as follows:

[Roll No. 378]

AYES—214

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clement
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Dickey
Dooley
Doolittle
Dornan
Dreier
Dunn
Ehlers
Ehrlich
Emerson
Ensign
Everett
Ewing
Fawell
Flanagan
Foley
Fowler
Fox
Franks (CT)
Frelinghuysen
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Goodlatte
Goodling
Gordon
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hobson
Hoke
Horn
Houghton
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kim
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
Longley
Lucas
Manzullo
McCollum
McCrery
McHale
McInnis
McIntosh
McKeon
Mica
Miller (FL)
Molinari
Montgomery
Moorhead
Moran
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Petri

Pombo
Porter
Portman
Pryce
Radanovich
Ramstad
Roberts
Rogers
Rohrabacher
Rose
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (TX)
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thurman
Upton
Vucanovich
Waldholtz
Walker
Wamp
Watts (OK)
Weldon (FL)
White
Whitfield
Wicker
Wolf
Zeliff
Zimmer

NOES—214

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Blute
Boehlert
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Chapman
Clay
Clayton
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Doyle
Duncan
Durbin
Edwards
Engel
English
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Forbes
Ford
Frank (MA)
Franks (NJ)
Frisa
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gillmor
Gilman
Gonzalez
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hastings (WA)
Hilliard
Hinchey
Hoekstra
Holden
Hostettler
Hoyer
Hunter
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
King
Klink
Lantos
Leach
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McDade
McDermott
McHugh
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Quillen
Quinn
Rahall
Rangel
Reed
Regula
Reynolds
Richardson
Riggs
Rivers
Roemer
Ros-Lehtinen
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schiff
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Solomon
Spratt
Stark
Stokes
Studds
Stupak
Tejeda
Thompson
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Velazquez
Vento
Visclosky
Volkmer
Walsh
Ward
Waters
Watt (NC)
Waxman
Weldon (PA)
Weller
Williams
Wise
Woolsey
Wyden
Wynn
Young (AK)
Young (FL)

NOT VOTING—6

Fields (TX)
Kleczka
LaFalce
Thornton
Wilson
Yates

□ 1909

Messrs. WELLER, CHAPMAN, and TORRICELLI changed their vote from "aye" to "no."

Mr. CUNNINGHAM and Mr. NEUMANN changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MS. MOLINARI

The CHAIRMAN. The pending business is the demand of the gentlewoman from New York [Ms. MOLINARI] for a recorded vote on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 293, noes 133, not voting 8, as follows:

[Roll No. 379]

AYES—293

Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Beilenson
Bentsen
Bereuter
Bevill
Bilbray
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Boucher
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clement
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
de la Garza
Deal
DeLay
Deutsch
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fazio
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Frelinghuysen
Frisa
Frost
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Johnston
Jones
Kelly
Kim
King
Kingston
Klink
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Manton
Manzullo
Martini
Mascara
Matsui
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
McNulty
Meehan
Metcalf
Meyers
Mica
Miller (FL)
Minge
Molinari
Mollohan
Montgomery
Moorhead
Moran
Murtha
Myers
Myrick
Neal
Nethercutt
Neumann
Norwood
Nussle
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Paxon
Payne (VA)
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Richardson
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Schumer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Thurman
Tiahrt
Torkildsen
Traficant
Upton
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wise
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—133

Abercrombie
Ackerman
Barcia
Barrett (WI)
Becerra
Berman
Bilirakis
Bonior
Borski
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Clay
Clayton
Clinger
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Coyne
Danner
Davis
DeFazio
DeLauro
Dellums
Dicks
Dingell
Dixon
Doggett
Durbin
Engel
Eshoo
Evans
Farr
Fattah
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Franks (NJ)
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hilliard
Hinchey
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Lantos
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney
Markey
Martinez
McCarthy
McDermott
McHale
McKinney
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Moakley
Morella
Nadler
Oberstar
Obey
Olver
Owens
Pastor
Payne (NJ)
Pelosi
Rahall
Rangel
Reed
Reynolds
Rivers
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Scott
Serrano
Skaggs
Slaughter
Stark
Stokes
Studds
Stupak
Thompson
Torres
Torricelli
Towns
Tucker
Velázquez
Vento
Visclosky
Ward
Waters

Watt (NC)
Waxman
Williams
Woolsey
Wyden
Wynn

NOT VOTING—8

Fields (TX)
Kasich
Kleczka
LaFalce
Ney
Thornton
Wilson
Yates

☐ 1917

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. DORNAN. Mr. Chairman, this bill marks a historic moment in our country's approach to maintaining national security. For the first time in four decades, a new majority in the House of Representatives is setting the priorities for spending by the Department of Defense. Because of the increasing pressures we face both here and abroad, this new approach to our Nation's security could not have come at a better or more appropriate time.

The world is becoming much more complex in terms of security requirements. Situations in Somalia, Bosnia, and Haiti have clearly demonstrated the dangers our military forces will face despite the apparent end of the cold war with the former Soviet Union. Meanwhile, increased budgetary pressures, including a commitment to balance the Federal budget by 2002, mean that the resources available to maintain an effective military capability will be very limited. Against this backdrop, the current administration has not only failed to clearly articulate a comprehensive foreign and national security policy for the future, but has under funded its own very questionable Bottom-Up Review by as much as $150 billion.

In response to these circumstances, the House National Security Committee has taken very bold and innovative measures designed to not only maintain but drastically improve our military capability for both now and the next century.

Highly motivated and qualified soldiers, sailors, airmen and Marines remain the foundation for an effective combat fighting force. In order to recruit, retain and reward such troops, the committee, led by my Personnel Subcommittee, took the following necessary steps. First, we placed a mandatory floor on military force structure in order to prevent the administration from further cutting personnel levels below those recommended in the Bottom-Up Review. We also authorized the Secretary of Defense funding for an additional 7,500 personnel that could be used directly to relieve pressure on certain portions of each military service being stressed by high operations tempo such as Air Force AWACS, Army military police, and Army Patriot missile units. In the area of compensation, we fully approved a military pay increase, the first requested by this administration in 3 years, and supported a range of other compensation initiatives over and above those requested including a 5.2 percent increase in the basic allowance for quarters [BAQ].

Another area that deserves and received more attention from the committee was training/readiness. Besides additional funds for property maintenance, base operations, ammunition, and other basic supplies, the Personnel Subcommittee increased the number of military technicians, a key to reserve component readiness, by 1,400 personnel above the level requested by the President. In order to pay for these combat readiness initiatives, the committee cut over $2 billion in non-defense spending from this bill. While many of these civil-military programs may have great merit, we decided that the priority should be on military programs that directly contribute to combat readiness. The defense budget must be for defense.

Finally, the committee made a firm commitment to new technology by funding vital modernization programs which will ensure our technical edge over any adversary for the foreseeable future. Chief among these modernization initiatives was additional funding for ballistic missile defense [BMD] including full funding in fiscal year 1996 for Navy lower and upper tier systems. By providing this additional funding, we will be able to build upon our previous investment in Aegis ships, radar and missiles and provide our allies, forward deployed forces, and even the U.S. with an effective missile defense by the turn of the century.

We also accelerated funding for armed reconnaissance helicopters for the Army, a requirement that was clearly demonstrated after the loss of an unarmed, underpowered, unstealthy OH–58 aircraft over North Korea earlier this year. The committee funded 20 additional OH–58D Kiowa Warrior aircraft to meet this requirement in the short term and fully endorsed the RAH–66 Comanche program to address this requirement in the long term.

The committee also made a clear commitment to address the lack of long range conventional bomber capability by authorizing funding for additional B–2 production and continued conventional enhancements to the B–1B aircraft. Such long range power projection systems will be vital to a future, credible U.S. military presence overseas.

This defense bill does not represent the total answer to our future national security requirements. It represents only the beginning. However, such a strong foundation is vital, especially without better guidance or vision from the present administration, if we are to ensure the national security of this great nation in the 21st century.

For those who might question why we need to continue to invest so much in defense, I would remind them, during this 50th anniversary of our victory in World War II, of the high price we pay in terms of human life when we are not properly prepared to quickly and decisively win at war. We must always remember that those who are most prepared to wage war are also those who are least likely to need to do so because of such preparedness. As one of our greatest battlefield commanders, Matt Ridgway, once commented: "What red-blooded American could oppose so shining a concept as victory? It would be like standing up for sin against virtue."

The House National Security Committee fiscal year 1996 defense authorization bill is a commitment to victory instead of defeat. Hopefully the Senate and appropriations committees will show the same commitment when considering this defense budget.

HIGHLIGHTS OF NATIONAL SECURITY COMMITTEE [NSC] DEFENSE BILL STATUS OF INITIATIVES BY CONGRESSMAN ROBERT K. DORNAN

1. Army Armed Reconnaissance Helicopters: After the loss of an unarmed, underpowered, unstealthy OH–58 helicopter over North Korea earlier this year, BOB DORNAN pressed for additional funding for replacement aircraft including the OH–58D and RAH–66.

OH–58D: NSC approved $125 million in additional funding for 20 aircraft—none requested by DoD despite existing Army requirement for more aircraft.

RAH–66: NSC fully supported program including authorizing $100 million in addition to administration's request. Committee also included report language drafted by Congressman DORNAN on the future of the program.

2. Navy Ballistic Missile Defense: Desert Storm clearly demonstrated that the ballistic missile threat is real and here today. Congressman DORNAN has been a long time supporter of a near term solution to this threat—Navy missile defense. By upgrading existing Navy ships, radar, and air defense missiles, the U.S., allies, and forward deployed U.S. forces can achieve an effective missile defense near the turn of the century. The NSC fully funded Congressman DORNAN's request for both Navy lower and upper tier systems.

Lower Tier: provides Navy ships and ports with Patriot-type point defense capability. Increased funding by $45 million.

Upper Tier: provides wide area coverage—such as protecting Japan against attack by North Korea. Increased funding by $170 million.

3. Air Force Conventional Bombers: Most experts agree that the current bomber force is inadequate for meeting the requirements of the administration's Bottom Up Review. Congressman DORNAN supports additional B–2 production and additional B–1B conventional enhancements in order to better meet this requirement.

B–1B: NSC fully supported budget request for conventional enhancements and added $21 million, as requested by Congressman DORNAN, for BVUD program which would give the aircraft a near term/off the shelf precision guided bomb capability.

B–2: NSC added $553 million in long lead funding for additional B–2 aircraft which will maintain the country's only existing bomber production line.

4. Battlefield Combat Identification System (BCIS): NSC fully funded the budget request for BCIS which is designed to help prevent friendly fire casualties by positively identifying targets on the battlefield. DORNAN, a long time supporter of the program, also drafted report language on BCIS which was adopted by the NSC.

5. Minuteman III (MM III) ICBM: The NSC fully supported a request by Congressmen DORNAN and HANSEN for $10 million in additional funding for MM III guidance upgrades. A recent DoD nuclear posture review fully supported maintaining the MM III as the land-based leg of the U.S. nuclear triad.

6. Armor/anti-armor upgrades: The NSC fully supported requests by Congressman DORNAN and other members for increased funding for two armor/anti-armor initiatives. The first request was for $39 million in additional funding for a lightweight anti-armor system known as Javelin.

This funding will significantly increase anti-armor assets available to rapid deployment units in the near future. The next request was for $14 million in additional funding for reactive armor protection for the Bradley fighting vehicle. Such protection is necessary against the proliferation of anti-tank weapons.

7. UH–60 Army Helicopter: The NSC fully approved the administration's request for

$334 million for 60 UH-60 helicopters but rejected DoD plans to terminate the program after 1996. Congressman DORNAN supports additional UH-60 productions after 1996 in order to address Army requirements for additional MEDEVAC and light utility aircraft.

8. Navy Enlisted Storage Space: The NSC accepted report language drafted by Congressman DORNAN that would require a report from the Navy on the resources necessary to provide Navy enlisted personnel on board surface ships additional storage space when in port. DORNAN has learned on various visits with sailors on board these ships that they have no barracks space when in port and must therefore remain on board the ship. While building additional barracks space would be costly, Congressman DORNAN has won preliminary support for CNO Admiral Boorda for a plan to provide these sailors with additional storage space off the ship for recreational equipment and civilian clothing that could be used when in port. Such a measure would boost morale at minimal cost.

9. V-22: The NSC fully funded the DoD request for the V-22 Tiltrotor aircraft which would replace the Vietnam-era CH-46 helicopter as the Marine Corps' primary medium lift aircraft. Congressman DORNAN has been a long time supporter of the V-22 which would replace CH-46 aircraft at MCAS Tustin in the 46th district.

HIGHLIGHTS OF PERSONNEL SUBCOMMITTEE (NSC) MARKUP—1995 STATUS OF INITIATIVES BY CONGRESSMAN ROBERT K. DORNAN

1. POW/MIA Legislation: Congressman DORNAN adopted language similar to legislation introduced by Congressman GILMAN and Senator DOLE which is designed to standardize procedures for determining the whereabouts and status of American POWs/MIAs.

2. Abortion Restriction: Congressman DORNAN included language restoring Reagan-era policy which prohibits abortions at military facilities.

3. Discharge of HIV+ Personnel: Congressman DORNAN included language which mandates the immediate discharge of HIV+, permanently non-deployable military personnel.

4. End Payments to DoD Prisoners: Language was included that would require all military personnel convicted by court-martial to forfeit all pay and allowances during their period of confinement.

5. Award of AFEM to El Salvador Veterans: Language was included authorizing the Armed Forces Expeditionary Medal for U.S. military veterans who served in El Salvador.

6. End Strength Floors: Permanent military end strength floors were established by Congressman DORNAN which would prevent the DoD from further reducing personnel below current, Bottom Up Review levels.

7. Addition of Personnel to High Stress Units: Congressman DORNAN also authorized the SECDEF 7500 additional personnel to be placed in high stress areas such as AWACS, military police, and Patriot units.

8. Addition of National Technicians: Congressman DORNAN authorized 1400 additional military technicians for National Guard/Reserve units in order to improve their maintenance rates and overall combat readiness.

9. Increased Housing Allowance: Congressman DORNAN increased basic allowance for quarters [BAQ] by 5.2 percent greater than that requested by the administration in order to reduce out of pocket housing costs for members of the military.

10. Eliminated Disparity in COLAs for Military Retirees: Congressman DORNAN introduced a full committee amendment that would eliminate the disparity in payment of COLAs between Federal civilian and military retirees. COLAs for military retirees have been delayed an average of 8.5 months as compared to a delay of only 3 months for other Federal retirees. President Clinton attempted to address the problem in this budget but his proposal did not succeed. Congressman DORNAN then developed his amendment which provides $403 million to eliminate the disparity in 1996. The amendment passed during full committee markup.

Mr. SPENCE. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SOLOMON) having assumed the chair, Mr. EMERSON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1530) to authorize appropriations for fiscal year 1996 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1996, and for other purposes, had come to no resolution thereon.

PAUSE FOR THE PLEDGE

(Mr. CARDIN asked and was given permission to address the House for 1 minute.)

Mr. CARDIN. Mr. Speaker, I take this time, and at the permission of the Speaker, to lead the House in the pledge of allegiance at this time of the day, and let me explain why, if I might.

Mr. Speaker, as you are well aware, today is Flag Day and this week is National Flag Week. Each year the National Flag Day Foundation, located in my district, participates in the Pause for the Pledge at Fort McHenry, the birthplace of the Star Spangle Banner at 7 o'clock in the evening on June 14th.

The National Flag Day Foundation encourages all Americans to join in the 7 o'clock Pause for the Pledge and this grassroots concept of national unity started in Baltimore in 1980. And I might point out that Presidents have joined in this pause.

Due to the voting of the House today, I am unable to be at Fort McHenry to participate in the ceremony. Therefore, I would request that the Members of the House join me and their fellow citizens in a Pause for the Pledge. If I could ask everyone to please rise and to face the flag.

PLEDGE OF ALLEGIANCE

The CHAIRMAN. Without objection, the gentleman from Maryland [Mr. CARDIN] will lead the House in the Pledge of Allegiance to the flag on this very special occasion.

There was no objection.

Mr. CARDIN led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

PERMISSION FOR SUNDRY COMMITTEES AND THEIR SUBCOMMITTEES TO SIT TOMORROW, THURSDAY, JUNE 15, 1995, DURING THE 5-MINUTE RULE

Mr. GUTKNECHT. Mr. Speaker, I ask unanimous consent that the following committees and their subcommittees be permitted to sit tomorrow while the House is meeting in the Committee of the Whole House under the 5-minute rule.

Committee on Agriculture; Committee on Banking and Financial Services; Committee on Commerce; Committee on Economic and Educational Opportunities; Committee on Government Reform and Oversight; Committee on Judiciary; Committee on Resources; Committee on Science; Committee on Small Business; Committee on Transportation and Infrastructure; Committee on Veterans Affairs; Permanent Select Committee on Intelligence.

It is my understanding that the minority has been consulted and that there is no objection to these requests.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

Mr. VOLKMER. Reserving the right to object, Mr. Speaker. I do not plan to object. I just want to let the gentleman know that, yes, we do appreciate clearing this request with all the ranking members of the various committees and we appreciate it and look forward to working with the gentleman and the majority in the future.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

FRENCH NUCLEAR TESTS

(Mr. FALEOMAVAEGA asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. FALEOMAVAEGA. Mr. Speaker, here we go again. President Jacques Chirac of France has announced France will explode eight nuclear bombs in the South Pacific beginning this September.

Mr. Speaker, this is just what we need after 170 countries signed up to uphold the integrity of the Nuclear Non-Proliferation Treaty. France currently has the world's third largest stockpile of nuclear bombs and the fourth largest navy in the world, and after conducting almost 200 nuclear explosions in the atmosphere, and in the ocean, and under a South Pacific island atoll over the past 20 years—it is hard to believe that France's military establishment is still not sure if that nuclear trigger is working or not.

Mr. Speaker, give me a break. Why should we tell countries like India, Pakistan, Japan, North Korea, Iraq, and Iran not to get into the development of nuclear bombs when a major Western power like France does this without due consideration to the environment or the lives and welfare of the peoples of the South Pacific?

What madness. The height of hypocrisy. Mr. Speaker, I ask the good citizens and people of France—if you want nuclear tests to continue, do it in France, and don't bring this ugly monstor to the South Pacific.

Mr. Speaker, I include the following for the RECORD.

[From the Washington Post, June 14, 1995]

FRANCE SAYS IT WILL STAGE NUCLEAR TESTS

(By William Drozdiak)

PARIS, June 13.—President Jacques Chirac announced tonight that France will resume nuclear weapons testing in September and conduct eight tests in the South Pacific before next May so that it can sign a comprehensive test ban treaty by the end of next year.

Chirac told reporters on the eve of his first presidential trip abroad that his decision was crucial to ensure the reliability and security of the country's nuclear weaponry until France—which has the world's third-largest nuclear arsenal—develops laboratory simulation methods that would obviate future test blasts.

"I made this decision because I considered it necessary in the higher interest of our nation to authorize the end of this series of tests. This decision is, of course, irrevocable," he said.

U.S. government officials said they were disappointed by Chirac's decision and worried that it could erode confidence in the promise by all nuclear powers to work toward an early test ban. That pledge was an important factor in persuading more than 170 countries to embrace a permanent extension of the nuclear Non-Proliferation Treaty at a review conference two months ago.

President Clinton said in 1993, during a worldwide nuclear moratorium, that the United States planned no further nuclear tests, but he indicated he might reconsider if other nuclear powers resumed such blasts. A senior U.S. official said today, however, that France's announcement "won't affect our own policy [and] will not lead us to resume nuclear testing."

Only China has continued nuclear weapons testing in the past two years, drawing widespread international protests. U.S. officials said the French decision and its impact will be discussed when Chirac arrives in Washington Wednesday to meet with President Clinton before leaders of the Group of Seven industrialized democracies gather for a summit later this week in Halifax, Nova Scotia.

Chirac said a panel of military experts he consulted in making his decision had unanimously recommended that France complete a series of underground tests that was interrupted in April 1992 so that its independent nuclear deterrent force of nearly 500 strategic warheads will remain effective into the 21st century.

When President Francois Mitterrand halted nuclear testing in 1992, he said that France must set an example for the rest of the world in renouncing all such tests in the hope that other nuclear powers would sign a comprehensive test ban.

Mitterrand predicted that any of his possible successors as president would be inhibited from overturning his ban on nuclear tests by threat of angry protests at home and abroad. But Chirac tried tonight to shift the blame to Mitterrand, saying his decision to abort the testing program was premature because simulation techniques had not been perfected.

Seeking to thwart a potential outcry, Chirac said he had notified France's main allies, as well as Mitterrand, opposition leaders and the Australian and New Zealand governments. He insisted that the tests were harmless to the environment, and he invited ecologists to visit Mururoa Atoll in French Polynesia to monitor the explosions.

[Nevertheless, Australia and New Zealand angrily announced they would freeze defense ties with France over its decision, and Australian union leaders and politicians called for a boycott of French goods, the Reuter news agency reported. "Australia deplores France's decision to resume nuclear testing in the South Pacific," Prime Minister Paul Keating said. "What we are seeing is the arrogant action of a European colonial power. . . . They have yet to understand that as members of the Pacific community we expect something different," New Zealand Prime Minister Jim Bolger told parliament.

[Japan also protested, Reuter reported. "The French decision seriously betrays the trust of non-nuclear states," Japanese Foreign Minister Yohei Kono told French Foreign Minister Herve de Charette in a telephone conversation.]

For months, Chirac has been under intense pressure from France's military establishment, largely dominated by his Gaullist party supporters, to ensure the country's future nuclear capability.

French defense experts said the military leadership had urged up to a dozen tests to verify the effectiveness of warhead stocks; to establish the effectiveness of a new warhead for the country's M-5 submarine-launched missile; to enhance computer-simulation plans; and to experiment with miniature warheads.

The experts said such tests would be necessary not only to check the status of the hardware but also to prepare for any change in strategy in the post-Cold War era. This could include a shift from the old threat of inflicting intolerable damage on a enemy through massive retaliation to a new French strategy of focusing on tactical battlefield weapons that could be used against specific targets.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. FOX of Pennsylvania). Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

CONCERNS REGARDING ANTITERRORISM LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. BARR] is recognized for 5 minutes.

Mr. BARR. Mr. Speaker, for the last 3 days those of us who have the honor of serving on the Committee on the Judiciary have been engaged in some very important, far-reaching legislation. What we have been considering, Mr. Speaker, is antiterrorism or counterterrorism legislation.

This legislation which has come before the Committee on the Judiciary is not something that arose simply because of what happened recently in Oklahoma, although it has taken on additional and rather urgent importance in light of what happened in Oklahoma.

It is however of concern to a number of us as conservatives and who were sent here to the House of Representatives as result of the election last year to take a very hard look at the power of the Federal Government to determine not only if there are circumstances under which the powers of the Federal Government may have gotten too broad, too large, and too extended so that we would be looking at methods to bring back in and rein back in the power of the Federal Government in those instances in which it has been too broadly construed or has been extended too far, but also to be very careful and jealous guardians of those authorities that currently belong to States and local communities and to take a very hard look, a very fair look, but a very hard look at those areas where the Federal Government is seeking to expand its authority.

The legislation that we have been considering in the Judiciary Committee raises some of these concerns that I would like to this evening just raise and alert the people of the United States of America to.

None of us favor terrorism, and certainly when we have legislation that is couched as counterterrorism or antiterrorism, certainly there is a predisposition, an inclination on all of our parts to say absolutely, we must pass whatever legislation is necessary in order to do everything within reason and within the bounds of our Constitution to prevent incidents such as what happened in Oklahoma recently from occurring, and to ensure that if it ever does occur, that our law enforcement officials and our prosecutors and our courts have full authority to investigate thoroughly, to apprehend, to prosecute, and then to punish to the greatest extent possible under our system of laws those that would perpetrate such acts on American citizens or indeed anybody within the geographic bounds of the United States of America.

The problem, Mr. Speaker, that we are facing and that I am personally facing in the committee with regard to this legislation, is that it seems to go beyond what the Government needs in order to really carry out its responsibility to protect American citizens against acts of terrorism and to prosecute those who do commit acts of terrorism. It goes beyond what is needed to simply what some of our law enforcement officials and some in our Government would like to see the Federal Government have.

It extends the reach, for example, Mr. Speaker, very broadly beyond the current definition of what is terrorism, and under the legislation that we are currently considering in the Committee on the Judiciary, for example, virtually any crime of violence committed anywhere in our country for whatever reason becomes a terrorist action.

Once under the legislation that is being considered an action becomes or falls within the definition of terrorism or terrorist activity or terrorist action, then a whole series of things occurs such as loosening of the standard on wiretap authority, loosening of the standard on the Federal Government's ability and law enforcement's ability to obtain certain types of records on citizens, and so on and so forth.

This is the concern, Mr. Chairman, and I think we need to be very, very careful and very jealous that in our understandable effort and our understandable zeal to protect our citizens against a recurrence of what happened in Oklahoma that we do not cross over the line and extend too much authority to the Government and that we do not inadvertently trample on some of our very cherished constitutional rights.

□ 1930

We are going to be continuing the markup of this legislation tomorrow. There will be further refinements to it, and then, of course, the full House will have full opportunity to look at this.

But I do have some concerns, Mr. Speaker, with this legislation, in that it does seem to go far beyond the current bounds of the reach of the Federal Government and really gets the Federal Government into a whole range of activities that, under standards of federalism, certainly as I and the citizens of the Seventh District understand them, say, "Yes, we do want to have strong Federal law enforcement, but that does not mean we want the Federal Government involved in virtually every aspect of criminal activity that might take place anywhere in our country."

Mr. Speaker, I appreciate having the opportunity to share some of these concerns, and we will hear more on this as we continue the deliberations in the Committee on the Judiciary and on the full floor.

TRIBUTE TO RAMSEY CLARK

The SPEAKER pro tempore (Mr. FOX of Pennsylvania). Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 5 minutes.

Mr. GONZALEZ. Mr. Speaker, I rise because I was very privileged today to attend, I think, a very significant ceremony in which Ramsey Clark, the former Attorney General in the Kennedy and subsequent administrations, from Texas and our area, served, and I was visited by Maury Maverick, Jr., who then escorted me to the ceremony in the Gold Room today.

And I would like to place in the record the remarks that Maury Maverick made with respect to Ramsey Clark. For instance, he points out that once he was a corporal in the United States Marine Corps. Once he was the Attorney General of the United States. And I was here when he was named Attorney General and had a lot to do with working with him.

And Maury says he reminds him very much of Stephen Crane's Civil War novel, "The Red Badge of Courage."

In any event, I was privileged to have been at this reception earlier this day, and thanks to Maury Maverick, his father, Maury Maverick, Sr., the original Maury Maverick, was one of those that first recognized me, totally unknown, a young student emerging from what we call the west side of San Antonio, the Mexican-American section, which at that time was really, really split and divided, and it was thanks to their magnificent friendship that it aroused in me an interest in political or public work.

So that I am placing that at this point in the RECORD, the remarks that Mr. Maverick prepared honoring Ramsey Clark, as follows:

Regarding so-called anti-terrorist legislation, one must face that threat to liberty and constitutional due process with the courage of a Ramsey Clark.

If what we are about to have is a new McCarthy era then I know something about the terror of the old one. As a member of the Texas House of Representatives of the 1950s I was one of the two legislators who filibustered to death the Texas Un-American Activities Committee. Are we on the road to having such committees again?

A paralysis of fear swept America in the 1950s and it will happen again if judges, congressmen, and the President run out on the Bill of Rights.

The ultimate answer to terrorism is Jeffersonian liberty, three meals a day, and human dignity.

Democrats with the knowledge of history of Franklin Roosevelt and Republicans with a sense of justice of Potter Stewart must stand up to the emerging new McCarthyism.

The bullies are on the move. The courage of Ramsey Clark must be shown by lawyers and politicians if we are not to have a new McCarthy era.

A new McCarthy era will be a worse disgrace than the last one because it will mean we didn't learn anything.

My brother and sister lawyers, friends and fellow citizens, I give you that former corporal in the U.S. Marine Corps and former Attorney General of the United States: Ramsey Clark.

WELCOMING THE PRESIDENT TO THE BUDGET BALANCING ARENA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. SMITH] is recognized for 5 minutes.

Mr. SMITH of Michigan. Mr. Speaker, last night President Clinton unveiled his second budget this year. The first budget actually increased deficit spending by $200 billion each year and grew our national debt from the current $4.9 trillion up to $7 trillion in 5 years.

This budget from last night aims to balance the Federal budget in 10 years. Well, we welcome the President to the arena, admitting that we should be balancing this budget. However, 10 years? This means that during the next 10 years, the Federal debt, which is now $5 trillion, will still be growing. It means that we hope that a decade from now when children who are now in the third grade, they will be graduating from high school, the budget will still not be balanced.

Remember, the President did not say the debt would be paid off. He said that if all goes well, we will stop adding to the debt a decade from now. That does not count what we are borrowing from social security and everything else.

Now, does not this all sound a little ludicrous? Do we really think that Congress will balance the budget 10 years from now, putting it off that long? We just cannot do it today?

There are some of us out there who remember the character Wimpy in the Popeye cartoons. Wimpy made the famous line, "I will gladly pay you Tuesday for a hamburger today." Of course, everyone knew Wimpy did not intend to pay for that hamburger.

President Clinton is saying, "We will not pay you back in 10 years, but we will stop getting an advance on those, if you will, hamburgers at that time." The President has said that it would be too painful to bring the budget into balance in less than 10 years.

Now, remember Thomas Jefferson, while President, introduced a plan to pay back the Federal debt over 16 years and then start paying off that debt and getting it done with. He thought it prudent not just to balance the budget, but to run up a surplus to pay off the debt and have a little extra in reserve.

Mr. KINGSTON. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Michigan. I yield to the gentleman from Georgia.

Mr. KINGSTON. I want to ask about this because if the President is not reelected, that would mean that the budget that he is proposing will actually not be balanced until 9 years after he leaves office. Is that correct?

Mr. SMITH of Michigan. You mean, if everything worked out perfectly for the President and he stayed in the full 8 years that is allowed under law, he still would not have a balanced budget? That is what it means.

Mr. KINGSTON. Then at what level will the national debt be? Because that would be 9 more years of deficit spending on top of a $4.8 trillion debt. Did he project what the debt would be?

Mr. SMITH of Michigan. He did not project. But if the CBO projection, and you really cannot tell whether what he said was a political statement or whether he is serious about balancing the budget, we will not know that until we see the details. But we are looking at a growing budget, and if it is consistent with the spending that he suggested when he gave us his budget in February, that is at least $200 billion a year, times 10, times 10 years. We are looking at a budget that cannot possibly be paid back by our kids and our grandkids.

It is going to ruin their chances for a standard of living.

I think it is good to mention; he said it is going to be too painful to pay back this debt in just 7 years, but the pain we are talking about is political pain, admitting reality. So we have a problem here. We are spending money we do not have now. We are asking our kids and our grandkids to pick up that bill years from now, and you just cannot do it.

I think the President has got to come to this table, and if he expects to have any credibility in terms of input in the best way possible to cut spending and balance the budget, then he has got to come to the table seriously.

Mr. KINGSTON. If the gentleman will yield further, one thing that is interesting, I usually speak to two or three schools each month. I talk a lot to the high school juniors and seniors, and I always remind them, when they graduate and get in the work world, their percentage of income that goes to taxes is going to be far higher than their teachers, parents, grandparents, or any other generation of Americans that has ever entered the workplace.

We talked about postponing pain. Tell that to an 18- or 19-year-old who is about to get his or her first job. They will tell you, "I cannot believe how much of my paycheck Uncle Sam gets," and, as you know, the third largest expenditure of the national budget now is interest on the debt. Think how much greater it will be if we wait 10 years.

Mr. SMITH of Michigan. The projection is that these kids today, if we continue to spend like we have been spending, are going to have to pay taxes that amount to over $180,000 during their lifetime just to pay their share of the interest on the national debt.

You know, this little card is what Congressmen use to vote with. It is sort of like a credit card, but really the Federal Government, these 435 Members of Congress here, do not have money to give away. They have got to take money away from the citizens all across this country, taxpayers, and we are giving away taxpayers' money. The way you hear some people talk, you would think it is government's money that they are giving away. We are taking away this money from individuals by increasing taxes.

I would invite the President to come seriously to the negotiating table, admit that it is right to balance the budget, come legitimately and say, "Yes, I agree, we should be balancing in 5 years, 7 if necessary, and let us get on with making a better future for our kids."

COMMEMORATING FLAG DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. KINGSTON] is recognized for 5 minutes.

Mr. KINGSTON. Mr. Speaker, the gentleman from Michigan may want to complete that thought. I do not want to cut him off. It sounds like he got where he was going with that.

Mr. SMITH of Michigan. If the gentleman will yield, no, I want to talk about some significance and open the discussion today, Flag Day, and the American flag.

I had a brother that was a jet pilot, killed in 1957. I am old enough that I went through World War II, and the American flag is more than a symbol. It is what many Americans really out there on the front lines fought for and died for.

So I look forward to the gentleman's comments on Flag Day.

Mr. KINGSTON. It is interesting, I went to the Savannah Scottish Rite Flag Day ceremony this week, in Savannah, and we talked about the Bennington flag and the Grand Union flag that preceded our first national flag on June 14, 1777.

That flag has meant so much to different people, but our favorite flag story is the one about Francis Scott Key.

One of the things we always know is he was on a British ship, but we do not know what he was doing there. He was not a captive. His friend was a captive. He went to the British ship voluntarily on behalf of his friend and petitioned the officer in charge to release his friend, who was a doctor, for humanitarian purposes. He said, "This gentleman is a doctor. He needs to come and tend to the sick and the wounded just as your British doctors do." And the British officer in charge was so taken back by his bravery in risking his own life in coming out there, and, you see, there were actually two of them totally. He said, "I will tell you what, I will let all three of you guys go in the morning. We are attacking Fort McHenry through the night." They were, frankly, very confident they could win and capture Fort McHenry.

What happened, of course, is Francis Scott Key and his friends were sitting on the ship, bow of the ship, standing there captives, watching through the night, trying to figure out what would happen, and then at the dawn's early light they were able to determine, of course, by the sign, the American flag still standing or still flying, that the British were, in fact, not successful in taking Fort McHenry.

He started writing the poem, which became the national anthem, on his way back, because the British officer kept his word, let him go, starting writing the poem, finished it later. It took about 130 years for Congress to declare that the national anthem. You compare that to how quickly the Senate works these days, and we would still probably not have a national anthem.

You know, the American flag does two things. It is a warm and fuzzy emotion when you see it. You know, you think about home. You think about mom and dad, your parents, your family. You think about goodness.

But then aside from that emotion, you think idealistically, like your brother. You think about the sacrifices. You think about the bravery and the freedom that men and women, generation after generation, have put forth to defend this great land of ours, and it is proper the U.S. Congress would take a moment today and say the Pledge of Allegiance one more time towards the end of the afternoon just so we can reaffirm that, and it is also proper that we recognize Flag Day on a bipartisan basis, because every now than and then we do get out of focus. We do start pounding one body or one party or one philosophy. We should always come back to that flag. That symbol of freedom is why we are here.

Mr. SMITH of Michigan. I think your point is so important and so good.

We do have the greatest Nation on Earth, and we get in our little squabbles, and we look for ways to try to improve it. Both sides of the aisle, Republicans and Democrats, feel very strongly that they want to make the best future possible for the kids. Sometimes we have a difference in philosophy on how to get there, but we have a great country, and the flag of the United States of America is something we all feel very closely to.

Ms. JACKSON-LEE. Mr. Speaker, will the gentleman yield?

Mr. KINGSTON. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE. I appreciate the gentleman yielding.

I thank you so very much for the entree to make this bipartisan salute, and because it is Flag Day, I think it is more than appropriate to simply say how special it is, as many of our young children begin kindergarten, sometimes earlier, they learn for the first time, "I pledge allegiance to the flag of the United States of America," and how special it is for them to come and share with their family members that they know the words.

So it is appropriate that we make this a bipartisan salute.

I thank the gentleman for raising it. I think it is most appropriate that we do so in the U.S. Congress because the American people look to us to lead and to emphasize the high ground. So I congratulate you, but, more importantly, I congratulate the American people and salute the flag of United States of America.

Mr. KINGSTON. It is fitting we do that. I am a native of Texas, and as you know, Texas has a very rich history in that Texas was one of the States that was actually a country at one time, and one of the great chapters of Texas history was the Battle of the Alamo and the great cry for the men who were being surrounded by Santa Ana's troops at the Alamo was for Americans to come rescue them, which, when Sam Houston's folks did come, many, many American soldiers had volunteered for that cause of Texas freedom and sovereignty.

There, again, the good old American flag pulls through.

□ 1945

Mr. Speaker, it always has represented the hope, the glory, the promise and the freedom.

HOW AMERICA WILL WIN

The SPEAKER pro tempore [Mr. FOX of Pennsylvania.] Under a previous order of the House, the gentlewoman from Texas [Ms. JACKSON-LEE] is recognized for 5 minutes.

Ms. JACKSON-LEE. Mr. Speaker, I appreciate the opportunity to share in the salute to our flag, and my remarks now, I think, are really in line with what America is all about.

I looked at a startling figure this afternoon, and that was to determine that more than 14 million families in America make less than $10,000.

Many of us, of course, have risen to speak on behalf of business development and enhanced opportunities for our corporations so that jobs can be created, but simply think about someone who is making only $10,000, a hard-working family, some of whom have children and trying to survive in this country.

I would ask the question to my Republican colleagues, "Why are we here?" We certainly have not come here to be whiners and to complain about who has the better offering when it comes to budget and deficit reduction. I think the president of the United States did what was his responsibility. I reviewed the budgets that were on the table, including his previous submitted budget. He recognized there were 14 million citizens who were making under $10,000 and were suffering in this economy, and he began to draft a budget that responds to the bipartisan approach that is needed.

First of all, I think it should be noted that the deficit has gone down in the last year and 2 years. Second, I think it is well to recognize that the budget that was passed by this House, and I disagree with, was a very hard budget. It was a budget that was extreme, and the President now offers us an opportunity for reasoned and bipartisan debate, one we focus on education. It gives people the opportunity in the 21st century.

Second, I think it gives us a longer period of time to in a rational way stem the tide of a possible recession, to extend budget deficit reduction and a balanced budget to a 10-year mark. It preserves certain funding for certain programs that create jobs, and likewise it does not give a tax cut to unwilling Americans, meaning those who have said "I don't need a tax cut; I'm making over $200,000 a year," but it does recognize the need to respond to working men and women and provide them wit a tax break.

It is important, now that we have several budgets on the table, that we be concerned about Medicare and we do not make the deep and dividing cuts that would damage some of the needs of seniors who have to make determinations to either buy prescription drugs or to eat. The President looks at this in a manner that is focused, is not mean spirited and answers the needs of all Americans.

I hope some day we will face a country that has all of our American citizens working at their fullest extent, that sees our 14 million citizens, families that are making under $10,000 make some than that, that they are able to enjoy life, vacation, have a home, send their children to college. But we will not get to that point unless we recognize that a budget must respond to the needs of all of us.

Education is the key. It breaks us out of the shackles of our under-opportunity to more opportunity.

So, Mr. Speaker, I think it is important not to be whiners. I think it is important to come and do the job that we have been asked to do, review the President's budget, review the budget that was passed out of the House, the Senate budget, avoid a crisis in October so that this Government is not shut down, begin to respond to the needs of those who asked us to open the doors of educational opportunity in elementary, secondary and higher education, not focus on the privileged few with major tax breaks and tax cuts, but focus on deficit reduction in a reasoned manner, and do not disrespect all of the good work that our seniors have done by making them make the choices between prescription drugs and simply eating, and do a reasoned reform of health care so that our seniors can be protected with a reasoned Medicare program, and those who are indigent, with a reasoned Medicaid program, and begin this debate not from a point of who gets the political brownie points, but in fact how will America win.

I think America wins when we sit down and discuss a budget that is fair and even-handed. I think the President has offered us an opportunity for that reasoned debate, and, Mr. Speaker, I would hope, as many of my colleagues, Republicans, have noted, and many Democrats have noted, that we will take the opportunity and the challenge and will work on behalf of the American people.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FIELDS of Texas (at the request of Mr. ARMEY), for today, on account of attending a funeral.

Mrs. MYRICK (at the request of Mr. GEPHARDT), for today until 3:15 p.m., on account of family illness.

Mr. YATES (at the request of Mr. GEPHARDT), for today, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. VOLKMER) to revise and extend their remarks and include extraneous material:)

Mr. LIPINSKI, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. MONTGOMERY, for 5 minutes, today.

Mr. SKAGGS, for 5 minutes, today.

Mr. OWENS, for 5 minutes, today.

(The following Members (at the request of Mr. BARR) to revise and extend their remarks and include extraneous material:)

Mr. KINGSTON, for 5 minutes, today.

Mr. BARR, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks:)

Mr. GONZALEZ, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. DORNAN, during debate on H.R. 1530 in the Committee of the Whole today.

(The following Members (at the request of Mr. VOLKMER) and to include extraneous matter:)

Mr. HAMILTON.

Mr. COYNE.

Mr. KENNEDY of Rhode Island in two instances.

Mr. KILDEE in two instances.

Mr. TEJEDA.

Mr. ACKERMAN.

Mr. MONTGOMERY.

Mrs. MINK of Hawaii.

Mr. JACOBS.

Mr. JOHNSON of South Dakota.

Mr. LUTHER.

Mr. Rahall.

Mr. Andrews.

(The following Members (at the request of Ms. Jackson-Lee) and to include extraneous matter:)

Mr. Richardson.

Mr. Williams.

Mr. Barcia.

Mr. Flake.

Mr. Solomon.

Mr. Gilman.

Mr. Owens.

(The following Members (at the request of Mr. Barr) and to include extraneous matter:)

Mrs. Seastrand in two instances.

Mr. Smith of Michigan.

Mr. Baker of California.

Mr. Davis in two instances.

Mr. Walsh.

Mr. Lewis of California.

Mr. Ballenger.

Mr. Manzullo.

Mr. Kim.

Mr. Lightfoot.

Mr. Hunter.

Mr. Roth.

Mr. Martini.

Mr. Coble.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 349. An act to reauthorize appropriations for the Navajo-Hopi Relocation Housing Program.

S. 441. An act to reauthorize appropriations for certain programs under the Indian Child Protection and Family Violence Prevention Act, and for other purposes.

ADJOURNMENT

Ms. JACKSON-LEE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 52 minutes p.m.), the House adjourned until tomorrow, Thursday, June 15, 1995, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1033. A letter from the Coordinator for Drug Enforcement Policy and Support, Department of Defense, transmitting the Department's report on the status of random drug testing of members of the Armed Forces, pursuant to Public Law 103-337, section 1013 (108 Stat. 2837); to the Committee on National Security.

1034. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification that the United States is making a concerted effort to ensure that U.S. allies are increasing their levels of support for activities that will aid in accomplishing the objectives of the cooperative threat reduction programs, pursuant to Public Law 103-337, section 1205(d) (108 Stat. 2883); to the Committee on International Relations.

1035. A letter from the Chairman, Board of Directors, Corporation for Public Broadcasting, transmitting the semiannual report on activities of the inspector general for the period October 1, 1994, through March 31, 1995, pursuant to 5 U.S.C. app. (Insp. Gen. Act) Sec. 5(b); to the Committee on Government Reform and Oversight.

1036. A letter from the Secretary, Department of Veterans Affairs, transmitting the semiannual report of the inspector general for the period October 1, 1994, through March 31, 1995, and the semiannual management report on actions taken in response to audit recommendations, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. COMBEST: Permanent Select Committee on Intelligence. H.R. 1655. A bill to authorize appropriations for fiscal year 1996 for intelligence and intelligence-related activities of the U.S. Government, the community management account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, with an amendment; referred to the Committee on National Security for a period ending not later than June 23, 1995, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of the committee pursuant to clause 1(k), rule X. (Rept. 104–138, Pt. 1). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CANADY (for himself, Mrs. Vucanovich, Mr. Hall of Ohio, Mr. Hyde, Mr. Inglis of South Carolina, Mr. Goodlatte, Mr. Smith of Texas, Mrs. Smith of Washington, Mr. Weldon of Florida, Mr. Smith of New Jersey, Mr. Christensen, Mr. Dornan, Mr. Hilleary, Mr. Bunning of Kentucky, Mr. Chabot, Mr. Emerson, Mr. Hayworth, Mr. Largent, Mr. Walsh, Mr. Knollenberg, Mr. Talent, Mr. watts of Oklahoma, Mrs. Seastrand, Mr. Barton of Texas, Mr. Bryant of Tennessee, Mr. Young of Alaska, Mr. Lewis of Kentucky, Mr. Stearns and Mr. McIntosh):

H.R. 1833. A bill to amend title 18, United States Code, to ban partial-birth abortions; to the Committee on the Judiciary.

By Mr. BALLENGER (for himself, Mr. Boehner, Mr. Goodling, Mr. Barrett of Nebraska, Mr. Bartlett of Maryland, Mr. Bonilla, Mr. Bunning of Kentucky, Mr. Burr, Mr. Calvert, Mr. Canady, Mr. Castle, Mr. Chambliss, Mr. Christensen, Mr. Coble, Mr. Cooley, Mr. Cremeans, Mr. Cunningham, Mr. DeLay, Mr. Doolittle, Mr. Emerson, Mr. Fawell, Mr. Foley, Mr. Forbes, Mr. Funderburk, Mr. Graham, Mr. Greenwood, Mr. Gunderson, Mr. Hancock, Mr. Hansen, Mr. Hastert, Mr. Hefley, Mr. Heineman, Mr. Herger, Mr. Hoekstra, Mr. Hutchinson, Mrs. Johnson of Connecticut, Mr. Sam Johnson, Mr. Jones, Mrs. Kelly, Mr. Klug, Mr. Knollenberg, Mr. Linder, Mr. Manzullo, Mr. McKeon, Mr. McIntosh, Mrs. Meyers of Kansas, Mr. Mica, Mrs. Myrick, Mr. Norwood, Mr. Paxon, Mr. Petri, Ms. Pryce, Mr. Riggs, Mr. Salmon, Mr. Scarborough, Mr. Souder, Mr. Stenholm, Mr. Stump, Mr. Talent, Mr. Tauzin, Mr. Tiahrt, Mr. Walker, Mr. Wamp, Mr. Weldon of Florida, Mr. Wicker, and Mr. Zeliff):

H.R. 1834. A bill to amend the Occupational Safety and Health Act of 1970; to the Committee on Economic and Educational Opportunities.

By Mr. DEFAZIO (for himself, Ms. Furse, and Mr. Wyden):

H.R. 1835. A bill to extend the deadline under the Federal Power Act applicable to the construction of a hydroelectric project in Oregon, and for other purposes; to the Committee on Commerce.

By Mr. FORBES:

H.R. 1836. A bill to authorize the Secretary of the Interior to acquire property in the town of East Hampton, Suffolk County, NY, for inclusion in the Amagansett National Wildlife Refuge; to the Committee on Resources.

By Mr. FRANKS of New Jersey (for himself and Mr. Meehan):

H.R. 1837. A bill to establish a temporary commission to recommend reforms in the laws relating to elections for Federal office; to the Committee on House Oversight, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HANSEN:

H.R. 1838. A bill to provide for an exchange of lands with the Water Conservancy District of Washington County, UT; to the Committee on Resources.

By Mr. HOEKSTRA (for himself, Mr. Norwood, Mr. McKeon, Mr. Hutchinson, Mr. Weldon of Florida, Mr. Cunningham, Mr. Boehner, Mr. Souder, Mr. Knollenberg, Mr. Petri, Mr. Gunderson, and Mr. Funderburk):

H.R. 1839. A bill to require executive agencies to identify which of its regulations impose requirements which conflict with the requirements of other executive agencies and for other purposes; to the Committee on Government Reform and Oversight, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RADANOVICH:

H.R. 1840. A bill to ensure equal opportunity in employment, education, and contracting; to the Committee on Economic and Educational Opportunities, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. JOHNSON of South Dakota (for himself and Mr. Minge):

H.R. 1841. A bill to authorize the construction of the Lewis and Clark Rural Water System and to authorize assistance to the Lewis and Clark Rural Water System, Inc., a nonprofit corporation, for the planning and construction of the water supply system, and for other purposes; to the Committee on Resources.

By Mr. MEEHAN (for himself and Mr. FRANKS of New Jersey):

H.R. 1842. A bill to ban the utilization of Federal funds by a State to lure jobs and businesses from another State; to the Committee on Government Reform and Oversight.

By Ms. NORTON, by request (for herself and Mr. DAVIS):

H.R. 1843. A bill to permit a designated authority to borrow funds for the development and construction of a sports arena in the District of Columbia, to permit the District of Columbia to pledge certain revenues as security for the borrowing of such funds, and for other purposes; to the Committee on Government Reform and Oversight.

By Mr. OLVER:

H.R. 1844. A bill to contribute to the competitiveness of the United States by enhancing the manufacturing technology programs of the Department of Commerce; to the Committee on Science.

By Mr. OWENS:

H.R. 1845. A bill to establish the Professional Boxing Corporation, and for other purposes; to the Committee on Economic and Educational Opportunities, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RICHARDSON (for himself, Mr. ABERCROMBIE, Mr. BARRETT of Wisconsin, Mr. BEILENSON, Mr. BRYANT of Texas, Mr. COLEMAN, Mr. DEFAZIO, Mr. FARR, Mr. FILNER, Mr. FOGLIETTA, Mr. FRANK of Massachusetts, Mr. GUTIERREZ, Mr. HINCHEY, Mr. KENNEDY of Massachusetts, Mr. KILDEE, Mr. LEWIS of Georgia, Mrs. MEEK of Florida, Mr. MORAN, Mr. NADLER, Mr. OLVER, Mr. PASTOR, Mr. PORTER, Mrs. SCHROEDER, Ms. SLAUGHTER, Mr. SMITH of New Jersey, Mr. STUDDS, Mr. UNDERWOOD, Ms. VELÁZQUEZ, Mr. VENTO, Mr. WAXMAN, Mr. YATES, and Mr. EVANS):

H.R. 1846. A bill to establish the Yellowstone Headwaters National Recreation Area within the Gallatin and Custer National Forests in the State of Montana, and for other purposes; to the Committee on Resources.

By Mrs. SCHROEDER:

H.R. 1847. A bill to authorize appropriations to develop technologies that can be used to combat terrorism, and for other purposes; to the Committee on the Judiciary.

By Mr. SHAYS (for himself and Mr. PARKER):

H.R. 1848. A bill to amend certain provisions of title 5, United States Code, relating to the age and service requirements for entitlement to an immediate annuity under the Civil Service Retirement System or the Federal Employees' Retirement System, and for other purposes; to the Committee on Government Reform and Oversight, and in addition to the Committee on House Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STOCKMAN:

H.R. 1849. A bill to promote the return of human rights to the People's Republic of China; to the Committee on Ways and Means, and in addition to the Committees on International Relations, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TOWNS:

H.R. 1850. A bill to improve Federal enforcement against health care fraud and abuse; to the Committee on Government Reform and Oversight.

By Mr. MURTHA:

H.J. Res. 94. Joint Resolution proposing an amendment to the Constitution of the United States relating to school prayer; to the Committee on the Judiciary.

By Mr. RANGEL:

H. Con. Res. 75. Concurrent resolution expressing the sense of the Congress that Social Security should be maintained and protected; to the Committee on Ways and Means.

By Mr. SKAGGS (for himself and Mr.. KOLBE):

H. Con. Res. 76. Concurrent resolution expressing respect and affection for the flag of the United States; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 60: Mr. HORN, Mr. YOUNG of Alaska, and Mr. PARKER.

H.R. 127: Mr. WOLF, Mr. SCHIFF, and Mr. CLEMENT.

H.R. 201: Mr. PARKER and Mr. LIPINSKI.

H.R. 248: Mr. SMITH of New Jersey and Mr. FOLEY.

H.R. 263: Mr. MINETA.

H.R. 264: Mr. MINETA.

H.R. 359: Mr. BAKER of Louisiana and Mr. FROST.

H.R. 408: Mr. ANDREWS.

H.R. 540: Mr. SABO, Mrs. MALONEY, Mr. TALENT, and Mr. SCHUMER.

H.R. 616: Mrs. CLAYTON, Miss COLLINS of Michigan, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. FATTAH, Mr. CLAY, Mr. MARTINEZ, Mr. MFUME, and Mr. HASTINGS of Florida.

H.R. 661: Mr. ENGLISH of Pennsylvania.

H.R. 733: Mr. HERGER, Mr. ABERCROMBIE, and Mr. BURTON of Indiana.

H.R. 734: Mr. PAYNE of Virginia, Mr. CRAPO.

H.R. 752: Mr. ABERCROMBIE, Mr. BRYANT of Texas, Mr. CRAPO, Mr. KOLBE, Mr. LUCAS, Mrs. MEYERS of Kansas, Mr. MONTGOMERY, Mr. PACKARD, Mr. PASTOR, Mr. SCARBOROUGH, Mr. STEARNS, Mrs. SMITH of Washington, Mr. WATTS of Oklahoma, and Mr. WELDON of Florida.

H.R. 757: Mr. WARD.

H.R. 763. Mr. CHAPMAN.

H.R. 789: Mr. STOCKMAN and Mr. STEARNS.

H.R. 863: Mr. LAFALCE.

H.R. 868: Mr. DEUTSCH and Mr. HOLDEN.

H.R. 1046: Mr. SERRANO and Ms. LOFGREN.

H.R. 1127: Mr. BREWSTER.

H.R. 1201: Mr. KLECZKA.

H.R. 1229: Miss COLLINS of Michigan.

H.R. 1264: Mr. HILLIARD.

H.R. 1298: Mr. PACKARD.

H.R. 1314: Mr. NEAL of Massachusetts, Mr. JACOBS, and Mr. MCCRERY.

H.R. 1352: Mr. WALKER, Mr. HASTERT, Ms. DUNN of Washington, Mr. LIGHTFOOT, Mr. INGLIS of South Carolina, Mr. STUMP, Mr. CAMP, Mr. WATTS of Oklahoma, Mr. FARR, Mr. LAUGHLIN, Mr. BONO, and Mr. PETERSON of Minnesota.

H.R. 1386: Mr. ROGERS, Mr. JACOBS, Mr. CAMP, Mr. LIVINGSTON, and Mr. BENTSEN.

H.R. 1411: Mr. MASCARA and Mr. WYNN.

H.R. 1412: Mr. MASCARA and Mr. WYNN.

H.R. 1463: Mr. CLINGER.

H.R. 1464: Mrs. CUBIN and Mr. OWENS.

H.R. 1507: Mr. HASTINGS of Florida, Mr. SABO, Mr. MILLER of California, Ms. JACKSON-LEE, and Mr. WATT of North Carolina.

H.R. 1514: Mr. PICKETT, Mr. PETRI, Mr. WHITFIELD, Mr. WARD, Mr. STUPAK, and Mr. FRANKS of Connecticut.

H.R. 1521: Mr. SERRANO, Mr. COLEMAN, Ms. DELAURO, Mr. TOWNS, and Mr. WYNN.

H.R. 1539: Mr. VENTO and Mr. MARKEY.

H.R. 1576: Mr. ENSIGN.

H.R. 1578: Mr. FILNER and Mr. REYNOLDS.

H.R. 1594: Mr. SAM JOHNSON and Mr. DUNCAN.

H.R. 1610: Mr. SHAYS and Mr. HILLIARD.

H.R. 1627: Mr. THORNTON, Mr. HEFNER, Mr. THOMAS, Mr. BROWNBACK, Mr. ROGERS, Mr. HEINEMAN, Mr. DORNAN, Mr. WATTS of Oklahoma, Mr. LINDER, Mr. GOODLING, Mr. ROHRABACHER, Mr. CRANE, and Mr. FORD.

H.R. 1713: Mr. KOLBE and Mr. SALMON.

H.R. 1716: Mr. SMITH of Michigan, Mr. SMITH of Texas, Mr. HASTINGS of Washington, Mrs. MEYERS of Kansas, Mr. RADANOVICH, Mr. FUNDERBURK, Mr. MILLER of Florida, and Mr. DORNAN.

H.R. 1735: Mrs. THURMAN.

H.R. 1744: Mr. BENTSEN, Mr. MOORHEAD, and Mr. BARTLETT of Maryland.

H.R. 1756: Ms. PRYCE, Mr. POMBO, Mr. HOSTETTLER, Mr. PACKARD, Mr. ROYCE, and Mr. HANCOCK.

H.R. 1768: Mr. INGLIS of South Carolina.

H.R. 1791: Mrs. THURMAN.

H. Con. Res. 7: Mr. MINETA.

H. Res. 118: Mr. YATES, TORKILDSEN, and Mr. SERRANO.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 1817

OFFERED BY: MR. BROWDER

AMENDMENT NO. 1: Page 2, line 12, strike "$625,608,000" and insert "$611,608,000".

SENATE—*Wednesday, June 14, 1995*

(Legislative day of Monday, June 5, 1995)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, Sovereign of this Nation, and Lord of our lives, we thank You for outward symbols of inner meaning that remind us of Your blessings. The sight of our flag stirs our patriotism and dedication. It reminds us of Your providential care through the years of our blessed history as a people, our role in the unfinished and unfolding drama of the American dream, and the privilege we share of living in this land.

Lord, today it is a moving experience to celebrate Flag Day, in the midst of the crucial legislation before this Senate. It is an inspiring reminder of why we are here. We repledge our allegiance to our flag and recommit ourselves anew to the awesome responsibilities You have entrusted to us. As we move forward with the remaining amendments and substantive content of the telecommunications legislation, may the flag that waves above this Capitol remind us that this is Your land, that the airwaves belong to You, and that You have entrusted to us the preservation of the decency of what is broadcast on radio and television and communicated through the sophisticated technology of computers.

Thank You, Lord, that our flag also gives us the bracing affirmation of the unique role of this Senate in our democracy. In each age You have called truly great men and women to serve as Senators. We praise You for the 100 dynamic patriots whom You have called to serve in this Senate at this strategic time in our history. May they experience fresh strength and vision, as You renew the drumbeat of Your spirit calling them to march to the cadences of the rhythms of Your righteousness. In Your holy name. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mrs. HUTCHISON. Mr. President, on behalf of the leader I would like to say that the leader time has been reserved this morning, and there will be a period of morning business until the hour of 9:30 a.m.

Following morning business, the Senate will resume consideration of S. 652, the telecommunications bill. At that time the Senate will begin 20 minutes of debate on the Feinstein amendment.

Following that debate, at approximately 9:50, the Senate will begin a series of three consecutive rollcall votes. The first vote will be on or in relation to the Feinstein amendment, to be followed by a vote on or in relation to the Gorton amendment, to be followed by a vote on invoking cloture on S. 652, the telecommunications bill. Further rollcall votes can be expected throughout the day in hope of completing action on the telecommunications bill this evening.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order there will now be a period for the transaction of morning business not to extend beyond the hour of 9:30 a.m., with the time to be equally divided between the Senator from Florida [Mr. MACK] and the Senator from New Jersey [Mr. BRADLEY].

Mr. BRADLEY addressed the Chair.

The PRESIDING OFFICER (Mrs. HUTCHISON). The distinguished Senator from New Jersey.

RACE FOR THE CURE

Mr. BRADLEY. Madam President, I am very pleased to join my distinguished friend from Florida today on the floor of the U.S. Senate to talk about the Race for the Cure which will take place this Saturday, and the issue of breast cancer generally. Breast cancer is a dreaded and devastating disease which has reached epidemic proportions in America. During 1995 an estimated 183,000 new cases of breast cancer will be detected in women, and 46,000 lives will be lost to this disease—46,000 lives. The number is staggering.

For this reason I am deeply committed to finding a cure for breast cancer, as much as a Senator can be committed. The real action is in science. But we cannot allow our wives, daughters, friends, and coworkers to be claimed by this disease. We must continue to battle for their well-being.

Every woman is at risk for breast cancer. It is the leading cause of death among African-American women and it is the leading cause of death among all women between ages 35 and 54. Although the incidence of breast cancer increases sharply after age 40, younger women, even women in their twenties, are also diagnosed with and die of breast cancer.

As a nation, we cannot afford to wait any longer to eradicate the leading killer of women in this country. Although we still do not know what causes breast cancer or how to cure it, we have begun to make significant strides. Federal funding for breast cancer research has quadrupled since 1990. The discovery of breast cancer genes has made headlines around the world and restored hope that one day a scientific breakthrough will provide a cure. However, we cannot simply sit back and wait for the cure. Each and every one of us has a role and we can play it and we should play it. One way to help in this fight is to participate in something like the sixth annual National Race for the Cure this Saturday, on June 17. The purpose of this race is to both raise money and public awareness about how early detection and mammograms save lives. The Race for the Cure, and others like it across the Nation, has raised $27.5 million since it began, making the race's foundation the largest private funder of research dedicated solely to breast cancer.

The Race For The Cure is a unique opportunity to bring together the many people whose lives have been touched by breast cancer. This year, 25,000 people are expected to participate in this special event. The size of this event clearly demonstrates the far-reaching impact this disease has had on American life. Since 1960, more than 950,000 U.S. women, nearly 1 million American women, have died from breast cancer. This is more than two times the number of all Americans who died in World Wars I and II, the Korean, Vietnam, and Persian Gulf wars. The fight against breast cancer is a continuing battle because breast cancer is the leading killer among women.

I will join the estimated 5,000 runners, walkers, and wheelchair participants who will turn out in force on Saturday. I will probably be a walker, not a runner, but I will be there. And I will join with my family, my staff, and I will join all those who have triumphed over breast cancer.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

That is how my wife likes to refer to it, having had breast cancer in 1992 and gone through the agony of chemotherapy and all of the other assorted traumas that are associated with it. She does not like the word, "survivor." She likes to say that she triumphed over breast cancer. So I will be joining all those who triumphed over breast cancer as well as the relatives of those who have lost loved ones.

I will race or walk for a cure. I am very proud of my own office. We will be bringing about 56 people to race for a cure on Saturday. I will race with my staff and hope that one day, when a new generation of American women grow old, their children will learn about breast cancer in history books and not in hospitals or in college or at bedside.

I encourage all my colleagues in the Senate to enter the race and urge them to help find a cure for breast cancer. With all of our help and the help of the American people, this race will be a tremendous success. Race for the Cure is, indeed, a race for life.

Mr. MACK addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. MACK. Madam President, thank you.

I want to, first of all, express my appreciation to Senator BRADLEY for getting the Senate focused on the Race for the Cure. He came up to me yesterday afternoon and asked if I would be willing to come over and talk for a few minutes this morning.

I appreciate, again, in this busy schedule and busy arena in which we find ourselves, a situation where we can focus our attention and our interest on an issue that is of deep concern, frankly, to all Americans, but for some of us there is a very personal aspect to it.

I like the word the Senator's wife uses with respect to triumph. Maybe we should begin to change the language that we refer to because, as I have become involved in the discussion of this disease, one of the things that I have found is that the spirit of the individual, the determination of the individual to overcome the disease plays a significant role in the cure. I do not mean to downplay the significance, obviously, of the traditional medical approaches, but I think we are beginning to find out that the human spirit plays a greater and greater role in this battle against cancer.

Another person that I would like to thank is Nancy Brinker, who is the individual who started the Race for the Cure. The Susan Komen Foundation was established by Nancy Brinker in memory of her sister who died of breast cancer. Nancy has just done an outstanding job, and she has written a book that is called "The Race Is Run One Step at a Time," and why we will be out on the streets of Washington, DC, and on The Mall this weekend putting one foot in front of the other maybe a little bit faster than we normally do trying to focus attention on the importance of early detection with respect to breast cancer.

I just recommend to any individual or any family that is dealing with the disease of breast cancer that you pick up this book that Nancy has written. It will change your life, and it will give you a sense about how you can triumph over the disease.

So, again, I thank Nancy Brinker. I thank Senator BRADLEY for his leadership, and I am delighted to have the opportunity to make a few comments of my own this morning. As I was trying to think how would I focus my comments this morning on this issue, I decided that I would like to spend a couple of moments anyway speaking on a personal basis about my wife, Priscilla. It has been almost 4 years since that day when Priscilla sat me down. She said, "CONNIE, you had better sit down for a moment. I've got something I need to tell you." I had just come back from a week's trip. She said that while I was gone she had discovered a lump in her breast and that she was fearful that it was cancer.

Again, on a personal basis of having experienced this in my family, as many of you have heard, I have spoken out here on the floor before about my family's experience. At a young age, when I was in my twenties, my younger brother in essence said the same thing to me except that he had discovered a melanoma on his head. Unfortunately, because it was on his head and covered by hair, it had not been discovered until it was way too late. And the doctors told him he probably had 6 months to live. Michael ended up living 12 years and lived most of those 12 years in a very useful and beneficial and, for him, a comfortable way. It was just at the end that it became very, very difficult for him.

But the thoughts that went through my mind when Priscilla told me she discovered the lump—I went through all of those experiences again that I had with my brother Mike.

The fundamental difference, though, between the two was early detection. Priscilla had not been active in the fight against cancer, but because our family had been dealing with the cancer issue, she had become sensitized. She had heard the messages, frankly the messages that will come from our comments here on the floor today.

I will guarantee you there will be someone out there watching and observing today that will hear what Senator BRADLEY had to say about early detection, hear what Senator ROCKEFELLER will have to say about early detection, hear what I have to say about early detection, and the realization that if you detect the disease early, you can survive, you can triumph. In fact, it has been shown that with most breast cancers, if detected and treated early, there is a 94 percent triumphant' rate; 94 percent cure rate. That is a dramatic statistic. The point that the Race for the Cure is all about is we can race there to get the message out that early detection saves lives.

So, again, if I can go back on a fairly personal basis, it, frankly, is hard for me to believe that I am standing on the floor of the U.S. Senate talking about breast cancer. I mean not too many years ago most males would have said this is not something we can talk about in public. Most women would have said that not too long ago. Most of our society said we cannot even talk about cancer. The importance of what we are doing is saying that you can come out in a very public way and talk about the disease and it is OK for men and women to talk about early detection with respect to breast cancer.

Again, in Priscilla's case, she did all of the things that one is supposed to do. She had a mammogram in November prior to the discovery of the disease. It did not pick up the lump at that time. She had her annual gynecological exam in June of the following year. Nothing showed up. But there was a message about self breast exams that somehow somebody got through to Priscilla. That is the way she discovered the disease. Because of that early discovery, Priscilla is going to survive. She is going to triumph. She has won. She is so excited about having gone through that victory, if you will, that she is out right now—she left yesterday morning—she is in Florida this week, and she is working with other survivors of cancer, other people who are engaged in getting the message out about early detection.

I will say on a personal basis that I do not think Priscilla has ever felt better in her life, both physically and emotionally, to be involved in something she believes in so deeply and the realization that by getting up and saying to people—by the way, let me back up for a moment.

When I said to Priscilla that I had decided that I was going to run for the Congress back in 1982, she in essence said, "Great. Go for it. But there are two things I do not do." She said, "One is I do not speak to the media, and the other is I do not give speeches." Well, I tell you something. Priscilla is out speaking to the media, and she is out giving speeches because she is absolutely convinced that the more she does, the more opportunities there are for people to survive, to triumph over the disease. And she had not been doing this.

I think most of us recognize that there is nothing more satisfying in life than to be pursuing something that you believe in, that you are committed to, that you are dedicated to.

So, while I am out here today to talk about the significance of the Race for the Cure and the 20,000 to 25,000 people that may join us—and I, too, will be participating in the race on Saturday, as I did last year—the real message in all of this is that early detection saves lives. One of the comments that the American Cancer Society has stated over and over again is we can increase the cure rate of cancer from the 50 percent roughly where it is today, to 75 percent without a single additional technological breakthrough.

I get very excited about the things that are happening out at the National Cancer Institute with gene therapy, and with the therapy work that is going on, and we are going to get tremendous breakthroughs. But if we did not get one more, we could increase the cure rate from 50 to 75 percent if we could just convince people to take advantage of the early detection procedures that are already available through our health care system in America today. From 50 to 75 percent, that is dramatic, absolutely dramatic.

The other comment that I would make, and I have to be careful here not to use too many statistics, but as I understand it, only roughly 35, 37 percent of women that are covered by Medicare take advantage of reimbursement for mammography—only 37 percent. And I would make this point, that as an individual gets older and older and older and the chances of being diagnosed with breast cancer go up and up and up, there is more need to take advantage of what is offered through the Medicare system, and only 37 percent of American women are in fact taking advantage of that at this time. So we need to get that message out to the older women of our society.

The last point that I would make here this morning, Madam President, has to do with fear. Priscilla talks about this all the time, and we have all heard it. People say, well, gee, I think I would rather not know. And that is a rationalization on the one hand, but yet it is a recognition of fear, because we are still dealing with a situation where we are convinced that if we are told we have cancer, we are going to die, that people do not survive. That is just fundamentally wrong. So we have to get the message out that you do not have to address this with the level of fear that so many do; that you have to break through that fear and let us detect the disease early and let us provide then for the treatment of the disease so that we can see more of our loved ones triumph over this dreaded disease.

So, again, I thank the Chair. I thank Senator BRADLEY for getting us this opportunity to get together to talk about this. I look forward to being out there on Saturday with him and with the other 20,000, 25,000 as we raise more money to add to the coffers to do the research and get the message out that early detection saves lives. I thank the Chair.

Mr. ROCKEFELLER addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

EARLY DETECTION AND PUBLIC AWARENESS OF CANCER

Mr. ROCKEFELLER. Madam President, I rise also to support the Race for the Cure. I do not have the same personal experience that Senator BRADLEY and Senator MACK have, but I am profoundly moved by the experiences they have gone through. As they communicated to all of us about much more devastating experiences that their wives have been through and to some extent are still going through, it is interesting that both men, in my judgment, both Senators are reticent about personal matters. That is their nature. But when it comes to something like this, where there is so much that they can do to help so many people, and where they know that as Senators people will at least from time to time listen to what they have to say, they know they have a duty, and I think we all do, to make people aware of what can happen through early detection and through public awareness.

America is a very interesting country. We battle about whether we are going to reform health care or whether we are going to increase or decrease Government spending on research, but Americans are very unique in the way that they sometimes can just galvanize themselves to make things known, and this Race for the Cure is a very dramatic example. The numbers have grown over the years. This year the international community will be involved for the first time on Saturday, June 17.

I really was interested in what Senator MACK had to say about fear. I think that is true. I have seen that in my own work as a Senator, even going back to the time I was a VISTA volunteer in West Virginia, the fear that people sometimes have either because there is enough that is going to be wrong in their lives they do not want to take a test to find out something which might tell them there is something much more seriously going wrong in their lives or simply because Americans often are generically optimistic; they figure "it will not happen to me." Of course, it does. And the figures about how you can cut down through mammograms, through self-testing, the spread of this disease and mortality of this disease are really just staggering.

I am impressed by the difference between the 95 percent cure rate upon early detection and then over a 5-year period, that a 5-year survival rate goes all the way down to 18 percent.

If there has not been early detection and there has been such a spread on a more general basis, that argues so totally for prevention, for self-examination, for mammograms, for doing everything we possibly can.

So I think it is very important; the statement that more women die from this disease than any other is something that we have to understand and something that we have to talk about so that people will be strong in their response and that a husband and wife and friend, all of us feel a responsibility to each other about problems with diseases like this which are difficult for women in this case and others for men in other cases; that we have to be able to talk openly, publicly, freely, and instructively about this to each other and to the American public. It is one of our roles I think as public officials.

So that I congratulate Senator BRADLEY and Senator MACK, both for their own combination of privacy in the way they handled this ordinarily but, on the other hand, when it comes to helping others, the way they are determined to be more public so as to broaden public education and thus increase the possibility for a better cure rate. And symbolically, here we come to the Race for the Cure on Saturday, and I hope that it is the largest one ever.

I thank the Presiding Officer and I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida controls the time.

Mr. MACK. I inquire as to how much time I have remaining.

The PRESIDING OFFICER. The Senator has 1 minute 11 seconds.

Mr. MACK. I yield that 1 minute 11 seconds to my colleague from New York.

The PRESIDING OFFICER. The Senator from New York is recognized.

BREAST CANCER AWARENESS STAMP

Mr. D'AMATO. I thank my colleague and friend. Let me commend Senator MACK and Senator BRADLEY for their extraordinary efforts in this area of education, of bringing about public awareness of not only the disease but the horrible impact it has not only on women but the families of America.

Mr. President, I rise today to commend the Susan G. Komen Breast Cancer Foundation for sponsoring the sixth annual national Race for the Cure, which will take place this coming Saturday, June 17, here in our Nation's Capital.

This annual event raises critically needed funds to combat breast cancer—a horrible disease that, unthinkably, has become the most common form of cancer in women, and the leading cause of cancer death for all women between the ages of 35 and 54. It is a disease that—with no known cure and no known cause—can only be understood, and eventually conquered, through increased research.

In addition to raising funds for research, this race helps raise the level of public awareness of this disease, while bringing needed public attention to the importance of early detection.

We must continue to seek new and creative ways to promote breast cancer awareness. I want to take a moment to recognize the efforts of one of my Long Island constituents, Diane Sackett Nannery, who has proposed the creation of a special pink ribbon postage stamp to help bolster breast cancer awareness in our Nation. Such a stamp would serve as a strong reminder of the magnitude of this disease, while reinforcing public health officials' efforts to promote the benefits of early detection.

I believe this stamp deserves the strong and immediate support of the United States Postmaster General. Today I am forwarding a letter to the Postmaster General—signed by all 100 U.S. Senators—urging his support for the prompt approval of the important breast cancer awareness stamp. I am hopeful that the voice of our Nations' women will be heard through this unanimous statement by their elected officials, and that this stamp will soon become a reality.

Just as I am heartened by the overwhelming support for this stamp, I am likewise encouraged by the tremendous public response the Race for the Cure has received over its short history. In just 6 years, the national Race for the Cure has grown to become the largest 5K race in the country, with close to 20,000 participants expected in 1995. True to its name, those who enter run not to win the race to the finish line, but to help our Nation win the race against the clock to discover a cure for this devastating disease.

Mr. President, I want to commend all those involved in planning, organizing, supporting, and, not least of all, running in this important event. I hope that it will exceed all expectations, and that it will bring us closer to the day when the horrible ravages of breast cancer are a thing of the past.

Madam President, this great race, Race for the Cure, which is going to take place Saturday here in our Nation's capital, is just a small part of what my colleagues are attempting to do, and I am proud to be associated with them in this endeavor.

Let me also say that yesterday I was able to obtain the signature of every single Member of this body, 100 Senators, within a matter of several hours that would ask of the Postmaster General that a stamp be commemorated to bring about breast cancer awareness.

One of my constituents, Diane Sackett Nannery, proposed that there be the creation of a special pink ribbon postage stamp to help bolster breast cancer awareness in our Nation. And as I said I am very proud of my colleagues for the manner in which all of them were so supportive of this attempt to create a greater awareness in our Nation so that we can do more in our efforts to find not only the cure but also to do more in detection and prevention.

I can say to you that there has probably been no area in our Nation that has been harder hit than Long Island, my hometown, Nassau County, where we have the highest rate of breast cancer in the United States, a sad distinction to have.

So I want to commend my colleagues for their leadership, and I want to say that I am tremendously encouraged by the tremendous public response for the Race for the Cure, not only here but I think nationwide. We have brought people together with this magnificent endeavor.

I yield the floor and thank my colleagues.

Mr. BRADLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. BRADLEY. Madam President, how much time do I have?

The PRESIDING OFFICER. One minute fifty-five seconds.

Mr. BRADLEY. I yield all my time to the Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington is recognized.

BREAST CANCER—A THREAT TO WOMEN'S HEALTH

Mrs. MURRAY. Madam President, I rise today to join my colleagues in expressing support for research on breast cancer and the Race for the Cure. This frightening disease has taken the lives of far too many women, and the long list of those who have died include many of my own friends.

As has been stated, breast cancer is a growing public health problem in this Nation and a great threat to women's health. Many women are very confused about the mixed messages being sent to us today about breast cancer. One year we are told to have annual mammograms beginning at the age of 40. The next year, after we faithfully comply with that, we are told something else. We remain worried and confused, and it is time for better research on the issue.

Clearly, research has to be done. More needs to be done in prevention and treatment of breast cancer, and the Race for the Cure is a way for all of us to express our desire to do better in this and to bring this to the public's attention.

I think it is an opportune time also for this Senate to recognize that it has been 6 months without a Surgeon General. Dr. Foster has the ability, if appointed, to bring this issue to the forefront of this Nation, and I hope that the majority leader brings Dr. Foster's nomination to the Senate expeditiously so that we can, again, have another way of making sure that women's health diseases are brought to the Nation's forefront.

I will be joining my husband and my children this weekend in the Race for the Cure. I urge all of my colleagues to not only walk the walk but talk the talk and get some good research done on this issue.

I thank my colleague from New Jersey.

Mr. BRADLEY. Madam President, as we conclude this morning business on the Race for the Cure, I simply pay tribute to a member of my staff, Katie Konnorton, who has coordinated the 56 people who will come from my office, associated with it, family members and staff members, to make the race on Saturday. She deserves a lot of credit.

I think because of her and because of the commitment of other people on the staff, we will have a tremendous turnout, and I hope that other Senators' offices—I am very pleased the Senator from Washington is going to be there with her family, I respect that—I hope other Senators might check off that Saturday is the day for them to be counted for the cure for breast cancer: The Race for the Cure, Saturday, Senators' offices here in Washington. It sends the message of early detection and fight for a cure. I thank the Chair.

COMMENDING JACKSON HOLE SKI AREA

Mr. THOMAS. Madam President, I would like to take a minute to commend the Jackson Hole ski area in my State of Wyoming. Recently this ski area received the prestigious Golden Eagle Award, sponsored by the Skiing Co. which is part of Times Mirror Magazines and publisher of Ski, Skiing, and TransWorld Snowboarding magazines. The Golden Eagle Award was established by the Skiing Co. and Times Mirror to recognize exceptional environmental excellence in ski area management by North American ski areas. It was presented at the annual meeting of the National Ski Areas Association in Palm Springs, CA, last month.

The Jackson Hole Ski Corp. won the top award for overall environmental excellence. The resort was commended by a panel of judges for downsizing its mountain master plan by a third, in order to provide a better ski experience while adhering to environmental values. It was also recognized for its vehicle maintenance shop management program, for a sensitive revegetation plan, an aggressive recycling program, and for establishing a land trust to preserve the resort's scenic and natural character. Three years ago, at a series of training seminars, employees of Jackson Hole Ski Corp. chose "Respect for the Environment" as their highest corporate value. Jim Gill, vice president of the area, believes that economic growth and environmental protection can complement each other, because most resort guests consider themselves environmentalists who enjoy the outdoors and appreciate its natural beauty. According to Francis Pandolfi, president and CEO of Times Mirror Magazines and who presented the award,

> Our judges called Jackson Hole's initiative very broad-based and far-reaching—from its

downsizing of the mountain to its outreach programs, its educational accomplishments and the preservation of the area's character through its land trust. The area has done superb environmental work on virtually every front.

In addition to Jackson Hole, five other ski areas won Silver Eagle Awards for environmental excellence in the following categories:

Snowbird, UT, for water conservation and wastewater management;

Heavenly, CA, for fish and wildlife habitat protection;

Sierra-at-Tahoe, CA, for environmental education;

Winter Park, CO, for community outreach; and

Beaver Creek, CO, for area design.

Madam President, too often we only hear from critics about how ski areas destroy the wilderness. Skiing is a wonderful sport which millions of people from around the world enjoy, and the Golden Eagle Award program confirms what we all know; that it can coexist with environmental protection of the highest degree. Industry surveys show that skiers are very environmentally aware and involved, and that any perception of skiing as being antienvironmental exists only in the minds of a few. These success stories not only educate the American public about what a good job many ski areas are doing to conserve and protect the environment, but they also serve as excellent examples for other ski areas to emulate.

Congratulations to Jackson Hole Ski Corp. and to all the other winners.

FLAG DAY—JUNE 14, 1995

Mr. HATCH. Madam President, today is Flag Day. Utahns, and indeed Americans all across our great country revere the flag as a unique symbol of the United States and of the principles, ideals, and values for which our country stands.

Congress has, over the years, reflected the devotion our diverse people have for Old Glory. During the Civil War, for example, Congress awarded the Medal of Honor to Union soldiers who rescued the flag from falling into rebel hands.

In 1931, Congress declared the Star Spangled Banner to be our national anthem. In 1949, Congress established June 14 as Flag Day. Congress has established "The Pledge of Allegiance to the Flag" and the manner of its recitation. Congress designated John Philip Sousa's "The Stars and Stripes Forever" as the national march in 1987.

Congress has also established detailed rules for the design of the flag and the manner of its proper display. Congress, along with 48 States, had regulated misuse of the American flag until the Supreme Court's 1989 decision in Texas versus Johnson.

As I say, these congressional actions reflect the people's devotion to the flag; Congress did not create these feelings and deep regard for the flag among our people.

The 104th Congress will have a chance to do its part to reflect our people's devotion to Old Glory by sending to the States for ratification Senate Joint Resolution 31, a constitutional amendment giving Congress and the States power to prohibit physical desecration of the flag of the United States.

I recognize that, in good faith, some of my colleagues oppose this constitutional amendment. They love the flag no less than supporters of the amendment.

I do hope those who have opposed the amendment in the past will reconsider their position. We can protect the flag without jeopardizing freedom of expression. Freedom of expression was extremely robust when the 49 flag desecration statutes were enforceable. And there is no danger of a slippery slope here because there is no other symbol of our country like the flag. We do not salute the Constitution or the Declaration of Independence, and no one has ever suggested a ban on burning copies of these hallowed documents. Numerous other methods of protest, including marches, rallies, use of placards, posters, leaflets, and much more clearly remain available. I hope we will send this amendment to the States for ratification.

On June 6, Senator HANK BROWN, chairman of the Subcommittee on the Constitution, Federalism, and Property Rights held a hearing on the flag amendment. The subcommittee heard from 11 witnesses, including opponents of the amendment. I hope those of my colleagues inclined to vote against Senate Joint Resolution 31 will review the very fine testimony of its supporters. I ask unanimous consent that two of the statements, that of Prof. Richard Parker and former Assistant Attorney General for Legal Counsel, Charles J. Cooper, be printed in the CONGRESSIONAL RECORD following my remarks, along with my opening statement from that hearing.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF RICHARD D. PARKER, PROFESSOR OF LAW, HARVARD LAW SCHOOL

I am a civil libertarian. I believe that, in a democracy, freedom of speech must be "robust and wide-open". Indeed I believe it ought to be more robust and wide-open than, in some respects, it is now and than the Supreme Court has been willing, on some occasions, to grant. It's because of that belief that I urge the Congress to propose to the states a new constitutional amendment, one that would permit the people—if, through the democratic process, they so choose—to protect the flag of the United States against physical desecration.

I

Let me begin with general principles. It is, after all, at the level of fundamental value that discussion of constitutional provisions—meant "to endure for ages to come"—should be (and has traditionally been) conducted.

My basic proposition is this: Whether freedom of speech is, in fact, robust and wide-open does not depend solely, or even primarily, on case-by-case adjudication by the courts. It depends most of all on conditions of culture. First, it depends on the willingness and capacity of people—in our democracy, that means ordinary people—to express themselves energetically and effectively in public. Second, it depends on acceptance as well as tolerance, official and unofficial, of an extremely wide range of viewpoints and modes of expression. And, third, it depends on adherence to very basic parameters that, like constitutional provisions in general, help structure democratic life the better to release its energies.

This last condition is the one that concerns us now. Everyone agrees that there must be "procedural" parameters of free speech—involving, for example, places and times at which certain modes of expression are permitted. Practically everyone accepts some explicitly "substantive" parameters of speech content as well. Indeed, despite talk of "content-neutrality," the following principle of constitutional law is very clear: Government sometimes may sanction you for speaking because of the way the content of what you say affects other people.

What is less clear is the shape of this principle. There are few bright lines to define it. The Supreme Court understands the principle to rule out speech that threatens to cause imminent tangible harm: face-to-face fighting words, incitement to violation of law, shouting "fire" in a crowded theater. And it does not stop there. It understands the principle, also, to rule out speech that threatens certain intangible, even diffuse, harms. It has, for instance, described obscenity as pollution of the moral "environment." But what about "political" speech critical of the government? Isn't there a bright line protecting that, at least so long as no imminent physical harm is threatened? The answer is: No. The Court has made clear, for instance, that statements criticizing official conduct of a public official may be sanctioned if they are known to be false and damage the reputation of the official. There has been no outcry against this rule. It was set forth by the Warren Court—in an opinion by Justice Brennan, the very opinion that established freedom of speech as "robust and wide-open."[1] It has been reaffirmed ever since. Our constitutional tradition, therefore, leaves plenty of room for debate about the necessary and proper scope of the "substantive" parameters of the content of free speech.

In the past couple of decades, a consensus has been growing around the following proposition: Important "substantive" parameters of public expression, parameters that have long been taken for granted, now need to be restored. The bonds that hold us together—and so make it possible, as in a healthy family, for us to engage in "robust" disagreement with one another—appear to be disintegrating. On the right, on the left and in the center, it is widely agreed that certain parameters must be reestablished if free speech, in general, is to flourish.

On the right, it's believed that "uncivil" and "unreasoned" speech content needs to be checked. The Supreme Court, on occasion, has interpreted the First Amendment in light of that belief. The problem, of course,

---

Footnotes at end of article.

is that this tends to invite regulation of speech content that is very broad and vague, suffocating free, spontaneous participation in the marketplace of ideas. On the left, it's believed that "hate" speech—beyond face-to-face harassment or fighting words—that denigrates disadvantaged groups (and so pollutes the ideological "environment") needs to be checked. On occasion, the Court has read the First Amendment in light of that belief as well. The problem, again, is that this tends to invite broad and vague regulations suffocating freedom and spontaneity in public speech. What's more, both these prescriptions—by drawing blunt distinctions among "types" of speech and speakers—may, unintentionally, tend to set us apart from each other, even further disintegrating—instead of reaffirming—the bonds that unite us even in disagreement.

In the center, however, there is widespread support for restoration of a much narrower, more focused parameter: protection of the U.S. flag from physical desecration. This proposal, first of all, avoids the vices of the broader, vaguer alternatives. Its virtue, moreover, is that—by means of an extremely minimal constraint on freedom, taken for granted until recently—it affirms the most basic condition of our freedom: our bond to one another in our aspiration to national unity. It leaves it to individuals, in a thousand other ways, to criticize government and even that aspiration to unity, if they want. But it affirms that there is some commitment to others, beyond mere obedience to the formal rule of law, that must be respected. It affirms that, without some aspiration to national unity—call it patriotism if you choose—there might be no law, no constitution, no freedom.

Still, we know, objections abound. Is this "important" enough? Is it "needed?" Is it likely to be "effective?" Aren't there "less drastic alternatives?" These questions deserve answers. Yet the truth is that they practically answer themselves.

A common objection goes like this: True, the aspiration to national unity is vital but, as embodied in the flag, it is just symbolic. What place does symbolism have in the Constitution? The answer is that the framers of the Constitution put symbolism of our unity at the very beginning of the document, invoking "We the People of the United States". And, very near the end, they required that all officials, high and low, be "bound by Oath or Affirmation, to support this Constitution"—a provision that, surely, is less functional than symbolic, yet whose symbolism fulfills, nonetheless, an important function. Animating the whole Constitution of 1787, after all, was the aspiration to call into being a new sense of commitment, a commitment to a broad and deep national unity-despite-difference. What was it, at the beginning, but a bold symbolic effort?

But, we hear, that's all over now. The nation exists. What need is there to revisit old ideals? Yet the framers knew that nothing, on its own, lasts forever. Every institution must be reenergized by every generation to meet new challenges. Can we deny that our generation is now challenged to renew our commitment to unity-despite-difference? The aspiration to even a minimal unity is, once more, commonly put in question. We hear that the freedom the flag symbolizes is the freedom to burn it, that our unity consists simply in a celebration of disunity. These claims go to the heart of our Constitution. It is in the Constitution that we must answer them.

We hear that flag desecrators are like a few "naughty, nasty children" trying to "provoke their parents." The rest of the family, we hear, need only "count to ten."[2] What's the harm? Take the analogy seriously for a moment. How healthy is a family in which there are no limits to expressive abuse, in which everything can be trashed and will be tolerated? Desecration of mutual bonds may be rate. But so are other wrongs we believe it important to sanction. What is at stake is a principle, a minimal one. It deserves minimal respect—as a matter of principle.

Still, we are told that the aspiration to unity-despite-difference cannot be instituted by law, that it can flourish only in the "voluntary" feelings of the people. This argument may, of course, be made, in specific contexts, against using the narrow authority to be restored by the proposed constitutional amendment. But such an argument ought not short-circuit the process, denying the people the right to find it invalid in certain circumstances. For who can doubt that, in some circumstances, legal proscriptions do in fact influence the "voluntary feelings of the people?" Those who invoke these feelings should, in any event, be the last to denigrate the people's expression of them, through the processes of democracy.

Finally, we hear there are other ways to do the job. If we don't like physical desecration of the flag, we should criticize the desecrators or fly the flag ourselves. Ordinarily, I agree, "counter-speech" is the best response. But this situation is unique, just as the flag is unique. If it is permissible not just to heap verbal contempt on the flag, but also to burn it, rip it and smear it with excrement—if such behavior is not only permitted in practice, but protected in law by the Supreme Court—then the flag is already decaying as the symbol of our aspiration to the unity underlying freedom. The flag we fly in response is no longer the same thing. We are told, again and again, that someone can desecrate "a" flag but not "the" flag. To that, I simply say: Untrue. This is precisely the way that general symbols like general values are trashed, particular step by particular step. This is the way, imperceptibly, that commitments and ideals are lost.

To boil down the fundamental value at stake here: Recall the civil rights movement. Recall not only its invocation of national ideals, but also its evocation of nationhood. Recall the famous photograph of the Selma marchers carrying flags of the United States. The question is: Will the next Martin Luther King have available to him or her a basic means of identification with all the rest of us—an embracive appeal to the bonds that, in aspiration and potential, make us one?

II

What are the costs, if any, of proposing to amend the Constitution this way? All kinds of fears have been stirred up in opposition to the proposal. I'll comment on two kinds. First, I'll address some rather specific fears: Would the proposal "amend"—or "desecrate"—the First Amendment? Then, I'll turn to more generic fears: Would it upset the "delicate balance" of the Constitution as a whole?

The proposal would not "amend the First Amendment." Rather, each amendment would be interpreted in light of the other—much as is the case with the guarantees of Freedom of Speech and Equal Protection of the Laws. When the Fourteenth Amendment was proposed, the argument could have been made that congressional power to enforce the Equal Protection Clause might be used to undermine the First Amendment. The courts have seemed able, however, to harmonize the two. The same would be true here. Courts would interpret "desecration" and "flag of the United States" in light of general values of free speech. They would simply restore one narrow democratic authority. Experience justifies this much confidence in our judicial system.

But, we're asked, is "harmonization" possible? If the Johnson and Eichman decisions protecting flag desecration were rooted in established strains of free speech law—as they were—how could an amendment countering those decisions coexist with the First Amendment?

First, it's important to keep in mind that free speech law has within it multiple, often competing strains. The dissenting opinions in Johnson and Eichman were also rooted in established arguments about the meaning of freedom of speech. Second, even if the general principles invoked by the five Justices in the majority are admirable in general—as I believe they are[3]—that doesn't mean that the proposed amendment would tend to undermine them, so long as it is confined, as it is intended, to mandating a unique exception for a unique symbol of nationhood. Indeed, carving out the exception in a new amendment—rather than through interpretation of the First Amendment itself—best ensures that it will be so confined. Even opponents of the new amendment agree on this point.[4] Third, it's vital to recognize that the proposed amendment is not in general tension with the free speech principle forbidding discrimination against specific "messages" in regulation of speech content. Those who desecrate the flag may be doing so to communicate any number of messages. They may be saying that government is doing too much—or too little—about a particular problem. In fact, they may be burning the flag to protest the behavior of non-governmental, "patriotic" groups and and to support efforts of the government to squash those groups. Laws enacted under the proposed amendment would have to apply to all such activity, whatever the specific "point of view." One, and only one, generalized message could be regulated: "desecration" of the flag itself. And regulation could extend no farther than a ban on one, and only one, mode of doing it: "physical" desecration.[5] Finally, and perhaps most importantly, we mustn't lose sight of the fundamental purpose of the proposed amendment. That purpose is to restore democratic authority to protect the unique symbol of our aspiration to national unity, an aspiration that, I've said, nurtures—rather than undermines—freedom of speech that is "robust and wide-open."

One objection remains. It involves "desecration." Would this word, evoking sacredness, itself "desecrate" the Constitution? Those who make the objection this way defeat themselves, of course. If the Constitution as a whole is "sacred," as they proclaim it is, then there is no text in which a reference to "desecration" of the symbol of the nationhood that undergirds it could be more at home. Beyond the play on words, however, it's useful to keep in mind that this word—like any number of others in the constitutional text—is a term of art. It has no religious connotation. The Constitution of Massachusetts, for instance, provides that the right to jury trial "must be held sacred,"[6] and no one reads that as a theological mandate. The question for courts interpreting the proposed amendment would be: What sorts of physical treatment of the flag are so grossly contemptuous of it as to count as "desecration?" This is the type of question—

raising issues of fact and degree, context and purpose—that they resolve year in and year out under other constitutional provisions. Thus there is nothing radical or extreme about the flag amendment—unless it is the rhetoric, igniting and fueling all kinds of fears, purveyed by some of its opponents.

III

What hides its moderation, I think, is a generic fear of any proposed constitutional amendment—or, at least, of any that is driven by wide public support. Opponents of a flag amendment evoke this fear, suggesting the "delicate balance" of the Constitution is in jeopardy. In the ways they make the suggestion, however, they reveal it to be misleading, even perverse.

They tell us that the Constitution is perfect. Or they talk of its fragility. The document, they imply, is too fine or too delicate to amend. But a part of its "perfection" must be Article V, which provides for its amendment. It has, after all, been amended many times. (The framers' generation added ten amendments in one swoop.) And, far from proving fragile, it has proved to have extraordinary tensile strength, enduring by adapting to circumstances—changing and unforeseen—just as, long ago, Chief Justice John Marshall promised it would.[7]

Yet, they tell us, any proposed constitutional language will have unintended consequences—unless we pin down, right now and forever, every jot and title of its meaning. This is sometimes an effective strategy of opposition. It was deployed, for example, against the Equal Rights Amendment, nickled and dimed to death in disputes over hypothetical details.[8] The proposed flag amendment is far narrower and, so, far less vulnerable to such opposition. But those who supported the ERA—and deplored the strategy then—should be loath to use it now. It is, in any event, deeply misguided. For if (as John Marshall taught us) the genius of our Constitution is to endure through adaptation, then any pretense to fix its precise meaning, once and for all, is futile. Few constitutional provisions—few of those in the Bill of Rights, for instance—could pass such a test. Hence, the lesson of our history is: Leave future details of application to the future; trust our judicial system; and stick, for the moment, to issues of fundamental principle.

When all is said, opponents are left with one line of argument. You ought not, they say, "fool with" the Constitution. You should not "tinker" or "fiddle" with it. You must not "trivialize" it. Here is what's fascinating: Such verbs are rarely used to describe judicial interpretations or lawyers' interpretations or academic interpretations of the Constitution. They're reserved, instead, for the process of amendment prescribed by Article V. They're reserved, especially, for amendments proposed not by "experts" but by large numbers of ordinary citizens and their representatives. The disdain in such language is clear. It is, I believe, a disdain for the processes of democracy and for the ordinary people who take part in them. The implication is that the Constitution—which establishes processes for its own amendment—is too elevated, too refined, to be touched by those very processes.

In the end, that's what is at stake here: Our flag symbolizes our nation. It is a nation defined not by any ethnicity, but by a political practice, the practice of popular sovereignty, of democracy. It is through democracy that our law, including constitutional law, is made. It is through democracy that our liberties are nurtured and exercised and guaranteed. It is through democracy that we are bonded to one another. Shouldn't the people be authorized, if they choose, to require a very minimal respect for that one symbol, that one value, that one aspiration?

FOOTNOTES

[1] *New York Times* v. *Sullivan*, 376 U.S. 254 (1964).

[2] Testimony of Charles Fried before the Committee on the Judiciary of the United States Senate, June 21, 1990.

[3] I agree with the majority, for instance, that the Freedom of Speech protects expressive conduct and that its protection should not depend on how "reasoned" or "articulate" the expression is thought to be. I also agree, as a general matter, that government may not "prohibit the expression of an idea simply because society finds the idea itself offensive or disagreeable." I do not support the broader, vaguer proposals (described above) now being made on the right and on the left.

[4] See Frank Michelman, "Saving Old Glory: On Constitutional Iconography," 42 Stanford Law Review 1337 (1990).

[5] It's entirely possible that the specific statutes declared unconstitutional under the First Amendment in Johnson and Eichman would *not* pass muster under the proposed amendment—because both may be worded too broadly. The Texas statute in *Johnson* made it a crime to "damage" a flag in a way known to "seriously offend one or more persons likely to observe or discover" it. Thus it swept beyond "desecration" defined by a more general standard. The United States statute in Eichman was more sharply focused. But, before the Supreme Court, the government interpreted it as extending to any and all violations of the "physical integrity" of the flag, again seeming to sweep beyond behavior that might count as "desecration."

[6] Constitution of the Commonwealth of Massachusetts, Part I, Article 15.

[7] *McCulloch* v. *Maryland*, 17 U.S. (4 Wheat.) 316 (1819).

[8] See Jane Mansbridge, "Why We Lost the ERA" (1986).

TESTIMONY OF CHARLES J. COOPER

Good morning, Mr. Chairman and Members of the Subcommittee. My name is Charles J. Cooper, and I am a partner in the law firm of Shaw, Pittman, Potts & Trowbridge. I appreciate this opportunity to testify before this distinguished Subcommittee on the proposed Flag Protection Amendment.

Almost six years have passed since the Supreme Court decided the case that the Flag Protection Amendment was specifically designed to overturn. In Texas v. Johnson the Court held that the First Amendment's guaranty extends not only to a protester's expression of anti-American sentiments ("America, the Red, White, and Blue, we spit on you."), but also to his act of burning an American flag to dramatize his views. In so ruling, the Court in effect overturned the flag desecration statutes of 48 States, as well as the Federal Flag Desecration Statute, which prohibited knowingly and publicly "cast[ing] contempt upon any flag of the United States" by burning or otherwise physically mistreating it. 18 U.S.C. §700.

The reaction of the American people to the Johnson decision was swift, loud, and overwhelmingly hostile. President Bush and several Members of Congress called for swift passage and ratification of the Flag Protection Amendment, while other Members of Congress supported a statutory response to the decision—the Flag Protection Act. The purpose of the legislation was to harmonize federal law with the Johnson decision by establishing a "neutral" flag desecration statute— that is, one that punished any impairment of the physical integrity of the flag, whether performed in public or in private, and regardless of any message that might be intended or conveyed by the act of physical impairment.

Several witnesses, I among them, testified before the Senate Judiciary Committee that the proposed legislation, even if cast in "neutral" language, could not be squared with the reasoning of the Johnson decision and would therefore almost certainly be invalidated by the Supreme Court. The point was simply this: clothing the federal Flag Desecration Statute in "neutral" language would not disguise the undeniable fact that the central purpose of the proposed measure was to preserve the flag's unique status as "the Nation's most revered and profound symbol, representing what this Country stands for" (the words are Senator Biden's, the bill's chief sponsor). The governmental interest in preserving the flag's unique status as a national symbol simply cannot be divorced from expression, for only messages concerning the flag can either advance or diminish its symbolic value.

Congress enacted the Flag Protection Act of 1989 ("Act") by overwhelming majorities in both Houses, and the Supreme Court promptly struck it down in United States v. Eichman. Noting that "[t]he Government's interest in protecting the 'physical integrity' of a privately owned flag rests upon a perceived need to preserve the flag's status as a symbol of our Nation and certain national ideals," the Court held that the federal statute, like the Texas statute invalidated in Johnson, "still suffers from the same fundamental flaw: It suppresses expression out of concern for its likely communicative impact."

The six-year period that has elapsed since the Johnson case has provided time for tempers to cool. The anger and sadness that consumed most Americans when the decision was announced has had time, if not to abate, at least to be moderated by reflection and thought. And yet it still appears that the vast majority of Americans so revere their flag that they are willing to undertake the arduous task of amending their Constitution to authorize Congress and the States to protect it from physical desecration. Congress has received resolutions calling for passage of a flag desecration amendment from the legislatures of 49 States. As a citizen, my own support for the Flag Protection Amendment has not weakened since Johnson was decided, for I remain convinced that the policies underlying the Flag Protection Amendment are sufficiently important to warrant its passage by Congress and ratification by the States.

But I have been invited to appear before this Subcommittee as a constitutional lawyer, to provide my views on the legal issues, as opposed to the policy issues, raised by the proposed amendment. I make this point because policy objections have dominated the arguments of constitutional scholars who have testified thus far before congressional committees in opposition to the Flag Protection Amendment. These policy objections—for example, that the proposed amendment would "trivialize" the Constitution, that flag desecration laws are popular in Communist regimes, and that the best response to flag desecration is to wave one's own flag—are important and should be considered seriously by Members of Congress, as well as by all Americans, in assessing the merits of the proposed amendment. But they are entitled to no additional weight when voiced by law professors (or Supreme Court Justices for that matter) rather than by any other citizen. I therefore will attempt to confine my testimony insofar as possible to the legal objections that have been advanced in opposition to the Flag Protection Amendment.

1. Some constitutional scholars have objected to the wording of the proposed Flag

Protection Amendment, which provides simply that "the Congress and the States shall have power to prohibit the physical desecration of the flag of the United States." These constitutional scholars object particularly to the use of the word "desecration" because it makes clear that the amendment would authorize Congress and the States to prohibit only physical mistreatment of the flag that conveys a political protest.[1] Arguing that the Constitution should protect the flag in a "neutral" manner, they propose that the amendment be worded to authorize Congress "to prohibit any physical impairment of the integrity of the flag." Such an amendment would ensure that any statutory restrictions would apply across the board, regardless of the purpose or circumstances of the conduct at issue.

The threshold question that must be answered by proponents of this suggestion is whether anyone really wants a "neutral" flag protection statue. Does anyone really want to protect the physical integrity of all American flags, regardless of the circumstances surrounding the prohibited conduct? Certainly the constitutional scholars suggesting a "neutral" flag protection amendment do not, for they advance the idea only as a lesser evil than the Flag Protection Amendment. Nor are supporters of the proposed Flag Protection Amendment likely to be persuaded that a "neutral" alternative would be preferable. The problem is that a genuinely "neutral" flag protection measure simply doesn't make sense.

The act of burning an American Flag is not inherently evil. Indeed, the Boy Scouts of America have long held that an American flag, "when worn beyond repair" should be destroyed "in a dignified way by burning." Boy Scout Handbook at 422 (9th ed.) Similarly, Congress has prescribed that "[t]he flag, when it is in such condition that it is no longer a fitting emblem for display, should be destroyed in a dignified way, preferably by burning." 36 U.S.C. 176(k). Nor is the respectful disposition of an old or worn flag the only occasion on which burning a flag might be entirely proper. The old soldier whose last wish is to be cremated with a prized American flag fast against his breast would be deserving of respect and admiration, rather than condemnation.

In contrast, Gregory Lee Johnson's conduct was offensive—indeed, reprehensible—not simply because he burned an American flag, but because of the manner in which he burned it. Yet, a truly neutral flag protection statute would require us to be blind to the distinction between the conduct of Gregory Lee Johnson and his comrades and the conduct of a Boy Scout troop reverently burning an old and worn American flag. It would also reach other forms of conduct that honor, rather than desecrate, the flag. If, rather than burning an American flag, Gregory Lee Johnson and his colleagues had heaped dirt upon it in some sort of anti-American burial ritual, their conduct would undoubtedly have violated not only the Texas flag desecration statute, but a "neutral" flag protection statute as well. A "neutral" statute, however, would also have reached and punished the conduct of the unidentified patriot who gathered up Johnson's charred flag and buried it in his back yard.

Moreover, not only would a "neutral" flag protection statute prohibit conduct that should be praised rather than punished, it would fail to prohibit an infinite variety of public conduct that casts contempt upon the flag. Such a statute would prohibit only conduct that comprises the physical integrity of the flag. Conduct that is not physically destructive of the flag, no matter how openly offensive and disrespectful it may be, would presumably not be reached. Thus, affixing an American flag to the seat of one's pants or simulating vulgar acts with a flag would not come within such a prohibition.

Thus, a "neutral" flag protection statute is at once too broad, since it would prohibit conduct that no one wants to prohibit, and too narrow, since it would permit conduct that few people want to permit. The proposal therefore simply does not mesh with the public sentiment that animated the passage of 48 state flag desecration statutes and a similar measure by the federal government, that led to the prosecution of Gregory Lee Johnson under the Texas flag desecration law, that provoked the extraordinary public outcry at the Supreme Court's reversal of Johnson's conviction, and that inspired this hearing. I submit that that public sentiment is not "neutral"; it is not indifferent to the circumstances surrounding conduct relating to the flag. If such conduct is dignified and respectful, I daresay that the American people and their elected representatives do not want to prohibit it; if such conduct is disrespectful and contemptuous of the flag, I believe that they do.

The simple truth is that no one really wants a genuinely "neutral" flag protection statute. Accordingly, amending the Constitution to authorize enactment of such a statute obviously makes no sense.

2. Some opponents of the Flag Protection Amendment objects to the fact that its language does not explicitly state that it overrides the First Amendment. They make two principle points.

First, they argue that the proposed amendment, as written, does nothing more than confer upon Congress and the States a legislative power that they already possess. And because the proposed amendment does not expressly override the limitations of the First Amendment, any exercise of that legislative power would be subject to the same First Amendment challenge upheld in Johnson and Eichman. In other words, the Flag Protection Amendment, as written, would not alter the result of the Supreme Court's decisions in Eichman and Johnson.[2]

The first point to be made in response to this argument is that the proposed Flag Protection Amendment contains no statement that it overrides the First Amendment because such a statement is wholly unnecessary. The First Amendment is the only constitutional provision that has been construed, or could have been construed, by the Supreme Court to prohibit Congress and the States from criminalizing the physical desecration of an American flag. The proposed amendment clearly and directly grants (many would say restores) that legislative power to Congress and the States. A couple of examples will suffice to illustrate this point. If the Supreme Court held that the Eighth Amendment forbids capital punishment in all cases, a constitutional amendment empowering Congress and the States to impose the death penalty would not also have to contain the entirely redundant statement that it overrides the Eighth Amendment in order to be effective. Similarly, a constitutional amendment granting the States power to require a moment of silence at the beginning of each school day would plainly overrule the Supreme Court's contrary Establishment Clause cases, and it would be far-fetched, to put it mildly, to suggest that the purpose and effect of such an amendment would be unclear in the absence of express language overriding the First Amendment.

Beyond this point, I must confess that I am perplexed by the claim that the claim that the States and Congress currently possess, notwithstanding Johnson and Eichman, the legislative power that the Supreme Court so decisively and permanently prevented them from exercising in Johnson and Eichman. In those cases, the Court held that neither the States nor the Congress have constitutional power to prohibit the physical desecration of the American flag. In both cases, the Court overturned convictions for conduct that plainly constituted the physical desecration of American flags. The sole purpose of the proposed Flag Protection Amendment is to overturn the Eichman and Johnson decisions and thus to return to the States and to Congress the legislative power that they thought they had to prohibit the physical desecration of the American flag.

I am even more perplexed, however, by the suggestion that passage and ratification of the Flag Protection Amendment would not alter the outcome of a future Johnson or Eichman case. Suffice it to say that there is no reasonable possibility that the Supreme Court, in some future Johnson or Eichman case, would interpret the Flag Protection Amendment as being utterly meaningless.

The second point made by these opponents of the proposed amendment is that because its language does not expressly override the First Amendment, "it leaves entirely unclear how much of the Bill of Rights it would dump."[3] Apparently the argument is that the omission from the Flag Protection Amendment of any statement that it overrides the First Amendment may be construed to mean that the legislative power granted by the proposed amendment is exempt from or otherwise overrides all constitutional restrictions, such as the Due Process Clause and the Eighth Amendment.[4]

Before assessing this argument on its own merits, it is important to note first the paradoxical nature of the dual conclusions that these opponents draw from the absence of language in the Flag Protection Amendment expressly overriding the First Amendment. In one breath, they argue that the omission of such language leaves the Supreme Court's interpretations in Johnson and Eichman undisturbed and, thus, renders the proposed amendment ineffective in accomplishing its acknowledged purpose. In the next breath, they argue that the omission of such language from the Flag Protection Amendment presents a serious risk that all other protections in the Bill of Rights will be "trumped" when confronted with an exercise of the power to prohibit the physical desecration of the flag. In other words, they argue that by failing to include language explicitly overriding the First Amendment, the authors of the Flag Protection Amendment may have unwittingly overridden every constitutional provision except the First Amendment. This line of reasoning, frankly, is specious, and nothing more need be said to dismiss the notion that the express terms of the proposed amendment must contain a reference to the First Amendment.

In any event, there is no reasonable basis for concern that the proposed Flag Protection Amendment will "trump" any constitutional protections other than the constitutional right to physically desecrate the American flag. To be sure, the proposed amendment's grant of legislative power to prohibit the physical desecration of the flag

---

Footnotes at end of article.

comprehends, for example, the power to investigate and to punish violations. But nothing in the language or history of the proposed amendment even remotely suggests that federal or state authorities would be free to enforce a flag desecration statute by randomly invading and searching homes to ferret out violations or by summarily torturing or executing violators without a trial. Nor would the proposed amendment authorize state or local governments, for example, to punish Gregory Lee Johnson, ex post facto, for his violation, to prosecute only black people for violating a flag desecration statute, or to prohibit the press from reporting on incidents of flag desecration. There are simply no plausible arguments supporting an interpretation of the proposed Flag Protection Amendment that would yield these results.

In short, the only constitutional right that will be "trumped" by the proposed Flag Protection Amendment is the one recognized by the Supreme Court in Johnson and Eichman—the right to physically desecrate an American flag.

3. A particularly popular argument among opponents of the Flag Protection Amendment is the concern that prohibiting physical flag desecration will compromise the sacred values reflected in the First Amendment and lead inevitably to further compromises of our Constitution's protection "for the thought we hate." But if prohibiting flag desecration would place us on this sort of slippery slope, we have been on it for a long time. The sole purpose of the Flag Protection Amendment is to restore the constitutional status quo ante pre-Johnson, a time when 48 States, the Congress, and four Justices of the Supreme Court believed that legislation prohibiting flag desecration was entirely consistent with the First Amendment. And that widespread constitutional judgment was not of recent origin; it stretched back about 100 years in some States. During that long period before Johnson, when flag desecration was universally criminalized, we did not descend on this purported slippery slope into governmental suppression of unpopular speech. The constitutional calm that preceded the Johnson case would not have been interrupted, I submit, if a single vote in the majority had been cast the other way, and flag desecration statutes had been upheld. Nor will it be interrupted, in my view, if the Flag Protection Amendment is passed and ratified.

4. Finally, I should like to conclude my testimony with the point that the Supreme Court is not the final word on the content or meaning of our Constitution. The American people are. And the idea that the act of desecrating an American flag is "speech," and that the people are therefore powerless to intervene through law to prevent or punish such a tragic spectacle, falls uneasily on the ears of most ordinary Americans. When the Court errs in its constitutional judgment on a matter of surpassing importance to the people, it is entirely appropriate for them to correct that error through the amendment process prescribed by Article V of the Constitution. Indeed, I believe it is their responsibility to do so.

Again, thank you for inviting me to participate in this important hearing.

FOOTNOTES

[1] See Testimony of Henry Paul Monaghan before the Senate Judiciary Committee (June 21, 1990); testimony of Cass R. Sunstein before the Senate Judiciary Committee (June 21, 1990).

[2] Testimony of Walter Dellinger before the Senate Judiciary Committee at 2 (June 21, 1990) (hereinafter "Dellinger Testimony").

[3] Id.

[4] See id. at 3, n. 2.

STATEMENT OF SENATOR ORRIN HATCH

The American people revere the flag as a unique symbol of our country. It is the symbol that unites a very diverse people in a way nothing else can. Despite our differences of politics, philosophy, religion, race, ethnic background, socio-economic status, or geographic origin, the flag is an incomparable common bond among us.

Moreover, Justice John Paul Stevens, dissenting in Texas v. Johnson, aptly stated, "A country's flag is a symbol of more than 'nationhood and national unity.' It also signifies the ideas that characterize the society that has chosen that emblem as well as the special history that has animated the growth and power of those ideas . . ." [491 U.S. at 436, Stevens, J. dissenting] The flag itself represents no political party or political ideology.

I wish we did not have to resort to a constitutional amendment. I believe the Supreme Court was wrong in Texas v. Johnson. But the Supreme Court has given us no choice: if we believe the flag is important enough to protect from physical desecration, an amendment is necessary.

Let me set the record straight about the origin of this bipartisan movement. A grassroots coalition, the Citizens Flag Alliance, has been working for some time in support of a constitutional amendment regarding flag desecration. The Citizens Flag Alliance, led by the American Legion, consists of over 100 organizations, ranging from the Knights of Columbus; Grand Lodge, Fraternal Order of Police; and the National Grange to the Congressional Medal of Honor Society of the USA and the African-American Women's Clergy Association. Forty-nine state legislatures have called for a constitutional amendment on flag desecration.

The Citizens Flag Alliance approached Senator Heflin and me last year, well before the November elections, and asked us to lead a bipartisan effort in the Senate. They told us they had reasonable hopes that President Clinton would support this amendment. We were pleased to introduce this resolution here. But, before we were asked to do so by the Citizens Flag Alliance, we had no plans to reintroduce this amendment.

This is an effort originating entirely among the American people, over 75 percent of whom both favor protecting the flag and sensibly believe that freedom of speech is not jeopardized by so doing.

There is more wisdom, judgment, and understanding on this matter in the hearts and minds of the American people than one will find on most editorial boards, law faculties, and, regrettably, in the Clinton Administration.

I believe the opponents of the amendment, including President Clinton, have, in good faith, posed a false choice to the American people. In effect, they say that if we wish to protect the flag from physical desecration, we have to trample on the First Amendment. If we want to safeguard the First Amendment, they say, we have to let desecrators trample on the flag.

In my view, this amendment, granting Congress and states power to prohibit physical desecration of the flag, does not amend the First Amendment or infringe upon freedom of speech. I believe the flag amendment overturns two Supreme Court decisions which have misconstrued the First Amendment.

The First Amendment's guarantee of freedom of speech has never been deemed absolute. Libel is not protected under the First Amendment. Obscenity is not protected under the First Amendment. A person cannot blare out his or her political views at two o'clock in the morning in a residential neighborhood and claim First Amendment protection. Fighting words which provoke violence or breaches of the peace are not protected under the First Amendment. I might add that legislative bodies are able to regulate conduct which people might seek to use as part of a political message.

Protecting the flag from physical desecration does not interfere with the numerous ways of conveying an idea whatsoever—through speech, use of placards, signs, bullhorns, leaflets, handbills, newspapers, and more. A protestor can burn or mutilate other symbols of our country or government, or even effigies of political figures. This amendment authorizes legislative bodies to prevent disrespectful conduct with regard to one object, and one object only, our flag. We can withdraw this one unique object from physical desecration and our freedom of speech will remain intact.

The parade of horribles some opponents conjure up is a diversion.

Indeed, for many years before the 1989 Texas v. Johnson decision invalidating flag desecration statutes, 48 states and the federal government prohibited flag desecration. Was freedom of speech impaired in this country all that time? To ask that question is to answer it—of course not. The First Amendment seemed to have survived these 49 statutes remarkably well.

Many academics have appeared before the Committee to tell us the Johnson decision was correctly decided and that it is just a natural development of the Supreme Court's previous First Amendment jurisprudence.

Yet, distinguished jurists regarded as great First Amendment champions have agreed that flag desecration does not fall within the ambit of the First Amendment. Chief Justice Earl Warren wrote, "I believe that the States and the Federal government do have the power to protect the flag from acts of desecration and disgrace . . ." [*Street* v. *New York*, 394 U.S. 576, 605 (Warren, C.J., dissenting)]. Justice Hugo Black—generally regarded as a First Amendment absolutist—stated, "It passes my belief that anything in the Federal Constitution bars a State from making the deliberate burning of the American Flag an offense." [Id. at 610 (Black, J. dissenting)]. Justice Abe Fortas wrote: "[T]he States and the Federal Government have the power to protect the flag from acts of desecration committed in public . . ." [Id. at 615 (Fortas, J., dissenting)].

As Justice Stevens said in his Johnson dissent: "Even if flag burning could be considered just another species of symbolic speech under the logical application of the rules that the Court has developed in its interpretation of the First Amendment in other contexts, this case has an intangible dimension that makes those rules inapplicable." [496 U.S. at 436, Stevens, J., dissenting].

Even if, on the other hand, one agreed that the Johnson and 1990 U.S. v. Eichman cases were correctly decided under prior precedents, one could still support this amendment—if one views protection of the flag from physical desecration as an important enough value. I am sorry that President Clinton could not see his way clear to supporting protection of the flag against physical desecration, apparently deferring to the determinations made by his lawyers within the narrow confines of a legal memorandum or brief. This is terribly disappointing.

And there is no slippery slope here. The amendment relates only to the flag. The uniqueness of the flag renders the amendment no precedent for any other amendment or legislation. Most Americans understand this. Moreover, neither the amendment, nor any legislation it authorizes, compels any conduct or any profession of respect for any idea or symbol, nor prescribes what is orthodox in any matter of opinion.

Johnson was a 5–4 decision of the Supreme Court. Had the Court gone 5–4 the other way, and upheld flag desecration statutes, would there have been an uproar by editorial writers, law professors, and members of Congress to repeal these flag desecration statutes? I think not. In effect, one vote on the Supreme Court compels us to go the amendment route, we have no choice—if we think the flag is important enough to protect.

Our acquiescence in the Supreme Court's misguided 5–4 decisions itself devalues the flag. I hope Congress will not stand idly by and tacitly accept the Court's wrongheaded notion that the flag is of no more value than a common object. As Justice Stevens wisely noted in his Johnson dissent: "sanctioning the public desecration of the flag will tarnish its value . . . That tarnish is not justified by the trivial burden on free expression occasioned by requiring that an available alternative mode of expression including uttering words critical of the flag . . . be employed." [436 U.S. at 437]

I urge support for the amendment.

RACE FOR THE CURE—BREAST CANCER AWARENESS

Ms. MIKULSKI. Madam President, I rise today to join my colleagues in enthusiastically supporting the efforts of our Vice President and Mrs. Gore in bringing breast cancer awareness to the attention of our Nation's women. their participation in the Race for the Cure demonstrates their on-going commitment and dedication to finding a cure for breast cancer and for early detection.

I am proud to have been an advocate for breast cancer research and early detection. When we passed the breast and cervical cancer amendments of 1993, it showed that we can build a preventive health care system using the community-level, public/private partnerships which are critical to success. This legislation saved women's lives.

But our job is not over. There are many States that have no screening program for breast cancer and many other States are just getting started. Screenings are absolutely necessary if we are to prevent this dreaded health risk for America's women.

All women in America are at risk. In fact, 50,000 mothers, daughters, relatives, and friends will die from breast cancer alone, but the women most at risk are also those who are our most defenseless—older women, women of color, and women of limited income.

Over the past few years, we have made significant strides in breast cancer research—focused through the National Institutes of Health's Office of Women's Research. We know what it takes to save many of these lives.

It takes regular screening for women over 40 using mammograms and self-exams. All women need to hear this message. All women should think of getting a mammogram once a year for a lifetime. For the fortunate majority of America's women, following through on that message is not too much to ask.

That is why I take pride in joining my colleagues today in urging participation in the Race for the Cure to be held this Saturday, June 16. Events like this get the message out. The message of "breast cancer is preventable" and "Once a Year for a Lifetime" in getting that mammogram.

I welcome the day when no woman turns away from the decision to have a mammogram for lack of funds, access to services, or lack of awareness. This is the noble cause I am dedicated to. America's women deserve no less. Join Race for the Cure.

RACE FOR THE CURE

Mr. DASCHLE. Madam President, I would like to take a few moments to underscore the comments many of my colleagues made earlier today in support of the upcoming Race for the Cure, which will be held this Saturday in Washington. This weekend's race marks the 6th year that Washingtonians have participated in this important event. It is a time when policymakers, civil servants, media representatives, and others put their ideological differences aside and show their solidarity in support of the effort to find a cure for breast cancer.

In the past, the Race for the Cure has helped raise critical funding for medical research and for mammograms. Much of this money remains in the local area to support research institutions and provide mammograms for women who could not otherwise afford them. The Race for the Cure has also done an exceptional job of raising the public's awareness about breast cancer, and of alerting women to the importance of early detection measures.

As in the past, many of Saturday's race participants will be breast cancer survivors. Many more will be the spouses, children, siblings, and friends of both breast cancer survivors and, I am sad to say, the many women who have not survived their battle with this disease. It is for all these individuals that we race. And it is for them that we continue our efforts to support research and public awareness in the hope that one day all women who face this disease will be survivors.

Although we have made significant strides in combating breast cancer, we are far from the finish line. Medical research into the causes, cure, and prevention of breast cancer is critical to this effort. Public awareness and prevention efforts are also critical components of our battle against breast cancer. Today doctors strongly recommend monthly self-examinations to check for the early warning signs of breast cancer. Sometimes these early warning signs are not early enough, however, and that is why it is so important for women at risk of breast cancer to have mammograms. I am hopeful that one day we will be able to detect all breast cancers at an early stage.

I am even more hopeful, however, that we will someday have a cure for this disease. Over 70 percent of all women who have breast cancer do not exhibit any of the known risk factors. This year 182,000 women will be diagnosed with breast cancer, and 46,000 women will die from this terrible disease. Whether the answer to this disease is around the corner, or it takes years to discover, we cannot give up the fight. We must find a cure.

Sometimes the most effective movements are born of tragedy, and the Race for the Cure is one of those movements. this race is a tribute to all women who have not survived their battle with breast cancer. It is in their memory that we continue our efforts to increase support for medical research and raise public awareness about this issue.

This race is also a tribute to all those women who are surviving their battle with breast cancer. It is in their honor that we stand with them, walk with them, and run with them. It is in humble respect that we race with them—to find a cure for breast cancer.

VARIOUS ISSUES REGARDING THE PEOPLE'S REPUBLIC OF CHINA

Mr. THOMAS. Madam President, as the chairman of the Subcommittee on East Asian and Pacific Affairs, I would like to speak this morning on two issues concerning the People's Republic of China; specifically, Hong Kong and our embassy in Beijing.

First, Hong Kong Governor Chris Patten contacted me last Friday to inform me that his government and the government of the People's Republic of China had finally reached an agreement on establishing the Court of Final Appeal [CFA]. He was kind enough to send me a copy of the agreement, as well as a copy of his statement to the Hong Kong Legislative Council.

As my colleagues know, the establishment of the CFA has been one of the major sticking points in the negotiations over the transition of Hong Kong from British to Chinese sovereignty in 1997. Hong Kong presently operates under a British legal system based on statute and common law, and the judiciary is a separate, independent branch of government. These legal traditions provide substantial and effective protections against arbitrary arrest or detention, and ensure the right to a fair and public trial. Aside from the legal protections individuals enjoy under this system, Hong Kong's transparent and predictable legal system and regulatory scheme has been a major draw to businesses. They know ahead of time what statutes govern their actions, and that their contracts will be enforced. The continuance of these laws after 1997 will be a key factor in the territory's ability to maintain its promised high degree of local autonomy and its attraction to business.

Final trial court decisions in Hong Kong are now appealable to the Supreme Court, and then to the Privy Council in London. There is a well-founded concern that, upon retrocession, the protections offered by the present legal and appellate systems might disappear to be replaced by a more "indigenous" system where the courts are instruments of the Party, contracts are honored only as long as they are useful, and final decisions are handed down from Beijing according to the whims of the leadership.

In an attempt to ally these fears, in the Joint Declaration and subsequent discussions the People's Republic of China and United Kingdom agreed to establish a local CFA before 1997 to replace the Privy Council. Protracted negotiations between the parties, however, failed to produce a mutually agreeable plan for the Court's implementation. With 1997 looming and fears about the consequences of the lack of a court at the time of retrocession, the Hong Kong Government unilaterally prepared a draft bill for introduction in the Legco.

Beijing refused to endorse the draft, and both sides spent time pointing the finger at the other, while it languished. In March, in response to statements by Governor Patten that the Legco might unilaterally establish the CFA without waiting for Chinese approval, the People's Republic of China stated that it would dismantle any court established without its OK. This left the Hong Kong Government with the Hobson's choice: either leave it to China to decide when and how the court would be established after 1997, or go ahead with the draft bill and create a serious dispute with the People's Republic of China that would have damaged investor and citizen confidence and left doubts about whether China would eventually just dismantle it.

On June 1, however, the two sides began a new round of spirited negotiations which led to the June 9 agreement. The basic gist of the agreement is that the Hong Kong Government will procede to introduce its draft bill in the Legco, and that preparations for the Court should be made on the basis of the resulting legislation and completed in time for the Court to begin operating on July 1, 1997. It will not, however, begin operating before that date. Governor Patten noted on Friday that:

> What is vital is that we know now what kind of court will be in place on 1 July 1997. That is what the Hong Kong community and US and other foreign businessmen have been calling for and I believe that the Chinese have come to realise that it is vital to the maintenance of confidence in Hong Kong. There will be dissentient voices, of course, but I believe that the majority of the Hong Kong community and international investors will welcome the agreement, and that the Legislative Council will accept it.
>
> The bottom line is that, although it is not ideal, this agreement does more to strengthen the rule of law after 1997 than any alternative course of action, and for that reason I am convinced that it is the right way forward.

While I find myself in some agreement with Governor Patten, as an outside observer I have four concerns with the agreement: the timing, jurisdiction, finality, and judicial independence issues. First, I regret that the Court will not begin to function until the day jurisdiction is transferred in 1997. If the Chinese had agreed to allow the Court to begin functioning as soon as enabling legislation could be passed, then the two sides would have had more than a year in which to see how the court operates and to work out through a consensus any kinks or shortcomings that became apparent. As it stands now, the Court will be jumpstarted cold in 2 years on July 1 without a "test run."

My second concern involves the Court's jurisdiction. In the preliminary talks about the Court, the Chinese side was rather adamant that the jurisdiction of the CFA would not extend to acts of state. What Beijing sought to forestall by this provision was the spectre of a judicial branch based on English common law declaring void some tennet of the central government vital to the continuation of the Communist system. Unfortunately, the new agreement adopts the definition of "act of state" set out in Article 19 of the Basic Law, which has been seen by some as vague and thus capable of an overly expansive interpretation. The worry is that after 1997 the Chinese will simply qualify politically uncomfortable cases as touching on "acts of state" and therefore remove them from judicial review.

Third, the provisions regarding judicial appointments raise some concerns. Under the Joint Declaration, judges appointed to the CFA were to be confirmed by the Legco. Moreover, the Court would be allowed to invite judges from other English common law jurisdictions to sit on the Court. These two provisions have fallen somewhat by the wayside under the new agreement. Now, it appears that the confirmation provision by the Legco has been removed. In addition, the parties adopted the limitation of foreign judges to one set out in what are known as the secret documents. Both of these are violative of the Joint Declaration.

Finally, the parties appear to have largely glossed over what is known as the finality issue. The idea behind the CFA is that the Hong Kong citizens will have the final say about judicial decisions that effect them, and not some party cadre in Beijing. The reason is easily illustrated by a simple analogy: Wyoming citizens would not want decisions of their State supreme court on State laws to be subject to review by a bureaucrat in Washington. Yet, the finality of CFA decisions is still somewhat up in the air.

Having made these observations, Madam President, as I have pointed out before decisions such as these are principally a bilateral issue between the People's Republic of China and the United Kingdom. If both sides have agreed to the new provisions, who are we to gainsay their decision? This is one area where, I believe, overly active moves on our part would for once justify the usual Chinese observation that we were meddling in their internal affairs. I would just hope, though, that the parties would note our concerns and perhaps work with each other to remove some of the remaining ambiguities and departures from the Joint Declaration.

Madam President, I would also like to address another topic concerning the People's Republic of China today. It has come to my attention that our representative in the People's Republic of China, Ambassador J. Stapleton Roy, will be permanently leaving his present post next week to return to Washington and then move on to our Embassy in Jakarta, Indonesia. Yet, inexplicably, the Clinton administration has failed to even name a replacement, let alone forward his or her name to the Senate for confirmation, and has simply decided to leave the post vacant for an undeterminant period of time.

Madam President, I am amazed and dismayed that the Clinton administration has decided to take such an ill-advised step—whatever the impetus. Leaving a post vacant in a small, relatively non-strategic country is one thing; but to do so in the world's most populous country, a country that is emerging as the economic engine that will drive Asia into the 21st century, is quite another.

This is especially true at this time when our bilateral relationship is somewhat less than perfect.

The Chinese are extremely displeased with our decision this month to admit President Lee Teng-hui of Taiwan, and have stated that the decision has seriously soured their view of our relationship. While they have cancelled and postponed several meetings as a sign of their displeasure, I am sure that we have not seen seen the full extent of their reaction.

More importantly, the Chinese Government is itself in a state of flux. The move to replace the ailing Deng Xiaoping is, contrary to the beliefs of some, well under way. Jiang Zemin and his Shanghai compatriots are already moving to consolidate their positions, and other factions have begun their jockeying in turn. Under these circumstances, each and every move we make in relation to our Chinese friends—large, small, overt, or subtle—takes on a special importance.

To allow our Ambassador to depart from Beijing at this time and leave our embassy floating without anyone at the helm seems to me to be the height of misjudgment. I hope that President Clinton will forward the name of Ambassador Roy's intended replacement in the very near future so we can get the nomination process rolling and fill this vitally important position.

KATHY JORDAN

Mrs. FEINSTEIN. Madam President, I rise to salute Kathy Jordan, who today is being inducted in the Stanford University Athletic Hall of Fame.

My northern California field representative for over 2 years, Kathy joined my staff after an incredibly successful career in women's tennis.

While at Stanford, she won four AIAW Collegiate titles, including both the singles and doubles championships in 1979. She still is considered the best women's tennis player who ever went to Stanford.

She then turned professional and in her first year reached the final 16 at both Wimbledon and the U.S. Open.

During her professional tennis career that spanned a decade, Kathy won seven Grand Slam titles.

Kathy earned a reputation as a tough and tenacious competitor. And, as she defeated one challenger after another, Kathy proved she was one of the best players in the world and climbed to a ranking of No. 5. In just 1 year, she went from being No. 23 in the world to being No. 5.

During that time, Kathy beat Chris Evert in straight sets at Wimbledon in 1983, reached the finals of the 1983 Australian Open, and then went on to knock off Pam Shriver in the quarterfinal of the 1984 Wimbledon singles championship to reach the semifinals.

Kathy would later be described as Chris Evert's top nemesis, beating her three times.

Martina Navratilova, too, felt the sting of Kathy Jordan's passing shots. Not only did Kathy beat her in singles, but it was the team of Kathy Jordan and Liz Smylie that pulled a huge doubles upset and ended the 109-match winning streak of Navratilova and partner Pam Shriver in the Wimbledon final of 1985. Jordan and Smylie won by a score of 5–7, 6–3, 6–4. It was sweet victory for Kathy, who had lost 3 of the last 4 years to Navratilova and Shriver after winning the Wimbledon championship in 1980 with partner Anne Smith.

Looking back on the match, Kathy recounted how she and her partner, Smylie, were serving for the match at 5-4 in the third set. Kathy gambled, lunged across to Smylie's side of the court for a volley. They won the point, with Navratilova and Shriver looking stunned as the shot whipped by.

"Pam and Martina were standing there looking at each other. I'm kinda like a roving linebacker and Liz is like a defensive back who sometimes has to cover behind me in case a ball gets over my head," Kathy said in 1991.

That roving linebacker attitude is exactly what made Kathy Jordan a legend on the tennis courts.

But, in the 1987 Virginia Slims of New England, Kathy's career was jeopardized with one of the most serious injuries an athlete can suffer—a tear of the right anterior cruciate ligament.

"That's the Bernard King injury. The Danny Manning injury. You get scared. You never really know. A lot of people don't make it back," Kathy told the San Francisco Chronicle in 1990.

But, once again Kathy's determination paved the way and she once again became a potent threat in women's tennis. She reunited with her partner, Liz Smylie, and once again knocked off the expected winners to climb their way into the Wimbledon doubles final in 1990.

I've had the pleasure of getting to know Kathy over the course of the last 2 years.

After retiring from women's tennis, Kathy finished her undergraduate work at Stanford University and chose to direct her talents to public service. She worked on Lynn Yeakel's campaign for the U.S. Senate in her native Pennsylvania and then returned to California, where Palo Alto had become home.

Kathy joined my staff in 1993 as field representative for the northern California region of the State.

She has been one of the most outstanding staff persons I've worked with over the last 2 years.

Kathy assumed her field responsibilities with an incomparable level of compassion, intelligence, and diligence. And just as she did on the tennis court, Kathy has shown a fierce determination to fight for what is right.

She redefined the title "field representative" and was quickly promoted to the role of field director, overseeing projects for me statewide.

As a representative of over 20 counties, she was my eyes and ears for northern California. She identifies a problem and—more importantly—helps figure out how to solve a problem.

She has been a tireless advocate for the issues and concerns of the residents and elected officials in her jurisdiction.

I frequently have county supervisors and others approach and thank me for the work she has done and the results accomplished.

At a time when many feel alienated and are looking to the government's representatives to help them and respond to their needs and problems, I feel proud that I have a staff person who heeds the call and gets things done.

Kathy is a remarkable person whose compassion, respect, and talent for her work serves as a model for others.

I am grateful to have worked with her and benefited from her service to the U.S. Senate.

Madam President, I stand here to congratulate Kathy on all her accomplishments, and for the honor being bestowed her by Stanford University.

For all she has accomplished in both the world of tennis and in government service, it is an honor well deserved.

LANE KIRKLAND

Mr. MOYNIHAN. Madam President, I rise today to salute my friend, Lane Kirkland, who yesterday announced that he would not seek reelection as president of the AFL–CIO. During his 16-year tenure as head of the AFL–CIO and his 50 years of service to organized labor, Mr. Kirkland devoted himself to improving the lives and occupations of unionized workers. He accomplished this mission with skill and determination.

An editorial in today's New York Post remarked:

> We've always hailed his stalwart commitment to liberal anti-communism and his fealty to the concept of a global network of genuinely free trade unions. It's safe to say, in fact, that no one in the United States—apart from President Reagan himself—did more to hasten the demise of the Soviet empire than did Lane Kirkland.

Lane Kirkland's presence at the helm of American labor will be sorely missed. As the New York Post concluded:

> His retirement marks the departure from the public arena of a larger-than-life figure—an able, courageous and principled individual whose shoes will be difficult to fill.

I extend my thanks to Lane Kirkland for his dedication to working men and women, and I wish him the best of luck in the future.

WAS CONGRESS IRRESPONSIBLE? THE VOTERS HAVE SAID YES

Mr. HELMS. Madam President, one does not have to be a rocket scientist to realize that the U.S. Constitution forbids any President's spending even a dime of Federal tax money that has not first been authorized and appropriated by Congress—both the House of Representatives and the U.S. Senate.

So when you hear a politician or an editor or a commentator declare that "Reagan ran up the Federal debt" or that "Bush ran it up," bear in mind that the Founding Fathers, two centuries before the Reagan and Bush Presidencies, made it very clear that it is the constitutional duty of Congress—a duty Congress cannot escape—

to control Federal spending. They have not for the past 50 years.

It is the fiscal irresponsibility of Congress—of Congress!—that ran up the Federal debt that stood at $4,903,284,242,955.00 as of the close of business Tuesday, June 13. This debt, which will, of course, be passed on to our children and grandchildren, averages out to $18,612.95 on a per capita basis.

THE 220th ANNIVERSARY OF THE U.S. ARMY, JUNE 14, 1995

Mr. THURMOND. Madam President, exactly 220 years ago today, a proud American institution was born, the U.S. Army. I rise today to not only recognize this important milestone in the history of the Army, but to pay tribute to all soldiers who have served their Nation, both in the past and in the present.

For more than two centuries, America's soldiers have selflessly and successfully protected the freedoms and ideals of the United States, and America's soldiers have stood tall and fast wherever they have been deployed. From the Minuteman at Lexington with his trusty musket who started the fight for the independence of our Nation, to the G.I. equipped with night vision goggles, a Kevlar helmet, and the battle-proven M16A2 rifle on patrol along the DMZ in Korea, our soldiers have always distinguished themselves. The battle streamers of the Army flag stand as testament to the courage, fortitude, and abilities of those who have fought under this banner: Valley Forge; New Orleans; Mexico City; Gettysburg; Havana; the Philippines; Verdun; Bataan; North Africa; Monte Cassino; Normandy; Arnhem; the "Bulge"; Pusan; Seoul; the Ia Drang Valley; Grenada, Panama; Kuwait, and, Iraq represent just a partial list of the places where ordinary men brought distinction to themselves, the Army, and the United States by their actions.

We must also not forget the many other campaigns and operations the Army has undertaken in its history, which have included: surveying the uncharted west coast; protecting western settlers; guarding our borders; assisting in disaster relief; providing humanitarian aid to other nations; and conducting medical research that benefits soldiers and civilians alike. There is simply no question that the U.S. Army has had a tremendous impact, in many different ways, on the history of our Nation and the world.

Soon we on the Senate Armed Services Committee will begin our mark up of the fiscal year 1996 defense authorization budget, including the money needed to support the Army. Often our focus is on what weapon systems we need to fund, how many new tanks, field guns, or rifles we should purchase, but our chief concern is always providing for the soldier. We work to ensure that the young E–3 has a quality of life that is not beneath him, and that the soldier who dedicated his or her career to the Army and Nation is not forgotten. Each of us on the committee, and I am sure in the Senate as well, understands that it is the people—the newest recruit and the most senior general—who make up the Army and guarantee the security and defense of the United States. We may have an arsenal of smart bombs at our disposal, but it is the soldier who must face and defeat our enemies. Ensuring they have the best equipment, training, and quality of life possible are our highest priorities.

This investment in our men and women in uniform pays a handsome dividend beyond the security of the United States. Countless numbers of people who have served in the Army have gone on to hold important positions in both the public and private sectors. Our first President, George Washington, was a general in the Army, as were Ulysses Grant, Zachary Taylor, and Dwight Eisenhower. Additionally, many former soldiers have gone on to serve in the Halls of Congress. In the House, there are some 87 individuals who served in the Army and in the Senate, 27 of our colleagues have worn the Army green. I know that each of us is proud of our association with the Army and that we have been able to serve our Nation as both soldiers and statesmen.

Madam President, over the past 220 years, more than 42 million of our fellow citizens have raised their right hand and sworn to defend our Nation as soldiers. In each instance we have asked our soldiers to carry out a mission, they have done so with a sense of purpose, professionalism, and patriotism. We are grateful for the sacrifices these individuals have made and the example they have set for future soldiers. With a heritage as proud as the one established by our Nation's soldiers over the past 220 years, we know that the U.S. Army will always remain the finest fighting force that history has ever known.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. All time having expired, morning business is now closed.

TELECOMMUNICATIONS COMPETITION AND DEREGULATION ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 652, which the clerk will report.

The bill clerk read as follows:

A bill (S. 652) to provide for a procompetitive, deregulatory national policy framework designed to accelerate rapidly private sector deployment of advanced telecommunications and information technologies, and services to all Americans by opening all telecommunications markets to competition, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Feinstein/Kempthorne amendment No. 1270, to strike the authority of the Federal Communications Commission to preempt State or local regulations that establish barriers to entry for interstate or intrastate telecommunications services.

Gorton amendment No. 1277 (to the language proposed to be stricken by amendment No. 1270), to limit, rather than strike, the preemption language.

The PRESIDING OFFICER. There will now be 20 minutes debate on the Feinstein amendment No. 1270, to be equally divided in the usual form, with the vote on or in relation to the amendment to follow immediately.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Madam President, the amendment that is the subject of discussion is one presented by Senator KEMPTHORNE and me. There is a section in this bill entitled "Removal of Entry to Barriers." It is a section about which the cities, the counties and the States are very concerned because it is a section that giveth and a section that taketh away.

Why do I say that? I say it because in section 254, the States and local governments are given certain authority to maintain their jurisdiction and their control over what are called rights-of-way.

Rights-of-way are streets and roads under which cable television companies put lines. How they do it, where they do it and with what they do it is all a matter for local jurisdiction. Both subsections (b) and (c) maintain this regulatory authority of local jurisdictions, but subsection (d) preempts that authority, and this is what is of vital concern to the cities, the counties and the States.

Senator KEMPTHORNE and I have a simple amendment. That amendment, quite simply stated, strikes the preemption and takes away the part of this bill that takes away local government and State governments' jurisdiction and authority over the rights-of-way.

We are very grateful to Senator GORTON who has presented a substitute, which will be voted on following our amendment. However, we must, quite frankly, say this substitute is inadequate.

Why is it inadequate? It is inadequate because cities and counties will continue to face preemption if they take actions which a cable operator asserts constitutes a barrier to entry and is prohibited under section (a) of the bill. As city attorneys state, is a city insurance or bonding requirement a barrier to entry? Is a city requirement that a company pay fees prior to installing any facilities to cover the costs of reviewing plans and inspecting excavation work a barrier to entry? Is the city requirement that a company use a particular type of excavation equipment or a different and specific technique suited to certain local circumstances to minimize the risk of major public health and safety hazards a barrier to entry? Is a city requirement that a cable operator move a cable trunk line away from a public park or place cables underground rather than overhead in order to protect public health a barrier to entry?

These are, we contend, intensely local decisions which could be brought before the FCC in Washington. The Gorton substitute continues to permit cable operators to challenge local government decisions before the FCC.

Why is this objectionable to local jurisdictions? It is objectionable to local jurisdictions because they believe if they are a small city, for example, they would be faced with bringing a team back to Washington, going before a highly specialized telecommunications-oriented Federal Communications Commission and plighting their troth. Then they would be forced to go to court in Washington, DC, rather than Federal district court back where they live.

This constitutes a major financial impediment for small cities. For big cities also, they would much prefer to have the issue settled in their district court rather than having to come back to Washington.

The cable operators are big time in this country. They maintain Washington offices, they maintain special staff, they maintain a bevy of skilled telecommunications attorneys. Cities do not. Cities have a city attorney, period. It is a very different subject.

Suppose a city makes a determination in the case that they wish to have wiring done evenly throughout their city—I know, and I said this on the floor before, when I was mayor, the local cable operator wanted only to wire the affluent areas of our city.

We wanted some of the less affluent areas wired; we demanded it, and we were able to achieve it. Is this a barrier to entry? Could the cable company then appeal this and bring it back to Washington, meaning that a bevy of attorneys would have to come back, appear before the FCC, go to Federal court here or with the local jurisdiction, and maintain its authority, as it would under the Kempthorne-Feinstein amendment. And then the cable operators, if they did not like it, could take the item to Federal court.

We believe to leave in the preemption is, in effect, to create a Federal mandate without funding. So we ask that subsection (d) be struck and have put forward this amendment to do so.

I yield now to the Senator from Idaho.

Mr. KEMPTHORNE. Madam President, how much time do we have remaining?

The PRESIDING OFFICER. There are 3 minutes 21 seconds remaining.

Mr. KEMPTHORNE. Madam President, I will reserve my time and ask if the Senator from Washington would like to speak at this point.

I yield the floor and reserve the remainder of my time.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. GORTON. Madam President, the section at issue here is a section entitled "Removal of Barriers to Entry." And the substance of that section is that "No State or local statute or regulation may prohibit or have the effect of prohibiting the ability of any entity to provide any interstate or intrastate telecommunications services."

Madam President, this is not about cable companies, although cable companies are one of the subjects of the section. This is about all of the telecommunications providers that are the subject of this bill. And it is the goal of this bill to see to it that the maximum degree of competition is available. And in doing so, these fundamental decisions about whether or not an action of the State or local government is an inhibition or a barrier to entry almost certainly must be decided in one central place.

The amendment to strike the preemption section does not change the substance. What it does change is the forum in which any disputes will be conducted. And if this amendment—the Feinstein amendment—in its original form is adopted, that will be some 150 or 160 different district courts with different attitudes. We will have no national uniformity with respect to the very goals of this bill, what constitutes a serious barrier to entry.

This will say that if a State or some local community decides that it does not like the bill and that there should be only one telephone company in its jurisdiction or one cable television provider in its jurisdiction, no national organization, no Federal Communications Commission will have the right to preempt and to frustrate that monopolistic purpose. It will have to be done in a local district court. And then if another community in another part of the country does the same thing, that will be decided in that district court.

So, Madam President, this amendment—the Feinstein amendment—goes far beyond its legitimate scope. But it does have a legitimate scope. I join with the two sponsors of the Feinstein amendment in agreeing that the rules that a city or a county imposes on how its street rights of way are going to be utilized, whether there are aboveground wires or underground wires, what kind of equipment ought to be used in excavations, what hours the excavations should take place, are a matter of primarily local concern and, of course, they are exempted by subsection (c) of this section.

So my modification to the Feinstein amendment says that in the case of these purely local matters dealing with rights of way, there will not be a jurisdiction on the part of the FCC immediately to enjoin the enforcement of those local ordinances. But if, under section (b), a city or county makes quite different rules relating to universal service or the quality of telecommunications services—the very heart of this bill—then there should be a central agency at Washington, DC, which determines whether or not that inhibits the competition and the very goals of this bill.

So, Madam President, I am convinced that Senators FEINSTEIN and KEMPTHORNE are right in the examples that they give, the examples that have to do with local rights of way. And the amendment that I propose to substitute for their amendment will leave that where it is at the present time and will leave disputes in Federal courts in the jurisdictions which are affected.

But if we adopt their amendment, we have destroyed the ability of the very commission which has been in existence for decades to seek uniformity, to promote competition, effectively to do so; and we will have a balkanized situation in every Federal judicial district in the United States. So their amendment simply goes too far.

Now, Madam President, I can see some, including some of the sponsors of the bill, who feel that this preemption ought to be total. And those who feel it ought to be total should vote "no" on the Feinstein amendment and "no" on mine as well. Those who feel that there should be no national policy, that local control and State control of telecommunications is so important that the national policy should not be enforced by any central agency, should vote for the Feinstein amendment. But those who believe in balance, those who believe that there should be one central entity to make these decisions, subject to judicial review when they have to do with whether or not there is going to be competition, when they have to do with the nature of universal service, when they have to do with the quality of telecommunications service or the protection of consumers, but believe that local government should retain their traditional local control over their rights of way, should vote against the Feinstein amendment and should vote for mine. It is the balance. It meets the goals that they propose their amendment to meet without being overly broad and without destroying the national system of telecommunications competition, which is the goal of this bill.

Mr. KEMPTHORNE. Madam President, I am proud to join Senator FEINSTEIN in this amendment. I also wish to acknowledge the efforts of the Senator from Washington, Senator GORTON, because all of us are trying to correct what is a flaw in this bill. I find it ironic that the title of this bill, the Telecommunications Competition and Deregulation Act of 1995, this flaw that is in this bill smacks right at this whole aspect of deregulation, which this Congress has been very good about reestablishing the rights of States and local units of government.

Madam President, this amendment is not about guaranteeing access to the public right of way. As the Senator from Washington just pointed out, that language is in there. That is section (a). This amendment is not about preserving the ability of a State to advance universal service and to ensure quality in telecommunications services, because, Madam President, that is right here in section (b) of the bill. This amendment is not about ensuring that local governments manage their rights of way in a competitively neutral and nondiscriminatory basis, because that is in section (c) of this bill.

In fact, the Senator from Texas, the Presiding Officer, was instrumental in having section (c) put into this act. It was very helpful. The whole problem is, Madam President, section (d) then preempts all of that. In section (d), it states—and I will summarize—that the commission shall immediately preempt the enforcement of such statute, regulation, or legal requirement to the extent necessary to correct such violation or inconsistency.

I think it is a shame that your good, hard work, Madam President, now has section (d) that preempts it and pulls the plug on that. There are those that would say the reason you have to have that particular section is because there may be instances in local government that may compel a cable company to give what they call extractions. We asked our cable company in Idaho: Can you give us some examples of where a local community has sought extractions, where you might have to go in trees and do something special? We do not have any examples. I find it ironic that because there are some who believe that these extractions could take place, the remedy is to say that we will now have a Federal commission of nonelected people preempt what local or State governments do. That is backsliding from what we have been trying to do with this Congress.

The Senator from Washington said that we must decide these cases in one place. That message is very clear, Madam President. If there is a problem, then we are now going to say with this legislation, if we leave section (d) in there, they must come to Washington, DC. You must come to Washington, DC.

What has happened to federalism, to States rights and local rights? It was brought to my attention that in the State of Arizona they have pointed out that this, in fact, could preempt the Constitution of the State of Arizona.

This is a flaw in this legislation, Madam President, that, again, a nonelected Commission—which I have a great respect for that Commission—could, in essence, preempt the Constitution of the State.

I ask unanimous consent to have printed in the RECORD a letter from the National Governors' Association, National Conference of State Legislatures, National Association of Counties, National League of Cities, U.S. Conference of Mayors, all in support of this amendment. They point out that this will not be the impediment to the barrier, but it is the right amendment to correct this flaw.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL GOVERNORS' ASSOCIATION, NATIONAL CONFERENCE OF STATE LEGISLATURES, NATIONAL ASSOCIATION OF COUNTIES, NATIONAL LEAGUE OF CITIES, AND UNITED STATES CONFERENCE OF MAYORS,
June 6, 1995.

Hon. ROBERT DOLE,
Majority Leader, U.S. Senate,
Hon. TOM DASCHLE,
Minority Leader, U.S. Senate,
Washington, DC.

DEAR SENATOR DOLE AND SENATOR DASCHLE: On behalf of state and local governments throughout the nation, we are writing to strongly urge your support for two amendments to S. 652, the Telecommunications Competition and Deregulation Act of 1995. Together these amendments would prevent an unwarranted preemption of state and local government authority and speed the transition to a competitive telecommunications environment. The first amendment achieves the appropriate balance between the needed preemption of barriers to entry and the legitimate authority of states and localities, and the second permits states to continue efforts already underway to promote competition.

First, Senator Feinstein will offer an amendment to delete a broad and ambiguous preemption section (section 254(d) of Title II). The Senate's bill's proposal under Section 254(d) for Federal Communications Commission (FCC) review and preemption of state and local government authority is totally inappropriate. Section 254 (a) and (c) provide the necessary safeguard against any possible entry barriers or impediments by state and local governments in the development of the information superhighway. In particular we are concerned that Section 254(d) would preempt local government authority over the management of public rights-of-way and local government's ability to receive fair and reasonable compensation for use of the right-of-way. We strongly opposed any preemption which would have the impact of imposing new unfunded costs upon our states, local governments, and taxpayers.

Second, Senator Leahy will offer an amendment to strike language preempting states from requiring intraLATA toll dialing parity. Ten states have already established this requirement as a means of increasing competition; thirteen more states are considering its adoption. If the goal of S. 652 is to increase competition, the legislation should not take existing authority from states that is already being used to further compensation. We strongly oppose this preemption and urge your support for Senator Leahy's amendment.

Again, we urge you to join Senator Feinstein and Senator Leahy in their efforts to eliminate these two provisions from the bill and avoid unwarranted preemption of state and local government in this critical area.

Sincerely,

TERRY BRANSTAD,
Co-Lead Governor on Telecommunications.
JANE L. CAMPBELL,
President, National Conference of State Legislatures.
RANDALL FRANKE,
President, National Association of Counties.
CAROLYN LONG BANKS,
President, National League of Cities.
VICTOR ASHE,
President, U.S. Conference of Mayors.

NATIONAL GOVERNORS ASSOCIATION,
Washington, DC, June 8, 1995.

STATE PREEMPTION IN FEDERAL TELECOMMUNICATIONS DEREGULATION LEGISLATION

SUMMARY

The U.S. Senate has begun consideration of S. 652, a bill to rewrite the Federal Communications Act of 1934 to promote competition. Several provisions in the bill and certain proposed amendments would adversely affect states, and Governors need to communicate their concerns to their senators to:

Support the Feinstein/Kempthorne amendment to strike section 254(d) on FCC preemption;

Support the Leahy/Simpson amendment to protect the state option to require intraLATA toll dialing parity (open, competitive markets for regional phone service); and

Oppose the Packwood/McCain amendment to preempt local and state authority to tax direct broadcast satellite services (DBS).

BACKGROUND

Both the House and the Senate have reported legislation to reform the Federal Communications Act of 1934. The Senate bill, S. 652, would require local phone companies to open their networks to competitors while also permitting those companies to offer video services in competition with local cable television franchises. Once the regional Bell telephone companies open their networks, they can apply to the Federal Communications Commission (FCC) for permission to offer long-distance service.

During the debate over telecommunications in 1994, states and localities banded together to promote three principles for inclusion in federal legislation: strong universal service protections, regulatory flexibility that would retain an effective role for states to manage the transition to a procompetitive environment rather than federal agency preemption, and authority for states and localities to manage the public rights-of-way. At a June 6 meeting of the State and Local Coalition, chaired by Governor George V. Voinovich, the attached letter was signed by local officials and Iowa Governor Terry E. Branstad, NGA co-lead Governor on Telecommunications. The letter calls for the support of two amendments.

Feinstein/Kempthorne Amendment: Deleting Section 254(d). Senator Dianne Feinstein (D–Calif.) and Senator Dirk Kempthorne (R–Idaho) are offering an amendment that would strip broad and ambiguous FCC preemption language from section 254(d) of the bill. Section 254(a) preempts states and localities from erecting barriers to entry, and this preemption is supported by NGA policy. Section 254(b) permits states to set terms and conditions for doing business within a state, including consumer protections and quality of services; section 254(c) ensures the authority of states and local government to manage the public rights-of-way.

Paragraph (c) was inserted in the bill in committee by Senator Kay Bailey Hutchison (R-Tex.), and includes a requirement that any such fees and charges be nondiscriminatory. Paragraph (d) states that if the FCC "determines that a state or local government has permitted or imposed any statute, regulation, or legal requirement that violates or is inconsistent with this section, the FCC shall immediately preempt the enforcement of such statute, regulation, or legal requirement to the extent necessary to correct such violation or inconsistency." Because small telephone or cable companies are unlikely to have a presence in Washington, D.C., this provision would result in a bias toward major competitors. Striking paragraph (d) leaves adequate protections for a competitive market.

Leahy/Simpson Amendment: Deleting Preemption of State Authority to Require IntraLATA Toll Dialing Parity. One major reason that competition in long distance service has increased is the requirement that local phone companies permit long-distance carriers dialing parity (i.e., consumers no longer have to dial additional numbers to utilize an alternative long-distance carrier service). Customers choose a carrier, and all interLATA calls are billed through that company. However, calls within a local access and transport area (intraLATA), or so-called short-haul or regional long-distance calls, are under state jurisdiction and not subject to this FCC rule. To date, ten states have required toll dialing parity, and twelve states are currently considering its adoption. Paragraph 255(B)(ii) of S. 652 would preempt the authority of states to order intraLATA toll dialing parity; Senator Patrick S. Leahy (D-Vt.) and Senator Alan K. Simpson (R-Wyo.) are offering an amendment that would remove this preemptive language.

State and Local Taxing Authority. As reported by the Senate Commerce, Science, and Transportation Committee, S. 652 includes language ensuring that state and local government taxation authority is not affected by the bill. Senator Bob Packwood (R-Ore.) and Senator John McCain (R-Ariz.) may offer an amendment exempting the DBS industry from any local taxation, even taxes administered by states. This language is taken from H.R. 1555, recently approved by the House Commerce Committee. States must ensure that the Senate bill avoids the preemption of state and local taxing authority.

ACTIONS NEEDED

Governors need to contact their senator to urge support for both the Feinstein/Kempthorne amendment and the Leahy/Simpson amendment, and to urge opposition to the Packwood/McCain amendment.

Mr. LEVIN. Madam President, I support the Feinstein amendment to remove the provision in S. 652 which would preempt local control of the public rights-of-way.

The Feinstein amendment would remove section 254(d) of the telecommunications bill currently being considered by the Senate which directs the FCC to examine and preempt any State and local laws or regulations which might prohibit a company from providing telecommunications services.

As a former local official I have always felt it was important that we in Congress pay proper recognition to the rights of local government.

Section 254(d) is the type of legislating that we in Washington should not be doing—preempting State and local decisions in areas where local government has the responsibility and specified knowledge to act in the best interest of their local communities. Washington should not micromanage how local government administers its streets, highways, and other public rights-of-way.

I will vote in favor of the Feinstein amendment and in favor of the right of local governments to retain control over their streets, highways, and rights-of-way.

Mr. KEMPTHORNE. Madam President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator's time is expired.

Mr. GORTON. Madam President, how much time is remaining?

The PRESIDING OFFICER. Three minutes, 38 seconds.

Mr. GORTON. Madam President, once again, the alternative proposal, which will be voted on only if this amendment is defeated, retains not only the right of local communities to deal with their rights of way, but their right to meet any challenge on home ground in their local district courts.

The Feinstein amendment itself, Madam President, would deprive the FCC of any jurisdiction over a State law which deliberately prohibited or frustrated the ability of any telecommunications entity to provide competitive service.

It would simply take that right away from the FCC, and each such challenge would have to be decided in each of the various Federal district courts around the country.

The States retain the right under subsection (d) to pass all kinds of legislation that deals with telecommunications providers, subject to the provision that they cannot impede competition.

The determination of whether they have impeded competition, not by the way they manage trees or rights of way, but by the way they deal with substantive law dealing with telecommunications entities. That conflict should be decided in one central place, by the FCC.

The appropriate balance is to leave purely local concerns to local entities, but to make decisions on the natural concerns which are at the heart of this bill in one central place so they can be consistent across the country.

Madam President, the purposes of this bill will be best served by defeating this amendment and adopting the subsequent amendment. I yield back the balance of my time.

Mrs. FEINSTEIN. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. CAMPBELL). Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the Feinstein amendment No. 1270.

The clerk will call the roll.

The bill clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced— yeas 44, nays 56, as follows:

[Rollcall Vote No. 258 Leg.]

YEAS—44

Abraham
Akaka
Baucus
Biden
Bingaman
Bond
Boxer
Bradley
Burns
Byrd
Campbell
Cohen
Conrad
DeWine
Dodd
Faircloth
Feingold
Feinstein
Ford
Glenn
Graham
Hatfield
Hutchison
Inhofe
Kempthorne
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Levin
Mack
McCain
Mikulski
Moseley-Braun
Murray
Pell
Pryor
Robb
Roth
Sarbanes
Simpson
Thomas
Wellstone

NAYS—56

Ashcroft
Bennett
Breaux
Brown
Bryan
Bumpers
Chafee
Coats
Cochran
Coverdell
Craig
D'Amato
Daschle
Dole
Domenici
Dorgan
Exon
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Harkin
Hatch
Heflin
Helms
Hollings
Inouye
Jeffords
Johnston
Kassebaum
Kerrey
Kyl
Lieberman
Lott
Lugar
McConnell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pressler
Reid
Rockefeller
Santorum
Shelby
Simon
Smith
Snowe
Specter
Stevens
Thompson
Thurmond
Warner

So the amendment (No. 1270) was rejected.

Mr. GORTON. Mr. President, I move to reconsider the vote.

Mr. PRESSLER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PRESSLER. I ask unanimous consent that the Gorton amendment now be adopted by voice vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Without objection, the amendment is agreed to.

So the amendment (No. 1277) was agreed to.

Mr. GORTON. Mr. President, I move to reconsider the vote.

Mr. PRESSLER. I move to lay that motion on the table.

AMENDMENTS NOS. 1284, AS MODIFIED, AND 1282, AS MODIFIED, EN BLOC

(Purpose: To require audits to ensure that the Bell operating companies meet the separate subsidiary requirements and safeguards)

(Purpose: To recognize the National Education Technology Funding Corporation as a nonprofit corporation operating under the laws of the District of Columbia, to provide authority for Federal departments and agencies to provide assistance to such corporation, and for other purposes)

Mr. PRESSLER. Mr. President, I send two amendments to the desk and ask for their immediate consideration en bloc. The amendments are modified versions of the amendments Nos. 1284 and 1282 by Senators SIMON and MOSELEY-BRAUN. They are acceptable to the bill managers and have been cleared on both sides of the aisle.

Mr. FORD. Mr. President, he may be giving away the dome on the Capitol Building. We want to know.

The PRESIDING OFFICER. The Senate will be in order. Senators wishing to hold conversations will retire to the cloakroom.

Will the Senator from South Dakota repeat his request.

Mr. PRESSLER. I ask adoption of the Simon amendment and the Moseley-Braun amendment.

The PRESIDING OFFICER. Without objection, the amendments may be considered en bloc at this time. The clerk will report the amendments.

The legislative clerk read as follows:

The Senator from South Dakota [Mr. PRESSLER], for Mr. SIMON, proposes amendment numbered 1284, as modified; and, for Ms. MOSELEY-BRAUN, amendment numbered 1282, as modified.

The amendments (Nos. 1284 and 1282), as modified, are as follows:

AMENDMENT NO. 1284

On page 31, insert at the appreciate place the following:

"(d) BIENNIAL AUDIT.—

"(1) GENERAL REQUIREMENT.—A company required to operate a separate affiliate under this section shall obtain and pay for a joint Federal/State audit every 2 years conducted by an independent auditor selected by the Commission, and working at the direction of, the Commission and the State commission of each State in which such company provides service, to determine whether such company has complied with this section and the regulations promulgated under this section, and particularly whether such company has complied with the separate accounting requirements under subsection (b).

"(2) RESULTS SUBMITTED TO COMMISSION; STATE COMMISSIONS.—The auditor described in paragraph (1) shall submit the results of the audit to the Commission and to the State commission of each State in which the company audited provides service, which shall make such results available for public inspection. Any party may submit comments on the final audit report.

"(3) ACCESS TO DOCUMENTS.—For purposes of conducting audits and reviews under this subsection—

"(A) the independent auditor, the Commission, and the State commission shall have access to the final accounts and records of each company and of its affiliates necessary to verify transactions conducted with that company that are relevant to the specific activities permitted under this section and that are necessary for the regulation of rates;

"(B) the Commission and the State commission shall have access to the working papers and supporting materials of any auditor who performs an audit under this section; and

"(C) the State commission shall implement appropriate procedures to ensure the protection of any proprietary information submitted to it under this section.

AMENDMENT NO. 1282

At the end of the bill, insert the following:

TITLE —NATIONAL EDUCATION TECHNOLOGY FUNDING CORPORATION

SEC. 01. SHORT TITLE.

This title may be cited as the "National Education Technology Funding Corporation Act of 1995".

SEC. 02. FINDINGS; PURPOSE.

(a) FINDINGS.—The Congress finds as follows:

(1) CORPORATION.—There has been established in the District of Columbia a private, nonprofit corporation known as the National Education Technology Funding Corporation which is not an agency or independent establishment of the Federal Government.

(2) BOARD OF DIRECTORS.—The Corporation is governed by a Board of Directors, as prescribed in the Corporation's articles of incorporation, consisting of 15 members, of which—

(A) five members are representative of public agencies representative of schools and public libraries;

(B) five members are representative of State government, including persons knowledgeable about State finance, technology and education; and

(C) five members are representative of the private sector, with expertise in network technology, finance and management.

(3) CORPORATE PURPOSES.—The purposes of the Corporation, as set forth in its articles of incorporation, are—

(A) to leverage resources and stimulate private investment in education technology infrastructure;

(B) to designate State education technology agencies to receive loans, grants or other forms of assistance from the Corporation;

(C) to establish criteria for encouraging States to—

(i) create, maintain, utilize and upgrade interactive high capacity networks capable of providing audio, visual and data communications for elementary schools, secondary schools and public libraries;

(ii) distribute resources to assure equitable aid to all elementary schools and secondary schools in the State and achieve universal access to network technology; and

(iii) upgrade the delivery and development of learning through innovative technology-based instructional tools and applications;

(D) to provide loans, grants and other forms of assistance to State education technology agencies, with due regard for providing a fair balance among types of school districts and public libraries assisted and the disparate needs of such districts and libraries;

(E) to leverage resources to provide maximum aid to elementary schools, secondary schools and public libraries; and

(F) to encourage the development of education telecommunications and information technologies through public-private ventures, by serving as a clearinghouse for information on new education technologies, and by providing technical assistance, including assistance to States, if needed, to establish State education technology agencies.

(b) PURPOSE.—The purpose of this title is to recognize the Corporation as a nonprofit corporation operating under the laws of the District of Columbia, and to provide authority for Federal departments and agencies to provide assistance to the Corporation.

SEC. 03. DEFINITIONS.

For the purpose of this title—

(1) the term "Corporation" means the National Education Technology Funding Corporation described in section 02(a)(1);

(2) the terms "elementary school" and "secondary school" have the same meanings given such terms in section 14101 of the Elementary and Secondary Education Act of 1965; and

(3) the term "public library" has the same meaning given such term in section 3 of the Library Services and Construction Act.

SEC. 04. ASSISTANCE FOR EDUCATION TECHNOLOGY PURPOSES.

(a) RECEIPT BY CORPORATION.—Notwithstanding any other provision of law, in order to carry out the corporate purposes described in section 02(a)(3), the Corporation shall be eligible to receive discretionary grants, contracts, gifts, contributions, or technical assistance from any federal department or agency, to the extent otherwise permitted by law.

(b) AGREEMENT.—In order to receive any assistance described in subsection (a) the Corporation shall enter into an agreement with the Federal department or agency providing such assistance, under which the Corporation agrees—

(1) to use such assistance to provide funding and technical assistance only for activities which the Board of Directors of the Corporation determines are consistent with the corporate purposes described in section 02(a)(3);

(2) to review the activities of State education technology agencies and other entities receiving assistance from the Corporation to assure that the corporate purposes described in section 02(a)(3) are carried out;

(3) that no part of the assets of the Corporation shall accrue to the benefit of any member of the Board of Directors of the Corporation, any officer or employee of the Corporation, or any other individual, except as salary or reasonable compensation for services;

(4) that the Board of Directors of the Corporation will adopt policies and procedures to prevent conflicts of interest;

(5) to maintain a Board of Directors of the Corporation consistent with section 02(a)(2);

(6) that the Corporation, and any entity receiving the assistance from the Corporation, are subject to the appropriate oversight procedures of the Congress; and

(7) to comply with—

(A) the audit requirements described in section 05; and

(B) the reporting and testimony requirements described in section 06.

(c) CONSTRUCTION.—Nothing in this title shall be construed to establish the Corporation as an agency or independent establishment of the Federal Government, or to establish the members of the Board of Directors of the Corporation, or the officers and employees of the Corporation, as officers or employees of the Federal Government.

SEC. 05. AUDITS.

(a) AUDITS BY INDEPENDENT CERTIFIED PUBLIC ACCOUNTANTS.—

(2) REPORTING REQUIREMENTS.—The report of each annual audit described in paragraph (1) shall be included in the annual report required by section 06(a).

(b) RECORDKEEPING REQUIREMENTS; AUDIT AND EXAMINATION OF BOOKS.—

(1) RECORDKEEPING REQUIREMENTS.—The Corporation shall ensure that each recipient of assistance from the Corporation keeps—

(A) separate accounts with respect to such assistance;

(B) such records as may be reasonably necessary to fully disclose—

(i) the amount and the disposition by such recipient of the proceeds of such assistance;

(ii) the total cost of the project or undertaking in connection with which such assistance is given or used; and

(iii) the amount and nature of that portion of the cost of the project or undertaking supplied by other sources; and

(C) such other records as will facilitate an effective audit.

(2) AUDIT AND EXAMINATION OF BOOKS.—The Corporation shall ensure that the Corporation, or any of the Corporation's duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of any recipient of assistance from the Corporation that are pertinent to such assistance. Representatives of the Comptroller General shall also have such access for such purpose.

SEC. 06. ANNUAL REPORT; TESTIMONY TO THE CONGRESS.

(a) ANNUAL REPORT.—Not later than April 30 of each year, the Corporation shall publish an annual report for the preceding fiscal year and submit that report to the President and the Congress. The report shall include a comprehensive and detailed evaluation of the Corporation's operations, activities, financial condition, and accomplishments under this title and may include such recommendations as the Corporation deems appropriate.

(b) TESTIMONY BEFORE CONGRESS.—The members of the Board of Directors, and officers, of the Corporation shall be available to testify before appropriate committees of the Congress with respect to the report described in subsection (a), the report of any audit made by the Comptroller General pursuant to this title, or any other matter which any such committee may determine appropriate.

Ms. MOSELEY-BRAUN. Mr. President, this amendment is identical to S. 792, legislation designed to connect public schools and public libraries to the information superhighway, which I introduced earlier this year.

If there is any objective that should command complete American consensus, it is to ensure that every American has a chance to succeed. That is the core concept of the American dream—the chance to achieve as much and to go as far as your ability and talent will take you. Public education has always been a part of that core concept. In this country, the chance to be educated has always gone hand in hand with the chance to succeed.

TECHNOLOGY

Nonetheless, I am convinced that it will be difficult if not impossible for us to prepare all of our children to compete in the emerging global economy unless they all have access to the technology available on the information superhighway. Technology can help teachers and students play the new roles that are being required of them in the emerging global economy. It can help teachers use resources from across the globe or across the street to create different learning environments for their students without ever leaving the classroom. Technology can also allow students to access the vast array of material, available electronically, necessary to engage in the analysis of real world problems and questions.

GAO REPORTS

Last year, I asked the General Accounting Office to conduct a comprehensive, nationwide study of our Nation's education infrastructure. The GAO decided to meet my request with five separate reports. The first report entitled—"The Condition of America's Schools"—concluded that our Nation's public schools need $112 billion to restore their facilities to good overall condition.

The most recent GAO report entitled—"America's Schools Not Designed or Equipped for the 21st Century"—concluded that more than half of our Nation's public schools lack six or more of the technology elements necessary to reform the way teachers teach and students learn including: computers, printers, modems, cable TV, laser disc players, VCR's, and TV's. The report states that: 86.8 percent of all public schools lack fiber-optic cable; 46.1 percent lack sufficient electrical wiring; 34.6 percent lack sufficient electrical power for computers; 51.8 percent lack sufficient computer networks; 61.2 percent lack sufficient phone lines for instructional use; 60.6 percent lack sufficient conduits and raceways; and 55.5 percent lack sufficient phone lines for modems.

LOCAL PROPERTY TAXES

The most recent GAO report did find that students in some schools are taking advantage of the benefits associated with education technology. The bottom line, however, is that we are still failing to provide all of our Nation's children with the best technology resources in the world because the American system of public education has forced local school districts to maintain our public schools primarily with local property taxes.

In Illinois, the local share of public education funding increased from 48 percent during the 1980–81 school year to 58 percent during the 1992–93 school year, while the State share fell from 43 to 34 percent during this same period. The Federal Government's share of public education funding has also fallen from 9.1 percent during the 1980–81 school year to 5.6 percent during the 1993–94 school year.

INFORMATION SUPERHIGHWAY

These statistics as well as the results of the second GAO report suggest to me that the Federal Government must do more to help build the education portion of the information superhighway. Federal support for the acquisition and use of technology in elementary and secondary schools is currently fragmented, coming from a diverse group of programs and departments. Although the full extent to which the Federal Government currently supports investments in education technology at the precollegiate level is not known, the Office of Technology Assessment estimated in its report—"Power On!"—that the programs administered by the Department of Education provided $208 million for education technology in 1988.

There is little doubt that substantial costs will accompany efforts to bring education technologies into public schools in any comprehensive fashion. In his written testimony before the House Telecommunications and Finance Subcommittee on September 30, 1994, Secretary of Education Richard Riley estimated that it will cost anywhere from $3 to $8 billion annually to build the education portion of the national information infrastructure.

NATIONAL EDUCATION TECHNOLOGY FUNDING CORPORATION

Mr. President, three leaders in the areas of education and finance came together recently to help public schools and public libraries meet these costs. On April 4, John Danforth, former U.S. Senator from Missouri, Jim Murray, former president of Fannie Mae, and Dr. Mary Hatwood Futrell, former president of the National Education Association, created the National Education Technology Funding Corp.

As outlined in its articles of incorporation, the National Education Technology Funding Corp. will stimulate public and private investment in our Nation's education technology infrastructure by providing States with loans, loan guarantees, grants, and other forms of assistance.

AMENDMENT

Mr. President, I introduced S. 792, the National Education Technology Funding Corporation Act, on May 11, 1995, to help provide the seed money necessary to get this exciting private sector initiative off the ground. Rather than supporting our Nation's education technology infrastructure by creating another Federal program, this legislation would simply authorize Federal departments and agencies to make grants to the NETFC.

The amendment I am introducing today would not create the NETFC or recognize it as an agency or establishment of the U.S. Government; it would only recognize its incorporation as a private, nonprofit organization by private citizens. However, since NETFC would be using public funds to connect public schools and public libraries to the information superhighway, my amendment would require the corporation to submit itself and its grantees to appropriate congressional oversight procedures and annual audits.

This amendment will not infringe on local control over public education in any way. Rather, it will supplement, augment, and assist local efforts to support education technology in the least intrusive way possible by helping local school districts build their own on-ramps to the information superhighway.

S. 792 has been cosponsored by Senators BURNS, CAMPBELL, KERRY, and ROBB and endorsed by the National Education Association, the National School Boards Association, the American Library Association, the Council for Education Development and Research, and organizations concerned about rural education.

CONCLUSION

Mr. President, I urge my colleagues to take this important step to help connect public schools and public libraries to the information superhighway by quickly enacting my amendment into law.

The PRESIDING OFFICER. The question is on agreeing to the amendments en bloc.

Without objection, the amendments are agreed to.

So the amendments (Nos. 1282 and 1284), as modified, were agreed to.

Mr. SIMON. I move to reconsider the vote.

Mr. PRESSLER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the clerk will now report the motion to invoke cloture on S. 652.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate do hereby move to bring to close debate on Calendar No. 45, S. 652, the Telecommunications Competition and Deregulation Act:

Trent Lott, Larry Pressler, Judd Gregg, Don Nickles, Rod Grams, Rick Santorum, Craig Thomas, Spencer Abraham, J. James Exon, Bob Dole, Ted Stevens, Larry E. Craig, Mike DeWine, John Ashcroft, Robert F. Bennett, Hank Brown, Conrad R. Burns.

CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived.

VOTE

The PRESIDING OFFICER. The question now occurs, Is it the sense of the Senate that debate on S. 652, the telecommunications bill, shall be brought to a close? The yeas and nays are required. The clerk will call the roll.

The legislative clerk called the roll.

The yeas and nays resulted—yeas 89, nays 11, as follows:

[Rollcall Vote No. 259 Leg.]

YEAS—89

Abraham
Akaka
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brown
Bryan
Burns
Campbell
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Dole
Domenici
Exon
Faircloth
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Helms
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerry
Kohl
Kyl
Leahy
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Robb
Rockefeller
Roth
Santorum
Sarbanes
Shelby
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—11

Bradley
Bumpers
Byrd
Conrad
Dorgan
Feingold
Kerrey
Lautenberg
Levin
Simon
Wellstone

The PRESIDING OFFICER. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. PRESSLER addressed the Chair.

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

Mr. PRESSLER. Mr. President, I want to thank all Senators for that outstanding cloture vote and to say that now in this postcloture period, I hope Senators will bring their amendments to the floor. We are ready to proceed. Senator DOLE has indicated a desire of possibly finishing the bill today or tonight. We hope we can do that.

I think we are on the way to passing a deregulatory, procompetitive telecommunications bill. I thank all Senators for their cooperation. We hope that Senators who have speeches or amendments will bring them to the floor.

AMENDMENT NO. 1306

(Purpose: To protect ratepayers from having to pay civil penalties for violations by local exchange carriers of interconnection and other duties)

Mr. KERREY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nebraska [Mr. KERREY] proposes an amendment numbered 1306.

On page 107, after line 23, insert the following:

"(d) PAYMENT OF CIVIL PENALTIES.—No civil penalties assessed against a local exchange carrier as a result of a violation of this section will be charged directly or indirectly to that company's ratepayers."

Mr. KERREY. Mr. President, I have discussed this with the managers of the bill, and I have a modification that I would like to get unanimous consent to be included which does not change the substance of the bill; it merely clarifies to what civil penalties it refers. It says "civil penalties, damages or interests," as opposed to just "civil penalties."

I ask unanimous consent that this amendment be modified in that fashion.

Mr. PRESSLER. Reserving the right to object until we can get a copy of it over here. We are trying to be cooperative and move the process forward. Some of these amendments have been modified at the very last minute. We have a system of reading these over here, and we would like to get a copy of it.

Mr. HOLLINGS. If the Senator will yield. I understand, Mr. President, the distinguished Senator from Nebraska has a one-line amendment. "No civil penalties assessed against the local exchange carrier as a result of a violation of the section will be charged directly or indirectly to that company's ratepayers."

Trying that amendment on for size, let us assume I ran a public utility, whether it be, say, a telephone company, cellular or otherwise. I am running a public company and I am trying to comply. Let us say I am president. Unless I take the money out of my pocket, how else am I going to avoid paying the penalty against the company directly or indirectly? How do I do it? It is bound to come out one way or the other. My company, Hollings Communications, has been assessed a $5,000 fine.

Mr. KERREY. I have an easy answer for that. For example, when the companies get into providing ancillary services, they will always say, no, this is not coming from the ratepayers, it is coming from the shareholders. They do this all the time. When the company is offering a defense of something, or when we are identifying something that we are concerned may be billed to the ratepayer, they will provide information to the FCC saying that it is being charged to the shareholders, not the ratepayers.

The bill provides, in section 224, civil penalties and damages if the company violates the interconnection requirements. But my concern is that there is uncertainty as to whether these are going to be imposed, and even if they are, what the level is going to be. And what the amendment attempts to do is protect the ratepayer from having to shoulder the burden of any civil penalty that might end up being imposed, damage or interest, assessed against the local exchange carrier for violating the interconnection duties imposed on them by the legislation.

It seems to me——

Mr. HOLLINGS. I am willing to be educated and go along. In my mind, like Government, we do not have anything to give that we do not take. You and I have the same idea in mind. If that is what the Senator says and that is what they do, I am not the head of the company, but I think I could make it appear that the ratepayers were not paying for it. But come what may, I am afraid they would be.

Mr. KERREY. What the Senator from South Carolina is saying is exactly right. It has always been a dispute with consumers who object to things a certain company is doing, as to whether or not a charge is being assessed to the shareholder or the ratepayer. That has always been in dispute. At both the FCC and the State public service commissions, they have attempted to answer this, and they have mechanisms that allow them to do this kind of separation.

This is an attempt to protect the ratepayer in the event that the local exchange company is fined. As I said, there is considerable uncertainty. The fines are rather substantial—in some cases, a million dollars a day, and in one case $500 million, which could potentially be assessed against a local exchange company if they violated the terms and conditions of this new law. If you presume that a $5 million fine is levied against a local exchange company, it seems to me the ratepayer should not be penalized as a consequence of a mistake being made by a company that is trying to move from a monopoly situation to a competitive environment.

This amendment says that, if civil penalties are imposed or damages or interests are imposed according to the law, we just merely make sure that they are not going to pass it in particular to a captive ratepayer that has no other option.

Mr. HOLLINGS. Will the distinguished Senator yield?

Mr. KERREY. I am happy to yield to the Senator.

Mr. HOLLINGS. This could make the head of a corporation at least far more careful. Perhaps it could be allocated against him individually.

I hearken back, in the past, when I was talking with the former distinguished Attorney General of the United States, Robert Kennedy, and we had the Mississippi case down at Oxford. He was asking me about the enforcement of these decisions of the Court.

I met Senator Kennedy long before being Senators, otherwise we were very close. I said, "You know our distinguished friend Governor Barnett has a building right across the street from the capital. If you had a $10,000 a day civil fine imposed, I think you would get his attention."

We public officials act and the public will have to pick up, but when we are individually responsible, that is a different thing.

I am confident that the Attorney General Kennedy communicated that with Governor Barnett, and thus the admission of James Meredith to Oxford. The idea is a good idea. It is one I used some years back. I do not see any objection to it. I will have to listen to our distinguished chairman.

The PRESIDING OFFICER. Is there an objection to the modification of the amendment?

Mr. PRESSLER. Reserving the right to object, I do not think my colleague from South Carolina has a copy of the modified amendment with the handwritten changes.

This is a problem procedurally that we have here with these modifications. Amendments must be modified, sometimes.

Let me ask, this is written in longhand. I cannot see, "damages or interest" is inserted where?

Mr. KERREY. With civil penalty damages.

Mr. PRESSLER. It should read "payment of civil penalties, damages or interest," and then no civil penalties?

Mr. KERREY. That is correct, and no civil penalty damages.

Mr. PRESSLER. "Damages or interest, no civil penalties;" and then does "damages or interest" occur again? We have damages and interest written again.

Mr. KERREY. Mr. President, I gave the desk the only copy of the modification I have. I am not even able to look at my own copy.

Mr. PRESSLER. Even the modification, I cannot tell——

Mr. KERREY. It should be both in the heading and the text. The change needs to be in the heading and the text.

Mr. PRESSLER. I think we need a clean copy.

Mr. KERREY. Would you like block letters?

Let me have staff work on this while I talk about the amendment.

Mr. PRESSLER. I do not think we have an objection to the basic idea.

Are damages and interest different from civil penalties?

Mr. KERREY. Civil penalties is not clear. That is the interpretation that I was given. I was attempting to clarify this thing. I was told civil penalties is not clear.

Mr. PRESSLER. Is the Senator taking "civil penalties" out and putting "damages or interest" in?

Mr. KERREY. No, I am putting "interest" and "damages" in.

Mr. PRESSLER. Let me say, generally speaking, I agree with the thrust of the amendment. But if we could get a clean copy of the amendment, this is a very confusing, the way it is written. It is confusing to me at least.

Mr. KERREY. I will.

The PRESIDING OFFICER. The Chair will ask the Senator from Nebraska if he would like to temporarily lay this aside?

Mr. KERREY. Mr. President, it takes almost no time at all. I would like to get staff to clear this up. It is a single-line amendment. It should not be that difficult to have staff write this up in block letters.

Mr. PRESSLER. I am not trying to be difficult.

Mr. KERREY. I understand. I put insertions in this thing, and I need it written out in a single line. I do not need to lay the amendment aside.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KERREY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERREY. I ask unanimous consent that my request for modification of this amendment be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRESSLER. Mr. President, we have no problem with the amendment and we are prepared to accept it.

Mr. KERREY. Mr. President, I ask unanimous consent that a modification of my amendment be accepted.

The PRESIDING OFFICER. Is there objection to the modification of the amendment being accepted?

Mr. KERREY. I earlier withdrew it, but I heard the Senator from South Dakota say——

Mr. HOLLINGS. The Senator from South Dakota was accepting the amendment once the modification had been withdrawn.

Mr. PRESSLER. That is right.

Mr. HOLLINGS. Is that correct, Senator?

Mr. KERREY. Let me withdraw the modification, and I would like to have the modification sent to the Senator from South Dakota.

I, personally, would prefer not to have the amendment without this clarification. I would like to have the manager of the bill look at the modification before it is accepted, and I would like to talk about the bill or the amendment for a little while, so we can look at a clean copy.

Mr. PRESSLER. We are prepared to accept the amendment as it is written and drafted.

Mr. KERREY. Without modification?

Mr. PRESSLER. Without modifications.

Mr. KERREY. You are saying you object to modifications?

Mr. PRESSLER. No, no, I did not say that. I thought you had withdrawn your modification.

Mr. KERREY. I am withdrawing the modification so I can get the language clear enough so that the Senator from South Dakota can evaluate the modification itself. Then I can proceed and discuss the amendment while the modification is being sent to the Senator. I can redo it here so it is a cleaner copy.

The PRESIDING OFFICER. Is there an objection to temporarily withdrawing the modification?

Mr. PRESSLER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KERREY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1306, AS MODIFIED

Mr. KERREY. Mr. President, I ask the modification that I have now reviewed with the distinguished manager of the bill be included as part of this amendment.

Mr. PRESSLER. We have no problem with the amendment and we are prepared to accept it.

The PRESIDING OFFICER. Without objection the amendment is so modified.

The amendment, No. 1306, as modified, is as follows:

On page 107, after line 23, insert the following:

"(d) PAYMENT OF CIVIL PENALTIES, DAMAGES, OR INTEREST.—No civil penalties, damages, or interest assessed against any local exchange carrier as a result of a violation referred to in this section will be charged directly or indirectly to that company's ratepayers."

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 1306), as modified, was agreed to.

Mr. KERREY. While I understand the Senator has some additional amendments—I have some other ones I would send down—let me describe a little bit what was in this amendment so colleagues understand how this bill has been modified.

I think it is an important amendment because we are moving from a system of assessing rates for your local telephone service, based upon a rate base. That typically is calculated, presented to the public service commission or the public utility commission of the State, and the public service commission or public utility commission makes a determination about local telephone charges based upon that rate.

There are a number of States that have moved to a more competitive type of situation. I think there are seven, eight, or nine States that have done so—I believe Colorado just recently passed legislation. This legislation, S. 652 preempts the States and says we are going to go to a price cap system of regulation as opposed to rate base.

So, all 50 State public utility commissions or public service commissions would be required to use a price cap system under this legislation.

I think it is going to be important, as you move to this widespread use of price cap regulation, to say very clearly, given the rather substantial penalties for failure to provide interconnection—and they are rather substantial; as I said, I believe it is $1 million a day and up to $5 million a day—that you will not tap the ratepayer. I believe it is important, if penalties or damages get assessed, it does not get passed on to that individual ratepayer.

Regulators are inevitably going to be asked by local telephone companies or local providers of service, as new competitors come on line, to adjust these caps. When they do, it is going to be very difficult if not impossible to exclude consideration of costs in making that adjustment. In making that adjustment they may not be able to identify and exclude penalties effectively. This amendment will, as a consequence, protect ratepayers.

Mr. President, I am proposing an amendment designed to protect ratepayers from having to shoulder the burden of any civil penalties, damages or interest assessed against local exchange carriers for violating the interconnection and other duties imposed on them by this legislation.

Section 224 of the bill contains enforcement provisions. Under these provisions, a telecommunications carrier that fails to implement the requirements of sections 251 and 255 can be punished by a civil penalty of up to $1 million for each offense. A Bell company that repeatedly, knowingly, and without reasonable cause fails to implement an interconnection agreement, to live up to the agreement after implementing it, or to comply with the bill's separate subsidiary requirements can be fined up to $500 million. These penalties are intended to deter companies from evading their responsibilities to provide effective interconnection. The section also provides that private parties injured by such conduct can recover damages and interest.

I have very serious doubts, Mr. President, about the efficacy of the civil penalties and the prospect of damages. I think there will be a lot of uncertainty as to whether sanctions will be imposed. This uncertainty is inherent in the nature of the interconnection requirements in the bill. For example, the very first duty under section 251 is the duty to enter into good faith negotiations with any telecommunications carrier requesting interconnection. The lawyers could litigate until kingdom come about whether a company has failed to negotiate in good faith.

A similar example is found under the minimum standards of interconnection. The local exchange carrier must take whatever action under its control is necessary, as soon as it is technically feasible, to provide telecommunications number portability and local dialing parity. Now these two things—number portability and local dialing parity—sound a little arcane, but they are both essential to having any kind of meaningful local competition.

Number portability means that customers can keep their telephone numbers when they switch phone companies. Quite simply, telephone customers—both business and residential—are not as willing to switch phone companies if they also have to switch phone numbers. If I'm a small company in Omaha, NE, I can't afford to change telephone companies if it means that I have to change phone numbers, even if the competitor offers an otherwise better deal. My customers wouldn't know how to get a hold of me. All my listings, stationery, and business cards would have to be redone.

So new phone companies who want to compete with the established carrier will be at a tremendous competitive disadvantage if there is not number portability.

But the local exchange carrier doesn't have to take any action until number portability is technically feasible. Who is going to decide that issue? You can bet the lawyers will have something to say about it, as well as platoons of experts.

Same situation with local dialing parity. Local dialing parity means that a customer who subscribes to a competitor can make calls by dialing the same number of digits as they would if they were customers of the established phone company. That's a big deal. People don't like to dial any more numbers than they have to. Back in the days of the old Bell system, that was one of the ways the monopoly disadvantaged MCI and other long distance competitors. You had to dial access codes if you wanted to use MCI. That discouraged people from switching.

So the bill says that a local exchange carrier has to provide number portability and local dialing parity as soon as it is technically feasible, or there will be penalties. Well, it could be years before the lawyers and the experts and the FCC and the courts figure out what is technically feasible. By that time, the penalties or a private action to recover damages may not mean too much.

Which brings me to my next point, Mr. President. Even if penalties eventually are imposed, we don't know how significant the penalties actually would be. The bill sets upper limits on the amount of penalties. But it doesn't offer any assurance that a penalty would ever approach those figures. Actual penalties, if they are imposed at all, could be a fraction of the possible amount.

A private party seeking damages would also face daunting prospects in proving the level of those damages, since in many cases the injured party might never have gotten its business going because of the very violation complained of. The speculative nature of damages might be a serious barrier to recovery for the injured party.

This balance of uncertain high penalties or damages against the certain and enormous financial benefit to local exchange carriers—especially the Bell companies—of not providing effective interconnection to would-be competitors suggests that the deterrence effect of this penalty scheme will be minimal.

So I have my doubts, Mr. President, that this enforcement approach is going to provide much encouragement to local telephone monopolies to cooperate in opening up the local market to competition.

But if civil penalties are imposed or damages assessed, one thing we need to make sure of is that they are not passed on to local ratepayers. That is what my amendment does, Mr. President. It states that—

> . . . [n]o civil penalties, damages, or interest assessed against any local exchange carrier as a result of a violation referred to in this section will be charged directly or indirectly to that company's ratepayers.

This amendment is necessary, because the ratepayers are captive to the local exchange carriers. They don't have any choice. Without this amendment, the carrier could just pass the penalty or damages along to ratepayers—who would have to pay, because of that lack of choice. And, in that case, the carrier would have succeeded in evading the requirements of the bill twice—first by not meeting its interconnection obligations and second by making captive ratepayers foot the bill for the penalty or damages.

Moving to a price cap form of regulation will not solve this problem. In fact, a price cap system may increase the chances that ratepayers will end up paying the local exchange carrier's civil penalties and damage judgments if this amendment is not adopted. Under traditional rate of return regulation, at least, the State regulators can conduct a rate case and scrutinize the claim and tell the carrier, No, that's a penalty, you can't pass that along.

Under price cap regulation, regulators will inevitably be asked to adjust the caps. And when they do adjust them, it will be impossible for them to exclude consideration of costs in making that adjustment. But in making that adjustment, they may not be able effectively to exclude penalties and damages from the adjustment.

This amendment will put the burden on the local exchange carrier to make sure that penalties, damages and interest don't end up burdening ratepayers. It makes sure that the penalties penalize the local exchange carrier, not the captive ratepayers.

AMENDMENT NO. 1344

(Purpose: To provide for the representation of consumers on the Federal-State Joint Board on universal service)

Mr. KERREY. Mr. President, I have an amendment at the desk. I ask for its immediate consideration. It is amendment No. 1344.

Mr. President, there is under provision of this amendment creation of a new Federal-State joint board.

The PRESIDING OFFICER. The Senator will withhold. The clerk has not yet reported the amendment. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Nebraska [Mr. KERREY] proposes an amendment numbered 1344.
>
> On page 37, line 7, insert after "service," the following: "In addition to the members of the Joint Board required under such section 410(c), one member of the Joint Board shall be an appointed utility consumer advocate of a State who is nominated by a national organization of State utility consumer advocates.".

Mr. KERREY. Mr. President, the amendment is very straightforward. It merely asks for a consumer advocate to be appointed to be a member of this joint Federal-State board.

The PRESIDING OFFICER. Is there further debate? The Senator from South Dakota.

Mr. PRESSLER. Mr. President, I am going to have to question this amendment. I want to confer here. Do we have a copy of this amendment here?

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. Mr. President, I say to the Senator from Nebraska, as I understand the idea here it is to add a consumer representative to the joint board, which is now comprised of four State commissioners and three Federal commissioners. They have the general overall concern of consumers as well as industry.

What you have suggested now, by the amendment, is that a consumer representative be added on. The industry friends, then, will say "We want an industry friend." If there is one thing that sort the rankles this particular Senator—and it is not the Senator from Nebraska; Heavens above, I have the greatest admiration for him—but it is this idea of classifications around this town: middle class and lower class and upper class and rich class and poor.

I represent the high, the low, the rich, the poor and all classes. I really look upon our public utility commission at the several States to be very much attuned to the interests of consumers as well as the industry, and similarly with respect to the FCC Members. Mr. Coelho and the Federal Communications Commission were just commended by the U.S. Circuit Court of Appeals here in the District of Columbia last week for the outstanding job in measuring competition in the market and how they balance the interests of consumers versus the needs of the industry and otherwise.

So I really am not enthused about this amendment but I yield to my distinguished chairman.

Mr. PRESSLER. Mr. President, I must oppose this amendment reluctantly. I am all for consumers. But to have a person appointed who is nominated by the National Organization of State Utility Consumer Advocates, then we would say we need a corporate advocate. We need a racial minority advocate. We need this and that.

So I feel strongly this would not be an appropriate amendment. It is my present intention to move to table it and to ask for the yeas and nays. I think we would have serious problems that this would create, serious problems. I just do not believe in legislating, appointing one type or one group having access to the board.

The PRESIDING OFFICER. Is there further debate? The Senator from Nebraska [Mr. KERREY].

Mr. KERREY. Mr. President, I acknowledge those are reasonable objections. I suspect the Senator from South Carolina in particular has had experience as a Governor. Very often a statute ends up saying you have to have one from this legislative district, four Republicans, three Democrats, or vice versa. Very often in the legislative process you get quite detailed in trying to narrow down or debate who is going to be on this board. I am not doing that.

Indeed, this provision is in H.R. 1555. It is in the House bill. So I am not asking we come in and designate that you have "x" number of corporate members and this number of Democrats and this number of Republicans. I am merely saying there should at least be one consumer advocate. As I said, it is consistent with what is already in the House bill.

Philosophically I am with both the Senator from South Dakota and South Carolina. I think any amendment that would come in and say with specific language here how each one of these board members have to look before you can appoint them would complicate the matter and not likely result in the kind of board that is going to be needed. I merely argue, with respect, that this conforms with the language of the House bill. I would have loved to have a situation where I was appointing boards where this is all I had to worry about, only appointing one consumer advocate as opposed to all the typical balancing requirements that are specified in legislation.

The PRESIDING OFFICER. The Senator from South Carolina [Mr. HOLLINGS].

Mr. HOLLINGS. Mr. President, in the interests of all parties, as I understand it, should we have a motion and a rollcall ordered, I hope these rollcalls could be stacked beginning at 2 o'clock. We have a meeting of the leadership at the White House. We have Members down, bipartisanly, at a luncheon for the President of France, President Chirac.

With that in mind, we can facilitate and move right along with any particular votes. I hope we can start at 2 o'clock, if the chairman gives us permission to do so.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KERREY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERREY. Mr. President, is the current business my previous amendment?

The PRESIDING OFFICER. The Senator is correct.

Mr. KERREY. Mr. President, I ask unanimous consent that the amendment be laid aside temporarily.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERREY. Mr. President, I have an amendment numbered 1313.

AMENDMENT NO. 1313

(Purpose: Clarifies state rate-making authority)

Mr. KERREY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nebraska [Mr. KERREY] proposes an amendment numbered 1313.

On page 116, between lines 2 and 3 insert the following:

(D) Nothing in this section shall prohibit the Commission, for interstate services, and the States, for interstate services, from considering the profitability of telecommunications carriers when using alternative forms of regulation other than rate of return regulation (including price regulation and incentive regulation) to ensure that regulated rates are just and reasonable.

Mr. PRESSLER. Mr. President, I am told by leadership that they are now prepared to vote. If we could lay aside this amendment and come back to the Kerrey amendment No. 1344, I will move to table at that time, if that is agreeable with my friend from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. I ask unanimous consent that the amendment I just sent to the desk be laid aside and that the previous amendment be the order of business. And I will speak a little bit further on that before a tabling motion is made.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1344

Mr. KERREY. Mr. President, we are about to vote on a motion by the Senator from South Dakota to table an amendment that provides for a single consumer on the joint Federal-State board. This provision is in the House bill. I call to my colleagues' attention, who are trying to figure out exactly whether or not to support an amendment that will provide one consumer representative on this board, that it references the universal services section. As we move from this monopoly that has been established to provide universal service—understand, that is the purpose of the monopoly. The monopoly is put together to provide universal telephone service. It has gotten the job done. Now we are going to move from a monopoly situation to a competitive situation.

I support changing the law to get that done. But as we make the transition, Members should understand that we are putting universal service at risk because we are basically moving over time so that these companies—currently monopolies, currently pricing in the vast majority based upon a system of rate-based rate of return—are going to move to a system of price caps, and eventually they are going to price based on cost.

Currently, you will have situations in a metropolitan area, say Omaha, NE, where residential rates are about $14 a month, and business rates are $30 a month. It does not cost the company any difference. There is no difference in running a line to a business and running a line to a resident. The law as set up gives the monopoly the authority to earn a rate of return. But it is also given the ability to subsidize the residential rates, to shift costs; in other words, so we can keep the residential rates lower than they otherwise might be.

I do not know whether the rates are going to go from $14 to $18, or whether in a competitive environment they are going to go down. I do not know. We are going to allow them to price differently.

In transition, one of the biggest questions is, How do we continue to provide universal service to these residential consumers? These are the consumers. There is already in place a Federal-State joint board.

It is going to be entitled for 1 year at least "Federal-State Joint Board on Universal Service."

The statute says that:

Within one month after the date of enactment of this Act, the Commission shall institute and refer to a Federal-State Joint Board under section 410(c) of the Communications Act of 1934 a proceeding to recommend rules regarding the implementation of section 253 of that Act——

Which is the Universal Provisions Act.

including the definition of universal service. The Joint Board shall, after notice and public comment, make its recommendations to the Commission no later than 9 months after the date of enactment of this Act.

In other words, this joint board is going to make the recommendations about universal service to the FCC.

The FCC then:

. . . may periodically, but no less than once every 4 years, institute and refer to the Joint Board a proceeding to review the implementation of section 253 of that act and to make new recommendations, as necessary, with respect to any modifications or additions that may be needed. As part of any such proceeding, the Joint Board shall review the definition of, and adequacy of support for, universal service and shall evaluate the extent to which universal service has been protected and advanced.

In paragraph (b), the Commission then is told to act.

The Commission shall initiate a single proceeding to implement recommendations from the initial Joint Board required by subsection (a) . . .

And then it is supposed to complete this proceeding within a year after the date of enactment of this act.

So this joint board is going to be making a very important recommendation about how we maintain this universal service that our consumers, our taxpayers, ratepayers, voters out there have grown accustomed to.

All this amendment does is say that the joint board should have on it a single consumer representative. It is something that I understand is a philosophical problem of specifying what each one of these members are going to look like and which political parties and how many corporations.

This merely says one individual. It is the same language that is in 1555, the House bill. If there is going to be a tabling motion, I urge my colleagues to vote against tabling. This is a proconsumer vote.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. PRESSLER. Mr. President, I move to table the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question occurs on the motion to table amendment 1344 offered by the Senator from Nebraska [Mr. KERREY]. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 55, nays 45, as follows:

[Rollcall Vote No. 260 Leg.]

YEAS—55

Abraham
Ashcroft
Bennett
Bond
Breaux
Brown
Burns
Campbell
Chafee
Coats
Cochran
Coverdell
Craig
D'Amato
DeWine
Dole
Domenici
Faircloth
Ford
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hatch
Hatfield
Helms
Hollings
Hutchison
Inhofe
Jeffords
Johnston
Kassebaum
Kempthorne
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Packwood
Pressler
Roth
Santorum
Shelby
Simpson
Smith
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—45

Akaka
Baucus
Biden
Bingaman
Boxer
Bradley
Bryan
Bumpers
Byrd
Cohen
Conrad
Daschle
Dodd
Dorgan
Exon
Feingold
Feinstein
Glenn
Graham
Harkin
Heflin
Inouye
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Robb
Rockefeller
Sarbanes
Simon
Snowe
Specter
Wellstone

So the motion to table the amendment (No. 1344) was agreed to.

AMENDMENT NO. 1313

The PRESIDING OFFICER. The pending question is the Kerrey amendment No. 1313.

Mr. KERREY. Mr. President, this amendment would go into the bill, for colleagues who are checking the language out, on page 116. And it refers to the duty to subscriber. Well, it would add to the rate-of-return regulation elimination. In the third title of this bill, we are at the end of the transition. I do not know when that is going to be—3, 4 years, it could be sooner, depending upon the local area.

This amendment goes after those areas where you may still have some monopoly constraint. We are going to move, again, for emphasis, so that Senators understand what this bill does. This bill preempts State legislatures, State Governors, regulatory commissions that say you can no longer have rate-based return regulation. We are going to move to a price cap system of regulation.

I happen to think price cap in almost all situations can be better than rate-based. But there are some, Mr. President, where we could have trouble. This amendment tries to address those situations by saying that "Nothing in this section shall prohibit the commission for interstate services and States for interstate services from considering the profitability or earnings of telecommunications carriers when using alternative forms of regulation other than the rate of return regulation." It does not say they have to. It says nothing in this law shall prohibit them from considering the profitability of the companies.

Mr. President, residential and business consumer representatives and telecommunications competitors alike support this legislation's goal of encouraging effective competition in the local telephone service market. However, what I am calling the monopoly telephone rate amendment is necessary to protect ratepayers of noncompetitive telecommunications services from experiencing multibillion dollar rate increases for these services during the transition to effective local competition.

State regulators—that is to say, the National Association of Regulatory Commissioners; consumer representatives, the American Association of Retired Persons, the Consumer Federation of America, Consumers Union, the National Association of State Utility Consumer Advocates, as well as business telephone users—that is to say, the customers of telephone companies, business users, the International Telecommunications Association—all are concerned about section 301 of this bill.

In mandating price flexibility and prohibiting rate of return regulation, section 301 also prohibits State and Federal regulators from considering earnings when determining whether prices for noncompetitive services are just reasonable and affordable, while the FCC and many State commissions have instituted various price flexibility plans, typically based upon the principles of price cap regulation. Almost all of those plans involve some consideration of earnings.

If regulators are prohibited from considering the earnings factor when determining the appropriateness of prices for noncompetitive services, then the captive ratepayers of these services will be subject to billions of dollars in rate increases that regulators could otherwise prevent.

The monopoly telephone rates amendment does not change the bill's prohibition on rate-of-return regulation, but would merely allow State and Federal commissions to consider earnings when authorizing the prices of those noncompetitive services.

The ratepayer stake in the monopoly telephone rates amendment is dramatically demonstrated by reviewing the role of earnings within the regulatory structure for the 4-year period from 1991 to 1994. During that period, if the regulators of both interstate and intrastate operations of the local telephone companies had been prohibited from considering earnings when approving rates under their price cap plans, the excess revenue over existing authorized rate levels could have easily exceeded $18 billion. In other words, if S. 652 had become law in 1991, telephone ratepayers of noncompetitive services—and I keep emphasizing that where you have competition, there is no problem—but ratepayers in noncompetitive areas and services would have had to pay $18 billion more in telephone rates than they did between 1991 and 1994. Future pocketbook hits will be even higher unless this legislation is amended. The monopoly telephone rates amendment provides a safeguard against a rate impact for the future.

A recent study by Montgomery Associates, located in Massachusetts, estimated the rate impact over the next 4 years of S. 652, if its current form were enacted. Based upon an examination of regulatory and industry data, the study conservatively estimates that local rates would increase by $6 per month over the next 4 years.

The monopoly telephone rates amendment recognizes it is highly appropriate that State regulators continue to have a role in determining the appropriate price of noncompetitive services in their States, and in so doing, have the discretion to consider the earnings of the local telephone company. Approximately 75 cents of every dollar consumers spend on their overall telephone bills is for calls made within their State. As we learned when deregulating other industries, the legislative goal of local telephone competition advanced in this legislation will not be achieved overnight. In the interim, State regulators and legislatures will continue to be responsible for ensuring quality service and fair rates for noncompetitive telephone services. Their hands will be tied if Congress strips them of the authority to even look at the company's earnings before considering the price level of noncompetitive services.

At a time when the Federal Government is committed to better recognize the appropriate role of local government in assessing and protecting the citizens of its State, it makes no sense to handicap the States as they promote the emergence of competition in local telephone markets.

As the chairman of the Vermont Public Service Board recently described in testimony before the Judiciary Committee on antitrust business rights and property rights:

> In truly competitive markets, prices are the result of the forces of supply and demand and don't need to be regulated at all. However, because local exchange, ancillary services, and interLATA toll markets are at best partially competitive, regulatory oversight is still needed and—no one expects this situation to be remedied within the next 12 months.
>
> How are prices in these markets to be set? They necessarily involve the careful consideration of each provider's rate of return on noncompetitive services. A judgment about that rate of return must underlie the initial determination of the starting prices allowed. How else can regulators determine whether the prices charged for their noncompetitive services are "just and reasonable," or whether excessive revenues from such services will be available to subsidize competitive service and keep out potential competitors?

The monopoly telephone rates amendment, Mr. President, recognizes that the earnings of local telephone companies are formidable. Each of the 7 Baby Bells is among the Fortune Top 50, with most in or approaching to the Fortune Top 20 list.

According to the most recently available statistics from the FCC, Statistics of Common Carriers, 1993–94 edition, those local telephone companies required to report their earnings to the FCC billed $90 billion in rates for 1993 and had net earnings of more than $5 billion.

Since the competition we strive for in this legislation will not become an instant reality, the monopoly telephone rates amendment recognizes the need to provide State and Federal officials with the tools necessary to ensure that the noncompetitive service of the local telephone companies are not priced at excessive levels. Accordingly, I urge my colleagues to support the monopoly telephone rates amendment.

Mr. WELLSTONE. Mr. President, first of all, let me thank my colleague from Nebraska for his very eloquent and strong voice on the floor of the Senate for the past several days, especially in behalf of consumers in this country; especially in behalf of making sure there is, in fact, real competition.

Mr. President, I come to the floor today to address what I consider the merits and the faults of what may be one of the most important economic development bills this session of Congress will consider, namely, the Telecommunications Competition and Deregulation Act.

Mr. President, we have had some enlightening discussions and some solid disagreements on this bill. But this much, I think, all of my colleagues could agree on: The debate we have had on this bill has opened all our eyes to the dazzling world of possibilities provided by our emerging information technologies.

It is a world that, at least from my perspective, appears to have virtually no limits in terms of the potential for bettering the health, education, and economy of the residents of my State of Minnesota.

I can imagine workers in rural Minnesota telecommuting to and from work as far away as New York or Washington without ever having to leave their homes or families. Or schoolchildren in a distressed Minneapolis school district reading the latest publications at the Library of Congress via thin glowing fiber cables. That excites me as a teacher.

Or rural health care providers on the Iron Range, consulting with the top medical researchers at the Mayo Clinic in Rochester to better treat their patients.

I can imagine, Mr. President, things like these, but I do not have to. Already, communication miracles like these are occurring with greater frequency across our Nation. It is fascinating to live in such exciting times. I think there is a consensus among Senators on both sides of the aisle on this question.

Mr. President, this bill presents the elected representatives of our States with a particularly exciting and at times daunting responsibility. How do we help dissolve the current artificially divided and fragmented telecommunications industry to nurture the rapid development of these types of communications, while ensuring that these services remain available, and I think the Senator from Nebraska has said this over and over again, and affordable to everyone in the Nation, not merely the most privileged and wealthy.

How do we ensure that this bill benefits not just the multibillion-dollar alphabet soup of corporations—IBM, MCI, AT&T, TCI, GTE, ABC, and the rest—but the consumers of St. Paul, and Mankato, Fergus Falls, and Duluth, MN. How do we guarantee, Mr. President, fairness, access, and affordability in the telecommunications industry?

We have had several opportunities already. For example, last week the Senate, to its great credit, refused to strip away provisions to keep telecommunication rates low for schools and hospitals. I am proud to say that I and a majority of my distinguished colleagues voted to defend those protections.

With that vote I believe we took a major step toward keeping our communication technologies affordable for future generations, as well as reaffirming the primacy of the consumer in this debate.

Monday night the Senate voted to approve an amendment that I believe will help keep adult-oriented cable video programs away from children. Again, I am proud to say I cast my vote in support of a measure to ensure that such programming be fully scrambled before entering the consumer's household, giving those who know best, the parents, the ability to control the flow of new services into the home.

I am saddened, however, Mr. President, that the Senate has chosen now to table a measure that I and many of my colleagues believe is central, absolutely central, to this entire debate of competition and consumer protection: Providing a role for the Department of Justice to keep telephone monopolies from reassembling themselves.

Mr. President, I have listened to the debate on this issue and I thank my colleagues for some stimulating and insightful comments on this subject. Some of my colleagues say that these protections, such as providing consumers a voice in the process through the Department of Justice, or other amendments that my colleague from Nebraska has introduced over and over again to make sure that the consumers are at the table and that there is a voice for consumers, some of my colleagues have said that this is too much, too bureaucratic, too inefficient to enable businesses to compete.

I ask these same colleagues, after you remove the protections against huge rate increases, against monopoly, against service just for the privileged, what would you replace them with? Words, Mr. President. Promises, guarantees, reassurances that this time, although many of these companies have misbehaved in the past, and have been fined repeatedly for violating promises to protect consumers, this time the corporations promise to behave themselves and to conduct themselves in the consumer's best interest.

Mr. President, I have said it before, and I will say it again. I do not buy it. I would rather put my trust in solid protections, written in law, to make sure that rates remain affordable, services are available for everyone, and no one is left behind in the stampede for corporate profits. This extends across the board: Let me make it clear that I intend to fight efforts to strip out of this bill any consumer protections that ensure affordability, fairness, and access in local and long distance phone service and cable TV. Unfortunately, many of the strongest consumer protection amendments have been defeated to date.

I have noticed a lot of lobbyists out in the halls these days; lobbyists that as my colleagues know too well are just outside those doors. For the benefit of the RECORD, Mr. President, let me take a moment and tell America who is out there: NYNEX is out there, Mr. President, and so is Time-Warner, and Ameritech, and Northern Telecomm, Bell South and Bell Atlantic and Southwestern Bell, Sprint and General Electric and Gannett—they are all out there, Mr. President. It has been called Gucci Gulch in the past, maybe this time we should call it Cell-Phone Canyon. There can be no mistaking it; there are billions and billions and billions of dollars at stake in this bill.

But there is something else at stake here—something much more important than all the billions and billions and billions of dollars. The fate of the American consumer is at stake here, I urge my colleagues to remember their needs, and their voice, in the coming debate and amendments.

For this reason I support this Kerrey amendment, as I have past Kerrey amendments. I believe that what is lacking is where do the consumers fit in? Where is their voice? Where are their advocates? Do they get an opportunity to sit down at the table? And will, in fact, we have true competition as opposed to monopoly?

I hope the Cell-Phone Canyon out there does not dominate the final vote on these key amendments and the final vote on this piece of legislation. I hope the vast majority of consumers who are not out in these halls are the ones who in the last analysis we listen to.

Mr. President, I yield the floor.

Mr. PRESSLER addressed the Chair.

The PRESIDING OFFICER (Mr. THOMAS). The Senator from South Dakota.

Mr. PRESSLER. We are prepared to endorse this, to accept this amendment. Let me say to our friends that our bill has been endorsed by the White House Conference on Small Business—by small businessmen across the country—and consumers are interested in this bill. I have predicted that consumer prices will drop dramatically for telephone calls and cable television, just as they dropped when we deregulated natural gas, just as they dropped when cellular phones were deregulated.

In any event, we are prepared to accept this amendment. Mr. President, I urge the adoption of the Kerrey amendment.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 1313) was agreed to.

Mr. PRESSLER. Mr. President, now the Senate is open for business. Do we have Senators who wish to offer amendments?

I thank all Senators for their cooperation. Senator KERREY has another one? Great. I have been waiting eagerly for his amendment.

Mr. KERREY. Mr. President, I say to the chairman and ranking member of the committee, I have some amendments filed. I am not sure I am going to bring them all up. I filed them under the cloture rules. Some I am not quite sure I want to bring up. My understanding is under the cloture rules, each Member has an hour to talk. At some point, I am going to want to make a closing statement.

I know I control some time. I just want to make sure I reserve about 30 minutes so I can make a final statement.

Mr. PRESSLER. If my friend would be willing, perhaps he can begin to state them now and if he were in the proper mood, then when an amendment came to the floor we could set the speech aside and hear the amendment?

Mr. KERREY. That is an unusual request. I will take a different course. I will take the road less traveled.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Let me observe each Member should not feel obligated to take their hour.

Mr. PRESSLER. I think the bill is moving very nicely. But we do have a number of amendments filed, I think particularly in certain areas. We are eager for Senators to bring their amendments. I do not see any Senator on the floor. We are open for business and are going to try to stack votes at 2 o'clock, now. Any Senator having an amendment, please bring it.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KERREY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1310

(Purpose: Clarifies that pricing flexibility should not have the effect of shifting revenues form competitive services to noncompetitive services)

Mr. KERREY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nebraska [Mr. KERREY] proposes an amendment numbered 1310.

Mr. KERREY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 112, at the end of line 17, insert the following sentence: "Pricing flexibility implemented pursuant to this section shall be for the purpose of allowing a regulated telecommunications provider to respond fairly to competition by repricing services subject to competition but shall not have the effect of shifting revenues from competitive services to non-competitive services."

Mr. KERREY. Mr. President, this is a very simple amendment. Once again, it references title III. Title III is a section where we describe how we are going to end regulation. It is a section where we come in very directly, and make the transition to a competitive pricing situation.

For citizens, consumers, taxpayers, voters and everyone else trying to figure out what this bill is all about, we currently allow local telephone companies to set prices based upon a rate-of-return methodology. Most of the States are set up that way. We are moving to price caps. States are beginning to experiment with price caps, even with restrictions on them.

We are going to make a transition to a different method of pricing, eventually allowing the price to be set upon the cost of the service that is being provided. The language of title III lays out a framework for transition from a rate-based-rate-of-return system to a price cap system.

This amendment simply adds to the description under "in general"—a paragraph that makes certain that:

> Pricing flexibility implemented pursuant to this section shall be for the purpose of allowing a regulated telecommunications provider to respond fairly to competition by repricing services subject to competition but shall not have the effect of shifting revenues from competitive services to non-competitive services.

Mr. President, this is merely language under the general section of section 301, that attempts to say let us make certain that we do not have any language in this bill that permits the pricing and the shifting of revenues from a competitive situation to a noncompetitive situation.

I yield the floor.

Mr. HOLLINGS. Mr. President, looking at this amendment with respect to the phrasing in the purpose whereby in pricing flexibility and responding to competition by repricing services the intent as I understand it is that you not raise the noncompetitive services. When you say shifting revenues or raising costs, then you get into the concern about cost-based operations whereby I think the intent here is when you say shifting revenues—that is what is disturbing to this Senator.

Is it the case that what the Senator is trying to say is that as you respond to that pricing flexibility, and you are responding to the repricing services competition that you do not raise competitive rates?

Mr. KERREY. That is correct.

Mr. HOLLINGS. I mean noncompetitive.

Mr. KERREY. The Senator is correct; that we do not end up with noncompetitive rates.

Mr. HOLLINGS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KERREY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1310, AS MODIFIED

Mr. KERREY. Mr. President, I failed to ask unanimous consent to modify this amendment. It says page 112 and it should be page 113.

So I ask unanimous consent for that now.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1310), as modified, is as follows:

On page 113, at the end of line 17, insert the following sentence: "Pricing flexibility implemented pursuant to this section shall be for the purpose of allowing a regulated telecommunications provider to respond fairly to competition by repricing services subject to competition but shall not have the effect of shifting revenues from competitive services to non-competitive services."

Mr. KERREY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PRESSLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRESSLER. Mr. President, if I may ask the author of the amendment a couple of questions about the amendment, as I understand it, "Pricing flexibility implemented pursuant to this section shall be for the purpose of allowing a regulated telecommunications provider to respond fairly to competition by repricing services subject to competition but shall not have the effect of shifting revenues from competitive services to non-competitive services."

Why would the Senator want to prevent a company from shifting from competitive services to noncompetitive? First of all, what does the Senator mean?

Mr. KERREY. Generally speaking, what I am trying to do with the language, I say to the Senator from South Dakota, Mr. President, is to prevent a continuation of a pricing scheme that allows a shifting of revenue and in a noncompetitive environment prices to be higher than they otherwise would be. That is the intent.

Mr. PRESSLER. What does the Senator consider competitive services to be?

Mr. KERREY. Mr. President, I consider this to be one of the most important questions that should be asked repeatedly on the floor. I consider competitive service to mean a choice. When I as a consumer—whether I am a business person, whether I am in my household, regardless of where I am—I have choice.

I do not like the service that the company is providing. I do not like the price. So I am going to shift and go someplace else. I have alternatives to what I have right now. Right now, I have very few alternatives at the local level.

It is a very important question. What will happen, I suspect, initially is that you are going to get competition at the higher end, as we currently do, in fact. We have, as the Senator knows, all kinds of competition coming into the local level, a relatively small percent of the overall pie, but we are starting to get competition at the local level at that higher end.

Mr. PRESSLER. What would be an example of a problem with a company shifting revenues from competitive services to noncompetitive services? Give me an example.

Mr. KERREY. The concern I have is that I can keep my noncompetitive prices higher than I otherwise would, that I could keep the prices in a noncompetitive environment higher. If I am a company with, let us say, $1 billion of cash flow a year and the law now allows me at the local level to meet a competitive alternative and price in order to be able to get the business, and now I have that business, what I am concerned about is shifting that revenue in a fashion that enables me to keep my noncompetitive prices higher than I otherwise would. That is the intent of the amendment.

Mr. PRESSLER. But the way the amendment reads, it would have the effect of shifting revenues from competitive services to noncompetitive services. Was the intent of that——

Mr. KERREY. Right. That is exactly right. Let us say I am the Acme Telephone Co., and I am currently given a regulatory monopoly at the local level. If I am the CEO of that company and I am performing for my shareowners, I am sitting there right now saying I have all kinds of companies that are coming into my local market. They are trying to get my high-end users. So I go to that high-end business user and say I will meet that price. I am now liberated in a competitive environment. I will meet that price.

What I am trying to do with this language is to prevent the use of that kind of revenue to keep, in an artificial fashion, the price for that noncompetitive service higher.

Mr. PRESSLER. Does my colleague mean shifting cost or shifting revenues? Because it would seem that it would be logical you were shifting costs.

Mr. KERREY. I mean shifting the cost of the service, the revenue that would be required to be paid in that noncompetitive environment. So the noncompetitive guy ends up paying a higher rate as a consequence of my being able now to go out and say I will meet the competition; I will lower the price; I will give you a lower price. This amendment attempts to prevent the use of that revenue in a noncompetitive environment.

Mr. PRESSLER. On this amendment, I will have to oppose it because we do not feel it does what the Senator seems to be saying it does. I am not questioning the draftsmanship. But I wonder if our staffs could discuss it a little bit and see if we cannot—very frankly, we cannot——

Mr. KERREY. I would be pleased to.

Mr. PRESSLER. Quite understand because we think it means you are trying to shift costs and also it would be very rare that a company would want to shift competitive services revenues to noncompetitive services revenues as far as we can see. But I would have to oppose this amendment as it is presently drafted.

Mr. KERREY. I will be glad, Mr. President, in a quorum call to sit down and look at the language in here. I understand there may be some potential confusion over precisely what it is doing.

I will say again for emphasis, the intent here is to make certain when we open up competition, we are basically saying to a company that right now is trying—I have heard the Senator from South Dakota talk about it as well, so I think we are basically on the same wavelength. If there is some confusion, it may be that in drafting this I have created it. If the Senator is willing to identify a problem, I am perfectly willing to modify the amendment to make the language clear.

But my intent is to create a situation where we say to a local company, as I think we should by the way, OK, meet the competitive alternative. Go ahead and price your service and meet that competitive alternative. I just want to make certain in a noncompetitive environment the revenue stream does not end up being higher as a consequence of liberating, allowing that competition to be met.

Mr. PRESSLER. I would say before we go into a quorum call that we welcome other amendments and speeches by Senators. The Senate is open for business, and we will conceivably lay this aside if somebody else comes with an amendment. And with that I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, I ask unanimous consent that it be in order for me to address the Senate as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. I thank the Chair.

(The remarks of Mr. HELMS pertaining to the submission of S. Res. 133 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

Mr. HOLLINGS. Mr. President, while it appears we do not have an immediate amendment, we are reconciling differences, including one on universal services and otherwise.

While we are engaged in that negotiation, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KERREY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERREY. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is the Kerrey amendment No. 1310.

Mr. KERREY. I ask unanimous consent to withdraw amendment No. 1310.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1310) was withdrawn.

AMENDMENT NO. 1307

(Purpose: To require more than "an" interconnection agreement prior to long distance entry by a Bell operating company)

Mr. KERREY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Nebraska [Mr. KERREY] proposes an amendment numbered 1307.

Mr. KERREY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 83, strike out line 12 and all that follows through line 20 and insert in lieu thereof the following:

"(b) SPECIFIC INTERLATA INTERCONNECTION REQUIREMENTS—

"(1) IN GENERAL.—A Bell operating company may provide InterLATA services in accordance with this section only if that company has reached interconnection agreements under section 251 with telecommunications carriers that have requested interconnection for the purpose of providing telephone exchange service or exchange access service, including telecommunications carriers capable of providing a substantial number of business and residential customers with telephone exchange or exchange access service. Those agreements shall provide, at a minimum, for interconnection that meets the competitive checklist requirements of paragraph (2).

Mr. KERREY. Mr. President, this is an amendment to section 255 of the Communications Act of 1934. I discussed it with the managers of the bill. I will briefly describe it.

The requirement of the current provision is an attempt to deal with actually section 251 as well by saying that my concern with 255 is that it might allow a local telephone company to get into interLATA after having satisfied in a very minimal fashion the interconnection requirement either of the competitive checklist or of 251. The requirement of the current provision should be satisfied as a local telephone company reached an interconnection agreement with only a single telecommunications carrier, although in many markets a substantial number of carriers will request interconnection. Under the current provision, a Bell company needs only a single entity requesting interconnection without regard to whether the requesting company is weak, undercapitalized, or lacking in other expertise or business planning.

This amendment would ensure that a local telephone company which enters into more than one interconnection agreement, that the agreement includes telecommunications carriers capable of serving a substantial portion of the business in a residential local telephone market. Although it could not ensure that competition will develop, it ensures the interconnection agreements are reached before the long distance entry of the company capable of providing local services to both business and residential customers.

This amendment would remedy a provision in the bill which concerns me, a provision which I believe is very dangerous and susceptible to interpretation in a manner counter to the overall intentions of S. 652. Under the current provision, a Bell operating company could gain entry into the long distance market on the basis of one interconnection agreement with a competitor. It would not matter whether that competitor was weak, undercapitalized, or lacking either expertise or a business plan—that one competitor could facilitate Bell entry into markets which at that time may, or may not, be competitive.

One of the goals of this bill is to open the door, to provide incentives to facilitate local competition. Unless amended, this provision may counter that intended goal, in fact removing incentives for the Bells to reach agreement quickly with their strongest potential competitors. If the Bells think that they can gain entry without having to complete more than one agreement, we are in fact inviting them to game the process. Instead of helping to facilitate local competition, they might gain entry at a time when they still monopolize their local markets, perhaps both stunting the development of local competition and endangering the gains that have been made over the past decade in the increasingly competitive long distance industry.

This amendment would clarify the current provision and move it into line with the bill's overall intentions by ensuring that a BOC enters into more than one interconnection agreement and by ensuring that those agreements are reached with telecommunications carriers capable of serving a substantial portion of the business and residential loop telephone markets. This clarification strengthens the incentives and the conditions for competition to develop.

The requirement in the current provision could be satisfied after a BOC reached an interconnection agreement with only a single telecommunications carrier, although in many markets it is probable that a substantial number of carriers will request interconnection. Under the current provision, a BOC need reach agreement with only a single entity requesting interconnection, without regard to whether the requesting company is weak, undercapitalized, and lacking either expertise or a business plan.

The amendment would ensure that a BOC enters into more than one interconnection agreement and that the agreements include telecommunications carriers capable of serving a substantial portion of the business and residential local telephone markets. Although this does not ensure that competition will develop, it does ensure that interconnection agreements are reached before long distance entry with companies capable of providing local service to a substantial number of both business and residential customers.

Mr. President, it is a pretty straightforward, clarifying amendment. As I have said on a number of occasions, as the managers have as well, this piece of legislation is unprecedented. We are trying to manage a transition from a current regulated monopoly into a competitive arena. It is very difficult to do. What we have established is in section 251, be it a long distance company or other carrier, it can be anybody who wants to get into local business, they can either negotiate an agreement or satisfy, I believe, 10 things in section 251; that is to say, the Communications Act of 1934, section 251. Once they have satisfied those agreements—they have to satisfy those agreements in order to satisfy the law—251 describes what they have to do when somebody comes and says, "I want to get into local service, I want to approach your customers." Section 251 says what they have to do.

In addition, in 255, there is a 14-part competitive checklist before the local Bell company can get into interLATA to provide long distance service. This amendment provides language to make certain that we do not end up with an application occurring after having satisfied a minimal requirement. In other words, I have competition but it is a relatively small company. They really are not effective competition. This attempts to strengthen the competitive requirement prior to the FCC giving interLATA approval.

Mr. President, I yield the floor.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, may I request that the clerk read the current provision on line 12, most specifically the interLATA interconnection requirement, just the first paragraph as it appears in the bill as it appears now. I believe there is one change in it. I want to make sure that is the case.

Mr. KERREY. Mr. President, which page are you going to read?

Mr. STEVENS. This is page 83, which is the current specific requirement pertaining to section 251. I just want to see if the bill I have is the same as the one that is before the clerk. Are there any changes?

The PRESIDING OFFICER. There have been no changes to the bill on that page.

Mr. STEVENS. Mr. President, on that page is the requirement, specifically the interLATA interconnection requirement, which specifically states that a Bell operating company may provide interLATA services in accordance with the section only if that company has reached an interconnection agreement under section 251 and that agreement provides at a minimum for interconnection that meets the competitive checklist requirements of paragraph 2. Paragraph 2 is the competitive checklist. I am certain that the Senator from Nebraska and the Senators involved in this debate know what is in that checklist.

What the Senator attempts to do with his amendment is to expand that agreement in a way that, in effect, as I understand his intent, will preclude any small company not capable of providing substantial coverage for both business and residential customers in the exchange access areas.

Under the circumstances, what that would do is really prevent the transition from taking place as we envision it.

There is no question, as the Senator from Nebraska stated, we are going from a period of regulation both under the courts and under the FCC to a new type of regulation in which this checklist is one of the predominant features. Under the circumstances of the bill as it stands, size is not material but compliance is. And it will take some time in the transition period for that to happen.

This is one reason why we have opposed changes in the public interest section of the bill, because it may well be that in this transition period there is going to be several different entities trying to get through the gate at the same time, so to speak. And the question of public interest is going to weigh in terms of which of those entities should be approved under this section of having met with the requirement of the competitive checklist.

I think the Senator's amendment narrows that group that can be at the gate to be reviewed by the FCC and as such it would be restrictive of competition in the very essence, in the beginning, and therefore we would oppose the Senator's amendment as changing the concept which is, again I read, compliance under the bill is that the agreement provides at a minimum for interconnection, it meets the requirements of the checklist, the competitive checklist. This adds to the minimum, saying, in effect, that you have to have size, a large enough carrier that is capable of providing a substantial number of business and residential customers within the telephone exchange or exchange access service. Under the circumstances, the Senator from Nebraska limits those who can get to the gate first. It says the only ones that can get to the gate first are the large carriers.

Mr. KERREY. No.

Mr. STEVENS. That is my contention. Until the Senator disabuses me of that, I intend to move to table his amendment.

Mr. KERREY. Mr. President, let me read the language. Certainly I believe the language is clear on that point. I am not trying to preclude at all. You can still have a small carrier, a very small company come in and be given the interconnection requirement at the local level. It would be less likely to happen. This amendment does not say that that company is precluded. It does not use the language "preclude" at all. It says interconnection for the purpose of providing—only if that company reaches "interconnection agreements under section 251 with telecommunications carriers that have requested interconnection for the purpose of providing telephone exchange service or exchange access service, including telecommunications carriers capable of providing a substantial number of business and residential customers."

What it is attempting to do—and I left the language relatively general, in fact, because what I am trying to do, I say to the Senator from Alaska, what I am trying to do is to make sure—we tried earlier unsuccessfully. In fact, I have a couple other amendments that I do not believe I am going to send to the desk refighting the battle over whether or not the Justice Department should be the arbiter of whether or not there is competition.

In S. 1822, last year's bill, what we said was that once the Department of Justice has determined there is local competition, the local company then can do long distance. That was the method by which we made certain that there was local competition prior to the company getting into long distance. That was the idea.

Well, now what we have done is replaced the Department of Justice determination with a checklist so that we have this checklist and we have language in 251 that allows for these interconnections.

Well, what this simply does is it tries to make sure we get a little more certainty of competition because the FCC does not make any judgment about competition other than the connection. The FCC takes the 14-point checklist. The FCC has to certify that the checklist has been satisfied and that the company has reached an interconnection agreement under section 251 that provides at a minimum for interconnection that meets the competitive checklist requirements.

I understand that it says at a minimum, and there needs to be more. What this attempts to do is bulk that up and describe something a bit more than what is required currently under 251.

Mr. STEVENS. Mr. President, if the Senator is finished, let me state that as it is, as I see it and my adviser, Earl Comstock, sees it, we agree that the impact of this could be that a Bell operating company could not enter the service area, interLATA, if there was a carrier seeking to provide service and had met the minimum requirements of the checklist, the competitive checklist but was a small carrier. As a matter of fact, as I said, I think there could well be several small carriers at the gate, plus there could be a larger carrier at the gate and the question would be in terms of the public interest who would be involved in getting approval under section 251. But as a practical matter the Bell company cannot come in until someone provides that service. The Senator's amendment raises the threshold on the level of that service and as such will say the Bell companies cannot come in until there is a substantial competitor there to provide the service.

Mr. KERREY. That is correct.

Mr. STEVENS. I tried to explain that before but I apparently did not get the communication correctly as far as the Senator from Nebraska is concerned. That is precisely what we are trying to avoid. We want to make sure that the checklist is met at a minimum and the public interest provision comes in at that point. The FCC might delay a smaller company if there is another one coming through the process that would provide a greater service in the area involved. I think that the Senator would understand that. But as a practical matter we do not look at size as being determinative of whether or not the Bell company could enter the area and provide service in the interLATA area.

I will be happy to yield.

Mr. KERREY. What the bill does not do, as I read it, is give me at least confidence in the 14-point checklist. What it says is—Mr. President, 255 is the new section. It is actually called section 221 in the bill, but it creates a new section 255 in the 1934 act, and it is called interexchange telecommunications services, but it is the point where we were removing the restrictions that are currently in place.

Currently, a local company cannot do long distance. What this does is says here are the terms and circumstances under which it can do long distance.

We fought the battle yesterday saying that I thought that the test that was in last year's legislation, S. 1822, and I think it was H.R. 3626, the House bill, that the test there was the right one; it had the Department of Justice determine the competition, and when there is no substantial possibility that the monopoly could use their power to impede competition, have at it. Go to it. Let the Department of Justice make that determination.

We lost that battle. Now what I am attempting to do is to say that the language, as I read the current language in the bill it sets specific interLATA interconnection requirements under, whatever it is, (b) of section 255, specific interLATA interconnection requirements. There are two sections, two paragraphs in there that are important. The first one is the general paragraph which this amendment replaces, and the second one is the competitive checklist.

The current general paragraph says a Bell operating company may provide interLATA, do long-distance service, in accordance with this section only if that company has reached an interconnection agreement under section 251 and that agreement provides at a minimum for interconnection that meets the competitive checklist requirements of paragraph 2.

As I read this, what I can do, if I am a Bell company, and let us say I have 50 people applying to go into interconnection, all I have to do is get one of them on line. I could have relatively stable competition. I just do not get into an agreement with them. I wish to get into long distance.

What I am trying to do is to make sure that I have that competitive choice at the local level before permission is granted. And so I do not say in my substitute paragraph that any company is precluded from an interconnection agreement under section 251. It says instead that "a Bell operating company may provide interLATA service in accordance with this section only if that company has reached"—which is in the language here—"only if that company has reached an interconnection agreement under section 251"—all that is the same as the paragraph I am replacing—"with telecommunications carriers." And here is where it differs: "Telecommunications carriers that have requested interconnection for the purpose of providing telephone exchange service or exchange access service, including telecommunications carriers capable"—it does not say it is going to preclude anybody. It just has to include "carriers capable of providing a substantial number of business and residential customers with telephone exchange or exchange access service."

It says these agreements shall provide at a minimum the competitive checklist which is also in this other language. It does not say any company is precluded. It does not in fact say it has to be x percent of the market or anything like that.

It just says that it has to be more than a relatively small company that does not really provide that competitive alternative for that consumer, that customer, that household at the local level.

The Senator from Alaska may still move to table. I hope not, based upon the language precluding a small company from still coming—a small company could still come and be allowed under the interconnection agreements of 251 to interconnect at the local level. This means I need a little bit more than a small company before the interLATA approval is granted.

Mr. STEVENS. Mr. President, I understand the Senator's intent. I call his attention to the provision of subsection (g) of 251 on page 25:

> A local exchange carrier shall make available any service, facility, or function provided under an interconnection agreement to which it is a party to any other telecommunications carrier that requests such interconnection upon the same terms and conditions as those provided in the agreement.

We interpret that section to mean if there is a small carrier involved and it comes into the area, which means the Bell carrier can then enter long distance, that other carriers can come in easily; as a matter of fact, they would not have to comply with 251.

The problem is that as we see it in rural areas where only a small carrier may seek the interconnection to provide competing local service in the beginning, it means that that small carrier cannot enter this picture until there is a larger carrier that would be able to handle the substantial test of the Senator's amendment. The Senator's amendment would require that you have a carrier capable of providing service to a substantial number of businesses and residential customers. Obviously, the small carrier cannot do that.

One is looking at the test for the Bell companies; the other is looking at the test for entry. We believe the predominant issue in regard to 251 is that there be no requirement other than the minimum compliance with the competitive checklist, as provided in subparagraph (2) of subsection (b) that I read from section 251.

Mr. KERREY. Mr. President, I understand the concern, but the larger concern, I believe, still remains, which is expressed by the findings in the bill and the description of the bill of what it is attempting to do, which is: We want to make sure we have competition before we get into long distance. That is the idea.

Currently, if I am a consumer, a household in Omaha, NE, I have one choice. That is what I have. My telephone company wants to get into long distance. The intent here is before you get into long distance, you get some competitive choice at the local level. If all I have to do is sign an interconnection agreement with one small company before that occurs, that hardly provides the kind of competitive choice, as I understand the intent of the bill.

I understand the Senator's concern about rural carriers, but I do not believe, at least as I read it, that the amendment precludes the possibility of a rural carrier, a smaller carrier interconnecting.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, it is, in our judgment, that the language of the bill, as it stands, provides an incentive to the long-distance companies, who are worried about Bell companies' entry into long distance, to come forward and use the provisions of section 251 to negotiate the interconnection agreements.

If they do not do that and a small carrier does come forward, it still meets the requirements of this section and, therefore, it is sort of an incentive to the other long distance companies to come forward and get involved in the negotiations regarding section 251, in our judgment.

In any event, it adds a level to the threshold. It increases the minimum requirements that we have associated with compliance with the checklist and, as such, it adds another burden to future competition, which is something that we disagree with the Senator on.

Mr. KERREY. Mr. President, it unquestionably asks for a minimum requirement. That is unquestionably true. I believe if this amendment were adopted, it would be a reasonable substitute for the Department of Justice role. It makes sure you have competition. The concern ought not to be for most of these companies trying to figure out whether you have competition; the concern really ought to be is there a competitive choice: Do I have in my residence in Omaha, NE, or do I have in my residence in any other area a competitive choice?

It does not insert "no substantial possibility" language. It does not insert any specific language. It just says that it has to be more than a single, small interconnection.

Mr. STEVENS. Mr. President, it is not my desire to limit in any way the Senator's debate on this amendment.

Mr. KERREY. I conclude my debate. Mr. President, I yield the floor.

Mr. STEVENS. Mr. President, again I say what the Senator from Nebraska is looking for is something to increase the effective competition tests that are in this bill. The section we have been debating, section 255(b)(1), sets a minimum requirement for the Bell operating companies to enter into interLATA services. We think that is sufficient, in view of the requirements of the checklist itself.

Unless the Senator wishes to make additional comments, I intend to move to table his amendment, but I will be happy to let him have the last word, if he wishes to do so.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. Mr. President, the last word merely is that the Senator from Alaska is right, I am not worried about the minimum requirement in 255. I think it needs to be strengthened. This amendment does precisely that, it attempts to strengthen the requirements of 255 prior to being given permission for interLATA service.

Mr. STEVENS. The Senators's definition is the difference between us.

I move to table Kerrey amendment No. 1307, and I ask unanimous consent that the vote on this motion to table occur at 2:30 p.m. today and that there be no second-degree amendments in order to the amendment prior to the vote on the motion to table.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. STEVENS. Mr. President, in view of the fact that there is approximately an hour left, I ask unanimous consent to lay this amendment aside until the time established for the vote on my motion to table, in the hope someone might come forward with another amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, how long?

Mr. DORGAN. Ten minutes.

Mr. STEVENS. I have no objection.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. I thank the Chair.

(The remarks of Mr. DORGAN pertaining to the introduction of legislation are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ABRAHAM). Without objection, it is so ordered.

Mr. STEVENS. The Senator from California has two amendments. One is an amendment to the other. We have no objection to the motion she is going to make to consolidate those amendments.

If she wishes to take it up at this time, we would be happy to do so on the basis of a time agreement, 30 minutes to be divided, 20 minutes on the side of the proponent, 10 minutes over here, with no second-degree or other amendments in order.

We will have a vote on or in relation to the amendment following the vote on the motion to table that has already been agreed to.

I ask unanimous consent that that be the agreement under which the Senator takes up this amendment.

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY. Reserving the right to object, and I shall not object, the distinguished senior Senator from Nebraska and I, Mr. President, have a couple of amendments regarding the Internet that I think we can do in a relatively short period of time.

I wonder if it might be possible for these two Senators to then follow the amendment we just discussed.

Mr. STEVENS. Mr. President, I say to my friend that we have amendments already scheduled to come up for a vote at 2:30. It is our hope we will have this vote on Senator BOXER's amendment right after that, and we would be pleased to take up your amendments following that, if the Senator would like to do so.

Mr. LEAHY. Fine.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1340 AND AMENDMENT NO. 1354

(Purpose: To preserve the basic tier of cable services)

Mrs. BOXER. Mr. President, I want to thank the Senator from Alaska for his courtesy he extended to this Senator and to the Senator from Michigan, Senator LEVIN.

We are anxious to put our amendment forward. It is very straightforward. I ask that my amendment numbered 1340 be modified by my second-degree amendment, which is also at the desk, amendment No. 1354.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, I ask unanimous consent that I yield myself, out of the 20 minutes, 7 minutes.

Mr. President there has been a lot of debate on this bill, the Telecommunications Competition and Deregulation Act of 1995. A lot of it is quite technical. A lot of it is difficult to follow.

I do believe that the amendment that the Senator from Michigan, Senator LEVIN, and I are proposing is quite straightforward.

What we want to do with this amendment is to protect—protect—the people who currently have cable service from losing channels that they have grown used to that are in their basic service.

We are very fearful that because of the changes made in this bill, cable companies will move certain channels out of their basic tier of service, and the public that has grown used to this basic service will now be forced to pay for these channels on a second tier.

For example, there are many viewers that in their basic service get stations like CNN or TNT. What we are fearful of—if we do not pass the Boxer-Levin amendment—is that cable companies will jettison stations like CNN or TNT and tell the customers who have been receiving those programs in their basic service that they will have to pay extra. Now CNN and TNT will go into another tier, and the people who have been watching them will have to now pay more.

It is very straightforward. What we are saying is, if you want to reduce the level of service that you currently have as a cable operator, you first need to get approval from the local franchise authority, which is usually the board of supervisors or the county commissioners or the city council or the mayor.

So we are taking, I think, in this amendment, some commonsense steps. We are saying before the competition fully comes in, and we look forward to that day, before the competition really comes in, for a period of 3 years—we have sunsetted this at 3 years—we want to protect the people who rely on cable. We want to protect them so they do not suddenly find themselves without channels that they have grown to rely on and, in addition, they would have to spend more money to order these channels in another tier of service.

I am very hopeful we will get broad bipartisan support for this amendment. Because, whether Mrs. Smith or Mr. Smith lives in Washington or California or Michigan or South Dakota or Ohio, wherever they may live, they may be finding out that they will suddenly have to pay more for programming they had on their basic rate.

Let me tell my colleagues what is going to happen to Senators. Whether they are from California or Michigan or South Dakota or Ohio—wherever they are from—they are going to get the call from that senior citizen who has come to rely on that programming. They will say, "Senator, why did you not protect me? Why do I now have to pay extra money for CNN?" Then, if you voted against Boxer-Levin, you will have to explain it. You will say, "Well, Mrs. Smith, I thought competition would come in and you would not get stuck."

Mrs. Smith will say, "Well, good, I will send you my bill. You pay it. Because you should have protected me at least in a transition period and I deserve that protection. By voting against the Boxer-Levin amendment you left me exposed to a situation where I lose programming and suddenly have to pay more for it."

Mr. President, I retain the remainder of my time and yield 7 minutes to my friend from Michigan, Senator LEVIN.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I thank my friend from California for taking the initiative on this bill.

The amendment she is offering really, I believe, is intended to carry out the purpose of the bill. What the bill intends to do is deregulate the rates on upper tiers. But as part of this compromise, it is intended that the basic rate—the basic tier continue to be subject to regulation by the local franchise authority. That is the structure of this bill. Basic tier is going to continue to be regulated. The upper tiers are going to be deregulated. That, it seems to me, is quite an important decision on the part of the sponsors of this bill, and one that is a very reasonable decision.

But the problem then becomes, since the upper tiers are deregulated, the cable operator who currently shows, for instance, ESPN as part of the basic tier and provides it as part of the basic rate would then have an incentive to move ESPN to a higher tier and out of the basic tier, unless this amendment is adopted.

I believe the sponsors of the language in the bill would say it is their intent that the basic tier remain and that it remain regulated. I think that is the intent of this bill. But there is a loophole which we should close with this amendment. That loophole is that, since the upper tiers are deregulated and therefore price is deregulated and cable companies then can raise prices on upper tier, there would be an incentive to move channels that are currently provided as part of the basic cable out of basic cable into the upper tier, unless there is at least a period of a couple of years until competition comes in, which will take care of this problem.

Competition is the answer. We all know that. The problem is there is going to be an interim period here, and that is why the Boxer amendment in its second-degree portion which is now part of the principal amendment has a 3-year statute of limitations on this provision. We recognize that competition is intended to correct this problem. But we also recognize it is going to be a period of time before competition effectively can do that.

So, in order to avoid the, I believe, unintended consequence of someone who currently is given basic cable at a certain rate suddenly finding the channels, that were previously part of that basic cable, still subject to price regulation, are now shifted out of that basic cable into the unregulated upper tiers, this amendment is essential.

That is the heart of it. It is a fairly straightforward amendment. It is a very proconsumer amendment, but it is not only proconsumer. I think it is also a way of our carrying out our commitment to our constituents. And that commitment is we are going to continue to regulate the basic cable. Yes, the upper tiers are going to be deregulated but there is not going to be a surprise.

If you have been getting—and I emphasize "if" you have been getting—ESPN, or CNN or whatever on your basic cable, you are not going to find suddenly that rug is pulled out from under you, those channels are suddenly removed to a higher tier.

Unless we adopt something like this we are going to find our constituents coming to us and saying, "Wait a minute, I thought you said basic cable was going to continue to be regulated by the local franchising authority. That was the representation you made. The local franchise authority was going to continue to regulate basic cable. I have been watching ESPN every night and all of a sudden, ESPN is not on my basic cable anymore. What happened? That was supposed to continue regulated and now we find it is in the higher tier. My basic cable, which is all I get, does not have channels which I am accustomed to and which you folks said would continue to be regulated."

So I think, in order for us to carry out what is the intention of this bill, that it is necessary to have this transition amendment that the Senator from California and I are offering to the Senate. Again, it is a way I truly believe that carries out the intent of the sponsors of this bill and the basic compromise which they have reached, which is that we are going to continue to regulate or allow the local franchise, more accurately, to regulate the basic cable while we are deregulating the upper tiers.

So, Mr. President, again, with the sunset provision, I think that would address any concerns that regulation is going to continue after it is needed. It is not going to be needed when competition takes over but there is this period we all know when competition cannot quite yet do the job. It has been recognized in a number of ways in this bill. This amendment would be, if adopted, another recognition of the reality that, until competition comes in, we should have an interim period where we are going to protect consumers against the unintended consequences which otherwise might occur.

I congratulate my friend from California. This is a straightforward amendment. We hope the managers of the bill would accept this amendment but, if not, we hope the Senate then would adopt it on a bipartisan basis.

I yield the remainder of my time, if I have any, and yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from California.

Mrs. BOXER. Mr. President, would the Chair inform the Senator how much time she has remaining?

The PRESIDING OFFICER. The Senator has 9 minutes.

Mrs. BOXER. I ask the Senator from South Dakota if he is going to speak either in favor of or opposing the amendment of the Senator?

Mr. PRESSLER. I will be opposing the amendment. I ask the Chair, how much time do I have?

The PRESIDING OFFICER. The Senator has the 10 minutes that was allocated.

Mr. PRESSLER. The parliamentary situation is that there is a vote scheduled at 2:30?

The PRESIDING OFFICER. There is a vote scheduled at 2:30 p.m., tabling the Kerrey amendment.

Mr. PRESSLER. Yes, I will be speaking against the amendment and I will offer a motion to table at some appropriate time. I could do that now and stack the vote, this next vote, if that would be agreeable to my friend?

Mrs. BOXER. As long as the Senator from California has 9 minutes to complete a presentation, we have no objection and will be happy for the yeas and nays on the motion.

Mr. PRESSLER. I ask unanimous-consent that it be in order at this time, and may I ask unanimous consent that at 2:45, at the conclusion of the first vote, the Senate then proceed immediately, and I will make a motion to table at that time, but that we continue to debate?

Mrs. BOXER. Will the Senator repeat the unanimous-consent request?

Mr. PRESSLER. First of all, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. PRESSLER. I ask unanimous consent that at the conclusion of the first vote, it be in order to move to table the Boxer-Levin amendment. So we can have two back-to-back votes.

The PRESIDING OFFICER. Is there objection?

Mrs. BOXER. I say to my friend, there is no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRESSLER. I will speak against this amendment, if I may do so now.

I yield myself, Mr. President, 5 minutes.

The PRESIDING OFFICER. The Senator may proceed.

Mr. PRESSLER. Mr. President, I urge Senators to vote "no" on the Boxer-Levin amendment. The business of cable TV has been much debated, and we have settled on a bipartisan approach in the committee bill and it has been settled by the Dole and Daschle subsequent amendments and by leadership amendments. The cable TV issue should be left as it is in the bill.

This amendment forbids a cable operator from taking any program service off basic service without approval of the local franchising authority. We feel strongly that would violate the spirit of the agreement that has been reached on a bipartisan basis regarding cable television pricing and cable television servicing throughout the United States.

The Cable Act of 1984 specifically forbids authorities from specifying particular services to be carried. I am very touchy about giving any authority the power to pick programming or the power of the mayor of the city, for example, to decide what is going to be in the local newspaper or what columns are going to be carried, and which newspapers are going to operate in that city, or what comic strip characters are going to be allowed in that particular city, or what editorial writers are going to operate in that particular area.

The Cable Act of 1984 did so to protect the first amendment. It specifically prohibited franchising authorities, and it did so to protect the first amendment right to decide what to carry. This amendment would take that away. It is a major reversal of longstanding cable policy that carefully balances the rights of cities and operators.

For instance, if a cable operator wanted to replace a home shopping service with a news service, it could not do so without getting approval or, if it wanted to replace one classic movie channel with another, it would be forbidden unless the city agreed.

The amendment is not needed to protect the channel location of local broadcasters. They cannot be removed, in any case. The cable operator must already carry local TV stations on the basic tier. It is not needed to protect access channels on basic, either. The Cable Act requires them to be carried on basic along with broadcast signals, and cities already can require these channels as a part of any franchise that is granted.

This amendment would freeze certain programming lineups on smaller systems for no good reason except to give cities editorial power over a cable operator's programming.

Mr. President, the cable agreement, or the agreements in relationship to pricing of cable television, have been worked out very laboriously in the committee, and again in the manager's amendment, and again in the leadership amendment. I think we have the cable thing settled down, or at least I hope so.

The Boxer-Levin amendment supposedly prevents an operator from moving a popular service from a regulated basic tier and offering it on a less regulated cable programming service—CPS—tier. But most such migration has already occurred off the basic tier.

The PRESIDING OFFICER. The Chair wishes to inform the Senator that he has used 5 minutes of the 10 minutes.

Mr. PRESSLER. Thank you very much.

Mrs. BOXER. Mr. President, I understand my friend has reserved 4 or 5 minutes at this time.

The PRESIDING OFFICER. He has 5 minutes left.

Mrs. BOXER. I would like to at this time ask for 5 minutes so I may close the debate on my amendment.

The PRESIDING OFFICER. The Senator may proceed.

Mrs. BOXER. I appreciate that very much, Mr. President.

I want to say to my friend from South Dakota that I thought he had a very thoughtful response to the Boxer-Levin amendment. But I want to take these issues one at a time in my hope that my colleagues are listening to this debate because I am putting up a warning flag to my colleagues that the first time a cable company moves CNN or TNT or ESPN off basic service, your phones are going to be lighting up. You are going to have to explain why you did not protect your people.

The answer that my friend from South Dakota puts forward is one that I take issue with. He says we have had a bipartisan approach to the cable part of this bill. It has been settled. With all due respect, I say to my friend, it may well be that there are Senators who are not on the committee of jurisdiction who may have thought of the problem that Senators on both sides of the aisle did not think about.

This amendment does no violence at all. I would characterize it as a transitional ratepayer protection amendment. Why do I say transitional? It only lasts for 3 years. If a cable company wants to rip off a cable channel that you have been watching and you have been getting in your basic tier, you have the ability to say to the local franchising authority, please, take a look at this and see if it is fair.

I say to my friend from South Dakota, if he has a farming family in South Dakota and they are used to getting a certain program on their basic tier, and they are not extremely wealthy, and they are paying $20 a month for their basic service, and they love the channels in their basic service and those channels are ripped away, then they have to pay another say $15 or $10 a month for those channels they were getting. I say to my friend, the committee probably did not deal with that issue because I cannot imagine Senators want to have a situation where their phones are ringing off the hook.

Look, the Boxer-Levin amendment is supported by the Consumer Federation of America and it is supported by the Consumers Union. And I am saying that for the 3 years that this bill is working its way through, let us protect our consumers. Let us protect our ratepayers, whatever State they happen to be in. It is a very simple process. It is a very simple amendment. Yes, when we have real competition in the cable industry, there will not be any need for the Boxer-Levin amendment. That is why we have sunsetted that amendment.

My friend is concerned about giving local government too much power. On the one hand, I have my colleagues on the Republican side saying that is where the power ought to be; not here in Washington but with the local mayors, city councils, boards of commissioners, boards of supervisors because they are close to the people. And this amendment, the Boxer-Levin approach, gives them the ability to protect the people in their communities from being ripped off by a cable company, and having to pay more for something they always got in their basic tier.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. PRESSLER. Mr. President, I yield myself my remaining 5 minutes. That will give the Senator from California a chance to finish.

Let me say that I urge my colleagues to vote "no" on the Boxer-Levin amendment because we have resolved the cable television issue, we have achieved a good compromise and a good settlement. But let me go on and say that the amendment supposedly prevents an operator from moving a popular service in a regulated basic tier and offering it on a less regulated cable programming service, a CPS tier. But most such migration has already occurred off the basic tier. Only a few mostly smaller systems have large basic tiers. The Senate bill already provides protection against higher prices on the CPS tier should an operator migrate services and seek a steep rate increase. I think that is called the bad actor provision that is in the legislation.

The amendment is not needed to protect the channel location of local broadcasters. I have already pointed out that they are already there and under the must-carry provisions. It is not needed to protect access channels on basic tier, either. The Cable Act requires them to be carried on basic along with broadcast signals, and cities already can require these channels as part of any franchise that is granted.

The amendment freezes certain program lineups on smaller systems for no good reason except it gives cities editorial power over a cable operator's programming.

Let me conclude by saying that I think the Boxer-Levin amendment is not a good idea.

It is a regulatory idea. This is supposed to be a deregulatory bill. It is said: What will the family do on the farm in South Dakota? I come from a farm in South Dakota. There is a direct satellite broadcasting competitive alternative. There is going to be a video dial competitive alternative. We are going to have the electric utilities able to get into telecommunications. If we pass this bill, there is going to be so much competition and so many alternative voices and sources that prices are going to collapse. There are going to be more services available, and they are going to be competitive. We do not need regulation.

For example, if we look at what has shown up in the last few years, the Learning Channel, the History Channel, even "MacNeil/Lehrer" has been sold to a private company and is going to make additional public affairs programs for profit.

Times are changing. There is more competition out there, more alternatives. The thinking of the 1950's and 1960's and 1970's and 1980's that regulation will bring things to smaller cities and rural areas is not necessarily true. My State is a State of smaller cities and rural areas, but we will benefit greatly from the telecommunications revolution. This bill will help small business and small towns. I have with me the signatures of 500 delegates to the White House Conference on Small Business—meeting this week here in Washington—telling about how much this telecommunications bill will help small business. More than 500 delegates to the White House Conference on Small Business this week have written to President Clinton urging him to support our reform bill, S. 652.

We have heard a lot in this Chamber about how corporate interests are influencing this, and so forth. Occurring at this moment over at the White House is the small business conference, and we have 500 of those delegates who sent a petition urging that President Clinton support this bill and that the Congress pass it quickly and that it not put more regulation in it. But this amendment is for more regulation.

Mr. President, I will read into the RECORD portions of a letter to me from the small business owners of America:

> . . . strongly urging you to enact legislation that will open all telecommunications markets to full and complete competition, ensuring that all Americans enjoy the lower prices and innovative services that unfettered competition will produce.
>
> We are pleased to present you with copies of more than 500 letters to President Clinton from delegates to the White House Conference on Small Business seeking White House support for Senator Pressler's Telecommunications Competition Deregulation Act, S. 652 . . .
>
> Of all the solutions offered, S. 652 best achieves the goal of streamlined regulation, enhanced competition and consumer protection. By opening the marketplace to all competitors on equal terms and conditions, you will ensure vigorous competition that will deliver economic growth, improve services and lower prices to all Americans.
>
> We urge you to pass this legislation in its present form and without delay.

So they want this legislation, the small business people of America, and self-employed Americans. And I have heard some people talking about lobbyists out here. Of course there are lobbyists everywhere. They have the right to petition our Government. But here, signing these letters, we have 500 of the leading small businessmen of America gathered in President Clinton's offices for a conference. The small business people of America are for this bill. They do not support over-regulation such as the Boxer amendment.

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. BOXER. Mr. President, I yield myself the remainder of my time.

I did not know the small business people took a stand against the Boxer amendment, but I have to just say this to my friend. The Consumer Federation of America supports it, and there are 60 million cable subscribers. And I say to my friend the minute a cable operator throws a station off of the basic tier——

Mr. PRESSLER. If my friend will yield——

Mrs. BOXER. I will yield on the Senator's time. I do not have enough time; I am sorry.

Mr. PRESSLER. I did not specifically mean they were opposed to the Boxer-Levin amendment. They are for the bill and the Boxer-Levin amendment would change the bill. But I should not say that they are against the Senator's amendment specifically.

Mrs. BOXER. I thank the Senator. I appreciate my friend clarifying that on his time because I have so little time. I think it is important not to confuse the debate. This is not about the whole bill, I say to my friend from South Dakota. Let us not engage in overstatement. This is a small provision, a small provision that deals with one issue. It is a transitional amendment. It says let us protect the ratepayers for 3 years, those people who sit in their homes and pay for cable and get certain channels in their basic tier.

Under this bill, a cable company—and by the way, they are not a "bad actor" if they do this because it is totally allowable under the bill—can knock out several of those channels, put them on another tier and charge you for it, and you are sitting there like a chump. I hope you will call your Senator and ask that Senator if they voted for Boxer-Levin, because we will protect you. I think we are doing the right thing for the small business people. I think we are doing the right thing for the cable companies because they sometimes do not know what they are up against when they do this—the outrage that will follow.

I am a Senator. I have served here for 3 years. I served in the House of Representatives for 10 years. I served on a local board of supervisors for 6 years, and I swear when I go to a community meeting now as a Senator people will raise their hand more about cable service than almost anything else. Oh, they are interested in Bosnia. They care a lot about the big global issues, of course. But nothing impacts their daily life more, it seems to me, than what they bring to a Senator regarding their cable rates and the quality of their programming.

So I think we have a chance to stand up for the little people out there who look forward to these programs. And, yes, maybe we are stepping on a few toes of the cable people. But I am not worried about them. Do you know what they did, the cable companies? From 1984 to 1992, when they were unregulated, they raised basic cable service rates by 40 percent. So at that time the same arguments were heard: Oh, competition is around the corner.

My friend talks about satellite dishes. I say to my friend from South Dakota, maybe he does not know the numbers. But only one-half of 1 percent of consumers receive digital broadacast satellite service. So he can talk about his people in South Dakota getting satellite service, but only one-half of 1 percent can afford it.

Will they get it soon? Yes, they will get it soon. Yes, there will be more competition. And I applaud that. I love the thrust of the bill, that we are going to invite people in and have competition. But I have to warn my friends. Until that day that there is enough competition, that the satellite dishes are affordable and everyone moves into this business, you are going to get the calls from your consumers, whether they are in Kentucky or California or North Carolina, South Carolina, Indiana, I do not care, Michigan, whatever.

Mr. FORD. Will the Senator yield for just 1 minute?

Mrs. BOXER. I will be glad to yield.

Mr. FORD. The Senator from California used the rate increase of 40 percent. That was from GAO sending out a postcard and asking you to respond. And only those responded that had a very low increased rate. Some areas went as high as 200 percent. And I can name those to you. So 40 percent is a low figure. And I think we ought to remember that and pay attention to the Senator's amendment.

Mrs. BOXER. I thank my friend so much. It means so much to me that he sees there is merit in this amendment.

Senator LEVIN and myself thought long and hard, and we decided it was important to stand up for the consumers, protect the consumers so the cable companies, just in this 3-year interim period, cannot pull out from under you a basic, important channel that you have grown used to, that you have paid for in your basic service, and charge you more for it.

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. BOXER. I thank my friend very much. I yield the floor at this time. I hope Senators will support Boxer-Levin.

VOTE ON AMENDMENT NO. 1307

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to the motion to lay on the table amendment No. 1307, offered by the Senator from Nebraska. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 79, nays 21, as follows:

[Rollcall Vote No. 261 Leg.]

YEAS—79

Abraham
Ashcroft
Baucus
Bennett
Biden
Bond
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
Daschle
DeWine
Dole
Domenici
Dorgan
Exon
Faircloth
Feinstein
Ford
Frist
Glenn
Gorton
Gramm
Grams
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Helms
Hollings
Hutchison
Inhofe
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerry
Kohl
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pressler
Pryor
Rockefeller
Roth
Santorum
Sarbanes
Shelby
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—21

Akaka
Bingaman
Boxer
Bradley
Conrad
Dodd
Feingold
Graham
Inouye
Kerrey
Kyl
Lautenberg
Leahy
Levin
Lieberman
Murray
Pell
Reid
Robb
Simon
Wellstone

So the motion to lay on the table the amendment (No. 1307) was agreed to.

AMENDMENT NO. 1340 AND AMENDMENT NO. 1354

The PRESIDING OFFICER. The clerk will report amendments 1340 and 1354.

The legislative clerk read as follows:

The Senator from California [Mrs. BOXER] and Mr. LEVIN proposes amendments numbered 1340 and 1354 thereto.

The amendments are as follows:

AMENDMENT NO. 1340

On page 71, between lines 2 and 3, insert the following:

(d) PRESERVATION OF BASIC TIER SERVICE.—Section 623 (47 U.S.C. 543) is further amended by adding at the end the following:

"(n) PRESERVATION OF BASIC TIER SERVICE.—A cable operator may not cease to furnish as part of its basic service tier any programming that is part of such basic service tier on January 1, 1995, unless the franchising authority for the franchise area concerned approves the action.".

AMENDMENT NO. 1354

Strike all after "(d)" in the pending amendment and insert the following:

PRESERVATION OF BASIC TIER SERVICE.—Section 623 (47 U.S.C. 543) is further amended by adding at the end the following:

"(n) PRESERVATION OF BASIC TIER SERVICE.—A cable operator may not cease to furnish as part of its basic service tier any programming that is part of such basic service tier on January 1, 1995, unless the franchising authority for the franchise area concerned approves the action. This provision shall expire three (3) years after the date of enactment."

AMENDMENT NO. 1340, AS MODIFIED

The PRESIDING OFFICER. Under the previous order, amendment 1340 is modified by the language of amendment 1354.

The amendment (No. 1340), as modified, is as follows:

On page 71, between lines 2 and 3, insert the following:

(d) PRESERVATION OF BASIC TIER SERVICE.—Section 623 (47 U.S.C. 543) is further amended by adding at the end the following:

"(n) PRESERVATION OF BASIC TIER SERVICE.—A cable operator may not cease to furnish as part of its basic service tier any programming that is part of such basic service tier on January 1, 1995, unless the franchising authority for the franchise area concerned approves the action. This provision shall expire three (3) years after the date of enactment."

The PRESIDING OFFICER. The Senator from South Dakota [Mr. PRESSLER] is recognized to make a motion to table.

Mr. PRESSLER. Mr. President, I move to table the Boxer amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MACK (when his name was called). Present.

Mr. LOTT. I announce that the Senator from Vermont [Mr. JEFFORDS] is necessarily absent.

The PRESIDING OFFICER (Mr. GREGG). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 60, nays 38, as follows:

[Rollcall Vote No. 262 Leg.]

YEAS—60

Abraham
Ashcroft
Baucus
Bennett
Bond
Breaux
Brown
Burns
Campbell
Chafee
Coats
Cochran
Coverdell
Craig
D'Amato
Daschle
DeWine
Dole
Domenici
Faircloth
Frist
Glenn
Gorton
Gramm
Grams
Grassley
Gregg
Hatch
Hatfield
Heflin
Helms
Hollings
Hutchison
Inhofe
Kassebaum
Kempthorne
Kerry
Kyl
Lott
Lugar
McCain
McConnell
Murkowski
Nickles
Nunn
Packwood
Pressler
Reid
Rockefeller
Roth
Santorum
Shelby
Simpson
Smith
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—38

Akaka
Biden
Bingaman
Boxer
Bradley
Bryan
Bumpers
Byrd
Cohen
Conrad
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Graham
Harkin
Inouye
Johnston
Kennedy
Kerrey
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Pell
Pryor
Robb
Sarbanes
Simon
Snowe
Wellstone

ANSWERED "PRESENT"—1

Mack

NOT VOTING—1

Jeffords

So the motion to lay on the table the amendment (No. 1340), as modified, was agreed to.

Mr. DOLE. Mr. President, I want to urge my colleagues on both sides—if there are any amendments on this side, too—we want to try to complete action on this bill today. The chairman has indicated his willingness to stay all night and keep the hours running. Thirty hours will expire tomorrow at 4 p.m. If we stay all night that would be 4 p.m. Or, if we can get an agreement to vote final passage by 12 noon tomorrow, otherwise, I think we may seriously consider the first option—staying all night.

I believe that most of the amendments will be tabled. I do not know of any serious amendments at all. Most of the amendments are on the other side. There are still some 50 amendments pending which is sort of par for the course, so far. But we hope that if people are serious about their amendments, they will offer them today so that we can dispose of this.

The managers have been on the floor now for almost a week. They have done an outstanding job on both sides. They are prepared to complete action on this bill late, late, late tonight. I urge my colleagues. Maybe some amendments will be accepted. I do not know what the status of many of these amendments are. But it would be our intention to table every amendment from now on unless the managers indicate otherwise.

We are having a Republican conference. I will make that clear to them that, if we are going to finish this bill, we have to have some discipline on this side to help table amendments for both managers of the bill, not just the manager on this side.

So I urge my colleagues to finish today. If you want to agree to an agreement, we will have final passage no later than noon tomorrow. Otherwise, I will leave it up to the managers. The chairman has indicated to me that he prefers to stay here all night and dispose of amendments between now and 4 o'clock tomorrow.

The PRESIDING OFFICER. Under the previous order, the Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, while the distinguished majority leader is on the floor, I note that many of us have been trying to work out a time agreement. There is cooperation on both sides of the aisle. For example, I am about to call up an amendment which will by prearrangement have a second-degree amendment by Senators EXON and COATS. We will keep that on a relatively short time agreement, and we will wrap that one up. I will also be yielding to Senator KERREY, who has an amendment which I understand is going to be accepted. Senator BREAUX and I have been trying to work out one of the major issues, which I think both sides agree is a major issue that must be debated, an intraLATA amendment, to try to see if we can reach an area of agreement by which we would speed that one up.

Mr. President, with that, I yield, if I might, to the Senator from Nebraska, Senator KERREY.

Mr. KERREY addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. Mr. President, what is the pending business?

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. KERREY. Is there an amendment before the body?

The PRESIDING OFFICER. There is no amendment pending.

AMENDMENT NO. 1310, AS MODIFIED

(Purpose: Clarifies that pricing flexibility should not have the effect of using noncompetitive services to subsidize competitive services)

Mr. KERREY. Mr. President, I send an amendment to the desk and ask for its immediate consideration, amendment 1310.

The PRESIDING OFFICER. The clerk will report.

Mr. KERREY. Mr. President, I ask unanimous consent to modify the amendment in accordance with the agreement of both managers.

The PRESIDING OFFICER. Is there objection?

Mr. PRESSLER. Reserving the right to object, and I will not object, I just want to explain to the Members of the Senate that it is unusual to allow an amendment in this cloture situation, but we view this as duplicative; we already have cross-subsidization, but we do not think it changes the nature of the bill, and we are prepared to accept this amendment.

The PRESIDING OFFICER. Is there objection to the unanimous consent request? Without objection, it is so ordered. The clerk will report the amendment, as modified.

The assistant legislative clerk read as follows:

The Senator from Nebraska [Mr. KERREY] proposes an amendment numbered 1310, as modified.

Mr. KERREY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 113, at the end of line 17, insert the following sentence: "Pricing flexibility implemented pursuant to this section for the purpose of allowing a regulated telecommunications provider to respond to competition by repricing services subject to competition shall not have the effect of using noncompetitive services to subsidize competitive services."

Mr. PRESSLER. I urge adoption of the amendment.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 1310), as modified, was agreed to.

Mr. EXON. Mr. President, I move to reconsider the vote.

Mr. PRESSLER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

AMENDMENT NO. 1288, AS MODIFIED

(Purpose: To revise title IV of the bill and provide for a study of the legal and technical means of restricting access to obscenity on interactive telecommunications systems)

Mr. LEAHY. Mr. President, I ask it be in order to call up amendment No. 1288.

The PRESIDING OFFICER. The clerk will report the amendment.

Mr. LEAHY. I will note while the clerk is getting the amendment, it is an amendment proposed by myself, Senators MOSELEY-BRAUN, FEINGOLD, and KERREY of Nebraska.

The assistant legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY], for himself, Ms. MOSELEY-BRAUN, Mr. FEINGOLD, and Mr. KERREY, proposes an amendment numbered 1288.

Mr. LEAHY. Mr. President, we are under postcloture, so I would ask unanimous consent that I may be allowed, on behalf of myself and the same cosponsors, to modify my amendment.

The PRESIDING OFFICER. Is there objection?

Mr. PRESSLER. Reserving the right to object and I shall not object, this is the modification——

Mr. LEAHY. Modifying the amendment that is at the desk, I would tell the distinguished manager.

Mr. PRESSLER. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1288), as modified, is as follows:

On page 137, strike out line 7 and all that follows through page 144, line 19, and insert in lieu thereof the following:

SEC. 402. OBSCENE PROGRAMMING ON CABLE TELEVISION.

Section 639 (47 U.S.C. 559) is amended by striking "$10,000" and inserting "$100,000".

SEC. 403. BROADCASTING OBSCENE LANGUAGE ON RADIO.

Section 1464 of title 18, United States Code, is amended by striking "$10,000" and inserting "$100,000".

SEC. 404. REPORT ON MEANS OF RESTRICTING ACCESS TO UNWANTED MATERIAL IN INTERACTIVE TELECOMMUNICATIONS SYSTEMS.

(a) REPORT.—Not later than 150 days after the date of the enactment of this Act, the Attorney General shall submit to the Committee on the Judiciary of the Senate and House of Representatives a report containing—

(1) an evaluation of the enforceability with respect to interactive media of current criminal laws governing the distribution of obscenity over computer networks and the creation and distribution of child pornography by means of computers;

(2) an assessment of the Federal, State, and local law enforcement resources that are currently available to enforce such laws;

(3) an evaluation of the technical means available—

(A) to enable parents to exercise control over the information that their children receive by interactive telecommunications systems so that children may avoid violent, sexually explicit, harassing, offensive, and other unwanted material on such systems;

(B) to enable other users of such systems to exercise control over the commercial and noncommercial information that they receive by such systems so that such users may avoid violent, sexually explicit, harassing, offensive, and other unwanted material on such systems; and

(C) to promote the free flow of information, consistent with the values expressed in the Constitution, in interactive media; and

(4) recommendations on means of encouraging the development and deployment of technology, including computer hardware and software, to enable parents and other users of interactive telecommunications systems to exercise the control described in subparagraphs (A) and (B) of paragraph (3).

(b) CONSULTATION.—In preparing the report under subsection (a), the Attorney General shall consult with the Assistant Secretary of Commerce for Communication and Information.

"SEC. 405. EXPEDITED CONGRESSIONAL REVIEW PROCEDURE.

"(a) REQUIREMENT OF LEGISLATIVE PROPOSAL.—The report on means of restricting access to unwanted material in interactive telecommunications systems shall be accompanied by a legislative proposal in the form of a bill reflecting the recommendations of the Attorney General as described in the report.

"(b) IN GENERAL.—A legislative proposal described in (a) shall be introduced by the Majority Leader or his designee as a bill upon submission and referred to the committees in each House of Congress with jurisdiction. Such a bill may not be reported before the eighth day after the date upon which it was submitted to the Congress as a legislative proposal.

"(c) DISCHARGE.—If the committee to which is referred a bill described in subsection (a) has not reported such bill at the end of 20 calendar days after the submission date referred to in (b), such committee may be discharged from further consideration of such bill in the Senate upon a petition supported in writing by 30 Members of the Senate and in the House upon a petition supported in writing by one-fourth of the Members duly sworn and chosen or by motion of the Speaker supported by the Minority Leader, and such resolution shall be placed on the appropriate calendar of the House involved.

"(d) FLOOR CONSIDERATION.—

"(1) IN GENERAL.—When the committee to which such a bill is referred has reported, or when a committee is discharged (under subsection (c)) from further consideration of such bill, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for a motion to proceed to the consideration of the bill. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the bill is agreed to, the bill shall remain the unfinished business of the respective House until disposed of.

"(2) FINAL PASSAGE.—Immediately following the conclusion of the debate on such a bill described in subsection (a), and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the appropriate House, the vote on final passage of the bill shall occur.

"(3) APPEALS.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a bill described in subsection (b) shall be decided without debate.

"(e) CONSTITUTIONAL AUTHORITY.—This section is enacted by Congress—

"(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a bill described in subsection (b), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

"(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at anytime, in the same manner, and to the same extent as in the case of any other rule of that House.

"SEC. 405. ADDITIONAL PROHIBITION ON BILLING FOR TOLL-FREE TELEPHONE CALLS."

Mr. LEAHY. Mr. President, I yield to the distinguished Senator from Nebraska.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. EXON. I thank my friend from Vermont and I thank the Chair.

AMENDMENT NO. 1362 TO AMENDMENT NO. 1288, AS MODIFIED

(Purpose: To provide protections against harassment, obscenity, and indecency to minors by means of telecommunications devices)

Mr. EXON. Mr. President, I call up amendment No. 1362, which is at the desk, and I am introducing this on behalf of myself and Senator COATS.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Nebraska [Mr. EXON] for himself and Mr. COATS, proposes an amendment numbered 1362 to amendment No. 1288, as modified.

Mr. EXON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

Mr. LEAHY. Reserving the right to object, and I shall not object, Mr. President, am I correct this is in the form of a second-degree amendment to my amendment?

The PRESIDING OFFICER. The Chair is trying to determine that.

Mr. EXON. The amendment that I am offering is a second-degree amendment to the Leahy amendment that is pending, am I correct?

The PRESIDING OFFICER. This amendment is a second-degree substitute.

Without objection, reading of the amendment is dispensed with.

The amendment is as follows:

In lieu of the matter to be inserted, insert the following:

SEC. OBSCENE OR HARASSING USE OF TELECOMMUNICATIONS FACILITIES UNDER THE COMMUNICATIONS ACT 1934.

(a) OFFENSES.—Section 223 (47 U.S.C. 223) is amended—

"(1) by striking subsection (a) and inserting in lieu thereof:

"(a) Whoever—

"(1) in the District of Columbia or in interstate or foreign communications

"(A) by means of telecommunications device knowingly—

"(i) makes, creates, or solicits, and

"(i) initiates the transmission of,

any comment, request, suggestion, proposal, image, or other communication which is obscene, lewd, lascivious, filthy, or indecent, with intent to annoy, abuse, threaten, or harass another person;

"(B) makes a telephone call or utilizes a telecommunications device, whether or not conversation or communication ensures, without disclosing his identity and with intent to annoy, abuse, threaten, or harass any person at the called number or who receives the communications:

"(C) makes or causes the telephone of another repeatedly or continuously to ring, with intent to harass any person at the called number; or

"(D) makes repeated telephone calls or repeatedly initiates communication with a telecommunications device, during which conversation or communication ensues, solely to harass any person at the called number or who receives the communication;

or

"(2) knowingly permits any telecommunications facility under his control to be used for any activity prohibited by paragraph (1) with the intent that it be used for such activity,

shall be fined not more than $100,000 or imprisoned not more than two years, or both.";

and

(2) by adding at the end the following new subsections:

"(d) Whoever—

"(1) knowingly within the United States or in foreign communications with the United States by means of telecommunications device makes or makes available any obscene communication in any form including any comment, request, suggestion, proposal, or image regardless of whether the maker of such communication placed the call or initiated the communications; or

"(2) knowingly permits any telecommunications facility under such person's control to be used for an activity prohibited by subsection (d)(1) with the intent that it be used for such activity;

shall be fined not more than $100,000 or imprisoned not more than two years or both.

(e) Whoever—

"(1) knowingly within the United States or in foreign communications with the United States by means of telecommunications device makes or makes available any indecent communication in any form including any comment request, suggestion, proposal, image, to any person under 18 years of age regardless of whether the maker of such communication placed the call or initiated the communication; or

"(2) knowingly permits any telecommunications facility under such person's control to be used for an activity prohibited by paragraph (1) with the intent that it be used for such activity,

shall be fined not more than $100,000 or imprisoned not more than two years or both.

"(f) Defense to the subsections (a), (d), and (e), restrictions on access, judicial remedies respecting restrictions for persons providing information services and access to information services—

"(1) No person shall be held to have violated subsections (a), (d), or (e) solely for providing access or connection to or from a facility, system, or network over which that person has no control, including related capabilities which are incidental to providing access or connection. This subsection shall not be applicable to an individual who is owned or controlled by, or a conspirator with, an entity actively involved in the creation, editing or knowing distribution of communications which violate this section.

"(2) No employer shall be held liable under this section for the actions of an employee or agent unless the employee's or agent's conduct is within the scope of his employment or agency and the employer has knowledge of, authorizes, or ratifies the employee's or agent's conduct.

"(3) It is a defense to prosecution under subsection (a), (d)(2), or (e) that a person has taken reasonable, effective and appropriate actions in good faith to restrict or prevent the transmission of, or access to a communication specified in such subsections, or complied with procedures as the Commission may prescribe in furtherance of this section. Until such regulations become effective, it is a defense to prosecution that the person has complied with the procedures prescribed by regulation pursuant to subsection (b)(3). Nothing in this subsection shall be construed to treat enhanced information services as common carriage.

"(4) No cause of action may be brought in any court or administrative agency against any person on account of any activity which is not in violation of any law punishable by criminal or civil penalty, which activity the person has taken in good faith to implement a defense authorized under this section or otherwise to restrict or prevent the transmission of, or access to, a communication specified in this section.

"(g) No State or local government may impose any liability for commercial activities or actions by commercial entities in connection with an activity or action which constitutes a violation described in subsection (a)(2), (d)(2), or (e)(2) that is inconsistent with the treatment of those activities or actions under this section provided, however, that nothing herein shall preclude any State or local government from enacting and enforcing complementary oversight, liability, and regulatory systems, procedures, and requirements, so long as such systems, procedures, and requirements govern only intrastate services and do not result in the imposition of inconsistent rights, duties or obligations on the provision of interstate services. Nothing in this subsection shall preclude any State or local government from governing conduct not covered by this section.

"(h) Nothing in subsection (a), (d), (e), or (f) or in the defense to prosecution under (a), (d), or (e) shall be construed to affect or limit the application or enforcement of any other Federal law.

"(i) The use of the term 'telecommunications device' in this section shall not impose new obligations on (one-way) broadcast radio or (one-way) broadcast television operators licensed by the Commission or (one-way) cable service registered with the Federal Communications Commission and covered by obscenity and indecency provisions elsewhere in this Act.

"(j) Within two years from the date of enactment and every two years thereafter, the Commission shall report on the effectiveness of this section.

"SEC. . OBSCENE PROGRAMMING ON CABLE TELEVISION.

"Section 639 (47 U.S.C. 559) is amended by striking '$10,000' and inserting '$100,000'.

"SEC. . BROADCASTING OBSCENE LANGUAGE ON RADIO.

"Section 1464 of Title 18, United States Code, is amended by striking out '$10,000' and inserting '$100,000'.

"SEC. . SEPARABILITY.

"(a) If any provision of this Title, including amendments to this Title or the application thereof to any person or circumstance is held invalid, the remainder of this Title and the application of such provision to other persons or circumstances shall not be affected thereby.

"SEC. . ADDITIONAL PROHIBITION ON BILLING FOR TOLL-FREE TELEPHONE CALLS."

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. EXON. I ask in a spirit of moving things along, I think there has been general agreement among the principals that we could have a time agreement on this matter and then a vote, and I would like to ask my friend from Vermont if he is prepared to propose the unanimous consent agreement that we all had agreed to.

Mr. LEAHY. Mr. President, if the Senator will yield, I will soon propose—let me just outline what I propose—we agree to have a 2-hour time agreement evenly divided between the Senator from Nebraska and myself on a second-degree amendment, with a 20-minute time agreement evenly divided between the Senator from Nebraska and myself on the underlying Leahy, et al. amendment, with the understanding, of course, that either or both sides could yield back time.

So with that understanding, I ask unanimous consent that there be a 2-hour time agreement on the Exon amendment evenly divided, at the expiration of which or the yielding back of time there be a vote on or in relation to the Exon amendment, and then, if the Exon amendment is not adopted, we go to the underlying Leahy amendment with a 20-minute time agreement evenly divided, with a vote following on or in relation to it.

The PRESIDING OFFICER. Is there objection?

Mr. EXON. Merely a matter of clarification. Did I understand the Senator from Vermont to include that after we finish the 2 hours equally divided or yielded back, we would have a vote at the end of that time?

Mr. LEAHY. That was part of the unanimous consent, Mr. President; on the understanding that if the Exon amendment was defeated, then, of course, we would go to the underlying Leahy amendment. If it was not, then obviously the underlying Leahy amendment would be moot.

The PRESIDING OFFICER. Is there objection?

Mr. PRESSLER. Reserving the right to object, and I shall not, perhaps I should——

Mr. LEAHY. Let me add that no other amendments be in order prior to the disposition of these amendments under the unanimous consent request.

Mr. PRESSLER. I wonder if I should not try to reserve 10 minutes of time within that in case some Senator, from whom we have not heard, feels an irrepressible urge to make a speech.

Mr. LEAHY. Might I suggest this to the Senator from South Dakota, that the two managers each have 5 minutes of that time.

Mr. PRESSLER. Fine. I do not intend to use it, but someone may feel an irrepressible urge to make a speech.

Mr. LEAHY. That sometimes happens, Mr. President, in this body. It is rare, but it sometimes happens.

Mr. PRESSLER. The Senator will accommodate them.

Mr. COATS. Mr. President, I also reserve the right to object. I wish to just clarify that in all of that request the Senator from Indiana will have an opportunity to speak on the contingency that—we are offering this together with the Senator from Nebraska, but on the contingency that in the event the amendment, the Exon-Coats amendment is defeated, I would like to have 5 minutes or so of that time before a vote on the underlying amendment.

Mr. EXON. I am happy to agree to that.

Mr. COATS. I do not object.

Mr. PRESSLER. I just want to be sure to protect the rights of Senators who may be in committee. They are having two or three markups. This subject is of great concern to our Nation and to a lot of Senators who may be in a markup at this moment who want to speak. I am sure the managers will work them in for 5 minutes and perhaps the Senator from Indiana could help allocate that time.

Mr. COATS. It is certainly not unheard of that Senators might have an irrepressible urge to speak on this or any other amendment.

Mr. PRESSLER. I have no objection.

Mr. LEAHY. I hope as the time goes on perhaps the points will be made and we may be able to yield back time and not use it all.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Who yields time?

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, I wish to thank my fine colleague from Indiana for all the help he has been and for a lot of work we have put in on this. I would be glad to yield to him for whatever time he wants to begin debate or, if he wishes me to proceed, I will do so at this time.

Mr. President, I yield myself 10 minutes.

Mr. President, I would like to start out this debate by reading a prayer that was offered by the Chaplain of the Senate on Monday, June 12, that I hope will guide us once again. It was so much on point to what this Senator and the Senator from Indiana and others are attempting to do that I think it is worthy of repetition:

> Almighty God, Lord of all life, we praise You for the advancements in computerized communications that we enjoy in our time. Sadly, however, there are those who are littering this information superhighway with obscene, indecent, and destructive pornography. Virtual but virtueless reality is projected in the most twisted, sick misuse of sexuality. Violent people with sexual pathology are able to stalk and harass the innocent. Cyber solicitation of teenagers reveals the dark side of online victimization.
>
> Lord, we are profoundly concerned about the impact of this on our children. We have learned from careful study how children can become addicted to pornography at an early age. Their understanding and appreciation of Your gift of sexuality can be denigrated and eventually debilitated. Pornography disallowed in print and the mail is now readily available to young children who learn how to use the computer.
>
> Oh God, help us care for our children. Give us wisdom to create regulations that will protect the innocent. In times past, You have used the Senate to deal with problems of air and water pollution, and the misuse of our natural resources. Lord, give us courage to balance our reverence for freedom of speech with responsibility for what is said and depicted.
>
> Now, guide the Senators when they consider ways of controlling the pollution of computer communications and how to preserve one of our greatest resources: The minds of our children and the future and moral strength of our Nation. Amen.

Mr. President, that is the end of the quote of the Chaplain of the Senate that I referenced earlier.

If in any American neighborhood an individual were distributing pornographic photos, cartoons, videos, and stories to children, or if someone were posting lewd photographs on lampposts and telephone poles for all to see, or if children were welcome to enter and browse adult book stores and triple X rated video arcades, there would be a public outrage. I suspect and I hope that most people, under those circumstances, would immediately call the police to arrest and charge any person responsible for such offenses.

I regret to report that these very offenses are occurring everyday in America's electronic neighborhood. It is not right to permit this type of activity in your neighborhoods and it is not right to ignore such activities via a child's computer.

Section 402 of the Communications Decency Act, that I have just offered on behalf of myself and my colleague from Indiana, Senator COATS, a version of that, which has been slightly amended, was approved by the Senate Commerce Committee and added to S. 652, the Telecommunications Competition and Deregulation Act that stands for a simple proposition; that is, the laws which already apply to obscene, indecent, and harassing telephone use and the use of the mails should also apply to computer communications. That is the heart and soul of our amendment.

Not only are children being exposed to the most perverted pornography and inappropriate communications, but adults are also being electronically stalked and harassed.

I have had the opportunity to share with several Members of the Senate, on both sides of the aisle, what I refer to as the "blue book." When I have shown this to Members on both sides of the aisle, there has been shock registered, obviously, on the faces of my colleagues, shock because few understand what is going on today with regard to the pollution of the Internet. I cannot and would not show these pictures to the Senate. I would not want our cameras to pick them up. But I think they probably are best described by some other material that has come to my attention by people who are strongly supporting our proposition. It says:

> Warning. Do not open until further instructions. Offensive material enclosed. Keep out of reach of children.

I hope that all of my colleagues, if they are interested, will come by my desk and take a look at this disgusting material, pictures of which were copied off the free Internet only last week, to give you an idea of the depravity on our children, possibly our society, that is being practiced on the Internet today. This is what the Coats-Exon amendment is trying to correct.

Mr. President, it is no exaggeration to say that the most disgusting, repulsive pornography is only a few clicks away from any child with a computer. I am not talking just about Playboy and Penthouse magazines. By comparison, those magazines pale in offensiveness with the other things that are readily available. I am talking about the most hardcore, perverse types of pornography, photos, and stories featuring torture, child abuse, and bestiality.

These images and stories and conversations are all available in public spaces free of charge. If nothing is done now, the pornographers may become the primary beneficiary of the information revolution.

I am the first to admit that solutions to this problem are not easy ones. It requires careful balance which protects legitimate use of this exciting new technology, respects the Constitution and, most importantly, provides the maximum protection possible for America's families and America's children.

After months of discussion, negotiations, and research, I am pleased to offer the Exon-Coats refinement of the Communications Decency Act provisions included in the committee-reported bill. This modification represents a carefully balanced response to growing concerns about inappropriate use of telecommunications technologies.

In committee, the decency provisions were refined to clarify and to focus on wrongdoers and to avoid imposing vicarious liability on innocent information service and Internet access providers who simply act as the mailmen, if you will, for computer messages. The modification now before the Senate further clarifies that the proposed legislation does not breach constitutionally protected speech between consenting adults nor interfere with legitimate privacy rights. The revision also provides strong protection for children.

Mr. President, these revisions also make it certain that provisions of the Communications Decency Act in no way adversely affect the well-litigated dial-a-porn statutes generally referred to as 47 U.S.C. 223 (b) and (c).

The Communications Decency Act is not a panacea. What the legislation will do is give law enforcement new tools to prosecute those who would use the computer to make the equivalent of obscene telephone calls, to prosecute electronic stalkers who terrorize their victims, to clamp down on the electronic distributors of obscene materials, and to enhance the chances of prosecution of those who would provide pornography to children via the computer.

Parents, teachers and law enforcement should not be lulled into a false sense of security. Their vigilance will still be required even after this much-needed legislation is enacted into law. New voice, video, data and imaging options will soon enter every home or be available to America's children and neighborhood schools and libraries. This information revolution will give Americans unprecedented opportunities to enrich their lives, gain knowledge, and enhance their productivity.

This legislation attempts to make the information superhighway a little bit safer for families and children to travel. The time to act is now. Delay only serves those who would endanger the Nation's children and those who use the new technology to distribute obscene materials or use the secrecy of the computer medium to harass others.

I urge my colleagues to stand up for families and children and vote for the Communications Decency Act. Let us put politics aside and work together to protect the children.

I yield the floor.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I yield myself whatever time I may consume.

Nobody in here would disagree with the fact that we want to keep hardcore pornography away from our children. I am the proud parent of three children, and the proud father-in-law of three others. I cherish the time when those children were growing up.

I had the advantage of growing up in a family where we learned to read at an early age. My parents had published a weekly newspaper when I was a child and owned a printing business throughout the time I was growing up until my adult life when they retired.

They read to us as children and encouraged our reading. By the time I was 4 years old, I was reading books actively. By the time I finished third grade, I had read all of Dickens and most of Robert Louis Stevenson. I say that not to brag but because it happened with the encouragement of my parents. They guided me; they encouraged me to read and to read a good deal. They knew that, periodically, I might read something that they probably wished I would not, but they got me to read and read and read. It helped me through college, it helped me through law school, it helped me through my days as a district attorney, and it certainly helped me become a U.S. Senator.

I also use Internet. I do town meetings on the Internet. I correspond with people around the world with the Internet. I call up information I need and plan trips to other countries. I call up information and maps, and so on. I find it is a most marvelous tool. Somebody raised the question about something in Australia the other day, and I could click into the Internet and pull up something from a country thousands of miles away, instantaneously.

Now, I have not seen the things on the Internet—I do not doubt that they are there—that the Senator from Nebraska speaks of. I am six-foot-four, and I looked over the shoulders of a huddle of Senators going through the blue book of the Senator from Nebraska. I saw one page of it, but I do not care to see that kind of filth. I also know that I use the Internet probably more than most, and I have not been able to find some of these things. But I do not question that they are there. I do worry about the universal revulsion for that kind of pornography—I assume it is universal in this body—and that we not unnecessarily destroy in reaction what has been one of the most remarkable technological advances, certainly in my lifetime—the Internet.

It has grown as well as it has, as remarkably as it has, primarily because it has not had a whole lot of people restricting it, regulating it, and touching it and saying, do not do that or do this or the other thing. Can you imagine if it had been set up as a Government entity and we all voted on these regulations for it? We would probably be able to correspond electrically with our next-door neighbor, if we ran a wire back and forth, and that would be it. Had we had the Government involved every step of the way and had us engaged in micromanaging it every step of the way, we would not have the Internet that we have today.

I think there is a better way to reach the goal that the Senator from Nebraska and I share. The goal is—and I yield to nobody in this body—to keep really filthy material out of the hands of children.

Maybe we can do it the same way my parents did. They guided me when we read. We have software that can allow parents to know what their children see on the Internet. Maybe some day we will accept the fact that there is some responsibility on the part of parents, not on the part of the U.S. Congress to tell children exactly what they should do and read and see and talk about as they are growing up. Maybe mothers and fathers ought to do what mine did and what my wife and I did with our children.

In that regard, Mr. President, I also suggest that if we are going to get involved, maybe we should allow the elected Members of this body to do it. I was concerned when I heard the new Chaplain. I have not had a chance to meet him. Some day I will. After listening to his prayer, it seems like he was part of the debate. It reminds me of his predecessor who gave a long, long prayer here shortly after the arrest of O.J. Simpson saying that he worried about poor O.J. Simpson's state of being, and that we should pray for him and hopefully he would feel OK. Some of us suggested that maybe there ought to have also been prayers for the two people that were murdered. I do not mean in any way to suggest who committed the crime. But I recall suggesting that maybe if we are going to have the chaplains interject themselves into public debate, they may want to be evenhanded enough, at least, to pray for those who have died and not just for somebody who may be a wealthy ex-football star.

By the same token, I suggest to the Chaplain—who may be a very fine man, for all I know—that perhaps he should allow us to debate these issues and determine how they come out and maybe pray for our guidance, but allow us to debate them. He may find that he has enough other duties, such as composing a prayer each morning for us, to keep him busy.

The concern I had in my amendment—my amendment speaks to the need to have a real study of just how we do this. I suggest one way, of course, is to have the kind of software that is now available, where parents can find out exactly who their children have been corresponding with or what they have been looking at on the Internet. Parents can make it very clear that if you want to use the computer, there are certain areas you do not go into.

It is the same way we do it today. A parent can say, hey, you are going to bring books home and there are certain things that are going to be off limits—at least at your age. It is not that much different just because they might be able to call up the books, or whatever, at home. That is no different than calling up the books from the corner bookstore. I suspect that a number of these things are available there.

My bill would require the Attorney General, in consultation with the National Telecommunications Information Administration of the Department of Commerce, to transmit to the Judiciary Committees in the Senate and in the House of Representatives a report of evaluating current laws and resources for prosecuting online obscenity and child pornography.

If pornographers are out there, prosecute them. I have voted, as most of us have, to go after them. As a former prosecutor and as a parent, I find them the most disgusting people.

What they do to our children is terrible, allowing authorities to go directly after them. Let us find out how we do that without destroying the Internet.

For example, the first part of the amendment from the Senator from Nebraska and the Senator from Indiana would make it a felony not only to send obscene messages to another person, but apply the same penalty to sending an e-mail message with indecent or filthy words that you hope will annoy another person.

For example, if someone sends you an annoying e-mail message and you respond with a filthy four-letter word, you may land in jail for 2 years with $100,000 fine. If you picked up the phone and did the exact same thing, you are perfectly OK. But if you type it out and send it to the person electronically, no matter how annoyed you might be, tough.

I do not think under this amendment a computer user would be able to send a private or public e-mail message with the so-called seven dirty words. Who knows when a recipient would feel annoyed by seeing a four-letter word online?

The second part of the amendment makes it a felony to send or receive over computer networks any obscene material. There is no requirement that the person soliciting and receiving the material knew it was obscene.

In other words, you click on your Internet—and you can go through thousands and thousands of words—and find out that something you called up expecting it to be innocent is not, you could be prosecuted for receiving it under this statute.

I think that goes too far. I think that could be far better worded. I think that if we had the Justice Department study the area and make recommendations that we then act upon within a very short period of time, which is also in my amendment, I think it would be far better.

What I worry about is not to protect pornographers. Child pornographers, in my mind, ought to be in prison. The longer the better. I am trying to protect the Internet, and make sure that when we finally have something that really works in this country, that we do not step in and screw it up, as sometimes happens with Government regulation.

When it came out that I was looking for an alternative approach, one that would allow the Justice Department to find a way to go after pornographers but to protect the free use of the Internet, I received these petitions almost immediately.

Every page of this stack of documents that I am holding has dozens and dozens of names from across the Internet. These are people saying yes, that is the way to do it. Find out how to go after the pornographers, but keep our Internet working. There were 35,000 petitions, in a matter of days.

In that regard, Mr. President, I ask unanimous consent that an article in the New York Times magazine this Sunday by James Gleick, titled, "This Is Sex?" be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times Magazine, June 11, 1995]

THIS IS SEX?

(By James Gleick)

At first glance, there's a lot of sex on the Internet. Or, not at first glance—nobody can find anything on the Internet at first glance. But if you have time on your hands, if you're comfortable with computing, and if you have an unflagging curiosity about sex—in other words, if you're a teen-ager—you may think you've suddenly landed in pornography heaven. Nude pictures! Foul language! Weird bathroom humor! No wonder the Christian Coalition thinks the Internet is turning into a red-light district. There's even a "Red Light District" World Wide Web page.

So we explore. Some sites make you promise to be a grown-up. (O.K.: you promise.) You try "Girls," a link leading to a computer at the University of Bordeaux, France. The message flashes back: Document Contains No Data. "Girls" at Funet, Finland, seems to offer lots of pictures (Dolly Parton! Ivana Trump!)—Connect Timed Out. "Girls," courtesy of Liberac University of Technology, Czech Republic, does finally, with painful slowness, deliver itself of a 112,696-byte image of Madchen Amick. You could watch it spread across your screen, pixel by tantalizing pixel, but instead you go have lunch during the download, and when you return, there she is—in black-and-white and wearing clothes.

These pictures, by the way, are obviously scanned from magazines. And magazines are the ideal medium for them. Clearly the battle cry of the on-line voyeur is "Host Contacted—Waiting for Reply."

With old Internet technology, retrieving and viewing any graphic image on a PC at home could be laborious. New Internet technology, like browsers for the Web, makes all this easier, though it still takes minutes for the typical picture to squeeze its way through your modem. Meanwhile, though, ease of use has killed off the typical purveyor of dirty pictures, capable of serving hundreds of users a day but uninterested in handling hundreds of thousands. The Conservatoire National des Arts et Métiers has turned off its "Femmes femmes femmes je vous aime" Web page. The good news for erotica fans is that users are redirected to a new site where "You can find naked women, including topless and total nudity"; the bad news is that this new site is the Louvre.

The Internet does offer access to hundreds of sex "newsgroups," forums for discussion encompassing an amazing spectrum of interests. They're easy to find—in the newsgroup hierarchy "alt.sex" ("alt" for alternative) comes right after "alt.sewing." And yes, alt.sex is busier than alt.sewing. But quite a few of them turn out to be sham and self-parody. Look at alt.sex.fish—practically nothing. Alt.sex.bestiality—aha! just what Jesse Helms fears most—gives way to alt.sex.bestiality.hamster.duct-tape, and fascinating as this sounds, when you call it up you find it's empty, presumably the vestige of a short-lived joke. Alt.sex.bondage.particle-physics is followed by alt.sex.sheep.baaa.baaa.baaa.moo—help!

Still, if you look hard enough, there is grotesque stuff available. If pornography doesn't bother you, your stomach may be curdled by the vulgar commentary and clinical how-to's in the militia and gun newsgroups. Your local newsstand is a far more user-friendly source of obscenity than the on-line world, but it's also true that, if you work at it, you can find plenty on line that will disgust you, and possibly even disgust your children.

This is the justification for an effort in Congress to give the Federal Government tools to control the content available on the Internet. The Communications Decency Act, making its way through Congress, aims to transform the obscene-phone-call laws into a vehicle for prosecuting any Internet user, bulletin-board operator, or on-line service that knowingly makes obscene material available.

As originally written, the bill would not only have made it a crime to write lewd E-mail to your lover; it would also have made it a crime for your Internet provider to transmit it. After a round of lobbying from the large on-line services, the bill's authors have added "defenses" that could exempt mere unwitting carriers of data, and they say it is children, not consenting adults, they aim to protect. Nevertheless, the legislation is a historically far-reaching attempt at censorship on a national scale.

The Senate authors of this language do not use E-mail themselves, or browse the Web, or chat in newsgroups, and their legislation reflects a mental picture of how the on-line world works that does not match the reality. The existing models for Federal regulation of otherwise protected speech—for example, censorship of broadcast television and prohibition of harassing telephone calls—come from a world that is already vanishing over the horizon. There aren't three big television networks now, serving a unified mass market; there are thousands of television broadcasters serving, ever-narrower special interests. And on the Internet, the number of broadcasters is rapidly approaching the number of users: uncountable.

With Internet use spreading globally, most live sources of erotic images already seem to be overseas. The sad reality for Federal authorities is that they cannot cut those off without forcing the middlemen—on-line services in the United States—to do the work of censorship, and that work is a practical impossibility. Any teen-ager with an account on Prodigy can use its new Web browser to search for the word "pornography" and click his way to "Femmes femmes femmes" (oh, well, better luck next time). Policing discussion groups presents the would-be censor with an even more hopeless set of choices. A typical Internet provider carries more than 10,000 groups. As many as 100 million new words flow through them every day. The actual technology of these discussion groups is hard to fathom at first. They are utterly decentralized. Every new message begins on one person's computer and propagates outward in waves, like a chain letter that could eventually reach every mailbox in the world. Legislators would like to cut off a group like alt.sex.bondage.particle-physics at the source, or at its home—but it has no source and no home, or rather, it has as many homes as there are computers carrying newsgroups.

This is the town-square speech the First Amendment was for: often rancorous, sometimes harsh and occasionally obscene. Voices do carry farther now. The world has never been this global and this intimate at once. Even seasoned Internet users sometimes forget that, lurking just behind the dozen visible participants in an out-of-the-way newsgroup, tens of millions of potential readers can examine every word they post.

If a handful of people wish to share their private experiences with like-minded people in alt.sex.fetish.hair, they can do so, efficiently—the most fervent wishes of Congress notwithstanding—and for better or worse, they'll have to learn that children can listen in. Meanwhile, if gun-wielding extremists wish to discuss the vulnerable points in the anatomy of F.B.I. agents, they too can do so. At least the rest of us can listen in on them, too. Perhaps there is a grain of consolation there—instead of censorship, exposure to the light. Anyway, the only real alternative now would be to unwire the Information Superhighway altogether.

Mr. LEAHY. I would note a couple things from the article. It points out that it is a sad reality for Federal authorities that they cannot cut off pornographers without forcing the middleman—the on-line services of the United States—to do the work of censorship. That work is a practical impossibility.

A typical Internet provider carries more than 10,000 groups. As many as 100 million new words go through them every day. Are we going to have a whole new group in the Justice Department checking these 100 million new words to find out if they are wrong?

Some of the words might appear, just looking at their listings, to be something wild. There may, in fact, be nothing there.

The article notes a listing for "Femmes, Femmes, Femmes", a French word for women. If you call up the listing, it is a catalog to the Louvre in Paris. Somebody has a sense of humor. But it gives everyone an idea. Is this person suddenly going to be under investigation because of his or her sense of humor?

I am about to yield the floor, Mr. President, and reserve the balance of my time. Before I do that, I ask unanimous consent to have printed in the RECORD a list of groups ranging from the Association of American Publishers to the American Library Association, the Newspaper Association of America, to the Times Mirror, all of whom support my idea of a study in finding a better way of doing this.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUPPORTERS OF LEAHY STUDY

Association of American Publishers (AAP).
Association of American University Presses (AAUP).
The Faculty of the City University of New York.
Interactive Working Group.
Online Operators Policy Committee of the Interactive.
Services Association.
American Advertising Federation.
American Association of Advertising Agencies.
American Library Association.
American Society of Newspaper Editors.
Association of National Advertisers, Inc.
Association of Research Libraries.
Business Software Alliance.
Center for Democracy and Technology.
Computer and Communications Industry Association.
Direct Marketing Association.
Electronic Frontier Foundation.
Feminists For Free Expression.
Magazine Publishers of America.
Media Access Project.
National Public Telecomputing Network.
Newspaper Association of America.
People for the American Way Action Fund.
Recreational Software Advisory Counsel
Software Publishers Association.
Times Mirror.

Mr. LEAHY. I yield the floor, and I reserve the balance of my time.

Mr. EXON. Mr. President, I yield 10 minutes to the Senator from Indiana.

Mr. COATS. Mr. President, I want to start by thanking my colleague from Nebraska for his interest in this subject and for his willingness to work with me and our staff in putting together what I think is an important piece of legislation, and a very effective piece of legislation.

Obviously, it is a difficult task, balancing first amendment rights with protections that go toward placing restrictions, in reasonable ways, so that particularly children are not recipients of obscene or indecent material.

Mr. President, sometimes our technology races beyond our ability to stop and reflect. We are left with a very dangerous gap, a period of time when society is unprepared to deal with the results of such rapid change. That is the situation we face with the Internet. The Internet is a tool of great potential.

Senator LEAHY has said it opens a new world of opportunity. It has become, without, I believe, anybody specifically planning it or anticipating it, it has become one of the largest distributors of pornography in the world.

One study found more than 450,000 pornographic images and text files are available to anyone with a modem. This vast library of obscenity and indecency was accessed 6.4 million times in just the last year.

Now, we need to make sure what we are talking about here. We are not talking about what most people now have images in their mind as to what is available off the Internet. I looked at the Senator's blue book, and I would urge every Senator to look at that before they make a final decision on what we are doing here. It is important to understand the kind of material that is available. Everything imaginable. We are talking about images and text that deal with the sexual abuse of children. We are talking about images and words and sexual abuse of infants.

By one estimate about a quarter of the images available involve the torture of women. We are dealing in many, many cases with perversion and brutality beyond normal imagination and beyond the boundaries of a civil society.

These facts are clear, because it is available now in the Internet, and we have pictures of it if anybody wants to see it, or copies of the text that is available on the Internet.

There is one more fact that ought to move the Senate from great and deep concern to immediate action here today. That is the fact that the Internet is the one area of communication technology that has no protection at all for children.

Now, we face a somewhat unique, disturbing and urgent circumstance, because it is children who are the computer experts in our Nation's families.

My generation—I have not figured out how to use the VCR yet. I have a blinking 12 I do not know how to get rid of. It is the children today who are trained from almost kindergarten on, on how to access the computer.

They have technology available at their fingertips that most adults do not have. Sometimes in the interest of helping with their homework or for the development of our children, we place the computer either in a special room or even in their bedrooms.

Of the 6.8 million homes with on-line accounts currently available, 35 percent have children under the age of 18. The only barriers between those children and the material—the obscene and indecent material on the Internet—are perfunctory onscreen warnings which inform minors they are on their honor not to look at this. The Internet is like taking a porn shop and putting it in the bedroom of your children and then saying "Do not look."

I think anybody who is a parent understands that is a pretty difficult situation to enforce. That really is a miscarriage of the responsibility that I think adults hold to our society, to our children in our society.

We have all read the worst abuses of this new technology. Children, not realizing the danger, give out their names, their addresses, their phone numbers to people they meet over the Internet. They become easy targets for sexual abuse. Recently, one man, in an attempt to find out just how difficult a problem this was, posed—typed in on the computer—posed himself as a 13-year-old. In the course of one evening on-line he was approached by more than 20 pedophiles.

I suggest that, as difficult and as horrendous as these stories are, the effect of this kind of material, this kind of practice is far broader. It does not turn all who see it into rapists and killers, but it does kill something about our spirit, particularly the spirit of our children. I think we have always felt a special responsibility and obligation to defend childhood through parents, through society; to make it, to the best extent we can, a safe harbor of innocence. It is a privileged time to develop values in an environment that is not hostile to our children.

But the Internet has invaded that protected place and destroys that innocence. It takes the worst excesses of sexual depravity and places it directly into the child's bedroom, on the computer that their parents purchased in the thought it would help them do their homework or develop their intellect. When sexual violence and gross indecency are available to anyone at the touch of a button, both an individual or a culture become desensitized. It is not always that people emulate this material, but often you can become immune to it. The images and messages act like a novocaine on our national conscience. They numb our capacity for outrage.

What used to outrage us now becomes almost commonplace. They have invaded our homes. They have invaded the minds of our children. I think they have numbed us to the shock that used to be present when this kind of material was exposed.

This is an issue beyond partisanship. It is sponsored by a Democrat and Republican. I hope our concern will unite people across the ideological spectrum. A vote for the Exon-Coats amendment is a way to side with women endangered by rape and violence, to side with children threatened by abuse, to side with families concerned about the innocence of their children and the decency of our culture.

The question, in my mind, is not if we should act but what we should we do. I believe the Exon-Coats amendment is a serious, thoughtful answer to that question. It is carefully crafted to be constitutional, to address the constitutional questions. But it is also designed to leave pornographers on the Internet, who would provide their material to children, with no place to hide.

The approach we are taking has been legally upheld in the dial-a-porn statutes. It extends that approach, which has already proven its worth, to this new technology.

What we are doing here is not new. What we are doing here is not something that has not been debated before this body. We are taking the standards adopted by the Senate, by the Congress, signed into law, that apply to the use of these kinds of communications over the phone wires and applied it, now, over the computer wires. It is just simply a different means of bringing a communication into a home—through the computer rather than through the phone. We are taking the same standards.

This Senate, on November 16, 1989, voted 96 to 4 to adopt these standards; 96 Members of the Senate have already voted to adopt these standards and apply it to the telephone communication of obscenity and indecency. All Senator EXON and I are trying to do is apply those same standards now to this new means of reaching into our homes.

The bottom line is simple. We are removing indecency from areas of cyberspace that are easily accessible to children. If individuals want to provide that material, they have to do so with barriers to minors. If adults want access to the material, they have to make an affirmative, positive effort to get it.

Let me repeat that. That is the critical part of this bill. We are simply saying here if you are in the business of providing this material, you have a responsibility, and it is punishable by penalty of law if you violate that responsibility—I ask the Senator for 5 additional minutes.

Mr. EXON. I wish to yield whatever additional time the Senator from Indiana requires.

Mr. COATS. I thank the Senator from Nebraska for the additional time.

Mr. President, all we are saying is, if you are in the business of providing this material, you have to provide barriers so it does not get in the hands of children. If you are an adult who wants to receive this material, you have to call up and get it. You have to subscribe to it. You have to prove you are an adult before you receive it.

What would our amendment do? It would clean up the Internet. We ban obscenity. And we require that indecency be walled off so children cannot have access.

We also require commercial on-line services to adopt this standard. If they wish to provide indecent material, they have to make what we call an effective, good-faith effort to segregate it from access to children and, as the Senator from Nebraska has said, we protect women and children from sexual predators who use this technology to harass and to stalk.

Critics of the amendment are going to say it will cripple or close the Internet. Nothing could be further from the truth. Our legislation includes reasonable protections for businesses and service providers who act in good faith to shield children from indecency. We provide defenses for those who do nothing more than merely provide access to the Internet. This means that small businessmen and others who simply have a computer in their office are not going to be subjected to the penalties when that computer is misused. It is important to note that both the chamber of commerce, representing business, and a number of national family groups concerned about pornography, have both endorsed this legislation. They have understood we have defined an approach that is strong but reasonable and realistic.

Critics may also charge the standards we have set are too high and this will force businesses to deny children access to the Internet entirely, but that is not true. That is a scare tactic, not an argument. Our legislation simply provides the same protections for children that currently exist in every other sector of our society.

Pornographic magazines today cannot be sold to minors. Telephones today cannot be used to provide indecent messages to minors. But magazine stores and telephone companies are alive and well. They still succeed because the reasonable efforts that we ask in the interests of children are not crippling demands.

Mr. President, one of the most urgent questions in any modern society is how we humanize our technology, how we make it serve us instead of corrupt us. America is on the frontier of human knowledge but it is incomplete without applying human values.

One of our most important values is the protection of our children, not only the protection of their bodies from violence but the protection of their minds and souls from abuse.

We cannot and we should not resist change. But our brave new world must not be hostile to the innocence of our children. The Exon-Coats amendment is a reasonable amendment. I hope that Members will support it.

I am pleased to join the Senator from Nebraska in offering it to the Senate for its consideration.

I yield the floor.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. LEAHY. Mr. President, unless the distinguished Senator from Nebraska is seeking recognition, I yield 20 minutes to the distinguished Senator from Wisconsin.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. I thank the Chair.

Mr. President, I rise in support of the amendment offered by the Senator from Vermont, and I am pleased to be a cosponsor of the amendment because I think that is the right approach. I oppose the second-degree amendment offered by the Senator from Nebraska.

But I first want to applaud the Senator from Nebraska, Senator EXON, for his concern about the need to protect children from obscene and indecent material.

No one has done more than he to raise the awareness of parents, educators, and legislators about the need to address the problem of materials on computer networks that may not be appropriate for children. One needs only to "surf the net" bulletin boards, read newspapers, periodicals, and listen to broadcast media to know that the question of obscenity and indecency on computer networks is one of the hottest topics around. The Senator for Nebraska is responsible for the debate on this important issue and I applaud his very genuine concern, his good intentions, and hard work to protect children.

I have children of my own, and there are materials available through the Internet that would not be appropriate for them. Some of those materials skirt the boundaries of indecency or obscenity and other materials, while not indecent, are of an adult nature that my children may not have the maturity to understand at their age.

So I, too, want to find methods to allow parents to protect their children from material on computer networks which they view as inappropriate without trampling on first amendment rights of the users of interactive telecommunications systems.

I regret to say that I do not believe the Senator from Nebraska has revised the language as reflected in this second-degree amendment, which achieves that end.

The Senator from Nebraska has gone a long way to revise the language of the Communications Decency Act to allay the concerns of antipornography groups, civil liberties organizations, and law enforcement officials who raised objections to the bill. His efforts to accommodate his colleagues only underscore his commitment to the welfare of our children.

The language, as modified, now makes it a criminal offense, punishable by up to 2 years in prison and/or a $100,000 fine, to knowingly make, create, or solicit and initiate the transmission of, or purposefully make available any indecent—I emphasize the word "indecent"—communication, request, suggestion, proposal, image, or other communication to a person under 18 years of age.

That would appear, on its face, to be within the scope of the Government's authority to regulate indecent speech directed at minors. The Supreme Court in the Pacifica Foundation case and other decisions has made it clear that the State may well have an interest in prohibiting indecency to minors.

However, I, along with my colleague from Vermont, continue to have concerns about this provision. We share the goal of this provision, but disagree on the means to achieve that end.

The crux of the problem, however, is that due to the unique nature of interactive telecommunications systems, attempts to prohibit indecent speech to minors on these networks raises questions of constitutionality.

The Supreme Court, in the Sable decision, made it clear that any attempts to regulate indecent communications directed at minors must take into account the medium being used and the least restrictive means to achieve the goal of prohibiting indecency to minors. Thus, under Pacifica, offensive works could be banned from radio broadcasts during certain hours because there was, in effect, no other less restrictive means of preventing minors from being exposed to such materials.

In contrast, Sable struck down broad Federal legislation seeking to ban certain communication via the telephone because there were alternative, less restrictive means available. The Federal statute in the Sable case was finally upheld when it was modified to require providers of sexually explicit telephone services, the so-called Dial-A-Porn services, to adopt mechanisms such as credit card authorization or other means of verifying age to prevent minors from accessing such services.

In other words, where alternative means are available to block access by minors to these services, those methods must be implemented rather than denying adults their constitutionally protected right to such material.

The proposed amendment not only adopts an approach that is not the least restrictive, it has the potential to retard significantly the development of this new type of interactive telecommunications.

CHILLING EFFECT ON CYBERSPACE SPEECH

I am concerned that this legislation will have a chilling effect on constitutionally protected speech on interactive communication networks, potentially slowing the rapid technological advances that are being made in this new technology.

Because of the unique nature of interactive telecommunications networks, prohibiting indecency to minors without impacting constitutionally protected communications between adults must be carefully tailored.

One of the most popular services accessed via the Internet is USENET, a series of interactive bulletin boards, news groups, and other participatory forums which are dedicated to different topics. They are literally thousands of these groups available on computer networks and they are used widely for discussion of everything from current events such as the legislation we are discussing today to completely obscure subjects. They are used for recreation, entertainment, business, research, and many other purposes.

Users participating in those newsgroups may simply read the messages or they may post their own. There is no way to know who will be reading your message.

Since it is possible that any minor whose home computer can access the Internet would also have access to the public bulletin board, one could make the case that the adult posting the so-called indecent message did so knowing that a minor might see the message.

Thus, if this legislation became law, an adult participant on a bulletin board who posted a profane message using some of the "seven dirty words" on any subject could be subject to criminal penalties of up to 2 years in prison or a $100,000 fine, if a minor might read the message posted on that bulletin board.

This threat of criminal sanctions could have a dramatic chilling effect on free speech on interactive telecommunications systems, and in particular, these newsgroups and bulletin boards accessed through the Internet. Quite simply, adults will have to watch what they say on these forums.

Let me provide an example of how that might occur. According to an article in the Phoenix Gazette earlier this year, a large computer bulletin board was raided by the Arizona State Department of Public Safety and the local police for providing obscene material on their service. While months later the operators of that service had not yet been charged, it was reported that "The crackdown had a chilling effect on providers of on-line services. Within days, operators of similar boards removed obscene files or eliminated public access to them."

Now, Mr. President, there is no issue raised when the legitimate law enforcement efforts to enforce anti-obscenity laws and ordinances have a chilling effect on the distribution of obscene materials. Under a constitutional interpretation in our country, obscenity does not have the same constitutionally protected status as non-obscene speech.

However, Senator EXON's bill would likely have a chilling effect on protected speech—or speech which may be perceived to be indecent, but not obscene.

Communication between adults through the Internet would likely be reduced to the lowest common denominator—that which is appropriate for children. Mr. President, that is not free speech.

INDECENCY DEFINED BY COMMUNITY STANDARDS

Second, Mr. President, the threat of criminal sanctions despite a user's lack of control over, or knowledge of, who views his/her message, is of additional concern given that indecency is defined based on community standards.

The definition of indecency for computer networks hasn't been fully explored. For broadcast media, FCC has defined indecency as "language or material that, in context, depicts or describes in terms patently offensive as measured by contemporary community standards for broadcast medium, sexual or excretory activities or organs"—including the so-called seven dirty words.

The nature of interactive telecommunications makes even the "community standard" and entirely different matter. As a bulletin board user you may not even be aware of who will be reading your communication, let alone where they are located for purposes of figuring out what a community standard might be.

It is unclear what would constitute a community standard for indecency? Whose community? That of the initiator or that of the recipient? Will all free speech on the Internet be diminished to what might be considered decent in the most conservative community in the United States?

An article in the San Diego Union-Tribune in February of this year documented a case in which a Tennessee court convicted a California couple of violating obscenity laws with their sexually explicit bulletin board based and operated in California. The jury applied the community standards of Memphis because the materials from the bulletin board were downloaded there.

Again, in the case of obscenity, the community standard is of less concern because obscene speech is not protected. But in S. 652, we are prohibiting protected speech, so-called indecent speech. The uncharted community standards for indecency pose a risk that few users will be willing to bear.

INDECENCY PROVISIONS COULD MAKE ILLEGAL SOCIALLY VALUABLE FORUMS

Based on the definition which has been applied to broadcast media, we could declare the content of many bulletin boards indecent—including those containing medical and academic discussions, on-line support groups where users discuss the trauma of sexual and physical abuse, or bulletin boards which contain information on sexually transmitted diseases and AIDS and how one might prevent them.

Arguably, while the content is of a mature nature, these types of forums have tremendous social value. However, if minors gained access to these services, those making the indecent comment could be subject to 2 years in prison. Many of these bulletin boards for adults would simply cease to exist.

Would the threat of criminal sanctions and the unclear nature of an indecency standard have a chilling effect on free speech via computer networks? I say it will. You bet it will.

Adults will be forced to self-censor their words, even if they did not intend those words for children and even if they are protected by the first amendment.

Mr. President, the use of computer networks holds tremendous potential for the expansion of public dialog and discourse advancing the value of the first amendment. It is an industry that is growing by leaps and bounds.

The business, educational, and social welfare potential of the information superhighway is almost without limit. It would be devastating to limit the potential of this medium by taking steps that could have the effect of silencing its users.

DIFFERENT STANDARDS FOR THE SAME MATERIALS

An additional concern, Mr. President, is that this legislation will establish different standards for material which appears in print and on the computer screen. The legislation would make certain individuals subject to criminal penalties if they made their materials and publications available on computer networks to which minors had access. However, that same material, the same message would be perfectly legal, and fully protected under the Constitution, in a bookstore, or a library. If a minor stumbled across, or purposefully sought, indecent materials in a bookstore and simply looked at that material, the author of that material would not be subject to criminal penalties nor would the bookstore or library that stocked the material.

I urge my colleagues to keep in mind that many published works are available over the World Wide Web through the Internet. There is even a "Virtual Library" on the World Wide Web. Therefore it is entirely conceivable that we would have two separate standards for legality of the same works published in the print media and on electronic communications systems.

Civil liberties advocates point out that under this bill it is possible that an individual who makes available electronically the novels such as "Lady Chatterley's Lover," "Catcher in the Rye" by J.D. Salinger, or the many novels of Kurt Vonnegut such that they are potentially accessible to minors, could be subject to criminal penalties while could be found in any library and bookstore. Why the different standard?

INTERACTIVE MEDIA'S UNIQUE TECHNOLOGICAL CHARACTERISTICS MUST BE CONSIDERED

The fundamental flaw in the language proposed by Senator EXON is that it attempts to regulate computer networks as we regulate broadcasting and telephones when it has little in common with either of them. Although the materials transmitted through interactive telecommunications systems often bear a greater resemblance to the print media, the fact remains that these interactive telecommunications systems have some entirely unique characteristics which need to be considered.

It is a unique form of media posing differing challenges and opportunities. Unlike broadcast or print media, an individual on the Internet can be both a communications recipient and originator simultaneously. Congress needs to understand these differences before we can determine how best to protect children and the constitutional rights of Americans.

SUPREME COURT ADDRESSES CONSTITUTIONALITY OF CONTENT REGULATION BASED ON CHARACTERISTICS OF THE MEDIUM

The way in which the Supreme Court has dealt with obscenity and indecency questions as they relate to the first amendment has a lot to do with the structural characteristics of the medium in question.

The Supreme Court has taken into consideration the scarcity of the medium as a public resource as well as the ability of the user to control the material he or she might view over the medium. The print media has been afforded a greater degree of first amendment protection because of the decentralized and nonintrusive nature of the medium. Newspapers are inexpensive to produce and to purchase, virtually unlimited in number, and are noninvasive—that is, it is easy for a consumer to avoid the media if they wish.

Broadcasting, which uses the scarce public spectrum and which is more difficult to control from an end-user standpoint, has not enjoyed the same protection as print media. It is easier to come across indecent or offensive material while flipping through the channels on your television. Broadcast spectrum is also limited so courts have upheld content regulation to ensure that public resources furthered the public interest.

Interactive communications are different, Mr. President. There is a greater ability on computer networks to avoid materials end users do not wish to receive than exists for either broadcast media or telephony, but arguably less than exists in print media.

Users of the Internet and other online functions typically do not stumble across information, but go out surfing for materials on a particular subject. As such, they use search words, message headings, and the so-called gopher as their guide. Most newsgroups or bulletin boards that have sexually explicit materials are named such that there can be little doubt what types of materials one might encounter if you try to get into that area.

RESTRICTION OF PROTECTED SPEECH JUSTIFIED TO SERVE COMPELLING GOVERNMENT INTEREST ONLY FOR LEAST RESTRICTIVE MEANS

In addition to characteristics of scarcity and user control, the Supreme Court has allowed the abridgement of protected speech based on certain criteria. Over the years, the Court has carefully examined two factors when determining the extent to which content shall be subject to government controls without violating the first amendment:

Whether there is a compelling government interest to abridge protected speech;

Whether abridgement is accomplished in the least restrictive means.

Mr. President, while the Supreme Court has recognized that there may be a compelling government interest in shielding minors from indecent communications, I do not believe that the provision in the Exon bill will serve that interest in the least restrictive means. The provision, while appearing to apply only to minors, will in fact restrict the free speech of adults.

The interactive electronic communications market is growing and the technology is evolving rapidly. Contrary to what others might contend, it is not clear that there are not adequate technical means available to parents and service providers to screen out objectionable material for children.

There is currently software available which allows parents and employers to screen out objectionable services or newsgroups on the Internet. On-line service providers also have the ability to provide parents with a choice of what types of information their children should access. Schools and universities that provide the service of connection to the Internet can also decide which types of news groups on USENET they will make available. Carnegie-Mellon University recently made offensive-news groups less accessible to students by taking their names off their master list.

I want to clarify one other technical matter. The Senator from Nebraska presented a chart which indicated that one's home computer is connected directly to the Internet.

That is not always accurate, Mr. President. In many cases, users need to access first a remote computer or connect with an access provider.

In some cases, that service provider is an online service, like Prodigy or America On-Line. Other services merely provide the connection services, much like a common carrier to the home users.

Why is this a crucial distinction? Because it makes clear there are ways to control what one receives on a computer. Because the access provider acts as an intermediary between the user and the Internet, they can also eliminate access to certain services. Many of those Internet access providers are already recognizing the market potential of providing parents and schools with the opportunity to control the access of children to some services on the network. And I am not just talking about the big ones like Prodigy and CompuServe. I am talking about Siecom, Inc., which is an Internet service provider in Grand Rapids, MI, which supplies 20 elementary and secondary schools with restricted one-way access to USENET discussion groups through the Internet. The company does not make available the news groups on USENET which may be inappropriate for children. That company is realizing that the simple service of not providing access to all the USENET services has been a marketing advantage for them.

The PRESIDING OFFICER. The Senator has now used 20 minutes.

Mr. FEINGOLD. I ask that I be yielded 5 minutes.

Mr. LEAHY. I yield the Senator 5 minutes.

The PRESIDING OFFICER. The Senator is recognized for 5 additional minutes.

Mr. FEINGOLD. Mr. Krol states in his book, when explaining the technical needs of Internet users:

> No matter what level you're at, Internet access always comes via an access provider; an organization whose job it is to sell Internet access.

He further indicates that Internet service providers are participating in a competitive market. That means the opportunity exists to solve at least part of the problem through the marketplace today, not through governmental prohibitions.

None of the technical safeguards available, such as blocking software and provider screening, are perfect, but the nice thing is they do not violate the first amendment.

Mr. President, I ask unanimous consent to print an article in the RECORD from the Wall Street Journal describing some of these technologies.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, May 15, 1995]

NEW SOFTWARE FILTERS SEXUAL, RACIST FARE CIRCULATED ON INTERNET

SURFWATCH PROGRAM ADDRESSES RENEWED CYBERSPACE FEARS FOLLOWING OKLAHOMA BLAST

(By Jared Sandberg)

Think of it as a parental hand shielding children's eyes from the evils of cyberspace.

That's the gist of a software program developed by SurfWatch Software Inc., a Los Altos, Calif., start-up. The program, expected to be released today, will allow Internet users to block sexually oriented data transmitted via the global computer network.

"The goal is to allow people to have a choice over what they see on the Internet by allowing them to filter or block sexually explicit material," said Jay Friedland, SurfWatch's vice president of marketing. Mr. Friedland said the software will also allow users to filter out files such as bomb-making manuals and neo-Nazi screeds, which have been circulated by hate groups on the Internet.

A growing number of firms are racing to provide tools to filter out pornographic and racist fare stored on the Internet before the government takes action itself. The proposed telecommunications-reform bill before the Senate makes it illegal for individuals and corporations to put sexually explicit material on the Internet. Last week, the Senate held hearings in the wake of the Oklahoma bombing regarding the use of computer networks to disseminate hate literature that could incite violence.

The government moves concern free-speech advocates, who prefer a technological fix. "We don't have to rely on the government to attempt to censor everything on the Internet," said Daniel Weitzner, deputy director of the Center for Democracy and Technology, a civil-liberties group that testified at last week's hearings. Users have no control of broadcast media, other than to change channels or turn it off. But in cyberspace, "SurfWatch is a great example of the flexibility and user control that is inherent in interactive media," Mr. Weitzner said.

On-line services such as Prodigy Services Co. only grant Internet access to children with parental permission. Jostens Inc. recently released software for schools that allows teachers to block electronic bulletin boards that contain pornographic pictures.

SurfWatch's Mr. Friedland said the software contains the Internet addresses of computers storing sexually explicit material, blocking a user's attempt to access those computers. But such porno-troves often are a moving target: once users find out about them, those computers tend to get overwhelmed by traffic, shut down and move elsewhere on the network and take a new address.

To counter that problem, SurfWatch will charge users a subscription fee for software updates that include new offending Internet addresses. The company is using a database to search the Internet for words such as "pornography" and "pedophilia" and make a list of Internet sites, which won't be visible to users.

Mr. FEINGOLD. Mr. President, clearly there are ways parents can exact control over what their children can access on their home computers. It is clearly preferable to leave this responsibility in the hands of parents, rather than have the Government step in and assert control over telecommunications. Whenever there is a choice between Government intervention and empowering people to make their own decisions, we ought to try first to use the situation of the approach that involves less Government control of our lives.

It is also not clear that existing criminal statutes are incapable of enforcing laws to protect children on interactive telecommunications. There have been many reports of prosecution of illegal activity related to the transmission of obscenity using interactive telecommunications.

So, Mr. President, I do not even think it is clear we do not have the authority today to prosecute online obscenity. The truth is we just do not know at this point. We need more information. However, it is entirely clear to me that Congress certainly should not abridge constitutionally protected speech if there are less restrictive means of serving the compelling Government interest.

To conclude, that is why I strongly support, as an alternative, the efforts of the Senator from Vermont. This amendment requires an expeditious evaluation by the Department of Justice of the technology available now to allow parents to protect their children from objectionable materials while upholding the values of the first amendment. The Attorney General must also evaluate whether existing laws are adequate to enforce criminal laws governing obscenity.

This study, which has to be completed within 5 months, will provide Congress with the information we need before we consider legislation. Given the first amendment issues at stake here, I believe the Judiciary Committee of the Senate should also be given an opportunity to review this matter. I do not, in theory, object to some legislation.

I simply want to work with my colleagues to determine how best to protect children, while at the same time protecting the rights of Americans to free speech.

I will close with these remarks from an article in the Federal Communications Law Journal by Prof. Fred Cate. In the article, he discussed how electronic communications have changed the way we communicate and have even greater potential to revolutionize communications. He stated:

> If 60 years of the Communications Act of 1934 has taught us nothing else, it must caution against excluding communications media from the full protection of the first amendment. To do so with today's electronic information technologies would create an exception that would make the rule of freedom of expression meaningless.

Mr. President, I believe the Exon amendment, unfortunately, does create such an exception, and I urge my colleagues to oppose this language and support, as an alternative, the amendment of the Senator from Vermont.

I urge my colleagues to vote accordingly when we vote. I thank the Chair and yield the floor.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, I yield myself 10 minutes.

I have been listening with keen interest to my friends and colleagues, the Senator from Vermont and the Senator from Wisconsin. I hope that they will listen very carefully to some of the things this Senator has to say, because everything that they have brought up are things that I considered very long and very hard when I started working on this difficult situation a year ago. Nothing they said is new. I just think they are, without malice aforethought, putting some spin on the Exon-Coats amendment that simply is not there.

I ask unanimous consent that Senator BYRD and Senator HEFLIN both be added as original cosponsors to the Exon-Coats amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EXON. I appreciate very much Senator BYRD and Senator HEFLIN, two very distinguished lawyers, the latter, Senator HEFLIN, being the former chief justice of the supreme court of Alabama. I think both of them would not be a cosponsor of this Exon-Coats amendment unless they felt it had adequate constitutional safeguards.

At this time, Mr. President, I ask unanimous consent that the following letters in support of the Exon-Coats amendment be printed in the RECORD.

The first is from the Christian Coalition headed: "Senators EXON and COATS Have Joined the Efforts. Support the Exon-Coats Antipornography Amendment." And we have the support of that organization.

Next, a letter from the National Coalition for the Protection of Children and Families that has essentially the same message in different words.

Next, Mr. President, a reference that Senator COATS made earlier in his excellent presentation. I pause for just a moment to thank him for all of his help and cooperation and for the excellent, forthright, factual statement he made in explaining what we are attempting to do and how seriously we consider this to be. That is why we are acting. Senator COATS mentioned the chamber of commerce supports this legislation. I have a letter from the chamber of commerce that I likewise will include in the unanimous-consent request.

Next is the Family Research Council, along the same general line.

Next is a news release from the National Law Center for Children and Families, of Fairfax, VA, that follows the same general category.

Last but not least, a news release from Women of America Say "Enough Is Enough."

I ask unanimous consent that those letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

SENATORS EXON AND COATS HAVE JOINED THEIR EFFORTS. SUPPORT THE EXON-COATS ANTI-PORNOGRAPHY AMENDMENT

CHRISTIAN COALITION,
Washington, DC, June 13, 1995.

DEAR SENATOR: You may have received an earlier letter from the Christian Coalition urging your support for the Coats amendment to S. 652, the Telecommunications Reform Act. We are pleased to see that the competing versions of anti-pornography legislation proposed by Senators James Exon and Dan Coats have subsequently been reconciled into a joint amendment. I write you now to urge your support for this bipartisan computer pornography amendment.

Pornography on the computer superhighway has become so prevalent and accessible to children that it necessitates congressional action. The comprehensive telecommunications legislation which the Senate is currently debating is an appropriate vehicle to address this critical problem, and we urge the Senate not to let this opportunity go by.

Although Senator Patrick Leahy and others may urge that the matter be referred to the U.S. Department of Justice for its review and analysis, we oppose such a course of action. The increasing existence of computer pornography today requires action, not more study.

On behalf of the 1.6 million members and supporters of the Christian Coalition, we urge you to support the Exon-Coats amendment when it comes to the Senate floor. Thank you for your attention to our concerns.

Sincerely,

BRIAN C. LOPINA,
Director,
Governmental Affairs Office.

NATIONAL COALITION FOR THE
PROTECTION OF CHILDREN & FAMILIES,
Cincinnati, OH, June 13, 1995.

Hon. JAMES EXON,
U.S. Senate,
Washington, DC.

DEAR SENATOR EXON: I am writing you on behalf of the National Coalition for the Protection of Children & Families to offer our strong support for your willingness to introduce an amendment, along with Senator Coats, to the Telecom legislation dealing with the problem of children's access to pornography on computer networks. We believe that such legislation is *vital* to the well being of our nation's most important resource, its children.

Unless the problem of computer pornography is addressed now, millions of children will have access to the worst and most violent forms of pornography via computer networks and the Internet. Currently, almost any child with access to the Internet can quickly download and view bestiality, torture, rape, mutilation, bondage, necrophilia and other unspeakable acts. The pornography industry has opened up a free store on the Internet and invited our children to get whatever they want. Pornographers have no right to hijack Cyberspace, which offers a host of promising technologies which should be available to children and families without fear of encountering violent, degrading pornography. Our society now faces a fundamental choice of whether we really believe that the Internet is a public network where children will be welcome, or rather, one which belongs just to pornographers and their consumers.

We have had the opportunity to review the language of the "Exon-Coats" amendment in detail. We believe your careful approach to amending the telecommunications legislation is constitutional, wisely tailored to help protect children from this heinous material, and effective in navigating complex court precedents in this area.

Thank you for your willingness to address these critical issues. Your leadership on this issue is a great service to the world's children.

Sincerely,

DEEN KAPLAN,
Vice President, Public Policy.

CHAMBER OF COMMERCE OF THE
UNITED STATES OF AMERICA,
Washington, DC, June 13, 1995.

Members of the United States Senate:

On behalf of the U.S. Chamber of Commerce Federation of 215,000 business members, 3,000 state and local chambers of commerce, 1,200 trade and professional associations, and 72 American Chambers of Commerce abroad, we strongly urge your support for the amendment to be offered by Senators Exon (D-NE) and Coats (R-IN) to S. 652, the "Telecommunications Competition and Deregulation Act of 1995," regarding revisions to the Communications Decency Act.

The Exon-Coats amendment firmly protects children against obscene, indecent, and other types of objectionable communications. It also preserves the interests of business users of information systems. The language is rightfully targeted to reach and prosecute the "bad actors" who exploit the capabilities of information technologies to reach children and unconsenting adults, which we support fully. Yet adequate defenses and safe harbors are provided to ensure that American businesses can utilize these telecommunications-based products and services to enhance their competitiveness, address major business problems such as employee training and customer service, and reach new domestic and global market shares and suppliers—without fearing unintended or uncertain liabilities flowing from the actions of others.

Unlike some previous proposals, this legislation provides the certainty that businesses need to ensure that they can employ online information technologies. The absence of this certainty would create a broad and potent disincentive, especially for small businesses, to the use of online systems and the interconnection of private business systems with the NII. The Chamber membership is calling on Congress to enact telecommunications reform legislation to enhance our children's lives and our business' productivity. This amendment does both.

Please vote "Yes" for the Exon-Coats amendment to S. 652.

Sincerely,

R. BRUCE JOSTEN,
Senior Vice President.

FAMILY RESEARCH COUNCIL,
Washington, DC, June 13, 1995.

DEAR SENATOR: I wrote to you last week with my concern about the pending anti-pornography amendments to the Telecommunications Bill and urging your support of the proposed Coats Amendment. Last night, Senator Exon agreed to join Senator Coats in his legislative approach against the obscenity and indecency polluting cyberspace. The Family Research Council commends these Senators for their willingness to take a stand on this unpopular issue. Today or tomorrow, the Exon-Coats Amendment will be offered which will criminalize commercial and non-commercial distribution of hard-core pornography through computers, as well as keep all forms of pornography out of the hands of the most vulnerable "Net surfers"—our children.

I urge you to support the Exon-Coats Amendment to eliminate "cyberspace" as a safe haven for pornographers.

The Exon-Coats Amendment breaks new legal ground in the fight against porn by criminalizing "free" obscenity traded on the Internet, and by making it illegal to make indecent material available to children.

Importantly, the Exon-Coats Amendment still addresses the problem of porn on basic cable packages. It will prohibit cable programmers from forcing upon families channels which feature indecent programs when they sign up for cable. The indecent channels will be provided only upon specific request.

Computer pornography is the next great threat to our children's hearts and minds. I commend Senator Coats and Senator Exon for fighting an evil which transcends party lines.

Sincerely,

GARY L. BAUER,
President.

SUPPORT EXON-COATS COMPUTER PORN AMENDMENT SAYS NATIONAL LAW CENTER FOR CHILDREN AND FAMILIES

The National Law Center for Children and Families ("NLC") is a non-profit legal advice organization which supports law enforcement and governmental agencies in the prosecution and improvement of federal and state laws dealing with obscenity and the protection of children. NLC's Chief Counsel, Bruce Taylor, feels that today's version of the "Exon-Coats" amendment is both effective and constitutional. It would criminalize the distribution of obscenity on the burgeoning computer service networks, such as the "Internet", "Use Net", and "World Wide Web". The amendment also criminalizes the knowing distribution of "indecent" material to minor children. Both provisions cover noncommercial, as well as commercial, transmissions. This is important, since present law does not cover indecency to minors except for commercial dial-porn messages over the phone lines. Also, the Exon-Coats amendment would clearly cover all distributions of hard-core obscenity over the computer networks, whereas existing law has been enforced only against commercial sales of obscenity by common carrier and computer.

The vast amount of hard-core pornography on today's computer bulletin boards is placed there indiscriminately by "porn pirates" who post freely available pictures of violence, rape, bestiality, torture, excretory functions, group sex, and other forms of hard and soft core pornography which are as available to teenager computer users as to men who are addicted to pornography. A tough federal law is needed to deter such unprotected and viciously harmful activity and the Exon-Coats bill does just that, making such activity a felony punishable by up to two years in prison and $100,000 in fines.

Many of the previous provisions of the Exon bill were criticized by pro-family groups as too lenient and providing too many defenses for pornographers, as well as for the on-line computer service access providers, such as Prodigy, CompuServe, NETCOM, and America On Line. The present version of the Exon-Coats amendment would exempt the phone company carriers and computer access providers only to the extent that they provide mere access for users to connect to the services and boards of other companies and individuals beyond their control. To the extent any phone or computer access company would offer obscenity on their own boards, they would be as liable as anyone else. Likewise for making indecent material available to minors under age 18, if they do it—they are liable, but if they don't do it—they aren't liable if someone else does it. This puts the primary criminal liability on those who distribute obscenity to anyone and on those who make indecency available to minors without taking reasonable steps to limit it to adults. Although some people and groups may feel that the phone and computer access providers should bear responsibility for the traffic in obscenity and indecency that is available to minors, there are Constitutional limitations that apply by law to any act of Congress in these regards. One, regulations to protect minors from indecent speech must be the "least restrictive means" to protect minors while allowing adults access to non-obscene speech. Second, the law cannot impose strict liability for obscenity. The Exon-Coats amendment is designed to satisfy both constitutional requirements, while still providing a serious criminal deterrent to those who would put obscenity onto the computer nets or who would publicly post indecent materials within easy reach of children.

The amendment, therefore, contains "good faith" defenses that would allow any company, carrier, internet connector, or private individual to create reasonable and effective ways to screen children out of adult conversations and allow adults to use indecent, nonobscene, speech among adults. This should encourage the access providers to take steps to enforce corporate responsibility and family friendly policies and monitor their systems against abuse. When they do take such steps, the good faith defense would protect them from becoming liable for unfound or unknown abuses by others, and that is all we think the law can ask of them at this point. There is only so much that can be done in a way that is "technically feasible" at any point in time, and the Exon-Coats bill would not require anyone to take steps that are not technically feasible and does not, and should not, expect anyone to take all steps that may be technically possible. This bill would also allow the States to enforce their own obscenity and "harmful to minors" laws against the pornographers and porn pirates. If the chose to regulate the carriers and connectors, they would be bound by the Supremacy Clause of the Constitution and the First Amendment to using consistent measures. This is not inconsistent with existing requirements for the States to meet under any criminal law. The joint role of federal and state prosecution of those who distribute the obscenity, and indecency to minors, is thus preserved.

The good faith defense also allows responsible users and providers to utilize the existing regulations from the F.C.C. for dial-porn systems until such time as the F.C.C. makes new regulations specifically for the computer networks. This means that a company or individual who takes a credit card, pin number, or access code would be protected under present F.C.C. rules if a minor stole his parent's Visa card or dad's porn pin number. In other words, some responsibility still resides with parents to watch what their kids are watching on the computer. This is serious business and there is a lot of very harmful pornography on the "Internet", so parents better take an interest in what their children have access to, but cannot expect every one else to solve the entire problem for them. Federal law can make it a crime to post hard-core obscenity on the computer boards, but many people are willing to break that law. The porn pirates are posting the kind of porn that hasn't been sold by the pornography syndicate in their "adult" bookstores in nearly 20 years. This law should deter them from doing that any longer and it would allow federal prosecutors to charge them for it now.

The defenses to indecency are available to every one, so that every one has a chance to act responsibly as adults in protecting children from indecency. This is what the Supreme Court will require for the indecency provisions to be upheld as "least restrictive" under the First Amendment. Conversely, no one has a defense to obscenity when they distribute or make obscenity available. The only exception to this is for the carriers and connectors in their role as mere access connectors, only then would they be exempt from the obscenity traffic of others. However, if the on-line service providers go beyond solely providing access, and attempt to pander or conspire with pornographers, for instance, then they would lose their obscenity exemption and be liable along with every one else. This is a limited remedy to prevent the bill from causing a "prior restraint" on First Amendment rights. This bill would be nothing at all if it were struck down or enjoined before it could be used against those who are posting, selling, and disseminating all the pornography on the computer networks.

There has been some criticism that this bill in adopting good faith defenses, would make it ineffectual and that this would weaken the bill in the same way that the existing dial-porn law is not completely effective. We disagree. The defenses in the dial-porn law were necessary to having that law upheld by the courts. Without them, it was struck down by the Supreme Court. Only after the F.C.C. provided its technical screening defenses was the law upheld by the federal appeals courts. This law adopts those constitutionally required measures for indecency and for obscenity only for the mere access providers. The dial-porn law has removed the pre-recorded message services from the phone lines. The pornographers have gone to live credit card calls. To the extent they are still obscene, they can and should be prosecuted by the Department of Justice, with the help of the F.B.I. That is what it will take to remove the rest of the illegal dial-porn services. The most ineffective part of the dial-porn law is not the F.C.C. defenses, they are fine. What is broken is the phone company defense in the statute, 47 U.S.C. §223(c)(2)(B), that allows the bell companies to rely on "the lack of any representation by a provider" of dial-porn that the provider is offering illegal messages. This means that if the dial-porn company does not tell the phone company that the messages are obscene or going to children as indecency, then the phone company doesn't have to block all the dial-porn lines until an adult subscribes in writing. This is not workable and should be fixed by Congress. The dial-porn law should also be amended to give good faith reliance only on a false representation by a dial-porn provider. If the phone company doesn't know about a dial-porn service, then they should not be responsible. However, the phone company should block all the dial-porn lines and only unblock them on adult request. This is the provision that is causing the phone companies not to act, not the F.C.C. defenses. There is no such provision in the Exon-Coats amendment that would allow the carriers or connectors to wait for the pornographers to confess guilt before they must act. If they know, they must act in good faith. No more, no less. This computer porn law is, therefore, better than the existing dial-porn law in that respect.

This amendment would allow federal prosecutions against the pornographers and porn pirates immediately, thus removing much of the hard-core material from the networks that the carriers would be providing access to anyway. This can't wait several months or years. If Congress has to exempt the connectors as long as they merely carry the signal and otherwise act in good faith, then so be it. It they abuse it, then Congress can take that break away when it is shown that they don't deserve it. In the meantime, this law will give federal law enforcement agencies a tool to get at those who are responsible for distributing the obscenity that we all complain of right now. It is a good and constitutional law and arguments that it is not enough are not true, not realistic, and could cause Congress to bypass this opportunity to enact an effective remedy to protect the public and our children from this insidious problem. Senators Exon and Coats have done an admirable and honorable job in forcing this issue to a resolution. They have agreed to a tough and fair law, with reasonable exemptions and defenses for legitimate and good faith interests. The effective role of alternative measures, like that of Senators Grassley and Dole, cannot be overlooked as part of the pressure that brought this matter to a successful point. The efforts to kill all effective action, such as the pornography protection and delay the bill of Senator Leahy of Vermont would offer to forego a criminal bill in favor of more "study", must be rejected as unreasonable and Congress should act immediately to criminalize obscenity on the computer networks and forbid indecent material being sent or made available to minors.

"ENOUGH IS ENOUGH!" CAMPAIGN,
Washington, DC, June 14, 1995.

WOMEN OF AMERICA SAY "ENOUGH IS ENOUGH!" IN SUPPORT OF EXON-COATS COMPUTER PORN AMENDMENT

The "Enough is Enough!" campaign is a non-partisan non-profit organization which educates citizens about the harms of pornography and its link to sexual violence. "Enough is Enough!" is dedicated to eliminating child pornography and removing illegal pornography from the marketplace.

According to Dee Jepsen, President of "Enough is Enough!", "We represent thousands of women and concerned men across America standing together in support of sound legislative measures that will enhance law enforcement and prosecution of the distribution of illegal pornography to children."

"Furthermore", states Donna Rice Hughes, Communications Director for the campaign, "the current version of the Exon-Coats amendment will provide greater protection for children from computer pornography's invasion into America's homes and schools and still meet constitutional scrutiny."

This measure is an essential step in protecting children from heinous forms of pornography available online.

Mr. EXON. Mr. President, let me now, if I might, go into some matters that I think are tremendously important.

First, I notice that my friend and colleague from Vermont indicated he has some 25,000 signatures that he has piled up on the desk down there from people who support his efforts, and his efforts are supported, of course, by my friend and colleague from Wisconsin.

What they propose to do with the underlying amendment is to punt, to recognize there is a problem that they both have, but what they are suggesting we do is just delay a punt.

We come from the football State of Nebraska. That is what the Nebraska football team does, Mr. President. Fourth down and 32 yards to go on their own 3-yard line, they always punt, except when they are down near the end of the game and they recognize the serious situation that they might be in and they might not get the ball back. Then they do not punt. They move aggressively forward, which is what we are trying to do in the thoughtful manner embodied in the Exon-Coats proposal.

Those people that my friend and colleague from Vermont is supporting in carrying the ball would be interested in knowing, I am sure, what generated many of those letters that have been offered in debate by the Senator from Vermont.

I happen to have a copy of a letter in this regard, which generated many of those letters, provided to me by my grandson. My grandson is 25 years old, and he is old enough to take care of himself. But he thought that I would be interested in this. This is a letter that has been widely distributed on the e-mail system. It says: "The obscenity of decency. With the introduction of Senator J.J. EXON's Communications Decency Act, the barbarians are really at the gate."

I have been called many things in my life, but never before have I been called a barbarian. I would hope that the Senator from Vermont would advise the people that he is using here as support for his position that his mutual friend, JIM EXON, is not a barbarian under any normally accepted definition of the term.

Let me go into some of the things that I have been hearing and listening to and attempt, as best I can, to maybe straighten out some of the concerns that I think are very real and sincere, as stated by my colleague from Vermont and my colleague from the State of Wisconsin.

First, let me say that the Exon-Coats amendment does not destroy, does not retard, does not chill accepted information, pictures, or speech. To the contrary. We are trying to make the Internet system, which is displayed here on this chart before me, safer, better, and to make it more frequently used.

I do not know the authenticity of the statement that I am about to make. But I have read that it has been estimated that up to 75 percent, Mr. President, of present computer owners have refused to join the Internet system with their home computer, precisely because they know and they fear—and evidently they have seen or been advised as to what I have here in the blue book. Once again, before anyone votes against the Exon-Coats amendment, if they are interested, I am willing to share this information with them. It has pictures in it that were taken directly off the Internet system last week. So I simply say we are not trying to destroy, we are not trying to retard and we are certainly not trying to chill the great system that is the Internet. Anyone who believes that is very badly misinformed.

I have also heard a great deal today about the parents' responsibilities, which, I guess, means that the parents that have such responsibilities must follow their children around all of the time. This is not simply something that the children have available to them at home. More likely, they are going to be introduced to it not at home, but in the schools. We have just made a concession in the telecommunications bill before us to give the schools and libraries a break, if you will, because we want them involved in this. The schools will be sources of the information that Senator COATS and I have been describing. The library is a place where they can pick it up. We also talk about some of the software and the off-limits proposition that some of the software may or may not provide.

I simply say, Mr. President, that those who know what is going on with the Internet today—those who have seen it firsthand, those who are concerned about making the Internet the greatest thing that has ever happened as far as communications exchange is concerned—are the ones that are supporting the Exon-Coats amendment. We want to make it even bigger, and we want to make it even better, but not for raunchy pornography that would turn most people off. And to the 25,000 people who want to call this Senator a barbarian, I simply say that, evidently, they are so selfish—at least their actions are so selfish, that they simply say: We do not want to give up anything. We want to be able to see what we want to see, where we want to see it, any time we want to see it.

I simply say that what we are trying to do is constructively make some changes that are necessary. Let me review for just a moment, if I can, and make sure that everyone understands what the Internet is all about. The Internet, basically, is in the center of this chart or graph. From listening to many of my colleagues today, those who do not support the Exon-Coats amendment, I think that they view this as the way the Internet is. First, you have a child at home or an adult at home entering the Internet, and they have to buy that service from one of the many people who make money charging the entry into the Internet, where they have special provisions, special facilities which that particular provider might apply.

In addition to that, they apply for entry into the massive Internet itself. From the Internet, the child or the adult can go worldwide. We can go into all kinds of sources of information—the Library of Congress, any of the great universities, and all of the other massive sources of information. I think too many people believe that because the pornography bulletin board is sitting out here to the side, that you have to work to get to the pornography bulletin board. Mr. President, that is simply not the case. The pornographers have invaded the Internet down here, so that it is freely available, without cost—all of the outlandish, disgusting, pornographic pictures of the worst type, that some of my colleagues think we can handle by punting. This is not a time to punt; this is the time to act.

I want to bring reference to the fact that this is the system that the Coats-Exon amendment is trying to create—one that is envisioned as the way the Internet system works. Actually, the way the Internet system is working today—especially with regard to totally rampant pornography—is that when the child or adult at home goes into the Internet system, all too often he is looking for something other than basic information. He would have to pay if he wants to subscribe to the pornography bulletin board. But, Mr. President, it goes both ways. These people—the moneymakers on pornography up here—are feeding information because it can be fed free of charge into the Internet system. The pictures I have here in the blue book—there are a whole series of them—were taken freely off of the Internet system free of charge and readily available to anyone who has a computer and has the basic knowledge.

What these pornographers do is place free-of-charge material on the Internet that is designed to lure people over to their bulletin board so they can maybe hook them into a monthly charge of some type, to have available whenever they want from their pornography which is a library full of everything you can imagine.

What they are doing is taking previews of what they have in here. They are putting them, open and at large, on the Internet system for all people to see, not unlike, Mr. President, the previews of coming attractions that we see when we go to the movies. This is what we will see next.

Obviously, many of the pictures, as evidenced by the blue book, are things that are readily available. They, of course, have a way of referencing back. If you like this picture, come into our porno shop over here. For a small fee, we will show you the real thing. The real thing is right here when it comes to pornography.

Mr. President, I simply say, once again, that while I am sure my friend from Vermont and my friend from Wisconsin are sincere, I appreciate very much the very kind things that both have said about the efforts of this Senator and Senator COATS because we have brought attention to this.

It is the intention of the Senator from Nebraska and the Senator from Indiana, though, now that we have called attention to it, we are going to do something about it. We will do something about it in a fully constitutional way. We are not going to trample on the constitutional rights of anyone.

I reserve the remainder of my time.

Mr. LEAHY. Mr. President.

Mr. COATS. Mr. President, could the Senator yield for a question, so we can get a sense of where we might be with time.

Mr. LEAHY. I yield.

Mr. COATS. Mr. President, I am not aware of any specific requests for time from anyone on our side. We might be able to yield some time back.

Mr. LEAHY. Mr. President, I would be happy to. I wanted to respond, as I am sure the Senator from Indiana realized I would, to a couple of points.

Mr. COATS. We could get the word to Members.

Mr. LEAHY. I hope we can vote by 5 o'clock.

Mr. COATS. I thank the Senator.

Mr. LEAHY. I have spoken before on the floor of my concerns with the Exon-Coats amendment. Last Friday, my good friend from Nebraska, Senator EXON, filed a revised version of the Decency Act as amendment No. 1268. The revisions made by Senator EXON reflect a diligent and considered effort by him and his staff to correct serious problems that the Department of Justice, I and others have pointed out with this section of the bill.

I commend Senator EXON for proposing in his amendment the striking of the provision in the bill that would impose a blanket prohibition on wiretapping digital communications. This section would have totally undermined the legal authority for law enforcement to use court-authorized wiretaps, one of the most significant tools in law enforcement's arsenal for fighting crime.

If that particular section were passed as introduced, the FBI would not have been able to use court-ordered wiretaps to listen in on digital calls made by kidnappers, terrorists, mobsters, or other criminals. This is an excellent change that I heartily endorse.

PROBLEMS WITH SENATOR EXON'S AMENDMENT

But, even with this fix, serious constitutional and practical problems remain in Senator EXON's proposed legislation.

The first part of the amendment would make it a felony not only to send obscene electronic messages to harass another person, but would apply the same penalty to sending an e-mail message with an indecent or filthy word that you hope will annoy another person.

For example, if someone sends you an annoying e-mail message and you respond with a filthy, four-letter word, you may land in jail for 2 years or with a $100,000 fine.

Under this amendment, no computer user will be able to send a private or public e-mail message with the seven dirty words in it. Who knows when any recipient will decide to feel annoyed by seeing a four-letter word online?

The second part of the amendment would make it a felony to send out or receive over computer networks any obscene material. There is no requirement that the person soliciting and receiving the material knew it was obscene. This means that a computer user could be guilty of committing this crime at the moment of clicking to receive material, and before the user has looked at the material, let alone knows the material to be obscene.

This means that an adult sitting at his computer in the privacy of his own home, who wants to get a copy—consistent with our copyright laws—of a magazine article on stock car racing, could be subject to 2 years in jail and a $100,000 fine for downloading the magazine, which unbeknownst to the user also contains obscene material.

This also means that if you are part of an online discussion group on rape victims, your computer is programmed to automatically download messages sent into the discussion group. If a participant sends into the group a graphic story about a rape, which could be deemed obscene, this story will automatically be downloaded onto your computer, and you would be criminally liable under this amendment, even before you read the story.

This may mark the end of online discussion groups on the Internet, since many users do not want to risk 2 years in jail because of what they might receive from online discussion groups. This amendment would chill free speech and the free flow of information over the Internet and computer networks.

The amendment does give one out to users who meet some government, FCC determined standards to take steps to protect themselves from receiving material the government has determined to be obscene or indecent. This may mean that any user with a connection to the Internet or an electronic communications service may be required to go out and buy special FCC endorsed and expensive software programs to stop obscene materials from reaching their computers. That way they could show that they have at least tried to avoid the receipt of obscene materials. Otherwise, they may risk criminal liability.

Take another example. What if a user wants to join a campaign to stop obscenity on computer networks, and sends out the message to others on the campaign to send him examples of the obscene materials they are fighting to stop. Under this amendment, any receipt of these materials would be a crime. If this amendment had been the law, when my good friend from Nebraska collected the materials in his blue notebook, he would have committed a felony.

How will anti-obscenity or pornography groups that now monitor online obscenity be able to do so without criminal liability?

The third part of Senator EXON's amendment would make it a felony to purposefully make available, either privately or publicly, any indecent message to a minor.

We all share my good friend's concern over the kind of material that may be available and harmful to minors on the Internet and other online computer networks. But this provision is not the way to address the problem.

Under this provision, no indecent speech could be used on electronic bulletin boards dedicated to political debates, since kids under 18 may access these boards.

This will certainly insure that civility is reintroduced into our political discourse when we are online. But this also means that works of fiction, ranging from "Lady Chatterly's Lover" to NEWT GINGRICH's science fiction novel "1945," which contains some steamy scenes, could not be put out on the Internet because of the risk that a minor might download it. Rap music with bad words could not be distributed online. This provision would censor the Internet in a way that threatens to chill our first amendment rights on electronic communications systems.

Under the amendment offered by my good friend from Nebraska, those of us who are users of computer e-mail and other network systems would have to speak as if we were in Sunday School every time we went on-line.

I, too, support raising our level of civility in communications in this country, but not with a government sanction and possible prison sentence when someone uses an expletive. All users of Internet and other information services would have to clean up their language when they go on-line, whether or not they are communicating with children.

There is no question that we are now living through a revolution in telecommunications with cheaper, easier to use and faster ways to communicate electronically with people within our own homes and communities, and around the globe. A byproduct of this technical revolution is that supervising our children takes on a new dimension of responsibility.

Very young children are so adept with computers that they can sit at a keypad in front of a computer screen at home or at school and connect to the outside world through the Internet or some other on-line service. Many of us are justifiably concerned about the accessibility of obscene and indecent materials on-line and the ability of parents to monitor and control the materials to which their children are exposed.

But government regulation of the content of all computer communications, even private communications, under the rubric of protecting kids and in violation of the first amendment is not the answer.

EXISTING LAWS

One could get the incorrect idea that we in Congress have ignored the problem of protecting kids from harms that could befall them from materials they get online. This could not be further from the truth. We have a number of laws on the books that the Justice Department has successfully used to prosecute child pornography and obscenity transmitted over computer networks.

Our criminal laws already prohibit the sale or distribution over computer networks of obscene or filthy material—18 U.S.C. §§1465, 1466, 2252 and 2423(a). We already impose criminal liability for transmitting any threatening message over computer networks—18 U.S.C. §875(c). Our existing criminal laws also criminalize the solicitation of minors over computers for any sexual activity—18 U.S.C. §2452—and illegal luring of minors into sexual activity through computer conversations—18 U.S.C. §2423(b). Just this weekend, there were reports of two instances in which the FBI successfully tracked down teenagers who were solicited online.

Congress took action 2 months ago to pass the Sexual Crimes Against Children Prevention Act of 1995 to increase the penalties and make these various laws even tougher.

Congress has not been ignoring this problem. This does not mean we cannot or should not do better. But, the problem of policing the Internet is complex and involves many important constitutional issues.

LEAHY AMENDMENT REQUIRING A STUDY

The amendment I am offering with Senators KERREY, FEINGOLD, and MOSELEY-BRAUN would require a study by the Department of Justice, in consultation with the U.S. Department of Commerce, on how we can empower parents and users of interactive telecommunications systems.

We should examine the recommendations of these experts before we start imposing liability in ways that could severely damage electronic communications systems, sweep away important constitutional rights, and possibly undercut law enforcement at the same time.

We should avoid quick fixes today that would interrupt and limit the rapid evolution of electronic information systems—for the public benefit far exceeds the problems it invariably creates by the force of its momentum.

A number of groups support the approach of the Leahy study, including civil liberties groups, librarians, online providers, newspaper editors, and others. I ask that a list of the supporters of the Leahy study be placed in the RECORD.

An electronic petition has been circulated on the Internet for the past few weeks. Over 35,000 people have signed on in support of the Leahy study, as an alternative to the proposed Communications Decency Act.

A number of organizations have signed onto the electronic petition to support the Leahy study as an alternative to Government content regulation of electronic communications. These organizations, including the American Council for the Arts, Center for Democracy and Technology, Voters Telecommunications Watch, and others are helping to circulate the petition. Anyone is allowed to sign it or circulate it—this is a free country. Since May 19, when the petition was launched, over 35,000 people have signed on.

The Leahy study approach is supported by civil liberties groups, librarians, online service providers and newspaper groups, including: Association of American Publishers [AAP]; Association of American University Presses [AAUP]; The faculty of the City University of New York; Interactive Working Group; Online Operators Policy Committee of the Interactive Services Association; American Advertising Federation; American Association of Advertising Agencies; and American Library Association.

Also American Society of Newspaper Editors; Association of National Advertisers, Inc.; Association of Research Libraries; Business Software Alliance; Center for Democracy and Technology; Computer and Communications Industry Association; Direct Marketing Association; Electronic Frontier Foundation; Feminists For Free Expression; Magazine Publishers of America; Media Access Project; National Public Telecomputing Network; Newspaper Association of America; People For the American Way Action Fund; Recreational Software Advisory Counsel; Software Publishers Association; and Times Mirror.

I have also asked a coalition of industry and civil liberties groups, called the Interactive Working Group, to address the legal and technical issues for policing electronic interactive services.

There is no question that we need to educate parents about the types of materials available on the Internet which they may want to stop their children from accessing. By focusing attention on this issue, Senator EXON's efforts to legislate in this area have already made strides in alerting parents to the material available online that may be harmful to kids, such as the Internet, to control the material transmitted to them over those systems. We must find ways to do this that do not invite invasions of privacy, lead to censorship of private online communications, and undercut important constitutional protections.

Before legislating to impose Government regulation on the content of communications in this enormously complex area, I feel we need more information from law enforcement and telecommunications experts. My bill calls for just such a fast-track study of this issue.

Mr. President, I tell my good friend from Nebraska, I hope he realizes I would never call him a barbarian. We know each other too well and we are too good of friends for that.

I have to admit, when he talks about football, he has the good grace to live in a State where the team has had some modicum of success. He has rightly achieved bragging rights on that.

But when he talks about punting on this, with all due respect, Mr. President, I believe the Exon-Coats amendment punts, because it punts to the FCC the task of finding ways to restrict minors' access to indecent communications so users can implement them and have a defense to criminal prosecution.

What we have to understand is that nobody in this place wants to give pornography to children. I do not. The distinguished Senator from Nebraska, the distinguished Senator from Indiana, the distinguished Senator from Wisconsin, all who have spoken on this issue this afternoon, none wants to give pornography to children.

Many Members also do not want to destroy the Internet as we try to find how to do protect children from harmful material on the Internet. We can accomplish the goal of keeping pornography from children without putting on a huge Government layer of censorship and without destroying the Internet.

Now, my friend from Nebraska says his amendment takes the same approach as the dial-a-porn statute. Not really. On dial-a-porn, it took 10 years of litigation for the FCC to find a way to implement the dial-a-porn statute in a constitutional way. That is why I say his amendment punts to the FCC the task of finding ways to restrict.

Why not instead follow the Leahy amendment, which will require a study, a group of experts, an accelerated legislative path, so that we will pass responsible legislation that will not be attacked constitutionally for years thereafter.

I note that the House Commerce Committee adopted basically the Leahy study in its markup of the House telecommunications legislation. This was Republicans and Democrats, across the political spectrum, trying to find the best way to handle this. They did what I have recommended here.

In fact, some provisions in my friend's amendment could hurt prosecution of those who are not law-abiding users of the Internet but use it to distribute obscenity and child pornography.

As a former prosecutor, I want prosecutors to have the best tools to go after criminals. I received a letter today from the Justice Department that makes several points. They say a study of the issue is needed. They also confirm that the Exon proposal would regulate indecent speech between consenting adults. And, third, the defenses in this proposal would undermine the ability of the Justice Department to prosecute online service providers even though they knowingly profit from the distribution of obscenity and child pornography.

The Department says, "We still have concerns. We continue to believe that comprehensive review should be undertaken to guide the response to the problems the Communications Decency Act seeks to address."

I ask unanimous consent to have that letter printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, May 3, 1995.

Hon. PATRICK J. LEAHY,
U.S. Senate,
Washington, DC.

DEAR SENATOR LEAHY: I write to respond to your letter of March 1, 1995 concerning our prosecution of violations of federal child pornography and obscenity laws and your April 21, 1995 request for the views of the United States Department of Justice on the "Communications Decency Act," which has been incorporated as title IV of the proposed "Telecommunications Competition and Deregulation Act of 1995," S. 652. In accordance with your request, the analysis of the Communications Decency Act focuses on sections 402 and 405 of the bill.

The Department's Criminal Division has, indeed, successfully prosecuted violations of federal child pornography and obscenity laws which were perpetrated with computer technology. In addition we have applied current law to this emerging problem while also discovering areas where the new technology may present challenges to successful prosecution. While we agree with the goal of various legislative proposals designed to keep obscenity and child pornography off of the information superhighway, we are currently developing a legislative proposal that will best meet these challenges and provide additional prosecutorial tools. This legislative package is being developed while taking into consideration the need to protect fundamental rights guaranteed by the First Amendment.

With respect to the Communications Decency Act, while we understand that section 402 is intended to provide users of online services the same protection against obscene and harassing communications afforded to telephone subscribers, this provision would not accomplish that goal. Instead, it would significantly thwart enforcement of existing laws regarding obscenity and child pornography, create several ways for distributors and packagers of obscenity and child pornography to avoid criminal liability, and threaten important First Amendment and privacy rights.

Similarly, while we understand that section 405 of this bill is intended to expand privacy protections to "digital" communications, such communications are already protected under existing law. Moreover, this provision would have the unintended consequences of jeopardizing law enforcement's authority to conduct lawful, court-ordered wiretaps and would prevent system administrators from protecting their systems when they are under attack by computer hackers.

Despite the flaws in these provisions, the Administration applauds the primary goal of this legislation: prevent obscenity from being widely transmitted over telecommunications networks to which minors have access. However, the legislation raises complex policy issues that merit close examination prior to Congressional action. We recommend that a comprehensive review be undertaken of current laws and law enforcement resources for prosecuting online obscenity and child pornography, and the technical means available to enable parents and users to control the commercial and noncommercial communications they receive over interactive telecommunications systems.

The following are the Department's primary objections to sections 402 and 405 of the pending telecommunications bill:

First, section 402 of the bill would impose criminal sanctions on the transmission of constitutionally protected speech. Specifically, subsections 402(a)(1) and (b)(2) of the bill would criminalize the transmission of indecent communications, which are protected by the First Amendment. In Sable Communications of Cal. v. FCC, 492 U.S. 115 (1989), the Supreme Court ruled that any restrictions on the content of protected speech in media other than broadcast media must advance a compelling state interest and be accomplished by the "least restrictive means." By relying on technology relevant only to 900 number services, section 402 fails to take into account less restrictive alternatives utilizing existing and emerging technologies which enable parents and other adult users to control access to content.

Nearly ten years of litigation, along with modifications of the regulations, were necessary before the current statute as applied to audiotext services, or "dial-a-porn" calling numbers, was upheld as constitutional. See Dial Information Services v. Thornburg, 938 F. 2d 1535 (2d Cir. 1991). The proposed amendment in section 402 of the bill would jeopardize the enforcement of the existing dial-a-porn statute by inviting additional constitutional challenges, with the concomitant diversion of law enforcement resources.

Second, the definition of "knowingly" in section 402 of the bill would cripple obscenity prosecutions. Under subsection 402(e), only those persons with "actual knowledge" of the "specific content of the communication" could be held criminally liable. This definition would make it difficult, if not impossible, to prove guilt, and the standard is higher than the prevailing knowledge requirements under existing obscenity and child sexual exploitation statutes. Under Miller v. California, 413 U.S. 629 (1973), the government must only prove that a person being prosecuted under an obscenity statute had knowledge of the general nature of the material being distributed. Large-scale distributors of child pornography and other obscene materials—among the most egregious violators—do not read or view each obscene item they distribute. The proposed definition in subsection 402(e) would make it nearly impossible for the government to establish the necessary knowledge requirement and would thereby severely handicap enforcement of existing statutes.

Third, section 402 would add new terms and defenses that would thwart ongoing enforcement of the dial-a-porn statute. Currently, the government is vigorously enforcing the existing dial-a-porn statute. It took more than ten years for the government to be able to do so, due to constitutional challenges. The proposed amendment to this statute fundamentally changes its provisions and subjects it to renewed constitutional attack which would hinder current enforcement efforts.

Fourth, section 402 would do significant harm by inserting new and sweeping defenses that may be applied to nullify existing federal criminal statutes. The government currently enforces federal criminal laws preventing the distribution over computer networks of obscene and other pornographic material that is harmful to minors (under 18 U.S.C. §§1465, 2252 & 2423(a)), the illegal solicitation of a minor by way of a computer network (under 18 U.S.C. §2252), and illegal "luring" of a minor into sexual activity through computer conversations (under 18 U.S.C. §2423(b)). These statutes apply to all methods of "distribution" including over computer networks. The new defenses proposed in subsection 402(d) would thwart ongoing government obscenity and child sexual exploitation prosecutions in several important ways:

The first defense under subsection 402(d)(1) would immunize from prosecution "any action" by a defendant who operates a computer bulletin board service as an outlet for the distribution of pornography and obscenity so long as he does not create or alter the material. In fact, this defense would establish a system under which distributors of pornographic material by way of computer would be subject to fewer criminal sanctions than distributors of obscene videos, books or magazines.

The second defense provided in subsection 402(d)(2) would exculpate defendants who "lacked editorial control over the communications." Such a defense may significantly harm the goal of ensuring that obscene or pornographic material is not available on the Internet or other computer networks by creating a disincentive for operators of public bulletin board services to control the postings on their boards. Moreover, persons who provide critical links in the pornography and obscenity distribution chains by serving as "package fulfillment centers" filling orders for obscene materials, could assert the defense that they lack the requisite "editorial control." This proposed defense would complicate prosecutions of entire obscenity distribution chains.

The third defense provided in subsection 402(d)(3), containing five subparts, would be available to pornographic bulletin boards operators who take such innocuous steps as (A) directing users to their "on/off" switches on their computers as a "means to restrict access" to certain communications; (B) warning, or advertising to, users that they could receive obscene material; and (C) responding to complaints about such minimum, this proposed defense would lead to litigation over whether such actions constitute "good faith" steps to avoid prosecution for violating the section 402, and could thwart existing child pornography and obscenity prosecutions.

The fourth defense provided in subsection 402(d)(4) would exculpate defendants whose pornography business does not have the "predominate purpose" of engaging in unlawful activity. This defense would severely undercut law enforcement's efforts to prosecute makers and distributors of noncommercial pornography and obscenity.

The fifth defense provided in subsection 402(d)(5) would preclude any cause of action from being brought against any person who has taken good faith steps to, *inter alia*, "restrict or prevent the transmission of, or access to," a communication deemed unlawful under section 402. This defense would encourage intrusion by on-line service providers into the private electronic mail communications of individual users. The defense actually promotes intrusions into private electronic mail by making it "safer" to monitor private communications than to risk liability. At the same time, this defense would defeat efforts by the government to enforce federal privacy protections against illegal eavesdropping.

Finally, but no less significantly, section 405 amends the federal wiretap statute in several respects, each of which creates considerable problems. First, it amends the wiretap statute to add the term "digital" to 18 U.S.C. §2511,[1] without considering the effect of this amendment on other statutory provisions. For example, 18 U.S.C. §2516(1) provides that certain government officials may authorize an application for a wiretap order for wire or oral communications while 18 U.S.C. §2516(3) provides that other government officials may authorize an application for a wiretap order for electronic communications. Since section 405 does not amend 18 U.S.C. §2516 to include the term "digital," it would appear that no government official has the authority to authorize an application for a wiretap order for digital communications. This is particularly problematic, since this investigative tool is reserved for the most serious cases, including those involving terrorists, organized crime, and narcotics.

Equally disconcerting, the amendment serves to protect computer hackers at the expense of all users of the National Information Infrastructure (NII), including businesses, government agencies and individuals. Prior to 1994, the wiretap statute allowed electronic communication service providers to monitor voice communications to protect their systems from abuse. 18 U.S.C. §2511(2)(a)(i) (1986 version). Thus, when hackers attacked computer systems and system administrators monitored these communications, they had no clear statutory authority to do so. In October 1994, Congress finally remedied this defect by amending 18 U.S.C. §2511(2)(a)(i) to permit the monitoring of electronic (i.e., digital, non-voice) communications. If section 405 is enacted and these hacker communications are deemed digital, system administrators will once again be denied the statutory authority to monitor hacker communications. It would be most unfortunate if, at the same time Congress is encouraging the widespread use of the NII, it passed a law giving system administrator's a Hobson's choice: either allow hackers to attack systems unobserved or violate federal law.

There are three other concerns as well. First, by adding the term "digital" without amending the suppression provisions of 18 U.S.C. §2515, voice communications—if they are deemed "digital"—will no longer be protected by the statute's exclusionary rule. This would serve to reduce the privacy protections for phone calls.

Second, section 405 would replace the words "oral communication" with "communication" in 18 U.S.C. §2511(1)(B). This would have undesirable consequences for law enforcement because it would criminalize the interception of communications as to which there was no reasonable expectation of privacy.[2]

From the law enforcement perspective, there is simply no sound reason for eliminating this highly desirable feature of present law. Additionally, the amendment might also impact upon the news gathering process. For example, if the conversation of two individuals shouting in a hotel room were recorded by a news reporter standing outside the room, the reporter would, under section 405, be violating the wiretap statute. Under current law, of course, the individuals could not complain about the recording because, by shouting loud enough to be heard outside the room, they lack any reasonable expectation of privacy.

Last, the provision in section 402(d)(5) provides that "no cause of action may be brought in any court * * * against any person on account of any action which the person has taken in good faith to implement a defense authorized under this section. * * *" This would seem to suggest that any person can freely engage in electronic surveillance otherwise prohibited by Title III so long as they claim to be implementing a section 402 defense. As such, section 402(d)(5) severely weakens the privacy protections currently offered by the wiretap statute.

In sum, sections 402 and 405 of the bill would hamper the government's ongoing work in stopping the dissemination of obscenity and child pornography and threaten law enforcement's continued ability to use court-authorized wiretaps. We believe that a comprehensive review be undertaken to guide response to the problems that the Communications Decency Act seeks to address.

I assure you that the Department is aware of the growing use of computers to transmit and traffic obscenity and child pornography. The Criminal Division's Child Exploitation and Obscenity Section is aggressively investigating and prosecuting the distribution of child pornography and obscenity through computer networks, and the use of computers to locate minors of the purpose of sexual exploitation. As we have discussed with your staff in a meeting focussed on these issues, we remain committed to an aggressive effort to halt the use of computers to sexually exploit children and distribute obscenity.

Sincerely,

KENT MARKUS,
Acting Assistant Attorney General.

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC.

Senator PATRICK J. LEAHY,
U.S. Senate,
Washington, DC.

DEAR SENATOR LEAHY: This is in response to your June 14, 1995 letter to me posing questions about my June 13 letter to Senator Exon concerning his proposed Communications Decency Act.

My letter to Senator Exon commented on the version of his proposal circulated in his "dear colleague" letter of June 7, 1995 (the "Exon proposal"). Senator Exon had requested that we comment on the extent to which that revised proposal satisfied the concerns I detailed to you in my May 3 letter. The letter does not address the Exon-Coats proposal, which we had not seen nor were aware of until today. We have just begun to review this new proposal.

As stated in my letter to Senator Exon, his proposal still raises a number of complex legal and policy issues that call for in-depth analysis prior to congressional action. Because we still have concerns, we continue to believe that a comprehensive review should be undertaken to guide response to the problems the Communications Decency Act seeks to address.

Among these concerns are constitutional questions raised primarily by the lack of scienter required for the age element of subsection (e) of the Exon proposal. In our view, this subsection would consequently have the effect of regulating indecent speech between consenting adults.[1] Subsection (a) does not have the same constitutional infirmity because of the specific intent requirement that the communication be done "with intent to annoy, abuse, threaten, or harass * * *", which we believe is inconsistent with the concept of "consenting adults."

As described in my June 13 letter, we continue to have a concern with the "knowledge" requirements that were re-inserted in the Exon proposal as defenses for certain parties.

The defenses included in the Exon proposal would undermine the ability of the Department of Justice to prosecute an on-line service provider even though it knowingly profits from the distribution of obscenity or child pornography.[2] Although the existence of the defenses in the Exon proposal would make prosecutions under the proposal's offenses difficult, if not impossible, they would not threaten obscenity prosecutions under existing statutes.

I hope this information is helpful to you.

Sincerely,

KENT MARKUS,
Acting Assistant Attorney General.

Mr. LEAHY. Mr. President, let me conclude with this: No Member disagrees that we want to keep smut out of the hands of our children. I would remind everybody that the Internet has become the tremendous success it is because it did not have Big Brother, the Federal Government, trying to micromanage what it does and trying to tell users what it could do.

If the Government had been in charge of figuring out how to expand the Internet or make it more available and so on, I guarantee it would not be one-tenth the success it is today.

In our appropriate zeal to go after child pornographers, let the Senate not kill the Internet or smother it for the 99.9 percent of the people who use it legitimately, the scholars who use it legitimately, the people who use it for legitimate on-line discussion groups, the people who gather information from it, the constituents who use it to contact my office and other offices, and those who find a way to access information that they have never had before in their lives.

---

[1] It should be noted that "digital" communications are already covered by the wiretap statute. Under current law, a "digital" communication is either a wire communication under 18 U.S.C. §2510(1) (if it contains voice) or an "electronic communication" under 18 U.S.C. §2510(12) (if it does not contain voice). Since such communications are already covered, the reason for enacting section 405 is unclear, and it is difficult to predict how the courts will interpret the amendment.

[2] The definition of "oral communication" in 18 U.S.C. §2510(2) contains a requirement that the communication to be protected must have been made under circumstances justifying an expectation of privacy.

[1] Subsection (e) of the Exon-Coats measure exacerbates the constitutional concerns because it is even more expansive than the similar subsection (e) in the Exon proposal.

[2] The defense in subsection (f)(1) of the Exon-Coats measure is particularly problematic as it focusses on whether the service provider has control over the bulletin board service. If the provider does not have control, regardless of whether it has guilty knowledge or intent, it is immune from prosecution.

That is why, Mr. President, earlier I printed in the RECORD a list of everybody from librarians to publishers to newspaper editors to civil liberties groups who support my alternative approach in my amendment.

I am perfectly willing, if the managers are here and they want to move forward, to yield back the remaining time.

Mr. EXON. Mr. President, I am prepared to yield back the remainder of our time, I think about 20 minutes. All I need to do is insert some additional material in the RECORD. If I could have 1 more minute, I would be prepared to yield back the remainder of my time.

I thank my friend from Vermont for mentioning the Nebraska football again. I had a letter from Tom Osborne, the head football coach at the University of Nebraska, who wrote, "Dear Jim: Thank you for what you are doing. I hope you are successful in passing the legislation."

I ask unanimous consent that the Osborne letter be printed in the RECORD, and I ask unanimous consent to have printed in the RECORD "No Time to Study."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NEBRASKA FOOTBALL,
Lincoln, NE, February 10, 1995.

Senator EXON,
Washington, DC.

DEAR JIM: Thanks so much for what you are doing in your effort to stop pornography. I realize this is always a somewhat unpopular issue to tackle, however, my experience has been that pornography is tremendously damaging to young people and women in particular.

I hope you are successful in passing the legislation.

Best wishes,

TOM OSBORNE,
Head Football Coach.

NO TIME TO STUDY

Further study does not solve the problem. The larger telecommunications reform bill before the Senate will help link up schools to new telecommunications services and Internet services. As one of the Snowe-Rockefeller-Exon-Kerrey amendment authors, I am very proud of that fact.

In addition, at least two Bell Companies plan to offer Internet access as one of their common carrier services; basic computer software manufacturers now offer "easy Internet access" with their programs and thousands of homes every day subscribe to new information service providers which homes Internet access. Let's not lose sight of the fact that this is a very good thing. This is a national policy objective.

But let us not turn a blind eye to a very serious problem of obscenity, indecency, electronic stalking and pornography in the digital world. Every day the Congress delays in dealing with this problem the pornographers, pedophiles and predators secure a much stronger foothold in what will be a universal service network. That network was initially created by the U.S. government and still, in part, is supported by American tax dollars.

Technology will help. But there is no technological magic bullet. That is why industry is so concerned about vicarious liability. Even the largest computer companies can not figure out a "fool proof" way to prevent access. It is odd to expect American tax dollars to pay for the development and expansion of this marvelous system, only to turn it over to pornographers. The Congress should not turn its eyes from what is on the Internet and issue a mere request to parents that they buy expensive products to keep this smut from their homes and keep pedophiles away from their children.

The American people need not pay twice in order to keep pornography and filth from tarnishing the sanctity of their homes, the pornographers and the pornography addicts must find their own, secure adults-only stomping grounds and let our kids and families enjoy this universal, public service for education, enlightenment and entertainment.

I introduced a version of this legislation nearly a year ago. The time for study is over. The Congress must step up to the plate. The law will facilitate free speech by creating an environment through constitutional means where families and children can enjoy the benefits of the Internet.

This is a fundamental question of burdens. The "hands off crowd" say that the burden lies entirely on the parent. The parent must spend hundreds of dollars on "blocking" software and must be with the children 24 hours a day to assure that they do not access improper material. The Exon-Coats approach says that parents have responsibilities, but so do on-line service providers, and publishers and so does law enforcement. If you operate an on-line adult pornographic book store, movie house or swap meet, you have the burden to assure that children do not enter, and that you are not trading in illegal obscenity. Those engaging in pornography and indecency should install electronic "bouncers" at their electronic doorways. The Supreme Court in the Sable case indicated that such a burden was not a constitutional impediment.

For all the talk about "technological fixes" it is ironic that one group, the Electronic Frontier Foundation, who opposes this measure in favor of more of the so-called "parental control" posts on the Internet instructions on "How-to Access Blocked Groups." The fact of the matter is that kids, not their parents know "how-to" access everything.

The Supreme Court noted that daytime radio is "uniquely accessible to children." I submit that computers are not only "uniquely accessible to children," but also "uniquely inaccessible to their parents." I expect that any child or grandchild with basic computer skills can outperform any member of this body when it comes to operating a computer.

As the Supreme Court has noted in a number of cases, the Congress has a compelling state interest in protecting the physical and psychological health of America's children. We should not throw our hands up and allow every child's computer to become a branch office of Pornography Incorporated.

Mr. HATCH. As chairman of the Committee on the Judiciary, I would like to ask the Senator from Nebraska for clarification on one point. Title IV of this legislation, the Communications Decency Act, includes provisions amending section 223 of the Communications Act to address, among other issues, the circumstances under which providers of network services may be held criminally liable for the transmission or distribution of obscene, indecent, or harassing materials.

Copyright matters are, of course, within the jurisdiction of the Judiciary Committee, and it is my understanding that those provisions in title IV of the bill, as reported by the Commerce Committee, were not intended to—and in fact do not—serve as a precedent for addressing copyright infringement carried out over online services or other telecommunications or digital networks. Am I correct in that understanding?

Mr. EXON. The Senator is correct. The liability standards contained in my proposal have no applicability to liability for copyright infringement. Nor are they intended to set any precedent in the copyright field.

Mr. HATCH. I thank my colleague for this clarification.

Mr. COATS. I wanted to clarify that it is the intent of this legislation that persons who are providing access to or connection with Internet or other electronic services not under their control are exempted under this legislation.

Mr. EXON. Defense (f)(1) explicitly exempts a person who merely provides access to or connection with a network like the Internet for the act of providing such access. Understanding that providing access or connection to online services is an action which can include other incidental acts, this legislation is intended to exempt from prosecution the provision of access including transmission, downloading, storage, and certain navigational functions which are incidental to providing access or connection to a network like the Internet. An online service that is providing its customers with a gateway to networks like the Internet or the worldwide web over which it has no control is generally not aware of the contents of the communications which are being made on these networks, and therefore it should not be responsible for those communications. To the extent that service providers are doing more than merely providing access to a facility or network over which they have no control, the exemption would no longer apply. For instance, if an access provider were to create a menu to assist its customers in finding the pornographic areas of the network, then that access provider would be doing more than solely providing access to the network. Further, this exemption clearly does not apply where the service provider is owned or controlled by or is in conspiracy with a pornographer who is making communications in violation of this legislation.

Mr. COATS. I understand that in a recent N.Y. State decision, Stratton Oakmont versus Prodigy, the court held that an online provider who screened for obscenities was exerting editorial content control. This led the court to treat the online provider as a publisher, not simply a distributor, and to therefore hold the provider responsible for defamatory statements made by others on the system. I want to be sure that the intent of the amendment is not to hold a company who tries to prevent obscene or indecent material under this section from being held liable as a publisher for defamatory statements for which they would not otherwise have been liable.

Mr. EXON. Yes; that is the intent of the amendment.

Mr. COATS. And am I further correct that the subsection (f)(4) defense is intended to protect companies from being put in such a catch-22 position? If they try to comply with this section by preventing or removing objectionable material, we don't intend that a court could hold that this is assertion of editorial content control, such that the company must be treated under the high standard of a publisher for the purposes of offenses such as libel.

Mr. EXON. Yes; that is the intent of section (f)(4).

Mr. COATS. Similarly, if a system operator discontinued service to a customer who was generating objectionable material, it is the intent in offering this amendment, and specifically the intent of subsection (f)(4), that no breach of contract action would lie against the system operator?

Mr. EXON. Yes; that is our intent.

Mr. COATS. I wanted to clarify that it is the intent of this legislation that persons who are providing access to or connection with the Internet or other electronic service not under their control are exempted under this legislation.

Mr. EXON. Yes; defense (f)(1) explicitly exempts a person who provides access to or connection with a network like Internet that is not under that person's control. Providing access or connection is meant to include transmission, downloading, storage, navigational tools, and related capabilities which are incidental to the transmission of communications. An online service that is providing such services is not aware of the contents of the communications and should not be responsible for its contents. Of course this exemption does not apply where the service provider is owned or controlled by or is in conspiracy with a maker of communications that is determined to be in violation of this statute.

Mr. HELMS. Mr. President, I would inquire of the Senator from Indiana if my understanding is correct that, under subsection (f)(1) of your amendment, a person is protected solely for providing access. Is that correct?

Mr. COATS. The Senator is correct, this is a narrow defense. The defense is for solely providing access or connection and not a defense for any person or entity that provides anything more than solely providing access. This does not create a defense for someone who has some level of control over the material or the provision of material. To the extent that enhanced access would be an offense, this defense does not apply to someone who, among other things, manages the prohibited or restricted material, charges a fee for such material, provides instructions on how to access such material or provides an index of the material. This is merely an illustrative list and not an exhaustive list of the types of activities that would not qualify as solely providing access or connection under subsection (f)(1).

Mr. EXON. I agree with the Senator from Indiana.

Mr. BIDEN. Mr. President, I oppose the Exon-Coats second-degree amendment. I oppose it not because I disagree with its mission—which is to keep children out of the redlight districts of the Internet. With that, I wholeheartedly agree. As has become all too clear, the new information superhighway has its gritty roadside attractions: as the Senator from Nebraska has documented, some of the information traveling over the Internet is tasteless, offensive, and downright spine-tingling. I stand with him and the Senator from Indiana in condemning and deploring this stuff—and I agree that we should do something here and now to help keep it out of the hands of our kids.

But I respectfully disagree with them about how we should go about doing that. I believe there is a better, faster, and more effective way to make the information superhighway safe traveling for our children. If the Exon-Coats provision passes, we will have mountains of litigation over its constitutionality, dragging on for years and years—and all the while, our kids will be doing what they do best: finding new and better ways to satisfy their curiosity.

The Exon-Coats amendment would make it a crime to send an indecent communications over the Internet to anyone under 18. Although that certainly sounds good, the problem is this: in the world of the Internet—where communications are sent out to hundreds and sometimes hundreds of thousands of people all at once—a ban on material that might reach a child is tantamount to a complete outright ban.

That's where the constitutional problem comes in. In the case of Sable Communications versus FCC, the Supreme Court held that indecent speech—unlike obscenity—is protected first amendment expression. The Court also ruled that although indecent speech cannot be outlawed, it nevertheless can be restricted to protect children—provided, however, that the restrictions are drawn as narrowly as possible so as not to unduly limit adult access. This is known by lawyers as the least restrictive means requirement. Or put another way by Justice Frankfurter, you can't "burn the house to roast the pig"—which is exactly what I believe the Exon-Coats provision would do.

So I believe there will be a heated and protracted constitutional challenge to this provision. In fact, with history as our guide, such a challenge is virtually guaranteed: when Congress banned Dial-a-Porn services to minors, it took 10 years—and many different attempts by the FCC to write narrowly tailored regulations, all of which were challenged and fully litigated—for the statute to be upheld as constitutional.

Ten years. Multiple rulemaking proceedings. Four different trips up to the court of appeals. I, for one, just can't wait that long. But more importantly, our children shouldn't have to wait that long. I want to get to work right now—and come up with the best and fastest way to get at this problem.

That is why I support the underlying Leahy amendment. The Leahy amendment will get us going right now. It directs the Departments of Justice and Commerce to quickly come up with technological solutions—ways by which parents can screen out of their computer systems violent, sexually explicit, harassing, offensive, or otherwise unwanted material. The Leahy measure also directs the Departments to evaluate whether current criminal laws are fully enforceable in interactive media, and to assess law enforcement resources currently available to enforce these laws.

The Leahy amendment doesn't stop there: it requires that the Departments also submit a legislative proposal with their study—outlining how best, technologically, to empower parents to protect their kids; how to amend, if necessary, our laws to better crack down on pornographers; how law enforcement resources should be allocated more effectively.

What's more, the Leahy amendment puts that legislation on a fast-track schedule. That means that it would only be a matter of months—not 1 year, 5 years, or 10 years—for us to have taken smart and effective action to get at this problem.

Government censorship, in this instance, is not just a bad idea in the eyes of first amendment scholars and activists. It's also a bad idea when it comes to the eyes and minds of our children. While we might be able to shut down some of the filthy talk on the net, we simply can't do the job right this way—we can't prevent access to sexually explicit information from Finland, Sweden, Japan or other countries, all of which are part of the Internet community.

I also want to say that I—and I'm sure I'm joined by many parents across the country—am also very concerned about violent material on the net. As the Judiciary Committee has learned in some detail, you can learn all about bomb-building and other ways of war and destruction online. The Exon-Coats provision doesn't address violence. The Leahy amendment, with its headlights aimed at technology to screen out violent as well as offensive and sexually explicit material, does.

I believe that a technology-based solution, as advanced in Senator LEAHY's amendment, is a better answer—constitutionally and practically. The market, as we speak, is already developing software and hardware to enable parents to block children's access to filth, violence, and other objectionable material. I believe it makes more sense, and will be more effective, to empower users to protect themselves and their children than to attempt a topdown model of governmental regulation.

LEVIN ON EXON AMENDMENT TO S. 652, THE TELECOMMUNICATIONS BILL

Mr. LEVIN. Mr. President, I support keeping obscene material off the internet and other electronic media. This amendment goes significantly beyond that. The language of the amendment before us is so broad and vague that it would subject an American citizen to criminal liability and possible imprisonment for two years, a $100,000 fine or both for making what is termed a "filthy comment" on the internet which, in the words of the amendment, is intended to annoy.

Annoying filthy comments that are put on the internet are reprehensible. But, I am afraid the attempt to make such language criminal will backfire and make it more difficult for us to effectively prohibit abusive and threatening activities and pornographic material aimed at children and adults. Our best chance to meet this objective is through means which are Constitutional.

That is why I support the underlying Leahy amendment to protect the internet and other electronic media from obscene material. The Leahy Amendment would require the Attorney General of the United States within 150 days to produce Constitutional legislation to address the problem. The Leahy Amendment also provides for expedited procedures which would permit the Congress to consider such legislation quickly. I believe this is the more effective course to protect the internet and other telecommunications media.

Mr. President, I ask unanimous consent to have a letter printed from the Department of Justice at this point in the CONGRESSIONAL RECORD. The letter states, in part, "Defenses included in the Exon proposal would undermine the ability of the Department of Justice to prosecute an on-line service provider even though it knowingly profits from the distribution of obscenity or child pornography."

The Department of Justice letter also states that for many other reasons a comprehensive review should be made before Congress acts.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC.

Senator PATRICK J. LEAHY,
United States Senate, Washington, DC.

DEAR SENATOR LEAHY: This is in response to your June 14, 1995 letter to me posing questions about my June 13 letter to Senator Exon concerning his proposed Communications Decency Act.

My letter to Senator Exon commented on the version of his proposal circulated in his "dear colleague" letter of June 7, 1995 (the "Exon proposal"). Senator Exon had requested that we comment on the extent to which that revised proposal satisfied the concerns I detailed to you in my May 3 letter. The letter does not address the Exon-Coats proposal, which we had not seen nor were aware of until today. We have just begun to review this new proposal.

As stated in my letter to Senator Exon, his proposal still raises a number of complex legal and policy issues that call for in-depth analysis prior to congressional action. Because we still have concerns, we continue to believe that a comprehensive review should be undertaken to guide response to the problems the Communications Decency Act seeks to address.

Among these concerns are constitutional questions raised primarily by the lack of scienter required for the age element of subsection (e) of the Exon proposal. In our view, this subsection would consequently have the effect of regulating indecent speech between consenting adults.[1] Subsection (a) does not have the same constitutional infirmity because of the specific intent requirement that the communication be done "with intent to annoy, abuse, threaten, or harass . . .", which we believe is inconsistent with the concept of "consenting adults."

As described in my June 13 letter, we continue to have a concern with the "knowledge" requirements that were re-inserted in the Exon proposal as defenses for certain parties.

The defenses included in the Exon proposal would undermine the ability of the Department of Justice to prosecute an on-line service provider even though it knowingly profits from the distribution of obscenity or child pornography.[2] Although the existence of the defenses in the Exon proposal would make prosecutions under the proposal's offenses difficult, if not impossible, they would not threaten obscenity prosecutions under existing statutes.

I hope this information is helpful to you.

Sincerely,

KENT MARKUS,
Acting Assistant Attorney General.

FOOTNOTES

[1] Subsection (e) of the Exon-Coats measure exacerbates the constitutional concerns because it is even more expansive than the similar subsection (e) in the Exon proposal.

[2] The defense is subsection (f)(1) of the Exon-Coats measure is particularly problematic as it focuses on whether the service provider has control over the bulletin board service. If the provider does not have control, regardless of whether it has guilty knowledge or intent, it is immune from prosecution.

Mr. EXON. With that, if the Senator from Vermont is ready to yield back, I am ready to yield back our time.

Mr. LEAHY. I yield back my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment numbered 1362.

Mr. LEAHY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Nebraska.

The clerk will call the roll.

The bill clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced, yeas 84, nays 16, as follows:

[Rollcall Vote No. 263 Leg.]

YEAS—84

Abraham
Akaka
Ashcroft
Baucus
Bennett
Bond
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Dole
Domenici
Dorgan
Exon
Faircloth
Feinstein
Ford
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Helms
Hollings
Hutchison
Inhofe
Inouye
Johnston
Kassebaum
Kempthorne
Kerrey
Kerry
Kohl
Kyl
Lautenberg
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Murkowski
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Rockefeller
Roth
Santorum
Sarbanes
Shelby
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—16

Biden
Bingaman
Chafee
Feingold
Glenn
Jeffords
Kennedy
Leahy
Levin
Lieberman
Moseley-Braun
Moynihan
Murray
Robb
Simon
Wellstone

So, the amendment (No. 1362) was agreed to.

Mr. FORD. Mr. President, I move to reconsider the vote.

Mr. COATS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. DEWINE). The majority leader is recognized.

SUBMITTED AMENDMENT NO. 1286, AS MODIFIED

Mr. SIMON. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. DOLE. I yield to the Senator from Illinois for a unanimous-consent request.

Mr. SIMON. Mr. President, I thank the majority leader for yielding.

On my amendment No. 1286, there is a technical error. I ask unanimous consent to correct that error. There is no objection by Senators.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

---

[1] Footnotes at end of letter.

The submitted amendment (No. 1286), as modified, is as follows:

On page 79, line 11, in the language added by the Dole Amendment No. 1255 as modified, insert the following:

(b)(3) SUPERSEDING RULE ON RADIO OWNERSHIP.—In lieu of making the modification required by the first sentence of subsection (b)(2), the Commission shall modify its rules set forth in 47 CFR 73,3555 by limiting to 50 AM and 50 FM broadcast stations the number of such stations which may be owned or controlled by one entity nationally.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. As I understand, they need to take care of the underlying amendment.

Mr. LEAHY. Mr. President, if the majority leader will yield, the Leahy amendment has now been amended by the Exon amendment. Because many, many Senators supported the amendment as one by itself—obviously, the majority support the Exon amendment—there is really no reason to have a rollcall vote on my amendment.

I recommend we adopt the Leahy amendment, as amended by the Exon amendment, by voice vote.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1288, as modified, as amended.

The amendment (No. 1228) was agreed to.

Mr. EXON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PRESSLER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Mr. President, I am trying to determine when we can complete action on this bill. We had a heavy, positive vote on cloture. I am going to read a statement that I think satisfies the managers of the bill to see if we can get some agreement, some accommodation. The managers have been working toward a final resolution of this bill that encompasses the following request. I am not going to try to get the agreement, but I will read it:

That all amendments qualified postcloture must be called up by number by 7:30 p.m.; that all amendments be limited to 15 minutes, 30 minutes for second degrees, for the debate to occur—we are not certain about this—either tonight or beginning at 9 o'clock in the morning. If some of those can be debated tonight, it can save us time tomorrow morning. If we can get the agreement, then rollcall votes will be stacked to begin at 12:30 p.m. I would rather begin at an earlier time tomorrow, but I understand there is a problem on that side. If we can resolve that, they will begin earlier, with the last vote in the voting sequence being final passage of the telecommunications bill.

After that, if we get consent, we will go to the highway bill, S. 440, which I understand there are a couple major issues, but, otherwise, we should be able to finish that by Friday sometime.

So if Senators have amendments, the point is they ought to be letting the managers know. We think there are only about six, maybe a few more than that. I understand Senator STEVENS has some that may be accepted. Senator LEAHY has one that is going to be accepted. That would leave one by Senator LIEBERMAN, one by Senator SIMON, one by Senator MCCAIN, one by Senator HARKIN, and then the managers' amendment.

Mr. LEAHY. If the Senator will yield, the major one that I had was dialing parity. At one time, we thought it would take several hours. I think Senator BREAUX and I have worked out a consensus. I suspect, once you have gotten your unanimous consent, if the managers yield to us, we can probably dispose of it in 10 minutes.

Mr. DOLE. Let us do that right now. Then I will come back after that and try to get consent on these other things. In the meantime, if somebody else has an amendment they feel a compelling desire to offer, we would appreciate that information, because it might determine how long we stay tonight.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, personally, I like the plan that the majority leader has laid down. As he knows, we tried on this other one to move as quickly as we could, and we moved it much faster than some thought. I note in that regard, I appreciate those who expressed their concern in wanting to protect the Internet but also to protect children from being exposed to smut and pornography. I will state again, the protection of children is something we all want equally in this body. We just have different ways of trying to figure out ultimately how to protect them and the first amendment at the same time.

I hope we go to the dialing parity. I ask unanimous consent that it be in order for me to yield to the Senator from Louisiana to bring up an amendment on behalf of himself and myself. That may settle that part and save us several hours.

Mr. STEVENS. Reserving the right to object, if that is a request, we have worked out an agreement on three technical amendments that deal with an amendment I previously offered, and I would like to get an agreement on those. We will proceed with them later in the evening, but I want to make sure we have an agreement before we get into this other unanimous-consent agreement.

Will the Senator yield to me for the purpose of a unanimous-consent request?

Mr. LEAHY. Mr. President, I yield to the Senator from Alaska for the purpose of making a unanimous-consent request without losing my right to the floor.

Mr. STEVENS. Mr. President, I ask unanimous consent that there be 10 minutes equally divided for the consideration of my amendments 1301, 1302, and 1304; that at the end of that 10 minutes, we then proceed to consider, without any intervening action or debate, each of the three amendments. I will at that time ask that they be considered en bloc, but I think they should be explained first; in addition, that after consultation with the Members involved, I ask unanimous consent that a modification to amendment No. 1301 be permitted prior to the vote on that amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I believe I still have the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, as I stated earlier, I think there was general agreement among the body that we wanted to find a way to approach what many see as a problem on the Internet. We had different ways of approaching it. I note that only because those who supported the underlying amendment were trying to find the most constitutional way of doing it. It was not a case of anybody—anybody—in this body being in favor of providing pornography to children, it simply should go without saying, but so there will not be any mistake on that point.

Mr. President, I yield to my friend from Louisiana. He has an amendment on behalf of the two of us.

AMENDMENT NO. 1421

Mr. BREAUX. Mr. President, I ask unanimous consent that the Breaux-Leahy amendment at the desk be in order.

The PRESIDING OFFICER. Will the Senator state the number?

Mr. BREAUX. It is an amendment entitled Breaux-Leahy at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Mr. BREAUX], for himself and Mr. LEAHY, proposes an amendment numbered 1421.

Mr. BREAUX. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 93, strike lines 7–12 and insert the following:

"(ii) Except for single-LATA States and States which have issued an order by June 1, 1995 requiring a Bell operating company to implement toll dealing parity, a State may not require a Bell operating company to implement toll dialing parity in an intraLATA area before a Bell operating company has been granted authority under this subsection to provide interLATA services in that area or before three years after the date of enactment of the Telecommunications Act of 1995, whichever is earlier. Nothing in this clause precludes a State from issuing an order requiring toll dialing parity in an intraLATA area prior to either such date so long as such order does not take effect until after the earlier of either such dates.

(iii) In any State in which intraLATA toll dialing parity has been implemented prior to the earlier date specified in clause (ii), no telecommunications carrier that serves greater than five percent of the nation's presubscribed access lines may jointly market interLATA telecommunications services and intraLATA toll telecommunications services in a telephone exchange area in such state until a Bell operating company is authorized under this subsection to provide interLATA services in such telephone exchange area or until three years after the date of enactment of the Telecommunications Act of 1995, whichever is earlier."

Mr. BREAUX. Mr. President, I thank the Senator from Vermont for yielding to me for this purpose and thank him for working with me and with the distinguished chairman of the committee, as well as the distinguished ranking member of the committee, as well as a number of other Members in the body.

We have tried to work really for the past 2 to 3 days on trying to develop a consensus amendment, which I think we now have, which I think solves the problem both from a sense of fairness as well as a sense of trying to encourage additional companies to do what they can do best.

I think the basic thrust of this telecommunications bill is to promote competition. I think the Commerce Committee has done a tremendous job in reporting to the body a bill that, in fact, does say to all of the companies, whether they be long distance companies or whether they be the so-called regional Bell companies, that we want you to be able to do what you do best, we want you to compete, we want you to provide good service at a good price to the consumers of America. And the big problem is then trying to manage these various companies to make sure everybody is treated fairly. We wanted to try to make sure no company got an economic advantage, because of legislation, over any other company. I think the bill does do that. One of the features of the legislation is that we sort of said, when you can do long distance service, the long distance companies can do local service. It is sort of saying that everybody is going to be able to start competing at the same time. One of the provisions in the bill dealt with a prohibition. It said simply that States could not order long distance companies to be able to receive dialing parity when they do long distance service within an intraLATA situation, within a State.

Mr. President, we thought that the Commerce Committee provision that restricted that ability of a State was a good idea. It was consistent with what Judge Greene said. But there were concerns, particularly by the Senator from Vermont, who said that, no, the States should be able to move forward. We have crafted an amendment that the Senator from Vermont really was helpful in putting together, which said that those States that have only one LATA and already have issued orders to require dialing parity would be exempted from that prohibition in a way that would allow that State to take action on ordering parity.

This amendment specifies that clearly. It also says, as a precaution and a protection that guarantees equal opportunity for all of the companies, that those States, while they would be able to order dialing parity, they would not be able to allow for joint marketing in those areas. I think that is a good balance and is fair treatment.

One of the things I have always advocated is that companies, when they are allowed to move into another area, know that their competition will also be able to compete in their areas at the same time.

So, Mr. President, I think that the amendment is clear, as clear as it possibly can be, in dealing with a very complicated situation. I think it continues with the thrust of the committee product, which says we want a level playing field. That is what this amendment addresses dealing with dialing parity.

I thank all of the Members who had major input in helping us craft this. It has been a bipartisan effort, worked on by people whose concerns were making sure we treated long distance companies fairly, as well as Members who were concerned about making sure we treated regional Bells fairly at the same time. I think both sides have given a product that we now have pending before the Senate, and it is a good one.

I urge my colleagues to support it by a voice vote, which is what I hope we will be able to do to dispose of it.

Mr. GRAHAM. Will the Senator yield?

Mr. BREAUX. Yes.

Mr. GRAHAM. I briefly had an opportunity to look at the amendment. I asked for a copy to review it in more detail. Let me ask a question from the perspective of my State. The recent Florida legislature of this spring passed an interLATA dialing parity bill. That legislation goes into effect on January 1, 1996. What effect will this amendment have on my State's ability to adopt dialing parity?

Mr. BREAUX. I will respond to the Senator by saying that we have tried to take into consideration two types of States in our amendment. The first would be about 10 States that are single-LATA States, which means they only have one division of what can happen in their State. That does not include Florida. The second category includes Florida—except States which have issued an order by June 1, 1995, requiring this dialing parity, those States would be able to go forward with those orders, and they would be able to implement those orders. The only protection that is required—which I think is a level playing field—is that they would not be able to have joint marketing agreements in those areas. But the State of Florida would be able to go forward with that order and implement it. In essence, the State of Florida would be grandfathered in because they are a State that already issued the order at the State level.

Mr. GRAHAM. Well, I am not certain if they have issued an order or not. My information is that the legislation goes into effect on January 1, 1996. I am not certain if that is the threshold that brings a State into the category of those which will still be allowed to exercise some degree of State regulation over dialing parity.

Mr. BREAUX. My answer to the Senator from Florida is simply, yes. The explanation is that it is based on the States' issuing the order, not the effective date. The State of Florida, for instance, would have issued the order in a timely fashion in order to be one of the excepted States.

Mr. LEAHY. If the Senator will yield, the Senator from Louisiana is absolutely correct. Florida, having ordered it, even though they have not implemented it, would be covered by the Breaux-Leahy amendment and would be protected.

Mr. GRAHAM. Thank you.

Mr. BREAUX. Mr. President, I have no additional requests for time on behalf of my amendment.

Mr. LEAHY. The Breaux-Leahy amendment makes a significant improvement in S. 652, and will permit States, at a time certain, to create a more competitive market for their in-state toll calls.

Without this amendment, S. 652 would have prohibited all States from ordering a Bell operating company to provide dialing parity for in-State toll calls before the company is authorized to provide long-distance service in that area. The bill preempted States' prerogative to open up the in-State toll market to meaningful competition. This preemption would persist under the bill, as reported by the committee, until the Bell operating company in the State satisfied the unbundling and interconnection requirements in the bill and was permitted into the long-distance market.

In addition, as introduced, the bill rolled back the actions of 10 States that have already ordered local telephone companies to provide dialing parity for in-State toll calls.

The 10 States that would have had to undo their dialing parity requirements are: Illinois, Wyoming, Wisconsin, Michigan, Florida, Connecticut, Georgia, Kentucky, Minnesota, and New York.

These States recognize that dialing parity is a key to healthy competition for in-State toll calls.

They should not be second-guessed and preempted on the Federal level. The bill would have stopped and reversed this progress toward a competitive market. The bill would also forbid all other States, many of which are considering changes, from implementing dialing parity until the regional Bell operating companies [RBOCs] are allowed into the intraLATA long distance market as a result, the States were left with no time certain for when they could require dialing parity for intraLATA calls.

Without dialing parity for toll calls, Bell company customers can place an in-State toll call simply by dialing 1 plus the seven-digit telephone number, for a total of eight digits to complete the call.

By contrast, customers who want to use their long distance company to complete that same call must dial 1 plus a special 5-digit access code plus the 7-digit telephone number, for a total of 13 digits to complete the call. Dialing these extra digits severely handicaps competition and gives an artificial advantage to Bell companies. This handicap is anticompetitive and anticonsumer.

Dialing parity for in-State toll calls enhances competition for toll services. Requiring dialing parity overcomes the primary obstacle to meaningful competition in these short-haul long distance markets.

Without dialing parity, intraLATA toll calls are simply carried by the local exchange carrier.

For Vermont, a one "LATA" State, this means that NYNEX carries the bulk of in-State toll calls, because other toll call carriers may only be accessed by dialing cumbersome access codes. Consumers are the losers.

When dialing parity is implemented, customers will be able to choose the carrier that carries their in-State toll calls with the same convenient "1+" dialing that they have had available for long-distance calling for many years. Customers will be able to pre-select their carrier for these calls, just as there is presubscription for long-distance carriers.

The availability of dialing parity for in-State toll service should substantially increase competition in this multibillion dollar telecommunications market. Increased competition, in turn, would bring lower prices for consumers and less need for regulation of such services by State public service commissions.

A recent Wall Street Journal article stated, "in California, MCI's direct-dial toll rates are as much as 30 percent cheaper than Pacific Bell's in some cases. Similar savings can be had in other major markets across the country." In general, in-State toll calls are significantly lower-priced where effective competition is introduced. Implementation of toll dialing parity would help accomplish that result.

By preserving the Bell companies' dominant position in these markets until they secure long distance entry, the bill as reported would have diminished, rather than increased, the Bell companies' incentives to open their markets to competition as rapidly as possible.

S. 652 provided a disincentive for the Bell companies to open their local exchange markets so that they could compete in all segments of the long distance market. Instead, the bill might have encouraged the Bell companies' to fight competition in their local markets, because as long as they do not enter the interLATA market, their lucrative intraLATA toll markets are protected.

The bill, as reported, also puts unwarranted pressure on the regulatory agencies to approve Bell companies entry into the long-distance market, interLATA entry, regardless of the status of local competition under the bill, until the Bell companies got into the interexchange long-distance market, real competition would not come to the multibillion-dollar in-State toll market.

I have heard some concern that in-State dialing parity might increase local rates and thereby harm universal service. The 10 States that have ordered dialing parity have carefully analyzed and considered the effect of dialing parity on local rates.

They have ordered dialing parity after determining that universal service will not be harmed, and that equal access is necessary for effective competition. Competition reduces total costs for consumers and results in new services and technological advancements. These advances in technology have reduced the cost of providing basic service and provided new revenue sources for the Bell companies.

Some States may decide that circumstances in their regions are such that dialing parity for in-State toll calls is not in the public interest. In 1987, Vermont decided against requiring presubscription and dialing parity, but this issue is currently being reconsidered. The Breaux-Leahy amendment would permit the 10 States that have already ordered it, based upon the particular circumstances present in the State, to continue implementation of dialing parity.

The intraLATA toll dialing parity preemption provision in S. 652, as reported, is opposed by consumer groups, long-distance carriers, alternative local transport providers, and State organizations such as the National Association of Regulatory Utility Commissioners [NARUC], and the Attorneys General of 22 States and Guam.

In March 31, 1995 letter to Senator PRESSLER, NARUC wrote that:

> The blanket preemption of states that have already mandated dialing parity will undercut state efforts, already in place, to encourage competition and bring lower prices and more choice to consumers.

The Breaux-Leahy amendment would permit single-LATA States, including Vermont, Maine, Wyoming, New Hampshire, Rhode Island, New Mexico, Utah and South Dakota, and the 10 States, which have ordered intraLATA toll dialing parity, to implement dialing parity, whether or not the RBOC in the State has been authorized to provide interexchange service.

In addition, the Breaux-Leahy amendment provides a time certain for all other States to be able to implement such dialing parity of the earlier of 3 years after enactment or when the RBOC is granted authority to provide interexchange service. The preemption "sunset" of 3 years permits those 13 States, Arizona, California, Delaware, Indiana, Kansas, Louisiana, Massachusetts, New Jersey, Pennsylvania, Texas, Vermont, Washington, and West Virginia—with proceedings underway, time to complete their proceedings, issue any order for intraLATA toll dialing parity and make plans for implementation, though those States may not implement until the earlier of 36 months or until the RBDOC is authorized to provide inter-exchange services.

Finally, in those States where intraLATA toll dialing parity has been implemented—not merely ordered—during the 3 years after enactment or before the RBOC in the State has been authorized to provide interexchange service, whichever is earlier, the Breaux-Leahy amendment would bar telecommunications carriers in that State from jointly marketing interLATA and intraLATA services. This ban would be lifted or "sunset", 3 years after enactment or when the RBOC in the State was authorized to offer interexchange services, whichever is earlier. Furthermore, this ban only applies to carriers serving greater than 5 percent of the Nation's presubscribed access lines.

The biggest telecommunications legislative reform package in more than 60 years should not include provisions that reverse progress toward competition. Supporting this amendment is proconsumer, procompetitive, and pro-States' rights.

The PRESIDING OFFICER. Is there further debate?

The question is on agreeing to the amendment.

The amendment (No. 1421) was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

Mr. BREAUX. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PRESSLER. Mr. President, I sincerely thank the Senators and their staffs who worked that out. That was truly a remarkable compromise. I thank them very much.

I urge Senators to bring their amendments to the floor. We are marching forward, but we need everybody who has an amendment to get over here.

AMENDMENTS NOS. 1317 AND 1318, EN BLOC

Mr. BROWN. Mr. President, I send two amendments to the desk, en bloc, and ask for their immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. BROWN] proposes amendments numbered 1317 and 1318, en bloc.

Mr. BROWN. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 1317

In managers' amendment, on page 13, line 20, after "programming" insert: "by any means".

AMENDMENT NO. 1318

On page 12, line 10 insert after "services": "or its affiliate".

Mr. BROWN. Mr. President, these are technical amendments. Both sides have had a chance to review them, and I believe they have signed off. What they do is deal with program access. They make it clear that the rules are the same for both cable operators and telephone companies. This is an area in which, it seemed to me, it was appropriate to have consistent rules and treat both of them the same.

The PRESIDING OFFICER. Is there further debate?

Mr. PRESSLER. Mr. President, perhaps my colleague will speak on the amendments, and then we will be sure we get an agreement here.

Mr. BROWN. Mr. President, on amendment No. 1317, the amendment to the managers' amendment, on page 13, line 20, after the word "programming" we insert the words "by any means." And on amendment No. 1318, which deals with page 12 of the managers' amendment, line 10, after the word "service," it inserts "or its affiliates."

The purpose of these two amendments is to make it clear that the rules were the same for both cable operators and telephone companies in the area of program access. It seemed appropriate to treat both kinds of firms the same under these circumstances.

I believe the amendment is more in terms of a technical amendment than a substantive amendment, in terms of the major policy issues this body has been dealing with.

Mr. President, if I might correct something. Amendment No. 1318 is an amendment to the bill itself. Amendment No. 1317 is the amendment to the managers' amendment.

Mr. PRESSLER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. I am advised that I can make the following request that has been cleared on both sides.

I ask unanimous consent all remaining first-degree amendments be offered by 7:30 p.m. this evening.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Let me indicate, at 7:30, we will assess and see where we are. If we can work it out, we will try to accommodate most of my colleagues.

I understand there may be a movie tonight—Batman or something—that many of my colleagues are headed for. It is a good movie, I understand, too.

VOTE ON AMENDMENT NO. 1317

Mr. BROWN. Mr. President, we have worked out approval of amendment No. 1317. My understanding is it has been signed off on both sides.

Mr. PRESSLER. We have no objection, and we are in support of that amendment.

The PRESIDING OFFICER. Amendment 1317 will now be considered separately. The question is on agreeing to the amendment.

The amendment (No. 1317) was agreed to.

Mr. PRESSLER. I move to reconsider the vote.

Mr. BROWN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BROWN. Mr. President, I ask unanimous consent to set aside amendment No. 1318.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1319 WITHDRAWN

Mr. BROWN. Mr. President, I ask unanimous consent to withdraw amendment No. 1319. That is not one we have been able to reach agreement on.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the amendment (No. 1319) was withdrawn.

Mr. BROWN. Mr. President, my amendment No. 1320 is one we are attempting to clear on both sides. It is an amendment which I believe both sides have a copy of. My hope is that we will shortly be able to deal with both amendments numbered 1318 and 1320. I yield the floor.

AMENDMENT NO. 1272

(Purpose: To require broadcasters to review viewer input on the violent content of programming upon license renewal)

Mr. DORGAN. Mr. President, I send to the desk amendment No. 1272 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN] PROPOSES AN AMENDMENT NUMBERED 1272.

Mr. DORGAN. Mr. President, I ask that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 82, between lines 4 and 5, insert the following:

(3) This section shall operate only if the Commission shall amend its "Application for renewal of License for AM, FM, TV, Translator or LPTV Station" (FCC Form 303-S) to require that, for commercial TV applicants only, the applicant attach as an exhibit to the application a summary of written comments and suggestions received from the public and maintained by the licensee in accordance with 47 C.F.R. sec. 73.1202 that comment on the applicant's programming, if any, characterized by the commentor as constituting violent programming.

Mr. DORGAN. Mr. President, this is a very simple amendment. I shall not take a great deal of time to explain it. We have visited with both the chairman of the committee and the minority member, the ranking minority member, on this issue. I know the ranking minority member is inclined to accept. I have not heard back from the Chair.

Let me describe exactly what this does. It follows on the vote that we had yesterday on the issue of television violence. I had originally thought about bringing to the floor the television violence report card, but I decided not to do that.

My amendment would do something that is very simple: It would deal with the application renewal of licenses for televisions and say that for commercial television applicants, for renewal, the applicants would attach as an exhibit for the application for renewal a summary of written comments and suggestions received by the public and maintained by the licensee—which is, incidentally, now required—and that comment on the applicants programming, if characterized by the commenters as constituting violent programming.

What this says is, when you are doing a renewal of application, you are a television station and you are filing for a renewal of your license, that in your application, you shall provide a summary of written comments and suggestions that are in your file that you are required to keep, anyway, with respect to those who comment on violent programming that your viewers have witnessed and felt they wanted to bring to your attention, and that that information should be available to the FCC.

It does not in any way expand the power of the FCC. It simply will require the disclosure and summary of information that is already in the file that is now required by law to be kept, and I think it will emphasize in a renewal for application any information that would exist in those files about viewers' concerns about violent programming.

I think that that would be something the FCC would find useful in reviewing the renewal of applications. I think it also follows on the vote that we had yesterday on television violence. My colleague, Senator CONRAD from North Dakota, offered an amendment with Senator LIEBERMAN, which I voted for, on the issue of television violence.

I have a piece of legislation that I cosponsored with Senator KAY BAILEY HUTCHISON on television violence, calling for the development of a television violence report card so that parents would know which are the most violent programs, which programs have the most violence in them, and who sponsors them. Parents would, therefore, be able to better supervise their children's viewing habits and send messages to those who are sponsoring the violence.

I have not offered that. Instead, I am offering something that I think complements what we did last evening and something that I think is simple, something I hope will not be controversial, and something I hope the committee Chair, the floor manager, will accept.

I do not intend or need to take additional time on this. I think it is easily understood by everyone, and it is complementary to legislation the Senate passed last evening.

As I indicated, it does not expand the FCC powers or authority, and does not require the television stations to collect information that they are not now collecting. It simply requires that the information they now have that is in their files must be disclosed and summarized with respect to comments they have received from viewers on television violence when they file for renewal of their license.

Mr. President, I yield the floor.

Mr. PRESSLER. Mr. President, we are prepared to accept the amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment numbered 1272.

The amendment (No. 1272) was agreed to.

Mr. PRESSLER. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRESSLER. Mr. President, if Senators will bring their amendments to the floor, we are eagerly awaiting. We want to do business here. We only have an hour and a half.

The PRESIDING OFFICER. The Senator from South Carolina.

AMENDMENT NO. 1282, AS FURTHER MODIFIED

Mr. HOLLINGS. On behalf of Senator MOSELEY-BRAUN, I ask unanimous consent amendment 1282 be further modified as indicated in the modification that I send to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1282), as further modified, is as follows:

At the end of the bill, insert the following:

TITLE —NATIONAL EDUCATION TECHNOLOGY FUNDING CORPORATION

SEC. —01. SHORT TITLE.

This title may be cited as the "National Education Technology Funding Corporation Act of 1995".

SEC. —02. FINDINGS; PURPOSE.

(a) FINDINGS.—The Congress finds as follows:

(1) CORPORATION.—There has been established in the District of Columbia a private, nonprofit corporation known as the National Education Technology Funding Corporation which is not an agency or independent establishment of the Federal Government.

(2) BOARD OF DIRECTORS.—The Corporation is governed by a Board of Directors, as prescribed in the Corporation's articles of incorporation, consisting of 15 members, of which—

(A) five members are representative of public agencies representative of schools and public libraries;

(B) five members are representative of State government, including persons knowledgeable about State finance, technology and education; and

(C) five members are representative of the private sector, with expertise in network technology, finance and management.

(3) CORPORATE PURPOSES.—The purposes of the Corporation, as set forth in its articles of incorporation, are—

(A) to leverage resources and stimulate private investment in education technology infrastructure;

(B) to designate State education technology agencies to receive loans, grants or other forms of assistance from the Corporation;

(C) to establish criteria for encouraging States to—

(i) create, maintain, utilize and upgrade interactive high capacity networks capable of providing audio, visual and data communications for elementary schools, secondary schools and public libraries;

(ii) distribute resources to assure equitable aid to all elementary schools and secondary schools in the State and achieve universal access to network technology; and

(iii) upgrade the delivery and development of learning through innovative technology-based instructional tools and applications;

(D) to provide loans, grants and other forms of assistance to State education technology agencies, with due regard for providing a fair balance among types of school districts and public libraries assisted and the disparate needs of such districts and libraries;

(E) to leverage resources to provide maximum aid to elementary schools, secondary schools and public libraries; and

(F) to encourage the development of education telecommunications and information technologies through public-private ventures, by serving as a clearinghouse for information on new education technologies, and by providing technical assistance, including assistance to States, if needed, to establish State education technology agencies.

(b) PURPOSE.—The purpose of this title is to recognize the Corporation as a nonprofit corporation operating under the laws of the District of Columbia, and to provide authority for Federal departments and agencies to provide assistance to the Corporation.

SEC. —03. DEFINITIONS.

For the purpose of this title—

(1) the term "Corporation" means the National Education Technology Funding Corporation described in section ___ 02(a)(1);

(2) the terms "elementary school" and "secondary school" have the same meanings given such terms in section 14101 of the Elementary and Secondary Education Act of 1965; and

(3) the term "public library" has the same meaning given such term in section 3 of the Library Services and Construction Act.

SEC. —04. ASSISTANCE FOR EDUCATION TECHNOLOGY PURPOSES.

(a) RECEIPT BY CORPORATION.—Notwithstanding any other provision of law, in order to carry out the corporate purposes described in section ___ 02(a)(3), the Corporation shall be eligible to receive discretionary grants, contracts, gifts, contributions, or technical assistance from any federal department or agency, to the extent otherwise permitted by law.

(b) AGREEMENT.—In order to receive any assistance described in subsection (a) the Corporation shall enter into an agreement with the Federal department or agency pro viding such assistance, under which the Corporation agrees—

(1) to use such assistance to provide funding and technical assistance only for activities which the Board of Directors of the Corporation determines are consistent with the corporate purposes described in section ___ 02(a)(3);

(2) to review the activities of State education technology agencies and other entities receiving assistance from the Corporation to assure that the corporate purposes described in section ___ 02(a)(3) are carried out;

(3) that no part of the assets of the Corporation shall accrue to the benefit of any member of the Board of Directors of the Corporation, any officer or employee of the Corporation, or any other individual, except as salary or reasonable compensation for services;

(4) that the Board of Directors of the Corporation will adopt policies and procedures to prevent conflicts of interest;

(5) to maintain a Board of Directors of the Corporation consistent with section ___ 02(a)(2);

(6) that the Corporation, and any entity receiving the assistance from the Corporation, are subject to the appropriate oversight procedures of the Congress; and

(7) to comply with—

(A) the audit requirements described in section 05; and

(B) the reporting and testimony requirements described in section 06.

(c) CONSTRUCTION.—Nothing in this title shall be construed to establish the Corporation as an agency or independent establishment of the Federal Government, or to establish the members of the Board of Directors of the Corporation, or the officers and employees of the Corporation, as officers or employees of the Federal Government.

SEC. 05. AUDITS.

(A) AUDITS BY INDEPENDENT CERTIFIED PUBLIC ACCOUNTANTS.—

(1) IN GENERAL.—The Corporation's financial statements shall be audited annually in accordance with generally accepted auditing standards by independent certified public accountants who are members of a nationally recognized accounting firm and who are certified by a regulatory authority of a State or other political subdivision of the United States. The audits shall be conducted at the place or places where the accounts of the Corporation are normally kept. All books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the Corporation and necessary to facilitate the audit shall be made available to the person or persons conducting the audits, and full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians shall be afforded to such person or persons.

(2) REPORTING REQUIREMENTS.—The report of each annual audit described in paragraph (1) shall be included in the annual report required by section 06(a).

(b) RECORDKEEPING REQUIREMENTS; AUDIT AND EXAMINATION OF BOOKS.—

(1) RECORDKEEPING REQUIREMENTS.—The Corporation shall ensure that each recipient of assistance from the Corporation keeps—

(A) separate accounts with respect to such assistance;

(B) such records as may be reasonably necessary to fully disclose—

(i) the amount and the disposition by such recipient of the proceeds of such assistance;

(ii) the total cost of the project or undertaking in connection with which such assistance is given or used; and

(iii) the amount and nature of that portion of the cost of the project or undertaking supplied by other sources; and

(C) such other records as will facilitate an effective audit.

(2) AUDIT AND EXAMINATION OF BOOKS.—The Corporation shall ensure that the Corporation, or any of the Corporation's duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of any recipient of assistance from the Corporation that are pertinent to such assistance. Representatives of the Comptroller General shall also have such access for such purpose.

SEC. 06. ANNUAL REPORT; TESTIMONY TO THE CONGRESS.

(a) ANNUAL REPORT.—Not later than April 30 of each year, the Corporation shall publish an annual report for the preceding fiscal year and submit that report to the President and the Congress. The report shall include a comprehensive and detailed evaluation of the Corporation's operations, activities, financial condition, and accomplishments under this title and may include such recommendations as the Corporation deems appropriate.

(b) TESTIMONY BEFORE CONGRESS.—The members of the Board of Directors, and officers, of the Corporation shall be available to testify before appropriate committees of the Congress with respect to the report described in subsection (a), the report of any audit made by the Comptroller General pursuant to this title, or any other matter which any such committee may determine appropriate.

AMENDMENT NO. 1318, AS MODIFIED

The PRESIDING OFFICER. The question recurs on the Brown amendment, No. 1318.

Is there further debate? The Senator from Colorado.

Mr. BROWN. Mr. President, I ask unanimous consent to amend 1318 into a form the chairman of the committee and distinguished ranking member——

Mr. PRESSLER. If my colleague will yield, he is not trying to amend the Moseley-Braun amendment?

The PRESIDING OFFICER. The pending amendment is the amendment of the Senator from Colorado.

Mr. BROWN. Mr. President, I send to the desk a revised version of amendment No. 1318, and ask unanimous consent I be allowed to offer the revised version.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment is so modified.

The amendment (No. 1318), as modified, is as follows:

On page 13, line 20 insert after "carrier": "or its affiliate".

Mr. BROWN. It is my understanding both sides have agreed to this version. I think it more clearly states the intent that was involved. I urge its approval.

The PRESIDING OFFICER. Is there further debate? If not the question occurs on amendment No. 1318, as modified.

Mr. HOLLINGS. Mr. President, let me see a copy of it. I have not seen the modification. We had made suggestions as to the modification. Can we look at it?

Mr. PRESSLER. Mr. President, is it possible the Senator from Pennsylvania could offer an amendment at this point? I ask unanimous consent whatever the pending business is it be set aside so the Senator from Pennsylvania can offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Pennsylvania.

AMENDMENT NO. 1294, AS MODIFIED

(Purpose: To promote the use of telecommuting by the American work force)

Mr. SPECTER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection to considering the amendment?

Mr. SPECTER. It has been previously filed.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER], proposes an amendment numbered 1294, as modified.

Mr. SPECTER. I ask unanimous consent there be no reporting of the amendment so I may explain it.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following:

SEC. . TELECOMMUTING PUBLIC INFORMATION PROGRAM.

(a) FINDINGS.—Congress makes the following findings—

(1) Telecommuting is the practice of allowing people to work either at home or in nearby centers located closer to home during their normal working hours, substituting telecommunications services, either partially or completely, for transportation to a more traditional workplace;

(2) Telecommuting is now practiced by an estimated two to seven million Americans, including individuals with impaired mobility, who are taking advantage of computer and telecommunications advances in recent years;

(3) Telecommuting has the potential to dramatically reduce fuel consumption, mobile source air pollution, vehicle miles traveled, and time spent commuting, thus contributing to an improvement in the quality of life for millions of Americans; and

(4) It is in the public interest for the Federal Government to collect and disseminate information encouraging the increased use of telecommuting and identifying the potential benefits and costs of telecommuting.

(b) The Secretary of Transportation, in consultation with the Secretary of Labor and the Administrator of the Environmental Protection Agency, shall, within three months of the date of enactment of this Act, carry out research to identify successful telecommuting programs in the public and private sectors and provide for the dissemination to the public of information regarding—

(1) the establishment of successful telecommuting programs; and

(2) the benefits and costs of telecommuting.

(c) REPORT.—Within one year of the date of enactment of this Act, the Secretary of Transportation shall report to Congress its findings, conclusions, and recommendations regarding telecommuting developed under this section.

Mr. SPECTER. This amendment directs the Secretary of Transportation, in consultation with the Labor Department and EPA, to identify successful governmental and business telecommuting programs and to disseminate information about such programs, including the benefits of telecommuting, to the general public. The amendment is intended to promote the increased use of telecommuting through a broader awareness of the benefits, including flexibility, profamily employment, reduced traffic congestion, and lower fuel consumption. The Secretary of Transportation will be required to report to Congress on his findings, conclusions, and recommendations regarding telecommuting within 1 year of enactment.

It is my understanding this amendment is acceptable on both sides.

Mr. PRESSLER. We are prepared to accept this amendment by Senator Specter from Pennsylvania. I commend him for his efforts.

I believe the Specter amendment has been cleared on both sides.

Mr. HOLLINGS. It has been cleared.

Mr. PRESSLER. Mr. President, I urge the adoption of the amendment.

The PRESIDING OFFICER. The pending question is amendment 1294, as modified.

If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 1294) was agreed to.

Mr. SPECTER. Mr. President, I move to reconsider the vote.

Mr. PRESSLER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1343

(Purpose: To provide for Commission notification of the Attorney General of any approval of Bell Company entry into long distance)

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I have amendment No. 1343 at the desk. I ask for its consideration.

The PRESIDING OFFICER. Without objection the pending amendment is set aside. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN] proposes an amendment numbered 1343.

Mr. DORGAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER (Ms. SNOWE). Without objection, it is so ordered.

The amendment is as follows:

On page 93, after line 12, insert the following:

"(6) NOTIFICATION OF ATTORNEY GENERAL.—

"(A) NOTIFICATION.—The Commission shall immediately notify the Attorney General of any approval of an application under paragraph (1).

"(B) ACTION BY ATTORNEY GENERAL.—Upon notification of an approval of an application under paragraph (1), the Attorney General may commence an action in any United States District Court if

"(i) the Attorney General determines that the authorization granted by the Commission may substantially lessen competition or tend to create a monopoly; or

"(ii) the Attorney General determines that the authorization granted by the Commission is inconsistent with any recommendation of the Attorney General provided to the Commission pursuant to paragraph (2) of this section.

"The commencement of such an action shall stay the effectiveness of the Commission's approval unless the court shall otherwise specifically order.

"(C) STANDARD OF REVIEW.—In any such action, the court shall review de novo the issues presented. The court may only uphold the Commission's authorization if the court finds that the effect of such authorization will not be substantially to lessen competition or to tend to create a monopoly in any line of commerce in any section of the country. The court may uphold all or part of the authorization."

Mr. DORGAN. Madam President, because of the time constraint that amendments must be offered by 7:30, I feel constrained to offer the amendment but I admit this is a very controversial issue. This is a different approach on the issue that we have debated at some length with respect to the role of the Justice Department.

I would not, in this amendment, preserve the same role for the Justice Department that we had previously debated, but the amendment I have offered, that is germane and I had previously at the desk, is one that would provide, upon notification by the Federal Communications Commission of an approval of an application under paragraph 1, that the Attorney General may commence an action in U.S. District Court and seek a stay, if the Attorney General determines the authorization granted by the Commission may substantially lessen competition or tend to create a monopoly.

Mr. HOLLINGS. What is the last wording there? I am trying to hear.

Mr. DORGAN. Let me read the paragraph again. Essentially what this amendment would do is to provide that, if the Federal Communications Commission approved an application under paragraph 1 in the bill, the Attorney General may commence an action in a U.S. District Court:

. . . if . . . the Attorney General determines that the authorization granted by the Commission may substantially lessen competition or tend to create a monopoly; or, if the Attorney General determines that the authorization granted by the Commission is inconsistent with any recommendation of the Attorney General provided to the Commission pursuant to paragraph (2) of this section.

The commencement of such an action shall stay the effectiveness of the Commission's approval unless the court shall otherwise specifically order.

I recognize this is a very controversial issue. We have already debated a couple of versions of the Justice Department involvement. I do want to have this called up, as I have just done, prior to 7:30 to have the right to ask for a vote on this different approach with respect to the Justice Department prior to final passage of this bill. I do not intend to speak at length this evening but I did want to have this introduced. I will be happy to have it set aside.

Mr. PRESSLER. I will be prepared to table right now and get a vote on it. Then it will be behind us. Would that be agreeable?

Mr. DORGAN. My understanding is we are going to vote on a good number of amendments tomorrow en bloc. Or at least stacked amendments. I expect there may be some others who discussed the Justice Department role who may want to add some comments to this.

Mr. PRESSLER. Madam President, if my friend will yield, we have had a long debate on the Senate floor. I thought we had a general agreement. We allowed the Thurmond amendment to be voted on first, in consideration of my friend from North Dakota. We bent over backward to give everybody every chance for this. The bill has been in for a week. I would plead with him, we would like to vote now before Members leave. This subject has been debated so thoroughly and for so many days. We are prepared to vote here on his amendment.

Mr. DORGAN. The Senator from South Dakota is absolutely correct. He has been eminently fair. I have not referenced an amendment this evening that is identical to the Justice Department amendments that we have discussed before. This is a different amendment.

It provides that the Attorney General will have the opportunity to seek a stay in U.S. District Court if and only if, upon approval of an application by the Federal Communications Commission, the Attorney General would determine the authorization granted by the Commission may substantially lessen competition or tend to create a monopoly.

This is a different approach and it is gradations lower than the stuff, rather the approaches that we were talking about earlier.

There may be some others who would like to discuss this. But, in any event, the Senator certainly has a right to table this. At the moment, I hope he will refrain from doing so in the event some others would like to discuss it.

Mr. PRESSLER. If my friend will yield, I hate to do this because at 7:30 we are supposed to have the potential list of amendments that we are trying to move forward. There is very little time tomorrow morning. Senator DOLE has asked that we vote on as many of these amendments as we can. This has been debated thoroughly.

Mr. DORGAN. Let me ask the Senator from South Dakota, as well as the ranking minority member on this issue—the Senator realizes that we have had substantial debate on the Justice Department role. Those of us who offered the Justice amendment understood that we lost, and it was a very close vote. But, nonetheless, we lost. Many of us feel very strongly about the need to update the 1934 law, that we ought to move forward in the rewrite of the telecommunications laws. We also feel very strongly that if we proceed just as we are now with this bill, we could find ourselves in a heck of a fix having dealt the Justice Department out of a legitimate role here.

I guess my question is, Does the chairman of the Commerce Committee and the ranking member intend to hold oversight hearings in the next couple of years, next year, or the year after, so that you can, through the committee structure, address this issue of the Justice role and what has happened since the passage of the bill, if this bill in fact passes?

If I had some assurance that maybe we would have aggressive oversight, and if we find in that oversight that we have made a mistake here, then perhaps I would be persuaded to let this go. I am uncomfortable with where this rests. This amendment is not the same as the previous amendment. It is a different approach.

I ask the chairman of the committee and the ranking minority member about their intentions with respect to evaluating whether what we have done works or does not work and whether dealing out the Justice Department the way they have been dealt out of this process has been helpful or hurtful to the consumers.

Mr. PRESSLER. Let me first of all commend the Senator from North Dakota. He is my friend. We work together on all kinds of issues, and we will in the future. We will try to make this a part of a hearing or hearings. I cannot guarantee it. There is so much authorization legislation to do in the Commerce, Science, and Transportation Committee, a stack of authorizing legislation to do when we are getting a letter from Senator DOMENICI as to how to raise about $25 or $30 billion. So we have a lot of work to do in the Commerce, Science, and Transportation Committee. But we will be holding hearings. This will be a part of it.

I really wish that my friend from North Dakota would give us a chance in good faith to address this after the proper hearings and take it up legislatively later, if that would be possible.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Let me join in the comments with our distinguished chairman. What happens here is, with the amendment of the Senator from North Dakota, as this Senator sees it, it just comes back around and reiterates the amendment which was defeated. I do not think it was unjustifiably defeated or casually defeated, or whatever was the expression used by my friend from North Dakota. Yes, we should have oversight hearings. This is a really complex measure. I cannot see, as a member of that communications subcommittee, that we not have hearings each year to see the progress made, how they have managed to set down the rules for the unbundling, the dial parity, the interconnection, the number portability, and all of these particular things to move everything along down this information superhighway.

So I agree with the Senator from North Dakota on that. But I agree with our chairman. We do not want to come back around now, and have it all settled—one-stop shopping, so to speak, that the FCC comes back around here at the last minute saying: By the way, we want to put the Attorney General back in there again.

I am back in, if you want to hear those arguments again about antitrust lawyers.

Mr. DORGAN. That is fine. The Senator does not need to repeat those arguments. But I was entertained by them the first time. I am sure I would be the second time, as well. In fact, I share some of them. But at least with respect to the Justice Department, the antitrust enforcement, now with Anne Bingaman down at the Attorney General's office, I am pretty pleased with what is going on.

Let me ask one additional question. I guess if I get some feeling that you are willing to do oversight hearings and be aggressive, and find out whether this works or does not work, or whether the consumers are advantaged or disadvantaged, I would have some better feeling about it. When we go to conference with this bill, if this bill passes the Senate and the House comes to a conference with a Justice Department role in it, as you know, it is a lesser standard than we were proposing. I know that 43 percent of the membership of the Senate on the issue of the Justice role felt differently than the majority, but a substantial minority, nonetheless.

I hope we can find a way in the conference to resolve this issue in a slightly different way, as well.

I am happy to yield.

Mr. PRESSLER. Madam President, I want to thank the Senator from North Dakota because I feel comfortable that our Commerce, Science, and Transportation Committee should be an oversight committee for part of the time. We have had two of the larger bills, the tort reform bill, and the product liability bill, coming through our committee. And then the telecommunications bill has occupied a lot of our time. Because we have the NASA space issue, we have the reauthorization of the Magnuson Act, which has had field hearings, we have had a lot of legislation.

But I am hopeful that we can have a lot of oversight hearings because I am one who believes strongly that we should have a Congress oversight. David Boren used to say that in his discussions about reforms. That was one of the reforms we were going to have, was to have a Congress with no legislation and oversight, which is kind of the "Blue Monday" work of Congress where you just sit and try to improve the Government we already have.

So I think the Senator makes a good point. We hope to get into those types of hearings. We have had some already. We will have more. I hear what he is saying. But I think at this particular time in this bill, after all these negotiations and so forth have gone on, that we would have to oppose his amendment at this time. But we hope to work with him on it in the future.

Mr. DORGAN. Madam President, whether we count votes or weigh votes, I do not think there is any reason to believe a tabling motion made by the chairman of the committee would produce a different result than I saw last evening. So I shall not pursue this, and I will ask unanimous consent to withdraw the amendment in a moment.

But I will say to you that I think this issue will not dissolve. The issue of the Justice Department role and dealing with anticompetitive or antitrust issues will not go away and will show up again, certainly when some of us think we have the votes to win. When it does show up, you will know that we have counted differently. But in any event, if the chairman and the ranking member will permit me, I ask unanimous consent to withdraw the amendment at this point.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

So the amendment (No. 1343) was withdrawn.

Mr. PRESSLER. I thank my friend from North Dakota very much for his cooperation on this.

Mr. BROWN addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

VOTE ON AMENDMENT NO. 1318, AS MODIFIED

Mr. BROWN. Madam President, I call up amendment No. 1318, as modified. I believe all parties have had a chance to review it. It has been cleared now.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1318), as modified, was agreed to.

The PRESIDING OFFICER. Who seeks recognition?

Mr. PRESSLER. Madam President, I again urge Senators to please come to the floor with their amendments. We are open for business. By 7:30, Senator DOLE will return to the floor and look over the amendments that people wish to offer. We are eager to do business over here. I plead with Senators. We are trying to finish up. Please come to the floor with your speeches or amendments.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HOLLINGS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. I thank the distinguished Chair.

AMENDMENT NO. 1299

Mr. HOLLINGS. Madam President, on behalf of the Senator from Louisiana [Mr. BREAUX], he wanted to make sure he qualified amendment No. 1299 to be called up but not necessarily to be voted on at this particular time. He is not present, but I would like to call it up and then set it aside, 1299.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. HOLLINGS], for Mr. BREAUX, proposes an amendment numbered 1299.

Mr. HOLLINGS. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 123, line 10, add the following new sentence: "This section shall take effect upon a determination by the United States Coast Guard that at least 80% of vessels required to implement the Global Maritime Distress and Safety System have the equipment required by such System installed and operating in good working condition."

Mr. HOLLINGS. And I ask unanimous consent now that the amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1285

(Purpose: To means test the eligibility of the community users in the act)

Mr. PRESSLER. Madam President, I would like to call up amendment No. 1285 on behalf of Senator JOHN MCCAIN. The intention is for this amendment to be debated and possibly voted on tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from South Dakota [Mr. PRESSLER], for Mr. MCCAIN, for himself, Ms. SNOWE, Mr. ROCKEFELLER, Mr. EXON, Mr. KERREY, and Mr. CRAIG, proposes an amendment numbered 1285.

Mr. PRESSLER. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of section 310 of the Act, add the following:

( ) No entity listed in this section shall be entitled for preferential rates or treatment as required by this section, if such entity operates as a for-profit business, is a school as defined in section 264(d)(1) with an endowment of more than $50 million, or is a library not eligible for participation in state-based plane for Library Services and Construction Act title III funds.

Mr. PRESSLER. I ask unanimous consent the amendment be laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

AMENDMENT NO. 1323, AS MODIFIED

(Purpose: To postpone the effective date of the authority to provide alarm monitoring services)

Mr. HARKIN. Madam President, I would like to call up my amendment. I believe it is amendment No. 1323.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN], for himself and Mr. PACKWOOD, proposes an amendment numbered 1323.

Mr. HARKIN. Madam President, I would like just to take a couple of minutes to talk about this amendment. I do not want to take a great deal of time; I know the managers want to move on to other amendments, and I have two more amendments I want to offer.

I believe this amendment as it has been modified will be acceptable to both sides. I wish to thank both Senator HOLLINGS and Senator PRESSLER for being willing to accommodate me and to work this out. I thank the esteemed Senator from Kentucky also for his willingness to help work this matter out in an acceptable manner.

Madam President, I ask unanimous consent to strike the number 6 and insert in lieu thereof the number 4.

The PRESIDING OFFICER. Hearing no objection, it is so ordered.

The amendment (No. 1323), as modified, is as follows:

On page 109, line 4, strike out "3 years" and insert in lieu thereof "4 years".

Mr. HARKIN. Madam President, I know that most of any Senate colleagues share my belief that small business people are the backbone of both the economic and community life of this country. We know that the small business people in our villages, towns and cities back home help to provide neighborhood stability and pride by being the individuals who can be depended upon to participate in community affairs, and we all know small businesses are where the jobs are created.

Today, in the midst of these great battles among corporate titans like the baby Bells, the major long distance carriers, the large cable television companies and the large broadcasters, this amendment helps the little person. The amendment that I have just introduced on behalf of myself and Senator PACKWOOD is very simple. It merely changes the waiting period before the Bell companies could enter the alarm monitoring service business to 4 years.

Now, some of my colleagues might ask why we are doing this. Well, this amendment would partially restore an agreement reached in the last Congress through good faith negotiations between the alarm industry and the Bells. They were asked by Members of Congress to work out a deal, and they did. There was give and take on both sides and they came to an agreement. It is the purpose of the HARKIN-Packwood amendment to restore one key element in that agreement.

And why was this agreement struck in the first place? First of all, the burglar and fire alarm industry is unique. It is the only information service which is competitively available in every community across the Nation. If you want to verify this, I urge you to go back to your offices and check the yellow pages in the phone book for your State. What you will find is that the alarm security services are widely and competitively available.

What is less apparent is the fact that this highly competitive, $10 billion industry is not dominated by large companies. Instead, it is dominated by small businesses which employ on average less than 10 workers. There are over 13,000 alarm companies across the Nation. The top 100 control less than 25 percent of the marketplace and the 100th largest company has annual revenues of less than $3 million a year. The eight largest companies control merely 11 percent of the marketplace.

Many of these businesses epitomize the American dream. Alarm companies are started by people with all kinds of backgrounds. A military veteran who learned electronics in the service, someone who worked in the building trades, or a retired police officer, they start their own businesses; they work hard; they succeed; and they want to pass on their business to their children.

All of that is at risk. The industry is an open marketplace where small companies compete successfully every day with a few large national companies because no single company has the ability to control access to service or how it is delivered.

Furthermore, no single individual or group of companies has the ability to set the price in the marketplace. It is the American consumer who has the most to lose because the consumer benefits from this competitive marketplace. Over the past decade, the average price of the installation of a home security system has declined 40 percent. Today, you can have a system installed in your home for as little as $200, and some companies are even offering free installation in order to promote alarm monitoring services.

The alarm industry also has an excellent job creation record. Over the past 20 years, the alarm industry has more than tripled employment from 40,000 jobs to well over 140,000 jobs.

This is a very vibrant sector of the American economy. So vigorous alarm industry competition benefits the consumer in another way—the development of an industry-wide culture which promotes prompt, reliable service.

This is vitally important in an industry where the service involved is a protection of life, safety, and property in one's home or business. Knowing that a service person will be there next week sometime in the morning or afternoon is not good enough. Consumers benefit from the knowledge that if they do not like the service they are receiving, there is always another alarm company that will provide the service they want and need at a competitive price.

Another compelling reason for increasing the transition period for the Bell entry into the alarm monitoring service is the fact most experts agree that the vast majority of small business alarm companies will be driven out of business if the regional Bell operating companies enter before a level playing field exists.

The industry felt it had an excellent chance of developing that level playing field in its prior agreement with the Bells. That agreement included a ban on Bell company access to the customer lists of existing alarm companies, an expedited complaint process at the FCC, a Department of Justice-administered VIII(c) antitrust entry test, and an adequate waiting period to ensure that an overburdened FCC should actually address the industry's complaints when Bell entry occurs.

While the first two of those provisions remain in the bill, the critical VIII(c) antitrust entry test is gone and the term of years prior to entry was cut in half to 3 years.

So, Madam President, while S. 652 requires the RBOC's meet a checklist of requirements designed to establish conditions necessary for competition in the local exchange, it does not require actual competition to exist. An VIII(c) antitrust test is no longer available. Competition in the local telephone exchange is the next best assurance of a level playing field.

So, Madam President, the goal of this amendment is to make sure that these small companies out there, indeed, have some period of time to ensure that there is a level playing field before the Bells can enter the alarm and service industry.

This period has been agreed upon for 4 years, and I am hopeful that would be the minimum length of time that we would have. I still believe that the initial agreement of 6 years should have been adhered to, but I understand that this has been worked out for 4 years here in the Senate, with the assurance of the committee that this would be acceptable. I am hopeful that a longer period can be worked out in the conference committee. Again, I want to thank Senators PRESSLER and HOLLINGS for helping work out this agreement.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. PRESSLER. Madam President, these carveouts are always difficult because when there is a carveout, there are problems for new entrants. I agree with the Senator from Iowa that this is small business. There has been a lot of discussion on this, whether the burglar alarm people should be given a certain period of protection.

We hope in a deregulatory bill to get everybody competing as soon as possible. In fact, we had a big thing—at least it was big to me—in the Commerce Committee of keeping even the newspaper publishers without a carveout, without a period of years—they have 5 or 6 years in the House bill.

If we are going to have deregulation, we have to get people competing, because new people want to get into the field also out there, new small businesses.

As I understand it, there is an informal agreement, if we can use that term, reached that they will not seek beyond 4 years in conference, hopefully. With that understanding, we can accept this amendment.

I urge adoption of the amendment.

The PRESIDING OFFICER. Does the Senator have any further debate on this amendment?

Mr. HARKIN. No.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1323), as modified, was agreed to.

Mr. PRESSLER. Madam President, I move to reconsider the vote by which the amendment was agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

AMENDMENT NO. 1322

(Purpose: To prevent unfair billing practices for information or services provided over calls to 800 numbers)

Mr. HARKIN. Madam President, if my friend from Massachusetts will yield, I just have two other amendments that have been accepted. I call up amendment No. 1322 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN] proposes an amendment numbered 1322.

Mr. HARKIN. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 146, below line 14, add the following:

SEC. 409. PREVENTION OF UNFAIR BILLING PRACTICES FOR INFORMATION OR SERVICES PROVIDED OVER TOLL-FREE TELEPHONE CALLS.

(a) FINDINGS.—Congress makes the following findings:

(1) Reforms required by the Telephone Disclosure and Dispute Resolution Act of 1992 have improved the reputation of the pay-per-call industry and resulted in regulations that have reduced the incidence of misleading practices that are harmful to the public interest.

(2) Among the successful reforms is a restriction on charges being assessed for calls to 800 telephone numbers or other telephone numbers advertised or widely understood to be toll free.

(3) Nevertheless, certain interstate pay-per-call businesses are taking advantage of an exception in the restriction on charging for information conveyed during a call to a "toll-free" number to continue to engage in misleading practices. These practices are not in compliance with the intent of Congress in passing the Telephone Disclosure and Dispute Resolution Act.

(4) It is necessary for Congress to clarify that its intent is that charges for information provided during a call to an 800 number or other number widely advertised and understood to be toll free shall not be assessed to the calling party unless the calling party agrees to be billed according to the terms of a written subscription agreement or by other appropriate means.

(b) PREVENTION OF UNFAIR BILLING PRACTICES.—

(1) IN GENERAL.—Section 228(c) (47 U.S.C. 228(c)) is amended—

(A) by striking out subparagraph (C) of paragraph (7) and inserting in lieu thereof the following:

"(C) the calling party being charged for information conveyed during the call unless—

"(i) the calling party has a written agreement (including an agreement transmitted through electronic medium) that meets the requirements of paragraph (8); or

"(ii) the calling party is charged for the information in accordance with paragraph (9); or"; and

(B) by adding at the end the following new paragraphs:

"(8) SUBSCRIPTION AGREEMENTS FOR BILLING FOR INFORMATION PROVIDED VIA TOLL-FREE CALLS.—

"(A) IN GENERAL.—For purposes of paragraph (7)(C), a written subscription does not meet the requirements of this paragraph unless the agreement specifies the material terms and conditions under which the information is offered and includes—

"(i) the rate at which charges are assessed for the information;

"(ii) the information provider's name;

"(iii) the information provider's business address;

"(iv) the information provider's regular business telephone number;

"(v) the information provider's agreement to notify the subscriber of all future changes in the rates charged for the information; and

"(vi) the subscriber's choice of payment method, which may be by direct remit, debit, prepaid account, phone bill or credit or calling card.

"(B) BILLING ARRANGEMENTS.—If a subscriber elects, pursuant to subparagraph (A)(vi), to pay by means of a phone bill—

"(i) the agreement shall clearly explain that charges for the service will appear on the subscriber's phone bill;

"(ii) the phone bill shall include, in prominent type, the following disclaimer:

'Common carriers may not disconnect local or long distance telephone service for failure to pay disputed charges for information services.'; and

"(iii) the phone bill shall clearly list the 800 number dialed.

"(C) USE OF PINS TO PREVENT UNAUTHORIZED USE.—A written agreement does not meet the requirements of this paragraph unless it requires the subscriber to use a personal identification number to obtain access to the information provided, and includes instructions on its use.

"(D) EXCEPTIONS.—Notwithstanding paragraph (7)(C), a written agreement that meets the requirements of this paragraph is not required—

"(i) for calls utilizing telecommunications devices for the deaf;

"(ii) for services provided pursuant to a tariff that has been approved or permitted to take effect by the Commission or a State commission; or

"(iii) for any purchase of goods or of services that are not information services.

"(E) TERMINATION OF SERVICE.—On receipt by a common carrier of a complaint by any person that an information provider is in violation of the provisions of this section, a carrier shall—

"(i) promptly investigate the complaint; and

"(ii) if the carrier reasonably determines that the complaint is valid, it may terminate the provision of service to an information provider unless the provider supplies evidence of a written agreement that meets the requirements of this section.

"(F) TREATMENT OF REMEDIES.—The remedies provided in this paragraph are in addition to any other remedies that are available under title V of this Act.

"(9) CHARGES IN ABSENCE OF AGREEMENT.—A calling party is charged for a call in accordance with this paragraph if the provider of the information conveyed during the call—

"(A) clearly states to the calling party the total cost per minute of the information provided during the call and for any other information or service provided by the provider to which the calling party requests connection during the call; and

"(B) receives from the calling party—

"(i) an agreement to accept the charges for any information or services provided by the provider during the call; and

"(ii) a credit, calling, or charge card number or verification of a prepaid account to which such charges are to be billed.

"(10) DEFINITION.—As used in paragraphs (8) and (9), the term 'calling card' means an identifying number or code unique to the individual, that is issued to the individual by a common carrier and enables the individual to be charged by means of a phone bill for charges incurred independent of where the call originates."

(2) REGULATIONS.—The Federal Communications Commission shall revise its regulations to comply with the amendment made by paragraph (1) not later than 180 days after the date of the enactment of this Act.

(3) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on the date of the enactment of this Act.

(c) CLARIFICATION OF "PAY-PER-CALL SERVICES" UNDER TELEPHONE DISCLOSURE AND DISPUTE RESOLUTION ACT.—Section 204(1) of the Telephone Disclosure and Dispute Resolution Act (15 U.S.C. 5714(1)) is amended to read as follows:

"(1) The term 'pay-per-call services' has the meaning provided in section 228(j)(1) of the Communications Act of 1934, except that the Commission by rule may, notwithstanding subparagraphs (B) and (C) of such section, extend such definition to other similar services providing audio information or audio entertainment if the Commission determines that such services are susceptible to the unfair and deceptive practices that are prohibited by the rules prescribed pursuant to section 201(a).".

Mr. HARKIN. Madam President, I want to speak about a problem being faced by families across the country—a problem that has cost families hundreds and even thousands of dollars. This problem exposes families to ripoff schemes in their own homes. Worst of all, young people are being exposed to dial-a-porn phone sex services, even when the families take the step of placing a block on extra cost 900 number calls from their home.

Most people believe that when they dial 1–800 at the beginning of a call, they are calling toll free. Toll free 800 number calling has had a dramatically positive impact on many businesses, allowing catalog sales to take off, and providing helpful customer services. My State of Iowa is prominent in providing these telemarketing services. So I strongly believe that we must ensure public confidence in toll-free 800 numbers.

Federal law prohibits most practices that would allow people calling to an 800 number to be charged for the call. Callers cannot be assessed a charge by virtue of completing the call, and they cannot be connected to a pay-per-call service—which are usually called 900 number services. They also cannot charge for information conveyed during the call—with one exception. If there is a preexisting agreement to be charged, a charge is allowed. This provision was added, because there was concern that the provision might be read to prevent people buying merchandise with a credit card on an 800 number, or for nationwide access numbers for long distance providers.

Unfortunately, this small loophole has allowed some sleazy operators to set up phone sex services on 800 numbers—and to make the caller pay the bill. They use the loophole allowing a charge when there is a preexisting arrangement to turn a toll-free 800 number call into a toll call.

Families are being hurt by these services. Youngsters run across the ads, and, thinking the call will be free, call numbers like 1–800 HOT TALK. These numbers appear in all kinds of publications—from the city paper here in Washington; Rolling Stone magazine; and a host of adult magazines.

Here are just two examples of this outrageous behavior that has come to my attention recently. I would bet that every Senator has received calls from constituents about this problem, but here are just two from Iowa.

Madam President, I ask unanimous consent to print some constituent letters in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

CONSUMER ADVOCATE, OFFICE OF UTILITIES, LUCAS STATE OFFICE BLDG.,
Des Moines, IA January 28, 1995.

To Whom It May Concern:

This letter is regarding my recent encounter with U.S. West Communications.

On Tuesday January 24, 1995 I called U.S. West to change our service. Because of a recent problem with the so called "chat line" and because of past problems with the 1–800's that conveniently turn into the 1–900 charges. I asked U.S. West to take my husband off the account completely and to have all long distance service blocked from our home. I wanted no access to any 1+ dialing, 1–800/1–900 calls. I also cancelled all calling cards. My husband agreed and the calling cards were stopped that same day and everything was switched to only my access.

On Thursday January 26th I thought I had better check to see that my order was completed. I had no 1+ direct dialing but I could still call 1–800 numbers. I was shocked.

On Saturday January 28, 1995 I called U.S. West to see why I still had 1–800 access. They informed me that there was no way to block 1–800 calls. I explained to the lady that I had been misinformed because I was told my husband would not be able to make any long distance calls from our house. She put me on hold then came back to me and said I could not block 1–800 calls. I waited a few hours, thinking about everything I had been told and then I recalled U.S. West and asked to speak to a supervisor. I was told that there were no supervisors around to talk to. The representative offered to help. I explained the situation to her. She read a new department memo on the 1–800 information while I waited to get some answers. I explained to her that I really needed to speak to a supervisor and was told that the supervisor would just do the same thing that she was doing (read the memo on 1–800).

I am discouraged for many reasons: I could not speak to a supervisor and it was not offered.

For a minor to buy alcohol or cigarettes they must show an I.D. They are face to face with the seller. These phone conversations have a recording saying you must be 18 years or older or have parents permission. They have no actual contact with the buyer and in turn are selling to minors, and unfortunately it's the parents who pay.

In closing I would like to urge you to please find a way to stop this problem. I would love to find a way to stop the phone scam operations but I do not know where to begin. I plan to send a copy of this letter to Senators Tom Harkin and Charles Grassley. I can only hope that the more of us who complain the easier it will be to put an end to it all.

Thank you for your time in reading my concerns.

Sincerely,

SHEILA WENGER.

IOWA UTILITIES BOARD,
UTILITIES DIVISION,
Des Moines, IA.

DEAR SIRS: My name is Sue Tappe and I work as the Clinton County Protective Payee. I work with clients that receive some type of benefit, such as SS or SSI, VA etc., and cannot handle their own funds for a variety of reasons.

I am writing today in reference to a client that had a phone service installed in Sept. 1994. This service, at the time of order, had a long distance block set up on it, so I assumed there would be no long distance calling. WRONG assumption. My client got a hold of some advertisements that offered 800 numbers, and went to town dialing them. They then turned into 900 numbers by requesting the caller to push another button. He can only read to approximately 3rd grade level, but he can follow instructions. He said 800 numbers do not cost anything when I questioned him on the subject.

I have called all the long distance companies and have asked for credits because of the long distance block. I have gotten cooperation from a couple of the companies, but they also let me know that the normal procedure is to have them then turned over to a collection agency.

What can be done about these pay talk telephone companies who take advantage of clients who cannot understand the consequences of their actions much less the value of their money?

By the way, my client no longer has a phone service, and that, he does understand. But until there is complete credit back, he will never have service again.

I am enclosing copies of bills and sending copies to Senator Tom Harkin and Congressman Jim Leach. We need to take action for a change in laws, and to protect ourselves, all of us, from this situation happening again.

Thank you for listening and hope you might provide some suggestions to me and certainly some action can be taken in this area.

SUE TAPPE, *Payee.*

Mr. HARKIN. Madam President, here is how the companies do it. A caller calls an 800 number. He or she is directed to enter an "access code," in order to be connected to a service—without knowing that, by entering the number, they are authorizing the service to charge for the call. Another scam is for the call to be switched to international numbers in small countries around the world, or to give an international phone number without disclosing the extremely high international calling rates. Phone sex companies set up in these companies, where local law in the host country allows them to receive a cut from the charges. One service operated out of Suriname charges some $50 per minute.

Under another so-called preexisting agreement, the first call from a number establishes the agreement, and subsequent calls are charged to the phone number the first call was made from. This means that anyone making a telephone call from your phone could make you liable for hundreds of dollars of calls—even if the person never makes another call from that phone. A person making a call from a motel can set up one of these agreements with a phone-sex service, and the motel could be forced to pay for subsequent calls from anywhere in the country. At the Motel 6 chain alone, porn calls have cost a quarter of a million dollars in the last year. In our own offices here at the Senate, a courier who uses the courtesy telephone, supposedly to call his dispatcher, could charge phone-sex calls back to your office account.

How many people are concerned about this problem? All you need to know is how many families have signed up for 900 number blocking. These families have said that they have no intention of using pay-per-call services. In Iowa, about one in four lines are restricted from calling 900 numbers, most of which are homes, rather than businesses.

Today, I am offering an amendment that would prohibit this abuse. My amendment, which is similar to one that has been included in the House Commerce Committee-passed version of this legislation by our House colleague, Representative BART GORDON of Tennessee, would alleviate this problem. Representative GORDON has been a leader on this issue for many years, and has fought hard to get control of the phone-sex industry. This amendment would clarify that a preexisting agreement must be in writing, which would end the supposed preexisting agreements that are initiated by pressing a button on a phone. It also expands the definition of pay-per-call service to include the international calls, to allow the FCC to regulate them.

Alternatively, it would allow information services on 800 numbers without a preexisting agreement. The service provider would have to disclose their rates on each call. If the caller agreed to pay and gave a credit, charge or calling card to pay for the information, the service could be provided.

The bill as reported by committee purports to address this problem, in section 406. However, this section would not go as far as the language I am offering. My amendment was developed after extensive consultation with industry representatives, to try to take into account problems beyond the 800 numbers, and also to take into account the new legitimate information systems that are going to be offered in the new information environment that this bill will create. Further, a similar amendment has already been accepted in the House subcommittee markup. I urge my colleagues to support this important amendment to close the loophole on the phone sex peddlers.

Madam President, again, I believe this amendment has been agreed to.

The PRESIDING OFFICER. Is there further debate on this amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 1322) was agreed to.

Mr. PRESSLER. Madam President, I move to reconsider the vote by which the amendment was agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1324

(Purpose: To combat telemarketing fraud through reasonable disclosure of certain records for telemarketing investigations)

Mr. HARKIN. Madam President, I call up amendment No. 1324.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN] proposes an amendment numbered 1324.

Mr. HARKIN. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 146, below line 14, add the following:

SEC. 409. DISCLOSURE OF CERTAIN RECORDS FOR INVESTIGATIONS OF TELEMARKETING FRAUD.

Section 2703(c)(1)(B) of title 18, United States Code, is amended—

(1) by striking out "or" at the end of clause (ii);

(2) by striking out the period at the end of clause (iii) and inserting in lieu thereof "; or"; and

(3) by adding at the end the following:

"(iv) submits a formal written request for information relevant to a legitimate law enforcement investigation of the governmental entity for the name, address, and place of business of a subscriber or customer of such provider, which subscriber or customer is engaged in telemarketing (as such term is in section 2325 of this title).".

Mr. HARKIN. Madam President, every year thousands of Americans are victimized by fraudulent telemarketing promotions. And, unfortunately, these scam artists prey most often on our senior citizens. The losses every year are estimated to be in the billions of dollars. I send an amendment to the desk that would help law enforcement to more effectively combat these abuses.

How do these rip-offs occur and why is my amendment necessary to stop them? Advertisements regarding sweepstakes, contests, loans, credit report and other promotions appear in newspapers, magazines, and other direct mail and telephone solicitations. The operators of many of these phoney promotions set up a telephone boiler room in which a number of phones are operated to receive calls responding to their ads and to make direct phone appeals, run their promotion for two to three months, ripping people off for thousands and even millions of dollars, and then discontinue the operation and move on to another location and rip-off promotion.

By the time law enforcement authorities have received enough information to support obtaining the grand jury subpoenas required under current law, the business and the operators are gone. And the often elderly victims are out of luck. Law enforcement authorities currently do not have a mechanism available to quickly identify the location of the boiler room before the promotion is discontinued. So, they often cannot get after these scam artists until many people have been victimized and the operation has closed down.

Law enforcement agencies have this problem because often these promotions furnish only a phone number, leaving no other means of identification or location. My amendment addresses this shortcoming by providing law enforcement authorities with a narrowly drawn procedure to more quickly obtain the name, address, and physical location of businesses suspected of being involved in telemarketing fraud. Phone companies would have to provide law enforcement officials only the name, address, and physical location of a telemarketing business holding a phone number if the officials submitted a formal written request for this information relevant to a legitimate law enforcement investigation.

The need for this change was brought to my attention by the U.S. Postal Inspection Service, the Federal agency which investigates many of the telemarketing schemes. It is necessary to crack down on serious consumer fraud. With this change, we will have many more successful efforts to shut down these rip-off artists like several recent cases in my home State of Iowa.

Gregory Dean Garrison of Red Oak, IA was recently indicted for operating a telemarketing promotion. He is alleged to have obtained lists of people who had previously been victimized by telemarketing schemes. Using the company named Teletrieve, he offered for a fee, of course, to help individuals recover all the money they previously lost to telemarketers. No money was ever recovered. Most of the victims were in their eighties.

Approximately 30,000 Iowans received solicitations for another scam. Sweepstakes International, Inc., mailed these Iowans and others around the Nation postcards that enticed recipients to call a 900 number in order to receive a "valuable prize." Callers were charged $9.95 on their phone bill. Based on a Postal Service investigation, civil action was initiated in U.S. District Court in Iowa. As a result of the court action the promotion was halted and $1.7 million was frozen. This represented just one and a half month's revenue from the scam.

In a similar case, Disc Sweepstakes, Limited of West Des Moines mailed about 1.5 million postcards during a three-month period to individuals throughout the country, representing that they had won a valuable prize. To collect the "prize" people had to again call a 900 number for which they were billed $9.90. This scheme brought in over $1 million.

These are obviously cases in which the Postal Inspection Service was able to take action. But for every scam they close down, there are many more that go unstopped. It is frustrating for our law enforcement professionals and it is costing consumers, particularly the elderly, millions of dollars every day.

My amendment simply would allow law enforcement to more easily identify and locate these operations. To get any further information about the company, they would have to go through the current law subpoena process. For post office boxes rented for commercial purposes, any individual, let alone just law enforcement for a legitimate law enforcement purpose, can obtain the name and address of the box holder. So my proposal is very modest in comparison.

I want to make it very clear that this amendment is not about privacy. It should in no way set a precedent for allowing the Government easier access to company or client records or other information from businesses. I share the concerns of those who seek to protect privacy rights generally. I want to work with them and others who may have a concern with this amendment to see how we can work together before this bill is subject to conference and final consideration by the Senate.

I urge my colleagues to support this narrow but important amendment to give law enforcement a simple tool to better protect Americans from telemarketing scams.

Mr. PRESSLER. I urge the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1324) was agreed to.

Mr. PRESSLER. Madam President, I move to reconsider the vote by which the amendment was agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

AMENDMENT NO. 1342

Mr. KERRY. Madam President, I ask unanimous consent that amendment No. 1342 be brought up at this time.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KERRY] proposes an amendment numbered 1342.

Mr. KERRY. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 146, strike line 14 and insert in lieu the following: "cency, or nudity".

This section shall not become effective unless the Commission shall prohibit any telecommunications carrier from excluding from any of such carrier's services any high-cost area, or any area on the basis of the rural location or the income of the residents of such area; provided that a carrier may exclude an area in which the carrier can demonstrate that—

(1) providing a service to such area will be less profitable for the carrier than providing the service in areas to which the carrier is already providing or has proposed to provide the service; and—

(2) there will be insufficient consumer demand for the carrier to earn some return over the long term on the capital invested to provide such service to such area.

The Commission shall provide for public comment on the adequacy of the carrier's proposed service area on the basis of the requirements of this section.

AMENDMENT NO. 1342, AS MODIFIED

Mr. KERRY. Madam President, I ask unanimous consent that the amendment be modified with the changes that I now send to the desk, and I do this on behalf of myself, Senator LOTT, Senator HOLLINGS, and Senator PRESSLER. This amendment has been worked out on both sides. I advise the Senate that this modification makes no substantive change in the amendment. It merely places the amendment in a more appropriate place in the bill.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The amendment is so modified.

The amendment, as modified, is as follows:

At the appropriate place insert:

"(k) PROHIBITION ON EXCLUSION OF AREAS FROM SERVICE BASED ON RURAL LOCATION, HIGH COSTS, OR INCOME.—Part II of title II (47 U.S.C. 201 et seq.) as amended by this Act, is amended by adding after section 261 the following:

"SEC. 253A. PROHIBITION ON EXCLUSION OF AREAS FROM SERVICE BASED ON RURAL LOCATION, HIGH COSTS, OR INCOME.

"The Commission shall prohibit any telecommunications carrier from excluding from any of such carrier's services any high-cost area, or any area on the basis of the rural location or the income of the residents of such area; provided that a carrier may exclude an area in which the carrier can demonstrate that—

"(1) there will be insufficient consumer demand for the carrier to earn some return over the long term on the capital invested to provide such service to such area, and—

"(2) providing a service to such area will be less profitable for the carrier than providing the service in areas to which the carrier is already providing or has proposed to provide the service.

"The Commission shall provide for public comment on the adequacy of the carrier's proposed service area on the basis of the requirements of this section.

Mr. KERRY. Madam President, I rise to offer a bipartisan amendment, with Senators LOTT, HOLLINGS, and PRESSLER, that will go a long way to make the intentions of the Senate clear in its recognition of the need for every segment of our society to have access to the information superhighway as it begins to weave its way across the Nation.

In presenting this amendment, we recognize that there is a fear among many groups and community organizations that the infrastructure of the information superhighway will leave out and leave behind those who most need access to it, families in parts of Boston, or in parts of South Dakota, South Carolina, or Mississippi, or other areas of the country.

Ironically, in the 1950's the infrastructure debate was about which neighborhoods and which rural areas would be plowed under by bulldozers building the Federal highway system.

And, here we are again, in the contemporary equivalent of that same debate.

When the Federal highway system was developed, we plowed under the poorer areas of many cities and the poorest land in rural areas. We were willing then to lay roads and build bridges through the backyards of these areas in our good faith efforts to connect States and cities coast to coast. It was the key to commerce and economic opportunity. It was the future.

Now, in the 1990's, the information superhighway holds the same key to economic opportunity, and it would be unforgivable for us to ignore and avoid the same backyards that we were so willing to plow under when we built the interstates beginning in the 1950's.

Without access to the information superhighway there are those in our country who will surely be left behind, and we cannot let that happen.

Let me make it clear that this is a bipartisan amendment, and that it does not imply that there is anyone in this Chamber or anyone who has participated in the development of this legislation who has intended in any way to allow the redlining of any area. It is equally true that no one is seeking to force telecommunications companies, in their good-faith effort to provide universal service, to lose money by providing advanced telecommunications services to every road and home in the Nation no matter how remote or how impractical.

That is not the intent of anyone.

But, having said that, the intent of the Senate must be clear: that everyone, especially those less fortunate in our society, those poorer inner-city areas and poorer more remote rural areas struggling to keep up and move on, should have access to the equipment that will hold the keys to success and the tools to compete in the 21st century, even where it may not produce great profit for the provider companies.

Fairness, in this case, means access; and, though there is no intent with this amendment to punish telecommunications companies or to force them to lose money by providing a service to an area where it is clear they will lose money in their effort, we also recognize the importance of universal access.

The bill, of course, embodies this philosophy in several ways. But nowhere is the principle set forth as straightforwardly as it should be, and as this amendment does.

In summary, this amendment prohibits the exclusion of areas from access to service based on either rural location or income; and it requires the Federal Communications Commission to adopt rules and regulations to prohibit any telecommunications carrier from excluding an area from service based on the income of its residents, or the rural nature of the area; but it does allow the company to make a decision not to offer an advanced telecommunication service if it can demonstrate that there will be insufficient consumer demand for the carrier to earn some return over the long term on its capital investment in providing the service in that area.

I think this is a fair amendment. It is fair to the consumer and to the industry. It establishes in law the principle that all our citizens should have access to these telecommunications services and it respects the complexity of providing those services on a universal basis.

With this legislation we will move into a new age of information and communication—a promising future that demands our careful consideration. We will either establish an infrastructure that brings every American along, or leaves some behind.

We must remember, that access to and knowledge of the information super-highway will define the economic and political power of this democracy. We can no more deny any American access to that power than we can deny them access to a decent education, or to the ballot, or to the voting booth, for in access to them are the fundamental freedoms of this democracy and the individual opportunities that those freedoms provide.

Madam President, I urge passage of this amendment. It is fair. It is responsible. It is right. It places the benefit of the doubt where it ought to be.

I thank the managers of the bill for their cooperation and assistance. I thank the committee staff. I especially appreciate the cooperation and efforts of the Senator from Mississippi [Mr. LOTT] and his staff, both in committee and now as the bill is considered on the floor.

I will just say very quickly that this amendment will empower the Commission to try to guarantee that, as we build an information highway structure, no part of America is left out of that for reasons of discrimination or oversight that no one in the Senate, I think, would embrace.

I believe this will help us to have a fair and equitable approach. I appreciate the help of the managers of the bill in arriving at an agreement on this.

Mr. PRESSLER. I commend my friend from Massachusetts. I urge the adoption of the amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment No. 1342, as modified.

The amendment (No. 1342), as modified, was agreed to.

Mr. PRESSLER. Madam President, I move to reconsider the vote by which the amendment was agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

AMENDMENT NO. 1283, AS MODIFIED

(Purpose: To revise the authority relating to Federal Communications Commission rules on radio ownership)

Mr. SIMON. Madam President, I offer amendment No. 1283, as modified. I will discuss it tomorrow.

The PRESIDING OFFICER. The clerk will report the amendment, as modified.

The legislative clerk read as follows:

The Senator from Illinois [Mr. SIMON] proposes an amendment numbered 1283, as modified.

Mr. SIMON. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as modified, is as follows:

On page 79, line 11, in the language added by the Dole amendment No. 1255, as modified, insert the following:

(b)(3) SUPERSEDING RULE ON RADIO OWNERSHIP.—In lieu of making the modification required by the first sentence of subsection (b)(2), the Commission shall modify its rules set forth in 47 CFR 73,3555 by limiting to 50 AM and 50 FM broadcast stations the number of such stations which may be owned or controlled by one entity nationally.

Mr. SIMON. Madam President, I am not sure we have the right amendment here.

Mr. PRESSLER. Madam President, I will take this opportunity to urge Senators to bring their additional amendments to the floor and also to say that I am very proud that 500 delegates at the small business conference today sent over individual letters endorsing the passage of this bill and also urging President Clinton to strongly support it.

I know the White House has been a little cool toward this bill, but I hope that they are warmed up by the small businessmen who are in the White House Conference on Small Business. I have a whole stack of letters here, which I will not put in the RECORD. I might put in the names, but they are from all over the Nation, small businessmen who have come to Washington, who have sent letters urging that the Telecommunications Competition and Deregulation Act of 1995 be passed and that the White House support it and that the Senate version is the version that they are interested in.

So I am very proud of that. There has been some talk about big corporate interests and so forth. There has been talk about the cellular valley out here. But these are 500 small business men and women from across the Nation wanting to pass this bill because small business will benefit and small business will be able to participate.

Mr. PRESSLER. Madam President, I hope that Senators will come to the floor with their amendments because the hour of 7:30 p.m. is approaching, and Senator DOLE will be back here then.

So I thank the Chair, and I suggest the absence of a quorum.

The PRESIDING OFFICER. Will the Senator suspend his request for a moment?

The Senator from Illinois wanted a vote on his amendment tomorrow.

The amendment will be set aside until tomorrow.

AMENDMENT NO. 1367

Mr. HEFLIN. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alabama [Mr. HEFLIN] proposes an amendment numbered 1367.

Mr. HEFLIN. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the amendment, insert the following:

SEC. . AUTHORITY TO ACQUIRE CABLE SYSTEMS.

(a) IN GENERAL.—Notwithstanding the provisions of section 613(b)(6) of the Communications Act of 1934, as added by section 203(a) of this Act, a local exchange carrier (or any affiliate of such carrier owned by, operated by, controlled by, or under common control with such carrier) may purchase or otherwise acquire more than a 10 percent financial interest, or any management interest, or enter into a joint venture or partnership with any cable system described in subsection (b) within the local exchange carrier's telephone service area.

(b) COVERED CABLE SYSTEMS.—Subsection (a) applies to any cable system serving no more than 20,000 cable subscribers of which no more than 12,000 of those subscribers live within an urbanized area, as defined by the Bureau of the Census.

(c) DEFINITION.—For purposes of this section, the term "local exchange carrier" has the meaning given such term in section 3 (kk) of the Communications Act of 1934, as added by section 8(b) of this Act.

Mr. HEFLIN. Madam President, I ask unanimous consent that this amendment be laid aside until later.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. Who seeks recognition?

Mr. PRESSLER. Madam President, I ask unanimous consent that the Senate now turn to the consideration of amendment 1341.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1341

(Purpose: To strike the volume discounts provision)

Mr. PRESSLER. Madam President, I send an amendment to the desk for Mr. DOLE and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Dakota [Mr. PRESSLER], for Mr. DOLE, proposes an amendment numbered 1341.

Mr. PRESSLER. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 70, beginning with line 22, strike through line 2 on page 71.

Mr. PRESSLER. Madam President, I ask unanimous consent that the amendment be set aside and carried over until tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRESSLER. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WARNER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1325

(Purpose: To require additional rules as a precondition to the authority for the Bell operating companies to engage in research and design activities relating to manufacturing)

Mr. WARNER. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER] proposes an amendment numbered 1325.

Mr. WARNER. Madam President, my amendment No. 1325 is a bipartisan proposal. I am joined by a number of my colleagues on both sides of the aisle, including my colleague Senator ROBB as well as Senators DOMENICI, GRAHAM, KENNEDY, KERRY, LIEBERMAN, and MCCAIN.

This amendment is intended to improve the procompetitive thrust of this bill as it relates to the manufacture of communications products, both telecommunications equipment and customer premises equipment. It will make the bill more workable, and most important it will support the bill's effort to generate more jobs, stimulate innovation, and deliver more consumer choices and lower prices.

I want to express my thanks to the managers of this bill for their tireless efforts to draft and to enact telecommunications reform legislation. I had the privilege of serving on the Commerce Committee in the 1970's when we began to address the Federal policies that would be needed because of the then impending and dramatic changes in telecommunications technology. We learned two important things in those early efforts. First, changes in communications and information technology would transform our society and our economy. Second, drafting the appropriate policies to support this transformation would be a complex and controversial undertaking. Our floor consideration of S. 652 bears out the validity of these two points and demonstrates the challenges which the bill's managers have successfully faced.

Our amendment deals with the manufacturing sector, which will develop the "brick and mortar" of the information highway. As with all key communication industries, the stakes for manufacturers in this bill are very high. We cannot jeopardize the current competitive nature of this sector as the MFJ restrictions are removed. It has been a very successful and competitive area, sparked by the innovation and growth made possible by the postdivestiture environment. This has become a $44 billion sector, and it has created tens of thousands of jobs.

The manufacturing sector came alive after the 1984 Modified Final Judgment ended practices which had discriminated against nontelephone company manufacturing. The heart of this discrimination was the control which the local Bell telephone company had—and still has—over the local telephone exchange. Equipment had to connect to and use the local exchange network. Companies who wanted to make telephone equipment needed to deal with the local exchange company as the exclusive designer of the network and the exclusive buyer of equipment to run the network. The MFJ eliminated the local telephone company's incentive to discriminate in manufacturing by preventing their direct participation in this sector, and that MFJ policy has been successful. Manufacturing has flourished while the BOC's have managed their networks in cooperation with the manufacturing community.

S. 652 develops rules which will guide the local telephone companies and policymakers as the BOC's reenter manufacturing. Recognizing the continued potential for competitive problems associated with the local exchange monopoly, the bill also encourages the end to this local exchange monopoly by eliminating restrictions—government and facility—on local exchange competition. However, because we do not know how or when local competition will develop, the bill contains safeguards intended to preclude recurrence of the practices that hurt the manufacturing industry before 1984. These safeguards will be needed for so long as the local exchange monopoly persists.

S. 652 contains two important principles for the manufacturing sector which are intended to maintain the current competitiveness in the manufacturing sector and to build on this competition. First, the bill treats elimination of the long distance and the manufacturing line of business restrictions in the same manner. The Bell operating company must comply with the "competitive checklist" before it is eligible to enter either the long distance or the manufacturing line of business. It is very important to retain this "parity" in the timing and the requirements for entry into both lines of business, and I commend the managers of the bill for establishing this important principle.

The second important principle contained in this bill is one that we have relied upon for twenty years, namely, the requirement of a structural separation between the competitive and monopoly activities of the Bell operating company. S. 652 requires the Bell operating company to provide all competitive services, including manufacturing activities, through a fully separate affiliate. Without such a requirement, it would be virtually impossible to assure the ratepayers of this country that they were not underwriting the BOCs competitive ventures. Both the Courts and the FCC have said on many occasions that accounting separation alone is insufficient to protect ratepayers in this type of situation.

I urge the bill's managers to continue to defend these important principles.

Unfortunately, from a manufacturing perspective, and in my opinion, S. 652 has created a potential loophole. The bill would permit the Bell operating company to undertake research and design aspects of manufacturing and to enter into royalty agreements with third parties as soon as the separate subsidiary rules are adopted. This provision means that the operating company will not necessarily have complied with the "competitive checklist" before it is able to engage in these two activities. This provision has created an exception to the parity between manufacturing and long distance services, and in my opinion, it may become a very troubling distraction and loophole.

In their package of amendments adopted last week, the managers of the bill have clarified that these exceptions are not effective until the separate affiliate rules have been adopted. This is an important clarification.

In my opinion, these exceptions should be removed from the bill, and in my discussions with the bill's managers I am hopeful that you will keep an open mind on this question as you proceed forward to conference.

For now, the presence of these exceptions in the bill highlights two areas where the bill's safeguards should be improved. In my view this amendment would be an important improvement to the bill even if the exceptions were not in the bill. But they are made more important because of the exceptions.

First, the bill does not require full and ongoing information disclosure about the telephone exchange network. In order to develop the products and the services that would connect with and use the network, manufacturers need to know the protocols and technical requirements that control connection to and use of the network. As currently written, the bill focuses on requiring disclosure of vital network information when the Bell operating company transfers that information to its affiliate. This trigger is important, but it begs the fundamental point that information should be available when manufacturers need it, not merely when the BOC may decide to transfer it to the affiliate. This trigger also does not address situations where information is transferred to preferred third party suppliers. A trigger based on a transfer to the affiliate invites "gaming" by the BOC and it can encourage considerable debate about when information was given to the affiliate whether information was provided to competitors on the timely basis.

In my opinion, information regarding protocols and technical requirements for connecting to the network should be on file with the FCC and kept current at all times. This is not a regulatory burden. This is good business and sound, pro-competitive policy. And it will reduce regulation because it will reduce debates about the timing and the caliber of information available to competitors. Our amendment would call on the Commission to establish this filing requirement at the same time that it establishes the separate affiliate rules.

Second, the bill recognizes that relationships between the Bell operating companies and third parties can be a source of discrimination and cross subsidy. However, the development of rules to prevent such activities are discretionary. Given the royalty and design activities, it is especially important for the FCC to address this area at the same time it develops its separate affiliate rules, and our amendment includes this directive.

Last, the amendment attempts to address the murky distinction between "research and design" and the other aspects of manufacturing which remain prohibited until the BOC has complied with the checklist and is authorized to offer long distance service. If the Bell operating company is to be allowed to engage in research and design activities before it is permitted to engage in other manufacturing activities, then it is critical for the Commission to clearly identify and articulate these activities which are permitted to distinguish these activities from the other aspects of manufacturing and from BOC activities. This definitional undertaking must be part of the separate subsidiary rulemaking process in order to ensure that "research and design" are completely separate from other aspects of manufacturing and from BOC activities.

The design area is the most important part of the manufacturing process. It is the area where considerable value is created, and it is the activity which largely determines the functionality and complexion of the products. The MFJ Court has repeatedly found that design presents the greatest opportunity for anticompetitive behavior. When the MFJ was adopted, the Court found that "design" had been a significant source of discrimination. More recently, in this report to the Justice Department, Peter Huber concluded that should the BOCs be permitted to again engage directly in manufacturing, then "research and development costs, especially for system design and software development, would surely offer an important opportunity for cross-subsidy."

For these reasons I oppose the idea of a more rapid elimination of the entry restrictions for "design," but at the very least the Commission must confront the opportunities and risks associated with this exception as part of its development of separate affiliate safeguards rules.

Mr. President, our amendment has broad support in the manufacturing community. The primary telecommunications manufacturing trade associations, including the Telecommunications Industry Association, the Electronic Industries Association, the Independent Data Communications Manufacturers Association, and the MultiMedia Telecommunications Association, support this amendment. These manufacturers account for an overwhelming majority of the $55 billion generated by the telecommunications manufacturing industry in 1994. I ask by unanimous consent that a letter of support from these organizations be included in the RECORD at this point.

Again I thank my colleagues, the managers of S. 652, for their efforts on this bill and for their cooperation on our amendment.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

The Hon. JOHN WARNER,
225 Russell Senate Office Building, Washington, DC.

DEAR SENATOR WARNER: On behalf of the Telecommunications Industry Association, I want to thank you for your efforts to improve S. 652, the Telecommunications Competition and Deregulation Act of 1995. We share your belief that the "design" carve-out in the manufacturing section of S. 652 creates a dangerous exception to the bill's otherwise reasonable proposal that a Bell operating company must comply with the bill's "competitive checklist" and establish a separate subsidiary before being granted relief from the line-of-business restrictions imposed by the Modification of Final Judgment. Accordingly, although we do not concede that the "design" exception in Section 256(a)(2) is appropriate communications policy, and while we continue to believe that Section 256(a)(2) should be dropped from the bill, we strongly support your proposed amendment to S. 652.

There is a broad consensus that "design" activities are the most important part of the manufacturing process, and that it presents the greatest opportunity for anticompetitive behavior. Thus, the Court administering the MFJ has stated that:

"'[I]n virtually every manufacturing episode' that was the subject of a pretrial charge by the government or that produced evidence at the trial, it was design and development manipulation that was the focus or sole subject rather than discrimination with respect to fabrication." See *United States* v. *Western Electric Co.*, 675 F.Supp. 655 (D.D.C. 1987).

In his report to the Justice Department, Peter Huber reached the same conclusion, stating that "research and development costs, especially for system design and software development, would surely offer a[n] opportunity for cross-subsidy," and that such "cross-subsidy by U.S. telcos comes at the expense of U.S. ratepayers." See Peter Huber, The Geodesic Network (Washington: U.S. Government Printing Office, 1987) at

14.20 and 14.23n. 93. Therefore, allowing the Bell companies to engage in these activities before they have satisfied the "competitive checklist" could allow significant anticompetitive conduct by the Bell companies.

In addition to providing a check against cross-subsidization, your amendment will help reduce the likelihood that the "design" exception will lead to the type of regulatory and judicial disputes that the sponsors of S. 652 are seeking to avoid and ensure that manufacturers have access to the interconnection information necessary to compete equitably for Bell operating company procurement contracts.

We are joined in our support for your amendment by several other manufacturing organizations, including the Electronic Industries Association, the Independent Data Communications Manufacturers Association and the MultiMedia Telecommunications Association. Collectively, these organizations represents manufacturers which collectively account for an overwhelming majority of the $55 billion in revenues generated by the telecommunications manufacturing industry in 1994.

Sincerely,

MATTHEW J. FLANIGAN.

Mr. WARNER. Madam President, this is an amendment which the managers have under consideration and, as yet, there has not been a resolution between the managers as to whether or not it can be accepted. Pending their decision, I have to make a decision as to whether or not to present it to the entire Senate.

If I might briefly state it, I have concerns about the provision in S. 652 that permits the Bell operating companies into design aspects of manufacturing as soon as the separate affiliate rules are established. This amendment provides an exception to the bill's important principle that entry into manufacturing in long distance will not occur until the checklist for local exchange competition has been adopted.

Short of delaying the design inception, it would be my hope that we could explore the possibility that the provision can be modified to mitigate what we view—that is my constituents—as serious potential for discrimination and cross-subsidization, which we view as the current situation. Given that the managers are reviewing this, I will ask that the amendment be laid aside until some future time.

The PRESIDING OFFICER. Is there objection?

Mr. PRESSLER. Madam President, I understand that some Senators have a problem with this amendment, and I think we will have to resolve those problems at a future time.

Does the Senator from Virginia visage this coming up tomorrow?

Mr. WARNER. Yes, that would be quite agreeable.

AMENDMENT NO. 1325, AS MODIFIED

Mr. WARNER. Madam President, to correct what seems to be an imperfection, I send a modification of my amendment to the desk.

The PRESIDING OFFICER. The Senator has that right. The amendment is so modified.

The amendment (No. 1325), as modified, is as follows:

At the end of section 222 of the bill, insert the following:

(c) ADDITIONAL REQUIREMENTS RELATING TO RESEARCH AND DESIGN ACTIVITIES WITH RESPECT TO MANUFACTURING.—(1) In addition to the rules required under section 256(a)(2) of the Communications Act of 1934, as added by subsection (a), a Bell operating company may not engage in the activities or enter into the agreements referred to in such section 256(a)(2) until the Commission adopts the rules required under paragraph (2).

(2) The Commission shall adopt rules that—

(A) provide for the full, ongoing disclosure by the Bell operating companies of all protocols and technical specifications required for connection with and to the telephone exchange networks of such companies, and of any proposed research and design activities or other planned revisions to the networks that might require a revision of such protocols or specifications,

(B) prevent discrimination and cross-subsidization by the Bell operating companies in their transactions with third parties and with the affiliates of such companies; and

(C) ensure that the research and design activities are clearly delineated and kept separate from other manufacturing activities.

Mr. PRESSLER. We have no objection to this amendment being laid over until tomorrow.

I ask unanimous consent that amendment No. 1325, as modified, be set aside until tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. PRESSLER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRESSLER. Madam President, I mentioned earlier that over 500 delegates of the, I think, about 1,600 or 1,700 delegates to the Small Business Conference going on now at the White House have written me letters—and also have written President Clinton—urging that he support the Senate version of the Telecommunications Competition and Deregulation Act and that the Senate pass it.

I just pulled out of this packet of 500 letters, one letter from a Mr. Robbie Smith, Smith Communications in Chicago, IL. I do not know him, but he is a delegate to the Small Business Conference now going on at the White House. He wrote the following, and I think it is important, because it is illustrative that small business strongly supports this legislation.

I am writing to urge you to support S. 652, the Telecommunications Competition and Deregulation Act, which would bring about changes in how telecommunications products and services are sold that would greatly benefit the small businesses of our state.

A recent survey, sponsored by the National Federation of Independent Business Foundation, found that a full 86 percent of small business owners said they want the convenience of "one-stop shopping" for telecommunications services.

S. 652 would bring us one-stop shopping. By creating a more competitive marketplace that will let local Bell companies and long-distance companies and cable companies all compete in each other's traditional businesses, it will provide small businesses with the convenience and lower prices we need.

In enacting legislation, we urge Members of Congress to keep in mind "Five Easy Pieces" of guidance from small business on what constitutes good telecommunications policy.

1. For small businesses as customers, we need legislation that maximizes choice and affordability by simultaneously opening all telecommunications markets—at the earliest possible date—to full and equal competition among vendors.

2. For small businesses as customers, we need legislation that minimizes confusion and complexity by letting all vendors compete to offer us one-stop shopping for the full array of telecommunications products and services.

3. For all small businesses, we need legislation that maximizes flexibility and minimizes regulation, so introduction of new products and services can keep pace with rapid technological and market changes.

4. For small businesses as vendors, we need legislation that maximizes opportunities for us to create and sell innovative new products and services by removing regulatory constraints.

5. For small businesses in rural or high-cost areas, we need legislation that maximizes universal opportunity by insuring—through a fair system of cost sharing—that some parts of our country do not become too costly in which to operate, or technological backwaters.

We believe S. 652 achieves these objectives. Please support S. 652.

The small businesses of our state thank you for your consideration.

What this letter is saying and seems to represent, talking of small businessmen, the majority of small businessmen—and indeed I guess there might be at some point some resolutions adopted over there. They made it a point to get to the Senate today over 500 letters supporting the Senate version of the Telecommunications Competition and Deregulation Act. They have also given the same letters to President Clinton, urging him to support it. I hope he is listening closely to the small businessmen in his White House conference.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. BOXER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Madam President, I ask unanimous consent to speak as in morning business for 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

DR. HENRY FOSTER DESERVES A VOTE

Mrs. BOXER. Madam President, perhaps I am interrupting the flow of the telecommunications bill for just 1 or 2 minutes because I promised that I would do so every day until we hear that there are plans to bring the nomination of Dr. Henry Foster for Surgeon General to the Senate for a vote.

Senator Pat MURRAY from Washington and I brought this issue up yesterday. We noted very clearly that Dr. Foster was nominated by President Clinton in February. This country has no Surgeon General.

We still have an AIDS epidemic, Madam President. We have an epidemic of teen pregnancy. I know my friend who is sitting in the chair now strongly supports efforts to reduce the rate of teen pregnancy and strongly supports efforts to reduce the rate of AIDS.

We now have a tuberculosis epidemic that has reemerged, after we thought we had solved the problem. We have teens smoking in great numbers.

This is the business of the Surgeon General, to look over the health issues. In the Senate we look over so many issues—telecommunications—complicated issues, difficult issues. They change every day. The Surgeon General will look after the health of this country.

We know when we have healthy babies and they are immunized and there is prenatal care for women, and we know when there is less drug use and alcohol use in our Nation, we become a much more productive nation. Certainly, as we are going to look a the welfare reform bill, we know one of the greatest causes of welfare is, simply put, that teens are having babies. This is a problem we must deal with.

Again, I call on the majority leader to please move forward this nomination. Dr. Foster showed he had the true grit to stand the criticism. He emerged out of the committee with a bipartisan, favorable vote.

I look forward to debating this nomination on the floor. I certainly hope that because an individual is an ob/gyn, an obstetrician/gynecologist, and in that practice performed a small number of abortions and yet brought 10,000 babies into the world, it would not be used against that individual and that this will not become a pawn in the Presidential nomination. It would be very sad. I think the American people are very fair people. This man deserves a vote. This man deserves a hearing.

I just really hope that the majority leader will come to the floor—perhaps today, tomorrow, this week—and tell Members when we can hope to have the Foster nomination brought before the full Senate.

I thank the Senate. I thank my colleagues. I yield the floor.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ASHCROFT). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE TELECOMMUNICATIONS COMPETITION AND DEREGULATION ACT

The Senate continued with the consideration of the bill.

AMENDMENT NO. 1298

(Purpose: To improve the provisions relating to cable rate reform)

Mr. LIEBERMAN. Mr. President, at this time I call up amendment No. 1298.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Connecticut [Mr. LIEBERMAN] proposes an amendment numbered 1298.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following new section:

SEC. . DETERMINATION OF REASONABLENESS OF CABLE RATES.

(a) COMMISSION CONSIDERATION.—Notwithstanding any other provision of this Act or section 623(c), as amended by this Act, for purposes of section 623(c), the Commission may only consider a rate for cable programming services to be unreasonable if it substantially exceeds the national average rate for comparable programming services in cable systems subject to effective competition.

(b) RATES OF SMALL CABLE COMPANIES.—

(1) IN GENERAL.—Notwithstanding any other provision of this Act or the amendments made by this Act, the regulations prescribed under section 623(c) shall not apply to the rates charged by small cable companies for the cable programming services provided by such companies.

(2) DEFINITION.—As used in this subsection, the term 'small cable company' means the following:

(A) A cable operator whose number of subscribers is less than 35,000.

(B) A cable operator that operates multiple cable systems, but only if the total number of subscribers of such operator is less than 400,000 and only with respect to each system of the operator that has less than 35,000 subscribers.

Mr. LIEBERMAN. Mr. President, I am delighted to see occupying the chair at this time, the distinguished former attorney general of the State of Missouri, because my interest in this subject of the regulation of cable rates started in 1984 when I was the attorney general of the State of Connecticut.

We had established a system similar in many ways, different in some ways, to other States and municipalities around the country to deal with the advent of this exciting new technology, cable television, in which our State—during the 1960's, originally, and the 1970's—had given out franchises for cable television in different areas of the State. These were monopolies. Because they were monopolies, which is to say there was only one that any consumer had any access to in the State of Connecticut, they were subject to a kind of public utilities regulation, since there was no competition.

This went on until 1984 when the Congress in its wisdom, without the participation of the occupant of the chair or myself, at that time passed an act which prohibited the States from regulating the cost of cable. As I will document in a moment or two, there was a great outcry from many of us at the State level, first on the basis of federalism, that we had been deprived of this opportunity to exercise our capacity and obligation to protect our consumers in the State of Connecticut or elsewhere as we saw fit, but also because the effect of the congressional act of 1984 was to leave cable consumers facing monopolies, only one cable provider, without the benefit of protection from consumer protection legislation, and without the benefit of competition.

What happened I will document in a moment or two, but it ultimately led to a very successful effort in 1992 to adopt a cable act which was passed with strong bipartisan majorities, and was vetoed by President Bush. It turned out to be the only veto of the Bush years that was overridden by this Congress. The Cable Act of 1992 went into effect, with positive effect, as I will describe in a moment. Then, suddenly as part of this major reform of telecommunications, there appears what amounts to the evisceration of that cable consumer protection.

So just 3 years after passing that landmark legislation to bring competition to cable television and keep regulation until that competition came, just 3 years after the effort began once again to hold down cable rates for the millions of cable consumers around America until competition emerges, we are now considering a bill that I am afraid will undo many of the consumer protection benefits of the 1992 Cable Act.

The amendment that I have introduced this evening, No. 1298, will prevent the dismantling of the cable consumer protections of the 1992 act.

Mr. President, I assume we all agree—I certainly do—that competition is the best way to set prices. Markets can set prices much more accurately and effectively than regulators can. Although consumers cannot really reap the benefits of competition, obviously, until there is effective competition in their local markets, the amendment that I am introducing, I think, will provide consumers with some of the advantages of competition. Without competition, monopolies have the license to unreasonable rate increases. So we have a choice. When there is no competition, we can have regulation, or we can just simply say let the monopolies go.

The cable rate regulation included in the current underlying bill before us, in my opinion, does not prevent monopoly abuses, and virtually deregulates cable, which means that without this amendment we are inviting the majority of cable companies to raise their rates. And, unfortunately, we are guaranteeing that the majority of our constituents, many of whom may be watching tonight, are going to see increases in the cost of cable television every month, unless we act to amend this bill. And I believe the amendment I am offering is a good procompetitive way to do so, consistent with the overall procompetitive spirit of this legislation.

Mr. President, before my colleagues vote on this matter, I think it is imperative to review the current status of cable regulation and how it is working.

First of all, let us ask what has happened since we passed the Cable Act of 1992; and, second, what impact will this legislation before us have? My concern again is that this legislation, if unamended, virtually guarantees significant cable rate increases before competition comes to the cable market. And today, the FCC tells us that only 50 of the more than 10,000 cable markets in America have effective competition. That means if we have constituents in the 9,950-plus other markets, and if this legislation goes forward as it is, they are probably going to see a cable rate increase.

What I see happening here is the potential for this Congress to make the same mistake that was made in 1984 when the cable industry was deregulated based on the promise or the hope that competition was right around the corner.

In 1984, it was the promise of competition from satellites to the traditional cable. Now it is again and still the promise of satellite competition plus the promise of telephone company competition. After the 1984 act passed the Congress, the fact is that the cost of cable television skyrocketed. Today only one-half of 1 percent of cable consumers receiving satellite service from DBS, direct broadcast satellite, which is the new satellite competitor, and only experimental efforts exist today to transmit cable over telephone lines. It is only natural to fear that cable rates will shoot up again under the current bill.

Let me just go back over that. The promise of satellite reception for cable consumers, television consumers, was ripe in the air in 1984 when cable was deregulated. Today, 11 years later, one-half of 1 percent of the television consumers with multichannel service receive that service from the Direct Broadcast Satellite.

The last time Congress prematurely deregulated cable rates, the General Accounting Office found that the price of basic cable service rose more than 40 percent in the first 3 years without regulation. And 40 percent is three times the rate of inflation during that same period of time, 1986 to 1989, and four times the level of increases experienced under regulation.

Mr. President, the Commerce Committee received testimony from local officials that demonstrated real price exorbitance. Mayor Sharpe James of Newark testified that rates increased by more than 130 percent from 1986 to 1989 in his community. Mayor Eddy Patterson of Henderson, TN, noted rates rose 40 percent in the same period in his area. Rates shot up as much as 99 percent in communities in Hawaii, according to Robert Alm from Hawaii's Department of Commerce. David Adkisson, Mayor of Owensboro, KY, testified that basic receipts rose 40 percent in just 1 year. And I can report that rates in Connecticut jumped 52 percent in those 3 years in the mid-1980's, led by one company which actually hiked its rates by an unbelievable 222 percent when there was no regulation and no competition, which effectively is what this bill will bring us back to.

Consumer groups testified to the Commerce Committee demonstrating that in the few communities where there was competition, which is to say two cable companies going head to head, rates were about 30 percent lower than in the monopoly markets.

So on the basis of that evidence this Congress moved in a bipartisan fashion in 1992 to pass the Cable Act. Let me now remind my colleagues briefly what that law does. The Cable Act—that is the law in effect today, before this bill—allows Federal and local officials to limit cable rates to a reasonable level until there is effective competition to the cable monopoly. This is not permanent regulation. This is not the heavy, immovable hand of Government. This says let us get regulation out of here as soon as there is competition. In other words, regulation sunsets, disappears. And the standard here is it disappears when half the residents of a community have more than one choice for cable service and 15 percent of them, only 15 percent of that community, actually select the service from the cable competitor.

Let us talk about the results of the law. Mr. President, according to the Consumer Price Index for cable service, rates are down about 11 percent from their trend line when cable was deregulated. I plotted here on this chart the trend of cable rate increases before rate regulation extrapolated to the present. That is the blue line.

Also plotted are cable rates after rate regulation, and cable rates subject to competition. So the red line is the difference here in rates after the 1992 act went into effect, and this actually is a projection of what has happened in those 50 markets where there is competition, which is great for consumers.

Regulation is modestly controlling monopolies. That is what the red line tells us. But competition is the real solution. Competition works at keeping cable rates under control. Without competition, regulation is necessary to control those price increases. On a nationwide basis—this is an interesting number—this translates into a consumer savings of $2.5 billion to $3 billion per year since the adoption of the Cable Act of 1992.

Furthermore, consumers were not hit by the two to three times inflation rate increases they used to face when cable was deregulated. So not only did we not have the increases, we actually had $2.5 billion to $3 billion of consumer savings, and there is not much that we can look at in the way of the cost of living in our society that went down during this period of time.

While consumers have come out ahead, I want to point out that the cable industry has done well, contrary to its fears, under this new act. They have been busy developing new service and increasing revenue streams, and as far as I am concerned that is great news. With pay channels, increased advertising revenue and digital audio services, the cable industry has made up all of the money consumers saved from regulation. In addition, cable has had the money to prosper through expansion. And you can see in this plot the increase in subscribers that cable companies have had since the regulations imposed by the Cable Act.

The impact of the Cable Consumer Act of 1992 saved consumers a substantial amount of money, $2.5 billion to $3 billion a year, and rates went down 11 percent. But the great news about it is that all that happened and the cable companies still remained healthy.

In this chart, I am showing the increase in the number of subscribers the cable companies have had since the regulations imposed in the cable act. This is 1990, a 4.4 percent increase; 1991; and then after the act, 1993–1994, you can see they go up 2.8 percent; and then in 1994, when the act really kicked in for the full year, a 5-percent increase in subscriber growth to cable, which shows that the business remained healthy during that period of time.

Last year, cable systems expanded their infrastructure to reach 1 million additional homes, 1.4 additional households subscribed to basic cable service, and 1.1 million families purchased expanded cable packages.

Pay services were taken by an additional 2 million homes, and dozens of new programming channels were developed and offered to the public, all of that growth occurring during these 2 years in which regulation has been in place.

Equally important, some would say most important, the cable industry has been investing to compete with telephone companies in the multimedia services. I know that one of the arguments that the cable company folks have made against this amendment and for deregulation now before there is any competition to them has been that they have to be able to raise money to compete, build an infrastructure with the telephone companies when they get into the cable business.

But the fact is that the chart illustrates during this period in which regulation has existed again for a couple of years, the capital expenditures of the cable industry have been very healthy. In fact, they have dramatically increased in the years that regulation has been on. We go from 1993, up to almost $3 billion; in 1994, up to almost $4 billion, $3.7 billion.

Since last summer, 1994, major cable companies have raised and invested over $15 billion in new competitive ventures. Most recently, a consortium that includes TCI, Comcast and Cox, raised and spent more than $2 billion to buy, if you will, the spectrum that was auctioned, a figure higher than any other set of bidders paid in the spectrum auction.

Let us talk about the profit margin for the cable industry during this period of time. For 1993, it was 20 percent, the highest profit margin of any segment of the telecommunications industry, and this is after regulation went into effect, because there was no competition. Cable companies have been successful in acquiring and spending money, and that is the way it ought to be. I want them to grow and prosper.

Finally, here I have plotted the average value of cable stocks as compared to the S&P 500. As you can see, regulation has not hurt the performance of cable stocks. In blue, we have cable industry stocks charted. The S&P 500 is in red. Here, again, you can see how healthy the cable industry has been—and the stock market, after all, is a measurement of consumer confidence in the future of this industry. Here we go, 1993 and 1994, during that period of time when regulation was instituted because there was no competition, the cable industry stock index performed significantly better than the Standard & Poor's 500.

Obviously, investors do not think regulation has been bad for the cable industry. Just about every day newspapers announce new examples of major cable advancement or system upgrades or system expansion. Again, that is good news.

Finally, it is critical to understand that the cable act and the FCC regulations allow cable operators to respond to both the threat of competition or actual competition in the same manner that any reasonable business in an unregulated market would react to such threats. In the face of competition, a cable operator may either improve service—that is what competition is all about—without any regulatory filings, reduce prices for any tier of service—that is what a normal business does when they have competition without any regulatory OK, they reduce their prices—they may offer new services at any price, all this without regulation. And, of course, under the act, all pay services—this is the 1992 act—all pay services and premium channels are already unregulated.

Mr. President, there is only one thing the cable operator may not do under the Cable Act of 1992 and that is to raise rates above a reasonable level. Why would any cable operator who faced real competition want to raise prices above a reasonable level? Obviously, most sensible business people would not raise prices in the face of that competition. But does that not all change if there is no competition?

I am sorry to say that the committee bill with its repeal of these cable consumer protections that have worked for the consumer and the industry will allow the industry to raise its rates again before competition ever arrives and literally takes us back to 1984.

Although proponents of this bill, S. 652, note that it does explicitly deregulate all cable services immediately, the bill provides cable operators an opportunity to raise rates back to about the level they would have been if we had not passed the Cable Act of 1992.

Let me briefly explain. In this bill, S. 652 before us now, the standard for determining that a cable company is charging unreasonable rates for program services would be a comparison to the national average of cable system rates as of June 1, 1995, a few weeks ago. A cable company would have to charge rates that are substantially above the national average on June 1, 1995, before that company could be regulated.

And this deals with what we all consider to be cable. The bill, S. 652, leaves basic services regulated. There are three tiers of cable: basic, which is what you can get without cable over antenna, in most cases, the networks and maybe public television; the middle tier, what most people think of as cable—CNN, ESPN, Nickelodeon, whatever; and the third tier is channels unregulated.

Today, the basic tier and middle tier are regulated. Premium channels are not. Under this legislation, the basic tier remains regulated, the middle tier is unregulated, unless the rates are found to be substantially above the national average. The national average will be recalculated every 2 years.

So, there again, we have an incentive for the industry to increase its prices. Ironically, it is as if instead of a reason to reduce prices or hold prices, we are giving in this legislation the industry an incentive to increase prices, because the standard will be changed every 2 years. With almost 40 percent of the market dominated by two cable companies, the national average will be controlled by a small number of companies.

For example, an average package of cable programming around this country now costs about $15 or $20 a month. Every cable consumer whose company currently charges less than this average will have a green light to increase their rates to $20 to $25 per month without being substantially above the national average, which is the standard in this legislation.

In other words, consumers are likely to face at least a $5 a month rate increase for stations like ESPN, CNN, Discovery, Lifetime, USA and, in many cases, C-SPAN. Rate increases in this range would drive cable prices back up to the levels experienced from 1986 to 1992 when there was no consumer protection.

What we are presenting here is an opportunity for the cable operators to go back to their old ways. What I am saying is you do not need to do this to keep them healthy, as the numbers I have shown indicated. Even if the Congress completely deregulated cable again, it—well, basically this amounts to complete deregulation.

In my amendment, No. 1298, the national average would be calculated not by what exists on June 1, 1995, or on what exists 2 years from now after raising the rates. It will be calculated by including markets that currently have effective competition and those who become competitive over time, allowing the markets, not regulators to set prices.

That is the point of this amendment, and that is why I think this amendment is so consistent with the overall thrust of this bill. It is procompetitive. It says let the markets, not regulators, set reasonable prices. Small cable companies, because they have their own economic pressures that control their rates, in my opinion, would be exempt from regulation under this amendment.

I want to emphasize that the negotiations that resulted in some changes in the calculation of the national average, while moving in the direction of putting some pressure on these monopolies and protecting consumers, in my opinion, just do not go far enough. The national average would be calculated using the rates from June 1 of this year. Using a fixed date when regulation is in effect is supposed to result in a fair value for the national average for cable rates. But that date, June 1, occurs after some significant deregulation for certain cable systems under the FCC procedure. Using that date will increase the national average, therefore, leading to higher cable rates. The method of calculation spelled out in the bill, which is complicated, uses a per-channel approach, cost per channel. So let me give you an example based on numbers from a compilation of cost per channel rates in an article that appeared in Consumers Research.

In 1990, monopoly cable systems were charging 50 percent more than cable companies in competitive markets on a cost per channel basis. Using the complex calculation described in the current bill, as modified by the managers amendment, there would be a significant increase in the cost per channel over the rates charged in competitive markets.

So taking inflation into account, the average cost per channel would be 20 percent higher in the current bill than by simply comparing rates to competitive markets, as occurs in my amendment.

So to summarize, the current bill defines a very complex method of calculation dreamed up by regulators. Not only is the system illogical, it is also unfair. And though the system of calculation may be complex, the result, in my opinion, will be plain and simple, and that is that the consumer of cable services—the millions out there across America, who depend on cable for their entertainment, for their information, in many cases today, even for their shopping—are going to be the ones to lose their rates. Their rates will go up. My amendment uses markets to set prices, not arcane formulas devised by regulators.

In conclusion, I want to make sure we do not make the same mistake I believe Congress made in 1984 and that Congress recognized it made in 1992. Consumers paid a hefty price for premature deregulation of cable over the last decade. I say "premature" because competition effectively exists in very few cable markets. I do not want to redo that mistake.

This amendment will prevent excessive deregulation before there is competition, while maintaining the spirit of the underlying bill. I am in favor of competition. I hope it comes quickly. I hope there are more than one-half of 1 percent who get a competitive cable service from the direct broadcast satellites. I hope that the telephone companies move as rapidly as some suggest they will—though, I doubt it—into providing multi-channel services and competition with existing cable systems.

Let competition set rates and protect consumers, not regulators. That is what my amendment is all about.

I thank the Chair for the courtesy and the opportunity to address my colleagues on behalf of this amendment.

I urge support for it, and I yield the floor.

Mr. ROCKEFELLER. Just for the sake of the hour of 7:30, I simply ask unanimous consent, Mr. President, for 10 seconds to call up amendment No. 1292.

The PRESIDING OFFICER. Is there objection? In the absence of objection, the Senator from West Virginia is recognized.

Mr. ROCKEFELLER. I thank the Senator.

AMENDMENT NO. 1292

(Purpose: To eliminate any possible jurisdictional question arising from universal service references in the health care providers for rural areas provision)

The PRESIDING OFFICER. Does the Senator call up an amendment? Would you repeat the number again, please?

Mr. ROCKEFELLER. Yes. 1292.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from West Virginia [Mr. ROCKEFELLER] proposes an amendment numbered 1292.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In section 264 of the Communications Act of 1934, as added by section 310 of the bill beginning on page 132, strike subsections (a) and (b) and insert the following:

"(a) IN GENERAL.—

"(1) HEALTH CARE PROVIDERS FOR RURAL AREAS.—A telecommunications carrier shall, upon receiving a bona fide request, provide telecommunications services which are necessary for the provision of health care services, including instruction relating to such services, at rates that are reasonably comparable to rates charged for similar services in urban areas to any public or nonprofit health care provider that serves persons who reside in rural areas. A telecommunications carrier providing service pursuant to this paragraph shall be entitled to have an amount equal to the difference, if any, between the price for services provided to health care providers for rural areas and the price for services provided to other customers in comparable urban areas treated as a service obligation as a part of its obligation to participate in the mechanisms to preserve and advance universal service under section 253(c).

"(2) EDUCATIONAL PROVIDERS AND LIBRARIES.—All telecommunications carriers serving a geographic area shall, upon a bona fide request, provide to elementary schools, secondary schools, and libraries universal services (as defined in section 253) that permit such schools and libraries to provide or receive telecommunications services for educational purposes at rates less than the amounts charged for similar services to other parties. The discount shall be an amount that the Commission and the States determine is appropriate and necessary to ensure affordable access to and use of such telecommunications by such entities. A telecommunications carrier providing service pursuant to this paragraph shall be entitled to have an amount equal to the amount of the discount treated as a service obligation as part of its obligation to participate in the mechanisms to preserve and advance universal service under section 253(c).

"(b) UNIVERSAL SERVICE MECHANISMS.—The Commission shall include consideration of the universal service provided to public institutional telecommunications users in any universal service mechanism it may establish under section 253.

Mr. ROCKEFELLER. I thank the Chair.

The PRESIDING OFFICER. Without objection, the amendment will be set aside.

Mr. STEVENS. Mr. President, I want to comply with the majority leader.

I would like to call up my amendments 1301, 1302, 1304, already covered, and 1300. And I will offer a second-degree amendment to the 1300.

Thank you very much.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. I move to lay this aside in order to continue with the consideration of Senator LIEBERMAN's presentation.

The PRESIDING OFFICER. Will the Senator suspend for just a moment?

Was the Senator intending to call up amendment No. 1300?

Mr. STEVENS. Yes.

AMENDMENT NO. 1300

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS] offers an amendment numbered 1300.

Mr. STEVENS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 36, between lines 23 and 24, insert the following new subsection and renumber the remaining subsections accordingly:

(a) FINDINGS.—The Congress finds that—

(1) the existing system of universal service has evolved since 1930 through an ongoing dialogue between industry, various Federal-State Joint Boards, the Commission, and the courts;

(2) this system has been predicated on rates established by the Commission and the States that require implicit cost shifting by monopoly providers of telephone exchange service through both local rates and access charges to interexchange carriers;

(3) the advent of competition for the provision of telephone exchange service has led to industry requests that the existing system be modified to make support for universal service explicit and to require that all telecommunications carriers participate in the modified system on a competitively neutral basis; and

(4) modification of the existing system is necessary to promote competition in the provision of telecommunications services and to allow competition and new technologies to reduce the need for universal service support mechanisms.

On page 38, beginning on line 15, strike all through page 43, line 2, and insert the following:

"SEC. 253. UNIVERSAL SERVICE.

"(a) UNIVERSAL SERVICE PRINCIPLES.—The Joint Board and the Commission shall base policies for the preservation and advancement of universal service on the following principles:

"(1) Quality services are to be provided at just, reasonable, and affordable rates.

"(2) Access to advanced telecommunications and information services should be provided in all regions of the Nation.

"(3) Consumers in rural and high cost areas should have access to telecommunications and information services, including interexchange services, that are reasonably comparable to those services provided in urban areas.

"(4) Consumers in rural and high cost areas should have access to telecommunications and information services at rates that are reasonably comparable to rates charged for similar services in urban areas.

"(5) Consumers in rural and high cost areas should have access to the benefits of advanced telecommunications and information services for health care, education, economic development, and other public purposes.

"(6) There should be a coordinated Federal-State universal service system to preserve and advance universal service using specific and predictable Federal and State mechanisms administered by an independent, nongovernmental entity or entities.

"(7) Elementary and secondary schools and classrooms should have access to advanced telecommunications services.

"(b) DEFINITION.—

"(1) IN GENERAL.—Universal service is an evolving level of intrastate and interstate telecommunications services that the Commission, based on recommendations from the public, Congress, and the Federal-State Joint Board periodically convened under section 103 of the Telecommunications Act of 1995, and taking into account advances in telecommunications and information technologies and services, determines—

"(A) should be provided at just, reasonable, and affordable rates to all Americans, including those in rural and high cost areas and those with disabilities;

"(B) are essential in order for Americans to participate effectively in the economic, academic, medical, and democratic processes of the Nation; and

"(C) are, through the operation of market choices, subscribed to by a substantial majority of residential customers.

"(2) DIFFERENT DEFINITION FOR CERTAIN PURPOSES.—The Commission may establish a different definition of universal service for schools, libraries, and health care providers for the purposes of section 264.

"(c) ALL TELECOMMUNICATIONS CARRIERS MUST PARTICIPATE.—Every telecommunications carrier engaged in intrastate, interstate, or foreign communication shall participate, on an equitable and nondiscriminatory basis, in the specific and predictable mechanisms established by the Commission and the States to preserve and advance universal service. Such participation shall be in the manner determined by the Commission and the States to be reasonably necessary to preserve and advance universal service. Any other provider of telecommunications may be required to participate in the preservation and advancement of universal service, if the public interest so requires.

"(d) STATE AUTHORITY.—A State may adopt regulations to carry out its responsibilities under this section, or to provide for additional definitions, mechanisms, and standards to reserve and advance universal service within that State, to the extend that such regulations do not conflict with the Commission's rules to implement this section. A State may only enforce additional definitions or standards to the extent that it adopts additional specific and predictable mechanisms to support such definitions or standards.

"(e) ELIGIBILITY FOR UNIVERSAL SERVICE SUPPORT.—To the extent necessary to provide for specific and predictable mechanisms to achieve the purposes of this section, the Commission shall modify its existing rules for the preservation and advancement of universal service. Only essential telecommunications carriers designated under section 214(d) shall be eligible to receive support for the provision of universal service. Such support, if any, shall accurately reflect what is necessary to preserve and advance universal service in accordance with this section and the other requirements of this Act.

"(f) UNIVERSAL SERVICE SUPPORT.—The Commission and the States shall have as their goal the need to make any support for universal service explicit, and to target that support to those essential telecommunications carriers that serve areas for which such support is necessary. The specific and predictable mechanisms adopted by the Commission and the States shall ensure that essential telecommunications carriers are able to provide universal service at just, reasonable, and affordable rates. A carrier that receives universal service support shall use that support only for the provision, maintenance, and upgrading of facilities and services for which the support is intended.

"(g) INTEREXCHANGE SERVICES.—The rates charged by any provider of interexchange telecommunications service to customers in rural and high cost areas shall be no higher than those charged by such provider to its customers in urban areas.

"(h) SUBSIDY OF COMPETITIVE SERVICES PROHIBITED.—A telecommunications carrier may not use services that are not competitive to subsidize competitive services. The Commission, with respect to interstate services, and the States, with respect to intrastate services, shall establish any necessary cost allocation rules, accounting safeguards, and guidelines to ensure that services included in the definition of universal service bear no more than a reasonable share of the joint and common costs of facilities used to provide those services.

"(i) CONGRESSIONAL NOTIFICATION REQUIRED.—

"(1) IN GENERAL.—The Commission may not take action to require participation by telecommunications carriers or other providers of telecommunications under subsection (c), or to modify its rules to increase support for the preservation and advancement of universal service, until—

"(A) the Commission submits to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Commerce of the House of Representatives a report on the participation required, or the increase of support proposed, as appropriate; and

"(B) a period of 120 days has elapsed since the date the report required under paragraph (1) was submitted.

"(2) NOT APPLICABLE TO REDUCTIONS.—This subsection shall not apply to any action taken to reduce costs to carriers or consumers.

"(j) EFFECT ON COMMISSION'S AUTHORITY.—Nothing in this section shall be construed to expand or limit the authority of the Commission to preserve and advance universal service under this Act. Further, nothing in this section shall be construed to require or prohibit the adoption of any specific type of mechanism for the preservation and advancement of universal service.

"(k) EFFECTIVE DATE.—This section takes effect on the date of enactment of the Telecommunications Act of 1995, except for subsections (c), (d), (e), (f), and (i) which take effect one year after the date of enactment of that Act.".

On page 43, beginning with "receive" on line 25, through "253." on page 44, line 1, is deemed to read "receive universal service support under section 253.".

In section 264 of the Communications Act of 1934, as added by section 310 of the bill beginning on page 132, strike subsections (a) and (b) and insert the following:

"(a) IN GENERAL.—

"(1) HEALTH CARE PROVIDERS FOR RURAL AREAS.—A telecommunications carrier shall, upon receiving a bona fide request, provide telecommunications services which are necessary for the provision of health services, including instruction relating to such services, at rates that are reasonably comparable to rates charged for similar services in urban areas to any public or nonprofit health care provider that serves persons who reside in rural areas. A telecommunications carrier providing service pursuant to this paragraph shall be entitled to have an amount equal to the difference, if any, between the price for services provided to health care providers for rural areas and the price for similar services provided to other customers in comparable urban areas treated as a service obligation as a part of its obligation to participate in the mechanisms to preserve and advance universal service under section 253(c).

"(2) EDUCATIONAL PROVIDERS AND LIBRARIES.—All telecommunications carriers serving a geographic area shall, upon a bona fide request, provide to elementary schools, secondary schools, and libraries universal services (as defined in section 253) that permit such schools and libraries to provide or receive telecommunications services for educational purposes at rates less than the amounts charged for similar services to other parties. The discount shall be an amount that the Commission and the States determine is appropriate and necessary to ensure affordable access to and use of such telecommunications by such entities. A telecommunications carrier providing service pursuant to this paragraph shall be entitled to have an amount equal to the amount of the discount treated as a service obligation as part of its obligation to participate in the mechanisms to preserve and advance universal service under section 253(c).

"(b) UNIVERSAL SERVICE MECHANISMS.—The Commission shall include consideration of the universal service provided to public institutional telecommunications users in any universal service mechanism it may establish under section 253.

Mr. STEVENS. Mr. President, parliamentary inquiry: My amendments 1301, 1302, and 1304 are covered by the unanimous consent agreement. Do I have to call them up at this time?

The PRESIDING OFFICER. The Senator needs to call them up at this time, and they need to be reported.

Mr. STEVENS. I ask that they be reported. I ask unanimous consent that we may proceed in this manner.

AMENDMENTS NOS. 1301, 1302, AND 1304

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS] proposes amendments numbered 1301, 1302, and 1304.

Mr. STEVENS. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 1301

(Purpose: To modify the definition of LATA as it applies to commercial mobile services)

At the appropriate place insert the following:

In section 3(tt) of the Communications Act of 1934, as added by section 8(b) of the bill on page 14, strike "services." and insert the following: "Provided, however, that in the case of a Bell operating company affiliate, such geographic area shall be no smaller than the LATA area for such affiliate on the date of enactment of the Telecommunications Act of 1995."

AMENDMENT NO. 1302

(Purpose: To provide interconnection rules for Commercial Mobile Service Providers)

On page 28 before line 6 inset the following:

"(m) COMMERCIAL MOBILE SERVICE PROVIDERS.—The requirements of this section shall not apply to commercial mobile services provided by a wireline local exchange carrier unless the Commission determines under subsection (a)(3) that such carrier has market power in the provision of commercial mobile service."

AMENDMENT NO. 1304

(Purpose: To ensure that resale of local services and functions is offered at an appropriate price for providing such services)

In subsection (d) of the section captioned "SPECTRUM AUCTIONS" added to the bill by amendment, strike "three frequency bands (225-400 megahertz, 3625-3650 megahertz," and insert "two frequency bands (3625-3650 megahertz".

Mr. STEVENS. All of my amendments will now be called up later?

The PRESIDING OFFICER. The four amendments are now pending.

Mr. STEVENS. I ask unanimous consent that they be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendments are set aside.

Will the Senator indicate to which amendment he intended to offer a second-degree amendment?

Mr. STEVENS. I intend to call up an amendment to amendment numbered 1300, and that has been filed.

The PRESIDING OFFICER. Thank you. Under the unanimous consent order, amendments are to be called up prior to 7:30. It may be that there will be Members of the Senate who will come forward.

Mr. INOUYE. Mr. President, I thank the Chair.

AMENDMENT NO. 1280

(Purpose: To encourage steps to prevent the access by children to obscene and indecent material through the Internet and other electronic information networks)

Mr. INOUYE. On behalf of the Senator from Virginia [Mr. ROBB], I call up amendment No. 1280 and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the clerk will report.

The assistant legislative clerk read as follows:

The Senator from Hawaii [Mr. INOUYE], for Mr. ROBB, proposes an amendment numbered 1280.

Mr. INOUYE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 146, below line 14, add the following:

SEC. 409. RESTRICTIONS ON ACCESS BY CHILDREN TO OBSCENE AND INDECENT MATERIAL ON ELECTRONIC INFORMATION NETWORKS OPEN TO THE PUBLIC.

. . . In order—

(1) to encourage the voluntary use of tags in the names, addresses, or text of electronic files containing obscene, indecent, or mature text or graphics that are made available to the public through public information networks in order to ensure the ready identification of files containing such text or graphics;

(2) to encourage developers of computer software that provide access to or interface with a public information network to develop software that permits users of such software to block access to or interface with text or graphics identified by such tags; and

(3) to encourage the telecommunications industry and the providers and users of public information networks to take practical actions (including the establishment of a board consisting of appropriate members of such industry, providers, and users) to develop a highly effective means of preventing the access of children through public information networks to electronic files that contain such text or graphics,

the Secretary of Commerce shall take appropriate steps to make information on the tags established and utilized in voluntary compliance with subsection (a) available to the public through public information networks.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit the Congress a report on the tags established and utilized in voluntary compliance with this section. The report shall—

(1) describe the tags so established and utilized;

(2) assess the effectiveness of such tags in preventing the access of children to electronic files that contain obscene, indecent, or mature text or graphics through public information networks; and

(3) provide recommendations for additional means of preventing such access.

(d) DEFINITIONS.—In this section:

(1) The term "public information network" means the Internet, electronic bulletin boards, and other electronic information networks that are open to the public.

(2) The term "tag" means a part or segment of the name, address, or text of an electronic file.

Mr. INOUYE. Mr. President, I ask unanimous consent that this amendment be in order to be taken up tomorrow.

The PRESIDING OFFICER. Without objection, it will be set aside.

Mr. INOUYE. I thank the Chair.

Mr. STEVENS. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The Senator from Alaska.

AMENDMENT NO. 1303

(Purpose: To ensure that resale of local services and functions is offered at an appropriate price for providing such services)

Mr. STEVENS. Mr. President, in order to comply with the previous order, I would call up my amendment 1303 and ask unanimous consent to call it up at this time to qualify.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for himself and Mr. INOUYE, proposes an amendment numbered 1303.

Mr. STEVENS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Page 86, line 25, after "basis" insert a comma and "reflecting the actual cost of providing those services or functions to another carrier,"

Mr. STEVENS. Mr. President, I might state that it is not my present intention to call this up. We are working on this, and we may not call this up. I just want to qualify it for the purposes of the RECORD.

The PRESIDING OFFICER. Without objection, the amendment will be set aside.

Mr. INOUYE. Mr. President, the amendment Senator STEVENS and I are introducing provides an essential mechanism for achieving a central goal of this bill—to open the local exchange to competition for the first time. Today's highly competitive long distance market has its roots in a 1976 order by the Federal Communications Commission that ushered in the unrestricted resale of AT&T's telecommunications services by its competitors. The FCC order allowed competitors to purchase AT&T's excess long distance capacity in bulk, at non-discriminatory and often deeply discounted rates, and then resell those services to their own customers at competitive retail rates. Three companies—Sprint, MCI, and LDDS—exploited this resale capability to grow and eventually build their own state-of-the-art national networks. Those networks now allow nationwide, long distance competition with AT&T. What's more, excess capacity in the three new national networks has given birth to an entire industry of more than 500 resellers around the country. The benefits of this new competition among carriers and resellers have been enormous—rapid technological innovations, greater consumer choice, and lower consumer prices.

If our Nation's experience with competitive long distance service is any model—and I am convinced it is our best model—resale will be the essential first step in developing competitive local exchange markets. Given the enormous cost of building sophisticated communications networks throughout the country, local exchange competition will never have a chance to develop if competitors have to start by building networks that are comparable to the vast and well-established Bell networks. For this reason, affordable resale opportunities are the key to stimulating local competition. But these resale opportunities must be based on economically reasonable prices that reflect the actual cost of providing those services and functions to another carrier and not monopoly mark-up prices. The amendment we are offering today will ensure that resale opportunities in the local exchange will in fact stimulate the development local competition.

Make no mistake—we want to be sure that the Bell companies are compensated for the actual cost of providing these facilities, services, and functions to competing carriers. We are not asking them to subsidize their competitors. But neither should these competitors be asked to subsidize the Bell companies. Therefore, resale prices must reflect the very substantial savings that will be realized by the Bell companies by selling their facilities on a wholesale, rather than a resale, basis. As a wholesaler, a Bell company is relieved of the obligation to provide a wide variety of services to the retail customer, such as billing and maintenance, that add to the cost of service. Similarly, the costs associated with marketing, advertising, and collecting on receivables are eliminated when the Bell company acts as a wholesaler. By ensuring that these cost-savings are accurately reflected in the resale prices charged to competing local carriers, we can guarantee a viable resale industry that will serve as an early stimulus for local competition.

The amendment also leaves undisturbed pricing structuring that benefit residential consumers of local exchange service. As the Bell companies have told us, to keep residential prices affordable, they sometimes sell these services below their actual costs and recover the shortfall, where it occurs, by pricing other services above their costs, thereby indirectly subsidizing their residential retail rates. The amendment we offer today will not affect those subsidies, which will be counted towards the recovery of costs in setting resale prices.

We believe the amendment properly balances the interests here in permitting the Bell companies to recover their costs and indeed to make a reasonable profit while assuring that a viable resale business can jump-start local competition. We simply cannot expect competitors to build out their own networks before they can provide full, unrestricted competition to current local exchange service providers. Nor can we expect them to enter the market if the wholesale rates offer them no margins for profit, such as in the Rochester experiment. The creation of full-scale, vigorous competition in the market for local exchange services is critical if our Nation's telecommunications industry is to provide a wide array of the best technology at low costs to consumers. Resale is a proven policy for achieving that competition. I urge my colleagues to adopt this amendment.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. What is the pending business?

The PRESIDING OFFICER. At this point, all the amendments offered have been set aside.

AMENDMENTS NOS. 1301, 1302, 1304

Mr. STEVENS. Mr. President, is it in order to call up my three amendments, 1301, 1302 and 1304?

The PRESIDING OFFICER. It is in order.

Mr. STEVENS. I yield myself 5 minutes on the amendments, and I will make a simple statement on each one.

Amendment No. 1301 is a technical clarification of the definition of LATA—Local Access and Transport Area—in the bill. This amendment clarifies that a Bell company cellular operation will continue to have the same size LATA as they do today.

Mr. President, amendment No. 1302 is a technical clarification of the interconnection requirements of section 251, to ensure that the commercial mobile service portion of a local exchange carrier's network is not subject to the requirements of section 251, unless that carrier has market power in the provision of commercial mobile services.

Mr. President, amendment No. 1304 is a technical amendment to my earlier amendment on spectrum auctions that the Senate adopted this past week. The amendment deletes the requirement that the Secretary of Commerce submit a timetable for the reallocation of the 225 to 400 megahertz band of spectrum.

I have had several discussions on this matter with the Department of Defense and the National Telecommunications and Information Agency. Both have recommended that this frequency continue to be reserved for military and public safety uses.

I might point out that my amendment did not mandate the transfer of that spectrum. It merely made the spectrum subject to the requirement that the Secretary provide a schedule for transfer. The Secretary could have indicated no intent to transfer. But since there was a problem, I am going to ask the adoption of this amendment.

I am informed that amendment No. 1304 has no budgetary impact on the statement I have previously made to the Senate concerning the estimate of revenues pursuant to the CBO estimate process for my spectrum auction amendment that was adopted last week.

If there are any questions from any Member about these three technical amendments, I would be pleased to respond at this time.

I reserve the remainder of my time.

Mr. HOLLINGS. The amendments have been cleared on this side.

Mr. STEVENS. Mr. President, I am pleased to have the statement of the Senator from South Carolina that these three amendments are cleared on his side. I ask my friend, the chairman of the Commerce Committee, if he is prepared to similarly support these amendments?

Mr. PRESSLER. Yes, we are prepared to do that. We thank the Senator for taking care of them in such a good manner.

Mr. STEVENS. I yield the remainder of my time.

Who controls the other time?

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. PRESSLER. I propose that, if we can, we adopt the amendments.

Mr. STEVENS. I ask unanimous consent that the amendments be considered, en bloc, and adopted, en bloc.

The PRESIDING OFFICER. Without objection, the amendments are agreed to, en bloc.

So the amendments (Nos. 1301, 1302, and 1304) were agreed to, en bloc.

Mr. PRESSLER. Mr. President, I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1300, AS MODIFIED

Mr. STEVENS. I send a modification to amendment No. 1300 to the desk.

The PRESIDING OFFICER. The Senator has that right.

The amendment is so modified.

The amendment (No. 1300), as modified, is as follows:

On page 36, between lines 23 and 24, insert the following new subsection and renumber the remaining subsections accordingly:

(a) FINDINGS.—The Congress finds that—

(1) the existing system of universal service has evolved since 1930 through an ongoing dialogue between industry, various Federal-State Joint Boards, the Commission, and the courts;

(2) this system has been predicated on rates established by the Commission and the States that require implicit cost shifting by monopoly providers of telephone exchange service through both local rates and access charges to interexchange carriers;

(3) the advent of competition for the provision of telephone exchange service has led to industry requests that the existing system be modified to make support for universal service explicit and to require that all telecommunications carriers participate in the modified system on a competitively neutral basis; and

(4) modification of the existing system is necessary to promote competition in the provision of telecommunications services and to allow competition and new technologies to reduce the need for universal service support mechanisms.

On page 38, beginning on line 15, strike all through page 43, line 2, and insert the following:

"SEC. 253. UNIVERSAL SERVICE.

"(a) UNIVERSAL SERVICE PRINCIPLES.—The Joint Board and the Commission shall base policies for the preservation and advancement of universal service on the following principles:

"(1) Quality services are to be provided at just, reasonable, and affordable rates.

"(2) Access to advanced telecommunications and information services should be provided in all regions of the Nation.

"(3) Consumers in rural and high cost areas should have access to telecommunications and information services, including interexchange services, that are reasonably comparable to those services provided in urban areas.

"(4) Consumers in rural and high cost areas should have access to telecommunications and information services at rates that are reasonably comparable to rates charged for similar services in urban areas.

"(5) Consumers in rural and high cost areas should have access to the benefits of advanced telecommunications and information services for health care, education, economic development, and other public purposes.

"(6) There should be a coordinated Federal-State universal service system to preserve and advance universal service using specific and predictable Federal and State mechanisms administered by an independent, nongovernmental entity or entities.

"(7) Elementary and secondary schools and classrooms should have access to advanced telecommunications services.

"(b) DEFINITION.—

"(1) IN GENERAL.—Universal service is an evolving level of intrastate and interstate telecommunications services that the Commission, based on recommendations from the public, Congress, and the Federal-State Joint Board periodically convened under section 103 of the Telecommunications Act of 1995, and taking into account advances in telecommunications and information technologies and services, determines—

"(A) should be provided at just, reasonable, and affordable rates to all Americans, including those in rural and high cost areas and those with disabilities;

"(B) are essential in order for Americans to participate effectively in the economic, academic, medical, and democratic processes of the Nation; and

"(C) are, through the operation of market choices, subscribed to by a substantial majority of residential customers.

"(2) DIFFERENT DEFINITION FOR CERTAIN PURPOSES.—The Commission may establish a different definition of universal service for schools, libraries, and health care providers for the purposes of section 264.

"(c) ALL TELECOMMUNICATIONS CARRIERS MUST PARTICIPATE.—Every telecommunications carrier engaged in intrastate, interstate, or foreign communication shall participate, on an equitable and nondiscriminatory basis, in the specific and predictable mechanisms established by the Commission and the States to preserve and advance universal service. Such participation shall be in the manner determined by the Commission and the States to be reasonably necessary to preserve and advance universal service. Any other provider of telecommunications may be required to participate in the preservation and advancement of universal service, if the public interest so requires.

"(d) STATE AUTHORITY.—A State may adopt regulations to carry out its responsibilities under this section, or to provide for additional definitions, mechanisms, and standards to preserve and advance universal service within that State, to the extent that such regulations do not conflict with the Commission's rules to implement this section. A State may only enforce additional definitions or standards to the extent that it adopts additional specific and predictable mechanisms to support such definitions or standards.

"(e) ELIGIBILITY FOR UNIVERSAL SERVICE SUPPORT.—To the extent necessary to provide for specific and predictable mechanisms to achieve the purposes of this section, the Commission shall modify its existing rules for the preservation and advancement of universal service. Only essential telecommunications carriers designated under section 214(d) shall be eligible to receive support for the provision of universal service. Such support, if any, shall accurately reflect what is necessary to preserve and advance universal service in accordance with this section and the other requirements of this Act.

"(f) UNIVERSAL SERVICE SUPPORT.—The Commission and the States shall have as their goal the need to make any support for universal service explicit, and to target that support to those essential telecommunications carriers that serve areas for which such support is necessary. The specific and predictable mechanisms adopted by the Commission and the States shall ensure that essential telecommunications carriers are able to provide universal service at just, reasonable, and affordable rates. A carrier that receives universal service support shall use that support only for the provision, maintenance, and upgrading of facilities and services for which the support is intended.

"(g) INTEREXCHANGE SERVICES.—The rates charged by any provider of interexchange telecommunications service to customers in rural and high cost areas shall be no higher than those charged by such provider to its customers in urban areas.

"(h) SUBSIDY OF COMPETITIVE SERVICES PROHIBITED.—A telecommunications carrier may not use services that are not competitive to subsidize competitive services. The Commission, with respect to interstate services, and the States, with respect to intrastate services, shall establish any necessary cost allocation rules, accounting safeguards, and guidelines to ensure that services included in the definition of universal service bear no more than a reasonable share of the joint and common costs of facilities used to provide those services.

"(i) CONGRESSIONAL NOTIFICATION REQUIRED.—

"(1) IN GENERAL.—The Commission may not take action to require participation by telecommunications carriers or other providers of telecommunications under subsection (c), or to modify its rules to increase support for the preservation and advancement of universal service, until—

"(A) the Commission submits to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Commerce of the House of Representatives a report on the participation required, or the increase in support proposed, as appropriate; and

"(B) a period of 120 days has elapsed since the date the report required under paragraph (1) was submitted.

"(2) NOT APPLICABLE TO * * * .— * * *

"(j) EFFECT ON COMMISSION'S AUTHORITY.—Nothing in this section shall be construed to expand or limit the authority of the Commission to preserve and advance universal service under this Act. Further, nothing in this section shall be construed to require or prohibit the adoption of any specific type of mechanism for the preservation and advancement of universal

"(k) EFFECTIVE DATE.—This section takes effect on the date of enactment of the Telecommunications Act of 1995, except for subsections (c), (d), (e), (f), and (i) which take effect one year after the date of enactment of that Act.".

On page 43, beginning with "receive" on line 25, through "253." on page 44, line 1, is deemed to read "receive universal service support under section 253.".

In section 264 of the Communications Act of 1934, as added by section 310 of the bill beginning on page 132, strike subsections (a) and (b) and insert the following:

"(a) IN GENERAL.—

"(1) HEALTH CARE PROVIDERS FOR RURAL AREAS.—A telecommunications carrier shall, upon receiving a bona fide request, provide telecommunications services which are necessary for the provision of health care services, including instruction relating to such services, at rates that are reasonably comparable to rates charged for similar services in urban areas to any public or nonprofit health care provider that serves persons who reside in rural areas. A telecommunications carrier providing service pursuant to this paragraph shall be entitled to have an amount equal of the difference, if any, between the price for services provided to health care providers for rural areas and the price for similar services provided to other customers in comparable urban areas treated as a service obligation as a part of its obligation to participate in the mechanisms to preserve and advance universal service under section 253(e).

"(2) EDUCATIONAL PROVIDERS AND LIBRARIES.—All telecommunications carriers serving a geographic area shall, upon a bona fide request, provide to elementary schools, secondary schools, and libraries universal services (as defined in section 253) that permit such schools and libraries to provide or receive telecommunications services for educational purposes at rates less than the amounts charged for similar services to other parties. The discount shall be an amount that the Commission and the States determine is appropriate and necessary to ensure affordable access to and use of such telecommunications by such entities. A telecommunications carrier providing service pursuant to this paragraph shall be entitled to have an amount equal to the amount of the discount treated as a service obligation as part of its obligation to participation in the mechanisms to preserve and advance universal service under section 253(c).

"(b) UNIVERSAL SERVICE MECHANISMS.—The Commission shall include consideration of the universal service provided to public institutional telecommunications users in any universal service mechanism it may establish under section 253.

I have a second-degree amendment which I filed to this amendment numbered 1300.

I send that amendment to the desk and ask that my amendment numbered 1300, be amended by that amendment in the second degree.

The PRESIDING OFFICER. Is there objection to the modification?

Mr. HOLLINGS. Reserving the right to object, Mr. President, what we are trying to do is see that amendment in the second degree. We do not have that.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PRESSLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1280

Mr. PRESSLER. Mr. President, I ask unanimous consent that the Senate now turn to the consideration of amendment 1280, that it be considered as read, adopted and the motion to reconsider be laid upon the table, all without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the amendment (No. 1280) was agreed to.

Mr. PRESSLER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1300

Mr. STEVENS. Mr. President, I renew my request that amendment 1300 be amended by the second-degree amendment that is at the desk.

What the second-degree amendment does is delete a provision that I added in the modification to clarify a concern that I thought had been expressed by the House. It was in order, and I ask to delete that one sentence in accordance with that amendment.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

Mr. STEVENS. Mr. President, this amendment modifies the universal service provisions of the bill to address concerns that were raised by the House Ways and Means Committee.

As we know, bills that concern the raising of revenues must originate in the House. We did not intend to raise revenues, and this bill does not do so, either before or after this amendment.

The amendment has been cleared by both sides of the Senate, and the second-degree amendment has now made this amendment consistent with the position, as we understand it, that has been brought by the House Members who raised concerns about the original language in the bill concerning universal service.

As amended, these universal service provisions more clearly address the goal of the bill, which is to target universal service support where it is needed.

I will submit a statement later tomorrow, discussing in detail the House concerns. Again, I want to state we are doing our best to meet the concerns that have been expressed by the House Ways and Means Committee.

There is no intention here to make this bill a revenue-raising measure, and it is not one. It merely intends to modify the existing universal service concept in telecommunications. As I pointed out before, the CBO has informed Members that the universal service concept in this bill will cost less than the current system. Therefore, it is not a revenue-raising measure.

I do ask now that this amendment 1300 be adopted. I hope that my two friends, the managers of the bill, will agree with me that the amendment—which, incidentally, I assume will be printed in the RECORD before my remarks. Is that the case?

The PRESIDING OFFICER. The Senator is correct.

Mr. STEVENS. I point out to the Senate that the amendment makes specific findings of the Congress with regard to the universal service system that exists and has been developed through an ongoing dialog between industry, the various Federal-State joint boards, the FCC, and the courts.

It is an ongoing system that has been predicated on rights established by the dialog. I believe that the findings we have now put in the bill clarify our intent with regard to the concept of continuing universal service through the use of essential telecommunications carriers.

It is a modification of the existing concept, as I said, and it will save money for the system. I believe it will provide universal service in the future that will meet the expanding needs of the country, particularly the rural areas.

Are my friends ready to accept the amendment numbered 1300, may I inquire of the distinguished Senator from South Carolina?

Mr. HOLLINGS. Mr. President, No. 1300 has been cleared on this side.

Mr. STEVENS. May I make a similar inquiry of the Senator from South Dakota? Is that amendment acceptable to the chairman of the committee?

Mr. PRESSLER. That amendment is acceptable to the ranking member and I. I commend the Senator from Alaska for his efforts.

Mr. STEVENS. Mr. President, I ask for the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1300), as modified, was agreed to.

Mr. STEVENS. I move to reconsider the vote.

Mr. PRESSLER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. I thank both the chairman and ranking member.

I am pleased to see we were able to work this out. I hope it is worked out now between the Senate and the House, particularly with regard to concerns raised by the House Ways and Means Committee members.

Mr. BURNS. While the Senator from Alaska is on the floor, I want to express my appreciation for his work on this, as a supporter of universal service, which is the core of our telecommunications industry, and he has worked this out to the good, I think, of the industry. He has been a tireless worker in this. I appreciate his efforts, along with many who serve with him on the committee. We appreciate that very much.

Mr. STEVENS. Mr. President, if the Senator will yield, I think due credit has to be given to the staff of the committee on both sides, of the majority and minority, and my able assistant, Earl Comstock, who has worked extensively and tirelessly on the subject. To us in rural America this is the core of this bill.

Mr. BURNS. Mr. President, I would just want to make a few remarks with regard to the Lieberman amendment which the Senator spoke on just a little while ago.

I want to set the record straight, because with this amendment we are going down the old road of reregulation. In fact, more regulation than was placed on the cable industry a couple of years ago.

We saw the figures of the stock and the worth of these companies, and even though I want to pass along these figures, make no mistake, regulation is not too much of a friend to those entrepreneurial people who have built probably one of the greatest cable systems in the world.

What we have done is regulated an industry, basically, that is not a necessity in the home. In other words, the homeowner, or whomever, has the freedom of not taking the service. There is still over-the-air free broadcast television that can be received almost everywhere in the United States. There may be some specific spots that do not receive free over-the-air television.

Also, in my State, looking at the rates where I can remember when we only got the two local stations, and I think three stations from Salt Lake City, and maybe a public television station when cable first came to Billings, MT. That service cost about $5.50, I think, to $6, something like that. Today we receive between 40 or 45 channels for $21. When you figure the cost per channel, cable rates have not gone up any.

And that was done at a time when there was no regulation in the cable industry. The explanation for the explosion in the jobs that were provided, the opportunity in programming, new ideas, new channels, exciting Discovery—all of those channels came to be under an era when there was no regulation.

Since we passed the 1994 reregulation of cable, cable revenues have remained flat. In other words, around $23 billion in 1993; $23 billion in 1994.

If you look at the cash flows on the reports of the major companies, companies like TCI—their cash flow, $60 billion; Time Warner Cable, $46 billion; Comcast, $30 billion; and Cox at $27.2 billion—those are flat from 1993 to 1994 and 1995.

Stock values have dropped about 10.1 percent between September 1993 and April 1995, while the S&P and NASDAQ indexes have risen 12.2 percent and 14 percent respectively.

According to A.C. Nielsen, subscriber growth rates have declined from 3.14 percent in 1993 to 2.85 percent in 1994.

It is very dangerous, when we start down this road of reregulating. Right now competition in the entertainment business and in the television business has never been better. And I ask my friend from Connecticut, why would anybody, even a telco, want to go into the cable business with a regulated environment where they could not recover their costs of investment? This is anticompetitive legislation, if I have ever seen it. In other words, it is, I would imagine, to those who are regulated, those who are already in the business—they would stay there. They are warm and comfortable in that cocoon. But whoever wants to go into the business—the investment and ability to recover under a regulatory environment is very, very difficult.

So, if we want to promote competition, and that is the very heart and soul of this legislation, you create competition, you also create new technologies and new tools and force those technologies into the areas that need them so; and that technology gives them the tools for distance learning, telemedicine, and a host of services that we just would not see in States as remote as my home State of Montana.

So, the argument just does not hold water. Additional regulation or additional rules in order to lift regulatory control is counterproductive, and that is what this amendment would be.

I am sure we will have a lot of time tomorrow to make our statements on this. It all depends on what the agreement is. But this is a damaging amendment. It slows the growth in one of the most dynamic industries, the industry that has the potential for the most growth and the potential to really push new services out into America. Do you know what? They always talk about the glass highway, the information highway. If one wants to think a little bit, maybe the information highway is already there and it could have been built in an era where there was no regulation and it could be called cable.

Think about that. Whenever we provide a competitive environment for both the telcos and personal communications, and also in telecommunications, and then in cable communications, we set the environment for a lot of competition, I imagine the big winner will be the consumers of this country and the services they receive and the price those services will be.

Mr. President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. INHOFE). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PRESSLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRESSLER. Mr. President, I want to identify myself with the remarks of the Senator from Montana. I think Senator BURNS is very accurate on this cable thing.

As reported by the Commerce Committee on March 30, this bill would maintain regulation of basic cable rates until there is effective competition; deregulate upper tiers of cable programming services only if they do not "substantially exceed" the "national average" for comparable programming service and redefine the effective competition standard to include a telephone company offering video services.

On June 9, the Senate adopted, 77 to 8, a Dole-Daschle leadership amendment, of which I was also a cosponsor, which met the concerns of those who believe that, despite the safeguards already contained in S. 652, it might lead to unreasonable rate increases by large cable operators. The Dole-Daschle amendment also deregulated small operators, a feature of the pending Lieberman amendment, which proposes to narrow the definition of effective competition and tie "national average" to systems that already face effective competition. As such, the Lieberman amendment is excessive and unwarranted.

As modified by our amendment, S. 652 will now, first, establish a fixed date, June 1, 1995, for measuring the "national average" price for cable services and only allow adjustments every 2 years. This provision eliminates the possibility that large cable operators could collude to artificially inflate rates immediately following enactment of S. 652. The bill as amended, establishes a "national average" based on cable rates in effect prior to passage of S. 652, when rate regulation was in full force, and excludes rates charged by small cable operators in determining the "national average" rate for cable services.

This provision addresses the concerns that deregulation of small system rates, which was included as part of the Dole-Daschle amendment to S. 652, would inflate the "national average" against which the rates of large cable companies would be measured. It specifies that "national average" rates are to be calculated on a per-channel basis.

This provision ensures that "national average" is standardized, and takes into account variations in the number of channels offered by different companies as part of their expanded program packages. It specifies that a market is effectively competitive only when an alternative multichannel video provider offers services "comparable" to cable television service.

This provision enables cable operators not to be prematurely deregulated under the effective competition provision if, for example, only a single channel of video programming is being delivered by telco, video, and dial tone providers in an operator's market.

What the bill does: The basic tier, broadcast and PEG, remains regulated until, one, telco offers video programming, or, two, direct broadcast satellite, or any other competitor reaches 15 percent of the market penetration.

I think that is very important because the basic tier remains regulated until the telco in the area has competition or until there is at least 15 percent of a direct broadcast satellite.

The upper tiers of cable rates are subject to bad actor review when the price of program packages significantly exceeds the national average. I have been in some parts of the country where you see a cable rate that is much higher, sort out of the blue, and I think that under this legislation that could fall under the so-called bad actor provision of the legislation.

The point we are making is that, as we move toward deregulation of these cable rates, there are safeguards built into this bill.

I am very concerned that the Lieberman amendment would undo the carefully crafted compromise on cable deregulation that has been agreed to by Democrats and Republicans, and we have had several votes in committee and on the floor already. We have the leadership packet. This would tend to unravel all of that at this late moment.

The fact of the matter is that rates continue to rise with regulation. Cable rates will continue to increase with regulations. Indeed, they have been increasing with regulations. The FCC rules allow rates to increase for inflation, added program costs, new equipment charges, and other factors.

Actual and potential competition spurred by our bill will result in lower cable rates.

I have said that, if we can pass this bill, we will have much lower cable rates than we would under a regulated system because we will have more providers, we will have direct broadcast satellite, we will have the video dial, and we will have the opportunity for utilities to come into the television market.

We are really talking about, with this type of regulation, the 1950's and

1960's and 1970's when maybe you could conceivably say some of this was necessary when you just had one or two providers. But in the 1990's and on into the year 2000, we will have a broad range of competition. I hope that we can take advantage of that. It will result in lower cable rates.

Regulation harms the cable industry. In 1994, for the first time ever, cable revenues remained flat—$23.021 billion in 1993, and $23 billion again in 1994. Cash flows for major companies declined. TCI, $60 billion; Time Warner Cable, $46 billion; Comcast, $30.1 billion; Cox, $27.2 billion.

Cable stock values dropped 10.1 percent between December 1993 and April 1995 while the S&P and NASDAQ indexes rose by 12.2 percent and 14 percent, respectively. That is about a 20-percent spread.

During the last year 16 major cable companies, representing 20 percent of the industry, serving 12 million subscribers have sold or announced their intentions to exit the industry.

Capital raised for public debt and equity offerings declined 81 percent in 1994, $8.6 billion in 1993 to $1.6 billion in 1994.

According to A.C. Nielsen, subscriber growth rates declined from 3.14 percent in 1993 to 2.85 percent in 1994.

Existing and potential competition: Direct broadcast satellite is the fastest growing consumer electronics product in history with 2,000 new subscribers a day projected to grow to 2.2 million subscribers by year's end and over 5 million by 2000.

Due to program access, direct broadcast satellite offers every program service available on cable plus exclusive direct broadcast satellite programming, such as movies and sports; for example, 400 NBA games this season and 700 games next season.

Cable also faces competition from 4 million C-band dishes.

Wireless cable has 600,000 subscribers, expected to grow 158 percent in 2 years to 1.5 million and to 3.4 million by 2000. Bell Atlantic, NYNEX, and PacTel have recently invested in wireless cable.

So the point is there are new services being offered. There is new competition coming forward.

Telcos have numerous video programming trials all over the United States. Meanwhile the Clinton/Gore administration continues to fight in court to keep the cable-telco ban firmly in place.

Cable deregulation is a prerequisite for competition in telecommunications.

A central goal of this bill is to create a competitive market for telecommunications services.

Cable television companies are the most likely competitors to local phone monopolies, but in order to develop advanced, competitive telecommunications infrastructures, cable companies must invest billions in new technologies.

Federal regulation of television has restricted the cable industry's access to capital, has made investors concerned about future investments in the capable industry, and reduced the ability of cable companies to invest in technology and programming.

Concerns about cable rate increases should be mitigated by cable's new competitive pressures from direct broadcast satellite services and from telco-delivered video programming.

Deregulation of cable television services is a prerequisite to bringing competition to telecommunications and is essential to making the competitive model embodied in S. 652 viable.

Cable systems pass over 96 percent of Americans homes with coaxial cables that carry up to 900 times as much information as the local phone company's twisted pair.

Cable companies are leaders in the use of fiber optics and digital compression technology.

Cable's high-capacity systems will ultimately provide virtually every type of communication service conceivable and allow consumers to choose between competing providers of advanced voice, video, and data services.

Mr. President, I feel very strongly that we have reached a proper balance regarding cable in this bill, and to adopt the Lieberman amendment would undo that package that has been worked out.

I also feel very strongly that the American public will benefit from what we are doing here. I mentioned earlier that I have received 500 letters from the small business people at the White House Conference on Small Business who want to pass the Senate-passed bill and also urge President Clinton to endorse the Senate-passed bill.

I think that we all want that procompetitive deregulatory environment. Everybody says that. But many of the folks out there are arguing to preserve regulation. I frequently see large companies using Government regulation to block out competition.

I look upon this telecommunications area as a group of people in a room with a huge buffet of food stacked on the table. But they are all worried that somebody else is going to get an extra carrot. I think we are going to find there is plenty for all, and the consumers will benefit with lower telephone prices, lower cable prices, more services, more services for senior citizens, more services for farmers, and our small cities will be able to flourish.

And it is my strongest feeling that we should continue, as we have done all day, to defeat these amendments tomorrow. We had a very good day today and yesterday in terms of holding this committee bill together.

I see one of my colleagues is in the Chamber and wishes to speak. I am glad to have any speakers. We are trying to move forward. I thank you very much.

I yield the floor.

Mr. DASCHLE. Mr. President, this debate on S. 652 has clearly demonstrated the potential of emerging telecommunications technologies. It is truly exciting to contemplate what this legislation could mean for American society.

A particularly intriguing new development in the telecommunications field is the creation of personal communications service [PCS]. These devices will revolutionize the way Americans talk, work, and play.

While this new technology opens new vistas for personal communications services, its emergence also highlights the potential downside of entering untested areas. Specifically, concerns have been raised about the potential side-effects of some new PCS technology on other devices such as hearing aids.

Recently, the Government completed an auction that netted $7 billion for the right to provide advanced digital portable telephone service. It is my understanding that some of the companies that obtained these PCS licenses have considered utilizing a technology known as GSM—global system for mobile communications. I am informed that people who wear hearing aids cannot operate GSM PCS devices, and some even report physical discomfort and pain if they are near other people using GSM technology.

It should not be our intent to cause problems for the hearing impaired in promoting the personal communications services market. It is my view that the Federal Communications Commission [FCC] should carefully consider the impact new technologies have on existing ones, especially as they relate to public safety and potential signal interference problems. An FFC review is in keeping with the intent of S. 652, which includes criteria for accessibility and usability by people with disabilities for all providers and manufacturers of telecommunications services and equipment.

Mr. HOLLINGS. Will the Senator yield?

Mr. DASCHLE. I will be glad to yield to the honorable ranking member of the Commerce Committee.

Mr. HOLLINGS. I thank the Senator for yielding and support his suggestion that the FCC investigate technologies that may cause problems for significant segments of our population before they are introduced into the U.S. market. Such review is prudent for consumers, and it will help all companies by answering questions of safety interference before money is spent deploying this technology here in the United States.

Four million Americans wear hearing aids, and the Senator from South Dakota has raised an important issue.

GSM has been introduced in other countries, and problems have been reported. It is reasonable that these problems be investigated before the growth of this technology effectively shuts out a large sector of our population.

Mr. DASCHLE. I thank the Senator for his remarks, and would also like to commend his role in bringing telecommunications reform to the floor. His leadership and patience throughout this 3-year exercise that has spanned two Congresses is well known and widely appreciated.

Mr. President, the public record indicates that if companies are allowed to introduce GSM in its presemt form, serious consequences could face individuals wearing hearing aids. I would urge the FCC to investigate the safety, interference and economic issues raised by this technology. I also would urge the appropriate congressional committees to consider scheduling hearings on this issue.

AMENDMENTS NO. 1256 AND 1257

Mr. HOLLINGS. I would direct a question to my colleague with regard to the Stevens amendment on expanded auction authority for the FCC, as amended by the Pressler amendment. These amendments will auction spectrum currently assigned to broadcast auxiliary licensees, and were adopted by voice vote Wednesday evening. This bill now conforms with the Budget Act. Specifically, I do not believe that it is the intention of the sponsors to impede the ability of local broadcasters to continue to deliver on-the-spot news and information.

Mr. STEVENS. That is correct. Several concerns have been raised about auction of certain spectrum which we intend to address as this bill proceeds to conference with its companion bill in the House. In addition, some of these same concerns will be considered within the budget reconciliation bills later this summer. Therefore, we will continue to review these provisions to determine whether the newly-assigned spectrum will adequately satisfy the needs of electronic news gathering, what, if any, interference problems will arise, and how the costs of such transfers should be borne.

Mr. HOLLINGS. I thank my colleague for his comments.

MONOPOLY TELEPHONE RATES

Mr. GLENN. Mr. President, I rise in support of Senator KERREY's monopoly telephone rates amendment. This amendment offers critical protection for ratepayers from potential multibillion rate increases for telecommunications services during the transition to effective local competition.

In mandating price flexibility and prohibiting rate-of-return regulation, section 301 of the bill also prohibits State and Federal regulators from considering earnings when determining whether prices for noncompetitive services are just, reasonable, and affordable. While the Federal Communications Commission [FCC] and many State commissions have instituted various price flexibility plans, most of those plans involve some consideration of earning. If regulators are prohibited from considering the earnings factor when determining the appropriateness of prices for noncompetitive services, the captive ratepayers of these services will be subject to unwarranted rate increases.

Mr. President, this amendment does not change the bill's prohibition on rate-of-return regulation. The amendment would simply allow State and Federal commissions to consider earnings when authorizing the prices of those noncompetitive services. In this way, the amendment provides a safeguard against excess rate impacts in the future.

Mr. President, the monopoly telephone rates amendment recognizes that it is appropriate and in the consumers' interest for State regulators to continue to have a roll in determining the price of noncompetitive services in their States, and in having the discretion to consider the earnings of the local telephone company. Approximately 75 cents of every dollar consumers spend on their overall telephone bills is for calls made within their State. The goal of local telephone competition advanced in this legislation will not be achieved overnight. In the interim, State regulators should have the authority to consider a company's earnings before setting the price level of noncompetitive services. I urge my colleagues to join me in voting for this amendment.

PREEMPTION OF STATE-ORDERED INTRALATA DIALING PARITY

Mr. FEINGOLD. Mr. President, as an original cosponsor of the amendment filed yesterday by the Senator from Vermont [Senator LEAHY], amendment number 1289, I want to discuss the important issue of intraLATA dialing parity.

Mr. President, Senator LEAHY's amendment was very simple. It would have merely clarified the rights of the States to implement pro-competitive measures for telecommunications markets within their State borders, a role which we have always provided to our States. As is often the case in other policy areas, many States, including Wisconsin, are ahead of the Federal Government in deregulating telecommunications markets. In the case of my State, efforts to begin deregulation of telecommunications markets have been on-going for many years, culminating in a major telecommunications bill passed by Wisconsin's State legislature last year and signed by our Governor.

Unfortunately, while S. 652 has the laudable goal of increasing competition in all telecommunications markets, without the changes that the Senator from Vermont and I are promoting, it would actually cripple existing State efforts to enhance competition in markets within their own borders. The legislation would prevent States from ordering intraLATA dialing parity in local telecommunications markets until the incumbent regional bell operating company is allowed access to long distance markets.

IntraLATA dialing parity is complicated phraseology for a very simple concept. Currently, for any long distance calls that consumers make within their own LATA or local access and transport area—also known as short-haul long distance—are by default handled by the local toll provider. In order to use an alternative long distance company to make a short-haul long distance call, a consumer would have to dial a long string of numbers to access that service, in addition to the telephone number they must dial. For most consumers, that is a inconvenience they simply will not tolerate and provides an advantage to the incumbent toll provider in providing short-haul long distance.

Dialing Parity already exists in interstate long distance markets, which is why any person can place a long distance call simply by dialing 1 plus the area code and phone number. The call is automatically routed through the long distance carrier the consumer has preselected. This convenience simply does not exist for consumers making short-haul long distance calls within their own LATA.

Wisconsin's Public Service Commission has gone through a lengthy multi-year process examining the technical feasibility and cost of requiring dialing parity for short-haul long distance, determining whether competition would be enhanced by this type of dialing parity and whether the public interest would be served by dialing parity for short-haul toll calls.

Their findings indicated that not only was intraLATA dialing parity technically feasible, it was also in the public interest. The Commission stated:

> IntraLATA 1+dialing parity will benefit customers and the State; will encourage the development of new products and services at reduced prices; and will result in local company provision of service more efficiently as the market becomes more competitive.

In 1994, State legislation directed our Wisconsin Public Service Commission to develop rules for 1+dialing parity for intraLATA markets. The Commission has not approached this in a haphazard manner, Mr. President. In fact the Commission has established procedures whereby a provider can request dialing parity and a company asked to provide that service to request a temporary suspension from honoring the request. This provides our PSC with the opportunity to review each request on a case by case basis if necessary. Our State legislature and our Governor endorsed this process in the Telecommunications Deregulation Act passed and signed into law last summer.

That legislation went far beyond the issue of dialing parity but also allowed the toll providers to use price cap regulation instead of rate of return regulation. The bill also stripped certain providers of their monopoly status to allow for greater competition in service areas to which they were not previously allowed access. This legislation was miles ahead of Federal legislation, Mr. President.

Mr. President, the point of this lengthy description of Wisconsin's deregulatory process is to emphasize that the States are well qualified and experienced in deregulating telecommunications markets and are doing so in a well-reasoned and orderly fashion.

Senator LEAHY's amendment would have simply allowed States to continue on their path to deregulation and increased competition in telecommunications markets unhampered by the Federal Government. The amendment would have allowed the 10 States that have already ordered intraLATA dialing parity and the 13 States that are currently considering that option, to continue their efforts without being derailed by this bill.

Those States may, in some instances, determine that competition will, in fact, not be enhanced by providing intraLATA dialing parity in certain markets if the incumbent toll provider is not allowed to enter long distance markets. In other cases, however, a State's Public Service Commission's deliberative process may indicate that, in other markets, dialing parity should be provided regardless of whether the incumbent toll provider has access to long distance service. The State has the expertise to examine the different competitive circumstances for individual markets and they should be allowed to do so.

It is inappropriate for the Congress to attempt to preempt a State's ability to make these types of decisions. Recently, 24 Attorneys General, in a letter to Senators, stated their opposition to the preemption of State's ability to order intraLATA dialing parity. Signing that letter were State Attorneys General from Wisconsin, New Mexico, Arizona, Arkansas, Connecticut, Delaware, Florida, Illinois, Iowa, Kansas, Kentucky, Massachusetts, Minnesota, Missouri, Montana, North Dakota, Oklahoma, Tennessee, Utah, Vermont, Washington, and West Virginia, among others. I ask unanimous consent that a copy of that letter be printed in the RECORD.

Mr. President, I also ask unanimous consent that a letter from the Chairman of the Public Service Commission of Wisconsin, Cheryl Parrino, in support of this amendment and addressing the issue of Universal Service be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

[See Exhibit 1.]

Mr. FEINGOLD. The amendment which I have been working on with Senator LEAHY would have simply made clear that the bill before us shall not prevent a State from taking procompetitive steps by requiring intraLATA dialing parity within markets under their regulatory jurisdiction.

Mr. President, however, it is my understanding that there are a number of objections to this amendment. In response to those objections, the Senator from Vermont [Senator LEAHY] and the Senator from Louisiana [Senator BREAUX] have worked out a compromise which will allow the States that have already ordered intraLATA dialing parity, such as Wisconsin, as well as single LATA states to implement it despite the overall preemption contained in this bill. However, the compromise restricts companies seeking to offer competitive intraLATA toll services from jointly marketing their intraLATA toll services with their long distance services for a period of up to 3 years. There may be concerns with respect to this restriction that may need to be addressed before the legislation is enacted.

I appreciate the hard work of my colleagues, Senators LEAHY and BREAUX in reaching this agreement. I thank them for their efforts.

EXHIBIT 1

PUBLIC SERVICE COMMISSION
OF WISCONSIN,
June 12, 1995.

Hon. RUSSELL FEINGOLD,
U.S. Senator, Washington, DC.

DEAR SENATOR FEINGOLD: I applaud your efforts to remove preemptive language from the telecommunications bill pending before the Senate. This letter is to express support for your amendment that eliminates a preemption clause that prohibits state actions that require intraLATA dialing parity. In Wisconsin, the Public Service Commission of Wisconsin has ordered full intraLATA dialing parity (1 + presubscription), and it is our belief that implementation of our orders on that issue will enhance competition and serve the public interest. It would be a disservice to the telecommunications customers of Wisconsin if federal action negated our decision on this issue.

Proponents of preemption have suggested that state actions to order full dialing parity prior to federal court action allowing the entry of the Regional Bell Operating Companies (RBOCs) into the interLATA toll market would constitute a threat to universal service. This argument is simply off base.

States, particularly state regulatory commissions, are inexorably attuned to the needs of the citizens of the states and are very cognizant of the need to maintain universal service. Any state commission considering an order for full dialing parity will have every opportunity to consider the costs of that decision and the related implications for universal service. The orders of the Wisconsin Commission that mandate intraLATA 1 + presubscription include a process whereby individual local exchange companies may request Commission waivers of the requirements for dialing parity implementation. This Commission will certainly consider the potential costs of dialing parity implementation and modify our requirements when it is in the best interests of the consumers. I am confident that other state commissions would give this same consideration.

Further, in Wisconsin, legislation passed last summer mandates a universal service program. This Commission will be promulgating rules to assure service is available and affordable to all parts of the state and to all segments of the public. The safeguards available through that program offer further support to actions by this Commission to move forward with the introduction of competition and fair competitive service standards at a pace that is reflective of the specific needs of this state. Universal mandates or activities are being addressed in numerous other states. Those state plans should be allowed to move forward based on the respective wisdom of the state legislatures or commissions in those states. A blanket hold on all intraLATA dialing parity by Congressional fiat gives no weight to the evidence of competitive need and regulatory safeguards in any individual state.

Another argument advanced by those who support preemption is that full dialing parity may cause the loss of the carrier-of-last-resort obligation by the incumbent local exchange carrier. In recent hearings in Wisconsin on this very subject, this argument was raised. It was met by a commitment from other carriers to fill that carrier-of-last-resort role if in fact the incumbent is no longer taking on that obligation. This argument about the loss of universal service because of the carrier-of-last-resort impacts is without merit.

Competition is coming to the telecommunications industry. This bodes well for telecommunications customers. Federal action to stunt competition in parts of the market, while arguments are hashed out on the interLATA front, is a move in the wrong direction. State commissions should decide on the need for and pace of competition in the states. While there are many advantages to establishing a national policy on telecommunications, and many good points are spelled out in the legislation, the preemption of the states on dialing parity is not one of them.

Again, I commend your attempts to rectify this portion of the pending telecommunications bill. Please contact me if you have questions on my position on this matter.

This letter of support for your amendment is independent of the merits of and schedule for interLATA relief for the RBOCs.

Sincerely,

CHERYL L. PARRINO,
Chairman.

STATE OF WISCONSIN,
DEPARTMENT OF JUSTICE,
June 2, 1995.

Hon. RUSSELL D. FEINGOLD,
U.S. Senate, Washington, DC.

DEAR SENATOR FEINGOLD: The undersigned state attorneys general would like to address several telecommunications deregulation bills that are now pending in Congress. One of the objectives in any such legislation must be the promotion that fosters competition while at the same time protecting consumers from anticompetitive practices.

In our opinion, our citizens will be able to look forward to an advanced, efficient, and innovative information network only if such legislation incorporates basic antitrust principles and recognizes the essential role of the states in ensuring that citizens have universal and affordable access to the telecommunications network. The antitrust laws ensure competition and promote efficiency, innovation, low prices, better management, and greater consumer choice. If telecommunications reform legislation includes a strong commitment to antitrust principles, then the legislation can help preserve existing competition and prevent parties from using market power to tilt the playing field to the detriment of competition and consumers.

Each of the bills pending in Congress would lift the court-ordered restrictions that are currently in place on the Regional Bell Operating Companies (RBOCs). After sufficient competition exists in their local service areas, the bills would allow RBOCs to enter the fields of long distance services and equipment manufacturing. These provisions raise a number of antitrust concerns. Therefore, telecommunications deregulation legislation should include the following features:

First, the United States Department of Justice should have a meaningful role in determining, in advance, whether competition at the local level is sufficient to allow an RBOC to enter the long distance services and equipment manufacturing markets for a particular region. The Department of Justice has unmatched experience and expertise in evaluating competition in the telecommunications field. Such a role is vital regardless of whether Congress adopts a "competitive checklist" or "modified final judgment safeguard" approach to evaluating competition in local markets. The Department of Justice will be less likely to raise antitrust challenges if it participates in a case-by-case analysis of the actual and potential state of competition in each local market before RBOC entry into other markets.

Second, legislation should continue to prohibit mergers of cable and telephone companies in the same service area. Such a prohibition is essential because local cable companies are the likely competitors of telephone companies. Permitting such mergers raises the possibility of a "one-wire world," with only successful antitrust litigation to prevent it. Congress should narrowly draft any exceptions to this general prohibition.

Third, Congress should not preempt the states from ordering 1+intraLATA dialing parity in appropriate cases, including cases where the incumbent RBOC has yet to receive permission to enter the interLATA long distance market. With a mere flip of a switch, the RBOCs can immediately offer "one-stop shopping" (both local and long distance services). New entrants, however, may take some time before they can offer such services, and only after they incur significant capital expenses will they be able to develop such capabilities.

In conclusion, we urge you to support telecommunications reform legislation that incorporates provisions that would maintain an important decision-making role for the Department of Justice; preserve the existing prohibition against mergers of telephone companies and cable television companies located in the same service areas; and protect the states' ability to order 1+intraLATA dialing parity in appropriate cases.

Thank you for considering our views.

Very truly yours,

Tom Udall, Attorney General of New Mexico; James E. Doyle, Attorney General of Wisconsin; Grant Woods, Attorney General of Arizona; Winston Bryant, Attorney General of Arkansas; Richard Blumenthal, Attorney General of Connecticut; M. Jane Brady, Attorney General of Delaware; Garland Pinkston, Jr., Acting Corporation Counsel of the District of Columbia; Robert A. Butterworth, Attorney General of Florida; Calvin E. Holloway, Sr., Attorney General of Guam; Jim Ryan, Attorney General of Illinois; Tom Miller, Attorney General of Iowa; Carla J. Stovall, Attorney General of Kansas; Chris Gorman, Attorney General of Kentucky; Scott Harshbarger, Attorney General of Massachusetts; Hubert H. Humphrey, III, Attorney General of Minnesota; Jeremiah W. Nixon, Attorney General of Missouri; Joseph P. Mazurek, Attorney General of Montana; Heidi Heitkamp, Attorney General of North Dakota; Drew Edmondson, Attorney General of Oklahoma; Charles W. Burson, Attorney General of Tennessee; Jan Graham, Attorney General of Utah; Jeffrey L. Amestoy, Attorney General of Vermont; Christine O. Gregoire, Attorney General of Washington; and Darrell V. McGraw, Jr., Attorney General of West Virginia.

Ms. MOSELEY-BRAUN. I thank the Chair. I say to my colleague, I am not here to speak on this specific legislation, although it is obviously important and significant legislation. I am here to speak as if in morning business and with the indulgence of the sponsors and managers of the bill, I ask unanimous consent to be allowed to speak in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MOSELEY-BRAUN. I thank the Chair.

WELL WISHES TO CARDINAL BERNARDIN

Ms. MOSELEY-BRAUN. At the outset, Mr. President, I would like to call to the attention of my colleagues and call for the prayers of the American people in behalf of his eminence, Cardinal Joseph Bernardin. It has been recently diagnosed that Cardinal Bernardin is suffering from a form of cancer that is very difficult to overcome, and certainly we are all saddened by his condition and the physical pain that he must be undergoing presently but at the same time confident that secure in his faith he will find comfort at this time in the prayers and the well wishes from the millions of people in this country who love him dearly.

Cardinal Bernardin has been the leader of the archdiocese of Chicago for over a decade now and is an integral part of the community and Illinois and, indeed, of the church community throughout this Nation. We all wish him the very best. We wish his health returns to him. But in the event that it might not, we wish him the strength of his faith and the prayers of people who care about him and the leadership he has provided in regard to matters of faith for our country.

SUPREME COURT DECISION IN ADARAND VERSUS PENA

Ms. MOSELEY-BRAUN. Mr. President, I should like to address the issue of the Supreme Court decision in Adarand versus Pena.

Mr. President, on Monday, a closely divided Supreme Court handed down a 5 to 4 decision in the case of Adarand versus Pena. Adarand involved a challenge to the provision in the small business act that gives general contractors on Government procurement projects a financial incentive to hire socially and economically disadvantaged businesses as subcontractors. In its opinion, the Court held that all racial classifications imposed by the Federal Government will henceforth be subjected to a strict scrutiny analysis. Strict scrutiny, Mr. President, is a very difficult standard to meet. Indeed, it is the most difficult standard the Court applies. Accordingly, Federal racial classifications will be found constitutional only if they are narrowly tailored measures that entail further compelling Government interests.

At the outset I think it is important to note that under our system of government, the Constitution is what the Supreme Court says it is. Accordingly, "strict scrutiny" for Federal Government race programs is now the law of the land. Ever since I studied constitutional law in law school, I have had a profound respect for the Supreme Court and all that it represents in our system of laws.

Having said that, however, Mr. President, I still believe that the Adarand decision was bad law. Clearly, the Adarand case would not be the first time that the Supreme Court has ruled in a way that was just plain wrong. Who can forget the infamous Dred Scott case in which the Court stated that a black man had no rights which whites were bound to uphold, and that they were, indeed, mere property? Or Plessy versus Ferguson, which held that segregated facilities were in fact constitutional? Or the Bradwell case, in which the Supreme Court upheld Illinois' refusal to grant a law license to women and stating:

> Man is, or should be, women's defender. The natural and proper timidity and delicacy which belongs to the female sex evidently unfits it for many of the occupations of civil life.

And certainly, Mr. President, a number of my more conservative colleagues would say that the Court was wrong in its ruling in Roe versus Wade.

Nevertheless, the Adarand decision is now the law of the land. The question now before us is how will we achieve the goal of true equality in light of this new hurdle? What should we as a Nation do with the continuing legacy of what was called "the peculiar institution" of slavery and Jim Crow and its aftermaths?

The most important step I believe that we can take in light of this decision is to begin an honest dialog on the issue of race. The racial issue is clearly the most volatile and controversial issue to come before the Court. Indeed, it is one of the most volatile and controversial issues of our time.

As Justice Ginsburg noted in her dissent, the Court applies a mere "intermediate" review for classifications based on gender, while reserving its highest review of strict scrutiny for classifications based on race.

The irony of the Adarand case is that the individual who won the contract at issue, Mr. Gonzalez, is not black; he is Hispanic. The contract at issue was awarded to a Hispanic subcontractor, yet every opinion, both the majority opinions and the dissents, including Justice Thomas' opinion implies but does not state that the driving issue at stake in Adarand is affirmative action for blacks. The opinions in the Adarand case underscore the myth that affirmative action only helps black people. The reality of affirmative action is that other minorities, and women, have benefited as much if not more than blacks as a group, and particularly black men.

Affirmative action, Mr. President, was a response to the legacy of slavery. It was a positive action to give a boost or, if you will, to mainstream a community which had been segregated by law and which had threatened to become a permanent caste in American society.

I believe that the originators of affirmative action showed great wisdom and forethought in the programs that they designed to bring black people into the economic mainstream. They recognized that black people had been legally disbarred from the opportunity to pursue quality education, to serve in the military, to hold a decent, high paying job, to pursue employment, and to participate fully in our economy as well as in our society. The creators of affirmative action sought to give a boost to black people by lifting them up, by allowing specific preferences for groups.

Now, the issue of preferences when it comes to affirmative action is really a curious intellectual side bar. We have and take for granted all kinds of preferences which serve policy goals and reflect our society's values. There are preferences for veterans, never mind whether the individual veteran ever saw a battle. And I think we would all agree that it is a good thing to reward people who took time out of their private lives to serve our country in the military. There are preferences for seniors. I do not know too many people who would disagree that getting to the golden years ought to have some support from society as a whole. There are preferences for residents of a State or city in public employment, and a host of others that we could mention.

So why then is the notion of affirmative action so fraught with controversy? And why are preferences so bad only when they arrive in the context of race? Justice Scalia, who wrote separately in the Adarand case, argues the following: He argues that it is tough cookies; slavery happened; it is too bad; and now you are on your own and nothing ought to be done about that.

What Judge Scalia's decision fails to recognize is that it is in the interests of the entire country, of all of us, to take steps to resolve the legacy of slavery and of Jim Crow. If affirmative action is undone, there will be a very real cost to society as a whole, black and white, and others alike, all of us. The imperative for change, the imperative for diversity that affirmative action provided will have been removed and once again minorities and women will find it more difficult, if not impossible, to enter the economic mainstream.

And that cost will not just be borne by the women and minorities who are likely to see opportunity shrink away. It will be borne by our society as a whole. Affirmative action is about far more than just equal opportunity. It is about our country's economic prosperity. We are one people. We are one America. We share a collective responsibility to guide our Nation in a constructive direction of opportunity for all. And we will all win when America makes it possible to tap the talent of 100 percent of its workers.

Now, I know there is a particular controversy about why members of this generation should be required or called on to do anything to pay for, if you will, the "sins of their fathers" and what happened in this country 100 years ago. Justice Scalia again expressed this antipathy when he argued in this opinion in Adarand that there can be no "creditor" or "debtor" races. There is a great deal of resentment, we are told, by the angry white male toward the favoritism shown to blacks in this country.

But, Mr. President, if blacks were so favored as a group in America, how many white Americans do you know would want to wake up tomorrow and change places? How many white males would want to wake up tomorrow morning and be black? The fact is that racism is a reality in this country, an unfortunate one but reality, and affirmative action is one method by which we attempt to change that reality.

The majority opinion in Adarand fails completely to address this. Those in the majority I think would prefer to close their eyes and pretend that racism simply does not exist, but it does. And the fact that it does is what makes the Adarand decision such bad law.

Some have suggested that in response to the Adarand decision we work on a case-by-case basis to evaluate every Federal affirmative action program and save those that can meet the strict scrutiny test. I agree that this is an appropriate and necessary activity and one that needs to be part of our response.

The fact is we have an obligation to make Government accountable to review all programs to see if they are achieving the ends for which they have been designed. And so the issue is not one of review but one of retreat and one of retrenchment.

Mr. President, others have suggested that the approach ought to be one now, instead of affirmative action, to speak of reparations—the old "40 acres and a mule" analogy. This approach may seem absurd at first blush but, quite frankly, if you read the Court's opinion in the Adarand case, it really becomes the logical conclusion. Justice O'Connor's majority opinion stated group remedies were inherently suspect; instead, Justice O'Connor stated that remedies should be targeted to individuals who have been the victims of racism. So descendants of slaves who were promised 40 acres and a mule would, therefore, be the logical beneficiaries of Justice O'Connor's formula.

Still others have called for a nationwide apology about slavery, similar to that apology that many are currently pressing the Japanese to issue in response to their actions in World War II —or similarly, frankly, to the apology recently given by the United States Government for its internment of Japanese Americans during World War II.

The point is that what we really need and what we have to search for are new solutions, solutions that will provide opportunity to those who face the higher barriers imposed by racism and discrimination. These solutions, I believe, will come in as many different forms as the problems that we face as a Nation. For blacks, those solutions must include access to quality education, access to capital, and assistance with institution building.

For women, we must make efforts to shatter the glass ceiling that limits participation at the highest levels and perpetuates the old boy network. For Asian Americans, we must seek to remove the mystery that surrounds the Asian community, when even fourth- and fifth-generation Americans are viewed with suspicion as foreign or not real Americans. I am certain, Mr. President, there are as many other worthwhile suggestions that will come forward in the coming weeks, and I look forward to considering and debating these and other suggestions. But the point is that I think the Adarand decision becomes a starting point, a take-off point for us to begin to have an honest dialog about where we are going in this Nation and how we can go there together.

While I have the utmost respect for those who come forward with new ways to provide opportunity to all, I still, frankly, find it irresponsible that some would merely seek to limit opportunity without putting forward any new proposals, folks who would suggest that repealing our current efforts to provide opportunity without proposing any new solutions. This, in my opinion, is nothing more than a thinly veiled laissez-faire attitude toward diversity that is, at best, shortsighted.

Instead of a deconstructionist approach, tearing down affirmative action and putting nothing in its place, I encourage my colleagues to join in developing creative solutions to the legacy of discrimination in this country. For guidance, I believe we can look to the countless individuals, the men and women around this country who are already working in the communities to ensure that the American dream is available for all of us and not just for some of us.

And consider for a moment the example of LISC, Local Initiative Support Corporation. LISC was established in 1979 to provide financing and technical know-how to nonprofit community organizations, know-how these groups used to develop low- and moderately affordable housing and attract commercial investments, create jobs and expand services in underserved neighborhoods. We need to build on successes such as these rather than give up on the dream of true equality in America. There are enough success stories out there, there are enough examples of people working together to forge a true network, a true quilt of diversity that will reflect the best that is America. I believe we have an obligation to look to those examples and to replicate them wherever we can.

Mr. President, also, I would like to add that while some uncertainty may surround Federal Government set-aside programs, there are a host of other activities which are in no way jeopardized by the Adarand ruling. While efforts such as the set-asides in the Small Business Act have been extremely important in helping to bring minorities into the economic mainstream, they, frankly, do not comprise the heart of this Government's efforts in regard to affirmative action.

Despite all the attention that has been focused on the set-aside program, the heart of affirmative action is not set-asides. The heart of affirmative action, on the other hand, is, in fact, to create a climate in which diversity can thrive and which allows women and minorities to succeed. The heart of affirmative action is about ensuring that the qualifications of women and minorities will be considered and not ignored.

Affirmative action does not seek to guarantee any individual a job or a contract. Rather, it seeks to give women and minorities a chance to succeed or fail, sink or swim, based on ability, not race or gender. Affirmative action, therefore, encompasses efforts such as recruiting at historically black colleges and universities, in addition to the Big Ten and Ivy League schools so that the most talented young African Americans will be considered for jobs and careers along with most talented white Americans. It includes the Executive order on affirmative action which requires the Federal contractors to maximize the percentages of women and minorities in their work force without ever requiring quotas or preferences.

In short, affirmative action is, at its heart, about ensuring equal opportunity, not equal results. Affirmative action is not a zero sum gain. It does not have winners and losers. We all win when we open up opportunity and stir the competitive pot to allow a real meritocracy to develop in this country, one that is color blind and gender neutral and does not insist that the shackles of the past are just accidents of birth for which we have no collective obligation as a Nation to remove and overcome.

Diversity is our strength, not our weakness—or it can be, anyway, so long as we do not allow those who would separate us on the basis of race or gender to prevail. This is not, Mr. President, "Let's all get along," and this is not paternalism, it is an acknowledgment that we are all in this together. We will all rise or fall, sink or swim, together as Americans. Recognizing that, let us not retreat. Instead, let us go forward together to build on the progress that has been made so far. It is in our collective and national interest that we do so. The future of our country, and nothing less important than that, hinges on our response at this time in our history to this very important longstanding issue of the character of the American society.

Thank you very much, Mr. President. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PRESSLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TELECOMMUNICATIONS COMPETITION AND DEREGULATION ACT

The Senate continued with the consideration of the bill.

AMENDMENT NO. 1301, AS MODIFIED

Mr. PRESSLER. Mr. President, I ask unanimous consent that the Stevens amendment No. 1301 be modified with the language I now send to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is so modified.

The amendment (No. 1301), as modified, is as follows:

At the appropriate place insert the following:

In section 3(tt) of the Communications Act of 1934, as added by section 8(b) of the bill on page 14, strike "services." and insert the following: "services: *Provided, however*, That in the case of a Bell operating company cellular affiliate, such geographic area shall be no smaller than the LATA area for such affiliate on the date of enactment of the Telecommunications Act of 1995.".

Mr. PRESSLER. I suggest the absence of a quorum.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I have a unanimous-consent agreement that has been read and approved by the distinguished Democratic leader. I would be glad to yield if he has a comment to make.

Mr. DASCHLE. I thank the Senator from Mississippi for yielding. This does represent a very good-faith effort on both sides to try to accommodate all Senators who have remaining amendments, and I think that as a result of this agreement, there is a likelihood that we can finish our work in the morning and begin voting sometime in the early afternoon.

I appreciate all Senators' cooperation and hope that we can agree that as a result of this, we will finish our work tomorrow sometime. I thank the Senator from Mississippi.

Mr. LOTT. I thank the Democratic leader. I commend him and our leader for working together to help bring this to a conclusion. Our two committee leaders, the Senator from South Dakota and the Senator from South Carolina, have certainly done their part. We are getting close. I hope we can finish tomorrow.

UNANIMOUS-CONSENT AGREEMENT

Mr. LOTT. Mr. President, I ask unanimous consent that debate on the 9 amendments be in order tomorrow and debate on any remaining pending first degree amendments be limited to 30 minutes, with the exception of amendments Nos. 1299 and 1341, with time on any second-degree amendments limited to 15 minutes; that the Senate begin voting on or in relation to the remaining pending amendments beginning at 12:15 p.m. tomorrow; that upon disposition of the pending amendments, the bill be read the third time, and a vote on final passage occur without any intervening action or debate; further, if an amendment has not had any debate on Thursday due to the time constraints prior to 12:15 p.m., it be given

10 minutes on the first degree amendment and 5 minutes on any second degree thereto; provided further that in between the stacked votes beginning at 12:15 p.m., there be 2 minutes for explanation prior to each vote; and that all time limits be equally divided in the usual form.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR THURSDAY, JUNE 15, 1995

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 9 a.m. on Thursday, June 15, 1995; that following the prayer, the Journal of the proceedings be deemed approved to date, and the time for 2 leaders be reserved for their use later in the day, and the Senate then immediately resume consideration of S. 652, the telecommunications bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. LOTT. Under the previous provisions of the agreement entered earlier this evening, on Thursday, debate time will be limited to 30 minutes on each of the pending amendments to the telecommunications bill.

Members should be aware at approximately 12:15 on Thursday there will be a series of rollcall votes, possibly as many as nine votes, on or in relation to the amendments on the telecommunications bill. The last vote in that series will be final passage. Senators should be aware that rollcall votes will occur throughout Thursday's session of the Senate.

TELECOMMUNICATIONS COMPETITION AND DEREGULATION ACT

The Senate continued with the consideration of the bill.

Mr. HOLLINGS. While the distinguished Senator from Virginia is here, there is no one I admire more, and I would be ready, willing, and able to try to respond. It came to my attention in discussing this just in the last hour that they had a provision in here relative to getting into—I did not realize, Mr. President, on page 99, the language appeared about getting into the manufacturing.

It reads:

> . . . if the Commission authorizes a Bell operating company to provide interLATA services. . ., then that company may be authorized by the Commission to manufacture and provide telecommunications equipment, and to manufacture customer premises equipment, at any time after that determination is made, subject to the requirements of this section. . . .

So the work of the distinguished Senator from Virginia is accurate. I had always contended that the manufacturer had no relation whatever to long distance. I think it ought to be written somewhere in the CONGRESSIONAL RECORD that I worked with the Bell operating companies for a good many years on the manufacturing bill.

At the time we passed it in the U.S. Senate, 2 years ago—3 years ago now—by a bipartisan 74 votes, it had no relation not only to long distance, but the RBOC's told this particular Senator time and time again, "We are not interested in getting into long distance. We are not interested at all in long distance. We are trying to get into manufacturing."

Now, there was a difference. The distinguished chairman and Senators on his side, although we voted it, and that is the way it provided in last year's bill, S. 1822, they had a provision that manufacturing could not commence for 3 years. The compromise was made as appears on page 99 that it was after they got into interLATA it was authorized.

I do not question the logic, in a sense, of the distinguished Senator from Virginia. However, then our side, in the negotiations and drawing this measure, said that irrespective of that particular production, namely, the development and actual manufacture of equipment, that we could immediately get into the design, saying:

> Upon the enactment of the Telecommunications Act of 1995, a Bell operating company may—
>
> (A) engage in research and design activities related to manufacturing, and
>
> (B) enter into royalty agreements with manufacturers of telecommunications equipment.

And then in section (b) you have to have a separate subsidiary. So long as they have that separate subsidiary, and they cannot cross subsidize, in any fashion, their research and design activities, the research and design activities have no relation whatever to the checklist, or the checklist is premised on getting in, of course, to long distance service. There is no connection, whatever. And I really think if we were not this far along in the bill I would be talking to my chairman to knock that page 99 out and that provision out. We have agreed to support the bill as is.

I understand that some in that particular manufacturing business realize that the research and design, the software, is 90 percent of the business. That is the developmental part. They do not want anyone to get into it as long as they can possibly prevent anyone getting into research and design.

Now, if this Senator were king for a day, I would have them into research and design tomorrow morning. I would have no relation whatever to the interLATA services getting into long distance or the checklist. That is why I wanted the Senator to lay that clearly on top of the table here. I am not trying to oppose the Senator, I am trying to support him. There is the reason I cannot support it at this time.

Mr. WARNER. Mr. President, I thank my distinguished colleague. My distinguished colleague took the time to meet with my constituents a few minutes ago and expressed to them his concerns about it.

Might I suggest that we endeavor to get back to the distinguished Senator from South Carolina tomorrow morning and, indeed, both managers of the bill, with perhaps some language that would resolve this problem.

The Senator from South Carolina has spoken with clarity now. He has defined the issue far more clearly. We will take another try in the morning. I thank him for his cooperation.

Mr. PRESSLER. Mr. President, I would like to say that I join in Senator HOLLINGS' earlier remarks on manufacturing, and I thank my good friend from Virginia for reconsidering. I hope he will be able—this bill has been crafted in this area.

I know that the Senator from South Carolina had the amendment a couple years ago about manufacturing. I know this has been worked on day and night during the drafting sessions, and of course all Senators are welcome to offer amendments, but I do hope and I should say that I would stand with the Senator from South Carolina, based on the information I have at this moment.

Mr. WARNER. I thank the other distinguished manager from South Dakota. I hope that we will remain with open mind until tomorrow morning and I can address the issue.

MORNING BUSINESS

(During today's session of the Senate, the following morning business was transacted.)

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Kalbaugh, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting a nomination which was referred to the Committee on Governmental Affairs.

(The nomination received today is printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 12:28 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 349. An act to reauthorize appropriations for the Navajo-Hopi Relocation Housing Program; and

S. 441. An act to reauthorize appropriations for certain programs under the Indian Child Protection and Family Violence Prevention Act, and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore (Mr. THURMOND).

At 4 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 962. An act to amend the Immigration Act of 1990 relating to the membership of the United States Commission on Immigration Reform.

H.R. 1561. An act to consolidate the foreign affairs agencies of the United States; to authorize appropriations for the Department of State and related agencies for fiscal years 1996 and 1997; to responsibly reduce the authorizations of appropriations for United States foreign assistance programs for fiscal years 1996 and 1997, and for other purposes.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 962. An act to amend the Immigration Act of 1990 relating to the membership of the United States Commission on Immigration Reform; to the Committee on the Judiciary.

H.R. 1561. An act to consolidate the foreign affairs agencies of the United States; to authorize appropriations for the Department of State and related agencies for fiscal years 1996 and 1997; to responsibly reduce the authorizations of appropriations for United States foreign assistance programs for fiscal years 1996 and 1997, and for other purposes; to the Committee on Foreign Relations.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on June 14, 1995, he had presented to the President of the United States, the following enrolled bills:

S. 349. An act to reauthorize appropriations for the Navajo-Hopi Relocation Housing Program.

S. 441. An act to reauthorize appropriations for certain programs under the Indian Child Protection and Family Violence Prevention Act, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–984. A communication from the Administrator of the General Services Administration, transmitting, pursuant to law, the report on programs for the utilization and donation of Federal personal property; to the Committee on Governmental Affairs.

EC–985. A communication from the Chief Judge of the U.S. Court of Veterans Appeals, transmitting, pursuant to law, the report of an estimate of the expenditures and appropriations necessary for the maintenance and operation of the Court of Veterans Appeals Retirement Fund; to the Committee on Governmental Affairs.

EC–986. A communication from the Postal Rate Commission, transmitting, pursuant to law, the opinion and further recommended descision of the Commission relative to postal rate and fee changes, 1994; to the Committee on Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SPECTER, from the Select Committee on Intelligence, without amendment:

S. 922. An original bill to authorize appropriations for fiscal year 1996 for intelligence and intelligence-related activities of the United States Government and the Central Intelligence Agency Retirement and Disability System, and for other purposes (Rept. No. 104–97).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources:

James John Hoecker, of Virginia, to be a Member of the Federal Energy Regulatory Commission for the term expiring June 30, 2000.

(The above nomination was reported with the recommendation that he be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. PRESSLER:

S. 920. A bill to assist the preservation of rail infrastructure, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. MURKOWSKI (for himself, Mr. BROWN, and Mr. JOHNSTON):

S. 921. A bill to establish a Minerals Management Service within the Department of the Interior; and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SPECTER:

S. 922. An original bill to authorize appropriations for fiscal year 1996 for intelligence and intelligence-related activities of the United States Government and the Central Intelligence Agency Retirement and Disability System, and for other purposes; from the Select Committee on Intelligence; placed on the calendar.

By Mr. DORGAN:

S. 923. A bill to amend title 23, United States Code, to provide for a national program concerning motor vehicle pursuits by law enforcement officers, and for other purposes; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HELMS (for himself, Mr. LOTT, Mr. ABRAHAM, Mr. ASHCROFT, Mr. COATS, Mr. CRAIG, Mr. DEWINE, Mr. FAIRCLOTH, Mr. FRIST, Mr. GRAMM, Mr. GRAMS, Mr. HATCH, Mr. KEMPTHORNE, Mr. MCCONNELL, Mr. MURKOWSKI, Mr. NICKLES, Mr. SANTORUM, Mr. SMITH, and Mr. THURMOND):

S. Res. 133. A resolution expressing the sense of the Senate that the primary safeguard for the well-being and protection of children is the family, and that, because the United Nations Convention on the Rights of the Child could undermine the rights of the family, the President should not sign and transmit it to the Senate; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. PRESSLER:

S. 920. A bill to assist the preservation of rail infrastructure, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE RAIL INFRASTRUCTURE PRESERVATION ACT OF 1995

Mr. PRESSLER. Mr. President, today I am introducing the Rail Infrastructure Preservation Act of 1995. This legislation is designed to target rail freight investment needs in neglected regions of the country. I urge my colleagues to join me in supporting this legislation.

The primary purpose of this bill is to provide a blueprint for rebuilding and improving the rail lines serving our smaller cities and rural areas. These lines, run mainly by short-line and regional railroads, are critical to the survival of rural America's economy. Yet, the capital needed to maintain these secondary rail lines is very limited.

My colleagues may recall I introduced a similar bill during the last Congress. I continue to believe Federal involvement is necessary to preparing our Nation's rail transportation network for the next century. A national commitment to the future of rail freight service is critical to the advancement of our overall transportation system.

Mr. President, we are facing very serious Federal budget constraints. I support comprehensive deficit reduction proposals and have backed that support with my voting record. I will continue to do so. In our efforts to tackle the deficit, it is important to allocate our limited tax dollars wisely.

In my view, adequate investment in our Nation's transportation infrastructure provides for wise use of these dollars. However, as we consider national transportation infrastructure investment, we must not overlook one very critical transportation mode—rail freight service.

During the 1970's and 1980's, the large railroads abandoned thousands of miles of rail lines throughout the United States. Much of our former rail infrastructure has been abandoned. Fortunately, many independent regional and short-line railroads have filled the gap, keeping many essential rail lines in service.

Despite the remarkable efforts by regional and short-line entrepreneurs to keep alive our Nation's secondary rail lines, the demand for capital investment to maintain these lines far outpaces supply. This situation keeps far too many rural communities on the brink of losing their rail service or having inadequate service due to unsound track conditions. Unfortunately, the Federal commitment to maintaining necessary rail lifelines has diminished almost to the point of nonexistence.

It would help address the capital investment needs of our rail freight transportation system. Specifically, my legislation would permanently authorize the Local Rail Freight Assistance [LRFA] Program. However, due to legitimate funding constraints, my bill would reduce the authorization level by 17 percent from the amount approved by the Senate Commerce Committee during the last Congress. It also updates the existing section 511 railroad loan guarantee program as I first proposed in the last Congress.

The LRFA Program has proven to play a vital role in our Nation's rail transportation system. Created in 1973, LRFA provides matching funds to help States save rail lines that otherwise would be abandoned. For instance, over the past few years, several rail improvement projects in my home State of South Dakota have been made possible through LRFA funding assistance. Without LRFA, our freight funding needs would go largely unmet.

Of particular importance is how LRFA's matching requirements enable limited Federal, State, and local resources to be leveraged. Indeed, LRFA's success has been in part due to its ability to promote investment partnerships, thus maximizing very limited Federal assistance.

Historically, LRFA has received only a very modest level of Federal funding. For example, $17 million was provided for LRFA in fiscal year 1995. But a substantial portion of this very limited appropriation—$6.5 million—was rescinded recently by Public Law 104-6. Yet, LRFA remains very popular since it has been the only Federal program that provides infrastructure investment in short-line and regional railroads in the absence of section 511 appropriations.

For example, in fiscal year 1995, 31 States requested LRFA assistance for 59 projects, totaling more than $32 million in funding requests. Unfortunately, less than one-third of funding was available to meet these rail infrastructure needs. With continued railroad restructuring, these legitimate funding needs will only increase. LRFA is a worthy program and should be continued.

In addition, adequate funding for the section 511 Loan Guarantee Program would permit high priority railroad transportation infrastructure investment on lines operated by short-line and regional railroads. In this era of significant budgetary pressures, the 511 program provides a cost-effective method to insure modest infrastructure investment on a repayable basis.

The 511 Program requires a processing fee paid to the Federal Government and the money borrowed is repaid with interest. The cost to the taxpayers should range from negligible to a positive return. In this time of fiscal pressure, we should support programs like the 511 Program and LRFA that provide excellent leverage of our limited Federal dollars.

The 511 Railroad Loan Guarantee Program is permanently authorized at $1 billion, of which approximately $980 million currently is available for commitment. The Credit Reform Act rules require an appropriation for the 511 Loan Program to cover the anticipated loss to the Government over the life of each loan. Based on a fiscal year 1994 appropriation for a 511 project in New York State—the first 511 application processed under the rules of the Credit Reform Act—5 percent of the total obligation level must be appropriated.

Several regional and short-line railroads are ready to submit loan applications as soon as the program is appropriated funding. For example, the Dakota, Minnesota & Eastern [DM&E] Railroad, headquartered in Brookings, SD, is prepared to file an application for a 511 loan guarantee as part of a project to be matched by financing from revenue bonds issued by the State of South Dakota.

It also is important to note that recently the House Transportation and Infrastructure Railroad Subcommittee approved an Amtrak reauthorization bill that includes a 511 loan guarantee provision specifically permitting $50 million of the $1 billion authorized for the section 511 program to be available for Amtrak for fiscal years 1996 through 1999. Indeed, the 511 program is gaining increased Congressional attention and support.

My legislation is intended to make the loan guarantee program more user friendly. My overall objective is to ensure the 511 Loan Program can best serve its customers. I am eager to explore all options to enable us to reach this goal.

Mr. President, in my judgment, we need to help preserve our rural freight rail systems. Building up these systems would allow more freight to be shipped by rail and would help to alleviate highway traffic and congestion. Our national transportation needs can best be measured on this type of intermodal perspective. Therefore, I urge my colleagues to support this legislation while we work to address the larger issues of transportation investment policy.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 920

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Rail Infrastructure Preservation Act of 1995".

SEC. 2. LOCAL RAIL FREIGHT ASSISTANCE; AUTHORIZATION OF APPROPRIATIONS.

Section 22108 of title 49, United States Code, is amended—

(1) by striking out so much of subsection (a) as precedes paragraph (2) and inserting the following:

"(a) IN GENERAL.—(1) There is authorized to be appropriated to the Secretary of Transportation to carry out this chapter the sum of $25,000,000 for the fiscal year ending September 30, 1996, and for each subsequent fiscal year."; and

(2) by striking subsection (a)(3).

SEC. 3. DISASTER FUNDING FOR RAILROADS.

Section 22101 of title 49, United States Code, is amended by redesignating subsection (d) as (e), and by inserting after subsection (c) the following—

"(d) DISASTER FUNDING FOR RAILROADS.—

"(1) The Secretary may declare that a disaster has occurred and that it is necessary to repair and rebuild rail lines damaged as a result of such disaster. If the Secretary makes the declaration under this paragraph, the Secretary may—

"(A) waive the requirements of this section; and

"(B) prescribe the form and time for applications for assistance made available herein.

"(2) The Secretary may not provide assistance under this subsection unless emergency disaster relief funds are appropriated for that purpose.

"(3) Funds provided for under this subsection shall remain available until extended.".

SEC. 4. DECLARATION OF POLICY.

Section 101(a) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 801(a)(4)) is amended to read as follows:

"(4) continuation of service on, or preservation of, light density lines that are necessary to continued employment and community well-being throughout the United States;".

SEC. 5. RAILROAD LOAN GUARANTEES; MAXIMUM RATE OF INTEREST.

Section 511(f) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 831(f)) is amended by striking "shall not exceed an annual percentage rate which the Secretary determines to be reasonable, taking into consideration the prevailing interest rates for similar obligations in the private market." and inserting in lieu thereof "shall not exceed the annual percentage rate charged equivalent to the cost of money to Government.".

SEC. 6. RAILROAD LOAN GUARANTEES; MINIMUM REPAYMENT PERIOD AND PREPAYMENT PENALTIES.

Section 511(g)(2) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 831(g)(2)) is amended to read as follows:

"(2) payment of the obligation is required by its terms to be made not less than 15 years nor more than 25 years from the date of its execution, with no penalty imposed for prepayment after 5 years;".

SEC. 7. RAILROAD LOANS GUARANTEES; DETERMINATION OF REPAYABILITY.

Section 511(g)(5) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 831(g)(5)) is amended to read as follows:

"(5) either the loan can reasonably be repaid by the applicant or the loan is collaterallized at no more than the current value of assets being financed under this section to provide protection to the United States;".

SEC. 8. RAILROAD LOANS GUARANTEES; RIGHTS OF SECRETARY.

Section 511(i) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 831(i)) is amended by adding at the end the following;

"(4) The Secretary shall not require, as a condition for guarantee of an obligation, that all preexisting secured obligations of an obligor be subordinated to the rights of the Secretary in the event of a default.".

By Mr. MURKOWSKI (for himself, Mr. BROWN, and Mr. JOHNSTON):

S. 921. A bill to establish a Minerals Management Service within the Department of the Interior; and for other purposes; to the Committee on Energy and Natural Resources.

THE MINERALS MANAGEMENT SERVICE ORGANIC ACT

Mr. MURKOWSKI. Mr. President, I rise today to introduce legislation to establish the Minerals Management Service as a permanent agency at the Department of the Interior. I am pleased to be joined in this effort by my colleague from Colorado, Senator BROWN, and by the ranking member on the Committee on Energy and Natural Resources, Senator JOHNSTON.

The legislation I sponsor is very straightforward. It would simply authorize the establishment of a Minerals Management Service at the Department of the Interior, require that it be headed by a Director who is to be appointment by the President and confirmed with the advice and consent of the Senate, and direct that it administer royalty management and Outer Continental Shelf lands programs. The Minerals Management Service already exists although, as I will explain, the Clinton administration has proposed to dismantle it. My bill, which is an MMS organic act, would authorize and preserve MMS.

Mr. President, the Minerals Management Service—or MMS—was established by Secretarial order in 1982 in response to concerns about the amount of money the United States was receiving for Federal coal leases in the West and for the job that was being done in collecting mineral royalties owed the United States.

When MMS was created, it was given two basic functions: first, to assure that there is timely and efficient collection, disbursement, accounting for and auditing of the royalties owed the United States for mineral leases both onshore and offshore. MMS has principal responsibility for handling the mineral receipts under provisions of the Mineral Leasing Act, the Federal Oil and Gas Royalty Management Act, and the Outer Continental Shelf Lands Act.

Second, MMS was given responsibility for managing a program to promote and regulate the use of lands on the Outer Continental Shelf for purposes of mineral exploration, development and production. The OCS contains abundant supplies of oil and natural gas, as well as other minerals used for industrial and commercial purposes, such as sulfur.

When MMS was formed, many good Federal employees from the Interior Department's Bureau of Land Management and U.S. Geological Survey, as well as some from the Department of Energy, were selected to staff this new agency. Most of these people brought a particular expertise to their jobs, with some having experience at the General Accounting Office and the Internal Revenue Service.

What has MMS and its employees done with its responsibilities in last 13 years, Mr. President? Well, it has significantly improved the royalty management program. It has reduced the number of data-related errors and royalty payor mistakes from about 39 percent in 1982 to less than 5 percent. In increased the percentage of monies being distributed on time from 92 to about 99 percent in a period of about 10 years. For its handling of the royalty management functions, MMS received an award for management excellence from the President's Council on Management Improvement in 1991, and twice in the last 5 years has been a finalist for the Federal Quality Institute's Quality Improvement Prototype Awards.

Besides the IRS, the MMS is the second largest source of revenues for the Federal Government, handling more than 4 billion in mineral royalties, bonus bids, and rental payments each year. That is tremendous responsibility, and MMS is handling it well. Sure, there are disagreement over policy issues. But, for the most part, people would say MMS is doing a good job.

As for its responsibilities over the OCS lands program, Mr. President, I believe MMS can take great pride in the fact that the OCS is contributing to our Nation's energy supply in an environmentally sound and safe manner. The OCS accounts for about 23 percent of the Nation's natural gas production and after 14 percent of our crude oil production. The OCS contains about 25 percent of our known natural gas reserves and about 15 percent of our known oil reserves. Historically, the OCS has accounted for more than 106 trillion cubic feet of natural gas produced and the production of 9 billion barrels of oil.

Remarkably, there has never been a blow-out from an oil well on the Federal OCS. The amount of oil spilled as a percentage of oil produced on the OCS amounts to one-one thousandth of a percent [.001 percent]. And, the Department has never lost a challenge to one of its 5-year oil and gas plans, which are the activity planning documents laying out the Department's proposed oil and gas leasing program each 5 years. For its part in assuring that NEPA [the National Environmental Policy Act] and other environmental requirements are fully implemented and adhered to with respect to oil and gas exploration, development and production activities on the OCS, MMS received the President's Council on Environmental Quality Award in 1994 for making environmental considerations an integral part of the agency's mission and decision-making process.

These are achievements of which MMS can be proud. All this from an agency that is not even 15 years old. Compare the effectiveness of MMS to one of its sister agencies at Interior, the Office of Surface Mining, and you have an example of one agency that functions well and one that is an absolute mess.

Now, however, Mr. President, along come President Clinton and Secretary Babbitt and their half-baked reinvention of government proposal to dismantle MMS, to devolve some of its functions to the States, and to absorb the other functions elsewhere in Interior. If it weren't for the fact that we know the President and the Secretary are not economists, I'd swear the MMS devolution idea is the work of an economist. Economists have been described as people who sit around and wonder whether things that actually work in practice can work in theory.

Here, we have the same kind of genius at work. MMS is recognized by people inside and outside of government as an effective agency. Yet President Clinton and Secretary Babbitt want to give States the task of collecting, disbursing, and auditing royalties, have the Federal Government keep responsibility for all major substantive functions, and double the States' contribution to administrative costs. What a deal!

Under the present system, States are assessed 25 percent of the total administrative costs of royalty collection, disbursement and auditing. Under the

Babbitt devolution proposal, the States would be assessed the present 25 percent, plus another 25 percent. Wyoming, New Mexico, Colorado, and Utah would pay an additional $3.2 million, $3.3 million, $1.5 million, and $1.1 million, respectively, for the privilege of doing MMS's job.

At first blush, Mr. President, the concept of devolving responsibility to the States sounds like a good idea. It's one that Republicans have been espousing for years and one that Democrats only recently have begun to imitate. Give States primacy. Give them the ability to make decisions regarding issues affecting their economic well-being. Give them a greater say in how public lands and natural resources are managed. That is what Republicans have been advocating for years. The Clinton-Babbitt proposal gives States more work at greater cost. This is their idea of reinventing government.

Well, the President and his friend Secretary Babbitt have got it wrong. The devolution proposal was not clearly thought out beforehand, because it doesn't really pass true responsibility to the States. All it passes to the States is the ministerial function of royalty collection, disbursement, and auditing. And, as I just stated, for an added 25 percent administrative charge. Under the President's proposal, the Federal Government would retain rulemaking authority, responsibility to make valuation determinations, and other important responsibility. So the devolution of MMS responsibility is not really what it's cracked up to be.

We have yet to see an explanation of the economic effects of the President's proposal that fully sets out the benefits of this proposal. We haven't seen a rush by the States to accept this responsibility, because many are still trying—as we are—to figure out the proposal, whether they are equipped to handle the responsibilities, and whether the proposal would impose an unfunded mandate. I suspect that some of the numbers used by the President and Secretary Babbitt came from the same creative genius that thought up the MMS devolution proposal in the first place.

Mr. President, the long and short of it is this: President Clinton and Secretary Babbitt have missed the mark with their MMS devolution proposal. The President's efforts would be better directed in improving the Office of Surface Mining, or in significantly eliminating functions of the Department of Energy. MMS is not broken, and does not need to be dismembered as proposed by this ill conceived devolution.

Mr. President, I am concerned that all the good things MMS has achieved will be lost if it is dismantled and its functions are spread to the wind. We are likely to get inconsistent interpretations, rulings and policies from the States on the few functions they will be given, while we still have the major "inherently federal functions" retained by the Interior Department. This will lead to costly litigation and an inefficient use of private and public sector resources.

In addition, Mr. President, if the OCS minerals management function is absorbed—or more likely buried—elsewhere in the Department, who will be the advocate for the offshore oil and gas program? Who will assure that the OCS continues to be a vital contributor to our Nation's energy security and energy policy?

The answer, I submit Mr. President, is that no single person and no agency will assure that responsibility. The President has not assumed responsibility for a national energy policy, and has no energy security program. The President is AWOL—absent without leadership—on our Nation's energy policy. The dismantling of MMS is consistent with that AWOL approach to executive management.

Mr. President, I urge my colleagues to join me in supporting this legislation. I urge them not to succumb to the baiting that is likely to come from President Clinton, his friend Secretary Babbitt and others who are attempting to "reinvent government" by destroying an agency that works and claiming that Republicans are against government reform, reduction of the Federal work force, and saving money. The MMS devolution is a bad idea, and is forced on an agency that works. I urge my colleagues to join me in sending a message to the President that he has completely missed the mark on this one.

By Mr. DORGAN.

S. 923. A bill to amend title 23, United States Code, to provide for a national program concerning motor vehicle pursuits by law enforcement officers, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE NATIONAL POLICE PURSUIT POLICY ACT OF 1995

Mr. DORGAN.

Mr. President, I intend to send some legislation to the desk of the Senate today dealing with an issue that does not command many headlines but that is a critically important issue, in my judgment. It is the issue of the policy of police pursuit in this country and the dangers resulting from people who flee from police.

I received a letter about a month or two ago from a woman in Falls Church, VA. I had written to her 2 years ago. Her husband and two children, on a Sunday morning, on the way to church, were involved in a circumstance where a young fellow who was drunk and stole a car was being chased by the police at high rates of speed. This young fellow, being chased at a high rate of speed, crashed into the car of the father and his two daughters and all three were killed.

Of course, the fellow who was drunk and fleeing from the police was not hurt so badly. He eventually recovered and not very much happened to him as far as court action. By contrast, this Virginia woman lost her husband and two children in a circumstance where there was a high-speed police chase in a city.

I wrote her a long letter when I read about it, because I sympathized substantially with her. I have written letters to others who suffered similar fates.

My mother was killed in a high-speed police chase, and I understand that there are others around this country who, when confronted with this, become angry about the chases that occur on city streets. I have, for some years, felt we should do something about that.

The police are not the villains. It is the folks who run from the police who are the villains. I have believed that for a long time and have introduced legislation in both the House and Senate to respond to this problem.

It is not just the woman in Falls Church, VA, who lost her family in a senseless accident, or my mother who was senselessly killed in a similar circumstance in a police chase in Bismarck, ND, but let me expand on my own experience.

Eyewitnesses said that particular chase occurred at speeds up to 80 to 100 miles an hour on the city streets. My mother, coming home from the hospital, was a victim of that accident.

The villain there was a fellow in the pickup truck who was drunk and who fishtailed his pickup truck because he was pushing the accelerator too hard, showing off. He took flight from the police at a very rapid rate of speed, and the result was that a wonderful woman was killed. She senselessly lost her life.

Here's another tragic incident. On November 25, last year, a car carrying a family of four on their way to a movie in Houston, TX, was struck by a speeding car during a high-speed chase.

I could stand here for some hours and talk about the number of people killed as a result of high-speed chases. In fact, a lot of people do not know, but more innocent people in this country are killed as a result of an accident that occurs from a high-speed police pursuit or chase on city streets than are killed as a result of an accidental shooting from a policeman's gun. We do not know how many, but we estimate probably a thousand people a year or more. Thousands and thousands more are injured as a result of these chases.

The fact is that it is not the police that are the source of the problem, it is the people who run from the police. But it is also a fact that there are some circumstances where the police should not conduct a chase. If a motorist has a broken taillight and that results in a policeman trying to stop that person, and the person takes flight, that does not justify a 100-mile-an-hour chase through the city streets.

There is an organization called STOPP, whose board of directors is meeting today in Washington, DC. And I believe one of the members of the board of directors is from the State of the Presiding Officer, the State of Pennsylvania. Every one of the folks on that board will tell you a similar story. Some member of their family or some friend was an innocent bystander or passenger, but yet a victim of a high-speed pursuit.

Now, what ought we do about this?

Well, I think we should do a couple of things. First, I like the system in Europe, where in most countries people who go out to drink understand that one of that group ought not to be drinking because they are going to drive. If you drive and get picked up drunk, you are in very serious trouble.

In this country the consequence has been all too often sort of a smirk and a smack on the wrist. We ought to understand in this country that both for drinking, and especially for those who are willing to flee from police and take flight when they are trying to apprehend you, two things are going to happen.

One, you are going to be put in jail for 3 months, and second, you are going to lose your vehicle. There ought to be certainty in this country about that. If you take flight from the police, there ought to be certainty in every State in this country that you are going to be put in jail for doing it, and you are going to lose your vehicle.

I propose legislation that puts this into law. It requires the States to adopt policies to comply with those goals. And second, it requires that at every law enforcement agency in this country there be uniform training about police pursuit, when to pursue and when not to pursue.

Interestingly, I was talking to a county sheriff recently and I was talking about my legislation. He said to me, "It is interesting, because just the night before, my deputies found a person who was dead drunk driving in a very dangerous way on the city streets, and my deputy turned on the light and siren to apprehend this person, and this person took off at an enormous rate of speed through the city streets.

Later on, my deputy saw two small children in the back seat. My deputy and the person on the radio decided between them that this was not a chase that should continue. They broke off the pursuit.

An hour later, they went and arrested the person at his home because the police had the license number. That is all they needed to do. They could have decided that nobody is going to outrun us and that at the end of this, a couple kids are going to be dead in the street. That probably is what would have happened. Fortunately, they made the right decision because these folks were trained and used proper procedures.

The fact is that in a lot of law enforcement jurisdictions, there is not adequate training about when or when not to pursue. There are not adequate policies, and there ought to be. I want uniform training and policies across this country on police pursuits.

This issue affects the lives of literally thousands of Americans. I would like to see—and my legislation provides for it—that in exchange for receiving the highway safety funds, we insist that States meet a list of criteria. I simply add to the list one feature. That feature is that you shall have certain punishment for those that flee, and the punishment is that they will do jail time and lose their vehicles. In turn, my legislation also requires a certification that the law enforcement jurisdictions have uniform policies and training on police pursuit.

So I intend to offer this legislation again, and I well understand that it is hard to pass legislation like this. But it is legislation that will, I think, save lives and families the grief and heartache of losing loved ones.

While I am on my feet, let me describe another piece of legislation that I will introduce, and which I introduced before, again without success partly because people feel we should not meddle.

Most Members of the Senate will not probably know that you can reasonably drive across this country in a meandering line and either drink while you drive and be perfectly legal, or have other folks in the car drinking and be perfectly legal. You can do so because there are about 10 States in America where there is no prohibition against the driver drinking. You can get in the car, put a key in the ignition, have one hand on the steering wheel and the other on a bottle of whiskey and drink and drive to your little heart's content.

As long as you are not drunk, you can drive in these States. Well, there ought not be any State in this country that does not have a law prohibiting an open container of liquor, of alcohol in a vehicle. There ought not be one. There is no justification in this country to allow anybody to move down the highways in a vehicle, that is a noncommercial vehicle, and have drinking involved in the vehicle.

Yet, sadly, there are 10 States in which you can drink and drive and you are perfectly legal. You can start on the east coast, meander across the country to the west coast, and either drink yourself or have somebody else in the vehicle drinking, and do so legally.

I also believe we ought to change that. Some people say that is meddling. That is the State's judgment. Well, I do not want my family, I do not want my friends, driving from one jurisdiction to another, across a river or across a State line, and discover all of a sudden in this State you can drink whiskey and drive. And it is hard to catch people who are drinking, whether they are drunk or sober.

I do not want people to go across those lines and discover in this jurisdiction you can drive and drink, and it is fine. It is not fine with me. I want to change that law someday. What I would like to see is a circumstance where we have decided as a country, much of what the European countries have already decided, that drinking and driving turns drunk people into murderers. We ought to do what is necessary to tell the American people you cannot drink and drive. To do so will cause severe penalties.

The legislation I will introduce this afternoon, dealing with police pursuit, sends a message that is just as strong on the issue of fleeing from police. If the police are trying to apprehend you and you flee from the police, you will face certain and tough penalties.

I hope we will consider and discuss such discuss legislation this year. I know it comes from things that have happened in my family. I have lost two members of our family to drunk drivers. I lost my mother to an accident from police pursuit, a person fleeing from the police.

I know we are all charged with doing things in our self-interest. Yes, it is my self-interest, but it is in the self-interest of a lot of people in this country who suffer the anguish they should never have to suffer. They suffer the loss of innocent lives because of people who drink and drive and people who flee from the police. As a result of that, police initiate pursuits in city streets that end in death, all too often, for innocent Americans.

This is something we can do something about. This is not some mysterious disease. I hope some of my colleagues who might be interested in this legislation will join me in finally allowing the Senate to make some progress.

Mr. President, one January morning in 1993 a high speed chase occurred in Arlington, VA, where a teenager, driving a stolen vehicle and allegedly drunk, fled the police. As the stolen car and police cruiser raced through Falls Church, VA, the fleeing teen ran a red light and crashed into a car carrying a family on its way to Sunday morning church. This high speed chase, one of many that occur every year, ended in tragedy: One elementary principal and his two daughters, ages 12 and 8, were killed, and the teenager driving the fleeing car was hospitalized.

Public outrage erupted after this incident, with angry citizens calling the police department to say, "* * * a stolen car is not worth a life." Mr. President, it seems to me that we need to ask ourselves: "Is a stolen car or a traffic violation worth the cost of an innocent life?" Unfortunately, this question is not being adequately answered by hundreds of police officers who on a regular basis pursue stolen cars and law breakers at reckless speeds through city streets.

There are countless other tragic examples, and I want to mention just a few. On November 25, 1994, a car carrying a family of 4, on their way to a movie in Houston, TX, was struck by a speeding car during a high speed police chase. Innocent passengers Laura Madrid, Robert Romero, and Maria Torres Romero later died as a result of injuries suffered in the accident. In fact, that same year in Houston, a total of 11 people were killed, amid 191 hot pursuit chases, prompting the Houston police department to reexamine and ultimately change its pursuit policy.

In March of this year, police officers collided with a pickup truck while on pursuit, killing three passengers and injuring four others in Los Angeles, CA. That same month in Miami, FL, a woman was killed when a car full of burglary suspects being chased by police sped off a highway, broadsiding her car. That very same day, three police cruisers in Florida City, FL, chased a car at speeds of up to 100 miles per hour. The chase began when police attempted to pull over a woman who was actually driving too slowly. The woman sped away from the police, and eventually veered into oncoming traffic, killing herself and two young men in an oncoming car.

These were senseless deaths that could have—and should have—been avoided. All of these deaths the result of high speed chases, that simply did not justify putting so many innocent lives in the line of fire. Something's got to be done.

Approximately hundreds of Americans are killed and many thousands of people are injured every year as a result of high speed chases that are started when motorists, whether out of fright, panic, or guilt, flee at high speeds instead of stopping when a police vehicle turns on its lights and siren. Some police become determined to apprehend the fleeing motorist at all costs, what is alarming is that about 60 to 80 percent of all police pursuits are originated for minor traffic violations. The result is that the safety of the general public—the dangers that will be created by a high-speed chase in city traffic through stop signs and traffic lights—becomes secondary to catching someone whose initial offense may have been no greater than driving a car with a broken tail light. Tragically, as in the high-speed chase last January in Virginia, many people are dying unnecessarily from these ill-advised pursuits.

What needs to happen is for every single law enforcement jurisdiction in the United States to adopt a reasoned, well-balanced pursuit policy. Police officers should be trained to comply with their departments' pursuit policies and regularly retrained if needed to guarantee that all citizens, both civilians and police, receive the benefit of uniform awareness of this problem. A drive across country should not be a pot luck regarding one's chances of being maimed or killed by a police pursuit. We must strive for universal attention to this public safety problem.

In addition, we need to focus on the people who are initiating these chases—the people who are fleeing from police. The punishment for fleeing the police should be certain and severe. People should be aware that if they flee they will pay a big price for doing so.

I rise today, Mr. President, to introduce the National Police Pursuit Policy Act of 1995. It is my hope that this legislation, if enacted, will help prevent tragic losses like the episode that occurred in 1993 in Arlington, as well as the thousands of other tragedies that occur each year all across America, including my own State of North Dakota.

It's also my hope that the legislation I introduce today will reverse the trend of the past several years of ever increasing high-speed police pursuits that have caused human losses to steadily mount.

Although we are finally seeing some initiative being taken by various States and local communities, there is still no coordinated effort in this country to attack this problem.

The legislation that I am introducing today would require the enactment of State laws making it unlawful for the driver of a motor vehicle to take evasive action if pursued by police and would establish a standard minimum penalty of 3 months imprisonment and the seizure of the driver's vehicle. In addition, my bill would require each public agency in every State to establish a hot pursuit policy and provide that all law enforcement officers receive adequate training in accordance with that policy.

I believe that these requirements, if passed, will demonstrate strong Federal leadership in responding to this problem. I am happy to be able to note that one important aspect of this issue, a severe under reporting of the accidents and deaths caused by police pursuits, has been addressed under provisions enacted in the Intermodal Surface Transportation Efficiency Act of 1991. Under that statute, the Secretary of Transportation is required to begin to collect accident statistics from each State, including statistics on deaths and injuries caused by police pursuits.

Mr. President, the problem of hot pursuits is not an easy issue to solve. I understand that it will always be difficult for police officers to judge when a chase is getting out of hand and the public safety best served by holding back. However, we can make things better if we do everything we can to ensure that police officers are trained on how best to make these difficult judgments and if we send a message to motorists that if you flee, you will do time in jail and lose your car.

I ask unanimous consent that the full text of this bill be printed in the RECORD and I urge my colleagues to support this important measure.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 923

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Police Pursuit Policy Act of 1995".

SEC. 2. FINDINGS.

The Congress finds that—

(1) accidents occurring as a result of high speed motor vehicle pursuits of fleeing motor vehicles by law enforcement officers are becoming increasingly common across the United States;

(2) the extent of the problem of those pursuits is evident despite significant underreporting;

(3) because the problem of those pursuits is extensive, it is essential for all law enforcement agencies to develop and implement policies and training procedures for dealing with high speed motor vehicle pursuits;

(4) a high speed motor vehicle pursuit in a community by a law enforcement officer should be treated in the same manner as the firing of a police firearm because a high speed motor vehicle pursuit involves the use of a deadly force with the potential for causing harm or death to pedestrians and motorists;

(5) the Federal Government should provide an incentive for States to enact laws to prevent high speed motor vehicle pursuits;

(6) to demonstrate leadership in response to the national problem of high speed motor vehicle pursuits, all Federal law enforcement agencies should—

(A) develop policies and procedures governing motor vehicle pursuits; and

(B) provide assistance to State and local law enforcement agencies in instituting such policies and procedures and in conducting training; and

(7) the policies referred to in paragraph (6) should balance reasonably the need—

(A) to apprehend promptly dangerous criminals; and

(B) to address the threat to the safety of the general public posed by high speed pursuits.

SEC. 3. MOTOR VEHICLE PURSUIT REQUIREMENTS FOR STATE HIGHWAY SAFETY PROGRAMS.

Section 402(b)(1) of title 23, United States Code, is amended—

(1) in each of subparagraphs (A) through (D), by striking the period at the end and inserting a semicolon;

(2) in subparagraph (E), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(F) on and after January 1, 1997, have in effect throughout the State—

"(i) a law that—

"(I) makes it unlawful for the driver of a motor vehicle to increase speed or to take any other deliberately evasive action if a law enforcement officer clearly signals the driver to stop the motor vehicle; and

"(II) provides that any driver who violates that law shall be subject to a minimum penalty of—

"(aa) imprisonment for a period of not less 3 months; and

"(bb) seizure of the motor vehicle at issue; and

"(ii) a requirement that each State agency and each agency of a political subdivision of the State that employs law enforcement officers who, in the course of employment, may conduct a motor vehicle pursuit shall—

"(I) have in effect a policy that meets requirements that the Secretary shall establish concerning the manner and circumstances in which a motor vehicle pursuit may be conducted by law enforcement officers;

"(II) train all law enforcement officers of the agency in accordance with the policy referred to in subclause (I); and

"(III) for each fiscal year, transmit to the chief executive officer of the State a report containing information on each motor vehicle pursuit conducted by a law enforcement officer of the agency.".

SEC. 4. REPORTING REQUIREMENT.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Attorney General of the United States, the Secretary of Agriculture, the Secretary of the Interior, the Secretary of the Treasury, the Chief of the Capitol Police, and the Administrator of General Services shall each transmit to the Congress a report containing—

(1) the policy of the department or agency headed by that individual concerning motor vehicle pursuits by law enforcement officers of that department or agency; and

(2) a description of the procedures that the department or agency uses to train law enforcement officers in the implementation of the policy referred to in paragraph (1).

(b) REQUIREMENT.—Each policy referred to in subsection (a)(1) shall meet the requirements established by the Secretary of Transportation pursuant to section 402(b)(1)(F)(ii)(I) of title 23, United States Code, concerning the manner and circumstances in which a motor vehicle pursuit may be conducted.

ADDITIONAL COSPONSORS

S. 240

At the request of Mr. DODD, the name of the Senator from Kentucky [Mr. FORD] was added as a cosponsor of S. 240, a bill to amend the Securities Exchange Act of 1934 to establish a filing deadline and to provide certain safeguards to ensure that the interests of investors are well protected under the implied private action provisions of the Act.

S. 388

At the request of Ms. SNOWE, the names of the Senator from Alaska [Mr. STEVENS] and the Senator from Florida [Mr. MACK] were added as cosponsors of S. 388, a bill to amend title 23, United States Code, to eliminate the penalties for noncompliance by States with a program requiring the use of motorcycle helmets, and for other purposes.

S. 426

At the request of Mr. WARNER, the name of the Senator from Pennsylvania [Mr. SANTORUM] was added as a cosponsor of S. 426, a bill to authorize the Alpha Phi Alpha Fraternity to establish a memorial to Martin Luther King, Jr., in the District of Columbia, and for other purposes.

S. 456

At the request of Mr. BRADLEY, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 456, a bill to improve and strengthen the child support collection system, and for other purposes.

S. 641

At the request of Mrs. KASSEBAUM, the name of the Senator from Utah [Mr. BENNETT] was added as a cosponsor of S. 641, a bill to reauthorize the Ryan White CARE Act of 1990, and for other purposes.

S. 770

At the request of Mr. DOLE, the names of the Senator from Kentucky [Mr. FORD] and the Senator from Tennessee [Mr. FRIST] were added as cosponsors of S. 770, a bill to provide for the relocation of the United States Embassy in Israel to Jerusalem, and for other purposes.

SENATE RESOLUTION 103

At the request of Mr. DOMENICI, the names of the Senator from New Jersey [Mr. BRADLEY] and the Senator from Wisconsin [Mr. KOHL] were added as cosponsors of Senate Resolution 103, a resolution to proclaim the week of October 15 through October 21, 1995, as National Character Counts Week, and for other purposes.

AMENDMENT NO. 1282

At the request of Mr. ROBB, his name was added as a cosponsor of amendment No. 1282 proposed to S. 652, an original bill to provide for a procompetitive, deregulatory national policy framework designed to accelerate rapidly private sector deployment of advanced telecommunications and information technologies and services to all Americans by opening all telecommunications markets to competition, and for other purposes.

At the request of Ms. MOSELEY-BRAUN, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of amendment No. 1282 proposed to S. 652, supra.

AMENDMENT NO. 1288

At the request of Mr. LEAHY, the names of the Senator from Minnesota [Mr. WELLSTONE] and the Senator from Virginia [Mr. ROBB] were added as cosponsors of amendment No. 1288 proposed to S. 652, an original bill to provide for a procompetitive, deregulatory national policy framework designed to accelerate rapidly private sector deployment of advanced telecommunications and information technologies and services to all Americans by opening all telecommunications markets to competition, and for other purposes.

AMENDMENTS SUBMITTED

THE TELECOMMUNICATIONS COMPETITION AND DEREGULATION ACT OF 1995 COMMUNICATIONS DECENCY ACT OF 1995

EXON (AND OTHERS) AMENDMENT NO. 1362

Mr. EXON (for himself, Mr. COATS, Mr. BYRD, and Mr. HEFLIN) proposed an amendment to amendment No. 1288 proposed by Mr. LEAHY to the bill (S. 652) to provide for a procompetitive, deregulatory national policy framework designed to accelerate rapidly private sector deployment of advanced telecommunications and information technologies and services to all Americans by opening all telecommunications markets to competition, and for other purposes; as follows:

In lieu of the matter to be inserted, insert the following:

"SEC. . OBSCENE OR HARASSING USE OF TELECOMMUNICATIONS FACILITIES UNDER THE COMMUNICATIONS ACT 1934.

(a) OFFENSES.—Section 223 (47 U.S.C. 223) is amended—

"(1) by striking subsection (a) and inserting in lieu thereof:

"(a) Whoever—

"(1) in the District of Columbia or in interstate or foreign communications

"(A) by means of telecommunications device knowingly—

"(i) makes, creates, or solicits, and

"(ii) initiates the transmission of,

any comment, request, suggestion, proposal, image, or other communication which is obscene, lewd, lascivious, filthy, or indecent, with intent to annoy, abuse, threaten, or harass another person;

"(B) makes a telephone call or utilizes a telecommunications device, whether or not conversation or communication ensues, without disclosing his identity and with intent to annoy, abuse, threaten, or harass any person at the called number or who receives the communication;

"(C) makes or causes the telephone of another repeatedly or continuously to ring, with intent to harass any person at the called number; or

"(D) makes repeated telephone calls or repeatedly initiates communication with a telecommunications device, during which conversation or communication ensues, solely to harass any person at the called number or who receives the communication; or

"(2) knowingly permits any telecommunications facility under his control to be used for any activity prohibited by paragraph (1) with the intent that it be used for such activity.

shall be fined not more than $100,000 or imprisoned not more than two years, or both."; and

(2) by adding at the end the following new subsections:

"(d) Whoever—

"(1) knowingly within the United States or in foreign communications with the United States by means of telecommunications device makes or makes available any obscene communication in any form including any comment, request, suggestion, proposal, or image regardless of whether the maker of such communication placed the call or initiated the communications; or

"(2) knowingly permits any telecommunications facility under such person's control to be used for an activity prohibited by subsection (d)(1) with the intent that it be used for such activity;

shall be fined not more than $100,000 or imprisoned not more than two years or both.

(e) Whoever—

"(1) knowingly within the United States or in foreign communications with the United States by means of telecommunications device makes or makes available any indecent communication in any form including any comment, request, suggestion, proposal, image, to any person under 18 years of age regardless of whether the maker of such communication placed the call or initiated the communication; or

"(2) knowingly permits any telecommunications facility under such person's control to be used for an activity prohibited by paragraph (1) with the intent that it be used for such activity,

shall be fined not more than $100,000 or imprisoned not more than two years or both.

"(f) Defenses to the subsections (a), (d), and (e), restrictions on access, judicial remedies respecting restrictions for persons providing information services and access to information services—

"(1) No person shall be held to have violated subsection (a), (d), or (e) solely for providing access or connection to or from a facility, system, or network over which that person has no control, including related capabilities which are incidental to providing access or connection. This subsection shall not be applicable to an individual who is owned or controlled by, or a conspirator with, an entity actively involved in the creation, editing or knowing distribution of communications which violate this section.

"(2) No employer shall be held liable under this section for the actions of an employee or agent unless the employee's or agent's conduct is within the scope of this employment or agency and the employer has knowledge of, authorizes, or ratifies the employee's or agent's conduct.

"(3) It is a defense to prosecution under subsection (a), (d)(2), or (e) that a person has taken reasonable, effective and appropriate actions in good faith to restrict or prevent the transmission of, or access to a communication specified in such subsections, or complied with procedures as the Commission may prescribe in furtherance of this section. Until such regulations become effective, it is a defense to prosecution that the person has complied with the procedures prescribed by regulation pursuant to subsection (b)(3). Nothing in this subsection shall be construed to treat enhanced information services as common carriage.

"(4) No cause of action may be brought in any court or administrative agency against any person on account of any activity which is not in violation of any law punishable by criminal or civil penalty, which activity the person has taken in good faith to implement a defense authorized under this section or otherwise to restrict or prevent the transmission of, or access to, a communication specified in this section.

"(g) No State or local government may impose any liability for commercial activities or actions by commercial entities in connection with an activity or action which constitutes a violation described in subsection (a)(2), (d)(2), or (e)(2) that is inconsistent with the treatment of those activities or actions under this section provided, however, that nothing herein shall preclude any State or local government from enacting and enforcing complementary oversight, liability, and regulatory systems, procedures, and requirements, so long as such systems, procedures, and requirements govern only intrastate services and do not result in the imposition of inconsistent rights, duties or obligations on the provision of interstate services. Nothing in this subsection shall preclude any State or local government from governing conduct not covered by this section.

"(h) Nothing in subsection (a), (d), (e), or (f) or in the defenses to prosecution under (a), (d), or (e) shall be construed to affect or limit the application or enforcement of any other Federal law.

"(i) The use of the term 'telecommunications device' in this section shall not impose new obligations on (one-way) broadcast radio or (one-way) broadcast television operators licensed by the Commission or (one-way) cable service registered with the Federal Communications Commission and covered by obscenity and indecency provisions elsewhere in this Act."

"(j) Within two years from the date of enactment and every two years thereafter, the Commission shall report on the effectiveness of this section.

SEC. . OBSCENE PROGRAMMING ON CABLE TELEVISION.

Section 639 (47 U.S.C. 559) is amended by striking "$10,000" and inserting "$100,000".

SEC. . BROADCASTING OBSCENE LANGUAGE ON RADIO.

Section 1464 of Title 18, United States Code, is amended by striking out $10,000" and inserting "$100,000".

SEC. . SEPARABILITY.

"(a) If any provision of this Title, including amendments to this Title or the application thereof to any person or circumstance is held invalid, the remainder of this Title and the application of such provision to other persons or circumstances shall not be affected thereby.".

SEC. . ADDITIONAL PROHIBITION ON BILLING FOR TOLL-FREE TELEPHONE CALLS.

EXON (AND COATS) AMENDMENTS NOS. 1363–1364

(Ordered to lie on the table.)

Mr. EXON (for himself and Mr. COATS) submitted 2 amendments intended to be proposed by them to amendments to the bill S. 652, supra, as follows:

AMENDMENT NO. 1363

In lieu of the matter to be inserted, insert the following:

"SEC. . OBSCENE OR HARASSING USE OF TELECOMMUNICATIONS FACILITIES UNDER THE COMMUNICATIONS ACT 1934.

(a) OFFENSES.—Section 223 (47 U.S.C. 223) is amended—

"(1) by striking subsection (a) and inserting in lieu thereof:

"(a) Whoever—

"(1) in the District of Columbia or in interstate or foreign communications

"(A) by means of telecommunications device knowingly—

"(i) makes, creates, or solicits, and

"(ii) initiates the transmission of,

any comment, request, suggestion, proposal, image, or other communication which is obscene, lewd, lascivious, filthy, or indecent, with intent to annoy, abuse, threaten, or harass another person;

"(B) makes a telephone call or utilizes a telecommunications device, whether or not conversation or communication ensues, without disclosing his identity and with intent to annoy, abuse, threaten, or harass any person at the called number or who receives the communication;

"(C) makes or causes the telephone of another repeatedly or continuously to ring, with intent to harass any person at the called number; or

"(D) makes repeated telephone calls or repeatedly initiates communication with a telecommunications device, during which conversation or communication ensues, solely to harass any person at the called number or who receives the communication;

"(2) knowingly permits any telecommunications facility under his control to be used for any activity prohibited by paragraph (1) with the intent that it be used for such activity,

shall be fined not more than $100,000 or imprisoned not more than two years, or both."; and

(2) by adding at the end the following new subsections:

"(d) Whoever—

"(1) knowingly within the United States or in foreign communications with the United States by means of telecommunications device makes or makes available any obscene communication in any form including any comment, request, suggestion, proposal, or image regardless of whether the maker of such communication placed the call or initiated the communications; or

"(2) knowingly permits any telecommunications facility under such person's control to be used for an activity prohibited by subsection (d)(1) with the intent that it be used for such activity;

shall be fined not more than $100,000 or imprisoned not more than two years or both.

(e) Whoever—

"(1) knowingly within the United States or in foreign communications with the United States by means of telecommunications device makes or makes available any indecent communication in any form including any comment, request, suggestion, proposal, image, to any person under 18 years of age regardless of whether the maker of such communication placed the call or initiated the communication; or

"(2) knowingly permits any telecommunications facility under such person's control to be used for an activity prohibited by paragraph (1) with the intent that it be used for such activity,

shall be fined not more than $100,000 or imprisoned not more than two years or both.

"(f) Defenses to the subsections (a), (d), and (e), restrictions on access, judicial remedies respecting restrictions for persons providing information services and access to information services—

"(1) No person shall be held to have violated subsections (a), (d), or (e) solely for providing access or connection to or from a facility, system, or network over which that person has no control, including related capabilities which are incidental to providing access or connection. This subsection shall not be applicable to an individual who is owned or controlled by, or a conspirator with, an entity actively involved in the creation, editing or knowing distribution of communications which violate this section.

"(2) No employer shall be held liable under this section for the actions of an employee or agent unless the employee's or agent's conduct is within the scope of his employment or agency and the employer has knowledge of, authorizes, or ratifies .the employee's or agent's conduct.

"(3) It is a defense to prosecution under subsection (a), (d)(2), or (e) that a person has taken reasonable, effective and appropriate actions in good faith to restrict or prevent the transmission of, or access to a communication specified in such subsections, or complied with procedures as the Commission may prescribe in furtherance of this section. Until such regulations become effective, it is a defense to prosecution that the person has complied with the procedures prescribed by regulations pursuant to subsection (b)(3). Nothing in this subsection shall be construed to treat enhanced information services as common carriage.

"(4) No cause of action may be brought in any court or administrative agency against any person on account of any activity which is not in violation of any law punishable by criminal or civil penalty, which activity the person has taken in good faith to implement a defense authorized under this section or otherwise to restrict or prevent the transmission of, or access to, a communication specified in this section.

"(g) No State or local government may impose any liability for commercial activities or actions by commercial entities in connection with an activity or action which constitutes a violation described in subsection (a)(2), (d)(2), or (e)(2) that is inconsistent with the treatment of those activities or actions under this section provided, however, that nothing herein shall preclude any State or local government from enacting and enforcing complementary oversight, liability, and regulatory systems, procedures, and requirements, so long as such systems, procedures, and requirements govern only intrastate services and do not result in the imposition of inconsistent rights, duties or obligations on the provision of interstate services. Nothing in this subsection shall preclude any State or local government from governing conduct not covered by this section.

(h) Nothing in subsection (a), (d), (e), or (f) or in the defenses to prosecution under (a), (d), or (e) shall be construed to affect or limit the application or enforcement of any other Federal law.

"(i) The use of the term 'telecommunications device' in this section shall not impose new obligations on (one-way) broadcast radio or (one-way) broadcast television operators licensed by the Commission or (one-way) cable service registered with the Federal Communications Commission and covered by obscenity and indecency provisions elsewhere in this Act."

"(j) Within two years from the date of enactment and every two years thereafter, the Commission shall report on the effectiveness of this section.

SEC. . DISSEMINATION OF INDECENT MATERIAL ON CABLE TELEVISION

Section 1464 of title 18, United States Code, is amended by inserting after section 1464 the following:

"(a) Whoever knowingly disseminates any indecent material on any channel provided to all subscribers as part of a basic cable television package shall be imprisoned not more than two years or fined under this title, or both.

"(b) As used in this section, the term 'basic cable television package' means those channels provided by any means for a basic cable subscription fee to all cable subscribers, including 'basic cable service' and 'other programming service' as those terms are defined in section 602 of the Communications Act of 1934 but does not include separate channels that are provided to subscribers upon specific request, whether or not a separate or additional fee is charged.".

"(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 71 of title 18, United states Code, is amended by inserting after the item relating to section 1464 the following new item:

"1464A. Dissemination of indecent material on cable television.".

SEC. . OBSCENE PROGRAMMING ON CABLE TELEVISION.

Section 639 (47 .S.C. 559) is amended by striking "$10,000" and inserting $100,000".

SEC. . BROADCASTING OBSCENE LANGUAGE ON RADIO.

Section 1464 of Title 18, United States Code, is amended by striking our $10,000" and inserting "$100,000".

SEC. . SEPARABILITY

"(a) If any provision of this Title, including amendments to this Title or the application thereof to any person or circumstance is held invalid, the remainder of this Title and the application of such provision to other persons or circumstances shall not be affected thereby.".

SEC. . ADDITIONAL PROHIBITION FOR BILLING FOR TOLL-FREE TELEPHONE CALLS.

AMENDMENT NO. 1364

In lieu of the matter proposed to be inserted, insert the following:

SEC. 402. OBSCENE OR HARASSING USE OF TELECOMMUNICATIONS FACILITIES UNDER THE COMMUNICATIONS ACT OF 1934.

(a) OFFENSES.—Section 223 (47 U.S.C. 223) is amended—

(1) by striking subsection (a) and inserting in lieu thereof:

"(a) Whoever—

"(1) in the District of Columbia or in interstate or foreign communications

"(A) by means of telecommunications device knowingly—

"(i) makes, creates, or solicits, and

"(ii) initiates the transmission of,

any comment, request, suggestion, proposal, image, or other communication which is obscene, lewd, lascivious, filthy, or indecent, with intent to annoy, abuse, threaten, or harass another person;

"(B) makes a telephone call or utilizes a telecommunications device, whether or not conversation or communication ensues, without disclosing his identity and with intent to annoy, abuse, threaten, or harass any person at the called number or who receives the communication;

"(C) makes or causes the telephone of another repeatedly or continuously to ring, with intent to harass any person at the called number; or

"(D) makes repeated telephone calls or repeatedly initiates communication with a telecommunications device, during which conversation or communication ensues, solely to harass any person at the called number or who receives the communication; or

"(2) knowingly permits any telecommunications facility under his control to be used for any activity prohibited by paragraph (1) with the intent that it be used for such activity,

shall be fined not more than $100,000 or imprisoned not more than two years, or both."; and

(2) by adding at the end the following new subsections:

"(d) Whoever—

"(1) knowingly within the United States or in foreign communications with the United States by means of telecommunications device makes or makes available any obscene communication in any form including any comment, request, suggestion, proposal, or image regardless of whether the maker of such communication placed the call or initiated the communications; or

"(2) knowingly permits any telecommunications facility under such person's control to be used for an activity prohibited by subsection (d)(1) with the intent that it be used for such activity;

shall be fined not more than $100,000 or imprisoned not more than two years or both.

"(e) Whoever—

"(1) knowingly within the United States or in foreign communications with the United States by means of telecommunications device makes or makes available any indecent communication in any form including any comment, request, suggestion, proposal, image, to any person under 18 years of age regardless of whether the maker of such communication placed the call or initiated the communication; or

"(2) knowingly permits any telecommunications facility under such person's control to be used for an activity prohibited by paragraph (1) with the intent that it be used for such activity,

shall be fined not more than $100,000 or imprisoned not more than two years or both.

"(f) Defenses to the subsections (a), (d), and (e), restrictions on access, judicial remedies respecting restrictions for persons providing information services and access to information services—

"(1) No person shall be held to have violated subsections (a), (d), or (e) solely for providing access or connection to or from a facility, system, or network over which that person has no control, including related capabilities which are incidental to providing access or connection. This subsection shall not be applicable to an individual who is owned or controlled by, or a conspirator with, an entity actively involved in the creation, editing or knowing distribution of communications which violate this section.

"(2) No employer shall be held liable under this section for the actions of an employee or agent unless the employee's or agent's conduct is within the scope of his employment or agency and the employer has knowledge of, authorizes, or ratifies the employee's or agent's conduct.

"(3) It is a defense to prosecution under subsection (a), (d)(2), or (e) that a person has taken reasonable, effective and appropriate actions in good faith to restrict or prevent the transmission of, or access to a communication specified in such subsections, or complied with procedures as the Commission may prescribe in furtherance of this section. Until such regulations become effective, it is a defense to prosecution that the person has complied with the procedures prescribed by regulation pursuant to subsection (b)(3). Nothing in this subsection shall be construed to treat enhanced information services as common carriage.

"(4) No cause of action may be brought in any court or administrative agency against any person on account of any activity which is not in violation of any law punishable by criminal or civil penalty, which activity the person has taken in good faith to implement a defense authorized under this section or otherwise to restrict or prevent the transmission of, or access to, a communication specified in this section.

"(g) No State or local government may impose any liability for commercial activities or actions by commercial entities in connection with an activity or action which constitutes a violation described in subsection (a)(2), (d)(2), or (e)(2) that is inconsistent with the treatment of those activities or actions under this section provided, however, that nothing herein shall preclude any State or local government from enacting and enforcing complementary oversight, liability, and regulatory systems, procedures, and requirements, so long as such systems, procedures, and requirements govern only intrastate services and do not result in the imposition of inconsistent rights, duties or obligations on the provision of interstate services. Nothing in this subsection shall preclude any State or local government from governing conduct not covered by this section.

(h) Nothing in subsection (a), (d), (e), or (f) or in the defenses to prosecution under (a), (d), or (e) shall be construed to affect or limit the application or enforcement of any other Federal law.

"(i) The use of the term 'telecommunications device' in this section shall not impose new obligations on (one-way) broadcast radio or (one-way) broadcast television operators licensed by the Commission or (one-way) cable service registered with the Federal Communications Commission and covered by obscenity and indecency provisions elsewhere in this Act."

"(j) Within two years from the date of enactment and every two years thereafter, the Commission shall report on the effectiveness of this section."

(e) CONFORMING AMENDMENT.—The section heading for section 223 is amended to read as follows:

"SEC. 223. OBSCENE OR HARASSING UTILIZATION OF TELECOMMUNICATIONS DEVICES AND FACILITIES IN THE DISTRICT OF COLUMBIA OR IN INTERSTATE OR FOREIGN COMMUNICATIONS".

SEC. 403. OBSCENE PROGRAMMING ON CABLE TELEVISION.

Section 639 (47 U.S.C. 559) is amended by striking "$10,000" and inserting "100,000".

SEC. 404. BROADCASTING OBSCENE LANGUAGE ON RADIO.

Section 1464 of title 18, United States Code, is amended by striking out "$10,000" and inserting "$100,000".

SEC. 405. DISSEMINATION OF INDECENT MATERIAL ON CABLE TELEVISION SERVICE.

(a) IN GENERAL.—Chapter 71 of title 18, United States Code, is amended by inserting after section 1464 the following:

"§ 1464A. Dissemination of indecent material on cable television

"(a) Whoever knowingly disseminates any indecent material on any channel provided to all subscribers as part of a basic cable television package shall be imprisoned not more than two years or fined under this title, or both.

"(b) As used in this section, the term 'basic cable television package' means those channels provided by any means for a basic cable subscription fee to all cable subscribers, including 'basic cable service' and 'other programming service' as those terms are defined in section 602 of the Communications Act of 1934 but does not include separate channels that are provided to subscribers upon specific request, whether or not a separate or additional fee is charged.".

"(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 71 of title 18, United States Code, is amended by inserting after the item relating to section 1464 the following new item:

"1464A. Dissemination of indecent material on cable television.".

SEC. SEPARABILITY.

If any pronoun of this Title, including amendments to this Title or the application thereof to any person or circumstance is held invalid, the remainder of this Title and the application of such provision to other persons or circumstances shall not be affected thereby.

FEINGOLD AMENDMENT NO. 1365

(Ordered to lie on the table.)

Mr. FEINGOLD submitted an amendment intended to be proposed by him to an amendment to the bill S. 652, supra; as follows:

Strike all after the first word of the language proposed to be inserted and insert in lieu thereof the following: "nothing in this subsection shall prevent a State from ordering the implementation of toll dialing parity in an intraLATA area by a Bell operating company before or after the Bell operating company has been granted authority under this subsection to provide interLATA services in that area.

HEFLIN AMENDMENT NO. 1366

Mr. HEFLIN submitted an amendment intended to be proposed by him to an amendment to the bill S. 652, supra; as follows:

At the appropriate place in the amendment, insert the following:

SEC. ——. AUTHORITY TO ACQUIRE CABLE SYSTEMS.

(a) IN GENERAL.—Notwithstanding the provisions of section 613(b)(6) of the Communications Act of 1934, as added by section 213(a) of this Act, or any other provision of law, a local exchange carrier (or any affiliate of such carrier owned by, operated by, controlled by, or under common control with such carrier) may obtain a controlling interest in, management interest in, or enter into a joint venture or partnership with any cable system described in subsection (b).

(b) COVERED CABLE SYSTEMS.—Subsection (a) applies to any cable system that serves incorporated or unincorporated places or territories having fewer than 50,000 inhabitants if more than —— percent the subscriber base of such system serves individuals living outside an urbanized area, as defined by the Bureau of the Census.

(c) DEFINITION.—For purposes of this section, the term "local exchange carrier" has the meaning given such term in section 3(kk) of the Communications Act of 1934, as added by section 8(b) of this Act.

HEFLIN AMENDMENT NO. 1367

Mr. HEFLIN proposed an amendment to the bill S. 652, supra; as follows:

At the appropriate place in the amendment, insert the following:

SEC. . AUTHORITY TO ACQUIRE CABLE SYSTEMS.

(a) IN GENERAL.—Notwithstanding the provisions of section 613(b)(6) of the Communications Act of 1934, as added by section 203(a) of this Act, a local exchange carrier (or any affiliate of such carrier owned by, operated by, controlled by, or under common control with such carrier) may purchase or otherwise acquire more than a 10 percent financial interest, or any management interest, or enter into a joint venture or partnership with any cable system described in subsection (b) within the local exchange carrier's telephone service area.

(b) COVERED CABLE SYSTEMS.—Subsection (a) applies to any cable system serving no more than 20,000 cable subscribers of which no more than 12,000 of those subscribers live within an urbanized area, as defined by the Bureau of the Census.

(c) DEFINITION.—For purposes of this section, the term "local exchange carrier" has the meaning given such term in section 3(kk) of the Communications Act of 1934, as added by section 8(b) of this Act.

BREAUX AMENDMENT NO. 1368

(Ordered to lie on the table.)

Mr. BREAUX submitted an amendment intended to be proposed by him to an amendment to the bill S. 652, supra; as follows:

In the amendment, after the first word, insert the following:

"Notwithstanding any other provisions of this Act.

(ii) Except for single-LATA States, a State may not require a Bell operating company to implement toll dialing parity in an intraLATA area before a Bell operating company has been granted authority under this subsection to provide inter-LATA services in that area or before three years after the date of enactment of the Telecommunications Act, whichever is earlier. Nothing in this clause precludes a State from issuing an order requiring toll dialing parity in an intra-LATA area prior to either such date so long as such order does not take effect until after the earlier of either such dates."

STEVENS AMENDMENT NO. 1369

(Ordered to lie on the table.)

Mr. STEVENS submitted an amendment intended to be proposed by him to an amendment to the bill S. 652, supra; as follows:

On page 6 of amendment number 1300, beginning with "Further," on line 23, strike all through the end of line 1 on page 7.

STEVENS AMENDMENT NO. 1370

(Ordered to lie on the table.)

Mr. STEVENS submitted an amendment intended to be proposed by him to an amendment submitted by him to the bill, S. 652, supra; as follows:

On line 2 of amendment number 1303, after "costs" insert "(which shall be determined without reference to a rate-of-return or other rate-based proceeding, and shall take into account the price structure of telecommunications services within the State, and which may include a reasonable profit)".

LEAHY AMENDMENTS NOS. 1371–1375

(Ordered to lie on the table.)

Mr. LEAHY submitted five amendments intended to be proposed by him to amendments to the bill, S. 652, supra; as follows:

AMENDMENT NO. 1371

On page 2, line 2, insert "300 percent of" before "the percentage".

AMENDMENT NO. 1372

On page 2, line 2, insert "150 percent of" before "the percentage".

AMENDMENT NO. 1373

On page 2, line 2, insert "125 percent of" before "the percentage".

AMENDMENT NO. 1374

On page 2, line 2, insert "175 percent of" before "the percentage".

AMENDMENT NO. 1375

On page 2, line 2, insert "200 percent of" before "the percentage".

LEAHY AMENDMENT NO. 1376

(Ordered to lie on the table.)

Mr. LEAHY submitted an amendment intended to be proposed by him to amendment No. 1326 proposed by Mr. GORTON to the bill S. 652, supra; as follows:

Strike all after the first word and insert in lieu thereof the following:

Report on Means of Restricting Access to Unwanted Material in Interactive Telecommunications Systems.—

(1) Report.—Not later than 150 days after the date of the enactment of this Act, the Attorney General shall submit to the Committees on the Judiciary of the Senate and the House of Representatives a report containing—

(A) an evaluation of the enforceability with respect to interactive media of current criminal laws governing the distribution of obscenity over computer networks and the creation and distribution of child pornography by means of computers;

(B) an assessment of the Federal, State, and local law enforcement resources that are currently available to enforce such laws;

(C) an evaluation of the technical means available—

(i) to enable parents to exercise control over the information that their children receive by interactive telecommunications systems so that children may avoid violent, sexually explicit, harassing, offensive, and other unwanted material on such systems;

(ii) to enable other users of such systems to exercise control over the commercial and noncommercial information that they receive by such systems so that such users may avoid violent, sexually explicit, harassing, offensive, and other unwanted material on such systems; and

(iii) to promote the free flow of information, consistent with the values expressed in the Constitution, in interactive media; and

(D) recommendations on means of encouraging the development and deployment of technology, including computer hardware and software, to enable parents and other users of interactive telecommunications systems to exercise the control described in clauses (i) and (ii) of subparagraph (C).

(2) Consultation.—In preparing the report under paragraph (1), the Attorney General shall consult with the Assistant Secretary of Commerce for Communications and Information.

LEAHY (AND OTHERS) AMENDMENT NO. 1377

(Ordered to lie on the table.)

Mr. LEAHY (for himself, Ms. MOSELEY-BRAUN, Mr. FEINGOLD, and Mr. KERREY) submitted an amendment intended to be proposed by them to an amendment to the bill, S. 652, supra; as follows:

Strike out the matter proposed to be inserted and insert in lieu thereof the following:

(1) in subsection (a), by striking out "section" and inserting in lieu thereof "subsection"; and

(2) by striking out "$50,000" each place it appears and inserting in lieu thereof "$100,000".

(b) Report on Means of Restricting Access to Unwanted Material in Interactive Telecommunications Systems.—

(1) Report.—Not later than 150 days after the date of the enactment of this Act, the Attorney General shall submit to the Committees on the Judiciary of the Senate and the House of Representatives a report containing—

(A) an evaluation of the enforceability with respect to interactive media of current criminal laws governing the distribution of obscenity over computer networks and the creation and distribution of child pornography by means of computers;

(B) an assessment of the Federal, State, and local law enforcement resources that are currently available to enforce such laws;

(C) an evaluation of the technical means available—

(i) to enable parents to exercise control over the information that their children receive by interactive telecommunications systems so that children may avoid violent, sexually explicit, harassing, offensive, and other unwanted material on such systems;

(ii) to enable other users of such systems to exercise control over the commercial and noncommercial information that they receive by such systems so that such users may avoid violent, sexually explicit, harassing, offensive, and other unwanted material on such systems; and

(iii) to promote the free flow of information, consistent with the values expressed in the Constitution, in interactive media; and

(D) recommendations on means of encouraging the development and deployment of technology, including computer hardware and software, to enable parents and other users of interactive telecommunications systems to exercise the control described in clauses (i) and (ii) of subparagraph (C).

(2) Consultation.—In preparing the report under paragraph (1), the Attorney General shall consult with the Assistant Secretary of Commerce for Communications and Information.

LEAHY AMENDMENT NO. 1378

(Ordered to lie on the table.)

Mr. LEAHY submitted an amendment intended to be proposed by him to an amendment to the bill S. 652, supra; as follows:

Strike all after the first word and insert in lieu thereof the following:

"Notwithstanding any other provision of law, the Commission shall have the authority to prescribe technical standards for the digital transmission and reception of the signals of video programming for the purposes of promoting compatibility or competitive availability of consumer electronics devices. The Commission shall, to the extent, possible, rely on standards originating in the private sector.".

LEAHY AMENDMENTS NOS. 1379–1381

(Ordered to lie on the table.)

Mr. LEAHY submitted three amendments intended to be proposed by him to amendment No. 1319 submitted by Mr. BROWN to the bill S. 652, supra; as follows:

AMENDMENT NO. 1379

On page 1, line 7, strike all after "programming." and insert the following:

"The Commission shall, to the extent possible, rely on standards originating in the private sector."

AMENDMENT NO. 1380

Strike all after the first word and insert in lieu thereof the following:

"Notwithstanding any other provision of law, the Commission shall have the authority to prescribe technical standards for the digital transmission and reception of the signals of video programming for the purposes of promoting compatibility or competitive availability of consumer electronics devices. The Commission shall, to the extent, possible, rely on standards originating in the private sector.".

AMENDMENT NO. 1381

On page 1, line 7, strike all after "programming." and insert the following:

"Notwithstanding any other provision of law, the Commission shall have the authority to prescribe technical standards for the digital transmission and reception of the signals of video programming for the purposes of promoting compatibility or competitive availability of consumer electronics devices. The Commission shall, to the extent, possible, rely on standards originating in the private sector.".

LEAHY (AND OTHERS) AMENDMENT NO. 1382

(Ordered to lie on the table.)

Mr. LEAHY (for himself, Ms. MOSELEY-BRAUN, Mr. FEINGOLD, and Mr. KERREY) submitted an amendment intended to be proposed by them to amendment No. 1328 submitted by Mr. EXON to the bill S. 652, supra; as follows:

Strike out all matter proposed by the amendment and insert in lieu thereof the following:

(a) not amended;

(b) Report on Means of Restricting Access to Unwanted Material in Interactive Telecommunications Systems.—

(1) Report.—Not later than 150 days after the date of the enactment of this Act, the Attorney General shall submit to the Committees on the Judiciary of the Senate and the House of Representatives a report containing—

(A) an evaluation of the enforceability with respect to interactive media of current criminal laws governing the distribution of obscenity over computer networks and the creation and distribution of child pornography by means of computers;

(B) an assessment of the Federal, State, and local law enforcement resources that are currently available to enforce such laws;

(C) an evaluation of the technical means available—

(i) to enable parents to exercise control over the information that their children receive by interactive telecommunications systems so that children may avoid violent, sexually explicit, harassing, offensive, and other unwanted material on such systems;

(ii) to enable other users of such systems to exercise control over the commercial and noncommercial information that they receive by such systems so that such users may avoid violent, sexually explicit, harassing, offensive, and other unwanted material on such systems; and

(iii) to promote the free flow of information, consistent with the values expressed in the Constitution, in interactive media; and

(D) recommendations on means of encouraging the development and deployment of technology, including computer hardware and software, to enable parents and other users of interactive telecommunications systems to exercise the control described in clauses (i) and (ii) of subparagraph (C).

(2) CONSULTATION.—In preparing the report under paragraph (1), the Attorney General shall consult with the Assistant Secretary of Commerce for Communications and Information.

LEAHY (AND OTHERS) AMENDMENT NO. 1383

(Ordered to lie on the table.)

Mr. LEAHY (for himself, Ms. MOSELEY-BRAUN, Mr. FEINGOLD, and Mr. KERREY) submitted an amendment intended to be proposed by them to amendment No. 1280 submitted by Mr. ROBB to the bill S. 652, supra; as follows:

Strike out the last word proposed to be inserted and insert in lieu thereof the following:

transmission or file

(e) REPORT ON MEANS OF RESTRICTING ACCESS TO UNWANTED MATERIAL IN INTERACTIVE TELECOMMUNICATIONS SYSTEMS.—

(1) REPORT.—Not later than 150 days after the date of the enactment of this Act, the Attorney General shall submit to the Committee on the Judiciary of the Senate and the House of Representatives a report containing—

(A) an evaluation of the enforceability with respect to interactive media of current criminal laws governing the distribution of obscenity over computer networks and the creation and distribution of child pornography by means of computers;

(B) an assessment of the Federal, State, and local law enforcement resources that are currently available to enforce such laws;

(C) an evaluation of the technical means available—

(i) to enable parents to exercise control over the information that their children receive by interactive telecommunications systems so that children may avoid violent, sexually explicit, harassing, offensive, and other unwanted material on such systems;

(ii) to enable other users of such systems to exercise control over the commercial and noncommercial information that they receive by such systems so that such users may avoid violent, sexually explicit, harassing, offensive, and other unwanted material on such systems; and

(iii) to promote the free flow of information, consistent with the values expressed in the Constitution, in interactive media; and

(D) recommendations on means of encouraging the development and deployment of technology, including computer hardware and software, to enable parents and other users of interactive telecommunications systems to exercise the control described in clauses (i) and (ii) of subparagraph (C).

(2) CONSULTATION.—In preparing the report under paragraph (1), the Attorney General shall consult with the Assistant Secretary of Commerce for Communications and Information.

LEAHY AMENDMENT NO. 1384

(Ordered to lie on the table.)

Mr. LEAHY submitted an amendment intended to be proposed by him to amendment No. 1281, proposed by Mr. EXON, to the bill, S. 652, supra; as follows:

Strike out the matter proposed to be inserted and insert in lieu thereof the following:

"(1) by striking subsection (a) and inserting in lieu thereof:

"(a) Whoever—

"(1) in the District of Columbia or in interstate or foreign communications

"(A) by means of telecommunications device knowingly—

"(i) makes, creates, or solicits, and

"(ii) initiates the transmission of,

any obscene, lewd, lascivious, filthy or indecent comment, request, suggestion, proposal, image, or other communication with knowledge that such communication is obscene, lewd, lascivious, filthy, or indecent, with intent to abuse, threaten, or harass another person;

"(B) makes a telephone call or utilizes a telecommunications device, whether or not conversation or communication ensues, without disclosing his identity and with intent to abuse, threaten, or harass any person at the called number or who receives the communication;

"(C) makes or causes the telephone of another repeatedly or continuously to ring, with intent to harass any person at the called number; or

"(D) makes repeated telephone calls or repeatedly initiates communication with a telecommunications device, during which conversation or communication ensues, solely to harass any person at the called number or who receives the communication; or

shall be fined not more than $100,000 or imprisoned not more than two years, or both."; and

(2) by adding at the end the following new subsections:

"(d) Whoever—

"(1) knowingly within the United States or in foreign communications with the United States by means of telecommunications device makes available any obscene communication, knowing that such communication is obscene, in any form including any comment, request, suggestion, proposal, or image regardless of whether the maker of such communication placed the call or initiated the communications; or

shall be fined not more than $100,000 or imprisoned not more than two years or both.

"(f) Defenses to the subsections (a) and (d) restrictions on access, judicial remedies respecting restrictions for persons providing information services and access to information services—

"(1) No person shall be held to have violated subsections (a) or (d), solely for providing access or connection to or from a facility, system, or network over which that person has no control, including related capabilities which are incidental to providing access or connection. This subsection shall not be applicable to an individual who is owned or controlled by, or a conspirator with, an entity actively involved in the creation, editing or knowing distribution of communications which violate this section.

"(2) No employer shall be held liable under this section for the actions of an employee or agent unless the employee's or agent's conduct is within the scope of his employment or agency and the employer has knowledge of, authorizes or ratifies the employee's or agent's conduct.

"(3) It is a defense to prosecution under subsection (a), that a person has taken reasonable, effective and appropriate actions in good faith to restrict or prevent the transmission of, or access to a communication specified in such subsections, or complied with procedures as the Commission may prescribe in furtherance of this section. Until such regulations become effective, it is a defense to prosecution that the person has complied with the procedures prescribed by regulation pursuant to subsection (b)(3). Nothing in this subsection shall be construed to treat enhanced information services as common carriage.

"(4) No cause of action may be brought in any court or administrative agency against any person on account of any activity which is not in violation of any law punishable by criminal or civil penalty, which activity the person has taken in good faith to implement a defense authorized under this section or otherwise to restrict or prevent the transmission of, or access to, a communication specified in this section.

(h) Nothing in subsection (a), (d), or (f) or in the defenses to prosecution under (a) or (d) shall be construed to affect or limit the application or enforcement of any other Federal law.

"(i) The use of the term 'telecommunications device' in this section shall not impose new obligations on (one-way) broadcast radio or (one-way) broadcast television operators licensed by the Commission or (one-way) cable service registered with the Federal Communications Commission and covered by obscenity and indecency provisions elsewhere in this Act."

"(j) Within two years from the date of enactment and every two years thereafter, the Commission shall report on the effectiveness of this section.

REPORT ON MEANS OF RESTRICTING ACCESS TO UNWANTED MATERIAL IN INTERACTIVE TELECOMMUNICATIONS SYSTEMS.—

(1) REPORT.—Not later than 150 days after the date of the enactment of this Act, the Attorney General shall submit to the Committees on the Judiciary of the Senate and the House of Representatives a report containing—

(A) an evaluation of the enforceability with respect to interactive media of current criminal laws governing the distribution of obscenity over computer networks and the creation and distribution of child pornography by means of computers;

(B) an assessment of the Federal, State, and local law enforcement resources that are currently available to enforce such laws;

(C) an evaluation of the technical means available—

(i) to enable parents to exercise control over the information that their children receive by interactive telecommunications systems so that children may avoid violent, sexually explicit, harassing, offensive, and other unwanted material on such systems;

(ii) to enable other users of such systems to exercise control over the commercial and noncommercial information that they receive by such systems so that such users may avoid violent, sexually explicit, harassing, offensive, and other unwanted material on such systems; and

(iii) to promote the free flow of information, consistent with the values expressed in the Constitution, in interactive media; and

(D) recommendations on means of encouraging the development and deployment of technology, including computer hardware and software, to enable parents and other users of interactive telecommunications systems to exercise the control described in clauses (i) and (ii) of subparagraph (C).

(2) CONSULTATION.—In preparing the report under paragraph (1), the Attorney General

shall consult with the Assistant Secretary of Commerce for Communications and Information.

LEAHY (AND OTHERS) AMENDMENT NO. 1385

(Ordered to lie on the table.)

Mr. LEAHY (for himself, Ms. MOSELEY-BRAUN, Mr. FEINGOLD, and Mr. KERREY) submitted an amendment intended to be proposed by them to amendment No. 1328 submitted by Mr. EXON to the bill S. 652, supra; as follows:

Strike out all matter proposed by the amendment and insert in lieu thereof the following:

(a) not amended;

(b) REPORT ON MEANS OF RESTRICTING ACCESS TO UNWANTED MATERIAL IN INTERACTIVE TELECOMMUNICATIONS SYSTEMS.—

(1) REPORT.—Not later than 150 days after the date of the enactment of this Act, the Attorney General shall submit to the Committees on the Judiciary of the Senate and the House of Representatives a report containing—

(A) an evaluation of the enforceability with respect to interactive media of current criminal laws governing the distribution of obscenity over computer networks and the creation and distribution of child pornography by means of computers;

(B) an assessment of the Federal, State, and local law enforcement resources that are currently available to enforce such laws;

(C) an evaluation of the technical means available—

(i) to enable parents to exercise control over the information that their children receive by interactive telecommunications systems so that children may avoid violent, sexually explicit, harassing, offensive, and other unwanted material on such systems;

(ii) to enable other users of such systems to exercise control over the commercial and noncommercial information that they receive by such systems so that such users may avoid violent, sexually explicit, harassing, offensive, and other unwanted material on such systems; and

(iii) to promote the free flow of information, consistent with the values expressed in the Constitution, in interactive media; and

(D) recommendations on means of encouraging the development and deployment of technology, including computer hardware and software, to enable parents and other users of interactive telecommunications systems to exercise the control described in clauses (i) and (ii) of subparagraph (C).

(2) CONSULTATION.—In preparing the report under paragraph (1), the Attorney General shall consult with the Assistant Secretary of Commerce for Communications and Information.

(3) ACTION.—The Senate shall act upon the recommendations in the report referred to is under paragraph (1) within three months of receipt.

LEAHY (AND OTHERS) AMENDMENTS NOS. 1386–1387

(Ordered to lie on the table.)

Mr. LEAHY (for himself, Ms. MOSELEY-BRAUN, Mr. FEINGOLD, and Mr. KERREY) submitted two amendments intended to be proposed by them to amendment No. 1281 submitted by Mr. EXON to the bill S. 652, supra; as follows:

AMENDMENT NO. 1386

Strike out the matter proposed to be inserted and insert in lieu thereof the following:

(1) in subsection (a), by striking out "section" and inserting in lieu thereof "subsection"; and

(2) by striking out "$50,000" each place it appears and inserting in lieu thereof "$100,000".

(b) REPORT ON MEANS OF RESTRICTING ACCESS TO UNWANTED MATERIAL IN INTERACTIVE TELECOMMUNICATIONS SYSTEMS.—

(1) REPORT.—Not later than 150 days after the date of the enactment of this Act, the Attorney General shall submit to the Committees on the Judiciary of the Senate and the House of Representatives a report containing—

(A) an evaluation of the enforceability with respect to interactive media of current criminal laws governing the distribution of obscenity over computer networks and the creation and distribution of child pornography by means of computers;

(B) an assessment of the Federal, State, and local law enforcement resources that are currently available to enforce such laws;

(C) an evaluation of the technical means available—

(i) to enable parents to exercise control over the information that their children receive by interactive telecommunications systems so that children may avoid violent, sexually explicit, harassing, offensive, and other unwanted material on such systems;

(ii) to enable other users of such systems to exercise control over the commercial and noncommercial information that they receive by such systems do that such users may avoid violent, sexually explicit, harassing, offensive, and other unwanted material on such systems; and

(iii) to promote the free flow of information, consistent with the values expressed in the Constitution, in interactive media; and

(D) recommendations on means of encouraging the development and deployment of technology, including computer hardware and software, to enable parents and other users of interactive telecommunications systems to exercise the control described in clauses (i) and (ii) of subparagraph (C).

(2) CONSULTATION.—In preparing the report under paragraph (1), the Attorney General shall consult with the Assistant Secretary of Commerce for Communications and Information.

AMENDMENT NO. 1387

Strike out the matter proposed to be inserted and insert in lieu thereof the following:

(1) in subsection (a), by striking out "section" and inserting in lieu thereof "subsection"; and

(2) by striking out "$50,000" each place it appears and inserting in lieu thereof "$100,000".

(b) REPORT ON MEANS OF RESTRICTING ACCESS TO UNWANTED MATERIAL IN INTERACTIVE TELECOMMUNICATIONS SYSTEMS.—

(1) REPORT.—Not later than 150 days after the date of the enactment of this Act, the Attorney General shall submit to the Committees on the Judiciary of the Senate and the House of Representatives a report containing—

(A) an evaluation of the enforceability with respect to interactive media of current criminal laws governing the distribution of obscenity over computer networks and the creation and distribution of child pornography by means of computers;

(B) an assessment of the Federal, State, and local law enforcement resources that are currently available to enforce such laws;

(C) an evaluation of the technical means available—

(i) to enable parents to exercise control over the information that their children receive by interactive telecommunications systems so that children may avoid violent, sexually explicit, harassing, offensive, and other unwanted material on such systems;

(ii) to enable other users of such systems to exercise control over the commercial and noncommercial information that they receive by such systems so that such users may avoid violent, sexually explicit, harassing, offensive, and other unwanted material on such systems; and

(iii) to promote the free flow of information, consistent with the values expressed in the Constitution, in interactive media; and

(D) recommendations on means of encouraging the development and deployment of technology, including computer hardware and software, to enable parents and other users of interactive telecommunications systems to exercise the control described in clauses (i) and (ii) of subparagraph (C).

(2) CONSULTATION.—In preparing the report under paragraph (1), the Attorney General shall consult with the Assistant Secretary of Commerce for Communications and Information.

LEAHY AMENDMENTS NOS. 1388–1395

(Ordered to lie on the table.)

Mr. LEAHY submitted eight amendments intended to be proposed by him to amendments to the bill, S. 652, supra; as follows:

AMENDMENT NO. 1388

On page 3, strike out line 6 and all that follows through page 3, line 15, and insert in lieu thereof the following:

(D)(1) The Office of the United States Trade Representative, the Department of Commerce, the Federal Communications Commission and other appropriate federal agencies and departments, when engaging in consultations, negotiations or other international discussions, shall pursue policies and advocate objectives with the aim of securing non-discriminatory export opportunities for U.S. exporters of telecommunications products and services, information content and information appliances. Measures which deny non-discriminatory export opportunities, include measures which:

(a) hinder or impede competition among technologies, providers, content and media, based on national origin;

(b) encumber or retard the rapid development of the global information and communications infrastructure; or

(c) unfairly deny access to users and vendors of products, content and services.

(2) The Secretary of Commerce, in consultation with the United States Trade Representative and the Federal Communications Commission, shall conduct a study of the competitiveness of the United States in the global information infrastructure and the effects of foreign policies, practices and measures affecting such U.S. competitiveness, in order to assist the Congress and the President in determining what actions might be needed to promote and preserve the competitiveness of United States information industries. The Secretaries shall, no later than one year after the date of enactment of this Act, submit to the Congress and the President a report on the findings and recommendations reached as a result of the study.

AMENDMENT NO. 1389

On page 3, strike out line 6 and all that follows through page 3, line 15, and insert in lieu thereof the following:

"(D) to ensure, consistent with paragraph (1)(B), that any standards or regulations prescribed under this section to assure compatibility between televisions, video cassette recorders, and multichannel video programming distribution systems do not unfairly impair competition in the markets for home automation, computer network services, and telecommunications interface equipment." and

(C) by inserting after new subparagraph (F) the following new subparagraph (G):

"(G) Nothing in this subsection shall be interpreted as diminishing the authority of the Commission to engage in any lawful proceeding in furtherance of the objectives of this section to enhance compatibility and competitiveness with respect to services and devices.".

AMENDMENT NO. 1390

On Page 3, strike out line 6 and all that follows through page 3, line 15, and insert in lieu thereof the following:

"(D) to ensure, consistent with paragraph (1)(B), that any standards or regulations prescribed under this section to assure compatibility between televisions, video cassette recorders, and multichannel video programming distribution systems do not unfairly impair competition in the markets for home automation, computer network services, and telecommunications interface equipment." and

(C) by inserting after new subparagraph (F) the following new subparagraph (G):

"(G) Nothing in this subsection shall be interpreted as diminishing the authority of the Commission to engage in any lawful proceeding in furtherance of the objectives of this section to enhance compatibility and competitiveness with respect to services and devices.".

AMENDMENT NO. 1391

Strike all after the first word and insert the following:

"(D) to ensure, consistent with paragraph (1)(B), that any standards or regulations prescribed under this section to assure compatibility between televisions, video cassette recorders, and multichannel video programming distribution systems do not unfairly impair competition in the markets for home automation, computer network services, and telecommunications interface equipment." and

(C) by inserting after new subparagraph (F) the following new subparagraph (G):

"(G) Noting in this subsection shall be interpreted as diminishing the authority of the Commission to engage in any lawful proceeding in furtherance of the objectives of this section to enhance compatibility and competitiveness with respect to services and devices.".

AMENDMENT NO. 1392

Strike all after the first word of the language proposed to be inserted and insert in lieu thereof the following:

(1) The Office of the United States Trade Representative, the Department of Commerce, the Federal Communications Commission and other appropriate federal agencies and departments, when engaging in consultations, negotiations or other international discussions, shall pursue policies and advocate objectives with the aim of securing non-discriminatory export opportunities for U.S. exporters of telecommunications products and services, information content and information appliances. Measures which deny non-discriminatory export opportunities, include measures which:

(a) hinder or impede competition among technologies, providers, content and media, based on national origin;

(b) encumber or retard the rapid development of the global information and communications infrastructure; or

(c) unfairly deny access to users and vendors of products, content and services.

(2) The Secretary of Commerce, in consultation with the United States Trade Representative and the Federal Communications Commission, shall conduct a study of the competitiveness of the United States in the global information infrastructure and the effects of foreign policies, practices and measures affecting such U.S. competitiveness, in order to assist the Congress and the President in determining what actions might be needed to promote and preserve the competitiveness of United States information industries. The Secretary shall, no later than one year after the date of enactment of this Act, submit to the Congress and the President a report on the findings and recommendations reached as a result of the study.

AMENDMENT NO. 1393

Strike all after the first word of the language proposed to be inserted and insert in lieu thereof the following:

"; provided, however, that

(A) any state that has issued an order with respect to intraLATA toll dialing parity as of June 12, 1995 may implement any order requiring the provision of such dialing parity;

(B) any state that has not issued an order by June 12, 1995 with respect to intraLATA toll dialing parity may not implement any order requiring the provision of such dialing parity for 36 months following the enactment of this Act; and

(C) any state that contains no more than one LATA shall be exempt from this subsection.

AMENDMENT NO. 1394

Strike all after the first word of the language proposed to be inserted and insert in lieu thereof the following:

"; provided, however, that

(A) any state that has issued an order with respect to intraLATA toll dialing parity as of June 12, 1995 may implement any order requiring the provision of such dialing parity;

(B) any state that has initiated a proceeding with respect to intraLATA toll dialing parity as of June 12, 1995 may complete such proceeding but shall not implement any order requiring the provision of such dialing parity for 24 months following the enactment of this Act;

(C) any state that has neither issued an order nor initiated a proceeding on June 12, 1995 with respect to intraLATA toll dialing parity may not implement any order requiring the provision of such dialing parity for 36 months following the enactment of this Act; and

(D) any state that contains no more than one LATA shall be exempt from this subsection.

AMENDMENT NO. 1395

Strike all after the first word of the language proposed to be inserted and insert in lieu thereof the following:

"; *Provided*, however, that

(A) any state that has issued an order with respect to intraLATA toll dialing parity as of June 12, 1995 may implement any order requiring the provision of such dialing parity;

(B) any state that has initiated a proceeding with respect to intraLATA toll dialing parity as of June 12, 1995 may complete such proceeding but shall not implement any order requiring the provision of such dialing parity for twelve months following the enactment of this Act;

(C) any state that has neither issued an order nor initiated a proceeding on June 12, 1995 with respect to intraLATA toll dialing parity may not implement any order requiring the provision of such dialing parity for twenty four months following the enactment of this Act; and

(D) any state that contains no more than one LATA shall be exempt from this subsection.

LEAHY AMENDMENTS NOS. 1396–1397

(Ordered to lie on the table.)

Mr. LEAHY submitted two amendments intended to be proposed by him to amendment No. 1346, proposed by Mr. HEFLIN, to the bill, S. 652, supra; as follows:

AMENDMENT NO. 1396

Strike all after the first word in the pending amendment and insert the following:

"(2) UNREASONABLE RATES.—

"(A) STANDARDS.—The Commission may only consider a rate for cable programming services to be unreasonable if it substantially exceeds the national average rate for comparable programming services in cable systems subject to effective competition.

"(B) RATES OF SMALL CABLE COMPANIES.—

"(i) IN GENERAL.—The regulations prescribed under this subsection shall not apply to the rates charged by small cable companies for the cable programming services provided by such companies.

"(ii) DEFINITION.—As used in this subparagraph, the term 'small cable company' means the following:

"(I) A cable operator whose number of subscribers is less than 35,000.

"(II) A cable operator that operates multiple cable systems, but only if the total number of subscribers of such operator is less than 400,000 and only with respect to each system of the operator that has less than 35,000 subscribers.".

AMENDMENT NO. 1397

Strike the last word in the pending amendment and insert the following:

(d) Insert the word "act" at the end of the definition section.

"(2) UNREASONABLE RATES.—

"(A) STANDARDS.—The Commission may only consider a rate for cable programming services to be unreasonable if it substantially exceeds the national average rate for comparable programming in cable systems subject to effective competition.

"(B) RATES OF SMALL CABLE COMPANIES.—

"(i) IN GENERAL.—The regulations prescribed under this subsection shall not apply to the rates charged by small cable companies for the cable programming services provided by such companies.

"(ii) DEFINITION.—As used in this subparagraph, the term 'small cable company' means the following:

"(I) A cable operator whose number of subscribers is less than 35,000.

"(II) A cable operator that operates multiple cable systems, but only if the total number of subscribers of such operator is less than 400,000 and only with respect to each system of the operator that has less than 35,000 subscribers.''.

LEAHY (AND OTHERS) AMENDMENT NO. 1398

(Ordered to lie on the table.)

Mr. LEAHY (for himself, Ms. MOSELEY-BRAUN, Mr. FEINGOLD, and Mr. KERREY) submitted an amendment intended to be proposed by them to amendment No. 1327 submitted by Mr. EXON to the bill S. 652, supra; as follows:

Strike out the matter proposed to be inserted on page 2 of the Exon Amendment and insert in lieu thereof the following:

(c) REPORT ON MEANS OF RESTRICTING ACCESS TO UNWANTED MATERIAL IN INTERACTIVE TELECOMMUNICATIONS SYSTEMS.—

(1) REPORT.—Not later than 150 days after the date of the enactment of this Act, the Attorney General shall submit to the Committees on the Judiciary of the Senate and the House of Representatives a report containing—

(A) an evaluation of the enforceability with respect to interactive media of current criminal laws governing the distribution of obscenity over computer networks and the creation and distribution of child pornography by means of computers;

(B) an assessment of the Federal, State, and local law enforcement resources that are currently available to enforce such laws;

(C) an evaluation of the technical means available—

(i) to enable parents to exercise control over the information that their children receive by interactive telecommunications systems so that children may avoid violent, sexually explicit, harassing, offensive, and other unwanted material on such systems;

(ii) to enable other users of such systems to exercise control over the commercial and noncommercial information that they receive by such systems so that such users may avoid violent, sexually explicit, harassing, offensive, and other unwanted material on such systems; and

(iii) to promote the free flow of information, consistent with the values expressed in the Constitution, in interactive media; and

(D) recommendations on means of encouraging the development and deployment of technology, including computer hardware and software, to enable parents and other users of interactive telecommunications systems to exercise the control described in clauses (i) and (ii) of subparagraph (C).

(2) CONSULTATION.—In preparing the report under paragraph (1), the Attorney General shall consult with the Assistant Secretary of Commerce for Communications and Information.

LEAHY AMENDMENT NO. 1399

(Ordered to lie on the table.)

Mr. LEAHY submitted an amendment intended to be proposed by him to an amendment to the bill, S. 652, supra; as follows:

On page 3, strike out line 6 and all that follows through page 3, line 15, and insert in lieu thereof the following:

"(D) to ensure, consistent with paragraph (1)(B), that any standards or regulations prescribed under this section to assure compatibility between televisions, video cassette recorders, and multichannel video programming distribution systems do not unfairly impair competition in the markets for home automation, computer network services, and telecommunications interface equipment.'' and

(C) by inserting after new subparagraph (F) the following new subparagraph (G):

"(G) Nothing in this subsection shall be interpreted as diminishing the authority of the Commission to engage in any lawful proceeding in furtherance of the objectives of this section to enhance compatibility and competitiveness with respect to services and devices.''.

LEAHY AMENDMENT NO. 1400

(Ordered to lie on the table.)

Mr. LEAHY submitted an amendment intended to be proposed by him to amendment No. 1346, proposed by Mr. HEFLIN, to the bill, S. 652, supra; as follows:

Strike the last word in the pending amendment and insert the following:

(d) Insert the word "Act'' at the end of the definition section (1) The Office of the United States Trade Representative, the Department of Commerce, the Federal Communications Commission and other appropriate federal agencies and departments, when engaging in consultations, negotiations or other international discussions, shall pursue policies and advocate objectives with the aim of securing non-discriminatory export opportunities for U.S. exporters of telecommunications products and services, information content and information appliances. Measures which deny non-discriminatory export opportunities, include measures which:

(a) hinder or impede competition among technologies, providers, content and media, based on national origin;

(b) encumber or retard the rapid development of the global information and communications infrastructure; or

(c) unfairly deny access to users and vendors of products, content and services.

(2) The Secretary of Commerce, in consultation with the United States Trade Representative and the Federal Communications Commission, shall conduct a study of the competitiveness of the United States in the global information infrastructure and the effects of foreign policies, practices and measures affecting such U.S. competitiveness, in order to assist the Congress and the President in determining what actions might be needed to promote and preserve the competitiveness of United States information industries. The Secretary shall, no later than one year after the date of enactment of this Act, submit to the Congress and the President a report on the findings and recommendations reached as a result of the study.

LEAHY AMENDMENT NO. 1401

(Ordered to lie on the table.)

Mr. LEAHY submitted an amendment intended to be proposed by him to an amendment to the bill, S. 652, supra; as follows:

On page 3, strike out line 6 and all that follows through page 3, line 15, and insert in lieu thereof the following:

(D)(1) The Office of the United States Trade Representative, the Department of Commerce, the Federal Communications Commission and other appropriate federal agencies and departments, when engaging in consultations, negotiations or other international discussions, shall pursue policies and advocate objectives with the aim of securing non-discriminatory export opportunities for U.S. exporters of telecommunications products and services, information content and information appliances. Measures which deny non-discriminatory export opportunities, include measures which:

(a) hinder or impede competition among technologies, providers, content and media, based on national origin;

(b) encumber or retard the rapid development of the global information and communications infrastructure; or

(c) unfairly deny access to users and vendors of products, content and services.

(2) The Secretary of Commerce, in consultation with the United States Trade Representative and the Federal Communications Commission, shall conduct a study of the competitiveness of the United States in the global information infrastructure and the effects of foreign policies, practices and measures affecting such U.S. competitiveness, in order to assist the Congress and the President in determining what actions might be needed to promote and preserve the competitiveness of United States information industries. The Secretary shall, no later than one year after the date of enactment of this Act, submit to the Congress and the President a report on the findings and recommendations reached as a result of the study.

LEAHY AMENDMENTS NOS. 1402–1404

(Ordered to lie on the table.)

Mr. LEAHY submitted three amendments intended to be proposed by him to amendment No. 1305, proposed by Mr. DASCHLE, to the bill, S. 652, supra; as follows:

AMENDMENT NO. 1402

Strike all after the first word of the language proposed to be inserted and insert in lieu thereof the following:

; provided however, that

(A) any state that has issued an order with respect to intraLATA toll dialing parity as of June 12, 1995 may implement any order requiring the provision of such dialing parity;

(B) any state that has initiated a proceeding with respect to intraLATA toll dialing parity as of June 12, 1995 may complete such proceeding but shall not implement any order requiring the provision of such dialing parity for twelve months following the enactment of this Act;

(C) any state that has neither issued an order nor initiated a proceeding on June 12, 1995 with respect to interLATA toll dialing parity may not implement any order requiring the provision of such dialing parity for twenty-four months following the enactment of this Act; and

(D) any state that contains more than one LATA shall not be subject to this subsection.

AMENDMENT NO. 1403

Strike all after the first word of the language proposed to be inserted and insert in lieu thereof the following:

; provided, however, that

(A) any state that has issued an order with respect to intraLATA toll dialing parity as of June 12, 1995 may implement any order requiring the provision of such dialing parity;

(B) any state that has not issued an order nor initiated a proceeding on June 12, 1995 with respect to intraLATA toll dialing parity may not implement any order requiring the provision of such dialing parity for 36 months following the enactment of this Act; and

(C) any state that contains no more than one LATA shall be exempt from this subsection.

AMENDMENT NO. 1404

Strike all after the first word of the language proposed to be inserted and insert in lieu thereof the following:

; provided, however, that

(A) any state that has issued an order with respect to intraLATA toll dialing parity as of June 12, 1995 may implement any order requiring the provision of such dialing parity;

(B) any state that has initiated a proceeding with respect to intraLATA toll dialing parity as of June 12, 1995 may complete such proceeding but shall not implement any order requiring the provisions of such dialing parity for 24 months following the enactment of this Act;

(C) any state that has neither issued an order nor initiated a proceeding on June 12, 1995 with respect to intraLATA toll dialing parity may not implement any order requiring the provision of such dialing parity for 36 months following the enactment of this Act; and

(D) any state that contains no more than one LATA shall not be subject to this subsection.

LEAHY AMENDMENT NO. 1405

(Ordered to lie on the table.)

Mr. LEAHY submitted an amendment intended to be proposed by him to an amendment to the bill, S. 652, supra; as follows:

Strike all after the first word of the language proposed to be inserted and insert in lieu thereof the following: "Nothing in this subsection shall prevent a State from ordering the implementation of toll dialing parity in an intraLATA area by a Bell operating company before or after the Bell operating company has been granted authority under this subsection to provide interLATA services in that area.

LEAHY AMENDMENT NO. 1406

(Ordered to lie on the table.)

Mr. LEAHY submitted an amendment intended to be proposed by him to amendment No. 1305, proposed by Mr. DASCHLE, to the bill, S. 652, supra; as follows:

Strike all after the first word of the language proposed to be inserted and insert in lieu thereof the following.

"; provided, however, that

(A) any state that has issued an order with respect to intraLATA toll dialing parity as of June 12, 1995 may implement any order requiring the provision of such dialing parity;

(B) any state that has initiated a proceeding with respect to intraLATA toll dialing parity as of June 12, 1995 may complete such proceedings but shall not implement any order requiring the provision of such dialing parity for 12 months following the enactment of this Act;

(C) any state that has neither issued an order nor initiated a proceeding on June 12, 1995 with respect to intraLATA toll dialing parity may not implement any order requiring the provision of such dialing for 24 months following the enactment of this Act; and

(D) any state that contains no more than one LATA shall not be subject to this subsection.

LEAHY AMENDMENT NO. 1407

(Ordered to lie on the table.)

Mr. LEAHY submitted an amendment intended to be proposed by him to an amendment to the bill, S. 652, supra; as follows:

Strike all after the first word and insert the following:

(D)(1) The Office of the United States Trade Representative, the Department of Commerce, the Federal Communications Commission and other appropriate federal agencies and departments, when engaging in consultations, negotiations or other international discussions, shall pursue policies and advocate objectives with the aim of securing non-discriminatory export opportunities for U.S. exporters of telecommunications products and services, information content and information appliances. Measures which deny non-discriminatory export opportunities, includes measures which:

(a) hinder or impede competition among technologies, providers, content and media, based on national origin;

(b) encumber or retard the rapid development of the global information and communications infrastructure; or

(c) unfairly deny access to users and vendors of products, content and services.

(2) The Secretary of Commerce, in consultation with the United States Trade Representative and the Federal Communications Commission, shall conduct a study of the competitiveness of the United States in the global information infrastructure and the effects of foreign policies, practices and measures affecting such U.S. competitiveness, in order to assist the Congress and the President in determining what actions might be needed to promote and preserve the competitiveness of United States information industries. The Secretary shall, no later than one year after the date of enactment of this Act, submit to the Congress and the President a report on the findings and recommendations reached as a result of the study.

LEAHY (AND OTHERS) AMENDMENT NO. 1408

(Ordered to lie on the table.)

Mr. LEAHY (for himself, Ms. MOSELEY-BRAUN, Mr. FEINGOLD, and Mr. KERREY) submitted an amendment intended to be proposed by them to an amendment to the bill S. 652, supra; as follows:

Strike out the matter proposed to be inserted and insert in lieu thereof the following:

(1) in subsection (a), by striking out "section" and inserting in lieu thereof "subsection"; and

(2) by striking out "$50,000" each place it appears and inserting in lieu thereof "$100,000".

(b) REPORT ON MEANS OF RESTRICTING ACCESS TO UNWANTED MATERIAL IN INTERACTIVE TELECOMMUNICATIONS SYSTEMS.—

(1) REPORT.—Not later than 150 days after the date of the enactment of this Act, the Attorney General shall submit to the Committees on the Judiciary of the Senate and the House of Representatives a report containing—

(A) an evaluation of the enforceability with respect to interactive media of current criminal laws governing the distribution of obscenity over computer networks and the creation and distribution of child pornography by means of computers;

(B) an assessment of the Federal, State, and local law enforcement resources that are currently available to enforce such laws;

(C) an evaluation of the technical means available—

(i) to enable parents to exercise control over the information that their children receive by interactive telecommunications systems so that children may avoid violent, sexually explicit, harassing, offensive, and other unwanted material on such systems;

(ii) to enable other users of such systems to exercise control over the commercial and noncommercial information that they receive by such systems so that such users may avoid violent, sexually explicit, harassing, offensive, and other unwanted material on such systems; and

(iii) to promote the free flow of information, consistent with the values expressed in the Constitution, in interactive media; and

(D) recommendations on means of encouraging the development and deployment of technology, including computer hardware and software, to enable parents and other users of interactive telecommunications systems to exercise the control described in clauses (i) and (ii) of subparagraph (C).

(2) CONSULTATION.—In preparing the report under paragraph (1), the Attorney General shall consult with the Assistant Secretary of Commerce for Communications and Information.

"(3) IN GENERAL.—Any legislative proposal in the report described in (1) shall be introduced by the Majority Leader or his designee as a bill upon submission and referred to the committees in each House of Congress with jurisdiction. Such a bill may not be reported before the eighth day after the date upon which it was submitted to the Congress as a legislative proposal.

"(4) DISCHARGE.—If the committee to which is referred a bill described in (3) has not reported such bill at the end of 20 calendar days after the submission date referred to in (3), such committee may be discharged from further consideration of such bill in the Senate upon a petition supported in writing by 30 Members of the Senate and in the House upon a petition supported in writing by one-fourth of the Members duly sworn and chosen or by motion of the Speaker supported by the Minority Leader, and such resolution shall be placed on the appropriate calendar of the House involved.

"(5) FLOOR CONSIDERATION.—

"(d) IN GENERAL.—When the committee to which such a bill is referred has reported, or when a committee is discharged (under (4)) from further consideration of such bill, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for a motion to proceed to the consideration of the bill. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the bill is agreed to, the bill shall remain the unfinished business of the respective House until disposed of.

"(b) FINAL PASSAGE.—Immediately following the conclusion of the debate on such a bill described in subsection (3), and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the appropriate House, the vote on final passage of the bill shall occur.

"(c) APPEALS.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a bill described in (3) shall be decided without debate.

"(6) CONSTITUTIONAL AUTHORITY.—This section is enacted by Congress—

"(a) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a bill described in (3), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

"(b) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at anytime, in the same manner, and to the same extent as in the case of any other rule of that House."

LEAHY (AND OTHERS) AMENDMENT NO. 1409

(Ordered to lie on the table.)

Mr. LEAHY (for himself, Ms. MOSELEY-BRAUN, Mr. FEINGOLD, and Mr. KERREY) submitted an amendment intended to be proposed by them to amendment No. 1268 submitted by Mr. EXON to the bill S. 652, supra; as follows:

Strike out the matter proposed to be inserted and insert in lieu thereof the following:

(1) in subsection (a), by striking out "section" and inserting in lieu thereof "subsection"; and

(2) by striking out "$50,000" each place it appears and inserting in lieu thereof "$100,000".

(b) REPORT ON MEANS OF RESTRICTING ACCESS TO UNWANTED MATERIAL IN INTERACTIVE TELECOMMUNICATIONS SYSTEMS.—

(1) REPORT.—Not later than 150 days after the date of the enactment of this Act, the Attorney General shall submit to the Committees on the Judiciary of the Senate and the House of Representatives a report containing—

(A) an evaluation of the enforceability with respect to interactive media of current criminal laws governing the distribution of obscenity over computer networks and the creation and distribution of child pornography by means of computers;

(B) an assessment of the Federal, State, and local law enforcement resources that are currently available to enforce such laws;

(C) an evaluation of the technical means available—

(i) to enable parents to exercise control over the information that their children receive by interactive telecommunications systems so that children may avoid violent, sexually explicit, harassing, offensive, and other unwanted material on such systems;

(ii) to enable other users of such systems to exercise control over the commercial and noncommercial information that they receive by such systems so that such users may avoid violent, sexually explicit, harassing, offensive, and other unwanted material on such systems; and

(iii) to promote the free flow of information, consistent with the values expressed in the Constitution, in interactive media; and

(D) recommendations on means of encouraging the development and deployment of technology, including computer hardware and software, to enable parents and other users of interactive telecommunications systems to exercise the control described in clauses (i) and (ii) of subparagraph (C).

(2) CONSULTATION.—In preparing the report under paragraph (1), the Attorney General shall consult with the Assistant Secretary of Commerce for Communications and Information.

LEAHY (AND OTHERS) AMENDMENT NO. 1410

(Ordered to lie on the table.)

Mr. LEAHY (for himself, Mr. FEINGOLD, Mr. SIMPSON, Mr. KERREY, and Mr. KOHL) submitted an amendment intended to be proposed by them to an amendment to the bill S. 652, supra; as follows:

Strike all after the first word of the language proposed to be inserted and insert in lieu thereof the following: "Nothing in this subsection shall prevent a State from ordering the implementation of toll dialing parity in an intraLATA area by a Bell operating company before the Bell operating company has been granted authority under this subsection to provide interLATA services in that area.".

LEAHY AMENDMENT NO. 1411

(Ordered to lie on the table.)

Mr. LEAHY submitted an amendment intended to be proposed by him to an amendment to the bill, S. 652 supra; as follows:

Strike all after the first word and insert the following:

(1) REPORT ON MEANS OF RESTRICTING ACCESS TO UNWANTED MATERIAL IN INTERACTIVE TELECOMMUNICATIONS SYSTEMS.—

(1) REPORT.—Not later than 150 days after the date of the enactment of this Act, the Attorney General shall submit to the Committees on the Judiciary of the Senate and the House of Representatives a report containing—

(A) an evaluation of the enforceability with respect to interactive media of current criminal laws governing the distribution of obscenity over computer networks and the creation and distribution of child pornography by means of computers;

(B) an assessment of the Federal, State, and local law enforcement resources that are currently available to enforce such laws;

(C) an evaluation of the technical means available—

(i) to enable parents to exercise control over the information that their children receive by interactive telecommunications systems so that children may avoid violent, sexually explicit, harassing, offensive, and other unwanted material on such systems;

(ii) to enable other users of such systems to exercise control over the commercial and noncommercial information that they receive by such systems so that such users may avoid violent, sexually explicit, harassing, offensive, and other unwanted material on such systems; and

(iii) to promote the free flow of information, consistent with the values expressed in the Constitution, in interactive media; and

(D) recommendations on means of encouraging the development and deployment of technology, including computer hardware and software, to enable parents and other users of interactive telecommunications systems to exercise the control described in clauses (i) and (ii) of subparagraph (C).

(2) CONSULTATION.—In preparing the report under paragraph (1), the Attorney General shall consult with the Assistant Secretary of Commerce for Communications and Information.

"(3) IN GENERAL.—Any legislative proposal included in the report described in (1) shall be introduced by the Majority Leader or his designee as a bill upon submission and referred to the committees in each House of Congress with jurisdiction. Such a bill may not be reported before the eighth day after the date upon which it was submitted to the Congress as a legislative proposal.

"(4) DISCHARGE.—If the committee to which is referred a bill described in (3) has not reported such bill at the end of 20 calendar days after the submission date referred to in (3), such committee may be discharged from further consideration of such bill in the Senate upon a petition supported in writing by 30 Members of the Senate and in the House upon a petition supported in writing by one-fourth of the Members duly sworn and chosen or by motion of the Speaker supported by the Minority Leader, and such resolution shall be placed on the appropriate calendar of the House involved.

"(5) FLOOR CONSIDERATION.—

"(a) IN GENERAL.—When the committee to which such a bill is referred has reported, or when a committee is discharged (under (4)) from further consideration of such bill, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for a motion to proceed to the consideration of the bill. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the bill is agreed to, the bill shall remain the unfinished business of the respective House until disposed of.

"(b) FINAL PASSAGE.—Immediately following the conclusion of the debate on such a bill described in (3), and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the appropriate House, the vote on final passage of the bills hall occur.

"(c) APPEALS.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a bill described in (3) shall be decided without debate.

"(6) CONSTITUTIONAL AUTHORITY.—This section is enacted by Congress—

"(a) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a bill described in (3), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

"(b) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at anytime, in the same manner, and to the same extent as in the case of any other rule of that House."

LEAHY AMENDMENT NO. 1412

(Ordered to lie on the table.)

Mr. LEAHY submitted an amendment intended to be proposed by him to amendment No. 1305, proposed by Mr. DASCHLE, to the bill, S. 652, supra; as follows:

Strike all after the first word of the language proposed to be inserted and insert in lieu thereof the following:

"; provided, however, that

(A) any state that has issued an order with respect to intraLATA toll dialing parity as of June 12, 1995 may implement any order requiring the provision of such dialing parity;

(B) any state that has initiated a proceeding with respect to intraLATA toll dialing parity as of June 12, 1995 may complete such proceeding but shall not implement any order requiring the provision of such dialing parity for 24 months following the enactment of this Act;

(C) any state that has neither issued an order nor initiated a proceeding on June 12, 1995 with respect to intraLATA toll dialing parity may not implement any order requiring the provision of such dialing parity for 36 months following the enactment of this Act; and

(D) any state that contains no more than one LATA shall not be subject to this subsection.

LEAHY (AND OTHERS) AMENDMENTS NO. 1413

(Ordered to lie on the table.)

Mr. LEAHY (for himself, Ms. MOSELEY-BRAUN, Mr. FEINGOLD, and Mr. KERREY) submitted an amendment intended to be proposed by them to amendment No. 1268 submitted by Mr. EXON to the bill S. 652, supra; as follows:

Strike out the matter proposed to be inserted and insert in lieu thereof the following:

(1) in subsection (a), by striking out "section" and inserting in lieu thereof "subsection"; and

(2) by striking out "$50,000" each place it appears and inserting in lieu thereof "$100,000".

(b) REPORT ON MEANS OF RESTRICTING ACCESS TO UNWANTED MATERIAL IN INTERACTIVE TELECOMMUNICATIONS SYSTEMS.—

(1) REPORT.—Not later than 150 days after the date of the enactment of this Act, the Attorney General shall submit to the Committees on the Judiciary of the Senate and the House of Representatives a report containing—

(A) an evaluation of the enforceability with respect to interactive media of current criminal laws governing the distribution of obscenity over computer networks and the creation and distribution of child pornography by means of computers;

(B) an assessment of the Federal, State, and local law enforcement resources that are currently available to enforce such laws;

(C) an evaluation of the technical means available—

(i) to enable parents to exercise control over the information that their children receive by interactive telecommunications systems so that children may avoid violent, sexually explicit, harassing, offensive, and other unwanted material on such systems;

(ii) to enable other users of such systems to exercise control over the commercial and noncommercial information that they receive by such systems so that such users may avoid violent, sexually explicit, harassing, offensive, and other unwanted material on such systems; and

(iii) to promote the free flow of information, consistent with the values expressed in the Constitution, in interactive media; and

(D) recommendations on means of encouraging the development and deployment of technology, including computer hardware and software, to enable parents and other users of interactive telecommunications systems to exercise the control described in clauses (i) and (ii) of subparagraph (C).

(2) CONSULTATION.—In preparing the report under paragraph (1), the Attorney General shall consult with the Assistant Secretary of Commerce for Communications and Information.

LEAHY AMENDMENT NO. 1414

(Ordered to lie on the table.)

Mr. LEAHY submitted an amendment intended to be proposed by him to amendment No. 1305, proposed by Mr. DASCHLE, to the bill, S. 652, supra; as follows:

Strike all after the first word of the language proposed to be inserted and insert in lieu thereof the following: "Nothing in this subsection shall prevent a State from ordering the implementation of toll dialing parity in an intraLATA area by a Bell operating company before or after the Bell operating company has been granted authority under this subsection to provide interLATA services in that area.

WELLSTONE AMENDMENTS NOS. 1415–1416

(Ordered to lie on the table.)

Mr. WELLSTONE submitted two amendments intended to be proposed by him to the bill, S. 652, supra; as follows:

AMENDMENT NO. 1415

At an appropriate place insert the following:

"SEC. . EXPEDITED CONGRESSIONAL REVIEW PROCEDURE.

"(a) REQUIREMENT OF LEGISLATIVE PROPOSAL.—The report on means of restricting access to unwanted material in interactive telecommunications systems shall be accompanied by a legislative proposal in the form of a bill reflecting the recommendations of the Attorney General as described in the report.

"(b) IN GENERAL.—A legislative proposal described in (a) shall be introduced by the Majority Leader or his designee as a bill upon submission and referred to the committees in each House of Congress with jurisdiction. Such a bill may not be reported before the eighth day after the date upon which it was submitted to the Congress as a legislative proposal.

"(c) DISCHARGE.—If the committee to which is referred a bill described in subsection (a) has not reported such bill at the end of 20 calendar days after the submission date referred to in (b), such committee may be discharged from further consideration of such bill in the Senate upon a petition supported in writing by 30 Members of the Senate and in the House upon a petition supported in writing by one-fourth of the Members duly sworn and chosen or by motion of the Speaker supported by the Minority Leader, and such resolution shall be placed on the appropriate calendar of the House involved.

"(d) FLOOR CONSIDERATION.—

"(1) IN GENERAL.—When the committee to which such a bill is referred has reported, or when a committee is discharged (under subsection (c)) from further consideration of such bill, it is at any time thereafter in order (even though a previous motion to the same effect has been discharged to) for a motion to proceed to the consideration of the bill. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the bill is agreed to, the bill shall remain the unfinished business of the respective House until disposed of.

"(2) FINAL PASSAGE.—Immediately following the conclusion of the debate on such a bill described in subsection (a), and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the appropriate House, the vote on final passage of the bill shall occur.

"(3) APPEALS.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a bill described in subsection (b) shall be decided without debate.

"(e) CONSTITUTIONAL AUTHORITY.—This section is enacted by Congress—

"(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a bill described in subsection (b), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

"(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at anytime, in the same manner, and to the same extent as in the case of any other rule of that House."

AMENDMENT NO. 1416

Strike out all matter proposed by the amendment and insert in lieu thereof the following:

"On page 144, strike lines 4 through 17 and insert the following:

"(b) REPORT ON MEANS OF RESTRICTING ACCESS TO UNWANTED MATERIAL IN INTERACTIVE TELECOMMUNICATIONS SYSTEMS.—

"(1) REPORT.—Not later than 150 days after the date of the enactment of this Act, the Attorney General shall submit to the Committees on the Judiciary of the Senate and the House of Representatives a report containing—

"(A) an evaluation of the enforceability with respect to interactive media of current criminal laws governing the distribution of obscenity over computer networks and the creation and distribution of child pornography by means of computers;

"(B) an assessment of the Federal, State, and local law enforcement resources that are currently available to enforce such laws;

"(C) an evaluation of the technical means available—

"(i) to enable parents to exercise control over the information that their children receive by interactive telecommunications systems so that children may avoid violent, sexually explicit, harassing, offensive, and other unwanted material on such systems;

"(ii) to enable other users of such systems to exercise control over the commercial and noncommercial information that they receive by such systems so that such users may avoid violent, sexually explicit, harassing, offensive, and other unwanted material on such systems; and

"(iii) to promote the free flow of information, consistent with the values expressed in the Constitution, in interactive media; and

"(D) recommendations on means of encouraging the development and deployment of technology, including computer hardware and software, to enable parents and other users of interactive telecommunications systems to exercise the control described in clauses (i) and (ii) of subparagraph (C).

"(2) CONSULTATION.—In preparing the report under paragraph (1), the Attorney General shall consult with the Assistant Secretary of Commerce for Communications and Information.

"(c) EXPEDITED CONGRESSIONAL REVIEW PROCEDURE.—

"(1) REQUIREMENT OF LEGISLATIVE PROPOSAL.—The report on means of restricting access to unwanted material in interactive telecommunications systems shall be accompanied by a legislative proposal in the form of a bill reflecting the recommendations of the Attorney General as described in the report.

"(2) IN GENERAL.—A legislative proposal described in (1) shall be introduced by the Majority Leader or his designee as a bill upon submission and referred to the committees in each House of Congress with jurisdiction. Such a bill may not be reported before the eighth day after the date upon which it was submitted to the Congress as a legislative proposal.

"(3) DISCHARGE.—If the committee to which is referred a bill described in paragraph (1) has not reported such bill at the end of 20 calendar days after the submission date referred to in (2), such committee may be discharged from further consideration of such bill in the Senate upon a petition supported in writing by 30 Members of the Senate and in the House upon a petition supported in writing by one-fourth of the Members duly sworn and chosen or by motion of the Speaker supported by the Minority Leader, and such resolution shall be placed on the appropriate calendar of the house involved.

"(4) FLOOR CONSIDERATION.—

"(A) IN GENERAL.—When the committee to which such a bill is referred has reported, or when a committee is discharged (under paragraph (3)) from further consideration of such a bill, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for a motion to proceed to the consideration of the bill. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the bill is agreed to, the bill shall remain the unfinished business of the respective House until disposed of.

"(B) FINAL PASSAGE.—Immediately following the conclusion of the debate on such a bill described in (1), and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the appropriate House, the vote on final passage of the bill shall occur.

"(C) APPEALS.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a bill described in (2) shall be decided without debate.

"(5) CONSTITUTIONAL AUTHORITY.—This section is enacted by Congress—

"(A) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a bill described in (2), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

"(B) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at anytime, in the same manner, and to the same extent as in the case of any other rule of that House."

KERRY AMENDMENTS NOS. 1417–1418

(Ordered to lie on the table.)

Mr. KERRY submitted two amendments intended to be proposed by him to amendments to the bill, S. 652, supra; as follows:

AMENDMENT NO. 1417

Strike all beginning with the words "Part II" on line 4 of page 1 of the amendment and insert the following:

Part II of title II (47 U.S.C. 251 et seq.), as amended by this Act, is amended by adding after section 264 the following new section:

"SEC. 265. PROVISION OF PAYPHONE SERVICES AND TELEMESSAGING SERVICES.

"(a) NONDISCRIMINATION SAFEGUARDS.—On the date that the regulations issued pursuant to subsection (b) take effect, any Bell operating company that provides payphone services or telemessaging services—

"(1) shall not subsidize its payphone services or telemessaging services directly or indirectly with revenue from its telephone exchange services or its exchange access services; and

"(2) shall not prefer or discriminate in favor of its payphone services or telemessaging services.

"(b) REGULATIONS.—

"(1) In order to promote competition among payphone service providers and promote the widespread deployment of payphone services to the benefit of the general public, the Commission shall conduct a rulemaking, with such rulemaking to be concluded not later than six months after the date of enactment of this section and with all such rules as the Commission may adopt in such rulemaking to take effect concurrently no later than nine months after the date of enactment of this section, in which the Commission shall determine how each payphone service provider shall be compensated for all completed interstate and intrastate calls placed on its payphones. In the rulemaking, the Commission shall determine—

"(A) the type of compensation plan that best ensures fair compensation to payphone services providers for completed interstate and intrastate calls, except emergency calls and telecommunications relay service calls for hearing-impaired individuals which shall not be subject to such compensation, and whether the current intrastate and interstate carrier access charge payphone service elements and payments should be continued or should be discontinued and replaced;

"(B) whether to prescribe a set of nonstructural safeguards for Bell operating company payphone services to implement the provisions of paragraphs (1) and (2) of subsection (a), which safeguards, if prescribed, shall at a minimum include nonstructural safeguards equal to those adopted in the Computer Inquiry-III, CC Docket No. 90–623, proceeding; and

"(C) if Bell operating company payphone service providers should have the right to negotiate an agreement with any one or more payphone location providers which would permit said Bell operating company payphone service providers to select and contract with the carriers that carry interLATA calls to carry interLATA calls from that payphone location provider's payphones and to select and contract with the carriers that carry intraLATA calls to carry intraLATA calls from that payphone location provider's payphones; provided that nothing in this section or in any regulation adopted by the Commission shall affect any contracts between location providers and payphone service providers or between payphone location providers and interLATA or intraLATA carriers that are in force and effect as of the date of enactment of this section.

"(c) STATE PREEMPTION.—To the extent that the requirements of any State are inconsistent with the Commission's regulations adopted in the rulemaking conducted pursuant to subsection (b), the Commission's regulations on such matters shall preempt such State requirements.

"(d) RULEMAKING FOR TELEMESSAGING.—In a separate proceeding, the Commission shall determine if, in order to enforce the requirements of this section, it is appropriate to require the Bell operating companies to provide telemessaging services through a separate subsidiary that meets the requirements of Section 252.

"(e) MODIFICATION OF FINAL JUDGMENT.—Notwithstanding any other provision of law, or any prior prohibition or limitation established pursuant to the Modification of Final Judgment, the Commission is directed and authorized to implement this section.

"(f) DEFINITIONS.—As used in this section—

"(1) The term 'payphone service' means the provision of public or semi-public pay telephones, the provision of inmate telephones in correctional institutions, and ancillary services.

"(2) The term 'telemessaging services' means voice mail and voice storage retrieval services provided over telephone lines, any live operator services used to retranscribe or relay messages (other than telecommunication relay services for the hearing-impaired), and ancillary services offered in combination with these services."

AMENDMENT NO. 1418

At the end of the amendment, add the following:

SEC. . PROHIBITION ON EXCLUSION OF AREAS FROM SERVICE BASED ON RURAL LOCATION, HIGH COST, OR INCOME.

Part II of title II (47 U.S.C. 201 et seq.) as amended by this Act, is amended by adding after section 261 the following:

"SEC. 262. PROHIBITION ON EXCLUSION OF AREAS FROM SERVICE BASED ON RURAL LOCATION, HIGH COSTS, OR INCOME.

The Commission shall prohibit any telecommunications carrier from excluding from any of such carrier's services any high-cost area, or any area on the basis of the rural location or the income of the residents of such area; provided that a carrier may exclude an area in which the carrier can demonstrate that—

(1) there will be insufficient consumer demand for the carrier to earn some return over the long term on the capital invested to provide such service to such area, and—

(2) providing a service to such area will be less profitable for the carrier than providing the service in areas to which the carrier is already providing or has proposed to provide the service.

The Commission shall provide for public comment on the adequacy of the carrier's proposed service area on the basis of the requirements of this section.''

HOLLINGS AMENDMENT NO. 1419

(Ordered to lie on the table.)

Mr. HOLLINGS submitted an amendment intended to be proposed by him to an amendment to the bill, S. 652, supra; as follows:

At the end of the amendment, add the following:

''(c) UNIVERSAL SERVICE; ESSENTIAL TELECOMMUNICATION CARRIERS.—

''(1) APPLICABILITY.—Notwithstanding sections 103 and 104 of the Telecommunications Competition and Deregulation Act of 1995, the provisions of this subsection shall govern universal service and essential telecommunications carriers, respectively.

''(2) FINDINGS.—The Congress finds that—

''(A) the existing system of universal service has evolved since 1930 through an ongoing dialogue between industry, various Federal-State Joint Boards, the Commission, and the courts;

''(B) this system has been predicated on rates established by the Commission and the States that require implicit cost shifting by monopoly providers of telephone exchange service through both local rates and access charges to interexchange carriers;

''(C) the advent of competition for the provision of telephone exchange service has led to industry requests that the existing system be modified to make support for universal service explicit and to require that all telecommunications carriers participate in the modified system on a competitively neutral basis; and

''(D) modification of the existing system is necessary to promote competition in the provision of telecommunications services and to allow competition and new technologies to reduce the need for universal service support mechanisms.

''(3) FEDERAL-STATE JOINT BOARD ON UNIVERSAL SERVICE.—

''(A) Within one month after the date of enactment of this section, the Commission shall institute and refer to a Federal-State Joint Board under section 410(c) of this Act a proceeding to recommend rules regarding the implementation of section 253 of this Act, including the definition of universal service. The Joint Board shall, after notice and public comment, make its recommendations to the Commission no later than 9 months after the date of enactment of this section .

''(B) The Commission may periodically, but no less than once every 4 years, institute and refer to the Joint Board a proceeding to review the implementation of section 253 of this Act and to make new recommendations, as necessary, with respect to any modifications or additions that may be needed. As part of any such proceeding the Joint Board shall review the definition of, and adequacy of support for, universal service and shall evaluate the extent to which universal service has been protected and advanced.

''(4) COMMISSION ACTION.—The Commission shall initiate a single proceeding to implement recommendations from the initial Joint Board required by paragraph (3) and shall complete such proceeding within 1 year after the date of enactment of this section. Thereafter, the Commission shall complete any proceeding to implement recommendations from any further Joint Board required under paragraph (3) within one year after receiving such recommendations.

''(5) SEPARATIONS RULES.—Nothing in the amendments made by the Telecommunications Competition and Deregulation Act of 1995 to this Act shall affect the Commission's separations rules for local exchange carriers or interexchange carriers in effect on the date of enactment of this section.

''(6) UNIVERSAL SERVICE PRINCIPLES.—The Joint Board and the Commission shall base policies for the preservation and advancement of universal service on the following principles:

''(A) Quality services are to be provided at just, reasonable, and affordable rates.

''(B) Access to advanced telecommunications and information services should be provided in all regions of the Nation.

''(C) Consumers in rural and high cost areas should have access to telecommunications and information services, including interexchange services, that are reasonably comparable to those services provided in urban areas.

''(D) Consumers in rural and high cost areas should have access to telecommunications and information services at rates that are reasonably comparable to rates charged for similar services in urban areas.

''(E) Consumers in rural and high cost areas should have access to the benefits of advanced telecommunications and information services for health care, education, economic development, and other public purposes.

''(F) There should be a coordinated Federal-State universal service system to preserve and advance universal service using specific and predictable Federal and State mechanisms administered by an independent, non-governmental entity or entities.

''(G) Elementary and secondary schools and classrooms should have access to advanced telecommunications services.

''(7) DEFINITION.—

''(A) IN GENERAL.—Universal service is an evolving level of intrastate and interstate telecommunications services that the Commission, based on recommendations from the public, Congress, and the Federal-State Joint Board periodically convened under this subsection, and taking into account advances in telecommunications and information technologies and services, determines—

''(i) should be provided at just, reasonable, and affordable rates to all Americans, including those in rural and high cost areas and those with disabilities;

''(ii) are essential in order for Americans to participate effectively in the economic, academic, medical, and democratic processes of the Nation; and

''(iii) are, through the operation of market choices, subscribed to by a substantial majority of residential customers.

''(B) DIFFERENT DEFINITION FOR CERTAIN PURPOSES.—The Commission may establish a different definition of universal service for schools, libraries, and health care providers for the purposes of this section.

''(8) ALL TELECOMMUNICATIONS CARRIERS MUST PARTICIPATE.—Every telecommunications carrier engaged in intrastate, interstate, or foreign communication shall participate, on an equitable and nondiscriminatory basis, in the specific and predictable mechanisms established by the Commission and the States to preserve and advance universal service. Such participation shall be in the manner determined by the Commission and the States to be reasonably necessary to preserve and advance universal service. Any other provider of telecommunications may be required to participate in the preservation and advancement of universal service, if the public interest so requires.

''(9) STATE AUTHORITY.—A State may adopt regulations to carry out its responsibilities under this subsection, or to provide for additional definitions, mechanisms, and standards to preserve and advance universal service within that State, to the extent that such regulations do not conflict with the Commission's rules to implement this subsection. A State may only enforce additional definitions or standards to the extent that it adopts additional specific and predictable mechanisms to support such definitions or standards.

''(10) ELIGIBILITY FOR UNIVERSAL SERVICE SUPPORT.—To the extent necessary to provide for specific and predictable mechanisms to achieve the purposes of this subsection, the Commission shall modify its existing rules for the preservation and advancement of universal service. Only essential telecommunications carriers designated under section 214(d) shall be eligible to receive support for the provision of universal service. Such support, if any, shall accurately reflect what is necessary to preserve and advance universal service in accordance with this subsection and the other requirements of this Act.

''(11) UNIVERSAL SERVICE SUPPORT.—The Commission and the States shall have as their goal the need to make any support for universal service explicit, and to target that support to those essential telecommunications carriers that serve areas for which such support is necessary. The specific and predictable mechanisms adopted by the Commission and the States shall ensure that essential telecommunications carriers are able to provide universal service at just, reasonable, and affordable rates. A carrier that receive universal service support shall use that support only for the provision, maintenance, and upgrading of facilities and services for which the support is intended

''(12) INTEREXCHANGE SERVICES.—The rates charged by any provider of interexchange telecommunications service to customers in rural and high cost areas shall be no higher than those charged by such provider to its customers in urban areas.

''(13) SUBSIDY OF COMPETITIVE SERVICES PROHIBITED.—A telecommunications carrier may not use services that are not competitive to subsidize competitive services. The Commission, with respect to interstate services, and the States, with respect to intrastate services, shall establish any necessary cost allocation rules, accounting safeguards, and guidelines to ensure that services included in the definition of universal service bear no more than a reasonable share of the joint and common costs of facilities used to provide those services.

''(14) CONGRESSIONAL NOTIFICATION REQUIRED.—

''(A) IN GENERAL.—The Commission may not take action to require participation by telecommunications carriers or other providers of telecommunications under paragraph (8), or to modify its rules to increase support for the preservation and advancement of universal service, until—

''(i) the Commission submits to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Commerce of the House of Representatives a report on the participation required, or the increase in support proposed, as appropriate; and

''(ii) a period of 120 days had elapsed since the date the report required under clause (i) was submitted.

''(B) NOT APPLICABLE TO REDUCTIONS.—This paragraph shall not apply to any action taken to reduce costs to carriers or consumers.

"(15) EFFECT ON COMMISSION'S AUTHORITY.—Nothing in this subsection shall be construed to expand or limit the authority of the Commission to preserve and advance universal service under this Act. Further, nothing in this subsection shall be construed to require or prohibit the adoption of any specific type of mechanism for the preservation and advancement of universal service.

"(16) EFFECTIVE DATE.—This subsection takes effect on the date of enactment of the Telecommunications Act of 1995, except for paragraphs (8), (9), (10), (11), and (14) which take effect one year after the date of enactment of that Act.".

"(17) ESSENTIAL TELECOMMUNICATIONS CARRIERS—

"(A) DESIGNATION OF ESSENTIAL CARRIER.—If one or more common carriers provide telecommunications service to a geographic area, and no common carrier will provide universal service to an unserved community or any portion thereof that requests such service within such area, then the Commission, with respect to interstate services, or a State, with respect to intrastate services, shall determine which common carrier serving that area is best able to provide universal service to the requesting unserved community or portion thereof, and shall designate that common carrier as an essential telecommunications carrier for that unserved community or portion thereof.

"(B) ESSENTIAL CARRIER OBLIGATIONS.—A common carrier may be designated by the Commission, or by a State, as appropriate, as an essential telecommunications carrier for a specific service area and become eligible to receive universal service support under section 253. A carrier designated as an essential telecommunications carrier shall—

"(i) provide through its own facilities or through a combination of its own facilities and resale of services using another carrier's facilities, universal service and any additional service (such as 911 service) required by the Commission or the State, to any community or portion thereof which requests such service;

"(ii) offer such services at nondiscriminatory rates established by the Commission, for interstate services, and the State, for intrastate services, throughout the service area; and

"(iii) advertise throughout the service area the availability of such services and the rates for such services using media of general distribution.

"(C) MULTIPLE ESSENTIAL CARRIERS.—If the Commission, with respect to interstate services, or a State, with respect to intrastate services, designates more than one common carrier as an essential telecommunications carrier for a specific service area, such carrier shall meet the service, rate, and advertising requirements imposed by the Commission or State on any other essential telecommunications carrier for that service area. A State shall require that, before designating an additional essential telecommunications carrier, the State agency authorized to make the designation shall find that—

"(i) the designation of an additional essential telecommunications carrier is in the public interest and that there will not be a significant adverse impact on users of telecommunications services or on the provision of universal service;

"(ii) the designation encourages the development and deployment of advanced telecommunications infrastructure and services in rural areas; and

"(iii) the designation protects the public safety and welfare, ensures the continued quality of telecommunications services, or safeguards the rights of consumers.

"(D) RESALE OF UNIVERSAL SERVICE.—The Commission, for interstate services, and the States, for intrastate services, shall establish rules to govern the resale of universal service to allocate any support received for the provision of such service in a manner that ensures that the carrier whose facilities are being resold is adequately compensated for their use, taking into account the impact of the resale on that carrier's ability to maintain and deploy its network as a whole. The Commission shall also establish, based on the recommendations of the Federal-State Joint Board instituted to implement this paragraph, rules to permit a carrier designated as an essential telecommunications carrier to relinquish that designation for a specific service area if another telecommunications carrier is also designated as an essential telecommunications carrier for that area. The rules—

"(i) shall ensure that all customers served by the relinquishing carrier continue to be served, and shall require sufficient notice to permit the purchase or construction of adequate facilities by any remaining essential telecommunications carrier if such remaining carrier provided universal service through resale of the facilities of the relinquishing carrier; and

"(ii) shall establish criteria for determining when a carrier which intends to utilize resale to meet the requirements for designation under this paragraph has adequate resources to purchase, construct, or otherwise obtain the facilities necessary to meet its obligation if the reselling carrier is no longer able or obligated to resell the service.

"(E) ENFORCEMENT.—A common carrier designated by the Commission or a State as an essential telecommunications carrier that refuses to provide universal service within a reasonable period to an unserved community or portion thereof which requests such service shall forfeit to the United States, in the case of interstate services, or the State, in the case of intrastate services, a sum of up to $10,000 for each day that such carrier refuses to provide such service. In determining a reasonable period the Commission or the State, as appropriate, shall consider the nature of any construction required to serve such requesting unserved community or portion thereof, as well as the construction intervals normally attending such construction, and shall allow adequate time for regulatory approvals and acquisition of necessary financing.

"(F) INTEREXCHANGE SERVICES.—The Commission, for interstate services, or a State, for intrastate services, shall designate an essential telecommunications carrier for interexchange services for any unserved community or portion thereof requesting such services. Any common carrier designated as an essential telecommunications carrier for interexchange services under this subparagraph shall provide interexchange services included in universal service to any unserved community or portion thereof which requests such service. The service shall be provided at nationwide geographically averaged rates for interstate interexchange services and at geographically averaged rates for intrastate interexchange services, and shall be just and reasonable and not unjustly or unreasonably discriminatory. A common carrier designated as an essential telecommunications carrier for interexchange services under this subparagraph that refuses to provide interexchange service in accordance with this subparagraph to an unserved community or portion thereof that requests such service within 180 days of such request shall forfeit to the United States a sum of up to $50,000 for each day that such carrier refuses to provide such service. The Commission or the State, as appropriate, may extend the 180-day period for providing interexchange service upon a showing by the common carrier of good faith efforts to comply within such period.

"(G) IMPLEMENTATION.—The Commission may, by regulation, establish guidelines by which States may implement the provisions of this paragraph.

INOUYE AMENDMENT NO. 1420

(Ordered to lie on the table.)

Mr. INOUYE submitted an amendment intended to be proposed by him to amendment No. 1303, proposed by Mr. STEVENS, to the bill S. 652, supra; as follows:

On line 1, strike "reflecting" and all that follows through the end of line 3 and insert in lieu thereof "at charges that are based on the cost (determined without reference to a rate-of-return or other rate-based proceeding) of providing the unbundled element, non-discriminatory, individually-priced to the smallest element that is technically feasible and economically reasonable to provide and based on providing a reasonable profit to the Bell operating company,".

BREAUX (AND LEAHY) AMENDMENT NO. 1421

Mr. BREAUX (for himself and Mr. LEAHY) proposed an amendment to the bill S. 652, supra; as follows:

On page 93, strike lines 7–12 and insert the following:

"(ii) Except for single-LATA States and States which have issued an order by June 1, 1995 requiring a Bell operating company to implement toll dialing parity, a State may not require a Bell operating company to implement toll dialing parity in an intra-LATA area before a Bell operating company has been granted authority under this subsection to provide inter-LATA services in that area or before three years after the date of enactment of the Telecommunications Act of 1995, whichever is earlier. Nothing in this clause precludes a State from issuing an order requiring toll dialing parity in an intra-LATA area prior to either such date so long as such order does not take effect until after the earlier of either such dates.

"(iii) In any State in which intra-LATA toll dialing parity has been implemented prior to the earlier date specified in clause (ii), no telecommunications carrier that serves greater than five percent of the nation's presubscribed access lines may jointly market inter-LATA telecommunications services and intra-LATA toll telecommunications services in a telephone exchange area in such state until a Bell operating company is authorized under this subsection to provide inter-LATA services in such telephone exchange area or until three years after the date of enactment of the Telecommunications Act of 1995, whichever is earlier.".

SENATE RESOLUTION 133—RELATIVE TO THE UNITED NATIONS CONVENTION ON THE RIGHTS OF THE CHILD

Mr. HELMS (for himself, Mr. LOTT, Mr. ABRAHAM, Mr. ASHCROFT, Mr.

COATS, Mr. CRAIG, Mr. DEWINE, Mr. FAIRCLOTH, Mr. FRIST, Mr. GRAMM, Mr. GRAMS, Mr. HATCH, Mr. KEMPTHORNE, Mr. MCCONNELL, Mr. MURKOWSKI, Mr. NICKLES, Mr. SANTORUM, Mr. SMITH, and Mr. THURMOND) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 133

Whereas the Senate affirms the commitment of the United States to work with other nations to enhance the protection of children, the advancement of education, the eradication of disease, and the protection of human rights;

Whereas the Constitution and laws of the United States are the best guarantees against mistreatment of children in our country;

Whereas the laws and traditions of the United States affirm the right of parents to raise their children and to transmit to them their values and religious beliefs;

Whereas the United Nations Convention on the Rights of the Child, if ratified, would become the supreme law of the land, taking precedence over State and Federal laws regarding family life;

Whereas that Convention establishes a "universal standard" which must be met by all parties to the Convention, thereby inhibiting the rights of the States and the Federal Government to enact child protection and support laws inconsistent with that standard; and

Whereas the Convention's intrusion into national sovereignty was manifested by the Convention's 1995 committee report faulting the United Kingdom for permitting parents to make decisions for their children without consulting those children: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the United Nations Convention on the Rights of the Child is incompatible with the God-given right and responsibility of parents to raise their children;

(2) the Convention has the potential to severely restrict States and the Federal Government in their efforts to protect children and to enhance family life;

(3) the United States Constitution is the ultimate guarantor of rights and privileges to every American, including children; and

(4) the President should not sign and transmit to the Senate that fundamentally flawed Convention.

Mr. HELMS. Mr. President, every so often around this place we are asked to confront an idea whose time should never come, and the Senate resolution that I shall shortly send to the desk for appropriate reference is one of those very, very bad ideas.

Eighteen other Senators feel the same way about the proposed treaty called "The United Nations Convention on the Rights of the Child."

In addition to the Senator from North Carolina, other cosponsors are Senators LOTT, ABRAHAM, ASHCROFT, COATS, CRAIG, DEWINE, FAIRCLOTH, FRIST, GRAMM, GRAMS, HATCH, KEMPTHORNE, MCCONNELL, MURKOWSKI, NICKLES, SANTORUM, SMITH and THURMOND. I am honored to stand with such a distinguished group of Senators who feel, as I do, that President Clinton—indeed no President—should sign and transmit such a document to the U.S. Senate. If the President does attempt to push this unwise proposal through the Senate, I want him to know, and I want the Senate to know, that I intend to do everything possible to make sure that he is not successful.

Mr. President, more than 5,000 letters from across this country have poured into my office in opposition to the so-called "Convention on the Rights of the Child." I have received only one letter in support of this proposed treaty. The consensus is so evident in this mass of letters. It is stated, as a matter of fact, by Ron Christensen, of Fullerton, NE, who put it this way: "Every facet of our life is already being regulated by some 'politically correct' do-gooder. Our freedom is gradually being eroded under the pretext of 'protecting us.' This Convention, if ratified, would give children rights and privileges that they are not mature enough to handle, and would make any guidance and discipline from parents extremely difficult." That was Ron Christensen of Fullerton, NE.

Mr. President, the truth is, the American people are just not buying this bag of worms.

This proposed treaty is yet another attempt, in a growing list of United Nations ill-conceived efforts, to chip away at the U.S. Constitution. If ratified, this treaty would leave the United States open to hostile attacks on several fronts, particularly for any reservations to the treaty placed to try to safeguard U.S. Constitutional liberties. And from whom would those attacks come? From such gentle souls as Saddam Hussein and Fidel Castro, and other tyrants, who are just some of the parties who are signatories to that treaty.

Mr. President, let me state just one example. Recently, a United Nations committee—(established under another human rights treaty, The U.N. Covenant on Civil and Political Rights)—issued a document that would rewrite international law by reserving for itself the right to approve reservations to treaties approved by the U.S. Senate. As the saying goes, "how do you like them apples?" General comment No. 24 issued by the United Nations committee arrogantly states,

> It necessarily falls to the United Nations committee to determine whether a specific reservation is compatible with the object and purpose of the covenant. This is in part because it is an inappropriate task for States parties in relation to human rights treaties, and in part because it is a task that the Committee cannot avoid in the performance of its functions.

It goes on to say,

> The normal consequence of an unacceptable reservation is not that the covenant will not be in effect at all for a reserving party. Rather, such a reservation will generally be severable, in the sense that the covenant will be operative for the reserving party without the benefit of the reservation.

Bullfeathers, Mr. President. These reservations attached to treaties by the U.S. Senate are put there to protect the rights of the American citizens and protect the meaning of the U.S. Constitution. Yet, the United Nations claims for itself the right to strip U.S. reservations to any treaty, and nevertheless hold the U.S. bound to all of the obligations of the treaty. This attempt by the United Nations undermines the U.S. Constitution and is an outrage. I cannot believe any Senator is naive enough to subscribe to such nonsense.

Anybody wanting to know why Americans are becoming increasingly fed up with the United Nations need only consider the words of one U.N. official who said, regarding the U.S. human rights report to the United Nations, "The United States Constitution was not sacrosanct and had required some amendment over the years. The judiciary must be made aware of the evolving legal standards coming out of the application of the Covenant."

So, Mr. President, the United Nations' view of the U.S. Constitution and the U.S. Senate reservations to human rights treaties is quite clear. The United Nations, not the U.S. Senate, claims to know what is best for Americans. To which the majority of Americans will reply, and I say again: "Bullfeathers."

In light of these statements and this insane interpretation of international law, any Senate reservation to the U.N. Convention on the Rights of the Child regarding, say, the death penalty, or routine protections of the constitutional liberties, very well could unilaterally be discarded by the United Nations, leaving the United States open to attack for failing to "compl" with the treaty. This treaty must be rejected on its merits, or lack thereof. The United Nations' absurd posture regarding the Senate reservations to treaties is enough to dismiss any possibility of U.S. ratification of any United Nations human rights treaty.

I will say parenthetically, Mr. President, as long as I am chairman of the Senate Committee on Foreign Relations, it is going to be very difficult for this treaty even to be given a hearing.

As for specifics of this treaty, Mr. President, Article 12 of the Convention on the Rights of the Child requires that States Parties "shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child." What on earth does this mean? Will the U.S. be censured because a parent did not leave it to a child to choose which school to attend? Will the U.S. be censured because a parent did not allow a child to decide whether to accompany the family to church? Will the U.S. be censured because a parent did not consult a child before requiring that he or she complete family chores?

These are not Jesse Helms' hypothetical questions. A report by a Committee, established under the Convention, indicates that failure to consult a child in the previously mentioned areas are potential violations of the Convention. That report stated:

> In relation to the possibility for parents in England and Wales to withdraw their children from parts of the sex education programs in schools, the Committee is concerned that in this and other decisions, including exclusion from school, the right of the child to express his or her opinion is not solicited. Thereby the opinion of the child may not be given due weight and taken into account as required under article 12 of the Convention.

Does this mean, Mr. President, that American parents will be forced to allow their children to attend sex education classes?

The constituent whom I quoted when I began these remarks lamented the possibility of more politically correct do-gooders regulating every facet of our lives. The American people do not need yet another body determining what is in the best interest of U.S. families. And the Senate should not inflict one on them. The U.N. Convention is incompatible with God-given rights and responsibilities of parents to raise their children. It is grotesque even to imagine handing this important privilege over to U.N. bureaucrats. The laws and traditions of the United States affirm the right of parents to raise their children and to transmit to them their values and religious beliefs.

Mr. President, the United States Senate must not dignify this strange document by allowing the U.N. Convention on the Rights of the Child to be considered. That is why my distinguished colleagues and I are pleased to offer this Resolution requesting that the President refrain from any temptation to submit this proposed treaty to the Senate.

NOTICE OF HEARING

SUBCOMMITTEE ON FORESTS AND PUBLIC LAND MANAGEMENT

Mr. CRAIG. Mr. President, I would like to announce for the information of the Senate and the public that three field hearings have been scheduled before the Subcommittee on Forests and Public Land Management.

The first hearing will take place on Wednesday, July 5, 1995, at 9 a.m. at the Senior Citizen's Center, County Road Route 1, Grangeville, Idaho, 83530. The purpose of the hearing is to: First, review and assess the nature and extent of impacts—both immediate and long term—on local communities caused by significant changes in Forest Service programs; and second, determine to what extent, if any, the Forest Service takes these impacts into account in initiating program changes. The hearing also will evaluate the Forest Service's record in setting and achieving output goals, and the reasons for significant problems in this area.

The second hearing will also take place on Wednesday, July 5, 1995, and will begin at 2 p.m. at the Clearwater River Room; Williams Conference Center; Lewis-Clark State College, 500 8th Avenue, Lewiston, Idaho, 83501. The purpose of the hearing will be to receive testimony on a property line dispute within the Nez Perce Indian reservation in Idaho.

The third field hearing will take place on Friday, July 7, 1995, at 9:30 a.m. at the Quality Inn, Westwater, in the Fir Room, 2300 Evergreen Park Drive, Olympia, Washington, 98502. The purpose of this oversight hearing is to: First, review the Forest Service's use of the RPA Timber Assessment for developing timber harvest programs and budgets; and second, determine if the process adequately addresses ways to solve emerging international environmental impacts as a result of domestic timber supply shortages.

Because of the limited time available for the hearings, witnesses may testify by invitation only. It will be necessary to place witnesses in panels and place time limits on oral testimony. Witnesses are requested to submit one copy of their testimony to the committee by close of business Friday, June 30, 1995, and to bring three copies of their testimony with them on the day of the hearing.

The hearing record will remain open for two weeks following each hearing. If you wish to submit a written statement for the hearing record, please send one copy of your statement to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION AND FORESTRY

Mr. PRESSLER. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Wednesday, June 14, 1995, at 9 a.m., in SR–332, to mark up welfare reform.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. PRESSLER. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet at 10 a.m. on Wednesday, June 14, 1995, in open session, to receive testimony on the situation in Bosnia.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. PRESSLER. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session on the Senate on Wednesday, June 14, 1995, to conduct a hearing on S. 648, the D'oench Duhme Reform Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. PRESSLER. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for an executive session, during the session of the Senate on Wednesday, June 14, 1995, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. PRESSLER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, June 14, 1995, at 2 p.m. to hold an open hearing on the nomination of George Tenet to be Deputy Director of Central Intelligence.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON IMMIGRATION

Mr. PRESSLER. Mr. President, I ask unanimous consent that the Subcommittee on Immigration, of the Committee on the Judiciary, be authorized to hold a business meeting during the session of the Senate on Wednesday, June 14, 1995, at 9:30 a.m., to consider S. 269.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON WESTERN HEMISPHERE AND PEACE CORPS AFFAIRS

Mr. PRESSLER. Mr. President, I ask unanimous consent that the Subcommittee on Western Hemisphere and Peace Corps Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, June 14, 1995, at 10:30 a.m. to hear testimony on the Cuban Liberty and Democratic Solidarity Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE REAUTHORIZATION OF INDIVIDUALS WITH DISABILITY EDUCATION ACT [IDEA]

• Mr. HATFIELD. Mr. President, soon this Congress will consider the reauthorization of what we used to know as special education, and is now referred to as the Individuals With Disability Education Act or IDEA.

In an effort to determine how well IDEA is accomplishing its purpose and to learn of possible improvements in the existing law, I recently requested input from my constituents on this important piece of legislation. As a result of this request, I have received more than 100 responses including letters, phone calls, faxes, and visits. I have included with this floor statement a summary of the comments from Oregonians.

I have a longstanding interest in flexibility in the application of Federal education regulations. IDEA is one of the most heavily regulated education programs provided by the Federal Government. As Congress begins to review the authorization for IDEA, I am hopeful we will examine flexibility which can be provided to improve its implementation.

I ask that this report be printed in the RECORD following my remarks.

The report follows.

COMMENTS ON REAUTHORIZATION OF THE INDIVIDUALS WITH DISABILITY EDUCATION ACT (IDEA)

In February, the office of Senator Mark O. HATFIELD sent out letters requesting an evaluation of the Individuals with Disabilities Education Act (IDEA). Letters were sent to Oregon education agencies, professional organizations, advocacy groups, parents, and school districts. More than 100 responses were received. The following is a summary of the comments and suggestions made by these constituents. Only those components of IDEA that were the most frequently identified are included in this report.

POLICIES AND PROCEDURES

The policies and procedures implemented by IDEA were identified as positive factors by many writers. Many letters from parents, support groups, and friends indicated that they feel the policies and procedures are basically working and do help families with the education of disabled children. Many expressed that the involvement of parents was valuable and the MDT (Multi-Disciplinary Team) approach was beneficial. Building access was also mentioned as one of the benefits of IDEA.

Many constituents listed litigation as a primary concern. It is costly in time, resources, and money. Parents and professionals often do not have a strong relationship at school. The legal system has made the relationship adversarial rather than cooperative.

Suggestions were made for Congress to limit litigation by requiring mediation prior to due process, to create a parent/professional relationship by mandating in-services for parents and professionals working together, and to make the law less adversarial.

The disproportionate amounts of money being spent on a relatively few handicapped students is a serious source of conflict between the Special Ed and general education groups—particularly parents. Some contend that students suffer in overloaded and underfunded classrooms because of the high costs of Special Ed.

Congress should consider a limit or elimination of the disproportionate areas of funding of the law, limit parent claims or cap the amount that can be spent on one child, and work to eliminate or reduce the high cost of litigation and high cost services.

FUNDING

The lack of adequate funding was frequently mentioned. The financial burden of IDEA on the local district is egregious.

The Federal government needs to increase level of funding. Mandates without funding should be seriously reviewed and reconsidered. Regulations should restrict or limit the funds available to lawyers, for private treatments and schools, and costs of Special Ed.

INDIVIDUAL EDUCATION PLANS (IEP'S), EVALUATION, AND TRANSITION

Many letters supported the IEP's as being worthwhile. The IEP system is working and is a great help to parents and students. However, many writers expressed dissatisfaction over the structure of the form stating that the IEP's are not appropriately structured now, especially for high school students. IEP's may also inhibit a teachers approach and often do not involve parents. IEP's are labor intensive and require extensive amounts of time on the part of personnel who should be serving the child.

It was suggested that high school IEP's should reflect the high school educational system and requirements. Teachers should be allowed to focus on outcomes and be allowed flexibility. One suggestion was to eliminate the short-term instructional objectives. Regulations should ease technicalities and make teachers and parents more a part of the IEP process.

CURRENT CLASSROOM PRACTICES

One of the classroom practices praised most often is the placement of disabled students into the least restrictive environment. A few mentioned the practice of inclusion, however many more were concerned about the recent trend by the courts to require inclusion for ALL students.

Many people felt that Special Ed students are over protected when it comes to causing hazardous situations. Schools should be allowed to remove violent students for long periods of time, regardless of their disabilities. There should not be two sets of standards for schools when it comes to handling dangerous students.

Another area of concern involved the classroom practices for deaf students. Deaf students and parents are often not informed of the many options available to educate deaf students. Schools tended to offer only "signing" and ignored other forms of training.

Alternative placements and programs should be offered and considered by the placement team for deaf students.

TEACHERS AND STAFF

Many letters from parents praised the dedication and hard working teachers and related staff.

Education institutions reported that the amount of paper work is horrendous. Time requirements (doing reports and attending meetings, hearings, and conferences) on the part of teachers is burdensome. Burnout and drop-outs are common with Special Ed teachers and staff.

Teachers should be allowed flexibility in meeting the needs of students in a more expeditious fashion, i.e., the parental notification requirements should be streamlined. Focus should be on outcomes and successes and less on the legal technicalities.

Another weakness that was mentioned in several of the communications concerned the regular classroom teacher. It was felt that many of these teachers do not have the training needed to cope with the needs of special ed students. Teachers should be trained in communication skills and in the needs of Special Ed youngsters.

CONCLUSIONS

Most of the comments were supportive of the intent and operation of the current law. However, many had serious problems with certain key aspects. The concern most frequently mentioned was with the safety issue when Special Ed children were dangerous to the classroom environment. This received the most serious discussion and emotional responses.

Following closely behind was the issue of litigation. School districts are concerned with the costs of this process, both in time and money, to the district. The conclusion of due process is often not in the best interest of the child but satisfies the parents and lawyers. Litigation is also responsible for the adversarial nature of the relationship between families and the district. However, families feel that the threat of due process forces the district to seriously consider the needs of the Special Ed child and gives parents needed clout.

Another major concern is the lack of funding for this mandated program. The Federal share is only a very small part of the required costs. As was mentioned above, litigation has become an ever increasing cost to the districts. The fear of due process hearings and the associated costs are forcing districts into expensive procedures to please parents to avoid court. Of concern to districts is the tremendous cost to the district to provide Special Ed services to one child resulting in a lack of services to the majority of students.

The burnout and dropout of teachers in Special Ed programs is a major concern of those in the profession. The pressure of possible and actual litigation, the required paperwork, the lack of funds, the time required for meetings, and the process of inclusion all work to drive qualified teachers from this area of education. Many districts are now finding it impossible to fill Special Ed vacancies with qualified applicants. It is anticipated that this trend will continue with new teachers taking Special Ed teaching jobs to enter the profession, then moving to the regular classroom as opportunities arise, and the Special Ed teaching position left open to try to fill again.•

PRECISION AGRICULTURE

• Mr. MCCONNELL. Mr. President, emerging technologies in production agriculture are changing and improving the way farmers produce food and fiber in this country. New technologies such as global positioning satellite field mapping, geo-reference information systems, grid soil sampling, variable rate seeding and input applications, portable electronic pest scouting, on-the-go yield monitoring, and computerized field history and record keeping are just a few of the next generation technological tools in use today.

These technologies allow the agriculture producer to adjust hundreds of variables in the farm field, from soil pH to nutrient levels to crop yield, on a 2-foot-by-2-foot grid that were previously far too costly calculate for each field. Today, these technologies can map these variables and data instantaneously as an applicator or combine drives across the field. In short, each farm field using precision technology becomes a research pilot. And in the down months or winter season a farmer can collect the data from the previous growing season and adjust dozens of important agronomic variables to maximize the efficient use of all the farmers inputs: time, fuel, commercial inputs, seed rate, irrigation—the light goes on and on.

These precision farming tools are already proving to help farmers increase field productivity, improve input efficiency, protect the environment, maximize farm profitability, and create computerized field histories that may help increase land values. Collectively, these and other emerging technologies are being used in a holistic, site-specific systems approach called precision agriculture. Progressive and production minded farmers are already using these technologies. In a decade they may be as common place on the farm as air conditioned tractor cabs and power steering.

Precision farming seems to offer great promise for improving production performance. Inherently, it just sounds very appealing to be able to evaluate production conditions on an individual square foot, yard or acre basis rather than that of a whole field. It would seem that we should be able to treat any situation more appropriately the smaller the plot we are considering. There have been great strides in measuring things on the basis of smaller and smaller units on the ground than we have ever realistically envisioned in the past. Measuring yields as we harvest. Being able to collect soil samples on a very small pilot basis and apply prescribed corrective measures on the go. All of these things are possible. They are being done on an experimental basis in many locations. Some producers have adopted the new technology and are using it.

Precision farming is, in its simplest sense, a management system for crop production that uses site-specific data to maximize yields and more efficiently use inputs. The technology is quickly gaining acceptance and use by producers, farm suppliers, crop consultants, and custom applicators.

Precision farming links the data-management abilities of computers with sophisticated farm equipment that can vary applications rates and monitor yields throughout a field.

In my home State of Kentucky, the University of Kentucky has been involved in research and application of global positioning systems and yield mapping capability and will be demonstrating these technologies at the University of Kentucky's biannual Field Day, July 20.

These space-age technologies that allow farmers nationwide to increase yields while protecting the environment will be on display June 19, from 9 a.m. to 4 p.m. at the Congressional Field Day on Precision Agriculture at the USDA Agriculture Research Center in Beltsville, MD.•

SALUTE TO TENNESSEANS FOR VALIANT RESCUE EFFORT

• Mr. FRIST. Mr. President, I rise today to commend two Tennesseans for their heroic effort in rescuing Air Force Capt. Scott O'Grady last week. Marine S.SGT. Michael Robert Brooks and Marine Lance Cpl. Glenn Miller both participated in the helicopter rescue mission in hostile Bosnian territory, and they deserve our greatest thanks.

Not only did Sergeant Brooks and Corporal Miller display tremendous valor in their service to the United States, but their participation, as well as Captain O'Grady's will to survive, helped restore confidence in our military readiness, and finally brought a small bit of good news from this war torn part of the world.

Based aboard the U.S.S. *Kearsarge*, both Miller and Brooks had been specially trained for missions like this one. That training helped them to successfully locate O'Grady in the heavily forested Bosnian countryside and to dodge at least one anti-aircraft missile as the helicopter returned to its base.

Regardless of whether the United States' involvement in the war in Bosnia is right or wrong, Tennesseans and all Americans can look to Brooks and Miller as true heroes. And as Independence Day nears, they and their colleagues remind us of the soldiers who have gone before them, those who have fought and those who have given their lives to preserve our freedoms, liberties, and well-being.

Mike Brooks graduated from Hillwood High School in West Nashville in 1982. His parents, James Robert and Raye Brooks, live in Bellevue. He is married with a 4-year-old daughter, and will continue his service aboard the U.S.S. *Kearsarge* until October. Glenn Miller graduated from Greeneville High School in 1992. Before joining the Marines, he attended Northeast State Technical College near Blountville. His mother, Nancy Miller, lives in Greeneville.

This week, I talked with each of their parents, and asked them to convey to their sons my congratulations and the best wishes of the entire U.S. Senate for a job well done. They should be proud of their continued service to our Nation.

Sergeant Brooks' and Corporal Miller's bravery and heroism in locating our missing pilot have made the entire State of Tennessee proud. Today, Mr. President, on behalf of all Tennesseans and all Americans, I would like to thank them for their patriotism and service to this great country.•

COL. LARRY R. SLOAN

• Mr. WARNER. Mr. President, I rise today to honor Col. Larry R. Sloan, U.S. Army, on the occasion of his retirement from the military following 26 years of honorable and distinguished service to the Nation.

The majority of Colonel Sloan's service has been within the realm of Army and Special Operations Forces aviation, where he flew numerous combat missions spanning two different conflicts. In Vietnam, he served as an OH-6 pilot, performing numerous perilous scout missions, during which he was often exposed to intense enemy fire. Then in 1982, as a member of the Army's Special Operations Force, he flew missions in the early stages of Operation Urgent Fury in Grenada. During that action, Colonel Sloan sustained wounds for which he was awarded the Purple Heart.

During his 26 years as an officer and soldier, Colonel Sloan has performed in a number of critical jobs of increasing responsibility, including leading troops at all levels up to battalion command. During the past 5 years Colonel Sloan has served as the Director of Legislative Affairs for the U.S. Special Operations Command. In that capacity, Colonel Sloan has established a solid reputation, among members and staff, as a knowledgeable, candid and totally professional representative of both the military and the special operations community. His consummate expertise and "can do" attitude have played a significant role in giving our Special Operations Forces strong credibility on Capitol Hill.

I trust that my colleagues will join me in commending and extending the appreciation of the U.S. Senate to Colonel Sloan for his distinguished service to the people of the United States. I wish him well for continued success in all his future endeavors.•

PRESSLER AMENDMENT TO THE CONCURRENT BUDGET RESOLUTION

• Mr. McCONNELL. Mr. President, I rise to clarify my vote on the Pressler amendment #1178 (rollcall vote No. 212) to the concurrent budget resolution opposing the sale of Power Marketing Administrations [PMA's]. I did not intend to cast my vote in favor of the sale of the PMA's. However, my vote would not have affected the final outcome.

Mr. President, I have subsequently joined 18 of my colleagues in cosigning a letter by Senator PRESSLER requesting the Senate Budget conferees honor the recommendation of the Senate on this matter. I ask that a copy of the Pressler letter be printed in the RECORD.

The letter follows:

U.S. SENATE,
Washington, DC, June 9, 1995.

Hon. PETE V. DOMENICI,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: During consideration of the FY 1996 Concurrent Resolution on the Budget, the Senate overwhelmingly supported an amendment which opposed the sale of the Power Marketing Administrations (PMAs) within the 48 contiguous states. The purpose of this letter is to ask you to honor that recommendation and refrain from including any language regarding PMA sales in the final Budget Resolution and adjust the current instructions to the authorizing committees accordingly.

As you know, the PMAs provide affordable and reliable electricity to small cities and rural communities throughout the U.S. without adding to the federal deficit. In fact, the PMAs provide a steady revenue stream to the Federal Treasury. The Treasury will net more than $240 million from the PMAs this year, and has realized more than $9 billion in interest payments during the life of federal investment in the PMAs. Far from being a drain on the Treasury, the PMAs contribute revenue.

In addition, sale of the PMAs would mean electric rate increases for consumers. While estimates of rate increases vary from 30 percent to 300 percent, any increase would amount to nothing more than a backdoor tax on the middle class. Higher electric rates also would adversely impact homeowners, small businesses, farmers, ranchers who irrigate, and school districts—people who can ill afford another hit to their pocketbook by the Federal Government.

The PMAs are a vital part of our Nation's utility infrastructure. Therefore, we urge the conferees not to include the sale of the PMAs in the final version of the Congressional budget resolution and to adjust the present instructions to the authorizing committees accordingly.

Thank you for your attention to this matter of great importance to PMA providers and consumers.•

REMEMBER THE FLAG

• Mr. CRAIG. Mr. President, today is a day of remembrance and a day of reflection. Today is a day to rejoice that we are citizens of the United States. Today is Flag Day.

Many flags are flown on numerous occasions throughout the year, on buildings, houses, and lodges. Many Americans proudly wear the flag every day on a pin or necklace. However, the American flag is not just a piece of cloth, metal, or plastic. It is a symbol of America and what she stands for. It is a symbol of the values our Founding Fathers protected in our Constitution.

Those values—freedom, liberty, and independence, remain vital to every American, regardless of race, creed, color, cultural heritage, or national origin.

Our country has undergone many changes over the centuries, some subtle and some drastic. Our flag has also changed since its birth over 200 years ago, yet it has remained a symbol of justice and freedom recognized around the globe.

These reasons are exactly why we need an amendment to the Constitution enabling Congress and the States to protect our flag. We owe it to those men and women who fought under the flag to protect our country and our freedoms. We owe it to those who are fighting for freedom around the world, inspired by American ideals embodied in the flag. We owe it to our future generations.

Mr. President, I hope my colleagues will join me in celebrating our flag—not just on this Flag Day 1995, but every day.•

FLAG DAY, JUNE 14, 1995

• Mr. D'AMATO. Mr. President, I rise today to celebrate an important holiday in this country, Flag Day. Since the birth of our Nation, the flag has waved in triumph over tyranny. It has been the symbol for freedom and democracy across the world. For generations, Americans have proudly and fiercely fought for our flag and the freedom that it represents.

In 1916, President Woodrow Wilson decided that our flag deserved a day of recognition. Proclaiming June 14th as Flag Day, the stars and stripes gained the respect that it deserved. Every year since, Senators have come to the floor to express their devotion to the flag and to pay respects for those who have fought to defend it. For all the soldiers who gave their lives and for their families who lost a loved one, the flag should be cherished and revered, not burned and trashed merely as a means of expression.

On Flag Day, I would like to renew my pledge to support efforts to protect our Nation's flag.•

EARNED INCOME TAX CREDIT

• Mr. ROTH. Mr. President, I join Senator NICKLES to introduce legislation to reform fraud, abuse, and runaway spending in the Federal Earned Income Tax Credit [EITC] Program.

As you know, the EITC Program was created back in the seventies as an alternative to President Nixon's proposal to provide cash welfare to poor two-parent families; later, it was expanded to encourage the working poor to remain working—to get off welfare, altogether. The original purpose of the EITC was to help poor families—families with children—pay their regressive Social Security taxes. It was a modest program in the beginning. The credit maximum was $400, and it helped offset the sting of Federal taxation for those who weren't making a lot of money.

Today the program needs to be reformed for three primary reasons:

The first reason is because over the years the EITC has been a target for those who would commit fraud and abuse the original intent of the program. It's hard to put an exact number on how much money is being lost to fraud and abuse. Treasury estimates that today the losses are in the billions of dollars per year—in fact, up to $5 billion a year—and the GAO has estimated that some $25 billion has been lost since the program began.

The second reason the program needs to be reformed is because it, like many other Government programs, has grown out of control. In 1982, the program cost less than $2.1 billion. By 1988, the price tag was $5.6 billion. After President Clinton expanded the program—claiming it as a middle-class tax break—it grew to $15 billion, and is expected to cost our taxpayers $36 billion by 2002. In fact, in the last 10 years, the program has grown an incredible 1,425 percent. In all this, the original intent of the program has been lost as the EITC has been turned into another Federal giveaway program. Yearly expenses associated with the EITC have grown more than fivefold since 1988 alone. Today, one in five American families collect the EITC. It is the fastest growing entitlement program in America. This growth—the sheer size of the program—makes the EITC even a more attractive target for fraud and abuse.

And the third reason the program needs to be reformed is because over the years Congress and the President have opened the EITC to those who do not even need the Federal welfare assistance. President Clinton has called his opening of the EITC a middle-class tax break. But this is a misleading definition. This program actually hits the middle class with higher taxes, and transfers that wealth to any and all who can simply meet Federal requirements. The people meeting those Federal requirements may actually be enjoying a higher standard of living than those who get taxed to pay for their welfare benefit. In fact, millionaires can qualify for EITC assistance, if their wealth is held in assets such as a million-dollar home.

This is not what the program intended. For example, under the program as it is currently in law, a family of four, living in Wilmington, DE, earning $29,000 a year gets taxed so the Federal Government can give their money to a family making just a couple of thousand less a year, even though the second family lives in a part of America that has a much lower cost of living. Their money could go to an individual or family who have millions of dollars in real estate or other assets, but who keep their annual income below the qualifying income level. Their money could also go to a graduate student who works during the summer, makes less than $9 thousand, and claims EITC assistance when filing his or her income tax. In fact, their money, under current law, could even go to pay EITC to illegal aliens. This money comes from hard-working, middle-class Americans—men, women, and families who, in many cases, are not any better off than the folks receiving the welfare assistance from the EITC.

These abuses are not what we intended when the program was passed in the mid-1970's. The program was intended to assist families with children. Our effort with this bill is to get the program back to this mission.

Under our bill, the growth rate of the EITC program would be slowed; the top income eligibility level would be retained—rather than increased—to concentrate the program on the poor and reduce waste, fraud, and abuse. Our bill would deny the tax credit to illegal aliens and include nontaxed sources of income and substantial amounts of wealth to determine eligibility. Our measure would also repeal the 1993 extension of the credit to taxpayers without children. The program was originally intended to assist our Nation's children, and we must get back to that most basic of requirements. We also add significant compliance rules in order to help the IRS wring the fraud and abuse out of this program.

These measures, Mr. President, according to the Joint Committee on Taxation, would save our taxpaying families some $125 billion over 10 years—$125 billion—a significant amount of money, especially in this time of budget constraints and increased fiscal responsibility. This bill is a good first shot not only at tax reform, but welfare reform. It is fair. It will help promote honesty and restore integrity to what is an important Federal program, while retaining the full program for those most in need.

Both the working poor who receive the tax credit and taxpayer who pays for it, deserve an earned income tax credit program that works efficiently and effectively. This bill is a strong step in the right direction. I encourage my colleagues to join us to see it passed, and I ask that a few articles outlining the EITC, a copy of our bill—S. 899—and its summary, follow my remarks in the RECORD.

The material follows:

EITC REFORM PROPOSALS SUMMARY

1. Deny the EITC to Illegal Aliens: Under this proposal, only individuals who are authorized to work in the U.S. would be eligible for the EITC. Taxpayers claiming the EITC would be required to provide a valid social security number for themselves, their spouses, and qualifying children. Social security numbers would have to be valid for employment purposes in the U.S. In addition, the IRS would be authorized to use the math-error procedures, which are simpler than deficiency procedures, to resolve questions about the validity of a social security number. Under this approach, the failure to provide a correct social security number would be treated as a math error. Taxpayers would have 60 days in which they could either provide a correct social security number, or request that the IRS follow the current-law deficiency procedures. If a taxpayer failed to respond within this period, he or she would be required to refile with correct social security numbers in order to obtain the EITC. Effective date of enactment. (From President Clinton's FY 1996 Budget proposals)

JCT REVENUE ESTIMATE

[In billions of dollars, in fiscal years]

	1995	1996	1997	1998	1999	2000	5 year total	10 year total
Math-error procedure	....	.007	.137	.142	.142	.144	0.571	1.301
Require SSNs work-related for primary and secondary taxpayers	....	.004	.082	.085	.088	.091	0.350	0.858

2. Repeal the Childless Portion of the EITC: In the 1993 Budget Reconciliation bill, effective beginning in 1994, the EITC was expanded to include taxpayers with no qualifying children for the first time. Since about 85% of the EITC is a "budget outlay," and therefor primarily a welfare program, and since welfare programs have traditionally been aimed at helping children rather than able-bodied adults, this part of the program should be eliminated. In addition, this part of the EITC provides for a maximum credit of only $314 in 1995, and begins to phase-out at as little as $5,140, and therefor is of such insignificance as to offer little or no real work incentive. Since the EITC is designed primarily as a "work incentive," this part of the program should be eliminated.

JCT REVENUE ESTIMATE

[In billions of dollars, in fiscal years]

	1995	1996	1997	1998	1999	2000	5 year total	10 year total
Repeal of childless EITC		.031	.616	.641	.669	.702	2.659	6.636

3. Freeze EITC at 1995 Levels to Reduce Fraud: Just since 1988, the EITC expenditures have grown five-fold. In addition, fraud and error rates have consistently remained in the range of 30 to 40% of expenditures for about 15 years—since studies began on the issue. Until 1990, the credit was limited to a maximum rate of 14%, but since that time the maximum rate of the EITC under the law has been increased to a maximum of 40% beginning in 1996—or almost three-fold. When the level of the credit was closer to the payroll tax level (7.65/15.30%) there was considerably less incentive for tax cheats and fraud artists to game the system, however, as a result of the dramatic increase in the level of the credit, the fraud incentives are significantly higher. Under current law, the size of the benefit available from the program no longer bears any relationship to taxes owed by the person making the claim. Accordingly, given our self-assessment tax system, it is just too easy to file a fraudulent claim that is virtually undetectable by the IRS. Suspending the rate of the credit at a maximum 36% (reducing it slightly to 35% in 1996) will discourage fraud artists, and also slow the growth of this program, which is by far the fastest growing entitlement in the federal budget.

Some have argued that the EITC is merely a refund of social security taxes, income taxes and excise taxes. However, almost all of the EITC is a "refundable" amount in excess of income taxes actually paid (approximately 85% of the EITC). In addition, neither social security taxes, nor excise tax burdens are increasing for those eligible for the EITC. Thus, the argument that further increases in the EITC are necessary in order to offset taxes paid by EITC beneficiaries is not valid. As a result, the EITC should not be allowed to continue to increase annually, since the tax burden on EITC recipients is not increasing.

In addition, the phase-out range for the credit has increased from 20,264 in 1990, to a scheduled level of $28,553 in 1996—for an increase of over 40% in just 6 years, which is about twice the rate of inflation over the period. Because this growth is unprecedented during a period of high budget deficits the outlays for this program's growth should be suspended, to allow true inflation to catch up. If later Congress should decide to increase the size of the program, when budgets allow, then the inflation growth factor in this welfare program could be voted on at that time. Under this amendment, EITC indexing would be suspended indefinitely.

JCT REVENUE ESTIMATE

[In billions of dollars, in fiscal years]

	1995	1996	1997	1998	1999	2000	5 year total	10 year total
Freeze EITC rates in phaseout at 1995 Level	....	.192	3.918	5.625	7.457	9.407	24.835	91.911

4. Increased Scrutiny for Wealth Tests: As a result of the President's budget proposals and concerns from several Congressional offices, changes were passed as part of H.R. 831 to attempt to restrict the EITC to truly low-income working Americans. Under current law, many wealthier Americans can claim the EITC resulting in the unfair result of poorer Americans paying taxes to pay welfare benefits to those wealthier than they are. Substantial progress was made by denying the EITC to taxpayers with aggregate

"disqualified income" exceeding $2,350. This income includes: (1) interest and dividends, (2) tax-exempt interest income, and (3) net income from rents and royalties.

This proposal would go further in tightening this loophole by adding net estate and trust income, net passive income from business assets and net capital gains to the wealth test. In addition, the current level of $2,350 equates to financial assets of about $40,000 based on a 6% simple annual realized return, which is much higher than asset/wealth tests for other welfare programs. For example, under the AFDC program, if a family has more than $1,000 in assets they lose their welfare benefits. While under this proposal, a threshold of $1,000 of income would equate to a presumed value of underlying assets of about $16,700 (assuming a 6% simple annual realized return), which although generous compared to the AFDC rules, would be more appropriate than the current wealth test. The value of homes, cars and other personal assets would still remain outside of this asset test. If this wealth test is not substantially improved, the result will continue to be that taxpayers with significantly less wealth will be paying taxes into a system which will redistribute the income to those with greater wealth under this welfare program, resulting in more unfairness in the income tax system than otherwise would exist.

JCT REVENUE ESTIMATE

[In billions of dollars, in fiscal years]

	1995	1996	1997	1998	1999	2000	5 year total	10 year total
Add estate and trust income, net passive business income and net capital gains income	....	.006	.115	.123	.136	.150	0.529	1.468
Reduce threshold to $1,000	....	.019	.385	.400	.427	.464	1.696	4.200

5. Fairness Requires Equal Income Tests: Under the EITC, the credit is phased-out as the taxpayer receives more "earned income," or as the taxpayer's adjusted gross income (AGI) increases. The phase-out ranges for both tests are the same. In addition to earned income, AGI includes income from other sources, such as investment, alimony and unemployment. However, AGI does not include other sources of income that nevertheless provide financial support and economic income to families. In general, welfare programs like the EITC should not be paid to beneficiaries who are financially better off than other taxpayers who may be less well off. Particularly if those less well off are still paying income taxes to the Federal Government.

Under this proposal, the AGI test under the EITC would be expanded to include other forms of income offering substantial non-taxed, economic benefits to families. These other sources would be: (1) non-taxable social security income, (2) child support payments, (3) tax-exempt interest, and (4) non-taxable private pension distributions.

In addition, Treasury would be asked to undertake a study to determine if the current law tax treatment of child support payments is appropriate, or if alternatives should be considered to encourage payment of child support liabilities by parents of the child, and what alternatives would make both parents more responsible for the child's economic well-being.

JCT REVENUE ESTIMATE

[In billions of dollars, in fiscal years]

	1995	1996	1997	1998	1999	2000	5 year total	10 year total
Modify AGI to include non-taxed Society Security income, child support payments, tax-exempt interest and non-taxed private pensions	....	.102	2.037	2.125	2.205	2.327	8.797	21.668

6. Deny or Delay the EITC Until the IRS has a Matching W–2: This rule would preclude a taxpayer from receiving the refundable portion of EITC unless the taxpayer's earnings are listed on a W–2 form, or for which self-employment tax has been paid in the case of a self-employed taxpayer. If quarterly payroll taxes have been filed, or once W–2s have been filed by an employer, the IRS could refund the EITC. This program would not take effect until 1997 in order to allow the IRS to put into place the proper monitoring facilities. Within one year of passage the Treasury would be required to report to the Congress likely time delays that would result for refundable earned income tax credits.

JCT REVENUE ESTIMATE

[In billions of dollars, in fiscal years]

	1995	1996	1997	1998	1999	2000	5 year total	10 year total
W–2 Match Requirement	....	?	?	?	?	?	?	?

7. Electronic Return Originators Must be Checked: During the 1995 filing season, the IRS instituted fingerprint and credit checks on new ERO applicants to better ensure that only appropriate and responsible individuals participate in electronic filing. Of the 33,000 applications this year that had to undergo suitability checks, 1,500 applicants were rejected because of failure to meet the admission requirements. This provision would require that IRS complete these same tests for all EROs, and not just new applicants. Thousands of EROs from prior years are still in the system have not been checked. This change would require that all EROs have this minimum check completed before electronic returns are processed by the IRS.

JCT REVENUE ESTIMATE

[In billions of dollars, in fiscal years]

	1995	1996	1997	1998	1999	2000	5 year total	10 year total
ERO Background Check	....	?	?	?	?	?	?	?

TOTAL PACKAGE 1–7 JCT ESTIMATE

[In billions of dollars, in fiscal years]

	1995	1996	1997	1998	1999	2000	5 year total	10 year total
Totals	....	.361	7.290	9.141	11.124	13.285	39.437	128.042

[From The Tax Racket—Government Extortion from A to Z]

CHAPTER 8—EARNED INCOME TAX CREDIT

(By Martin L. Gross)

Washington has had the middle class in its fiscal gunsights for the longest time. Let's see how much we can take out of their pockets, say Washington tax experts, and give it away to everybody else.

To whom? It makes no difference as long as we hit the cash cow, the working families who make from $30,000 to $90,000 a year and pay most of the individual income taxes.

The fastest wrinkle in this nefarious plan is the Earned Income Tax Credit, a gimmick that Washington propagandists have labeled a boon to taxpayers.

Let's say you live in Little Rock, Arkansas, and earn only $24,000 a year. Chances are you're not so bad off. After all, even the full-time lieutenant governor of the state makes only $29,000.

You've got a $75,000 three-bedroom house and your property tax is only $950, a real laughter. (It's closer to $500 in the rest of the state.) You've got enough money for a decent life, even for a good $6 dinner.

Still, Uncle Sam feels sorry for you. In fact, you're eligible for a reverse tax—a burgeoning welfare program called Earned Income Tax Credit, which grants tax credits, even delivers checks from the IRS. This is not peanuts. The EITC bonanza will soon run as high as $3,370 per family and cost us $28 billion a year annually!

Is this government tax scheme, which was enormously expanded by President Clinton in 1994, just for the poorest of the poor?

Hardly. In fact, the Little Rock homeowner, who needs no federal handout, is included in the EITC dole. By 1996, it will go to families of four making as much as $27,000.

Is EITC just for a handful of Americans? Hardly. In 1995, credits and checks will go out to some 17 million American families—or some 55 million people. And beginning this year, families without children and even single folks will be eligible—the opposite of the family program's intent.

So what, you say? Isn't it a good idea that keeps the working poor off welfare?

That was the concept. It's OK at first glance, but the closer you get the more it looks like a tax scandal that takes money from the already-drained middle class and moves it, wholesale, from one part of the country to the other, and from high-cost suburbs to cheaper rural areas, and even from one neighbor in a town to the other.

It's the biggest geographic transfer swindle in the history of the nation, and one of the many hidden taxes invented by Washington.

The truth is that the EITC money for the Arkansas family (and people in other low-cost, low-tax states) comes from the taxes and out of the pocket of the very same type of family, living in the same kind of house, but in a more expensive part of the country.

The new tax sucker may have a larger income on paper, but because of his higher cost of living, including higher local and state taxes, he's actually much poorer than many people getting EITC tax relief. He has a miserable fiscal existence, and he's the one paying for the EITC!

Let's look at the Smith family on Long Island, New York. They're making $33,000 a year, the average national household income, but they're not eligible for EITC. They live in the same size house as the family in Arkansas, but instead of costing $75,000, the house set them back $200,000. And instead of under $1,000 property taxes as in Little Rock, they're paying, so help me God, six times as much. They're also saddled with higher state income taxes.

Yet that New York suburbanite, who can't make ends meet, is dispatching some of his sweat money all around America, courtesy of the U.S. Congress, the president of the United States, and their faithful tool, the IRS, and its crazy tax code.

Go figure.

Who's going to pay for it all? Guess? The middle class, the true targets of the green eyeshade guys in the basement of the Treasury building.

In effect, Washington is ripping off Mr. and Mrs. Taxpayer in New York, Michigan, California, Massachusetts, New Jersey, Connecticut, et al., and sending it, in the greatest money transfer in American history, to families in the poorer states who may be living much better on much less. EITC is just the latest assault on the great, disappearing, abused American middle class.

The EITC program began quite modestly, as do most of Washington's nonsensical ideas. It started out reasonably in 1975 to help poor families pay their regressive Social Security taxes. The credit maximum was $400, welcome help for working people.

But now? Washington went into its usual overdrive, and EITC is the fastest growing of all federal programs. In 1982, it cost less than $2 billion. By 1988, it took $5.6 billion out of the treasury. In 1993, the tab was $15 billion—which is just the beginning. By 1996, it will cost $28 billion and still be growing!

Congress has continuously raised the eligibility income limits. In 1987, it was $15,432 for a family of four, then rose to $20,264 in 1990 and is now a ridiculous $27,000. This despite the fact that the typical American paycheck is only $25,000 a year.

With the continuous lifting of the income ceiling, millions flocked into EITC. From less than 2 million, it expanded to 15 million families by 1993, and will take in 21 million by 1996.

If we don't stop it, and its drain on the middle class, we can easily project that 35 million families, or some 100 million Americans, will be on this IRS dole by the year 2000—taking tax money from the people just barely above them in earnings, and often below them in purchasing power.

And the size of the EITC checks and credits are growing apace. Just as recently as 1990, the EITC maximum given by the IRS was $953. In 1996, it will be $3,370 a year per family and rising.

What if the EITC beneficiary wants to get his hand on some of your tax money before the end of the year? Easy. The new Clinton plan allows him to claim 60 percent of the credit, or cash, and have it added to his paycheck by the IRS.

Poverty has been defined by the Census Bureau as $14,700 for a family of four. But when it comes to the EITC, the limits are almost double that. Even the $14,700 poverty level is meaningless geographically. In rural Mississippi, you can eat fine on that. In a New York or Chicago suburb, you'd better get on a fast-moving soup kitchen line.

And do people try to cheat on the EITC? You bet they do, shamelessly.

The government rejects some 30 percent of claims because they're not eligible. On top of that, EITC is the largest center of fraud in the tax system. In 1995, the IRS held up millions of tax refund checks while they took a closer look for EITC connivers who purposely understate their income.

Surprisingly, you don't even have to apply for EITC. The IRS, which can hound middle-class taxpayers into a nervous breakdown for $20, will graciously go over the tax return and send the filer a credit, or a check, without his ever asking for it!

How can we bring some reason to this asinine runaway program?

Easy as pie. We can be both compassionate and reasonable, and still make the ridiculous tax code saner.

1. Limit EITC tax welfare to truly poor families. Use the government's own poverty level of $15,000 as an upper limit. Let's not take tax money from people making $33,000 in high-income areas and give it to richer people making $27,000 in poorer areas.

2. Figure the poverty level state by state, as we do with some welfare programs. $20,000 might be the poverty level in the New York metropolitan area, and $10,000 in rural Arkansas, with $15,000 as an average. That will stop bleeding the budget and be fairer as well.

3. Generous (with your money) President Clinton has extended EITC to couples without children. That violates the spirit of the plan and should be discontinued immediately.

4. Cut out all EITC credits and payments to single people, a program now clicking in which will take more tax billions from middle-class families.

5. Eureka! We now learn that Washington has been sending EITC tax credits and cash to illegal immigrants all these years. Frightened by Proposition 187 in California, embarrassed former Treasury secretary Lloyd Bentsen stated that the IRS will try to eliminate the program for non-Americans. They should be cut off forthwith.

6. Here's a total solution to the whole EITC tax fiasco—one that will solve the tax problem of hard-pressed families with children, poor or middle class.

Immediately eliminate the EITC. Instead give every man, woman, and child an additional $2,500 personal deduction regardless of income, the system under Harry Truman. Forget the class-conscious means test and remember that we're all Americans.

That deduction will not only help poor families (a $10,000 deduction for four) more than the EITC, but it will stop the unfair transfer of money from the middle class, who can't take it anymore. And the way the EITC tax dole is growing, my plan will end up being cheaper.

Scream at your member of Congress. Tell him you want tax relief for everyone and not crazy tax transfers that always hit middle-class families the hardest.

What, you say, he doesn't listen? Just remind him of the 1994 election and that there's another one just like it coming up.

Do you have a personal alternative?

Yes, you can pack up, leave the high-cost, high-tax areas and move to Little Rock. Or better still, go to clean, low-cost Boise, Idaho, or even rural Montana, where life will be cheaper and better, if a little chillier in winter.

And until the president and the Congress regain their sanity, you might be able to get on the EITC tax dole yourself.

[From Tax Notes, March, 1995]

ECONOMIC PERSPECTIVE

(By Gene Steuerle)

On February 27, IRS Commissioner Margaret Milner Richardson was grilled over difficulties that have arisen in the 1995 tax filing season. The president of HR Block called the season the worst in 40 years, at least in terms of "internal preparations and customer dissatisfaction." (See *Tax Notes*, Mar. 6, 1995, pp. 1380–1382.) At one level, accusations are traded back and forth: private lending institutions and members of Congress criticize the IRS while the IRS argues it is not in business to help private firms make a profit. At another level, the debate focuses on arcane terms like refund anticipation loans and direct deposit indicators. The real issue—designing policy that is administrable in the first place—is swept under the table.

In the 1990 budget agreement, Congress and the previous administration for the first time increased the rate of credit in the earned income tax credit (EITC) above the combined employer and employee Social Security tax rate. In the 1993 budget agreement, that rate was increased even further, so that a household with modest earnings could receive a net credit (that is, credit less all taxes paid) of nearly 15 percent in 1994, rising to nearly 25 percent in 1996. As the rate of credit has grown, so have the gains from overdeclaring income on the tax return. Several years ago, I began noting the problems that were inevitably going to arise with the incentive for overreporting income in this new "superterranean economy"—an economy that works in the opposite direction from the historic subterranean economy where the taxpayer or welfare recipient gains by underreporting income. I warned then that in the long run the EITC was in jeopardy unless some policy changes were made to counteract this problem.

Since these warnings have gone unheeded, I view the debate over the filing season as just the latest of ways that these problems are playing themselves out. The growth in fraud was predictable, as was the IRS's rear guard reactions to try to contain it, as were the reactions of parts of the private sector to the costs of those rear guard actions. Interestingly, however, almost no one is talking about the basic problem. There are reasons why many interested parties can't or won't deal with the problem at a more fundamental level.

Start with the current administration. When it advocated an increase in the rate of the EITC, it decided not to deal with the new incentives for fraud and abuse that had been created before then and that would be enhanced. The president, moreover, likes to claim the 1993 EITC changes as among the great successes of his administration. Even though the problem was initially created with EITC rate increases scheduled by the 1990 budget agreement with President Bush, the current administration has for some time avoided sharing credit for recent rate increases, so it has trouble simultaneously trying to share blame for the administrative problems that have arisen.

The IRS, of course, hasn't been able to say much for some time now. It is very reluctant to provide information that may appear critical of a current administration's policy, and the past two administrations together have supported the increases that created the IRS dilemma. Its job, moreover, is administration, not policy. So it talks around the problem, always indicating new procedures and methods it will apply to try to reduce the level of noncompliance. The verdict on those new methods, however, usually will not be known for some time, often years, at which point more new procedures will be tried.

Congress isn't sure it wants to tackle the basic problem either. Almost any policy change is likely to create losers. In this case, for instance, it is almost impossible to monitor claims of self-employment income from painting, baby-sitting, and similar activities. Suppose the EITC were limited to amounts of tax paid by the firm hiring the worker. The employer would be pulled into an indirect role of monitoring the credit, a job that many would be willing to take, but some would not. Most individuals would still get an EITC and complain little, but some currently eligible could lose the credit. There are many alternatives that might also be considered, but each of them involves equally difficult choices.

When tax preparer services and lenders complain about dealing with the IRS, they often comment fairly on some of their clients' difficulties. Some types of policy reform, however, could reduce demand for their services. Their comments, therefore, will seldom be addressed to the policy issues but, instead, focus criticism on the IRS—an action likely to meet with popular approval, as well.

Finally, there is a community of individuals interested in reforming welfare by increasing subsidies to work relative to more traditional welfare. To be honest, I include myself in this community. Many in this community, however, are afraid of discussing abuse of existing provisions, for fear that the subsidies would be pared.

It is not hard to argue that each of these groups is serving only its short-run interests. An administration is hardly going to be given historical credit for "reform" if it is not made to work or is eventually overturned because of inattention to detail. The IRS only reduces its long-term credibility by making it appear that a policy problem is only one of administrative failure in the past, and maybe the future, but not today. Congress only delays the day of reckoning, not a new phenomenon. The tax preparer and lender community know that there business cannot depend for long on a part of the code that is unenforceable, and they only encourage Congress to enact more sweeping reform that would remove the individual more completely from filing responsibilities. The welfare reform community does little to enhance the long-term prospects for subsidizing work as long as stories of abuse and fraud are allowed to surround current subsidies.

So the story behind the story is that there is no filing season foul-up, but, instead, a policy failure to make the tough choices necessary to make the EITC administrable. Is anyone interested?

[From the Philadelphia Inquirer Washington Bureau]

FRAUD CASTS A SHADOW ON TAX CREDIT FOR POOR

(By R.A. Zaldivar)

WASHINGTON.—It was meant to be a different kind of federal program—one that would help struggling families without fostering dependency and inviting abuse.

Called the Earned Income Tax Credit (EITC), the program uses the tax system to pay low-income families up to $2,528 a year to supplement their earnings. The goal: Reward the working poor and encourage them to stay off welfare.

But with one in five American families now getting EITC payments, fraud is costing taxpayers an estimated $1 billion a year. Erroneous overpayments are costing at least as much.

Fraud has become a critical issue for the program, which has had a politically charmed life. It now stands at almost $20 billion a year—and growing.

Spending on the EITC increased tenfold under Presidents Reagan, Bush and Clinton. It is growing faster than any other program for the poor, including welfare, Medicaid and food stamps. Indeed, the federal government now spends nearly as much on EITC as it and the states spend on Aid to Families With Dependent Children, the main welfare program.

"The only way to keep support for a program like this is to make sure you address the issue of fraud," said Laura D'Andrea Tyson, a top Clinton economic adviser. "If you don't do that, you will see the political support dissipate."

This tax season, the Internal Revenue Service is trying to crack down on fraud. And Sen. William V. Roth Jr. (R., Del.) plans to hold hearings soon in the watchdog Governmental Affairs Committee, which he chairs.

With the future of all federal programs for the poor now at stake on Capitol Hill, the EITC is a study in contrasts.

It shows how a government benefit can do great good and invite brazen abuse at the same time.

The positive effect of the tax credit is undeniable. It provides powerful, life-changing help to working families in financial distress: a reprieve from foreclosure for a working mother in Minnesota; or money to pour a concrete floor for a Texas farm-worker family living in a ram-shackle cabin with a dirt floor.

Nearly 70 percent of benefits go to single-parent families, with an average check this year of $1,088. Families with one child can get up to $2,038. Families with two or more children can get the maximum benefit of $2,528. This year, for the first time, childless workers with very low incomes can get up to $306.

To receive the money, people must file a tax return. The IRS then sends out a check—just like a tax refund. There is none of the stigma of going to the welfare office. But millions of those checks could be held up this year, as the IRS tries to stamp out fraud and overpayment.

That's because the EITC has become a favorite target for crooks.

Nickel-and-dime con artists lie about their dependents and bilk the government out of $1,000 or $2,000. Million-dollar criminal entrepreneurs file thousands of false EITC claims by computer, hoping to reap a harvest of checks from the IRS.

And the government has sent out billions of dollars in EITC overpayments over the years, due mainly to taxpayer errors involving the complicated rules for qualifying for benefits.

A survey by the IRS last year found that 29 percent of taxpayers who put in for the EITC claimed too large a credit, including 13 percent of taxpayers who appeared to be intentionally inflating their claim. Congressional auditors suspect the actual rates of error and fraud are higher.

During the 1980s, IRS studies estimated that anywhere from 29 percent to 37 percent of the benefits were paid out erroneously. By comparison, welfare and food stamps had excessive claims rates in 1990 of 6 percent and 7 percent, respectively.

Not even the IRS has been immune from mistakes. In 1992, the agency tried an experiment: It would pay EITC benefits to taxpayers who had not claimed the credit, but seemed to be entitled. Later checking showed that IRS made the wrong call in 45 percent of the cases, sending out $175 million to taxpayers who should not have gotten a dime. The experiment was shut down.

Part of the reason the EITC has run into trouble is that presidents and lawmakers of both parties have enthusiastically expanded the program without taking a clear-eyed look at how well it was working.

* * * * *

But debate is brewing over how well the program accomplishes its control goal of encouraging work.

At conservative think tanks around Washington—idea mills for the Republican Congress—analysts are worried that the EITC may actually discourage work.

That's because 61 percent of EITC beneficiaries fall into the income range where benefits are being phased out. Benefits peak at about $8,000 of income and are gradually eliminated for families making between $11,000 and $25,000.

* * * * *

And if EITC fraud is bad now, it could get much worse with planned increases in the size of the program.

"It gets much scarier as the credit is being expanded," said University of Wisconsin economist John Karl Scholz, a supporter of the program who is critical of its vulnerability to fraud. "By 1996, the amounts of money available will be much, much larger. People filing false claims will all of a sudden stand to gain much more."

The EITC began as a modest program in 1975, but about 18 million families now receive EITC payments, compared with five million families on welfare. The EITC cost $19.6 billion in 1994, while the federal share of AFDC was $12.5 billion. States paid an additional $10.2 billion to AFDC.

For Clinton, the EITC is a cornerstone of his effort to "make work pay" for all Americans. The President has declared the EITC "the most significant thing done in the last 20 years to make the tax code fairer to working people."

Clinton pushed a major expansion of EITC benefits through Congress in his first year in office, more than doubling the maximum benefit to a projected $3,560 by 1996.

The program is expected to grow to $22.8 billion this year and $25 billion in 1996.

That meant the EITC could offer more help to cash-strapped families. But it also made the program a juicier target for con artists, particularly in the age of quick-refund, electronic tax filing.

"In the electronic era, it's particularly a program because of the speed with which you can get your money," said George Yin, a University of Virginia law professor who believes the EITC needs reforms. "If you're of the criminal mind . . . the electronic system cuts your exposure considerably."

* * * * *

An EITC check saved Kathy Spagenske's home from foreclosure last year in the middle of the Minnesota winter.

Spagenske, who lives near Minneapolis and works in telephone sales, separated from her husband in 1993. She and her two sons kept the house, but she soon started falling behind on payments. She was finally given a deadline of Jan. 20, 1994, to come up with money or lose the house.

Desperate, she called HOME Line, a local community service program that helps people in foreclosure. A counselor told her about the EITC. It was the first time she had heard about it.

"It was pure luck," said Spagenske.

She filed her taxes immediately, via computer. An EITC payment of $1,300 enabled her to leverage additional aid from the county government. The money arrived in the nick of time. She got the check to her lender on deadline day.

"Thank God," says Spagenske. "My kids had gone through enough changes for a while."

On the other side of the EITC spectrum is the case of Charles Hunter and Brenda Jean Noiles. The couple were arrested in Wichita, Kan., Jan. 31 by IRS agents and charged with making false claims against the government.

According to court papers, it all started with a tip from an H&R Block employee. Noiles had filed a tax return with a W-2 earnings statement that appeared to be doctored. And Hunter's W-2 was strikingly similar.

Hunter claimed a refund of $3,315, including an EITC of $2,258. Noiles claimed a refund of $3,421, including $2,523 from the EITC. They filed by computer, hoping for a quick refund.

IRS agents investigated and found that the W-2 forms were forged. Hunter and Noiles were arrested when they came to the local IRS office to pick up their checks.

Prosecutor Richard Schodorf alleged the two had claimed dependent children for whom they were not providing support.

Other cases have made news:

Federal prosecutors in Houston indicted eight people this January on charges of filing 800 computerized tax returns claiming bogus EITC benefits, with refunds totaling $1.9 million. The case is allegedly part of a conspiracy going back to 1990 and involved 24 other defendants.

IRS agents in New York City arrested four people last year suspected of filing 11,000 fraudulent tax returns claiming EITC benefits, with refunds totaling $13.6 million. The returns were filed on behalf of women on welfare who did not work and were not entitled to EITC. The government was able to stop all but $80,000 of the money from going out.

After years of working under orders to get the EITC checks out, IRS began clamping down last tax season. This year, the agency is trying to wring fraud and error out of the program by verifying all Social Security numbers on EITC claims, and by using computer analysis and profiles to identify suspect returns.

* * * * *

[From the Wall Street Journal, May 10, 1994]

CLINTON'S BIGGEST WELFARE FRAUD

(By James Bovard)

President Clinton has declared that the expansion of the earned income tax credit in August was "the most significant pro-work, pro-family economic reform we have enacted in 20 years." In fact, the EITC program is the nation's most politically popular, fastest growing, and most fraud-prone welfare program—and one that is a building block of the Clinton welfare reform.

The EITC was created in 1975 to provide rebates of Social Security taxes to low-income workers, thereby counteracting the antiwork incentives of Social Security payroll taxes. But following sharp expansions in 1990 and 1993, the EITC is now far more of a direct handout than a tax refund. The program will cost more than $16 billion this year—more than the federal cost of Aid to Families with Dependent Children. Almost one-fifth of all tax returns claimed the benefit for 1993, and the Internal Revenue Service mailed out more than 10 million letters April 22 encouraging more people to sign up for the program. In Mississippi, 45.1% of families will become eligible for the EITC by 1996; in the District of Columbia, 42.3% of families will qualify.

While Mr. Clinton claims that the EITC rewards work, the details prove otherwise. Households with children with earned income below $25,300 (not counting welfare received) are eligible for EITC benefits of up to $2,528. Families earning up to $8,425 receive an EITC handout equal to 30% of earnings. Those earning between $8,425 and $11,000 get a flat $2,528. And families earning between $11,000 and $25,300 receive $2,528 minus 17.68 cents for each dollar they earn above $11,000.

While people in the lowest tier receive a bonus for each additional dollar they earn, the EITC benefit schedule effectively imposes a punitive tax on those earning over $11,000—slashing their benefits for each extra dollar they earn. American Enterprise Institute economist Marvin Kosters estimated last year that almost three times more EITC recipients are in the phase-out range than in the phase-in range. Thus, the EITC discourages work for far more low- and moderate-income people than it rewards work. (Benefits and eligibility limits are scheduled to rise sharply through 1996.)

The General Accounting Office noted in a 1993 report: "Before qualifying for the credit, a worker may view taking a second job as worth the sacrifice of forgoing leisure time. But after qualifying for the credit, the extra income the credit offers partly replaces the income the worker would lose if he or she were to quit the second job. * * * Also, full-time workers may shift to part-time jobs to get the leisure time they now prefer." GAO estimated that hours worked by EITC beneficiaries may have been cut by 3.6% overall, and by more than 10% for working wives, as a result of this subsidy in 1988. The disincentive to work is probably much greater now, as the benefits are much higher.

Clinton chief economic adviser Laura Tyson declared on April 15 that the earned income credit is "a way to reward hard-working Americans who work full-time." Yet, GAO found that the average EITC recipient worked only 1,300 hours, compared with a normal work year of 2,000 hours. Last month, one nonprofit organization informed potential beneficiaries that they could qualify if they worked only one day a year.

The EITC is structured to subsidize low incomes, regardless of how much or little recipients work. University of Oklahoma Law Prof. Jonathan Forman observed in Tax Notes, "The maximum earned income credit is equally available to both a salesclerk who works 2,000 hours per year at $5.00 per hour and a part-time lobbyist who works 100 hours per year at $100 per hour."

The EITC has long been a gravy train for con artists. GAO noted last year that, before the 1990 expansion of the program, "about a third of the taxpayers who received the credit were not entitled to it." The IRS estimates that between 30% and 40% of EITC benefits are given in violation of federal tax law. Johnny Rose, IRS criminal investigation chief for the Arkansas-Tennessee district, declared in January: "Today, nearly all fraudulent returns involve two things: (1) claiming the EITC and (2) filing electronically through a business that offers a quick loan against the refund."

Recently Rep. Dan Rostenkowski and three ranking members of the House Ways and Means Committee wrote to Treasury Secretary Lloyd Bentsen that "the federal government has an extremely serious and growing problem in the area of tax refund fraud." Rep. Bill Archer, one of the signatories, observed that the EITC is by far the biggest source of fraudulent return losses, with the average EITC fraud estimated at $1,800. Yet the IRS makes almost no effort to require people to pay back undeserved or fraudulently received EITC benefits.

Moreover, Mr. Clinton's new EITC creates perhaps the harshest marriage penalty in the history of the U.S. tax code. An unmarried couple, each with two children and $11,000 in income, would lose $5,686 in EITC benefits by marrying, according to Tax Notes magazine. So much for a pro-family policy.

Mr. Clinton declared in February: "When tax bills come due this April, 15 million families with a total of about, we estimate, 50 million Americans, will be lifted beyond the poverty line by getting tax reductions under the earned-income tax credit." But the GAO found that the EITC has been a dismal failure at raising people out of poverty. In 1991, the EITC decreased the poverty rate by less than one percentage point. And, even when the EITC lifts families out of poverty, receiving the credit does not affect eligibility or benefit levels for families already receiving food stamps, housing subsidies or AFDC.

According to Assistant Treasury Secretary Alicia Munnell, August's EITC increase is the first step toward the Clinton welfare reform plan. Ms. Munnell declared last November: "We are already looking at consolidating the application for food stamps and the EITC. This would reduce transaction costs and eliminate any stigma that may accompany participation." But reducing the stigma on welfare recipients is not the same as making people self-reliant.

Designing government handout programs to encourage people to work is the ultimate liberal pipedream. Instead of glorifying new benefits for low- to moderate-income groups, the Clinton administration should devote its attention to lowering the burden of taxes on all working Americans.

[From the Washington Post, June 26, 1994]

THE MYTH OF THE WORKING POOR

FACE IT, CLINTON. VERY FEW POOR PEOPLE ARE HARD-WORKING WORTHIES

(By Bradley R. Schiller)

No one who works 40 hours a week should have a family in poverty. This concept, frequently articulated by President Clinton, is one of this administration's foremost domestic goals. From health-care reform to a higher minimum wage to more training opportunities to increased earned income tax credits to mandatory fringe benefits, the Clinton administration wants to increase dramatically the income security of the more than 6 million American adults that it classifies as the "working poor."

Who are these legions of working poor, by the Clinton administration count? Consider these possibilities:

Barden, a catfish farmer in Mississippi. Several years ago he spent over $1 million to convert his cotton farm into a commercial catfish operation. Intense competition has depressed catfish prices, however, causing Barden to lose over $100,000 in 1993.

Barbara, a single mother living on Capitol Hill. She worked 35 hours per week as a $5-an-hour receptionist all of last year. In January, she went on maternity leave and gave birth to a girl in February.

Hector, who graduated from college in May 1993. While in school, he was working 16 hours per week to augment the education loans he and his wife received. Within one month of graduating he landed a public relations job that pays $15,000 a year to start.

Johnnie, who dropped out of high school in 1992 and has been working at the federal minimum wage ever since.

Who among these should we count as the working poor? The official answer is Barden the catfish farmer, Barbara the single mother and Hector the college graduate. The only one not counted as "working poor" is Johnnie, the high school dropout who continues to toil away at the minimum wage. Several features of the way in which the U.S. Census Bureau compiles its official poverty counts help produce this bizarre enumeration. Among them are:

Equating Business Income and Wages—The catfish farmer gets counted because the Census Bureau lumps together both people who work for wages and those who operate their own businesses. More than 250,000 of the families counted as poor by the Census actually have negative incomes, as Barden does. These negative incomes most certainly result from self-employment and not from a bad wage contract. Indeed, more than 1 out of 4 individuals officially counted as year-round, full-time members of the "working poor" class report that they are self-employed and may actually have substantial assets to draw upon.

Changing Family Composition—Barbara gets counted as one of America's working poor because she had a baby in February and the Census Bureau does its household income survey in March. In 1993, Barbara earned $9,100, which was not a lot of money but was comfortably above the official poverty line for a single individual (about $7,500). By the time of the March survey, however, Barbara was no longer a one-person household. The Census Bureau concludes that she is one of America's "working poor" because her 1993 income does not exceed the poverty threshold ($9,700) for the two-person household she has in March 1994. Because the Census Bureau compares last year's income to this year's household size, it exaggerates the poverty of growing (younger) households.

The Illusion of Full-Time Work—Hector gets counted as poor because the $9,580 he actually earned last year fell just short of the two-person poverty line. What makes this case misleading is that the Census Bureau counts Hector as a year-round, full-time (YR–FT) worker. The Census Bureau doesn't ask how many hours Hector actually worked (1,386). It instead asks whether Hector "usually" worked at least 35 hours per week when employed. When Hector's wife (the likely respondent to the household survey) replies in the affirmative, Hector statistically became a YR–FT worker, the quintessential White House example of the working poor.

Hector's case is not unique: Previous studies of Census data reveal that roughly 1 in 10 poor persons classified as "full-time, year-round workers" actually worked part-time during at least six weeks of the year.

This overcount of YR–FT workers not only exaggerates the number of working poor persons, but also tends to understate actual wages. As incredible as it may seem, the Census does not ask what hourly wage rate workers were paid. Instead, hourly wage rates are imputed by dividing annual earnings by the estimated ("usual") hours employed. If hours of employment for YR–FT workers are overestimated, then imputed hourly wages are consistently underestimated. In Hector's case, his wage will be estimated by dividing his annual income ($9,580) by the hours of a YR–FT worker (2,080). The implied wage rate of $4.60 an hour, though not factual, will be used as the justification for greater "worker security" initiatives.

A perfunctory look at Census data on the working poor reveals the kinds of misperceptions that result from these statistical procedures. Nearly half a million unrelated individuals are officially counted among the ranks of the working poor. Yet, true YR–FT experience would entail at least 1,750 hours of employment (50 weeks of 35 hours each) and more commonly 2,080 hours (52 weeks of 40 hours each). Accordingly, a job paying just the federal minimum wage of $4.25 an hour would be sufficient to keep any unrelated individual working YR–FT above the poverty line, which is $7,500 for an individual. One must conclude that either the Census depiction of sub-poverty work experience is exaggerated or that these individuals are being paid wages far below the federal minimum.

Even if we ignored these and other technical problems, however, the image of low-paid parents unable to lift their families out of poverty by working would still be distorted. The Clinton administration repeatedly cites the 6 million people in families who work yet remain poor. Of these 6 million "working poor," however, only half are "householders" in families with children. The Census Bureau says that only one-third of these householders work year-round, full-time. Hence, even if one were to accept the flawed Census estimates as an approximation of reality, only 1 million householders would be counted among the ranks of the working poor. In reality, the number would be far smaller, for all the reasons discussed above. The number of working poor would shrink even further if we adjusted official Census estimates for other well-known shortcomings including the omission of in-kind income (e.g., Food Stamps, Medicaid, housing subsidies), the Earned Income Tax Credit not counted by the Census and intentional underreporting of income.

Where does this leave us? This exploration of Census data and methods is not intended to deny the co-existence of work and poverty, much less a broad swath of deprivation in an otherwise affluent America. One cannot avoid the conclusion, however, that there are far fewer working poor Americans than the White House perceives and thus less justification for so many new and expensive worker security initiatives. It may be true that over 60 percent of the poverty population lives in families where at least one person had some work experience during the year. The amount of work experience is often minimal, however, and the self-reported reasons for not working are typically personal rather than market based.

Not working is the proximate cause of most poverty. What the country needs to cure poverty is not so much more "worker security" programs, but more workers.

[From the National Review, Apr. 17, 1995]

THE CHECKS ARE IN THE MAIL

(By Roy Beck)

WASHINGTON, DC.—Once again it is the season when the Internal Revenue Service takes money sent in by Americans and mails some of it back to illegal aliens as a kind of end-of-the-year bonus through the Earned Income Credit program.

When IRS officials first confirmed this long-standing practice to me last spring, they said they had no other option because Congress had never prohibited it. Senator William Roth requested a study by the General Accounting Office, which reported last fall that illegal aliens can receive direct cash payments of up to $2,528. Foreign nationals who are working illegally in this country can get the checks if they have a dependent child and make less than $23,755 a year.

The GAO report was ignored or overlooked by the news media. But it caught the attention of then Treasury Secretary Lloyd Bentsen, who said the practice should cease. Tucked inside the Clinton Administration's latest recommendations on tax policy is a provision to stop the subsidy for illegal low-wage workers—but not until next year.

To assume that these bonuses will soon be ended is to underestimate the resilience of a pervasive system of incentives and loopholes that the United States provides for citizens of other nations to violate our immigration laws. It was public cynicism about the government's good faith in ending this system that fueled the overwhelming passage of California's Proposition 187 last fall and spurs imitators today.

The Earned Income Credit program was set up in 1975 as a work incentive for Americans with low-paying jobs. The credit sometimes works like most tax credits, reducing the tax owed. But the program often requires the IRS to send recipients a check for considerably more money than was withheld by their employers (if indeed any was withheld) the previous year. "We regard EIC as a form of welfare," says Mark Mullett, an aide to Senator Roth.

The Federal Government tries to make sure that illegal aliens don't miss out on these payments. David Simcox, a fellow at the Center for Immigration Studies, says federal funds are provided to religious and immigrant-aid groups to persuade and assist immigrants (whether legal or illegal) to file for the EIC checks. Publications for immigration lawyers advise them that immigration status is irrelevant in filing for the benefit.

The IRS does not know for certain which applicants for EIC checks are illegal aliens, but it has a fairly good idea that they account for most of the applications lacking valid Social Security numbers. (Virtually every legal resident over the age of one year has a valid number, according to Social Security spokeswoman Lynn Shiller.) Forms without valid numbers are sent to the "Unpostable Unit" at one of the ten IRS service centers, where a bureaucrat assigns them temporary Taxpayer Identification Numbers, which look like Social Security numbers. That enables the IRS to keep its paperwork organized so that it can proceed to send checks to filers who are probably illegal aliens.

Federal law forbids anyone who is not a U.S. citizen to enter the country without government approval and to stay longer than his visa allows. If a foreigner succeeds in violating the law, 1986 legislation makes it a crime for that person to be hired. Nonetheless, if a foreign worker succeeds in violating both laws without getting caught, the IRS will send him a cash bonus.

Even if this practice is halted in a quick display of bipartisanship, at least three troubling issues remain:

1. Resourceful illegal aliens can continue to get the annual EIC bonus if they obtain valid Social Security cards by using fraudulent birth certificates. Dan Stein of the Federation for American Immigration Reform suggests that the only lasting solution is to adopt a form of the proposal of Barbara Jordan and her Immigration Reform Commission: establish a national computer verification system to coordinate birth and death records of all fifty states.

2. Congress should consider changing the presumption that all government programs and benefits are intended to extend to illegal aliens unless otherwise specified. Congress might pass legislation that prohibits illegal aliens from participating in any federal program or benefit unless specifically included.

3. As usual, the cumulative costs from legal immigration tower over those from illegal. Simcox says his studies of IRS records indicate some $250 million in EIC subsidies for illegal aliens in 1990. But he found five times that amount going to legal immigrants. "EIC has become another case study in the baffling dilemma of operating and funding complex income-transfer programs for poor residents, while the number of these residents is continuously being expanded by mass illegal and legal immigration and refugee policies which import about half a million additional needy people each year," Simcox says.

If Congress does focus on the taxpayer-provided bonus checks for illegal aliens, it should also consider a larger question: Why should the government continue to allow legal entry of hundreds of thousands of low-skilled foreign workers when U.S. taxpayers end up subsidizing them (and their employers) because they cannot command high enough wages to pay the taxes that would cover their share of infrastructure and social services? Eliminating future importations of low-wage workers would not only reduce EIC payments that otherwise would go to them but might also reduce EIC expenditures for American laborers who, without competition from immigrants, would be more likely to earn nonpoverty wages.

[From the Arizona Republic]

BORDER WELFARE BOUNTY

MEXICANS GET U.S. CHECKS

(By Mark Shaffer)

SAN LUIS.—This dusty pueblo where the irrigated lettuce fields stop against the Mexican border could be the fraud capital of the Southwest.

Its postmistress and vice mayor, Josefina Rodriguez, would be the last to disagree. Around the first of every month, she sees thousands of government checks arrive and a flow of people crossing the border to collect them.

Rodriguez considered it a little weird when she took over the postmistress job 10 years ago and found that the town had as many P.O. boxes as people.

Then it dawned on her: A large number of Mexicans were using Arizona postal boxes to receive U.S. government checks through fraud. This time of year, the problem is compounded as income-tax refunds make the rounds.

The mailbox squeeze has gotten a lot worse during the past decade. Now there are 8,100 post-office boxes, more than twice San Luis' estimated population of 4,000. About three-fourths of the post-office boxes are rented by Mexicans, Rodriguez said.

She can't say how many of the mailboxes are being used by Mexicans for legitimate reasons and how many aren't. Many Mexicans living in the border area rent U.S. post-office boxes to communicate with relatives in this country, because mail moves much faster in the United States than in Mexico.

In 1988, Rodriguez said, she added two double-wide trailers to the back of the post office, thinking that would be space enough for well into the next century.

But it was all gone within three years, and the waiting list for boxes is now 400 names long.

Rodriguez sorts thousands of government envelopes containing welfare checks, unemployment checks and food stamps each month. Add to that the 13,500 income-tax refunds that came to San Luis last year.

"It's just totally out of control," Rodriguez said. "We have the volume of mail of a large city. And a large part of it is U.S. government checks that end up in Mexico."

Former San Luis Mayor Elias Bermudez said there are "easily 5,000 people on the Mexican side" in San Luis, Sonora, a city of about 180,000 people, who are receiving U.S. government assistance under false pretenses.

"And I'm just counting one Mexican per post-office box on this side," Bermudez said. "When you consider that some of those boxes have 10 to 15 people using them, there's no telling how much fraud is going on down here."

Jim Wombacher, former superintendent of the Gadsden School District, says it's a lot.

The way the deception works, Wombacher said, is that a Mexican mother will bring her children across the border and enroll them in the Gadsden School District, using the address of a relative in Arizona as the family home. At that point, the family applies for social services using false documents.

Investigators will visit the residence, and the relative will vouch that the family is residing there. A U.S. Supreme Court decision prohibits school officials from asking the nationality of the parents or students.

"Right after that, we get calls from the (state) Department of Economic Security asking if the kids are properly enrolled in school," Wombacher said. "We have to say yes, and that qualifies them for all the programs like WIC (a nutrition program for pregnant women and infants), AFDC (Aid to Families with Dependent Children) and the supplemental food program."

And that means another San Luis post-office box for delivery of the checks.

"We know things like this are widespread," Wombacher said. "All the time we had instances of children getting sick and our workers would take them to where we thought they lived. But they would point south and say 'otro lado' (across the border) when we got there.

Wombacher said he got so frustrated in 1990 that he went to the border early one school morning and videotaped 250 high-school students on the Mexican side waiting for school buses. Then, he filmed 200 to 300 junior-high and elementary students walking across the border to classes in San Luis, Ariz.

That tape drew lots of attention—and voters remembered. During a countywide bond election last May, voters turned down by a 3–1 ratio a proposal to build a high school in San Luis.

"The dominant issue was, 'We want to do something about those kids coming from across the border,' " Wombacher said.

Rodriguez has her own worries, like delivering the almost 500 pieces of mail containing food stamps each week. And the 3,000 checks for unemployment each month.

"When those unemployment checks come in, people are packed like sardines in this place. I made a tape of it, and that's when we decided we had to expand this post office," Rodriguez said.

As if that weren't enough, postal authorities saw a real jam when more than 13,000 tax returns were filed by April 15 for the 1993 tax year. The Internal Revenue Service also took more than a passing interest, because the 1990 census listed only 3,700 people older than 16 living in San Luis.

Bill Brunson of the Phoenix IRS office said virtually all the tax returns were filed electronically and requested an earned-income credit, a refund for those who live more than six months during the year in the United States, have a minor child residing with them and gross less than $23,050 a year.

Many returns were filled with math errors, omitted information about dependent children and were suspected of containing false information about employment, Brunson said. So the IRS delayed 3,000 refunds, sending letters to the filers in Spanish and English requesting meetings with them.

The agency received fewer than 100 responses, Brunson said, and dispatched a team of investigators to San Luis. They were greeted by sign-carrying Mexican protesters who claimed they had been victimized by unscrupulous tax preparers.

The brouhaha affected all Yuma County taxpayers, said David Cline of Classic Accounting, a Yuma tax-preparation firm. Cline said that many of his clients had to wait months to receive their income-tax refunds because the IRS had targeted all Yuma County returns for review.

Clyde Cummins, a longtime Yuma County supervisor who represents the San Luis area, says it's about time the federal government takes action.

"I'd say that more than half the farm workers around here have two or more Social Security numbers for welfare purposes," he said.

"Another big thing is for a bunch of them to get together and claim only one income, then qualify for subsidized housing.

"We've had a lot of government agencies down here say they just don't care about this. But, for the sake of the American taxpayer, they better start caring."

[From the Washington Post, Feb. 9, 1995]

A HARDER LOOK AT REFUND CLAIMS

IRS TO CHECK SOCIAL SECURITY NUMBERS IN CRACKDOWN ON FRAUD

(By Albert B. Crenshaw)

The Internal Revenue Service, which has been losing as much as $5 billion a year to refund fraud, this year is checking every Social Security number on every return that seeks a refund, and will hold up payment if the names and numbers don't match.

The procedure will cause delays in refunds for about 7 million taxpayers out of the 86 million who will file for refunds this spring, IRS officials said yesterday.

"Some of those [refunds] will never go out, some of those will eventually go out over a period of time, some of those will go out after there's been an examination to determine whether the claim is in fact correct or not correct," said Phil Brand, IRS chief compliance officer.

The new program is made possible in part by improved computer capacity and in part by the agency's decision to shift more people to the refund program, officials said.

The IRS staff will type into a computer the Social Security number from a newly filed return, and look for discrepancies with the Social Security Administration database to see if the number exists and if it goes with the name on the return—a privilege allowed by privacy laws. In the past, this process has been such a major time consumer that the agency made only spot checks, officials said.

Those returns, that are legitimate will be processed as quickly as possible, officials said. Those that are not may lead to criminal investigations.

Officials said checking Social Security numbers will catch taxpayers who claim nonexistent dependents as well as more sophisticated scams, such as creating a fictitious taxpayer and claiming a refund on his or her behalf.

Typically, the IRS processes paper tax returns and mails out refunds in about six weeks, faster in the early part of the year when the load is less, officials said. Returns filed electronically are usually done in three weeks or so. Most returns from legitimate taxpayers with correct Social Security numbers should not be affected, officials said.

A return that the IRS deems questionable but is in fact legitimate could be delayed as much as eight weeks, officials said. An example of this could be a woman who marries and starts using her husband's name, they said.

"There will be some individuals who are held up who are fully entitled to the refund," Brand said. "It's the unfortunate part about a process like this," but "what you say is, 'I've got to weigh the balance'" against fraud losses.

IRS officials said about 1,300 agency employees at service centers throughout the country have been assigned to check questionable refunds.

The IRS has been under heavy pressure from Capitol Hill to deal with incorrect or fraudulent refunds. Programs such as the earned-income tax credit, which provide "refundable" credits—meaning that the taxpayer can get back cash beyond mere withholding—have been especially hard hit in recent years.

Many scams have involved electronic returns. A man who had signed up with the IRS to prepare electronic returns told a House hearing last year that he had filed thousands of false W-2 forms indicating that wages had been withheld for a worker, and then claimed refunds for them.

Brand said the new system especially will watch for systematic efforts to bilk the system. He said that in addition to checking Social Security numbers, the IRS will be paying visits to suspicious return preparers. "As we identify schemes we will be moving to make arrests or anything else that is appropriate," he said.

The IRS already has announced other steps to combat fraud, including elimination of the "direct deposit indicator," an acknowledgment to someone filing electronically that a refund could be expected. The indicator was heavily relied on by banks and others that make refund anticipation loans, and they are unhappy with the change.

However, Brand said those lenders should "make a business decision" on whether to make a refund anticipation loan and not rely on the IRS for reassurance.

S. 899

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF 1986.

(a) SHORT TITLE.—This Act may be cited as the "Earned Income Tax Credit Fraud Prevention Act".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 2. EARNED INCOME CREDIT DENIED TO INDIVIDUALS NOT AUTHORIZED TO BE EMPLOYED IN THE UNITED STATES.

(a) IN GENERAL.—Section 32(c)(1) (relating to individuals eligible to claim the earned income tax credit) is amended by adding at the end the following new subparagraph:

"(F) IDENTIFICATION NUMBER REQUIREMENT.—The term 'eligible individual' does not include any individual who does not include on the return of tax for the taxable year—

"(i) such individual's taxpayer identification number, and

"(ii) if the individual is married (within the meaning of section 7703), the taxpayer identification number of such individual's spouse."

(b) SPECIAL IDENTIFICATION NUMBER.—Section 32 is amended by adding at the end the following new subsection:

"(l) IDENTIFICATION NUMBERS.—Solely for purposes of paragraphs (1)(F) and (3)(D) of subsection (c), a taxpayer identification number means a social security number issued to an individual by the Social Security Administration (other than a social security number issued pursuant to clause (II) (or that portion of clause (III) that relates to clause (II)) of section 205(c)(2)(B)(i) of the Social Security Act)."

(c) EXTENSION OF PROCEDURES APPLICABLE TO MATHEMATICAL OR CLERICAL ERRORS.—Section 6213(g)(2) (relating to the definition of mathematical or clerical errors) is amended by striking "and' at the end of subparagraph (D), by striking the period at the end of subparagraph (E) and inserting ", and", and by inserting after subparagraph (E) the following new subparagraph:

"(F) an omission of a correct taxpayer identification number required under section 23 (relating to credit for families with younger children) or section 32 (relating to the earned income tax credit) to be included on a return."

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1995.

SEC. 3. REPEAL OF EARNED INCOME CREDIT FOR INDIVIDUALS WITHOUT CHILDREN.

(a) IN GENERAL.—Subparagraph (A) of section 32(c)(1) (defining eligible individual) is amended to read as follows:

"(A) IN GENERAL.—The term 'eligible individual' means any individual who has a qualifying child for the taxable year."

(b) CONFORMING AMENDMENTS.—Each of the tables contained in paragraphs (1) and (2) of section 32(b) are amended by striking the items relating to no qualifying children.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1995.

SEC. 4. DECREASE IN EARNED INCOME CREDIT AMOUNTS AND PHASEOUT RANGES.

(a) DECREASE IN CREDIT RATE.—

(1) IN GENERAL.—Subsection (b) of section 32, as amended by section 3(b), is amended to read as follows:

"(b) PERCENTAGES.—

"(1) IN GENERAL.—The credit percentage and the phaseout percentage shall be determined as follows:

"In the case of an eligible individual with:	The credit percentage is:	The phaseout percentage is:
1 qualifying child	34	15.98
2 or more qualifying children	36	20.22

In the case of taxable years beginning in 1996, the credit percentage for eligible individuals with 2 or more qualifying children shall be 35 percent.

"(2) AMOUNTS.—The earned income amount and the phaseout amount shall be determined as follows:

"In the case of an eligible individual with:	The earned income amount is:	The phaseout amount is:
1 qualifying child	$6,000	$11,000
2 or more qualifying children	$8,425	$11,000."

(2) CONFORMING AMENDMENT.—Paragraph (1) of section 32(i) is amended by striking "subsection (b)(2)(A)" and inserting "subsection (b)(2)".

(b) INFLATION ADJUSTMENTS TERMINATED.—Section 32(j) (relating to inflation adjustments) is amended by adding at the end the following new paragraph:

"(3) TERMINATION.—This subsection shall not apply to any taxable year beginning after December 31, 1995."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1995.

SEC. 5. RULES RELATING TO DENIAL OF EARNED INCOME CREDIT ON BASIS OF DISQUALIFIED INCOME.

(a) DEFINITION OF DISQUALIFIED INCOME.—Paragraph (2) of section 32(i) (defining disqualified income) is amended by striking "and" at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and inserting ", and" and by adding at the end the following new subparagraphs:

"(D) capital gain net income,

"(E) the excess (if any) of—

"(i) the aggregate income from all passive activities for the taxable year (determined without regard to any amount described in a preceding subparagraph), over

"(ii) the aggregate losses from all passive activities for the taxable year (as so determined), and

"(F) amounts includible in gross income under section 652 or 662 for the taxable year to the extent not taken into account under any preceding subparagraph.

For purposes of subparagraph (E), the term 'passive activity' has the meaning given such term by section 469."

(b) DECREASE IN AMOUNT OF DISQUALIFIED INCOME ALLOWED.—Paragraph (1) of section 32(i) (relating to denial of credit) is amended by striking "$2,350" and inserting "$1,000".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1995.

SEC. 6. MODIFICATION OF ADJUSTED GROSS INCOME DEFINITION FOR EARNED INCOME CREDIT.

(a) IN GENERAL.—Subparagraph (B) of section 32(a)(2) (relating to limitation) is amended by striking "adjusted gross income" and inserting "modified adjusted gross income".

(b) MODIFIED ADJUSTED GROSS INCOME DEFINED.—Section 32(c) (relating to definitions and special rules) is amended by adding at the end the following new paragraph:

"(5) MODIFIED ADJUSTED GROSS INCOME.—The term 'modified adjusted gross income' means adjusted gross income, increased by the sum of—

"(A) social security benefits (as defined in section 86(d)) received to the extent not includible in gross income,

"(B) amounts received by (or on behalf of) a spouse pursuant to a divorce or separation instrument (as defined in section 71(b)(2)) which, under the terms of the instrument, are fixed as payable for the support of the children of the payor spouse (as determined under section 71(c)),

"(C) interest received or accrued during the taxable year which is exempt from tax imposed by this chapter, and

"(D) any amount received by a participant or beneficiary under a qualified retirement plan (as defined in section 4974(c)) to the extent not includible in gross income.

Subparagraph (D) shall not apply to any amount received if the recipient transfers such amount in a rollover contribution described in section 402(c), 403(a)(4), 403(b)(8), or 408(d)(3)."

(c) STUDY.—The Secretary of the Treasury shall conduct a study of the Federal tax treatment of child support payments to determine whether or not changes in such treatment are necessary. The Secretary shall report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives the results of the study, including recommendations (if any) which the Secretary determines appropriate to encourage payment of child support liabilities by parents and to make both parents more responsible for a child's economic well-being.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1995.

SEC. 7. EARNED INCOME CREDIT NOT ALLOWED UNTIL RECEIPT OF EMPLOYER'S WITHHOLDING STATEMENT.

(a) IN GENERAL.—Section 6401(b) (relating to excessive credits treated as overpayments) is amended by adding at the end the following new paragraph:

"(3) SPECIAL RULE FOR EARNED INCOME CREDIT.—For purposes of paragraph (1), the earned income credit allowed under section 32 shall not be treated as a credit allowable under subpart C of part IV of subchapter A of chapter 1 unless the Secretary is able to verify the amount of such credit by comparing it with—

"(A) information returns filed with the Secretary under section 6051(d) by employees of the individual claiming the credit,

"(B) self-employment tax returns filed with the Secretary under section 6017, or

"(C) both.

The preceding sentence shall apply to any advanced payment of the earned income credit under section 3507."

(b) EFFECTIVE DATE; STUDY.—

(1) IN GENERAL.—The amendment made by this section shall apply to taxable years beginning after December 31, 1996.

(2) STUDY.—The Secretary of the Treasury shall conduct a study to determine the delays (if any) which would result in the processing of Federal income tax returns by reason of the amendment made by this section. Not later than 1 year after the date of the enactment of this Act, the Secretary shall report the results of the study to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives, including recommendations (if any) on ways to shorten any delay.

SEC. 8. PREVENTION OF FRAUD IN ELECTRONIC RETURNS.

(a) IN GENERAL.—The Secretary of the Treasury shall provide that any person applying to be an electronic return originator on or after the date of the enactment of this Act shall not be approved unless the applicant provides fingerprints and credit information to the satisfaction of the Secretary.

(b) PAST APPLICANTS.—The Secretary of the Treasury shall apply the requirements described in subsection (a) to electronic return originators whose applications were approved before the date of the enactment of this Act without fingerprints and credit check information being provided.•

ORDER FOR RECESS

Mr. LOTT. Mr. President, if no further business is to come before the Senate, I ask unanimous consent that after the Senator from West Virginia, Senator ROCKEFELLER, speaks for not to exceed 15 minutes, the Senate stand in recess as under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

TELECOMMUNICATIONS COMPETITION AND DEREGULATION ACT

The Senate continued with the consideration of the bill.

Mr. ROCKEFELLER. Mr. President, I know the American people have some pretty serious questions these days about Congress. Questions like, why is there so much partisan fighting? Why can we not get more done? Why all this talk about issues that do not really matter in people's daily lives?

When I hear the questions from West Virginians, obviously I respect them and I remember them as I try to do my work here in the Senate.

I say that all of this is to highlight the way the chairman of the Commerce Committee, Senator PRESSLER, and the ranking member, Senator HOLLINGS, have pursued this legislation to modernize our Nation's laws affecting telecommunications.

It has, as the Presiding Officer knows, not been an easy task. Nevertheless, we had a bipartisan consensus from the Commerce Committee. That was good. My vote was one in favor of this bill.

I think it is entirely valid that some of our colleagues have insisted, in fact, on spending some thoughtful time here on the Senate floor to dissect this bill and to air whatever differences we have and to consider rescissions.

I refer to my fellow rural colleague from Nebraska, Senator KERREY, who has been vocal about some of the changes we are considering in this bill. I think he has done the Senate a service and our country a service.

I represent a small rural State, West Virginia, that does not want to be excluded from any future involving new technologies and new forms of communication.

I want to make absolutely sure for my State that this legislation serves the general public's interest, not just the big States and the big cities.

The results, I think, of this legislation are very relevant to the people that we represent, that I represent, and are personal and familiar to West Virginians and to our fellow Americans. That is why I have taken this legislation very seriously. The telecommunications industry is one of America's engines for jobs, for new products, for cutting-edge research and new technologies. This bill is needed and it is needed now. And I think we are going to get it because the industry is still bound by the restraints of the law, the Communications Act of 60 years ago, 1934. Just stop and think about how much has changed in telecommunications over the past 60 years, especially over the past 10 years: Personal computers, software, hardware, cable television, cellular, mobile phones—all of these have exploded into our offices, into our homes, into our lives and store shelves in every corner of the country.

Since 1934, all kinds of statutory, regulatory, and judicial measures and rulings have also come along to spell out the policy on various aspects of telecommunications. The best known of them was the historic break up of AT&T in 1982, when our antitrust laws acted as the basis for ending a mammoth monopoly in telephone service.

The bill before us is the work of several years and the intense work of the recent months, to chart another historic change in telecommunications policy. This bill provides a new framework to replace much of the regulation and restraints now governing the telecommunications industry with something which we have decided to call "the ability to compete." The idea is the Federal Government no longer needs to micromanage who can provide what kind of service to America's households and to America's businesses; that, as technology develops to give Americans incredible choices and incredible opportunities from the basics of telephone service to the endless possibilities of computers, the private sector should be able to compete for customers, for business and for profits.

The idea of this legislation is not just to make the telecommunications companies of America the winners. That is not the idea of this at all. We want to shift from regulation and various kinds of monopolies in cable and phone service towards competition; in fact, to competition, in a way that will benefit the American people. When companies actually compete for customers they are going to have to try to offer a better price for better service. Americans know all too well that monopolies protected from competition grow very lazy and sloppy.

Another goal in this legislation is to make sure the United States remains number 1 in an industry that, frankly, generates a lot of jobs, a lot of profits, a great deal of trade, and the economic dividends that have a huge impact on the people we represent. We want the jobs to stay here and we want to be the country that wires and services other countries with our know-how and our products. We have this opportunity.

This is graduation season and I want the graduates of West Virginia's high schools and colleges to know that their studies, their plans for getting an engineering degree or something similar, will pay off in the form of job opportunities. I want them to have that confidence. And they will be able to have that confidence in one of the many fields of telecommunications, as it just opens up and explodes over the next decade or so.

The bill contains a series of provisions to guide the transition from the rules that have piled up over the last 60 years to a new playing field designed for the 1990's. And I think it is fair.

On top of continuing the guarantee of universal telephone service, there is a section in this bill that modernizes that concept and promises affordable rates to a very special category of American institutions, to wit, elementary and secondary schools, libraries, rural health care providers and rural hospitals. We had a very vigorous debate in committee over this so-called community user section that Senator OLYMPIA SNOWE from Maine and I amended into the bill, and a even more vigorous debate last Thursday on the floor of this Senate when an effort was made to remove that same section.

At a time when Americans and this body are also gravely concerned about a crisis of values that we perceive, I would argue this section of the bill is exactly the kind of effort we should be taking to strengthen the human fabric and values of America.

Let me explain. We deliberately target the institutions in our towns and communities that promote community, where children and adults learn together, gather together, work together. In West Virginia our classrooms and our libraries are often the only way that our children and citizens can tap into the wonders of computers and, therefore, the links to a vast world of information and knowledge now available through something we call telecommunications.

This part of the bill also rewards learning, education, and the art of healing. We want schools to be a place where children delve into computers and hope that distracts them from behavior which is far less useful to them. We want libraries to be vibrant centers of learning for families. We want rural clinics and larger teaching hospitals to band together and use telecommunications to transfer the best of health care into the most distant places.

The Presiding Officer as well as the junior Senator from West Virginia understand the importance of telemedicine to West Virginia, Montana and other rural States.

Mr. President, I also want to take a moment to explain my vote on Friday against the amendment offered by the majority leader and the Democratic leader to change aspects of this bill dealing with cable services. Some elements in the leaders' so-called amendment had merit, no question about that. But my vote against it was to protest one very specific change that I think has no business being a part of this bill. Telecommunications policy is complicated. The language is different. The issues are contentious. Perspectives vary, to say the least, on where the right balance is between giving the industry a free hand on one side and making sure that the American people's interests are best served on the other.

However, it does not take a Ph.D. to understand how our constituents feel about their cable rates. And speaking for myself at least, it is not very difficult to recognize what a telecommunications bill should say about the public interest when it comes to cable rates. This is the reason I insisted on a vote on the DOLE-DASCHLE amendment and, therefore, to be able to go on record in opposition to the provision that is summarized in the following words:

> . . . the deregulatory amendment would completely eliminate rate regulation for cable operators who serve less than 35,000 [people] in one franchise area, and do not serve more than 1 percent of all subscribers nationwide.

The amendment was packaged as an effort to provide "greater deregulation for small cable TV." That is worthy as a goal and I know from some of our small cable operators and owners in my State, that they have valid complaints about the paperwork and some of the hassles of the regulations they are subject to. And regulatory relief for small cable operators should get done.

To conclude, I congratulate everybody in this body. Senators and their staffs, who put in the incredible intellectual and physical energy to work on these most difficult of all issues. The telecommunications industry in America is an arena of enormous possibilities and opportunities. It also is made up of factions and sectors determined to get the upper hand. That is the other side of competition, and it makes it very hard to craft public policy that is truly balanced and in the people's broadest interests.

Representing West Virginia, I have been guided by my desire to unleash an industry that employs our people, invests in research and technology, and will redefine how our children and our citizens learn and communicate and work together in the years unfolding before all of us. To me, it has been very important that the bill take certain principles and values very seriously, especially the idea that West Virginians are included on the information superhighway and this time we do not get left on the back roads, trying to catch up.

Mr. President, I would in fact say that amendment, the Snowe-Rockefeller amendment, when this bill passes—I hope it will tomorrow—will represent, as far as this Senator is concerned, one of the most important parts of public service that I have rendered, in my judgment at least, to the people that I represent, past, present, or future. I am profoundly moved by the importance of that part of the bill.

I further conclude with the hope that we will indeed see the dividends and benefits that we have all fought for in this legislation.

One last point about power. With or without this bill, the power that American communications industry holds with its technology in connection to our people, a theme running through the entire debate on this legislation and in the public dialog, is the concern about exactly what is being transmitted and communicated over all of these lines, fiber optics, airwaves, and the like. America is traditionally at its best whenever part of our society shoulders some part of the responsibility for our children and for our moral fabric.

I urge every last element of this industry, from those that write the programs on television, and the movie screens, to those that design and sell the computer programs and games, to the companies that transmit all of this into households and onto the television screens, to assume your share of civic duty and accountability.

There is a dark side to this explosion of messages and images pervading our communities with too much violence and too much degrading material. If the industry resists the temptation to hide behind excuses and shoulders its part of the citizenship in our democracy that depends on its people, we can spend more time celebrating the good that this new world of telecommunications is all about instead of being forced to fight, as we will then have to, and will, to stop the bad.

Mr. President, I appreciate the indulgence of the Presiding Officer and those in this Chamber.

I yield the floor.

Mr. PRESSLER. Mr. President, I ask unanimous consent to proceed for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRESSLER. Mr. President, I want to commend the Senator from West Virginia, my friend, Senator ROCKEFELLER. He has been one of the architects of this bill, and he deserves much credit for his hard work. We thank him very, very much for what I consider was a great speech.

Mr. President, I would like to sort of bring the business of the day to a close by saying that in this bill, which I hope we will pass tomorrow—I am confident that we will—is the result of a bipartisan effort that has been going on for a long time.

This is a major bill. It affects a vast array; it affects every household in America. It affects all of our broadcasts, all of our cable companies and cable customers. It affects all of our local television, and our long distance. It affects our utilities, our direct broadcast satellites, and lots of other areas that would be too numerous to mention—publishing and their electronic subdivisions, burglar alarm people, the companies, and customers who use telephone lines to transmit information.

In this bill there are vast other issues such as the percentage of national markets that one television group can reach, and many other subjects, even the maritime satellite issues that affects our ships at sea.

So this is a vast bill, and we are trying to get everybody else in the business as much as possible. We are trying to end the regulatory apartheid that was set up in the 1930's. We are trying to have competition, and deregulation.

I believe telephone prices will drop substantially, if we pass this bill. I believe that cable rates will drop. I also believe that there will be an explosion of new jobs and new technologies available to our people. I compare this to the Oklahoma land rush in terms of investment. Our people needed a road map. They need a road map for the next 10 or 15 years until we get into the wireless age. That is what this telecommunications bill is.

I am also very proud that the White House Conference on Small Business, the participants, over 500 of them, today supplied me with letters urging President Clinton to support the Senate bill on telecommunications, and also saying that on behalf of small business they want the Senate bill to pass.

There has been some talk about this as a corporate bill, this or that. These are small business representatives from all across the United States. Small business supports this bill.

Our effort is to get everybody into everybody else's business, to allow small business, new small businesses, to be formed. There will be small businesses in the local telephone service exchanges. There will be small businesses springing up, and new competition. This is a jobs bill of the highest priority.

So, Mr. President, I conclude by thanking all Senators. I think we have made great progress today. I look forward to the vote on the amendments, and final passage of this bill tomorrow.

I pay special tribute to the Senator in the Chair, Senator BURNS, who has provided great leadership on this subject. He is one of the acknowledged experts in the Senate.

I salute him for his contribution.

I yield the floor.

RECESS UNTIL 9 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 9 a.m. tomorrow.

Whereupon, the Senate, at 9:16 p.m., recessed until tomorrow, Thursday, June 15, 1995, at 9 a.m.

NOMINATION

Executive nomination received by the Senate June 14, 1995:

MERIT SYSTEMS PROTECTION BOARD

BETH SUSAN SLAVET, OF MASSACHUSETTS, TO BE A MEMBER OF THE MERIT SYSTEMS PROTECTION BOARD FOR THE TERM OF 7 YEARS EXPIRING MARCH 1, 2002, VICE JESSICA L. PARKS, TERM EXPIRED.

EXTENSIONS OF REMARKS

RETAIN OUR SERVICE ACADEMIES

HON. BILL BAKER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1995

Mr. BAKER of California. Mr. Speaker, as is well known, I believe in a limited, efficient Federal Government that spends taxpayers' money wisely and frugally. Yet there is no wisdom in discarding the crown jewels of America's military: the academies in West Point, Annapolis, and Colorado Springs.

Critics charge that the cost of a service academy education is simply too high. This charge rests on a faulty evaluation of the numbers. Comparing the costs to taxpayers for ROTC graduates and military academy graduates is like comparing apples and oranges. Statistics used to show greater cost efficiency in the ROTC Program fail to note that ROTC costs are in addition to the normal cost of an education. For example, when college tuition and ROTC training are combined, the cost for an ROTC graduate is $214,000 over 4 years of study, while for a graduate of the Naval Academy, it is $203,000. The cost at West Point is higher—$268,000—but consider the following: A 4-year education at Stanford is $290,000, at MIT it is $254,000, and at Cal Tech, in my home State of California, it is $426,000. Much of this money is taxpayer-subsidized, and in the context of these expenses, the cost of service academy educations seem a bargain.

And let's not forget that consistently, the Naval, Army, and Air Force Academies rank among the top universities in the United States.

Further, the service retention rate of academy-trained officers is much higher than those trained in ROTC courses. Twenty year retention rates for Naval Academy graduates are 16 percent higher than those trained in ROTC Programs. For the Air Force Academy, retention over 20 years is almost 40 percent, as compared to 27.5 percent for other commissioning sources. Taxpayers are getting a solid return on their academy investments.

None of the above slights those outstanding men and women whose dedication took them through ROTC or OCS Programs. Yet a 4-year immersion in military training is unique. In honoring nonacademy officers, we should not diminish the need for leaders like Eisenhower, Grant, Schwarzkopf, Bradley, Patton, Burke, and my Senate colleague and American hero JOHN MCCAIN.

Yes, let's cut waste from the Federal budget, but not at the expense of a generation of future leaders.

SUPPORTING IMPACT AID

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1995

Mr. KENNEDY of Rhode Island. Mr. Speaker, I rise today to praise the National Security Committee for adopting the Edwards-Bateman amendment to preserve partial funding for the Impact Aid program.

Impact Aid provides essential funding for school districts which lack revenue because a portion of their student body lives on Federal land and does not pay local school taxes.

The work of the committee has reaffirmed the Federal Government's pledge to provide over 5,000 children in Rhode Island with a sound elementary and secondary education. Without Impact Aid the Federal Government would abandon this essential commitment to all the children in these districts.

These children are of course very special to our Nation. They are the sons and daughters of the people who protect our country by serving in the military.

Impact Aid is clearly about our military readiness not just for today but for our future.

Funding Impact Aid today ensures that our military personnel are prepared to serve because they do not carry with them the worry that their children are not receiving a proper education

Moreover, Impact Aid today means supporting America's leaders tomorrow. Education and training will develop skills, and skills mean high quality jobs for Americans. Without the program over 17 million children nationwide would be left unprepared and undefended in the harsh climate of the new global economy. This is a cost America simply cannot bear.

Again, I thank my colleagues from both sides of the aisle for funding Impact Aid and supporting the men, women, and children of the U.S. armed services.

TRIBUTE TO PRESIDENT REAGAN PROMOTING ALZHEIMER'S DISEASE AWARENESS

HON. ANDREA H. SEASTRAND

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1995

Mrs. SEASTRAND. Mr. Speaker, I rise today to pay special tribute to President Ronald Reagan for his strength and courage as he and Mrs. Reagan strive to bring national attention to the American people regarding Alzheimer's disease.

Throughout his long and successful political career, President Reagan chose, without hesitation, to tackle the most controversial issues of the day. Today, he and Mrs. Reagan are leaders in the effort to educate the public about Alzheimer's disease. Indeed, the Reagans are lending their support to efforts in Santa Barbara County which will help generate the dollars needed to provide services to those who have been stricken with this debilitating disease. The Alzheimer's Association of Santa Barbara is the beneficiary of this charitable effort.

Santa Barbara knows of the Reagan's love for and interest in Santa Barbara County, and we are honored to have been able to call Santa Barbara the Western White House. Local residents and business owners remember their visits to Rancho del Cielo with great fondness, and we welcome them back whenever possible as heroes fighting for a new cause. The 22d Congressional District of California applauds President and Mrs. Reagan for their perseverance and we want them to know that our prayers are with them.

HONORING LAPEER COUNTY WORLD WAR II EFFORT

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1995

Mr. KILDEE. Mr. Speaker, I rise today to urge my colleagues in the House of Representatives to join me in paying tribute to the men and women of the great County of Lapeer, who bravely served this Nation during World War II. Lapeer County has been recognized as an official Commemorative Community by the Department of Defense, and has worked for many months on a host of events that will honor all of its citizens that served during World War II.

The sacrifices and accomplishments of the men and women that served are many, and serve as inspiration to the generations that have benefited the most from their efforts. The men and women of Lapeer County held true to the notion that evil and tyranny will not prevail.

The lessons taught by World War II must never be forgotten. We are bound by honor to keep the legacy of the great patriots of our Nation forever fresh in the memories of future generations. The courage, valor, and singleness of purpose that was shown by the entire country, serves as an example of the unity and strength of the American people. It was a time of patriotism. It was a time when America was proud. It was a time when America served as a bright shining light to a world thrown into darkness by evil forces.

The men and women of Lapeer County paid a heavy price to defeat the Axis Powers. Some were wounded. Some were never to return home, destined to rest forever beneath the soil of a far off land they helped to free. Families were changed forever by the loss of

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

loved ones. Let us never forget what our freedom cost. Let their spirit and faith in democracy endure.

Mr. Speaker, it is an honor and a privilege for me to rise before my colleagues in the House of Representatives to honor the great people of Lapeer County who contributed so much to victory during World War II. I am honored to represent them in Congress.

220TH BIRTHDAY OF THE UNITED STATES ARMY

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1995

Mr. MONTGOMERY. Mr. Speaker, I rise today to pay tribute to the soldiers and civilians of the United States Army as we recognize June 14th as the Army Birthday. I take great pride in honoring the brave men and women who have served in the United States Army since 1775. The heart of America's Army is its people, the young men and women of our nation who volunteer to serve. We must never forget that even in this time of precision munitions and brilliant weapons, the individual combat soldier is the ultimate smart weapon. America's Army is peopled by soldiers of high quality—soldiers with character, commitment and courage. These qualities are—and always will be—hallmarks of the Army.

June 14th is Flag Day as well as the Army's birthday; therefore, it is appropriate to point out that the design of our flag, Old Glory, has evolved over the years since 1777. The liberty it stands for, however, remains constant. So does the Army's vigil to protect liberty.

Since 1775, more than 42 million Americans, in times of turmoil and tension as well as periods of peace, have raised their right hands to take an oath, making America's Army what it is today: the premier fighting force in the world. They have taken that oath, not to a king, not to a President or political party, and not to a flag alone, but to the Constitution of the United States and the ideals it represents.

Yesterday they were ready, from Lexington and Concord to Gettysburg, and from Normandy to the Persian Gulf. Today they are ready to keep the peace or provide humanitarian relief around the globe. Tomorrow, too, they will be ready. Whenever the time, wherever the mission, whatever the challenge, we can count on America's Army.

The United States Army has always done more than fight our nation's wars. The Army develops leaders who contribute to the strength of the very fabric of American Society. America's Army has always provided leaders for government and industry. From Presidents, to many of my colleagues here today, all owe much of their strength as leaders to what they learned in the Army. In the House of Representatives you will find 87 members who served in the Army, either on active duty, in the Army Reserves, or in the Army National Guard; and in the Senate you will find another 27 who served their nation as soldiers. I ask that a list of my House colleagues with Army service be appended to my remarks for the record.

In closing, let us remember and reflect on the selfless sacrifice of America's soldiers throughout our history, their accomplishments made in the face of terrible hardship, and their dedication to our nation. The United States Army, America's Army, should be proud as it celebrates its 220th birthday, and the nation should be proud as it celebrates Flag Day that these brave men and women stand ready to support and defend our American way of life. June 14th will be celebrated in every camp, post and station of the Army, and here in the Nation's capital. I encourage all Americans to find a way to help celebrate this event, and to find a way to thank the men and women, soldiers and civilians of the Army for their dedication, sacrifice, and selfless service.

HOUSE MEMBERS WITH ARMY SERVICE

Scotty Baesler, Doug Bereuter, Tom Bevill, Brian P. Bilbray, Sherwood Boehlert, Bill Brewster, George E. Brown, Jr., Ed Bryant, Dan Burton, Steve Buyer, William L. Clay, Bob Clement, Ronald D. Coleman, Mac Collins, John Conyers, Jr., Wes Cooley, William J. Coyne, Robert E. Cramer, Philip M. Crane, Thomas M. Davis III, E. "Kika" de la Garza, Nathan Deal, John D. Dingell, Julian C. Dixon, John J. Duncan, Jr., Thomas W. Ewing, Eni F. H. Faleomavaega, Michael Patrick Flanagan, Rodney Frelinghuysen, Martin Frost, Greg Ganske, George W. Gekas, Sam M. Gibbons, Benjamin A. Gilman, Bill Goodling, Porter J. Goss, Richard (Doc) Hastings, Steve Horn, Duncan Hunter, William J. Jefferson, Harry A. Johnston, Paul E. Kanjorski, Peter R. King, Joe Knollenberg, John J. LaFalce, Greg Laughlin, Jim Ross Lightfoot, William O. Lipinski, Edward J. Markey, Frank R. Mascara, Jack Metcalf, John McHugh, Norman Y. Mineta, Alan B. Mollohan, G.V. (Sonny) Montgomery, Carlos J. Moorhead, John T. Myers, Charlie Norwood, Solomon P. Ortiz, Larry F. Payne, Jr., Collin Peterson, John Edward Porter, Glenn Poshard, Jim Ramstad, Charles B. Rangel, Jack Reed, Mel Reynolds, Frank Riggs, Harold Rogers, Toby Roth, Bobby L. Rush, Robert C. Scott, Jose E. Serrano, Bud Shuster, John Spratt, Jr., Louis Stokes, Esteban E. Torres, Edolphus Towns, Harold L. Volkmer, Robert S. Walker, Dave Weldon, Edward Whitfield, Pat Williams, Frank R. Wolf, C.W. (Bill) Young, Don Young, Bill Zeliff.

HONORING DAN RATTINER, DISTINGUISHED NEWSPAPER PUBLISHER AND EDITOR

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1995

Mr. ACKERMAN. Mr. Speaker, I rise today to join with my constituents in the Fifth Congressional District of New York and the citizens of Eastern Long Island in recognizing Dan Rattiner.

For 35 years, Dan Rattiner has distinguished himself as a leading force in the Long Island newspaper industry as publisher and editor of Dan's Papers on the East End of Long Island.

When Dan Rattiner founded Dan's Papers in 1960, he boldly accepted his own challenge to inform and educate Eastern Long Island residents of the important issues affecting their community.

Throughout the years, Dan Rattiner has also served the East End with exceptional public service. Every year since 1979, Dan Rattiner has raised tens of thousands of dollars for charity through the annual Dan's Papers Potatohampton Minithon, a 10K race that occurs in Bridgehampton every Memorial Day weekend. From 1985 to 1993. Dan sponsored a summertime radio show in Manhattan entitled "The Hampton Report," informing citizens throughout the New York Metropolitan area about the unique attributes and attractions of the East End. Presently, Dan hosts a New York City radio program, "The Weekend Report," which also enlightens New Yorkers about the East End.

In addition, Dan Rattiner has authored numerous books on the East End, including "Dan's Book," "Albert Einstein's Summer Vacation," and "Who's Here: The Heart of the Hamptons."

Mr. Speaker, Dan Rattiner's achievements and contributions to the East End merit the special appreciation of the community, his friends, and his family.

I ask all of my colleagues in the House of Representatives to join me this day in recognizing Dan Rattiner for his generous contributions and dedicated service to the Long Island community.

EXPLANATION OF H.R. 1729 TAX EXCLUSION REGARDING PRE-NEED FUNERAL TRUSTS

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1995

Mrs. MINK of Hawaii. Mr. Speaker, I introduced H.R. 1729 to reverse a bureaucratic inequity created by a January 29, 1988, Internal Revenue ruling (87–127) which created two classes of taxpayers with disproportionate tax treatment which my legislation seeks to remedy.

Because funeral expenses often saddle a family abruptly with an unexpected financial burden, many families find it in their best interest to establish a pre-need funeral plan (trust) where moneys are set aside for future funeral costs.

Under this IRS ruling, families purchasing pre-need funeral plans are required to pay taxes on the interest income earned by these trusts, despite the fact that trust moneys and earned interest remains in the possession of the seller of the trust—usually a funeral home. Trusts purchased before the effective date of the ruling were subject to a grandfather clause, establishing a significant inequity between trusts purchased before and after the effective date.

Furthermore, the IRS ruling forced sellers of pre-need trusts to assume the responsibility for informing purchasers of the tax amounts owed on their trusts. This has created difficulty for sellers due to confusion on the part of the purchasers who believe it inequitable that they be assessed this tax on interest that they never receive nor benefit from.

H.R. 1729 would reverse Revenue ruling 87–127 by requiring the providers of pre-need funeral trusts once again to pay taxes on earned interest on the trusts, unless the interest is returned to the purchaser.

I urge my colleagues to support H.R. 1729 to relieve families from unwarranted taxes.

A TRIBUTE TO JOHN H. ADAMS FOR 25 YEARS OF SERVICE

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1995

Mr. COYNE. Mr. Speaker, today I want to honor John H. Adams, executive director of the Pittsburgh Regional Minority Purchasing Council, who will be retiring after 25 years of distinguished service.

John Adams has devoted his energy and skills over the past quarter century to increasing opportunities for minorities to participate fully in the U.S. economy as entrepreneurs and business leaders. He had been a driving force in the Pittsburgh area in the struggle to sweep away the still lingering effects of racial discrimination. His work has been instrumental in opening doors to men and women who for too long had been denied a chance to compete fairly in our society.

Mr. Adams will be honored at a luncheon on Friday, June 16, in Pittsburgh at the Allegheny Club. He has served longer than any other council director in the 47-member national organization and is highly regarded around the country as the dean of directors. The Business Resource Center was formed in 1972 under the auspices of the Allegheny Conference on Community Development to develop a program for corporations to increase their purchasing with minority businesses. The conduit organization, the Regional Minority Purchasing Council, has served as the catalyst for purchasing agents in Pittsburgh to increase minority participation in providing and bidding on goods and services contracts. The corporate membership of 100 firms includes Westinghouse, ALCOA, Allegheny General Hospital, the University of Pittsburgh Medical Center, and the major area financial institutions.

John Adams has also been active in the Pittsburgh area as a civic leader. He made Pittsburgh and Rotary International history, when in 1979 and 1980, he served as president of the Pittsburgh Rotary Club, one of the largest Rotary Clubs in the United States. Throughout his life, John Adams has excelled at breaking through longstanding barriers and providing a role model for others in his community.

Mr. Speaker, John Adams deserves to be commended for his outstanding effort to break down barriers to African-Americans, women, and others in our society who have long been denied fair opportunities to participate fully in the benefits of our Nation's free enterprise system. It is fitting that the U.S. House should have this time to reflect on the work of John Adams and the continuing need to ensure that all Americans can compete fairly for a chance to succeed as businessmen and women.

BUDGET CUTS AFFECT REAL PEOPLE

HON. FRANK TEJEDA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1995

Mr. TEJEDA. Mr. Speaker, on June 6, the San Antonio Express-News published an editorial reminding all of us, particularly here in Congress, that budget cuts affect real people. The article appropriately points out that the seemingly abstract reductions being debated in Washington these days will have a concrete impact on the people back in our districts. The editorial painfully describes the impact of a $40,000 reduction in Federal money on the services provided by San Antonio's Sexual Assault Crisis and Resource Center.

Mr. Speaker, as we begin consideration of the large budget reductions being proposed and the spending priorities of the Federal Government, we, as representatives of the people, must constantly remember the impact our actions will have on the hundreds of thousands of people in my district and the hundreds of millions in those of my colleagues. The text of the editorial is set forth below.

BUDGET CUTTING HITS REAL PEOPLE

"A billion dollars here, a billion there—eventually it adds up to real money," the late U.S. Senate Minority Leader Everett Dirkson, R-Ill., used to grouse when freespending Democrats forgot that they were doling out real dollars paid by real taxpayers.

His political heirs, now in the majority in both houses of the 104th Congress, rightly understand that they are spending real money. What they need also to recognize just as dearly is that congressional spending—and cuts in it—affect real people, too.

A good example locally is the impact earlier federal spending cuts already are having on San Antonio's Sexual Assault Crisis and Resource Center.

The center which also receives state, United Way and other private funding, lost $40,000 in federal money for fiscal year 1995, San Antonio Express-News Staff Writer Marina Pisano recently reported.

Those cuts came before the Republicans—committed to even deeper cuts in the federal budget—took control of Congress.

Unlike the billions of dollars Dirksen accused congressional Democrats of mindlessly squandering, $40,000 may not seem like much money. But its impact on real people is proving to be significant.

As reported rapes increase dramatically in the Alamo City—during the first quarter of 1995, up 37.5 percent from a year ago—the crisis center will be able to serve fewer clients because of the cut in federal funding.

The center will have to rely more heavily on private funding.

Unfortunately, though, donations from nongovernment sources, particularly foundations, are significantly down, said Rita Velasquez, the center's acting director.

The private sector will be increasingly hard-pressed to make up the difference caused by ever-deeper cuts in government spending at all levels. Real people with real needs and real problems—not just nameless, faceless statistics—will suffer accordingly.

Congressional budget writers should never forget this very real impact that their decisions have on so many real Americans.

TRIBUTE TO THE REVEREND GEORGE S. FLEMING

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1995

Mr. DAVIS. Mr. Speaker, it gives me great pleasure to rise today to pay tribute to a man who has given so much to his church and his community, Baileys Crossroads, VA. Father George Fleming is retiring after serving 27 years as the priest at St. Paul's Episcopal Church. The Reverend George S. Fleming, born in 1930 in Brooklyn, NY, received his B.A. from Brooklyn College [CUNY] in 1953, and graduated from Philadelphia Divinity School, Philadelphia, with honors in 1956.

Following ordination as an Episcopal priest in 1956, he served as curate of St. Andrew's Church, Williston Park, NY, 1956–58, where he was a founding member of the Williston Rotary Club and member of the Anglican Society.

During his 27 years at St. Paul's he served as a member, and often convener, of Baileys Ministerial Fellowship, as a member of the Falls Church Kiwanis Club, a founder and member of the board of the Bethany House of Northern Virginia; board member, HOPE of Northern Virginia; member of the board of trustees of Goodwin House; field education supervisor, Virginia Theological Seminary; and regional dean of the Diocese of Virginia from 1991–94. He also led the effort for use of St. Paul's Church as a location for the Fairfax Community Action Program academy for dropout youth in 1970, and for the Northern Virginia Hispanic Ministry of the Episcopal Church.

Due to the tragic death of a homeless man on Christmas Eve, 1983, Reverend Fleming served as chairman of the Christian Emergency Temporary Shelter, an organization of churches that provided care for homeless people during the winters of 1984 and 1985. This group served as impetus for the founding of the Baileys Community Shelter for the Homeless. Reverend Fleming has served continually on the board of the shelter.

Mr. Speaker, I know my colleagues join me in paying tribute to this fine man who has given so much of his time and energy to help make his community a better place to live. Without Father George Fleming's leadership, Baileys Crossroads would be a far different place. I know my colleagues join me in thanking George Fleming for his selfless contribution to his church and community and we wish him the best of luck in his retirement.

A TRIBUTE TO CAPT. IAN WALSH

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1995

Mr. KENNEDY of Rhode Island. Mr. Speaker, at 2:08 a.m. Central European time, on June 8, 1995, history was made. With unparalleled perfection that only comes with countless hours of training and preparation, a team of U.S. Marines rescued Air Force Capt. Scott O'Grady from behind enemy lines in Bosnia.

Among the Marines who risked their lives to save Captain O'Grady was Capt. Ian Walsh, whose parents, Laurence and Ellen, live in my congressional district in Providence, RI. Captain Walsh, 28, who piloted the Cobra attack helicopter which led the rescue mission, is no stranger to life-threatening missions. Having flown in Somalia and Haiti, Captain Walsh has made a typical day's work out of flying into hostile territory.

The rescue of Capt. Scott O'Grady, who courageously eluded the enemy for 6 days, was by no means simple. Captain Walsh had to not only fly through dense fog and had to remain extremely low in order to avoid mountain ranges and power lines, but he also encountered missile and gun fire from the Serbians. All this was worth it once Captain Walsh made the first audio contact with the downed fighter pilot. As Captain Walsh related later to the Providence Journal-Bulletin, "It's one of those things you train and train and train, and you finally execute, and it pays off. I feel like I've actually made a difference—helped pull a guy out and saved his life. And that to me is probably the best feeling anybody could have."

With Captain O'Grady back in friendly hands, there is indeed much to celebrate. In our joy, however, we should not forget that men and women are still putting their lives on the line for our country every day. They are truly heroes and should be recognized as such. I am proud to say that Capt. Ian Walsh is one of them.

As Captain Walsh finishes the remaining 3 months of his tour stationed off the embattled shores of Bosnia, I want to let him know that this country and his friends are behind him. I wish for Ian a safe tour and speedy return home for one of Rhode Island's true heroes. I also offer best wishes to his wife, Charlotte of North Carolina, and his parents, Laurence and Ellen, all of whom must be very proud of Ian's dedication and service to his country.

IN RECOGNITION OF SAN LUIS OBISPO MOZART FESTIVAL—25TH ANNIVERSARY

HON. ANDREA H. SEASTRAND

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1995

Mrs. SEASTRAND. Mr. Speaker, I rise today to invite my colleagues to join with the 22d Congressional District of California as we celebrate the 25th anniversary of the San Luis Obispo Mozart Festival. Presented during the weeks of July 21 through August 6, 1995, the festival is a superior salute to the music and life of Wolfgang Amadeus Mozart.

Over the past 25 years, San Luis Obispo residents and tourists from all over the world have enjoyed the festival's performances of works by composers of classical to contemporary. Audiences have a rare privilege to enjoy some of the greatest compositions of all time surrounded by the serenity and beauty of the San Luis Obispo County landscape. From vineyards to music halls and from quaint chapels to the historic Mission of San Luis Obispo de Tolosa, music lovers keep coming back year after year to enjoy the festival.

The San Luis Obispo Mozart Festival is also well known for its educational programs conducted in and around the performances. For adults, there is an Akademie lecture series which features music scholars from throughout the Nation. And for the children, the Akadamie provides an excellent opportunity for young people to gain an appreciation for music.

So, as the 22d Congressional District of California gears up for the 25th anniversary of the San Luis Obispo Mozart Festival, I remind my colleagues that they are all invited to the central coast to enjoy this truly classic event. And to the festival itself, I say congratulations on a successful history and good luck for continued success in the future.

TRIBUTE TO VFW POST NO. 4087 AUXILIARY

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1995

Mr. KILDEE. Mr. Speaker, it is an honor for me to rise before you today to pay tribute to a very important organization in my district. The Davison Veterans of Foreign Wars Auxiliary, Post No. 4087 received its charter on June 24, 1945. I congratulate the auxiliary as it celebrates its 50th anniversary on June 24, 1995, and thank them for their many years of dedicated service to the community. The auxiliary was originally formed around a mutual desire to serve the community.

The auxiliary is known throughout the entire country for their involvement in projects that touch many lives. One of the first projects the auxiliary accomplished was distributing toys to needy children at Christmas. That original gesture of generosity has not only prevailed, it has expanded into many other programs to assist the needy. Individuals, families, and particularly children have benefited as a result of the magnanimity of the auxiliary. Clothing, toys, food, scholarships, and athletic equipment have been provided when and where needed. Various youth groups have been advantaged by the auxiliary's largesse. Essential items, equipment, and extended use of Post No. 4087's building, and other facilities have been made readily available to those groups.

The Davison Veterans of Foreign Wars Auxiliary, Post No. 4087 has traveled long distances, and donated many hours of time visiting veterans hospitals. These visits have served as a topic to the veteran who has been hospitalized as a result of illness, or from wounds received as a result of military service. The auxiliary has helped to carry the message of freedom by sponsoring the Voice of Democracy Program, and sponsoring flag presentations to local schools. The auxiliary color guard was formed in 1983, and since then, has been invited to participate in parades and ceremonies throughout Michigan. The auxiliary color guard has also been the source of pride to the Davison community, as it has been the winner of numerous State and national awards, trophies, and commendations. The accomplishments of the auxiliary are too lengthy to list today. Suffice it to say they are great, and they are many

Mr. Speaker, it is with great pride that I stand before you today, asking you and my fellow Members of Congress to honor the Davison Veterans of Foreign Wars Auxiliary, Post No. 4087. For 50 years they have stood firmly behind their commitment to each other, the community, and this Nation. Their steadfast devotion to promoting the human dignity of all Americans serves as inspiration to us all.

CELEBRATING THE ACCOMPLISHMENTS OF BUREAU OF RECLAMATION COMMISSIONER DANIEL P. BEARD

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1995

Mr. RICHARDSON. Mr. Speaker, I rise today to express my high regard and appreciation for the performance and accomplishments of Daniel P. Beard and my sadness at his decision to resign from his position as Bureau of Reclamation Commissioner.

As many of my colleagues may remember, prior to his current service in the Department of Interior, Mr. Beard was a staff member in both the House and Senate, serving as administrative assistant to Senator Max Baucus and staff director for the Subcommittee on Water, Power and Offshore Energy Resources, and the Committee on Interior and Insular Affairs. In his 2 years with the Bureau of Reclamation, he has served his country with distinction and unparalleled effectiveness.

As Commissioner of the Bureau of Reclamation, Dan was instrumental in turning the Bureau around and making it one of the premier agencies of the Department of Interior. In fact, Vice President Gore awarded the Bureau a Reinvention Hammer Award in 1994 for its reduced budget and effective downsizing of employees.

Commissioner Beard should be very proud of how well he has achieved his goal to make the Bureau of Reclamation the preeminent water resource management agency in the world. Dan led the Bureau to establish and support water conservation projects throughout the West, such as projects to bring new, drought-resistant water supplies to communities in arid areas, particularly in southern California. The Bureau also implemented a native American trust asset project policy and substantially expanded technical assistance to native American tribes in the West.

Our Bureau reforms instituted by Dan include a revision of agency operations to delegate greater decisionmaking authority to field personnel and the involvement of headquarters in everyday operating decisions. These changes have resulted in the elimination of several layers of management within the Bureau and the reduction of redtape. It is fair to say that customer service is now the foundation for the Bureau's operations.

I would like to congratulate and commend Mr. Beard for his outstanding service to the Nation. His achievements are worthy of high praise and appreciation and I wish him all the best in his future endeavors.

SUPPORT INTERNATIONAL FUND FOR IRELAND AND MACBRIDE PRINCIPLES

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1995

Mr. WALSH. Mr. Speaker, as chairman of the Friends of Ireland, I strongly urge my colleagues to join me in supporting the International Fund for Ireland and the MacBride Principles.

The time is right. The current peace process in the North provides a context in which our assistance will be most valued. And our willingness to reward nonviolent problem solving could not be shown more clearly.

Our historical tie to Ireland is a lifeline—not for victory in armed struggle, but for economic success in peacetime.

We have a humanitarian interest at stake, and an economic interest. Because Ireland has a highly skilled, educated work force. It is a gateway to Europe, and a potential market for American companies.

Regarding the MacBride Principles, I personally believe that despite the cease-fire and despite advances in the peace process, systemic prejudice still exists in the North. The MacBride Principles will guarantee that U.S. tax dollars are targeted at unemployment in the areas that will bring the best peace dividend.

Our economic assistance has helped Ireland get this far in its struggle for peace, and will continue to help create an infrastructure of hope.

I urge support for this measure.

IN RECOGNITION OF AMCORE BANK AND THE ZION DEVELOPMENT CORPORATION

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1995

Mr. MANZULLO. Mr. Speaker, it is a great pleasure for me to recognize the accomplishments of the partnership between AMCORE Bank and the Zion Development Corporation. These two organizations, acting in unison, have stabilized and redeveloped a major portion of the Rockford community. Their commendable efforts were justifiably included by the Social Compact in their 1995 Outstanding Community Investment Awards program.

AMCORE Bank and the Zion Development Corporations have a long history of working together. AMCORE Bank, a major financial institution in Rockford, had been located for nearly 100 years on Seventh Street, directly across from the church that founded the Zion Development Corporation [ZDC]. The ZDC, established in 1982, has acted as an instrument to revitalize storefront and residential property in an urban neighborhood. Its mission is to provide affordable housing for low- and moderate-income families of every background, as well as to train the residents of Rockford for worthwhile employment opportunities.

Neither AMCORE, nor the ZDC could have succeeded in creating safe, thriving areas within their neighborhood without the help of the other. Acting as a model for other businesses around the Nation, AMCORE granted generous and flexible loans to the ZDC, often financing close to 100 percent of the cost of the properties acquired by the ZDC. AMCORE went on to donate money directly to its partner, to establish a banking service for the residents of the new properties, and to help form the Seventh Street Area Development Council. The ZDC is, like AMCORE, a model itself. It is a nonprofit institution designed to positively impact citizens' lives directly. It has targeted and purchased the properties around Seventh Street which, in the past, have been infamous because of the prostitution and drug dealing that occurred there.

These two organizations have earned admiration and respect because of their service. They have been deservedly noted by the Social Compact and provide inspiration to the rest of Rockford, as well as the country, to never concede a neighborhood as lost to crime.

BISHOP STUDENT EXCELS IN NATIONAL HISTORY DAY

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1995

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention today the fine achievement of Will Baylies and the leadership of his teacher, Mrs. Irene Sorenson, from Home Street Middle School in Bishop, CA. Recently, this remarkable student joined other students from across the country at the University of Maryland to compete in National History Day sponsored by the Constitutional Rights Foundation. The theme for this year's competition was conflict and compromise in history.

Will qualified for the national competition by first winning at the local, regional, and State levels. Will placed first in California for his research paper titled, "A Philosophical Conflict on Civil Rights, Integration or Separatism? Correspondence Between Martin Luther King, Jr. and Malcolm X." Will took the original approach of creating a series of letters between these two men that express an understanding of their philosophies. In reality, King and Malcolm X did not correspond so the content of the letters reflect the research done as well as critical analysis by Will.

This outstanding student and Mrs. Sorenson are a tribute to our public school system which remains the finest in the world. Although this student lives in a community of less than 5,000 people located 200 miles from a major library or university, he completed extensive research in his subject area and was highly competitive with students from the large metropolitan areas including Los Angeles County, San Bernardino County, and Riverside County. It is also remarkable that under the guidance of Mrs. Sorenson, a total of 16 students made it all the way to the final State competition and exhibited their knowledge in 7 of the possible 8 categories.

Mr. Speaker, I ask that you join me, our colleagues, and friends in recognizing the fine achievement of these individuals. Their work is a reflection of education at its best. It is fitting and appropriate that the House of Representatives pay tribute to them today.

TRIBUTE TO DELORES BOHANNON-WILKINS

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1995

Mr. DAVIS. Mr. Speaker, it is a great privilege and honor for me to rise today and pay tribute to one of Reston, VA's most beloved teachers and community leaders, Delores Bohannon-Wilkins who passed away last month after a long, prolonged battle with cancer. On June 15, 1995 the school where Mrs. Wilkins taught, Langston Hughes Middle School, will dedicate a hall in her memory.

At Langston Hughes Middle School Delores Bohannon-Wilkins served as a middle school mathematics teacher in Reston, VA. She was actively involved in professional educational pursuits. She originated and directed community mentor programs for children-at-risk in Fairfax County. Mrs. Wilkins served as a leader and presenter at professional educational conferences, seminars, and workshops. She also provided counselling for youths and their families in the Reston community.

Among her honors were the Golden Eagle award for outstanding educational contributions and being named Lady Fairfax for the Hunter Mill Magisterial District in Fairfax County [VA], at the Fairfax County Fair in recognition of her leadership contributions to the community. She was a member of several professional and civic organizations. Among these were the Reston Chapter of National Jack and Jill the National Council of Negro Women where she served as president.

Delores graduated from St. Paul's College in Lawrenceville, VA. She pursued additional graduate studies at the University of Maryland, University of the District of Columbia, and the University of Virginia. She was married to Dr. Thomas A. Wilkins and was the mother of three children; Lisa, Thomas, and Mark.

Mr. Speaker, I know my colleagues join me in honoring Delores Bohannon-Wilkins, a woman who served as a role model, mentor, and leader in Reston. She was a woman whose leadership in her community made it a much better place to live than she found it. She will be missed by those who knew her, but her example of commitment and concern will remain a part of her legacy.

PROTECTING THE FLAG

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1995

Mr. ROTH. Mr. Speaker, today Americans across the Nation will unfurl Old Glory to celebrate Flag Day. Last Saturday, June 10, Appleton, WI held the Nation's largest Flag Day parade to honor our veterans who won World War II 50 years ago.

Fifty years ago, the U.S. Marine Corps invaded the rocky island of Iwo Jima. The month-long assault marked the beginning of the United States forces freeing the South Pacific from Japanese occupation. This epic battle was won at the staggering cost of 6,821 American lives.

One of the veterans of this battle was John H. Bradley, a native of Antigo, WI. When he died last year, Mr. Bradley was the last survivor of the six American servicemen who raised the U.S. flag on Iwo Jima. Their valor was captured in the unforgettable 1945 Pulitzer Prize-winning photograph by Joe Rosenthal.

Across the Potomac River from the Capitol, that flag-raising scene is brought to life in the U.S. Marine Corps War Memorial. Day and night, American citizens and visitors from around the world come to pay homage to the six Americans who struggled to raise the flag on Mount Suribachi, the highest point on Iwo Jima.

The raising of the flag brought tears to the valiant Americans who were still struggling to vanquish the nearly impregnable Japanese defenses. The rippling red, white, and blue of Old Glory overhead instilled hope and courage to these weary marines.

To Americans, the flag is a symbol to revere, respect, and honor. At the 45th annual Appleton Flag Day parade, I saw rugged World War II veterans, as well as little boys and girls, snap to attention when the flag passed by.

For many years, Federal law and 48 State laws protected the flag from physical desecration. While Americans have always defended political dissent, we draw the line at burning our national symbol.

But in 1989, the U.S. Supreme Court nullified these laws with a nonsensical interpretation of the first amendment protection of freedom of speech.

Congress responded by passing a law to restore the protection of the flag, but the Court again defied the will of the people.

After that defeat, Congress tried but failed to pass a constitutional amendment that would allow flag protection laws.

Mr. Speaker, we didn't have the votes then. But this is a new Congress, a Congress that believes our national symbol deserves the protection of law.

In the coming weeks, the House of Representatives will try again—and this time, I believe we will win. House Joint Resolution 79, the American flag protection amendment, will restore the flag to its rightful honor. This amendment has sailed through the Committee on the Judiciary and is scheduled for vote in the near future.

On behalf of the patriotic citizens of Appleton, and of all the people in northeast Wisconsin, and of every State in America, I rise to urge the House to pass this amendment.

Flag Day is not just a celebration of the American flag, but a celebration of the American people and American ideals. Let us remember the stirring words of Longfellow:

"Take thy banner! May it wave
Proudly o'er the good and brave."

Mr. Speaker, the flag deserves protection from those who would defile it. On this Flag Day, as we remember the brave Americans who won World War II 50 years ago, this Congress must restore to the flag its rightful standing as a symbol to be honored, saluted, respected, and protected.

If we fail, then the tears of pride shed by the World War II veteran I saw in Appleton last Saturday will turn to tears of shame. Let us not disappoint this patriot who crossed an ocean and fought a war to defend the ideals embodied in our American flag.

TRIBUTE TO THE WILLIAMS HIGH SCHOOL GOLF TEAM

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1995

Mr. COBLE. Mr. Speaker, it took them a year to avenge a heartbreaking defeat, but on May 16, 1995, the Williams High School golf team completed a yearlong quest by capturing the North Carolina 3–A high school golf championship. The Sixth District of North Carolina is proud of the Bulldogs for winning the State golf title with a 2-day total of 614, two strokes better than its closest rival, Northwest Guilford High School, another Sixth District high school.

What made the victory even sweeter was that it came over the same team, Northwest Guilford, that defeated Williams High School last year by one stroke. Head Coach Tommy Cole told the Burlington, NC Times-News that the bitter memory of last year's defeat drove the team all year long. "It feels good to come back and win this after the heartbreak of last year," Cole told the newspaper. "Everybody left here last year saying, 'If I hadn't missed that shot here,' or 'If I just made a putt there.' The mental stress on these kids has been unbelievable. They handled it great."

Congratulations must begin with Tommy Cole who was named North Carolina's 3–A golf coach of the year following the team's victory. The win was Cole's second State title in as many sports. Cole was the coach for the Graham High School boys basketball champions in 1983.

All five Williams golfers deserve equal praise for the team victory. Paul Daniel, Josh Moore, Tommy Ryan, Josh Petty, and Jason Nestor were better the second day than they were the first. Each improved his first-day total by at least one stroke. Paul Daniel followed his 74 on Monday with a 73 on Tuesday for a 2-day total of 147, and that was good enough to capture comedalist of the tournament.

Congratulations to principal Donald Williams, athletic director Tommy Spoon, the faculty, staff, students, and parents of Williams High School. The Sixth District of North Carolina is proud of the Williams High School golf team for winning the 3–A golf championship and keeping the title in the Sixth District.

SALUTE TO JOAN ROSS: FOR AN OUTSTANDING 26-YEAR CAREER IN COMMUNITY SERVICE TO WEST VIRGINIA

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1995

Mr. RAHALL. Mr. Speaker, after serving southern West Virginia as head of the Southwestern Community Action Agency in Huntington, WV for 26 years, Joan Ross has made her decision to retire in order to spend more time with her husband, her children, and her grandchildren.

While her time and talents have been devoted almost solely to the Community Action Council which she has headed for 26 years, developing and implementing many "poverty programs" for the most needy people throughout southern West Virginia, Joan Ross began her public service prior to the 1964 enactment of the Economic Opportunity Act creating local and regional CAP agencies.

Joan first spearheaded a local demonstration project called Project Find, a research and demonstration program under which she trained older, low-income persons who had not dreamed of being called upon to show the kind of professional skill required of survey takers, and under Joan's supervision were more than able to conduct the necessary random survey, using a 22-page questionnaire, throughout a three-county area—Lincoln, Wayne, and Cabell. The findings determined by the questionnaires indicated specifically what and how extensive the human service needs were throughout the area, and how best to provide for those needs. Joan Ross followed up by developing a delivery systemfor those human services, and she also wrote a report to Congress on her findings, entitled "The Golden Years: A Tarnished Myth." Joan had found that the golden years for the elderly were not exactly golden—but she also knew what kind of help was going to be necessary in order to make them golden.

After that effort, Joan then served as the coordinating supervisor of the Neighborhood Youth Corps, responsible for developing and implementing an internal evaluation instrument, and recommending to management appropriate changes to make the program more efficient and effective for the youth intended to be served. These findings too became a written report to the U.S. Department of Labor and were used extensively to improve and enhance neighborhood youth corps programs.

In 1967, Joan became the interim executive director of the Southwestern Community Action Council, where she got so busy doing what needed to be done, she never left—until now.

Joan Ross knew long before Federal legislation was enacted, that West Virginia's southern area was very different from the rest of the Nation. More than 63 percent rural, the State had hidden poverty pockets that neighboring urban areas and officials knew nothing about, or not enough to pay attention.

When, in 1964, the Economic Opportunity Act was passed creating her agency, community schools and businesses, restaurants and movie theaters—were not yet integrated. Hungry schoolchildren were not receiving hot lunches, and health care was nonexistent in most rural areas. At that time, the mentally impaired or disabled child and adult were not mainstreamed into society—but were kept hidden, either in institutions or by their families. In 1964, Joan had already found that substandard housing was accepted as a consequence of poverty, but not as a contributing factor, and people who were poor were perceived as poor by choice—but Joan Ross knew better.

The enactment of the Economic Opportunity Act gave Joan Ross, and many other directors of CAP agencies nationwide the opportunity to bring people together who were concerned about their communities—their counties, cities and rural hamlets—people who wanted to find a way to help the poor help themselves.

Joan, along with the staff which she recruited and who have served with her for nearly the same length of years at Southwestern, took it upon herself to become a pioneer in Lyndon Johnson's war on poverty, taking on new programs that no one else would touch—and making them work as they were intended to work: Helping the poor to help themselves.

The people in southern West Virginia, brought together by Joan Ross and kept together by her unstinting efforts over the years, were somewhat awed by the sight of bankers working with welfare mothers, rural folks with urban folks—young people with senior citizens—and volunteers with working people.

When Joan Ross began her service with the Southwestern Community Action Agency as its interim director 26 years ago, her job was to help organize and stabilize the agency. Over more than a quarter century, she has seen the program grow from a tenuous one to a multimillion dollar corporation-still receiving Federal support from a few remaining programs under the old OEA—but which has grown and continued to survive because of the resources she has generated from other Federal programs, from private foundations, and local contributions.

Under her very distinguished stewardship, the Southwestern Community Action Agency has done everything from weatherizing existing substandard housing, to building housing projects, for the elderly, for the low-income families, for the homeless, and for the mentally impaired.

She pioneered the Head Start Program in our region, overseeing four county-wide Head Start projects, as well as Head Start's Parent Child Centers, providing educational opportunities to pre-school children and their families, saw to the fluoridation of the water system, advocated for the mentally ill, conducted several national demonstrations, some of which have resulted in Federal legislation, provided services to the homeless and to troubled youth, provided training which has led to jobs for the unemployed, helped provide small low interest loans to low income people who were trying to start up their own business—and she piloted countless other programs designed to help the poor stop being poor.

The story of Joan Ross and her career in public service is about excellence. When it comes to bringing people together from all walks of life and inspiring them—challenging them—to work together and to make a big difference, she has no equal. Joan Ross did all this regardless of anyone's cultural, ethnic, or racial origins. She did it regardless of a person's age, or whether they were from rural or urban settings, and all other socio-economic factors were taken into consideration for residents throughout her service area.

Joan Ross's life has been about uniting people, never dividing them.

While Joan spent 26 years counseling, cajoling, inspiring, and challenging people from all walks of life—from county commissions to the State legislature to the U.S. Congress—from the poorest to the richest in our region—ultimately getting them to do the right thing—she was completely and selflessly involved at every other level of community service. How she found the time or the energy, we will never know. For example: During these 26 years Joan served as a member of the Junior League of Huntington, was active in her church, served as chairperson of the board of trustees of the greater West Virginia Employees Health and Welfare Trust, served as president of the WV Community Action Directors Association, served on the Greenbrier Mission Development Fund, was chairperson of the State Visiting Committee of West Virginia University, as chairperson of the Cabell-Huntington Red Cross, as the national vice president of the Council of Agriculture Research, Extension and Training, served on the West Virginia Mental Health Planning Committee, as well as with the West Virginia Alliance for the Mentally Ill, as president of the Prestera Center for Mental Health, Chaired the Policy Committee of the WV State Jobs Training Coordinating Council, president of the Forest Management Corporation, and still serves as a member of the Huntington Hospital for Rehabilitation Board of Directors. And all this time, Joan was raising her four children and being a supportive wife to her husband, Dr. Thomas Ross.

I have known Joan Ross for all of these years, and have been both inspired and humbled by her always dynamic, often gentle and compassionate approach to getting all the jobs done that were hers to do, and getting them done by, and for, the right people. By her example she brought dignity and a quality of life to thousands of men, women, and children in southern West Virginia who had, until Joan began her life-long career of outreach to the poor, remained immersed in poverty.

She will be sorely missed as she returns to the heart of her family to spend some quality time with them—but knowing Joan, she will always be involved in the affairs of her community and indeed in public affairs throughout the State.

FLAG DAY

HON. WILLIAM J. MARTINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1995

Mr. MARTINI. Mr. Speaker, today I rise to commemorate not a person, not a place, but a symbol. That symbol is the flag of the United States of America. Today, on Flag Day, we celebrate all this symbol has come to represent.

During World War II the Marines planted Old Glory at Iwo Jima; the U.S. astronauts placed the flag on the Moon; and every day our flag hangs behind the Speaker's chair as an individual reminder of why each one of us here in the House of Representatives have chosen to come to our Nation's Capitol. It is to insure the preservation and enhancement of the greatest form of government ever conceived.

Mr. Speaker, as you may be aware, evidence from archaeological digs proves that individuals created flags as early as 3500 B.C. These findings have shown that national pride symbolized by a flag has existed for thousands of years. It is no wonder that immediately upon colonization America's first settlers raised colonial flags; and that upon unification of the United States, one flag was raised to symbolize the birth of our new Nation.

The American flag is not merely a piece of cloth, rather it is a concrete symbol of what is valued in America. Almost 80 years ago on this day President Woodrow Wilson said:

> This flag, which we honor and under which we serve, is the emblem of our unity, our power, our thought and purpose as a nation. It has no other character than that which we give it from generation to generation. The choices are ours . . .

Having the honor of being a Congressman from the State of New Jersey, I am proud of the contribution our State has had to the creation of the flag. Francis Hopkinson, a signer of the Declaration of Independence and a resident of New Jersey, was responsible for the stars in the U.S. flag.

Since a New Jerseyian helped create the flag, I am pleased to help take steps to forbid the desecration of the American flag.

Congressman GERALD SOLOMON (R-NY) has introduced H.J. Res. 79, a Constitutional amendment to prohibit physical desecration of the Flag of the United States. Some individuals will argue that this issue deals with the constitutional issue of free speech. I would argue that freedom of speech should be exercised and celebrated, and that even the freest of societies needs a common baseline of decency that should not be crossed. Without this baseline, a free society could quickly become an anarchical one. If it were not for our system of government and its institutions, these rights would not exist. As the symbol of those institutions, the flag deserves our respect and should be protected from gross defamation.

I am proud to be an original cosponsor of H.J. Res. 79. I am convinced this amendment to our Constitution is one of the best ways in which we can restore the proper sense of respect and appreciation for our flag and our institutions.

SAUDI ARABIA STILL DELAYS PAYMENT TO UNITED STATES COMPANY

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1995

Mr. ANDREWS. Mr. Speaker, I rise today to voice my continued and growing concern and frustration over the delay by the Saudi Arabian Government in paying the $43.4 million claim of my constituent Gibbs & Hill Inc. I have risen numerous times on the floor of this House to urge Saudi Ambassador Bandar to favorably resolve this last remaining claim, as has been committed to repeatedly by the Kingdom, and thereby complete his mandate for satisfactory resolution of these claims under the special claims process.

On Friday, we passed the American Oversight Interest Act (HR 1561) which contained a provision sponsored by myself and Representative SMITH to further this policy objective of our Nation. Section 3312, Notification of Arms Sales to Saudi Arabia, requires the President to notify to Congress of all arms sales to the Kingdom of Saudi Arabia until such a time as the Secretary of State certifies that the Kingdom has satisfactorily resolved all claims identified in the June 30, 1993, report of the Secretary of Defense pursuant to the section 9401(c) of the fiscal year 1993 Department of Defense Appropriations Act.

Now is the time for Ambassador Bandar to address this issue, meet with the company, and implement the payment of the claim. Ambassador Bandar's authority to implement payment of the claim is certain as was confirmed to Members of Congress and the company as recently as May 2, 1995, by U.S. Ambassador Raymond Mabus. Ambassador Mabus has steadfastly advocated the State Department's position that the claims be satisfactorily resolved by Ambassador Bandar under this mandate. In his May 22, 1995, conversation with the company and Members of Congress, Ambassador Mabus noted that he had been assured by a member of the Saudi royal court, on the authority of the King, that the claim would soon be paid. Despite this direct and unequivocal commitment, the Kingdom has yet to pay the claim. The unresolved claims between American companies and the Kingdom of Saudi Arabia continue to place a strain on our relationship with the Kingdom. On April 7, 1995, I and several of my colleagues wrote to Chairman GILMAN requesting that a hearing be scheduled as soon as practical to consider U.S. bilateral relations with the Kingdom. I renew my call to Chairman GILMAN to schedule hearings on this subject so that we may fully explore our commercial relationship with the Kingdom.

INTRODUCTION OF THE “BOXING SAFETY, RETIREMENT, AND RETRAINING ACT OF 1995”

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1995

Mr. OWENS. Mr. Speaker, I rise to introduce the Boxing Safety, Retirement, and Retraining Act of 1995. This bill would create a Government corporation that would oversee the boxing industry, ensure that healthy working conditions exist, and eliminate the widespread corruption and exploitation that runs rampant within the sport. The bill places special emphasis on assuring the health and safety of boxers.

Boxers are never privileged individuals. They primarily are minorities from disadvantaged areas, easily susceptible to the unscrupulous business practices of boxing promoters. Traditionally, minority youth have viewed a boxing career as a way to leave behind a life of poverty and gain wealth and stability for themselves and their families.

Often these men have no other hope. They are poorly educated and face an inhospitable job market. Boxing promoters exploit the dreams of young boxers by promising lucrative careers. Once boxers enter the business, they surrender all control over their careers. They are used like property for the financial gain of others.

The industry is controlled by a few organizations, manipulated like puppets by a small number of immensely powerful promoters. In this equation, the boxer is powerless. He must play by their rules or not play at all. If he complains, he is not allowed to fight. If he speaks publicly about negative conditions, he faces banishment and an end to his financial support. If he wants to fight in title matches, he must sign contracts rife with clauses that direct money to the promoter's family and friends. This situation becomes especially problematic when the boxer has little education, might not speak English, and has no other financial resources.

The boxing industry might say that it is being unfairly singled out because the Government does not directly regulate any other professional sport. But the reason we do not directly regulate other sports is because we do not need to; they have proven over time that they can manage their own affairs. Through players' unions, most professional athletes have recourse against unfavorable working conditions. Golfers, bowlers, and baseball, football, and basketball players, all have an avenue that prevents them from being exploited. Boxers have none.

This bill is not the first attempt by Congress to get involved in an industry that cannot monitor itself. When working conditions became intolerable, the Federal Government stepped in and formed the Occupational Safety and Health Administration [OSHA]. When financial transactions became suspect, the Securities and Exchange Commission [SEC] was created. When some States proved to be irresponsible on civil rights issues, the Federal Government initiated the U.S. Commission on Civil Rights. The boxing industry has had over 100 years to get its act together, and it has failed. It is time for Congress to get involved.

Only a handful of States conduct oversight over boxing, and only a few of those do it effectively. Too often, State agencies have been co-opted by those with a financial interest in the sport. My bill would create an unbiased board whose members would be unable to reap monetary reward from the industry while serving. The board would be comprised of neurological specialists, average citizens, and a representative from the boxing world. The board's members would be given the responsibility of establishing minimum standards to which States must adhere. States with effective agencies would be able to maintain autonomy, but states with little or no oversight would be forced to improve.

Without this bill, the unconscionable practices of this sport will continue. Oversight responsibility will continue to be left to those individuals who have proven that greed is their motivating force. Unsuspecting minority youth will still be exploited. Boxers will never be able to voice objections to working conditions. And an elite group of promoters will keep becoming very, very rich.

I am in no way asking for a ban of the sport, just some oversight. Amateur boxing programs in neighborhoods have been successful in getting young people off the street and giving them confidence. it is the professional arena where the problems lie. For the sake of the young men involved and fostering the integrity of the sport, I urge my colleagues to pass this legislation.

OBSERVING THE FIFTH ANNUAL DAY OF THE AFRICAN CHILD

HON. FLOYD H. FLAKE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1995

Mr. FLAKE. Mr. Speaker, I rise today to ask my colleagues to support the observance of the African Child on June 16, 1995.

I come to you today with this request simply because it only seems suitable, coming from a country that invests in human capital, that each and every Member should be able to look within their hearts and realize that the African, specifically the South African, child has been traumatized over the course of apartheid and the demoralization of Africa as a whole.

The Day of the African Child commemorates the June 16, 1976 massacre of school children in Soweto, South Africa. Since the original designation by the Organization of African Unity in 1991, it has become an event that has mobilized communities around the world to look at the situation of all African children and to celebrate the diverse cultures and traditions of the large continent.

The theme of this years Day of the African Child will deal with children in armed conflict. Amazingly enough, a study showed that 75 percent of the children in Rwanda has seen mass killings. In several African countries, boys as young as 11 years old have been recruited into military training. It is quite obvious that the future of these children is very bleak, that is without proper intervention.

Moreover, since we always only focus on the hardships of Africa, this day is a time to also look at the accomplishments of the continent. For not every child in Africa suffers from disease and malnutrition, or is impoverished or illiterate.

I thank all of my colleagues for their attention to this important matter and I hope that each and everyone of you will participate in this observation.

It is up to us to let these children know that their struggles were not in vain.

A TRIBUTE TO SOUTH GLENS FALLS CENTRAL SCHOOL VOLUNTEER/MENTOR PROGRAM

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1995

Mr. SOLOMON. Mr. Speaker, it is a privilege to rise today and pay tribute to a program which provides a tremendous service to the students and community of South Glens Falls. The Volunteer/Mentor program is completing its 2nd year of service helping elementary and middle school children with their self-esteem, allowing them to meet their academic and personal potential.

Young people comprise America's greatest asset. In that respect, a program like this one is invaluable and representative of that uniquely American concept of volunteerism. In this day and age especially, our children are subject to an alarming range of negative influences. Therefore, it is critical that we call upon the entire community to assist our young people in overcoming problems with their self-esteem by countering the impact of damaging social ills. That is why the service of the 60 volunteers in this program is so critical.

Allow me to recount some of the efforts of these mentors. They meet with the students in small, or even one to one settings for at least 45 minutes per week. This relationship between mentor and child lasts for a minimum of one school year, whereby affected children receive the degree of attention they need to ensure they reach their maximum potential. These volunteers and the children often establish such strong bonds that many mentors have extended their service for a 2nd year.

This type of devotion exemplifies those qualities which make Americans, and America, great. I have always felt that there are three distinct reasons for this greatness, American pride, patriotism and volunteerism. The American people have been noted for this voluntary service, be it in the fire departments, civic and community organizations or extracurricular programs at our schools.

Mr. Speaker, the United States of America is the longest continuing democracy in the world and a model for emerging countries. In that same mold, people like those who comprise the Volunteer/Mentor program in the South Glens Falls Central School District are models for all of us here. To that end, I have always been one to judge people based on what they return to their community. By that measure, these volunteers are truly great Americans. I ask, Mr. Speaker, that you, and all fellow Members, join me in paying tribute to this program that works to protect our future.

INTRODUCTION OF THE LEWIS AND CLARK RURAL WATER SYSTEM ACT OF 1995

HON. TIM JOHNSON

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1995

Mr. JOHNSON of South Dakota. Mr. Speaker, today, I am introducing legislation, along with my colleague, Representative DAVID MINGE of Minnesota, to authorize the Lewis and Clark Rural Water System. I introduced similar legislation last year during the 103d Congress, with Representative MINGE and then Representative Grandy of Iowa as original cosponsors. I look forward to again working closely with my colleagues for timely consideration of this important measure.

The Lewis and Clark Rural Water System is made up of 22 rural water systems and communities in southeastern South Dakota, northwestern Iowa, and southwestern Minnesota who have joined together in an effort to cooperatively address the dual problems facing the delivery of drinking water in this region—inadequate quantities of water and poor quality water.

This region has seen substantial growth and development in recent years, and studies have shown that future water needs will be significantly greater than the current available supply. Most of the people who are served by 10 of the water utilities in the proposed Lewis and Clark project area currently enforce water restrictions on a seasonal basis. Almost half of the membership has water of such poor quality it does not meet present or proposed standards for drinking water. More than two-thirds rely on shallow aquifers as their primary source of drinking water, aquifers which are very vulnerable to contamination by surface activities.

The Lewis and Clark system will be a supplemental supply of drinking water for its 22 members, acting as a treated, bulk delivery system. The distribution to deliver water to individual users will continue through the existing systems used by each member utility. This regionalization approach to solving these water supply and quality problems enables the Missouri River to provide a source of clean, safe drinking water to more than 180,000 individuals. A source of water which none of the members of Lewis and Clark could afford on their own.

The proposed system would help to stabilize the regional rural economy by providing water to Sioux Falls, the hub city in the region, as well as numerous small communities and individual farms in South Dakota and portions of Iowa and Minnesota.

The States of South Dakota, Iowa, and Minnesota have all authorized the project and local sponsors have demonstrated a financial commitment to this project through State grants, local water development district grants, and membership dues. The State of South Dakota has already contributed more than $400,000.

Mr. Speaker, I do not believe our needs get any more basic than good quality, reliable drinking water, and I appreciate the fact that Congress has shown support for efforts to improve drinking water supplies in South Dakota. I look forward to continue working with my colleagues to have that support extended to the Lewis and Clark Rural Water System.

LAW ENFORCEMENT LEGISLATION

HON. JIM LIGHTFOOT

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1995

Mr. LIGHTFOOT. Mr. Speaker, I would like to urge my colleagues to support legislation I have recently offered. Regardless of what we in Congress believe is the best way to approach crime control, we can all agree there is no more important resource in that effort than the men and women who serve our Nation's communities as law enforcement officers.

The legislation I am referring to is H.R. 1805. This legislation would allow off-duty and retired law enforcement officers to carry concealed weapons. As a former law enforcement officer, I can tell you that the daily duties of police officers are regularly fraught with danger. And just by virtue of doing their jobs, police officers make many enemies within the criminal community. Those who have served in law enforcement have many legitimate concerns about their safety and the safety of their loved ones. Allowing those officers who are off-duty or retired to carry concealed weapons can help allay those fears.

In addition, regardless of whether they are on or off duty or retired, police officers know what to do in the event of a crime, how to minimize threats to the public safety and how best to apprehend a criminal. Providing those who are the most knowledgeable about how to catch and restrain criminals with the ability to carry weapons makes such action easier. This legislation gives us an additional tool with which to fight violent crime. I would also tell my colleagues who have legitimate concerns about the availability of firearms that this measure was crafted to ensure that it pertains only to those who are either retired or current full time police officers charged with the authority to make arrests, and those who are required to regularly qualify in the use of a firearm. Furthermore, the legislation also requires that officers covered under this bill must be able to present a badge and photographic identification.

This legislation has the strong support of the 270,000 members of the National Fraternal Order of Police and I ask unanimous consent that a letter to that effect from FOP President Dewey Stokes be inserted in the RECORD at this point.

I hope my colleagues will agree with me that we owe it to our Nation's law enforcement officers not to stand in the way of their efforts to protect themselves and others. I believe this legislation meets that goal. I urge my colleagues to support H.R. 1805.

FRATERNAL ORDER OF POLICE,
Washington, DC, June 13, 1995.

Hon. JIM ROSS LIGHTFOOT,
U.S. House of Representatives, Washington, DC.

DEAR CONGRESSMAN LIGHTFOOT: On behalf of the 270,000 members of the Fraternal Order of police, I thank you for the introduction of HR1805, which will allow off duty and retired state, local and federal officers to carry concealed weapons in all United States jurisdictions.

This legislation is critically important to public safety on two levels:

First, it provides state local and federal officers, who are increasingly targeted by the criminal element, with a legal means to defend themselves and their loved ones in off-duty situations or in their retirement years.

Secondly, this legislation will have the immediate effect of putting trained, qualified, dedicated officers in a position to assist their brother and sister officers and citizens no matter where or when the need occurs.

The careful drafting of your bill, paying special attention to the qualification and identification of officers permitted to carry concealed weapons, makes HR1805 preferable to other similar legislation, because HR1805 provides better safeguards against officers endangering one another through mistaken identity.

Again, the rank and file law officers of this country thank you and we look forward to working with you on this and the many other police issues in which you have taken a leadership role, most notably the HR878, the Police Officers' Bill of Rights.

Sincerely,

DEWEY R. STOKES,
National President.

A SENSIBLE ROLE FOR OF GOVERNMENT

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1995

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, June 14, 1995, into the CONGRESSIONAL RECORD.

A SENSIBLE ROLE FOR GOVERNMENT

The heart of the political debate today is over what is the core responsibility of government. Some insist that fairness requires federal standards for assistance and help to all who qualify. Others say those federal standards have created a mess and want to shift various social programs to the states. Some see a government responsibility to help rebuild neighborhoods and communities and to promote common moral and social principles. Others see an activist government as the problem, not the solution, and insist that government has destroyed peoples' sense of responsibility.

Most Americans would agree that government cannot solved all our problems but does have a role to play. Government is, after all, nothing more than people coming together to accomplish what they could not do on their own. It's about cooperation and helping each other for our mutual benefit. What Americans want is a government that works better and costs less; that is more responsive to the needs of the average American.

To develop a sensible role of government, I think we need to keep a few basic points in mind:

GOVERNMENT SUCCESS

First, there have been major government successes. In public meetings in Indiana I will often ask whether anyone can name a federal program that works well. Usually not a single hand goes up, even when the audience is filled with people who are getting social security checks every month, who drove to the meeting on the interstate highway system, or received a first-rate education because of the GI Bill.

There have, of course, been failings of government programs, but we should not let the shortcomings blind us to the very real successes of government programs. Social Security, for example, is the biggest federal program and is also one of the most successful. It has had an enormous impact on the lives of seniors. Without it, the poverty rate of seniors would jump from 14% to 50%. And Social Security's administrative costs are less than 1% of benefit payments.

Many other examples could be given. Programs to feed infants and pregnant women, to teach preschool children in Head Start classes, student loans, safe drinking water, medical research are all valuable programs. Our agricultural research and extension service has helped make U.S. farmers the world's best. The aerospace and computer industries owe their origins to federal programs. Even the enormously popular Internet was set up by the federal government. The FBI is the most respected law enforcement organization in the world. And our armed forces are preeminent in the world.

It may be unpopular to point out some good things about government, but it really ought to be done. We simply will never get a sensible role for government if people think of government as the enemy.

GOVERNMENT FAILURES

Second, there have been government failures. The "Star Wars" antimissile defense system, burdensome regulations on business, tax, subsidies that lead U.S. companies to move jobs overseas, all are wasteful. There is no reason to have 689 federal programs for rural development or more than 150 job training programs.

Every problem does not have a legislative solution, and legislators, who are used to solving problems, must remember that. One particularly bad procedure, often used in recent years, is to try to solve a national mega-problem with one huge mega-bill, consisting of thousands of pages. Congress must narrow its agenda.

Various federal programs—no matter how well intentioned and no matter how impressive the title—simply don't work. And we will never be able to develop a sensible role of government if we think otherwise.

SENSIBLE ROLE OF GOVERNMENT

Third, our goal should not be big government, or small government, but effective government. The American public is very skeptical of government, and is demanding a less government-centered approach to national problems. Government still has many valuable roles to play, but only if it can do things more efficiently and more effectively. To get there we must be willing to think about the role of government less ideologically and more pragmatically—what, after all, works. Those government programs that work well should be kept or expanded; those that don't should be reformed, terminated, or turned over to someone else.

The private sector has taken this approach in recent years. Government should follow suit. Those companies which have been most successful in reforming themselves did not try simply to downsize—to cut costs or personnel by a certain amount—but to rethink what they have been doing—looking at their various missions and expanding on what they are doing well and abolishing what doesn't work.

The same should be true for government. From the President on down to the local level, public officials and citizens need to get engaged. We need to address several questions:

What should be the appropriate role of the federal government as we approach the 21st Century?

If the federal government weren't already carrying out a certain program, would it be created today?

Can we pay for whatever we decide the government ought to do?

Do states have sufficient resources and capability to resume the full role under the Constitution?

What should be the balance between the private sector and the public sector?

If we undertake this effort, I think we will be getting at the core of what bothers Americans about government and its performance. And we would be undertaking a comprehensive, objective review of the federal government that is clearly long overdue. We might not only get better government, but also government that is more broadly supported by the American people.

FEARLESS JACK'S WAR ON "NON-CRIMES"

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1995

Mr. JACOBS. Mr. Speaker, the following Mike Royko column appeared in the Indianapolis News on June 8, 1995.

Apparently we should still seek the distinction between headlines and substance.

[From the Indianapolis News, June 8, 1995]

FEARLESS JACK'S WAR ON "NON-CRIMES"

(By Mike Royko)

If any criminal mastermind in Chicago has been planning a big-time caper, this might be an excellent time to get it going.

I've never given advice to a criminal before, but why shouldn't a newspaper try to be of service to all of its readers?

There is good reason to believe that the time is right. It can be found in a list of cops, prosecutors and investigators who are said to be working on the case of U.S. Rep. Mel Reynolds, D-Ill.

This list was provided to defense lawyers, as the law requires, by the office of Cook County State's Attorney Jack "Fearless Jack" O'Malley.

It is an impressive list. It appears to be almost as long as a college football roster.

On it are 10 Chicago police detectives and their supervisors.

There are 24 detectives from the state's attorney's investigative office.

And 10 assistant state's attorneys are listed as helping the two lead prosecutors assigned to the case.

We shouldn't forget the O'Malley publicity specialists, who show up in court for every Reynolds hearing and whisper advice to TV reporters on how to best extract a thrilling sound bite from that day's proceedings.

All of this manpower is devoted to proving beyond a reasonable doubt that U.S. Rep. Reynolds did indeed have a go at a woman, now 19, who says that she willingly hopped in the sack with him when she was 16.

The woman since has recanted her charge, but that hasn't discouraged Fearless Jack O'Malley. He's determined to prove that Reynolds did the dirty deed and persuaded the woman to change her story.

And that's why this army of investigators and prosecutors is scrambling for any information that could be used to nail Reynolds—or at least generate TV footage that makes him appear to be the most dangerous fiend since Vlad the Impaler, which he very well might be.

Only last week, O'Malley's office trotted out Reynolds' disgruntled former secretary, who screamed at the TV cameras that Reynolds beat his wife.

The wife since has indignantly denied being beaten and says the ex-secretary is a nasty, politically motivated liar. But what does a mere wife know about such matters?

Of course, this is a noble pursuit of justice. I can't think of anything that could make the streets of Chicago and its suburbs safer than a successful proof that Reynolds frolicked with a consenting young bimbo. We finally could return to the good old days, when we didn't have to lock our doors at night.

It is comforting to know that investigators are out there knocking on doors and asking every female to whom Reynolds ever has said "howdy-do" if he ever leered, pinched, nibbled, oggled, drolled or breathed heavily in her presence.

And Fearless Jack is to be commended for his devotion to duty. Not only commended, but touted for higher office, which is the highest praise a Republican prosecutor can get for skinning a Democratic congressman.

But it is obvious that if you have limited manpower and payroll and you assign a dozen fulltime prosecutors, two dozen investigators, your publicity experts and political sex scandal—as earth-shaking as it might be—they can't find time to be gathering clues in Chicago's many cases of murder and mayhem.

Not that I believe for one minute that murder and mayhem and heavy dope dealing are as terrible a threat to the delicate fabric of our society as Reynolds allegedly having a tryst with a consenting tart who now says she doesn't give a hoot.

But as humdrum as murder, mayhem and other crimes can be, they still have to be dealt with. Even if the killers, maulers and dope profiteers beat the raps, as many of them seem to do, O'Malley still has to go through the motions. We can't have judges sitting around in empty courtrooms telling each other doctor jokes.

And who knows, some of the accused killers, maulers, dope profiteers and other lesser-known felons might have even more serious skeletons rattling around in their closets.

It's very possible that when you investigate a gangbanger for blowing away a rival, you also might discover that the nasty fellow has been doing you-know-what with a 16-year-old gun moll.

Ah, then you are really on to something.

So the Reynolds case might only be the beginning of something really big.

Today Reynolds.

Tomorrow jaywalkers.

Go get them, Fearless Jack.

MEMORIAL DAY

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1995

Mr. HUNTER. Mr. Speaker, I rise today to call the attention of the House to speeches written by some young students at Alpine Elementary School in my district. Jessica Herold, Kimberly Shoemaker, Tasha Voeltzel, and Travis McGrath have written what Memorial Day means to them and their words are something we can all be proud of. I ask that their speeches be submitted into the RECORD.

(By Jessica Herold and Kimberly Shoemaker)

Good morning Congressman Hunter, Mr. Miller, Teachers, Guests, and students.

We were asked to write about our flag or Memorial Day. We found it difficult to separate the two because both of these represent our nation and its beliefs.

We are a country because we wanted our rights and freedom. Many wars have been fought to keep us a free nation.

Students in the past have said the Pledge of Allegiance to our flag, today we continue to say the pledge. When we make this pledge, we are saying we believe in our country.

On Memorial Day, we salute the men and women who have fought for our freedom. It is our hope that each time you say the Pledge of Allegiance, you remember its meaning and that you take the time to think about the men and women that have fought to keep us one nation, under God, indivisible, with liberty and justice for all.

WHY MEMORIAL DAY IS IMPORTANT

(By Tasha Voeltzel)

Good morning Congressman Duncan Hunter, Mr. Miller, staff, and students.

I think Memorial Day is important because it is a day that we need to salute to the people who have died, trying to save our country so we could be free. My dad fought in the Vietnam War while he was in a wheelchair, even though he didn't get hurt, I still salute him being that brave, and having the courage to fight for our country. I will always remember Memorial Day and look back to the wars and giving everyone who is dead or alive, the salute for freedom.

MEMORIAL DAY; A DAY TO REMEMBER THOSE WHO PAID THE ULTIMATE PRICE TO KEEP AMERICA FREE

(By Travis McGrath)

To us kids, Memorial Day weekend has come to mean several things. Sure its a three day weekend. One more day added to the weekend that gives us the extra freedom to go on a picnic, to visit a special friend or relative, to go to the beach, the river, or the mountains. Freedom to relax, freedom to play.

Many Americans take to the road on Memorial Day. They sometimes drive hundreds of miles to visit a theme park, a national monument, another country or special place. Memorial Day has also come to signify the time of a special once a year event, like the Indianapolis 500.

For whatever reason Memorial Day may be significant to us all, let us not forget the real reason that this day is celebrated. Memorial Day is the day we honor and remember the men and women of the armed forces who have given their lives in the defense of liberty and freedom, home and abroad. From the battlefields of Bull Run to the sands of Iraq and Kuwait, brave Americans have fought for this Monday in May and all the days of the week to keep us safe and America free. So today, let us not forget that the freedoms we enjoy on this holiday and all year long have been paid for by Americans who have made the ultimate sacrifice.

HAPPY ANNIVERSARY, SEBEWAING VFW POST 4115

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1995

Mr. BARCIA. Mr. Speaker, there are debts that our country owes, and chief among them is the debt owed to our veterans. If it were not for the sacrifice made by many in the name of freedom and democracy, we would not be able to stand here and enjoy the wonders provided by our great Nation. I want to call special attention to the fact that Saturday, June 10, the Sebewaing Veterans of Foreign Wars Post 4115 celebrated its 50th anniversary as a chartered Post.

There is a proud tradition of military service among the residents of Sebewaing and Huron County. They have always responded to Uncle Sam's call, demonstrating time and time again how great the people of this community are. This Post which currently has 97 members who meet the requirement of military service on foreign soil or in hostile waters in a campaign for which the United States Government has authorized a medal. They proudly continue to serve their community with several annual activities, including teen dances, participation in the annual sugar festival, participation in a scholarship program, the poppy sale in support of the Veterans' Hospital, and its ceremonial drill team.

As many of our colleagues know, the Veterans of Foreign Wars works to promote the welfare of veterans, patriotic activities, and to positively influence veterans' legislation. The strength of any organization depends upon the commitment of its members, and it has been by experience that VFW members, including those of Post 4115, are among the most committed and concerned people I have ever met. They know duty and obligation. They know loyalty. They fought for it. They demonstrated it. They deserve it. That is why I have said before and I will say again that veterans' programs are the wrong place to cut when we assess our Nation's spending priorities. One of the greatest threats to our way of life would be the creation of the impression that our Nation is not serious about taking care of the veterans who have taken care of our Nation.

Among the real sadnesses experienced by Post 4115 has been the loss of some of its members who have passed on to their eternal rewards. The memories that have been shared, the dependency on one another that has been exhibited in the height of battle will live on forever. I am sure that everyone of these veterans appreciated the valor of the current members of our Armed Forces who joined together in the best of traditions to effect the rescue of Capt. Scott O'Grady who had been shot down in Bosnia, and likened it to the demonstrations of courage they personally witnessed in their own participation in World War II, Korea, Vietnam, and the other conflicts to which our forces have been called. The loss of a friend is one of life's hardest demands, and the call to service is one of its most precious demands. Our veterans have the proud heritage of responding to both with honor and conviction.

As we remember our many veterans in this 50th anniversary of the end of World War II, I invite all of our colleagues to join me in this special thanks and tribute to the members of Sebewaing Veterans of Foreign Wars Post 4115. We owe you much.

FLAG DAY

HON. JAY KIM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1995

Mr. KIM. Mr. Speaker, I rise today in celebration of Flag Day and to express my strong support for the immediate passage of House Joint Resolution 79, a constitutional amendment to protect this Nation's most valuable symbol—the American flag.

As a legal immigrant, I came to the United States in the hope of finding freedom, equal opportunity, religious tolerance and good will—all of which are symbolized by the American flag. It represents our place in the world, wherever Americans are around the globe. There is no other American icon more revered as the flag and it should be protected as such.

For more than 200 years, the American flag has been used to express all that is good and just about our Nation. Many have sacrificed their lives protecting Old Glory. It was unfortunate, therefore, that the Supreme Court ruled to reduce this great symbol to nothing more than a piece of cloth with could be desecrated at any time. We must do something to save our Nation's symbol of hope, which shines as a beacon to those around the world that this is the land of opportunity and freedom. Over two-thirds of our States have risen in support of our flag and this Congress must do the same.

In that regard, I call on all of my colleagues—Democrat or Republican—to join together in support of our Nation's symbol of truth. I look forward to passing House Joint Resolution 79 on June 28 to immediately place our Nation's symbol of truth out of reach from unnecessary desecration.

TRIBUTE TO WLEN RADIO ON ITS 30TH ANNIVERSARY

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1995

Mr. SMITH of Michigan. Mr. Speaker, this month, WLEN Radio in Adrian, MI celebrated their 30th anniversary.

I would like to pay tribute to the people of WLEN and their fine service to Lenawee County.

Lead by President Julie Koehn, WLEN, called the voice of Lenawee County, boasts the talents of Bob Butler who, with 32 continuous years on the air, is the county's veteran broadcaster. Additionally, WLEN's stable of stars includes: Angel Millet and Doug Spade.

WLEN's award-winning news department is headed by Mike Clement.

Mr. Speaker, for the past 30 years, the people of Lenawee County have been well served by the able people and programming at WLEN.

As a Lenawee County farmer, I look forward to another 30 years of excellent community service by WLEN.

Good communications are critical to maintain a vibrant democratic society. Congratulations, WLEN, on your 30th anniversary.

SAFETY AND HEALTH IMPROVEMENT AND REGULATORY REFORM ACT

HON. CASS BALLENGER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1995

Mr. BALLENGER. Mr. Speaker, today I, along with over 60 of my colleagues, am introducing the Safety and Health Improvement and Regulatory Reform Act of 1995. The legislation will comprehensively change the Federal Occupational Safety and Health Act. Few Federal programs are in need of change as much as this one.

Ensuring and promoting the basic safety and health protections for workers in this country is a moral as well as an economic imperative. Safe and healthful working conditions for our Nation's workers is not and should not be a partisan matter, nor is it exclusively the interest or responsibility of any one group or special interest. Society, through government, employers, and employees themselves, have responsibilities in helping to make sure that life and limb are not the price for being employed.

Mr. Speaker, I am an employer and a businessman myself. I know that for most employers, the phrase "our employees are our most valuable resource" is not mere rhetoric, but the way in which we view our businesses. For too long, the Federal Government, particularly in programs like OSHA, has viewed employers as adversaries, to be policed and watched over with all kinds of rules and penalties if those rules should be broken in any detail. I know that there are people in business who try to take shortcuts, and there are some who are just plain crooks. There needs to be enforcement. But heavy enforcement should be the last resort, not the first resort.

To be committed to worker safety and health does not mean to be committed to the way in which OSHA has been operating. President Clinton recently stated it quite well:

> * * * frankly sometimes the rules have simply become too complex, too specific for even the most diligent employer to follow, and that if the government awards inspections for writing citations and levying fines more than ensuring safety, there's a chance you could get more citations, more fines, more hassle, and no more safety.

That is the problem we are trying to address with this legislation: Too often OSHA has had too little to do with promoting basic safety and health for workers, and too much to do with promoting Government rules.

In my view nothing illustrates how OSHA has gone off on the wrong track more clearly than the fact that today few if any employers would ever call OSHA and ask for assistance or advice on workplace safety or health. That is not because employers don't want assistance, or are not aware of the importance and cost savings from avoiding workplace accidents and injuries. It is because OSHA's mission has become misdirected into a simply finding violations of regulations and issuing penalties.

We believe that a more fair and more effective workplace safety and health program would rely primarily on nonenforcement efforts, with enforcement reserved for those situations and employers where the circumstances show that enforcement is necessary and justified. Our bill reserves, after a 3-year phase-in period, one-half of OSHA's funds for nonenforcement efforts. Those funds would be used:

To expand the State consultation grants program which provides on-site assistance to small businesses in high hazard industries. In many States, the shortage of resources has meant waiting periods of up to 2 years for employers who seek these services.

To expand OSHA's Voluntary Protection Program [VPP], which recognizes and grants exemption from enforcement inspections for employers with exemplary safety records and programs.

To support additional training, education, and outreach programs, designed to promote safe work practices with employers and employees.

To establish and oversee a new certification program for private individuals to conduct workplace safety and health reviews. Once underway this program would allow employers the opportunity to be free of OSHA inspections as long as the employer had no reportable accidents—fatalities or multiple injuries—and no employee complaints.

The use of private individuals to conduct workplace safety and health reviews in lieu of OSHA inspections was part of Vice President GORE's proposed reinvention of the Federal Government. It died in the hands of an agency that is unwilling to give up the notion that but for OSHA employees have no protection against their employers. That notion is not only false, it is silly. The fact is, as many of my Democratic colleagues frequently point out, OSHA inspects only a small number of worksites and employers every year—around 40,000 in recent years. Many employers avoid inspection for years—in fact, it is this inequity of inspections, in which some employers are inspected nearly every year and their competitors may never be inspected, that along with the arbitrariness of citations and fines, often fuels the rage of employers against OSHA. Vice President GORE's National Performance Review rightly recognized that "an army of OSHA inspectors" was neither necessary nor, in light of the Federal budget situation, likely. The use of private individuals to conduct workplace reviews provides a means of extending expertise and attention to workplace safety and health, while allowing us to reduce the role of the Federal Government.

Our bill makes one other important change in regards to putting the emphasis of the program back on safety and health, rather than on collecting penalties. OSHA's interpretation of the current statute is and has long been that an inspector who observes a violation of any regulation, unless the violation itself can be classified as de minimis, must issue a citation for that violation. It does not matter whether the violation is not threatening to any employees. Nor does it matter whether the employer knew of the regulation—he or she is presumed to know all of what is printed in the Federal Register and in unending compliance directives from Washington.

OSHA has announced that it will soon begin a program to reduce penalties for alleged violations that are corrected immediately, while the inspection is still underway. While this may seem like only common sense, it at least takes OSHA a step in the right direction. But it certainly does not go far enough. Under our bill, the general rule would be that OSHA will work with employers to identify and correct hazards, and that only if the employer fails to do so, or if a violation has caused a serious injury or death, a fine would be issued. OSHA's mission should be abatement of safety and health hazards and safer workplaces, not collecting revenues for the Federal Government. When the employer corrects the problem, and no one has been injured or killed as a result of a violation, the Federal Government's interest in safety and health is satisfied.

In addition to refocusing OSHA on what should be its mission—safety and health, this bill implements two pieces of legislation already passed by the House. First, with regard to how regulations will be issued, the bill includes the reforms overwhelmingly passed by the House earlier this year and incorporated into H.R. 9.

Second, consistent with the House-passed budget resolution, the bill includes the merger of the Mine Safety and Health Administration with the Occupational Safety and Health Administration and the elimination of the National Institute on Occupational Safety and Health [NIOSH] as a separate agency within the Department of Health and Human Services. Although we are merging MSHA and OSHA, I do want to emphasize to my colleagues that the bill specifically directs the newly merged agency to continue to enforce mining regulations in mines, and to maintain its corps of specialized mine inspectors. In fact, the bill requires that the kind of specialized and expert inspectors that have been the strength of the mine safety program also be the model for how OSHA's inspectorate should be improved.

Mr. Speaker, following is a section-by-section description of our legislation. I would welcome my colleague's support and cosponsorship and I look forward to working with my colleagues in helping to pass this much needed legislation.

SECTION-BY-SECTION DESCRIPTION OF THE SAFETY AND HEALTH IMPROVEMENT AND REGULATORY REFORM ACT OF 1995—JUNE 14, 1994

Section 1. Short Title, Table of Contents, Reference.

Section 2. Standards.

Requires that standards issued by OSHA be based on risk assessment, regulatory impact and cost-benefit analysis, similar to proposals already adopted by the House. Requires that the risk assessment and cost-benefit analysis be industry-specific.

Requires that benefits be "justified by and be reasonably related" to be costs of the standard.

Requires that standards be "feasible" and "practical."

Prohibits OSHA from citing an employer under a standard if a request from the employer for a variance on the standard involved has been pending for more than 90 days.

Requires that each standard in effect at the time of enactment be reviewed within 7 years for compliance with the new risk assessment and cost-benefit criteria. Creates a petition process whereby affected parties can obtain review of existing standards for compliance with the new criteria. Requires the Secretary to accept or reject the petition regarding a standard within 120 days.

Requires independent peer review of the economic and scientific data which forms the basis for the standard, including the relevance of the data to industries and workers affected by the standard. Requires the panel to be broadly representative and balanced.

Section 3. Notice of Violation.

Requires that OSHA issue a warning to employers and specifies a reasonable time frame to fix the alleged violation. If the violation is not corrected within 30 days (or shorter if it constitutes a direct threat to employees) a citation may be issued. Exceptions to this policy would be allowed if a fatality or serious injury occurred.

Eliminates penalties for posting, recordkeeping, reporting, or notification unless there is a direct threat or injury or intent to mislead or deceive employees or OSHA.

Section 4. Consultation, Incentives for Voluntary Action, and Technical Assistance.

Creates a new program allowing certified individuals to conduct safety and health reviews for employers. Exempts employers who utilize such individuals from random OSHA inspections.

Expands the Small Business Consultation program.

Codifies the Voluntary Protection Program (VPP) which recognizes and provides an exemption for employers with exemplary programs and safety records.

Transfer NIOSH training functions to OSHA.

Targets at least 50 percent of OSHA funds (after a three year phase-in) for non-enforcement activities (small business consultation, training, education, and compliance assistance programs).

Section 5. Removal of Barriers to Voluntary Safety and Health Activities.

Provides that an employee participation program which deals in whole or in part with safety and health is not a violation of section 8(a)(2) of the National Labor Relations Act.

Provides a legal "privilege" for safety and health audits which are done voluntarily by an employer.

Section 6. Inspections.

Requires that an employee bring a complaint over an alleged violation of a safety or health standards to attention of the employer before filing with OSHA. If the employer fails to correct the violation, the employee may then file a complaint with OSHA. Requires that a copy of the complaint be provided to the employer no later than the time of the inspection.

Creates a legal requirement that OSHA inspections be conducted by at least one individual who has technical expertise by training or experience in the industry under inspection.

Requires OSHA to enter agreements with other enforcement agencies to check for fire hazards and report them to OSHA if necessary.

Exempts small businesses (fifty or fewer employees) that have below average injury rates from random safety inspections.

Codifies appropriation exemption for small farms (employing 10 or fewer workers and not maintaining a labor camp) from random safety inspections.

Section 7. Employer Defense.

Provides a defense against citation for "employee misconduct."

Creates a defense for employers who have utilized alternative methods which are equally or more protective of an employee's safety and health in the workplace.

Provides a defense against any regulatory action of an employer is in compliance with another federal requirement which overlaps or is in conflict.

Section 8. Penalties.

Repeals separate penalties for "willful" and "repeat" violations.

Lists seven criteria to be used in assessing penalties.

Creates a special assessment which allows higher penalties in cases where violations cause a death or an excessive number of serious injuries.

Provides that no penalties may be issued unless a standard or regulation exists.

Clarifies that state or local law enforcement agencies may conduct criminal prosecutions for conduct falling under state criminal laws.

Section 9. Review by the Commission.

Extends the time an employer may contest a citation from 15 to 30 days.

Gives deference to interpretations of standards by the Commission (overturns the CF&I case).

Increases the number of members of the Commission from 3 to 5 and specifies that one member of the Commission should have experience in mining.

Allows parties to waive formal proceedings before the Commission.

Section 10. NIOSH Repealed.

Repeals the National Institute of Occupational Safety and Health.

Section 11. State Workmen's Compensation Commission Repealed.

Repeals this Commission which has completed its function.

Section 12. State Programs.

Encourages state OSHA programs to follow federal standards when applicable to products or labeling.

Provides additional flexibility to state OSHA programs by allowing states to adopt alternative methods of enforcement that are at least as effective as the Federal program.

Section 13. Discrimination.

Extends time for filing complaints to 60 days. Requires that DOL notify the person named in the complaint and investigate within 60 days. Provides that if DOL does not decide to prosecute the case within 60 days, the complainant may take the case directly to the Review Commission for a hearing and a decision. Provides for an appeal of the Commission decision to the Court of Appeals. Encourages the use of mediation in all disputes.

Section 14. Coverage of Federal Agencies.

Covers all federal agencies under the federal OSHA requirements.

Section 15. Federal Agency Safety Programs.

Repeals Section 19 of current law which requires federal agencies to maintain their own safety and health programs (repealed because of changes described in Section 14).

Section 16. Prevention of Alcohol and Substance Abuse.

Provides "safe harbor" for employers conducting drug and alcohol testing which follows HHS (drug) and DOT (alcohol) guidelines. Authorizes OSHA to conduct drug and alcohol testing when investigating workplace deaths and serious injuries.

Section 17. Mine Safety and Health.

Merges the Mine Safety and Health Administration (MSHA) with OSHA.

Transfers all MSHA standards to OSHA.

Requires all underground mines to be inspected at least once per year.

Requires all mining inspectors to have 5 years of practical mining experience.

Authorizes closure orders in cases of imminent danger and requires that such order be reviewable in court within one day.

Authorizes fines against miners who violate the mandatory safety standard related to smoking in the mine.

Section 18. Recordkeeping and Reporting.

Modifies recordkeeping requirements to insure that recordable injuries and illnesses are work-related, involve medical treatment, and include one or more days of lost work or restricted work.

Specifies that any records of injuries and illnesses submitted to the Secretary may not be disclosed in any manner that identifies individual employers or workplaces.

Section 19. Definitions.

Defines "serious injury" and "industry."

Section 20. Miscellaneous Technical Amendments.

Requires the Secretary to provide recommendations for legislation to avoid unnecessary duplication and coordination between this Act and other federal laws.

Requires OSHA to establish a program for certification of equipment and specifies that it be conducted by nongovernmental entities unless such facilities are not available.

Although not specifically referenced in this legislative language, it is assumed that NIOSH research activities will be transferred to another governmental agency.

Section 21. Effective Date.

This Act become effective 120 days after the date of enactment.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, June 15, 1995, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 16

9:30 a.m.
Commerce, Science, and Transportation
Surface Transportation and Merchant Marine Subcommittee
To hold hearings on the future of Amtrak and local rail assistance.
SR-253

JUNE 19

2:00 p.m.
Governmental Affairs
Post Office and Civil Service Subcommittee
To resume hearings on proposals to reform the Federal pension system.
SD-342

JUNE 20

9:30 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Department of Defense, focusing on counternarcotic programs.
SD-192

Energy and Natural Resources
To hold oversight hearings to review existing oil production at Prudhoe Bay, Alaska and opportunities for new production on the coastal plain of Arctic Alaska.
SD-366

10:00 a.m.
Finance
Social Security and Family Policy Subcommittee
To resume hearings to examine the financial and business practices of the American Association of Retired Persons (AARP).
SD-215

11:00 a.m.
Foreign Relations
Business meeting, to consider S. Res. 97, expressing the sense of the Senate with respect to peace and stability in the South China Sea, and pending nominations.
SD-419

2:00 p.m.
Foreign Relations
To hold hearings on the nominations of David C. Litts, of Florida, to be Ambassador to the United Arab Emirates, Patrick N. Theros, of the District of Columbia, to be Ambassador to the State of Qatar, and A. Peter Burleigh, of California, to be Ambassador to the Democratic Socialist Republic of Sri Lanka and to serve concurrently and without additional compensation as Ambassador to the Republic of Maldives.
SD-419

JUNE 21

9:00 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

9:30 a.m.
Energy and Natural Resources
To hold hearings on the Secretary of Energy's strategic alignment and downsizing proposal and other alternatives to the existing structure of the Department of Energy.
SD-366

Labor and Human Resources
To hold oversight hearings on the Occupational Safety and Health Administration (OSHA).
SD-430

2:00 p.m.
Select on Intelligence
To hold hearings to review the progress of the activities of the Director of Central Intelligence.
SD-106

JUNE 22

9:30 a.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold hearings on S. 852, to provide for uniform management of livestock grazing on Federal land.
SD-366

Labor and Human Resources
To continue oversight hearings on the Occupational Safety and Health Administration (OSHA).
SD-430

Indian Affairs
To hold joint hearings with the House Committee on Resources Subcommittee on Native American and Insular Affairs on S. 487, to amend the Indian Gaming Regulatory Act.
SD-G50

10:00 a.m.
Environment and Public Works
Drinking Water, Fisheries, and Wildlife Subcommittee
To hold oversight hearings on the National Marine Fisheries Service policy on spills at Columbia River hydropower dams, gas bubble trauma in endangered salmon, and the scientific method used under the Endangered Species Act which gave rise to that policy.
SD-406

Judiciary
Business meeting, to consider pending calendar business.
SD-226

JUNE 23

9:30 a.m.
Labor and Human Resources
To hold hearings to examine issues relating to the Legal Services Corporation.
SD-430

JUNE 27

9:30 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Department of Defense, focusing on ballistic missiles.
SD-192

JUNE 28

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

Indian Affairs
To hold hearings on S. 814, to provide for the reorganization of the Bureau of Indian Affairs.
SR-485

10:00 a.m.
Veterans' Affairs
To hold hearings to examine options for compliance with congressional budget resolution (H.Con.Res. 67) instructions relating to veterans' programs.
SR-418

JUNE 29

9:30 a.m.
Small Business
To hold hearings to examine the future of the Small Business Investment Company program.
SD-538

10:00 a.m.
Energy and Natural Resources
To hold oversight hearings with the Committee on Environment and Public Works on energy and environmental implications of the Komi oil spills in the former Soviet Union.
SD-366

Environment and Public Works

To hold oversight hearings with the Committee on Energy and Natural Resources on energy and environmental implications of the Komi oil spills in the former Soviet Union.

SD-366

2:00 p.m.

Energy and Natural Resources

Parks, Historic Preservation and Recreation Subcommittee

To hold hearings on S. 594, to provide for the administration of certain Presidio properties at minimal cost to the Federal taxpayer.

SD-366

JULY 13

9:30 a.m.

Indian Affairs

To hold hearings on S. 479, to provide for administrative procedures to extend Federal recognition to certain Indian groups.

SR-485

POSTPONEMENTS

JUNE 15

9:30 a.m.

Energy and Natural Resources

To hold hearings on S. 871, to provide for the management and disposition of the Hanford Reservation, and to provide for environmental management activities at the Reservation.

SD-366

HOUSE OF REPRESENTATIVES—*Thursday, June 15, 1995*

The House met at 10 a.m. and was called to order by the Speaker pro tempore [Mr. TORKILDSEN].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 15, 1995.

I hereby designate the Honorable PETER G. TORKILDSEN to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Help us, O gracious God, to translate the blessed hopes and dreams that are Your gift to us into our daily lives. May we be inspired and encouraged to live lives that are worthy in Your sight and do such good deeds that reflect the trust we have in Your providence. May the expressions of faith that we profess not be limited to the words we say, but may find a living reality in our actions and in our deeds, and may the comfort and peace and assurance that Your word proclaims be found alive in our hearts and souls. In Your name we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1 of rule I, the Journal stands approved.

Ms. DELAURO. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Chair's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. DELAURO. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 356, nays 49, answered "present" 2, not voting 27, as follows:

[Roll No. 380]

YEAS—356

Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clayton
Clement
Clinger
Coble
Coburn
Collins (GA)
Collins (IL)
Combest
Condit
Conyers
Cooley
Cox
Coyne
Cramer
Crapo
Cremeans
Cunningham
Danner
Davis
de la Garza
Deal
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Eshoo
Evans
Everett
Ewing
Fawell
Fields (LA)
Flake
Flanagan
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gilchrest
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefner
Heineman
Hilleary
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Klink
Klug
Knollenberg
Kolbe
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Manton
Manzullo
Markey
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McKeon
McNulty
Meehan
Meek
Metcalf
Meyers
Mica
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Royce
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (NC)
Tejeda
Thomas
Thornberry
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Upton
Velazquez
Visclosky
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wolf
Wyden
Wynn
Young (FL)
Zeliff

NAYS—49

Abercrombie
Brown (CA)
Clay
Coleman
Costello
DeFazio
Durbin
Farr
Fazio
Filner
Foglietta
Funderburk
Gephardt
Geren
Gibbons
Gillmor
Gutierrez
Gutknecht
Hastings (FL)
Hefley
Hilliard
Jacobs
LaFalce
Levin
Lewis (GA)
Maloney
Martinez
McKinney
Menendez
Miller (CA)
Oberstar
Pickett
Pomeroy
Reynolds
Rush
Sabo
Schroeder
Skaggs
Slaughter
Stockman
Taylor (MS)
Thompson
Vento
Volkmer
Waters
Waxman
Wise
Woolsey
Zimmer

ANSWERED "PRESENT"—2

Harman
Salmon

NOT VOTING—27

Bateman
Bryant (TX)
Chapman
Clyburn
Collins (MI)
Crane
Cubin
Dickey
Dixon
Engel
Fattah
Fields (TX)
Herger
Johnson, Sam
Kleczka
Leach
McIntosh
Mfume
Pombo
Richardson
Riggs
Roybal-Allard
Smith (WA)
Thornton
Tucker
Yates
Young (AK)

☐ 1023

So the Journal was approved.

The result of the vote was announced as above recorded.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mr. TORKILDSEN). Today the Pledge of Allegiance will be led by the gentleman from Washington [Mr. WHITE].

Mr. WHITE led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

THE HOUSTON ROCKETS: BACK-TO-BACK CHAMPIONS

(Mr. GENE GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Speaker, today I take the floor to honor the 1995 National Basketball Association back-to-back champions, the Houston Rockets.

Let me take a minute out of our day because we are going to talk about the defense budget, to say that the Houston Rockets have definitively proven hard work, great coaching, great teamwork, and uncompromising drive are the best ingredients for champions, just like our country has shown. Hakeem Olajuwon, the most valuable player in the finals for 2 consecutive years, was a teammate of Clyde Drexler, and they both played at the University of Houston during the 1980's. They can now share the world championship.

The Houston Rockets are coached by Rudy Tomjanovich. Their outstanding players include, Robert Horry from Alabama, Sam Cassell from Baltimore, Kenny Smith, who played college basketball at North Carolina, and, again, Clyde Drexler, a Houstonian and graduate of Sterling High School in Houston, and Hakeem Olajwon, who was born in Nigeria, joined by our team owner, Les Alexander, who is actually from Florida.

They have shown each of us what hard work and teamwork and pride can do. They also demonstrated that especially immigrants have a great deal to offer to our society. Because, my fellow Members, as Americans we all come from somewhere but we also are all in this together.

Our congratulations to the 1995 Houston Rockets, again, back-to-back champions.

WHERE IS THE PRESIDENT'S NEW BUDGET?

(Mr. SCHIFF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHIFF. Mr. Speaker, I certainly welcome the fact that the President of the United States has joined the Congress in calling for a balanced budget.

I have noticed that the media has already begun a comparison of the President's new budget with the House and Senate budget resolutions. But there is a problem. The problem is there is no new Presidential budget, at least not yet.

Now, this is a budget, in fact, this is the President's budget that the President submitted to the Congress in February of this year. By its size, you can see it is a point-by-point spending plan for every Government agency and every Government program, just as the House and Senate budget resolutions provide for.

But we have seen no similar set of documents since the President's speech to the Nation the other night referring to a new budget. So, when the President says that he wants to increase spending for education, we have no idea how he intends to pay for it, and when the President says there will be a 20 percent cut in discretionary spending except for education and defense, we have no idea whether that means 20 percent across the board or whether it means an average of a 20 percent cut.

Mr. Speaker, to conclude, a famous commercial once said, "Where's the beef?" I would like to paraphrase that to say, "Where is the President's new budget?"

THE PRESIDENT'S BUDGET-BALANCING PROPOSAL

(Mr. MINGE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MINGE. Mr. Speaker, when I first ran for office in 1992, I did so in large part because I was concerned about our growing budget deficit. I am pleased that the debate in the beltway has finally caught up with the demands of the people back home. We are now properly debating how to balance the budget, not whether we should balance the budget.

I applaud the President for joining this historic effort. His proposal this week greatly improves the chances for us to find consensus on a plan to balance the budget.

The Democratic Party cannot expect to regain the majority if its Members are content to sit on the sidelines and snipe while the Republicans pass a plan to put our fiscal house in order. Republicans and Democrats ought to support the President's decision.

The American people want us to put pretty partisan politics aside and address the critical issues that confront this country.

Nothing is more of a concern than our budget deficit.

The American people are willing to accept cuts in programs that are important to them if they are convinced that everyone is being asked to sacrifice for the good of the country.

The President put politics aside and did the right and responsible thing. we need to balance the budget. We need the President's leadership. We should welcome his participation and work together.

CLINTON BUDGET NO. 2

(Mr. JONES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JONES. Mr. Speaker, I am glad that the President has submitted Clinton budget No. 2. I am glad that he has finally realized that the American people really do want a balanced budget, and while we are still waiting on the details, I did find something very interesting in the 15-page summary the President submitted.

Clinton budget 2 does not propose to eliminate any Cabinet-level departments of the Federal Government. Mr. Speaker, this is amazing. The Republican budget cuts the huge Federal bureaucracy by eliminating three Cabinet-level departments. The Federal Government is too big and spends too much.

Republicans want to streamline the Federal Government by cutting waste and eliminating unnecessary positions. The Republican majority understands the American people want a smaller government.

A FLAWED PICTURE

(Mr. FARR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FARR. Mr. Speaker, what is wrong with this picture:

The Republicans want to protect interest income of the wealthy. The Democrats want to protect interest payments on students loans.

The Republicans want to provide tax cuts for millionaires. The Democrats want to provide tax cuts for middle-income families.

The Republicans want to use spending reductions to pay for tax cuts. The Democrats want to use spending reductions to pay for deficit reductions.

What is wrong with this picture, Mr. Speaker, is that under the Republican budget, all the money coming out of the system is going into the pockets of the rich and powerful, and all the money coming out of the system is coming out of the pockets of the middle class.

I sincerely hope we in Congress can find the right glidepath to a balanced budget but if it means the rich get richer while the middle class pays for it, count me out.

CLARIFYING THE PICTURE

(Mr. HOKE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOKE. Mr. Speaker, I will tell the previous speaker what is wrong with that picture. What is wrong with it is it appeals to the worst in the American people. It appeals to a call to class warfare. It appeals to a petty and vituperative kind of conduct, and it absolutely confuses the American people.

Because the fact is that it is the middle class that has been paying for decades. The middle class will continue to pay unless we create genuine tax relief, which is exactly what we have been working on on this side of the aisle. But that is what is wrong with the picture.

I was surprised to hear a member of the Democratic leadership yesterday say that he is upset with the President's budget because he does not think that Medicare should be talked about or touched in order to balance the budget. The reason I was surprised is because the fact is that even if we run a budget surplus in the year 2002, Medicare is going to be bankrupt. Medicare is a separate program. You cannot spend money that is outside the trust fund. You cannot take money from the general fund.

You have got to put your head in the sand if you will not do something about Medicare.

THE ESCAPE HATCH REMAINS OPEN FOR TAX DODGERS

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, let us talk about the Republican hoax. This week House Republicans promised to close the tax loophole that allows billionaires to avoid paying taxes by renouncing their U.S. citizenship.

But instead of closing this loophole, the Republicans left the escape hatch wide open.

According to the Treasury Department, this bill has the same problems as the current law that allows the super-rich to dodge paying their fair share.

While Republicans find creative ways of protecting tax benefits for the privileged few, their budget hits working middle-class families on both ends: Cutting student loans and Medicare.

Republicans love to talk about the revolution they are bringing to the House. In fact they are up to politics as usual: Big breaks for the privileged few while working middle-class families get stuck with the bill.

INTRODUCTION OF LEGISLATION AMENDING THE FEDERAL ELECTION CAMPAIGN ACT OF 1971

(Mr. WHITFIELD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WHITFIELD. Mr. Speaker, today I am introducing legislation which will amend the Federal Election Campaign Act of 1971 to equalize the opportunity to raise campaign funds to incumbents and challengers.

In Federal elections, under current law, political action committees can contribute $5,000 in a primary, $5,000 in a general election, while individuals can only contribute $1,000 in a primary and $1,000 in a general election.

Last year PAC's gave $126 million to incumbents and only $16 million to challengers, and PAC's historically have given 90 percent of their money to incumbents and very little amounts of money to challengers.

My legislation lowers the amount political action committees can contribute from $5,000 to $3,000, and raises the amount that individuals can contribute from $1,000 to $3,000.

Earlier this year, term limits failed in this body, and I have long said we do not need term limits if we have meaningful campaign finance reform. I urge Members to support this legislation, which will level the playing field and make campaigns more competitive.

THE FUTURE OF AGRICULTURE PROGRAMS

(Mr. VOLKMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VOLKMER. Mr. Speaker, Members of the House, under the agriculture program that this country has had for a good many years, since the 1930's, the American public has eaten better for less than anyplace else in the world. Less than 14 percent of disposable income goes for the great food, the quality food that we eat.

Under the Republican budget, that is not going to be the future of agriculture, because the agriculture programs under the Republican budget have to be cut drastically, over $9 billion in the next 5 years, cut out of a budget of only about $17 billion.

Under the President's budget, only $4.2 billion has to be cut for our farmers and agriculture, and we can maintain that good food supply, under the President's budget. Not under the Republican budget of the House or the Senate.

The Democratic President's budget is a lot better for agriculture, for our farmers, than the Republican budget, and I say to you that if you are interested in continuing to have a wholesome food supply in this country, you would not want to support the Republican agriculture budget.

THE LONG MARCH TOWARD BALANCING THE BUDGET

(Mr. WHITE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WHITE. Mr. Speaker, President Clinton submitted his budget this week, and I recognize that the budget is too late. He should have done it 2 years ago.

I recognize that this budget is too long. He takes 10 years to balance the budget. He should at least try to meet us and do it in 7 years. I recognize his budget has some of the wrong priorities.

But, frankly, Mr. Speaker, I think the President's budget is basically a good thing. I welcome him to this debate. We need him, and I am happy to see him taking this step.

But I want to remind the President, and I want to remind each and every one of us, that balancing the budget is not a 1-day process. We are not going to balance the budget by making a proposal, having a news conference of 1 day. We are not going to do it by passing a resolution, as this House has done.

The only way we balance the budget is to keep the faith, take the political heat, make the decisions every day, every day for 7 years, until the budget is in balance. This is not a short-term process.

Now, Mr. President, I am committed to that process. That is why earlier this week I voted against funding for the B-2 bomber, even though a lot of that funding is in our district.

Mr. President, are you committed to this process? This is a long march, not a short sprint. We need you with us all the way.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will notify all Members that Members should address the Chair during 1-minutes.

□ 1040

HOUSTON ROCKETS WIN CHAMPIONSHIP IN REMARKABLE PLAYOFF SWEEP OF ORLANDO MAGIC

(Mr. BENTSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BENTSEN. Mr. Speaker, as Gene Petersen, long-time voice of the Houston Rockets is fond of saying, "How Sweet It Is."

Last night the world champion Houston Rockets completed one of the most remarkable playoff runs in NBA history by sweeping the Orlando Magic. Given little respect by the so-called experts after winning their first world championship, the Rockets claimed their second consecutive world championship by rewriting NBA playoff history.

The numerous individual and team records set by the Rockets during this playoff run include: being the first team to beat 4 teams with 50 or more wins on their way to a championship; the Rockets are the first team to claim their second consecutive championship by sweeping their finals opponent; the Rockets were the lowest seeded team to ever win a championship. Some of the individual records set include Kenny Smith's seven three pointers in game one for a single game record, and Robert Horry setting a single game record for steals with seven.

And, what an accomplishment to see the return of the powerful Houston duo Clyde Drexler and Hakeem Olajuwon avenging the 1983 NCAA finals loss.

Of course, what the Rockets accomplished during this playoff run isn't about records. As Rudy "T" declared last night, it's about "the heart of a champion." We could learn a lot from this team, staring elimination in the face five separate times, the Rockets consistently rose to the challenge. As a result, they are again in their rightful place atop the basketball world.

INTRODUCTION OF THE AMERICAN ACTION ACT FOLLOWS SUPREME COURT'S AFFIRMATIVE ACTION DECISION

(Mr. RADANOVICH asked and was given permission to address the House for 1 minute.)

Mr. RADANOVICH. Mr. Speaker, today I commend the Supreme Court's recent decision regarding racial preferences and quotas.

In a country where everyone asks to be treated equally, this decision moves us closer toward such a reality. As Justice Clarence Thomas stated in his opinion, "government cannot make us equal; it can only recognize, respect, and protect us as equal before the law."

But the Court's decision does not go far enough. This Congress should work to end all discrimination, including preferences and quotas. In the spirit of equality, I am introducing legislation this week which will promote equality. The American Action Act will ban racial and sexual discrimination against any individual in employment, education, and contracting. The concept of this legislation is simple: All discrimination must end.

THE HOUSTON ROCKETS AND THE AMERICAN DREAM

(Ms. JACKSON-LEE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE. Mr. Speaker, I was almost getting ready to put on this hat this morning, but I hope my colleagues will be able to know where I am and where I stand.

Hakeem Olajuwon, Sam Cassell, Kenny Smith, Clyde Drexler, Mario Ellie, Rudy T., Les Alexander, and many, many others who stood before the American people said, "We have heart, we have soul. We have character, and we have perseverance."

Mr. Speaker, my hat is off, and sometimes it is on, to the National Basketball Association champions of 1995, the Houston Rockets.

But let me say something else. I salute the city of Houston, the State of Texas, and, yes, the Houston fans, because it is all about people gathering together, supporting folks who determine to do the right thing and never say die, never say that we cannot do it. That is the American dream. That is what this Congress is all about. That is what the Democratic Party stands for, that we believe in people.

Let me also salute those in the Houston Rockets who have given of themselves to the inner city youngsters in my district, for do my colleagues realize that the Houston Rockets have provided for basketball programs in our city parks and support our city parks by keeping them open late hours so that youngsters will have something to do?

I salute the Houston Rockets. What other team has come from out of the ashes, stood up, and said to America, "Yes, we can"?

Congratulations to the 1995 National Basketball Association champions, the Houston Rockets.

CLINTON'S TOP 10 REASONS FOR PROPOSING A BALANCED BUDGET

(Mr. HAYWORTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYWORTH. Mr. Speaker, from the home office in Scottsdale, AZ, Bill Clinton's top 10 reasons for proposing a balanced budget:

No. 10, Hillary: Out of town.

No. 9, I did what?

No. 8, time to really tick off GEPHARDT.

No. 7, sneaking suspicion that Republicans have been right all along.

No. 6, tired of being irrelevant.

No. 5, if at first you don't succeed, try, try again.

No. 4, only way to get networks to cover him.

No. 3, ploy to get DAVID OBEY to join his fan club.

No. 2, too much McDonald's coffee.

And the No. 1 reason Bill Clinton proposed a balanced budget: Newt envy.

CLINTON BUDGET: TOO LITTLE, TOO LATE, AND TOO EXPENSIVE

(Mr. LEWIS of Kentucky asked and was given permission to address the House for 1 minute.)

Mr. LEWIS of Kentucky. Mr. Speaker, I have yet to hear more than a handful of Democrats praise the President's budget sequel.

I believe 10 years is too long to balance the budget—especially after he promised to do it in 5.

His budget does give future Congresses, like those in the past, more chances to overspend again.

It does give little of the tax relief the House budget does.

And it does add several hundred billion dollars to our overwhelming national debt.

Still, you would think that more of our colleagues on the left would give the President credit for moving toward saving our children's future.

But come to think of it, the President did not do other liberals much of a favor.

He just undercut all the people we have heard cry wolf about Republican budgets.

Mr. Speaker, the Clinton budget sequel is too little, too late—and too expensive.

Still, I am surprised his own party has not given him a little credit for showing a little concern about balancing the budget.

THE FARM FREEDOM ACT

(Mr. POMEROY asked and was given permission to address the House for 1 minute.)

Mr. POMEROY. Mr. Speaker, our colleagues, the gentleman from New Jersey [Mr. ZIMMER] and the gentleman from New York [Mr. SCHUMER], are sponsoring what they call the Farm Freedom Act. It is, to be kind, a very short-sighted proposal that would have a devastating impact, not just on rural America, but on urban America as well.

All of the Members of this House, urban and rural, suburban, have to understand that we are all in this together. Agriculture is our Nation's No. 1 industry. It is larger than Chrysler, Ford, and GM combined.

The ag sector provides 16 percent of our Nation's gross domestic product, and one of every six jobs.

And our ag exports are one of the few bright spots in our Nation's overall trade picture.

Mr. Speaker, adoption of this bill would cause severe economic dislocation and job losses, not just in agriculture, but throughout our entire economy. It is a very, very bad proposal.

THE MAGIC WILL BE BACK

(Mr. MCCOLLUM asked and was given permission to address the House for 1 minute.)

Mr. MCCOLLUM. Mr. Speaker, I rise to congratulate the National Basketball Association champions, the Houston Rockets. Clearly this year the better team won the series that just was played between the Rockets and the Orlando Magic, but I want my colleagues to know that I and the people of Orlando are mighty proud of the Orlando Magic. They had a terrific season. They gave Orlando a wonderful experience. I have never seen our community more tightly drawn together for any one cause than they were during these playoffs around the Magic. They were the eastern division champions.

Mr. Speaker, I want to specifically congratulate: Shaquille O'Neil, Anfernee Hardaway, Horace Grant, Dennis Scott, Nick Anderson, Brian Shaw, Anthony Bowie, Jeff Turner, Donald Royal, Anthony Avent, Tree Rollins, and Brooks Thompson, the players, coach Brian Hill and his wonderful staff, and the ownership and management team of Rich DeVos and Bob Van der Weide and their group.

The Magic will be back. Wait until next year.

STANFORD STUDENTS SEND 20,000 LETTERS SUPPORTING STUDENT AID

(Ms. ESHOO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ESHOO. Mr. Speaker, in April I addressed hundreds of students at Stanford University, which I am privileged to represent, about Republican proposals to cut Federal aid for higher education. At that time I said that if student aid was important to them, they needed to educate themselves about what was happening in Congress and become involved.

And get involved they did.

The Associated Students of Stanford University Senate allocated $1,000 to fight Republican cuts to student aid—aid which assists over half of Stanford's student population. This effort culminated in a 48-hour letter-signing drive which generated 20,000 signed letters to budget resolution conferees protesting these ill-conceived cuts.

Mr. Speaker, I could not be prouder of the Stanford student body. I hope my colleagues on the conference committee will reconsider these budget cuts which would undermine America's commitment to higher education, America's ability to compete in a world market, and America's investment in our future.

TIME TO TARGET THE IRS FOR POLITICAL REASONS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the IRS says our investigation of the National Rifle Association is not politically motivated. Right. Who is kidding whom? How can the IRS make that statement with a straight face?

The truth of the matter is, Mr. Speaker, plain and simple, the Internal Revenue Service has targeted the National Rifle Association for political reasons. My colleagues know it, I know it, and the American people know it, and I want to say this:

I think it is time for the Congress of the United States to target the Internal Revenue Service for political reasons, and that political reason is very simple. Here in America the people govern, and it is time that the Internal Revenue Service get that message.

Think about it.

INTRODUCTION OF BILL ENDING FEDERAL AFFIRMATIVE ACTION PROGRAMS

(Mr. FUNDERBURK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FUNDERBURK. Mr. Speaker, last week I introduced H.R. 1764, legislation to eliminate over 160 Federal affirmative action programs ranging from public employment to education.

Mr. Speaker, affirmative action is an affront to the dignity of every American. It is an assault on the principle that no American should be handicapped or advanced simply on the basis of his skin color. It has been 40 years since Little Rock and almost 35 years since the hoses were shut down in Birmingham. As Bruce Fein points out in yesterday's Washington Times, "Special preferences for minorities and women have dominated civil rights laws for the entire adult lives of the 18 to 40 years old group."

Mr. Speaker, to continue to see America through the prism of racial entitlements reenforces the same type of dangerous thinking that led to slavery and Jim Crow. No matter what face the liberals put on it there is nothing good about racial discrimination in any form. Calling affirmative action "benign discrimination" is obscene. It is about time the liberals recognize that we are all one people in this country. We are all American. Let us do something right for our children, let us end affirmative action as we know it.

WHY THE REPUBLICANS ARE CUTTING MEDICARE, MEDICAID, AND SOCIAL SECURITY

(Mr. BONIOR asked and was given permission to address the House for 1 minute.)

Mr. BONIOR. Mr. Speaker, why are the Republicans cutting Medicare, Medicaid, and Social Security to pay for tax breaks for the wealthiest people in our society? We should be strengthening our Medicare system, not using it as a piggy bank or a cash cow to let the wealthiest individuals in the corporations take advantage of middle income people in America today.

If we really want to strengthen Medicare, we should shut down some of these corporate tax loopholes and expenditures totaling about $225 billion a year and corporate pork and help our senior citizens and their families make ends meet.

I say to my colleagues, Let's give our senior citizens help with the cost of prescription drug care, with long-term care, not cut their deductibles like the Republicans want to do, or increase their premiums or raise their deductibles as the Republicans want to do. Let us do that, and let us make the wealthiest in our society pay their fair share.

PRESIDENT'S BUDGET DOES NOTHING TO SAVE MEDICARE

(Mr. SCARBOROUGH asked and was given permission to address the House for 1 minute.)

Mr. SCARBOROUGH. Mr. Speaker, I would like to welcome the President of the United States into the budget debate, and I commend him for at least putting forward a balanced budget on the table, even if it does go 10 years, even if it does not cure the Medicare and Medicaid crises.

I heard the last speaker speak for a second talking about how the Republicans were cutting Medicare. The fact of the matter is the President of the United States own commission came back to him and said, "Mr. President, Medicare and Medicaid are going to be bankrupt in the year 2002. You have got to do something about it." Unfortunately the President's budget does not do anything about it. It does not take care of the Medicare and Medicaid crisis. It still goes bankrupt.

Mr. Speaker, the Republican plan does take care of it, and, because of that, I think we need to move forward with the Republican plan, but at the same time I welcome the President of the United States and some of his advisers for finally standing up and showing a little courage, and daring to get into the arena and bloody themselves up instead of just saying, "No, no, no, that's not a good deal."

But we have got to do more. We have got to protect senior citizens. We have got to protect Medicare. We have got to protect Medicaid.

We invite the President of the United States and the Democratic Party to come to the Republican side. Help us help senior citizens.

SKYLAR BYRD, THE PRIDE OF THE D.C. PUBLIC SCHOOL SYSTEM

(Ms. NORTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. NORTON. Mr. Speaker, the District rarely gets the opportunity to tell the countless good stories of its residents and its children. After all, in this tabloid society, success is boring. Failure is news. But some successes shine so brightly, they both capture and captivate.

Skylar Byrd, a District of Columbia public school student, made the news recently and made some history as well. Her perfect score on her SAT's when she was 15 got the attention it deserves. Skylar is a student at Banneker High School in the District.

Skylar's smart all right. But Skylar has more than her considerable talent going for her. She has a capacity for hard work, and a loving family. She also has a public school system that deserves a lot more credit than it gets. Perhaps Skylar's success can help illuminate the accomplishments of Banneker and the District of Columbia public schools and its students as well.

WAITING FOR THE DETAILS

(Mr. SMITH of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Michigan. Mr. Speaker, some of us in the freshman and sophomore classes this morning met with Ross Perot, really, I think, an inspiration for saying that we have got to move ahead and do the kind of things that we know are right.

Mr. Speaker, he mentioned that, if we took all of the Fortune 500 companies, and we took all of their assets, all of their money, and sold all of their investments, it would pay off a deficit spending for 1 year. I mean we have got a serious problem ahead of us.

Mr. Speaker, I think it is great that the President is now saying we should have a balanced budget. I am waiting for the details. I think it is important that he gets the details up here so our conferees on the budget can look at some of his suggestions, some of this administration's suggestions, on where he cuts. He is saying that it is going to take reductions in Medicare and in Medicaid.

I say to my colleagues, Let's work together to make sure we preserve those programs, that we save them not only for this generation, but for future generations.

□ 1100

TRANSFERRING WEALTH FROM MIDDLE CLASS TO WEALTHY

(Mr. MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of California. Mr. Speaker, the concern with the cuts in the Medicare that are promised in the Republican budget that is now in the conference committee is that the simple fact is they are reaching into the Medicare system to make changes to slow the growth. They are using those changes and those savings that result from that to fund the tax cuts, half of which will go to the wealthiest people in this Nation.

Yesterday the Republican conference of House Members met and they reconfirmed their commitment to that tax cut. All that can tell us is they are willing to put at risk the health care of the senior citizens that are on that Medicare system today. For those families who are concerned about their own health care and the health care of their parents, it simply means that that system will not be shored up. But among the wealthiest people in this country, the savings from Medicare will be taken away from those people and transferred to those wealthy, just as they are taking away the earned income tax credit for low-income people who go to work but cannot get above the poverty line. They are going to reduce the earned income tax credit and give that to the wealthiest people.

This is the largest transfer of income and wealth from middle class to the wealthy in the history of this country, and it ought to be repudiated on Medicare and earned income tax credit.

PRESIDENT CHANGING COURSE, SEES NEED FOR BALANCED BUDGET

(Mr. FOLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOLEY. Mr. Speaker, I would like to take this opportunity to sincerely congratulate the President on accepting the need for a balanced budget.

In fact, I will resolve for this day to forget any differences I may have had with the President in the past.

I will not talk about the fact that the President has constantly fought Republican proposals to downsize the Federal Government.

I will not focus on how the President has consistently bad-mouthed Republican plans to save the Medicare system—which we all agree is going broke.

And finally, I will not even think about how the President has repeatedly bemoaned Republican proposals to cut taxes for working Americans.

No, I am going to forget those things today. Because, I know that just as the President has accepted the need for a balanced budget, someday the President will change his mind and accept the need for a smaller Government, a revitalized Medicare system, and lower taxes.

SCARE MAIL ORGANIZATIONS DEFRAUDING SENIOR CITIZENS

(Mr. EHLERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EHLERS. Mr. Speaker, I rise to offer a few comments in a different vein. It arises because of concern for many of the senior citizens of this country, a group which I am on the verge of joining. Because I am on the verge of joining that group, I am beginning to get the mail which is often addressed to senior citizens, which I would call scare mail, but might more appropriately be called fraud mail.

It is mail that is intended to frighten them about what is happening in Congress and to encourage them to send these organizations money so that they can communicate to use the concern that senior citizens have about losing Medicare, about losing Social Security, about losing Federal pensions, or what have you.

It is a fraud. What brought this to mind is that recently a constituent sent me the $5 that was intended to go to the organization that was soliciting money from him.

I want every senior citizen in this country to know, and every person in this country to know, you do not have to send money to any organization in order to get your message to us. Simply write us directly. I do not add any extra weight to a communication sent to me by one of these organizations. Constituents can write us directly and let us know. They do not have to send money to these fraudulent organizations.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1996

The SPEAKER pro tempore (Mr. TORKILDSEN). Pursuant to House Resolution 164 and rule XXIII, the chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 1530.

□ 1103

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 1530) to authorize appropriations for fiscal year 1996 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1996, and for other purposes, with Mr. EMERSON in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole House rose on Wednesday, June 14, 1995, amendment 37 printed in part 2 of House Report 104–136 offered by the gentlewoman from New York [Ms. MOLINARI] had been disposed of.

It is now in order to consider amendment No. 1 printed in subpart F of part 1 of the report.

AMENDMENT OFFERED BY MR. MARKEY

Mr. MARKEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MARKEY: In section 3133:

Page 528, line 17, strike out "Funds" and all that follows through page 529, line 9, and insert in lieu thereof the following:

(1) Of the amounts authorized to be appropriated in section 3101(b), not more than $50,000,000 shall be available for a project to provide a long-term source of tritium, subject to paragraph (2).

(2) The amount made available under paragraph (1) may not be used until such time as the Secretary of Energy has completed a record of decision on a tritium production program and congressional hearings have been conducted to determine the appropriate option, in light of the national security needs and nonproliferation and environmental consequences, for establishing a long-term source of tritium.

Page 530, strike out lines 1 through 9.

The CHAIRMAN. Pursuant to the rule, the gentleman from Massachusetts [Mr. MARKEY] will be recognized for 20 minutes, and a Member opposed will be recognized for 20 minutes.

Mr. HUNTER. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from California [Mr. HUNTER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. MARKEY].

Mr. MARKEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the amendment being considered right now is a quite technical one because once the word "tritium" is uttered, I can see minds and attention spans drifting off onto other subjects. But it is a very important subject, because tritium is a gas which is used in order to ensure that we can derive the maximum potential from our nuclear weapons.

It is a critical subject, in fact. It is so critical that this amendment has been put in order, because it is important that this Congress and this country select the best way, the most economical way, the best proliferation resistant way, of producing this very important gas.

Now, this body and all who listen to it should understand some very fundamental facts. No. 1, the National Taxpayers Union supports the Markey-Ensign-Vucanovich-Dellums-Skeen-Richardson amendment. This is bipartisan, and it is the National Taxpayer Union's blessing having been placed upon it because they have determined that this is nothing more than radioactive pork which has been built into this bill. Not because we do not want or need the tritium, we do. That is agreed upon by Democrat, Republican, liberal and conservative.

What is not agreed upon, however, is that the committee should be able to select a particular technology and to build from $50 million more than the Department of Energy wants, than the Department of Defense wants, than the National Taxpayers Union thinks is necessary.

The decision which has been made is one which runs completely contrary to the proposition that there should be no specific earmarking of technology or location, but rather each of these decisions should be open to full competition amongst all of those who are interested in providing the best technology for the defense of this country.

That is why we bring this amendment out on the floor. It cuts out $50 million that no one wants and cannot be justified. It is a specific earmark which benefits a Swedish company trying to get a specific earmark into this bill for South Carolina. I will have to say a word. But that is not good policy. This company ABB, the Swedish company, might as well be called, instead of ABB, just A Big Boondoggle. That is what ABB stands for. You are voting for $50 million for a Swedish company for a technology that neither the Department of Energy, the Department of Defense, nor the National Taxpayers Union can support.

So we are going to be out here having this debate. It will be bipartisan. But if you want to find money that you can vote for that is not justified in this budget, this is it. This cannot be justified on any basis, either defense, energy, budgetary, or proliferation. It violates every one of the principles that we are concerned with. But most of all, it violates the principle against earmarking specific technologies with extra money that cannot be justified technologically until the Departments of Energy and Defense have gone through the process of evaluating them.

Mr. Chairman, I reserve the balance of my time.

Mr. HUNTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my colleagues, I am glad that the gentleman from Massachusetts has stated that there is no dispute as to the requirement for tritium. The ranking member of the full committee has mentioned during our debate on the ABM treaty that we still, at least with respect to the Soviet Union, rely on our deterrents, on our strategic arsenal, our nuclear arsenal, to deter nuclear conflict. Tritium is an important component of that arsenal, and it deteriorates. The half-life of tritium is 5½ years. That means you have to keep making it. So the Clinton administration agrees with the committee that you have to keep making tritium, and they themselves put some $50 million into this program.

The difference is, and my colleague has said you should never have earmarking of technology, the difference is for political reasons in my estimation, and this comes from conversations with many people in the administration, people who are pro-strategic weapons. The administration has decided already not to build a reactor.

Now, there are several ways to make tritium. The way that we have used in the past, the reliable, proven method, whereby we have made our tritium in the past for our strategic weapons, is a reactor, a nuclear reactor. there have been no invitations from Massachusetts. The gentleman has mentioned that South Carolina is the place where they make tritium, have made it, have had reactors, and presumably would invite reactors in the future. We have got so similar invitation from Massachusetts to build a nuclear reactor.

But nuclear reactors are the way you make tritium in a reliable fashion. There is a chance that you can make tritium with an accelerator, but it is risky, and it is not proven. Let me tell you that I personally relied on the word and the testimony of arguably the best authority in this country on the validity or the viability of reactors versus accelerators, and that is the former head of the Los Alamos Lab, who was in charge of Los Alamos during a large part of the accelerator program, who is very, very understanding of the accelerator program, a person who is on the various commissions, who has been asked to evaluate this. And let me recite to you the words of Harold Agnew, a former director of the Los Alamos Laboratory, which would get the accelerator work or a large part of it, and he is writing to the chairman of the Committee on the Budget of the other body, and he says this:

DEAR PETE: I have been serving as a member of the Joint Advisory Committee on Nuclear Weapons Surety. Recently we were asked to assess the feasibility of using an accelerator to produce the tritium required for our future nuclear weapons stockpile. Because the accelerator would presumably be designed at Los Alamos, I particularly wanted you to have my thoughts on the issue firsthand.

My concern is that while it is technically feasible, it is not economically rational. I fear that Los Alamos may come to rely on a full blown accelerator program to produce tritium only to be disappointed when the economic realities are better understood. In these days of severe budgetary constraints, a program of this magnitude will certainly receive heavy scrutiny.

Simplified, the reality is that an accelerator producing tritium would consume about $125 million per year in electricity . . . while a reactor producing tritium would produce for other purposes about $175 million per year. . . .

In other words, a reactor makes electricity, an accelerator uses electricity, and the difference, according to Mr. Agnew, is a difference of $300 million per year.

He continues:

Over a lifetime of 40 years, that's a $12 billion consideration. It is simply counter intuitive to believe a difference in energy consumption of this magnitude will be sustainable. This is particularly true when the cost of facilities—accelerator or reactor—are roughly the same. Given a projected capital cost of $3.2 billion for the accelerator and a declining requirement for tritium, the tritium imperative is a thin reed upon which to lean.

He concludes, and this is one of the paragraphs that I think is very critical for this House to consider. He talks about an accelerator having some value if you used it for other purposes. That is to consume plutonium when it is hooked up with a reactor. So an accelerator and a reactor hooked together could do the whole thing. He says:

> The accelerator is unique and can totally destroy virtually all weapons plutonium. It can do so extremely economically when combined in tandem with a deep burn reactor. The deep burn reactor using a surplus weapons plutonium as fuel could consume 90 percent of the plutonium 239 in a once through cycle. The depleted fuel element with the remaining plutonium would then be transferred to a subcritical assembly irradiated with an accelerator. The accelerator would destroy the remaining plutonium. Because there are large amounts of electricity produced when the plutonium is destroyed, there is no cost for the plutonium destruction. In fact, it makes money. The same assembly would also be able to produce tritium at the same time and at no additional cost if tritium is needed.

☐ 1115

The gentleman who cited the taxpayer groups, I wish they had had a chance to sit down with one of the leaders of the Manhattan Project, Harold Agnew, the director of the Los Alamos Nuclear Laboratory and a gentleman whose colleagues would benefit and profit from an accelerator, has looked at this thing and has said, listen, if you can build a triple play reactor, that is, you can build a system that not only makes tritium but consumes plutonium and makes electricity at the same time that you can sell, thereby mitigating your costs, why not do it?

He concludes: "I could and would get firmly behind a reactor program with this objective in mind." That is, this combination with the reactor and an accelerator. "I cannot support the accelerator for the sole purpose of producing tritium because it is too expensive, its need too uncertain and there is a better way to provide the requirement while satisfying the three needs, electricity, plutonium, and tritium production for the price of one."

Mr. DELLUMS. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from California.

Mr. DELLUMS. Mr. Chairman, I have listened very carefully to the gentleman's argument and the gentleman and I have had an ongoing dialog on this matter. I understand that the gentleman believes that the Department of Energy at the end of the day will come out on the side of the accelerator.

My distinguished colleague from California believes very strongly in the superiority of the reactor approach. But let me read very briefly from the amendment of the gentleman from Massachusetts [Mr. MARKEY] because I think it addresses the gentleman's concern by placing the Congress in the loop to make a decision in the event that they disagree with the Secretary.

I will read very quickly. It says,

> The amount made available under paragraph 1 may not be used until such time as the Secretary of Energy has completed a record of decision on the tritium production program and congressional hearings have been conducted to determine the appropriate option in light of the national security needs and nonproliferation and environmental consequences for establishing a long-term source of tritium.

So it provides the opportunity for my distinguished colleague, this gentleman, and others, to weigh in after the findings have been given by the Secretary.

Unless the gentleman feels that we are in some way impotent or incompetent to carry out our responsibilities, this is the way that we can address the gentleman's concern.

Mr. HUNTER. Mr. Chairman, I thank the gentleman for his contribution.

Let me just respond in this way before I yield to other Members. The administration, in my estimation, has already done the earmarking. Members of the administration, folks who are inside the administration, I think have made it fairly clear that they have already decided, this record of decision is down the road.

They have made the decision at this point to go with the accelerator. Let me cite to my friend the letter from the Assistant Secretary of Defense, Harold P. Smith, who basically sent us a letter that gave, in my estimation, the smoking gun.

He says, "The funding request made by the Department of Energy was formulated in support of their production strategy," that is, an existing production strategy, "of primary and backup—light water reactor."

Well, if the backup is a light water reactor, what is the existing primary production strategy? It is an accelerator.

I would say to my friend, I have spent some time on this. I have had discussions with folks in the administration. The essence of it is, they do not think it is politically possible in this administration to come through with what Harold Agnew thinks is a scientifically meritorious decision, and that is a reactor.

My feeling is, they have already done the earmarking. I think this letter shows that. There has already been an earmarking by the administration. And because of that, I think we are going to waste valuable time, if we wait for them to come down with a paper decision that merely records a decision they have already made at this time, when the people that I rely on, and I think the committee justifiably relies on, like Harold Agnew, who was the director of the facility that would benefit from an accelerator, I think to go with what we see on the merits from a scientific way and not wait for this paper decision to come down months from now that has already been made. That is the point I would make to the gentleman from California.

Mr. DELLUMS. Mr. Chairman, if the gentleman will continue to yield, my first response is that I think it is hyperbole to refer to the Department of Energy's judgment as an earmark. All they can do is recommend. We can earmark in legislation. We write the laws.

So it is not earmarking. They may come to an option you do not agree with, but earmarking is hyperbole.

Mr. HUNTER. Mr. Chairman, I think there is an important political principle here. When you know that an agency of the Government, of the executive branch, is going to come out with what is on the face of it a decision made on the merits, but you know and you have been told has already been made and is a political decision, I think it is wrong to wait and have them utilize this decision that they have already basically broadcast to us, they telegraphed to us, it is going to be an accelerator, not for science reasons but for political reasons, to wait for that to come out months from now where that will then be used as an argument to try to weight this very important decision, where I think the scientists like Harold Agnew have already made a very clear and convincing case. That is my point.

Mr. DELLUMS. Mr. Chairman, I thank the gentleman for yielding to me. He has been very generous.

Mr. HUNTER. Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman from California [Mr. HUNTER] has 8 minutes remaining.

Mr. MARKEY. Mr. Chairman, I yield 3 minutes and 30 seconds to the gentleman from Nevada [Mr. ENSIGN].

Mr. ENSIGN. Mr. Chairman, I rise today in support of the Markey-Vucanovich-Ensign amendment. Let me also agree on the importance of maintaining tritium production in this country and how critical that is to our national security.

I come from a State that in the interest of national security was willing to allow bombs to be blown up underneath our ground because we care so much about national security. So I do not come at this as somebody who is antinuclear or anything. I am coming here in support of the amendment because I believe it is the right thing to do.

First of all, we are cutting out $50 million in earmarked spending that will go to a Swedish company. Second of all, we have enough tritium to last approximately the year 2011 with current supplies, and if we recycle those, we can get it out to about the year 2015, 2017. So we have enough time to be able to research some of the other options.

I think there are legitimate differences within the scientific community on whether a reactor or an accelerator is the best way to go here. And what I am saying is that we should take that time and research truly what is in the best interest of national security as well as with environmental concerns.

Everyone agrees an accelerator is the best for environmental because it does not produce high-level nuclear waste. It produces low-level nuclear waste. So we are talking about accelerator technology, clearly, it is the best from an environmental standpoint.

You also mentioned that when taken into effect, the reactor could downgrade plutonium and reuse that and that an accelerator needs a reactor. That is discounting that there is other technology on the drawing board out there that is possibly developable in the future. That is using the transmutator. And that would no longer produce the high-level nuclear waste as well. It would actually recycle a lot of the nuclear waste that is out there. So there are other options out there that we can explore.

The point is that we do have some time to explore this without taking the next few years and using those years just to raise money to build this reactor. We can actually take the years and develop the technology that we will need.

The other problem that I have with this is that we have not built a reactor and the reactor that you are talking about is just as theoretical as the accelerator is. We have never built a reactor like this that can produce the tritium in the quantities we need, just like we have not built the accelerator to produce the tritium in the quantities we need. We know an accelerator will produce tritium. There is no question about that. In Los Alamos they have proven that as far as on the bench there.

The other problem that I have is that we cannot store the nuclear waste that we are producing at this time. Obviously the whole issue on Yucca Mountain on a temporary interim nuclear storage facility is because the people that are producing the nuclear waste all want to ship it to my State because they cannot house it now. The linear accelerators are, there is no question, they are proven technology. They are out there and the x-ray machine is basically a linear accelerator. They use it with radiation technicians for cancer, and Stanford has a very large linear accelerator. The linear accelerator technology is there. It is just a question of applying this technology to what we need. And I think it is the right thing to do, and I think this is the right amendment.

I urge my colleagues on the Republican side to support it.

Mr. MARKEY. Mr. Chairman, I yield 2 minutes to the gentlewoman from Hawaii [Mrs. MINK].

Mrs. MINK of Hawaii. Mr. Chairman, I rise in strong support of the Markey-Vucanovich-Ensign amendment that has been offered by our colleagues. As currently written, H.R. 1530 increases by 100 percent or by $50 million a program in the Department of Energy to develop a new source of tritium, a radioactive gas used to enhance the power of nuclear warheads and by doing so presumptively directs the Department of Energy to use the additional funds to not only pursue a specific technology but to award the contract to begin work on the reactor which will utilize the ABB combustion engineering concept to be built in Savannah River, Georgia to a particular contractor. This amendment eliminates these provisions and ensures that the decisionmaking process will remain open. That is the critical reason that I have come to the floor to urge that this amendment be adopted.

Secretary O'Leary noted that the Department of Energy is currently analyzing the technical, environmental, political, fiscal implications of this production technology and that, further, the analysis is nearing completion. As the previous speaker has indicated, the supply is not the issue. There is at least 15 or perhaps more years of available supply.

Therefore, it seems to me very, very persuading that we permit the Department of Energy to continue with this analysis and to come up with their recommendations.

The second aspect of the amendment, which is critical, is that rather than forestall the opportunity of Congress to have a critical role in making this decision, if we do not adopt this amendment, there will be a preemption of this opportunity by the selection of a contractor without due consideration of all of the aspects.

Furthermore, we are told that if this amendment is not approved, that the contractor, by provisions in the bill, will be allowed to spend 3 years to study the feasibility of raising the funds for this project. It seems to me, therefore, that this amendment should be passed to restore the decisionmaking to the Congress.

Mr. Chairman, I rise in strong support of the amendment to H.R. 1530 offered by Representatives ED MARKEY, BARBARA VUCANOVICH, and JOHN ENSIGN.

As currently written, H.R. 1530 increases by 100 percent—or $50 million—the program in the Department of Energy to develop a new source of tritium, a radioactive gas used to enhance the power of nuclear warheads and presumptively directs the Department of Energy to use the additional funds to not only pursue a specific technology to produce tritium, but to award the contract to begin work on a tritium-producing reactor that will utilize the ABB combustion engineering concept and be built in Savannah River, GA to a particular contractor. The Markey-Vucanovich-Ensign amendment eliminates these provisions and, ensures that the decisionmaking process related to tritium production will remain open.

With respect to H.R. 1530 directing the Department of Energy to pursue the ABB combustion engineering concept for tritium production, Energy Secretary Hazel O'Leary notes that the Department of Energy is currently analysing the technical, environmental, political, and fiscal implications of a range of new tritium production technologies. Secretary O'Leary also notes that the ongoing departmental analysis, including a programmatic environmental impact statement, is required under the National Environmental Policy Act. Secretary O'Leary further notes that the analysis in nearing completion and will support the selection of a preferred technology and site for tritium production.

H.R. 1530 selects the tritium-producing reactor utilizing the ABB combustion engineering concept and allows the contractor to spend 3 years to study the feasibility of raising $6 billion in private financing and concluding multiple power purchase agreements for the sale of power to be generated. Secretary O'Leary indicates that such a contract, with its 3-year feasibility study and business plan, will delay by 3 years the development of a new tritium production source.

I urge my colleagues to support the Markey-Vucanovich-Ensign amendment because it provides the funding level requested by the Department of Energy and withholds any funding for actual tritium production until the Department of Energy has completed its analysis and reached a decision on a tritium production program and, most importantly, ensures that the Congress will be able to hold hearings on any such Department of Energy decision.

Because the establishment of a long-term source of tritium touches upon various national security, nuclear nonproliferation, and environmental issues, the Congress must play a role in the debate on tritium production. The Markey-Vucanovich-Ensign amendment ensures such a role for the Congress.

Mr. HUNTER. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Georgia [Mr. NORWOOD].

Mr. NORWOOD. Mr. Chairman, I suppose quickly we need to correct a couple of things. The gentlewoman from Hawaii should know that the Savannah River site is in South Carolina. This is not a discussion about where we will build tritium but how. I thank the gentleman from Massachusetts in recognizing that we in fact do need to build tritium, and we are going to do it, need to be doing it by 2001, not 2017.

Mr. Chairman, for many years the Department of Energy has commenced many projects, spent huge amounts of money and often has little, if anything, to show for it in many cases. A perfectly good example of that, a recent example includes the high level waste repository in Nevada.

□ 1130

Mr. Chairman, as some of my colleagues stated in a news conference last week in regards to a proposal of the elimination of DOE, the Department suffers from problems of communication and contracting and management and mission.

Their latest effort to determine the future tritium production technology and siting has many of the same problems. This is a very complicated technical issue, but let us try to simplify it just a little bit.

We know how to make a reactor. We have been doing that now for 30 years. The technology is there. If we go with a triple play reactor, we know we can privatize the construction of it. In a country that has 5 trillion dollars' worth of cash flow problems, that is important.

We know for a fact that this reactor will burn plutonium and help get rid of waste. We also know it will produce electricity, which will help, indeed, cut the cots.

What we absolutely must consider here is that the cost of using an accelerator, technology that we do not know for sure will work, will be considerably more expensive, to the tune of about $10 billion. We talk about $50 million, and this is a $10 billion project, if we do not go with the triple play reactor.

Mr. Chairman, I urge all Members to vote against the Markey amendment.

Mr. Chairman, for many years the Department of Energy has commenced many projects, spent huge amounts of money and has little, if anything, to show for it in many cases. A recent example of this includes the high level waste repository in Nevada.

As some of my colleagues stated in a news conference last week regarding the proposed elimination of the DOE: The Department suffers from problems of communication, contracting, management, and mission. Their latest effort to determine the future tritium production technology and siting has many of the same problems.

I believe the action taken by the House National Security Committee to authorize funding for a privatized multipurpose reactor technology is the only logical approach for the success of the next tritium production mission. This reactor would consume our excess plutonium, produce tritium and generate electricity. The resale of this electricity would generate revenues that would directly reduce the total cost to the taxpayer. The logical siting of such a reactor is the Savannah River site in South Carolina. The site has been the leader in tritium production and other related missions for more than 30 years. The taxpayer has payed billions of dollars over these 30 years building the tritium infrastructure I speak of. Mr. Chairman, it would not be prudent to rebuild a new tritium infrastructure elsewhere at an even higher cost to the taxpayer, just to satisfy the political motives of DOE.

The action by the committee represents, Mr. Chairman, it represents sound judgment to reverse the poor decisions DOE has been making for years and to ensure we continue to maintain our nuclear weapons stockpile. It is imperative that we continue to produce tritium no later than the year 2011. If we do not, our nuclear weapons stockpile will not be maintained at the level necessary to maintain our nuclear deterrence.

Mr. Chairman, the committee's decision also represents one that will cost the American taxpayer far less money, and ensure we start producing tritium no later than the year 2011.

There is a general concern by many that disposing of excess weapons grade plutonium in this reactor is a proliferation concern. This concern is unwarranted. The nuclear non-proliferation treaty contains specific provisions which allow the use of this material in nuclear reactors for peaceful purposes. Ridding ourselves of excess plutonium is definitely a peaceful purpose.

In conclusion, Mr. Chairman, if we allow the DOE to select an accelerator to produce this tritium; a decision I believe they have already made, we run a high degree of risk of not having a nuclear capability in the year 2011. Assuming it did work, and there is no evidence that an accelerator of the magnitude required will work, the lifecycle costs would amount to billions of dollars more than a multipurpose reactor. I am not prepared, and I am sure many of my colleagues are not prepared to take that risk.

I strongly urge my colleagues to oppose the Markey amendment.

Mr. MARKEY. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. DELLUMS].

Mr. DELLUMS. Mr. Chairman, I thank the gentleman for his generosity in yielding time to me.

Mr. Chairman, I rise in support of the Markey amendment. Before I go the arguments, let us define the term "earmark" so everyone understands, who is in this debate or observing this debate, what that is about.

The way the Congress of the United States earmarks is if it authorizes and appropriates dollars so it can only go to one place. Very simple. You do not have to be a brilliant rocket scientist to understand that you can write a piece of legislation in this legislative body in such fashion that there is no competition, that it goes specifically to one place. That is part of this.

Mr. Chairman, last year, as a matter of high principle, after negotiations with the other body we agreed as a group that we would move beyond the practice of earmarking, because we felt it so thoroughly distorted and perverted the legislative process that we need to be beyond that.

Mr. Chairman, I want to say very specifically this is the mother of all earmarks. The gentleman from California [Mr. HUNTER], who represents a district in southern California, has a firm that does reactor business. Whether I agree or disagree with reactor or accelerator, put that esoteric discussion for a moment off to the side. We are talking earmarking here.

The gentleman from California could not even get it modified so that there would be more than one reactor firm in the business, Mr. Chairman. this is a $14 million earmark to a Swedish firm in one district, ultimately to the tune of $50 million.

Mr. Chairman, I disagree with this approach on substance, because I have learned from some of my regional colleagues that "I do not have a dog in this fight," so I can stand back objectively, at arms' length, and debate this matter with clean hands.

In working with the gentleman from California, back and forth, trying to figure out whether he and I could reach some accommodation that would allow the option to open up, so that his district could be represented in this matter, and this gentleman, who was raising broader issues that I will discuss a little later in my presentation, any effort that we had to try to dialog on this matter was resisted. The Committee on Rules did not even allow the gentleman on that side of the aisle to offer an amendment to open up competition just on the reactor side.

Mr. Chairman, we understand it has been stated that somewhere down the road, this is supposed to come down the pike in November from the Secretary of Energy, someone briefed somebody in the Congress and said "We do not think it is going to be a reactor, we think it is going to be the accelerator." So suddenly there was a rush to judgment before we could hear from informed scientific, knowledgeable sources what are the options that are available which would still allow us to exercise our responsibilities to agree or disagree.

Apparently someone said "Wait a minute, let us not wait until the Secretary gives us this informed judgment. Let us jump the gun. We are legislators. We are in control of the process."

So what happened? Earmark, Mr. Chairman, the mother of all earmarks, $14 million to a Swedish firm to the tune ultimately of $50 million. Mr. Chairman, I would suggest that this is an obligation of the American taxpayer to tens of millions of dollars and potentially, down the pike, it could even achieve billions.

On that basis it ought to be rejected, just on the integrity of the process itself, having nothing to do with the substantive issues like nonproliferation and these kinds of things, just the fact that we ought to reject that approach to how we do our business.

We talk here about clean hands and fair play and openness and above board. This is inappropriate. With this gentleman in the last Congress, when I stood as chairman of the former Committee on Armed Services, we stood up publicly and said "We will resist earmarking." We tried to legislate in the authorizing process to end that, because all of us in here at one time or another have been burned by the process of earmarking.

Our dignity and our self-respect and our integrity as legislators dictate that we do not go down this road, Mr. Chairman. It may be right at the end of the day, but let it be right because the process led us there, not because we exploited or manipulated it.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. DELLUMS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think it should be rejected on that basis alone.

Mr. NORWOOD. Mr. Chairman, will the gentleman yield?

Mr. DELLUMS. I yield to the gentleman from Georgia.

Mr. NORWOOD. Mr. Chairman, I think it is important to say that this authorization defense bill does not earmark where we produce tritium. It does imply how we should produce tritium, and that is because the Department of Energy has made up their mind that they want to use a faulty process in the accelerator that may not let us have the tritium we need to have a nuclear proliferation.

Mr. DELLUMS. Reclaiming my time, Mr. Chairman, the report language specifically refers to location. Everyone in here, and I would say, sir, we may disagree politically, but I choose not to insult the gentleman's intelligence. I hope he does not choose to insult mine.

I have been on the Committee on Armed Services for 20-some-years. I think that I have enough experience to know an earmark when I see one. This is in the report. We all understand it. I would tell the gentleman to ask the gentleman standing next to him. He knows it is an earmark, because his reactor company has been left out of the process.

I am 59 years old and do not have my glasses, so it is a little difficult to read here, but let me just refer the gentleman to page 305 of the report dealing with section 3133, tritium production, and about a half of the way down the page, with the paragraph starting "On March 1, 1995," there the gentleman will see the earmark.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. DELLUMS. I yield to the gentleman from California.

Mr. HUNTER. Mr. Chairman, I thank the ranking member, the distinguished gentleman from California, for yielding to me.

Mr. Chairman, let me mention what the gentleman mentioned first, the gentleman from Massachusetts [Mr. MARKEY] mentioned. That was technological earmarking.

There is probably no bill that is a perfect bill, but my objection to the idea of having this record of decision come down on the technology is, to my colleague, and he is a realist and I am a realist, is it is politically impossible, in my estimation, for the Clinton administration to come down on behalf of anything except an accelerator. I think that is what they feel is politically doable, and even though everybody agrees we have to build tritium, they are nonnuclear enough to say that we do not want to be building it with a reactor.

I think the gentleman would be just as insulted by a record of decision that comes down this fall that will supposedly be based on scientific merit, but in fact it will not be based on scientific merit. It will be based on the decision that at least is implied as having already been made by the Assistant Secretary of Defense, Mr. Smith, in his letter, where he says "Our program is to go with what is," and I am paraphrasing, "the lead technology," and then there is a backup technology, which is the reactor, implying obviously the lead technology is an accelerator.

Of course I want to have my people participate and have a chance to participate in any work that is done, but I think there is an overriding goal here that in my estimation is very compelling. That is to continue to produce tritium, to do it in a reliable way, and I think everyone would agree that the only reliable way we have done it in large quantities is with a reactor.

Last, all of these arguments have been made about how scientifically we can do this with an accelerator. The director of the laboratory that would benefit from the accelerator said these words: "I cannot support the accelerator for the sole purposes of producing tritium because it is too expensive, too uncertain, and there is a better way to provide for the requirement while satisfying 3 needs," and that is electricity, tritium, plutonium.

Mr. DELLUMS. The gentleman has made that point, Mr. Chairman. It is a little redundant.

Mr. HUNTER. My point is there is just as bad earmarking on the part of the administration, earmarking technology that flies in the face of what the scientists say is needed.

Mr. DELLUMS. Mr. Chairman, if I might reclaim my time, the bill reads "$14 billion shall be made available to private industry to begin implementation of the private advertised multipurpose reactor program plan submitted by the Department of Energy," et cetera, et cetera, to the Department.

Mr. Chairman, with respect to the gentleman's major assertion, the amendment provides the opportunity for the Congress of the United States to weigh in. This is a triumvirate form of government. The executive branch will make an option. The gentleman may disagree with it, but the gentleman and I together can hold hearings, we can make judgments, we can make determinations, we can legislate in this area. I am simply saying when we read that and we read the report language, it is an earmark.

Mr. Chairman, let me finally conclude by saying, A, the Department of Defense opposes this provision in the bill. The Department of Energy opposes this provision in the bill. The Arms Control Agency opposes this provision in the bill. Why does it? It opposes it because part of our nonproliferation strategy has been that we would not breach the firewall between civilian and commercial use of nuclear power.

The CHAIRMAN. The time of the gentleman from California [Mr. DELLUMS] has expired.

Mr. MARKEY. Mr. Chairman, I yield 1 minute to the gentleman from California.

Mr. DELLUMS. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, an important part of our nonproliferation strategy is that we would not breach the firewall that exists between commercial and civilian use of nuclear power and military use of nuclear power for the purposes of developing nuclear weapons. That is the moral high ground upon which we stand. That is the moral high ground that allows us to challenge North Korea and it allows us to challenge the Iranians: Do not breach that firewall.

How noble are we, then, if we embrace this approach in this bill, multipurpose reactor? It speaks to breaking that firewall. At that point, where is the high ground that allows us to say to the North Koreans, or to the Iranians, "You are doing a bad thing?" All they have to do is turn around and say "Do as you say, don't do as you do," because this is exactly what we are doing.

This is too precious for our children, too precious for the future, for us to be violating this incredible approach to nonproliferation. That is our fundamental strategy. It is for those and many other reasons, Mr. Chairman, that I argue that my colleagues support the Markey amendment.

Mr. HUNTER. Mr. Chairman, would the Chair tell us how much time we have remaining?

The CHAIRMAN. The gentleman from California [Mr. HUNTER] has 6 minutes remaining, and the gentleman from Massachusetts [Mr. MARKEY] has 4½ minutes remaining.

Mr. HUNTER. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I would remark, the gentleman mentioned that a number of authorities in the Clinton administration are against this approach. Let me just say that in my estimation, the guy who was the leading authority on the validity of reactors versus accelerators endorses this approach, and the last of his letter says "With respect to an accelerator, it is too uncertain, and there is a better way for the requirement, while satisfying three needs for the price of one." That is, the leading authority, in my estimation, on this technology endorses the idea of a triple play.

Mr. Chairman, I yield 2 minutes and 30 seconds to the gentleman from South Carolina [Mr. GRAHAM].

Mr. GRAHAM. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, this is probably one of the most important debates that I have followed in Congress, because I am from South Carolina, and the men and women of the Savannah River site have for the last 40 to 50 years produced tritium by reactor in my district to help win the cold war. We want to continue to do it for the country, not because I am from South Carolina, but because we have the infrastructure, we have the community commitment, we have the will to do it, and I want to do it in the most fiscally sound and conservative manner.

□ 1145

I will tell you when this administration and DOE will prefer a reactor to do anything. That is when hell freezes over. It will not be 2011. If you want to produce tritium to maintain a national defense structure, you need to start now. Not 2011 when START II is implemented.

What I am asking my colleagues who are fiscally conservative to do is look at the numbers. This is not about millions, it is about billions. The Clinton DOE will never prefer a reactor that we know will work, that will save the construction costs. The energy costs alone are $10 billion over the life of the reactor.

This is about politics and spending billions of dollars on technology that is pie in the sky and not going to something we know that works that can make plutonium that works and create energy and is privately financed. It is about politics.

The men and women of my district understand tritium. We understand politics and I hope my colleagues will call the National Taxpayers Union and talk to Mr. Paul Hewitt. I have. They have information about millions. That does not consider the billions. They will consider the billions.

This is politics at its worst. Let's get on with defending America. 2011 is here today. How long does it take to get any technology going? Never, with an accelerator, because it never produced tritium.

The reactor has produced tritium in this country. We need to start now because it takes a long time, because we want to be safe and we should be safe. But we need to start now to give our children a secure future financially by saving billions of dollars with technology that works.

And a secure future with the threat of Iran and Iraq is not looking at will they follow our lead, but will we have the resources to implement American policy? And not ask them to follow our lead, but we will be the biggest guy with the biggest stick on the block all the time. That is what this debate is about.

Mr. MARKEY. Mr. Chairman, I yield 2 minutes to the gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Chairman, let me clear up one thing that my friend from San Diego mentioned. The Los Alamos Laboratory wants the accelerator made. The gentleman has been referring to Harold Agnew, an official of the labs.

Harold Agnew has been out of office for 15 years and he is now a contractor with one of the companies trying to get the contract. So let me be clear. The Los Alamos Laboratory, which is an expert in this area, would like to be involved in this process, as would the States of Texas, Idaho, Nevada, and Tennessee. And because of this specific earmark, all of these States are locked out and we have a Swiss-Swedish firm getting a benefit over American companies.

That is not right. These States, and my labs in Los Alamos, are experts. Why are we making decisions that scientists should be making?

These are thousands of scientists. Ph.D's at Los Alamos, at DOE, at Savannah River. They should be making these decisions. And I think a Swiss-Swedish firm, they may be very competent, I don't think they should be barred, but what this Markey amendment is doing, and I must say it is a bipartisan amendment. It is the gentleman from Nevada [Mr. ENSIGN] and the gentlewoman from Nevada [Mrs. VUCANOVICH]. My name is on it. We just want an open process.

We think that this process by which there was a specific mention, an earmark, is flawed. We are saving the taxpayers money, $50 million. But let me be absolutely clear. I represent Los Alamos. They are in my district. They are for the Markey-Ensign amendment because they want science and scientists to have a chance.

So, my good friend should not mention Harold Agnew who is a good public servant. But he was 15 years ago. He is a contractor now. Of course, he has an interest. We respect that.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. RICHARDSON. I yield to the gentleman from California.

Mr. HUNTER. Mr. Chairman, I thank the gentleman for yielding.

Would the gentleman tell me what contracting firm Mr. Agnew is supposed to be working for now?

Mr. RICHARDSON. General Atomics.

Mr. HUNTER. General Atomics is excluded from being able to participate in this amendment.

I would ask how much time we have remaining, Mr. Chairman.

The CHAIRMAN. The gentleman from California [Mr. HUNTER] has 3 minutes remaining.

Mr. HUNTER. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from Kansas [Mr. TIAHRT] to whom we always give plenty of time.

Mr. TIAHRT. Mr. Chairman, I appreciate the additional time. With all due respect, I must rise in opposition to this amendment.

Since 1992, the Department of Energy has been working on this alternate source for producing tritium and they tell us they are 3 to 4 years away from doing that. It is going to cost taxpayers more money.

I want to remind the body that the Department of Energy is the same agency that the Vice President told us in the National Performance Review misses 20 percent of its milestones and is 40 percent inefficient. That means that their estimates could be longer than expected and overrun in cost.

But if we use the multipurpose reactor for the production of tritium, it represents a tried and true technology. This technology would also be the least cost to the American taxpayer and it would guarantee that we are going to produce tritium on time.

Mr. Chairman, I, along with my other colleagues on the Committee on National Security, are concerned—but not surprised—about the lack of progress that the Department of Energy has been making toward this long-term source of tritium and it is essential if we are going to maintain our nuclear weapons for nuclear defense.

But we cannot allow our nuclear weapons capability to diminish just to satisfy an antinuclear coalition in the administration and in the Department of Energy. We need to do what is right for the American people and for the national defense.

Time is running out. And we cannot afford to wait on the Department of Energy to get its act together. I urge my colleagues to defeat the Markey amendment.

Mr. MARKEY. Mr. Chairman, I yield 30 seconds to the gentleman from Nevada [Mr. ENSIGN].

Mr. ENSIGN. Mr. Chairman, just a couple of points. First of all the multipurpose reactor, that technology has not been developed as well. We have never produced with the reactor the amount of tritium that we are talking about developing today.

Also, the tritium, as far as technologically, has been produced from an accelerator. This is false when my colleagues say it has not. Granted, I will admit that the accelerator technology is not as far along, but we have the time to see whether we can develop this technology with an accelerator. No question about it. It is environmentally the safest thing to do.

Mr. HUNTER. Mr. Chairman, I understand we have the right to close the debate.

The CHAIRMAN. The gentleman from California [Mr. HUNTER] has the right to close.

Mr. MARKEY. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. BROWN].

Mr. BROWN of California. Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from Massachusetts.

Mr. Chairman, I rise in strong support of the Markey-Vucanovich-Ensign amendment. What this bipartisan amendment does is very simple: It allows the existing search for the best site and the best technology for the provision of tritium to go forward. The Department of Energy has been engaged in an evaluation of five different technologies and five different sites and a decision is expected in late summer or early autumn.

H.R. 1530 threatens to derail that process. It would add $50 million to the administration's request for tritium work and would choose a winning site—Savannah River—and a winning technology—the so-called triple play reactor proposal led by Ansea, Brown & Boveri. In choosing a winner, H.R. 1530 short-circuits the process of technology and environmental evaluation that was intended to guarantee that the taxpayers get a tritium facility that minimizes its nuclear proliferation potential, is environmentally sound and cost effective.

I am not saying that I know that the ABB proposal is the most expensive or least attractive or that Savannah River is an inferior site. The fact is I don't know that. But that is precisely the point: No one in this body knows which technology, which consortia and which site offers the best deal for the taxpayer. There is no record of judgment by impartial experts that we can turn to for guidance because the experts are still doing their work. There are no hefty hearing volumes documenting the full and exhaustive review of this billion dollar deal to explain why we must intervene to stop that impartial review and pick or own winner.

Some of my friends on the other side of the aisle like to say that bureaucrats aren't good at picking winners and losers among technologies; I would suggest that when it comes to choosing winning technologies, Congress makes bureaucrats look like geniuses.

There is general agreement that we need a new tritium facility. But let us give our citizens a facility that is the best that their money can buy. To do that, we need to repudiate a pork-driven decision, we need to let the selection process go forward to let these technologies and sites compete. Support good government and a fair process. Vote for Markey-Vucanovich-Ensign.

Mr. MARKEY. Mr. Chairman, I yield myself my remaining time.

Mr. Chairman, let me conclude by saying this. Using the words of the gentleman from California [Mr. HUNTER], Massachusetts does not have a dog in this fight. This is not a battle that I certainly have any interest in.

My only problem with this whole debate is that after a day of sanctifying the whole concept of procurement reform just 2 days ago, we now come back out here on the floor and we allow for a single Member to earmark a specific technology that does not even exist to be the exclusive way that we are going to produce one of the most important defense technologies in our country.

Now, we keep hearing about a 3-in-1 technology. It is good for plutonium. It is good for electricity. It is good for this. It is good for that. It sounds like you are listening to an ad for a chopomatic at 3 a.m. in the morning on channel 43.

This technology does not exist. And, in fact, although we are talking about $50 million out here, the truth is it triggers $6 billion worth of reactor that has to be built. By the way, a reactor which has never produced tritium before.

The technology which they are selecting has never, in fact, performed this task before. Now, you hear the word linear accelerator. What does that mean? Well, it is just another fancy word for saying atom smasher. That is what a linear accelerator is.

Right now the National Academy of Sciences, the Department of Energy, the Department of Defense, are evaluating linear accelerators as opposed to this new reactor which has never been tested with regard to which is the better way of going to produce tritium in this country.

Now, I do not care which technology they select, but I do know that this bill should not have $50 million in it for a Swedish firm for a technology that ultimately triggers $6 billion worth of expenditures before we have had a technical evaluation. That is what this whole debate is about.

And the $50 million is opposed by the National Taxpayers Union, by the gentleman from Nevada [Mr. ENSIGN], by the gentlewoman from Nevada [Mrs. VUCANOVICH], and a cross-section of Democrats and Republicans that want a balanced budget, fairly done, with logical assessment done of each and every item. This provision violates every one of those principles.

Mr. HUNTER. Mr. Chairman, I yield such time as he may consume to the gentleman from Idaho [Mr. CRAPO].

Mr. CRAPO. Mr. Chairman, I rise in strong support of the committee's product. We in Idaho are doing some critical research under this proposal that will help us to develop this program.

Mr. HUNTER. Mr. Chairman, I yield our remaining time to the gentleman from Texas [Mr. THORNBERRY].

The CHAIRMAN. The gentleman from Texas [Mr. THORNBERRY] is recognized for 1½ minutes.

Mr. THORNBERRY. Mr. Chairman, the Texas panhandle is a long way from either Savannah River or from Nevada where the accelerator would be built, but I think it is very important to make these basic points.

We have no choice on tritium. Everyone has agreed with that. And we need it quickly. Now, this is a gas that deteriorates at a rate of approximately 5 percent a year. We have built none in this country since about 1988. And the longer we take, particularly with an unproven technology, the worse off it is for the security of this country.

I think the key point, however, that I want to make is this. The committee version advances both options. Currently, the Department of Energy is only looking at one option and that is an accelerator. They are not considering in any manner the sort of reactor that would be considered under this bill.

Now, I will tell my colleagues that in my district we have got a lot of excess plutonium that is building up as we dismantle weapons that we are bringing back from Europe. We have got to figure out what to do with that plutonium and the reactor is one option that we ought to consider as a way to dispose of that excess material.

The Department of Energy will not even consider it and there are no other technologies that are even close to being considered at the current time. The committee bill gives approximately the same amount of money toward the accelerator as the gentleman's amendment would do, but it adds to that. It doubles the amount of money because of how important this gas is and it gives us another option to look at.

We are not bound to any option forever, but it does push forward the process on both counts so that we can find the best, most economical, safest way to produce tritium and that can accomplish our other security goals as well.

Mr. SPENCE. Mr. Chairman, I rise in support of the committee position and in opposition to the Markey amendment which would cut funding for a new tritium production source by 50 percent. The Markey amendment would also erect additional barriers not in even the administration's request to achieving a low-cost, reliable supply of tritium.

Tritium is needed to ensure the safety and reliability of the U.S. nuclear weapons stockpile. Because tritium decays at a rapid rate, it must be regularly replenished. However, the United States currently has no capacity to produce tritium and therefore a new production source has been in the works for years.

H.R. 1530 directs the Department of Energy to pursue the lowest cost, most mature technology to accomplish this mission—and that is a reactor. Reactor technology has produced all of the tritium currently used in U.S. nuclear weapons.

The committee also endorsed using reactor technology to burn plutonium and to generate electricity. The prospect of private sector financing could also dramatically reduce the cost of the American taxpayer of this critically important undertaking.

The Markey amendment would cut the funds added by the committee for future tritium production, and would give the Department of Energy the final say over which tritium production technology should proceed. We fear that the Department is headed in the direction of actually selecting the less mature, more costly accelerator option.

Let us do what's right to most cost-effectively ensure our ability to maintain our nuclear weapons stockpile. Let's get on with this innovative cost-saving approach to producing tritium. The only way to do this is to support the committee and vote "no" on the Markey amendment.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Massachusetts [Mr. MARKEY].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. HUNTER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 214, noes 208, not voting 12, as follows:

[Roll No. 381]

AYES—214

Abercrombie
Ackerman
Allard
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Boehlert
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Bunn
Camp
Cardin
Chabot
Christensen
Clay
Clayton
Coble
Coleman
Collins (IL)
Condit
Conyers
Costello
Coyne
Cramer
Crane
Danner
DeFazio
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Duncan
Durbin
Edwards
Engel
Ensign
Eshoo
Evans
Farr
Fattah
Fawell
Fazio
Fields (LA)
Filner
Foglietta
Forbes
Ford
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Gephardt
Geren
Gibbons
Gordon
Green
Greenwood
Gutierrez
Hamilton
Hefner
Hinchey
Hoekstra
Holden
Hoyer
Istook
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kasich
Kennedy (MA)
Kennedy (RI)
Kildee
Klink
Klug
LaFalce
Lantos
LaTourette
Lazio
Leach
Levin
Lewis (GA)
Lincoln
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney
Manton
Manzullo
Markey
Martini
Mascara
Matsui
McCarthy
McDermott
McKinney
McNulty
Meehan
Menendez
Metcalf
Meyers
Miller (CA)
Mineta
Minge
Mink
Moakley
Moran
Morella
Myers
Nadler
Neal
Neumann
Ney
Oberstar
Obey
Olver
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pomeroy
Porter
Poshard
Rahall
Ramstad
Rangel
Reed
Regula
Reynolds
Richardson
Riggs
Rivers
Roemer
Rogers
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Shays
Skaggs
Skeen
Slaughter
Stark
Stokes
Studds
Stupak
Tanner
Taylor (MS)
Thurman
Torkildsen
Torres
Torricelli
Towns
Tucker
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Ward
Waters
Watt (NC)
Waxman
White
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Zimmer

NOES—208

Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Canady
Castle
Chambliss
Chenoweth
Chrysler
Clement
Clinger
Clyburn
Coburn
Collins (GA)
Combest
Cooley
Cox
Crapo
Cremeans
Cubin
Cunningham
Davis
de la Garza
Deal
DeLauro
DeLay
Diaz-Balart
Doolittle
Dornan
Dreier
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Flanagan
Foley
Fowler
Franks (CT)
Frisa
Funderburk
Ganske
Gejdenson
Gekas
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Goss
Graham
Gunderson
Gutknecht
Hall (OH)
Hall (TX)
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hilliard
Hobson
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Johnson (CT)
Johnson, Sam
Jones
Kelly
Kennelly
Kim
King
Kingston
Knollenberg
Kolbe
LaHood
Largent
Latham
Laughlin
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
Longley
Lucas
Martinez
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
Meek
Mica
Miller (FL)
Molinari
Mollohan
Montgomery
Moorhead
Murtha
Myrick
Nethercutt
Norwood
Nussle
Ortiz
Packard
Paxon
Pickett
Pombo
Portman
Pryce
Quillen
Quinn
Radanovich
Roberts
Rohrabacher
Ros-Lehtinen
Rose
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Shadegg
Shaw
Sisisky
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stump
Talent
Tate
Tauzin
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Tiahrt
Traficant
Upton
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff

NOT VOTING—12

Chapman
Collins (MI)
Dickey
Fields (TX)
Flake
Hastings (FL)
Kleczka
Mfume
Oxley
Shuster
Thornton
Yates

☐ 1220

Messrs. ROHRABACHER, GILCHREST, GONZALEZ, LATHAM, and WHITFIELD changed their vote from "aye" to "no."

Messrs. DICKS, LAZIO of New York, METCALF, MYERS of Indiana, ROGERS, PARKER, BUNN, JEFFERSON, KENNEDY of Rhode Island, and Ms. BROWN of Florida changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. MFUME. Mr. Speaker, I was, unfortunately, detained in my congressional district in Baltimore earlier today and thus forced to miss two record votes. Specifically, I was not present to record my vote on roll call vote number 380, approving the previous day's journal, and roll call vote number 381, the Markey amendment.

Had I been here I would have voted yea on roll call vote number 380 and yea on roll call vote number 381.

The CHAIRMAN. It is now in order to consider amendment No. 1 printed in subpart G of part 1 of the report.

AMENDMENT OFFERED BY MS. DELAURO

Ms. DELAURO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. DELAURO: Page 311, strike out lines 1 through 13, relating to section 732 (expansion of existing limitations on the use of defense funds for the performance of abortions).

The CHAIRMAN. Under the rule, the gentlewoman from Connecticut [Ms. DELAURO] and a Member opposed each will be recognized for 20 minutes.

Does the gentleman from California [Mr. DORNAN] claim the time in opposition?

Mr. DORNAN. Yes, Mr. Chairman.

The CHAIRMAN. The Chair recognizes the gentlewoman from Connecticut [Ms. DELAURO] for 20 minutes, and then the gentleman from California [Mr. DORNAN] will be recognized for 20 minutes.

Ms. DELAURO. Mr. Chairman, I yield myself 2 minutes.

Ms. DELAURO. Mr. Chairman, I offer this bipartisan amendment on behalf of myself, the gentlewoman from Colorado [Mrs. SCHROEDER], the gentlewoman from California [Ms. HARMAN], the gentleman from Massachusetts [Mr. TORKILDSEN], and the gentleman from Kentucky [Mr. WARD]. Our amendment strikes language in this bill that would prohibit privately funded abortions from being performed at overseas military hospitals.

Mr. Chairman, this amendment preserves the right to choose for female military personnel and dependents, and it insures that these women who serve our country in uniform are not denied safe medical care simply because they are assigned to duty in other countries.

I want to emphasize several points about our amendment:

First, it simply continues current policy that allows women to use their own funds. Let me repeat that: Their own funds to pay for abortions in overseas military hospitals. These patients are charged the full reimbursement rate for same-day surgery, more than the cost for abortion services at private facilities in this country, in order to insure that no Federal funding is involved.

Second, no medical providers will be forced to perform abortions. This amendment preserves the conscience clause that already exists in all branches of the military.

Third, this is not a new policy. Privately funded abortions were allowed at overseas military facilities from 1973 to 1988, including all but a few months of the Reagan administrations, and they have been permitted again since President Clinton's executive order of January 1993. The ban that existed from October 1988 to January 1993 was the exception.

This amendment involves no special treatment or taxpayer funding. It simply assures that women who served in the armed services have access to safe medical care.

I urge the support for this amendment.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The Chair recognizes the gentleman from California [Mr. DORNAN] for 20 minutes.

Mr. DORNAN. Mr. Chairman, I will have about 11 speakers, and do I understand correctly, sir, that there is 20 minutes on each side? I have come up with a strict time allocation, and I have several people from leadership. I have a medical doctor who is an Army major that will be my leadoff speaker, and I will ask the folks speaking to please understand my problem when I say I cannot yield any additional time to them. This is not one of the easiest things.

The CHAIRMAN. Does the gentleman from California [Mr. DORNAN] yield time to himself?

Mr. DORNAN. Yes, Mr. Chairman, I yield myself 1 minute, possibly 2.

The CHAIRMAN. The gentleman from California is recognized then for 1 minute.

Mr. DORNAN. Mr. Chairman, not only will I have an Army doctor, a major, one of our newest Members, the gentleman from Florida [Mr. WELDON], to speak, and those stalwarts who are all chairmen now like the gentleman from Illinois [Mr. HYDE] and the gentleman from New Jersey [Mr. SMITH]. Our whip is going to speak early on here, the gentleman from Texas [Mr. DELAY], the secretary of our conference, the gentlewoman from Nevada [Mrs. VUCANOVICH], some other freshmen, people who have been leaders in this issue, the gentleman from Missouri [Mr. VOLKMER], one of the great pro-lifers in this House on the other side of the aisle, and we are not going to have time even with all those great speakers to get into a fulsome abortion debate, but I missed the press conference this morning organized by our freshmen about, and this is what people who are pro-abortion or pro-choice do not want to discuss, called partial birth abortion, where they start the birth process, they bring the baby—it is not a fetus at this point—down into the birth canal, and then they suck its brains out. They do not want to talk about things like that. I do not want anything like that going on in military hospitals.

The CHAIRMAN. The time of the gentleman from California [Mr. DORNAN] has expired.

Mr. DORNAN. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I do not want this going on in military hospitals, nor does a single doctor, male or female, Army, Navy, Air Force, Marine Corps uses Navy doctors, want to do this. Our defense dollars are to save lives, not to flatline brain waves and not to snuff out little beating hearts.

So, with that I will just say there is going to be a lot of misinformation. These are military hospitals paid for with tax dollars, and so are the doctors.

Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. WELDON], an Army major, Army medical doctor.

Mr. WELDON of Florida. Mr. Chairman, I thank the gentleman from California for yielding this time to me, and I will try to make my comments brief so that perhaps some of the other speakers would have the time that they need.

I would just like to share with my colleagues on both sides of the aisle that, when the Reagan policy was initiated, I was in the Army Medical Corps. and I was practicing medicine. I was actually in my residency, and I was working with many ob/gyn residents, and the general consensus, at least amongst the people who are out there doing what we asked them to do, was that we very much appreciated the Reagan policy because the feeling amongst most physicians is that providing abortions is not medical care. Most physicians go to medical school because they want to help the sick and help the needy, and the idea of using those skills to snuff out the life of the unborn is directly in contradiction with the principles that drew them into medicine, and to have a military officer, a military medical officer of all people, involved in doing this procedure, the use of a military facility runs directly in contradiction with all of those principles that drew us, as physicians, into the Medical Corps, and we were very grateful for that policy, and I am very much wholeheartedly in support of the gentleman from California, Mr. DORNAN's, amendment. I believe that it will be upheld.

I believe the sentiment of this Congress has shifted in favor of our position, and I speak as a man of experience who has been out there taking care of military families, and speak with that experience, and I say to my colleagues that this policy is very, very much embraced by the officers in the Army Medical Corps, in the Air Force Medical Corps, who wholeheartedly support the belief that we should be in this business.

□ 1230

Ms. DELAURO. Mr. Chairman, I yield myself 10 seconds just to make a comment on what the prior speaker said.

Mr. Chairman, there is the conscience clause which is preserved, as in all branches of the military, as it is here. So there is no military personnel, professional personnel, who has to deal with performing a procedure.

Mr. Speaker, I yield 1½ minutes to a cosponsor of this amendment, the gentleman from Massachusetts [Mr. TORKILDSEN]. It is a pleasure to yield in the bipartisan spirit of this amendment.

Mr. TORKILDSEN. Mr. Chairman, I rise today in support of this amendment to protect the basic right of women to choose.

To reiterate, under the law now no military personnel can be forced to participate in an abortion if they do not choose to. There is a conscience clause which will still remain in effect if this amendment passes, and I hope this amendment passes.

We all understand, whether we agree or not, that safe and legal access to abortion is the law of the land. The provision in this bill which we are seeking to strike would deny that right to service women, to the spouses of service men, and to their dependents who are overseas.

Current defense policy does not contribute any funds for abortion services. As a supporter of the Hyde amendment, and I repeat that, I am a supporter of the Hyde amendment, I agree with that policy. Federal funding is not the issue here. This amendment will correct a provision in the defense bill that would discriminate against women in the military.

Passage of this amendment will only allow current policy to continue. If a woman seeks to have an abortion, she can do so, but only if she uses her own funds. Let us keep that basic right and vote yes for this amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The gentleman yields back 15 seconds.

Mr. DORNAN. Mr. Chairman, I yield 1½ minutes to the gentleman from Texas [Mr. DELAY], our leadership on this side, our whip.

Mr. DELAY. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise in very, very strong opposition to the DeLauro pro-abortion amendment. As many of you know, the majority of Americans oppose Federal funding for abortion.

However, just 4 days after his inauguration, President Clinton issued an executive memorandum allowing military facilities to perform abortions.

The DeLauro amendment takes the President's memorandum even further, to codify the use of Federal tax dollars for abortions in U.S. overseas military facilities.

Make no mistake about it. When the taxpayers spend their money to open the clinics and open the hospitals, to build the facilities and pay for the doctors, taxpayers are paying for abortions that may be paid for by the woman, but that fee in no way covers the cost of these facilities.

The Dornan language now in the bill passed overwhelmingly in committee. The Dornan language simply restores the Reagan and Bush policy that prohibited overseas military facilities from performing abortions.

As my friends on the other side of the aisle will agree, this is a very emotional issue, so let me be very clear about what is happening here. President Clinton and supporters of the DeLauro amendment are obligating men and women who have taken the Hippocratic Oath, who may find abortion morally and professionally unconscionable, to perform abortions in federally funded facilities. It is not only morally offensible, but it is an abuse of Federal tax dollars. Vote no on the DeLauro amendment.

Ms. DELAURO. Mr. Chairman, I yield myself 10 seconds.

Mr. Chairman, this amendment in no way adds to current law. It simply strikes the new language in the bill. It does not go further than what current law is all about. Women pay for these costs, and it is a price determined by the military hospital, payable to the U.S. Treasury.

Mr. Chairman, I yield such time as he may consume to the gentleman from Texas [Mr. BENTSEN].

Mr. BENTSEN. Mr. Chairman, I rise in strong support of this amendment.

Mr. Chairman, I rise in support of the DeLauro amendment to the Defense authorization bill. This amendment simply preserves the right for our female military personnel and their dependents stationed abroad to have the same constitutional rights guaranteed to women here in America.

Current policy allows women stationed overseas to use their own personal funds to obtain abortion services at military hospitals. This legislation seeks to reverse this policy and ban such privately funded abortions. This is wrong and contrary to public law. We should not discriminate against female military personnel just because they are stationed overseas.

The issue here is not taxpayer funding nor special treatment for these women. No military medical providers would be forced to perform abortions. No Federal funds would be used. This is just an issue of fairness to the women who sacrifice every day to serve our Nation. They deserve the same quality of care that women in America have access to each day. American women here and abroad should have the right to choose. This right is protected by the Roe versus Wade Supreme Court decision and ultimately the U.S. Constitution. The DeLauro amendment simply reaffirms this right. It is an issue of fairness and equity. I urge my colleagues to support it.

Ms. DELAURO. Mr. Chairman, I yield 2 minutes to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Chairman, I thank the gentlewoman from Connecticut for her leadership on this.

She is absolutely right. If we do not pass this amendment, what we are going to be doing is making the women who serve either as dependents, following their spouses around wherever they are ordered to go, or women in the military second class citizens.

We are sending them all over the world. They do not get to pick where they go, they are ordered where to go, all over the world to protect our freedoms, and then denying them the very same freedoms that they would be allowed at home.

Now, I think it is so important to say that their being able to exercise these freedoms impinges on no one in the military, because the conscience clause is there, alive and well, and any military medical personnel can exercise it.

Second, these fees are set the same way they are set in the private sector; that is, there is a pro rata share of the overhead assessed. So the people are paying the full cost of this.

Mr. Chairman, only 10 of these have happened since this was lifted. This is not something someone does lightly. But it is something when you are far away from home and something goes wrong with the pregnancy or something happens that the woman's life or health is in jeopardy, you would like to think they have the constitutional right and the backing of the U.S. Congress, that ordered them into this place way far away, to be able to exercise those rights and protect their health. That is what this is about.

Are we going to treat these people as full class citizens, or aren't we?

When we station military personnel we do not ask them to give up their rights to free speech, to exercise their religion, to assemble. We don't require them to give up their legal protections against illegal searches and seizures, the right to a speedy and public trial, a right to an attorney. This bill, as reported out of the subcommittee, asks military women and dependents to give up their legally protected right to choose.

Currently, active duty women stationed overseas, and dependents of military personnel stationed overseas are guaranteed the same rights that they would have if they were stationed stateside because they are allowed to pay the costs of an abortion in a military hospital out of their own pocket. Currently, no DOD funds can be used to fund abortions unless the life of the mother is in danger. Currently, no military medical personnel are required to perform an abortion if they object to doing so, unless the life of the mother is at risk.

The ban on privately paid abortions for military women overseas strips women of the very rights they were recruited to protect.

The ban on abortions at military hospitals is unfair, dangerous, and discriminatory to military personnel. Prohibiting women from using their own funds to obtain abortion services at overseas military health facilities endangers their health. Women will be forced to seek out illegal, unsafe procedures, or be forced to delay the procedure for several weeks until she can return to the States. The question for our House colleagues is whether they can justify limiting constitutionally protected rights and providing a lower standard of health care to military women and family members simply because of their geographical location. I cannot.

Mr. DORNAN. Mr. Chairman, I yield 1 minute to the gentlewoman from Nevada [Mrs. VUCANOVICH], part of our leadership.

Mrs. VUCANOVICH. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, the men and women who serve as military doctors in our armed services take an oath to save and defend lives. Most do not want to participate in the destruction of human life. Despite the great reluctance of doctors to perform abortions—the Pentagon, under the direction of the Clinton administration, is insisting that a way be found to allow abortion on demand at our military facilities.

While women seeking an abortion must pay for the procedure—having the procedure take place at a military hospital raises concerns regarding the use of taxpayers money to subsidize abortion-related expenses.

Opponents of the Dornan provision may argue that many nations hosting U.S. military bases may have limits on abortions—making it difficult to obtain this procedure safety—however the military is bound to respect the laws of host countries including any restriction on abortions. Furthermore, U.S. women overseas may continue, as they have for years, to go to Germany and use facilities that are just as safe as anywhere in the United States. The DeLauro amendment would strike this provision in the bill despite the fact that military doctors want nothing to do with aiding the destruction of unborn children and that the majority of the American people do not want their tax dollars to subsidize abortion either directly or indirectly. I urge my colleagues to reject the DeLauro amendment and support this Dornan provision included in H.R. 1530.

Ms. DELAURO. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE. Mr. Chairman, let me offer my unanimous consent in support of the DeLauro-Schroeder amendment to keep freedom among our American men and women in the military and to support the right of life of women.

Mr. Chairman, President Clinton had made a positive move in affirming the importance of women's health when he lifted the Department of Defense ban that prohibited women from obtaining abortion services at military facilities overseas, even if paid for with their own private funds. Today, the Republican majority of the National Security Committee believe the ban should be reinstated. This would be a tragedy.

I rise in support of the DeLauro amendment to H.R. 1530 that would strike this provision from the bill. A woman's right to choose is constitutionally protected, and such protection is still guaranteed for U.S. citizens who are serving their country on foreign soil. The issue at hand is not about who will pay for the abortion, or whether or not it is constitutionally right, but if women who serve overseas will have access to good medical care.

Getting a safe, legal abortion in the United States is relatively simple. However, living in a foreign nation where abortion is illegal or the blood supply may be unsafe creates a considerable burden for a woman seeking sensitive medical attention—attention that could be safely administered in a U.S. military facility. It would be of no advantage to our military forces for their female service members to be exposed to medical conditions that pose a substantial risk of infection, illness, or even death.

As a recent New York Times editorial proclaimed, by including this language in the bill, the National Security Committee is sending a clear message to America's military women: "They can fight for their country. They can die for their country. But they cannot get access to a full range of medical services when their country stations them overseas."

I urge my colleagues to oppose the committee's language by voting in favor of the DeLauro amendment.

Ms. DELAURO. Mr. Chairman, I yield such time as he may consume to the gentleman from California.

Mr. FARR. Mr. Chairman, I rise in support of the amendment.

Ms. DELAURO. Mr. Chairman, I yield 1 minute to the gentleman from Arizona [Mr. KOLBE].

Mr. KOLBE. Mr. Chairman, I rise in support of the DeLauro-Harman-Torkildsen amendment, which upholds current military policy to permit American troops and dependents stationed overseas to obtain privately funded abortion services in military facilities.

We should not look at this as a pro-choice or pro-life issue. It is really a discrimination issue. Abortion is legal in the United States, and servicewomen serving the United States at a base overseas should not be denied safe reproductive health services.

As my colleagues have pointed out, we are talking about privately funded abortions. Servicewomen and their dependents use their own money to obtain an abortion. No Federal funds are involved. Furthermore, and this is just to correct something that has been said a couple of times here, medical personnel have the option to opt out and not participate in an abortion procedure.

Servicewomen and their dependents deserve to know they will have access when they are overseas to safe reproductive health service. A woman's health should not be jeopardized because she is serving the U.S. military in a country where medical facilities are inadequate or an abortion is illegal. This Congress has made great strides to get government out of people's lives. We should not take a step back. I urge a "yes" vote on the amendment.

Mr. DORNAN. Mr. Chairman, I yield 2¼ minutes to the gentleman from New Jersey [Mr. SMITH], one of our great pro-life leaders in the House.

Mr. SMITH of New Jersey. Mr. Chairman, the largely untold story concerning Mr. Clinton's unethical order of January 22, 1993, to turn DOD health care facilities into abortion mills is that military obstetricians, nurses, and anesthesiologists around the world adamantly refused—and continue to refuse—to comply with the death order.

In so doing, these men and women in uniform from Europe to the Pacific have demonstrated to use all that they are healers first and always, and that they regard it as inconsistent and schizophrenic with the role of healers to be butchers of innocent children.

Because of their deep convictions and reverence for human life, no one will ever say of them, when the injustice of permissive abortion is finally exposed, that they were just following orders.

The military doctors' steadfast refusal to inject children with hypodermic needle dripping with poisons or to dismember unborn babies with razor tipped knives hooked up to suction machines, only underscores how seriously these physicians regard the value, dignity, and integrity of each and every human life.

These medical people are healers. They are defenders of vulnerable kids who have been put at risk by the abortion culture. They recognize that the highest calling of their profession is to protect, nurture, safeguard all of their patients, including unborn babies.

In like manner, under the Dornan language, DOD hospitals and health care facilities, will once again be institutions exclusively dedicated to healing.

Unless you construe an unborn child to be a tumor or cyst—and pregnancy itself a disease—abortion on demand as authorized by the DeLauro amendment has no place at these facilities.

With each passing day, Mr. Chairman, more Americans are peeling away the myths and euphemisms that cloak and sanitize abortion and are instead recognizing that abortion is child abuse.

The coverup of abortion methods is over.

Today, hearings began in the Judiciary Committee on outlawing the gruesome partial birth abortion. In this method the abortionist delivers most of the baby's body, however, the skull is cut while still inside the woman, and the brain sucked out.

Here's how Dr. Martin Haskell, who boasts of having performed over 700 partial birth abortions, described the procedure at a National Abortion Federation seminar on second trimester abortion:

> The surgical assistant places an ultrasound probe on the patient's abdomen and scans the fetus, locating the lower extremities. This scan provides the surgeon information about the orientation of the fetus and approximate location of the lower extremities. The tranducer is then held in position over the lower extremities.
>
> The surgeon introduces a large grasping forcep, such as a Bierer or Hern, through the vaginal and cervical canals into the corpus of the uterus. Based upon his knowledge of fetal orientation, he moves the tip of the instrument carefully towards the fetal lower extremities. When the instrument appears on the sonogram screen, the surgeon is able to open and close its jaws to firmly and reliably grasp a lower extremity. The surgeon than applies firm traction to the instrument causing a version of the fetus (if necessary) and pulls the extremity into the vagina.
>
> By observing the movement of the lower extremity and version of the fetus on the ultrasound screen, the surgeon is assured that his instrument has not inappropriately grasped a maternal structure.
>
> With a lower extremity in the vagina, the surgeon uses his fingers to deliver the opposite lower extremity, then the torso, the shoulders and the upper extremities.
>
> The skull lodges at the internal cervical os. Usually there is not enough dilation for it to pass through. The fetus is oriented dorsum or spine up.
>
> At this point, the right-handed surgeon slides the fingers of the left hand along the back of the fetus and "hooks" the shoulders of the fetus with the index and ring fingers (palm down). Next he slides the tip of the middle finger along the spine towards the skull while applying traction to the shoulders and lower extremities. The middle finger lifts and pushes the anterior cervical lip out of the way.
>
> While maintaining this tension, lifting the cervix and applying traction to the shoulders with the fingers of the left hand, the surgeon takes a pair of blunt curved Metzenbaum scissors in the right hand. He carefully advances the tip, curved down, along the spine and under his middle finger until he feels it contact the base of the skull under the tip of his middle finger.
>
> Reassessing proper placement of the closed scissors tip and safe elevation of the cervix, the surgeon then forces the scissors into the base of the skull or into the foramen magnum. Having safely entered the skull, he spreads the scissors to enlarge the opening.
>
> The surgeon removes the scissors and introduces a suction catheter into this hole and evacuates the skull contents.

The coverup of the methods of abortion is over.

As included in the bill, Mr. DORNAN's language honors these doctors and their profession and above all, safeguards both patients—mother and child—from the exploitation of abortion on demand. By reinstating the Reagan-Bush policy of prohibiting the use of DOD facilities for abortion on demand, this Congress can save precious lives—always a laudable goal.

The DeLauro amendment guts the Dornan language and will allow Mr. Clinton to force DOD facilities to get involved in the grisly abortion business.

Reject the DeLauro amendment.

Ms. DELAURO. Mr. Chairman, I yield 1½ minutes to the gentlewoman from California [Ms. HARMAN], a cosponsor of the amendment.

Ms. HARMAN. Mr. Chairman, I thank the gentlewoman and salute her.

Mr. Chairman, denying servicewomen the right to choose has no place in the defense authorization bill. During subcommittee and full committee markups, I repeatedly urged my colleagues not to include divisive social issues. Regrettably, a majority of the committee voted to repeal current policy and ban all privately funded abortions performed in military hospitals overseas. So now every woman on the committee, Democrat and Republican, rises today in support of striking this punitive and unconstitutional provision.

This is a matter of fairness. Servicewomen and military dependents stationed abroad do not expect special treatment, only the right to receive the same services guaranteed to American women by Roe versus Wade, at their own expense, that are available in this country. Under current policy, no Federal funds are used, and health care professionals who are opposed to performing abortions as a matter of conscience or moral principle are not required to do so.

Today's vote is part of a larger agenda to roll back a woman's right to choose. This agenda hurts military women overseas, and I urge my colleagues to depoliticize this issue and vote for equitable rights and health services for military women and military dependents serving patriotically overseas.

□ 1245

Mr. DORNAN. Mr. Chairman, I yield 1 minute to the gentleman from Florida, Mr. CLIFF STEARNS, another great pro-life leader and an Air Force officer.

Mr. STEARNS. Mr. Chairman, I thank the gentleman from California for yielding time to me.

Mr. Chairman, I rise in support of the language offered by the gentleman from California [Mr. DORNAN], and strongly object to the language offered by the gentlewoman from Connecticut [Ms. DELAURO].

I might point out to her and others that this identical vote occurred in the Committee on National Security on May 24, and the existing language was overwhelmingly accepted. Both Democrats and Republicans supported it, mostly Republicans supported it, except for three. In a showdown on the committee, the Dornan language was overwhelmingly supported. I think it should be supported on the House floor.

Let me say, Mr. Chairman, abortion in a tax-supported hospital is the question, nothing else. Also, when we talk about the military, there is a propensity for a professional and ethical climate. We should not allow this amendment to win. Only a scant few military physicians want to perform abortions, so we should keep that in mind. Let us vote with the military today, and vote against the amendment of the gentlewoman from Connecticut.

Ms. DELAURO. Mr. Chairman, I proudly, in the bipartisan spirit of this bill, yield 1 minute to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Chairman, I thank the gentlewoman for yielding time to me, and for introducing this amendment, which I strongly support.

Mr. Chairman, I rise in strong support of the DeLauro amendment, which would maintain the current policy guaranteeing that women serving in our Armed Forces can exercise their full range of constitutionally protected rights.

This amendment is not about using U.S. taxpayer dollars to finance abortion. Rather, it is an effort to assure that servicewomen based in Saudi Arabia or Guatemala, or other countries that do not allow abortion, will be able to access the medical facilities which we provide for them to attend to their own medical needs as they see fit. Even if women are serving in developing countries where abortion is legal, they are not likely to find the same high standards of cleanliness, safety, and medical expertise available at a U.S. facility.

The DeLauro amendment would simply allow servicewomen to obtain the same range of health services at those facilities that they can now obtain at home. This is not a complicated issue. The amendment would assure that women of our Armed Forces that they need not sacrifice their constitutional rights in order to serve their country. It would also assure our military men that their spouses would retain their full rights.

I urge members to support the DeLauro amendment.

Mr. DORNAN. Mr. Chairman, I yield 1 minute to the gentleman from Maryland, Mr. ROSCOE BARTLETT, one of the scientists who serves in the House, and another pro-life leader.

Mr. BARTLETT of Maryland. Mr. Chairman, H.R. 1530 contains language that returns us to the policy that stood during the Reagan and Bush years that prohibited abortions from being performed on military hospitals. Today's amendment would codify in law the radical change to this policy by the Clinton administration.

Mr. Chairman, it boggles my mind that we are even here today debating such an amendment. The purpose of our military hospitals is to save lives not to take them. Most military doctors believe this so strongly that it is next to impossible to find a military doctor who will perform an abortion. But to get around this policy, the pro-abortion forces are attempting to bring civilians onto military facilities, who they will pay large sums of money, to perform abortions. Most members of the military medical corps are so outraged by this procedure that they do not feel comfortable being on the same base where abortions are being performed.

Let us save innocent life, not take it. Let us abort the DeLauro amendment.

Ms. DELAURO. Mr. Chairman, I yield 1 minute to the gentleman from Kentucky [Mr. WARD] who is a cosponsor of the legislation.

Mr. WARD. Mr. Chairman, I rise to speak in favor of this amendment. Women who serve our country in the military overseas should have the same rights as women who serve in this country. To deny abortion services to these women which they pay for themselves is discrimination. Women would be left with no alternative, and, in a desperate situation, could risk their health and maybe their lives by seeking to terminate their pregnancy any way they can.

Mr. Chairman, an administrative ban is all that existed from 1988 to 1993. Before 1988, Defense Department policy allowed privately funded abortions, no Federal funds used, proffered for them to be available for women in the military overseas, in accordance with the law of the land as set forth in the Roe versus Wade decision of the Supreme Court.

Mr. Chairman, this is an issue of providing health care services for women who are doing their duty and serving their country.

Mr. DORNAN. Mr. Chairman, I yield such time as he may consume to the gentleman from Kentucky [Mr. BUNNING], the father of a full baseball team who is closing on 30 grandchildren.

Mr. BUNNING of Kentucky. Mr. Chairman, I rise in the strongest possible opposition to the DeLauro amendment to H.R. 1530, the Department of Defense authorization bill.

By seeking to force U.S. military hospitals to perform abortions, the Clinton administration is in my view promoting elective abortions contrary to the Hyde amendment policy and Federal law.

Under Supreme Court precedent, public hospitals can choose to deny to perform elective abortions regardless of whether these abortions would be paid for with public or private funds.

But the DeLauro amendment would mandate that Government-run military hospitals have to perform this awful procedure. Period. They would have no choice in the matter.

It does not make sense to me to have one set of policies for our civilian hospitals and another for the medical installations on our military bases.

Proponents of the DeLauro amendment rely on the argument that under this proposal abortions would not be paid for with public funds. But I have to disagree with this.

These abortions would be performed on taxpayer-supported bases in taxpayer-supported medical facilities.

The DeLauro amendment might claim that these abortions would be paid for with private funds. But the inescapable fact is that whether one talks about the funds that pay the hospital utility bills or for leased land that the base occupies, taxpayer dollars do support facilities that would carry out these abortions.

This contradicts the clear, strict language of the Hyde amendment that says that no Federal dollars can be used for abortion. It's that simple.

The other side on this issue tries to get around the Hyde amendment policy with their proposal. But the fact of the matter is that no matter how hard they try, they cannot.

Mr. Chairman, section 732 of the base bill that the DeLauro amendment purports to strike is nothing new. It is simply a restoration of the pro-life policies that we had under Presidents Bush and Reagan.

It was wrongly overturned by Executive order by President Clinton, and I staunchly believe that it is time now for Congress to assert its prerogative and reinstitute the Reagan-Bush policy.

I urge my colleagues to vote against the DeLauro amendment. We should not have elective abortions in America, and we certainly should not permit them on our overseas bases. This is one thing we certainly do not need to export from America.

The National Security Committee easily defeated this amendment, and for 12 of the last 15 years our national policy has argued the exact opposite position. Now it is time to defeat the DeLauro amendment and eliminate the outrage of elective abortion from our military bases.

Mr. Chairman, I urge all of my colleagues to vote against this disturbing amendment.

Mr. DORNAN. Mr. Chairman, I happily yield 2 minutes to the distinguished gentleman from Kentucky, Mr. RON LEWIS, a member of my Subcommittee on Military Construction.

Mr. LEWIS of Kentucky. Mr. Chairman, I rise today in opposition to the DeLauro amendment, which would keep the military in the business of sanctioning the taking of innocent life.

Under the Reagan and Bush administrations, the U.S. military's fine medical personnel stationed overseas did not double as abortionists.

When Bill Clinton became President, that commonsense and family-friendly policy was canceled by Executive order.

So much for making abortions rare.

Mr. Chairman, I believe with all my heart that abortion is wrong in every sense—unless the mother's life is threatened by her pregnancy.

A Navy commander who heads a surgical department said recently that he could not oversee an operating room that delivered babies in one room and killed them in the next.

Mr. Chairman, we should not put military doctors, who sacrifice many productive and lucrative years to serve our country, in this position.

Abortion is one of the issues that divide this Nation the most. People on both sides feel passionately about their position.

But I believe it is wrong and destructive to use the military as a wedge to divide the country further.

The fact is, our doctors and staff are overworked now, and their facilities overcrowded.

Military medical personnel are there to keep soldiers, sailors, airmen, and marines—and their families—alive and well.

They did not join the military to advance a liberal social agenda.

Mr. Chairman, the President's Executive order was wrong—and we have a chance to correct his mistake.

The military sometimes has to take a life in the defense of our country.

They should not have to take the life of an innocent baby.

I urge my colleagues to vote "no" on the DeLauro amendment.

Ms. DELAURO. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Chairman, I rise in support of the DeLauro amendment. I commend the gentlewoman for offering it and urge our colleagues to support it.

Mr. Chairman, I rise to add my voice to those in support of the DeLauro amendment to the Defense Authorization Act, to strike a provision which is a clear threat to the health of women military personnel and their families, as well as a threat to the constitutional rights of all American women.

Women stationed overseas in service to their country depend on base hospitals for medical care. These women are citizens ready and willing to sacrifice their lives for their country. Under the bill as it currently stands, however, these women are treated as second class citizens. Under this bill, these brave women would be denied access to safe medical care. These women are expected to serve without being served.

The issue here is not taxpayer funding. Women in the military currently must use their own funds to obtain abortion services at military hospitals.

The issue here is not forcing medical providers to perform abortion services. The DeLauro amendment maintains the conscience clauses already in effect.

The restrictive language in the defense authorization bill is obvious in its intent to deny women the right to choose. I urge my colleagues to have concern for the needs and safety of American women serving abroad and to support the DeLauro amendment striking the provision.

Ms. DELAURO. Mr. Chairman, again in the spirit of bipartisanship on this amendment, I yield 1 minute and 10 seconds, with pleasure, to the gentlewoman from New York [Ms. MOLINARI].

Ms. MOLINARI. Mr. Chairman, I rise today in strong support of the DeLauro amendment and the women who serve this country so diligently in the military. As James Madison once said, "Equal laws protecting equal rights (are) the best guarantee of loyalty and love of country." This amendment before us today is about equal protection under the law for all American women serving this great country.

When American women volunteered to risk their lives in order to protect our country, they did not volunteer to give up their rights, or their family's rights, to access adequate medical services and medical services available under law in our country. Many countries hosting U.S. military personnel simply do not provide the same level of health care services which make it necessary for our men and women to use military medical facilities.

By singling out abortion services and making it a crime to use your own money to pay for these services, women will undoubtedly be placed in great medical danger. If a woman serving overseas makes a personal choice to have an abortion, which is her legal right as an American citizen, she will risk an unsafe or illegal procedure.

I urge my colleagues to vote in favor of this amendment and for freedom and fairness to our military women.

Mr. DORNAN. Mr. Chairman, I yield such time as he may consume to the gentleman from Missouri, Mr. HAROLD VOLKMER, another outstanding pro-life leader in this Chamber on the Democratic side.

Mr. VOLKMER. Mr. Chairman, I rise in strong support for the life of the unborn, and in strong opposition to the amendment offered by the gentlewoman from Connecticut [Ms. DELAURO].

Mr. DORNAN. Mr. Chairman, it gives me great pleasure to yield 2 minutes to the entire delegation of the State of Wyoming, Mrs. BARBARA CUBIN, a hard charging Member and another great pro-lifer.

Mrs. CUBIN. Mr. Chairman, any women who has conceived a child, carried the child for 9 months, and then given birth to that child knows that life does begin at conception. Human life begins at conception.

I have heard it said several times over and over and over here today that a woman has a right to have an abortion. The fact is the Supreme Court declared that it was not unconstitutional to get an abortion, but it did not make abortion a right for anyone to have, although we know that everyone ought to have the right to live.

Federal funding for abortions and allowing abortions to be performed on U.S. military bases is just as wrong as taking the life of a small child. We depend upon the military might of this country to protect all its citizens, not just those who make it through the first 9 months of their life. We use the Armed Forces to protect the innocent, to protect the weak and the defenseless. Does that describe anyone that I have been talking about? That means children, Mr. Chairman. The military is there to protect the defenseless and the young from life to the grave.

We are also being asked to condone the taking of an unborn child's life on a U.S. military base, the very bases from which we are supposed to defend the lives of all Americans. That does not make much sense to me.

Mr. Chairman, as a matter of fact, the taking of an unborn child's life is totally senseless. When we consider that only 5 percent of the pregnancies that occur are a result of rape, incest, or failed birth control, that means people need to make responsible decisions about preventing pregnancies if they do not want to have a child. Mr. Chairman, I will vote "no" on this amendment, and I hope the rest of my colleagues will, too.

Ms. DELAURO. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. NADLER].

Mr. NADLER. Mr. Chairman, without this amendment, the bill would prohibit abortions at Defense Department medical facilities abroad, even though no public moneys would be used to fund such abortions. It would deny American servicewomen the same constitutional rights, the same medical services available to women in the United States. The ignorant and incorrect statement of the preceding speaker notwithstanding, the Surpreme Court has declared the right to abortion a fundamental constitutional right.

Mr. Chairman, remember, we are not talking here of taxpayers' funds. The servicewomen would pay for their own abortions. No doctors would be forced to perform abortions. The conscientious clause remains. This bill is an assault. It is discrimination against our Nation's servicewomen abroad, not only because we would deny them a right they are entitled to on American soil, but because we would force them to risk their lives in often substandard foreign medical facilities if they wish to exercise their constitutionally guaranteed right to choose.

□ 1300

This attack on American women must not be allowed to stand. I urge my colleagues to join me in supporting this crucial amendment.

Mr. DORNAN. Mr. Chairman, I yield myself 15 seconds.

Hold the fire on the word "ignorant," folks. He says it was ignorant. Well, I think it is ignorant to use the word "ignorant" on this House floor.

I have a wife watching, three grown daughters who are all mothers, and folks, more than 50 percent of this country is female and they respect and treasure the sacred, precious life in their womb. This is assault-on-women garbage.

Mr. Chairman, I yield 2 minutes to the gentleman from Indiana [Mr. HOSTETTLER], a member of my committee, one of the best new Members of this House.

Mr. HOSTETTLER. Mr. Chairman, I rise in strong opposition to the DeLauro amendment. Mr. Chairman, we who serve on the National Security Committee have placed limits on the use of U.S. military facilities to make it clear those facilities should not be used to provide abortions.

Those who oppose these limits argue that their position is simply a matter of fairness.

Despite my questioning whether we can have any discussion of fairness without including the preborn, and despite my profound disagreement with the Supreme Court's reasoning in the Roe versus Wade decision, I want to concentrate on what I see as the real issue at hand.

The Supreme Court has told us that we have to allow the killings of preborn children. It has not, however, told us that government has an obligation to provide this service. The DeLauro amendment, I believe, obligates the United States to make sure abortion services and facilities are available at U.S. military bases.

There are many reasons why we should not obligate the military to provide facilities and services for abortion. For example, despite the assurances from the other side, I believe it is hard to argue there is no subsidy of abortion by U.S. taxpayers in this case. I believe there is a subsidy, though it may be indirect, because everything in our military medical systems is taxpayer-funded—from the doctor's education and availability, to the electricity powering the facility's equipment to the very building itself.

In addition, abortion—while declared legal by the Supreme Court—remains a very divisive practice, and allowing abortions to be performed on military installations would bring that discord and dissension right onto our military bases, complete with pickets and the like.

Some would also argue that it is especially offensive to make the military—an institution dedicated to preserving innocent life by deterring aggression—the provider of a procedure that ends innocent life.

While it is offensive, I see the true issue here to be whether Government has an obligation to provide a right declared by the Supreme Court to be embedded in the Constitution. I think not. In addition, Congress has the clear responsibility and right, as outlined in article 1, section 8, to provide for the rules and regulations of the military.

But I think this general principle is true beyond the unique circumstances of the military. The freedom of the press guaranteed by the first amendment, for example, does not obligate the Federal Government to provide every interested American with a printing press. Pushing this notion further, I ask, should we allow military facilities to be used for prostitution where it is otherwise legal, such as Nevada or Thailand? I think not.

It should not be the policy of the U.S. military to use those facilities to destroy an innocent preborn life.

For this reason, Mr. Chairman, I will vote against the DeLauro amendment, and urge all my colleagues to also vote against it.

Ms. DELAURO. Mr. Chairman, I yield such times as she may consume to the gentlewoman from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Chairman, I rise in strong support of the DeLauro amendment.

Mr. Chairman I rise in strong support of the DeLauro Amendment to the defense authorization bill.

One of the great landmarks in freedom for American women came when they won the right for reproductive choice. It is hard to think of a right more important, and it is unthinkable that an American women would have that right as a civilian, but lose it in the service of her country.

There has been a great deal of misrepresentation regarding this amendment. Let me take a moment to explain the truth about what this amendment does not do. With the DeLauro amendment only the current law would be retained, nothing new would occur. No taxpayer money would be used to perform abortions, only the private funds of individual women exercising their constitutional right. No military medical personnel would be forced to perform an abortion. The conscience clause that is currently in effect would be retained. Any person who feels unable or unwilling to perform an abortion would not be required to do so.

What this amendment does do, however, is to allow servicewomen to maintain their rights abroad while fighting to retain our rights here at home. It is crucial that as these brave women serve our country, they are allowed access to the identical safe health care that the Supreme Court has decided is a right of all American women.

Therefore, I urge my colleagues to vote in favor of the DeLauro amendment.

Ms. DELAURO. Mr. Chairman, I yield 45 seconds to the gentlewoman from Florida [Mrs. FOWLER], my colleague on the Committee on National Security.

Mrs. FOWLER. Mr. Chairman, I rise in support of the DeLauro amendment.

I see this as a simple matter of fairness. The women who proudly serve in the U.S. military overseas, and the dependents of U.S. military men overseas, should have access to the same quality of services that are legally available in the United States. The DeLauro amendment ensures this without causing taxpayer funds to be spent for any abortion procedure, and without requiring any health care worker who conscientiously objects to such a procedure from being compelled to participate.

Some would contend that taxpayers are footing the bill just the same because hospital utilities, administrative overhead, and the like would still be financed by the taxpayer. I believe this is a specious argument: If this is the new interpretation of the law, then any hospital in the United States that receives Medicaid or Medicare payments should be held equally accountable and forbidden from providing such services. I would contend that is wholly unenforceable and inappropriate position.

I urge my colleagues to support the DeLauro amendment and restore fairness to those who are serving our Nation overseas.

Mr. DORNAN. Mr. Chairman, I yield 1 minute to the best aviator and pilot in either Chamber, in the House of Representatives, and it hurts for me to say that, the Navy Commander, DUKE CUNNINGHAM of California.

Mr. CUNNINGHAM. Mr. Chairman, if you wanted a liposuction or a tummy tuck or a nose job, and you were in the military, even if you paid for it yourself, you should not be allowed to do that at a military base under taxpayer dollars.

The nonavailability letter, we have retirees that live in Mexico, and just like a civilian or military retiree, if you are overseas, all you do is get a letter of nonavailability. No rights are taken away from you, and you have the same rights as you are protected under in this country as well. In emergency situations that is taken care of and provided, especially if it is in case of a life of a mother.

But where taxpayer dollars are involved in this kind of thing, we don't ask you to support our side. You should not be asking other people to pay their taxpayer dollars that don't support your agenda. I ask a "no" vote on the DeLauro amendment.

Ms. DELAURO. The gentleman knows that there are no taxpayer dollars involved in this effort.

Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. ENGEL].

Mr. ENGEL. Mr. Chairman, I thank the gentlewoman for yielding me the time.

Mr. Chairman, this is a very sensitive debate. I respect the positions of people on both sides. But I would say to the people who oppose the DeLauro amendment, please stop trying to impose your morals on everyone else.

All we are saying is that each woman should be allowed to decide for herself. If she does not want to have an abortion, she does not have to have one. If she wants to have an abortion, then she ought to be entitled to the same things that all other American women are entitled to, that is, the right to choose.

Lipsosuction, tummy tuck, a nose job? Give me a break. How can you compare that, in all seriousness, to abortion?

People ought to have the right to choose. Let them make the decisions for themselves. No public money is being used. No taxpayer dollars are being used. Give women in the military the same choice as other women.

The people who talk about killing, have they ever voted for the death penalty? Let's stop the hypocrisy and let people have the right to choose for themselves.

Mr. DORNAN. Mr. Chairman, I yield 15 seconds to the gentleman from New Jersey [Mr. SMITH] for a response.

Mr. SMITH of New Jersey. Mr. Chairman, I am glad my good friend from New York brought up the death penalty and pointed out that there is killing involved in the taking of human life in abortion. I am one who has voted against the death penalty. I do not believe in it.

I would welcome and invite the gentleman and others who believe as he does to recognize that when chemical poisons and when dismemberment occurs on an unborn child, that is killing. We do not want to facilitate it. That is what this amendment is all about. This facilitates the killing of those babies.

Ms. DELAURO. Mr. Chairman, I yield 1 minute to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY. Mr. Chairman, I rise in strong support of this amendment. Let's be very clear. This amendment does not commit the use of Federal funds for abortion. It simply allows American servicewomen to use their own money to pay for abortion services at military bases abroad.

This amendment is critical to preserving the basic rights of American servicewomen. The bill before us penalizes women who have volunteered to serve their country by prohibiting them from exercising their constitutionally guaranteed right to choose. This Congress should not limit the constitutional rights of the brave women who are serving our Nation.

The bill also puts the health and lives of our servicewomen at risk. It says to a 19-year-old American woman who has been raped, if you become pregnant, go back to the back alley, go back to that back alley in some foreign country for an unsafe, illegal abortion. It tells our brave servicewomen that in your hour of greatest need, your own country will abandon you.

I urge Members to vote for the DeLauro amendment.

Mr. DORNAN. Mr. Chairman, I yield 1 minute to the gentleman from California, DUNCAN HUNTER, a Congressman, Army officer, and another great pro-lifer in this House.

Mr. HUNTER. Mr. Chairman, unlike my own colleague, DUKE CUNNINGHAM, I was no hero in service to my country and did nothing special, but I think all of us served under an ideal, and that ideal was best articulated by Gen. Douglas MacArthur speaking before this Chamber and before the U.S. Army graduates at West Point when he talked about duty, honor, and country. He said that the American soldier had a reputation for having a character which was honest, and he used another word, stainless.

It seems to me, Mr. Chairman, that when we ask our medical people in the military to do something that is highly unusual with respect to their charter as military officers, we ask them to take two very healthy people who come into a hospital, a mother and a child, totally healthy when they come in, and they leave, one as a wounded person as a result of deliberate medical procedure, and the other person leaves without their life, that is a misuse of the American military.

Ms. DELAURO. Mr. Chairman, I yield 1 minute to the gentlewoman from Oregon [Ms. FURSE].

Ms. FURSE. Mr. Chairman, women in the military deserve the same civil rights as all American women, and they deserve the same civil rights as all servicemen. All medical treatment is available for servicemen at military facilities. Our military women should not have to risk their health nor their civil rights when they serve this country. I urge Members to vote "yes" to the DeLauro amendment.

Ms. DELAURO. Mr. Chairman, I yield 30 seconds to the gentlewoman from California [Ms. WOOLSEY].

Ms. WOOLSEY. Mr. Chairman, I rise in strong support of the DeLauro amendment to H.R. 1530. H.R. 1530 tramples the rights of military women overseas by denying them their legal right to use their own funds to pay for abortion services.

Mr. Chairman, this body must not condone efforts to take away the legal rights of our female military personnel. The DeLauro amendment only corrects H.R. 1530's glaring violation of the rights of military women by simply preserving DOD's current policy on abortion.

I urge my colleagues to support the rights of our servicewomen and to support the DeLauro amendment.

Ms. DELAURO. Mr. Chairman, I yield 30 seconds to the gentlewoman from Georgia [Ms. MCKINNEY].

Ms. MCKINNEY. Mr. Chairman, it appears that some of my Republican colleagues are suffering from spring fever and can't wait to get their hands on women's bodies. In their rush to implement their neo-victorian social experiment, my colleagues are whittling away at the rights of women and minorities one chip at a time. If we are not careful, women will soon find themselves wearing chastity belts and baking cookies.

Ms. DELAURO. Mr. Chairman, I yield 45 seconds to the gentlewoman from New York [Mrs. MALONEY].

Mrs. MALONEY. Mr. Chairman, a large majority of the American people support a woman's right to choose. But the radical right in Congress wants to deny U.S. service people the same freedoms they enjoy in the United States, the freedom to pay out of their own pockets to have an abortion.

Legal or not, American women will exercise their right to choose. Don't force service people and their families into dangerous black market abortions overseas. This is senseless public policy. For the health, safety and freedom of those who serve our country, support the DeLauro amendment.

□ 1315

Mr. DORNAN. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida [Mr. SCARBOROUGH].

Mr. SCARBOROUGH. Mr. Chairman, I rise in opposition to the Delauro amendment.

Ms. DELAURO. Mr. Chairman, I yield 1 minute to the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Chairman, let me tell Members what this debate is really all about. Some of the most radical leaders in the new Republican majority are determined to end the right to choose for American women, and their first target is women in the military. Today they oppose the right of American women in the military to be treated with the same rights and dignity as every other American woman.

This is patent discrimination against American women who have volunteered to serve their country. While America applauds the courage and achievement of women in the military, the Dornan language treats them as second-class citizens. America's servicewomen are prepared to risk their lives in the service of their country. The antichoice forces now are prepared to ask them to also risk their lives in the legal termination of a pregnancy.

Support the DeLauro amendment and support those strong and courageous Republicans who have joined in support of her effort.

Ms. DELAURO. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Florida [Ms. BROWN].

Ms. BROWN of Florida. Mr. Chairman, I rise in support of the women in the military's right to choice.

Ms. DELAURO. Mr. Chairman, I would ask how much time remains on both sides.

The CHAIRMAN. The gentlewomen from Connecticut [Ms. DELAURO] has 1 minute and 45 seconds, and the gentleman from California [Mr. DORNAN] has 1½ minutes remaining.

Ms. DELAURO. Mr. Chairman, I yield myself 1¾ minutes, the balance of my time.

Mr. Chairman, in closing, what I would like to do is to emphasize that this amendment in fact is not about public funding, it is not about special treatment, it is in fact about preserving the right to choose, a right to choose that American women have in the United States.

And it is about safe health care for American military women who serve this Nation and serve it proudly, who are far from home, and who sacrifice every single day for this country, such as women who served proudly and gallantly in the Persian Gulf. They should be able to expect the Federal Government to protect their liberties, both at home and abroad.

This amendment restores current law. There is not a shred of public funding involved in it, contrary to what my colleagues on the other side would like to portray.

The conscience clause is preserved for all branches of the military so that those health professionals who do not want to perform this procedure do not have to do that. This is very, very simply about maintaining and preserving what is the right of women in this country, and that is the right to choose.

Why are we singling out women who serve this country for discriminating treatment? I urge support for the amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. DORNAN. Mr. Chairman, I yield myself such time as I may consume.

This is not a gender issue. Of my 14 offspring there are 7 of one gender, 7 of another, no confusion in between. This is about Federal taxpayer money. But I think I am willing to concede nobody in this Chamber is going to vote on that issue or should. The lights, the electric, the air-conditioning, the heat in winter, the maintenance of a facility, the pay of the military people who want to be protected from this burden of peer pressure or from a Clinton administration which says we are going to find a way to force this on them.

Mr. Chairman, we do live in a culture of death, and Clinton and his White House team are breathtaking pro-abortion, unlike any of the other preceding Presidents, not even close.

And, Mr. Chairman, one of my friends and colleagues on this side mentioned a Moslem country, the fringe of that country calls us the Great Satan, and this is the first thing they point to. They mentioned a Catholic country, and I think there has been a respectful debate on both sides except for the use of the word ignorant. He is good soul and he is probably sorry he did that. But it is tough when people use constitutional arguments, when I think this is the worst decision since the Dred Scott decision.

My ninth grandchild is one-quarter Jewish, proudly is going to be a baptized, christened on Sunday, and we will glorify his Jewish heritage and keep it in mind. The Nuremberg laws of the late thirties said my grandson Liam could not have served in that government. He was a non-person, and it was all legal under the German Constitution.

Vote "no" on the DeLauro amendment. Please support my language.

The CHAIRMAN. All time has expired.

Mr. DELLUMS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I have tried to listen to this entire debate, and tried to listen carefully to Members on both sides of the aisle. I would make several observations.

First, Mr. Chairman, I do not direct this in any sense of anger, but I would caution the Chair that I hope that it does not become a practice in this Chamber that we use the introduction of Members to extend the time. I think that is inappropriate. I think it is not within the confines of good and regular order on the floor of this Congress, and it is very time-consuming. I hope we do not slip down that slippery slope.

Having said that, let me make a couple of other comments.

PARLIAMENTARY INQUIRY

Mr. DELLUMS. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DELLUMS. Mr. Chairman, before I go forward let me propound a parliamentary inquiry so it does not come out of my time.

In introducing Members in this Chamber, is it appropriate to go beyond simply saying the gentlewoman or the gentlepersons from the location and their introduction? I would just like to know that.

The CHAIRMAN. Members should refer to other Members in the third person by State delegation.

Mr. DELLUMS. To proceed, there is one refrain, Mr. Chairman, that I have repeated on this floor, and that is that there ought to be integrity to the process. We all know that there are contentious issues that come to these Chambers, that are contentious issues that can be divisive and they can indeed be emotional. We all understand that.

But that is why we have a very delicate and very fragile and very deliberate legislative process; so that we hold hearings at the subcommittee and the full committee level so that we can deal with unintended consequences. We can try to define the issues as clearly and as precisely as possible so that when we get to the floor, we are indeed debating on the relevant issue that is before us.

Now, to take away a woman in the military's access to the legal procedure of abortion is obviously a contentious issue. I have listened to the debate here. There can be tremendous emotion, even divisiveness. But I would like to point out to my colleague that this provision in this bill that goes beyond current law did not result in 1 second, Mr. Chairman, of hearings at any level. It is a complete distortion of the legislative process.

That is why we are being paid, folks. To be legislators. This provision had no hearings; no opportunity to look into the consequences of this act. So, just on process alone, this provision in this bill should be rejected. We cannot continue to make a mockery of the process.

When we marched through this door the first day of the 104th Congress, there was a commitment to openness, a commitment to fairness, and a commitment to a deliberative process that respected everyone here. I would suggest that this is just one more in a long parade of processes, of measures, that have come to this floor without any deliberation, totally ignoring the nature of our process.

Now, to the substance, Mr. Chairman. I have been an elected official now for almost half of my life. One thing I know about elected officials is we tend to have the most creative minds on the planet Earth. We can work our way around in order to make a statement whether the issue fits that issue or not.

This issue is not an issue about abortion. But if you want to use it as that platform, then all of us have that creative capacity to swing around in midair and find ourselves landing on the issue of abortion.

This is a simple issue of fairness. We salute women in the military; pat them on the back and talk about the great job they do. But if they are overseas they find themselves in a crisis pregnancy, or their dependent, we say you are over there defending the great rights and liberties of America, but they cannot have it overseas. This is not about abortion. It is about whether any human being in this country has equal access to anything any other human being in this country has access to.

And if the issue is safe health care, if the issue is the procedure of abortion, then so be it. Why should a woman in a foreign country find herself caught up in trying to deal with numerous problems and options which may even be a risky, illegal abortion?

So this is about fairness, my colleagues. And I hope that on the basis of fairness and the integrity of the process you will support the DeLauro amendment.

Mr. SPENCE. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from South Carolina is recognized for 5 minutes.

Mr. SPENCE. I yield 5 minutes to the gentleman from California [Mr. DORNAN].

Mr. DORNAN. Mr. Chairman, I say to my good friend, the gentleman from California [Mr. DELLUMS], that the gentleman will not get this opportunity too often out of me. I stand corrected. I stand corrected on the over-friendly, over-florid introductions of some of my speakers.

I have noticed some Members on both sides of the aisle do that. The friendliness is probably pushing comity, pushing the edge of the envelope, and I have been known to do that, as thee have, sir.

But if this means I can never introduce the gentleman again when I yield to him as one of the finest and fiery orators of this House.

Mr. DELLUMS. The gentleman may do that any time.

Mr. DORNAN. With that exception, I stand advised.

I made comment on one Member using the word "ignorant" and I was shocked when off microphone he said, it was ignorant. He was referring to a lady in this House, the entire delegation of the great State of Wyoming.

And I think it has been a pretty good debate. I am going to yield back most of this time. I think everybody know this is issue. I wanted to give a lot of our new Members a chance.

This is the first clear-cut, up-or-down issue on what you call choice, what we call it sacred life. And I am going to get tough on this next point, because it is my tribe, my particular denomination.

First, paraphrasing a great American patriot, Is $133,600 a year so dear and life in the Halls of Congress so precious to be bought at the price of loyalty? Or from the Good Book? What does it profit a person to gain the whole world, or a job in Congress or the Senate, and jeopardize their own soul?

I think this is an issue not of fairness, but of confusion, yes, of constitutionality. I pointed out the Nuremberg laws made my ninth grandchild, in the 1930's when I was born, in a great country that has been mentioned in this debate, unable to own property, go to medical school, or run for political office. I hope he runs for political office in this great country.

□ 1330

But we do live in not only a culture of death but an age of confusion, and I have got a caucus rattling around in my head called the ACFA Caucus, Another Catholic for Abortion, people who tell me they know more than Mother Theresa, "and she ought to get out of our face."

No, this is a sad issue. It is a confusing issue. It is an issue where people put it on the line and then cannot eat that vote or ever flipflop back, and it is sad. And it is strange friendships. It is too bad.

It is going to be with us forever because it does involve more than taxpayers' dollars. It involves human souls, partial birth abortions, and, by the lowest estimate of a liberal, proabortion group, the Guttmacher Institute of New York, there are at least 1 or 2 percent of the million and a half abortions in this country that are performed in the 7th, 8th, and 9th month, when that little baby in a car crash, when the mother is taken back to God, is viable and often lives.

That means every 2 years a Vietnam wall of deaths is recorded of viable babies who are beyond the fetus stage because they can survive outside their independent mother's life forces, and sometimes with the mother used as an extended placenta because she is braindead, and she is on an air machine, an oxygen machine, a heart machine, and in San Francisco one baby surviving like that is now 4½ years old, a little boy who lived over 68 days with his mother's dead body keeping alive his life force and his soul.

So we all know how we are going to vote, I think. Next time, I hope we have more new Members vote.

Mrs. COLLINS of Illinois. Mr. Chairman, I rise in strong support of the amendment being offered today by my colleague, Representative ROSA DELAURO. Her amendment would correct a grave inequity that is currently contained in H.R. 1530, the National Defense Authorization Act of fiscal year 1996.

H.R. 1530 singles out women who serve in the military overseas for a specific, unfair restriction. It prohibits overseas Department of Defense military facilities from providing privately funded abortions. The DeLauro amendment would eliminate this prohibition.

Mr. Chairman, American women have the right to obtain abortions in this country. So why shouldn't American military women who are serving this country overseas have this same right? Especially if they pay for the abortion with their own money? It is grossly unfair and unjustifiable.

Without the DeLauro amendment, H.R. 1530 will drive women into desperate situations in which they may have to seek abortions from unsafe or unsanitary hospitals in foreign countries. Clearly, a pregnant woman is the one and only person who knows what is best for her, and she, in consultation with her family, doctor, and/or clergy, is the one who should make the decision affecting her body, her health, and her life.

I strongly support the DeLauro amendment and urge my colleagues to do the same.

Mr. PACKARD. Mr. Chairman, I rise in opposition to Congresswoman DELAURO's amendment to the defense authorization bill which would nullify requiring the immediate discharge of HIV-positive personnel and banning abortions in military hospitals overseas.

Contrary to the arguments presented by the other side of the aisle, discharging servicemembers who have contracted the HIV–1 virus is not punitive nor discriminatory. The fact is, retaining HIV-positive personnel degrades unit readiness and creates a class of individuals who are unable to deploy if their units are called upon. Those infected often require reassignment and continued restrictions on future assignments because of health related concerns and their inability to serve in combat units. In addition, the military regards all personnel as potential blood donors. Since HIV-infected personnel may not give blood, they detract from available resources.

The opposition has also resorted to scare tactics on abortion. The issue at hand is abortion in facilities funded by the taxpayer. Servicewomen and military dependents will now be asked to utilize private facilities to obtain abortions overseas except in the instances of rape, incest, and the life of the mother. Women will not be forced to seek illegal, or unsafe procedures as propagated by the other side of the aisle.

However, American taxpayers should not be forced to subsidize clinics performing this practice when many of those taxpayers find this procedure abhorrent.

I urge my colleagues to not support the DeLauro amendment.

Ms. BROWN of Florida. Mr. Chairman, today women serve proudly in our military forces. They are often the best and the brightest in the classroom and excel in all aspects of military life. Women have served side by side with men in combat throughout our history; women in the military deserve to be treated with the highest respect.

As the House considers the fiscal year 1996 National Defense Authorization Act, I believe it is imperative that we aim for high morale and outstanding quality of life for our service personnel. A key component of such a goal must be to provide the very best health care for all men and women who serve our country. Therefore, without hesitation, I strongly support this amendment.

In many countries where our military forces are called upon to serve, women who make the difficult choice to have an abortion are unable to obtain a safe abortion locally. Without this health protection, a woman may be forced to face a local hospital in a foreign country where English may not be spoken and the culture is very different. There, in a lonely waiting room, she will wait until her turn comes to give her life over to strangers and hope for the best outcome. A civilized country such as the United States must not allow such a terrifying and degrading experience for any of its citizens.

Mr. SPENCE. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Connecticut [Ms. DELAURO].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Ms. DELAURO. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 196, noes 230, not voting 8, as follows:

[Roll No. 382]

AYES—196

Abercrombie
Ackerman
Baesler
Baldacci
Barrett (WI)
Bass
Becerra
Beilenson
Bentsen
Berman
Bishop
Boehlert
Bonior
Bono
Boucher
Brewster
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Castle
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Coyne
Cramer
Danner
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Dunn
Durbin
Edwards
Ehrlich
Engel
Eshoo
Evans
Farr
Fattah
Fawell
Fazio
Fields (LA)
Filner
Foglietta
Foley
Ford
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gilman
Gonzalez
Gordon
Green
Greenwood
Gunderson
Gutierrez
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Horn
Houghton
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Klug
Kolbe
Lantos
Levin
Lewis (GA)
Lincoln
Lofgren
Longley
Lowey
Luther
Maloney
Markey
Martinez
Martini
Matsui
McCarthy
McDermott
McHale
McHugh
McInnis
McKinney
Meehan
Meek
Menendez
Meyers
Mfume
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Molinari
Moran
Morella
Nadler
Obey
Olver
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Pomeroy
Porter
Pryce
Ramstad
Rangel
Reed
Reynolds
Richardson
Rivers
Rose
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schiff
Schroeder
Schumer
Scott
Serrano
Shaw
Shays
Sisisky
Skaggs
Slaughter
Spratt
Stark
Stokes
Studds
Tanner
Thompson
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Velazquez
Vento
Visclosky
Ward
Waters
Watt (NC)
Waxman
White
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Zeliff
Zimmer

NOES—230

Allard
Archer
Armey
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehner
Bonilla
Borski
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Costello
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
de la Garza
Deal
DeLay
Diaz-Balart
Doolittle
Dornan
Doyle
Dreier
Duncan
Ehlers
Emerson
English
Ensign
Everett
Ewing
Fields (TX)
Flanagan
Forbes
Fox
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gillmor
Goodlatte
Goodling
Goss
Graham
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kildee
Kim
King
Kingston
Klink
Knollenberg
LaFalce
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Lucas
Manton
Manzullo
Mascara
McCollum
McCrery
McDade
McIntosh
McKeon
McNulty
Metcalf
Mica
Moakley
Mollohan
Montgomery
Moorhead
Murtha
Myers
Myrick
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Peterson (MN)
Petri
Pombo
Portman
Poshard
Quillen
Quinn
Radanovich
Rahall
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Seastrand
Sensenbrenner
Shadegg
Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Stupak
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Tiahrt
Tucker
Upton
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOT VOTING—8

Andrews
Bachus
Chapman
Dickey
Flake
Kleczka
Thornton
Yates

☐ 1349

Mr. BUYER changed his vote from "aye" to "no."

Mr. BONO changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. BACHUS. Mr. Speaker, on rollcall vote No. 382, I was unavoidably detained while meeting with Alabama's delegation to the White House Conference on Small Business. Had I been present, I would have voted "no" on the DeLauro amendment.

AMENDMENTS EN BLOC, AS MODIFIED, OFFERED BY MR. SPENCE

Mr. SPENCE. Mr. Chairman, pursuant to section 3 of House Resolution 164 I offer amendments en bloc.

The CHAIRMAN. The Clerk will designate the amendments en bloc.

The text of the amendments en bloc, as modified, is as follows:

Amendments en bloc, as modified, offered by Mr. SPENCE:

Amendment No. 2, part 2, offered by Mr. Hoke: At the end of title XII (page 409, after line 18), insert the following new section:

SEC. 1228. SENSE OF CONGRESS CONCERNING UNILATERAL IMPLEMENTATION OF START II TREATY.

(a) FINDINGS.—Congress finds that—

(1) the START II Treaty has not entered into force; and

(2) the United States is nevertheless taking unilateral steps to implement the reductions in strategic forces called for by that treaty.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense should not implement any reduction in strategic forces that is called for in the START II Treaty unless and until that treaty enters into force.

(c) DEFINITIONS.—For purposes of this section, the term "START II Treaty" means the

Treaty between the United States of America and the Russian Federation on Further Reduction and Limitation of Strategic Offensive Arms.

Amendment No. 8, part 2 offered by Mr. Bateman: At the end of subtitle B of title II (page 31, after line 11), insert the following new section:

SEC. 217. DEVELOPMENT OF LASER PROGRAM.

(a) LASER PROGRAM.—The amount authorized for appropriation by section 201 is hereby increased by $9,000,000, to be used for the development by the Naval High Energy Laser Office of a continuous wave, superconducting radio frequency free electron laser program.

(b) OFFSET.—The amount authorized by section 201 is hereby reduced by $9,000,000, of which—

(1) $7,000,000 shall be derived from amounts authorized for experimental evaluation of major innovative technologies (PE 63226E); and

(2) $2,000,000 shall be derived from amounts authorized for the space test program (PE 63402F).

Amendment No. 9, part 2, as modified, offered by Ms. Harman: In section 257(e):

Page 55, line 1, insert after "section 201" the following: "for federally funded research and development centers and university-affiliated research centers".

Amendment No. 10, part 2, offered by Mr. Hansen: At the end of title II (page 61, after line 2), insert the following new section:

SEC. 263. FIBER OPTIC ACOUSTIC SENSOR SYSTEM.

(a) FIBER OPTIC ACOUSTIC SENSOR SYSTEM.—Of the amount appropriated pursuant to the authorization in section 201, $28,181,000 shall be available for fiscal year 1996 for the advanced submarine combat systems development program (PE 63504N). Of that amount, $6,900,000 shall be available for research and development of a fiber optic acoustic sensor system, including the development of common optical towed arrays.

(b) OFFSET.—The amount authorized in section 201 for the advanced submarine systems development program (PE 63561N) is hereby reduced by $6,900,000.

Amendment No. 12, part 2, as modified, offered by Mr. Cunningham: At the end of title II (page 61, after line 2), insert the following new section:

SEC. 263. JOINT TARGETING SUPPORT SYSTEM TESTBED.

(a) JOINT TARGETING SUPPORT SYSTEM TESTBED.—The amount authorized in section 201(2) for theater mission planning (project A1784) is hereby increased by $10,000,000, to be used to establish a joint targeting support system testbed (in PE 0204229N).

(b) OFFSET.—The amount authorized in section 201(2) for the Tomahawk (project A0545) is hereby reduced by $10,000,000.

At the end of subtitle B of title I (page 19, after line 20), insert the following new section:

SEC. 112. REPEAL OF REQUIREMENTS FOR ARMORED VEHICLE UPGRADES.

Subsection (j) of section 21 of the Arms Export Control Act (22 U.S.C. 2761) is repealed.

Amendment No. 16, part 2, as modified, offered by Mr. Duncan. Strike out section 367 (page 107, line 16, through page 108, line 2) and insert in lieu thereof the following:

SEC. 367. INCREASED RELIANCE ON THE PRIVATE SECTOR.

(A) GENERAL RULE.—The Secretary of Defense shall endeavor to carry out through an entity in the private sector any activity to provide a commercial product or service for the Department of Defense if—

(1) the product or service can be provided through a source in the private sector; and

(2) an adequate competitive environment exists to provide for economical accomplishment of the function by the private sector.

(b) APPLICABILITY.—(1) Subsection (a) shall not be construed to apply to any commercial product or service with respect to which the Secretary of Defense determines that—

(A) production, manufacture, or provision of that product or service by the Government is necessary for reasons of national security; or

(B) the product or service is so inherently governmental in nature that it is in the public interest to require production or performance, respectively, by the Department of Defense.

(2) A determination under paragraph (1) shall be made in accordance with regulations prescribed under subsection (c).

(c) REGULATIONS.—The Secretary of Defense shall prescribe regulations for the purposes of this section. Such regulations shall be prescribed in consultation with the Director of the Office of Management and Budget.

(d) REPORT.—(1) The Secretary of Defense shall identify all activities of the Department of Defense that are carried out to provide commercial products or services for the Department of Defense and that are carried out by personnel of the Department of Defense (other than activities specified by the Secretary pursuant to subsection (b)).

(2) The Secretary shall transmit to Congress, not later than April 15, 1996, a report on matters relating to increased use of the private sector for the performance of commercial functions for the Department of Defense. The report shall include a list of all activities identified under paragraph (1) and indicate, for each activity, whether the Secretary proposes to convert the performance of such activity to performance by the private sector and, if not, the reasons why.

(3) The report shall include—

(A) a description of the advantages and disadvantages of using contractor personnel, rather than employees of the Department of Defense, to perform functions of the Department that are not essential to the warfighting mission of the Armed Forces;

(B) specification of all legislative and regulatory impediments to contracting those functions for private performance; and

(C) the views of the Secretary of Defense on the desirability of terminating the applicability of OMB Circular A–76 to the Department of Defense.

(4) The Secretary shall carry out paragraph (1) in consultation with the Director of the Office of Management and Budget and the Comptroller General of the United States. In carrying out that paragraph, the Secretary shall consult with, and seek the views of, representatives of the private sector, including organizations representing small businesses.

Amendment No. 17, part 2 offered by Mr. Bateman: Page 120, line 22, insert after "law enforcement" the following: "or emergency response".

Amendment No. 19, part 2, offered by Mr. Lewis of California or Mr. Skeen: At the end of title III (page 153, after line 25), insert the following new section:

SEC. 396. EXPANSION OF SOUTHWEST BORDER STATES ANTI-DRUG INFORMATION SYSTEM.

Congress finds that the Southwest Border States Anti-Drug Information Systems program is an important element in the effort of the Department of Defense to support law enforcement agencies in the fight against illegal trafficking of narcotics.

Amendment No. 20, part 2, offered by Mr. Dornan: At the end of subtitle B of title V (page 189, after line 7), insert the following new section:

SEC. 519. ACTIVE DUTY ASSOCIATE UNIT RESPONSIBILITY.

(a) ASSOCIATE UNITS.—Subsection (a) of section 1131 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2540) is amended to read as follows:

"(a) ASSOCIATE UNITS.—The Secretary of the Army shall require—

"(1) that each ground combat maneuver brigade of the Army National Guard that (as determined by the Secretary) is essential for the execution of the National Military Strategy be associated with an active-duty combat unit; and

"(2) that combat support and combat service support units of the Army Selected Reserve that (as determined by the Secretary) are essential for the execution of the National Military Strategy be associated with active-duty units.".

(b) RESPONSIBILITIES.—Subsection (b) of such section is amended—

(1) by striking out "National Guard combat unit" in the matter preceding paragraph (1) and inserting in lieu thereof "National Guard unit or Army Selected Reserve unit that (as determined by the Secretary under subsection (a)) is essential for the execution of the National Military Strategy"; and

(2) by striking out "of the National Guard unit" in paragraphs (1), (2), (3), and (4) and inserting in lieu thereof "of that unit".

Amendment No. 24, part 2, offered by Mr. Hastings of Washington: Page 304, beginning on line 23, strike out "September 30, 1995" and insert in lieu thereof "October 1, 1994".

Amendment No. 25, part 2, offered by Mr. Moakley: Page 306, after line 5, insert the following new subsection:

(b) SENSE OF CONGRESS.—(1) Congress finds that the Uniformed Services Treatment Facilities provide quality health care to the 120,000 Department of Defense beneficiaries enrolled in the Uniformed Services Family Health Plan provided by these facilities.

(2) In light of such finding, it is the sense of Congress that the Uniformed Services Family Health Plan provided by the Uniformed Services Treatment Facilities should not be terminated for convenience under provisions of the Federal Acquisition Regulation by the Secretary of Defense before the expiration of the current participation agreements.

Amendment No. 27, part 2, offered as modified by Mr. Pickett: Page 307, strike out line 20 and all that follows through line 6 on page 308, relating to section 724 of the bill (equitable implementation of uniform cost sharing requirements for Uniformed Services Treatment Facilities), and insert the following new section:

SEC. 724. EQUITABLE IMPLEMENTATION OF UNIFORM COST SHARING REQUIREMENTS FOR UNIFORMED SERVICES TREATMENT FACILITIES.

(a) TIME FOR FEE IMPLEMENTATION.—The uniform managed care benefit fee and copayment schedule developed by the Secretary of Defense for use in all managed care initiatives of the military health service system, including the managed care program of the Uniformed Services Treatment Facilities, shall be extended to the managed care program of a Uniformed Services Treatment Facility only after the later of—

(1) the implementation of the TRICARE regional program covering the service area of the Uniformed Services Treatment Facility; or

(2) the end of the 180-day period beginning on the date of the enactment of this Act.

(b) SUBMISSION OF ACTUARIAL ESTIMATES.—Paragraph (2) of subsection (a) shall operate as a condition on the extension of the uniform managed care benefit fee and copayment schedule to the Uniformed Services Treatment Facilities only if the Uniformed Services Treatment Facilities submit to the Comptroller General of the United States, within 30 days after the date of the enactment of this Act, actuarial estimates in support of their contention that the extension of such fees and copayments will have an adverse effect on the operation of the Uniformed Services Treatment Facilities and the enrollment of participants.

(c) EVALUATION.—Except as provided in paragraph (2), not later than 90 days after the date of the enactment of this Act, the Comptroller General shall submit to Congress the results of an evaluation of the effect on the Uniformed Services Treatment Facilities of the extension of the uniform benefit fee and copayment schedule to the Uniformed Services Treatment Facilities. The evaluation shall include an examination of whether the benefit fee and copayment schedule may—

(A) cause adverse selection of enrollees;

(B) be inappropriate for a fully at-risk program similar to civilian health maintenance organizations; or

(C) result in an enrolled population dissimilar to the general beneficiary population.

(2) The Comptroller General shall not be required to prepare or submit the evaluation under paragraph (1) if the Uniformed Services Treatment Facilities fail to satisfactorily comply with subsection (b), as determined by the Comptroller General.

Amendment No. 28, part 2, as modified, offered by Mr. Bateman: At the end of subtitle C of title VIII (as added by the amendment of Mr. Clinger), insert the following new section:

SEC. 845. COST REIMBURSEMENT RULES FOR INDIRECT COSTS ATTRIBUTABLE TO PRIVATE SECTOR WORK OF DEFENSE CONTRACTORS.

(a) DEFENSE CAPABILITY PRESERVATION AGREEMENT.—The Secretary of Defense may enter into an agreement, to be known as a "defense capability preservation agreement", with a defense contractor under which the cost reimbursement rules described in subsection (b) shall be applied. Such an agreement may be entered into in any case in which the Secretary determines that the application of such cost reimbursement rules would facilitate the achievement of the policy set forth in section 2501(c) of title 10, United States Code.

(b) COST REIMBURSEMENT RULES.—(1) The cost reimbursement rules applicable under an agreement entered into under subsection (a) are as follows:

(A) The Department of Defense shall, in determining the reimbursement due a contractor for its indirect costs of performing a defense contract, allow the contractor to allocate indirect costs to its private sector work only to the extent of the contractor's allocable indirect private sector costs, subject to subparagraph (C).

(B) For purposes of subparagraph (A), the allocable indirect private sector costs of a contractor are those costs of the contractor that are equal to the amount by which the revenue attributable to the private sector work of the contractor exceeds the sum of—

(i) the direct costs attributable to such work, and

(ii) the incremental indirect costs attributable to such work.

(C) The total amount of allocable indirect private sector costs for a contract in any year of the agreement may not exceed the amount of indirect costs that a contractor would have allocated to its private sector work during that year in accordance with the contractor's accounting practices.

(2) The cost reimbursement rules set forth in paragraph (1) may be modified if the Secretary of Defense determines that modifications are appropriate to the particular situation to facilite achievement of the policy set forth in section 2501(c) of title 10, United States Code.

(c) RELATIONSHIP TO ACCOUNTING PRACTICE CHANGE.—The use of the cost reimbursement rules described in subsection (b) under such an agreement with a contractor and the implementation of such an agreement does not constitute a change in cost accounting practices of the contractor within the meaning of section 26(h)(1)(B) of the Office of Federal Procurement Policy Act (41 U.S.C. 422(h)(1)(B)).

(d) CONTRACTS COVERED.—An agreement entered into with a contractor under subsection (a) shall apply to all Department of Defense contracts with the contractor either existing on the date on which the agreement was entered into or awarded during the term of the agreement.

Amendment No. 29, Part 2, as Modified Offered by Mr. Everett: At the end of title IX (page 345, after line 17), insert the following new section:

SEC. 909. AVIATION TESTING CONSOLIDATION.

(a) LIMITATION.—The Secretary of the Army may not consolidate the Aviation Technical Test Center, Fort Rucker, Alabama, with any other aviation testing facility until 60 days after the date on which a report containing the results of the evaluation of such consolidation described in subsection (b) is received by the congressional defense committees.

(b) INDEPENDENT EVALUATION.—The Secretary of the Army shall provide for an evaluation by the Institute for Defense Analyses (a Federal contract research center) of the proposal of the Test and Evaluation Command of the Army to relocate the Aviation Technical Test Center to Yuma Proving Ground, Arizona. The evaluation of such proposal shall include consideration of the following:

(1) A review and validation of studies conducted by the Army Materiel Command and the Army Test and Evaluation Command of the proposed relocation.

(2) The effect on, and cost of, maintenance and logistics capability (including maintenance of a parts inventory) to support the test evaluation fleet.

(3) The availability of facilities and infrastructure necessary to conduct the aviation testing mission at Yuma Proving Ground.

(4) The availability of engineers and maintenance technicians to support the aviation testing mission at Yuma Proving Ground.

(5) The effect on current and planned aircraft programs.

(6) Consistency with the efforts of the Army to become the Department of Defense leader for rotary-wing aircraft.

(7) Potential savings, including the time period over which such savings could be realized.

(8) Comparison of live-fire testing with computer-simulated testing.

(c) TIME REQUIREMENT FOR COMPLETION OF EVALUATION.—The evaluation under subsection (b) shall be completed not later than 120 days after the date of the enactment of this Act.

Amendment No. 31, Part 2, Offered by Mr. Traficant: At the end of title X (page 377, after line 19), insert the following new section:

SEC. 1033. APPLICATION OF BUY AMERICAN ACT PRINCIPLES.

(a) REINSTATEMENT OF PRINCIPLES.—(1) If the Secretary of Defense, after consultation with the United States Trade Representative, determines that a foreign country which is party to an agreement described in paragraph (2) has violated the terms of the agreement by discriminating against certain types of products produced in the United States that are covered by the agreement, the Secretary of Defense shall rescind the Secretary's blanket waiver of the Buy American Act with respect to such types of products produced in that foreign country.

(2) An agreement referred to in paragraph (1) is any reciprocal defense procurement memorandum of understanding, between the United States and a foreign country pursuant to which the Secretary of Defense has prospectively waived the Buy American Act for certain products in that country.

(b) REPORT.—The Secretary of Defense shall submit to Congress a report on the amount of Department of Defense purchases from foreign entities in fiscal year 1996. Such report shall separately indicate the dollar value of items for which the Buy American Act was waived pursuant to any agreement described in subsection (a)(2), the Trade Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any international agreement to which the United States is a party.

(c) DEFINITION.—For purposes of this section, the term "Buy American Act" means title III of the Act entitled "An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes", approved March 3, 1933 (41 U.S.C. 10a et seq.).

AMENDMENT No. 34, part 2, as modified, offered by Mrs. Morella: At the end of title XII (page 409, after line 18), add the following:

SEC. 1228. SENSE OF THE CONGRESS REGARDING THE CHEMICAL WEAPONS CONVENTION.

(a) FINDINGS.—The Congress finds that—

(1) events such as the March 1995 terrorist release of a chemical nerve agent in the Tokyo subway, the threatened use of chemical weapons during the 1991 Persian Gulf War, and the widespread use of chemical weapons during the Iran-Iraq War of the 1980's are all potent reminders of the menace posed by chemical weapons, of the fact that the threat of chemical weapons is unappreciated and not sufficiently addressed, and of the need to outlaw the development, production, and possession of chemical weapons;

(2) the Convention on the Prohibition of the Development, Production, Stockpiling, and Use of Chemical Weapons and on Their Destruction (here-after in this section referred to as the "Convention") would establish a comprehensive ban on chemical weapons, and its negotiation has enjoyed strong bipartisan congressional support, as well as the support of the last 6 administrations, both Republican and Democratic;

(3) United States military authorities, including Chairman of the Joint Chiefs of Staff General John Shalikashvili, have stated that United States military forces will deter and respond to chemical weapons threats with a robust chemical defense and an overwhelming superior conventional response, as demonstrated in the Persian Gulf War, and have testified in support of the Convention's ratification;

(4) the Congress in 1985 mandated the unilateral destruction of the bulk of the chemical weapons stockpile of the United States, and the Convention, which requires participating states to destroy their chemical arsenals and production facilities under international supervision, would accelerate progress toward the disarmament of chemical weapons in a majority of the states believed to harbor chemical weapons capabilities, as this majority is among the Convention's 159 signatories;

(5) the United States chemical industry was an important partner during the negotiation of the Convention, assisted in crafting a reasonable, effective verification protocol, participated in both United States and international trials to test provisions of the Convention during its negotiation, and testified in support of the Convention's ratification;

(6) the United States intelligence community has testified that the Convention will provide new and important sources of information, through regular data exchanges and routine and challenge inspections, to improve the ability of the United States to assess the chemical weapons status in countries of concern;

(7) the Convention will gradually isolate and automatically penalize states that refuse to join by preventing them from gaining access to dual-use chemicals and creating a basis for monitoring illegal diversions of those materials;

(8) the Convention has not entered into force for lack of the requisite number of ratifications;

(9) the United States played a leading role in drafting the Convention, and, as a global leader, must remain at the helm of this effort to deter further proliferation of chemical weapons and provide the legal framework that will minimize the threat posed by chemical weapons;

(10) Russia has signed the Convention, but has not yet ratified it;

(11) there have been reports by Russian sources of continued Russian production and testing of chemical weapons, including a statement by a spokesman of the Russian Ministry of Defense on December 5, 1994, that "We cannot say that all chemical weapons production and testing has stopped altogether."; and

(12) the Convention will impose a legally binding obligation on Russia and other nations that possess chemical weapons to cease offensive chemical weapons activities and to destroy their chemical weapons stockpiles and production facilities.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) the United States should signify its commitment to reducing the threat posed by chemical weapons by promptly joining the 28 other nations that have ratified the Convention;

(2) both Houses of Congress should further demonstrate United States preparedness to adopt the Convention by acting expeditiously to pass the required implementing legislation as soon as the Senate gives its advice and consent to the ratification of the Convention;

(3) both Houses of Congress should continue to lend their full support for the indefinite future to programs that maintain, as the Convention allows and monitors, United States defense preparedness against chemical weapons;

(4) the United States must be prepared to exercise fully its rights under the Convention, including the request of challenge inspections when warranted, and to exercise leadership in pursuing punitive measures against violators of the Convention, when warranted;

(5) the United States should strongly encourage full implementation at the earliest possible date of the terms and conditions of the United States-Russia bilateral chemical weapons destruction agreement signed in 1990;

(6) understanding that Western assistance would be helpful to a successful Russian chemical weapons destruction program, the United States should encourage Russia to ratify promptly the Convention and implement a plan that will ensure full compliance with the Convention, including the destruction of chemical weapons stockpiles in accordance with the Convention's time lines; and

(7) the United States should seek to encourage other nations to ratify promptly the Convention and to implement faithfully all its terms and conditions.

Amendment No. 41, Part 2, as modified, Offered by Mr. Hall of Ohio: On page 532, after line 5, insert the following new section:

SEC. 3145. ACCELERATED SCHEDULE FOR ENVIRONMENTAL MANAGEMENT ACTIVITIES.

(a) ACCELERATED CLEANUP.—The Secretary of Energy shall accelerate the schedule for environmental management activities and projects for any specific Department of Energy defense nuclear facility site if, in the opinion of the Secretary, such an accelerated schedule will result in substantial long-term cost savings to the Federal Government and speed up release of land for economic development.

(b) SITE SELECTION.—In selecting sites for an accelerated schedule under subsection (a), the Secretary shall give highest priority to sites that are in close proximity to populated areas, that pose significant risk, and that have the greatest potential to result in privatization, commercialization, and economic development of unneeded facilities.

(c) ELIGIBILITY.—For purposes of subsection (a), environmental management activities and projects shall be eligible for an accelerated schedule under subsection (a) if the time for completion at the site of such activities can be reduced by 50 percent or more below the time established in the report of the Department of Energy Office of Environmental Management titled "1995 Baseline Environmental Management Report", March 1995.

(d) SAVINGS PROVISION.—Nothing in this section shall be construed as affecting a specific statutory requirement for a specific project or as modifying or otherwise affecting applicable statutory or regulatory environmental restoration requirements, including substantive standards intended to protect public health and the environment.

Amendment No. 43, Part 2, as modified, offered by Mr. Hunter: Page 326 (section 805), line 5, strike "VESSEL COMPONENTS.—" and insert in lieu thereof "VESSEL COMPONENTS FOR ALL BRANCHES OF THE ARMED FORCES.—".

Page 326 (section 805), strike lines 14 through 20 and insert in lieu thereof the following:

"(B) The following components of vessels, to the extent they are unique to marine applications: cable assemblies, hose assemblies, hydraulics and pumps for steering, gyrocompasses, marine autopilots, electric navigation chart systems, navigators, attitude and heading reference units, power supplies, radars, steering controls, pumps, engines, turbines, reduction gears, motors, refrigeration systems, generators, propulsion and machinery control systems, and totally enclosed lifeboards, including associated davits and winches.".

Page 326, line 3, insert 3, insert "(1)" before "Paragraph (3)".

Page 326, line 20, insert the following:

(2) Section 2534 of such title is amended by adding at the end the following new subsection:

"(h) IMPLEMENTATION OF MARINE VESSEL COMPONENT LIMITATION.—In implementing subsection (a)(3)(B), the Secretary of Defense—

"(1) may not use contract clauses or certifications; and

"(2) shall use management and oversight techniques that achieve the objective of the subsection without imposing a significant management burden on the Government or the contractor involved.".

Amendment No. 45, part 2, as modified, offered by Ms. Woolsey: At the end of subtitle C of title XXVIII (page 490, after line 2), insert the following new sections:

SEC. 2834. MODIFICATION OF EXISTING LAND CONVEYANCE, HAMILTON AIR FORCE BASE.

(a) AUTHORITIES IN EVENT OF PARTIAL SALE.—In the event that the purchaser purchases only a portion of the Sale Parcel and exercises its option to withdraw from the sale as to the rest of the Sale Parcel, the portion of the Sale Parcel that is not purchased (other than Landfill 26 and an appropriate buffer area around it and the groundwater treatment facility site), together with any of the land referred to in section 9099(e) of Public Law 102-396 that is not purchased by the purchaser, may be sold to the City of Novato, in the State of California, for the sum of One Dollar as a public benefit transfer for school, classroom or other educational use, for use as a public park or recreation area or for further conveyance as provided herein, subject to the following restrictions: (1) if the City sells any portion of such land to any third party within 10 years after the transfer to the City, which sale may be made without the foregoing use restrictions, any proceeds received by the City in connection with such sale, minus the demonstrated reasonable costs of conducting the sale and of any improvements made by the City to the land following its acquisition of the land (but only to the extent such improvements increase the value of the portion sold), shall be immediately turned over to the Army in reimbursement of the withdrawal payment made by the Army to the contract purchaser and the costs of cleaning up the Landfill and (2) until one year following completion of the cleanup of contaminated soil in the Landfill and completion of the groundwater treatment facilities, the sale must be at a per-acre price for the portion sold that is at least equal to the per-acre contract price paid by the purchaser for the portion of the Sale Parcel purchased under the Agreement and Modification, as amended, and thereafter must be at a price at least equal to the fair market value of the portion sold. The foregoing restrictions shall not apply to a transfer to another public or quasi-public agency for public uses of the kind described above. The deed to the City shall contain a clause providing that, if any of the proceeds referred to in clause (1) are not delivered to the Army within 30 days after sale, or any portion of the land not sold as provided herein is used for other than educational, park or recreational uses, title to the applicable portion of such land shall revert to the United States at the election of the Administrator of the General Services Administration. The Secretary of the Army shall agree to deliver into the applicable closing escrow an acknowledgment of receipt of any proceeds described in clause (1) above and a release of the reverter right as to the affected land, effective upon such receipt.

(b) SPECIAL CONVEYANCE REGARDING BUILDING 138 PARCEL.—The Secretary of the Army may convey the Building 138 parcel, which has been designated by the parties as Parcel A4 to the purchaser of the Sale Parcel. The per-acre price for the portion sold shall be at least equal to the per-acre contract price paid by the purchaser for the portion of the Sale Parcel purchased under the Agreement and Modification, dated September 25, 1990, as amended.

SEC. 2835. TRANSFER OF JURISDICTION, FORT BLISS, TEXAS.

(a) TRANSFER OF LAND FOR NATIONAL CEMETERY.—The Secretary of the Army may transfer, without reimbursement, to the administrative jurisdiction of the Secretary of Veterans Affairs a parcel of real property (including any improvements thereon) consisting of approximately 22 acres and comprising a portion of Fort Bliss, Texas.

(b) USE OF LAND.—The Secretary of Veterans Affairs shall use the real property transferred under subsection (a) as an addition to the Fort Bliss National Cemetery and administer such real property pursuant to chapter 24 of title 38, United States Code.

(c) RETURN OF UNUSED LAND.—If the Secretary of Veterans Affairs determines that any portion of the real property transferred under subsection (a) is not needed for use as a national cemetery, the Secretary of Veterans Affairs shall return such portion to the administrative jurisdiction of the Secretary of the Army.

(d) LEGAL DESCRIPTION.—The exact acreage and legal description of the real property to be transferred under this section shall be determined by surveys that are satisfactory to the Secretary of the Army. The cost of such surveys shall be borne by the Secretary of Veterans Affairs.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Army may require such additional terms and conditions in connection with the transfer under this section as the Secretary of the Army considers appropriate to protect the interests of the United States.

Amendment No. 46, part 2, offered by Mr. Spratt: In the matter proposed to be added by section 805(c) (page 327, line 8), insert after "bearings)" the following: ", notwithstanding section 33 of the Office of Federal Procurement Policy Act (41 U.S.C. 429)".

The CHAIRMAN. Pursuant to the rule, the gentleman from South Carolina [Mr. SPENCE] and the gentleman from California [Mr. DELLUMS] will each be recognized for 10 minutes.

The Chair recognizes the gentleman from South Carolina [Mr. SPENCE].

Mr. SPENCE. Mr. Chairman, I yield myself such time as I may consume.

Mr. VOLKMER. Mr. Chairman, will the gentleman yield?

Mr. SPENCE. I yield to the gentleman from Missouri.

Mr. VOLKMER. Mr. Chairman, I notice that my count is right. We have about 20 of the No. 2 amendments in this en bloc amendment. I would ask the gentleman, does that leave any further amendments yet to be disposed of?

Mr. SPENCE. I do not think so.

Mr. VOLKMER. In other words, we are really getting to the end of this bill at this time?

Mr. SPENCE. The gentleman is correct.

Mr. VOLKMER. And when this amendment is disposed of we should be able to go right to the final action on the motion to recommit, or whatever?

Mr. SPENCE. That is right.

Mr. VOLKMER. Mr. Chairman, I thank the gentleman from South Carolina very much.

I would like to inquire of the gentleman, were there any other amendments, especially from the Democratic side, that were not included in the en bloc that some Members over here would have liked to have included?

Mr. SPENCE. No. The other amendments, some were offered and not debated because the author did not choose to pursue it.

Mr. VOLKMER. The gentleman says they did not want to pursue them, because I notice in this en bloc there are about 13 Republican and about 7 Democrat amendments, but I guess that is because Members pursued them.

Mr. Chairman, I thank the gentleman very much.

Mr. SPENCE. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Mr. Chairman, I would like to engage the distinguished chairman of the Military Research and Development Subcommittee in a colloquy.

First of all, I would like to thank the gentleman from Pennsylvania, the chairman of the full committee, the gentleman from South Carolina [Mr. SPENCE], and the former chair of the subcommittee, the gentlewoman from Colorado [Mrs. SCHROEDER] for their support for continuing development of reusable launch vehicles. This technology development will be pursued in cooperation with and support of NASA's Reusable Launch Vehicle Program. As you know, this activity will be managed by the same DOD team which has so capably run the DC–X project, which had another very successful flight on Monday.

Mr. WELDON of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. ROHRABACHER. I yield to the gentleman from Pennsylvania.

Mr. WELDON of Pennsylvania. Mr. Chairman, I would just say that the innovative approach being used in the DC–X project to demonstrate reusable rocket technology overcame bureaucratic as well as technical challenges. The success of the DC–X is one of the reasons this committee believes that the Department of Defense should continue to play a strong role in reusable launch vehicle research.

Mr. ROHRABACHER. Mr. Chairman, reclaiming my time, it is my understanding that the committee is authorizing $100 million in fiscal year 1996 for developing and testing reusable launch vehicle technologies in support of the NASA-led X–33 advanced concept technology demonstration x-vehicle program.

Mr. WELDON of Pennsylvania. That is correct. This is pursuant to three administration policy plans: First, the President's space launch policy, which calls for the Department of Defense to cooperate with NASA in its Reusable Launch Vehicle Program; second, DOD's implementation plan for the President's policy, which calls for developing "space launch technologies which support * * * DOD-unique interests in reusable launch vehicles;" and third, General Moorman's space launch modernization plan, which calls for at least $120 million per year for a core space launch technology effort.

Mr. ROHRABACHER. Reclaiming my time, it is also my understanding, Mr. Chairman, that the committee's support for a cooperative DOD reusable launch technology effort is based on a clear set of policy goals, namely that: First, military space assets are increasingly vital to the warfighter, and therefore inexpensive, reliable, and frequent access to space is vital to national security; second, while an evolved expendable launch vehicle program will provide a near-term, incremental improvement in space access, foreseeable military and commercially competitive requirements for space launch can be best and most economically satisfied by fully reusable launch systems; and third, reusable rocket technologies also show great promise for space sortie and other global reach aircraft missions which could be performed by RLV-based transatmospheric vehicles.

□ 1400

Mr. WELDON of Pennsylvania. Mr. Chairman, if the gentleman will yield further, the gentleman from California is indeed correct. The committee is funding DOD's cooperative involvement in the NASA-led X–33 reusable launch vehicle program first and foremost because of national security goals and requirements. The committee believes that the Air Force's Phillips Laboratory team brings unique expertise and talent to the challenge of reusable launch vehicle research generally, and to the NASA-led X–33 program specifically, a fact recognized by NASA in naming the Phillips Laboratory team as the X–33 deputy for flight testing and operations. The committee is not attempting to use DOD funds to subsidize a NASA program, but rather to fund DOD personnel to strengthen and improve a NASA-led national effort which is vital to DOD as well as commercial launch interests.

Mr. DELLUMS. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Chairman, I appreciate the committee accepting the Buy-American amendment that I had offered on this bill. This is a different type of a Buy-American amendment. Just for the Members to understand this, the defense budget of the United States of America is larger than every country's budget except five total budgets in the world.

There are countries that will not allow our companies to bid on their government contracts. We for years have turned the other cheek and allowed them to come in here, and they do not reciprocate and give us the same opportunity. This amendment says if the Secretary of Defense, after consulting with the trade rep, determines that a nation, foreign nation, is not allowing American companies to bid on their products and goods, they are in turn subject to the Buy American Act and there cannot be a waiver of the Buy American Act once they make that violation.

Right now our Nation is at a battle stage with Japan. We have had Japan promising us from the Presidency of Richard Nixon now up through President Clinton that they are going to open their markets. "Give us another year."

Mr. Chairman, Japan is taking us to court, to the World Trade Organization, which I think is unconstitutional in the first place. God forbid if some bunch of individuals in the World Trade Organization rules against the United States of America. Beam me up. I mean that.

So I appreciate the fact that the Traficant amendment says look, if those foreign countries are denying America access, we cannot waive the Buy American Act, and they better get themselves in line.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from California.

Mr. HUNTER. Mr. Chairman, I want to thank the gentleman for his contribution and his many Buy American provisions that have resulted in a lot of American jobs. The average worker in this country puts $1,000 a year from his paycheck into our defense bill. Because of that, American workers ought to be able to participate in the work. We thank the gentleman for his contribution and for the provision he put in the bill.

Mr. TRAFICANT. I thank you, Chairman HUNTER, and the distinguished chairman and the ranking member, because I did not have to offer too many Buy American amendments. You basically took care of that yourself.

Mr. DELLUMS. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Pennsylvania [Mr. HOLDEN].

Mr. HOLDEN. Mr. Chairman, I would like to briefly discuss an issue which I believe is very important, the cost-effectiveness of Defense energy acquisition. Before doing so, may I say that I am sure that I speak for the vast majority of the Members of the House in congratulating the Members of the National Security Committee for their hard work on this important legislation. It is not an easy task, and my thanks go to all concerned.

Mr. Chairman, I have just completed a thorough on-site inspection of the Department of the Air Force's ongoing policy for the acquisition of required modern heating services for the U.S. facilities in the Kaiserslautern Military Community of Germany. Pursuant to previous authorization law, 10 U.S.C. 2690, and subsequent appropriations measures, the Department has only recently completed the first of three essential heating modernization agreements in this military region, this one being for American facilities in the city of Kaiserslautern.

I would like to make all of my colleagues and particularly the members of the National Security Committee, aware of this situation. I would like to add that the agreement between the city Kaiserslautern and the Air Force, for the acquisition of furnished heating services, meets the cost-effective criteria of the legislation, and likewise provides for the use of American coal as the base-load energy in the municipal heating system which will provide furnished heat to the U.S. facilities in Kaiserslautern West.

Acting under what it says are the guidelines of both the authorization and appropriations legislation, Air Force-Europe is undertaking the various steps of procurement that will result in counter-cost-productive energy acquisition policy. I refer to the two other major installations in the same military community, the U.S. facilities in nearby Landstuhl, and Ramstein Air Base as well. The Air Force agreement for the city of Kaiserslautern stipulates the cost-effective use of American coal, but proposed agreements for these other two installations include the use of costly foreign natural gas as the base load energy. This development was made known to me, in spite of recent German energy statistics which clearly indicate over a 6-year period, natural gas and oil used in German central heating systems has increased in price at least twice as much as coal.

Mr. Chairman, it seems there are at least two very serious drawbacks on this policy. First, more efficient cost considerations are being laid aside by the Air Force; second, the interests of the U.S. energy industry are being once again put aside in favor of a policy that directs the benefit of U.S. Defense dollars to foreign economics. I feel this is a very serious matter.

I regret that the complete picture of the cost deficiencies of this energy acquisition matter was not available prior to the House committee adopting the fiscal year 1996 authorization act. In view of the most disturbing economic trends of this Air Force policy, I believe that these concerns should be expressed to the Committee on National Security and in turn to the Secretary of the Air Force, and that further, pending the outcome of an independent evaluation of cost effectiveness on the issues, that the Department should place all procurement in abeyance until this has been fully considered by the Committee.

I believe that the Department of the Air Force should suspend such procurement activity for the time being, while the cost effectiveness considerations are being evaluated.

Mr. SPENCE. Mr. Chairman, for the purpose of engaging in a colloquy, I yield 3 minutes to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Chairman, I thank the gentleman for yielding. I wish to engage now in a colloquy with my good friend, the gentleman from California [Mr. MCKEON].

Mr. MCKEON. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from California.

Mr. MCKEON. Mr. Chairman, I thank the gentleman from California [Mr. HUNTER] for his courtesy.

Mr. Chairman, along with several other Members of this body, I am concerned that small, sea-skimming, anti-ship cruise missiles are today in the hands of more than 100 countries. Thousands of lives and an enormous investment in capital ships, equipment, and supplies are potentially at risk because of the proliferation of, and the threat posed by, these missiles.

While the Navy has improved its radar capabilities to detect small targets in open ocean sea clutter, clutter levels over typical littoral waters, relative to the open ocean, are far more severe. Consequently, in order to address the problem posed by these small, sea-skimming missiles, Congress has appropriated $30.3 million over the past 3 fiscal years to develop an upgrade to the primary radar used by aircraft carriers and big deck amphibious ships.

Unfortunately, due to lengthy delays in releasing these funds, the radar upgrade modification program was not initiated until February of this year—and then only $6 million was put under contract. Moreover, the Vice Chief of Naval Operations recently informed the Congress that only $3 million in additional funds have been allocated by the Navy for this program through the remainder of this fiscal year.

Despite the danger posed by these cruise missiles, the Navy did not fund continuation of this upgrade in its fiscal year 1995 budget. Recent communications with senior Navy officials have raised doubts as to whether Navy will request funds for this program in fiscal year 1997.

Mr. Chairman, I understand that seeking additional funds in fiscal year 1996 for production of the upgrade modification kit—given the fact that the Navy has only recently begun to develop it—may be premature. However, I believe this program is one that deserves our consideration. I would ask the chairman's assurance that he will look into the Navy's plans for this radar upgrade development and lend his support to its production and implementation as soon as is possible.

Mr. HUNTER. Mr. Chairman, I thank the gentleman for his concern. Let me say to my good friend from California that I share his concern about the sea-skimming cruise missile threat, and that he absolutely has my assurance that I will thoroughly review this radar upgrade development, together with other integrated ship defense programs, and support its production if warranted. I thank the gentleman for his contribution.

Mr. DELLUMS. Mr. Chairman, I yield myself such time as I may consume. Let me just say that there is an en bloc amendment before the body at this time. It encompasses several amendments. As has been the tradition over the years, these en bloc amendments have been a bipartisan effort to work out arrangements with various Members. This has indeed been done on a bipartisan basis. Our respective staffs have worked together carefully and diligently to work it out. I would urge my colleagues on this side of the aisle to support the en bloc amendments.

Mr. Chairman, I reserve the balance of my time.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. HUNTER].

Mr. DELLUMS. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. HUNTER].

The CHAIRMAN. The gentleman from California [Mr. HUNTER] is recognized for 3 minutes.

Mr. HUNTER. Mr. Chairman, I thank the chairman and ranking member of the full committee for yielding. Mr. Chairman, I want to take this time to thank the chairman for running this authorization in such an effective way, and I want to thank the ranking member for his excellent leadership. I think we have had some great debate, and some very close votes, I might add, votes that went the wrong way in some cases from this Member's perspective and others the right way. But also I think we have had an excellent debate.

Mr. Chairman, I have two gentlemen who wanted to engage in a colloquy with me about an issue that was very important to them. One was the gentleman from Maryland [Mr. EHRLICH], and the gentleman from Maryland [Mr. GILCHREST]. What they were concerned about is this year's Defense Authorization Act which contains a provision which expresses the concern of Congress that growth in the estimated cost of demilitarizing the U.S. stockpile of chemical agents is growing quite rapidly. That is correct. The cost of demilitarizing the existing stockpile of lethal agents, and incidentally a lot of Members are concerned about the fact that we are spending about 72 percent less in terms of modernizing our Navy and our Army and our Marine Corps with sufficient ships and planes and other systems. One reason is we have a lot of spending that is going to traditionally small areas, like the environment, that are growing rapidly, and one other reason is we are spending money on areas such as this demilitarization of chemical agents. That is a fact. It is taking quite a bit of money.

The cost of demilitarizing this existing stockpile that we are now cutting down has grown to about $11.8 billion, in comparison to an early estimate we made of about $1.7 billion. The act expresses the sense of Congress that the Secretary of Defense should consider measures to reduce the overall cost of this demilitarization of our chemical weapons.

Mr. Chairman, I just wanted to assure my colleagues, Mr. GILCHREST and Mr. EHRLICH, and all other Members who are concerned about this demilitarization of chemical weapons, that we will be having hearings in the Subcommittee on Military Procurement on this issue. We will explore all the issues thoroughly, especially this cost issue, and we look forward to having them come and testify, as we do all Members, on this very important issue.

Mr. DELLUMS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we are coming to the last portion of this bill. We will be probably maybe voting on a motion to recommit, final passage, maybe one additional vote.

But let me take this opportunity to say to my distinguished colleague from South Carolina [Mr. SPENCE] who is the chairman of the committee governing the legislation this afternoon, that while there have been times when this gentleman has questioned the process that brings us to the floor, and where clearly because we have different politics we differ on the substance, I am reminded of the fact that 2 years ago I sat politically, spiritually, and intellectually where the gentleman stood, and that is coming to the closing moments on the floor of Congress for the first time bringing a monumental piece of legislation before this body. So I understand that.

I compliment the gentleman for his significant effort. This is an extraordinary undertaking. I compliment all of our colleagues who have functioned through this process, the give and take, the stress and the strain that has brought us to this floor.

Finally, I would like to compliment all of the staff people, the staff people on both sides of the aisle, Republican and Democrat and bipartisan, because there are very few people except us who know what goes into bringing this bill to the floor of Congress.

□ 1415

Having reduced the staff by one-third, those remaining staff people, and I see some of them smiling, have had to work literally around the clock. We often talk about nameless, faceless bureaucrats. These are diligent, competent, brilliant young people who spend numerous hours dealing with legislation that speaks hopefully to the best interests of this country. Frankly I do not think they make enough money, given the kind of job that they have to do here. So in the full light of day, Mr. Chairman, I would like to compliment all of the staff for an incredible job that they do.

Any Member of Congress who thinks they can function without competent staff is a person that has taken a flight off into fantasy. You are only as good as the people around you, and we are blessed with very bright and very competent people. I hope that we continue to praise them for the diligent work that they have done.

Mr. DUNCAN. Mr. Chairman, I want to thank Chairman SPENCE of the full committee, and all the managers of the bill on both sides for their efforts.

My amendment is simply a common sense, pro small business amendment. It enacts in the Department of Defense a bill In introduced earlier this year, H.R. 28, the Freedom from Government Competition Act.

The Government should be helping small businesses survive and grow—not trying to put them out of business by competing against them.

My amendment simply says that the Department of Defense should not provide any produce or service that can be obtained by the private sector.

This carries out a policy that, since the Eisenhower administration in 1955, has said "the Federal Government will not start or carry on any commercial activity to provide a service or product for its own use if such product or service can be procured from private enterprise through ordinary business channels."

Every administration, Republican and Democrat, for the past 40 years, has endorsed this policy, but unfortunately, they have never implemented it.

In fact, I hear estimates that as many as 1 million Federal employees are now doing commercial activities that could and should be done by private businesses.

Recently, a report released by the Commission on the Roles and Missions of the Armed Forces, known as the White Commission, stated that in the Department of Defense "at least 250,000 civilian employees are performing commercial-type activities that do not need to be performed by governmental personnel."

The Commission went on to say that they "recommend that the Government in general, and the Department of Defense in particular, return to the basic principle that the Government should not compete with its citizens."

That principle is what we are trying to put into law with this amendment.

This amendment is the right thing to do. More than $3 billion per year could be saved without cutting services or hurting national defense.

It is needed because the experience of the past 40 years has shown that without specific instructions from Congress, agencies will not take this action on their own.

The amendment requires the Secretary to review commercial activities now being performed by DOD and make a report to Congress by April 15 of next year.

The report will include a schedule for moving commercial activities to the private sector, or give reasons why certain activities should not be performed outside the Department of Defense.

When we look for ways to cut the size of Government, we should look first at those activities which can be done by the private sector.

It is particularly appropriate that we adopt this amendment this week, since some 2,000 small business owners are meeting here in Washington for the White House Conference on Small Business. When this meeting of America's small business men and women last met in 1986, one of their top issues was the importance of contracting out. Now, almost a decade later, contracting out is still one of their top priorities.

There is no reason why the Federal Government should operate golf courses and recreational facilities when those services can be done by private business. There is no reason for Federal employees to design roads and buildings when there are architecture-engineer firms that can do this work.

There is no reason for agencies to operate motor pools when maintenance of cars can be done by private contractors.

There is no reason for taxpayers to pay the salaries of Federal employees to operate cafeterias, perform janitorial services, paint, print, do electrical work, operate testing labs, and engage in scores of other activities that can be done by the small businesses.

This amendment will begin to eliminate government competition with private businesses and create a government that works better and costs less. It is time to give back DOD's commercial activities to the private sector. It is the right thing to do. It is what America's small businesses need to survive. It is what we are doing with this common sense amendment today.

I urge a "yes" vote from my colleagues on this en bloc amendment.

Ms. FURSE. Mr. Chairman, on of the major reasons I am voting against this en bloc amendment because of the inclusion of a very troubling amendment by Representative HOKE. This provision directs the Secretary of Defense not to implement any reduction in strategic nuclear forces called for in the START II Treaty unless and until the treaty enters into force.

Mr. Chairman, the cold war is over and everyone else has figured it out. An April nationwide poll shows that 82.3 percent of Americans believe that the United States and Russia should agree to negotiate deep reductions in their nuclear weapons arsenals. This amendment flies in the face of the desire for those reductions. The current practice is that as long as the Russians are dismantling their weapons, we continue to do so as well. I see no reason to stop that practice.

Following last fall's conclusion of the Nuclear Posture Review, Secretary of Defense Perry advocated a policy he called leading and hedging, explaining by saying, "By leading I mean providing the leadership for further and continuing reductions in nuclear weapons, so that we can get the benefit of the savings that would be achieved by that. At the same time, we also want to hedge, hedge against the reversal of reform in Russia . . . We do not believe that reversal is likely, and we are working with Russia to minimize the risk of it occurring."

If we were to actually honor the provisions of Representative HOKE's sense-of-Congress amendment and keep all our unclear weapons, it could require the additional expenditure of hundreds of millions of dollars a year. These funds would be required for such activities as maintaining more B–52 bombers and the possible purchase of additional D–5 missiles for *Trident* submarines.

Mr. Chairman, in this post-cold-war era, we have more important things to do than continue to maintain ridiculously high levels of nuclear weapons. I hope that the other body does not adopt this provision.

Mr. EVERETT. Mr. Chairman, I rise in support of this en bloc amendment package, which includes my amendment that would prohibit the Army from consolidating the Aviation Technical Test Center [ATTC] to any other facility until the Institute for Defense Analyses has completed an independent review of an Army proposal to transfer the ATTC from Fort Rucker and Edwards AFB to Yuma Proving Ground.

I want to make it perfectly clear that this is not a base closure issue. This proposal has been brewing within the Army's Test & Evaluation Command for more than 2 years, and in my opinion, is based on a flawed and incomplete analysis with a predetermined outcome.

Last year, the House-passed defense authorization bill contained report language requiring the Army to submit a report to Congress which substantiates their interest in moving the ATTC to Yuma. To date, we have not received such a report.

Mr. Chairman, I would not be here questioning the Army's motives unless I thought this proposal was ill conceived. The idea of recreating the aviation testing operation at considerable expense, and moving it from one location to another just doesn't pass the commonsense test. This amendment gives both the Army and the Congress the opportunity to review this proposal from an independent source. This is a prudent course of action for the House to make, and I urge my colleagues to support the amendment.

CONSOLIDATION OF THE ARMY'S AVIATION TECHNICAL TEST CENTER

The Army's Test & Evaluation Command has submitted a proposal to the Secretary of the Army to consolidate the Aviation Technical Test Center, currently located at Fort Rucker, AL and Edwards AFB, CA, at Yuma Proving Ground [YPG], AZ. In order to accommodate this consolidation at YPG, substantial infrastructure—$10 million—and logistics investments will be necessary. In the best of circumstances, the funding for these infrastructure investments are not planned by the Army until fiscal year 1998, which is well after the planned October 1996 stand-up date at Yuma. The Army has failed to adequately address the following concerns:

Enhanced synergy of Army aviation at Fort Rucker.

The vast pool of pilots and aircraft from the training center allows ATTC to meet any testing demand without additional cost.

Large maintenance, logistics, and supply facility at Fort Rucker enables ATTC to keep aircraft flying consistently and inexpensively—this would need to be refabricated at Yuma. The parts inventory alone could cost as much as $1.6 million.

The $10 million needed for hangar and maintenance facilities at Yuma will not be requested until fiscal year 1998, the work-arounds to leave these aircraft in the open, exposed to the harsh desert climate, seem short-sighted and ill advised.

Of the 97 tests conducted by ATTC, only 2 required the Yuma range, 1993; last two armament tests were conducted at China Lake and Eglin.

Armament and aviation testing trends are moving toward computer-simulated tests, rather than live-fire tests.

Mr. KIM. Mr. Chairman, I rise today in strong support of the Duncan amendment to H.R. 1530 which will require the Secretary of Defense to make more extensive use of the private sector to obtain necessary products and services. I believe it is time this Government take a good look at how the private sector can help save taxpayer dollars by allowing for a more open and fair competitive buying process. We can no longer afford to pay $500 for a hammer which could have been purchased in an open market for $5.99 at a local hardware store.

The Duncan amendment will go beyond addressing this Government's buying practices however. It will also rectify an important concern that I have with respect to the Department of Defense's apparent efforts to transfer a significant amount of maintenance and repair work away from capable and efficient private contractors to military depot installations. Specifically, recent events have convinced me that the Department of Defense is actively looking for ways to shore up its own depot facilities, even though the functions they preform can be done as effectively, at lower cost, by private business.

A stark example of this problem is the case of Loud Engineering and Manufacturing, Inc., a small business in my district. This independent business could be a vibrant contributor to the C–130 maintenance and repair effort. Yet, DOD consistently gives such work to its own depots or to foreign contractors in Canada, even though Loud could do the work for a competitive price. My attempts to get a straight answer from the DOD, as to why its own depots and Canadian firms get this business have been frustrating. I am concerned that such policies perpetuate the decline in our own military infrastructure and results in the loss of jobs in California—which needs such work at this time of continued recession. How can we continue to keep a dependable private-sector military-industrial base if it is not given a chance to compete for such contracts?

Unfortunately, Loud Engineering is not the only business being cast aside by the DOD. The repair and maintenance work for F404 engines, currently being done by General Electric Services in Ontario, and the transfer of the MC–130E Combat Talon I program workload, currently being done by Lockheed-Martin, are two other examples of DOD's efforts to hamper private sector involvement in defense contracts. The Department of Defense has proposed to transfer these functions to the Naval aviation depot in Jacksonville, FL and to the depot at Warner Robins Air Logistics Center [WR–ALC], respectively. I believe these efforts are unnecessary because these contractors have repeatedly received high praise by the DOD itself, which raises legitimate questions as to why such functions are being transferred expect to justify the continued operations of these depots.

While I am concerned about these specific cases, I believe the Duncan amendment will go a long way toward ensuring that DOD works, in accordance with congressional intent, toward providing our own defense industry suppliers with a fair and open chance at obtaining valuable contracts that promote job growth and our national security interests. It is with that in mind that I support the Duncan amendment and I call on all of my colleagues to vote in support of American businesses by passing this important amendment to H.R. 1530.

Mr. MOAKLEY. Mr. Chairman, I rise today to urge my colleagues on both sides of the aisle to support an amendment I am offering to the Defense authorization bill. I would first like to take a moment to thank both the Members and the staff of the Subcommittee on Military Personnel for working with me and coming up with language that was acceptable to all sides. My amendment is a sense of Congress that recognizes how invaluable the Uniformed Service Treatment Facilities [USTF's] have been to the 120,000 military retirees who utilize the health care provided at these facilities. My amendment also states that although USTF's will now be subject to the Federal acquisition regulation [FAR], USTF's should not be terminated for convenience by the DOD before their current participation agreements with the DOD expire.

Since the creation of the USTF program, many of my colleagues from both parties have recognized the importance of this program to their constituents. USTF's are unique and have been able to implement innovative, cost-effective ways to provide health care to DOD beneficiaries.

Unfortunately, in the past there have been those at the DOD who have not shared my enthusiasm for USTF's. For whatever reason, there have been people at the DOD who have tried to put insurmountable hurdles in front of the USTF's to try to make it impossible for the USTF's to continue to operate. My amendment clarifies this. I am pleased that the National Security Committee has acknowledged the USTF's and intends to make them a permanent program by including them in the TRICARE system. I know my constituents who utilize Brighton, ME, which is a USTF in the Boston area that I represent, would be quite upset if they thought the DOD could close their medical center. My amendment gives Brighton, ME and the other USTF's around the country that assurance. Mr. Chairman, don't we owe at least that much to the fine American men and women and their families who have served this country so well? I think so, and I urge my colleagues to support my amendment.

Mr. DELLUMS. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendments en bloc offered by the gentleman from South Carolina [Mr. SPENCE].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. HUNTER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 411, noes 14, not voting 9, as follows:

[Roll No. 383]

AYES—411

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest

Condit
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman

Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Klink
Klug
Knollenberg
Kolbe
LaFalce
Lantos
Largent
Latham
LaTourette

Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKinney
Meehan
Meek
Menendez
Metcalf
Meyers
Mfume
Mica
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz

Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Reynolds
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen

Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Young (FL)
Zeliff
Zimmer

NOES—14

Becerra
Beilenson
Cardin
Conyers
DeFazio

Eshoo
Filner
Frank (MA)
Furse
LaHood

Miller (CA)
Myrick
Nadler
Stockman

NOT VOTING—9

Chapman
Dickey
Flake

Kleczka
McKeon
McNulty

Thornton
Yates
Young (AK)

☐ 1436

Mr. FILNER and Mr. BEILENSON changed their vote from "aye" to "no".

Mr. REED changed his vote from "no" to "aye."

So the amendments en bloc, as modified, were agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Chair understands that the amendments numbered 1, 2, 4, 5, and 26 and printed in part 2 of

House Report 104-136 will not be offered.

If there are no further amendments, the question is on the committee amendment in the nature of a substitute, as modified, as amended.

The committee amendment in the nature of a substitute, as modified, as amended, was agreed to.

Mr. SMITH of Michigan. Mr. Chairman, I rise today to thank National Security Chairman SPENCE and Subcommittee Chairman BATEMAN for their support of my amendment regarding the Defense Reutilization and Marketing Service [DRMS] based at the Federal Center in Battle Creek, MI.

In the last several years, DRMS has vastly improved the efficiency of its operations, which involve the reuse and sale of military surplus goods. In the 1994 fiscal year, DRMS increased its revenues by 85 percent and its profits by 11 percent, while cutting its costs by 4 percent. These improvements have continued into the 1995 fiscal year. In fact, the Michigan Legislature recognized and commended the achievements of DRMS in a resolution passed on May 31, 1995.

This week, a provision of H.R. 1530 proposed the total privatization of DRMS, ignoring the fact that some areas of privatization would actually cost taxpayers money. My amendment proceeds with privatization in those areas where savings are likely in DRMS. Fortunately, with the help of many fine people connected with DRMS at Battle Creek, MI, we were able to document the selective privatization program and those areas run by DRMS employees that have, for the first time, started making money.

I would like to take this opportunity to recognize and thank some of those who took leading roles in the effort to amend H.R. 1530. I would like to thank the leaders of DRMS and DLA, Navy Captain Hempson [DRMS] and Admiral Straw [DLA]. I also want to express my appreciation for the support of Dan McGinty, DLA's congressional liaison.

I want to thank the employees of DRMS both for the excellent work they have done and their efforts working with me on this amendment. In particular, I would like to recognize the efforts of Gary Redditt and Angie Disher, the union representatives at DRMS.

Mr. Chairman, our goal is to increase the efficiency of all Department of Defense operations and privatize in those areas where taxpayer dollars can be saved. DRMS is meeting this goal. Similar efforts must be made across the whole Government. Once more, let me say once more to DRMS and its employees, job well done.

Mr. CUNNINGHAM. Mr. Chairman, I rise today to express my appreciation to the distinguished chairman of the committee, Mr. SPENCE, for his understanding of the tremendous pressures which are placed on military families today and the need for programs to assist families in coping with these pressures. I also want to thank and commend my colleague from California, Mr. DELLUMS, for his longstanding support and advocacy for our military families.

In particular, I also want to thank Chairman SPENCE for his leadership for helping to ensure that the necessary funding has been provided to continue a very important program aimed at preventing child and spouse abuse within the military. In fiscal year 1992, Congress appropriated funds to expand the New Parent Support Program [NPSP], a pilot program aimed at preventing child and spouse abuse at Camp Pendleton, CA. That program operated in direct collaboration with the Center of Child Protection at Children's Hospital in San Diego.

Today, the NPSP has been operating at all 18 major Marine bases worldwide for 2 years, reaching the families where child and spouse abuse are most likely to occur. The reports from the Marine Corps, at all levels, indicate the program is operating successfully and that the appropriate families are being reached.

I am also happy to report that in 1994, the Army began the NPSP in direct collaboration with the USMC and Children's Hospital in San Diego. Currently, Army families at 14 installations worldwide are participating in the NPSP and 8 additional sites will be operating by the end of this year.

Advocacy programs of this nature play an integral role in military readiness by ensuring the stability of military families during uncertain times and should receive priority consideration by the leadership of all branches of the services and by the Congress.

Tragically, this pains and disasters of abuse reach families of all branches of the military. A review of existing DOD programs shows that most other programs focus on this problem react to the incident after it occurs. The NPSP is aimed at preventing the abuse and providing family support for families at risk. In light of the Marine Corps and Army programs' continued demonstrated value and success, I would like to continue to work with Chairman SPENCE and the distinguished gentleman from California [Mr. DELLUMS] to ensure that the benefits of this model program reach the risk families in all the branches of the armed services.

Again, I want to recognize the outstanding leadership that Chairman SPENCE has provided in fostering military family advocacy programs. Our service members and their families have two committed and effective champions in both the chairman and ranking member of the National Security Committee.

I look forward to working with the leadership of the committee to provide all military families the tools they deserve to assist them in dealing with stressful and uncertain times.

Mr. REED. Mr. Chairman, it is with regret that I rise in opposition to the bill before us today.

It is regrettable because this is the first time I plan to vote against passage of the defense authorization bill, which establishes our military policies and priorities.

While I support the Congress' desire to bring attention to the importance of military readiness as well as many of their initiatives, I must oppose this supposed prodefense bill because it fails to clearly support the Navy's top priority—the third *Seawolf* submarine.

This bill adds billions for items not requested by the Department of Defense, but fails to clearly support the third *Seawolf* as requested by the Navy and outlined in the Joint Chiefs of Staff force requirements.

This bill provides some resources aimed at preserving our submarine industrial base, and Chairmen SPENCE and HUNTER have attempted to craft a plan that seeks to maintain two nuclear submarine capable shipyards.

However, in authorizing a level of funding that is close to the Navy's request for the third *Seawolf,* this bill would not direct completion of a new submarine. Instead, the bill would go back and retrofit the second *Seawolf* with a design that is not even yet designed.

In addition, the proposed next class of attack submarines, now known as the new attack submarine, in the bill would be a technology demonstrator or R&D submarine, rather than a militarily capable submarine that meets the Navy's needs.

Moreover, the Navy's new attack sub design and mission underwent an intensive Congressional review last year. It was also subjected to evaluation by an independent group as well as standard Navy and DOD review. But, again the committee bill with good intentions has dramatically altered the Navy's well-thought-out plan.

There is a better submarine plan that unlike many in Washington is uncomplicated and cost-effective—complete the third *Seawolf* and capitalize on the almost $1 billion already invested in the third *Seawolf.*

This option preserves the submarine industrial base. This option uses designs that are completed. This is the option endorsed by the Navy, the Defense Department, the Joint Chiefs force requirements, the Bottom-Up Review, an independent review commission, the Rand Corp., President Clinton, Speaker GINGRICH, and Majority Leader DOLE.

There are also a number of items in this bill that concern me that are not related to submarines. These include the bill's excessive emphasis on a national missile defense or star wars system; the gutting of the bipartisan Nunn-Lugar plan which reduces the nuclear threat by dismantling the weapons of our former Soviet enemies; the prohibition on choice for female soldiers, and the majority's decision to abrogate the ABM Treaty.

In addition, there are some items in this bill that are worthy of support, such as Navy undersea warfare research and procurement. But in the final analysis. the failure to endorse the Navy's attack submarine plan compels me to oppose the bill.

Mr. Chairman, I urge the leadership of the House National Security Committee to reconsider its stance on the Navy's plan for the third *Seawolf* when House and Senate negotiators meet in the coming months. Until this bill reflects the Navy's plan or endorse a more reasonable submarine procurement plan that provides for continued construction at all components of the industrial base, I will be hard pressed to support it.

Mr. ABERCROMBIE. Mr. Chairman, I will vote today for final passage of H.R. 1530, the National Defense Authorization Act for fiscal year 1996 with serious reservations. I strongly support the efforts of the committee in the areas of quality of life improvements for our service members and the provisions which were passed to rebuild the foundation for a vital merchant marine which is essential to our Nation's status as a world power.

However, I am deeply troubled with the direction of the bill's retreat from previous commitments to arms control and nonproliferation of weapons of mass destruction. Even more distressing is the tremendous increase in the defense budget for excess weapons inventory. The authorization today includes over $1.2 billion in adds for the down payment on two more B–2 bombers and increases in the ballistic missile defense accounts. It commits us to initial expenditures on weapons systems which we will never be able to procure in the outyears. Today's excessive expenditures in these areas will only make it harder to allocate funds for the weapon systems and equipment which our troops need to fight and win at the front lines in future conflicts.

Having said that, the bill makes significant strides in its effort to alleviate the severe military family housing problem. Currently, two-thirds of the families living on base are housed in unsuitable quarters. This bill allows for a 5-year pilot program which will allow for creative solutions to replace a huge inventory of military family housing which has been neglected for decades. I am especially pleased with the private-sector financing alternative. In the past, Hawaii has been very successful in its implementation of this type of arrangement to provide for housing. The housing crisis in Hawaii is one that affects the civilian populace as well as military families. Suitable and affordable properties for rent or purchase are few and far between. This new housing initiative will be a great step toward reducing the tremendous strain on the lives of military and civilians in my State and many others with regard to affordable housing.

The committee has also been very supportive of the serious concerns of the Merchant Marine Panel with regard to our diminishing fleet of American-built, American-crewed merchant ships. The provisions in this bill establish a foundation for revitalization of the American merchant fleet. This is a first step, but we must do more.

I implore all Members of the House to stand together on this solidly bipartisan issue and help us to rebuild the American merchant fleet which is so vital to the national defense and economic security of our Nation. We must bring this issue to the forefront and demand a policy which will encourage the revitalization and growth of this industry before we lose it completely to foreign competition. We cannot and must not become dependent on foreign carriers and crews for the strategic sealift needs of our Nation.

On the issue of impact aid, I applaud the committee for taking the initiative to provide for costs of educating the children of military families in local school districts across the Nation. The areas of the Nation which are heavily impacted by the presence of Federal facilities would bear a tremendous burden if this program had not been funded. This program, while not enjoying as high a profile as the many debates on procurement issues, is of extreme importance to our all volunteer military force. Today's service members have put education for their children high on their list of concerns. Our troops must know that we are as concerned about the education of their children as we are of the funding of ballistic missile defenses. There is a direct correlation to the well-being of military families and troop readiness. Everything possible must be done to ensure that these concerns are not pushed aside in the welter of media-hyped and politically charged issues.

The National Guard Civil-Military Cooperative Action Program, which was repealed in this bill, deserves a reexamination in conference. This program enables the National Guard and Reserve to exercise their training in realistic settings while providing valuable assistance to communities across the Nation. It provides training which may not otherwise be available or affordable. This is a dual-benefit program which increases readiness and helps our local communities, rather than foreign communities, receive assistance in health care or infrastructure development. This program provides funding for the military personnel, and the missions performed generally have low or no incremental costs for operations. Congress must act to restore this program for the benefit of the Guard, the Reserve, and our communities.

There is a need for further improvements to this bill. I look forward to working with my colleagues through the conference process to ensure that the final product meets the needs of this Nation for a strong national defense which includes trained and ready Armed Forces, economic security, proper education for all our citizens, and a sound foreign policy that promotes democracy and human rights.

Mr. UNDERWOOD. Mr. Chairman, I rise today to speak to a number of issues related to the fiscal year 1996 DoD authorization bill.

First, I want to thank Chairman SPENCE, HEFLEY, DORNAN, BATEMAN, WELDON, and HUNTER for their work with me on issues of particular interest to Guam in the committee. I also appreciate the efforts of the ranking member RONALD DELLUMS for his work with me on my priorities in the committee, and the hard work of the staff of the National Security Committee.

I am pleased that the committee helped to ensure that seven out of eight of my priorities were included either in legislative or report language. As a result of legislative language put in the bill at my request, the Commonwealth of the Northern Marianas will now be afforded a nomination for the military service academies and Guam will be included in the definition of the United States for the purposes of repairs on Navy homeported ships. I am also pleased that the committee included report language on the Naval Hospital-Guam, the Guam Air National Guard, the Piti Power Plant and the placement of the Navy SEAL facilities.

The only item that the committee did not include was funding for an armory for the Guam National Guard. I understand the constraints under which Chairman HEFLEY was operating, and hope that the message he was trying to send to the Army resonates within the Department. Next year, perhaps the Army will include a request for construction of an armory in Guam in their budget.

The National Guard on Guam is the only guard unit in the United States that does not have an armory, which seriously hampers their ability to complete their mission. Within the last few years, Guam has experienced over a hundred typhoons, tropical storms, and several earthquakes, including one measuring 8.2 on the Richter scale. The Guam National Guard is under more demand for their services than most other Guard units in the States, but, without an armory, they simply cannot adequately respond to these natural disasters.

Many of my colleagues have spoken about priorities in this bill and the need to support the readiness of our troops. The proposed Army Museum, which would require $15 million for land purchases, has attracted attention due to budget constraints. I hope that the Army puts as much effort into developing plans to meet the construction needs of armories at National Guard units as they do in pursuing funding for the museum.

Therefore, before the Army begins construction of their museum, I challenge them to present a plan to Congress for how they are going to meet the need to construct National Guard armories. The plan that I am requesting will outline how the Army plans to fit this funding in their budget requests in the tight fiscal environment they face. With the decision in Congress to reject any Member add-ons for armories that are not requested by the Army, it is now time for the Army to rethink their budgets and request funds for armories in next year's budget. I look forward to working with Secretary of the Army Togo West and Assistant Secretary for Installations, Logistics and Environment Robert Michael Walker in the next year on this funding request.

I also want to note my support for an amendment that was proposed by Representative RONALD DELLUMS. This amendment earmarked $61 million, of the $10.7 billion provided in the bill for defensewide operation and maintenance activities, for the Defense Department's Office of Economic Adjustment.

The Dellums proposal would ensure that the Office of Economic Adjustment continues to have the tools to assist communities where military bases are being closed. As my constituents in Guam can testify, the functions of the Office of Economic Adjustment are critical to the ability of local communities to reuse bases which are closing. Without assistance, local reuse committees will be left without the ability to convert these facilities quickly into productive use.

I commend Ranking Member DELLUMS for raising this issue and for his leadership to secure funding for reuse at closed bases. I am hopeful that, in the environment of downsizing and budget cuts, Congress will not forget the obstacles and challenges that local communities face in developing reuse plans for closed military facilities. With the leadership of Congressman DELLUMS, I have no doubt that the problems faced by local reuse committees will remain on Congress's agenda.

Again, I want to thank Chairman SPENCE, Ranking Member DELLUMS and each of the subcommittee chairman for their willingness to work with me on issues of particular importance to Guam. I look forward to continuing this close working relationship next year as we follow through on the commitments made in this year's bill.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore. (Mr. HAYWORTH) having assumed the chair, Mr. EMERSON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill, (H.R. 1530) providing for consideration of the bill (H.R. 1530) to authorize appropriations for fiscal year 1996 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1996, and for other purposes, pursuant to House Resolution 164, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of substitute, as modified, as amended, adopted by the Committee of the Whole?

If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. DELLUMS

Mr. DELLUMS. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. DELLUMS. I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. DELLUMS moves to recommit the bill H.R. 1530 to the Committee on National Security with instructions to report the same back to the House forthwith with the following amendments:

Page 38, line 18, insert "(a) IN GENERAL.—" before "Of the amounts".

Page 38, after line 22, insert the following:

(b) NMD REDUCTION.—The amounts provided in subsection (a) and in section 201(4) are each hereby reduced by $100,000,000, to be derived from amounts for the National Missile Defense program.

At the end of title III (page 153, after line 25), insert the following new section:

SEC. 396. DEPARTMENT OF DEFENSE DEPENDENT EDUCATION ASSISTANCE (IMPACT AID) FOR SCHOOL-AGED DEPENDENTS OF CERTAIN MILITARY PERSONNEL.

(a) PROVISION OF DEPENDENT EDUCATION ASSISTANCE (IMPACT AID).—(1) In the case of students described in section 8003(a)(1)(D) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(a)(1)(D)), the Secretary of Defense shall provide funds to local educational agencies that received payments for these students from the Department of Education in fiscal year 1994 or 1995 under the Act of September 30, 1950 (Public Law 874, 81st Congress) or title VIII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7701 et seq.).

(2) Subject to the availability of appropriations for this purpose, funds shall be paid under this section in fiscal year 1996. However, the Secretary of Defense may use the authority provided by this section only in the event that payments under section 8003 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703) for a fiscal year on behalf of students described in subsection (a)(1)(D) of such section are not made in a total amount equal to at least the level of funding for fiscal year 1995 under such section for such students.

(b) COMPUTATION OF BASIC PAYMENT.—Each local educational agency described in subsection (a) shall be eligible for basic payments, which shall be computed for each year by multiplying—

(1) the amount determined by dividing—

(A) the amount of funds received by the local educational agency in the second preceding fiscal year under this subsection, section 3(b)(3) of the Act of September 30, 1950 (Public Law 874, 81st Congress), or section 8003(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)); by

(B) the number of students described in section 8003(a)(1)(D) of such Act in average daily attendance in the second preceding fiscal year; and

(2) the number of such students in average daily attendance of the local educational agency in the fiscal year preceding the fiscal year in which the payment is being made.

(c) COMPUTATION OF DISABILITY PAYMENT.—Each local educational agency described in subsection (a) shall also be eligible for disability payments for students described in section 8003(d)(1)(B) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(d)(1)(B)). The payment required by this subsection shall be computed for each year by multiplying—

(1) the amount determined by dividing—

(A) the amount of funds received by the local educational agency during the second preceding fiscal year under this subsection, section 3(d)(2)(C) of the Act of September 30, 1950 (Public Law 874, 81st Congress), or section 8003(d) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(d)); by

(B) the number of students described in section 8003(d)(1)(B) of such Act in average daily attendance in the second preceding fiscal year; and

(2) the number of such students in average daily attendance of each local educational agency in the fiscal year preceding the fiscal year in which the payment is being made.

(d) HEAVILY IMPACTED ASSISTANCE.—(1) Each local educational agency described in subsection (a) shall also be eligible for heavily impacted assistance if—

(A) the local educational agency—

(i) had an enrollment of students described in subparagraphs (B) and (D) of section 8003(a)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(a)(1)) during the previous fiscal year, the number of which constituted at least 40 percent of the total student enrollment of such agency; and

(ii) has a tax rate for general fund purposes which is at least 95 percent of the average tax rate for general fund purposes of comparable educational agencies in the State; or

(B) the local educational agency—

(i) had an enrollment of students described in subparagraphs (B) and (D) of section 8003(a)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(a)(1)) during the previous fiscal year, the number of which constituted at least 35 percent of the total student enrollment of such agency; and

(ii) has a tax rate for general fund purposes which is at least 125 percent of the average tax rate for general fund purposes of comparable educational agencies in the State.

(2)(A) For each local educational agency described in paragraph (1), payments for each year shall be computed by first determining the greater of—

(i) the average per-pupil expenditure of the State in which the agency is located; or

(ii) the average per-pupil expenditure of all the States.

(B) The Secretary shall next subtract from the amount determined under subparagraph (A) the average amount of State aid per pupil received for that year by each local educational agency described in paragraph (1).

(C) For each local educational agency described in paragraph (1), the Secretary shall multiply the amount determined under subparagraph (B) by the total number of students described in subparagraphs (B) and (D) of section 8003(a)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(a)(1)) in average daily attendance for that year.

(D) Finally, the Secretary shall reduce the amount determined under subparagraph (C) for a local educational agency for a fiscal year by the total amount of—

(i) all payments the local educational agency receives under subsections (b) and (c) for that year; and

(ii) any payments actually received under section 8003 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703) for that year.

(3) Notwithstanding any other provision of this section, a local educational agency that actually receives funds under section 8003(f) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(f)) for a fiscal year shall be eligible to receive funds under this subsection only after the full amount computed under paragraph (2) has been paid to all local educational agencies described in paragraph (1) that do not receive funds under such section for that fiscal year.

(4) For purposes of providing assistance under this subsection, the Secretary shall use student and revenue data from the local educational agency for the fiscal year for which the agency is applying for assistance.

(5) For purposes of this subsection, the Secretary shall determine the current year State average per-pupil expenditure by increasing or decreasing the per-pupil expenditure data for the second preceding fiscal year by the same percentage increase or decrease reflected between the per-pupil expenditure data for the fourth preceding fiscal year and the per-pupil expenditure data for the second preceding fiscal year.

(6) For purposes of this subsection, the term "average per-pupil expenditure" means the aggregate current expenditures of all local educational agencies in the State, divided by the total number of children in average daily attendance for whom such agencies provided free public education.

(e) PROHIBITION ON MULTIPLE PAYMENTS.—(1) Amounts received by a local educational agency under subsection (d) in a fiscal year, when added to amounts actually received under section 8003(f) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(f)) for that year, may not exceed the amount the agency would have received under such section had assistance under such section been fully funded.

(2) Amounts received by a local educational agency under subsection (c) in a fiscal year, when added to amounts actually received under section 8003(d) of the Elementary and Secondary Education Act of 1965 (20

U.S.C. 7703(d)) for that year, may not exceed the amount the agency would have received under such section had assistance under such section been fully funded.

(3) Amounts received by a local educational agency under subsection (b) in a fiscal year, when added to amounts actually received under section 8003(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)) for that year, may not exceed the amount the agency would have received under such section had assistance under such section been fully funded.

(f) PRORATION OF AMOUNTS.—If necessary due to insufficient funds to carry out this section, the Secretary shall ratably reduce payments under subsections (b), (c), and (d).

(g) COOPERATION.—The Secretary of Education shall assist the Secretary of Defense in gathering such information from the local education agencies and State educational agencies as may be needed in order to carry out this section.

(h) FUNDS FOR FISCAL YEAR 1996.—The amount provided in section 301(5) for operation and maintenance for Defense-wide activities is hereby increased by $100,000,000. Of the funds corresponding to such increase—

(1) $50,000,000 shall be available for payments under subsection (b) in fiscal year 1996;

(2) $10,000,000 shall be available for payments under subsection (c) in fiscal year 1996; and

(3) $40,000,000 shall be available for payments under subsection (d) in fiscal year 1996.

Mr. DELLUMS (during the reading). Mr. Chairman, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. The gentleman from California [Mr. DELLUMS] is recognized for 5 minutes in support of his motion to recommit.

Mr. DELLUMS. Mr. Chairman, I ask unanimous consent to allow my distinguished colleague, the gentleman from Texas [Mr. EDWARDS], to control the 5 minutes that are authorized to this gentleman.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. EDWARDS. Mr. Speaker, just for a moment I would like the Members to imagine what it is like to be a child of a military family. For just a moment, Members, imagine being 8 years old and wondering why your mother cannot attend school functions because she has been deployed to a place called Somalia.

Imagine being a 10-year-old and not seeing your father for 6 to 12 months because he is serving our Nation in Korea. Imagine being a 12-year-old boy, and wondering why dad can seldom come to your little league games. Imagine being a 14-year-old daughter and wondering whether your father or mother in uniform will even be alive to come to your high school graduation. Sadly, many never do.

Members, it does not take imagination to realize the sacrifices of our military children. Those sacrifices are real. Military children are the unheralded partners, the unsung heroes, the young patriots in our fight for a strong national defense. How can we adequately say thank you for the sacrifices of our military children? How can we adequately express our sorrow to the child whose father or mother died in service to our Nation?

The answer is we cannot. We cannot replace the time spent away from one's parent. We cannot replace the father or mother that will never know his small child, but there is one thing today that you and I can do, one thing we must do for our military children. We must say to them that if their parents are willing to fight and die for our country, our country, you and I, accept the responsibility to see that they, the children, receive a quality education. That is the least this Congress can do. To do any less would be wrong.

For this Congress to gut education funding for military children would not only be wrong, it would be terribly unfair and immoral. To gut education funding for our military children would send an uncaring message to the young parents serving in our Nation's Armed Forces. To say to a soldier that "While you are serving in Korea or in Europe or some other faraway land, that we in Congress will be gutting your children's education back home" would be a slap in the face to every father, to every mother proudly wearing our Nation's uniform. Such a callous act would hurt our military morale, retention, and readiness.

□ 1445

Mr. Speaker, our service men and women love our Nation but they love their children, too. To force them to choose between serving their country and caring for their children's education would be unconscionable. Yet that is exactly what this Congress is doing.

The Committee on the Budget and every Republican on it voted to zero out $120 million in impact aid funding that the Department of Education for years has provided for military children whose parents are living next to a military base. That money goes to the military children's schools to help make up for lost school revenues due to commissary sales that are not taxed or lost income taxes from military families. Many of those districts are already taxing their school districts at the maximum allowable rate.

With the sincere and dedicated leadership of the gentleman from Virginia [Mr. BATEMAN] and a bipartisan effort, the Committee on National Security did vote to spend $58 million in DOD money for impact aid. Our military families owe Chairman BATEMAN a debt of gratitude.

I regret, though, that 12 Members of our Committee on National Security on the Republican side voted against even that funding for education for our military children and their families. Fifty-eight million dollars is a positive step forward for our children's education, but cutting education funding for those special children by 50 percent is simply not right. Those children deserve more than a half a loaf.

Mr. Speaker, this motion to recommit would take $100 million out of the $450 million added on for national missile defense and have that money used to support our children. If in conference committee we can find another source to help provide present-day funding for impact aid, that is fine with me. But we need to set the standard and make the commitment right here and right now, today.

Surely, in a $267 billion defense budget that was added up by $9.7 billion, we can find $100 million to say to our children in the military and their families, "We are committing to see that you get a good education."

Members, this should not be a partisan vote. Let Republicans and Democrats alike show our military families we care about them and we care about their children. Vote for this motion to recommit.

The SPEAKER pro tempore (Mr. HAYWORTH). The Chair recognizes the gentleman from South Carolina [Mr. SPENCE].

Mr. SPENCE. Mr. Chairman, we all know what recommit motions are and the reason for them.

In this particular motion to recommit, I strongly oppose it on behalf of the committee. There was consideration of this matter in the committee. The gentleman was accommodated.

The other committees in this Congress are doing something to help in impact aid. I myself personally am a big supporter of impact aid. My district depends on it, and it is not a matter of impact aid or not, it is just the wrong way to do it.

Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. GOODLING], the chairman of the Committee on Economic and Educational Opportunities.

Mr. GOODLING. Mr. Speaker, first of all I must say following the first part of that speech is very, very difficult. The second part, of course, was partisan, but the first part was very difficult to follow.

But I would please ask you not to legislate on a motion to recommit on something as complicated as impact aid. We will guarantee you as a committee that we will take up this issue.

At the present time, we have $631 million as current funding. That is for children whose parents live and work on Federal property, children whose military families do not live on a base, and for low-income housing. You have added $58 million extra in this particular piece of legislation.

I would encourage you, let us do it through the authorizing process so that we do not open any loopholes, that we do not make changes that we are going to wish we had not made. Let us do it through the proper channels.

Mr. SPENCE. Mr. Speaker, I yield to the gentleman from Texas [Mr. ARMEY], the distinguished majority leader.

Mr. ARMEY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, this is the 11th year in which I have watched this Congress do a defense authorization bill. I think we must all agree that in all this time, never have we brought a defense authorization bill to the floor and moved it so smoothly and so congenially through the House in such a short period of time.

Mr. Speaker, I would like to commend both the gentleman from South Carolina [Mr. SPENCE], the chairman of the committee, and the gentleman from California [Mr. DELLUMS], the ranking member of the committee, and all the members of the committee for the collegiality they have shown on their committee, both in the committee room and on the floor, in respect to this bill and this legislation. Rarely do we have an opportunity to see a bill as complex as this come to a complete work on the floor ahead of schedule, and I think both of these two gentlemen deserve our appreciation along with the other members of the committee.

Mr. Speaker, I would like to commend the gentleman from Texas [Mr. EDWARDS] for his motion to recommit. I understand the sincerity with which he offers it. It is a serious matter, one that we all have a concern about, and the children, of course, of our military men and women are important to us. Their education is important to us.

I appreciate the fact that the gentleman from Texas [Mr. EDWARDS] brings that before the body, and I appreciate also the expression of commitment that is made by the gentleman from Pennsylvania [Mr. GOODLING], the chairman of the Committee on Economic and Educational Opportunities. These children will not be left behind. These children's education will not be neglected. We need not concern ourselves about that.

I would recommend to my colleagues that we have a good piece of work here. It is a good bill. It is respectful of the children's future, both with respect to their education and their national security, and I encourage all my colleagues, vote no on this motion to recommit and vote yes on the bill and have a good sense of understanding that we have done our duty within the confines of our budget to keep our children safe and secure and well-educated.

PARLIAMENTARY INQUIRIES

Mr. TAYLOR of Mississippi. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. TAYLOR of Mississippi. Mr. Speaker, if my memory serves me correctly, one of the very first measures to pass this body——

Mr. SOLOMON. Regular order. That is not a proper parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. TAYLOR of Mississippi. Mr. Speaker, one of the first measures to pass the body this year was a bill doing away with unfunded Federal mandates. If we are going to require local school districts like Biloxi, MS, to educate children on these bases as we do, and we are going to cut the funds we give to communities like Biloxi, MS, to educate these children, does this not then become an unfunded Federal mandate?

The SPEAKER pro tempore. The gentleman is not stating a proper parliamentary inquiry.

Mr. TAYLOR of Mississippi. I am asking a question, sir. It is a parliamentary inquiry. Did we pass the bill?

The SPEAKER pro tempore. The gentleman is not stating a proper parliamentary inquiry.

Mr. TAYLOR of Mississippi. Mr. Speaker, did that bill become law?

The SPEAKER pro tempore. The gentleman from Mississippi will suspend. The gentleman did not state a proper parliamentary inquiry.

Mr. OBEY. Would the Chair yield for another parliamentary inquiry?

The SPEAKER pro tempore. The gentleman from Wisconsin will state his parliamentary inquiry.

Mr. OBEY. Mr. Speaker, if this motion before us is not passed, how does the authorizing committee, which does not appropriate a dime, assure us that impact aid will not be cut, since the Committee on Appropriations is most certainly going to have to cut it substantially?

The SPEAKER pro tempore. The gentleman is not stating a parliamentary inquiry.

Mr. KENNEDY of Rhode Island. Mr. Speaker, I rise today in support of the motion to recommit.

H.R. 1530 while it restores funding for heavily impacted school districts in the Impact Aid Program, ignores the special needs of those children classified as "B" students.

In my State of Rhode Island it is the "B" student who will suffer most without this funding. Last year, the public schools of Newport and Portsmouth received nearly $330,000 in funding for these children.

Without this funding, over 3,500 Rhode Island "B" students will receive less than an adequate education and be left unprepared and undefended in the harsh climate of the new global economy. This is a cost America simply cannot bear.

I support the motion to recommit so we may pass a bill that fully funds Impact Aid and supports the future of America's children.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. DELLUMS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 188, noes 239, not voting 7, as follows:

[Roll No. 384]

AYES—188

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bishop
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Christensen
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Matsui
McCarthy
McDermott
McHale
McKinney
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Montgomery
Moran
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Porter
Poshard
Rahall
Rangel
Reed
Reynolds
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Taylor (MS)
Tejeda
Thompson
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wise
Woolsey
Wyden
Wynn

NOES—239

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bevill
Bilbray
Bilirakis
Bliley

Blute
Boehlert
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson

Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
Mascara
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Mollohan
Moorhead
Morella
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney

Norwood
Nussle
Oxley
Packard
Parker
Paxon
Petri
Pombo
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—7

Chapman
Dickey
Flake

Kleczka
McNulty
Thornton

Yates

□ 1513

Mr. MASCARA changed his vote from “aye” to “no.”

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. FLAKE. Mr. Speaker, due to an unavoidable absence, I missed the following votes, and had I been present, I would have voted as follows:

Rollcall vote 381, “aye”; rollcall vote 382, “aye”; rollcall 383, “aye”; and rollcall vote 384, “aye”.

The SPEAKER pro tempore (Mr. HAYWORTH). The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. WELDON of Pennsylvania. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 300, noes 126, not voting 8, as follows:

[Roll No. 385]

AYES—300

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Boucher
Brewster
Browder
Brown (FL)
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clement
Clinger
Coble
Coburn
Coleman
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
de la Garza

Deal
DeLauro
DeLay
Diaz-Balart
Dicks
Dixon
Dooley
Doolittle
Dornan
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Ensign
Everett
Ewing
Fawell
Fazio
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Frelinghuysen
Frisa
Frost
Funderburk
Gallegly
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton

Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jefferson
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones
Kaptur
Kasich
Kelly
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Knollenberg
Kolbe
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Manton
Manzullo
Matsui
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
Meek
Metcalf
Meyers
Mica
Miller (FL)
Mink
Molinari
Mollohan
Montgomery
Moorhead
Moran
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz

Orton
Oxley
Packard
Parker
Pastor
Paxon
Payne (VA)
Peterson (FL)
Pickett
Pombo
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Regula
Richardson
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Royce
Salmon
Sanford
Sawyer

Saxton
Scarborough
Schaefer
Schiff
Scott
Seastrand
Shadegg
Shaw
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)

Taylor (NC)
Tejeda
Thomas
Thornberry
Thurman
Tiahrt
Torkildsen
Torres
Traficant
Tucker
Upton
Visclosky
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)
Zeliff

NOES—126

Barrett (WI)
Becerra
Beilenson
Berman
Bonior
Borski
Brown (CA)
Brown (OH)
Bryant (TX)
Cardin
Clay
Clayton
Clyburn
Collins (IL)
Collins (MI)
Coyne
Danner
DeFazio
Dellums
Deutsch
Dingell
Doggett
Doyle
Duncan
Durbin
Engel
English
Eshoo
Evans
Farr
Fattah
Fields (LA)
Filner
Foglietta
Ford
Frank (MA)
Franks (NJ)
Furse
Ganske
Gunderson
Gutierrez
Hastings (FL)

Hilliard
Hinchey
Jacobs
Johnson (SD)
Johnston
Kanjorski
Kennedy (MA)
Klink
Klug
LaFalce
Levin
Lewis (GA)
Lincoln
Lofgren
Lowey
Luther
Maloney
Markey
Martinez
Martini
Mascara
McCarthy
McDermott
McKinney
Meehan
Menendez
Mfume
Miller (CA)
Mineta
Minge
Moakley
Morella
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pallone
Payne (NJ)
Pelosi
Peterson (MN)

Petri
Pomeroy
Rahall
Ramstad
Rangel
Reed
Reynolds
Rivers
Roemer
Roth
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Schroeder
Schumer
Sensenbrenner
Serrano
Shays
Skaggs
Slaughter
Stark
Stokes
Studds
Stupak
Thompson
Torricelli
Towns
Velazquez
Vento
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wise
Woolsey
Wyden
Wynn
Zimmer

NOT VOTING—8

Chapman
Conyers
Dickey

Flake
Kleczka
McNulty

Thornton
Yates

□ 1532

The Clerk announced the following pair:

On this vote:

Mr. McNulty for, with Mr. Yates against.

Mr. SCHUMER changed his vote from “aye” to “no.”

Ms. JACKSON-LEE changed her vote from “no” to “aye.”

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SPENCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore (Mr. HAYWORTH). Is there objection to the request of the gentleman from South Carolina?

There was no objection.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 1530, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1996

Mr. SPENCE. Mr. Speaker, I ask unanimous consent that, in the engrossment of the bill, H.R. 1530, the Clerk be authorized to correct section numbers, punctuation, cross references, and to make such other technical, clerical, and conforming changes as may be necessary to reflect the actions of the House in amending the bill, H.R. 1530.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1817, MILITARY CONSTRUCTION APPROPRIATIONS ACT FOR FISCAL YEAR 1996

Mr. QUILLEN, from the Committee on Rules, submitted a privileged report (Rept. No. 104–140) on the resolution (H. Res. 167) providing for consideration of the bill (H.R. 1817) making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1996, and for other purposes, which was referred to the House Calendar and ordered to be printed.

PERMISSION TO FILE PRIVILEGED REPORT ON BILL MAKING APPROPRIATIONS FOR FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS FOR FISCAL YEAR 1996

Mr. CALLAHAN. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a privileged report on a bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1996, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

REPORT ON H.R. 1854, LEGISLATIVE BRANCH APPROPRIATIONS FOR FISCAL YEAR 1996

Mr. PACKARD, from the Committee on Appropriations, submitted a privileged report (Rept. No. 104–141) on the bill (H.R. 1854) making appropriations for the legislative branch for the fiscal year ending September 30, 1996, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. All points of order are reserved on the bill.

Mr. VOLKMER. Mr. Speaker, I would like to inquire of the gentleman from California, the chairman of the Subcommittee on Appropriations who just filed a report——

Mr. PACKARD. Mr. Speaker, would the gentleman repeat that please?

Mr. VOLKMER. I just would like to make an inquiry of the gentleman:

It is my understanding that the Committee on Rules on the gentleman's bill is going to require us to file amendments on the bill by noon on Monday.

Mr. PACKARD. That is correct.

Mr. VOLKMER. It is not printed; is it? It is not available to me; is it?

Mr. PACKARD. I would have to refer that to the chairman of the Committee on Rules.

Mr. VOLKMER. I mean the gentleman knows whether the bill is available to me or not.

Mr. PACKARD. The bill is printed. I do not know whether it is official or not, but it is available.

Mr. VOLKMER. With the amendments in it?

Mr. PACKARD. Not with the amendments until noon Monday.

It is available as it was reported out of the full committee. It will be in H–218 in the Capitol.

Mr. VOLKMER. In other words, I have to go there and look at it? I cannot take it back to my office, or my staff cannot, to review it as we always do on legislation?

Mr. PACKARD. We will give the gentleman a copy.

Mr. VOLKMER. Mr. Speaker, I thank the gentleman from California.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1289, THE NEWBORN INFANT HIV NOTIFICATION ACT

Mr. FATTAH. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 1289.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 774

Mr. CALVERT. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor from the bill, H.R. 774.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

DESIGNATING TRINITY DAM IN THE CENTRAL VALLEY PROJECT, CA, AS TRINITY LAKE

Mr. DOOLITTLE. Mr. Speaker, I ask unanimous consent for the immediate consideration in the House of the bill (H.R. 1070) to designate the reservoir created by Trinity Dam in the Central Valley project, California, as "Trinity Lake."

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. DEFAZIO. Mr. Speaker, reserving the right to object, I yield to the gentleman from California [Mr. DOOLITTLE] to enable him to explain the legislation. We are particularly curious about whether or not Clair Engle was a Democrat and what the underlying reasons are for this change.

Mr. DOOLITTLE. Mr. Speaker, he was a Democrat, and he was considered a water expert in his time, and for that reason this reservoir which the bill seeks to change the name of was named for him. This bill would designate the reservoir created by Trinity Dam in the Central Valley Project in California as Trinity Lake.

Under the provisions of current law the reservoir is currently designated as Clair Engle Lake and, therefore, requires legislation in order for the name to be changed. The problem here is that in the local area everybody refers to this as Trinity Lake except the technical name that appears in the maps is Lake Clair Engle. It casts a lot of confusion, and for that reason the Trinity board of supervisors unanimously passed a resolution in support of changing the name.

In our report accompanying this bill we have asked the bureau to consider an appropriate visitor center that they could name in honor of Clair Engle, who was once chairman of the House Interior Committee and then subsequently became our U.S. Senator from California; we think that would be appropriate, and I would ask that the bill be supported.

Mr. DEFAZIO. Further under my reserved right to object, Mr. Speaker, I find the gentleman's arguments convincing. I do not detect a partisan bias here. I think the naming of a visitor center or other appropriate memorial would be well taken, and I have swum in the lake myself and had no idea of the name of it. I was told I was swimming in Trinity Lake.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the bill, as follows:

H.R. 1070

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF TRINITY LAKE.

(a) DESIGNATION.—The reservoir created by Trinity Dam in the Central Valley project, California, and designated as "Clair Engle Lake" by Public Law 88–662 (78 Stat. 1093) is hereby redesignated as "Trinity Lake".

(b) REFERENCES.—Any reference in any law, regulation, document, record, map, or other paper of the United States to the reservoir referred to in subsection (a) shall be considered to be a reference to "Trinity Lake".

(c) CONFORMING AMENDMENT.—Public Law 88–662 (78 Stat. 1093) is repealed.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ANNOUNCEMENT OF AMENDMENT PROCESS FOR THE LEGISLATIVE BRANCH APPROPRIATION

(Mr. SOLOMON asked and was given permission to address the House for 1 minute.)

Mr. SOLOMON. Mr. Speaker, the Rules Committee is planning to meet on Monday, June 19, to grant a rule which may limit the amendments offered to the legislative branch appropriations bill.

Members who wish to offer amendments to the bill should submit 55 copies of their amendments, together with a brief explanation, to the Rules Committee office in H–312 of the Capitol, no later than noon on Monday, June 19.

Amendments should be drafted to the bill as ordered reported by the Appropriations Committee. Copies of the text will be available for examination by Members and staff in the offices of the Appropriations Committee in H–218 of the Capitol.

Members should use the Office of Legislative Counsel to ensure that their amendments are properly drafted and should check with the Office of the Parliamentarian to be certain their amendments comply with the rules of the House.

Any offset amendments should be scored by CBO to ensure compliance with clause 2(f) of rule 21, which requires that they not increase the overall levels of budget authority and outlays in the bill.

If Members or their staff have any questions regarding this procedure, they should contact Bill Crosby of our staff at extension 5–9191.

We appreciate the cooperation of all Members in submitting their amendments by the noon, June 19 deadline in properly drafted form.

Mr. VOLKMER. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Missouri.

Mr. VOLKMER. Mr. Speaker, the only reason I asked for this is it is apparent for me that I always prefer a copy of the report and a copy of the bill, and I am suggesting to Members that if they would contact the Appropriations Subcommittee at H–218, I am sure that they can obtain a copy of the subcommittee report—I mean a full committee report and the bill at that time. They would not have to go down there and just look at it themselves. That was of concern to me, and I think that is available to them.

The other thing that I am very curious about:

This will be the second bill, appropriations bill, to be taken up. We are going to be taking up one tomorrow.

Mr. SOLOMON. That is correct.

Mr. VOLKMER. And that is under a rule; correct?

Mr. SOLOMON. Yes.

Mr. VOLKMER. Are we going to be doing rules on every appropriation bill?

Mr. SOLOMON. If they have to come to the Committee on Rules, as the gentleman knows——

Mr. VOLKMER. No appropriation bill has to go to the Committee on Rules.

Mr. SOLOMON. Well, it does if they contain unauthorized legislation.

Mr. VOLKMER. That is correct.

Mr. SOLOMON. And of course, if that has not been passed by both Houses, then it is going to require a rule. But we intend to make sure that all of it is going to be subject to the authorizing committees; that is important.

Mr. VOLKMER. In other words, if something has passed the House that has been authorized, then the gentleman wants to make sure that it is protected under the rule so it cannot be stricken on a point of order from the——

Mr. SOLOMON. That is right, such as the defense authorization bill that just passed the House a few moments ago. The military construction bill coming up tomorrow is going to be subject to that, and all of the succeeding bills will be the same thing.

Mr. VOLKMER. Does the gentleman plan to go further in that and protect other things, legislative language and things like that that have not been covered by authorization but that somebody wants to put an appropriation bill because they did not get it in the present law?

Mr. SOLOMON. I would certainly hope not. We want to try to protect the committee system in this Congress. It has worked well for many years, and we do not want to violate the rules of the House. That would be a violation which would be subject to waiver if this body saw fit, but I personally oppose it.

Mr. VOLKMER. Mr. Speaker, I thank the gentleman very much.

Now the other thing, and last thing, I would like to ask the gentleman about:

In the rule for the MILCON, military construction, tomorrow the gentleman from Oklahoma [Mr. BREWSTER] had requested that his amendment be in order. Is that amendment going to be in order?

Mr. SOLOMON. No, we have a completely open rule on the military construction appropriation bill that will be on the floor, and that means that it will be subject to all the rules of the House.

Mr. VOLKMER. So it has to be germane.

Mr. SOLOMON. That require waivers. It also comes under the jurisdiction of the Government Operations Committee and the Committee on the Budget. Hopefully we can deal with those so we do not have to deal with each individual one. That would require waivers of the House, and we did not make any waivers in order for legislating in appropriations bills.

□ 1545

Mr. VOLKMER. Mr. Speaker, I want to thank the gentleman from New York for his explanations. I appreciate the comments.

TRIBUTE TO CARAMOOR

(Mrs. KELLY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. KELLY. Mr. Speaker, we pay tribute to one of the greatest cultural treasures of my district—the Caramoor Center for Music and the Arts—which is celebrating its 50th anniversary.

The vision for Caramoor began with the combined talents and determination of Walter and Lucie Rosen. Avid collectors of art as well as accomplished musicians, the Rosens often played host to many of New York's most prominent performers and cultural patrons in their Katonah summer home, which was called Caramoor.

After the death of their son in World War II, the Rosen's bequeathed Caramoor "as a Center for Music and the Arts for the Town of Bedford and the State of New York."

Caramoor has become a focal point of both the national and international music scenes. Now it is home to an 8-week outdoor music festival.

Under the leadership of Howard Herring and the artistic direction of André Previn, Caramoor has attracted such stars as James Gallway, Barbara Cook, Sylvia McNair, and Yo-Yo Ma, and has served as a launching ground for scores of up and coming performers through its Rising Stars program.

The Caramoor experience is unique in that it allows audiences to convene with nature while enjoying music in its purest form. With the recent additions of the "Touch Tour" and the Marjorie Carr Adams "Sense Circle" for the visually impaired and the mentally and physically challenged, Caramoor remains committed to ensuring true accessibility for all of its visitors.

Whether strolling through the gardens, picnicking in the orchard, or listening to the harmonies under the stars, Caramoor allows people to lose themselves in the moment. It has often been said that music is food for the soul. In this spirit, Mr. Speaker, may Caramoor continue to provide us with nourishment for yet another 50 years, I would invite you and the rest of the country to join us at Caramoor for an evening of good music and good cheer.

ICWA APPLIED UNFAIRLY

(Ms. PRYCE asked and was given permission to address the House for 1 minute and to revise and extend her remarks, and include extraneous material.)

Ms. PRYCE. Mr. Speaker, when will it stop? Today we have another heart-wrenching front page story of an adoption gone awry.

Nineteen months ago Jim and Colette Rost of Columbus, OH, adopted twin baby girls and have cared for them every day of their young lives.

Yesterday, a judge in California took these girls away from the only family they have ever known and awarded custody to a perfect stranger, the birth grandmother.

The only reason for this is that the girls are 1/32 Pomo Indian and the judge ruled that the Indian Child Welfare Act applies to these children and that tribal rights supercede all other interests.

Mr. Speaker, when are we going to come to our senses?

As an adoptive mother, I can tell you these rulings will have a chilling effect on couples wishing to provide good homes to children through adoption. Who will want to risk the potential heartache and the terrifying prospect that your child might have some far-removed native American heritage and be taken away?

Mr. Speaker, I have introduced legislation to amend the ICWA to prevent these injustices in the future.

I welcome input and advice of the native American community and I ask the support of my colleagues for H.R. 1448, so that future tragedies such as this can be avoided.

Mr. Speaker, I include the following materials:

FEBRUARY 7, 1995.

DEAR REPRESENTATIVE PRYCE: I'm writing to you as a mother looking for help. My family is being threatened by an "adoption gone bad." My husband and I took immediate custody of twin baby girls in California in November of 1993. We were involved in an open adoption where we met the birth mother and birth father. These unmarried birth parents were 20 years old and they already had 2 boys. They made a decision to allow the twins to be adopted because they couldn't give them the attention and care they deserved. Moreover, they felt it would be unfair to their 2 sons that they already had. The birth father at that time did not disclose his Native American background (which turns out to be only 1/16 making the twins 1/32 and had chosen not to tell his parents about the adoption. In February of 1994, when the twins were 3 months old, he broke up with the birth mother, went home to his parents and told them about the adoption. The birth father's mother contacted a tribe in California (that she was not registered with until April 1994) who then contacted the attorney who arranged the adoptions demanding the return of the twins.

This was the first time we knew of his Native American Heritage. Since that time we have been involved in a fight to keep our babies. The twins, Lucy and Bridget are now 15 months old and have been with us since their discharge from the hospital. We have brought them into our family where they have bonded with their big sister Hannah (age 7½), grandparents, aunts, uncles and cousins on both sides.

They are so precious to us and we live in terror of losing them because of the Indian Child Welfare Act; an act that does not take into consideration the best interest of the child and more or less gives the tribe absolute power.

Please help us in any way you can. We can't become another adoption "fatality." These little girls would go back to a pathological family situation and they would be robbed of the love we would give them.

Sincerely,

COLETTE ROST.

ROST CASE ILLUSTRATES LAW'S RACISM

In a new book titled Life on the Color Line, Gregory Howard Williams, dean of the Ohio State University law school, describes the day—more than 30 years ago—that he learned he was "really" black, not white. Greg and his brother were traveling with their father to his family home in Muncie, Ind.—their mother had run off with two younger siblings—when their father explained that the relatives they were going to live with were black.

Greg's father, James, it seems, was the product of a black-white union. While living with his white wife, James had called himself white. Simple arithmetic should have suggested that Greg and his brother were three-quarters white.

But not in the United States of the 1950s. So brutal was the hostility of whites to blacks and so horrified were whites by the concept of racial mixing (miscegenation) that a person with even the smallest amount of Negro heritage was considered entirely black.

And so, at the age of 10, Greg Williams, with Caucasian features and fair skin, began a new life as a black person. As a teen-ager, dating was a trauma. "Dating for me was . . . like swimming in shark-infested waters," he wrote. Whites who "knew" that he was black didn't want him to date white girls, while those who didn't know disliked seeing him with black girls.

We've come a long way since the 1950s. Interracial couples are, for the most part, well-accepted among both blacks and whites. And yet, we still tend to think of people in racial terms. When someone's skin color or facial features do not yield an instant category, we want to know what race that person is. We want to know—even if there is no answer.

Must one choose? What if your mother is Asian and your father is half black and half white? Is someone's race so important?

A case now being considered in California suggests that we haven't come as far as we ought since the 1950s.

A couple in Columbus, Ohio, adopted a set of twin girls through an agency in California. Both birth parents, unmarried at the time of the birth, signed all of the relevant paperwork surrendering their rights to the twins. They also signed sworn affidavits, routine in California, to the effect that neither they nor their children (they have two older boys) were members of any Indian tribe. The girls were immediately placed for adoption with Jim and Colette Rost of Columbus.

Six months later, when the Rosts attempted to have the adoption finalized, the agency (which had legal custody) balked. The birth father and his mother (the birth grandmother) were contesting the adoption, claiming now that the children were Indian and thus covered by the Indian Child Welfare Act.

It seems that someone, perhaps the young (age 42) birth grandmother, had decided to search the family records and had come up with something. The twins' parents are not Indian. Their four grandparents are not Indian. Their eight great-grandparents are not Indian. Their 16 great-great-grandparents were not Indian. But one of the twins' great-great-great-grandparents was an Indian. That makes the twins 1/32 Indian, and that, apparently, is enough to trigger the federal law. So ruled a judge in California. The federal law provides that if a child is Indian and the subject of a custody dispute, the birth parents have first claim, the extended family has second claim and the tribe has the final word.

The twins are now 18 months old, and while no final disposition has been made by the judge, they have been ordered to visit with their birth grandmother.

Clearly, this is a case of some unscrupulous white folks gaming the system. But the law permits it. And the law is racist. If one distant Indian ancestor is enough to make you fully Indian, isn't this uncomfortably close to the tainted-blood view of miscegenation from the Jim Crow era—to say nothing of the racial schemes of the old South Africa or Nazi Germany?

Very few of us are "pure" members of one race or another. Our ancestors got around. And racial categorization—though slavishly worshiped by the politically correct—is almost always pernicious.

[From the Columbus Dispatch, June 15, 1955]

TWIN GIRLS WILL GO TO BIRTH FAMILY

(By Randall Edwards)

Bridget and Lucy Ruiz, 19-month-old twins who have lived with a Columbus couple since their birth, will be placed in the custody of their biological grandparents in California and will not return to Ohio, a judge in Los Angeles ruled yesterday.

The time and place of the transfer, when Jim and Colette Rost must turn the twins over to grandparents Karen and Richard O. Adams, will be kept secret based on a strict order from Judge John Henning of the Los Angeles County Superior Court.

"I'm mad. I'm worried about Bridget and Lucy, and I don't know what else to say," a distraught Jim Rost said after the ruling.

"I'm going to miss them," he added. "Lots of tears. It's like a death in the family."

The judge's decision represents a victory for members of the birth family, who are part Pomo Indian, in a bitter legal battle with the Rosts, who are white.

The litigation has drawn international media attention and has launched a national debate over a federal law that restricts the adoption of American Indian children.

The Rosts' lawyer immediately appealed, but she rated her chances of victory as "slim."

"The Rosts are completely out of it," said attorney Jane Gorman.

"If we could have kept custody of the girls, I think we might have won on appeal, because I think the judge's decision was wrong," she said. "But with the court having transferred custody, our chances are slim."

Henning does not want members of the news media, who have surrounded the courthouse in recent days, to be present when the children are given to their biological grandparents, Gorman said. The judge has barred reporters from the courtroom throughout the proceedings.

Henning had ordered the Rosts to bring the children to Los Angeles in late May for a series of visits with Karen Adams and the birth parents—Adams' son Richard E. Adams, and Cynthia Ruiz. Last week, Henning issued an order prohibiting the Rosts from taking the twins out of Los Angeles County.

Reached by telephone in his chambers yesterday, Henning would say only that he had established a temporary guardianship and made Karen and Richard O. Adams custodians.

Richard E. Adams' lawyer Leslie Glick, said the birth parents hope to one day take custody of the twins "when they are stable."

"Rick and Cindy, but that they had no money, would have kept those children to begin with, Glick said. She denied that the couple, who married after the adoption dispute began, have had serious domestic violence problems. Richard E. Adams had been charged, but was not convicted, of battery stemming from a domestic violence complaint filed by Ruiz.

Glick called Henning's decision "very thoughtful" and said the guardianship plan is "in the best interests of the children."

"The birth family is so happy. They want their children back."

Adams and Ruiz voluntarily consented to the adoption, but Adams changed his mind about three months later, saying he wanted his mother to have custody and revealing that the children are part Pomo Indian.

The terms of the Indian Child Welfare Act, a 1978 law that gives Indian families and Indian tribes powerful influence over the adoption of Indian children were not followed in the adoption, lawyers said.

The Rosts say they never knew the children were part Indian until Adams tried to stop the adoption. And there was no evidence produced that showed they were aware.

Testimony that an adoption lawyer who represented Ruiz and Adams knew about the Pomo claims proved to be a turning point in the case, however, said Arnold Klein, a lawyer appointed to represent the twins. Adoption lawyer D. Durand Cook, who represented Ruiz and Adams, produced documents, that showed he knew Adams was claiming Pomo ancestry, said Klein.

Adams had testified that Cook told him his Pomo ancestry would complicate and slow the adoption process, so he concealed his Indian background.

Cook also said he never told the Rosts about the Pomo Ancestry, Klein and Gorman confirmed. The Rosts paid Cook's $4,200 legal bill as part of the adoption agreement, Jim Rost confirmed.

According to the Indian Child Welfare Act, Cook should have contacted tribal authorities, who would have determined the placement of the children.

Mr. Rost said he was shocked by Cook's revelation.

"It was incredible to me that he had a conversation that involved the American Indian issue and that he chose not to disclose that to us." Mr. Rost said. But he added he thinks the focus on Cook's testimony misses the point.

"Nobody is saying anything about the fact that two adults made this decision to give up these children. They sought out Durand Cook, and now they are invoking this law to take the children away from us.

"It's incredible for us to see almost unanimous support from everyone we meet and have our legal system make a ruling that flies in the face of that," Mr. Rost said.

Mr. Rost said he is frustrated that neither he nor Mrs. Rost ever had a chance to testify in the case.

"We never had a chance to present any evidence. The judge said his hands were tied."

U.S. Rep. Deborah Pryce, who tried to amend the Indian Child Welfare Act in time to help the Rosts maintain custody of the twins, said yesterday that she is disappointed.

"These children have become the innocent victims of a badly written law," Pryce, R–Perry Township, said in a prepared release. Pryce said the use of the Indian Child Welfare Act in the case is "contrary not only to the best interests of the children, but to the original intentions of the legislation."

The act was approved in 1978 after congressional investigators found that as many as 35 percent of Indian Children were being adopted away from their homes, usually by white adoptive parents.

Legislation introduced by Pryce and companion legislation introduced by U.S. Sen. John Glenn, D–Columbus, would have amended the law to prevent tribes, from bestowing retractive membership as it relates to adoption cases.

The amendments were stalled after a flurry of opposition from American Indian groups, who testified that the law challenges the sovereignty of American Indians.

FRENCH NUCLEAR TESTING

(Mr. FALEOMAVAEGA asked and was given permission to address the House for 1 minute and to revise and extend his remarks and to include extraneous material.)

Mr. FALEOMAVAEGA. Mr. Speaker, how ironic that one of the world's most celebrated marine scientist, who over the years came to the shores of many of the South Pacific islands and other countries and preached to us the gospel of conservation and to preserve all forms of marine life. He is none other than the Frenchman oceanographer Jacques-Yves Cousteau. Jacques Cousteau told millions of people throughout the world to save the whales; Jacques Cousteau told the world to preserve the precious reefs and corals that surround most of the Pacific islands; Jacques Cousteau told the world how important plankton is which is the life source of all marine life.

But now, Mr. Speaker, we have another Frenchman named Jacques Chirac, who happens to be the President of France—and is now telling the world—the heck with you 27 million people and an additional 1.5 million American citizens who live in the Pacific Ocean—we're going to explore eight nuclear bombs starting this September. Mr. Speaker, these are not devices, they are nuclear bombs.

I ask the good people of France, have you no conscience toward the lives, the health, and safety of some 28 million men, women, and children who live in the Pacific region?

Mr. Speaker, I say to the good people of France—you have already exploded almost 200 nuclear bombs in the South Pacific—now you want to explode 8 more nuclear bombs. Isn't it logical, Mr. Speaker, that the Chinese should now be given an open invitation to explode 174 nuclear bombs to catch up with France; and that countries like India, Pakistan, Iraq, North Korea, and Iran should now be justified for each of these countries to also explode 208 nuclear bombs to catch up with France. And yes, let's let France explode 900 more nuclear bombs in order to catch up with the United States.

Mr. Speaker, what madness. Mother Earth is hurting and crying, and man is going to be held accountable for this madness.

I submit for the RECORD the following:

COUSTEAU REGRETS CHIRAC DECISION ON NUCLEAR TESTS

PARIS, June 14.—French oceanographer Jacques-Yves Cousteau voiced regret on Wednesday over President Jacques Chirac's decision to resume nuclear testing in the Pacific Ocean and said atomic weapons should be outlawed.

"It is regrettable that France has given in to out-dated arguments," Cousteau, 85, said in a statement.

"Great wars are of the past. The struggle for peace is carried out first and foremost through education and the restoration of morality," he said. "Today's wisdom makes it necessary to outlaw atomic arms."

Chirac announced in Paris on Tuesday that France would hold eight tests at its South Pacific site, ending them next May in time to sign a comprehensive test ban treaty.

Cousteau, who regularly tops opinion polls as France's most popular personality, has been a vigorous campaigner against the French nuclear industry and marine pollution. He once considered running for president on a radical ecology ticket.

[From the Washington Times, June 15, 1995]

CHIRAC'S NUCLEAR TESTS SEND MESSAGE OF DEFIANCE

PARIS—By timing his decision to resume French nuclear tests on the eve of his first presidential visit to Washington and a Group of Seven summit, President Jacques Chirac sent a clear message that France is a major power with a world role.

But his defiant decision to resume nuclear testing drew outrage from every corner of the world yesterday as Mr. Chirac's month-old government serenely insisted the nation's "vital interests" override diplomatic niceties.

South Pacific nations near the Polynesian atoll testing site accused France of "flagrant disregard." New Zealand and Australia said they would freeze military relations. Moscow and Washington were critical.

In the grand tradition of Gen. Charles de Gaulle, the leader of wartime Free France and father of the French atom bomb, Mr. Chirac was asserting himself as the leader of a pocket superpower with global interests and defying the United States.

Analysts said that Mr. Chirac had served notice that President Clinton would be dealing with a French leader determined to assert French and European interests in a "rebalanced" Atlantic partnership.

Le Monde diplomatic analyst Daniel Vernet called it "the desire to return to Gaullist gestures."

"The message to the world and to the Nation is the same: asserting his willpower, authority and ability to make decisions that are, naturally, 'irrevocable.' It is a way of notifying Mr. Clinton before he arrives in Washington that the president means to exercise his powers fully," political commentator Philippe Alexandre said.

The same determination was clear in Mr. Chirac's energetic role in Bosnia, spearheading the creation of a rapid-reaction force with Britain to protect U.N. peacekeepers and summoning Defense Security William Perry to Paris to approve it, while ignoring NATO.

A remark during Mr. Chirac's first television news conference Tuesday summed up his approach. "I think the Atlantic Alliance does not have a leader," he said.

Mr. Chirac flew to Washington for his first summit with Mr. Clinton, enjoying solid backing from his conservative government. Politicians and commentators said there was no doubt he deliberately timed the announcement as a show of independence and fortitude on the eve of his meeting with Mr. Clinton and the forthcoming G–7 summit in Halifax, Nova Scotia.

"It's clear Chirac wanted to make a thunderous arrival on the international stage," said Jean-Michel Boucheron, a Socialist Party defense expert. "I would have preferred his first message to the world to be a message of peace, rather than a slap in the face to 178 countries that signed the Non-Proliferation Treaty."

Mr. Chirac's premier, Alain Juppe, went before the National Assembly to defend the test decision.

"France's vital interests prevail over all other considerations, even of diplomatic nature," Mr. Juppe said, "France will maintain a credible and sufficient deterrent force."

Mr. Chirac, at his first news conference since taking office May 17, said Tuesday that France would abandon its 1992 moratorium on nuclear testing and conduct eight more tests between September and May. He promised France would halt all tests by May 1996 and sign a treaty banning such testing.

Mr. Chirac's predecessor; Socialist Francois Mitterrand, suspended France's testing program in 1992, promoting Russia, the United States and Britain to follow. China had been the only nuclear power to continue experimental nuclear blasts.

Russia said that the move could jeopardize international disarmament agreements.

But Mr. Juppe brushed aside the criticism, saying France shouldn't heed complaints from powers that have conducted "10 times more tests" over the years.

Mr. Juppe said Mr. Mitterrand's suspension of testing three years ago was "premature," disrupting efforts to develop computer simulation technology that would permanently end the need for tests.

France has no plans to develop new nuclear weapons or change nuclear strategy and seeks only to verify the safety of existing weapons while advancing toward simulation technology, Mr. Juppe said.

Domestically, ecologists and leftist political groups assailed Mr. Chirac. "You are the shame of France," said an open letter to Mr. Chirac from Bernard Clael, a popular novelist whose works stress environmental themes.

THE BARBARIC METHODS OF ABORTION

(Mr. SMITH of New Jersey asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. SMITH of New Jersey. Mr. Speaker, the dirty secret of the pro-abortion movement is the method of abortions themselves. More than two decades after Roe the Nation remains woefully uninformed concerning the violent and abusive methods routinely used to kill unborn babies. The abortion industry has cleverly sanitized and marketed abortion with an endless stream of euphemisms. In abortion mills throughout the land abortionists dismember kids with razor blade tipped knives connected to suction machines or inject deadly poisons into the child.

Today hearings begin in the Committee on the Judiciary to outlaw what is known as partial birth abortions. Here is how the originator of this terrible method of abortion describes it:

After delivering most of the baby he says the surgeon then takes a pair of blunt, curved, Metzenbaum scissors in the right hand. He carefully advances the tip, curved down, along the spine and under his middle finger until he feels it contact the base of the skull under the tip of his middle finger. The surgeon then forces the scissors into the base of the skull. Having safely entered the skull, he spreads the scissors and then they suck the brains out of that baby.

Mr. Speaker, this is barbaric. This legislation would outlaw this egregiously barbaric procedure.

The surgical assistant places an ultrasound probe on the patient's abdomen and scans the fetus, locating the lower extremities. This scan provides the surgeon information about the orientation of the fetus and approximate location of the lower extremities. The tranducer is then held in position over the lower extremities.

The surgeon introduces a large grasping forcep, such as a Bierer or Hern, through the vaginal and cervical canals into the corpus of the uterus. Based upon his knowledge of fetal orientation, he moves the tip of the instrument carefully towards the fetal lower extremities. When the instrument appears on the sonogram screen, the surgeon is able to open and close its jaws to firmly and reliably grasp a lower extremity. The surgeon then applies firm traction to the instrument causing a version of the fetus (if necessary) and pulls the extremity into the vagina.

By observing the movement of the lower extremity and version of the fetus on the ultrasound screen, the surgeon is assured that his instrument has not inappropriately grasped a maternal structure.

With a lower extremity in the vagina, the surgeon uses his fingers to deliver the opposite lower extremity, then the torso, the shoulders and the upper extremities.

The skull lodges at the internal cervical os. Usually there is not enough dilation for it to pass through. The fetus is oriented dorsum or spine up.

At this point, the right-handed surgeon slides the fingers of the left hand along the back of the fetus and "hooks" the shoulders of the fetus with the index and ring fingers (palm down). Next he slides the tip of the middle finger along the spine towards the skull while applying traction to the shoulders and lower extremities. The middle finger lifts and pushes the anterior cervical lip out of the way.

While maintaining this tension, lifting the cervix and applying traction to the shoulders with the fingers of the left hand, the surgeon takes a pair of blunt curved Metzenbaum scissors in the right hand. He carefully advances the tip, curved down, along the spine and under his middle finger until he feels it contact the base of the skull under the tip of his middle finger.

Reassessing proper placement of the closed scissors tip and safe elevation of the cervix, the surgeon then forces the scissors into the base of the skull. Having safely entered the skull, he spreads the scissors to enlarge the opening.

The surgeon removes the scissors and introduces a suction catheter into this hole and evacuates the skull contents.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. HAYWORTH). Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

THE PRESIDENT'S BUDGET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. SMITH] is recognized for 5 minutes.

Mr. SMITH of Michigan. Mr. Speaker, thank you very much.

Last night President Clinton unveiled his second budget of this year. This budget aims to balance the Federal budget 10 years from now. This means that if you know any third graders, that third grader will be graduated from high school and the budget still will not be balanced.

It also means that we hope that a decade from now we are going to really balance the budget. I mean, if a politician told you today that we are not going to balance the budget now but we are going to balance it in 10 years, I wonder how many of the American people would believe that promise.

Remember, the President did not say the debt would be paid off. He said if all goes well, we will stop adding to the debt rate. Put it this way: Does it not all sound a little ludicrous? Do we really think that Congress will balance the budget 10 years from now? We just cannot do it today, and therefore we have to put it off for 10 years?

President Clinton is saying we will not pay you back 10 years from now, but we are going to stop and make the promise today that we will not be borrowing money 10 years from now. The President has said that it would be too painful to bring the budget into balance in less than 10 years.

Now, remember that Thomas Jefferson, while President, introduced a plan to pay off the Federal debt at that time in 16 years. That meant that he thought it prudent not just to balance the budget, but run enough of a surplus to pay off the debt.

If you consider the real problem, the serious problem, that we not only have to balance the budget, but the fact is we have an actuarial debt in Medicare of an estimated $8 trillion, we have an actuarial debt in Social Security of an additional $5 trillion, we have an actuarial debt of what we owe Federal retirees, the pension plans for Federal workers and military workers, of an estimated $1.5 trillion additional. It is serious.

I am delighted the President has come to the forum. But now we need to decide if he is going to actually give us the details of those budget reductions and cuts so that we can incorporate those ideas into our thinking as we proceed with this budget resolution.

You know, the pain we are hearing about when the President says it is too painful to balance the budget in 7 years is political pain, involved in admitting to reality. As the great 19th century French political philosopher, Frederic Bastiat told us, government cannot provide what it does not contain.

The only way government can give you $1 of health care services is to take that $1 from your neighbor in taxes. There is no such thing as Federal money that can be handed out by 435 Congressmen and 100 Senators. If the Federal Government does not tax your neighbor to get that dollar, then it has the option to borrow it from that neighbor or print the dollar. If the Government borrows the dollar, then your neighbor cannot use it to buy a machine or go to school or to buy a car or to buy a home and to make more productive workers and an expanded economy in the United States. If the Government prints the dollar, then the savings of your elderly neighbor has gone down in value, which is taxing by inflation.

We must admit that Medicare is going bankrupt, as well as Social Security, and that Medicaid is bankrupting States as well as the Federal Government. To say that it is too painful to balance the budget only makes sense if you think that government has the right to your earnings and will just leave you with whatever is left over after the politicians divide it up among the people who have political access or political pull.

Let us follow in the footsteps of Thomas Jefferson and force the politicians to admit that the emperor, in this case the Federal Government, has no clothes, has no dollars. We cannot exist by using Government as a mechanism to engage in stealing from each other. We must as individuals recognize our responsibility towards the less fortunate, the sick and the elderly.

Governments cannot be charitable. They can only redistribute under force. I have faith in the American people and their willingness to provide true altruism.

FRENCH NUCLEAR TESTING—NO. 3

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from American Samoa [Mr. FALEOMAVAEGA] is recognized for 5 minutes.

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today in strongest opposition to France's announced resumption of exploding nuclear bombs in the South Pacific.

After decades of work, and through the efforts of peoples of divergent countries throughout the world, we are, or at least we were, moving toward a common goal of removing nuclear weapons from the face of this planet. Last month, the United States, France, and the major nuclear powers promised over 170 non-nuclear nations that the nuclear powers would exercise "utmost restraint" with regard to nuclear testing and work toward a comprehensive test ban treaty. Despite reservations, these commitments were accepted at face value by the non-nuclear nations, which are the vast majority of the countries of the world, and it was only with their support that permanent extension of the Nuclear Non-Proliferation Treaty [NPT] was gained.

Following in the footsteps of China's nuclear detonation right after the NPT's renewal, a testing resumption by France would confirm the ugliest fears of the non-nuclear nations. The implications are quite obvious, and what the French Government is now saying to the international community and especially countries like India, Pakistan, North Korea, Iraq, and Iran is—the nuclear powers in the name of national interest are more than willing to undermine the NPT, and their commitment to nuclear nonproliferation and disarmament is suspect. The French Government is also sending the message that it does not care about the concerns of some 27 million people who live in the South Pacific region—and we should also add some 1.5 million Americans who live in the State of Hawaii, Guam, the Northern Marianas, and American Samoa.

Mr. Speaker, what the French Government is saying is we're going to explode eight nuclear bombs in the middle of the South Pacific Ocean—and there is nothing you can do about it.

Mr. Speaker, I cannot believe for a minute that the citizens and the good people of France want its government to explode nuclear bombs that will have tremendous negative impact upon the marine environment of the Pacific Ocean. I cannot believe the good people of France will permit their government to exercise poor judgment on such an important and critical international issue as nonproliferation of nuclear weapons. Mr. Speaker, what a reprehensible display of arrogance of power by a major European country that loves to expound upon moral principles of human rights, protection of the environment, and due fairness and equity to all of humanity.

Instead of complying with the spirit of the nuclear Nonproliferation Treaty, France has said, in effect, we still want to ban nuclear testing, we really do, but not just yet. We want to get every possible advantage we can from our testing program before we stop our tests. So please just ignore these eight nuclear bomb explosions, then next year we will sign a treaty to stop further testing.

Mr. Speaker, I suspect that the military establishment of every nuclear power wants to perform more tests of weapons from their nuclear arsenals to ensure the reliability of their systems. But the fact is all of the nuclear powers, except China, have given up this benefit and stopped testing programs in the interest of making the world a safer place to live. The United States has stopped its testing program because it could derive no more benefit from further tests; it stopped testing to encourage other countries to cease their testing. It is only through leadership such as this that we can hope to rid our planet of the most dangerous weapon mankind has devised—the only weapon we have created that can destroy every form of life as we know it.

Mr. Speaker, I want to comment President Clinton and his administration for standing by its commitment to continue this country's ban on nuclear bomb testing, and I also want to commend the United Kingdom for its statement committing to maintain its ban also. Other governments which have already spoken in opposition to France's resumption of testing include Russia, Australia, New Zealand, Japan, Fiji, Austria, and Norway.

The 15 island nations which comprise the South Pacific Forum have also stated their objection to resumed testing, noting that it would be a major setback to relations between France and the region. These South Pacific nations are members of the South Pacific Nuclear Free Zone Treaty [SPNFZ] and have consistently supported all international efforts to prevent and terminate nuclear proliferation.

The people of the South Pacific want nothing to do with nuclear weapons. They know firsthand of the horrors of nuclear testing and have agreed amongst themselves to keep their part of the planet nuclear-free. Isn't it ironic that the region is about to become not nuclear-free, but a nuclear hazard. This is not happening by the choice of the 27 million people of the South Pacific, but through the arrogance of a European world power, again playing the role of a colonial master to the detriment of peaceful citizens on the other side of the world.

In announcing France's intent to resume nuclear bomb testing, President Chirac has asserted that exploding the series of nuclear bombs is environmentally safe. Mr. Speaker, we have all seen the results of the nuclear explosions during World War II and the devastation they wreaked. Today's bombs are many times more powerful. France's testing program is to involve the detonation of eight nuclear bombs, almost one a month, all under one small, coral atoll. How many tons of dead fish and countless other marine life are going to be sacrificed this time? What about the safety and health conditions of the Polynesians living in the surrounding islands?

My question to President Chirac is, if the testing is so safe, why are the bombs being exploded in the South Pacific—so far away from France? Why were France's early nuclear bomb explosions conducted in Algeria? Why not detonate these bombs under French soil? If they are so safe, why not explode these bombs under Paris?

Mr. Speaker, the explosions of thermonuclear bombs are not safe. It is not safe for people, it's not safe for animals or plants, and it's not safe for the environment. Nuclear bombs have only one purpose, they were created to slaughter people, but the result is to annihilate everything. We all know they are extremely hazardous. We all know the reason France explodes its bombs in French Polynesia and not in France. It's the same reason the United States early on conducted its tests in the Pacific—the bombs are extremely dangerous, and no one wants to subject their homeland to this danger, if they have a choice.

Mr. Speaker, I want to appeal to the people of France to tell their government and their President to stop this insanity, stop this renewal of the threat of global destruction. President Chirac does not have to prove France is a world military power. Everyone acknowledges that. France already has the third largest nuclear weapons stockpile and the fourth largest Navy in the world. In the post-cold-war era, who does France fear or seek to deter by further testing and additions to its nuclear arsenal? Now is the time for France to use its strength to show real world leadership, not national insecurity.

The true leaders of the world are leading the way toward peace and stability by not testing or using nuclear bombs. China, North Korea, Iran, and Iraq are leading the way also. Their direction is toward a more unstable, violent, and dangerous world. I do not want to include France in the list with these countries, but if it resumes its testing, I am afraid I must.

Mr. Speaker, our future lies not in thermonuclear bombs; our future lies in peace. I urge President Chirac and the people of France—do not renew your nuclear testing program—do not explode any more thermonuclear bombs—join with the rest of the world by putting pressure on China to stop its testing and putting pressure on North Korea, India, Pakistan, Iraq, Iran and Israel to stop development of these horrible weapons.

Mr. Speaker, the welfare of the South Pacific's 27 million people and its fragile marine environment should not be the sacrifice paid in the name of France's paranoia about nuclear deterrence.

[From the Bulletin of the Atomic Scientists, May/June 1995]

KNOWN NUCLEAR TESTS WORLDWIDE, 1945–1994

China was the only nation that tested nuclear devices during 1994. China conducted its first test on June 10, and another on October 7. The United States last tested on September 23, 1992; the Soviet Union on October 24, 1990; Britain on November 26, 1991; and France on July 15, 1991. During the 34-month November 1958–September 1961 moratorium, the United States, Britain, and the Soviet Union did not test, but the French conducted their first four tests during this period. As of April 1, 1995, the current moratorium has lasted 30 months (except for four Chinese tests).

Since last year's update (May/June 1994 Bulletin), the release of more information about the nuclear testing programs of the United States and Russia continues to recategorize and refine the global testing record. On December 7, 1993, U.S. Energy Secretary Hazel O'Leary divulged that there had been 204 "secret" (unannounced) tests from 1968 to 1990. On June 27, 1994, O'Leary released further information, adding three more to the list and bringing the total number of tests to 1,054. (The two combat uses at Hiroshima and Nagasaki are not included, but 24 joint tests with Britain are.)

The reason for the additions had to do with the definition of a nuclear "test." The United States defines a test—for purposes of the above count—as either a single explosion, or two or more explosions fired within 0.1 second of each other within a circular area 2 kilometers in diameter. On further analysis of the record, the Energy Department found that three explosions had been detonated more than 0.1 second apart from a nearly simultaneous explosion, and therefore should be counted as separate tests.

More light was shed on the practice of simultaneous explosions as well. Sixty-three tests involved more than one explosive device, and were fired within 0.1 second or less of each other. These 63 tests involved 158 detonations resulting in 95 additional explosions that are not counted as tests. One test used six nuclear explosive devices, two used five, four used four, 14 used three, and 42 used two devices.

Those conducted in a single vertical shaft are sometimes referred to as the "string of pearls." In other tests there were two or more drilled shafts separated by a considerable distance with one device in each hole. The new official total of 1,054 "tests" thus involved the detonation of 1,149 discrete nuclear explosive devices.

Another refinement of the data was a clarification of the number of safety experiments. For many years the number had been listed as 34. After review, 54 tests that had previously been described as weapons-related were added to the safety category, bringing the new total to 88.

An additional number of hydronuclear tests were conducted during the 1958–1961 testing moratorium. Los Alamos acknowledges that they conducted 35 such tests at Los Alamos beginning in January 1960. Livermore conducted a smaller number of hydronuclear tests (we estimate about 15) at the Nevada Test Site.

This data is more than merely a historical curiosity. The question of safety experiments and hydronuclear tests are a contentious issue at the comprehensive test ban negotiations in Geneva. Some would prefer a ban on all types of nuclear experimental activity, while others want some kinds to be permitted—and they differ as to what size yield to allow.

The U.S. position is to limit the experiments to four pounds of nuclear yield. Britain—for reasons not altogether clear—favors 100 pounds. The Russians want to test at yields of at least 10 tons, the French to levels of 100–200 tons, and the Chinese reportedly up to 1 kiloton. There is general consensus among scientists that tests with yields of a few tons or more would be of substantial value to proliferators, and would begin to be of value to nuclear weapon states in developing new weapons.

Russia has yet to publish a definitive list of all of its tests, but some new information has been supplied to the authors about aspects of their test program. According to this private information, the Soviet Union/Russia has conducted approximately 1,100 discrete device detonations.

Of these, nearly 1,000 produced yields greater than one ton. In line with the threshold definition used by the United States, Russia counts these 1,000 as 718 "tests." Most of the other 100 or so—those below one ton—were hydronuclear experiments with yields under 100 kilograms. Until we have a fuller accounting of these, and an agreed-upon definition of a test, the accompanying table remains incomplete.

TEST LOCATIONS

The five declared nuclear powers have acknowledged conducting a total of 2,036 nuclear tests since 1945; 942 of these have taken place within the continental United States, making it by far the most common testing location. The tests in Kazakhstan include those at the Semipelatrek test site and 26 Peaceful Nuclear Explosions (PNE's). The tests in Russia include 132 at Novaya Zemlya, 81 PNE's, and one at Totak. Islands and atolls in the Pacific were the location of 306 tests conducted by the United States, Britain, and France.

Nevada	935
Kazakhstan	496
Russia	214
Mururoa Atoll	[1]175
Enewetak	43
China (Lop Nur)	41
Christmas Island	30
Bikini	23
Algeria	17
Johnston Island	12
Australia	12
Fangataufa Atoll	12
Pacific Ocean	4
Malden Island	3
South Atlantic Ocean	3
Alaska	3
New Mexico	3
Mississippi	2
Colorado	2
Ukraine	2
Uzbekistan	2
Turkmenistan	1
India	1

[1] Assumes the 12 French safety tests were conducted at Mururoa.

Year	United States		Soviet Union		Britain		France		China		Total
	A	U	A	U	A	U	A	U	A	U	
1945	1	0	0	0	0	0	0	0	0	0	1
1946	2	0	0	0	0	0	0	0	0	0	2
1947	0	0	0	0	0	0	0	0	0	0	0
1948	3	0	0	0	0	0	0	0	0	0	3
1949	0	0	1	0	0	0	0	0	0	0	1
1950	0	0	0	0	0	0	0	0	0	0	0
1951	15	1	2	0	0	0	0	0	0	0	18
1952	10	0	0	0	1	0	0	0	0	0	11
1953	11	0	5	0	2	0	0	0	0	0	18
1954	6	0	9	0	0	0	0	0	0	0	15
1955	17	1	6	0	0	0	0	0	0	0	24
1956	18	0	8	0	6	0	0	0	0	0	32
1957	27	5	18	0	7	0	0	0	0	0	57
1958	62	15	35	0	5	0	0	0	0	0	117
1959	0	0	0	0	0	0	0	0	0	0	0
1960	0	0	0	0	0	0	3	0	0	0	3
1961	0	[1]9/1	52	1	0	0	1	1	0	0	65
1962	39	55/2	71	1	1	[1]2	0	1	0	0	171
1963	4	41/2	0	0	0	0	0	3	0	0	50
1964	0	39/6	0	10	0	2	0	3	1	0	61
1965	0	37/1	0	[2]10/4	0	1	0	4	1	0	58
1966	0	44/4	0	16/2	0	0	5	0	3	0	75
1967	0	39/3	0	16/1	0	0	3	0	2	0	64
1968	0	52/4	0	14/4	0	0	5	0	1	0	80
1969	0	45/1	0	14/4	0	0	0	0	1	1	66
1970	0	38/1	0	11/3	0	0	8	0	1	0	62
1971	0	23/1	0	16/7	0	0	5	0	1	0	53
1972	0	27	0	17/8	0	0	3	0	2	0	57
1973	0	23/1	0	12/5	0	0	5	0	1	0	47
1974	0	22	0	17/4	0	1	7	0	1	0	[4]53
1975	0	22	0	17/2	0	0	0	2	0	1	44
1976	0	20	0	18/3	0	1	0	4	3	1	50
1977	0	20	0	18/5	0	0	0	8	1	0	52
1978	0	19	0	22/7	0	2	0	8	2	1	61
1979	0	15	0	24/8	0	1	0	9	1	0	58
1980	0	14	0	20/5	0	3	0	13	1	0	56
1981	0	16	0	16/5	0	1	0	12	0	0	50
1982	0	18	0	12/9	0	1	0	9	0	1	50
1983	0	18	0	19/9	0	1	0	9	0	2	58
1984	0	18	0	18/11	0	2	0	8	0	2	59
1985	0	17	0	10/2	0	1	0	8	0	0	38
1986	0	14	0	0	0	1	0	8	0	0	23
1987	0	14	0	20/6	0	1	0	8	0	1	50
1988	0	15	0	14/2	0	0	0	8	0	1	40
1989	0	11	0	8	0	1	0	8	0	0	28
1990	0	8	0	1	0	1	0	6	0	2	18
1991	0	7	0	0	0	1	0	6	0	0	14
1992	0	6	0	0	0	0	0	0	0	2	8
1993	0	0	0	0	0	0	0	0	0	1	1
1994	0	0	0	0	0	0	0	0	0	2	2
Total	215	815	207	508	21	24	45	[3]147	23	18	[4]2,036

[1] All British underground tests were conducted in the United States.

[2] Numbers after "/" represent Soviet or U.S. peaceful nuclear explosions.

[3] 12 French safety tests not identified by date are not included here; however, they have been added to the grand total.

[4] Includes one underground explosion by India on May 17, 1974.

Note.—A=atmospheric; U=underground.

□ 1600

BUDGET NEGOTIATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. POSHARD] is recognized for 5 minutes.

Mr. POSHARD. Mr. Speaker, I rise to support and encourage the President for coming forward with his budget proposal. I have heard the comments flying around here the past couple of days, comments which are critical of his decision. Some from the Republican Party insist that he came into the debate late and, therefore, must be disingenuous in his motives. Some from the Democrat Party feel they have been betrayed because his budget embraces a slowdown in the growth of Medicare and other entitlements.

Mr. Speaker, I think the President did exactly the right thing. Let me remind everyone in this House, this is not the first step the President has taken to balance the budget. He took the first step 2 years ago when he submitted a budget that was filled with tough choices, a budget which has cut over $200 billion from the deficit in 2 years and has contributed to outstanding economic growth in this country.

About one-half of the Members of this body did not even come to the table on that budget, and now they want to criticize the President for coming to the table late on this budget.

I am not worried about the President coming to the table late. There is not a Member of this House that could not be challenged on that point at some time or another. The point is, he did the right thing.

There is not a Member of this House that in their heart of hearts believes that we can balance the budget and continue to let entitlements rise as rapidly as we have in the past.

Entitlements are nearly 48 percent of this budget, and interest on the debt is another 20 percent. We are running this entire country, defense, transportation, environment, energy, education, justice and law enforcement, housing, commerce, agriculture, science, space and technology, the operation of government itself on barely 30 cents of every tax dollar that is sent to this Congress.

I may not agree with the President's budget entirely. I do not agree with any budget entirely. I voted for the moderate Democrat budget which I think is still a reasonable alternative. It deals fairly with reducing the growth of entitlements and delays any tax cut considerations in favor of cutting spending first. This is the path I would take, but the important thing now is to encourage the President, to encourage the Speaker and the minority and the majority leaders to sit down and reason together.

Mr. President, Mr. Speaker, I plead with you, do not let the Medicare debate kill our attempts to get to a balanced budget. Here is the truth. Democrats say Republicans are cutting Medicare. Republicans say we are only slowing down the rate of increase of growth. What is the truth?

The truth is they are both right, but neither will tell the whole story. Under the Republican budget, Government spending on Medicare will increase from about $4,500 per individual to $6,400 per individual. That is an increase in real dollars. But right now that $4,500 represents, let us say, 75 percent of the health care cost of the individual, and the individual pays through premiums, deductibles, medigap insurance and other things about 25 percent of the cost.

At the end of the Republican budget, we will have raised Government spending nearly $2,000 per individual, but at the present rate of increase of health care costs, that will only be enough to cover, let us say, 70 percent of the costs.

So the percentage of costs, the percentage of costs to the individual will have risen from the present 25 percent to 30 percent of the cost.

Are we going to spend more? Yes. But are seniors going to have to pay a larger percentage of the total cost? Yes.

But is a slight increase in the percentage of cost accruing to the Medicare recipient reasonable to ask if it saves the Medicare system? I say yes. Do the seniors and others who depend upon Medicare have a right to ask us to keep these percentage increases as low as possible? Of course they do. If keeping those percentage cost increases as low as possible means foregoing some or all of the proposed tax breaks, should we not be willing, as both Democrats and Republicans, to do that? I think we should.

But the important thing is this: Unless we want this country to wallow perpetually in debt and slowly watch that debt erode and then steal our children's future, we must do the right thing here in passing a balanced budget.

I encourage the President and Speaker GINGRICH to sit down with the majority leader and minority leader to develop a budget this country and this Congress can be proud of, a budget that reconciles our differences, a budget that allows us to go home and look our children in the eye and say that we did the right thing in the worst of times.

GINGRICH-LITE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon [Mr. DEFAZIO] is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, the President's revelation of his new budget last night was actually quite remarkable. Fiscal responsibility has finally penetrated inside the Washington, DC. Beltway. That is, Washington, DC. has finally, the policymakers are now all in agreement that the massive debt which will exceed $5 trillion in the near future, about $17,000 for each and every living American citizen from the tiniest baby to the oldest senior citizen, is a real problem and it must be dealt with. And we have to move toward fiscal responsibility. That is the good news.

Apparently, the President was very much affected by his joint appearance with Speaker GINGRICH in New Hampshire last weekend, because his proposed budget is Gingrich-Lite, that is, it has the same priorities, the same misplaced priorities as the budget passed in this House 2 months ago, a budget written essentially by Speaker GINGRICH and other senior Republicans. The President has adopted those same priorities, the same mistakes and the same peril to average Americans that is inherent in that budget.

They both start out balancing the budget by cutting taxes. Does that make sense? If you are in the hole, is the first thing you do to cut your income? No, I do not think so. But that is what the Republican budget, $350 billion slanted heavily toward people earning over $100,000 a year and the largest, most profitable corporations, that is the Republican budget.

Now, the President, certainly, it is better. It is only $93 billion in tax cuts, and it is a little more targeted, certainly, to middle-income people. But still it is giving away revenue when you are in the hole. This is not a time for tax cuts, if we are serious about balancing the budget.

Now we get to Medicare. The Gingrich Republican budget slashed Medicare by $288 billion. They said, there are problems with Medicare; we have got to fix it. Of course, they do not tell us what the fix is. They just tell us exactly how much we have to reduce benefits in order to fix it, and we will figure out later what it is we are doing.

It is a little bit like burning down the village to save it, as we did in Vietnam a couple of decades ago.

Now, the President, of course, is only going to reduce Medicare by $125 billion, Gingrich-Lite. But it still is a reduction without a clear plan to deal with the problems of Medicare. Veterans? Gingrich, $9 billion; Gingrich-Lite, the Clinton budget, $6 billion.

Corporate agriculture, subsidies for large profitable corporate agriculture undertakings, like Sam Donaldson, a famous commentator, he gets $75,000 a year not to grow sheep on a ranch he does not live on. Is that essential? Well, apparently it is because there are small cuts in the Republican budget, even tinier cuts in Gingrich-Lite, the President's budget.

Corporate welfare? They are about the same there, tiny, tiny cuts, an estimated $40 to $50 billion that could easily be recaptured from the largest, most profitable corporations in the world, many of them foreign corporations who operate in this country without paying a cent in taxes except for the FICA taxes on their employees. They move their profits offshore, and they take the money to the bank.

The military? We just went through the Department of Defense markup here. We are looking at a massive increase in buildup in the military, a massive increase in buildup in star wars, 10 more B-2 bombers at $1.5 billion each, more than the Pentagon itself requested. They said, Do not buy more B-2 bombers. Transport planes, the Pentagon did not ask for, submarines that the Pentagon did not ask for, an increase, the President asked for an increase in the military of $25 billion over the next 7 years. And the Republican budget, $68 billion on top of the President's $25 billion.

Foreign aid, neither of them want to touch foreign aid. That is a little bit too hot of a political potato, even with the new fiscal realities of Washington, DC.

There is a better way to get a balanced budget, a much better way. We can do it without touching Medicare. We can do it without slashing veterans' benefits, but we have to go after corporate agriculture big time, like $50 billion cuts in their subsidies. We are going to have to go after corporate welfare and the large, most powerful multinational corporations that do not pay a penny of taxes in this country, we are going to have to ask them to pay their fair share.

Takes a little bit of will and guts, probably cuts big into the contributions of both a lot of Democrats and Republicans. But if we do not do that, then we are going to gut programs that are important to Americans instead of going after fairness and equity and a balanced budget that meets the priorities and needs of this country.

THE BUDGET

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Florida [Mr. SCARBOROUGH] is recognized for 60 minutes as the designee of the majority leader.

Mr. SCARBOROUGH. Mr. Speaker, I would like, as one Republican, to welcome the President of the United States finally to the great debate on how we balance this country's budget, how we make Congress and the Federal Government do what middle class Americans have had to do for over 200 years, and that is spend only as much money as they take in.

I have got to tell you, I believe that this $4.9 trillion debt is one of the great issues of our time. It is not just what I believe, it is what Republicans and even Democrats, grudgingly, alike have to believe. Because we can talk about every single issue we want to talk about: talk about education, talk about military issues, talk about the environment, talk about the infrastructure, talk about health care, talk about crime control. All of these issues are important. But if we are spending more money on servicing the interest on our huge $4.9 trillion debt than we are spending on any of these programs, then there obviously is a problem.

About 50 percent of every man and woman's income tax is spent on servicing the debt. In a few years we are going to be spending more money on servicing the national debt's interest than we spent today on our defense bill.

□ 1615

What does that mean? We are burning money. We are throwing away more money on interest on this national credit card than we are protecting our children and protecting our shores. Again, it is time that the President comes to the table and says "Okay, I am going to step forward with a plan to balance the budget." We certainly welcome him.

The last speaker on the floor began his speech by saying "Fiscal sanity has finally penetrated the Beltway. The President has now come to the table with a balanced budget plan." The fact of the matter is fiscal sanity penetrated not only the Beltway but this entire country on the evening of November 8, 1994, when the Republican Party was swept into power on both sides of Congress, where not a single Republican incumbent Governor, Congressman, or Senator from Alaska to Florida got voted out, and where Americans stood up and said "Enough is enough. We have been writing bad checks for 40 years. It is time for us to step forward and balance the budget." We got that message, came to Washington, tried to make a difference.

The President now claims to have also gotten that message, but I have to tell the Members, it is kind of hard to figure out where he is on this issue and other issues at times. Let us follow his policy over the past few months. He stated out by opposing the balanced budget amendment. He worked overtime to kill the constitutional amendment that would make Congress abide by the same laws, and make Congress abide by the same fiscal restraint that middle class Americans have had to abide by for over 200 years.

He said we did not need a balanced budget amendment, that we could do it on our own, we just needed a little bit of discipline. He succeeded in killing the balanced budget amendment, which over 70 percent of Americans supported. What was his next step? After he killed the bill and said we could do it on our own, he then stepped forward and said "I changed my mind. This country really does not need a balanced budget right now. It would be too harmful."

Then we went to Hew Hampshire in May, and he said he would balance the budget; that he would step forward with a plan to balance the budget, that it was important. Then he came back from New Hampshire later on in May and said no, he changed his mind, he really did not need to balance the budget right now. Then he went back up to New Hampshire. When he came back again from New Hampshire this week, he changed his mind again and said "Yes, we are going to balance this budget."

I have to tell you, his budget policy is as confusing as his policy on Bosnia and other issues. In fact, the ranking member of the Committee on Appropriations, a Democrat from Wisconsin, said today in the Washington Post "If you do not like the President's position on a certain issue, just be patient, wait a few weeks, and watch. It will be sure to change." I am here today to tell the Members that I certainly hope the President does not lose his attention span on this issue, that he sticks with it long enough to sit down at the table with Congressmen and Senators and Americans alike, and figure out a way to balance our budget. We have to do it.

Mr. Speaker, I have two boys, one 7-years-old and the other 4-years-old. Both of my boys have about an $18,000 debt on their heads already, as do all Americans, because of the $4.9 trillion debt this country is carrying. It is time for leadership from Washington. It is time for leadership from the White House. It is time for leadership from Congress, from the House and Senate. I certainly hope the President will sit down and debate these issues in the coming months, and let us put demagoguery behind us, and let us do what is best for the American people.

That being said, I welcome him to the table, but at the same time, I have some real concerns about some of his proposals. The first concern that I have concerns senior citizens. The President of the United States several months ago got a report back from trustees that studied the issue of Medicare and Medicaid. It is a dirty little secret in Washington, DC that Medicare and Medicaid is going bankrupt. The President got a commission working on it. The trustees came back and told him "Mr. President, if we do not do something about Medicare and Medicaid, it is going to go bankrupt in the year 2002."

Think about that. "We will have no more money for Medicare and Medicaid. We will not be able to take care of our senior citizens. We will break the sacred contract between generations that we made with our senior citizens, if you do not do something to reform Medicare and Medicaid."

What did we do? Congress stepped forward and passed a budget resolution that balances the budget in 7 years, and more importantly, saves the Medicare and Medicaid systems, makes them solvent. They do not go bankrupt by the year 2002. We stood up and said to the trustees "We hear you, we understand your concerns. We cannot allow senior citizens to go unprotected. We cannot allow the poor to go unprotected. We cannot allow them to be harmed. We are going to step forward with a balanced budget amendment that makes Medicare and Medicaid solvent beyond the year 2002, and far beyond into the future." We did that.

The President of the United States attacked us, attacked us because, quite frankly, we were following the recommendations of his own trustees: "save the system." Then he came out with his budget. Did his budget follow the advice of the trustees? Did his budget make Medicare and Medicaid solvent? No. It still goes bankrupt. Think about that.

I cannot, for the life of me, imagine running a business, and let us talk about running government like we run business, I cannot for the life of me think about running a business, bringing in my top advisers and saying to them "You guys go out, you women go out and tell me about the health of our business, of our company, tell us what we need to do to make sure that we are just as strong 10 years from now as we are today," and you send them out, you give them money, you give them resources, you give them time, and they come back to you and they say "If we do not make these changes, this company is going under by the year 2002, in 7 years."

If somebody came back to me and told me that, I would sit down, take a long, hard look at it, and then I would act on it. That is something we have done as a Congress when we passed the budget resolution. Unfortunately, the President is not willing to make those same steps. For the sake of our senior citizens, for the sake of our poor who depend on these programs, I ask the President of the United States to step forward and show some real courage and show some real leadership, dare to make a difference, dare to enter into the arena that Teddy Roosevelt talked about, and allow himself to be bloodied, if that is what it takes; expend a few cents of political capital to help our senior citizens and to help our poor. He has not done it yet, but I think there is hope. He has come forward with a balanced budget proposal, so let us see what happens.

A second concern with the President's budget is the fact that he says

"We can balance the budget in 10 years." Let me tell the Members something, when we talk about a dirty little secret, the dirtiest secret in Washington, D.C. is what we do in the out years when it comes to balancing the budget. Congress says "We are going to balance the budget in 10 years." Then a new Congress gets elected a few years down the road, they get a little antsy and say "We do not want to make these cuts, so we are going to push these cuts off 5, 10 more years." After a while it does not get balanced in 10 years, it does not get balanced in 20 years, it does not get balanced in 40 years, which has happened in Washington, DC.

It is just like his 1993 plan to reduce the deficit. He had massive tax increases and marginal cuts. The tax increases, not only did they apply the very next year, he applied the tax increases retroactively, so he got you coming and he got you going.

What did he do on the spending cuts? Those spending cuts were pushed 7 years out, pushed to the end of the plan, because he knew, and cynical politicians around Washington, DC have known for a long time, that if we push the cuts far enough out in the future, that new politicians will come to Congress, and when they come to Congress, we will not have to make those tough cuts. That is the problem with saying we are going to balance the budget in 10 years. We need to do it now. We cannot go beyond 7 years. We need to balance the budget now.

I certainly hope the President will shorten his timeframe.

Third, and I think most importantly, Mr. Speaker, for our children in this country, I have great concerns about what the President of the United States said about education and education funding. As I said before, I have two boys. My 7-year-old is in the public school system in Florida. My 4-year-old will enter into the public school system next year, so I have a personal stake in the health and well-being of our Nation's schools.

In fact, if our children are going to enter the 21st Century workplace and be able to compete with Japan and with Germany and other countries that are in the G-7 that the President is speaking with today, we are going to have to do better. We are Americans. We can do better, but we are going to have to make sure and not in Washington, D.C. We are going to have to make sure that funding for your children's education is made in your home town, and not in Washington, D.C. We are going to have to make sure that funding for your grandchildren's education is made in your home town, and not behind some bureaucrat's walls in Washington, D.C.

When the President of the United States says "We have to increase spending on the Federal level," all I can do is sadly shake my head, because I know the history of our horrible experiment with the Federal Department of Education. I understand that it started out as a back room deal between Jimmy Carter and the NEA's teacher's union.

I understand that when it was set up, this education bureaucracy was set up in 1980, that we were spending $14 billion a year on our national education bureaucracy. Today, that number has exploded up to $33 billion. Let us make no mistake of it, I have children. I understand the importance of education. It is at the top of my list on issues that are important in this country. However, sending $33 billion to Washington, D.C. for an education bureaucracy that has failed over the past 15 years simply is not the answer.

Look what has happened since 1980, since we went from spending $14 billion on this new agency to $33 billion in 1995. Test scores for reading and writing have plummeted, while funding has shot up for this bureaucracy. Test scores for arithmetic and science have stagnated, while funding for this Federal bureaucracy has skyrocketed. We are not getting the best bang for our buck.

When the President of the United States says to us that he needs more money for education, he is actually saying he needs more money for his Washington, D.C. education bureaucracy. Do not take my word for it. I ask you to take that education bureaucracy's word for it, and read their budget.

What would you think if you knew that the Department of Education was cutting $100 million from schools' infrastructure programs across the country, $100 million this year? They say they do not have the money, they do not have the money to keep your children's schools safe, they do not have the money to upgrade school systems, to make sure that children can go to school in safe schools. They say "We are too financially constrained right now. We are going to have to cut $100 million from the program to keep schools safe."

Then they turn around in that very same budget and say "We are going to increase spending by $20 million for our own education bureaucracy, which sits a few blocks down from Capitol Hill in Washington, D.C."

□ 1630

Think about that. They are not robbing Peter to pay Paul. They are stealing from our schools in our hometown, to pour more money into their education bureaucracy building down the street.

Does that make sense? When the President says he needs more money for education and that is how education is defined in Washington DC, does that make sense? When your education dollars and my education dollars are not getting back to our children and to our teachers and to our principals and to our school boards and to our communities and to our hometowns and to our States but instead are strangled in the bureaucracy of Washington, DC, does that make sense? Is that the type of education policy we need to move into the 21st century, to help us compete in the 21st century workplace?

I do not think so. I know you do not think so. I certainly know that our Founding Fathers did not think so.

I carry with me a copy of the Constitution of the United States. If you want to know what our Founding Fathers thought about education, all you need to do is read the Constitution of the United States and specifically read the 10th amendment.

In the 10th amendment, it states all powers not specifically given to the Federal Government through the Constitution are reserved to the States and to the citizens.

What does that mean? It means if it does not say it in the Constitution, that this body, that this Congress, is not permitted to spend money on it, is not permitted to interfere in it, is not permitted to interfere in the education of citizens' children. That is why for almost 200 years we got by fine without a free-standing Department of Education bureaucracy. That is why we have gone from spending $14 billion to $33 billion and actually seen a decline in our educational standards, have seen drops in our test scores, have seen an increase in violence in schools, and have seen an increase in dropout rates when you start measuring those dropout rates with 8th grade students.

Mr. Speaker, we can do better, and we will. We are going to start doing better in the coming weeks as we introduce a bill to Congress that is called the Back to Basics Education Reform Act of 1995. Is that not really what it is all about, getting back to basics, moving away from the social engineering that we have been trying to accomplish and that we have failed on for the past 30 years? Would it not be great to get back to reading and writing and arithmetic and the basics?

Most importantly, would it not be great to once again allow parents and allow communities and allow hometowns to decide how to educate their children instead of having bureaucrats in Washington, DC decide without their input?

James Madison wrote over 200 years ago as he was framing the Constitution, "We have staked the entire future of the American civilization not upon the power of government but upon the capacity of each of us to govern ourselves, control ourselves and sustain ourselves according to the 10 Commandments of God."

It was Thomas Jefferson who said that the government that governs least governs best. Why did Jefferson say that? Did Jefferson say it because he was anti-government? No. Jefferson said it because he was pro-freedom, because he was pro-individual, because he was pro-States rights, because he believed, and James Madison believed, and our Founding Fathers believed, that when you allowed individuals and communities and States to experiment with education reform in the free marketplace of ideas that only the strong ideas would survive, that we did not need big brother and big sister telling us from Washington, DC, "This is the only way you can educate your children." It is time to move away from that failed vision. We have tried it for over a generation now and we are getting nowhere with it. We need to move beyond and dare to experiment, to dare to give power back to the States and to the citizens where it belongs.

Mr. Speaker, I believe, like many Americans believe, that we can have 50 State legislatures and Governors experimenting with education reform and we will have 50 legislative laboratories where only the strong ideas survive instead of being dictated from Washington, DC by a bureaucracy that says. "This is how you do it and if you don't do it this way, we're not going to send money back to your school communities."

"Oh, I understand we ripped money out of your communities, we took away education funding from your community and brought it up to Washington, DC, but we ain't giving it back unless you do A, B and C."

Let me tell you something, there is a new way to do things, and that is to do it the old way, the way that Thomas Jefferson and James Madison and our Founding Fathers intended. With the Back to Basics Education Reform Act, we are going to start down that path.

I ask you, when the President of the United States pleads for more education dollars, remember, he is not talking about education dollars for children, he is talking about education dollars for bureaucrats. We can do better and we will, and we must if we are going to compete in the 21st century.

SALUTE TO RICHARD E. FLUGE, PRESIDENT, MONTGOMERY COUNTY BOARD OF COMMISSIONERS

The SPEAKER pro tempore (Mr. HAYWORTH). Under a previous order of the House, the gentleman from Pennsylvania [Mr. FOX] is recognized for 5 minutes.

Mr. FOX of Pennsylvania. I rise, Mr. Speaker, to salute Richard E. Fluge, president of the Abington Township, Montgomery County Board of Commissioners who died suddenly this morning. It is a great loss for our country, because local government leaders like Richard Fluge are closest to the people, they see the problems first and they solve them best.

Mr. Fluge was one of the most inspirational local government leaders in the United States. He championed for many of the items that were passed in the contract:

The unfunded mandates. As president of the Board of Commissioners in Abington Township, Montgomery County, he knew how harsh the unfunded mandates were and the fact is that through his leadership, we no longer have Federal initiatives without money being sent from Washington.

He also championed for a balanced budget. Every other government, school, township, and States have to balance their budgets and now as a result of the House's action and hopefully we will have the Senate action as well, a balanced budget will be a reality and the fiscal integrity that Richard Fluge championed for will be achieved.

He also worked for regulatory reform, to make sure we have less of the redtape in government and more of the services to the people.

He also worked to have a line-item veto, like 43 Governors and our President will soon have, to make sure we cut out the waste in Government action, the pork-barrel projects.

He also worked in long-range planning. Many people in government plan for today and do not work for tomorrow. Dick Fluge's idea was, let's look to a 5- and 10-year plan, where this country will be, where his community will be.

He also just recently attended a special Medicare preservation task force with the citizens to protect Social Security and Medicare in nearby Blue Ball, PA. There he spoke in behalf of senior citizens and protecting these important programs.

He was a role model, a visionary leader, honest, principled, fair, a great intellect, someone who was low-key, modest, and organized.

Mr. Fluge's type of leadership, his legacy that lives on will in fact be followed by those who follow in his footsteps. They will make great contributions like he has to our country.

I conclude, Mr. Speaker, with these comments. One of his favorite quotes was, "If it's morally right, it's politically right."

He also quoted Dag Hammarskjold, former Secretary-General of the United Nations. When asked what direction this country and world were going, he said, "It's not north, not south, not east nor west but going forward."

And in reference to that, with leaders like Dick Fluge, who inspired us to do our best, we will go forward, to work together for the common good, who put service above self. The future of our country's progress is unlimited with people like Dick Fluge, who gave a great legacy of service.

HOUSING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 5 minutes.

Mr. GONZALEZ. Mr. Speaker, it is my intention, the Good Lord willing, to take an hour tomorrow in order to provide my latest report with respect to the very fundamental question of housing in our country.

But for the moment, I would like to report on a letter that I have addressed the Comptroller General of the United States, Mr. Charles Bowsher.

As you know, the GAO has provided me and the Subcommittee on Housing information and analysis with regard to the FHA single family mortgage insurance program. I am writing to request that the GAO conduct some further work and analysis in this area.

Let me interpose and interject a little report. Because there is no general widespread discussion or reporting on housing conditions in our country, the most pertinent and disturbing fact is that we still have, in the words of Franklin Roosevelt, in fact better than one-third of our Americans ill-housed, ill-fed, and ill-clothed in what we have all taken for granted to be a time of great abundance.

Unfortunately, as we have evolved historically, we have gone a long way in which I have always feared, and, that is, the Europe-ization or the stratification of our social elements, or classes, if you want to call them that.

It was always my hope and in fact I premised my aspirations, for without that, I would not be addressing my colleagues today, on the upward, free ability of movement of our general citizenry, where we have not become so strapped and so homogenized and stratified as in some of the older portions of the world, including Europe, where that is impossible.

If you are the son or the daughter of a street sweeper or even a humble shoemaker in most countries, including England, it will be very difficult for that son or daughter to be a doctor, or a dentist, or a lawyer.

☐ 1645

That is because of the stratification that has come over the course of centuries in the class structure of those countries and societies.

This is our challenge, and will continue to be, and was foreseen; that as we emerged into the 20th century, that would be America's challenge.

Now, the basic elements and necessities of life for human beings has not changed. You have got to have clothing, you have got to have food, and you have got to have shelter.

In my congressional and even in my precongressional service, going to my earlier years in my home city of San Antonio, I concentrated on that one element known as shelter. And, as a matter of fact, in the State Senate, was the author of the general comprehensive housing and community laws that still are on the statute books in Texas of over 35 years ago.

And so, I am quite proud of that record, and I continued that endeavor and was very fortunate, upon arrival in the House, to be assigned to the Committee on Banking, which also has the Subcommittee on Housing and now known as Housing and Community Development.

At this time the Congress and the administration are considering changes in the FHA's organizational structure and its programs and authorities. FHA, and particularly with reference to the Single Family Mortgage Insurance Program, is one of the great contributions and breakthroughs in taking our people out of the submergence of bad housing, poverty, into our level that we have become accustomed to.

Mr. Speaker, I include the following letter for the RECORD:

HOUSE OF REPRESENTATIVES, COMMITTEE ON BANKING AND FINANCIAL SERVICES,
Washington, DC, June 15, 1995.

Hon. CHARLES BOWSHER,
Comptroller General of the United States, General Accounting Office, Washington, DC.

DEAR MR. BOWSHER: As you know, the GAO has provided me and the Subcommittee on Housing information and analysis with regard to the FHA single family mortgage insurance program. I am writing to request that the GAO conduct some further work and analysis in this area.

The Congress and the Administration currently are considering changes in FHA's organizational structure and its programs and authorities. In order to make the most informed decision about these proposals, we need to learn as much as possible about the current borrowers and activities of the FHA and their relationship to today's single family finance system. For this reason, I am requesting that the GAO provide me with information on differences and similarities between the FHA and private mortgage insurers. Specifically, I am interested in comparisons of the income and race of borrowers assisted by the FHA and private mortgage insurers, the income and racial characteristics of the neighborhoods in which these borrowers live, comparisons of product lines, and in any other information that might be helpful as we consider legislative proposals.

May I suggest that our respective staffs meet as soon as possible to establish a time frame for completing this work. If you have any questions concerning this request, please call me or have your staff call Nancy Libson of the Banking Committee staff at 225-7054.

I deeply appreciate the work the GAO has done for us and look forward to your insights once again on this important topic.

Sincerely yours,

HENRY B. GONZALEZ,
Ranking Member.

CLOSING THE BILLIONAIRE'S TAX LOOPHOLE

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentlewoman from Connecticut [Ms. DELAURO] is recognized for 60 minutes as the designee of the minority leader.

Ms. DELAURO. Mr Speaker, I will not take an hour's worth of time, but just a few minutes. I have asked for the time today to discuss an important development in the Committee on Ways and Means this week.

The committee took up the highly controversial expatriate loophole. This provision allows the super-rich of this Nation to dodge paying taxes by renouncing, they can actually renounce their U.S. citizenship.

And this is not something that is just a figment of my imagination. It is a loophole that has allowed billionaires such as the Campbell Soup fortune heir, John Dorrance III, and Dart Container Corp. president, Kenneth Dart, to avoid taxes by renouncing their U.S. citizenship.

Now, keep in mind that these are folks who made their fortunes in the United States on the backs of working men and women in this country. And they decide that they do not want to pay their taxes, so they renounce their citizenship and they go to live elsewhere.

Republicans had promised that they would close this loophole that allows the super-rich to profit by turning their back on America. And on Tuesday, the Committee on Ways and Means passed a bill that the U.S. Treasury Department says contains many of the same problems and would be as unworkable as the current law is.

So that, rather than close that expatriate loophole, the Republican legislation would simply open up a whole series of new loopholes for the superwealthy to be able to squeeze through.

Here we celebrated Flag Day yesterday, Republicans, and at the same time you see the Republican leadership allowing billionaires to profit by turning their back on the flag.

Democrats on the committee worked to close that loophole, but were rebuffed on a party-line vote. I might add there were several instances in the past when this, the closing of this loophole, was brought up.

January 1995, the President submitted a budget to Congress including a proposal to close that tax loophole. In February 1995, there was an amendment by Congressman JIM MCDERMOTT to close the billionaire's loophole and to use the revenue to pay for health insurance deduction for those people who are self-employed and not covered employees. That was rejected by the Republicans.

On February 21, 1995, House Republicans rejected an amendment by the Ways and Means ranking Democrat SAM GIBBONS, and again Representative MCDERMOTT, to close the loophole. On March 24, the full Senate passed a bill which included the Senate Committee on Finance's provision to close that loophole.

On March 28, 1995, once again, the House Republicans rejected a motion by the Ways and Means ranking Democrat, SAM GIBBONS, to instruct the Senate to close that loophole.

March 28, the Republican House-Senate conferees, they rejected the Senate's provision to close the billionaire's loophole. March 30, 1995, once again the House rejected the conference report which would have reinserted this expatriate provision.

On April 3, once again SAM GIBBONS introduced a bill to require the State Department to disclose the identity of those who renounce their U.S. citizenship. No action was taken on that.

April 6, 1995, Ways and Means Chairman ARCHER rejected Mr. GIBBONS' request for assistance in obtaining from the State Department the names of the billionaires who have expatriated and who have escaped paying taxes.

May 2, 1995, again Ways and Means' ranking Democrat SAM GIBBONS introduced legislation to close the loophole. No action was taken.

May 25, 1995, Democrats introduced a resolution that would serve as a rule to ensure the floor consideration of the Gibbons bill. June 13, the Ways and Means Republicans rejected the Gibbons substitute and reported out this bill which, in fact, is a fig leaf which still allows the most wealthy people in this country to be able to export their wealth, tax free, to foreign countries before they renounce their U.S. citizenship.

Leaving this escape hatch wide open truly is a shame in my view, because closing that billionaire's loophole is both the smart thing and the right thing to do. One estimate says that we could bring in over $3.6 billion to the Treasury over 10 years without raising a single penny in taxes.

That is smart public policy in these days of such fiscal concern about what our budget is all about; what our deficit is all about in this country.

More importantly, ending this kind of a billionaire tax loophole is the right thing to do. The superwealthy who make their fortunes in this country and then renounce their citizenship to avoid paying taxes, in my view, have betrayed the United States and it is time to end special favors to these billionaire tax evaders and make the super-rich pay their fair share.

Working middle-class families pay their fair share every single year. And while they continue to come up with creative ways to protecting benefits for the super-rich, the Republican leadership are sticking it to the middle-class families on both ends.

In their budget they talk about cutting student loans. They also talk about cutting Medicare for our grandparents. So that in my view again it is an outrage that the Republicans are refusing to stand up to these billionaire Benedict Arnolds who move their wealth offshore.

And I am pleased to be able to come here this evening, this afternoon, and to make this statement. And it is my hope that we will be able to address this issue once again. And finally, in a bipartisan fashion, we will close a billionaire's loophole that does not do anything to serve the interests of the United States or the working people of the United States, but it allows those who have made a fortune in this country by the sweat of working people to take that money offshore and to use it for their own purposes; for what they want to do and not to increase the economic viability of the United States.

I would like to ask my colleague, the gentleman from Kentucky [Mr. WARD], who has joined me, to add his thoughts to this issue.

Mr. WARD. I appreciate that. And I appreciate the gentlewoman from Connecticut allowing me to participate in this with her this afternoon.

In thinking about this issue I have been struck, as I am sure you have been, by the whole notion that somebody would do something as drastic and which represents such a commitment, as to give up their citizenship, to renounce their citizenship.

And what I have tried to think about, what I have come to in my mind, and what occurs to me, can you imagine, you go to church and you are afterward outside in front chatting with your neighbors and friends and somebody says, "Mike, I haven't seen you for a bit. Where have you been? I haven't seen you here."

And I can't imagine putting myself in the position of saying, "Well, Bob, or Mary, I moved to the Bahamas." "Moved to the Bahamas? Oh, really? Why?" "Because I wanted to avoid income taxes. I wanted to avoid U.S. taxes, so I have renounced my citizenship."

Can you imagine? And I put that question to the gentlewoman. Can you imagine saying to your friends and neighbors, for tax purposes, to save money, I have renounced my citizenship?

Ms. DELAURO. One, it is not something that I would do. I am not in a position to do that, nor would I do it. And I would be embarrassed. Really embarrassed.

I think when the gentleman talks about this, I think of the number of people. I treasure my citizenship. I think most Americans do that. And I think about the people who want to come to the United States. They want to be here. They would like to be citizens of the United States. They would like to participate in the life of this country and its cultural life and its economic life.

They would like to raise their families in this Nation. And we have people who have had all of the advantages and could truly contribute in a very fundamental way to the well-being of this country and they decide that, well, it is okay. If it deals with a tax advantage, I can blow it off. What does my U.S. citizenship mean? I can just blow it off.

Mr. WARD. If I may, sometimes we all, when we are growing up, we think: What would my mom think of this? You tell the people that you meet in your neighborhood. That is one thing. But imagine telling your mom or dad or your kids that is the reason I have made this decision.

I had the good fortune to serve overseas for the United States of America. And I saw there people who were dying to come to America. And if you look in the Caribbean, you have to look no farther than that, or the Rio Grande, to see people who are literally, literally dying in an attempt to come to America.

So what we are faced with is this curious dichotomy of people on the one hand who are risking their lives, who are doing everything within their power economically, spiritually, everything within their power to become part of this wonderful thing we call America. While at the same time, people who have had a lifetime of benefiting from being in America, people who either by fortune of their birth or fortune of their skills and hard work have been successful in a way that only Americans seem to be able to be in the world, or certainly a large part of the reason that people are able to succeed is because they are here in America where free enterprise does reign, which I support wholeheartedly.

☐ 1700

I come from a completely business background. In the 20 years since I got out of college, 16 of those years were spent in private business, in private business working trying to get ahead, trying to be part of the American dream.

To see folks who have had this benefit, who have come to a position in their lives where taxes are that big an issue, to see them jump through a loophole which has been intentionally left in the law, and we need, I guess, to speak to that for a minute so folks understand the history of this.

This is not just some quirky loophole. This is something that has been intentionally left in the law so that maybe as few as a dozen or two dozen people in a year's time will take advantage of it. Surely they do, surely they take full advantage so that on the one hand they have this wonderful country, this wonderful set of opportunities of being an American, and on the other they make a financial decision to say, "No, it is worth it to me financially to turn my back on my country."

I do not understand it.

Ms. DELAURO. I do not understand it either.

My father came to this country as an immigrant. The greatest joy in his life was to be an American citizen, gave back to his community and still instilled that love of country and love of community in me, and one works hard. I admire people who succeed, but what you do is you try to give back in some way.

As you pointed out, these are folks who are eminently able to be able to give back, and for a financial gain they would turn their back on the United States.

And you talk about a history, what I find equally outrageous is that there have been a number of times over these past several months where there has been an attempt made to shut down this loophole, to close it by well-meaning people, by people and on both sides of the aisle, in some instances.

Mr. WARD. Democrats and Republicans.

Ms. DELAURO. Who want to shut it down. It is wrong. And we have seen over and over again, month after month, that every time this comes up, those who are in the leadership, the Republican leadership in this House, have either taken no action or have rejected the opportunity to close the loophole.

Mr. WARD. Well, of course, I would remind my friend from Connecticut these are the Republican leaders who are insisting that people earning $200,000 a year are middle income. So, obviously, they have got a little problem with their math and their understanding of the way this world works and the way this country operates, and maybe it is that tin ear, that tin ear that just causes people not to have a full understanding, that causes that same misunderstanding on this issue, because it is America, it is what we are lucky enough to be part of that has given this opportunity to these folks who have done so well.

And remember, I think I can paraphrase it, but I cannot say it word for word from the Bible, "But to whom much is given, much is expected."

Ms. DELAURO. Much is expected, I agree. And I think about the working middle-class families who are out there who play by the rules, who do what is right, trying to educate their children, trying to pay that mortgage every month; if they have elderly parents who are on Social Security and Medicare, all of those things are in jeopardy at the moment, and we have been talking about that, and it is an issue for another time.

But those are serious issues which working families are facing today: How are they going to get their kids to school? What happens if student loans go away? What happens if their parents are in a nursing home and Medicare is cut, which it is going to be cut?

Mr. WARD. The sandwich families.

Ms. DELAURO. That is right, those people squeezed at both ends because of this Republican budget, and then you turn around and you find that this small group of folks who are billionaires are just going to take their money and run, if you will, and those folks who are struggling every day would not for 1 minute ever do that or think about doing that.

Mr. WARD. To the contrary, to the contrary, those are the folks who are being careful to pay their full share. Those are folks who, we are folks, the way I have been brought up, the way my wife and our children and I have lived our lives, we do not think about getting a receipt when we are out for a family dinner because maybe we can write it off. We do not think about those little dodges. But those pale in comparison, just pale in comparison to the notion that people who, and I wonder about this, there was a movie one time, a fellow was offered an amount of money if he could spend so much within a certain time, within 24 or 48 hours or a week, and he was told, "You can have $1 billion if you can spend a million within a week. You cannot give it away, and you cannot invest it; you have to spend it."

Well, in thinking about that movie, I am thinking about these people. If they are billionaires—and they are, at least multi-multi-hundreds of millions is about the least this would have an impact on. What are they going to do with it? Are they going to be like these folks we just found another group of in Egypt who try to take it with them? Because we all know you cannot take it with you.

Ms. DELAURO. You cannot take it with you.

Mr. WARD. So their goal, apparently, is to take it with them to the Bahamas or some other offshore no-tax location and leave behind, leave behind the very country, the very symbol of opportunity to succeed on this globe that we call America. It is just perplexing.

Ms. DELAURO. You know, I think in so many ways in terms of the debates and the conversations we have been having in recent months that this not closing this loophole down, quite frankly, is not out of character with what we are seeing from the GINGRICH leadership here in the sense that when you are looking at the tax package and the budget, which 51 percent of the benefits go to people making over $100,000, when the bulk of the emphasis is on the special interests, the corporate special interests and their tax breaks are being paid for by cuts in Medicare, by cuts in student loans, by cuts in the student lunch program, which we saw. So that is another piece of this philosophy.

Mr. WARD. This money does not come from nowhere, does it?

Ms. DELAURO. That is right.

Mr. WARD. The money has to come from somewhere.

Ms. DELAURO. This is not, in essence, a free ride. You have got to be able to pay for these things.

The other piece is, by eliminating the alternate minimum tax, that tax which was put in under Ronald Reagan, again for the richest corporations, that says, "You have to pay your fair share. You pay at 20 percent. You pay at 20 percent."

With elimination of that, it is a $17 billion windfall to the richest corporations in this Nation.

But it is part of a pattern, and, again, I hold out, and I hope my colleague feels this way, that on this loophole issue that we will come to some sort of a bipartisan conclusion to eliminate it, to end it, and to put our emphasis on working families, on our veterans, on our seniors who have done so much for this country, and that we do not try to balance this budget on their backs, but take a look at where else we might start this process of a balanced budget.

Mr. WARD. It is important in that vein to point out that we have a resolution that I am proud to have been the sponsor of. In fact, it is the first bill or resolution that I have sponsored as a Member of this body, having been elected just this year.

That resolution would bring to the floor a bill that has been introduced by the ranking member of the Committee on Ways and Means, the gentleman from Florida [Mr. GIBBONS], which will close that loophole.

On that resolution, I am proud to say we have almost 100 cosponsors, almost 100 people, and I ran out of time to get more. I ran out of time to talk with folks, to visit with folks, to explain the issue before I was ready to put the bill in and move forward with it.

But where is that resolution now? It is lying; it is lying in the Clerk's in basket, figuratively speaking, because it is not being brought to the floor for a vote.

All indications are it will not be brought to the floor for a vote, because it sets out to do what we need to do to deal with a billionaire expatriate tax loophole. We need to tell our neighbors, we need to tell our friends to talk to their Member of Congress, to ask them, Did you cosponsor MIKE WARD's resolution? Did you cosponsor a resolution which will deal with this problem, which will give the opportunity for the full Congress to debate it, and if you did not, why not? And if it comes to the floor, how will you vote?

That is what we need to make sure people ask their Member of Congress next time they see them.

Ms. DELAURO. I commend my colleague for the work that he has done on this issue, and I appreciate your taking the time and joining with you in this conversation, and I am sure there will be many more of them in the best interests of the working people of this country.

THE REALITY OF AMERICAN LIFE

The SPEAKER pro tempore (Mr. HAYWORTH). Under the Speaker's announced policy of May 12, 1995, the gentleman from Vermont [Mr. SANDERS] is recognized for 60 minutes.

Mr. SANDERS. Mr. Speaker, I hope in a little while to be joined by some of my colleagues.

Mr. Speaker, as the only independent in the Congress, I think what disturbs me most about much of the dialog which takes place here is, in fact, that the most important issues facing the American people, the reality of life in our country today, is simply not talked about enough. Every day there are heated debates that take place here, and charges and countercharges, all kinds of issues are raised, but sometimes I think that the reality of American life as it exists today really is not adequately addressed.

And before we get into the issue of the budget, which I want to get into, and I hope some of my colleagues will be getting into with me as well, let us talk about reality in America today, a reality that we do not see too much discussed here. We do not see it on CBS too much, or NBC or the New York Times or our hometown papers.

Mr. Speaker, I would argue that the most important issue facing the American people is that for the middle class of this country, for the average working person of this country, for those tens and tens of millions of people who constitute the vast majority of our citizenry, for those people this country is becoming a poorer and poorer country.

Since 1973, when America reached its pinnacle, its high point in terms wages and benefits for ordinary working people, since 1973, 80 percent, four-fifths of the American working people have experienced either a decline in their real wages, in their standard of living, or stagnation. That means they have worked for over 20 years and they look back and they have gotten nowhere in a hurry. That is 80 percent of the American people.

Average weekly earnings from 1978 to 1990 declined, went down by 13½ percent.

In 1979, the average weekly wage in the United States was $387. 10 years later, in 1989, in terms of real inflation-accounted-for dollars, that wage had dropped to $335. People are working, but their standard of living is in decline.

What is perhaps most frightening is that for young workers, their real wages have declined even more.

There was a study done not so many months ago which indicated that for young male high school graduates going out into entry-level jobs, young men were earning 30 percent less than was the case for similar high school graduates just 15 years ago.

So, when parents look out and they are working hard and they are seeing their standard of living declining, what is even more painful for them is they look out and they are seeing their sons and their daughters going out into jobs which are paying even lower wages.

Mr. Speaker, between 1988 and 1993, worker productivity in the private sector increased by 5.9 percent. That is the good news.

The bad news is that during that same period, average hourly earnings declined by 4 percent. By 1993, the typical family had lost $1,400 of the buying power it had in 1991.

Mr. Speaker, one of the frustrations we talk about, why the American people are angry, why the American people are frustrated, a study done by Juliet Shaw was done at Harvard University which indicated that for American workers to maintain their standard of living, they had to be working now an extra 1 month a year, either in overtime or in second jobs, and in my State of Vermont it is not uncommon to see people working three jobs.

□ 1715

Mr. Speaker, 40 percent, and this is an important fact, we talk about welfare reform, so forth and so on. Forty percent of the families in America today who live in poverty have a full-time worker. This is not unemployed people, this is not people just sleeping out on the street, and one of the reasons that our low-income workers are doing worse today than they did 20 years ago is that the minimum wage today, at a disgracefully low $4.25 an hour, has a purchasing power which is 26 percent lower than it was 20 years ago.

Mr. Speaker, we look in the newspapers, and they tell us that unemployment is not such a serious problem. Maybe it is 5 percent, maybe 6 percent. Countries all over the world, in Europe or Scandinavia, they have higher rates of unemployment, but I would argue, Mr. Speaker, and I think many of our leading economists would argue, that in real fact unemployment in America is actually double than what the official statistics tell.

Why is that official statistics do not include discouraged workers? That means people are living in communities where there are just no jobs. They do not go out, so therefore they are not counted as part of the unofficial employment statistic, and perhaps even more importantly part-time workers who want to work full-time are also not included as part of the official unemployment statistic.

One of the very frightening aspects of the modern American economy is that when we look at the new jobs that are being created, are they good paying, 40-hour-a-week jobs? No, they are not, not in Vermont, not in the vast majority of the States in this country. Many of the new jobs that are being created are part-time jobs. You have people who want to work 40 hours a week, but they are getting 20 hours a week without benefits. Are they counted as unemployed? No, they are not.

So I would just conclude my initial remarks, Mr. Speaker, and welcome the gentleman from Oregon [Mr. DeFazio] here by just simply saying, "Before we talk about the budget, before we can talk about why the American people are angry, the most important reality is America has the right to be angry. Our people are working longer hours for lower wages, for less vacation time, for fewer benefits than was the case 20 years ago."

But on the other hand there is another reality which is going on. Are all the people in America seeing a decline in their standard of living? Are we all in this boat together? The answer is probably we are not.

A recent study in the New York Times: The richest 1 percent of the population now owns 40 percent of the wealth of America. We have the most uneven distribution of wealth in the entire industrialized world. The richest 1 percent owns more wealth than the bottom 90 percent. Upper income, 4 percent, earns more income than the bottom 51 percent, and, the gap between the rich and poor grows wider, the middle class continues to shrink. That is the reality of American life today for the middle class for the working class, for low-income people.

Having said that, I am delighted to welcome, to my mind, certainly one of the outstanding fighters for working people in this Congress, the gentleman from Oregon [Mr. DeFazio].

Mr. DeFAZIO. And I guess the follow-up point would be what caused these inequities and what can or should we do about it?

I would say in good part you can lay the blame for the extraordinary pauperization of the middle class of this country to two major areas of policy, probably three: The tax policy of this country, which has heaped more and more burden on middle-income people and lightened the burden on those at the very top and the largest, most profitable corporations. In fact, the Republican budget, which passed the House here, would do away with the corporate alternative minimum tax. That means we go back to the days when a corporation like AT&T, as they did from 1981 to 1985, earned $1.3 billion in profits and not only not paid taxes—we all understand about loopholes and avoidance but—actually demanded and received a $200 million tax refund for taxes they did not pay. That is other Americans, people who work for wages, went to work every day, paid their taxes, and guess what? Part of their pay check went to give a $200 million tax giveaway to a corporation which had made $1.4 billion in the same years, and now we are being told that is what will take care of the problems of middle-income Americans. The Republican tax break bill repeals the corporate alternative minimum tax, and that will put Americans back to work at higher wages; give me a break.

Mr. SANDERS. Is the gentleman—let us go over that once again because people may be adjusting their TV dials there to get that straight. Is the gentleman suggesting that, if the Republican proposal here in the House goes into effect, that the largest corporations in America making billions of dollars in profit will pay less in taxes than the average working stiff making $25,000 a year? Is that what the gentleman——

Mr. DeFAZIO. I am saying that will be true, and in fact, if we go back to the pre-alternative corporate minimum tax days, the 1980's, we could say, in fact, that those same working people will pay taxes so that tax credits can flow to those companies.

The other issue there would be, of course, the United States stands alone in the industrial world in not taxing foreign operations in the United States or multinational corporations. We have adopted such a limp section to the Code of taxation that virtually every major multinational and foreign corporation in this country pays no income taxes no matter how profitable they are because they upstream or downstream their profits to other lower tax countries. They are not paying their fair share, yet every day, every week, every American sees their taxes go up. They see the deductions out of their paychecks, but, no, Honda does not make any money in the United States of America. They just sell cars here. Toyota does not make money in the United States of America. They just sell cars here.

Mr. Speaker, if we adopted the same system of taxation that all of our major trading partners have adopted, the estimates are we could raise $40 billion to $60 billion next year; that is about a third of the deficit. We can raise it by just taxing the profits of multinational and foreign corporations the same way that every one of our major economic competitors does.

Mr. SANDERS. If I could interrupt the gentleman, would they not be upset? Would they then go to Republican and Democratic fund-raising dinners and contribute tens and tens of thousands of dollars? I do not understand what you are saying. If we tax them, how would they contribute huge sums of money to the Republican and Democratic Parties? Surely the gentleman must be joking.

Mr. DeFAZIO. Well, perhaps that is the bottom line here. It is, you know, how the money flows in Washington, DC, how the influence flows in Washington, DC. As my colleague knows, in the office of the special trade representative, a study I saw said that 74 to 75 percent of the people who worked in the President's Office of the special

Trade Representative have become foreign agents; that is, they are now representing foreign nations against the interests of the United States in trade and economic policy. You know we have got to close these revolving doors. We have got to reform campaign finance. We have got to reform the gift rule. But somehow it did not fit into the Republican Contract on America. No gift reform, no campaign finance reform; those things got left out, to be done later, of course.

Mr. SANDERS. We are delighted to be welcoming the congressman from New York City, from Brooklyn, MAJOR OWENS.

Mr. OWENS. I want to congratulate the gentleman for holding this special order in response to the latest developments with respect to the endorsement of the balanced budget concept by the President and your present discussion of taxes, of revenue. I hope that we are going to have much more of this kind of discussion and invite the American people to take a very close look at revenue measures to produce revenues and taxes. We have an era, certainly in the Democratic Party, and maybe the gentleman from Vermont [Mr. SANDERS], as an Independent, does, too. By not talking enough about taxes, we leave that to other people, and we have a situation where, when bills were related to the revenue taxes have come to the floor of the House, it has always been from the Ways and Means Committee, and the rule always was that you could not make a single amendment. They always came, and you voted it up or you vote it down.

So the Ways and Means Committee has been in charge of tax policy for the Congress for the last 20 to 30 years, and they are responsible for something which the American people ought to take a very close look at, and that is the great swindle of the American taxpayer by reducing the amount of the tax burden borne by the corporate sector, reducing it drastically, from almost 40 percent, 39.8 percent in 1943, down to 8 percent in 1980, and then presently it is 11 percent even after President Clinton has taken steps to get it back up.

So you look at that on the one hand. They reduce the corporate income taxes, and the individual taxes have gone up from 27 percent in 1943 to the present 44 percent in 1995.

So there has been a great swindle in terms of reducing the revenue, the portion of the revenue burden borne by the corporate sector and raising the portion borne by the individual.

While we are on the subject of balanced budget, let us invite all of America to take a very hard look at the way we derive our revenues.

Mr. SANDERS. The gentleman is absolutely right. Between 1979 and 1989, when the rich were getting richer, the number of taxpayers reporting adjusted gross incomes of $200,000 a year or more grew by 8 times. A lot more people were getting rich. Meanwhile, according to the House Ways and Means Committee, tax savings in 1992 for families in the upper 1 percent income bracket, total tax savings, totalled $41,886, a result of the drop in the effective tax rate for those families—it is the upper 1 percent—from 35.5 percent in 1977 to 29.3 percent in 1992.

So the point that the gentleman makes is absolutely right. When we talk about why we have a $4.7 trillion debt, how can we not talk about the huge tax breaks given to the wealthiest people in America and to the largest corporations?

Mr. DEFAZIO If the gentleman would yield for a moment, perhaps we can bring the discussion to what we are confronted with today.

The House Republican budget starts out moving the United States toward a balanced budget by first further reducing taxes on the most wealthy, those who earn over $100,000 a year, and on the largest, most profitable corporation by $353 billion.

So they first start with a—here we are. We are in the hole. We are all agree we need to have fiscal responsibility and move toward a balanced budget. First thing we do is we make the hole $353 billion deeper in order to benefit people who earn over $100,000 a year and in order give further tax relief to the corporations, and, as the gentleman from New York pointed out, who were paying taxes at about—what is it? About a quarter, a third of the rate——

Mr. SANDERS. Let us repeat that once again. Let me just ask the gentleman this question: Every day we hear about the crisis of our national debt, every day, every day, and we all understand the importance of that. Is the gentleman suggesting that one of the major ways the Republicans are proposing to deal with our national debt is to give huge tax breaks? Is that a strategy to deal with the deficit?

Mr. DEFAZIO. We are revisiting trickle-down economics, the theory that, if we give those people who are much smarter than we are, who earn, you know, over $200,000 a year and control these corporations more money, that they will create more jobs and the effects will trickle down. We are right back to the failed trickle-down policies of the mid-1980's. Those policies brought us record debt, record deficits and, as the gentleman pointed out, consistently caused the decline in the standard of living of middle-income families.

Mr. SANDERS. Let us review, if I might. Let us review again who is getting those tax breaks. Obviously, one would think that, if one decided to give tax breaks, and that is a debatable issue, clearly you were giving it to the working people, the people who are in most trouble. Interestingly enough, if you look at the Republican budget, the wealthiest 1 percent, the people who need the tax breaks the least, are getting more in tax breaks than the bottom 60 percent.

□ 1730

Mr. DEFAZIO. You are talking at the top, generally the people in the top will be getting breaks that average up to $40,000 off of their taxes, compared to $500 for a $40,000 a year family. This is not restoring equity to the tax system.

Mr. OWENS. What is important for the American people to understand, and you ought to listen carefully and ought to demand from your Congressman an explanation as to why this is happening, why are you giving these tax breaks to the rich? Why are you continuing the trickle-down theories of Reaganomics?

Ronald Reagan's explanation, he had an explanation, and he gave it, and it has been proven to be totally wrong, that if you will give the appropriate tax cuts and tax breaks to the rich and to the corporations, their investments will create activities which will in turn create jobs. The investment activities, will create jobs.

It is obvious, the empirical evidence showed it did not happen under Reagomics. It will not happen now either. We have wealth being accumulated in this country at unprecedented rates. The very rich are getting rich faster. Wall Street is booming. Yet no new jobs are being created. The jobs are going the other way. You have a jobs economy over here and a Wall Street economy over here, and there is no relationship between the two, because as they invest more money they can buy more automated equipment or take their operations overseas and manipulate in many, many different ways to make additional money off their investments without creating jobs. They are downsizing the jobs, they are streamlining, they are doing all kinds of things where they have no bargaining power. We are all going to end up being suburban peasants or urban serfs, who have no choice almost, because of the tremendous power of these corporations.

The power we have as voters in this democracy is to demand that we begin to reverse this by forcing those who are making the wealth to pay more into the general funds that are needed in order to promote the general welfare and provide for the public sector investments that are beginning to drive the economy in a different direction.

Mr. SANDERS. The gentleman makes a very important point. The theory of giving tax breaks to the rich and to large corporations is if we give them tax breaks, they are going to reinvest in our communities and create jobs. It sounds like a good theory. Unfortunately, all of the facts indicate that that theory is totally bogus, given the reality of what is happening. The gentleman from New York points out that major corporation after major corporation, the same ones that got huge tax breaks in the early eighties, the same ones the Republicans want to give huge tax breaks to now, what they have done is use those tax breaks to develop more automation. Major corporation after major corporation has laid off huge numbers of American workers. We are talking about millions of workers.

The other thing they have done after we give them tax breaks, is they invest abroad. They are investing in Mexico. Why do you want to pay an American worker ten bucks an hour, fifteen bucks an hour, when you have a Mexican working for a buck an hour? How about China? How many Americans know that American corporations are investing tens of billions of dollars in China. Do you know what the wages are in China? Twenty cents an hour. Last year American corporations invested $750 billion abroad. Every major in America, every Governor in America, is begging on their hands and knees for corporations to reinvest in their communities, and these corporations get the tax breaks and they go abroad.

Mr. DEFAZIO. If the gentleman will yield for a moment, I would like to point out it was the esteemed Speaker of the House of Representatives who said that in fact we cannot raise the minimum wage for the American working people because of our competition with Mexico. Of course, the Speaker supported the North American Free Trade Agreement, which I bitterly opposed and have introduced legislation to repeal. Just to recap on that, we were told it would create jobs in America. We were told that it would help the United States balance of trade, it would stabilize Mexico.

Those of us who opposed it said we believe we will export jobs, we believe that we will run a trade deficit with Mexico, and we believe that it will further destabilize Mexico. We were a little bit wrong, because we could not realize that not only would it destabilize Mexico, continue the current corrupt system, that the peso would be devalued and the standard of living would fall by nearly 40 percent for every Mexican worker, but that we would be running already this year, we are headed toward a $20 billion trade deficit with Mexico, which means we will export 400,000 jobs to Mexico this year. We never could have predicted we would have to pay for the privilege of exporting our jobs to Mexico, which is what we are doing today with the bailout of the speculators who were so actively engaged in the Mexican economy and the few billionaires who run the Mexican economy and the corrupt political system they have.

U.S. tax dollars are going to bail these people out. We are paying for the privilege of running a trade deficit. The Speaker tells us we cannot raise the minimum wage for the American workers because they have to compete with the Mexican workers, whose salaries just went down by 35 percent. And then on another day he said, "By the way, the competition is in south China." So apparently we have already quickly moved from Mexico, because those people are earning as much as a dollar an hour, and now suddenly the American workers not only have to compete with them, the American workers are not supposed to compete with slave labor in China, or those who are paid at the rate of 20 cents an hour.

Mr. OWENS. Could the gentleman just linger for a minute on Mexico. I hope that, again, every American voter ought to be angry. There is good reason to be angry. But we ought to focus and direct our anger in ways which are more effective and at the real source of the problem.

I said before we ought to be angry at the fact that corporations have gotten away with so much over the last 30 years, and certainly they have dropped all the way down to now paying 11 percent of the tax burden while individuals and families are paying 44 percent of the tax burden. That is enough to be angry about.

But Mexico in particular, it ought to make us turn red, all of us, with anger, because we first have NAFTA, a situation which was created by a sweeping change in public policy, that created a situation which was even under the best circumstances going to hurt the American workers. It was designed to make the rich get richer, to have the corporations have every advantage in terms of export, import, exploitation of cheap labor in Mexico. All of it was designed to help those same people that the Republican tax cut is going to help.

On top of the inevitability of it hurting working people comes an additional burden of us having to bail out the Mexican economy to the tune of $20 billion. It is enough by itself for you to be angry at the Government. When I say government, I do not mean just President Clinton, I mean also the leadership of the House and the Senate, and all of those great majority of the Members of Congress who went along with NAFTA and GATT. You ought to be angry, you ought to talk to them about the mistakes that they have made, and they have to reverse those mistakes. They have to now focus on an economy which is going to promote the general welfare of America.

The Japanese are being criticized for their protectionist trade policies, their closed society. The Japanese protects its middle class society. It almost has no poverty class as a result of the fact it takes the necessary actions to guarantee everybody is going to be able to make a living. So be it. Let the United States also. As voters we can demand a series of public policy decisions which lead to the protection of our way of life, of our standard of living, and we can make contributions to the rest of the world in terms of holding up that model.

Unfortunately, we have let the situation deteriorate to the point where we are headed rapidly to the bottom in terms of the standard of living of our workers, while Germany has the highest standard of living in the world. And I am not criticizing that. The German worker gets 6 weeks vacation, family and medical leave off with pay. They have very high wages. I am not criticizing them for that. It could happen here, if we had a different set of public policies and took control of our Government.

Every person who votes has an opportunity to have an impact on this public policy. America, we should stop sitting by as spectators while the Committee on Ways and Means and the White House and NAFTA, GATT, and all these other institutions weigh down upon us and force our standard of living down.

Mr. SANDERS. The gentleman makes two, I think, very, very important points. He explains that in America we are angry, and we have good reason to be angry. But what the Rush Limbaughs of the world and the Republican leadership are trying to do is getting us all angry at each other.

Every day it seems like there is a new group that we are supposed to hate. On Monday we are supposed to hate the gays, and on Tuesday we are supposed to hate the immigrants, and on Wednesday we hate the welfare recipients, and Thursday it is antiblack day, and Friday it is antiwoman day, and on and on it goes. And yet we are never focusing on the real group of people who hold the power in this country, and that is the very, very wealthy and the large multinational corporations who contribute huge sums of money to Members of this Congress, who control this Congress and write the agenda for this Congress.

I think what all of us are saying, in different ways, is that maybe the time is long overdue when the middle class and the working people and the low-income people and the women and everybody else began to stand together and say that there is something wrong when our standard of living is going down and when the richest people get richer.

The gentleman from New York made a good point. There are some people who still hold the illusion that we are No. 1 in the world, we are the wealthiest country in the world. Not for working people you are not. Germany, manufacturing workers in Germany now make 25 percent more than our manufacturing workers.

Do you know why corporations from Germany and Scandinavia and Europe are investing in America? Cheap labor. We now can give them cheap labor. That is what is happening. And that is a real shame.

What I would like to do now with my colleagues, if we might, we want to talk about the budget, the Gingrich budget, the Clinton budget. We are trying to give some background as to how we got to where we were. We talked about the fact that one of the reasons for the national debt is huge tax breaks for the rich and the largest corporations. There is another area that is worthy of at least some discussion, given the vote today, and that is the role of military spending.

Remember, $4.7 trillion debt. Obviously the cold war is over. The Soviet Union does not exist. Clearly I would imagine that today, having voted on the military budget, there was a major decrease in military spending. Is that correct, Mr. DEFAZIO?

Mr. DEFAZIO. Well, the gentleman knows that in fact the second part of the major part of the plan of the new Republican majority to bring us to a balanced budget after the massive tax break for the wealthy and the large corporations is the increased military spending. It is obviously an absurd formula. You cannot spend another $92 billion over the next 7 years on the military to build weapons that even now the Pentagon said it does not want, it does not need, and have no practical purpose.

The House voted this week, with very little exposure to the public. This bill was brought forward under a very restrictive rule and we were allowed one amendment on the B-2 bomber. At $1.5 billion each for bombers which the Pentagon says have no purpose in the post-cold-war world, and yet the House of Representatives voted by a substantial margin, lockstep on the Republican side, followed by a number of Democrats, to build another 10 B-2 bombers at the cost of $1.5 billion each, something the Pentagon said it does not want, does not need, and cannot use, in addition to putting more money into the star wars fantasy.

We have spent $36 billion on star wars since Ronald Reagan first unveiled this vision in the early eighties and you know what the net result is of the money on star wars? One faked test over the Pacific Ocean, and the Pentagon admits they faked it. They could not hit the incoming missile. One missile, not a fleet. They put explosives in it, they hit a button, it blew up, and they said look, star wars works. It does not work, and it is a very expensive fantasy.

Mr. OWENS. I want to linger for a moment on the B-2 bomber, the cost of building the B-2 bombers. I think is a $31 billion price tag over a 5-year period.

Now, the B-2 bomber, the Air Force said we do not want it, we do not need it, it actually is counterproductive because it will mean funds will be spent for an item that we do not need and they will be taken away from many items we do need.

□ 1745

So the Air Force says that. The Joint Chiefs of Staff says that we do not need it. We do not need it. We do not want it. The Secretary of Defense: We do not need it, we do not want it. It is not in the President's budget. He does not need it and he does not want it.

I am sorry, but I think every voter out there ought to ask their Congressman, did you vote to continue the funding for the B-2 bomber? If you did vote to continue the funding for the B-2 bomber, in light of the fact that all of the experts, all of the military, everybody says we do not want it, we do not need it, it is a waste, then you have no right to talk about waste in Government ever again. You have no right.

That was a perfect example. Why would anybody vote for the B-2 bomber? It is the worst kind of pork. It is the pork from the military industrial complex, the people have been absorbing much too much of our budget over the last 20 years. It is pork, pork, pork. It will generate a profit for the people who manufacture the bomber. It will generate a profit for the stockholders who will have invested in that corporation. It will generate some jobs for some workers. But you could create three times as many jobs for $31 billion in the civilian sector if you choose to spend the money to create jobs than you can create by building B-2 bombers.

Mr. SANDERS. I want to keep the discussion moving in this direction. All of us, the three of us, and almost everybody in the Congress recognizes that we have a very serious deficit problem, very serious national debt. But what we are talking about and wondering about is how do you move to lower the deficit when you give huge tax breaks to the rich, when you expand military spending, despite the fact we do not quite know who our enemy is, when you build planes that the Pentagon does not want.

But if you are going to move toward a balanced budget in 7 years, as Mr. GINGRICH wants, or 10 years, as the President wants, something has got to give. If you give tax breaks to the richest people in America, you are going to have to cut someplace. If you build $31 billion of B-2 bombers that the Pentagon does not want, you are going to have to cut someplace. Let us briefly talk about some of the areas where there will be cuts. OK?

Medicare. What are they doing to Medicare in order to give tax breaks to the rich?

Mr. DEFAZIO. It is interesting, we had a lot of discussion of health care here last year. We had considerable opposition on the Republican side of the aisle and they said there was no problem with the health care system. It did not need a Federal fix. They did not mention Medicare as being in deep trouble or being bankrupt.

They came up with a Contract on America to run for election. There is nothing in there about health care or Medicare. Earlier this year we passed emergency legislation, the rescissions legislation and the emergency spending for disasters. No mention of a disaster impending in Medicare or a need for changes in Medicare.

It was only after legislation had been adopted to cut taxes, predominantly for people who earn over $100,000 a year and the largest, most profitable corporations by $350 billion that suddenly we found that we need to reduce Medicare spending by nearly $300 billion.

A cynical person would say there was some linkage between the sudden need to reduce Medicare spending and the huge tax giveaways. Of course, that is denied. They want to reduce Medicare by $300 billion in order to improve the program for seniors, the same seniors now who cannot afford prescription drugs, if they can afford the co-payment to go to the doctor and get the prescription. We are going to improve the system with no plan but just by reducing it by $283 billion over the next 7 years.

Mr. SANDERS. So what are we talking about? Again, please follow the discussion: huge tax breaks for the rich, significant increase in military spending, major cutbacks in Medicare, which will undoubtedly mean that elderly people who today cannot afford the cost of health care will have to pay more out of their own pockets, major cutbacks in Medicaid to impact on the elderly and the poor, major cutbacks in veterans' programs.

I always get a kick out of whenever there is a war, everyone tells us how much they love our soldiers and the veterans. But let us be clear. In the Republican budget and in Clinton's budget, we are talking about many billions of dollars in cutbacks for our veterans, many of the people who fought in World War II, they defeated Nazism, the VA needs more help, not less money.

Also we are talking about major, major cutbacks in student loans and in education. I know that Mr. OWENS and his community are very concerned about the high cost of education. We want our people to get a college education. What does this budget do to the ability of your constituents and mine to get a college education?

Mr. OWENS. Well, New York City has a long tradition of having education available at the higher education level for great masses of students. New York City has been the place where large numbers of immigrants have come in and found opportunity. Our City University was established at the height of the Depression, so we were able to maintain City University during the Depression, and now we are saying we cannot do it. We have to increase the tuition cost.

First of all, for years there was no tuition at all, and then we imposed tuition, and now we have to increase the tuition cost because we are getting less aid from the Federal Government and less aid from the State government. So at a time when the society is far more complex than ever before, at a time when we are stating clearly that any person who does not have a high education is at great risk in terms of being able to be employed for most of his life, and on the other hand those that do have higher education, statistics and studies have shown they cannot be employed, they put back in the economy, they give back to the government through the payment of income taxes and they are more productive citizens. All of those things are highly desirable. Yet in the Republican budget they go so far, not only do they make it more difficult for college students by adding to the burden of their college loans, they eliminated the Department of Education totally.

The elimination of the Department of Education means you have no coordinated approach to education and a situation every day where education becomes more important.

I would like to backtrack for just a minute to make a comment on Medicaid. Very little is being said about Medicaid because it is assumed that Medicaid is for the poorest people in the country. Therefore, Medicaid has no political clout. We are just going to dump them overboard. The Republicans are proposing to take away the entitlement to Medicaid. Entitlement means that everybody who gets sick, who is eligible because they do have to pass a means test and they have to be income eligible. That person is guaranteed to have assistance from the government on health care once they qualify.

To take away that entitlement means that if people get sick near the end of the budget cycle they will be told by the State that there is no more money. Medicaid is being cut more drastically than Medicare, and Medicaid is not just a program for the poorest families. Two-thirds of the Medicaid funding goes to the elderly and to the disabled.

Many people who start out as middle class citizens when they get ill and are ill over a period of time, they are forced to spend so much money until they end up in nursing homes, and those nursing homes are paid for by Medicaid. The largest percentage of Medicaid funds are going to nursing homes. So we are not, I hope that the voters in general frown on creating a second class health care system for poor families, but you are not just hitting poor families in that second class health care system. You are hitting people who will become, that they will drop out of the middle class and become nursing home patients, and Medicaid will have to pay that bill.

Mr. DEFAZIO. Just on the education issue which the gentleman raised, we adopted in the last Congress an innovative idea. That is, why not have the schools make direct loans to the students, take out the banks as middle persons. The banks have been getting very high rates of interest for loans that have no risk. The idea is you get interest because of risk. The president of the University of Oregon at the time came, did calculations and he said that for the same amount of Federal money we could give another 600,000 students full entitlement to student loans if we just took the banks and the bank profits out. The Federal Government lends the money through the schools and, you know, the Federal Government knows how to collect money. They know where everybody is.

So I am not worried about defaults. But do you know what, the Republican budget wants to do away with direct student loans and put the banks back in the middle. That means take away the loans of 600,000 students so that the banks can make a guaranteed profit on a risk-free loan backed by the Federal Government.

That is just one more form of corporate welfare, and that I think segues us back into what is a better vision for a balanced budget. And I would just like to, I have to leave the floor; if I could just lay out a couple thoughts and then I will yield to the gentleman.

The idea that we have talked about earlier which is that the largest, most profitable corporations are not carrying their fair share, that foreign corporations are virtually paying no taxes in this country, that the largest gold mining operations in the United States on public lands are foreign owned and paying no taxes to the United States of America. There are estimates that there is $150 to $200 billion a year, credible estimates that come from the far right, the Cato Institute, to the Progressive Policy Institute that say there is about $150 to $200 billion a year of corporate welfare out there. And if we went after just a fraction of that, we would not have to see any of these cuts in order to get to a balanced budget. Just a fraction of those revenues linked to reductions in military spending would move us dramatically in the direction we need to go.

Mr. SANDERS. I applaud the gentleman's remarks. He is absolutely right. I know the three of us and many others have been trying to focus this Congress on the issue of corporate welfare. When most Americans think about welfare, they say, my money is going to those poor people. Wake up. More money is going to the rich and to large corporations in terms of Federal subsidies and tax breaks than are going to the poor people.

I know Mr. OWENS worked on the issue of corporate welfare. I know you have some thoughts on it. Would you share some of those?

Mr. OWENS. Again, the burden that was borne by corporations in 1943 was 39.8 percent of the total tax burden. The burden that corporations have, the portion of the tax burden that corporations bear now is only 11 percent. Individuals started in 1943 about 27 percent, and now individuals are paying 44 percent of the tax burden. That is a fact that I cannot emphasize too much.

I think Mr. DEFAZIO has said before that one way you can gain a large amount of revenue, I do not have the actual figures before me, but they were all listed in the Congressional Black Caucus budget, we listed specifically where we would find the money, which added up to almost $600 billion over a 7-year period, $600 billion that would have come from such items as one mentioned by Mr. DEFAZIO, if you change the way you tax foreign corporations, if you change, just make a change from a tax credit that you utilize at one point and make it a tax deduction, you gain enormous amounts of money.

If you close a lot of various loopholes that have been made over the years, the oil depletion allowance is still there, it has been there forever. There are numerous loopholes that have been developed because the corporations have literally owned the Ways and Means Committee and the Ways and Means Committee, whether Democrat or Republican, has had the same approach of being the servant of corporations. So down, down, down has gone their portion of the tax burden, while the individual's portion has gone up.

Mr. SANDERS. Let me just pick up and give you a few more examples.

We talk about Federal aid to housing. The leadership here in the Congress says, we cannot afford affordable housing anymore. In fact, one of the lovely proposals was to cut back on Federal aid to homeless people with AIDS. We just cannot afford to provide any money to keep those people alive.

Let us talk about another interesting Federal housing program. That is the mortgage interest deduction up to mortgages of $1 million. Now, most of the people that I know in the State of Vermont, they do not have million dollars homes. Maybe it is $100,000 a house; maybe it is a $200,000 house. That is true throughout America. But interestingly, if you got a million dollar mortgage, the house can be worth more than a million dollars, you can deduct the interest on a million dollars of your mortgage.

Who gets that benefit? Think it is low income people? Middle income people? No. Obviously, upper income people who own the large houses are the major beneficiaries of that program. That is called welfare. But that is a different type of welfare, because you are helping the wealthiest people in America.

□ 1800

Another program that I have paid a little bit of attention to is called OPIC, the Overseas Private Investment Corporation. The gentleman from New York [Mr. OWENS] and I were talking about the decline in our economy for working people. We are seeing corporations investing $750 billion abroad while they are throwing American workers out on the street.

The American taxpayers would be delighted to know that they subsidize this Federal agency, OPIC, $50 million a year, and what does this agency do? Its main job is to help American corporations invest in politically unstable countries abroad.

We have AT&T, DuPont, GTE, Ford, the largest corporations in America, while they are busy throwing American workers out on the street, they are getting taxpayer help in order to invest in politically unstable countries. If there is revolution or civil war in those countries, we have provided insurance for them, and in fact have a $6.3 billion insurance liability, and on and on it goes.

The point that the gentleman from Oregon [Mr. DEFAZIO], the gentleman from New York [Mr. OWENS], and I are trying to make is that we can move toward a balanced budget, but we can do it in a fair way. We do not have to savage Medicare, Medicaid, Head Start, WIC, student loans, food stamps, and many, many other programs that tens of millions of Americans depend upon.

One of the programs that the Republican leadership has proposed to eliminate is the LIHEAP program, which provides fuel assistance for low-income people; 40 percent of the recipients are senior citizens.

In my State of Vermont it gets pretty cold in the winter, 20 below zero, 30 below zero. We have a lot of low-income senior citizens who cannot afford the money for oil and gas to heat their homes. That will be eliminated. However, we can continue to provide an enormous amount of money for corporate welfare.

Mr. OWENS. Mr. Speaker, I just want to go back to the corporations' swindle in terms of their reduction of their share of the tax burden over the years, and mention that if you change the way you tax investments, income from investments, and the way you tax capital gains, which they are always trying to change, of course the Republicans want to lessen the rate on these items.

The Bible says man shall earn his living by the sweat of his brow. Those people who really sweat to earn their living, they are charged the highest rate. They are taxed at a higher rate than people who never sweat. They make investments, they sell and buy items, and they make enormous profits, and that income is taxed at a much lower rate than the income earned by the guy out there is the plant who goes to work every day. Why? What is the justification?

There is no justification, except that the people who make the investments and who have the greatest gains from capital gains, they have the power. They have the power, and public policy allows them to be taxed at a rate which is much smaller than the rate of the person who works hour by hour for wages.

The wage earner has seen his taxes go up tremendously over the last 12 years. They do not call it taxes, as in the payroll taxes, the Medicare. There are various ways in which the take-home pay of the wage earners has been drastically reduced, at the same time we have had all these various programs to subsidize and to help increase the income of people who earn their income from investments and from sales or capital gains. Enormous amounts of money can be realized by changing the way we tax the capital gains.

Mr. SANDERS. The gentleman is absolutely right. What we have here is the Robin Hood proposal in reverse. We take from the middle-class and working people, and we give to the very, very wealthy.

I think the main point that we wanted to make this evening is that we also are concerned about a $4.7 trillion national debt and the very high deficit that we have, but we think that it is extraordinarily unfair to move toward a balanced budget on the backs of the middle class, the working people, and the low-income people, when at the same time we are giving huge tax breaks to the wealthiest people in this country, expanding military spending at a time when we do not need to do so.

Mr. Speaker, our hope is that the American people begin to focus on this issue and demand a little bit of justice in this Congress, so we can deal with the budget and with our deficit in a fair and reasonable way.

Mr. OWENS. Mr. Speaker, I would like to close on an upbeat note. America has a great future. The civilization of the Western world has a great future. Science and technology now drive wealth in the world. The more educated people we have, the more we build on the base of science and technology, the faster the wealth will increase.

The great injustice is that only a few people share in the benefits of this science and technology. It was created by people whose names we never know, by people whose names we do know, but they never derive any direct wealth from it, and we have built on it.

A lot of science and technology has been created by the American taxpayers. Many of the investments that are being made so profitably now on Wall Street related to the telecommunications industry, the computer industries, those were built upon research and development done by the military using the money of the American taxpayers.

All of us have a stake in this wealth that is being created by science and technology. The future of the world lies in this direction. If we focus on education and increase the number of educated people in the country, we can generate enough wealth to be able to meet all of the needs of all Americans. If we use new revenue techniques, more creative techniques for getting revenue, so we derive the revenue from the areas where the greatest increases in wealth are taking place, then we can always meet all of the needs of all Americans without pain and suffering.

I think we can look forward to the future and not see a doomsday scenario of inevitable, ongoing deficits forever and ever, or suffering by the American people as a result of trying to reduce the deficit.

Mr. SANDERS. I thank the gentleman from New York for his thoughts, and I thank the gentleman from Oregon. What we are fighting for is an America which will provide well for all of our people, and not an America in which the rich get richer, and most of the people see a decline in their standard of living. I thank the gentleman.

THE REPUBLICAN TAX PLAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. STEARNS] is recognized for 10 minutes.

Mr. STEARNS. Mr. Speaker, I am delighted to come down here to talk about the Republican budget, and specifically, the Republican plan to reduce taxes. I saw, Mr. Speaker, that the President came out with his own budget. As many of you know in the House, we have included tax cuts that amounted to $350 billion. It included a $500 tax credit for every child in America, plus it reduced capital gains.

The Senate does not have these specific cuts, but they cut $170 billion if we balance the budget. However, I notice in the President's budget he included a middle-class tax cut. It includes 96 billion dollars' worth of cuts, including a $500 credit per child, and $10,000 college tuition credit for families earning less than $100,000.

I think, Mr. Speaker, when we talk about reducing taxes, it looks like the President of the United States has come on board, too. I would like to just briefly, in this 10 minutes, set the record straight. We have heard for too long now the Republican budget contains a tax cut that hurts the poor and benefits the rich. How can I say this, Mr. Speaker. There is no truth to this claim.

The Democrats argue that the Republican tax cut would benefit only the rich, when the fact is that the major component of our tax package, as I mentioned, is a $500 per child tax credit for families. Of the $189 billion in tax cuts we proposed over 5 years, $94 billion, or fully half, goes directly to families in the form of the $500 per child tax credit.

Families receive other tax benefits, including expanded IRA's, repeal of the marriage penalty, and incentives for long-term care insurance. All told, families would receive $114 billion worth of tax relief under our plan.

Democrats have argued and tried to argue that because of the $500 per child tax credit, it applies to families earning up to $200,000. It looks like the President here has $100,000. They go on to say this is somehow a tax cut for the rich, as though the children of high-income Americans are less deserving of tax relief than others. But even this argument is false, since according to the Joint Economic Committee, fully three-fourths of the $500 per child tax credit would go to families earning less than $75,000.

For low-income Americans, the tax credit is even a better deal. Nearly 5 million Americans at the lowest income levels would no longer pay any taxes at all. So I am tired, and I think the American people should be tired, of the same old class warfare rhetoric that the Democrats continue to haul out every time we talk about tax cuts.

The Democrats seem to believe the rich are the only people who have children, who got married, and that earning $75,000 makes you rich. The truth is the Republican tax package benefits all Americans. It is particularly beneficial to all families, but it also benefits groups, such as seniors.

For starters, our package calls for the repeal of the 35-percent Social Security tax hike President Clinton rammed through in 1993. The Republican plan brings the rates on singles earning more than $34,000 and couples earning more than $44,000 back to 50 percent. We would also raise the earning limit on Social Security benefits. Instead of $11,280, seniors can earn up to $30,000 before Social Security taxes kick in. The total savings for our American seniors is $30 billion. That is important to make that point.

Furthermore, the Republican tax package gives all Americans a 50-percent capital gains tax. According to a study released by the Joint Economic Committee, nearly 70 percent of those Americans who claim capital gains have incomes of less than $50,000.

Republicans will ease the burden on overtaxed businesses, too. Our plan would save American businesses $21 billion over the next 5 years, money that will be reinvested and returned again and again to the consumer in lower prices and in higher working wages.

Mr. Speaker, the Republican package will save Americans $189 billion over the next 5 years. That is $189 billion that all Americans would be able to share and spend and reinvest in America. The best thing about it is it is all paid for in the budget. We put a down payment on the savings when we passed the rescission bill. It is unfortunate the President vetoed it. We paid for the rest last week when we approved the Republican budget with the spending reductions.

Of course, the Democrats will argue these spending reductions will affect only low-income Americans. Again, they are wrong. Our budget represents across the board spending reductions, reductions that would affect all Americans. It is just that those with their hands out, those who receive most for doing the least, will be affected more. This, Mr. Speaker, is simply a fact of life.

It should be pointed out, though, that most of our savings were achieved through flexible freezes and not the elimination or reduction of very many programs. However, it is amazing. The Democrats portray the flexible freeze as a cut, despite the fact that spending actually continues to increase. It simply does not increase at the same budget-busting rates as have been proposed here for 40 years.

The best example of this paradox is the Medicare debate. Clearly and emphatically, the Republican tax cuts have nothing to do with slowing Medicare spending increase. Medicare is funded by a payroll tax that goes into a separate trust fund. That trust fund will go bankrupt in the year 2002. That is what the trustees of the Medicare trust fund who have told us. The fact of the matter is, the Democrats know this, but insist on misrepresenting the tax cuts to hide the fact that they do not have a balanced budget here in the House. Now the President of the United States has come out with a balanced budget.

I see in several of the papers today that some of the Democrat leaders in the House here are upset that the President put forth a balanced budget program, even though it is over 10 years.

Frankly, Mr. Speaker, what the Republicans have done is then infused the economy with $189 million, cut needless and duplicative programs, eliminated wasteful spending, and salvaged America's future.

Now the only strategy left for the Democrats is to misrepresent what we have done. However, Mr. Speaker, for 40 years they have had the opportunity to run this country, so I ask everybody to ask this question: Are we better off now, or are we better off when they took power?

Forty years ago there was no national debt to speak of, and Americans paid only 3 percent of their income to the Federal Government. Today we have a $5 trillion national debt and the average American family pays a full 25 percent of its income to the Federal Government. Taxes at all levels of Government now consume 40 percent of the average family's income, more than they spend on food, clothing, and shelter combined.

Mr. Speaker, we have suffered through 40 years of tax increases and 40 years of big government. Finally, Republicans have reversed a trend and set our country back on track. We have found a way to ensure a future for our children, we have found a way to let American taxpayers keep more of their own money, and we have found a way to remove the burden of bureaucratic spending from our government.

Mr. Speaker, it is time for the loyal opposition to face the facts. They have left it up to the Republicans to balance the budget, to tackle the impending Medicare insolvency, which is fine, because that is precisely what we intend to do for the sake of our children, our seniors, and the future of this great Nation.

□ 1815

TRIBUTE TO THE CHAMPION HOUSTON ROCKETS

The SPEAKER pro tempore (Mr. HAYWORTH). Under the Speaker's announced policy of May 12, 1995, the gentleman from Texas [Mr. DELAY] is recognized for 10 minutes as the designee of the majority leader.

Mr. DELAY. Mr. Speaker, the Houston Rockets have done it again. How fitting that on Flag Day, the Rockets captured their second championship banner. Who would have thought just 7 short weeks ago that the Rockets would be the World Champions? Who could have thought that a team ranked No. 6 going into the Western Conference playoffs, could win it all? Who dared to dream that the combination of Hakeem "The Dream" Olajuwon and Clyde "the Glide" Drexler would accomplish something that eluded them in their years together at my almamater, the University of Houston? Well, the answer to these questions should be obvious—nobody. Nobody believed the Houston Rockets could win a second world championship; nobody but the Houston Rockets. And in the end, that's all that really mattered. Last night the Rockets used their magic brooms to sweep the Orlando Magic back to the land of Disney.

When Rudy Tomjonavich took the helm of this Houston ballclub 2 years ago, he inherited a team that many thought talented, but few thought capable of winning a championship. However, through their hard work and dedication, the Rockets proved their critics wrong.

This season, the Rockets had a subpar regular season. They struggled at times and the trade for Clyde Drexler was viewed by many as being a mistake. Nonetheless, the Phi Slamma Jamma duo proved to be an unstoppable winning combination.

The Houston Rockets are a positive role model for our county. They are the underdogs who have overcome great odds to achieve a goal. And doesn't this country just love an underdog. The Rockets have taught us all a valuable lesson about believing in yourself and performing to the best of your abilities. With the heartbeat of a champion, they have captured their second crown with an unprecedented combination of humility and hunger. Sure, the Rockets have the greatest player on the planet in Hakeem Olajuwon. But this victory was not an individual one by any stretch. It was a team victory. That is the beauty of the Houston Rockets.

Last night, Hakeem was awarded the Most Valuable Player in the finals. As reporters bombarded him with questions about what winning the award meant, it seemed that all Hakeem could do was unselfishly pay tribute to his teammates. "We played team basketball," he said. "I'm just so happy for Clyde."

Last year, when the Rockets won, they were all seen as a mediocre team who happened to win it all during a year when no great team emerged. This year, having won it again, the Rockets have finally proven to the world what they and "Clutch City" have known all along. This team is a legitimate champion. They are the first NBA team to ever repeat with a sweep. And now, having won another world championship, the Rockets have shown themselves to be the greatest basketball team in the world.

I send out a heartfelt congratulations to owner Les Alexander, Coach Rudy Tomjonavich and the Houston Rockets basketball team. On behalf of a grateful city I thank them for giving us yet another ring to be proud of. So before I leave today, let me leave you with a poem, chronicling the play-off drive of the world champion Houston Rockets.

The play-offs started against the Utah Jazz;
The Rockets beat 'em, but nobody spazzed;
Next came the Suns and Charles Barkley;
Their talent, I'm afraid, proved a bunch of malarkey;
The Spurs were on fire, the highly praised number one seed;
But the Rockets cut 'em down to size, like an overgrown garden weed;
Finally at last, the Magic fell to defeat;
The Rockets left standing, shouting "Repeat!"
Yes, Shaq be nimble
Yeah, Shaq be quick
But Shaq came to Houston
And got his tail kicked.
How sweet it is!!!

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. KLECZKA (at the request of Mr. GEPHARDT), for the week of June 13, on account of medical reasons.

Mr. DICKEY (at the request of Mr. ARMEY), for today, on account of official business.

Mr. MCNULTY (at the request of Mr. GEPHARDT), for today after 2 p.m., on account of personal reasons.

Mr. YATES (at the request of Mr. GEPHARDT), for today, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. POSHARD) to revise and extend their remarks and include extraneous material:)

Mr. LIPINSKI, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. OWENS, for 5 minutes, today.

Mr. FALEOMAVAEGA, for 5 minutes, today.

Mr. MONTGOMERY, for 5 minutes, today.

Mr. POSHARD, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

(The following Members (at the request of Mrs. KELLY) to revise and extend their remarks and include extraneous material:)

Mr. SMITH of Michigan, for 5 minutes, today and on June 21.

Mr. DELAY, for 5 minutes, today.

Mr. EHLERS, for 5 minutes, today and on June 16.

Mr. FOX of Pennsylvania, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. GONZALEZ, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. STEARNS, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. POSHARD) and to include extraneous matter:)

Mr. HASTINGS of Florida.

Mr. LANTOS.

Mr. MONTGOMERY.

Mr. SKELTON.

Mr. MFUME.

Mr. MENENDEZ in two instances.

(The following Members (at the request of Mrs. KELLY) and to include extraneous matter:)

Mr. KING in two instances.

Mr. SPENCE.

Mr. GILCHREST.

Mrs. KELLY.

Mr. WALSH.

Mr. FRANKS of New Jersey.

Mr. WOLF.

Mr. SOLOMON.

Mr. DAVIS.

ADJOURNMENT

Mr. DELAY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 20 minutes p.m.), the House adjourned until tomorrow, Friday, June 16, 1995, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1037. A letter from the Under Secretary of Defense, transmitting a report of a violation of the Anti-Deficiency Act which occurred at the Maryland Army National Guard, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

1038. A letter from the Assistant Secretary (Special Operations/Low-Intensity Conflict), Department of Defense, transmitting DOD's humanitarian assistance activities report, pursuant to 10 U.S.C. 401 note; to the Committee on National Security.

1039. A letter from the Director, Administration & Management, Department of Defense, transmitting notification that the Office of the Secretary of Defense, Washington Headquarters Services, Real Estate and Facilities Directorate [RE&F], is initiating a study, to include a cost comparison that will encompass cleaning services performed at the Pentagon by Government employees, pursuant to 10 U.S.C. 2304 note; to the Committee on National Security.

1040. A letter from the Assistant Secretary (Force Management Policy), Department of Defense, transmitting the Department's report on the Civilian Separation Pay Program, pursuant to 5 U.S.C. 5597 note; to the Committee on National Security.

1041. A letter from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to amend section 404 of title 37, United States Code, to eliminate the requirement that travel mileage tables be prepared under the direction of the Secretary of Defense; to the Committee on National Security.

1042. A letter from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to amend chapter 38 of title 10, United States Code, as added by the Goldwater-Nichols Department of Defense Reorganization Act of 1986 (Public Law 99-433; 100 Stat. 992), with respect to joint officer management policies for the Army, Navy, Air Force, and Marine Corps; to the Committee on National Security.

1043. A letter from the Office of Civilian Radioactive Waste Management, transmitting the 11th annual report on the activities and expenditures of the Office of Civilian Radioactive Waste Management, pursuant to 42 U.S.C. 10224(c); to the Committee on Commerce.

1044. A letter from the Chairman, Nuclear Regulatory Commission, transmitting the report of the nondisclosure of safeguards information for the quarter ending March 31, 1995, pursuant to 42 U.S.C. 2167(d); to the Committee on Commerce.

1045. A letter from the U.S. Court of Appeals, District of Columbia Circuit, transmitting an opinion of the U.S. Court of Appeals (93-1652—American Scholastic TV Programming Foundation versus FCC); to the Committee on Commerce.

1046. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of major defense equipment and services sold commercially to the United Kingdom (Transmittal No. DTC-35-95), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

1047. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of major defense equipment and services sold commercially to the United Kingdom (Transmittal No. DTC-37-95), pursuant to 22 U.S.C. 2779(c); to the Committee on International Relations.

1048. A letter from the Secretary of Labor, transmitting a report of activities under the Freedom of Information Act for calendar year 1994, pursuant to 5 U.S.C. 552(e); to the Committee on Government Reform and Oversight.

1049. A letter from the Secretary, Smithsonian Institution, transmitting the semiannual report on activities of the inspector general for the period October 1, 1994, through March 31, 1995, and the management report for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

1050. A letter from the Chairman, U.S. Equal Employment Opportunity Commission, transmitting the semiannual report on activities of the inspector general for the period October 1, 1994, through March 31, 1995, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

1051. A letter from the Clerk, U.S. House of Representatives, transmitting the quarterly report of receipts and expenditures of appropriations and other funds for the period January 1, 1995, through March 31, 1995, pursuant to 2 U.S.C. 104a (H. Doc. No. 104-85); to the Committee on House Oversight and ordered to be printed.

1052. A letter from the U.S. Court of Appeals, District of Columbia Circuit, transmitting an opinion of the U.S. Court of Appeals (90-3041—United States versus Anderson); to the Committee on the Judiciary.

1053. A letter from the U.S. Court of Appeals, District of Columbia Circuit, transmitting an opinion of the U.S. Court of Appeals (93-1621—Cheney Railroad Co. versus Railroad Retirement Board); to the Committee on Transportation and Infrastructure.

1054. A letter from the Chief Judge, U.S. Court of Veterans Appeals, transmitting the annual estimate of the expenditures and appropriations necessary for the maintenance and operation of the Court of Veterans Appeals Retirement Fund, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Veterans' Affairs.

1055. A letter from the Secretary of Defense, transmitting the second fiscal year 1995 DOD report on proposed obligations for facilitating weapons destruction and nonproliferation in the former Soviet Union, pursuant to 22 U.S.C. 5955; jointly, to the Committee on National Security and International Relations.

1056. A letter from the Secretary of Defense, transmitting the Department's report entitled, "National Space Transportation Policy: Coordinated Technology Plan," pursuant to Public Law 103-337, section 211(f) (108 Stat. 2691); jointly, to the Committee on National Security and Science.

1057. A letter from the U.S. Court of Appeals, District of Columbia Circuit, transmitting an opinion of the U.S. Court of Appeals (93-1488—AFGE Local 3295 versus FLRA); jointly, to the Committees on Banking and Financial Services and Economic and Educational Opportunities.

1058. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification that the President has made a certification pursuant to section 577 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act of 1994, pursuant to Public Law 103-87, section 577(b) (107 Stat. 973); jointly, to the Committees on International Relations and Appropriations.

1059. A letter from the General Counsel of the Navy, transmitting a draft of proposed legislation entitled, the "Uniform National Discharge Standards for Armed Forces Vessels Act of 1995"; jointly, to the Committees on Transportation and Infrastructure and National Security.

1060. A letter from the Secretary of Transportation, transmitting a report on alternative transportation modes for use in the National Park System, pursuant to Public Law 102-240, section 1050(a) (105 Stat. 2000); jointly, to the Committees on Transportation and Infrastructure and Resources.

1061. A letter from the U.S. Court of Appeals, District of Columbia Circuit, transmitting an opinion of the U.S. Court of Appeals (94-3105—United States versus Durenberger); jointly, to the Committees on Rules and the Judiciary.

1062. A letter from the Fiscal Assistant Secretary, Department of the Treasury, transmitting the Department's March 1995 "Treasury Bulletin"; jointly, to the Committees on Ways and Means, Resources, Economic and Educational Opportunities, Commerce, Transportation and Infrastructure, and Agriculture.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calender, as follows:

Mr. YOUNG of Alaska: Committee on Resources. H.R. 70. A bill to permit exports of certain domestically produced crude oil, and for other purposes; with an amendment (Rept. 104-139, Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. QUILLEN: Committee on Rules. House Resolution 167. Resolution Providing for consideration of the bill (H.R. 1817) making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1996, and for other purposes (Rept. 104-140). Referred to the House Calendar.

Mr. PACKARD: Committee on Appropriations. H.R. 1854. A bill making appropriations for the legislative branch for the fiscal year ending September 30, 1996, and for other purposes (Rept. 104-141). Referred to the Committee of the Whole House on the State of the Union.

Mr. LIVINGSTON: Committee on Appropriations. Report on the subdivision of budget totals for fiscal year 1996 (Rept. 104-142). Referred to the Committee of the Whole House on the State of the Union.

Mr. CALLAHAN: Committee on Appropriations. H.R. 1868. A bill making appropriations for the foreign operations, export financing, and related programs for the fiscal year ending September 30, 1996, and for other purposes (Rept. 104-143). Referred to the Committee of the Whole House on the State of the Union.

DISCHARGE OF COMMITTEE

Under clause 5 of rule X, the following action was taken by the Speaker:

H.R. 70. The Committee on International Relations discharged. Referred to the Committee of the Whole House on the State of the Union.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 70. Referral to the Committee on International Relations extended for a period ending not later than June 15, 1995.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. SCHIFF (for himself, Mr. PETE GEREN of Texas, and Mr. BOEHLERT):

H.R. 1851. A bill to authorize appropriations for carrying out the Federal Fire Prevention and Control Act of 1974 for fiscal years 1996 and 1997; to the Committee on Science.

By Mr. SCHIFF (for himself and Mr. PETE GEREN of Texas):

H.R. 1852. A bill to authorize appropriations for the National Science Foundations, and for other purposes; to the Committee on Science.

By Mr. MEEHAN (for himself and Mr. HANSEN):

H.R. 1853. A bill to amend the Federal Food, Drug, and Cosmetic Act to require the reduction and eventual elimination of nicotine in tobacco products; to the Committee on Commerce.

By Mr. PACKARD:

H.R. 1854. A bill making appropriations for the legislative branch for the fiscal year ending September 30, 1996, and for other purposes; committed to the Committee of the Whole House on the State of the Union.

By Mr. DAVIS (for himself, Mrs. MORELLA, and Mr. WOLF):

H.R. 1855. A bill to amend title 11, District of Columbia Code, to restrict the authority of the Superior Court of the District of Columbia over certain pending cases involving child custody and visitation rights; to the Committee on Government Reform and Oversight.

By Mr. EMERSON (for himself, Mr. MINETA, Mr. EWING, Mr. BOEHLERT, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. ANDREWS, Mr. BAESLER, Mr. BLILEY, Mr. BORSKI, Mr. BROWN of Ohio, Mr. BURTON of Indiana, Mr. CALVERT, Mr. CANADY, Mr. CLYBURN, Mr. COLLINS of Georgia, Miss COLLINS of Michigan, Mr. CONDIT, Mr. COSTELLO, Mr. CRAMER, Mr. CRANE, Ms. DANNER, Mr.

DEFAZIO, Mr. DEUTSCH, Mr. DIAZ-BALART, Mr. DICKS, Mr. DICKEY, Mr. DINGELL, Mr. DIXON, Mr. DOOLITTLE, Mr. DORNAN, Mr. DREIER, Mr. DURBIN, Ms. ESHOO, Mr. FALEOMAVAEGA, Mr. FARR, Mr. FAZIO of California, Mr. FIELDS of Texas, Mr. FILNER, Mr. FORD, Mrs. FOWLER, Ms. FURSE, Mr. GALLEGLY, Mr. GILLMOR, Mr. GORDON, Mr. GENE GREEN of Texas, Mr. HALL of Texas, Mr. HASTERT, Mr. HAYES, Mr. HERGER, Mr. HOBSON, Mr. HORN, Mr. HUTCHINSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JOHNSTON of Florida, Mr. KIM, Mr. KNOLLENBERG, Mr. LAHOOD, Mrs. LINCOLN, Mr. LATOURETTE, Mr. LAUGHLIN, Mr. LEWIS of California, Mr. LIPINSKI, Mr. LIVINGSTON, Mr. MATSUI, Mr. MANZULLO, Mr. MCCOLLUM, Mr. MCDERMOTT, Mr. MCKEON, Mrs. MEEK of Florida, Mr. MINGE, Mr. MOORHEAD, Mr. MYERS of Indiana, Mr. NEAL of Massachusetts, Mr. NEY, Mr. NUSSLE, Mr. OBERSTAR, Mr. PALLONE, Mr. PASTOR, Mr. PAXON, Mr. PETERSON of Florida, Mr. POMEROY, Mr. PORTER, Mr. POSHARD, Mr. QUILLEN, Mr. QUINN, Mr. RAHALL, Mr. RIGGS, Mr. ROMERO-BARCELO, Mr. SCHIFF, Mr. SHAW, Mr. SKELTON, Mr. SOLOMON, Mr. SPENCE, Mr. STEARNS, Mr. TALENT, Mr. THORNTON, Mr. TORRICELLI, Mr. TOWNS, Mr. TRAFICANT, Mr. TUCKER, Mr. UNDERWOOD, Mr. VOLKMER, Mr. WELDON of Pennsylvania, Mr. WHITFIELD, and Mr. WISE):

H.R. 1856. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to provide for an expanded Federal program of hazard mitigation, relief, and insurance against the risk of catastrophic natural disasters, such as hurricanes, earthquakes, and volcanic eruptions, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Commerce, Banking and Financial Services, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FRANKS of New Jersey:

H.R. 1857. A bill to amend the Internal Revenue Code of 1986 to allow an individual who has attained age 55 a deduction for amounts paid for insurance to be used to pay real property taxes on the principal residence of the individual after the individual has attained age 65; to the Committee on Ways and Means.

By Mr. LEACH:

H.R. 1858. A bill to reduce paperwork and additional regulatory burdens for depository institutions; to the Committee on Banking and Financial Services.

By Mr. MILLER of California:

H.R. 1859. A bill to require employers to post, and to provide to employees individually, information relating to sexual harassment that violates title VII of the Civil Rights Act of 1964; and for other purposes; to the Committee on Economic and Educational Opportunities.

H.R. 1860. A bill to authorize the Secretary of Transportation to convey the vessel S.S. *Red Oak Victory* to Richmond Museum Association, Inc., located in Richmond, CA, for use as a monument to the wartime accomplishments of the city of Richmond; to the Committee on National Security.

By Mr. MOORHEAD:

H.R. 1861. A bill to make technical corrections in the Satellite Home Viewer Act of 1994 and other provisions of title 17, United States Code; to the Committee on the Judiciary.

By Ms. NORTON (for herself (by request) and Mr. DAVIS):

H.R. 1862. A bill to permit certain revenues of the District of Columbia to be expended for activities relating to the operation of the Washington Convention Center and the construction of a new convention center in the District of Columbia; to the Committee on Government Reform and Oversight.

By Mr. STUDDS (for himself, Mr. FRANK of Massachusetts, Mrs. MORELLA, Mr. TORKILDSEN, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. BOEHLERT, Mr. FLANAGAN, Mr. BALDACCI, Mr. BARRETT of Wisconsin, Mr. GILMAN, Mr. GUNDERSON, Mr. BECERRA, Mr. BEILENSON, Mr. HORN, Mrs. JOHNSON of Connecticut, Mr. BERMAN, Mr. BONIOR, Mrs. KELLY, Mr. SHAYS, Mr. BROWN of California, Mr. CARDIN, Mr. CLAY, Mrs. CLAYTON, Mr. CLYBURN, Mr. COLEMAN, Miss COLLINS of Michigan, Mr. CONYERS, Mr. COYNE, Mr. DEFAZIO, Ms. DELAURO, Mr. DELLUMS, Mr. DEUTSCH, Mr. DICKS, Mr. DIXON, Mr. DURBIN, Mr. ENGEL, Ms. ESHOO, Mr. EVANS, Mr. FALEOMAVAEGA, Mr. FARR, Mr. FAZIO of California, Mr. FILNER, Mr. FLAKE, Mr. FOGLIETTA, Ms. FURSE, Mr. GEJDENSON, Mr. GONZALEZ, Mr. GUTIERREZ, Ms. HARMAN, Mr. HASTINGS of Florida, Mr. HINCHEY, Mr. HOYER, Ms. JACKSON-LEE, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JOHNSTON of Florida, Mr. KENNEDY of Massachusetts, Mr. KENNEDY of Rhode Island, Mrs. KENNELLY, Mr. KILDEE, Mr. LANTOS, Mr. LEVIN, Mr. LEWIS of Georgia, Ms. LOFGREN, Ms. LOWEY, Mrs. MALONEY, Mr. MARKEY, Mr. MARTINEZ, Mr. MATSUI, Ms. MCCARTHY, Mr. MCDERMOTT, Ms. MCKINNEY, Mr. MEEHAN, Mrs. MEEK of Florida, Mr. MENENDEZ, Mr. MFUME, Mr. MILLER of California, Mr. MINETA, Mrs. MINK of Hawaii, Mr. MORAN, Mr. MOAKLEY, Mr. NADLER, Mr. NEAL of Massachusetts, Ms. NORTON, Mr. OLVER, Mr. OWENS, Mr. PALLONE, Mr. PASTOR, Mr. PAYNE of New Jersey, Ms. PELOSI, Mr. RANGEL, Mr. REED, Mr. REYNOLDS, Mr. RICHARDSON, Ms. RIVERS, Ms. ROYBAL-ALLARD, Mr. RUSH, Mr. SABO, Mr. SANDERS, Mr. SAWYER, Mrs. SCHROEDER, Mr. SCHUMER, Mr. SERRANO, Ms. SLAUGHTER, Mr. STARK, Mr. THOMPSON, Mr. TORRES, Mr. TORRICELLI, Mr. TOWNS, Mr. TRAFICANT, Mr. UNDERWOOD, Ms. VELÁZQUEZ, Ms. WATERS, Mr. WATT of North Carolina, Mr. WAXMAN, Ms. WOOLSEY, Mr. WYDEN, Mr. WYNN, and Mr. YATES):

H.R. 1863. A bill to prohibit employment discrimination on the basis of sexual orientation; to the Committee on Economic and Educational Opportunities, and in addition to the Committees on House Oversight, Government Reform and Oversight, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROYCE (for himself and Mr. NEUMANN):

H.R. 1864. A bill making emergency supplemental appropriations for additional disaster assistance and making rescissions for the fiscal year ending September 30, 1995, and for other purposes; to the Committee on Appropriations, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WHITFIELD:

H.R. 1865. A bill to amend the Federal Election Campaign Act of 1971 to provide that the same limitation on contributions to candidates shall apply to multicandidate political committees and other persons; to the Committee on House Oversight.

By Mr. WOLF (for himself, Mr. BAKER of Louisiana, Mr. BLUTE, Mr. DAVIS, Mr. FROST, Mr. HANSEN, Mr. MCDERMOTT, Mrs. MORELLA, and Mr. REYNOLDS):

H.R. 1866. A bill to promote the implementation of programs to improve the traffic safety performance of high risk drivers; to the Committee on Transportation and Infrastructure.

By Mr. CALLAHAN:

H.R. 1868. A bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1996, and for other purposes.

By Mr. LIPINSKI:

H. Con. Res. 77. Concurrent resolution concerning the Fourth World Conference on Women in Beijing; to the Committee on International Relations.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

112. By the SPEAKER: Memorial of the House of Representatives of the State of Colorado, relative to the reauthorization of the Conservation Program Improvements Act; to the Committee on Agriculture.

113. Also, memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to maintaining the status quo at Tobyhanna Army Depot, PA; to the Committee on National Security.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. DUNCAN introduced a bill (H.R. 1867) for the relief of Gregory E. Walters; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 46: Mr. SENSENBRENNER, Mr. SCHIFF, Mr. CONDIT, Mr. COBLE, and Mr. HAYES.

H.R. 94: Mr. SHAW and Mr. PICKETT.

H.R. 426: Mr. EHLERS.

H.R. 427: Mr. SALMON, Mr. COBLE, Mr. LUCAS, Mr. COX, and Mr. POMEROY.

H.R. 580: Mr. LAHOOD, Mr. BEREUTER, Mrs. SMITH of Washington, Mr. SKELTON, and Mrs. SCHROEDER.

H.R. 783: Mr. FOLEY and Mr. REYNOLDS.

H.R. 803: Mr. OLVER.

H.R. 911: Mr. BLUTE, Mr. PETE GEREN of Texas, Mr. GILCHREST, Mr. HERGER, and Mr. HUNTER.

H.R. 922: Mr. ENGLISH of Pennsylvania, Mrs. JOHNSON of Connecticut, and Mr. GORDON.

H.R. 927: Mrs. THURMAN and Mr. FRELINGHUYSEN.

H.R. 957: Ms. MCCARTHY, Mr. GOSS, and Mr. MILLER of Florida.

H.R. 1003: Mr. FRANK of Massachusetts, Mr. PAYNE of Virginia, Mr. LEWIS OF GEORGIA, AND MRS. LINCOLN.

H.R. 1010: Mr. DEFAZIO, Mr. JOHNSON of South Dakota, and Ms. FURSE.

H.R. 1020: Mr. MFUME, Mr. BONIOR, Mr. KILDEE, Mr. LOBIONDO, Mr. MICA, and Mr. FATTAH.

H.R. 1046: Mr. GENE GREEN of Texas, Mrs. JOHNSON of Connecticut, Mr. FROST, Mr. FALEOMAVAEGA, Mr. SCOTT, and Mr. GEJDENSON.

H.R. 1047: Mr. HASTERT, Mr. GALLEGLY, and Mr. SMITH of Texas.

H.R. 1061: Mr. HEFLEY, Mr. BENTSEN, and Mr. SAM JOHNSON.

H.R. 1073: Miss COLLINS of Michigan, Mr. BONIOR, Mr. HINCHEY, Mr. FOX, and Mr. PASTOR.

H.R. 1074: Miss COLLINS of Michigan, Mr. BONIOR, Mr. HINCHEY, and Mr. PASTOR.

H.R. 1078: Mr. SMITH of New Jersey, Mr. FROST, Mr. WILLIAMS, and Mrs. JOHNSON of Connecticut.

H.R. 1100: Mr. FRANKS of New Jersey.

H.R. 1118: Mr. GUTKNECHT.

H.R. 1119: Mr. ACKERMAN.

H.R. 1138: Mr. REYNOLDS.

H.R. 1147: Mr. NADLER and Ms. ROYBAL-ALLARD.

H.R. 1176: Mr. RIGGS, Mr. DOOLITTLE, Mr. HEFLEY, Mr. BARTLETT of Maryland, Mr. GILCHREST, Mr. COBLE, Mr. BARTON of Texas, Mr. MILLER of Florida, Mr. MCCOLLUM, Mrs. VUCANOVICH, Mr. BAKER of Louisiana, Mr. BURTON of Indiana, and Mr. BONILLA.

H.R. 1242: Mr. LUCAS.

H.R. 1317: Ms. LOFGREN.

H.R. 1381: Mr. SERRANO, Ms. JACKSON-LEE, Mr. FROST, and Mr. JACOBS.

H.R. 1384: Mr. STUMP, Mr. SMITH of New Jersey, Mr. BILIRAKIS, Mr. STEARNS, Mr. BARR, Mr. COOLEY, Mr. EVANS, Mr. FILNER, Ms. BROWN of Florida, Mr. DOYLE, and Mr. MASCARA.

H.R. 1397: Mr. HOKE.

H.R. 1442: Ms. FURSE and Mr. ENGLISH of Pennsylvania.

H.R. 1523: Mr. FALEOMAVAEGA.

H.R. 1536: Mr. STUMP, Mr. SMITH of New Jersey, Mr. BILIRAKIS, Mr. STEARNS, Mr. BARR, Mr. COOLEY, Mr. EVANS, Mr. FILNER, Ms. BROWN of Florida, Mr. DOYLE, and Mr. MASCARA.

H.R. 1547: Mr. MINETA and Mr. REYNOLDS.

H.R. 1565: Mr. SMITH of New Jersey, Mr. BILIRAKIS, Mr. STEARNS, Mr. BARR, Mr. COOLEY, Mr. EVANS, Mr. FILNER, Ms. BROWN of Florida, Mr. DOYLE, Mr. MASCARA, and Mr. NEY.

H.R. 1588: Mr. LAUGHLIN.

H.R. 1604: Mr. ENGLISH of Pennsylvania.

H.R. 1610: Mr. PORTMAN.

H.R. 1617: Mr. HANCOCK.

H.R. 1650: Mr. DIAZ-BALART.

H.R. 1765: Mr. ROHRABACHER, Mr. HANCOCK, and Mr. DOOLITTLE.

H.R. 1776: Mr. SMITH of Texas.

H.R. 1781: Mr. FAZIO of California.

H.R. 1810: Mr. ENGLISH of Pennsylvania, Mr. SMITH of Texas, Mr. ROYCE, and Mr. PORTMAN.

H.R. 1818: Mr. SENSENBRENNER, Mr. CUNNINGHAM, Mr. DEUTSCH, Mr. HASTERT, Mr. GREENWOOD, Mr. STOCKMAN, Mr. LINDER, Mrs. CHENOWETH, Mr. FIELDS of Texas, Mr. BARTON of Texas, Mr. LAUGHLIN, and Mr. FOX.

H.R. 1821: Mr. DELLUMS and Mr. BATEMAN.

H.J. Res. 79: Mr. MILLER of Florida.

H.J. Res 91: Mr. PAXON.

H. Con. Res. 70: Mr. RIGGS.

H. Res. 30: Mr. ENSIGN.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 774: Mr. CALVERT.

H.R. 1289: Mr. FATTAH.

PETITIONS, ETC.

Under clause 1 of rule XXII,

24. The SPEAKER presented a petition of Board of Commissioners of Wayne County, NC, relative to opposing further regulations of tobacco by the Food and Drug Administration; which was referred to the Committee on Commerce.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 1817

OFFERED BY: MR. FRANK OF MASSACHUSETTS

AMENDMENT NO. 2: Page 19, after line 12, insert the following new section:

SEC. 126. The amounts otherwise provided in this Act for the following accounts are hereby reduced by 5 percent:

(1) "Military Construction, Army".

(2) "Military Construction, Navy".

(3) "Military Construction, Air Force".

(4) "Military Construction, Defense-wide".

(5) "Military Construction, Army National Guard".

(6) "Military Construction, Air National Guard".

(7) "Military Construction, Army Reserve".

(8) "Military Construction, Naval Reserve".

(9) "Military Construction, Air Force Reserve".

(10) "North Atlantic Treaty Organization—Security Investment Program".

H.R. 1817

OFFERED BY: MR. HERGER

AMENDMENT NO. 3: Page 2, line 12, strike "$625,608,000" and insert "$611,608,000".

H.R. 1817

OFFERED BY: MR. MINGE

AMENDMENT NO. 4: Page 3, line 3, strike "$588,243,000" and insert "$571,843,000".

H.R. 1817

OFFERED BY: MR. NEUMANN

AMENDMENT NO. 5: On page 8, line 2, strike $1,157,716,000 and insert $1,150,730,000.

H.R. 1817

OFFERED BY: MR. OBEY

AMENDMENT NO. 6: On page 2, line 12, delete "$625,608,000", and insert "$611,108,000".

On page 3, line 3, delete "588,243,000" and insert "$578,743,000".

On page 5, line 4, delete "$72,537,000" and insert "$59,337,000".

On page 5, line 12, delete "$118,267,000" and insert "$107,267,000".

On page 6, line 9, delete "31,502,000" and insert "$29,702,000".

H.R. 1817

OFFERED BY: MR. OBEY

AMENDMENT NO. 7: Page 19, after line 12, insert the following new section:

SEC. 126. The amounts otherwise provided in this Act for the following accounts are hereby reduced by the following amounts:

(1) "Military Construction, Army", aggregate amount, $14,500,000.

(2) "Military Construction, Navy", aggregate amount, $9,500,000.

(3) "Military Construction, Army National Guard", $13,200,000.

(4) "Military Construction, Air National Guard", $11,000,000.

(5) "Military Construction, Air Force Reserve", $1,800,000.

H.R. 1817

OFFERED BY: MR. ROYCE

AMENDMENT NO. 8: Page 3, line 3, strike "$588,243,000" and insert "$571,843,000".

SENATE—*Thursday, June 15, 1995*

(Legislative day of Monday, June 5, 1995)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious God, we often come to You listing out our urgent petitions. With loving kindness and faithfulness, You guide and provide. You bless us beyond our expectations and give us what we need on time and in time. Today, Lord, our prayer is for a much better memory of how You have heard and answered our petitions in the past. Now we really need the gift of a grateful heart.

We commit this day to count our blessings. We thank You for the gift of life, our relationship with You, for Your grace and forgiveness, for our family and friends, for the privilege of work, for the problems and perplexities that force us to trust You more, and for the assurance that You can use even the dark threads of difficulties in weaving the tapestry of our lives. Knowing how You delight to bless a thankful person, we thank You in advance for Your strength and care today. Lord, thank You not just for what You do but for who You are, blessed God and loving Father. In that confidence, we ask for Your providential care for Cardinal Joseph Bernardin in his time of physical need and suffering. Now guide us in the work of this Senate throughout this day. In Your holy name. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. PRESSLER. This morning, the leader time has been reserved, and the Senate will immediately resume consideration of S. 652, the telecommunications bill. Under the consent agreement from last night, there are approximately nine amendments that are still pending to the telecommunications bill. Members should be on notice that at 12:15 the Senate will begin a series of rollcall votes on or in relation to those pending amendments with the last vote in the order being on final passage.

The Senate is open for business. We welcome Senators to come to the floor to make their speeches and deal with their amendments.

LEAVE OF ABSENCE

Mr. DOLE. Mr. President, I announce that the Senator from Utah [Mr. HATCH] is necessarily absent from the Senate. He is attending the meeting of the International Olympic Committee in Budapest, Hungary, along with the delegation of officials from Utah and the United States Olympic Committee.

Salt Lake City was earlier selected as America's choice to host the 2002 Winter Olympic Games, and a final vote on site selection will be taken by the IOC at their meeting in Budapest. Senator HATCH is in attendance at these important meetings in support of Salt Lake City to be the host city and of the United States to be the host country for this premier international event.

TELECOMMUNICATIONS COMPETITION AND DEREGULATION ACT

The PRESIDENT pro tempore. The clerk will report the pending business.

The assistant legislative clerk read as follows:

A bill (S. 652) to provide for a procompetitive, deregulatory national policy framework designed to accelerate rapidly private sector deployment of advanced telecommunications and information technologies and services to all Americans by opening all telecommunications markets to competition, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Hollings (for Breaux) amendment No. 1299, to require that at least 80 percent of vessels required to implement the Global Maritime Distress and Safety System have the equipment installed and operating in good working condition.

Pressler (for McCain) amendment No. 1285, to means test the eligibility of the community users.

Simon modified amendment No. 1283, to revise the authority relating to Federal Communications Commission rules on radio ownership.

Heflin amendment No. 1367, to provide for a local exchange carrier to acquire cable systems.

Pressler (for Dole) amendment No. 1341, to strike the volume discounts provisions.

Warner modified amendment No. 1325, to require additional rules as a precondition to the authority for the Bell operating companies to engage in research and design activities relating to manufacturing.

Lieberman amendment No. 1298, to establish a determination of reasonableness of cable rates.

Rockefeller amendment No. 1292, to eliminate any possible jurisdictional question arising from universal service references in the health care providers for rural areas provision.

Stevens-Inouye amendment No. 1303, to ensure that resale of local services and functions is offered at an appropriate price for providing such services.

AMENDMENT NO. 1285

The PRESIDING OFFICER (Mr. GREGG). The Senator from Arizona.

Mr. McCAIN. Mr. President, I wish to take a few minutes to discuss the amendment No. 1285 that I have offered on behalf of Senators SNOWE, ROCKEFELLER, EXON, KERREY, CRAIG, and myself.

Mr. President, it is my understanding that one-half hour has been reserved for debate on this amendment. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. McCAIN. Mr. President, I intend to just use a few minutes and then reserve the remainder of that time for any of the Senators who wish to speak on the amendment any time between now and 12:15, if that is agreeable to the manager.

Mr. President, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. McCAIN. I thank the Chair.

Mr. President, the amendment would effectively means test the community users provision in this bill. The amendment states that no for-profit business, school with an endowment of $50 million or more, or library that is not eligible for participation in the State-based plan qualifying for library services and Construction Act title III funds will receive preferential rates of treatment.

Mr. President, as the part of the bill that came to the floor which was added as an amendment in committee, as it states now, any school, library, or hospital would be eligible for preferential rates or treatment.

I understand the intent of that amendment. It has been made very clear and was again made clear when I proposed an amendment to remove that provision of the bill entirely.

However, I am very pleased that Senators SNOWE, ROCKEFELLER, EXON, KERREY, and others are in support of this amendment especially since Senators SNOWE and ROCKEFELLER are the prime sponsors of that amendment that was put into the bill in committee.

This amendment would ensure that those who most need it, a rural health clinic or small school in any part of America including West Virginia, receive the most help. If this amendment is adopted, every public and nonprofit grade and secondary school in this country will receive preferential rates, every public library will receive preferential rates, and every nonprofit community health clinic will receive preferential rates. But this amendment will prevent some of the wealthiest in this country from unduly benefiting at the same time.

As I mentioned earlier, I offered an amendment that would have eliminated the Snowe-Rockefeller provisions. I believe it is unnecessary for us to federalize this role of the States. I am disappointed that the Senate disagrees. I pointed out that in nearly all of the 50 States in America, the States have acted to provide some kind of help for schools, libraries, and health care providers in various ways, each of these States tailoring specific programs to specific needs in those States. And again I question seriously that we in the Senate can tailor programs that fit as diverse a nation as we have today.

I listened to my colleagues from West Virginia, Nebraska, and Maine very closely. While they commented extensively on the need to ensure that we do not have technology haves and have-nots, surely they would agree we should not subsidize those who can well afford telecommunications services. My friend from Nebraska, Senator KERREY, specifically expressed his cogent argument on the need to help the poorest and most in need in our country. I believe this amendment addresses the issues raised by my friend, and I am pleased to offer this amendment with the support of the Senator from Nebraska.

Mr. President, I agree we must do what we can to prevent that from occurring. I believe that the free market will accomplish that goal. I also believe that vouchers will end up someday being the method by which we best address these problems of people who cannot afford basic telecommunications services. But at this time it is clear that neither the Senate nor the country is prepared for that.

I was interested in the opposition to the vouchers amendment that I put forward. If there was ever ample testimony to the clout of the special interests that are involved in this issue, it was the size of the defeat of that amendment—not because I believe it was a perfect amendment but there is no doubt in my mind that every player in this very complex issue, whether it be AT&T, the Bell telephone companies, the manufacturers, every other entity involved was opposed to this voucher idea, which has been supported by the Heritage Foundation, the Cato Institute, every objective observer of this situation that does not have any monetary involvement.

However, we received 18 votes, and if there was ever any testimony needed to the influence of the special interests in shaping this legislation, I believe when historians look at 18 votes, which was the purest and simplest way to provide the poor and the needy in this country with the ability to acquire telephone and telecommunications services, that was ample and compelling evidence and why I believe, Mr. President, that this bill, despite the great efforts of our distinguished chairman, who has done a magnificent job in shepherding this legislation this last nearly 2 weeks through the Senate, still has a lot of hurdles to overcome because of the inordinate influence of the special interests on this bill as opposed, very frankly, to the interests of the American public, which is not represented very well in this debate nor in the issues before the Senate.

Back to the amendment, Mr. President, the provisions in this bill would enable some of the wealthiest in our country to benefit. Rural hospitals will receive benefits. Certainly some rural hospitals need help. But there are rural hospitals operated by large parent companies that make hundreds of millions of dollars. There is no reason to subsidize these corporations.

Although the managers' amendment adopted allows the FCC to evaluate the subsidy scheme according to means, there is still a necessity to means test the provision. First, the FCC is going to pass regulations that treat all fairly and do not discriminate or which have a disparate impact. Such regulations benefit rich and poor equally. The amendment solves that problem.

Harvard University operates a library. The university also currently has a $6 billion endowment. Should the American people, many who do not have the resources of Harvard University, be forced to subsidize the school library's telecommunications services? I do not think so.

Do we want the well-to-do Humana Hospital Corp. which operates some rural hospitals to have a Government-sanctioned telephone discount? No, but we do want the small rural clinic to receive help. This amendment accomplishes that goal.

If the Congress is going to endorse a Federal role in ensuring technology to be available to all, then let us tailor it so we are helping those who need our help. It is a balanced, fair amendment. I have confidence in its adoption. I am greatly appreciative that Senators SNOWE, ROCKEFELLER, and KERREY in particular are in support of this amendment.

Mr. President, I reserve the remainder of my time. I believe that Senators SNOWE, ROCKEFELLER, and KERREY have expressed interest in speaking on this amendment. I ask the manager if he will allow them my time to do so when they come to the floor to speak.

Mr. President, I yield the floor.

Ms. SNOWE. Mr. President, I rise in support as a cosponsor of Senator MCCAIN'S amendment to clarify how universal service discounts to schools, libraries, and rural hospitals under section 310 of the telecommunications bill should be targeted.

As I noted last week in my remarks, I support targeting of discounts. For example, elementary and secondary schools with large endowments simply do not have the same need as public schools for discounts in order to assure affordable access to telecommunications services. In my view, the language in the bill gave the FCC, the States, and the Joint Board some flexibility to target discounts. Specifically, the language guaranteed schools and libraries an affordable rate, which implicitly takes into account both the price of the service and the ability of an entity to pay.

I appreciate the time and effort Senator MCCAIN has invested in working with the sponsors of section 310 to build upon the affordability concept, to develop a solid, responsible test of when schools, libraries, and rural hospitals should receive discounts in order to promote the goal of affordable access to telecommunications services.

Under the McCain amendment, public elementary and secondary schools would be eligible for discounts, as would private, nonprofit schools without large endowments. Libraries would be eligible for discounts if they participated in State-based plans under title III of the Library Services and Construction Act, which coordinate library development within the State. Nonprofit rural health care providers would also be eligible for discounts.

This amendment meets the twin goals which I am sure are supported by most Members of this Senate. First, it guarantees affordable access to telemedicine and educational telecommunications services for those key institutions in our society which need assistance in order to take full advantage of the information age. Second, by targeting the discounts, this amendment ensures that the universal service fund is used wisely and efficiently.

Mr. President, the provision of the bill sponsored by myself, Senators ROCKEFELLER, EXON, and KERREY, is in my view one of the most important provisions of the bill. We know that competition will bring an array of improved services and exciting new services at a lower cost. Technology allows the transmission of information across traditional boundaries of time and space, dramatically changing the way that American school children learn, and the way that health care is provided. The Snowe-Rockefeller-Exon-Kerrey provision in the bill ensures that competition ultimately achieves this goal for all Americans, regardless of where they live. I realize that the distinguished Senator from Arizona believes that a deregulated market will take care of everyone, but I simply do not share that belief. Furthermore, the stakes are too great to leave affordable access to the marketplace. Again, I appreciate Senator MCCAIN'S willingness to work with myself and Senators ROCKEFELLER, EXON, and KERREY to clarify how discounts should be targeted, and I urge my colleagues to support the McCain amendment.

Mr. PRESSLER. Mr. President, I note that we have limited time. I urge Senators to come early to make their statements, as we are on a time agreement at this point. Any Senator wishing to speak should come forth.

Mr. INHOFE addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I ask unanimous consent to be recognized as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

CARRYING OUT THE MANDATE

Mr. INHOFE. Mr. President, I just want to make a few comments while we are waiting for those referred to by the Senator from South Dakota to come and be heard.

Those of us who are in the freshman class have recently had a number of town hall meetings back in our respective States. As a matter of fact, I think I lead the group. I have had 77 since January.

Last week, I had some, and I want to just reaffirm that, in spite of the fact there are many people who are here in the U.S. Senate who do not spend as much time back in the districts, back talking to real people, that the revolution that was voted on back on November 8, 1994, is very real and it is alive at home. Some people are skeptical and do not think things are going on the way they should be going on here.

So I just share with you that I sometimes have a difficult time in conveying to people that the Senate is actually doing some things here. They hear about the House, they hear about the Contract With America, and some of the personalities over there that have dominated the national media. I have to remind people that in the first 3 months of this year in the U.S. Senate, we passed a number of reforms: One being the unfunded mandates reform; one being congressional accountability, forcing us to live under the same laws that we pass for other people; we also did a line-item veto; a type of moratorium on endangered species; we are getting ready to do regulation reform, to get the Government off the backs of the people who are paying for all the fun we are having up here.

The Senate may be slower and more deliberate, but we are performing, and a revolution is going on here.

But I say, Mr. President, that the people at home are just as adamant today as they were on November 8, 1994. The people at home are demanding that we do something about and carry out the mandate to eliminate the deficit. I think that they are a little impatient with the fact that we passed a resolution that would do this in 7 years, by the year 2002. I find it rather interesting the response that we are having right now as to the President coming out with his revised budget a couple of days ago.

We have talked to people and told them the President had his budget before this body some 3 weeks ago, and it was the typical large tax-and-spend, high-deficit budget that was rejected by this body, the U.S. Senate, by a vote of 99–0, and then Republicans passed our budget resolution which would eliminate the deficit by the year 2002.

I think we were all taken aback and a little surprised when the President came out with his announcement a couple days ago. In essence, what he said was, Well, we tried my budget, and that did not work. I'll just join the Republicans. Some people thought maybe the train went by, but I do not think so. I think there is room on the caboose for the President, and he came out and said, "Instead of that, let's not be quite as severe, let's do it over 10 years, not 7 years."

I cannot speak for the people of America, but I can speak for the people of Oklahoma. I am talking about Democrats and Republicans alike. People in Oklahoma think that even 7 years is too long. When you stop and realize what goes with high deficits, that means more Government involvement in our lives.

Today, I will be going over and testifying in the other body on a Superfund bill. That is just one area of overregulation in our lives, of abuse, of bureaucracy on the businesses and the industries that are paying taxes to support this monster in Washington, and it is going to change.

So I would like to give the assurance that there has been a change in the majority party that is controlling both the Senate and the House, and the Republicans are now in charge.

As we talk to our fellow Republicans and remind them that the mandate that gave the Republicans a majority in the House and a majority in the Senate cannot be ignored, because if we ignore it we cannot fulfill the provisions of that mandate—that is, less Government in our lives, a balanced budget we can see in the near future, and the Government more in concert with what was foreseen by our Forefathers many years ago—if we do not carry out that mandate, the Republicans will not be in power.

Right now, I honestly believe we are on schedule to carry out the mandates. I think the whole United States, and I know my State of Oklahoma, is rejoicing in this.

It is not that the people who want more Government involved in our lives are bad people—they are not bad people; they are well-meaning people—but they have just forgotten what this country is all about.

So we have a new era, and we are providing the leadership in that era. I was very pleased to see the President of the United States joining us 2 days ago when he came with his revised budget.

I yield the floor. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. COATS). THE CLERK WILL CALL THE ROLL.

The assistant legislative clerk proceeded to call the roll.

Mr. PRESSLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TELECOMMUNICATIONS COMPETITION AND DEREGULATION ACT

The Senate continued with the consideration of the bill.

Mr. PRESSLER. Mr. President, I urge Senators to come to the floor to use the time. Mr. President, is time running on amendments if Senators are not present?

The PRESIDING OFFICER. Time is not running.

Mr. PRESSLER. Time only runs when they actually speak?

The PRESIDING OFFICER. The 30 minutes allocated to Senators for discussion of amendments is running only when those Senators are on the floor speaking as to that amendment.

Mr. PRESSLER. In view of the fact that the majority leader has stated a desire to vote by about noon, I hope that Senators will come to the floor.

Mr. President, I ask unanimous consent to speak as in morning business for 5 minutes on a separate subject.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRESSLER. Let me emphasize, that upon the arrival of any Senator with business on the telecommunications bill, I will immediately yield the floor.

UNITED STATES-JAPAN AVIATION DISPUTE

Mr. PRESSLER. Mr. President, I rise today to discuss a matter of great importance to the Group of Seven summit meeting to be held this week in Canada. I refer to the current aviation dispute between the United States and Japan. The United States must stand firm in this dispute. It is vital to our long-term U.S. international aviation policy. It is critical to the future of our passenger and cargo carriers. The millions of consumers who use air passenger and cargo services in the Pacific rim deserve the best possible service at competitive prices set by the market.

In recent months, many Senators have expressed views on the bilateral aviation negotiations between the United States and the United Kingdom. That interest was well-placed. In 1994, revenue for United States carriers between the United States and the United Kingdom was approximately $2.5 billion. To put the significance of the United States-Japan aviation dispute in perspective, in 1994 the total revenue value of passenger and freight traffic for United States carriers between the United States and Japan was approximately $6 billion.

First, let me put to rest a misconception. The United States-Japan aviation dispute is a bona fide, stand alone trade issue. It unquestionably is a separate trade issue. Commentators who suggest our current aviation disagreement is inextricably linked to our automobile dispute with Japan are wrong. Others who cynically suggest it is more than coincidence that the aviation dispute has come to a head at the same time as the automobile dispute obviously do not know the recent history of the United States-Japan aviation relations.

Plain and simple, this dispute arose as a result of actions by the Government of Japan to protect its less efficient air carriers from competing against more cost-efficient United States carriers for service beyond Japan to points throughout Asia. The issue is straightforward: Should the United States allow the Government of Japan to unilaterally deny United States carriers rights that are guaranteed to our carriers by the United States-Japan bilateral aviation agreement? As chairman of the Commerce, Science, and Transportation Committee, I believe the clear and unequivocal answer is "no."

The dispute relates to our bilateral aviation agreement which has been in effect for more than 40 years. Over the years, that agreement has been modified and otherwise amended to reflect changes in the aviation relationship between our two countries. Pursuant to the United States-Japan bilateral agreement, three carriers have the right to fly to Japan, take on additional passengers and cargo in Japan, and then fly from Japan to cities throughout Asia. The U.S. carriers who are guaranteed fifth freedom rights, or so-called beyond rights, are United Airlines, Federal Express, and Northwest Airlines.

Recently, Federal Express and United Airlines tried to exercise their beyond rights and notified the Government of Japan that they would start new service from Japan to numerous Asian cities. The Government of Japan refused to authorize these new routes. The bilateral agreement requires that such requests be expeditiously approved. In violation of the bilateral agreement, the Government of Japan has said it will not consider these route requests until the United States holds talks aimed at renegotiating the bilateral agreement.

Mr. President, the consequences of the Government of Japan's unilateral denial of beyond rights have been significant. For example, Federal Express, relying on its rights under the bilateral agreement, invested millions of dollars in a new, Pacific rim cargo hub at Subic Bay in the Philippines. The Subic Bay hub is scheduled to be fully operational in several weeks. The Government of Japan's refusal to respect the terms of the bilateral agreement threatens Federal Express' multi-million-dollar investment. Similarly, United Airlines has already essentially lost the chance to provide service between Osaka and Seoul during the busy summer season.

There is no doubt that the economic impact of Japan's refusal to recognize Federal Express and United Airlines' beyond rights has already been great for each of these carriers. The burden has also been shouldered by consumers who have been denied the benefits of a more competitive marketplace. As each day passes, the costs become more significant. Yesterday, Federal Express was forced to postpone for 30 days its proposed July 3, 1995, opening of its Subic Bay cargo hubs.

I point out to the Senate, that is a great loss not only for Federal Express but to the United States. It is our rights of moving our airplanes around the world, as we allow other countries to move them into our country.

How did the United States and Japan get to the brink of an aviation trade war? Let me first dispel three myths.

First, the aviation dispute has nothing to do with a bilateral aviation agreement that is fundamentally unfair to Japan. Nor does it really have anything to do with so-called imbalances in treaty rights that must be remedied. Yet, United States carriers do have an approximately 65 percent share of the transpacific between the United States and Japan. However, this is due to market forces. It has nothing to do with fundamental imbalances in the bilateral agreement.

Since this goes to the heart of the issue, let me reiterate this point. The reason United States carriers have a larger share of the transpacific market than Japan carriers is due to market forces. Just 10 years ago, under the very same bilateral agreement that the Government of Japan now criticizes, Japanese carriers had a larger market share on transpacific routes than United States competitors.

Japanese carriers lost transpacific market share and they lost it fast. The reason why is simple economics. The root of this dispute also is simple economics. Japanese carriers have operating costs nearly double United States air carriers and they cannot compete with our carriers. For example, a passenger flying from New York to Tokyo on a Japanese carrier pays approximately 23 to 33 percent more for that service. Japanese carriers have priced themselves out of market share. Passengers have, so to speak, voted with their feet and selected U.S. carriers that have significantly lower air fares.

Second, the aviation dispute has nothing to do with unequal beyond rights for Japanese carriers to serve beyond markets from the United States. Yes, Japan only has the right to serve on destination beyond the United States while United States carriers currently have the right to serve 10 points beyond Japan. This, however, is a statistic without any real significance. Higher operating costs would prevent Japanese carriers from competing for traffic beyond the United States even if Japanese carriers had a greater right to do so.

The beyond markets the Government of Japan truly wants are the Asian markets. These markets, particularly service from Japan to China, are cash cows for Japanese carriers. There is nothing the Japanese want less on these routes than a good dose of American competition.

U.S. air carriers are not the only victim of this protectionist effort to restrict competition in the Asian beyond markets. Consumers, including Japanese citizens, are big losers. For example, service on Japanese carriers between Hong Kong and Tokyo, a beyond route, is approximately 24 percent higher than on a United States carrier. Air fares on a Japanese carrier between Tokyo and Seoul are approximately 20 percent higher.

Third, the United States has not caused this dispute by refusing to renegotiate the bilateral agreement. Let me refute this myth loud and clear: Foreign nations who enter into agreements with the United States must abide by the terms of those agreements. There are no two ways about that.

The Government of Japan is trying to force us to the negotiating table by unilaterally denying clear rights provided to United States carriers by the bilateral agreement. Let me add, the Japanese want these negotiations to increase restrictions on United States carriers to further protect Japanese carriers. This would be detrimental to United States carriers and consumers.

That is the wrong direction negotiations should go. Aviation talks with the Government of Japan should focus on opening the Japanese market, not further restricting it.

Also, it is the wrong way to get to the table for meaningful negotiations.

The best way for the Government of Japan to open the door for negotiations of the United States-Japan bilateral agreement is to immediately honor and abide by the terms of the existing agreement. The approach the Government of Japan has taken by unilaterally denying rights guaranteed by the agreement is misguided, it violates international law, and it must not be tolerated.

Mr. President, we are at the brink of an aviation trade war with Japan for one reason. Operating costs of Japanese carriers are nearly double those of United States carriers. Japanese carriers cannot compete against our more cost efficient carriers. In a June 1994 report, Japan's Council for Civil Aviation, an advisory body to Japan's Transport Minister, warned that Japanese carriers need to become more competitive or they may not survive in international markets.

Japan's Council for Civil Aviation is absolutely correct. The solution is for Japanese carriers to become more competitive. Instead, as reflected by this dispute, the Government of Japan has chosen to prescribe yet another dose of protectionism.

Mr. President, on May 17, 1995, I urged President Clinton to take whatever steps deemed necessary and reasonable to assure that the Government of Japan abides by the terms of the United States-Japan bilateral aviation agreement. I ask that a copy of that letter be printed at the end of my statement in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. PRESSLER. Today, I again urged the administration to stand firm in our aviation dispute with Japan and to take whatever steps it deems necessary and reasonable to protect rights given to our carriers by the United States-Japan bilateral agreement.

Mr. President, at the beginning of these remarks, I mentioned the importance of the aviation rights issue to the Group of Seven Summit meeting to take place this week. I believe the Group of Seven leaders are in a position to promote a new system for aviation rights to replace the confusing web of bilateral agreements we now have.

That is something we have to do, and in the Commerce Committee one of my goals is to find a way that we can replace this bilateral aviation system with a new system for aviation rights.

We have a confusing web of bilateral agreements. I hope up there in Halifax, the Group of 7, especially I hope President Clinton talks to the Japanese about this situation.

Top-level leadership can bring about such a reform. I recommend to my colleagues an article I wrote for the June 7 edition of the Seattle Post-Intelligencer, "Rules for World Air Transport Need Overhaul."

Mr. President, I ask unanimous consent the article be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2).

EXHIBIT 1

U.S. SENATE, COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION,
Washington, DC, May 17, 1995.

Hon. WILLIAM J. CLINTON,
The President, The White House, Washington, DC.

DEAR MR. PRESIDENT: As Chairman of the Senate Committee on Commerce, Science, and Transportation, I am writing to urge you to take whatever steps you deem necessary and reasonable to assure the Government of Japan abides by the terms of the United States/Japan bilateral aviation agreement.

Since the early 1990s, the Government of Japan has routinely ignored the clear language of the U.S./Japan bilateral aviation agreement and in doing so has denied several U.S. air carriers permission to serve points in Asia from Japan. Recently, the Government of Japan failed to approve Federal Express' request for a route between Osaka and Subic Bay, the location of Federal Express' new cargo hub in the Philippines. Similarly, the Government of Japan rejected United Airlines' request to commence service between Osaka and Seoul. These carriers are guaranteed "beyond rights" by the bilateral agreement, each made economic decisions based on these rights, and the Government of Japan should honor its agreement.

Mr. President, the United States must require foreign nations to abide by the terms of international aviation agreements with our country. International aviation opportunities are critical to U.S. passenger and cargo carriers, as well as the thousands of individuals they employ, their customers and the communities they serve.

Sincerely,

LARRY PRESSLER,
Chairman.

EXHIBIT 2

[From the Seattle Post-Intelligencer, June 7, 1995]

RULES FOR WORLD AIR TRANSPORT NEED OVERHAUL

(By Larry Pressler)

Since the early 1990s, the Japanese government routinely has violated its bilateral aviation agreement with the United States. Japan currently is holding up approval of new routes involving "beyond rights" for Federal Express and United Airlines, even though those carriers explicitly enjoy such rights in the U.S.-Japanese agreement.

"Beyond rights" means that the Japanese government allows a U.S. carrier to arrive in Japan from the United States, unload and take on cargo or passengers and then fly to a third country. Japan's denial of routes is an explicit violation of the U.S.-Japan bilateral air agreement. Meanwhile, a more fundamental inequity is that only three U.S. carriers enjoy "beyond rights" with Japan, while Japan has denied five other American carriers such transit rights.

Japan apparently believes that by violating its air agreement with the United States, it can induce the United States to renegotiate the agreement on terms more favorable to Japan. That is unacceptable. I have urged President Clinton to take whatever measures he deems necessary and reasonable to get Japan back into compliance with the agreement.

Meanwhile, I urge the U.S. and Japanese governments to use their economic leverage and political skills to advance the longer-range project of global reform of international air-transport agreements.

The existing system of bilateral agreements is a bad arrangement. An outmoded patchwork of rules has international air transport stalled in a holding pattern. Instead of a uniform global agreement such as the General Agreement on Tariffs and Trade, there are about 3,500 different nation-to-nation air-transport agreements. That makes for babel of confusion and inefficiency.

Many countries have insisted upon agreements heavily protectionist in favor of their own national airlines. Others sharply limit the number of U.S. carriers allowed into their markets, fomenting rivalries between carriers having access vs. those that do not. Still other nations impose discriminatory cargo processing and freight-fowarding delays on the ground. All such arrangements put a drag on economic growth in America and around the world.

In Asia, the need for reform is especially important. The world has high hopes for continuation of the "Asian miracle" in economic growth. This phenomenon could be badly dimmed, however, without aviation reform. American air carriers' restricted access in Asia impairs our ability to enhance and share in Pacific Rim growth.

At Kimpo Airport in Seoul, for instance, U.S. and other non-Korean airlines are banned from operating domestic trucking companies. That increases costs and adds delay to freight delivery. At Tokyo's Narita Airport and Hong Kong's Kai Tak Airport, numerous other so-called "doing business" problems hamper foreign carriers.

Asia is not the only so-called source of friction for U.S. air carriers. The United Kingdom and France, for example, also have highly protectionist air access policies. Indeed, while world economic growth naturally depends on efficient transportation, transportation remains the most politically restrictive area of commerce.

The rules for world air-transport access need a complete overhaul. To accomplish that, we need a sense of mission, a model and top-level leadership.

The mission should transcend protecting the status quo. We need to keep our eyes on prizes for the next generation: commercial air routes and markets less developed now but clearly with great potential in years to come. China, India and Southeast Asia are examples; Russia and East Europe are others. Our policies need to keep opportunities open not just for existing companies, but also for the enterprises of tomorrow.

In form, a model for air-transport liberalization is the GATT: a multilateral, uniform, global agreement. In substance, the global air agreement should provide "open skies." An example of this open arrangement is the U.S.-Netherlands agreement. It allows Dutch air service full access into any U.S. city, with reciprocal rights for U.S. carriers.

Transforming a complicated web in international protectionism can't be done without leadership at the highest level. While I will use the chairmanship of the Senate Commerce, Science and Transportation Committee as a "bully pulpit" for reform, it is imperative that the cause have leadership from world heads of state.

I urge President Clinton to put world aviation reform on the agenda for the next Group of Seven Summit of the major industrialized nations. With attention at this level, we can get done what needs to be done.

TELECOMMUNICATIONS COMPETITION AND DEREGULATION ACT

The Senate continued with the consideration of the bill.

Mr. PRESSLER. I hope Senators will come to the floor and use their time on the telecommunications bill.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1298

Mr. LIEBERMAN. Mr. President, I thank the Chair.

Last night I called up amendment No. 1298. I would like to proceed for the half-hour allocated under the unanimous consent agreement.

The PRESIDING OFFICER. The Senator from Connecticut is recognized for up to 15 minutes, under the previous order.

Mr. LIEBERMAN. Mr. President, this amendment aims to maintain protection for the millions of cable consumers around America who, for the last 2 years, faced with cable systems that they enjoy, that they need, that they want to purchase, but faced with only one choice of a cable system in all but 50 of the more than 10,000 cable markets in America, are about to lose their consumer protection if the bill, as drafted and before the Senate, S. 652, passes.

I just think that would be a shame. In a way, an outrage, because of the way in which the cable consumer protections that were enacted in 1992, and were in effect for less than 2 years, have benefited consumers, and not hurt the cable industry.

Think about it, Mr. President. We are talking here about monopolies that exist in more than 10,000 markets in America. Only 50 have effective competition according to the FCC, and yet we will remove a consumer protection regulation that exists in the current system that has dropped rates cumulatively 11 percent, that has seen continued good health in the cable industry.

What is the rationale for this? The rationale seems to be in this overall reform of telecommunications, surprisingly, this termination of these consumer protection regulations that have just existed for a couple of years and worked so well.

Apparently, the argument by the cable industry has been they need to have rates deregulated. They need to take the cap off. They need to be free of any rule of reason, without competition, without regulation, because they need to go to the capital markets to raise capital so they can be ready to compete with the telephone companies direct broadcast satellites that are coming in.

Mr. President, the facts I showed last night show that not only have the cable companies continued to make money, with an operating margin industrywide of 20 percent—the highest of any element of the telecommunications industry—but their capital expenditures have continued to go up. In 1993, almost $3 billion; in 1994, $3.7 billion. Plenty of opportunity under regulation to raise money.

Perhaps as significant, take a look at what the market says. This is a bill that is procompetitive. It is market-oriented. Let me show the chart that talks about the cable index stocks.

We believe in markets. That is what this bill is all about. The blue line is an index of cable industry stocks. Look what happened in 1993 after regulation goes on: It shoots up, comes down, stays high, much higher than the S&P Standard 500 stock index. This is a measure of the market. Investors say the regulation that we put on was reasonable. It did not make them feel that these stocks were a bad investment. In fact, they continue to raise over the average stocks in the market.

I ask here, with this amendment, why are we doing this? On the face of it, respectfully, I would say it looks like the cable industry has used this overall reform of telecommunications to basically jump on or jump in to hide in a kind of Trojan horse of telecommunications reform, and put inside that horse an opportunity to raise rates.

I will say the system created in this bill is complicated. The bottom line is simple: Rates to most cable consumers in America are going to rise; by one estimate, $5 a month for a service that a lot of people consider to be a necessary, basic source of information, recreation, entertainment, even shopping, now, in their lives.

If the amendment I propose passes, I am convinced that rates will remain stable, the cable industry will continue to be competitive, and the rates will remain regulated only until there is competition. Part of what is happening here is the hope being raised of immediate competition in the cable business.

In 1984 when Congress last deregulated cable, and the consumers paid deeply out of their pockets for the ensuing years, until 1992 when we put regulation back on, the hope was raised that direct broadcast satellites were going to provide enormous competition for cable television.

Today, 11 years after 1984 when that argument was made, less than 1 percent of cable consumers, multichannel service consumers, get their television from direct broadcast satellites.

Telephone companies are authorized by the legislation before us to come into the cable business. I hope they do and I hope they do rapidly. When they are providing competition, the regulation will go off. But I am not so sure any of us can say that is going to happen next year or 3 years from now or 5 years from now or, in some cases, 10 years from now.

What this bill, without the amendment I am proposing, will do in that interim, it will simply take off the protection for consumers.

Incidentally, it substitutes, in place of that protection, a very ornate, complicated standard that there is no regulation unless the cable system charges substantially higher than the per channel average nationally on June 1, 1995. That is very complicated and actually shows you do not need regulation to have regulation. You can have all the problems of regulation through legislation.

My alternative here is simple and market oriented. It says a cable company will be subject to regulation if it charges substantially more than the national average in markets that are competitive. So my standard is not what the average is on June 1, 1995, or, as the bill suggests, what it will be 2 years from now after cable rates are raised. Then we are going to have substantially higher charges than the average 2 years later. My basis is what the market says where there is competition. As competition spreads throughout America, that standard will change and the consumers will benefit.

I want to respond to just a few comments that were made against the amendment last night as I wait for some of my colleagues who want to speak on this to come to the floor. There was some reference to the special status of smaller cable companies. I want to stress that no small cable company will be affected under my amendment. We are exempting any cable company that has less than 35,000 customers or any multiservice operator—that is, any company that owns more than one cable system—that has less than 400,000 customers. I am not interested in regulating these small, mom and pop cable operators. They are already economically responsible and I believe accountable to their communities, and therefore they are exempt from regulation.

Last night my friend and colleague from South Dakota suggested that cable revenues have remained flat for the first time in 1994. In fact, the cable act resulted in over $800 million in decreases in equipment charges and over $400 million in decreases for consumers in service charges. The fact that revenues—even taking this view that they remained flat indicates that the cable industry is thriving and is a highly profitable industry, even under regulation. Again, there is a 20-percent operating margin, the highest in the telecommunications business in 1993, and the stock market indicates continued consumer confidence in the business. All of that under regulation.

The distinguished chairman of the committee mentioned that public debt offerings dropped under regulation. Respectfully, I claim the opposite. Debt financing for the cable industry climbed from $6.9 billion in 1993 to $10.8 billion in 1994, an almost $4 billion increase, continuing a pattern of steady growth in debt financing since 1991, uninterrupted by the very reasonable regulation that we put on in 1992 on a bipartisan basis.

As for investments and access to capital, the major cable companies are consolidating and buying up other monopolies right and left and they are spending a lot of money doing so. For example, in February 1995, Time Warner offered $2.7 billion for Cablevision Industries systems. In January 1995, Time Warner offered $2.24 billion for Houston Industries cable systems. In January 1995, Intermedia Partners, TCI, and others offered $2.3 billion for Viacom's cable system. And the list goes on.

I am not saying this is wrong. I am happy about it. What I am pointing out here is that the cable industry, under the very reasonable consumer protection regulations that we have had on for the last 2 years, has been a healthy industry with lots of capital to invest. There is no reason to believe that will not continue to be the case under the amendment that I put forth. Let us remember, the great fear here of the cable industry is competition from the telephone companies—and they are regulated.

Often cited are the companies that are selling out these systems, these cable systems. But I want to say those who are selling are doing so at a very healthy profit.

One other argument that arises again is that competition is just around the corner. As I have indicated, I hope so. I hope competition is around the corner. I hope we can get the regulation out of here. But right now, to receive a direct broadcast satellite system, a consumer has to invest about $700 to buy the equipment and then pay a monthly charge at least as large as the current cable bills. At the moment, again, less than 0.5 percent of subscribers are choosing this DBS satellite. As my friend and colleague from South Dakota points out, at the current rate of subscription, in 5 years there will be 5 million subscribers to DBS. Mr. President, 5 million subscribers is only 8 percent of the current subscribers to cable. And 8 percent, in my opinion, is not effective competition in any market, certainly not under the bill, not under the law as it stands now.

As for the telephone companies, they are only doing experiments in some markets. It will take time before they are active competitors. If any competitor surprises us and gets to the market more rapidly, hallelujah, that is great news. All the regulation I am advocating will go away once competition hits the market. That is what this amendment is about. Let us let competition work for the consumer and for the industry.

Mr. President, I understood Senator LEAHY was going to come to the floor to speak to the amendment. Not seeing him on the floor, I reserve whatever time I have remaining and yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. LIEBERMAN. Mr. President, seeing no one seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SIMON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1283, AS MODIFIED

Mr. SIMON. Mr. President, I call up my amendment No. 1283.

The PRESIDING OFFICER. The amendment of the Senator from Illinois, No. 1283, has already been called up.

Mr. SIMON. Mr. President, I have not had a chance to talk to Senator PRESSLER or Senator HOLLINGS. But I would be willing to have a 20-minute time agreement, 10 minutes on my side and 10 minutes on the other side. I am not sure that anyone is going to speak in opposition. I would welcome no one speaking in opposition. But I do believe that at least one Member on the other side wants to vote against it.

The PRESIDING OFFICER. The Chair informs the Senator from Illinois that, under the previous order, time is limited to 30 minutes on first-degree amendments.

Mr. SIMON. I am willing to reduce that to 20 minutes.

Mr. PRESSLER. That is the best music I have heard this morning.

The PRESIDING OFFICER. The Senator is willing to either use or yield back whatever time he does not wish to use.

Mr. SIMON. Mr. President, let me outline what the situation is right now. We now have under the FCC rule a limit of 20 FM stations and 20 AM stations that may be owned by any one entity. The Dole amendment takes the cap off that completely. The most that is owned by any one entity right now is Infinity. They own 27 stations. CBS owns 26.

Under the bill as it is right now, anyone—the Dan Coats Co.—can theoretically own every radio station in the United States. Obviously, I do not think that would happen. But I think diversity in this field is extremely important.

My amendment raises that cap of 20 and 20 to 50 and 50 so that there could be 100 stations owned by any one entity. That is a 150-percent increase over where we are right now.

I think that is reasonable. I just think it is not in the public interest to have a concentration. Economic concentration generally is not good, but particularly in the media I think there are dangers to the future of our country.

Bill Ryan of the Washington Post and Newsweek wrote in Broadcast and Cable of May 27, and said,

> The whole world is trying to emulate the local system of broadcasting that we have in this country, and here we are creating a structure that will abolish it or put it in the hands of a very, very few. I think it is unsound.

Let me add that my friends in Infinity and CBS both have no objection to this amendment—the people who own the largest numbers right now. The National Association of Broadcasters do. Let me just say candidly that I worked with Senator STROM THURMOND and a few others here in trying to negotiate with them some kind of limitation or sensible packaging on liquor advertising on radio. They resisted any change. Here again, they want to have it all. I have been in this business of politics long enough so that when you have leadership at the National Association of Broadcasters that is so narrow minded that it wants to have it all, the pendulum is going to swing from one extreme to another. They are making a great mistake. I have yet to talk to a single radio station owner who does not think this is a sensible amendment.

I hope that my friends on the floor of the Senate and the House would vote for this amendment.

Mr. President, I reserve the remainder of my time.

Mr. President, I question the presence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SIMON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SIMON. Mr. President, I ask unanimous consent to speak as if morning business for 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THANKS TO THE PAGES, AND OTHERS

Mr. SIMON. Mr. President, I just learned talking to the pages they are going to be leaving tomorrow. One of the things that we do around here is we do not thank people enough. And the pages have just been terrific.

We are very proud of you, and I am sure some of you are going to be Senators someday in the future.

But it is not only the pages. It is the people who take the RECORD; it is the people at the front desk who tolerate us when we come up and say, "How did COATS vote on this? How did PRESSLER vote on this?" It is the people who are waiters and waitresses downstairs—all of the people, the people who watch the doors. I am going to get back in good graces with someone here—it is the people who write out our amendments. It is the people who provide the thousand-and-one little services that we just neglect to thank people for.

So I just wanted to get up and say we thank everyone, and wish the pages the very best. They are a fine group of young people with a bright future. We wish them the very best.

Mr. President, I see the Senator from Montana on the floor. He may wish the floor at this point.

I yield the floor.

TELECOMMUNICATIONS COMPETITION AND DEREGULATION ACT

The Senate continued with the consideration of the bill.

Mr. BURNS addressed the Chair.

The PRESIDING OFFICER (Mr. SANTORUM). The Senator from Montana.

AMENDMENT NO. 1283, AS MODIFIED

Mr. BURNS. I rise in opposition to the Simon amendment.

The Senator is right; we do not thank people enough. I wish to thank the Senator from Illinois for bringing up this issue.

I think it important that the American people take a look and see exactly what is happening in the broadcast business. Radio ownership decisions should be made by owners and operators and investors and not by the Federal Government. That is why we need to eliminate all remaining caps on national and local radio ownership.

Let us take into consideration some things happening in the broadcast industry. Even if I own two radio stations in the same market, would I program them the same? Would I want the diversity to capitalize on an advertising market so that I can expand that advertising base? Because that is what pulls the wagon in the broadcast business—advertising dollars. Would I program it the same? I seriously doubt it. And there are some right now, even though they own an FM station and an AM station and operate it out of the same building, use the same engineer, sometimes the same on-the-air personalities, their programming is different. That is what is happening in the broadcast business today. Now, that is the real world.

Nationally, there are more than 11,000 radio stations providing service to every city, town, and rural community in the United States. Presently, no one can control more than 40 stations. That is 20 AM stations and 20 FM stations. Clearly, the radio market is so incredibly vast and diverse that there is no possibility that any one entity could gain control of enough stations to be able to exert any market power over either advertisers or programmers.

At the local level, while the FCC several years ago modified its duopoly rules to permit a limited combination of stations in the same service in the same market, there are still stringent limits on the ability of radio operators to grow in their markets. Further, the FCC rules permit only very restricted or no combinations in smaller markets. These restrictions handcuff broadcasters and prevent them from providing the best possible service to listeners in all of our States. And, unfortunately, the Simon amendment, whether intended or not, only addresses the national limitations and does nothing to alleviate excessive local market controls.

Increased multiple ownership opportunities will allow radio operators to obtain efficiencies from being able to purchase programming and equipment on a group basis and from combining operations such as sales and engineering which is going on today.

We do not hear any cry in just the local market of anything being really wrong in the broadcast business.

Radio stations have to face increasing competition from other radio stations and from other advertising and programming sources, such as cable television operators. Nowadays many cable operators have begun to provide music and related services that compete locally with radio stations, and soon satellite services will have the capabilities of providing 60 channels of digital audio service that will be available in communities across the Nation, of which there is no wall to receive their signal.

Also in the near future, radio stations will begin facing the need for new capital investment when the FCC authorizes terrestrial digital audio broadcasting. Without an opportunity to grow and to attract capital, our Nation's radio industry will face an increasingly difficult task in responding to these multiplying competitive pressures.

And they are competition. But we also wonder why should we in some way or other hamper a local broadcast station from supporting the local community. News, weather, sports, all the community services that we enjoy in our smaller communities, we have to be able to attract advertising dollars, yet we will be subject to the competition of direct broadcast and also the cable operators. But competition is what makes it good. I am not worried about that. We can compete. Just do not limit our ownership decisions to buy or sell based on a Government-imposed cap on what we can own.

I received a letter from Benny Bee, President of Bee Broadcasting up at Whitefish, MT. Benny writes, and I quote:

> I can't express how important it is that the markets be opened up and the ownership caps be taken off. Broadcasters like myself need to be able to compete. . . . I urge you to defeat the Simon amendment and help move broadcasters forward as we go into the Twenty First century.

Larry Roberts, who operates stations in my home State of Montana, has written me stating:

> [Radio deregulation] would provide us with the freedom to excel and succeed. It will not only allow us to compete more effectively, it will also increase the value of our radio stations.

And in the 1980's we had an explosion, Mr. President, of licenses granted to stations when really there was no market analysis done that the market could even handle another radio station.

There are many more examples that I could leave you with. One final one from Ray Lockhart of KOGA, an AM and FM station in Ogallala, NE, not my constituents but I know Ray very well. My wife comes from that part of the country. And he writes:

> Soon, one DBS operator will be able to deliver 50 to 60 radio channels into every market in the country with none of the rules that I labor under. The Baby Bells will be able to do the same thing at even less cost. Help broadcasters by not protecting us. Cut us loose from ownership . . . regulation so we can take advantage of our abilities to compete.

And I think that is the argument here, the ability to compete. Do not shut the doors of opportunity.

So we need to look at the true picture of the challenge that the industry faces. For the longest time we have viewed radio as competing only with itself, as if it exists in a vacuum. And basically I know something about that because my main competition basically in the advertising business was from the print media. You have to deal with that—and there is competition there—in order to stay economically viable.

Radio goes head-on with other forms of mass media for the audience and for those advertising dollars that fuel its well-being. We need to start acknowledging this important distinction and give radio the tools it needs to compete with all other information providers. That is why I urge you to vote against the Simon amendment.

Mr. President, I ask unanimous consent that the attached letters from the broadcasters that I mentioned be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

BEE BROADCASTING, INC.,
Whitefish, MT, June 14, 1995.

Senator CONRAD BURNS,
Washington, DC.

DEAR SENATOR BURNS: It was great visiting with you the other day when you were home in Montana and I hope the conference went well.

The reason I am writing is I know that you will be introducing legislation that is going to have a tremendous impact on small market broadcasters like myself. I can't express how important it is that the markets be opened up and the ownership caps be taken off. Broadcasters like myself need to be able to compete with the large cable companies, which offer several channels as well as bulk discounts. Also, the "Information Super Highway" is just around the corner, which will allow large market radio stations to come in via satellites, competing with the smaller market operators for audience and advertising dollars. For us to compete at the local level, we need to be able to own and market several different formats. By owning four or five stations and formats, operating costs would drop dramatically, allowing us to pass tremendous savings on to the advertiser. Also, the audience benefits by having multiple choices of formats to listen to. And of course, we the broadcasters benefit by being able to compete with the "big boys" in our much smaller markets.

Senator, I urge you to defeat the Simon Amendment and help move broadcasters forward as we go into the Twenty First century. If I can be of ANY assistance on this matter, please don't hesitate to call.

Yours sincerely,

BENNY BEE, Sr.,
President.

SUNBROOK COMMUNICATIONS,
Spokane, WA, April 3, 1995.

DEAR FELLOW BROADCASTERS: We have very little time to act on a matter which will significantly impact our future. As you know, Congress is rewriting the Communications Act to reflect the new realities in which media operate. This bill is expected to be brought to the floor of the Senate so soon, that we have little time to make our feelings known to our Senators. However, it's imperative that we do so.

I urge you to support the Lott/Bryan Amendment on Radio Ownership. Here's why.

All of us are likely to soon be competing against an additional 30–60 new over-the-air radio stations in each of our markets. They will broadcast in digital stereo direct from a satellite, provided by 1 or 2 owners. If you add these stations to the recent addition of audio channels from your local cable company, plus still more channels from your telephone company which is likely to get into the cable biz, plus the additional channels offered by DirecTV satellite, it's obvious that local radio broadcasters are facing a serious threat.

If this weren't bad enough, the terrible news is that we local radio broadcasters . . . we who have worked so hard to provide service to our communities . . . are currently being left out of the deregulation of audio services. The rewrite of the telecommunications bill, as it stands today, would take the handcuffs off of the cable companies, the phone companies, and the national satellite broadcasters, giving each of them the ability to flood our markets with dozens of new channels. But as it stands, the bill leaves the handcuffs on local radio broadcasters!

Without the economies of scale provided by multiple-station ownership, we will be left unable to compete. To have just a single channel (or even 4 in the largest markets) would make our survival highly unlikely, in a world where other audio providers are operating without ownership restrictions, and without public service obligations.

Therefore, it's imperative that we support the Lott/Bryan Amendment. It would remove all radio ownership rules. It would put us on a level playing field with all of these new competitors. It would provide us with the freedom to excel and succeed. It will not only allow us to compete more effectively, it will also increase the value of our radio stations.

No matter how comfortable the past has been, with its artificial barriers to ownership, the times have changed. The issue before us is not whether radio's ownership environment will be changed from the past. It is being changed. The only question is whether it will be changed for the better, by the adoption of the Lott/Bryan Amendment, or whether it will be changed for the worse, by not allowing radio broadcasters the same freedoms of ownership that are being provided to non-traditional radio broadcasters.

Please call your Senators now and ask them to support the Lott/Bryan Amendment!

Sincerely,

LARRY ROBERTS,
President.

THE CROMWELL GROUP, INC.,
Nashville, TN, March 25, 1995.

Re lifting ownership restrictions—Locally, Nationally.

To: Small/Medium Market Licensees.

DEAR ASSOCIATES: As you know, the NAB Radio Board has supported the idea of eliminating restrictions on the number of radio station licenses that an individual operator/company can hold. If approved, the net effect will be to permit you or others to own/operate all the stations in your market area. Before you say "no", read on and consider what is happening:

(1) Cable systems operate 30, 40, 100 channels in your town under one owner locally . . . selling local advertising

(2) The telephone company may be offering 30, 40, 100 channels to your home as one owner . . . selling local advertising

(3) Direct TV (Satellite) now offers 30 channels plus to your home with two owners nationally . . . selling regional advertising.

(4) DARS Satellite Radio in a few years will offer 30 plus channels heard in your town with one/two owners nationally . . . selling regional advertising.

(5) Internet is fast growing and offers multiple information sources to the home in your community . . . selling who knows what with lots of options.

All of the above have/will have a subscription source of revenue plus compete with you and other broadcasters for local advertising.

As a small market broadcaster of the old school and with "localism" in my blood, I do not like the idea that my station could be owned by the newspaper, my competitor, a national company, Walmart, or others. It goes against my grain.

However, the Congress and the FCC are on track to permit telephone and cable companies, Satellite providers, and others to be single owners with multiple channels serving your and our communities. In the future the competition will be fierce. For a small market broadcaster with only one product (ie: one format) competing against other broadcasters AND the new technologies, survival will be a real difficult challenge.

Current rules hinder only the local broadcaster. All the others are free to operate. We may think we are protected by having ownership rules, but in the future we will be hamstrung. We won't be able to compete and we won't be able to sell because our value will have declined. Historically regulation has held broadcasters back in the face of new technology. Unless we act now, that could again be the case.

Eliminating ownership rules (as distasteful as it sounds to me today) makes it possible to have "localism" in the future. You or your buyer will be able to provide "multiple" signals in your community and be able to compete with the new technologies. As you think "NO" today, please consider that you might wish tomorrow you'd said "YES" and supported a chance to get in a position to compete. We can't use old regulation to protect against a horse that's already out of the barn.

Large and small market broadcasters (corporate vs small operators) do have different business objectives. But remember, one Baby Bell Operating Company is larger than the entire Radio/TV industry. There are seven Bell Operating Companies, plus all the cable, satellite, and others, so you can see that's coming and what we're up against.

I know it may go against your grain to support eliminating ownership limits today, but please do it to insure you have positive options in the future.

Sincerely,

BUD.

SORENSON BROADCASTING,
Sioux Falls, SD, March 27, 1995.

JOHN DAVID,
NAB Radio
Washington, DC.

DEAR FELLOW BROADCASTERS: Broadcast Ownership Rules, particularly Radio Ownership Rules are "up for grabs" in Washington, D.C. As a broadcaster who has built a career on Local-Service-Radio, I feel it's imperative you and I protect our Stations, Communities, and the concept of Local-Service-Radio. . . . Now.

What am I asking? (1) You and I must consider strong support of the position voted by our NAB (National Association of Broadcasters) Board of Directors, and (2) You and I need to contact our Congressmen . . . especially Senators on the Commerce Committee.

I grew up in a different world than we're now experiencing. It's excitingly scary what is being proposed for the future. However, I am certain. . . . I want to be able . . . as a local radio broadcaster to play in the new technologies . . . whatever they happen to end up being.

Experience shows it's hard to "Out localize" the local radio station. However, if the Ownership Rules are changed to give the "trump card" to other media in the changing and future world of technologies . . . we could find ourselves embarrassed into a "position of weakness." This could also affect the present and future value of the radio stations you and I own and operate.

In the communities where we operate . . . Cable systems are now offering 45–75 channels, complete with 10 channels of music (radio)! Telephone companies are throwing serious money at new business opportunities, and if satellite radio comes to my town, as Direct TV already has. . . . I'm not certain yet what those changes mean. But . . . I do realize the importance of my company . . . as the local radio folks . . . being able to compete on a level field.

And if ownership of the local newspaper makes sense. . . . I would like not to be forbidden from the chance to own it.

I have talked personally with our friends who serve on the NAB's Radio Board of Directors. They have thoughtfully presented a position which deserves our support. I ask simply that you familiarize yourself with that position . . . then begin explaining your position to your Congressman.

Enthusiastically,

DEAN SORENSON,
President.

OGALLALA BROADCASTING CO., INC.,
Ogallala, NE.

DEAR FELLOW BROADCASTERS: I was stunned to hear that some Senators and the NAB were receiving calls from some broadcasters opposing the idea of deregulation for the radio industry. Are you kidding me? In my tiny market my local TCI cable system with 3500 paid subscribers delivers 30 Music Express channels, sells local commercials for $1.25 per 30 second spot and they have plans to deliver more TV signals with more local access all over the country. No ownership limits, no FCC intervention in anything but technical standards. Why shouldn't I as a broadcaster be afforded the same?

Soon (by year 2000) one DBS operator will be able to deliver 50 to 60 radio channels into every market in the country with none of the rules I labor under (localism, main studio, public file, lowest unit rate, FCC rules, etc.). The Baby Bell's will be able to do the same thing at even less cost. Our Public Interest Standard is a one way street that keeps us 2nd class and Government controlled. (1st Amendment freedoms do not apply to us, right?) We do have a shot at these freedoms if we're not afraid to take it.

Some local operators say, the FCC must protect us from someone buying everything up. Why? They protected us in the 80's with 80/90. Wasn't that fun? If I can't compete with the big boys that can and will buy multiple markets (yes, maybe even WalMart) at least a market has been created for my stations that will bring a better price than if we don't have a level playing field with the new technologies and players.

I am fortunate enough to have been able to take advantage of the small market duopoly rule and buy the other station in this town of 5,000. It is a very worthwhile venture that everyone should be able to do if they so desire.

Tell your Senators to help broadcasters by not protecting us. Cut us loose from ownership and everything but technical regulation so we can take advantage of our abilities to compete. It is the future of our "over the air" broadcast industry we're dealing with. Get involved if you're not!

Remember, a Government that is big enough to give you the protections you want today is big enough to take them away tomorrow.

Mr. BURNS. Mr. President, I urge that this amendment be defeated. For the first time, only 40 percent of the radio stations operating in the United States today are really making a profit. So some kind of consolidation is needed to keep them viable. It is like I said. If I own two newspapers in the same market, would I format those newspapers just exactly alike? Even with first amendment rights, would I slant them the right way? Or whatever. I think what I would do is be diverse with them, to broaden the base of the advertising market in that particular locale. That is also true whenever you start trying to attract national dollars on national advertising campaigns. And it is how good your reps are when they start representing your station.

So I appreciate the amendment because I think the American people have a right to know just what is happening in the broadcast industry. I understand where the Senator is coming from, but he also has to look at what is happening in the real world as far as radio broadcasting is concerned.

I thank the Chair. I yield the floor and reserve the remainder of my time.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. I yield 5 minutes to the Senator from North Dakota [Mr. DORGAN].

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I stand in support of the amendment offered by the Senator from Illinois.

As I listen to some of the debate on this amendment, as well as the debate on the amendment I offered previously which tried to restore the restrictions on television station ownership, it occurred to me that we ought to really remove some desks in the Senate and provide a stretching area. When you go to a baseball game, you see these folks stretch out before the game, getting all limber. I do not know of anyone who can stretch quite so well as those who stand in this Chamber and preach the virtues of competition and then decide to advocate concentration of economic ownership by lifting the restrictions on ownership of television stations and radio stations.

That is some stretch. But it does not quite reach. It does not prevent people from trying, however. You cannot, in my judgment, preach the virtues of competition and take action that will eventually end up resulting in a half a dozen or a dozen companies owning most of America's television stations. With respect to this amendment, we will end up with conglomerates owning the majority of America's radio stations.

It is as inevitable as we have seen in other industries that concentration means less competition. Concentration is the opposite of competition. How people can preach competition and come to the floor of the Senate and advance the economic issues that lead to more economic concentration is just beyond me.

Even if that were to escape the folks who preach this unusual doctrine, one would think that at least the issue of localism would matter.

Let me read a quote, if I might, to my colleagues. Bill Ryan, of Post Newsweek, recently stated:

> The whole world is trying to emulate the local system of broadcasting that we have in this country, and here we are creating a structure that will abolish it or put it in the hands of a very, very few.

I do not know how you express it more succinctly than that. I understand why these things emerge in this legislation: It is big money, big companies, big interests. I understand the stakes here. But the stakes, it seems to me, that are most important are the stakes with respect to what is in the public interest in our country. Is it in the public interest to see more and more concentration of ownership in the hands of a few in television and radio, or is it not? In my judgment, the answer is clear; it is no.

So I just wish we could find a circumstance where those who preach competition would be willing to practice it. Practicing competition in this area would be to support this modest amendment. The Senator from Illinois comes to us with an amendment that provides for a limit of 50 AM and 50 FM stations that one person may own. I, in fact, think it ought to be lower than that. But the Senator from Illinois has proposed a modest approach, and then finds himself struggling because the very preachers of competition are suggesting that somehow the Senator from Illinois is proposing something that is wrong.

I tell you, there is a total disconnection of logic on the floor of the Senate on this issue. My friend from Montana grins about that. But I would bet all the cattle in North Dakota against all the cattle in Montana that 10 years from now if the broadcasting ownership deregulation provisions in this bill passes, that we will see the consequences that I have suggested. We will see massive concentration in television ownership and massive concentration in radio ownership.

The Senator from Montana will say, "Well, that would be OK, because, they wouldn't compete against themselves, they would have different formats." They would have a couple different stations. One would be producing country western music and the other classical music. They will both be extracting, if they control the marketplace, the maximum amount of money from the advertisers in that marketplace.

The issue here is competition. If you bring this bill to the floor with a dozen flowery opening statements and talk about the virtues of competition, then there seems to me there is some obligation to practice competition with respect to the amendments and the language in this bill. This is exactly the opposite of the tenets of competition. These provisions which eliminate the ownership restrictions, will inevitably, lead to greater concentration of ownership.

That is the point I make, and that is why I support the amendment of the Senator from Illinois. We had a close vote on the ownership of television stations yesterday. I won that vote for about an hour. But that was before dinner. Then after dinner, we had a bunch of folks limping into the Chamber all bandaged up and changing their votes. What happened was apparently before dinner, they believed concentration of ownership in the television industry was not good. Then they had something to eat, or ate with someone who convinced them that concentration of ownership was good.

It would be interesting for me to hear how they explain that conversion over dinner, but I understand that you do not weigh votes, you count them.

I hope when we get to the issue of concentration of radio ownership that maybe we can win this one and maybe win for more than an hour. I think it would be in the public interest if we adopt the amendment offered today by the Senator from Illinois.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. DORGAN. I yield the remainder of my time.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SIMON. Does the Senator want to speak on this amendment?

Mr. LEAHY. Mr. President, I ask unanimous consent that I be able to proceed for not to exceed 10 minutes on the Lieberman-Leahy amendment, amendment No. 1298.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 1298

Mr. LEAHY. Mr. President, I think the Lieberman-Leahy amendment is necessary because we have to make sure that if we deregulate cable rates, we do not do it on the backs of the consumers. And, right now we are. In most areas in this country, consumers are captive to monopoly cable service providers. In fact, the only thing that stands between the consumers' wallets and the monopoly cable company is regulation.

Under the telecommunications bill, the sure-fire way for a cable company to avoid regulation is to raise their rates across the country. It is very, very interesting what we are doing. If we sent this up for a national referendum, the Lieberman-Leahy amendment would be agreed to overwhelmingly. If we had a referendum by only some of the well-heeled PAC's and lobbyists around here, well then, of course, it goes down. So the question is: Who do we stand with?

We all get paid enough money so that $10 or $20 added onto our cable rates each month probably does not seem like a lot. But to most people living in Vermont or any other State in this country, that is a big difference. Ask people who get cable television in this country whether they think their cable rates would go up or down if monopoly cable companies are left to themselves to decide what the rates would be.

The American people are pretty smart. They know darn well if we let the cable companies have a monopoly and have no regulation, those rates are going to go up. They are never going to come down. The only times they have come down is when Congress stepped in. In fact, when we passed the 1992 Cable Act, President Bush vetoed it, and we overrode the veto, because consumers were being gouged by cable company monopolies. Cable rates were rising three times faster than the inflation rate. Every American knew it, and finally Congress got the message and they overrode the Presidential veto.

Consumers demanded action to stop the rising cable rates. The law worked. In fact, since passage of that law, consumers have saved an estimated $3 billion, and they have seen an average 17 percent drop in their monthly rates. As rates have gone down, more people have signed up. Last year alone, over 1.5 million new customers signed up for cable service. One would think the word would get across: If you keep the rates reasonable, more people are going to join.

The telecommunications bill would lift the lid on cable rates.

Under current law, cable rate regulation is dispensed with only when the FCC finds there is "effective competition" in a local market.

The telecommunications bill, as reported, would change this law by deeming "effective competition" to be present wherever a local phone company offers video programming, regardless of the number of subscribers to, or households reached by, the service.

The bill would also lift rate regulation for upper tiers of cable service, unless the cable operator is a "bad actor" and charges substantially more than the national average. Of course, the national average could be set by the two largest cable companies. They almost have an incentive to raise the national average and the rates.

In fact, the day after Senator LIEBERMAN and I held a press conference to voice our concerns over the cable deregulation parts of the bill, the managers' amendment to this bill was adopted in an effort to provide more protection to consumers from the spiraling cable rates after deregulation. But I do not believe it goes far enough.

The managers' amendment ties rate regulation to whatever the national average was on June 1 of this year, to be adjusted every 2 years. But that still means if the two or three largest cable companies raise their rates, the national average will go up, and rates for all consumers would spiral upward.

Now, Mr. President, if any one of us went to a town meeting in our State and we said: Here is the way we are going to set cable rates. We are going to allow two or three huge cable companies to determine what the national average will be for your rates, and we will leave it to their good judgment. Should they raise rates, well, then everybody's rates would go up. If they lower rates, everybody's rates will go down. And now, ladies and gentlemen in this town meeting, what do you think those big cable companies are going to do? Will they raise your rates, or will they say their subscribers are paying enough—"Let us lower the rates, let us give the average household a break?"

Well, just asking the question, we would get laughed out of the hall. Every American who gets cable knows the cable companies are not going to just lower the rates on their own. I hear this back home. I do not care if a person is Republican, Democrat, independent, whatever, they are saying the same thing: Cable rates are too high. They also say that unless you have real competition to bring rates down, do not leave the cable companies to set the rates, because they are never going to bring them down. They are always going to raise them. Under this bill, the more cable operators raise rates, the more they can avoid regulation of their rate increases. If cable rate regulation is lifted before you have effective competition, then you can expect the rates to go up at least $5 to $10 a month. We are trusting in the generosity and good will of the cable companies. Good Lord, Mr. President, we are all adults; we ought to be smart enough to know better than that.

The Lieberman-Leahy amendment would fix the cable rate regulation problems in the bill. Our amendment would use competitive market rates as a benchmark for whether rate regulation is needed to protect consumers. Instead of letting a few cable companies control the cable rates for all consumers in the Nation, our amendment would ensure that rates are fair. Regulators can step in to protect consumers when rates are out of line with competitive markets.

Small cable companies, particularly in rural areas, of course, have different economic pressures on them than operators in high-density areas. Our amendment would exempt small cable companies from rate regulation. If you are in rural Pennsylvania or rural Vermont, and your house is maybe a mile or two a part, it obviously would cost you more to set up your cable system than if you are wiring high-rise apartments in a high-density area.

I do not think we have to give cable companies any incentive to raise rates. Mr. President, I have a feeling the cable companies will figure out how they can raise rates, without us encouraging them to do it. I do not think any one of us wants to go back home and tell our constituents that we passed legislation that actually encourages cable companies to raise rates, rather than doing something to hold them down.

We stepped in once before, over a Presidential veto, to curb spiraling cable rates. The Lieberman-Leahy amendment ensures that consumers have the protection they need. Do you not think we ought to do this?

Now, if we have a situation where we have two or three cable companies in one community or one area, I would rely on competition to bring the prices down, and it will. But when you only have one cable company, or if you have a telephone company that has come in and bought out the cable company, so that you have a monopoly on top of a monopoly, Mr. President, altruism is not going to bring those rates down. People are not going to see their rates come down just out of good will on the part of the cable company. We are either going to have effective competition or regulation. If we have effective competition, let cable companies set their own rates. But if you have a monopoly, you should have regulation that is going to bring the rates down.

Again, I will tell you this. Any member of the public that is getting cable television would agree that if this was a referendum among the taxpayers of this country who have cable television, they would vote overwhelmingly for the Lieberman-Leahy amendment. If you are somebody representing one of the cable monopolies, of course, you are not going to want it because it is going to say that you do not have a license to print money. That is basically what they are going to have—a license to print money—if we do not have some regulation on them.

Let us at least wait until there is real competition. Some have said that these new satellite dishes will do it. Well, there is only, I believe, 600,000 or so of those in the country. Less than 1 percent of the people get their service that way. It is about $600, $700 to set it up. Let us wait until there is real competition.

Mr. President, I yield the floor.

Mr. PACKWOOD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. PACKWOOD. Mr. President, I thank the Chair. I come to speak in strong opposition to this Lieberman-Leahy amendment. Seldom has something been so misguided, misconceived, and antimarket as what we have attempted to do to cable over the last decade.

I can speak with some degree of knowledge and history on this, because I was chairman of the Commerce Committee when we deregulated cable in 1984. When we deregulated them, we asked two things of them. One, give us lots more channels. Two, give us more diverse programming.

Mr. President, we got that in spades. There is hardly a person so young in this Chamber that they cannot remember precable days, when what you got was ABC, NBC, and CBS, through your local affiliates, maybe a public broadcasting station, and maybe an independent, unless you were in Los Angeles or New York. That was basically it on television. You got it with your rabbit ears.

Cable came in initially to fill a void where people could not get signals. Instead of growing from urban to rural, they grew from rural to urban. They began to realize if they were going to compete, they had to do more than just carry the signal of the major networks. And so when they were deregulated in 1984, they gave us what we asked for. Today, we have, unfortunately, limited them with that foolish 1992 act. But you could "channel surf," as we have learned to call it, and be fascinated. I find Spanish language stations here in Washington. You can find three or four in Los Angeles, and a number of them in Corpus Christi. They program to the market on things that the over-the-air networks could not do because, by the very nature of the fact that you were over the air, you had to have a wide audience. You could not program to a narrow audience. Cable can.

Cable can make money on programming to a narrow audience. So consumers got services and programs that they wanted, that they could never get before. You cannot probably justify a history channel on NBC or ABC or CBS, broadcasting over the air to a broadband audience; probably could not on MTV, if you had to cover the entire audience in an area. But you can on this narrow broadcast.

Now this argument about competition, holy mackerel, Mr. President. The argument about a referendum, put this to a referendum, people would vote down what they are paying for cable. My hunch is if you put to a referendum what they pay for phone bills, they would put that down. And electric bills.

I hesitate to say what they would do if you gave them a referendum on congressional salaries. My hunch is they would vote that down. Is that the standard this representative body will be—whatever a referendum might be, that will be it?

If you were to pose the question in a different way to people, do you want to cut your cable prices in half and have your programs cut in half and have the channels taken off, you might get a different answer. But if the question is, do you want some costs lowered, what answer do you expect to get? I would like to have the price of gasoline lowered. I might put that up for a referendum and see what we get.

Now look at the competition argument. I heard the Senator from Vermont talk about 600,000. This is not 600,000 direct broadcast satellite over the year, but 600,000 what we call wireless cable.

This is growing. You normally have to have flat terrain, but this does not come from the satellite. Wireless cable, as we call it, is line-of-sight from a transmitter. Because the terrain is relatively flat, the line-of-sight is good. Corpus Christi is a good example where the line-of-sight has taken a fair portion of the market and the prices are cheaper than normal cable, and you can transmit a good program over the air because you have a straight line-of-sight.

Obviously, that kind of programming is limited, but it is growing. That is the 600,000 subscriber figure that the Senator from Vermont talks about. They expect to have 600,000 within 2 years grow to 1.5 million, and 3.4 million by the year 2000.

In addition, you already have Bell Atlantic, NYNEX, Pactel, phone companies, all of them experimenting in small areas with carrying the equivalent of cable on their phone wire system.

That is going to expand. But then beyond that, direct broadcast satellite. Here is a business, 2,000 new subscribers a day. The company that makes the dishes cannot make them fast enough. Mr. President, 2,000 additional subscribers a day. We will have over 5 million subscribers to this by the year 2000, and I bet that is an underestimate.

Except for the local news, you can get every program from the direct broadcast satellite you can get from cable. If you want the local news, you know that 94 percent of the people in this country can get local news with rabbit ears. Local is local, you do not broadcast very far.

All you have to do is turn the switch on your television set from cable to over the air and you can get the local news. So the fact that the direct broadcast satellite cannot physically carry it at the moment is not an impediment.

Mr. President, the market works. While we are talking about communications, the best example to probably use is the cellular telephones. Again, I speak with some degree of history on this.

In 1981, when I was chairman of the Senate Commerce Committee, we passed a bill restructuring AT&T. They had to have separate boards for Bell labs, and we worked out an agreement that was satisfactory to a lot of parties.

The bill went to the House. Before the House acted, the antitrust settlement between AT&T and the Government was arrived at. The so-called modified final judgment. Therefore, the bill became moot.

AT&T and everybody else agreed to a different method of restructuring than we passed in the Senate Commerce Committee, and that agreement was that they would spin off all the local Bell companies. They would get out of the local business and keep the long distance business.

That was not the only agreement in the modified final judgment. There were lots of things that the local Bells could not go into—local information services, manufacturing. This was a structured settlement. Still regulatory, but very structured.

The one thing that the settlement left out was cellular telephones, because there was no future in cellular telephones of any great consequence, and nobody cared about it.

An analogy I used the other day was the dividing up of the Middle East by Britain and France after World War I. All of the Middle East had been part of the Turkish sovereign area. Turkey was allied with Germany in World War I, and Britain and France in the middle of the war said, "When this is over we will take a lot of Turkey's territory in the Middle East and divide it among ourselves."

At the end of the war, Britain took what has become now Israel and Jordan and Iraq. France took what has become Lebanon and Syria. Nobody wanted Arabia. It was not worth anything. Nothing but sand. So it got left out, on its own devices.

Today, it occupies a position of more extraordinary influence because of its oil reserves than all of the other countries, save Israel, put together.

Cellular telephones are the same analogy. They were left out of the modified final judgment. There were 100,000 of them in existence in 1982. AT&T predicted by the year 2000 there might be a million cellular telephones. Today, there are 25 million subscribers. Predictions are in 10 years that will be 125 million subscribers. I bet that underestimates the number.

This has happened because we did not regulate it. We left it to the marketplace. Does anybody think there is no competition in cellular telephone today? All you do is turn on your radio, turn on your television, open your newspaper, and you have company upon company stumbling over each year to compete for your business. "Sign up, we will give a free phone." And you have to understand that you have to make so many phone calls or pay so much.

People are pretty darn smart and managed to figure this out. They have done well figuring out long distance, watching MCI ads, AT&T ads, the Sprint ads. They have also discovered that there are lots of small long distance companies.

I have over 40 long distance phone companies in Oregon that are what you would call niche carriers. They rent their time from AT&T. They are a bulk buyer, they will buy it. Then they say we have 24 hours of time over the week, or 10 hours of time over the day on such and such, and they go out and sell it. They are specialists in certain niches. Some sell to the medical profession. Some to the insurance profession. They figured out a way—the companies are not big, some 8 or 10 employees, and they are renting everyone else's facilities—to do something very narrowly and good that is better than the big company can do it.

We have seen this in telecommunications. The innovators in this field are not always IBM and AT&T. They are more often new companies that are spinoffs—not spinoffs, been formed by some 35-year-old engineer who left the company, mortgaged his house, sold his hunting dog, and both he and his spouse put up everything that they had to take a chance. And they succeeded.

Come back again to cable. There is no need for any regulation of cable at any level. They have more competition now than they can handle, and they will have more competition than they can handle. The consumer is going to be the beneficiary.

I hope, Mr. President, that the Lieberman-Leahy amendment would be defeated overwhelmingly. If there is any example of where the market is working, and will get even more and more competitive, it is in communications generally. It is in cable specifically.

I think to adopt this amendment to further regulate cable beyond which we have already regulated in 1992—and we should not—would be a terrible mistake.

Mr. LIEBERMAN. Mr. President, if I may respond very briefly to my friend from Oregon.

The PRESIDING OFFICER. The Senator from Connecticut should be advised he has used all the time on his amendment.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that I be allowed to speak for no more than 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. Mr. President, my friend from Oregon has spoken against my amendment which would maintain some kind of consumer protection in the pricing of cable, based on the wonderful service and the extraordinary range of programming that cable provides. Since I got into this fight when I was attorney general in Connecticut in 1984 when cable prices were deregulated and most consumers in America were left facing a monopoly with no competition, I have said I was very supportive of cable. I think cable is an extraordinary service to the American people. It has been delivered well, and I like the expansion of the program.

What I do not like is allowing that expansion to occur without giving consumers some protection, because they have only one choice to make, and what is significant to me is that the programming has continued to expand even since the regulation, the consumer protection that went on in 1992. So there is no reason to believe that, if we sustain some protection for consumers until they face competition, that will stop.

The second point is this. There just is not adequate competition at this time to existing cable. If there were, then the FCC would have pulled off regulation for cable in more than 50 markets where they say there is now effective competition out of more than 10,000 in the country. The fact is, the direct broadcast satellites which were thought to be the next wave of great competition for cable are only used by less than 1 percent of the cable consumers in America.

Telephone companies may get into this. They probably will. But the question is, When? Until that time, most cable consumers in America will have no alternative except the local cable company, and if this bill passes without the amendment Senator LEAHY and I have offered, the consumer will not only not have a choice of another system to offer multichannel services, cable as we know it, but will have no benefit of consumer protection. History tells us where there is no competitive market, where there is a monopoly supplier and no regulation, the consumer is in real danger of being taken advantage of.

So in my humble opinion, respectfully, I think this amendment is all that stands between millions of cable consumers and what I would take to be a definite increase in their rates over the coming years until there really is effective competition to hold the rates down.

Again, I love cable. My family watches; selectively, of course. But I do not, any more than any other consumer, including a lot of the elderly out there, people on fixed incomes, I do not want only one choice and no consumer protection.

This system has worked. It saved consumers money. The industry has continued to thrive. They continue to be able to raise capital. There is simply no reason to remove these consumer protections. I will say respectfully again, to me what has happened here is that, in the Trojan horse of this great telecommunications bill, there has been inserted inside a repealer of cable consumer protection without cause and at great cost to American consumers.

I hope my colleagues will support this amendment so none of us will have to explain to our consumers back home why rates have risen, as they surely will in the years ahead if this amendment is not agreed to.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, I really like this debate. But I would like to draw your attention to one thing. He says there is no competition. What is 2,000 subscribers a day being added to the DBS that provides the same channels, the same service—CNN, ESPN, all of those we enjoy now, and the USA, Lifetime, the History Channel, all of those—off direct broadcast satellite? What is that other than competition? If the rates get competitive, whether you are on a fixed income or not a fixed income, it makes no difference. And it is going to make both services better when they compete equally. There are no restrictions on DBS. Nobody is setting their rates.

If one remembers, since way back in 1990 when we were talking about this, there was a great groundswell that went across the country, what about cable rates? Did you take into consideration—when you used to buy maybe three Salt Lake stations and two Billings stations and a PBS station for $5 or $6 a month and then all at once we pay $21 now for 45, I think, something like that—our cost per channel? One does not have to take it. Nobody is standing there with a gun to your head saying, You have to sign up for cable. They go by more houses than they service. It is another part of the market. We are trying to sell a service.

At the same time we said, Do not reregulate the cables; allow effective competition. DBS was part of that; C-band; satellite dishes, they were a part of that. I think also in the same time—and the chairman and ranking member remember this—I offered the amendment on a telco bill to allow them in the cable business to provide effective competition, to add an entity that already has a wire into the house. They would have to change their technology a little bit, and that is what we are really doing is providing the new technologies that will travel on this great thing called fiber optics, or fiber and coaxial interphased for broadband, two-way, interact telecommunications. That is where we are going. That is why we need Mickey Mouse to pave the way for other things that we have in store, and that is distance learning and telemedicine and these types of things.

So what, is C-band competition? Sure it is. Is telco competition? Yes, they are. Is DBA competition? Yes, they are. Even the store down the street that sells videos to rent is competition to the same service the cable operators are trying to provide over that wire into the house.

I said this before: The glass highway, the information highway, may be already in place and it has been done by this marvelous growth industry called cable television. The competition is there, and I urge the colleagues to defeat this amendment.

Mr. President, the solution to the cable problem is competition, not continued regulation. In fact, after the 1984 Cable Act, deregulation of the cable industry resulted in substantial benefits.

The cable industry has made substantial investments in programming, plant and equipment, investments that have directly benefited consumers, in particular my constituents in Montana.

If all we heed and hear are the problems of cable, then I am afraid that we will have lost an opportunity, a chance to look into the future and to shape it; for we do shape the future of this Nation when we shape its telecommunications infrastructure. It is an infrastructure that is critical to the whole Nation—from the Lincoln Center in New York City, to Lincoln, NE, to Lincoln County, MT.

So in the continuing debate over what to do about the so-called cable problem, there are two alternatives. Solution one is competition. And solution two is regulation. It has been my experience that regulation can actually harm consumers by slowing innovation and stifling new services. On the other hand, nothing is more pro-consumer than competition, most especially competition where there is a level playing field. And on no playing field can the benefits of competition be seen more clearly than on the field of communications. History teaches us that you cannot regulate technological advancements.

Regulation does a very poor job of guaranteeing a market choice for consumers. Most ironically, under a price regulatory regime, prices are unlikely to fall when they are effectively propped up by regulation.

On the other hand, we have all seen many instances where competitive market forces spur competitors to innovate in order to reduce costs and improve efficiency. And as costs come down, new technologies and new services can be extended to unserved areas. Those are the types of truly competitive market forces that I want to introduce, and the people of Montana need, to ensure that our State is fully served.

Again, I am not merely talking about video entertainment, I am talking about the communications revolution, and I want my constituents to benefit from that revolution and not be left behind by it.

Moreover, I want our Nation to lead that revolution much as we have led the revolutions for democracy around the world. Thus, I do not want the guarantee of participation in the electronic information age for the people of Montana to rest solely on heavy-handed regulation. I want Montanans to be able to rely on good old American know-how as stimulated by good old American competition.

I believe this competition is already arising through such technologies as DBS, wireless cable, the home satellite dish market, and even those technologies yet to be discovered. And I believe that with this legislation we have provided perhaps the best opportunity for competition in the video market by permitting the telephone companies to compete for cable services. And we have done so by promoting telco entry with safeguards and restrictions.

This legislation, drafted by this Congress, promotes the greatest public good by unleashing competition and technology to meet the Nation's needs. It will be this competition that will help ensure that a modern telecommunications infrastructure and innovative services are available to all Americans—and, most importantly, all Montanans—at reasonable prices. When telephone companies are able to compete with cable companies, as this legislation allows, a competitive cable market would:

First, put downward pressure on cable service rates;

Second, lead to greater diversity of television programming and program choices;

Third, accelerate the introduction of new services; and

Fourth, increase consumer access to high quality service.

I have been involved in this debate since I first arrived in the Senate. I believe that we are finally on the verge of passing a historic piece of legislation. I think that the Lieberman amendment is a significant step backward in our efforts. Competition is the answer, not re-regulation. I urge my colleagues to reject this amendment.

The PRESIDING OFFICER. All time on the amendment has expired.

The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent to speak for 30 seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. Mr. President, very briefly. My friend from Montana says 2,000 additional subscribers to direct broadcast satellites go on every day. That is compared to over 60 million cable customers. We are getting there, but we do not really have effective competition in most places in America. When we do, the FCC will pull this consumer protection off and then the consumers will be protected by competition.

I thank the Chair.

The PRESIDING OFFICER. The Senator from South Dakota.

AMENDMENT NO. 1283, AS MODIFIED

Mr. PRESSLER. Mr. President, I rise in strong opposition to the amendment by my good friend, Senator SIMON. The financial health and competitive viability of the Nation's radio industry is in our hands. We all agree that the telecommunications legislation we are considering is about competition and deregulation and not picking winners and losers. And we also agree that this legislation goes a long way toward giving cable, satellite, and the phone companies the freedoms they need to compete. We now need to agree to extend these same freedoms to the over 11,000 radio broadcasters in this country.

No other audio service provider, be they cable, satellite or telcos, has the multiple ownership restrictions that radio has. The language we are offering today eliminates those outdated radio-only rules.

It is imperative we in Congress end this discrimination against radio sooner by adopting this language, rather than wait for the bureaucracy to come around to it later, as this legislation as currently drafted would have it. Immediate action is critical because the FCC is on the verge of authorizing digital satellite radio service, whereby 60 new radio signals will broadcast in every market in the United States. This satellite service will be mobile and available in automobiles, homes, and businesses. Also, cable already provides 30 channels of digital radio broadcasting in markets across the United States under a single operator. Obviously, an incredible diversity of voices has been achieved with even more competition to radio quickly making its way down the information highway. Yet, let us not lose sight of the fact that all of these welcome new voices are also aggressive competitors for radio's listeners and advertisers, and, unlike radio, these competitors are not burdened with radio's multiple ownership restrictions nor do they have the same public service obligations as radio broadcasters.

Our Nation's radio broadcasters have a strong tradition of providing the American people with universal and free information services. In a telecommunications environment increasingly dominated by subscription services and pay-per-view, it is essential that we not foreclose the future of free over-the-air radio by restricting ownership options, for radio serving the public interest and competing are not mutually exclusive. They are complementary.

So it is left up to us to empower radio so it can grow strong well into the next century and continue to serve our communities as it has done so well for the past 70 years.

The last point I would like to make is perhaps the most important. Relief from ownership rules works. In the early- and mid-1980's the FCC issued hundreds of new radio licenses, and the market became oversaturated with radio stations without sufficient advertising revenues to support the increase. However, in 1992 the FCC granted limited relief in radio ownership restrictions. After many years of financial losses, suddenly radio became an attractive area for investment and an alarming multiyear increase in stations going off the air was arrested. The economies of scale kicked in. Stations gained financial strength through consolidation, and its overall ability to serve its markets and compete for advertising improved.

Allow me to quickly cite some statistics. In 1993, a year after the new limits took effect, the dollar volume of FM-only transactions almost tripled—$743.5 million—while radio station groups sales grew 44 percent.

In 1994, sales prices of single-FM stations rose 12.7 percent from 1993's $743.5 million to $838 million, and from 1993 to 1994, the total volume of AM radio station sales shot up 84 percent, totaling $132 million.

There is every reason to believe that all of these positive trends will continue to flourish if we remove radio's outmoded multiple ownership restrictions.

Clearly, maintaining local and national radio ownership limits in the face of tomorrow's competitive environment is not only unfair but it is a major step back.

Mr. President, let me emphasize that I understand some statements have been made. I understand that CBS does not support the Simon amendment. Bill Ryan is the NAB Joint Board Chairman. He supports the NAB position which is adamantly opposed to the Simon amendment. Mr. Ryan's comments, which Senator SIMON cited, related to TV ownership and not radio ownership.

Mr. President, I urge Senators to come to the floor to make their statements on the various pending amendments.

I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1298

Mrs. HUTCHISON. Mr. President, I would like to speak against the Lieberman-Leahy amendment. The Lieberman-Leahy amendment will finish this bill once and for all.

The PRESIDING OFFICER. The Senator will be advised that all time has expired on the Lieberman-Leahy amendment.

Mrs. HUTCHISON. I ask unanimous consent that I be allowed to speak for up to 5 minutes on the bill and on the Lieberman-Leahy amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Thank you, Mr. President.

Mr. President, the Lieberman-Leahy amendment will reregulate cable.

What we are trying to do with this bill is deregulate so that we have a level playing field, so that more people can come into the competitive market, and so that the consumers will benefit from the lower costs and lower prices. The Lieberman amendment will take away the balance that has been established in this bill. It will put the FCC back into the regulatory business. It will cause these cable companies to have to come to the FCC to spend their money paying lawyers' fees instead of dropping their prices and going to the bottom line.

I am sure that the intent of the amendment is very good. They want to make sure that we have low cost if there is not competition. But what we are trying to do here is promote competition so there will be choices, so that the consumers will have the ability to pick and choose.

The Lieberman amendment will put one more hassle to the cable companies even when it is not necessary.

I have watched day after day after day the chairman of the committee, on which I serve, and the ranking member talking about the need for this bill. It will put $3 billion into our economy in new jobs, and it will be a benefit to consumers. They have done a wonderful job. But what is very important to remember here is that we must keep a level playing field. And we have tried to balance.

Sometimes we have done something that the long distance companies do not like. Sometimes we have done something that the local Bell companies do not like. Sometimes we have done things that the cable companies think is onerous. This would be an onerous regulation that would put the FCC back in the mix when we do not need the FCC. We are trying to take the FCC out of every arena that we possibly can. The FCC is very much in the bill, I must say, of course. For instance, in broadcast ownership, we want the FCC to look at broadcast ownership to make sure there is not the concentration that would take away the diversity of voices in a market. But it is very important that we keep the balance. We must be able to say at the end of this bill that probably everybody does not like it as a perfect bill but we have allowed people to come into the process to compete, and we have tried to make the cost the least possible, and we have tried to make the cost fair. But the underlying element of this bill is that we take the regulations out to the greatest extent possible.

Mr. President, if we are going to even look at the Lieberman-Leahy amendment, it is going to gut the bill from the standpoint of keeping the level playing field, continuing to encourage competition, and giving the consumers the benefit of all the choices that will be available. If we can pass this bill and keep it fair, the telecommunications industry in this country is going to explode. It is going to be a wonderful boon to our economy. New jobs will come into the market. Consumers will get more choices. We will have choices that we have not even dreamed of today. We will have choices of technology that will give us the ability to research and grow because we are taking the regulations out of this bill to the greatest extent possible.

So, Mr. President, I think the chairman of the committee and the ranking member have done a terrific job. They have cooperated. There has been disagreement on every major part of this bill, but we have not worked on this bill for days. We have not work on this bill for weeks. We have not worked on this bill for months. In fact, we have worked on this bill for years. We have talked about telecommunications deregulation for years in this country. I am a person who is not even a regulator. I do not like any regulations. I would like for Congress not to even be in the process. But because technology has exploded and because we have had a regulatory environment that has caused an unfair and unlevel playing field, we have had to correct the wrongs, and we are doing that by trying to reach a balance. That is what this bill does. The LIEBERMAN amendment will take that balance away, and we must not allow that to happen.

So I thank the Chair. I thank the chairman of the committee and the distinguished ranking member for their leadership. We must stick with the committee on this amendment. It is very important for the future of our jobs, of our economy, and for the consumers of our Nation.

I thank the Chair. I yield the floor.

Mr. PRESSLER. Mr. President, I thank the Senator from Texas for her great work and leadership on this telecommunications bill. She has been a stalwart in drafting this bill and in making it happen. Her leadership was crucial and I thank her very, very much.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER (Mr. SHELBY). The Senator from Texas.

Mrs. HUTCHISON. Will the Senator yield for a question and comment?

I just wish to say that I did not mention this because I was talking about the level playing field of all of the competitors, but the other element here that the chairman and the ranking member have worked so hard on is the protection of our cities and our State regulatory boards.

Our cities have rights-of-way that they must control, and that is something that we worked very hard to make sure was not encroached on. We would have chaos if someone came in and said, Well, I now have the right to dig a hole in the middle of your street, without the city maintaining that control.

So I wish to say that that is another element of this bill that is protected, and the cities of America owe a great debt of gratitude to the chairman and the ranking member.

I thank the Chair.

Mr. PRESSLER. I thank the Senator.

AMENDMENT NO. 1325, AS FURTHER MODIFIED

Mr. PRESSLER. Mr. President, at this time, we are prepared to call up an amendment that has been agreed to that we will not have to have a vote on, and that is the Warner amendment. I would like to call up amendment 1325.

The PRESIDING OFFICER. The pending question is amendment No. 1325, as modified. Is there further debate?

Mr. HOLLINGS. Is there a modification?

Mr. PRESSLER. I have the perfecting amendment. I send an amendment to the desk and I ask for its immediate consideration. It is a perfecting amendment.

Mr. HOLLINGS. It should be a substitute, I think. It should be drafted as a substitute for the amendment.

The amendment (1325), as further modified, is as follows:

1. On page 102, after line 25, insert a new subsection as follows:

"(e) INFORMATION ON PROTOCOLS AND TECHNICAL REQUIREMENTS.—The Commission shall prescribe regulations to require that each Bell operating company shall maintain and file with the Commission full and complete information with respect to the protocols and technical requirements for connection with and use of its telephone exchange service facilities. Such regulations shall require each such Bell company to report promptly to the Commission any material changes or planned changes to such protocols and requirements, and the schedule for implementation of such changes or planned changes.".

2. Redesignate subsequent subsections accordingly.

The PRESIDING OFFICER. If there is no objection——

Mr. PRESSLER. Mr. President, I would just like to say a word or two.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. PRESSLER. I would like to praise Senator WARNER. In his usual gracious way, we worked on this amendment for a few days, and we had various meetings with Senator WARNER and some of his constituents who are concerned about this manufacturing clause.

His original amendment he has agreed to set aside in favor of this modification. My colleague from South Carolina, the ranking member of the committee, has long been an expert in this area, having authored the bill on manufacturing that passed the Senate. He has graciously agreed to this modification.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, this deals, of course, with the technical requirements for connection to the telephone exchange service facilities, which is quite appropriate. It does not allude to the research and design with respect to manufacturing. That has been cleared.

I join in the distinguished chairman's praise of Senator WARNER and his efforts here to clarify this to make certain that everyone could be prepared and on notice as to facilitating the interconnection services. So I join in the amendment as amended, I take it.

The PRESIDING OFFICER. If there is no objection, the amendment as so modified is agreed to.

So the amendment (No. 1325), as further modified, was agreed to.

Mr. HOLLINGS. Mr. President, I move to reconsider the vote.

Mr. PRESSLER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, is time controlled at this point?

The PRESIDING OFFICER. Time is controlled on each amendment.

Mr. KERRY. Mr. President, I rise and will only speak for a very few minutes, but I would like to indicate my support for the cable provisions of S. 652 as it has been brought to the floor by the distinguished chairman and ranking member and the committee, of which I am a member.

AMENDMENT NO. 1298

Mr. KERRY. I want to voice, therefore, my opposition to the Lieberman-Leahy amendment. All of us are concerned about cable rates. We made a major effort a number of years ago to try to regulate that and guarantee that the consumer is going to have the lowest possible price. In my judgment, the fundamental thrust of this bill which has been very carefully tailored to work a balance between many varied very powerful interests, the fundamental effort of this bill is to create competition which will reduce rates across the board.

I think all of us have learned that when you have regulation, you inevitably have a skewing of the market which impacts the capacity of people to take risks, people to raise capital, people to invest and diversify. It is my belief that the upper tier versus the lower tier of regulation is sufficiently well tailored in the legislation that we sent out of committee that the interests of consumers are protected.

In point of fact, it is my belief that the availability of direct broadcast satellite today and the availability of video dial that is going to come on so rapidly people are going to be dizzy when they begin to see it, that to maintain a regimen of strict upper tier regulation on cable would be to disadvantage cable's capacity to be able to make the kind of investment necessary that this bill envisions, precisely to be able to compete with the regional Bell operating companies and to begin to create the dynamic synergy that we are looking for in the marketplace.

So I believe the greatest protection for consumers is, in fact, going to come from competition for video services, and I believe that competition is well structured and maintained in the format that has been brought to the floor.

When consumers have a choice and the marketplace is not artificially constrained, then that marketplace is going to provide for rates that are reasonable. I think that anybody who looks at the current intentions of the regional Bell operating companies and long distance operators and those who are going to be moving into the provision of video services will understand that if cable all of a sudden went out and started raising its rates at any tier, it is going to be significantly noncompetitive, it will build resentment among consumers, and they will quickly move to the new provision of services.

I can speak to this on a very personal level because I have recently been making choices about where to put what kind of service in my own residence. I was amazed at the number of direct broadcast capacities versus cable that I could make a choice on right now.

Second, Mr. President, consumers do not only care about rates, they also care about the quality of the service and they care about the breadth of programming that is available to them. They want both of those as well, and they want that from cable. If cable all of a sudden ceases to do that, they are going to have the opportunity to make another set of choices because of the very things that we are proposing in this legislation.

Finally, this bill incorporates a so-called bad actor provision, so that the FCC can step in immediately if a cable company begins to move in a direction which is clearly anticonsumer or out of order with what the rest of the companies in the Nation are doing.

So, in my judgment, our objective should not be to strengthen the regulation of rates that cable now is allowed to collect for its upper-tier service. On the contrary, our objective ought to be to maximize competition and to get the Government out of the way of allowing these companies to begin to compete and the price mechanism to be able to provide the maximum amount of consumer benefit.

I think anybody who looks at what has happened in the last 5 or 10 years in this field cannot help be amazed at the way in which competition and private-sector initiative has changed the landscape of the provision of these services, and it will do so at such an extraordinary rate over the course of the next few years that Americans will, I think, understand the attributes of what the committee has brought to the floor.

So I urge my colleagues to stay with the committee mark and the chairman's and ranking member's efforts to try to maximize competition and to oppose the Lieberman-Leahy amendment.

At this time, I also express my admiration for the long efforts of the distinguished chairman and ranking member, and for the efforts of the ranking member when he was chairman, to really structure this. This has been a long road. I think that the balance, which is so difficult to maintain in this, has been maintained throughout, and I think we are going to be able to get a solid piece of legislation to the conference committee where further improvements can be made.

Mr. HOLLINGS. Mr. President, let me thank the Senator from Massachusetts. It has been a long road for all of us on our Committee on Commerce. We have been working veritably about 4 years to revise and bring to modern technology the provisions of the 1934 act. The distinguished Senator from Massachusetts has been a leader in participating as his staff has worked around the clock. I appreciate his comments.

Mr. BRYAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. BRYAN. Mr. President, I inquire of the floor manager, I would like about 3 minutes to speak in opposition to the Simon amendment.

Mr. HOLLINGS. Go right ahead.

AMENDMENT NO. 1283, AS MODIFIED

Mr. BRYAN. Mr. President, I rise in opposition to the Simon amendment which would strike language currently in the bill which removes radio ownership caps. I must say, I do so with reluctance because I have a great deal of affection and find myself generally in support of my good friend from Illinois when he takes the floor. In this instance, I believe his concerns are misplaced.

Currently, there are approximately 11,000 radio stations in this country. Unfortunately, far too many are losing money. The last figures that have been called to my attention would indicate that about half of those stations are actually losing money. If we do not take some action to help these stations, an increasing number will continue to fail.

One way to help radio stations get out of the red is to permit them to use economies of scale that they can achieve from consolidating their operations. Lifting the ownership cap will permit radio stations to achieve these efficiencies.

When the FCC raised the cap several years ago, we found that, in fact, this is what happened. Without ownership caps, economic forces will determine the appropriate size of stations. This, in my judgment, is a decision better left to the marketplace instead of some Government-mandated number.

I believe an ownership cap was put on radio stations many years ago because of the concern for undue concentration. In this day and age, such a concern, in my opinion, is unwarranted. With the avalanche of entertainment sources available to the public today, there is no need to worry that a concentration will cause public harm.

Cable systems already provide up to 30 channels of digital audio in a single market under a single owner. Satellite digital audio will soon be able to deliver 60 channels of digital music in every market across the country. Satellite television, like direct TV, now offer 30-plus radio channels to homes. This deluge of new entrants into the radio business will ensure that competition exists.

Extending the artificial restrictions on radio ownership will give the industry the wherewithal to compete against other mass media providers. It is my view that by ending these artificial restrictions, we encourage more competition and give the public greater choice. I urge my colleagues to oppose the Simon amendment.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. HOLLINGS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PRESSLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRESSLER. Mr. President, I urge that Senators come to use time on these amendments. We are down to about an hour before the majority leader will start us voting, and we are trying to get agreements on amendments and we are negotiating. If anybody who wants to make a speech, we will make arrangements to speak in general on the bill or on an amendment. I urge Senators to come to the floor to finish this bill.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BRYAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BRYAN. I ask unanimous consent that I might speak for a period of time not to exceed 7 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Nevada is recognized.

Mr. BRYAN. I thank the Chair.

(The remarks of Mr. BRYAN pertaining to the introduction of S. 926 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

AMENDMENT NO. 1298

Mr. CRAIG. Mr. President, S. 652, as modified by the Dole-Daschle leadership amendment, balances reduced regulations with increased competition. That is exactly what the goal of the chairman has been all along.

I think the legislation recognizes that investment in new technology is an essential part of developing an advanced telecommunications infrastructure here in the United States.

Therefore, S. 652 provides a more stable and reliable business environment for both cable and television companies by reducing regulations and encouraging competition.

Mr. President, S. 652, as reported by the Commerce Committee, includes the following:

First, maintained the regulation of basic cable rates until there is effective competition.

Second, redefined the effective competition standard to include a telephone company offering video services.

Third, allowed competition from phone companies.

Fourth, deregulated upper tier programming, but kept it subject to a bad-actor provision. The bad-actor provision allows the FCC to make expanded tier services subject to regulation if rates are unreasonable and substantially exceed the national average of rates for comparable cable programming services.

These provisions were certainly a step in the right direction: away from regulations and toward more competition.

During consideration of S. 652, the Senate adopted the Dole-Daschle leadership amendment by a vote of 77 to 8, which included language addressing the concerns of those who believe that, despite the safeguards already contained in S. 652, it might lead to unreasonable rate increases by large cable operators.

It established a fixed rate, June 1, 1995, for measuring the national average price for cable services and only allows for adjustments to occur every 2 years. This provision eliminates the possibility that large cable operators could collude to artificially inflate rates immediately following enactment of S. 652.

The bill, as amended, establishes a national average based on cable rates in effect prior to the passage of S. 652 when rate regulation was in full force.

It excluded rates charged by small cable operators in determining the national average rate for cable services.

This provision addresses the concerns that deregulation of small system rates, which was included as part of the Dole-Daschle amendment in S. 652, would inflate the national average against which rates of large cable companies would be measured.

It specified that national average rates are to be calculated on a per channel basis.

This provision ensures that national average is standardized and takes into account variations in the number of channels offered by different companies as part of their expanded program packages.

It specified that a market is effectively competitive only when an alternative multichannel video provider offers services comparable to cable television.

This provision ensures cable operators will not be prematurely deregulated under the effective competition provision if, for example, only a single channel of video programming is being delivered by a telco video dial tone provider in an operator's market.

In addition, the leadership amendment also included critical provisions deregulating small cable operators.

In short, Mr. President, the reason I have given this explanation is the Dole-Daschle amendment tightened the bad-actor provision on expanded tier services and further limited the definition of effective competition.

This compromise closed any possible loophole that would allow large cable operators to unreasonably raise rates. It gave relief to our small cable companies and maintained the delicate balance struck in S. 652 of reduced regulations with increased competition.

The reason, again, I think it is important that we understand this, Mr. President, is that the Lieberman amendment puts us back at square one in this effort to move toward more competition in the cable industry. While it does include language similar to the leadership amendment that would deregulate small cable operators, the Lieberman amendment would undermine the competitive objectives of S. 652.

The amendment further restricts the national average standard by limiting it to the "national average rate for comparable programming services in cable systems subject to effective competition."

Mr. President, this is a backdoor route that leads back to the restrictive rate regulation standard similar to what now exists: regulating rates that substantially exceed those of companies subject to effective competition. It is precisely this standard that has created the highly bureaucratic regulatory morass that has stymied cable television investment, and therefore service to the consumer.

As I stated in my opening remarks on this bill last week, I opposed the Cable Act of 1992, and I voted against passage of that bill.

Since the enactment of S. 12—that was the Cable Act—I have received numerous complaints from fellow Idahoans who felt that the changes resulting from S. 12 worsened, rather than improved, their cable service and cost.

In addition, a number of very small independent cable systems in Idaho have been in jeopardy as a result of that near closure and have been forced to pay astronomical costs associated with implementing the act.

A rural community hardly benefits if it loses access to cable service because the local small business that provides service cannot handle the burden of Federal regulations. Quite the opposite is true.

Competition, not regulation, will encourage growth and innovation in the cable industry, as well as other areas of telecommunications, while giving the consumer the benefit of competitive prices.

Mr. President, I would again suggest to my colleagues the importance of not losing sight of the ultimate goal of reforming the 1934 Communications Act, which should be to establish a national policy framework that will accelerate private sector deployment of advanced telecommunications and information technologies and services to all Americans by opening all telecommunications markets to competition.

In addition, working toward the goal will spur economic growth, create jobs, increase productivity, and provide better services at a lower cost to consumers.

The balance of reduced regulations with increased competition contained in the provisions relating to cable in S. 652 will lead to the very important goals I just stated.

In addition, Mr. President, I am concerned if we continue to restrict the ability of cable companies to obtain capital necessary to invest in new programming and services, we will also be limiting the ability of cable companies as competitors to local phone monopolies.

Cable companies will require billions of dollars of investment to develop their infrastructures in order to be competitive providers.

The Federal regulation of cable television has restricted the cable industry's access to capital, made investors concerned about future investments in the cable industry, and reduced the ability of cable companies to invest in technology and programming.

Mr. President, rate regulation will not maintain low rates and quality services in the cable industry. Quite the opposite will occur. We have already seen it. Only competition will provide the kind of services that our consumers want.

New entrants in the marketplace such as direct broadcast satellites and telco-delivered video programming will provide competitive pressures to keep cable rates low and fit within the framework of the market. Cable companies are likely to provide the needed competition to keep the telephone local exchange market operating.

In short, Mr. President, deregulation of the cable industry is essential for a competitive telecommunications market, and it is necessary as the element of S. 652 and the competitive model envisioned in this bill.

I urge my colleagues to vote "no" on the Lieberman amendment. It is not a step forward. It is a step backward to the industry. It is clearly a step backward to the consuming public.

Mr. PRESSLER. Mr. President, could I briefly state that I have received a series of letters—the first of which I became aware of last night, from Time Warner. The first letter stated something that was not true, and it was sent to various people.

As discussed with you and your staff, this agreement is entirely contingent on the removal of the program access provisions . . .

And so forth. That was not true. So last night, I faxed to Timothy Boggs a letter stating in part:

At no time during our conversation did I indicate that any specific action by Time Warner would result in deletion of the program access provisions. I have had no further conversation with HBO/Time Warner about this matter since that meeting. My staff has not portrayed my position as being anything other than the industry negotiations suggested on May 4. Nothing I said during our short meeting could be construed as suggesting some sort of quid pro quo, which would be wrong, if not illegal. I resent the inference in your letter that I suggested something other than an industry-negotiated solution.

I have this morning obtained a letter from Time Warner saying "* * * the facts are exactly as outlined in your letter." It goes on to say that "* * * at no point did we seek or reach understanding with you or your staff regarding any change in the legislation."

Mr. President, I ask unanimous consent to have these three letters printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

TIME WARNER,
June 13, 1995.

Hon. LARRY PRESSLER,
Chairman, Committee on Commerce, Science, and Transportation, U.S. Senate, Washington, DC.

DEAR CHAIRMAN PRESSLER: As you requested, the attached signature page confirms that Home Box Office has reached an agreement with the National Cable Television Cooperative, Inc. for HBO programming. As discussed with you and your staff, this agreement is entirely contingent on the removal of the program access provisions at Section 204(b) of S. 652, prior to Senate action on the legislation.

On behalf of Time Warner and HBO, I am pleased to report that we have reached this agreement and respectfully request that this provision be removed from the bill at the earliest possible opportunity. Without removal of this provision from the bill, the HBO distribution agreement with the NCTC will be void.

Thank you for your leadership on this matter. Please feel free to contact me if I can be of any assistance to you or your staff. I can be reached at my office at 202/457-9225 or at home at 202/483-5052.

Warm regards,
TIMOTHY A. BOGGS.

U.S. SENATE, COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION,
Washington, DC, June 15, 1995.

Mr. TIMOTHY A. BOGGS,
Senior Vice President for Public Policy, Time Warner, Inc., Washington, DC.

DEAR MR. BOGGS: Your faxed letter of June 13 contains misleading statements which do not accurately reflect my position.

On May 4, 1995, I met briefly with you, Ron Schmidt and HBO/Time Warner executives, in the presence of my staff, regarding the program access provision of S. 652. During that meeting, HBO/Time Warner urged me to support deletion of the program access provisions of the bill.

I stated that the program access provision was of enormous importance to small cable operators, including those in South Dakota. I suggested that if the program providers disliked the provision, they ought to negotiate with the small cable operators to reach an agreement which might address the problems this portion of S. 652 is attempting to solve. Specifically, since Ron Schmidt is from my home state, I suggested that he talk to a small cable operator from South Dakota, Rich Cutler, to see if an industry compromise were possible.

At no time during our conversation did I indicate that any specific action by Time Warner would result in deletion of the program access provisions. I have had no further conversations with HBO/Time Warner about this matter since that meeting. My staff has not portrayed my position as being anything other than the industry negotiations suggested on May 4. Nothing I said during our short meeting could be construed as suggesting some sort of quid pro quo, which would be wrong, if not illegal. I resent the inference in your letter that I suggested something other than an industry-negotiated solution.

Your letter indicates that failure to delete the program access provisions from the bill would vitiate any negotiated agreement HBO/Time Warner had reached with the small cable operators. While HBO/Time Warner is free to negotiate contracts as they see fit, such tactics, in my opinion, cannot be considered as good faith negotiations. Your letter implies that I tacitly approved such a condition, which is not the case.

I expect you to send this letter to the same individuals who received your letter to me. Your letter is misleading, and does not accurately characterize my position as presented in my May 4 meeting with HBO/Time Warner.

Sincerely,
LARRY PRESSLER,
Chairman.

TIME WARNER,
June 15, 1995.

Hon. LARRY PRESSLER,
Chairman, Committee on Commerce, Science, and Transportation, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter of today. I write to respond and to join you in setting the record straight.

First, I am as distressed as you that any statement I have made could be misconstrued or infer anything other than the facts.

Second, the facts are exactly as outlined in your letter.

Third, at no point did we seek or reach understanding with you or your staff regarding any change in the legislation. Any understanding Time Warner and HBO have reached on this matter has been entirely with our private business associates.

Finally, as stated in my letter of June 13, Time Warner has urged that the Senate remove Section 204(b) from S. 652 because we are confident that industry negotiations, by ourselves and others could result in a change of business practices that would make Section 204(b) no longer necessary. Our good faith negotiations have borne out this confidence. I remain pleased to report that HBO and NCTC have reached a distribution agreement.

In closing, let me personally apologize for any misunderstanding my letter has caused. I deeply regret this confusion and remain available to discuss this matter with any interested party. As you request, I will distribute your letter of today to the very few people who received a copy of my letter to you of June 13.

Sincerely,
TIMOTHY A. BOGGS.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, I very much appreciate the remarks my friend and colleague from South Dakota just made. He has had printed in the RECORD an outrageous letter, an outrageous letter from Time Warner on June 13, addressed to Senator PRESSLER, chairman of the Commerce Committee. Any lobbyist who would write a letter like this, especially when it is not true, should make a public apology. And his powerful employer, Time Warner, should do likewise. I am referring to the letter of June 13 that the Senator from South Dakota has just entered into the RECORD.

He has also entered in the RECORD a letter of June 15, which is supposedly an apology from Timothy Boggs for the letter he earlier wrote. However, in the letter of June 15, while admitting that his previous letter was in error, and in a way apologizing for it, I do not see anything in the letter that indicates to me that Time Warner may not have had or thought they had a quid pro quo with some other Members of the U.S. Senate.

What we are talking about here is money, and that is one of the problems with this whole telecommunications bill, in which I have had an integral part to play. I want to say Senator PRESSLER is an honorable man. He is a good and hard-working Member of the Senate and has a very decent staff. He is a friend and a colleague I respect, and I congratulate the Senator on his letter to Time Warner and their response. I object to the action taken by Time Warner and Viacom—two of the big giants today—for putting the U.S. Senate in a difficult if not compromising position.

Probably nothing else better demonstrates the power of the lobbyists around this place, who overreach and overreach and overreach, and get not only themselves but the reputation of this body in some degree of disrepute. There are good and substantive arguments for and against the cable volume discount provision in the committee-passed bill. Time Warner and Viacom have told the Senate they will give discounts to the small cable operators, as we had provided for in the bill, if and only if, Mr. President—they have not gotten themselves off the hook as far as this Senator is concerned—they will agree to these discounts that they never would have thought of had we not incorporated this in the bill, and they simply say that if and only if the Senate removes the volume discount language for the small cable operators will they carry out their commitment.

They still have a quid pro quo and it is wrong. That is why this Senator last night objected to any unanimous consent requests that by voice vote we change the committee's position. I will insist on a rollcall vote. There may well be good reasons for the Senate to change that provision that came out of the Commerce Committee. Time Warner has obviously put all kinds of pressure on the small cable operators around the United States, which they can do. So now we have a situation, as I understand it, where the small cable operators, whom we wanted to protect to some degree with regard to insisting on some discounts, now have been pressured by Time Warner to appeal to us to eliminate the proviso of the bill.

I do not want to see the Senate agree to something like that, because I think whether we do it knowingly or unwittingly, we place ourselves in a position of being influenced when maybe that is not the case.

There comes a time when the U.S. Senate, despite money, despite power, despite pressure from competing interest groups, has to stand up and do what we think is right. Just because of the action of the Commerce Committee to provide some measure of relief for the smaller cable operators, who by and large are at the complete indirect control by the biggies like Time Warner, the little guys are now appealing that the big guys have said they will go along with what we want to do if we will knock it out of the piece of legislation.

This has gone way too far. Time Warner and Viacom have taken the small cable operators hostage, just like hostages are being taken in Bosnia today. They have taken these little guys hostage and they say, "If you will knock this out of the bill, then somehow we will get along." I think this is the time to teach Time Warner and every other lobbyist—and there are a lot of good lobbyists around this place—that they overstep their bounds. They clearly overstepped their bounds when they wrote the referenced letter I had just cited and which was placed in the RECORD by my friend and colleague, an honorable man, the Senator from South Dakota, Senator PRESSLER.

I hope we will recognize that Time Warner is attempting to take hostages. I think we should say to Time Warner, grab them right by the throat if we have to, and say: Mister, you may be very big and you may have control like no one else has ever had of our entertainment industry, but you cannot control the U.S. Senate.

Therefore, I will insist upon a vote and I will be against any kind of a voice vote because I think this is the time to teach some of these larger companies that enough is enough. These large companies are saying to the Senate, "If you do not remove this provision, we will not give fair prices to the small cable operators." They are trying to take the U.S. Senate hostage, also. If we, the U.S. Senate, do what Time Warner and Viacom want us to do, this type of contingency is dangerously close to a quid pro quo. It is not right and is probably illegal. The U.S. Senate should not negotiate with hostage takers.

Mr. President, because of this tactic, I insist on a rollcall vote on trying to knock out the volume discount provisions. The Senate can work its will but I will stick by the committee's provisions.

Mr. BYRD. Will the Senator yield?

Mr. EXON. I will be glad to yield to the Senator.

Mr. BYRD. Mr. President I thank the Senator for his clear and forceful statement. And I share his views. May I say that I am glad he will insist on a vote. If he does not, I will.

It seems to me—I will have more to say later—that the good work, the efforts, and the many hours and days and weeks and months that the committee has devoted to this legislation run the risk now of coming to naught, as far as this Senator is concerned.

It appears to me that in our efforts to control bigness, bigness is weighing in, and I am not going to be impressed by bigness or by money or by heavy lobbying.

I think this also goes to show we should not have voted for cloture yesterday. I voted against cloture. This is a massive bill. It is an important bill. I am sure it has a lot of good elements in it. But here at the last minute, we are under pressure now. Cloture has been invoked. And some kind of an agreement has been entered into to stack amendments with 2-minute explanations.

I thank the distinguished majority leader for including the "2-minute explanation" in the agreement. I went to him personally yesterday and asked him to do that. If there are going to be stacked votes, at least we should have some explanation.

But I think this situation should cure us of stacking votes, great numbers of votes with only a minute or 2 minutes of explanation. This is the United States Senate where debate is unlimited, unless we invoke cloture or enter into time agreements.

From now on, I am not going to be very congenial with respect to stacking a large number of votes. But to have a string of stacked votes on a very complicated bill that I do not understand, and I am not sure any other Senators will understand what is in this bill by the time this amendment process is completed, to call up amendments, and debate them for only 30 minutes; very complicated amendments; the kind of amendments that should be offered in committee, or, if they are going to be offered on the floor, there ought to be adequate debate so that we all know what we are doing—is going too far, especially if the vote on final passage is to occur immediately following the disposition of the enumerated amendments.

So I thank the Senator for stating that he will insist on a vote, and I want to put leadership on notice that in the future this one Senator is going to be a little more reluctant to enter into time agreements on complex matters like this and stack votes, to be followed by the immediate passage of a bill. There seems to be a mindset here that we have to finish any complex bill in 3 days or 4 days. I am not sure that Senators ought to be in such a hurry.

I am disturbed by the Time Warner letter. It is disturbing. It may be that this will be one of the straws that breaks the camel's back as far as this Senator is concerned in respect of the vote on this bill.

I thank the Senator for yielding.

Mr. EXON. Mr. President, may I have just one second to thank my friend from West Virginia for his usually thoughtful remarks? I appreciate them very, very much. As one who has presided over and has put the U.S. Senate on course, I think his words are well taken.

Mr. SIMON. Mr. President, I take 3 minutes of my time on my amendment.

I first want to comment on what Senator BYRD just had to say. I think in general we can say there are rare occasions when we take too much time on a bill. There are too many occasions when we take too little time on a bill, as far as legislative process.

AMENDMENT NO. 1283, AS MODIFIED

Mr. SIMON. I would like to just speak very briefly on an amendment that I have in. The present practice of the FCC is to limit radio station ownership by any one entity to 20 AM and 20 FM stations. The most any one entity now has is 27 total. The bill, without my amendment, takes the cap off completely. My amendment says let us put a cap of 50 AM, 50 FM, far more than we have now by any one entity. It is a 150-percent increase. But let us not move to the day when we have too much concentration of the media. I think that is not a healthy thing.

One of my colleagues speaking against my amendment says this is what is happening in the newspaper business. It is. It is not healthy in the newspaper business. But we do not have any control over that. We do have control through Federal licensing of radio stations and television. My amendment goes further than some people would want. I say let us increase that 40 limit now to 100. But let us not let anyone who wants control of the radio stations of this Nation to have unlimited ability to get those radio stations.

I hope my amendment will be approved.

The PRESIDING OFFICER. Who yields time?

Mr. SIMON. Mr. President, if no one wishes the floor, I question the presence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PRESSLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KYL). Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. PRESSLER. Mr. President, I ask unanimous consent that at the hour of 12:15 p.m., the Senate proceed to a vote on or in relation to the McCain amendment No. 1285, to be followed by a vote on or in relation to the Simon modified amendment No. 1283, to be followed by a vote on or in relation to the Lieberman amendment No. 1298, with the remaining provisions of last night's consent agreement remaining in place.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 1285

The PRESIDING OFFICER. The hour of 12:15 p.m. having arrived, there are 2 minutes—1 minute per side—for discussion of the amendment and then voting will occur on the amendment offered by the Senator from South Dakota, [Mr. PRESSLER] for the Senator from Arizona [Mr. MCCAIN].

The Senator from South Dakota is recognized.

Mr. PRESSLER. Mr. President, I urge my colleagues to vote for the McCain amendment and to vote the other amendments down. The arguments have been made. So I yield back the remainder of my time. I yield back all time.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1285 offered by the Senator from South Dakota for the Senator from Arizona. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Utah [Mr. HATCH] is necessarily absent.

I further announce that, if present and voting, the Senator from Utah [Mr. HATCH] would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 98, nays 1, as follows:

[Rollcall Vote No. 264 Leg.]

YEAS—98

Abraham
Akaka
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Dole
Domenici
Dorgan
Exon
Faircloth
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Harkin
Hatfield
Heflin
Helms
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Robb
Rockefeller
Roth
Santorum
Sarbanes
Shelby
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner
Wellstone

NAYS—1

Simon

NOT VOTING—1

Hatch

So the amendment (No. 1285) was agreed to.

Mr. PRESSLER. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1283, AS MODIFIED

Mr. PRESSLER. Mr. President, I move to table the Simon amendment and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. SIMON. Mr. President, parliamentary inquiry. My understanding is that before these next two amendments are voted on, the supporters get 1 minute, and the opposition gets 1 minute to explain.

The PRESIDING OFFICER. The Senator is correct. Two minutes are equally divided.

Mr. SIMON. Mr. President, if I may have the attention of my colleagues, the present FCC rule says one entity can own 20 AM stations and 20 FM stations, or a total of 40. Right now, the maximum owned by any one entity is 27.

This bill takes the cap off completely. My amendment says we will put a cap of 50 AM, 50 FM, a 150-percent increase, but do not take the cap off completely.

We should not concentrate media ownership in this country. It is not a healthy thing for the future of our country. I hope Members will resist the motion to table my amendment.

Mr. PRESSLER. Mr. President, I hope my colleagues will table this amendment. We voted on this last week in the leadership package, the Dole - Daschle - Pressler - Hollings package. We voted something like 78 to 8. This matter has been settled in this bill. It takes apart the leadership package. I urge everyone to table it. It is more regulation and I ask we proceed. I yield the remainder of my time.

The PRESIDING OFFICER. The question occurs on the motion to table amendment No. 1283 offered by the Senator from Illinois [Mr. SIMON]. The yeas and nays have been ordered.

The clerk will call the roll.

The bill clerk called the roll.

Mrs. KASSEBAUM (when her name was called). Present.

Mr. LOTT. I announce that the Senator from Utah [Mr. HATCH] is necessarily absent.

I further announce that, if present and voting, the Senator from Utah [Mr. HATCH] would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 64, nays 34, as follows:

[Rollcall Vote No. 265 Leg.]

YEAS—64

Abraham
Ashcroft
Baucus
Bennett
Bond
Breaux
Brown
Bryan
Burns
Campbell
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
Daschle
Dole
Domenici
Exon
Faircloth
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hatfield
Heflin
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Kempthorne
Kohl
Kyl
Lott
Lugar
Mack
McCain
McConnell
Moseley-Braun
Murkowski
Nickles
Nunn
Packwood
Pressler
Roth
Santorum
Shelby
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—34

Akaka
Biden
Bingaman
Boxer
Bradley
Bumpers
Byrd
Conrad
DeWine
Dodd
Dorgan
Feingold
Feinstein
Harkin
Helms
Johnston
Kennedy
Kerrey
Kerry
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moynihan
Murray
Pell
Pryor
Reid
Robb
Rockefeller
Sarbanes
Simon
Wellstone

ANSWERED "PRESENT"—1

Kassebaum

NOT VOTING—1

Hatch

So, the motion to lay on the table the amendment (No. 1283), as modified, was agreed to.

Mr. PRESSLER. Mr. President, I move to reconsider the vote by which the motion was agreed to.

I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1298

Mr. PRESSLER. Mr. President, I move to table amendment No. 1298, and I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. ABRAHAM). Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Under the order, there are 2 minutes equally divided between the proponents and the opponents of the amendment.

The Senator from Connecticut.

Mr. LIEBERMAN. I thank the Chair.

I rise to speak against the motion to table. I ask my colleagues to listen for these 60 seconds.

I usually do not make predictions on the floor of the Senate. But based on my experience in cable consumer protection for more than a decade, I will predict to my colleagues that, if this bill passes unamended, most American cable consumers will see significant rate increases in the next couple of years. These rate increases are not necessary. In 1984, Congress removed regulation from cable consumers. It was a disaster. Rates skyrocketed.

In 1992, on a bipartisan basis, we came back and put in reasonable consumer protections, and they have worked brilliantly. Rates are down 11 percent, and the cable companies are thriving, with the highest profit margins in the telecommunications industry, and with a great ability to continue to raise capital. There is no reason to remove the protections that cable consumers have in this bill.

My amendment simply restores a standard of the marketplace saying that no cable company will be regulated unless it charges more than the average in markets where there is effective competition.

This amendment is not perfect, but it is all that stands between our constituents and significant cable rate increases every month for the next several years.

I thank the Chair.

Mr. PRESSLER. Mr. President, I ask my colleagues to table this amendment. This amendment is undoing the leadership package, the Dole-Daschle package, which we voted on already. The Dole-Daschle package and the committee bill will increase competition and will cause consumer rates on cable to go down as more entrants enter the market.

I urge that we table this amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from South Dakota to lay on the table the amendment of the Senator from Connecticut. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MACK (when his name was called). Present.

Mr. LOTT. I announce that the Senator from Utah [Mr. HATCH] is necessarily absent.

I further announce that, if present and voting, the Senator from Utah [Mr. HATCH] would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 67, nays 31, as follows:

[Rollcall Vote No. 266 Leg.]

YEAS—67

Abraham
Akaka
Ashcroft
Baucus
Bennett
Bond
Breaux
Brown
Bryan
Burns
Campbell
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
Daschle
DeWine
Dole
Domenici
Dorgan
Faircloth
Ford
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Harkin
Hatfield
Heflin
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Kassebaum
Kempthorne
Kerrey
Kerry
Kyl
Lott
Lugar
McCain
McConnell
Moseley-Braun
Murkowski
Nickles
Nunn
Packwood
Pressler
Reid
Robb
Roth
Santorum
Shelby
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—31

Biden
Bingaman
Boxer
Bradley
Bumpers
Byrd
Conrad
Dodd
Exon
Feingold
Feinstein
Glenn
Graham
Helms
Johnston
Kennedy
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moynihan
Murray
Pell
Pryor
Rockefeller
Sarbanes
Simon
Simpson
Wellstone

ANSWERED "PRESENT"—1

Mack

NOT VOTING—1

Hatch

So the motion to lay on the table the amendment (No. 1298) was agreed to.

Mr. HOLLINGS. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

AMENDMENT NO. 1303

Mr. STEVENS. Mr. President, the next item to be taken up is my amendment No. 1303, which I have offered along with my good friends, the Senator from Hawaii, Senator INOUYE, and the Senator from New York, Senator D'AMATO.

This amendment would clarify the resale provisions of section 255 by requiring the Bell companies to make resale service available at prices reflecting the actual cost of providing those services or functions to another carrier.

The amendment seeks to carry out and really clarify the delicate balance of the bill. It really is just that, an amendment to clarify the relationship of sections 251 and 255. I do believe, however, that we have developed a situation where there is a misunderstanding about the actual terms of my amendment.

I might state that when I offered it, I thought it was an amendment that had support. I offered it along with a series of other amendments. As the Senate realizes, all of those amendments have been accepted by agreement. There has been no dissension concerning them.

I feel it essential this amendment have further study in order that it will maintain the delicate balance that this bill requires. I will be a conferee on this bill, and it is my intention to make certain that this subject is called up in the conference.

Any amendment clarifying these two provisions would be within the scope of the conference, in my opinion, and it is my intention to ask that this amendment be withdrawn at this time.

I want my friend from Hawaii to have a chance to make a comment about this before I do, however, because I want to make sure everyone understands that we are not abandoning this subject, we are going to postpone it to the conference in the hope that we will be able to work out an amendment there which will have the same success as the other amendments we have worked on so long, which have been adopted by unanimous consent.

I yield to my friend from Hawaii.

Mr. INOUYE addressed the Chair.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, I wish to join my colleague from Alaska in assuring all those who support the measure that it is not our intention to let it die at this stage. We will most certainly, as conferees, insist that this matter be discussed and, hopefully, we will be able to convince our colleagues in the House and the Senate to adopt it.

So, reluctantly but I believe necessarily, I will concur with the action that is about to take place.

Mr. PRESSLER addressed the Chair.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. PRESSLER. Mr. President, I want to pay tribute to the two Senators from Alaska and Hawaii. They are two giants of the Senate and giants in our committee. They will both be conferees. They have provided enormous leadership.

We just feel, at this time, that we have carefully crafted an agreement, and the checklist, and so forth, might come apart. So we have decided to delay this discussion until conference. I want to pay tribute to both of them being willing to help move this bill forward. I thank them very much.

Mr. DOLE. Let me concur in the statement made by the manager. This is a controversial area. I think the managers have indicated they are both going to be conferees. It will be considered at that time, and it is within the scope of the conference. There is a disagreement, but this may help solve it. I thank my colleagues.

Mr. STEVENS. Mr. President, I ask unanimous consent that we may withdraw amendment 1303.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the amendment (No. 1303) was withdrawn.

AMENDMENT NO. 1292

The PRESIDING OFFICER. The pending question is amendment No. 1292, offered by the Senator from West Virginia [Mr. ROCKEFELLER].

Mr. HOLLINGS. On behalf of the distinguished Senator from West Virginia, Senator ROCKEFELLER, I ask unanimous consent that the amendment be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the amendment (No. 1292) was withdrawn.

AMENDMENT NO. 1341

The PRESIDING OFFICER. The pending question now is amendment No. 1341, offered by the Senator from South Dakota, Senator PRESSLER, for the majority leader.

Mr. HOLLINGS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PRESSLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRESSLER. Mr. President, I hope we can turn now to the Heflin amendment.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the pending Dole amendment be set aside so we can bring up the Heflin amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1367

Mr. HEFLIN. Mr. President, I believe this has been cleared by both sides. This deals with amendment 1367, which I previously sent to the desk.

This deals primarily with a rule, in urban areas, where there is a small town that has a limited number within the incorporated area or the urbanized area, and has a high percentage of customers in rural areas.

It is a unique situation in regard to cable systems that have gone out beyond the incorporated limits, and they have sold to customers there. That is a pretty expensive type of thing.

When they go out, there is not the density on the lines that you have in the city. In rural areas, you might have one customer per mile, and in the cities you may have 1,200 customers to a mile, or 1,000 customers to a mile.

This sort of takes care of a situation for rural areas. It affects those where I believe there are no more than 20,000 subscribers, and a high percentage is in urban areas. I move the adoption of this amendment.

Cable systems with less than 20,000 subscribers are extremely concerned that they will be unable to compete with the telephone companies once they enter the cable business, a very legitimate concern. Because of the very real possibility that they will be run over by their local telephone company if the only option is to compete head-to-head, small cable systems would like to have the option to form a joint venture with their local telephone company or to be acquired by their local telephone company.

The bill as it is currently written would disallow small cable systems in urbanized areas to form joint ventures or to be acquired by their local telephone company. Due to the broad definition of an urbanized area, many small cable systems serving very rural areas will be ineligible to form a joint venture or to be acquired by their local telephone company because they technically fall within the definition of an urbanized area.

My amendment would allow cable systems in an urbanized area that serve a significant number of subscribers in nonurbanized areas to be eligible to participate in joint ventures or to be acquired.

These small cable operators serving a significant number of rural subscribers but who are swept into the urbanized area definition should be given the option of forming joint ventures or of selling to their local telephone company. Without these options, S. 652 could well force many of them out of business.

Mr. PRESSLER. Mr. President, I want to commend the Senator from Alabama. I know he is leaving the Senate next year. We will miss him.

This is a good amendment. We agree to it. I think it will help smaller cities in rural areas. We are prepared to pass the amendment. I move we adopt the amendment. I congratulate my friend.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1367) was agreed to.

Mr. HEFLIN. I move to reconsider the vote.

Mr. PRESSLER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PRESSLER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I think one of the remaining two amendments is the amendment of the Senator from Kansas.

The PRESIDING OFFICER. That is correct. That is the pending question.

AMENDMENT NO. 1341

Mr. DOLE. Mr. President, let me state very simply the purpose of this amendment. I do not know anything about all the Time Warner material. It has nothing to do with this amendment. I heard the Senator from Nebraska. I thought we would be able to accept this amendment, but I understand he has a problem with it.

As I understand it, not being a member of the committee, the current bill is tantamount to Government price-setting in the programming market. The language in the bill would remove programmers from taking advantage of universally accepted marketing practices such as volume discounts.

It seems to me all I am doing is to strike out this section. It strikes a provision of the bill that would have the effect of regulating the prices paid by small cable TV companies for programming. And the intent of the provision was to crack down on those programmers who were gouging small operators. But, unfortunately, it also impacts on good programmers who did not engage in the price-gouging effort.

Finally, small cable TV companies have now negotiated good contracts. I have a letter from the National Cable Television Cooperative, Inc., and also a letter from Turner Broadcasting, which suggests that Discovery Communications, Black Entertainment Television, and Turner Broadcasting support my motion to strike section 204(b). They set forth the reasons:

> Although described as a "small cable operator" amendment, section 204(b) would effectively entitle every cable operator to the price charged to the largest cable operator. . . .

Which was never the intent. So we were just going to take it out. They have now negotiated good contracts.

I also include the letter from Turner Broadcasting and the letter from the National Cable Television Cooperative. Let me quote a part of that.

> We are pleased to report that the National Cable Television Cooperative has reached agreements with Time Warner's Home Box Office Unit, Showtime Network, Inc.'s Showtime and the Movie Channel Services, and Viacom's MTV Network Services. . . . As a result of this important change in circumstances, we no longer believe that the changes to the program access provisions of the Cable Act proposed in Sec. 204(b) of S. 652 are necessary, and we can accept the removal of those provisions from the bill.

I know the Senator from Nebraska brought in a lot of material on Time Warner. I do not have anything to do with that. I do not know anything about Time Warner. I mentioned their name myself a couple of weeks ago in Hollywood. So I do not have a dog in that fight. I do not understand what it is all about.

All I am doing is striking out a section that is no longer necessary, and it is supported, as I said, by Discovery Channel, Black Entertainment Television, Turner Broadcasting, National Cable Television Cooperative.

I will yield the remainder of my time. There may be time in opposition.

Mr. President, I ask unanimous consent the two letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

NATIONAL CABLE TELEVISION
COOPERATIVE, INC.,
Lenexa, KS, June 15, 1995.

Hon. LARRY PRESSLER,
U.S. Senate, Chairman, Committee on Commerce, Science and Transportation, Washington, DC.

DEAR CHAIRMAN PRESSLER: We are pleased to report that the National Cable Television Cooperative has reached agreements with Time Warner's Home Box Office Unit, Showtime Network, Inc.'s Showtime and the Movie Channel Services, and Viacom's MTV Network Services (MTV, VH1, and Nickelodeon). As a result of this important change in circumstances, we no longer believe that the changes to the program access provisions of the Cable Act proposed in Sec. 204(b) of S. 652 are necessary, and we can accept the removal of those provisions from the bill.

As you know, other conflicts remain. Despite repeated attempts by the Cooperative, we have failed to conclude master affiliate agreements with many non-vertically-integrated networks which are exempt from existing law.

For example, we were recently notified by Group W of their intent not to renew our long-standing contract for Country Music Television. (Originally negotiated by NCTC with CMT's former owners in 1989, prior to CMT's purchase by Group W/Gaylord). Group W has also steadfastly refused to conclude a contract with us for The Nashville Network. The most difficult of many other examples we could cite would be that of ESPN.

Please accept our deepest appreciation for lending your support and good offices to bringing about a resolution of this matter which we believe is mutually beneficial to all parties.

Sincerely,
MICHAEL L. PANDZIK,
President.

TURNER BROADCASTING SYSTEM,
INC., WASHINGTON CORPORATE OFFICE,
Washington, DC, June 14, 1995.

Hon. ROBERT DOLE,
Hart Senate Office Building, Washington, DC.

DEAR SENATOR DOLE: I am writing on behalf of Discovery Communications, Black Entertainment Television and Turner Broadcasting System, Inc., to support your motion to strike section 204(b) of S. 652, the "Telecommunications Competition and Deregulation Act of 1995."

Section 204(b) would remove the words "legitimate economic benefits" from current law, thereby outlawing the volume discounts charged by certain programmers (those with 5% co-ownership with cable systems) even where the volume discounts are economically justified.

Although described as a "small cable operator" amendment, section 204(b) would effectively entitle every cable operator to the prices charged to the largest cable operator, working substantial economic harm to the affected networks. Moreover, since section 204(b) applies only to some and not all programmers, it would have a very unfair competitive impact.

We deeply appreciate your efforts to correct this problem with the bill.

Sincerely,
BERTRAM W. CARP,
Vice President, Government Affairs.

Mr. DOLE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. Mr. President, I thought the time was limited. I understand the time is not limited on this amendment.

I would simply say, with respect to the merits, that programmers give big cable operators the volume discounts and not to the small cable operators. So, in trying to provide for that universal service and to make sure that it is extended, particularly to the high-cost and rural areas, the provision in the bill is that the small cable operators get the similar discounts.

With the Dole amendment, that would be removed. There would be high-volume discounts to the big cities, let us say, and higher costs thereby and a diminution of universal service to the rural areas of America.

So, this side would oppose the amendment on the merit itself. There is some question in this Senator's mind, without seeing anything further, on how this amendment came to the floor. With that in mind, let me yield to my colleagues who have come.

I understand the distinguished Senator from Iowa wants to talk as in morning business while we are waiting.

Mr. PRESSLER. Mr. President, could I just make a statement on the program access issue?

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. PRESSLER. Mr. President, I rise in strong support of the Dole amendment. Coming from a rural, small-city State, I have long been concerned with program access. In fact, in the 1992 cable bill, my main reason for supporting it was not the pricing side so much as the program access side. It is a controversial thing, but I think the pricing side of it was a mistake but the program access side was a necessary thing.

To understand this amendment, or this issue, remember that program access is not something that everybody has. I remember one of our REA's, which transmit TV signals by microwave, wanted to get ESPN on their channel and they could not even get ESPN to return a phone call because they were too small. So there was a need for program access. And this amendment is continuing in that tradition. So this is a subject that all of us have worked on for years.

The program access portions, I think, of that act have worked at least to help the smaller cities and to help the rural areas where they transmitted by microwave from one farm to the next where it is too expensive for cable lines to run. Nobody will sell those people programming because it is not worth it financially. There are myriad interests concerned with this issue. I know the Black Entertainment Network has endorsed this amendment for the same reason, that they are very much in need of program access.

There has been much discussion over the program access provisions contained in S. 652. From the beginning of this process, I wanted to deal with the problem which many small operators have faced in being charged higher rates for programming. S. 652's program access provision is important to small cable operators, especially those in South Dakota. Program providers strongly object to this provision. I suggested to the program providers that they work with the small cable operators to seek an industry agreement which could make a legislated solution unnecessary. The president of the National Cable Television Cooperative, Michael Pandzik, the organization that purchases programming on behalf of the small cable operators, wrote to me that the cooperative has reached agreement on the small cable rates on programs from the major vertically integrated entertainment companies. As a result, I support the amendment by Senator DOLE to strike the program access language change in S. 652.

The PRESIDING OFFICER. The question is on the amendment.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Will the Chair advise the Senator from Nebraska what is the pending matter before the Senate?

The PRESIDING OFFICER. The pending matter before the Senate is amendment No. 1341, offered by the Senator from South Dakota for the majority leader.

Mr. EXON. I thank the Chair. This is the amendment I had discussed earlier in the day. As I understand it, the Senator from South Dakota is recommending and has introduced this amendment for the majority leader, notwithstanding the discussions that we had earlier in the day on this specific matter?

Mr. PRESSLER. I am sorry, would my friend——

Mr. EXON. I simply say I want to understand what is being proposed. Do I understand the Senator from South Dakota is offering the amendment for the majority leader?

Mr. PRESSLER. The majority leader offered it for himself and spoke for it.

Mr. EXON. Now you are calling it up for a vote, is that correct?

Mr. PRESSLER. Yes, if the Senator from Nebraska wishes.

Mr. EXON. No, it is fine to have the vote. I am not going to object to that. There is no way I can object to a vote.

I would simply say to my friend from South Dakota, is he, as the leader of the bill, recommending that the Senate vote for the Dole amendment?

Mr. PRESSLER. Yes, I am. I have a long tradition of support for program access. I voted for the 1992 cable bill mainly because of program access issues. Yes, I am recommending that.

Mr. EXON. I would simply say, I think the Senator from South Dakota knows this Senator came to the defense of my friend and colleague from South Dakota earlier because of what I thought was terrible precedent setting with regard to the letters that had been distributed, apologies given on this whole matter.

Notwithstanding the serious objection that the Senator from South Dakota, I thought, had with regard to the lobbying activities that took part on this, notwithstanding that, am I to understand the Senator from South Dakota is still going to support the measure?

Mr. PRESSLER. Yes. I have stated my views in my letter. But the underlying substance of this amendment I support.

Mr. EXON. Is the Senator saying that while he objects to the way this matter has been handled, the end result, in his opinion, is that it is good for rural areas with regard to receiving television material?

Mr. PRESSLER. Yes. I gave an example when the Senator was not here of some of my rural telephone co-ops having difficulty getting ESPN. We had to get the Vice President out there. My reason for supporting the 1992 Cable Act was program access. The substance of the amendment is good for the country, I believe. It is very much in keeping with that.

I wrote a letter back to Time Warner regarding that matter and have placed it in the CONGRESSIONAL RECORD. They wrote me a letter back. The National Cable Television Cooperative group supports it very strongly. I have a letter from them. I cited this earlier.

> We are pleased to report that the National Cable Television Cooperative has reached agreements with Time Warner's Home Box Office Unit, Showtime Network, Inc.'s Showtime and the Movie Channel Services, and Viacom's MTV Network Services (MTV, VH1, and Nickelodeon). As a result of this important change in circumstances, we no longer believe that the changes to the program access provisions of the Cable Act proposed in Sec. 204(b) of S. 652 are necessary, and we can accept the removal of those provisions from the bill.
>
> As you know, other conflicts remain. Despite repeated attempts by the Cooperative, we have failed to conclude master affiliate agreements with many non-vertically-integrated networks which are exempt from existing law.
>
> For example, we were recently notified by Group W of their intent not to renew our long-standing contract for Country Music Television. (Originally negotiated by NCTC with CMT's former owners in 1989, prior to CMT's purchase by Group W/Gaylord). Group W has also steadfastly refused to conclude a contract with us for The Nashville Network. The most difficult of many other examples we could cite would be that of ESPN.

So, in any event, I think we are all aware of these problems. I support the substance of the amendment. I disagree with the way Time Warner dealt with that particular letter. I wrote them a strong letter back, and they wrote me a letter stating my letter was absolutely accurate, and they apologized.

Mr. EXON. Just so that I understand this, I would like to have my colleague from South Dakota explain a little bit more. As I understand it, Time Warner and all these other good folks that control massive sections of our entertainment industry were not treating the small cable owners in South Dakota and elsewhere fairly, in the opinion of the Senator from South Dakota and the Senator from Nebraska and the Senator from South Carolina, the ranking Democrat on the Commerce Committee.

Therefore, we wrote into the telecommunications bill that was reported out of committee language that would have required Time Warner and all these other good folks, who were very much concerned about the public interest and public access, and not interested in making money—we wrote that in there to try to force them to treat the subscribers to cable in South Dakota and elsewhere fairly.

Is that accurate? Is that an accurate reflection of what I thought we did in committee?

Mr. PRESSLER. I believe that the legislative process here, as it moves forward, is trying to be fair, and different Senators have different points of view. Senator DOLE has brought his amendment forth and has spoken on it, having made the arguments for it. I think the Senator's comments are most welcome.

I have a long record of fighting hard for program access. The Black Entertainment Network has endorsed this effort by Senator DOLE. I think it is a very good effort.

Mr. EXON. Is it fair to assume that, in the opinion of the Senator from South Dakota, Time Warner and all these good folks would not have made this arrangement at this very late hour had it not been for the actions that we in the Commerce Committee took to address some things that were going on with regard to the way Time Warner and others treated rural areas? Is it safe to assume, in the opinion of the Senator from South Dakota, that this grand compromise at the last minute would not have been reached had we not taken the action that we did in the Commerce Committee on the telecommunications bill?

Mr. PRESSLER. It is hard to say. But let me say that I have for years fought hard for program access for smaller cable people, for our rural people, and there is an understanding with the president of South Dakota East River Electric. We could not get ESPN even to return our calls. Finally, we called the head personnel up in New York and they sent a person out, and ultimately Time Warner may be responding to that.

The point is that there is a constant battle, trying to balance between price and program access. The same thing happened when Hubbard put up his satellite, DBS. He had a hard time getting program access.

All of us on the Commerce Committee, including the Senator from Nebraska, I am sure, and others, worked on this. That is a key part. Program access is a key part of this whole business. That is what we are working on.

Mr. EXON. So the Senator from South Dakota cannot confirm my suspicion that the grand compromise being offered by the Dole amendment would not likely have taken place had we not acted in the committee.

Mr. PRESSLER. The Senator from Nebraska will have to reach his conclusions. Obviously, he has reached some. If an intraindustry solution can be reached, a legislative mandate is not necessary. The NCTC has negotiated for small cable, and those intraindustry negotiations will undoubtedly continue.

We can reserve the opportunity to restore this language if the programmers of small cable cannot reach an accommodation in conference. My friend from Nebraska will no doubt be in that conference. So we welcome him.

Mr. EXON. I simply say that I will not take any more time on this. There will be others who may want to speak on it.

I happen to think this whole proposition is a pretty sorry mess. It seems to me that if we approve the Dole amendment, which Time Warner and others would like to have, we would simply be saying, regardless of your improper activities, regardless of the letters that you wrote within the last few days, which I thought was unfair to the Senator from South Dakota and others, and certainly unfair to the processes and workings, legitimate processes and workings, of the U.S. Senate, then I think it would be entirely proper to vote for the Dole amendment.

On the other hand, if you feel as I do that this is kind of a blot on the U.S.

Senate, and that if we vote for the Dole amendment we are just going to be saying to Time Warner and others to come in with your strong-arm lobbying, come in with your accusations in the form of letters about Senator PRESSLER and others, but we are all going to have one happy ending here now, because we have gotten together in a grand compromise and, therefore, this is a good for everyone.

The fact that Time Warner, in my opinion, has taken hostages through the small cable operators that you in South Dakota and myself in Nebraska, and my colleague from Nebraska, Senator KERREY, have tried to protect, it seems to me that we in the Senate, if we adopt this amendment, are winking and saying: You should not have done that, but you are going to get what you want in the end anyway.

I urge rejection of the Dole amendment.

Mr. HOLLINGS. Mr. President, let me join in the sentiment of the Senator from Nebraska. And to elaborate on my previous remark, I just quietly said it disturbed me—the process by which this particular amendment has reached consideration in the U.S. Senate. I figured, as the expression was used earlier, that I did not have a dog in the fight because I had been shown a letter to the Honorable LARRY PRESSLER, the chairman, dated June 13, which has already been included in the RECORD.

I will let my previous remarks be sufficient except that now I am shown another letter that is signed by Timothy Boggs, talking of the agreement. That letter, being dated June 13, says:

> As you requested, the attached signature page confirms that Home Box Office has reached an agreement with the National Cable Television Cooperative, Inc. for HBO programming. As discussed with you and your staff, this agreement is entirely contingent on the removal of the program access provisions at Section 204(b) of S. 652, prior to Senate action on the legislation.
>
> Without the removal of this provision from the bill, the HBO distribution agreement with NCTC would be void.

I had nothing to do with it, and nothing was addressed to me. I have now sent the staff to look, because these things surface.

I have been given another letter, dated June 13, 1995, signed by Mr. Mark M. Weinstein, with a copy to Senator BOB DOLE and Senator ERNEST F. HOLLINGS. I ask unanimous consent that the letter in its entirety be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

> VIACOM, INC.,
> *New York, NY, June 13, 1995.*
>
> Hon. LARRY PRESSLER,
> *U.S. Senate, Senate Russell Office Building, Washington, DC.*
>
> DEAR MR. CHAIRMAN: As you know, at your request, Showtime Networks Inc., a cable programming division of Viacom, has been negotiating in good faith with the National Cable Television Cooperative (NCTC) to reach an agreement regarding carriage of its cable programming services.
>
> We are pleased to report that we have reached an agreement between NCTC and Showtime for carriage of our premium cable services. NCTC also requested, just recently, that MTV Networks (MTVN) begin discussions over the basic cable services. Accordingly, MTVN has been negotiating in good faith with NCTC over carriage of the basic cable services. We are committed to continuing to negotiate and hope to reach an MTVN agreement in the near future.
>
> We ask for your support in ensuring the adoption of an amendment deleting the volume discount language in S. 652, as previously agreed. Thank you for your assistance in this matter.
>
> Sincerely,
>
> MARK M. WEINSTEIN,
> *Senior Vice President.*

Mr. HOLLINGS. I will read that to make certain that my comments are right to the point. This is to Chairman PRESSLER.

> Dear Mr. Chairman: As you know, at your request, Showtime Networks, a cable programming division of Viacom, has been negotiating in good faith with the National Cable Television Cooperative to reach an agreement regarding carriage of its cable programming services.
>
> We are pleased to report that we have reached an agreement between NCTC and Showtime for carriage of our premium cable services. NCTC also requested just recently MTV Networks, MTVN, begin discussions over the basic cable services. Accordingly, MTVN has been negotiating in good faith with NCTC over carriage of the basic cable services. We are committed to continuing to negotiate and hope to reach an MTVN agreement in the near future.
>
> We ask for your support in ensuring the adoption of an amendment deleting the volume discount language in S. 652 as previously agreed. Thank you for your assistance in this matter.

Now, it is incumbent on me, Mr. President, and my dear colleagues of the Senate, I can tell you here and now "as previously agreed," by Mark M. Weinstein—he signs the letter—I can tell you I do not know the gentleman. I have never seen and have never spoken with him. And I have checked with my staff, and we have not had this letter or anything else, have we?

It could be that this has been faxed. We are searching the records now because we have been in the Chamber for a week.

Mr. PRESSLER. If my good friend will yield for a minute.

Mr. HOLLINGS. Yes.

Mr. PRESSLER. As my friend knows, when I discovered that same language in the Time Warner letter, I requested immediately a correction. I wrote a two-page letter, and they sent me not only a correction but an apology. I think I can obtain the same thing from these folks very quickly, because that is not true.

Mr. HOLLINGS. I understand so. The distinguished chairman is absolutely correct. And I think his letters have been made a part of the RECORD showing that he had nothing to do with it. The inference is not by the Senator from South Carolina that the Senator from South Dakota was in any way engaged in this kind of shenanigan. I can tell you here and now the Senate is going to operate not only with the correction but with the appearance of correct conduct here.

I just did not want this to pass. I would have hoped that this amendment would have not been pursued on the basis of its merits, and I hope it will be defeated on the basis of the process so that everyone knows you cannot deal this way and get your amendments passed. I just think this reflects on the Senate. I agree with the Senator from Nebraska. And since my name is on the Weinstein letter and the first I have seen it is here this morning, I wanted to make that record absolutely clear. I hope we kill the amendment.

Mr. EXON. Will the Senator yield for a question?

Mr. HOLLINGS. I will be glad to yield for a question.

Mr. EXON. I would like to ask the managers of the bill, both my friend from South Carolina and my friend from South Dakota, about exactly what we are doing here.

As I understood the Senator from South Dakota, the chairman of the committee, he said that if we accept the Dole amendment, it will fix or cure the problem that we have with regard to availability for small cable operators to get certain types of program from the likes of those good folks, Time Warner and Viacom. Is that right?

Mr. HOLLINGS. No. If you are asking this Senator a question, I can tell you my judgment. If this change on the amendment is adopted, then the rates are bound to go up. The bill provides very properly that small and rural cable television operators get the volume discount.

Now, what they want to say is, no, that is going to be stricken, and they are not going to get these volume discounts. Obviously, the price is going up on these small entities, and that is going to destroy the universal service theme of our particular S. 652.

Mr. EXON. I would like to ask a reply to my question from the Senator from South Dakota.

Did I understand the Senator from South Dakota to correctly say that if we pass the Dole amendment, it is the understanding of the Senator from South Dakota that we would fix or repair the essential problem that the Senator from South Dakota has recognized is an important player in including some protection for small cable operators in the measure that has passed out of his committee? Is the Senator saying he thinks that is repaired or fixed with the Dole amendment?

Mr. PRESSLER. Let me say that I think we should recognize that private agreements and private negotiations are underway, have been underway, and that is something that goes on in our country.

Let me say that I shall seek corrections on these other letters, just as I have received a strong correction from the first one.

Let me say that if these private negotiations break down or do not work—we are now in a situation where Black Entertainment Network, the small companies, and so forth, are endorsing these private negotiations. And certainly I prefer private negotiations to Government activity, and that has been something that has been a cornerstone. But I have long been a champion of program access for smaller cable owners, for REA's, and I will continue to be so.

Also, it is my general observation—by the way, I did not make any requests here of anybody, and we are sort of arguing on two levels here because I agree with the Senator from Nebraska that the letter sent me was incorrect. I requested that it be corrected, and it was instantly.

Mr. EXON. What I am trying to get at, though, Mr. President, it obviously is the Senator's feeling——

Mr. PRESSLER. If I may conclude, if my friend will yield.

Mr. EXON. I am sorry.

Mr. PRESSLER. Basically, I would prefer that these problems be settled in private negotiations as opposed to being legislated by this Senate all the time. But if they cannot be solved, we have the conference coming up. There are additional opportunities. I think at the moment the materials read by Senator DOLE and myself here indicate very clearly that there are various small companies ranging from the National Cable Television Cooperative onward that are supporting Senator DOLE's efforts.

That is where we stand presently.

Mr. EXON. Could I rephrase my question? I took it from the statements that the Senator from South Dakota just made that he is recommending we accept the Dole amendment because he believes, with the private negotiations that are going on, the Dole amendment would satisfy or solve the situation as of now, and that is why he has supported the Dole amendment. Is that a fair interpretation of what the Senator from South Dakota is saying?

Mr. PRESSLER. No, the Senator from South Dakota has his own reasons for supporting the Dole amendment. I am supporting the Dole amendment because we have private agreements that are working these problems out, because the small cable companies and many other entities such as Black Entertainment Network, have supported that concept, that is, as of this time.

If problems arise, if the private parties cannot work it out, then the Government should get involved. This is my opinion.

I ask my friend from Nebraska, is he opposed to these things being worked out privately?

Mr. EXON. No, I am not opposed to something being worked out privately at all, except that I am opposed to the concept that nothing privately is worked out until the last minute when changes are made, which leads me to my next question.

It seems to me that what we are seeing is that Viacom and Time Warner, and all those other public-minded folks, are now at the last minute offering to have private negotiations with some of the smaller cable operators that they were not willing to do previously.

Let me phrase the question this way: Why would it not be wise to leave the amendment as it came out of committee in place and not adopt the Dole amendment? Am I to understand that unless we adopt the Dole amendment under the pressure and under the unsavory acts that I think have taken place in the last few days, that unless we can accept the Dole amendment that negotiations will break down?

Mr. PRESSLER. I think the Senator from Nebraska is tying things together here more than I would, in the sense that if one group of lobbyists behaves in a certain way, that does not mean that the underlying substance is changed.

It is my strong feeling, and I have been on this same subject for years, that program access is a very important thing. Sometimes it is negotiated privately. For example, we have ESPN involved privately, without a law. I always prefer to do something in the free enterprise system privately than with a Government law, with a Government regulation. That is what we are talking about.

I do not know what more to say to the Senator from Nebraska, except that I feel that the Dole amendment is a very positive thing.

Mr. EXON. Just let me add, I could not disagree more with my friend and colleague from South Dakota. I happen to feel that we have a gun to our heads and probably a gun to the heads of the small cable operators, where all those good folks I mentioned before, Viacom and those other public-minded nonprofit operations, have a gun to the heads of the small cable operators and, as part of that, they are taking the United States hostage.

It seems to me——

Mr. PRESSLER. If the——

Mr. EXON. I have the floor. It seems to me it would be much better to leave the measure as it is in hand and let them continue their negotiations. I point out again that I think anyone who understands the process knows we would not have had the Dole amendment had we not had action taken by the Senator from South Dakota, myself and others that forced their hand. It seems to me that we have forced their hand to try and give the small cable operators a decent chance. Now they are coming to us saying, "We will give them the decent chance, maybe, if you don't pass the law." I think that is putting the cart before the horse, but I have nothing further to say on the matter at this time.

Mr. PRESSLER addressed the Chair.

The PRESIDING OFFICER (Mr. GRAMS). The Senator from South Dakota.

Mr. PRESSLER. Mr. President, I have the highest regard for my friend from Nebraska, and I have said so on this floor many times. He is a giant in this Senate and on our committee.

I was watching Harry Truman's life story on TV the other night on "Biography." He was trying to settle the rail strike, I believe. He was speaking to Congress with proposed legislation when one of his Secretaries handed him a note, and he said that the parties have privately begun to negotiate and are going to arrive at a private settlement and he withdrew his legislation, or he lessened his legislation.

Many criticized him. They said, "Well, Harry Truman is a little too flexible, he is not standing as he said he would."

I like to read about Harry Truman. I found this a very interesting episode. And I am certainly not comparing myself to Harry Truman. I think he was a man of enormous stature.

Analogously in the same case, private agreements are coming into place, and if we get letters from the various groups, small cable and Black Entertainment Television, and so forth, why would we have Government regulation at that point, just for the sake of having it? A lot of times parties negotiate, realizing that down the road if they do not, there is going to be a problem. Certainly, there is that interaction.

So, in conclusion, I say I have great regard for my friend from Nebraska, but I think we are talking about two separate things here. I strongly support the Dole amendment.

Mr. KERREY addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. Mr. President, I come to the floor this afternoon to speak and vote against the Telecommunications Competition and Deregulation Act of 1995. I am deeply disappointed that I am not able to speak and vote in favor of it. For the past 10 years, I have been arguing for a radical overhaul of our telecommunications laws. They have not been changed significantly in the past 60 years, a time of unprecedented, breathtaking and, for many of us, I must confess, nearly incomprehensible change in the technologies of communication.

The short description of what has happened in the past six decades since the 1934 Communications Act was passed is this: The need to continue monopoly franchises and the line of business restrictions has evaporated. The heat which turned the water of our law into steam is technology. Our laws have been overrun by changes in technology. Failure to acknowledge this and to liberate the businesses to compete has been detrimental to the consumer. Thus, the time for rewriting the people's law is long overdue.

However, Mr. President, technology does not have a vote, people do, and the American people have a love-hate relationship with technology. They love it when it entertains or amuses, but they hate it when amusement turns violent, pornographic or threatening.

They love it when they have the skills needed to survive the downsizing chain saw but hate it when a lifetime of dedication to doing a job well ends with a pink slip.

Not only do the American people have mixed feelings about technology, but the attitude of the people and the attitude of corporations toward technology is decidedly different.

Successful communication corporations must follow technology wherever it takes them. Successful communication corporations treat technology as if its status were somewhere between King and God. As people, we have learned the hard way that to worship technology is to select a graven image with a double-edge potential of doing grave harm and great good.

All of this is said, Mr. President, to put a brake on the wild and woolly expressions of enthusiasm for the glory of these new technologies. No doubt they can serve us well, no doubt they can expand our reach and improve our capacity to produce, to learn and to govern ourselves. However, there is also no doubt they can lead us astray if we do not think carefully about where we want to go.

We, the people, in our minds and our hearts, must drive these new technological wonders, or, most assuredly, they will drive us.

Regrettably, the rewriting of our law we have witnessed has created the perception that this was not paramount in our deliberation. Indeed, the amendment before us now reinforces that perception. The perception is that the law was not done for or by the people of the United States of America. The perception has been created that it was done by and for the telecommunications corporations of America. Rather than being a Contract With America, this legislation looks like a contract with corporations.

This is one reason Americans feel they have no power over their Government. Indeed, despite the scope of its impact on their lives, Americans neither asked for this bill, nor do many of them even know we engaged in this debate.

To be clear, I have nothing against corporations, or the people who temporarily run them. Indeed, most Americans work for a corporation. However, corporations—particularly public corporations—are not people. Incorporation is a charter granted by the people's laws to an organization, usually for the purpose of ensuring perpetual life and providing many of the beneficial powers of an individual, like entering into contracts, buying and selling property, while shielding the organizations from many of the detrimental liabilities of being an individual, such as conscience and public responsibility.

Public corporations provide first for shareowners and investors. If the analysts say that a CEO did the right thing by laying off 10,000 employees with no severance pay, health care, or retirement, then a CEO would be judged incompetent not to make this move. If plant closings and downsizing are judged to be sound business decisions, the market will bid up the value of the stock and the salary of the responsible CEO. If selling products that turn America into a society of efficient players of electronic games and selectors of video programs is good for business, then a corporate board would fire any CEO whose conscience interfered with the need to produce revenue.

This is not to say the managers of the leading telecommunications companies—who must be given credit for crafting and enacting this legislation—are heartless. They are not. This is not to say they are not concerned about the future of America or the quality of life in our country. They are. Nor does it mean that America does not benefit when tough-minded business executives make tough-minded business decisions. We do.

However, it is to say that we should take care when corporations appeal for changes in the law on eleemosynary grounds. When they tell us the new law is going to be good for America and American consumers, we should take care to remember who it is that butters their bread: their share owners. And we should take care and remember who butters ours: American consumers, citizens, and voters.

Over and over in this debate, we heard the phrase, "We have struck a delicate balance between the various corporate interests," used in defense of a specific provision. Over and over when changes were proposed which would have given consumers and citizens some protection, this "balancing of corporate concern" was raised as a barrier.

Regrettably, this has resulted in a law which will not guarantee that American households will have robust, competitive choices which would have ensured lower prices and higher quality. Regrettably, this law gives the power to those monopolies who already have the power to control the market and who will give consumers two choices: Take it or leave it.

The regret I feel is a child of lost opportunity. We have lost an opportunity to seize a three-part promise. The promise I see with the technologies of communication is to create jobs, improve the performance of America's students, and strengthen democracy by helping our citizens become better informed. And while this legislation will undoubtedly produce some gains in all three areas, narrow corporate concerns prevented us from doing all that was possible.

The regret I feel, as well, is also a consequence of believing that telecommunications is much more than just another business. Telecommunications defined is to communicate across a geographical space, across distances. Communication defined is one human being telling a story or delivering information to another. To communicate is to define what it means to be a human being.

We are not just deregulating another business with this law. We are deregulating businesses which have been granted the right to control what we read, hear, and see. They decide what is news and what stories are worth telling. When it comes to defining who we are as people, it is not an exaggeration to suggest that these businesses are as powerful an influence as parents or religious leaders or teachers.

What are the flaws of this bill which cause me to withhold an affirmative vote? The most important occurred before we started writing the legislation. The most important flaw was our attitude. We worried too much about liberating businesses and not enough about liberating people.

As a consequence, we made a crucial error when we wrote the law. The most important flaw is that we did not give the Antitrust Division of the U.S. Department of Justice a determinative role in ensuring that robust competition occurs at the local level before allowing the monopoly to enter other lines of businesses. Competitive choice means that households have the power to tell a company they do not like the price or quality of the service. Consumers must be able to buy from someone else before they have real power over the seller.

Substituting a checklist for the Antitrust Division of the Department of Justice is not an equal trade. A corporation could easily satisfy the checklist without giving the consumer competitive choice. And without competitive choice, this law will concentrate power away from the consumer.

Last year, under the leadership of Senator HOLLINGS of South Carolina, the Senate Commerce Committee reported a bill I could have supported. All but two members of the committee voted for a bill which gave the Department of Justice this determinative role. Unfortunately, in the distance and time traveled from November 8, 1994, to June 15, 1995, the law was changed, and I can no longer support it.

Why is it so important, Mr. President, to American consumers to have the Department of Justice with a determinative role? The answer can be found by following one of the most frequently used arguments in support of this bill: Consumers benefited when AT&T was forced to compete in 1982. Well, guess who was responsible for forcing them to compete? Was it the Congress? Was it the Federal Communications Commission?

Listening to the arguments against the Department of Justice role, or looking at the law itself, you might assume that the answer would be that Congress or the FCC made them compete. If you did, Mr. President, you would be wrong. It was the Antitrust Division of the Department of Justice that sued AT&T. It was the Antitrust Division of the Department of Justice that forced AT&T to compete. It was the Antitrust Division of the Department of Justice that should be given credit by consumers for the lower prices and higher quality service in long distance.

Neither Congress nor the Federal Communications Commission had the guts or the power to take on AT&T. So I guess it should not be surprising that under the banner of competition and deregulation, we pass a law that perpetuates the power of the monopolies.

Mr. President, this legislation is not without merit. It will help America's schools and America's school children take advantage of the technologies information age by ensuring affordable infrastructure, connectivity, and rates. It does preserve the goal of universal service for all of America's communities. It does encourage some competition by smaller carriers at the local level through joint marketing, a strong section favoring network interoperability and good interconnection and unbundling requirements in section 251.

It contains strengthened provisions for rural customers: Comparable services at comparable rates; geographic toll rate averaging; evolving national definition of universal service; support for essential telecommunications providers; waivers and modifications of interconnection requirements for rural telephone companies, and infrastructure sharing.

We fought for and succeeded in including in the law some protections for consumers including the prohibition of cable/telco joint ventures and buyouts except in rural markets of 50,000 or less, allowing State regulators to consider profits of telephone companies when using rate regulation methods other than rate of return, ensuring that price flexibility should not be used to allow revenues from noncompetitive services to subsidize competitive services, and protecting ratepayers from paying civil penalties, damages, or interest for violations by local exchange carriers.

With all of these good things, Mr. President, I regret the absence of a Department of Justice determinative role all the more. With the Department of Justice ensuring competition, consumers would not have to doubt that they would have a courageous, procompetitive Federal force on their side. Without it, we must trust that the corporations will do the right thing.

Mr. President, this legislation burdens trust too much. Ultimately this bill is about power. The bottom line is that in this case, corporations have it and consumers do not. Accordingly, I must vote "no".

Some things have been said in the heat of debate about the Department of Justice and the Antitrust Division that just are not true, and I would like to take this opportunity to correct the record.

For example, it has been said that the Antitrust Division has 800 or 900 attorneys. It has been said that it has several hundred lawyers acting as regulators. The fact is that the Antitrust Division had 323 attorneys total—to carry out all of its responsibilities—at the end of fiscal year 1994. This number is about 30 percent lower than the number of attorneys the Antitrust Division had in 1980 and is about equal to the number that it had more than 20 years ago during the Nixon administration, when the economy was much smaller, less global and less complex and when antitrust enforcement was less challenging.

When we talk about growth of bureaucracy, we certainly cannot reasonably mean the Antitrust Division. The Antitrust Division has for years been doing what we now ask of all Government agencies—carrying out vital missions more effectively, more efficiently and with fewer resources. With its relatively limited number of attorneys, the Antitrust Division has pursued vigorously criminal enforcement of the antitrust laws, a strong merger review program, civil antitrust enforcement and all of its other responsibilities.

It has been said that DOJ has failed to comply with a court order to review MFJ waiver requests within 30 days. The fact is that Judge Greene in 1984 issued instructions regarding how DOJ should handle specified waivers then pending and established a schedule under which DOJ had 30 days to handle those specific waivers. Those waivers, incidentally, were far less complex and sensitive than the waivers pending today. DOJ complied with that order and has fully complied with all schedules set by Judge Greene.

It has been said that DOJ has refused to conduct triennial reviews. In 1989, while the appeal of the first triennial review was still pending—it would not be finally resolved until 1992—Judge Greene gave DOJ complete discretion whether and when to file any subsequent triennial reviews.

He noted that the need for triennial reviews was not as great as had been anticipated when originally conceived. As it turned out, Judge Greene observed, there had been "a process of almost continuous review generated by an incessant stream of regional company motions and requests dealing with all aspects of the line of business restrictions." United States versus Western Electric Co., slip op. at 1, July 17, 1989, [emphasis added]. Judge Greene pointed out that he had "repeatedly considered broad issues regarding information services, manufacturing, and even long distance." Id. He explained that "as soon as there is a change, real or imaginary, in the industry or the markets, motions are filed and all aspects of the issue are reviewed in dozens of briefs." Id. at n.2. Further triennial reviews thus would have been duplicative of work that was already being done.

Judge Greene's observations are still valid. Over the life of the MFJ, incredible as it sounds, the Bell companies have filed an average of one waiver request every 2 weeks. They have buried the Department of Justice in an avalanche of paper—something never expected when the MFJ was entered. Now, some say they are "shocked, shocked" that the Bells do not expeditiously receive the approval they claim their requests merit.

And in fact, what amounts to a triennial review is underway right now, as DOJ investigates a motion pursued by three Bell companies to vacate the entire decree without any of the safeguards in S. 652, even in States where local competition is still illegal. This investigation will be completed in the next few months, with a report that will provide a comprehensive review of the need for continuing the line of business restrictions.

It has been said that the Bell companies' so-called generic request—that is, a consolidated request joined by all the Bell companies—for a wireless waiver is still awaiting action. In fact, Judge Greene has approved that request.

A colleague referred to that wireless waiver as simple. It was not. The initial request was very broad. It attracted a tremendous amount of comment and concern at the outset and each time it changed substantially. And change it did—it went from a very broad waiver to one carefully tailored and conditioned to protect competition. The long distance companies and the Bell companies disagreed with DOJ's ultimate recommendation to Judge Greene. That is not unusual. But Judge Greene adopted most of the provisions that DOJ recommended. DOJ exercises its responsibility by doing what is best for competition, not what one industry or another prefers.

It has been said that DOJ has not acted on a request for a waiver that would allow the Bell companies to offer long distance service in connection with information services. In fact, DOJ has recommended to Judge Greene that he approve the request, as modified after extensive negotiations between DOJ and the Bell companies.

The case of the information services waiver illustrates how any purported delay in resolving waiver requests relates to the overbreadth of the original Bell companies' requests. Much of the time between the filing of the initial waiver and DOJ's recommendation in favor of a heavily modified waiver occurred after DOJ rendered a decision based on the original waiver and informed the Bell companies that it would not support the waiver.

The details of the information services case are worth recounting at some length, because they belie some of the charges that have been leveled over the past several days.

In 1987, DOJ asked Judge Greene to eliminate the restriction on the Bell companies' provision of information services. DOJ did so over intense opposition from the information services industry, because of DOJ's conclusion that eliminating the restriction would promote competition in the information services market. But DOJ's focus was on competition and consumers. DOJ was not trying to protect vested industry interests or some role as a regulator. DOJ's position was initially rejected by Judge Greene, but after a reversal and remand by the Court of Appeals, the information services restriction was removed in 1992.

While seeking to lift the information services restriction, DOJ did not support authorizing the Bell companies to bundle interexchange service with their information services. The reason for this is that there is no clear distinction between information services and conventional telephone services. The FCC has been struggling for nearly two decades to define and enforce such a distinction in its Computer I, Computer II, and Computer III proceedings, which have tried to distinguish between basic services—including interexchange voice services—which are regulated, and enhanced services—or information services—which are unregulated. This has been one of the most prolonged and difficult proceedings in the history of the FCC.

Because there is no clear distinction between information services and basic services, a decision to allow the Bell companies to bundle interexchange services would substantially eliminate the core MFJ prohibition against their provision of interexchange service. The Bell companies tried to argue in court that the court's decision to lift the information services restriction meant that they could engage in such bundling, without any restrictions or safeguards. This interpretation by the Bell companies would have given them much more freedom than S. 652 proposes to do today. But that argument was firmly rejected by DOJ, Judge Greene and a unanimous panel of the Court of Appeals.

Judge Silberman of the Court of Appeals concluded that the Bell companies "urge a rather strained interpretation of the language of the decree—The Bell companies' interpretation—it seems rather obvious, would create an enormous loophole in the core restriction of the decree." 907 F.2d 160, at 163

Against this background, the Bell companies filed a waiver request in June 1993 that would have allowed them to bundle their information services with interexchange service. In doing so, they again sought to create what Judge Silberman had described as an enormous loophole in the interexchange restriction. In effect, they would have been able to offer interexchange service without the safeguards that are required by S. 652.

The Bell companies' waiver request naturally provoked strong opposition from the interexchange carriers and information services providers. DOJ gave the Bell companies an opportunity to respond to the arguments against their waiver, and the Bell company responses were filed in February 1994. After reviewing the Bell companies' arguments and the many arguments that had been submitted in opposition to the request, the DOJ told the Bell companies that it would not support the waiver request. The Bell companies were free at that time to challenge the DOJ decision in court. But presumably because they recognized that they had little chance of winning in the face of a clear decision by the Court of Appeals, the Bell companies chose to narrow their original waiver request to seek a more reasonable waiver.

The Bell companies submitted a somewhat narrower proposal to DOJ soon thereafter. DOJ again rejected the proposal, because it still did not deal with the loophole that the Court of Appeals had identified.

The Bell companies finally submitted a third proposal that was substantially narrower. This time, DOJ indicated that it would support the proposal. This last proposal has now been briefed and is awaiting decision by Judge Greene.

The reason for the delay in processing this waiver was that the Bell companies submitted—not once but twice—a waiver request that was very broad. Their proposal would have resulted in an enormous loophole in the core restriction of the MFJ. As a practical matter, this loophole would have given them much of the relief that S. 652 would give them, but without any of the safeguards that accompany such relief in S. 652. It does not make sense to criticize the Department of Justice for refusing to give the Bell companies what the authors of S. 652 certainly do not intend to give them in S. 652.

DOJ acted to protect competition and consumers. When DOJ supported the removal of the information services restriction in 1987, it did so over strong opposition from the information services industry. DOJ's support for the recent information services waiver has been strongly opposed by the interexchange carriers and by information services providers. DOJ isn't protecting industry turf; it's doing what's right for competition.

As the information services case demonstrates, the Department always has been willing to take the time to work with the Bell companies to fix waiver requests so that the Bell companies can get as much MFJ relief as is consistent with the consent decree's protection of competition in markets that the Bell companies seek to enter. Of the waivers approved by the Court in 1993–94 that were not mere duplicates of waivers filed by another Bell company, fully 60 percent were the product of negotiations between DOJ and the Bell companies that resulted in a modification of the original waiver request.

To be sure, these complex, negotiated requests generate a lot of public comment and concern. The number of comments per waiver for waivers filed in 1993–1994 is nearly six times the comments per waiver in 1984–1992. This is not surprising, as the more recent waivers go to the MFJ's core restrictions. This modification and comment process works to obtain workable waiver proposals while still protecting competition, as the information services case illustrates.

The fundamental point is that DOJ acted to protect competition and consumers. DOJ's support for the revised information services waiver has been strongly opposed by long distance and information services providers. But again, DOJ doesn't protect industry turf—it does what is right for competition.

Of course, no discussion of purported delay in the waiver process would be complete without noting the Bell companies' filing of overlapping and duplicative waiver requests. For example, several Bell companies filed a request to vacate the MFJ, seeking to completely eliminate its restrictions without replacing those restrictions with any safeguards or requirements, such as those contained in S. 652. Once again, the Bell companies sought relief that the Congress likely would not approve. The Bell companies argued that this motion was critically important to them, and urged prompt action on it. DOJ agreed that it would make this request its first priority.

But less than a week after submitting the request to vacate the MFJ entirely, one of the companies filed a separate waiver request for so-called out-of-region relief. But that request is completely subsumed in the motion to vacate. And the other Bell companies that had filed the sweeping motion to vacate the MFJ apparently delayed and stalled in producing documents that DOJ required in order to evaluate the merits of the motion.

The AirTouch story that has been repeated during this debate is also not nearly as simple as has been suggested. Loosely casting aspersions on the independence and integrity of the Department of Justice in relation to its position on the AirTouch matter is deeply wrong. DOJ has enforced the terms of the MFJ through Republican and Democratic administrations of vastly different ideologies.

The Department has explained its position on the AirTouch matter in a letter to House Commerce Committee Chairman BLILEY. Regardless of what one thinks of the merits, the bottom line is that the Department has a responsibility under existing law to uphold the terms of the MFJ that differs from that of Congress, which can write new laws. I will include that letter in the RECORD.

It has been said on the Senate floor that DOJ has repudiated the VIII(C) test of the MFJ through the Ameritech plan, which I have supported since Ameritech introduced its Customers First program. The Ameritech Plan is completely consistent with the standard established by Section VIII(C) of the MFJ, because it builds on the idea that one possible basis for satisfying VIII(C) is if the development of local competition removes the ability of the Bell company to use the local monopoly to hurt competition in long distance. I encourage colleagues to read the Department's Ameritech brief, which the distinguished Senator from South Carolina put in the RECORD a few weeks ago.

The plan does not preclude Ameritech or any other Bell company from seeking VIII(C) relief in spite of the continued existence of the local monopoly. In fact, DOJ has supported numerous waiver requests where—in spite of the existence of the local monopoly—safeguards or other constraints ensured that there was no substantial possibility that the Bell company could use the local monopoly to impede competition in the market it sought to enter. Most recently—and after it outlined the approach of the Ameritech plan—DOJ supported the Bell companies' request for a waiver to provide long distance service in connection with information services.

It has been said that DOJ forced the Ameritech plan on Ameritech. In fact, the Ameritech plan originated with Ameritech itself. The plan now enjoys an unprecedented breadth of support among interested parties. It is supported by a Bell company, AT&T, Sprint, other long distance competitors, local competitors like MFS, consumer groups, the FCC, state regulators from all the States in Ameritech's territory, the Republican governor of Illinois and numerous other industry participants. In joint comments filed with the court in support of the plan, which I will include in the RECORD, the regulatory commissions from Illinois, Indiana, Ohio, and Wisconsin praised the proposal as a decisive step toward the goal of a competitive telecommunications market. This remarkable consensus is a lot more than S. 652 has attracted, and I commend Ameritech for taking this historic step.

DOJ has been criticized in this debate because the draft Ameritech order is 40 pages long. Forty pages doesn't seem like too much, when one considers that the order seeks to do something that has never been done before by anticipating the opening of a complex, monopolized market to competition and allowing a Bell company to enter a long distance market measured in the billions of dollars. But this criticism is especially ironic because it comes in a debate over a bill that seeks to do much the same thing as the Ameritech proposal—but that is some 150 pages long and getting longer as we speak. And while this 150-page bill has been the subject of much debate—to say the least—the 40-page Ameritech order enjoys unprecedented support from a broad array of interested parties.

It has been said that the Ameritech plan will shift power from State and Federal regulators to the Department of Justice. In fact, the implementation of the market opening provisions agreed to by Ameritech will be handled by State regulators and industry participants. The DOJ's role is to assess the end result: the marketplace effects of those market opening provisions.

The plan fully preserves the traditional functions of State and Federal regulators, as evidenced by the fact that the plan enjoys the support of all the State regulatory commissions in Ameritech's region and of the FCC. Moreover, the plan has the sort of safeguards and standby authority for DOJ that are well suited to an untried and groundbreaking initiative.

I have here, Mr. President, a letter to Assistant Attorney General Bingaman from Craig Glazer, the chairman of the Ohio Public Utilities Commission. Writing on behalf of all the State regulatory commissions in the Ameritech region, he praises the Department of Justice for its efforts in negotiating the Ameritech plan. Mr. Glazer writes, in part, that "the willingness of the Department of Justice to work with and specifically accommodate a number of State concerns represented an exemplary level of cooperation and teamwork between the Department and the State commissions." I will include the entire letter in the RECORD.

The point that comes through loud and clear from this letter and from the briefs that State officials have filed with Judge Greene in support of the Ameritech plan is that DOJ is not trying to displace regulators or become a regulator itself. Governor Edgar of Illinois, for example, lauded "the Proposed Order's reliance on State regulators to complement the Department's supervisory role of the proposed trial." I will conclude Governor Edgar's comments in the RECORD. DOJ has proposed a well-crafted plan that maintains the traditional roles of all involved agencies. The State regulators and the FCC regulate; the Department of Justice assesses competition.

Mr. President, this bill deals with complicated issues, and there is a lot of room for reasonable people to disagree. But a lot of the things said about the Department of Justice were just plain wrong. I appreciate this opportunity to correct the record.

Mr. President, I ask unanimous consent to have the letters and other material printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF JUSTICE,
ANTITRUST DIVISION,
Washington, DC, January 31, 1995.

Re AirTouch Communications, Inc.

Hon. THOMAS J. BLILEY,
Chairman, Committee on Commerce, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN BLILEY: Thank you for your letter of January 27, 1995 concerning the status of AirTouch Communications, Inc. ("AirTouch") under the Modification of Final Judgment ("MFJ") in United States v. Western Electric, Co., Inc. I appreciate your interest in this matter, and I understand that this issue has significant implications for AirTouch and perhaps other cellular telephone companies.

As I will explain, the Department's recent action concerning AirTouch's status under the MFJ does not reflect a decision about the important competition policy issues to which your letter refers. We fully agree with you on the importance of those policy questions, and look forward to working with you to resolve them. As you know, I testified before a subcommiteee of the Committee on Commerce last year in favor of comprehensive telecommunications legislation based on competitive principles.

The only competition policy issue with respect to this AirTouch matter is whether we are willing to work with AirTouch on an appropriate waiver of the applicable MFJ provision—and you should know that we offered to do so before announcing our decision on the complaint that prompted our review of this matter. AirTouch did not accept that invitation.

I provide additional background below in response to your letter, including the respective roles of the Department and court under the MFJ on questions such as the AirTouch issue; the benefits to competition and consumers from the MFJ: the Department's reasoning and position on the AirTouch matter; and the Department's cooperation with AirTouch to facilitate court action now.

THE DEPARTMENT'S ROLE UNDER THE MFJ

First, let me put our role under the MFJ in context. As you know, the MFJ is a court decree which resolved a hard-fought litigation. Relief from the MFJ can only be given by a court, not by the Department of Justice. While we make our position known to the court, it is the court and not the Department which determines disputes about the coverage of the MFJ.

The court also has the power to give relief from provisions of the MFJ which become unnecessary. As you are aware, the Department is supporting an MFJ waiver which would allow cellular service providers affiliated with RBOCs to provide long-distance services, subject to certain safeguards, and this waiver is pending before the Court. The cellular market will be moving from the duopoly model toward more vigorous competition, a trend that will accelerate with completion of the spectrum auction and deployment of PCS. We also hope that landline local exchange competition will become lawful and real. If such developments occur, more relief will certainly be appropriate.

THE BENEFITS OF THE MFJ

In discussing how the MFJ is applied, it is useful to bear in mind what I know you understand—the pivotal role of the MFJ in unleashing the competition that has put our country at the forefront of the telecommunications revolution. I am also particularly pleased that the case against the telephone monopoly and supervision of the MFJ has been a priority at Democratic and Republican Departments of Justice alike, and that my antitrust professor, Bill Baxter, who served as Assistant Attorney General for Antitrust during the Reagan Administration, successfully negotiated the historic MFJ.

Since the MFJ, multiple fiber optic networks have been constructed by long distance competitors, consumers have reaped steeply lower long distance prices while dramatically increasing their minutes of usage, and according to a January 21, 1995 front page story in the New York Times headlined "No-Holds Barred Battle For Long-Distance Calls," at least 25 million residential telephone customers exercised a choice in 1994 by switching long distance carriers. The telecommunication equipment and services market have simply exploded.

Moreover, it is this growing competition, which can be accelerated through legislation which opens local markets to real competition while continuing to protect consumers and competition from monopolists, that will provide opportunities for deregulation.

THE DEPARTMENT'S AIRTOUCH POSITION

Our position in the AirTouch matter does not reflect an antitrust or policy judgment about the cellular industry. Instead, it reflects our interpretation of a narrow, but extremely important, question concerning the continuing applicability of antitrust decrees after the sale or reorganization of corporate antitrust defendants. Section III of the MFJ includes a provision, contained in *virtually all* of the government's antitrust decrees, making its limitations applicable to "successors" to the corporate entities originally bound by the decree. Such provisions are included to ensure that a decree's requirements cannot be avoided simply through a reorganization or transfer of ownership of the businesses that are subject to the decree. Without such limitations, of course, it would be relatively easy for an antitrust defendant to avoid its legal obligation to comply with a decree through a transfer of significant assets, restructuring or reorganization, thereby rendering the decree ineffective.

The position the Department has taken in response to the complaint submitted to it concerning AirTouch was made in the context of this history. AirTouch was spun off from one of the seven regional holding companies. It continues to operate, among other things, the cellular telephone business previously owned by that regional holding company and is subject to a common consent decree provision applying the decree to "successors."

In your letter, you refer to the purpose of the "spin off" from Pacific Telesis as to avoid MFJ objections. In this regard I want to advise you that neither AirTouch nor Pacific Telesis chose to submit any request for written guidance on this question to the Court or to the Department at the time of the transaction. Moreover, AirTouch's disclosure documents reflect that they understood and told the public that there was a risk that a determination such as we just made might ensue. (See Attachment)

After careful consideration of the history of the MFJ and the decisions interpreting its provisions, and after detailed consideration of AirTouch's arguments about the meaning of the relevant MFJ provisions, the Department concluded that AirTouch is a "successor" within the meaning of Section III of the MFJ.

OUR COOPERATION WITH AIRTOUCH

We have worked with AirTouch to assure that it will be able to continue its current business activities while seeking a ruling by the District Court on the question of whether it should be considered a "successor" under the MFJ. This is a legal question AirTouch can bring to the court. In the meanwhile, in light of the assurances AirTouch has given us that they will not undertake any new activities that could be viewed as violating the MFJ, we informed AirTouch that we have no intention of seeking enforcement action against them pending a decision by court as to their status under the MFJ.

Also, as you know, the MFJ contains provisions that allow parties to seek waivers or modifications if their activities, although technically covered by the decree, do not pose competitive problems. We have stated clearly to AirTouch that our position on the complaint before us rests solely on the meaning of the "successor" provision of the MFJ, and that they should *not* construe our position as reflecting a decision to oppose a waiver of MFJ restrictions which might be sought pursuant to section VIII (C) of the MFJ. Rather, we informed AirTouch that we would work with them to seek an appropriate waiver. Although AirTouch has not sought a waiver at this time, the opportunity to do so will continue to be available to them.

I know that you and the Committee understand and appreciate the importance and flexible nature of section VIII (C) where market conditions are changing. That is no doubt one of the reasons that the telecommunications legislation reported last Congress by the Committee on Commerce, which passed the House of Representatives with more than 420 votes, provided that the Department of Justice should apply this test to determine when, among other things, the RBOCs should be permitted to enter the long distance market.

I hope that this information is helpful to you in analyzing the Department's position in the AirTouch matter. With respect to the ATT matter that you briefly touch upon, this was addressed primarily under the Clayton Act and not under the MFJ, and requires separate discussion.

I would be very happy to discuss these or other telecommunications matters with you at our scheduled meeting or at your convenience.

Sincerely,

ANNE K. BINGAMAN.

[From the Wall Street Journal]

PACIFIC TELESIS IGNORED U.S. ON AIRTOUCH

(By Leslie Cauley)

NEW YORK.—Pacific Telesis Group ignored statements by the Justice Department in 1993 suggesting that its cellular spinoff could run afoul of the court decree governing the Baby Bells, a senior department official said.

Now the spinoff, AirTouch Communications, is scrambling to win a federal judge's approval lest it be forced to scale back drastically its ambitious plans for future expansion.

Rules governing the Bell System breakup prohibit the seven Baby Bells and their service spinoffs from offering long-distance communication services or making phone gear.

But Pacific Telesis, based in San Francisco, brushed aside these restrictions when it spun off the unit almost two years ago, said Robert Litan, deputy assistant attorney general for the Justice Department's antitrust division.

"We indicated to them at that time that it was an open question," Mr. Litan said, particularly since the unit had retained network facilities it had used as a Bell entity.

Air-Touch recently began transmitting long-distance calls on its cellular network, and it is developing phone equipment. On Jan. 11, the Justice Department formally notified AirTouch that it must abide by the terms of the decree just like its former parent.

Officials at Pacific Telesis and Air-Touch expressed surprise at the department's stance, noting that Justice Department officials had known for at least two years of AirTouch's intention to enter markets banned to the Bells.

"We could not have been more clear about what we were talking about," said Richard Odgers, Pacific Telesis' general counsel. Moreover, he added, three law firms hired by the company came to the same conclusion that the decree didn't apply to AirTouch.

Justice Department officials counter that its antitrust division, as a prosecuting arm of the government, doesn't offer casual assessments. Pacific Telesis "could have made a request for a formal (legal) opinion" when the spinoff was being contemplated in 1993, Mr. Litan said. "But they never did that. They went ahead and took their chances."

AirTouch's public documents issued at the time it went public indicate that it knew it might be jumping the gun if it pursued business barred by the decree. The company's November 1993 prospectus, released in anticipation of its initial public offering last spring, noted that there was no assurance "that DOJ or a third party might not object at some time in the future or that the courts might not agree" with AirTouch's opinion that it wasn't subject to the decree restrictions.

The prospectus added that AirTouch had advised the Justice Department of "its belief that the [decree] would not apply to the company after the spinoff. . . . [and] DOJ has not stated any intention to object [Pacific] Telesis' position."

Margaret Gill, an AirTouch senior vice president, maintained last week that "that statement was made because we had carefully noted conversations with appropriate senior officials at the department."

Department opinions aren't binding with the courts, and even when it finds nothing objectionable, the agency can take action later. But it is virtually unheard of for the Justice Department to prosecute a company for engaging in activities that have been subject to a formal review, a process that can take several months or more to complete.

AirTouch has big plans. Besides operating one of the nation's largest cellular phone networks, the company already has begun offering highly profitable long-distance services in its territories. AirTouch is also building systems in international markets that will be tied through a sophisticated satellite network.

The company has proposed merging with the cellular unit of former sibling US West Inc. Together, AirTouch and US West are bidding with two other Baby Bells—Bell Atlantic Corp. and Nynex Corp.—for new wireless "personal communications services" licenses, with plans to build a nationwide PCS network offering anywhere-anytime wireless calling.

Efforts by AirTouch to boost growth and profits by also providing the long-distance links to its subscribers could be cut off if the company doesn't win a favorable ruling from the courts. A $7.5 million investment by the company in a satellite venture also seems in jeopardy.

AirTouch didn't reveal the department's concerns until last week, when it asked federal Judge Harold Greene for an immediate ruling saying AirTouch isn't subject to the decree. In the meantime, AirTouch has agreed to stop further expansion into prohibited businesses and the department has agreed not to take action against the company until a decision is rendered.

AirTouch's predicament underscores the gravity with which the U.S. government still views the restrictions on the regional Bell monopolies. the crackdown on the fledgling Bell spinoff could presage similar moves against the other Bell affiliates that were cut loose but are still considered local service bottlenecks.

Many telecommunications attorneys believe AirTouch won't get a favorable ruling from Judge Greene, who has historically taken a hard line in interpreting the decree. But they think it will prevail in the courts.

But that could take years, according to some attorneys. However, AirTouch could ask for a waiver from the courts that would allow it to continue its operations unchanged.

Even with its current predicament, AirTouch still has a healthy core business providing cellular services in its territory. The company's fledgling long-distance business is a miniscule part of total operations, and it has a stock market value of about $14 billion. The company, which has had growth rates of greater than 30%, is expected to release fourth-quarter earnings on Wednesday.

THE PUBLIC UTILITIES
COMMISSION OF OHIO,
April 25, 1995.

MS. ANNE BINGAMAN,
Assistant Attorney General, U.S. Department of Justice, Antitrust Division, Washington, DC.

DEAR MS. BINGAMAN: I am writing to you in my capacity as Chairman of the Ameritech Regional Regulatory Committee (ARRC). ARRC is an ad hoc group of the five state regulatory commissions in the Ameritech region: Illinois, Indiana, Michigan, Ohio, and Wisconsin. The ARRC mission is to facilitate the exchange of information among the public utility commissions of the five states regarding telecommunications issues in general and telephone companies operating within the five respective jurisdictions in particular. The ARRC is made up of representatives of the commissions and/or staffs of the Illinois Commerce Commission, Indiana Utility Regulatory Commission, the Michigan Public Service Commission, the Ohio Public Utilities Commission and the Public Service Commission of Wisconsin.

On behalf of the ARRC, I want to thank you and members of the Department Staff for devoting many hours to meeting with the ARRC to seek input from and accommodate concerns raised by the respective state regulatory commissions and/or their staffs concerning the proposed request to Judge Greene to authorize an interLATA experiment in parts of Michigan and Illinois. Specifically, Mr. Willard Tom and Robert Litan of your Staff traveled to the region and met with the ARRC staff on a number of occasions concerning the proposed experiment. Moreover, the ARRC staff representatives received and were allowed to have input on the various drafts leading up to the proposed modification of the Decree filed with the Court on April 3, 1995. Although there may still be issues which individual state commissions and the ARRC may be raising in comments before Judge Greene, I can say on behalf of all of the ARRC states that the willingness of the Department of Justice to work with and specifically accommodate a number of state concerns represented an exemplary level of cooperation and team work between the Department and the state commissions.

Should the modification to the Decree be adopted by Judge Greene, by its own terms it calls for various regulatory and enforcement activities to be undertaken both by the States and the Department of Justice. I am heartened by the cooperative process that has occurred to date and feel that it bodes well for implementing the proposed trial in a manner which is in the public interest.

Again, on behalf of the ARRC, I express my sincere thanks for the Department's extra efforts to hear and attempt to accommodate state regulatory issues and concerns.

Sincerely,

CRAIG A. GLAZER,
ARRC Chairman.

Mr. KERREY. I yield the floor.

Mr. DOMENICI. Mr. President, I understand I have 3 minutes. I yield myself such time as I may need. I ask for 1 minute as in morning business out of my time.

The PRESIDING OFFICER. Without objection, it is so ordered.

A CELEBRATION OF DAD'S DAY

Mr. DOMENICI. Mr. President, as we approach Father's Day 1995, I want to share with the Senate and the American people a letter I have received from a fellow New Mexican, Chuck Everett. Mr. Everett originally wrote this letter while he was serving in Korea to his father who was back home in the United States.

Mr. Everett's father described the letter as "a masterpiece of simple truths." I could not agree more. In Mr. Everett's cover letter to me, he says to "delete the word 'Communism' and insert the word 'terrorism' and we have a thought that is as true today as in 1952." His prophetic and patriotic words are as valid now as they were when he first wrote them. I trust you will find the text of Mr. Everett's 1952 letter a hopeful and encouraging sample of a young man's commitment to America and its values. These are indeed "simple truths." Times have changed the face of totalitarian and Communist regimes, but new dangers are substituted for the old. As Mr. Everett says, we "are on a mission, so that next year and the years that follow, free people all over the world can celebrate Dad's Day." I respectfully ask unanimous consent that the text of Mr. Everett's letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OCTOBER 1952

It's a beautiful morning, the kind of a day when a fellow likes to get up early in the morning, gather up his golf clubs and head for an early morning bout with fairways, roughs, greens and caddies.

I'd like to sit down to a nice roast beef dinner, with diced carrots, peas, Brussels sprouts, chopped salad, blue-berry pie and a big glass of milk. In the afternoon I'd like to siesta, then pack a picnic lunch of cold cuts, cheese and lemonade, and head for Stone Park. I left out something. Oh, yes, of course, church. I'd like to go to church after golf, where the services would be devoted to Father's Day.

That's how I'd like to spend the day. But some of us are on a mission, so that next year and the years that follow, free people all over the world can celebrate Dad's Day. We know we will succeed in our mission here, but will those at home remember our efforts and strive to realize our purpose? The battles we fight here cannot, in themselves, assure us that we will have a free world. It takes the combined efforts of educators, industrialists, politicians and religious leaders to assure a free world. The shackles of communism are not bound about the legs of only those behind the iron curtain. It has shackled the minds of free men everywhere into believing that it is better than free enterprise and democracy.

That is where you people must carry the fight to the enemy. Bullets alone will not stop communism. Let us, on this day dedicated to fathers, dedicate our lives to the support of free will, free speech, freedom from fear, freedom of religion, and freedom of thought.

We cannot fear communism, but we must make communism fear us. And, believe me, the Reds do. At every move of our enemy, we stop them, we repulse them and we humiliate them. It is but a matter of time before they will quit. They can only suffer defeat. Be it not the will of free men to be dictated to, and thus communism cannot succeed.

TELECOMMUNICATIONS COMPETITION AND DEREGULATION ACT

The Senate continued with the consideration of the bill.

Mr. DOMENICI. Mr. President, in 1934, when the last major piece of communication regulation was passed, we had radios and telephones, and often telephones had many parties on the same line.

Now we have telephones, radios, computers, modems, fax machines, cable television, direct broadcasting satellite, cellular phones, and an array of budding new technological improvements to communication.

As a matter of fact, I believe this period in modern history will be marked singly by the advances that humankind is going to make with reference to communications. I think it will add appreciably to the wealth of nations. It will add significantly to the time people have to do other things because it will dramatically produce efficiencies in communication that were unheard of. It will bring people together who are miles apart.

We can dream and envision the kind of things that will happen by just looking at what has happened to cellular phones, to portable phones, and think of how communications is going to advance.

Mr. President, fellow Senators, it is obvious that we have a law on the books and court decisions governing this industry that shackle it and deny the American people, and, yes, the people of the world, the real advantages that will come from telecommunications advances that are part of a marketplace that is competitive, where the great ideas of people can quickly find themselves converted from ideas to research, from research to technologies, and then rapidly into the marketplace to serve various needs of business, of individuals, of schools and on and on.

Some New Mexicans have told me, "We are happy with the phone service we have now. What are we changing in this legislation, and why must we change it?" Obviously, we are not going to be changing the phone service other than making the options that our people have, giving them more options, making the communication, be it a telephone, a more modern thing, and people will be able to do much more by way of communicating than before.

People should not fear, but rather look at this as a new dawn of opportunity and a way to communicate and enhance freedom beyond anything we could have comprehended 20 or 30 years ago.

It stands to reason that with all of that happening—and part of it has grown up under regulation and part of it not—it is time to change that old law and do something better, take some chances, if you will, with the marketplace. It will not come out perfect.

I just heard my good friend from Nebraska, Senator KERREY, indicate he was concerned. Obviously, I am less concerned than he. I believe this bill will cause much, much more good than the possibility for harm that might come because we may not totally understand the end product.

It may be difficult to totally understand the end product of this deregulation. Anybody that is that intelligent, knows that much about it, it seems to me, is well beyond what we have around here. Maybe there is not anybody in the country that could figure out where all of this will lead.

It is obvious to this Senator that if we are looking for productivity, if we are looking to enhancing communication, new technology, investment, new jobs, new gross domestic product growth, we must deregulate this industry.

There is great capacity—both human and natural—and there are large amounts of assets tied up in this industry. We have to let them loose to grow, compete and prosper.

I hope on the many issues that we voted on, that we came down on the right side. I do not think one should vote against this bill because one or two of their amendments did not pass.

Fundamentally, this is a giant step in the right direction.

We have outgrown the Communications Act of 1934. It is time to pass the Telecommunications Competition and Deregulation Act of 1995. This legislation will foster the explosion of technology, bring more choices and lower prices to consumers, promote international competitiveness, productivity, and job growth.

This legislation will open up local phone service to competition and when this market is open, allow local phone companies to enter the long distance markets. This will create more competition resulting in lower prices and better services for the consumer.

Some New Mexicans have told me "we are happy with the phone service we have now. Why do we need legislation to change it?" What I want to tell my fellow New Mexicans is that this legislation will not disrupt the phone service that they depend upon now.

What the Telecommunications Competition and Deregulation Act of 1995 will do is provide consumers with more choices and lower prices in long distance phone service and television programming. The legislation also preserves the universal service fund which subsidizes telephone service to rural areas.

Right now, consumers have a choice of what company they want to provide long distance phone service. After this legislation takes affect, consumers will be able to choose among companies that will provide them with local and long distance service.

This legislation will also give consumers more choices in how to receive television programming. Currently, if a consumer's area is served by cable, a consumer may choose between the cable company and somewhat expensive satellite or DBS service. This legislation will allow the phone company to offer television over phone lines, so there is a choice between the cable company, the phone company, and DBS.

The Telecommunications Competition and Deregulation Act of 1995 will remove the regulations that have hindered the development and expansion of technology. Regulations, such as the regulated monopolies in local telephone service, required by the Communications Act of 1934, have forced U.S. companies wanting to invest in local phone markets to invest overseas.

In 1934, it made sense to only have one company laying phone lines and providing phone service. But now that many homes have both cable and phone lines, and may have a cellular phone, it makes sense to open up phone service to competition. When this legislation opens local markets to competition, companies like MCI, which have plans to invest in the United States, but have been forced to make investments overseas, will be able to invest, create jobs, and provide better phone service to U.S. consumers.

The President's Council of Economic Advisors estimates that as a result of deregulation, by 2003, 1.4 million service sector jobs will be created.

Over the next 10 years, a total of 3.4 million jobs will be created, economic growth will increase by approximately .5 percent, and, according to George Gilder, the gross domestic product will increase by as much as $2 trillion.

This legislation will increase exports of U.S. designed and manufactured telecommunications products.

Increased investment in telecommunications products and services will bring a better quality of life to rural New Mexico. With fiber optic cable connections, doctors in Shiprock, NM, can consult with specialists at the University of New Mexico Medical Center or any medical center across the country.

The technology to let students in Hidalgo County, NM, in towns like Lordsburg and Animas, share a teacher through a video and fiber optic link. What this legislation would do is remove the regulations that currently prevent investment to get technologies to the local phone market.

Mr. President, I support this legislation because of the benefits to rural education and rural health care, better local and long distance phone services, and new technology and new jobs for Americans. I believe this legislation is a good start to accomplish these objectives.

I wish to commend the managers of this bill and their staffs for their tireless work to craft this legislation. I appreciate Chairman PRESSLER's willingness to listen to the concerns of each member of this body.

Mr. President, we need this legislation to move our citizens and our economy into the next century. I urge my colleagues to support it.

Mr. President, I want to take a minute. I remember when I first had the luxury and privilege of being the chairman of the committee and had to come to the floor to manage a bill. That was a few years ago when we had the luxury, for 6 years, of being in the majority.

I want to say that the majority, the Republicans, should be very proud of the new chairman, Senator LARRY PRESSLER, who has managed this bill. This is his first chairmanship of a major committee. That is rather exciting to him and I am sure to his family.

I want to say for the record that for this Senator, who has watched those who come to the floor for the first time managing a bill, that this Senator deserves our congratulations for the good job he has done.

This was a tough bill. It will stand in his accomplishment list high on the ladder, to have managed this great bill which will bring great, positive change for our country and for millions of people. My congratulations to him here today. I imagine that with this good effort, we can look for many more under his chairmanship.

Obviously, it goes without saying that the distinguished ranking member, who I have been on the floor with on the other side when he was chair, when I was chairman, that he always does a great job managing the bill, from whichever side, majority or minority. I want to congratulate him for getting this bill through. It is great to have something totally bipartisan. It will be very bipartisan.

When we have major problems to be solved for the country, we cannot always do it that way, but it sure is nice, and the public ought to be proud the Democrats and Republicans are working together on this bill.

Mr. PRESSLER. Mr. President, I want to sincerely thank the Senator from New Mexico who chairs our Budget Committee so well. I have watched him so often, and words from him mean a great deal. We thank the Senator very much for his statement.

Mr. GORTON. Mr. President, I heard the remarks of my distinguished colleague from New Mexico, and I can simply echo them from the perspective of membership on the Commerce Committee.

Senator PRESSLER has met this test with flying colors and deserves a tremendous amount of credit. But not the least of the items for which he deserves praise is his ability and willingness to work with the distinguished Senator from South Carolina, Senator HOLLINGS.

I have said this privately to the Senator from South Carolina, it is obviously difficult to be in charge, to be a chairman of the committee, to have strong ideas on a subject as he has had, and then find himself, without any action on his part, in a different position. His willingness to share his wisdom and his ideas—not just with Senator PRESSLER, but with all members on the Commerce Committee—and his willingness to make this such a constructive bipartisan endeavor is a tribute to him and, I think, to the Senate.

This bill, as I said in my opening remarks, is as important a piece of legislation as the Senate has dealt with, which has created no interest in the general public at all outside, of course, of the various entities that are in the business itself. To reach as good a conclusion as we seem to have reached and to have done it in such a bipartisan fashion brings great credit, in my view, on the chairman of the committee, but very, very much credit on my good friend from South Carolina, whose wisdom and guidance and views on this subject are very much impressed in the bill itself and are vitally important to our success.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, let me thank our distinguished colleague from Washington for his overgenerous remarks, although undeserved they are greatly appreciated. I join the Senator from New Mexico and join in the sentiments of both the Senators from New Mexico and Washington, that our distinguished chairman has done an outstanding job here in handling this bill. It has been totally in a cooperative fashion and in a very, very considerate fashion of everyone's amendments.

When you begin to appreciate that, I think, a 1-cent increase in a 1-minute telephone rate nationwide equals $2 billion, then you begin to see why that other room stays filled up. They are not going to leave until we get through the conference. So we just started that journey of 1,000 miles with the first step. I hope we can continue with the success we have had thus far.

I will even elaborate further when we get more time, because other Senators want to speak, but Senator PRESSLER has done an amazingly outstanding job.

Mr. PRESSLER. Mr. President, I thank the Senator from Washington. He has been key in moving this bill forward. I see he has moved to another part of the room. But his wise counsel has been very much—I know he has managed that enormous product liability bill in our committee. But on this committee he has just done—this bill would not be here if it were not for the Senator from Washington and I thank him very, very much.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, I would like to add my voice of commendation to the chairman of the committee and the ranking member for the manner in which they have presented this bill and given us an opportunity to understand its contents and debate its principal provisions.

It had been my full expectation that I would support this legislation. I was well aware of the legislation that had been introduced last year by the then chairman, the Senator from South Carolina. I was publicly, positively supportive of that legislation. I, frankly, therefore, state with regret that I will not be able to support the legislation that is before us in the form this afternoon. The debate we are having now on an amendment relative to a provision of the legislation having to do with the relationship between the providers of cable television product and the purchasers of that product is, to me, illustrative of a concern, a process that seems to have been too much operative in the development of this legislation and in its consideration. That is a process which essentially says that the Congress, as the elected representatives of the people, serve the role of ratifiers of private agreements developed among the parties who will be affected by this legislation.

Reference was made earlier to the model of President Truman and a railroad strike that occurred after World War II. He initially had proposed a congressionally mandated solution. Then the parties decided that maybe they could go back to the bargaining table and arrive at a resolution. I think that is an appropriate manner for the resolution of a labor-management dispute. But we are not here talking about a labor-management or other commercial controversy. We are talking about one of the most fundamental aspects of a democratic society, and that is control of ideas and their dissemination. That is a role in which any democratic government has a key responsibility. It has been a fundamental part of this Nation since the adoption of the first amendment to the Constitution, which guarantees freedom of press and freedom of speech.

So we here are not talking as ratifiers of some private agreement as to how ideas would be made available to the American people. We are here as the representatives of the American people, to try to structure a process of communications law that will best serve the interests and the values of the American people today and, in a highly dynamic era, into the future.

I started my consideration of this legislation from a basic economic premise of support of the marketplace as the best allocator of resources. While Governor of Florida, I actively supported the deregulation of a number of our industries. I supported the delicensure of professions where I felt licensure was not serving an adequate public purpose. Thus, I started with a presumption of support of appropriate opening up to the marketplace as the regulator for access, quality and cost of the communications industry.

I, regretfully, find two principal defects in the way in which we have implemented that movement towards the marketplace. First, I do not believe that this legislation adequately creates the free, robust, competitive marketplace to which we can, with confidence turn in lieu of our tradition of regulation as a means of assuring open, quality, affordable communications in this Nation. I would just cite two examples of provisions which I think undercut that confidence that we will have a free market that will be the means by which we will achieve desirable public ends.

First, as it relates to cable television, we saw from 1984 until 1992 a period in which the Congress had denied to States and local governments their traditional role of providing some regulation for cable television. What we saw was not only an escalation of cost of cable TV, but in many communities an escalation of arrogance, as the cable TV companies did not provide what consumers considered to be an adequate level of service. In some areas, parts of the city which had the affluent neighborhoods were wired for cable TV, while those areas of the city that did not have adequate income base to meet the economic needs of the cable TV system were denied any service at all.

Beginning in 1992 there was a process of partial reregulation. We have seen significant benefits by that. We have seen a reduction in the cost of cable TV for most American families. At the same time we have seen a cable TV industry which is at an all-time high in terms of its economic prosperity. Yet, part of this legislation is going to be to roll back the progress that was made just 3 years ago in terms of providing some control, even though that control would fall away when it was established that there was in fact a competitive marketplace where people had options and choices and could use the marketplace as the means of assuring access, quality, and cost control. That provision is now out of this legislation. I think with it also has flown a significant amount of the rationale of allowing the marketplace to provide the alternative to regulation. In this case we have neither an open marketplace nor do we have any meaningful regulation.

I might say that I have had a number of contacts in our office from representatives of the cable TV industry, and they are very candid in their statements. Their statements are that they want to have this period of no regulation while they still are in a monopolistic position—that is, without effective competition within their market area—so that they can build up their cash position to be in a better position to compete with the regional phone companies at such time that the regional phone companies get into the cable TV business. That is a statement that they are not being clandestine or secret about. They are telling us that they are going to use this remaining period of monopoly as a means of raising rates in order to be in a strengthened position when they are in a competitive market. I think we will find it very difficult to explain to our citizens why we tolerated what I think is a basic abuse of the free enterprise system.

Second, as an example of where this legislation fails to assure that there will be, in fact, an open, competitive marketplace before we trade in regulation as a means of assuring the public access quality and cost control is the issue of the role of the Department of Justice as it relates to the entry of regional telephone companies into long distance.

In the legislation that was before us last year, the Department of Justice continued to have a role in terms of evaluating specific proposals to determine if they met basic standards of antitrust before they could go forward. That provision has now been eliminated. So we are going to have companies going into the long-distance business by meeting a checklist supervised by an agency that has not had the kind of background and tradition of ferreting out anticompetitive schemes as has the Department of Justice.

I believe that we are going to see the potential—when a person moves into a new neighborhood and calls the telephone company and asks to have their local service connected, then they are asked what long distance they want, there will be the potential of the local concern to tout, or otherwise steer, the local service customers to that same firm's long-distance service. That would be very much in the economic interest of the local service to do.

To provide sanctions and protections against exactly that type of situation, we ought to have the Department of Justice playing a role in making that judgment as to whether there is in fact a free and open market before we trade in our regulation that has provided consumers some protection.

So I think, first, this legislation fails to meet the basic premise upon which it is based; that is, that we will have meaningful competition as a substitute for regulation in the communications area.

Second, I believe that we cannot use the analogy that I have heard on the floor over the past few days of commercial products as a direct parallel to the service of communications.

The reality is that ideas are not like shirts or shoes or hamburgers or other products where there clearly have been benefits by having an unfettered, free market.

Thomas Jefferson once observed that, having to make choice between free government and free speech or freedom of the press, he would take free speech and freedom of the press because, if you did not have those fundamentals, you would not have a free government for long. And if you lost the free government but you still had people who could have the freedom to speak and the freedom to communicate ideas, you would build eventually a base for a restoration of free government.

This issue is as fundamental as our basic precepts of democracy and what is required for a functioning democracy.

I am very concerned about the effect of the concentration of power within this legislation, a concentration of power which I do not believe is necessary in order to accomplish the objectives of a greater role of the marketplace in the allocation of communications technology.

Why do we have to lift totally the number of television stations that an individual entity can own in order to get the benefits of technological innovation in telephones or in television or video or other services? I believe that this legislation is being used as a means by which to accomplish other ends, which are to concentrate power in an area that is critical to a democratic society. I have little doubt that, if this legislation is passed in its current form, within a few years from this afternoon we will see a handful of firms control the large majority of television stations in the United States. It frankly frightens me to see that kind of power turned over to a few hands. I do not see what benefit the consumers are going to receive by that. I believe that will be the inevitable result of this legislation. I do not see what purpose in the general thrust of this legislation is advanced by that kind of an open invitation to concentration of power and control over the access to ideas in our democratic society.

So I believe that this legislation had a worthy goal to bring modernity, a recognition of the changes in technology, to give us a chance for a greater access to the benefits of a rapidly changing telecommunications industry but that we have fallen short of those goals by failure to assure that there will be a functioning free market before we drop the protections of even minimal regulations such as those that are available today for cable TV customers, and we have allowed the general goal to be held out under which was buried efforts to concentrate economic power which has the potential to damage our democratic society.

So it is, Mr. President, with a sense of disappointment that I announce my inability to support this legislation in its current form. I hope that by stating the basis of my opposition, that might contribute to further reforms before this legislation is finally adopted, finally resubmitted to us out of a conference committee, so that we will have legislation that can draw the kind of broader support for change, I believe, as fundamental—I would say as radical—as this should have before it is adopted.

Thank you, Mr. President.

Mr. STEVENS. Mr. President, I rise merely to congratulate my good friend, the Senator from South Dakota, and also my friend from South Carolina for their management of this bill. It is a bill that means a great deal to rural America in particular. We have watched developments in the last part of this century with awe. I think the developments that are coming now will startle our imagination. I am talking about the developments in telecommunications and technology.

When I came to the Senate, the Army ran our only communications system. It was a telephone system. We had also the wireless and telegraph capability. We are moving now into the next century. Because, I think, of the work the Senate has done in this area, we are moving into the 21st century with everyone in the country, and we are probably ahead of everyone else in the world. The real necessity now is to devise a system that will carry us on beyond this developing technology into an era of really free competition without regulation in which the ingenuity and really resourcefulness of the American entrepreneur will bring us better and better and better communications.

Communications now have reached the point where at least in my State they dominate our educational pattern. They dominate the health care delivery system. They dominate our total communications system in terms of business.

In a State that is one-fifth the size of the United States, the one single factor that makes us equal is the equal access to the most recent developments for telecommunications. I think this bill will assure that in this interim period now as we shift from the 1934 Communications Act into a period where we will have very, very little regulation of communications, which I think should start sometime between 2005 and 2010 is where I see it in terms of the developments of technology that have been reported to us thus far. Developments are still on the drawing board in some instances, developments that are really being applied from our space research in other instances.

I do believe the work the Senator from South Dakota and the Senator from South Carolina have done along with their staffs in perfecting this bill so we can take it now to the House and, hopefully, early to conference will mean that we are going to have a change, an immediate change in this country. It will be a change for the best as far as Alaska is concerned.

I close by just remarking that the other day I heard about a young family that has moved to Alaska from somewhere around the San Francisco area. They bought an island, and they have moved themselves and their small business up to that island. They are going to continue to conduct their business in the San Francisco area by telecommunications from my State. They will have available all of the modern convenience where they are going to be.

That is something which could not even be dreamed of when I first went to Alaska, and now we are in a situation where we see people moving into our State from all over the country, if not the world, to utilize our wilderness, our beautiful surroundings, and at the same time maintain contact with the rest of the world through telecommunications. This bill, as I said, means more to us than I think it does anyone in the Senate.

I thank the Chair.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER (Mr. THOMPSON). The Senator from West Virginia.

Mr. BYRD. Mr. President, I shall use such time as I may require under the time allotted to any Senator under the cloture rule. I shall not be long.

The purpose of this bill is to establish a framework to introduce more competition into the telecommunications sector and break down the current system of large monopolistic fiefdoms which characterize this market.

In addition, there is an attempt to deregulate cable and broadcasting sectors in an attempt to strike a compromise between the current regulatory environment and the desire for additional competition in those marketplaces. The question is, Does the bill go far enough in doing this? Can we predict how successful it will be? What are the dangers that additional influence by big corporations, big entities, will result despite the intentions of the hard-working managers of the bill, the distinguished Senator from South Dakota, the chairman, Mr. PRESSLER—and I compliment him on his management of this bill and the work that he has done on the bill during the committee process, throughout the hearings and the markup—and the ranking member, whom I compliment, the distinguished Senator from South Carolina [Mr. HOLLINGS] the former chairman of the committee, straight as an arrow in his physique, straight as an arrow in his integrity and honesty and straightforward manner.

Certainly it is intuitive that prices will drop with additional competition in the telephone marketplaces that might eventually occur, but the impact of bigness on the pending bill, which is attempting to reduce bigness, gives me great pause.

There is a substantial possibility that three-quarters of West Virginia's cable TV viewers will pay higher prices for this service as a result of the bill. This is because the definition of "small" cable company included in the leadership amendment on this floor would include about 74 percent of our West Virginia cable viewers. Even if they take the most basic cable service, it is subject to deregulation and the price can go through the roof before the ink is dry on the conference report.

The distinguished Senator from Connecticut [Mr. LIEBERMAN] this afternoon offered an amendment to correct those cable rate rises. Unfortunately, his amendment was not agreed to. I supported that amendment, which was an important consumer amendment.

In addition, Mr. President, on the amendment by the distinguished Senator from North Dakota [Mr. DORGAN] to keep the concentration of TV ownership at the current cap of 25 percent, the amendment failed after some heavy lobbying by interests that are interested in further concentration of broadcasting station ownership.

There are some good things in the bill, including in particular the initiative authored by my colleague from West Virginia, Mr. ROCKEFELLER, that extends the traditional concept of universal service which is essential for our State and broadens it to include affordable rates for such institutions as hospitals, secondary schools, and libraries, bringing the future information highway and the services it can give to every person—down to the basic infrastructure for learning and health care—to West Virginia. I congratulate my colleague, Mr. ROCKEFELLER, on this item, and I enthusiastically endorse it.

In addition, the Senators from North Dakota and Nebraska, Senators CONRAD and EXON, have authored valuable amendments to take steps to reduce violence and obscenity on TV in this bill, and we sorely need to take that kind of action.

Given these worthy provisions, I also take note of the observations made earlier by the distinguished Senator from Nebraska [Mr. KERREY] regarding the quality of the message and pictures going over the airwaves and the land lines. The issue is the manipulation and control of information made available to our citizens. Wide choice and quality programming must be available. Essential information must be available to our people so that independent judgments can be made. Bigness, big programming, cavalier concern for consumer choice and diversity of viewpoint seem to go hand in hand. We need to take care that we do not allow our media to hollow out the essence of information and diversity of viewpoint which are essential to creating an informed citizenry. Certainly, we ought to focus a great deal of attention on the effect that such legislation as we have before us today enhances and informs citizenry and erects barriers to the power of great financial and technological interests that care only about manipulation, control, and the bottom financial line.

This is a very big and complex bill dealing with a range of businesses and interests that are vast, wealthy, and powerful. We have not had enough time to adequately debate the very important amendments in this bill. We should not be invoking cloture. I voted against cloture on yesterday. I was one of the few who voted against it. We should not be invoking cloture to truncate the doing of the legitimate business with adequate debate on this kind of measure.

Cloture is for filibusters. Cloture is not intended to shut off legitimate debate on important business such as this. Senators and their constituents are shortchanged by this technique, and it is not in the highest traditions of this deliberative body.

Mr. President, finally, the episode over the last 2 days regarding the transparent threats by one big conglomerate, Time Warner, to threaten the future of a business arrangement unless the Senate agrees to remove a particular provision from the bill is an outrageous illustration of the kind of influence peddling and pushing that surrounds this legislation.

The senior Senator from Nebraska [Mr. EXON] has drawn the attention of the Senate to the kind of intrusion into the legislative process that is illustrated by the threat that Time Warner has engaged in. One cannot help but wonder what leads a big organization like Time Warner to think that it can actually affect the legislative process in this way.

What does this episode say about the perception of the integrity of the Senate that prevails among the big concerns that mold public opinion? What leads such concerns to think that they can get away with this kind of blackmail?

There is too much money pushing around this legislative product and process. It is totally inappropriate, and I congratulate the distinguished Senator from South Carolina on his statement, and I shall support him in his urging that the amendment not be agreed to.

For the reasons stated, I shall also vote against the bill on final passage.

Mr. President, I ask unanimous consent to have printed in the RECORD an article by Tom Shales that appeared in the June 13, 1995 edition of the Washington Post, along with a letter from Time Warner, dated June 13, 1995, to Senator PRESSLER; and a letter from Senator PRESSLER to Mr. Timothy Boggs of Time Warner, dated June 15, 1995.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, June 13, 1995]

FAT CAT BROADCAST BONANZA

(By Tom Shales)

It's happening again. Congress is going ever so slightly insane. The telecommunications deregulation bill now being debated in the Senate, with a vote expected today or tomorrow, is a monstrosity. In the guise of encouraging competition, it will help huge new concentration of media power.

There's something for everybody in the package, with the notable exception of you and me. Broadcasters, cablecasters, telephone companies and gigantic media conglomerates all get fabulous prizes. Congress is parceling out the future among the communications superpowers, which stand to get more super and more powerful, and certainly more profitable, as a result.

Limits on multiple ownership would be eased by the bill, so that any individual owner could control stations serving up to 35 percent of the country (50 percent in the even crazier House version), versus 25 percent now. There would be no limit on the number of radio stations owned. Cable and phone companies could merge in municipalities with populations up to 50,000.

Broadcast licenses of local TV stations would be extended from a five-year to a 10-year term and would be even more easily renewed than they are now. It would become nearly impossible for angry civic groups or individuals to challenge the licenses of even the most irresponsible broadcasters.

In addition, the rate controls that were imposed on the cable industry in 1992, and have saved consumers $3 billion in the years since, would be abolished, so that your local cable company could hike those rates right back up again.

Sen Bob Dole (R-Kan.), majority leader and presidential candidate, is trying to ram the legislation through as quickly as possible. Tomorrow he wants to take up the issue of welfare reform, which is rather ironic considering that his deregulation efforts amount to a bounteous welfare program for the very, very, very rich.

Dole made news recently when he took Time Warner Co. to task for releasing violent movies and rap records with incendiary lyrics. His little tirade was a sham and a smoke screen. Measures Dole supports would enable corporate giants such as Time Warner to grow exponentially.

"Here's the hypocrisy," says media activist Andrew Jay Schwartzman. "Bob Dole sits there on 'Meet the Press' and says, yes, he got $23,000 from Time Warner in campaign contributions, and that just proves he can't be bought. He criticizes Time Warner's corporate responsibility and acts like he's being tough on them, but it's in a way that won't affect their bottom line at all.

"Meanwhile he is rushing to the floor with a bill that will deregulate cable rates and expedite the entry of cable into local telephone service, and no company is pressing harder for this bill than—guess who—Time Warner."

Schwartzman, executive director of the Media Access Project, says that the legislation does a lot of "awful things" but that the worst may be opening the doors to "a huge consolidation of broadcast ownership, so that four, five, six or seven companies could own virtually all the television stations in the United States."

Gene Kimmelman, co-director of Consumers Union, calls the legislation "deregulatory gobbedygook" and says it would remove virtually every obstacle to concentration of ownership in mass media. The deregulation of cable rates with no competition to cable firmly in place is "just a travesty," Kimmelman says, and allowing more joint ventures and mergers among media giants is "the most illogical policy decision you could make if you want a competitive marketplace.

The legislation would also hand over a new chunk of the broadcast spectrum to commercial broadcasters to do with, and profit from, as they please. Digital compression of broadcast signals will soon make more signal space available, space that Schwartzman refers to as "beachfront property." Before it even exists, Congress wants to give it away.

Broadcasters could use the additional channels for pay TV or home shopping channels or anything else that might fatten their bank accounts.

There's more. Those politicians who are always saying they want to get the government off our backs don't mind letting it into our homes. Senators have been rushing forth with amendments designed to censor content, whether on cable TV or in the cyberspace of the Internet. The provisions would probably be struck down by courts as antithetical to the First Amendment anyway, but legislators know how well it plays back home when they attack "indecency" on the House or Senate floor.

Late yesterday Sens. Dianne Feinstein (D-Calif.) and Trent Lott (R-Miss.) called for an amendment requiring cablecasters to "scramble" the signals of adults-only channels offering sexually explicit programming. The signals already are scrambled, and you have to request them and pay for them to get them. Not enough. Feinstein and Lott said: they must be scrambled more.

The amendment passed 91-0.

It's a mad, mad, mad, mad world.

An amendment expected to be introduced today would require that the infamous V-chip be installed in all new television sets, and that networks and stations be forced to encode their broadcasts in compliance. The V-chip would allow parents to prevent violent programs from being seen on their TV sets. Of course, they could turn them off, or switch to another channel, but that's so much trouble. Why not have a Big Brother do it for you?

The telecommunications legislation is being sponsored in the Senate by Commerce Committee Chairman Larry Pressler (R-S.D.), whose initial proposal was that all limits on multiple ownership be dropped. Even his supporters laughed at that one.

Dole is the one who's ramrodding the legislation through, and it's apparently part of an overall Republican plan for American media, and most parts of the plan are bad. They include defunding and essentially destroying public television, one of the few wee alternatives to commercial broadcasting and its junkiness, and even, in the Newt Gingrich wing of the party, abolishing the Federal Communications Commission, put in place decades ago to safeguard the public's "interest, convenience and necessity."

It's the interest, convenience and necessity of media magnates that appears to be the sole priority now. "The big loser in all this, of course, is the public," wrote media expert Ken Auletta in a recent New Yorker piece about the lavishness of media contributions to politicians. The communications industry is the sixth-largest PAC giver, Auletta noted.

Viacom, a huge media conglomerate, had plans to sponsor a big fund-raising breakfast for Pressler this month, Auletta reported, but the plans were dropped once Auletta started making inquiries: "Asked through a spokeswoman about the propriety of a committee chairman's shopping for money from industries he regulated, Pressler declined to respond."

The perfect future envisioned by the Republicans and some conservative Democrats seems to consist of media ownership in very few hands, but hands that hold tight rein over the political content of reporting and entertainment programming. Gingrich recently appeared before an assemblage of mass media CEOs at a dinner sponsored by the right-wing Heritage Foundation and reportedly got loud approval when he griped about the oh-so-rough treatment he and fellow conservatives allegedly get from the press.

Reuven Frank, former president of NBC News, wrote about that meeting, and other troubling developments, in his column for the New Leader. "It is daily becoming more obvious that the biggest threat to a free press and the circulation of ideas," Frank wrote, "is the steady absorption of newspapers, television networks and other vehicles of information into enormous corporations that know how to turn knowledge into profit—but are not equally committed to inquiry or debate or to the First Amendment."

The further to the right media magnates are, the more kindly Congress is likely to regard them. Most dramatic and, indeed, obnoxious case in point: Rupert Murdoch, the Fox mogul whom Frank calls "today's most powerful international media baron." The Australian-born Murdoch has consistently received gentle, kid-glove, look-the-other-way treatment from Congress and even the regulatory agencies. When the FCC got brave not long ago and tried to sanction Murdoch for allegedly deceiving the commission about where he got the money to buy six TV stations in 1986, loud voices in Congress cried foul.

These included Reps. Jack Fields (R-Tex.) and Mike Oxley (R-Ohio), Daily Variety's headline for the story, "GOP Lawmakers Stand by Murdoch." They always ??? Indeed. Oxley was behind a movement to lift entirely the ban on foreign ownership of U.S. television and radio stations. He wanted that to be part of the House bill, but by some miracle, this is one cockamamie scheme that got quashed.

Murdoch, of course, is the man who wanted to give Gingrich a $4.5 million advance to write a book called "To Renew America," until a public outcry forced the House speaker to turn it down. He is still writing the book for Murdoch's HarperCollins publishing company. The huge advance was announced last winter, not long after Murdoch had paid a very friendly visit to Gingrich on the Hill to whine about his foreign ownership problems with the FCC.

Everyone knows that America is on the edge of vast uncharted territory where telecommunications is concerned. We've all read about the 500-channel universe and the entry of telephone companies into the cable business and some sort of linking up between home computers and home entertainment centers. In the Senate debate on the deregulation bill last week, senators invoked images of the Gold Rush and the Oklahoma land rush in their visions of this future.

But this gold rush is apparently open only to those already rolling in gold, and the land is available only to those who are already big landowners—to a small private club whose members are all enormously wealthy and well connected and, by and large, politically conservative. It isn't very encouraging. In fact, it's enough to make you think that the future is already over. Ah, well. It was nice while it lasted.

TIME WARNER,
Washington, DC, June 13, 1995.

Hon. LARRY PRESSLER,
Chairman, Committee on Commerce, Science and Transportation, U.S. Senate, Washington, DC.

DEAR CHAIRMAN PRESSLER: As you requested, the attached signature page confirms that Home Box Office has reached an agreement with the National Cable Television Cooperative, Inc. for HBO programming. As discussed with you and your staff, this agreement is entirely contingent on the removal of the program access provisions at Section 204(b) of S. 652, prior to Senate action on the legislation.

On behalf of Time Warner and HBO, I am pleased to report that we have reached this agreement and respectfully request that this provision be removed from the bill at the earliest possible opportunity. Without removal of this provision from the bill, the HBO distribution agreement with the NCTC will be void.

Thank you for your leadership on this matter. Please feel free to contact me if I can be of any assistance to you or your staff. I can be reached at my office at 202/457-9225 or at home at 202/483-5052.

Warm regards,

TIMOTHY A. BOGGS.

U.S. SENATE,
COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION,
Washington, DC, June 15, 1995.

Mr. TIMOTHY A. BOGGS,
Senior Vice President for Public Policy, Time Warner, Inc., Washington, DC.

DEAR MR. BOGGS: Your faxed letter of June 13 contains misleading statements which do not accurately reflect my position.

On May 4, 1995, I met briefly with you, Ron Schmidt and HBO/Time Warner executives, in the presence of my staff, regarding the program access provision of S. 652. During that meeting, HBO/Time Warner urged me to support deletion of the program access provisions of the bill.

I stated that the program access provision was of enormous importance to small cable operators, including those in South Dakota. I suggested that if the program providers disliked the provision, they ought to negotiate with the small cable operators to reach an agreement which might address the problems this portion of S. 652 is attempting to solve. Specifically, since Ron Schmidt is from my home state, I suggested that he talk to a small cable operator from South Dakota, Rich Cutler, to see if an industry compromise were possible.

At no time during our conversation did I indicate that any specific action by Time Warner would result in deletion of the program access provisions. I have had no further conversations with HBO/Time Warner about this matter since that meeting. My staff has not portrayed my position as being anything other than the industry negotiations suggested on May 4. Nothing I said during our short meeting could be construed as suggesting some sort of quid pro quo, which would be wrong, if not illegal. I resent the inference in your letter that I suggested something other than an industry-negotiated solution.

Your letter indicates that failure to delete the program access provisions from the bill would vitiate any negotiated agreement HBO/Time Warner had reached with the small cable operators. While HBO/Time Warner is free to negotiate contracts as they see fit, such tactics, in my opinion, cannot be considered as good faith negotiations. Your letter implies that I tacitly approved such a condition, which is not the case.

I expect you to send this letter to the same individuals who received your letter to me. Your letter is misleading, and does not accurately characterize my position as presented in my May 4 meeting with HBO/Time Warner.

Sincerely,

LARRY PRESSLER,
Chairman.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, I presume that within the hour, we will get to final passage of this very important legislation. I think it is appropriate that we take note of a little bit of the effort that went into it.

First, I want to refer again to the title of this bill: Telecommunications Competition and Deregulation Act of 1995. I think that is really what it is, but it has been a monumental undertaking. You have had the behemoths of the industries on both sides struggling mightily to protect their interests—their turf. Everybody has wanted, as the saying has been repeated on the floor earlier, "a fair advantage." The goal of the committee has been to try to make sure that it was just fair to everybody.

It has been very difficult. A lot of effort has gone into it, but I believe we have accomplished the goal we have set out to accomplish. And I believe that we will have an overwhelmingly bipartisan vote when we get to final passage.

So I wanted to take this early opportunity, in advance of the vote to thank and commend the managers of this bill, Chairman PRESSLER and the ranking member, Senator HOLLINGS of South Carolina, the former chairman, who have really done outstanding work.

I also want to commend the majority and minority leaders, Senator DOLE and Senator DASCHLE. I have commented to both of them that I believe this is the best example I have seen this year of our leaders working together and our managers working together for what is in the best interest of the country, not the best interest of one party or the other, or one segment of the telecommunications industry or the other, but what is the right thing to do.

It has been a long struggle, and it would not have been possible without the type of bipartisan cooperation and strong leadership that we have seen here. The legislation is truly a remarkable achievement. For 20 years, Congress has been trying, struggling to get comprehensive communications reform—without success. But we are on the verge of seeing that happen.

So this is a historic act that will bring, I think, a tremendous boost to our economy and our standing communications policy that will take us into the 21st century.

I believe that we will see a tremendous growth and expansion in this area—new innovation, new ideas, with the utilities being involved, along with the Bells, the long distance companies and cable companies. There are going to be jobs created and the economy will grow and expand in this area. As a member of the Commerce Committee, I am proud to have been a part of this effort.

I commend the chairman, in particular, because I do not know of anybody else that could have done it at this particular time. He has been persuasive and doggedly persistent. I wish I had a nickel for every time that he said to the distinguished leader, "We are ready to go. When can we get on the schedule? Is it alright if we go ahead and move it?"

How did the Chairman do it? He opened the process to the full committee. He involved everybody. He went to all of the committee members. I remember the first meeting we had in his office. Yes, he worked with the Republicans, but he did not stop there. He went to the Democrats and he did not talk through people to the former chairman; he went directly to him. When we got our first draft, he hand-delivered it to the Members. The leadership was involved every step of the way. Months of negotiations were held before we had the eventual agreement, and when we finally agreed upon the core, the entry test, he stuck with it in the markup and on the floor. Also, the distinguished Senator from South Carolina stuck with it.

So I just have to say Senator PRESSLER is one who gets the job done. He certainly did it here. The country will be better off because of his leadership on this bill and on the committee. I look forward to working with him in many other instances in the future.

Senator HOLLINGS' leadership and cooperation deserves great praise. I have had him on the other side of issues, and I did not appreciate it a bit. He was tough. But, boy, is it fun when he is with you. It has really been a pleasure to work with him. He is a man of his word. When he tells you he is going to stay put, he does—even when he has pressure on his side of the aisle not to. This would not have been possible without his cooperation, experience, and his perseverance.

I also thank some tremendous staff people: Paddy Link, staff director for Senator PRESSLER, and his counselors, Donald McClellan and Katie King. For Senator HOLLINGS, I thank Kevin Curtain, John Winhausen, who has been around on this issue for some time, and Kevin Joseph. For Senator DOLE, I appreciate the efforts by David Wilson, and for Senator DASCHLE, Jim Webber. I have never seen many staff people work so well together. They worked days and nights and weekends when we were back in our States, and they struggled along with it. So I think they deserve a lot of credit. I thank my own staff assistant, Chip Pickering for his work on this issue. I have called him the "peacemaker." Blessed are the peacemakers, for most of them are dead. Many times I thought he was going to get himself killed and me, too, because he had me in the middle of my friends on both sides. So I appreciate the effort he put forward.

I want to thank some other people, like Larry Johnson, Kelly Algood, Bernie Ebbers, Bernard Jacobs, and Eddie Fritz. All of these are Mississippians who have a direct interest and knowledge in this area. They are on the long distance side, they are on the Bell side, they are on the cable side, they are utility folks and broadcasters.

Although it is difficult in legislation of this magnitude to agree on all issues, I appreciate their insight, assistance and understanding of what I was trying to do. They made it possible for me to try to be helpful as we moved the legislation along toward what will be right for the country and fair to the competitors and the consumers.

Again, I congratulate the managers. I am proud of them and proud to have been associated with them. This is truly historic. In many ways, this bill is every bit as big and as important as the balanced budget resolution we passed. It will have a tremendous impact on the economy, and I believe it will greatly help our country's future.

I yield the floor.

Mr. PRESSLER. Mr. President, if I may for a minute, I want to thank the Senator from Mississippi, and Chip, his able assistant. I will be saying more later about thanking people. But the bill would not have happened without him. Every time I went to him as my deputy leader, he was there. I do not know how you get enough hours in the day to do all the things we ask you, but you were there, and I thank you very much for your kind comments.

Mr. HOLLINGS. Mr. President, let me also join in my thanks to the distinguished Senator from Mississippi. When we really got into trouble, I went to the Senator from Mississippi. He paved the way all the time in the 2 years previous here working on this bill and, of course, all this year. I cannot thank him enough. We could not have had this bill without his leadership.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I cannot help but observe the thankfulness that is going on here. I was standing here listening, and I thought to myself, in this Chamber the highest praise is usually reserved for those who are about to vote against you.

I stand to give credit to the Senator from South Dakota. I think the Senator from South Dakota has demonstrated real skill in moving this legislation. I am, of course, indebted to the leadership of not only the Senator from South Dakota, but the Senator from South Carolina, with whom I have worked carefully for a long, long while.

These have been difficult issues, no question about that. We are dealing with literally hundreds of billions of dollars in the American economy with interest groups that have very substantial stakes in the outcome of this legislation. I understand the passion with which some people stand here and debate to push their positions.

I started out very hopeful about this legislation and voted for it coming out of the committee. I think there are elements of this legislation that will be good for this country. I remain concerned, however, about the issue of concentration of ownership in the television and radio broadcasting. I remain concerned about the lack of the role of the Justice Department in being able to adequately enforce what I consider to be vital antitrust issues. For those reasons, I do not feel I am going to be able to vote for this bill on final passage. I say that with some disappointment because I had hoped as we started this process that we would be able to successfully amend it on the floor of the Senate.

The Senator from South Dakota and the Senator from South Carolina will recall when we had the markup in the Commerce Committee, the issue was to try to move this bill along as quickly as possible. I understood that morning the need in a couple of hours to move this bill out of committee. But we discussed at some length there about the opportunity to offer amendments on the floor of the Senate and to try to correct some of the areas that represented concerns.

I voted for it coming out of committee, but I did, in the committee, express the very concerns that I brought to the floor about concentration of ownership of television and radio stations and my concerns about an adequate role for the Justice Department on the issue of RBOC entry into long distance.

When I came to the floor, we had an opportunity to fully debate them. I compliment the two leaders on the floor. They were very cooperative. For that I am appreciative.

I suffered one of these unusual experiences of having won briefly and then lost on an amendment I cared a great deal about: that is my amendment on television ownership.

We now restrict ownership to 12 television stations and we limit the audience reach to 25 percent. These limits prevent a concentration of media ownership in this country. This bill says that there is no limitation on how many stations one can own, as long as you do not cover more than 35 percent of the country.

I do not support that, and I brought an amendment to the floor that would have retained the existing limits. We debated it and voted.

At the end of the vote, my amendment won by a vote of 51-48. It taught me a lesson—this whole set of circumstances—because although I won by a vote of 51-48, an hour and a half later, it turns out some folks had new opinions about this issue after having debated it for hours and days, and we had another vote.

Then I learned that not all Members are equal in this Chamber. Some have a better grip in wrenching arms than others, and I will be darned if I did not lose. You win for an hour, and I guess you lose forever, in these circumstances.

For that reason, I do not feel I can vote for the bill on final passage. I did want to explain briefly that I view the issue of telecommunications reform as critically important to the United States. Its development, its opportunity for this country is a very significant issue.

I admire the work of the two Members who brought this to the floor and have spent days on the floor. I wish very much that the couple of major amendments I had offered would have been adopted, in which case I would have been one to cast a yes vote on final passage. I hope the managers will understand the reason for my no vote.

I expect when the votes are counted, this legislation will advance. I still have some hope that when this bill comes out of conference committee the issues I have mentioned will be addressed.

I yield the floor.

Mr. INHOFE. Mr. President, I ask unanimous consent to be recognized to address the Senate for not to exceed 12 minutes as in morning business.

Mr. President, I thank the Chair.

(The remarks of Mr. INHOFE pertaining to the introduction of S. 928 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. We are currently on amendment No. 1341 of the telecommunications bill.

Mr. BUMPERS. Mr. President, I ask unanimous consent I be permitted to speak for 5 minutes on the bill but not on the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUMPERS. Mr. President, I come to the floor to say that I have concluded, after considerable debate with myself, not to vote for this bill on final passage. It was not a decision easily reached. This is an immensely complex bill. Frankly, there are very few Senators in the U.S. Senate who really understand the full complexity and ramifications of this bill.

My decision is not based on whether or not the baby Bells can get into the long distance telephone market. That is a problem for me. But it is not nearly the problem of the unlimited power of people owning an unlimited number of radio stations and television stations, which I consider to be highly dangerous.

I heard the Senator from Florida, Senator GRAHAM, this morning say that Thomas Jefferson once asked which would he choose between a free government and a free press? He said he would always take a free press because you cannot have a free government without a free press.

These airwaves of radio and television stations can only be allocated by the Government. You cannot allow people willy-nilly to take a particular channel in the airwaves for a radio or television station. That is what the Federal Communications Commission was set up to do, allocate those things. And for years the Government gave away billions and billions of dollars' worth of television station channels and radio station channels. It has only been in recent years that the Government has decided it was being taken and it ought to start making people bid at public auction for those airwaves. Incidentally, it has helped a great deal in our efforts to balance the budget. We have been getting billions of dollars for radio and television station channels on the airwaves.

There was a time not too long ago in this country when you were prohibited from owning a television station and a newspaper in the same community. Now, under this bill, you can own 500 radio stations, 1,000 radio stations. You can own as many television stations as you want, as long as you do not control more than 35 percent of the market as determined by the Federal Communications Commission. Can you imagine some people—I will leave it to your imagination, and I will leave it to your imagination as to who it may be—can you imagine some of the people in this country who are very big in telecommunications owning 1,000 radio stations; 100 television stations? Let us face it, the newspapers are not nearly as powerful as the television stations. It is a concentration of communications power that I think is dangerous to the country.

So I believe that some ideological bent or belief, not an empirical belief but an ideological belief, a philosophical belief that the free market will solve this problem—turn them all loose to buy and sell these stations however they will—it has not even worked in a lot of the rest of our society. That is the reason we have an antitrust division down at the Justice Department. It was the very reason Teddy Roosevelt saw that the people were suffering from the gigantic trusts of his day. So from that evolved the Sherman Act, the Robinson-Patman Act and all the other acts that protect people from what can become a tyranny.

I think it was Madison who said—and I sometimes wonder what James Madison would think today—but it was James Madison who said the Congress, the Congress is what stands between the people and what would otherwise surely become a tyrannical leader, tyrannical government.

Mr. President, for all of those reasons history tells me we are about to make a colossal mistake that will be very difficult to undo when we discover it someplace down the road.

I yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I thought, with the permission of the Senator from South Carolina, I might speak for 6 minutes or so before the final vote.

Mr. President, this debate we have had on this bill has opened all eyes to the dazzling possibilities provided by our new, emerging information technologies. I will quote from some of the speech that I gave several days ago during this debate.

> I can imagine workers in rural Minnesota telecommuting to and from work as far away as New York or Washington without ever having to leave their homes or families. Or schoolchildren in a distressed Minneapolis school district reading the latest publications at the Library of Congress via thin glowing fiber cables—

Mr. President, this really excites me as a teacher.

> or rural health care providers on the iron range consulting with the top medical researchers at the Mayo Clinic in Rochester to better treat their patients.

Mr. President, all of this is before us. I felt like this bill presented to each Senator a daunting—an exciting but also daunting—responsibility. The concern that I have has to do with whether or not we can make sure that there will be true competition, and that this technology and information will truly be available to everyone in the Nation, not just the most privileged or the most wealthy.

What has disappointed me the most—and the Senator from South Carolina has to be one of the colleagues I most respect here in the Senate even when we disagree—is that over and over again where there have been amendments to I think assure competition and to also protect consumers—I am not just concerned about the alphabet soup corporations. I am also concerned about the people that live in Ferguson Falls or live in Virginia, Minnesota, or live in Minneapolis or St. Paul or Northfield. I was hoping that at least we could build in more protection for consumers and more guarantees that there would in fact be the competition that we all talk about.

While I fully appreciate the potential of this legislation, I am really worried about where we are heading because I think there is going to be entirely too much concentration of power.

I would just simply build on the remarks of my colleague from Arkansas. The media is the only private enterprise in the United States of America that has first amendment protection. The reason for that, though we did not have the same kind of communication technologies we have today back in the days of Thomas Jefferson, was that the Founders of our Nation understood the importance of the media and the importance of information. And the importance of it was to contribute to an informed electorate. We are talking about something very precious here.

I see a piece of legislation that will lead to way too much concentration of power, way too much concentration of power in a very, very important and decisive area of public life in the United States of America. That has to do with radio and television, and information, and who controls the flow of information.

So, Mr. President, I was hoping that some of the amendments that were introduced on the floor of the Senate that I think really would have provided the consumer protection, that would have provided regular people—I do not mean in a pejorative sense, but I mean in a positive way—with some protection and which would have assured some competition as opposed to more and more concentration of power, more and more very, very vital and important areas being taken over by just a few conglomerates. It did not happen.

I think we are making a mistake if we pass this piece of legislation. I will therefore, vote against it.

I yield the floor.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, I will be very, very brief. I want to take 2 or 3 minutes if I could to congratulate the chairman of the committee, Senator PRESSLER, and the ranking member, Senator HOLLINGS, who have struggled long and through many difficult situations—and that I have been with them on—on many occasions. This is a bill that is criticized, that as a bill is easy to vote against because voting against the bill, if there is ever any problem, you can always say, "Well, I voted against the legislation."

I happen to feel that this bill is very important, and I rise in support of the legislation that has been deliberated on, been written and rewritten so many, many times. I would have to say that at least everyone has had their chance at an input on this piece of legislation, through what we worked on last year, reported out but never got passed, and then taken up by Senator PRESSLER when he became chairman of the committee; worked very hard and very closely with Senator HOLLINGS.

Certainly the bill before us, the telecommunications reform bill, is a good bill, although not a perfect one. A bill as complicated and as detailed as this one could be, I simply point out that it has many good features. It includes strong education provisions, including the Snowe-Rockefeller-Exon-Kerrey educational library, and rural health care discount provision.

It includes important market protections, including the farm team provisions of last year, all of which were incorporated here in the bill this year. It includes the Grassley-Exon infrastructure sharing provision. It includes the Communications Decency Act that we debated and passed yesterday. It includes a revolutionary, and I think very positive, TV ratings system. It includes a strongly needed and fair universal service language. And it abandons the one-fits-all regulation that has been a problem for a long time.

The cable provisions in this bill are still a disappointment to this Senator but were improved somewhat from the committee bill.

Final passage will take America's telecommunications industry off hold.

Mr. President, it is time to move on and pass this legislation.

I thank the Chair. I yield floor.

Mr. PRESSLER. Mr. President, I thank our friend from Nebraska for his numerous efforts on this bill as time has gone forward. He and his staff have been a key part of working on it. I thank him very much for his spirit of cooperation.

Mr. EXON. I thank my friend from South Dakota.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I have been listening to the speeches on the floor from the different committee members of the Commerce Committee, and it sounds like a funeral from time to time on the floor of the Senate. There are so many accolades and potential eulogies. But, in fact, I have to say that the accolades are really warranted, and it is because this bill has been so tough and so hard fought. And it has lasted for so long.

What we have seen on the floor is the tip of the iceberg. The work has been going on in committee nonstop for so many months that it is correct for the committee members who are so aware of all that has been done to be able to say job well done.

It is a job well done not because anyone feels victorious. It is a job well done because nobody feels victorious. It is a job well done because it has been a tough battle. It is because people that we respect so much, the entrepreneurs in the cable industry, the entrepreneurs in the long-distance industry, the local providers, the Bell companies that have been in business a long time but have made huge capital investments based on a regulatory scheme that now is going to be taken away—everyone in this business I respect because they are providing jobs. They are doing what we must do to continue to provide jobs in our country.

But what we are trying to do here is open the door even more. We are trying to provide more job opportunities. We are trying to provide more opportunities for the entrepreneurs in this country to go out and improve the technology and become a competitor throughout the telecommunications field.

So it has been a tough thing to balance the needs of all of these people who are out there on the front line spending their money for capital to go out and try to build a business that will make a difference for the consumers of America, that will add to the quality programming, add to the quality of telecommunications and telephone systems and video programming, and to also provide lower prices for those consumers.

So the fact that there are no victories here is a victory in itself. I think that if we look at the overall, we are only one step, but there is a finish line that we have not yet crossed. After we vote this bill out of the Senate—and I believe we will in a very short time—we are going to go to the House. The House is going to pass a bill, and there will be differences, and those are going to have to be worked out in conference. And once again, all of the entrepreneurs and all of the people who have built businesses on a regulatory scheme are going to come in and say, "We have been treated in an unfair way." And we are going to have to once again do a balance between the House and Senate versions of this bill. But we must do it because technology has leapt over the regulatory environment that we have in our telecommunications industry, and we have a lawsuit that has caused deregulation by a judge, and in fact it is just not the right way to have deregulation. It does not cover enough of the area to be fair to all people concerned. The only way that we can be fair is to have everyone at the same table and everyone give and everyone take a little bit.

So while I do not agree with everything in this bill and while probably no one who is voting on it agrees with everything in it, I wish to commend the chairman, the ranking member and the members of the committee who have put their small differences aside to do something that would move forward this very important step that I think will be able to bring as much as $3 billion, maybe more, into our economy with new jobs and new opportunities and new technologies that we can then export all over the world. It is an exciting bill. It is an exciting time. It is an exciting opportunity for this Senate to take that one step forward. Let us do what we can now and be ready to continue this fight until it is finished.

Mr. President, I commend those who have worked on it, and I thank you and I yield the floor.

The PRESIDING OFFICER (Mr. GORTON). The Senator from South Dakota.

Mr. PRESSLER. Mr. President, I again want to praise Senator HUTCHISON and her staffer, Amy Henderson, for the many hours of work they have done. I am going to recognize the staff. I do not know if I mentioned this before, but our staffs met night after night and on weekends, in addition to Senators participating. But the bill would not have happened without the Senator from Texas, and I thank her very, very much.

Mr. HOLLINGS. Mr. President, let me also join in my gratitude for Senator HUTCHISON's leadership. We all on the committee worked very closely.

A moment ago my distinguished colleague from Arkansas gave me the theme that comes to mind. He concluded his observation that he was prepared to vote against the bill; that it would be a colossal mistake to pass this bill.

Let me say in a word it would be a colossal mistake not to pass this bill. I came to the Senate almost 29 years ago, and they were talking then. And I immediately got on the Communications Subcommittee, and I can see Senator John Pastore, the chairman, talking about revising the 1934 Communications Act. I worked very closely with Senator Goldwater when he was the chairman, and I have been the chairman of the subcommittee and the full committee, and we worked time and time again and we were prepared, as everyone now knows—the distinguished Senator from South Dakota, now our chairman, was working with us—in the last closing moments to pass the bill last year.

It would be a colossal mistake not to pass this bill. This bill is an excellent bill. It did not do all things, but the truth of the matter is the experience has been, with the breakup of AT&T, that what we have now is 500 competitors in the long distance market. And with this bill by breaking up the regional Bell operating companies—this is how you legislatively, not by court order, but legislatively break up the monopolies of the local exchange—we are going to bring in hundreds and thousands of competitors. We are doing this in the most deliberate, measured fashion possible in that we appreciate that we in America have the best communications system in the entire world.

We are not repairing the communications system in that light. What we are trying to do is remove the obstruction in the middle of the information superhighway, namely, the Government. With all the plethora of rules, hearings, injunctions and precedents, we are finding now that the judicial branch is totally overwhelmed; it could not possibly deal with the explosion of this technology. No one individual could.

On the other hand, we are going to get communications policy back into the policymaking body of our Government, namely, the Congress and its administrator, the Federal Communications Commission.

We have an outstanding bill. Senator PRESSLER has done an outstanding job. I am ready, as I understand, to prepare to vote on the Dole amendment, the Breaux amendment, which will be agreed to, and then final passage.

As I stand here, I have been moved, as all Senators do, from the subject of the week—almost like Sealtest Ice Cream; we have the flavor of the week—we move to the other particular issue at hand. But staff on the other side of the aisle has been duly recognized, and I would again recognize Kevin Curtin and John Windhausen and Kevin Joseph, as well as Jim Drewry, Sylvia Cikins and Pierre Golpira, on our staff. They have worked not just during the 5 days of the week but weekends and evenings, around the clock, on and on again to keep us on a deliberate, measured, fair course of entering into competition and maintaining at the same time the wonderful universal service that we have.

There is a tremendous balancing act that is involved here, and no one should run a touchdown in the wrong direction with the idea that, yes, we could have gotten in more competition or more protection for the consumers. We have gotten in the basic competition and the basic protections that were necessary and even more.

So with that said, I hope we can move to the vote on the Dole amendment, Mr. President.

Mr. PRESSLER. Mr. President, when we receive notification from the leadership on both sides—I am certainly eager—we will vote. We are awaiting word.

I welcome all Senators who have statements.

I, too, wish to thank my friend, Senator HOLLINGS, for his great leadership. He has been working on this bill for years and years, and he got a similar earlier version through the Commerce Committee last year, where he has done a terrific job. He has been great to work with. Without his efforts, we would not have gotten this bill out of the committee or to this point. He has helped bring broad bipartisan support and has shown great courage and independence. He has done a terrific job.

Extraordinary effort has been expended on the measure's birth and ultimate passage. I have already talked about the process the staff went through in drafting this bill. This was not drafted outside of the Capitol as some have said. It was drafted in long nights and weekends by bipartisan staff working together at the direction of the Senators.

I wish to thank my committee chief of staff, Paddy Link, who has worked tirelessly on this bill. She is a first class professional without whom this telecommunications bill would not have passed. Communications counsels Katie King, who has done a terrific job in working diplomatically with the staffs of many Senators with an interest in the legislation, and Donald McClellan, who has worked days, nights, and weekends for months on this bill. Together, their efforts have helped shape this historic legislation. Special thanks must also go to staff assistants Sam Patmore, James Linen, and Antilla Trotter.

Senator HOLLINGS' staff has been enormously helpful in this effort. Commerce Committee Democratic chief counsel and staff director Kevin Curtin has been of invaluable assistance in this bipartisan effort, with his legislative drafting skills and knowledge of procedure. Counsels John Windhausen and Kevin Joseph brought their great expertise to the task; and staff assistant, Yvonne Portee. The good working relationship our committee staff has developed is the major reason we have been successful in developing a bill.

Lloyd Ator of the Commerce Committee bipartisan staff deserves thanks from both sides of the aisle for his legislative drafting skills.

Additionally, my heartfelt thanks are extended to the following staff members who have devoted substantial hours working with the committee in the process of getting this measure to the floor and passed. This is more or less the team that worked on the legislation. I used to go up and occasionally bring them some pizza. I do not know if people in the outside world realize how hard this staff on Capitol Hill works, especially when there is a major bill coming up.

I want to thank: David Wilson from Majority Leader DOLE's office for his assistance in getting the bill to the floor and for working with my staff; Elizabeth Greene, for her invaluable assistance while the bill was on the floor; Jim Weber, from the Democratic Leader DASCHLE's office for his assistance; Chip Pickering with Senator LOTT; and, Earl Comstock with Senator STEVENS. I must add that night after night, Chip Pickering helped lead a bipartisan team. Chip will someday be one of our Nation's finest leaders. Earl Comstock is one of the brightest, hardworking people I have ever encountered.

I also thank: Hance Haney with Senator PACKWOOD; Mark Buse with Senator MCCAIN; Mark Baker with Senator

BURNS; Gene Bumpus with Senator GORTON; Amy Henderson with Senator HUTCHISON; Angela Campbell with Senator SNOWE; Mike King with Senator ASHCROFT; Margaret Cummisky with Senator INOUYE; Martha Moloney with Senator FORD; Chris McLean with Senator EXON; Cheryl Bruner with Senator ROCKEFELLER; Scott Bunton and Carole Grunberg with Senator KERRY of Massachusetts; Mark Ashby with Senator BREAUX; Andy Vermilye with Senator BRYAN; Greg Rohde with Senator DORGAN; and Carol Ann Bischoff with Senator KERREY of Nebraska.

Mr. GRASSLEY. Mr. President, I ask unanimous consent to speak for 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

DOD UNMATCHED DISBURSEMENTS

Mr. GRASSLEY. Mr. President, many times in the last several months, I have addressed my colleagues in this Chamber on the subject of the bad accounting system in the Defense Department and particularly the subject of unmatched disbursements, a subject that involves the principle that if you are going to spend the taxpayers' money, you ought to be able to show exactly what that money went for.

The Defense Department has accumulated several billions of dollars over the last several years in money that has been spent. It is very difficult for them or anybody else to show exactly what that money has bought: A service or commodity.

So the unmatched disbursement problem at the Pentagon has been a problem that has been simmering on the back burner for several years. Now, all of a sudden, it is on the front burner, and the pot is boiling over.

The Department of Defense is getting hammered with bad publicity about this problem. Most of the heat is directed at the Defense Department's chief financial officer, Mr. John Hamre. He is fighting back, countering with damage control, sending letters and papers to allies on the Hill. He is trying to debunk all the criticism being directed his way.

As I have said many times, I think that Mr. Hamre is trying to do a good job. I think his heart is in the right place, but career bureaucrats under him are feeding him bad information.

In a nutshell, Mr. President, this is the problem: The Department of Defense does not match disbursements with obligations before making payments. Unless the matches are made, then we do not know how the money is being spent. Of course, this leaves the Department of Defense accounts vulnerable to theft and abuse.

DOD accounts are vulnerable to the tune of at least $28 billion. Those are not my numbers, those are the Department of Defense numbers. Mr. Hamre is desperately trying to diffuse all the criticism. Mr. Hamre says that my arguments that I have been stating on the floor over the last several months are baloney. He says the Department has, in his words, "certified receipts for every penny spent."

Mr. President, he said that in his latest rebuttal, and his rebuttal appears on page A15 of the June 10, 1995, Washington Post. I ask unanimous consent to print that article in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, June 10, 1995]

PENTAGON SPENDING: BY THE BOOKS

(By John J. Hamre)

Colman McCarthy's May 23 column "The Pentagon's Accountability Problem" so badly distorts my statements on Department of Defense financial management that the record must be corrected.

McCarthy implies that I am a naive dupe absolving government workers and defense contractors of any financial responsibility. He further suggests that our reform efforts are merely verbal smokescreens to mask business as usual. Nothing could be farther from the truth.

It is clear McCarthy did not attend the May 16 congressional hearing on which he bases his column. Had he been there he would have learned that not a penny of taxpayer dollars has been "lost," as his article implies—since the crux of the matter is not "phantom payments" but outmoded accounting procedures.

For every disbursement he characterizes as lost, we have a validated receipt with an independent confirmation that the government received the goods and services. He also would have learned that in the past 18 months we researched and correctly accounted for $20 billion in problem disbursements inherited from a decade of defense spending. He would have learned that during the same time period we also froze more than 20,000 payments to more than 1,500 contractors until we could correct underlying accounting problems.

He would have learned that we are reversing a 25-year-old "pay first, account later" policy. Beginning this summer, we will match disbursements to accounting records—not just against valid, certified invoices as we do now—before payments are made. And he would have learned that we created a special financial fraud detection organization.

Unfortunately none of this was reported by McCarthy, and I am unaware of any effort on his part to attempt to gather the facts.

The public has every right to know the extent of the Pentagon's accounting problems, as well as the efforts in place to remedy them. Your readers deserve far better than McCarthy provided.

Mr. GRASSLEY. Mr. President, I want to state, where he says that "the crux of the matter is not phantom payments but outmoded accounting procedures," I will agree with him on the outmoded accounting procedures, but I will not believe that that is an excuse for getting off the hook. It is designed to put us at ease, Mr. President. I think it is a neat distraction. Outmoded accounting procedures are seemingly harmless, are they not? They pose no threat, seemingly, to the security and the control of money. But that is a long way from the truth.

To assure us that no money has been lost, Mr. Hamre makes one bold assertion, and he makes it from this article. It says:

> For every disbursement he characterizes as lost, we have a validated receipt with an independent confirmation that the Government received goods and services.

I think I know what Mr. Hamre is trying to say. He is trying to say for every Defense Department payment, he has a receipt to prove that the goods and services were actually received. This was brought up in some recent testimony of Mr. Hamre on the Hill. He used form DD250 as an example of "validated receipts"—his words. Those are his words, "validated receipts for goods handled."

The DOD form DD250 is called the Materials Inspection and Receiving Report. I have a copy of that here.

This particular one that I have in my hand is for the purchase of a high-powered amplifier for the Air Force Milstar satellite.

I ask unanimous consent to print this in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

MATERIAL INSPECTION AND RECEIVING REPORT

Proc. Instrument Iden. (Contract): F19628–89–C–0131.

Invoice: 10030–472, 92Dec14.

Shipment No.: WAL0051.

Date shipped: 92Dec08E.

BA: D–2,424,371B.

TCN: S2206A2275A270XXX.

Prime contractor: Raytheon Co., Equip. Div. Headquarters, Hager Pond Facility, 1001 Boston Post Rd., Marlboro, MA 01752.

Administered by: DPRO, Raytheon Co., Wayside Ave., Burlington, MA 01803–4608.

Shipped from: Raytheon Co., 20 Seyon St., Waltham, MA 02254.

Payment will be made by: DFAS—Columbus Center, Attn: DFAS–CO–EB/Bunker Hill, P.O. Box 182077, Columbus, OH 43218–2077.

Shipped to: FB2049, Transportation officer, McClellan AFB, CA 95652–5609.

Marked for: FB2049, Account 09.

Item No.: H00A.

Stock/Part No.: MOD: P00017; CLIN: 0003AB.

Description: NSN: 5895–01–325–8555MZ; P/N: G287706–1; Amplifier, R.F.; Rev: BT/AV; Ref: PLG494453–21; S/N: 1005; Containers: 1 Skid; Gross shipping wt: 230#.

Quantity Ship/Rec'd: 1.

Unit: EA.

Unit price: $363,735.00.

Amount: $363,735.00.

Total: $363,735.00.

Procurement quality assurance: A. Origin—Acceptance of listed items has been made by me or under my supervision and they conform to contract, except as noted herein or on supporting documents.

Receiver's use: Quantities shown in column 17 were received in apparent good condition except as noted.

Date: Dec. 4, 1992.

Typed name and office: D Albrizio, S2205A.

Tax coding: 04–671.

Customer code No.: 53–936493–2.

Remit to: Raytheon Co., D–3007, P.O. Box 361346, Columbus, OH 43236–1346.

Mr. GRASSLEY. Mr. President, form DD250 is meant to tell us a lot. But what does it tell us? For starters, it gives us the contract number: F19628-89-C-0131.

It tells us that the Milstar amplifier was shipped on December 8, 1992.

It tells us the contractor was Raytheon, Burlington, MA

It tells us the amplifier's destination was McClellan Air Force Base, CA.

It gives us the national stock number: 5895-01-325-8555MZ.

It gives us the amplifier's serial number: 1005.

It tells us that the unit price for the amplifier is $363,735.

Remember that figure, because I am going to tell you how this item was sold for $20 in just a minute.

Finally, it tells us the name of the Government official who accepted the amplifier and certified that it met contract specs. The certifying official's name shown is D. Albrizio.

Well, Mr. Hamre wants us to believe that DD250, the form I inserted into the RECORD, is proof that the Government got what it paid for.

Now, the Air Force got the Milstar amplifier, right? No, they did not get it. We paid for an amplifier all right. Yes, we did. But we did not get it—at least not right away.

A citizen in North Carolina—Mr. Roger Spillman—got this $363,000 amplifier instead. While there is a long trail of signed certified receipts proving—and I use that advisedly—that DOD received it, the amplifier never showed up at the warehouse where it belonged.

First, it turned up as something identified as unknown overage cargo at the San Francisco terminal of the Watkins Motor Lines. Watkins had a DOD contract to deliver it to the McClellan Air Force Base. It was held there in San Francisco for 30 days. When no one showed up to claim it, it was shipped to Watkins salvage warehouse in Lakeland, FL. The Milstar amplifier was stored in the salvage warehouse for about 9 months.

Now, at that point, it was declared excess cargo and shipped to DRS, Inc., in Advance, NC, for auction. The public auction was held on October 25, 1993. The bidding started at $20. Within 45 seconds, Mr. Roger Spillman was the proud new owner of the Milstar amplifier, and it cost him exactly $75. Remember, for the original product we paid $363,000-plus.

The Air Force did not know the amplifier was missing until the owner, Mr. Spillman, called to request the instructions manual because he wanted to use it. That was almost a year after DOD officials had shown us this validated receipt of the amplifier.

Mr. President, what lesson does the case of the missing Milstar amplifier teach us? It is this: Despite Mr. Hamre's assurances to the contrary, the form that I have been reading from today—the DD250—provides no guarantee that DOD gets what it pays for. All the form does is tell DOD what is supposed to be on the loading dock or stocked in some warehouse. It does not mean that it is really there.

The DD250 is not an internal control device.

The DD250 will not tell us whether the item received was indeed ordered.

The DD250 will not tell you whether the price paid was the price agreed to in the contract.

The DD250 will not tell you whether your accounts contain enough money to cover the payment.

The DD250 will not warn you if you are about to make an underpayment, overpayment, or erroneous payment.

To protect and control public money, then, the Defense Department must match disbursements with obligations before payments are made. That is the way it must be done.

These DD250 forms are no substitute for nitty-gritty accounting work.

If Mr. Hamre wants to do effective damage control and silence his critics, then he needs to go back to the drawing board. He needs to find a device that addresses the source of the criticism. These forms—the DD250's—miss the mark, and miss it completely. The DD250's do not protect and control the people's money.

Mr. Hamre is the DOD comptroller, and he ought to know all these things.

Mr. President, I yield the floor and yield back any time I may have.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PRESSLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TELECOMMUNICATIONS COMPETITION AND DEREGULATION ACT

The Senate continued with the consideration of the bill.

AMENDMENT NO. 1283, TELEVISION CONTENT

Mr. DODD. Mr. President, I rise to address the issue of television violence, which we debated earlier this week in the context of this telecommunications bill. I opposed the Lieberman-Conrad amendment on this subject, but I strongly supported the Simon-Dole sense of the Senate amendment. I want to take this occasion to briefly sketch out my thinking on this subject.

I completely agree with my colleagues about the terrible effects of television violence on our children. The average American child witnesses 8,000 murders and 100,000 other acts of violence on television by the time he or she finishes elementary school. That is simply unacceptable. The American Medical Association, the National Commission on Children and other interested groups and individuals have spoken persuasively about the effect of this incessant violence on our children.

I believe that something must be done about this terrible problem, but I also believe that it should be up to parents and the industry itself to accomplish that end. This is an area where I do not believe Congress should be mandating a solution. Especially in the context of this deregulatory bill, we should not be creating federal commissions to promulgate highly prescriptive new rules in areas we should stay out of.

I was also concerned about some of the vague language in the Conrad-Lieberman amendment. It refers, for instance, to "the level of violence or objectionable content." We might—might—be able to come to agreement on a definition of "violence," but I do not see how we could reach a consensus on the meaning of "objectionable content." Everyone would have a different view.

As consumers and parents, we must all do a better job of turning the dial when programming to which we object comes across our television set. If that were to happen in large numbers, the market would dictate a dramatic improvement in television programming.

I supported the Simon-Dole sense of the Senate amendment, which calls on the industry to police itself but does not establish an unprecedented set of onerous government rules. I think this represented a more sensible approach to this problem.

AMENDMENT NO. 1325

Mr. DODD. Mr. President, I rise in support of Senator WARNER's amendment requiring Bell operating companies to fully disclose their protocols and technical requirements for connection with their facilities. This is a complex, technical issue, but it is a critical safeguard as the Bell companies move into manufacturing.

Section 222 of the bill before us applies the same competitive check list to Bell entry into manufacturing as it does to entry into long distance services. I have been concerned, however, by the fact that the legislation carves out a major exception for manufacturing research and design activities. This exception would allow Bell companies to commence these activities almost immediately.

Research and design is one of the most expensive phases of the manufacturing process, and it often holds the key to the end success of the product. But under S. 652's provisions, Bell companies would be able to engage in such activities before they face competition. This could open the door to cross-subsidization, unfair use of privileged information about RBOC network interfaces and other monopoly abuses that could decrease competition in the already competitive telecommunications manufacturing industry.

I have argued that the simplest solution to this problem was to delete the bill's exception for research and design activities. But this solution proved unacceptable to the bill's managers, so instead I supported Senator WARNER's efforts to add important safeguards.

Senator WARNER's amendment would ensure that the public network remain open and accessible to independent manufacturers. By requiring disclosure of technical specifications and planned changes in those specifications, the amendment would prevent Bell companies' manufacturing subsidiaries from gaining exclusive or early access to the kind of information that is the lifeblood of telecommunications manufacturing.

Independent manufacturers do not fear competition from Bell companies, so long as that competition is fair. Senator WARNER's amendment makes a great deal of progress in the effort to ensure fairness, and I hope we can build on this progress to make further improvements as this bill moves to conference.

I thank Senator WARNER for his leadership on this important issue, and I also thank Senators HOLLINGS and PRESSLER for agreeing to accept this modest amendment.

Mr. BINGAMAN. Mr. President, today we have had an historic opportunity to vote on a sweeping revision of the 1934 Communications Act, an act which is now, over 60 years after its original passage, woefully out of date. We tried last Congress to revisit this legislation but we were unable to bring the matter to the floor. I am glad that we have had a chance to consider this legislation on the floor this year. I hoped to be able to vote for it. We owe it to the people of this country to modernize the laws which govern telecommunications services and to do so in a way that promotes competition among the companies attempting to provide those services, and thus provide American families with more and better services at lower prices.

This legislation serves the first purpose—that of modernizing the law to reflect the many changes in technology since 1934.

However, there is a real question as to whether the end result will be more competition. On the contrary, I believe that the result of this bill may be more concentration of power in the market. I do not believe American families will benefit from this concentration.

I would like to believe what I have heard on the floor over the last week: that true competition will ensue from this bill, and the result of that competition will be a new world of innovative products at affordable prices. Nevertheless, I fear that the flaws in this bill will likely defeat those hopes. Accordingly, while I would like to be able to vote for this bill, I cannot.

I am a longtime student of technology and of telecommunications. I know what benefits they can bring. I have promoted State and Federal support for technology in the classroom and I have sponsored legislation to provide that support. I am proud to have been an early and eager supporter of the Snowe-Rockefeller-Exon-Kerry language in this bill which will, for the first time, make access to telecommunications services by schools, libraries, and rural health care providers affordable. I am especially proud that the Senate approved this aspect of the bill.

But there are a series of amendments to this bill which I had hoped would pass and which would have made this bill what I had hoped it could be and what I think the American consumer deserves.

First, and foremost, I was disappointed that the efforts of my colleagues from North Dakota, Senator DORGAN and Senator THURMOND of South Carolina, to bring the Department of Justice into the process, were defeated. I fear that this bill—without the amendment to give the Department of Justice a more active role—may lead to abuses and more concentration in the long distance market. There are serious issues competition issues raised by the entry of the Bells into long distance, yet we have given the Nation's expert competition agency, the Department of Justice, a toothless role. The Department of Justice has long and deep experience with this market and with these competitors. It is the best positioned entity to evaluate the many issues which are going to arise as new entrants seek access to the local exchange networks controlled by these companies. In my view, only the Department of Justice can assure that what is billed as competition does not become concentration to the detriment of the American consumer.

I also have concerns about the potential for concentration in the cable market which this bill presents and the potential for greatly increased cable rates for consumers in rural areas where competition is unlikely to exist in any meaningful way. The marketplace will very likely bring lower prices and greater choice to consumers in urban and affluent areas. But in many parts of the country, and in much of my State of New Mexico, the marketplace will do little. We have seen in airline deregulation how rural consumers are treated. I hope that that does not happen in the cable marketplace as well. If it does, and we shall see in the next few years, Congress should revisit this issue to provide the protections which I would have liked to see this bill today.

Other amendments, such as the ones offered by the Senator from Nebraska, [Mr. KERREY], to put a consumer representative on the universal service board and to restrict cross subsidization by public utility of services, were defeated. Other amendments designed to keep some reasonable limits on broadcast ownership were also defeated.

Taken as a whole, this bill, while up-to-date, seems to be to anticonsumer and anticompetitive. I foresee an increasing concentration in the telecommunications industry with increasing prices for consumers with little increase in choice or innovation for those living in rural America. I hope that I am wrong. I hope that this bill can be improved in the conference. If it is, I will be happy to vote for it when it returns to the floor. In its present form, however, I must vote no.

Mr. LEVIN. Mr. President, I will vote for S. 652, the Telecommunications Competition and Deregulation Act of 1995, because a myriad of technological innovations over the past few years have made the current regulatory system obsolete.

New rules are needed to acknowledge and encourage competitive innovative technological developments which will enliven the marketplace and offer the consumer greater choice and new technologies. However, these regulatory changes should be done in a way that maintains adequate protections of the public interest.

There are several issues that concern me regarding S. 652.

My first concern is with the lack of a Department of Justice role in determining when the Baby Bells should be allowed into the long distance market. I believe a specific Department of Justice role is needed to ensure that existing monopoly powers are not used to take advantage of the new markets being entered.

It's reasonable that such broad and unprecedented telecommunications deregulation should include reasonable oversight of potentially anticompetitive behavior in an industry where a few giants could control large segments of the various markets.

Without a specific Department of Justice role, there is a greater risk that the monopolistic and concentrated businesses will increase and we will not achieve the competition that this bill promises. If this happens, American consumers will be the losers.

I supported the Thurmond-Dorgan compromise amendment which would have provided the Attorney General a simultaneous role with the FCC in approving a request by a Bell company to provide long distance service providing that action would not substantially lessen competition, or tend to create a monopoly. Unfortunately, that amendment was not adopted.

I hope, therefore, that the House will move to adopt a Department of Justice role so that this issue can be revisited in conference.

My second concern regards the cable rate deregulation provisions of the bill. In 1992 Congress passed a comprehensive cable act in response to a strong public outcry about skyrocketing cable rates. This bill undoes much of the good that bill accomplished in slowing down cable rate increases and in many cases reducing cable rates for Americans. This bill deregulates all but the basic tier of cable television and in so doing runs the very real risk of resulting in increased cable rates for Americans which is contrary to what Congress attempted to do just 3 years ago in the 1992 Cable Act.

I am also concerned that the bill allows for the preemption of local rules and regulations relating to the management of local rights-of-way. I supported the Feinstein amendment to remove the provision in S. 652 which would preempt local control of the public rights-of-way. Unfortunately, that amendment was defeated. A weaker alternative was accepted which modified but did not eliminate language in the bill allowing for the preemption of local regulations. The Feinstein amendment would have eliminated the preemption capability of the FCC altogether.

I believe it is important that we in Congress pay proper recognition to the rights of local government and I am disappointed this bill does not adequate do that.

The telecommunications bill before the Senate today will have a huge impact on our economy and on the lives of every single American. I believe the telecommunications reform is both necessary and important. But equally important in that process are the necessary checks and balances to protect consumers and discourage monopolies. While I will vote for this bill because I recognize that telecommunications reform is long overdue and must move forward, I am not convinced this bill contains adequate checks and balances. I hope the House will be able to add those back into the bill and I reserve judgment on whether I will support a final conference report.

Mr. BAUCUS. Mr. President, I rise today in support of the Telecommunications Competition and Deregulation Act of 1995.

Over the last week I have heard many of my colleagues address this legislation. One statement is common to their remarks. This legislation will touch, indeed will impact, a significant portion of our economy. It will be felt in one way or another in each of our lives.

Of the many advances in our society of the past century, telecommunications is among the most pervasive. Our movement into this information age has yielded tremendous changes in our lives. The ability to communicate around the globe instantaneously has helped us become part of a global marketplace. It is an advance from which there can be no retreat.

I believe that we all benefit when competition is enhanced. Retaining a competitive edge has been quite difficult as we have forced technology of today to fit the restrictions of yesterday's regulations. The potential for continued improvement in these industries is tremendous. This bill should usher in new products, better prices, and more choices in the services which consumers demand in Montana and across the country.

Mr. President, the development in the personal computer, and even the hand-held calculator before it, is a tangible example of what I expect in telecommunications. In the past 30 years, these technologies have become commonplace. In fact I can't imagine life without them.

The development of telecommunications technology has been no less dramatic. And with this legislation, we advance the ball. While this bill fails to satisfy my entire wish list, I believe it leaves us better than before. But we still have work to do and as legislation moves through the House and into conference, I am confident we can improve this bill.

In recent days we have voted on changes designed to improve the measure. The amendment offered by Senator CONRAD will encourage television manufacturers to include computer technology allowing parents to prevent objectional material from entering their home. I supported that measure and I believe it is important in this bill.

An amendment offered by Senator EXON protects against harassment, obscenity, and indecency to minors via telecommunications devices. Together, these two amendments will go a long way toward protecting our youth from harmful material. There has been some public comment on this topic recently and I believe these amendments are what Montanans want in this kind of legislation.

Finally, I want to go on the record in stating my belief that passage of this measure does not finish our work in this area. Granted, this legislation has been a long time coming. But we now have a serious responsibility to conduct congressional oversight over this legislation. As we work to construct the information superhighway, we must make certain that the system works.

I don't want a system which is a restrictive entry highway. And I don't want a toll road where nobody can afford the fare. And I want to make certain that in Montana, my constituents have access to the benefits of this technology. I will be watching to see that this effort succeeds and I stand ready to step in if intervention is needed.

But Mr. President, this bill has strong support. I have heard from broadcasters, small business owners, and those in the telecommunications industry in Montana. And all these groups want this legislation to pass. I share their desire to help the best telecommunications system in the world leap forward into the next century and I will cast my vote in favor of this measure.

Thank you, Mr. President. I yield the floor.

Mr. MOYNIHAN. Mr. President, I rise to state my reasons for opposing the Telecommunications Competition and Deregulation Act of 1995.

Yesterday the Senate adopted amendment No. 1362 by a vote of 84–16. The amendment purports to prohibit computer transmission of obscenity and indecency. I voted "no" out of concern that we were taking this action improvidently and without adequate consideration for its significant constitutional and practical implications.

In 1973, the Supreme Court in Miller versus California, and in several subsequent decisions, held that the Constitution does not protect obscenity, which the Court defined as material that appeals to "prurient interests" or is "patently offensive." The government accordingly has the authority to regulate obscenity, and properly so. But we must do so with care.

The amendment attempts to apply existing laws against obscene and harassing telephone calls to computer transmissions. Regrettably, the language of the amendment is too broad, raising serious questions of constitutionally under the first amendment. For example, the amendment could reasonably be interpreted to prohibit an individual from sending an annoying e-mail message. The penalty for such a transgression: a fine of up to $100,000 or up to 2 years in prison—or both. And, as was noted by Senator LEAHY and others during the debate yesterday, the amendment likely makes unlawful on computers materials that are perfectly lawful in books or letters. I suspect the courts will take a dim view of this provision when it is challenged, which it surely will be.

Similarly problematic is the failure of the amendment to recognize the difference between telephones and the unique characteristics of computers. In order to view the kinds of lewd and lascivious material complained of by the proponents of the amendment, an individual must take numerous affirmative steps to gain access to it via the online services where it can be found. I grant that this is not terribly difficult for one who is computer literate, but the fact remains that in order to look at this material on the computer, you have to actively seek it out. It does not just pop up on the screen when you turn it on. One who looks for and then views such material on his or her computer is in a very different position than a victim of obscene telephone calls. Yet the amendment fails to recognize this distinction.

I am also troubled by the Senate's action on another amendment to this bill. This afternoon, by a vote of 67–31, the Senate tabled the Lieberman amendment to retain cable television rate regulation. Senator LIEBERMAN knows the subject of cable rate regulation as well as anyone, having fought cable rate increases in Connecticut in the 1980's when he was State attorney general. He predicts that, without the reasonable rate restrictions in his amendment, cable TV rates will surely rise as a result of this bill. I am afraid he is right. Cable rates rose sharply after Congress lifted rate regulations in 1984, and they are likely to do again if we pass this legislation. This is why I supported the Lieberman amendment, and why I believe it was a mistake for the Senate to defeat it.

For this and for the other reasons I have given, I will vote against the Telecommunications Competition and Deregulation Act of 1995.

THE DOLE AMENDMENT ON CABLE VOLUME DISCOUNTS

Mr. KERRY. Mr. President, we are faced here with a very unfortunate situation. Senator DOLE has offered an amendment to address a significant public policy matter raised by S. 652 as reported by the Commerce Committee, and that amendment has become entangled in a dispute that goes to the way the Senate deals with those who do business in areas affected by legislation upon which the Senate acts.

I must say that I am distressed by the appearances of what has occurred regarding the interactions of two cable programming providers with the chairman of the Commerce Committee. While I have not been involved at all in—or even knowledgeable about—these interactions, and believe according to what I have been told that there may be more inadvertence and clumsiness in evidence here than anything else, it is unfortunate for all involved that some evidently see this as a case where inappropriate pressure has been brought to bear in such an interaction.

Regardless, and without in any way acting as judge and jury and attributing blame, I will say unequivocally that I do not believe that the proper way for elected officials and business executives to interact is for elected officials to threaten businesspeople with injurious legislation if they do not comport their business activities with the policy desires of those elected officials, nor for businesspeople to threaten elected officials with business actions deemed undesirable by the officials if those officials fail to take legislative actions favored by the businesspeople. Further, the way I have always understood the concept of honor, a deal's a deal, and starting with the assumption that honorable elected officials should make only deals that are in the public's interest, both those officials and businesspeople who enter into agreements ought to honor those agreements.

Having said these things, when the day is over here, what really counts in my judgment is the public policy that the Senate makes, and the effect it has on our Nation and its people. I think it is important that we keep our eye on the ball here, and by that I mean I think we should cast our votes on this amendment based on the public policy impact of the policies those votes will determine. It is on that basis, rather than with reference to the regrettable dispute that has emerged concerning what has preceded the offering of and voting on this amendment, that I cast my vote on the amendment.

Many of the decisions with which this body must grapple are not simple, where two courses, one black and the other white, present themselves and all we have to do is choose the easily discernible right course. Many decisions we make have multiple and varying implications, and we are forced into the position of playing Solomon to mediate disputed interests and needs.

Such is the case here, Mr. President. On the one hand none of us to my knowledge wants to act in a way that will deprive persons in rural areas or other areas served by small cable systems of programming that those who live in areas served by large cable systems can enjoy. On the other hand, we should approach extremely seriously any decision that could result in the government imposing controls on the free marketplace, especially a decision that leads to price controls. There have been situations in our history that have warranted such actions, but they are the exception, not the rule.

Mr. President, I do not believe that the circumstances of the cable industry warrant imposing what amount to price controls on those who provide programming. Yes, I do believe that those programming companies should deal responsibly with all cable operators who wish to purchase their products. But no, I do not believe that in this industry the Government should prohibit practices of volume discounting or other methods of pricing that are employed in virtually every industry in our Nation, whether it be selling shoes or cabbages or long distance phone service.

So, Mr. President, before I had heard anything about the dispute concerning the agreement that did or did not exist between Time-Warner and Viacom and the chairman of the Commerce Committee, I had concluded that I should vote for the Dole amendment. Now that the dispute has surfaced, I continue to believe that the correct public policy is reflected in the Dole amendment, and I will vote for that amendment for that reason.

Mr. DORGAN. Mr. President, the Senate votes today on a very important piece of legislation, the Telecommunications Competition and Deregulation Act of 1995. There is no question in my mind that telecommunications reform legislation is needed. The communications laws in this country are without a doubt antiquated and the Congress must take action and pass telecommunications legislation.

I am sad to say, however, that I cannot support the legislation the Senate is voting on today. This bill, in my judgment, could be more accurately described as the "telecommunications concentration act" rather than the "telecommunications competition act." Unfortunately, this legislation, in its present form, is going to lead to greater concentration in the telecommunications and media industries—which is antithetical to competition.

Robust competition is the driving force of our free market economy. Competition offers consumers lower prices and wide ranging services. True marketplace competition also eliminates the need for regulation. If our goals are to ensure that consumers receive advanced telecommunications and media services at competitive prices and to free the industry from government regulation, competition is our means to that end. But it must be true and fair competition.

This is where this legislation misses the mark. There are two key areas of this legislation that lead me to the conclusion that existing competition in telecommunications is in jeopardy: First, the conditions under which regional Bell operating companies [RBOC's] may offer long distance services; and second, the liberalization of broadcast ownership rules.

This legislation, mistakenly in my judgment, deregulates both the television and radio broadcast industries at the risk of promoting greater concentration at the expense of competition. The bill raises the national audience cap from 25 to 35 percent and eliminates the 12 station limit on TV broadcast ownership. It also eliminates ownership rules on radio ownership. Liberalization of these limits runs absolutely contrary to the goal of promoting competition. I am convinced that if these changes are enacted, the media industry in this country will be controlled by a handful of conglomerates in future. The long-held principles of localism and diversity will suffer.

I offered an amendment, unsuccessfully, to strike the provisions liberalizing the ownership limits in the bill. Under my amendment, the FCC would have been instructed to review and modify its broadcast ownership rules to "ensure that broadcasters are able to compete fairly with other media providers" while ensuring that diversity and localism are protected. The amendment would have maintained the current limits while directing the FCC to review and modify the ownership rules on a case-by-case basis.

At the heart of this issue is the relationship between the networks and the local affiliate stations. Raising the national ownership limits would represent a drastic shift in power from the local affiliate stations to the national networks. The provisions in the bill; including the Dole amendment, threaten local media control—both in terms of programming and in terms of news content—in favor of national control. The change will remove the ability of local stations to make local programming and news decisions—such as preempting network programming in favor of local news, public interest, and local sports programming.

The change would also mean that station managers will not be able to stop network programs he or she believes is inappropriate for the local market. When the networks buy up the affiliates, the networks will be able to dictate the terms of the affiliate/network relationship. The networks will leverage their power over affiliate preemption of network programming, conduct of news divisions, and the moral tone of network entertainment. The change proposed in broadcast ownership rules under S. 652 will turn locally owned stations into extensions of large multimedia companies and will result in the nationalization of television programming and the demise of localism and local program decisions.

The bill's changes to broadcast ownership rules will lead to greater concentration of the media—a concentration towards the national networks. The fact is that the present limits help preserve competition. Fox television would not be the fourth network today if it were not for the existing limits on ownership. The current limits are what made it possible for Fox Broadcasting to develop so quickly because there were affiliates available in media markets that were not owned by the established networks with whom Fox had to compete with to build a market for itself.

Proponents of removing the ownership limits have a single purpose—to reduce the number of people participating in broadcasting ownership. The current limits permit small companies to own stations in large markets. Because the existing limits ensure that concentration is limited and entrepreneurial efforts in broadcasting are possible. Elimination of ownership limits will make it more difficult for minority participation in broadcast ownership—something the FCC has been trying to promote for years is more minority ownership. This bill would send a blow to that effort.

Will the local television landscape be better off if the local television stations are controlled by the national networks in New York and Hollywood instead of by stations in Bismarck or Wichita? Will there be less violence on TV if there is more national control? I do not think so. In fact, I expect that these problems will get worse.

This bill will rob local stations of the opportunity to say no to network programming that local station managers think is inappropriate for their local communities—where they themselves live. If the national networks are permitted to own a substantial portion of the local stations in the country, then all programming decisions will be made in Hollywood and New York, without regard for the concerns of local communities. Make no mistake about it. The bill's provisions represent nothing short of a power grab on the part of the national networks under the guise of deregulation. The proposed changes to the ownership rules would concentrate power in the hands of the networks and would be anticompetitive.

Another unsuccessful amendment I offered with the senior Senator from South Carolina relates to what is perhaps the most contentious battle in the development of this legislation: the conditions under which the RBOC's would be permitted to offer long distance services. One of the major reasons why I cannot support this bill is because it does not provide for an adequate role for the Department of Justice to ensure that competition in the long distance market is protected when an RBOC that controls the local loop is permitted to enter what is already a competitive market.

Under the bill in its present form, an RBOC need only apply to the FCC to enter long distance services. The FCC would utilize a public interest standard and determine that the RBOC has completed the competitive checklist. The bill provides only for a consulting role by the Justice Department.

Mr. President, it seems to me that the debate over this legislation has been turned upside down. The fact is that the fundamental policy goal confronting the Congress as we develop telecommunications reform legislation is how do we employ competition in markets which are currently controlled by regulated monopolies, such as the local exchange. The fact is that the long distance market is a truly competitive market. We risk damaging that competitive market if the RBOC's are permitted to enter the long distance market prematurely. Our goal should be to promote the same level of competition in the local exchange that currently exists in long distance. Unfortunately, this bill is weak on incentives that would promote local competition and it also threatens to damage the competitive long distance market.

It was the Justice Department that investigated and sued to breakup the Bell system monopoly—which resulted in making the long distance and manufacturing markets competitive. If the local exchange networks are going to be vertically reintegrated with long distance service, there is a danger that entry by RBOC's could impede competition and unravel the progress made over the past decade in promoting competition since the breakup of the Bell system. DOJ has a unique role to assess whether the conditions for meaningful competition are present.

The experience of airline deregulation shows that the protection and promotion of competition is not accorded enough weight when DOJ has only an advisory role. In the case of airlines, mergers that were approved by the Department of Transportation over the objection of DOJ, the result was monopolization of certain hubs and higher ticket prices for consumers.

A DOJ role would avoid expensive AT&T-type antitrust suits in the future by making sure that competition is safeguarded in the first instance. RBOC enter that occurs without assurances that it will not impede completion will invite complex litigation, which will consume resources better spent on competing. Having DOJ apply a marketplace test as a condition to entry will help avoid wasted litigation.

Since the breakup of the Bell system, long distance rates have dropped 66 percent and the long distance competitors have constructed four nationwide fiber optic networks—the backbone of the information superhighway.

It cannot be assumed that a series of specified steps will result automatically and inevitably in the development of local exchange competition. Potential barriers to competition are sometimes subtle and overcoming these barriers is a very complex task. Congress cannot hope to successfully specify in advance a set of conditions that will provide answers to all issues before meaningful competition is a reality. The only way to ensure true competition is to look at actual marketplace facts and DOJ must provide this role.

A series of specified steps—for example, the competitive check list in Section 255—is not by itself sufficient to bring real competition to local markets. The RBOC's must have a positive incentive to cooperate with the development of competition.

Monopolists have proven themselves adept at erecting new barriers faster than old ones can be identified and dismantled. Complete elimination of barriers to competition will occur only if the monopolists have positive incentives to cooperate with the introduction of meaningful competition. The RBOC's will have such incentives when the check list is supplemented by a process that ensures application of real competitive analysis to actual marketplace facts.

I still hope that these areas can be perfected in the conference committee. Unless these two areas are addressed, this legislation will do more to harm competition than to promote it. That would not be in the public interest and I hope that the Congress will not make that mistake.

Although there are serious problems with this legislation, I do believe that some provisions in this bill I strongly support. This bill contains some very important provisions that would preserve universal service and ensure that rural areas will have access to advanced telecommunications services. I have worked long and hard with many of my colleagues on the Senate Commerce Committee to ensure that universal service will be preserved as competition is introduced into local exchange service. The provisions in the Senate bill with respect to universal service are vitally important to rural areas and it is my hope that these provisions will be retained in the conference committee.

In conclusion Mr. President, I would ultimately like to vote for this legislation. Unfortunately, I cannot in its present form. As I said earlier, this legislation will not adequately promote competition. Rather, it will have the opposite affect: concentration. I urge the managers of the bill and all those Senators who have spoken with such passion about promoting competition to work to improve this measure so that we can truly call it the Telecommunications Competition and Deregulation Act.

RESTRICTING CABLE-TELCO IN-REGION BUY-OUTS

Mr. LEAHY. Mr. President, I want to note an important amendment that has been made to the telecommunications bill.

As introduced, the telecommunications bill modified our outdated law that bans cable companies and telephone companies from offering the service of the other. With digital and other new technologies being developed, the demarcations between the businesses of telephone and cable service is blurring.

It is about time for Congress to update the law to catch up with the new convergence in video, computer, and telephone technologies.

But by repealing the telco-cable cross-ownership ban altogether, the telecommunications bill, as reported, failed to impose any limits on the ability of telephone companies to buy out cable companies—their most likely competitor—in the telephone companies' local service areas. Allowing such mergers would destroy the best hope for developing competition in both local telephone service and cable television markets.

Without the protection of an antibuyout provision, consumers would be deprived of the lower cable and telephone prices that would result from two-wire competition.

Because of these concerns, the distinguished chairman of the Antitrust Subcommittee, Senator THURMOND, and I sent a letter to our colleagues a few weeks ago detailing the reasons why standard antitrust scrutiny would not be enough to preserve the potential competition between telephone and cable companies.

The leadership package of amendments adopted last Friday took seriously the concerns that we expressed, and provided some antibuyout restrictions to prevent telephone companies from merely substituting one video service monopoly for another.

The amendment restricting in-region buyouts improves this bill and promises to benefit consumers by promoting greater competition in the delivery of video services, increasing the diversity of video programming, and advancing the national communications infrastructure.

In particular, the amendment eliminates ambiguity and makes clear that the antitrust enforcement authorities will maintain their authority to challenge anticompetitive buyouts under the antitrust laws.

Even when the FCC has decided that from its perspective that the telco/cable buyout is acceptable, or when the buyout comes within the rural exception, standard antitrust scrutiny may still be applied.

The amendment maintains the specialization and expertise of the antitrust authorities—the Justice Department and the Federal Trade Commission, as well as State antitrust authorities—in determining whether a buyout would violate the antitrust laws and harm consumers.

This amendment is necessary to help promote the competition we want to develop between cable and phone companies, with the hope that prices for both services will be lowered for consumers, while their options and choices increase.

CHOICE CHIP

Mr. CONRAD. I am very pleased my amendment was accepted by such a wide margin on the Senate floor. The choice chip could be a very important tool for parents to help protect their children from the violence that is alltoo available on television. I am hopeful that the Senate-House conferees will see the value in this approach and retain my amendment. However, I deeply regret that I will have to vote against S. 652, even though it contains an amendment I sponsored.

I have deep concerns about the approach this bill takes, in the name of competition, by removing protections that currently safeguard against media concentration. Diversity of opinions and voices is at the very heart of our democracy. I believe this bill creates the potential to stifle many of those voices in our media by greatly consolidating broadcast ownership in this country.

My colleague, Senator DORGAN, offered an amendment earlier this week that would have prevented a single television owner from concentrating ownership above the current, reasonable limit of 25 percent of the national audience. This bill raises that limit, and initially the Senate agreed that was a dangerous precedent. Then politics took over and the Dorgan amendment was defeated.

Today, an amendment by Senator SIMON which would have restricted radio station ownership to a very reasonable limit of 50 AM and 50 FM stations was tabled. The bill, as it stands, eliminates virtually all ownership restrictions. That simply does not safeguard the diversity of voices that democracy requires.

I am also concerned that cable television rates for consumers will rise under this bill. An amendment by Senator LIEBERMAN to keep rates in check before real competition is in place was also tabled today. I believe it is a mistake to pass a bill that includes the word "competition" in the title but does not safeguard consumers in the absence of competition.

Finally, I have concerns about rebuilding the telephone monopoly that the Department of Justice and the Federal courts rightly ended. Now, the Department of Justice, the very agency which protects Americans from antitrust practices, will not have a role beyond consultation in preventing a potential monopoly from being reestablished. I supported what I believed was a very reasonable amendment from Senator DORGAN and THURMOND to apply a time-honored antitrust standard to any application to enter long distance. That amendment was defeated.

I hope that the final report from the Senate-House conference is a bill that truly promotes competition, while also safeguarding the interests of the consumers before competition arrives. I do not believe this bill meets that goal, and I regret that I cannot support it.

AMENDMENT NO. 1421

Mr. LEAHY. Mr. President, I seek to clarify a part of the Leahy-Breaux amendment (No. 1421) on intraLATA toll dialing parity that was adopted yesterday. As the amendment states, the joint marketing provision in subparagraph (iii) of the amendment applies only in those States that have implemented intraLATA toll dialing parity during the relevant period and to telecommunications carriers in those States offering intraLATA services using "1+" dialing parity. The prohibition on joint marketing however, was not intended to apply to telecommunications carriers offering intraLATA services that do not make use of "1+" dialing parity. That is my understanding of the Breaux-Leahy amendment. Is this consistent with your understanding?

Mr. BREAUX. Yes.

AMENDMENT NO. 1367

Mr. HEFLIN. Mr. President, I rise to make a comment relative to the amendment I successfully offered earlier today to the provision of the bill addressing cable-telephone company mergers and alliances. I understand that some concern has been expressed that the effect of the amendment may be broader than intended. I do not intent that this amendment have broad effect or undo the carefully crafted buyout limitations agreed to previously. I look forward to working with the managers and conferees as we move forward to make any language changes necessary to ensure that the amendment has only the narrow effects intended.

FEES IN LIEU OF FRANCHISE FEES

Mr. PRESSLER. In part, section 203 of the bill adds a new subsection to the 1934 Communications Act that would permit the collection of fees from providers of video programming in lieu of franchise fees. It is my understanding that this requirement does not permit local or State governments to impose such fees on direct-to-home satellite services. Is this correct?

Mrs. HUTCHISON. Yes, the intent of the subsection to which you refer, which authorizes fees in lieu of franchise fees, does not apply to the direct-to-home satellite industry. However, nothing in section 203 is intended to affect whether direct-to-home satellite services are otherwise subject to other taxes or fees under current law.

Mr. DODD. Mr. President, I rise in support of S. 652, the Telecommunications Competition and Deregulation Act. This bill is far from perfect, but on balance I believe it will be a plus for American consumers and the American economy.

We now find ourselves in a highly competitive, global economy, and telecommunications is an increasingly important part of it. In order to keep up in this booming sector, it is imperative that the United States replace a regulatory structure crafted in the 1930s with one suitable for the 21st century. This bill represents an important step in that direction.

The communications industry is a $1 trillion segment of our economy, and it is among the fastest growing sectors. This boom is not widely understood, but it has tremendous implications for consumers and business.

This trend is being driven by a variety of factors, foremost among them technology. Old copper phone wires can only carry a handful of conversations at once. But one fiber optic cable can carry 32,000 conversations at once. New services can be sent to the home or office over fiber optic cable at virtually zero marginal costs to the producer.

An incredible array of companies has a stake in the emerging communications marketplace—both obvious and surprising players. Consumers can only benefit from the stepped up competition if we break down the walls that now separate cable companies, local phone companies, long distance firms, electric utilities, satellite firms, radio and television broadcasters, cellular companies, computer companies, and Hollywood studios.

With passage of this bill, we hope that companies in all these areas will eventually invade each others' territory, providing consumers with a multiplicity of new choices and creating jobs along the way. Some reports estimate that true competition in all sectors of the telecommunications industry could create 3.6 million jobs by 2003.

We cannot even imagine much of what will eventually be available to consumers in this area. Among the possibilities are movies on demand, interactive home shopping, home banking, interactive entertainment and the ability to take classes and talk with the teacher from home.

The break-up of the old AT&T monopoly in 1984 is the best case study in the benefits of competition in communications. We all remember the time when there was no choice in long distance—no price competition, no incentive to improve quality, no innovative new services in long distance.

But since the break-up of AT&T, 30 million Americans switch long distance carriers a year, and long distance rates have fallen 60 percent. Five hundred companies now offer long distance service.

There is now a wide consensus about the need to further unleash these technological and market forces for the benefit of consumers. It is imperative that we update Federal communications policy to allow this to happen. We are still operating under the Communications Act of 1934. That should speak for itself.

And since 1984, much of the communications industry has been regulated by one man—Judge Harold Greene, who oversaw the AT&T break-up and who continues to oversee the consent decree that governs the behavior of the Bell operating companies. He has done an admirable job, but it is time for Congress to reenter the game.

That is what this bill represents. As I mentioned before, I supported a number of important amendments that did not pass. I believe the Justice Department should have a formal role in deciding whether Bell Companies should be allowed to offer long distance. The Antitrust Division at Justice has the expertise to assess a market and to prevent monopoly abuse.

I also supported my colleague from Connecticut, Senator LIEBERMAN, in his effort to strengthen the cable rate regulations in this bill. The leadership package of amendments we passed last week included some additional protections for cable consumers. They represent a considerable improvement over the cable provisions in the bill as reported out of committee. Like Senator LIEBERMAN, however, I wish we could have gone further.

I hope that the remaining problems with this bill can be corrected as the House considers its version and the two chambers meet in conference. Furthermore, if problems develop on cable rates or other matters down the road, Congress can revisit the issue and make improvements at that time.

I commend Senators PRESSLER and HOLLINGS on all of their hard work on this bill, which I think will provide a shot in the arm for our economy.

Mr. KERRY. Mr. President, the United States and, indeed, the world have embarked upon a new technological revolution. Like previous revolutions sparked by technological innovation, this one has the potential to change dramatically our daily lives. It will certainly transform the way we as humans communicate with each other.

What we are witnessing is the development of a fully interactive nationwide communications network. It has the potential to bring our Nation and our world enormous good; without appropriate ground rules to assure fair competition, however, this revolution could create giant monopolies. The communications policy framework we create in this legislation will determine whether many voices and views flourish, or few voices dominate our society.

The impact of this new age communications revolution on the way we send and receive information, and the way we will view ourselves and the world, is profound. Even more staggering is its potential impact on our economy. We could be seeing the largest market opportunity in history. Some forecasters, including the WEFA Group in Burlington, MA, predict a January 1996 opening of the telecommunications market to full competition would create 3.4 million new jobs, increase GDP by $298 billion, save consumers nearly $550 billion in lower communications rates and increase the average household's annual disposable income by $850 over the next 10 years. As the Communications Workers of America have underscored, delaying free and fair competition means fewer new high-wage, high-skill jobs.

New technologies and industries seem to be emerging and merging almost daily. They range from such sectors as entertainment and education to broadcasting, advertising, home shopping and publishing. One key player in this revolution is the Internet—the global computer cooperative with a current subscriber base of approximately 20 million and a 10 to 15 percent monthly growth rate. One billion people are expected to have access to the net by the end of the decade. While some may consider the net to be the revolution, it is only one of many players in the new communications network game.

We see examples of this new era almost daily, such as someone driving a car while talking on a cellphone. The pace of change is so rapid that words like "cellphone" and "Internet" and "telemessaging" are not in my office computer's spellcheck system. In the weeks and months ahead, more and more Americans will gain access to video dialtone, choosing their television programs through their telephone service. Likewise, cable franchises will enter the local telephone service market. Residents of Springfield, MA, will be able to watch their State legislators in Boston debate an education bill and instantaneously communicate with their legislators about how to vote on an amendment. We will hear more talk about the players in this new game: content providers, transporters, and technology enablers.

As we consider this brave new age of communications, it is clear the current law, the 1934 Communications Act, is a wholly adequate foundation upon which to build a communications system for the 21st century. Moreover, although the courts on occasion properly have intervened to halt monopoly abuse—most notably a little over a decade ago in the telephone industry—we should no longer leave the fundamentals of telecommunications policy to the courts.

S. 652, the telecommunications bill reported by the Commerce Committee on March 23, 1995, by a vote of 17-2 and which I am confident will be passed momentarily by the Senate, is not perfect. In some respects, I would have preferred S. 1822, the bill crafted so ably by Senator HOLLINGS and reported by the committee last year. However, the legislation before the Senate now is preferable to the status quo. It will establish fair and balanced ground rules for competition in the communications sector as we enter the next century. It will foster competition, assuring a needed balance among existing competitors and new entrants in this rapidly evolving field.

This legislation provides us with a national policy framework to promote the private sector's deployment of new and advanced telecommunications and information technologies and services to all Americans by opening all telecommunications markets to competition. Free and fair competition and maintaining universal service are the twin pillars of this new framework.

The bill assures that no competitor, no business and no technology may use its existing market strength to gain a head start on the competition. The legislation requires that a company or group of companies satisfy certain competitive tests before being able to offer a new service or enter a new market. Entry into new services and new areas is contingent upon a demonstration that competition exists in the market in which the business currently competes. But once competition has been achieved, most Federal and State regulation is replaced by consumer demand to regulate the market.

These fundamental features of S. 652 are designed to create a level playing field where every player will be able to compete on the basis of price, quality, and service, rather than on the basis of monopoly control of the market.

The bill also maintains universal service as a cornerstone of our Nation's communications system. With many new entrants in the communications market, S. 652 assures every player pays his fair share to continue universal service throughout our Nation. As the committee report states:

> The requirement to contribute to universal service is based on the long history of the public interest, convenience and necessity that is inherent in the privilege granted by the government to use public rights of way or spectrum to provide telecommunications services.

The present system, where certain parts of the country indirectly subsidize low-cost service in other areas, will be phased-out.

I am also pleased the legislation includes two amendments which I sponsored in committee and one I sponsored on the floor. The two amendments adopted in committee seek to restore a level playing field in two areas: broadcast rates for public, educational and governmental entities—known as PEG access groups; and competition in the pay phone markets. I am disappointed that efforts to refine the payphone amendment were unsuccessful, but I hope that further progress can be made on the subject in conference.

As I noted earlier in my statement, there are several provisions in the bill that continue to trouble me. On the floor, I offered and the Senate passed an amendment to ensure low income and rural areas are not bypassed as communications companies implement new technologies and services.

As the bill moves to conference, I will continue to do what I can to make further improvements and defend against efforts to weaken its provisions protecting consumer interests and assuring free and fair competition.

Through this legislation and this debate, we have a unique opportunity to craft a telecommunications policy framework for the next century. Today, Mr. President, each of us is in a sense a pioneer heading out on the new information highway. Each of us is not only a witness to, but a participant in, one of the most amazing technological revolutions in history. We, as legislators, bear a special responsibility to assure that competition in this new era is fair and that every American in this and future generations may enjoy the fruits of this competition. This is truly one of the greatest challenges we face as we enter the 21st century.

RADIO SPECTRUM FOR LAW ENFORCEMENT PURPOSES

Mr. HATCH. Mr. President, I share the concerns that have been expressed by others regarding the availability of radio spectrum for law enforcement purposes. I have been contacted by law enforcement organizations across the country, including those in my State of Utah, expressing these concerns.

A critical element in the effort to battle crime and to respond to emergencies of all types is the existence of reliable and secure radio communications facilities, which in turn depends on adequate spectrum availability. Yet, current allocations may well be inadequate to meet present needs. Many metropolitan police departments are unable to add new channels to alleviate congestion.

Moreover, spectrum space is also needed to bring new technologies online. Just last week, we passed a counterterrorism bill, which included important provisions to increase information sharing between law enforcement. Yet these provisions will be for naught if spectrum space is not available for the deployment of these technologies.

I appreciate the commitment expressed by the managers of this bill to address this issue. I know that the Senator from South Dakota, the Distinguished Chairman of the Commerce Committee, shares my concerns. As a former member of the Judiciary Committee, he understands the needs of law enforcement. I understand that he is committed to attempting to resolve these concerns as this legislation moves forward. I look forward to working with him and the Senator from South Carolina on this vital issue as the legislation moves through conference.

Mr. BIDEN. I am very concerned that Federal, State, and local law enforcement have adequate spectrum availability, and would like to work with the chairman of the Judiciary Committee and the managers of this bill to ensure that this vital issue is addressed in the conference on this legislation.

The reason this is so important is twofold. First, in this era where Federal, State, and local law enforcement often work together we need to maintain spectrum space so that these, and other public service agencies, can communicate with ease and with the most advanced technology available. If we develop better technology to allow the police to talk to each other without the bad guys listening in, we must have the spectrum available to use this technology.

Second, we must work to ensure sufficient spectrum space for the myriad technological advances being made in the area of secured communications. I have heard several of the law enforcement leaders in my home State of Delaware raise these key points. So, I believe this is a practical problem that we face in Delaware and around the Nation.

We do a disservice to law enforcement and to the American people if we do not provide these public servants with the many benefits of our rapidly advancing telecommunications industry. I look forward to working with my friend from Utah on this important effort.

Mr. HATCH. I thank my friend and colleague from Delaware for his support on this issue. As the former chairman of the Judiciary Committee, his strong support of law enforcement is wellknown, and I look forward to working with him in this.

Mr. BIDEN. I want to acknowledge and thank my colleagues for their efforts on this issue. In particular, Senator HATCH and the managers of this important legislation, Senator PRESSLER and Senator HOLLINGS not only for their support of this effort, but also their support of law enforcement.

Mr. PRESSLER. I do share my colleagues' concerns, and appreciate the interest of the chairman and ranking member of the Judiciary Committee in this issue. I look forward to working with them on it.

Mr. HOLLINGS. I, too, understand these concerns and look forward to addressing them.

CABLE ISSUES

Mr. PRESSLER. Mr. President, I would like to engage my colleague from South Carolina in a colloquy on several cable issues. First, it is my understanding that neither section 204(a) of the bill nor the relevant provisions in the Dole-Daschle-Hollings amendment is intended to prevent the FCC and cable operators from entering into "social contracts" or other similar arrangements to settle rate complaints, under which the operator agrees to offer a low priced basic tier to offset an increase in the rate for cable programming services.

Mr. HOLLINGS. The Senator from South Dakota is correct.

Mr. PRESSLER. I thank the Senator. Second, it is my understanding that the reference to comparable video programming, added by the Dole-Daschle-Hollings amendment to new section 623(*l*)(1)(D) of the Communications Act, has the same meaning as it does elsewhere in section 632(*l*)(1) of the Communications Act and the FCC's regulations defining comparable.

Mr. HOLLINGS. The Senator's understanding is correct.

Mr. PRESSLER. Finally, I call the Senator's attention to the managers' amendment to S. 652. As amended by the managers' amendment, new section 613(b)(2)(B) of the Communications Act clarifies that a Bell operating company providing cable service as a cable operator utilizing its own telephone exchange facilities is not required to establish a video platform. However, a Bell operating company that provides cable service as a cable operator, whether through its own telephone exchange facilities or otherwise, would be subject to the PEG and commercial leased access requirements of the Communications Act—sections 611 and 612—applicable to all cable operators.

Mr. HOLLINGS. The Senator accurately states the intent of the bill as amended by the managers' amendment.

Mr. PRESSLER. I thank the Senator from South Carolina.

POLE ATTACHMENT

Mr. MURKOWSKI. Mr. President, I have reviewed the provisions of S. 652, as reported, that seek to amend section 224 of the Pole Attachment Act of 1978. As a result of that review, I am deeply concerned that these provisions would have a significantly adverse impact on electric utility ratepayers throughout the Nation. I am particularly concerned that these provisions would require electric ratepayers to shoulder the burden of subsidizing not only cable operators but also telephone companies and telecommunications providers. The amount of money foregone by the bill as reported is not trivial. It amounts to tens of millions of dollars annually, if not hundreds of millions of dollars. Put simply, it is not fair to ask consumers of electricity to subsidize cable operators and telephone companies. In this connection, it is important to point out that this subsidy does not even necessarily go the customers of these companies.

From a consumer protection standpoint, I believe the legislation should be amended to ensure that all entities that attach to poles are required to pay a fair and proportionate rate that provides for recovery of the cost of installing and maintaining the entire pole, including the common space. I ask the chairman of the Committee, Senator PRESSLER, and the ranking minority member, Senator HOLLINGS, whether they have any concerns on this matter and what their plans are to remedy the situation.

Mr. PRESSLER. I agree with the Senator from Alaska [Mr. MURKOWSKI], that this is a real concern that needs to be addressed. I believe that many of these concerns are being addressed in the Manager's amendment, but to the extent that they are not fully addressed I will work with you to address them.

Mr. HOLLINGS. I concur in the comments of the Senator from Alaska [Mr. MURKOWSKI] and the comments of the Chairman of the Committee, Mr. PRESSLER.

SUBMITTED AMENDMENT NO. 1320

Mr. BROWN. Mr. President, I filed an amendment No. 1320, that addresses the part of the bill which amends existing law regarding pole attachments. Under the bill, all utilities are required to open up their poles, ducts, conduits or rights-of-way to other telecommunications carriers on a cost basis. Of course, there are exceptions to this. I filed an amendment which would have removed that obligation for nondominant telecommunications carriers. In other words, no nondominant telecommunications carrier would have to provide access on a cost basis. Instead, they would offer access on a free-market basis.

The reason this amendment was filed is straightforward. I can understand requiring the incumbent monopoly to provide access on a cost basis, since the captured rate payers funded the construction. But, I cannot understand requiring other, competitive providers to provide access on a cost basis—particularly if their business is largely in providing access to those very same conduits on a market basis.

There are competitive telecommunications businesses that have laid lines and built a long distance service through hard work and purely private capital. There are telecommunications businesses that have focused on laying conduit or lines for purposes of leasing or selling that capacity. The obvious problem would arise if these businesses that focus on selling capacity lose any chance of profit because they must provide access on a cost basis. I do not think the bill should apply to them, but I am not sure that it does not.

I am sure that the intent of this section was not to burden competitive carriers that are in the business of providing capacity. I ask the managers if they agree with me that this was not the intent of the section?

Mr. PRESSLER. That is right.

Mr. HOLLINGS. I agree with the Senator.

Mr. BROWN. The amendment I filed would have exempted nondominant carriers from application. At this time, we will not offer the amendment.

The difficulty in this area is that it is unclear whether the bill actually causes an inequitable result and thus whether anything needs to be done. We will take a second look at drafting a solution to this potential problem between passage in the Senate and the conference with the House.

At this time, I ask the managers of the bill if they will support our effort to solve this potential problem in conference?

Mr. PRESSLER. I agree with the Senator from Colorado that there may be a unwanted inequitable result from this section, and I will work to solve this potential problem in conference.

Mr. HOLLINGS. I, too, believe there may be a potential problem and will work to solve this problem in conference with the House.

Mr. BROWN. I thank the managers for their help on this important issue and commend them for their work on the bill. I yield the floor.

SINGLE LATA STATES

Mr. PRESSLER. This amendment refers to "single-LATA states." I understand this to cover only states where the LATA and the state are the same—where the state constitutes the entire LATA.

Mr. ROTH. That is my understanding as well. The amendment would not exempt those states, like Delaware, that are part of a LATA that includes part of another state.

Mr. PRESSLER. I agree with that interpretation of the amendment. I thank the Senator from Delaware. I believe we all have the same understanding of the Breaux-Leahy amendment. That amendment would not exempt Delaware which is part of a LATA that includes part of another state.

Mr. DASCHLE. Mr. President, this debate on S. 652 has clearly demonstrated the potential of emerging telecommunications technologies. It is truly exciting to contemplate what this legislation could mean for American society.

A particularly intriguing new development in the telecommunications field is the creation of Personal Communications Services (PCS). These devices will revolutionize the way Americans talk, work and play.

While this new technology opens new vistas for personal communications services, its emergence also highlights the potential downside of entering untested areas. Specifically, concerns have been raised about the potential side-effects of some new PCS technology on other devices such as hearing aids.

Recently, the government completed an auction that netted $7 billion for the right to provide advanced digital portable telephone service. It is my understanding that some of the companies that obtained these PCS licenses have considered utilizing a technology known as GSM—Global System for Mobile Communications. I am informed that people who wear hearing aids cannot operate GSM PCS devices, and some even report physical discomfort and pain if they are near other people using GSM technology.

It should not be our intent to cause problems for the hearing impaired in promoting the Personal Communications Services market. It is my view that the Federal Communications Commission (FCC) should carefully consider the impact new technologies have on existing ones, especially as they relate to public safety and potential signal interference problems. An FCC review is in keeping with the intent of S. 652, which includes criteria for accessibility and usability by people with disabilities for all providers and manufacturers of telecommunications services and equipment.

Mr. HOLLINGS. Will the Senator yield?

Mr. DASCHLE. I would be glad to yield to the honorable ranking member of the Commerce Committee.

Mr. HOLLINGS. I thank the Senator for yielding and support his suggestion that the FCC investigate technologies that may cause problems for significant segments of our population before they are introduced into the United States market. Such review is prudent for consumers, and it will help all companies by answering questions of safety interference before money is spent deploying this technology here in the United States.

Four million Americans wear hearing aids, and the Senator from South Dakota has raised an important issue. GSM has been introduced in other countries, and problems have been reported. It is reasonable that these problems be investigated before the growth of this technology effectively shuts out a large sector of our population.

Mr. DASCHLE. I thank the Senator for his remarks, and would also like to commend his role in bringing telecommunications reform to the floor. His leadership and patience throughout this three-year exercise that has spanned two Congresses is well known and widely appreciated.

Mr. President, the public record indicates that if companies are allowed to introduce GSM in its present form, serious consequences could face individuals wearing hearing aids. I would urge the FCC to investigate the safety, interference and economic issues raised by this technology. I also would urge the appropriate congressional committees to consider scheduling hearings on this issue.

Mr. PACKWOOD. Mr. President, S. 652 contains what appears to be two checklists—the first is in section 251(b)—and it deals with such issues as interconnection, access, unbundling, resale, number portability and local dialing parity. Section 255, which deals with the removal of the long distance restriction imposed upon the Bell operating companies by the modification of final judgment, has the second checklist in section 255(b)(2). Section 251(b) deals with the very same issues as section 255(b)(2) does, but its requirements are stated in a broader and less specific manner. Is a Bell operating company required to have "fully implemented" both the section 251 and the section 255 checklist before the Communications Commission can authorize a Bell operating company to provide interLATA service pursuant to section 251(c)?

Mr. PRESSLER. No.

Mr. PACKWOOD. When Section 255 makes reference to section 251, is that reference intended to incorporate the minimum standards of section 251?

Mr. PRESSLER. No.

Mr. CRAIG. What is the intended relationship between the section 251(b) "minimum standards" and the section 255(b)(2) "competitive checklist" given that both the "minimum standards" and the "competitive checklist" address many of the same issues?

Mr. PRESSLER. The competitive checklist is found in section 255(b)(2) and is intended to be a current reflection of those things that a telecommunications carrier would need from a Bell operating company in order to provide a service such as telephone exchange service or exchange access service in competition with the Bell operating company. This competitive checklist could best be described as a snapshot of what is required for these competitive services now and in the reasonably foreseeable future. In other words, these provisions open up the local loop from a technological standpoint as section 254 opens the local loop from a legal barrier to entry standpoint. Section 251's "minimum standards" permit regulatory flexibility and are not limited to a "snapshot" of today's technology or requirements.

NONDISCRIMINATORY TREATMENT

Mr. HELMS. Mr. President, may I direct a question to my distinguished colleague from South Dakota regarding a minor technical matter in the Committee amendment?

Specifically, I believe a clarification is in order regarding the Senate's intent in changing the heading on page 101 at lines 15 and 16 to read "(2) Non-Discrimination Standards . . . ." It is my understanding that this amendment is necessary to express clearly the Senate's intent that the nondiscrimination provisions in this paragraph shall apply to transactions of Bell operating companies with all parties, not just other local exchange carriers as incorrectly suggested in the Committee Report.

Such nondiscriminatory treatment in procurement, standards-setting, and equipment certification is particularly important to the telecommunications equipment supplier community. Independent suppliers must have the same opportunity to sell to the Bell operating companies as any of their affiliates. This is good for the consumer, good for the suppliers, and good for the telephone companies.

Mr. PRESSLER. The understanding of my colleague from North Carolina is correct.

Mr. HELMS. I thank my good friend from South Dakota for making this clarification in the bill.

AMENDMENT NO. 1256

Mr. PRESSLER. Mr. President, I understand there is some concern among those in the transportation industry over an amendment agreed to earlier regarding the use of auctions for the allocation of radio spectrum frequencies. Specifically, the amendment would extend the FCC's authority to use auctions for the allocation of radio spectrum frequencies for commercial use. That amendment, which I supported, also includes a provision to exclude so-called "public safety radio services" from competitive bidding requirements.

I see the sponsor of the amendment on the floor. Will the Senior Senator from Alaska enter a very short colloquy to help me put to rest the concerns over this amendment?

Mr. STEVENS. Certainly.

Mr. PRESSLER. For purposes of public safety radio services, there are many circumstances when the transportation industry must rely on radio telecommunications to address safety concerns. For example, the railroad industry uses radio spectrum for voice and data communications that are essential to public safety. Freight and passenger railroads rely upon radio communications to transmit authority for train movements, to broadcast emergency warnings, and to seek emergency response in the event of accidents. Indeed, radio communications can often be critical to addressing the safety concerns of many modes of transportation. Does the Senator from Alaska agree with my views?

Mr. STEVENS. Yes. The transportation industry's reliance on radio communications can be critical to public safety. The amendment is not intended to impose economic burdens on the transportation industry or other industries when meeting public safety obligations.

For example, public safety radio services also include private, internal non-commercial use radio services used to provide reliable and secure communications in the management and operation of utility and pipeline services, like the Trans-Alaska pipeline and other oil, gas, mining, and resource development activities in my state under federal, state, and local statutes, regulations and standards relating to public health, safety or security.

Mr. PRESSLER. I thank the Senator. Now, I will yield to the Senior Senator from Oregon, who I understand would also like to comment on this important subject.

Mr. PACKWOOD. I thank the Chairman. I wanted to stress that the availability of radio frequencies is critical to technological advancements which enhance transportation safety. For example, the Department of Transportation is currently working with the Union Pacific Railroad and the Burlington Northern Railroad on an important test program to demonstrate the benefits of a new technology using radio spectrum called Positive Train Control. In fact, a 1994 Federal Railroad Administration report to Congress specifically emphasized the importance of radio technology in the development of positive train control.

This is just one example of how the radio spectrum can be important to the development of new transportation safety technologies. Since the availability of radio frequencies will be critical to these efforts in the future, I strongly agree with my colleagues the term "public safety radio services" includes safety-related communications of railroads and other modes of transportation.

Mr. PRESSLER. I concur with the Senator and thank him for his comments.

Mr. HOLLINGS. Mr. President, I am concerned that the language in S. 652 is unclear concerning the requirements that the regional Bell operating companies [RBOC's] must fulfill before they are permitted to provide interLATA, or long distance service. The entry provisions of section 255(b)(1) require that the RBOC must reach an interconnection agreement and must fully implement the checklist under section 255(b)(2). The language is unclear, however, whether the RBOC actually must simply reach an agreement to provide interconnection or whether it must also actually provide such interconnection to a carrier. I would simply clarify that, as one of the principal authors of this legislation, it is my understanding that the legislation requires the RBOC not only to reach an agreement but it must also actually provide such interconnection to a carrier fulfilling the checklist under section 255.

I understand that the legislation does not require that the RBOC's comply with both the minimum standards under section 251(b) and the section 255 checklist before being authorized to provide interLATA service. I would clarify one additional point, however, concerning the charges of providing interconnection under section 255. While there is no explicit reference to the charges that the RBOC's may assess for interconnection under section 255, it is my interpretation of the language in section 255 that the RBOC's must provide interconnection under section 255 at charges that are consistent with section 251(d)(6). Indeed, while the reference to section 251 in section 255(b)(1) is not intended to refer to the minimum standards under section 251, it is intended to include reference to subsection (d)(6) in section 251 concerning the charges for each unbundled element under section 255. I appreciate the opportunity to share this interpretation with colleagues.

Mr. FEINGOLD. Mr. President, I rise in opposition to the Telecommunications Competition and Deregulation Act of 1995. Mr. President, I had hoped that, following the adoption of several proconsumer amendments on the floor, that I would be able to support this legislation.

I favor increased competition and deregulation of telecommunications markets because true competition benefits consumers by providing them with more choices, lower prices, and improved service. However, Mr. President, S. 652, as it was reported by the Commerce Committee, did not contain adequate assurances that the deregulation of telecommunications markets will result in true competition. And unfortunately, Mr. President, virtually all of the amendments offered on the floor to ensure that this bill would benefit users of telecommunications services were rejected by the Senate.

Mr. President, I am disappointed about that turn of events because I think there was ample opportunity to make this bill a good bill for consumers, local communities, State governments, and private businesses alike. I regret that the Senate took what should have been an opportunity to better serve consumers, and turned it into an obstacle to greater true competition in telecommunications.

The amendment offered by the Senator from North Dakota, Senator DORGAN, and the Senator from South Carolina, Senator THURMOND, was among the most critical amendments offered to improve this bill. That amendment would have included in the legislation a strong decisionmaking role for the Antitrust Division of the Department of Justice in the approval of the regional Bell operating companies [RBOC's] entry into long distance telecommunications markets. It was an attempt to rectify the inadequate long distance entry provisions contained in the bill.

Mr. President, while the bill did attempt to provide protections for consumers, such as the competitive checklist and the public interest test, there was still a distinct need for review by the Antitrust Division of the Department of Justice. The competitive checklist in S. 652 only ensures that certain technical and legal barriers to competition in the areas served by the Bell monopoly have been eliminated prior to the RBOC entry. This checklist does not require that competition actually exist in local markets dominated by the RBOC's before they are able to use their substantial market power to enter long distance markets.

The power of the local monopoly is without equal in telecommunications markets. The advantages provided to them over those with lesser market power, fewer resources, and limited opportunities to control entry by their competitors are without bounds. We must keep in mind that competition in both local and long distance markets cannot exist when one player has substantially greater market power than his/her rivals.

S. 652 also prohibits the Federal Communications Commission, the agency required to enforce the competitive checklist, from expanding on the criteria contained in the checklist. If Congress has overlooked crucial criteria with respect to barriers to entry, FCC would be unable to consider it. At the same time the bill limits FCC's role, it provides absolutely no role for the Department of Justice which is the agency responsible for the competition that exists today in long distance markets. Senators DORGAN and THURMOND worked hard to rectify that inadequacy by offering an amendment giving the Department the authority to approve individual RBOC applications to enter long distance markets. Mr. President, that crucial amendment failed.

The absence of a sound antitrust review of RBOC applications to offer long distance service means there is little assurance that the benefits consumers have realized in a competitive long distance markets will not evaporate if this bill becomes law.

And Mr. President, if the absence of a DOJ role did not provide adequate reason to oppose this bill, the rejection of a substantial number of basic proconsumer amendments only added to my opposition.

Mr. President, this bill repealed much of the cable rate regulation established in the 1992 Cable Act, a law enacted in response to consumer outcries about skyrocketing cable rates. The Senator from Connecticut [Mr. LIEBERMAN] offered an amendment which would have merely provided an accurate yardstick to measure whether a cable company's cable rates were out of line and should be subject to regulation. That amendment was tabled.

An amendment offered by the Senator from California [Mrs. BOXER] would have provided some assurance that channels currently included as part of a consumers' basic tier cable service, which remain under Government regulation, would not be moved into more costly upper tier packages, which will be deregulated under this bill. S. 652, in its current form actually provides an incentive to move channels offered as part of a basic package into the unregulated upper tier packages for which cable companies can now charge higher rates. Senator Boxer's amendment was tabled.

The Senator from Nebraska [Mr. KERREY] offered several very good amendments on this bill. One very simple amendment would have merely required that a consumer representative sit on Federal-State Joint Board on Universal Service, the board which will study existing universal service support mechanisms and make recommendations about how to preserve and advance universal telecommunications service. It seems entirely appropriate that rural consumers be guaranteed representation on this board. Senator Kerrey's amendment was tabled.

The package of leadership amendments that was approved earlier this week by the Senate eliminated virtually all restrictions on the number of radio stations one entity might own raised a number of concerns about undue market concentration in broadcasting. While I voted for that package of amendments because it contained a prohibition on cable/telephone company cross ownership, I remained concerned about the radio ownership provisions in the package. The Senator from Illinois [Mr. SIMON] attempted to increase the number of stations one entity might own by 150 percent from current law rather than lifting the restrictions entirely. His effort was designed to ensure that this bill did not actually result in less competition in radio broadcasting. His amendment was rejected.

Mr. President, the list of defeated proconsumer amendments goes on. I was astonished by the rejection of some of these amendments which were intended to benefit consumers and protect them from potentially anticompetitive practices of some within the telecommunications industry. I have wondered if my colleagues have forgotten that the reason we are attempting to encourage grater competition through deregulation is to benefit consumers, not the competitors themselves. This bill might be very good for telecommunications business interests, but it is not good for consumers.

In addition, Mr. President, I am very disturbed by the passage of an amendment yesterday, offered by the Senator from Nebraska [Mr. EXON] which I believe contains an unconstitutional provision. I spoke at great length yesterday about my specific concerns with that amendment.

Mr. President, it is with disappointment that I must oppose S. 652. However, the outcome of the floor action on this bill, leaves me very little choice.

LEGISLATIVE HISTORY LANGUAGE ON OWNERSHIP CAP/ATTRIBUTION

Mr. PRESSLER. Mr. President, In raising the ownership cap to 35 percent of the Nation's TV households immediately, with a biennial regulatory reform review, it is our intent to permit broadcast companies to achieve greater operational efficiencies through expanded group ownership of television stations. There is a danger, however, that future changes to the FCC's attribution rules—for example, prospectively or retroactively restricting the availability of the single majority shareholder exemption or attributing nonvoting stock—could cause some ownership interests not now covered by the cap to fall within the scope of this regulation. Such a result could seriously undermine the goal that we are seeking to advance through adoption of this legislation. Accordingly, the committee expects the FCC to avoid the adoption of more onerous or restrictive attribution policies that would reduce the national station ownership potential of individual companies below the level that would be permitted under a 35-percent cap utilizing the attribution rules that are currently in effect.

PROMOTING THE USE OF TELECOMMUTING

Mr. SPECTER. Mr. President, I have sought recognition to speak more fully about my amendment on telecommuting, which passed the Senate yesterday by voice vote. My amendment directs the Secretary of Transportation to research successful telecommuting programs and to inform the general public as to the types of telecommuting programs that are succeeding and the benefits and costs of such programs. This amendment is appropriate in the context of the pending bill, which accelerate the deployment of advanced telecommunications and information technologies.

As my colleagues are aware, telecommuting is the practice of allowing people to work either at home or in nearby centers located closer to their home during their normal working hours, substituting telecommunications services, either partially or fully, for transportation to the traditional workplace. I believe that it is in the national interest to encourage the use of telecommuting because it can enable flexible family-friendly employment, reduce air pollution, and conserve energy. Further, as a Senator from a State which has major urban areas like Pittsburgh and Philadelphia, I recognize there is a real need to improve the qualify of life in and around America's cities.

According to a July, 1994, Office of Technology Assessment report, between 2 to 8 million American workers already telecommute at least part time. A 1994 survey by the conference board found, however, that in 155 businesses nationwide, only 1 percent of employees telecommute, although 72 percent of the businesses had such an option.

According to the Office of Technology Assessment, the most significant barriers to telecommuting are business and worker acceptance and costs. This legislation responds to the need to broaden public awareness of the benefits and costs of telecommuting, and to identify and highlight successful programs that can be duplicated.

I believe telecommuting is profamily. I have seen several news articles which featured working mothers and other parents who endorse telecommuting as benefiting child care and flexibility generally. One General Services Administration employee who now telecommutes was interviewed for a June 11, 1995, Washington Post article remarked, "I just wish they had this much sooner, when my kids were little."

Telecommuting should also appeal to computer-literate younger Americans, such as those described as Generation X, for whom a balance between work and lifestyle is very important. This new generation of American workers is the most adept at utilizing computers and should welcome the opportunity to spend less time commuting and more time pursuing other interests.

It is also important to note that some physically impaired individuals are able to obtain jobs thanks to their ability to telecommute. An April 23, 1995, Boston Globe article detailed a pilot project in Massachusetts, where physically impaired individuals such as the legally blind and quadriplegics do transcription work for doctors and hospitals. One women who suffered crippling injuries in an automobile accident noted that she never thought she'd work again, but that this new telecommuting program "is like a gift sent from heaven."

Telecommuting should be of interest because of its potential implications for transportation, particularly the mitigation of traffic congestion. The Energy Department issued a report in June, 1994, in which it stated that telecommuting and its benefits will be concentrated in the largest, most congested urban areas, with 90 percent of the benefits accruing to the 75 largest American cities. Thus, the greatest benefits will occur where they are most needed. Reflecting the direct effects of telecommuting on transportation, the Department of Transportation has reported that in 1992, telecommuting saved 2 million Americans an estimated 3.7 billion vehicle miles, 178 million gallons of gasoline, and 77 hours of commuting time each. The Department also estimated that telecommuting would lead to reductions of hydrocarbons and nitrogen oxides on the order of 100,000 tons in the year 2002 and 1 million tons of carbon monoxide. Rural areas should also benefit from a broader use of telecommuting because more employment opportunities would be available through the information superhighway.

My amendment is simple and straightforward. It directs the Secretary of Transportation to identify successful telecommuting programs used by Government agencies and companies and publicize information about such programs in order to broaden public awareness of the benefits of telecommuting. The Secretary would carry out this directive in consultation with the Secretary of Labor and the Administrator of the Environmental Protection Agency, so that work force and environmental concerns will be taken into account. The Secretary of Transportation would also be required to report to Congress on his findings, conclusions, and recommendations with respect to telecommuting within 1 year of enactment. Using such information, Congress may consider whether additional legislation to promote telecommuting is warranted or desirable.

I ask unanimous consent that the texts of the Washington Post and Boston Globe articles I have mentioned be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, June 11, 1995]

FEDERAL WORKERS TEST DRIVE TELECOMMUTING

(By Todd Shields)

In a federal office in Waldorf, Julie Jones occupies workstation 13. Chrissie Edelen sits right beside her, in mirror-image No. 14.

Their cubicles are bereft of humanizing touches, bare of the snapshots or photocopied cartoons that might proclaim that a person is in the bureaucrat's seat.

They'll go all day without walking down the hall to a meeting.

They'll not be visited by a boss, and no colleague will drop in for a chat.

Office grumps? Strange ascetics?

Certainly not. They are happy telecommuters, using their cubicles in Southern Maryland once a week, on the blessed day when they don't devote two or three hours to the simple act of getting to and from work. And that, they certainly love.

"The morale is excellent," said Edelen, a graphic artist. "I feel more relaxed. You're not fighting traffic. . . . You just feel better."

Edelen and Jones, a paralegal, are early beneficiaries of a pilot program that may spare tens of thousands of federal workers enervating commutes while boosting productivity and cutting air pollution.

The women are among 56 workers who spend one or two days a week at the InTeleWorkNet Center, a 14-station office suite replete with computers, faxes, printers and other equipment. The center, set up with money from the General Services Administration, is one of five on the fringes of the Washington area, where federal commuters face particularly grueling trips.

Proponents see the centers as forerunners of scores of similar stations that would dot the area, in essence bringing many workplaces within a short drive or even a bicycle ride of workers' homes. The GSA, which is using the Washington area as its prototype, expects to expand the program nationwide, fostering "telework" centers for 60,000 federal employees by 1998.

The federal pilot, funded by a $6 million appropriation through late 1996, is one of several initiatives to bring telecommuting—working at a distance from the usual office—to government workers in the Washington area.

Fairfax, Arlington and Montgomery county governments all have begun small pilot programs for their staffs to work from home. The Metropolitan Washington Council of Governments, a regional planning agency, envisions four work centers in Virginia an done in the District for private and public workers. And this year, Maryland is to launch a three-year pilot program for state employees, who would work at home.

The programs are initial steps toward a transformation already well begun in the private sector. Estimates of the number of telecommuters in the United States begin at 5 million, yet the federal government, with its 2.8 million employees, has only 3,000 workers enrolled in telecommuting programs. By comparison, one regional telephone company alone, Bell Atlantic Corp., has 2,000 telecommuting employees. Public or private, the programs' impetus is the same. Planners and executives look around and see the same things workers by the legion experience—bad air, traffic jams and stress-filled schedules that commonly have workers leaving home before dawn and placing their children in the care of others in eerily empty suburbs.

"You wonder: My God? Isn't there a better way to do this?" said Warren Master, head of the GSA pilot project.

Master speaks with the zeal of the converted, sketching aloud plans for work centers that play host to both government and private employees and that attract the broader public with copying shops, Internet access and services such as Veterans Affairs counselors or Internal Revenue Service advisers.

For the time being, though, the benefits go primarily to people such as Jones, the paralegal. A resident of Clinton, in southern Prince George's County, she usually commutes more than an hour to Defense Mapping Agency offices in Merrifield or Bethesda. On Wednesdays, she travels a few miles south against traffic to reach the Waldorf center in 15 minutes or less.

The hours saved leave more time with her husband and 22-month-old son. But Jones was surprised to find an added plus: She can accomplish far more at the Waldorf center, where she has all the equipment she needs without the countless distractions of big-office life, she said.

"It makes things easier," Jones said. "It's just the same as if I'm working at my desk in Merrifield or Bethesda, except I don't have as many interruptions."

Jones and Edelen, who works for the Federal Highway Administration, said they save large, complex tasks for their telecommuting days. Being able to work without interruption is a relief. "It's off my brain," Jones said, "and I'm on to something else."

The Waldorf workers have experienced what telecommuting consultants and advocates long have contended: that teleworkers are more productive. Studies document increases of 15 percent to 25 percent, said Master, of the GSA.

But telecommuting still can be a tough sell, said Jennifer Thomas, program director at the GSA's telecommuting center in Fredericksburg, VA., which opened its second branch last month.

"Some kind of grumpy middle manager will say, 'How do I know this person's not goofing off?'" Thomas said. Her center advises the managers to judge by results. So far, she said, the center has received only positive feedback from workers and their managers.

Despite the good reviews and the affected workers' adulation—virtually all Waldorf teleworkers surveyed by the University of Baltimore's Schaefer Center for Public Policy thought the arrangement improved morale and their quality of life—the centers' future is by no means assured.

"Once the funding runs out on these pilots, they, of course, have to be self-sufficient," Master said. When subsidies drop away, the charge to agencies that rent the computer workstations will increase. Master said agencies still could save money if they reduce the number of desks in central offices, to take account of telecommuters.

One person who hopes the centers will succeed is Ruth Ann Campbell, a GSA budget analyst who for 28 years has endured commutes of as far as 42 miles from her home in La Plata. Now she revels in the opportunity to drive just 10 miles north of the Waldorf center.

"My family and friends think I'm much nicer," she said during a break in the work center's small video-conferencing room. "I'm not only happier on Wednesdays, I'm happier because I'm looking forward to next Wednesday. . . .

"I just wish they had this much sooner, when my kids were little."

[From the Boston Globe, Apr. 23, 1995]

QUADRIPLEGICS GET HELP IN WORK-AT-HOME PROGRAM

(By Andrew Blake)

When Mary M. Palermo suffered crippling back injuries after an automobile accident in Revere in the summer of 1992, she thought she would never be able to work again—certainly not as a waitress or in an office.

In some respects she was right. She says she can't commute to work because of back pain. But under a program just gearing up at Melrose-Wakefield Hospital, Palermo will "tele-commute" as she and several others work for doctors at the hospital via computer, without leaving their homes.

"For me this is like a gift sent from heaven," said Palermo, 42, of Revere.

"I started getting assignments for transcriptions on April 4 and the best part is I can work at home at my own pace," she added.

One doctor at the hospital has been using the new service since February. Several more physicians employed by the hospital or affiliated with it are expected to start using the service within a week or two.

Doctors dictate their patient medical notes, progress notes or surgical notes into a Dictaphone. The notes are then heard by a transcriptionist at his or her home, typed into a home computer and sent back to the hospital or doctor.

The program, which allows physically impaired people including the blind, to do transcription work for doctors and hospitals, originated at Boston University's Helping Hands project, best known for its work in training monkeys to help quadriplegics. It is funded in large part by a $50,000 grant from the State Department of Employment and Training.

M.J. Willard, executive director of Helping Hands, affiliated with Boston University's Medical School, described this pilot project "as diversification of the original program."

The idea came about, she said, after talks with the Massachusetts Rehabilitation Commission, the Massachusetts Commission for the Blind and Gov. Weld's Telecommuting Initiative. A variation on the program is working in California, she said.

"Over the summer, working with people referred by state agencies and scored for compatibility with home transcription work, a dozen trainees learned medical terminology, learned how to use computers and communication modems and software programs for writing and communication by computer.

"Not surprisingly, we discovered the very reasons that we set up the program were causing problems for the students—commuting," she explained.

The classes at BU were scaled back to once a week and then the students could learn by communicating with their computers. While BU provided the class space and administrative help, Willard said IBM donated computers and modems, the Dictaphone company donated some Dictaphones and deeply discounted others, Willard explained. And the state paid the salary for the instructor.

"We had contacted 82 hospitals and transcription companies to gauge their interest. Thirteen expressed interest but Melrose-Wakefield Hospital expressed deep commitment in making this happen, so we went with them," said Willard.

At the hospital, Jackie Valente, director of medical management, said the Helping Hands project could not have come at a better time. An increasing number of physicians need faster and more efficient transcription services.

"We see this expanding to 50 or so physicians with about one transcriptionist for every three doctors," said Valente.

Right now, she added, Dr. Khaleet Beeb is working with a transcriptionist to establish formats and to work out kinks in the system. For the moment, the transcriptionist first sends the transcribed reports to a proofreader working at home in Quincy, who checks for correct medical terminology and then sends it to Beeb at the hospital.

Three more transcriptionists she said, including Palermo, are about to start possibly as early as this week. One is in Dorchester and the other lives in Watertown.

One of the physicians about to use the program is Dr. Joseph L. Pennacchio, a Revere native who is president of the medical staff at Melrose-Wakefield Hospital.

"This sounds like a good program. I can definitely see advantages. With this service we can better document our notes, communicate faster for the benefit of patients and get more detailed information to us more efficiently," said Pennacchio.

The system currently used by doctors to have their notes transcribed relies heavily on commercial transcription services and free-lance transcriptionists who stop by the hospital or doctor's office to pick up tapes. The person then listens to the tapes, transcribes the information on a typewriter and then carries the material back to the hospital. That can take days or weeks, according to Valente.

Under the telecommuting system she expects the turnaround time to be greatly reduced.

"People can work at their homes at midnight or 3 a.m. if they feel like it or they can tend to their children and start work any time they like. The more they work, the more they earn," she added.

The homebound computer transcriptionists will be paid 7 cents a line. They can work as much as or little as they like, and much will depend on how extensive a doctor's notes are on any given assignment, she explained.

Palermo, originally from Watertown, N.Y., and with a degree in English, came to the North Weekly region about 19 years ago on assignment from the Social Security Administration to the Lynn office.

Later she worked as a waitress at Durgin Park in Boston, "where I was entertaining people for 12 hours a day. So I decided to be a stand-up comic, where I only had to be funny for 5 minutes."

"When the accident happened I was in the process of thinking about a work change. I never imagined I'd be working at home with a computer," she said.

RESTRICTION ON IN-REGION MERGERS OF TELEPHONE AND CABLE COMPANIES

Mr. THURMOND. Mr. President, I rise to commend the leadership and the managers of the telecommunications bill, S. 652, for the amendment which was made to ensure that potential competition between telephone companies and cable companies will be maintained for the benefit of consumers. Until this amendment was made, I had serious concerns about S. 652 removing the current prohibition on mergers between local telephone exchange carriers and cable companies in their service regions, subject only to standard antitrust scrutiny. I was prepared to offer an amendment to the original language in the bill because it lessened the likelihood of vigorous competition developing between telephone and cable companies, with each offering the services of the other.

As the chairman of the Judiciary Committee's Antitrust, Business Rights, and Competition Subcommittee, I am particularly pleased that the amendment adopted to restrict telephone-cable mergers contains a savings clause which makes absolutely clear that the antitrust laws are maintained and will be applied by the antitrust enforcement agencies. Thus, even if the FCC grants a waiver as permitted in the amendment or a merger comes within the rural exception, the Department of Justice and the Federal Trade Commission still have the authority and the obligation under the law to consider whether any telephone-cable merger, acquisition, or joint venture violates the antitrust laws.

Mr. President, antitrust analysis by the antitrust authorities is critical to promote competition between the two wires—cable and telephone—that already run to the home, and avoid a single monopoly provider of both cable and telephone services, which would result in higher cable and telephone prices for consumers.

I am pleased that an agreement was reached in this area and that this amendment is now part of the bill.

RURAL HEALTH PROVIDERS

Mr. ROCKEFELLER. Mr. President, I want to take a few moments to talk about how the Snowe-Rockefeller provision in the bill before us today will assure rural residents that when it comes to their health care they will have the same advantages as urban residents.

A shortage of family doctors, pediatricians, nurse practitioners, and other primary care providers has been a chronic problem in rural areas. Access to a medical specialist has been practically nonexistent unless a rural citizen was willing and able to travel, sometimes a very long distance, to be treated.

Telemedicine is a telecommunications technology that can address both these problems, and at the same time, save money for both patients and health care facilities. Patients save because they can be treated in their own hometown rather than being referred to an out-of-town specialist. This saves them transportation and overnight accommodation costs.

Patient cost-sharing payments will also be less if a patient can be treated locally rather than transported to a referral or specialty center. The costs of a local, rural hospital are generally lower than a teaching or specialty hospital. In those cases when a patient must be transferred for specialty care, the availability of telemedicine consultations can speed up when a patient can be transferred safely back home.

Mr. President, a major difficulty in recruiting doctors and other health care providers to rural areas is the professional isolation, the heavy workload, and little or no back-up medical support. Telemedicine can provide lifesaving back-up support for medical emergencies which eases the minds of patients and their families and the doctor taking care of the patient. Telecommunication hookups can reduce the sense of professional isolation and provide for continuing education opportunities. And, over the long run telemedicine can increase training opportunities for health care professionals at rural sites, increasing the chances a doctor or nurse will return to practice in a rural community.

Mr. President, in West Virginia and all across the country, rural hospitals are finding it increasingly difficult to retain patients in the community because specialty physicians have a hard time diagnosing a patient's condition over the phone based only on a verbal description of the problem by the rural physician. Now with telemedicine, many of those rural hospitals can safely and effectively care for their patients instead of referring them elsewhere.

For example in West Virginia, a medical student and a primary care doctor consulted with the chief of neurology at West Virginia University about an elderly Medicare patient. The chief neurologist was able to diagnose the patient's medical condition through telemedicine technology. This saved the patient a 138-mile trip over mountainous terrain to West Virginia University Hospital. The patient instead was able to be treated at the rural hospital and ended up saving the Medicare Program $2,500.

And, of course, when minutes, even seconds, count, having the instant availability of emergency consultations can literally mean the difference between life and death. Just last week in West Virginia, an emergency medical resident staffing a rural hospital emergency room had to treat a patient with a broken neck. The medical resident had never treated a broken neck before, but because the rural hospital had telemedicine capabilities, Dr. John Prescott, the chief of emergency medicine at West Virginia University was able to immediately consult with the doctor on the appropriate treatment protocol. The patient was stabilized and later transferred to a referral hospital.

Our amendment will help bring down a significant financial barrier to the development of telecommunications technology in rural areas: the costs of transmission. While the basic start-up costs for acquiring telemedicine technologies are coming down, transmission costs remain unaffordable. A small, rural hospital in West Virginia reported that the estimated charge for a T1 line to allow them to hook up with a larger hospital for administrative and quality assurance support was an unaffordable $4,300 a month.

The West Virginia University which started a pilot telemedicine project 5 years ago, recently solicited bids for carrier services; three companies bid for the service. The winning bid's monthly charges ranged from $475 a month to $2,200 a month. The highest monthly charge of $2,200 was for a telecommunications hookup with a small rural health center in Greenbrier County, WV with the closest teaching hospital in the area.

The cost of transmission must be lowered if telemedicine is to become economically feasible for many rural communities. Right now the West Virginia telemedicine project is funded by Federal grant dollars. This is true for hundreds of telemedicine projects all across the country. Congress with enthusiastic bipartisan support has encouraged the development of telemedicine technologies all across the country. The Government has provided seed money for telemedicine, but unless we make sure that telecommunication transmission costs are affordable over the long run, many rural health care providers won't be able to continue with these very important projects.

Tommy Mullins, a hospital administrator for a small rural hospital in West Virginia, recently told my staff that "the $2,000 per month service charge for the T1 is more than I spend for educational programs for my entire staff of 150 employees. If we did not have the grant money to pay for the monthly charge we could not maintain the hookup."

Mr. President, our amendment is carefully targeted to health care facilities that are providing health care services in rural areas. We have also specifically included academic health centers, teaching hospitals, and medical schools in our amendment. These institutions have been essential partners with rural health providers in planning and creating rural health telemedicine networks and have been leaders in initiating rural health networks. Rural health care providers are generally so overloaded with patient care demands that it is difficult for them to spend the time planning and coming up with the resources to implement a telemedicine program.

In addition, academic health centers bring health professions training programs and continuing education programs to the rural health network which reduce professional isolation for the rural health care providers. Finally, it promotes an increased understanding and sensitivity on the part of the academic health center to many aspects of rural health care.

Mr. President, I am extremely pleased and relieved that the amendment I sponsored with the Senator from Maine, Senator SNOWE, was not stricken from the telecommunications bill. I believe that our provision will have a tremendous positive effect on rural health care. We are already seeing amazing results in terms of quality of care and in improving access to primary and specialty care in rural areas as a result of telemedicine. This amendment will make sure that the important progress we have made in rural health care will continue and expand.

LIMITING ACCESS BY CHILDREN TO INAPPROPRIATE MATERIALS ON THE INTERNET

Mr. ROBB. Mr. President, as you know, the Internet is a remarkable development that has transformed the way people communicate. On the Internet, you can converse on-line with family, friends, and associates across the globe, search untold numbers of data bases on every imaginable subject, and share ideas with millions with the push of a button. The Internet is an enormous highway with few rules. Its simplicity is part of its appeal. But its lack of rules is also a source of considerable concern, because of the widespread availability of materials on the Internet that are entirely inappropriate for children.

Certainly one option is to impose stricter legal penalties for putting offensive materials on the net, and the provisions in the bill accomplish this. I am concerned about these provisions, however, because they challenge first amendment rights and undermine one of the freest, most spontaneous communications media ever devised.

Another approach is to pursue a technological solution. Parents can block cable TV channels they deem inappropriate for children. We need similar controls for the Internet and other electronic communications media.

Some Internet providers are offering schools a service that denies access to unsuitable Internet sites. One software vendor is now offering a service which identifies and, if a parent desires, filters out inappropriate materials on the Internet. These are encouraging steps, and I hope industry will continue to develop and market such services. These services must be purchased, however, and will not come cheap for all Internet users. Hence a more ubiquitous fix is needed.

Another option, addressed in this amendment, is to include a "tag" or "marker" in the filename of Internet text or graphics of a mature nature. For example, if an Internet user is preparing to post a file that is of a mature nature, he or she can include a tag such as "adult" or "mature" in the file name. Similarly, he or she can put this tag in an address—essentially this would mark all files under that address as inappropriate for children. It is then a simple matter for programmers who develop the software that connects users to the Internet to include an optional parental block to filter out all such files. Teachers could use the filter as well.

This amendment simply encourages the Internet community to self-regulate its behavior by adding tags to files that are inappropriate for children. It does not mandate such tags, Mr. President. The amendment encourages vendors of software that links users to the Internet to include a parental block to filter out the tagged files. Finally, it requires the Department of Commerce to promote the program and GAO to study whether the voluntary tags are effective after one year. This amendment does not conflict in any way with the indecency provisions in the bill.

I should note that one industry initiative, announced Monday, involves putting a "stamp of approval" on materials judged appropriate for children, where parents can then choose to let their children see only those approved materials. Since the vast majority of material on the Internet is entirely appropriate for children, it is unclear how this idea can be implemented practically. It is nonetheless a useful initiative and complements the approach of this amendment.

This amendment offers only a partial fix, but in concert with appropriate legal penalties and other technical approaches, it will help address a very serious problem.

BELLCORE

Mr. LAUTENBERG. Mr. President, it is my understanding that the interested parties to the Bellcore issue raised during the debate on the manager's amendment have come to an agreement on a statement of goals that outline a mutually agreeable solution to the issue. The parties intend to negotiate legislative language to be included in the final bill.

I ask unanimous consent that the statement of goals be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF GOALS FOR AMENDMENT ON STANDARDS-MAKING AND CERTIFICATION

In addition to the provisions in S. 652 regarding Bellcore manufacturing, the parties agree to negotiate an amendment for adoption in the final act that will:

Ensure that entities engaged in industry-wide telecommunications equipment standards-making use open and non-discriminatory procedures.

Ensure that any entity that is an affiliate of more than one Bell operating company will engage in open, fair, and non-discriminatory establishment of generic network requirements intended to be a significant reference point for more than one Bell operating company in their product specifications, standards-making, and product certification for hardware, software, and related products when such company undertakes an activity for more than one company.

Ensure that Bellcore, if no longer an affiliate of any Bell operating company, will not be considered a Bell operating company, or a successor or assign of a Bell operating company.

Ensure that the Bell operating companies have choices in awarding contracts for the purpose of establishing product and service standards and requirements.

Ensure that vendors selling telecommunications equipment to Bell operating companies have opportunities to have their equipment certified under circumstances that are open, fair, and non-discriminatory.

Ensure that proprietary information submitted in the standards-making and certification processes is not released for any purpose other than that authorized by the owner of such information.

Mr. LAUTENBERG. It is my desire that the parties conclude these negotiations in a timely manner. I will support the product of the negotiations and urge that the Senate accept that product in the final version of this bill. Finally, I would like to thank the Senator from North Carolina for helping to bring the parties back to the negotiating table.

Mr. FAIRCLOTH. I concur with the Senator's statement. It is in everyone's best interest to seek a negotiated settlement. I thank the Senator for his work in getting the parties to agree to the statement of goals. It is an important first step. I understand that the statement of goals is acceptable to all Senators that have expressed an interest in this issue, including Senators HELMS, BRADLEY, DORGAN, EXON, and KERRY. I also understand that the statement of goals is acceptable to the managers of the bill, and that the managers are amendable to including the negotiated legislative language in the final bill.

Mr. PRESSLER. Mr. President, I shall stop speaking the minute either the Majority Leader or Minority Leader walk in the door. I wanted to take this time to make my concluding remarks.

I think this bill will result in lower telephone rates, lower cable rates, and more services to the American people. I think this is a very exciting era, and this bill an historic opportunity. I hope the House acts quickly, and I hope we have a conference as soon as is practicable. I hope a Conference Report can be adopted by both the House and the Senate, and I hope the President will sign the bill.

The intention of this bill is to get everybody else into everybody else's business. It is to promote competition and to deregulate. It has been a struggle because almost everybody in the industry says they are for deregulation. Yes, they say they are for deregulation, but they usually mean deregulation of the other guy.

This is a balanced, bipartisan bill. I think it is truly the first major bipartisan bill we have moved through the Senate this year. We have had our differences, but I believe that this bill will cause an explosion of new jobs. I believe that it will cause a new era, similar to what has occurred in the computer industry.

AMENDMENT NO. 1299, AS MODIFIED

AMENDMENT NO. 1422

AMENDMENT NO. 1423

AMENDMENT NO. 1313

Mr. PRESSLER. Mr. President, I ask unanimous consent that the remaining Breaux amendment be modified with the modification I send to the desk, that the modified amendment be agreed to and the motion to reconsider be laid upon the table, and that it be in order for me to send to the desk two technical amendments and a modification of amendment No. 1313, that they be considered and agreed to, en bloc, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

So the amendments (Nos. 1299, as modified; 1422; 1423; 1313) were agreed to, as follows:

AMENDMENT No. 1299

On page 123, line 10, add the following new sentence: "This section shall take effect for each vessel upon a determination by the United States Coast Guard that such vessel has the equipment required to implement the Global Maritime Distress and Safety System installed and operating in good working condition."

AMENDMENT No. 1422

In section 623 of the Communications Act of 1934 (as added by section 204 of the bill on page 70), strike "and does not, directly or through an affiliate, own or control a daily newspaper or a tier 1 local exchange carrier." and insert "and is not affiliated with any entity or entities whose gross annual revenues in the aggregate exceed $250,000,000.".

AMENDMENT No. 1423

In section 262 of the Communications Act of 1934, as added by section 308 of the bill—

(1) strike subsection (e) and insert the following:

"(e) GUIDELINES.—Within 18 months after the date of enactment of the Telecommunications Act of 1995, the Architectural and Transportation Barriers Compliance Board shall develop guidelines for accessibility of telecommunications equipment and customer premises equipment in conjunction with the Commission on the National Telecommunications and Information Administration and the National Institute of Standards and Technology. The Board shall review and update the guidelines periodically.

(2) strike subsection (g) and insert the following:

"(g) REGULATIONS.—The Commission shall, not later than 24 months after the date of enactment of the Telecommunications Act of 1995, prescribe regulations to implement this section. The regulations shall be consistent with the guidelines developed by the Architectural and Transportation Barriers Compliance Board in accordance with subsection (e).

AMENDMENT No. 1313

On page 116, between lines 2 and 3 insert the following:

(D) Nothing in this section shall prohibit the Commission, for interstate services, and the States, for intrastate services, from considering the profitability of telecommunications carriers when using alternative forms of regulation other than rate of return regulation (including price regulation and incentive regulation) to ensure that regulated rates are just and reasonable.

Mr. DOLE. Mr. President, I think the distinguished Democratic leader would like to speak at this time. As I understand, after he speaks, I will have just a few minutes to speak on my amendment. Then we vote on the Dole amendment and then final passage.

I hope during the two votes I can determine what we will do the balance of the day and the balance of the week, so my colleagues will have some information before 6 o'clock. We are attempting to take up two bills and we are meeting objections from different sides for different reasons on each. We may be able to work that out during the vote.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PRESSLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRESSLER. Mr. President, citizens in my State of South Dakota often ask me, what does this legislation mean to the State of South Dakota? What does it mean to people living in small cities?

I say a great deal.

First it will mean that a small city will be able to be on the same basis as a big city in terms of getting information. We have CitiBank's credit card operation located in Sioux Falls. We have the Spiegel Catalog telephone mail order facility in Rapid City.

Recently, a team from Georgetown University came to Sioux Falls to start a joint research project on telemedicine. Georgetown is planning to work with a Sioux Falls hospital to establish this telemedicine project.

Recently, I was talking to some of the major universities in this country about partnering with small South Dakota colleges. Modern telecommunications will make such partnerships not only possible, but productive.

I have recently approached one of the largest companies in the United States about doing a project jointly with small companies, using modern telecommunications.

The city of Aberdeen, SD, has a new upgrade digital switch. They are now able to use this capability for telemedicine, to have an interaction with some of the big hospitals as operations are being performed. As a result of the upgrade, a major motel chain, Super 8, was able to locate its nationwide reservation system in the city.

Someone living in a small city or a small town has the same information available as someone in a great city. You do not have to be in downtown New York, downtown Minneapolis, or in downtown Los Angeles to get information, use it and respond to it.

The executive director of the Northeast Council of Governments in my State has sent me a well-prepared report on what new telecommunications will mean in that region of smaller cities in rural areas. She reports that upgrading telecommunications technology has already attracted national companies to Aberdeen, where they have created hundreds of new jobs in the last year.

Other communities are clamoring for upgrades to their communications technology. They know this will help improve the quality of life in their communities.

Faye Kann's report also describes the potential for telemedicine and long-distance learning with an improved telecommunications infrastructure in northeast South Dakota.

I ask unanimous consent to have this report printed in the RECORD.

TELECOMMUNICATION TECHNOLOGY IN NORTHEAST SOUTH DAKOTA

(By Faye Kann)

Competition in the telecommunications arena could benefit rural areas such as northeast South Dakota. The SD Public Utilities Commission worked very hard to help Aberdeen and the region upgrade the telecommunications capabilities in order to effectively compete for business retention and creation. With the availability of competition, the upgrade of technology equipment could have occurred earlier.

In 1994–5, approximately 400 jobs have been newly created or retained in Aberdeen due to the upgrade of telecommunications technology and the ability for rapid data transmission. Four separate national and local entities saw the opportunity to utilize upgraded telecommunications equipment but needed the assistance of the state PUC in order to obtain the equipment upgrades. Companies such as Super 8 reservation systems, Howard Johnson's Reservation system, Aman Collection Company, and Student Loan Finance Corporation are among companies that added employees due to the technology upgrades. Without the telecommunications upgrade, one of these companies would have located in another state instead of South Dakota.

Those upgrades include the installation of SwitchNet 56, ISDN lines, and Signal 7 technology. That more up-to-date technology has enabled those companies to locate and maintain their companies in Aberdeen and keep jobs in northeast South Dakota. The increased payrolls and job opportunities have added to the number of jobs available to a broad spectrum of age groups employed in telecommunication agencies. The general nature of telecommunications jobs allow for flexible work schedules to accommodate workers from all age groups to interact both professionally and to maintain their excellent quality of life in South Dakota.

Other communities in northeast South Dakota such as Britton, Eureka, and Gettysburg are actively seeking job growth due to upgrades in telecommunications equipment throughout the region. Manufacturers in Britton such as Horton Industries and Sheldahl, Inc. with approximately 400 employees are currently using telecommunications equipment to communicate with their suppliers, markets, potential contracts and corporate headquarters. Use of the telecommunications equipment allows for quick, effective two-way interaction in the design stage before production.

Another component of the telecommunications industry focuses on long distance learning. The statewide Rural Development Telecommunications Network (RDTN) allows higher education to offer classes for students across the state. Schools in communities such as Groton, Frederick, and Webster in northeast South Dakota utilize cost efficiencies and class offerings that are available with telecommunications through the North Central Area Interconnect (NCAI) system. Continuing education for communities and school district staff allow for future development and curriculum enhancement.

Northern State University is moving ahead with expanding the connections on campus. The campus infrastructure would allow all video/audio conferences, meetings and instructional programs to be shown in the individual classrooms. Many classrooms, one existing microcomputer lab, and a new multi-media based Instructional Classroom will be connected to the LAN network. This classroom will be equipped with appropriate printers, scanners, and display equipment as well as a fully interactive video-conferencing component.

In addition, telemedicine is being used in the experimental stage in the region. The impact of the next phase of the regional telecommunications upgrade will place the high resolution telecommunications equipment in outlying clinic for patient diagnosis and effective utilization of physician's assistants and nurse practitioners. Those types of clinics are in communities where doctors are unwilling or unable to locate. The aging population as shown in the demographics of South Dakota rate health care as one of the top concerns.

Another community which is a good example of the need for state-of-the-art technology for a point of presence and fiber optics is Huron. Several major employers have considered Huron for economic development expansion but because of the lack of access and equipment, jobs and economic opportunity were denied in the northeast region of South Dakota. When checking with telecommunications companies who provide the necessary equipment, the cost to benefit ratio is not attractive in the rural areas and therefore equipment has not been installed and access is denied.

Education, government, and business are supporting the creation of CityNet in Aberdeen. The local cable company is upgrading its system with the installation of a large fiber-optic cable network. In addition to the cable company's normal services, this fiber-optic infrastructure will be used to connect various entities (K-12 education, higher education, all levels of governments, health care, and individual homes and businesses). The uses for the network are virtually limitless and offer a means for connections not only within the community but to the world as this network connects with other networks.

Competition coupled with universal service is a must for rural states to have access for all citizens. If major telecommunications networks such as Internet access are denied in the rural areas, state-of-the-art technology will be deployed only in the mass markets with dense population where the providers are able to obtain cost-benefit ratios which are attractive to the provider. It is imperative that Congress understand this issue. Aberdeen hosts an annual telecommunications conference and was the first demonstration nationwide with an interactive two-way audio/video link over the public switched network with the US Senate Recording Studio in 1994. We invite interested parties to northeast South Dakota to view our projects and partake in demonstrations of the effect of utilization of the technology.

Mr. PRESSLER. Mr. President, I have received a letter from Laska Schoenfelder, public utilities commissioner of the State of South Dakota. Commissioner Schoenfelder has many years experience working to support South Dakota consumers and to help provide them better telecommunications services. She enthusiastically endorses S. 652.

Commissioner Schoenfelder writes, "This bill will allow Americans greater access to communication services at an affordable price which can only be achieved through a competitive market. The bill also preserves universal service, which is vital to rural states."

I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SOUTH DAKOTA PUBLIC UTILITIES COMMISSION, STATE CAPITOL BUILDING,

Pierre, SD, June 9, 1995.

Memo to: Senator LARRY PRESSLER.

From: Laska Schoenfelder, SD Public Utilities Commissioner.

Re SD 652.

Residential and business consumers of communication services will be the real winners if Senator Pressler's bill, the Communication Act of 1995 (SB 652), passes.

While South Dakota has promoted telecommunications competition at the state level this bill will be a boon for economic development in all states. This bill takes a step forward in recognizing the essential role of the State in promoting fair competition.

This bill will allow Americans greater access to communication services at an affordable price which can only be achieved through a competitive market. The bill also preserves Universal Service which is vital to rural states.

Mr. PRESSLER. Mr. President, competition and deregulation will bring great benefits to South Dakota and other States with small cities.

For example, the bill is designed to rapidly accelerate private sector development of advanced telecommunications and information technologies and services to all Americans by opening all telecommunications markets to competition.

A recent series of television commercials have shown people sending faxes from the beach, having meetings via computer with people in a foreign country, using their computer to search for theater tickets and a host of other services that soon will be available. My bill would make those services available even sooner by removing restrictive regulations.

A person living in Brandon could work at a job in Minneapolis or Chicago, students in Lemmon would be able to take classes from teachers in Omaha, and doctors in Freeman could consult with specialists at the Mayo Clinic. Telecommunications can bring new economic growth, education, health care and other opportunities to South Dakota.

Competition in the information and communications industries means more choices for people in South Dakota. It will also mean lower costs and a greater array of services and technologies. For instance, competing for customers will compel companies to offer more advanced services like caller ID or local connections to on-line services such as Prodigy and America On-Line.

It hasn't been that long since Ma Bell was everyone's source for local phone service, long distance service and phone equipment. Now there are over 400 long distance companies and people can buy phone equipment at any department or discount store. Under my bill, eventually people would be able to choose from more than one local phone service or cable television operator.

This new competition also should lead to economic development opportunities in South Dakota. People will be able to locate businesses in towns like Groton and Humboldt and serve customers in Hong Kong or New York City. We are entering an exciting, historic era. I want to spur growth and bring new opportunities to South Dakota and everywhere in America.

Mr. President, we are reaching the close of this debate and a vote on final passage of S. 652. I am confident we are about to approve telecommunications reform by a wide margin.

This reform is not a partisan issue. This is the first major bipartisan legislation of the 104th Congress. I want to thank my comanager, the Senator from South Carolina, for his leadership. Today's vote will bring to fruition a project he has been working on for many, many years. I want to thank the majority leader and the minority leader for their indispensable efforts for passage of this bill.

The bill we are about to pass will break up monopolies. It will tear down competitive barriers. It will open up communications networks.

Mr. President, every American household and every business large and small, uses the services we are about to make more competitive. The bill we are about to pass will give the American people unprecedented freedom to choose.

After this bill is signed and implemented, Americans will be free to choose from competing local phone companies. This is unprecedented. It will lower prices. It is pro-consumer.

S. 652 will give Americans freedom to choose among more long-distance companies. This will cut prices. This is pro-consumer.

This bill will usher in a new era of robust competition in cable TV. It will, in effect, break up all the cable TV monopolies. This will give consumers more freedom to choose. It will cut prices. It will expand services. This, too, is pro-consumer.

S. 652 will let electric utility firms get into the phone or cable business if they wish. It will give broadcasters new flexibility to use new digital technology to offer multichannel programming with the same allocated spectrum that formerly could carry only one channel. This, Mr. President, dramatically gives consumers more freedom to choose.

No earlier legislation concerning cable prices—neither the deregulation of 1984 nor the reregulation of 1992—included these powerful procompetitive reforms.

This reform bill is historic. It is strongly bipartisan. It deserves the President's support.

Some who still oppose our reform bill are trying to get the President's ear. They say this bill will lead to more concentration in the communications business. I say that is a myth.

Concentration is what we have had under the old, 1930s-era system of government-created monopolies. Breaking up the monopolies and lifting burdensome regulation will give room for more entrepreneurs to compete.

Just consider other segments of the information industry, segments which did not strain under regulation and the monopoly model:

Fax machines aren't regulated or organized into a government-sanctioned monopoly. Just look at how prices have dropped, quality has improved, and sales have soared.

So it is, too, with cellular phones and pagers.

The computer market now gives consumers 200 times more value, in terms of lower price and greater power, than it offered just a decade ago.

Freedom for consumers and entrepreneurs did not lead to concentration in the computer business. No, quite the contrary. There have been winners and losers, large and small. Hundreds of start-up firms have flourished, including Gateway 2000 in my State of South Dakota. Meanwhile the biggest computer firm of all has seen a huge loss in market share and has been forced into significant restructuring. Free market capitalism breeds a kind of creative destruction of big businesses. This is good for continuing innovation and renewal in business. It is clearly pro-consumer.

Mark my word, in the years after this bill comes into force, it will have helped bring about the rise of exciting new firms which do not exist today. It will have helped usher in industry segments which have no lobbyists in the reception room today—industry segments which do not even exist at this time.

This bill will accelerate the digital revolution. Through digitization, the very same data can travel through space from satellites, over the atmospheric spectrum, through coaxial cable, fiber-optic threads or copper wire. The same digitized data can be stored on computer disks or drives, displayed on computer screens, or played on audio or video disk players. The trends of technology are erasing old distinctions between cable TV, telephone service, broadcasting, audio and video recording, and interactive personal computers.

But in many instances, the only thing standing in the way of consumers and businesses enjoying cheaper and more flexible telecommuncations services is our outdated law. This reform bill will allow the cable, telephone, computer, broadcasting, and other telecommunications industries more easily to converge and transform themselves.

The information industry already constitutes one-seventh of the U.S. economy. Worldwide, the information marketplace is projected to exceed $3 trillion by the close of the decade.

Digital convergence, more communicating power, and wide-open competition is what consumers want. It is what American businesses need to stay competitive with the rest of the world. It will come soon if the President signs this reform legislation.

Mr. DOLE. Mr. President, I thank the Senator from South Dakota for yielding and congratulate him for the outstanding job he has done, as well as the Senator from South Carolina, for their teamwork, efforts, and partnership that produced a historic bill.

No question about it, this is one of the most important pieces of legislation we may have passed so far this year. Others may have different views. But it is near the top of the list.

The Senator from South Dakota, Senator DASCHLE, the Democratic leader, is in a meeting, so I will make my little statement on my amendment, and then we will vote on that. After that vote, he will make a very brief statement and then we will vote on final passage. Is that satisfactory?

Mr. HOLLINGS. Yes.

AMENDMENT NO. 1341

Mr. DOLE. The vote will occur in a minute on the so-called Dole amendment.

It was explained earlier, but I want to make myself perfectly clear, this amendment is about allowing private interests—not big Government—to work out their own problems.

I thought that was why we were considering this bill in the first place. The telecommunications industry is currently one of the most regulated industries in the United States. Unfortunately, the provisions in question regulate prices.

The point is that business should be allowed to negotiate. As I have pointed out, the provision I have proposed to delete would prohibit such negotiation, and amounts to rate regulation. It is that simple—no more, no less.

The language is there. We had negotiations and worked on their differences. I do not know about all the discussion of the Senator from Nebraska. I am not involved with all that.

The provision I proposed was supposed to stop some players from taking advantage of small operators. There is no question it would do that, but it would also hurt those in fair deals. It solves the problems and creates a new one.

The bill's provision also does not treat all programmers evenly, and only applies to those affiliated with cable TV companies, meaning nonaffiliated programmers not under these pricing restrictions. That means they would have an unfair competitive advantage.

Not only does the bill regulate the price of programming, but it is anticompetitive. That is not what this bill is about. I printed in the RECORD earlier letters from Turner Broadcasting, representing the Discovery Channel, the Black Entertainment Network, and also—I do not have the letter with me now—all the small cable companies, the National Cable Television Cooperative, and they are all in support of the bill.

I have heard the comments of the Senator from Nebraska. He is entitled to his own interests, but I assure him, my interest in this amendment is consistent with the intent of this bill—getting Government off the backs of business and benefiting consumers.

I hope the amendment I am offering will pass. I think it will have bipartisan support.

I yield back my time and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. DOLE. Following the vote, the Senator from South Dakota, Senator DASCHLE, will be recognized, and then we will have final passage.

The PRESIDING OFFICER. Is there further debate on the Dole amendment?

Mr. BREAUX. Mr. President, I would use this opportunity to commend both the ranking member of the committee, the Senator from South Carolina, and the chairman of the committee, for the good work they have done.

This has not been an easy process, I say to all of our colleagues. We have worked on this for not just a couple of days on the floor, but we have been working on this legislation for several years.

In the last Congress, all Members of the committee spent 2 years on this communications bill, and then again the better part of this year, working on trying to bring this product to the floor.

There has been a great deal of compromise. There has been a great deal of trying to balance the very competing interests in order to get a 1995 communications bill.

I think it is important that all of our colleagues realize that this country has been run by the 1934 Communications Act. That is hard to believe that we have been operating under an act that is 60 years old. Does anybody think that the communications technology of 1995 is anywhere similar to the communications technology of 1934? The answer is, of course, no.

The reason everybody has been in court is because Congress was unable to get an agreement that wrote a modern 20th century bill to govern all the decisions about who does what.

This legislation makes some fundamental points. That is that we are going to create more competition. Competition is good for society. It is good for consumers. It is good for the development of new technology. This legislation is a fragile compromise. Almost everyone in the industry would like to have more. Some would like to have guarantees with regard to what they can do and what they cannot do.

We were trying to really create a bill that was fair to all of our American industries and fair to the American consumer. I think that while this bill is certainly not perfect—nothing we ever do is—certainly, it represents a major milestone in the communications legislation that has been brought before the Congress over all of these last 60 years since the first passage of the 1934 Communications Act.

I congratulate all the members of the Commerce Committee for their input, their suggestions. We have had a lot of cooperation on the floor. A lot of very difficult things have been worked out. I think that is good.

With regard to the Dole amendment, I happen to agree with it. I think the amendment by Senator DOLE really will encourage more competition and will encourage small cable companies to be able to form cooperatives like they are doing in order to be able to get discounts because they purchase cable services in volume just like the larger cable companies will be able to get volume discounts because they buy large amounts of products from the various producers. I think the Dole amendment really does try to promote additional competition. I think in that sense—it does allow cooperatives to be formed—there is nothing wrong with that.

There was a lot made about who does this benefit and what-have-you, I think it benefits the consumer. I think the Dole amendment is a good consumer amendment. It encourages small cooperatives and cable companies to be able to deliver services at a better rate. There is nothing wrong with that. It allows large sellers of cable services to get volume discounts. The ultimate benefit of all of this is the American consumer.

I think the ultimate benefit of the entire package we have before the Congress is the American consumer and those who bring about the technology for the 21st century. If there is one thing the United States of America excels in—there are so many things, but one thing is the entertainment industry, the telecommunications industry. We can be proud of that. Other countries would love to have what we have in this country. This bill ultimately will make all of that a lot better and we will all benefit from that product.

So I support an affirmative vote on the Dole amendment and certainly support the passage of the telecommunications act that is now pending.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. PRESSLER. I thank the Senator from Louisiana. He has been at the forefront every step of the way in this bill and we could not have done it without his bipartisan effort. His staffers, Thomas Moore, who has now gone on to an appointment, and Mark Ashby, have been in the night meetings, night after night.

I thank the Senator from Louisiana from the bottom of my heart.

The PRESIDING OFFICER. Is there further debate on the Dole amendment?

If not, the question is on agreeing to the Dole amendment, No. 1341. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MACK (when his name was called). Present.

Mr. LOTT. I announce that the Senator from Utah [Mr. HATCH] is necessarily absent.

I further announce that, if present and voting, the Senator from Utah [Mr. HATCH] would vote "yea."

The PRESIDING OFFICER (Mr. DEWINE). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 59, nays 39, as follows:

[Rollcall Vote No. 267 Leg.]

YEAS—59

Abraham
Ashcroft
Baucus
Bennett
Bond
Breaux
Brown
Bryson
Burns
Campbell
Chafee
Coats
Cochran
Coverdell
Craig
D'Amato
DeWine
Dodd
Dole
Domenici
Faircloth
Feinstein
Frist
Grams
Grassley
Gregg
Hatfield
Heflin
Helms
Hutchison
Inhofe
Jeffords
Kassebaum
Kempthorne
Kennedy
Kerry
Kyl
Lott
Lugar
McCain
McConnell
Moseley-Braun
Murkowski
Nickles
Packwood
Pressler
Reid
Roth
Santorum
Shelby
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—39

Akaka
Biden
Bingaman
Boxer
Bradley
Bumpers
Byrd
Cohen
Conrad
Daschle
Dorgan
Exon
Feingold
Ford
Glenn
Gorton
Graham
Gramm
Harkin
Hollings
Inouye
Johnston
Kerrey
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moynihan
Murray
Nunn
Pell
Pryor
Robb
Rockefeller
Sarbanes
Simon
Wellstone

ANSWERED "PRESENT"—1

Mack

NOT VOTING—1

Hatch

So, the amendment (No. 1341) was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote.

Mr. NICKLES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DASCHLE. Mr. President, telecommunications reform legislation was a focus of the last Congress. Unfortunately, election-year politics prevented then-Chairman HOLLINGS from bringing the bill to the floor for a vote.

This year, with changes and modifications that are inevitable given the political change in the make-up of the Congress, a new telecommunications was brought to the Senate floor.

This is complex and potentially far-reaching legislation. It will affect an economic sector that constitutes 20 percent of our economy and whose services reach virtually every American.

I want to commend the ranking member of the Senate Commerce Committee, Senator HOLLINGS, whose patience and efforts have done a great deal to bring this measure to its present state. Senator HOLLINGS' work in the last Congress, and in this, has been focused on developing a bill that will enhance true competition in the telecommunications field without shortchanging American consumers.

From the beginning, our nation has understood the significance of communications and transportation. It is not an accident that the words of the Constitution require the Congress "To establish Post Offices and post Roads." The Founders could not have known that one day the roads would be fiber networks and the post offices would be e-mail. Yet that is where we have arrived.

When Congress first confronted the need to legislate for an entirely new technology, it produced the Communications Act of 1934. The regulated monopoly that was legislated into existence by that law was the best outcome then possible. And the old Bell system gave Americans the cheapest, most efficient universal telephone service in the world.

In fact, consumer resistance to the breakup of the Bell phone system was widespread in the early 1980's. Americans feared that the courts were breaking up something that worked well and might replace it with something that didn't.

We know today that those fears were unfounded. Competition in phone service has been a boon to American consumers. Long-distance rates are the lowest in the world. Equipment is cheaper and better-made. Competition has spurred innovation and improved customer service.

At the same time, it's important to remember and learn from our experience. The concept of universal service was at the heart of the old 1934 Communications Act. It is a New Deal era concept that is as valid today as it has proven to be over the decades.

When the reach of a technology is limited by cost, innovation and progress remain slow. But as soon as a technology is within reach of a broader sector of the population, an explosion of invention, development and innovation takes place. We have seen that happen in computers, in personal communications services, in wireless cable transmissions and countless other applications. Twenty years ago, calculators were sophisticated and relatively costly devices. Today they're offered as advertising promotions.

While legislation focuses on competition and deregulation, the bill before us also contains essential rural safeguards. It would create a Federal-State joint board to oversee the continuing issue of rural service and to monitor and help evolve a definition of Universal Service that makes sense for the present day and for the kinds of services that will be coming on-line. It does not demand unrealistic competition in towns of 50 households.

Our own history teaches us that it is good economics for the private sector as well as the public sector to make universal service a reality for all Americans, no matter how small their community. I believe this is still the case, and I believe it is particularly important to preserve the viability of rural communities in this respect.

The legislation before us recognizes the need to redefine universal service in terms of developing technology and products. The joint Federal-State board created by the bill is essential to making certain this function is fulfilled.

The bill before us also recognizes the important role that must be played by State Public Utilities Commissions. PUCs are the best entities to judge whether a given market within their

State can or cannot support competition. That's not a judgment we should make from Washington.

Nor is it something we can or should leave to the unbridled, unsupervised judgment of the private sector. Those who have taken the risks and made the investments to extend cable or phone service to smaller rural communities should not now be placed at risk of being overwhelmed by larger, better-financed companies.

As Congressman ED MARKEY has said, that's not competition, it's "communications cannibalism." State PUC's will be able to judge where communities can sustain competition and where they cannot. We should preserve the viability of the Universal Service Fund, for that reason as well.

The purpose of the bill before us is to create the competitive, free market environment that will most efficiently bring the Information Superhighway into existence for all Americans. I don't believe anyone disagrees with that key to achieving that goal is competition. The Senate's task is to ensure that the competitive elements in the bill do the job.

The best outcome is one that brings on line the new products and services that Americans want at a cost they're willing and able to pay. Not only will consumers benefit, but the process of creating new services and products will be a substantial engine of job creation.

The present economic recovery has been a period of exceptionally strong job creation. Under the Clinton administration, 6 million new jobs have been created, more in he first 2¼ years of this administration than in the preceding 8 years of the Reagan-Bush administration.

Democrats believe the key to longlasting economic growth and expansion is the creation of more jobs and higher income for working families. When Americans are working and earning good wages, our economy prospers and we can invest for the future well being of our children. The passage of the bill before us will help continue this pattern of job creation as our information-based economy creates significant employment opportunities. That will mean more families can send their kids to college, buy a home, and save for their own future. That is the best economic program and the best social program any nation can have.

This technology also means new opportunities for innovative economic development. I am in the process of working with a tribal college now on ways to market native American and agricultural products through the Internet. The technology that is helping do this is breaking down the geographic and technical barriers that have retarded our movement to a more information-based economy.

There is little doubt that our urban areas can and will sustain an enormous expansion of telecommunications services in the years ahead. We must make certain that our rural areas are not left behind as services expand and new products come on line. In the long run, universal service at high standards nationwide is in the best interests of the entire country.

In addition, we must not neglect the role of the public sector in the new telecommunications world. Schools, public libraries, state universities, all should have the ability to share in and disperse the benefits of the telecommunications revolution.

Senators ROCKEFELLER and SNOWE offered an amendment in committee to make certain that the public sector's ability to connect with the Internet and other information services is enhanced. That's important, not only to prevent stratification into information-rich and information-poor populations and regions, but to assure that all our children have the tools with which to enter the 21st century work force.

While the bill before us is far from perfect, it has been significantly improved over the course of the past 6 days. Senator HOLLINGS and I introduced an amendment that strengthens the bad actor test in the cable provisions.

It also places reasonable limitations on the ability of cable and telephone companies to eliminate each other as potential competitors through buyouts and mergers, except in rural areas where competition may not be viable.

Finally, our amendment, which was adopted, allows small telephone companies to jointly market local exchange service with long distance service providers that carry less than 5 percent of our nation's long distance business. This will allow consumers to realize the benefits of competition in the local telephone exchange, while preserving the competitive balance between the Bell companies and major long distance carriers.

I believe the provisions in our amendment strike a better balance between consumer protections and market deregulation. These safeguards are designed to protect consumers by expanding services and keeping them affordable.

This bill is a reasonable and balanced one, and it deserves the Senate's support.

Mr. DOLE. Mr. President, gentlemen start your engines, because we are about to pass telecommunications reform that will be the roadmap to our Nation's future.

When we started floor consideration of S. 652 more than 1 week ago, I noted that this was just the beginning. A beginning of a new era of leadership for the telecommunications industry and for America. While some see America's power dwindling, I see it growing. I see our renaissance, and its called the information age. America's years of leadership in telecommunications, whether it was inventing the telegraph or the microchip, gives us the right to lay claim to this future. We have earned it. We must now reach out and take it.

RECOGNIZING SENATOR PRESSLER'S HARD WORK

And one person who deserves a good deal of credit for making this new era a reality is Senator PRESSLER. As all Members know, telecommunications reform is a tough, complex, and often contentious issue. Congress has struggled with it for more than a decade, with no success. And along comes Senator PRESSLER. He tackled this issue and has moved it through the Senate in record time. His tenacity proves that the Senate is capable of delivering on the toughest issues.

Not only did he have to fight competing interests, but also the White House. Senator PRESSLER has won, the Senate has won, and America has won.

The bill also could not have been possible without Senator HOLLINGS. Both Senators PRESSLER and HOLLINGS have done an outstanding job at bringing the competing interests together, or as close together as possible.

THE REAL JOBS STIMULUS PACKAGE

No doubt about it, telecommunications reform is the real jobs stimulus package. Except this one relies on the private sector to create those jobs. And it will.

Thousands of jobs will be necessary to build new communications networks. And that's just the beginning. Studies indicate that millions of more jobs will be created because information will become more accessible, jobs that will make America more efficient, more productive, and ultimately more powerful.

While some may argue that it is not the perfect bill, its message is right—competition, not government, is the best regulator. Competition, not regulation, has the best record for creating new jobs, spurring new innovation, and creating new wealth. It's that simple.

Competition and deregulation are also the only ways to accommodate the explosion of new technology.

CONCLUSION

Mr. President, removing the telecommunications industry's shackles is not about politics as usual. It is not about Republicans versus Democrats. It is about providing all Americans, rich or poor, urban or rural, a better future. I believe that a procompetition, deregulatory telecommunications bill can help make that future a reality.

Mr. PRESSLER. Mr. President, I ask unanimous consent that S. 652, as amended, be printed in the RECORD immediately following the final vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRESSLER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The question occurs on the passage of S. 652, as amended. The yeas and nays have been ordered.

Mr. PRESSLER. Mr. President, I ask unanimous consent to have Senator HOLLINGS added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question occurs on passage of S. 652, as amended.

Mr. DOLE. Mr. President, just let me indicate to my colleagues, as I said earlier before many were here, we hope to determine the balance of the schedule this evening and tomorrow before 6 o'clock this evening, and so we will try to let everybody know by then what the schedule will be. Hopefully, it will not be too heavy. It depends on how this bill comes out.

I will let Senators know in a few minutes.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Utah [Mr. HATCH] is necessarily absent.

I further announce that, if present and voting, the Senator from Utah [Mr. HATCH] would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 81, nays 18, as follows:

[Rollcall Vote No. 268 Leg.]

YEAS—81

Abraham
Akaka
Ashcroft
Baucus
Bennett
Biden
Bond
Bradley
Breaux
Brown
Bryan
Burns
Campbell
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Dole
Domenici
Exon
Faircloth
Feinstein
Ford
Frist
Glenn
Gorton
Gramm
Grams
Grassley
Gregg
Harkin
Hatfield
Heflin
Helms
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerry
Kohl
Kyl
Lautenberg
Levin
Lott
Lugar
Mack
McConnell
Mikulski
Moseley-Braun
Murkowski
Murray
Nickles
Nunn
Pell
Pressler
Robb
Rockefeller
Roth
Santorum
Sarbanes
Shelby
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—18

Bingaman
Boxer
Bumpers
Byrd
Conrad
Dorgan
Feingold
Graham
Kerrey
Leahy
Lieberman
McCain
Moynihan
Packwood
Pryor
Reid
Simon
Wellstone

NOT VOTING—1

Hatch

So the bill (S. 652), as amended, was passed.

(The text of S. 652, as passed, will appear in a future edition of the RECORD.)

Mr. PRESSLER. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PRESSLER. Mr. President, I thank everybody involved. I thank the majority leader and minority leader. I have already thanked the staff. I am feeling like this Chamber was almost a funeral parlor this afternoon, we had so many good words said about everybody.

I yield the floor.

Mr. DOLE. Mr. President, let me indicate, as I did earlier, that this is a tremendous vote—81 to 18. It is a very significant piece of legislation that has passed this Chamber, largely through the efforts of the distinguished Senator from South Dakota [Mr. PRESSLER].

It is not a perfect bill. I understand that almost everybody finds something wrong with it, which probably means it is not that bad; it is probably a very good bill. I think it is a very important piece of legislation. I thank all my colleagues on both sides of the aisle for their cooperation.

I do not think we took too much time. On a bill of this magnitude, it takes a little longer on the Senate side, and it probably should, as the Senator from Illinois [Mr. SIMON] said earlier today.

I thank the Democratic leader, Senator DASCHLE, for his cooperation throughout the debate.

Mr. President, I have had a discussion with the Senator from South Dakota, [Mr. DASCHLE], the Democratic leader, and I outlined to him what I would like to do. First, I will ask unanimous consent that we go to S. 440—I will not ask it now—and I understand there will be an objection. Then I will move to the consideration of S. 440, and I understand the Senator from Massachusetts, [Mr. KENNEDY], and others will at that point discuss the motion to proceed.

If that would be the case, there would be no votes tonight and no votes tomorrow. Then we would try to work out something to accommodate our colleagues on Monday.

So I do not want to make the request until the Senator from South Dakota indicates it is all right to do so.

Mr. DASCHLE. If the majority leader will yield. Let me just speak very briefly, because I know there are other Members that need to conduct business. I share the sentiment expressed by the distinguished majority leader about the bill just passed. It may not be everything we all want, but it represents a real achievement.

I commend the distinguished Senator from South Dakota and certainly the ranking member, the distinguished Senator from South Carolina, for all of the effort he has put forth in the last seven days to accomplish what we have now. A number of people had a lot to do with bringing us to this point. It represents a balance between providing new opportunities and communications to provide the flexibility and the freedom to go out and do what we must to build the information superhighway. But it also represents a desire on the part of many to protect consumers as we conduct that construction.

So I hope very much that we can move this legislation through the remaining parts of the legislative process here and accommodate all Senators as we attempt to pass this very significant piece of legislation.

ORDER OF PROCEDURE

Mr. DOLE. I failed to announce no more votes this evening, and no votes tomorrow. For Monday, I will make that announcement before I leave here tonight, so Members will know what the schedule will be on Monday. I need to discuss that with the Senator from South Dakota, Senator DASCHLE.

EXPRESSING GRATITUDE TO SHEILA P. BURKE FOR HER SERVICE AS SECRETARY OF THE SENATE

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 134, submitted by myself and Senator DASCHLE.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution.

The legislative clerk read as follows:

A resolution (S. Res. 134) expressing the Senate's gratitude to Sheila P. Burke for her service as Secretary of the Senate.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. DOLE. Mr. President, I ask unanimous consent that the resolution be agreed to, that the preamble be agreed to, and the motion to reconsider be laid upon the table, and that any statements on the resolution be placed in the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the resolution (S. Res. 134) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 134

Whereas Sheila P. Burke faithfully served the Senate of the United States as Secretary of the Senate from January 4, 1995 to June 8, 1995, and discharged the difficult duties and responsibilities of that office with unfailing devotion and a high degree of efficiency; and

Whereas since May 26, 1977 Sheila P. Burke has ably and faithfully upheld the high standards and traditions of the staff of the Senate of the United States for a period that includes 10 Congresses, and she continues to demonstrate outstanding dedication to duty as an employee of the Senate; and

Whereas through her exceptional service and professional integrity as an officer and employee of the Senate of the United States, Sheila P. Burke has gained the esteem, confidence and trust of her associates and the Members of the Senate: Now, therefore, be it

Resolved, That the Senate recognizes the notable contributions of Sheila P. Burke to the Senate and to her country and expresses to her its appreciation and gratitude for her long, faithful and continuing service.

SEC.2. The Secretary of the Senate shall transmit a copy of this resolution to Sheila P. Burke.

NATIONAL HIGHWAY SYSTEM DESIGNATION ACT—MOTION TO PROCEED

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate now turn to consideration of S. 440, the highway bill.

Mr. WELLSTONE. Mr. President, I object.

The PRESIDING OFFICER. The objection is noted.

Mr. DOLE. I move to proceed to the consideration of S. 440.

The PRESIDING OFFICER. Does any Senator wish to debate the motion?

Mr. DOLE. I will yield to the Senator from Minnesota.

Mr. WELLSTONE. Mr. President, a few weeks ago, we in the Labor Committee held a single hearing on Senator KASSEBAUM's legislation to repeal outright Davis-Bacon, which has been in law for over 60 years.

Last year, we worked long and hard on an alternative Davis-Bacon reform bill on which there had been bipartisan support. That was a responsible effort to deal with this issue and update the law.

Today, with little warning, the highway bill is being brought to the floor, which contains a provision to repeal Federal prevailing wage-rate requirements for highway construction, known as the Davis-Bacon law.

This is part of the larger assault on working families, in this case, families of highway construction workers who make between $20,000 to $30,000 a year.

This is central to the Republican agenda, and it is all in the name of deficit reduction—all while we protect the large military contractors, big corporations with huge tax breaks, oil companies, and others who have long been subsidized by the Federal Government.

Today, without any additional hearings or time for reflection or careful consideration of reform alternatives—and my colleague from Massachusetts will be speaking on this in just a moment—we are faced with a bill that would overturn 60 years of labor law related to Federal highway construction in a single moment.

Why is that? Could it have anything to do with the fact that the large trade association of mostly noncontract, nonunion contractors is in town this week? And this measure is suddenly brought to the floor now, simply to fly the flag for anti-Davis-Bacon forces who would try to turn the clock altogether on prevailing fair-wage standards.

I do not know, Mr. President, but I am surprised by how suddenly the Senate's schedule was changed to bring this up. I thought we were going to turn to regulatory reform or Bosnia or welfare reform. Apparently the majority leader has other priorities.

Mr. President, as a Senator from Minnesota, I am opposed to this attempt to slash wages of working families, families who dig our roadbeds, pour our tar, flag us to a stop at construction sites or do any other number of hard and sweaty jobs at construction sites and highway sites across this country.

That is not a priority that I am willing to go along with. I will fight any effort to cut the wages of working families as hard as I can.

I imagine over the next several days, we will have a considerable amount of discussion on this issue. We should be clear. This repeal effort is part of a larger systematic assault on the wages and living standards of working families.

Mr. President, it is a mistake. We have cuts in Medicare, cuts in Medicaid, cuts in job training, cuts in school lunches, education, and now cuts in the wages of working families.

Just name it, the majority has proposed it and are trying to program it through the Congress at a breakneck speed. We intend to slow it down. We intend to oppose it. This highway bill on its own merits ought to be debated and is an important piece of legislation. To try to put this amendment into the highway bill and essentially overturn over 60 years of people's history I think it is a huge mistake. Of course, that is what this debate will be about.

Mr. President, let me just say a few words specifically on Davis-Bacon itself and prevailing wage rates that it requires on certain Federal projects.

Mr. WARNER. Would the Senator allow me to, in the way of a question, make a brief comment about why we did this?

I was the Senator that brought up the amendment in the Committee on Environment and Public Works. I did so in my capacity as chairman of the subcommittee with the responsibility for this piece of legislation.

I say to my good friend, Mr. President, it was in no sense chicanery or subversion. It was done quite openly. This is an issue, Davis-Bacon, on which many who have had the privilege of serving the institution for many years have had a very clear difference of opinion. That difference of opinion is shared widely across this Nation. We will develop that in the course of the debate.

Mr. President, I am delighted to have the opportunity to debate with my good friend from Minnesota, my good friend from Massachusetts, and others who will engage in this very important debate. We should not start out with a characterization that there is any attempt on this side to do so by way of anything other than an absolute clear and full discussion of this issue in full view of everybody. Then it is my hope an up or down vote can be had here in the U.S. Senate on this issue. Each Senator can express for himself or herself their views on this.

I thank my distinguished colleague for allowing me to speak.

Mr. WELLSTONE. Mr. President, I say to my colleague from Virginia, and I thank him for his remarks, that I just want to be clear I am speaking for myself, that I am very interested in this highway bill.

It is an important piece of legislation. We have been working for several years on reform of Davis-Bacon, not repeal. A lot of work has gone into that. But all of a sudden to have this become a part of this piece of legislation, I say to my colleague, I think is a profound mistake.

Speaking just for myself, I would point out that only today did I hear that this was going to be the bill before the U.S. Senate. Before, I thought we were going to go to regulatory reform, then I heard we were going to go to welfare reform, then I heard we might be debating Bosnia.

I know my colleague from Virginia is interested in full debate. That is what we will have and certainly we will make sure that it is not personal or acrimonious. I want to be clear as to why we have objected to the motion to proceed and why we intend to have a very thorough discussion about Davis-Bacon and about this effort not only to repeal Davis-Bacon, but I think it goes beyond that. I think it is an effort to roll back 60 years of hard-earned history that have a lot to do with people being able to have a decent wage, 60 years that have a lot to do with people being able to have jobs that pay them a middle-class wage.

I think the stakes are very high. For that reason, with my colleague from Massachusetts, we intend to have a full discussion on that.

Mr. WARNER. Mr. President, I welcome that full discussion. But somehow in the Senator's remarks, the remarks just given, I got the impression, why on the highway bill? Mr. President, why is it? My projections are $1.3 billion is directly associated with Davis-Bacon over the next 5 years of projected highway construction. Those are scarce dollars in today's economy. Those are dollars that could be translated into actual roads and road improvements were it not for this piece of legislation. And it is time. My distinguished colleague mentioned reform, he has been working on it for several years. Perhaps the time has finally arrived for him to bring out those reforms. They are long overdue.

I simply think the statute has served its purpose. When I see $1.3 billion taken from the highway budgets of our 50 States over the next 5 years, this Senator says the time has come to eliminate it.

Mr. President, I thank my colleague for this opportunity to have a few opening remarks.

Mr. WELLSTONE. Mr. President, I think in a moment I would yield to my colleague from Massachusetts, who will take the lead in this debate. I will be very proud to be a part of it.

Again, let me say in this Congress I think we have had a single hearing on legislation to repeal outright the Davis-Bacon. We will surely have a quarrel about the figures and amount of money lost. And we certainly will have a full discussion about the meaning of prevailing wages and what that means to this country, what that means to this society, what that means to communities across the country. That I think will be the important part of this debate.

There is no reason to argue any longer about the timing of it, but I want to make it crystal clear that we intend to focus on this effort in this bill. And this bill is an important piece of legislation. But this particular provision to repeal Davis-Bacon is, of course, where we intend to focus our attention.

I will yield to my colleague from Massachusetts.

The PRESIDING OFFICER. Does the Senator yield the floor?

Mr. WELLSTONE. Mr. President, no, I am not prepared to yield the floor yet.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota has the floor.

Mr. WELLSTONE. Mr. President, why do I not go forward with some remarks. But if my colleague has a question, I do not want to interrupt the flow of that.

Mr. CHAFEE. I do not have a question. I was prepared to make a statement.

Mr. WELLSTONE. On Davis-Bacon?

Mr. CHAFEE. We will be here quite a while. Everybody will have a chance to say what they want. If the Senator has something to say, go ahead. I will have my say later when he is through.

Mr. WELLSTONE. Mr. President, why do I not defer to the manager, and I will speak later on, because I have extensive remarks on Davis-Bacon. So I will defer to the manager of the bill and then be back in this debate later on.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I am sorry we cannot proceed on this bill because this is an important bill. What it does, it opens the way to some funds, additional funds in the neighborhood of some $5 billion that we are going to have to—if we want, we are going to have to pass this legislation before October. So now is the time to get with it.

I heard—I would like the Senator from Minnesota's attention if I might. I heard him say how erroneous it was for us to be dealing with legislation that has been on the books, I think he said, for 60 years? Is that the time limit, how long Davis-Bacon has been on?

I have seen the Senator on the floor discuss striker replacement that has been on about the same length of time. He had no hesitancy about dealing with that legislation that has been on the books for a considerable time.

So dealing with legislation that has been on the books for some time, labor legislation, is not unique in this place. It is not unique for the Senator from Minnesota, either.

Mr. WELLSTONE. Will the Senator yield for a moment?

Mr. CHAFEE. Sure.

Mr. WELLSTONE. As I understand the debate about what was S. 55, which was a ban on permanent replacement of striking workers, I would say to my colleague, it was not an amendment on another piece of legislation. That was a separate bill that went through extensive hearings, that was scheduled for debate, that came up at the time scheduled, and then led to full debate.

So I do think it is a rather different proposition.

Mr. CHAFEE. Mr. President, no one who has been in this Chamber very long will find repeal of the Davis-Bacon is something new. We have debated it. There have been hearings. There have been hearings in the committee of the Senator from Kansas, and the Senator from Massachusetts has been through those hearings many times. There is nothing unique.

This is not a creeping up by night with this provision.

Mr. WELLSTONE. Will the Senator yield?

Mr. CHAFEE. This is something that has been around. I do not know how many times we voted on it.

Mr. WELLSTONE. Will the Senator yield?

Mr. CHAFEE. Yes, I will be glad to.

Mr. WELLSTONE. I thank my colleague. As always he is very gracious.

My point was not that we have not debated the Davis-Bacon before. We certainly have. My point simply was that this bill was just scheduled to come to the floor—we thought there were going to be any number of other pieces of legislation. It has come to the floor. Unfortunately, as a part of this piece of legislation, there is the provision for repeal of Davis-Bacon. That is why we objected to the motion to proceed. That is why we will have extensive debate. That is my only point.

Mr. CHAFEE. Mr. President, I would stress that the provision of Davis-Bacon that we have in this National Highway Systems law solely deals with highway construction. It does not deal across the board. It seems to me there is no more appropriate place for it than in this National Highway System legislation.

Let me just say a few words, if I might. First, Congress must approve the National Highway System bill, as I mentioned, by September 1 of this year. If we do not, the States will not receive—I said $5 billion, it is $6.5 billion of their Federal aid highway money. This amount includes $2.9 billion for interstate maintenance and $2.6 billion for the National Highway System.

Mr. President, a few words about the National Highway System. Why are we in this? The National Highway System was established by the so-called ISTEA, Intermodal Surface Transportation Efficiency Act of 1991. That was a major highway bill that we passed in 1991.

The National Highway System can make a significant contribution to our transportation system. The 159,000 miles of designated National Highway System routes are the roads the States and the localities have chosen as some of their most important roads. These are the roads that provide mobility for our citizens and promote economic development.

The National Highway System, which includes the Interstate System—we are all familiar with the Interstate System—represents 4 percent of the highways of the United States of America, a very small part. But these are the important roads. These roads carry 40 percent of the Nation's highway travel. These are the roads that connect our intermodal and strategic facilities such as our ports and airports and train stations and military bases.

How was the whole thing developed? What is the National Highway System? It was developed by the Department of Transportation through the Federal Highway Administration in cooperation with the States. This was not something drawn up in Washington by a bunch of Federal bureaucrats. This was done in cooperation with the States. The Federal Highway Administration and the States designated the system based on the criteria of efficiency, connectivity, and equity among the States. The mileage distribution among the States and between urban and rural areas was another important element.

The process to designate the National Highway System has worked quite well. There is a high degree of consensus among Federal, State and local officials that the map submitted by the Secretary of Transportation in December of 1993 represents the best effort at identifying the National System.

What has happened is that the Federal Highway Administration has worked with, as I say, the State and local officials, to make changes in this map of 1993 to reflect new information and decisions made at the State and local level. This process will continue. This thing is not carved in stone. People come to us and say: We want to be added. There is a system for adding routes within the various States.

This legislation includes a provision which will permit this process to continue, even after this bill has been enacted into law. So State and local officials with the Secretary of Transportation's approval will have the ability to make changes in this, as long—there is a maximum limit of mileage. That maximum limit is 165,000 miles.

So what I am stressing here is that this is a dynamic, changing system, and it is important that the ability to make these changes is retained.

Because we have this process that involves the local officials, the State officials, and the Federal Government officials—namely, the highway administrator—I think Congress has to be very restrained in making systems; in other words, changes. Somebody will pop up here on the floor and say, "I want such and such added, I so move." Well, maybe that is valid. But we do not know. The managers of this bill, and the others involved here on the floor, do not know whether that particular road meets the criteria. So we have set forth in the legislation a method of making changes. We think it is a fair method. We want to resist the temptation to add a whole series of other routes. Once we depart from the criteria, we say, "Well, Senator X has presented a very moving story about this highway he wants added." But once we start down the path of not adhering to the criteria or to the system set forth in the legislation, we are opening our way up to a lot of problems.

This bill which was reported out by the Environment and Public Works Committee preserves the important principles of the 1991 surface transportation law. That was a monumental piece of legislation that we passed. It makes changes to provide greater flexibility to the States to resist administrative burdens.

As I mentioned, there are a series of requirements that the States are relieved from, the principal one being the Davis-Bacon Act which brings us here this evening. The bill also provides additional flexibility for design standards for the national highway routes which are not applicable to the Interstate System.

This legislation which is S. 440—we will hear that term quite often this evening; that is the number of this bill—provides the States with additional financing options to address the needs of the transportation systems. It allows the States to credit private sector donations 100 percent to the States' cost share.

This legislation addresses something that those of us here in this Senate are pretty familiar with, and that is the Woodrow Wilson Bridge. The replacement of that bridge is essential. Its remaining lifespan is estimated to be only 10 years. The bridge was designed 40 years ago to carry 75,000 vehicles a day. How many vehicles does it carry, 75,000? No. Today the bridge carries 167,000, more than twice what it was designed for as maximum load.

Title II of this legislation authorizes the States of Virginia, Maryland, and the District of Columbia to enter into an interstate agreement or a compact to establish the National Capital Interstate Transportation Authority. I must say sometimes we get long titles here. But that is what this is, the National Capital Interstate Transportation Authority.

The ownership of this bridge is transferred to the authority. The authority has the ability to use various financing provisions, including tolls, to replace the bridge. The bill provides $97 million of Federal funds for completion of the environmental impact statement, for interim repairs to the bridge, and for the preliminary design and engineering of a replacement bridge.

There is one action the committee took which is a great disappointment to me personally; and, that is, there is a change made in the speed limits. I believe the Federal speed limit maximum of 65 miles per hour in rural areas on the interstate has been remarkably successful in reducing fatalities. It has resulted in major savings to the taxpayers of our country. The health care costs of speed-related crashes is currently estimated to be $2 billion a year; the health-related costs of the carnage that comes from excess speeding is currently estimated to be $2 billion a year. The total economic cost to society—not just the health care costs but the property damage, lost work—is estimated to be $24 billion a year.

According to the Department of Transportation, the decision that this Congress made several years ago to allow a maximum of 65 miles an hour just on rural interstates, increased from 55—which was the limit before—jumping from 55 to 65, and has estimated to have cost this country 500 additional deaths.

In my view, it is inevitable that, if the Federal speed limit is repealed, which this bill does—not with my vote, but, nonetheless, the committee chose to do so—States will raise the speed limit, and the cost to everyone, including the Federal Government, would go up dramatically. In other words, what we have said is there are not going to be any Federal limits, no Federal speed limits on these highways. Let the States put on what they want. I suppose the States will say 65 is not enough. Let us try 70. And the competitor will say, "Well, why have any speed limit?" And I think that is unfortunate.

I am aware that there are likely to be amendments which will be offered to repeal or weaken other safety laws, particularly the safety belt and motorcycle helmet law requirement. What are those? When we did the ISTEA legislation in 1991, we provided that a State would have a certain amount of time to enact a mandatory seat belt bill and a mandatory motorcycle helmet bill. If the States failed to do that, then a certain amount of that State's highway money would have to go into safety features, including safety education. As a result of that, some 26 States have passed mandatory motorcycle helmet legislation, and the strong seat belt legislation. What has been the result? California passed it. The Governor signed it. And as a result, the number of motorcycle deaths on the California highways has been reduced by 35 percent. Maryland did likewise. As a result of the passage of the motorcycle law, with the mandatory helmet, the number of motorcycle deaths in Maryland decreased by 25 percent.

You might say, "Well, this is a State problem. What is the Federal Government doing in mandating motorcycles helmets?" The answer is the following: The Federal Government is in it because we pay the health bills. The Federal Government has to pay the Medicaid costs of those who are in comas in hospitals because they had no helmet and got into a very serious motorcycle accident. I have seen that myself in my own State. We have one individual regrettably in our State hospital who has been there in a coma for 20 years severely injured by a head injury on a motorcycle without a helmet. The helmet would have prevented such an injury. That individual's medical costs have cost the State of Rhode Island and the Federal Government through Medicaid to date $3 million.

So, Mr. President, I hope that this Senate would resist any efforts to reduce the mandatory motorcycle helmet and seat belt laws.

Mr. President, I finally want to commend the chairman of the Transportation and Infrastructure Subcommittee of the Environment and Public Works Committee. This bill came from a subcommittee, and that subcommittee was chaired by Senator WARNER. He has done a splendid job on this legislation. When it came up to the full committee, there were no changes, and it passed out of the full committee by a vote of 15 to 1, with Democrats and Republicans voting for this legislation.

So I have had the privilege of working with Senator WARNER on this, and with the ranking member of the full committee, Senator BAUCUS, and with all members of this committee in this legislation. So I am very pleased that the Senator from Virginia has agreed to manage this bill before this full Senate.

I mention Senator BAUCUS being the ranking member of the full committee. But Senator BAUCUS is also the ranking member of the subcommittee likewise. I greatly appreciate the cooperation and assistance that he has given us in this legislation.

So, Mr. President, I hope we can get to this bill. It is important. I know the business about Davis-Bacon is contentious. I would like to see us have a vote on it, and see what happens. But most of all, I would hope at least we could move to the consideration of the legislation.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER (Mr. BENNETT). The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I want to just take a moment of the Senate's time to perhaps bring it up to speed in terms of where we are on the overall issue of consideration of the Davis-Bacon Act because it is not unrelated to the concerns a number of us are expressing this evening and tomorrow and the early part of next week in terms of proceeding to the highway bill. And that is on March 29 of this year, the Senate Labor and Human Resources Committee, chaired by Senator KASSEBAUM, after having hearings and after having committee discussion, made a judgment about the Davis-Bacon proposal, which I did not support, but nonetheless reported that measure out, and it is now on the calendar. So that would be legislation that would be applicable to all Federal jurisdiction. And we would have an opportunity when that would be called off the calendar by the majority leader, which is his right and his privilege at any particular time, to get into a debate and discussion on that particular measure. I think it is important that we do get into a discussion on that particular measure, and I will elaborate on the reasons for that because there has been a great deal that has happened in terms of various recommendations, adjustments, changes, amendments, which would I think be constructive and positive and which I think the Members would welcome and which I think would improve the legislation.

However, we are not afforded that opportunity. We are faced now with a repeal effectively on the highway legislation, and there can be those who suggest, well, this really is not repealing it. The fact of the matter is that up to 40 percent of all Davis-Bacon construction is related to this piece of legislation. So in effect although it is not a repeal of Davis-Bacon, it is its death knell. And those of us who are willing and obviously want to debate the whole issue of Davis-Bacon and its implications thought that the most appropriate way of doing it is the way the Senate generally considers measures, and that is to deal with them on the basis of the legislation itself which would have general application rather than dealing with it piece by piece, on one piece of legislation after another.

This measure, in terms of the Highway Act, is commendable, and I intend to support the underlying legislation. I see no reason why that legislation could not have been completed, even with discussions, tonight or tomorrow. There may be other Members of this body who wanted to address particular provisions in that legislation, but it is the decision and judgment of the committee to insert the provisions repealing the Davis-Bacon Act in here, which should be addressed as we normally address these measures on the piece of legislation which has been reported out of the Labor and Human Resources Committee, and which is on the calendar, and I would have welcomed the opportunity to debate it this evening, tomorrow, or any other time.

But, no, it is said, well, we are going to circumvent the procedures and the process of the Senate, and we are going to repeal it; we are not going to wait for the Senate to debate that measure independently but we are going to tag that on to the highway legislation, and so we are forced into this circumstance. We are not the ones who are delaying the consideration of the highway legislation. It is those who want to circumvent the Senate procedures who are forcing this kind of delay. And so we are quite prepared to make some of our case this evening and tomorrow and the days ahead and welcome that opportunity to do so and to correct some of the comments that have even been made earlier this evening.

I think that is the best way to address the legislation reported out of that committee. And I would say that as recently as today there have been coalitions that have been working on a series of recommendations and changes that are being considered by a number of our colleagues in the Senate on both sides of the aisle. I have not had the chance to review those. It is coincidental that those measures are being circulated today because those that are most involved in those negotiations, to my knowledge, had no awareness that this measure was going to be considered tonight. I think most of us in the Senate understood that we would be debating probably welfare legislation. And as I understood, at least from our side of the aisle, they thought that that would take us through this weekend and perhaps the regulatory reform would take up the early part of next week. And then in the past hours, as is the right of the majority leader, it was decided to move to this legislation.

And so that is why we are in this situation. Those of us who want to speak on Davis-Bacon would urge the Senate to move toward the highway legislation. If this measure were not part of it, we would say all right, we are prepared to see a full debate and a timely debate on this issue and a resolution of the Davis-Bacon issue in a timely way on the measure that was reported out of our committee. That would let the Senate consider a number of the different changes and suggestions and amendments that might come at that time. But we are not given really that opportunity to do so.

So we wanted to address this issue and speak to some of the misunderstandings which have been expressed even earlier this evening on this issue.

I believe the vote on the bill and the provision to waive the application of Davis-Bacon to Federal highway construction is a critical test of whether the Senate will abandon its historic protection of local labor standards. In March, the Committee on Labor and Human Resources voted along party lines to repeal Davis-Bacon altogether. I opposed that legislation. I know other Members of the Senate opposed it, too.

Repealing the Davis-Bacon protections would take this country back to the days when cutthroat competition on wages drove down living standards for construction workers and reduced their families to poverty. I cannot believe that a majority of the Senate wants to return to the harsh employment practices of a half a century ago. The Republican argument for repealing Davis-Bacon is that the Government will save money by paying construction workers less than it does today. The problem is that the argument is not true.

Now, listen to this, Mr. President. In fact, the Government will not save anything by driving down the wages of construction workers on highway projects. According to a recent study, the 13 States with the highest construction wages build their highways at lower cost than the 13 States with the lowest wages.

Let me just repeat that. And we will get back into the studies. We will have time. But I want to make an opening comment about the issues before us. The 13 States with the highest construction wages build their highways at lower cost than the 13 States with the lowest wages.

Mr. CHAFEE. Will the distinguished Senator from Massachusetts be good enough to tell me, one, whose study is that?

Mr. KENNEDY. I will speak just briefly.

Mr. CHAFEE. The Senator can speak all he wants; he will have plenty of time.

Mr. KENNEDY. I intend to put those in the RECORD. I intend to outline this, Mr. President, and then I will spend some time going through the various studies with the Senator.

The average construction wage on a federally assisted highway project in Wisconsin was $15.55 an hour, more than twice the rate on projects in Mississippi, where the workers average $6.69 an hour.

The cost per mile of construction was much lower in Wisconsin, $78,083 versus $95,329 in Mississippi. Cutting wages does not mean cutting costs.

That is taking into consideration the variants in terrain and other kinds of construction. That is using a singular standard, and we will come back to review those studies in detail later this evening if that is the desire.

Even if it were true that we could save money by driving down the wages of construction workers, it would be wrong to do it. This mean-spirited attack on construction workers and their families is unwarranted and unfair.

Mr. President, I have here a chart of what the workers are receiving. For example, this is in heavy construction, for iron workers. It shows the hourly wage and what their annual wage is on heavy construction.

Let us talk about what the income of these workers is in America. The average income is $26,000 a year. That is a lot of money perhaps for a lot of people—and it certainly is—but it is $26,000 a year. We are having, effectively, an assault on these workers that are averaging $26,000. With all the problems that we have in this country, we want to undermine the ability of the average construction worker to make $26,000 a year.

We just passed, less than an hour ago, legislation that is going to mean hundreds of billions of dollars to various financial interest groups in this country, and I supported it. But make no mistake about it, that is going to put hundreds of millions and billions of dollars in the pockets of Americans. Here we are talking about what goes into the pockets and pocketbooks of construction workers.

The average is $26,000 a year. If you are an iron worker in Nashville, TN, you make an $8.41 hourly wage, $12,000 a year under Davis-Bacon—$12,000 a year.

If you are up in Burlington, VT, it is $9.70 an hour, $14,000 a year. If you come up to our part of the country in Providence, RI, it is $20 an hour, $31,000 a year. Up in Massachusetts, it reaches as high as $33,000 a year.

This is for every construction worker under the Davis-Bacon Act, and I am going to come back as to how you reach Davis-Bacon figures.

The same is true on residential construction; wages are not high. In fact, in residential construction wages are generally much less. For carpenters in Nashville, TN, $6 an hour, $9,000 a year. This is extraordinary. It is a real ripoff of the taxpayer to be paying someone who is going to make $9,000 on Federal construction.

I find it troublesome that there is so much excitement about trying to alter or change Davis-Bacon, to somehow suggest that these men and women are making too much with these annual earnings of $9,000 in residential construction for carpenters in Nashville, or $11,000 in Ohio, or $15,000 in Connecticut, or even $21,000 in Michigan, or $28,000 for carpenters in Illinois, that this is somehow an injustice, that somehow these men and women are ripping off the system because they are making that.

It just does not hold water, Mr. President. These are hard-working men and women. Their annual hours are only 1,500 hours. Some work a little bit more, 1,700 hours, depending on the weather and the economy, but it has been difficult in the construction industry over the period of recent years.

Apparently some Republican Senators believe those construction workers are so overpaid that their wages should be cut. In fact, construction workers are not overpaid. Despite their considerable skills, the danger and physical hardship of their work, and the years of apprenticeship many have served to attain journeyman, their average annual income is about $28,000 a year.

The second most dangerous industry is construction. The second most dangerous industry—construction. We are saying, "Oh, no, they are doing too well in America," in spite of all the studies that show that the working families of this country over the period of the last 12 years have fallen further and further behind in terms of the economy. They are working longer and making less in real income. That has been happening for 15 years, and if you go ahead with the repeal of Davis-Bacon, you are going to accelerate that.

It seems to me that we ought to be speaking for working families. We are not asking for them to get some special boondoggle when they are making $15,000, $16,000, $20,000, or $25,000 a year. That does not seem to me like some boondoggle. There are a lot of boondoggles around here, but this is not one of them.

Republicans like to accuse the Democrats of class warfare when we oppose their tax cuts for the rich, but this is an uglier class warfare conducted by Republicans to keep blue-collar workers down, to keep them out of the middle class. This bill and the repeal of the Davis-Bacon Act for highway construction are part of a larger assault Republicans are mounting on all fronts against America's working families.

What is happening to these families? They are having a hard time making ends meet. They are falling further and further behind in terms of real income and working harder.

What is happening to their kids? If their kids want to go to college and they are eligible for the Stafford loans, under the Republican proposal, they are going to pay $3,500 more for those Stafford loans.

If the kids need summer jobs, they will be lucky to get one. Mr. President, 1,400 jobs were cut in my city of Boston because of the cutback in the Summer Jobs Program.

In terms of support in the school reform programs, even the projection in the Head Start Program, the Republicans are cutting back on the support for the children of these working families.

We are having an assault on the income of working families, and with the Republican program for cuts in the Medicare Program, you are cutting back on the parents of the working families. You cannot get around that, Mr. President; you cannot get around that.

What happens when they get savings under Medicare? They use it for tax cuts, $350 billion in tax cuts for the wealthy individuals in this country, reaffirmed in the last 48 hours over in the House of Representatives by the Republicans.

We should not just treat these one by one, I would not think. Certainly the families do not figure it that way. They just do not look at it as a problem in one particular bill. They are looking at what the impact is totally on them, and that is what is happening.

This goes right to the heart of the dollars and cents that they are able to make working in construction.

Mr. President, in talking about what is happening and the impact on the working families, we will have in just a few days the regulatory reform bill which, effectively, emasculates the OSHA program with a supermandate that provides an entirely different cost-benefit ratio than is used by OSHA at the present time and will put at serious risk the various proposals that have been put out by OSHA to protect the American worker, not just in the construction industry, but in all industries. We will have that out here.

They repeal the Delaney clause, which is going to mean that no longer are you going to be required to keep carcinogens out of the food stream in the United States of America. That came out of the Judiciary Committee. We will be debating that over here.

For years, we talked about changing the Delaney clause to a more responsible risk-benefit ratio, a particularly sensitive issue for children who have an entirely different kind of risk-benefit ratio than adults. We tried to work that out in our committee. Oh, no, the votes were there to repeal the Delaney clause, and the Republicans have done that as well. So it will have an impact on the food stream in this country and greater risks will be out there, Mr. President.

So, what happens with this Davis-Bacon proposal? The highway bill has become the latest battleground in that attack. It contains a provision to repeal Davis-Bacon. It proposes to take $1.1 billion out of the pockets of construction workers over the next 5 years. That is how much the committee's Republicans claim they can save by cutting wages on Federal construction projects.

It is a typical Republican policy: Wage cuts for the workers, tax cuts for the rich. In fact, as the Federal highway construction data indicate, it is highly unlikely that any of these so-called savings will actually be achieved by the taxpayer. If anything, lower wages mean higher construction costs, not lower costs.

The notion that reducing the wages of construction workers on Federal construction projects will result in substantial cost savings for the Federal Government has been examined and categorically rejected by the leading construction industry economist in the country, Dr. John Dunlop, a former Secretary of Labor under President Ford and a professor of economics at Harvard for many years. According to Dr. Dunlop, who is a Republican,

> There is simply no sound basis for gratuitously assuming that lower wage rates in the construction industry generally mean lower costs to the public.

There is simply no sound basis for gratuitously assuming that lower wage rates in the construction industry generally mean lower costs to the public.

The reason is obvious. You get what you pay for. Lower paid workers are likely to be less skilled workers and, therefore, less productive workers. If wages are lower, but it takes the workers longer to complete the work, there are no cost savings. If their work is inferior in quality, it means higher long-term maintenance and repair costs. So there are no cost savings. And that has not been figured into these cost savings. There are no provisions for the diminution in terms of the experience of workers on the job or for inferior kinds of work or for longer-term maintenance. That is not figured into these figures that are bantered around so easily on the floor this evening.

This kind of attack on construction workers and their families is unjustified. There is nothing unfair about paying the prevailing wage on construction projects. Again and again over the years, we have heard the argument that Davis-Bacon is inflationary and that it mandates artificially high union wages. On the committee, Republicans made this argument in their report on the bill on page 11. They say, "The existing law protects union laborers at the expense of unskilled workers." That simply is not true.

Only 29 percent of the prevailing wage schedules issued by the Labor Department in 1994 reflected union wage rates. Forty-eight percent of the wage schedules reflected nonunion rates, and the rest were mixed. Listen to this. Only 29 percent of the prevailing wage schedules issued by the Labor Department in 1994 reflected union wage rates. Forty-eight percent of the wage schedules reflected nonunion rates. And the rest were mixed.

The Davis-Bacon law does not require contractors to pay union wage rates. The Washington Post recently got this wrong and had to print a correction. So let there be no mistake. The Davis-Bacon Act does not require the payment of union wages or the employment of union workers—two misconceptions that are bantered around here on the floor and were in our committee. It requires the payment of prevailing wages, the going rate in the community. You are basically saying that in any of these communities, if they are paying $6 an hour, they get $6 an hour if they are going to build a Federal project. If you are going to build the highways or build residential construction, or if you are going to build heavy construction, it is a higher rate—whatever is the prevailing wage in the local community. Whether it be union or nonunion, that is the wage rate. So that the Federal Government will not be driving the wages down or artificially inflating them. That is basically the reason for the law.

The goal of the act is not to artificially inflate wages. The goal is to keep Federal projects from being used to drive down local wages and local labor standards. That goal is as valid today as it was in 1931, 64 years ago, when the law was first enacted.

The construction labor market is not a national labor market. There are thousands of local markets, and the wage rate for laborers, for example, varies from one part of the country to another, from the minimum of $4.25 an hour to more than $20 an hour. Carpenter wages vary from less than $6 an hour to more than $25 an hour. The Davis-Bacon Act respects these differences. Those who want to repeal the act ignore those differences. They would let Federal contractors drive wages down as low as they can. Repealing Davis-Bacon or its application to highway construction is an invitation to exploitation, and it ought to be rejected.

Mr. President, the evidence of the harmful effects of a repeal on minorities, as well, is clear. This would have an adverse impact in terms of the employment opportunities for women, as well as minorities. There is a very important study—but I see others who want to speak, so I will get into that later this evening or tomorrow.

A Davis-Bacon repeal is wrong. The legitimate concerns about the act's threshold and unnecessary paperwork can be taken care of through a sensible reform amendment, like the one Senator SIMON offered in our Labor and Human Resources Committee when we considered the issue. The Davis-Bacon Act does need to be updated, but the core principle of the law is as valid today as when it was signed 64 years ago. The Federal Government should not try to save money by cutting the wages of its citizens. The Davis-Bacon Act has not been substantially revised in 64 years, since it was enacted. Reforms are needed. The threshold for coverage needs to be adjusted to reflect inflation. The paperwork requirements for contractors are overly burdensome and need to be cut back.

Clear and more sensible lines should be drawn on what work is covered. Workers who are not receiving the wages they deserve need to have a more effective way to resolve complaints. That is why I am for reform of the Davis-Bacon Act. I have been on record in favor of reform for many years.

But there is a world of difference between reform and repeal. A coalition of nearly 20,000 contractors, all opposed to an outright repeal, are lobbying for reform, not repeal. We stand ready to work with colleagues on both sides of the aisle on any reasonable proposal for reform. We are strongly opposed to the anti-worker scheme that would dismantle basic construction workers' protections in all parts of the Nation. Repeal of Davis-Bacon is an anti-work ideology run amok and should be rejected out of hand by the Senate.

I would be glad to either yield to the Senator from Rhode Island about those reports or to make some general concluding remarks.

Mr. CHAFEE. Mr. President, I think what we are going to do this evening is this. The Senator from Illinois has something he wants to discuss as in morning business, which will take about 15 minutes. And then it would be my intention—and the leader said we can—to adjourn for the evening. Then we would be here tomorrow morning at whatever time we come in. Then there will be a chance for everybody to discuss this further. I have some questions I would like to ask the Senator from Massachusetts, but obviously he will be here tomorrow. This is what we call a filibuster on the motion to proceed. Rather than wearing everybody out, it would be my suggestion that we adjourn following the comments by the Senator from Illinois, as in morning business.

Mr. KENNEDY. Well, Mr. President, I see my friend from Illinois wanting to talk. I will welcome the opportunity to continue this dialog tomorrow. I will make a final comment on this.

I do want to just underline a point, because I think it is a point worth reiterating—that is, that there is a proposal on the Senate calendar that deals with this generically. Those of us who are speaking about this measure wanted the opportunity to at least debate that measure independently and have a chance to amend it and have the focus and attention of the Senate on it. It has been the desire of the Republicans in the committee to put this measure on a matter that is out of your jurisdiction, quite frankly. Your committee does not have jurisdiction on the Davis-Bacon Act, nonetheless, the Senator made the judgment decision to take that step.

Now, that is something that can be done, but it is not in the jurisdiction of your committee. It is in the jurisdiction of Senator KASSEBAUM's committee. They have taken action, but the Senator has circumvented the procedure and we are faced with this particular issue. We intend to speak to that.

I do think that the point needs to be reiterated, that there is a total array of different Republican activities that are symbolized by this assault on working families that are making $27,000 a year.

It is an assault on Davis-Bacon today. We had that assault on education just 3 weeks ago. We had that assault on Medicare. We still have not had the closing of the billionaires' loophole. It is interesting. We are all debating this issue out here and we still have not found time to debate and close the billionaires' loophole. I do think it is important for the American people to have some understanding of how we are spending our time and how we are spending our energy and what we are doing as a matter of priorities.

We will have a full day, and I always welcome the chance to have this discussion with my friend and colleague. I see the Senator from Illinois here.

Mr. CHAFEE. I wonder if the Senator from Massachusetts mentioned reforms, and I am curious as to what the suggested reforms are.

To suggest we have come out of the blue without any consideration in the respective committee that deals with Davis-Bacon, in our committee, we have trespassed into areas we do not belong in. Davis-Bacon we have had out here on the floor as the Senator from Massachusetts knows, many, many times. And this provision that came from our committee solely applies for the areas that we deal with. I am not willing to concede that it is not within our jurisdiction.

However, I am curious as to what the suggestions are, and I do not need them in great detail, but roughly, what is the Senator talking about? The Davis-Bacon now applies to any contract over $2,000. In other words, it applies to everything.

What is the general trend, if I might ask the Senator from Massachusetts, of these reforms?

Mr. KENNEDY. I see my colleague who offered the reform proposal which I supported in the committee. I wonder if the Senator from Illinois would like to take a few moments and go through the different provisions with regard to raising the thresholds and with regard to other features such as the paperwork provisions—the range of different areas which have been raised as matters of concern.

The Senator from Illinois has a very comprehensive program. I see the Senator on the floor now. I will let him comment on that. I look forward to adding to it tomorrow.

Mr. SIMON. Mr. President, I would like to deal with this tomorrow. I would say to the Senator from Rhode Island that what we do is raise the ceiling. We also deal with the problems that contractors say they have with Davis-Bacon. I think it is a practical bill that answers the fundamental problems.

Mr. CHAFEE. What does the ceiling go to?

Mr. SIMON. The ceiling would go, as I recall, to $100,000. I will have the full information on this tomorrow.

We offered this in committee. We checked this out with a number of contractors. We think the proposal that we have makes a great deal of sense. I will have a chance to discuss that tomorrow.

Mr. KENNEDY. I say to the Senator it is $100,000 for new construction; $25,000 for alteration, repair, renovation, rehabilitation.

The second part deals with contract splitting. There is a whole provision in here affecting the reporting requirements, to allow inspection of payrolls by interested parties.

This was an important issue to determine which workers are actually being covered.

We will have an opportunity to discuss the compliance provision, the definition of various employees.

Mr. SIMON. If my colleague will yield, we also reduced the reporting by contractors very significantly. I think that the average contractor would be pleased.

Now, a contractor wants to depress wages, they probably will not be pleased.

Mr. CHAFEE. I am not prepared to concede that every contractor that does not like Davis-Bacon is out to depress wages. We will have time to discuss that further.

I am not sure what has been done. It has been raised to $100,000. If the Senator will show me the building or any job that is less than $100,000 that the Federal Government goes out and contracts for, I will be surprised.

Never mind. We will have all day tomorrow to discuss that. I would say that one of the things I would appreciate the Senator addressing, in my experience, in my State, I have discovered that Davis-Bacon is an anti-small business law.

In other words, the small businessman cannot qualify to do Davis-Bacon jobs. They do not have the record built up, or the recordkeeping machinery, the capabilities. It is a bad move for small businesses.

Mr. SIMON. If the Senator will support the Simon-Kennedy amendment, the Senator will find that it helps small business people.

Mr. CHAFEE. Mr. President, I would be happy if that were so.

Why do we not proceed as in morning business?

Mr. SIMON. Mr. President, I ask unanimous consent that I may proceed as in morning business for 15 minutes.

Mr. CHAFEE. Mr. President, it would then be my thought that we would wind up here and adjourn for the evening.

Mr. SIMON. Mr. President, I thank the Chair.

(The remarks of Mr. SIMON pertaining to the introduction of S. 933 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

PRIVILEGES OF THE FLOOR

Mr. CHAFEE. Mr. President, I ask unanimous consent that Larry Dwyer, detailed from the Federal Highway Administration, be granted floor privileges during the duration of the Senate's debate on S. 440.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SIMON. Mr. President, I have been handed a note by the staff.

On behalf of Senator KENNEDY, I ask unanimous consent that Ross Eisenbrey, a fellow on the staff of the Labor Committee, be granted floor privileges during the pendency of this matter.

The PRESIDING OFFICER. Without objection, it is so ordered.

USE OF THE CAPITOL GROUNDS FOR AN EXHIBITION

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Rules Committee be immediately discharged from further consideration of Senate Concurrent Resolution 17; and, further, that the Senate now proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

> A concurrent resolution (S. Con. Res. 17) authorizing the use of the Capitol Grounds for the exhibition of the RAH-66 Comanche helicopter.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid on the table, and that any statements relating to the concurrent resolution appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the concurrent resolution (S. Con. Res. 17) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, is as follows:

S. CON. RES. 17

Whereas the RAH-66 Comanche is the new reconnaissance helicopter of the Army;

Whereas the Comanche will save the lives of military aviators acting in the defense of the Nation;

Whereas the technologies employed in the Comanche make it a revolutionary, highly effective, and survivable helicopter;

Whereas the Comanche development program is on budget, on schedule, and encompasses the latest concepts of design and testing to drastically reduce performance risk and ensure ease of manufacturing and maintenance; and

Whereas many members of Congress have expressed support for the Comanche and an interest in seeing the Comanche and learning more about its technology: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. USE OF CAPITOL GROUNDS FOR THE EXHIBITION OF THE COMANCHE HELICOPTER AND ASSOCIATED TECHNOLOGIES.

The Boeing Company and United Technologies Corporation Joint Venture (hereinafter in this resolution referred to as the "Joint Venture"), acting in cooperation with the Secretary of the Army, shall be permitted to sponsor a public event featuring the first flying prototype of the RAH-66 Comanche helicopter on the East Front Plaza of the Capitol Grounds on June 21, 1995, or on such other date as the President pro tempore of the Senate and the Speaker of the House of Representatives may jointly designate.

SEC. 2. CONDITIONS.

(a) IN GENERAL.—The event to be carried out under this resolution shall be free of admission charge to the public and arranged not to interfere with the needs of Congress, under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board; except that the Joint Venture shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event.

(b) FLYING PROHIBITION.—The Comanche helicopter referred to in section 1 shall be transported by truck to and from the event to be carried out under this resolution and shall not be flown as part of the event.

SEC. 3. STRUCTURES AND EQUIPMENT.

For the purposes of this resolution, the Joint Venture is authorized to erect upon the Capitol Grounds, subject to the approval of the Architect of the Capitol, a portable shelter, sound amplification devices, and such other equipment as may be required for the event to be carried out under this resolution. The portable shelter shall be approximately 60 feet by 65 feet in size to cover the Comanche helicopter referred to in section 1 and to provide shelter for the public and the technology displays and video presentations associated with the event.

SEC. 4. EVENT PREPARATIONS.

The Joint Venture is authorized to conduct the event to be carried out under this resolution from 8 a.m. to 3 p.m. on June 21, 1995, or on such other date as may be designated under section 1. Preparations for the event may begin at 1 p.m. on the day before the event and removal of the displays, shelter, and Comanche helicopter referred to in section 1 shall be completed by 6 a.m. on the day following the event.

SEC. 5. ADDITIONAL ARRANGEMENTS.

The Architect of the Capitol and the Capitol Police Board are authorized to make any such additional arrangements that may be required to carry out the event under this resolution.

SEC. 6. LIMITATION ON REPRESENTATIONS.

The Boeing Company and the United Technology Corporation shall not represent, either directly or indirectly, that this resolution or any activity carried out under this resolution in any way constitutes approval or endorsement by the Federal Government of the Boeing Company or the United Technology Corporation or any product or service offered by the Boeing Company or the United Technology Corporation.

AUTHORIZING REPRESENTATION BY SENATE LEGAL COUNSEL AND TESTIMONY BY FORMER SENATE EMPLOYEE

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 135, submitted earlier today by Senators DOLE and DASCHLE.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 135) to authorize production of documents and testimony by a former Senate employee, and representation by Senate legal counsel.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. DOLE. Mr. President, the plaintiffs in two civil actions pending in North Dakota State court have requested documents and testimony from a former member of Senator CONRAD's staff relating to constituent casework the staff member performed for the plaintiffs. The following resolution would authorize the former staff member to testify at a deposition with representation by the Senate Legal Counsel, and would authorize the production of documents.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the resolution be considered and agreed to, that the preamble be agreed to, that the motion to reconsider be laid upon the table, and that any statements relating to the resolution appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the resolution (S. Res. 135) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 135

Whereas, the plaintiffs in *Schneider* v. *Schaaf*, Civ. No. 95–C–1056 and *Schneider* v. *Messer*, Civ. No. 93–C–124, civil actions pending in state court in North Dakota have sought the deposition testimony of Ross Keys, a former Senate employee who worked for Senator Kent Conrad and documents from Senator Conrad's office;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate;

Whereas, pursuant to section 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288B(A) and 288C(A)(2), the Senate may direct its counsel to represent employees of the Senate with respect to requests for testimony made to them in their official capacities: Now, therefore, be it

Resolved, That Ross Keys is authorized to produce records and provide testimony in the cases of *Schneider* v. *Schaaf* and *Schneider* v. *Messer*, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Ross Keys in connection with the testimony authorized by section 1 of this resolution.

CLOTURE MOTION

Mr. CHAFEE. Mr. President, I send a cloture motion to the desk that is signed by 16 Senators.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar Number 114, S. 440, the National Highway System bill, signed by 16 Senators.

Bob Dole, Lauch Faircloth, Larry Pressler, Rod Grams, Don Nickles, Robert F. Bennett, Craig Thomas, James M. Inhofe, Pete V. Domenici, John W. Warner, Hank Brown, John Chafee, Christopher Bond, Kay Bailey Hutchison, Bob Smith, and Dirk Kempthorne.

MORNING BUSINESS

(During today's session of the Senate, the following morning business was transacted.)

WAS CONGRESS IRRESPONSIBLE? THE VOTERS HAVE SAID YES

Mr. HELMS. Mr. President, on that memorable evening in 1972 when I learned that I had been elected to the Senate in 1972, one of the commitments I made to myself was that I would never fail to see a young person, or a group of young people, who wanted to see me.

It certainly proved beneficial to me because I've been inspired by the estimated 60,000 young people with whom I've visited during the nearly 23 years I've been in the Senate.

Most of them have been concerned about the magnitude of the Federal debt that Congress has run up for the coming generations to pay. The young people and I always discuss the fact that under the U.S. Constitution, no President can spend a dime of Federal money that has not first been authorized and appropriated by both the House and Senate of the United States.

That's why I began making these daily reports to the Senate on February 22, 1992. I wanted to make it a matter of daily record precisely the size of the Federal debt which as of yesterday, Wednesday, June 14, stood at $4,905,557,258,890.90 (or $18,621.58 for every man, woman, and child in America).

"TAKE THE MONEY AND TALK"

Mr. BYRD. Mr. President, without a doubt, the relationship between the media and politicians is a unique and interesting one. All would agree that press attention on politicians is a natural function of journalistic coverage of the legislative process. It is a necessary and useful role for the members of the press.

Over the years, there has been a lot of media coverage focused on the effects of special interests on the legislative process. Reams have been written on how the wishes of the American people are compromised by the practice of legislators accepting gratuities from the pockets of highly paid lobbyists. Miles of video tape have been aired on programs critical of Members of Congress who cavort with special interest groups which have influence over matters under consideration by Congress. Often, by focusing their investigative light on elected officials, the media have brought instances of unethical behavior to the public's attention.

Partly as a result of this attention, Members of Congress got the message. In an effort, which I led here some years ago, to eliminate possible conflicts of interest and perceptions of such conflicts, Members chose to prohibit the acceptance of honoraria and to require public disclosure of gifts from outside groups. Now, because of reporting requirements, the American people are able to judge the effects that any undue influence lobbyists may have on their elected representatives.

What is distressing to me is the lack of parity that exists in this area as far as the media are concerned. In the June 1995 edition of the American Journalism Review, Alicia C. Shepard, in an article entitled, "Take the Money and Talk," makes a compelling argument for members of the press to turn the light of honoraria disclosure on themselves. As the article points out, journalists who receive honoraria from the very groups they cover have become a matter of considerable concern. It seems that even many reporters feel uncomfortable with the large sums that their peers receive from speaking engagements.

In this age of instant communication, no one can doubt the tremendous impact of the media. Their stories—either in print, through newspapers and magazines, or on the air waves, through network news and talk radio—control the very way the public receives the news each day and perceives the issues and the players in the coverage. Reporters have the ability to frame a story through virtually any filter they choose. Theirs is a powerful tool that cannot be taken lightly.

At a time when public cynicism with both politicians and the media seems to have reached new proportions, the journalism profession ought to put the brakes on and reflect on how it is tainted by the policy of accepting speaking fees. How is one to know if a given journalist has a private agenda or an ax to grind? Right now, the public is not assured of balanced reporting and can only hope that members of the press are above ethical compromise. Although some media outlets are beginning to put restrictions into place, no rules of disclosure with respect to outside income are required by the journalism profession. There is no place to go to find out if a reporter has been compromised.

Somewhat arrogantly or perhaps naively, many reporters have adopted the "trust me" theory of reporting, insisting that their ethical standards are not to be questioned. For some unclear reason, they assume that they are different from the individuals about whom they write. Simply by virtue of their name and employer, we are to believe that they are above reproach.

The hypocrisy of this line of thinking is not only absurd, but it is also truly disturbing. To have a virtual field day in castigating politicians for allowing special interest groups access and influence, and then to turn around and ignore the same criticism in regard to themselves, in my mind, portrays a press corps that is unaccountable and, as a result, compromised or at least highly suspect. In an age of instant communications, the media hold an unequaled sway over the distribution of information to the public. Their access to, and influence on, the American people are unparalleled. The communications industry thus has an important obligation to guarantee the highest ethical standards among its members. As the press are fond of pointing out, in the public arena there are no free rides. It is past time for journalists to accept the same responsibility in this regard and acknowledge the dangers, within their own ranks, of receiving money from special interest groups.

One of the liberties our Constitution speaks of is freedom of the press. Certainly, no one wants to see controls put on the media that would jeopardize the ability to report objectively. But, we are all better served when possible perceptions of misconduct are removed. Unfortunately, by refusing to address what is perceived at the very least as a double standard, the journalism profession runs the risk of losing further credibility with its audience. It is time for all thinking members of the media to face up to the same standards they so stridently require of others, and let the light of day reflect the objectivity of their work.

Mr. President, in this regard, I ask unanimous consent that the article to which I have referred be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the American Journalism Review, June 1995]

TAKE THE MONEY AND TALK

(By Alicia C. Shepard)

It's speech time at the Broward County Convention Center in Fort Lauderdale.

ABC News correspondent and NPR commentator Cokie Roberts takes her brown handbag and notebook off of the "reserved" table where she has been sitting, waiting to speak. She steps up to the podium where she is gushingly introduced and greeted with resounding applause.

Framed by palm fronds, Roberts begins her speech to 1,600 South Florida businesswomen attending a Junior League-sponsored seminar. Having just flown in from Washington, D.C., Roberts breaks the news of the hours-old arrest of a suspect in the Oklahoma City bombing. She talks of suffragette Susan B. Anthony, of how she misses the late House Speaker Tip O'Neill, of the Republican takeover on Capitol Hill. Then she gives her listeners the inside scoop on the new members of Congress.

"They are very young," says Roberts, 52. "I'm constantly getting it wrong, assuming they are pages. They're darling. They're wildly adept with a blow dryer and I resent them because they call me ma'am." The audience laughs.

After talking for an hour on "Women and Politics," Roberts answers questions for 20 minutes. One woman asks the veteran correspondent, who has covered Washington since 1978, when there will be a female president.

"I think we'll have a woman president when a woman is elected vice president and we do in the guy," Roberts quips.

This crowd loves her. When Roberts finishes, they stand clapping for several minutes. Roberts poses for a few pictures and is whisked out and driven to the Miami airport for her first-class flight back to Washington.

For her trouble and her time, the Junior League of Greater Fort Lauderdale gave Roberts a check for $35,000. "She's high, very high," says the League's Linda Carter, who lined up the keynote speakers. The two other keynote speakers received around $10,000 each.

The organization sponsored the seminar to raise money for its community projects, using Roberts as a draw. But shelling out $35,000 wouldn't have left much money for, say, the League's foster care or women's substance abuse programs or its efforts to increase organ donors for transplants.

Instead, Robert's tab was covered by a corporate sponsor, JM Family Enterprises. The $4.2 billion firm is an umbrella company for the largest independent American distributor of Toyotas. The second-largest privately held company in Florida, it provides Toyotas to 164 dealerships in five southeastern states and runs 20 other auto-related companies.

But Roberts doesn't want to talk about the company that paid her fee. She doesn't like to answer the kind of questions she asks politicians. She won't discuss what she's paid, whom she speaks to, why she does it or how it might affect journalism's credibility when she receives more money in an hour-and-a-half from a large corporation than many journalists earn in a year.

"She feels strongly that it's not something that in any way, shape or form should be discussed in public," ABC spokeswoman Eileen Murphy said in response to AJR's request for an interview with Roberts.

Roberts' ABC colleague Jeff Greenfield, who also speaks for money, doesn't think it's a good idea to duck the issue. "I think we ought not not talk about it," he says. "I mean that's Cokie's right, obviously," he adds, but "if we want people to answer our questions, then up to a reasonable point, we should answer their questions."

The phenomenon of journalists giving speeches for staggering sums of money continues to dog the profession. Chicago Tribune Washington Bureau Chief James Warren has created a cottage industry criticizing colleagues who speak for fat fees. Washington Post columnist James K. Glassman believes the practice is the "next great American scandal." Iowa Republican Sen. Charles Grassley has denounced it on the Senate floor.

A number of news organizations have drafted new policies to regulate the practice since debate over the issue flared a year ago (see "Talk is Expensive," May 1994). Time magazine is one of the latest to do so, issuing a flat-out ban on honoraria in April. The Society for Professional Journalists, in the process of revising its ethics code, is wrestling with the divisive issue.

The eye-popping sums star journalists receive for their speeches, and the possibility that they may be influenced by them, have drawn heightened attention to the practice, which is largely the province of a relatively small roster of well-paid members of the media elite. Most work for the television networks or the national news weeklies; newspaper reporters, with less public visibility, aren't asked as often.

While the crescendo of criticism has resulted in an official crackdown at several news organizations—as well as talk of new hardline policies at others—it's not clear how effective the new policies are, since no public disclosure system is in place.

Some well-known journalists, columnist and "Crossfire" host Michael Kinsley and U.S. News & World Report's Steven V. Roberts among them, scoff at the criticism. They assert that it's their right as private citizens to offer their services for whatever the market will bear, that new policies won't improve credibility and that the outcry has been blown out of proportion.

But the spectacle of journalists taking big bucks for speeches has emerged as one of the high-profile ethical issues in journalism today.

"Clearly some nerve has been touched," Warren says. "A nerve of pure, utter defensiveness on the part of a journalist trying to rationalize taking [honoraria] for the sake of their bank account because the money is so alluring."

A common route to boarding the lecture gravy train is the political talk show. National television exposure raises a journalist's profile dramatically, enhancing the likelihood of receiving lucrative speaking offers.

The problem is that modulated, objective analysis is not likely to make you a favorite on "The Capital Gang" or "The McLaughlin Group." Instead, reporters who strive for objectivity in their day jobs are often far more opinionated in the TV slugfests.

Time Managing Editor James R. Gaines, who issued his magazine's recent ban on accepting honoraria, sees this as another problem for journalists' credibility, one he plans to address in a future policy shift. "These journalists say things we wouldn't let them say in the magazine. . .," says Gaines, whose columnist Margaret Carlson appears frequently on "The Capital Gang." "It's great promotion for the magazine and the magazine's journalists. But I wonder about it when the journalists get into that adversarial atmosphere where provocation is the main currency."

Journalists have been "buckraking" for years, speaking to trade associations, corporations, charities, academic institutions and social groups. But what's changed is the amount they're paid. In the mid-1970s, the fees peaked at $10,000 to $15,000, say agents for speakers bureaus. Today, ABC's Sam Donaldson can get $30,000, ABC's David Brinkley pulls in $18,000 and the New York Times' William Safire can command up to $20,000.

When a $4.2 billion Toyota distributor pays $35,000 for someone like Cokie Roberts, or a trade association pays a high-profile journalist $10,000 or $20,000 for an hour's work, it inevitably raises questions and forces news executives to re-examine their policies.

That's what happened last June at ABC. Richard Wald, senior vice president of news, decided to ban paid speeches to trade associations and for-profit corporationsmuch to the dismay of some of ABC's best-paid correspondents. As at most news organizations, speaking to colleges and nonprofits is allowed.

When Wald's policy was circulated to 109 employees at ABC, some correspondents howled (see Free Press, September 1994). Protests last August from Roberts, Donaldson, Brinkley, Greenfield, Brit Hume and others succeeded only in delaying implementation of the new guidelines. Wald agreed to "grandfather in" speeches already scheduled through mid-January. After that, if a correspondent speaks to a forbidden group, the money must go to charity.

"Why did we amend it? Fees for speeches are getting to be very large," Wald says. "When we report on matters of national interest, we do not want it to appear that folks who have received a fee are in any way beholden to anybody other than our viewers. Even though I do not believe anybody was ever swayed by a speech fee, I do believe that it gives the wrong impression. We deal in impressions."

The new policy has hurt, says ABC White House correspondent Ann Compton. Almost a year in advance, Compton agreed to speak to the American Cotton Council. But this spring, when she spoke to the trade group, she had to turn an honorarium of "several thousand dollars" over to charity. Since the policy went into effect, Compton has turned down six engagements that she previously would have accepted.

"The restrictions now have become so tight, it's closed off some groups and industries that I don't feel I have a conflict with," says Compton, who's been covering the White House off and on since 1974. "It's closed off, frankly, the category of organizations that pay the kind of fees I get." She declines to say what those fees are.

And it has affected her bank account. "I've got four kids * * *," Compton says. "It's cut off a significant portion of income for me."

Some speakers bureaus say ABC's new policy and criticism of the practice have had an impact.

"It has affected us, definitely," says Lori Fish of Keppler Associates in Arlington, Virginia, which represents about two dozen journalists. "More journalists are conscious of the fact that they have to be very particular about which groups they accept honoraria from. On our roster there's been a decrease of some journalists accepting engagements of that sort. It's mainly because of media criticism."

Other bureaus, such as the National Speakers Forum and the William Morris Agency, say they haven't noticed a difference. "I can't say that the criticism has affected us," says Lynn Choquette, a partner at the speakers forum.

Compton, Donaldson and Greenfield still disagree with Wald's policy but, as they say, he's the boss.

"I believe since all of us signed our contracts with the expectation that the former ABC policy would prevail and took that into account when we agreed to sign our contracts for X amount," Donaldson says, "it was not fair to change the policy midstream." Donaldson says he has had to turn down two speech offers.

Greenfield believes the restrictions are unnecessary.

"When I go to speak to a group, the idea that it's like renting a politician to get his ear is not correct," he says. "We are being asked to provide a mix of entertainment and information and keep audiences in their seats at whatever convention so they don't go home and say, 'Jesus, what a boring two-day whatever that was.'"

Most agree it's the size of the honoraria that is fueling debate over the issue. "If you took a decimal point or two away, nobody would care," Greenfield says. "A lot of us are now offered what seems to many people a lot of money. They are entertainment-size sums rather than journalistic sizes."

And Wald has decided "entertainment-size sums" look bad for the network, which has at least a dozen correspondents listed with speakers bureaus. It's not the speeches themselves that trouble Wald. "You can speak to the American Society of Travel Agents or the Electrical Council," he says, "as long as you don't take money from them."

But are ABC officials enforcing the new policy? "My suspicion is they're not, that they are chickenshit and Cokie Roberts will do whatever the hell she wants to do and they don't have the balls to do anything," says the Chicago Tribune's Warren, whose newspaper allows its staff to make paid speeches only to educational institutions.

There's obviously some elasticity in ABC's policy. In April, Greenfield, who covers media and politics, pocketed $12,000 from the National Association and interviewing media giants Rupert Murdoch and Barry Diller for the group. Wald says that was acceptable.

He also says it was fine for Roberts to speak to the Junior League-sponsored business conference in Fort Lauderdale, even though the for-profit JM Family Enterprises paid her fee.

"As long as the speech was arranged by a reasonable group and it carried with it no tinct from anybody, it's okay," says Wald. "I don't care where they [the Junior League] get their money."

Even with its loopholes, ABC has the strictest restrictions among the networks. NBC, CBS and CNN allow correspondents to speak for dollars on a case-by-case basis and require them to check with a supervisor first. Last fall, Andrew Lack, president of NBC News, said he planned to come up with a new policy. NBC spokesperson Lynn Gardner says Lack has drafted the guidelines and will issue them this summer. "The bottom line is that Andrew Lack is generally not in favor of getting high speaking fee," she says.

New Yorker Executive Editor Hendrik Hertzberg also said last fall that his magazine would review its policy, under which writers are supposed to consult with their editors in "questionable cases." The review is still in progress. Hertzberg says it's likely the magazine will have a new policy by the end of the year.

There's something aesthetically offensive to my idea of journalism for American journalists to be paid $5,000, $10,000 or $20,000 for some canned remarks simply because of his or her celebrity value," Hertzberg says.

Rewriting a policy merely to make public the outside income of media personalities guarantees resistance, if not outright hostility. Just ask John Harwood of the Wall Street Journal's Washington bureau. This year, Harwood was a candidate for a slot on the committee that issues congressional press passes to daily print journalists.

His platform included a promise to have daily correspondents list outside sources of income—not amounts—on their applications for press credentials. Harwood's goal was fuller disclosure of outside income, including speaking fees.

"I'm not trying to argue in all cases it's wrong," says Harwood. "But we make a big to-do about campaign money and benefits lawmakers get from special interests and I'm struck by how many people in our profession also get money from players in the political process."

Harwood believes it's hypocritical that journalists used to go after members of Congress for taking speech fees when journalists do the same thing. (Members of Congress are no longer permitted to accept honoraria.)

"By disclosing the people who pay us," says Harwood, "we let other people who may have a beef with us draw their own conclusions. I don't see why reporters should be afraid of that."

But apparently they are. Harwood lost the election.

"I'm quite certain that's why John lost," says Alan J. Murray, the Journal's Washington bureau chief, who made many phone calls on his reporter's behalf. "There's clearly a lot of resistance," adds Murray, whose newspaper forbids speaking to for-profit companies, political action committees and anyone who lobbies Congress. "Everybody likes John. But I couldn't believe how many people said—even people who I suspect have very little if any speaking incomes—that it's just nobody's business. I just don't buy that."

His sentiment is shared in the Periodical Press Gallery on Capitol Hill, where magazine reporters applying for press credentials must list sources of outside income. But in the Radio-Television Correspondents Gallery, where the bigname network reporters go for press credentials, the issue of disclosing outside income has never come up, says Kenan Block, a "MacNeil/Lehrer NewsHour" producer.

"I've never heard anyone mention it here and I've been here going on 11 years," says Block, who is also chairman of the Radio-Television Correspondents Executive Committee. "I basically feel it's not our place to police the credentialed reporters. If you're speaking on the college circuit or to groups not terribly political in nature, I think, if anything, people are impressed and a bit envious. It's like, 'More power to them.' "

But the issue of journalists' honoraria has been mentioned at Block's program.

Al Vecchione, president of McNeil/Lehrer Productions, says he was "embarrassed" by AJR's story last year and immediately wrote a new policy. The story reported that Robert MacNeil accepted honoraria, although he often spoke for free; partner Jim Lehrer said he had taken fees in the past but had stopped after his children got out of college.

"We changed [our policy] because in reading the various stories and examining our navel, we decided it was not proper," Vecchione says. "While others may do it, we don't think it's proper. Whether in reality it's a violation or not, the perception is there and the perception of it is bad enough."

MacNeil/Lehrer's new policy is not as restrictive as ABC's, however. It says correspondents "should avoid accepting money from individuals, companies, trade associations or organizations that lobby the government or otherwise try to influence issues the NewsHour or other special * * * programs may cover."

As is the case with many of the new, stricter policies, each request to speak is reviewed on a case-by-case basis. That's the policy at many newspapers and at U.S. News.

Newsweek tightened its policy last June. Instead of simply checking with an editor, staffers now have to fill out a form if they want to speak or write freelance articles and submit it to Ann McDaniel, the magazine's chief of correspondents.

"The only reason we formalized the process is because we thought this was becoming more popular than it was 10 years ago," McDaniel says. "We want to make sure [our staff members] are not involved in accepting compensation from people they are very close to. Not because we suspect they can be bought or that there will be an improper behavior but because we want to protect our credibility."

Time, on the other hand, looked at all the media criticism and decided to simply end the practice. In an April 14 memo, Managing Editor Gaines told his staff, "The policy is that you may not do it."

Gaines says the new policy was prompted by "a bunch of things that happened all at once." He adds that "a lot of people were doing cruise ships and appearances and have some portion of their income from that, so their ox is gored."

The ban is not overwhelmingly popular with Time staffers. Several, speaking on a not-for-attribution basis, argue that it's too tough and say they hope to change Gaines' mind. He says that won't happen, although he will amend the policy to allow paid speeches before civic groups, universities and groups that are "clearly not commercial."

"Academic seminars are fine," he says. "If some college wants to pay expenses and a $150 honorarium, I really don't have a problem with that."

Steve Roberts, a senior writer with U.S. News & World Report and Cokie Roberts' husband, is annoyed that some media organizations are being swayed by negative publicity. He says there's been far too much criticism of what he believes is basically an innocuous practice. Roberts says journalists have a right to earn as much as they can by speaking, as long as they are careful about appearances and live by high ethical standards.

"This whole issue has been terribly overblown by a few cranks," Roberts says. "As long as journalists behave honorably and use good sense and don't take money from people they cover, I think it's totally legitimate. In fact, my own news organization encourages it."

U.S. News not only encourages it, but its public relations staff helps its writers get speaking engagements.

Roberts says U.S. News has not been intimidated by the "cranks," who he believes are in part motivated by jealousy. "I think a few people have appointed themselves the critics and watchdogs of our profession. I, for one, resent it."

His chief nemesis is Jim Warren, who came to Washington a year-and-a-half ago to take charge of the Chicago Tribune's bureau. Warren, once the Tribune's media writer, writes a Sunday column that's often peppered with news flashes about which journalist is speaking where and for how much. The column includes a "Cokie Watch," named for Steve Roberts' wife of 28 years, a women Warren has written reams about but has never met.

"Jim Warren is a reprehensible individual who has attacked me and my wife and other people to advance his own visibility and his own reputation," Roberts asserts. "He's on a crusade to make his own reputation by tearing down others."

While Warren may work hard to boost his bureau's reputation for Washington coverage, he is best known for his outspoken criticism of fellow journalists. Some reporters cheer him on and fax him tips for "Cokie Watch." Others are highly critical and ask who crowned Warren chief of the Washington ethics police.

Even Warren admits his relentless assault has turned him into a caricature.

"I'm now in the Rolodex as iconoclast, badass Tribune bureau chief who writes about Cokie Roberts all the time," says Warren, who in fact doesn't. "But I do get lots of feedback from rank-and-file journalists saying, 'Way to go. You're dead right,' It obviously touches a nerve among readers."

So Warren writes about Cokie and Steve Roberts getting $45,000 from a Chicago bank for a speech and the traveling team of television's "The Capital Gang" sharing $25,000 for a show at Walt Disney World. He throws in parenthetically that Capital Gang member Michael Kinsley "should know better."

Kinsley says he would have agreed a few years ago, but he's changed his tune. He now believes there are no intrinsic ethical problems with taking money for speaking. He does it, he wrote in The New Republic in May, for the money, because it's fun and it boosts his ego.

"Being paid more than you're worth is the American dream," he wrote. "I see a day when we'll all be paid more than we're worth. Meanwhile, though, there's no requirement for journalists, alone among humanity, to deny themselves the occasional fortuious tastes of this bliss."

To Kinsley, new rules restricting a reporter's right to lecture for largesse don't accomplish much.

"Such rules merely replace the appearance of corruption with the appearance of propriety," he wrote. "What keeps journalists on the straight and narrow most of the time is not a lot of rules about potential conflicts of interest, but the basic reality of our business that a journalist's product is out there for all to see and evaluate."

The problem, critics say, is that without knowing who besides the employer is paying a journalist, the situation isn't quite that clear-cut.

Jonathan Salant, president of the Washington chapter of the Society of Professional Journalists, cites approvingly a remark by former Washington Post Executive Editor Ben Bradlee in AJR's March issue: "If the Insurance Institute of America, if there is such a thing, pays you $10,000 to make a speech, don't tell me you haven't been corrupted. You can say you haven't and you can say you will attack insurance issues in the same way, but you won't. You can't."

Salant thinks SPJ should adopt an absolute ban on speaking fees as it revises its ethics code. Most critics want some kind of public disclosure at the very least.

Says the Wall Street Journal's Murray, "You tell me what is the difference between somebody who works full time for the National Association of Realtors and somebody who takes $40,000 a year in speaking fees from Realtor groups. It's not clear to me there's a big distinction. I'm not saying that because you take $40,000 a year from Realtors that you ought to be thrown out of the profession. But at the very least, you ought to disclose that."

And so Murray is implementing a disclosure policy. By the end of the year, the 40 journalists working in his bureau will be required to list outside income in a report that will be available to the pubic.

"People are not just cynical about politicians," says Murray. "They are cynical about us. Anything we can do to ease that cynicism is worth doing."

Sen. Grassley applauds the move. Twice he has taken to the floor of the Senate to urge journalists to disclose what they earn on the lecture circuit.

"It's both the amount and doing it," he says. "I say the pay's too much and we want to make sure the fee is disclosed. The average worker in my state gets about $21,000 a year. Imagine what he or she thinks when a journalist gets that much for just one speech?"

Public disclosure, says Grassley, would curtail the practice.

Disclosure is often touted as the answer. Many journalists, such as Kinsley and Wall Street Journal columnist Al Hunt—a television pundit and Murray's predecessor as bureau chief—have said they will disclose their engagements and fees only if their colleagues do so as well.

Other high-priced speakers have equally little enthusiasm for making the information public. "I don't like the idea," says ABC's Greenfield. "I don't like telling people how much I get paid."

But one ABC correspondent says he has no problem with public scrutiny. John Stossel, a reporter on "20/20," voluntarily agreed to disclose some of the "absurd" fees he's earned. Last year and through March of this year Stossel raked in $160,430 for speeches—$135,280 of which was donated to hospital, scholarship and conservation programs.

"I just think secrecy in general is a bad thing," says Stossel, who did not object to ABC's new policy. "We [in the media] do have some power. We do have some influence. That's why I've come to conclude I should disclose, so people can judge whether I can be bought."

(Stossel didn't always embrace this notion so enthusiastically. Last year he told AJR he had received between $2,000 and $10,000 for a luncheon speech, but wouldn't be more precise.)

Brian Lamb, founder and chairman of C-SPAN, has a simpler solution, one that also has been adopted by ABC's Peter Jennings, NBC's Tom Brokaw and CBS' Dan Rather and Connie Chung. They speak, but not for money.

"I never have done it," Lamb says. "It sends out one of those messages that's been sent out of this town for the last 20 years: Everybody does everything for money. When I go out to speak to somebody I want to have the freedom to say exactly what I think. I don't want to have people suspect that I'm there because I'm being paid for it."

On February 20, according to the printed program, Philip Morris executives from around the world would have a chance to listen to Cokie and Steve Roberts at 7 a.m. while enjoying a continental breakfast. "Change in Washington: A Media Perspective with Cokie and Steve Roberts," was the scheduled event at the PGA resort in Palm Beach during Philip Morris' three-day invitational golf tournament.

A reporter who sent the program to AJR thought it odd that Cokie Roberts would speak for Philip Morris in light of the network's new policy. Even more surprising, he thought, was that she would speak to a company that's suing ABC for libel over a "Day One" segment that alleged Philip Morris adds nicotine to cigarettes to keep smokers addicted. The case is scheduled to go to trial in September.

At the last minute, Cokie Roberts was a no-show, says one of the organizers. "Cokie was sick or something," says Nancy Schaub of Event Links, which put on the golf tournament for Philip Morris. "Only Steve Roberts came."

Cokie Roberts won't talk to AJR about why she changed her plans. Perhaps she got Dick Wald's message.

"Of course, it's tempting and it's nice," Wald says of hefty honoraria. "Of course, they [ABC correspondents] have rights as private citizens. It's not an easy road to go down. But there are some things you just shouldn't do and that's one of them."

TRIBUTE TO GEN. JOHN MICHAEL LOH, USAF, ON HIS RETIREMENT

Mr. NUNN. Mr. President, today I want to recognize Gen. John Michael Loh for his 39 years of distinguished service to our Nation. General Loh has displayed exceptional leadership in a wide-ranging Air Force career that culminated as commander of the Air Combat Command. As a Georgian, I am proud to note that General Loh is a native of Macon, GA.

General Loh graduated from the U.S. Air Force Academy as a distinguished graduate in 1960. Ultimately, he rose to command the 250,000 men and women of Air Combat Command

General Loh is a highly decorated veteran of the Vietnam war. He flew over 200 combat missions in the F–4 at Da Nang Air Force Base, South Vietnam. Later, General Loh also served as a test pilot, helping usher in the technological improvements we see in today's advanced fighters. As the director of the F–16 System Program Office, he led the acquisition efforts that brought our country the world's best multirole fighter.

His numerous military awards and decorations include the Distinguished Service Medal, Legion of Merit with Oak Leaf Cluster, the Distinguished Flying Cross, Meritorious Service Medal, and the Air Medal with seven Oak Leaf Clusters.

General Loh has flown over 5,000 hours as a command pilot in the F–16, A–7, F–4, and F–104 to mention just a few. He recently capped his career by flying our Nation's most sophisticated aircraft—the B–2 bomber. Perhaps his greatest feat, however, was in leading the successful merger of Strategic and Tactical Air Commands into Air Combat Command. In fact, the Air Force Association awarded him its highest military honor, the Hap Arnold Award, for his leadership of Air Combat Command and his national reputation for quality improvement. Vice President GORE singled out Air Combat Command as a shining example of reinventing government.

Despite the significant changes in the Air Force and our military structure as a whole, General Loh leaves a command that performed brilliantly during and after the gulf war, and more recently, has responded quickly and effectively to contingency operations around the world.

The United States is indebted to General Loh for his selfless and distinguished service. I offer my sincere thanks and appreciation for a job well done and wish General Loh and his wife, Barbara, continued success in the future.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–987. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report under the Inspector General Act for the period October 1, 1994 through March 31, 1995; to the Committee on Governmental Affairs.

EC–988. A communication from the Secretary of Veterans' Affairs, transmitting, pursuant to law, the report under the Inspector General Act for the period October 1, 1994 through March 31, 1995; to the Committee on Governmental Affairs.

EC-989. A communication from the Secretary of Labor, transmitting, pursuant to law, the report under the Inspector General Act for the period October 1, 1994 through March 31, 1995; to the Committee on Governmental Affairs.

EC-990. A communication from the Chairman of the National Endowment for the Humanities, transmitting, pursuant to law, the report under the Inspector General Act for the period October 1, 1994 through March 31, 1995; to the Committee on Governmental Affairs.

EC-991. A communication from the Administrator of the U.S. Agency for International Development, transmitting, pursuant to law, the report under the Inspector General Act for the period October 1, 1994 through March 31, 1995; to the Committee on Governmental Affairs.

EC-992. A communication from the Chairman and General Counsel of the National Labor Relations Board, transmitting, pursuant to law, the report under the Inspector General Act for the period October 1, 1994 through March 31, 1995; to the Committee on Governmental Affairs.

EC-993. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, the report under the Inspector General Act for the period October 1, 1994 through March 31, 1995; to the Committee on Governmental Affairs.

EC-994. A communication from the Public Printer of the Government Printing Office, transmitting, pursuant to law, the report under the Inspector General Act for the period October 1, 1994 through March 31, 1995; to the Committee on Governmental Affairs.

EC-995. A communication from the Secretary of the Interior, transmitting, pursuant to law, the report under the Inspector General Act for the period October 1, 1994 through March 31, 1995; to the Committee on Governmental Affairs.

EC-996. A communication from the Chairman of the Consumer Product Safety Commission, transmitting, pursuant to law, the report under the Inspector General Act for the period October 1, 1994 through March 31, 1995; to the Committee on Governmental Affairs.

EC-997. A communication from the Chairman of the Equal Employment Opportunity Commission, transmitting, pursuant to law, the report under the Inspector General Act for the period October 1, 1994 through March 31, 1995; to the Committee on Governmental Affairs.

EC-998. A communication from the Director of the U.S. Information Agency, transmitting, pursuant to law, the report under the Inspector General Act for the period October 1, 1994 through March 31, 1995; to the Committee on Governmental Affairs.

EC-999. A communication from the Chairman of the Interstate Commerce Commission, transmitting, pursuant to law, the report under the Inspector General Act for the period October 1, 1994 through March 31, 1995; to the Committee on Governmental Affairs.

EC-1000. A communication from the Chairman of the National Endowment for the Arts, transmitting, pursuant to law, the report under the Inspector General Act for the period October 1, 1994 through March 31, 1995; to the Committee on Governmental Affairs.

EC-1001. A communication from the Acting Director of the Peace Corps, transmitting, pursuant to law, the report under the Inspector General Act for the period October 1, 1994 through March 31, 1995; to the Committee on Governmental Affairs.

EC-1002. A communication from the Federal Trade Commission, transmitting, pursuant to law, the report under the Inspector General Act for the period October 1, 1994 through March 31, 1995; to the Committee on Governmental Affairs.

EC-1003. A communication from the Secretary of the Smithsonian Institution, transmitting, pursuant to law, the report under the Inspector General Act for the period October 1, 1994 through March 31, 1995; to the Committee on Governmental Affairs.

EC-1004. A communication from the Administrator of the Small Business Administration, transmitting, pursuant to law, the report under the Inspector General Act for the period October 1, 1994 through March 31, 1995; to the Committee on Governmental Affairs.

EC-1005. A communication from the Deputy and Acting Chief Executive Officer of the Resolution Trust Corporation and the Chairman of the Thrift Depositor Protection Oversight Board, transmitting, pursuant to law, the report under the Inspector General Act for the period October 1, 1994 through March 31, 1995; to the Committee on Governmental Affairs.

EC-1006. A communication from the Chairman of the U.S. International Trade Commission, transmitting, pursuant to law, the report under the Inspector General Act for the period October 1, 1994 through March 31, 1995; to the Committee on Governmental Affairs.

EC-1007. A communication from the Chairman of the National Science Board, transmitting, pursuant to law, the report under the Inspector General Act for the period October 1, 1994 through March 31, 1995; to the Committee on Governmental Affairs.

EC-1008. A communication from the Secretary of Commerce, transmitting, pursuant to law, the report under the Inspector General Act for the period October 1, 1994 through March 31, 1995; to the Committee on Governmental Affairs.

EC-1009. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report under the Inspector General Act for the period October 1, 1994 through March 31, 1995; to the Committee on Governmental Affairs.

EC-1010. A communication from the Secretary of Education, transmitting, pursuant to law, the report under the Inspector General Act for the period October 1, 1994 through March 31, 1995; to the Committee on Governmental Affairs.

EC-1011. A communication from the Chief Executive Officer of the Corporation for National Service, transmitting, pursuant to law, the report under the Inspector General Act for the period October 1, 1994 through March 31, 1995; to the Committee on Governmental Affairs.

EC-1012. A communication from the Chairman of the National Endowment for the Humanities, transmitting, pursuant to law, the report under the Inspector General Act for the period October 1, 1994 through March 31, 1995; to the Committee on Governmental Affairs.

EC-1013. A communication from the Attorney General, transmitting, pursuant to law, the report under the Inspector General Act for the period October 1, 1994 through March 31, 1995; to the Committee on Governmental Affairs.

EC-1014. A communication from the Secretary of Energy, transmitting, pursuant to law, the report under the Inspector General Act for the period October 1, 1994 through March 31, 1995; to the Committee on Governmental Affairs.

EC-1015. A communication from the Chairman of the Federal Maritime Commission, transmitting, pursuant to law, the report under the Inspector General Act for the period October 1, 1994 through March 31, 1995; to the Committee on Governmental Affairs.

EC-1016. A communication from the Secretary of Labor, transmitting, pursuant to law, the report under the Inspector General Act for the period October 1, 1994 through March 31, 1995; to the Committee on Governmental Affairs.

EC-1017. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report under the Inspector General Act for the period October 1, 1994 through March 31, 1995; to the Committee on Governmental Affairs.

EC-1018. A communication from the Administrator of the General Services Administration, transmitting, pursuant to law, the report under the Inspector General Act for the period October 1, 1994 through March 31, 1995; to the Committee on Governmental Affairs.

EC-1019. A communication from the Chairman of the National Credit Union Administration, transmitting, pursuant to law, the report under the Inspector General Act for the period October 1, 1994 through March 31, 1995; to the Committee on Governmental Affairs.

EC-1020. A communication from the Chairman of the Securities and Exchange Commission, transmitting, pursuant to law, the report under the Inspector General Act for the period October 1, 1994 through March 31, 1995; to the Committee on Governmental Affairs.

EC-1021. A communication from the Chairman of the Board of Directors of the Panama Canal Commission, transmitting, pursuant to law, the report under the Inspector General Act for the period October 1, 1994 through March 31, 1995; to the Committee on Governmental Affairs.

EC-1022. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, the report under the Government in the Sunshine Act for calendar year 1994; to the Committee on Governmental Affairs.

EC-1023. A communication from the Administrator of the Office of Independent Counsel, transmitting, pursuant to law, the report on audit and investigative activities; to the Committee on Governmental Affairs.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. THURMOND, from the Committee on Armed Services:

John P. White, of Massachusetts, to be Deputy Secretary of Defense.

(The above nomination was reported with the recommendation that he be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. GREGG:

S. 924. A bill to amend the Internal Revenue Code of 1986 to provide a reduction in the capital gains tax for assets held more than 2 years, to impose a surcharge on short-term capital gains, and for other purposes; to the Committee on Finance.

By Mr. MACK (for himself, Mr. LIEBERMAN, Mr. GRAMM, Mr. HELMS, and Mr. DOLE):

S. 925. A bill to impose congressional notification and reporting requirements on any negotiations or other discussions between the United States and Cuba with respect to normalization of relations; to the Committee on Foreign Relations.

By Mr. BRYAN:

S. 926. A bill to improve the interstate enforcement of child support and parentage court orders, and for other purposes; to the Committee on Finance.

By Mr. HELMS:

S. 927. A bill to provide for the liquidation or reliquidation of a certain entry of warp knitting machines as free of certain duties; to the Committee on Finance.

By Mr. INHOFE (for himself, Mr. BURNS, and Mrs. KASSEBAUM):

S. 928. A bill to enhance the safety of air travel through a more effective Federal Aviation Administration, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. ABRAHAM (for himself, Mr. DOLE, Mr. FAIRCLOTH, Mr. NICKLES, Mr. GRAMM, and Mr. BROWN):

S. 929. A bill to abolish the Department of Commerce; to the Committee on Governmental Affairs.

By Mr. SHELBY (for himself, Mr. LOTT, Mr. BROWN, Mr. FAIRCLOTH, Mr. GRASSLEY, Mr. INHOFE, Mr. MACK, Mr. MCCONNELL, and Mr. SIMPSON):

S. 930. A bill to require States receiving prison construction grants to implement requirements for inmates to perform work and engage in educational activities, and for other purposes; to the Committee on the Judiciary.

By Mr. PRESSLER (for himself, Mr. DASCHLE, Mr. GRASSLEY, Mr. HARKIN, and Mr. WELLSTONE):

S. 931. A bill to authorize the construction of the Lewis and Clark Rural Water System and to authorize assistance to the Lewis And Clark Rural Water System, Inc., a nonprofit corporation, for the planning and construction of the water supply system, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. JEFFORDS (for himself, Mr. KENNEDY, Mr. CHAFEE, Mr. AKAKA, Mr. BINGAMAN, Mrs. BOXER, Mr. BRADLEY, Mr. DODD, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GLENN, Mr. HARKIN, Mr. INOUYE, Mr. KERREY, Mr. KERRY, Mr. KOHL, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Ms. MIKULSKI, Ms. MOSELEY-BRAUN, Mr. MOYNIHAN, Mrs. MURRAY, Mr. PACKWOOD, Mr. PELL, Mr. ROBB, Mr. SARBANES, Mr. SIMON, and Mr. WELLSTONE):

S. 932. A bill to prohibit employment discrimination on the basis of sexual orientation; to the Committee on Labor and Human Resources.

By Mr. SIMON:

S. 933. A bill to amend the Public Health Service Act to ensure that affordable, comprehensive, high quality health care coverage is available through the establishment of State-based programs for children and for all uninsured pregnant women, and to facilitate access to health services, strengthen public health functions, enhance health-related research, and support other activities that improve the health of mothers and children, and for other purposes; to the Committee on Labor and Human Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DOLE (for himself and Mr. DASCHLE):

S. Res. 134. A resolution expressing the Senate's gratitude to Sheila P. Burke for her service as Secretary of the Senate; considered and agreed to.

S. Res. 135. A resolution to authorize production of documents, testimony by a former Senate employee and representation by Senate Legal Counsel; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GREGG:

S. 924. A bill to amend the Internal Revenue Code of 1986 to provide a reduction in the capital gains tax for assets held more than 2 years, to impose a surcharge on short-term capital gains, and for other purposes; to the Committee on Finance.

THE LONG-TERM INVESTMENT INCENTIVE ACT OF 1995

•Mr. GREGG. Mr. President, I introduce a bill that will have a significant impact on the promotion of long-term investment through a reduction in the capital gains tax. I believe the Congress has a responsibility to enact laws promoting long-term capital investment and savings by all Americans. Part of fulfilling this obligation must include implementing a plan that would reduce the current capital gains tax rate on long-term investments.

We must also, however, balance this important economic goal against the moral issue of adding increasing debt onto our children's shoulders. This becomes an unavoidable issue in the capital gains debate because the Joint Committee on Taxation scores capital gains a big revenue loser. This scoring issue is an unfortunate fact that we in Congress cannot ignore.

Accordingly, I have developed legislation that would encourage long-term investment by amending the current capital gains tax using a sliding scale plan. My bill encourages an individual to hold an asset over a number of years, thus, allowing a greater tax reduction on investments, with the maximum benefit being reached after 4 years. It would reward individuals who look toward contributing to a savings plan over a number of years, while at the same time making quick fix investments less attractive. This sliding scale plan would encourage investments that benefit long-term savings, such as a child's education, an individual's retirement, or other nonspeculative holdings.

The theory behind the sliding scale reduction on capital gains hinges upon an agreed goal: the promotion of savings and long-term investment through a capital gains cut, while recognizing our current fiscal realities. The Joint Committee on Taxation estimates this plan would lose just $7.4 billion in revenue over the 1995–2000 period.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 924

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE.

(a) SHORT TITLE.—This Act may be cited as the "Long-Term Investment Incentive Act of 1995".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 2. REDUCTION OF TAX ON LONG-TERM CAPITAL GAINS ON ASSETS HELD MORE THAN 2 YEARS.

(a) IN GENERAL.—Part I of subchapter P of chapter 1 (relating to treatment of capital gains) is amended by redesignating section 1202 as section 1203 and by inserting after section 1201 the following new section:

"SEC. 1202. CAPITAL GAINS DEDUCTION FOR ASSETS HELD BY NONCORPORATE TAXPAYERS MORE THAN 2 YEARS.

"(a) GENERAL RULE.—If a taxpayer other than a corporation has a net capital gain for any taxable year, there shall be allowed as a deduction an amount equal to the sum of—

"(1) 20 percent of the qualified 4-year capital gain,

"(2) 10 percent of the qualified 3-year capital gain, plus

"(3) 5 percent of the qualified 2-year capital gain.

"(b) DEFINITIONS.—For purposes of this title—

"(1) QUALIFIED 4-YEAR CAPITAL GAIN.—The term 'qualified 4-year capital gain' means the lesser of—

"(A) the amount of long-term capital gain which would be computed for the taxable year if only gain from the sale or exchange of property held by the taxpayer for more than 4 years were taken into account, or

"(B) the net capital gain.

"(2) QUALIFIED 3-YEAR CAPITAL GAIN.—The term 'qualified 3-year capital gain' means the lesser of—

"(A) the amount of long-term capital gain which would be computed for the taxable year if only gain from the sale or exchange of property held by the taxpayer for more than 3 years but not more than 4 years were taken into account, or

"(B) the net capital gain, reduced by the qualified 4-year capital gain.

"(3) QUALIFIED 2-YEAR CAPITAL GAIN.—The term 'qualified 2-year capital gain' means the lesser of—

"(A) the amount of long-term capital gain which would be computed for the taxable year if only gain from the sale or exchange of property held by the taxpayer for more than 2 years but not more than 3 years were taken into account, or

"(B) the net capital gain, reduced by the qualified 4-year capital gain and qualified 3-year capital gain.

"(c) ESTATES AND TRUSTS.—In the case of an estate or trust, the deduction under subsection (a) shall be computed by excluding the portion (if any) of the gains for the taxable year from sales or exchanges of capital assets which, under sections 652 and 662 (relating to inclusions of amounts in gross income of beneficiaries of trusts), is includible by the income beneficiaries as gain derived from the sale or exchange of capital assets.

"(d) COORDINATION WITH TREATMENT OF CAPITAL GAIN UNDER LIMITATION ON INVESTMENT INTEREST.—For purposes of this section, the net capital gain for any taxable year shall be reduced (but not below zero) by the amount which the taxpayer takes into account as investment income under section 163(d)(4)(B)(iii).

"(e) TREATMENT OF COLLECTIBLES.—

"(1) IN GENERAL.—Solely for purposes of this section, any gain or loss from the sale or exchange of a collectible shall be treated as a short-term capital gain or loss (as the case may be), without regard to the period such asset was held. The preceding sentence shall apply only to the extent the gain or loss is taken into account in computing taxable income.

"(2) TREATMENT OF CERTAIN SALES OF INTEREST IN PARTNERSHIP, ETC.—For purposes of paragraph (1), any gain from the sale or exchange of an interest in a partnership, S corporation, or trust which is attributable to unrealized appreciation in the value of collectibles held by such entity shall be treated as gain from the sale or exchange of a collectible. Rules similar to the rules of section 751(f) shall apply for purposes of the preceding sentence.

"(3) COLLECTIBLE.—For purposes of this subsection, the term 'collectible' means any capital asset which is a collectible (as defined in section 408(m) without regard to paragraph (3) thereof).

"(f) TRANSITIONAL RULE.—

"(1) IN GENERAL.—Gain may be taken into account under subsection (b)(1)(A), (b)(2)(A), or (b)(3)(A) only if such gain is properly taken into account on or after July 1, 1995.

"(2) SPECIAL RULES FOR PASS-THRU ENTITIES.—

"(A) IN GENERAL.—In applying paragraph (1) with respect to any pass-thru entity, the determination of when gains and losses are properly taken into account shall be made at the entity level.

"(B) PASS-THRU ENTITY DEFINED.—For purposes of subparagraph (A), the term 'pass-thru entity' means—

"(i) a regulated investment company,

"(ii) a real estate investment trust,

"(iii) an S corporation,

"(iv) a partnership,

"(v) an estate or trust, and

"(vi) a common trust fund."

(b) DEDUCTION ALLOWABLE IN COMPUTING ADJUSTED GROSS INCOME.—Subsection (a) of section 62 is amended by inserting after paragraph (15) the following new paragraph:

"(16) LONG-TERM CAPITAL GAINS.—The deduction allowed by section 1202."

(c) MAXIMUM CAPITAL GAINS RATE.—Clause (i) of section 1(h)(1)(A), as amended by section 3(a), is amended by striking "the net capital gain" and inserting "the excess of the net capital gain over the deduction allowed under section 1202".

(d) TREATMENT OF CERTAIN PASS-THRU ENTITIES.—

(1) CAPITAL GAIN DIVIDENDS OF REGULATED INVESTMENT COMPANIES.—

(A) Subparagraph (B) of section 852(b)(3) is amended to read as follows:

"(B) TREATMENT OF CAPITAL GAIN DIVIDENDS BY SHAREHOLDERS.—A capital gain dividend shall be treated by the shareholders as gain from the sale or exchange of a capital asset held for more than 1 year but not more than 2 years; except that—

"(i) the portion of any such dividend designated by the company as allocable to qualified 4-year capital gain of the company shall be treated as gain from the sale or exchange of a capital asset held for more than 4 years,

"(ii) the portion of any such dividend designated by the company as allocable to qualified 3-year capital gain of the company shall be treated as gain from the sale or exchange of a capital asset held for more than 3 years but not more than 4 years, and

"(iii) the portion of any such dividend designated by the company as allocable to qualified 2-year capital gain of the company shall be treated as gain from the sale or exchange of a capital asset held for more than 2 years but not more than 3 years.

Rules similar to the rules of subparagraph (C) shall apply to any designation under clause (i), (ii), or (iii)."

(B) Clause (i) of section 852(b)(3)(D) is amended by adding at the end the following new sentence: "Rules similar to the rules of subparagraph (B) shall apply in determining character of the amount to be so included by any such shareholder."

(2) CAPITAL GAIN DIVIDENDS OF REAL ESTATE INVESTMENT TRUSTS.—Subparagraph (B) of section 857(b)(3) is amended to read as follows:

"(B) TREATMENT OF CAPITAL GAIN DIVIDENDS BY SHAREHOLDERS.—A capital gain dividend shall be treated by the shareholders or holders of beneficial interests as gain from the sale or exchange of a capital asset held for more than 1 year but not more than 2 years; except that—

"(i) the portion of any such dividend designated by the real estate investment trust as allocable to qualified 4-year capital gain of the trust shall be treated as gain from the sale or exchange of a capital asset held for more than 4 years,

"(ii) the portion of any such dividend designated by the trust as allocable to qualified 3-year capital gain of the trust shall be treated as gain from the sale or exchange of a capital asset held for more than 3 years but not more than 4 years, and

"(iii) the portion of any such dividend designated by the trust as allocable to qualified 2-year capital gain of the trust shall be treated as gain from the sale or exchange of a capital asset held for more than 2 years but not more than 3 years.

Rules similar to the rules of subparagraph (C) shall apply to any designation under clause (i) or (ii)."

(3) COMMON TRUST FUNDS.—Subsection (c) of section 584 is amended—

(A) by inserting "and not more than 2 years" after "1 year" each place it appears in paragraph (2),

(B) by striking "and" at the end of paragraph (2), and

(C) by redesignating paragraph (3) as paragraph (6) and inserting after paragraph (2) the following new paragraphs:

"(3) as part of its gains from sales or exchanges of capital assets held for more than 2 years but less than 3 years, its proportionate share of the gains of the common trust fund from sales or exchanges of capital assets held for more than 2 years but not more than 3 years,

"(4) as part of its gains from sales or exchanges of capital assets held for more than 3 years but less than 4 years, its proportionate share of the gains of the common trust fund from sales or exchanges of capital assets held for more than 3 years but less than 4 years,

"(5) as part of its gains from sales or exchanges of capital assets held more than 4 years, its proportionate share of the gains of the common trust fund from sales or exchanges of capital assets held for more than 4 years, and".

(e) TECHNICAL AND CONFORMING CHANGES.—

(1) Subparagraph (B) of section 170(e)(1) is amended by inserting "(or, in the case of a taxpayer other than a corporation, the percentage of such gain equal to 100 percent minus the percentage applicable to such gain under section 1202(a))" after "the amount of gain".

(2) Subparagraph (B) of section 172(d)(2) is amended to read as follows:

"(B) the deduction under section 1202 and the exclusion under section 1203 shall not be allowed."

(3)(A) Section 220 (relating to cross reference) is amended to read as follows:

"SEC. 220. CROSS REFERENCES.

"(1) For deduction for net capital gains in the case of a taxpayer other than a corporation, see section 1202.

"(2) For deductions in respect of a decedent, see section 691."

(B) The table of sections for part VII of subchapter B of chapter 1 is amended by striking "reference" in the item relating to section 220 and inserting "references".

(4) The last sentence of section 453A(c)(3) is amended by striking all that follows "long-term capital gain," and inserting "the maximum rate on net capital gain under section 1(h) or 1201 or the deduction under section 1202 (whichever is appropriate) shall be taken into account."

(5) Paragraph (4) of section 642(c) is amended to read as follows:

"(4) ADJUSTMENTS.—To the extent that the amount otherwise allowable as a deduction under this subsection consists of gain from the sale or exchange of capital assets held for more than 1 year, proper adjustment shall be made for any deduction allowable to the estate or trust under section 1202 or any exclusion allowable to the estate or trust under section 1203(a). In the case of a trust, the deduction allowed by this subsection shall be subject to section 681 (relating to unrelated business income)."

(6) The last sentence of paragraph (3) of section 643(a) is amended to read as follows: "The deduction under section 1202 and the exclusion under section 1203 shall not be taken into account."

(7) Subparagraph (C) of section 643(a)(6) is amended by inserting "(i)" before "there shall" and by inserting before the period ", and (ii) the deduction under section 1202 (relating to capital gains deduction) shall not be taken into account".

(8) Paragraph (4) of section 691(c) is amended by striking "sections 1(h), 1201, and 1211" and inserting "sections 1(h), 1201, 1202, and 1211".

(9) The second sentence of section 871(a)(2) is amended by inserting "or 1203" after "1202".

(10) Subsection (d) of section 1044 is amended by striking "1202" and inserting "1203".

(11) Paragraph (1) of section 1402(i) is amended by inserting ", and the deduction provided by section 1202 shall not apply" before the period at the end thereof.

(f) CLERICAL AMENDMENT.—The table of sections for part I of subchapter P of chapter 1 is amended by inserting after the item relating to section 1201 the following new item:

"Sec. 1202. Capital gains deduction for assets held by noncorporate taxpayers more than 2 years."

(g) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to taxable years ending after June 30, 1995.

(2) CONTRIBUTIONS.—The amendment made by subsection (e)(1) shall apply to contributions on or after July 1, 1995.

SEC. 3. SURCHARGE ON CAPITAL GAINS ON ASSETS HELD 1 YEAR OR LESS.

(a) IN GENERAL.—Subsection (h) of section 1 (relating to maximum capital gains rate) is amended to read as follows:

"(h) MAXIMUM CAPITAL GAINS TAXES.—

"(1) IN GENERAL.—If a taxpayer has a net capital gain for any taxable year, then the tax imposed by this section shall not exceed the sum of—

"(A) a tax computed at the rates and in the same manner as if this subsection had not been enacted on the greater of—

"(i) taxable income reduced by the amount of net capital gain, or

"(ii) the amount of taxable income taxed at a rate below 28 percent, plus

"(B) a tax of 28 percent of the amount of taxable income in excess of the amount determined under subparagraph (A).

For purposes of the preceding sentence, the net capital gain for any taxable year shall be reduced (but not below zero) by the amount which the taxpayer elects to take into account as investment income for the taxable year under section 163(d)(4)(B)(iii).

"(2) SURCHARGE ON NET SHORT-TERM CAPITAL GAIN.—

"(A) IN GENERAL.—If a taxpayer has a net short-term capital gain for any taxable year, the tax imposed by this section (without regard to this paragraph) shall be increased by an amount equal to the sum of—

"(i) 5.6 percent of the taxpayer's 6-month short-term capital gain, plus

"(ii) 2.8 percent of the taxpayer's 12-month short-term capital gain.

"(B) MAXIMUM RATE.—

"(i) IN GENERAL.—Subparagraph (A) shall not be applied to the extent it would result in—

"(I) 6-month short-term capital gain being taxed at a rate greater than 33.6 percent, or

"(II) 12-month short-term capital gain being taxed at a rate greater than 30.8 percent.

"(ii) ORDERING RULE.—For purposes of clause (i), the rate or rates at which 6-month or 12-month short-term capital gain is being taxed shall be determined as if—

"(I) such gain were taxed after all other taxable income, and

"(II) 12-month short-term capital gain were taxed after 6-month short-term capital gain.

"(C) DEFINITIONS.—For purposes of this paragraph—

"(i) 6-MONTH SHORT-TERM CAPITAL GAIN.—The term '6-month short-term capital gain' means the lesser of—

"(I) the amount of short-term capital gain which would be computed for the taxable year if only gain from the sale or exchange of property held by the taxpayer for 6 months or less were taken into account, or

"(II) net short-term capital gain.

"(ii) 12-MONTH SHORT-TERM CAPITAL GAIN.—The term '12-month short-term capital gain' means the lesser of—

"(I) the amount of short-term capital gain which would be computed for the taxable year if only gain from the sale or exchange of property held by the taxpayer for more than 6 months but not more than 12 months were taken into account, or

"(II) net short-term capital gain, reduced by 6-month short-term capital gain.

For purposes of clause (i)(I) or (ii)(I), gain may be taken into account only if such gain is properly taken into account on or after July 1, 1995.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years ending after June 30, 1995.•

By Mr. MACK (for himself, Mr. LIEBERMAN, Mr. GRAMM, Mr. HELMS, and Mr. DOLE):

S. 925. A bill to impose congressional notification and reporting requirements on any negotiations or other discussions between the United States and Cuba with respect to normalization of relations; to the Committee on Foreign Relations.

CUBA LEGISLATION

Mr. MACK. Mr. President, on May 2, the Clinton administration reversed 30 years of United States policy by agreeing with Fidel Castro that future refugees would be picked up by United States forces and returned to Cuba. The administration portrays its decision as an immigration control measure reached in secret for the good of misguided Cubans who might set out on rafts and inner tubes to reach the United States before the doors slammed shut. Apparently, it was necessary to keep senior United States officials responsible for Cuba policy in the dark as well. The Clinton administration has not satisfactorily explained its motives and objectives in reaching this agreement with the Castro regime. Therefore, I am introducing this bill which would deny funds for negotiations or other contacts related to normalization with the Castro regime unless the administration has notified Congress 15 days in advance.

This measure is not intended to interfere with the administration's ability to conduct diplomacy. It simply requires that if and when President Clinton decides to abandon the centerpiece of the United States' historic policy toward the Castro dictatorship, he does so in an open and public way.

For 36 years, Fidel Castro has terrorized Cuba's people, destroyed its economy, and used it as a base for subversion. I could never have imagined circumstances under which the United States would treat Castro's Cuba like just another negotiating partner. But last month, that's just what the Clinton administration did when it cut a deal reversing 30 years of United States policy on welcoming refugees from Castro's Cuba.

I will not dignify what the administration did by calling it "secret diplomacy." It was a craven exercise. As A.M. Rosenthal wrote in the New York Times, the Clinton administration "got a contemptuous zero from Castro for breaking its promises, not even the release of some political prisoners, not the grant of a single civil liberty."

At a briefing on Capitol Hill the day the policy U-turn was announced, a Clinton administration official was asked whether, under the terms of a deal between the United States and Cuba on interdiction and repatriation of refugees, the Castro regime had pledged to repeal the Cuban law that makes it a crime to leave Cuba without permission. The official didn't know. Then the official was asked how we can be sure the Castro regime won't use the law to retaliate against returned rafters. "Prosecutorial discretion," replied the official.

In a nutshell, that anecdote illustrates the mindset of the Clinton administration. Administration officials—some of them anyway—cannot distinguish between the Castro regime and governments based on the rule of law. This is why many of my colleagues and I are so deeply disturbed by recent overtures to Castro. We don't know where they will stop. We have no reason to believe that the administration won't continue to make concessions at the expense of the Cuban people. My colleagues and I are introducing this bill to let the administration know that the friends of the Cuban people in the United States Congress will not stand by and let this administration engage in anything but a strong policy of support for democracy and freedom in Cuba.

By Mr. BRYAN:

S. 926. A bill to improve the interstate enforcement of child support and parentage court orders, and for other purposes; to the Committee on Finance.

THE CHILD SUPPORT ENFORCEMENT ACT

Mr. BRYAN. Mr. President, today I am introducing my Child Support Enforcement Act legislation from the last Congress to help further strengthen our efforts to get deadbeat parents to responsibly provide for their children.

Congress has recently taken many positive steps to increase the effectiveness of child support enforcement laws. In the 102d Congress, we were successful in enacting legislation, which I sponsored in the Senate, to require credit bureaus to indicate on an individual's credit file when he or she is delinquent in child support payments. This has provided a strong incentive for parents to stay current in their payments.

The 103d Congress enacted laws to make deadbeat parents who fail to pay child support ineligible for small business loans; to designate child support payments as priority debts when an individual files for bankruptcy; to strengthen State paternity establishment procedures and to require health insurers to carry out orders for medical child support; and to restrict a State court's ability to modify a child support order issued by another State.

As part of much needed welfare reform, we must include improvements to the child support enforcement system. I will introduce portions of this bill as an amendment when welfare reform is debated in the Senate, which I hope will be done before July 4. We need to find as many ways as possible to find delinquent parents, and hold them to their responsibilities.

We all lament the increasing number of unwed teenage girls who have children. This situation is particularly disheartening when these young mothers are themselves mere children. But too often in the past, our public policies have focused on the mother and ignored the responsibility of the father. Those fathers, who many times have already walked away before their children are even born, must face the reality of their parental and financial responsibilities.

During the past 2 months, I have visited child support enforcement offices in Las Vegas and Reno, NV. These visits included both the State welfare division and the district attorney child support enforcement offices. It was an eye-opening experience.

I was overwhelmed by the thousands of case files stacked throughout these offices. Employees in these offices are literally surrounded by files. They are joined by scores of investigators and attorneys who work ceaselessly to ensure as many deadbeat parents as possible are found, and legally persuaded to fulfill their financial responsibilities.

Although Nevada is the fastest growing State in the Nation, it is a comparatively small State with about 1.6 million people. Yet its State Child Support Enforcement Program had 66,385 cases in fiscal year 1994. The program was able to collect $62.7 million. The unfortunate fact, however, is that the total owed was almost $352 million, leaving an uncollected balance of almost $290 million. In April of this year, Nevada's caseload has already grown to over 69,000 cases.

These cases represent only those children whose families are receiving aid to families with dependent children, or who are using the services of the county district attorney offices to enforce child support. The many Nevadans using private attorneys are not included.

The facts are simple. Nationally, one in four children live in a single-parent household. But one of the most startling statistics is that only half of these single parents have sought and obtained child support orders.

This means 50 percent of these single mothers either have been unable to track down the father, have not pursued support, or are unaware of their legal child support enforcement rights.

Of the parents who have sought out and obtained child support, only half receive the full amount to which they are entitled.

Let me make this clear—50 percent of single mothers do not even have child support orders, and of the 50 percent that do, only half of them are getting what their children are entitled to receive. Thus 25 percent of the single parents who have child support orders actually receive nothing at all.

These facts should concern us. It is all too true that many single parents must seek public welfare assistance in order to be able to support their children. When we taxpayers are asked to lend a helping hand to these children, we should be assured every effort is being made to require absent deadbeat parents meet their financial responsibilities to those same children. Public assistance should not be the escape valve relied upon by those parents who want to walk away from their children.

No one who shares the responsibility for bringing children into this world should later be allowed to shirk that responsibility by refusing to admit paternity or failing to pay child support. The legislation I am introducing today adds to the arsenal available to those trying to enforce child support.

In April, I visited with eligibility workers in a local Las Vegas welfare office. I was incredulous when I learned many Federal welfare assistance programs do not require recipients to participate in State and Federal child support enforcement efforts. In fact, only Aid to Families with Dependent Children or AFDC, and Medicaid currently require their recipients cooperate with child support enforcement efforts.

For example, if a parent with children receives food stamps, there is no requirement, as a condition of receiving that assistance, that the parent cooperate with child support enforcement agencies to collect any child support payments to which he or she is entitled. Under my legislation, all welfare assistance programs receiving Federal funds will require all recipients to cooperate with efforts to collect child support benefits as a condition of receiving benefits.

Second, this legislation authorizes State and Federal Governments to deny delinquent parents an array of benefits. A delinquent parent can be denied an occupational, professional, or business license, a Federal loan or guarantee, and could even have his or her passport revoked if the threat of fleeing the country was likely. The goal is not to drive those who want to meet their obligations away, but rather to make sure those ignoring their children understand society will not tolerate that irresponsible behavior.

These provisions should be particularly effective in dealing with delinquent parents who are self-employed, and who are not covered by the mandatory employer child support payment withholding.

The bill also builds on our past efforts of using the credit reporting system. It permits State agencies to obtain credit files in order to track down delinquent parents, or to help determine the appropriate amount of child support payment.

The bill also improves the interstate enforcement process by establishing a jurisdictional basis for State court recognition of child support orders of other States. The problems associated with collecting child support are magnified when parents live in different States. Part of the difficulty stems from differences in State laws, policies, and procedures.

I have heard numerous cases of frustrating experiences in attempting to serve process on out-of-State delinquent parents, and in getting certain evidence obtained in one State admitted at a hearing in another State. One in three children support orders involve parents in different States. On average, it takes 1 year to locate an absent parent, and 2 years to establish a court order if the parent has deserted a family.

Finally, the bill makes it more difficult for parents to hide assets in an attempt to avoid paying their fair share of child support. A difficult problem to resolve is when a delinquent parent transfers property to a friend or relative for little compensation to avoid child support payments. Under this bill, States would be allowed to void conveyances of property made to avoid paying child support.

We must give our courts and law enforcement agencies the tools they need to crack down on delinquent parents. We must assure taxpayers who lend the helping hand to impoverished single mothers and their children that every effort is being made to get the deadbeat parents to pay up. We must ensure the children receive adequate and consistent child support, so they are able to have the opportunity to become successful, productive and healthy adults.

I believe my legislation will move us a long way on the path to meet those goals. I request my colleagues to join with me in this effort to make this law before the end of the year. The children deserve no less.

By Mr. HELMS:

S. 927. A bill to provide for the liquidation or reliquidation of a certain entry of warp knitting machines as free of certain duties; to the Committee on Finance.

DUTY LEGISLATION

Mr. HELMS. Mr. President, I send to the desk, for appropriate referral, a bill on behalf of D&S International of Burlington, NC, which imported from Germany, four warp knitting machines at a duty-free rate which D&S then sold to a Venezuelan company, which decided not to keep the machines and returned them to D&S.

Upon reentry, the Customs Service mistakenly classified the machines first as a reentry of United States goods, instead of a German, then misclassified them at a duty rate of 4.4 percent.

D&S contacted Customs to protest the duty assessment. However, Customs ruled that the D&S memorandum did not qualify as a formal protest because D&S did not file form 19. Amazingly, no right of appeal exists within Customs on such rulings if a company misses the deadline for protesting. D&S would have to spend a lot of money going to court to try to rectify the mistake.

Mr. President, as a result of these mistakes, D&S now owes $25,000 in duties on machines that were supposed to be duty-free. This error by the Customs Service will be remedied by my bill, which instructs Customs to reclassify the machines as duty-free and refund to D&S the duties improperly assessed.

By Mr. INHOFE (for himself, Mr. BURNS and Mrs. KASSEBAUM):

S. 928. A bill to enhance the safety of air travel through a more effective Federal Aviation Administration, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE FEDERAL AVIATION ADMINISTRATION REFORM ACT OF 1995

Mr. INHOFE. Mr. President, today I will be introducing a major piece of legislation with Senator KASSEBAUM and Senator BURNS.

As a frequent user of the air traffic control system, I have a very real stake in addressing the persistent problems which have plagued the FAA for many years. Former Senator Barry Goldwater accurately described way back in 1975 the current FAA shortcomings when he introduced a bill to reestablish the FAA as an independent agency.

Senator Goldwater noted, and this was back in 1975, 20 years ago:

> In 1967, when the then new Department of Transportation was created, the Federal Aviation Agency was terminated and its powers and functions were transferred to and vested in the Secretary of DOT. The previously independent Federal Aviation Agency was in effect converted to a new bureau within the Department of Transportation, named the Federal Aviation Administration. The Administrator of this "bureau" reports to and is subject to the control of the Secretary of Transportation.

Barry Goldwater went on to say, 20 years ago:

> There is extensive evidence to show that subsequent to this transformation, there has been undue interference on the part of the Department of Transportation in the internal affairs of the Federal Aviation Administration, so much so that the FAA's procurement process has been slowed down to an average time period of 1½ years or more—

I understand it is more than that today, but I am quoting from 20 years ago.

> resulting in the cancellation of many procurement projects or unnecessary losses in the millions of dollars to companies involved. It is important to note, too, that aviation users, who pay much of the money which goes into the Airport and Airway Trust Fund, have no effective participation in the development of FAA finance plans so long as it is under the Department.

These words that were stated on the floor of the Senate by Senator Barry Goldwater 20 years ago are just as true today as they were then. Unfortunately, the Senate failed to pass the Goldwater bill. The problems Senator Goldwater identified in 1975 are yet to be resolved.

As a pilot, I have found holding town hall meetings in small towns and airports is an effective way of communicating with people. In doing these on the weekends—virtually every weekend, I do 10 or so—I talk to pilots, I talk to controllers. I do not think there is a controller that I do not know by their first name in Oklahoma.

They all agree that something needs to be done about changing the FAA. Even though Barry Goldwater attempted to do this back 20 years ago, what he said then is true today and we need to do it.

A careful analysis of these proposals that have been made in order to corporatize or privatize shows that they really do not work and there is a lack of understanding.

Mr. President, there has been an effort by the administration to privatize or corporatize the FAA. I think that while I do believe in privatizing, it is not appropriate in this case.

People who use the system oppose the privatization of the FAA. After working with users of the system, I am pleased to announce that we have been able to come up with a workable solution. Along with Senators CONRAD BURNS and NANCY KASSEBAUM, I am introducing legislation to reform the Federal Aviation Administration.

Our bill is similar to a bill introduced in the House by my good friend from Iowa, Representative JIM LIGHTFOOT, and also Representative JOHN DUNCAN. This bill provides dramatic yet realistic reform that will resolve the problems that were identified by Senator Goldwater in 1975 and continue today to plague the FAA.

It will restore the Federal Aviation Administration to an independent agency status. This will ensure that the agency is able to manage and regulate the safety of the air traffic control system without the second-guessing or interference by the politically appointed Department of Transportation officials and staff.

Our approach represents a reform from within Government. It offers a more prudent and realistic approach to the FAA reform than the extremely risky alternative of privatizing or corporatizing the air traffic control system.

As a former mayor of a major metropolitan area, I know something about privatizing. I have been a fan of privatizing for a long time. In fact, I privatized everything I could when I was mayor of the city of Tulsa, OK, many years ago.

One of the systems that has been emulated today by cities all over America was the privatization of the trash system. A refuge or trash system is not a sensitive system like air traffic control.

As a believer in the ability of the private sector to generally do a better job of managing than Government, I believe that there are some inherently governmental functions. Oversight of our air traffic control system is one. The safety implications are too great to allow a management team that has to worry about the bottom line to make these decisions.

Those who use the system and those who use it in commercial aircraft—it does not matter whether you are in an American Airline 747 as a pilot or a passenger, or you are with me in a 20-year-old Piper Aztec. The fact is that your lives are in the hands of these individuals on the ground.

In addition, our proposal provides for appointment of an FAA Administrator with a fixed term of 7 years. The average tenure of the FAA Administrator since I have been in Congress has been less than 2 years. By the time they find their way to the cafeteria, they are out of there. There is no continuity in planning for the FAA. Clearly, we need the continuity of leadership if real changes are to take hold.

This proposal establishes a personnel pilot program which would provide FAA greater latitude managing personnel by giving increased flexibility in measuring performance. The pilot program has been designed to improve performance of individuals and departments, rather than merely rewarding longevity.

Our bill establishes a procurement reform pilot program which will permit the FAA to simplify its procurement procedures by shifting from the rigid procurement rules to allow routine off-the-shelf purchases.

We have example after example of instances where complicated procurement practices have delayed the purchasing of technology and of products that are needed to save lives, until they are no longer current, in terms of their technology.

A good example is the microwave landing system. The MLS system is supposed to replace the ILS system. By the time they got around to implementing this program, the GPS, the global position system, had reached a degree of technology that allows for precision approaches.

The other areas are in the area of costs. I mean, the same thing regarding the GPS system. I happen to be the only Member of Congress in history to fly an airplane around the world. I did it a couple of years ago. In doing this I used a GPS system. Never, all the way around the world, did I lose a satellite. This system is a beautiful system. Yet that system that I used only 2 years ago flying around the world is one-fourth the cost today that it was then.

That means if we and the FAA procure this highly technical machinery, the mechanics to run the system, by the time the system goes through following the procurement practices, that which you have purchased is much cheaper and it would be out of date. So, for cost purposes and technology purposes, this has to happen.

Under our bill, a select panel is created to review and report back to Congress on innovative financing mechanisms for long-term funding of our aviation infrastructure and needs. Panel members will review loan guarantees, financial partnerships with for-profit private sector entities, multiyear appropriations, revolving loan funds, mandatory spending authority, authority to borrow, and restructured grant programs.

Each of these proposals has the support of virtually all of the aviation industry. This bill is strongly supported by the Aircraft Owners and Pilots Association, who have, in just the State of Oklahoma, 4,500 general aviation pilots; and throughout America have 340,000 general aviation pilots. They support this.

In addition, the National Aviation Coalition Association, a consortium of 28 major aviation organizations representing all segments of the aviation community, has indicated that this proposal is a valuable contribution to a healthy debate concerning much needed reform of the FAA.

Mr. President, it is clear that everyone, the administration, Congress, and the aviation community, agrees on the need to reform the FAA. I urge my colleagues to join with Senators BURNS and KASSEBAUM, Representative LIGHTFOOT and Representative DUNCAN from the House, and Senator Goldwater and me in supporting a meaningful reform of the FAA.

By Mr. ABRAHAM (for himself, Mr. DOLE, Mr. FAIRCLOTH, Mr. NICKLES, Mr. GRAMM, and Mr. BROWN):

S. 929. A bill to abolish the Department of Commerce; to the Committee on Governmental Affairs.

THE DEPARTMENT OF COMMERCE DISMANTLING ACT OF 1995

Mr. ABRAHAM. Mr. President, when President Theodore Roosevelt sat down with his Cabinet for a meeting, he needed just nine chairs to accommodate everyone, including the Post-Master General. If he desired an impromptu gathering, he could just walk to the Old Executive Office Building next door. The offices of almost the entire executive branch were located there.

Ninety-four years later, a Cabinet meeting has almost twice as many participants—even without the Postmaster's presence—and includes the Secretaries of 14 Cabinet-level Departments spread all over the District of Columbia. These meetings don't include the heads of hundreds of administrations, commissions, boards, and other Federal agencies below the Cabinet level.

This tremendous growth in the size and scope of the Federal Government has resulted in enormous tax and debt burdens on our economy which, in turn, means lower living standards and fewer job opportunities for the American people. The Federal budget in 1901 consumed just over 2 percent of total national income. Today, it spends almost 25 cents for every dollar we produce. Measured against the size of the economy, the Federal Government is 12 times larger than it was at the turn of the century. In the meantime, a Federal budget that routinely enjoyed surpluses of 10 percent or more during Roosevelt's tenure hasn't seen the black in 25 years.

In restraining the growth of the Federal Government, we need to target those departments and agencies whose activities are unnecessary, duplicative, wasteful, and simply outside the limits of Federal power prescribed by the U.S. Constitution. While this description fits much of the Federal Government, Majority Leader BOB DOLE has set the standard by calling for the elimination of four Cabinet departments—Commerce, Energy, Housing and Urban Development, and Education. These four departments alone employ more than 74,000 bureaucrats and have combined budgets of $70 billion—133 times more than the entire Federal Government spent in Roosevelt's era. While some of the programs within these departments serve useful purposes, we don't need these huge bureaucracies and buildings to oversee them. Instead, these programs ought to be consolidated, privatized, and devolved to the States and localities.

Today, I am joined by Senators DOLE, FAIRCLOTH, NICKLES, GRAMM, and BROWN in introducing legislation to begin that process by abolishing the Department of Commerce. The Department of Commerce Dismantling Act of 1995 is the product of the Dole Task Force on the Elimination of Federal Agencies. It is the first of several bills the task force intends to introduce this Congress targeted at reducing the size of Government. It is the product of extensive work by several Senate offices, as well as the members of the House Freshmen Task Force, and it has been endorsed by the National TaxPayers Union, Citizens For a Sound Economy, the Business Leadership Council, Americans For Tax Reform, and the Small Business Survival Committee.

The Department of Commerce houses the least defensible collection of Federal agencies in Washington, many of which are either duplicated or outperformed by other Government agencies and private industry. According to the General Accounting Office [GAO], Commerce shares its mission with "at least 71 Federal departments, agencies, and offices" while former Commerce Secretary Robert Mosbacher recently called the Department "nothing more than a hall closet where you throw in everything that you don't know what to do with."

Ironically, regulating interstate commerce isn't one of them. That's handled by the independent Interstate Commerce Commission, itself a target for elimination. Commerce is a bit player in international trade as well. At least 10 Federal agencies are charged with promoting U.S. exports, but only a fraction of the funding is directed to Commerce. The Agriculture Department receives three-fourths.

So what's left for Secretary Ron Brown, 263 political appointees, and the 36,000 bureaucrats who work for Commerce? Over half of the Department's $3.6 billion budget is consumed by the National Oceanic and Atmospheric Administration [NOAA]—the Nation's weather and ocean mapping service. Another $400 million funds the notorious Economic Development Administration [EDA], a traditional source of pork barrel spending on things like public docks and sewer systems. At one point in its history, 40 percent of the Administration's loans were in default, while economic assistance grants were distributed to such economically troubled areas as Key Biscayne, FL. Even when it is effective, the EDA duplicates the efforts of numerous other programs in other departments.

The Commerce Dismantling Act targets this waste and duplication. It transfers those functions that can be better served elsewhere, consolidates duplicative agencies, and eliminates the remaining unnecessary or wasteful programs. The terminations, transfers and consolidations are to be completed over a 36-month period under the direction of a temporary Commerce Programs Resolution Agency. According to preliminary Congressional Budget Office figures, the bill saves the American taxpayer $7.7 billion over 5 years. Let me quickly go through the bill.

While the activities of NOAA are only tangentially related to the promotion of commerce, it makes up over half of the Department of Commerce budget. The individual functions of this agency would be sent to more appropriate agencies or departments.

First, the enforcement functions of the National Marine Fisheries Service are transferred to the Coast Guard, while the scientific functions are transferred to the Fish and Wildlife Service. Seafood inspection is transferred to the Department of Agriculture, which already carries out most food inspection programs. The State fishery grants and commercial fisheries promotion activities are terminated.

Second, the geodesy functions of the National Ocean Service are transferred to the U.S. Geological Survey while coastal and water pollution research duplicated by the Environmental Protection Agency is terminated. Marine and estuarine sanctuary management would be transferred to the Interior Department, which already manages some fisheries. Nautical and aeronautical charting is privatized, as the private sector undertakes this activity already.

Third, the National Environmental Satellite, Data and Information Service's weather satellite of this agency are transferred to the National Weather Service to consolidate these functions which, in turn, is transferred to the Interior Department. The NESDIS data centers would be privatized.

Fourth, because many of its activities are duplicative of other Federal agencies or could be better served by the private sector, this office is terminated. The labs which could operate in the private sector will be sold and the remaining labs will be transferred to the Interior Department.

Finally, the NOAA Corps is terminated and its vessels sold to the private sector. Services can be obtained in the private sector and its fleet is in disrepair.

Another significant part of the Department of Commerce, the Economic Development Administration, is terminated under this legislation. The EDA provides grants and assistance to loosely defined "economically depressed" regions. EDA's functions are duplicated by numerous other Federal agencies including the Departments of Agriculture, HUD, and Interior, the Small Business Administration, the Tennessee Valley Authority and the Appalachian Regional Commission. The parochial nature of the program often targets EDA grants to locations with healthy economies which do not need Federal assistance. This bill terminates the EDA, transferring outstanding obligations to the Treasury Department for management or sale.

Although the Minority Business Development Administration has spent hundreds of millions on management assistance—not capital assistance—since 1971, the program has never been formally authorized by Congress. The MBDA's stated mission, to help minority-owned businesses get Government contracts, is duplicated by such agencies and programs as the Small Business Administration and its failed 8(a) loan program, and Small Business Development Centers, along with the private sector. The MBDA is terminated and its 98 field offices closed.

The U.S. Travel and Tourism Administration seeks to promote travel and tourism in the United States through trade fairs and other promotional activities. According to the Heritage Foundation, "the agency often works with private sector organizations, including the Travel Industry Association of America, to organize events such as the 'Discover America Pow Wow' or the 'Pow Wow Europe.' There is no justification for Federal involvement in such promotional activities of a commercial nature." Because functions such as these are already extensively addressed by States, localities, public sector organizations, and the private sector, the USTTA is immediately terminated.

The Technology Administration currently works with industry to promote the use and development of new technology. Because Government in general, and the Federal Government in particular, is poorly equipped to pick winners and losers in the marketplace—frequently allowing political criteria rather than market criteria determine the choice—this agency is terminated, including the Office of Technology Policy, Technology Commercialization, and Technology Evaluation and Assessment.

The Industrial Technology Service programs, including the Advanced Technology Program [ATP] and the Manufacturing Extension Partnerships, are terminated; these programs are often cited as prime examples of corporate welfare, wherein the Federal Government invests in applied research programs which should be conducted in the private sector.

The weights and measures functions of the National Institute for Standards and Technology would be transferred to the National Science Foundation. The National Technical Information Service, a clearinghouse for technical Government information, would be privatized.

The National Telecommunications and Information Administration, an advisory body on national telecommunications policy, would be terminated, including its grant programs. Federal spectrum management functions would be transferred to the Federal Communications Commission.

Providing for patents and trademarks is a constitutionally-mandated Government function. Our proposal would transfer this office to the Justice Department, requiring the PTO to be supported completely through fee collection.

The Bureau of the Census, another constitutionally-mandated function, is transferred to the Treasury Department. Select General Accounting Office recommendations for savings at the Bureau would be implemented. The Bureau of Economic Analysis is transferred to the Federal Reserve System to ensure the integrity of data. The superfluous ESA bureaucracy would be eliminated.

The Bureau of Export Administration is one of several agencies responsible for monitoring U.S. exports that may compromise national security. Because this function remains important to the country, this legislation would reassign these functions as follows.

The determination of export controls is transferred to the Department of Defense. The United States Trade Representative would advise the Defense Department in disputed cases. The Customs Service, which already has the staff, expertise, and facilities, would enforce the export licensing determined by the DOD.

While the Department of Commerce claims to be the lead in trade promotion, it actually plays a small part. Five percent of Commerce's budget is dedicated to trade promotion, and it comprises only 8 percent of total Federal spending on trade promotion. The International Trade Administration is the primary trade agency within the Department of Commerce. This bill makes the following changes.

The Import Administration is transferred to the Office of the United States Trade Representative. The USTR, which already plays a role in this area, would make determinations of unfair trade practices.

The U.S. and Foreign Commercial Service is transferred to the Office of the U.S. Trade Representative. The domestic component of USFCS is terminated, and the foreign component would be transferred to the Office of the U.S. Trade Representative, which already takes the lead in trade policy.

The International Economic Policy is also terminated and these functions would continue to be carried out by the USTR.

Finally, the Trade Development functions are terminated and replaced with a series of industry advisory boards, composed of representatives from the private sector to provide advice to policy makers, at no cost to the Federal Government.

Mr. President, the philosophy behind the Dole Task Force, and the underlying objectives of this bill, are based upon the same fundamental principles of limited and efficient government that the electorate overwhelmingly supported last November. It is a reasonable approach to restore some much needed fiscal sanity to our Federal Government; making it smaller, less costly, yet more efficient.

The new Republican Congress is committed to balancing the budget by the year 2002. While this commitment means we must do the heavy lifting of reducing the growth of Government, it also presents us an opportunity to establish a proper balance between States and the Federal Government that protects the vigor and diversity of our States and local communities. Only by recognizing the limits of the Federal Government can we restore the vitality that breeds character, innovation, and a sense of community.

This bill represents the first step in the process of achieving that goal. It conforms with both the Senate and House-passed budgets and it has the support of leadership in both House and the Senate. I encourage my colleagues to support it as well.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL TAXPAYERS UNION,
June 14, 1995.

HON. SPENCER ABRAHAM,
U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR ABRAHAM: National Taxpayers Union is pleased to endorse the "Commerce Department Dismantling Act of 1995," as proposed by you and Congressman Dick Chrysler. Your excellent proposal will streamline the federal government and provide significant savings for America's taxpayers.

The terminations, transfers and consolidations provided in your proposed legislation would be completed over a thirty-six month period. The "Abraham/Chrysler Act" would save $7.765 billion over five years.

The General Accounting Office has reported that the Commerce Department "faces the most complex web of divided authorities," sharing its "missions with at least 71 federal departments, agencies, and offices." Your bill will finally end this wasteful duplication.

Again, NTU is pleased to endorse the "Abraham/Chrysler Commerce Department Dismantling Act of 1995." We urge your colleagues to join you in this effort.

Sincerely,

DAVID KEATING,
Executive Vice President.

BUSINESS LEADERSHIP COUNCIL,
Washington, DC, June 9, 1995.

Hon. SPENCER ABRAHAM,
U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR ABRAHAM: The Business Leadership Council, a newly-formed business association of entrepreneurial business leaders who are committed to working to limit the size of government and to expand global economic growth, strongly endorses the Abraham-Chrysler Commerce Department Dismantling Act of 1995.

BLC represents businesses of all types and sizes who want what is best for America, rather than a perk or subsidy that may be best in the narrow, short-term, self-interest of their individual business. Its members are willing to take bold, principled positions and are not afraid to confront the status quo. They recognize that, although some of their businesses may benefit from particular Commerce Department programs, it is clear America is better off saving the money, reducing subsidies, and eliminating unnecessary regulations.

For that reason, we enthusiastically support the dismantling of corporate welfare, whose voice in the cabinet has been the Commerce Department. The old established business groups fear the wrath of their members who enjoy corporate pork and therefore will not take a stand on this controversial issue. BLC, on the other hand, applauds your efforts to abolish unnecessary, duplicative, wasteful programs and save the taxpayers $7.8 billion over the next five years. In these times, when Congress is endeavoring to balance the budget and reduce the size and scope of the federal government, the business community must do its part.

Sincerely,

THOMAS L. PHILLIPS,
Chairman of the Board of Governors.

AMERICANS FOR TAX REFORM,
Washington, DC, June 14, 1995.

Hon. SPENCER ABRAHAM,
U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR ABRAHAM: Americans for Tax Reform, a 60,000 member coalition of individuals, taxpayer groups and businesses concerned with federal tax policy and spending reduction, enthusiastically endorses the Abraham-Chrysler Commerce Department Dismantling Act of 1995.

The Commerce Department is a classic example of wasteful government spending run amok. Its own Inspector General referred to it as "a loose collection of more than 100 programs." If we are ever to balance the budget, rein in federal spending and allow Americans to keep more of their hard-earned dollars, unnecessary departments must be eliminated. The Commerce Department is such a department.

We are impressed by the four principles used in drafting the legislation: terminating unnecessary or wasteful programs, consolidating programs duplicated by other departments or agencies, transferring programs that serve a valid purpose to other agencies, and privatizing programs better performed outside the government. If all federal agencies were scrutinized in this fashion, we would be well on our way toward the smaller and more efficient government that Americans are demanding. Indeed, your legislation alone would allow budget savings of almost $7.8 billion over five years, according to estimates by the Congressional Budget Office. That's $7.8 billion more for hard-working Americans to keep for themselves.

Certainly there will be howls of outrage from special interests which gain some advantage from a pet program. But for too long, Washington has ignored the concerns of the most important national interest: the American taxpayer. That era has come to an end. Americans have signalled that they have had enough of endless government taxing and spending. The Commerce Department Dismantling Act of 1995 begins the scaling back of the overgrown federal government. Americans for Tax Reform fully supports this important legislation.

Sincerely,

GROVER G. NORQUIST,
President.

SMALL BUSINESS SURVIVAL COMMITTEE,
Washington, DC., June 7, 1995.

Hon. SPENCER ABRAHAM,
U.S. Senate, Washington, DC.

DEAR SENATOR ABRAHAM: Every so often, a piece of legislation crosses my desk that the Small Business Survival Committee (SBSC) can support without any reservations. "The Commerce Department Dismantling Act of 1995" is such a legislative act.

First, let me compliment you on your four straightforward principles for evaluating the Commerce Department. They should serve as a guide for reviewing every federal government department:

Terminating unnecessary and wasteful programs;

Consolidating programs duplicative of other departments or agencies;

Transferring valid programs to more appropriate agencies; and

Privatizing programs which can be better performed in the private sector.

Federal government spending has been out of control for decades. The Commerce Department, with its myriad unnecessary and duplicative programs, serves as one of the most glaring examples of wasting taxpayer dollars. The elimination of the Department of Commerce will send a loud and clear message to the American people—business-as-usual, big-government politics is finished. Indeed, eliminating the Commerce Department would be an historic step toward bringing some sanity back to the federal government, while saving U.S. taxpayers an estimated $7.8 billion over five years.

"The Commerce Department Dismantling Act of 1995" offers a sound plan for eliminating programs within the Commerce Department that government should not be undertaking in the first place (e.g., the United States Travel & Tourism Administration); for moving programs to more appropriate areas of the federal government (e.g., the Bureau of the Census and the Bureau of Economic Analysis); or for privatizing programs (e.g., the National Technical Information Service).

Naturally, every federal department or program has a vocal special interest attached to it. The Commerce Department is no different. Indeed, a small part of the business community likely will oppose the termination of the Commerce Department. Please rest assured that any business voices raised in support of the Commerce Department will be a very small minority. America's entrepreneurs have little use, if any, for the U.S. Department of Commerce.

The best agenda for entrepreneurs, business and the economy is clear: deregulation, tax reduction, and smaller government. Eliminating the Department of Commerce has the full support of SBSC and our more than 40,000 small business members. The time has come to rein in federal government spending, and the Department of Commerce is a fine place to start.

Sincerely,

KAREN KERRIGAN,
President.

S. 929

Mr. GRAMM. Mr. President, I am proud to be an original cosponsor of the Commerce Department Dismantling Act of 1995. I want to compliment Senator ABRAHAM and Senator FAIRCLOTH for their hard work in producing this legislation, and I look forward to working with them as this legislation is considered in committee and the Senate. The Commerce Department is the only Cabinet-level agency terminated in the Senate budget resolution, and it is important that we keep our promise to the American people to put the Federal Government on a budget, say no to more Federal spending, and allow American families to keep more of what they earn.

Mr. President, I do have concerns about some specific transfers of Commerce authority to other Departments and feel that, with further study, we can find a more appropriate destination for those functions that are retained. Nevertheless, I am strongly supportive of our effort to eliminate the Commerce Department, and will work with my colleagues to strengthen the bill we are introducing today.

By Mr. PRESSLER (for himself, Mr. DASCHLE, Mr. GRASSLEY, Mr. HARKIN, and Mr. WELLSTONE):

S. 931. A bill to authorize the construction of the Lewis and Clark Rural Water System and to authorize assistance to the Lewis and Clark Rural Water System, Inc., a nonprofit corporation, for the planning and construction of the water supply system, and for other purposes; to the Committee on Energy and Natural Resources.

THE LEWIS AND CLARK RURAL WATER SYSTEM ACT OF 1995

Mr. PRESSLER. Mr. President, today I am introducing legislation that authorizes construction of the Lewis and Clark Rural Water System. This system, when complete, will provide much needed, safe drinking water for hundreds of communities in southeastern South Dakota, northwestern Iowa, and southwestern Minnesota.

Joining me in introducing this legislation are Senators DASCHLE, GRASSLEY, HARKIN, and WELLSTONE.

Mr. President, this is the second year I have introduced legislation to authorize this water project. I am proud of the citizens of South Dakota who have worked extremely hard on this project. They are to be commended. Nothing is more important to the health of the South Dakota ranchers, farmers, and people living in towns and cities than the availability of safe drinking water. The bill I am introducing today will achieve that goal.

Since first coming to Congress, I have continually fought for the development of South Dakota water projects. In return for the sacrifices South Dakota made for the construction of the dams and reservoirs along the Missouri River, the Federal Government made a commitment to South Dakota. That commitment was to support water development in my State. This water project, in part, helps to meet that commitment.

In this day of fiscal austerity, only projects of the greatest public benefit can be brought forward. The Lewis and Clark Rural Water System is the only feasible means of ensuring that future supplies of good quality water will be available well into the next century. The Lewis and Clark Rural Water System will provide a supplemental supply of drinking water that is expected to serve over 180,500 people.

Mr. President, water development is a health issue, economic development issue, and a rural development issue. The ability of rural America to survive and grow is intrinsically related to its ability to provide adequate supplies of safe drinking water. Without a reliable supply of water, these areas cannot attract new businesses and cannot create jobs. The creation of jobs is a paramount issue to a rural State such as South Dakota. The Lewis and Clark Rural Water System will help assure job growth in the areas to be served.

It is extremely difficult for rural communities and residents to maintain a healthy standard of living if they do not have access to good quality drinking water.

I urge my colleagues to take a close look at this legislation. We would greatly appreciate their support for it.

Mr. DASCHLE. Mr. President, I join my colleague, Senator PRESSLER, in introducing legislation to authorize the Lewis and Clark Rural Water System. The Lewis and Clark Rural Water System is seeking authorization for the construction of a rural water system to provide clean water to southeastern South Dakota, northwest Iowa, and southwest Minnesota.

The need for this project is clear. In Sioux Falls, and in the rural counties that rely on Sioux Falls as a center of economic growth, we are now face-to-face with water shortages. Population growth is outstripping existing supplies of clean water.

Despite heroic efforts by the city of Sioux Falls to conserve water, supplies are not keeping up with demand. Sioux Falls has imposed water restrictions every year since 1987. Water rights for the Big Sioux aquifer, which supplies water to Sioux Falls, have been committed. Therefore, Sioux Falls has been forced to explore other long-term options. Similar problems exist in the nearby rural counties in southeastern South Dakota, Iowa and Minnesota, areas where water use restrictions are not uncommon. Unless the water supply problem is resolved, it could affect the long-term growth and development of the city.

Not only are there shortages of water, but much of the water that currently supplies the area is contaminated with high levels of iron, manganese, sulfate, and total dissolved solids. In many cases, drinking water is at or above EPA limits, leading to concern over public health in those areas.

There is a solution; the people of this region can tap the enormous resources of the Missouri River to provide long-term public health and economic development benefits. But they cannot do this alone. It will require a partnership between local, State, and Federal governments.

With the Missouri River carrying billions of gallons of water by this area each year, I am reminded of the ironic line "water, water everywhere, but not a drop to drink." With the construction of the Lewis and Clark system to convey Missouri River water to the people of this region, that irony will cease. Impacts of this project on the flow of the Missouri River will be negligible. Nearly all the water would be returned to the Missouri River via the James, Vermillion, Big Sioux, Little Sioux, Rock, and Floyd Rivers.

In conclusion, there is a strong need for this project throughout the three-State area. The water supply shortages, the poor water quality, and the need to allow this region to grow economically, all demand that a solution be found that allows the people of this region access to clean, safe drinking water. The Lewis and Clark project is a sensible and timely answer to those needs. I encourage my colleagues to lend their support to this project in hopes that Congress will authorize its construction in the near future.

By Mr. JEFFORDS (for himself, Mr. KENNEDY, Mr. CHAFEE, Mr. AKAKA, Mr. BINGAMAN, Mrs. BOXER, Mr. BRADLEY, Mr. DODD, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GLENN, Mr. HARKIN, Mr. INOUYE, Mr. KERREY, Mr. KERRY, Mr. KOHL, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Ms. MIKULSKI, Ms. MOSELEY-BRAUN, Mr. MOYNIHAN, Mrs. MURRAY, Mr. PACKWOOD, Mr. PELL, Mr. ROBB, Mr. SARBANES, Mr. SIMON, and Mr. WELLSTONE):

S. 932. A bill to prohibit employment discrimination on the basis of sexual orientation; to the Committee on Labor and Human Resources.

THE EMPLOYMENT NON-DISCRIMINATION ACT OF 1995

Mr. JEFFORDS. Mr. President, today I am pleased to introduce the Employment Non-Discrimination Act of 1995. I am joined in doing so by nearly one-third of the Members of the Senate.

In my view, Mr. President, this bill is perhaps the most important civil rights legislation to come before Congress this year. I am honored to be a principal sponsor of the legislation in the Senate.

The legislation extends to sexual orientation the same federal employment discrimination protections established for race, religion, gender, national origin, age, and disability. The time has come to extend this type of protection to the only group—millions of Americans—still subjected to legal discrimination on the job.

The principles of equality and opportunity must apply to all Americans. Success at work should be directly related to one's ability to do the job, period. People who work hard and perform well should not be kept from leading productive and responsible lives—from paying their taxes, meeting their mortgage payments and otherwise contributing to the economic life of the nation—because of irrational, non-work-related prejudice.

Mr. President: As a 61-year-old white male who grew up in a rural area, I fully understand how one could feel prejudice. I was not immune to it myself. However, through education and understanding, we must overcome such prejudice, as individuals and as a nation.

When this issue has been raised in the states, the debate has often turned on the phrase "special rights." This bill does not create any "special rights." Rather, it simply protects a right that should belong to every American, the right to be free from discrimination at work because of personal characteristics unrelated to successful performance on the job.

I'm proud to say that my home state of Vermont is one of several states that have enacted sexual orientation discrimination laws. It is no surprise, Mr. President, that the sky has not fallen. I am not aware of a single complaint from Vermont employers about the enforcement of the state law. However, I do know that thousands of Vermonters no longer need to live and work in the shadows.

My little state of Vermont was the first to abolish slavery, the first to answer Lincoln's call to arms, and the only state I know of with the audacity to declare war on Germany before Pearl Harbor. Once again, I think it is time for the federal government to follow the lead of Vermont, and the other states and cities across the country that have declared war on this, the final front of discrimination. The bill we introduce today takes important steps in that direction. I look forward to the day when we can see it signed into law.

Mr. President, I ask unanimous consent that a summary of the bill be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SUMMARY—EMPLOYMENT NON-DISCRIMINATION ACT OF 1995

The Employment Non-Discrimination Act of 1995 (ENDA) extends federal employment discrimination protections currently provided based on race, religion, gender, national origin, age and disability to sexual orientation. Thus, ENDA will ensure fair employment practices—not special rights—for lesbians, gay men and bisexuals.

ENDA prohibits employers, employment agencies, and labor unions from using an individual's sexual orientation as the basis for employment decisions, such as hiring, firing, promotion, or compensation.

Under ENDA, covered entities cannot subject an individual to different standards or treatment based on that individual's sexual orientation, or discriminate against an individual based on the sexual orientation of those with whom the individual associates.

The "disparate impact" claim available under Title VII of the Civil Rights Act of 1964 (Title VII) is not available under ENDA. Therefore, an employer is not required to justify a neutral practice that may have a statistically disparate impact based on sexual orientation.

ENDA exempts small businesses, as do existing civil rights statutes, and does not apply to employers with fewer than fifteen employees.

ENDA exempts religious organizations, including educational institutions substantially controlled or supported by religious organizations.

ENDA prohibits preferential treatment, including quotas, based on sexual orientation.

ENDA does not require an employer to provide benefits for the same-sex partner of an employee.

ENDA does not apply to the uniformed members of the armed forces and thus does not affect the current law on lesbians and gay men in the military.

ENDA provides for the same remedies (injunctive relief and damages) as are permitted under Title VII and the Americans with Disabilities Act (ADA).

ENDA applies to Congress, with the same remedies as provided by the Congressional Accountability Act of 1995.

ENDA is not retroactive.

Mr. KENNEDY. Mr. President, from the beginning, civil rights has been the great unfinished business of America—and it still is. In the past thirty years, this nation has made significant progress in removing the burden of bigotry from our land. This ongoing bipartisan peaceful revolution of civil rights is one of the great hallmarks of our democracy and an enduring tribute to the remarkable resilience of the nation's founding principles.

Federal law now rightly prohibits job discrimination on the basis of race, gender, religion, national origin, age, and disability. Establishing these essential protections was not easy or quick. But they have stood the test of time—and they have made us a better and a stronger nation.

Today, we seek to take the next step on this journey of justice by banning discrimination based on sexual orientation.

The Employment Non-Discrimination Act is a significant step in that direction. The Act parallels the protections against job discrimination already provided under Title VII of the Civil Rights Act. It prohibits the discriminatory use an individual's sexual orientation as the basis for decisions on hiring, firing, promotion, or compensation. This kind of prohibition on job discrimination is well-established in the civil rights laws and can be easily applied to sexual orientation.

Our bill is not about granting special rights—it is about righting senseless wrongs. Its goal—plain and simple—is to eliminate job discrimination against fellow Americans. It does not allow for disparate impact claims, it prohibits quotas, it does not require domestic partners benefits, and it does not apply to the armed forces.

What it does require is basic fairness for gay men and lesbians, who deserve to be judged in their job settings—like all other Americans—by their ability to do the work.

Today, job discrimination on the basis of sexual orientation is too often a fact of life. From corporate suites to plant floors, qualified employees live in fear of losing their livelihood for reasons that have nothing to do with their skills or their job performance. Yet in 42 states a person can be fired—just for being gay.

This bill is not about statistics. It is about real Americans whose lives are being shattered and whose potential is being wasted. They are American heroes who paid dearly for being true to themselves as they pursued their professions. They performed well and were rewarded by being fired or brutally beaten. For them, ability didn't count—bigotry did.

That kind of vicious discrimination happens every day, in communities across America. The price of this prejudice, in both human and economic terms, is unacceptable. It is time for Congress to take a stand against it.

Job discrimination is not only un-American—it is counterproductive. It excludes qualified individuals, lowers workforce productivity, and hurts us all. For the nation to compete effectively in a global economy, we have to use all our available talent, and create a workplace environment where everyone can excel.

This view is shared by many leaders in labor and management. They understand that ending discrimination based on sexual orientation is good for workers, good for business, good for the economy, and good for the country.

In the absence of federal action, many state and local governments have acted responsibly to prohibit job discrimination based on sexual orientation. Over a hundred mayors and governors, Republicans and Democrats, have signed laws and issued orders protecting gay and lesbian employees. It is time for the federal government to make this protection nationwide.

We know we cannot change attitudes overnight. But the great lesson of American history is that changes in the law are an essential step in breaking down barriers of bigotry, exposing prejudice for what it is, and building a strong and fair nation.

I am honored to join my colleagues in introducing the Employment Non-Discrimination Act of 1995. This bipartisan legislation has the support of a broad bipartisan coalition that includes Coretta Scott King and Barry Goldwater—the conscience of civil rights and the conscience of conservatives.

Today's action brings us one step closer to the ideals of liberty. Our case is strong, our cause is just, and we intend to prevail.

I urge the Senate to support this essential effort.

By Mr. SIMON:

S. 933. A bill to amend the Public Health Service Act to ensure that affordable, comprehensive, high quality health care coverage is available through the establishment of State-based programs for children and for all uninsured pregnant women, and to facilitate access to health services, strengthen public health functions, enhance health-related research, and support other activities that improve the health of mothers and children, and for other purposes; to the Committee on Labor and Human Resources.

HEALTHY MOTHERS, HEALTHY CHILDREN ACT OF 1995

Mr. SIMON. Mr. President, we have a serious problem in health care. We have almost 41 million now who do not have health care coverage.

As the Presiding Officer knows, because he has now been designated to lead the effort for the Republican Party, and he and I last year had some discussions about what kind of a practical compromise could be made.

This is a compromise. I would love to have universal coverage for everyone. This is a practical compromise that says "Let's protect pregnant women and children 6 and under." It provides affordable, comprehensive, quality private health care coverage for these groups.

The health of America's mothers and children is simply unacceptable. The U.S. is No. 1 in wealth; we are 22d in infant mortality; we are 18th in maternal mortality.

Mr. President, 24 percent of the children of our country live in poverty. No other Western industrialized nation has anything like these figures. Many developing countries have much more coverage in terms of immunization.

Mongolia is a country I have had a chance to visit. Very few Americans visit Mongolia. It is really remote. Talk about developing nations that have problems, and yet they have a higher percentage of their children immunized than we do.

Mr. President, 22 percent of pregnant women do not have prenatal care in the first trimester. Uninsured children of the United States today, 11.1 million, or 1 out of 6, and it is getting worse.

What is going to happen, whether the Clinton bill passes in terms of the budget or the Republican budget passes—and obviously it is more likely to be the Republican budget—what if the distinguished junior Senator from Utah were a hospital administrator and the amount you get for coverage for Medicare and Medicaid goes down, what happens is you shift the burden to the nonMedicaid/nonMedicare patient and health insurance premiums go up? As health insurance premiums go up, the percentage of employers providing insurance will go down.

The estimate is the year 2002, somewhere between 17 million and 20 million children will not be covered.

Incidentally, I would love to have a bill that covers all children, covers 18 and under. But I know, realistically, that does not have a chance of passage.

But if we were to say let us at least cover pregnant women and children 6 and under, of the 1.1 million net increase in uninsured persons from 1992 to 1993, 84 percent, 922,000, were children. That is the increase for children. That is the increase for adults. Obviously, we are talking about the future of our Nation when we talk about the children.

Guiding principles of this act, the Healthy Mothers, Healthy Children Act? Coverage is independent of family income, employment, or health status. Everyone can get insurance.

This is a single-tier health care system for everyone.

Coverage is affordable for all families. We have some flexibility here. Health services are comprehensive. And we ensure quality.

Eligibility? All children under the age of 7 and pregnant women; replaces Medicaid for those groups. The States save money and the Federal Government would save money. And it calls for a report on possible future expansion.

Enrollment? There would be a national open enrollment month; plus, if you go to the hospital, if you go to a physician, if you are not enrolled, you can enroll at that point. It is administratively simple. Plans must accept any eligible person, no preexisting conditions. And within the State, you would have competition among the insurers so we keep the rates down.

Cost sharing is part of it. Our friends in Canada say they made a great mistake in not having all people contribute something. There is overutilization of the system when you do not have everyone contributing something. So we have all families contributing. Families receive premium subsidies ranging from 99 percent to 5 percent, depending on income. And there is a cap because even a family of upper income, if you have a devastating kind of an illness—we just heard Senator CHAFEE talk about someone who had a $3 million medical bill.

State flexibility and accountability—States and plans are given maximum flexibility; States develop and administer the program; States and Federal Government and health plans are accountable for meeting certain objectives.

There is a matching rate. The Federal matching rate is more generous than Medicaid. The national average would be 80 percent. That means very substantial savings for Illinois, for Utah, and for the other States. The maximum matching rate would be 90 percent.

Comprehensive health care services, and there are some limits here, let me just say, because—which I will outline in a minute. Preventive health, ambulatory care, laboratory services, prescription drugs, hospital, and in-home services, mental health services, dental and vision care—this is an example where there are limitations. We do not cover orthodontia services. We do not cover cosmetic surgery. There are obviously limitations that have to be here.

Long-term health care for children with disabilities and chronic health conditions, durable medical equipment, allied health services. Here is the way it would work. A family of four at 250 percent of poverty, that is $37,000 with one child under 7, the mother is pregnant, the father works in a small business, with no dependent health care coverage, they would have the option to enroll into this plan. They would receive comprehensive coverage for the mother and the child—not for the father, not for any children over the age of 6. With their income, they would receive a 40 percent premium subsidy. In other words, they would have to pay 60 percent of the costs and they would pay a maximum, during the course of the year, of $1,830 per year. Then, if their costs exceed that $1,830, the Federal Government would pay.

Here is a lower-income family, a family of four at 100 percent of poverty, $15,000 with two children under 7, a single parent who works part time and is covered by Medicaid. Both children are automatically enrolled. Everyone who is on Medicaid is automatically enrolled into the Healthy Mothers, Healthy Children Act. The parent remains in Medicaid also, but we do not cover that parent. The Medicaid Program continues as is for that parent. They would have a choice of provider, get quality services, and coordination of care improves. They would receive a 90-percent subsidy. In other words, if they have a problem, they would have to pay 10 percent, even a poor family. So we do not have overutilization. But they would pay a maximum of $80 per year. For a family that is on the poverty level or below, that is still a sizable amount of money but it is a restraining factor. But then the Federal Government picks the tab up after that.

An upper-income family, a family of four, at 500 percent of poverty, $75,000, with two children under 7, one parent works for a large company and has a health plan through the employer but no coverage for preexisting conditions. They have the option of staying with the company plan or enrolling in this plan. They receive complete coverage, including preexisting conditions. They receive only a 5 percent premium subsidy. They would have to pay 95 percent. Obviously, at $75,000 a year, they can afford that.

But they can pay a maximum of $6,000 per child for a year. So if you have a child who is a diabetic, who has a serious problem—if you have the kind of problem that Senator CHAFEE just mentioned, with somebody who had a $3 million expenditure—that would be covered.

Financing sources? Medicaid funds, that we have right now. Here is the tough one. We increase the tax on a package of cigarettes by $1.50. There is no question that is going to be tough. Some of our colleagues are going to resist it strongly. I add, even if we were not providing any benefits for anybody, we would have a healthier America if we increase the tax on cigarettes $1.50 per pack. Young people, particularly, like these pages—if I may pick on them here—they are very price sensitive. That really would make a difference.

The State has to match. They will not have to match as much as they have been. The States would save some money; some employers would save some money. The family has to contribute. I think that is proper. There would be savings from elimination and reduction of duplicative programs.

In controlling costs, they are controlled by market competition. They have to bid within the State. Premium subsidies are based on the lowest-priced plan. Obviously, quality has to be there. The funding increases to States limited to the national rate of inflation.

If, for example, in Utah you have a plan and it increases the cost 20 percent while the national average is 5 percent, we say to Utah: Sorry, you can only have a 5-percent increase. So there is that limitation.

Specific options for reducing program costs to ensure financial integrity of the program.

Then, finally, a quote from this radical by the name of Herbert Hoover. Herbert Hoover said:

> The greatness of any nation, its freedom from poverty and crime, its aspirations and ideals are the direct quotient of the care of its children.
>
> There should be no child in America that is not born and does not live under sound conditions of health.

That is not the case today. We ought to make Herbert Hoover's dream for America a reality.

So I have this bill. I think it is appropriate that the two Members on the Republican side who are here right now are Senator BENNETT and Senator CHAFEE. Senator CHAFEE provided excellent leadership last session. We were not able to put the package together. Senator BENNETT now has that mantle on the Republican side.

We ought to do something. My proposal is let us provide coverage for pregnant women and children 6 and under. That would be a great initial step for the future of our country, and would protect 11 million children in our country today. I hope we take a look at this. At some point, whether the Finance Committee approves this idea or not, I am going to offer it as an amendment on the floor so we get a vote on it.

My instinct is you have to be pretty hardhearted to vote against coverage for pregnant women and children 6 and under. I think this might be politically acceptable. I certainly know the American people would favor it.

So I am introducing this bill today. I hope we will consider it. I commend it to my colleagues who have done more work in the health care field on the other side of the aisle than any others—Senator CHAFEE and Senator BENNETT.

The purpose of this act is to ensure that affordable, comprehensive, high quality private health care coverage is available through State-based programs for all children, initially for those under seven, and for all uninsured pregnant women.

Mr. President, friends, yesterday was Flag Day. A day for all Americans to reflect upon our country, where we've been and where we are heading. When I think about the future of this country, I realize that the future is already here—in our children. What should be our national direction? Let me share with you my vision for our children. I suggest that we move towards a society where every child at least has adequate health care, receives a good education, lives in a caring family, and grows up in a safe community.

THE POOR HEALTH OF AMERICA'S MOTHERS AND CHILDREN

How are we doing in fulfilling that vision? My friends, I have to tell you that we as a country are failing to properly care for our children. We are the wealthiest Nation in the world. But if our wealth was measured by the health status of mothers and children, we fall well behind the other major industrialized nations. Despite the highest per capita spending on health care of any country, we currently rank 22d in infant mortality and 18th in maternal mortality. Approximately 24 percent of all our children live in poverty. Many developing countries including Albania, Malawi, Mongolia, and Turkmenistan, have higher childhood immunization rates than we do. In addition, approximately 22 percent of mothers did not receive prenatal care in the first trimester. We can do better.

LACK OF HEALTH INSURANCE AMONG CHILDREN AND PREGNANT WOMEN IS INCREASING

What about health care coverage? Unfortunately, the lack of insurance among children and pregnant women is unacceptable and is getting worse. A recent report by the Employee Benefit Research Institute shows that between 1992 and 1993, the number of uninsured people increased by 1.1 million or 17.8 percent to 40.9 million. The most alarming finding is that children accounted for the largest proportion of the net increase in the number of the uninsured: Of the 1.1 million net increase between 1992 and 1993, 922,500 or 84 percent, were children under 18.

In 1993, 11.1 million or one of every six children did not have health insurance or publicly-financed health care, up from 10.2 million or 15 percent in 1992. Despite recent expansions in Medicaid, 22 percent of all poor children were uninsured, and approximately 500,000 pregnant women did not have health insurance in 1992.

In addition, if this Congress significantly reduces the Medicaid budget as proposed under the current Senate and House budget resolutions, it is estimated that between five and seven million children in addition to the 12.6 million children already projected to be uninsured under the current health care system, will not have health coverage by the year 2002.

It is important to note that lack of health insurance is not solely a problem of poverty. A large proportion of children in middle class families are uninsured. For example, among children in families with incomes between 100 and 199 percent of poverty, 25 percent are uninsured. And among children in families with incomes between 200 and 399 percent of poverty, 12 percent lack insurance.

My friends, we can do better. We must do better.

INVESTING IN THE HEALTH OF MOTHERS AND CHILDREN

Given the state of the Federal deficit, some of you may question whether the Government should be expanding health coverage for children. You may ask, "Is this a proper role for government?"

I think the words of Abraham Lincoln are helpful. He said: "The legitimate object of government, is to do for a community of people, whatever they need to have done, but cannot do, at all, or cannot, so well do, for themselves—in their separate, and individual capacities." Children do not have the capacity to ensure their health. Yes, families have primary responsibility for ensuring that their children receive medically necessary care. The Government's role is to ensure that health coverage is accessible and affordable for all. It is clear that the private sector has been unable to accomplish this goal.

There are more reasons why we should invest in our children's health. Investing in health services for children substantially increases their potential to be productive members of society and averts more serious or more expensive conditions later in life. Similarly, ensuring that all pregnant women receive adequate prenatal care is cost saving to society. Ensuring coverage for children is also relatively inexpensive: In 1993, the Medicaid program spent an average of $1,012 per child compared to $8,220 per elderly adult.

Therefore, if the question to me is "Can we afford to invest in the health of our children?," I reply by asking you, "How can we afford not to?"

GUIDING PRINCIPLES FOR THE HEALTHY MOTHERS, HEALTHY CHILDREN ACT

In developing the Healthy Mothers, Healthy Children Act, I considered 10 fundamental guiding principles that I believe should be the basis for any national health care program for children and pregnant women. They are:

First, coverage is independent of family income, employment, or health status;

Second, there is a single-tier health care system;

Third, coverage is affordable for all families;

Fourth, health services are comprehensive;

Fifth, ensuring quality is a primary goal;

Sixth, everyone shares responsibility for mothers and children;

Seventh, health, not just health care, is emphasized;

Eighth, States and health plans have maximum flexibility and accountability;

Ninth, administrative costs and complexity are minimized; and

Tenth, program costs and fraud and abuse are controlled.

SUMMARY OF THE HEALTHY MOTHERS, HEALTHY CHILDREN ACT

Let me summarize the legislation I am introducing:

A national trust fund is established to support state-based programs that involve private health plans. Participation is voluntary for states, health plans, and families.

All children under age seven are eligible, regardless of family income, employment, or insurance status. Pregnant women without employer-based coverage are eligible. Medicaid-eligible children and pregnant women are brought into the program to enhance their choice of providers and to avert a multi-tier health care system. There is no impact on the Medicaid program for nonparticipating States for noneligible children seven years of age and older. Every 2 years, if sufficient funds are available and the public is supportive of the program, the Secretary will increase eligibility to older children on a national basis. A State that has achieved universal coverage for children under seven in their State can extend coverage to older children before such children are eligible on a national basis.

In my legislation, children are enrolled during a national open enrollment period. States ensure that the enrollment process is simple and is not a barrier to care. Participating plans must accept any eligible person who wishes to enroll and cannot deny coverage for pre-existing conditions or any other reason.

All families contribute according to their ability to pay and receive a premium subsidy, ranging from 99 percent to 5 percent, based on a sliding scale of income. There is a cap on annual family medical expenses and a required $5 copayment for most services, except for preventive services.

The legislation is based on a management by objectives approach: States and health plans are given maximum flexibility to determine how they will meet program objectives, but are also fully accountable for results. States develop and administer the program, and are evaluated on an annual basis regarding their progress in achieving program objectives.

State funds are matched by Federal funds at a rate based on the State per capita income that is more generous than the State's current Medicaid matching rate. The average Federal matching rate for all States is 80 percent with a maximum matching rate of 90 percent.

Health services in the Healthy Mothers, Healthy Children Act are provided by private health plans. States certify health plans and negotiate premium rates with all interested plans. Participating plans compete to deliver the highest quality care at the lowest price. There are a series of standards to prevent adverse selection and discrimination, ensure access to primary and specialty care, and ensure that all participating plans compete on a "level playing field." The program encourages innovation by existing plans and formation of new health plans.

All participating health plans must provide a comprehensive package of services.

The services will be specified by the Secretary and health professional groups. In general, services include: preventive health, ambulatory care, laboratory services, prescription drugs, hospital and in-home services, mental health services, dental and vision care, long-term health care for children with disabilities and chronic health conditions, durable medical equipment, and allied health services.

Because I believe that we must emphasize quality and accountability, the bill includes a series of standards to ensure quality at the health plan, State, and Federal levels. National guidelines for quality assessment and improvement, utilization review, and other programs are developed in consultation with private health plans and other nongovernmental organizations. All participating States must have a program for preventing, monitoring, and controlling fraud and abuse. As a check and balance, nongovernment advisory council provides program oversight and advises the Secretary on program administration and modifications. A national maternal and child health information system and a national childhood immunization database are established to monitor program quality and to increase childhood immunization rates.

How would employers be affected by this bill? Experience from the last Congress demonstrates that the issue of the role of employers in health care reform is extremely difficult to resolve. I propose that employers who drop coverage of employee-dependent children as a result of this Act must pay a temporary (5-year) annual maintenance of effort fee equivalent to 50 percent of health coverage costs for their employees' children. To discourage dropping of coverage, families whose coverage is dropped by their employers are not eligible for the program for 6 months.

In my legislation, there is a strong emphasis on prevention. Up to 5 percent of trust monies can be used to fund activities by States and nonprofit organizations to improve the health of mothers and children. Eligible activities include: supporting school-based clinics, increasing the use of telecommunications and computer technology to increase health care access, supporting biomedical and health-related research, enhancing core public health functions, and supporting health promotion and disease prevention activities. To minimize duplicative programs, existing Federal and State maternal and child health programs are integrated and coordinated under the bill.

Controlling health care costs is crucial. Therefore, I have several mechanisms designed to control costs in the program. Costs are controlled by market competition and delivery of care primarily through management care plans. Because premium subsidies for families are based on the lowest priced plan in an area, plans have an incentive to control costs. Because annual funding increases to the States are limited to the average increase in medical care costs for children and pregnant women on a national basis, states have an incentive to control program costs. There are also mechanisms in the bill that allow the Secretary to reduce program costs or request additional funds as necessary to ensure the financial integrity of the program. I am asking the Congressional Budget Office to score the bill.

How will we pay for the program? Funding sources for my legislation include shifting of Federal Medicaid funds for targeted groups, increase in Federal excise taxes on cigarettes of $1.50/pack, state matching funds, partial premiums from families, savings from elimination/reduction of duplicative Federal and State programs, and charitable contributions.

Perhaps I can best summarize my legislation by illustrating how it affects different families.

First, let's take the example of a middle class family of four at 250 percent of poverty with one child under seven, a pregnant mother, and a father who works in a small business that does not offer dependent coverage. In this situation, the mother and child may be enrolled into the Healthy

Mothers, Healthy Children Program. They would receive comprehensive health care coverage and 40 percent of the cost would be subsidized. The family would pay a maximum of $1,830 per year for total medical expenses for the mother and child.

Now let's look at a lower income, single parent family at 100 percent of poverty with two children under 7, the parent works part time and the family is covered by Medicaid. In this case, the children would be automatically enrolled into the Healthy Mother, Healthy Children program. Under this program, the choice of provider, quality of care, and coordination of care would improve. Ninety percent of the cost of the coverage would be subsidized, and the family would pay a maximum of $80 per year for total medical expenses for both children.

Finally, what about higher income families? Let's consider a family at 500 percent of poverty with two children under 7, one parent works in a large company that provides family coverage but does not cover the children's preexisting conditions. This family may elect to stay with their coverage or enroll their children into the Healthy Mothers, healthy Children program. The children would receive comprehensive health coverage including for preexisting conditions. The family would also receive a 5 percent premium subsidy, and pay a maximum of $6,000 per year for total medical expenses for the mother and child.

TOWARD A HEALTHY FUTURE FOR OUR NATION

Mr. President, I am introducing this bill today as a starting point for discussions towards a bipartisan bill to ensure that the most vulnerable members of our society have a chance to lead productive lives regardless of the circumstances of their birth. I urge all of my colleagues who are concerned with our Nation's future to join me and further develop my proposal.

As Congress revisits health care reform this year, it is likely that we will agree to at least provide for portability of coverage for employed individuals and limit exclusions for pre-existing conditions. These insurance reforms will improve access for some, but such reforms unfortunately fall far short of what we should and can do to expand coverage for children and pregnant women. We can do better.

There is a health care crisis in this country. Should we accept a society where children in many neighborhoods have better access to drug and handguns than to doctors? A society that ensures health care for all prisoners but does not extend that guarantee to all children?

I recognize that health care reform is complex. We must move cautiously and incrementally. A sensible approach is to start by at least ensuring that every child under seven and all uninsured pregnant women have affordable, comprehensive, high quality health care coverage.

In accepting the Republican nomination for President in 1928, Herbert Hoover said "* * * the greatness of any nation, its freedom from poverty and crime, its aspirations and ideals are the direct quotient of the care of its children." And that "* * * there should be no child in America that is not born and does not live under sound conditions of health * * *"

Sixty-seven years later, we are the only developed Nation that does not ensure that all children and pregnant women have health coverage as part of national maternal and child health policy. I know we can do better.

There is a saying that children will treat us as they have been treated. I urge that we, our society, start treating them well.

Mr. President, I ask unanimous consent that a summary of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HEALTHY MOTHERS, HEALTHY CHILDREN ACT OF 1995

Purpose.—Amends the Public Health Service Act to ensure that affordable, comprehensive, high quality health care coverage is available through the establishment of state-based programs for all children and for all uninsured pregnant women; and to facilitate access to health services, strengthen public health functions, enhance health-related research, and support other activities that improve the health of mothers and children.

TITLE 1—NATIONAL HEALTH TRUST FUND FOR MOTHERS AND CHILDREN

Sec. 101. Establishment

Amends subchapter A of chapter 98 of Internal Revenue Code of 1986.

PART II—HEALTH CARE TRUST FUNDS

Sec. 9551. National Health Trust Fund for Mothers and Children

Establishes the National Health Trust Fund for Mothers and Children to support state-based programs that ensure affordable, comprehensive, high quality health care coverage for all children, and for all uninsured pregnant women.

Transfers into the Trust Fund shall include: (1) revenue from an increased tobacco tax, (2) shifting of funds from the Medicaid program, (3) designation of overpayments on tax returns and charitable contributions, and (4) savings from duplication of services or functions of existing federal programs.

Expenditures from the Trust Fund shall include: (1) funding state-based programs to cover children and pregnant women; (2) up to 5% of Trust Fund monies for awarding grants to states, universities, and other nonprofit organizations for activities to improve the health of mothers and children; and (3) up to 0.2% of the annual revenue from the increased tobacco tax to fund activities at the Office of Smoking and Health, Centers for Disease Control and Prevention to prevent the use of tobacco products by children and to coordinate federal and state tobacco control initiatives.

TITLE 2—HEALTHY MOTHERS, HEALTH CHILDREN PROGRAM

Sec. 201. Establishment and Allocation of Funds

Amends the Public Health Service Act (42 USC 201).

TITLE XXVII—HEALTHY MOTHERS, HEALTHY CHILDREN PROGRAM

Sec. 2700. Establishment of Program

States that wish to participate in this program must establish a state program to provide for or cover comprehensive, high quality health services for eligible individuals.

PART A—ALLOCATION OF FUNDS

Sec. 2701. Allocation of Funds to Participating States

For the first two years, the amount of funds allocated to each participating state will be determined by the Secretary of Health and Human Services, hereafter referred to as the Secretary, based on three factors: the estimated number of eligible children under seven years, the number of uninsured pregnant women in the state, and a geographic adjustment factor that is dependent on the average cost of health care in the state. In subsequent years, to encourage enrollment of all eligible persons, allocations to each state shall also be based on the number of persons enrolled in the state program in the previous year (the greater the number of eligible persons enrolled in the previous year, the greater the funds to the state).

After the first two years of funding to participating states, the annual per capita allocation to the states shall be increased each year up to an amount as determined by a formula, calculated and established annually by the Secretary. The formula shall be based on an index that reflects the estimated national average rate of inflation or health care expenditures for children and a similar index for pregnant women. The Secretary may consider state-specific waivers to this requirement on an annual basis if the state can demonstrate that extenuating circumstances within the state caused unavoidable increases in the cost of health services to children and pregnant women, and that the state has considered all reasonable strategies to control costs, including, but not limited to, working with certified plans to control costs, reducing administrative costs, restructuring the state program, and minimizing fraud and abuse.

Sec. 2702. State Trust Funds and Matching Contribution

Each state shall establish its own state trust fund (or in the case of regional programs, a regional trust fund) in which allocated federal funds and matching state funds shall be deposited. States are allowed to deposit additional funds into their trust fund at any time, but these state funds shall not be subject to federal matching unless they are deposited for the purposes specified in sections 2732, 2735, and 2753. Monies from the state or federal trust funds may be used only for activities directly related to the provision of health services or other activities specifically covered by this Act. Monies from the Trust Fund shall be transferred directly to the state's trust fund on an annual basis and the states shall deposit their matching funds on an annual basis. The annual transfer of funds to the states is contingent on a satisfactory annual evaluation of the state's program and approval of the state's annual plan by the Secretary as specified in section 2731.

Each participating state is required to match federal funds to the state trust fund at a rate determined by a formula developed by the Secretary that takes into account each State's annual per capita income. The Secretary shall ensure that: 1) each State's matching requirement is more generous for the State than the State's matching requirement under the Medicaid program at the time of the approval of the State program, 2) the average State matching requirement for all States is $2 for every $8 of Federal funds under the allocation (average Federal matching rate for all States of 80%), and 3) no State shall have a matching requirement less than $1 for every $9 of Federal funds under the allocation (maximum Federal matching rate of 90%).

States may elect to accept a donation of funds, services, or equipment toward a state program under this Act from individuals and the private sector. However, the state shall ensure that donations from individuals and for-profit entities do not result in a conflict of interest in terms of the state giving preference to the individual or entity related to the award of contracts for a federal or state health program.

Sec. 2703. Excess and Insufficient Funds in Trust Funds

In the case that monies exist in the Trust Fund that are not transferred to participating states or awarded for activities under this Act, such monies shall remain in the Trust Fund and be available for use in subsequent years. In the event that there exists a surplus of monies in a state trust fund, such monies do not need to be transferred back to the Trust Fund. However, such surplus state monies must be used to expand eligibility to older children.

In the case that there exist insufficient monies in the Trust Fund, or it is expected that insufficient funds will exist, in any given year to fully transfer to the states the amount ordinarily allocated by the Secretary, then the National Advisory Council for Mother's and Children's Health as established under section 2742, and to be referred to hereafter as the Council, shall recommend to the Secretary, within 60 days of the Council's discovery, strategies for correcting the discrepancy. The Council may choose to recommend additional sources of revenue for the Trust Fund, adjusting the state matching requirements under section 2702, adjusting the range or nature of health benefits provided under section 2721, adjusting the cost sharing requirements for families under sections 2725–2728, decreasing grants awarded under Part F, or other measures as deemed appropriate by the Council. In consultation with the Council, the Secretary shall submit implementing legislation to Congress, within 60 days of the Council's recommendations, for correcting the problem.

In the event that a state does not have sufficient monies in the state trust fund to meet its obligations during a given year, the state may petition the Secretary for additional monies and the Secretary shall make a decision for funding or a loan from the Trust Fund within 90 days of the petition. However, the Secretary shall not transfer any additional funds to the state if it is determined that the state mismanaged funds, failed to prevent foreseeable fiscal problems, or failed to control fraud and abuse.

PART B—ELIGIBILITY AND ENROLLMENT

SUBPART I—ELIGIBILITY

Sec. 2710. Eligibility of Individuals

The following groups are eligible under this Act:

1. All children under seven years of age regardless of income or insurance status, plus older children (up to 21 years) as the Secretary or states expand eligibility as funds are available.

2. All pregnant women, regardless of income, who are not insured through their own employer or their family's employer. However, pregnant women who have employer-based coverage, but do not have coverage for pregnancy-related health benefits, shall also be eligible. (The 1978 Pregnancy Discrimination Act, which applies to employers who have 15 or more employees and requires that any health insurance provided to employees must cover expanses for pregnancy-related conditions on the same basis as expenses for other medical conditions, shall remain in effect.)

3. Legal residents or United States citizens only. States may elect to extend eligibility to other residents, but no federal funds shall be used to provide for such coverage.

An individual is not eligible under this program if he/she was covered under an employer-based health plan and coverage was dropped by the employer within the six-month-period prior to the individual's application.

Sec. 2711. Election of Eligibility

Children who are eligible for or receive health services from the Department of Defense (military medicine or the Civilian Health and Medical Program of the Uniform Services (CHAMPUS)), the Indian Health Service, or the Department of Veterans' Affairs, may continue to use such services or elect to enroll in a certified plan under this Act.

All age-eligible children who are enrolled in Medicaid at the time of full implementation of this Act in their state of residence shall be automatically enrolled in the respective state program under this Act. In the case of an age-eligible child in state-supervised care or a child who does not live with his/her parents, the child shall be enrolled in a plan by the state agency or guardian that has been awarded temporary or permanent custody of the child unless there is a specially designed health care system for such children.

Pregnant women who are enrolled in Medicaid at the time of full implementation of this Act in their state of residence shall be automatically enrolled in the respective state program under this Act. Pregnant women who are eligible for health services under the Department of Defense, the Indian Health Service, the Department of Veterans' Affairs, and other federally sponsored health plans are not eligible under this Act.

In the case where an individual elects or is automatically enrolled in a state program under this Act, all privileges (such as choice of certified plans) and responsibilities (such as payment of premiums or copayments) accorded to their families or themselves under this Act shall apply.

Sec. 2712. Eligible Health Plans and Providers

All health plans and providers who are licensed and credentialed, or otherwise legally authorized by their state, to provide the health services specified under this Act, under the respective rules and regulations of their state, are potentially eligible to participate in the state program if they meet all relevant state and federal requirements under this Act.

SUBPART II—ENROLLMENT

Sec. 2715. Enrollment of Eligible Persons

Families with eligible children may enroll their children during a national open enrollment period as defined by the Secretary. Congress shall designate this one-month period as National Healthy Mothers, Healthy Children's Month.

Participating states shall establish a system for enrolling eligible children and pregnant women that minimizes barriers to enrollment. The application process shall be reasonably convenient, efficient, and available through a wide range of methods. At a minimum, enrollment shall be available through the mail, telephone (via a toll free number), and in person.

Enrollment materials shall be available from health care providers, health provider organizations, hospitals, health clinics, and at facilities that provide health and nutrition services to children and women, and from local and state government health offices. The Secretary, in consultation with the states and representatives of certified plans, shall develop the essential data elements for a standardized enrollment form and it shall not be more than one page in length. However, additional data collection instruments for the purposes of program assessment and improvement may be allowed as long as they are not a requirement for enrollment.

States shall process enrollment applications and give a final decision on the application to the family and relevant plan within 30 days of application submission. Approval of the application shall be dependent on eligibility and income verification and must occur within 30 days. Upon approval, the state shall notify the family and relevant plan of the family's expected annual premium contribution, the first payment of which must be received by the plan or the state within 30 days of application approval. Income verification mechanisms and requirements shall be developed by the state. States may elect to waive income verification requirements for families who are already subject to similar requirements under other state or federal programs or in other situations deemed to be appropriate by the state.

Children may also be enrolled by their family at any time outside of the open enrollment period, but a late enrollment surcharge, to be determined by the state, will be imposed for doing so. Families shall be given the opportunity to enroll their newborn before or at the time of delivery (through the hospital or birthing center). In order to avoid a surcharge, newborns must be enrolled into the program prior to their birth, within 30 days of their birthdate, or during the open enrollment period.

Upon enrollment application, the family shall indicate their choice of certified plan. The period of enrollment shall not be less than one year for a child, and in the case of a pregnant woman, the period shall be for the duration of her pregnancy and eligible post-partum period. Families with enrolled children in a certified plan may freely elect to change plans during the next open enrollment period. Families with enrolled children may also change plans outside of the open enrollment period but the state shall impose a substantial surcharge, to be determined by the state, for doing so. However, there shall be no surcharge for families with enrolled children or pregnant women if the change of certified plans is due to the family moving to another area not served by the current plan, in the case of a plan withdrawing from a market area, or for other justifiable and legitimate reasons as determined by the state.

A pregnant woman may enroll at any time after the diagnosis of pregnancy is confirmed by a physician or qualified health professional, or she may enroll in order to confirm her pregnancy. Women who plan to become pregnant may also enroll in the program, but covered benefits are available only after the pregnancy is confirmed by a physician or qualified health professional.

There shall be no waiting period for covered health services; access to services shall be effective immediately at the time of enrollment application. All applicants shall be presumed to be eligible until the state has determined otherwise. Certified plans must provide covered health services to any pregnant woman or child who has not been enrolled in a certified plan under this Act and who reasonably appears to be of an eligible age until such time that the state has notified the plan that the applicant is not eligible under this Act. In these cases, however, an application for enrollment in the certified plan must be submitted by the pregnant woman or on behalf of the child during the initial point-of-service visit. The state shall impose a surcharge, to be determined by the state, for enrollment at the point-of-service. States may elect to directly compensate plans for services delivered to persons who are subsequently deemed ineligible, or allow plans to factor in the estimated costs of providing services to such persons in their rate negotiations with the state.

Waivers to any enrollment surcharge may be obtained from the state if the applicant can demonstrate that he/she was out-of-state during the open enrollment period or for other unavoidable and legitimate reasons as determined by the state, including, but not limited to, sudden loss of health coverage due to unemployment, divorce, and financial crisis.

Sec. 2716. Transition from Eligibility

When a child enrolled in a certified plan reaches the end of an enrollment period on the day of or after attaining his/her seventh birthday, he/she shall no longer be eligible for premium subsidies under this Act. However, the child's health plan in effect immediately prior to the individual attaining his/her seventh birthday must continue to provide coverage indefinitely, at the discretion of the child's family, for as long as the full unsubsidized premium and copayments are paid. There shall not be any exclusion of coverage for pre-existing conditions. In addition, if the individual's family elects to leave the current health plan for another plan or for an employer-provided plan that provides similar benefits to employee dependents, the plan or employer must accept the individual into the plan and is not allowed to exclude coverage for any pre-existing conditions.

A woman shall no longer be eligible for health benefits under the program two months after the end of pregnancy. If the woman was covered under a health plan or employer-based plan (without pregnancy-related benefits) immediately prior to her enrollment in the state program, her previous plan and employer must readmit her into the plan with no exclusions for pre-existing or pregnancy-related conditions at a cost comparable to what she had paid prior to her enrollment in the state program.

Sec. 202—Comprehensive Health Benefits and Cost Sharing Requirements

Amends title XXVII of the Public Health Service Act.

PART C—COMPREHENSIVE HEALTH BENEFITS AND COST SHARING REQUIREMENTS

SUBPART 1—COMPREHENSIVE HEALTH BENEFITS

Sec. 2721. Comprehensive Health Benefits Package

Within 180 days of enactment of this Act, the Secretary, in consultation with specific health care professional and health-related organizations, shall develop a specific comprehensive benefits package for children and pregnant women based on the general groups of benefits outlined in section 2722. The Secretary shall determine the organizations that will be consulted in development of the benefits package. At a minimum, the American Academy of Pediatrics, the Association of Maternal and Child Health Programs, and the American Dental Association shall be consulted in developing the benefits package for children, and the American College of Obstetricians and Gynecologists and the Association of Maternal and Child Health Programs shall be consulted in developing the benefits package for pregnant women. To the extent possible, periodicity schedules for preventive services shall be specified in the benefits packages.

As a guide for development of the comprehensive benefits packages for children and pregnant women, the Secretary shall ensure that the specific comprehensive benefits packages are consistent with the following "floor" and "ceiling": The actuarial equivalent of the specific comprehensive benefits packages must exceed the average actuarial equivalent of health benefits offered to the children and pregnant women by all states under the Medicaid program on the date of enactment of this Act. In addition, the actuarial equivalent of the specific comprehensive benefits packages shall not exceed the actuarial equivalent of health benefits provided to children and pregnant women in the specifics state(s) with the most generous Medicaid benefits package for these populations on the date of enactment of this Act.

In addition to developing the specific benefits package, the Secretary, in consultation with selected health professional organizations, shall determine which types of services shall be subject to utilization copayments under section 2727. At a minimum, preventive services shall be exempt from any utilization copayment.

The benefits packages shall be reviewed and revised as necessary every two years by the Secretary in conjunction with relevant professional organizations and the Council. Revision of the benefits packages shall be consistent with changes in the age group of eligible children, standard medical practice, new technologies, emerging health problems and health care needs. The benefits package may be revised immediately if children seven and older are eligible on a national basis or in a state within two years of the development of the initial benefits package.

Certified plans operating under this Act shall cover or provide the comprehensive health services as specified by the Secretary. Certified plans may not offer any plan to eligible individuals under this Act that does not cover or provide for all the benefits specified by the Secretary. However, certified plans may offer additional plans that have more generous benefits than those specified by the Secretary.

In the case where the State has determined that no participating health plan is able to provide for or cover all the services in the comprehensive benefits package, or the State has determined that certain services are most effectively delivered by providers other than participating health plans, then the State may elect to develop an alternative mechanism, such as entering into agreements with other providers, to provide for or cover specific services. In all cases, however, the State must ensure that all services covered under the comprehensive benefits package are of high quality and are fully coordinated and integrated.

Sec. 2722. General Categories of Health Benefits

At a minimum, the following general categories of health services shall be provided for or covered by certified plans participating under this Act:

For children, from birth up to seventh birthday (or end of enrollment period after birthday): preventive services (including immunizations as recommended by the Advisory Committee on Immunization Practices (ACIP), well baby/child care, routine exams and check ups, recommended screening tests, dental prophylaxis and exams, preventive health counseling and health education); ambulatory care; laboratory services; prescription drugs; inpatient care; vision, audiology and aural rehabilitative, and other rehabilitative services (including prescription eyeglasses, hearing aids); durable medical equipment (including orthotics, prosthetics); dental care (excludes orthodontic care); mental health and substance abuse services; long-term and chronic care services; special health care services for children with disabilities or chronic health conditions; occupational, physical, and respiratory therapy; speech-language pathology services; investigational treatments (limited to participation in a clinical investigation as part of an approved research trial as defined by the Secretary. Services or other items related to the trial normally paid for by other funding sources need not be covered.)

For pregnant women, from diagnosis of pregnancy through 60 days after the end of pregnancy: maternity care (including prenatal, delivery, and postpartum care, including preventive services such as routine exams and check ups, recommended immunizations and screening tests, family planning services, preventive health counseling including nutrition and health education); ambulatory care; laboratory services; prescription drugs; inpatient care; inpatient hospital and nonhospital delivery services; mental health and substance abuse services; any other pregnancy- or nonpregnancy-related health condition; investigational treatments (limited to participation in a clinical investigation as part of an approved research trial as defined by the Secretary. Services or other items related to the trial normally paid for by other funding sources need not be covered.)

States may elect to extend comprehensive coverage or coverage of selected health services to pregnant women beyond the two-month postpartum period as long as federal funds are not used for such additional coverage.

During the first two years of the implementation of this Act, the items and services in the comprehensive benefits package shall not be subject to any duration or scope limitation. In addition, there shall be no cost sharing that is not required or allowed under this Act. In subsequent years, however, the Secretary, in consultation with selected professional organizations and the Council, may implement utilization or other limitations on covered benefits on a national basis if such limitations are deemed to be absolutely necessary for the solvency of the program and Congress fails to authorize and appropriate additional monies to the Trust Fund. However, alternatives to decrease program costs such as minimizing administrative costs, increasing cost sharing requirements, and increasing federal or state funding shall be considered before limitations on covered benefits are considered. In no case, however, shall preventive services in the benefits package be subject to such limitations.

Certified plans need not provide coverage for health services that are greater in frequency than that specified in recommended periodicity schedules, to the extent they are specified under section 2721. However, certified plans must cover any health services, within the general scope of the comprehensive benefits package, that are medically necessary or appropriate for children and pregnant women.

Nothing in this Act shall be construed as limiting the ability of states or certified plans from providing additional health services not covered by this Act, as long as federal funds are not used to pay for such additional services. However, a certified plan may provided for extra contractual services and items determined to be appropriate by the plan and individual (or family).

Nothing in this Act shall be construed as limiting the ability of individuals to obtain additional health services that are not covered by the benefits package as long as federal funds are not to pay for such services.

In the interest of ensuring that all children in the United States receive comprehensive health services, employer-based, self-insured, and other health plans not participating under this Act, are encouraged to, but are not required to, provide comprehensive benefits to children and pregnant women similar to those specified in this Act.

SUBPART II—COST SHARING REQUIREMENTS

Sec. 2725. Principles of Cost Sharing

All families who participate under this Act shall contribute towards the cost of their own or their child's health care. There shall be two types of costs for individuals participating in a state program: a premium and copayments. There are no deductibles allowed under this Act.

The following schedules for determining premium subsidies, copayments, and maximum annual family contributions are intended as a guide for participating states. States may elect to develop their own specific cost sharing requirements as long as they are consistent with the principles that all participating families contribute towards the program and all families receive premium subsidies, all families pay the same copayment for services, and coverage is affordable for all income levels. In addition, state cost sharing schedules shall not result in any overall funding obligations to the federal government in excess of that based on the cost sharing schedules specified in this Act. In all participating states, the annual family contribution under this Act shall not be less than $10 per child and $20 per pregnant woman.

States may not require additional cost sharing for families with annual incomes less than 150% of the federal poverty level that exceed the cost sharing amounts specified in this title. States may elect to provide additional premium or copayment subsidies for families whose income is less than 400% of the federal poverty level if there are sufficient funds in the state trust fund and no additional federal monies are used for such additional subsidies.

Participating states, in conjunction with certified plans, shall monitor the impact of cost sharing requirements (premiums and copayments) on low income families and ensure that any cost sharing requirements are not significant barriers that prevent such families from enrolling in a certified plan or from obtaining medically appropriate care. An analysis of the impact of cost sharing on low income families shall be presented to the Secretary in the State's annual quality assessment and improvement plan specified in section 2741.

Sec. 2726. Premiums and Premium Subsidy

All families are responsible for paying their portion of the premium to enroll into a certified plan. Premium payments are payable directly to the plan or the state (as elected by the state) on a monthly, quarterly, or other basis. Upon final approval of an enrollment application, states shall transfer funds directly to certified plans for the amount of the premium subsidy calculated for each individual enrolled.

All families, regardless of income, shall receive a subsidy on their premiums. The annual premium amount to be paid by families to the plan is the annual per capita premium negotiated by the state with each certified plan minus the premium subsidy provided by the state. In no case shall the annual premium subsidy be greater than the annual premium negotiated with the plan.

In the case where multiple certified plans are available in a geographic area or a certified plan offers additional benefits package options at additional cost, the premium subsidy shall be calculated based on the lowest priced certified plan that is available in the area. Families shall be responsible for any costs not covered by the premium subsidy as a result of enrolling in higher priced plans. In addition, any such premium amounts that result from the selection of higher priced plans shall not be credited toward the maximum annual family contribution amounts under section 2728.

In the case where the calculated annual premium contribution for a family after applying the appropriate premium subsidy exceeds the maximum annual family contribution, the difference shall be paid by the state directly to the plan.

In the case of a single eligible individual enrolled, the percentage of the annual premium subsidy shall apply to the individual annual premium, and, in the case of multiple eligible individuals enrolled from one family, the premium subsidy percentage shall be applied to the total annual family premium.

The annual premium subsidy percentage is based on the following scale of adjusted annual family gross income as a percentage of federal poverty level (FPL):

Annual Income (% FPL) and Percentage Subsidy:

<50, 99%.
50–149, for each 10% point increase in FPL, decrease subsidy by 1.5% points.
150–299, for each 10% point increase in FPL, decrease subsidy by 4% points.
300–399, for each 10% point increase in FPL, decrease subsidy by 1.5% points.
<400, 5%.

The following are examples of premium subsidies at various incomes.

Annual income (% FPL):	*Percentage subsidy*
<50	99
<100	90
150	80
250	40
350	15
>=400	5

For example, if the annual premium negotiated by the state with a certified plan is $500 per child, a family of four with two children enrolled and an annual family income at 250% of the federal poverty level ($37,875 in 1995), would contribute $600 (i.e. $1000—$1000(.40)=$600).

Sec. 2727. Utilization Copayments

There shall be a $5 copayment for selected services or items covered by this Act as designated by the Secretary under section 2721, which is payable to the certified plan. Preventive services are exempt from copayments.

In addition to plans with a standard $5 copayment, a state may also choose to offer plans that have higher copayments and lower annual premiums. However, the premium subsidy for a family who selects a high copayment plan shall not be greater than that calculated for the plan with a $5 utilization copayment. In all cases, the copayment amount shall be the same for all income levels and the minimum copayment amount shall be $5.

Utilization copayments are waived by the plan after a family's annual contribution (includes premiums and copayments) has exceeded the maximum annual family contribution.

Sec. 2728. Maximum Annual Family Contribution

For families with children, the maximum annual family contribution towards health care (inclusive of premiums and copayments) for each child shall be capped according to the following scale based on adjusted annual family gross income:

Annual Income (% FPL and Maximum Contribution Per Child

< 50, $10.
50–149, $15 increased by $5 for each 10% increase in annual income in excess of 49%.
150–299, $110 increased by $50 for each 10% increase in annual income in excess of 149%.
300–399, $960 increased by $150 for each 10% increase in annual income in excess of 299%.
>=400, $3,000.

The following are examples of maximum family contribution per child at various income levels.

Annual Income (% FPL):	*Maximum contribution per child*
< 50	$10
100	40
150	110
250	610
350	1,710
>=400	3,000

The above caps represent the maximum annual family contribution for a family with one child. Maximum contribution for families with two children are double the above amounts. For a family with three children enrolled, the maximum annual family contribution shall increase by an additional 40% beyond the cap for a family with two children. For a family with four or more children enrolled, the maximum annual family contribution shall increase by an additional 80% beyond the cap for a family with two children.

For example, a family of four with two children enrolled and an annual family income at 250% of the federal poverty level ($37,875 in 1995), would contribute a maximum of $1,220 annually (i.e., $610 2=$1,220). A family of six with four children enrolled and an annual family income at 250% of the federal poverty level ($50,675 in 1995), would contribute a maximum of $2,196 annually ($610 2 1.8=$2,196).

For families with a pregnant woman, the maximum annual family contribution towards health care (inclusive of premiums and copayments for the pregnant woman) for each pregnant woman, shall be capped according to the following scale based on adjusted annual family gross income:

Annual Income (% FPL and Maximum Contribution Per Woman:

< 50, $20.
50–149, $30 increased by $10 for each 10% increase in annual income in excess of 49%.

150–299, $220 increased by $100 for each 10% increase in annual income in excess of 149%.

300–399, $1,820 increased by $200 for each 10% increase in annual income in excess of 299%.

>=400, $5,000.

The following are examples of maximum family contribution per pregnant woman at various income levels.

Annual Income (% FPL):	*Maximum contribution per woman*
< 50	$20
100	80
150	220
250	1,220
350	2,820
>=400	5,000

For example, for a family of four with one pregnant woman and one child enrolled with an annual family income at 250% of the federal poverty level ($37,875 in 1995), the maximum annual family contribution would be $1,220 + $610=$1,830.

These maximum family contribution caps shall be in effect for the first two years of the program. In subsequent years, the maximum annual contribution shall be adjusted upwards annually to the nearest $5 indexed directly to the indexes used by the Secretary to calculate funding allocations to the states under section 2701.

The premium contribution or copayments assessed for families under this Act shall not be subject to any increase during the one-year-period of enrollment until the subsequent open enrollment period. However, the amount of the premium subsidy and maximum annual family contribution assessed may be adjusted during the one-year-period of enrollment before the subsequent open enrollment period, if the family can demonstrate a sufficient decrease in income that allows them to receive a larger premium subsidy. The premium contribution for the family shall then be recalculated based on the larger premium subsidy for the remainder of the period up to the next open enrollment period. Families must apply directly to the state for income reconciliation adjustments and each family shall be limited to one income reconciliation adjustment on their cost sharing amounts per year. In cases where premium subsidies have been subject to income reconciliation, the state shall appropriately adjust its payments to the respective plan.

Sec. 203. State Program Development and Administration

Amends Title XXVII of the Public Health Service Act.

PART D—STATE PROGRAM DEVELOPMENT AND ADMINISTRATION

Sec. 2731. Application and Date of Implementation

States that wish to participate in the program must implement their coverage for children and pregnant women under this Act by January 1, 2000. However, states may elect to implement their program as early as January 1, 1996.

States intending to participate in this program may submit their initial five-year strategic plan to the Secretary at any time after the enactment of this Act. The Secretary, in consultation with the Maternal and Child Health Bureau, shall provide specific guidance to the states on the elements of an acceptable plan within 90 days of the enactment of this Act. At a minimum, the initial plan must describe the current health status of the target population, short- and long-term health objectives with time schedules, performance and outcome measures and mechanisms for monitoring health indicators, details of the proposed structure, comparative analyses of at least one alternative structure considered, and cost estimates. In addition, the strategic plan must outline how coverage for all eligible persons can be achieved within five years under the proposed structure. In the case that a State proposes a structure that is different from that described in this title, the plan must include a comparative analysis of the State's proposed structure and the structure described in this title, including an analysis of achievement of the objectives of this title and program costs.

The initial plan may incorporate elements required under current state Title V program applications. If the plan is not accepted, the Secretary shall work with the state to improve it and give specific guidance on how to achieve an acceptable plan. The Secretary must give a final decision on the proposal within 90 days of receiving the state submission. States with plans that are not approved may submit another initial strategic plan in the following year.

Not later than 90 days after the date of enactment of this title, the Secretary, in consultation with the Maternal and Child Health Bureau, shall develop and make available specific criteria that will be the basis for evaluation and approval of state strategic plans.

Regardless of the proposed structure, the state program must be likely to ensure affordable, comprehensive, high quality health care coverage for all children under seven years and pregnant women within a reasonable time period. In addition, the proposed program must offer the comprehensive benefits package specified in section 2721, be consistent with the principle that all families contribute towards their own or their children's health care, have a quality assessment and improvement program and utilization review program under section 2743, fulfill health information systems requirements under sections 2744–2745, and have a program for preventing and controlling fraud and abuse under section 2746.

Participating states shall, at a minimum, offer a program consistent with the guidelines and principles outlined in this Act. States must consider a program similar in structure to that described in this Act, but are encouraged to be innovative and may propose structures or a blend of structures for their program that are different from that described in this Act. Such structures may include, but are not limited to, modifications of existing state or federal programs, capitated programs, fee-for-service programs, subsidy programs for individual purchase of insurance, and programs where the state is the direct payer for services. However, such structures must be as effective in meeting the program objectives and containing program costs as the structure described in this title. States shall be allowed to establish a state-specific program or establish regional programs with neighboring states.

Sec. 2732. Special Status States

If a state considers that their existing health care program has achieved, or is expected to achieve within one year, affordable, comprehensive, high quality care coverage for all children under seven and pregnant women, the state may petition the Secretary to designate it as a special status state in their initial five-year strategic plan. In addition, states participating under this Act that have achieved this objective may petition for special status in their annual quality assessment and improvement plan after the first year of state program implementation. For the purposes of this section, a state will be considered as fulfilling the requirements for special status if the state can demonstrate that at least 95% of all eligible children and pregnant women in the state are covered either by the state program or other sources of health insurance.

Special status states so designated by the Secretary may submit proposals to expand health services for children under seven years and pregnant women or to expand comparable coverage for health services for older children up to age 21. Funding for expanded eligibility programs shall be subject to the respective state federal matching requirement under section 2702. Proposals from special status states shall receive the same priority for funding as non-special status states. Any expanded eligibility programs, however, must be consistent with the requirements and guidelines under this Act. The Secretary shall make a final decision on the state petition for special status within 90 days of receiving the state proposal.

Sec. 2733. States with Medicaid Waivers

States that have Medicaid waivers under sections 1115 or 1915 of the Social Security Act are eligible to be a participating state under this Act. Such states that elect to participate shall be subject to all program guidelines and responsibilities that apply to non-waiver states. States with Medicaid waivers may also elect to petition for designation as a special status state if it qualifies as such under section 2732.

Sec. 2734. Development Grants for State Programs.

Upon approval of a state's initial five-year strategic plan under section 2731, the Secretary shall make a one-time program development grant available from the Trust Fund to the state for a period not to exceed two years. The amount of funds distributed to each state shall be based on a formula developed by the Secretary. Such funds may be used only for the purposes of developing and implementing the approved proposed state program including the development of community-based health networks and plans. There is no requirement for states to match federal development grant funds.

Sec. 2735. Expansion of Eligibility

Every two years after the enactment of this Act, the Secretary, in consultation with the Council, shall determine if sufficient public support and funds exist to expand eligibility coverage to additional groups of children up to 21 years of age. If the Secretary has determined that sufficient public support and monies exist in the Trust Fund to expand coverage to additional age groups on a national basis, then he/she must do so. If public support exists but funds are insufficient, then the Secretary may recommend to Congress that legislation be passed to expand the program to cover additional age groups with appropriate additional federal funding.

States that do not qualify as special status states under section 2732 may also petition to expand their program to cover additional age groups in their annual evaluation report to the Secretary, if sufficient funds are available in the state's trust fund or if additional state funds are deposited into the state's trust fund. Additional state funds deposited into the state fund for the purposes of expanding eligibility to older children in the state not eligible on a national basis shall be matched by monies from the Trust Fund on an equal basis (1.1 state/federal ratio) if the Secretary approves the expansion petition. Such expanded eligibility programs, however, must be consistent with the requirements and guidelines under this Act. The approved expanded eligibility component of the state program shall be considered for funding only after funds for all participating states with approved programs covering the regular target population (children under seven and pregnant women) and approved expanded eligibility programs of special status states are allocated. The Secretary shall give a final decision on a state request for expanding eligibility within 90 days of receiving the state petition.

Sec. 2736. Failure of State to Administer a Program in Compliance with Title

If the Secretary has determined that a participating state's program has failed to meet the program guidelines in this Act, including cost containment and the prevention and control of fraud and abuse, the state must demonstrate that it has made a reasonable effort to address the deficiencies or the Secretary may elect to directly administer, or enter into agreement with a non-state government organization to administer, the state program. Premiums and copayments for federal or non-state government administered programs shall not be greater than those ordinarily charged by a state administered program. The budget for running the federal or non-state government administered program shall not be greater than that ordinarily allocated to the state. Under a federal or non-state government administered program, the state must continue to provide matching funds at the respective state: federal matching ratio.

Sec. 2737. Limits on State and Federal Administrative Costs

States and the Secretary shall ensure that administrative complexity and costs of programs under this Act are minimized to the extent possible. Administrative costs for state programs shall not exceed 5% of the annual budget for any given year subsequent to the first two years of the program. The state shall be responsible for any administrative costs in excess of 5%. Similarly, the administrative costs for federal or non-state government administered programs shall not exceed 5% of the annual budget for any given year subsequent to the first two years of the program.

PART E—ENSURING QUALITY, ESTABLISHING INFORMATION SYSTEMS, AND PREVENTING ABUSE

Sec. 2741. Annual Quality Assessment and Improvement Plans

Subsequent to the approval of the initial strategic plan, participating states in coordination with existing state Title V health programs, shall submit a quality assessment and improvement plan to the Secretary on an annual basis. The Secretary, in consultation with the Maternal and Children Health Bureau, shall provide guidance on the elements of an acceptable annual quality assessment and improvement plan within 180 days of the enactment of this Act. At a minimum, the plan shall include an assessment of the state's progress toward ensuring coverage for all eligible persons, cost containment, assurance of quality care, impact on the health status of the target population (including outcome measures and process objectives), a financial statement, and proposed changes to the state program. The Secretary shall give feedback and make a final decision on proposed modifications to the state program within 90 days of receiving the state's evaluation and quality improvement plan. Evaluations of the state program by the Secretary shall be based on an assessment of the performance of the state program in meeting program objectives rather than on the specific methods used to achieve such objectives.

Sec. 2742. Establishment of National Advisory Council for Mothers' and Children's Health

The National Advisory Council for Mothers' and Children's Health, to be referred to hereafter as the Council, shall be established to advise the Secretary regarding the administration of and modifications to programs under this Act.

The Council shall have the responsibility for evaluating programs under this Act and advising the Secretary on improving the health of children and pregnant women. The Council evaluates and makes recommendations in the following areas: covered benefits; cost sharing; allocation and management of funds; eligibility and enrollment issues; standards and responsibilities of certified plans, of the states, and of the federal government; quality improvement programs; development of practice guidelines; information systems and reporting requirements; general program administration; and any other relevant areas identified by the Council. As part of its evaluation, the Council shall provide an assessment of the impact of programs under this Act on the health status of children and pregnant women.

The Council shall be comprised of 11 individuals, appointed by the Secretary within 90 days of the enactment of this Act, confirmed by the Senate, who were not employed by the federal government within the one-year period prior to their appointment. Members of the Council shall represent pediatricians, obstetricians, and other health care providers, consumers, health policy experts, state and local government health officials, public health and maternal and child health professionals, experts in population-based health information systems, experts in health promotion and disease prevention, health care managers and economists, medical ethicists, representatives of the health care industry, and other related disciplines as deemed appropriate by the Secretary. The ratios of affiliations may vary, but no less than three members shall be health care providers and no less than three members shall represent consumers (members representing health care providers or consumers must be different individuals). After the initial appointment of consumer representatives, subsequent consumer representatives must be from families currently enrolled in a certified plan under this Act.

Members of the Council shall be appointed on the basis of their experience and expertise. No member shall have a substantial financial interest in the issues addressed by the Council. Each member shall be appointed for a two year term and six of the initial Council members shall be appointed to three year terms. No member may serve more than two complete terms. The Secretary shall appoint one chairperson and one vice chairperson of the Council for a term of two years. No chairperson shall serve in that capacity for more than one term. In the case that a member does not complete a full term, the Secretary shall appoint a replacement, subject to Senate confirmation, to serve the remainder of the term.

The Council shall meet on a regular basis, not less than four times a year, to review the operations of the program and to make specific recommendations to address identified problems. The Council may elect to appoint professional or technical task groups, as necessary, to carry out specific functions if appropriate expertise is not sufficient in the Council. The Council shall submit a summary of their activities, analyses, and evaluation of the program with their recommendations for program improvement to the Secretary on an annual basis. The Secretary shall provide all necessary logistic, administrative, and financial support to the Council. Council members shall be compensated for each day spent on official Council business and reimbursed for official travel and business expenses. Compensation shall not exceed the maximum rate of basic pay for level IV of the Executive Schedule under section 5315 of title 5, U.S. Code.

In cases where the Council and the Secretary irreconcilably differ on major policy related to programs under this Act or the Council has evidence that the Secretary is not fulfilling his/her responsibilities under this Act to ensure affordable, comprehensive, high quality health care coverage for all eligible individuals, the Council may elect to issue a report to Congress.

Sec. 2743. Establishment of National Quality Assessment and Improvement Program Guidelines and Utilization Review Program Guidelines

Within one year of the enactment of this Act, the Secretary, in consultation with relevant government and non-government organizations as determined by the Secretary, shall develop national guidelines for quality assessment and improvement programs and national utilization review guidelines for certified plans under this Act. At a minimum, the National Committee on Quality Assurance, the National Association of Insurance Commissioners, private health care accreditation organizations, representatives of certified plans, and relevant maternal and child health care professional organizations shall be consulted. The quality assessment and improvement guidelines should be consistent with the concepts and principles of Continuous Quality Improvement/Total Quality Management (CQI/TQM). The national guidelines shall be specific for pediatric and maternal health care delivery systems to the extent possible. The guidelines shall be flexible and adaptable, and serve as the basis for each certified plan's quality assessment and improvement program and utilization review program.

At a minimum, certified plans must ensure that the following attributes are incorporated into a utilization review program: The utilization review program is clearly documented; only qualified licensed or certified health professionals with training/experience in pediatric or obstetrical care are used for specific case utilization reviews; persons involved in specific case utilization review do not have a financial interest or incentive to deny or limit utilization; descriptions and protocols for utilization review are disclosed to enrollees, affiliated providers, and appropriate state officials upon demand while protecting proprietary business information; criteria for review must be based on sound scientific principles and standard medical practice; and there is a mechanism for regular evaluation and modification of the program.

Sec. 2744. National Health Information Systems for Mothers and Children

Within one year of enactment of this Act, the Secretary shall implement the National Health Information System for Mothers and

Children. The Secretary, in consultation with states and representatives of certified plans, the Agency for Health Care Policy Research, the Health Resources and Services Administration, the Centers for Disease Control and Prevention, other agencies or nongovernment organizations as deemed fit by the Secretary, shall develop the specific data elements and operating procedures for a national information system.

Data from the information system shall be used for the purposes of: Monitoring and evaluation of certified plans, monitoring the health status of the population; supporting core public health functions; increasing capacity for health policy and program evaluation, planning, and research; quality assessment and improvement activities; improving provider coordination and access to care; and other purposes related to the public health.

States shall require that each certified health plan submit the requested data in electronic form under the guidelines established by the Secretary. The Secretary shall develop and freely distribute computer software that will allow states and certified plans to efficiently collect and transmit the requested data. States and certified plans are not required to use such software if they can fully comply with the data collection and reporting requirements with their own information system.

To ensure privacy of medical information, the Secretary and the states shall implement safeguards against unauthorized access to medically confidential information, and penalties shall be developed under section 2746 for such violations. Applicable state laws that protect medical confidentiality shall also apply to data collected under this Act excepting such laws that interfere with the uses of the data as specified in this Act. The state is responsible for ensuring reporting of data from certified plans and transmitting the data from all plans within the state to the Secretary. Data collected by certified plans shall be available to the plan, and data collected by the state shall be available to the state. States shall use these data and other information as deemed relevant by the state as the basis for their monitoring and evaluation of certified plans.

Certified plans must use the standards established by the Secretary and the state for all relevant administrative, financial, quality improvement, and public health activities covered under this Act. The Secretary and states shall ensure that any similar data reporting requirements for certified plans under other state and federal health programs are integrated with those established under this Act to the extent possible. In addition, the Secretary and states shall ensure that the resources and time required for certified plans to comply with the Secretary's and state's information standards are reasonable and not excessive.

Any state law that requires medical or health records, including billing information, to be maintained in written, rather than electronic, form shall be satisfied if such records are maintained in a manner consistent with the information system standards developed by the Secretary in this section.

Sec. 2745. National Childhood Immunization Database

To reduce missed opportunities for immunization with the goal of 100% age-appropriate immunization coverage for children, the Secretary shall establish a National Childhood Immunization Database as part of the National Health Information System for Mothers and Children. The database shall contain up-to-date information regarding childhood immunization on every child enrolled in a certified plan under this Act. This database would ensure that current immunization information is available on a real time basis to health care providers who need the information to access appropriate immunizations. Information in this database shall be accessible to the child's enrolled plan electronically or by toll free telephone. If the child presents to a certified plan other than his/her enrolled plan, the presenting plan or public health authorities may access the child's immunization record if it is needed to assess the need for appropriate immunization. Certified plans shall ensure that electronic immunization records are brought up-to-date as required under the guidelines developed by the Secretary and the state.

All certified plans participating in a State program under this title and all other health plans not participating under this title but located in a participating State under this title and providing 10,000 or more childhood immunizations per year, shall participate in the National Childhood Immunization Database.

Nothing in this title shall be construed as preempting existing state or federal statues regarding disease reporting or reporting of other health-related data to local, state, and federal health authorities. However, in the design of the National Health Information System for Mothers and Children, the Secretary and the states shall integrate existing health data reporting requirements with the proposed system to the extent possible.

Within one year of enactment of this Act, the Secretary shall establish penalties for unauthorized use of data collected under the requirements of this Act, including the sale or transfer of data for commercial use or use of data for illegal activities.

Sec. 2746. Prevention, Monitoring, and Control of Fraud and Abuse

Within 180 days of the enactment of this Act, the Secretary and the U.S. Attorney General shall establish a federal program and develop state guidelines for preventing, monitoring, and investigating fraud related to this program. The duties of the federal program include assisting states in monitoring and control of fraud and abuse, and investigating and prosecuting individuals and certified plans whose activities cross state lines.

Within 180 days of the enactment of this Act, the Secretary and the U.S. Attorney General shall submit to Congress a legislative proposal for civil and criminal penalties for fraud and abuse or other violations by individuals and certified plans related to any aspect of this Act unless such penalties are already specified in this Act.

Prior to transfer of federal funds to a state, the state health department and state attorney general shall establish a system for preventing, monitoring, and investigating fraud and abuse that occurs within the state. The state program must have the authority to prosecute individuals or certified plans for criminal activities. This state program shall also solicit consumer feedback, investigate complaints and assist in the resolution of consumer complaints against certified plans. Such a state system may be integrated with existing systems for controlling Medicaid fraud and abuse. The state system shall have a formal mechanism for sharing information and working with its federal counterpart. The state system shall submit an annual report summarizing its activities to the program established by the Secretary and the U.S. Attorney General.

Federal or state guidelines developed and implemented under this section shall be developed in recognition of the differences among the various types of health plans and be applicable to all health plans.

Any funds recovered or fines collected related to fraud and abuse shall be deposited in the trust fund of the state where the fraud and abuse occurred. Funds recovered on a national or regional level shall be apportioned by the Secretary among the states involved.

Any certified plan, health care provider, or other individual or entity participating in a state or federal program under this Act, that has been found guilty of fraud or abuse, shall not be allowed to continue or renew a contract with a state or federal government program under this Act, or otherwise participate in a program under this Act, for a period not less than five years, unless there is compelling reason to allow such participation (e.g., in the case where the plan or provider is the only source of services in an area) as determined by the Secretary.

Sec. 204. Grants to Improve the Health of Children and Pregnant Women

Amends title XXVII of the Public Health Service Act.

Sec. 2751. Establishment of Program and Eligible Activities

Authorizes the Secretary to use monies in the Trust Fund to award grants to states, universities, and other nonprofit organizations, for the following purposes: increasing capacity of the primary care health system; developing and enhancing enabling services; increasing access to health services in rural and underserved areas (including the use of telecommunications and computer technology such as telemedicine and information systems); supporting school-based health programs; enhancing core public health functions of state and local health departments; supporting health promotion and disease prevention, including population- and community-based health assessments and interventions; supporting biomedical, social science, health policy, and public health research; supporting pediatric- and maternal-specific quality assessment and outcomes research to improve health plan and program accountability including quality assessment of services for children with disabilities and chronic health conditions; development and implementation of clinical practice guidelines; and other purposes related to improving the health of children and pregnant women.

All funded activities must be primarily targeted, but need not be exclusively targeted towards children (under 21 years) or pregnant women.

All grant proposals will be evaluated on a competitive basis. The Secretary shall ensure, however, that at least 50% of funds awarded annually to states, universities, or organizations within a specific state, support activities that are not directly related to the delivery of health care services, such as research, public health, community health, and health promotion and disease prevention activities.

The Secretary may elect to designate existing Department of Health and Human Services agencies to administer the grants in this title. However, the Secretary shall ensure that any monies transferred from the Trust Fund are only used to support grant awards under this title, there is a full accounting of such monies, and that there is maintenance of effort regarding current federal grant funding for maternal and child health activities. In addition, the Secretary shall ensure that all federally-funded activities related to material and child health are coordinated and integrated to the extent possible, and that such activities are consistent with the strategic plan outlined by the Secretary in section 2754.

Sec. 2752. Eligibility and Application Process

To be eligible for funding, states must be a participating state under this Act, and universities and other nonprofit organizations must be located in a participating state. There shall be a single application procedure for all grants awarded under this title.

Sec. 2753. Matching of Federal Funds and State Maintenance of Effort

There is a matching of federal funds requirement for grants awarded under this title. States, universities, and nonprofit organizations shall match federal funds on a 1:9 basis (States or other applying entities shall provide $1 in funding for every $9 in federal funds). Matching funds may be in cash or in kind such as equipment, facilities, personnel, or services. Private sector funds may be solicited to partially or fully subsidize matching funds on behalf of states, universities, and nonprofit organizations.

States receiving grant awards under this title shall also be subject to a maintenance of effort requirement that the state maintains a level of state funding for the activity covered by the grant award that is at least equal to the level in the year previous to the grant award for the duration of the grant award.

Sec. 2754. Development of Priority Areas and Funding Criteria

Within 180 days of this Act's enactment, the Secretary shall develop a five-year strategic plan that outlines the national priorities for maternal and child health, including priority areas for funding, short- and long-term objectives, specific criteria for determining merit of funding proposals, standards for monitoring and evaluating funded activities (including outcome and performance measures), and administrative procedures for processing proposals. In addition, the strategic plan should specifically review existing federal programs related to maternal and child health and develop national priorities for research, population-based activities, and other activities outlined in section 2751.

In determining the evaluation criteria for funding proposals, the Secretary shall consider the following attributes: technical and scientific merit, relative need of the population or geographic area targeted, potential positive impact of activity on advancing the goals of the Healthy People 2000 objectives, innovation in program design and cost effectiveness, application of current scientific and medical knowledge, integration with existing similar health programs or research, quality control and program accountability, and other attributes deemed to be relevant by the Secretary.

Sec. 2755. Coordination and Integration of Funded Activities

The Secretary shall ensure that the functions of funded activities are fully integrated and coordinated with similar existing federally funded activities, and the states shall ensure that funded activities are fully integrated and coordinated with similar state and locally funded activities.

To ensure coordination of related activities and programs within the state, universities and other nonprofit organizations that apply for funds under this section must initially submit their proposal to the state for review and comment before submitting the proposal to the Secretary. Proposals submitted to the Secretary shall be accompanied by the state's comments and the submitting organization's response to the state's comments. All proposals must describe existing similar programs in the targeted community and describe how the proposed program will be coordinated and integrated with existing similar programs, including state Title V maternal and child health programs.

Sec. 2756. Annual Budget

The total annual budget for such grants shall not exceed 5% of the total federal funds transferred into the Trust Fund in that year.

Sec. 205. Responsibilities of Families, Certified Plans, Employers, States and the Federal Government

Amends Title XXVII of the Public Health Service Act.

PART G—RESPONSIBILITIES OF FAMILIES, CERTIFIED PLANS, EMPLOYERS, STATES, AND THE FEDERAL GOVERNMENT

Sec. 2761. Responsibilities of Families

Families with uninsured children under seven years of age and uninsured pregnant women are responsible for: enrolling their age-eligible children or themselves into a certified plan; paying their share of premiums and copayments; and assuming an active role and participating in the health care system to ensure that their children receive appropriate, high quality health care.

Sec. 2762. Responsibilities of Certified Plans

All certified health plans participating in state programs under this Act shall: be certified by their state and fulfill all requirements for such certification or recertification and participate in a national open enrollment period and allow for point-of-service enrollment.

In the case of families who have at least one eligible child enrolled in the plan and other children who are not eligible under this Act due to age limitations, also offer optional family enrollment for additional older children who are not eligible under this Act as a reasonable cost. (The premium subsidy, however, shall be calculated based on the prorated portion of the premium assessed for the eligible children. The family shall be responsible for the portion of the family premium amount in excess of that ordinarily assessed for the eligible children under this Act.)

In the case of a family that has at least one eligible child enrolled in the certified plan and one or more other children who are eligible for health services under Medicaid but not eligible for coverage under this title, offer health services under Medicaid for such other children in the family.

Not discriminate against persons during marketing, enrollment, or provision of services based on pre-existing conditions, genetic predisposition of health conditions, medical history, expected utilization of services or health expenditures, race, ethnicity, national origin, religion, age (within the eligible age group), gender, income, or disability. The plan must accept any applicant who is eligible within the geographic area served by the plan and may not deny enrollment to any eligible person except on the basis of documented plan capacity. In addition, in the case of currently enrolled individuals who are re-enrolling in the plan, such persons cannot be denied re-enrollment even on the basis of plan capacity.

Not use excessive pressure, misleading advertising or marketing, or other unethical practices to coerce or discourage certain persons or groups from enrolling into the plan or disenrolling from the plan.

Establish a system for collecting premiums and copayments; not drop an individual from the plan except in cases of failure to pay for premiums or copayments, fraud and abuse, or withdrawal of the health plan from the market. The plan must notify the state of its intention to drop an enrolled individual not later than 60 days before discontinuing the enrollee's coverage.

Not impose a waiting period before coverage begins and provide for and cover all health benefits as specified under sections 2721 and 2722, and shall consider the premium amount negotiated by the state under this Act to be the full premium. Other than authorized copayments, there shall not be any additional charges for covered services.

Not exclude coverage or deny care for any pre-existing conditions, congenital conditions, or genetic predispositions to conditions that are covered by the comprehensive benefits package.

Ensure that a choice of primary care providers is available, and that primary care and preventive services are readily available and convenient to all plan members within the geographic area served, and that emergency services are available on a 24-hour basis, seven days a week.

Establish a program for credentialing and performance monitoring of providers. In addition, adequate health provider to enrolled ratios shall be established.

Provide strong, comprehensive preventive health and patient education services.

Ensure that the special health needs of children with disabilities or chronic health conditions are adequately met. If sufficient capacity to deliver health services for such children do not exist within the certified plan, including pediatric specialty and subspecialty care, the plan must enter into agreements with such providers or facilities to provide appropriate care.

To the extent that such resources or services are not available within the plan, provide access to an integrated child and maternal health care network, which consists of a network of providers who together can provide for the full continuum of health care, including preventive, primary, secondary, tertiary, rehabilitation, chronic and long-term care, home care, and hospice care. This network must specifically include access to pediatric and maternal specialty and subspecialty care. In areas covered by the plan, the plan shall enter into cooperative agreements with providers or facilities to provide the continuum of care if resources to provide such care are not available within the plan. If medically-indicated subspecialty care is not available within the geographic area, the plan shall provide transportation to the nearest appropriate facility.

Cover emergency care obtained in out-of-area or out-of-state facilities as long as the health condition was certified to be an emergency by the attending physician or could have been reasonably assumed to be an emergency by the family; and cover deliveries of newborns at nonhospital facilities in areas where such facilities are available.

Make a reasonable effort to provide language translation services in areas where languages other than English are relatively common.

Implement disincentives (e.g., high copayments) for inappropriate use of emergency rooms for nonemergency care; and provide incentives (e.g., reduced premiums, premium rebates, additional services) for enrollees and their families to follow medical and public health recommendations for immunizations, prenatal care, health behaviors, or other preventive health guidelines.

Implement an information system to collect and report data as specified in sections

2744 and 2745; implement a quality assessment and improvement program and utilization review program as specified in section 2743; and within the guidelines developed by the state, submit an annual evaluation and quality improvement plan, including an evaluation of the plan's cost containment measures, assurance of quality care, impact on the health status of the enrolled population (including outcome measures and process objectives), a financial statement, proposed changes in premium rates, and other relevant changes to the plan. The state shall provide guidance to certified plans on the elements of an acceptable annual evaluation and quality improvement plan. The state may use the annual evaluation and quality improvement plan as the basis for re-certification of plans.

Establish a program for consumer feedback and resolution of consumer complaints that includes specified time frames for decision. The program shall be clearly documented and made available to all enrollees.

In consultation with local health departments and maternal and child health programs under title V of the Social Security Act, establish, support, or substantially participate in a community-based maternal and/or child health program in the coverage area served by the plan.

Comply with any other relevant state or federal regulations.

In order to minimize regulatory burden and potentially duplicative standards and regulations, a certified plan shall be considered as fulfilling a requirement or complying with a standard under this Act, if the plan is already meeting an existing state or federal requirement or standard that has been deemed to be identical or at least as effective as that specified under this Act, by the state or the Secretary (as appropriate).

The requirements and guidelines specified in this Act shall not apply to health plans that do not participate in a state program under this Act, and shall not apply (unless the plan elects for such requirements to apply), to the care and treatment of individuals in the plan who are not enrolled in the state program under this Act.

Sec. 2763. Responsibilities of Employers

Under this Act, employers shall: in the case of an employer who provides health benefits to pregnant women, not drop such coverage as result of this Act; and in the case of an employer who provides health benefits to employee dependents under seven years of age, not drop such coverage unless the employer agrees to pay the temporary maintenance-or-effort fee specified in section 2771. The employer is restricted from dropping such coverage until 180 days after the implementation date of the State program.

Sec. 2764. Responsibilities of States

Under this Act, participating states shall:

Develop and submit an approved initial five-year strategic plan and annual evaluation and quality improvement plans to the Secretary.

Develop a process for certifying and re-certifying health plans under this Act. The criteria for certification shall include, but are not limited to, an evaluation of minimum capital requirements, solvency requirements, and other standards related to financial stability, premium rating methodology, quality of services provided by the plan, and ability of the plan to provide required services. Certified plans shall be re-certified at least once every four years and when the plan has undergone significaticant changes such as a merger or other changes as determined by the state.

Establish a system whereby the state shall solicit and evaluate proposals from all interested certified plans operating in the state, and enter into cooperative agreements with certified plans. In order to maximize the choice of plans in an area, states shall ensure that any certified health plan that fulfills all state and federal requirements and guidelines under this Act, and is otherwise in good standing with the state, is allowed to participate in the state program. In addition, states may elect to enter into risk and/or profit sharing agreements with all or selected certified plans. States may elect to implement rate margin provisions in their agreements with certified plans such that, at the end of a contract period, certified plans would be reimbursed by the state if incurred costs exceeded anticipated costs, and states could recover excess premiums from the plan if incurred costs are less than anticipated costs at the time of rate negotiation.

Implement risk adjustment methods, reinsurance mechanisms, or other mechanisms to ensure that state payments to specific certified plans are reflective of the expected utilization or expenditure rates of its enrollees and to protect specific certified plans that enroll a disproportionate share of persons who are expected to have higher than average utilization or expenditure rates.

Ensure that the plans' premium rating methodologies are well documented, actuarially sound, and minimize large variations in annual premium rates; and directly reimburse each certified plan for the state's portion of the negotiated premium for enrolling eligible children and pregnant women.

Ensure that the premiums negotiated with each certified plan applies for all eligible children and applies for all eligible pregnant women who enroll in the plan; negotiate with certified plans discounted premiums for families with multiple children (i.e., if the premium for a family with a single child enrolled is $100, the premium for a family with two children enrolled shall be less than $200); and ensure that negotiated premium rates fairly compensate certified plans for their services, but that such rates do not result in excessive profits by plans.

Offer families a choice of certified plans to the extent possible as long as at least one managed care plan for children is available to all eligible children regardless of geographic location.

May use financial or other incentives to encourage adequate coverage of rural and undeserved areas.

Develop and implement an open enrollment system during the national open enrollment period consistent with the guidelines specified in section 2715; and implement an outreach program to maximize enrollment of eligible individuals.

Ensure that certified plans accept any applicant who is eligible within the geographic area and do not discriminate or use coercive or unethical practices to encourage or dissuade enrollment into their plan.

In determining or approving the boundaries of coverage areas for certified plans, ensure that the coverage areas are consistent with the anti-discrimination standards specified in section 2762, and that such boundaries do not result in plans avoiding enrollment of persons who are expected to have higher than average rates of utilization or expenditures.

Impose a surcharge for persons who enroll outside of the regular open enrollment period as specified in section 2715; and monitor, evaluate, and address the potential barriers, including cost sharing requirements, that may prevent certain families, especially low income families, from enrolling in the state program or from obtaining health services after enrollment.

Develop a mechanism to assist families who cannot temporarily pay for premiums or copayments due to unexpected shortfalls in income; in the case of fee-for-service plans, the state must use pediatric- and maternal-specific prospective payment schedules for the reimbursement of services. Such schedules shall be negotiated between providers, plans, and the state.

Ensure that any relevant health services provided by local and state health departments are integrated and coordinated with the state program under this Act; and establish a state advisory council analogous to the national council under section 2742, except that the composition, organization, and other guidelines for the state council shall be determined by the state. The majority of state council members, however, must be comprised of health care providers and consumers.

Develop and implement standards for dissemination of consumer information provided by certified plans, provide consumers with comparative information on certified plans during the open enrollment period as requested, and set up hotlines and other mechanisms to assist consumers. Standards for consumer information must address services for children with special health care needs. States shall approve all advertising or other marketing materials from participating plans to ensure that such materials do not contain misleading or false information, and that the content of the material does not selectively encourage or selectively discourage certain groups of persons from enrolling in or disenrolling from the plan. States may elect to contract with non-government entities to perform these functions. States shall ensure that decisions regarding the approval of advertising or other marketing materials are made in a reasonable time frame and are based on consistently applied criteria as determined by the state.

Establish a mechanism for consumer feedback, collection of complaints, filing of grievances, and assist in the resolution of complaints against certified plans. Establish at least one alternative dispute resolution mechanism for malpractice claims filed by persons enrolled in a certified plan.

Address deficiencies in enabling services to ensure access to health services among underserved areas or populations; and ensure that primary care services are accessible by public transportation in municipalities that have a public transportation system.

For a period not less than five years, ensure that health facilities that provide care to large numbers of children, pregnant women, children with special health care needs, or low income persons, including non-investor-owned hospitals, community health centers, school-based health clinics, rural health clinics, and local health departments, are able to participate fully in the state program, are adequately reimbursed for their services, and are able to enter into agreements with certified plans. In cases where such providers are not affiliated with a certified plan, the state may encourage such providers to form their own certified plan.

Enter into agreements with bordering states to ensure that persons who need to travel across state borders for medically necessary health services that are otherwise not accessible may do so without penalty.

May elect to implement laws to take legal action against families who fail to enroll their children or who fail to pay premiums for children under their care who require medical treatment for a health condition.

Establish a system for preventing, monitoring, and controlling fraud and abuse as specified in section 2746. In addition, establish a system to prevent and address any conflicts of interest on the part of the state or its designated representatives regarding the award, management, or evaluation of contracts with certified plans, ensure that certified plans are in compliance with state and federal guidelines under this Act.

Sec. 2765. Responsibilities of the Secretary of HHS

Establish and administer the Trust Fund as specified in Part A; approve, evaluate, and monitor state programs as specified in Parts D and E; provide states with technical and or other assistance; establish, appoint, and support the Council as specified in section 2742; and establish and coordinate the national open enrollment period as specified in section 2715.

Develop a specific comprehensive benefits package as specified in section 2721; develop national guidelines for quality assessment and improvement programs and utilization review programs as specified in section 2743; and develop and implement the National Health Information System for Mothers and Children and the National Childhood Immunization Database as specified in sections 2744 and 2745.

Review, prioritize, integrate, and coordinate federally funded material and child health programs as specified in sections 2754, 2755, and 2773.

In conjunction with the US Attorney General, establish a system for preventing, monitoring, and controlling fraud and abuse as specified in section 2746.

Devleop and administer the grants program to support states, universities, and nonprofit organizations for the purposes of improving the health of mothers and children as specified in 2751.

Sec. 2766. Responsibilities of the US Attorney General

In conjunction with the Secretary of HHS, establish a system for preventing, monitoring, and controlling fraud and abuse as specified in section 2746.

Sec. 2767. Responsibilities of the Secretary of Agriculture

Establish and administer the Tobacco Alternatives Trust Fund as specified in section 9512

Sec. 205. Existing Programs

Amends title XXVII of the Public Health Service Act.

PART H—IMPACT ON EMPLOYERS AND EXISTING PROGRAMS

Sec. 2771. Impact on Employers

Employers are encouraged to, but not required to, provide or continue to provide comprehensive health services to their employees' dependent children. In participating states, employers who provide health benefits for an employee's dependent children at the time of enactment of this Act and drop their coverage of all children or children under seven years after the enactment of this Act, shall be subject to a temporary annual maintenance of effort fee, which will be deposited into the Trust Fund. The fee will be equivalent to 50% of the estimated annual cost of providing comprehensive coverage for all employee-dependent children. The annual fee shall be in effect for a period not to exceed five years.

In no case, however, shall the employer drop such coverage until 180 days after the implementation date of the respective state program. Employers shall not selectively drop coverage for specific employee-dependent children who have, or are expected to have, higher than average utilization or health care costs. Employers who provide pregnancy-related benefits for their employees and dependents shall continue to do so after the implementation of this Act. (The Pregnancy Discrimination Act of 1978 would remain in effect.) Funds from the temporary employer maintenance of effort fee shall be transferred by the Treasury of the United States into the Trust Fund.

Sec. 2772. Impact on Medicaid

In participating states, children under seven years and pregnant women who are enrolled in Medicaid shall be automatically enrolled into the respective state program under this Act, and all health benefits, including long-term and chronic care services for children with disabilities or chronic health conditions, shall be received under the state program. States may elect not to shift long-term and chronic care services for children with disabilities or chronic health conditions into the state program under this Act, if the state can demonstrate that doing so would significantly compromise the quality of care for such children. However, states that elect not to shift long-term and chronic care services into the state program under this Act must develop health care coordination plans that integrate the various sources of health services for such children in consultation with state Title V maternal and child health programs. States may also elect to establish a transitional period to gradually phase in children with disabilities or chronic health conditions into the state program.

Federal Medicaid payments to states towards the care of children under seven and pregnant women in effect at the time of enactment of this Act shall be shifted to the Trust Fund. Except for the state-federal matching requirements specified in sections 102 and 503, there is no additional maintenance of effort required on the part of the states' Medicaid contribution towards the care of the targeted group.

There is no impact on the Medicaid program for noneligible children seven years of age and older under this Act. Applicable federal guidelines and payments to the state towards the care of these children shall remain in effect. States are required to maintain their effort towards the Medicaid program for children who are not eligible under this Act. There is no impact on the Medicaid program for states that do not participate under this Act.

Sec. 2773. Integration of Health Services and Impact on Existing Federal and State Government Health Programs

Every two years after the enactment of this title, the Secretary, in consultation with the Maternal and Child Health Bureau, shall review all federal maternal and child health programs. Participating states, acting through a single designated lead agency, in consultation with state health programs authorized under Title V of the Social Security Act, shall review state-funded programs that provide health services to children under seven and pregnant women to ensure that these programs are integrated and coordinated with the services covered by this Act. If the Secretary determines that specific functions performed by federal health programs under review are duplicated or made extraneous by the benefits provided under this Act, then the Secretary may recommend to Congress that the federal program, or portions of the program, be eliminated or reduced. The most recent year appropriation for the program or portion of the program shall be transferred to the Trust Fund. Similarly, states shall deposit any savings from duplicated state-funded services to the state-specific trust fund (this does not apply to the state contribution to the Medicaid program).

In all cases, however, the Secretary and the states shall ensure that federal Title V funds and matching state funds are retained within existing programs to meet the needs of children over seven years, and eligible children and pregnant women who do not participate in the state program under this Act, to perform core public health functions, to coordinate care for children with special health care needs, and otherwise to meet needs identified through Title V needs assessments consistent with Healthy People 2000 objectives.

Sec. 207. General Provisions

Amends title XXVII of the Public Health Service Act.

PART I—GENERAL PROVISIONS

Sec. 2781. Definitions

For purposes of this legislation, the following are definitions of terms used:

Adjusted family gross income—means the sum of all adjusted gross income of all family members of the child or pregnant women involved in the most recent tax year. In the case of a pregnant woman, such term also includes the adjusted gross income of the pregnant woman.

Advisory council—means the National Advisory Council for Mother's and Children's Health established under section 2742.

Certified plan—means the agreement entered into by an organized health care entity to cover or provide specified health care services under State and Federal guidelines under this title. Organizations that may enter into such agreement shall include health maintenance organizations, preferred provider organizations, point-of-service plans, fee-for-service plans, indemnity insurance plans, hybrids of such plans, and any other organized health care entities that fulfill the requirements of this title.

Child—In general means an individual who has not attained the age of 21. References in this title to a child shall be construed to mean, in the case of a State program that does not have an expanded access component, an individual under 7 years of age and, in the case of a State program that offers an expanded eligibility component, an individual under 21 years of age.

Comprehensive benefits package—means either the benefits package for children or the benefits package for pregnant women, as the case may be, developed by the Secretary under section 2721.

Core public health functions—means the following: (A) The collection and analysis of public health-related data and the technical aspects of developing and operating information systems. (B) Activities related to protecting the environment and ensuring the safety of workplaces, food, and water. (C) Investigation and control of adverse health conditions and exposures to individuals and the community. (D) Information and education programs to prevent adverse health conditions. (E) Accountability and health care quality improvement activities. (F) The provision of public health laboratory services. (G) Training for public health professionals.

(H) Health care leadership, policy development, coalition-building, and administrative activities. (I) Integration and coordination of prevention programs and services of health plans, community-based providers, government health agencies, and other government agencies that affect health including education, labor, transportation, welfare, criminal justice, environment, agriculture and housing. (J) Research on effective and cost-effective public health practices.

Enabling services—means community outreach, health education, transportation, language translation, and other services that facilitate or otherwise assist eligible individuals to receive health service provided under this title.

Family—means a pregnant woman residing alone or a group of two or more individuals who reside together in the same housing unit. Such individuals may be related (such as parent and child) or unrelated (such as guardian and foster child) individuals. In the case of children who do not reside with their parents, such term may also include individuals (such as family friends) or entities (such as government agencies) that have primary responsibility for the health and welfare of the child.

Information system—means the National Health Information System for Mothers and Children established under section 2744.

Participating state—means any of the 50 States, the District of Columbia, Puerto Rico, and any of the trust territories of the United States, that elects to participate in the program established under this title.

Poverty level—means the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Service Block Grant Act (42 USC 9902(2)) applicable to a family of the size involved.

Tobacco alternatives trust fund—means the trust fund established under section 9512 of the Internal Revenue Code of 1986.

Trust fund—means the National Health Trust Fund for Mothers and Children established under section 9551 of the Internal Revenue Code of 1986.

Sec. 2782. Authorization of Appropriations

From the Trust Fund, the Department of Health and Human Services and the Department of Justice is hereby authorized such sums as may be necessary for each of the fiscal years 1996 through 2000 to develop and implement the requirements of this Act.

Sec. 208. Unlawful Use of Tobacco Products Manufactured for Export

Amends section 2341 of title 18 USC.

Any person or business entity who illegally purchases, sells, distributes, or smuggles (or assists in these activities), tobacco products that are manufactured in the US and designated for export only shall be subject to a fine of $10,000 or an amount equal to five times the tax imposed under this Act, in addition to any taxes ordinarily assessed for such tobacco products. Any equipment or vehicles (includes ships, aircraft, motor vehicles, etc.) used to illegally transport export-designated tobacco products in the US shall be confiscated and deemed to be the property of the US. Any penalties recovered from successful prosecution of these illegal activities, including the proceeds from sale of related equipment and vehicles, shall be transferred to the Trust Fund.

TITLE III—FINANCING PROVISIONS

Sec. 301. Increase in Taxes on Tobacco Products

Amends section 5701 of IRS Code 1986.

Sec. 5701. Rate of Tax

Federal excise taxes on cigarettes offered for sale in the US shall increase over the existing tax ($0.24/pack) by $1.50/pack. There shall also be an equivalent tax increase for smokeless tobacco products calculated on an equivalent retail unit basis (e.g., $1.50 increase per package of chew tobacco and similar increase per tin of snuff). In addition, an equivalent increase shall apply to cigars, cigarette papers, cigarette tubes, or other products that are used to "roll your own" cigarettes. The total federal excise tax shall be indexed to the CPI in subsequent years and recalculated on an annual basis.

Sec. 302. Assistance to States Adversely Impacted by Tobacco Tax

Amends subchapter A of chapter 98 of the Internal Revenue Code of 1986.

Sec. 9512. Tobacco Alternatives Trust Fund

To minimize the potential economic impact of the increased tax on tobacco farmers and tobacco industry workers, the Tobacco Alternatives Trust Fund is established at the time of enactment and shall exist for a period not to exceed five years. Every year, 2% of the annual federal revenue from the increased tobacco tax will be deposited into the Tobacco Alternative Trust Fund. Monies from this Fund shall be allocated on an annual basis by the Secretary of Agriculture to states adversely affected by the tobacco tax.

States that are significantly impacted by the tax shall develop an initial five-year strategic plan for assisting tobacco farmers and tobacco manufacturing/production workers who are adversely affected by the increased tobacco tax. The strategic plan must be approved by the Secretary of Agriculture before any federal monies are provided to the state. The Secretary shall allocate funds on an annual basis to each state based on a formula that takes into account the number of farmers and workers affected in that state and the severity of the economic impact. Monies from the Fund may be used for direct payments to tobacco farmers or workers, assisting farmers in converting to alternative crop and livestock production, infrastructure and business-related financing in impacted areas with significant numbers of tobacco-related jobs, job training, and other economic development projects that the state considers worthwhile upon approval of the Secretary of Agriculture.

Each year the states receiving monies from the Fund shall submit to the Secretary of Agriculture an annual report documenting the economic impact of the tax, an evaluation of their program activities, and their improvement plan for the coming year. Upon approval by the Secretary, the state's annual allocation from the Fund shall be transferred to the state.

Administrative costs for this program are limited to 5% of annual program expenditures and shall be offset by monies in the Tobacco Alternatives Trust Fund.

Sec. 303. Designation of Overpayments and Contributions for the National Health Trust Fund for Mothers and Children

Amends subchapter A of chapter 61 of the Internal Revenue Code of 1986.

PART IX—DESIGNATION OF OVERPAYMENTS AND CONTRIBUTIONS FOR THE NATIONAL HEALTH TRUST FUND FOR MOTHERS AND CHILDREN

Sec. 6097. Amounts for the National Health Trust Fund for Mothers and Children

Beginning with the first full tax year subsequent to the enactment of this Act, every individual (or couple in the case of joint returns) filing a tax return shall have the option of making a contribution to the Trust Fund through either electing to donate any portion (not less than $1) of a tax overpayment for that year, or electing to make a cash contribution to be transferred to the Trust Fund. These mechanisms for contributions through tax returns shall not apply in the second year subsequent to any year where the total contributions designated from tax returns are less than $5 million.

In addition, any individual, corporation, foundation, or private sector entity may elect to donate monies to the Trust Fund or to one of the state trust funds established under this Act at any time. Charitable donations to the state or national trust funds shall be considered tax deductible donations to the extent allowed by federal and state tax laws.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I want to commend the distinguished Senator from Illinois for the presentation he made, and for the effort he is making to cover pregnant women and children. I certainly will look at the legislation he has presented.

I think it is a great help in this ongoing debate that we are having that the Senator has stepped forward with this legislation, which seems to me to hold a lot of promise.

As he mentioned, always the funding part is difficult. But, nonetheless, I agree with the source of funding from the increased tax on cigarettes. I am not sure everybody else will enthusiastically embrace it. But I think the Senator mentioned Rhode Island and what we are doing to fund this program. There may have to be, in fact, an increase in the price of cigarettes, which will hopefully keep them away from those who are price sensitive in connection with purchasing that kind of deleterious substance.

So, again, I think it is wonderful what the Senator has done. I take it that the Senator has not yet introduced that legislation.

Mr. SIMON. I just introduced it. I welcome any suggestions for a modification. I welcome having JOHN CHAFEE, as well as the distinguished junior Senator from Utah, as cosponsors, if at any point they feel comfortable doing that.

Mr. CHAFEE. I will certainly take a good look at it. I will get a copy either from the Senator's office or from the reprint here, and take a good look at it.

Mr. SIMON. I thank the Senator.

ADDITIONAL COSPONSORS

S. 256

At the request of Mr. DOLE, the names of the Senator from Wisconsin [Mr. KOHL], and the Senator from Iowa [Mr. GRASSLEY] were added as cosponsors of S. 256, a bill to amend title 10, United States Code, to establish procedures for determining the status of certain missing members of the Armed Forces and certain civilians, and for other purposes.

S. 308

At the request of Mr. HATFIELD, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 308, a bill to increase access to, control the costs associated with, and improve the quality of health care in States through health insurance reform, State innovation, public health, medical research, and reduction of fraud and abuse, and for other purposes.

S. 327

At the request of Mr. HATCH, the name of the Senator from Colorado [Mr. CAMPBELL] was added as a cosponsor of S. 327, a bill to amend the Internal Revenue Code of 1986 to provide clarification for the deductibility of expenses incurred by a taxpayer in connection with the business use of the home.

S. 356

At the request of Mr. SHELBY, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of S. 356, a bill to amend title 4, United States Code, to declare English as the official language of the Government of the United States.

S. 440

At the request of Mr. WARNER, the name of the Senator from Texas [Mrs. HUTCHISON] was added as a cosponsor of S. 440, a bill to amend title 23, United States Code, to provide for the designation of the National Highway System, and for other purposes.

S. 448

At the request of Mr. GRASSLEY, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 448, a bill to amend section 118 of the Internal Revenue Code of 1986 to provide for certain exceptions from rules for determining contributions in aid of construction, and for other purposes.

S. 526

At the request of Mr. GREGG, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 526, a bill to amend the Occupational Safety and Health Act of 1970 to make modifications to certain provisions, and for other purposes.

S. 555

At the request of Mrs. KASSEBAUM, the name of the Senator from Louisiana [Mr. BREAUX] was added as a cosponsor of S. 555, a bill to amend the Public Health Service Act to consolidate and reauthorize health professions and minority and disadvantaged health education programs, and for other purposes.

S. 585

At the request of Mr. SHELBY, the names of the Senator from Mississippi [Mr. LOTT], the Senator from Minnesota [Mr. GRAMS], and the Senator from North Carolina [Mr. HELMS] were added as cosponsors of S. 585, a bill to protect the rights of small entities subject to investigative or enforcement action by agencies, and for other purposes.

S. 641

At the request of Mrs. KASSEBAUM, the name of the Senator from Ohio [Mr. DEWINE] was added as a cosponsor of S. 641, a bill to reauthorize the Ryan White CARE Act of 1990, and for other purposes.

S. 770

At the request of Mr. DOLE, the name of the Senator from Colorado [Mr. CAMPBELL] was added as a cosponsor of S. 770, a bill to provide for the relocation of the United States Embassy in Israel to Jerusalem, and for other purposes.

S. 830

At the request of Mr. SPECTER, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 830, a bill to amend title 18, United States Code, with respect to fraud and false statements.

AMENDMENT NO. 1283

At the request of Mr. WELLSTONE his name was added as a cosponsor of amendment No. 1283 proposed to S. 652, an original bill to provide for a procompetitive, deregulatory national policy framework designed to accelerate rapidly private sector deployment of advanced telecommunications and information technologies and services to all Americans by opening all telecommunications markets to competition, and for other purposes.

SENATE RESOLUTION 134—RELATIVE TO THE SECRETARY OF THE SENATE

Mr. DOLE (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 134

Whereas Sheila P. Burke faithfully served the Senate of the United States as Secretary of the Senate from January 4, 1995 to June 8, 1995, and discharged the difficult duties and responsibilities of that office with unfailing devotion and a high degree of efficiency; and

Whereas since May 26, 1977 Sheila P. Burke has ably and faithfully upheld the high standards and traditions of the staff of the Senate of the United States for a period that includes 10 Congresses, and she continues to demonstrate outstanding dedication to duty as an employee of the Senate; and

Whereas through her exceptional service and professional integrity as an officer and employee of the Senate of the United States, Sheila P. Burke has gained the esteem, confidence and trust of her associates and the Members of the Senate: Now, therefore, be it

Resolved, That the Senate recognizes the notable contributions of Sheila P. Burke to the Senate and to her country and expresses to her its appreciation and gratitude for her long, faithful and continuing service.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to Sheila P. Burke.

SENATE RESOLUTION 135—AUTHORIZING THE REPRESENTATION OF SENATE EMPLOYEES BY LEGAL COUNSEL

Mr. DOLE (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 135

Whereas, the plaintiffs in *Schneider* v. *Schaaf*, Civ. No. 95–C–1056 and *Schneider* v. *Messer*, Civ. No. 93–C–124, civil actions pending in state court in North Dakota have sought the deposition testimony of Ross Keys, a former Senate employee who worked for Senator Kent Conrad and documents from Senator Conrad's office;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to requests for testimony made to them in their official capacities: Now, therefore, be it

Resolved, That Ross Keys is authorized to produce records and provide testimony in the cases of *Schneider* v. *Schaaf* and *Schneider* v. *Messer*, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Ross Keys in connection with the testimony authorized by section 1 of this resolution.

AMENDMENTS SUBMITTED

TELECOMMUNICATIONS COMPETITION AND DEREGULATION ACT OF 1995 COMMUNICATIONS DECENCY ACT OF 1995

PRESSLER AMENDMENTS NOS. 1422–1423

Mr. PRESSLER proposed two amendments to the bill, S. 652 to provide for a procompetitive, deregulatory national policy framework designed to accelerate rapidly private sector deployment of advanced telecommunications and information technologies and services to all Americans by opening all telecommunications markets to competition, and for other purposes; as follows:

AMENDMENT NO. 1422

In section 623(m)(2) of the Communications Act of 1934 (as added by section 204 of the bill on page 70), strike "and does not, directly or through an affiliate, own or control a daily newspaper or a tier 1 local exchange carrier." And insert "and is not affiliated with any entity or entities whose gross annual revenues in the aggregate exceed $250,000,000.".

AMENDMENT NO. 1423

In section 262 of the Communications Act of 1934, as added by section 308 of the bill—

(1) Strike subsection (e) and insert the following:

"(e) GUIDELINES.—Within 18 months after the date of enactment of the Telecommunications Act of 1995, the Architectural and Transportation Barriers Compliance Board shall develop guidelines for accessibility of telecommunications equipment and customer premises equipment in conjunction with the Commission the National Telecommunications and Information Administration and the National Institute of Standards and Technology. The Board shall review and update the guidelines periodically.

(2) Strike subsection (g) and insert the following:

"(g) REGULATIONS.—The Commission shall, not later than 24 months after the date of enactment of the Telecommunications Act of 1995, prescribe regulations to implement this section. The regulations shall be consistent with the guidelines developed by the Architectural and Transportation Barriers Compliance Board in accordance with subsection (e).

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. PRESSLER. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet at 10 a.m. on Thursday, June 15, 1995, in open session, to receive testimony on the current situation and policy options in Bosnia.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. PRESSLER. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on affirmative action in employment, during the session of the Senate on Thursday, June 15, 1995 at 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. PRESSLER. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be permitted to meet on Thursday, June 15, 1995 for a hearing on the Election Commission's budget authorization request for fiscal year 1996.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON HOUSING OPPORTUNITY AND COMMUNITY DEVELOPMENT

Mr. PRESSLER. Mr. President, I ask unanimous consent that the Subcommittee on Housing Opportunity and Community Development, of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, June 15, 1995, to conduct a hearing on the administration's proposal to restore section 8 rents to market rates on multifamily properties insured by FHA.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PRODUCTION AND PRICE COMPETITIVENESS

Mr. PRESSLER. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry, Subcommittee on Production and Price Competitiveness be allowed to meet during the session of the Senate on Thursday, June 15, 1995 at 9 a.m., in SR–332, to discuss commodity policy.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TERRORISM, TECHNOLOGY, AND GOVERNMENT INFORMATION

Mr. PRESSLER. Mr. President, I ask unanimous consent that the Subcommittee on Terrorism, Technology, and Government Information for the Committee on the Judiciary be authorized to meet during the session of the Senate on Thursday, June 15, 1995, at 9:30 a.m. to hold a hearing on the militia movement in the United States.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

TRIBUTE TO LINDSEY NELSON

• Mr. THOMPSON. Mr. President, Lindsey Nelson, Tennessean, died this week. He left behind a rich national heritage in broadcasting matched by very few in our history. During his life he was voted by his peers into the Baseball Hall of Fame at Cooperstown; the Broadcasters' Hall of Fame; and the Pro Football Hall of Fame in Canton, OH.

He richly deserved this recognition for his remarkable achievements in sports broadcasting.

After working in administration at NBC in New York City for a number of years, Mr. Nelson took to the airwaves and started his career in broadcasting.

In 1962, he became the announcer for the just-formed New York Mets, where he remained for 17 years. Working with Ralph Kiner and Bob Murphy, he broadcast the Miracle Mets' World Series season of 1969.

Later he became the voice of the San Francisco Giants. He also broadcast Notre Dame football during his distinguished career, along with many of our Nation's great sporting events, including the Masters Golf Tournament and the Cotton Bowl.

But, as distinguished as Lindsey Nelson's career was at the national level, he was first and foremost a son of Tennessee. He graduated from the University of Tennessee in 1941. While in UT he tutored English to football players, and planned to go into sports writing.

However, the Second World War intervened, and Mr. Nelson joined the Army and saw battle duty in Italy, Germany, and France. He won seven battle campaign stars and a Bronze Star.

After the war he did the play-by-play for the University of Tennessee football team. In 1949 he founded the Vol Network, and became the university's sports information director in 1951. He also did announcing for the school's basketball games and the Knoxville Smokies baseball team.

The university's baseball stadium, one of the finest in the Nation, was named after Lindsey Nelson.

For a number of years Mr. Nelson wrote a column for The Knoxville News-Sentinel.

Lindsey Nelson loved Tennessee. He loved its State university in Knoxville. Wherever he served in his long and productive life, he was never far from his beloved State and school.

Tennessee lost one of its most favored and distinguished sons with the passing of Lindsey Nelson. As his old friend Ben Byrd, former sports editor of The Knoxville Journal, said on hearing of Mr. Nelson's death: "A lot of people knew him, and without exception they all loved him. He was just something special."

I join all of Lindsey Nelson's many friends in Tennessee and around the world in mourning his passing.•

RETIREMENT OF RICHARD A. GIESSER, CHAIRMAN OF THE MASSACHUSETTS PORT AUTHORITY

• Mr. KERRY. Mr. President, I rise to pay tribute to Richard A. Giesser as he leaves office after 10 years as chairman of the Massachusetts Port Authority.

Mr. President, I have known Dick Giesser as a friend and adviser for many years. He is one of those all-too-rare individuals who balanced a successful career in business with a deep commitment to public service. I have no doubt that his service to the public will continue long beyond his tenure at the Massachusetts Port Authority.

Dick Giesser will be remembered, not only as the longest serving chairman of the port authority, but as a chairman who worked tirelessly to build MassPort's strength while providing safe and efficient service to the public. Under his leadership MassPort put the highest premium on safety, building inclined runway safety ramps at Logan International Airport and developing state-of-the-art fire and rescue facilities.

Mr. Giesser was a key architect of the Logan Airport modernization plan, now known as Logan 2000, which will enable Logan Airport to meet the ever-increasing demands of the regional integration into the global economy.

In the meantime, Dick Giesser kept faith with communities surrounding Logan Airport, by pioneering noise rules that alleviate the impact of air traffic over East Boston and Winthrop. He was instrumental as well in providing MassPort's support to the adjoining city of Chelsea so that Chelsea could climb back from bankruptcy and regain its fiscal stability.

Under Dick Giesser's guidance in MassPort became an important promoter of New England companies in international trade. During his tenure the authority hosted the successful Sail Boston exhibition, which showcased Boston Harbor and Massachusetts to the world, and with his leadership MassPort launched a broad effort to restore marine-related industries to the harbor.

Dick Giesser is proud that the Massachusetts Port Authority achieved a AA bond rating for the first time during his tenure. I am sure he is even prouder that he leaves MassPort a stronger agency, capable of meeting the demands of the 21st century without turning its back on its neighbors.

Mr. President, once again, I salute Richard Giesser for his service to MassPort, to Massachusetts, and to New England. He exemplifies the importance of public service, but beyond that, he is a friend, and I join with my colleagues and the people of Massachusetts and New England in wishing him well.•

TRIBUTE TO THEO POZZY

• Mr. COHEN. Mr. President, I rise today to pay tribute to Theo J. Pozzy, a close friend of mine who passed away on May 29 at the age of 94. Theo was a longtime community volunteer in my hometown of Bangor and was revered by everyone in the community.

In 1919, while still a teenager, Theo came to the United States from France. Even toward the end of his life, his voice contained the telltale sign of a French accent. His love for his adopted country, however, could not have been stronger.

Theo served admirably in World War II under the command of Gen. Douglas MacArthur. After the war, he helped carry out the Marshall plan in Europe, working closely with Ambassador Averill Harriman. On the recommendation of French President Charles DeGaulle, Theo was awarded the French Medal of the Legion of Honor for his work abroad.

After returning from Europe, Theo dedicated much of his life to helping others through volunteer work. Toward the end of his life, he was very active with programs that helped individuals cope with drug and alcohol addictions, and he was the treasurer of the Eastern Regional Council on Alcohol and Drug Abuse in Bangor.

Some may ask what kept Theo going all these years. After all, many people view their golden years as a time to relax, and they eagerly look forward to enjoying themselves after a lifetime of working for and rewarding others.

I truly think that Theo Pozzy knew nothing other than giving of himself. While most people slow down in retirement, Theo sped up. While many people are anxious to celebrate themselves, Theo celebrated others. While some ask for something in return for their charity, Theo was much more comfortable as a benefactor than a beneficiary. These are some of the things that made him great.

Mr. President, I and many others lost a very close friend last month. Theo Pozzy will truly be missed.•

TRIBUTE TO CAPT. CAROLYN V. PREVATTE, U.S. NAVY

• Mr. GLENN. Mr. President, I rise to recognize the dedication, public service, and patriotism of Capt. Carolyn V. Prevatte, U.S. Navy. She has retired from active duty after more than 23 years of faithful service to our Nation. Captain Prevatte's contribution in formulating and implementing personnel policy helped to sustain the highest quality naval force we have had in the history of our armed services. Her strong commitment to excellence will have a lasting effect on the vitality of our modern warfighters. Her outstanding service commands the admiration and respect of her military colleagues and the Members of Congress.

Captain Prevatte is a native of the great State of Tennessee, but it can truly be said that she has spent her entire life in the service of our country since she is the daughter of a retired Army master sergeant. Commissioned in August 1971 at the Women Officers School, Newport, RI, Captain Prevatte served her first tour in Training Squadron 28, Naval Air Station, Corpus Christi, TX. Her department head tour followed at Naval Station, Annapolis, MD. While in Annapolis, she served as an assistant company officer on plebe detail for the U.S. Naval Academy class of 1980, the first to include women. In 1977, she commenced duty as Senior Instructor, Naval Reserve Officer Training Corps Unit, at the Texas A&M University. From there, she served as Operations Officer, Office of Legislative Affairs and as a Joint Manpower Planner, organization of the Joint Chiefs of Staff in Washington, DC. While on the joint staff, she was assigned additional duty as a military social aide at the White House. Captain Prevatte was Executive Officer of Navy Recruiting District, Houston, TX, from April 1984 to December 1985.

In January 1986, Captain Prevatte returned to Washington, DC for assignment as Head, Fleet Command Support Branch, Naval Military Personnel Command [NMPC]. In April 1987, she became the Deputy Director, Restricted Line/Staff Corps Officer Distribution and Special Placement Division, NMPC, and in February 1989, she became Administrative Assistant/Aide to the Commander, NMPC. Captain Prevatte served as Commanding Officer, Personnel Support Activity, Pensacola, FL, from December 1989 through August 1991. She reported to the Bureau of Naval Personnel in September 1991, where she served as Director, Allocation Division (Pers-45) prior to her assignment to the staff of the Assistant Secretary of the Navy (Manpower and Reserve Affairs) as Executive Director, Standing Committee on Military and Civilian Women in the Department of the Navy in April 1993. Additionally, in June 1993, she assumed duties as Staff Director (Manpower) in the Office of the Deputy Assistant Secretary of the Navy (Manpower).

In March 1994, Captain Prevatte was selected to serve as Executive Assistant and Naval Aide to the Assistant Secretary of the Navy (Manpower and Reserve Affairs). She transferred to the Office of the Secretary of Defense in October 1994, where she served as Military Assistant to the Assistant Secretary of Defense (Force Management Policy) until her retirement.

A proven Navy subspecialist in Manpower, Personnel and Training Analysis, Captain Prevatte holds a bachelor of science degree from Middle Tennessee State University and a master of science degree from Texas A&M University. She was named an Outstanding Young Woman of the Year in 1982. Her military awards include the Legion of Merit, Defense Meritorious Service Medal, Navy Meritorious Service Medal with three gold stars, Navy Commendation Medal, and Navy Achievement Medal with one gold star.

Our Nation, the U.S. Navy, and her parents, Master Sergeant (Retired) and Mrs. James L. Prevatte, can truly be proud of the captain's many accomplishments. A woman of such extraordinary talent and integrity is rare indeed. While her honorable service will be genuinely missed in the Department of Defense, it gives me great pleasure to recognize Captain Prevatte before my colleagues and wish her all of our best wishes in her well deserved retirement.

HONORING NICHOLAS KALIKOW

• Mr. D'AMATO. Mr. President, I rise today to offer congratulations to a young man from New York City who is being honored this coming weekend in Washington, DC. This fine young man, Nicholas Kalikow, will receive the coveted silver medal award in the annual Scholastic Art and Writing Awards given by the Alliance for Young Artists and Writers. The ceremony will be held at the Corcoran Gallery of Art on Saturday, June 17, 1995.

I have had the privilege of knowing the parents of Nicholas Kalikow, Peter and Mary Kalikow, for many years. Peter is an accomplished businessman, philanthropist, and public servant. Recently, the Governor of New York appointed him to the board of the Port Authority of New York and New Jersey. Mary, in addition to being a caring mother, is deeply involved in the education of the learning disabled, serving on several board's dealing with this critical matter.

I have watched Nicholas grow to his early manhood and have been impressed with his talent and character. In addition to his other fine traits, he is a fine gifted writer, as evidenced by this award.

The Scholastic Art and Writing Awards, administered by the Alliance for Young Artists and Writers, Inc., has recognized young artists and writers for their achievements in the arts since 1923. It is the largest and longest running program of its kind in the Nation. The awards program attracts entries from all 50 States. Some of our country's most important artists and writers, including Truman Capote and Joyce Carol Oates, received their first recognition from this program.

Nicholas will receive the silver medal in the short story category. Many entries were received in this category and I am proud to say the Nicholas' story was selected as a winner.

Mr. President, I want to congratulate Nicholas, his parents, sister Kathryn, his grandmother Juliet, and her husband Steve Levene, all of whom will be present at the awards ceremony. I also want to congratulate the sponsors of this event, many of whom are New York based corporations and foundations, who recognize the achievements of our Nation's youth.•

ALTERNATIVE MEDICINE

• Mr. HARKIN. Mr. President, on March 2, I was honored to participate in a press conference on a report to the National Institutes of Health on Alternative Medicine: Expanding Medical Horizons. The report, which was prepared by an editorial committee chaired by Dr. Brian Berman and Dr. David Larson, represented more than two years of work by more than two hundred practitioners of alternative medicine. It is my sincere hope that the NIH carefully read this document and use some of its recommendations as the basis for a long-term strategic plan for the NIH's Office of Alternative Medicine (OAM).

For my colleagues' review, I am attaching the opening remarks of Dr. James Gordon. Dr. Gordon, a Clinical Professor in the Departments of Psychiatry and Family Medicine at Georgetown Medical School as well as the Chair of the Advisory Council of the Office of Alternative Medicine, presents an excellent overview of various kinds of alternative therapies now being used by America's health consumers along with a cogent justification for the expansion of NIH-sponsored investigations into those therapies. I have also included the short introductory remarks I made at the March 2 press conference. I ask that these remarks be printed in the RECORD.

The remarks follow:

ALTERNATIVE MEDICINE: A REPORT TO THE NATIONAL INSTITUTES OF HEALTH

[Statement by James S. Gordon, M.D.]

Welcome to the press conference on the Report to the National Institutes of Health on Alternative Medicine. This is a very happy and fulfilling occasion for us. For the last two and a half years the efforts and good will of more than two hundred people have gone into creating this Report.

I'm James S. Gordon, M.D.—a psychiatrist who uses a number of alternative therapeutic approaches in his medical practice. I'm a Clinical Professor in the Departments of Psychiatry and Family Medicine at Georgetown Medical School; Director of the Center for Mind-Body Medicine here in Washington; and Co-Chair of the section on Mind-Body Interventions of this report. I'm going to be the moderator for today as we discuss this Report and its origins, and present it to the National Institutes of Health.

I'll begin with an overview of the field and set the context for the development of this Report. I'll then introduce Senator Tom Harkin. Afterwards Brian Berman, M.D. and David Larson, M.D.—the Chair and Co-Chair of the Editorial Board of this Report—will speak briefly on the contents of this Report. Drs. Berman and Larson will present the Report to Alan Trachtenberg, M.D., the Acting Director of the Office of Alternative Medicine. Then, I'll introduce the Editorial Board and several other contributing writers, and we'll be available to discuss the Report and answer your questions on it.

I'd like to begin by giving you some background on the Report and putting it in the context of the field of alternative medicine. Let's start with the name "alternative medicine." Alternative comes from the word "other," and, indeed, this is the other medicine or, more accurately, the other medicines—the ones that are not taught in our medical schools or ordinarily practiced in our hospitals or clinics.

This use of this term is of recent origin. Over the last two decades, it is one of several that has been created to apply to new developments in medicine. Others include "humanistic medicine;" "holistic" or "wholistic" medicine; "mind-body medicine;" and "complementary medicine." Holistic medicine refers to an understanding of the whole person in his or her total environment and the wide range of both conventional and alternative treatments that comprise the whole or comprehensive approach. Humanistic medicine emphasizes the interaction between those who come for help and those who offer it. Mind-body medicine suggests the importance of the two-way connection between mind and body and their integrity. Complementary medicine—the term of choice in Europe—implies a mutually enhancing effect between conventional medicine and other approaches.

Alternative medicine does indeed emphasize other practices. It calls attention deliberately to what is not, or not yet, conventional. It is a way for medicine and our society to observe and evaluate what is new or unfamiliar—to hold it at arm's length while deciding whether and how it may be used and integrated into our larger practice.

The emphasis on alternative medicine emerges now as part of the ongoing development of our medical system and practice. Thirty-five years ago the great microbiologist Rene Dubos suggested that we had begun to approach the limits of modern biomedicine, the surgical and pharmacological treatment of discrete disease entities. We still appreciate the great power of this approach in curing infections and treating acute, life-threatening illnesses, but we have also begun to see how difficult it is to use these methods to treat a variety of kinds of chronic illnesses. And we have begun to become painfully aware of the side effects and overuse of once promising therapies. During these last two decades both patients and physicians have also become increasingly impatient with the kind of care that they have been receiving and offering. They feel a lack of participation and partnership. According to polls taken by Gallup and the A.M.A. itself, there is a sense of alienation on both sides.

During this time, too, the world has become smaller and more intimate. We've become increasingly aware of the healing traditions of other cultures, and of approaches that have been ignored, neglected, marginalized, or scorned within our own culture. Finally, all of us have become acutely sensitive to the enormous financial drain that health care and our medical system are putting on our government and all of us. Health care required four percent of the Gross National Product when Dubos was writing in the 1950's. Now, it is almost fifteen percent. These forces have set the stage for a new approach and new techniques that have propelled alternative medicine to the front of many of our minds, and to a significant place in the on-going health care debate.

With an appreciation and experience of the potential of some of these new therapies, a sensitivity to the wisdom of traditional approaches, and a weather eye on financial realities, Senator Tom Harkin drew up legislation to create the Office of Alternative Medicine three and a half years ago. He and the Health Appropriations Subcommittee gave that Office a mandate to study these alternative approaches; to find out which ones were most useful; and to make the information widely available.

This Report is one of the Office's first and most significant projects. It had its genesis in Chantilly, Virginia in 1992, when more than two hundred people—among them some of the most experienced and best known researchers and clinicians—gathered to begin to assess the state of the art. This effort was requested and supported, then and now, by the Office of the Director of NIH and by the Principal Deputy Directors—initially, Dr. Jay Moskowitz and, more recently, Dr. Ruth Kirschstein.

At that conference and since, participants divided into groups to work on the thirteen major sections that are covered in this Report. Later, as members of the smaller Editorial Board (most of whom are here today), they began to shape its overall structure, content and tone. Each of these sections are worked on by its own writers and editors. Then, the Editorial Board re-evaluated, discussed, debated, and re-wrote each section.

Each section has its different emphasis and tone. The one on mind-body medicine highlights the range of what we know about the mind's capacity to affect the body—the power of hypnosis, meditation, biofeedback and visual imagery. It provides thoroughgoing documentation of their efficacy and suggests now easily these approaches can and should be integrated into every aspect of medical care. The section on bioelectro-magnetism emphasizes the theoretical promise of this field and its possible role in explaining the underlying mechanisms of many alternative approaches, including acupuncture, homeopathy and laying on of hands. The section on pharmacological and biological therapeutics, by contrast, records the vital importance of studying therapies that are already widely used for such life-threatening conditions as cancer and AIDS—but have never received any critical attention.

In virtually all of the sections there are also common themes. To begin with we see the sometimes surprising number of authoritative articles. There are literally thousands of articles in peer reviewed journals on biofeedback, hypnosis and visualization. And there are also hundreds on herbal therapies, acupuncture, and homeopathy. We see as we read through the Report how deep the historical use of these practices is. Foods like ginger, onions and garlic which we are just beginning to validate scientifically have been used therapeutically for thousands of years. The same is true of spinal manipulation, herbal and mind-body therapies. We learn also how widely used these approaches are. In 1990, a third of the people in this country were using alternative medicines. It is likely that the number now is far higher. Worldwide, according to the World Health Organization, 80% of all people use these "alternatives" as their primary care.

We see, too, how cost effective these approaches can be. To cite several examples: (1) A study done at the Harvard Community Health Plan showed that six weeks of behavioral medicine teaching, including meditation, enabled patients to record savings of $171.00 each in the six months following the treatment. (2) A program of diet, mind-body therapies, yoga, exercise and group support, designed by Dean Ornish and his colleagues of the Preventive Medicine Research Institute, has been shown to reverse coronary heart disease in patients who would otherwise have had coronary by-pass surgery. This program costs approximately $5,000 for its one year—in contrast to the $40,000–$60,000 for each by-pass surgery. (3) At the University of Miami, Tiffany Field's use of several minutes of gentle massage several times a day to treat low birth weight babies not only helped the babies to gain 47 percent more weight per day in the hospital, but enabled them to leave the hospital six days sooner, at a savings of $3,000 per child.

Taken as a whole then, this Report is a unique compilation of authoritative information. It is also a remarkable bibliographical resource for those who wish to learn more—to prepare them to undertake research, select treatments or participate in their own care. Finally, it is a guidebook for the Office of Alternative Medicine—a map to help the Office to develop new directions in research and to undertake specific studies. It suggests new research methodologies and new programs of research training which need to be developed. It offers suggestions for new ways to collect and disseminate information; improve peer review; and enlarge and expand collaboration between conventional and non-conventional researchers and practitioners. It explores possible new links between the Office of Alternative Medicine and the rest of NIH, and between the OAM and the general public.

In the Report, there are a number of creative tensions—tensions that reflect the diversity of the medical enterprise and our own experience as people trained in conventional science and medicine, and interested in alternative medicine. I want to acknowledge these tensions because they give life and excitement to the Report.

Among them are tensions between conventional practitioners and researchers who have been outside the mainstream; between those applying conventional research methodologies to unconventional therapeutic methods and those searching for new, perhaps more appropriate, methodologies; between respect for the integrity of traditional healing systems and a need to study their effectiveness in a way that conventionally trained scientists and clinicians can appreciate; between the requirements of scientific precision and the need for easy, popular accessibility; between the hope for encyclopedic inclusion and the need for careful selection; between the demands of activists desperate for answers to desperate public health problems—among them AIDS, cancer, cardiovascular disease—and the requirements of rigorous, definitive research; between the huge number of tasks to be accomplished and the, so far, very small amounts of money ($5 million dollars out of NIH's total budget of $10 billion dollars) available to these tasks.

I hope and believe we are on our way to resolving these tensions in favor of our own greater understanding and the greater understanding and progress of the field as a whole.

This Report is a compilation of much of the best that is known and thought about alternative medicine. It is comprehensive and authoritative. It has many and varied recommendations for future directions for NIH. And, there is more as well.

All of us who have worked on it see this Report as an arrow towards the future as well as a progress report and a summing up. In the end, alternative medicine becomes most important as it helps, in the words of the subtitle of our Report, "To expand medical horizons." Our goal is then to create a more comprehensive, responsive, humane and cost-effective system and practice of medicine and health care.

We are concerned with establishing a way of understanding and practicing which balances the power of definitive treatment with the authority of self care; which is both open to and critical about new approaches; which respects and enjoys the interplay of modern science and perennial wisdom.

Finally, then, this is a Report which goes beyond the opposition of either/or, conventional or alternative. It is a Report based on the concept of both/and it is, we hope, a step on the way to a healing synthesis and a new synthesis of health care and medical practice—one which includes and is greater and more valuable than either its conventional or alternative halves.

STATEMENT OF SENATOR HARKIN ALTERNATIVE MEDICINE PRESS CONFERENCE

I want to commend Dr. Brian Berman and Dr. David Larson for their leadership in preparation of this report, Alternative Medicine: Expanding Medical Horizons, as well as the other members of the Editorial Committee present here today.

In October 1991, Congress provided $2 million to establish the Office of Alternative Medicine at the National Institutes of Health for two main reasons. First, to seriously investigate the potential of alternative medical practices; and second, to break down the bias in medical research against review of worthy treatments not now in the mainstream of conventional medicine.

Before this Office's creation, the NIH and the medical establishment failed to accept the important of alternative medicine. But the American people had already voted their support for alternative therapies with their pocketbooks.

In 1990 alone, the New England Journal of Medicine found that Americans spent nearly $14 billion on alternative therapies, and made more visits to alternative practitioners than they did to primary care doctors.

American consumers are turning to these therapies because they're a less expensive and more prevention-based alternative to conventional treatments. And they're investing their dollars and their hopes without hard scientific evidence of the effectiveness—or ineffectiveness—of these alternative treatments. The American people have a right to know whether these alternative treatments are effective! That's why the Office of Alternative Medicine was created in the first place * * * to begin evaluating the efficacy, safety and potential cost effectiveness of alternative medical therapies. This is a health issue and a consumer issue, and the American people deserve nothing less!

Admittedly, since its creation three years ago, the Office has gotten off to a slow start. That's due to the continued skepticism of the medical establishment as well as the office's own mismanagement and lack of planning. It's for this reason that I'm so encouraged by the document being presented today to the NIH. This report, which represents more than 2 years of work by more than 200 practitioners and researchers of alternative medicine, should serve as the basis for a long-term strategic plan for the Office of Alternative Medicine.

It's my sincere hope that the NIH will carefully read this document and use some of its recommendations to put the office back on track, to begin operating efficiently and expand its investigations of alternative therapies.•

WHITE HOUSE CONFERENCE ON SMALL BUSINESS

• Mr. BUMPERS. Mr. President, I rise today to pay tribute to the just concluded 1995 White House Conference on Small Business, and especially to 18 of my fellow Arkansans who traveled a great distance at personal expense to participate in this conference. These delegates took time away from their work and their families to represent the Arkansas business community and are to be commended for their dedication and sacrifice. The Arkansas business owners who attended the conference as national delegates and their respective businesses are as follows:

J. Baker, Baker Car and Truck Rental, Inc., Little Rock; Bob Boyd, Boyd Music and Pro Sound, Inc., Little Rock; Greg Brown, Union Bancshares of Benton, Inc., Benton; Mel Coleman, North Arkansas Electric Cooperative, Salem; Dexter Doyne, Doyne Construction Company, Inc., North Little Rock; Bill Ferren, B–B–F Oil Company, Inc., Pine Bluff; Michael Jackson, Jackson Development Group, Brinkley; Thomas Jacoway, Artran, Inc., Springdale; Phyllis Kinnaman, P.K. Interiors, Little Rock; Charles Mazander, Mazander Engineered Equipment, Inc., Little Rock; Bruce McFadden, Improved Construction Methods, Inc., Jacksonville; Ron McFarlane, Process 1500, Inc., Little Rock; Mary Rebick, Copy Systems, Little Rock; Mary Gay Shipley, That

Bookstore, Blytheville; Walter Thayer, Walter Thayer & Associates, Inc., Little Rock; Daniel Warmack, Warmack and Company, Fort Smith; Mark D. Diggs, Software Innovators, Inc., Little Rock; and George White, Delta Vending Enterprises, West Helena.

Mr. President, the 1995 White House Conference was created by a Congress and President who care about small business—specifically, a Democratic Congress and a Republican President. In 1993, small business in this country was responsible for 50 percent of the gross domestic product, while employing 54 percent of the American work force. This conference was attended by approximately 2,500 delegates from around the country to discuss the most pressing issues facing small businesses.

Although political circumstances have changed, the President and Congress still deeply care about the views and interests of small business owners. Recently, President Clinton signed into law a reauthorization of the Paperwork Reduction Act of 1992, a law that was originally proposed by the first White House Conference on Small Business during the Carter administration in 1980.

Recognizing the important role that the Small Business Administration plays in promoting the entrepreneurial spirit, Congress has said no to proposals to abolish that agency. I am proud to say that last year SBA was directly responsible for stimulating $10.6 billion in small business growth while spending only $232 million of American taxpayer money—an amount, I might add, less than the taxes paid by three companies that started with SBA loans—Intel, Apple, and Federal Express.

It is time to listen again to the backbone of our country. In the weeks to come, the White House Conference delegates will be sending their suggestions for the future of small business to both the President and the Congress. On behalf of the 18 delegates from my home state, I urge this Congress to take a close look at their suggestions and debate the legislative agenda set forth by the 1995 White House Conference on Small Business.•

SEVENTH ANNUAL CHINESE HERITAGE FESTIVAL

• Mr. BRADLEY. Mr. President, our country is a remarkable mosaic—a mixture of races, languages, ethnicities and religions—that grows increasingly diverse with each passing year. Nowhere is this incredible diversity more evident than in the State of New Jersey. In New Jersey, schoolchildren come from families that speak 120 different languages at home. These different languages are used in over 1.4 million homes in my State. I have always believed that one of the United States greatest strengths is the diversity of the people that make up its citizenry and I am proud to call the attention of my colleagues to an event in New Jersey that celebrates the importance of the diversity that is a part of America's collective heritage.

On June 4, 1995, the Garden State Arts Center in Holmdel, New Jersey began its 1995 Spring Heritage Festival Series. This Heritage Festival program salutes many of the different ethnic communities that contribute so greatly to New Jersey's diverse makeup. Highlighting old country customs and culture, the festival programs are an opportunity to express pride in the ethnic backgrounds that are a part of our collective heritage. Additionally, the Spring Heritage Festivals will contribute proceeds from their programs to the Garden State Arts Center's Cultural Center Fund which presents theater productions free-of-charge to New Jersey's schoolchildren, seniors and other deserving residents. The Heritage Festival thus not only pays tribute to the cultural influences from our past, it also makes a significant contribution to our present day cultural activities.

On Saturday, June 17, 1995, the Heritage Festival Series will celebrate the 7th Annual Chinese Heritage Festival. Cochaired by Margaret Ko Ma of Murray Hill and Chia Wang Whitehouse of Freehold, this year's event promises to be a grand celebration alive with colorful costumes, traditional foods, ethnic arts and crafts and talented entertainers of Chinese descent. The day-long event will feature a martial arts display by the Shaolin Hung School, as well as traditional flower, lion and drum dancers and music from China will highlight the artistic program. Mall activities will also include an arts and crafts exhibit, vendors selling Chinese food and a fine arts exhibit will feature both traditional and modern Chinese art.

On behalf of all New Jerseyans of Chinese descent, I offer my congratulations on the 7th anniversary of the Chinese Heritage Festival.•

SKI AREA FEE STRUCTURE REFORM

• Mr. LEAHY. Mr. President, I rise to ask my colleagues to take a close look at a bill which I cosponsored with Senator MURKOWSKI and others. The ski area fee system for Forest Service special use permits needs reform and S. 907 is a good way to get this done.

Skiing is one of the best uses that we have today on our national forests. The ski industry brings millions of people to the mountains to enjoy fresh air, scenery, and the mountain environment. Few other national forest activities are able to host such intense public use with relatively minimal impact.

In fact, many resorts have taken extra steps to protect and enhance the environmental resources with trail and resort designs that include modifications for wildlife use, special sensitivities to wetlands, base villages that minimize the need for cars, and plantings that provide forage for birds. Over the years ski resorts have become adept at reducing water pollution, erosion, and snowmaking. There are still problems to resolve, but I am confident that citizens, communities, and the ski industry will find solutions to each challenge.

In addition to providing access to National Forests on a mass scale, the ski industry provides critical economic benefits. From the first American rope tow installed in Woodstock, VT, in 1934, to the high-speed quads on Sugarbush 60 years later, the ski industry has brought economic opportunity to Vermont towns. The 1993–1994 ski season in Vermont generated $230 million from 4.3 million visitor days according to the Vermont Ski Area Association. These revenues translate into $17 million in tax revenue for Vermont towns. The ski industry represents a sustainable use of national forests and a good neighbor. They deserve our support.

The Murkowski-Leahy bill refines the fee structure for ski areas on national forests. The Independent Offices Appropriations Act of 1952 and the National Forest Ski Area Permit Act of 1986 both mandate that the Federal Government collect fair market value for the use of Federal property. In 1965, the Forest Service developed the graduated rate-fee system [GRFS] which is still in use today. GRFS is based on the ski area's investment in fixed assets and sales generated in nine business categories. The ski industry and the Forest Service together agree that the system is complex, outdated, inefficient, and in need of reform.

I wish we could say that the reform we propose is based on a comprehensive assessment of fair market value as current law, but such an assessment simply does not exist. Neither the General Accounting Office nor the Forest Service—or any other organization—has been able to offer assistance in developing a widely accepted assessment of fair market value. The revenue collected today is the closest approximation of fair market value, and therefore we have used the total revenue collected as the best available assessment. This bill solves the problems that we know how to solve, and does not preclude adjustments for issues that may benefit from further study.

The solution proposed in the Murkowski-Leahy bill is a simple progressive rate structure based on gross sales. Since it operates much like an annual tax form, it is easy to prepare, relatively easy to audit, and less prone to litigation. The fees are linked to the economy so ski areas can make regular and fair payments that reflect their ability to pay. The bill also has a provision to adjust the rate structure for inflation and it would be easy to amend if the public wants to adjust the ski-fee revenues up or down based on further information on fair market value.

This bill is a reasonable, balanced, and progressive bill that offers clear reform for the ski area fee system. This is basically the same bill that the Senate passed in 1992 with strong bipartisan support. I hope we can pass the S. 907 this year with equally strong support.•

SALUTING THE 25TH ANNIVERSARY OF THE ZYGO CORPORATION

• Mr. DODD. Mr. President, I rise today to recognize the 25th anniversary of an outstanding corporate citizen in my home State of Connecticut, the Zygo Corporation. Since it's inception in 1970, Zygo has become one of the foremost manufacturers of measurement instrumentation products in the world. This achievement is the result of hard work, creativity, and a highly skilled workforce.

I am proud that the State of Connecticut is home to so many talented and capable individuals. The high-tech, precision work done at Zygo and so many other companies in Connecticut is a testament to the quality workforce my State has to offer.

I am pleased to congratulate Paul Forman, Carl Zanoni and Sol Laufer, founders of Zygo Corporation, on this important milestone. Their ingenuity, forsight and commitment to a quality product enabled them to follow their dreams and launch this firm in 1970. Today, they deserve commendation on their success.

Zygo's reputation is well known throughout the country and the world. As our economy becomes increasingly high-tech, we need more companies like Zygo to provide leading edge products for a demanding market. The surface measuring instruments and precision surface manufacturing produced by Zygo contribute to a variety of products used world-wide every day.

It is with great pride and admiration that I stand today to acknowledge the 25th anniversary of the Zygo Corporation and to wish this exceptional company continued success.•

COMMEMORATING THE ACHIEVEMENTS OF MOUNT ST. DOMINIC ACADEMY

• Mr. BRADLEY. Mr. President, I rise today to honor a group of students whose accomplishments are as varied as they are praiseworthy. On Thursday June 15, 1995, the young women of Mount St. Dominic Academy in Caldwell, NJ, will celebrate their championship season in three sports at their annual athletic awards dinner. With championship seasons in basketball, volleyball, and softball, the students of the Mount captured the attention of the Bergen Record as the "sports story of the year." In addition to these championship titles, the school won the New Jersey Interscholastic Athletic Association's C. Clarke Folsom Sportsmanship Award for the 1994 basketball tournament. This award is made annually to the school whose players, coaches, cheerleaders, and fans demonstrate the ideals of good sportsmanship throughout the tournament. The Mount has made a name for itself not only through outstanding athletic ability; but through the commitment of the school to a strong academic and extracurricular program with an emphasis on community service.

Students at the Mount participate in the Siena program of community service as part of their curriculum by donating their time to service projects, in addition to their regular studies and extracurricular activities. Although their prizewinning athletics certainly merit attention, I offer additional praise to these students for their school's unique commitment to community service. The Siena program teaches that the donation of time and energy in service to others is as meaningful as winning a championship season or scoring well on the SAT's. I can only admire a program which views giving back to the community as a basic part of education. In the words of the Mount's own Sister Fran Sullivan, these promising young women "use their own giftedness to better the world."

Mr. President, once again I offer my congratulations to these talented and generous young women, who are truly athletes, scholars and public servants.•

GENERAL MOTOR'S 1997 FLEXIBLE FUEL VEHICLES

• Mr. HARKIN. Mr. President, I want to offer my congratulations to General Motors for making what I believe is a good move for our environment, for our economy, and for their business. All of GM's 1997 four cylinder light-duty pickup trucks will have the capability to run on ethanol as well as gasoline. This represents a significant milestone in the acceptance of ethanol as a widely-used fuel for America. Ethanol helps clean the air and is a renewable domestic energy resource. I ask to have printed in the RECORD the May 11, 1995, news release from GM concerning this development.

GENERAL MOTORS NEWS RELEASE

DES MOINES, IOWA—General Motors today announced the largest single-model alternative fuel vehicle production program of any manufacturer. All of GM's 1997 four-cylinder light-duty pickup trucks will be flexible fueled to permit them to run on gasoline, ethanol, or a combination of the two.

Speaking at a meeting of the Governors' Ethanol Coalition, GM Vice President Dennis R. Minano said GM will use the 1997 Chevrolet S-series and GMC Sonoma pickups as flexible fuel vehicles because they will meet the broad spectrum of needs of many fleet and retail buyers.

"The inclusion of ethanol capability in this program is a win/win for the environment and the customer," Minano said. "As a near-term alternative fuel, ethanol provides many positives. Ethanol is a renewable domestic energy source, provides more range than some other alternative fuels, and is good for the environment."

"We are making this announcement today," said Minano, "in order to provide time for us all to develop an infrastructure and prepare for the volume of ethanol capable trucks Chevrolet and GMC Truck will begin selling in 1997 in the U.S. and Canada." Minano said the ethanol industry needs to continue to work with the automobile manufactures to finalize fuel specifications, commonize fuel delivery systems, and develop a refueling infrastructure.

Minano also said, "We are particularly pleased to have the opportunity to make this announcement at the Governors' Ethanol Coalition meeting. I know the governors are committed to working with us and with the private infrastructure business to make this program a success. This program is really a partnership in the truest sense of the word."

General Motors has been a leader in developing alternative fuel vehicle technologies for more than 25 years. Our strategy has been, and will continue to be, fuel neutral. This strategy includes continuing the development of gaseous, alcohol, and electric vehicles. Minano said, "The market has to have room to allow multiple fuels. There should not be a mandate for a single technology."

The trucks are scheduled for production beginning in the summer of 1996 and will be produced at North American Truck Group facilities in Shreveport, Louisiana, and Linden, New Jersey. They will be sold in the U.S. and Canada under the GMC Truck and Chevrolet nameplates.•

DISAPPOINTMENT OVER DELAY IN FOSTER NOMINATION

• Mrs. BOXER. Mr. President, today is the third day I am stating for the RECORD my sincere disappointment that the Foster nomination has not been sent to the Senate floor for a vote.

Clearly, the Nation needs a Surgeon General; clearly we have problems with AIDS, Alzheimers, cancers of every type, Parkinson's, teen pregnancy, just to name a few.

Clearly the time is long overdue for this Nation to have a Surgeon General. Dr. Henry Foster is qualified and eager to be Nation's top doctor. We need his leadership.

Dr. Foster was voted out of committee with a favorable, bipartisan vote. He deserve confirmation and there is no need to delay.•

100TH BIRTHDAY OF ESTHER EARNEST HEWICKER

• Mr. HARKIN. Mr. President, I was recently contacted by the O'Brien family in Iowa about a very special event that will happen on June 21. On that day, Esther Earnest Hewicker, of Remsen, IA, will celebrate her 100th birthday. Mrs. Hewicker has lived a long and vibrant life and I want to join with her family and her many friends in Iowa in wishing her my warmest birthday greetings on this very special day. During her lifetime, Iowa and our Nation have undergone many changes and endured many great challenges.

Mr. President, in commemoration of this very special day and in tribute to Esther Hewicker, I ask that a letter to me from the O'Brien family reviewing her life be included in the RECORD at this point.

The letter follows:

DEAR SENATOR HARKIN: It is with great pride that we, the O'Brien family, inform you of the one hundredth birthday of a woman who has dedicated her life to the welfare of those around her. Esther Earnest Hewicker, born June 21, 1895, near Remsen, Iowa, was the youngest of eight surviving children. At that time Esther's life was typical of the era. Her days were spent going to school, doing chores, and often caring for the children of her adult siblings. Esther lost her father to a medical condition, "consumption", when she was ten years old and as a result she, her mother, and remaining underage siblings left the farm and moved into Remsen.

Esther graduated from Remsen High School in 1913. After working for one year as a seamstress and caring for various nieces and nephews, Esther borrowed money from her mother to enter the Normal School in Cedar Falls, Iowa, where she earned a two-year degree in intermediate education. Esther taught seventeen years in small towns in Northwestern Iowa; two years each in Akron and Aurelia, and thirteen years in Marcus.

Esther began teaching in 1916 in Akron, Iowa, during World War I. At that time, it was important for civilian citizens to do what they could to support the war. Esther served through the Red Cross, making bandages and rolling gauze. Further, when teaching, Esther incorporated war effort projects into appropriate school subjects. For instance, during the teaching of hand work, Esther got yarn pieces from the Red Cross and had her students knit squares that would later be sent back to the Red Cross and sewn into lap blankets.

At the onset of her career, teachers earned approximately $65.00 monthly for only nine months of the year. During summers, holidays, and weekends Esther returned home and assisted her mother with a house full of chores, for everything in those days was done by hand and without refrigeration. Food preservation, preparation and storage were long-term projects involving gardening, butchering, canning, and baking using a wood stove. Water was carried for daily needs, drinking, bathing, cleaning, etc. General housekeeping involved floor scrubbing, hardwood waxing, rug beating, lamp trimming and window washing. Often the supplies for doing such chores needed to be made. The soap used for laundry and cleaning was made at home, usually in conjunction with butchering. Further, more time had to be made when specific attention needed to be paid to caring for the sick or repairing broken items.

In 1920, at the time Esther began teaching in Marcus, she also took on the responsibility of singlehandedly caring for her aging and ailing mother on a full-time basis. To supplement their income and make ends meet. Esther also "kept roomers". Esther maintained her full-time teaching position and eventually became Junior High principal, which in those days constituted an increase in responsibility as her teaching duties continued. Esther continued to live independently, maintaining her career, caring for her mother and keeping roomers. Esther did this until 1934.

At the age of 37½, Esther married Frank Hewicker, a Remsen, Iowa farmer. Her mother was transferred to the care of other siblings. Esther then began a new career, farming with her husband, for in those days, farming could only succeed if done as a partnership between husband and wife. The volume of work and sheer labor required to complete necessary tasks could not be done by one person alone. Esther cared for twin lambs abandoned by their mothers, raised ducks, geese and up to one thousand chickens each year. She kept a huge garden and did all of the housework, laundry, mending and cooking necessary for her family and the hired help, all without the aid of electricity, running water or refrigeration. The Hewickers began farming land south of Remsen and after approximately twelve years purchased land south of Marcus, where they stayed their entire married life. Presently, with the help of dedicated renters, Esther continues to oversee the farm.

At the age of 45, prior to the couple's move to the new land, Esther gave birth to a daughter, Ila Jean Hewicker. Esther continued to run the farm with her husband, and raised her family. At that time, Esther and her family were active contributors to their church and community, both in a physical and financial sense. Esther maintained a position on the Marcus Fair Committee for twenty-five years and was part of the decision-making process for the building of the Marcus Theater, original community swimming pool, health clinic, and countless other projects. Further, the couple found time to frequent area nursing homes, where they provided the residents with fresh produce and flowers. Esther and her husband also made a point to tend to the sick, shut-in or underprivileged within and outside their immediate families whenever they could.

Strong believers in education, there was never a doubt that their daughter would go to college. Esther and Frank supported and encouraged Ila through college and proudly watched her earn her Bachelor's Degree in Education. Ila eventually married and had a family of her own.

It is important to note that Esther's dedication to education did not stop with her career or her daughter's completion of college. Esther was an active member of the P.E.O. Club for many years and following Ila's high school graduation, Esther was elected to the Marcus School Board. Further, Esther and Frank created college funds for all four of their grandchildren, adding substantial amounts of money to each over the years. With that financial assistance, Esther's two eldest grandchildren received Masters degrees, one in Education, and one in Social Work. The third is presently an undergraduate in an Art Education program and the fourth will enter college in the Fall.

Esther is presently a resident of Happy Siesta Nursing Home in Remsen, Iowa, and has been for the past nine years. Esther made this move independently and presently continues to welcome new residents, helps ease their transition from home to nursing home living and encourages them to participate in the many activities available to them. Esther often receives visitors from the area and enjoys keeping up with the news and lives of life-long friends. Though her old students are senior citizens now, she sees many who visit, and makes a point to ask after those who cannot.

Clearly, Esther Earnest Hewicker's contributions to society have been vast throughout her long lifetime and still her humor, character, and gregarious personality have yet to be mentioned. It is with sincere pride that we ask that Esther's contributions be recognized formally, as the benefits of her life reaped by others are immeasurable.

Thank you for your time.

Sincerely,

KATHY O'BRIEN
and the entire O'Brien family.•

ORDERS FOR TOMORROW

Mr. CHAFEE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 10 a.m. on Friday, June 16; that following the prayer, the Journal of proceedings be deemed approved to date; the time for the two leaders be reserved for their use later in the day; and that there be a period for the transaction of morning business not to extend beyond the hour of 11 a.m., with Senators permitted to speak for up to 5 minutes each with the following exception: Senator SARBANES, 15 minutes.

I further ask unanimous consent that, at the hour of 11 o'clock, the Senate resume consideration of the motion to proceed to S. 440, the National Highway System bill, which we have been on this evening.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLOTURE VOTE ON MONDAY, JUNE 19, 1995, AT 3 P.M.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the cloture vote on Monday occur at 3 p.m. and the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. CHAFEE. Mr. President, for the information of my colleagues, the Senate will resume consideration of the motion to proceed to the highway bill tomorrow. However, the majority leader has announced that no rollcall votes will occur during Friday's session of the Senate.

A cloture motion was filed on the motion to proceed. So Senators should be on notice that a cloture vote will occur at 3 p.m. on Monday next.

RECESS UNTIL 10 A.M. TOMORROW

Mr. CHAFEE. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 6:57 p.m., recessed until Friday, June 16, 1995, at 10 a.m.

EXTENSIONS OF REMARKS

A SALUTE TO ENERGY RESEARCH IN AMERICAN SCHOOLS

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1995

Mr. WALSH. Mr. Speaker, today I rise to commend a schoolteacher in my home district who has done a quite remarkable thing. He has led a team of high school students who built a solar-powered vehicle to become national winners of the 1995 American Tour de Sol for the best student car in the open class presented by the U.S. Department of Energy.

The teacher is Earl Billings, technology instructor at Cato-Meridian High School, a 340-student school in Cato, NY. The accomplishments don't start with the 1995 Tour de Sol title. I will list a few others in a moment. But I don't want the most important point to be lost here. That point is, research into the future is being done in our schools. It is being done all over America, in rural communities such as Cato as well as in larger cities where universities and foundations often support student teams in research the use of solar power in the future and other important projects.

And, once again, a teacher is at the helm, is the inspiration, is the guiding force—not only by giving instruction but by leading, by communicating, by relating. By planting seeds of self-worth and pride and by literally building something tangible from something abstract—an idea.

Today is Earl Billings Day in Cayuga County, as proposed by County Legislator Ralph Stanbrook, a true civic leader with whom I have worked on several community projects. In recognizing Mr. Billings, we both hope to once again draw attention to what is good in American schools—and to give credit where it is due.

And in this instance it is most definitely due.

Mr. Billings teaches a course entitled Energy, a subject which has been identified by the New York State Education Department as a highly important area of learning for high school students. Forms of energy are discussed, and their relation to our environment is presented. To get the C–M students more interested, Mr. Billings proposed the class take on the ambitious goal of designing, constructing, and testing a full-size, solar-powered electric vehicle.

That was in 1990, and what began as a teaching tool quickly came to be an unusual nonclassroom success story for the students and their vehicle, Sunpacer.

Sponsored by the North East Sustainable Energy Association from May 22 to May 26, the 1995 American Tour de Sol ran from Waterbury, CT, to Portland, ME, a total of 330 miles through five States. Sunpacer finished first in its division.

Winning was not new for the team. Students from Cato-Meridian have been racing Sunpacer since 1991. That is when they first qualified for the Tour de Sol but had to pull out to honor an earlier commitment to show the vehicle at a New York State event. That event represented their third-place ranking out of 750 projects submitted to the Student Energy Research Competition that year.

They were back in the Tour de Sol in 1992 to win the national championship; in 1993 they placed third and in 1994 they placed second before regaining the national title this year.

As outlined by Mr. Billings, there were five goals, among them to "help reduce the millions of barrels of oil we use daily"; to heighten public awareness of electric vehicles; to show that if high school kids can build a solar-powered car, business can; to develop student skills in critical thinking, problem solving, research, and engineering; and, listed No. 1 on the important goal list, "I wanted to excite my students about energy."

I join the Cayuga County Legislature in saluting Mr. Earl Billings today. I encourage him to continue with this project and I congratulate him on excelling in his chosen profession.

I might add that I will look for Earl Billings and the students who work on the 1996 Tour de Sol next May. The planned route starts in New York City and ends right here in the Nation's capital, Washington, DC.

Best of luck to all the students involved with this fascinating and productive project.

HONORING ANJILA J. LEBSOCK

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1995

Mr. PASTOR. Mr. Speaker, I would like to take this opportunity to congratulate Ms. Anjila J. Lebsock who recently was 1 of 10 students to receive the All-American Vocational Student Awards.

A Cibola High School senior in Yuma, AZ, Anjila's special talents and determination were recognized early on by her teachers. After expressing an interest in the field of electronics, she was immersed in a special curriculum to meet her needs. During the day, she completed advanced placement courses while maintaining her rank as 1 of the top 10 students in her class. After school hours, Anjila pursued vocational studies at Arizona Western College, studying servo robotics, programmable controllers and computer-integrated manufacturing. These led her to special training programs with Weyerhauser Paper Co., the United States Bureau of Reclamation and Allied Signal. Her robotics projects earned her numerous awards at the local, State and National Levels.

In addition to displaying leadership in the classroom and the robotics lab, Anjila has also excelled as a community leader. She has represented the State of Arizona as a national VICA delegate, and held offices as regional vice president and as parliamentarian. She has also devoted many years as a Girl Scout leader and as a volunteer in the Yuma Crossing Park. Anjila's goal is to pursue a career as a manufacturing engineer.

Anjila's accomplishments point not only to the value of vocational education, but to the courage and spirit of our Nation's youth. She serves as an inspiration to us all. Again, I send my sincerest congratulations to Anjila for this deserved recognition and wish her even greater success in the future.

IN HONOR OF THE PARTICIPANTS OF THE 46TH INTERNATIONAL SCIENCE AND ENGINEERING FAIR

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1995

Mr. MENENDEZ. Mr. Speaker, I rise today to pay tribute to a group of New Jersey students for their participation in the 46th International Science and Engineering Fair [ISEF] which was held in Hamilton, Ontario, Canada from May 7–13, 1995.

Among the award winners were two young women from Jersey City public schools: Academic High School sophomore Rituparna Das, and Dickinson High School senior Shital Shah. Rituparna won the Second Place Grand Award and the First Place Award of the American Ground Water Society for her project on the removal of heavy metals by absorptive filtration. Shital won the Third Place Grand Award for her environmental project dealing with the biodegradation of trinitroglycerin. She previously won first prize in a competition sponsored by the New Jersey Academy of Science for the same award.

I am proud to have such high achieving students in Hudson County. Their work is exemplary and deserves to be recognized. Their achievements are particularly important because we as a Nation must be ready to compete scientifically in the 21st century. Rituparna and Shital have demonstrated their commitment to future scientific excellence by participating in the fair. Their accomplishments make me feel confident that we as a Nation will be scientifically competitive for years to come.

These New Jersey students were part of an international competition that included students from throughout the United States and its territories as well as 30 other countries. The 1,500-plus fair participants exhibited a total of 1,019 projects. The fair represents the culmination of a yearlong process involving more than 1 million students participating at various local, regional, State, and national

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

science fairs. Since each fair can send only two delegates, Rituparna and Shital represent the best of the best of young scientists in Hudson County.

I would also like to thank the Jersey Journal for enthusiastically sponsoring the Hudson County Science Fair [HCSF]. The fair is an important showcase for the area's young scientists and the Journal's commitment to it demonstrates their ties to the community.

CARAMOOR TESTIMONIAL

HON. SUE W. KELLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1995

Mrs. KELLY. Mr. Speaker, it is with great pride that I rise today to pay tribute to one of the greatest treasures of my district as it celebrates its 50th anniversary; Caramoor Center for Music and the Arts.

Located in Katonah, NY, the vision of Caramoor began in the New York City townhouse of Walter and Lucie Rosen. Avid collectors of renaissance and oriental art, as well as accomplished musicians, the Rosen home was host to many of New York's most prominent performers and cultural patrons. Upon the completion of their weekend home in Katonah, the Rosen's moved both their vast collection of art work and their tradition of presenting intimate concerts, to their new home. Upon the death of their son in World War II, the Rosen's bequeathed Caramoor "as a Center for Music and the Arts for the Town of Bedford and the State of New York" thereby giving us the gift of a haven, comprised of aesthetic pleasures that serve to uplift the human spirit.

The first formal musical offerings at Caramoor, began 50 years ago as a series of concerts and recitals that were presented in both the grand music room and the Spanish courtyard of the main house. In 1958, the construction of an outdoor Venetian theater, allowed for the expansion of these programs as well as audiences providing a venue for the presentation of orchestral and opera performances on a larger scale.

Building upon this tradition, Caramoor has become a mainstay on the international music scene. Now home to an 8 week music festival that, under the leadership of Howard Herring and the artistic direction of Andre Previn, has attracted such starts as: James Gallway, Barbara Cook, Sylvia McNair, and Yo-Yo Ma as well as many of the most promising musicians of the next generation through its rising stars program. Caramoor rightly deserve the New York Times assessment deeming it "the loveliest musical festival of them all." From the intimacy of the Baroque period, to the rousing notes of Count Bassie, the concerts of Caramoor account for a wide variety of musical tastes and have educated and inspired generations.

Situated on 100 acres of woodlands, lawns and exquisite formal gardens, the Caramoor experience is unique in that it removes many of the facades that often accompany such offerings, and allows audiences to convene with nature while enjoying music in its purest form. With recent additions such as the Touch Tour of the Museum House and the Marjorie Carr Adams Sense Circle, a garden comprised of different aromatics, sounds and textured grasses designed especially to maximize the enjoyment of the visually impaired, mentally and physically challenged as well as children, Caramoor remains committed to ensuring the accessibility of its spirit to all.

Whether strolling through the gardens, picnicking in the orchard or listening to harmonies under the stars, Caramoor allows people to lose themselves in the moment, and to regain a sense of serenity and peace in their lives.

It has often been said that music is food for the soul; may Caramoor continue to provide us with nourishment for another 50 years.

Mr. Speaker, it is an honor to salute all of those who have built and maintain this national treasure.

THE DISTRICT OF COLUMBIA CONVENTION CENTER PRECONSTRUCTION ACT OF 1995

HON. ELEANOR HOLMES NORTON

OF DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1995

Ms. NORTON. Mr. Speaker, today I am introducing a bill which authorizes the District to do the preliminary work for the convention center, which, during this period of fiscal crisis, will be a major revenue raising source for the District of Columbia. The bill will allow the District to use funds raised through hotel and restaurant taxes designated to support this project. Much to its credit, the hotel and restaurant sector came forward on its own to suggest this new tax on themselves to finance the center. No existing District operating funds are committed under this bill.

Mayor Barry and the city council have assigned a very high priority to the new convention center because of its revenue-generating potential at a time when the city is in acute financial distress. They are anxious to have this bill introduced and moved quickly.

These funds will enable the District to do vital preconstruction work, including environmental studies and architecture and design studies. The District will be able to move forward and build the new convention center, returning the District to competitiveness in the convention and tourism market. Without a new center, the District will be unable to attract the increasing numbers of large conventions seeking to meet in the metropolitan region and the substantial disposable income these conventions bring to the city.

I am particularly pleased that Representative TOM DAVIS, chairman of the Subcommittee on the District of Columbia, has agreed to be an original cosponsor of a bill that invests in the District's economy.

TRIBUTE TO ROBERT J. PATTERSON

HON. WAYNE T. GILCHREST

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1995

Mr. GILCHREST. Mr. Speaker, I rise today to salute Mr. Robert J. Patterson, the man who was the driving force behind the New POW/MIA postage stamp. Mr. Patterson, a two-tour VietNam veteran, currently employed but the Department of Veteran Affairs Medical Center in Perry Point, MD, devote 5 years of his life toward honoring POW/MIA's with their own postage stamp. Mr. Patterson spent countless hours meeting with House and Senate staff members, VietNam Veterans of America, Veterans of Foreign Wars, the American Legion, disabled American Veterans, American Ex-Prisoners of War, as well as every veterans association medical center in the country. With these veterans groups, Mr. Patterson gather nearly 2 million signatures on his POW/MIA postage stamp petition form.

Mr. Patterson's efforts proved successful when the U.S. Postal Service issued the new POW/MIA postage stamp on May 29, 1995. with the American flag as its backdrop, the stamp pictures a pair of military ID tags embossed with the words "POW & MIA—NEVER FORGOTTEN." The stamp serves as a fine tribute to the brave Americans who fought for this country and were either imprisoned by enemy forces or have been classified as missing in action. All of these soldiers will forever be heroes and will forever be remembered.

Mr. Patterson's achievement is no small feat. Only the second commemorative POW/MIA stamp ever issued, the new stamp embodies how the vision and hard work of one volunteer can result in a great accomplishment. The first commemorative POW/MIA stamp was issued by the Post Office in 1970 in the form of a 6 cent postage stamp. Had it not been for Mr. Patterson's effort, that may have been the last stamp honoring the Nation's many POW's and MIA's. Mr. Patterson's love of and devotion to our great Nation, as well as to our POWs and MIAs, should serve as a model for all Americans.

I commend Robert Patterson for his tireless efforts in bringing about the POW/MIA postage stamp. Mr. Patterson's efforts on behalf of the stamp showed for all the world our country's commitment to the message of the POW/MIA cause, "You Are Not Forgotten"; not forgotten also will be Mr. Patterson's message to the cause.

In closing, I reiterate Mr. Patterson's simple message to the many groups he addressed and to the volunteers who assisted him: Remember.

25TH ANNIVERSARY OF THE LENINGRAD TRIALS

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1995

Mr. KING. Mr. Speaker, I rise today to participate in the observance of the 25th anniversary of the arrests and beginning of the Leningrad Trials, the seminal event in the effort to rally support for the beleaguered and persecuted Jewish community in the Soviet Union.

In remembering the Leningrad Trials, I also want to recognize one of my constituents, Lynn Singer, who has been a tireless advocate on behalf of Soviet Jewry and, more recently, a crusader against official and unofficial anti-semitism in the former Soviet Union. Lynn, as the longtime executive director of the Long Island Committee for Soviet Jewry [LICSJ], has developed an international reputation as a result of her persistence, determination and leadership in the cause of human rights and freedom. I am proud to be her Representative in the People's House and to have participated in LICSJ vigils, demonstrations and marches. I look forward to continuing to work with Lynn Singer in the weeks and months ahead.

As many Members of this institution will recall, 25 years ago, a group of courageous young men and women from around the Soviet Union met to develop a plan to fly to freedom and realize the impossible dream of emigrating to the land of their choice. In spite of knowing the KGB had learned of their plans and that they faced severe penalties if they were apprehended, a few of these men and women bought tickets on a small commuter plane destined for Norway. Tragically, before even boarding the plane, Soviet police arrested each of them.

Far from crushing the fledgling human rights movement in the Soviet Union, this event focused attention on the plight of Soviet Jewry and all those who wanted secure basic human rights for people behind the Iron Curtain. In response to the Leningrad Trials, organizations were formed in the United States to monitor human rights conditions in the U.S.S.R. and win the freedom of Jewish refusniks. This grassroots movement succeeded in keeping human rights an issue on the international stage and put enormous pressure on the Kremlin during periods of cold war, detente, the Reagan defense build-up, perestroika and, finally, the collapse of the Communist Party of the Soviet Union.

That is why we should take time today to remember the sacrifice of those who, at great risk to themselves and their loved ones, made a stand when things were the very bleakest—Anatoly Altman, Hillel Butman, Mark Dymshitz, Leib Khnokh, Edward Kuznitsov, Joseph Mendilovich, Boris Penson, Wulf Zulmanson, Israel Zalmanson and Sylvia Zalmanson, all living in Israel, and Yuri Federov and Aleksei Murzhenko, now living in the United States.

I hope all in this chamber will join with me to make certain that the courage demonstrated in the winning struggle for freedom will never be forgotten.

Mr. Speaker, in closing, I would like to again recognize the many good works and accomplishments of my constituent, Lynn Singer, as well as the many supporters of the LICSJ and all those in the United States and around the world who demonstrated their concern about prisoners of conscience in the U.S.S.R. since June 15, 1970. Thank you.

TRIBUTE TO GEN. GORDON R. SULLIVAN

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1995

Mr. SPENCE. Mr. Speaker, today, I wish to recognize Gen. Gordon R. Sullivan, Chief of Staff of the U.S. Army, who will retire on June 20, 1995. General Sullivan's career spans 36 years, during which he has distinguished himself as a soldier, a leader, and a visionary advisor to both the President and the Congress. Let me briefly recount to you the career of this distinguished servant of our Nation.

A native of Boston, MA, General Sullivan graduated from Norwich University in 1959 and was commissioned as a lieutenant in the Armor Branch of the U.S. Army. During his career, he has commanded at the platoon through the division levels. In Europe, he commanded the 4th Battalion, 73d Armored Division and the 1st Brigade, 3d Armored Division, followed by an assignment as the 3d Armored Division's Chief of Staff. He served as the 1st Infantry Division Operations Officer at Fort Riley, KS and as the VII Corps Operations Officer in Germany. Subsequently, he served as the assistance commandant of the Armor School at Fort Knox, KY; on the North Atlantic Treaty Organization [NATO] staff as the Deputy Chief of Staff for Support of the Central Army Group in Germany; and as the deputy commandant of the Command and General Staff College at Fort Leavenworth, KS. He next served as the commanding general of the 1st Infantry Division at Fort Riley, KS.

Since the summer of 1989, General Sullivan has served in positions of increasing responsibility with the Army at the Pentagon: first, as the Deputy Chief of Staff for Operation and Plans; then, as the Vice Chief of Staff; and since June of 1991, as the Chief of Staff. His arrival at the Pentagon coincided with a historic shift in the strategic position of the United States. This was a period of both great turmoil and great success—successes directly attributable to the dedicated efforts of General Sullivan. During this time, we won the cold war and began the process of decreasing the size of the Army by a third. We were threatened in the Gulf—and fought and won a war. We saw the emergence of new and diverse threats and new techologies—and the Army changed both intellectually and physically to meet the new challenges.

Throughout this period of historic change, General Sullivan provided outstanding leadership. He oversaw the transformation of the Army from a cold war, forward deployed force, into a power projection force, ready to defend our national interests in any corner of the world. While meeting the challenges of today, General Sullivan prepared the Army for tomorrow, as well, with a farsighted and far-reaching vision of the conduct of future war. His determination to keep the Army trained and ready, his sense of responsibility to his soldiers and the Nation, and his understanding of both our history and the future of armed conflict, have given our great country an Army that is capable of achieving decisive victories into the 21st century.

General Sullivan's career has been the epitome of selfless service to our Nation, and he is the quintessential example of all we could hope our military leaders to be. Through his decades of dedication to duty and the accompanying sacrifices, he has been supported by a loving family. General Sullivan's wife, Gay, their children, John, Mark, and Elizabeth, and a grandson Christopher have contributed, in countless ways, to the career of this dedicated soldier.

Mr. Speaker, Gen. Gordon R. Sullivan is a consummate professional, a defender of the Constitution, and a leader of demonstrated moral and physical courage. It is with great respect and appreciation that I offer this tribute to his impressive career in the U.S. Army.

CALIFORNIA HAS BORNE ITS SHARE OF BASE CLOSURES—EFA WEST SAN BRUNO SHOULD NOT BE CLOSED

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1995

Mr. LANTOS. Mr. Speaker, the Defense Base Closure and Realignment Commission will soon make its recommendations to the President on which military bases to close. The Commission has received testimony from hundreds of witnesses, has made countless site visits and will consider thousands of pages of data on the effect of base closings on our Nation's military readiness. In making its decisions it will be imperative that the Commission also take into consideration the economic impact of its decisions.

In the case of a military facility in my congressional district, the Engineering Field Activity West in San Bruno, or EFA West, the Navy recommended not closing this facility because it was concerned about the economic impact of closure on the community. I believe that the Navy was correct in not slating EFA West for closure and I also believe that closing EFA West will have a disastrous effect on the Pentagon's ability to close bases already slated for closure.

Mr. Speaker, on Tuesday, June 13, 1995, I presented testimony before the Defense Base Closure and Realignment Commission on the issue of closing of additional military bases in California. In my testimony, I reminded the Commission that no State has borne the bulk of military base closures as California has and that previous rounds of base closures have turned out to be of tremendous adverse economic impact in California. I also explained to the Commission that EFA West's strategic location best serves military operations and that it is essential to the Pentagon that this installation and its personnel remain in San Bruno.

Mr. Speaker, I would like to place my testimony in the RECORD.

STATEMENT OF CONGRESSMAN TOM LANTOS, 12TH DISTRICT OF CALIFORNIA

Thank you, Mr. Chairman and Members of the Commission for the opportunity to say a few words on the critical issue of base closures in California and particularly on the future of the Engineering Field Activity West in San Bruno, California, which is located in my Congressional district.

Mr. Chairman, I share your deep commitment to a strong and effective national defense. With the end of the Cold War and the collapse of the Soviet Union, it is appropriate and necessary that we reconsider and evaluate our defense posture. At the same time, we must take into consideration local impacts of these base closure decisions. There will be pain from the realignment of our military facilities, but that pain should be proportionately shared and spread among all regions of our nation and among all of our states.

Mr. Chairman, I have very serious concerns about the effect of base closures upon California's economy—particularly since our state has sustained a disproportionate number of job losses stemming from military base closures. As a result of base closures in 1988, 1991, and 1993, California has suffered 69% of the nation's base closure job losses. California will suffer even more job losses as a result of possible base closures projected for this year. Future base closings must take into consideration the effect on the local economy, as well as the effect on our nation's military readiness.

I have serious concerns about the substantial impact base closures will have on the families of thousands of California workers who will lose their jobs. I am concerned about the impact that closing more bases will have on California communities. Clearly, the citizens of our state should not be asked to suffer additional hardship and dislocation from additional base closures. I urge you to take into account the devastating effects that previous base closures have already had on California's economy as you consider further base closures for our state.

Mr. Chairman and Members of the Commission, I am particularly concerned about the possible closure and realignment of the Navy's Engineering Field Activity, which is located in San Bruno, California. Moving personnel from San Bruno to San Diego or another location will have a disastrous effect on the Pentagon's ability to close bases already slated for closure and will slow the process of closing new bases.

As you know, the Engineering Field Activity West (EFA West) is responsible for assisting in the closing of the following facilities that have been previously scheduled to close: Mare Island, Alameda Naval Air Station, Treasure Island, Hunter's Point, Skaggs Island, Moffet Field and Oakland Naval Hospital. It is my understanding that EFA West's base closure activities require continuous contact with local public officials, the public and regulatory agencies in San Francisco. When you consider the monumental task the Pentagon must undertake in closing bases and in working with the affected communities and contractors, it is absolutely clear that the functions of EFA West—which includes important environmental cleanup and property disposition expertise—require a local presence. This is a key function that cannot be handled effectively or efficiently from hundreds of miles away.

Since 1988, the federal government has ordered 70 bases closed—21 of them or almost one-third of the bases are in California. In the effort to close these bases, military officials have run into problems with environmental cleanup and the disposition of property. Problems were inevitable, but they have contributed to substantial time delays and higher cost in closing these bases.

When you begin your deliberations on presenting a list of bases for closure to the President, I believe that you must take into account whether it is in the best interest of the military and the taxpayer to close EFA West, when EFA West's central mission is to provide the technical support and expertise in environmental cleanup and the disposition of property necessary for the closing of other bases. Clearly, if Northern California is to be affected by even more base closures in this current round of downsizing, EFA West's strategic Northern California location and its expertise will be even more essential to the military and affected communities in ensuring that base closures will be achieved in the most cost effective and efficient manner.

Mr. Chairman and Members of the Commission, EFA West has a dedicated and committed staff of experienced personnel and unique and thorough knowledge in their respective fields. Closing that facility could well deny to the federal government the critical expertise which these dedicated and hardworking employees bring. If EFA West is closed, most of these employees will not be willing to relocate out of the Bay Area—they have strong ties to their communities and to their families, neighbors and friends. If these dedicated workers are lost, the Navy will have to expend considerable time and expense in finding replacement workers and training them in order to continue EFA West's critical mission, which must be maintained to complete base closures elsewhere.

Lastly, Mr. Chairman and Members of the Commission, the Secretary of the Navy, John Dalton, testified before you in March of this year, that the Navy had decided not to place EFA West on its list of recommendations for closure because it was concerned about the impact on the local economy. The Navy was absolutely correct in considering economic impact when it decided it was necessary to keep EFA West open.

More importantly, however, EFA West's San Bruno location strengthens the military's ability to serve the needs of our region. EFA West's strategic location in San Bruno best serves military operations. It is essential for this installation to remain open to fulfill the responsibilities of base closure and base realignment. When you submit your recommendations for base closure or realignment to the President, I urge you NOT to place EFA West on your base closure list.

Thank you very much.

HONORING EAGLE SCOUT DREW MONSON

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1995

Mr. PASTOR. Mr. Speaker, I want to call attention today to a major milestone and achievement of a most accomplished young man.

This coming Sunday, in Tucson, AZ, Drew Monson will be awarded the rank of Eagle Scout. This is a level of achievement attained by only 2½ percent of all Boy Scouts. Drew joins the ranks of approximately 1 million others who, since 1911, have achieved this goal.

As his final project toward becoming an Eagle Scout, Drew spent more than 150 hours planning and directing 17 different volunteers in the construction of a nature trail at the Saguaro National Park in Tucson.

This is not Drew's only accomplishment. He will soon begin his senior year as an honor student at Salpointe High School in Tucson, AZ. In addition, he has earned six varsity letters in track and field and cross country running. He is also a skilled musician, specializing in piano. Complementing his other activities, he also participates in the activities of his Church of Jesus Christ of Latter Day Saints.

Drew Monson exemplifies the hopes and dreams that we hold for all of our youth. I am proud to add my voice to so many others in commending Drew for his attainment of the Eagle Scout rank. I wish Drew the best of luck in all to which he aspires.

IN HONOR OF FATHER DANIEL A. DEGNAN UPON HIS RETIREMENT AS PRESIDENT OF ST. PETER'S COLLEGE

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1995

Mr. MENENDEZ. Mr. Speaker, I rise today to pay tribute to a brilliant educator, a dedicated scholar, a religious leader, and the president of St. Peter's College. Father Daniel A. Degnan, S.J. has served the college with distinction for the last 5 years. His achievements will be recognized at a special ceremony on Monday, June 19.

The presidency of St. Peter's College marks the culmination of a 26-year career in education, dating back to a teaching fellowship at Harvard Law School during the 1969–70 academic year. Father Degnan taught 5 years at the college of law at Syracuse University and from there spent 2 years at Georgetown University Law Center. He served as an administrator at Loyola College of Maryland and spent 12 years in New Jersey as an administrator and teacher at the Seton Hall University School of Law, 1978–90.

In 1990, he assumed the presidency of St. Peter's College where he undertook a major building program. During his tenure, the college has undergone major renovations, including the addition of two new residence halls. In addition, a new quadrangle and refurbished McIntyre Lounge, Hudson Room, and college store were completed. Under his leadership, the dream of an east campus has come to reality with the new Whelan Hall, renovations to Saint Peter Hall, and several other additions that have expanded the college east of Kennedy Boulevard.

As president of St. Peter's College, Father Degnan has distinguished himself, but that is nothing new for him. He has been recognized on numerous occasions for his contributions and is the recipient of the Papal Benemerenti Medal, 1992; the Thomas More Medal, 1992; the New York University Presidential Medal, 1994; the Hudson Catholic High School

Signum Fidei Award, 1994; and he was named a Fellow of the American Bar Foundation, 1992; and a Seton Hall Law School Distinguished Alumnus, 1983.

Father Degnan's term at St. Peter's ends on June 30 and he will be greatly missed by everyone associated with the college. However, I am pleased to report that he will remain active writing about the works of St. Thomas Aquinas. Please join me in honoring a very special man.

STATEMENT IN RECOGNITION OF NATIONAL WRITE YOUR CONGRESSMEN, INC.

HON. SUE W. KELLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1995

Mrs. KELLY. Mr. Speaker, at this time I would like to commend the work of a national organization called Write Your Congressmen. Founded in 1958, this organization helps focus and amplify the voice of the American people.

National Write Your Congressmen, Inc. provides the voters with an opinion ballot that outlines every side of the issues. They simply present the facts, in order to educate the public. And by doing so, they are creating a more responsible America.

There is nothing more important than citizen involvement in the democracy we have formed. By communicating their positions to their elected Representatives we create a true democracy. My colleagues and I welcome the information provided by the members of National Write Your Congressmen. This organization is truly dedicated to the betterment of America. Their interest is purely in encouraging citizens to be directly involved in their law making process. I am impressed by their candor and inspired by their cause.

Mr. Speaker, at this time I would encourage all my colleagues to become involved with National Write Your Congressmen, Inc., and I thank them for providing a more effective way of education and communication for all people, nationwide.

D.C. PUBLIC SCHOOL GUIDES OUTSTANDING STUDENT TO HONORS IN MATH, UNIVERSITY STUDIES WHILE STILL IN JUNIOR HIGH

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1995

Ms. NORTON. Mr. Speaker, on June 6, I personally commended an exceptional 13-year-old boy who has brought honor to himself, his family, and the D.C. public schools through his outstanding academic accomplishments. Gilbert Wang was the third highest scorer in the District in the recent MathCounts competition, and has also triumphed in the citywide Geography Bee, as well as excelling in all his other subjects.

Gilbert Wang is an eighth grader at Thomas Jefferson Junior High School. He completed his first algebra class in the fifth grade (making a special trip to Jefferson for the course) with a perfect score of 100 percent. In the sixth grade, he traveled to Jefferson to study geometry, which he also completed with a 100 percent score. Continuing his advanced coursework in mathematics, Gilbert took trigonometry with ninth-graders while he was in the seventh grade. He recently completed a pre-calculus course at George Washington University with a grade of "A". Next year Gilbert will attend School Without Walls, an innovative public high school where students pursue advanced placement curricula, and attend many special courses off-campus and universities. Gilbert will probably graduate from high school in the tenth grade.

The D.C. public schools recognized Gilbert's talents early on, and offered him the opportunity to excel that he has so wonderfully used. Jefferson principal Vera White has been one of Gilbert's strongest supporters. The D.C. public schools have nurtured Gilbert's talents, while also keeping in mind that although he may be a prodigy, Gilbert is nevertheless a 13-year-old boy with special needs. While Jefferson has assisted Gilbert in obtaining scholarships for his advanced university coursework, the school, and Gilbert's parents, have helped him maintain an environment where he can learn and socialize with his peers as well. This outstanding child has thrived in the D.C. public school system. The schools have provided him with opportunities to make the most of his extraordinary abilities, and with innovative education options have offered him a chance to explore and grow outside of the traditional educational structure, but within the public school system.

Gilbert Wang is truly exceptional, and he has been exceptionally well served by the D.C. public school system. I offered by most heartfelt congratulations and support to Gilbert and his parents, and to Jefferson Junior High School, and its principal and teachers.

HONORING OUR VETERANS

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1995

Mr. MONTGOMERY. Mr. Speaker, a constituent of mine and a history buff recently conducted extensive research into various military heroes and notables, mainly involving service in the Pacific Theatre during World War II. I would like to share his findings with my colleagues and recognize these individuals for their accomplishments.

DEAR SONNY: You have the advantage of me in that you have had the luxury of world travel in order to honor and see to the memory and remains-recovery of U.S. veterans. I have been nowhere but to the public library. It is one of the few free hobbies that can be indulged by retired typewriter mechanics with young families. It is interesting what you can find in a public library, even one as small as the Kemper-Newton Regional Library here in Union.

You have done a splendid job of bringing to a climax the honoring of U.S. veterans, both dead and alive at this fiftieth anniversary of the climax of the second world war. The purpose of this letter is to plead for you to bring some publicity on some forgotten people, perhaps some of the earliest victims of that war.

The first one to mention has had some degree of recognition, since he was the first victim of the Japanese, dating all the way back to 1923. His name was Col. Earl Hancock "Pete" Ellis, who was sent into the Pacific to see what was happening out there, in the year 1923, and the best evidence has it that he was poisoned by the Japanese. If your high-paid liars up there in Washington will re-write the Enola Gay story, I am sure they won't mind thinking up a nice cover-up story to keep from offending the Japanese about Col. Ellis, but it would be to your credit to have him remembered as likely to be the first victim of the Pacific theater.

Another veteran who paid a very high price for doing his best job was a Navy carrier pilot named Winfield Scott Cunningham. I am sure that everyone in Washington has Commander Cunningham neatly swept under the rug, but his service is a matter of record. He was in command of Wake Island at the time of the Japanese capture of it. He was placed in a Japanese prison in Shanghai, China, the same one in which the Jimmy Doolittle Tokyo raid survivors were detained in. He had to be telling a true story, because the B-25 crewmen exchanged messages with him before they were released. Both Cunningham's book, and the Tokyo Raid story, back each other up. When Commander Cunningham was released from prison and repatriated, he discovered to his surprise, that the Marine Corps legend, as portrayed by William Bendix and others in the movie "Wake Island," and gently nudged on its way by Capt. Devereaux and other Marine officers had in effect, become "fact" and he was never able to get his story heard or believed during his lifetime. By the time he was seriously trying to do that, Gen. DeVereaux was in command of the Marines, and Cunningham was completely left out of the Wake Island story. Even after his death, his wife was not able to get him properly recognized and believed about it. You can easily read up on him by referencing Winfield Scott Cunningham in the Library of Congress, and by taking a walk down to the National Archives and Records Service and looking at his pay stubs for December, 1941. Surely the Marines did not steal his pay records out of the files. Sonny, he would have had to be in command of the island, because of the military law that only an aviator can command where there are air forces, and there was a Marine squadron of Grumman Wildcats on the island. Capt. DeVereaux could not possibly have been command of the island, because he was a "ground pounder" officer and was not entitled to do it. In the movie they had the island commander conveniently lie down and die, so the Marines could do their thing, but in real life, Commander Cunningham spent the war in a Japanese prison. It would be to your credit to have this veteran properly remembered, and an apology extended to his descendants, for the post-war denials of his story. A posthumous medal might even be in order.

The next veteran I would have you to honor at this perfect time in history is perhaps the one who contributed the most personal valor of the war, outside of the contribution of being maimed or killed in action. I am referring to Gen. Claire Lee Chennault. He entered the war against Japan as commander of the Chinese Air Force under Madame Chiang Kai-shek's direction, and was credited with 37 victories against the Japanese in the air, even before the U.S.

began involvement as the American Volunteer Group in China. Under Chennault's leadership, more was done with greater success, with the least people and equipment, for the longest time, than in any air war in history, and sadly, with the least amount of credit. After fighting an almost single-handed war, for eight years, Chennault was finally convinced that he had more enemies in Washington than in Tokyo, and retired. His story is well-documented in several books, and you can read every word of it. I think it a blight on the record of the U.S. military, that after being first to take command against the Japs, he was not even invited to the final surrender ceremony. Gen. MacArthur verified the size of the oversight, forever, by looking around the battleship Missouri, and saying: "Where's Chennault?"

The last two veterans I would have you recognize and honor, if the government will admit that any honor be due, were perhaps the second and third casualties of the Pacific war, namely Amelia Earhart and Fred Noonan, who "disappeared" on their famous "around the world flight." Sonny, I have read every book I can get my hands on, to date, and hoping to find more about the last flight of these two people. In light of the tons of evidence, and entire lifetimes spent by researchers on the subject, there seems to be little doubt that these two people were working in some sort of espionage role for the U.S. government when they disappeared on that mission. The Amelia Earhart story, in my opinion, sets a world record for the most duplicity, the most lies, many of them in the highest places, the most "fishy" identities of people, the most people claiming to do one thing and then doing another, from her husband George Putnam to the President of the United States, that it honestly, as stated by Admiral Nimitz, "staggers the imagination."

Thank you and sincerely,

BOB VAN DEVENDER.

ARTHUR LEVITT'S GRADUATION SPEECH

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1995

Mr. RICHARDSON. Mr. Speaker, this is the time of year when each of us spends a great deal of time addressing high school graduation classes. We offer our wisdom and experience to these young graduates who are entering a new phase in their lives.

Students graduating from Pojoaque High School in my home county of Santa Fe had the unique opportunity to hear from the Chairman of the Securities and Exchange Commission, Arthur Levitt. Chairman Levitt offered a magnificent commencement address that deserves to be shared with more than just the 101 member graduating class.

I urge my colleagues to review Chairman Levitt's speech and share it with young people all across this great country.

REMARKS BY ARTHUR LEVITT, CHAIRMAN, U.S. SECURITIES AND EXCHANGE COMMISSION—POJOAQUE HIGH SCHOOL GRADUATION, POJOAQUE PUEBLO, NM

I am really proud to be here—almost as proud as the families and friends of the seniors who are graduating today. Congratulations to each of you. You've worked hard to reach this day—enjoy it.

I don't think I ever wanted to speak at a graduation any more than this one. I've seen you through the eyes of my friend, John Rivera Dirks and his four classmates, Antonio Gonzalez, George Gonzalez, Ronald Noybal and Melissa Martinez, who honored me by your invitation. And I like what I see—(101) men and women who have worked hard—played and prayed together—repected their families, their community and their country, and are now going to take the risks of jobs or college in a world of uncertainty, challenge and opportunity.

I guess I'm here partly as a Vecino who has a home about 13 miles south of here. And I'm here partly because John invited me, and because I so admire the values of his family and their devotion to one another and to their community.

But there's one other reason I'm here today, and that is because I identify with this community. I grew up in a neighborhood called Crown Heights, which is in Brooklyn, New York. And my mother, like John's, was a school teacher. And believe it or not, Pojoaque and the Crown Heights I remember have a lot in common. Both are very closely-knit communities, where everyone knows everyone else. Both are home to many members of the same family, so that your butcher or baker or even your high school teacher might also be your uncle or aunt..

And, most important, Crown Heights and Pojoaque are both equally part of America, a nation that offers its citizens more opportunities than any nation in the world—no matter whether you are a man or a woman, whether you are Hispanic, Native America or Jewish, whether you live in New Mexico or New York.

That's not to say things come easy in this country. I've had all kinds of jobs—I worked for a newspaper, served in the Air Force, raised a family, worked on a ranch and in offices. From time to time, I also encountered prejudice and overcame it.

I never went to graduate school or even took an economic course. I nearly flunked out of grammar school and had lots of doubts about my choice of jobs. I must confess to you that in each of the five jobs I've held, including the present one—without exception I started out by being terrified that I was not up to it.

Many of you have shared such uncertainties. You certainly know that careers and relationships have bumps and curves. But if one quality more than any other predicts success that quality is perseverance. And if there is one characteristic which will make success meaningful rather than just a cheap or hollow attainment, that characteristic is integrity.

I don't have to tell you about the problems of our society that may impede or distract you—crime, injustice, drugs, prejudice, and many more. You've gotten this far by overcoming them. You'll need to stay tough—to fight for what you want and believe in and resist the easy, fast, or thoughtless paths.

You'll also need to be smart and willing to take risks. The best in our society have failed, made mistakes, or had bad breaks but they didn't turn back, blame others, or remain indecisive.

Don't believe the myth that opportunity strikes only once in a lifetime. You will be exposed to opportunities much more than that—maybe once a day if you'll be receptive. What a good education—either formal or by experience—will do is equip you to recognize opportunities.

Most of you know what it means to work hard. And you've received a good education here at Pojoaque. So you already have a solid foundation on which to build your lives.

But more than half of you will take a step further and go to college; if you can do it, that's really the best foundation of all—especially in the 1990s.

You may have friends or relatives who did fine without college—in fact, the Prime Minister of England, John Major, never finished college. But in most cases, those people belong to a generation that came before you; your generation, and those that come after you, will find the most opportunities by going to college. So please do that if you can—either now or later.

But no matter what you do next, don't settle for whatever life give you—instead—reach for the stars. You are undoubtedly better than you think you are. You are probably smarter. Try to make your fate rather than just going with the flow.

Sure it's easy for me to tell you what to do and what it's all about. I know that it's tough to be 17 and, believe it or not, I was once there. If I can leave this wonderful class with anything today, it's to preserve your spirit, nuture the values that brought your families to rejoice with you as you graduate, and don't accept the path of least resistance.

Take chances. Go out on a limb, for your job or your dream. Laugh at yourself.

Let someone in. Comfort a friend. Give, and give in. Observe miracles—make them happen. Forgive an enemy. Take time for people—make time for yourself.

Write a song. Challenge someone in power. Say no. Climb a mountain. Change your mind. Fail, feel, love, But above all—grow. Don't ever look back and say what might have been. Enjoy life, and share you joys with others.

Compassion, integrity and a sense of humor will make it easier. The belief and pride I see in the eyes of your parents and friends should get you off to a great start. And know that I join the others in this room rooting and praying for the Pojaque High School Class of '95. And now, after so many years of listening to adults talk, it's time for you to make some noise, too. This is your day. Congratulations, and good luck. Buena Suerte.

A POINT-OF-LIGHT FOR ALL AMERICANS: THE CLARA BARTON HIGH SCHOOL BILL OF RIGHTS TEAM

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1995

Mr. OWENS. Mr. Speaker, I rise to salute the 36 students and their teachers from Clara Barton High School whose efforts represent a Point-of-Light for all Americans. Brooklyn and the 11th Congressional District are particularly proud of the team from Clara Barton High School who won the New York State Championship and finished fourth among the 50 States in the "We the People . . . the Citizens and the Constitution" competition.

The team of students and their teachers at Clara Barton High School competed against some of the best, brightest, and wealthiest students from New York State to secure the State championship. They further persevered in the national "We the People" competition—

a debate-style mock congressional hearing which judges students' knowledge and critical understanding of the Bill of Rights. In preparation for the competition, students undertook an intensive study of the Bill of Rights. At the competition, students were required to take a position on current constitutional issues and to defend their position elaborately.

Located in the heart of the Crown Heights neighborhood, it is evident that the students from Clara Barton are quite capable of overcoming many feats amid an environment too often characterized by doubt, negative peer pressure, and modest economic means. They fought against a problem-ridden education system and achieved excellence for themselves and their community.

The names of the victorious students are: Carl Abbot, Afaf Abdur Rahman, Maatra Akbar, Jasmine Ali, LaToya Andrews, Lourdes Baez, Alesha Bovell, Faithlyn Brown, Eva Gordon, Kevin Grant, Quincy Grigsby, Chevonne Hall, Kevin Johnson, Zulema Jones, Charmaine King, Marsha Lewis, Rosevelie Marquez, Dwayne Mason, Antoinette McKenzie, Dameon Ming, Cynthia Morales, David Morisset, Sheila Morisset, Cecil Orji, Felix Pacheco, Gary Pagan, Sherita Perry, Carline Petit, Travis Sampson, Karen Sanchez, Crystal Sheard, Kestia St. Juste, Stacy Taitt, Kaydean West, Arnise Williams, and Vaughn Wilson.

The tireless efforts of many adults also contributed to the victory of the Clara Barton students. Their coaches were Mr. Leo Casey and Ms. Randi Weingarten. Also, for the past 5 years Mrs. Florence Smith served as a special liaison to the Clara Barton team from the office of Congressman MAJOR OWENS. The MLK Commission chaired by Mrs. Lorrelle Henry provided moral, spiritual, and financial support for the team. Many additional friends including Judge Thomas R. Jones adopted the team and became cosponsors.

With the war on our children's future being waged by the Republicans in Washington and in Albany, NY; and with the advanced technical skills that will be needed in the workplace in the year 2000, it is becoming clear that minority and working class children face a very troubling future. To fight these destructive forces we must make new efforts to teach our children how important a good education is to their future. We must do more to reward our children when they exhibit academic excellence. The exceptional performance of the Clara Barton champions in a nationwide competition once again proves that the Bell Curve theory of racial inferiority is a big lie.

The team at Clara Barton High School represents a magnificent Point-of-Light and serves as an inspiring success story for all young people and all of America.

PERSONAL EXPLANATION

HON. JOHN J. LaFALCE

OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 15, 1995

Mr. LAFALCE. Mr. Speaker, yesterday, I missed several rollcall votes in order to attend my son's graduation ceremony in Buffalo. Had I been present, I would have voted "yes" on rollcalls 370, 371, 372, 373, 374, 375, 376, and 377, and "no" on rollcalls 378 and 379.

TRIBUTE TO MARINE LANCE CPL. JUSTIN LEWIS

HON. DAVE CAMP

OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 15, 1995

Mr. CAMP. Mr. Speaker, some are called heroes because they can sing a song or put a leather ball through an iron hoop. But every now and then, real heroes come along. People who sacrifice everything in the name of liberty and protecting the American way. People who don't stop to think about being a hero, but instead understand that if they don't do their job, lives will be lost.

One of those heroes is from the fourth District of Michigan, and his name is Marine Lance Cpl. Justin Lewis.

Justin, who graduated from Midland Dow High School, was one of the 61 member 24th Marine Expeditionary Unit that rescued pilot Scott O'Grady in Bosnia. After the dramatic rescue, Justin told his mother, Linda, that "we didn't have time to be scared, we just did it."

When Justin's chopper lifted off the rescue sight, a surface-to-air missile missed the aircraft by about a foot. Bullets flew by and it was a narrow escape. But Justin Lewis and the rest of that unit went in, did their job, and made the rescue. They were not expecting to become heroes, but I can't think of many people who deserve the title more.

What Scott O'Grady went through in the name of our country is heroic, to say the least. His courage and ability to adapt is an inspiration to every American. His commitment and the actions of the members of the 24th Marine Expeditionary Unit, including Justin Lewis, truly define the meaning of heroes.

TRIBUTE TO M. EDWARD KELLY

HON. J. DENNIS HASTERT

OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 15, 1995

Mr. HASTERT. Mr. Speaker, I rise today to honor an outstanding civic leader of Illinois' 14th Congressional District, M. Edward Kelly, on his forthcoming retirement.

Ed Kelly has served since December of 1976 as the executive vice president of the Elgin Area Chamber of Commerce. The list of accomplishments during his long career are many, and there are many States across this Nation that are better for his service there. Born and raised in Parkersburg, WV, he graduated from Marietta College in Marietta, OH and entered the field of organization management in 1955. He began his professional career with the Benton Harbor-Saint Joseph's Chamber of Commerce in Michigan, and managed chambers in Oshkosh, WI and Springfield, MO before settling in Elgin, IL.

Mr. Speaker, Mr. Kelly has been a valued member of the Elgin community for years, and his list of civic and professional activities is a long one. A former director of the YMCA corporate board, Miss Illinois Scholarship Pageant and Elgin Sesquicentennial Committee, he is also a past president of the Rotary Club of Elgin. To this day he serves as a member of the American Chamber of Commerce Executives, as an ex-officio member of the Center City Development Corporation and as a trustee of the Northwest Suburban Mass Transit District.

Mr. Speaker, I ask you and my colleagues to join me in honoring this dedicated man, for his commitment to this Nation's businesses and to the Elgin community. I wish my friend the best in his retirement. His experience and dedication have served the people of Elgin well.

HIGH RISK DRIVERS ACT OF 1995

HON. FRANK R. WOLF

OF VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 15, 1995

Mr. WOLF. Mr. Speaker, I rise today to speak about a matter of great importance to our Nation and especially to our youth.

Many of us read every day about the tragedy that accompanies driving while intoxicated [DWI], speeding, foregoing seatbelts, and other risky behavior on the part of our Nation's young drivers. During the 103d Congress, I introduced legislation with the purpose of reducing these senseless tragedies. Today, I proudly reintroduced this important legislation, the High Risk Drivers Act of 1995, and hope my colleagues will join in this worthy effort by becoming a cosponsor.

The High Risk Drivers Act of 1995 sets up an incentive grant program to encourage States to implement programs designed to improve the traffic safety performance of high risk drivers. To qualify for incentive grants, States would have to establish a provisional licensing system which mandates that a minor may not obtain a full license until the young driver has held a provisional license for more than a year with a perfect driving record.

In addition, States would have to take a number of the following steps to qualify for a grant, including establishing a .02 blood alcohol content [BAC] maximum for minors; mandating seat belt use for all passengers in a motor vehicle; a use-and-lose provision which would cost any young driver his or her license for 6 months if convicted of purchasing or possessing alcohol; a youth-oriented traffic safety enforcement, education, and training program for State officials and young persons; a mandatory minimum penalty of $500 for selling alcohol to a minor; development of a procedure to ensure that traffic records, both instate and out-of-State, are available to the appropriate government officials; and a prohibition on open containers of alcohol in the passenger compartment of any vehicle on a public highway, except for chartered buses.

In addition, a supplemental grant program would be available to States which took steps such as providing information to parents on the effect of traffic convictions on insurance rates and providing stricter penalties for speeding for drivers under the age of 21.

As we all know, underage drinking and driving is an all-too-frequent deadly combination which we read about seemingly every day in our local newspapers. We must work together to help solve this problem, and the High Risk Drivers Act of 1995 will be an important step in this effort.

Mr. Speaker, I urge each and every one of my colleagues here in the House to join as a cosponsor of the High Risk Drivers Act of 1995, and help to ensure passage of this important and needed legislation.

POETIC TRIBUTE TO THE YOUNG VICTIMS OF THE OKLAHOMA CITY BOMBING

HON. BOB FRANKS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1995

Mr. FRANKS of New Jersey. Mr. Speaker, recently I received a poem in the mail from a constituent I represent, Ms. Paula McCoy-Pinderhughes of Somerset, NJ. This poem was inspired by the tragic Oklahoma City bombing, and is dedicated to the children who lost their lives on that fateful day.

Mr. Speaker, perhaps the worst aspect of this senseless tragedy is the long-term impact it will have on our Nation's young. Ms. Pinderhughes' poem is touching and poignant, and I commend it to my colleagues' attention.

OUR CHILDREN

Our children are beyond the colors of the rainbow
They shine as bright as the evening star
Have you really stopped to think of what they give to us
Each time they stare into our eyes from near or far.

Our children turn to us in times of sadness
When their tiny world begins to fall apart
All that's required is a hug to give security
A little kiss upon the head straight from the heart.

Our children want the answers to all life's questions
You explain that time reveals all hidden things
How far is space? When did time start? How did I get here?
Why don't I know? Where can I learn? What does it mean?

Our children don't understand the constant fighting
When the grownups take up arms in foreign lands
Their eyes and ears look to hear peaceful solutions
Their tiny souls wish them to lend a helping hand.

Our children sometimes need our conversation
To help discuss, sort out confusion, simply explain
Somewhere to turn, just to be heard, express opinions
Never silent, looked down upon, new knowledge gained.

Our children come enwrapped in many colors
The most precious gifts that God will ever give
Teach them respect, pride in their culture, always love them
Ensure their world will be a better place to live.

Our children are the leaders of their tomorrow
Share your wisdom, understanding, make them strong
Learn to accept one another for their differences
Dismiss all others who will tell them that they're wrong.

—*Paula McCoy-Pinderhughes.*

HONORING KAREN D. CALL

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1995

Mr. PASTOR. Mr. Speaker, I would like to take this opportunity to congratulate Ms. Karen D. Call who was one of 10 teachers nationwide to win the Reader's Digest American Heroes in Education Awards.

Ms. Call has devoted her life to the noble profession of teaching. Her commitment to making a difference in other people's lives inspired her to develop a unique program that affects both young and adults.

Seventeen years ago, she started teaching a supplemental, 30-minute extra reading class for at-risk children in the second grade. Understanding that more was needed for the children in Safford, a low-income, rural community where English was many times not spoken, she found a way to expand the program. It was transformed into a district wide-effort that reaches children from pre-school through high school.

The uniqueness of the program lies in the inclusion of parents and children in the learning process. Classes now range from at-home learning for pre-school children to adult literacy to English-as-a-second language.

By including parents in the process, attendance in her evening classes has grown from a few parents to over almost 70. By making her workshops a family affair, she has secured the success of her program.

At a time when our children's education has become a national priority, true heroes as Karen Call serve as a source of inspiration and hope for others whose selfless devotion to the honorable profession of teaching remains unrecognized. For in the teachers like Karen Call lies the future of our youth and our nation. I send my sincerest congratulations to Ms. Call for this deserved recognition and applaud her commitment and dedication.

PERSONAL EXPLANATION

HON. SUE MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1995

Mrs. MYRICK. Mr. Speaker, Tuesday, June 13, 1995, and Wednesday morning, June 14, 1995, I was granted a leave of absence due to illness in my family. I therefore missed the following rollcall votes: On Tuesday, rollcall No. 370—had I been present, I would have voted "yea;" rollcall No. 369—had I been present, I would have voted "yea;" rollcall No. 368—had I been present, I would have voted "yea;" rollcall No. 367—had I been present, I would have voted "yea." On Wednesday, rollcall No. 373—had I been present, I would have voted "nay;" rollcall No. 372—had I been present, I would have voted "yea;" and rollcall No. 371—had I been present, I would have voted "nay."

A TRIBUTE TO SOUTH GLENS FALLS CENTRAL SCHOOL VOLUNTEER/MENTOR PROGRAM

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1995

Mr. SOLOMON. Mr. Speaker, it is a privilege to rise today and pay tribute to a program which provides a tremendous service to the students and community of South Glens Falls. The Volunteer/Mentor Program is completing its second year of service helping elementary and middle school children with their self-esteem, allowing them to meet their academic and personal potential.

Young people comprise America's greatest asset. In that respect, a program like this one is invaluable and representative of that uniquely American concept of volunteerism. In this day and age especially, our children are subject to an alarming range of negative influences. Therefore, it is critical that we call upon the entire community to assist our young people in overcoming problems with their self-esteem by countering the impact of damaging social ills. That is why the service of the 60 volunteers in this program is so critical.

Allow me to recount some of the efforts of these mentors. They meet with the students in small, or even one-to-one settings for at least 45 minutes per week. This relationship between mentor and child lasts for a minimum of one school year, whereby affected children receive the degree of attention they need to ensure they reach their maximum potential. These volunteers and the children often establish such strong bonds that many mentors have extended their service for a second year.

This type of devotion exemplifies those qualities which makes Americans, and America, great. I have always felt that there are three distinct reasons for this greatness, American pride, patriotism and volunteerism. The American people have been noted for this voluntary service, be it in the fire departments, civic and community organizations, or extracurricular programs at our schools.

Mr. Speaker, the United States of America is the longest continuing democracy in the world and a model for emerging countries. In that same mold, people like those who comprise the Volunteer/Mentor Program in the South Glens Falls Central School District are models for all of us here.

I have always been one to judge people based on what they return to their community. By that measure, these volunteers are truly great Americans. I ask, Mr. Speaker, that you, and all fellow Members, join me in paying tribute to this program that works to protect our future.

IN SUPPORT OF THE DAY OF THE AFRICAN CHILD

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1995

Mr. HASTINGS of Florida. Mr. Speaker, I rise today before this distinguished body to express my strong support for the Day of the African Child and the efforts of UNICEF to help the children of Africa.

The Day of the African Child was founded to commemorate the lives of the children who were massacred in Soweto, South Africa, on June 16, 1976. They joined together to rally against the sinister scourge of apartheid, and the Day of the African Child is a chance for us to unite against another blight; impoverishment. It is also an opportunity to bring public attention to a forgotten realm; a place where 30 million children are malnourished and many have lost their homes and families. These children's lives are irrevocably scarred by the mental wounds of the violence that ravages their homelands. However, it is also a time to reflect upon the many positive programs that have come to fruition. Many African nations have achieved real progress in attaining the needs of their children. Unfortunately, we are constantly reminded of the threat to the fragile lives of children by the civil strife that was most recently, and most graphically, illustrated in the carnage of Rwanda. That is why the theme of this year's Day of the African Child is "Children in Armed Conflict."

Now in it's 5th year, the Day of the African Child utilizes the backdrop of the struggle and sacrifice of those heroic children in Soweto, to provide a forum for understanding and recognizing the many challenges that African children face today. It is a day to transcend the man-made boundaries that keep us apart, and to recommit and focus our efforts to the protection and development of our most precious resource. We must work together to stop the violence, illness, and instability that continue to plague the children of Africa.

Rwanda is a recent example of the traumatizing and tragic effect armed conflict has on children, the innocent victims. In the strife that has spread across Africa in the last decade, an estimated 2 million children have been killed. Children have borne witness to unspeakable acts of brutality. As the attention of the world community has been focused on other parts of the world in the last 10 years, the situation has not improved. The impact of the crises is just as severe as the famines and armed conflicts of the 1980's. More ominously, the reaction of the world to these tragedies has been dangerously slow, and donor fatigue is a prevailing ailment that taints relief efforts.

However, the Day of the African Child is also a day to recognize and acknowledge the gains that African countries have had in helping the plight of their children. The situation is, indeed, grave, but contrary to popular misconception, African nations have taken considerable steps in improving the lives of their children. We must wholeheartly direct more resources toward education initiatives and community rebuilding. We do have the capability, resources, and the conditions that are favorable to succeed in creating a better life for our children. We can fight disease, illiteracy, and malnutrition with simple, low-cost solutions. It is estimated that a child in Africa can be educated for about $20 a day. With the goal of universal primary school access, the U.N. Children's Fund [UNICEF] has set the years between 1995 and 2000 as the target period to increase primary school enrollment and retention rate. This achievable goal of basic education is also geared to correct the tremendous disparity in the enrollment of female children.

In addition, the United Nations has successfully carried out Days of Tranquility during which children are immunized against the six major childhood killers. Warring parties have also been convinced to let convoys carrying desperately needed food and medicine to the innocent women and children trapped in wartorn areas.

For some the Day of the African Child will be a day to rejoice and enumerate the notable progress that has been achieved to ease the suffering of our planet's most precious citizens. For others, however, it will be a day to reflect, and to remind us, of the existing adversity and suffering that challenges all of us to preserve in our efforts.

I urge all my colleagues to recognize this important day which not only acknowledges the struggles of the African youth, but of children everywhere, as they will someday inherit the mantle of freedom and liberty that we hold so dear.

INTRODUCTION OF A BILL REGARDING D.C. CHILD CUSTODY CASE

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1995

Mr. DAVIS. Mr. Speaker, I rise today to introduce legislation which would allow Hilary Morgan, now know as Ellen Morgan and her mother Dr. Elizabeth Morgan to return safely to the United States.

In August of 1987, Dr. Morgan was jailed for civil contempt after she hid Hilary and refused to give up for a 2 week court-ordered unsupervised visitation with her father. Hilary's case, as many throughout the world are aware, involves alleged child abuse by the father. It portrays perhaps the most painful aspect of our own judicial system; a child's welfare and child custody proceedings.

Dr. Morgan spent over 2-years in the District of Columbia jail, until my colleague from Virginia, the Honorable FRANK WOLF offered legislation limiting to 12 months the time an individual could be incarcerated for civil contempt in child custody cases in the District of Columbia. The bill, approved by this body, in essence freed Dr. Morgan from the D.C. jail. Upon her release she left the country and joined her daughter who was living with relatives in New Zealand. Elizabeth and Ellen remain in New Zealand, to this day.

Pending court orders pertaining to both the mother and the child place unacceptable obstacles in the path of their safe return. This bill seeks to remove those obstacles.

Ellen has indicated personally to me that she would like to return safely to the United States, which is her home.

Ellen will be 13 years old in August and has lived over half her life in New Zealand, away from her family and her home. Dr. Morgan a renowned plastic surgeon, due to local restrictions, has been unable to practice medicine. The Morgan family has suffered greatly, and Ellen wants to come home. We should not force this child, who has suffered so much in her young life to remain in exile if the situation can be remedied.

We should not and can not allow the judicial systems antiquated order to continue to punish this child or to force her to grow up away from her family or her country. The legislation I introduce today will remedy the situation and allow Ellen to come back to the United States and pursue her dreams.

Unfortunately, judicial proceedings and media coverage tended to focus on disputes between two well-known parents. The court order, now over 7 years old, does not address the current circumstances or the welfare of a young teenage child.

Under the provisions of this bill, the current orders relating to the penalties to the mother and visitation by the father, would no longer be operable. However, no bar would be placed on any court from revisiting this issue at any time and weighing the markedly changed circumstances since the original court decree.

Intervention in this issue is not unprecedented, but in my judgment merited for the child's own welfare and desire to return to her native country.

FDA'S CAUTION IS KILLING PEOPLE

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1995

Mr. DUNCAN. Mr. Speaker, I would like to share with my colleagues an editorial from the June 4, 1995, Los Angeles Times written by James P. Driscoll.

Mr. Driscoll, an AIDS activist, is currently vice president of Direct Action for Treatment in San Francisco. He has been working with my constituent, Alzheimer's activist George Rehnquist, to pressure the Food and Drug Administration [FDA] to approve tacrine, the first drug for treating Alzheimer's disease.

One of the most wasteful, bureaucratic agencies in the Federal Government today is the FDA. They have delayed approval for medicines for sometimes up to years to the detriment of the health of American citizens.

Mr. Driscoll's perspective on drug research, "FDA's Caution is Killing People," brings awareness to the needless deaths caused by FDA's senseless delay of approval on vital medicines. I agree that Congress should no longer tolerate this practice.

[From the Los Angeles Times, June 4, 1995]

FDA'S "CAUTION" IS KILLING PEOPLE

(By James P. Driscoll)

During the 1950s, drug approval in the United States was a relatively quick and simple process. Then came thalidomide. European regulators had approved this tranquilizer without realizing that it could affect a fetus, and several hundred birth defects resulted worldwide. Capitalizing on the tragedy, liberals in Congress expanded the Food and Drug Administration's powers and altered its priorities.

After amendments in 1962, a peculiar system of drug approval emerged. With each passing year, that system grew more dilatory, more unbalanced and more costly to patients.

FDA's top priority became—and remains—prevention of new thalidomides.

Much of our gross national product is spent on prevention: national defense, vaccination, policing, flood control, sanitation, auto safety, cholesterol tests, anti-terrorist measures and burglar alarms.

Our prevention needs are boundless, but resources are limited and must be allocated wisely. Too much allocated to a minor prevention need will leave major needs neglected. Ideally, the greatest good for the greatest number should determine priorities. In reality, narrow self-interest often prevails. Thus, defense contractors build new weapons the country doesn't need. Farmers get subsidies to grow surplus crops. And FDA churns out burdensome regulations that delay drug approval and actually harm patients.

To better understand FDA's narrow priority, we need to see it in light of the kinds of problems that beset drug regulators. The least common problems are the thalidomides, drugs approved before their safety hazards are known. Even with the pre-1962 FDA, this kind of problem never was a threat comparable to food poisoning or plane crashes. But since Congress blamed FDA for mistaken approvals, the agency made preventing new thalidomides its top priority. Through scare tactics and deception, FDA sold the public on this priority.

Congress and the public are beginning to realize that they have been unwitting parties to a deal made in hell. To prevent a minor threat to public health, FDA created a major health tragedy: needless deaths and suffering caused by delaying useful medicines.

Rational priorities would seek a balance that minimizes the total deaths caused by both mistaken approvals and delays. Rationality and balance are hard. Delay is easy and deals made in hell are tempting.

A recent FDA delay resulted in 3,500 deaths—those kidney cancer patients who, by the FDA's own figures, would have been saved if the drug Interleukin 2 had been approved here as quickly as it was in Europe. These kidney cancer deaths exceed the number of babies deformed by thalidomide. And Interleukin 2 is only the tip of the iceberg. Delays in approving heart drugs, cancer drugs, AIDS drugs and life-saving devices have contributed to tens of thousands of deaths.

Congress has tolerated FDA delay because its dangers are difficult to prove. Individual patients usually don't know about the unapproved drug or device that could save their lives. Patients who suffer the worst loss from FDA delay cannot protest from their graves. Fearing retaliation, drug companies avoid blaming FDA for delays.

Few people grasp the complexities of drug development. Few politicians bother to evaluate carefully either FDA's priorities or the human cost of regulatory delays. Consequently, we've lacked effective congressional oversight on FDA. Without oversight, rational policy perishes, deceit flourishes and demagoguery can triumph.

Enter David A. Kessler, FDA's answer to J. Edgar Hoover. Kessler's FDA boldly sets its own priorities. It does not shrink from half-truths or scare tactics. It pursues retaliation and selective enforcement without remorse. It has made drug safety and efficacy testing a worse bargain than the Pentagon's $600 toilet seats. Fortunately, recent House and Senate hearings indicate that FDA abuses are finally arousing congressional watchdogs.

Congress should no longer tolerate the FDA's perversion of its mission. To prevent a few mistaken approvals, FDA sacrifices countless patients to approval delay, slows the pace of medical progress and drives health-care costs through the roof and jobs out of the country. It's time for Congress to put patients above bureaucrats and hold the FDA strictly accountable for the human cost of regulatory delays.

TRIBUTE TO THE DEFENSE REUTILIZATION AND MARKETING SERVICE

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1995

Mr. SMITH of Michigan. Mr. Speaker, I rise today to pay tribute to the exemplary efforts of the employees of the Defense Reutilization and Marketing Service [DRMS] based at the Federal Center in Battle Creek, MI.

In the last several years DRMS has vastly improved the efficiency of its operations, which involve the reuse and sale of military surplus goods. In the 1994 fiscal year, DRMS increased its revenues by 85 percent and its profits by 116 percent while cutting its costs by 4 percent. These improvements have continued into the 1995 fiscal year. In fact, the Michigan legislature recognized and commended the achievements of DRMS in a resolution passed on May 31, 1995.

This week, a provision of H.R. 1530 proposed the total privatization of DRMS, ignoring the progress it has made. This provision also ignored the ongoing selective privatization program at DRMS and the opinion of DRMS and the Defense Logistics Agency [DLA] that total privatization is not feasible. Fortunately, with the help of many fine people connected with DRMS, we were able to remove this provision.

I would like to take this opportunity to recognize and thank some of those who took leading roles in the effort to amend H.R. 1530. I like to thank the leaders of DRMS and DLA, navy Captain Hempson [DRMS] and Admiral Straw [DLA]. I also want to express my appreciation for the support of Dan McGinty, DLA's Congressional Liaison.

I want to thank the employees of DRMS both for the excellent work they have done and their efforts to change H.R. 1530. In particular, I would like to recognize the efforts of Gary Redditt and Angie Disher, the union representatives at DRMS.

Once more, let me say once more to DRMS and its employees, job well done.

PHYSICIST, DR. EARL F. SKELTON, HONORED

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1995

Mr. SKELTON. Mr. Speaker, Dr. Earl F. Skelton, of Washington, DC, a physicist at the Naval Research Laboratory was awarded an NRL-Edison Chapter Sigma Xi Award in Pure Science at a ceremony on June 8, 1995.

Dr. Earl F. Skelton of the Condensed Matter and Radiation Science Division is the author of one of two winning papers in pure science, "Direct Observation of Microscopic Inhomogeneities With Energy-Dispersive Diffraction of Synchrotron Product X-rays." In this paper, also winner of the 1995 NRL Alan Berman Annual Research Publication Award, Dr. Skelton develops fundamental high-pressure research on various superconducting materials using a synchrotron beamline and significantly improves the x-ray diffraction detection limit.

This is the first example of directly detecting structural variations over a spatial scale of 10 micrometers. The existence of such structural inhomogeneities brings into question whether exotic experimental results obtained from high-temperature superconducting material actually reflect their intrinsic properties.

Dr. Skelton, a research physicist with a Ph.D in physics from Rensselaer Polytechnic Institute, has published over 200 research papers in technical journals and won several scientific publication awards. He is a fellow of the American Physical Society and a professor in the School of Engineering and Applied Science at George Washington University.

Each year at the NRL-Edison Chapter of Sigma Xi presents awards to outstanding NRL scientists judged to have made distinguished contributions to pure and applied science during their research NRL. These awards are in keeping with the objective of the chapter to encourage investigation in pure and applied science and to promote the spirit of scientific research at the Naval Research Laboratory.

I know that each Member of this body joins me in congratulating Dr. Skelton on his truly outstanding achievement.